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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, February 9, 1970*

The House met at 12 o'clock noon.

Father Jerry McAndrews, S.J., superior at Loyola College, Baltimore, Md., offered the following prayer:

Almighty God, for those who have accepted freely the awesome responsibility of framing the laws of this Nation, we offer this prayer.

Let them remember that law serves to promote freedom, to give aid to the weak, to protect the innocent, to restrain the strong, to punish the guilty, and most important, it serves to unite Your people.

Let them not forget that all authority comes from You and that all just laws imitate and express Your will.

It is a will that creates rather than destroys; that is both just and merciful; that issues commands yet shows patience.

Finally, let them remember that lawmakers are peacemakers, and that the fruit of justice is sown in peace by those who practice peace. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, February 5, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 2) entitled "An act to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced the Senate insists upon its amendments to the bill (H.R. 13300) entitled "An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. PELL, Mr. NELSON, Mr. HUGHES, Mr. SMITH of Illinois, Mr. SCHWEIKER, and Mr. SAXBE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14733) entitled "An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 52. Concurrent resolution authorizing the printing of a compilation of the hearings, reports, and committee prints of the Senate Subcommittee on National Security and International Operations entitled "Planning-Programing-Budgeting."

THE LATE HONORABLE BEN FRANKLIN JENSEN

The SPEAKER. The gentleman from Iowa (Mr. SCHERLE) is recognized.

Mr. SCHERLE. Mr. Speaker, it is my sad duty to inform the Speaker and the Members of the House of the death of one of our former colleagues, the Honorable Ben Franklin Jensen. Ben, who represented the Seventh District of Iowa for 26 uninterrupted years, from 1939 to 1964, was stricken by cancer at the age of 77, and passed away here in Washington at the George Washington University Hospital on February 4.

Ben was the mentor and guide of my political life, and I looked on him as a second father. I worked under him as county chairman when he served in Congress, and it was with his blessing that I ran for his seat in 1966. His wise counsel and unfailing support will be sorely missed.

He is survived by his wife of 53 years, the former Charlotte Hadden, and a daughter, Mrs. Donald Fitzpatrick, of Marblehead, Mass. He also leaves two sisters, a brother, five grandchildren, and a great-grandchild. On behalf of the Speaker and the Members of the House, I extend to all of them our deepest regret and sympathy.

Funeral services will be held Tuesday, February 10, at Exira, Iowa, where he will be buried.

Mr. Speaker, I will ask unanimous consent for a special order to be held at the close of business Tuesday, February 17, for the purpose of eulogizing our former colleague. During that hour, all those who wish to may join in paying tribute to Ben Franklin Jensen.

This country has lost a great American.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. SCHERLE. I am happy to yield to my distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, I am very sorry to learn of the death of our former colleague from Iowa, a dear and valued friend of mine, Hon. Ben F. Jensen.

During his period of service in the House of Representatives from 1939 to 1965, Ben Jensen was a hard-working and dedicated Member. He was also one of the most colorful Members of the House. In debate, in discussing the issue, or issues, involved in a pending bill or matter, he expressed his thoughts and views in a direct and distinct manner.

Ben, as he was called with affection, was possessed of those rich qualities of life that makes up a nobility of character.

To those who enjoyed and possessed the friendship of Ben Jensen—they had a real friend, not one who was a surface, a wavering, or an expedient friend.

He was one of the Members who was wounded on March 1, 1954, when a militant group from Puerto Rico shot deliberately and recklessly at Members of the House then present, supposedly to dramatize the cause of Puerto Rican independence.

After his recovery from his wounds, and upon his return to the House, Ben Jensen told his colleagues, "No one can blame the people of Puerto Rico." This is an excellent example of the bigness of Ben Jensen.

It can be truly said of Ben Jensen that he was a great American, a dedicated legislator, and whose love of his fellow human beings, without regard to race, color, or creed, was evidenced during his lifetime in and out of the Halls of Congress.

Mrs. McCormack and I extend to Mrs. Jensen and her daughter, and other loved ones, our deep sympathy in her great loss and sorrow.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Iowa yield?

Mr. SCHERLE. I yield to my distinguished minority floor leader.

Mr. GERALD R. FORD. Mr. Speaker, Ben Jensen was a dear friend of mine. I join the gentleman from Iowa and the distinguished Speaker in expressing to Ben's family the deepest condolences of Mrs. Ford and myself.

It was my privilege for a number of years to serve on the Committee on Appropriations with Ben Jensen. He was a strong man on the committee. He was truly devoted to the responsibilities that he held on that important committee.

He was a man of convictions, and yet he was a man of compassion. He not only did what he thought was right, but also he would fight on the floor of this House for those issues and those views that he held so strongly.

It was my privilege also to know Ben socially and he was a delightful person. On many occasions I have talked with him, discussed matters with him not in a legislative way but from the point of view of what his views were and mine on the major problems that faced this country.

I had great admiration and respect for Ben Jensen and he had as many such friends on both sides of the aisle.

I was sorry to see Ben leave the House of Representatives. However, typical of Ben, he maintained a deep interest in community affairs and was a frequent visitor to the Capitol and to this Chamber where he was always welcome. Ben Jensen wrote a fine, outstanding record in the House of Representatives.

Mr. Speaker, let me reiterate and reemphasize the loss of this country in a great citizen and a superb legislator, Ben Jensen.

Mr. ALBERT. Mr. Speaker, will the gentleman yield to me?

Mr. SCHERLE. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, Ben Jensen was a colleague whom I admired and a friend I loved. In his bearing and attitude he represented the rugged Iowa soil from which he came. He was independent, strong, forthright, honest, and able. I saw him only a short time ago when he paid a visit to the Capitol. We had quite a long chat. He had lost some of the physical strength that characterized his appearance here on the floor, but he still had the old Ben Jensen spirit. He was truly an individual; he was different; he did not fit in a mold. He was a great man and a great Congressman. I have lost a real friend and the country has lost an outstanding servant.

I join with the gentleman from Iowa in extending to his loved ones my very deepest sympathy.

Mr. SCHERLE. Mr. Speaker, I thank the distinguished majority leader.

I now yield to my colleague from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, there are so many things that one who has been closely associated with Ben Jensen might say at a time like this, always beginning with the fact that he was a strong man and a Christian family man. Less well known to many Members is the fact that he was a creative individual, an inventor of a number of very useful things, and an artist as well, spending considerable time in his later years as a sculptor. Most important, I think, is the fact that the House of Representatives was Ben Jensen's life. To that institution he was completely dedicated. Although he was known throughout his political career as a conservative, Ben, from the beginning of his days in Congress, and especially as a member of the Committee on Appropriations, was indeed one of the leaders in resource development and conservation. In this Ben Jensen was a great leader and in this effort he will be sorely missed.

Mr. Speaker, I thank the gentleman from Iowa for yielding to me.

Mr. SCHERLE. Mr. Speaker, I thank my friend from Iowa for those kind words.

I deeply appreciate the generous comments and remarks of the Speaker of the House as well as the distinguished majority leader and my distinguished minority floor leader, as well as those of other Members. I will convey the messages to the survivors with deep respect and appreciation from all of the Members.

HEARINGS SET BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mr. PRICE of Illinois asked and was given permission to adress the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, on January 26 I introduced, with the cosponsorship of all members of the Committee on Standards of Official Conduct, a resolution to amend the present requirements of House rule XLIV on financial disclosure.

The resolution was referred to our committee and I rise today to let members know that the committee has scheduled public hearings on the resolution to open Thursday, February 19, in the committee room, 2360 Rayburn Building.

The committee invites the views of Members of the House on the resolution and requests that you advise the committee staff if you desire to testify in person. If you prefer to submit a statement, rather than appear, simply forward it to the committee so that it may be included in the RECORD.

The committee welcomes also the views of other interested persons who may desire to be heard.

Mr. Speaker, Members of the House will recall that when our committee submitted the present financial disclosure rule, it emphasized that experience probably would indicate the need for revision.

In the committee's view, the time has arrived for making the changes proposed in the pending resolution. Our committee is unanimous in support of the proposed changes. It believes they are needed to strengthen the disclosure requirements.

The revision we recommend would require public disclosure: first, of the sources of honoraria of $300 or more; and, second, of the sources of loans of $10,000 or more for which no specific security was pledged and which were outstanding for 90 days or more in the calendar year covered.

The committee is hopeful that the hearings will develop a broad base of opinion concerning the provisions of House Resolution 796. Please advise the committee staff if you desire to be heard or submit a statement.

PROPOSED NEW OFFICE OF TELECOMMUNICATIONS POLICY IN THE EXECUTIVE OFFICE OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATE (H. DOC. NO. 91–222)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

We live in a time when the technology of telecommunications is undergoing rapid change which will dramatically affect the whole of our society. It has long been recognized that the executive branch of the Federal government should be better equipped to deal with the issues which arise from telecommunications growth. As the largest single user of the nation's telecommunications facilities, the Federal government must also manage its internal communications operations in the most effective manner possible.

Accordingly, I am today transmitting to the Congress Reorganization Plan No. 1 of 1970, prepared in accordance with chapter 9 of title 5 of the United States Code.

That plan would establish a new Office of Telecommunications Policy in the Executive Office of the President. The new unit would be headed by a Director and a Deputy Director who would be appointed by the President with the advice and consent of the Senate. The existing office held by the Director of Telecommunications Management in the Office of Emergency Preparedness would be abolished.

In addition to the functions which are transferred to it by the reorganization plan, the new Office would perform certain other duties which I intend to assign to it by Executive order as soon as the reorganization plan takes effect. That order would delegate to the new Office essentially those functions which are now assigned to the Director of Telecommunications Management. The Office of Telecommunications Policy would be assisted in its research and analysis responsibilities by the agencies and depart-

ments of the Executive Branch including another new office, located in the Department of Commerce.

The new Office of Telecommunications Policy would play three essential roles:

1. It would serve as the President's principal adviser on telecommunications policy, helping to formulate government policies concerning a wide range of domestic and international telecommunications issues and helping to develop plans and programs which take full advantage of the nation's technological capabilities. The speed of economic and technological advance in our time means that new questions concerning communications are constantly arising, questions on which the government must be well informed and well advised. The new Office will enable the President and all government officials to share more fully in the experience, the insights, and the forecasts of government and non-government experts.

2. The Office of Telecommunications Policy would help formulate policies and coordinate operations for the Federal government's own vast communications systems. It would, for example, set guidelines for the various departments and agencies concerning their communications equipment and services. It would regularly review the ability of government communications systems to meet the security needs of the Nation and to perform effectively in time of emergency. The Office would direct the assignment of those portions of the radio spectrum which are reserved for government use, carry out responsibilities conferred on the President by the Communications Satellite Act, advise State and local governments, and provide policy direction for the National Communications System.

3. Finally, the new Office would enable the executive branch to speak with a clearer voice and to act as a more effective partner in discussions of communications policy with both the Congress and the Federal Communications Commission. This action would take away none of the prerogatives or functions assigned to the Federal Communications Commission by the Congress. It is my hope, however, that the new Office and the Federal Communications Commission would cooperate in achieving certain reforms in telecommunications policy, especially in their procedures for allocating portions of the radio spectrum for government and civilian use. Our current procedures must be more flexible if they are to deal adequately with problems such as the worsening spectrum shortage.

Each reorganization included in the plan which accompanies this message is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to section 901(a)(1), "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;" and section 901(a)(3), "to increase the efficiency of the operations of the government to the fullest extent practicable."

The reorganizations provided for in this plan makes necessary the appointment and compensation of new officers, as specified in sections 3(a) and 3(b) of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the executive branch who have similar responsibilities.

This plan should result in the more efficient operation of the government. It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result from this action.

The public interest requires that government policies concerning telecommunications be formulated with as much sophistication and vision as possible. This reorganization plan—and the executive order which would follow it—are necessary instruments if the government is to respond adequately to the challenges and opportunities presented by the rapid pace of change in communications. I urge that the Congress allow this plan to become effective so that these necessary reforms can be accomplished.

RICHARD NIXON.

THE WHITE HOUSE, *February 9, 1970.*

EXEMPT POTATOES FOR PROCESSING FROM MARKETING ORDERS

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 817 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 817

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2214) to exempt potatoes for processing from marketing orders. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 817 provides an open rule with 1 hour of general debate for consideration of S. 2214 to exempt potatoes used for processing from marketing orders.

The purpose of S. 2214 is to exempt from the coverage of Federal marketing orders, for a period of 2 years following the date of enactment of this legislation, potatoes used for dehydrating, chipping, or other processing, and thereby affording these potatoes the same treatment provided potatoes used for canning and freezing.

At the present time the Agricultural Marketing Agreement Act of 1937, as amended in 1946, provides an exemption for canning potatoes and freezing potatoes.

S. 2214 merely extends the same exemption to potatoes used in the dehydration process, a relatively new technique, which is growing in importance every year. Since the marketing order law has historically recognized the distinction between fresh agricultural commodities and those used for processing, the exemption being sought is no different from exemptions allowed under present law.

From the viewpoint of equity, too, the proposal cannot be denied, for the various methods of processing compete in business with each other. It is only fair that the same rules apply to all three processors. To deny dehydrators and other processors the exemption now enjoyed by canning and freezing processors would mean the continuing grant of an unfair advantage to the latter in their competition for the national market.

Although the Committee on Agriculture did not feel that the enactment of the bill would weaken marketing orders, an automatic review of the effect of the legislation was provided by the 2-year limit for this new exemption.

There is widespread grower support for this legislation, and the Committee report is explicit in stating that approval of this legislation does not establish a precedent for other products or for potatoes that are not processed.

A most welcome aspect of the proposed legislation is that its enactment will result in no added costs to the Government. In fact, it may mean some savings in Government expenditures because of the reduction in administrative services within the Department of Agriculture which is likely to follow.

Mr. Speaker, I urge the adoption of House Resolution 817 in order that this House may consider and pass S. 2214, a bill which certainly is not a "hot potato."

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to exempt from the coverage of Federal marketing orders, potatoes used for dehydrating, chipping, or other processing operations.

Historically, Federal marketing order law has recognized the distinction between fresh agricultural commodities and those grown to be processed. With respect to potatoes, the original 1937 Marketing Agreement Act provided an exemption for potatoes to be used in canning. A further exemption for freezing was added in 1946 when that process was perfected. Now another exemption is needed to keep the industry up to date with dehydration and other newly perfected processes.

The exemption is for a 2-year period. The Department of Agriculture has advised that no increased cost to the Government will result from passage of this legislation; it is not too happy with

the bill, believing it will reduce the effectiveness of marketing orders in view of the increasing quantities of potatoes going into exempted uses.

There are no minority views.

Mr. Speaker, I have no further requests for time.

Mr. MATSUNAGA. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PURCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill—S. 2214—to exempt potatoes for processing from marketing orders.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, S. 2214, with Mr. BURKE of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PURCELL) will be recognized for 30 minutes and the gentleman from Oklahoma (Mr. BELCHER) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Texas.

Mr. PURCELL. Mr. Chairman, I yield myself whatever time I may consume.

Mr. Chairman, S. 2214 is needed to update the National Marketing Order Act of 1937 as it applies to potatoes. When the act was first passed, all fruits and vegetables for canning were exempt from marketing orders. The reason that only canning was mentioned was because canning was the only major method of preserving food at that time. In 1946, when freezing had become a major method of food preservation, the Marketing Order Act was amended to exempt all fruits and vegetables for canning or freezing from marketing orders.

Today, in the potato industry, we have chaos. Potatoes for canning and freezing are exempt from marketing orders. But, potatoes for dehydration, potato shoestrings, and potato chips are subject to marketing orders. This chaos is increased by the fact that potatoes are grown throughout the United States. They are planted nearly every day somewhere in the country, and harvested everyday somewhere else in this great Nation. While Idaho, Washington, Oregon, and Colorado have marketing orders, Maine, North Dakota, Minnesota, Michigan, Wisconsin, and Pennsylvania, and other major potato producing areas do not have marketing orders.

The necessity for this bill was realized when a shoestring manufacturer in California was subjected to a marketing order for controlling the size of potatoes which he could purchase while his two major competitors in New York and Arkansas were not subject to marketing orders and similar controls.

Mr. Chairman, among my constituents is one of the truly great national potato chip companies. They manufacture and distribute potato chips and other snacks nationally. They have told me of the terrible difficulties and entanglements, the hardships to producers and consumers alike, that will result if their plants in some areas of the country are subjected to marketing order regulations that do not apply to their competitors who sell in the same markets. This bill will prevent this happening. This is a good bill that was carefully considered in the Agricultural Committees of both the Senate and the House. It passed the Senate by a voice vote and I urge my colleagues to vote for it here today. Thank you.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman tell me why this bill is for only 2 years?

Mr. PURCELL. It was mentioned a few minutes ago. The reason that has been given is that we do want to do this carefully. We want to proceed with caution in having some segments of an industry not under marketing orders. When the 2 years is up it may be decided that it should be permanent. This air of caution would be the reason I will give for providing for this 2-year period.

Mr. GROSS. The bill not only pertains to marketing orders but pertains to processing, does it not?

Mr. PURCELL. Yes, sir, for potatoes.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I would be glad to yield to the distinguished gentlewoman from Washington.

Mrs. MAY. I would like to speak to the point raised by the gentleman from Iowa.

I might tell the gentleman that a great deal of concern was expressed by potato producer groups in certain parts of the country that this bill would weaken the effectiveness of marketing orders. Other producers of fruits and vegetables also testified against the bill on the basis of the fact that they felt this legislation would set a precedent that would weaken existing marketing orders on other commodities. Even the U.S. Department of Agriculture had some reservations in this respect and presented to our committee the views outlined in their letter on page 3 of our Agriculture Committee report.

So, although our committee does not feel that enactment of the bill would significantly reduce the effectiveness of marketing orders as a means of strengthening returns to the producers of various agricultural products that utilize marketing orders, we decided that in order to provide for automatic review of the effect of this exemption we should at this time approve only a 2-year bill. Then, if our review reveals that marketing orders were, in fact, adversly affected by this legislation, we would have an opportunity to make needed corrections. If, on the other hand, it becomes evident from the review that the legislation created no problems, we could look forward to making it permanent.

I wanted also, during the course of this colloquy with the gentleman from Texas (Mr. PURCELL), to make this quite clear to some potato producer groups as well as other producers of fruits and vegetables who have this great concern about the bill as it is presently written.

Mr. PURCELL. I thank the distinguished gentlewoman from Washington for her comments.

Mr. Chairman, I yield back the balance of my time.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I rise in support of this bill which would set a uniform and consistent rule for all potato processors.

This bill, which has been approved by the Committee on Agriculture with only three dissenting votes, would exempt from the coverage of any Federal marketing order—for a period of 2 years following the date of enactment of this bill—potatoes used for dehydrating, chipping, or other processing. It would thereby give these particular potatoes the same treatment that the law now affords potatoes for canning or freezing which are presently exempt from the application of Federal marketing orders.

When we held the hearings on this legislation in the Subcommittee on Domestic Marketing, it became clear that the present law was discriminatory against dehydrators and other processors. Some processors—those purchasing potatoes for canning or freezing—are exempt from the Marketing Order Act, but other potato processors—those dehydrating potatoes, for example—were subject to the restrictions of volume, quality, timing, and other administrative regulations inherent in a marketing order.

This bill, then, simply would treat all potato processors the same—that is, it would exempt them from Federal orders.

As the gentleman from Texas (Mr. PURCELL) has pointed out, the 2-year life on the exemption provided under this bill will no doubt be extended. I did not feel we needed to put a 2-year life on the bill, but in order to allay the fears of some grower groups, the committee agreed to this compromise.

Personally, I can see little justification in the inclusion of any processor within the umbrella of a Federal marketing order for fruits and vegetables. The act itself through the years, and since its adoption in 1937, has carefully confined its application to fresh fruits and vegetables. With only a few exceptions have processing crops been included. The action by the House, in approving this bill, would certainly be helpful in forming future policy as to the treatment of processors under this program.

A second reason I feel this bill is desirable is that it is a reflection of the fact that modern technology has changed the potato processing business. In the 1930's canning was exempted. In the 1940's freezing was exempted. And now, in the 1970's, dehydrating and other

processing is exempted. This is nothing more than a reflection of the changing technology in potato processing.

In summary, Mr. Chairman, I urge that this bill be passed and sent to the President today. It is a good bill because it reflects technological change and because it treats all potato processors the same. It also manifests a sound congressional policy in regard to the exemption from marketing orders of processing crops.

Mr. BELCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think that this is a good bill. It places the firms that are in the operation of dehydrating and chipping potatoes in the same category of those who are canning and freezing. I think that by having those exemption orders but keeping the dehydration under the order is certainly worse than unfair competition. So I am in favor of the bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, I rise in support of S. 2214. I am one of the sponsors of H.R. 11243 which is a similar bill. This legislation originated as a result of a grave injustice that was done to a business concern in San Jose, Calif. The Pik-Nik Co. was founded over 30 years ago in San Jose and has manufactured high-quality potato shoestrings from small potatoes which farmers otherwise could not market because of their small size. By producing shoestrings from these potatoes, Pik-Nik was creating a market for the small size potatoes for the growers and at the same time supplying the consumer with a low-priced snack product of high customer acceptability.

For 30 years, Pik-Nik bought size B potatoes from the Klamath Basin and shipped them to San Jose for processing into shoestring potatoes. Then suddenly in October of 1968, the USDA changed Marketing Order No. 947 to prohibit the shipment of size B potatoes. This action resulted in Pik-Nik being forced to make the painful choice of either continuing to do business at a loss or closing down their plant. The plant was ultimately closed; the entire payroll laid off; and many people suffered. The farmers who lost a market for their small potatoes found that they received less than one-third as much for these potatoes for livestock feed or starch, as they had been receiving from Pik-Nik.

In the meantime, Pik-Nik competitors in Arkansas and in New York State who were making similar products from similar potatoes, but were not operating under marketing orders, were not affected. They continued to do business as usual.

Mr. Chairman, this legislation is needed if the Pik-Nik Co., is to be able to once again buy potatoes from the Klamath Basin with full confidence that they can rely on this supply without being discriminated against by marketing order regulations that do not apply to their competitors.

If these potatoes were to be frozen or canned there would be no problem. But since Pik-Niks' canned, precooked potatoes are not packed precisely in a manner conforming to the technical definition of a canned product the canning and freezing exemption does not apply. It seems that canning requires heat to be applied after the can is sealed and, of course, this is impossible with a shoestring potato. So we have another example of discrimination which is justified on the basis of a technicality.

The only difference between this bill and the one I introduced, is that my bill provided for an unlimited exemption, while this measure provides only for a 2-year exemption. I am sure that in 2 years, it will be necessary to extend this bill to make it permanent. But, at least for the next 2 years, Pik-Nik and other potato processors will know that their operations will not be disturbed by marketing order regulations that apply to them and do not apply to their competitors.

I, therefore, urge my colleagues to join me in voting for this legislation today.

Mr. QUIE. Mr. Chairman, at the present time the Agricultural Marketing Agreement Act of 1937 provides for an exemption for canning potatoes, adopted in 1937, and for freezing, adopted in 1946.

This bill merely adds the same exemption to potatoes used in the dehydration process. This is a relatively new technique which is growing in importance every year.

As these various methods of processing compete, it is only fair that the same rules apply to all three processes.

While the committee did not feel that the enactment of the bill would weaken marketing orders, it provided for an automatic review of the effect of the exemption by putting a 2-year limit on the bill. This limit was added by the Senate and accepted by the House Agriculture Committee.

I want my colleagues to know that I strongly favor marketing orders. We operate under a Federal marketing order in the Twin City area where the milk produced on my farm is marketed. Many potato growers benefit from marketing orders which I support.

The problem with a plant which dehydrates potatoes is that they would be covered by a marketing order if they were constructed in an area whose producers were covered by an order. Since it would be difficult for a dehydrating plant to compete with a plant which cans potatoes or freezes potatoes which are exempted under the present act, I think this legislation is necessary.

Exemptions from the Agricultural Marketing Agreements Act is not limited to potatoes. Numerous other commodities and processes are exempted. Again, referring back to marketing orders for milk, these are limited to fluid milk and are not utilized for manufactured milk meaning butter, cheese, and nonfat dry milk.

The committee report makes it clear that approval of this bill does not establish a precedent for other products or for potatoes that are not processed.

I shall vote in favor of this bill and urge other Members to do likewise.

Mr. BELCHER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended as follows:

(1) In clause (A) after the words "vegetables (not including vegetables, other than asparagus, for canning or freezing", insert the words "and not including potatoes for canning, freezing, or other processing"; and

(2) In clause (B) after the words "fruits and vegetables for canning or freezing," insert the words "including potatoes for canning, freezing, or other processing,".

SEC. 2. The amendments made by this Act shall be effective only during the period beginning with the date of enactment of this Act and ending two years after such date.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 2214) to exempt potatoes for processing from marketing orders, pursuant to House Resolution 817, had reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

DEMOCRAT STATE OF THE UNION MESSAGE AN INDICTMENT OF THE PREVIOUS DEMOCRAT ADMINISTRATION

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have great sympathy and understanding for my friend the Honorable CARL ALBERT, majority leader of the House of Representatives, as he and his Democratic colleagues sought to paste together a rebuttal to President Nixon's state of the Union message. In 1966, 1967, and 1968, I and my Republican colleagues had similar experiences in responding to the then President's state of the Union message. At that time I noted the comments of the news media and I must confess I was not too happy. I suspect my Democratic friends have had a similar reaction to their presenta-

tion. Needless to say, I am glad to have some new members of the "club."

Technically, the Democratic state of the Union message was a well-staged program without much substance. There was a lot of talk about longstanding problems that have gone unsolved while the Democratic Party controlled both the White House and the Congress. They told us what the state of the Union was when they turned it over to President Nixon and a Republican administration. and we all must agree their efforts from 1961 through 1968 had left a lot to be desired.

I was surprised that the Democrats would emphasize crime in the city of Detroit, a community which has had Democratic mayors for a number of years. The record shows President Nixon submitted strong anticrime legislation to the Congress in 1969, and regrettably so far the Democratic-controlled Congress has not approved a single proposal in this Congress to combat the crime problem.

Also, it should be emphasized that all of the military procurement cost overruns on defense contracts were signed under a Democratic administration. Unfortunately, Secretary of Defense Laird now has the tough job of paying the billions with taxpayer dollars for those Democratic military procurement mistakes.

Mr. Speaker, I ask unanimous consent to insert in the RECORD a copy of the statement released by me on the Democratic state of the Union show.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The document referred to follows:

STATEMENT BY MR. GERALD R. FORD

The Democratic State of the Union message can best be described as an indictment of the previous Democratic Administration. It provided no answers but it did raise many questions. The essential question was . . . Where were the Democrats during the eight years before President Nixon came into office?

If we have a mess in our environment, as Senator Jackson stated, where were the Democrats while that mess was developing? Who made the mess? Who was in charge while all of this was going on?

Yes, we are suffering from chronic inflation. But what caused it? The $57 billion in Democratic deficit spending during the 60's was the chief cause of the inflation we are wrestling with.

The Democrats complain of high interest rates. These interest rates are a direct result of Democratic inflation.

The Democrats talk about the crime problem yet they let the entire First Session of the 91st Congress go by without passing a single Nixon anti-crime bill.

In this State of the Union message, the Democrats have again shown themselves to be a party that talks about problems, spends more than the federal government takes in, but never solves any of the problems. The Democrats spent $1¼ trillion on social needs during the eight years before President Nixon entered the White House, and what do we have to show for it?

Let them answer that question in their next political side show.

CRIME

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I do not know whether I can refute what the distinguished gentleman has said or not. At least we have caused him to feel that he should respond to us.

Mr. Speaker, I was particularly interested in what the gentleman said about the subject of crime. I am sure that he will agree that we are all against it. I think our record will stack up well against that of the administration.

The committees of the Congress, both the Committee on the Judiciary and the Committee on the District of Columbia, are now considering crime legislation.

Mr. Speaker, more than 2 weeks have passed since President Nixon in his state of the Union message summoned the Congress and the American people to join him in a war against crime. In calling us to do battle "against the criminal elements which increasingly threaten our cities, our homes, and our lives," the President's words were moving, his rhetoric lofty and his delivery flawless. The Congress had every reason to expect, I believe, the immediate submission of specific legislative proposals to support that frontline soldier in the war on crime, the man on the beat. Such has not been the case.

The Omnibus Crime Control and Safe Streets Act of 1968 was passed by the Democratic 90th Congress at the behest of President Lyndon B. Johnson. Title I of this measure authorizes Federal grants to strengthen local police departments in their fight against crime. Grants can be made for the recruitment and training of police officers. They can also be used to help pay their salaries. Moneys can be utilized for the construction of police stations, jails, and other physical facilities, as well as the purchase of the new type of sophisticated equipment required today for the effective prevention and detection of crime. The act also provides for strengthening courts, and speeding the process of justice.

Fighting crime at the local level, and crime is a problem which has to be fought at the local level, costs money and lots of it. Mayors and police chiefs without exception tell me this is what they need from the Federal Government; they need more of it and need it quicker and with less bureaucratic redtape. It was because of this that the distinguished chairman of the House Judiciary Committee, the gentleman from New York (Mr. CELLER), introduced H.R. 14341 on October 14, 1969. This bill would provide an authorization of $750 million for law-enforcement grants for fiscal year 1971. The current authorization terminates June 30 of this year. Hearings on crime in the streets were announced by Chairman CELLER on January 16. Despite a request by the House Judiciary Committee for departmental comment—and despite the fact that this bill was introduced several months ago—the Justice Department has yet to express its views on H.R. 14341. Even more mysterious, however, I find the failure of the White House or the Justice Department to date to submit a draft bill or any form of Executive communication on the funding subject to the Congress. This failure most certainly belies the grave sense of urgency with which the President dealt with crime in his state of the Union message.

I am fearful that 1970 may witness a repeat performance of the charade we experienced so often last year in connection with administration proposals. According to this script, the President enunciates some lofty generalities, usually delivered to the American people via television; Congress is then forced to wait many weeks and often months before any concrete legislative measures are received from the Executive. It is, of course, impossible for a congressional committee to hold hearings on a White House press release. When legislation is finally transmitted, the President or one of his spokesmen then quickly berates Congress for failing to act promptly on his recommendations.

The President and his administration appear to be a great deal more interested in winning public relations victories than victories in the war against crime.

Rhetoric rather than results is obviously the hallmark of the present Republican administration.

FIGHT AGAINST CRIME

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ABERNETHY. Mr. Speaker, I have just listened to the remarks of my friend, the gentleman from Michigan (Mr. FORD) and the remarks of my friend, the gentleman from Oklahoma (Mr. ALBERT) on the subject of crime and the attempt of each to lay blame on the other's political party for the very serious crime situation that has developed in our county. At least, that is the way I interpreted their remarks, and I feel sure I got the point of each.

I think everyone knows I am nonpartisan in my views. I do not really know how to play party politics. I have always been more interested in my country than my party. Maybe, at times, I have appeared to be partisan but I have always given the welfare of my country first consideration.

With all deference to the party leaders of this body, I do not think the country is really impressed with the charges or insinuations that the other fellow's party is for crime while his is against it; or that one is more against it than the other; or that one does more to put down crime than the other.

Mr. Speaker, the people of this country know the leadership of both political parties and the Members of this House are opposed to crime. It would be absurd to think otherwise. I am sure they know that everyone is trying to do his best to put down crime. No one tolerates crime except the criminal. There are no

criminals in this House. There are no criminals in position of leadership in our two parties.

Maybe I should not make these remarks, but I think we would get along much better and be of more influence in promoting law and order if we would lay aside the charges and insinuations that the members of the other political party are all either for crime or responsible for such failures as there are in the effort to eliminate same. Let us leave politics out of this problem and get along with our work. And in the end there will be sufficient glory, credit and satisfaction not only for ourselves and our political parties but for our people whom we are here to serve.

NATIONAL HEALTH INSURANCE PROGRAM

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, I am introducing today a bill which will establish a national health insurance program under the social security system, and which will give to middle Americans those health and medical benefits presently being developed for the poor and aged, and which the wealthy already have simply because they can afford to pay for them.

This bill would relieve State and local governments of health service tax burdens, currently estimated to be about $7 billion annually. In addition, since this bill would eliminate medicare and medicaid, the $10 billion supporting these programs would become available for the comprehensive national health program.

My bill would also preserve free choice of physicians; preserve traditional professional freedom of practice and methods of payment; and maintain, indeed, utilize the authority of local medical and dental associations and societies.

At the same time, my bill would make it possible for doctors and dentists to bypass time-consuming business administration and bookkeeping functions and permit them to concentrate on the practice of medicine and dentistry. It recognizes that the business of doctors is administering health and medical care. They should not have to be bookkeepers or credit collection agencies.

Mr. Speaker, most Americans who incur extended or serious illnesses and mishaps today, cannot afford to live. In fact, the cost of a major illness is such that 9 out of 10 Americans are medically indigent right now. They cannot afford to pay the high costs of care without severe economic sacrifice. Health expenditures now amount to $294 for everyman, woman, and child in the Nation. For some middle Americans, this means spending from 10 to 25 percent of their income on uncontrollable health and medical services. For some middle American families, of course it is even more, while for some, it is less.

At the same time, middle Americans are supporting health care for the rest of America, and the income tax system gives them little credit for doing so. Current tax deductions for medical expenses favor the rich, simply because they can afford large expenditures for health care and therefore receive large tax deductions for them. The fact is, the more they spend, the more they get back. Middle Americans, though, find that while their medical expenses consume a proportionately large share of their income, a tax deduction, while welcome, is still an unaffordable luxury.

My bill would eliminate this regressive feature in health care tax deductions and remove the burden of supporting a major share of the Nation's health costs from the backs of hard-working middle American wage and salary earners, who are paying for health care at all costs, for all people.

It is widely acknowledged that we face a crisis in health care. Symptomatic of the stress in the health delivery system is the recent outpouring of books dealing with the problem. Recently published books such as "The Doctors" by Martin Gross; "The Troubled Calling, Crisis in the Medical Establishment" by Selig Greenberg; "Medicine in Transition" by Dr. Iago Goldstein; "Ferment in Medicine" by Dr. Richard Magraw; "The Coming Revolution in Medicine" by Dr. David Rutstein; "Professional Power and American Medicine" by Alton Tayack; and "Hospital Regulation: Dilemma of Public Policy" by Anne R. Somers.

More and more articles are being published in magazines and periodicals about the crisis. On July 10, 1969, Secretary Finch and the Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare stated:

> This Nation is faced with a breakdown in the delivery of health care unless immediate concerted action is taken by government and the private sector.

So there is little dispute, today, as to nature of the health care crisis. The health delivery system, itself, is sick. those who have expertise with regard to the organization and delivery of health services stress that increased medical knowledge with resulting specialization of function has not been accompanied by a growth of organization or a financing system that will permit equal opportunity of access to the system. The result has been fragmentation of services with no well-defined point of entry into the system by the consumer-patient.

Symptoms of the breakdown are many. I intend to cite only a few, the first of which emphasizes concern of Congress and the public over the runaway escalation of health care costs.

The inflationary facts of health services are astonishing. The Nation's spending for health reached $60.3 billion in fiscal 1969.

Per capita health expenditures rose 11 percent in fiscal 1969, as compared to fiscal 1968. Public outlays for health rose nearly 15 percent in 1 year. Payments for hospital care increased 17 percent in 1 year and reached a total of $22.5 billion in fiscal 1969. The American Hospital Association recently testified before the House Ways and Means Committee that the average daily room rate would rise to nearly $100 a day by 1973. Daily room charges already exceed $100 a day in some of our teaching hospitals. Expenditures for physicians' services also rose 9 percent for fiscal 1969 over the prior year. The December 8, 1969, issue of "Medical Economics" predicts that gross receipts of private physicians will average "at least 10 percent higher" for calendar year 1969 as compared to 1968.

Small wonder, then, that health care has absorbed an increasing proportion of the gross national product. In 1950, health expenditures accounted for 4.6 percent of the GNP. In 1960, 5.3 percent and in 1969, 6.7 percent. In fact, if health expenditures continue to absorb an increasing proportion of the gross national product at the same rate as has occurred in recent years, by the year 2077, 108 years from now, health expenditures will consume the entire gross national product leaving nothing for food, clothing, or shelter.

What are we getting for our money? In relation to huge health expenditures, the United States is faring rather poorly in comparison with other countries in the Western World. Exorbitant costs and expenditures are begetting inadequate results and inferior services. Objective statistical measurements of infant mortality, maternal mortality, and life expectancy not only show we rank below most other Western countries, but that our relative position has been declining. In 1964, the United States ranked 16th among the countries of the world in infant mortality. However, in 1950, the United States ranked sixth and in 1960 the United States ranked 11th. Maternal mortality rates—the percentage of mothers who die in childbirth—show the United States to be 11th place. With regard to life expectancy, the United States ranks 18th for males and 11th for females.

Significantly, all of the countries that rank ahead of the United States with regard to these objective health indices have a national health program which either provides or finances health services for the vast majority of their citizens. It is also significant that these countries are providing health services to their respective populations at a lower per capita cost than in the United States. For example, in 1965, the Social Security Administration estimated that the United Kingdom spent 4.2 percent of its gross national product on health. In that year, the corresponding U.S. expenditure was 5.9 percent of the GNP.

The questions we must ask are:

Why has American medicine failed to live up to its potential?

Why is it not the best in the world?

The crux of the problem is that we have a system of 20th century technology shackled to a 19th century organizational pattern and attitudes.

First, physicians seek to maximize their financial return to the time and effort they must expend to provide care. In short, they are human beings with the same needs and interests as other human beings. It is no reflection on their integrity nor their compassion to suggest that other things being equal, they will choose to practice in a manner

which will maximize their incomes. There is a grain of truth, though, in the cry of young medical students heard recently: "Hip! Hip! Hippocrates. Up with service. Down with fees!"

Idealism, though, however necessary and commendable it is, is not enough. We need to change the incentive system in manner which will reward efficiency and penalize inefficiency and outright fee-inflationary practices.

Under the present system, the physician is financially rewarded in proportion to his patient's immediate malady. Instead, we must give the doctor a financial stake in keeping the patient in good health at the lowest possible cost. Such a system would financially penalize unnecessary hospitalization; unnecessary surgery; and unnecessary medical services. Reward would be based on efficiency and quality care.

So the bill I am introducing today is designed to accomplish far more than simply paying for health services. Our experience under the medicare and medicaid program has amply demonstrated the fallacy of having the Government underwrite the cost of health care largely determined by the providers. But we must not overlook the fact that these two programs have substantially helped some 38 million Americans. This bill would not only contain the rising costs of health care within the limits of the 6.7 percent of the gross national product we are now spending, but it also has the potential of actually reducing cost as a percentage of the GNP over the years.

How is cost control achieved? It is accomplished by having the Federal Government contract for health, hospital, and dental services with organized groups of physicians, with hospitals and with groups of dentists. Contractual relations between free parties is a cornerstone of our private enterprise business and industrial system. It is a time-tested system in the health field as well.

For over two decades, the prepaid group practice plans—which might be regarded as mini-national plans—such as the Kaiser Foundation health plan have contracted with medical groups for comprehensive health services. These contracts place the medical group under a budget. The budget is liberal. If the cost of providing services is actually less than the amount stipulated in the contract, the physicians receive a bonus at the end of the year. Thus, the more efficiently the medical group provides services, the more they make in monetary rewards.

The cost savings achieveable under the contract system are nothing short of spectacular. For example, the President's Commission on Health Manpower studied the Kaiser plan in depth. The Commission's conclusion was that the Kaiser plan provided as good or better care than was available in the general community at from 20 to 30 percent less cost.

In addition to Kaiser, all other prepaid group practice plans have demonstrated the capability of reducing hospitalization and the number of surgical procedures. A recent study of the Federal employees health benefits program showed the group practice prepayment plans had but one-half the number of nonmaternity hospital days per 1,000 subscribers, as the alternate coverage. Federal employees have a choice, from among five different types of coverages, including an indemnity plan and Blue Cross-Blue Shield. The group practice prepayment plans also had 42 percent fewer surgical procedures than Blue Cross-Blue Shield.

My bill does not abolish the fee-for-service system and I specifically allow for it, but only under conditions which would provide effective cost control. Under the bill, the Federal Government could not only contract for medical services with organized medical groups, but with local State and county medical societies as well. Where physicians in a county desired to be reimbursed on a fee-for-service basis, the medical society could contract with the Federal Government to provide services. The physician-members of the medical society would, therefore, be assuming group responsibility for providing services within the terms of the contract. However, distribution of the money among members would be determined by the group. The Federal Government would have no concern nor, in fact, would promulgate no regulations dealing with compensation of individual physicians.

My bill does, however, require that where a medical society does assume responsibility for delivering medical services, it must establish a system of peer review and administration procedures to assure beneficiaries that the care they receive is of optimal quality. The medical society would receive a 5 percent bonus payment to cover their administrative expenses for providing this service.

This reimbursement method is time tested. The San Joaquin Medical Foundation was established in 1954 and makes good use of the self-policing concept. Last year the San Joaquin Medical Foundation contracted with the State of California to provide medical services to medicaid eligibles. At the end of the year the foundation returned $200,000 to the State of California. Quite a contrast to those few who were able to twist the program into a get-rich-quick scheme.

Under my bill, the medical society or a foundation organized by the medical society would not be required to refund cost savings to the Government. If physicians curtail unnecessary hospitalization, unnecessary surgery; and use paramedical personnel more effectively, I feel they should be rewarded for their efforts. From the standpoint of Government, we should be interested in a fair contract at a fair price. If care is rendered more efficiently, then efficiency should be rewarded.

A refinement to the San Joaquin concept is the Physicians Association of Clackamas County in Oregon. Here the medical society contracted with the State of Oregon to provide not only medical services, but assumed the responsibility of paying for hospital and pharmacy services as well. This introduces a concept approaching that of comprehensive group practice plans, where the plan assumes responsibility for providing all services required by the patient.

Comprehensive payments for comprehensive services offer the greatest hope for containing medical costs, because the health plan gains financially whenever the patient's medical needs are met by a less expensive form of treatment. Only when payments cover the entire spectrum of medical needs, is the physician free to substitute less costly outpatient services for inpatient services; less costly nursing home services for hospital services; and less costly home health services for nursing home care.

My bill would, therefore, provide incentives for medical and dental groups, county medical societies, hospitals and other non-profit organizations to provide or arrange for comprehensive health services under a single contract. The incentive is a 5 percent extra allowance when any of the above organizations indicate an interest in providing comprehensive care. I would like to add, that only under a system of comprehensive payments for comprehensive services, can an organization really plan, program and budget their income and expenses and make effective use of systems analysis.

The bill I am introducing would provide financial access to comprehensive health services on an equal basis for all men, women, and children who have 1 year's residence in the United States. This would achieve a most desirable result: physicians, dentists, and hospitals would be assured of adequate remuneration whether they practice in a poverty or affluent area; in the city or in the country. For there is an urban-rural imbalance in the availability of doctor care. In the countryside, over 412,000 people in 115 counties scattered through 23 States do not have access to a physician at all. One out of 50 Americans cannot get a doctor under any circumstance.

There is also a doctor imbalance inside our large cities. New York City, for example, has an overall physician-population ratio of 278 doctors per 100,000 residents. We call it a well-doctored community. Yet, in the shadows of the city's affluence, the ratio is only 10 doctors per 100,000 residents in poor areas and ghettoes.

So the imbalance is not only between urban and rural areas—appalling as that is—but between poor and affluent areas within cities.

If this bill should become law, we would certainly witness a migration of physicians from the "overdoctored" areas to the "underdoctored" areas of the United States, since the money will be there, whether the area is rural or poor or affluent. My bill, then, would motivate doctors to serve not on the basis of a community's wealth, but on the basis of the peoples' need for health care in the area.

Most importantly, this bill would stimulate the development of improved health delivery systems so that the quality of care and the efficiency by which it is delivered would be improved. The bill is designed to resolve the principal problem we face today; namely, a sophisticated 20th century technology shackled to 19th century organizational patterns.

My bill would not only provide free choice of primary physician, but also

allow beneficiaries free choice of health delivery systems—solo or group practice. Moreover, beneficiaries would choose their personal physician when they were well and not under the stress of illness.

Physicians would be guaranteed that there would be no interference with the clinical practice of medicine. They would be free to participate or not to participate in the national health insurance program. Participation could be on either a full-time or part-time basis. In fact, physicians would have the greatest professional freedom they have ever known. Within the framework of a budget, they would be able to establish their own methods of compensation. They could, if they so choose, eliminate all paperwork in connection with claims and concentrate on that which they were so magnificently trained to do: Practice medicine. In my opinion, this bill will enlist significant support from many members of the medical profession.

Let me turn, now, to the benefits my bill will provide:

First. Coverage for every man, woman, and child who has resided in the United States for 1 year or more.

Second. Comprehensive health benefits, including hospitalization, as required and without limits; physician services, including surgery, subject to a small $2 cost sharing charge per visit after the first visit; preventive care and physical examinations, nursing home care as required and without limits, home health services subject to a $2 charge per visit and rehabilitation services.

Third. Comprehensive dental services for all children under age 16 subject to a $2 cost sharing charge per visit after the first visit. Dental examinations and prophylaxis provided at no cost to the patient.

Fourth. Eye care including an allowance for eyeglasses and frames.

Fifth. Prescription drugs.

These benefits would be financed under the social security program. Employers would pay 3 percent of payroll, employees 1 percent of payroll, and the Federal Government would match the employer contribution from general revenues. Employer taxes are higher than employee taxes to take into account that employers are now paying the entire cost of most employee health insurance benefit programs. If the employer contributions were less than 3 percent, some employers would enjoy a windfall, in the sense that their contribution would be less than their current payments into voluntary health insurance programs. The Federal contribution would not be much more than current Federal, State, and local combined expenditures for health services. Thus, the Federal Government would be relieving the tax burden of State and local government for health services.

If this bill is enacted, the United States could rank first among all nations, in providing high-quality health care at reasonable cost for all people. In my opinion, the national medical and health crisis can only be resolved through a national comprehensive health insurance program, with comprehensive financing.

The time is long overdue to make health care for all Americans in all income levels a matter of right, rather than a matter of privilege or pity.

The Senate Finance Committee has just recommended that fees be established for doctors. I reject this solution and I offer this bill as a better means of better health for every American at a lower cost; with the traditional rights of American medics guaranteed.

National health insurance is an old idea, but a "Now" solution. Its hour has arrived.

GOVERNMENT COMPETITION FOR INVESTORS' MONEY PRESSES INTEREST RATES HIGHER

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, Government competition for investors' money presses interest rates higher.

Treasury Department and other Goverment agency sales of notes and bills at 8 to 8¾ percent attracts savings and investments that would otherwise be in accounts of banks and savings and loans across the country. The administration policy of driving interest rates higher has not controlled inflation but has created a money crisis.

Washington is fast becoming the financial magnet of the Nation, grabbing up the very funds that provide the private lenders the goods and wares that keep them in business. The lack of credit for the homebuilding industry, for construction, for business, and for agriculture can be laid at the doorstep of a Federal financial octopus that has grabbed more and more funds by increasing the interest rates of their notes. State and municipal bonds are unsold because they are limited to lower interest rates.

Last year proved to be one of the best years banks ever had for high earnings. The mounting interest rates worked for their benefit. It might prove to be a prelude to the downfall of private banks because their source of depositor's money is being dried up by the administration which can and does pay over 8 percent interest.

The competition in the money market is heavily one-sided for the Treasury Department, which has exercised no restraints on setting its own interest rates but it does, by regulation, control the interest that banks and savings and loans can pay depositors, keeping that rate below what the Government offers.

Treasury attracts capital by paying over 8 percent but regulates the private lenders to an average of slightly over 5 percent. For several decades banks have been a constant customer for Treasury bills and notes, carrying a portion in their investment portfolios to balance out loans. The attractive Treasury high rates short circuits the banks by Treasury cutting out the middleman with sales direct to investors. This might sound good at first but the outcome could well be disastrous when banks with reduced deposits can no longer meet the needs of their borrowers. What this means out on the construction job, or in keeping the store, or down on the farm, is that there may not be any operating loans from the local bank.

In the drouth days of the 1930's the Federal Government made what was termed "seed loans" with low interest rates, to get bankrupt farmers back in the business of growing crops. Now the Federal Government is sowing the seeds of recession with high interest rates that can be the bankrupters of the seventies.

It is a question of direct competition where the Treasury Department not only makes the rules but rules in its own favor blocking out the banks. It is an investor's bonanza but the Nation's dilemma—the bitter fruit of a risky policy. The administration is sowing recession. It is time for the Treasury to reduce its rates to near to the rates it prescribes for banks and other commercial institutions, and to rely on Federal Reserve to take more of its securities rather than milk the countryside dry of capital.

BALANCED BUDGET NEEDED TO REDUCE INTEREST RATES

(Mr. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS. Mr. Speaker, in my hometown, one of the most important phases of our economic life is the bank interest rate. Our community grows by borrowing money, putting it to work and from the products of our endeavors repaying the loans.

Usually, newspapermen call on Congressmen for news. The other day I was talking to my friend, Dick West, of the Dallas Morning News and he gave me some interesting information. Dick had been talking to one of the biggest bankers in the South about this subject of interest rate.

The banker pointed out the very interesting fact that the prime rate change from 1934 to the present has always had a trend upward. In 1934, the rate was 1½ percent. Today the rate is 8½ percent. During this period, the rate has increased 27 times and reduced nine times, but the reductions do not last long, and the trend for the cost of money always continues upward.

The increase in the prime rate is not planned nor controlled by any one commercial bank. Money is a commodity and the force of inflation and money demands have caused the escalated interest rate.

Government financing is a major cause of increased interest rates. In the period from 1960–65 the prime rate increased only one-half percent from 4½ to 5. But the pressure of excessive Government spending drained the money from normal private commercial banks. Government spending dcubled in the sixties. The pressure began to intensify with the shortage of funds and prime rates climbed rapidly from 5 percent on March 1, 1966, to 8½ percent on June 9, 1969.

Liberals in Congress cause high interest rates. With Washington spending excessively, adequate funds are not left for home construction, new machinery, and

working capital for the private business sector. Most Americans cannot afford to buy homes today because of high interest rates.

The year 1970 is a political year. Political demagogs are having a field day on how they are going to cut the interest rates. The same big spenders are the ones who toss their head to the sky and moan like a coyote in the wilderness. Then they vote to spend money on foreign aid, poverty programs that end up increasing the number of poor, more supergrade Federal bureaucrats, and double spending on an extravagant concert hall.

Let us get specific on how to stop the rising cost of living. First and most important, balance the budget. Even do more, run a surplus of $10 billion so that more funds can be available in the private sector. And the time has come when we may need to have price and wage controls. I have always opposed them in the past, because economic history shows their limitations. But today America is becoming more demanding of action, and has the spirit to make this program succeed.

The year 1970 marks a year of political courage in standing up for a sound budget. And we need to realize that this financial chaos caused in the sixties with years of waste cannot be corrected in 6 months of austerity. But we must follow up last years balanced budget with a strong surplus this year. Interest rates will not suddenly and dramatically drop. Fiscal sacrifice will provide the only sound permanent economic solution.

Here are the prime interest rate changes from 1934 to the last change on June 9, 1969:

Prime interest rates from 1934

[Rate in percent]

Effective date:	
1934—December 1947	1½
December 15, 1947	1¾
August 10, 1948	2
September 22, 1950	2¼
January 5, 1951	2½
October 17, 1951	2¾
December 18, 1951	3
April 27, 1953	3¼
March 17, 1954	3
August 4, 1955	3¼
October 14, 1955	3½
April 13, 1956	3¾
August 20, 1956	4
August 7, 1957	4½
January 21, 1958	4
April 21, 1958	3½
September 11, 1958	4
May 18, 1959	4½
September 1, 1959	5
August 23, 1960	4½
December 6, 1965	5
March 10, 1966	5½
June 30, 1966	5¾
August 16, 1966	6
January 27, 1967 (split rate)	5½
	5¾
March 23, 1967 (split rate abandoned)	5½
November 20, 1967	6
April 19, 1968	6½
September 24, 1968 (split rate)	6
September 25, 1968 (split rate)	6¼
November 12, 1968 (split rate abandoned)	6¼
December 2, 1968	6½
December 18, 1968	6¾
January 7, 1969	7
March 17, 1969	7½
June 9, 1969	8½

DEMOCRATS IN TROUBLE IN CONGRESS BECAUSE THEY BADLY MISJUDGED NIXON

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, last Friday we got the word that the national chairman of the Democratic Party was resigning. Many of us are sorry to see him leave since we think he clearly spelled out the difference between responsible Republican government under President Nixon and irresponsible partisan criticism.

For the benefit of the outgoing national chairman, I should like to call attention to the column written by Roscoe and Geoffrey Drummond that appeared last Saturday in the Washington Post:

DEMOCRATS IN TROUBLE IN CONGRESS BECAUSE THEY BADLY MISJUDGED NIXON

(By Roscoe and Geoffrey Drummond)

The Democrats in Congress are in trouble. By now they are pretty sure why.

They are in trouble because they misjudged at three official points the kind of President Richard Nixon would be:

1. They greatly underestimated Mr. Nixon's political skill and purposes.

They couldn't believe that he would succeed in preempting the major issues so that in an election year they are going to have to pass most of the President's programs on welfare reform, environment, crime and other matters.

2. The Democrats had their minds so fixed on the Nixon of the past that they thought they pretty much could ignore the Nixon of the present. They just couldn't give up their own image of Nixon as the intensely partisan, tough, gut campaigner against Helen Gahagan Douglas and the stiff, unpersuasive high school debater against Sen. John F. Kennedy.

In consequence the Democratic Congress last year simply waited around for the President to fall on his face, and when he didn't it was too late for them to adjust to reality.

3. Finally, the Democrats simply couldn't conceive that Nixon could so soon emerge from an embarrassing minority election—43 per cent of the vote—to a position consistently commanding a nearly two-thirds public support.

They knew that when Lyndon was Senate majority leader he helped his Democrats win every congressional election during President Eisenhower's two terms by recognizing Ike's popularity and supporting him most of the time.

They knew this but gravely misjudged Mr. Nixon's popular potential. They assumed they would be dealing with a harassed and constantly criticizable President. They assumed national opinion would be almost continuously on their side.

Because of these miscalculations this Democratically controlled Congress has now lost the initiative to a President they thought would be a pushover and has lost control of the big domestic issues.

They threw away the opportunity last year to pass legislation at a time when they could have emerged—as the Democratic Congress did under Sen. Johnson's guidance—as the responsible law-making arm of the government. And now, on the eve of the congressional elections this fall, the Democrats in Congress will almost certainly have to give Mr. Nixon nearly everything he asks.

The Democrats got their own priorities reversed: They stalled last year when they should have acted and are acting this year because it is no longer safe for them to stall.

Mr. Nixon himself is moving faster and farther in adjusting his spending priorities than he intended. He showed at first that on domestic matters he wanted to keep the spending lower than that which he is now supporting, until Vietnam costs could be radically cut and inflation put under control.

But he saw that the problems wouldn't wait and that the voters wouldn't wait, and he saw that he would likely go the way of Herbert Hoover unless he responded. This is where his political critics again miscalculated. They figured he couldn't and wouldn't respond.

The President has defused the demagoguery that he is against people and for economy for its own sake. He has cut the military to a lower percentage of the budget than at any time in 20 years. He is proposing to spend more on welfare, health and education than any previous administration.

So it now seems clear that the central issue of the fall campaign is almost fully shaped. The issue is national priorities—how much federal money is spent on what?

The Democratic stance is that we ought to spend more, even if inflation isn't checked, and the Nixon stance is that we are spending all that can safely be spent until inflation is checked.

Our guess is that anti-inflation policy, designed, as Senate GOP leader Hugh Scott has aptly put it, "Not just to save a dollar but to save *the* dollar," is good politics.

SETTING THE RECORD STRAIGHT ON ADVANCE PAYMENTS TO FARMERS

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, I would like to take this opportunity to set the record straight with regard to advance payments to farmers under the wheat, feed grain, and cotton programs.

For several years the Federal Government had been paying 50 percent of the compliance payments at the time the farmer signed his compliance contract, with the other 50 percent being made in the fall. This policy was changed in 1969 by the Johnson administration.

On January 15, 1969, when President Johnson submitted his final budget to Congress his budget provided for only 25 percent of the advance payment, rather than 50 percent as has been made in previous years, and provided further that no advance payments would be made for the 1970 program. This was done although no advance notice had been given to the farmers of America that this change would be made.

Upon taking office 5 days after the Johnson budget was submitted, the Nixon administration was faced with a serious decision. That decision was whether or not to permit the Federal Government to break faith with the farmer and pay only 25 percent of the payment in advance in spite of no previous notice, or whether there was a moral obligation to pay the full 50 percent in advance, giving notice that in future years no advance payments would be made at the time of completing the compliance agreement.

Because of the fact that Secretary of Agriculture Freeman in his initial announcement of the 1969 feed grain program on December 26, 1968, did not in any way indicate any change in the way advance payments were to be made to farmers, Secretary of Agriculture Hardin and President Nixon felt that there was

a moral obligation to make the 50 percent advance payment in 1969 and to again give notice at that time that no advance payments would be forthcoming in 1970. It was upon this basis that Congress was not asked to appropriate funds to pay the 50 percent in advance in 1970.

I think his explanation for this action is significant and I would like to quote from the February 5, 1969, statement of President Nixon when he said:

> I have taken this action because I feel the government has a moral obligation to honor this implied commitment.

In that same statement, the President said:

> As a result of my decision, budget outlays for the current fiscal year will rise by $168 million in comparison with the expenditure figures presented by the outgoing administration. However, if there are no advance payments in 1970, the combined effect for the two fiscal years 1969 and 1970 will be approximately as contemplated in the budget document.

The present administration realized how unfair it would be to the farmers participating in the program to carry out the intentions of the Johnson administration with no prior warning. Because of this moral obligation, a full 50-percent payment was advanced last year. However, unlike their predecessors, the Nixon administration gave full warning that in all likelihood this would mean no advance payments in fiscal 1970. Secretary Hardin confirmed that decision in a release dated December 29, 1969. This announcement is an interesting contrast to Secretary Freeman's announcement of December 26, 1968, giving no warning that any changes were in the mill.

Secretary Hardin realizes the extreme financing problem faced by farmers and has announced that full payments will be made as soon as possible after July 1, 1970. This will make payments complete as much as 2 months earlier than in previous years and will avoid an additional strain on the fiscal 1970 budget.

MARIHUANA LAWS

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HUNT. Mr. Speaker, a sampling of news articles in recent months on the subject of drug laws leads to the unmistakable conclusion that there are those at the heart of the debate who are bent on legalizing marihuana.

The easing and eventual elimination of restrictive marihuana laws have become a symbol of youthful defiance of a society of laws as well as the trademark of the hippie cult which finds relevance only under the influence of an array of mind-altering drugs, including marihuana.

I am still not convinced that community standards have dropped so low as to accept token penalties which, because of their contrast with present laws, will have the effect of being nothing more than a slap on the wrist. The mere prominence of the debate emphasizing lighter penalties is not only confusing, but it is misleading. Certainly, if the enlightened thought is that the drug abuse problem will be resolved through education, no amount of effort will counter what the law tends to condone.

For example, on the same page of a recent issue of the Washington Post, there appeared an article citing a proposal to the Washington City Council by its Chairman and Councilman Henry Robinson to ease the marihuana laws to the point of being a practical nullity. Directly across from this article was another under the promising title, "Major Crime Fight Pledged by Mayor." In the following day's issue: "United States Pledges $1 Million in Aid To Help Mexico Curb Narcotics."

One of the two reasons Mr. Hahn gave for his proposal was that because a substantial number of the population has chosen to disobey existing laws, the laws should be relaxed. Quite obviously, this logic suggests the proposition that the larger the number of people who break any given law, the weaker that law should be. This kind of weak-kneed rationale should be of little consolation to the law-abiding citizens in this crime-ridden city and, to be sure, the abuse of marihuana, interwoven as it is with other dangerous drugs and narcotics, is a serious social problem whose danger should not be minimized by a scheme of penalties that attempts to segregate these drugs in terms of their relative physical dangers.

TEXTILE IMPORTS

(Mr. MANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANN. Mr. Speaker, the textile import situation is worsening. The need for congressional action is becoming more apparent. Secretary of Commerce Stans is quoted in the Journal of Commerce of February 5, 1970, as having stated in a speech before foreign newsmen:

> It is not possible for the United States to make an adjustment necessary to absorb the flood of textile imports.

The truth of this statement is being demonstrated daily by increasing layoffs and monetary losses in textile plants across this country. The garment industry is being particularly imperiled. Mr. Stans also stated:

> It is highly likely Congress will act in the matter of limiting textile imports, and possibly other products, if there aren't agreements in a relatively short time—and by short time I mean three months.

Mr. Speaker, Congress is rarely accused of acting too speedily. Indeed, quite the contrary, and I suggest the wisdom of getting on with this matter. In that connection I hope that I am correctly informed that hearings on trade legislation will commence before the House Ways and Means Committee in the near future. Frankly, I believe that it will take the coordinated effort of both Congress and the Executive to control this situation. I was interested to note in the December 1969 issue of Textile World the following item:

> PORT ELIZABETH.—"The South African textile industry faces possible recession unless adequate protection is provided against Japanese 'dumping.'" TW's Herb Langston reports that statement from G. Cedric V. Graham, chairman of the South African Worsted Mfrs. Assn. Mr. Graham says the association is now awaiting action from the Board of Trade for a completely new form of protection against the Japanese. "We face contracted markets similar to those in 1967 when we had to dismiss workers and cut back production because of large-scale dumping." Additional protection came then in the form of tariff duty and import controls. This protection is now proving ineffective as Japanese manufacturers, encouraged by South African importers, he says, find loopholes. Worsted firms are supporting the cotton textile manufacturers contention that protection be based not on price but on construction or technical qualities of the cloth. Mr. Graham says: "No matter how clever we are, the Japanese are cleverer."

Even with some protection South Africa is having trouble. Without protection some of the communities of our Nation are facing economic disaster, and "No man is an island."

THE LATE WILLIAM JUDSON HOLLOWAY, FORMER GOVERNOR OF OKLAHOMA

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from Oklahoma (Mr. ALBERT) is recognized for 60 minutes.

Mr. ALBERT. Mr. Speaker, a great former Governor of my State of Oklahoma, and one of my closest, warmest friends, passed away on Wednesday, January 28, 1970. He was William Judson Holloway, Oklahoma's eighth Governor. He served from 1929 to 1931, during the days of the great depression, when our State's budget was less than $30 million. Governor Holloway frequently commented that those were "troubled times" but felt he had had a "constructive administration." This he certainly did. He was one of Oklahoma's greatest chief executives.

The Governor's choice of adjectives reveals his bias which was that of a builder. He was affirmative, positive, and creative. He worked for his State and the Democratic Party. He was a power and an influence in government and politics until the day of his death. For years he stood alone as Oklahoma's most beloved and respected citizen, the revered senior statesman of our State. He was Mr. Democrat to all his party faithful. He was Mr. Oklahoma to public-minded citizens of every age.

Governor Holloway was born on December 15, 1888, in Arkadelphia, Ark., the son of a Baptist minister, Stephen Lee Holloway and Molly—Horne—Holloway. He was graduated from Ouachita College, Arkadelphia, in 1910, studied at the University of Chicago, and received an LL.B. degree from Cumberland University in 1915. During the interim period—1911 to 1914—he served as principal of Hugo High School in Choctaw County, Okla., in my congressional district. He was admitted to the Oklahoma bar in 1916 and opened his first law office in Hugo. In 1917 he took his first elective job, becoming Choctaw County prosecuting attorney. He served until 1921 when he was elected to the State senate. He served as senate president

pro tempore in 1925 and 1926, and was elected lieutenant governor in November 1927. It has always been a source of pride to me that he rose to political fame and greatness from my congressional district.

In 1929, at the age of 40, William J. Holloway became the youngest Governor in State history up to that time, filling the unexpired term of Gov. Henry S. Johnston. Forty years later he still relished the memory of those hard but challenging days, pointing out that "it is a great honor for any man to be Governor."

Governor Holloway later served with the Interstate Oil Compact Commission and also established a successful law practice in Oklahoma City. He was at work in his office on the day of his death.

Work was as much a part of Bill Holloway's life as his need to contribute something "constructive." It was in these terms that he viewed life in general and his own life in particular. He had had a heart attack several months before his death. Perhaps with total retirement he might have prolonged his life, but such a life would have been no life at all for a man who had spent half a century in the midstream of activity.

Although he bowed out of elective politics early in his career, Governor Holloway was never far from the mainstream of events in Oklahoma. His principal efforts, as was pointed out by our present Gov. Dewey Bartlett, were directed toward "the betterment of Oklahoma." His counsel was sought by many of Oklahoma's chief executives, and as Governor Bartlett stated, "was always given unstintingly." Governor Holloway, without official status, continued to serve his State and the Democratic Party in countless ways over a period of many years, concerning himself with all its needs, including the need to develop new workers and leaders. He had a keen eye for men and women interested in public service. He counseled and encouraged many of them. I am grateful that I was one of those who benefited from his interest.

Governor Holloway and I enjoyed periodic visits over many years during which we discussed the issues involving Oklahoma and the Federal Government. Our last visit was in Oklahoma City a little over a month before he died. I felt during our long conversation that evening, as I always felt when I was with him, how fortunate it was to be able to sit with a friend whose affection was so sincere and whose greatness was so obvious in his very demeanor. His views were always wise and relevant, his unusual perception and judgment sharpened by years of experience.

As distinguished in appearance as any stereotype of a chief executive, Governor Holloway was also a great gentleman. I cannot imagine him behaving in other than a civilized and kindly way. The strength and goodness of his character were revealed in his manner and his attitude. He was a large-souled man of spotless integrity, great strength, and compassion. Politically, he might be described as a pragmatic idealist.

Governor Holloway earned his place in the annals of Oklahoma's distinguished men, and in the affections of her citizens. To know him was to respect him and to love him. He often commented that he had had a very satisfactory life, revealing, I think, an acceptance of life and a maturity of view that does not necessarily accompany the octogenarian years. He was grateful for life's blessings, happy to have had great opportunities to be of service, and satisfied that he had done his best.

I will miss my dear friend whom I have known well since I was a high school boy in the mid–1920's. I am comforted to know that I had a small part in his life and am grateful that he had an important part in mine.

I extend to his distinguished son, my good friend Judge William J. Holloway, Jr., of the U.S. Circuit Court of Appeals for the 10th District, to his grandchildren and all his loved ones, my deepest sympathy in their bereavement.

I have lost one of life's dearest friends. Oklahoma has lost one of her noblest sons.

Mr. Speaker, I yield to my colleague, the distinguished gentleman from Oklahoma (Mr. BELCHER).

Mr. BELCHER. Mr. Speaker, it is with a heavy heart that I heard of the recent death of my dear friend and one of Oklahoma's most beloved citizens, former Gov. William J. "Bill" Holloway.

Bill Holloway was one of those rare men who, having held public office for several years and achieved political acclaim and success as a relatively young man, voluntarily stepped out of the limelight at the peak of his popularity because he knew he had served the people of his State well and felt he owed the remainder of his life to his family and his law practice.

Elevated from lieutenant governor to become the eighth Governor of the State of Oklahoma at the age of 40, Bill Holloway established a reputation for hard work and efficient administration as a depression era Governor, and his capacity for work continued as his hallmark throughout his lifetime. It was therefore fitting indeed that his death found him at work at his law office.

Although he held no public office after his term as Governor ended in 1931, he never lost his interest in politics and often served in some sort of advisory role to Oklahoma public officials until as late as 1965.

In Bill Holloway's passing I have lost a fine friend and Oklahoma has lost a leader whose life, both public and private, was an inspiration to all who knew him. Mrs. Belcher and I extend our deepest sympathy to his son, U.S. Circuit Judge William J. Holloway, Jr., and to all his family.

Mr. JARMAN. Mr. Speaker, it is a great privilege to me to join my colleagues in paying tribute to the memory of one of Oklahoma's distinguished citizens and former Governor, William J. Holloway. The Governor's untimely death is a great loss to our State. He took pride in his heritage and worked unceasingly to serve Oklahoma and her citizens. The people of Oklahoma are most fortunate in having had a man of his stature serve as Governor, and we are all indebted to him for his many years of public service and his leadership in civic affairs. The people of the State of Oklahoma will long remember him and the mark he made in Oklahoma's development and progress.

Mr. EDMONDSON. Mr. Speaker, Oklahoma lost one of its greatest men and outstanding leaders when Gov. William J. Holloway died.

Governor Holloway served Oklahoma as State senator and Lieutenant Governor before moving into the Governor's office following the impeachment of his predecessor.

He served as a healing force during a turbulent period of Oklahoma history, and this service won him the respect and admiration of people from all walks of life throughout the State.

Governor Holloway has been a longtime close and dear friend of mine, and I am among the thousands of Oklahomans who will miss him very much.

Governor Holloway's son, Judge William J. Holloway, of Oklahoma City, is a highly respected Oklahoman and also a personal friend of mine. I share Judge Holloway's deep sense of loss at the death of his father.

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all my other colleagues from Oklahoma may extend their remarks at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the life and service of the late Honorable William J. Holloway.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was not objection.

COMPREHENSIVE HEADSTART CHILD DEVELOPMENT ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MACGREGOR), is recognized for 15 minutes.

Mr. MACGREGOR. Mr. Speaker, I am proud to be a cosponsor of the Compresensive Headstart Child Development Act of 1970. There are 13.3 million children in America between ages 1 and 17 whose mothers work outside the home. More than 4 million of these children are under the age of 6, and over 3 million are from disadvantaged families. About one-fourth of the Nation's mothers who live with their husbands and have pre-school-age children are working and many more would seek employment to help balance the family budget or to avoid being welfare recipients, if suitable child care services were available at prices they could afford.

This bill attacks the problem of child day care and child development from five sides:

Research: The bill proposes the establishment of a National Institute for Early Childhood Development and Education. It would be modeled after the National Institutes of Health. The purpose of this Institute would be to conduct research on early childhood development and learning and to see that the Institute's findings are reflected in the conduct of programs affecting young children. Work being done by the Department of Health, Education, and Welfare, by the Office of Education, the National Institutes of Health, and the National Institute of Child Health and Human Development would be coordinated with the activities of this new Institute so that research and development can proceed as quickly as possible with maximum use of resources available.

Increased facilities: The bill provides for increased child care centers—for both the deprived and the children of working mothers, whether or not deprived—through consolidation of six of the 61 existing Federal programs into a single, comprehensive Headstart program which would provide funds to both public and private agencies according to a sliding scale based on total family income.

Increased staff: To meet the need for the thousands of teachers and other personnel needed for early childhood programs, the bill adds an authorization of $20 million to the Education Professions Development Act for training or retraining professionals and paraprofessionals for early childhood programs. Repayment of college loans will be forgiven for graduates who are employed in child-development programs. In addition, the Secretary of Health, Education and Welfare is authorized to make grants covering the cost of inservice training programs. These measures will insure that both professionals and paraprofessionals in the field will be able to upgrade their skills, develop their careers, and stay abreast of the most recent developments.

Improved evaluation: The bill calls for a comprehensive and thorough evaluation of existing Federal programs that pertain to early childhood and day care, and a report to the Congress of the findings and recommendations resulting from this study. A means to insure a continuing assessment of these programs will also be established.

Improved coordination: While evaluation of the 61 existing Federal child care and development programs will perhaps suggest various ways to coordinate the programs more effectively, this bill takes a major step forward in that direction. The comprehensive Federal Headstart program established in this measure would be, in effect, the result of pooling some seven programs now in existence, all of which provide funds for child care and child development services for underprivileged children. Under the new arrangement, the programs would be jointly administered at both the Federal and State levels so that the maximum benefit could be derived by giving the greatest number of children the widest range of needed services.

I hope that the Congress will move to meet the need for increased child care and development services by enacting these proposals which we have introduced today.

PROPOSED COMPREHENSIVE HEADSTART CHILD DEVELOPMENT ACT OF 1970

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oregon (Mr. DELLENBACK), is recognized for 60 minutes.

Mr. DELLENBACK. Mr. Speaker, the Comprehensive Headstart Child Development Act of 1970 which is being introduced today is organized into six separate titles, as follows:

Title I—Consolidate child care programs, combining Headstart, Title I ESEA (preschool portion only), Migrant daycare (OEO), and daycare provisions under Title IV of the Social Security Act and the Labor Department's manpower programs.

Title II—National Institute for Early Childhood Development and Education.

Title III—Facilities assistance: mortgage insurance program, additional authorizations for Neighborhood Facilities program.

Title IV—Personnel training: $20 million each for training professional and nonprofessional personnel, service in lieu of student loan repayment; inservice training provisions.

Title V—Federal government child development program for children of employees.

Title VI—General provisions: evaluation of federal programs, Office of Child Development, definitions.

Within this framework, the bill provides for the following:

PROGRAM CONSOLIDATION

Bring together, under one funding authority, the major federal programs which provide operating funds for day-care and child development programs.

New programs or additional appropriations would be authorized only when the consolidated program is functioning effectively.

STATE COMMISSION

State commission representative of all public and private agencies concerned with early childhood education, welfare and day-care would be involved.

Function would be to assess needs, establish priorities, develop a state plan, and eventually, to approve applications for funds.

Urban areas would be guaranteed a fair share of state commission funds.

PHASED IMPLEMENTATION

A carefully planned step-by-step approach to future expansion to assure well designed and prudently administered programs.

PRIVATE ENTERPRISE INVOLVEMENT

Mortgage guarantees would facilitate construction of centers.

Profit-making corporations would be eligible for direct grants.

Same standards would apply to private corporations as to others under the program.

Fees will count toward matching requirements.

Employers could be eligible for grants to operate day-care programs for employees' children.

RESEARCH

A National Institute for Early Childhood Development would be established to serve as a focus for research; to conduct research and test findings through federally-controlled programs; to coordinate research conducted under other federal, university, and private auspices.

TRAINING

Educational Professions Development Act would be authorized additional appropriations for training professional and para-professional personnel.

Forgiveness of student loans for those entering early childhood programs.

Tuition grants for early childhood personnel upgrading their skills.

FACILITIES

Construction authorized where more economical than renovation or rental.

Additional appropriations authorized for Neighborhood Facilities program.

Mortgage guarantee program for private profit-making or non-profit agencies.

Federal grants, loans, and interest subsidies authorized.

EVALUATION

Special evaluation of existing federal programs pertaining to child development will be made.

On-going evaluation of future programs authorized, with annual reports to Congress.

FEDERAL FUNDS PROVIDED FOR

1. Economically disadvantaged children younger than compulsory school attendance age.

2. Children of working mothers, whether or not economically disadvantaged (payment for services on a sliding-scale fee basis).

3. Programs to help economically disadvantaged adolescent girls and expectants learn the fundamentals of child development and nutrition.

Cost—$123 million above current expenditures for FY 1971.

NEED FOR CHILD CARE AND CHILD DEVELOPMENT PROGRAMS

The United States is faced with a tremendous and still growing need for child development and child care services—for underprivileged children who need extra help in order to reach their full potential, and also for many of the more than 12 million children whose mothers work outside the home.

Despite the presence of at least 61 Federal programs pertaining to child care and the efforts of State and local governments, private nonprofit and profitmaking organizations, churches, schools, cooperative nursery schools, and family day care homes, only a little over a million children can be accomodated. Yet the need is many times that number.

A large part of that need stems from the growing numbers of wives and mothers, even those with small children, who seek employment outside the home. One-third of the wives in this country were employed outside the home in 1969, as compared with only one-fifth in 1952.

There are now 5 million preschool children whose mothers work full or part time, as compared with only 3.8 million in 1965—a 30-percent increase in just 5 years.

About one-fourth of the Nation's mothers who live with their husbands and have pre-school-age children are in the work force, and surveys indicate that many more would seek employment in order to help balance the family budget or to get off the welfare roles, if only they could find suitable child-care services at prices they could afford. A considerable portion of the working mothers come from families with a total income of over $10,000, and they are quite willing to pay the cost of high quality child

care services. But in many areas, adequate day care centers or other arrangements are simply not available at any price. A mother then must choose between an uncertain network of babysitters, relatives, and neighbors to look after her child, or a less-than-desirable group child-care situation, or simply quitting her job and staying home. Except for the period during World War II in the past working mothers have more often than not been those who found themselves widowed or divorced and, therefore, the sole support of their families. But now, in this time of changing social institutions, we find that child-care services are not even beginning to keep pace with the demand—and it is too often the children who are left to pay the consequences.

A second kind of need is one which Headstart and title I of the Elementary and Secondary Education Act have already focused our attention upon. This is the need of children from economically disadvantaged or otherwise deprived backgrounds who need extra educational, social, medical, nutritional, and other services if they are to have a chance of achieving their full potential. Recent studies have shown that the results of Headstart have not been all that we hoped for when the program was established. Part of the reason for these disappointing findings is that many Headstart children were in the program for only a brief summer's experience—hardly enough time to attend to their medical and nutritional needs, much less to try to enhance their social and intellectual development. But many disadvantaged children do not have a chance to receive even these limited services. There are at least 3 million children aged 3 to 5 from disadvantaged families—Headstart's full year capacity is only a quarter of a million children; summer Headstart can accommodate just under that amount.

Several of the witnesses who have appeared before the House Education and Labor Committee have argued that one of the most effective ways, in the long run, to prevent severe deprivation of children from economically disadvantaged families would be to establish programs aimed at their parents, or even at adolescent girls and expectant mothers who will become parents. These programs would try to help these parents and future parents help their children by providing proper nutrition, educational, and social development opportunities. Often, educational deprivation comes as much from the parents' simply not knowing what to do as from their not being able to do it for financial reasons—repeating the names of objects and colors to a toddler who is just learning how to talk, for example, requires only a parent's time and interest.

These are compelling and urgent needs which have not been met by the existing combination of Federal, State, local, and private efforts. It is to these needs that the bill we are introducing today is addressed.

The following articles and testimony of witnesses before the Education and Labor Committee represent only a sampling of the great attention which has been given to the need for adequate child development and child-care services in recent months.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. DELLENBACK. I am happy to yield to the gentleman from Minnesota.

Mr. QUIE. I would like to commend my colleague for the excellent work he has done as chairman of the Republican Task Force on Education and Training which has been conducting studies on this topic. The piece of legislation to which he has referred would consolidate six day-care and child development programs, including Headstart. As we know, a great number of Federal programs in one way or another presently provide assistance for day-care programs. The proposed legislation will help to consolidate under one head, in the Office of Child Development, the kind of preschool programs that are necessary if we are going to meet the proposals which the President held out for adequate programing, including welfare, family assistance programs, training, and employment of people who are presently on welfare and who are unemployed. If we want to produce the great amount of results in order to alleviate the problems of disadvantaged children, many of whom at the present time go through 10 or 12 grades of school and are still functionally illiterate, we must start before they begin in the first grade.

This is the least expensive means in order to assist disadvantaged children, and I believe it is the most effective. The program which has been put together, which I am pleased to join the gentleman from Oregon in introducing, is one in which we will build on the programs that have been successful and move into those programs which have not been successful in the past.

THE INVOLVEMENT OF PRIVATE ENTERPRISE IN EARLY CHILDHOOD PROGRAMS

The number of children who eventually might become involved in early childhood programs is many times the number now enrolled. Now, for example, out of some 1.5 million who are eligible for Headstart, only 500,000 can be accommodated. Only 2 percent of the children of working mothers are cared for in child-care centers.

To get an idea of what we might have to expect, we will have to know how many children there will be. As of July 1, 1969, there were:

Children under 3	10,448,000
3-year-olds	3,643,000
4-year-olds	3,867,000
5-year-olds	4,050,000
Total	22,008,000

Both the birth rate and the numbers of children born each year have been declining in recent years, a trend accentuated by a growing interest in population control. But a sharp increase in the numbers of women of childbearing age will reverse present trends, in terms of numbers of births. Even conservative estimates project about a 40-percent increase of annual births, from 3.8 million a year to 5.3 million. Furthermore, the percentage of children who will want or need these services can be expected to increase. There are two reasons: First, the percentage of working mothers is continuing to rise every year as more and more mothers of young children seek work, usually to help out with the family budget, but increasingly to use their job skills as secretaries, teachers, nurses or other occupations which require special training. Second, the Headstart program has made many parents more aware than ever before of the special importance of the first 5 years of child's life, and they are seeking similar preschool experiences for their children. A recent article discusses this trend:

THE FAMILY CAUGHT IN THE MIDDLE

(By Herrick S. Roth)

The average American family earned $8600 last year—a Census Bureau computation. There are four members in that family, which is still primarily blue collar. The adult members are reasonably satisfied with their lives, generally. They live in urban areas and do have some hang-ups—taxes, inflation, blacks and Vietnam.

Because a majority of the principal breadwinners of the average family are either members of or have their economic pattern of living set by unions, there is more than a little information to be gleaned from this trade unionist and his average family.

Parents in the average family have an increasingly stronger opinion about education of their children—when and where their children should be engaged in formal schooling. This is one of the shifts of the 1960's, even if the worker is still primarily blue collar. His affluence has caught up with both himself and his spouse. They both used to leave the decision-making of the lay public school boards and even the limited activities of the school parent organizations in the hands of the white collar, professional style family leaders. They now either have activated their own participation or at least are not nearly as fearful of speaking up to the school master and public official about their own unique wisdom and opinions on educating children—especially their own. Whether or not they really know how best to educate their own children is hardly the point.

They are suddenly concerned, because the attitudes and activities of others have caused them to be concerned. They are confident and ready to speak out—especially when they seem to sense in very typical trade union fashion that they are getting the short end of a deal. What's good enough for one is good enough for all is more true than trite for this average workingman and his family. So, if he thinks that someone else is being given something special, he is speaking up, even before he has time to analyze the accuracy of his assertions.

Education today includes the early childhood variety. Today's working man remembers one generation back when kindergartens were not the general order of the day in the public sector.

Now, he knows that in most urban environments, they are. If they are not, he, through his union, has resolved to get them and support their establishment and funding. The chances are that if he has a five-year-old at his home, the youngster is in kindergarten; the father and mother are impressed with the benefit to and reaction of the child; unless there is no work available to the father and his property taxes and mortgages and finance charges are getting beyond him, he'll fight to keep that kindergarten service available.

WATCHING THE POOR BENEFIT

But now what does he see? He finds the very poor being offered more early childhood opportunities at someone else's expense than he has been able to offer his youngest chil-

dren at anyone's expense—unless it be out of his own pocket. He knows—or instinctively feels—that the very rich and those that are almost rich (high in the upper middle income brackets) can or do provide at their own expense the preschool education of their own children. He's just becoming aware that he is being left out.

It is not unlike everything else that he sees, or thinks he sees, going on around him. If his son or daughter has gotten nursery or preschool training, it has been directly out of his own family pocketbook. More than likely, it has been a nursery school or day center type of private situation; it has cost money, but it might have been more custodial care than educational during the working hours common to both him and his wife. His aggravation and the price against his personal budget are adding to some deterioration in his generally satisfied state.

If there can be Head Start for the young child of the economically disadvantaged, there can be for him, too. Without examining the bill of particulars he has two attitudes about early childhood educational programs and schools: (1) we can afford it for all if we can afford it for any; (2) we will be paid back many times over for enriching our educational investments in the very young at very early dates.

LABOR MOVEMENT POSITIONS

Some key examples of this average workingman's labor movement blend in with his more personal reactions. In New York City, the trade union movement and central labor council (AFL–CIO) is in general support of the well-defined statements of priority set forth in October, 1969 by the largest local union among all of the crafts and trades embracing 60,000 locals in the AFL–CIO. UFT, Local 2 of the American Federation of Teachers, AFL–CIO, recently claimed: "It is vital that a nationwide early childhood program be instituted with education on a full-time basis beginning at the age of three."

Even on higher levels, on October 5, 1969 at its 8th Biennial Convention, the AFL–CIO in its Resolution on Education (No. 204), spoke of "need" in additional terms, this time—not just the need to pump extra funding into poorer areas, which it still underscored fully. It looked at both ends of the chronological spectrum, as it leveled strong criticism at the "lumbering bureaucratic structure which has made schools slow to respond to the real needs of their students, faculty and communities. . . . It has long been the position of the AFL–CIO that free public education should no longer be limited to twelve (or thirteen) years of school. For the very young, especially those who have been economically deprived, pre-kindergarten classes have proved to be the great benefit in improving further educational achievement."

The average American—working man, blue collar, not too badly off and urban-oriented—is not about to settle now for early childhood educational opportunity only for the very poor or the very rich. His child needs it too, and he probably won't tolerate delays in establishing public funding of such programs.

Thus we can expect not only that there will be more pre-school-age children in the near future, but also that proportionately more of the parents of those children will want or need child development programs. This means that even though present programs do not begin to meet current needs, we must prepare to provide for significantly more children, if we are even to maintain present rates.

The following analysis by Selma Mushkin gives one estimate of what we can expect.

COST OF A TOTAL PRESCHOOL PROGRAM IN 1975

(By Selma Mushkin)

How much by way of resources is required to make a full-scale attack on early childhood education? The numbers of children under five by 1975 are estimated at 21 to 27 million, depending upon the fertility rate.

To try to approximate the costs that would be involved in providing child development services with an educational component and to provide preprimary education, account must be taken of the following:

(1) The numbers of children in each of the age groups of preprimary education.

(2) The number of children from among those in these age groups who would make use of such child care and preprimary education facilities.

(3) A reasonable nationwide cost per child that would take account of professional and para-professional salary levels five years or so hence, material and equipment cost, etc.

(4) The scope of the services provided (to what extent health service component, dental care, nutrition services are included, as well as educational services).

(5) The period of the year, the length of the week, and the hours per day for which services are provided.

The issue of how such costs should be financed is essentially a separate one from the question of availability of the services. Consideration in program development should be given to service for the community as a whole, with appropriate charges imposed in relation to the payability of the families and with safeguards to assure that the care of the child does not depend upon the payments made.

Following are estimated total costs for a nationwide early childhood effort in 1975:

Total program: Tax costs (combined program 0–5 year old): $5,483,000,000 to $7,667,000,000.

Program for 3–4 Year Old Group

(a) Total cost, program for 3–4 year olds: $10,000,000,000 to $12,500,000,000.

(b) Tax costs (assuming an average for one-third the children): $3,333,000,000 to $4,167,000,000.

(c) Total number of preprimary children (3 and 4 year olds): 8,000,000 to 10,000,000.

(d) Average cost per preprimary child (average per ¾ day): $1,250 per child.

Program for Children 0–3 Years of Age

(a) Total cost (at $2,500 per child): $6,500,000,000 to $10,250,000,000.

(b) Tax costs: Total: $2,125,000,000 to $3,500,000,000.

(i) Children paying part costs (on average of one-half cost): $375,000,000 to $500,000,000.

(ii) Children receiving services without charge: $1,750,000,000 to $3,000,000,000.

(c) Total number of children: 13,000,000 to 17,000,000.

(d) Total number of children of working mothers (low estimate: low fertility, 25% of mothers working) (high estimate: high fertility, 30% of mothers working): 3,300,000 to 5,100,000.

(e) Total number of children using facilities (assume 80 per cent will use): 2,600,000, to 4,100,000.

(i) Full cost covered by charges: 1,600,000 to 2,500,000.

(ii) Part cost covered by charges: 300,000 to 400,000.

(iii) No charge (30% of the children): 700,000 to 1,200,000.

If nothing else, it should be clear from these figures that the Federal Government can never be expected to pay the full cost of providing child-development and child-care services for all who need them. If Dr. Mushkin's figures correctly anticipate the future need, it would cost a total of $10 to $125 billion for 3- to 4-year-olds and $6.5 to $10.25 billion for 0- to 3-year-olds—a total of $16.5 to $22.75 billion, and this is excluding 5-year-olds, even though many States do not operate public kindergartens.

We cannot expect, either, that State or local governments will be able to assume this burden. They are already hard pressed to keep pace with the growing costs of traditionally provided services—the Youngstown phenomenon is being repeated more often than we would like to think.

The involvement of private enterprise in providing child-development services may be a way out of this dilemma. It is a little realized fact, for instance, that private, profitmaking nursery schools, kindergartens, and day-care centers are right now providing over half the total services available. The following figures for day care provide an example.

Type of center	Number of centers	Number of children	Percent
Public	730	34,600	6.0
Voluntary-philanthropic	3,800	167,000	32.0
Independent profit	6,900	247,000	47.4
Other	2,170	73,000	14.0

Many people, when they think of profitmaking corporations organizing and operating child-care and child-development services, forget that the vast majority of the high quality nursery schools, summer camps, and similar institutions which serve only those middle-class families lucky enough to afford them, fit into the classification of private profitmaking corporations. Somehow the image of making money by helping young children to reach their full potential often draws a negative reaction—people forget that the private profitmaking programs came first and that philanthropic and public programs like Headstart were set up so that children from low-income families would also have a chance to receive similar services.

But this is indeed the case, and when we try to plan for future child development needs, we should not forget it. This is the reason why the bill we are introducing today not only permits, but encourages, private enterprise to become involved in working with young children. The involvement of private enterprise can ease the financial burden of providing needed services in two ways:

First, right now, there are, in practically every large city, thousands of working mothers or women who would like to go back to work, who can afford to pay most or all of the cost of child-care services for their children but who find that adequate facilities and programs are simply not available at any price. Often the few centers that do exist are limited only to low-income of AFDC children, or else they have waiting lists of months and even years duration. Private enterprise can help to meet this need by establishing more centers in areas where there is great demand.

Second, repeatedly, private enterprise has demonstrated the capacity to duplicate public programs at significantly lower cost. Headstart, for example, averages between $1,700 and $2,000 per year for each child, and some programs have

even averaged out to $3,000 per pupil and higher. If private corporations can operate high-quality programs for the same children, but keep costs down by using sophisticated management and organizational techniques, then we should take advantage of this additional resource in order to extend programs to as many children as possible with available funds.

Thus private enterprise can increase the amount of services available at no additional cost to Federal, State, and local governments, and it can also effect a savings in the cost of services already being subsidized by the Government.

It is important that every precaution is taken to assure that the same high standards established for publicly financed programs will apply to private profitmaking programs. Our bill uses the existing Federal interagency day-care requirements as a guide, but the following summary of the various State requirements which apply to child-care programs illustrate the diversity of regulations in this area, as well as the necessity for careful planning on the part of any firm planning to establish child-care programs on an interstate basis. But let me emphasize again, that we require profitmaking firms to maintain the same standards as those required of public and private nonprofit programs.

Summary of State personnel and space regulations governing child-care centers

(Based on a survey of 48 States—excluding Hawaii, Alaska, and the District of Columbia)

	States
Inside square footage per child:	
20 square feet	2
30 square feet	8
35 square feet	32
35 to 50 square feet	3
40 to 50 square feet	1
Information not available	2
Outside footage per child:	
40 square feet	1
50 square feet	3
50 to 60 square feet	1
60 square feet	1
65 square feet	2
72 square feet	1
75 square feet	20
60 to 75 square feet	1
80 square feet	1
100 square feet	6
50 to 100 square feet	1
75 to 10 square feet	1
200 square feet	1
Information not available	8
Adult-child ratio—2-year-olds:	
2 to 1	1
5 to 1	2
6 to 1	2
8 to 1	9
6–8 to 1	1
10 to 1	17
8–12 to 1	1
15–18 to 1	1
Information not available	14
Adult-child ratio—3-year-olds:	
5 to 1	1
7 to 1	1
8 to 1	1
10 to 1	25
7–10 to 1	1
8–10 to 1	1
12 to 1	4
15 to 1	5
10–15 to 1	1
12–15 to 1	1
12–16 to 1	1
15–18 to 1	1
Information not available	5
Adult-child ratio—4-year-olds:	
7 to 1	2
10 to 1	11
7–10 to 1	1
12 to 1	8
14 to 1	1
10–14 to 1	1
15 to 1	8
12–16 to 1	1
15–18 to 1	1
20 to 1	8
15–20 to 1	2
Information not available	4
Adult-child ratio—5-year-olds:	
10 to 1	6
12 to 1	1
14 to 1	1
15 to 1	7
16 to 1	2
12–16 to 1	1
18 to 1	5
20 to 1	5
15–20 to 1	1
18–20 to 1	1
25 to 1	1
Information not available	12
Average of adult-child ratios required in child development programs—3-, 4-, and 5-year-olds:	
6 to 1	1
10 to 1	9
11 to 1	3
12 to 1	5
13 to 1	2
14 to 1	6
15 to 1	5
16 to 1	3
18 to 1	5
20 to 1	4
Information not available	5

Several private firms have overcome this rather forbidding array of rules and regulations and have organized programs in many States to provide child-care and child-development services. An example of two corporations' experiences are described in the following statements:

[From Compact, December 1969]

PRIVATE ENTERPRISE SEES PROFIT IN PRESCHOOLS

(By Edward T. Breathitt)

(NOTE.—Governor Breathitt is president of American Child Centers Inc., which is based in Nashville, Tennessee. An attorney, he was governor of Kentucky between 1963 and 1967 and previously served three terms as a state representative.)

The year 1969 was an eventful period for those Americans who have been concerned with the limited scale of efforts throughout our nation to meet the educational and social needs of children from three to six years of age. Private groups began developing programs in 1969 to serve these children, particularly the sons and daughters of working mothers. American Child Centers, Inc. is a major part of these private efforts.

This fall, we opened the first two centers. The first unit, owned and operated by American Child Centers Inc. (ACC), began operations last September 2 in Nashville, Tennessee. On December 1, our first franchised center began operating in Frankfort, Kentucky.

Sites are now being sought for additional centers, including ten which should be ready to open in 1970. These centers will be placed throughout the nation, ranging from Virginia to California. We will sell franchises to qualified investors who are interested in becoming involved in business efforts to meet some of the social needs of the United States.

SERVICES PROVIDED

The ACC package works in other ways to meet the objective of preschool education. An insurance company in the mid-south, for example, has entered into an agreement with ACC to operate a child care service for women employees who have children between three and six years of age. The center will be located on the same block as the company's home office. A major manufacturer based in a seaboard state in the east has asked us to provide similar services for children of its employees. American Child Centers Inc. also will provide child care services, under contract, for public agencies.

Through these various avenues—company-owned centers, franchised operations, contracts with business and public groups and consultative services—American Child Centers will provide far more than baby-sitting services to children of working mothers and will be in the position to offer carefully developed child development programs for children enrolled in our early childhood education centers.

American Child Centers was formed in December, 1968 following a months-long nationwide research effort by the Nashville-based Southeastern Research, a private firm, which demonstrated the need for a program such as ours. Research indicated that there are 2.5 million children between three and six whose mothers work. The number will grow. Neither the public sector nor private business had made arrangements to provide sound, high-quality programs to serve these youngsters.

THE PROGRAM

The ACC program has been developed by professional educators versed in the preschool field. These have included Dr. Otto Billig, professor of clinical psychiatry at Vanderbilt University's School of Medicine; Dr. Richard H. Hinze, former professor of education at George Peabody College for Teachers, who left his position as dean of the graduate division of Bank Street College of Education in New York City to become ACC's vice president for professional services; and Dr. Hollis A. Moore, Jr., academic vice president of Peabody College.

The American Child Centers' package will provide learning and living experiences for children within and around a building designed for young boys and girls. Inside the building, and on the playground outside, care has been taken to provide for the comfort, safety and health of every child.

The building was designed as a child development center, incorporating in it the knowledge and experience of leaders in child development and education. Floors are carpeted. Strict standards have been set for sanitation and health. The child-size equipment was designed by authorities in early childhood education. The staff of American Child Centers is selected carefully and is trained to give each child good experiences in child-to-adult relationships and to help develop sound child-to-child relationships. The adult-child ratio has been set at one adult to each group of ten children. The center director must be a college graduate, and American Child Centers stresses the value of a graduate degree for such persons.

Each director of a center will come to Nashville for two weeks of training. Manuals will be provided each director to outline effective methods of operating the center and to outline curriculum. The programs will be inspected by American Child Centers' personnel to assure efficiency of operations and adherence to our standards as set out in contracts and in the manuals.

Full-day service will be offered, as well as a morning nursery school-kindergarten and an afternoon program. Some centers will provide Saturday programs at hourly rates. The rates for ACC programs will vary, depending upon cost variances in different parts of the country. In Nashville, the weekly charge for full-day service is $21.75; the

morning program costs $14.50 (includes one snack and lunch), and the afternoon program costs $12.50. There is a registration fee of $25.

Each person developing a center will be provided building plans, site selection aid, equipment guides, operating and curriculum manuals and advertising and public relations support. Most ACC centers will serve 130 children, although plans and operating formats are available for both smaller and larger sizes.

An open-floor, team-teaching plan will be used. There will be an conference within each center daily in order to permit teachers to plan the program for the following day. In the Nashville center, Mrs. Earline Kendall, the center director, may observe the entire school from a loft in the front of the building. Parents, too, are invited to watch their children from the loft. Beneath the loft is an amphitheater for plays, films, television and for creative drama.

Areas in the building are separated by pieces of equipment and furniture which have been designed and selected to serve dual purposes. There are three teams within the center, each operating from its own sectional area. Joint use areas include the amphitheater, block area, art area, indoor physical education area and the outdoor play area. The sectional areas inside the building, because of the flexibility allowed by movable partitioning, change shape almost daily as the children and staff plan varying activities.

Outside, there is a wooden bridge, a concrete culvert, a seven-level treehouse, hills, trees, gravel paved driveways for wheel toys, grassy areas and native limestone rocks.

Among the activities at the center are programs in language development (listening, speaking, reading, writing), mathematics, sciences and social studies. An adult sits with the children at lunch as part of the American Child Center program of using this activity in the social development phase of the curriculum.

Considerable emphasis is placed on creative activity and aesthetic expression. The primary objectives of both the full-day and half-day programs are the optimal development of each child, socially, emotionally, intellectually and physically.

Currently, our program serves primarily the middle and upper middle income groups. Through agreements with either public agencies or private businesses, the ACC services could be made available to lesser privileged children. Essentially, the ACC plan is built around the idea that private organizations are able to deliver constructive social services.

The following statement was prepared by the Universal Education Corporation:

THE ROLE THAT PRIVATE ENTERPRISE CAN PLAY

Historically, many of this country's major achievements have resulted from federally-funded programs carried out by private corporations under contract with the government.

This has been the pattern in the nation's defense, agricultural and space programs, in the development of its transportation systems, and in many other projects that were vital in the building of America. The same pattern has applied also in education, even though in the nation's earlier priorities industry's contributions to education occurred on a somewhat smaller scale. But these contributions were nevertheless highly significant—in the development of textbooks, in the variety and versatility of classroom equipment, in the invention and marketing of the most advanced audiovisual teaching aids, in the development and testing of sophisticated learning systems, and in the provision of virtually all of the basic curricular materials for both public and private schools.

In the present order of our national priorities, education is rated higher than ever before in history. Among educators, too, preschool education is rated far higher than ever before. In this area also, private industry, in accordance with traditional patterns, must play a major role.

Dozens of large and highly competent firms have already entered the preschool education field. They did so because they realized they had the people, the skills, the imagination and other resources to make major contributions in this area of great social need.

If I may be permitted to do so, I would like to use my own company as an illustration, simply because it is the one I am most familiar with.

The Universal Education Corporation has invested more than $5,000,000 to date in developing preschool educational programs and systems designed to meet the needs of the country's children and parents. This effort, which has been under way for several years, has been carried out by a highly qualified staff working in consultation with many of the nation's leading experts in preschool education. The result of this effort and investment is the *Discovery Program*—a unique preschool educational service for parents and children.

The Discovery Program is designed to benefit all preschool children and their parents, regardless of their socio-economic status. *It should be made available to all children,* whether or not they are enrolled in Head Start day care centers or nursery schools. It is an essential educational supplement to all these.

The Discovery Program is offered through the company's chain of *Discovery Centers* now operating in New York, Pennsylvania, New Jersey, Connecticut and Massachusetts. Our company plans to open over 300 more Discovery Centers throughout the nation by the end of 1972. Let me point out that these Centers are not franchised, but are operated wholly by the company so that the necessary quality control over the educational services can be maintained.

A Discovery Center is a cheerful place where children have stimulating and exciting learning experiences. They see specially produced educational TV puppet shows and educational sound films. They use the latest types of learning materials, as well as unique educational toys, some of which incorporate the best advances and the latest inventions of modern electronic and mechanical technology.

The staff of every Discovery Center includes learning specialists who assess each individual child's learning needs and prepare an individualized educational development profile on him. They guide and reinforce the child's learning, enabling him to move to higher levels of skill and achievement.

The learning specialists also supply the parents with continuing reports concerning the child's observed learning needs, and with learning materials and aids to take home so that the discovery process of learning continues throughout the week.

For private parent-consultation sessions, each Discovery Center staff also includes a professional specialist in child development and early learning who holds a doctoral degree

The Discovery Center is, therefore, quite different from a day care service, a nursery school, or a counseling service. It can work hand-in-hand with all of these because it supplements what they do.

AVAILABILITY AND ACCOUNTABILITY OF INDUSTRY'S RESOURCES

We urge the federal government to take advantage of the very considerable resources of talent, managerial skill and experience of private industry, and of the fruits of millions of dollars of investment which it is currently making available to the government in the area of preschool education.

In addition to these tangible assets and benefits, in its role as a contractor, private industry also offers an additional benefit: it can be held accountable for delivering a promised and contracted-for result. One of the great strengths of contract relationships between government and industry is that a corporation can be held accountable. It is legally obligated to perform against the terms of the contract; these terms specify budgets, timetables and outcomes.

Accountability is the key to performance, and private industry is built around the principle of accountability. Many of industry's greatest achievements in varied fields may be traced directly to this principle.

Private involvement in providing child-care centers can take a different approach from that described above. Many companies, plants, factories, and offices that employ large numbers of mothers of young children have found that it is to their advantage to make arrangements to provide child-care services as a benefit to their employee. This enables them to attract the stable, trained workers they need, and it results in a significantly improved attendance rate and production rate among mothers who no longer are burdened with unreliable babysitting situations and who, because they know their children are being well cared for can devote their full attention and energies to their work. The Skyland Textile Co., Morganton, N.C., the KLH Corp., Cambridge, Mass., and the AVCO Economic Systems Corp., Dorchester, Mass., are operating model child-care programs of this type. Unions are also becoming involved—the Amalgamated Clothing Workers of America operate child-care centers in Baltimore, Md., and Verona, Va., with other centers planned at Hanover and McConnellsburg, Pa., and one under construction at Chambersburg, Md.

Our bill, therefore, provides for this kind of private involvement as well. Any employer of 15 or more working mothers with children younger than compulsory school attendance age will be eligible to apply for a grant under the new consolidated Headstart program. As with all the services subsidized under the consolidated program, fees will be charged according to ability to pay.

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman from Minnesota very much for his remarks.

Mr. Speaker, as one who has worked with the gentleman from Minnesota for more than 3 years on the Education and Labor Committee, I am fully aware, as I am sure most of the Members of the House are, of the gentleman's deep involvement with the number of programs of which we are here seeking consolidation. He is one of the leaders in the field, and I appreciate what the gentleman has said.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, I join in the colloquy here today. I assure the gentleman I am preparing some remarks to put in the RECORD which will support the position the gentleman is taking. I remind the gentleman, as I think he knows, that I am cosponsoring

this legislation with him. I do it gladly and I do it with enthusiasm and I do it because this legislation is the result of research and study and by some very competent people who have a strong feel for those things that need to be done in education. Those of us who have been teachers especially know the importance of early education and proper care.

Mr. Speaker, I commend the gentleman highly for his leadership in this regard. He has been a real inspiration and guide and leader in this area. I am glad the gentleman is taking the floor to discuss this problem, and through the important vehicle of the CONGRESSIONAL RECORD to let at least 60,000 people, if they will read the RECORD, know about this very important development in the Congress.

Mr. DELLENBACK. Mr. Speaker, I thank my friend, the gentleman from Iowa, for what he has had to say this morning. We are very pleased to have the illustrious gentleman as one of the cosponsors of this bill. He is one who has been equally concerned in this field. We are pleased and honored to have him with us on this piece of legislation.

Mr. HANSEN of Idaho. Mr. Speaker, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Speaker, I thank the gentleman for yielding. I also would like to express my appreciation to the distinguished gentleman from Oregon for the effective leadership he has furnished in the effort that has produced the bill being introduced today. I am also proud to join as a cosponsor of this bill.

As the gentleman knows, it is my privilege to serve on the Select Subcommittee on Education which has been conducting hearings over a period of several months on legislation proposing the extension of more and better services to preschool children. These hearings have been conducted under the very able leadership of the distinguished gentleman from Indiana (Mr. BRADEMAS).

In the course of the hearings, the many specialists and many laymen who have come before the subcommittee have emphasized the truth of the President's remarks when early in his administration he emphasized the necessity of developing programs that will help to enrich the first 5 years of life. The legislation which is being introduced today is designed to provide an effective and constructive means of implementing the goals that have been so well set forth by the President.

Among the needs that have become very clear in the course of the testimony presented by various witnesses to the subcommittee has been the need to bring together many of the programs that are now being supported to some degree by Federal funds. There are a great many who have expressed themselves, who share the fear that I feel, that in this very critical area of furnishing services to very young children, unless we very quickly begin to move forward with a consolidation of the effort we are mounting, unless we take steps to avoid the inevitable duplication of effort and overlapping of responsibility, then, as well intentioned as these efforts are, they will really be doomed to failure.

So among the many excellent features of this bill is one which is designed primarily to consolidate programs that are underway. As my good friend from Minnesota (Mr. QUIE) pointed out, this is to build on those which have demonstrated they have the greatest value and to extend from there.

Another important feature of this bill is that it moves in a step-by-step process so that we can grow as we learn how to grow and make the fullest and most efficient use of the limited resources that are available.

THE CONSOLIDATED PROGRAM

The Federal Government is currently operating at least 61 different programs which provide funds for child care or child development, either directly or indirectly. Among these, there are at least seven separate programs which provide funds for the operating expenses of child care centers or preschool education, some nine programs for training child development personnel, seven research programs, four food programs, four construction programs, and three loan programs. Only a few of these, however, are directly aimed at child development. Most were set up for other purposes, and day care or child development is only ancillary.

The result of this proliferation is a frustrating lack of coordination and direction at Federal, State, and local levels. In some areas, child care centers funded under separate Federal programs may find themselves in competition for the same children, while in other areas proposed centers which would serve children who desperately need preschool educational opportunities cannot get the necessary funds. At the Federal level, the current administration established the Office of Child Development within the Department of Health, Education, and Welfare—its purpose was to coordinate and serve as a point of focus for all programs having to do with the first 5 years of life. Headstart is now being administered by this Office, but the other programs are still distributed among the Departments of Commerce, Labor, Health, Education, and Welfare, Housing and Urban Development, and the Office of Economic Opportunity.

At this point in time, no one really knows what the impact of this plethora of programs has been. In fact, under the previous administration, no system was developed even to assess regularly the number of children being served by these programs, the cost of the programs, or the number of personnel involved in them. The bill we plan to introduce, therefore, will call for a lengthy evaluation of the accomplishments and impact of these programs and will establish a system for continuing assessment. This assessment will give us the information we need to coordinate the 61 or more programs more effectively. In the meanwhile, however, our bill takes a major first step in this direction. The comprehensive Federal Headstart program established in this measure will be the result of pooling some half-dozen programs now already in existence, all of which provide funds for providing child care and child development services for underprivileged children. These programs include Headstart, the preschool portion of title I of the Elementary and Secondary Education Act, day-care programs for the children of migrant workers, day-care programs for AFDC children, child welfare day-care services, and programs which provide day care for children of mothers enrolled in manpower training and employment programs.

Under the new arrangement, all the programs would be combined into a single effort administered at the Federal level by the Office of Child Development. The major responsibility for developing a national system of child care and child development services, however, would be located at the State level.

Each State would be allotted a portion of the funds available under the comprehensive Headstart program and would establish a State commission to develop a State plan for the utilization of these funds. It is these State plans that we hope will provide better than present methods for making the widest possible range of services to as many disadvantaged children and children of working mothers as may need them.

In operation, the Secretary of Health, Education, and Welfare, through the Office of Child Development, would have the responsibility for allotting funds to the States according to the formula set forth in the legislation and for approving the State plans after checking to see that they meet the requirements established in our bill. Then, once the State plan was in operation, any potential sponsor of a child care or child development could submit an application for funds to the State commission in that State. The commission would review the application, together with other applications it has received, in light of the State's most pressing needs, its resources, and future prospects. It would then either approve or disapprove the application, depending on whether or not it was in keeping with the overall State plan for providing child development services. Finally, the Office of Child Development would grant funds for those applications approved by the State commission.

This process is designed to assure that the available funds will be used in the most efficient and most effective manner possible in each State. We have required that both urban areas with high concentrations of economically deprived people and rural areas which often get short shrift in child-care programs get an equitable share of the State's funds.

Finally, this process will mean that schools, churches, community action agencies, and other sponsors of child-care services will need to make only one application to one agency, and that their application will be considered as it compares with applications from other programs in the same State.

Following is a compilation, based on the best estimates of administration officials, of the 61 programs:

Agency and program	Program purpose	Program services	Funding	Program frees mother for work	Components eligible to to operate	Service available to nonpoor	Renovation or construction money available	Program effect on children	Program budget
OFFICE OF THE SECRETARY—HEW:									
Headstart (title II, Economic Opportunity Act).	A comprehensive early childhood development program for preschool children. Family involvement is included.	Health, nutrition, social services, education, parent participation as advisers and workers.	80 percent, Federal, 20 percent local (cash or in-kind).	Yes, day care.	Public nonprofit agencies, CAA's, religious groups, school systems, higher learning institutions.	Yes, 10 percent of participants may be nonpoor.	Only for limited repairs and renovation.	Direct, program specifically for children.	$338,000,000.
Parent and child centers (title II, Economic Opportunity Act).	Center established to help families function effectively and for direct services to children.	Comprehensive child health care, children's social activities, parent activities (understanding child, attaining parental competence), general family social services.	80 percent Federal, 20 percent local (cash or in-kind).	Yes, day care.	(Same as Headstart).	No	do	Direct	5,000,000 (1969).
HEW—SOCIAL REHABILITATION SERVICE—COMMUNITY SERVICES ADMINISTRATION									
Social services to families and children receiving AFDC (title IV, Social Security Act).	Social services to needy families with dependent children to help the family maintain and strengthen family life.	Child care services, foster care, family planning, prevention or reduction of births out of wedlock, child protective, legal, and health services.	Federal Government pays 75 percent of state costs.	Yes, child care services.	State welfare agencies.	No	Limited to only very minor repairs.	Direct and indirect.	
Child Welfare Services (title IV, Social Security Act).	Grants-in-aid to State welfare agencies for (1) preventing or remedying neglect, abuse, delinquency; (2) protection and care for homeless child; (3) protecting children of working mothers; (4) providing for foster and day care.	Day care; foster care; protective services, institutional care; homemaker services; adoption placements.	Federal Government pays variable matching formula 33⅓–66⅔ percent, $70,000 grant to each state.	Yes, day care.	State welfare agencies.			Direct	$7,276,000 (day-care services).
Child welfare training grants program (title IV, Social Security Act).	Grants to institutions of higher learning to assist in training students in the field of child welfare. May also include training of volunteers to serve in child welfare programs.	Training personnel in the field of child welfare.			Institutions of higher learning.			Indirect	
Child welfare research and demonstration grants program (title IV, Social Security Act).	Grants to institutions of higher learning and nonprofit agencies or organizations engaged in research related to child welfare for research and demonstration projects in the area of new methods or facilities relating to child welfare	Demonstrations in day care. Research in adoption, foster care, protective services, and policy formulation.	Cost sharing—Usually not less than 5 percent by grantee.		Institutions of higher learning, public or nonprofit agencies and organizations.		Only the most minor repairs.	do	$2,725,588 (day-care demonstration and other projects).
Child care for the work incentive program (WIN) (title IV, Social Security Act).	Grants to State welfare agencies to provide child care services for WIN enrollees.	Day care services	85 percent Federal participation fiscal year 1969, 75 percent thereafter.	Yes	Any individual or agency that meets State child care standards.	No	No	Direct	$56,140,000 (preschool and school age).
SRS—OFFICE OF JUVENILE DELINQUENCY									
Planning and preventive and rehabilitative services (title I, Juvenile Delinquency Prevention Act Public Law 90-445).	Grants to State, public and private nonprofit agencies for projects for rehabilitative and preventative juvenile delinquency services.	Planning juvenile delinquency projects and programs.			State agencies, public and nonprofit organizations.			Indirect	
Training (title II, Juvenile Delinquency Prevention Act Public Law 90-445).	Grants for training personnel in the field of juvenile delinquency.	Training personnel			State agencies, public and nonprofit organizations.			do	
Improved techniques and practices (title III, Juvenile Delinquency Prevention Act Public Law 90-445).	Grants for development of improved techniques and practices in field of juvenile delinquency. Also for the provision of technical assistance to agencies and organizations.	Development of improved techniques and practices.			State agencies, public and nonprofit private organizations.				

Agency and program	Program purpose	Program services	Funding	Program frees mother for work	Components eligible to to operate	Service available to nonpoor	Renovation or construction money available	Program effect on children	Program budget
SRS—ADMINISTRATION ON AGING									
Foster grandparents program.	To employ low-income persons over 60 for purpose of establishing a continuing "grandparent" relationship with children under 17 (usually deprived) in an institutional setting.	Training of participants and maintenance of program.	Up to 90 percent Federal, 10 percent local (cash or in-kind).	----------	Any non-Federal public or private nonprofit agency.	Foster grandparents must be low income; children usually but not mandatory.	Only for minor repairs.	Direct and indirect.	
Retired senior volunteer program.	When program is started will recruit and train persons over 60 for community volunteer work.	Volunteers will serve in public agencies and institutions including day care centers and schools.	Up to 100 percent Federal.	Yes	Any public or private nonprofit agency or institution of higher learning.	----------	----------	do	
HEW—OFFICE OF EDUCATION									
Title I—ESEA	Federal aid to State for educational programs for deprived children. Program designed as comprehensive education program involving coordinated use of resources from other programs.	Special educational assistance to educationally deprived children.	100 percent Federal.	No	State and local education agencies.	Yes (most are economically as well as educationally deprived).	----------	Direct	$58,012,000 (preschool and kindergarten).
Title I—ESEA Migrant Program.	Grant awards to State education department to assist in education of migrant children.	General instruction, especially teaching of English as second language. Health care, clothing and food.	----------	----------	State and local education agencies, private nonprofit agency, institution of higher learning.	----------	----------	Do	$2,723,664 (1969).
Follow-through (title II, Economic Opportunity Act).	Designed to augment and build upon gains made by poor child in Headstart or similar programs in kindergarten through 3 years of schooling. Comprehensive program to meet child's instructional, physical and social needs.	Instruction, nutrition, health, social and psychological services. Parent participation is included.	80 percent Federal, 20 percent local (cash on in-kind).	No	Local educational agencies, community action agency, private nonprofit agencies.	No	May be used for renovation or repair.	do	$58,000,000.
Handicapped Children's Early Education Assistance Act.	Demonstration program to establish education development centers for handicapped children.	Diagnostic and therapeutic services for handicapped children. Educational and guidance services for parents.	90 percent Federal.	No	Public and private nonprofit organizations, universities.	Yes	----------	do	$1,000,000 (1969).
Aid to State Schools for the Handicapped (title I—ESEA).	Provides grants to State to assist in education of handicapped children in State operated or supported schools for the handicapped.	Various developmental programs for handicapped children.	100 percent Federal.	No	State operated or state supported school for handicapped.	Yes	No	do	$36,690,000 (preschool cannot be broken out).
Education for the handicapped (title VI A, ESEA).	Grants to States to assist in the initiation, expansion, and improvement of special education for handicapped children.	Special educational and related services for handicapped children at preschool, elementary and secondary level.	Based on number of 3- to 21-year-olds in State.	No	State and local educational agencies.	Yes	----------	do	$4,000,000.
Research and demonstration projects (title III, Mental Retardation and Facilities and Community Mental Health Centers Construction Act of 1963).	Support for research and related activities for education of handicapped children.	Research activity for education of handicapped children.	----------	No	State and local education agencies, public and private nonprofit institutions of higher learning.	----------	----------	Indirect	$2,806,888 (preschool and school age).
Educational research and related activities (Cooperative Research Act of 1954, as amended by ESEA).	Educational research and related activities for children of all ages.	Surveys, demonstrations, dissemination, and development of educational programs.	----------	No	Public and private nonprofit institutions of higher learning.	----------	No	do	$4,716,883 (all ages).
College work study program (title IV C, Higher Education Act).	Promote the part-time employment of students from low-income families to pursue higher education.	Part-time employment of students in public or private nonprofit institutions.	80 percent student earnings paid Federal; 20 percent paid educational institution or place of work.	Yes (when employed in day care or Headstart program).	Institutions of higher learning.	No	----------	do	
Training program for early childhood educational personnel.	Awards to universities and State and local education agencies to conduct training programs to improve the qualifications of individuals serving in educational programs.	Training programs for people participating in elementary and secondary education.	Cost reimbursable basis.	No	States and local education agencies, institutions of higher learning.	----------	No	do	

Agency and program	Program purpose	Program services	Funding	Program frees mother for work	Components eligible to to operate	Service available to nonpoor	Renovation or construction money available	Program effect on children	Program budget
PHS—HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION									
Maternal and child health grants (title V, Social Security Act).	Grants to States to reduce infant mortality and promote the health of mothers and children, particularly in areas of economic distress.	Maternity, clinics, family planning, visits by public health nurses, pediatric clinics, school health programs, immunizations, mental retardation clinics.	States must match ⅓ of Federal funds appropriated.	No	State health and welfare agencies, public and private nonprofit organizations.	Yes	No	Direct and indirect.	Not specific for preschool.
Maternal and child health research (title V, SSA).	Grants to improve the operation, usefulness, and effectiveness of maternal and child health programs.	Research projects for health programs emphasis on feasibility cost and effectiveness of comprehensive health programs. May include training of health personnel.	10 percent of total appropriation for research grants.	No	Institutions of higher learning, public and private nonprofit organizations.		No	Indirect	
Maternity and Infant Care (title V, SSA).	Projects to reduce infant and maternal mortality and to reduce incidence of retardation and other handicaps associated with childbearing.	Prenatal care, health care for infants with health problems, family planning services.	Federal pays 75 percent, 25 percent State and local.	No	State and local health agencies, public and nonprofit private organizations.	No	No	Direct	$38,550,000 (total).
Crippled Children's Services (title V, SSA).	Grants to States for services to crippled children and for services for conditions leading to crippling.	Medical, surgical, corrective and diagnostic services. Hospitalization and aftercare is included. Grants made for special project to improve service. Training of personnel.	State must match one-half of Federal funds appropriated.	No	State and local health agencies, public and private nonprofit organizations.	Yes	No	do	$58,000,000 (total).
Comprehensive Health Care for Children and Youth (title V, SSA).	Comprehensive health care to children of low-income families who would not otherwise receive the services provided.	Diagnosis and preventive services, medical and dental treatment, correction of defects, aftercare.	75 percent Federal, 25 percent State and local.	No	State and local health agencies, medical schools, teaching hospitals.	No	No	do	$40,905,000 (preschool and school age).
Training of Professional Personnel (title V, SSA).	Grants for training of personnel for health care and related services for mothers and children.	Training in institutions of higher learning.	100 percent Federal.		Public and private nonprofit institutions of higher learning.			Indirect	
Migrant health program (Sec. 310, Public Health Service Act).	Grants to improve the health status of migratory farm workers and their dependents.	Medical, hospital, clinics, public health nursing, and other health services.	No fixed matching about 60 percent Federal, 40 percent State and local.	No	State and local health agencies, public and private nonprofit organizations.	No		Direct	$8,000,000 (1969 program total, 25 percent under 6).
Regional medical programs (Title IX, Public Health Service Act).	Grants to assist in establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals in fields of heart disease, cancer, strokes and related diseases.	Education, research, training, and related demonstration in patient care. Cooperative arrangements to avail to patients the latest advances in the field.			Medical schools, research institutions, hospitals.	Yes		Indirect	1,667,000.
Chronic disease programs (Public Health Service Act).									326,000.
Federal health programs service (Public Health Service Act).	To operate Federal employee health units on a reimbursable basis for Federal agencies.	General clinical work, physical exams, and immunization (in some circumstances services available to children.			Division of Federal Employee Health, HSMHA.				
National Communicable Disease Center (Public Health Service Act).	Conter established to prevent and suppress communicable and preventable diseases, prevent the introduction of disseases from foreign countries.	Prevention and suppression of diseases and interstate transmission of diseases. Includes care and treatment of quarantine detainees.			National Communicable Disease Center.				No program specifically for children.
National Center for Health Statistics (Public Health Service Act).	Provides factual statistics for planning national health programs. Collects, analyzes and disseminates essential statistical data.	Collects, analyzes and disseminates data. Tests techniques and develops new techniques. Maintains working relationship on worldwide basis with health and health related organizations.			National Center for Health Statistics.				Do.

Agency and program	Program purpose	Program services	Funding	Program frees mother for work	Components eligible to to operate	Service available to nonpoor	Renovation or construction money available	Program effect on children	Program budget
Community Health Service (Public Health Service Act).	Stimulates, conducts, supports programs designed to increase the efficiency of utilizing health resources for quality health services.	Promotes, develops and supports comprehensive health planning, standards and evaluation activities. Increase adequacy and scope of health services and programs of comprehensive health care.	----------	----------	Community Health Service.	----------	----------	Indirect	No program specifically for children.
National Institute of Mental Health (title III, Public Health Service Act).	Administer direct and support programs for mental health for regions, States, communities and the Nation.	Research, training, technical and consultative services. Research, training and construction grants.	----------	----------	NIMHI States, institutions of higher learning, research agencies.	----------	Yes (grants for mental health centers).	do	$5,000,000.
Maternal and child health program of the Indian Health Service (Transfer Act of 1955).	Promote and upgrade general health of Indian population.	Comp health care for Indian children (as part of plan for all Indians includes) includes preventive, curative and rehabilitative act. Research, demon, training projects included.	100 percent Federal.	No	Indian Health Service.	Yes (those who can are asked to pay).	----------	Direct	Preschool amount cannot be broken out.
National Institute of Child Health and Human Development (Public Health Service Act Sec. 441).	To foster, conduct and support research and training in basic biological and behavioral sciences relating to child health and development.	Intramural and extramural child health research, extramural grants and contracts for research and training.	----------	----------	NICHD, individual research, institutions of higher learning.	----------	----------	Indirect	$15,493,000 (estimated).
OFFICE OF ECONOMIC OPPORTUNITY									
Migrants and seasonal farmworkers program (title III B, EOA).	Camp social services for farm labor families.	Basic education, job training, day care service.	100 percent Federal.	Yes, day care	Public, private nonprofit agencies, institutions of higher learning.	No	----------	Direct	$1,400,000 (day care).
DEPARTMENT OF LABOR									
Manpower Development and Training Act (Public Law 90-636).	To provide job training skills for displaced workers, unemployed and underemployed persons in skill shortage categories.	OJT and institutional training.	90 percent Federal.	----------	Public or private agency, institutions of higher learning.	No	----------	Indirect	Preschool, cannot be broken out.
On-the-job training program (title II, MDTA).	To provide onsite job training for unemployed and underemployed.	Job training, basic education, counseling.	90 percent Federal, 10 percent in kind.	----------	Public and private employees, labor organization, trade associations.	No	----------	Indirect (individual training day care center.)	Do.
Operation Mainstream (title II, EOA).	To provide training and jobs for poor people, in rural and small towns, who have history of chronic unemployment.	Projects which provide jobs and concentrate on improving physical environment and facilities in community.	do	----------	Public and private nonprofit organizations.	No	----------	Indirect	No training involved, preschool.
Work Incentive Program (title IV, SSA).	Designed to increase employability of persons receiving AFDC by using various Government programs.	Job placement, training, special projects for those who cannot be employed.	80 percent Federal, 20 percent in cash or in-kind.	Yes, day care under SRS.	Public and private nonprofit agencies (organ for public purpose).	No	----------	Indirect and direct (day care).	Preschool training not reported.
Experimental, Developmental, Demonstration and Pilot Projects (title I, MDTA).	To improve techniques and demonstrate effectiveness of specialized methods in meeting manpower, employment and training problems of workers.	Grants to provide special or experimental programs for disadvantaged workers.	90 percent Federal, 10 percent in-kind.	----------	Public and private nonprofit organizations.	No	----------	Indirect	No figures reported on preschool projects.
Concentrated employment program (title I, EOA, title II, MDTA).	Brings together all available manpower programs under single sponsorship.	Provide multiple services to individuals—job placement, training, social services, medical and day care services.	100 percent Federal.	Yes, day care	Public and private nonprofit agencies (usually CAA's).	No	----------	Indirect and direct (day care).	$6,374,196 (not all projects responded).
New careers (title II, EOA).	To provide training and jobs at preprofessional level for low-income adults in area of community services.	Training, employment, related education, career development.	90 percent Federal, 10 percent in-kind.	----------	States, public, and private nonprofit organizations.	No	----------	Indirect	
Neighborhood Youth Corps (title I B, EOA).	Provides useful work experience for impoverished youth.	In-school, out-of-school for dropouts, summer (work experience), related training.	do	----------	Public agencies	No	----------	do	No records kept for training preschool act.
Special impact program (title I-D, EOA).	Special projects to serve as catalysts in developing employment opportunities and rehabilitating environment.	Promotes economic, business, and community development while generating and stimulating work experience and training projects.	90 percent Federal, 10 percent in-kind.	----------	Public agencies	No	----------	do	No training (to date) re preschool activity.

Agency and program	Program purpose	Program services	Funding	Program frees mother for work	Components eligible to to operate	Service available to nonpoor	Renovation or construction money available	Program effect on children	Program budget
DEPARTMENT OF AGRICULTURE									
School milk program (Child Nutrition Act).	Increase consumption of milk by children in nonprofit schools, institutions, camps, and day-care centers (confined with expanded food program in fiscal year 1970).	Cash payments to States including operating expenses.			State agencies	Yes		Direct	$103,595,000 (all children, 1969).
School lunch program—Child nutrition programs (National School Lunch Act, Child Nutrition Act).	To provide best possible nutrition for every child regardless of family's economic condition.	Cash payments to States, special assistance to schools in poverty areas, school breakfast program, administrative expenses, nonfood assistance (food service equipment).			do	Yes		do	$367,466,000 (all children).
Food stamp program (Food Stamp Act).	Provide increased nutrition to households with limited resources.	Issuance of stamps to households to purchase food. Family pays for stamps accord to income.			State welfare agencies.	No		do	$340,000,000 (total program).
Removal of surplus agricultural commodities (sec. 32, act of Aug. 24, 1935).	Commodity program payments for suplus food items.	Funds used to purchase certain surplus food items for needy children and low-income persons.			State welfare agencies.	No		do	$386,214,000 (total program).
Special food service program for children (sec. 13, School Lunch Act).	Provide better nutrition for children in public and on-profit private institutions for child in poor areas and areas with many working mothers.	Cash reimbursement for food, direct food donations from USDA, financial help to buy food equipment.	75 percent Federal.		Public and private nonprofit agencies.	Yes		do	$5,750,000 (all children, 1969).
SMALL BUSINESS ADMINISTRATION									
Business loans (Small Business Act).	Loans to small businesses to strengthen small business sector of economy.	Loan guarantees, participation loans with banks and direct loans.			Small Business Administration.	Yes	Yes	Indirect (could be loans for day care).	
Lease guarantee program (Small Business Investment Act).	To guarantee leases so that small businesses can obtain space in desirable business areas.	Lease guarantee through private insurance companies or directly.			Small Business Associations participating insurance companies.	Yes		Indirect	
Economic opportunity loan program (title IV, EOA).	Provides assist to disadvantaged people who want to start a business.	Guarantee of bank loans, direct loans, management counseling and assist.			Small Business Administration.	No	Yes	do	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Model cities program (Demonstration Cities and Metropolitan Development Act of 1966).	To improve the physical, social, and economic conditions of a large blighted neighborhood. Planning and supplemental grants and urban renewal projects are included.	Funds are made available to State and local organizations to plan a comprehensive improvement system for the target neighborhood.		Yes; day care.	Public and private nonprofit organizations.	No (blighted area involved).	Yes	Indirect and direct.	$10,565,000 (day care).
Neighborhood facilities program (HUD Act).	Grants to assist in financing neighborhood centers for health, social, recreational, or similar community services.	Financial assistance to establish neighborhood centers.	Up to 66⅔ percent Federal and 75 percent in certain underdeveloped areas.		Public agencies and private nonprofit organizations (through contract).	Yes	Yes	Indirect	Amounts for preschool not available.
Indoor community facilities for low-rent public housing projects (U.S. Housing Act, sec. 2).	Loans to local housing authorities to construct or acquire community facilities for low-rent housing.	Community facilities for health, social, educational purposes.			Local housing authority.	No	Yes	do	Projects not for specific age groups.
DEPARTMENT OF THE INTERIOR									
Kindergarten program for Indian children in Federal schools (25 U.S. Code 13).	Kindergarten classes for Indian children operated in Federal facilities.	Kindergartens	Direct Federal program.		Bureau of Indian Affairs.	Yes (Indian children).	No	Direct	$1,850,000 (kindergarten).
Johnson-O'Malley program of aid for public schools (25 U.S. Code 452).	Financial aid to public schools to provide kindergarten for reservation Indian children.	Financial aid to schools.	50 percent Federal for 33 units, full financing for 74 units.		School districts	Yes		do	$2,300,000 (kindergarten).

The sponsors of this legislation feel that it is in keeping with the need for coordination which has been recognized by the Nixon administration. A special Headstart Advisory Committee, chaired by Charles Schultze, former Director of the Bureau of the Budget reported early in 1969 that:

In particular, there seemed to be agreement that the new Day Care programs now administered by the Childrens' Bureau should be considered for transfer to the new Office of Child Development.

The objectives of Day Care and Head Start are in many ways similar, though not identical. Much of the knowledge gained in the Head Start program could profitably be applied to the Day Care program. Budgetary and administrative flexibility would be increased if the two programs were administered together.

The Comprehensive Headstart Child Development Act of 1970 which is being introduced today will implement this recommendation of the committee.

Secretary of Health, Education, and Welfare Robert H. Finch, appearing before the Senate Subcommittee on Employment, Manpower, and Poverty on June 4, 1969, outlined several steps being taken to improve coordination among the many child-oriented Federal programs.

The Office of Child Development will provide a point of coordination for early childhood activities throughout the Department. Communities will henceforth be able to relate to a single focal point within HEW, which has responsibility for the bulk of Federally assisted daycare and preschool programs . . .

In order to improve coordination, I am establishing a Board of Advisors on Child establishing a Board of Advisors on Child Development, which will be composed of senior officials of this Department in the areas of health, education and welfare. Through this device it will be possible to take a unified look at all early childhood programs. . . . The close coordination of these programs means expanded resources, increased research, greater flexibility, and the presentation of a rational and coherent picture of all that is going on in this field."

Our bill recognizes this need for coordination at the Federal level, but it goes further, in the sense that it extends its coordination to the States as well. Under our bill, an application will need to be submitted to only one office—the State commission—instead of the present six separate funding authorities, each with different rules, regulations, and eligibility requirements.

(Mr. HANSEN of Idaho asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. DELLENBACK. I thank the gentleman from Idaho.

As the gentleman has indicated, he serves on this subcommittee which is already in the process of beginning an investigation into this field. In addition, he has also served on the Republican Task Force on Education and Training which has been working on this problem which has resulted in the bill we speak on today.

I really do say that there is no other one person who combines all these qualities who has done as much as the gentleman from Idaho has already done in working on this bill and putting his imprint on that which we have started down the legislative path by introduction today.

I really feel that, considering he is a Member who has been in the Congress but a very short period of time, Mr. HANSEN of Idaho has already made a very significant start in that which he has done not only on this bill but also with respect to other things. The work he has done on this bill has been truly significant, and we are grateful for his cosponsorship.

[From the AFL–CIO Federationist]

THE UNTAPPED POTENTIAL OF DAY CARE

(By Mary Logan)[1]

The problem of day care for children of working parents is one of the most important social needs today—and one with critical and far-reaching implications. Equally important is the need to provide care for children of mothers who could be working if these facilities were available.

Last year, according to Department of Labor statistics, 32 million women were working and were responsible for 37% of all goods and services produced in this country. About 10.5 million, or one-third of these women, had children of school age and 4 million had pre-school children under 6 years of age.

To fill this need, the entire nation has licensed day care centers to accommodate 531,000 children. Many of these offer only part-time care and many are in private homes.

The statistics do not exist for numbers of children whose mothers would go to work if day care were available. But by far the bleakest situation is occurring among families headed by mothers who are driven by economic necessity to work but cannot make proper day care arrangements for their children.

Studies in several large cities show that in many areas, from 30 to 40 percent of the mothers receiving public assistance are also working at part-time or full-time jobs. If satisfactory arrangements could be made for child care, many of these women would have an opportunity to seek better jobs. But the present shortage of day care facilities and the high cost of day care services make it nearly impossible for many women to terminate their public assistance. They simply cannot afford to pay for the care of their children while they work.

A vastly different picture exists when adequate child care facilities are established. Individual cases were highlighted in a major newspaper in a series of articles illustrating the potential uses and users of day care. One article said:

"Initially 20 welfare mothers, mostly with one preschool child, will be enrolled in an intensive four-week course in health, nutrition and child development at the training center.

"Among them will be Louella Barboza, a mother who never finished high school and never held a long-term steady job. She is separated from her husband and lives on welfare with her 2¼-year-old son.

" 'I just plain want to get off of welfare, get a job and be on my own,' she says. 'But without a high school diploma I couldn't get the kind of work that would support me. I'd be just like I am now, always in the hole. You can't pay a baby-sitter and come out ahead.'

" 'But with this program I can bring my boy to school, and they'll train me for work I can do. I don't need a diploma and it's good work. I like kids. I think it's going to work out just fine.'

"Mrs. Sandra Marshall's family is one that is stronger today than two years ago. The 22-year-old Roxbury mother of three with two children in the Sunnyside Day Care Center, says, 'I was in a mess. I had the three little ones and I was just divorced. I was trying to work days and finish high school nights. I don't even remember how many different baby-sitters I had. It was terrific tension. It was terrible for the kids and terrible for me.'

"Mrs. Marshall is now a freshman at Boston State College. She is sure that she is on her way out of poverty, and because she no longer feels trapped by her children, she enjoys them more on evenings and weekends than she did before all day.

" 'This made a difference in their lives, I know. And in mine. I'm a better mother too. I'm just happier.'

"For the employed mother, a day care center located at her place of work is more than a convenience. It also permits parents to maintain closer contact with their children and involvement in the kind of care the youngsters receive. On-site facilities allow families to relocate their residences without disrupting the day care arrangements. For employers, the center is a way to keep an adequate and stable working population.

"But work-located day care is the scarcest form in this country, although it is widely used in European countries. There are only a handful of such centers operating in the U.S. many of which are showcase centers. Another handful of demonstration projects are scattered about, on a small scale, to care for children of industry workers."

The lack of adequate day care facilities is partially reflected in the rising rates of delinquency, crime, drop-outs and even unemployment of marginal workers. And excessive time, money and effort is spent on the problems of juvenile delinquency and crime stemming from a generation of children growing up without proper supervision. The situation becomes a tragic absurdity when one compares the $4 billion a year cost of the problems of juvenile delinquency to a $200 million public investment in preventive child care programs scattered about government agencies.

Lack of appropriate day care also leaves its mark on business. The cost comes in the high rate of absenteeism and employe turnover among mothers who cannot find reliable care for their children.

Of the present federal sources of funding, most monies appropriated are earmarked for operations, administration and staff training. Scarcely any funds are available for construction of facilities. Often, the amounts that can be used for building are meager and are so tied up with restrictions that it is virtually impossible for a community to apply for them. At best, money is available for renovation. Those areas which would benefit most from such facilities are the least apt to have the kind of buildings which can be readily adapted to meet the required standards.

Congress acted recently to reduce public assistance rolls by setting up job training programs for welfare mothers. Under the Social Security Act, Work Incentive Program (WIN), the Concentrated Employment Program (CEP), and through the Economic Opportunity Act, provision is made for job training when "adequate child care" is available.

But funding for "adequate child care" is woefully inadequate. Other legislation concerning day care has charged various government bureaus, in a piecemeal fashion, with responsibility for developing their portion of day care programs. What is happening, however, is that day care funds are so widely scattered through the Departments of Labor and Health, Education and Welfare and the Office of Economic Opportunity that it is nearly impossible for local communities

[1] *Mary Logan is a staff member of the AFL–CIO Department of Social Security.*

to understand either how they can apply for funds or how to qualify under various agency regulations.

For instance, child care is available under four programs, all of which are included under the administration of the Department of Health, Education and Welfare, but are guided by different sets of regulations.

HEW Secretary Robert H. Finch has recommended that day care programs under his jurisdiction be transferred to the newly-created Office of Child Development. While undoubtedly a good idea, the details of these moves must be spelled out before any coordination can take place. And federal minimum standards for day care should be applied to any local child care arrangement using federal funds.

Other resources which may be used for the establishment of day care centers should not be legislatively ignored. At the present time, a bill has been introduced to amend Sec. 302 (c) of the Taft-Hartley Act to permit employer contributions to trust funds to provide for the establishment of child care centers for preschool and school age dependents of employes.

Private non-profit community groups, cooperatives and churches have attempted to maintain day care centers but can do so only on a very limited basis. The cost of day care per child is estimated at $2,000 a year, an amount that few local private organizations—not to mention working parents—can afford to pay.

Federal funds and loans should be available to non-profit groups for construction of facilities and partial maintenance of these centers. At present, a section of the Economic Opportunity Act authorizes federal assistance to non-profit organizations for day care. But, as for other day care authorizations, no funds have been appropriated.

Legislation has been proposed to strengthen and improve the educational component in public and private non-profit day care centers. No action has been taken on this as yet.

Several other bills have also been introduced, all dealing with deductible costs of day care from income tax. These bills, which offer a variety of formulae, have remained dormant.

To meet the child care needs of youngsters from a variety of family situations, a coordinated network of different daytime programs should be built under public, voluntary and non-profit proprietary auspices. Among the most important of these are:

Day care for pre-schoolers in centers, family daytime homes, and parent and child centers;

Supplemental short day development programs such as Head Start, nursery schools and kindergartens for pre-school children;

After school and vacation programs for older children.

The obvious need for coordination of information, funding criteria and day care standards as well as the especially urgent need for adequate federal funding for construction, maintenance, staff training and administration cannot be neglected.

While there is supposed to be a national commitment of the critical needs of a child in his "first five years of life," it is peculiarly remarkable that the administration's budget for HEW calls for a $10 million decrease for child care under the WIN program.

The most obvious recommendation for legislative action on day care would be to provide federal funds for day care strictly on the basis of local need. At present, the system ties day care to job training programs and removes this service when a mother is gainfully employed. An alternate structure should be set up which permits day care service to continue with payment based on a sliding income scale.

Legislation and appropriations are desperately needed to provide for construction of day care facilities.

Responsibility for day care development should be centralized in one agency. Eligibility requirements and application procedures should be clearly spelled out and made available to communities through regional and local government offices.

Minimum federal standards for licensing should be enforceable through withdrawal of funds in the case of failure to comply.

Until an adequate omnibus day care law is enacted, existing statutes should at least be put to work in their original intent through adequate appropriations.

[From the Saturday Review, Sept. 20, 1969]

DAY CARE, NOT BABY-SITTING

A CORNERSTONE of the President's new welfare program proposed last month is greatly expanded and improved day-care services, especially for preschool children. If Aid to Families with Dependent Children (AFDC) funds are to be dropped and welfare mothers encouraged to take jobs, as the President proposed, care must be provided for the young children involved.

In his speech and message to Congress, Nixon called for day-care centers that would offer "more than custodial care; they would also be devoted to the development of vigorous young minds and bodies." Child development specialists greeted the statement with enthusiasm for its recognition of the cognitive and emotional needs of young children, but with skepticism about its implementation.

Day-care facilities across the nation have always been notoriously inadequate—overcrowded, understaffed, with poor physical facilities and lack of educational materials—and new programs in recent years have hardly touched the problem.

The latest of these—the Work Incentive Program (WIN)—seems to be in serious trouble at the end of its first year. Apparently a prototype for Nixon's plan, WIN aimed to train welfare recipients for employment and to provide day-care facilities for their children. When the program was enacted, the Department of Health, Education and Welfare estimated that more than one million children would receive day care by 1972. The Bureau of the Budget called for $35-million for day care during WIN's first year; Congress appropriated exactly half that amount. But only 85,000 children received care in WIN's first twelve months, at a cost of less than $11-million.

The problems seem to lie chiefly at the local level—state legislatures unwilling to change existing laws that hamper the program or to appropriate the state's 25 per cent share of the funding. Lack of sufficient funds means lack of trained personnel and the danger of second-rate custodial programs.

The WIN program is only one of several still floundering in their early stages. Parent and Child Centers for mothers and children under three are still in the pilot stage, as is the Community Coordinated Child Care (4-C) program, an attempt to coordinate into a common framework all federal child-care programs within a community. Even the new Office of Child Development (OCD) is still enmeshed in bureaucratic struggles with the Children's Bureau and the Office of Economic Opportunity.

Meanwhile, private and federal efforts are drawing business and industry to provide day-care services for employees and the community. The Day Care and Child Development Council of America (1426 H Street N.W., Washington, D.C. 20005) helped launch a child-development center for pre-school children of working parents at the KLH Research and Development Corporation in Cambridge, Massachusetts. A more broadly based community-oriented child-care facility is the Twin Cities Area Child Care Center at Benton Harbor, Michigan.

As Jule Sugarman, director of the OCD said, "Day Care is the hottest property right now." But the problem is so vast, the number of children to be served so great, that only full funding and the aggressive commitment of federal and local authorities can hope to alleviate it. So far neither has been available in sufficient quantity.

STATEMENT BY JAMES GALLAGHER, DEPUTY ASSISTANT SECRETARY FOR PLANNING, RESEARCH AND EVALUATION, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, BEFORE THE SELECT SUBCOMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, DECEMBER 3, 1969

I concur heartily with the position that early education is potentially one of the most important areas which will rapidly expand in the near future. Early education is an idea whose time has come.

Evidence suggests that adult intelligence and later school success are substantially influenced by the experiences in the early years. It is gratifying to note that we are prepared to act upon this knowledge.

Let me be specific. Over the past decade, evidence has accumulated in the behavioral sciences as to the relative malleability of the child in his early years. Long-held beliefs in the relatively set pattern and pace of a child's development have had to yield in the face of increasing evidence that environmental circumstances play a role in the shaping of both the developmental course and rate at which the abilities required for competence emerge.

Recent evidence about such things as the damaging effects of a barren institutional environment on the development of infants and beneficial effects of a well-paced, stimulating early environment on some seriously deprived children has had a dramatic effect upon developmental theory, which in turn has begun to affect practice. In this respect, an early careful study by Dr. Samuel A. Kirk, reported in his book *Early Education for the Mentally Retarded,* illustrates growth potential even in those youngsters who lag behind substantially in early development.

J McV. Hunt in *Intelligence and Experience* collected the evidence for the necessity of sequential interactions with the environment in intellectual growth. That is, if the objects or people in the child's environment do not provide enough challenge to stimulate his mind to further growth, the child will not develop optimally. You should know, however, that the specification of just the right kinds and amounts of stimulation, a step that would enhance educational applications, is now in the beginning stage.

Whereas Hunt's book focused on the possibility of affecting the child via modifying the environment (as opposed to passively awaiting the unfolding of inborn capacities), it did not say which conditions at what times would make particular increases in the intellectual capacities of children.

Benjamin Bloom's book, *Stability and Change in Human Characteristics,* went further. Dr. Bloom maintained that the environment exerts its greatest impact during the time of the child's most rapid development. He maintains that as much intellectual development takes place by 4 years of age as takes place during the rest of the elementary and high school years. Again, however, you should know that his book did *not* tell us what experiences are appropriate for what developmental stages, nor what environmental conditions provide the experiences which optimize development.

At this time, the overriding objective of early education probably should be stated as broadly as "optimal development in every child between birth and 6 years of age," although I note that the population to which this bill is addressed is the 3- to 5-year group.

In the youngest children, of course, "optimal development" cannot be easily subdivided into categories. The younger the child, the more artificial the usual distinctions between his health, education, and welfare; between pre-reading, pre-mathematical skills or even between emotional, motivational, cognitive, physical and social growth. To dissect the infant's playing with his toys, for example, and to classify his playing in terms of whether it promotes physical, cognitive, or motivational growth is simply not fruitful. In the case of 3 year olds and older children, however, these categories take on more meaning. The daily activities in a nursery school or day school have objectives that are primarily educational if we use *educational* in the broad sense of organizing experiences to achieve some particular objective in the behavioral sense.

Given the evidence that I have briefly described on the importance of the early years to the child's intellectual development, it seems clear to me that any proposal for day care programs should explicitly include a strong commitment to educational goals. This is especially true in the case of economically disadvantaged children, where early environmental enrichment specifically planned to reach specific goals offers a promising route to reducing educational disadvantages at the time of school entrance.

[From the Washington Post, Nov. 10, 1969]

MRS. JONES AND DAY CARE

A certain Mrs. Jones (who asked us not to use her real name) is earning $3,656 a year as a privately employed trainee clerk under the UPO-Labor Department Concentrated Employment Program. CEP also provides $2,000 a year to pay for day care for the youngest of her five children. Part of a prospective $1.3 million cut in Labor Department grants to UPO may force the curtailment of the CEP day care program now providing for 600 children. Without the program to train hard-core unemployed for self-sufficiency, Mrs. Jones would stay home to take care of her child, receiving $2,904 a year in welfare funds. Mrs. Jones would receive $752 less a year and the long term drain in annual public funds would be $904 greater. But much more is involved than this arithmetic, although the money differences to Mrs. Jones and the public are not negligible. There is also the cost to Mrs. Jones of her self-esteem and the shattering of her hopes for independence. Officials are working to minimize the impact of the cuts to avoid sending Mrs. Jones' child home.

The timing of the cut is curious. It comes at a time when the Nixon administration is advocating the development of programs like CEP as part of its new approach to welfare. The country's ability to get women off the welfare rolls and onto gainful employment depends in large part on the availability of child care facilities. There would seem to be every good reason to expand, rather than contract, such a program.

[From the New York Times, July 15, 1969]

RESCUING CHILDREN BEFORE SCARS OF POVERTY BECOME INDELIBLE

(By Lisa Hammel)

BARTON, VT.—This town of a little more than 1,000 people in the northeast corner of the state has a scattering of stores on the main street that ends suddenly in cows. Traditional New England white clapboard houses thin out on the edge of town, nestling singly in rising hills that are green velvet under summer sun.

About 100 yards along a quiet road that leads off from the main street is an old farmhouse half surrounded by shadowed woods. At the back of the farmhouse is a playground, filled on a sunny day with children racing around on tricycles, swinging vigorously, pushing doll carriages, running and laughing.

An onlooker would assume that it was a nursery school until he noticed something a little odd: most of the children would be too young for school, for among them are infants gurgling on blankets and fat-legged little toddlers lurching happily across the playground.

If the visitor had been glancing over the fence last summer, he would have observed something even stranger, and not a little disturbing: children obviously old enough to walk, who did not seem able to; children silent and sullen in a corner of the yard; children listlessly playing with the equipment; children grabbing violently and greedily at the toys, as if they would never have another chance at them.

For this is not a nursery school. It is an experimental center for deprived children of very poor families in this area. And the children range in age from infancy up to 3.

The Barton Parent and Child Center, as it is called, is one of 36 pilot projects begun in 1967 as a unit of Project Head Start to deal with the physical, intellectual and emotional problems of disadvantaged children under 3.

The federally funded project had its beginnings in the discovery that many children entering the Head Start program for 3- and 4-year-old were suffering from the results not only of medical and nutritional neglect, but of intellectual and emotional neglect as well.

HELP MUST COME EARLY

To prevent children from being seriously crippled in their later development, many experts had begun to believe something would have to be done from the moment the child entered the world, and even before, in prenatal care.

The 36 centers, each awarded a renewable one-year grant of $175,000, are scattered in urban and rural areas throughout the 50 states—including one center on an Indian reservation and another in a migrant workers' camp.

Each has a slightly differing point of emphasis, according to the needs of the community it serves, but there are a few factors common to all. The primary focus is on helping the babies and little children through physical care and affectionate and stimulating attention; the secondary focus is generally on helping the parents or the mothers in whatever ways they seem to need it most.

In this sense, the Vermont operation can be considered typical.

The center is situated in what Vermonters call the Northeast Kingdom—a rather ironic designation for three depressed counties in the northeast quarter of the state near the Canadian border. In Orleans County, of which Barton is the center, and where there are probably more cows than people, the per capita income is about $1,600 a year, less than half the national average.

The poverty in this area ranks with that of Appalachia, with one additional disadvantage. The winters here are long and bitter, and there are families that cannot afford to heat their dilapidated, dirt-floor shacks. There are few jobs, and these are generally seasonal and poorly paid.

The Barton Parent and Child Center found that it could not even begin helping the children until the chaos in the lives of the 70 or so families it had enlisted in the program was ameliorated a little.

The 10 to 12 family aides hired by the center spent much of their time at first introducing fearful and disorganized mothers to some of the basics of housekeeping, while the professional staff utilized connections with antipoverty agencies and other state operations to relieve some of the worst of the hunger and other physical needs that poverty isolation and ignorance had produced.

Linda Wright, one of the family aides, went to visit one of her more secure families on a recent morning.

Mrs. Wright, who, like all the other aides, is a mother herself and comes from the area, has had a sufficient taste of poverty to understand it from the bone out.

All of the aides were given preliminary training in subjects that ranged from health care to children's games—a training that continues as they work at the center with the youngsters, who generally each come one day a week, or go around to visit their assigned quota of families and play with the children in the homes.

The home of Gerry Renard, a sagging yellow clapboard house with an overgrown front yard, just off the main street of Barton, was said to be among the best of the houses that the P.C.C. families live in.

A WOMAN WITH ADVANTAGES

Mrs. Renard has several other advantages. She has a husband who lives with her, unlike about 85 percent of the mothers, and who is employed, in a local sawmill. And she is within walking distance of stores. Many of the families live on back roads miles from a town and are too poor to afford any kind of transportation.

The small kitchen with its tattered linoleum where her four children, aged 1 to 4, awaited Mrs. Wright's visit, was crowded with a large table on which lay a mammoth pile of dirty clothes that Mrs. Renard endlessly sorted. In the next room her elderly stepfather sat silently, leafing through newspapers. An overwhelming and acrid smell of dampness filled the rooms.

The children played, a little restlessly, with the bag of toys Mrs. Wright had brought. At one point, William, the 4-year-old began violently beating the toy figure of a child.

He explained, when questioned, that he was hitting it because "her cried."

The aide said later that the Renard children were wildly destructive with the toys at first, but eventually they had come to understand that Mrs. Wright would bring the bag of goodies back with her each week, and they began to play more calmly with them.

Some of the mothers like to watch or join in when the aide comes on her weekly visit, but some, it was reported, are so jealous of the attention being paid to the children, it is difficult for the aide to do anything.

The children of these families, it was explained, are rarely talked to or played with by their parents. Often communication is limited to a beating.

What kinds of differences has the program begun to make to the children of the 70 or so poor families in the area who are involved in the project, most of them for about a year now?

Penny Wetherell, whose year-old daughter attended the center, now works there under the aegis of the Youth Corps. She said that when she first came the children seemed "so pathetic" she didn't think she could continue.

But she did, and after a while children who "didn't know how to play and didn't even know what a fairy tale was" began to be more responsive.

There were health bonuses too.

"They started gaining weight," she said, "and got color in their cheeks and, many of them who couldn't, learned to walk. We also potty-trained most of them. I think just love and understanding makes that much difference."

Denise LeTourneau, who started last summer as an aide and is now supervisor of the center, said that at first the children "were very shy and sort of closed within themselves."

"Within just two weeks," she said, "the change was so big."

PLAY AND SPEECH IMPROVEMENTS

The hyperaggressive children, she said, began to play better in groups. The inarticulate children, who "weren't asking for anything—just pointing or grunting," began to speak.

"And they all got a lot cleaner," she said. Washing and baths are a regular part of the program.

"At the beginning," Mrs LeTourneau continued, "there really weren't any make-believe games. It took some time for them to begin to play imaginatively.

"They are just starting to build barns and castles or use a block as an animal or a truck. And the girls are just starting to play house or mothers."

"The sense of fantasy," said Mrs. LeTourneau, "developed through reading books to them and also by visiting with them and playing with them in their homes."

"Before," she added "they didn't have anyone but the mothers."

[From Manpower, August 1969]

DAY CARE—SMALL FRY POSE BIG PROBLEM

(By Gloria Stevenson)

She was raising her five children alone. She had no job skills and only a ninth grade education. To get herself off welfare, she enrolled last year in a clerk-typist training course run by the District of Columbia Concentrated Employment Program. During this time, she earned $30 a week, $18 of which went to a babysitter who cared for her two preschool-age children.

Today she earns $4,360 a year in an office job and is sending her two youngest children to a day-care center sponsored by her employer. The cost to her is $3 a week for each child.

A second mother has been a secretary-stenographer for the same employer since 1963. Recently, she had to take several months off because she could not find a babysitter for her 3-year-old son. "Finding someone reliable is very hard, and very, very expensive," she said.

Meanwhile, her family lost several paychecks while her office lost the talents of a good worker. "She had been here for a long time and she knew where things were better than anybody else," her supervisor said. "I'm not exaggerating when I say her services were needed desperately." Today, her son is enrolled in the day-care center, she is at work again, and her office is back to its old efficiency level.

Both of these mothers work in Washington, D.C., for the U.S. Department of Labor, which sponsors the day-care center their children attend. The center makes it possible for the two women to hold jobs. It also is shedding some light on the problem that almost made it impossible for them to work—a problem familiar to millions of other working mothers and would-be working mothers.

THREE QUESTIONS POSED

The Labor Department day-care center, the first established by a Federal agency for children of its employees, is a 2-year experimental and demonstration program. Its primary purpose is to explore the feasibility and value of employer-sponsored day-care facilities.

Specifically, the program seeks answers to these questions:

Will an employer-sponsored center aid in recruiting employees from inner-city poverty areas?

Can such centers reduce employee absenteeism and other problems resulting from inadequate child care?

What impact will such a center have on the development of the children attending?

The answers will have national implications. A Bureau of Labor Statistics survey shows that in March 1967, the latest date for which figures are available, over 10 million mothers were working and 4.1 million of them had children younger than 6. Yet, a year ago, the Children's Bureau of the U.S. Department of Health, Education, and Welfare estimated that licensed day care in homes and centers was available for only about 530,000 youngsters.

Day care is an essential element in the Work Incentive Program, which seeks to move welfare recipients into jobs or skill training. Without low-cost day care, many mothers on welfare may find it impossible to take advantage of job or training opportunities.

Hopefully, the lessons learned in the establishment and operation of the Labor Department's experimental day-care center will serve as guidelines for other employers who may want to consider setting up their own facilities.

HOSPITALS MOST ACTIVE

While day care may be sought for other reasons—a mother may be too ill to care for her children, for example—the majority of children who need this service are those of working mothers. But relatively few employers have developed child-care facilities.

According to the Women's Bureau, hospitals have been leaders in day care, setting up some 100 centers. Several shopping centers have set up facilities, as have various universities and private companies. The Amalgamated Clothing Workers of America and management in the men's clothing industry have opened one center in Verona, Va., are constructing centers in Baltimore, Md., and Chambersburg, Pa., and are planning several others in Pennsylvania and the Midwest. Another facility has been opened for children of employees at the Plant Industry Station of the Department of Agriculture's Agricultural Research Center in Beltsville, Md.

The Labor Department's day-care center opened in October 1968 and is located just a few blocks from the Department's main office building in Washington. It is open Monday through Friday from 7:45 a.m. to 5:45 p.m. Parents drop their children off before going to work in the morning and pick them up at the end of the workday. Operated by the National Capital Area Child Day Care Association under contract with the Department, the center is directed by Ann Adams, a former Head Start teacher, with two teachers and several aides. A social worker, psychiatrist, and nurse visit the center regularly.

As Mrs. Adams explains, "This is an educational as well as a custodial program. We try to stimulate the all-round development of the children. We have activities to help foster their intellectual, emotional, physical, and social growth." Music, science, language training, and indoor and outdoor play are regular activities. The children take occasional field trips to monuments and museums in the District of Columbia, and they have also been treated to a train ride—a first for most of them.

Educational activities have been made part of the program as an example of what would ideally be included in a top-quality facility. Officials connected with the center point out, however, that educational activities are not mandatory in day-care programs.

PARENTS INTEREST STRESSED

Parents are encouraged to work closely with the teachers and the social worker affiliated with the center. They are expected to eat lunch with their children at the center and chat with the teacher once a month. Parent meetings at wich Mrs. Adams or one of the consultants speaks are held monthly. The National Capital Area Child Day Care Association considers these meetings so important that cabfare is provided for parents who would find it a financial hardship to attend.

The center is open to children ages 2½ to 5½. Although only 30 youngsters were enrolled initially, the center's capacity is 60, and enrollment will be expanded during the second year of operation. Nearly half of the children attending now are those of disadvantaged women who could not work unless low-cost child care was available. The rest were selected from among departmental employees at all salary levels whose day-care arrangements were inadequate.

The new employees were recruited through the District of Columbia Concentrated Employment Program, Opportunities Industrialization Center, and Work-Training Opportunity Center of the Public Welfare Department. Parents who were already employed in the Department were selected by a special committee composed of representatives of the Department, the union that represents Department employees, and the National Capital Area Child Day Care Association.

Parents pay a sliding fee for the service, ranging from $1 a week for those whose total family income is under $4,000 a year to $25 a week for those making more than $15,000. These funds help defray costs not covered by the Manpower Development and Training Act funds allocated to the program.

First-year costs for the center are averaging about $1,800 per child. This will be reduced by about $200 in the second year when the number of children attending is increased. Much of the center's costs go toward staff salaries, educational material, and consultant fees. Officials connected with the program explain that the center's expenses compare favorably with other child-development day-care centers which are custodial rather than educational.

Although the program's success in relation to its overall objectives is not yet known, most of the parents are quite pleased. One indication of the center's popularity is the turnover rate of less than 20 percent, a figure officials affiliated with the program consider extremely low.

Calvin Shields, supervisor of two Labor Department employees whose children attend the center, has noticed that both mothers are relaxed now because they are confident their children are getting good care. "It has freed their minds to know that their children are well taken care of," he said.

Mothers also report that their children are pleased with the arrangement. Mrs. Jacqueline Davis, a teller in the Department's credit union, says her daughter Cheryl is enthusiastic—possibly too enthusiastic—about the center.

"Cheryl loves the kids and loves the teachers," Mrs. Davis says. "She's proud of the things she makes and paints. In fact, I think Cheryl might like the center too much. She never wants to leave. She fights me every afternoon when I go to pick her up."

Most parents say their children are improving their language skills and broadening their horizons of knowledge through the program. Ernest Dixon, one of the three male employees whose children are currently enrolled, talks about his daughter Kimmie's progress:

"There's no question that she's learning a lot at the center. She speaks better, and she's more aware of things around her. With the babysitter we had before, she was taken care of—period. Now she's learning."

The most pressing problem parents have experienced to date has been transportation—either bringing the children from home to the center or getting themselves from the center to work on time. Transportation arrangements have been especially troublesome for employees who do not work at the Department's main office building, but at one of its other buildings around the city.

In one case, the problem was solved by simply changing the working hours of the mother by 15 minutes. Parents, the center's staff, and Labor Department officials are weighing other ways of handling the problem. One solution being considered is establishment of smaller satellite centers nearer the Department's other buildings.

Other changes also are being considered for the second year of the program. One strong possibility is that the minimum age limit for eligible children will be reduced. It has been found that many disadvantaged mothers with children younger than 2½ would be able to work if appropriate child care were available.

An intensive, 8-month evaluation of the center's success in meeting its objectives is now underway. If the study shows that such centers are both effective and feasible, it may point the way to the solution of one of the major problems of the work-place and the labor market.

[From the Washington Post, March 1969]

DAY-CARE SHORTAGE HURTS JOB TRAINING

(By William Raspberry)

Don't talk to Maurice Knighton about welfare recipients not wanting to work. He knows better.

But if you want to talk about how society seems to be doing all it can to see to it that welfare recipients remain on the dole, that's something else again.

Knighton is president of the Sequential Computer Corp. at 6507 Chillum pl. nw. His firm is training 120 former welfare mothers as data transcribers under two Manpower Act programs.

The training program is a success, according to Knighton, the Labor Department and the women themselves.

But a number of women have had to leave the program because they can't find day-care facilities for their children.

"It's really a very serious problem for us," Knighton said. "I'd say that at least 85 per cent of these women are the sole support of anywhere from one to four children, mostly from newborn infants to 5 and 6 years old.

"There just isn't any adequate day-care service available to them, so they end up leaving the children with older relatives or in some cases virtually unattended.

"The result is accidents, lost time when the babysitters don't show up, full days lost sometimes when the children have to go to the clinics. Some of our women have actually moved so they could be close enough to a day-care center to get on the waiting list."

In an attempt to see what could be done about the problem, Knighton assigned his assistant, Michael Zajic (pronounced Zike), to explore the possibilities.

What Zajic found was that most of the legislation directed at training the hard-core unemployed takes note of the need for day care and often provides for payment for day-care services. But it does not provide for creating day-care facilities, and the problem is that there simply aren't nearly enough to go around—only some 3000 slots when more than 100 times that number are needed.

The Welfare Department will reimburse mothers for babysitting services. The Department of Health, Education, and Welfare has some money available for upgrading established day-care centers. "But no government agency," Zajic said, "seems to have the authority, the ability and the money to establish a day-care center."

As a result, only between 6 and 7 per cent of Knighton's trainees have their children in day-care centers. The rest are being taken care of on a catch-as-catch-can basis.

It is a particular problem, he said, because most of the trainees have had almost no previous work experience and, as a result, no experience at procuring sitter services. The absence of adequate day care is the chief reason for the high turnover rate among the trainees, Knighton said. About 20 of the first 60 enrollees have left the program.

Knighton thought he had come up with an ideal solution to the problem.

There is in the warehouse district where his offices are located a vacant restaurant that could be converted into a day-care center capable of handling up to 60 children.

In addition, next door to the restaurant is another vacant building that would be used for expanding the center. Knighton has an option on both buildings.

"We contemplated a Class A center that would meet the most stringent requirements for nutrition, health care, education, cultural experiences and the rest," he said. "We had in mind to operate on a nonprofit basis, with the mothers paying as little as $1 a week per child on a sliding scale based on income. We believe we could do it at 25 per cent less than any other Class A center in town and still provide a full-time registered nurse, trained teachers and one staffer for each five to seven children."

Knighton said he was willing to put $10,000 of the company's money into the center.

The problem is that he needs at least $25,000 to renovate the buildings as well as some operating funds. The money, as far as he can tell, simply isn't to be had.

A part of the reason is that much of the pertinent legislation simply assumes the existence of day-care facilities. Another is more philosophical. There is the rather middle-class notion that children under age 3 are better off at home with their mothers.

[From the New York Times, Sept. 11, 1969]

A MOTHER MUST STAY ON RELIEF AS DAY-CARE STRIKE GOES ON

(By Francis X. Clines)

It is not on the negotiating table, but the grievances in the continuing strike at the day-care centers now include the fact that Mrs. Arthur Mae Maxwell cannot get to her job as a teacher's assistant at Public School 66 in the Bronx this week and so must stay on welfare.

Another of the growing list of problems caused by the nine-day-old shutdown of 103 centers is the fact that Mrs. Maxwell's 3-year-old son, Ronald, cannot get into his favorite room, the one full of toys at the rear of the Mollie Perlibinder Sunshine Nursery School, at 1440 Bryant Avenue.

"The blocks," Ronald said in yearning, after being permitted to peer at the toys through a window of the desolate center where 55 preschool children normally are playing, singing, snacking, reciting and napping through their mothers' work day.

An estimated total of 12,000 mothers and children depend on the centers and now, with the wage strike into its second week, the hardships are worsening. Negotiations continued yesterday, and the one consensus reported was a sympathy for the working mothers who need the centers.

"I can't let him roam streets," said Mrs. Maxwell, who has received welfare aid through the summer, expecting to resume her job with the opening of school. "And I can't afford a private baby sitter," she continued as the boy skipped past a lot full of trash. "So we're both home."

Dozens of calls describing problems similar to Mrs. Maxwell's are being received each day at the Day Care Council of New York.

"We can offer little more than sympathy," said Mrs. Marjorie Grossett, executive director of the council, who noted that even before the strike thousands of children were on waiting lists for the centers, which were full with a total of 8,000 children.

Some mothers are paying $30 a week and more for a private sitter to avoid absence from jobs which, like Mrs. Maxwell's, are low-income. Meantime, three-way labor negotiations are inching along among local 1707 of the Community and Social Agency Employes, the city, which pays most daycare costs, and the Day Care Council, representing the centers.

Mrs. Maxwell, like most of the persons served by the centers, has a limited income—less than $60 a week without welfare assistance—and is the sole support of her two children, Ronald and 6-year-old Veronica.

"Why can't I go to school today?" Ronald asked yesterday at the breakfast table as he watched his sister prepare for grammar school. Mrs. Maxwell finished dressing the boy in a gold-colored sweater and matching trousers and the three walked to the girl's school, locking their apartment.

WARNING ON LOITERERS

"It's three and a half rooms for $88 a month," Mrs. Maxwell said, "And I've yet to see the half room."

In the street there were sullen-looking loiterers near a liquor shop. "Stay out of their face," she said to Ronald, in warning him to keep close.

"He doesn't know about junkies and winos," she explained. "But there they are, and I hope to be out of here by the time he's old enough to be tempted."

Mrs. Maxwell described the last several years since her husband left as a mixture of factory and clerical jobs interwoven with welfare aid.

"We're separated," she said. "We tried getting back, but the money is always a problem. He's a truck driver and can't seem to get steady work."

"My whole life now is helping my kids," she said as she went about a morning watching Ronald play on the sidewalk, cautioning him when he got too close to a sleeping dog, taking him by the hand across a main street, Freeman Avenue, and down to the day-care center.

VISIT TO UNUSED CENTER

It was empty except for the director, Mrs. Isabella McCloud. "I'm waiting for Ronald and all the others," Mrs. McCloud said as Ronald went into the backyard to peek into his playroom.

"We're a family here and this strike has caused no bad feelings with us," Mrs. McCloud added, as Mrs. Maxwell nodded agreement.

Outside, after promising Ronald he would have the blocks to play with again soon, she pointed toward the corner, where three burnt-out buildings stood in a row, their ground-floor stores abandoned and vandalized.

Instead of playing there, Mrs. Maxwell insisted, Ronald needs the center.

"My boy learns discipline there," she said, "He gets along better with other kids, he gets a hot meal. He's not just safe all day, he's getting ready for school with certified teachers giving classes."

Mrs. Maxwell, who said she has known nothing but poverty since her childhood in Mississippi, strongly supports the strike, which in part, is seeking a $6,000 minimum wage for maintenance workers who now start at $3,900. "It's crazy the city is fighting over that kind of money," she said.

"This neighborhood is a crime," the mother declared, slapping away some litter Ronald had picked up. "But the day-care is good because it frees me to struggle against this."

[From the Christian Science Monitor, Oct. 9, 1969]

CARING FOR CHILDREN OF WORKING MOTHERS

(By Susan Hunsinger)

BOSTON.—Mrs. Brenda J. Roberts of Dorchester, mother of three, went on welfare because she could not afford to work.

"When my kids were little," said Mrs. Roberts, "there were no day-care facilities available that I could afford. So I went the round of baby-sitters, while I worked first as an elevator operator, then as a factory worker, then as an office girl. Finally I gave up and went on welfare; I couldn't make enough to pay for the baby-sitter and pay the rent."

Like many mothers who need to work, Mrs. Roberts is caught up in a vicious circle.

The circle goes around like this: In order to contribute to the full or partial support of her family, a mother needs to work. In order to work, she needs someone to care for her children. In order to pay for decent care, she cuts deep into the benefits from her work.

ARRANGEMENTS FELL THROUGH

Mrs. Gwen Morgan, wife of the former president of the KLH Research and Development Corporation, described the situation which led her husband to start a day-care center for children of company employees: "He saw people constantly moving in and out of poverty," she said.

"Mothers earning good pay and enjoying life in their work community would suddenly be forced to give up their jobs and go on welfare when their tenuous child-care arrangements fell through," said Mrs. Morgan. Now she is day-care coordinator for the Massachusetts Office of Planning and Program Coordination.

So far only two groups have access to any extensive federally supported day-care programs—the handicapped and those who qualify for Aid to Families with Dependent Children (AFDC) and are enrolled in the Work Incentive training program (WIN).

According to Mrs. Morgan, even the new Nixon welfare-reform proposals, while advocating a minimum floor on income for the working poor, limit requests for expanded day-care facilities to current welfare recipients enrolled in job-training programs. In his Aug. 11 message to Congress, the President called for day care only "as a bridge for current welfare recipients to work."

NIXON'S PROGRAM SCANNED

"What the President's proposing we're already doing through the WIN program," commented Mrs. Morgan. "I thought he was strong at the beginning on income supplements for working people. But I was alarmed when he got to day care: He was only talking about welfare people. You shouldn't have to get on welfare to get off it."

Yet, says Mrs. Morgan, "if we are really serious about waging war on poverty, we need to think about providing a day-care program for people who are not yet poor . . . to help prevent the not-yet-poor from sliding into poverty."

She suggests a sliding-scale tuition for day-care centers, in order to "assure that public money goes only where it is needed, without pushing families off the ladder toward security the moment they reach Rung 2."

State welfare department officials say they would like to subsidize day-care facilities to serve potential and former, as well as current, welfare recipients. "But we don't have the resources," said John McManus, director of Child and Family Services for the Massachusetts welfare department.

Last spring the Massachusetts legislature allocated $4 million for day care to match the 75 percent available in federal funds through Title IV(A) of the Social Security Act, as amended in 1967.

"But $4 million is not much money when, by Federal law, the state must provide day care for children of WIN mothers," said Miss Louise Noble, regional director of the United States Children's Bureau.

That is, while Title IV(A) allows states to extend day-care services to potential AFDC applicants, it requires that these services be furnished to current recipients enrolled in WIN.

The shortage of day-care services is already holding back some mothers from enrolling in job training, according to John Perez, day-care coordinator for WIN in Massachusetts. "Mothers are reluctant to send their kids just anywhere."

Hence, before extending day care to potential recipients, "let's make sure we can take care of the AFDC mothers first," said Henry Tiberio, core director of day care for the Massachusetts welfare department.

(As of July, 1969, there were 1,650 AFDC mothers enrolled in WIN in Massachusetts. Mr. Perez estimates that 30 percent of their children were placed in day-care centers.)

Mr. Tiberio also says that states must heed the provision in social security law which requires that services extended to some nonwelfare recipients be extended to all.

The Massachusetts welfare department is currently seeking a federal waiver of this provision in order to set up a model-cities demonstration day-care facility that would extend services to nonwelfare recipients exclusively in the Boston area. "This pilot project would give us some idea of the volume of interest and need for day care," said Mr. McManus. "Based on our findings, we could then move to provide services elsewhere in the state."

He warns, however, that the state must improve the quality of day-care facilities not just increase the quantity. "Too rapid expansion of day care may put a lot of kids under a lot of roofs, but it may not expand their horizons."

[From the Christian Science Monitor, Oct. 14, 1969]

CHILD-CARE FACILITIES FOR WORKING MOTHERS FOUND INADEQUATE

(By Susan Hunsinger)

BOSTON.—The hand-painted sign on the gate of a community day-care center says "Child's World. For working mothers. Reasonable rates." So far the sign has attracted plenty of working mothers. But although the rates are reasonable, few mothers can afford to pay them.

One applicant is a divorcee who works in the First National Bank of Boston. Another is a young Puerto Rican mother who is working until her husband comes to join her from Puerto Rico.

Still another is a woman whose older children now take turns missing school to babysit her infant child while she works.

None of these women is on welfare. But none of them can afford the full $15 per week charged by the center. And none of them, by definition is eligible for support from the State Welfare Department, which pays the child-care fees for welfare mothers in job-training programs.

HALF OF WOMEN EMPLOYED

Who needs day care? "Income per se has very little to do with it," says Mrs. Gwen Morgan, day-care coordinator for the Massachusetts Office of Program Planning and Coordination. "What you need to know is whether the mother needs day care in order to get the job and keep it."

The need for subsidized day care hence extends beyond those mothers on welfare, or aid to families with dependent children (AFDC).

"The most significant fact is that 50 percent of American women are now employed," Mrs. Morgan adds. Even as many as one-fifth of the mothers of very young children (under three years of ago) are working, according to the United States Department of Labor.

And most of these women work because they need to. According to a 1965 survey of 6 million working mothers by the U.S. Women's Bureau, almost 9 out of 10 work for "economic reasons." Of this group, 22 percent provide the sole support for their families.

"Over against the millions of children of working mothers who need good day care, it is estimated that licensed day-care facilities are available for less than 500,000," reported the Department of Labor in April.

"I know of no community in this region which says it has adequate resources for day care," says Miss Louise Noble, Northeast regional director of the U.S. Children's Bureau.

As of May, 1969, there were 5,647 children in licensed day-care centers in Massachusetts.

"We'll probably see an expansion of 3,000 to 4,000 by the end of fiscal 1970," says John McManus, director of Child and Welfare Services for the State Welfare Department. The State Legislature made this expansion possible last spring when it allotted $4 million to place more AFDC children in private nonprofit centers.

CHILDREN OUTNUMBER FACILITIES

But even assuming that facilities will be available for 10,000 more children, day care would still elude a majority of the eligible children in AFDC families. And the new expansion would not even begin to affect the children of the working poor, or those who would not be above the poverty line if the mother did not work.

According to Mrs. Morgan's estimates, at least 40,000 AFDC children need day care in Massachusetts, not to mention at least that many children among the working poor.

To date there has been no systematic statewide, much less nationwide, survey of the market for day care. One obstacle to such a survey is that so few Americans have experienced day care. "It's very hard to conceive of your need for something that doesn't exist," says Mrs. Morgan.

What is needed, she says, is a consumer test of day care in a community where it is already established. This would help determine the potential use of day care, assuming it was available and accessible in distance and cost.

DAY-CARE CENTERS PREFERRED

The Massachusetts Committee on Children and Youth (MCCY) conducted a limited survey in 1966 of the popularity of day-care centers in seven selected areas of the state.

When asked where they would prefer to leave their children, more than 51 percent of the mothers favored the group day-care center over other options, such as the home of a neighbor or relative or a community playground. But only 6 percent of the mothers actually used group day-care centers.

This "apparently was due to the costs and/or inaccessibility of existing centers," the MCCY concluded.

"Good child care is expensive," says Miss Noble. She estimates its range from $35 to $40 per week.

The Children's Bureau says the average mother who pays for child care actually pays between $10 and $15 per week, but this rarely covers the full cost. The difference between the real cost and the actual fee paid is lost—either in the quality of the service rendered, or in the quantity who can be served.

NEED SEEN FOR OTHER SERVICES

Not every working mother needs, or wants a day-care center. Over half of the mothers now working find someone, often a father or other adult relative, to care for the children in their own home.

For those who do seek child care outside their homes, says Miss Noble, "It's not just day-care centers that we need, but a variety of services to meet different needs." These include special care for infants, homes for small groups of children, and after-school care for school-age children.

At the same time, Miss Noble stresses that many mothers who work, or want to work, now lack access to any kind of organized day care.

"The lack of adequate day-care services is threatening the future of our children," says Mrs. Katherine B. Oettinger, former chief of the Children's Bureau. "We have swept this problem under every conceivable rug."

[From the New York Times, Jan. 7, 1970]

SOMEONE TO MIND THE BABY

(By Maya Pines)

"I know a lot of people say that mothers shouldn't work," Vice President Humphrey stated recently. "But I have been brought up to believe that what is, is." He called the lack of adequate day-care facilities for young children one of the greatest problems of tomorrow's America.

The trend is clear: more and more women are going to work. One out of every four mothers of children under the age of 6 is in the labor force; the number of such mothers has doubled since 1950. More than 4 million preschoolers have mothers who work, including 1,600,000 children under the age of 3.

Yet the nation has resolutely ignored the problem. American women remain almost totally deprived of opportunities to make satisfactory arrangements for the care of their children while they are working. As a result, millions of youngsters are being damaged emotionally, intellectually and sometimes physically during their most formative years.

Behind the paucity of services for young children lies the fear that providing good day-care facilities might encourage even more women to go to work—a fear entertained by male workers who wish to avoid competition and by moralists of both sexes who believe woman's place is in the home.

There are a few signs that this atmosphere may be changing. In Cambridge, Mass., for example, a manufacture of hi-fi equipment has just set up a demonstration day-care center for the children of its employes in cooperation with the U.S. Children's Bureau and the employes themselves.

The KLH Child Development Center, Inc., will be owned and operated by the children's parents. When it opens on Feb. 1 it will run from 7 A.M. to 3:30 P.M. to coincide with the parents' work day. It will take children between the ages of 2 and 6. Mothers will be free to come eat with their children during their own lunch hours. The center plans to offer all the educational advantages of a good nursery school, at a price the parents can pay, since the company will provide about 15 per cent of the cost and the Children's Bureau, two-thirds. It is meant as a replicable project—one that could be copied in many different kinds of industries.

"This is the beginning, we hope, of a trend," declares Mrs. Richard Lansburgh, president of the National Committee for the Day Care of Children. "A tremendous acceleration will take place in the coming years. We'll need money for training, for personnel, so that these programs are constructive for children—not just baby-sitting!"

While management started the KLH center, in Baltimore a union is taking the lead. Not surprisingly, it is a union largely dominated by women—the Amalgamated Clothing Workers' Union, makers of men's clothing, which plans to open centers for some 2,000 children in 15 areas of Virginia, Maryland, Pennsylvania, Delaware and North Carolina.

"We're the originators of this plan, because we operate in small towns where the membership is 100 per cent female," explains Samuel Nocella, vice-president of the ACWU and manager of its Baltimore region. "We've experienced some acute problems—absenteeism on the part of women, and nervous breakdowns, which are very frequent among them. And we've found that at the bottom of it there is always a child. The mother becomes anxious, worried about her child, she calls home or stays away from work, and unless she has parents or somebody close to her to take care of her child, the child may really be in bad condition. So why not do what people have been doing for a long time in Europe, for example in Sweden, and provide child-care centers?"

The Amalgamated is now supporting a bill in Congress to include child care among the benefits that can be negotiated for in union agreements, and day-care centers may become a standard item in collective bargaining next year.

In the long run, however, this is a problem that can only be met by the government on a nationwide scale, declares Jacob Potofsky, president of the ACWU. "This step, creating day-care centers for working mothers, is the first taken by any union—and it is long overdue," he says. Just as his union pioneered in unemployment insurance in the twenties, and saw it included in the first Social Security Act 12 years later, "today we have the same hope that government will assume the responsibility throughout the land of creating proper facilities for the young children of working mothers, for they are the future of our country."

The government's role in day care was prominent only during World War II when it became not merely acceptable, but positively patriotic for mothers to work. Suddenly enough nurseries and day-care centers blossomed, with government aid, to care for about 1,600,000 children. But nearly all these centers were closed at the end of the war. Today, when the number of working women exceeds the World War II total by 6 million, licensed public and voluntary day-care centers have shrunk to one-sixth their wartime capacity. They have also changed their orientation. Instead of opening their doors to all, they tend to concentrate on families with serious emotional or social problems. Their waiting lists are staggering.

State and Federal authorities will soon be forced to enter the day-care field on a large scale for the first time since World War II. A new amendment to the Social Security Act will compel thousands of mothers on welfare to enter work training or take jobs, and some facilities will have to be set up for their children while they work. However, since its goal is not to provide services to children but to cut welfare costs, the new law may lead to cheap custodial arrangements in many states. The law makes no provision for the children's education. As the National Committee for the Day Care of Children puts it, "Our country will then be in the anomalous position of giving some children a headstart, while giving others a push backward."

Day care must be recognized as a public utility for all children, some experts believe. "The new law again puts the emphasis on the underpriviliged, on the welfare population, on troubled families," worries Professor Florence Ruderman, a Brooklyn College sociologist who recently completed a large-scale survey of day care for the Child Welfare League of America.

"Day care is needed on all levels of society—by the most normal families and by the middle class, as well as by others," she declares. "It should be available to the entire society, just like our public schools, parks, playgrounds and libraries."

According to Mrs. Lansburgh of the National Committee for the Day Care of Children, there is still tremendous resistance to the idea of day care. "Did Planned Parenthood have a more difficult selling job? We think not," she says. "Their resistances are verbalized and conscious; ours are not. Day care is threatening to many people—it says mother isn't in the home and there's nobody to make life nice and secure. Therefore, forget it, ignore it, pretend there's no need for it. Also, few people know the massive size of the problem or the serious consequences of neglect.

"I don't believe that all women should go to work," she adds. "But I do feel that in 1968 women should have the choice, the freedom to choose whether they wish to use their intelligence, ability, training and education without penalizing their families." She points out that in Maryland alone, 400 nurses would be working today if they could find day-care services that they would trust for their children. Meanwhile hospital patients suffer from the critical shortage of nurses.

Just as professional women who want to work should not be made to stay home, women who are on welfare should not be made to go to work, Mrs. Lansburgh declares. "There should be a free choice for both," she says. "This choice does not exist in this country today."

Altogether the nation's public and private licensed day-care facilities—many of them beyond the means of poor people—can accommodate only 450,000 children. Mothers, thus, are forced into all kinds of informal or "black market" arrangements.

Millions of "latchkey" children, for instance, find nobody at home when they get home from school in the afternoon. Carrying their house keys around their neck or in their pockets, they wander about or play without supervision, until their parents come back from work. Sometimes a neighbor or an aunt is supposed to look in on them.

Few families can afford to hire a private nursemaid. In New York City, the going rate for a competent nanny is anywhere from $60 to $90 a week, if she can be found. Even middle-class parents often leave their children with untrained and irresponsible household help who may do the child great harm.

An estimated 38,000 children under the age of 6 are left without any care at all while their mothers work, according to Katherine Oettinger, former chief of the U.S. Children's Bureau; many of them are just locked up in their homes. Twice as many preschoolers are looked after by a brother or sister not much older than they are.

Children under 3 are generally not admitted into the licensed day-care centers because they are considered too young. For many working mothers, the only alternative that remains is "family day care." In theory this does not sound too bad: The mother leaves her child with a woman who takes in several other children at the same time, for a small fee.

But a recent study in New York City showed what family day care is really like. Though the city has an established licensing procedure for family day-care homes, only 25 such homes have been licensed in the entire city. By contrast, 25,000 children—more than half of them under the age of 6—are parked in a variety of unlicensed homes.

One of the interviewers for the Medical and Health Research Association of N.Y.C., which did this study, still has nightmares about some of the places she visited. Many of the day-care "mothers" were physically ill, she reports—and their illness was the very reason for their doing this kind of work. Several were drunkards.

She recalls a harassed 20-year-old girl who had previously worked as a salesgirl but had lost her job because of a severe anemia which left her always tired. The girl lived in a crowded home with many relatives, including three small children, and took in three other children for day care. She had lost control over the six children to the extent that she did not even bother to find out what part of the house they were in. One youngster, aged 4, did nothing but cry all day long, sitting alone on the top step of the porch. The girl said he was "spoiled."

In most of the family day-care homes the children's routine was breakfast, TV, lunch, nap, and TV. One-third of the homes had no play materials of any kind. In 25 per cent of the homes the children were never taken out-of-doors. As many as 84 per cent of the homes were rated inadequate because they violated the Health Code, or because the children were severely neglected.

Throughout their study, the interviewers were assailed by desperate women who begged them to help find good day-care services for their children. They would try any trick to attract the interviewers' attention, hoping it might somehow lead them to space in a day-care center. The study's associate director, Milton Willner, a social worker with long experience in day care, concluded that two kinds of programs were urgently needed: a training program for women who would run licensed family day care for up to five children in their homes, bolstered by periodic inspections to make sure they provided enough play materials, nap facilities and fresh air; and many, many more day-care centers, including some for children under the age of 3.

The years from birth to 6 offer a unique opportunity to break the cycle of failure that awaits America's poor children. The first four years of life are the most important time of all—the crucial years that determine a child's later personality and intelligence, according to modern psychologists. During these years, a child's environment plays a decisive role.

Now that private companies, unions and the Government are becoming more aware of the urgent need for day care, they have a chance to set a new pattern for such services. Until now, education has never been day care's forte. "If there are qualified teachers, it's a nursery school; if it's custodial, it's day-care," has all too often been the working definition of the difference between the two. Unless the new day-care centers offer a truly effective educational program, they will waste their opportunity to make a major improvement in the lives of millions of children.

[From Parade magazine, Mar. 5, 1967]

WHO TAKES CARE OF YOUR CHILDREN?

(By Sid Ross)

The scene would have made the most hardened person weep.

Entering a large frame home, a New Albany, Ind., health inspector brushed past the middle-aged woman who owned the house and headed upstairs. There, in a barnlike, badly lit, foul-smelling room, he saw a series of cages fashioned from inverted baby cribs and plywood partitions and padlocked at the top.

Inside each was a small child.

There were 15 in all. Each enclosure was so cramped that the child could neither stand up nor stretch out. One girl slept with her knees under her chin, unable to extend her legs. A 5-year-old boy was asleep on his knees, his head bent forward, touching the floor.

The inspector charged the "nursery" owner, Mrs. Juanita Yingling, 50, with cruelty to children. When she came to court a few months later, authorities discovered that she had recently been released from a mental hospital and was in her son's guardianship. Welfare authorities, in charge of inspecting nurseries, confessed Mrs. Yingling had been operating for years without inspection.

Cases like this point up a shameful and serious problem in our society. At a time when more and more mothers are in the labor force, and an increasing number of women are compelled by economic pressure, widowhood, separation or divorce to find jobs to support themselves and their families, facilities to care for their children are nothing short of deplorable.

A NATION'S SHAME

Recognizing the problem, President Johnson two weeks ago called for federal support of day care for children under age 3 in Child and Parent centers. "The human needs of many American children are not being met," says Sen. Abraham Ribicoff (D., Conn.), an advocate of federal assistance for day-care centers. Adds Mrs. Marianna Jensen, director of the National Committee for the Day Care of Children: "The extent of the neglect, the dangers and the welfare of hundreds of thousands of children should make us hang our heads in shame."

While the U.S. has some excellent public-sponsored facilities for children of working mothers, such as those in New York City and in California, and some equally fine church and privately run institutions, these can accommodate only a handful of children.

According to census figures, there are an estimated 13 million children under 14 whose mothers work. The total includes 3.8 million under 6, 1.6 million under 3. Many of these are cared for by relatives or by babysitters in their own homes. But some 2.7 million need day care outside the home, and only about 300,000 can be handled in public and charitable centers and licensed family day-care homes.

The result is a vast babysitting "underground"—a network of informal operations, where a housewife charges $2 to $20 a week to "mind" children in her own home. Legally, in many states, such operations are subject to licensing or other regulation, but most are completely uncontrolled, and many are not even known to authorities. Even when operated with the best of intentions, they seldom offer more than the barest care and run with complete disregard of health and safety regulations.

Thus, Chicago authorities recently found one ramshackle house with 49 children aged 3 months to 11 years crowded into the basement. Twenty of them were kept in a single eight-by-nine room. They were wearing their coats because there was nowhere to hang them. There was only enough chairs for half to sit down.

In another Illinois case, officials found five children being cared for by an 80-year-old blind woman. And in Garden City, Mich., a Detroit suburb, 14 children were hospitalized with tuberculosis, apparently triggered by an employee who had not passed a health exam.

Even worse than the underground, however, many children, studies show, are actually left to care for themselves. Besides "latch-key" children—those who come home from school to an empty home—an estimated 38,000 *children under 6* are left all day without adult supervision.

Actually, one reason for the day-care problem is that the tremendous need for day-care institutions has leaped upon us so swiftly. Women only began to enter the work force in great numbers during World War II, but since then the number has jumped half a million a year. Today one woman in three with children under 18 holds a job. At the same time, the U.S. still thinks a woman's place is in the home. If she wishes to work, this belief holds, it's up to her to make arrangements for her children.

THE COST OF CARE

In truth, of course, many women today are forced to work through economic necessity: Divorced or separated, they are the sole support of their families. Many can scarcely afford the average $10 a week underground facilities cost, let alone $15 to $20 a week and more charged by commercial day-care centers. They'd like to take advantage of the cheaper public centers, but the demand is too great.

The day care problem, however, cuts across social and economic classes. Among the most neglected of all are children of college students. Usually living on a shoestring budget, with the wife working to support her husband, students resort to all manner of underground amusements.

Most of the underground centers are operated in ordinary residences, and the operators limit themselves to caring for one or two children. It's when five to ten children are involved that the violations become more important.

Rules of fire safety are frequently violated. Few underground operators have even considered fire drills, and their homes do not meet even the minimum precautions, such as doors that open outward. In Columbus, O., PARADE visited a center on the third floor of a frame house, reached by a narrow stairway. In the event of fire, the operator could never have evacuated the children.

Health rules, too, are violated. In few cases do the operators or their employees, if any, take physical examinations. Nor do the children themselves receive any health care. Meals furnished are neither nourishing nor filling. When parents send lunches, little care is given them. "Can you imagine what happens to a tunafish sandwich after four hours in one of these places?" one expert asked PARADE. Moreover, lack of facilities, such as play space or equipment, makes for a stultifying day.

Study of a single location best helps you to understand the inadequacies of day care. Chicago, for instance, according to the Welfare Council there, has an estimated 184,000 children of working mothers. Fewer than half are cared for in their own homes by relatives; about 18,000 are cared for at home by babysitters; another 15,000 stay with relatives in *their* homes. About 14,000 (including 600 under 6) shift for themselves. The remainder—about 50,000—are in need of some form of day care.

To cope with this flood, the city has one public day-care center, 13 Community Fund centers, 15 operated by churches and 60 commercial centers—total capacity, 3700. There are an additional 234 licensed day-care homes, which can accommodate 621 children.

ONE CITY'S PLIGHT

The Welfare Council recently surveyed Chicago's day-care needs neighborhood by neighborhood. In low-income Englewood, with an estimated 7000 children in need of care, there was one commercial day-care center and four licensed day-care homes—total capacity, 87 children. The Grand Boulevard area was said to need space for 1300; it could accommodate 99. Rogers Park could take care of 105 out of 600—but it shared its facilities with adjoining neighborhoods.

Parade spent several days visiting underground operations in Columbus, O. Following newspaper ads, "Female Babysitting Wanted" and "Children Boarded," a reporter posed as the father of a 3-year-old in need of all-day care. At the first place he was told the child could "play with toys all day or watch TV" and he would get a hot lunch or snack. The fee was $10 a week. The next woman promised good care for $12 a week—"but only if he's out of diapers, they're too much trouble." In a third case the ad led to a dingy, depressing, smelly home. The woman said care cost $15 a week.

None of the three was licensed, since Ohio laws do not cover licensing of commercial day-fare facilities. Owners bristled at the very idea. They protested that they "liked children" and didn't see why they needed to be inspected. Comparing notes with working women, later, the reporter found their experience jibed with his. They said it was almost impossible to find a licensed place or one with reasonable rates.

What can be done to help such working women?

Almost all authorities contacted agreed that there must be more facilities, better facilities and a more unified approach to the problem—with the federal government playing a much greater role than it does now. A few believe that the U.S. should copy the Scandinavian countries with a nationwide network of low-cost nurseries.

Almost no one believes that merely enforcing licensing procedures will eliminate

the problem, since it would only drive many establishments out of business and increase pressure on those remaining. Instead some experts believe a federal or state subsidy should be given nonprofit or even commercial institutions to help them expand or improve.

A number of commercial facilities now in operation drew praise from experts. The ABC Nursery in Chicago, which handles 73 kids, is one. But some experts feel the solution is neither commercial nor government facilities but nurseries operated by companies who employ a great number of women.

One example is at the Rochester Clothing Company, New Bedford, Mass. The owner, Carl Giordano, established a nursery two years ago as a means of luring women employees in New Bedford. The nursery has a capacity of 100 children, usually runs about half full. A practical nurse is in charge, and Giordano's daughter and three assistant teachers help out. It operates from 7 to 4:15. Children get light breakfast, two snacks and a hot lunch. There's a supervised play time and some instruction. Giordano figures it costs about $10 a week a child, and is worth it.

To many persons, of course, such an operation is anathema because it encourages more women to take jobs outside the home. This kind of philosophy has torpedoed greater subsidies for day care programs by Congress with charges of "federalized babysitting." Charles Tobin of the New York State Welfare Conference recently declared that "Unlimited day-care services . . . will weaken family ties by encouraging mothers to pursue activities which do not strengthen family life."

Yet most experts agree that the true victims of the day-care mess today are children—and that the mothers of these children are playing a vital role in the American economy. "The availability of modern child day-care services is no longer an individual convenience," Vice President Humphrey says. "It is a community and national necessity."

[From the Washington Post, Dec. 14, 1969]

DAY-CARE FACILITIES URGED FOR ARLINGTON PRESCHOOLERS

The number of working Arlington mothers with pre-school children has risen so sharply that a community effort to provide day-care centers is urgently needed, according to a study committee of the Arlington Health and Welfare Council.

In a 34-page report sent to the County Board and Human Resources Commission, the citizen study group called for two pilot day-care centers, a county coordinator of child care and more stringent rules for operation of existing facilities.

There was no estimate given of the cost of providing such programs because the committee recommends a better use of existing facilities and services, particularly in the area of health and education, said Mrs. M. Patton Echols, chairman of the preschool child-care committee.

At present, Arlington day-care centers accommodate an estimated 847 children. Of the existing facilities, seven are private, profit-making enterprises, four are non profit community-run centers, and two are federally subsidized. The county runs no centers.

Surveys of public schools alone show that Arlington has a higher percentage of working mothers—in one school, 67 per cent—than the national average of 33 per cent. The report indicates the number will grow even faster with the advent of proposed high-rise apartment buildings.

Mrs. Edward L. Kahn, general chairman of the committee, noted that the program is geared toward a geographic and economic cross section of the county.

The report emphasized that the concept of the program is to provide "total day care as a community service rather than a service to poverty families" alone.

The report suggests the possibility of subsidizing some of the tuition costs on a sliding fee scale based on income and the number of children.

The report also says that day-care centers should not be "baby-sitting" services alone, but should concentrate on preparing the preschool child for school.

(Mr. DELLENBACK asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. BUSH. Mr. Speaker, as a member of the Ways and Means Committee, which is now holding extensive hearings on the President's family assistance plan, I am especially cognizant of the narrow margin separating the working poor from those on welfare—the narrow line between economic independence and economic dependence.

The key purpose of the family assistance plan, which I cosponsored, is to reform the welfare program so that it motivates work rather than encouraging dependence. Today, I am cosponsoring the Comprehensive Headstart Development Act of 1970, which is an essential part of this concept.

A recent study of families on welfare in New York City shows that seven out of 10 mothers on welfare would prefer to work. Moreover, six out of 10 mothers on welfare with preschool children said that they would prefer to work if day care were available.

If, in the 1970's we are to bring off welfare the two-thirds of the AFDC mothers who could not attain independent economic status in the 1960's, we have to see that there are adequate child-care centers to take care of their children.

At the present time there are 61 Federal Programs providing funds for day care and child development in seven different departments and agencies. These 61 programs reach a total of 642,040 children. It is estimated that there are approximately 3 million children aged 3 to 5 coming from poor families who would be eligible to take advantage of day-care services. If we are going to effectively alleviate this gap in services, it seems to me that we have to first consolidate and coordinate these 61 programs.

President Nixon has committed his administration to the first 5 years of life. To accomplish this we need to be sure that the child development programs are based on a strong, coordinated foundation. Without this, I do not believe any program can be successful. The Comprehensive Headstart Child Development Act of 1970 will establish such a foundation. Further, it will provide the Congress with an improved scrutiny over Federal efforts in this area.

Briefly, this bill will provide for increased research into the process of child development; additional facilities to house child-care centers; training for teachers and paraprofessionals who work with these children; an effective evaluation procedure to provide Congress and the public with accurate, relevant information as to the impact of these programs; and a major step in consolidating and coordinating the 61 present programs.

When dealing with young children the importance of parental involvement and volunteer services cannot be overemphasized. This bill encourages participation from the private sector by including businesses, teenagers, and older Americans. In addition, the new arrangement would place a joint administrative responsibility on the Federal and State governments.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I take great pride in associating myself as a sponsor of the Comprehensive Headstart Child Development Act of 1970, which is being introduced today.

To meet the pressing needs of early childhood care and child development is a task which must rank high among our national priorities. To meet the specific child-care needs of more than 10 million working mothers with young children is a challenge which must be met in the interests of both the Nation's economy and the well-being of millions of children whose mothers must be away from home.

With the notable exception of such programs as Headstart, the efforts of Government to meet child care and development needs have been laudable in intent but often lacking in necessary coordination. The proliferation of various programs, which this legislation seeks to correct, has resulted in confusion and discontinuity at Federal, State, and local levels which has generally reduced the effectiveness of each program. Let me cite some examples, as follows:

Some programs permit Federal funds to pay 100 percent of the program costs, while others provide 90 percent, 80 percent, or 75 percent, and still another program allows Federal-aid funding for only 8 percent of costs.

Existing legislation often defeats its own goals. Under one program, for example, a welfare mother is eligible for federally aided child-care services while she completes a manpower training program, but is no longer eligible when she completes training and is ready to take a job. All too often she is forced to go back on welfare.

Eligibility requirements, based on family income, vary from program to program. Cut-off points often seem quite arbitrary, especially to the poorly paid working mother of preschool children who finds she is ineligible for such services since she is not poor enough.

It would be paradoxical, indeed, for this Nation to implement a proposed welfare system which requires a mother to take work without first providing adequate child-care facilities. It is difficult enough to meet today's employment needs because of the unavailability of a large part of the labor force for this very reason. To provide a subsidy for the care of children of working mothers, especially if the custodial function is combined with learning and development opportunities, is consistent with the needs of today's transient society and our desire to help our children achieve their full potential.

The inconsistencies are remedied in the legislation being introduced today. Six Federal programs providing child care, child development, and Headstart services will be brought together into a single overall program under the guidance of HEW's Office of Child Development. One set of standards will be applied at Federal, State, and local levels. Eligibility for services will be extended not only to the economically disadvantaged but to middle-income working mothers, who will be charged fees according to fee scales set by each State.

Each State will assess its own needs and design programs and services which best fit its local situations. The bill further creates a vital research arm, the National Institute for Early Childhood Development and Education, and provides funds to train personnel.

In particular, I commend the provisions of the bill which involve employers and industry in the development of child-care programs.

Within the constraints of existing legislation, several States have already made considerable progress in laying the groundwork for a coordinated approach to child development services. I am proud to say that Massachusetts is one of those States. I believe our experience will be of interest to my colleagues. Accordingly, I am inserting herewith in the RECORD an article by Mrs. Gwen G. Morgan, day-care coordinator in the Office of Planning and Program Coordination of the Massachusetts Executive Office for Administration and Finance. It follows:

STATE ACTION TO IMPROVE CHILD SERVICES

(By Gwen G. Morgan)

Because of his concern over the fragmentation and lack of continuity of programs—particularly day care—for children in Massachusetts, Governor Francis W. Sargent created by Executive Order, on September 26, 1969, a Governor's Advisory Committee on Child Development.

"Massachusetts has had a commitment to day care for a long time," said Governor Sargent. "Our Massachusetts Committee on Children and Youth has had a day care committee since 1962. Yet in spite of all our interest and our rich professional resources, our systems for delivering services to children have made little progress. There are gaps; there are overlaps; and there is a wasteful and potentially destructive competition for the same funds. All our meetings, all our reports and all our speeches have not added up to much increase in our programs for children."

There is ample evidence that the Governor's concern over fragmentation is well placed. More than 13 public agencies are involved with some aspect of child care, and 89 per cent of the day care in the state is provided by a variety of private agencies. Bits and pieces of federal and state legislation have led to the establishment of a few too-narrow programs, haphazardly distributed, with the best services sometimes going to families in more affluent communities. We have programs for the blind, programs for the deaf, programs for the retarded, programs for the disturbed, programs for the disadvantaged, programs for children of mothers in job training, programs for children of welfare recipients, programs for children of working mothers. And, of course, we have our private nursery schools for the middle class. The result is that children are being segregated by category; children are moved from program to program as categories of eligibility change; children being in programs and then are dropped. Our programs are not being designed to meet needs as perceived by users. We have a chaotic administrative situation with too little communication between agencies, and no one is "responsible for being responsible" for what happens to families seeking service. What is needed is a generic system of services to children and their families, distributed equitably across the state on a geographic basis, but our various systems at present are not organized toward this goal.

There are more than 500,000 working women in Massachusetts, but only 33,000 places in licensed day care of any kind, most of it half-day programs. We have no solutions to the problems of children younger than three who need care or of older children after school hours. Our failure to plan for a healthy environment in which our urban children can learn and grow helps to cause later school failure, emotional disorders and severe health problems. These preventable problems exist in spite of all the solid evidence that positive attention to the crucial early years can lead to significant improvement in cognitive, physical and emotional development.

There is a new interest in child care programs at the federal level, where an Office of Child Development has just been created. Federal programs, however, are still fragmented in a variety of agencies. Because of the scarcity of resources and the need for more continuity and breadth in children's programs, Massachusetts' Commissioner of Administration and Finance, Donald R. Dwight, has established the coordination of state and federal programs for children as a high priority goal for the state. Based in the Office of Planning and Program Coordination of his department, an interdepartmental task force on child care has been meeting during the last year to take first steps toward planning together. Now, Governor Sargent has established the Governor's Advisory Committee on Child Development to continue, with broadened representation, the planning of the interdepartmental task force. The Advisory Committee will include 13 state agency heads or their representatives, 12 representatives of service agencies and professional groups and 12 parents of children using or needing day care.

UNRESOLVED ISSUES

The committee will discuss some of the still-unresolved basic issues in day care. What are the priority target groups needing day care? What is the total need? How much of it can be met? How much must an adequate day care program cost? Should families pay fees? Should the service be provided by the public or private sector? What is the appropriate agency? What is the role of private industry? What is the optimal staffing pattern for day care? What different kinds of staff are needed? What is the role of staff at each level? How much and what kind of training is needed for directors of day care programs, day care teachers and other supportive staff? What agency should provide the training for each? Who validates the training? What is our total manpower need for day care? How can day care be financed—both capital costs for physical facilities and operating costs? Out of the committee's deliberations will come goals, objectives and a state plan against which departmental involvement in day care can be measured.

Another committee responsibility will be developing the kind of structure which is necessary before an effective system of children's services can be created. Here the Advisory Committee will be responsible for the state-level aspects of the Community Coordinated Child Care (4–C) program. The 4–C program is a federally-conceived process in which local public and private agencies develop a structure for cooperating among themselves. The Committee will encourage the development of such 4-C planning coalitions in each of the state's 37 service areas, each including the balance of public officials, providers and users which the 4-C guidelines suggest. Real coordination will only take place when those people at the local level—where the programs are and where the needs are—work together. The state-level Advisory Committee will develop criteria for state recognition of an area 4-C group, will review local proposals for recognition and will provide information and assistance to help local groups to meet state and federal criteria. The Committee will serve as a focus for information on all aspects of child care and on the 4-C program.

Supplementing the work of the Committee, the individual departments have taken steps toward better child care. The Department of Community Affairs has just trained a staff for a new project of technical assistance to local people who want to organize a 4–C system in their areas. For the first time, the Welfare Department has a substantial state appropriation to provide day care services with 75 per cent federal reimbursement. The department has developed new procedures for contracting for this service with responsible local agencies, guaranteeing a reasonable per child cost for a certain number of children rather than making vendor payments for services rendered to specific children as in the past. By this contracting, the department will avoid becoming another competitor and can instead cooperate with the local community in order to expand, improve in quality and link up the existing network of service. Contracting is also a useful tool in coordination, allowing different public and private agencies to support the same program. The existence of broad-based local 4–C groups developed in relation to a rational state plan will be invaluable to the Welfare Department and the other state agencies as they move into an expanded child care program. Well-organized and inclusive 4–C groups can help solve the problem of harmful competition for funds.

The need for child development programs is so great, and their quality so important, that it will not be possible to meet the need without developing a method for combining our public and private resources. Massachusetts, under the leadership of Governor Sargent, is beginning to develop procedures and policies to improve the state's services to children, with a new emphasis on the unmet need for day care. The new Governor's Advisory Committee represents a partnership of public and private agencies, a partnership of users and providers of service and a partnership of government and citizens. It is only by these kinds of partnerships that the enormous gaps in our services to children can begin to be filled.

The Community Coordinated Child Care—4–C—program, described in the preceding article, is quite similar in concept to the State commission approach taken in the legislation which I am cosponsoring. In fact, it is probable that many States with strong existing 4–C operations will choose to utilize the 4–C committee as the nucleus of the new State commission.

Therefore, I believe it is appropriate to insert a brief "fact sheet," prepared by the Day-Care Child Development Council of America, which tells what the 4–C program is and how it functions:

FACT SHEET—THE COMMUNITY COORDINATED CHILD CARE—(4–C) PROGRAM

1. What is the 4–C Program?

A system under which local public and private agencies interested in day care and pre-school programs develop a method of cooperating with one another on programs, services, staff development, and administrative activities.

In the remainder of the 1969 fiscal year Regional 4–C Committee will select the pilot communities. The program will be conducted as a pilot program in 18 communities located throughout the country.

2. What is the background of the 4–C program?

The 4–C Program is being developed on the federal level by the Federal Panel on Early Childhood in response to a Congressional directive (Section 522–d of the Economic Opportunity Act of 1967) to the Secretary of HEW and the Director of OEO to develop mechanisms for coordination of day care programs at the federal, state and local levels.

3. What is the purpose of the 4–C Program?

To assist communities in organizing presently diverse and fragmental services into comprehensive programs of support for families and children.

4. What are the objectives of the 4–C Program?

(a) To provide comprehensive and coordinated quality child care, child development, and supportive family services to the maximum number of families.

(b) To develop the most efficient, effective, and economical methods for coordinating both existing and new child care programs.

(c) To insure an effective voice in policy and program direction for parents of children enrolled.

(d) To mobilize the resources of the community so as to assure maximum agency commitment to provide expanded quality child care and to insure efficient and effective use of such resources.

(e) To simplify administrative relationships between local programs and state and federal governments.

5. What are the benefits of the program to a local community?

(1) Expansion and community of services. Often as the situation or needs of a family changes, child care arrangements must be terminated or disrupted. The 4–C Program can provide greater flexibility in placement.

(2) Better use of human resources, i.e., specialists. The 4–C Program aims for a wider use of specialists for all programs—big and small—to lead to comparable costs and uniform standards for any given service (medical, dental, social services, etc.) from program to program.

(3) Common purchasing unit. Food, medicine, toys, equipment, etc. . . . can be purchased at a greater reduction in cost when bought in bulk orders.

(4) Improved transportation. Pooled resources will result in better transport of children and parents.

(5) Joint Program Activities: Many activities which can only be possible where a large number of families are involved can be established.

(6) Staff Development: Personnel referral systems to permit the transfer of staff from one program to another and training programs for all personnel can be established.

(7) Reduced administrative overhead. By bringing all administrative function under one unit, it will be possible to reduce administrative costs.

6. Who partcipates in the planning and coordination process?

Federal Level: Federal Panel on Early Childhood (Representatives of Health, Education, and Welfare, Economic Development Agency, Housing and Urban Development, Office of Economic Opportunity, Bureau of the budget, and Agriculture Department).

Regional: Federal Regional 4–C Committees (Representatives of HEW, DOL, HUD, OEO, USDA.)

State: State 4–C Committees (Representatives of State departments of HEW, Employment, Economic Opportunity, and other interested public and private agencies.)

Local: Local 4–C Committee (public and private agencies interested in day care and representatives of recipients of services.)

ROLE OF THE PARENTS

Mr. WYDLER. Mr. Speaker, I would like to explain how this bill relates to the important question of parent participation.

Several witnesses appearing before the Education and Labor Committee recently have suggested that one of the best, and most economical ways to prevent severe deprivation among the children of economically disadvantaged families would be to reach the parents. As Polly Greenberg points out in a recent article appearing in the December 1969 issue of Compact:

Actually it isn't possible to discuss parent participation in eary education in terms of should we bring parents into it or shouldn't we. At present, parents or parent substitutes not only participate in the day and night care and the early education of most children in the nation under six, but are the exclusive providers of same. Private school nurseries and kindergartens, Headstart, church preschools, commercial jointly-owned preschools and day care, special education programs for young children (retarded, deaf, etc.) play groups run by recreation departments, coops, city, county or other day care centers, lab schools and so forth, all added together, service considerably fewer than half of the country's eligible candidates. For better or for worse, in sickness and in health, parents without standard English, college degrees, teacher's certificates, child study courses or any other "qualifications," are providing decision-making, policy-planning curriculum, administration, staff, facilities and finding for all aspects of their children's care and early education. . . . The issue, it seems, is . . . Should we have professional participation in early education?

The bill being introduced today makes several provisions relating to this very important question.

First, it continues to emphasize the involvement of parents in the planning and operation of Headstart programs, and permits this parent involvement to be extended to any programs which might be funded under the consolidated program.

Second, parents can serve both as volunteers in any of the programs and can be trained as paraprofessional aides.

Third, it is a significant departure from other proposed child development programs. This bill, specifically authorizes State commissions to plan for programs for adolescent girls and expectant mothers who are economically deprived to prepare them for their future role as the main provider for their children's care and early education. Without such programs, many of these future mothers might not have an opportunity to learn the basic fundamentals of nutrition, child development, and child care. Yet armed with this kind of knowledge it is possible that many, if not most of them, will be able to provide healthy, stimulating environments for their babies, even though they may be economically deprived.

Programs of this sort could operate in conjunction with obstetric clinics, in the public schools, in community programs or in any other setting where future mothers can be reached. An additional feature of such a program might be the involvement of adolescent girls as volunteers in organized child development programs—not only would their assistance be welcomed, but also they would have an opportunity to observe and participate in helping young children grow and learn.

Lastly, the bill also specifically provides for efforts to improve children's home environment. Several still-experimental programs have been conducted along these lines and have shown great promise. Simply, what they do is to send someone into the home on a regular basis to "play" with the child. Not only is this special attention and stimulation of great benefit to the child himself, but it has been found that gradually other siblings, then parents, neighbors and their children are gradually drawn into participation in the activities begun by the visiting teacher. Eventually, the parents are often able to take over the task of providing this kind of educational stimulation.

I would like to add to the RECORD at this point several articles and excerpts from witness testimony which indicate the high potential of parent involvement:

LOW-COST STATE STRATEGIES WITH A NEW LOOK

(By Polly Greenberg)

(NOTE.—Mrs. Greenberg has been a senior consultant with the Educational Services Division of the General Learning Corporation since 1968. Prior to that time, she served as the director of teacher development and program for children for the Child Development Group of Mississippi (CDGM), a statewide Head Start program run by the poor people of the state. Her book about that experience, entitled The Devil Has Slippery Shoes (MacMillan: 1969), has been reviewed as a major publication on both education and the war on poverty.)

Much has been written about why early education is good for children. Much has been written about parent participation in early education. Less has been said about:

Why it would be advantageous for many children to receive richer experiences and more careful guidance in personality growth from their parents, rather than to be put in teacher-dominated early education programs;

Why it would be advantageous for many educational decision-makers to take the route of technical assistance to parents in providing low-cost improved care and enrichment 'programs' soon, rather than waiting for the day when it would be feasible to implement elaborate, expensive, comprehensive service-type, professionally run statewide early education programs; and some concrete ways to do the former;

Why it would be advantageous for educational decision-makers to use parent involvement in early education as a relatively easy low-cost strategy for producing a well-informed pressure group to push for innovations in all dimensions of public education: curriculum, staff development, facilities, parent participation and administration;

Why it would be advantageous for educational decision-makers to support the development of educational choices and to support processes through which parents as well as professionals could become familiar with many differing approaches to education.

ALTERNATIVES FOR ENRICHING HOME DEVELOPMENT

Research indicates that in the earliest years (birth to five or six years), children are more influenced by family than by peers or any persons outside the family. A great deal is known about the kinds of personality strengths and capabilities that help a person cope constructively and creatively as he moves toward mental health and maturity. We even know quite a bit about environ-

ments and techniques that promote or hinder the devolpment of desirable characteristics such as initiative, independence, etc.

If infants and young children learn most from families and if we want young children to learn more of certain things, common sense indicates that we should make plans to share what professionals know about helping kids grow up well with their families. All families. The process of preparing some of what we know in various kinds of packages, the process of promoting parental use of these packaged aids to help a child become a better person through daily living, and the process of giving technical assistance to families as they attempt to launch their "programs," would be a unique and exciting early education project for a creative state to develop.

Actually, it isn't possible to discuss parent participation in early education in terms of should we bring parents into it or shouldn't we. At present, parents or parent substitutes not only participate in the day and night care and the early education of most children in the nation under six, but are the exclusive providers of same. Private school nurseries and kindergartens, Head Start, church preschools, commercial family-owned preschools and day care, special education programs for young children (retarded, deaf, etc.), play groups run by recreation departments, co-ops, city, county or other day-care centers, lab schools, and so forth, all added together, service considerably fewer than half of the country's eligible candidates. For better or for worse, in sickness and in health, parents, without standard English, college degrees, teacher's certificates, child-study courses or any other "qualifications," are providing decision-making, policy-planning, curriculum, administration, staff, facilities and funding for all aspects of their children's care and early education.

Purists can haggle over distinctions between day care and early education. Early educators can develop varieties and hybrids. In spite of all flusters, flurries and fads involved in the current focus of attention on the subject, parents continue to care for kids, and kids continue to learn that which their lives contain. The issue, it seems is: are states going to set up systems so that professionals will be able to join parents? Should we have professional participation in early education?

Educational decision-makers can dismiss nagging doubts relating to lowering professional standards. There are no professional standards in homes, which is where the action is for most babies and little children. Thus, the addition of some inexpensive experience purchased from early childhood people, and even a small sprinkling of booster dollars, could not threaten minimum standards. Can states help parents learn to value the services they presently provide for their children? Can states help families learn to improve the services they provide?

There are a number of low-cost ideas states can consider regarding aid to families for improving educational services they give their children.

GUIDEBOOKS FOR PARENTS

For example, a state could produce soft-back guidebooks for parents' use in daily living with children. Guides would not exclusively or even primarily be workbooks to teach numbers, colors and letters. The materials would not merely be programs to "teach your baby to read." Skills like these are of very superficial importance when compared to the essence of quality child development programs. The chief objective of all major approaches to the education of young children is to help a child strengthen his strengths so that he may become a more fulfilled human being. A person able to deal with colors, letters and numbers, but knowing nothing of human skills such as feeling, initiative, independence, sharing, fairness, creativity, curiosity, resourcefulness, perseverance, ability to cooperate yet not capitulate, democratic processes, problem-solving, decision-making or organizing time and work would not add much to the world.

Therefore, curriculum guides for parents would include behavorial objectives common to most quality early education and child-care programs such as laboratory, college campus and private school nursery programs—distinguished special programs such as those of Deutsch, Hess, Peabody College, Bank Street College, Head Start and Montessori. For these programs have many common objectives and values.

There already are hundreds of books and articles stating facts and theories of child development. What would this project add? The problem is that these publications do not isolate behavioral objectives and arrange clusters of suggested activities, conversations and techniques of working with children accordingly. These should not be set up as sessions or lessons. Parents, relatives (including children) and babysitters should be given tips on how to spot and use learning moments that occur during any encounter with a child anytime. This syllabus for parents would include the same kinds of detailed things to do with infants—again, in terms of developing specific qualities, as well as infant language and experience enrichment.

States have access to the resources required to develop these child development curriculum guides. State departments of education, health or welfare could appoint joint committees or some other means could be devised to coordinate early education projects. A handful of child development and Head Start authorities could list general objectives and outline subject matter specialities to be covered. This document could be announced the way federal agencies announce requests for proposals. Competitive proposals might come to the funding source from private consulting firms, learning corporations, universities, private and public preschools or day-care centers, industries, city or county agencies. A system could be devised similar to that used by the Peace Corps or the Office of Economic Opportunity (OEO) when they want training courses designed and implemented or materials created. The development of various alternative models could be funded so that uniformity would be avoided. Of course, developmental costs could be even further reduced if a number of states pooled money.

Once developed, the packages would be usable in all states at a unit price not much greater than that of a paperback book. One of the standards set would be that early education do-it-yourself kits would have to be designed for use in rich, poor, rural or urban settings, and in any racial or ethnic situation. Clever designers could do this. At present, these groups on the fringes of education are under-used under-achievers. They have great potential. They need pushing.

PROMOTION

The next cost to the state would be heavy promotion for use of these ideas and activities in every home. Demonstrations of their usefulness with babies and small children could be held on TV at several times of day. Live demonstrations could be conducted in each neighborhood in public schools, churches, community centers or other appropriate places. Welfare workers, agricultural extension agents, health workers and community workers in other programs could help spread the word and demonstrate the choices. Flyers could be sent home with school children, welfare checks, real estate tax statements or in any number of ways. States have excellent avenues of dissemination at their fingertips. Few people in America are unreachable if sincere enough efforts are made to reach them.

The third cost to the state in this particular plan would be all but a token of the purchase price of the curriculum for each interested family. Families probably should make a small commitment to trying the material. This could be 25 cents or an amount determined by a sliding scale.

TRAINING UNEMPLOYED PARENTS

The final cost to the state would be the training and salaries of unemployed parents desiring full- or part-time jobs (possibly in training programs funded and developed as the guidebooks were by competing outside groups) to demonstrate the alternative materials. No doubt an imaginative state could get some Education Professions Development Act (EPDA), Manpower or other training monies for some of this. Or it might convince cities and counties to cough up salaries and money for materials for families.

A generation of children hopefully would get a somewhat richer environment and somewhat more insightful care while a system for comprehensive early education for all children is being evolved. Besides helping children now, this program could provide all parents in all socio-economic groups a chance to learn about educational options they never knew existed. This is an all-persuasive community education program.

Furthermore, it could provide the early education field with an untapped reservoir of manpower for two growing specialties in education: preschools and community schools. Opinion leaders from every walk of life could be selected and trained in a new paraprofessional position to tempt their neighbors into partaking of better free education for their children. Poor people need jobs and can be far more effective in influencing their neighborhoods than middleclass missionaries coming in from the outside improving people.

Not only the disadvantaged are disadvantaged as far as enjoyable jobs in the school system go. Many middleclass mothers need part-time jobs. They are home sighing for something to do part-time while their children are little, yet it's a rare school system which will hire two part-time mothers to fill one elementary school teacher's slot or bend in any way to solve its own manpower shortage or to make use of this dormant, frustrated middleclass talent.

TOY LIBRARIES

A second way states could hasten improved early education at home would be to invest in implementing the Glen Nimmicht and Far West Laboratory for Educational Research and Development toy library idea, now being tried on a small scale. This accompanies the Children's Television Workshop, but could beneficially be established even where the TV program isn't piped. Another dimension of this could be roving residents trained in the language/experience approach to reading readiness, who would help parents develop their own programs. The Anacostia Reading Project (Washington, D.C.) has community reading assistants of this kind in eight public schools. Again, parents should participate in the why as well as the how of this enrichment project. And again, peers of each socio-economic, racial and neighborhood parent group should be trained as toy librarians and community reading readiness assistants.

A READING READINESS PROGRAM

A third state project could be to help young children develop a love of books (one part of reading readiness). Parents could be trained to do home story reading and enticement work. They could learn to teach parents, babysitters or brothers and sisters to do this. These parent trainers could learn to put on story times several times a day at local libraries and in bookmobiles.

If this plan is not realistic because there are not enough libraries and bookmobiles,

or if they are too forbidding and storefront facilities in neighborhoods are needed, or if there is not a wealth of beautiful books for the very young in the libraries, we have a clue concerning why children are not learning to read easily when they reach public school. State agencies interested in early education could funnel funds into more plentiful and more tempting facilities, and more delightful books, as well as into salaries for story tellers. Queens Library in New York City has wonderful neighborhood story-telling sessions. The Weston Woods, Conn., Children's Carousel has old school buses, fixed as combination libraries and theatres with red-carpeted steps to sit on, that show filmstrips made from outstanding children's books. If transportation is a problem, states could hire transportation organizers to help families arrange car pools. In some cases school buses may be needed.

PARENT COOPERATIVES

A fourth type of early education improvement project is a group project, but is otherwise similar to the first suggestion in that the chief expenses are developing competing packaged programs, training a cadre of community residents of all kinds to teach others how to use them, advertising the project effectively and purchasing the packages for users. Some materials would be required. In rural areas transportation costs might be involved. This model would be block, neighborhood, creek, plantation, or county sub-section co-ops, run by parents, with no paid teacher. Parent cooperative preschools have functioned for years. These are some variations that probably have not been tried.

Co-ops could be all-day care or half-day play groups. They could serve the mother who works full time but has a week day off (waitresses, nurses and many others work Saturday instead of on a particular weekday). They could serve part-time working mothers or those attending school or engaged in civic projects. If the children of five families were involved, each mother (or substitute) would serve one day a week. Her home would be the facility. If ten families were involved, each family representative would serve one day in two weeks. This could be sold to parents on the grounds that:

Models of alternative kinds of early education, complete with objectives, techniques, content and materials, would be available free for their selection. They learn about early education and make a decision about their children.

Children would be helped by this program.

If parents want to work, this would be to their advantage, as they would get many free days from this without babysitting costs.

If parents are now paying for babysitting, this would be to their advantage as it would be better for children and it is free.

Duty day would be easy and fruitful as session plans would be furnished.

TV and neighborhood workshops could be conducted by parents trained as technical assistants to co-op operators, or individual on-site help could be given. This is yet another para-professional job: co-op staff trainers.

Every public, private and parochial school in a state, as well as all kinds of day-care centers, could receive state aid to put on a daily one-hour preschool program after regular hours for the child and the person taking care of him. Saturday programs could be held. Materials and session plans prepared as described earlier would focus this particular curriculum on showing children's escorts how to offer enrichment activities at home. Group leaders would be parents, who, as in all above models, are a new breed of community preschool paraprofessionals. Group leaders would see alternative packaged programs demonstrated, make decisions and receive training in the use of the program they select. As above, parents would participate extensively in selecting group leaders and program. This program would not be entirely unlike that of the Parental-School-Community Involvement Program of the Southwest Educational Development Laboratory.

BUILDING A VOLUNTEER AND STUDENT STAFF

Another slightly more expensive but still low-cost program states could develop would require facilities, possibly transportation and one trained preschool teacher as supervisor of a volunteer staff, plus the development of suitable session plans and certain materials as above. When new facilities were to be planned for construction, preschool classrooms would be planned in. Or facilities money would be made available for the renovation of churches, homes, stores, apartments, offices or other space. There are learning corporations and consulting firms specializing in day care and early education facilities which could prepare this component for states. It is not necessary for all buildings to look alike to qualify as public schools—a fact evidently unknown to elementary and secondary school builders. Together the parents, students and supervising teacher would study and select the program that makes sense to them from the prepared educational cafeteria. Project Follow Through operates something like this.

The supervising teacher would be given an orientation emphasizing how to present program choices to parents and students. For example, one choice would be whether this should be a half- or full-day program. If the program is to provide comprehensive services, how this extra component will be funded should be discussed. The supervisor's briefing would also include her new role as support, guide, quality control and resource to students and parents working with small groups of children. She will go over the do-it-yourself home-enrichment guides explained previously. The supervisor is leader of a parent and pre-parent educational awareness project, as well as a pre-training program for the vast number of now nonexistent day-care and early education teachers we will hopefully need in the future.

The volunteer staff would consist of college, high school, junior high school and upper elementary students. The former two could serve as assistant teachers and the latter two as teachers' aides. There is, of course, much evidence to suggest that children react extremely favorably to leadership from older children and very young adults. This is also an excellent strategy for getting males into work with young children. Students would be assigned on a regular schedule by their schools as in K-12 practice teaching. Relevant seminars and workshops would be offered to all students participating in the pre-parent or early education experience. Montgomery County, Maryland, has a program similar to this. During the seminar, students would select simple roles or curriculum components to specialize in. Content, technique and process for seminars could be designed by the same experienced educational affiliates referred to before. Video-taping, Peace Corps training techniques, T-grouping, analysis of personal teaching performance and other modern instructional methods should be included.

As much as possible, a representative of each enrolled child's family would be included in the seminar and as a classroom volunteer. Thus, students would gain experience in working with parents.

Most furniture, playground equipment and toys would be made by the parent/student group, using patterns and materials included in the packaged program as well as their own. Civic groups and members of the community could be involved in this project. Head Start was intended to do this, but it only happened in a few localities.

HOME CENTERS

Still another approach open to an innovative state is the Virginia Burke/Mitchell Ginsburg concept developed in New York City of user/provider day care. A provider could be given training, curriculum, some materials and salary for operating a good day-care program with educational enrichment in her home. This could be a half-day session if preferred. Users are parents whose five children fill the quota in each small home-like center. Users get some training, too. This training would stress that the quantity of time parents spend with their children is not the determining factor in whether or not the child is getting good care and education. The determining factors are the quality of what you do and how you relate when you are with him and the quality of care he gets when you are not with him. Users' training would include how to use the do-it-yourself syllabus discussed earlier.

SOURCES OF FUNDING

States could work with industries, hospitals and unions, if appropriate, to develop day care funded partly by the state, partly by the employer as a fringe benefit and partly by the parent paying tuition or matching money as with Blue Cross. The quality of care and early education would be better and the price lower than what is currently available to most working parents. Maximum feasible parent participation would be maintained by establishing parent planning groups at the outset to choose between programs prepared, as in all other instances presented above, by universities, existing good programs, consulting firms, learning corporations and so forth. Each program would include facilities options, staff selection and training options, administrative options and options regarding forms and degrees of parent involvement, as well, of course, as options on the actual daily program for children. Costs could be kept down if the group made most toys, furniture, and playground equipment, and if children brought lunch so kitchens were not required. As before, staff costs could be reduced but desirable ratios continued if assistants were students and parents.

Apparently no state is ready to provide a uniform system of quality day care and early education complete with all related services to every eligible child. But it doesn't have to be all or nothing. Perhaps this very unreadiness will prevent the basic errors built into public education as it stands today. These are monolithic methods controlled by a minority group (professional educators) so that creative change from the inside is repressed, and from the outside—well, outsiders cannot even get an experimental foot in the door. Upon reflection, it seems that far from being a second-rate make-do way to start state aid to early education, a battery of experimental programs like those above would be better than another slick system lowered into the midst of uninvolved neighborhoods. Programs like 4–C could be developed to coordinate purchasing and training for all centers in an area. Pilot comprehensive service centers could be established.

PRESSURE FOR IMPROVEMENT

Probably children would get more from life and from public education if they came better prepared. Probably parent participation is good for children so home and school can tie together. But from the viewpoint of the educational planner, there is a much more powerful purpose in providing early education with high parent involvement soon. It is a strategy for developing pressure groups which can join with creative educators in pushing for improved education at all levels. Parents who have come through the various educational awareness programs outlined above will be far more educationally atuned, astute and unapathetic. They will

give public education more service, support and pressure for innovation.

Why don't parents now pressure for any of the many major kinds of changes that are discussed in impressive professional journals? Because for the most part parents have not seen experimental facilities, curriculum, staff development, administration and parent participation. Educators have effectively excluded them from learning about alternatives. Because parents are essentially ignorant of the exciting ideas in the world of teaching and learning today, of course, cannot pressure for anything specific. Therefore, school personnel are relatively safe. Or they would be, except that by now growing numbers of communities are feeling so excluded from the educational decision-making process that in frustrated rage they are demanding control; no specific changes, just control. Within a decade school systems everywhere will have to cope with what the front lines are living through now.

One might ask why parent participation is necessary to bring universities, educational consulting firms, regional education laboratories, learning corporations, many types of agencies, all kinds of successful individual institutions, persons, programs, projects, techniques, tools, materials, methods and media into greater prominence. Education needs people who are realistic about how irrelevant much of public education is and realistically skeptical about the possibilities of ever altering the status quo. But the other outfits, most notably the learning corporations, started in the early sixties for explicitly this purpose, have goods and services to sell to a market which needs them (school systems) but which will not budget their bureaucracies an inch to take what they need. Without demands, nothing will change. School systems will never change unless someone else demands. This is the big mistake learning corporations made. They didn't know that they needed parents. Without parents there would be no power to propel them to center stage, and all they could do would be what they do now: lurk in the wings.

The area of early childhood education is explored but unbuilt up territory. A state taking advantage of it to set precedents for parent education, parent participation at all levels, use of paraprofessionals, competing and contrasting kinds of programs aided with state funds, technical assistance to education from many sources and public funds to expand private schools would be far better equipped to solve some 1–12 problems in the seventies than its neighbors. Educators sincerely wishing to innovate at existing public school levels might want to establish new patterns in the unbloodied field of early education. They could then devise means of letting new ideas grow on up into adjacent and related school systems.

Self-Help Approach: Parents as Teachers

(By Ira J. Gordon)

(Note.—Dr. Gordon is professor of education and director of the Institute for Development of Human Resources which he organized as a research group within the College of Education at the University of Florida. He received his Ed.D from Teachers College, Columbia University.)

What does it take for a child to do well in school? There are a number of obvious answers including good curriculum, good teachers, good physical plant and up-to-date textbooks, all of which have been the concern of school boards, taxpayers, educational researchers and administrators for years. Another answer has been that the child himself—his intelligence, his needs, his physical health, his level of maturity—influences his learning.

Both answers, however, have overlooked the role of the home and street as contributors to the childs learning and as continuous forces in influencing his desire and ability to learn. Although educators have long acknowledged that parental interest is useful and although we see movements in the direction of parental involvement, we have only recently begun to examine and use the home as a learning institution.

Many concerned professionals, especially those involved in education for the disadvantaged, have a tendency to write-off the home and to assume that school must take over all the many roles formerly played by the family. The current sharp debate over sex education is a case in point as to what happens when home and school vie, rather than cooperate, in the education of the child.

How Home Influences Learning

What do we know about the way in which homes affect learning? How do they influence the child's scholastic performance? And what can we do about it? The work of the behavioral scientists who investigated the first question suggests many factors which influence school achievement. First there are the broad ecological factors such as the quality of housing, the level of income, the composition of the family, the social class and ethnic background of the family. The second and third sets of factors relate more to the way in which parents behave. Many of us are well aware that such labels as "social class" or "poverty level income" are far too broad to really tell us much about what a parent does and how a parent feels about the education of his child. When we examine the particulars, we find that those children more likely to do well in school come from homes which: (1) have planned cultural activities within them, (2) have taken advantage of the variety of community resources, such as nursery schools and kindergartens, zoos and parks, museum and libraries, (3) provide the child with academic guidance in the home, (4) make books, magazines and other intellectual tools available, (5) include the use of many abstractions and reasoning types of sentences in family language. This type of home also provides the child with frequent opportunities from the very earliest years to hear his parents talk and to talk with them even in such simple settings as around the dinner table.

Of special significance is the fact that in the type of home described above, the parents see themselves as teachers of their children. They recognize a responsibility and, more than that, they recognize that what they do in the direct instruction of the child influences how he will grow. Parents in such a home, for example, when shopping in the supermarket make it a point to show things to their toddler or child in the cart, point out labels, colors, shapes and names and to answer as best they can the numerous questions posed by the young child.

The homes of children who "make it" seem to be characterized by a certain emotional climate. There is an order, consistency and a set of home routines. The child has some predictability as to how his behavior will be received. This does not mean that parents are always in perfect agreement, but that generally the child can count on receiving somewhat consistent guidelines concerning his action. The chances are the mother (1) will be emotionally secure, (2) will have a good deal of self-esteem, (3) will trust the school, (4) will devote time to the child and (5) will have a set of organized work habits. A major personality factor which seems to effect learning is the parents' own "belief in internal control." A parent who has such a belief feels that he has some control over his own life and his own destiny, rather than believing himself to be a victim of chance, fate and circumstance.

If the above factors influence how a child performs in school, then changing the school conditions of children growing up in homes in which the above factors are absent will not make enough difference for many of these children. One of the reasons why various compensatory education programs have not lived up to the hopes of their supporters may be because they were primarily school-oriented. Home improvement was minimal. There were no systematic programs for educating parents to change the factors described above and no techniques for helping parents see the home as a learning center.

Home Oriented Training

The general psychological literature in the first half of the 1960's indicated that intelligence was modifiable, that the early years were the most pliable and that infants were far more capable of learning than we had believed. Armed with these notions and with the belief that a successful program of long-term change in child performance required modification of the home as a learning setting, we developed a Parent Education Program to investigate whether a new paraprofessional person—a parent educator—could be recruited, trained and placed in the field; could be accepted on a continuing basis by mothers; could teach mothers a set of specific activities which would enhance the intellectual and personal development of the child. We also wanted to determine whether such a program could be disseminated and used elsewhere.

The program began in July, 1966 with first year support from the Fund for the Advancement of Education. Funds for the period July, 1967–August, 1969 were supplied by the Children's Bureau. The investigation is currently supported by the National Institute of Mental Health.

Our basic approach was to select disadvantaged women, train them in techniques of child stimulation and adult teaching, assign them to mothers of three-month-old babies and have them visit these homes once a week until the child was two years old. We began with babies this young because we believed that patterns of mother-child interaction are set early and this age would offer an opportunity to influence the interaction in a positive fashion.

Fifteen women were initially employed to make periodic home visits to 150 homes. As the project developed, an additional six half-time parent educators were employed. Families were added as the first group of youngsters reached the age of two, until a total of over 300 families in a cluster of north-central Florida counties were involved. These black and white families were from rural and small town settings as well as from the city of Gainesville.

As a basic part of the project, we developed learning tasks that mothers could use with children between three months and two years of age. These materials, in booklet form ("Intellectual Stimulation for Infants and Toddlers") have been widely diseseminated to parent and child centers, university, community and private day care centers, interested professionals and parents.

A Practical Approach

During the entire program, weekly observational information was gathered in the homes. These data, plus tests of babies and mothers, show that we accomplished our objectives of influencing mother-child interactions in the home and fostering child development. The program is practical, accepted by parents and does lead to change.

During the past year we have developed a combined small-group learning approach with a weekly home visit for children between the ages of two and three. The program for two-year-olds combines a small group center with the home visit procedure. Each child spends two 2-hour sessions a week in a home learning center located in the home of a project mother who has converted a room in her home into a preschool. She is employed full-time and has five chil-

dren at a time in the home, with a maximum of 20 children over a four-day week. The work in the home is directed by a parent educator and is supervised periodically by a faculty member. The parent educator works in the center with two groups of children and visits their homes, teaching the mother activities parallel to those occurring in the center. She takes with her appropriate material and teaches the mother a specific activity to do with her child. In this way the mother's feeling of involvement, of seeing herself as a teacher, of having something practical to do are all enhanced, and she is not placed in the role of client or sympathetic bystander. She is intimately involved in the education of her child.

THE FOLLOW-UP

Based upon our Early Child Program, we began in September, 1968 our Follow Through Model as a part of the Follow Through Program of the U.S. Office of Education. We are currently working with 11 communities scattered from Tampa, Florida to Yakima, Washington.

The procedure involves the employment of two non-professionals per classroom to work as parent educators. They opened half their time making visits to each child's home. They carry with them specific learning materials, teach the parent how to conduct a learning activity and explain why it is important. Such a home visit differs from home visits previously made by school teachers who were mostly concerned with learning something about the background of the family and in securing the mother's cooperation. The parent educator carries back to the school the concerns and questions of the parent, thus serving as a liaison between teacher and parent. Parents are encouraged to visit the school and volunteer their services in the classroom. In this program, parents do not serve as observers. Because of what they have learned during home visits, they are able to serve as helpers in the classroom working with children other than their own.

The parent educators spend the other half of their time in the classroom working with individual or small groups of children under the direction of the teacher. They assist the teacher in the development of specific learning materials to be sent to the homes of children, in diagnosing individual needs and general classroom activities and in classroom and child observation.

THE PROGRAM AND THE SCHOOL SYSTEM

The program looks simple. There are three basic steps: First, employ and train nonprofessionals from the community to be served; *second*, develop specific materials related to what is known about cognitive development and what is known about the particular children; *third*, teach the mother so that she gains verbal facility, changes the intellectual and educational climate of the home, develops feelings of self-esteem and control, learns work habits and devotes time to her child. When children reach school age, the program is modified to include use of parent educators in the classroom as well as in the home so that school practices become more individual and curriculum planning includes knowledge of the home. Parents become partners instead of observers and recipients. Home and school can then both change to provide the type of environment which should lead to higher motivation, self-esteem and achievement.

However, we have learned that for any program to be successful it cannot confine itself to changing a single element in the total home situation. Working with parents is a complex process involving not only the educational but also the ecological variables described earlier. Simply carrying a learning task into the home, without being concerned about the health, nutrition, housing, economic and other life forces which affect that home, will not do the job. Further, if we change only some of the home behavior and leave the school as is, this will be insufficient. To change the school also requires changes in the education of school personnel and involves colleges and universities. Our faculty furnishes consulting services to the Follow Through communities, and we conduct a summer workshop, supported by Education Professions Development Act (EPDA) funds, to train local personnel.

The developing university-school relationships are in themselves of great importance. Because our staff works directly with teachers and parent educators, visits homes in the communities, observes classrooms and helps in the preparation of teaching material, the undergraduate and graduate education of prospective teachers is being influenced by what we learn. Thus, home, school and university are all involved in change, and each influences the others. For maximum benefit, a "systems" approach must also include increased opportunities for employment, increased opportunities for better housing and medical services and for involvement in school and community affairs.

To implement such a parent education program beginning in the first months of the child's life and extending into at least his elementary school years requires that we change our concept of schooling. Funds need to become available to school systems for systematic programs of education that do not begin at age five or six and are not confined to the normal school day or school calendar. We need to extend our education system downward. This does not necessarily mean bringing very young children into the school building, but it does mean a responsibility on the part of local boards and state departments for the education of the very young. Further, it means that what goes on in the school building cannot end at 3:30 in the afternoon but that parent programs, the use of parts of the building for day care and the organization of parent groups may make the building a community center.

Certification and employment standards using this model would mean a serious investment in "differentiated staffing" and the development of career ladders for nonprofessionals, ranging from classroom aide to parent educator, teacher associate and teacher. In addition, funding patterns which guarantee some security to nonprofessionals on other than a year-to-year basis are critical. The present programs are all part of the federal operation and should become part of the regular school operation as soon as they have been well investigated. This means retraining the regular staff of curriculum supervisors, guidance counselors and principals. It also means the involvement of the school board so that a successful program is not dropped when federal funding stops. If federal money comes to the state in block arrangements, then personnel in the state departments of education will need to allocate these funds so that school systems which develop effective programs for the parents of very young children and follow them up with systematic home-school projects will be able to fund them on a long-range basis.

What amounts of money are involved? Two of the major advantages of this Parent Education Program are its relatively low overall cost and the way funds are used. The Infant and Early Child Stimulation Programs and the Home Learning Center Project are all university research projects, so that service and research costs are not easily separated. Staff costs for service and research for the years 1966–69 were approximately $300,000. Over half ($160,000) was for salaries paid to the parent educators who would otherwise have been on welfare, unemployed or in low-level jobs. Since we served over 300 families, many for two years and some for all three, depending upon their assignment to experimental groups, the cost per family per year is less than $1,000, including research. Follow Through costs above regular classroom costs are virtually all staff and staff development expenses.

Thus, the major use of money to implement an effective program of parent education is in staff salary, with the great bulk going to disadvantaged people who become paraprofessionals. This is not a high-cost gadgetry program where money is spent on things, but a program where the money spent stays in the community, develops the people who work in it and develops the parents with whom they work as well as helping their children. It is a community self-help operation in which funds, instead of flowing out, remain to be reused as they are fed into the general economic pool within the community and school district.

Although the program has been in existence for too short a time for any predictions to be made as to the impact on dropout rates, remedial problems and the like, some of the information we receive from school systems indicated that although the Follow Through child may be in kindergarten or first grade, the effects of his experience are also seen on older children in the family who develop a more positive attitude towards school. It is clear from our first year (1968–1969) in six communities that the program is widely accepted by the parents. This fall, evidence indicates that these parents want this program to continue and see value in it for themselves and their children.

Sister Mary James, S.S.J., administrator, community teacher program, Project Unique, Rochester, N.Y., testified before the Education and Labor Committee on December 10, 1969:

The Community Teacher Program is . . . a specially designed intervention program focused directly at attempting to alter the aptitudes and attitudes of disadvantaged children in the direction of enabling them to perform more adequately in school.

Presently, we have 11 teachers who teach classes in 40 inner-city homes. There are 260 children presently enrolled and 40 mothers acting as aides. Each teacher holds eight classes per week and sees each child twice a week for approximately two hours and fifteen minutes per session. The curriculum pivots around two of the children's needs: to be accepted and to achieve. We are striving to help each child know who he is, to feel important and to take pride in his accomplishments.

The objectives of the program follow:

1. To sharpen cognitive, verbal and perceptual abilities of children from environments offering limited opportunities for intellectual stimulation.

2. To contribute to the physical, social and emotional growth of these children.

3. To improve the parent aide's self image and participation in the child's learning experiences.

The founders of the Community Teacher Program firmly believe that parents must know what their children's education includes and must participate in it. Mothers and fathers are the first teachers in a child's life and they are the primary agents in providing their children with the opportunities to grow and learn, to appreciate, to build and to increase their knowledge, skills and potential. Mothers of small children are busy—sometimes too busy to concern themselves with blocks and puzzles and games. Mothers who live in the ghetto are busy with many other concerns; also—bill collectors, and inspectors, clinic appointments and inadequate housing conditions. It is understandable that they treat the immediate problems rather than spend time playing and talking with their babies. However, young children learn

consciously and unconsciously from those who live with them and they learn to develop according to the demands and expectations of adults who are significant to them. These "significant" adults are mothers and fathers and if we are to understand and meet the needs of these "disadvantaged" children we must make a large investment in helping mothers understand the importance of the learnings children acquire in their early years and we must also help them contribute positively to the development of these learnings.

Our Parent Aides are the mothers or grandmothers in the homes in which we teach. We presently have forty eight aides, one-third of whom are on welfare roles.

These aides come from a wide range of economic, educational and occupational settings. All of them live within the boundaries of inner city. About one-third of the aides have worked with us for the two year period. During the present school year we lost several and had to begin the search for other interested mothers. The major reason for losing these women is moving!

As urban renewal sweeps the city, more homes are being destroyed and families are lost in the maze of destruction—construction, illness, maternity and acceptance of full-time jobs were also cited as reasons for losing mothers.

Present Aides meet together about one evening every six weeks. These meetings were held to keep them in touch with each other, inform them of certain principles related to young children and encourage them to become very involved in their child's interests and skills. The aides are at various stages of development and many of them are able to assume leadership roles in the program. Others participate only with much direction and still others, approximately four or five, show little enthusiasm and ability to work well with the child.

In addition to these meetings, the teachers spend time planning the future events and activities with their aides, and do extensive homevisiting to the homes of children whose mothers are not aides. Their visits provide an opportunity for mother and teacher to talk in general about the program, its goals and progress and in particular about her child, his interests, problems and development. Many teachers have also held evening meetings in the parent aides home for parents of children who attend class at that aide's house. These meetings have been particularly successful and enjoyable. Perhaps, the more familiar atmosphere of meeting in a home in their own neighborhood and the company of neighborhood mothers contributes to the lively conversation engaged in at these meetings. This open agenda type meeting has drawn exchange on various topics: children's eating habits, bedtime problems, the "good" and "bad" of television, older children's teasing younger siblings and the all-time favorite "fighting."

One of the remarks heard repeatedly was . . . "how good it is to have a night out to myself."

During the latter months of the '69 school year, the community teachers requested more time to plan and work with their parent aides. In an effort to provide some opportunities for this, we used one to two hours each Monday in May and found that these were very valuable sessions. By simply asking a parent aide: "What activities would you like to include in the program in the next few weeks?", teachers received dozens of ideas of the activities most enjoyed by the aides and also discovered which activities the mothers felt were the most important for the children. Language time and trips seemed to receive the highest rating. These experiences prompted the teachers to request more association with the aides on a regular basis during the next school year. One suggestion which seemed to receive all of teachers' approval was to use one-half of our Monday In-Service for Parent Aide sessions. Further explanation will be given this in our recommendations appending this report.

In order to receive more reactions from parent aides and other parents involved in the Community Teacher Program, we undertook taped-questionnaire interviews with twenty four parent aides in May, 1969. These tapes are on file at the Community Teacher Office, 46 Moran Street. It is our impression that the Community Teacher Program has successfully demonstrated the feasibility of home instruction for both young children and their mothers. Our observations, evaluations of the children, taped interviews with parents and teachers, and multiple questionnaire support our belief that the Community Teacher Program has contributed effectively to:

1. An increase of knowledge and skills in the children which will enable them to meet the school situation with greater ability and flexibility.

2. An increase of knowledge and skills in the teachers which will enable them to better understand the needs of young children and contribute more positively to their development.

3. An increase of knowledge and skills in the teachers which has enabled them to understand how young children learn, the effects of deprivation on learning and how to meet the challenge of teaching in such an innovative setting as the Community Teacher Program.

Interviews with kindergarten teachers in six inner-city schools clearly support our hope that children who participated in the Community Teacher Program entered school quite prepared and maintained gains throughout their kindergarten year.

Presently, Dr. A. P. Scheiner, Pediatrician, and Lynn Cramer, social worker have seen and made reports on fourteen of our children. Two are reported to be mildly retarded while twelve fall within the normal intelligence category but are functioning below their capacities due to environmental handicaps. Nine of the thirteen also exhibited a variety of physical disorders and follow-ups will be done on these children. Two children have been recommended for the Day Care Center for the Handicapped, one child has been placed in a more structured nursery school and five children were placed in the special class within our own program. Efforts are now being made to work closely with the Convalescent Hospital for Children and the Neighborhood Health Center to initiate a program of health-education services on a family continuity basis. (Data available at Community Teacher Office, 46 Moran Street, Rochester, New York.)

Mr. ANDERSON of Illinois. Mr. Speaker, I commend the distinguished gentlemen from Oregon and Idaho for their initiative and effective leadership which have produced "The Comprehensive Headstart Child Development Act of 1970." I am proud to join my colleagues in cosponsoring this bill.

The Nixon administration has committed itself to the first 5 years of life. There have been several bills introduced already in this Congress which attempt to obviate the inefficiencies and shortages of present child-care services—the President's family assistance plan is among them—but a more comprehensive approach than any found in legislation heretofore is needed to alleviate the gap between child-care needs and available services. More places in child-care programs must be provided for underprivileged children. Steps must be taken to assure that the children of mothers who are already working or who may be forced to work to balance the family budget, will receive sound, healthful care and educational and social development, not merely custodial care.

The total child care capacity in the United States at present is under 650,000—there are 3 million disadvantaged preschool age children—full year Headstart can care for only one-quarter million; of 12 million children under age 14 whose mothers worked, in 1965, 8 percent—nearly 1 million—looked after themselves—most attended school and were without supervision after school, while only 2 percent—265,000—were cared for in day-care centers, nursery schools or similar facilities.

The lack of adequate facilities is a major obstacle blocking the development of child-care centers. Thus far, many day-care and Headstart programs have relied upon space owned by churches, nonprofit organizations, and commercial enterprises. Speaking before the Republican Task Force on Education and Training, Mr. Lawrence Feldman, executive director of the National Day-Care and Child Development Council of America, Inc., said:

There is a tendency to say "put 'em in church basements" . . . but this has not proved to be a realistic approach in the past and will be even less so in the future. Headstart has just about exhausted the communities' stock of easily used spaces of this nature—churches, sunday schools, storefronts. Sometimes this is because the kind of space used for older children for a few hours each week is wholly unsuitable for younger children on a full-time basis—the size of the rooms, the toilets, the cooking facilities and a variety of other factors may make a building unsuited for long-day activities—even a building which may not be obviously dilapidated.

In many areas of the country, suitable existing facilities to house child-care centers can no longer be found, and often when they can be located, there are insufficient funds to pay for them. Experts estimate that some rural areas and some ghetto areas are completely lacking in suitable facilities for early childhood programs; whereas most suburban and nonghetto urban areas do have significant amounts of usable space in community buildings and private facilities which are often unused during the prime hours of early childhood programs.

To alleviate this facilities crisis, our bill proposes a number of measures. Unlike existing programs, after consolidation, the Comprehensive Headstart Child Development Act will provide funds for construction of new facilities in addition to renovation or leased facilities. But we do not propose that the Government make outright grants for construction of new facilities. Our major emphasis is on child development not facilities' construction, and the provisions of our bill follow this line.

Applications for assistance can include the construction of facilities if it can be shown that construction will be more economically advantageous than rental or lease—this means that if applicants cannot find suitable facilities to rent or lease they may build new ones.

We also require that an applicant consider a variety of building designs and techniques—the new technology has made possible many things not done under conventional plans. The physical facilities in which we place our children are factors in the formation of their growth and development patterns. The physical environment of a child affects to a considerable degree his potential and the extent to which it is utilized. Testifying before the Education and Labor Committee, Richard Neutra, a Los Angeles architect stated:

The architect's biologically and psychosomatically well-advised arrangements cannot be overestimated. Education at this early age, in these early phases of life consists largely of environmental offerings. The child himself is a sensitive consumer, but of course is unable to program or even vaguely request certain most necessary provisions. Any square foot geometricity and ordinances have in this case only a minimum of significance. . . . With the working mother reaching overwhelming frequency, as in this nation and abroad, then the prelinguistic, the early and earliest education through the *environment away from home* becomes an eminent health factor. This preschool period is more important, perhaps, than anything else including even nutrition, in this matter of public welfare that most favors a generation of coming years . . .

Federal assistance here may be in the form of grants or loans, but total Federal funds cannot exceed 50 percent of the total construction cost.

No more than 15 percent of the State's allotment shall be used for construction and no more than 2 percent of the State's allotment shall be used for grants for construction. The reason for such limitations is the fact that construction is so expensive, relative to providing services for children—the cost of erecting one facility against the cost of providing child care at the average of $1,700 per child per year.

Funds shall be made available not only through Federal grants, but loans and loan guarantees, or a combination of such methods. A new mortgage insurance program, similar to the one that spurred nursing home construction, will be established to assist private profit or nonprofit organizations which meet licensing requirements in getting mortgages to finance the construction of new facilities when deemed necessary. This mortgage insurance program will be a boon in face of the shortage of child-care facilities and the reluctance of private lending institutions to finance private profit or nonprofit child-care centers.

As an example of construction financing, New York passed landmark legislation to provide for the financing of new day-care centers and to make space available for day-care centers in State and municipal buildings. The new law authorizes the House Finance Agency to issue $50 million in notes and bonds and to fund mortgage loans of up to 100 percent for the construction and equipment of the nonprofit day-care centers. The law also encourages financial assistance from savings banks, insurance companies, and private lenders, by guaranteeing loans from these sources at 80 percent.

Finally our bill proposes an increase in the funds authorized for the neighborhood facilities program operated by the Department of Housing and Urban Development. This program has made an important contribution to meeting the need for facilities in inner cities through the financing of multipurpose community service facilities, which provide a focal point for the provision of community services for low- and moderate-income people in the neighborhoods where they are concentrated. The multiservice neighborhood center is seen as the heartbeat of the neighborhood—a place where individual, family, or group problems are understood and dealt with creatively. It is conceived as a one stop social service activity center; a meetingplace for people to air their feelings and to tackle neighborhood and community problems together. The location of the multipurpose center in the neighborhood rather than downtown enhances the accessibility of services to the people and indeed the reverse.

In tackling the facilities crisis, we must consider the problem of standards. This is a very difficult one, indeed. Our bill requires that the Federal interagency day-care standards be met by all applicants.

I return to Mr. Lawrence Feldman's experience in the field of day care for an example of the difficulty of knowing what action to take in various situations:

The question of standards is a tough one. In Harlem, for example, I recently saw a community day-care center operating in a storefront. Operated by a neighborhood group dedicated to providing the best they could, this situation was nevertheless appalling—huge gobs of plaster were falling down from the ceiling on the children, a teacher had been injured the week before. But this center was open because no one would take the political risk to assume responsibility for closing it down. But even here, where the physical conditions were obviously so very bad, I felt an ambivalence . . . because of the desperate need.

At this point, I would like to insert an article illustrating standards versus desperate need, "Law Dooms Care Project," by William Raspberry, also a knowledgeable article concerning the adaptability of the child to his environment and his learning ability and potential, "An Ideal Environment for Learning" by Dwayne E. Gardner:

[From the Washington Post, Apr. 23, 1969]

LAW DOOMS CARE PROJECT

(By William Raspberry)

Rosa Lee Gainey, who rents a large house on Kenyon Street, thought she had solved a lot of problems.

She and her sister needed work. Their elderly mother needed someone to be with her around the clock. Several neighborhood women needed day care for their children.

So Mrs. Gainey, whose children are grown and gone, set up a small-scale day nursery.

"We had ten children and we were charging $12 a week to pick them up, take them home, feed them and take care of them all day while their mothers worked," she said. She and her sister each grossed $60 a week, the mothers were able to hold regular jobs and Mrs. Gainey's own mother had the care she needed.

"I thought things were working out pretty well," she said. "We weren't making much money, true enough, but it wasn't too bad.

"Then somebody reported us to the city, and the first thing we knew, the people from downtown were telling us that we didn't have enough windows and the rooms were too small and we didn't have a fire escape, even though all the children were on the first floor."

What Mrs. Gainey didn't know was that as soon as she took in the sixth child, she has become an "institution" under District law and was subject to the same rules that govern convalescent homes and similar institutions.

Officials told her that she could keep five of the children, but no more. That wouldn't permit her to earn enough to stay in business, however.

As a result, several of the mothers had to give up their jobs, even though Mrs. Gainey's place on Kenyon Street was a lot better than their homes. Mrs. Gainey herself is working as a domestic in Bethesda and earning $55 a week.

Her duties include taking care of her employer's children.

"That's how it is, I guess," she said. "We can get all the jobs we want taking care of white folks' kids, but we can't do it for our own people, and they're the ones that really need it."

The city doesn't deliberately set about to force people like Mrs. Gainey out of business, even if it must seem that way sometimes. It's just that the Bureau of Licenses and Inspections and the D.C. Health Department are concerned about the health and safety of small children, and their rules are pretty strict.

Too strict, perhaps, to be altogether realistic. Frame houses, for example, are out of the question. Houses with masonry walls and wooden joists are all right—if they have automatic sprinkler systems complete with alarms that ring the Fire Department. Run afoul of the rules of either agency, or of the Welfare Department, and you're out of business.

Some of the rules are based on such practical considerations as fire hazards, but many seem that the choices are between a not-quite-adequate day care center and the sort of middle-class homes one sees on television.

The real choice may be between a day nursery that isn't too bad and a bad home that will become worse when the mother is forced to quit work and go on welfare.

It is becoming more widely recognized that hundreds of Washington welfare mothers would gladly go to work if they could find someone to care for their children. The supply of day-care facilities, unfortunately, doesn't begin to meet the demand.

Tom Taylor, head of the National Capital Area Day Care Association, sees both sides of the problem. He knows the importance that early stimulation has for later education. He knows the value of good nutrition and adequate play space and all the other things that make for a good day nursery.

But he also knows what the real choices are. He is currently heading a committee set up to review day-care standards for the city. "But the truth is, we'll probably wind up tightening as many standards as we relax," he said.

What Taylor and the Day Care Association ought to consider is some sort of quickie training program to teach interested women how to run small nurseries. The city would cooperate by relaxing some of its requirements. There are plenty of women who would love that kind of work, and hundreds more who need the service.

The real solution, of course, is modern, well-equipped day care centers that include nurses, nutritionists and educators. Taylor is working toward that end.

But in the meantime, people like Mrs. Gainey could perform a most useful stopgap service if the city would let them.

AN IDEAL ENVIRONMENT FOR LEARNING

(By Dwayne E. Gardner)

(NOTE.—Dwayne E. Gardner is chief, Program Management Branch, Division of State Agency Cooperation, Office of Education.[1])

Excellence in early childhood education demands thoughtful planning of programs and places, for people. As in all educational endeavors, human needs must govern programs and facilities in the creation of an environment for learning.

The physical environment should be comfortable, spacious and stimulating, enhancing the relationships among children, teachers, parents, administrators and the community. Working together for the benefit of the child, family, community and staff should be supported by an optimum physical environment reflecting the early childhood program. Unquestionably, the facilities will not obstruct teaching and learning but will provide the proper setting and the necessary tools to encourage each child to do his best.

Quantitative and qualitative factors, as well as the organization of space, constitute the physical learning environment. Space of sufficient size and with appropriate dimensions is the quantitative requirement. The environmental treatment of the space and the proper use of equipment and materials make the qualitative factor.

DESIGN IMPORTANT TO LEARNING

Greater distinction in design is needed between facilities for very young children and for those in the lower elementary grades. Essentially, as the nursery and kindergarten school is an extension of the home, it should, therefore, ideally be located nearer the child's home than would an elementary school and would reflect the image and the scale of the home. Here, children and adults will live, play and work together; here children may learn and grow.

The child's living-learning experience is most meaningful when his environment responds to his needs. Physically and psychologically, the child is quick to react to environmental conditions. Because of the influence upon the child's attitude, space and color, texture and light ought to be used to provide an appropriate learning atmosphere and guide the behavior of the child. Too many of the existing early childhood learning spaces are flat-floored, flat-ceilinged boxes, devoid of any stimuli for work and play.

Proper and adequate facilities will accommodate a learning program that becomes part of the total educational enterprise, accepted and integrated as an important and necessary experience for all. Whenever it is needed or would be useful, the school building or learning center should be available to the community. Such additional use may require some modifications in initial design or would have to be taken into consideration in remodeling plans. Modifications must accompany, not detract from, improvement.

In many cases undoubtedly, facilities could be chosen that are better suited to the educational program, but there is a danger of overdesign. A viable facility cannot be tailored to a program, but must allow for modifications resulting from changing goals, emphasis, curriculums, communities and personnel or just for the changes stemming from the inventiveness and imagination of the competent teacher. Thus the physical environment remains responsive to changing needs and needed changes.

The early childhood facility essentially is a place of freedom—freedom for the child to be himself, yet to achieve self-discipline; freedom to experiment and investigate; freedom to try many things, to do them poorly, and to make mistakes at least once. Permissive and pleasant, the atmosphere will sustain, without serious disruption, the varying moods of room situations; happy and austere, joyful and serene.

There will be a place for playing and space for contemplation; space for groups of differing sizes and space for privacy. The facility might include many shapes and spaces, tall, low, large and small, and with this spatial variety, a variety of finishes and materials. Materials will not all be durable, antiseptic and unyielding. With such variation some materials will be hard, some will be soft, will give, will be pleasant to touch, feel, look at. Nor need the space be immaculate. Indeed some messiness may be desirable, for an obsession on the part of an adult for orderliness may inhibit initiative and kill creativity. The facilities for early childhood programs must be relaxed and comfortable.

Such qualitative conditions as illumination, heating, cooling and ventilating and acoustics, should be of greater concern. Although we do not yet know as much as we should about good climate control for children, research is continually providing new and more relevant information.

Surroundings should inspire, please and satisfy their occupants. Since most occupants are children, the physical environment should be child-oriented and child-sized.

SPACE: ORGANIZATION, FLEXIBILITY, ACCESSIBILITY

The primary ingredient for a quality learning environment is space. Space with appropriate dimensions, not the brick and mortar, is the heart of a good living-learning environment. The organization of the space, the placement within of centers of interests, dictates the flow of the learning activities. A well-organized and efficient space reduces confusion, disorder and discipline problems. Thus, sufficient areas are program-organized to accommodate the learning activities in a functional manner.

Again, the physical environment should support and enhance, not restrict, all learning activities. Since the activities will change frequently, flexibility in the design and organization of the space is needed to permit easy adjustment to these changes. Flexibility means more than just being able to move some partitions or visual screens; the mechanical services—heating, cooling, ventilating, lighting, plumbing—also must be subject to alteration. Too much flexibility, however, leads to a lack of commitment and character.

Versatility of spatial and environmental factors is inherent in all good architecture. variations in scale, volume and texture not only guide attitudes but channel enthusiasm along appropriate paths. Thus the young child is made aware of, and responds to, these variations. He feels free to skip and laugh in permissive open areas where floors respond to the beat of feet; yet he is quick to adjust to the quiet and contemplative activities of individuals and small clusters of children.

Adaptability is a highly valued characteristic of the physical environment. The early childhood program requires that the site and the space, as well as the furniture and equipment, be so adaptable as to permit activities to expand, shrink, disappear completely or even move outdoors. Portable or movable furniture permits rapid changes. Likewise, when space is designed to facilitate movement, carts, cabinets, screens, bookcases and work tables can all be made part of an easily modified setting that takes on new dimensions as new demands are met.

Space and its contents should be accessible. True, the design of space must be versatile and flexible and the furniture and equipment within it adaptable to changing needs, but, most important, the principal resources—the learning tools—must be immediately available for use, with objects and materials displayed to invite use and spark interest and curiosity. Overly complicated objects or those things in bad repair, or things simply out of reach are likely to frustrate the child; an overabundance of materials in one location tend to overwhelm rather than to stimulate him. An independent, self-stiumulating environment can be achieved only when children are able to reach objects of choice and spontaneously commence their activity.

Although, in considering making maximum use of available space, it is found that some area can be used for more than one type of learning activity, it is prudent to remember that the nature of the instructional program for the beginning child is such that only infrequently can the same area be put to multi-use.

A learning environment wherein it is recognized that simplicity and beauty are compatible with functional use of space, and that they are important in contributing to the emotional fulfillment of each child, permits both educational utility and aesthetic satisfaction. The fluid quality of space with an appropriate use of color and texture becomes a learning tool.

Safety measures are more than the basic protection from harm by fire, protection from traffic and other modern hazards. Those who design and organize space should give due consideration to the health and safety of each occupant. The requirements of the physically handicapped should receive particular attention so that these children may be comfortable and independent.

Many acoustical problems may be anticipated because of the great variety of activities that take place simultaneously within the same space. Yet it is possible to determine, within reasonable limits, those materials, shapes and conditions that produce good acoustics. Much of the unwanted noise can thus be dissipated at its point of origin by using materials with good acoustical properties.

The human body does not adjust readily to extreme variations in temperature. Proper balance, uniformity, and control of the physical environment through good heating and cooling devices increase the physical comfort of the occupants. There is reason to believe that good temperature and humidity control increases the productivity level of children. Since it costs more to cool air, there is a tendency to close in the space, make it more compact, increase the insulation, reduce the perimeter, and reduce the amount of window area. Rightly, however, cooling of the space should not be bought at the expense of other amenities and human needs.

Visual comfort, compatible with the task, results from many factors other than the quality of footcandles and the level of illumination. Although the use of artificial illumination has become more prevalent, it is considered important still to have controlled daylight. The ability to see outdoors may have some effect on the emotional and psychological development of children. We should not be too quick to separate ourselves from the natural environment. Nor should we avoid the variation in lighting and temperature which may be necessary for the best results in the learning process.

Wherever possible, space should be arranged to permit simultaneous indoor-outdoor use where the teacher can supervise groups of children in both areas.

The physical environment of any early childhood setting must not only contain quality and quantity of site, facilities, equipment and materials, with serve the neighborhood as a whole.

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[1] This article was written by Dwayne E. Gardner in his private capacities. No official support or endorsement by the U.S. Office of Education is intended or should be inferred.

Mr. STEIGER of Wisconsin. Mr. Speaker, I would like to take this opportunity to join the gentleman from Oregon (Mr. DELLENBACK) and the other

distinguished cosponsors of H.R. 15776, the Comprehensive Headstart Child Development Act of 1970, in their remarks on this important legislation.

What we are trying to do in the legislation we have proposed is lay a solid foundation, including research, staff training, coordination, evaluation, and facilities, to support the kind of carefully planned early childhood structure we envision.

Too often in the past, when a need has been great, the Federal Government has acted imprudently and made promises and commitments it could not deliver.

This was the case with title I of the Elementary and Secondary Education Act. We were promised that major social changes would result from enactment of this program when in fact there was no theoretical basis for supposing that this would be the case.

The developers of Headstart tried to indicate in advance how little was known. They tried to caution on how little could be expected from such programs, but we boasted that somehow in 6 weeks in the summer we were going to undo all the problems which had developed over 5 years of life.

Child psychologists and others who have studied the nature of human development, maintain that there is simply not enough known about how children grow and learn to predict what effects child development programs will have on them.

We have created a National Institute for Early Childhood Development, in our bill, to help us gain a better understanding of early childhood development and the effect organized programs have on this process.

The Institute will formulate research and test programs to permit us to act as rapidly as possible with the most effective use of available resources.

It will coordinate research conducted under other Federal, university, and private auspices and disseminate information.

And it is directed to assure that the results of this research and development are reflected in the conduct of programs affecting young children.

We realize that some problems are so pressing that we must meet them on the basis of what knowledge we now possess. That is why our bill is designed to meet immediate needs, but places strong emphasis on a carefully planned step-by-step approach to future expansion of day-care activities to assure well designed and prudently administered programs.

Dr. James O. Miller, Director of the National Laboratory on Early Childhood Education, has argued cogently and convincingly for the establishment of a National Institute to serve as a focal point for research into early childhood education and development. His views were set forth in great detail in a paper entitled, "The National Laboratory—A Critical Period of Initiative." Following are excerpts from his paper:

In essence, the decision [in 1965] to mount a massive preprimary educational program for the disadvantaged highlighted our woefully inadequate resources to meet the challenge.

(1) *Inadequate Knowledge of Processes Underlying Development.* Despite the knowledge and evidence concerning the importance of the early years for developing competency, knowledge concerning the relevant underlying processes was lacking. Such information is essential for developing sound educational intervention. It must be remembered that only four years had passed since Hunt's compilation of the diverse evidence supporting the effects of environmental conditions upon intellectual functioning. In the main, his evidence was scientifically circumstantial, as was Bloom's 1964 work. Given the validity of their syntheses, major efforts remain to be undertaken to fill the knowledge gaps concerning the developmental processes underlying intellectual functioning and the supporting systems necessary to nurture growth. By 1965, hardly enough time had elapsed to identify the specific relevant variables, to understand the underlying processes, and to translate this information into tried and proven educational models.

An essential first priority in the months and years ahead must be a concentrated effort to understand the underlying processes of early development as they relate to individual competency. Production of such knowledge can best be accomplished in the context of a planned and systematic attack designed to serve the development of early educational models. The power of such a commitment lies in the explicit continuous feedback which a mission-oriented system can marshal. There can be no equivocation on the importance and necessity of extending the relevant knowledge base.

Guidance for deploying our effort and resources to the most relevant areas of investigation must come from systematic synthesis and integration of present knowledge with a sound conceptualization of tactics to be employed in a program of basic research.

(2) *Poor Program Definition and Specification.*—The social urgency of the problems of disadvantaged children led us to implementation of programs long before the data were in to support their efficacy. Programs were initiated on the assumption that anything was better than nothing at all. Consequently, these endeavors reflected the full gamut of philosophy, content and methods without a solid foundation of fact or proven results. The criticism is not of program diversity. The strategy is necessary to meet the needs of a heterogeneous population. Such pluralism, however, implies carefully planned strategies and well documented justification for the total program. In most instances, heterogeneity of programs was the result of little knowledge of the best that was available and without readily available guidance of models to follow.

The essential contribution of these programs was to educate the nation as to the importance of the early years and rally opinion in support of the possibility of beneficial results. However, such a laissez-faire philosophy toward implementation and program development led to such heterogeneity that sound evaluation was impossible. Reports of benefits were in the main impressionistic, hardly a sound basis for developing future policy. The inadequacy of programs and implementation points up to the necessity of an integrated effort to provide early educational models appropriate for implementation in a variety of contexts.

An iterative strategy must be employed which will provide early educational models based on the best information available at that point in time. The strategy must include means to incorporate new knowledge being produced. This implies program pluralism and responsible flexibility based upon a comprehensive integrated system of research and development.

(3) *Inadequately Trained Staff and Training Capabilities.*—Program quality is in part a function of the personnel who must implement the instruction. In 1965, as in 1969, the story was too few personnel available with adequate training, nonexistent preservice training capabilities, and inadequate inservice training commitment or support.

In summary, a crisis in staffing exists now. The immediate problem of providing adults to man classrooms was met by using inadequately trained personnel. The need for appropriate inservice training and using innovative models was advocated in that paper. Both preservice and inservice capabilities have lagged far behind demonstrated need. Those training programs which are being developed reflect little understanding or conversance with available substantive knowledge, the children or needs to be served. The meager resources available for development of training programs appear to be distributed on the basis of inappropriate criteria.

Preservice and inservice training must be closely related to the development of sound program models. Demonstration facilities must be available where these models can be shown in operation. Inservice training must be available in the reality context of the work situation. New patterns of career development utilizing untapped resources, such as the community colleges, must be employed if this problem is to move toward solution. Without a unifying force which can demonstrate the power of an integrated national program, the outlook in this area appears dim indeed.

(4) *Nonexistent or Inappropriate Objectives.*—A great deal of confusion existed in 1965 as to the objectives of the educational program for Head Start children. The same condition exists for children from other environments, but we will make the point specifically with programs targeted for the disadvantaged. Confusion over objectives has not yet been resolved and, unfortunately, the confusion has a profound effect upon the development of adequate instructional programs, as well as preservice and inservice training programs for classroom personnel. The confusion apparently involves priority of objectives as well as their appropriateness. Many have seen the federally sponsored preprimary educational efforts as directed toward eradicating the social problem of poverty. Specifically, the prime objective of the program was to offer more job opportunities for the poor. Others have seen the programs as a means towards providing political leverage and power for the disadvantaged.

While these objectives may be laudable from a social viewpoint, they are neither necessary nor sufficient for early childhood educational programs. While specific program objectives may vary from individual to individual and from group to group, the focus in early childhood education must be upon the child and those immediate support systems and conditions which will optimize the development of the individual and provide the social competencies necessary for responsible environmental mastery. Clearly, such a statement needs greater explication and refinement to establish clear set priorities and criteria by which attainment of specific objectives can be judged. However, the child and his immediate ecology is clearly the orientation, pointing to the primary target of responsibility, an orientation which is necessary if we are to be serious about the mission.

The problem of objectives becomes more critical as we move to specific program models. Without a clear statement of objectives, instruction, methods and techniques take on a smorgasbord flavor. With untrained classroom personnel and a heavy reliance on paraprofessionals, classroom experiences are meager in content and the emphasis soon degenerates to issues of classroom control and behavior management.

Clear statement of overall objectives, as well as specific objectives, are important for instructional continuity and progress. Clear statements are fundamental to the development of early childhood educational models which are appropriate for implementation in many settings. It is essential for evaluation.

(5) *Inadequate Evaluation and Instrumentation.*—The problems of evaluation and instrumentation are closely associated with those discussed previously. Three needs can be readily identified as essential to the field and high on the list of priorities for systematic development.

(a) Instrumentation. The field is in desperate need of adequate instruments to measure a wide range of child performance behavior. These instruments should be so designed and constructed that they will provide diagnostic information prior to educational intervention, be usable for assessing progress, and be adequate for reliable measurement of attainment of terminal behaviors. They should be carefully constructed to provide information concerning the processes of development.

(b) Systematic ecological observation. Program effects should be observed throughout the child's ecology. Changes in that ecology, particularly in the support systems which nurture and encourage his continued development, should be systematically recorded as an index of program effectiveness.

(c) Theoretical models of change. We need a calculus of change which will provide reliable means of assessing progress over time. There is a strong possibility that the lack of results in some of our interventions are intrinsic to our means of analysis and errors of measurement rather than lack of efficacy in the educational intervention itself. Measuring and assessing change is a critical problem in the area of evaluation.

These three major areas touch at the output end of the evaluation continuum while little attention has been placed at the input end. Essential to evaluation is the development of criteria. In terms of child performance, development of adequate behavior criteria was implied. However, nothing has been mentioned concerning cost effectiveness, social impact, and other areas of concern which are particularly important for decision makers prior to installation of programs. It is my firm conviction that these problems can best be attacked and resolved within the context of a comprehensive program which mandates this line of inquiry and development.

(6) *Indecisive Funding and Support—The Federal Role.*—No one would construe the federal role in education as one simply of defining need and initiating programs for which the state and local authorities in due course would take responsibility. Yet, even a casual reading of the record would lend substance to such an interpretation. No one would seriously contend that the role is simply to turn back funds to the states which the federal government could more efficiently collect. Yet, there is evidence to support such a definition. Few would argue that the role of the federal government is to assume responsibility for control of education in the nation. Yet, some would make the case that we are well along on such a course. It is precisely the ambiguity regarding the federal role, however, which gives rise to indecisiveness concerning funding, mechanisms for support and those functions and institutions appropriate for reaching national objectives and priorities.

The field of early childhood education, perhaps because of its dependence upon federal support at this point in its development, has been particularly vulnerable to federal capriciousness. Head Start is a notable example of the problem. Funding schedules have been constantly violated causing havoc at the program level. Recruitment and retention of high quality staff has been impossible under conditions where promises made were broken because funding schedules were not met. Research and development work cannot be divided into neat annual packages conforming to federal bookkeeping procedures, an imposition which has militated against significant achievement and breakthrough. A fair test of the efficacy of educational programs cannot be made when premature and inappropriate evaluation is imposed. These nagging and persistent problems may well be alleviated when the role of the federal government is clearly defined and it assumes the responsibilities which can only be met on a national level.

Many of the difficulties and criticisms of the federal role in education appear to revolve around federal activity at the implementation level, a state or local prerogative. Head Start has experienced this problem, as have various titles of the Elementary and Secondary Education Act. Direct support of programs at the implementation level will always raise the question of control and responsibility.

Unfortunately, the federal record of support of the role which it so clearly must assume—production of knowledge and systematic translation of that knowledge into soundly tested programs—is meager and spotty. It has been estimated that approximately one-half of one per cent of the federal expenditures on education have gone into this specific national responsibility.

Krathwohl (1969) has compared this record with the 3 percent investment in research and development on the part of other sectors of the economy. Less than one-twentieth of that one-half of one per cent has been earmarked for the field of early childhood education where it is most critically needed. Tragically, this condition persists despite declarations on the part of the present administration and the previous one to the effect that interests of children under six were a first national priority. Meager and unreliable federal involvement in its prime educational function will continue the fragmented efforts toward solution of the most critical problems of education in general, and early childhood education specifically.

If we accept the doctrine of state and local control over and provision of educational services (implementation level), the role of the federal government in education must be to provide the means of developing comprehensive exemplary programs in targeted educational areas of need. Specifically in the field of early childhood education, the federal government must support a comprehensive and integrated program organized to produce and translate knowledge into a variety of testable early educational models, demonstrate their efficacy, and provide advisory services for their installation, maintenance, and evaluation. This program of exemplary leadership can only be implemented at the national level with major support coming from the federal government.

A CONSTRUCTIVE STEP

Krathwohl (1969) advocated in his AERA Presidential Speech the establishment of a series of national institutes for education focussed on significant educational problem areas. Nowhere in the field of education is the need more essential, the instrumentality and means more available, nor the time more critical than early childhood. I propose the development of a National Institute on Early Childhood Education. The National Laboratory would be the substantive core for the Institute. Clearly, we must bring order and a concentrated effort to a field which has such high social priority. Early childhood education, so new to public support, offers a golden opportunity to establish fresh patterns of attacking educational problems. We must develop institutions which are anticipatory and future oriented rather than merely respondent if we are to make significant progress on educational problems of national scope. This institute would be the focal point of the national commitment to early childhood. Autonomous in organization, its major function would be to develop the national perspective through its integrated program and activities.

I see such institute as having five functional capacities: four of which require direct substantive action. They are: (1) A research capacity which would be charged with the production of knowledge and applied experimentation. The focussed research mission would be the exploration and understanding of the developmental processes underlying individual competency. Applied experimentation would be concerned with altering these processes where desirable through educational intervention. (2) A development capacity which would translate knowledge and results of experimentation into effective comprehensive models for controlled application. (3) A diffusion and installation capacity which would provide the capability to rapidly move developed early educational models into field practice. The major means would be through demonstration centers and advisory services. (4) A resources production capacity which would include the operational and support capabilities necessary for the previous three functions. It would include information retrieval and dissemination, media production, communications, development of support technology and a variety of storage systems.

The fifth functional capacity is the key to a focussed national effort in early childhood education. It is the integrative function. All of the action elements of the Institute, whether they be university based, field based, in the private sector or centrally located, can go on in isolation as has been the case thus far. What we desperately need is the power to integrate all of these efforts on some rational and data oriented basis. The integrative function includes the capability to analyze the needs of the field and to conceptualize these needs into alternative strategies for problem solution. Essential is the ability to integrate existing knowledge and synthesize this knowledge for potential development and application. The ability to establish institutional policy in light of determined needs, engage in systematic planning for appropriate allocation of productive resources and evaluation of effectiveness are all central to functional integration.

AND NOW—BOUNDARIES

It is interesting to note in the discussions surrounding man's recent landing on the moon a number of comments which downgraded the achievement as simply a technological and engineering feat of little scientific moment. However, the knowledge base accumulated over hundreds of years much of it attributable to scientific exploration and discovery, was indispensable to the "technological" feat. In turn, because of the accomplishment, the laser beam reflector, the seismograph and the solar wind experiment have contributed materially to our scientific knowledge of the moon, our own planet, and perhaps the development of our entire solar system. The 80 pounds of rocks which were returned are eargerly being sought to add scientific knowledge about the origins of the moon and its geological makeup. The status jockeying over the relative importance of science and technology seems a bit absurd.

At least two important lessons should be apparent. First, the accumulated time necessary for development of an adequate knowledge base to undergird such an achievement is matched only by the breadth and depth of essential knowledge which must be gained. Secondly, the exquisite interdependence and implicit bilateral feedback between technological accomplishment and scientific achievement provides an ex-

cellent example to emulate. The question is not who is the master and who is the servant, but how can the two be harnessed to serve each other.

The overriding objective of the National Laboratory is to develop comprehensive early childhood education models based upon existing evidence concerning the processes underlying the development of competence, including means for self correction consistent with relevant new knowledge, and appropriate for installation under a variety of conditions. This objective embodies a recognition of the sine qua non of interdependence between the technological and scientific. Further, it requires that model specifications include provision for up-date mandating continuous two-way feedback. It also provides the necessary pluralism appropriate to the context of application. It is my contention that such an objective can only be achieved with federal support at the level of a national effort, that it is consistent with the role the federal government must play in education and a first order priority of need in the field of early childhood education.

It is in light of this major objective that the terms "comprehensive" and "integrated" used throughout this paper should be given substantive meaning. By comprehensive program, I mean one which includes all those necessary functions to move knowledge from need through discovery, to field use and application. In the context of the overarching objective of the National Laboratory, a comprehensive program means (1) discovery of the processes and their parameters underlying the development of competency in early childhood through a focussed research effort, (2) describing the effect of educational intervention on changing the parameters of these processes under applied experimentation, (3) translating this knowledge and other which is relevant into early childhood educational models for controlled testing, (4) testing and demonstrating developed models and the procedures for their implementation, (5) providing advisory services for on-line installation, and (6) maintaining the support systems and services necessary for the preceding functions.

An integrated program is defined by three major qualities: (1) it is conceptually logical; the needs—means—ends are apparent, intrinsically sound and appropriate to the source of support and the field of endeavor, (2) the program is internally consistent, reflecting consonancy of goals and objectives, functional processes and structural organization, and (3) there is organizational integrity; providing autonomous governance, administrative responsibility and public accountability.

As the Laboratory moves to a comprehensive and integrated program, several functional capabilities require immediate attention and priority for development. Essential to attainment of the Laboratory's objectives is the ability to attain productive equilibrium between functional integration on the one hand and structural differentiation on the other. The substantive effort required for program integrative capacity is a first priority to which we must address ourselves. It is in the context of priority and phasing that I would like to discuss the functional organization necessary for a comprehensive and integrated program rather than by means of a detailed listing of these elements.

PROGRAM INTEGRATION CAPACITY

Needs Analysis—Conceptualization.—Fundamental to a comprehensive program is the ability to provide an analysis of need and on the basis of this analysis to conceptualize alternative strategies for solving existing and potential problems. The first order of business in such an endeavor is to produce educational and social status data, state of the art analyses over the range of problems of concern to the program and such other summaries of current policy, etc., as will provide an adequate foundation for planning and policy determination. Initially, this work is present and past oriented but becomes future oriented when alternate strategies are conceived for solution of present and future problems.

Anyone who has recently engaged in preparing a state of the art paper in early childhood has come face to face with the lack of status data on current practice. We have little knowledge of the extent of early childhood programs, location, productivity and content of training programs, to say nothing concerning quality of these operations. We know precious little about patterns of support, qualifications of personnel, staffing patterns or needs. These kinds of data are essential for future projection, yet they are practically nonexistent.

Through our resource production program we will make a concerted effort to gather pertinent data from the existing, but scattered sources, and begin systematic collection of pertinent material to the field. The substantive scholarly work necessary for projection and conceptualization requires the assistance of recognized authorities in specialized fields of endeavor. We will develop a working environment, the necessary technical support and resources, which should be attractive to productive scholars. We will implement a visiting scholar program where investigators will join the professional staff at the Laboratory headquarters for periods of time to concentrate on and become immersed in a problem area of need.

Synthesis—Integration.—Closely related to the previous capability, but differentiated in terms of use and source material, this capability is directed toward assays of existing knowledge rather than existing practice or status and distilling inferences and leads for potential application. Targeted reviews of research associated with the processes underlying the development of competence are badly needed for research direction, as well as substantive input to the evaluation program and development of instruments. In addition to the input to research planning, such contributions would form the basic foundation for a strong evaluation capability.

The visiting scholar program would be used to support regular members of the professional staff as previously outlined and provide breadth and depth of scholarship. In addition, a program of fellowships for younger and promising investigators will be instituted supporting both capabilities. These fellows will have the opportunity to work with senior men who might not otherwise be available. The regular professional staff, visiting scholars and fellows will form a continuing community and focal point for research and professional leadership in the field. Periodic substantive seminars will provide access for professionals in the field.

Analysis—Conceptualization and Synthesis—Integration provide the substantive foundation for planning and evaluation and are, therefore, assigned to that office to foster careful integration of the work. In our effort to broaden the substantive competence and integrated capacity of the Laboratory, these will form primary targets for immediate staffing.

Program Planning.—The overall planning strategies which a comprehensive and integrated program must take are iterative in nature. The mutually exclusive conditions of inadequate knowledge of the processes underlying the development of competence and the demand for installation of early childhood education programs force the development of models which are the best approximations conceivable. Work to improve the approximations must continue simultaneously. Thus, the planning staff is faced with the inevitability of change but also the problems of accommodating and making use of change productively. Planning must be sensitive to the course of work within the program, as well as to external events, in order to provide the articulation of resources necessary for productivity. Obviously, planning is not an isolated or disjunctive activity, but must be totally immersed in the program as a central integrative function.

Program Evaluation.—Central to the development of early childhood educational models are specifications for evaluation. These include child performance, effectiveness of delivery systems, cost effectiveness evaluation, social impact effect, to name but a few. These problems require the development of new evaluative strategies as well as collation of diverse but applicable methods to the specific problems enumerated. In addition to concern regarding the productive output of the Laboratory, evaluation must be concerned with monitoring the internal processes of the program. Of particular concern is the development of quality criteria for a number of different functions which cannot be judged by the same set of referents. Thus, evaluation takes on a set of substantive tasks over and above a simple "watch dog" role. In essence, a comprehensive evaluation capability is the handmaiden of planning and essential to the integrative function.

Policy Determination.—From an organizational standpoint, constituting the Board of Governors is the first order of business. This Board will assume legal responsibilities for the program, take responsibility for its support and set policy consistent with mission objectives and the functions of the Laboratory. They will be assisted in their responsibilities by a Science Advisory Council and a Professional and Lay Advisory Council. The former will periodically review the research efforts for quality and relevance to the mission. The latter will take prime responsibility for advising the Board of Governors on diffusion and installation operations and the broader aspects of social and field needs. The Board of Governors will be made up of leaders from the professional, business and labor communities who have records of responsible decision making experience.

RESEARCH CAPACITY

The component centers of the National Laboratory represent a focussed programmatic research effort engaged in substantive study of the processes and their parameters underlying the development of competency in early childhood and describing the effect of educational intervention in changing the parameters of these processes under applied experimentation.

Ultimately, the focussed programmatic research capability will have to be augmented to provide the necessary flexibility required in a comprehensive program. The carefully planned research program implied in a programmatic approach is not always amenable to interruption for the production of specific knowledge. Yet, in a comprehensive effort, a particular question at the project level may need immediate attention in order that the substantive work can proceed. We expect to develop a solicited project capability in due course of time.

DEVELOPMENT AND DEMONSTRATION

A major commitment during the first phase of reorganization is the development of the Laboratory's first prototypic early childhood educational model for controlled testing and demonstration. The centralized activities require staff to integrate the model elements produced by the component centers and other sources. Time and space will not permit delineation of the model specifications at this point. Suffice it to say that the general specifications call for specific knowledge of process, as well as the soft ware and usual support materials and information. In order that the major centralized work of the

Laboratory can proceed, it is essential that the team charged with this responsibility be recruited and organized immediately. Planning for the implementation of the demonstration function must proceed simultaneously.

In another paper I advocated that the field make a much heavier investment in the community college for preservice training. Such involvement could provide more adequate career development programs and the mechanism for differentiating levels of competency. In addition, I proposed the creation of a minimum of six regional teacher-demonstration centers which would be the main diffusion instrumentality of the national comprehensive and integrated program herein discussed. These centers would demonstrate the models emanating from the research and development effort and would serve as headquarters for inservice helping teams. Sites for these centers would be chosen on the basis of direct access to the environment containing the on-line programs being served. The inservice helping teams would be charged with the responsibility of outreach, advising local systems on installation procedures.

RESOURCES PRODUCTION CAPACITY

To undergird the entire program, information storage and retrieval, media production, technological development, and various data banks are necessary. ERIC presently provides the capability for information retrieval and storage and, to a limited degree, dissemination of information.

A full range of media production capabilities are envisioned as necessary to support the work of the program. Mass production of films, records, manuals, etc., is not the work of the program, however. Rather, it will be limited to initial production and development which must be an integral part of the on-going operation. Knowledge of program requirements and the substantive process must be an integral part of the production staff's repertoire.

The development of a communications network, which serves not only the program but the field as well, is essential to the success of the Laboratory. This capability will include editorial and writing skills which can translate information into appropriate form for a variety of audiences. The back-up support of media specialists is an intrinsic part of this capability.

Several witnesses who testified before the Education and Labor Committee regarding legislation pertaining to the period of early childhood have also commented upon the critical need for developing a strong theoretical base. Excerpts from their testimony follow:

Jule Sugarman, Acting Director, Office of Child Development, December 1, 1969:

Early childhood programs are being created and operated on an inadequate base of knowledge. There is general agreement that the early years have great importance in the growth and development of the child. There is also general agreement that high proportions of children from economically disadvantaged families begin to show developmental deficits very early in life. There is far less agreement on what constitutes effective intervention to improve the opportunities for development of such children. At the time of the great expansion of programs for preschool disadvantaged children began, curriculum and techniques had been developed largely on the basis of experience with children from advantaged families. There has been an impressive array of experiments in curriculum and techniques for disadvantaged children financed from Federal and foundation funds during the last ten years. Some of these suggest promising leads to more effective programs. Virtually all of these approaches, however, have been tried only in a limited number of laboratory like situations. None have been replicated and tested on substantial numbers of children in a wide variety of circumstances. None have been adequately evaluated as to their enduring effects over a long period of time. In fact the whole state of evaluation technology and its utilization is highly unsatisfactory at present. It was understandable that the compelling needs of young children should be recognized and responded to on a massive basis. It was also predictable that the inadequacies of our knowledge would limit the impact of that intervention. As we enter the 1970's we are still seriously deficient in (a) our understanding of how children develop, (b) the causes and nature of deficits found among disadvantaged children, (c) the techniques for appraising the state of development and (d) the design and delivery of programs and curriculum to prevent or overcome developmental deficits.

Sheldon H. White, Professor of Education, Harvard University, November 20, 1969:

I would hope that in the future there can be a program of research and development activities which might eventually place early education on a more secure footing. Specifically, there is a need for: (1) careful comparisons of the effectiveness of different kinds of teaching techniques with different kinds of children; (2) the development and testing of prototype programs in early education; (3) the orderly and effective dissemination of successful prototypes into general use; and (4) background activities designed to recruit resources and personnel necessary to such development. All such research and development activities have been authorized and all are in existence already but, in my judgment, what had emerged has been variable in quality and incomplete in coverage . . . About background information, the government has followed a passive policy towards basic research, accepting applications for research grants and selecting some for funding primarily on the basis of scientific merit. This is a sound way to promote scientific development, but being passive, it does not guarantee the delivery of research information that may be badly needed for program development. Funds might be made available to allow the government to commission needed pieces of background research. . . . In general, then, I believe that research and development should be an important part of early education work in the future, with organization to make all the pieces coherent and comprehensive. Only in this way can we make early education more effective, significantly effective, in the development of the child.

Jerome Kagan, professor of human development, Harvard University memorandum to the committee, November 18, 1969:

Evaluation of changes following educational interventions.—There are several advantages to be derived from sophisticated evaluation of innovative programs, whether they be for infants, children or adolescents. First, good evaluation permits us to discover which experimental interventions are accomplishing the desired goals. Second, evaluation acts as a restraint on a completely laissez-faire approach to curriculum. There is a special danger in the continuing demand for local control of infant and preschool day care centers. These community groups are likely to resist any state or federal rules regarding curricula. But if announcement of evaluation results inform the public as to which programs are facilitating the growth of young children, this knowledge can act as an incentive to centers to inquire about, and perhaps adopt, the practices of those centers. Finally, it is important to evaluate not only the traditional intellectual components of growth but also motivational factors and, if possible, the effect of interventions on the attitudes and structure of the community.

It is recommended that the Federal Government appropriate funds to accelerate research in the area of evaluation. One possibility is to establish a National Evaluation Center to be housed at a leading university or on federal property. The goals of the center would be to construct instruments and procedures to assess intellectual and motivational growth in children from infancy through adolescence.

Research on reading.—The ability to read has always been recognized as the central skill to be attained in the opening years of elementary school. However, we still do not know how a child learns to read or the cause of reading disability. Research efforts in this area are scattered and our best social scientists are not working on this problem. It is recommended that the Federal Government accelerate research in this area by allowing the Office of Education to initiate more large scale integrated work on reading in major research centers in the country.

Mr. COLLIER. Mr. Speaker, one of the reasons the budget doubled in 10 years is that a multitude of new programs has been superimposed upon an already overloaded Federal Establishment. It is all but impossible for anyone to grasp the magnitude of the bureaucratic monstrosity, with its thousands of programs, many of which duplicate and overlap others.

If we are going to solve at least some of the problems which confront us and at the same time avoid a financial crisis, we must begin to bring order out of chaos by eliminating unnecessary programs, consolidating duplicating programs, and establishing new programs only where it is obvious that they can do the job better and at less cost than the existing programs that they would displace.

One of the problems with which we are faced is the hard-core unemployment and accompanying poverty that persists in the midst of widespread and long-continued prosperity. Part of this poverty results because many mothers of small children can neither accept available jobs for which they are qualified or train for jobs for which they are unqualified. Some of these mothers are widows, others are divorced, and others have been abandoned by their husbands. There are also many women, including a large number of teenagers, who have borne children out of wedlock.

An effort to assist these mothers in a constructive manner and at the same time an attempt to straighten out some of the bureaucratic mess is a measure which I have cosponsored. This bill is H.R. 15776, the Comprehensive Headstart Child Development Act of 1970, which would provide a consolidated, comprehensive child development program in the Department of Health, Education, and Welfare. I want to take a few minutes to briefly outline the major provisions of the bill.

The measure provides for the consolidation of various child care programs now included in Headstart, the preschool portion of title I of the Elementary and Secondary Education Act, the migrant day care program of the Office of Economic Opportunity, the day care pro-

visions of Title IV of the Social Security Act, and the manpower programs of the Department of Labor. It would provide for the establishment of the National Institute for Early Childhood Development and Education, which would conduct research and test findings through federally controlled programs and coordinate the research that is being conducted by other Federal, university, and private agencies.

Appropriation of funds would be authorized, under the Educational Professions Development Act, for training or retraining both professional and nonprofessional personnel. Repayment of college loans would be forgiven if the graduates accept employment in child development programs. Tuition grants would be provided to cover the cost of inservice training programs for personnel who wish to upgrade their skills.

An important part of the proposed legislation would be a comprehensive and thorough evaluation of Federal programs pertaining to child development. There are presently at least 61 programs that deal with child care to some extent, scattered throughout the Departments of the Interior; Agriculture; Labor; Health, Education, and Welfare; and Housing and Urban Development; the Small Business Administration; and the Office of Economic Opportunity.

These programs cover such matters as adoptions, business loans, clothing, community facilities, counseling, crippled children, day care, education, employment, English as a second language, family planning, foster grandparents, handicapped children, health, homemaker services, illegitimacy, Indians, infant mortality, institutional care, job training, juvenile delinquency, legal services, mental retardation, migrant and seasonal workers, neglect and abuse, nutrition, physical environment, protective services, psychological services, recreation, social activities, and visiting nurses. Certainly there is a tremendous amount of waste that could be eliminated and a lot of redtape that could be done away with in such a conglomeration of items.

A mother with a small child may have all sorts of governmental help available to her, but the average welfare recipient of limited education cannot find her way through the wilderness of programs and the maze of regulations. It is essential that we streamline the confusing system of child care services so that women can accept employment or train for it and know that their children are receiving proper care while their mothers are gone.

Mr. Speaker, it is about time that we started taking mothers off relief rolls and putting them on payrolls, thus making them useful members of society rather than career welfarists. Once they started supporting their children through their own efforts, they will set better examples for these youngsters, who will in turn seek something higher than relief when they are old enough to start out on their own. H.R. 15776 is an important step in the right direction.

GENERAL LEAVE TO EXTEND

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AUTOMOTIVE AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 15 minutes.

Mr. FARBSTEIN. Mr. Speaker, on July 31 of last year, I introduced H.R. 13225, legislation to ban the sale of the internal combustion engine unless stringent new emissions standards could be met. The purpose of this legislation was to force the American auto industry to develop a nonpolluting engine.

This legislation, the amendment I offered on the floor of the House in September to accomplish approximately the same objective, and the hearing I held in New York City in connection with this question appear to have played a significant role in giving national focus to a question which just last summer was primarily the concern of residents of California.

The extent of that concern in New York City can be found in the results of my December constituent questionnaire which found a 19-to-1 ratio in favor of legislation to ban the internal combustion engine. I received over 8,000 replies to this one-question questionnaire.

The wording of the question was based upon that of a national public opinion poll taken last fall and read as follows:

I NEED YOUR HELP

The automobile industry does not appear to believe that most people are really concerned about automotive-caused air pollution.

Exhaust from the existing kind of automobile engine, the internal combustion engine, causes air pollution. I have introduced legislation to outlaw the sale of the internal combustion engine effective in 1978 in order to force auto makers to develop other engines.

By casting your ballot on this question, you can let the auto industry and the Congress know where the people of New York stand.

Please complete, stamp and mail the questionnaire before December 30.

Do you favor legislation to ban the internal combustion engine?

The results revealed that middle-age respondents were more supportive of a legislative ban and that women were more favorably inclined than men. The respondents included 51.2 percent women and 48.8 percent men.

The breakdown of the results by sex and age groups follows:

RESPONSE TO LEGISLATIVE BAN OF INTERNAL COMBUSTION ENGINE

	Male (percent)			Female (percent)			Total
	Under 30	30–65	65 and over	Under 30	30–65	65 and over	
Favor	91.9	94.6	90.3	95.5	98.1	94.1	95.2
Opposed	8.1	5.4	8.7	4.5	1.9	5.9	4.8

The auto is responsible for 60 percent of air pollution in the United States and up to 92 percent in urban areas. It is clear that the public mood is not for modest modifications in current approaches to pollution control, but for radical departures to stem the mad momentum of environmental destruction. The auto must be cleaned up if the problem of air pollution is to be solved.

The intensity of the feelings of the residents of Lower and Middle Manhattan on this subject is revealed not only in numerical results of the poll, but in the following additional remarks which were written in on the returned questionnaires:

I am going to have to leave the city because of the pollution.

Emphatically.

Everyone I know agrees this is necessary.

The air pollution makes it difficult for me to breath and sleep at nights.

Immediately.

Private automobiles should be banned from Manhattan and other large cities.

I favor any recommendations of Ralph Nader.

Start with buses.

STATE DEPARTMENT REMARKS ON SAIGON GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, I have recently been corresponding with the State Department on the subject of the South Vietnamese Government. Because of the informative nature of the replies I have received from Mr. H. G. Torbert, Jr., Acting Assistant Secretary for Congressional Relations, I think they are worthy of public attention. While not all of my inquiries were answered to my complete satisfaction, I want to commend Mr. Torbert for his efforts.

His letters reveal much that is sobering, and even discouraging, about the Saigon government and our relationship with it, and help one to understand the sometimes dubious activities of a political system so recently exposed to democratic practices.

The correspondence follows:

NOVEMBER 13, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: The structure and functioning of the South Vietnamese government are prime topics of debate and concern. President Nixon and you are often accused, as were your predecessors, of trying to "prop up" the government in Saigon. The critics say that if the South Vietnamese government would become less corrupt,

broaden its base, and become more responsive to the people, greater progress in the Vietnamization of the war could be made.

My own thinking on these issues would be aided considerably if you answered for me the following questions pertaining to the South Vietnamese government and our alliance with it:

CORRUPTION

1. How prevalent is corruption in the present government?

2. What is the gross loss, in monetary terms for FY 1969, of American military and economic goods due to corruption on the part of the South Vietnamese?

3. What steps is the United States taking to reduce this corruption?

4. What steps has the Thieu-Ky government taken to reduce corruption among its own officials?

5. What progress has been made in these efforts in the past year?

6. Is there any evidence that Thieu and Ky are themselves involved in the corruption?

POLITICS

1. Have Thieu and Ky made efforts to broaden the base of their government? If so, what are they?

2. What is the United States doing to encourage Thieu and Ky to broaden their political base? What progress has there been in these efforts?

3. What is the make-up of the present cabinet? What was the effect of the last reshuffling of cabinet positions?

4. What groups, ethnic, religious, or political, are excluded from the political arena?

5. What is the present number of political prisoners?

6. Are there any leaders of political factions in jail? If so, how many and who are they?

7. What is a "neutralist" in the South Vietnamese context? Can any one run for political office?

8. Finally, what is your assessment of Thieu as a political leader? Is he effective? How active is the political opposition? Is Thieu dedicated more to the establishment of a responsive and reponsible government or to staying in power?

Your response to these questions should clarify the situation considerably. Both the critics and the supporters of our policy are interested in the current status of the government we are defending. Only an objective statement describing present conditions of the political fabric of South Vietnam will raise the level of debate in this country from one of exchanging accusations to one of reasoned interpretation of established facts.

I look forward to your reply.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

DEPARTMENT OF STATE,
Washington, December 5, 1969.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: The Secretary has asked me to reply to your letter of November 13 concerning the Government of South Viet-Nam. The questions you raise are pertinent ones, and we welcome the opportunity to answer them.

You mention first the problem of corruption. There is no doubt that this problem is a serious one in Viet-Nam. President Thieu and other high Vietnamese officials have acknowledged this and over the past year and more have taken increasingly effective measures to reduce or eliminate corruption in government ranks.

For example, the Inspectorate, an autonomous fourth branch of government provided for in the Constitution, has now been in existence about a year and has begun to make its influence felt. Its investigations have led to the dismissal, transfer, or disciplining of a number of civil and military officials, and it has recommended that the Executive prosecute others charged with more serious offenses. The Executive has on its own taken action against corrupt and ineffective officials, including trial and imprisonment of several officials (up to and including the rank of province chief) in recent months. These punitive actions have, we believe, been salutary.

Equally significant are the procedural means of fighting corruption, and here U.S. advice and assistance has been of major importance. Our advisors have helped the Government of Viet-Nam to revise and simplify its import-licensing procedures, reduce port congestion and customs clearance time, and step up tax collections. The Vietnamese authorities have also simplified administrative procedures for various public services. All these measures have served to reduce the opportunities for, and incidence of, corruption.

While we do not have figures on the gross loss of U.S. economic and military goods due to corruption, we do believe there has been a substantial improvement in this situation. For instance, actions by ourselves and the Vietnamese government cut the loss rate for AID-financed project commodities from 15% in 1967 to about 7% by the beginning of this year. For the Commercial Import Program, the rate of loss and diversion has been reduced from an estimated 6% in 1966 to less than ½%.

Despite such progress, much remains to be done about the problem of corruption, and we believe it requires redoubled efforts by all of us, Vietnamese and Americans alike. I assure you we intend to do all we can to see that these efforts are made.

We know of no evidence whatsoever that the President or Vice President are themselves involved in corruption. Quite the contrary, their public reputations for honesty are excellent.

I turn now to the questions you pose about the Vietnamese political situation.

Since he took office, President Thieu has made major efforts to broaden the base of his government by including in his cabinet representative political figures with personal or organizational followings of their own; at the same time, he has sought to maintain or increase the efficiency of government operations by appointing ministers with specific technical qualifications. Needless to say, it has not always been possible for him to realize both of these goals in every respect. From May 1968 until September of this year; his Prime Minister was Tran Van Huong, a highly respected civilian political leader and one of the President's leading opponents in the 1967 election. On September 1 President Thieu appointed a new cabinet, with General Tran Thien Khiem as Prime Minister. In the process of forming this cabinet, President Thieu offered ministerial positions to a number of political leaders; while some accepted his invitations, others declined for reasons of their own. We understand that one who declined such an invitation was Senator Tran Van Don, who in recent months has often taken positions critical of President Thieu. The present cabinet does, however, include several well-known political figures, including two unsuccessful vice-presidential candidates; the leader of a winning slate in the 1967 Upper House election; and a respected former Deputy Prime Minister in previous governments. Like its predecessor, the Khiem cabinet is balanced from the standpoint of religious and regional representation. Three of the 31 Ministers and Vice-Ministers (including the Premier) are ranking military officers. (For your information, I am enclosing summary biographic data on members of the present cabinet.)

President Thieu has also moved to broaden the base of the government at the village and hamlet level by strongly encouraging an expansion of local self-rule. Some 90% of the country's village and hamlets now have elected administrations, which have in turn been given greater responsibilities and resources as well as assistance by the central government. We believe this program has been particularly successful in generating further support for the government in recent months.

The United States believes that President Thieu's goal of broadening his government, both nationally and locally, is a highly desirable one and we have conveyed our views on this subject to him by appropriate means. At the same time, we recognize the problems which President Thieu and his government face in a society which traditionally has offered few opportunities for responsible and constructive political activity and whose constitution and democratic institutions are of recent origin.

The problem of political prisoners is a complex one, especially since the term "political prisoners" itself is frequently misused. The Vietnamese government is faced with having to distinguish between those engaged in what might be considered here as legitimate political dissent and those who are known or suspected to be active on behalf of the enemy in wartime. The vast majority of prisoners in South Viet-Nam (aside from common criminals) are in the latter category; the exact number in the former category, i.e. those who might more properly be called "political prisoners", is not known but is believed to be quite small. We do not know of any leaders of political factions in jail except possibly for Mr. Truong Dinh Dzu, who, although he leads no particular political organization, did run second in the 1967 presidential election. (He was prosecuted for later actions involving statements he made to the press several months after the election.)

No ethnic or religious groups are excluded from political activity in South Viet-Nam, and indeed, many such groups are conspicuously active on the political scene. The only political groups or individuals excluded are those who are communist or pro-communist, i.e., those who support the attempt by Hanoi and the Viet Cong to overthrow the legal government by violence and terror.

In the Vietnamese political context the terms "neutralist" and "neutralism" have highly unfavorable connotations; they have been used by persons who advocate the removal of the present government by extra-constitutional means and collaboration with the Viet Cong. It is presumably for this reason that the 1967 election laws excluded "pro-communist neutralists", along with communists, from running for office. There are no other political or ideological limitations on the eligibility of candidates to run for office. Legitimate neutralist political activity is obviously permitted, as recent actions by certain political figures in Saigon have indicated.

Finally, in answer to your last question, President Thieu's actions over the past year or more would seem to indicate that he is indeed dedicated to the establishment of a "responsive and responsible government", as you put it. He and his colleagues have improved the effectiveness of the government significantly, have mobilized the population more effectively in its own defense, and have expanded security, economic activity, and local self-government in the countryside. They have done this in cooperation with a vigorous and independent National Assembly and within the over-all democratic framework established by the Constitution, despite inexperience and very difficult wartime conditions. Legitimate opposition exists and is expressed openly wthin this framework.

We think these efforts by the South Vietnamese leadership of all persuasions and at all levels are worthy of our continued support and encouragement. Both we and they recognize that serious problems remain,

some of which you touch on in your questions. We intend to cooperate with the Vietnamese and to assist wherever we can as they meet these problems.

I hope the above will be useful to you in considering this matter. If I can be of further assistance, please let me know at your convenience.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

SUMMARY BIOGRAPHIC DATA ON MEMBERS OF SOUTH VIETNAMESE CABINET APPOINTED SEPTEMBER 1, 1969

Prime Minister and Minister of Interior: Tran Thien Khiem. Born Saigon, 1925. Buddhist. Military officer, 1946 to the present, with rank of full general since August 1964. Chief of Joint General Staff, 1962–63; commander of III Corps Tactical Zone, 1964. Participant in military coup which overthrew Ngo Dinh Diem in 1963 and in coup of January 1964 which installed Nguyen Khanh. Ambassador to the United States, 1964–65, and to the Republic of China, 1965–68. Minister of Interior since May 1968; in addition, Deputy Prime Minister in charge of Pacification and Reconstruction, March–August 1969.

Deputy Prime Minister and Minister of Education: Nguyen Luu Vien. Born Vinh Binh province (southern Viet-Nam), 1919. Buddhist. Physician and professor of medicine. Medical officer with the Viet Minh from late 1940's until about 1951. Signer of the "Caravelle petition," requesting reforms in the Diem government, 1960; imprisoned 1960–61. Member, Council of Notables, 1963–64. Minister of Interior and Deputy Prime Minister in cabinet of Tran Van Huong, 1964–65. Civilian member of the National Leadership Committee (Directorate), 1966–67; also Deputy Prime Minister for Social and Cultural Affairs, 1966–67.

Minister of State for Cultural Affairs: Mai Tho Truyen. Born Kien Hoa province (southern Viet-Nam), 1905. Buddhist. Retired civil servant. Began civil service career in 1924. Chief of administrative services in Long Xuyen province for the Viet Minh, 1945–46. Subsequent career included positions as director of cabinet in Ministries of Economy, Foreign Affairs and Interior 1946–55, and as inspector of administrative and financial affairs in the Presidency from 1955 until his retirement in 1960. President of the Association for Buddhist Studies, 1956; Vice-president of the General Association of Vietnamese Buddhists, 1959; and founder of the Southern Buddhist Studies Association, 1964. Member of the Council of Notables, 1963–64. Vice-presidential running-mate of Tran Van Huong in 1967 elections. First appointed Minister of State in the Huong cabinet, May 1968.

Minister of State for Reconstruction and Development: Vu Quoc Thuc. Born Nam Dinh province (North Viet-Nam), 1920. Catholic. Economist and scholar; licentiate in law from the University of Hanoi and Ph. D. in economics from the University of Paris. Assistant dean, faculty of law, Hanoi, 1951–53. Minister of Education in the Buu Loc government, 1953–54. Governor of the National Bank of Viet-Nam, 1955–56. Dean of the faculty of Law, University of Saigon, 1957–63. Author of several specialized legal works and economic studies. Unsuccessful candidate for Upper House of the National Assembly, 1967. Head of the Post-War Planning Study Group, in collaboration with Dr. David Lilienthal, since February 1967. Originally appointed Minister of State in the cabinet of Tran Van Huong in May 1968, and continues in that position.

Minister of State (without portfolio): Phan Quang Dan. Born in Nghe An province (central Viet-Nam, north of 17th parallel), 1918. Buddhist. Physician, graduate of the University of Hanoi and holder of Master of Public Health degree from Harvard University. Long political career, dating from at least 1940. Minister of Information 1948–49. Early opponent of Ngo Dinh Diem; only opposition candidate elected to the National Assembly in 1959, but not permitted to take his seat because of alleged violation of electoral laws. Arrested by Diem in 1960 and held without trial until June 1963; then sentenced to seven years' imprisonment, but released after Diem's overthrow. Elected to the Gia Dinh provincial council in May 1965 by a large majority and chosen by the council to serve as its chairman. Chairman of the National Political Congress in 1966 and elected to the Constituent Assembly from Gia Dinh province later that year; had active role in drafting of the present Constitution. Survived an assassination attempt in December 1966. Running-mate of Phan Khac Suu, third-place finisher in presidential election of 1967.

Minister of State (without portfolio): Nguyen Tien Hy. Born Hanoi (North Viet-Nam) 1915. Physician, educated in Viet-Nam. Formerly associated with the anti-French and anti-Communist *Dai Viet* party, established in the late 1930's. Signer of the "Caravelle petition," 1960, together with Nguyen Luu Vien (above). Member, Council of Notables, 1963–64. Minister of State for Education in the government of Phan Huy Quat, 1965. Unsuccessful candidate for Upper House of the National Assembly, 1967.

Minister of Foreign Affairs: Tran Van Lam. Born Cholon section of Saigon, 1913. Catholic. Pharmacist. Elected to Saigon City Council, 1952. Government delegate (regional administrative officer) for southern Viet-Nam, 1954–56. Member and president of Constituent Assembly elected 1956, which subsequently became National Assembly, and president of latter until 1957 at which time he became majority leader; re-elected in 1959. Resigned to become Ambassador to Australia, 1961–64 (concurrently Ambassador to New Zealand, 1962–64). Elected to Upper House of the National Assembly as leader of a ten-member list of candidates, September 1967. Member of finance and foreign affairs committees and later chairman of the interior committee, until taking leave from Upper House to assume present position.

Minister of Defense: Nguyen Van Vy. Born Hanoi, 1916. Buddhist. Military officer, beginning approximately 1940, with extensive experience in infantry and airborne units and also in staff assignments. Military advisor to the Vietnamese delegation at the Geneva Conference, 1954. Political exile in France, 1955–63. Returned to Viet-Nam late 1963 and rejoined Vietnamese Army; served as chief of staff at the Joint General Staff from November 1966 until appointment as Minister of Defense in the cabinet of Nguyen Van Loc, November 1967. Has continued in that position to date. Promoted to lieutenant general, October 1967.

Minister of Justice: Le Van Thu. Born Saigon 1915. Buddhist. Lawyer, with degree from the University of Hanoi, and former journalist. Officer in the French Army, 1939–43; customs official, 1943–45. Active in the resistance against the French, 1945–51. Publisher and editor of a daily newspaper and a weekly magazine in Saigon, 1952–56. Attorney, 1952 to date, and for a time chairman of the Court of Appeals. Member of the Council of Notables, 1963, and of the High National Council (and chairman of its constitution-drafting committee), 1964. First appointed Minister of Justice in the Huong cabinet, May 1968, and continues in that capacity.

Minister of Economy: Pham Kim Ngoc. Born Hanoi, 1928. Investment banker. Served for six months with the Viet Minh at the age of 17. Graduate of the London School of Economics, 1955. Employed by *Credit Commercial,* largest commercial bank in Viet-Nam, 1955–68 (deputy director-general, 1959–68). Served briefly as Deputy Minister for Economy in 1967 and as special assistant to the Minister of Economy in 1968. Organized own investment and banking firm, The Saigon Trading Company, in 1968.

Minister of Finance: Nguyen Bich Hue. Born Hue (central Viet-Nam), 1924. Buddhist. Educated in France, where he received law degree, 1951; graduated from Institute of Statistics and Economic Studies, 1953; and from Ecole National d'Administration, 1955. Employed by the National Bank of Viet-Nam, 1956–69, rising to director-general (1968). Author of numerous articles on economics and monetary affairs.

Minister of Revolutionary Development: Tran Thanh Phong. Born Vinh Binh province (southern Viet-Nam), 1926. Buddhist. Began military career at officer candidate school in 1951 and rose through infantry-command and staff assignments to become division commander; chief of operations of the Joint General Staff (1965); and chief of staff, JGS (1967). Promoted to rank of major general, 1966.

Minister of Information: Ngo Khac Tinh. Born Ninh Thuan province (central Viet-Nam), 1923. Buddhist. Pharmacist. Served in the National Assembly, 1957–63 and as its deputy secretary-general, 1960–62. Unsuccessful candidate for the Upper House of the National Assembly, 1967. Recently associated with the Revolutionary Social Humanist party.

Minister of Chieu Hoi (Returnee Program): Ho Van Cham. Born Thua Thien province (central Viet-Nam), 1932. Confucianist. Physician; studied medicine in Hanoi and Saigon, with degree from the latter university in 1959, and interned at St. Luke's Hospital, New York, 1964–66. Member of the Vietnamese Army medical corps since 1958; author of many articles on military medicine. Unsuccessful candidate for Upper House of the National Assembly, 1967. Member of the Revolutionary Dai Viet party.

Minister of Land Reform, Agriculture and Fisheries: Cao Van Than. Born Saigon, 1932. Holds law degree from the University of Paris and master's degree in economics from the University of Pittsburgh. Advisor to President Thieu, prior to appointment to this position in revised cabinet of Tran Van Huong, March 1969.

Minister of Public Works: Duong Kich Nhuong. Born My Tho (southern Viet-Nam), 1932. Buddhist. Hydro-electric engineer, educated at the University of Grenoble in France. Government experience in the Directorate-General of Planning, 1957–59, and as director of cabinet of the Ministry of Public Works and Communications, 1963–64. Also in private employment, most recently as director of the Tan Mai Paper Mill Company, 1969–69.

Minister of Communications and Post: Tran Van Vien. Born in Cholon district of Saigon, 1932. Buddhist. Engineer; graduate of the National School of Telecommunications in Paris. Previous positions: Head of the National School of Post and Telecommunications, Saigon; regional postmaster for southern Viet-Nam; Director of Telecommunications.

Minister of Health: Tran Minh Tung. Born in Saigon, 1930. Catholic. Physician and specialist in internal medicine. Graduate of the medical school of the University of Hanoi, 1955. Member of the Army medical corps, with the rank of colonel; previously assigned as commandant of the Army Medical School. Also secretary-general of the Vietnamese Medical Association.

Minister of Social Welfare: Tran Nguon Phieu. Born in Gia Dinh province (southern Viet-Nam), 1927. Buddhist. Physician, with medical degree from the University of Bordeaux. Member of military medical corps for 17 years, rising to the rank of lieutenant

colonel. Unsuccessful candidate for Lower House of National Assembly, 1967. Served as Secretary of State for Refugee and Social Affairs in the cabinet of Nguyen Van Loc, 1967–68, and as special assistant to the Minister of Health, Social Welfare and Relief, 1968–69. One of principal organizers of relief measures after Communists' Tet offensive of early 1968.

Minister of Veterans' Affairs: Pham Van Dong. Born in Son Tay province (northern Viet-Nam), 1919. Buddhist. Former Army officer. Joined French Army in 1939 and fought against the Japanese in Viet-Nam and southern China. Rose to become division commander, deputy corps commander, and commander of the Capital Military District (Saigon and vicinity). Retired in 1965 with the rank of major general. Subsequently associated with several veterans' organizations and with the National Salvation Front, a political organization founded in 1968 by Senator Tran Van Don.

Minister of Labor: Dam Sy Hien. Born Nam Dinh province (North Viet-Nam), 1914. Confucian Buddhist. Lawyer and economist. Civil servant in North Viet-Nam from 1945 until 1954, when he fled to the South. Subsequently worked as staff member of the Vietnamese Confederation of Labor (CVT) and participated in many ICFTU and other international labor conferences. Minister of Social Welfare in Khanh and Huong government, 1964–65. Appointed Minister of Labor in Huong cabinet, May 1968, and continues in that position.

Minister of Ethnic Minority Development: Paul Nur. Born Kontum province (central Viet-Nam), 1925; member of the Bahnar tribe of the central highlands. Catholic. Former school teacher and civil servant. Teacher and headmaster of elementary school in Kontum, 1943–58. A leader of the Highland Autonomy Movement, as result of which he was imprisoned by the Diem regime, 1958–63. Deputy Province Chief of Kontum for Montagnard Affairs, 1963–65. Special Commissioner for Montagnard Affairs, 1964–67. First appointed to present position November 1967.

Minister of State at the Prime Minister's Office: Nguyen Van Vang. Born in Kien Hoa province (southern Viet-Nam), 1915. Career civil servant, 1946–69, with experience as district chief, province chief, special assistant to the president for Chinese affairs, and government delegate (regional administrative officer). Served with Inspector General's office from 1965 until his appointment as Minister of Revolutionary Development in the Huong Cabinet, March 1969.

Minister of State for Parliamentary Relations: Cao Van Tuong. Born in Hue (central Viet-Nam), 1916. Catholic. Holds degree of licentiate in law. Served with the Viet-Minh, 1946–51. Civil servant in the Ministry of Labor, 1952–56. Elected to the National Assembly in 1956 and served for a time as its deputy chairman. Legislative advisor to the Lower House of the present National Assembly before his appointment to this position.

In addition to the 24 men listed above, there are seven vice-ministers who are considered members of the Cabinet:

Vice-Minister of Economy (for Industry): Pham Minh Duong. (Southerner)

Second Vice-Minister of Economy (for Commerce): Tran Cu Uong. (Northerner; Buddhist)

Vice Minister of Finance: Ha Xuan Trung. (Central Viet-Nam; Buddhist)

Vice Minister of Education: Tran Luu Cung. (Northerner; Buddhist)

Second Vice Minister of Education: Nguyen Danh Dan, M.D. (Northerner; Buddhist)

Vice Minister of Interior: Le Cong Chat. (Southerner, Confucianist)

Vice Minister of Information: Le Trong Qut, attorney. (Central Viet-Nam Buddhist)

DECEMBER 16, 1969.

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR MR. TORBERT: Thank you for your letter of December 5. Your efforts in answering my questions are greatly appreciated. Several issues I raised, however, are still unresolved in my mind.

With regard to my question of "What is the U.S. doing to encourage Thieu and Ky to broaden their political base?" you replied only that "we have conveyed our views on this subject to him by appropriate means." I am wondering what "appropriate means" are? The question is what specific steps have we taken to encourage the South Vietnamese government to broaden its base.

With regard to the cabinet formed on September 1, you state that it is "balanced from the standpoint of religious and regional representation." This does not indicate its political orientation, which has been regarded in the American press as being more narrowly and loyally pro-Thieu than its predecessor. Did not the reshuffling reduce rather than enlarge Thieu's political base?

Third, you state that the number of political prisoners is "small." Could you indicate a numerical figure? A *New York Times* article of October 25, 1969, gave a figure of about 5,000 noncommunist political prisoners. Does this coincide with your estimates? What is our position on their imprisonment, and what specific steps have been taken by the U.S. Government to have them released?

Concerning Truong Dinh Dzu, what was the nature of the statements he made that resulted in his imprisonment? What was he charged with? What is our position with regard to his imprisonment, and has the U.S. Government made any efforts to have him released?

Finally, on the question of a neutralist, what is the difference between a "pro-communist neutralist" (your phrase) and a person advocating a coalition government of communist and non-communists? Is the latter apt to be punished for his views?

Your comments on the above questions would be appreciated.

I look forward to your reply.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., January 26, 1970.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: I am writing in response to your letter of December 16, in which you raise a number of questions about my reply of December 5 to your earlier letter concerning the political situation in South Viet-nam.

On the general subject of "broadening" of the Government of Viet-Nam, I am sure you recognize that this is a matter of Vietnamese domestic politics. Of course, insofar as it relates to that government's ability to carry out more effectively the South Vietnamese people's current struggle against Communist aggression and subversion, it is a subject in which the United States, as Viet-Nam's principal ally, has an obvious interest. When I mentioned our having conveyed our views "by appropriate means," I was referring to our expression of this interest in communications and conversations undertaken through normal diplomatic channels and contacts.

In this manner we have indicated support of various programs and courses of action which in our opinion would contribute to further strengthening of the Vietnamese government's political base and popular following. We have, for example, noted our support of expansion of responsible local government, which I described to you previously. As another example, we also have offered our assistance to President Thieu's proposed new land reform program, which we believe can make a further significant contribution.

With specific regard to the Vietnamese cabinet reorganization effected on September 1, 1969, we were of course sympathetic to President Thieu's declared hope of forming a new cabinet which would be as broadly representative as possible but which would at the same time enhance governmental efficiency and improve executive-legislative relations. We also realized, however, that all these goals would not be easy to achieve.

It is difficult to measure the extent to which any cabinet represents a "broadening" or a narrowing of a national leader's political base, particularly in a governmental system such as Viet-Nam's where primary executive authority is vested in the President rather than in the Prime Minister or the Cabinet. In the recent reorganization, press attention here focused mainly on the replacement of a civilian prime minister and proven vote-getter, Mr. Tran Van Huong, by a military man, General Tran Thien Khiem. Less often noted, however, was the addition as Ministers of State of another vote-getter, Dr. Phan Quang Dan, and a respected Southern civilian, Dr. Nguyen Luu Vien, who appears to speak for much of the same constituency as Mr. Huong. (Minister of State Mai Tho Truyen, Mr. Huong's running-mate in 1967, remained in the Cabinet.) As I noted in my previous letter, President Thieu reportedly asked still other representatives of political groupings—including some of those in the "opposition"—to join the government, but they apparently declined for reasons of their own, perhaps relating to their own personal political ambitions.

I turn now to the questions you raise on the subject of "political prisoners." I regret that the information available to us does not provide an adequate basis for a reply to your inquiry in numerical terms. Part of the problem here is that of defining the term "political prisoners", as I described in my previous letter.

While we recognize that this problem is essentially an internal Vietnamese matter, we do not of course condone arrests and detentions on purely political grounds (i.e. as a result of what would normally be considered legitimate political activity) and have made our views known in appropriate fashion. We feel the Vietnamese authorities are aware that shortcomings exist in the administration of justice in South Viet-Nam and are making serious efforts to remedy such shortcomings. These include efforts to clarify existing laws and decrees, to speed the disposition of cases and the release of suspects against whom there is insufficient evidence to warrant prosecution, and to expand and improve detention facilities and procedures. We have generally encouraged and supported the Vietnamese in these efforts and we are rendering specific technical and other assistance where we usefully can.

According to the information we have on the case of Mr. Truong Dinh Dzu, he was convicted in July 1968 on charges of committing "acts aimed at weakening the anti-communist spirit and struggle of the people and the armed forces," in violation of Article 17 of Decree Law 004/65, dated July 19, 1965. These charges derived from statements Mr. Dzu made to the press in April 1968 in which he apparently advocated a "coalition government" with the National Liberation Front.

Without in any sense attempting to defend or otherwise pass judgment on the Vietnamese government's actions in this case, I think it is important to recognize the con-

notation of the term "coalition government" in the present Vietnamese context. To most politically-aware Vietnamese, the term recalls the experience of non-communist nationalists who in good faith participated in Ho Chi Minh's coalition government of 1946 but who were quickly repressed and in many cases executed by the Communists. Many Vietnamese are equally aware of the Communist concept of coalition government as it has been applied elsewhere, notably in Czechoslovakia after World War II.

In regard to our position concerning Mr Dzu's imprisonment and the question of his being released, his case is of course a matter between the Government of Viet-Nam and one of its own citizens. We have nevertheless followed the case closely and have noted to the Vietnamese authorities our interest in it. I assure you we will continue to do so as appropriate.

I cited the phrase "pro-communist neutralist" in my letter of December 5 in response to your question: "Can anyone run for office?" the term is not ours, but rather a literal translation from the Vietnamese laws—voted by the Constituent Assembly—which governed the 1967 Presidential, Upper House and Lower House elections. The complete text of the relevant clause (identical in the three electoral laws) is as follows: "The following persons will not be allowed to be candidates: . . . Those who have directly or indirectly worked for communism or pro-communist neutralism or worked in the interests of communism." To the best of our knowledge, the question whether advocacy of coalition government with the Communists is tantamount to "pro-communist neutralism," within the meaning of the 1967 electoral laws, did not arise. I would point out, however, that in recent weeks some prominent public figures in Viet-Nam have openly and freely advocated a "third force" domestic government and a "neutral" foreign policy for the Republic of Viet-Nam. I think it possible to conclude, therefore, that within the Vietnamese political context, advocacy of "neutralism" is not automatically interpreted or regarded as "pro-communist neutralism."

I hope that this information will be useful to you in your further consideration of this matter.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

HON. JOSEPH P. ROSTENKOWSKI

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, the Honorable Joseph P. Rostenkowski, former collector of customs, passed away at Frank Cuneo Memorial Hospital on Sunday, February 8, 1970.

He was the alderman of the 83d ward from 1931 to 1955. He was also ward committeeman and served continuously in that capacity from 1936 to 1960. When he retired, he was appointed by President John F. Kennedy as collector of customs of the port of Chicago.

His first elected office was as State senator from the 27th senatorial district of Illinois to the 57th general assembly. Twenty-five years later, his son DAN served as State senator from this area for 6 years.

Mr. Rostenkowski was a pioneer in organizing various activities for young people in the Polish Roman Catholic Union. He served in the U.S. Army during World War I and was also an active member of the American Legion. He was a member of the La Salle General Assembly, Knights of Columbus, Lafayette Council, Northwest Kiwanis Club, and Loyal Order of the Moose.

Mr. Rostenkowski served as a delegate to the Democratic National Convention in 1936, 1940, 1944, 1948, and 1952. While serving as alderman in the city council, for 25 years, he was chairman of the committee on schools, chairman of the licenses committee, and the important rules committee.

He is survived by his son, Congressman DAN ROSTENKOWSKI and two daughters Marcia and Gladys Rostenkowski.

The body will be at the Stanley Funeral Home, 3060 North Milwaukee Avenue, Chicago, Ill., on Tuesday and Wednesday with funeral services on Thursday morning at 10 a.m. at the St. Stanislaus Kostka Church, 1351 West Evergreen, Chicago.

Mr. Speaker, I join all Members in extending our deep condolences to our beloved colleague, DAN ROSTENKOWSKI, on the passing of his father.

PRESERVATION OF THE QUALITY OF OUR ENVIRONMENT

(Mr. EVINS of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. EVINS of Tennessee. Mr. Speaker, the matter of the improvement of the quality of our environment and the preservation of our heritage has become a national issue and a national concern.

To respond to this challenge requires a national commitment and Congress has clearly demonstrated its intent and its determination to act to solve this problem of pollution of our air, water, and land.

In this connection I am today introducing a bill to establish a major new public agency to promote the improvement of the quality of our environment through the establishment of at least six regional national laboratories to conduct research into all aspects of pollution and to provide information upon which decisions affecting the environment may be made.

I am pleased to join Senator HOWARD H. BAKER, JR., of Tennessee, and Senator EDMUND S. MUSKIE, of Maine, in sponsoring this bill. A companion bill is being introduced in the Senate.

The concept of this bill and the network of laboratories it would authorize originated in Oak Ridge, Tenn., where much environmental research is underway in the laboratories of the Atomic Energy Commission.

MILITARY FAMILY HOUSING CONSTRUCTION TO PROCEED

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, the Department of Defense has informed me that approval has been obtained from the administration and the Bureau of the Budget to proceed with the construction of military family housing. This is an exception to the general reduction in Federal construction announced last September.

The President announced, on September 4, 1969, that he had directed all agencies of the Federal Government to put into effect immediately a 75-percent reduction in new contracts for Government construction. Although the intention of this construction reduction was, at least in part, to "release resources of homebuilding" in order to meet the great need for more housing, the application of this reduction delayed the construction of more than 2,800 units of family housing for the military.

I wrote Secretary Laird on September 15 as follows:

I am extremely concerned about the impact on the Military Construction Program of the construction cutbacks announced by President Nixon on September 4.

The Committee has heard ample evidence from Department of Defense witnesses of the pressing backlog of construction needs, estimated at $19.6 billion. The inability to meet these needs degrades the efficiency and effectiveness of the Services' operations. Past experiences with freezes directed to the Military Construction Program, the Reserve Forces Facilities Program, and the Family Housing Program indicate that as a result of such freezes, needed facilities are built in a less-than-adequate manner, at higher cost, or both.

More important is the effect on the morale and well-being of our servicemen of inadequate housing, both family housing and bachelor housing. This Committee has often voiced the suspicion that the housing needs of members of the Armed Services and of their dependents are given a lower priority than those of their fellow citizens who are civilians. If the Administration feels that adequate housing of our citizens rates a high priority, then this ought to be reflected in greatly increased budget requests for military family housing and bachelor quarters, not in a freeze on this construction.

Testimony before this Committee on the fiscal 1970 budget request indicates that the estimated deficiency at the end of fiscal year 1974 for married personnel entitled to quarters amounts to 121,600 units. There are a mere 4800 units requested in the family housing construction budget this year. I urge you to make the strongest efforts to have the Family Housing Program excluded from any construction freeze and to proceed with a reasonable program in this area without further delay.

I am glad to report that Secretary Laird has persisted in his efforts to have military family housing excluded from the freeze. As a result, the Budget Bureau is releasing some 2,840 family housing units, in addition to the 2,422 units which the Department of Defense had scheduled for construction, for a total of 5,262 homes to be awarded in fiscal year 1970.

There is still a large housing deficiency to be met in order to adequately house military families. It is estimated to be as high as 120,000 units. I hope that the release of this housing in fiscal year 1970 and the somewhat more generous request for 8,000 units in fiscal year 1971 represents a decision by the administration to provide adequate housing for the families of military personnel. In my view, this is important not only to insure that military families receive adequate housing but to show the many dedicated personnel who serve in our Armed Forces that, in spite of much of the rhet-

oric which has become currently fashionable, we do appreciate their diligence, their dedication, and their service.

DEMOCRAT STATE OF THE UNION REBUTTAL

(Mr. BERRY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BERRY. Mr. Speaker, the Democrat state of the Union rebuttal yesterday was fairly interesting. After 1 year, President Nixon is to blame for the inflation created by their 8 years of spending, Vietnam after their 8 years of war, and pollution that hardly raised its ugly head in the past 8 years, but now has become a great political issue.

The most interesting challenge, however, was laid down by at least two of their staff when they charged that farm subsidies were responsible for the high cost of groceries. This may sound good to the woman on the other side of the grocery counter, but I wonder if they would be interested in meeting the situation head on.

In order to keep prices down for the consumer, this Nation is importing $500 million more livestock and dairy products than it exports. We wonder if they would be willing to place some sort of embargo on these imports and give the American farmer the American market for his product. If he had this, he would ask no subsidy or no support from the Federal Treasury.

Livestock and dairy production is responsible for 70 to 75 percent of the farm income of the Middle West and yet most of the one and a quarter billion dollars worth of meat and dairy products imported is in direct competition with products produced in our Midwest.

Let us not condemn one side of the coin without turning to the other side to get the full reason for some of these measures. Agriculture does not want these subsidies. All agriculture asks is a free chance at a free market where the consumer is not subsidized by excessive agricultural imports.

WHY HANOI FIGHTS ON

(Mr. BERRY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BERRY. Mr. Speaker, I was amazed at the statement of my colleague, the junior member of the South Dakota delegation in the other body in his testimony before the Foreign Relations Committee last week when he attacked Maj. James "Nick" Rowe for making public statements to the effect that Hanoi has been using speeches from U.S. Senators and other men of influence to bolster the enemy morale.

In my article in the February 1970 issue of the Reader's Digest entitled "From Hanoi—With Thanks," there is a documentary report on how Hanoi has been using these statements, the facts of these statements, the marches, and moratoriums to prolong the war through bolstering morale of their people by using these quotes and these facts.

In addition to the documentary is the statement of Edmund A. Gullion, dean of the Fletcher School of Law Diplomacy, Tufts University, entitled "Why Hanoi Fights On." Before becoming dean of the Fletcher School of Law and Diplomacy, Edmund Gullion served the U.S. Departpartment of State in many posts in Europe, Africa, and the Far East. He was deputy chief of the American mission in Saigon from 1950 to 1953, and Ambassador to the Congo from 1961 to 1964. Mr. Gullion recently visited South Vietnam with a delegation from the Citizen's Committee for Peace With Freedom in Vietnam.

Gullion's statement follows:

While Hanoi broadcasts its thanks to the Americans who march in protest against the war, there are other Americans who see the repetition of a grim and familiar pattern. Hanoi moves by the same calculations which paid off for it in the defeat of the French in 1954.

As the late Ho Chi Minh once told the French: "You will kill ten of our men and we will kill one of yours. And in the end, it will be you who will tire of it." French power was shaken but not shattered by the defeat at Dienbienphu. What broke France was the collapse of will on the home front. The French were fighting to preserve a hold in Vietnam. The Americans fight to preserve the right of the South Vietnamese—the vast majority of whom fear and reject Hanoi—to choose and live by their own government. But North Vietnam, having seen one Western power worn down by sapping tactics on the home front, is sure the same strategy will pay off again. Indeed, this is what the declarations in the Hanoi press and radio are all about.

In Vietnam today, the enemy grows weaker as our side grows stronger. The situation is still precarious but President Nixon's Vietnamization plan shows real signs of working. The bitter paradox is that Hanoi grows more resolute as American will *seems* to waver here at home. (This would appear to be wishful thinking on the part of Hanoi, in view of the recent Gallup poll and the resolution by the House of Representatives strongly supporting the President's plan.) If the enemy believes that public opinion will force an immediate American pullout, he has no reason to negotiate at Paris or anywhere else. So long as he believes the "peace-marchers" are marching not for peace but for him, he will carry on the fight, and more American and Vietnamese men will lose their lives.

The documentary report from the Reader's Digest is as follows:

"End the war now!" "Get out of Vietnam!" Such cries are heard in peace demonstrations across America today. For the most part, they are voiced by sincere, well-meaning citizens who genuinely want peace. But an anxious public, however sympathetic with every American's right to dissent, should nonetheless ponder the real effect of such demonstrations. To what degree do they prolong the war by comforting Hanoi with the false assurance that the United States is rapidly losing its resolve to defend South Vietnam and will soon abandon it to the communists?

Hanoi itself has provided the answer—with a calculated arrogance that clearly explains its intransigence at the Paris peace talks. Here, traced from 1966 to the present, is a sampling, in somewhat condensed form, of the abundant evidence from North Vietnam's own information sources. The record shows that the enemy not only is closely informed about the demonstrations in the United States, but is also counting on them to help him win the war.

The North Vietnamese newspaper Nhan Dan, February 27, 1966:

In America the debates on the Vietnamese problem will become increasingly fiercer. The U.S. imperialist rear will be the scene of great confusion, which in turn will exert great influence upon the morale of the U.S. servicemen on the front line. That is why the Johnson clique is very perplexed and afraid, faced with the ever stronger anti-war movement which, like a sharp knife, is stabbing them in the back.

Radio Hanoi, November 6, 1966:

The Vietnamese people hail and support the struggle waged by the American people against the U.S. war of aggression in Vietnam, said Dr. Le Dinh Tham, chairman of the Vietnam Peace Committee. "This struggle is a valuable encouragement and backing for the Vietnamese people, who sincerely thank the American peace fighters for their efforts to strengthen their solidarity with the Vietnamese people and coordinate their struggle with them."

Radio Hanoi, November 8, 1966:

The Vietnamese people highly value the protest movement of the American people. We praise the American peace champions who courageously turned the courts which were trying them into forums to condemn the war. We praise the American journalists and writers who, in defiance of repression and threats, valiantly exposed the crimes of the Johnson clique in Vietnam.

Radio Hanoi, February 15, 1967:

It is clear that the American people's protest movement has become a real second front against U.S. imperialists on the very soil of America. It is the largest, most stirring, and the best organized mass movement in U.S. history.

Radio Hanoi, October 17, 1967, 4 days before the "peace march" on the Pentagon:

The South Vietnam People's Committee for Solidarity With the American People has announced its program to establish relations with and contact all progressive organizations and individuals in the United States who want to acquaint themselves with the situation in Vietnam. The committee sent a message to the National Mobilization Committee and the Students Mobilization Committee in New York:

We warmly hail your struggle from 16 to 21 October. Our struggle will certainly grow more powerful, and in coordination with your struggle it will certainly be capable of compelling the U.S. Government to put an end to its aggressive war. May the October 21 struggle [the day of the march on the Pentagon] mark a new development in the American people's movement for an end of the U.S. war. We wish you brilliant success.

Speech by Truong Chinh, Chairman of the National Assembly of North Vietnam and No. 2 man in the ruling party politburo, August 1968, approximate:

We are currently taking advantage of the contradictions between the doves and the hawks in the American ruling class.

Radio Hanoi message to the National Mobilization Committee To End the War in Vietnam, January 23, 1969:

We were deeply impressed by the successful march on Washington during the Presidential inaugural day to welcome the victory of the South Vietnam National Front for Liberation and demand the withdrawal of all American troops. We extend to you sincere thanks. We hope that we would further coordinate our activities for peace and real independence in Vietnam.

Letter to American students from Tran Buu Kiem, former head of the Vietcong delegation to the Paris peace talks, October 6, 1969:

We greatly admire the active and massive participation of the American youths and students in this fall movement. You are entering a new, seething and violent struggle phase. We hope that you all will pool your efforts in achieving great success, thus further accelerating the common movement of the American people against the war.

Message to American people from North Vietnamese Premier Pahm Van Dong, October 14, 1969:

This fall, the broad masses of the American people, encouraged and supported by many peace- and justice-loving American personalities, have again started a broad powerful drive to stop the war. The Vietnamese people fully approve and warmly hail your just struggle. We are firmly confident that with the solidarity and courage of our two peoples the struggle of the Vietnamese people will end in total victory. I wish your fall offensive a brilliant success.

Radio Hanoi, October 14, 1969:

In response to Nixon's call for unity, the U.S. people have manifested a fierce opposition attitude. The U.S. people's autumn struggle is placing the Nixon Administration is an extremely difficult, embarrassed situation. We consider this struggle the most realistic support for the Vietnamese people's fight against the United States.

Message from Xuan Thuy, chief of Hanoi's negotiating team in Paris, October 17, 1969:

I should like today to send warm greetings to all Americans and all persons who took part in the October 15 movement. We consider that these legitimate actions are of a nature both to make the Paris conference progress and to demand of the Nixon Administration the complete and rapid withdrawal of the GIs.

Broadcast from Hanoi to Communist troops in the South, October 21, 1969:

All deceitful tricks and threats of the Nixon clique cannot check the American people's will. In their valiant and persevering struggle, the American progressives will certainly win glorious victories. The Nixon clique will certainly be completely defeated in Vietnam.

Statement of the Government of North Vietnam, November 6, 1969:

The Vietnamese people hail the honest-minded Americans who, for the sake of peace, justice and the true interests of their people, have courageously denounced the plans for prolonging the war in Vietnam and strongly demanded a quick and total withdrawal of U.S. troops from South Vietnam.

Broadcast to the Communist troops in South Vietnam, November 11, 1969:

Deeply moved by the American progressives' struggle for the great cause, we can realize our great responsibility more clearly. The Americans are struggling for their own interests and Vietnam's interest right on American soil. As for us, what must we do to coordinate with the U.S. people's struggle? Let us further stoke the fire of victory on all battlefields. We must be determined to fight the U.S. aggressors until complete victory.

Broadcast to Communist troops in the South, November 13, 1969:

A struggle which took to violence on 15 October 1969 will break out even more fiercely on 15 November. It will be coordinated by the New Mobilization Committee to End the Vietnam War, one of the largest anti-war organizations in the United States. This struggle will have more violence and be on a much larger and more elaborate scale in all U.S. cities and state capitals. The seething struggle of U.S. youths, students and people is urging us to arise and win final victory for the fatherland.

Speech by Prof. Hoang Minh Giam, North Vietnamese Minister of Culture, November 14, 1969:

We highly evaluate the great efforts of various U.S. anti-war organizations and well-known notables who had the initiative to organize the Moratorium Day, demanding the immediate return home of all U.S. troops with slogans suited to the American people's urgent needs and just aspirations. We enthusiastically welcome the peace-loving Americans who have stood up and struggled violently and bravely against the U.S. Administration's stubborn attitude in prolonging the war of aggression. Moreover, we regard the U.S. people as our comrades-in-arms, animated by the common goal of opposing the Nixon Administration's aggressive policy and war. The fall offensive drive of the American people has made more prominent our people's just cause and made our people more resolute.

Communist broadcast from South Vietnam, November 15, 1969:

The "fall offensive" is sweeping the United States of America. We express our militant solidarity with and gratitude to the true sons and daughters of the United States. With all of our hearts we wish to thank our American friends.

THE SELECTIVE SERVICE SYSTEM IS IN DEEP TROUBLE

(Mr. O'HARA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. O'HARA. Mr. Speaker, the Selective Service System is in deep trouble.

Late last year the President came to the Congress and asked for a one-sentence change in the Selective Service Act. He said this would give him the necessary authority to "reform" the Selective Service System.

At that time a number of Members of Congress argued that the System needed comprehensive revision, and that Congress should take the time to do a thorough—not a patchwork—job.

No, said the President, this would take too long. The administration, he assured us, had studied the System carefully and was confident that with the authority to institute a lottery it could make the System workable and equitable.

Now, 3 months after enactment of the change, during which there have been three draft calls, it is apparent that the System is in worse shape than ever.

The grand pronouncements of fairness and certainty now ring hollow as inequities are discovered and young men find that as long as they are in the prime draft age group, nothing is certain. In fact, the only thing certain about the administration's draft "reform" is that it was poorly planned.

When the program was proposed by the administration the Congress was told that the new selection process, though not completely without flaw, would reduce the uncertainty experienced by all young men liable to the draft.

The institution of a 1-year liability period went some distance in achieving that goal. But the effect was to compress years of uncertainty into that shorter period.

In Michigan, for example, young men who hoped the administration's lottery would remove much of the uncertainty from their lives now find themselves more uncertain than ever.

Confused by conflicting statements from the Pentagon, Selective Service headquarters and State headquarters, and in some instances even local draft boards, they are now appealing for clarification, information, some solid facts that will help them plan their lives.

The heart of the new selection machinery was the lottery.

The merits of this system, it was explained, were several:

All eligible young men were to have equal probability of being selected, thus making the system fairer.

In addition, that probability would be known at the beginning of the year, thus allowing individuals some basis upon which to make plans for the future.

The administration went further and declared:

Registrants whose birth dates will appear in the top one-third of the random birth date sequence will have a high probability of being drafted; those in the middle one-third, an average probability of being drafted, and those in the bottom one-third, a relatively low probability of being reached for induction.

Recent statements by State Selective Service directors across the country indicate that this statement bears little relation to the actual workings of the lottery system. The administration's guide that purports to lessen uncertainty about one's chances of being drafted now appears ludicrous in light of State estimates that project all eligibles being called for induction, regardless of their position in the lottery.

This projection was echoed just recently by General Hershey. In a newspaper interview, he said that the White House erred in its estimates that men with high lottery numbers would be safe from the draft. Men with the highest number, he is quite certain, will be inducted before the year is out.

Whether or not in the course of the year these estimates prove accurate, one result will be the same: the certainty promised those young men eligible for the draft will have been denied them.

In fact, uncertainty and confusion typify the administration's draft lottery. There is quite convincing evidence too that the present system is still far from equitable.

The Defense Department claims the available pool is several times larger than the number needed to be drafted. On the other hand, many State selective service officials claim they will have great difficulty meeting quotas on the basis of 30 lottery numbers per month. A rate that would result in 360 birth dates being called over the year.

Several boards reached quite late numbers before the temporary limitation was announced by the Selective Service System while other local boards ap-

parently have an excess of low-number eligibles.

Defense Department officials claim the situation will improve when June graduates enter the pool. Others point out that this possibly could lead to men with high numbers being inducted early in the year with college graduates with low numbers being passed by if draft calls are substantially reduced.

Caught in this morass is the young man who is trying to put some order to his life under the new system.

He is asking, "Where do I stand?" and no one can answer.

Obviously no fault lies with the State Selective Service directors. They are given quotas on a month-to-month basis and merely draw from their available pool of eligibles.

The blame must be attributed to inadequate preparation by the administration. Apparently little thought was given to the likely consequences of meeting Defense manpower requirements through Selective Service administration of the lottery system.

There is ample evidence of the lack of coordination between the two operations. A Congressman need only refer the same constituent's letter to the two departments and observe the disparities in reply to realize just how appalling this situation is.

In the last session of Congress, the President's direction in draft reform was accepted. Now Congress must reassert its initiative in this area.

Hearings should be scheduled in the House early this session to consider the major reform we had intended to handle last session.

We should consider carefully national standardization of deferments. I personally feel that deferments, with the exception of those for family hardship, should be eliminated.

We should look anew at the quotas ascribed to States and to local draft boards. They are anachronistic and should be abandoned.

The imposition of a lottery over the framework of draft board quotas can only serve to distort the system. Any way you analyze it, a quota system combined with a lottery works to the advantage of some young men and to the disadvantage of others because of variations in the distribution of draft eligible men by birth dates across the Nation.

If we are going to call young men by birth dates, then men born on the same day should go into the service at the same time, no matter where they live. Instead of State and local manpower pools we should consider the national manpower pool.

It is clear now that the draft, despite administration reforms, remains plagued with inequities, clouded with confusion. Our young men deserve to have the facts; facts about the selective service and where they stand within that system.

Congress must act to truly reform the system, and at the same time make sure that each young man has the information that will enable him to make wise decisions about his future military service.

Congress should begin that overdue study of the draft system at an early date and enact comprehensive reform as soon as possible.

Congress should not be a party to the continued confusion over the administration's draft system.

MILITARY IMPORTANCE OF IRRADIATION PRESERVATION OF FOODS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Illinois. Mr. Speaker, I have learned, much to my dismay, that the Army plans to terminate its research and development activities in the preservation of foods by ionizing radiation. This action is in direct contradiction to the repeated assurances I have received from responsible Army officials over the past decade, the most recent only last September, of the determination of the Army to see this program through to fruition, because of the great potential value of irradiation processed foods for use in military rations. There was no disagreement with the 5-year food irradiation program which the Army submitted last September although I would have preferred to see an increase in funding to cover new accounting for facilities and installation support as well as inflation. Now the Army proposes to terminate the entire program at the end of the current fiscal year—1970—without ever realizing the yield from an input in excess of $35 million.

I am convinced it would be a great mistake for the Army at this juncture to terminate or even curtail its portion of the national food irradiation program. Setting aside the general scientific and humanitarian potential, the anticipated benefit of the food irradiation preservation process of the military remains unchanged from the time General Hertford testified back in May 1955, before the Subcommittee on Research and Development of the Joint Committee on Atomic Energy. He stated then:

> Radiation sterilization can thus provide a fresh sterile product or a cooked sterile product with far better taste and textures than available from conventional canning and other preservative methods.

In March 1960, Gen. Herbert B. Loper, in testimony before the same subcommittee said:

> The Department of Defense is particularly interested in radiation processing as a means of improving subsistence for the fighting forces * * *.

It is my firm belief that the Army would be derelict in not exploiting the food irradiation process for the benefit of our military personnel. Certain foods like large hams and roasts cannot be maintained in a highly acceptable, fresh-like, ready-to-eat form for long times by any other food preservation method known today except refrigeration. Irradiation preservation would permit the need for refrigeration space—and attendant costs—to be eliminated or allow it be used to provide other forms of subsistence like fresh fruits and vegetables which cannot be preserved by any means other than refrigeration.

Unquestionably costs and budgetary limitations are primary considerations. But the total cost picture must be analyzed.

Prof. Walter Urbain, of Michigan State University, recently sent me a copy of a speech he delivered last October in which he showed that the Defense Department could have saved approximately $12,000,000 in 1 year had irradiated meats been available for the Southeast Asian theater. It is obvious that the ultimate dollar savings the Defense Department would realize worldwide each year would be many times the additional research and development costs required to bring irradiated foods into the ration system.

Over and above the dollar savings, the statement by General Ely before the subcommittee in March of 1962 adds further impetus to this program:

> In regard to this question of the benefits to the military, there are, also, I am sure you realize, some intangible benefits that you can't put in terms of dollars. When you have troops operating as individuals or small units, well removed from their kitchens or in an area where there is a shortage of water, foods that are prepared by these methods (irradiation) can give answers to the feeding problems that you can't obtain nearly as well by other methods.

I am familiar with the many problems besetting the Army in attempting to select R. & D. priorities in times of austerity in funds and manpower. However, the ultimate weapon is man; our military machines and armaments are only as effective as the men, physically nourished and psychologically motivated, who operate them. Good, wholesome food is vital to the military man. The high dose food irradiation process, in spite of temporary setbacks in the proof of wholesomeness, has been shown not only to be scientifically feasible but also to have the potential for dramatically upgrading the quality of military subsistence while reducing costs.

It must be noted that we have been dealing with a fortuitous set of circumstances in providing subsistence for our men and our allies in Southeast Asia. There we are involved in a limited war in a region where we have naval and air superiority. At great logistic cost and effort, we have been able to provide the Armed Forces in most instances with foods preserved by refrigeration. I often wonder what subsistence problems we would have to face if we were committed concurrently to conflicts in several widely dispersed theaters where we could not always assure such naval and air superiority. It is under circumstances such as these, where supply and resupply are indeed most difficult, that these prepackaged, ready-to-eat, irradiation preserved foods would be a great boon to our fighting men. It would be shortsighted indeed to turn our back on the unique advantages of this new food preservation process.

From time to time I learn of the interest of the military of other countries in food irradiation. Many of our allies look to us for leadership—and in time of emergency they would be better prepared for their role in our mutual defense if they could have irradiation processed foods upon which their forces could subsist. The Soviet Union recognizes the merits of irradiation processing. It has

announced its use on a broad scale, even including its cosmonauts.

I am convinced that the Army must persevere. It has done an outstanding job with its excellent team of scientists in the world's finest facility for research in food irradiation. It must not quit now when success is within its grasp. I am convinced from all I have heard and read, and from statements by the Army Medical Department in the June 1965 hearings by the Joint Committee, that irradiation sterilized foods are wholesome. All that is needed is the compilation of additional evidence which will reassure the Food and Drug Administration on this issue.

The Army seeks to justify its proposed termination of the program on the basis of the high investment risk involved in obtaining sufficient scientific evidence to convince the FDA. It is precisely this same argument which pursuaded us to undertake this high-risk, high-payoff program in the first place. It is the Government which must sponsor programs like this simply because private enterprise cannot. Except for final proof of wholesomeness, the Army has solved all other major high-risk scientific and technological factors in this program—flavor, texture, color, and packaging. There is no doubt that the wholesomeness of irradiated foods will also be proved—witness the statements by the Army Medical Department as recently as July 1968, that irradiation sterilized foods are wholesome and the steadily growing list of irradiated foods approved by health authorities in other countries.

The latter is particularly significant, because of the nonmilitary, basic public health potential of this program for an overgrown, undernourished world population. National nutritional needs have been the subject of recent congressional hearings and an extensive White House Conference. Both the Congress and the administration are publicly committed to improving the nutritional status of our people. Because of their longer shelf life, irradiation processed foods can ease distribution problems in our supply system and materially assist in this venture. There is no doubt that the trend today is to devote more of our resources to the health and welfare of the individual citizen.

The Army's food irradiation program is perhaps the most innovative of all the food programs in the Nation and one of few which meets significant military needs while offering the promise of major civilian application in furtherance of national policy. To terminate it is contrary to that policy—indeed it is contrary to good sense. To transfer it to another Government agency at this time would likely so delay its progress, through loss of momentum and the assembled highly competent, dedicated, scientific, and managerial personnel, as to essentially kill the program. Such a suggestion is totally unrealistic and unacceptable.

I consider the Army's food irradiation program to be too important to be sacrificed on the altar of budgetary economies. I urge the Army to proceed full speed with a program which has as its goal provision to the military consumer in the 1970's of an assortment of high quality irradiation preserved meats, poultry and related foods.

I plan to pursue these objectives both during the Armed Services Committee hearings on the Defense Department's budget covering the Army's high-dose food irradiation program and the Joint Committee's authorization hearings covering the AEC's low-dose food irradiation program.

SALLY MAE NOMINATED FOR CAMPUS QUEEN

(Mr. ERLENBORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. ERLENBORN. Mr. Speaker, not long ago, the gentleman from Texas, the chairman of the House Committee on Banking and Currency, called the attention of Members of Congress to a letter he had received from the Liberal Arts Constitutent Assembly of the University of Texas at Arlington. The gentleman noted that the assembly reported that many financial institutions in the Dallas-Fort Worth area were not making student loans, and he charged that bankers were "still holding students hostage in order to increase profits."

It seems to me that Congressman PATMAN's conclusions demonstrate a lack of consistency and are wanting solid ground on which to stand. On the one hand, he asserts that the guaranteed student loan program offers commercial banks still another "get rich" opportunity; and, on the other hand, he chastises banks for not participating in the program. If the guaranteed student loan program does indeed provide what the gentleman apparently considers to be an unconscionable profit, would it not then follow that not only banks but credit unions and savings and loans would be vying to make these loans—and that students then would have no difficulty whatsoever in getting loans?

I do not argue with him that lending institutions profit by making these loans, although I find no evil in efforts by profitmaking organizations to provide a return to their investors. I would also agree with the gentleman that the Federal Government should not bear the lion's share of the financial burden involved in putting the young people of this country through college. My question is, Should we castigate the banks, which have made 87 percent of the loans under this program, or should we direct our criticism at credit unions and savings and loans for not getting more involved?

I believe we and our young people would be better served by directing our attention, our energies, and our actions to finding an answer to the problem and getting to the business of a workable solution.

Last week, the Evening Star printed a column by Sylvia Porter showing what has been accomplished by the guaranteed student loan program. Miss Porter reported that, since the first loan was made in 1966—just 4 years ago—$2 billion have gone into the pockets of 2,500,000 collegians. The cost to taxpayers, the Office of Education advises me, was $112,000,000. This means we have made one Federal dollar do the work of 20. To my way of thinking, this is making the Federal dollar work. And no other Federal program that I know of has reached as far to serve so many at such small cost.

Moreover, this program has achieved this success in spite of the difficult market conditions of the past year or two which have created drastic shortages in money for housing and other forms of credit.

Why then do some college students find they cannot get the money they need?

It is because these loans lack liquidity for the lender. They are relatively long-term loans for small amounts and involve considerably more paperwork than do home mortgages and other credit transactions. As a consequence, they are not attractive to the secondary money market—to those large investors who purchase loans in lots from lenders, thus providing them with new funds with which to make more loans.

What is needed is a Student Loan Marketing Association, a Sally Mae for the student loan program, patterned after Fannie Mae—Federal National Mortgage Association—and Ginny Mae—Government National Mortgage Association—for the home loan program.

Sally Mae would have the power to hold pools of student loans, acquired either from an originating lender or a subsequent holder, and to issue its own securities. The original lender would continue to service the loans, that is, process applications and make collections. Student loans, void of the administrative burden that accompanies them, would thus become a profitable investment for retirement funds, pension and welfare funds, endowment funds, and the like; and adequate moneys would become available for those young people who need to borrow to go to college.

Mr. Speaker, I include the February 2, 1970, column on this subject by Sylvia Porter in the Evening Star in the RECORD at this point:

STUDENT PROGRAM LIVES!

(By Sylvia Porter)

To the surprise of many, the federal-state guaranteed student loan program is still alive. Actually it is expanding in the face of the tight credit situation.

This is the major program, launched by the Higher Education Act of 1965, to help middle-grade students from middle-income families finance their way through college, business, trade, technical and vocational schools. Below are some guides to getting one of these low-interest, deferred payment, educational loans—but first, are some up-to-date facts and observations.

Last summer this program was drying—because the maximum lenders could get on the loans was 7 percent and they had to give exceedingly generous repayment terms as well. As interest rates rose far above 7 percent on much safer loans, there seemed no hope for the program unless it was sweetened considerably.

Finally the White House got behind and pushed through a law which permits the Secretary of Health, Education & Welfare to make a "special allowance" to lenders of up to 3 percent above the 7 percent charged to students. In short, students still get 7 percent insured loans—but lenders can earn up to 10. The incentive payments were made retroactive to Aug. 1 and President Nixon urged lenders to make loans for the 1970 school year.

This has been the record to now:

In the first six months of fiscal 1970, $570 million was loaned and the target for all of 1970 is $794 million, highest since the program began. Since fiscal 1966, 2,500,000 loans have been made totaling $2 billion. Lenders got an incentive payment of 2 percent in the August-September period and 2¼ percent in the September-December quarter, making their returns 9 and 9¼ percent.

Of the total of loans, 87 percent have been made by commercial banks; 98.3 percent have gone to students from families with adjusted incomes of under $15,000; 79 percent to students from families with incomes under $9,000.

Now, pressure is mounting for a law to create a new government corporation which would have access to Treasury funds with which to buy student loans from private lenders in order to free the lenders to make more loans. The corporation would be called Student Loan Marketing Association.

The program has survived despite overwhelming odds. It is filling a great need, is gaining recognition, is likely to play a much broader role. Now to details for students.

You are eligible for a loan regardless of your family's financial status if you are in good academic standing at an approved institution. The loan is made to you, not your parents.

You can borrow up to a maximum of $1,500 per academic year, but your total may not exceed $7,500 at any time. Your maximum rate is 7 percent plus an insurance premium of ¼ percent prepaid on each loan. If your family's adjusted income is under $15,000, the government will pay the total interest while you're in school. All of you will pay the full interest during the repayment period.

Your repayment begins between nine and 12 months after you leave school and is normally scheduled for five to 10 years.

You may apply at any one of 20,000 participating institutions across the country—banks, savings & loan associations, credit unions, pension funds, insurance companies, eligible schools. The loan is made at the discretion of the lender, though. Before you even begin, it would be wise to ask your college or school financial aid officer for guidance.

You also may get vital information from the "Director, Higher Education" in regions I to IX in these headquarter cities: Boston, New York, Charlottesville, Atlanta, Chicago, Kansas City, Mo., Dallas, Denver, San Francisco.

This program is the best financial source for the nonscholarship student of the middle-income family. If you are eligible, start tracking down a lender now.

EQUAL JUSTICE UNDER LAW?

(Mr. MANN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MANN. Mr. Speaker, on the architrave of the magnificent building occupied by the Supreme Court of the United States appear these words, "Equal Justice Under Law." Seldom in the history of our country has any large segment of our people doubted the promise which this language holds forth. But now, Mr. Speaker, a large segment of our Nation is questioning this promise. They are questioning it because certain agencies within the executive branch of our Government are not seeking evenhanded justice throughout this land. Courts traditionally deal with litigation which is brought before them in accordance with established procedures, but there is a clear indication that our courts, notably the Supreme Court, are legislating, and in the process are tyrannically ordering immediate implementation of their newly proclaimed laws. Such unreasonable enforcement falls upon those unfortunates who happen to be in court when the newly made judicial law is announced. Is there no duty upon the Court to see that evenhanded justice is meted out in like manner across the width and breadth of this land? If the argument should be made that the Court is only equipped to enforce its pronouncements in cases actually pending before it, then it immediately becomes the duty of the Executive, through the Attorney General, to see that all are treated alike. It likewise is the duty of the Executive to see that my tax money and the tax money of the people of my State is properly used by the Department of Health, Education, and Welfare to work its fanatical will in the North and in the East and in the West, rather than almost solely in the South.

The Chronicle, of Clinton, S.C., published in its edition of February 5, 1970, an article by Thurman Sensing entitled "South Pulls Itself Upward." I include this article at this point in the RECORD:

SOUTH PULLS ITSELF UPWARD

(By Thurman Sensing, executive vice president, Southern States Industrial Council)

The progress the Southern states have made in the last three decades can be attributed in part to changing attitudes toward the region among people elsewhere in the nation. For many decades after the Civil War, the South was the poor relation of the rest of the country. It was treated in a discriminatory fashion. No "foreign aid" or anything of that sort was granted to the South in the late 19th and early 20th century as it struggled to regain its economic place in the nation. The benefits known by such defeated nations as Germany and Japan were never lavished on the part of the United States that had known civil war.

Pulling itself up by its own bootstraps, the South rebuilt its financial institutions and commercial organizations. It persuaded national manufacturing companies to invest in the region. It was a long, slow process, but in the 1940s the South began to surge ahead. The quality of its state government improved dramatically, and the Southern states, with their strengthened economies, started to devote a much larger share of their revenues to education, both basic and higher. The vexing problem of freight rates, which retarded commerce, was eased. The federal government paid more attention to Southern ports. Industrialists elsewhere in the country gained a new appreciation of the ability and responsibility of the region's labor force and recognized that Southern legislatures were indutry-minded and eager for progress through investor-owned enterprises.

The result of all this has been a wonderful forward movement on the part of the Southern states continuing from the 1940s now into the 1970s. Patterns of Southern industrialization are changing, with more highly skilled and complex industries relocating in this region and making better use of the schools, colleges and universities of the South.

One reason the south has progressed is that its people believe strongly in local government and in other basics of the American political tradition. This region has few hippies and other dissenters from American ideals.

The universities are not factories of ideological unrest, which, tragically, is the case in some areas such as the Northeast. State governments are not dominated by the union bosses, who are virtual political czars in some Northern states. Thus opportunities for further advancement, through the free enterprise system, are extraordinarily good in the Southern states.

Unfortunately, there are elements in the nation with a profound sectional bias against the South. There are those who want to radicalize the South and to punish it for not taking the ultra-liberal tack espoused in some influential intellectual circles. These elements have urged a double standard of judgment and justice. They would make the South's lot far harder than the lot of any other area.

We see this today in the determination to impose on the Southern states requirements for teacher transfers and busing of school children that are not made elsewhere. We see Southern school districts ordered to meet disruptive and virtually impossible timetables which are not imposed elsewhere in the nation.

It is tragic, shocking and almost incredible that after so many years of Southern progress there should be an effort made to plunge Southern schools into chaos while the schools of other regions, with the same mix of students, should escape serious government interference.

Several Southern governors have made this point in recent days, and their appeal for equal justice should be heeded by fairminded Americans in every state. The governors aren't refusing to alter school systems according to court order; they are simply saying that if one type of school system is to be made mandatory for the South, the same system should be ordered for Massachusetts, Illinois, California and the other states. If a time-table is set for Atlanta, it should be set for Boston and Pittsburgh.

The United States can't have two sets of federal laws—one oppressive of the Southern states and one leaving the other states to do as they please in school arrangements. Constitutionally, the schools are the business of the states and local government. But the federal courts have ruled otherwise. It is intolerable, however, to see court orders issued that deprive the Southern states of equal justice under the law—that impose conditions of chaos on this region while leaving the schools in other areas virtually free of interference.

The unequal orders issued by the courts in recent weeks threaten to undo much of the progress made in the South over a period of many decades. The situation should offend the sense of fair play of the entire American people.

RELIEF FOR FLORIDA SCHOOLS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the members of the Florida congressional delegation are working in unison in an effort to find relief for Florida schools and those in other States from oppressive court rulings which threaten educational programs. Toward this end, a number of bills have been introduced which are designed to obtain relief if enactment can be obtained. These include proposed laws as well as constitutional amendments. These have as a basic objective relief from forced busing and a guarantee of freedom of choice in school selection. They would also insure against continued discrimination toward southern schools by requiring the same rulings to be applied nationwide. This is not now done.

One constitutional amendment would

specify reappointment of Federal judges at 6-year intervals and a requirement that they have prior judicial experience. Another amendment would make it unconstitutional to force a person to do or perform any act "against his will when required on the basis of race, color, or national orgin." The third amendment would make it unconstitutional for the U.S. Government to deny freedom of choice to any parent in the selection of a school for his child directly or by means of a condition to the receipt of Federal financial assistance.

A meeting also has been held by the Florida delegation with Governor Kirk and other school officials. At this meeting the Governor was requested, as the titular head of government in Florida, to seek a joint conference with President Nixon for full and complete discussion of school issues in an effort to obtain a constructive solution. If it is found that the President is not available for discussion of the school problem, the group will seek a meeting with Vice President AGNEW and his special committee which is being formed to assist the South in solving school problems.

The bills which I and others have introduced are as follows:

H.R. —

A bill providing that discrimination on account of race, creed, color, or national origin is prohibited

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no person shall be refused admission into or excluded from any public school in any State on account of race, creed, color, or national origin.

(b) Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

H.R. —

A bill relating to the policy with respect to the application of certain provisions of Federal law

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions or segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

H.J. RES. 1054

Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice in attending public schools

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by Congress:

"ARTICLE —

"No citizen shall be compelled against his will to do or perform any act required on the basis of race, color, or national origin."

H.J. RES. 1055

Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice in attending public schools

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by Congress:

"ARTICLE —

"The right of any citizen to be assigned to the public school of his parents' or guardian's choice if a minor, or to the public school of his choice if an adult, shall not be denied or abridged by the United States either directly or by means of a condition to the receipt of Federal financial assistance."

H.J. RES. 1047

Joint resolution proposing an amendment to the Constitution of the United States to provide that appointments of Supreme Court and other Federal judges be required to be reconfirmed every six years, to require five years' prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of Federal judges at the age of seventy years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid only if ratified by the legislatures of three-fourths of the several States within seven years from the date of final passage by the Congress:

"ARTICLE —

"SECTION 1. No person may serve as a judge of the Supreme Court or of any court ordained and established under section 1 of article III unless the Senate reconfirms his appointment to that office during the last year of each period of six calendar years beginning after the year of his initial appointment, except that for the purposes of this article a judge holding office on the date of the ratification of this article by a sufficient number of States shall be deemed to have been initially appointed as such on the date of ratification.

"SEC. 2. No person may be appointed as a judge of the Supreme Court who, at the time of his appointment, has not served for at least five years as a judge of a court of record of a State or of a court provided for in section 1 of article III.

SEC. 3. No person who has attained the age of seventy years may serve as a judge of any court of the United States but any person who ceases to serve as a judge of such a court because he has attained the age of seventy years shall continue to receive the compensation to which he was entitled as a judge."

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The Nobel Prize is awarded yearly to those who had most benefited mankind the preceding year. Since the first awards were made in 1901, Americans have received 11 Peace Awards, 24 medicine-physiology, 12 for chemistry, and 20 for physics. Americans are the leading recipients in each of these fields.

LEAVE OF ABSENCE

Mr. ROSTENKOWSKI (at the request of Mr. ALBERT), for Monday, February 9, and Tuesday, February 10, on account of death in the family.

Mr. MCDADE (at the request of Mr. GERALD R. FORD), for February 5 indefinitely on account of influenza illness.

Mr. HALL for today and tomorrow, February 9 and 10, 1970, on account of official business with Committee on Armed Services.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SCHERLE, for 1 hour, on February 17, for the purpose of eulogizing the late Honorable Ben Franklin Jensen, and to revise and extend his remarks and include extraneous matter.

The following Members (at the request of Mr. HARVEY) to revise and extend their remarks and include extraneous material:

Mr. MACGREGOR, for 10 minutes, today.

Mr. DICKINSON, for 60 minutes, February 18.

Mr. DELLENBACK, for 60 minutes, today.

The following Members (at the request of Mr. DANIEL of Virginia) to address the House and to revise and extend their remarks and include extraneous matter:

Mr. FARBSTEIN, for 15 minutes, today.

Mr. HAMILTON, for 30 minutes, today.

Mr. ALBERT, for 60 minutes, on February 10.

Mr. PRYOR of Arkansas, for 60 minutes, on February 17.

Mr. FARBSTEIN, for 60 minutes, on February 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BETTS in two instances and to include extraneous material.

Mr. QUIE to extend his remarks on S. 2214 prior to passage today.

Mr. JARMAN (at the request of Mr. ALBERT) to extend his remarks in the RECORD.

(The following Members (at the request of Mr. HARVEY) and to include extraneous material:)

Mr. MCEWEN.

Mr. KEITH in four instances.
Mr. HOGAN.
Mr. QUILLEN in four instances.
Mr. JOHNSON of Pennsylvania.
Mr. CONTE.
Mr. SCHERLE.
Mr. PELLY in two instances.
Mr. RAILSBACK.
Mr. MCKNEALLY.
Mr. MORSE.
Mrs. MAY in two instances.
Mr. HORTON in two instances.
Mr. DELLENBACK in three instances.
Mr. POFF.
Mr. WYMAN in two instances.
Mr. SCHADEBERG in two instances.
Mr. BROCK.
Mr. WHALLEY.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. HOWARD in two instances.
Mr. JACOBS.
Mr. STOKES.
Mr. LONG of Maryland.
Mr. FARBSTEIN in three instances.
Mr. VAN DEERLIN.
Mr. OTTINGER in three instances.
Mr. SCHEUER in four instances.
Mr. ANDERSON of California.
Mr. ULLMAN in 10 instances.
Mr. MOLLOHAN in three instances.
Mr. RARICK in three instances.
Mr. RYAN in three instances.
Mr. EVINS of Tennessee in two instances.
Mr. JONES of Tennessee.
Mr. KYROS in three instances.
Mr. FOUNTAIN in three instances.
Mr. PUCINSKI in 10 instances.
Mr. MANN in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. DULSKI in six instances.
Mr. KASTENMEIER in two instances.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 52. Concurrent resolution authorizing the printing of a compilation of the hearings, reports, and committee prints of the Senate Subcommittee on National Security and International Operations entitled "Planning-Programing-Budgeting", to the Committee on House Administration.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Tuesday, February 10, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1621. A letter from the Comptroller General of the United States, transmitting a report on the status of the acquisition of selected major weapon systems, Department of Defense; to the Committee on Government Operations.

1622. A letter from the Comptroller General of the United States, transmitting a report on U.S. assistance to Guatemala; Department of State, Agency for International Development, Peace Corps, and Department of Defense; to the Committee on Government Operations.

1623. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Federal Crop Insurance Corporation, Department of Agriculture, for the fiscal year ended June 30, 1969 (H. Doc. No. 91–223); to the Committee on Government Operations and ordered to be printed.

1624. A letter from the Comptroller General of the United States, transmitting a report on the audit of certain banks of the Farm Credit System supervised by the Farm Credit Administration, for the fiscal year ended June 30, 1969 (H. Doc. No. 91–224); to the Committee on Government Operation and ordered to be printed.

1625. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on employee personal property claims settled under 31 U.S.C. 240–242, during calendar year 1969, pursuant to the provisions of 31 U.S.C. 241(e); to the Committee on the Judiciary.

1626. A letter from the Federal and State Cochairmen; Upper Great Lakes Regional Commission; transmitting a report on the activities of the Commission for the period July 1, 1968–June 30, 1969, pursuant to the provisions of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EVINS: Select Committee on Small Business. Problems facing the tool and die industry (Rept. No. 91–832). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 914. A bill for the relief of Hood River County, Oreg.; with an amendment (Rept. No. 91–833). Referred to the Committee of the Whole House on the State of the Union.

Mr. DONOHUE: Committee on the Judiciary. H.R. 10068. A bill to amend the act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce (Rept. No. 91–834). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 15143. A bill to amend title 10, United States Code, to provide the grade of lieutenant general for an officer serving as the Chief of the National Guard Bureau, and for other purposes (Rept. No. 91–835). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 15142. A bill to authorize any former Chairman of the Joint Chiefs of Staff to recompute his military retired pay under certain circumstances (Rept. No. 91–836). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota (for himself, Mr. KLEPPE, Mr. ZWACH, and Mr. KARTH):

H.R. 15770. A bill to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By M. BIAGGI:

H.R. 15771. A bill to amend the Federal Hazardous Substances Act to authorize the Secretary of Health, Education, and Welfare to ban glue and paint products containing toxic solvents, when they do not meet certain specifications; to the Committee on Interstate and Foreign Commerce.

H.R. 15772. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 per centum increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. BOGGS:

H.R. 15773. A bill to provide disability insurance coverage to certain individuals who are totally disabled as a result of service-connected disability and are retired on disability from the Armed Forces; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 15774. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. CEDERBERG (for himself and Mr. VANDER JAGT):

H.R. 15775. A bill to amend section 120 of title 23, United States Code, to increase to 75 per centum the Federal share of projects on the Federal-aid primary and secondary systems; to the Committee on Public Works.

By Mr. DELLENBACK (for himself, Mr. HANSEN of Idaho, Mr. ANDERSON of Illinois, Mr. AYRES, Mr. BELL of California, Mr. BUSH, Mr. COLLIER, Mr. CONABLE, Mr. ESCH, Mr. ESHLEMAN, Mrs. HECKLER of Massachusetts, Mr. MACGREGOR, Mr. MYERS, Mr. QUIE, Mr. RUTH, Mr. SCHERLE, Mr. SCHWENGEL, Mr. STAFFORD, Mr. STEIGER of Wisconsin, Mr. TAFT, and Mr. WYDLER):

H.R. 15776. A bill to provide a consolidated, comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. EILBERG (for himself, Mr. BUTTON, Mr. CARTER, Mr. HALPERN, Mr. LEGGETT, Mr. MADDEN, Mr. MATSUNAGA, Mrs. MINK, Mr. MOORHEAD, Mr. OLSEN, Mr. POLLOCK, Mr. PODELL, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 15777. A bill to provide assistance to local educational agencies in constructing needed school facilities; to the Committee on Education and Labor.

By Mr. EVINS of Tennessee:

H.R. 15778. A bill to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems; to the Committee on Science and Astronautics.

By Mrs. GRIFFITHS:

H.R. 15779. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 15780. A bill to amend the National Environmental Policy Act of 1969 to confer standing on private persons to sue for relief from pollution; to the Committee on Merchant Marine and Fisheries.

By Mr. HENDERSON:

H.R. 15781. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD (by request):

H.R. 15782. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. McCLURE:

H.R. 15783. A bill to extend the life of the Public Land Law Review Commission in order that the Commission may study proposals and recommend legislation for the protection of the environment; to the Committee on Interior and Insular Affairs.

By Mr. McKNEALLY:

H.R. 15784. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percentum increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. MELCHER:

H.R. 15785. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 15786. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15787. A bill to amend title 5, United States Code, to restrict contracts for services relating to the positions of guards, elevator operators, messengers, and custodians; to the Committee on Post Office and Civil Service.

By Mr. QUIE:

H.R. 15788. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 15789. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 15790. A bill to prevent the reduction or loss of veterans' compensation and pension benefits as the result of increases in social security or railroad retirement benefits attributable solely to the general benefit increase provided by the Social Security Amendments of 1969; to the Committee on Veterans' Affairs.

By Mr. RIVERS:

H.R. 15791. A bill to amend section 3287 of title 10, United States Code, to authorize the crediting of prior active commissioned service in any armed force to officers appointed in the Regular Army; to the Committee on Armed Services.

By Mr. ROE:

H.R. 15792. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.R. 15793. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. RUTH:

H.R. 15794. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. STUCKEY:

H.R. 15795. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 15796. A bill to amend chapter 55 of title 10 of the United States Code to provide medical and dental care in service facilities for certain persons on the same basis as for a member of a uniformed service who is on active duty; to the Committee on Armed Services.

H.R. 15797. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 15798. A bill to safeguard further the rights of armed service members whose military careers must be terminated by reason of illness or injury; to the Committee on Armed Services.

H.R. 15799. A bill to amend section 1682 of title 38, United States Code, so as to modify the number of classroom instruction hours under the farm cooperative program; to the Committee on Veterans' Affairs.

H.R. 15800. A bill to amend chapter 31, section 1502(a) of title 38, United States Code, to provide that Vietnam era veterans shall have the same basic entitlement to vocational rehabilitation as do veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

H.R. 15801. A bill to authorize reconsideration of the eligibility of certain former members of the Armed Forces for disability retirement; to the Committee on Veterans' Affairs.

H.R. 15802. A bill to amend title 38, United States Code, so as to provide musteringout payments for certain members discharged from the Armed Forces after August 5, 1964; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Georgia:

H.R. 15803. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. DEVINE:

H. Con. Res. 501. Concurrent resolution requiring that any individual employed in a facility which serves food in the Senate or the House of Representatives be tested periodically for tuberculosis; to the Committee on House Administration.

By Mr. FISH:

H. Con. Res. 502. Concurrent resolution expressing the sense of Congress that the Secretary of the Interior prescribe and implement regulations for the harvesting of northern fur seals to insure quick and painless death before skinning; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMPSON of Georgia:

H. Res. 828. Resolution to amend rule XLIV of the House, and for other purposes; to the Committee on Standards of Official Conduct.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUDE:

H.R. 15804. A bill for the relief of Amalia Delfina DeLaRoca; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 15805. A bill for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, and Pera Pretty Paint Not Afraid; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 15806. A bill for the relief of Solomon Simtab; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

284. By the SPEAKER: A memorial of the Legislature of the State of Oklahoma, relative to funds to implement child feeding programs; to the Committee on Education and Labor.

285. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to doubling the foster grandparents program; to the Committee on Education and Labor.

286. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to establishing a national cemetery in the Commonwealth; to the Committee on Veteran's Affairs.

287. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to providing for an increase in social security benefits; to the Committee on Ways and Means.

288. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to a cost of living index formula in social security benefit payments; to the Committee on Ways and Means.

289. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to making all persons eligible for medicare coverage upon reaching age 65; to the Committee on Ways and Means.

290. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to basic social security benefits on the 10 highest years of the worker's earnings; to the Committee on Ways and Means.

291. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to increasing retirement allowances to certain widows under the Social Security Act; to the Committee on Ways and Means.

292. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to removing the restriction on the amount of income a person may earn while receiving social security benefits; to the Committee on Ways and Means.

293. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to administration of the Federal old age assistance program by the Department of Health, Education, and Welfare through the social security system; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

387. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to the budget for fiscal year 1971; to the Committee on Appropriations.

388. Also, petition of L. W. McPhaul, Avondale, Colo., relative to the people's rights concerning water; to the Committee on Interior and Insular Affairs.

SENATE—*Monday, February 9, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The PRESIDENT pro tempore. The Senate will be led in prayer by the Reverend Henry Edward Russell, D.D., minister of the Second Presbyterian Church, Memphis, Tenn.

The Reverend Henry Edward Russell, D.D., offered the following prayer:

Almighty God, everlasting Sovereign, we bless Thy name that we may call Thee our Father, and know that we are, in a mysterious yet true sense, Thy children. As the Senate of the United States opens for this day, we thank Thee that in Thy providence Thou hast made and kept us a nation. Grant this Senate and all our citizens grace to rightly remember the past that we may properly prepare for the future. As we are finite creatures in eternity and in time, grant us capability and the will to use the present day well.

Give these Thy servants the grace of sensitive awareness as they bear the responsibility of events of profound significance day by day.

Save us from the facile use of noble words that rob us of their meaning.

Give, O God, we beseech Thee, vitality to the rich values of language. Let Thy servants be prepared in all of the prerequisites of readiness for an age such as this. We know a new decade, and we sense a new epoch; match Thy servants with their day. As the wistful winds of wonder blow upon the earth again, wilt Thou, who hast been our help in ages past and art our hope for years to come, grant us Thy protection and guidance in this marvelous age.

We thank Thee that we may ask for the forgiveness of sins, known and unknown. We bless Thy name that we may anticipate Thy continuing, loving favor through Jesus Christ our Lord. Amen.

WELCOME TO THE REVEREND HENRY EDWARD RUSSELL

Mr. MANSFIELD. Mr. President, I want, first, to express my appreciation to the brother of the distinguished President pro tempore of the Senate—the dean of this body—for offering the prayer before the Senate this morning.

Those of us who know our beloved President pro tempore are also happy to note that his brother was honored by the President in conducting the religious services at the White House yesterday morning.

It is our further understanding that a large portion of the Russell clan attended that service on yesterday.

On behalf of the Senate, I want to say how honored we feel that the brother of our President pro tempore, Dr. Henry Russell, was given this double opportunity to officiate both at the White House and in the Senate of the United States on succeeding days.

We are honored and delighted.

Mr. SCOTT. Mr. President, this is the kind of union of church and state that I think we all welcome.

It is a great honor, indeed, for all of us to have this opportunity to be prayed over publicly by the brother of our distinguished President pro tempore and, I have no doubt, privately by the President pro tempore himself.

The PRESIDENT pro tempore (Mr. RUSSELL). May the Chair state, on his personal behalf and on behalf of the Russell clan, that the Chair expresses his thanks to the majority and minority leaders.

Mr. STENNIS. Mr. President, I join the sentiments of the majority and minority leaders, and our distinguished President pro tempore, to say what a special personal privilege it is to me to see the Reverend Henry Russell once again and to have him open our session with prayer.

He is a man of great spiritual force. He is renowned as a minister—truly one of the greatest we have in the Nation today.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, February 6, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

U.S. MARSHAL

The legislative clerk read the nomination of Laurence C. Beard, of Oklahoma, to be U.S. marshal for the eastern district of Oklahoma.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of this nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

THE TRAGEDY OF VIETNAM WILL AFFLICT FUTURE GENERATIONS OF AMERICANS

Mr. YOUNG of Ohio. Mr. President, more than 50,000 Americans have been killed in action in Vietnam, or killed in what Pentagon terms "accidents and incidents" which are in reality combat deaths and would have been so reported in World War II. Also, more than 260,000 men of our Armed Forces have been wounded. Due to the fact that the VC have no airplanes or helicopters in South Vietnam and due to the tremendous scientific advances of medical and surgical sciences in our country, many of our fighting men's lives have been saved. In former wars these men would have otherwise died from wounds.

Without a doubt, 100,000 of those very seriously wounded would have died in any previous American war. However, almost immediate evacuation of combat casualties by helicopter and then attention by well-trained surgeons and nurses have saved many, many thousands of lives.

For example, last October 31, Pfc. Ronnie Boggess, a point man of a squad

near Songbe close to the border of Cambodia, walked into an ambush. His left leg was blown away, his left arm shattered, and a bullet tore away a large chunk of muscle and bone of his left shoulder. In World War II this fine 20-year-old youngster would certainly have died of wounds, probably within the hour. A helicopter evacuated him immediately. A surgeon applied the latest procedures known. The result was that on Christmas Day he was in Walter Reed Hospital able to talk cheerfully with his best girl from Decota, W. Va., and with members of his family.

Here is one of some thousands of examples. That these young men live is a matter for happiness and joy. On the other hand, Ronnie Boggess and from 50,000 to 100,000 other young veterans are maimed for life and will suffer disability as long as they live.

An Army study taken at random of 1,000 young men recently honorably discharged because of wounds disclosed nearly 300 were amputees. Another 250 suffer from paralysis of their arms and legs or both and 140 suffer from what medical men term "impairment of sense organs." Furthermore, it is sad to report that three times as many American soldiers have been blinded in combat in Vietnam than were blinded in all sectors of the fighting in World War II. All this is very, very sad for the young men and their families. All this is a matter of grave concern for all Americans. For many, many years these wounded veterans will be living relics of the bitterest and most terrible blunder ever made by a President of the United States and by his advisers such as Dean Rusk and the generals of the Joint Chiefs of Staff representing the military-industrial complex.

They are the ones responsible for involving our Nation in a civil war in a little country of no importance whatever to the defense of the United States. They are guilty of bringing about a national insanity which resulted in sending more than 2,100,000 young Americans at different times from 1964 to 1970 to fight in a small Asiatic country 10,000 miles distant from our shores an immoral and unpopular undeclared war in our unjustified intervention in a civil war in Vietnam.

We Americans have reason to be proud of the superb medical treatment given our youngsters on the field of battle and in hospitals in Okinawa, Clark Air Base in the Philippine Republic, and in Walter Reed Military Hospital in Washington and other of our Army hospitals throughout the world.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I be permitted to continue for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, unfortunately, the hospitals of the Veterans' Administration throughout the United States are inadequate. They are in fact geared to the care of older veterans of World Wars I and II. In the Veterans' Administration hospitals there are only a comparatively few beds not occupied by veterans of our earlier wars, many of whom are there because of syphilis and diseases claimed to have been contacted in those wars. Not many are there as result of wounds received in combat. Many of the patients of Veterans' Administration hospital are mental cases consistently kept tranquilized in "chemical cocoons" according to Dr. Louis J. West, a prominent member of the Veterans' Administration medical staff.

American taxpayers throughout the succeeding 50 years will bear a heavy financial burden for disability payments and hospital care for those men who served in Vietnam. Furthermore, the end is not yet in sight. Will it be an additional part of the tragic history of our Vietnam war that our Government will not pay for the proper care of these permanently wounded and maimed veterans? Many of these now young men were drafted. Many are not to be blamed for waging this most unpopular war in the entire history of our republic and the longest and the bloodiest of all foreign wars waged in our history. Most went to Vietnam and Thailand because they were ordered to go there. They are entitled to have and must be given the best medical and hospital care possible, notwithstanding that in thousands of cases this care will continue as long as they live.

PETITION

A petition was laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the General Assembly of South Carolina; ordered to lie on the table:

"S. 534

"Concurrent resolution memoralizing the Congress of the United States to override the President's veto of H.R. 13111, relating to an appropriation for health, education and welfare monies, and if the veto is not overridden to do all within its power to make sure that funds for education in impacted areas will be appropriated in another manner and the formula for such monies shall not be changed

"Whereas, the President of the United States has vetoed H.R. 13111, an appropriation for Health, Education and Welfare which included funds for education in impacted areas; and

"Whereas, if these funds are not appropriated in the amount as provided in this bill, it will have a serious effect upon the public schools of this State and it is entirely possible that several of the school districts will be forced to close their schools due to lack of funds before the end of the present school year, or at the very least substantial local tax increases will be required. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring:

"That the Congress of the United States is urged to override the President's veto of H.R. 13111, which appropriates monies for Health, Education and Welfare, including monies for education in impacted areas.

"In the event the President's veto is not overridden, it is urgently requested that Congress do all within its power to make sure that these funds will be appropriated in another manner and in no less amount than that which has already been allocated this year and that the formula for monies to be used for education in impacted areas shall not be changed.

"Be it further resolved that copies of this resolution be forwarded to the Clerk of the United States Senate, the Clerk of the United States House of Representatives and each Senator and Congressman from South Carolina."

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 309. Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations (Rept. No. 91–673);

S. Res. 310. Resolution authorizing additional expenditures by the Committee on Government Operations for a study of intergovernmental relationships between the United States and the States and municipalities (Rept. No. 91–670);

S. Res. 311. Resolution authorizing additional expenditures by the Committee on Government Operations for a study of certain aspects of national security and international operations (Rept. No. 91–671);

S. Res. 312. Resolution authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations (Rept. No. 91–672);

S. Res. 320. Resolution authorizing additional expenditures by the Committee on Government Operations for a study of executive reorganizations and Government research (Rept. No. 91–669);

S. Res. 322. Resolution authorizing additional expenditures by the Select Committee on Small Business (Rept. No. 91–689);

S. Res. 324. Resolution authorizing additional expenditures by the Committee on Commerce for inquiries and investigations (Rept. No. 91–667);

S. Res. 325. Resolution authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations (Rept. No. 91–668);

S. Res. 326. Resolution authorizing additional expenditures by the Committee on Public Works for inquiries and investigations (Rept. No. 91–690);

S. Res. 331. Resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations (Rept. No. 91–666);

R. Res. 333. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of administrative practice and procedure (Rept. No. 91–674);

S. Res. 334. Resolution authorizing additional expenditures by the Committee on the Judiciary for an investigation of antitrust and monopoly laws (Rept. No. 91–675);

S. Res. 335. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional amendments (Rept. No. 91–676);

S. Res. 336. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional rights (Rept. No. 91–677);

S. Res. 337. Resolution authorizing additional expenditures by the Committee on the Judiciary for an investigation of criminal laws and procedures (Rept. No. 91–678);

S. Res. 338. Resolution authorizing additional expenditures by the Committee on the Judiciary for the consideration of matters pertaining to Federal charters, holidays, and celebrations (Rept. No. 91–679);

S. Res. 339. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to immigration and naturalization (Rept. No. 91–680);

S. Res. 340. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study and examination of the Federal judicial system (Rept. No. 91–681);

S. Res. 341. Resolution authorizing additional expenditures by the Committee on the Judiciary for an investigation of the administration, operation, and enforcement of the Internal Security Act (Rept. No. 91–682);

S. Res. 342. Resolution authorizing additional expenditures by the Committee on the Judiciary for an investigation of juvenile delinquency (Rept. No. 91–683);

S. Res. 343. Resolution authorizing additional expenditures by the Committee on the Judiciary for an examination and review of the statutes relating to patents, trademarks, and copyrights (Rept. No. 91–684);

S. Res. 344. Resolution authorizing additional expenditures by the Committee on the Judiciary for an investigation of national penitentiaries (Rept. No. 91–685);

S. Res. 345. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of the problems created by the flow of refugees and escapees (Rept. No. 91–686);

S. Res. 346. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to revision and codification of the Statutes of the United States (Rept. No. 91–687); and

S. Res. 347. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of separation of powers (Rept. No. 91–688).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 308. Resolution authorizing the Committee on Government Operations to make investigations into the efficiency and economy of operations of all branches of Government (Rept. No. 91–691);

S. Res. 316. Resolution continuing, and authorizing additional expenditure by, the Special Committee on Aging (Rept. No. 91–692);

S. Res. 317. Resolution authorizing the Committee on Post Office and Civil Service to make certain investigations (Rept. No. 91–693);

S. Res. 318. Resolution to provide for a study of matters pertaining to foreign policy of the United States by the Committee on Foreign Relations (Rept. No. 91–694);

S. Res. 323. Resolution relative to extending the Select Committee on Nutrition and Human Needs through January 31, 1971 (Rept. No. 91–695);

S. Res. 327. Resolution authorizing additional expenditures by the Committee on Public Works for investigations of air, water, and environmental matters, and such other related matters (Rept. No. 91–696);

S. Res. 329. Resolution to authorize additional expenditures to the Committee on Banking and Currency for inquiries and investigations (Rept. No. 91–697);

S. Res. 330. Resolution to authorize additional expenditures to the Committee on Banking and Currency for inquires and investigations (Rept. No. 91–698); and

S. Res. 332. Resolution to authorize additional expenditures to the Aeronautical and Space Sciences Committee for inquires and investigations (Rept. No. 91–699).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 307. Resolution to authorize expenditures for salaries and for other purposes for the Subcommittee on Privileges and Elections (Rept. No. 91–700).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. YARBOROUGH (for himself, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. PELL, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. JAVITS, Mr. PROUTY, Mr. SCHWEIKER, Mr. ALLEN, Mr. BAYH, Mr. BROOKE, Mr. BURDICK, Mr. EASTLAND, Mr. ERVIN, Mr. FULBRIGHT, Mr. GOODELL, Mr. HART, Mr. HARTKE, Mr. INOUYE, Mr. JORDAN of North Carolina, Mr. MCCARTHY, Mr. MCGOVERN, Mr. METCALF, Mr. MONTOYA, Mr. PASTORE, Mr. PERCY, Mr. RIBICOFF, Mr. SCOTT, and Mr. SPONG.)

S. 3418. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Labor and Public Welfare.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. EASTLAND:

S. 3419. A bill for the relief of Capt. Claire E. Brou; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 3420. A bill for the relief of Dr. Hassan Chaharsough Vakil; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 3421. A bill to amend the Federal Unemployment Tax Act so as to impose certain minimum benefit standards under the Federal-State unemployment compensation program; to the Committee on Finance.

(The remarks of Mr. RIBICOFF when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MANSFIELD:

S. 3422. A bill for the relief of Vernon H. and Lisette E. Samuelson and George V. and Helen M. Samuelson; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 3423. A bill for the relief of Arvind J. Madhani, his wife, Mandakini Madhani, and their children, Parag Madhani, and Ajay Madhani; to the Committee on the Judiciary.

S. 3418—INTRODUCTION OF A BILL RELATING TO THE NEED FOR MORE PRACTITIONERS OF FAMILY MEDICINE

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to help medical schools and hospitals educate larger numbers of doctors in the field of family medicine.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

The bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, introduced by Mr. YARBOROUGH (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. YARBOROUGH. Mr. President, in 1931, three-fourths of all physicians in private practice were general practitioners. In more recent years, the demand for specialists and the preference of many doctors to specialize, has reduced the percentage of general practitioners to one-fifth of all doctors.

In the years between 1963 and 1967 along, general practitioners decreased 7.3 percent while the specialists increased as follows: Surgical specialists by 15.9 percent, medical specialists by 18.6 percent, and others 19.4 percent. The growth of the specialists was dictated by the dramatic advances in medical science that make it impossible for one man to master all the fields of medical knowledge. Surgery, pathology, internal medicine, psychiatry, pediatrics—all deserve the exclusive attention of great numbers of doctors. Today, 80 percent of the graduates from medical school prepare themselves for a specialty practice.

The result has been a growing gap between the family needing generalized health information and care for its men and women, babies, teenagers, and grandparents, who may suffer from time to time from a great variety of maladies and injuries.

Fortunately, medical practice has begun to recognize the need for new training programs for the general practitioner. In some medical schools, courses are now being offered which lead to a new "specialty"—the practice of family medicine.

The family practice doctor is trained to consider and to treat persons in the context of their family and surroundings. Preventive health is one of his major objectives.

A second function is to refer patients needing specialty care or treatment to the right person and place. In that respect he is the single contact where an entire family may go for comprehensive medical care. There are 30 million Americans who today have no access to a family physician thereby they can enter into the medical care system.

As the National Commission on Community Health Services describes the role of the family practice doctor:

> Every individual should have a personal physician who is the central point for integration and continuity of all medical and medically related services to his patient. Such a physician will emphasize the practice of preventive medicine, through his own efforts and in partnership with the health and social resources of the community.
>
> The physician should be aware of the many and varied social, emotional and environmental factors that influence the health of his patient and his patient's family. He will either render, or direct the patient to, whatever services best suit his needs. His concern will be for the patient as a whole and his relationship with the patient must be a continuing one. In order to carry out his coordinating role, it is essential that all pertinent health information be channeled through him regardless of what institution, agency, or individual renders the service. He will have knowledge of the access to all health resources of the community—social, preventive, diagnostic, therapeutic and rehabilitative—and will mobilize them for the patient.

The importance of the family practice physician is evident when we remember that the Americans most lacking medical

care are those of low and modest incomes who lack the means and the family tradition of looking for the kind of medical care they need. The rural poor, the ghetto dweller, the elderly, the migrant—these are the people who have suffered most from the decline of the general practitioner.

In February 1969, the American Medical Association approved an American Board of Family Practice, with powers to conduct examinations and grant certification to family physicians. A few medical schools are offering or developing courses leading to certification in this field, including the University of Texas Medical School at Galveston.

In order to support and stimulate this field of medical study, I am introducing legislation to authorize the appropriation of $50 million for the fiscal year ending June 30, 1971, $75 million for the fiscal year ending June 30, 1972, and $100 million for each of the next 3 fiscal years for the purpose of making grants to medical schools and hospitals to establish departments and programs in the field of family practice, and to encourage the training of medical and paramedical personnel in the field of family medicine.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 3418) is as follows:

S. 3418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist—

"(a) public and private nonprofit medical schools—

"(1) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction in all phases of family practice;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(3) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(4) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools.

"(b) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(1) to operate, as an integral part of their medical training programs, special professional training programs in the field of family medicine for medical students, interns, or residents;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(3) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(4) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than 6 months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grant enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the 10-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirement of this clause (2) shall be deemed to be satisfied if, (A) in the case of a school of medicine which by reason of no, or an insufficient period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) A grant under this part may be made only if the application thereof is recommended for approval by the Advisory Council on Family Medicine and is approved by the Secretary upon his determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to

the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1975) to make planning grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated for any fiscal year (prior to the fiscal year ending June 30, 1975) pursuant to section 762 (a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $5,000,000 for any fiscal year) to make the planning grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of 12 members, 4 of whom shall be physicians engaged in the practice of family medicine, 4 of whom shall be physicians engaged in the teaching of family medicine, and 4 of whom shall be representatives of the general public. Members of the Council shal be individuals who are not otherwise in the regular full-time employ of the United States.

"(b) Each member of the Council shall hold office for a term of 4 years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, 3 at the end of the first year, 3 at the end of the second year, 3 at the end of the third year, and 3 at the end of the fourth year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for grants under this part.

"DEFINITIONS

"SEC. 768. For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine, means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of a family medicine' and the term 'practice', when used in connection with the term family medicine, mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of land or off-site improvements."

S. 3421—INTRODUCTION OF A BILL TO EXTEND AND IMPROVE THE FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM

Mr. RIBICOFF. Mr. President, I introduce for appropriate reference a bill to extend and improve the Federal-State unemployment compensation program.

This bill is introduced at a time when daily reports call our attention to increased job layoffs, reduced workweeks, and planned reductions in production.

Unemployment compensation is the Nation's first line of defense against poverty and depression. By assisting the temporarily jobless to maintain a minimum purchasing power, unemployment insurance helps to prevent temporary economic weaknesses from turning into a full-fledged depression.

Today, at a time when heavy pressures are being exerted on our economy to stop inflation, this defense is becoming as obsolete as the Maginot line. This bill would make a significant contribution toward revitalizing the program.

Since 1935 the unemployment compensation program has provided income benefits to millions of men and women during temporary periods of joblessness. The program has been a significant contributor to the economic security of workers, their families, industry, and the Nation.

But despite the great economic changes which have taken place since the program was established, the legislation has remained substantially unchanged in 35 years.

As a result, the level of unemployment compensation has fallen sadly behind the times. In 1938 the effective ratio of average unemployment benefits was 43 percent of the average weekly wage. In 1969 it was 34 percent of the average wage.

In seven States average benefits are less than three-tenths the average wage.

Moreover, the maximum benefit in almost every State is a lower percent of average wages than it was 25 or 30 years ago.

In over 35 jurisdictions the maximum weekly benefit would serve to put a family of four below the official poverty line.

Because of these weaknesses, the unemployment insurance program has failed to function as an economic stabilizer. Both in 1958 and again in 1961 the Federal Government had to rush temporary relief to strengthen it in times of recession.

Democrats and Republicans alike have long recognized the urgent need for program improvements. Every recent administration has sought an improved benefit structure.

In 1954 President Eisenhower's Economic Report stated:

> Originally, upon the recommendation of the President's Committee on Economic Security in 1935, the States set benefits generally at 50 percent of weekly wages. However, they also fixed dollar maximums which have significantly curtailed benefits. The effective ratio of average weekly unemployment benefits to average weekly wages of covered workers was 43 percent in 1938. Since then, with dollar maximums failing to keep pace with rising wage levels, the effective ratio has fallen to 33 percent. It is suggested that the states raise these dollar maximums so that the payments to the great majority of beneficiaries may equal at least half their regular earnings.

In 1962, President Kennedy recommended "incentives for the States to provide increased benefits so that the great majority of covered workers will be eligible for weekly benefits equal to at least half of their average weekly wage."

President Nixon in his July 1969 unemployment insurance message to Congress renewed this plea for adequate unemployment insurance benefits. His message referred to the problem as follows:

> If the program is to fulfill its role, it is essential that the average maximum be raised. A maximum of two-thirds of the average wage in the State would result in benefits of 50% in wages to at least 80% of insured workers.

These Presidential messages have reiterated the national goal of providing the great majority of workers with unemployment benefits which would equal at least half of their regular wage.

We have exended much rhetoric but little real effort to reach this goal.

In 1965 the highest benefits available in 34 States were less than half the average wage. Today, 5 years later, there still remain 30 States which do not provide a maximum benefit equal to half the average wage.

Now the present administration has recommended once again that the States be permitted to deal with this deplorable state of affairs. This, despite the fact that even the present Secretary of Labor has termed the progress of State action as disappointing.

It is time for Congress to act.

The bill I am introducing today will strengthen the benefit structure of the program. It would establish a minimum Federal standard that would assure the majority of workers a benefit equal to at least one-half their average weekly wage. The maximum weekly benefit required under a State program would be at least 50 percent of the statewide average weekly wage.

This proposed standard is not coercive. But there is an incentive provided for the States to meet this goal. Failure would result in a 5-percent tax credit reduction for each year of failure. The present 90-percent Federal tax credit applied to the 3-percent Federal tax would be reduced by 5 percent each year the State failed to meet the standard. The total reduction in tax credits would be limited to three-fifths of the 3-percent Federal tax, or 1.20 percent. The possibility of reduced tax credits for employers will encourage State legislators to improve and maintain the benefit structure of their program.

A large group of States already meet the standard proposed in this bill. Many additional States could meet the standard with modest improvements in their program.

This minimum Federal benefit standard is intended to be a base from which all the States can start to move toward the recommended benefit goal. The proposed bill will improve the existing benefit structure of the program and provide additional time for the States to enact additional benefit improvements without placing an unexpected burden upon their existing State program.

Mr. President, I ask unanimous consent that the following table showing the maximum weekly benefit as a percent of the average weekly wage by selected years in each jurisdiction be included in the RECORD at this point. I also ask unanimous consent that the bill be printed in full following the table.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MAXIMUM WEEKLY BENEFIT AS PERCENT OF AVERAGE WEEKLY WAGE IN COVERED EMPLOYMENT, BY STATE, SELECTED YEARS—1939-69

State	1939	July 1965	Dec. 1 1969
Alabama	85	43	44
Alaska	45	27-42	31-44
Arizona	61	41	41
Arkansas	94	50	50
California	59	53	46
Colorado	61	50	60
Connecticut	55	44-66	60-78
Delaware	56	43	40
District of Columbia	58	50	50
Florida	81	36	36
Georgia	85	40	43
Hawaii	81	66.7	66.7
Idaho	83	52.5	52.5
Illinois	55	36-60	33
Indiana	57	36-39	33-40
Iowa	65	50	50
Kansas	66	50	50
Kentucky	71	43	46.7
Louisiana	88	42	42
Maine	74	50	52.5
Maryland	63	49	51
Massachusetts	37	49	52
Michigan	53	34-56	31-50
Minnesota	62	46	47
Mississippi	96	39	41
Missouri	60	43	42
Montana	59	37	39
Nebraska	65	43	41
Nevada	56	35-51	36-51
New Hampshire	72	55	55
New Jersey	55	43	50
New Mexico	70	38	50
New York	39	47	46
North Carolina	87	52	42
North Dakota	69	50	50
Ohio	54	36-46	34-48
Oklahoma	61	33	33
Oregon	52	42	45
Pennsylvania	60	44	49
Puerto Rico		38	50
Rhode Island	69	50-64	50-68
South Carolina	98	50	50
South Dakota	68	42	42
Tennessee	77	43	44
Texas	65	42	38
Utah	67	50	50
Vermont	67	50	50
Virginia	73	40	45
Washington	56	37	31
West Virginia	60	34	40
Wisconsin	55	52.5	52.5
Wyoming	77	50	50

Note: When 2 figures are shown the higher includes maximum allowance for dependents.

Source: U.S. Department of Labor, Manpower Administration, Unemployment Insurance Service: July 1965 data, "Unemployment Insurance Review," September 1967, December 1969 data, "Monthly Labor Review," January 1970.

Footnotes at end of table.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3421) to amend the Federal Unemployment Tax Act so as to impose certain minimum benefit standards under the Federal-State unemployment compensation program, introduced by Mr. RIBICOFF; was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Internal Revenue Code of 1954 is amended (1) by redesignating section 3309 of such Code as section 3310 and (2) by inserting after section 3308 of such Code a new section 3309 as follows:

"Sec. 3309. Benefit requirements.

"(a) CERTIFICATION.—On October 31, 1971, and on October 31 of each calendar year thereafter, the Secretary of Labor shall certify to the Secretary each State whose law he finds is in accord with the requirements of subsection (c) and has been in accord with such requirements for substantially all of the 12-month period ending on such October 31 and that there has been substantial compliance with such State law requirements during such period. The Secretary of Labor shall not withhold his certification to the Secretary unless, after reasonable notice and opportunity for hearing to the State agency, he finds that the State law is not in accord with the requirements of subsection (c) or has been in accord with such requirements for substantially all of the twelve-month period ending on such October 31 or that there has been a failure to comply substantially with such State law requirements during such period. For any State which is not certified under this subsection on any October 31, the Secretary of Labor shall within ten days thereafter notify the Secretary of the reduction in the credit allowable to taxpayers subject to the unemployment compensation law of such State pursuant to section 3302(c)(4).

"(b) Notice to Governor of Noncertification.—If at any time the Secretary of Labor has reason to believe that a State may not be certified under subsection (a) he shall promptly notify the Governor of such State.

"(c) Requirements.—

"(1) GENERAL RULE.—The State law shall provide that the weekly benefit amount of any eligible individual for a week of total unemployment shall, subject to paragraph (2), be an amount equal to at least one-half of such individual's average weekly wage as determined by the State agency.

"(2) DEEMED COMPLIANCE.—The State law of any State shall be deemed to meet the requirement set forth in paragraph (1) for any 12-month period ending on October 31, if under such law as in effect during such period—

"(A) not less than 70 percent of the individuals who earned the qualifying wage under such law in the calendar year ending on the preceding December 31 could have received weekly compensation, including dependents' allowances (if any), equal, for a week of total unemployment, to not less than 50 percent of their own average weekly wage; or

"(B) not less than 80 percent of the individuals who filed claims under such law during the 12-month period ending on the preceding June 30, and who met the qualifying wage or employment requirement under such law, were entitled to weekly compensation, including dependents' allowances (if any), equal, for a week of total unemployment, to not less than 50 percent of their own average weekly wage, or

"(C) there was contained a benefit formula or formulas which provided an individual weekly benefit amount equal, for a week of total unemployment, to 50 percent or more of the individual's average weekly wage, up to a maximum weekly benefit exclusive of dependents' allowances (if any) equal to not less than 50 percent of the average weekly wage paid in covered employment during a period ending not earlier than the December 31 which last preceded the commencement of such 12-month period.

"(e) Definition of average weekly wage.—For purposes of this subsection, the term 'average weekly wage' means—

"(A) when used in reference to the wage of an individual, an amount equal to whichever of the following is appropriate under State law: (i) one-thirteenth of such individual's high-quarter wages in his base period, or (ii) the amount obtained by dividing the total amount of wages (determined without regard to any limitation on amount of wages subject to contributions under the State law) paid to such individual during his base period by the number of weeks in which he performed services in employment covered under such State law during such period, and

"(B) when used in reference to wages paid in a State, the amount computed by the State agency at least once each year on the basis of the aggregate amount of wages (determined without regard to any limitation on amount of wages subject to contributions under the State law) reported by employers as paid for services covered under such State law (i) during the first four of the last six completed calendar quarters prior to the effective date of the computation, divided by a figure representing fifty-two times the twelve-month average of the number of employees in the pay period which includes the twelfth day of each month during the same four calendar quarters, as reported by such employers, or (ii) during the calendar quarter specified in such State law of the first four of the last six completed calendar quarters prior to the effective date of the computation, divided by a figure representing thirteen times the three-month average of the number of employees in the pay period which includes the twelfth day of each month during the same calendar quarter, as reported by such employers."

(b) The table of sections for chapter 23 of such Code is amended—

(1) by striking out

"Sec. 3309. Short title."

and inserting in lieu thereof

"Sec. 3309. Benefit requirements."

and

(2) by adding at the end thereof the following:

"SEC. 3310. Short title.".

SEC. 2. Section 3302(c) of the Internal Revenue Code of 1954 is amended by adding at the end thereof a new paragraph (4) as follows:

"(4) If the unemployment compensation law of a State has not been certified for a 12-month period ending on October 31 pursuant to section 3309(a), then the total credits (after applying subsections (a) and (b) and paragraphs (1), (2), and (3) of this subsection) otherwise allowable under this section, for the taxable year in which such October 31 occurs, in the case of a taxpayer subject to the unemployment compensation law of such State shall be reduced—

"(A) in the case of a taxable year in which October 31, 1971, or October 31 of any succeeding year occurs, by 5 percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State; plus

"(B) in the case of a taxable year in which October 31, 1972, or October 31 of any succeeding year occurs, by a percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State equal to the percent obtained by multiplying 5 percent by the number of preceding taxable years with respect to which a reduction in credit had been imposed by reason of the application of clause (A), or, if less, 40 percent."

ADDITIONAL COSPONSORS OF BILLS

S. 3255

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. YARBOROUGH) and the Senator from Rhode Island (Mr. PELL) be added as cosponsors of S. 3255, to require airlines to segregate smokers from nonsmokers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 3335

Mr. EASTLAND. Mr. President, I ask unanimous consent that at the next printing, the name of the Senator from Georgia (Mr. TALMADGE) and the Senator from Alabama (Mr. SPARKMAN) be added as cosponsors of S. 3335, to amend the Internal Revenue Code of 1954 with respect to the tax-exempt status and the deductibility of contributions to certain private schools.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—AMENDMENTS

AMENDMENT NO. 486

Mr. ERVIN (for himself, Mr. ALLEN, Mr. EASTLAND, Mr. GURNEY, Mr. HOLLAND, Mr. JORDAN of North Carolina, Mr. RUSSELL, Mr. SPARKMAN, Mr. TALMADGE, and Mr. THURMOND) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON PROPOSED AMENDMENTS TO LOWER THE VOTING AGE

Mr. COOK. Mr. President, at the request of the chairman of the Subcommittee on Constitutional Amendments (Mr. BAYH), I am pleased to announce that the subcommittee will be holding 2 days of hearings on proposed amendments to lower the voting age. The hearings will be held February 16 beginning at 10:00 a.m. in room 318, Old Senate Office Building, and on February 17 beginning at 9:30 a.m. in 1202 New Senate Office Building. Inquiries should be directed to the staff of the subcommittee, extension 3018.

NOTICE OF HEARINGS ON "HEART DISEASE, CANCER, STROKE, AND KIDNEY DISEASE AMENDMENTS OF 1970"

Mr. YARBOROUGH. Mr. President, for the information of my colleagues and the press, I wish to announce at this time that on February 17 and 18 the Subcommittee on Health of the Committee on Labor and Public Welfare, of which I am chairman, will hold hearings on S. 3355, the "Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970," and related bills.

In 1965 Congress passed a law, Public Law 89–239, establishing regional medical programs, which were designed to help physicians and other providers of care to bring the latest advances in diagnosis, treatment and rehabilitation to patients suffering from heart disease, cancer, stroke, and related diseases. This extended legislation adds kidney disease as a concern of the regional medical programs.

Heart disease, cancer, stroke, and kidney disease are by far the leading causes of death in the United States. Together, these diseases accounted for well over 1 million deaths in 1969, more than 70 percent of the deaths in the United States last year. The specific inclusion of kidney disease in my bill reflects the growing concern over this major chronic disease, which afflicts about 8 million Americans and kills about 60,000 Americans each year.

Because of the importance of heart disease, cancer, stroke, and kidney disease as causes of death and disability in this country, there is need for efforts to promote the application of new knowledge about these diseases and to rapidly diffuse the new knowledge and skills to help physicians treat patients more effectively. I believe that prompt action on my bill will help Americans reap the benefits from our struggle against disease.

REDUCTION OF THE U.S. TROOP COMMITMENTS IN EUROPE

Mr. MANSFIELD. Mr. President, The Rochester Times Union of January 29, contains a column written, by the distinguished chief correspondent of the Washington Bureau of the Gannett News Service, Mr. Jack Bell. Mr. Bell writes on the question of reductions in U.S. troop commitments in Europe. In particular, Mr. Bell discusses, with his customary cogency and clarity, differences of viewpoint as expressed by the Vice President and a spokesman for the Department of State with respect to the application of the Nixon doctrine to Europe, a matter which is interwoven with this question. He also notes the rise in sentiment in the Senate for a reduction in the troop commitment in Europe which—I stress—insofar as I am concerned has nothing to do with ending the NATO Treaty commitment itself. Rather, a reduction of forces would be a step in converting an anachronism into a situation more attuned to today's needs and realities in Europe.

I stress that because unless the proposal to reduce the commitment is promptly recognized as such—as Mr. Bell in his column does recognize—and the administration and the Senate can cooperate in bringing about a sensible reduction, there will be the danger, in my judgment, of panic or irritated withdrawals of forces at a later date.

So, Mr. President, I hope that Mr. Bell's column will be ready carefully in the executive branch no less than in the Senate. To that end, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TROOP PULLBACK DUE IN EUROPE

(By Jack Bell)

President Nixon is clinging to a holdover policy of "flexible response" evolved by the late President John F. Kennedy that seems to nullify for Europe his Guam Doctrine of reducing American commitments around the world.

The adoption of this concept has put the President on a collision course with the Senate—if not so clearly with the House.

The issue is, drawing down the 310,000 U.S. troops, their 235,000 dependents and 14,000 civilian employees maintained in Europe.

Expenditures for these represent a major share of the $12 billion annual American contribtuion to NATO.

The "flexible response" theory calls for maintenance of large conventional forces which would permit the West to respond to attack without immediate resort to nuclear weapons. It is aimed at preventing piece meal aggression the Warsaw Pact countries might believe they could get away with if the West's only defense were nuclear war.

But this theory of deterrence seems a great deal less applicable today than it was in 1962 when the Soviets were making threatening gestures at Berlin.

The glaring imbalance in it is that the major Western European nations, their affluence restored by $28 billion in American aid, continue to default arrogantly on their responsibility to defend themselves.

Nixon's Guam Doctrine pointed clearly toward phasing out the American role as policeman of the world. But when Vice President Spiro T. Angew predicted this disengagement would apply to Europe as well as to Asia, he was bluntly contradicted by Under Secretary of State Elliot L. Richardson.

Speaking for the Administration, Richardson pictured dire consequences which would follow the withdrawal of U.S. troops. He said such action would encourage the already delinquent Europeans to reduce further their wholly inadequate forces.

He said it would raise doubt that the U.S. intends to meet its commitments and would shake the structure of world order.

He contended only the reluctant Germans could fill the gap, compounding the sensitive fears of Russia and some members of the Western Alliance of such a buildup of military strength.

If these are cogent reasons for maintaining a substantial force in Europe, why do the Western Europeans give only lip service to them? Must we forever post our fighting men there as a hostage for U.S. fulfillment of its commitments?

Plainly, the Western Europeans do not believe that the threat of attack is anywhere near as great as it seemed to be in the 1950s.

Despite the increase in the number of Soviet divisions in Central Europe, the fears raised by Moscow's intervention in the internal affairs of Czechoslovakia have subsided.

Even Richardson concedes that American troops cannot be maintained at present strength in Europe "forever and ever."

But one wonders if and when the day will arrive when Nixon will be willing to apply to Europe the same kind of troop withdrawals he has instigated at infinitely graver risks in Vietnam.

Can he continue to say to South Vietnam "get ready to fight your own war" while reassuring Europe that we will always be there?

This issue cannot long remain on the shelf. Democratic Leader Mike Mansfield and a majority of his Senate colleagues are asking for a beginning in scaling down the European commitment. While their resolution calls for a "substantial reduction" in U.S. troops, that matter is certainly negotiable.

If nothing else, the financial stringency of the budget dictates a reduction in overall military manpower equal to the 300,000 cut in force strength in the current fiscal year.

What could look more inviting to a Congress bent on cutting military spending than the $12 billion outlay for a NATO organization Western Europe treats as a stepchild?

RESTRICTIONS AGAINST FOREIGN IMPORTS

Mr. COTTON. Mr. President, last December when the Senate was taking up the tax reform bill, I offered an amendment that would have authorized the President to impose restrictions against foreign imports if he found such articles were putting American workers out of jobs and that the country involved had restrictions on our exports.

I never deluded myself that my amendment, if it were adopted, would stay in conference. Of course it did not, but I was after some clear-cut recognition of the problem we are facing. We obtained that recognition by a better than 2 to 1 vote—the first time either body of Congress by a formal vote has indicated that its patience is running out.

Mr. President, I hold Secretary of Commerce Stans in the highest regard. I have never been one who made it a habit to take pot shots at my own administration. But when we have a situation where we submissively and meekly allow an American industry to crumble bit by bit, I do not believe that that kind of trade policy should escape criticism. Remember, my amendment was a free-trade amendment. It simply made free trade a two-way street, providing that this country would match trade barriers raised by other countries until they took them off.

Mr. Stans has said all along that he would negotiate on textiles first; the others would have to wait. Last year alone, foreign shoe imports chewed up 30 percent of the domestic market, amounting to 195 million pairs. That cost us 7,900 shoe jobs in New England. The handwriting is on the wall.

Apparently the smoke signals we sent up from Capitol Hill on December 10, when the Senate voted 2 to 1 in favor of my import amendment, have been read downtown. At least that is my impression after reading a page 1 story in the February 5 issue of the Journal of Commerce. The headline states:

Stans Treatening Textile Import Curb.

The article goes on to say:

Congress will act to limit textile imports if voluntary agreements cannot be reached within 3 months, Commerce Secretary Maurice Stans warned a gathering of foreign correspondents this morning.

These are the Secretary's own words:

It is highly likely Congress will act in the matter of limiting textile imports, and possibly other products, if there aren't agreements in a relatively short time—and by short time I mean three months.

Now, did our vote on the import amendment last December have the desired effect? I believe so. Finally the Secretary is talking in plain terms and about "other products." No longer does he focus on textiles alone. In my section of the country, our textile industry has virtually disappeared. Cotton textiles are gone. Wool textiles are nearly gone. Only a portion of manmade fibers can be saved. Doing something about textiles for New England is much like having an autopsy on a corpse.

Of course, I favor voluntary agreements on textiles. At the same time, I want some constructive action from the administration on shoes, electronics, and other products that day after day, week after week, and month after month are falling by the wayside while we continue to be an open dumping ground for all kinds of cheap foreign goods.

I am not jumping for joy at the statement by Secretary Stans. Perhaps I, like so many other Senators, have been fighting this battle for so long that I have become cynical and feel that we are hearing only more honeyed words. I am faintly encouraged, however. The Secretary is an intelligent man. He must know how we feel. It is a matter of record. We in Congress are tired of a trade policy that jeopardizes American jobs. His statement to the foreign newsmen shows that he now has a glimmer that tells him Congress will move in and assert itself unless voluntary agreements come promptly. Frankly, I have no faith in a 3-month miracle unless we start pushing legislation through Congress. The practical difficulty is that, under the rules, such legislation must start in the House of Representatives; and so far, the House has done nothing except to knock my amendment out of the tax bill. The Senate Committee on Finance is powerless to initiate action.

Mr. President, I intend to offer a resolution directing the Committee on Commerce, of which I am a member, to conduct an immediate study of the barriers against American goods shipped to foreign countries, and to call on Mr. Stans and the Department of Commerce, as well as the State Department, to testify before our committee.

THE TONKIN GULF JOINT RESOLUTION SHOULD BE REPEALED

Mr. YOUNG of Ohio. Mr. President, in March 1964, I first spoke out in the Senate denouncing our involvement in a civil war in Vietnam which had become an American ground and air war. Following that, I received an avalanche of denunciatory letters and telegrams from Ohio citizens. Many even accused me of being a Communist sympathizer or a traitor. Now, nearly 6 years later, I know from personal talks with Ohio citizens and from the increasing volume of highly commendatory mail and telegrams that the great silent majority of Ohio citizens support the position I took at that time and maintain today.

They want our combat troops withdrawn from Vietnam without delay. The Vietnam war is a national disgrace. When General Eisenhower left the White House in January 1961, we had 685 military advisers in Vietnam—no combat troops. On the day President Kennedy was assassinated we had 16,120 military advisers in Vietnam—no combat troops.

More than 47,000 young Americans have been killed in combat; 9,000 additional men of our Armed Forces have been killed in what Pentagon terms accidents and incidents. I assert most of these should be termed combat deaths, and would have been in World War II when there was "no credibility gap." More than 265,000 have been wounded, many maimed for life, and 1,483 missing, either killed or prisoners of war. Also, more than 20,000 of our wounded have been saved by almost immediate evacuation by helicopter and superior medical attention who in previous wars would have died of their wounds. More than that total number will be maimed invalids for the remainder of their lives. What is this miserable war costing us in addition? Thirty billion dollars per year, spiraling inflation, soaring interest rates, higher taxes, skyrocketing disability payments, and increasing veterans hospitalization costs, more poverty, crime, and racism. Also urban development, education, air and water pollution have necessarily been tragically neglected. Our national prestige throughout Asia is the lowest in our history. We have been buying the support of the Saigon regime and our Asian allies, the Philippine Republic and South Korea.

Nothing in the history of the Republic for 100 years has gnawed so horribly on us as Vietnam. Never in our entire history has the reckless expenditure of so much in blood and treasure yielded so little. The statistics of lives and more than a hundred billion dollars wasted are only a part of the tragedy. Americans are more deeply divided over Vietnam than at any time since the Civil War. This undeclared, unpopular war has helped to turn a generation of young Americans against their Government. They are disillusioned and in revolt. The war has

swept away precious resources needed to feed and house the poor, educate the young, and clean up our polluted environment. We have spent tremendously and recklessly in places like Mylai and Ben Tre, the city we destroyed in order to save. We have so little left for our own in the Hough area of Cleveland, in Watts, in Harlem, and in all areas of our Nation where families live in miserable poverty and undernourished children go to bed hungry night after night. Vietnam is tearing apart the moral, social, and economic fabric of our Nation.

I am hopeful that Senate Concurrent Resolution 42, which I submitted last October and which proposes to repeal the Gulf of Tonkin joint resolution, will be favorably reported by the Committee on Foreign Relations. In humility and a feeling of personal blame, I admit that I was deceived and deluded by President Johnson, backed by the generals of our Joint Chiefs of Staff, misrepresenting and distorting facts, when on August 7, 1964, I voted for passage of this infamous joint resolution subsequently used in a dictatorial manner by the President as his justification for waging an undeclared war.

Mr. President, on March 1, 1966, almost 4 years ago, Senators FULBRIGHT, MCCARTHY, Morse, Gruening, and I were five Senators who voted to repeal the Tonkin Gulf joint resolution.

As time marches on, the Tonkin Gulf incident seems preposterous and incredible. President Johnson and other executive department officials claimed that our destroyers on routine patrol in the Gulf of Tonkin were attacked by a few Vietnamese gunships. The destroyers *Maddox* and *Turner Joy* were in fact on an intelligence collecting mission. In looking at this event through the lighted prism of time, the falsity and absurdity stands out. The *Maddox* alone could have blasted and destroyed in short order all gunships in the North Vietnam Navy. False, or at the very least unproved, allegations were made that our destroyers were attacked. This murky, misrepresented incident was used by President Johnson to obtain congressional support of the Tonkin Gulf joint resolution.

Since its passage, more than 2,500,000 American combat soldiers, marines, airmen, and sailors have participated in the undeclared war and in bombing both North and South Vietnam, defoliating and poisoning approximately 5 million acres of land, an area about the size of Massachusetts, being 12 percent of the entire area of South Vietnam, killing and maiming many thousands of civilians—women, children, and babies—in a little country in southeast Asia of no strategic or economic importance to the defense of the United States. We take pride that ours is a great and powerful Nation. Can we really have any feeling of pride knowing that in South Vietnam during the past 7 years we have sprayed or dumped defoliants on the countryside, on villages, and on the homes of peasant families in staggering amounts? Pregnant Vietnamese women have been ingesting in drinking water as much as 600 times the rate of concentration of pesticide poisons officially considered safe for Americans. It may seem unimportant that one-twelfth of the land of South Vietnam has been poisoned for perhaps the coming 50 years. What is terrifying is that horribly deformed infants are being born due to this inhumanity.

It is a false claim that we are fighting a land war in southeast Asia because of commitments made by Presidents Eisenhower and Kennedy. In fact, all President Eisenhower stated in 1954 in a letter to the President of South Vietnam was that he was instructing the American Ambassador to examine how an intelligent program of American aid could assist Vietnam in its hour of trial. The purpose of his offer, he stated, was to assist the South Vietnamese Government in developing and maintaining a strong viable state capable of resisting attempted subversion or aggression through military means. Can anyone claim General Thieu and Air Marshal Ky have a strong viable government?

The late John F. Kennedy said:

> Transforming Vietnam into a Western redoubt is ridiculous. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam.

Unfortunately, we cannot change the past. We can, however, learn from the past and not be doomed to repeat our previous errors. Indeed, it is because of the potential future significance of the Tonkin resolution, and its serious implications for the future conduct of American foreign policy, that there is a pressing need to repeal that joint resolution during this session of Congress. Its continued existence constitutes a virtual abdication by the Congress of its constitutional power to declare war. It effectively removes any restraint on the executive department from involving young Americans in future wars without the consent of Congress.

It should be made impossible hereafter for any President to yield to the military-industrial complex and to squander the priceless lives of American youngsters in any foreign adventures without the explicit consent of Congress.

We must put an end to warmaking by the President and his associates in the White House, including members of the National Security Council. Congress should reassert its rightful role in the conduct of foreign policy. We should begin by repealing this ill-begotten resolution.

President Nixon after more than a year in office is continuing to wage a major war in Vietnam. His actions are a great disappointment to those of us who believe an end must be made without delay to indiscriminate warmaking as a Presidential prerogative. President Nixon should withdraw altogether from combat all of our ground forces before next August 1. He should keep his promise that there will be no more Vietnams. He owes it to the American people to bring the boys home, to withdraw all our combat troops in the same manner that we sent them over to Vietnam—by ships and by planes. It is unfortunate that President Nixon continues to defend the Tonkin Gulf joint resolution while at the same time asserting that he intends to end our involvement in Vietnam.

In that regard, I distinctly recall that in October 1964 in Akron, Ohio, I was seated within 10 feet of President Johnson. I heard him say, as did thousands of others, and as it was reported to millions of Americans who believed him:

> We are not about to send American boys 9 or 10,000 miles away from home to do what Asian boys should be doing for themselves.

Mr. President, I was in every area of South Vietnam in 1965 and again in 1968. General Westmoreland told me that the bulk of the Vietcong fighting us in South Vietnam were born and reared in the Mekong Delta. His chief deputy, Gen. Richard Stillwell, later in Thailand told me that 80 percent of the VC fighting us in the Mekong Delta south of Saigon were born and reared in that area. When I said to General Westmoreland, "Well, we are involved in a civil war in Vietnam," he looked startled but said, "Well, it could be termed an insurrection."

Mr. President, if it is claimed by President Nixon that it would be impossible to withdraw all of our ground troops from Vietnam by August, we should at the very least disengage immediately from all offensive action and withdraw all of our ground troops to coastal bases where they would have the protection of our air power and 7th Fleet.

That great silent majority of Americans must not be denied their determination that we withdraw all support from the militarist Saigon regime of Thieu and Ky. As Walter Lippmann bluntly put it:

> We are fighting to save face.

From 1961 to this hour, American military advisers have been training the so-called friendly forces of the Saigon regime. Will it take another 10 years before the Saigon regime's army is fit to fight? Or 20 years? We must not continue to maintain the Thieu-Ky militarist regime, which represents at most but a small percentage, perhaps 20 percent, of the people of South Vietnam.

The desire of those Saigon militarist leaders to remain in power is totally inconsistent with President Nixon's statement that "what is important is what the people of South Vietnam want." These incompatible policies hold out the prospect not of peace but of a prolonged military occupation which will continue indefinitely to drain American treasure and lives.

The fact is that while professing a desire for peace, the administration has failed to create political conditions in Vietnam under which peace is possible.

Reducing the troop level in Vietnam from 535,000 men to 475,000 or to 200,000 or 300,000 fighting men this year is not what Americans had in mind when they elected Richard Nixon. In October 1968 candidate Nixon said he had a secret plan to end the war in Vietnam. This is still his secret. Unless he brings most, or all, of our fighting men home this year and withdraws the remaining thousands to our coastal bases such as Da Nang, Cam Ranh Bay, and Saigon on a purely de-

fensive status, Americans will be fighting and dying in Vietnam 15 years from now. Is it the policy of this administration to seek an end to this immoral, unpopular, undeclared war or merely to reduce the casualties and the troop commitment to what it supposes to be politically tolerable levels?

Until the President begins to make a real effort to solve the central task of forming a coalition government in Saigon, he cannot begin to make good the pledge on which he was elected.

Mr. President, in the capitals of Asia and Europe, topmost officials now regard Americans, as they did the French, as aggressors seeking to crush the aspirations of patriots fighting for national liberation. Unless President Nixon drastically alters his current bush league program of withdrawing some ground troops from southeast Asia, Americans will be fighting and dying in Vietnam and Laos 15 years from now. Our great grandsons and daughters will suffer because of this unparalleled national insanity. They will support over the years in hundreds of veterans' hospitals the wrecked and maimed hulks of what were once our bravest and finest young men.

Mr. President, 500 years before the birth of our Savior, the Chinese sage Confucius wrote:

A man who makes a mistake and does not correct it makes another mistake.

A nation which has made a mistake and does not correct it likewise makes another mistake. The repeal of the Gulf of Tonkin joint resolution would be a first step toward rectifying a terrible mistake.

RACIAL VIOLENCE IN THE SCHOOLS

Mr. DOLE. Mr. President, on behalf of the Senator from Florida (Mr. GURNEY), I ask unanimous consent to have printed in the RECORD a statement by him relating to racial strife in the schools.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GURNEY

I ask unanimous consent to have printed in the RECORD two very distressing articles which appeared in today's New York Times. The first by Mr. Joseph Lelyveld deals with racial strife in the New York school system, and the second, by Mr. Wayne King, deals with the apparent national trend toward racial violence in our schools.

I do not wish to be a cassandra on this subject, but I must say that we are here confronting a most inflammatory problem, one which has very far reaching significance to our country. The time has come, in my judgment, for Congress to face the problem squarely, gather all the facts, and attempt to formulate some sort of national legislative policy to deal with the problem and all of its ramifications.

[From the New York Times, Feb. 9, 1970]

RACIAL STRIFE UNDERMINES SCHOOLS IN CITY AND NATION—CITY HIGH SCHOOLS AFFECTED

(By Joseph Lelyveld)

Racial fears and resentment are steadily eroding relations between white teachers and administrators and black students in many, possibly most, high schools here.

In a few schools, this erosion has gone so far as to create conditions of paralyzing anarchy in which large police detachments have been deemed necessary to keep classrooms functioning and put down sporadic outbursts of violence by rebellious students.

More generally, the widening gulf between white adults and black youths in the schools convinces increasing numbers of blacks and whites that the fading promise of school integration can never be more than a hollow piety.

A two-month survey by The New York Times of a cross section of the city's 62 academic high schools—some predominantly black, others mostly white, some troubled and others ostensibly calm—indicated that racial misunderstanding appears in some schools not just as a fever that flares now and then but as a malignant growth.

In such schools adults and youths seize on narrow one-dimensional views of each other.

In the eyes of many teachers, students who express feelings of racial pride by donning the African shirts called dashikis and wearing talismans, or by sewing emblems of various black power movements to Army combat jackets, surrender the status of children for that of "hard-core militants."

"We are faced with a very, very specific political movement," charged James Baumann, a co-chairman of the United Federation of Teachers chapter at Franklin K. Lane High School, a neocolonial fortress on the Brooklyn-Queens border where a force of 100 policemen was stationed last October after an outbreak of racial violence. "A small, dedicated group of militants is trying to polarize the student body and establish a totally black school."

A respected Brooklyn principal, who didn't want to be quoted by name, talked not of small minorities but uncontrollable masses. "What can you do," he asked, "when you have 1,000 blacks in your school, all programed for special behavior and violence?"

In the eyes of many black students, teachers given to such interpretations lose their identity and vocation and merge into that monolith of rigid, hostile authority known collectively as "the Man."

"A FALLEN HOUSE"

"As soon as they get the cops behind them, they show how racist they are," said a Lane student regarded by teachers as a "militant" leader. "We're trying to get ourselves together but they don't like that. They want to get get us out. That's boss [great]! Black people shouldn't go to that school."

A black senior at George W. Wingate High School put his disaffection more broadly: "The school system? Like man, it's a fallen house."

Often under pressure the two sides conform precisely to each other's expectations with results that are mutually disastrous. Then teachers are openly taunted and abused, firebombs and Chemical Mace are discovered in stairwells, and racial clashes erupt between black and white youths who normally keep a safe, formal distance between them.

In 1969 incidents of this type were reported in more than 20 high schools here.

"The youngsters are militant—everyone's militant," said Murray Bromberg, principal of Andrew Jackson High School in Queens.

Much of the anger of teachers and students can be traced to the frustrations both suffer in classrooms.

"WE AIM HIGHER"

In the furor over whether it is the schools that are failing to teach blacks and other nonwhites or the students themselves who are failing to learn there is one undisputed fact—that the results are catastrophic.

The level of educational achievement accepted as a norm in many schools was indicated last month by a letter sent to the parents of all students at Lane. "We are not satisfied just to bring every senior up to the eighth-grade level of reading," it said. "We aim higher."

Many black students are registered in watered-down "modified" courses that lead nowhere. Even in schools that boast of being integrated, these classes are often all-black.

But the small minority of students labled "militants" are almost never drawn from the mass of undisciplined students, semiliterate dropouts, truants or drug users. Frequently they are among the most aware and ambitious black students in the school—the very students, teachers commonly say, who should concentrate on their studies and "make something of themselves."

IRONIC SITUATION

Some observers regard it as ironic, even tragic, that these students and their capacity for commitment should be seen as a threat. "The fact is that they are an articulate and committed group of youngsters looking for change and reform," said Murray Polner, assistant to Dr. Seymour P. Lachman of the Board of Education.

But that has been distinctly the minority view, especially since the three teacher strikes over the community control issue in Ocean Hill-Brownsville late in 1968.

"That was the precipice," said Paul Becker, a Wingate teacher who broke with the union after the second strike and now is active in the Teachers Action Committee, which favors community control. "After that it was downhill all the way. It was 'us' against 'them.'"

Many black students are still outraged by the memory of epithets and abuse from U.F.T. picket lines. "There were teachers shouting, 'Nigger!'" recalled Billy Pointer, a Wingate senior, in the course of a recent group discussion on human relations.

"No, Billy, that's not right," said Martin Goldberg, a social studies teacher. "I have to admit that some teachers used unprofessional language but I'm almost sure that none of them used the word 'nigger.' That must have been parents."

Later, the teacher commented: "I hate it when people who aren't racists say 'nigger.'"

That the clash of values has not been exclusively racial was demonstrated at Jackson where black students last year agitated successfully for the appointment of a black assistant principal.

This fall the new man, Robert Couche, was stunned to find himself denounced as a "house nigger" after having been regarded himself, he says, as an "extremist" at his previous school.

More recently, these same black students threatened demonstrations to block the transfer of young white teachers whom they considered sympathetic.

Negro school administrators like Mr. Couche find themselves in a lonely, uncomfortable position where their motives are often over-interpreted or misinterpreted by both their white colleagues and black students. Nevertheless there are many who believe that the advancement of more blacks to positions of real authority in the system offers one of the few possibilities of blunting the racial confrontation.

At present few high schools have faculties that are less than 90 per cent white; only three have Negro principals. White teachers often complain that Negroes are being favored for promotion, while many blacks say that the system advances only the "safest" Negroes.

"Now if you don't bite your tongue, you're a 'militant,' said Charles Scott, a former head of the U.F.T. chapter at Jackson who is a leader of a faculty Black Caucus there that sees itself as a counterpoise to the union.

STUDENT "WILLING TO DIE"

Many white teachers are convinced that there is a carefully plotted conspiracy for a black "takeover" of the high schools—those of North Brooklyn and South Queens, in particular—by the same forces that were active in Ocean Hill-Brownsville. The evidence they most often cite is the words and

rhetoric of black student activists and adults who influence them.

A newsletter of the African-American Teachers Association calls for support of black students who "seek 'through any means necessary' to make these educational institutions relevant to their needs."

At Lane, a student sent tremors through the faculty by proclaiming his willingness "to die for the cause."

What do such declarations mean? John Marson, the self-possessed chairman of the African-American Students Association, replied that violence was the only power students had to "back up what they say," comparing it to the power of the U.F.T. to strike.

But he scoffed at the ideas many teachers hold about a conspiracy. No one can tell the students in the various schools what to do, he said.

That wasn't the way it seemed last semester to Max Bromer, the beleaguered Wingate principal. "It's all planned, it's all planned," he insisted when he was visited one day in his office, which looked like a stationhouse annex with four or five police officers lounging at a conference table and a police radio crackling in the background.

Pressure was building up in the school, he said, and he had reliable intelligence warning him of a likely cafeteria riot in the sixth period.

A white teacher came into the office and reported that the cafeteria was quieter than it had been in weeks. "They're massing," the principal surmised.

When the sixth period passed without incident, his anxiety shifted to the eighth. Finally the school emptied. Was it all a false alarm? "No," he said, "it was psychological warfare."

Mr. Bromer's responses can't simply be written off as jitters, for he had seen his school brought to the edge of a breakdown by racial hysteria and violence, despite what he thought had been a successful effort the previous semester to negotiate an "understanding" with the "militants."

As regularly happens, he has also seen many of his most experienced white teachers flee the school as the proportion of nonwhite students shot past the 50 per cent mark.

Wingate's troubles last term boiled out of a controversy over where to draw the line on expression by black students—the starting point of most racial explosions in the high schools. That line had been clearly transgressed, most teachers felt, in an assembly program staged by the school's Afro-American club.

Two passages were seen as particularly offensive—a recitation of an old Calypso ballad popular among Black Muslims ("A White Man's Heaven is a Black Man's Hell") and a line from a skit ("Brothers and sisters, we can't live if we continue to support the pigs by buying their dope and kissing their ——— and letting them label us.")

BLACKS AROUSED

White students weren't shocked by these lines but by the angry pitch to which black students in the audience seemed to have been aroused. "I was actually embarrassed to be white," one girl said, "because I thought they hated me for something I didn't do."

Teachers saw the program as a deliberate provocation. "The nerve! The nerve! The nerve!" one fumed.

A week later racial clashes broke out in which many more white students than blacks were injured. In fact, many teachers had assumed that a racial confrontation had been in progress ever since the assembly. Black students identified as "militants" complained that they immediately became objects of suspicion.

Many Wingate teachers assumed the students were being manipulated by "outside influences." They singled out Leslie Campbell and Sonny Carson, two fiery figures in the Ocean Hill-Brownsville dispute.

"I WAS WHITELISTED"

Mr. Campbell, a 29-year-old Lane alumnus who is soft-spoken in conversation and anything but that in confrontation, lost his teaching post in the demonstration project last fall—"I was whitelisted," he says—and has just started a "liberated" high school, in Brooklyn for black students with the backing of the African-American Students Association.

Called the Uhuru Sasa (Freedom Now) School, its curriculum will include courses in martial arts, Swahili and astrology.

Asked to describe his relation to the students, Mr. Campbell didactically sketched a diagram on a pad before him.

"This is the soil," he said, pointing with a pencil. "The minds of these kids is fertile soil but it just lays there in the schools. We supply the seed—an understanding of black nationalism and the political situation."

Mr. Campbell said he was out of "the demonstrations bag." Mr. Carson, a onetime leader of Brooklyn CORE, is still in it. He likes working with students, he said, because they haven't been compromised by "the system."

"These kids are already liberated," he exulted. "They're beautiful."

Black students here reflect a mood of self-awareness that can be found at almost any high school or college in the country with a significant black enrollment. Some are imbued with sloganistic fervor. Some want an outlet for anger. Others are tentatively working out a life style. Many are just happy to "belong."

A few imagine romantic futures for themselves as black revolutionaries. But most think in conventional terms of gaining skills that will make them useful to their people.

Most of them seem more indifferent than hostile to whites. "I can only care about the people I relate to and the people I relate to are all black," said a youth in Panther garb at Jackson.

Linda Jacobs, a black senior at Thomas Jefferson High School in Brooklyn, was similarly casual when asked about her reaction to the flight of whites from her school, which has gone from 80 per cent white to 80 per cent nonwhite in only five years. "It doesn't bother me, not one bit," she said.

FAKE ADDRESSES USED

Many whites from the Jefferson district have used fake addresses to send their children across the racial boundary formed by Linden Boulevard to Canarsie High School, which is about 75 per cent white—"a nice, solid ethnic balance," according to its principal, Isadore S. Rosenman.

But Canarsie has had its troubles. After rioting last year it found it expedient to eliminate the lunch period, as a way of preventing racial clashes in the lunch room.

Canarsie has also tried positive measures to overcome the disinclination of black students to become involved in the school's extracurricular life. For instance, it is now routine to have two bands at all dances, one black, the other white.

Teachers use words like "magnificent" and "beautiful" to describe relations at Canarsie. But most black students appeared to agree with Vernon Lewis, a senior, who said "Here you always have the feeling there is someone behind you, looking at you."

A SHARP CONTRAST

They contended that they would have more freedom of expression at a predominantly black school like Jefferson. The contrast between the bulletin boards of the Afro-American clubs at the two schools indicated the range. The Canarsie board told of scholarships available to blacks; the one at Jefferson carried the Black Panther newspaper.

Despite the publication of a code of students' rights by the Board of Education last October, there remain extraordinary variations in the degree of expression on controversial issues—racial issues, especially—permitted to students.

At Brooklyn Tech—a "special" school for bright students that is more than 80 per cent white—a dean last year ordered the removal of a picture of Eldridge Cleaver from the cafeteria on the ground that the author and Black Panther spokesman was a "fugitive from justice."

This year the principal, Isador Auerbach, summoned a police escort to remove a black "liberation flag" on the ground that state law forbade any banner but the American flag in the schools.

Ira Glaser, associate director of the New York Civil Liberties Union, termed this a typical case of "the lawlessness of principals." There is no such provision, he said.

ANOTHER VIEW

By contrast, Bernard Weiss, principal of Evander Childs High School in the Bronx, saw no need to react to the posting of a picture of Huey Newton, the Black Panther Minister of Defense, on a bulletin board in his school.

"We want kids to read, we want kids to discuss," he explained. "We don't teach revolution. But if that's what they want to discuss at least we can make sure they hear both sides."

Evander is about 50 per cent white, and most of its white students are from predominantly Italian, deeply conservative neighborhoods of the Upper Bronx—the perfect ethnic mix, it is sometimes said, for an explosion. But though the school has had some close calls and thorny issues, it has had no major eruptions of racial violence.

The school that has come closest to a breakdown—and has thereby raised the specter of ultimate disaster for the whole system—is Franklin K. Lane, which is set next to the mausoleums of the Cyprus Hills Cemetery.

On one recent afternoon, chemical Mace was released on a staircase, a fire was started in a refuse can in the lunchroom, and a tearful white girl, reporting that a gang of blacks was waiting to ambush her, demanded a police escort to her bus stop.

"Just a normal afternoon," said Benjamin Rosenwald, a dean.

Normality at Lane also included an ominous stand-off in the cafeteria between white policemen with little metal American flags stuck in their caps and black students standing guard beside a "liberation flag." Routinely, the students taunted "the pigs." The officers masked their reactions behind stiff smiles, but not one of them had his nightstick pocketed.

Many white students are afraid even to set foot in the cafeteria, known to them as "the pit." A handful have been kept out of school altogether by their parents for the last three months.

There are those who find a simple explanation for Lane's woes—the racial incongruity between the school and its locale.

Lane is about 70 per cent black and Puerto Rican but stands in a neighborhood that is entirely white and aroused on racial issues. Mainly Italian and German by ethnic background, the district sends Vito P. Batista, the Conservative, to Albany as its Assemblyman.

But, in fact, the residents were not the first group to become militant over the racial situation at Lane. Neither were the black students. Militancy began with the local chapter of the United Federation of Teachers, whose leaders complained five years ago that Lane was becoming "a dumping ground."

THE U.F.T. POSITION

The U.F.T. demanded that the Board of Education hold the blacks to under 50 per cent and, when that point was passed, they demanded that a racial balance be restored.

The teachers insist that their only interest has been "quality integrated education."

But the U.F.T. has never proposed that black students cut from Lane's register be sent to schools now predominately white.

George Altomare, a union vice president and a social studies teacher at Lane, was asked recently if he thought a black-white balance would also be a good idea for a predominately white school like Canarsie. "Ideally yes," he replied slowly, adding the proviso that more high schools would first have to be built to relieve overcrowding.

But Mr. Altomare believes there must be no delay in implementing a union proposal to make Lane a "prototype" of effective integrated education—to be accomplished by cutting its register by one-third and introducing special training in job skills for students not continuing to college.

It is only on paper that Lane is now overcrowded, for its average daily attendance is under 60 per cent.

Black students find a simple explanation for the faculty's insistence on reducing the student body. "Lane doesn't like us and we don't like Lane," one declared.

Since the strikes in 1968, Lane has gone from crisis to crisis. Last year a shop teacher, identified in the minds of some students as a supporter of George C. Wallace, was assaulted by young blacks who squirted his coat with lighter fluid and set it on fire.

ACTION OVERRULED

The assault, which was followed by the threat of a teacher walkout, led to the placing of a strong police detachment in the school and the dropping of 678 students—mostly blacks—from its register, an action later declared illegal by a Federal judge.

Even before the assault, the union chapter had placed a special assessment on its members for "a public relations and publicity campaign" aimed at winning the support of "business, civic, political and parent groups" for its position.

This effort helped arouse the surrounding white community which formed an organization called the Cypress Hills-Woodhaven Improvement Association specifically to protest disorders at Lane.

Michael Long, chairman of the group, said the union had hoped to use it as a "battering ram," then disowned it when it demonstrated for the removal of the school's principal, Morton Selub.

Now Mr. Long worries that he may not be able to control vigilante sentiment in the community if there are further disorders at Lane.

A FAMILIAR DISPUTE

The breakdown at Lane last October had a familiar genesis—a dispute over whether black students had the right to fly the "liberation flag" in place of the American flag in a classroom where they studied African culture.

After the flag had been removed from the room two days running, the students staged a sit-in to protect it, setting off the cycle of confrontation, suspensions and riots.

Black student activists at Lane don't deny that they have resorted to violence to press their demands, or "raise tensions to help a brother," or to "keep things out in the open."

They also acknowledge that they have not tried to discourage assaults on whites by younger black students outside their own group who want, as one activist put it, "to express their anger and let the white students know how it feels."

What they do deny is that their insistence on the "liberation flag" was an attempt to do anything but stake out a single classroom where they would be able to express themselves freely.

"Students want to relate to what's happening in their school," said Eugene Youell who prefers the adopted name of Malik Mbulu to his "slave name" and now has enrolled in Leslie Campbell's new school.

FOCUS OF PRESSURES

Some schools see a point in struggling to prove to themselves and their most aroused black students that there is a place for them in the schools and an incentive to study.

At Jackson, a school that appears to be on its way to becoming all-black, the principal has become the focus of a wide range of pressures—from white teachers, black teachers, middle-class Negro parents who want their sons and daughters protected from radical influences, and some black students who believe they have the right to conduct public readings of the thoughts of Mao Tse-tung or anyone else.

Recently the principal, Murray Bromberg, went before a history class devoted to "the evolution of today's African-American experience" and boasted, "This is the school of the future."

He said it was time for white school administrators and teachers to revise their assumption that standards must inevitably be lower in an all-black school.

His audience seemed to be itching to provide the principal with a list of assumptions about black youths that white adults could revise. But if they were "militants," they were also very obviously teen-agers who found no incongruity in wearing a big "I Support Jackson Basketball" pin next to a "Free Huey" button.

In fact, the African-American Club at Jackson has discovered it cannot hold meetings on the same day as a basketball game. Too many of its members are boosters.

National Trends Found in School Racial Unrest

(By Wayne King)

Racial polarilzation, disruptions and growing racial tensions that sometimes explode into violence are plaguing school administrators in virtually every part of the country where schools have substantial Negro enrollments.

The degree of racial unrest was detailed in reports from a number of cities and in studies conducted by Government and private sources. They pointed to the following trends:

While there are indications that the dramatic increase in "issue-oriented" disruptions in the major urban areas last year may have leveled primarily as a result of some apparent accommodation by school officials, racial tensions continue at a high level and appear to be increasing.

The same kinds of disruptions and clashes that have occurred in major cities, particularly in the North, are cropping up increasingly in medium-size cities.

The pattern of school-oriented racial protest and tension is becoming more apparent in the border states and the South as schools there become more integrated.

Racial tensions seem to be moving downward in grade levels, with problems becoming more apparent at lower secondary levels and below.

Many of those studying or involved directly in school racial problems are outspoken in the attitude that an evenhanded, "colorblind" approach will not work. Instead, administrators are increasingly being urged to become "color-conscious," to meet problems head-on and stringently to avoid apparently repressive measures, such as calling in the police.

No section of the country appears to be free of serious racial problems in schools.

39 RACIAL INCIDENTS

In a study of "confrontation and racial violence," the Urban Research Corporation in Chicago collected newspaper accounts of racial incidents that occurred at schools in 39 cities, towns or counties, from the beginning of the school year, last September into January. The private research corporation monitor national trends and prepares reports for various subscriber groups and organizations, including governments.

The incidents occurred in the following places:

Phoenix, Ariz.; Little Rock, Ark.; Los Angeles, Oakland, Riverside, San Bernardino and San Francisco, Calif.

Also Chicago, Blue Island and Harvey, Ill.; Muncie, Ind.; Kansas City, Kan.; New Iberis, La.; Springfield, Mass.; Pomfret and Prince Georges County, Md.

Also, Detroit and Pontiac, Mich.; St. Paul, Minn.; St. Louis, Mo.; Las Vegas, Nev.; Ashville, Chapel Hill, Lexington, and Sanford, N.C.

Also, Atlantic City and New Brunswick, N.J.; Albany, Belport and Middle Island, N.Y.; Cleveland, Ohio; Portland, Ore.

Also, Philadelphia and Pittsburgh, Pa.; Greenville and Ridgeville, S.C.; Crystal City, Tex.; Arlington, Va., and Charleston, W. Va.

John Naisbitt, president of the research corporation, noted that the study included only those incidents reported by the press and that some communities had had a series of incidents. Eleven reports, for instance, were gathered in Chicago alone.

"A UNIVERSAL TOOL"

Many of the incidents, Mr. Naisbitt continued, involved boycotts or closings of the schools. In Portland, Ore., for example, students at Roosevelt High School reportedly walked out over grievances, gained adult support and turned the protest into a city-wide issue. "The school boycott," Mr. Naisbitt said, "is almost a universal tool."

He also noted rising black-white tensions. "In some cities like Chicago," he said, "bigotry is gaining respectability in the face of increased black awareness and black pride."

"These two social forces are on a collision course," Mr. Naisbitt added, "and one of the places it's finding its focus is in our integrated schools."

But the prevailing opinion of human relations directors and others involved with school racial problems was that polarization was traceable more to the quest for "black identity" and unity, and the reaction to it, rather than to racial animosities.

RAPID INTEGRATION

In some cases the two seem to overlap as blacks and whites come under the stresses of rapid integration.

In Detroit's Cooley High School, where fist fights between blacks and whites broke out last fall, black and white students tend to sit on opposite sides of the school cafeteria.

Other Detroit schools have had relative peace, however, and the difficulties at Cooley may be explained with some statistics. In 1964, more than 90 per cent of the students at Cooley were white. Today, more than 50 per cent are black.

White resistance to school integration has also generated some problems.

Gage High School in southwestern Chicago, for example, was integrated in 1965 and now has 400 Negroes in its enrollment of 2,600. The school has had a number of racial student disorders.

About 120 arrests were reported in and near the school last fall, including 92 during the week of Oct. 28.

BLACK REACTION

Explaining the clashes, 16-year-old Negro student Columbua Tapps Jr., said: "Black students are going to react to insults. A month ago somebody hung a dummy on a rope from a tree in front of the school with a sign, 'Niggers Die.'"

A white student, Terry Conwell, also 16, said: "Only a few cause the trouble. Most of the whites (living in this area) want to keep this community white and resent integration of our school. But most of the kids have sense enough to know the fighting isn't worth it."

In Philadelphia, a spokesman for the school system's Office of Inter-group Education observed that "social separation (between races) has been total and complete."

The office operates in part on a principle it calls "conflict utilization." Once a conflict occurs, the office attempts to capitalize on the focus it creates to investigate and dramatize the underlying causes—community attitudes, conscious and unconscious discrimination, teacher attitudes, etc.—that often have little to do with the immediate cause of the incident.

"FANTASTIC" GAP

"The understanding gap," the Philadelphia spokesman said, "is fantastic."

A similar view was expressed by Dr. Alan F. Westin, a political science professor and director of the Center for Research and Education in American Liberties at Columbia University.

Dr. Westin, who was cochairman of a panel that investigated the causes of the Columbia disruptions in 1968, has been monitoring 1,800 daily newspapers to gather data on student disruptions in secondary schools across the country.

"The color-blind approach, although it works in some areas such as treating everyone alike in restaurants and in public transportations, won't work in education," he said. "If there is a sudden influx in blacks into a school and school authorities take the attitude that they're color-blind, it's guaranteed to create disruption because of the special needs of blacks."

Dr. Westin found that, of 675 secondary school protests reported in the newspapers he monitored last year, 46 per cent were caused by racial problems. The study included only demonstrations, sit-ins, fighting or other disruptions. And nearly one out of every five incidents—18.5 per cent whites and blacks.

Although a detailed analysis of the protests in the current school year has not been completed, Dr. Westin said there were preliminary indications that the "big city problems" of protest were occurring more frequently in medium-size cities.

"PATTERN OF PROTEST"

"There is also a distinct pattern of protest developing in the border states and the South," Dr. Westin said, with Negro student demands centering on the hiring of more black teachers and the revamping of school curriculums, and similar issues.

He also said there were indications that, in many big cities, the number of serious disruptions growing out of black demands for change had declined.

At the same time, Dr. Westin continued, there is no evidence that racial tensions have diminished. He noted, for instance, "a steady drumfire of fights in cafeterias and out of school, between blacks and whites."

Dr. Westin agreed with authorities who maintained that racial conflicts reflected the black students' striving for identity.

For example, he noted that a major issue last year was the lack of black cheerleaders. Other demands included the serving of "soul food" in school cafeterias and the placing of portraits of black heroes, such as Malcolm X, in school buildings.

Such demands were "symbolic of a need to imprint a sense of blackness on the schools," he said. "The black kids wanted to feel their heritage was as valid as the whites."

RICHARD GREEN—EAGLE SCOUT

Mr. MANSFIELD. Mr. President, in this age of the "generation gap" and mounting social and economic problems, too little attention is given to some of the very basic and wholesome elements of our American society. This was recently brought to mind when I read a news story in the Hungry Horse News regarding the presentation of an Eagle Scout badge to one of Columbia Falls, Mont., outstanding Boy Scouts.

The Boy Scouts of America has a very fine tradition, and it is encouraging to know of the accomplishments of this new Eagle Scout and honor student at the Columbia Falls High School. We are all proud of Eagle Scout Green and his colleagues in troop 41.

I was interested to note that this young man's grandfather is John Miles, of New Mexico, a former Governor of that State, a two-term U.S. Representative and a colleague and warm friend of mine in the House of Representatives.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESENTS EAGLE BADGE; HEARS GEORGE OSTROM

Presentation of an Eagle badge to Richard Green, 16, highlighted court of honor for Boy Scout Troop 41, Tuesday.

Richard, son of Mr. and Mrs. Richard Green, Bad Rock, was in cub scouts three years and has been a troop 41 member five years. His parents, sister, Sherry, 10, and brother, Russell, 5, attended the court of honor. Mrs. Green pinned the Eagle badge on her son while his father watched.

The new Eagle scout is a sophomore and honor student at Columbia Falls High School, where he participates in football, basketball and track. He's also an active 4-H worker.

Proud grandparents are Mr. and Mrs. A. C. Green, Spearman, Texas, and Mr. and Mrs. John E. Miles, Santa Fe, N.M. Mr. Miles, now 85, is a former governor of New Mexico, who served two terms as a U.S. congressman.

ENJOY OSTROM

"An exceptionally fine lecture and outstanding scenic pictures" described evening's program presented by G. George Ostrom, Kalispell. There was an attentive audience of boy scouts, parents and children as Ostrom discussed "Questionable Conservation Practices." Pictures shown included scenes from Glacier National Park, Flathead National Forest and Moose City on the Canadian line.

Scoutmaster Teddy Andrew, Perry Padgett, troop committee chairman, and Merlin D. Ballensky presented badges to scouts. Richard Green and Don Barta assisted with presentation of service and attendance awards. There are 25 boys registered in troop 41, which is sponsored by Columbia Falls Lions Club.

LIST AWARDS

Awards earned were:

Tenderfoot—Jack Canavan, Jim Pierce, Calvin Sherman

Second Class—Mory Grigg, Fred Phillips, Jim Pierce, Calvin Sherman.

First Class—Randy Hart, DeWayne Padgett.

Star Scout—Jeff Padgett, Leonard Wittlake, Fred Wittlake.

Life Scout—Dayton Johnson.

Fifty Miler and Historic Trails Patch—Don Barta, Bob Bechtel, Andy Fisher, Richard Green, Randy Hart, Dayton Johnson, Mike McNeily, Sam Padgett, Jeff Padgett, DeWayne Padgett, Cary Weyrauch. Scoutmaster Andrew, Charles Fisher and Perry Padgett, committeemen, also received the patch.

Boys and badges earned were as follows:

Bob Bechtel—cooking, hiking, camping.

Andy Fisher—personal fitness and firemanship.

Randy Hart—cooking, hiking, camping.

Dayton Johnson—forestry, nature, wildlife management.

Jeff Padgett—firemanship, fishing, personal fitness.

Brian Phillips—personal fitness, fishing.

Fred Wittlake—farm mechanics.

Leonard Wittlake—fishing, farm mechanics, music, firemanship, personal fitness.

OUR HOUSING FAILURE

Mr. PROXMIRE. Mr. President, in 1968 Congress stated a national goal of providing every American family with decent housing and set forth a program of building 6 million housing units for low- and moderate-income families over the next 10 years. Today those goals are floundering due to tight money, insufficient funding, and FHA bureaucratic delay.

For example, an article published in the Washington Post yesterday reported:

Delays of one and two years between initial application and the beginning of construction are common.

Given the shortage of funds and record high interest rates, we need to redouble our efforts to break the "snail's pace" level which has thus far characterized the FHA bureaucracy. Instead, it has been business as usual. While housing needs go unfulfilled, applications are reviewed, checked, processed, examined, and re-reviewed. There must be a better way.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. EFFORT TO HOUSE POOR HELD FAILURE

(By Leonard Downie Jr.)

For a decade, the federal government has experimented with subsidizing private business and "nonprofit groups" to build housing for the poor. Congress has provided during the 1960s what everyone believes is the most imaginative legislation possible.

But many congressmen, top Nixon administration housing officials, and an emerging cadre of professionals and volunteers trying to build the housing for the poor agree the job simply is not being done.

Far less housing than Congress planned for "low" and "moderate" income families has been built under the once promising new programs.

The little housing that has been built has not been available to most of those families statistics show need it most. It has gone mostly to the richest of families eligible under government regulations.

Optimistic plans for renovating many of the basically sturdy but rundown houses and apartment buildings of city slums for low-income families have failed to achieve significant results.

This is the case despite the fact the government has a supermarket of subsidies to offer builders of housing for the poor through the Housing Act of 1968, which President Johnson called a "Magna Carta to liberate our cities."

The reasons the experts give for the failures are varied.

Although Congress has passed bold legislation for housing the poor, it has failed to appropriate the money that the Department of Housing and Urban Development says it needs to carry the laws out.

The nationwide credit squeeze and rising mortgage interest rates also have hurt, because most of the government subsidies go to insuring and paying part of the interest

on mortgage loans made by private sources for construction or renovation of the housing.

The most costly item, however, the one that keeps rents in the subsidized projects so high that low-income families can't get into them, is land.

"Land control"—the ability to get the land needed for subsidized housing programs at a much lower cost, or with a further federal subsidy—is listed as a "must" need by every expert in housing for the poor, in and out of government.

There has been little overall direction from HUD for private investors and the churches, labor unions and civic associations that form nonprofit or limited profit groups and corporations to build low income housing.

They usually know little about construction, mortgage financing, or the red tape of HUD's Federal Housing Administration. An Urban America, Inc., book of instructions and official forms for such a group to use to process a housing application contains 280 pages and 70 forms.

Even experienced groups with housing experts on their staffs, like Washington's Housing Development Corporation, have run into interminable delays in the FHA process. Delays of one and two years between initial application and the beginning of construction are common.

Part of the delay comes from still another problem plaguing efforts to build housing for the poor: rising construction costs.

They are going up so fast, especially for renovation of existing slum buildings, that FHA, which compares requests to a data bank of costs for past projects, often refuses to approve construction cost estimates of even the most experienced nonprofit housing groups.

FHA has also had difficulty changing from an agency that primarily insured mortgages on safe middle class home investments to that may expect to take the leadership in the risky redevelopment of the slums.

HUD Secretary George Romney says he knows about all this and wants to do something about it.

He is reorganizing HUD to separate the insurance and housing production functions and to give priority to providing housing for the poor, with emphasis on finding new technology for the task.

A top aide to Romney says HUD is preparing "dramatic and possibly controversial" proposals for still more legislation and changes within HUD designed to refine and operationally improvement the pioneering housing laws of the 60s.

Experts like Channing Phillips of Washington's Housing Development Corporation, who work with HUD every day in trying to get the housing built, say they like what they have seen so far of the new direction there.

They fear, however, that the nation lacks the strong commitment to provide decent housing that is necessary to get enough money spent and enough of the old rigid rules made more flexible.

The nation had already made a formal commitment in the 1930s, reinforced by the Housing Act of 1949, to provide "a decent home . . . for every American."

For millions of upward bound white Americans, the promise came true as FHA and its predecessor and sister agencies provided the insurance and other backing for their migration to comfortable homes in the suburbs.

After World War II, to provide a way station for poorer people not yet ready to rent or buy a decent home, the government embarked on building public housing projects. Many have become government-built ghettos for very poor, mostly black tenants. Many units suffer from disrepair and run up losses for the local governments that own them.

The housing laws of the 1960s constitute an entirely new approach, The government would finance indirectly, through FHA mortgage insurance and the paying of interest on mortgages from private investors, the efforts of private businesses and groups to build housing for those too poor for regular FHA programs and not poor enough to qualify for public housing.

The laws were designed to help build and renovate housing for both sale and rental to poor families. The government also was authorized to pay much of the mortgage interest for low-income home buyers and pay part of the monthly rent for low-income tenants.

A nonprofit group or limited dividend corporation can go to HUD with plans to build or refurbish an apartment building or home for a low-income family. If the plans are approved the group can get an FHA guarantee to insure the mortgage and pay some of its interest. The applicant must find a bank or other investor to make the mortgage loan, and get the architect, builder and the rest to get the job done.

If the apartment building or house is being rented, the group or corporation keeps ownership of it and is responsible for its maintenance.

Nonprofit groups are expected to break even. And, at the end of the 40-year mortgage, the church or union or neighborhood group would own a building free and clear.

A limited dividend corporation—usually an established builder or a syndicate of investors put together by a builder—is allowed to make a 6 per cent return on its investment. What makes it more attractive is that investors can deduct depreciation of the finished building from their income at tax time.

Speculative home builders who put up houses that are inexpensive enough can sell them to low-income buyers with the mortgage guarantee and much of the interest on it paid by the federal government.

Finally, nonprofit groups like Washington's Urban Rehabilitation Corporation (financed by the Catholic archdiocese and overseen up to now by the Rev. Geno Baroni) can take old, rundown houses and get FHA-insured loans to rehabilitate and sell them to low-income buyers.

All of these opportunities, however, have been encumbered by a meager supply of money from Congress and severe restrictions in both the legislation and FHA procedures on how the programs could be carried out.

Donald Reape, a Philadelphia mortgage expert who helps get investors, mortgage money, builders and FHA officials together for subsidized housing projects (in the trade he is called a "packager") says that investors in limited profit corporations are "lined up" waiting for federal funds to get to work.

But so little money has been appropriated for the programs so far that HUD funds are usually used up within months of becoming available. Disappointed investors are being turned away.

The one problem many of the limited profit companies usually can handle is FHA red tape. The reason is that the builder or real estate expert who puts a limited profit company together has had this experience.

But FHA red tape, lack of technical expertise and scarcity of venture capital all combine to hamper severely what Congress expected to be the other primary source of subsidized housing: nonprofit groups.

"Generally," says Don Reape in Philadelphia, "the nonprofit sponsor has not gotten the job done."

Reape acts as the paid adviser for churches, unions or civic groups that try to build big subsidized apartment buildings. He is paid out of the proceeds of the mortgage loan for the building.

He knows what they don't know about how to find a mortgage lender, a builder and subcontractors; about how to deal with FHA, local officials, zoning boards, and the like.

He places little importance on the Nixon administration's Operation Breakthrough project to find ways to massproduce housing.

"What we need are more funds now," he says, "We must face that."

Small nonprofit groups that want to redo a house or two, or build a very small apartment building, cannot pay a consultant, Reape says, yet they must go through the same complicated, time consuming processing required for big projects that pay consultants' fees.

The usual result, Reape said, is that the small nonprofit group gives up. Or, they proceed naively through projects that wind up in financial disarray when they are finished.

Another arm of the government, the Office of Economic Opportunity, tried to attack the nonprofit problem by funding larger nonprofit groups called "housing development corporations." Washington's HDC, which is now renovating Clifton Terrace, is one of these.

The OEO grants pay for large staffs of experts for these groups, and, along with grants from other sources, provide working capital with which they can acquire property to build in and prepare good initial development plans for FHA.

But even for these groups, the red tape tangle, rising construction costs and shortages of federal subsidies have made the hope of large-scale housing production "a hoax," according to an official of Philadelphia's HDC.

Philadelphia contains more than 15,000 abandoned brick rowhouses, according to official city estimates, an ideal resource for renovation of housing for the poor.

But Philadelphia's HDC has been able to renovate only 30 for sale to low or moderate income families.

The Philadelphia Public Housing Authority, however, was able to bypass FHA red tape and restrictions and, through the offices of HUD that provide public housing assistance, renovate nearly 5,000 of the same "used houses" for rental to public housing tenants.

Washington's HDC has tied up $400,000 in capital in contracting for buildings for construction and renovation, but thus far has gotten FHA approval for just four of 10 pending projects. Four of those not approved have been pending for more than a year.

Frank DiStephano, an Urban America, Inc., employee who watches the nation's 12 HDC's for OEO, says they still are not being provided with enough operating funds from the government, enough capital from private sources (who would be repaid when a job was finished), or enough expert advice and help from HUD.

Their production of housing has gone "only from nothing to a little," DiStephano says.

He also wants to see construction costs and the prices for acquiring land drop so that the rents charged the tenants can be dropped. These programs are still serving "moderate" income families, and not really "low" income persons, DiStephano complains.

And he joins with several others in the field, including top HUD officials, in calling for a concerted national commitment to provide housing for the poor, a commitment like that which put men on the moon.

"We kept hearing about the promise of these new housing laws,' Reape says. "But these people can't live in promises."

PROF. PHILIP B. KURLAND AND "THE NEW AMERICAN UNIVERSITY"

Mr. ERVIN. Mr. President, I wish to commend to the Senate an address by Philip B. Kurland, professor of law at the University of Chicago and editor of the Supreme Court Review. His remarks, given at the quarterly meeting of the Chicago Bar Association on January 22,

1970, are entitled "The New American University."

For those of us who care about the quality of scholarship in our universities today, Professor Kurland's address should be profoundly disturbing. We who know Professor Kurland, and have the pleasure of working with him, realize that he does not arrive at his observations casually.

Professor Kurland has surveyed the condition of higher education today and has concluded that it is moving in the wrong directions: Toward politicization, egalitarianism, and the rejection of reason. Without assuming the position that our traditional university systems are above fault, he has concluded that these three movements are at the expense of the central purpose of education: To communicate ideas so that society may progress.

Mr. President, Professor Kurland does not ascribe the malignancy in many of our universities today wholly to the students; he understands that faculty members and administrators as well are involved. And he believes—in this one instance, I sincerely hope that he is wrong—that the destructive elements in our universities may well prevail.

Professor Kurland is a man with a consuming dedication and respect for learning, and I think every Member of Congress should pay heed to the wisdom of his remarks. I urge that all Senators take the time to read this address—it is not long—and to consider the points which Professor Kurland has raised. We should ask ourselves whether we are prepared to allow irrationality in our universities to overthrow scholarship.

Mr. President, I ask unanimous consent that the complete text of Professor Kurland's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE NEW AMERICAN UNIVERSITY

Those who invited me to speak tonight were unkind enough to leave the choice of topic to me. When I accepted the invitation, I thought I would talk about the "new" Supreme Court of the United States. That exalted body, however, has proved uncooperative. The Burger Court has been most reluctant to render any decisions worthy of comment. I have chosen instead, therefore, what is for me an equally distressing subject: the "new" American university. The similarities of the two problems of the two American institutions that I most revere should become patent to you as I proceed. For my essential concerns about both are with the effects of three recognizable trends. These are the tendencies toward politicization, toward egalitarianism, and toward the rejection of reason. And I should emphasize that what I shall have to say tonight about the new university is offered more in sorrow than in anger.

For a snapshot—not a full-blown portrait—of the new American University, I offer an item from the *New York Times* of about a week or so ago. With your indulgence, I shall read the entire news story. The dateline is West Berlin, Germany:

"Twenty-eight professors of the Free University of West Berlin went on strike today in protest against what they described as 'student terror.' They called a one-week halt to all lectures and other university work.

"The strike closed the entire department of economic and social sciences. It followed a series of disruptions at the lectures of Professor Bernard Bellinger, an economist whom radical student groups have charged with spreading the doctrine of capitalism.

"When the groups disrupted Professor Bellinger's classes again this morning, he walked out and 27 colleagues followed. Last night they had threatened to do so in the case of new harassment.

"Caught between the students and the faculty, was Rolf Kreibich, the University's new 31-year old president, who has pledged to seek reforms. Both sides charged the president, in office since November, with having failed to take action to avert the confrontation.

"In an emergency session this afternoon, Mr. Kreibich declared that he was opposed to the practices of the students, but he urged the faculty to meet some student demands, such as appointing as 'tutor' a left-wing representative chosen by the students. Professor Bellinger and the other faculty members said that they would resist such a move."

These events in Germany do not reveal a new phenomenon there. For it was probably the parents of these very students who so effectively engaged in these very same tactics toward similar goals in the 1930's. But for American universities, this is a relatively new practice. You must not be deluded by the silence or apathy of the press into a belief that this can't happen here. Similar student behavior, similarly motivated, has recently occurred at Columbia, at Yale, at Harvard, even at The University of Chicago. (It was just the other day that a so-called "moderate" student leader congratulated faculty representatives at one of these universities because the students hadn't brought guns with them to assist their otherwise limited persuasive capacities.)

A certain mythology has developed about the new student movement that is the catalyst in the transformation of American universities, a mythology that derives essentially from the sap that so readily pours forth at commencement exercises. Some of it is classic and can be traced back through commencement speeches for generations past. And, as with most myths, there is an element of truth in it.

We are told that this, *i.e.*, the current student generation, is the best informed group of students that we have ever known. It's a generation with lots of new scientific data and almost no knowledge of history. It is an amnesic generation. And to the extent that they are better informed, it is through information provided them by their predecessors. As has been noted before, even a pygmy can see further than a giant, if he is standing on the giant's shoulders.

It is said that this is the student generation whose morality is somehow higher than those who preceded, it because it is a sincere group. Indeed, sincerity is suggested to be adequate excuse for any misconduct they may indulge. But there are precedents here, too. Theirs is the morality and sincerity that have typified all the zealots that have come before them. Theirs is the morality, for example, of the Spanish Inquisition that sincerely sought to save the souls of men, even if it had to send them to Hell by fire in the course of making the effort toward reform. It is a morality that justifies its admittedly miserable means by its allegedly enlightened ends. The fact is that this student generation is not a righteous group, only a self-righteous one.

Finally, the myth has it, that the recalcitrants among the students are only a small number of the student population. And this, too, is true, if the only ones to be counted are those active in using force to impose their wills. But if one looks to the numbers who are either sympathetic to or apathetic about such behavior, the proportion is very high indeed. One looks in vain for student opposition to the destructive activities of their colleagues. For the fact is that a very large number of students are in sympathy with the goals of the so-called student movement.

It is, perhaps, also necessary to say that there are many legitimate complaints to be made about the workings of American universities, legitimate in the sense that they reveal the failure of universities to seek their announced objectives. It is true that many professors—frequently those most vocal on behalf of the student movement—don't have time for teaching students. It is true that foundation and government grants have skewed faculty research so that, in many instances, they represent choices not by individual professors but by those who control the purse strings. It is true that much university education is irrelevant, not only to the students' aims but even to the classicly professed goals of a university. It is true that universities either require or permit an inordinate amount of time to be spent by students at school in order to earn a license to practice a trade or profession. It is true that universities have been unduly tolerant of faculty and student mediocrity. But these defects are not the ones at which student reform is directed. And, indeed, to the extent that universities are moving to correct these deficiencies, the student movement affords a barrier and not an aid.

Nor should the blame for the students' excesses be placed solely at the feet of the students. For university faculties are, like the students, either sympathetic to, acquiescent in, or apathetic about such student behavior and its consequences.

The first objective of the new university movement, as I read it, is the politicization of the university. This has both internal and external aspects. At the highest—most abstruse—level this means the attempt to capture the university as a pressure group to affect national policies. At this level, the objective is ludicrous, for it is grounded on two absurd premises. First, that the university is a monolith, indeed that all universities combined as monolithic. Second, that universities are capable of being a strong pressure group for bringing about change in national policy about anything. The effect of university pressure on national policy is indeed immeasurable if not nonexistent. This is not to deny that some inhabitants of the groves of academe have individually played important political roles. It is to deny the equation between individual faculty members and their universities.

At a more mundane level, the new university objective is to force the universities to utilize their resources for social improvement in the communities in which they are located: to house the ill-housed, to feed the hungry, to provide medical, legal, and recreational facilities to those who need them, to provide elementary education for illiterates, and so on. These are certainly worthy goals. But even the total resources of the universities are inadequate to these ends. Any partial commitment of university resources to these goals means that they have to be taken from the other functions that a university performs, essentially the gathering and communication of knowledge by those able to make the discoveries and those best able to utilize them. Indeed, if the universities do not die by the sword of the new university movement, they may well disappear for lack of financial sustenance.

The problem of internal politicization is equally taxing on the primary functions of the university as we have known it. The objective here is to treat a university as if it were a governmental body which must be democratized to be legitimized. But the function of university governance is not the exercise of power. The function of university

governance is the provision of services that make it possible for scholars to research, for teachers to teach, and for students to learn.

It used to be asserted that the trouble with the new student generation was its belief that no decisions of a university or any other institution were made on principle; that all decisions were made in response to pressure. To disprove the contention academics would cite the exemplary behavior of many universities in their successful efforts against the pressures of the late, unlamented Senator McCarthy and his epigone to dictate who shall be employed at what tasks in a university. At the same time, the fact is that the universities are now beginning to demonstrate that the student attitude is correct, by their response to the pressures of these studens. Policization has already occurred.

Let us take a couple of current examples. For years, the Department of Defense has supported medical research into the cause and cure of specified diseases. And university medical schools were eager and willing to use the money supplied for these purposes. Under new law, sponsored by Senator Fulbright among others, the Department of Defense must certify that any research moneys that it spends are spent for projects directly connected with defense goals. It is suggested now, because the Department of Defense is prepared to certify certain medical research in this manner, that the universities must reject the funds because the research is suddenly tainted. This taint means only that many on campus would object—without knowledge of or interest in the substance of the research effort—because of the Defense Department label that it bears. One would think that the merits of the research or its proper place in a university would remain the same whatever the certification of the Department of Defense. When university administrators decide that the kinds of research it can undertake shall be determined by consensus on campus—or even worse by consensus among those who might otherwise make trouble, it has abdicated to the new McCarthyism even as it refused to surrender to the old McCarthyism. Again, if, as has been suggested, a university must reject research into genetic differences between Blacks and whites, because the product of such research might contradict some of the dearest values asserted by some members of the university community, the university is proving not disproving that political values are determinative of the university's behavior. When these hypotheticals become facts, the university is no longer engaged in the search for knowledge. It is then seeking proof only of the dogma of the disciples of modernity, and dogma, of course, needs no proof. You know in your hearts when it is right. As this pattern of pandering to loudly voiced opinions emerges, it seems clear that the university has already succumbed to politicization. And those university presidents who are enjoying—according to the *New York Times*—the peace that has descended on campuses during this academic year might recognize that it has been bought at the price of surrender.

One part of the dogma of the new university is its concept of egalitarianism. An "egalitarianism [which] denies that there are inequalities in capacity, eliminates the situations in which such inequalities can exhibit themselves and insures that if such differences do emerge, they will not result in differences in status." [John Gardner.] Thus, students must be admitted without regard to their demonstrated intellectual capacities. Students must not be graded because this results in invidious comparisons between those who have performed well and those who have not. Faculty members must be hired or retained not because they have shown capacities for research and teaching in a given area, but because we must assign appropriate egalitarian quotas by sex, by race, by political persuasions, and—in remembrance of things past—by religion. Moreover, the judgment about faculty capacity is not to be made by those knowledgeable in the field, but by students, in terms of how they "relate" to the faculty member—him or her or it, as the case may be.

It is this egalitarianism that bottoms the claim of students to participate in the governance of the university. The fact that they indicate no knowledge of the function of university governance is irrelevant. It is argued that when they are admitted to the university community as students, they have been judged competent to share in university administration. They are, indeed, right, if their concept of a university as an egalitarian political institution is accurate. Only if the old-fashioned notion were to prevail that a university is a place exclusively for the discovery and communication of knowledge by those best qualified to perform those tasks should the student claim for a share in university government be rejected.

The proponents of the new university are riding a tide of egalitarianism that is sweeping before it not only the university but many other institutions. We are beyond Gertrude Stein's "a rose is a rose is a rose." We are arrived at the point where a dandelion is also a rose, however different it looks or smells. But universities have been particularly vulnerable to the equalitarianism that is being proferred because of the use to which the universities' pseudo-sciences have long been putting the science of statistics. We have come to see the truth of Thomas Reed Powell's description of the new knowledge as a science in which counters don't think and thinkers don't count. By reducing humans and human activities to statistics, we provide fodder for computers. By reducing humans and human activities to numbers, the new men make them fungible. They are no longer individuals; they are no longer human.

In his recent book, *The Decline of Radicalism*, Professor Boorstin suggested the sway that the statistical age has imposed on us. "It is no wonder that statistics, which first secured prestige here by a supposedly impartial utterance of stark fact," he said, "have enlarged their dominion over the American consciousness by becoming the most powerful statements of the 'ought'—displacers of moral imperatives, personal ideal, and unfulfilled objectives." For all the ridicule heaped by them on President Johnson, the new university men would reduce the university community to goverance by consensus.

The most obvious victims of this egalitarianism in the university community are its notions of individuality and excellence. Individuality and the consequent freedoms of the individual are anathema to the egalitarianism of the new university which requires, in Learned Hand's words, that "relations become standardized; to standardize is to generalize, and to generalize is to ignore all those authentic features which mark, and which indeed alone create, an individual. . . . The herd is regaining its ancient and evil primacy; civilization is being reversed, for it has consisted of exactly the opposite process of individualization."

Excellence, too, is a quality totally inconsistent with the egalitarian ethos as expounded by the new university men. The dirtiest words in their lexicon are "elite" and "professional." Any suggestion of special capacities derived from intellect and training is inconsistent with the new dogma. And, under such circumstances, there surely is no place for the old kind of university which put a premium on high intellectual attainment and sought to make it a goal.

Perhaps the clearest conflict between the new and the old is to be found in the new university men's rejection of the life of the mind, of the uses of reason. As part punishment for my sins as an elected member of a university faculty's consultative body, I had the dubious privilege of visiting a building just evacuated after a sit-in by some of the new university men. The descriptions that you have read elsewhere—only the other day about the building seized at M.I.T.—should suffice for any man's taste. What I found most horrifying was not the evidences of defecation in the offices and halls, not the wanton destruction of equipment and furniture, not the stench and the mess, but the slogans painted everywhere which called—in language somewhat more picturesque than mine—for the destruction of "the life of the mind." For it is here that the new university makes clear its incompatibility with old university.

The life of the mind is the focus of the old university. It is only engagement in the rational testing of ideas new and old that justifies the old university's existence. In President Levi's words: "Universities . . . have kept alive the tradition of the life of the mind. . . . It is an approach to education which emphasizes the magic of a disciplined process, self-generating, self-directing, and free from external constraints. An approach which requires an independence of spirit, a voluntary commitment. It forces the asking of questions. It is not content with closed systems. It is not committed to the point of view of any society. It does not conform to the ancient and now modern notion that education is here to carry out the ideas and wishes of the state, the establishment, or the community. Thus, it is opposed to the view that education is good if properly controlled."

One of Goya's etchings bears the inscription: "The sleep of reason brings forth monsters." In the new university, cause and effect are reversed. Monsters threaten to bring forth the sleep of reason. And, as C. P. Snow said in his recent novel with the title borrowed from Goya: "Put reason to sleep, and all the stronger forces were let loose. We had seen that happen in our own lifetimes. In the world: and close to us. We knew, we couldn't get out of knowing, that it meant a chance of hell." And here lies the essence of the generation gap. For the young have not seen reason put to sleep and more primitive forces unleashed except on an individual basis.

Whether the new university with its preference for instinctual forces over reason, with its preference for egalitarianism over individuality, excellence, and professionalism, with its preference for political rather than intellectual objectives—whether the new university will prevail over the old is not yet fully determined. But the odds are in its favor. For there are too few to stand up and fight against the perversions that are promised. Too few students; too few faculty; too few university administrators. Those among them who do not endorse the new university prefer to compromise with it. Once again the price of peace in our time may prove exorbitant.

FIRE PREVENTION REGULATIONS FOR NURSING HOMES

Mr. MOSS. Mr. President, I ask unanimous consent to have printed in the RECORD my opening statement delivered as we began our hearings this morning and related to the nursing-home fire in Marietta, Ohio, on January 9, which has to date taken 32 lives.

I underline a few recommendations.

First, medicare's conditions of participation in extended care facilities must be revised to include compliance with the life safety code of the National Fire Protection Association.

Second, the Department of Commerce should promptly implement the Flam-

mable Fabrics Act and should replace its proposed "pill test" as it relates to carpet and rugs with the UL–723 tunnel test.

Third, carpeting manufacturers should label their product in such a manner as would inform the public to its flammable properties under this tunnel test and should sell only class A or class B carpet to nursing homes, hospitals, and schools.

Fourth, Congress should accept Mayor Burnsworth's suggestion and prohibit smoking except in specified areas in hospitals and nursing homes where patients are confined without the ability to ambulate. I shall introduce a bill to this effect.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY HON. FRANK E. MOSS, CHAIRMAN, SUBCOMMITTEE ON LONG-TERM CARE OF THE U.S. SENATE SPECIAL COMMITTEE ON AGING

January 9, 1970, was the most tragic day burned into the history of the quiet city of Marietta, Ohio. Exactly one month ago today fire and smoke billowed through the Harmer House Nursing Home in Ohio's oldest city while most of us were safe at home watching, *Here Comes the Brides,* or the *Friday Night Movie.*

Twenty-one persons lost their lives that night and the present death toll stands at 32 with 11 patients remaining in the hospital. Only three patients out of the 46 in the home escaped death or disabling injury.

Our presence here today indicates our belief in the perfectability of man's nature and our refusal to accept disaster as inevitable.

An accident by definition is an admission of human error. Even a cursory inventory reveals that there were human errors which contributed to the fire in Ohio. For our investigatory purposes today, we pose these errors in the form of questions which fall essentially into four interrelated categories.

The first category is marked by these questions:

How did the fire start?

Why was there such a substantial loss of life?

It must be noted that this was a new, well-constructed nursing home with large windows in patients' rooms. It had a simple one-story floor plan and the evacuation of patients should have been possible within a very short time.

The second category focuses on the Government and responsibility must fall equally upon the Congress and the Public Health Service. The question here is:

Why are there no requirements for fire safety under Medicare?

It is true that the conditions for participation in the Medicare nursing home program do make some suggestions for fire safety under Section 405.1134. Regrettably, the statute spells out in unequivocal terms that the "requirements" are merely *guidelines.* And as if this were not enough, this same paragraph contains a further disclaimer that these guidelines ". . . are to be applied to existing construction in the light of community need for services."

I am asking here today that the Public Health Service tell me why there are no fire safety requirements under Medicare. If PHS or the Social Security Administration needs more legislative authority, I will introduce legislation forthwith.

The third category of questions is related to the second because the Medicare guidelines make reference back to the State statutes. Obviously, the result is a different fire standard for participation in the Medicare nursing home program for every State of the Union. Our concern here is with the Ohio statute.

Ohio has had more than its share of nursing home fires. Most of us will recall the nursing home fire near Sandusky in 1963, when 63 persons perished. This Committee investigated that fire and I received promises that the Ohio Code would be revised so that it would be the model fire safety code for the entire country.

It isn't. Far from it. On the contrary there continue to exist serious deficiencies. Not the least of these deficiencies is its failure to provide any semblance of a standard for the acceptability of carpets and curtains. Admittedly, there is a vague reference in Section HE–17–47 spelling out the requirements for interior finish and trim. The requirement is that finishing material have at least a class D flame spread resistance. For purposes of comparison the Hill-Burton Act requires class A furnishings with a flame spread rating from 0 to 25 in corridors and exit ways; it requires a minimum of class B material for patients' rooms which calls for a flame spread rating between 25 and 75. Finishing material in the class D range have a flame spread rating between 200 and 500. As a point of reference class D materials will burn 2 to 5 times as fast as red oak.

My questions here are:

Why do the good people of Ohio continue to tolerate these anemic fire requirements?

How many other States have statutes which are lax on fire standards?

And is the report I have true that the State of Ohio continues to have the same number of inspectors (four inspectors for the 1162 nursing homes) that they had before the Fitchville fire of 1963 in which 63 lives were lost.

My fourth category of questions relates to the Flammable Fabrics Act that was signed into law December 14, 1967. Regrettably no new standards have been issued for any textile product under this Act. As William V. White, the Executive Director of the National Commission on Product Safety points out, "We still use, two years later, the outdated standard incorporated in the original Flammable Fabrics Act of 1953." The 1953 Act allows 99 percent of all fabrics marketed to pass as acceptable for public use.

My question is: Why?

Why do we continue to be governed by the 1953 legislation?

I am sure that Senator Magnuson of the Commerce Committee, and Senator Williams here beside me as co-sponsors of the 1967 legislation share my sense of frustration.

My next question is to ask why the Federal Government today persists in buying flammable fabrics and clothing for use in Federal offices, hospitals, nursing homes and dependent's housing at military bases? To my knowledge, a detailed recommendation was made to the Surgeon General of the Public Health Service more than four years ago urging that new standards and purchase specifications for fabrics used in Federal installation contain provisions to insure the degree of flame retardency required to prevent personal injury and death. No action has been taken on this recommendation to date.

I ask: Why not?

I find it significant that the Secretary of Commerce has exercised his regulatory power under the 1967 Flammable Fabrics Act in only one area. On December 17, 1969, the Secretary announced his proposed Flammability Standard on Carpets and Rugs. This standard incorporates the use of a methenamine pill as an ignition source, which in effect, is dropped on a small piece of carpet and the spread of the flame is then measured.

My question is why did the Secretary choose this modification of the so-called "pill test"? It is clearly obvious that this is a low and inadequate standard. The compound methenamine has been around for a long time and up until the Secretary's pronouncements its principal use was a reagent to combat urinary infections. It wasn't any good for that either. In this most independent experts are agreed, the pill test is a test for ignition—it is not a test for flammability. By the admission of the Department of Commerce, the test does not cover smoke emission or gasses given off by burning carpet. Reportedly, it does not apply to the sponge rubber backing used with carpets. Most significant of all, the carpet in the Harmer House Nursing Home which has received the attack of many as being the premier cause of death at Harmer House, I am told, passes the Secretary's proposed pill test. We hope to have a demonstration to this effect about noon today.

In short, as Chairman of the Subcommittee on Consumer Affairs of the Commerce Committee and as Chairman of this Subcommittee which oversees the needs of our infirm elderly, I am asking the Secretary of Commerce to report to me as to why the Flammable Fabrics Act has not been implemented, and why, in the only situation where we do have implementation, is the announced standard so inadequate. The reports that I receive from the Secretary of Commerce, the Public Health Service and the Bureau of Health Insurance as to the lack of any Medicare fire standards will be released to the press.

As we begin our hearing I would like to express my appreciation to the Chairman of the Full Committee, Senator Harrison A. Williams of New Jersey for his confidence and assistance which enabled a prompt investigation of the events of the Marietta fire. I acknoweldge what every Senior citizen knows, that Senator Williams is the number one man in the field when it comes to looking after our elderly. He is the model that all of us would like to emulate. Wherever I go across the country to meet with our senior citizens, I am invariably asked to convey warm thanks to Pete Williams for his efforts.

NEGRO HISTORY WEEK—SENATE JOINT RESOLUTION 41

Mr. SCOTT. Mr. President, the 44th annual observance of Negro History Week is now in progress. A committee of the National Education Association and the Association for the Study of Negro Life and History jointly sponsor Negro History Week in February during the period embracing Lincoln's birthday and Frederick Douglass' birthday, February 12 and 14, respectively. This year, Negro History Week is observed from February 8 to 14, and has as its theme "The 15th Amendment and Black America—in the Century 1870–1970."

I have introduced Senate Joint Resolution 41 which would authorize the President to proclaim that each year the 7-day period, from Sunday to Saturday during which February 12 and 14 fall, be designated Negro History Week.

This observance goes back to February 1926 when Dr. Carter G. Woodson, founder and director of the Association for the Study of Negro Life and History launched some public exercises emphasizing the salient facts of history influenced by Negroes—mainly facts brought to light by the research and publications of the association during its first 11 years. This timely step was warmly received by the black community through its schools, churches, and clubs and the movement gradually found support among nonblack institutions in America

and abroad. Today, this observance enjoys widespread participation.

Negro History Week arouses people to a broader appreciation of the contributions of black people in Africa and the United States to civilization so that people, white and black, are realizing that civilization and culture are the heritages of the centuries to which all peoples have made some contribution.

To promote Negro History Week, the Association for the Study of Negro Life and History publishes special issues of the "Journal of Negro History" and the "Negro History Bulletin." From its preserves and collections of materials and documents about the history of the black people, the Association supplies schools, colleges, libraries, and community centers with special books on the Negro.

Negro History Week, which commemorates the democratic ideals of Frederick Douglass and Abraham Lincoln, and recognizes the contributions of the black man to our present day society, should be observed on the National, State, and local levels of our country.

Senate Joint Resolution 41, if enacted, would greatly advance and increase these observances.

A NEW YORK TIMES EDITORIAL—"SOPHISTRY ON GENOCIDE"

Mr. PROXMIRE. Mr. President, I am pleased to call to the attention of Senators an editorial entitled "Sophistry on Genocide," published in the New York Times of February 7. The section of individual rights and responsibilities of the American Bar Association is asking the association's house of delegates to support ratification of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

In practical political terms, the section report stated:

> Not to sign the Genocide Convention is to dissipate one's influence and to supply fuel for those who characterize the U.S. as the great hypocrite.

The Times editorial states also:

> After two decades of inaction, based on sophistry and outright hypocrisy, there are signs that the United States may at last be moving to ratify the International Convention on the Prevention and Punishment of the Crime of Genocide.

As one who has long urged Senate ratification of the genocide as well as other human rights conventions, I can but reiterate my hope that the ABA will give full and strong support to the Genocide Convention; and I earnestly urge Senators to seize the earliest possible opportunity to ratify this convention.

I ask unanimous consent that the editorial be printed in the RECORD:

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 7, 1970]

SOPHISTRY ON GENOCIDE

After two decades of inaction, based on sophistry and outright hypocrisy, there are signs that the United States may at last be moving to ratify the International Convention on the Prevention and Punishment of the Crime of Genocide.

This country played a leading role in drafting and winning unanimous United Nations General Assembly approval of the Genocide Convention in 1948. It was among the first to sign the document.

Despite this initial enthusiasm for a cause that is clearly in the American tradition and interest, ratification has been stalled in the Senate since 1950 because of constitutional objections raised at that time by the American Bar Association and by some Southern Senators. The Southerners voiced fear that the Convention might permit a foreign court to try American citizens under procedures alien to this country for such crimes as the lynching of Negroes.

Specious arguments of this sort have now been firmly cast aside by a standing committee of the A.B.A. and by Attorney General Mitchell, who has joined Secretary of State Rogers in recommending that the President press for action in the Senate. The A.B.A. group points out that the Convention provides for prosecution in national courts or in an international tribunal which, in fact, has not been established. If such a tribunal were set up, it would not have jurisdiction over Americans without the prior consent of the United States Government.

The A.B.A. meeting in Atlanta later this month can help restore this nation to its proper leading role in the development of international law for the protection of human rights by taking a strong stand in favor of prompt Senate ratification of the Genocide Convention. President Nixon's endorsement of the Convention is even more essential. It is an international disgrace that the United States, of all nations, is not among the 75 nations that have already completed ratification procedures.

COST OF POLLUTION CONTROL: THE EXPERIENCE OF BRITAIN

Mr. MOSS. Mr. President, our entire Nation is concerned, and deeply concerned, over the degradation of our environment through pollution of our air and water. Measures to eliminate or control such pollution are costly, and necessarily will have an impact on industry and on our economy.

This impact and this cost must be faced when we are considering antipollution measures and environmental control steps. The minerals-producing industries—oil and gas, copper, lead, zinc, coal, and all of the other myriad metals and fuels vital to our American way of life—have particularly heavy responsibilities and burdens with respect to pollution. Necessarily, they disturb both the surface and subsurfaces of the land. Waters are involved in either the extractive processes themselves or in refining and smelting, or both, and the latter results in pollutants being discharged into the atmosphere.

The minerals industries, or at least some segments of it, are taking vigorous steps to combat land, air and water pollution. Many States have antipollution and surface mining laws as does the Federal Government with respect to water and air pollution.

While these efforts and these laws are absolutely necessary, we should be aware of their costs and impact. Accordingly, the Subcommittee on Minerals, Materials, and Fuels of the Interior Committee is planning a series of hearings to enable spokesmen for the minerals industries to make known what they are doing in the way of pollution control and what the economic and technological impact of antipollution measures is on their industries.

Mr. President, by way of background for these planned hearings, I ask unanimous consent that an article published in the Washington Post of February 5, relating to the economic impact Great Britain is experiencing with pollution control measures, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 5, 1970]

BRITISH STAND FAST IN BATTLE AGAINST POLLUTION OF ENVIRONMENT

(By Alfred Friendly)

LONDON, February 4.—Britain is holding its own in the war against pollution. In the long term, it may even win—or come as close to winning as the facts of a crowded and industrialized society permit.

The explanation for what would appear as an achievement and a hope unique in the Western world is that Britain has gritted its collective teeth, has begun to pay some of the inescapable costs and seems resolved to keep doing so, up to or beyond the limits of its strained pocketbook.

Its fight against contamination of the environment is in every way tougher than an equivalent one would be in the United States. Britain is basically much poorer, per capita and in the absolute; it is proportionately more dependent on the kind of industry and transport that pollutes; it puts 12 times more pressure of people on every acre than in America and its problem has been festering much longer. British rivers, for example, have been polluted for a century while in America they began to grow foul only a couple of decades ago.

Yet there seems to be here, as there seems not yet to be in other advanced nations, Sweden excepted, a national resolve, no longer subject to challenge, to pay the money and submit to the tough restrictions necessary for decent living.

Some 360 authorities, London included, prohibit the burning of anything but smokeless fuel—with the government defraying the individual costs of householders switching or modifying their heating equipment.

This has meant the end of lovely log fires or chunks of crackling coal on the roaring hearth, and in their place the much less inspiring glow of electric heaters or, at best, coke briquets on the grate. But it has also meant the end of the black fogs.

To be sure, nature is no less malign and still sends rolling clouds of fog tumbling now and then over this winter city. But the choking opaque clouds that American visitors remember are things of the past.

The Thames has been without fish for a century. But by 1968 some 40 different varieties had come back to the river.

In the battle for the environment, Britain is advantaged by a—relatively—unified command. By the law and by the possession of the money bags, the central government exerts far more power and control than in the United States. When the Ministry of Housing decrees that no new dwelling may be built without sewage facilities of such and such a standard, there is no argument.

The central government also carries out the provisions of a national law 107 years old, the Alkali Act, which now covers 56 separate industrial processes. It requires every factory in those industries to use "the best practicable means" to prevent the emission of grit, fumes, smoke and gasses, and to render harmless and inoffensive those emissions that are unavoidable.

In all, there are thousands of regulations of some 12 cabinet departments and hundreds of lesser authorities aimed against pollution and contaminants.

Smoke and grime still belch over the Midlands, harbors remain foul and many a river stays rancid and algae-covered. Trash dumps and auto graveyards still mark the landscape. The horrible and dangerous coal tipples blight the mining areas. And so on.

But, with the possible exception of oil and tar on the beaches, the situation is getting no worse. That is the appraisal of Lord Kennet, who, as parliamentary secretary of the Ministry of Housing and coordinator of department of programs, is the nearest thing there is to an antipollution boss.

His thesis is that, with rare and usually quickly solved exceptions, there is no contaminating factor in the environment, including noise, that defies a technical solution. All it takes is money.

"Like the diffuse pluralistic beehive that it is," Kennet declares, "the British body politic [is] renewing and adjusting itself to the problem of pollution."

Since the Labor government came to power, it has put through 11 national laws of far-reaching impact on clean air, fisheries, mines, rivers, sewage, medicines, farm chemicals and nuclear installations. It has seen to it that public authorities spend a quarter of a billion dollars a year on sewerage and sewage disposal. It has made industries covered by the Alkali Act spend half that again in the past 10 years on capital expenditures and close to three-quarters of a billion on running costs to keep down pollution. It requires clean exhausts on all trucks (although it has not yet got around to California-style regulations for passenger cars).

The picture that emerges is of a nation armed with many controls against pollution and able to enact most of the rest it needs without the harrowing political struggle that would ensue in the United States. But it faces a wall of economic difficulties.

The obstacles to a clean environment are neither technological nor legal, but simply economic. On whom do you saddle the costs?

You cannot make cement without dust, or steel without fumes. You raise the price of both, whatever the mechanics of the economic arrangements, when you require a catchment of the dust and fumes. If you want milk minus the antibiotics fed to cows, the farmer's efficiency declines and the milk cost rises. If you force the packager to give up tin cans and plastic wrappers, or install equipment to dispose of them, you can do it by subsidizing the industry or paying more for municipal services. Either way, any way, the consumer-tax payer pays in the end.

There is no escaping the imperative: "Pollution control equals short-term economic disadvantage," Kennet points out.

So, unless you want to submit, cursing but helpless, to the offal of industrial progress—or alternatively, revert to a peasant economy—there is no option but to pay up.

The path to a better quality of life, in terms of quiet, cleanliness, beauty and natural amenities, will be painful and rugged and costly indeed, but this nation seems to have set its foot on it.

As a token of intent, the government has authorized the creation of a Royal Commission on Environmental Pollution. It is the first such body created by the present government that is to be permanent, its life and functions continuing indefinitely.

No government, Labor or Tory, likes to let recommendations of a Royal Commission lie around untended to. Accordingly, the new body has a chance to strike powerful blows in service of a new social objective.

PESTICIDES AND THE FARMWORKER

Mr. MONDALE. Mr. President, the New Yorker magazine of October 11, 1969, contains an article by Berton Roueche that reads like an exciting detective story, but all too unfortunately contains truth, not fiction, about the shocking realities of pesticide poisoning.

The article tells of a young boy who almost died of pesticide poisoning, but was saved only after careful detective work. The author details the advanced threat on the boy's life at the time initial care was sought. A sense of urgency was created because doctors were unable to quickly and positively diagnose the specific illness. Hours elapsed before it was determined that the youngster suffered from chemical poisoning, rather than shigellosis, or dysentery, or diabetes. Then, although the child responded favorably to treatment, shortly after returning home from 1 week hospitalization, he again became ill. The second illness triggered a search to determine the source of the harmful chemical. It was discovered that it was on a pair of the boy's bluejeans. A search was begun for other families that may have purchased bluejeans from a similar lot, and a solution was sought to the important question of how the bluejeans initially got doused with the chemical. The chemical was eventually identified as the organic-phosphate—phosdrin, and by tracing back to manufacturers and shippers, it was discovered that the chemical had apparently spilled in the same truck that was also shipping bluejeans. The chemical was spilled and was absorbed in the bluejeans which were thereafter sold in the normal course of business, without knowledge of their poisonous qualities.

The article describes a daily series of events that too often occurs, though possibly in not so complicated a form.

Organic phosphates are particularly lethal chemical pesticides that are used in huge quantities by our Nation's agricultural industry. Organic phosphates can kill, and can kill quickly. They have practically a one for one chemical similarity with commonly used CBW agents, and they act by depressing the cholinesterase activity of the nervous system. Exposure to organic phosphates can cause nausea, vomiting, convulsions, respiratory paralysis, long-term psychological effects, and death depending upon the degree of exposure.

The general public, and particularly the farmworker, knows very little about these highly potent chemicals. As confirmed in the New Yorker article, even doctors have a difficult time analyzing chemical poisoning and, even upon analysis, medical antidotes are not necessarily effective.

The use of the organic phosphates that are so lethal, and that cause poisoning which is so difficult to diagnose, is indicative of the serious gaps in this Nation's entire effort regarding agricultural chemical research, and occupational health and safety protection.

Practically the only protections that we have against the use of these chemicals are registration and labeling requirements. Yet, registration and labeling do not make pesticides failsafe, and "proper handling" is hypothetical. This is best evidenced by HEW's testimony at hearings of the Migratory Labor Subcommittee, of which I am chairman, that there could possibly be as many as 800 deaths and over 80,000 injuries each year due to pesticides. Most of these would be the result of organic phosphate poisoning.

Neither does registration and labeling solve the problem of negligence associated with the actual application of the pesticides, or of drift, or of fatalities traceable to illiteracy—farmworkers have an average educational attainment of only 6 years—or of inadequate comprehension of the English language—many agricultural workers speak Spanish.

It is clear that we must act immediately to solve the crisis situation that has developed. As chairman of the Senate Subcommittee on Migratory Labor, I am giving serious consideration to a number of possible legislative remedies.

A comprehensive program, adequately funded, that provides for the ongoing study and research of the effects of pesticides on farmworkers is an important first step.

Passage of strong and enforceable occupational health and safety legislation that must include all agricultural workers is essential.

A program of aggressive prosecution of all pesticide manufacturing violations must be instituted, and recent inadequacies in government enforcement activities revealed by the GAO must be corrected.

It is clear that the Department of Health, Education, and Welfare must be given increased authority to move quickly to ban the use of dangerous pesticides, including those, such as DDT, that have been found to have long-range harmful effects. We should give serious consideration to banning all lethal organic phosphors in favor of less toxic chemicals.

The Public Health Service must be given increased operating funds to monitor and control major areas of commercial agribusiness where pesticides are used.

Increased research funds are necessary to develop effective pesticide poisoning antidotes, and to train doctors to more quickly diagnose pesticide poisoning.

I find it particularly shocking that farmworkers are not even given notice of the use of pesticides, and that records showing the type of pesticide, or the amount and mixture used, or the method of application, are not readily available to the farm worker or the public, notwithstanding the tragic effects on the public's health. This situation also must be corrected.

Mr. President, I ask unanimous consent that the New Yorker article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Yorker magazine, Oct. 11, 1969]

ANNALS OF MEDICINE—THE DEAD MOSQUITOES

Dr. John P. Conrad, Jr., a senior associate in a suburban pediatric group practice in Fresno, California, excused himself to the mother of the young patient in his consultation room and crossed the hall to take a telephone call in his office. The call was a request from a general practitioner on the other side of town named Robert Lanford to refer a patient to Dr. Conrad for immediate hospitalization and treatment.

That morning—it was now around four o'clock in the afternoon (on October 4, 1961)—an eight-year-old boy whom I'll call Billy Cordoba had been brought to Dr. Lanford's office by his mother. Billy had been sent home sick from school. He was pale, his eyes had a glassy look, and his heart was a little fast. Dr. Lanford had examined him, found nothing significantly out of order, and sent him home to rest. But Billy was now back in his office, and there was no longer any doubt that he was sick. The manifestations of his illness now included a ghostlier pallor, a glassier look, a notably faster heart, rapid and irregular breathing, muscle twitches, diarrhea, nausea, vomiting, and abdominal pain. He was also confused in mind and almost comatose. Something about his inharmonious symphony of symptoms had prompted Dr. Lanford to make a urine-sugar test, and the results were strongly positive, that suggested a frightening possibility. He was afraid that Billy was a hitherto unsuspected diabetic on the brink of diabetic coma. In any event, he said, the boy was in urgent need of sophisticated help. Dr. Conrad agreed. He told Dr. Lanford that he shared his sense of urgency, and that he would arrange at once for Billy's admittance to Valley Children's Hospital.

Mrs. Cordoba drove her son to the hospital. Billy was admitted there at five o'clock. He was put to bed, and a sample of blood was taken for immediate laboratory analysis to confirm or deny the presence of diabetes. That had been ordered by Dr. Conrad when he made the admittance arrangements. When he himself reached the hospital, at a little before six, the results of the blood studies had been noted on Billy's chart. Dr. Conrad read them with a momentary lift of spirit. The relevant values (blood glucose, blood carbon dioxide, blood sodium, blood potassium, blood pH) were close enough to normal to make it comfortably certain that despite the earlier positive urinalysis the boy was not a diabetic. But that was all. Or practically all; the studies did now show a morbid elevation in the white-blood-cell count. Other than that, the studies had no positive diagnostic significance. Dr. Conrad replaced the chart and went into Billy's room to take his first look at his patient. It was anything but reassuring. The boy was clearly sicker than he had been two hours before. Dr. Conrad sat down and began with care the standard physical examination. His findings were even more discordant than those recorded by Dr. Lanford. Billy's pulse was fast, his breathing was fast, his temperature was 100 degrees, his skin was pale and clammy, the pupils of his glassy eyes had shrunk to pinpoints, his face and arms were twitching, he was drooling saliva, and he appeared to be in almost constant abdominal pain. Twice during the short examination the pain was so great that he screamed. He was still confused, still comatose, still nauseated, still diarrheic. Dr. Conrad finished the examination and sorted out his impressions. They led in two distinctly different directions. One possibility was shigellosis, or bacillary dysentery. The other was chemical poisoning.

"I didn't particularly favor the idea of shigellosis," Dr. Conrad says. "It was simply suggested by some of the clinical evidence—the high white-cell count and the gastrointestinal symptoms. And I didn't favor it at all for very long. A shigella infection produces a rather distinctive kind of damage that can be detected by miscroscopic examination of a stool specimen. It isn't conclusive, but it's reliable enough to be useful. Well, I asked the laboratory for a report and the answer came back in a matter of minutes. Negative. I wasn't much surprised. Chemical poisoning had always been by far the stronger possibility. The very bizarreness of the symptoms was suggestive of poison. Certain particular symptoms were even more suggestive. Stupor. Abdominal pain. Salivation. But the real tipoff was those pinpoint pupils. What I had in mind was an insecticide—specifically, one containing an organic phosphate. That isn't as inspired as it may sound. Fresno County is a big agricultural county. It produces everything from cantaloupes to cotton, and it uses tons of highly toxic chemicals. Including organic phosphates. Then Mrs. Cordoba said something that seemed to make my hunch a certainty. I was asking her the usual questions for Billy's personal history, and she remembered a remark that Billy made when he came home sick from school. The Cordobas live on the edge of town, and there are cultivated fields all around the stop where Billy waits for the bus. That morning, Billy said, there was a spray rig working in one of the fields and a spray plane flying back and forth overhead. Organic phosphates can enter the body in various ways, but the commonest route is absorption through the skin. Also, they work very fast. Symptoms can begin with a couple of hours of exposure. And it doesn't take much of the stuff to cause a lot of trouble. The fatal skin dose is only about five drops.

"I was practically certain that Billy had been poisoned by some organic-phosphate insecticide. I was sure enough to start treatment on that assumption. I followed the standard procedure. I ordered intravenous fluids to restore the loss of body fluids through sweating, salivation, and diarrhea, and a regimen of atropine—one milligram injected intramuscularly every two hours. Atropine is a lifesaving drug in organic-phosphate poisoning, because it relieves the threatening symptoms. It doesn't however, get at the source. It doesn't eliminate the poison. The next step in the treatment involves a drug called PAM—pralidoxime chloride. But I couldn't take that step—not until I was absolutely certain. PAM is a little too specific to prescribe on mere suspicion. The definitive test for organic-phosphate poisoning is a blood test that measures the levels in the plasma and the red cells of an enzyme called cholinesterase. Cholinesterase is a kind of neutral moderator. Its presence controls the accumulation of an ester that governs the transmission of impulses of the parasympathetic nervous system. Organic phosphates destroy cholinesterase, and the destruction of cholinesterase allows an excessive accumulation of the ester. The result is a powerful overstimulation of the parasympathetic nerves. The cholinesterase test is too elaborate for the average small hospital laboratory. The only laboratory equipped to do that kind of thing here is in the Poison Control Center at Fresno Community Hospital, down in the center of town. I drew a sample of blood and rounded up a messenger and got on the telephone to Dr. Bocian—Dr. J. J. Bocian, the director there. That was around seven o'clock. Dr. Bocian called me back around eight-thirty. He had the results of the test. Billy's plasma cholinesterase level was only forty per cent of normal, and his red-cell level was a scant seventeen. His illness was definitely organic-phosphate poisoning.

"It was gratifying to know that I'd made a good guess. And that I'd been able to make it in time. But the really gratifying thing was Billy's response to atropine. By the time I had Dr. Bocian's definite diagnosis, Billy was just as definitely out of danger. His vital signs were all good. Moreover, he was beginning to look more alert. His pupils were coming back to normal size. And he wasn't salivating the way he had been. I was so satisfied that I decide to hold off on PAM. Atropine would continue to counteract the potentially dangerous neuromuscular symptoms, and time would do the rest. It would gradually bring the cholinesterase levels back to normal. I stayed at the hospital until about ten o'clock, and went home feeling pretty good. I had diagnosed the nature of Billy's illness, and he was responding well to treatment. And I thought I knew just how his illness had come about.

"But I was wrong about that. It wasn't the spray rig or the spray plane at the bus stop. It couldn't have been either of them. Mrs. Cordoba or her husband or somebody made some inquiries. Those rigs weren't spraying an organic phosphate. Or any kind of insecticide. The fields they were working were cotton fields, and they were spraying a defoliant to strip the plants for mechanical picking. But I wasn't mistaken about Billy. He continued to do just fine. I kept him on atropine and intravenous fluids for a total of forty-eight hours. His symptoms all subsided and his serum cholinesterase levels began to improve. At the end of the second hospital day, he showed a plasma level of forty-two per cent of normal and a red-cell level of almost thirty-two. By the sixth day, the plasma level had risen to ninety-two per cent of normal. The red-cell concentration is always slower to recover. It requires the formation of new cells. But it was up to forty per cent. There was no reason to keep him in the hospital any longer. I could follow him the rest of the way as an out-patient. So I ordered his discharge."

Billy was discharged from Valley Children's Hospital to convalesce at home on October 9th. That was a Monday. He remained at home, sleeping and eating and resting, until the following Monday, October 16th. That afternoon, by prearrangement, Mrs. Cordoba drove him back across town to Dr. Conrad's office for what was expected to be a final physical examination and dismissal. Their appointment was for four o'clock, and they were on time.

"Billy looked fine," Dr. Conrad says. "And he was fine. Blood count, blood pressure, chest, pupils—everything was completely normal. So that was the happy ending of that. I walked Billy and his mother out to the waiting room and said goodbye and went back to my office and closed the case and rang for my next patient. I saw that patient and then the next and then the receptionist called. She sounded almost frightened. Mrs. Cordoba was in the waiting room and she was practically hysterical. Billy was sick again. He was out in the car—too sick to even walk.

"It was true. I found Mrs. Cordoba and we went out to the car, and there he was, and he looked terrible. He looked shocky. His skin was cold and clammy with sweat, and he was salivating and breathing very fast, and he didn't seem to be able to move his legs. I didn't even go back in the building to say I was leaving. I just slid in beside Billy and told Mrs. Cordoba to head for the hospital. The hospital was only a block up the street, but, on the way she told me what had happened. There wasn't much to tell. They had started home from my office, and they were almost there when all of a sudden Billy said he was sick. That was all she knew. She had turned around and driven right back to see me. But it was perfectly plain that this was the same thing all over again. Only worse—much worse. Dr. Bocian confirmed it later on in the evening. The serum cholinesterase levels were very low. The plasma level was down to twenty-seven per cent of normal, and the red-cell level was only twenty. I got Billy started on atropine and intravenous fluids, but he didn't respond as he had before. Two hours after I got him into the hospital, he was seized with severe abdominal cramps and began to vomit. Then he developed diarrhea. It was time for PAM. I ordered an intravenous injection of five hundred milligrams. The next three hours were a little anxious, but then he began to improve. And the next morning he was very much better. He had had another five hundred milligrams of PAM, and his cholinesterase levels were up enough to show that he was improving.

"That gave me a chance to think. Organic-phosphate poisoning is not a notifiable disease in California, so there had been no reason for me to report Billy's case to the Fresno County Public Health Department, but now I

thought perhaps I should. I thought I had a lead that they might want to follow up. The lead was this: For a week at home, Billy had been as good as well. Then he got up and drove over here to my office, and less than an hour later he was critically ill again with organic-phosphate poisoning. I'm not an epidemiologist, but it seemed to me that the probable source of his exposure wasn't far to look for. It almost had to be either something in the family car or something he was wearing. When I got to my office on Wednesday morning, I called the Health Department and talked to Mary Hayes. Dr. Hayes has since left the Department but she was then the acting health officer, and she was very interested in my story. She said she would have somebody look into it. She called me back on Friday afternoon. They had the answer—or part of it, anyway. The source was Billy's clothes—his blue jeans. They were brand-new blue jeans that his mother had bought at a salvage store, and he had worn them only twice. He had worn them to school on the morning of October 4th and to my office on the afternoon of October 16th. The Department had had the jeans tested and had found them contaminated with some form of organic phosphate.

"By that time, of course, Billy was recovering very nicely, and I could relax and begin to think about him as a case. It fascinated me. I'd never had a more dramatic experience in all my years of practice. Well, I'm on the staff at Fresno General Hospital and I make teaching rounds there on Monday, Wednesday, and Friday mornings, and I was so fascinated by Billy and his poisoned blue jeans that I told the internes and residents about them on my next rounds. That was on Monday—Monday, October 23rd. The next day, I got a call from one of the residents, a doctor named Merritt C. Warren. He had a new patient on his service—an eight-year-old boy. We can call him Johnny Morales. Johnny had become sick at school that morning and had been admitted to the hospital by his family physician around noon. His initial symptoms were sweating, dizziness, and vomiting. He reached the hospital in a stumbling, mindless stupor. His pulse was fast, his respiration was weak and shallow, his face was contorted by muscular twitches, and the pupils of his eyes were contracted to pinpoints. He also had abdominal cramps. The family physician had tentatively diagnosed Johnny's trouble as acute rheumatic fever, Dr. Warren thought differently. He said he thought it was another case of poisoned pants. That was the way he put it. I thought he was probably right. And he was. Dr. Bocian confirmed it by a serum cholinesterase test a couple of hours later."

The inquiry by the Fresno County Public Health Department into the case of Billy Cordoba was conducted by an investigator in the Division of Environmental Health named R. E. Bergstrom. Mr. Bergstrom, who was then senior sanitarian in the Division (he is now its director), received the assignment within an hour of Dr. Conrad's report to Dr. Hayes on the morning of October 18th. He and a colleague named Tiyo Yamaguchi were at the Cordoba house within an hour.

"We spent the rest of the day out there," Mr. Bergstrom says. "There and around the neighborhood. Mrs. Cordoba told us about the spraying operation near the bus stop. We followed that up and confirmed what she had learned herself. It was a standard cotton-defoliation spray—magnesium chloride and dinitrose. We went through the Cordoba house and the garage out back looking for anything in the way of a garden spray or insect bomb that might include an organic phosphate. Nothing. We examined the family car. Nothing. That left Billy's clothes, and Mrs. Cordoba showed us his blue jeans. She told us about them. They had been bought new about a month before at the salvage depot of the Valley Motor Lines. They were cheap, and she bought five pairs. But Billy had worn only one pair. And he had worn them only twice—to school that day and then to Dr. Conrad's office. I looked at Yamaguchi and he looked at me. We knew we had found what we were looking for. It had only to be proved. We wrapped up the jeans—all five pairs—for laboratory analysis. The Bureau of Vector Control of the California State Department of Public Health has a research station here, and we took the jeans over there the next morning. The first thing we wanted to know was whether they were contaminated. The Bureau had a quick and easy test for that. They breed mosquitoes at the station for experimental purposes, and they simply tossed the worn pair of jeans in with one of the colonies. I tell you, it was a sight to see. Those mosquitoes just curled up and died. It took only fifteen minutes. At the end of that time, every mosquito in the colony was dead. Not only that. There was another breeding colony about twenty feet away, and in about five more minutes all *those* mosquitoes were dead, too. The poison was that volatile.

"The next thing we wanted to know was the identity of the poison. We thought it was an organic phosphate, but was it? There is a color-reaction test that reveals the presence of phosphate. It takes a little longer than the mosquito test, but the Bureau had the chemistry to do it. We left the jeans with them to work on, and drove back into town and down to the office of the Valley Motor Lines. It wasn't a very satisfactory visit. About all we learned was that there had been a sale of blue pants at their salvage depot in September, and that all the jeans had been sold. They supposed the jeans had been damaged, but they didn't know in what way. They didn't know where the jeans had come from. They didn't know the number of jeans in the batch. All company records were stored at their main office, in Montebello, down in Los Angeles County. And, of course, they had no idea who had bought the jeans at the sale. We left them with the understanding that they would recover the relevant records. When we got back to the office, I called our friends at the Bureau of Vector Control. They were a lot more helpful. They had run the color-reaction test, and they had the result. It was positive for phosphate.

"That wasn't any great surprise, of course, but it was crucial. It established that Billy's blue jeans were in fact the source of his phosphate poisoning. All we needed to establish now was the source of the poison. And not just where it came from but also what it was. There are at least twenty-five commercial phosphate pesticides in common use. Like Parathion, for example. And Malathion. And Fenthion and Phosdrin and Diazinon and Dicapthan and Trithion and TEPP. And so on. So it might be easier to find out where it come from if we knew what particular phosphate pesticide we were looking for. Well, that kind of information can be got. It takes a little time, but it's possible by certain tests to identify an unknown phosphate pesticide. The Bureau couldn't do the analysis, but they knew who could—the Division of Chemistry of the California State Department of Agriculture, up in Sacramento. They said they would make the necessary arrangements. We should have a report in a week or ten days. The following day, we looked in at the Valley Motor Lines again. They still hadn't recovered the blue-jeans records. And the day after that it was the same. Apparently, it wasn't easy to get records out of Montebello, And then we heard about Johnny Morales. Dr. Conrad must have telephoned the news to Dr. Hayes. At any rate, we had the simple facts by the morning of October 25th. We went over to the hospital—it's just across the street—and talked to Dr. Warren and to Mrs. Morales, and finally to Johnny himself. Johnny was still pitifully sick, but he had been treated in time with atropine and PAM, and he was off the critical list. His story was Billy Cordoba's story all over again. There was a new pair of blue jeans. They came, like Billy's from the Valley Motor Lines' salvage depot. They carried the J. C. Penney label. So did Billy's. And, as we very soon found out, they were also heavily contaminated with an organic phosphate. Johnny had worn the jeans for the first time on October 20th. He wore them to school that day and got sick around midmorning and was sent home. His mother put him to bed, and in a few days he was well. Then he put on his jeans again and went back to school, and ended up at Fresno General Hospital.

"Johnny's new jeans brought the total accounted for up to six. Mrs. Morales had bought only one pair. We still didn't know how many jeans had been sold in the sale, but it was certain that there were more than that. Dr. Hayes got in touch with all the local media. She called in the *Bee* and radio station KMJ and KMJ–TV, and it was all in the paper and on the air that evening, with a warning about the still unaccounted-for jeans and an appeal to the buyers to bring them in to the County Health Department for examination. The response was immediate, and good. As a matter of fact—although we didn't know it for a couple of weeks or more—it was one hundred per cent. We received a total of ten pairs of J.C. Penney jeans from six different buyers. They represented five families and an institution for children. We checked them out for recent illness and found four cases with much the same clinical picture. Four boys, in four of the five families. They were all recovered now, and they had all been differently diagnosed. Brain tumor was one diagnosis. Another was bulbar polio. One of the others was encephalitis. In retrospect, however, the signs and symptoms were unmistakably those of organic-phosphate poisoning, and when their jeans were tested, that confirmed it. But it was also a little peculiar. Not because they all recovered without specific treatment. That could be explained by light contamination or brief exposure, or both. The peculiar thing was that only those four got sick. What about the fifth family and the institution? They had each bought two pairs of jeans, and the jeans had been worn, but none of the boys who wore them had been even mildly ill. As I say, it seemed a little peculiar—until it turned out that those jeans were not contaminated. And the reason they were not contaminated was that they had been washed. And the reason nobody got sick was that they had been washed before they were worn. Billy and Johnny and the four other boys had worn their jeans the way most kids do. Just as they came from the store."

The transformation of Billy Cordoba's solitary seizure of organic-phosphate poisoning into a looming epidemic also changed the stature of the investigation. It was now imperative that the records of the Fresno blue-jeans sale be recovered from the Montebello office of the Valley Motor Lines, but doing so appeared to be beyond the strength of the Fresno County Public Health Department. Its exhortations did not carry across the state and into Los Angeles County. What was needed was the stronger voice of the California Department of Public Health. Accordingly, on October 26th Dr. Hayes invited that agency to take over the direction of the larger investigation, and her invitation was accepted. It was, however, immediately obvious to the Department of Public Health that in this instance the interrogational powers of a more specialized state agency would be even more compelling. That agency, whose assistance it sought and at once received, was the Public Utilities Commission,

which at that time was charged with enforcing motor-carrier safety regulations.

The Public Utilities Commission's investigation was carried out by members of its Operations and Safety Section. They began their inquiry on October 27th. Six days later—on Thursday, November 2nd—they were pleased to receive from the Division of Chemistry of the Department of Agriculture (by the way of the Bureau of Vector Control of the Department of Public Health) the ultimate test reports on Billy Cordoba's blue jeans. It read, "The stained portion of the jeans contained Phosdrin, 4.8% by weight. The contaminant was specifically identified as Phosdrin by its characteristic infra-red absorption curve. . . ." This was useful information. They now were looking for a particular pesticide. That would make a difference in their progress through the labyrinth of bills of lading, manifests, and invoices. It remained only to link the contaminated J. C. Penney jeans in time and place with a quantity of Phosdrin.

They did so in just two weeks. The chain of circumstances that led to the poisoning of Billy Cordoba and the others had had its innocent beginning some eight months before at Bayly Manufacturing Company, in the nearby town of Sanger. On February 3, 1961, a shipment of Bayly blue jeans—two large bales and a carton—consigned to a J. C. Penney store in Los Angeles was picked up at the Bayly plant by the Triangle Transfer Company, a Sanger trucking firm, and taken to the Fresno terminal of the Valley Motor Lines for transshipment south. Within an hour or two of its arrival in Fresno, the shipment was loaded abroad a Valley Lines trailer with a conglomeration of other freight. This freight consisted of machinery, machine parts, metal pumps, and a hundred and twenty gallons of emulsifiable concentrate of Phosdrin, in one-gallon and five-gallon cans. The Phosdrin was the product of De Pester Western, Inc., a Fresno manufacturer, and was consigned to the Valley Chemical Company, at El Centro, down on the Mexican border.

The Valley Lines trailer left Fresno the following morning with the miscellaneous load, and that evening it reached the company terminal at Montebello, where the Phosdrin was unloaded for transshipment. Two days later, on February 6th, it was put on board a truck operated by the Imperial Truck Lines, a Los Angeles firm, for the final leg of its journey. The Imperial driver made the usual precautionary inspection of his load before signing the delivery receipt, and found that one of the Phosdrin cans had sprung a leak. He traced the leak to a little puncture about three inches below the top of a five-gallon can. After some discussion, he signed the delivery receipt, but noted a formal exception to the shipment on the ground that around a gallon of Phosdrin concentrate had been lost from the punctured can. (How the puncture occurred was never determined, but the loss was estimated in a subsequent claim by the Valley Chemical Company at one and one-eighth gallons, valued at twenty-four dollars and fifty cents.)

Meanwhile, the shipment of blue jeans was delivered that same day by the original Valley Lines trailer to a J. C. Penney store in the Los Angeles suburb of Westchester. A shipping clerk there noticed a dark stain on the paper wrapping of one of the bales of jeans. He asked the driver about it, but the driver didn't know. He had never seen it before. The clerk went in and brought out the manager, and the manager told the Valley Lines driver that a damage claim would be filed if any of the jeans turned out to be soiled. Sixteen pairs of jeans were found to be stained with some unknown oily substance, and a claim for damages was filed on February 8th. The claim was acknowledged by the Valley Motor Lines, and the sixteen pairs of jeans were stored in the J. C. Penney warehouse for pickup by the Valley Lines. They remained there all spring and all summer—until September 6th. Then they were finally picked up and returned to Fresno. On September 19th, they were put on cut-rate sale at the company's salvage-depot store. The jeans by then apparently looked all right. They might also by then have been as safe as they looked. It is possible. Seven months of storage in a warehouse subject to swings of heat and cold and damp and dry might well have caused much of the Phosdrin to volatilize and vanish. But the J. C. Penney warehouse was a new and modern warehouse. It was air-conditioned.

The Public Utilities Commission's report of these findings to the State Department of Public Health ended on a reassuring note. It concluded, "The staff's investigation of the personnel records and waybills of the two carriers involved failed to disclose any evidence of employee illnesses on the days in question or subsequent thereto, and failed to disclose any evidence that foodstuffs or other personal effects, including clothing, had been contaminated."

The Commission's report was not, however, the end of its interest in the matter. It at once instituted an investigation into the general operations, safety practices, equipment, and facilities of the Valley Motor Lines and the Imperial Truck Lines, and on February 14, 1962, a public hearing on the results of that investigation was held at Fresno. Both companies were found guilty of carelessness, and admonished and fined. The Valley Lines was fined five thousand dollars—the maximum penalty—and the Imperial Lines was fined twenty-five hundred dollars.

A DEMOCRATIC PARTY STATE OF THE UNION PROGRAM

Mr. SCOTT. Mr. President, I was privileged to hear the state of the Union program put on yesterday by our friends in the Democratic Party. And I was proud of them, for, though Democrats, most of the points they made had a distinctly Republican flavor. We heard them talking, for instance, about the high cost of living and high interest rates—all brought about by 8 years of Democratic mismanagement.

We heard them talk about the high cost of defense, which went up and up and up under the costly cost-effectiveness programs of Robert McNamara, and which is coming down under a Republican President and a Republican Secretary of Defense. We heard them talk about pollution, virtually ignored under 8 years of Democratic administration, but one of President Nixon's highest priorities. We heard them talk about the poor and the hungry. I recall their talking about the poor and the hungry also in 1960 and 1964 and 1968. I do not recall that their trickle-down, topheavy programs worked very well. We have had much talk in the last 8 years and a lot of money spent on wasteful and ineffective programs. Now a Republican President is working on new approaches and sensible programs, I am looking forward to seeing how well a Democrat-controlled Congress cooperates.

We heard them talk about crime in the streets, but it is the mollycoddling of criminals by law enforcement officials that is at least partly responsible for the rise in violent crime, and it is the Democrats' failure to pass President Nixon's crime package that has hampered the war against crime in the last year. And we heard them complain about the President's refusal to spend money on poorly planned, porkbarrel education programs that snowballed without reason in the 1960's. But they did not point out that $40 billion in tax moneys and another $16 billion in nontax moneys is spent on education in these United States annually.

Finally, we heard them talk about how they are acting responsibly in the field of Federal spending. I congratulate them on that. It is about time. The horse is nearly out of the barn.

But I must admit that the program was a bit confusing overall. Our Democratic friends seem unable to separate the problems of the city from the county, the county from the State, and the State from the Federal Government. Nor are they able to separate the ineffectiveness and lack of vision of yesterday's Democrat administrations and Democrat Congresses from the concerns and programs of today's Republican administration and Republican Members of Congress.

Their state of the Union message, in sum, is an itemization of their own failures and the inadequacies of their own answers.

Confession, apparently, is good for the soul of the entire Democratic Party.

Mr. President, this is the first time a petition in bankruptcy was ever filed in living color.

NOMINATION OF JUDGE CARSWELL

Mr. MONDALE. Mr. President, on January 30, I announced my opposition to Judge Carswell's nomination. Any remaining doubts I might have had about my inability to vote for Judge Carswell would have been dispelled by testimony in the last few days of the Judiciary Committee hearings on the nomination.

The evidence that civil rights litigants repeatedly were denied a fair hearing in Judge Carswell's court has already received wide attention. The distinguished Senator from Massachusetts (Mr. KENNEDY) has placed some of this testimony in the RECORD. These facts are there and speak loudly for themselves.

The testimony to which I refer confirms the second main defect of this nomination: the nominee's utter lack of distinction—as a lawyer or judge. An appointee to the Supreme Court must be a man of significant stature at the bar or bench. Judge Carswell is not.

His proponents cannot confuse the issue. It is not a matter of scholastic pedigree. Nor are voluminous scholarly writings a prerequisite. The history of the Court and its great Judges makes this clear. The question is simply this: Has Judge Carswell, whom a distinguished student of the Supreme Court found the least qualified nominee in this century, demonstrated one iota of distinction beyond the ordinary? Has Judge Carswell shown any measure of outstanding legal ability or judicial temperament worthy of the Supreme Court. Sadly, he has not.

Most telling of all, perhaps, was the testimony of a distinguished professor of constitutional law who not only supported Judge Haynsworth but who testified on Judge Haynsworth's behalf. He

concluded that Judge Carswell's record contrasted poorly with Judge Haynsworth's as to judicial ability and legal competence and fell far short of the mark to be set for our Highest Court.

Mr. President, so that Senators may have the opportunity to review their remarks, I ask unanimous consent that the testimony of Prof. Van Alstyne, of Duke University Law School, and Dean Louis Pollak, of Yale Law School, be printed in the RECORD.

There being no objection, the testimoney was ordered to be printed in the RECORD, as follows:

TESTIMONY OF PROF. WILLIAM VAN ALSTYNE
DUKE UNIVERSITY LAW SCHOOL

Mr. VAN ALSTYNE. Thank you, Mr. Chairman, Senator Bayh.

My name is William Van Alstyne, and I am a Professor of Law at Duke University where I have taught constitutional law and related seminars on the Supreme Court since 1965. Prior to that time, I was Professor of Law at Ohio State University where I taught courses in constitutional law from 1959 to 1964. I have also been a visiting professor at Stanford University Law School, U.C.L.A. Law School, the University of Denver Law Center, the University of Mississippi, and a Senior Fellow at the Yale Law School.

I have written approximately thirty articles in the field of constitutional law published in various professional journals including the Harvard, Yale, Stanford, and Michigan Law Reviews. A member of the Supreme Court Bar and admitted to practice in California, I have participated in constitutional litigation in the United States Supreme Court and the federal district courts and court of appeals for the fourth judicial circuit, either as an amicus curiae or as assigned counsel on contested issues of constitutional law.

Prior to entering academic life in 1959, I served in an Attorney honors program in the Civil Rights Division of the United States Department of Justice, following a brief period of service as a Deputy Attorney General for the State of California. My academic degrees are from Stanford University (LL.B. 1958, Order of the Coif, Articles Editor of Law Review) and the University of Southern California (B.A. 1955, philosophy, magna cum laude).

I mention these matters because I too am a volunteer in these hearings, and have no pretension about my own prestige, and have tried to establish in an appropriate fashion at least some professional basis for appearing before you this afternoon.

I have in addition previously served as Consultant to the Senate Subcommittee on Separation of Powers, under Senator Ervin, and I am currently General Counsel to the American Association of University Professors and a member of the Board of Directors of the North Carolina Civil Liberties Union, an affiliate of the A.C.L.U.

This afternoon, however, I appear purely in a personal capacity. A short time ago, as you gentlemen recall, this committee was asked to report to the Senate its recommendations as to whether the Senate should consent to the nomination of Judge Clement Haynsworth as Associate Justice of the Supreme Court. At that time, I felt some obligation to file a Statement because of a professional familiarity with Judge Haynsworth's judicial record which I believe might be of assistance to the Senate. I was prompted to appear as well because of a substantial belief, formed only after a review of Judge Haynsworth's Opinions and decisions.

During 12 years on the Court of Appeals that the extent of the criticism then being made by others was not in fact justified. While it was not possible to review and to report on any large number of Judge Haynsworth's decisions in my field statement, I did attempt to examine a sufficient number fairly to reflect in my Statement what I believed to be of principal interest to this Committee and to the Senate.

On that basis, I concluded that Judge Haynsworth was an able and conscientious judge, that his decisions manifested a greater degree of judicial compassion within the allowable constraints of proper discretion than others had taken the care to acknowledge, and that even in instances where I could not personally find agreement private or professional with a particular result, I could nonetheless see from the quality of the opinion that that result had been arrived at with reassuring care and reason.

In the little time available prior to this hearing, I have sought to review Judge Carswell's work in an equivalent fashion. My impressions are sharply different from those I held of Judge Haynsworth, however, even without regard to additional circumstances, which have made this an extraordinary case.

Reference has been made to an earlier published statement by Judge Carswell in 1948. I would agree with those who believe that unless that statement can be significantly discounted by clear and reassuring events since that time, 20 years ago, it would be uniquely inappropriate for the Senate to consent to his nomination as an Associate Justice of the Supreme Court. But an examination of his decisions and opinions as a district judge since that time, even laying his earlier statement entirely aside, provides no feeling for a basis of reassurance whatever.

Again, without beginning to exhaust all that might be mentioned in this regard, a brief review of several particular cases may illustrate the lack of any reassuring quality in the opinions or result, with regard to this controversial matter.

Particularly in the case of Due v. Tallahassee Theatres, Inc., for instance, several Negro plaintiffs sued to enjoin an alleged conspiracy by the local sheriff and others to perpetuate segregation in public facilities by means of harassment and discriminatory law enforcement against blacks.

The decision by Judge Carswell granting summary judgment in favor of the sheriff without a hearing was reversed in the court of appeals on grounds that it was "clearly in error," that the allegations readily supported a cause of action under various civil rights acts and pre-existing Supreme Court decisions, and that a hearing should have been held.

In Singleton v. Board of Commissioners of State Institutions, suit was brought by four Negro children sent to a segregated institution after conviction for participation in a sit-in, to enjoin that segregation and to have the state statute requiring such segregation declared unconstitutional. The suit was dismissed as allegedly being moot by Judge Carswell, but the court of appeals reversed in an Opinion further indicating that relief on the merits should have been granted to the plaintiffs.

In Dawkins v. Green, Negro plaintiffs sought to enjoin police and municipal officers from seeking to enforce certain statutes on a discriminatory basis to intimidate and harass Negroes, and to prevent them from exercising certain constitutional rights.

Without holding any hearing to provide the plaintiffs an opportunity to establish that the officials were in fact acting maliciously and in bad faith, Judge Carswell granted summary judgment against the plaintiffs based only on conclusory affidavits submitted by the officers.

Again the court of appeals reversed, holding that this peremptory use of summary judgment was in error, and remanding the case for a hearing on the merits.

In Steele v. Board of Public Instruction, Judge Carswell accepted an extremely grudging desegregation plan submitted by the county in 1963 and approved its continuing operation in 1965, to be reversed by the court of appeals on the basis that the plan was constitutionally inadequate.

In Augustus v. Board of Public Instruction of Escambia County, suit was brought on behalf of Negro children to enjoin segregation in the county schools and racial assignment of the teachers. Judge Carswell's Opinion manifested a severely restricted interpretation of the Supreme Court's Opinion in Brown v. Board of Education, concluding that it applied only to the segregation of children, not the teachers, finding no basis at all for the proposition that the racial assignment of teachers may also violate equal protection owing the students, and he denied them an opportunity to establish that systematic racial assignment of teachers may obviously bear on the quality of the student's own education.

In reversing, the court of appeals held that it was error not to allow the plaintiffs an opportunity to show to what extent they may be injured by racial segregation of teachers.

Let me interrupt my prepared statement at this point to point out that when the identical issue came before Judge Haynsworth he as the Fifth Circuit judge of course recognized that the students were in a suitable position to contest that issue and granted full relief on the merits.

In a companion case brought before Federal district court Judge Simpson in the middle district of Florida on the same issue Judge Simpson also recognized that that was the point.

In short, gentlemen, Judge Carswell's opinion on this issue stands unique as a severe and restrictive and subsequently reversed interpretation on a principal point of constitutional law.

Senator BAYH. To put this in proper perspective, since we are talking about the fourth and fifth circuits on this case you say Judge Carswell exactly contrary to what another Federal district judge in Florida held, and contrary to the fourth circuit?

Mr. ALSTYNE. That is correct.

Senator BAYH. And the interesting thing, am I correct in saying, that the cases that you have cited, four, are cases that he held while he was district court judge and they were subsequently reversed not by the Supreme Court but by the Court of Appeals?

Mr. ALSTYNE. That is correct. It is correct also of course that there are several cases in which relief was not denied to plaintiffs suffering injury from unlawful racial discrimination (see, e.g., Brooks v. City of Tallahassee, 202 F. Supp. 56 N.D. Fla. 1961, Pinkney v. Meloy, 241 F. Supp. 933 N.D. Fla. 1956). They have been repeatedly mentioned here, see the Air Terminal and Barber Shop cases.

Senator BAYH. Are there others that have come to your attention?

Mr. ALSTYNE. Respectfully, Senator, those were the only two that I was able to find in 72 hours of research. It is also possible that opinions were overlooked in that these cases are nowhere indexed by judges named.

Senator BAYH. If you find others, I do not speak for the whole committee, I would hope you would bring those to our attention as well.

Mr. ALSTYNE. I would wish to do so in any case from a private sense of responsibility to this committee. Respectfully however, while relief was not denied in these cases, it was only in circumstances where heavily settled higher court decisions and incontestably clear acts of Congress virtually compelled the result, leaving clearly no leeway for judicial discretion to operate in any other direction.

I would respectfully invite the committee's particular attention to the particular opinion to establish that conclusion.

More disturbing in the cases generally and by generally I mean not to restrict myself to the area of race relations at all, although intrinsically far more difficult to illustrate in the nature of the shortcoming, there is simply a lack of reasoning, care, or judicial sensitivity overall, in the nominee's Opinions.

There is, in candor, nothing in the quality of the nominee's work to warrant any expectation whatever that he could serve with distinction on the Supreme Court of the United States.

It is, moreover, in this context and on the basis of this subsequent record that the Senate must resolve fair doubts in assessing the significance of an acknowledged statement made by the nominee under public circumstances, as a mature man of twenty-eight years, with a graduate education in the law and experience in business affairs, now to be considered for the highest judicial office in the United States. This is not the time, in this public room, for any of us to weigh these words for all their impact. Rather, it is for each of you to go to some private place, to read these words again, slowly and aloud, listening again, then to decide the future of the Supreme Court and the advice of the Senate:

"I yield to no man, as a fellow candidate or as a fellow citizen, in the firm vigorous belief in the principles of white supremacy and I shall always be so governed." (G. Harrold Carswell)

Senator THURMOND. Any questions, Senator Bayh?

Senator BAYH. This is from one Senator's standpoint a damning piece of testimony, offering the judge's——

Mr. ALSTYNE. Senator, I have not come here to damn Judge Carswell. I do not know him personally.

Senator BAYH. Perhaps I should use another word than damning.

Mr. ALSTYNE. No, but I merely wish to volunteer this observation if I could. It was really after a great deal of personal agonizing that I decided to appear at all. I was concerned, however, that with the relative brevity of time for others to make some systematic and professionally responsible review of the judge's decision there might be no one else who could attempt to advise members of this committee in terms of your own question, Senator, whether there were reassuring events in this 20-year hiatus of time, so that one could honorably, as I should want to do as well, wholly dismiss and discount the utterance of 1948.

Senator BAYH. I want to tell you, Professor, I have been searching for those. I have been hoping that we can find them. You were attorney general, assistant attorney general in the Civil Rights Division of the Justice Department. At what time?

Mr. ALSTYNE. In the year 1958–1959.

Senator BAYH. That was during the Eisenhower administration?

Mr. ALSTYNE. It was.

Senator BAYH. Deputy attorney general in the State of California?

Mr. ALSTYNE. Yes, sir.

Senator BAYH. A member of the Bar?

Mr. ALSTYNE. Yes, sir.

Senator BAYH. Magna cum laude from the University of Southern California. Those are pretty impressive credentials, and I would assume that those credentials plus your sincerity indicates very well you do not take the analysis that you have given us lightly.

Mr. ALSTYNE. Not at all.

Senator BAYH. May I ask just one question, the same question that I asked of a previous witness. Do you make a specific comparison between the Hugo Black example and the Judge Carswell example?

Mr. ALSTYNE. I can and I think it is in three dimensions rather than two. I agree with Professor Orfield and his distinctions and would want to add additional observations about reassuring events, aside from his nominal affiliation with the Klan.

As county prosecutor of Bessemer County in Alabama, Hugo Black prosecuted the mayor and chief of police for extorting confessions from Negroes. That is a reassuring event in my mind. As a United States Senator, he had ample opportunity to take a political position under very public circumstances on a variety of constitutional and civil liberties issues. In one case, for instance, he voted against the Smoot-Hawley tariff, a very complicated bill, and primarily on the basis that it gave a certain power to one of the customs masters to screen out certain forms of writing from the United States, that is to say his was the first amendment objection.

This matter was carefully reviewed by people of politically liberal persuasion at the time, and they did find a repeated series of reassuring events at this time, so as to indicate that at the very worst then Hugo Black's affiliation with the KKK was one of convenience, given their overwhelming political control of the area, but neither by public utterance nor by private conduct nor by subsequent participation in the United States Senate or otherwise in public or private life was there lacking the presence of reassuring events or any presence of things more detrimental.

There is, however, a different distinction as well, Senator. 1948 is not 1933. The race issue was not a major issue in 1933. The affiliation of convenience may not speak particularly well of a man, but it is by no means as serious a matter as it was in 1948. Civil rights legislation was before Congress. That was after all the context of the political controversy.

The President had just desegregated the military in which Mr. Carswell himself had been matured in part. The Nation had just then read President Truman's special report "to secure these rights." The issue was now central, the occasion to reflect was far better provided than in 1933. We also have to look at the situation in terms of distinction in point of time.

When Senator Black was before this form of committee for confirmation on the Supreme Court and the relative unimportance although I say that with regret, the relative unimportance publicly of the race issue, and the posture of the Supreme Court, and the difference in quality today.

If the Warren Report will be historically a monument, it will probably be principally because it at least gave that initial push to the momentum of concern in the United States dating from 1954. There has been in my view a unique and admirable unanimity on this crucial question since that time.

I can think of no more regrettable insult to the Warren Report, unless the committee is virtually reassured that this was merely a forgivable incident, and can find those reassuring events. In the absence of that kind of evidence I tell you in all respect that it will be a major insult to the legacy of the Warren Report if this nomination is confirmed.

I find no similar situation under the circumstances of the confirmation of Senator Black.

Senator BAYH. Thank you. I have no further questions.

I would like to point out that I am sure that this has been no little inconvenience to you, Professor, and I am grateful.

Mr. ALSTYNE. I appreciate the opportunity very much.

Senator BAYH. Let me just make one observation. This is particularly revealing to me because we did not see eye to eye on the previous nominee. I was struggling with a different subject on that, but you have obviously given this a great deal of attention.

Senator THURMOND. The Senator from Indiana did not listen to your testimony in the Haynsworth case but it seems he is very interested this time.

Senator BAYH. Neither did the Senator from South Carolina prove his consistency, and I imagine the record will show that.

Senator THURMOND. It looks like the professor is going to lose both times.

Mr. ALSTYNE. Well, with regard to Senator Bayh's predicament at least I am reminded of a recollection of Justice Frankfurter who said that it is so seldom that wisdom ever comes. We ought not to be reluctant, though it comes late.

Senator THURMOND. Thank you again.

TESTIMONY OF LOUIS H. POLLAK

Mr. POLLAK. Mr. Chairman, my name is Louis Pollak. I very much appreciate the opportunity extended to me to speak with respect to the nomination of Judge Carswell. I am a lawyer a member of the Bars of Connecticut and New York, and of the Supreme Court. I have been for the past almost 15 years a teacher of law at Yale and for the last four years I have been Dean of that law school. I am a member of the Board of Directors of the NAACP Legal Defense Fund, which reflects my long-standing interest in constitutional law and particularly the constitutional law which relates to the protection of equal rights, and I am a member in addition to being a member of other bar associations, I am Chairman Elect of the Section of Individual Rights and Responsibilities of the American Bar Association.

But my appearance here I must of course emphasize is entirely individual. I speak for no organization at all, nor do I speak for the school with which I have the privilege of being associated. This is an entirely personal presentation, and it is a personal presentation which arose out of my own professional concern and citizen concern for the development of our constitutional law under the aegis of that extraordinary innovation in government which is the United States Supreme Court.

When the President nominates and the Senate confirms an Associate Justice of the United States Supreme Court, it does an awesome thing. The President and the Senate in combination are entrusting a fair measure of the Nation's future to the man or woman, one can hope that in due course it may be a woman, who sits on that court and participates in the shaping of our fundamental institutions. And so the question I urge upon this committee, the question before this committee and ultimately before the United States Senate, with respect to every nominee for the highest court in our land is inescapably in the last analysis is the nominee a lawyer qualified on giving promise of being qualified to sit on the bench on which Mr. Justice Black now sits, on which Frankfurter and Warren sat, on which Hughes and Holmes and Brandeis sat, Field and Miller and Taney and Marshall. That is the question which must be asked with respect to a nominee for the highest court in the land.

When I first learned of the nomination of Judge Carswell, I must confess some astonishment that a lower court judge, who after a period on the District Court of some years and so very brief a passage through the Court of Appeals, was now to be placed on the United States Supreme Court, was a course of elevation that I had to think back some time to find an analogy for, and the only analogy in our recent judicial history was the not very encouraging one, and I say this with regret, of Mr. Justice Whittaker, whose passage through the Court of Appeals was equally brief and whose stay on on the United States Supreme Court was disappointing. But with deference to Mr. Justice Whittaker, it must be said that he was a nominee who before he went on the federal bench at all had distinguished himself greatly at the Bar, as he is now again leader of the active bar.

With respect to Judge Carswell, from what

little I knew of him at hearsay and from the press, there was no such background of demonstrated achievement whatsoever. One gathered from the newspapers, of course, that he had given a speech, a deeply deplorable speech which he now regretted, but there was nothing in the record that suggested that here was a lawyer and judge whose light had been hidden under a bushel not of his own devising.

My concern at the nomination, for I felt maybe it was simply that I knew too little about him, was greatly heightened last week, Mr. Chairman, in reading press accounts of the testimony of scholars who happened to be men whom I know, and know well, and for whom I have the highest regard, who seemed to know at first hand, and from their acquaintance with the judge's work, that indeed the record was a very limited one; that indeed, as has been suggested by the testimony of Mr. Harris just before me, of Congressman Conyers before, that here was a nomination which was far more easily explained not on the basis of professional excellence but on the ground that here was a nominee who was a Republican and a Southerner, and a Republican and a Southerner marked in his judicial career by lukewarmness at best on the fundamental issues of Civil Rights.

I believe Mr. Fred Graham of the New York Times has put it that the judge's opinions are marked by a lack of zeal with respect to Civil Rights.

Now I urge upon the committee that I in no way object to a President giving weight in the selection of a judicial nominee to geographic and indeed political considerations, but one should add a Republican and a Southerner to the Court by itself seems to me a continuity with what is certainly in our regular tradition of judicial appointment, and it is the kind of criterion of diversity geographical and philosophic which strengthens the Court when rightly applied, that is to say when rightly applied in the direction of appointing a man who at a minimum presents the highest professional qualifications and the kind of promise of performance on the highest court suggested by the ringing roster of those who have been the leaders of that Court.

But when one adds to the criterion of Republicanism and Southernism the criterion of lukewarmness on the greatest issue confronting our nation and perhaps our world today, failure to meet which forthrightly has caused what are perhaps our most perplexing and profoundly disturbing problems, then it seems to me we have to take a second look.

It was at this point that the profound professional concerns of Professor Van Alstyne, Professor Lowenthal, what I had heard of Professor Clark's views led me to feel that, arrogant as perhaps this seems, I wanted to come before this committee and express my deep concern. But also I felt that I owed it to this committee to make what assessment I could, in a very limited time, namely over this weekend, of as much of the judge's work as I could, and I have read for many hours some four or five years of the judge's cases on the District Court running from '69 back to '65, to get a sense of the general flow of the cases he decides, not alone those in the highly controversial areas of Civil Rights, and the related areas of habeas corpus to which some attention has been paid at great length, and properly so before this committee.

I would report to you that on a canvass of the opinions which I have had the opportunity to read, and I don't begin to suggest that I have read the entire range of his work or indeed his opinions on the Court of Appeals, there is nothing in these opinions that suggests more than at very best a level of modest competence, no more than that, and I am talking now about the general run of contract, of tort, of federal jurisdiction, of tax cases, the run of cases which a District Judge has before him. I will have a special word in a moment for the particular areas of judicial concern to which so much testimony has been given.

One element which concerned me as I read his opinions was a repeated use of dispositive techniques which avoided hearings. The motion for summary judgment granted, the striking of the pleading—these are techniques which properly used can be extremely helpful in terms of economy of judicial time. But where overused quite obviously they have the effect of frustrating the litigation, the actual litigation with live witnesses of real issue.

And then I saw the same theme emerging in the Civil Rights cases and in the habeas corpus cases to which considerable attention has been paid.

The Tallahassee Theater case, for example, which Judge Carswell found presented a wholly inadequate complaint, one not worth pursuing to litigation, only to be reversed by the Court of Appeals for the Fifth Circuit, found it almost a classic statement of a conspiracy to deprive plaintiffs of their constitutional rights.

In the field of habeas corpus not much has been said about this, but it happens to be an area of special professional interest to me, I was particularly struck by failures there by District Judge Carswell to hold hearings in the face of allegations which plainly so it seemed to me would, if substantiated, constitute denials of fundamental principles of due process of law.

I make this point particularly in the light of an admonition, a very important admonition which Senator Hruska put to us earlier today I think, that in judging a judge, one must in fairness judge him in the light of the law as it stood at the time he decided, not in the light of our later, more comprehensive notion of what the law should have been and later became.

In the light of that standard, what the law was at the time the cases were before it, I submit there is very little way of explaining Judge Carswell's successive decision in two habeas corpus cases, the Dickie case in which there was a reversal in 345 Fed 2d 508, and Baker vs. Wainwright, again a reversal at 391 Fed 2d 248. Both of these cases, though I have characterized them as habeas corpus cases, to be more precise they were applications by federal prisoners under Section 2255 of the United States Code for release from custody on the ground that they had not had counsel. I misspoke myself, if I may, Mr. Chairman, with the first citation. It should have been the Meadows case 282 Fed 2d 942 and the Dickie case 345 Fed 2d 508.

These two cases were virtually identical. In both cases a federal prisoner alleged that he had pleaded guilty to a federal information, and waived counsel at a time when he was mentally incapacitated. In the Meadows case Judge Carswell dismissed the application without a hearing. He was reversed by the Court of Appeals of the Fifth Circuit in 1960, 282 Fed 2d 942.

In the Dickie case, virtually the same application was made to him by another federal prisoner. Again, and years had passed. Judge Carswell denied the application without a hearing and the Fifth Circuit reversed five years later, 345 Fed 2d 508.

I put those cases to the committee in the very terms in which Senator Hruska asked us to consider the Judge's handwork. How did he deal with the problem in which he knew the existing law because the existing law had been made for his circuit by reversal of his own prior decision. Comparable cases which I find of particular difficulty are Baker and Wainwright to which I referred, 391 Fed 2d, Brown vs. Wainwright in 394 Fed 2d. These were cases involving, the first of them involving lack of counsel on appeal of a state court conviction. No hearing was held by Judge Carswell, notwithstanding the fact that the United States Supreme Court had years before, as the Fifth Circuit pointed out, said repeatedly this was a constitutional requirement.

Brown against Wainright was a confession case testing the voluntariness of a confession. Harris vs. Wainright at 399 Fed 2d raised questions of the competence of the applicant to stand trial and whether indeed he had been sane at the time of the alleged offense. In none of these cases did Judge Carswell hold a hearing. Each time he was reversed by the Court of Appeals and a hearing directed.

If the committee please, these are cases perhaps more modest in dimension than the Civil Rights cases to which much attention has properly been given. The constituents of habeas corpus cases are not people of influence. They are many of them ignoble, unworthy by the ordinary standards of our market. But they are people to whom our Constitution owes vindications of its principles. It is only if the rights of the worst of us are protected, the New York Court of Appeals pointed out in the Gitlow case almost half a century ago, that the rights of the best of us will survive.

And in these instances, a district judge so it seemed to me was failing to follow clear mandates of the court above him in failing to explore applications plainly alleging serious constitutional deprivations.

Before I leave these cases, if I may I would like to say a word hopefully to clear up a problem which seemed to me to obscure much of this morning's discussion with respect to removal procedures. I gather it was the thrust of Senator Hruska's questions that in his understanding a district judge had to approve a removal application. With all deference I think that is not the case. Removal under the Federal System is an automatic process. Removal is effectuated when the lawyer files the paper of removal. There is nothing the district judge has to do at that stage of the litigation. The district judges offers with respect to removal comes only if there is an application to remand the case to the State court, and the issue so much discussed this morning of the procedure followed in one of the cases about which Mr. Lowenthal testified, the issue is not I submit settled by Senator Hruska's observation that the Fifth Circuit's Peacock and Rachel decisions were later overturned by the United States Supreme Court.

If one were following out that problem as to whether removal were proper in the case described by Mr. Lowenthal, that is to say whether a district judge should have remanded those cases, if one were pursuing that legal issue, one would be exploring a very subtle problem, and I don't offer you any firm judgment on the result one way or another, but a very subtle problem as to whether the case which Mr. Lowenthal was seeking to keep in the federal court was closer akin to the Rachel case than the Peacock case, two cases decided by the Supreme court of the United States at the same time.

A plausible argument certainly could have been made that this was of the Rachel variety. But I think the critical point, the critical point if I understand the concerns which Mr. Lowenthal and those associated with him have, was that Judge Carswell with respect to that very difficult problem, even more difficult perhaps at the time because the Supreme Court had not yet thrown light on the area, that Judge Carswell, when there was no application for remand before him, remanded the cases on his own motion and without a hearing, and at a minimum the issues tendered by a properly filed remand motion were serious legal issues which should have required a conscientious hearing, just as indeed the habeas corpus cases and some of the Civil Rights cases to which I have referred

which the Judge disposed of on the pleadings or by summary judgment only to be reversed later were cases which required a hearing.

I submit to the committee that in nothing that I have read of the judicial work of the nominee are there any signs, and I say this with great deliberation, aware of the importance of what I am saying, there are no signs of real professional distinction which would arise one iota out of the ordinary. On the basis of the nominee's public record, together with what I have read of his work product, I am forced to conclude that the nominee has not demonstrated the professional skills and the larger constitutional wisdom which fits a lawyer for elevation to our highest court. I am impelled to conclude with all deference, I am impelled to conclude that the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century, and this century began as I remind this committee with the elevation to the Supreme Court of the United States of the Chief Justice of Massachusetts, Oliver Wendell Holmes.

If I am right in what I have said, or if I am even close to right, and whether I am close to right I think itself probably requires, in deference to the Judge himself, far more study than I myself have had a chance to do in a very limited time of his judicial work. I am only testifying from what I have read, but if I am close to right, I suggest that in this setting, this committee must consider carefully the implications of appointing to the Supreme Court a judge known not to be zealous, again to use Mr. Graham's understatement, not to be zealous about Civil Rights, for it begins to appear, I submit, that what distinguishes this nominee from other Southern Republicans the President might have put forward, and I cite the examples which Mr. Harris gave, Judge Brown, Judge Wisdom, with them I might rank Judge Frank Johnson of Alabama. What distinguishes this nominee from judges of that calibre is on the one hand a particular form of judicial conservatism of which the trade mark is the nominee's lukewarmness with respect to the enforcement of the guarantees of the Bill of Rights, not alone but particularly in the Rachel field, and on the other hand the nominee's far less substantial professional qualification for a place on our highest court.

In this context I would ask the committee to address once again the significance of the nominee's now notorious speech of 1948, a speech which he I am happy to say has forthrightly repudiated. I do not think, I would add that I have never thought that the 1948 speech standing alone irretrievably disqualified the nominee, but what that spech did do was to sharpen the question which this committee and the Senate faces with respect to every nominee before the Supreme Court. Has the nominee given evidence of the highest level of professional and public responsibility save only the Presidency, which lies within the gift of the American people. That is the question which is sharpened, put in sharper focus by the 1948 speech.

Here the question is sharpened in the sense that, confessively, this nominee began his professional career with a set of beliefs wholly antithetic with the central purposes of our constitutional democracy. It might be possible to surmount such a handicap. There has been discussion by prior witnesses and by members of this committee of the example of Mr. Justice Black. The analogy is certainly not a complete lie. The Justice did have a connection with the Klan, but at very much the same time he was himself a lawyer emphatically and vigorously representing black citizens of his own state.

More to the point of course, before Justice Black was called to the Supreme Court of the United States, he had become a figure of national consequence, well known. There could hardly be doubt of what his basic principles were when he was appointed to the United States Supreme Court 33 years ago.

One might, I suppose, go back to the elder Justice Harlan. That distinguished Justice was, it is hard to remember it, but he was an outspoken foe of the 13th Amendment to the Constitution; and yet before the Justice came to the court, he too had become a figure, a great public figure of distinction, and one whose own public views were clearly transformed into commitment to and support of the fundamental principles of the post-Civil War amendments, and so he lived to be the Justice who dissented with such distinction in the Civil Rights cases in Plessy vs. Ferguson.

Can we find in the present nominee any comparable demonstration? To ask the question as Mr. Chief Justice White is wont to say is to answer it.

I wish the committee to understand that I do not question Judge Carswell's good faith in repudiating a speech which he and which all of us I am sure are ashamed. What I ask is what symbolism would attach to Senate confirmation as Associate Justice of the Supreme Court of the United States of a lawyer whose later career offers so meager a basis for predicting that he possesses judical capacity and constitutional insight of the first rank. What symbolism, I ask, and in answering the question I remind you of the dictum of the late Mr. Justice Jackson. One takes from a symbol what one brings to it.

I put it to this committee that if the nominee's unfortunate speech, and I say this advisedly, if that speech had been an attack on Jews or an attack on Catholics, his name would have been withdrawn within five minutes after the speech came to light. We are asked to ignore the speech he actually gave, a speech declaring in effect that America is a whites only country. We are asked to ignore it as a youthful indiscretion, just the kind of thing one had to say if one wanted to get ahead in Florida politics vintage 1948.

I submit with all respect that to confirm the nominee on this record is to make a statement of a different sort. That lukewarmness to the rights embodied in the Constitution, and most especially rights of black people is not just Florida politics vintage 1948 but American politics vintage 1970, and on that reckoning it is not Judge Carswell who is accountable, not his good faith which is in question. What is called into account is the constitutional commitment of the American people today, and most particularly of the United States Senate, because it is in your hands, you as Senators of the United States. It is you who must choose whether to consent to this nomination.

One gets out of a symbol what one brings to it even if that symbol is our highest court, even if that symbol is the Constitution of the United States to which we all owe true faith and allegiance.

Thank you.

Senator KENNEDY. Thank you very much, Dean. We appreciate very much your comments on this. I know you have been here for a long day, and I want to tell you how much we welcome your remarks. You said that you are an officer of the Section of Individual Rights and Responsibilities of the American Bar Association, but you do not speak for the Association or the Section. Can you tell us why that Section doesn't express itself on Supreme Court nominations, if it has a strong opinion?

Mr. POLLAK. Well, I am a relative novice with respect to the constitution dynamics of the ABA, Senator, but I believe that the section, a section would not be regarded as having any standing to speak to an issue of judicial qualification, since there is a committee, Judge Walker's committee, which reports as I understand it to this committee its views on that issue, so it would be essentially a jurisdictional problem.

Senator KENNEDY. Don't you think your section would be able to bring a rather different and unique slant in terms of the qualifications of the nominees? Don't you think that would be valuable and helpful for certainly members of this committee and the members of the Senate to have?

Mr. POLLAK. Well, if we were entitled to express a view, I would hope it would be a view worth your having. I do not for a moment though, Senator, I do want the record to be very clear on that, I do not for a moment want any confusion to arise with respect to my own agency in that matter. I am in no way speaking for the section or for any other member of the section. I have not consulted any other member or officer of the section with respect to my remarks, just as I have consulted nobody in the various other organizations, the university with which I am affiliated in that sense.

I would think, and perhaps this is really more directly responsive to your question, I would think that there were many members, many individual members of the American Bar Association, and many individual attorneys not members of the American Bar Association, but certainly I can think of many in the Association whose views as to a particular nomination might well not correspond with the views which are formally rendered to you. I think that is perhaps all I should say with respect to that.

Senator KENNEDY. In your opinion, based upon your research, review of these cases, and given your own rather extraordinary background, and the fact that you are dean of one of the great law schools in our country today, are you prepared to make any kind of comment in terms of, or how would you characterize the judge's decisions in terms of civil rights issues?

Mr. POLLAK. You understand, Senator, that I am responding only in terms of the cases which I have read. I do not know the judge, and so this is a purely consumer response.

Those cases I have read, in which he has written in the area of civil rights, seem to me cases marked by on the whole a very restrictive view of the rights protected by the Constitution. Examples which seem to me relevant here are the Escambia County School case, I believe it goes by the name of Augustus vs. Board of Public Instruction, about which Professor Clark gave some testimony, the unreceptivity of Judge Carswell to the proposition that school segregation was more than a question of the allocation of students by race, but also ran to the question of faculty segregation. Judge Carswell's unreceptivity to what seemed such an obvious and fundamental proposition seem to me astonishing.

It is of interest incidentally that that litigation was commenced on behalf of the plaintiffs with two lawyers as counsel for plaintiff who now grace the Federal bench, Judge Motley and Mr. Justice Marshall, but they had gone on to their judicial careers before that long litigation was completed, before the rights they sought to protect at the bar were vindicated.

Again it seemed to me that Judge Carswell's difficulty with the proposition that a reform school also had to be desegregated, that seemed to me a curiously narrow view of what constitutional rights were to be protected for black people. I am aware of course that there are at least two cases, there may be more, but this is the Barber case in which Judge Carswell did direct compliance with the 1964 Act, and there is the Tallahassee Airport case.

These stand out from my point of view in rather signal and lone exception to the other cases in which the judge was so frequently reversed by the court above him.

Senator KENNEDY. I have no further questions.

Senator TYDINGS. Mr. Chairman, I have no questions other than to ask the distinguished witness is it my understanding that you testified that in your judgment that the nominee before us is the most poorly qualified nominee to the Supreme Court in our generation?

Mr. POLLAK. Well, I went beyond your generation or even my generation, Senator. I put it back to the beginning of the century, to the nomination of Mr. Justice Holmes in 1902. It might be taken back farther than that perhaps, but that covers some forty nominations, and I would assert that on that ranking this nominee falls short of any.

Senator TYDINGS. Is that the area of your scholarship, between 1902 and to date that you comment upon?

Mr. POLLAK. I cannot confine my scholarship that way or indeed claim that as a preserve. I guess it is how far back I thought I could safely take the estimate in a few minutes' reckoning. I will have to say and state quite candidly that when one gets back to the nineteenth century at least I find that here are names of people who were sometimes very briefly, sometimes for several years on the Supreme Court of the United States, names which have at least been lost on me, so I cannot really go back and make relevant comparisons with great confidence, except for the main figures of course back before 1900, but as my mind ran and my eye ran back through all of the men who have sat on the court in this past 70 years, it did seem to me striking the paucity of this nominee's qualifications as compared with all of the others.

Senator TYDINGS. I thank you.

Senator KENNEDY. Senator Hruska?

Senator HRUSKA. Dean, when you were asked to characterize the opinions of Judge Carswell, you prefaced your remarks by saying well, "From those cases of his that I have read," and then you went on. How many cases did you read?

Mr. POLLAK. Before you had returned, Senator, I explained that in the very little time at my disposal, that is to say starting Saturday evening and running through yesterday noon I think I ran through his district court opinions from '69 back through '65, a period of about five years, and it is not a very neat process just going through the volumes of Fed. Sup., but there were 30-some odd opinions, about 30. Now I do want to be sure the record is clear on that, and I am particularly glad you asked me that precise question, Senator, because it is true that I have not read his opinions since he has been on the court of appeals or when he was sitting by designation on the court of appeals, and that is really because I have no convenient way of indexing them. It would be something I would be happy to do, and in fairness to the nominee and to this committee I would be ready to do if there were more time to go into it at greater length.

Senator HRUSKA. But your lack of time did not permit you to get into his circuit court cases?

Mr. POLLAK. That is correct.

Senator HRUSKA. I understand there are some 50 opinions that he has rendered?

Mr. POLLAK. I heard that today.

Senator HRUSKA. That is the only figure I go by, the figure that we heard today. Now, Dean, in all honesty would it have made any difference in this case if he were a good judge and had written his opinions, had good opinions? Do you think it would have made any difference? You know we had a rather unfortunate experience for the Bar and for the country not too long ago in another man that was nominated from that area of the country, and he had good opinions and he was a good jurist and is, as time will prove, but he earned $1 million somehow or another, and there was the appearance of an evil and he was said to be a man in reproach because accusations were brought against him. Besides there were people who said well, he wasn't a contemporary man.

Do you think it would really have made any difference if this man had written brilliant opinions and good opinions? Would he have been accepted now at this juncture?

Mr. POLLAK. Senator Hruska, it would have made a difference, indeed a dispositive difference to me. As I tried to make clear, though I was deeply concerned about a position announced by this young lawyer 22 years ago, I would not regard that as disqualifying if I saw in his professional record the kind of excellence and the kind of current constitutional commitment required of an appointee.

With respect to—and I am particularly glad to compare this with the experience which the Senate and the Nation just went through with respect to Judge Haynsworth, I was one of those who felt that Judge Haynsworth should not be confirmed. Indeed, though there is no reason for you to recall it. I think I probably burdened you with a carbon copy of a letter I wrote to my Senators, Senator Dodd and Ribicoff.

Senator HRUSKA. You did.

Mr. POLLAK. But I would make the point that my opposition to the confirmation of Judge Haynsworth was limited to the problem of the appearance of sloppiness, if you will, with respect to what cases he sat on. I did not on the basis of what I knew think that Judge Haynsworth failed, should fail of confirmation on the ground that he was not professionally qualified, though it was reasonably clear to me that there would be many issues, and many important constitutional issues on which I and Judge Haynsworth would differ.

I was fully prepared to accept the professional appraisal of him, which was made, for example, by Professor Van Alstyne, who in these hearings has indicated by contrast his limited view of Carswell, or that was made by Professor Charles Wright of Texas, another scholar, who thought Judge Haynsworth would be an able addition to the Supreme Court of the United States.

I would have gladly gone along with the nomination in terms of professional competence. It was a quite different issue, one that I do not believe is even present in this case, which led me to take a view in opposition to Judge Haynsworth. So in direct response to your question, for me it would have made a controlling difference, if the professional record of this nominee were other than what it is.

Senator HRUSKA. Were you here most of the day to hear the testimony?

Mr. POLLAK. I was.

Senator HRUSKA. This afternoon?

Mr. POLLAK. Yes, I was, Senator.

Senator HRUSKA. You say it would have made a difference to you had he been a man perhaps better accomplished in the writing of opinions or maybe legal treatises or maybe a book or two, even if it is about climbing mountains or whatever. It would have made a difference to you. But would it have made a difference to the voices of opposition that have been raised against him in your judgment? I know you live in an academic atmosphere. Sometimes we kind of envy people who live in that type of atmosphere.

Mr. POLLAK. Not recently, however.

Senator HRUSKA. But you are a good reader and you are a good student of life and of contemporary affairs. Do you honestly believe it would make any difference in the type of opposition that is developing here to this man, if he had been a man of excellence in a juristic way, in an academic way?

Mr. POLLAK. Senator, obviously you are much more acclimated than I as to what kinds of pressures develop with respect to public problems of this kind. My own judgment, however, is that if Judge Carswell were a man of different caliber, we would have had no such problem as that posed before this committee today. You would not have had the testimony of Professor Van Alstyne. You would not have had the testimony of Professor Orfield, whom I do not know. You would not have had the testimony of Professor Lowenthal. I don't believe, as I think about the witnesses today, that they would take the same view, most of them, that they have announced, had they not shared my view that here was a man not qualified professionally, and evidently selected, as Mr. Harris has suggested and as Congressman Conyers has suggested, and others have suggested, on bases other than professional qualification. That is the great difficulty. And when one identifies what those other issues are, then one's concern for the future of the Court becomes enlarged.

Senator HRUSKA. But you do feel that if there were juristic attainment and academic attainment, maybe some authorship and a little bit of proven quality, he would not have the trouble he is having now?

Mr. POLLAK. Senator, will you permit me? I have talked much about professional attainment, but I do not want that necessarily to be equated, even though others have stressed this, with the writing of books or treatises or articles. Those may very well be evidence of important achievement, but that is not what is required. What is required I think is to find in the core of judicial work the distinction, the preeminent distinction that goes with the place on the Supreme Court of the United States.

I do not know, for example, maybe I am just uninformed, I do not know in Judge Brown's case or Judge Wisdom's case, of these extraneous evidences of judicial distinction.

Senator HRUSKA. This is well put, and I accept that explanation. You know lurking in the back of my head, and it does not only lurk there, it looms large there, Dean Pollak, is the experience we had with John Parker, brilliant jurist, a great scholar, preeminent in his field, but he came from the wrong part or the country for the people who said "No, we cannot have that man," and they voted him down. One of the great tragedies of judicial history in America, excellence above most nominees to the Supreme Court just in the vein about which you speak, and they said no, which leads me to think there are other considerations here, a lot of rationalization, a lot of them, but there are other considerations here, and the President has been trying to fulfill his promise to the American people when he said last fall, a year ago, and he said during the campaign before the election he was going to try to put balance in that Court, and it is along this line that he tried to do it, and there are people who are bound and determined it seems to me that they do not want any balance.

They do not want it, and if they will not find one reason, if they will not find the stock situation or if they do not find something of that nature, the appearance of evil and being put in reproach when the reproach consists of an accusation made, most of them, in fact all of them unfounded and unjustified, then they will find something else, and here we find a new handle. We find a new handle. The man has no excellence. He does not write books, and he has not been on the Bench very long, and he has written only fifty opinions, and therefore he does not do, but back of it all witness the case of John Parker, is the idea "We don't want a man from that section of the land on the Supreme Court."

Do you think there is anything to that?

Mr. POLLAK. Senator, Judge Parker has been very much in my mind because though I know there is a variety of view about him and in his later years he wrote a number of opinions with which I disagree, I have always thought of him as a judge of very considerable distinction, and it has been to my mind a very real question as to whether the Senate was not in error in declining to

consent to his nomination. But the adjectives you use in referring to Judge Parker, the brilliance, the excellence, the ability that you properly ascribe to him, are not I respectfully suggest adjectives that can appropriately be attributed at this stage to this judge, the nominee who is now before you.

Senator HRUSKA. And how are we going to determine that in advance? How are we going to determine that a man who has attained brilliance before his appointment will continue it or he will fall down on the job or the contrary, that being very mediocre, which I do not consider Judge Carswell to be and neither does the Bar Association, but if it were a nominee who were mediocre, what is there to stop him from becoming a brilliant and a good and an excellent justice of the Supreme Court, given all the good qualities that Judge Carswell has, diligence and honesty and sincerity and a good practical grasp of the judicial system, all of those things? What is there to prevent him from becoming a good member of the Supreme Court?

Mr. POLLAK. Senator, obviously I hope that my fears are not vindicated. I think it is entirely likely that Judge Carswell will, notwithstanding the reservations I and others have expressed, that he will be confirmed. He will sit on the Court, and I hope in that event that I am proved, that my doubts are proved groundless. But I think all of us as people of affairs make predictions about the most important decisions before us on the basis of the record that we know, and therefore when a nominee is put forward as President Eisenhower put forward, for example, Judge Potter Stewart of the Sixth Circuit, one could look at Judge Stewart's record on that Court and see that he had already distinguished himself greatly, and that there was every reason to expect that he would distinguish himself further on the highest Court of the land. That is the kind of demonstration of excellence which I think this committee must insist upon as a minimum in passing upon nominees for the United States Supreme Court.

Senator HRUSKA. Well, there have been some harsh things said about Judge Carswell today. There have been some harsh, unkind and totally unwarranted things attributed to the President of the United States in this matter. We are going to hear some more of them tomorrow, and we are going to hear that this man is not for the Constitution. I presume we will. And there are others who are for the Constitution, and we should be for nominees who are for the Constitution. We ought to put those in perspective and sort of balance them out, because some people when a man does not write the kind of opinions he agrees with says he is no good. We have a young man here well motivated and very noble. He spent volunteer work down there, the first time he was ever in court and he knew just exactly what kind of a judge and the attitude Mr. Carswell had. I have been in practice a quarter of a century before I came to the Senate and I know of some mature lawyers who when they get through with a trial in a court have their opinion and they voice it in no uncertain terms, if the judge found against him he is a bad judge and if they found for him he is a good judge and I guess that is the way we are sometimes motivated. But I do not believe that some of the testimony, the kind which we have heard here today, bitter, vituperative, vindictive, very harsh and unwarranted, I do not know that that has any place in a matter of this kind because it impugns the desires and the motivations of a President who has proven himself to be a patriot, not just since he is President but long years before that, and I would not ascribe to him, and I do not think the Nation will ascribe to him base political motivations in this thing or the payment of political judgments.

He is just as interested in the future of the Supreme Court as anybody else, and maybe more than a lot of people, having in mind that this is a nation of 200 million and fifty States, not just a nation of sects, some of whom have been hurt here and they are entitled to be hurt, but I still just wonder when there looms in the thinking that we have and we are entitled to have a Judge Parker who perhaps in your opinion has one standing, but who in the general legal world ranks high in terms of excellence and brilliance, and we had him pretty shabbily treated, notwithstanding his efforts, notwithstanding them. So I just wonder how much we are seeing history reenacted in this nomination.

Mr. POLLAK. I hope the record is clear, Senator, that with respect to Judge Parker I thought him indeed a very able judge too. If there was something in what you just said which suggested that perhaps——

Senator HRUSKA. He rendered a number of opinions with which perhaps you did not agree and you would not go to the extent that I went in describing him as an excellent and a brilliant judge. It was that that I referred to.

Mr. POLLAK. I thought he was a very able judge, of very very considerable distinction. I have long entertained doubts whether it was not a great mistake to fail to confirm Judge Parker's nomination, and indeed in one respect I think one aspect of that debate illustrated something, a point which you made earlier today, that one ought to look at a judge's work in terms of what the law was at the time, because I believe it to be true that Judge Parker was unfairly charged with innovation in a labor injunction case in which he was merely following the applicable Supreme Court precedent, so that case, Judge Parker's case, has always illustrated that very pointed proposition which you put to us earlier today and to me.

Senator HRUSKA. Innovation in what respect, in respect to——

Mr. POLLAK. No, that as I recall the debate over Judge Parker, many of those who charged that he was anti-labor used as evidence an opinion of his in the circuit court which was an opinion upholding a labor injunction or directing the granting of such an injunction, but that that decision of his was one which should in terms of the applicable Supreme Court law at the time was simply a proper application of what the Supreme Court had said, so that to fault Judge Parker in that respect was to fault him from doing exactly what a lower court judge is supposed to do. I had commented in your absence, Senator Hruska, on the fact that you made the point to us, the admonition that in evaluating Judge Carswell we should look at the law as it stood at the time he made his decisions. I made that point because it seemed to me that in the habeas corpus field, I found him departing from clearly enunciated standards at the time he was making his decisions, and I also addressed myself to the problem of removal and remand which had concerned you so much before, but I do not mean to rehearse that further now. But I did want you to know that when you were away, Senator, I was addressing myself to some of your concerns on that score.

Senator HRUSKA. Thank you very much. You have been helpful to the committee.

Senator THURMOND. Judge Pollak, you are of course welcome here. I was surprised at one of the statements you made if I understand it correctly. Did you say you considered Judge Carswell the least qualified man to be appointed to the Supreme Court in the history of the country or just how far back did you go?

Mr. POLLAK. My cut-off point, Senator, was back to the beginning of this century, 1900. That takes us back to the appointment of Justice Holmes.

Senator THURMOND. Do you know Judge Carswell personally?

Mr. POLLAK. No, I do not. I am speaking wholly on the basis, as I indicated to Senator Hruska, of what I have read of his work product and of what I have heard of the testimony of those who seem to have more direct knowledge.

Senator THURMOND. You are judging, from what the witnesses have said today, what you heard testimony to today?

Mr. POLLAK. Well, I have had the advantage happily of reading some of the testimony by Professor Van Alystyne, who has I think read a good deal more.

Senator THURMOND. On what basis? You have considered what the witnesses who have testified here against him have had to say and judged him at least partly on that basis?

Mr. POLLAK. In part. For example, obviously I do not take uncritically every kind of unrepudiated criticism that is made of any man, but two of those who have had—there are two kinds of testimony I think that have come to you, Senator. There has been the scholarly testimony of those like Professor Van Alstyne and Professor Orfield, who have looked at a great deal of his work. Now I am not acquainted with Professor Orfield. I am acquainted with Professor Alystyne and his work, and I know the kind of respect it deserves. And I have had some opportunity, some limited opportunity to confirm his impressions by reading a number of Judge Carswell's opinions on my own, though as I acknowledged to Senator Hruska it is of course only a fraction of the whole matter.

Beyond that there has been testimony from lawyers who have had by experience before Judge Carswell some personal basis for seeing him in action as a judge.

Now I would be very chary in general about estimates by counsel of judges they appear before, especially since I am conscious as one who has occasionally been in court, that when a judge decides against you, you do not always have the most charitable view of him. But it happens that both Professor Lowenthal and Professor Clark are lawyers whom I know and know well, and admire and know the integrity of and know the standards of, so their views with respect to how they have been treated or how they see causes treated, issues treated in court seem to me views that bear very great weight. But of course I would be first to say that if there is another perspective to be looked at, if there is conflicting testimony with respect to that aspect of the judge's work, that should be brought to this committee's attention.

Senator THURMOND. When did you first decide to come here and testify?

Mr. POLLAK. Somewhere between Thursday and Friday last, Senator. I had been reading the papers and was being more and more distressed, and then when I saw my friend and former colleague Professor Van Alystyne had testified, I tried to get in touch with him to see if I could get a copy of his statement.

Senator THURMOND. Did someone suggest you come?

Mr. POLLAK. In the first instance the person who suggested it was my wife. In effect she said "If you feel what happens to the Supreme Court is important, and you have got doubts, doubts you think you should tell somebody."

Senator THURMOND. So you did not plan to come until after some of the witnesses had testified?

Mr. POLLAK. That is correct.

Senator THURMOND. So you evidently are basing as you say your opinions about Judge Carswell now on the basis of what the witnesses have had to say about him, and those who testified against him primarily?

Mr. POLLAK. Senator, that is important, true, but what is also true is that I have been able—his biography I take it is a matter of public record, but I have thought that in fairness to the committee, if I was going to say anything worth your listening to, and in fairness to myself, and in fairness to the judge, I also should attempt myself to read enough of his work so that I could get at least some sense as to whether indeed his work product was of the essentially pedestrian character which was attributed to him, and whether it was true that in the particular areas with which he has been attacked as being inadequate in the civil rights area, and the related area of habeas corpus, whether I concur in that judgment, because these are fields, those happen to be fields in which I have done some work, and my own direct reading of the judge's work product in those areas confirms for me that this is—I do not enjoy saying this, but that it is second-rate.

Senator THURMOND. You of course know that he has a very fine record in college, that he was a successful private attorney, that he was a distinguished United States district attorney, he is a distinguished circuit judge and now has made a good record on the Circuit Court of Appeals. You are familiar with his record, aren't you?

Mr. POLLAK. Senator, you have read some of the characterizations of his career. I think he himself did not characterize his practice as a very extensive one. He was in private practice as I recall only a few years. He graduated from law school in '48 and became United States Attorney I think five years later. He was in Governor Collins' law firm for a while and then formed his own small firm.

Senator THURMOND. That would not make too much difference, would it, having some college professor, law professor who has been appointed to the Bench who has had any practice.

Mr. POLLAK. Indeed that is true with respect to—

Senator THURMOND. And so that would not be too much against him?

Mr. POLLAK. I am trying to assess the way you have put the matter to me. I thought you had said that it was a distinguished private practice. I think it was a very brief period of private practice and as a junior lawyer. I do not say it in criticism but I do not think anything important can be made out of it in one way or another.

Senator THURMOND. It was a successful practice and a distinguished service as a U.S. Attorney.

Mr. POLLAK. I have no way of characterizing that.

Senator THURMOND. It would not make any difference, the matter of adjectives if they were all good.

Mr. POLLAK. I know nothing about his service to the——

Senator THURMOND. You are mostly expressing an opinion on this man because some of your friends have testified, have given testimony that indicates to you that he is not qualified for the position, but to go so far as to say that he is probably the least or is the least qualified man since the 1900s is going a very long way, don't you think. That is 70 years, suppose someone would say about you that you are the least qualified man since 1900 to be dean of the law school at Yale University how would you feel?

Mr. POLLAK. Well, I think that would probably be a reasonably good estimate. Actually there have been fewer of us and I can make that comparison fairly readily, and I certainly cannot put myself——

Senator THURMOND. Did you say you want to admit to that statement?

Mr. POLLAK. But I said what I said with deliberation and deference, and I would be glad to go back with you through the men who have been named to the Supreme Court. We could work our way backward, and see the level of——

Senator THURMOND. You have been testifying a long time and we are about ready to get through, but it seems to me you made a very exaggerated statement, and it seems that your intense zeal—have you ever been called a zealot of civil rights?

Mr. POLLAK. I cannot recall anyone offering me that before.

Senator THURMOND. It seems you are showing intense zeal in that field, together with some of the other lawyers who were volunteer lawyers down there in the same field may have warped your mind a little bit on this subject.

Mr. POLLLAK. Senator, I think it is right for you to apply a substantial discount to what I say in terms—

Senator THURMOND. I am not trying to discount you. You have got a right to say what you want to.

Mr. POLLAK. No, no, I understand.

Senator THURMOND. But here you are trying to block a man from the Supreme Court who has a fine record, who has decided labor cases both ways, civil rights cases both ways, other cases. He has had a diversity of practice. He has handed down a diversity of opinions, and I am just wondering if you really feel when you reflect on it that down in your heart you really do him justice.

Mr. POLLAK. Senator, I acknowledge, and that is why I wanted it to appear on the record, that I happen to have in some areas of the public law very strongly-held views, most particularly I believe very strongly in the enforcement however much this is a latter-day enforcement of the provisions of the Fourteenth Amendment which have fallen for so long into disuse. I want this committee to know that I have those constitutional biases in assessing any of my views, and yet I have come before you because my field is constitutional law. I have worked with the Court, this may sound megalomaniac on my part, but I have worked with its work ever since I graduated from law school.

My first job was law clerk to the late Justice Rutledge, so that it was my privilege to spend a year there seeing justices at close range, hearing great lawyers argue great cases, and I thought I knew what made a judge of the United States Supreme Court from what I saw of that group of distinguished men, and it is that kind of sense of critical importance of the job those men do. I am talking now about judges with some of whom I found myself frequently in very profound intellectual and philosophic disagreement, but it is in terms of the importance of their mission and the absolute indispensability of the higher order of professional competence and constitutional insight, it is against that kind of background, Senator, that I offer you what I agree may sound like exaggerated views, but I think back to the kind of record of demonstrated achievement which judge after judge had, whether it was Senator Black or Senator Byrnes or Judge Cardozo or Mr. Brandeis, Governor Hughes, Judge Stone who had been Attorney General, Senator Sutherland, judge after judge where men who came to the United States Supreme Court capping a public career of extraordinary distinction, and that seems to me the standard which this committee is required to urge upon the Senate to uphold in this case.

Senator THURMOND. I have no more questions. I must say that even with your intense zeal in the civil rights field and your sympathy for the witnesses who testified, and basing your opinion chiefly upon what those witnesses had to say, I am a little disappointed that you would go so far as to express the strong opinions that you have about Judge Carswell.

Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, sir. You are excused.

SENATOR MUSKIE'S ANALYSIS OF ENVIRONMENTAL BUDGET REQUESTS

Mr. EAGLETON. Mr. President, the Federal budget clearly reflects the commitment of the executive branch to the pursuit of certain national objectives. On Tuesday of last week, the Senator from Maine (Mr. MUSKIE) made a statement regarding the commitment of the administration to the goal of improving the quality of our environment. The analysis of the distinguished chairman of the Subcommittee on Air and Water Pollution speaks for itself. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR EDMUND S. MUSKIE ON THE ENVIRONMENTAL BUDGET REQUESTS BY THE ADMINISTRATION, FEBRUARY 3, 1970

The President's expressions of concern over the environmental crisis were helpful in the battle against air, water, and land pollution. However, the budget that the President proposed yesterday does not reflect the sense of urgency which he expressed in his State of the Union message.

The President apparently has abandoned the promises he made less than two weeks ago.

Congress has authorized $1.25 billion for the construction of water pollution treatment facilities for fiscal 1971. The President has requested none of it. Instead, he has proposed a new plan—at the same level Congress appropriated for 1970, at a lower level than the plan authorized by the Congress in 1966, at a lower level than the plan which I have proposed for the next five years, and at a lower level than we can afford.

We have been asked to set the water pollution control programs back another year, to accept another year of promises for the future, to tolerate another year of deteriorating rivers and streams.

How long must we wait?

The Congress appropriated $45 million for air pollution research for fiscal 1970, but the President has asked for $27 million for fiscal 1971—less than last year and less than we can afford. The Congress appropriated $64 million for the air quality standards program for fiscal 1970, but the President has requested $79 million for fiscal 1971—much too small an increase.

We must double the pace of the standards-setting process, not stop it. We must attack every source of pollution, not some of them. We must eliminate delays in enforcement, not increase them.

How long must we wait?

The Congress appropriated $14 million for the control of solid waste pollution in fiscal 1970, and the Administration has requested no more for fiscal 1971.

We must learn how to recover valuable resources which we now waste and dispose of our other wastes without polluting our land, our air, and our water. But we have been told that we cannot afford it.

How long must we wait?

The President has told us that there is room in the budget for $275 million for the

SST—but room for no more than $14 million for the protection of our land.

That there is room in the budget for $3.4 billion for space—but for no more than $800 million for the control of water pollution.

That he has found room in the budget for $2.3 billion for atomic energy—but no more than $106 million for the control of air pollution.

The President has not escalated the battle against pollution. He has retreated from goals which the Congress has already set.

The President has submitted a balanced budget to the Congress, but it is a balanced budget which reflects unbalanced priorities. It is one step forward and two steps back.

Fighting inflation is a battle of the highest priority, but the Administration has chosen to fight that battle at the expense of our air, our water, our land, and our people.

Do most Americans feel that the SST, space exploration, the ABM, and atomic energy are more important than our air, our water, our land, our homes, and our health? These are the kinds of decisions that the Administration has made. They are not decisions with which America can survive.

It is a sham to say that we cannot afford the protection of our environment, the fight against hunger and poverty, or homes and medical care for our people. We can afford these domestic programs—and fight the battle of inflation—if we admit that we cannot afford other programs which are much less important.

We need some things, and we do not need others. It is time we understood that difference and made our nation's budget reflect that understanding.

DISPOSITION OF SURPLUS FEDERAL PROPERTY

Mr. JACKSON. Mr. President, early in the first session of the 91st Congress I introduced S. 1708, the Federal Lands for Parks and Recreation Act. The Senate unanimously endorsed this measure on June 26, and it is now awaiting action in the House Committee on Interior and Insular Affairs, along with companion bills introduced by Mr. MEEDS of Washington, Mr. WOLD of Wyoming, Mr. MCCLURE of Idaho, and several other Representatives.

The purpose of the measure is to make surplus Federal property available to State and local governments for park and recreational purposes at prices which reflect the important role that recreation and open spaces play in our contemporary life. The bill would amend the Land and Water Conservation Fund Act by providing that for a period of 5 years after the date of enactment, surplus Federal property could be conveyed to State and local government for park and recreational use at less than the 50 percent of fair market value required under present law.

The bill is of special importance to many of our major metropolitan areas where the need for parks and open spaces is greatly increasing while at the same time the limited land available is being dedicated to other, often incompatible, purposes. If we are to improve the quality of life and surroundings for the residents of our major cities, we will have to take advantage of every future opportunity to acquire land adjacent to where people live for recreational and park purposes.

It is my firm belief that if we are to meet the burgeoning demand for quality recreation, then action must be taken now to acquire and develop the necessary land for this purpose.

If enacted, the bill would assist every State in the Nation which has, or soon may have, surplus Federal property available. Mr. President, I have before me a list of the surplus real property, custodial reserve real property, and related personal property classified for disposal under provisions of the Federal Property and Administration Services Act of 1949.

This summary was prepared by the General Services Administration and includes all property on hand as of December 31, 1969. It should be noted that all 50 States as well as the District of Columbia, Puerto Rico, and the Virgin Islands contain at least one parcel of surplus Federal property.

Mr. President, because of the importance of this list to Members of Congress, I ask unanimous consent that the GSA report be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

GENERAL SERVICES ADMINISTRATION—PROPERTY MANAGEMENT AND DISPOSAL SERVICE

[Surplus real property, custodial (NIR) reserve real property, and related personal property for disposal under provisions of the Federal Property and Administrative Services Act of 1949, as amended—on hand as of Dec. 31, 1969]

[In thousands of dollars]

GSA control No.	Property	Reported cost
	REGION 1—BOSTON	
N-Conn-444A	Naval Weapons Plant, Bloomfield (84.62 acres, 13 bldgs.)	[1] 2,508
GR-Conn-460	Nike-Ajax Site HA-25, Manchester (36.80 acres, 14 bldgs.)	810
U-Conn-484	Winthrop Cove Sites, New London (3.97 acres, 12 bldgs.)	260
G-Conn-485	U.S. Post Office, Glastonbury (0.42 acre, 1 bldg.)	77
T-Me-515	Damariscove Island Lifeboat Sta., Lincoln Co. (0.77 acre)	(a)
D-Me-526C	Dow AFB, Bangor (340.594 acres, 313 bldgs.)	12,752
T-Me-533	Burnt Island Lifeboat Sta., Burnt Island (1 acre, includes 0.2 acre leased, 2 bldgs.).	37
D-Me-551	Nike Hercules Site L-13, Caswell (54.74 acres easements)	1
D-Me-562	Nike Hercules Site, Caribou (23.50 acres easements)	1
N-Me-563	Naval Res. Trng. Center, South Portland (13.9 acres, 5 bldgs.)	343
D-Me-565	Gap Filler Annex, Bridgewater (84.43 acres, includes 48.00 acre easements, 1 bldg.).	149
U-Mass-440A	Light Sta., Edgartown (8.3 acres)	(a)
T-Mass-484	Maddaket Lifeboat Sta., Nantucket (4.348 acres, 1 bldg.)	2
D-Mass-638D	Fort Devens, Lancaster (22.00 acres, including 7.44 acres road right-of-way).	5
U-Mass-646A	Fort Heath, Winthrop (0.327 acre, utility lines)	11
N-Mass-654	NIR Gear Plant, Lynn (69.06 acres, 36 bldgs.)	[1] 12,881
D-Mass-665	Nike Ajax Site B-85, Bedford (2.53 acres easements, improvements).	5
D-Mass-672	L. G. Hanscom Field, Lincoln (0.47 acre easements, obstruction lights).	7
G-NH-434	Old Post Office and Courthouse, Concord (1.3 acres, 1 bldg.)	523
D-RI-449A	Capehart Housing, Foster (4.32 acres, 17 bldgs.)	238
G-Vt-432	U.S. Post Office, St. Johnsbury (0.51 acre, 1 bldg.)	102
Total, region 1 (21 cases)		30,712
	REGION 2—NEW YORK	
U-Del-432	Lewes Lifeboat Sta., Lewes (1.4 acre, 3 bldgs.)	84
D-Del-433	Bethany Beach Gap Filler, Sussex Co. (5.07 acres, includes 4.47 acre easements, 1 bldg.).	46
G-NJ-401E	Tank Farm GSA Depot, Somerville (10.3 acres, 76 bldgs., storage tanks).	3,234
D-NJ-440C	Raritan Arsenal, Township of Edison (.054 acre, plus easement).	(1)(a)
I-NJ-440D	Raritan Arsenal, Edison (0.3 acre, 1 bldg.)	27
N-NJ-455A	Naval Ammunition Depot, Colts Neck (7.8 acres)	4
D-NJ-463C	Camp Kilmer, Middlesex Co. (0.80 acre)	8
D-NJ-484A	Nike Battery NY-88, Wayne TWP (24.71 acres)	37
I-NJ-488A	Killcohook Nat'l Wildlife Refuge, Salem Co. (9.6 acres)	1
D-NJ-497	Philadelphia Defense Area, Nike Battery PH-49, Pitman (40 acres easements).	20
T-NJ-499	Bonds Lifeboat Sta., Beach Haven Heights (1.08 acres, 2 bldgs.)	25
T-NJ-509	Corsons Inlet Lifeboat Sta., Strathmere (0.4 acre, 4 bldgs.)	35
X-NJ-510	Wayne Radio Plant, Passaic Co. (22.35 acres)	16
U-NJ-513	Hereford Inlet Lifeboat Sta., North Wildwood (1.2 acres, 5 bldgs.).	88
W-NY-1A	Lake Ontario Ord. Works, Niagara Falls (79.6 acres easements)	37
R-NY-137	National Lead, Tahawus (Railroad) (32.7 miles railroad right-of-way, 2 bldgs.).	[1] 3,969
B-NY-466J	Lake Ontario Storage Area, Lewiston (9.92 acres, easements and concrete water line).	160
T-NY-538A	Tarrytown Light Sta., Westchester Co. (0.72 acre, 1 bldg.)	7
T-NY-557A	Rockaway Lifeboat Sta., Ft. Tilden (2.78 acres)	(a)
GD-NY-567	Mitchel AFB, Hempstead (111.00 acres, 98 bldgs.)	4,789
D-NY-600A	Nike Battery NY-30, Lido Beach (58.24 acres, 23 bldgs.)	1,819
D-NY-612	Plattsburgh AFB, AF Fac. S-9, Inst. #7475, Dannemora (260.96 acres, includes 252.01 acres easements, 3 bldgs.)	4,999
N-NY-624A	Naval Trng. Center, Port Washington (16.54 acres, 33 bldgs.)	2,501
U-NY-632A	Southampton NY IMWR, Southampton (1.86 acres, 1 bldg.)	39
D-NY-643	Ft. Totten, Queens Co. (56.4 acres, 37 bldgs.)	2,234
U-NY-647	Rock Island Light Sta., Jefferson Co., (4 acres, 5 bldgs.)	9
D-NY-648	Nike Batteries, Orangeburg (33.29 acres, includes 18.22 acres easements).	294
A-NY-649	Soil Management Res. Farm, Marcellus (222.99 acres, 7 bldgs.)	21
N-NY-650	Twin Industries Corp., Buffalo	[1] 991
D-NY-654	Revere Copper & Brass, Rome (related personal)	[1] 177
D-NY-658	Almond Dam and Reservoir, Steuben Co. (0.34 acre)	1
D-NY-659	Charlotte Gap Filler, Cherry Creek (0.57 acre, 1 bldg.)	77
D-NY-660	Brockport Gap Filler, Sweden (1.29 acre, includes 0.70 acre easements, 1 bldg.).	52
D-NY-661	Suttons Corner Gap Filler, Oswego Co. (5.39 acres, includes 1.60 acre easements, 2 bldgs.).	73
V-Pa-440G	VA Hospital Res., Butler (16 acres)	4
GD-Pa-521	Philadelphia Army Supply Base, Phila. (31.64 acres, 37 bldgs.)	13,317
D-Pa-526C	Olmsted AFB, Middletown (1.82 acre)	8,439
D-Pa-560A	Birdsboro Army Tank, Birdsboro (101.94 acres, 40 bldgs.)	[1] 23,534
D-Pa-596A	Nike Battery, McCandless (19.23 acres, restrictive easements)	14
N-Pa-604	Philadelphia Naval Shipyard, Phila. (0.49 acre, submerged land).	n.c.
D-Pa-619	Indiantown Gap Mil. Res., Lebanon Co. (water lines only)	142
G-Pa-620	U.S. Post Office, Pottsville (0.37 acre, 1 bldg.)	276
N-Pa-621	Inert Fabrication Fac., Bridgeville (metal fabrication fac.)	[1] 2,589
D-Pa-623	Nike Battery, Worcester (56.14 acres)	62
D-Pa-625	Nike Battery 93, Allegheny Co. (0.59 acre easements)	50
D-Pa-626	Joliett Gap Filler, Schuylkill Co. (1.41 acres—leased land, 1 bldg.)	45
G-Pa-627	Post Office, New Brighton (0.4 acre, 1 bldg.)	90
D-PR-431A	Fort Amexquita Mil. Res., Cabras Island, San Juan Harbor (42.3 acres, includes 2.41 acres easements, 5 bldgs.).	765
D-PR-436D	Fort Brooke Mil. Res., San Juan (6 acres, 3 bldgs.)	955
N-PR-438B	Naval Sta., Roosevelt Roads, Puerto Rico (4.73 acres)	2

Footnote at end of table.

GSA control No.	Property	Reported cost
N–PR–438C	U.S. Naval Sta., Puerto Rico (12.81 acres, includes 6.32 acres easement, 1 bldg.).	12
D–PR–441B	Fort Buchanan Mil. Res. San Juan (350.80 acres, 82 bldgs.)	5,088
N–PR–453A	Santa Maria grazing and Martineau tracts, Vieques (1,829 acres).	109
N–PR–453B	Santa Maria and Montesanto resettlement tracts, Vieques (797.9 acres).	40
D–PR–457	Henry Barracks Mil. Res., Cayey (255.63 acres, including 0.31 acre easement, 160 acres, 160 bldgs.).	3,028
D–PR–461	Ft. Mascaro Mil. Res., Punta Salinas (150.96 acres, 1 bldg.)	71
N–PR–462	Naval Fuel Storage Fac., Catano (185.835 acres, 7 bldgs.)	1 2,123
D—PR–463	Ramey Petroleum Products Storage Annex, San Patricio (48.32 acres, includes 1.73 acres easements, 1 bldg.)	1 476
T–VI–422	Myhlenfeldt Point Light Sta., St. Thomas (0.1 acre, 1 bldg.)	n.c.
Y–VI–426	Upper Bethlehem, St. Croix (247 077 acres, 2 bldgs.)	11
Y–VI–427	Upper Love, Parcel #7, St. Croix (0.292 acre)	1
Y–VI–428	Adventure Well Field, St. Croix (4.956 acres)	(a)
Y–VI–430	Peters Rest, St. Croix (1.209 acres)	(a)
Y–VI–432	Peters Rest, St. Croix (21.32 acres)	1
Y–VI–433	Bonne Esperance, St. Croix (143.014 acres, 8 bldgs.)	64
Y–VI–434	Bethlehem Middle Works, St. Croix (108.61 acres)	4
D–Vt–420	Plattsburgh AFB, AF Fac. S–3, Inst. 7469, Swanton (263.08 acres, includes 254.13 acres easements, 3 bldgs.).	4,964
Total, region 2 (67 cases)		92,150

REGION 3—WASHINGTON

G–DC–447	Old Emergency Hosp. Washington (0.67 acre, 3 bldgs.)	1,500
N–Md–416B	U.S. Naval Trng. Center, Bainbridge (41 acres, 18 bldgs.)	2,792
N–Md–445P	U.S. Naval Air Test Center, Patuxent River (327.11 acres, 5 bldgs.).	1,888
G–Md–496A	Calvert Building, Baltimore (15.85 acres, 1 bldg.)	800
D–Md–503	Wash-Balt. Defense Area, Waldorf (7.27 acres, 5 easements)	37
N–Md–504	Revere Copper and Brass, Baltimore (Filter for Mill)	(1) (a)
D–Va–505C	Langley AFB, Hampton (0.95 acre easement, 2 bridges)	46
G–Va–510A	Kings Warehouse, Alexandria (1.15 acre, 1 bldg.)	n.c.
J–Va–545A	Federal Reformatory, Petersburg (18 acres)	3
N–Va–579A	Naval Weapons Sta., Yorktown (10.09 acres)	8
D–Va–582A	Lake Drummond Amusement Park, Chesapeake (0.61 acre)	3
G–Va–585	Fed. Records Center, Alexandria (4.3 acres, 10 bldgs.)	2,974
U–Va–590	Leslie LFM/MHW Facility, Leslie, Roanoke Co. (1 bldg.)	6
U–Va–591	Communication Equip. (Telephone) Va. Beach (Telephone line, poles, cross arms, insulators and copper wire).	262
U–Va–592	Assateague Island, Cape Charles (Telephone Line)	221
G–WVA–471	U.S. Post Office, Weirton (0.6 acre, 1 bldg.)	81
Total, region 3 (16 cases)		10,621

REGION 4—ATLANTA

D–Ala–495A	Brookley AFB, Mobile (298.61 acres, 63 bldgs.)	5,791
V–Ala–517B	VA Hosp., Tuskegee (1 bldg.)	5
D–Ala–529	Revere Copper & Brass, Inc. Scottsboro (Related personal property).	12
D–Fla–529A	Avon Park AF Range, Florida (439.72 acres, 52 bldgs.)	1,180
D–Fla–619A	Spruce Creek Research Annex, Volusia Co. (5.5 acres, 1 bldg.)	1
J Fla–660	Federal Correctional Institution, Tallahassee (53.06 acres)	n.c.
N–Fla–669	Naval Reserve Training Center, Tampa (4.5 acres, 7 bldgs.)	184
D–Fla–672	Williams Point Tracking Annex, Patrick AFB (1.4 acre, 3 bldgs.).	84
N–Fla–673	U.S. Naval Trng. Center, Orlando (40 acres, railroad right-of-way).	15
U–Fla–674	St. Augustine Light Sta., Anastasia Island (7 acres, 3 bldgs.)	12
D–Fla–675	VERO Beach Tracking Annex, Indian River Co. (1.21 acres)	2
D–Fla–676	Panama City Harbor Jetties, St. Andrews Bay (40.9 acres)	(a)
I–Ga–477A	Exploratory Fishing & Gear Res. St., St. Simons Island (3.6 acres, 2 bldgs.).	24
D–Ga–543	Andersonville Nat'l Cemetery, Andersonville (43.11 acres)	1
D–Ga–557	Dobbins AFB, Marietta (110.86 acres)	13
G–Ga–564A	U.S. Post Office, Valdosta (.8 acre, 1 bldg.)	199
D–Ga–570	Seminole Reservoir Decatur & Seminole Co. (95.75 acres)	6
A–Ga–571	Pecan Research Lab. Albany (1.2 acres, 10 bldgs.)	76
V–Miss–455C	VA Hosp. Res., Biloxi (52 acres)	n.c.
C–Miss–470A	Hawkins Field, Jackson (1 bldg.)	8
V–Miss–479	VA Center Res., Jackson (104.533 acres, includes 9.043 acres easements, 143 bldgs.)	2,831
U–Miss–491	Engine Generator Site, Greenwood (1 bldg. located on leased land).	3
U–Miss–492	Transmitter Receiver Site, Greenwood (2 bldgs. located on leased land).	37
V–NC–481A	VA Hosp., Oteen (40.54 acres, 20 bldgs.)	1,960
C–NC–523C	Portion Wilmington Reserve Plant, Wilmington (73.25 acres, includes 51.4 acres submerged and 21.85 island)	4
U–NC–533B	Elizabeth City Air Sta., North Carolina (4 acres easement, water lines)	5
G–NC–535	Post Office, Henderson (0.5 acre, 1 bldg.)	213
G–NC–547	Post Office, Roxboro (Space available for lease)	(a)
D–SC–478	Myrtle Beach Gap Filler Annex, Myrtle Beach (0.45 acre, 1 bldg.)	47
B–SC–477	Barnwell Nuclear Ind. Park, Aiken (2,487 acres)	112
D–Tenn–561C	Sewart AFB, Smyrna (147.6 acres, 278 bldgs.)	7,186
D–Tenn–561D	Sewart AFB, Smyrna (2,179.77 acres, includes 534.42 easement, .16 lic., and 216 bldgs.)	33,806
GR–Tenn–562	U.S. Post Office, Lebanon (0.4 acre, 1 bldg.)	53
I–Tenn–576A	Erwin Nat'l Fish Hatchery, Unicoi Co. (14.15 acres)	(a)
Total, region 4 (34 cases)		54,888

REGION 5—CHICAGO

D–Ill–450U	Joliet Army Ammunition Plant, Joliet (50.51 acres easements)	35
D–Ill–460Y	Scott VOR Annex, Inst. No. 1291, Scott AFB, Belleville (316.71 acres)	6
D–Ill–496A	O'Hare International Airport (26.04 acres, 11 bldgs.)	1,236
D–Ill–536	Sangamon Ord. Plant, Illiopolis (54.09 acres, 2 bldgs.)	215
D–Ill–564	Nike Site C–54, Chicago-Gary Defense Area, Orland Park (194.86 acres, 3 bldgs.)	705
D–Ill–566	Kropp Forge Company, Chicago (Related pers. prop.)	1 6,400
CD–Ill–577	Dow Metal Products Co., Madison (Machinery and equip.)	1 1,071
G–Ill–584	Post Office Site, Eureka (0.4968 acre, unimproved)	10
D–Ill–585	Hanna City AF Sta., Hanna City (42.62 acres, includes 2.62 acres easement, 116 bldgs.).	2,341
D–Ill–587	Revere Copper and Brass, Chicago (Machinery and equip.)	1 349
D–Ill–588	Nike Site, Hecker (227.71 acres, includes 34.28 acre fee, 193.18 acre easement, 0.25 acre lic., 27 bldgs.).	2,639
G–Ill–589	Post Office, Park Ridge (0.368 acre, 1 bldg.)	86
D–Ill–590	General Steel Ind. Granite City (Machinery and equip.)	3,540
D–Ill–591	Nike Site, Grafton (19.03 acres, 18.86 acre ease.)	97
N–Ind–420J	Naval Ammunition Depot, Crane (143.7 acres)	6
D–Ind–422	Vigo Ordnance Plant, Terre Haute (27.97 acres)	16
D–Ind–430B	Kingsbury Ord. Plant, LaPorte (69.719 acres, 17 bldgs.)	1 78
V–Ind–459B	VA Hosp. Res., Marion (20.14 acres)	3
D–Ind–472C	Bunker Hill AFB, Peru (73.97 acres)	187
D–Ind–512	Aluminum Co. of America, Lafayette (Machinery and equipment).	1 8,350
D–Ind–513	Gap Filler, Richland (0.47 acre, 2 bldgs.)	67
G–Ind–515	Post Office, Mishawaka (0.43 acre, 1 bldg.)	88
D–Ky–432B	Camp Breckinridge, Morganfield (121.17 acres, 27 bldgs.)	6,242
D–Ky–525	Old Lock and Dam #32, Ohio River, Vanceburg (23.9 acres, 11 bldgs.).	99
J–Ky–529	Fed. Res., Fed. Youth Center, Ashland (74.12 acres, 1 bldg.)	20
G–Ky–532	Post Office, Corbin (0.53 acre, 1 bldg.)	55
D–Mich–418B	Fort Custer Mil. Res. Battle Creek (3,708.81 acres, 33 bldgs.)	1,627
V–Mich–451A	VA Hospital Res., Battle Creek (358.7 acres, 12 bldgs.)	37
GR–Mich–536	Nike Site, Newport (77.81 acres)	11
N–Mich–536A	Newport Housing, Newport (7.94 acres, 26 bldgs.)	405
U–Mich–549C	Lifeboat Sta., Charlevoix (1 bldg.)	16
D–Mich–559	Fort Wayne Mil. Res., Detroit (96.87 acres, 60 bldgs.)	3,718
N–Mich–568B	Naval Air Sta., Grosse Ile (607.4 acres, 93 bldgs.)	11,772
D–Mich–569	Detroit Defense Area, Nike Site D–54–55 C&L, Riverview (15.867 acres easements).	29
T–Mich–581	Copper Harbor Range Light Sta., Keweenaw Co. (9.05 acres, 2 bldgs.)	4
T–Mich–585	South Fox Island Light Sta., Leelanau Co. (115.04 acres, 7 bldgs.).	38
J–Mich–595B	Federal Correctional Inst. Milan (145.2 acres)	n.c.
G–Mich–612	U.S. Post Office, Monroe (0.465 acre, 1 bldg.)	127
D–Mich–614	Revere Copper & Brass, Detroit (Machinery & equip.)	1 1,304
G–Mich–615	Post Office, Battle Creek (0.78 acre, 1 bldg.)	339
G–Mich–621	Post Office, Coldwater (0.28 acre, 1 bldg.)	64
D–Mich–623	Nike Battery, Macomb Co. (9.67 acres easements)	1
D–Mich–624	Nike Battery, Wayne Co. (6.18 acres)	4
D–Ohio–539	AF Plant 41, Cleveland (Related personal prop.)	1 1,301
D–Ohio–550A	Cleveland Support Fac., Parma (115.98 acres, 16 bldgs.)	1,195
D–Ohio–583	Fort Hayes Mil. Res., Columbus (16.93 acres, 47 bldgs.)	799
D–Ohio–585B	Gap Filler, Brookfield (0.55 acre, 1 bldg.)	156
D–Ohio–641A	ALCOA, Cleveland (Machinery and Equip.)	1 4,579
D–Ohio–644	AF Plant #27, Toledo (79.4 acres, 11 bldgs.)	1 20,316
G–Ohio–649	Post Office, Wooster (0.5 acre, 1 bldg.)	149
D–Ohio–652	TRW Inc. Cleveland (Prop. consists of Machinery and equipment).	1 52,611
G–Ohio–654	FOB Site, Cleveland (0.0144 acre)	9
D–Ohio–655	Marblehead Gap Filler Annex, Ottawa Co. (0.55 acre, 1 bldg.)	48
D–Ohio–656	Canton Drop Forging and MFG Co. Canton (Machinery and equipment).	1 897
D–Ohio–661	Bainbridge Gap Filler, Ross Co. (2.61 acres, not included—0.52 acre easement, 1 bldg.).	64
G–Ohio–662	U.S. Post Office, Coshocton (0.62 acre, 1 bldg.)	121
D–Ohio–663	Nat'l Guard Fac., Garfield Heights (15.41 acres, 7 bldgs.)	615
G–Ohio–664	Post Office, Massillon (0.40 acre, 1 bldg.)	160
D–Wis–431B	U.S. Disciplinary Barracks, Milwaukee (40.94 acres, 2 bldgs.)	1,060
D–Wis–431C	U.S. Disciplinary Barracks, Milwaukee (103.2 acres, 9 bldgs.)	576
D–Wis–462A	Two Creeks Gap Filler, Manitowoc Co. (3.42 acres, includes 3.08 acre easements, 1 bldg.).	87
D–Wis–486	Ladish Co. Cudahy (related personal prop.)	1 9,877
D–Wis–498	Jim Falls Gap Filler, Jim Falls (0.41 acre, 1 bldg.)	67
D–Wis–499	Gap Filler, Brooks (3.77 acres, includes 2.65-acre easement, 2 bldgs.).	59
Total, region 5 (64 cases)		148,183

REGION 6—KANSAS CITY

GV–Iowa–406C	VA, Clinton (77.05 acres, 65 bldgs.)	6,253
D–Iowa–453	LaMotte Gap Filler Annex, LaMotte (0.67 acre, 2 bldgs.)	46
D–Iowa–455	AF Fac., Alcoa Plant, Davenport	11,331
G–Iowa–459	U.S. Post Office, LeMars (0.625 acre, 1 bldg.)	54
V–Kan–426E	VA Center, Wadsworth (10 acres)	n.c.
D–Kan–452C	Hutchinson Air Nat'l Guard Base, Hutchinson (1,821.35 acres)	7,169
V–Minn–402L	Ft. Snelling Hosp. Res., Minn. (141.14 acres, 55 bldgs.)	654
I–Minn–455	Grand Rapids Housing Area, Grand Rapids (5.7 acres, 18 bldgs.)	361
G–Minn–466A	Fed. Courts Bldg., St. Paul (0.80 acre, 1 bldg.)	1,606
G–Minn–471	U.S. Post Office ,Hopkins (0.5397 acre, 1 bldg.)	120
D–Minn–472	Bagley Gap Filler, Clearwater Co. (0.45 acre, 1 bldg.)	51
D–Minn–473	Elbow Lake Gap Filler (0.63 acre, 1 bldg.)	47
D–Minn–474	Gap Filler Annex, Askov (0.36 acre, 1 bldg.)	74
D–Minn–475	Gap Filler, Northfield (0.45 acre, 1 bldg.)	70
V–Mo–421–I	VA Hosp. Res., Jefferson Barracks, St. Louis (11.81 acres)	n.c.
D–Mo–427C	Ft. Crowder, Mo. (Telephone cable)	n.c.
D–Mo–427F	AF Plant, Neosho (227.9 acres)	10
G–Mo–449A	Fed. Bldg., Kansas City (Portion of Bldg.)	n.c.
G–Mo–506	9405 Holmes, Kansas City (2 bldgs.)	n.c
D–Mo–511	Kirksville AF Sta., Adair Co. (62 acres, 42 bldgs.)	2,165
D–Mo–516	Nike Hercules Site, Pacific (8.24 acres, 5 bldgs.)	292
D–Mo–520	Nike Battery Site, Lawson (18.72 acres, 13 bldgs.)	1,166
D–Mo–522	Nike Site, Pleasant Hill (16.84 acres, 15 bldgs.)	1,173
D–Neb–442–II	Lincoln AFB, Nebraska (398.64 acres, 2 bldgs.)	11,272
D–Neb–446A	Omaha AF Sta., Omaha (40.71 acres, 35 bldgs.)	1,204
D–Neb–470B	Offutt AF Fac. Site 1, Mead (238.57 acres)	847
G–Neb–492	Federal Bldg., Norfolk (0.13 acre, outlease only)	(a)
D–ND–448	Alexander Gap Filler Annex Alexander (2.07 acres, 2 bldgs.)	71
D–ND–450	Valley City Gap Filler Annex, Valley City (3.30 acres, 2 bldgs.)	42
D–ND–451	Regan Gap Filler Annex, Regan (0.47 acre, 2 bldgs.)	53
G–ND–452	U.S. Post Office, Williston (0.40 acre, 1 bldg.)	145
D–SD–426WW	Ellsworth AF Missile Site, No. 1, (118.31 acres includes 57.45 acres easement, 2 bldgs.)	21,149
D–SD–426XX	Ellsworth AF Missile Site, No. 2, (333.52 acres, includes 275.12 acres easement, 2 bldgs.)	18,785

GENERAL SERVICES ADMINISTRATION—PROPERTY MANAGEMENT AND DISPOSAL SERVICE—Continued

[Surplus real property, custodial (NIR) reserve real property, and related personal property for disposal under provisions of the Federal Property and Administrative Services Act of 1949, as amended—on hand as of Dec. 31, 1969]—Continued

[In thousands of dollars]

GSA control No.	Property	Reported cost
D-SD-426YY	Ellsworth AF Missile Site, No. 3, (277.76 acres, includes 220.02 acres easement, 2 bldgs.)	23,874
D-SD-462A	Gettysburg AF Sta., Gettysburg (45.01 acres, includes 1.99 acres easement, 34 bldgs.)	2,138
D-SD-475	Pickstown AF Sta., Pickstown (21.08 acres, 7 bldgs.)	1,031
Total, region 6 (36 cases)		113,253
	REGION 7—FORT WORTH	
D-Ark-440M	Fort Chaffee (16.18 acres)	188
V-Ark-445D	VA Hosp., North Little Rock (135.47 acres)	34
G-Ark-506	Post Office, Pine Bluff (0.42 acre, 1 bldg.)	131
N-La-453D	Naval Hq. New Orleans (20.325, 31 acres)	1 2,208
GN-La-453-I	Old Post Office, Naval Support Activity, New Orleans (1 bldg.)	n.c.
N-La-466C	Former Naval Ammunition Depot, Belle Chasse (Minerals)	n.c.
D-La-488C	Houma AF Sta., Houma (1.01 acre, 1 bldg.)	23
N-La-507	U.S. Naval Res. Trng. Center, Baton Rouge (1.09 acres, leased land, 3 bldgs.).	223
G-La-508	Doiron Bldg., Baton Rouge (Office space for rent)	n.c.
G-Okla-504	412 West First St., Claremore (520 Sq. Ft. leased space)	n.c.
W-Tex-204	Camp Maxey, Lamar Co. (10 acres)	(a)
D-Tex-449	Duncanville Army Air Def. Site, Duncanville (0.179 acre)	N.C.
D-Tex-474AR	Ft. Sam Houston, Texas (22 acres)	N.C.
V-Tex-520A	VA Hospital, Waco (223 acres, 31 bldgs.)	52
D-Tex-527D	Amarillo AFB, Amarillo (3,008.56 acres, 709 bldgs.)	64,580
D-Tex-589J	Camp Bowie, Brownwood (3.61 acres)	79
GR-Tex-604M	Atlas Missile Site, Dyess AFB (17.56 acres, 1 bldg.)	(a)
GR-Tex-604-0	Atlas Missile Site, Corinth (27.24 acres, includes 12.86 acres easements, 5 bldgs.).	825
N-Tex-608F	U.S. Naval Aux. Air Sta., Outlying Field No. 55, Kingsville (Mineral estate).	N.C.
I-Tex-822	Corrigan & Timpson Substa. & Center Switching Sta., Polk, Shelby & Angelina Counties (383.15 acres, includes 380.54 acres easements).	647
U-Tex-832	FAA Flight Service Sta. Junction (3 bldgs.)	38
U-Tex-833	"H" Marker Facility, Big Springs (0.92 acre—leasehold, 2 bldgs.).	19
U-Tex-834	VORTAC Fac., Clint (0.82 acre, 1 bldg.)	47
GD-Tex-835	Hughes Strut Plant, Houston (9.306 acres, 3 bldgs.)	1 194
D-Tex-836	Morgan Point Field Office, Morgan Point (10.05 acres)	10
U-Tex-837	VOR Fac., Somerset (1 bldg.)	41
U-Tex-839	AC & W Site, Amarillo AFB (1 bldg.)	51
Total, region 7 (27 cases)		69,390
	REGION 8—DENVER	
D-Ariz-437Y	Davis-Monthan AFB, Tucson (50 acres)	5
J-Ariz-505	Fed. Youth Camp, Tucson (25 bldgs.)	275
D-Colo-460PP	Lowry Comm. Fac. Annex, Lowry AFB, Denver (27.16 acres, 2 bldgs.).	36
D-Colo-460XX	Lowry AFB (43.47 acres)	5
D-NM-430JJ	Walker AFB, Roswell (319 acres, 802 bldgs.)	8,894
E-NM-488	Camp Luna Job Corps, Las Vegas (36.14 acres, 26 bldgs.)	1,138
D-Utah-421K	Hill AFB, Ogden (61.88 acres)	6
GR-Utah-431R	Steel Tanks, Monticello	16
U-Utah-489	VTAC Site, LaSal (2 bldgs.)	53
V-WYO-420	VA Center Res., Cheyenne (30 acres)	n.c.
G-WYO-488	PO Building & Site, Worland (0.32 acre, 1 bldg.)	67
G-WYO-491	Post Office, Sheridan (0.36 acre, 1 bldg.)	185
Total, region 8 (12 cases)		10,680
	REGION 9—SAN FRANCISCO	
D-Cal-437-C	Air Force Plant No. 14, Burbank (502.88 acres, includes 284.53—easements, licenses and permits, 80 bldgs.).	1 41,349
GR-Cal-446A	Linda Vista housing project, San Diego (14.24 acres)	17
I-Cal-488C	Yosemite National Park (7 bldgs.)	(a)
D-Cal-500F	Fort Ord, Monterey Co. (0.78 acre)	(a)
D-Cal-503E	Oakland Army Base, Oakland (3.365 acres, includes 0.866 easement).	155
U-Cal-512J	Edwards RTR, Edwards AFB (4 110-foot towers)	4
V-Cal-514H	VA Center Reservation, Los Angeles (21.8 acres, 6 bldgs.)	374
D-Cal-520A	Army Res. Center, Lompoc (2.66 acres, 1 bldg.)	18
N-Cal-579B	Naval Depot, Tiburon (5.3 acres)	14
N-Cal-597A	Marine Corp Air Fac. Santa Ana (1.50 acres)	3
N-Cal-694A	Naval Retraining Command, Camp Elliott (2,582.24 acres)	30
D-Cal-747	Benicia Arsenal Mil. Res., Benicia (35.25 acres, plus railroad trackage).	1 1,018
D-Cal-772	El Segundo Storage Annex, El Segundo (59.06 acres, 8 bldgs.)	1 13,256
GJ-Cal-786	U.S. Penitentiary, Alcatraz Island, San Francisco (22.5 acres, 25 bldgs.)	1,675
N-Cal-789	Preble-Sachem housing project, San Diego (33.11 acres)	85
D-Cal-834	Camp San Luis Obispo, San Luis Obispo Co. (1,915.18 acres, 1 bldg.)	144
W-Cal-872	Donner Summit Homing (H) Fac., Placer Co. (1 bldg.)	1
G-Cal-878B	Old Mint Bldg., San Francisco (1.09 acres, 1 bldg.)	2,431
D-Cal-893	Missile Intersite Comm. Cable, AF Fac. C, Butte, Sutter, Placer, and Yuba Co. (74.274 acres easements).	691
W-Cal-899	Beacon Fac., Los Alamos (0.115 acre—leased)	2
T-Cal-917	Telephone line #12033, Point Arena, Mendocino Co.	6
D-Cal-927	Harvey Aluminum, Inc., Torrance, (related personalty)	1 38,435
U-Cal-939	Pescadero IFSF Fac., San Mateo Co. (332.4 acres, leased land, 2 bldgs.)	167
D-Cal-947	Whittier Narrows flood-control basin, Los Angeles (4.82 acres.)	11
U-Cal-953	Las Cruces Beacon Fac., Santa Barbara (0.23 acre)	2
N-Cal-960	Santa Cruz Sta. Site, Santa Cruz (0.4 acre)	(a)
C-Cal-961	Santa Catalina Radar Sta., Santa Catalina Island (2 bldgs.)	91
A-Cal-962	Refrigeration and heat pump plant, Squaw Valley	750
D-Cal-965	Petaluma Creek Channel, Sonoma Co. (30.44 acres)	(a)
D-Haw-403D	Fort Ruger Mil. Res. Oahu (1 acre)	(a)
N-Hawaii-475	Manana Veterans Housing Area, Manana, Ewa, Oahu (20.349 acres, 31 bldgs.)	880
D-Nev-402B	Stead AFB, Washoe Co. (105.54 acres, 286 bldgs.)	3,630
GR-Nev-402B	Stead AFB, Washoe Co. (28.54 acres)	(a)
GR-Nev-408A	Magnesium Site, Henderson (4.64 acres)	(a)
I-Nev-410	Las Vegas Vacant Land, Las Vegas (0.15 acre)	(a)
W-Nev-448	"H" Fac., Tonopah (Power line)	4
D-Nev-458	Winnemucca AF Sta., Humboldt Co. (75.28 acres, 56 bldgs.)	3,874
Total, region 9 (37 cases)		109,128
	REGION 10—AUBURN	
U-Alas-419C	FAA Sta., Cape Yakataga (158.13 acres, 4 bldgs.)	345
D-Alas-432F	Fort Richardson, Anchorage (118 acres)	2
N-Alas-433A	Amaknak Island, Unalaska Island, and Hog Island (5,120.6 acres, 285 bldgs.).	5,835
A-Alas-495	1550 Gillam Way, Fairbanks (0.432 acre, 1 bldg.)	53
I-Alas-497D	Port of Whittier, Alaska (141.05 acres, 77 bldgs.)	23,526
G-Alas-596	Post Office, Courthouse and Jail, Cordova (1 bldg.-portion)	n.c.
G-Alas-597	Post Office and Courthouse, Wrangell (1 bldg.-portion)	n.c.
G-Alas-598	Post Office, Courthouse and Jail, Ketchikan (1 bldg.-portion)	n.c.
G-Alas-599	Post Office and Courthouse, Nome (1 bldg.-portion)	n.c.
D-Alas-603A	Seward Army Recreational Site, Seward (0.66 acre)	5
I-Alas-610	Terminal Reserve, Seward Waterfront, Seward (37.9 acres, includes 0.25 acre easement).	(a)
I-Alas-615	False Pass Airport, Unimak Island, Aleutian Islands (201.05 acres).	n.c.
F-Alas-618	PHS, Alaska Native Med. Center & Area Office, Anchorage (telephone system).	23
D-Alas-619	ACS Comm. Sta., Nome (13.6 acres, including 3.47 acres easements).	n.c.
D-Ida-457	Mountain Home AFB, AF Fac. S-3, Mountain Home (255.03 acres, includes 255.03 acres easements).	n.c.
D-Ida-468	Mountain Home AFB, AF Fac. S-2, Grandview (121.62 acres, includes 1.62 acres easements, 3 bldgs.)	20,787
I-Ida-468A	Mt. Home Missile Site, Grandview (1 bldg.)	38
I-Ida-470	Mann Creek Project, Weiser (100 acres)	11
G-Ida-472	Post Office Building & Site, Lewiston (0.4 acre, 1 bldg.)	243
G-Mont-414A	Border Sta., Roosville (1 bldg.)	18
A-Mont-520	Administrative Site, Columbus (10 acres)	10
A-Ore-535	Spruce Production Corp., Railroad Right-of-Way, South of Waldport (3.575 acres).	(a)
U-Ore-538A	Coast Guard Sta., Coos Bay (0.8 acre, 2 bldgs.)	32
D-Ore-561	Port Orford Gap Filler Annex (PIN 4432) (12.86 acres, includes 12.36 acres easements, 2 bldgs.)	61
T-Ore-575	Desdemona Sands Light Res., Clatsop Co. (10 acres)	n.c.
I-Ore-585	57KV Salem-McMinnville Transmission line, Oregon City-Salem (0.005 acre, transmission line).	198
D-Ore-586	Baker AF Sta., Ore. (38.64 acres, 1 bldg.)	182
A-Ore-589	Hemlock St. Residences, Powers (0.155 acre, 2 bldgs.)	5
I-Wash-401H	Ephrata Army Air Base, Ephrata (8.49 acres, 2 bldgs.)	16
V-Wash-474J	VA Hosp., Walla Walla (1 bldg.)	26
I-Wash-487A	Olympic Nat'l Park, Clallam Co. (2 bldgs.)	30
D-Wash-513H	Larson AFB, supporting TVOR Annex & Outer Marker Annex, Moses Lake (3,809.36 acres, 975 bldgs.)	39,007
G-Wash-522G	Auburn Depot Mil. Res., Auburn (8.76 acres)	143
GR-Wash-662	Mud Mountain Dam Project, Washington (638.1 acres)	4
N-Wash-665E	Bremerton Annex Spur, Shelton-Bangor-Bremerton Naval Railroad, Bremerton (2.928 acres, includes 0.37 acre easements, 2 bldgs.)	74
N-Wash-666C	Navy Eastpark Defense Housing Project, Bremerton (17.6 acres)	135
N-Wash-673	Manchester Annex, Naval Supply Depot, Seattle (111.7 acres, 27 bldgs.)	451
C-Wash-685	U.S. Science Exhibit, Seattle (6.5 acres, 7 bldgs.)	6,569
D-Wash-701B	Nike-Ajax Site, Seattle (0.93 acre)	1
D-Wash-704	Nike-Ajax Site, Seattle (61.12 acres, includes 61.12 acres easements)	30
D-Wash-751	Northwest Relay & Radio Receiving Sta., Lynnwood (5.00 acres)	2
B-Wash-754G	Horn Rapids Triangle, Richland (85 acres)	9
B-Wash-754J	Portion of Lot 2 Plat of Richland, Richland (2.2 acres)	1
B-Wash-754K	Three Parcels of Land Located near Richland (2.07 acres)	(a)
D-Wash-759	Fairchild AFB Fac. S-4 & Radio Relay Annex #4, Sprague (239.5 acres).	1
D-Wash-760	Fairchild AFB Fac. #5 & Radio Relay Annex #9, Lamona & Harrington (231.96 acres easements).	204
D-Wash-761	Fairchild AFB Fac. S-6 & Radio Relay Annex #2, Davenport & Waukon (241.66 acres easements).	83
D-Wash-762	Fairchild AFB Fac. S-7 & Radio Relay Annex #9, Wilbur & Creston (243.9 acres).	252
D-Wash-763	Fairchild AFB Fac. S-8 & Radio Relay Annex #7, Egypt & Davenport (230.04 acres easements, 1 bldg.).	42
D-Wash-764	Fairchild AFB Fac. #9 with Radio Relay Annex #1, Reardon (104.62 acres easements & 138.49 acres leased).	49
D-Wash-765	Intersite Cable Line for Larson AF Facilities S-1, S-2, and S-3, Moses Lake and Othello (42.72 acres easements).	11

GSA control No.	Property	Reported cost
D–Wash–766	Larson AFB, Fac. S–1, Moses Lake (251.92 acres easements)	5
D–Wash–770	Larson AFB AF Fac. S03, Othello (258.16 acres easements)	12
P–Wash–781	Post Office—Fed. Bldg., Port Townsend (1 bldg.)	1
U–Wash–784	Point No Point Light Sta., Hansville (0.59 acre)	(1)
I–Wash–788	Portion of Covington Tap to Chief Joseph-Snohomish #1 line, Wash. (4.1 acres right-of-way).	4
I–Wash–788A	Covington-Renton Transmission Line (116.8 acres)	134
I–Wash–791A	Columbia Basin Project, Moses Lake (16 bldgs.)	36
I–Wash–791B	Columbia Basin Project, Moses Lake (25 bldgs.)	122
I–Wash–796	Mt. Vernon Radio Sta. Site, Skagit Co. (0.01 acre, 1 bldg.)	13
	Total, region 10 (60 cases)	98,841
	Total all regions (374 cases)	737,844
	Industrial (30 cases)	256,084
	Nonindustrial (344 cases)	481,760

[1] Industrial.

GENERAL SERVICES ADMINISTRATION, PROPERTY MANAGEMENT AND DISPOSAL SERVICE, HOLDING AGENCY CODES

A GSA control number is assigned to each report of excess real property. The control number in each case shows the holding agency code letter, the State, Territory or Insular Possession in which the property is located, and the serial number. (e.g. I–Okla-405) Holding agency codes are as follows:

Code:

Departments and Agencies

A—Agriculture, Department of.
B—Atomic Energy Commission.
C—Commerce, Department of.
D—Defense, Department of (except Navy).
E—Executive Office of the President (including emergency agencies).
F—Health, Education, and Welfare, Department of.
G—General Services Administration.
H—Housing and Urban Development, Department of.
I—Interior, Department of.
J—Justice, Department of.
K—Civil Service Commission.
L—Labor, Department of.
M—Federal Maritime Commission.
N—Navy, Department of (including Marine Corps).
O—Selective Service System.
P—Post Office Department.
S—State, Department of.
T—Treasury Department.
U—Transportation, Department of.
V—Veterans Administration.
W—Federal Aviation Agency.
(Control Nos. 401 and above for properties reported excess prior to 7/1/67.)
Z—All other Agencies.

Wholly owned Corporations

R—Reconstruction Finance Corporation.
Y—All other Wholly-owned Corporations.

11 BUSHES IN VIETNAM

Mr. GOODELL. Mr. President, last week in hearings on Vietnam before the Senate Foreign Relations Committee, I testified on "the things that seem and those that are" in the Vietnam war and U.S. policy toward the war.

There are countless examples of things that "seem" and "are" in Vietnam. Some repel the human conscience, including military injustices between the security of the military base and the risks of frontline operations. Some grate the human intellect, including discrepancies between information from the base and facts from the field. All make the human heart sicker as war goes on.

"11 Bushes" are U.S. infantry riflemen. They put life on the line each day in Vietnam. They are mostly draftees. They have come to call themselves "grunts": GI slang for a frontline soldier in Vietnam.

I have warned against "cosmetizing" the war. Decosmetizing is the effect of the article, "Closeup of the Grunt—The Hours of Boredom, the Seconds of Terror" as it focuses on the dichotomy which exists between the men in the military and the kids in the war; the majority in the rear and the minority in the front; the comfortably bored and the miserably scared; the soldiers who had heeded their country's call and had become one of the military's "own" (the Army protects its own, they said), and the soldiers who had pretended not to heed it; the living and the dying. Although the Army claims ignorance on the matter, grunts in several line companies estimated that 80 to 90 percent of the soldiers in their ranks were draftees and that from 20 to 40 percent of them had had some college.

I ask unanimous consent that this article by James Sterba be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLOSE-UP OF THE GRUNT—THE HOURS OF BOREDOM, THE SECONDS OF TERROR

(By James P. Sterba)

SAIGON.—*"When we were fighting up north, we got ambushed by a whole battalion of N.V.A. [the North Vietnamese Army] and there was so much stuff flying you couldn't tell if you killed anyone or not. But another time, I was on a patrol with a buddy and we stopped at this fork in the trail and we started smoking cigarettes and joking, and two gooks walked right down the trail at us. It was like time stood still. We looked at them and they looked at us and then we blew their ——— away. You walk up and see them dead, that you just killed them, and you say, 'Goddamn, I just killed that man.' But then you think, 'Well, Jesus Christ,' and you look at his gun and you know he'd have done the same thing to you if he'd had the chance. Before I came over here, I thought to myself, 'Damn, could I kill a man?' Well, you learn fast in Vietnam."*—SPECIALIST 4 HERBERT MCHENRY, 21 years old, from Akron, Ohio—a grunt. (Grunt: G.I. slang for frontline soldier, Army or Marine.)

If you hung around enough at the muddy firebases and in the jungles with the kids who pulled the triggers for the old men who ran this war in 1969, you sometimes got the feeling between the hours of boredom and the seconds of terror and the daily entrances by jet and nightly exits by aluminum box, that the kids could work things out with the kids on the other side. That if the wires from the Pentagon to the South Vietnam command nerve centers and from Hanoi to the Cambodian caves had all of a sudden fallen still, the kids sent here to kill each other might have all stood up in the sun, dropped their guns and started picking flowers and crying—like a scene out of "Elvira Madigan."

Of course, that didn't happen in 1969, or in the opening days of 1970, and it would undoubtedly never happen in a modern war. But in 1969, Vietnam seemed like that kind of a war. It was not a war of national hate, but a hated, dreary struggle. All the early romance and idealism were gone. Their flickering lights were snuffed out on June 8, when President Nixon announced withdrawal in a statement at Midway that must stick in the minds of every mother and father whose son has since left home for his year of war.

The touted air cavalries had gotten their big headlines years ago, swarming like locusts up the Anlao, the Iadrang and a hundred other valleys. The Marines had made their amphibious assaults and had fought their Khesans. The airborne paratroopers had already saved both Hamburger Hill and the American Embassy, and the thought of saving them again was somewhat distasteful. The big medals had been distributed too often already and nobody came to the ceremonies any more to take pictures. The colonels who had begged to come here in 1965 to get their stars had already got them or been washed out.

Now, the tactical operations centers and headquarters were airconditioned and computerized and filled with middle-aged career men who occasionally caught colds and wrote memos suggesting the cooling systems be turned down. The sergeants pushing booze at base bars were making more money than the American generals pushing the war—but less money than some South Vietnamese generals pushing anything they could get their hands on. The war was still costing more than $500 a second. University extension courses were being taught in classrooms on huge, paved and sometimes lawned rear bases, where old sergeants were getting tougher and tougher about unshined boots.

At these big bases, jogging was on the increase, along with sunbathing and softball tournament. At Tansonnhut in November, the Army announced the formation of "Armed Forces Theater Vietnam, a touring military production group" that kicked off the 1969–70 theatrical season with "You're a Good Man, Charlie Brown."

Worlds away from all this, however, amid the mud and the dust and the mosquitoes and the blood and the dead and the dying, the grunts—it was a proud name they had chosen (from the grunting sounds made by foot soldiers under heavy field packs)—were still getting their arms and their legs blown off. But in 1969 they were not the same grunts as before—the ones who filled the all-volunteer units a couple of years ago, not the gung-ho enlistees and toughened three-war sergeants whom information officers cited in 1966 as evidence of the professionalism of the American military machine. These grunts did not come from the ranks of the post-World War II silent, or Jack Kerouac's fifties, or the concerned early sixties, or even the committed mid-sixties. All those had come and gone back and joined the American Legion or the real silent majority—the one that keeps the florists in money on Decoration Day. Some of the men of early Vietnam, the "lifers," were back for their fifth and sixth tours, but only a relative few—the most compassionate and the most restless—saw jungle rot and blood instead of charts and cables.

No, these grunts were somehow unlike those others. These grunts were the class of 1968—they had come out of that America some of their commanders had seen only from the windows of the Pentagon. They were

graduates of an American nightmare in 1968 that stemmed mostly from the war they had now come to fight—the year of riots and dissension, of assassinations and Chicago, the year America's ulcer burst.

If they had not been in Chicago, they had certainly heard about it or watched it on television. If they hadn't fought the draft, they were aware that it was being fought. If they hadn't demonstrated against the war, they knew people who had. If they were too young, or too busy, or too far removed from the vocal and violent disputes over the war, they were at least aware of them. Many of them, probably the majority, had not physically committed themselves to either polarized side in the division, but even those in high school were well aware of the sides—as those before them had not been.

Some of them had been much too young to pay any attention to the preludes to that year. Many of them were trying out for their high-school football teams when the Tonkin Resolution was signed, in college some were parlaying their grades into that magical marking on their draft cards—2 S, student deferment.

But before they knew it, both high-school football and college restlessness were over, and the process of unnatural selection that would determine who fixed helicopters and filed papers in the rear and who "humped the boonies" (or "beat the bush" looking for Vietcong) had begun. If they were high-school graduates and naive, or high-school dropouts and innocent, or if they were college students very much concerned and antiwar, they wouldn't enlist, the highschoolers would mostly just put off their decisions about the military, thinking of college or a job. The collegians would think that since they were against the war and the military-industrial complex anyway, but didn't quite have the conviction for jail or exile, it was best to let the "green machine" swallow them up. One couldn't possibly volunteer to be a part of it. One had to be consistent, so you let the military take you.

What many of them didn't know was what the Army would do with them as draftees. It would make most of them (including most of the college men, regardless of what it had said about giving the collegians jobs to fit their abilities) grunts. And the arithmetic was there on what happened to grunts as they entered basic training: 15,000 dead and 45,000 wounded in 1968. The dead and wounded were not file clerks or grease monkeys or radio repairmen. The dead and wounded were grunts, overwhelmingly.

The members of the class of 1968 went through advanced infantry training at places like Fort Polk, La., or the "Shake and Bake" school for instant noncommissioned officers at Fort Benning, Ga. Their M.O.S. (Military Occupational Specialty) would be stamped on their records: 11B, which meant infantry rifleman.* But most of them would have no real idea of what it meant to be an "11 bush," even after they stepped off the troop planes at Bienhoa and Camranh Bay and the data-processing machines were matching them with units. Many were scared when they were trucked or flown to their new units' headquarters, but they didn't pay much attention when, during those first days of "in-country processing," the re-enlistment sergeants gave their spiels about not having to stay "out there" very long if they would only sign up for another three years. If they signed, then after only eight months in the Army, four or five of which had already been spent in training in the States, they could go home for a month and then come back and finish their year in Vietnam as a file clerk or a security guard.

It wouldn't be long, however, before many of them would be trying to remember what the re-enlistment sergeant had said.

One of their first tasks was learning grunt language. As replacements, they weren't new members of the unit, they were "cherries." They learned that grunts never die, they get "greased." They never said yes, they said "That's a Roge," or "Roger that. Their opponents were not the enemy, they were "gooks" or "dinks." In fact, to many grunts any Vietnamese was a "gook." Grunts would not put on their equipment, they would "saddle up." They didn't stage ambushes, they "blew bushes." They "humped the boonies" or "busted bush." Some of them never looked for the enemy, they went "Chuck-hunting." (Vietcong="Victor Charley"="Charley"="Charlies"="Chuck.")

"My second day out, we blew a bush and four gooks were entirely wiped out. First dead ones I saw. You get a little sick. I ain't never shot one. Most of the time, you don't know who killed them 'cause everybody's just firing and you can't see them anyway. We went into a base camp once and this gook in a bunker shot up two guys in my platoon and our medic. Just killed them like that and he got away. Funny feeling. Just like that, they were dead. It's hard to say how you feel except scared. You don't really get mad. You just think it could be you."

Sgt. Nicholas Francic was 21 years old and had spent the first 11 months of 1969 on the line with the First Infantry near Dautieng as a draftee from Pittsburgh. With two weeks left in Vietnam, he was thinking about going home to "the world."

"I don't think I'll talk about it when I get back to the world because it would just be so hard to believe. Before I came over here, guys would tell war stories and I'd say, 'Bull—just war stories.' But now I'd believe anything anybody ever told me about it over here. I don't think anybody could believe half the stuff that's going on here. I'm glad I'm gettin' out. I don't know what I'd do if I was just gettin' here now.

"When I first got here, I didn't see a base camp for like four months. Just jungle. Sleeping on the ground every night. Once you got jungle rot and ringworm and rashes, you couldn't get rid of them 'cause you were in the same conditions every day. They try and give you clean clothes—like socks—but you just put them on and five minutes later you're back in the mud again. If anybody had told me three years ago I'd be doing this stuff, seeing all this stuff—the dead guys and all—I'd have told them they were crazy. I didn't think I could ever do it. But, you'd be surprised what you can do out here."

Pfc. M. A. Dirr, a 21-year-old Marine from Cincinnati, lay on a bed in a ward room on the U.S.S. Repose, a hospital ship, off the coast of Danang in September. The drugs made him feel "weird," he said.

"I don't know whether it was an R.P.G. [rifle-propelled grenade] or one of our tanks. It was dark and some other guys [Marines] were about 50 meters away and they didn't know it was us and they opened up on us."

Was it worth it?

"Boy, after that, I don't see any sense in fighting over here," he said. Dirr wouldn't fight any more. At the end of his bed where his feet were supposed to be, there was only one lump in the sheet—his contribution to peace with honor having been one foot.

The officers' club bar next to the handball building at the American Division headquarters in Chulai is a thatched-roof structure that looks as though it had been franchised by Trader Vic's. Its open-air porch overlooks the jagged, rock-and-sand shore of the South China Sea, panning a postcard view. At one end of this view, across a gully, is a helicopter landing pad with a large red cross painted in the middle. Occasionally, between sips on rum and Cokes or gin and tonics, a bar visitor would see a helicopter settle down on the pad and five or six young men in bluish-green shirts jump out to it and pull off a stretcher holding a young wounded soldier and take him into the adjoining surgical ward. From the bar, however, it was out of focus and looked like some sort of dance or ritual.

On some nights during the movies at the bar, the officers would have to pull their chairs closer to the speakers because the helicopters coming in across the gully were making so much noise.

"You don't want to ride in that one," said a young radioman in a makeshift air-control tower at Landing Zone Baldy southwest of Danang in August, nodding to a helicopter as he popped the top on a Pepsi and petted Whore, his dog.

"That's the dead-guy run."

Maybe it was true that there were no real fronts in Vietnam, but there were definite levels of safety. From America, it was all just Vietnam, that tiny strip of Southeast Asia that had swallowed up so much money, life and will. If you were a soldier just coming to Vietnam was bad enough—where in Vietnam seemed irrelevant, until you get there.

The 36-square-mile Army headquarters at Longbinh, for example, was safe, really safe, even though it was hit by rockets occasionally and somebody was killed or wounded. The 50,000 men who spent their year at Longbinh were known to the grunts as "R.E.M.F.'s" (rear-echelon mother—). R.E.M.F.'s, the grunts said, were the ones who would go home being for the war and telling war stories, 99 per cent of which would be baloney. The biggest battles at Longbinh were fought between the M.P.'s and drunken soldiers, and there were far more casualties from accidents there than from rockets.

Division headquarters was also the very rear. It caught rockets, too, but the handball courts, charcoal pits, swimming pools, bars, striptease dancers, mattresses, slot machines, refrigerators and hot and cold running water made up for them. If the war was anything at these places, it was boring.

There were many more soldiers at these big bases than anywhere else in Vietnam, and most of them were career officers and noncommissioned officers and enlisted men with special training. You had to look for draftees at these places and, when you found them, chances were it was because they had extended their time in Vietnam (a choice rewarded by a shorter term in the Army), because they had a "critical skill" (like churning out Army press releases), because they had some medical defect or because they had re-enlisted. There were many young dissidents in the rear in 1969, and although a few were outspoken publicly, they had to be extremely careful because the threat was always there that they would be jerked out of their relative security and transferred into the jungles, enlistees or not. In 1969, the career Army ruled the rear.

But as you went toward the battlefields—from the division to the brigade to the battalion to the company—the proportions reversed. At the company level in 1969, enlistees were rare, black faces were much numerous, and draftees were everywhere. It was a rather neat dichotomy: between the men in the military and the kids in the war; the majority in the rear and the minority in the front; the comfortably bored and the miserably scared; the soldiers who had heeded their country's call and had become one of the military's "own" (the Army protects its own, they said), and the soldiers who had pretended not to heed it; the living and the dying. Although the Army claims ignorance on the matter, grunts in several line companies estimated that 80 to 90 per cent of the soldiers in their ranks were draftees and that from 20 to 40 per cent of them had had some college.

* The number of 11B's is a classified strength figure and not available. There are also 11C's (mortarmen), 11H's (machinegunners), 11E's (tank crewmen) and 11F's (line intelligence men), most of whom are grunts. But 9 out of 10 Army grunts are 11B's.

"That's all they seem to do any more with college guys is make them 11 bushes," said Specialist 4 Joseph Whalen, a platoon leader and graduate of Boston College with a degree in political science.

Once you got down there on the ground in the boonies among the lowest form of military might—the 11 bushes—it was amazing how much your values changed. Despite what all the philosophers and politicians and social scientists said, you were an animal with one basic instinct dominating all others: survival. The grunts have a phrase for it: "Cover your ass." Live. And it is equally amazing how difficult it was to think or talk about politics, philosophy, the Old—let alone the New—Mobe, when you were bothered with staying alive. It didn't matter whether you were from Harvard, Columbia, Northeastern, Oklahoma State, A & M or P.S. 23, you still had to stay alive for 365 days and New Left Notes and the old collegiate concern weren't worth a damn. Dry socks, hot meals, mosquito repellent and a clean M–16 rifle were far more important.

It would take a book—perhaps less by a gifted writer—to describe the dehumanizing experience of being shot at. The barricades and billyclubs and tear gas at Columbia and Chicago seem so cheap after that first shot zings over your head. Absolutely everything becomes at once irrelevant except survival. If there was ever an event that "blew your mind," being shot at was it. After it, you were not the same person. Those who had been through the experience would warn others away from it, but somehow think less of those who had not had the experience.

"I don't really have anything against demonstrators, or blame people for not coming here," said Lieut. James Friedman, 21, of Burlington, Iowa, during Christmas dinner at Landing Zone Professional west of Chulai. "But after you get in the Army and are sort of jerked over here and have been through some bad stuff, it's almost like being older than those people."

To live, if you were a grunt, you had to shoot back. You had to become a killer, or at least a potential killer in the most immediate sense. Thus, you could still find a lot of tough guys out there in 1969. And if you stuck a microphone in their faces, they'd say, "Bomb Hanoi" or "Invade the North" or "Nuke the gooks." And why not? When your life was on the line, you were for everything that helped preserve it right at that instant. Many of the concerned grunts, before they got here, had serious qualms about the use of napalm. But, now, in the middle of combat, they would tell you there was absolutely nothing in the world more beautiful than the sight of those silver canisters tumbling end over end from a jet bomber and exploding in a huge ball of red flames and black smoke right where the gooks were shooting from. They felt like cheering, and sometimes they did.

Some grunts would even say that they liked to kill. "I've killed 18 myself," said Sgt. Eddie Allen, a 23-year-old 75th Infantry ranger from Muncie, Ind. "I don't talk about it much, but I don't mind it. In fact, I sort of enjoy it."

Shy, quiet and friendly S. Sgt. Patrick Tadina, 27, from Honolulu, had spent 44 months in Vietnam by 1970, mainly, he said, because he didn't know what else he could do. He had become one of the most decorated enlisted men of the war: two Silver Stars, two Vietnamese Crosses of Gallantry, five Bronze Stars all with "V" for valor, and three Purple Hearts. Tadina said he didn't particularly like killing people, just outsmarting them. His personal body count was 109.

It was during the times when death was close—when an arm or a leg had to be lifted by a crying friend out of the dirt and placed on a litter next to a young soldier yelling, "Jesus Christ, oh, my God, it hurts, it hurts, it hurts," and the Medevac chopper is still five minutes away as the medic's stained fingers fumble with the needle and the morphine bottle—that they all looked 12 years old.

It happened daily in 1969. Toward the end of the year, an average of 14 were killed and 100 wounded per day.

Pfc. Dennis Storey, the platoon humorist, had been the point man that day in November just east of the Dongnai River when his platoon, of the First Battalion, 28th Infantry, First Infantry Division, was ambushed. The VC had thrown a switch detonating a Claymore mine as the platoon walked by it. It was so quick. Bang, and two guys didn't have any legs any more, and all the rest put their heads in the dirt and put their M–16's up over their helmets and pulled the triggers until they heard the VC's AK–47's stop cracking. Then silence, some yelling, a radio call for a Medevac. Storey had been lucky. He had walked past the mine before it exploded.

"Wasn't scared a bit," he said later. "You see, I know I'm gonna die before my year is up."

Sometimes the silliest things would happen out there in the boonies where the war was supposed to be such serious business. The battalion officers would spend hours in front of their maps, charting the next day's operation. The communications codes were set, the various coordinates were plotted, the strategy unveiled in sessions that reminded one of the pregame locker room. These meetings would end and the officers would all emerge into the sun and say nothing about the plan. It was all on a "need-to-know basis." It was so hush-hush at times that you felt they must all work for the C.I.A.

The next morning, as the countdown grew short, the plotters would appear nervous as they briefed the company officers. But when the company officer spread word to the grunts to "saddle up," the grunts would mope along, scowling and muttering about playing another "damned lifer game," the kind they'd been through dozens of times before, the kind they were still dirty and tired from doing a few days ago.

But for the planners, these productions were exhiliarating, intricate affairs, in which the power of the huge American military might was most visible—all that fire power, that "air-mobility."

Then the grunts would move out, perhaps on foot, or by truck, or by the greatest kind of John Wayne moveout the Army had, the "combat assault" or "eagle flight." And the battalion commanders and majors would climb into their "Charley bird" (command and control helicopter), and the artillery support would be poised, the Cobra gunships ready to scramble.

As the grunts neared the scene of their secret search for "Charley," the colonels would be hovering above in the cool morning air, hoping for a "good contact." Then the grunts, if on an eagle flight, would be dropped in and quickly fan out as the radio networks were checked and everyone waited to see whether or not the "L.Z. [landing zone] was hot." It usually wasn't. And so after about 30 minutes, the majors and the colonels would fly back to their firebases and tend to other business, while closely monitoring the radios to see if the grunts made "contact." ("War is hell, but contact's a mother—," the grunts said.)

Back in the boonies, meanwhile, the grunts would all breathe a sigh of relief, light up cigarettes and, on most days begin another long walk in the sun. The company commander, and the other young officers, would in many cases revert to being called 'Dick" or "Pete" or "Smitty," just like all the rest of the guys. Life on those unbloody days was almost tolerable, because the military—the "lifers"—weren't around. The company—the family—was alone again. The first sergeant and the captain, usually in their mid- or late 20's, were the father figures. The lieutenants and sergeants, in their early 20's, were the older brothers. Most of the rest were still teen-agers.

The "cherries" would be aghast at the apparent laxity. They would have their M–16's ready, finger on the safety, while some old-timers (you could be an old-timer at 19) would perch theirs over their shoulders.

But if they were ambushed, the old-timers would react instantly, instinctively, and the "cherries" would be the last guys to hit the dirt. Usually, though, there was no ambush.

Instead, silly things would start happening to this secret mission. Up the paddy, or the trail, they would sometimes see some people, seven or eight giggling girls and young boys, perhaps an old woman, with bicycles lying around and boxes and bundles. These groups would tend to appear at exactly the place the platoon or the company had decided previously to stop for lunch anyway.

"Hey, G.I., you want ice-cold Coca?"

"G.I., I have No. 1 pictures. Cheap. You want G.I. cigarettes? You want hammock? Blanket?" And they would display their pornography and Cokes and pot, and some times even beer—canned American beer. And the grunts and Coke girls and the kids and the old women would all sit down in the middle of the secret operation, chatting and bargaining and eating lunch.

Sometimes, if the company commander, say, went to West Point, he would order his grunts to fire warning shots into the air and scare all the giggling girls away. A lot of companies and platoons had straitlaced commanders, but in 1969 a lot also didn't.

"Wouldn't you know it?" said a young platoon leader (a lieutenant who asked to remain anonymous for obvious reasons), pointing down a trail along the paddy fields south of Hue in late summer. A motorscooter putted toward them, carrying a middle-aged man and two girls wearing lipstick. A pimp and his whores. To chase them away, the platoon leader argued with a smile, wouldn't contribute to winning "their hearts and minds."

"The guys like cold Cokes, so do I, and I don't give a—if they buy the pictures. I tell them they shouldn't buy pot, but they do anyway. They know I'll have them court-martialed if they smoke it out here, so they usually wait till we get back to an L.Z. And why shouldn't I let them get it? They've been humpin' their tails off and eatin' bad food while those bastards back at the base eat steak. They hate all this, and it's lunch and we're gonna stop anyway. I just tell them to be careful and not get V.D."

Which was exactly what he told them. And so, right there along the paddy field in the middle of the day, some grunts wandered off to wait in line and drop their drawers. And nobody would ever tell those lifers back at the base that it had happened.

On most days, the war for the grunt was just plain miserable, as Specialist 4 Steve Dokey, a 21-year-old draftee from Benton Harbor, Mich., and Specialist McHenry explained:

"We were O.K. the first two months I was here and then Charlie started blowin' bushes on us," said Dokey. "Seen my buddies getting it. Seen one come out with no legs. Started not likin' it so much."

McHenry: "Say you're a civilian back in the world and you ask a guy if he's been to Vietnam and he says yes and he doesn't care to talk about it. Well, you know he's seen some —. Because this —, you don't want to talk about. You can't explain it to anyone who didn't go through it. Like when I first got in this country, I was scared. But after a while what really got me was that nobody told me you gotta live like an animal. You gotta sleep in a hole at night. And all the other —. There's nothing to talk about."

Dokey: "Who wants to tell your parents that your buddy came out with his guts hangin' out, no legs?"

McHenry: "A couple of days ago I got chewed out by the C.O. 'cause my parents wrote the Red Cross saying they hadn't heard from me. Well, it's just the same old drag. There's nothin' to write about. It's monotonous. Day in, day out. You don't care what day it is. You don't know the date. You just know you got 365 days to keep from gettin' blown away."

Officers in Vietnam didn't have 365 days, however. Their stays in line units were limited to six months, because there were so many of them waiting in line for the good "command time" and the easy promotion—perhaps a few medals—that went with it. The Army did its best to work them all in.

In 1969 the world discovered that massacres could be committed by "us" as well as "them." After the revelations of Mylai, journalists scurried over the countryside looking for atrocity stories and dug into old notebooks trying to find incidents they had jotted down months before anybody seemed to be interested in "good-guy" brutality.

If the South Vietnamese Government had issued licenses to hunt massacres as it did to hunt wild boar, it could have made a small fortune, it seemed. Instant-book writers, politicians, sociologists, psychologists all chipped in their two cents' worth of the most complex explanations. Scarcely a word was heard from the grunts on the subject. But if you asked them, some of the most sensitive grunts would politely suggest that all the researchers need do was read Joseph Heller and William Golding—it was all there.

"Sometimes, it's just like 'Lord of the Flies' out there," said Specialist 4 David Rogers, a 21-year-old Hamilton College graduate and conscientious objector who was serving as a combat medic for a company of the First Infantry. "Eleven bushes are wonderful people, but this is a very corrupting experience. Everyone is young here now. Some guys get weird at times. They don't want me to dust-off [evacuate to a hospital] a wounded VC. They say they want to see him die. Then other times we'll run into some other unit of Americans, and I'll start throwing flowers and leaves at them and these same guys will join in."

At a hilltop landing zone in the Queson Valley south of Danang in August, a helicopter sat down and unloaded two young black-pajamaed prisoners taken from the fighting in the valley below. One was taken into a bunker for questioning. The other squatted on his heels outside.

"If he moves," said the soldier who had brought them as he went inside, "blow the sonofabitch away." The prisoner didn't move much, but within 10 minutes some of the other soldiers at the landing zone had come over to take a look at him. Within 15 minutes, somebody tossed him a canteen of water. Then somebody threw him some cigarettes. Then matches. Then some spearmint chewing gum. Then a candy bar.

Sipping Scotch at a cocktail party in Saigon in late 1969, an Army colonel—unusually sensitive for a colonel—had a little too much to drink and began talking about an informal study he said he'd made with some classified statistics.

"It's amazing," he said. "You know how many guys are putting their lives on the line here every day—less than 80,000 out of half a million. And I'll bet you three-quarters of them are draftees and 11B's. You know what the chances are of an 11B getting killed or wounded in his year in Vietnam? About one in two. Now that's a goddamned travesty." Some other officers were hotly disputing him before he finished. One of them said: "No, no, at least a 100,000 are out there every day and I bet the odds are at least one in five."

The actual statistics, the military here insists, are not available.

In 1969, the grunts would take the rubber-tire Ho Chi Minh sandals from the feet of their victims, but you never heard them talk about taking ears. They would dangle the sandals from their web canteen belts. Around their necks, they dangled chains with peace symbols and love beads that as they walked would sometimes click against the fragmentation grenades or ammunition clips on their chests. It was their helmets which revealed most. You could often tell exactly how many days the wearer had left in Vietnam, the name of his girlfriend and hometown.

Sometimes they would write "Rice paddy daddy," "I love my pig [M–60 machine gun]," or "Yeah, though I walk through the valley of the shadow of death, I fear no evil, for I'm the meanest mother—in the valley," or "The lost year." And somewhere on nearly every other helmet in 1969 there would be written the word "Peace" or "Just give peace a chance," with peace symbols drawn around it. From 100 yards away, they looked like soldiers. From 10 feet away, they almost looked like a tribe of flower children with frags.

At Delta Medical Company in Laikhe in November, six grunts and two medics stood outside the treatment room in the afternoon sun talking about nothing in particular. A truck pulled in and a heavyset grunt got out and walked up, limping slightly. Something he was wearing caught the eyes of the others. It was an inscription on his helmet reading "God, mother, country."

After he walked inside and out of earshot, one of the others remarked, "Must be some kinda weirdo."

None of my guys are gung ho," said First Lieut. Bodie Delaney, leader of the Third Platoon, Alpha Company, First Battalion, 501st Brigade, 101st Airborne Division in Thuathien Province west of Hue. "Out of 28 guys, I have six college graduates, one with a master's in zoology, 10 guys with some college and all but one with high-school diplomas. All but four of them were drafted. Everybody falls into the same category. All of them are reduced to the same level—cover your ass for a year.

"All of them hate this war. There's a lot of superstition even among the college grads. I carried a church key. It became the platoon church key, but one day it was missing and I knew I must have left it back on a hill where we spent the night, about a mile away. Well, they all moaned and gave me all sorts of hell and then got a squad together and went all the way back there—there were gooks around there—to get that church key.

"Funny what happens to you out there. I thought for a long time about what would happen the first time I saw a gook. Could I kill him? When you see a dead one, it's a barbarous-type feeling, I guess. You really feel proud. There he is laying there in the dirt with his head blown off."

On Oct. 15, 1969, the night of the first anti-war Moratorium back in the world, there was a charcoal steak-and-chicken cookout followed by a beer party at Phuocvinh, the headquarters of the First Air Cavalry Division. A song-fest, which lasted well into the night, was led by Capt. Tom Kalunki, an information officer, who divided the group of mostly young officers and soldiers into five sections, each with a separate part to sing. The first group was to sing, "Boom, shhh, shhh, boom, shhh, shhh." The second group's part was: "Humm, tweedle, tweedle, humm, tweedle," and so on down to the last group, which sang, "Daisy, Daisy, give me your answer true." But as the song began, the "boom, shhh, shhh" group altered its lines, singing, "Peace, shhh, shhh,' which others joined until most of those singing the counter-melody were singing, "Peace, tweedle, tweedle, peace tweedle, tweedle."

The next morning, Lieut. Col. Joseph W. McNancy, the division surgeon, was asked about morale. "I'm surprised myself sometimes how really outstanding the morale is here. We don't have incidents here. Quite honestly, we think the men are quite well adjusted and we haven't seen much in the way of problems."

To the contrary, one informant reported later, 250 visits to the division psychiatrist had been made in that month by members of the battalion assigned to guard the Phuocvinh headquarters camp.

Specialist 4 Gregory Chizmadia sat in the recovery ward of a medical company in Dautieng in November, hoping his foot (from which a plantar wart had just been removed) wouldn't heal too fast so that he wouldn't have to go "back out there." He was 19 and had quit school in Detroit to enlist and study radio and telephone repair. But, he said, "I didn't get it. They made me an 11 bush. Said they needed them bad."

Chizmadia didn't want to talk about his experiences since arriving in Vietnam on May 6, but after two hours of chatter about the Jets, Detroit, girls and his sore foot, the conversation began drifting:

"I tell you, you're scared as hell when the stuff starts flying. At first I was scared all the time. *Beaucoup* ambushed. In June, June 11 it was, we walked into that damn base camp and I was gonna re-up [re-enlist to get out of the field] right away. We had 10 guys re-up after that. It was really bad. Lots of dead people. We had a C.O. who was really gung ho, a lifer. He wanted that body count. And after that fight, the dead gooks were laying there, already dead, and he went out and shot each one in the head with his sixteen.

"Sometimes it was real bad and we was in really thick jungle and it was hard and our C.O. said once that we couldn't have any food and water till we got a gook. Finally, he was with another platoon, so we pretended that we got one. We all started shootin' and yellin' and we said we saw some and hit one but they got away. There wasn't no blood or nothing, but the C.O. believed it and he brought us some water in.

"Boy, I don't want to go out there again. I ain't never seen a gook yet that was alive. I'm glad to say I haven't killed anyone over here. I hated every day of it out there."

He was asked about the war.

"It doesn't seem right, all those lifers back there in the Pentagon makin' us come out there and fight this thing. Just doesn't. I haven't seen hardly anybody here who say they are for it unless they're back in the rear."

At 21, S.Sgt. Richard Metzger of Indianapolis was the old man of Charlie Company, Second Battalion, 28th Infantry, First Division, not because of his age but because 22 times in the last year he had inked in solid one or two days on the wallet calendar he always carried. Those black days were the fire fights he had been in during the 11 months and 14 days he had spent on the line. In late November, he had six days left in the Army and was finally back in the rear—at Dautieng—preparing to go home. He knew Charlie Company well: One guy had a master's degree in forestry, at least six were college graduates, 20 to 25 were college dropouts, 50 or 60 were high school grads, and 15 to 20 were high-school dropouts, he said.

"Of the E–5's [sergeants] and below, I can think of only one man out there now who enlisted," he said.

"A lot of guys are re-upping now. When I came over here, nobody re-upped. But, I'll tell you, if I came over here right now, I'd re-up because I know what it's like out there. The only reason why I didn't re-up was because my wife would never forgive me if I did. But if it wasn't for her, I'd have done it and got the hell out of the field."

Sgt. 1st Cl. Graham E. Newshafter, 38 years old, 21 of them in the Army, worked in the First Cavalry re-enlistment office in Phuocvinh in October.

"We have 19 career counselors here and we serve the people right and there on the

L.Z.'s," he said. "We have a quota system for the first-termers—90 a month, or one-half of 1 per cent of our total division strength. I don't know how many men re-enlist to get out of the field. But, remember, this is the only war we've fought in which the Army gives you an opportunity to get out of the field."

In August, out of 138 First Cavalry draftees and enlistees on their first hitch who re-enlisted, 121 were 11 bushes.

In Chulai on Christmas eve, a chaplain for the Americal Division, Capt. Max Sullivan, who was decorated for bravery for having spent so much time during several battles with the grunts, talked about their re-enlistment dilemmas. "When they have an intense problem like that, aggravated by fear, I tell them to think it over. I tell them, 'If you like the Army, re-upping may be a good idea. If you don't, think about it, because you are extending your sentence.'"

Sullivan's division, the largest in Vietnam, has consistently fought sharp, bloody battles in the mountains to the west. It also has consistently had one of the highest re-enlistment rates in Vietnam. "This month," said Sgt. Maj. Paul Shaffer, an enlistment noncommissioned officer for 10 years, "we have hopes of setting another record. We have one man hit every firebase at least every two weeks."

On a sizzlingly hot day in August, it was less than ironic, then, when a helicopter touched down on Landing Zone Center, on a hill above the Hiepduc Valley northwest of Chulai, and dropped off a re-enlistment sergeant.

That was the day that a ragged, demoralized, exhausted company—Alpha, Third Battalion, 21st Infantry, Americal Division—trudged up the hill from a week of hell in the valley below with only half the men it had started with. World-famous Company A, the one that had refused, for an hour, to go to war, was being given the opportunity by the United States Army to re-enlist, to serve for three more years, but not "out there." By the end of the day, the re-enlistment sergeant's results, remarked one officer, had been "outstanding."

SCHOOL BUS SAFETY

Mr. KENNEDY. Mr. President, the lack of national minimum safety standards in the manufacture, operation, maintenance, and inspection of school buses unnecessarily endangers 18 million pupils each day. Some 34,000 of the Nation's 250,000 school buses are involved in accidents each year with 80 percent of the injuries suffered by pupils thrown against unyielding metal and plastic seats and poles inside the bus.

What is doubly distressing is the availability of the expertise and knowledge within the government, university, and scientific communities to considerably reduce such injuries.

Dr. Seymour Charles and Annemarie Shelness, in an article published in the November issue of "Pediatrics," describe the present lack of attention to school bus safety and recommend safety standards to be immediately instituted. The article also provides State-by-State statistics that should be of wide interest to the Members of the Congress.

Mr. President, I ask unanimous consent that the article, entitled "How Safe is Pupil Transportation?" published in the November supplement to Pediatrics, Journal of the American Academy of Pediatrics, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW SAFE IS PUPIL TRANSPORTATION?

(By Seymour Charles, M.D., and Annemarie Shelness)

While the American school bus is claimed to be the safest form of passenger transportation, a recent survey of accident rates and hazards revealed by the Physicians for Automotive Safety (PAS) indicated substantial deficiencies in school-bus safety. Individual states reported a confusing disparity in safety regulations; no state possessed an optimal situation. No uniform national standards for the medical qualification, selection, training, and supervision of bus drivers exist. Existing scientific knowledge concerning safety, like that reported by the University of California at Los Angeles Institute of Traffic and Transportation's study on school bus collisions, have not been widely applied for pupil and driver protection. The collision experiments with anthropometric dummies as "passengers" were set up to establish the feasibility of using seat belts or other restraining devices for youngsters in school buses. The findings cover these and many other aspects of vehicle design. Some of the recommendations are: seat backs should be raised to a height of 28 inches; seat backs must have effective padding on the rear panels and strong, well-padded arm rests; seat belts should be provided for all passengers but only in combination with the safety seats described above; drivers of school buses should wear seat belts; seats must be anchored securely to the floor to withstand collision forces of up to 30 G; windows should remain in place even after being struck by passengers' heads or shoulders; rigid, protruding structures inside the vehicle should be eliminated if possible or recessed; no standees should be permitted; at least four emergency exits should be provided—the matter of evacuation requiring further study; and school districts should conduct fire drill demonstrations with instructions to children to stand well out of the way of traffic after leaving the bus. Bus safety is often compromised by lack of adult monitors, children crowded into standing and hazardous construction of bus interiors.

School buses operate under a number of favorable conditions. Few buses are on the roads during peak accident periods; they are usually conspicuous because of their size, color, and markings. They are surrounded by an aura of "sanctity," subjected to periodic inspection to reduce the possibility of mechanical failure, and are basically of stronger construction than other vehicles on the road. As populations grow, urban sprawl increases and use of school buses for many public events, and private preschools and other educational ventures increase, these safety advantages will diminish.

The school's traditional community safety rule makes bus safety emphasis even more important. Judging by the evidence compiled by the PAS survey, many safety recommendations have not been implemented across the country. Based on the national survey conducted, the following measures are urged for each school district: (1) A physical examination prior to the employment of a school-bus driver and annually thereafter. (2) School-bus drivers to be over 25 and under 60 years of age. (3) Any person hired to operate a school bus to be required to attend a job training course before being permitted to drive passengers; this to be followed by annual refresher courses. (4) Standards for school-bus design to be set immediately based on UCLA research recommendations; other proven school-bus safety features now available as optional equipment to become standard. (5) Seat belts for the use of school-bus drivers to be installed immediately and the wearing of the belts to be a condition of employment. (6) National school bus chrome, the familiar yellow color, to be required for all vehicles carrying schoolchildren. (7) Effective crash padding to be developed and installed to cover exposed steel seat and guard rails in buses currently in use. (8) The protection of passengers in front seats to receive immediate attention in buses currently in use. (9) Standing in school buses to be forbidden. (10) Bus transportation to be provided, regardless of distance from school, if walking is hazardous. (11) Principles of highway safety, with particular emphasis on school-bus safety, to be taught in schools from kindergarten through twelfth grade. (12) Road-crossing drills (to and from the stopped bus) and bus-evacuation drills to be held frequently. (13) Adult monitors to ride on all buses. (14) Uniform and itemized records of school-bus accidents to be kept in every state. The Tables I and II summarize the legal and injury reporting circumstances for each state as they are reported. As educational institutions, the school systems of our country should teach by example. A safe school bus situation combined with more effective legislation and education are critical ingredients in protecting the lives of this nation's children.

TABLE 1.—SCHOOLBUS REQUIREMENTS

State	Seat belts for bus-drivers: Required by law or regulation	Seat belts for bus-drivers: Districts which have installed	Standees permitted	Driver age limits: Minimum	Driver age limits: Maximum	Medical examination required	Districts requiring training for drivers
Alabama							
Alaska	no		10-60	19		pr/e, an	none.
Arizona	no	8%	none	21	65	pr/e, an	all.
Arkansas	no		unlimited	17		an	30%.
California	no	some	none	18		pr/e, tri	
Colorado	yes, nb	some	none	18		pr/e, an	some.
Connecticut	no	none	none	21		pr/e, an	none.
Delaware	no	none	unlimited	21	70	pr/e, bi	none.
Florida	yes, nb		unlimited	17		pr/e, an	60%, c.
Georgia	yes, nb		20%	18	65	pr/e, an	
Hawaii	no	none	66⅔%	20		pr/e, an-bi	
Idaho	yes, nb		10%, E	18		pr/e, an	some.
Illinois	no		none	21		pr/e, an	70%.
Indiana	yes		none	21		pr/e, an	some.
Iowa	yes, nb		none	de 16		pr/e	some.
Kansas	yes	all	none	16		pr/e, an	
Kentucky	yes, nb		unlimited, x.				
Louisiana	yes, nb		unlimited	18	65	none	
Maine	yes, nb		none	18		an	
Maryland	yes	25%, b	20%	21	65	pr/e, an	all.
Massachusetts	no		25%	21		pre/e	

TABLE I.—SCHOOLBUS REQUIREMENTS—Continued

State	Seat belts for busdrivers: Required by law or regulation	Seat belts for busdrivers: Districts which have installed	Standees permitted	Driver age limits: Minimum	Driver age limits: Maximum	Medical examination required	Districts requiring training for drivers
Michigan	no	25%	unlimited	21		pr/e, an	
Minnesota	no, BP	35%	none	18		pr/e, an	
Mississippi	no	none	unlimited	17	70	pr/e, an	all.
Missouri	no		unlimited	16		pr/e, an	
Montana	no	3%	unlimited	21		pr/e, tri	
Nebraska	no	2%	none			pr/e, an	
Nevada	no	10%, b	none	17	65	pr/e, an	all, t.
New Hampshire	no	5%	none	21		none	
New Jersey	no		none	21		pr/e, an	some.
New Mexico	no	75%	20%, s	18		pr/e, an	most.
New York	no	some	20%	21	70	pr/e, an	some.
North Carolina	no	½%, b	25%	16		none [1]	all.
North Dakota	no		none	18	65	pr/e, an	75%.
Ohio	yes, nb		10%	21		pr/e, an	all.
Oklahoma	yes, nb		unlimited	de 16		[2]	some.
Oregon	no	none	20%	18	65	[3]	some.
Pennsylvania	no	some	none	21		pr/e, an	1%.
Rhode Island	no	none	none	21		an	
South Carolina	yes, nb	none	25%	16		none	all, T.
South Dakota	yes, nb		none	16	65	pr/e, an	none.
Tennessee	yes, nb		20%	21	65	pr/e, an	
Texas	yes	all	20%	17		none	20%.
Utah	no		20%	21		pr/e, an	
Vermont	no		10%, E	18		pr/e, an	
Virginia	yes	some	unlimited	16	65	pr/e, an	
Washington	yes		unlimited	18		pr/e, bi	all.
West Virginia	yes, nb		10%	21	65	pr/e, an	all T_1.
Wisconsin	yes, nb	2½%	none	21		pr/e, tri	most.
Wyoming	no	4%	unlimited, x	16	70	pr/e, an	11%.

Note: an=annually, b=buses, not districts, bi=biannually; BP=bill pending; c=counties, not districts; de=16 and 17 with driver education only; E=10% in emergency only; nb=new buses; pr/e=prior to employment; s=short distances only; t=a 10 hour program; T=12-hour classroom, 6 hour driving; T_1=24 hours pre-service, 12 hours in-service; tri=triannually; x=not to exceed maximum capacity established by manufacturer.

[1] For over 65 only.
[2] 5 years for those under 65; every year for those over 65.
[3] 3 years for those 18 to 35; 2 years for those 35 to 45; 1 year for those 45 and over.

TABLE II.—SCHOOL BUS DATA

State	Pupils transported	Annual mileage	Number of vehicles in use	Accidents	Pupils: Passengers: Injured	Pupils: Passengers: Killed	Pupils: To and from bus: Injured	Pupils: To and from bus: Killed	Busdrivers: Injured	Busdrivers: Killed	Others: Injured	Others: Killed	Total: Injured	Total: Killed
Alabama														
Alaska	20,000	2,211	225											
Arizona	122,404		1,250	54	9	0	3	1	1	0	28	1	41	2
Arkansas	207,013	31,806	3,534	61	17	0	6	2	0	0	12	2	35	4
California	1,000,000	127,000	9,596	[1] 9,151	167	0	0	0	26	0	238	12	431	12
Colorado	150,000	22,000	3,000	122	11	0	0	0	0	0			11	(I) 0
Connecticut	254,124	17,644	2,300	208	(Total injuries 101; killed 3)								101	3
Delaware	50,000	5,600	700											
Florida	350,406	37,292	3,654	236	(Injured 87; killed 3)				7	1	46	1	140	5
Georgia	505,007	53,702	5,046	[2] 226										
Hawaii	11,920													
Idaho	80,017	10,849	1,330	152	21	0	4	1	2	0	4	1	31	2
Illinois	520,449	68,586	9,000	[3] 565	40	0	0	1			20	1	60	(I) 2
Indiana	504,919		7,000	416	87	4	0	0	0	0	53	1	140	5
Iowa	263,991	52,244	5,997	346	90	0	2	1	9	0	37	3	138	4
Kansas	125,000	32,000	5,200	89	14	0	0	9	8	0	28	1	50	1
Kentucky														
Louisiana	479,149	39,796	5,530	181	(Total injuries 48; killed 4)								48	4
Maine	116,268	13,673	1,403											
Maryland		96,000	3,500	257	92	0	2	0	38	0	27	1	159	1
Massachusetts	378,501	25,262	4,969	84	(Total injuries 82; killed 2)								82	2
Michigan	670,000	76,000	7,700	[4] 356	(TP) 253	0	28	1	0	1			281	2
Minnesota	379,542	56,165	6,139	[5] 311	325	3	2	1					327	(I) 4
Mississippi		43,904	5,241	164	81	0	0	1	4	0	16	4	101	5
Missouri	458,813	55,090	6,191	336	86	0	7	0			79	2	172	(I) 2
Montana	42,877	12,327	1,064	28	16	0							16	(I) 0
Nebraska	55,000	18,000	2,100	43	(Total injuries 19; killed 1)								19	1
Nevada	24,738	3,742	508											
New Hampshire	66,600	7,078	947											
New Jersey	430,000	28,468	7,500	66	9	0			5	0	10	2	24	2
New Mexico	97,427	12,174	1,516	[6] 63	3	0	1	2	0	0	2	0	6	2
New York	1,348,457	145,576	16,000	721	535	0	18	1			5	0	558	(I) 1
North Carolina	592,000	69,000	9,000	[7] 1,156	294	2	11	3	16	0	117	4	438	6
North Dakota	54,352	23,339	1,810	64	19	0	0	0	8	0	7	0	34	(I) 0
Ohio	935,000	77,000	9,300	1,059	72	0	0	3	0	0	91	1	163	4
Oklahoma	169,801	28,523	3,487	78	82	0	0	0	0	0	0	0	82	0
Oregon	331,000	22,000	2,770	222	25	0	3	0	0	0	15	0	43	0
Pennsylvania	1,000,000		10,000	668	282	4	16	4	34	1	249	4	581	13
Rhode Island	59,671	5,516	480	81	6	0	1	0	0	0	1	0	8	0
South Carolina	341,000	37,000	5,011	291	134	0	10	2	10	0	0	1	154	3
South Dakota	31,627	11,073	1,067	25	2	0	0	0	0	0	5	0	7	0
Tennessee	420,667	44,580	4,556	206	(Injured 52; killed 0)				0	0			52	(I) 0
Texas	473,039	78,294	7,787	418	98	0	4	1	10	0	43	3	155	4
Utah	83,000	6,000	873	34										
Vermont	37,163	6,525	745											
Virginia	538,544	49,347	5,945	[8] 503	207	0	4	2	11	0	20	1	242	3
Washington	301,532	31,473	3,422	233										
West Virginia	252,250	21,606	2,236	100	34	0	0	0	1	0	4	0	39	0
Wisconsin	351,995	68,000	6,583	227	140	1	1	1	12	0	36	0	189	2

Footnotes at end of table.

State	Pupils transported	Annual mileage	Number of vehicles in use	Accidents	Pupils: Passengers: Injured	Pupils: Passengers: Killed	Pupils: To and from bus: Injured	Pupils: To and from bus: Killed	Busdrivers: Injured	Busdrivers: Killed	Others: Injured	Others: Killed	Total: Injured	Total: Killed
Wyoming	24,093	4,495	782	[9] 36	(Total injuries 5)								5	(I) 0
Total	14,709,355	1,677,960	203,994	11,637	2,998	14	123	28	202	3	1,193	46	3,928	95
	In 46 States	In 44 States	In 47 States	In 41 States	In 30 States		In 29 States		In 28 States		In 28 States		In 29 States	

[1] California—calendar year 1966.
[2] Georgia—1965–66.
[3] Illinois—1965–66.
[4] Michigan—1965.
[5] Minnesota—calendar year 1965.
[6] New Mexico—1965–66.
[7] North Carolina—1965–66.
[8] Virginia—1965–66.
[9] Wyoming—1965–66.

Note: (I)=incomplete figures and therefore not included in totals; TP=total passengers. Figures are for 1964–65 unless otherwise specified.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will resume the consideration of the bill.

Mr. ELLENDER obtained the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the Senator from Louisiana does not lose his right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to amendment No. 481 offered by the Senator from Mississippi (Mr. STENNIS) and others to H.R. 514, the pending business.

The Senator from Louisiana (Mr. ELLENDER) has been recognized under a previous order.

Mr. ELLENDER. Mr. President, before proceeding with a discussion of the pending amendment I would like to state that the Senate is indebted to the Senator from Mississippi and also the Senator from South Carolina for presenting undeniable facts as to the operation of the school desegregation program throughout the country.

FORCED INTEGRATION

Mr. President, I took my oath of office as a Senator 33 years ago last month. Within a year after I took my oath we began a debate on a so-called civil rights issue, and practically every year until now we have had discussions on the subject. Our great Capital, the city of Washington, had a population then of about a half million people, 34 percent of whom were blacks and the rest whites. Since the decision of the Supreme Court of 1954, and in part due to that decision, the population has changed considerably. I heard on the radio last week that blacks now constitute 68 to 73 percent of the population.

We had no serious difficulty 33 years ago, but recent efforts to integrate the races by force have led to much trouble. I never dreamed that I would ever see Washington burned from my office window; and that happened about 2 years ago. The difficulties between the two races at that time had increased very much. Since all of this effort to achieve forced integration has taken place, there has been a growth of ill feeling between the blacks and whites, to the lasting detriment of all our citizens—black and white alike. None of us like to see that; and it is my considered judgment that under a national policy of freedom of choice this problem would probably be solved without the use of arms, force, harassment, and intimidation against school districts by the Federal Government.

SOUTHERN PROBLEMS AND SOUTHERN PROGRESS

It is true that the South has been backward in its educational program. I can well remember when I attended school in my State. I started out when I was 7 years old. The first school I attended in 1897 was not a public schoolhouse but a small shanty that was the abandoned home of someone. The school board of Terrybonne Parish leased this shanty and made it into a school.

At that time, the people of my parish were unable to build schools for the simple reason that we did not have the tax base. Our State was poor, very poor. The South was only poor and remained so until the last two or three decades. Only 5 or 6 years ago I attended a function in my parish to celebrate the 50th anniversary of the first public school constructed from tax money in the ward or area of the State where I was raised.

We had only one school in the entire parish, the largest in the State, that was constructed from public funds and that was in the city of Houma, the parish seat.

Times were hard during all that period, Mr. President, and it was only many years later that we were able to provide sufficient funds in order to establish within our parish a sufficient number of schools built from public funds. The construction was rather slow due to an insufficient tax base. But in the year 1926 the search for oil and gas culminated in success, and the first oil well discovered in the area where I live began to produce oil. From then on, financial conditions in my area began to look up.

As a result, we were able to start the construction of many schools throughout my area. And with that, we were able to provide good education not only for the whites but also for the blacks. The schools for the blacks were just as modern as the schools for the white.

Not only did we have a custom, but it was the law at that time that the 14th amendment was met by giving to all citizens equal facilities. Under that doctrine, the South, as well as the District of Columbia, and many, many other parts of the country which today refuse to admit that they ever consciously took part in any kind of segregation of the races in schools or elsewhere, proceeded to construct schools that were separate but equal.

I think that worked very well. In our higher education institutions in Louisiana even before the 1954 decision, some blacks enrolled in our State colleges, and after that decision many did. This situation was developing to a large degree in the absence of high-handed coercion from the Federal Government.

But I want to say that since efforts have been made by the Court and by the Congress to enforce integration, suspicion has developed among the whites and the blacks of the South—a state of affairs that I have never experienced before.

WASHINGTON, D.C.: A CASE HISTORY

Here in the District of Columbia, let us say, when I first came here one could sense little or no trouble between the blacks and the whites. It was only after efforts were made to force integration of Negroes and whites that great trouble ensued.

Today in the city of Washington, the population, as I have just stated, has increased somewhat, but the difference between the Negroes and whites has changed a good deal. As I said, the estimate is that almost three-quarters of the population of Washington is black, in contrast to about 37 or 38 percent when

I first came to Washington 33 years ago. What do we find now in the schools? When I first came to Washington there were separate schools. Later on, when efforts were made to force integration, we see a changed picture.

I am informed that 93 percent of the students in the public schools in the city of Washington are blacks; the rest are whites. And what has happened in the city of Washington will happen in many areas of our whole Nation, where a considerable amount of the population is black.

Take the city of New Orleans, where the population in 1933 was about the same as it was in Washington and, percentagewise, the blacks, and whites were about the same. The proportion of Negro children to white children in the schools was in about the same ratio, 38 to 62, in the city of New Orleans. But today, because of forced integration—which, as I say, is contrary to the law, as I shall point out in a few minutes—the proportion of Negroes to whites in the schools is not 38 to 62, but about 62 to 38—just the reverse.

I know that that is not good for the country. Certainly it is not good for the Negroes in whose interest it is supposed to be happening.

Mr. President, the tragedy of all this is that by attempting to force an integration which the great majority of both races do not want, we are about to cause a general breakdown in our southern educational systems. The ironic tragedy is that foremost among the sufferers are the ones we are supposedly trying to help, the Negroes.

As I shall try to show during the course of this discussion, the big question now is, Where do we go from here? Do we impose on the rest of the Nation the sort of system which has evolved here in the District of Columbia or do we back off and take another sober look at the whole matter?

CONGRESSIONAL INTENT IN 1964 ACT

As I shall point out, Mr. President, and as I have stated on occasion in the past, the 1964 Civil Rights Act would never have been placed on the statute books except for the fact that Congress, in its wisdom, saw fit to place in the law an escape for large cities of the North and other areas in the country, by defining "integration" as not meaning the busing of children from one school to another, or from one district to another district.

In addition, there was a proviso placed in the body of the law to the effect that no court or no administrator of the law would have the right to bus or cause to be bused children from one school to another, or from one school district to another.

Yet, Mr. President, in spite of that, HEW has made rules and regulations which are directly opposite and contrary to these provisions in the law, as I shall describe in detail. And all of this, Mr. President, has meant a lot of trouble between the races, with riots, destruction of property, and open violation of the law.

I can well recall the statements of many so-called leaders, both black and white, who have openly admitted that actions they were about to undertake were in violation of the law. Under this principal of anarchy and of disrespect for authority, Mr. President, we now have in this country a situation which must be corrected soon, for unless it is, I do not see any hope for us to attain peace and quiet in many of the cities of our country, particularly here in the city of Washington, our Nation's Capital.

Mr. President, I have here some prepared remarks. Not that I am inviting anyone to stay, but it is a great pity that of the 100 Senators, only four of us are in the Chamber at this time.

Mr. BYRD of West Virginia. One of whom, if the Senator will yield, is the junior Senator from West Virginia (Mr. BYRD).

Mr. ELLENDER. Yes; with the Senator from Alabama (Mr. ALLEN) and the Acting President pro tempore (Mr. METCALF). I just wonder how we can expect Senators to vote properly or study these measures, when they do not seem to have any interest in the subject.

I have found, Mr. President, that in this volatile issue there is more politics than anything else involved; and when politics enters into the solution of a problem, those who deal with the problem seem to lose their sense of reason. It is a terrible thing that the Senate was not here to listen to the great speeches made by the distinguished Senators from Mississippi and South Carolina, and to hear the facts that were presented to the Senate to indicate what is happening in our country.

Our educational system is breaking down and, I repeat, the tragedy of it all is that those we are trying to help are the ones who will suffer most.

COSPONSOR OF STENNIS AMENDMENT

I strongly support, Mr. President, the amendment to H.R. 514, proposed by my distinguished colleague, the Senator from Mississippi (Mr. STENNIS), and cosponsored by the Senator from South Carolina (Mr. HOLLINGS), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. ALLEN), myself, and many other Senators.

As an aid to those who will be studying these debates in days to come, I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

There being no objection, the amendment (No. 481) was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 481

On page 45, between lines 4 and 5, insert the following new section:

"DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED

"SEC. 2. (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

"(b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone, or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose: *Provided*, That nothing contained in this Act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian."

Mr. ELLENDER. The amendment is a very simple one. Its first section restates the law, already on the books, that it shall be illegal for public school officials anywhere in this country to refuse admission to a student on account of that student's race, creed, color, or national origin.

The second section of this simple and clearly stated amendment will make it illegal for any agency of the Federal Government or any State government to force a child to attend any particular school not of his choice on account of his race, creed, color, or national origin for the purpose of achieving what has become known as racial balance in that school or school system.

The latter provision contains other elements; but, in essence, it would provide specific legislative approval for what we have come to know as freedom of choice.

It is interesting to note that the language of this amendment has been taken verbatim from a statute recently enacted by the Legislature of the State of New York. The State law in question is section 3201, chapter 342, which was approved May 2, 1969, and which became effective September 1, 1969. It should be remembered that this law was enacted last year for the State of New York, and we are now asking that it be made the national law. Why anybody should object to that, I cannot see.

The law reads as follows:

Section 1. Section thirty-two hundred and one of the education law is hereby amended to read as follows:

"3201. Discrimination on account of race, creed, color or national origin prohibited—

"1. No person shall be refused admission into or be excluded from any public school in the State of New York on account of race, creed, color or national origin.

"2. Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian, and further provided that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or from giving preference to such selection to such members or to make such selection to its pupils as is calculated to promote the religious principle for which it is established."

Section 2. This act shall take effect on the first day of September next succeeding

the date on which it shall have become a law.

It can easily be observed, Mr. President, that none of us who are supporting this amendment wishes to do anything more than to apply to the Nation a most sensible rule which the Legislature of New York has been wise enough to apply to its own people.

The language in question did not originate in the South. It originated, it was debated, and it was only very recently enacted, in a State which is regarded as one of the most "liberal" in the Union with regard to matters of constitutional rights.

The good people of the State of New York, through their representatives of the legislature at Albany, have taken the highly appropriate step of restating and of attempting to protect one of their own constitutional rights; namely, their right of freedom from being forced or coerced by State or Federal officials into sending their children to a public school not of their choosing and without the approval of the local board of education, the majority of whom have been popularly elected.

VIOLATION OF CONGRESSIONAL INTENT

This is not a new topic for debate in the Senate of the United States. As my colleagues will remember, we have debated the subject on two or three previous occasions; and in each case, Congress has stated its intent quite clearly, only to have its obvious will disregarded by the administration then in power.

As I shall point out in these remarks, this willful disregard of clear-cut congressional intent on the subject of "Freedom of Choice" has been a policy of both the previous administration and the present one. As I stated in my remarks of December 17, 1969, when I spoke in support of the so-called Whitten amendment, I can well recall that during the debates on the 1964 Civil Rights Act, this was a subject of considerable importance.

I remember very well the then minority leader, the Senator from Illinois, Mr. Dirksen, refused to support title IV of the act unless and until it was agreed that nothing in the act would authorize or require the busing of children in order to achieve racial balance or to overcome racial imbalance.

Mr. President, not long ago I was at my home, and next to the little piece of land I own, a farm, is a public school. I gave 6 acres of land, just presented it to the school board, to construct a modern school. This school happened to adjoin a settlement which was composed mostly of blacks, called Mechanicsville. It is a fine school, has good teachers, I saw and heard little children actually crying when they were forced to get on a bus to be taken 20 miles away in order to balance whites and blacks in a school. Then whites from other schools not far away were brought to that same school in order to attain a balance between blacks and whites.

Mr. President, this is farcical.

This is a new method of trying to provide social equality rather than a good education.

That is why it is not working.

Since the proponents of the 1964 act could not possibly have attained its passage without the effective cooperation and assistance of Senator Dirksen, two specific provisions were placed in the bill to make it quite clear the Congress intended to keep from the Federal Government the power to deny the right of a child—actually his parents—to attend the public school of his choice. The first of these provisions appears in section 401, title I of the 1964 act where it states very plainly—and listen to this Mr. President—that:

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin; but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Mr. President, how could language be written more plainly?

This language not only describes what "desegregation" means but also makes it very clear what, in the specific intent of Congress the term "desegregation" shall not mean. With regard to the latter, it says emphatically that it shall not mean "the assignment of students to public schools in order to overcome racial imbalance."

Still, the Senator from Illinois—the great Mr. Dirksen—in his great wisdom and in his great desire to keep his people, both black and white, free from the disastrous consequences of forced school integration, insisted that still another provision be inserted into the 1964 act. He was determined that the issue be stated so clearly that not even HEW attorneys would be able to rewrite the law on this point by means of guidelines—or so he thought.

Therefore, in section 407(a), he insisted on a provision which is in the law of the land today and it reads as follows:

Provided, That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another school district in order to achieve racial balance

This is clear language, Mr. President. It could not be written more plainly. Yet HEW wrote guidelines which actually violated that specific law. It is my belief that most of the trouble is being generated by HEW from that act.

In effect, Congress was attempting then to write into law, and did in fact write into the law, the very same rule adopted last fall by the New York Legislature.

Few of us expected that so clear a statement of congressional intent would be so totally disregarded and so flagrantly violated by the executive branch and, in particular, by officials of HEW and the Department of Justice, who are supposed to administer the law as adopted by Congress and not rewrite it in their own image.

ADVICE TO CONSTITUENTS IN 1964

Although I strenuously opposed adoption of the 1964 act, I assumed that it would be fairly, honorably, and impartially administered. I assumed that there would be no discrimination in the application of the law which was designed specifically to outlaw discrimination.

(At this point Mr. ALLEN took the chair as Presiding Officer.)

Mr. ELLENDER. Mr. President, on that presumption, I appeared on the public media in my home State of Louisiana and counseled my constituents as follows:

The fact remains that, until changed or repealed by the Congress, or else declared unconstitutional, the laws enacted by the Congress must be respected. If any can be defied with impunity by citizens or groups of citizens, then the respect for all law will be diminished. The result would be widespread strife and discord enveloping our land—a condition which leads to anarchy or the absence of law and order. History has taught us that a state of anarchy is the hardest master of all political forms; it leads without fail to a dictatorship of the strongest.

The new so-called civil rights law . . .

And that is the law of 1964 that I was talking about—

will be resisted in many parts of the South and there is no doubt that it will be difficult to enforce. But if its enforcement is to be resisted, as I am certain it will be, I want to emphasize as strongly as possible that it must be within the framework of the orderly processes established by law. Any other course is foolhardy and indefensible—much more indefensible and dangerous than it might have been at some other time in our nation's past. Flagrant disobedience and violence are also much more inexcusable than they might once have been. If such a course were ever justified, the justification has long since disappeared.

From time to time I have pointed out that when issues bearing the label of civil rights are brought before the Congress, otherwise sensible men seem to lose their power to analyze and reason. Emotionalism becomes the order of the day. I have deplored such emotionalism on the part of our legislators, and if the need should arise, I shall deplore it on the part of the Southern citizenry. The coming months will be trying ones for all of us, but the difficulty must be met with calm and reason, and not with violence and emotion.

Now, Mr. President, that was a public statement I made within less than 5 hours after the law was enacted. I was criticized for making that statement, but it was not long after I made it that many other fine southern Senators took the same attitude.

"It is the law now. Let us try to live with it. Unless we do, anarchy will follow." That is what I advised my people.

For the most part, I believe that the vast majority of my constituents have tried to follow the law. They respect the law and detest anarchy, civil disobedience, and racial strife. They are willing to meet anyone half way on any proposition which has been adopted by means of the democratic process. But they detest and react harshly toward bureaucrats who, in the name of the law, are themselves plainly violating the law as it was enacted by the Congress.

When I made that statement, I felt sure, as did many other Senators, that the law as enacted would be followed. When questionable and objectionable guidelines were issued by HEW, we tried our best. We visited the President, then

President Johnson. We visited the HEW Administrator and pointed all this out to him, but to no avail. It was a plain violation in my book of what Congress enacted, as I pointed out a while ago from the law itself.

It becomes difficult, if not impossible, for my people to accept edicts, guidelines, and dictates from Federal officials who have not been elected by the people, who are obviously violating the congressional intent of the laws they seek to enforce, and who deliberately choose to misapply those laws to only one section of the country.

The point is, Mr. President, that I was not forced to give this advice to the people I represent. President Johnson was our Nation's leader then, but he did not try to twist my arm on this matter. I acted voluntarily in the interests of the people of the South, white and black.

I have no use for the doctrine of civil disobedience; I do not think that doctrine has a valid place in our American culture or within the American system of government. We have other institutions and political processes to right the wrongs of government. These should be used; they have been used successfully in the past.

I point out, however, that when large numbers of the population feel "put upon," as it were; when they find no recourse through the legislative, political, or judicial process, they may be forced to go against their own better judgment.

This is what is happening in the South today. It is what will always happen in any society where public policies are developed outside the bounds of reason and outside the constraints of reality. Where there is no reality in the law, the people will act to create their own institutions in line with their own experience and culture. History teaches us this, if nothing else, and we cannot escape it by judicial decree or administrative fiat.

I think my colleagues can easily see the position that the outlawing of freedom of choice puts me in. As the senior Senator from Louisiana, I have spoken against civil disobedience at the time it was rampant in the streets of the Nation; I spoke against its use by the citizens of Louisiana and of the South. When the 1964 Civil Rights Act was on the verge of being signed into law, I told my people: "Here is the law; many of us do not like it. It is repugnant to us and to our way of life, but until it is declared unconstitutional by the Supreme Court, the law must be followed."

Now we find that the law as enacted by the Congress and as representing the intent of the Congress, is not being followed by those responsible for its administration. So I have, in effect, been placed in the position of telling the citizens I represent to obey the Federal Government, while the Federal Government itself is violating the law and its spirit. Needless to say, this is an abhorrent position to me.

Mr. President, I ask that the full text of my remarks delivered to the citizens of Louisiana on July 4, 1964, on this subject be printed in the RECORD at this point.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS BILL SIGNED INTO LAW

As I record this broadcast, the final stage in the 1964 "civil rights" battle is fading out, and the President will soon sign the bill into law. I cannot agree with those who advocate flagrant and perhaps violent opposition to any statute enacted by the Congress, if declared constitutional.

The great majority of national legislation is enacted because of a need for regulations to guide the people of our nation along the paths of orderly progress to bring benefits to all. I must confess that, in recent years, it has seemed to me that the Congress may have acted on some occasions simply to put more laws on the books without good and substantial reason, but that is neither here nor there. The fact remains that, until changed or repealed by the Congress, or else declared unconstitutional, the laws enacted by the Congress must be respected. If any can be defied with impunity by citizens or groups of citizens, then the respect for all law will be diminished. The result would be widespread strife and discord enveloping our land—a condition which leads to anarchy or the absence of law and order. History has taught us that a state of anarchy is the hardest master of all political form; it leads without fail to a dictatorship of the strongest.

The new so-called civil rights law will be resisted in many parts of the South and there is no doubt that it will be difficult to enforce. But if its enforcement is to be resisted, as I am certain it will be, I want to emphasize as strongly as possible that it must be within the framework of the orderly processes established by law. Any other course is foolhardy and indefensible—much more indefensible and dangerous than it might have been at some other time in our nation's past. Flagrant disobedience and violence are also much more inexcusable than they might once have been. If such a course were ever justified, the justification has long since disappeared.

From time to time I have pointed out that when issues bearing the label of civil rights are brought before the Congress, otherwise sensible men seem to lose their power to analyze and reason. Emotionalism becomes the order of the day. I have deplored such emotionalism on the part of our legislators, and if the need should arise, I shall deplore it on the part of the Southern citizenry. The coming months will be trying ones for all of us, but the difficulty must be met with calm and reason, and not with violence and emotion.

We in the Congress fought against passage of the civil rights bill with reason and logic. A spirit of accommodation and good grace prevailed during the debates, although the differences and disagreements between Senators were very great, sharp and deep. Now that the bill has become law, in spite of all our efforts, I express the hope that after being duly and properly tested in the courts and its enforcement brought about in an orderly way that the good relations which formerly existed between the races in the South will be restored.

In recent months, we have heard a great deal about the concept of "civil disobedience". As you may know, the followers of this belief feel they have no duty to obey so-called "bad" or "unjust" laws, and that they themselves will decide which laws are good or bad, just or unjust. On several occasions I have spoken out against this doctrine, and against those who profess to follow it.

Now we have before us a law with which many of us disagree, and will find hard to obey. But it is the law, and the doctrine of civil disobedience has no more credence now than it did before. Groups of demonstrators and others who attempt to take the law into their own hands and shape it more to their liking are wrong and misguided in their actions. Other persons or groups who may in the future attempt the same procedure for different reasons will likewise be wrong and misguided. These questions should be left to the orderly procedures of the courts, where they will no doubt rest for many years to come.

LEGAL FORUM DENIED

Mr. ELLENDER. Mr. President, to add insult to injury, the Supreme Court of the United States has gone so far as to refuse to hear arguments on suits which have been filed by the Governors of several Southern States, challenging the legality of actions by the Department of Justice and the Department of Health, Education, and Welfare.

It is bad enough that the administrative branch and the judicial branch have been able to rewrite the law on this subject in a manner which clearly violates the law as it was passed by Congress. However, it is virtually unthinkable that the highest Court in the land will not even allow the Governors of several States to appear and to plead their case.

It is similarly distressing that the administrative branch, despite its role as defendant in these cases, has not absolutely insisted that the case at least be argued before the High Court. Obviously, HEW is violating the law and does not want to appear on the same forum as anyone who can accurately and truthfully demonstrate that it is violating the law.

Even though HEW knows that the final verdict from the Supreme Court would probably be in its favor, it does not want the embarrassment and bad political publicity of being depicted in legal, provable terms as an agency which flagrantly violates congressional intent.

Nor does the Supreme Court want to hand down a written decision which it cannot document convincingly or defend logically without admitting to the world that it, like HEW, has no respect whatever for congressional intent in applying the law in question.

Mr. President, as I did only 6 weeks ago in supporting the Whitten amendment, I charge again that both this administration and the previous one have been playing games with words in an effort—a highly successful effort, I might add—to thwart the intent of Congress. Despite all of the language quoted above and despite the language inserted into the HEW appropriations measure, Public Law 90–577, the administration has allowed HEW to charge ahead with busing, forced integration and a wide variety of coercive edicts to local school districts which were not only not contemplated by the Congress but which the Congress specifically attempted to rule out on several different occasions.

In effect, HEW continues to spend funds approved by the Congress to force school districts to take expensive disruptive measures to achieve the "racial balance" which the Congress, itself, has on two or three occasions classified as an improper objective for the expenditure of Federal funds.

HEW POLICY BASED ON MYTHS

What bothers me most about this matter, Mr. President, and what must bother any reasonable man as he surveys the situation we are being brought to, is that the bureaucrats of HEW are attempting to build a public policy constructed largely on myth. By that I mean that they have decided, and the Nation as a whole has decided that racial segregation is bad and must be done away with.

But at the same time, too many of the employees in the Department of Health, Education, and Welfare would no doubt represent themselves as believing that social integration is good and must be enforced upon the population at all cost. Actually, Mr. President, many of these representatives, themselves, do not put into effect the beliefs that they profess to hold. The pity is that they are trying to push their fantasies onto those of both races that do not share them.

As a short digression I might now add that we know very little about the social characteristics of the operatives of HEW in the Office of Civil Rights Compliance, either here in Washington, D.C., or out plowing up the fields of southern society. I expect that we would find that the large majority of them are native to such areas of the country, where they have experienced no realistic contact with another race.

From this lack of knowledge, they have gained a mythical viewpoint on which they base actions and attitudes. They have been given by their upbringing a set of assumptions that say one thing is right and another is wrong. The social order of the South is bad and the social order that one knew as a child is good. Unfortunately, they are in a position of power to bring these assumptions into play before they have really been tested.

The point I am driving at was ably discussed by Mr. Crosby S. Noyes, a respectable columnist for the Washington Star. Mr. Noyes' column of January 29, 1970, is entitled "Accepting Enforced Integration as Dogma." In effect, the writer wonders where we are going and where the current path of enforced integration will lead us. He concludes by asking:

> Is it possible that enforced integration, in its way, is as arbitrary and ruthless—and wounding to both races—as the enforced segregation that it has replaced?

Mr. President, I ask consent that the article I have referred to be printed in the RECORD at this point. I hope Senators interested in the subject will read the article and many other articles that have been written lately.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ACCEPTING ENFORCED INTEGRATION AS DOGMA

(By Crosby S. Noyes)

We don't talk about it, but it comes home to us in small ways in any reading of the day's news.

A couple in Oklahoma City are sentenced to spend 30 days in jail and fined $1,000 each for refusing to let their 14-year-old son transfer to another school.

A survey of race relations on American military bases throughout the world warns that "all indications point to an increase of racial tensions."

In a major university, black students meet to demand a curriculum designed to the tastes and separate dormitory facilities.

Why are these things happening?

In what kind of a free society are parents fined and jailed for preferring one school for their child over another? Why are racial antagonisms on the rise in our most integrated institutions? Is the black separatism that attracts so much attention today simply an aberration that will soon disappear?

These questions, perhaps, should not be asked. Race prejudice or even race consciousness as a subject of discussion is taboo. Sixteen years ago, it was outlawed by the decree of the Supreme Court. By its ruling in 1954, the country was firmly committed to a policy of cross-the-board racial integration at all levels of the society, starting in kindergarten.

The edict, to be sure, was not an instant solution. It has been fiercely resisted in the South. It has been complied with in the North more in form than in fact. It has taken countless more court rulings, to say nothing of laws, speeches, sit-ins and demonstrations, to move a small way toward the goal. Today, in many areas, the integration of the society along racial lines is still a fairly distant goal.

But the goal is still there. The perfectly homogenized, color-blind society is a national commitment far more specific than the commitment to clean up our rivers or stop polluting our air.

Racial separatism is held as a matter of faith to be the ultimate of social evils. Its elimination—starting at the lowest level of public coercion, the elementary schools—is officially embraced as the over-all remedy to social injustice.

There are reasons which many people, perhaps most, take to be good and sufficient for faith in racial integration as a social panacea.

There is, to begin with, the legacy of slavery, which created the racial problem and left in its wake apparently inexpiable guilt on one side and inexhaustible resentment on the other.

There is, in our own generation, the monstrosity of Nazism, which branded everyone capable of feeling with an awareness of the unspeakable evils that racism can produce.

There is, finally, the theory of apartheid, with all the passions that it generates. As it is practiced today, as an institution designed to perpetuate the subjugation and exploitation of a racial majority, it is an odious and doomed concept.

Reason enough, one might suppose, for forging ahead toward the other pole. Homogenization as a cure for the evils that beset modern societies is virtually unchallenged as a virtuous and infallible nostrum. As a subject of serious scientific investigation, the question of racism is virtually off limits.

For all one can tell, the matter is settled for all time. Perhaps more than any other political or social fact of our generation, the movement toward racial integration in this country seems irreversible. Perhaps it should be.

And yet the questions still arise. People still are thrown in jail for refusing to comply with court orders. Black and white soldiers who eat, sleep and fight together also fight each other. University students demand more awareness, not less, of the color of their skins.

Before the question is asked, the premise must be established. The objectives that racial integration is supposed to achieve are essential. By one road or another, this country must achieve a successful multiracial society. Whatever legal, social, economic or educational barriers impede the advancement of black Americans must be removed.

But, having said this as loudly as possible, the question remains: Are we, in fact, in the process of replacing one corrupting dogma with another? Is it possible that enforced integration, in its way, is as arbitrary and ruthless—and wounding to both races—as the enforced segregation that it has replaced?

Mr. ELLENDER. I dislike to deal in generalities, but I suspect that many of these individuals possess a cultural background very similar to the people living in the white suburbs surrounding Washington. They work in the Capital City, they drive in every morning and out every evening, and at night they sit around at social gatherings and congratulate each other on how "liberal" they are.

LIMOUSINE LIBERALS

Many of these agents are representatives of the class characterized by the only telling phase that came out of the political contest for the mayorality of New York City last fall. These are the "limousine liberals" so-called by one of the New York candidates. They are those who refuse to accept or to allow their children to participate in the logical consequences of their actions and beliefs, but are prepared to see others, usually poorer, usually less educated, submit to the consequences.

This is blatant hypocrisy, Mr. President. It is anathema to me. The people in the big cities can run and hide and they have done so. They have fled the battleground of a changing social order. Where can the populations of the rural South, in the country parishes of Louisiana, Mississippi—from east Texas to the Carolinas—where can these people run to and hide? The anwer is that they cannot, without making tremendous financial and cultural sacrifices which they should not be called upon to bear. The answer is that the front ranks of the battlefield are being left to the poor and to the uneducated of both races.

The drafters of public policies cannot long escape public reality. The National Government is going to wake up one day and finally realize this, and I pray it will not be too late.

Mr. President, I ask that an article from the January 26, 1970, edition of the National Observer entitled "Doubts Grow About School Integration" be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORTHERN WHITES MOVE OUT—DOUBTS GROW ABOUT SCHOOL INTEGRATION

WASHINGTON, D.C.—A new word has entered the debate over segregation and integration in the nation's public schools: resegregation.

In dozens of cities, schools and school systems once almost entirely white are turning increasingly nonwhite. This trend, produced by the familiar exodus of whites to the suburbs and nonwhites to the inner cities, has been going on for more than 30 years.

Only now, however, is it becoming a matter of prime concern to Federal officials. A new Federal school survey shows that racial isolation exists in every section of the country and that its growth is most rapid in the big Northern cities. This fact is raising new doubts among many longtime integrationists about the wisdom of trying to enforce desegregation in the schools. Items:

Several years ago, the Cleveland Board of Education searched the city for a new high-school site that would permit optimum racial integration. They settled on a neighborhood

of modest owner-occupied homes near the suburb of Shaker Heights that was 60 per cent white, 40 per cent black. But when John F. Kennedy High School opened in 1965, 95 per cent of its pupils were black. "There's no question the decision to open that school accelerated the departure of whites," says Mrs. Conella Coulter Brown, administrative assistant for the Cleveland schools.

Edmondson High School on the west side of Baltimore was 80 percent white when it opened in 1957. Today there are 25 whites out of its student population of 2,700. "This is a well-kept-up residential area," says assistant principal Margery W. Harriss. "But once the school turned half-black, it turned rapidly almost 100 per cent black. The whites just moved out or took their children elsewhere."

Heavy Negro migration gave the District of Columbia's schools a Negro majority as early as 1950—four years before the Supreme Court's watershed desegregation decision. In 1970, with the schools 95 per cent nonwhite, middle-class Negroes are fleeing—just across the boundary to neighboring Prince George's County, Maryland. The interesting thing about Prince George's enrollments this year, however, is not that the number of new blacks is up but that the number of new whites is down. No one knows exactly why, but one administrator muses: "The whites are moving to other Washington suburbs rather than to Prince George's."

In city after city in the North, the story is the same: Schools once all or nearly all white are drawing nonwhites in increasing numbers. When they reach a "tipping point" of 30 to 50 per cent, the whites move out and the schools become rapidly almost entirely nonwhite.

The extent of resegregation in the North has never been known with any certainty. But the Department of Health, Education, and Welfare (HEW) undertook a survey of the racial composition of 90 per cent of the school districts in the country during the 1968–1969 school years, and fed the returns into a high-speed computer. The results, released Jan. 4, portray a system of segregated education that knows no regional boundaries.

The survey shows, for example, that 5 out of 10 Negroes outside the South attend schools 95 to 100 per cent Negro, as opposed to 7 out of 10 Negroes in the 11 Southern states. Only 25 per cent of the Negroes outside the South attend majority-white schools, as contrasted with 18 per cent of the Negroes in Southern schools.

The survey shows too that 10 of the largest 20 city school systems in the country have majority Negro enrollments. In 16 of those systems, 60 per cent or more of the Negroes go to schools 95 to 100 per cent Negro—almost totally segregated.

A STENNIS CHALLENGE

Federal officials say they are deeply troubled by the extent of segregation the survey has uncovered. Sen. John Stennis, Mississippi Democrat, first previewed the findings in a series of speeches in December, in which he challenged the Government to pursue desegregation in the North with the same vigor it is pursuing desegregation in the South. "If segregation is wrong in the public schools of the South," he argued, "it is wrong in the public schools of all other states."

Mr. Stennis made the point in arguing that the Government should ease up on its efforts to promote desegregation of schools. Leon E. Panetta, HEW's chief civil-rights officer, on the other hand, told Congress two months ago that the answer is not to make segregation legal in the South but to pass legislation making it illegal everywhere.

Last week, in a pensive mood, Mr. Panetta reflected on the emerging pattern of resegregation in America and said: "Nobody really is considering what the answers to this situation are, and whether there aren't new injustices resulting from rectifying gross past injustices."

Ever since the Supreme Court held in 1954 that state-supported racial segregation was a denial of equal educational opportunity, the courts have been trying to undo the vestiges of the South's dual school system. With the passage of the 1964 Civil Rights Act, the Justice Department and HEW joined the battle to force recalcitrant school districts to adopt plans of racial balance.

TURNING ATTENTION NORTH

In the past two years, both agencies have begun turning their attention to school discrimination outside the South, but only a handful of non-Southern districts have been cited for discrimination. This is because racial separation in Northern districts is generally regarded as *de facto* segregation, a result of housing patterns, rather than—as in the South—*de jure*, the result of official law or policy.

Last week, in the second of seven suits filed by the Justice Department in non-Southern districts, a Federal district court ordered the Pasadena, Calif., school board to put into effect by next September a desegregation plan that would give none of its schools a nonwhite majority. The district—30 per cent black, 58 per cent white, and 12 per cent other minorities—was accused of discriminating in the making of school district boundaries, teacher assignments and in other ways.

So far, few courts have held that the existence of *de facto* segregation itself is proof of discrimination, and the Supreme Court has not ruled on the issue. Yet the disparity continues between what is forbidden in the South and what is tolerated in the North, and the pattern of Northern separation begins to look more like its Southern counterpart.

For example, 17 Florida school systems, with two-thirds of the state's pupil population, are currently under Federal court orders to desegregate, two of them by Feb. 1 under a Supreme Court order. Seventy-two per cent of the Negro students in Florida attend schools in which Negroes constitute 95 to 100 per cent of the enrollment.

Yet 72 per cent of the Negro students in Illinois, according to the HEW survey, also attend schools with 95 to 100 per cent Negro enrollment, and there are no court orders compelling desegregation in Illinois. In fact, it can be argued there is more segregation in Illinois than in Florida. Theoretically it should be easier for Illinois, where Negroes make up 18 per cent of the student population, to place Negroes in majority-white schools than for Florida, where they make up 23.2 per cent. Yet there are proportionately more Negroes in majority-white schools in Florida (23.2 per cent) than in Illinois (13.6).

It seems likely that the courts will not for long be able to postpone consideration of such discrepancies in the application of national law. For a few Southern school districts, which have desegregated in accordance with the law, now find themselves victims of resegregation, ostensibly as a result of shifting housing patterns. One such district is Atlanta, where integration began eight years ago as the result of court suits initiated by the NAACP and other civil-rights groups.

TWO ESCAPE ROUTES

Since that time, 25 schools that were formerly all-white have turned predominantly black, as white parents have followed one of the two legal escape routes open to them: a private school or a home in the suburbs. Today, the school system, predominantly white before integration, is two-thirds black, but adjoining, suburban school systems are 80 to 95 per cent white.

If this appears to be *de facto* segregation Northern-style, Atlanta—because it had a dual school system until recently—is nonetheless still subject to a Supreme Court order of Jan. 14, requiring desegregation of schools in Georgia and four other Southern states by Feb. 1.

Southerners have long been grumbling about what they wryly refer to as "this dual system of justice" (one for the North, another for the South), and they are beginning to organize to combat it. Last week, Florida's Gov. Claude Kirk appealed to the U.S. Supreme Court to set national desegregation standards that would affect all 50 states. And the attorneys general of Louisiana, Mississippi, and Alabama announced a joint legal effort designed to ensure that "the same rules for administration of public schools" imposed by the Federal courts in the South "apply to all other states."

The forces attempting to undermine enforced desegregation will get an unexpected assist next month with the publication of a book by Harper & Row, which challenges the Constitutional basis of court-ordered integration.

Entitled *The Supreme Court and the Idea of Progress*, and written by Yale University's Alexander M. Bickel, a Constitutional law authority of impeccable credentials among civil-rights advocates, the book is an expanded version of the Holmes Lectures, which Professor Bickel delivered at Harvard Law School in October.

In a chapter on the Supreme Court's desegregation rulings, Professor Bickel argues the Court, beginning with the history-making *Brown v. Board of Education* decision in 1954, should have contented itself with finding that legally enforced school segregation is unconstitutional.

DUBIOUS SOCIOLOGY?

In going beyond that principle to argue that separate educational facilities are inherently unequal, says Professor Bickel, the Court based its reasoning on dubious sociology and a parochial view of American education, which holds that education's main duty is to promote assimilation. As a result, says Mr. Bickel:

"In most of the larger urban areas, demographic conditions are such that no policy that a court can order, and a school board, a city, or even a state has the capability to put into effect, will in fact result in the foreseeable future in racially balanced public schools."

Enforced desegregation, in other words, will merely force more whites into the suburbs or into private schools, leaving, Professor Bickel argues, only the poor—black and white—in the city schools.

It should be noted that there are many successful experiments in racial desegregation of schools. Several dozen Northern school districts, according to HEW estimates, have achieved full and voluntary integration by such techniques as altering attendance zones, busing, and pairing of students to achieve racial balance. In White Plains, N.Y., for example, a quota system introduced in 1964 has not resulted in an exodus of whites. No school may have more than a 30 per cent or less than a 10 per cent enrollment of minority-group students.

But such plans, officials say, generally work in small or medium-size cities (White Plains' population: 65,000), where the population is stable and the blacks are in the minority. They often require, in addition, a rare degree of local leadership.

Central cities, on the other hand, experienced an increase of 2,400,000 in the Negro population between 1960 and 1968, and a decline of 2,100,000 in the white population, according to Census Bureau figures. While the figures are open to various interpretations, they nonetheless make it clear that great numbers of whites do not consider integration a primary social goal.

CHANGING NONWHITE ATTITUDE

Integration seems to be losing its attraction among nonwhites as well, at least as a short-run goal. Civil-rights leader James Farmer, now a high Nixon Administration official, said recently he has stopped trying to "sell Negro audiences on integration." The reason: "They don't agree on it any more."

In Philadelphia, where 60 per cent of the Negro school children attend schools that are 95 to 100 per cent Negro, officials report waning enthusiasm for busing black students to white schools to relieve overcrowding. "The people want to go to their neighborhood school," says school spokesman Robert S. Finarelli. "It's the state, not local people, pressing us for a desegregation plan."

The educational argument for integrated schools is based on the premise that minority-group children make their greatest achievement gains in an integrated environment. Numerous studies over the years, including the mammoth Coleman Report, issued by the U.S. Office of Education in 1966, have documented this thesis.

Conversely, there is relatively little information to indicate that spending more money in black schools in the slums does much good. "Most experiments in improving ghetto education have, quite frankly, been failures," says a U.S. Office of Education official.

That is why Government "integrationists" are so disturbed by the new findings of racial resegregation in the public schools. Leon Panetta, HEW's 31-year-old civil-rights chief, throws up his hands and shrugs. "We need a congressional examination of this whole question of the results of integration," he says. "In the meantime, we do what the law says we should do."

RACIAL ISOLATION IN PUBLIC SCHOOLS
(1968-69 SCHOOL YEAR)

City	Negro percent of total students	Percent Negroes in majority white schools	Percent Negroes in 95 to 100 percent Negro schools
District of Columbia	93.5	0.9	89.2
Chicago	52.9	3.2	85.4
Los Angeles	22.6	4.7	78.5
New York City	31.5	19.7	43.9
Houston	33.3	5.3	86.4
Baltimore	65.1	7.7	75.8
Dallas	30.8	2.1	82.2
Philadelphia	58.8	9.6	59.8
Indianapolis	33.7	22.4	52.9
Boston	27.1	23.3	33.6
Pittsburgh	39.2	21.3	42.7
Kansas City, Mo	46.8	14.0	67.3
Buffalo	36.6	27.0	61.1
Oklahoma City	21.8	12.5	79.7
St. Louis	63.5	7.1	86.2
Atlanta	61.7	5.4	90.0
Orleans Parish, La. (New Orleans)	67.1	8.8	81.2
Newark	72.5	2.1	75.8
Gary, Ind	61.6	3.1	80.8
Rochester, N.Y	28.9	45.6	12.1
Fresno, Calif	9.0	15.8	72.5
Omaha, Nebr	18.1	20.5	38.3

Source: Department of Health, Education, and Welfare.

Mr. ELLENDER. Mr. President, this article discusses the material on public school segregation in the North, contrasted to the South, which my colleague, the distinguished Senator from Mississippi, has been attempting to bring to the attention of the Nation.

Among other things, it points out that, in New Orleans and Atlanta and Houston, there is a far greater percentage of Negroes currently in school with a majority of whites than there is in such northern cities as Chicago, Newark, or Los Angeles.

But my primary motive in bringing this article to the attention of the Senate is not the facts and figures which I hope are becoming well known by now. One section of the article deals with a new book to be published this month, which challenges the constitutional basis of court-ordered integration.

My staff has attempted to get an advance copy of this volume but so far to little avail. I point out, however, that this study referred to was not written by a southerner or one in sympathy with the southern way of life. Since the book is not at hand, I will quote five short paragraphs from the newspaper article:

Entitled *The Supreme Court and the Idea of Progress*, and written by Yale University's Alexander M. Bickel, a Constitutional law authority of impeccable credentials among civil-rights advocates, the book is an expanded version of the Holmes Lectures, which Professor Bickel delivered at Harvard Law School in October.

In a chapter on the Supreme Court's desegregation rulings, Professor Bickel argues the Court, beginning with the history-making *Brown v. Board of Education* decision in 1954, should have contented itself with finding that legally enforced school segregation is unconstitutional.

Dubious Sociology?

In going beyond that principle to argue that separate educational facilities are inherently unequal, says Professor Bickel, the Court based its reasoning on dubious sociology and a parochial view of American education, which holds that education's main duty is to promote assimilation. As a result, says Mr. Bickel:

"In most of the larger urban areas, demographic conditions are such that no policy that a court can order, and a school board, a city, or even a state has the capability to put into effect, will in fact result in the foreseeable future in racially balanced public schools."

Enforced desegregation, in other words, will merely force more whites into the suburbs or into private schools, leaving, Professor Bickel argues, only the poor—black and white—in the city schools.

This analysis, Mr. President, buttresses and documents what I have been trying heretofore to make clear. That is that the National Government is rushing in where angels would fear to tread, and without either heavenly or constitutional authority.

Although I could not obtain copies of Professor Bickel's work for presentation in this debate, I noticed that an article by him dealing with this same question appears in the New Republic of February 7. This is entitled "Desegregation: Where Do We Go From Here?" This noted liberal authority asked questions that should demand answers from the Government.

He desires to know:

What is the use of a process of racial integration in the schools that very often produces, in absolute numbers, more black and white children attending segregated schools than before the process was put into motion?

In essence, he is saying that freedom of choice has a constitutional and cultural validity that cannot be ignored.

He also wants to know if we can "any longer fail to acknowledge that the Federal Government is attempting to create in the rural South conditions that cannot in the foreseeable future be attained in large or medium urban centers in the South or in the rest of the country?"

He says the Government is seen as applying its law unequally and unjustly. That, I might add, is the same way the people of the South see their Government.

Professor Bickel closes with a statement which I find memorable in its good sense and simplicity. The fact that he feels such a statement must be made shows how far away from commonsense the Government has come. He states:

Massive school integration is not going to be attained in this country very soon, in good part because no one is certain that it is worth the cost. Let us, therefore, try to proceed with education.

The point is, Mr. President, that the bureaucratic operatives active in the South have said, in effect, "hang the cost." As a result of this attitude, the people of the South of both races are seeing their system of public education go down the drain. I am aware that 16 years have passed since the Supreme Court decision in Brown against Board of Education, but I am also aware that the situation existing in the North has been with us for more than one-quarter of a century. The South has no reason to apologize for the progress that has been made in this area.

Mr. President, I ask that a copy of this article I have been referring to be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Republic, Feb. 9, 1970]

DESEGREGATION: WHERE DO WE GO FROM HERE?

(By Alexander M. Bickel)

(NOTE.—Alexander M. Bickel, contributing editor to this journal since 1957, is Chancellor Kent, professor of law and legal history at Yale. His book, The Supreme Court and the Idea of Progress, is being published this month by Harper and Row.)

It will be sixteen years this May since the Supreme Court decreed in *Brown v. Board of Education* that the races may not be segregated by law in the public schools, and six years in July since the doctrine of the *Brown* case was adopted as federal legislative and executive policy in the Civil Rights Act of 1964. Yet here we are, apparently struggling still to desegregate schools in Mississippi, Louisiana and elsewhere in the deep South, and still meeting determined resistance, if no longer much violence or rioting.

The best figures available indicate that only some 23 percent of the nationwide total of more than six million Negro pupils go to integrated public schools. About half the total of more than six million Negro pupils are in the South, and there the percentage of Negroes in school with whites is only 18.

What has gone wrong? The answer is, both less and a great deal more than meets the eye; it is true both that the school desegregation effort has been a considerable success, and that it has not worked.

The measure of the success is simply taken. Sixteen years ago, local law, not only in the 11 Southern states but in border states, in parts of Kansas, in the District of Columbia, forbade the mixing of the races in the schools, and official practice had the same effect in some areas in the North, for example portions of Ohio and New Jersey. Ten years ago, Southern communities were up in arms, often to the point of rioting or closing the public schools altogether, over judicial decrees that ordered the introduction of a dozen

or two carefully selected Negro children into a few previously all-white schools. There are counties in the deep South that still must be reckoned as exceptions, but on the whole, the principle of segregation has been effectively denied, those who held it have been made to repudiate, it, and the rigid legal structure that embodied it has been destroyed. That is no mean achievement, even though it still needs to be perfected and completed, and it is the achievement of law, which had irresistible moral force, and was able to enlist political energies in its service.

The achievement is essentially Southern. The failure is nationwide. And the failure more than the achievement is coming to the fore in those districts in Mississippi and Louisiana where the Supreme Court and a reluctant Nixon Administration are now enforcing what they still call desegregation on very short deadlines. In brief, the failure is this: To dismantle the official structure of segregation, even with the cooperation in good faith of local authorities, is not to create integrated schools, anymore than integrated schools are produced by the absence of an official structure of school segregation in the North and West. The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly it creates as many problems as it purports to solve, and no one can be sure that even if accomplished, it would yield an educational return.

School desegregation, it will be recalled, began and for more than a decade was carried out under the so-called "deliberate speed" formula. The courts insisted that the principle of segregation and, gradually, all its manifestations in the system of law and administration be abandoned; and they require visible proof of the abandonment, namely, the presence of black children in school with whites. The expectation was that a school district which had been brought to give up the objective of segregation would gradually reorganize itself along other nonracial lines, and end by transforming itself from a dual into a unitary system.

All too often, that expectation was not met. The objective of segregation was not abandoned in good faith. School authorities would accept a limited Negro presence in white schools, and would desist from making overt moves to coerce the separation of the races, but would manage nevertheless to continue operating a dual system consisting of all black schools for the vast majority of Negro children, and of white and a handful of nearly white schools for all the white children. This was sham compliance—tokenism it was contemptuously called, and justly so—and in the past few years, the Supreme Court, and HEW acting under the Civil Rights Act of 1964, determined to tolerate it no longer.

HEW and some lower federal courts first raised the ante on tokenism, requiring stated percentages of black children in school with whites. Finally they demanded that no school in a given system be allowed to retain its previous character as a white or black school. Faculties and administrators had to be shuffled about so that an entirely or almost entirely black or white faculty would no longer characterize a school as black or white. If a formerly all-Negro school was badly substandard, it had to be closed. For the rest, residential zoning, pairing of schools by grades, some busing and majority-to-minority transfers were employed to ensure distribution of both races through the school system. In areas where blacks were in a majority, whites were necessarily assigned to schools where they would form a minority. All this has by no means happened in every school district in the South, but it constitutes the current practice of desegregation. Thus among the decrees recently enforced in Mississippi, the one applicable in Canton called for drawing an East-West attendance line through the city so that each school became about 70 percent black and 30 percent white. Elsewhere schools were paired to the same end.

It bears repeating that such measures were put into effect because the good faith of school authorities was in doubt, to say the least, and satisfactory evidence that the structure of legally enforced segregation had been eliminated was lacking. But whatever, and however legitimate, the reasons for imposing such requirements, the consequences have been perverse. Integration soon reaches a tipping point. If whites are sent to constitute a minority in a school that is largely black, or if blacks are sent to constitute something near half the population of a school that was formerly white or nearly all-white, the whites flee, and the school becomes all or nearly all-black; resegregation sets in, blacks simply changing places with whites. The whites move, within a city or out of it into suburbs, so that under a system of zoning they are in white schools because the schools reflect residential segregation; or else they flee the public school system altogether, into private or parochial schools.

It is not very fruitful to ask whether the whites behave as they do because they are racists, or because everybody seeks in the schools some sense of social, economic, cultural group identity. Whatever one's answer, the whites do flee, or try to, whether in a Black Belt county where desegregation has been resisted for 16 years in the worst of faith and for the most blatant of racist reasons, or in Atlanta, where in recent years, at any rate, desegregation has been implemented in the best of faith, or in border cities such as Louisville, St. Louis, Baltimore or Washington, DC, where it was implemented in good faith 15 years ago, or in Northern cities where legal segregation has not existed in over half a century. It is feckless to ask whether this should happen. The questions to ask are whether there is any way to prevent the whites' fleeing, or whether there are gains sufficient to offset the flight of the whites in continuing to press the process of integration.

To start with the second question, a negative answer seems obvious. What is the use of a process of racial integration in the schools that very often produces, in absolute numbers, more black and white children attending schools than before the process was put into motion? The credible disestablishment of a legally enforced system of segregation is essential, but it ought to be possible to achieve it without driving school systems past the tipping point of resegregation—and perhaps this, without coming right out and saying so, is what the Nixon Administration has been trying to tell us. Thus in Canton, Mississippi, a different zoning scheme would apparently have left some all-black and all-white schools, but still put about thirty-five percent of black pupils in schools with whites.

We live by principles, and the concrete expression in practice of the principles we live by is crucial. *Brown* v. *Board of Education* held out for us the principle that it is wrong and ultimately evil to classify people invidiously by race. We would have mocked that principle if we had allowed the South to wipe some laws formally off its books, and then continue with segregation as usual, through inertia, custom, and the application of private force. But substantial, concrete changes vindicating the principle of the *Brown* case were attainable in the South without at the same time producing the absurd result of resegregation.

This argument assumes, however, that the first of the two questions posed above is also to be answered in the negative. Is there, in truth, no way to prevent resegregation from occurring? Approaching the problem as one of straight feasibility, with no normative implications, one has to take account of an important variable. It is relatively simple to make flight so difficult as to be just about impossible for relatively poor whites in rural areas in the South. There is little residential segregation in these areas, and there is no place to move to except private schools. State and local governments can be forbidden to aid such private schools with tuition grants paid to individual pupils, and the Supreme Court has so forbidden them. Private schools can also be deprived of federal tax exemption unless they are integrated, and a federal court in the District of Columbia has at least temporarily so deprived them. They can be deprived of state and local tax aid as well. Lacking any state support, however indirect, for private schools, all but well-to-do or Catholic whites in the rural and small-town South will be forced back into the public schools, although in the longer run, we may possibly find that what we have really done is to build in an incentive to residential segregation, and even perhaps to substantial population movement into cities.

On a normative level, is it right to require a small, rural and relatively poor segment of the national population to submit to a kind of schooling that is disagreeable to them (for whatever reasons, more or less unworthy), when we do not impose such schooling on people, in cities and in other regions, who would also dislike it (for not dissimilar reasons, more or less equally worthy or unworthy?)[1] This normative issue arises because the feasibility question takes on a very different aspect in the cities. Here movement to residentially segregated neighborhoods or suburbs is possible for all but the poorest whites, and is proceeding at a rapid pace. Pursuit of a policy of integration would require, therefore, pursuit of the whites with busloads of inner-city Negro children, or even perhaps with trainloads or helicopterloads, as distances lengthen. Very substantial resources would thus be needed. They have so far nowhere been committed, in any city.

One reason they have not is that no one knows whether the enterprise would be educationally useful or harmful to the children, black and white. Even aside from the politics of the matter, which is quite a problem in itself, there is a natural hesitancy, therefore, to gamble major resources on a chase after integration, when it is more than possible that the resources would in every sense be better spent in trying to teach children how to read in place. Moreover, and in the long view most importantly, large-scale efforts at integration would almost certainly be opposed by leading elements in urban Negro communities.

Polls asking abstract questions may show what they will about continued acceptance of the goal of integration, but the vanguard of black opinion, among intellectuals and political activists alike, is oriented more toward the achievement of group identity and some group autonomy than toward the use of public schools as assimilationist agencies.

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[1] For instance a UPI dispatch from Oklahoma City dated January 20 as follows:

"Mrs. Yvonne York, mother of a 14-year-old boy taken into custody for defying a federal desegregation order, said today she will take the case to the Supreme Court. US District Judge Luther Bohanon last week ordered the Yorks to enroll their son Raymond at Harding Junior High in compliance with desegregation rulings. The boy had been enrolled at Taft Junior High a few blocks from his home. Harding is four miles from his home. Raymond was taken into custody yesterday by federal marshals when Mrs. York tried to enroll him at Taft. He was detained for a few hours." A city councilman is quoted as saying, "The people of Oklahoma are fed up with forced busing and federal court orders running our schools. We demand an end to this madness."

In part this trend of opinion is explained by the ineffectiveness, the sluggishness, the unresponsiveness, often the oppressiveness of large urban public school systems, and in part it bespeaks the feeling shared by so many whites that the schools should, after all, be an extension of the family, and that the family ought to have a sense of class and cultural identity with them. And so, while the courts and HEW are rezoning and pairing Southern schools in the effort to integrate them, Negro leaders in Northern cities are trying to decentralize them, accepting their racial character and attempting to bring them under community control. While the courts and HEW are reassigning faculties in Atlanta to reflect the racial composition of the schools and to bring white teachers to black pupils and black teachers to white ones, Negro leaders in the North are asking for black principals and black teachers for black schools.

Where we have arrived may be signaled by a distorted mirror image that was presented in the Ocean Hill-Brownsville decentralized experimental school district in New York during the teachers' strikes of the fall of 1968. A decade earlier, black children in Little Rock and elsewhere in the South were escorted by armed men through white mobs to be taught by white teachers. In Ocean Hill-Brownsville in 1968, white teachers had to be escorted by armed men through black mobs to teach black children.

Can we any longer fail to acknowledge that the federal government is attempting to create in the rural South conditions that cannot in the foreseeable future be attained in large or medium urban centers in the South or in the rest of the country? The government is thus seen as applying its law unequally and unjustly, and is, therefore, fueling the politics of George Wallace. At the same time, the government is also putting itself on a collision course with the aspirations of an articulate and vigorous segment of national Negro leadership. Even if we succeed at whatever cost, in forcing and maintaining massively integrated school systems in parts of the rural South, may we not find ourselves eventually dismantling them again at the behest of blacks seeking decentralized community control?

There must be a better way to employ the material and political resources of the federal government. The process of disestablishing segregation is not quite finished, and both HEW and the courts must drive it to completion, as they must also continually police the disestablishment. But nothing seems to be gained, and much is risked or lost, by driving the process to the tipping point of resegregation. A prudent judgment can distinguish between the requirements of disestablishment and plans that cannot work, or can work only, if at all, in special areas that inevitably feel victimized.

There are black schools all over the country. We don't really know what purpose would be served by trying to do away with them, and many blacks don't want them done away with. Energies and resources ought to go into their improvement and, where appropriate, replacement. Energies and resources ought to go into training teachers, and into all manner of experimental attempts to improve the quality of education. The involvement of cohesive communities of parents with the schools is obviously desired by many leaders of Negro opinion. It may bear educational fruit, and is arguably an inalienable right of parenthood anyway. Even the growth of varieties of private schools, hardly integrated, but also not segregated, and enjoying state support through tuition grants for blacks and whites alike, should not be stifled, but encouraged in the spirit of an unlimited experimental search for more effective education. Massive school integration is not going to be attained in this country very soon, in good part because no one is certain that it is worth the cost. Let us, therefore, try to proceed with education.

Mr. ELLENDER. Mr. President, I shall be glad to answer any questions. I do not see too many Senators present, except my friend from Mississippi and my friend from Oregon. I hope Senators who have not been present will read the speeches made by my good friend from Mississippi. The fact is that what the Senator from Mississippi has proposed merely tries to put on the statute books of Congress a law similar to that which is now the law in the State of New York.

I yield the floor.

Mr. STENNIS. Mr. President, will the Senator yield to me before he yields the floor?

Mr. ELLENDER. I yield.

Mr. STENNIS. Mr. President, I certainly want to express my appreciation, and I believe I express that of many more Senators, for the speech the Senator from Louisiana has made this morning. I was in and out of the Chamber somewhat, frankly. I had some other duties in connection with this same subject matter. But I know the Senator discussed major points in his very fine and thorough way and that he referred with great learning to those sections of the Civil Rights Act of 1964 which are pertinent. I am referring now particularly to the first section under title IV and also section 407 that comes under the heading "Suits by the Attorney General."

I shall read every word the Senator had to say about the way that part of that act of Congress is being ignored by the Supreme Court of the United States, or just omitted or skipped. If I may say so, it reminds me of the little boy studying his spelling lesson. There were three words he did not know how to spell. His mother insisted on his learning them. He said, "Mother, I will just skip those."

With all deference, I think the Court has just skipped some of those sections. As I understand, the Court bases its opinions simply on the 14th amendment to the Constitution. There has never been any reference to those sections that the Senator has discussed, except a little footnote in one of the decisions, which shows that the members of the Court knew it was there, but, for some reason, it did not apply.

I want to emphasize what the Senator has said about the indescribable confusion that exists at the school level—the trustees, teachers, administrators, and parents honestly trying to carry out the mandate of the Court. They do not know what it means, and no one can tell them exactly what it means. There is no definition of what is a unitary school system. There are many other boundaries that are not defined.

According to my examination, every time a court of appeals has undertaken to make some definitions on this subject matter, it has been rebuffed by the Supreme Court and told, "That is wrong." The Supreme Court never has said, though, what are the rules, what are the boundaries, and what these phrases mean.

I have sought the opinion of attorneys who are the best not only in my State, but the best in the South, and some of the best in the United States. I have sought definite information from the Office of the Attorney General of the United States. Frankly, they do not know exactly what the decree means when it comes to the application of it at the ground level, and that is the thing that counts.

Mr. ELLENDER. I have great faith in our Attorney General. I think he understands the law, but, somehow, he is held back in some way. When a department such as HEW can write guidelines which any school board can read, and then one reads the law, he realizes the contradiction.

What impresses me with the Senator's amendment is that here is the great State of New York being able to do what we cannot do, and yet we are both in the Union. Each of us is one of the 50 States.

That is what confounds a lot of people, that those who were instrumental in forcing the issue on the South are not being required to live up to the law as rewritten by HEW and by the courts.

Mr. STENNIS. The Senator certainly states it well. And back to this confusion, now—and this is at the school level—this is something that the Senator from Louisiana knows something about because of personal contact with it. The Senator from Mississippi knows something about it for the same reason.

There is no one able to tell the school districts exactly what these decrees means. Now the President of the United States, for the first time in the history of the Nation, has felt compelled to appoint a commission at the highest level, with Mr. AGNEW, the Vice President, as its head, and in his statement in announcing the formation of the commission the Vice President said—I shall use his exact words as I have them here from the transcript of his appearance on television—that the commission is created "to achieve the spirit and the letter of the court decisions in a way that might least impair the continuance of quality education."

That is a very significant thing, for the President of the United States to find the chaos, confusion, and uncertainty so great that he felt compelled to appoint this high-level commission to help tell the school districts what the Supreme Court meant and, as the Vice President said, to apply those decisions in such a way as would "least impair the continuance of quality education."

That brings into the question, too, the fact that there is a concern about quality education. There is a concern in the White House, in the President's mind. I not only applaud him for being concerned, but could tell him that that concern is shared by the smallest, humblest, most remote parent with children in the schools of the South; and, if it is ever applied in the North and East, parents there will be concerned about it.

They do not know what to do. They do not know how to comply. There has not been one iota of resistance, or anything like that, throughout the South. Newscasters rather recklessly use the

term "defiance." I called on one of them and said, "What are you talking about, 'defiance'?"

He said, "Well, the teachers would not go teach, and the students would not go to the schools."

There is nothing in the law or Constitution or anywhere else that requires a teacher to teach except under the terms of her contract. The Lord knows how much misery they have been through in trying to make these decisions. But it is not a matter of resistance; and I point out that there is not a single one of these southern school districts that were delinquent or charged with contempt of court, or that anyone claims had not carried out every mandate of the Court, when these cases were jerked up by the Court and they said, "Do it now; total integration now."

We come here with this bill, and so far those who represent the position opposite to ours have barely raised their voices in this debate. They do not deny the facts. They do not deny the pattern. They have not yet denied the discrimination that is shown by the policy, the Government policy, the policy of HEW, in carrying out these so-called guidelines. I have never before seen anything like it, since I have been here. Total silence.

At the same time, they are building it up in the newspapers. The New York Times this morning carried a distressing story about the disturbance, the chaos, and the confusion based on this subject matter throughout the Nation. The Senator from Mississippi is not happy to see news like that, but it confirms exactly what we are saying.

People have been led to believe—it was said here in December—that there is a little handful of districts left that are resisting. That was said when we argued the amendment to the appropriation bill. Some Senators said, "This is old hat. There are just a few districts left that are resisting."

They could not have been more mistaken. All the districts in the East and the North that might be disturbed about this matter have not had a chance to show their objection, because they have not been called on to do anything.

That is what the amendment does. It just says, "Give us a uniform policy." In this Chamber of growing silence here, there is no answer to these charges, no denial of them, no suggestions. Not anything.

I thank the Senator from Louisiana very much.

Mr. ELLENDER. Mr. President, as the Senator knows, this bill is intended to improve the situation of education throughout the country. As I understand, we are providing an authorization of about $35 billion, over a period of 4 years, in order to help elementary and secondary education.

Yet, much of these funds, and funds they are now receiving, are being used to bus children from one school to another, for no reason whatever. I am hava résumé prepared of the cost of that, and I hope to be able to present it to the Senate in a very short time.

Mr. STENNIS. I thank the Senator.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

REORGANIZATION PLAN NO. 1 OF 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-222)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Government Operations:

To the Congress of the United States:

We live in a time when the technology of telecommunications is undergoing rapid change which will dramatically affect the whole of our society. It has long been recognized that the executive branch of the Federal government should be better equipped to deal with the issues which arise from telecommunications growth. As the largest single user of the nation's telecommunications facilities, the Federal government must also manage its internal communications operations in the most effective manner possible.

Accordingly, I am today transmitting to the Congress Reorganization Plan No. 1 of 1970, prepared in accordance with chapter 9 of title 5 of the United States Code.

That plan would establish a new Office of Telecommunications Policy in the Executive Office of the President. The new unit would be headed by a Director and a Deputy Director who would be appointed by the President with the advice and consent of the Senate. The existing office held by the Director of Telecommunications Management in the Office of Emergency Preparedness would be abolished.

In addition to the functions which are transferred to it by the reorganization plan, the new Office would perform certain other duties which I intend to assign to it by Executive order as soon as the reorganization plan takes effect. That order would delegate to the new Office essentially those functions which are now assigned to the Director of Telecommunications Management. The Office of Telecommunications Policy would be assisted in its research and analysis responsibilities by the agencies and departments of the Executive Branch including another new office, located in the Department of Commerce.

The new Office of Telecommunications Policy would play three essential roles:

1. It would serve as the President's principal adviser on telecommunications policy, helping to formulate government policies concerning a wide range of domestic and international telecommunications issues and helping to develop plans and programs which take full advantage of the nation's technological capabilities. The speed of economic and technological advance in our time means that new questions concerning communications are constantly arising, questions on which the government must be well informed and well advised. The new Office will enable the President and all government officials to share more fully in the experience, the insights, and the forecasts of government and non-government experts.

2. The Office of Telecommunications Policy would help formulate policies and coordinate operations for the Federal government's own vast communications systems. It would, for example, set guidelines for the various departments and agencies concerning their communications equipment and services. It would regularly review the ability of government communications systems to meet the security needs of the nation and to perform effectively in time of emergency. The Office would direct the assignment of those portions of the radio spectrum which are reserved for government use, carry out responsibilities conferred on the President by the Communications Satellite Act, advise State and local governments, and provide policy direction for the National Communications System.

3. Finally, the new Office would enable the executive branch to speak with a clearer voice and to act as a more effective partner in discussions of communications policy with both the Congress and the Federal Communications Commission. This action would take away none of the prerogatives or functions assigned to the Federal Communications Commission by the Congress. It is my hope, however, that the new Office and the Federal Communications Commission would cooperate in achieving certain reforms in telecommunications policy, especially in their procedures for allocating portions of the radio spectrum for government and civilian use. Our current procedures must be more flexible if they are to deal adequately with problems such as the worsening spectrum shortage.

Each reorganization included in the plan which accompanies this message is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to section 901(a)(1), "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;" and section 901(a)(3), "to increase the efficiency of the operations of the government to the fullest extent practicable."

The reorganizations provided for in this plan make necessary the appointment and compensation of new officers, as specified in sections 3(a) and 3(b) of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the executive branch who have similar responsibilities.

This plan should result in the more efficient operation of the government. It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result from this action.

The public interest requires that government policies concerning telecommunications be formulated with as much sophistication and vision as possible. This

reorganization plan—and the executive order which would follow it—are necessary instruments if the government is to respond adequately to the challenges and opportunities presented by the rapid pace of change in communications. I urge that the Congress allow this plan to become effective so that these necessary reforms can be accomplished.

RICHARD NIXON.

THE WHITE HOUSE, *February 9, 1970.*

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF

Mr. STENNIS. Mr. President, in behalf of the Senator from Connecticut (Mr. RIBICOFF), I ask unanimous consent that he be recognized to speak on the subject matter of the pending amendment at 1:30 p.m. today.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall object unless a time is fixed for his speech—how long will he speak?

Mr. STENNIS. It is not a long speech. There may be some colloquy. I would not know. It will certainly not be an extended speech. We could say not to exceed 1 hour.

Mr. JAVITS. One hour, that is fine; at the end of which time he will yield the floor?

Mr. STENNIS. Well, if he should be engaged in colloquy, he might ask for a reasonable extension.

Mr. JAVITS. But what I wanted to know is whether the floor would again be within the control of the chair at 2:30.

Mr. STENNIS. Oh, yes.

Mr. JAVITS. I understand that the Senator might ask for an extension.

Mr. STENNIS. Oh, yes. It certainly will be. I am glad that the Senator made that clear; it had not occurred to me, because the Senator from Connecticut told me he would take about 40 minutes.

The PRESIDING OFFICER. The Senator from Mississippi requests that, at 1:30 today, the Senator frdom Connecticut (Mr. RIBICOFF) be recognized for a period of 1 hour. Is there objection to the request of the Senator from Mississippi?

Mr. JAVITS. And that at the conclusion of the 1 hour, the floor will again be under the control of the Chair.

The PRESIDING OFFICER. After which the floor will again be under the control of the chair. Is there objection to the request of the Senator from Mississippi? There being no objection, it is so ordered.

Mr. EASTLAND. Mr. President, I strongly support the amendment of my distinguished colleague from Mississippi to preserve and validate the concept of freedom of choice in the operation of our public school systems.

Unless some action is taken by Congress to restate the true meaning of the Constitution and laws of the United States by reiterating that the parents and students of this Nation have a right to decide which schools the children will attend, then surely there will be serious disruptions and breakdowns in the operations of our schools, not just in the South, but in all sections of this Nation.

Mr. STENNIS. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. EASTLAND. I yield.

Mr. STENNIS. Mr. President, a part of this request is that my remarks come at the end of the remarks of the Senator from Mississippi.

Mr. EASTLAND. I spoke on this floor on December 16, 1969, on the HEW appropriations bill, and attempted to point out the serious effects being caused in my State as a result of court ordered destruction of freedom of choice. I noted some specific examples of the horrible results of the destruction of freedom of choice brought about by Federal coercive action. I stated that I was certain that more outrageous events would occur as more and more of our schools and children became the pawns in this monstrous sociological experiment conducted by HEW and the Federal courts.

It is painful to me that my predictions are turning out to be true. I certainly take no pride or pleasure in seeing these prophecies fulfilled. However, it is my duty to report the truth and not to gloss over tragic facts. It is only from an understanding of past mistakes that we can learn how not to repeat them. Since my speech of December 16, a number of school districts have been brought under the "instant chaos" orders of the Federal courts. As a result of these new developments, more school systems have been totally ruined in Mississippi and throughout the South. For example, prior to December 31, 1969, there were 2,757 colored students and 779 white students in attendance in the Wilkinson County public schools. As a result of the stringent integration order entered by the Fifth Circuit Court of Appeals, every single white child has withdrawn from the public system. The public schools of that county are completely segregated, in that only black students are in attendance. The white children of the county are attending private schools. Prior to the entry of the extreme order of the Fifth Circuit Court of Appeals there was some integration in the public schools of that county. The schools were operating under a "freedom of choice" plan while the integration was taking place.

Now, there is no integration, and the white children have been driven out of the school system. Is this progress? God save us from more progress of this sort.

In my home county of Sunflower County, the Indianola Municipal Separate School District has this past week conducted registration of students prior to the second semester of school. The school district has been ordered to adopt a stringent "pairing" plan for integration which will destroy the public schools of that district. During the first semester of this school year there were over 720 black students and 991 white students attending the district schools. No white children registered to attend the schools of the district for the second semester, so there has been a total white withdrawal from the schools of the Indianola Municipal Separate School District. Every white teacher withdrew from this school system; and I see nothing in the law that when a teacher has a contract to teach in Indianola, any court can write a condition that she must teach in another school district.

The situation in the Tunica County schools has gotten so bad this semester that all but two of the white students have withdrawn. I have been informed by telephone over the weekend that those two have now withdrawn, which makes a totally segregated school. Also, all the teachers have withdrawn from the school. Prior to the entry of the stringent integration orders, the public school system of that county had 3,039 black students and 441 white students. This is a kind of integration that has been so notably accomplished in the public schools in the District of Columbia.

A similar withdrawal of white students has occurred in the Canton Municipal Separate School District. Prior to the entry of the extreme integration court order there were approximately 5,000 black students and 1,300 white youngsters in the public schools of that district. Now there are only about 100 of the 1,300 white students left in the system. The other white children have all withdrawn. Of that 100, very few will be left when the private school now under construction in that town is finished. What we see is the total destruction of public education, and what is left will be a strictly segregated basis, as a result of these court decisions.

In the Amite County schools there were 2,582 Negro students and 1,461 white students in the schools prior to the entry of the radical edict of the Federal courts. All but approximately 200 of the white students have withdrawn from the public schools and are now attending private schools. Another private school is under construction, and then most of those 200 white students who are now in the public schools will withdraw.

I know that in the northern end of Sunflower County, two private schools have been organized, and as a result there will be total segregation, because all of the white children will go to the private schools, which are open to any white child, and hence the destruction of public education in that area.

In the Kemper County school system, there were 2,030 black students and 794 white students enrolled in the fall of 1969. At the present time there are 1,812 colored students and only 60 white students attending the public schools of that county. It is significant that not only have almost all of the white children withdrawn from the public school system, but Negro enrollment has dropped by over 200. This is true all over the State of Mississippi, as well as other Southern States, which should clearly demonstrate that black parents and children are also opposed to this disruption of the public school system.

The Anguilla-Line Consolidated School District has been devastated by the harsh integration edict of the Federal courts. During the fall of 1969 there were 625 colored students and 198 white students enrolled in the schools of that district. Today there are no white students attending the public schools there; and practically all the white faculty have withdrawn.

This is another case where there has been a total abandonment of the public school system by the white children.

Unfortunately, the same thing is true in the Hollandale Consolidated School District. In my speech of December 16 dealing with this subject, I mentioned the chaos that had been visited upon this school district by the integration orders of the Federal courts.

Now, however, the situation is even worse than when I first spoke on the subject. There are presently no white children attending the public schools in Hollandale.

Mr. President, if those in the Federal judiciary, those in the executive branch of the Government, and those of my colleagues and Members of the House of Representatives who helped and worked to bring about these scandalous conditions are not ashamed of their handiwork, then I say, with all sincerity, that they are incapable of shame or embarrassment.

If I felt the slightest responsibility to the children of any State for having brought about such horrible conditions, I would ask for forgiveness.

In addition to the specifics I have cited, very recent accurate figures reflect, with clarity, the disastrous consequences of Federal attitudes and actions on the entire public school system in my State.

The 1969 fall enrollment showed 572,673 students attending our schools. This number has declined—sharply—to 560,339—a truly tragic loss of 12,334 pupils. I would direct particular attention to the fact that 8,164 white boys and girls and 4,135 black children make up this sad statistic—an unavoidable indication of irreparable damage being sustained by both races.

Further, even these depressing figures do not cover the full extent of this grave and worsening situation. Average daily attendance—the final authority on the count of children in our public schools—tells us that 17,353 boys and girls are not benefiting from educational training so vital to the formation of their lives in this complex and competitive period of history.

Mr. President, these statistics are a shocking outline of what is occurring—now—in our public educational structure. They are, however, only the central and most important part of this tragedy.

We are losing competent and experienced teachers in these same proportions. These dedicated men and women—white and black—who were the very foundation of our school system are—like the children they guided so well—being driven from their life's work by unwise, unwarranted, and unworthy edicts and orders of HEW and the Federal courts. I personally know that many white teachers have terminated their employment with the public school systems and are refusing to teach under the chaotic conditions brought about by these court orders. I know that in some instances the pullout of these teachers is a result of organized efforts, and I feel that this may spread.

These schoolteachers remember with horror what happened in the decentralization controversy in the New York City public schools in 1968. At that time, the black parents demanded that all of the white teachers be fired and replaced by black teachers. The white teachers were subjected to harassment and violence and had to be escorted to school by heavily armed police.

Naturally, the white schoolteachers of the South do not want to teach under such circumstances, and I do not blame them.

It is manifestly unfair for a Federal court to compel the schoolteacher to teach at a certain school when that teacher has signed a contract to teach at another specified school. This is not required in the North. Yet, that is exactly what is happening under Federal court coercion.

When the unfortunate Brown decision was rendered by the Supreme Court in 1954, I stated that it would be impossible to enforce that decision without depriving the American people of most of the civil rights they possess. This situation clearly shows that the very basic right of freedom of contract is being denied in the name of integration.

We face yet another result of this disruptive and destructive course. Across Mississippi looms the prospect of overcrowded school plants along with usable facilities which stand empty and abandoned. Too many children jammed into classrooms on the one hand—no children in good school buildings on the other.

Where will this folly lead us? When will we turn away—at last—from a policy which destroys, to one which affords the blessing of learning to every child in my State, in the South, and across America in school systems staffed by satisfied teachers and selected by those who should choose—the parents of the affected children?

Mr. President, these are terrible facts; they are shocking facts, and we should certainly do something to prevent the total ruin of our public school system.

I am incensed and insulted at the attitude taken by certain liberal editorial writers and others who condemn the white parents and students for not accepting conditions which are completely unacceptable to more than 98 percent of the white parents and students in the United States. The truth and the fact is that almost no white parent wants his child to attend a school where Negro students are in the vast majority. In cities such as Washington, D.C., such parents flee to the "safe" suburbs of Maryland and Virginia. I do not condemn them for this; in my judgment, they have every right to act in the best interests of their children.

We in Mississippi and the South simply ask the same rights and privileges that parents and students in other sections of the Nation enjoy.

However, the liberal journalists, and others previously referred to, condemned the parents of Mississippi for "frustrating" or "defying" or "evading" the integration orders of the Federal courts.

Let us get one thing straight about this matter. The only thing that the Federal courts have done is to order the public school systems to operate under a certain integration plan. The Federal courts have never held that a parent must send his child to a public school to achieve actual integration. The day that the Federal courts so hold will be the day of the death of the American Republic, for in its place and stead will have been substituted a totalitarian dictatorship by judicial decree.

For, the courts have almost destroyed the freedom of choice of parents and children to determine which public schools they will attend, by my colleagues, there is another even more precious freedom of choice which until now they have not destroyed. And that is the freedom to choose whether one will attend the public schools at all, or whether he will attend a private or religious school.

However, I think it tells us a great deal about the warped mentality and the sick minds of these modern Thaddeus Stevenses, that they not only demand that the public schools of the South be rearranged and reshuffled so as to conform to their own weird notions of education and sociology, but they actually demand the exquisite pleasure of witnessing the spectacle of little white boys and girls actually attending classes wherein they are outnumbered three, four, and five to one by members of the other race.

I do not know where or when this monstrous madness will be stopped, but we must begin to stop it now.

I can assure you, my friends and colleagues from all other sections of this Nation, that when the radical extremists have done with us, then it will be your turn. Some of you are already finding out what it is all about, and I am sorry to say that you will find out more in the future.

I have recently received a heartrending letter from one of my constituents which eloquently states the agonizing situation faced by the students and parents in many sections of Mississippi. This lady is from a county where the public schools are being ruined by the forced integration orders of the Federal courts. The ratio of black to white students in the school system attended by her son was approximately 3 to 1, but the ratio is much higher now since the withdrawal of most of the white students. Her letter speaks with the simple eloquence of a mind uncluttered by sophisticated ideology. Some of my colleagues who applaud the extremist actions of the Federal courts in these school matters may label this lady a "racist," a "bigot," or one of the other hate words favored by them, but I only ask that you listen to

these words contained in her letter to me:

You may not even read this or see this but this durn school business. Want heart the rich people only the poor people because hear in Town X we been going to public school with Negro coming in too that OK, but what those Judges are trying to do is Knock the Middle Class & poor people out of an edication becaus I am a Working class my self and I have a son in school Who Has All Ways been on the honer Roll With and And Above the rich. I say all of this is to try to Keep the Working Class down. I know We counted poor. My husbon & I drawe Sosal Security $139.50 a Month My Son in School will be 15 the 22 of Dec. 69—get S.S. chick for $53.30 a months. Some time his chick does not pay his Dr. bill & Drug but we get by My husbon works as a stocker 28 dollars a Week. We Live in a government House pay $61.00 a Month rent 7.50 to 8.20 Electric Bill $4.80 telephone Bill and the rest is grocerys and other necessary needs and Ive been a cancer pation. I paid so meny hospital Bills dount you see why I am so poore. All We can do is Set and let the NAACP take over our state if people dont Wake up soon We Will be in Ware again between Black & White. I am going to try to send my Son on to School regardless if he goes to a Negro School be cause With out a edacation he could not make it! he Was not Well when he was born but We cant send him to Privet School costes $700.00 to $1000.00 a year. We cant do that With ever thang so hi.

I hate to complain but why does these Judges take spite out on us the poor. it a crying Shame. All our life We Had to suffer and Just as things Was Kindly easy hear come all this. I am not blaming no one but the Judges and our prisedent. If he could say a flat *no* to raising Social Security and the $600 exemption he could say a big fat NO to the durn NAACP.

This lady concluded her letter to me with these words:

I pray there Will be a lite some Way are another.

Thank you for listning to my cry.

Mr. President, I believe it will be on the conscience of the Senate if we do not listen to the cries of this anguished parent.

I would also like to read another letter I received from a lady in south Mississippi:

I am a Mother with five children in school. I have gotten to the place I don't know what to do. only to keep them at home. Before this we had Negroes in our white schools. all that wanted to go with the whites were already there and now this. it will take $1000.00 for us to put our children in a private school. We have $217.00 to live on a month. so if there is something you can do. please do so. for we surely need help.

We must make a step in the right direction by restoring freedom of choice in our public school system, and I am happy to support the amendment of my colleagues which will accomplish this purpose.

Mr. President it is certainly unfair and unjust to make the school districts of the South bear the brunt of this integration madness while it is "business as usual" or "education as usual" in the school districts of the North, West, and East.

It has been brought home to me time and again, even recently, that there are those who have an extreme bias and prejudice against the South and southern people. Somehow, these persons can condone and justify discriminatory legislation that is aimed only at the South; they can justify opposition to the appointment of southerners to high and responsible positions in Government, but worst of all, they can justify and condone a double standard of justice for the South and the rest of the Nation in the courts of the United States.

I unqualifiedly condemn this bias and prejudice, and I respectfully suggest that some of those who glibly toss around accusations of bias and prejudice examine their own thoughts and feelings.

A double standard of justice in the Federal courts. Can anything be more calculated to undermine the faith of the people in our Government? I think not.

We cannot continue to permit, sanction, and condone the actions of the Federal courts in unjustifiably treating the public schools of the South differently from the public schools of the other parts of the Nation.

The Federal courts have held that zoning is permissible in the North, East, and West, but that southern schools must bus children to overcome racial imbalance. This is wrong, and it is discrimination in its worst form. We should no longer countenance such regional and sectional discrimination on the part of the courts.

The courts justify this discriminatory treatment on the basis that racial separation in the northern, eastern, and western schools is a result of residential patterns. They label this "de facto" segregation. On the other hand, they claim that the racial separation in the southern public schools is a result of State legislation requiring it. They label this "de jure" segregation.

We all know that this is a distinction without a difference. We know that the so-called fortuitous housing patterns of the North, East, and West, are the results of long-established customs, habits, and traditions sanctioned or permitted by State and local governments. Indeed, until a few years ago this discrimination was required by agencies of the Federal Government such as the Federal Housing Authority and the Veterans' Administration.

These housing patterns did not just happen. They exist because the law sanctioned or permitted them to exist and grow.

We also know that most States in the North, East, and West had laws which required or permitted racial separation in the public schools. These laws were widespread in the 19th century, and in many of these States existed far into the 20th century.

This distinction between "de facto" and "de jure" segregation is meaningless. It should not be used to discriminate against the South.

In the unfortunate opinion of the Supreme Court of the United States in the case of Brown against Board of Education, which amended the Constitution of the United States and took away from the States and localities the right to operate the public school system, the Court discussed the impact on colored students of racial separation. The harmful impact on these children, which I believe the Court erroneously found, is the basis for the holding of the case. The Supreme Court stated this harmful impact in the following words:

To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

I have never been able to understand how a 10-year-old colored student in a public school in Harlem, Watts, or South Chicago is expected to look around and see nothing but black faces in his classroom and say to himself: "This kind of racial separation does not hurt me because the State of Illinois, New York, or California does not have a law requiring me to attend all-black schools. I should not feel hurt by this racial separation because it is the result of housing patterns that just accidentally developed."

Mr. President, I say this was the basis for the Brown decision and this feeling of inferiority applies all over this country.

Perhaps the Federal courts and some of my colleagues will attribute this much wisdom, knowledge, and sophistication to a 10-year-old child, but I cannot.

Mr. President we should also consider the terrible impact on the communities that are being affected by these court orders. I have just been reliably informed that in one of the cities of the delta section of Mississippi that hundreds of people are moving from town because of the chaotic school situation. I am told that the moving vans are so tied up for over a month by people moving from town that it is impossible at the present time to obtain the services of a mover in the area of that city. This is being done because people are moving to where they can get their children in satisfactory and harmonious school systems.

And now, Mr. President, nearing the end of this presentation and facing the end of public education in Mississippi, I want to focus the attention of all on the real issue involved and the real people who are bearing the intolerable and unjust burdens imposed by ruthless rules and destructive decrees.

The issue is so simple and plain that I fear its very simplicity causes it to be overlooked or shunted aside by some Members of Congress. In Washington, our usual task is to deal with involved and complicated matters—many sided and difficult to define with precision—rather than handling a situation which is clear cut and crystal clear.

I shall state the issue: Does the Constitution or the law or the spirit or the tradition of the United States of America allow the courts or the Congress or the departments of the Federal Government to apply any standards on a regional basis?

Can laws be written for some States or should the law reach equitably from sea to sea?

Can judicial decrees be directed against a portion of our population in one section—or should judges seek to serve all of our people the same way in every section?

Can bureaucrats say to parents and children in one region "We will penalize you because you live here but we want you to know that these rigid rules and stringent demands will not be forced upon your fellow citizens elsewhere in this land"?

Mr. President, although it is unthinkable that these things could occur in America, they are occurring at this minute. We have today one standard for the southern section of our Nation and other standards for States outside the South.

Could we—would we—preserve for the ages a pronouncement which read: "With malice toward some—with charity for all—except those who live in the South"?

This vicious, vindictive, illegal, and unconceivable course of conduct must be halted and reversed. It must outrage every fairminded man and woman in every corner of our country. It violates the honor of America—it mocks the men who raised up this Nation and all who guided and guarded her through her long history.

Laws and decrees and guidelines and regulations can be made and enforced in the United States but they must be applicable—equally—from Maine to Hawaii—from Alaska to Florida. They must apply to every man, woman, and child in every State in this Union. We are forbidden to act otherwise at the penalty of losing America and all she means to the world.

Mr. President, the facet of this critical problem that tears the heartstrings is the fact that here we are dealing—not with programs—but with people.

The vague and malformed theories produced by fallible humans inside marbled Federal court buildings and in the mazes of the Department of Health, Education, and Welfare are playing havoc, not with sociology but with the lives of little children.

Consider the plight of the parents caught in this cruel trap created by men isolated and insulated from the harsh realities of this problem. Let me assure you that mothers and fathers from my State are identical with parents across America. They hold the same aspirations, hopes, and dreams for their youngsters as do their countrymen in each of our States. What American parent—anywhere—would want to share the bitter prospect my people face—that of watching their boys and girls deprived by decree of the education their parents have earned for them and which every child deserves and must have to form a life for himself in the final third of this century?

Most Members of Congress are fathers and mothers. I trust that they will look at their own children before passing judgment on the children of the South.

Who—in these Halls—would wish to be forced to send a child, not to school, but into real physical danger; not to a first-rate facility where the child can prepare to assume a position in our society, but into an environment which guarantees inferior education which will penalize the child through all his days?

Let us consider, with the seriousness which this matter merits, the conditions which prevail in some of our Nation's schools at this hour.

Here in the Capital City of our country, uniformed and armed police officers patrol the corridors of schools. Imagine policemen obliged to preserve the peace and to protect lives and property, not on the streets of a city ravaged by crime and lawlessness, but in the supposedly safe and sheltered hallways of institutions of learning.

Who believes—who can bring himself to believe—that guns and knives and narcotics belong with books and blackboards? Who would state, here or anywhere, that assault and extortion and violence are permissible in the educational process?

Tranquillity, not terror, is the atmosphere for learning. Order, not chaos, is the foundation of education at all levels.

We must move to reestablish the traditional and proper relationship which has existed through the years among the schools, the parents, and the pupils. Mothers and fathers must be allowed to perform one of the most vital of parental functions—the selection of the best school for the child.

What judge or bureaucrat, regardless of his station, has the right or the wisdom to direct the lives of countless children who he has never seen and does not know?

Mothers and fathers are charged with the responsibility for their boys and girls at the hand of God, and I submit that no court and no department can usurp that charge.

Mr. President, we are face to face with the clear and present danger of the denial of proper education to an entire generation. Consider the terrible consequences of such a denial to the several States presently involved and, indeed, to America—because, Mr. President, let no one naively believes that once this injustice is imposed on my section, the advocates of "instant chaos" will not seek to send this mistake of the 20th century into every school district in this country.

The adoption of the legislation offered by my distinguished colleague will draw us back from the brink of catastrophe and redirect us toward the protection and promotion of public education.

In the name of the ancient virtues that are the cornerstones of this country—fairness and justice and equity and compassion—and for the parents of my part of this land, and, most important of all, for the children who are the promise of tomorrow for America and all the world, I urge the adoption of this amendment.

Mr. ALLEN. Mr. President, I commend the able and distinguished Senator from Mississippi (Mr. EASTLAND) on his logical and eloquent presentation of the unfairness and the injustice of a Federal school policy which permits segregation in the North and which, by punitive measures, requires instant desegregation in the South.

I was very much impressed with his argument that after this policy has been fully implemented in the South—if allowed to be implemented—the same policy will be implemented and put into effect in areas outside of the South. I hope that distinguished Senators who represent States outside of the South will heed this warning of the able and distinguished Senator from Mississippi who also has the honor of being the chairman of the Committee on the Judiciary in the Senate.

Mr. President, I listened very attentively to the state of the Union address of the President, and I listened attentively to the answer to that address by the National Democratic Party in giving its version of the state of the Union. And there was a notable vacuum, a notable omission, in the presentation by the President and by the National Democratic Party. Nothing was said about the issue of the taking over of the public school system in the South by the Federal Government. That is the No. 1 issue in Alabama and the South—opposition to the taking over of our public school system by the Federal bureaucracy, by the Federal Government.

Two notable meetings were held in Alabama yesterday. One meeting was in the great port city of Mobile, attended by Governors of four great Southern States—Gov. Albert Brewer of my own State of Alabama, Gov. John McKeithen of the great State of Louisiana, Gov. John Bell Williams of the great State of Mississippi, and Gov. Lester Maddox of the great State of Georgia.

That meeting pointed up the importance to the people of the South of the preservation of the public school system in the South, and the fact that it is the No. 1 issue in the South.

The second meeting of great interest in Alabama—and I feel throughout the Nation—was a meeting of concerned parents who met in our largest city, the city of Birmingham, in the municipal auditorium there. A great crowd of concerned parents attended that meeting. The crowd, I noticed, was estimated by the Washington Post at some 11,000. It was estimated by those holding the meeting at a much higher figure. These 11,000 concerned parents, meeting on a Sunday afternoon in the city of Birmingham, certainly demonstrates the fact that our public schools, the education of the boys and girls of Alabama, is near and dear to the hearts of our people.

The meeting of Governors in Mobile ended with a declaration of principles, a statement of beliefs, a statement of position by those four distinguished Governors, who, in my judgment, in the positions they have adopted, are representing the thinking of the people of the South.

I ask unanimous consent that an excerpt from the news account of the Washington Post of February 9, 1970, be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. I read in part from this statement of principle of these four Governors, speaking for the people of their respective States, just as I seek to speak for the people of Alabama and the people of the Nation, because this is not just a sectional problem; it is a national problem, and we are going to realize that more and more as time goes on:

1. We reaffirm our belief in the absolute necessity for quality public education, administered and controlled by local citizens.

2. We reaffirm our belief that the problems of our schools should be solved through orderly, democratic processes and not through violence.

I might say parenthetically that there has been no violence in the South; that the people of the South are law-abiding people. We observe the law of the land. But we cannot accept as final a Federal policy for schools that permits segregation in one part of the country and demands instant desegregation in our part of the country. We cannot accept that principle as being an American principle, as being the principle or the position that this country will eventually adopt.

Continuing with the statement of the Governors:

We reaffirm our determination that no child in any State or in any school system shall be mandatorily assigned or bused for the sole purpose of achieving racial balance in our public schools. We believe that the same standards for the operation of schools applied in other States should be applied in the Southern States. We resent the fact that we have been singled out in our respective States for punitive treatment.

That statement could very well be made right here on the floor of the Senate, and has been made, and will be made again and again.

We support the commitment given by President Nixon in the presidential campaign of 1968 to the principle of freedom of choice and maintenance of neighborhood schools.

That is the statement of principle issued by the four Governors meeting in Mobile on yesterday.

As the junior Senator from Alabama, speaking for the people of Alabama, I might say that we endorse that statement of principles as being fair, as being right, as being expressed also in the amendment now under consideration. For that reason I voice my support of the Stennis amendment, in which I have the honor of joining as one of a number of cosponsors.

I might say that both of the major parties have, as a party, completely overlooked and disregarded the needs and the hopes and the wishes and the aspirations of the people of Alabama and of the South in the matter of our schools and of allowing us to provide quality education for all the boys and girls in our State. We resent that very deeply.

We need help in Alabama and in the South at this point. I would hope that one of those parties, the Republican Party or the National Democratic Party, would come to our aid. I feel that it would well serve the party that comes to the aid of the people of Alabama and the people of the South in this time of travail and stress and assist us in this dark hour, because the public school system of Alabama and the South is now being torn asunder. Our public school system cannot exist under the present decrees of the Supreme Court requiring desegregation now.

I might say that the members of the Supreme Court, sitting in their ivory tower and having little knowledge of conditions and affairs in general, and of the school systems in particular, have so confused the law with regard to the public school system in our country that I hazard the opinion that even they do not know what the law is. Certainly the courts of appeal and the district courts, without proper guidance by the Supreme Court, do not. How could they know what the law is? And how could the average school board member, the average citizen, the average school patron, be expected to know what the law is, with the Supreme Court leaving the law in such a great state of confusion?

I outline now what I suggest is a synopsis of the journey of the Federal Government on the question of desegregating our schools, to show the uncharted course that the Supreme Court and the Federal Government have pursued in this wilderness, without any knowledge of the area, without any map, and without any compass, and what they have come up with in the last 15 years.

In Brown I, the Supreme Court outlawed segregated schools. Well and good. I was interested, a moment ago, in hearing the distinguished Senator from Mississippi (Mr. EASTLAND) speak of the Brown decision and the reasoning of the Court at that time. In that lengthy opinion, the Supreme Court cited not one single legal precedent to back its decision. Not one single legal precedent. They were out on an uncharted sea. They had no guidance, and they gave no guidance.

In Brown II, the Court established what it called procedures for desegregation, putting the policing of the matter in the hands of the Federal district courts, and calling on the local school boards to desegregate.

Then the district courts ruled, in cases on remand from the Supreme Court, that the Constitution did not require integration, but only prohibited segregation. They recognized, then, the validity of freedom of choice.

That is all we are asking for: what the Supreme Court originally decided, and the implementation by the Federal district courts of that decision—which was regarded as being the law as declared by the Supreme Court.

Our people are willing to accept freedom of choice. That is the only solution of this problem. If we could have freedom of choice—I mean real, bona fide freedom of choice—we would have no further trouble with our school situation in Alabama and in the South. I repeat, that is all we are asking for. We are asking for the same freedom of choice that is permitted in the North, the East, and the West, but is denied to people in the South.

We returned to the Union some 100 years ago, and we are pleased with that status. But we would like to be treated as States of the Union, and not as portions of conquered territory. We would like to have the same equal protection of the law as is given to people in other sections of our country. We are asking only that we be treated just as people are treated in other sections of the country.

Going on with this wild and erratic course of the Supreme Court and the Federal bureaucracy in the matter of desegregation: State legislatures then responded by enacting pupil placement laws based on freedom of choice. The district courts then started the long process of developing, on a case-by-case basis, the meaning of "desegregation," which had never been defined by the Supreme Court.

Then the inadequacy of powers in local boards of education, and the inappropriateness of equity powers in the courts, created a demand for Congress to define the term "desegregation," and provide for implementation.

That is what Congress sought to do in the 1964 Civil Rights Act, because Congress enacted the 1964 Civil Rights Act defining the term "desegregation," and shifted responsibility to the Executive.

The Executive then tried withholding funds and massive school closings, busing, and other plans to achieve racial balance, and eventually shifted responsibility back to the courts, in hundreds of lawsuits.

Then the Federal judiciary, realizing that it did not have the ability, the training, the background, or the knowledge to take on this assignment that it had given itself, responded by pleading lack of "expertise," and shifted the responsibility back to the executive by requiring that plans be submitted to the courts by the Department of Health, Education, and Welfare.

Therein has come about much of the wrong, the error, the injustice at the hands of HEW bureaucrats, who have set up these busing requirements which the Supreme Court then has approved as being recommended by the Department of Health, Education, and Welfare.

The Executive responded by asking Congress, in the last session, to shift responsibility back to the courts, by providing that the Executive would not close schools or bus pupils "except as required by the Constitution," which could only mean as construed by the courts. That was the amendment of the distinguished Senator from Pennsylvania, speaking for the executive department and for the President himself, whereby language was inserted to the language of the Whitten amendment that completely emasculated the Whitten amendment, and left our schoolchildren subject to the whim and the caprice of HEW bureaucrats.

Now the Executive has created a Commission to do whatever it has to do, in the least disruptive manner. I refer to the Agnew Commission. I hope that that Commission will soon be activated so that it can assist what has been stated to be the purpose of the Commission in preserving our ability, in the South, to continue to give a quality education to our children in the face of these disruptive efforts by the Federal Government.

So we are unwilling to accept as final this Federal school policy, which does have a rule applied in the North, East, and West permitting segregation, and requiring desegregation "now" in the South. It has thrown our school systems into complete chaos. It is making it so that our school districts cannot provide a quality education for any child, black or white.

I might say that this is not a matter about which the whites alone feel this

way. The black citizens of our State have the same opinion, because the black schools are being closed.

I have received a letter from our State superintendent of education. I do not have it with me, or I would insert it in the RECORD. The letter states that the HEW and the Federal courts have, by their edicts, caused school districts within the State of Alabama to close school buildings valued at more than $100 million to implement these HEW edicts.

We are willing to abide by freedom of choice.

The amendment under discussion adds to the Elementary and Secondary Education Act the provisions of the New York law which do forbid busing, forbid the transfer of students from one school district to another to achieve racial balance. Actually, we have language in the statutes already that is just about as strong as that. But this is a direct statement that puts these provisions into the Elementary and Secondary Education Act, and it would put the South on the very same basis as other sections of the country. It would allow the parent of any child complete freedom of choice, to have his child go to any school of his choice. How could anything be fairer than that? How could that be other than giving equal protection of the laws to every citizen, every schoolchild, in the State? We think it is fair. We think that if other sections of the country have this privilege, if the law is applied in that way in other sections, it should also be applied that way throughout the South.

I have some interesting figures here that pose a question in my mind. I assume it will only be a rhetorical question, because I doubt that there will be an answer to it. According to the figures of HEW, 91.7 percent of the Negroes in Alabama attend schools that are a majority black. These same figures show that in the city of Los Angeles, 95.3 percent Negroes attend majority black schools. In Newark, N.J., 97.9 percent of Negroes attend schools that are majority black. In Gary, Ind., 96.6 percent of the Negroes attend majority black schools. In other words, there is a higher percentage of segregation in Los Angeles; Newark, N.J.; and Gary, Ind., than in the State of Alabama.

I should like an explanation as to why it is the policy of the Federal Government to push for desegregation on a crash basis in Alabama but to completely ignore the situation in Los Angeles; Newark, N.J., and Gary, Ind., in which the situation is worse than in Alabama.

I should like to read from an editorial of WCBS–TV of December 13, 1969. I understand that this is the CBS outlet in the city of New York. I might state that I do not disagree a great deal with much that is said in the editorial. I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALLEN. I will read only one or two sentences from the editorial.

In a recent report to the legislature, the Regents—

The New York State Board of Regents—

noted that between 1967 and 1968, the number of pupils attending mostly black schools in New York rose dramatically.

Here we are with a crash program to end segregation in the South. We are busing thousands of students hundreds of miles to achieve racial balance. We are closing schools to put children from one school into schools that are already overcrowded. That is what we are doing in the South and what is being done to us. But in New York, between 1967 and 1968, the number of pupils attending mostly black schools rose dramatically. Not only are they not ending segregation in New York; they are becoming more segregated; whereas, in the South, we are willing and we are offering to throw the doors of our school buildings open to any children to come in and go to school and have the opportunity of getting a quality education.

We want to see our educators return to educating our children, not just busing our children all over the place. That is what we are asking for in Alabama and the South.

Also, Mr. President, I have an excellent editorial which was published in the Montgomery Advertiser of January 31, 1970. I ask unanimous consent to have the editorial printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. ALLEN. I should like to read briefly from the editorial. It is entitled "Senator STENNIS' Challenge."

I might say that the people of Alabama—and certainly the junior Senator from Alabama joins in that feeling—have enormous respect for the great Senator from Mississippi. I have not told this to the Senator from Mississippi, but I attended the meeting at Birmingham yesterday where many thousands met for the purpose of protesting this Federal policy, this dual system, in the administration of our schools, and I read a telegram to the assemblage there from many Senators who were expressing their approval of the principle of freedom of choice. When I came to the name of the distinguished Senator from Mississippi (Mr. STENNIS), the applause was deafening and came very close to taking the roof off the auditorium. Thus, we have great respect for him, and the editorial in the Montgomery Advertiser bespeaks that respect:

Senator Stennis has not demagogued the race issue, although since last November he has been inserting into the CONGRESSIONAL RECORD HEW figures on school segregation in the East, North and West, including elaborate data from Ohio, Indiana, Washington, D.C., New Jersey, Pennsylvania, Illinois, New York and California.

Tuesday, Stennis rose in the Senate to offer two amendments to the Elementary & Secondary Education Act of 1966 and the Civil Rights Act of 1964. In brief, these prevent compulsory integration or compulsory segregation, forbid zoning or transfers for either purpose, unless requested by parent or guardian, and require that federal desegregation guidelines be applied "uniformly to all regions of the United States."

Stennis suggested that New York State's freedom of choice plan be adopted nationwide.

The amendments would prevent racial discrimination against *both* whites and Negroes, and would outlaw race, color, creed, or national origin as a valid consideration in *either* direction. The amendments would also reinstate school boards to some of their former authority, but not allow them to practice direct or reverse discrimination against either race.

"No person shall be *refused admission into or be excluded from* any public school in any state on account of race, creed, color or national origin," sums up the amendments.

And then the editorial goes on in highly complimentary fashion and certainly in advocacy of the Stennis amendment.

Mr. President, let me suggest that a second reconstruction of the South is being cruelly and heedlessly imposed by the Federal Government in its forced "desegregate now" public schools mandates.

HEW and Department of Justice bureaucrats and the Supreme Court and other Federal courts are modern-day carpetbaggers devising and pushing second reconstruction policies.

The Federal bayonet has given way to HEW and Supreme Court edicts, but the vindictive assault upon our people, black, and white, continue.

Our people, white, and black, are tired of being treated as second-class citizens. We want the same treatment for our schoolchildren that other States are allowed to give their schoolchildren—freedom of choice—not busing like cattle.

Treat the South as a part of the Union with the protection of the same Constitution—the same amendments—the same equal protection of our laws.

Let us end this second reconstruction of the South, and let us end it now.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Post, Feb. 9, 1970]

After the preamble, it read:

"1. We reaffirm our belief in the absolute necessity for quality public education, administered and controlled by local citizens.

"2. We reaffirm our belief that the problems of our schools should be solved through orderly, democratic processes and not through violence.

"3. We reaffirm our determination that no child in any state or any school system shall be mandatorily assigned or bused for the sole purpose of achieving racial balance in our public schools. We believe that the same standards for the operation of schools applied in other states should be applied in the Southern states. We resent the fact that we have been singled out in our respective states for punitive treatment.

"4. We plan to meet with our respective delegations in Congress and other interested members of Congress in Washington at the earliest practicable date so that we may advise them of the gravity of our public school situation and seek a unified course of action to obtain relief from the chaotic conditions now facing our schools.

"5. We support the commitment given by President Nixon in the presidental campaign of 1968 to the principle of freedom of choice and maintenance of neighborhood schools.

"6. We use this means to bring forcefully to the attention of our people and to the people of the United States the fact that we believe our public schools will be destroyed under present federal decisions and admin-

istrative actions. We are determined to save our public schools from that fate. We are together. We shall pursue our purpose forcefully."

EXHIBIT 2

[A WCBS–TV Editorial, broadcast Dec. 13, 1969]

YEAR END: RACE

(By Michael Keating)

This is another in our editorial series assessing the decade of the '60s, and looking ahead to the '70s. Race relations is tonight's subject.

In a rather remarkable exchange in Washington recently, New York State's Senator Jacob Javits defended his state against charges of segregating its schools, charges brought by Senator John Stennis of Mississippi—of all people.

Well, there was method in the seeming madness of the Mississippi Democrat. Senator Stennis has not joined the NAACP, he simply has adopted a new tactic for maintaining racial segregation in the South. By pointing up the number of racially segregated schools in the North, he hopes to point up the hypocrisy of nothern states on this issue, and to block federal efforts to desegregate Southern schools.

Senator Stennis has a valid point, and the New York State Board of Regents bears him out. In a recent report to the Legislature, the Regents noted that between 1967 and 1968, the number of pupils attending mostly black schools in New York rose dramatically. Yet with this trend toward segregation, the New York State Legislature enacted a law last spring that would prevent the State Education Commissioner from reassigning students to eliminate racial segregation.

The Regents have asked the State Legislature to repeal this legislation, and in so doing they have asked us all a bigger question. Is New York substantially different than Mississippi when it comes to integrating schools. And the answer, it appears to us, is no, not much.

For despite the Kerner Commission's dire warnings about the Nation splitting into two racially segregated societies, despite all the desegregation rulings by the federal courts, racially segregated schools remain a fact of life, a political reality north and south.

And, significantly, many black leaders have begun to abandon the battle for school integration, and instead have chosen to advocate community control: black schools, staffed by black teachers governed by black parents.

And so, it seems to WCBS–TV, that a major development of the 1960s is the death of the dream of rapid school integration. This is not to say that the dream of racial integration is dead, too. On the contrary, the '60s have seen tremendous gains toward that goal in business, politics, and higher education. And, it appears, much more progress will be made by civil rights groups as they focus their attention on jobs, suburban housing, and quality education in the next decade.

School integration, we believe, can and must come, but it appears from our experience in the '60s that the most promising way of integrating schools is to integrate society through better opportunities for housing, jobs and quality education.

EXHIBIT 3

[From the Montgomery (Ala.) Advertiser, Feb. 2, 1970]

SENATOR STENNIS' CHALLENGE

John Stennis of Mississippi is one of the most respected and knowledgeable men in the United States Senate. This accolade comes from all sections of the country.

Senator Stennis has not demagogued the race issue, although since last November he has been inserting into the *Congressional Record* HEW figures on school segregation in the East, North and West, including elaborate data from Ohio, Indiana, Washington, D.C., New Jersey, Pennsylvania, Illinois, New York and California.

Tuesday, Stennis rose in the Senate to offer two amendments to the Elementary & Secondary Education Act of 1966 and the Civil Rights Act of 1964. In brief, these prevent compulsory integration or compulsory segregation, forbid zoning or transfers for either purpose, unless requested by parent or guardian, and require that federal desegregation guidelines be applied "uniformly to all regions of the United States."

Stennis suggested that New York State's freedom of choice plan be adopted nationwide.

The amendments would prevent racial discrimination against *both* whites and Negroes, and would outlaw race, color, creed or national origin as a valid consideration in *either* direction. The amendments would also reinstate school boards to some of their former authority, but not allow them to practice direct or reverse discrimination against either race.

"No person shall be *refused admission into or be excluded from* any public school in any state on account of race, creed, color or national origin," sums up the amendments.

In introducing the amendments, Senator Stennis delivered a speech which is remarkable for its clarity and unanswerable logic, as well as for its purity from any demagogic blather. Most of it follows. The rest, with texts of the amendments and exhibits, may be found in the *Congressional Record* for Jan. 27.

Mr. Stennis. Mr. President, I submit two amendments to the Elementary and Secondary Education Act.

My present intention is at the appropriate time to propose first the amendment that would apply nationwide the New York freedom of choice plan for public school students that is now the law in that state.

Also, at the appropriate time, I plan to propose the amendment that would establish and make clear that it is the national policy to have uniform enforcement of desegregation of schools in all regions of the United States.

Let me make it clear that my primary purpose is to preserve the neighborhood school and, so far as possible, rescue all schools in every section of the nation from this killing squeeze put on by those who have made education clearly secondary to integration in the public schools.

I emphasize also that this is not an attempt to repeal the Civil Rights Act. It is simply a good faith attempt to save the schools of every section of the nation, including the South where they are now literally being emasculated in many areas as educational centers for educating the children.

I wish to make it absolutely clear that I want every child, and I have always wanted every child, to have every opportunity to obtain adequate schooling and training under just as favorable conditions as can be had. I want faculties and others who are engaged in school work generally to have conditions as favorable and as encouraging as possible.

For several years, the Department of Health, Education, and Welfare and the Justice Department have conducted or attempted to conduct a campaign to bring about a total integration of the public schools in the South. Both the Department of Health, Education, and Welfare and the Department of Justice have launched a crash program to integrate the races in every school in the South.

This drive for an all-out integration has been so intense and so demanding that the education and welfare of the students and teachers have actually become secondary. The prime objective has been all-out integration.

Those who are directing this campaign have either failed to recognize, or have deliberately chosen to ignore, the fact that this localized effort against the South overlooks segregated conditions in the North that are as pronounced, and in some instances even more pronounced, than segregation in the South which is actually the sole target of this massive integration program.

The record is heavy with facts collected and verified by the Department of Health, Education, and Welfare that show the extent of segregation in the North.

Last year, I placed in the Record detailed figures showing the extent of segregation in several northern and western states. . .

These figures show, for instance, that in Ohio there are 197 predominantly Negro schools. There are 154 which are 90 to 100 per cent Negro. There are 131 95 to 100 per cent Negro, and 105 of them are 98 to 100 per cent Negro.

In Indianapolis, the capital of Indiana, there are 13,765 Negro students in 17 schools that are from 99.2 to 100 per cent black. In all these 17 schools there are only 37 students listed as white.

In Philadelphia, the largest city in Pennsylvania, there are 9 schools with a total enrollment of 7,206 that are 100 per cent Negro.

Also in Philadelphia there are 57 schools with an enrollment of 68,402 that are 99 to 99.9 per cent Negro.

In Los Angeles, there are 48 schools with a total enrollment of 65,877 that are 99 to 99.9 percent minority segregated.

These are but some examples. The facts show that in many sections of the North, in large and small school districts, segregation is as extensive, and in some cases, more so, than in the South. Segregated conditions are much worse in the North than in the South now after the Supreme Court decisions have been implemented and put into effect in the South.

The policy of singling out the South for enforcement of the 1954 Supreme Court decision prohibiting discrimination in the public schools on account of race is based upon the idea that enforcement should be directed against areas of the nation that once had state or local laws that required or allowed segregated schools.

This is known as de jure segregation. Segregation in public schools that has arisen out of a fact, or a combination of facts, not required or permitted by law is classed as de facto segregation.

By establishment of this policy—that is, a differentiation between de jure and de facto segregation—federal officials have sought to excuse their inaction against segregation in the North while pursuing an intense program to achieve total and immediate integration in the South.

The practical effect of this policy is to say that segregation in the South is wrong but segregation in the North is not wrong.

This procedure, this approach, is merely a policy. It is not supported by the Civil Rights Act of 1964 nor by the Supreme Court decisions.

However, even under this policy the states of the South should be considered on the same footing and treated the same as New York for the reason that as late as 1938 New York law provided for separate schools for Negroes.

The New York statute, laws of 1910, chapter 140, article XXXVI, section 921, reads as follows:

"Sec. 921. Provision for separate schools.—The Trustees of any union school district, or of any school district organized under a special act, may, when the inhabitants of any district shall so determine, by resolution, at any annual meeting, or at a special meeting called for that purpose, establish separate schools for the instruction of colored children residents therein, and such school shall

be supported in the same manner and receive the same care, and be furnished with the same facilities for instruction, as the white schools therein."

As I read this law it clearly provides for a dual school system. It is the separate but equal doctrine . . . Said section continued to be the law in that State until it was repealed in 1938.

Notwithstanding the fact that the schools of New York should be treated the same as the schools of other states where de jure segregation existed, the New York Legislature last year passed and Governor Rockefeller signed a state law which precludes the application of the civil rights law and other desegregation measures in that state as now being applied in states of the South.

By an overwhelming vote of more than 2 to 1 in the new State General Assembly, the New York Legislature prohibited the busing of students and also gave to the public school student's parent or guardian the freedom of choice as to the public school a child shall attend.

The inequity thus created is unacceptable under the principles of our form of government. While public school students in the South are now forced to ride a school bus many tens of miles, and in some cases for hours each day, against their will, and the will of their parents, to attend a school across the county from their homes, the State of New York has by law provided there will be no busing of students and there will be freedom of choice to attend a neighborhood school.

If freedom of choice is wrong, the State of New York should not be allowed to continue freedom of choice as an official policy. If freedom of choice is right as official policy in New York, all other states should have the same right to freedom of choice.

If public school students in New York should not be bused to overcome the vestiges of a dual school system, the public school students of the South should not be bused for that purpose either.

If the students of the South should be bused for that purpose, then the students of New York should also be bused.

For a picture of the extent of segregation in the public schools of New York State, I ask unanimous consent to have printed in the Record at the conclusion of my remarks a summary of HEW statistics for the school year ending June 1968 . . .

A sense of fairness should give wide support to the proposition that every state be treated alike.

I challenge those who advocate this dual standard and duplicitous policy to put this matter in national issue by adopting as part of their platform in the next election the proposition that all states, including their own, should be treated as the South is now being treated.

I predict that any candidate or political party who does so will be defeated overwhelmingly.

I further predict that not one party, nor one candidate, will make such a proposal as part of the platform on which they seek election, because every knowledgeable person in public office knows full well that defeat would be certain.

If this drastic policy is not to be pressed with equal diligence in all sections of the nation, fairness then dictates that the pressure be eased in these sections where it is being unwisely and unjustly applied before the public schools are destroyed and there is no chance for any student—black or white—to obtain a decent education.

I consider no matter now before the Senate, or likely to come before the Senate, more important or more serious than that of preserving public school education and the concept of the neighborhood school, and I will pursue this matter as vigorously and effectively as I can.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 11 minutes so that at 1:15 o'clock p.m. today I can put in a call for a quorum, which will be a live quorum.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I felt that it was proper, before there were any votes upon this amendment, to say a word or two about it because I have great respect for the Senator from Mississippi. He made an amendment which, to him, is very serious in its nature. As a matter of fact, it bears upon the New York statute on this subject and, therefore, I thought it was only fitting that I should say a word about it and I asked the majority leader, who was very kind, to comply with my request, to allow me to speak for a few minutes to the substance of the amendment before he puts in a call for a live quorum, as I note that the Senator from Connecticut (Mr. RIBICOFF) will then get the floor, by unanimous consent, at 1:30 o'clock p.m. and, hence, I would be prevented from speaking, certainly until 2:30. Thus, I appreciate very much this consideration.

Mr. President, in colloquy with the distinguished Senator from South Carolina (Mr. HOLLINGS), I said that my State, like every other State, and like every human being, is fallible. I thought that the measure passed by the New York State Legislature was improvident and unwise, that the State of New York made a mistake, as does every other State now and then. Notwithstanding it is a New York statute, it is still wrong. It should not be legislated nationwide, any more than I would want some segregationist statute passed by a Southern State to be legislated nationally.

There is no magic to State-enacted laws, even New York State, which has such an extraordinary and fine record of nonsegregated laws and equal opportunity laws. New York was first in the Nation to have any measures on the subject, going back to Irving Ives, of sainted memory, a Senator here, who jointly sponsored, with another Senator from the State of New York, a bill known as the Ives-Quinn bill, to provide for nondiscrimination in employment opportunity—a real landmark at that time.

Whatever may have been the reason for the New York State Legislature passing, and the New York State Governor signing this measure into law, that is their problem.

But I, as a Senator from New York, do not have to agree with them, and I do not.

In the first place, I might say, just to get the concept of the limitation of the New York statute, that it applies only to four cities in the State which have nonelected boards of education, and that New York City, which is the largest of those four cities, is proceeding to an elected board of education, so that the New York statute will not apply there.

Certain things have been said here about the New York statute which need to be clarified.

There is a set Federal law, dating from 1954, with respect to the segregation of schools, and it resulted from the historic decision made by the U.S. Supreme Court to overturn the separate-but-equal doctrine which obtained in this country for a long time. It was upset on constitutional grounds because it failed to fit the equal protection aspect of the Constitution and because the Court felt that it was substantive to the depreciation of an education to minority children, mainly black children.

Now the concept of the law was incorporated in the 1964 act. I spoke about it, and many other Senators on my side of this question spoke about it. The concept of the law was that no State and no law could enforce the segregation of the races in the schools. So we sought to act against any action of a State or legal authority—constituted Government authority—which sought to enforce a segregated system.

Now we intentionally, in that very act of implementation, which did not come for 10 years after 1954, but finally came in 1964, excluded any effort to bring about racial balances in an affirmative way. The statute was negative in its application, but we had the right to prohibit and enjoin.

Mr. President, the whole argument on the Civil Rights Act of 1964 was based upon that concept. I was very active in that debate. I have been a very active protagonist of the law. And I am sure that I can be identified in a dozen statements or more upon that specific subject. So whatever may be the validity, pedologically or educationally, of struggling against racial imbalance, I think it should be struggled against.

It was not covered by the Civil Rights Act of 1964 or the Supreme Court decision of 1954. The governmental policy we had and the governmental policy we have is right—to enforce a policy with respect to segregated systems of education which are put into effect or in any way aided by Government.

We can prevent that. And in order to prevent it, we can insist on reorganizations and new plans which is in essence what has been done by the Department of Health, Education, and Welfare under the mandates of law.

In the 1964 Civil Rights Act we said that busing to correct racial imbalance or to use a statute to correct racial imbalance was not acceptable. We have said it time and time again, including in 1969. There is no question about that.

The reason why I say that the New York State law is wrong is that I believe it is desirable and intelligent for the State of New York that it should bus children where necessary, because we do in several schools districts bus thousands and thousands of children hundreds of miles, as the Senator from Alabama said, and I think the phrase is very appropriate. We think it is best for their education to get them out of the one-room schoolhouse in the country.

And we think it is desirable from the point of view of my State to require busing where it will contribute to the education of children. But that is a different problem from the one we are dealing with in the Federal Establishment.

We have no right to do that, unless we want Federal control of education, and I do not. It is fascinating that in the very provision of the bill we wrote to provide against the control of education, we prohibited busing to correct racial imbalance. We put that in there where it belongs.

This is strictly a State matter, I thoroughly agree. Therefore, even though the Senator from Mississippi (Mr. STENNIS) has done us the honor of transposing the New York statute into an amendment to the Federal law, I cannot agree with it. All it does is do the same thing we have been doing in many other directions. But in addition it provides, which has been discussed here, that nothing contained in this act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

That language is contained in the amendment of the Senator from Mississippi.

The Green case in the Supreme Court points out that pupil placement on a freedom of choice plan represents a technique by which an unconstitutional result can be obtained.

It seems to me that there is implicit in the pending amendment an approval by Congress of this way of dealing with the segregation question, where there is de jure segregation. And the law is directed against it and the law is prohibitory. It is negative. It is not positive in this respect.

I do not want to invalidate that law by a scheme which the Court itself has found to be capable of being used to accomplish an unconstitutional result. So I feel that we have dealt with it in the education bill. Desegregation is dealt with in the Civil Rights Act of 1964 very comprehensively.

It seems to me, therefore, that the pending amendment is an effort to deal in an education bill with a monumental question involving constitutional law in a way which, in my judgment, is invidious to the purpose of the bill. I think, therefore, it should properly be dealt with on that basis.

I hope that sometime later on, at an appropriate hour, we can test the question as to whether the particular amendment belongs in the pending bill.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. JAVITS. I have only 11 minutes. My time is restricted.

Mr. MANSFIELD. Mr. President, I yield 2 additional minutes to the Senator.

The PRESIDING OFFICER. The Senator is recognized for an additional 2 minutes.

Mr. JAVITS. Mr. President, I shall finish my thought and then yield.

It seemed to me that the Senator from Mississippi (Mr. STENNIS) having argued that matter with vigor and fairness, which is his usual manner, I did not want to sit down without making my argument.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TALMADGE. Mr. President, is it the Senator's view that the Federal Court can assign pupils to a particular school in order to overcome racial imbalance?

Mr. JAVITS. No. I believe the Federal Court can make new plans to deal with and undo a de jure segregated system. In that respect, they may conceivably assign pupils by the use of judicial machinery where a plan is submitted. But the essential gravamen of the matter is that a segregated system is sought to be perpetuated in some plan which has been devised, but the court should deal with it and undo it.

In that respect, I think the courts have great latitude. However, when we turn it around the other way; that is, when an effort is made to say that a voluntary free choice is the answer to a segregated system. I say "No," and the courts have said "No."

Mr. TALMADGE. Mr. President, will the Senator from New York agree with me that a school open to students of all races, all colors, and all creeds is no longer a segregated school?

Mr. JAVITS. I would say that is the definition of an unsegregated system, but must meet the test set out by the Court in the Green case.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 37 Leg.]

Aiken	Hansen	Pell
Anderson	Holland	Percy
Baker	Hollings	Randolph
Bible	Hughes	Ribicoff
Byrd, Va.	Jackson	Schweiker
Byrd, W. Va.	Javits	Spong
Cooper	Jordan, N.C.	Stennis
Cotton	Jordan, Idaho	Symington
Cranston	Mansfield	Talmadge
Dole	McClellan	Williams, N.J.
Dominick	McIntyre	Young, N. Dak.
Ellender	Mondale	Young, Ohio
Gore	Moss	
Gravel	Pearson	

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT), and the Senator from Alaska (Mr. STEVENS) are absent because of illness.

The Senators from Delaware (Mr. BOGGS and Mr. WILLIAMS) are absent to attend the funeral of a friend.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order in the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allen	Harris	Nelson
Bennett	Hart	Packwood
Case	Hatfield	Prouty
Church	Kennedy	Proxmire
Cook	Long	Russell
Eagleton	Mathias	Scott
Eastland	McCarthy	Smith, Maine
Ervin	Metcalf	Sparkman
Fulbright	Montoya	Tydings
Goodell	Muskie	Yarborough

The PRESIDING OFFICER. A quorum is present.

The Chair recognizes the Senator from Connecticut (Mr. RIBICOFF) under the previous order.

Mr. RIBICOFF. Mr. President, my remarks today are prompted by two amendments introduced by the Senator from Mississippi (Mr. STENNIS). The Senator is currently debating amendment No. 481, which would, in effect, agree to bring to a halt Federal efforts to enforce school desegregation. Ironically, it is based on a 1969 New York State law that was passed to prevent busing of school children. I will vote against this amendment.

If this amendment fails, the Senator from Mississippi will bring up amendment No. 463, which would enforce school desegration uniformly throughout the Nation, eliminating any legal differences between de facto and de jure segregation.

The Senator from Mississippi introduced his amendment following a Department of Health, Education, and Welfare report last January showing widespread segregation in public schools in both the North and South.

In the South 70 percent of the black children attended schools that were 95 to 100 percent black. In the North the total was 50 percent. The HEW report also showed that a majority of the schools in the 10 largest population centers are black. In 18 cities, 60 percent or more of the blacks attend schools that are almost totally segregated.

There are those who argue the difference between de jure and de facto segregation. The Senator from Mississippi has argued that if segregation is wrong in the public schools of the South, it is wrong in the public schools of all other States. On this statement the Senator from Mississippi is correct. Therefore, I will support the Senator from Mississippi (Mr. STENNIS) in his second amendment, designed to apply the guidelines for desegregation uniformly across the whole Nation.

Mr. President, the North is guilty of monumental hypocrisy in its treatment of the black man. Without question, northern communities have been as systematic and as consistent as southern communities in denying the black man and his children the opportunities that exist for white people.

The plain fact is that racism is rampant throughout the country. It knows no geographical boundary and has known none since the great migration of rural blacks after World War II.

The institutional roots of racism—which depersonalize our prejudices and make it easier for us to defend them—are as deeply embedded in the large metropolitan communities of the North as they are in the small rural communities of the South.

Perhaps we in the North needed the mirror held up to us by the Senator from Mississippi, in order to see the truth. If Senator JOHN STENNIS of Mississippi wants to make honest men of northern liberals, I think we should help him. But first we must be honest with ourselves.

Our problem is not only the dual systems of education which exist 16 years after the Supreme Court struck them down in 1954.

The more fundamental problem is the dual society that exists in every metropolitan area—the black society of the central city and the white society of the suburb.

Massive school segregation does not exist because we have segregated our schools but because we have segregated our society and our neighborhoods.

That is the source of the inequality, the tension and the hatred that disfigure our Nation.

The truth is that we cannot separate what has happened in the central cities from what has happened in the suburbs. Black migrants to the cities were trapped in poverty because the whites who fled to the suburbs took the jobs with them and then closed the door on the black man.

The implications of this are obvious.

We cannot solve our urban crisis unless we include the suburbs in the solution. We can talk all we want about rebuilding the ghetto, better housing, tax incentives for job development, and massive funds for education. Hopefully, we may even do this.

But improving the ghetto is not enough.

One reason is that it fails to offer to the black man something we have heard much about in this chamber recently: Freedom of choice. The black man must have the freedom to choose where he wants to live, where he wants to work, and where he wants to send his child to school.

If he wants to remain in a central city, he should be helped. But a man should not be condemned to a ghetto when opportunity exists elsewhere.

The second reason why improving the ghetto is not enough is because the opportunity—the jobs and the housing—are in the suburbs.

According to the Suburban Action Institute, a nonprofit agency located in White Plains, N.Y., 80 percent of the new jobs created in large metropolitan areas during the past two decades are located in the suburbs.

Yet the black and the poor remain in the central city, either unable to take advantage of them or able to take advantage of them only at great personal inconvenience.

Studies by Prof. John Kain of the Harvard University Department of Economics estimated that in Chicago as many as 112,000 blacks would leave the central city if they could choose a home near their place of work. In Detroit, Professor Kain put the figure at 40,000.

How much more sensible, both in terms of economic growth and simple humanity, it would be to open up our suburbs to the black and the poor, so that they live near their places of employment.

Many will argue that the blacks no longer want integration. And whenever a black man says this, you can almost hear the sigh of relief in the suburbs. Many Negroes may not want integration. But many will. And our responsibility is to provide access to that opportunity. The suburbs are the new America. That is where the private economy is moving. That is where our growing population will be housed. We cannot exclude millions of Americans from that growth because of the color of their skin or the size of their income.

How shall we proceed? In the first place, we should encourage private industry to take a major leadership role. They have as much at stake as anyone.

Suburban Action Institute estimated that a year ago the unfilled suburban jobs across the country totaled 250,000. These could have provided work for many unemployed or underemployed central city residents. But where were they to live?

American industry could make an enormous contribution. First, it could hire men and women from the central city to work in its new suburban plants. Second, it could use its taxpaying potential to obtain from the suburbs low-income housing for those central city workers it is hiring.

I do not underestimate the difficulties of this. I suggest it to point out that there are voluntary paths we can travel in order to begin seriously solving the racial crisis in this Nation.

There is also a role for the Federal Government. We can develop a more useful concept of impacted aid to schools. We can provide special funds for those suburbs, towns, and school districts that provide housing and employment for blacks from the central city. If achieving such a breakthrough requires beginning with limited numbers, we should consider this, as long as the numbers are large enough to be meaningful. The key point is not ideological purity. It is social growth.

The Federal Government should also review its urban policy and all its urban programs, to learn whether they are all aimed at rebuilding the ghetto, or whether they contain any incentives to include the suburbs in the solution of our urban problems. If not, we should devise new programs.

The Federal Government also should refuse to locate Federal facilities in suburban communities until guarantees are received that housing will be provided for low-income people who work for that Government agency. In the past, the Government has decided to move and then tried to help its employees after the fact. This places an unfair burden on the low-income worker, who is usually black.

But what shall we do about the immediate situation that is before us—the segregated schools in both North and South?

It seems to me that our objective now is to provide the best education we can under the circumstances. We know that much of the money Congress appropriated for ghetto schools has been diverted and misspent. And as for those who say we do not know how to teach ghetto children, how do they know? Have they ever tried, Mr. President?

There are experimental schools throughout this country that are teaching black children—with great success. Harlem Prep is taking dropouts off the street, and placing them in an informal and supportive school in which the students set the pace. These "dropouts" are now in college.

Other experimental programs are in progress, and have much to tell us about new developments in teaching, curricula, and student motivation.

We should be spending more time understanding and supporting these kinds of developments.

We seem to have lost sight of the fact that the purpose of education is to help the child.

Let us start talking about education that way—and concentrate on building the system around the needs of children, not forcing children to meet the needs of the system.

Mr. STENNIS. Mr. President, I want first to commend the Senator for what I think is a very sound and also a very courageous speech, which I believe will prove to be a landmark in the search to find a solution to these conditions. I commend him very highly. I knew nothing about his plan until nearly 10 o'clock this morning, when he was very thoughtful indeed to call me.

As I say, I think this is a landmark, a trail-blazing speech, recognizing that the segregated school and all that goes with it is produced by a segregated society.

That is one of the points we have been trying to make but have not made it as clear as the Senator has.

I believe that this now will be seriously considered by the people of the Nation, the editorial writers, and the news media. I believe it is a new dimension. I believe that now there will be an earnest anal-

ysis by many others, where the Senator has led the way. I hope that those who oppose the Senator's views, if there are any, would ask him questions.

Mr. RIBICOFF. I would hope so, too.

May I say to the Senator from Mississippi that, personally, I have been troubled about this matter for many years, as a Governor, as Secretary of Health, Education, and Welfare, and as a Senator. I have followed the discussion of the Senator from Mississippi and, again, I have been deeply troubled.

I am troubled over the fact that we in the North are so easy with solutions for problems and people 2,000 miles away from where we live; yet we turn away—our faces, our minds, our heads, and our hearts—from problems that are 6 blocks from where we live.

Unless we address ourselves, as a Congress, as a President, and as the people to the basic issue, this society of ours will be driven apart until there is no basis for a society to exist as a whole.

It has hurt me to see, suddenly, the whole ethnic problem, the black problem, the color problem, coming to the fore, when for many years we thought that a fluid society had finally been achieved and there were opportunities in this country for everyone, irrespective of race, color, creed, or religion. Yet, since 1954 I cannot say that the problems have become better. I must admit that I think they have become worse.

It would have been easy for me to be silent. But I woke up Sunday morning and felt that the time had come for us in the Senate to take a look at ourselves. We have plenty of problems. To look down our noses at the people of the South and come up with solutions for them, without having the guts to face up to our own problems, is the depth of hypocrisy; and I determined to spend the day yesterday to write this out.

I think we owe the Senator from Mississippi a debt of thanks, not for his amendments, because I am going to vote against one and I am unhappy about the other; but I think the Senator from Mississippi has held the mirror up to Northern hypocrisy. Unless we in the North look at ourselves from a realistic point of view, we are not going to solve this problem, and the problem is becoming more and more compounded in the North.

I make the prediction to those in the North that the southerners will solve the problems of black and white before we in the North will. We have a deep obligation, those of us in this body, if we love our States and our country and our people, to start talking frankly and candidly of what must be done, instead of having a lot of meaningless legislation, a lot of talk, and spending billions and billions of dollars that achieve little.

Never in the history of any nation has an education system been so on the point of disintegration and decay as is the education system in this country. Where have you ever seen, in any nation in the world, a situation develop that on the high school and junior high school levels children go to school in an armed camp—where there are guns and knives, blacks versus whites, police in schools to regulate, principals and teachers afraid for their very lives? And this is all over this Nation, in every city in this land. It is not just a Southern problem; it is a Northern problem. We are developing violence and hatred right in the midst of school systems.

We are not going to be able to find a unitary school system and one method to solve all the educational problems in this country. But we had better start looking at these problems in depth if we love our Nation and love our children.

Much needs to be done, and I would like to see frank talk on the floor of the Senate; because, if it cannot be done here, frankly, I do not know where in this country it can be achieved.

I yield to the Senator from Vermont.

Mr. AIKEN. I merely want to say that I do not rise to ask questions of the Senator from Connecticut. It is very difficult to find questions to ask of the truth, any way.

I do want to say that, as a New England neighbor, I commend him and congratulate him on having the courage and the nobility—maybe I will use that word—to stand up before the Senate and tell the truth as he has just done.

Mr. RIBICOFF. I thank my distinguished colleague, the Senator from Vermont.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield to the chairman of the subcommittee, and then I will yield to the Senator from Georgia.

Mr. PELL. Mr. President, as the manager of the bill, I have been among those, I suppose, who are responsible for making this a silent Chamber, but I have tried throughout to concentrate on the educational aspects of the bill. I realize that civil rights is woven into it. But, being chairman of the Subcommittee on Education, I would hope that we could resolve this civil rights issue in a civil rights bill, and I would hope that these matters could be discussed in terms of the Civil Rights Act of 1964.

I would hope that, regardless of whether the amendment of the Senator from Mississippi is adopted, rejected, or tabled, the attention of this body would be directed more to the question of the kind of education this legislation will produce, the quality of it, and that we could separate civil rights from this mix. If we cannot separate it, then we must face up to it. In this regard, the Senator from Mississippi is helping us and is spurring us on.

I must add that I agree with the Senator from Connecticut in that I think the basic human prejudice in our souls, the feeling of prejudice, is probably less in the South than it really is in the North; because we in our hearts are a bit hypocritical in this regard. As the Senator from Louisiana very justifiably said, we go home and talk liberalism to each other but do not practice it. It is not practiced too much in the South, either, but none of us has a monopoly on virtue in this regard. I think the Senator from Connecticut has done us a service in bringing forth this factor.

I cannot agree to support the amendment of the Senator from Mississippi, but I do think that it has caused us all to examine the problem; and I would like those with minds more experienced than mine in civil rights legislation to see if we could unravel the civil rights from the education issue and discuss it in the civil rights context.

Mr. RIBICOFF. May I say to the distinguished Senator from Rhode Island that, personally, I do not look at this issue as a matter of legal technicalities. One can say all he wants that he is going to separate the problem of civil rights from education, but it is impossible to do so today, because this is the burning issue that is about to destroy our society.

This is not just a question of blacks in the South and education in the South. Let me cite a few figures from New York City. In New York City, with a total enrollment of 1,360,000 students, 44 percent, 467,000, are white. The blacks constitute 31.5 percent, 335,000, and Spanish people, 23 percent, 244,000. Of these, 90,000 blacks are in 119 schools which are 99 to 100 percent minority; 201,000 blacks are in 322 schools that are 80 to 100 percent minority group.

In Ohio, 105 schools are 98 to 100 percent black.

In Philadelphia, 57 schools, with 68,000 children, are 99 to 100 percent black.

In Illinois, 72 percent of the black students attend schools that are 95 to 100 percent black.

In the city of Washington, the place where we now reside and legislate, 94 percent of the students are black. Albert Einstein himself could not take 94 and 6 and come out with 50–50. We know therefore, that we just cannot desegregate the schools in Washington, D.C.

Do we then throw up our hands and say, "This is a terrible thing and we can do nothing about it?" No. We are in a realistic bind. This is a black city so far as education is concerned.

Let us not kid ourselves. Wherever we go across this land, when blacks move in the whites move out, and if they have children, they move as far away as they can.

What shall we do? Shall we chase the whites with buses, with helicopters, or with airplanes, to try to get an equitable distribution?

We know that will be almost impossible but, at the same time, we cannot condemn the 94 percent of black children in Washington, D.C. We must develop their schools to make sure that they get the best education we can give them.

We know that education in this country is as bad as it can be. We know that it is old fashioned, irrelevant, and not meaningful.

Senators know that in some black communities they talk a language that is so different from what we speak here, that it is almost a patois, a language that is scarcely English. There are many schools in black areas which provide education on a bilingual basis, but the textbooks are written in the language that children do not understand. The teachers have not received any adequate training in the teachers colleges which would prepare them to teach children who come from the ghettos.

If we are going to keep this thing from exploding, and try to make life meaningful for the blacks, we have to provide meaningful education in the black communities.

If we can desegregate, fine, we should do that; but we must recognize that there will be communities across this broad land where it will be physically impossible to desegregate. We cannot take the children and send them out to limbo. Thus, we must devise the best kind of education we can conjure up.

I am worried that perhaps that is all we can do at this time. But this thing is going so far and so fast that it will take tough talk and quick action to stop. We must have no more studies. I came across an interesting quotation from Oliver Wendell Holmes recently, wherein he said that we need "education in the obvious rather than investigation of the obscure." How right that is. The tougher our problems get, the better our reports seem to become but it is a waste of time to establish more and more commissions and study groups.

We know what the facts are. We know what the situation is.

The time has come for action.

Let me say to the distinguished Senator that no matter what we do, we are not going to separate education from race in America today, because that is what is on everyone's mind. It is on the minds of the children, on the minds of the parents—on the mind of the whole country.

If we do not solve this problem, all we will be doing is taking it and placing it in the hands of extremists, and not in the hands of the people who are sincerely interested in solving the problem in a rational way.

Mr. TALMADGE. Mr. President, will the Senator from Connecticut yield?

Mr. BAKER. Mr. President, will the Senator from Connecticut yield?

The PRESIDING OFFICER (Mr. CRANSTON in the chair). To whom does the Senator from Connecticut yield?

Mr. RIBICOFF. I yield to the Senator from Georgia, who previously had asked me to yield, and then I shall be happy to yield to the Senator from Tennessee.

Mr. TALMADGE. Mr. President, I wish to express my appreciation to the Senator from Connecticut for his attitude, and the forthright and candid speech which he has just made. He speaks from a peculiar vantage point, having served as a former Representative from his State of Connecticut, then as Governor of his State, then as Secretary of Health, Education, and Welfare, and now as a distinguished Member of this body.

He is one of the first Senators outside the South who has had both the courage and the candor to stand on the floor of the Senate and state the situation as it actually is.

Let me read an excerpt from his speech:

> In the North, 50 percent of black children attend predominantly black schools.

He made reference also to the District of Columbia, our Nation's Capital, and where this Congress sits. In my judgment, it is probably the most segregated city in America at the present time. I know that it is far more segregated than any substantial town in my State of Georgia.

The Senator from Connecticut has also cited many figures in other areas of the country which are also segregated. Yet the thrust of the Supreme Court's decisions in recent years and also, of course, the thrust of the Department of Health, Education, and Welfare decrees have been totally aimed at the South. They have been restricted to the South exclusively. Every other section of the country has been excluded.

I would point out to the Senator that last week our former colleague, and former distinguished Vice President, Hubert Humphrey, made a speech at Emory University in Atlanta, Ga. I hold in my hand an article from the Atlanta Constitution of February 4, which states:

> Former Vice President Hubert H. Humphrey declared here Tuesday that orders to desegregate schools "should be applied nationwide"—not just in the South.

Further, in the same article I quote from the former Vice President:

> "The de facto segregation in the North is often more sinister than the . . . segregation of the South," Humphrey declared.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Atlanta Constitution, Feb. 4, 1970]

INTEGRATE NORTH, TOO, HUMPHREY SAYS HERE

(By Bill Shipp)

Former Vice President Hubert H. Humphrey declared here Tuesday that orders to desegregate schools "should be applied nationwide—not just in the South.

Thus the liberal former vice president put himself publicly in support of Gov. Lester Maddox's suit in federal court to force equal enforcement of desegregation orders.

At a news conference at Emory University, the 1968 Democratic presidential nominee also:

1. Attacked the Nixon administration as "schizophrenic" for vetoing funds for health, education and welfare while at the same time advocating increased spending for the anti-ballistic missile system.

2. Declared that a Supreme Court justice "should be devoid of any racial prejudice," then quickly added that he did not necessarily mean that Supreme Court-nominee Harrold Carswell was prejudiced.

3. Predicted that the South will be "fed up" with the Republican party in four years, but said the Democrats "face a great test" in the 1970 elections in trying to recoup losses of governorships and congressional seats.

4. Said President Nixon's administration will be strengthened greatly if Nixon's de-escalation of the war in Vietnam is successful.

Humphrey, delivering the Pillsbury Company Centennial Lecture entitled, "Institution in Crisis: A Reasoned Response," at Emory Tuesday night, said:

"We must reform the legislative process in Washington, in our state capitals, and in our cities and towns. Can we deny that Congress is unresponsive to the public interest, when it takes 17 years to pass medical care for the aged, or when providing economic opportunity and ending poverty takes second place to piling on more costly weapons of war?

"Can we deny that state and local governments have often failed to provide good schools or to give people a sense that their needs are being met?"

At the press conference, Humphrey said dual school systems—one for whites, one for blacks—should be abolished throughout the country. But he added that court orders aimed at this "should be applied nationwide," not just in the South.

["The de facto segregation in the North is often more sinister than the . . . segregation of the South," Humphrey declared.]

RAPS NIXON

The Democratic leader took out after the Nixon administration because of the presidential veto of $1.26 billion in HEW funds while the administration seeks $1.5 billion this year to develop the Safeguard anti-ballistics missiles system.

"If there was ever a schizophrenic administration, then this is it,"' Humphrey said. He described Nixon's spending proposals for education and other domestic needs as a "budget in retreat" and said the Republicans were "late comers" in worrying about control of pollution.

He said Democrats, such as Sen. Edmund Muskie of Maine, were responsible for most national anti-pollution efforts to date.

Humphrey said he expects the South to return to the Democratic fold at the end of the next four years because Dixie "knows that its hopes for the future lie with the Democratic party . . . despite the Republicans' so-called Southern strategy."

NO PREJUDICE

Asked his views of the Carswell nomination, Humphrey said the "first standard of a Supreme Court justice should be that he be devoid of any racial prejudice." He said he didn't necessarily mean Carswell was racist and said his pro-segregation speech of 1948 should not be held against him.

Humphrey asserted that Nixon will be helped by his planned disengagement of forces in Vietnam, if it works. But if it is "subject to the veto of the North Vietnamese or the sporadic attacks of the Viet Cong, then he will be in very serious difficulty."

He said he personally hopes the Nixon plan works out "so we can get on with the business here at home."

Humphrey was accompanied by his wife, Muriel. They plan to leave Atlanta Wednesday for a Democratic fund raising gala in Miami Wednesday night.

Mr. TALMADGE. Mr. President, the Senator from Connecticut also mentioned the New York school system. In today's New York Times, on its front page, there are published two revealing articles under one headline, "Racial Strife Undermines Schools in City and Nation." One of the articles is entitled "City High Schools Affected," as written by Joseph Lelyveld and the other article, "National Trend Found," written by Wayne King.

Mr. President, I ask unanimous consent to have these articles printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 9, 1970]

RACIAL STRIFE UNDERMINES SCHOOLS IN CITY AND NATION—CITY HIGH SCHOOLS AFFECTED

(By Joseph Lelyveld)

Racial fears and resentment are steadily eroding relations between white teachers and administrators and black students in many, possibly most, high schools here.

In a few schools, this erosion has gone so far as to create conditions of paralyzing anarchy in which large police detachments have been deemed necessary to keep class-

rooms functioning and put down sporadic outbursts of violence by rebellious students.

More generally, the widening gulf between white adults and black youths in the schools convinces increasing numbers of blacks and whites that the fading promise of school integration can never be more than a hollow piety.

A two-month survey by The New York Times of a cross-section of the city's 62 academic high schools—some predominantly black, others mostly white, some troubled and others ostensibly calm—indicated that racial misunderstanding appears in some schools not just as a fever that flares now and then but as a malignant growth.

In such schools adults and youths seize on narrow one-dimensional views of each other.

In the eyes of many teachers, students who express feelings of racial pride by donning the African shirts called dashikis and wearing talismans, or by sewing the emblems of various black power movements to Army combat jackets, surrender the status of children for that of "hard-core militants."

"We are faced with a very, very specific political movement," charged James Baumann, a co-chairman of the United Federation of Teachers chapter at Franklin K. Lane High School, a neocolonial fortress on the Brooklyn-Queens border where a force of 100 policemen was stationed last October after an outbreak of racial violence. "A small, dedicated group of militants is trying to polarize the student body and establish a totally black school."

A respected Brooklyn principal, who didn't want to be quoted by name, talked not of small minorities but uncontrollable masses. "What can you do," he asked, "when you have 1,000 blacks in your school, all programed for special behavior and violence?"

In the eyes of many black students, teachers given to such interpretations lose their identity and vocation and merge into that monolith of rigid, hostile authority known collectively as "the Man."

A FALLEN HOUSE

"As soon as they get the cops behind them, they show how racist they are," said a Lane student regarded by teachers as a "militant" leader. "We're trying to get ourselves together but they don't like that. They want to get us out. That's boss [great]! Black people shouldn't go to that school."

A black senior at George W. Wingate High School put his disaffection more broadly: "The school system? Like man, it's a fallen house."

Often under pressure the two sides conform precisely to each other's expectations with results that are mutually disastrous. Then teachers are openly taunted and abused, firebombs and Chemical Mace are discovered in stairwells, and racial clashes erupt between black and white youths who normally keep a safe, formal distance between them.

In 1969 incidents of this type were reported in more than 20 high schools here.

"The youngsters are militant—everyone's militant," said Murray Bromberg, principal of Andrew Jackson High School in Queens.

Much of the anger of teachers and students can be traced to the frustrations both suffer in classrooms.

WE AIM HIGHER

In the furor over whether it is the schools that are failing to teach blacks and other nonwhites or the students themselves who are failing to learn there is one undisputed fact—that the results are catastrophic.

The level of educational achievement accepted as a norm in many schools was indicated last month by a letter sent to the parents of all students at Lane. "We are not satisfied just to bring every senior up to the eighth-grade level of reading," it said. "We aim higher."

Many black students are registered in watered-down "modified" courses that lead nowhere. Even in schools that boast of being integrated, these classes are often all-black.

But the small minority of students labeled "militants are almost never drawn from the mass of undisciplined students, semiliterate dropouts, truants or drug users. Frequently they are among the most aware and ambitious black students in the school—the very students, teachers commonly say, who should concentrate on their studies and "make something of themselves."

IRONIC SITUATION

Some observers regard it as ironic, even tragic, that these students and their capacity for commitment should be seen as a threat. "The fact is that they are an articulate and committed group of youngsters looking for change and reform, said Murray Polner, assistant to Dr. Seymour P. Lachman of the Board of Education.

But that has been distinctly the minority view, especially since the three teacher strikes over the community control issue in Ocean Hill-Brownsville late in 1968.

"That was the precipice," said Paul Becker, a Wingate teacher who broke with the union after the second strike and now is active in the Teachers Action Committee, which favors community control. "After that it was downhill all the way. It was 'us' against 'them.' "

Many black students are still outraged by the memory of epithets and abuse from U.F.T. picket lines. "There were teachers shouting, 'Nigger!' " recalled Billy Pointer, a Wingate senior, in the course of a recent group discussion on human relations.

"No, Billy, that's not right," said Martin Goldberg, a social studies teacher. "I have to admit that some teachers used unprofessional language but I'm almost sure that none of them used the word 'nigger.' That must have been parents."

Later, the teacher commented: "I hate it when people who aren't racists say 'nigger.' "

That the clash of values has not been exclusively racial was demonstrated at Jackson where black students last year agitated successfully for the appointment of a black assistant principal.

This fall the new man, Robert Couche, was stunned to find himself denounced as a "house nigger" after having been regarded himself, he says, as an "extremist" at his previous school.

More recently, these same black students threatened demonstrations to block the transfer of young white teachers whom they considered sympathetic.

Negro school administrators like Mr. Couche find themselves in a lonely, uncomfortable position where their motives are often over-interpreted or misinterpreted by both their white colleagues and black students. Nevertheless there are many who believe that the advancement of more blacks to positions of real authority in the system offers one of the few possibilities of blunting the racial confrontation.

At present few high schools have faculties that are less than 90 per cent white; only three have Negro principals. White teachers often complain that Negroes are being favored for promotion, while many blacks say that the system advances only the "safest" Negroes.

"Now if you don't bite your tongue, you're a 'militant,' said Charles Scott, a former head of the U.F.T. chapter at Jackson who is a leader of a faculty Black Caucus there that sees itself as a counterpoise to the union.

STUDENT "WILLING TO DIE"

Many white teachers are convinced that there is a carefully plotted conspiracy for a black "takeover" of the high schools—those of North Brookyln and South Queens, in particular—by the same forces that were active in Ocean Hill-Brownsville. The evidence they most often cite is the words and rhetoric of black student activists and adults who influence them.

A newsletter of the African-American Teachers Association calls for support of black students who "seek 'through any means necessary' to make these educational institutions relevant to their needs."

At Lane, a student sent tremors through the faculty by proclaiming his willingness "to die for the cause."

What do such declarations mean? John Marson, the self-possessed chairman of the African-American Students Association, replied that violence was the only power students had to "back up what they say," comparing it to the power of the U.F.T. to strike.

But he scoffed at the ideas many teachers hold about a conspiracy. No one can tell the students in the various schools what to do, he said.

That wasn't the way it seemed last semester to Max Bromer, the beleaguered Wingate principal. "It's all planned, it's all planned," he insisted when he was visited one day in his office, which looked like a stationhouse annex with four or five police officers lounging at a conference table and a police radio crackling in the background.

Pressure was building up in the school, he said, and he had reliable intelligence warning him of a likely cafeteria riot in the sixth period.

A white teacher came into the office and reported that the cafeteria was quieter than it had been in weeks. "They're massing," the principal surmised.

When the sixth period passed without incident, his anxiety shifted to the eighth. Finally the school empties. Was it all a false alarm? "No," he said, "it was psychological warfare."

Mr. Bromer's responses can't simply be written off as jitters, for he had seen his school brought to the edge of a breakdown by racial hysteria and violence, despite what he thought had been a successful effort the previous semester to negotiate an "understanding" with the "militants."

As regularly happens, he has also seen many of his most experienced white teachers flee the school as the proportion of nonwhite students shot past the 50 per cent mark.

Wingate's troubles last term boiled out of a controversy over where to draw the line on expression by black students—the starting point of most racial explosions in the high schools. That line had been clearly transgressed, most teachers felt, in an assembly program staged by the school's Afro-American club.

Two passages were seen as particularly offensive—a recitation of an old Calypso ballad popular among Black Muslims ("A White Man's Heaven is a Black Man's Hell") and a line from a skit ("Brothers and sisters, we can't live if we continue to support the pigs by buying their dope and kissing their —— and letting them label us.")

BLACKS AROUSED

White students weren't shocked by these lines but by the angry pitch to which black students in the audience seemed to have been aroused. "I was actually embarrassed to be white," one girl said, "because I thought they hated me for something I didn't do."

Teachers saw the program as a deliberate provocation. "The nerve! The nerve! The nerve!" one fumed.

A week later racial clashes broke out in which many more white students than blacks were injured. In fact, many teachers had assumed that a racial confrontation had been in progress ever since the assembly. Black students identified as "militants" complained that they immediately became objects of suspicion.

Many Wingate teachers assumed the students were being manipulated by "outside influences." They singled out Leslie Campbell and Sonny Carson, two fiery figures in the Ocean Hill-Brownsville dispute.

I WAS WHITELISTED

Mr. Campbell, a 29-year-old Lane alumnus who is softspoken in conversation and anything but that in confrontation, lost his teaching post in the demonstration project last fall—"I was whitelisted," he says—and had just started a "liberated" high school, in Brooklyn for black students with the backing of the African-American Students Association.

Called the Uhuru Sasa (Freedom Now) School, its curriculum will include courses in martial arts, Swahili and astrology.

Asked to describe his relation to the students, Mr. Campbell didactically sketched a diagram on a pad before him.

"This is the soil," he said, pointing with a pencil. "The minds of these kids is fertile soil but it just lays there in the schools. We supply the seed—an understanding of black nationalism and the political situation."

Mr. Campbell said he was out of "the demonstrations bag." Mr. Carson, a onetime leader of Brooklyn CORE, is still in it. He likes working with students, he said, because they haven't been compromised by "the system."

"These kids are already liberated," he exulted. "They're beautiful."

Black students here reflect a mood of self-awareness that can be found at almost any high school or college in the country with a significant black enrollment. Some are imbued with sloganistic fervor. Some want an outlet for anger. Others are tentatively working out a life style. Many are just happy to "belong."

A few imagine romantic futures for themselves as black revolutionaries. But most think in conventional terms of gaining skills that will make them useful to their people.

Most of them seem more indifferent than hostile to whites. "I can only care about the people I relate to and the people I relate to are all black," said a youth in Panther garb at Jackson.

Linda Jacobs, a black senior at Thomas Jefferson High School in Brooklyn, was similarly casual when asked about her reaction to the flight of whites from her school, which has gone from 80 per cent white to 80 per cent nonwhite in only five years. "It doesn't bother me, not one bit," she said.

FAKE ADDRESS USED

Many whites from the Jefferson district have used fake addresses to send their children across the racial boundary formed by Linden Boulevard to Canarsie High School, which is about 75 per cent white—"a nice, solid ethnic balance," according to its principal, Isadore S. Rosenman.

But Canarsie has had its troubles. After rioting last year it found it expedient to eliminate the lunch period, as a way of preventing racial clashes in the lunch room.

Canarsie has also tried positive measures to overcome the disinclination of black students to become involved in the school's extracurricular life. For instance, it is now routine to have two bands at all dances, one black, the other white.

Teachers use words like "magnificent" and "beautiful" to describe relations at Canarsie. But most black students appeared to agree with Vernon Lewis, a senior, who said, "Here you always have the feeling there is someone behind you, looking at you."

A SHARP CONTRAST

They contended that they would have more freedom of expressing at a predominantly black school like Jefferson. The contrast between the bulletin boards of the Afro-American clubs at the two schools indicated the range. The Canarsie board told of scholarships available to blacks; the one at Jefferson carried the Black Panther newspaper.

Despite the publication of a code of students' rights by the Board of Education last October, there remain extraordinary variations in the degree of expression on controversial issues—racial issues, especially—permitted to students.

At Brooklyn Tech—a "special" school for bright students that is more than 80 per cent white—a dean last year ordered the removal of a picture of Eldridge Cleaver from the cafeteria on the ground that the author and Black Panther spokesman was a "fugitive from justice."

This year the principal, Isador Auerbach, summoned a police escort to remove a black "liberation flag" on the ground that state law forbade any banner but the American flag in the schools.

Ira Glasser, associate director of the New York Civil Liberties Union, termed this a typical case of "the lawlessness of principals." There is no such provision, he said.

ANOTHER VIEW

By contrast, Bernard Weiss, principal of Evander Childs High School in the Bronx, saw no need to react to the posting of a picture of Huey Newton, the Black Panther Minister of Defense, on a bulletin board in his school.

"We want kids to read, we want kids to discuss," he explained. "We don't teach revolution. But if that's what they want to discuss, at least we can make sure they hear both sides."

Evander is about 50 percent white, and most of its white students are from predominantly Italian, deeply conservative neighborhoods of the Upper Bronx—the perfect ethnic mix, it is sometimes said, for an explosion. But though the school has had some close calls and thorny issues, it has had no major eruptions of racial violence.

The school that has come closest to a breakdown—and has thereby raised the specter of ultimate disaster for the whole system—is Franklin K. Lane, which is next to the mausoleums of the Cyprus Hills Cemetery.

On one recent afternoon, chemical Mace was released on a staircase, a fire was started in a refuse can in the lunchroom and a tearful white girl, reporting that a gang of blacks was waiting to ambush her, demanded a police escort to her bus stop.

"Just a normal afternoon," said Benjamin Rosenwald, a dean.

Normality at Lane also included an ominous stand-off in the cafeteria between white policemen with little metal American flags stuck in their caps and black students standing guard beside a "liberation flag." Routinely, the students taunted "the pigs." The officers masked their reactions behind stiff smiles, but not one of them had his nightstick pocketed.

Many white students are afraid even to set foot in the cafeteria, known to them as "the pit." A handful have been kept out of school altogether by their parents for the last three months.

There are those who find a simple explanation for Lane's woes—the racial incongruity between the school and its locale.

Lane is about 70 per cent black and Puerto Rican but stands in a neighborhood that is entirely white and aroused on racial issues. Mainly Italian and German by ethnic background, the district sends Vito P. Batista, the Conservative, to Albany as its Assemblyman.

But, in fact, the residents were not the first group to become militant over the racial situation at Lane. Neither were the black students. Militancy began with the local chapter of the United Federation of Teachers, whose leaders complained five years ago that Lane was becoming "a dumping ground."

THE UFT POSITION

The UFT demanded that the Board of Education hold the blacks to under 50 per cent and, when that point was passed, they demanded that a racial balance be restored.

The teachers insist that their only interest has been "quality integrated education." But the UFT has never proposed that black students cut from Lane's register be sent to schools now predominantly white.

George Altomare, a union vice president and a social studies teacher at Lane, was asked recently if he thought a black-white balance would also be a good idea for a predominately white school like Canarsie. "Ideally yes," he replied slowly, adding the proviso that more high schools would first have to be built to relieve overcrowding.

But Mr. Altomare believes there must be no delay in implementing a union proposal to make Lane a "prototype" of effective integrated education—to be accomplished by cutting its register by one-third and introducing special training in job skills for students not continuing to college.

It is only on paper that Lane is now overcrowded, for its average daily attendance is under 60 percent.

Black students find a simple explanation for the faculty's insistence on reducing the student body. "Lane doesn't like us and we don't like Lane," one declared.

Since the strikes in 1968, Lane has gone from crisis to crisis. Last year a shop teacher, identified in the minds of some students as a supporter of George C. Wallace, was assaulted by young blacks who squirted his coat with lighter fluid and set it on fire.

ACTION OVERRULED

The assault, which was followed by the threat of a teacher walkout, led to the placing of a strong police detachment in the school and the dropping of 678 students—mostly blacks—from its register, an action later declared illegal by a Federal Judge.

Even before the assault, the union chapter had placed a special assessment on its members for "a public relations and publicity campaign" aimed at winning the support of "business, civic, political and parent groups" for its position.

This effort helped arouse the surrounding white community, which formed an organization called the Cypress Hills-Woodhaven Improvement Association specifically to protest disorders at Lane.

Michael Long, chairman of the group, said the union had hoped to use it as a "battering ram," then disowned it when it demonstrated for the removal of the school's principal, Morton Selub.

Now Mr. Long worries that he may not be able to control vigilante sentiment in the community if there are further disorders at Lane.

A FAMILIAR DISPUTE

The breakdown at Lane last October had a familiar genesis—a dispute over whether black students had the right to fly the "liberation flag" in place of the American flag in a classroom where they studied African culture.

After the flag had been removed from the room two days running, the students staged a sit-in to protect it, setting off the cycle of confrontation, suspensions and riots.

Black student activists at Lane don't deny that they have resorted to violence to press their demands, or "raise tensions to help a brother," or to "keep things out in the open."

They also acknowledge that they have not tried to discourage assaults on whites by younger black students outside their own group who want, as one activist put it, "to express their anger and let the white students know how it feels."

What they do deny is that their insistence on the "liberation flag" was an attempt to do anything but stake out a single classroom where they would be able to express themselves freely.

"Students want to relate to what's happening in their school," said Eugene Youell who prefers the adopted name of Malik Mbu-

lu to his "slave name" and now has enrolled in Leslie Campbell's new school.

FOCUS OF PRESSURES

Some schools see a point in struggling to prove to themselves and their most aroused black students that there is a place for them in the schools and an incentive to study.

At Jackson, a school that appears to be on its way to becoming all-black, the principal has become the focus of a wide range of pressures—from white teachers, black teachers, middle-class Negro parents who want their sons and daughters protected from radical influences, and some black students who believe they have the right to conduct public readings of the thoughts of Mao Tse-tung or anyone else.

Recently the principal, Murray Bromberg, went before a history class devoted to "the evolution of today's African-American experience" and boasted, "This is the school of the future."

He said it was time for white school administrators and teachers to revise their assumption that standards must inevitably be lower in an all-black school.

His audience seemed to be itching to provide the principal with a list of assumptions about black youths that white adults could revise. But if they were "militants," they were also very obviously teen-agers who found no incongruity in wearing a big "I Support Jackson Basketball" pin next to a "Free Huey" button.

In fact, the African-American Club at Jackson has discovered it cannot hold meetings on the same day as a basketball game. Too many of its members are boosters.

RACIAL STRIFE UNDERMINES SCHOOLS IN CITY AND NATION—NATIONAL TRENDS FOUND

(By Wayne King)

Racial polarization, disruptions and growing racial tensions that sometimes explode into violence are plaguing school administrators in virtually every part of the country where schools have substantial Negro enrollments.

The degree of racial unrest was detailed in reports from a number of cities and in studies conducted by Government and private sources. They pointed to the following trends:

While there are indications that the dramatic increase in "issue-oriented" disruptions in the major areas last year may have leveled off, primarily as a result of some apparent accommodation by school officials, racial tensions continue at a high level and appear to be increasing.

The same kinds of disruptions and clashes that have occurred in major cities, particularly in the North, are cropping up increasingly in medium-size cities.

The pattern of school-oriented racial protest and tension is becoming more apparent in the border states and the South as schools there become more integrated.

Racial tensions seem to be moving downward in grade levels, with problems becoming more apparent at lower secondary levels and below.

Many of those studying or involved directly in school racial problems are outspoken in the attitude that an even-handed, "colorblind" approach will not work. Instead, administrators are increasingly being urged to become "color-conscious," to meet problems head-on and stringently to avoid apparently repressive measures, such as calling in the police.

No section of the country appears to be free of serious racial problems in schools.

39 RACIAL INCIDENTS

In a study of "confrontation and racial violence," the Urban Research Corporation in Chicago collected newspaper accounts of racial incidents that occurred at schools in 39 cities, towns or counties, from the beginning of the school year, last September into January. The private research corporation monitors national trends and prepares reports for various subscriber groups and organizations, including governments.

The incidents occurred in the following places:

Phoenix, Ariz.; Little Rock, Ark.; Los Angeles, Oakland, Riverside, San Bernardino and San Francisco, Calif.

Also Chicago, Blue Island and Harvey, Ill.; Muncie, Ind.; Kansas City, Kans.; New Iberis, La.; Springfield, Mass.; Pomfret and Prince Georges County, Md.

Also, Detroit and Pontiac, Mich.; St. Paul, Minn.; St. Louis, Mo.; Las Vegas, Nev.; Ashville, Chapel Hill, Lexington and Sanford, N.C.

Also, Atlantic City and New Brunswick, N.J.; Albany, Belport and Middle Island, N.Y.; Cleveland, Ohio; Portland, Ore.

Also Philadelphia and Pittsburgh, Pa.; Greenville and Ridgeville, S.C.; Crystal City, Tex.; Arlington, Va., and Charleston, W. Va.

John Naisbitt, president of the research corporation, noted that the study included only those incidents reported by the press and that some communities had had a series of incidents. Eleven reports, for instance, were gathered in Chicago alone.

A UNIVERSAL TOOL

Many of the incidents, Mr. Naisbitt continued, involved boycotts or closings of the schools. In Portland, Ore., for example, students at Roosevelt High School reportedly walked out over grievances, gained adult support and turned the protest into a city-wide issue. "The school boycott," Mr. Naisbitt said, "is almost a universal tool."

He also noted rising black-white tensions. "In some cities like Chicago," he said, "bigotry is gaining respectability in the face of increased black awareness and black pride."

"These two social forces are on a collision course," Mr. Naisbitt added, "and one of the places it's finding its focus is in our integrated schools."

But the prevailing opinion of human relations directors and others involved with school racial problems was that polarization was traceable more to the quest for "black identity" and unity, and the reaction to it, rather than to racial animosities.

RAPID INTEGRATION

In some cases the two seem to overlap as blacks and whites come under the stresses of rapid integration.

In Detroit's Cooley High School, where fist fights between blacks and whites broke out last fall, black and white students tend to sit on opposite sides of the school cafeteria.

Other Detroit schools have had relative peace, however, and the difficulties at Cooley may be explained with some statistics. In 1964, more than 90 per cent of the students at Cooley were white. Today, more than 50 per cent are black.

White resistance to school integration has also generated some problems.

Gage High School in southwestern Chicago, for example, was integrated in 1965 and now has 400 Negroes in its enrollment of 2,600. The school has had a number of racial student disorders.

About 120 arrests were reported in and near the school last fall, including 92 during the week of Oct. 28.

BLACK REACTION

Explaining the clashes, a 16-year-old Negro student Columbus Tapps Jr., said: "Black students are going to react to insults. A month ago somebody hung a dummy on a rope from a tree in front of the school with a sign, 'Niggers Die.'"

A white student, Terry Conwell, also 16, said: "Only a few cause the trouble. Most of the whites [living in this area] want to keep this community white and resent integration of our school. But most of the kids have sense enough to know the fighting isn't worth it."

In Philadelphia, a spokesman for the school system's Office of Inter-group Education observed that "social separation [between races] has been total and complete."

The office operates in part on a principle it calls "conflict utilization." Once a conflict occurs, the office attempts to capitalize on the focus it creates to investigate and dramatize the underlying causes—community attitudes, conscious and unconscious discrimination, teacher attitudes, etc.—that often have little to do with the immediate cause of the incident.

"FANTASTIC" GAP

"The understanding gap," the Philadelphia spokesman said, "is fantastic."

A similar view was expressed by Dr. Alan F. Westin, a political science professor and director of the Center for Research and Education in American Liberties at Columbia University.

Dr. Westin, who was cochairman of a panel that investigated the causes of the Columbia disruptions in 1968, has been monitoring 1,800 daily newspapers to gather data on student disruptions in secondary schools across the country.

"The color-blind approach, although it works in some areas such as treating everyone alike in restaurants and in public transportations, won't work in education," he said. "If there is a sudden influx of blacks into a school and school authorities take the attitude that they're color-blind, it's guaranteed to create disruption because of the special needs of blacks."

Dr. Westin found that, of 675 secondary school protests reported in the newspapers he monitored last year, 46 percent were caused by racial problems. The study included only demonstrations, sit-ins, fighting or other disruptions. And nearly one out of every five incidents—18.5 per cent whites and blacks.

Although a detailed analysis of the protests in the current school year has not been completed, Dr. Westin said there were preliminary indications that the "big city problems" of protest were occuring more frequently in medium-size cities.

PATTERN OF PROTEST

"There is also a distinct pattern of protest developing in the border states and the South," Dr. Westin said, with Negro student demands centering on the hiring of more black school personnel, the revamping of school curriculums, and similar issues.

He also said there were indications that, in many big cities, the number of serious disruptions growing out of black demands for change had declined.

At the same time, Dr. Westin continued, there is no evidence that racial tensions have diminished. He noted, for instance, "a steady drumfire of fights in cafeterias and out of school, between blacks and whites."

Dr. Westin agreed with authorities who maintained that racial conflicts reflected the black students' striving for identity.

For example, he noted that a major issue last year was the lack of black cheerleaders. Other demands included the serving of "soul food" in school cafeterias and the placing of portraits of black heroes, such as Malcolm X, in school buildings.

Such demands were "symbolic of a need to imprint a sense of blackness on the schools," he said. "The black kids wanted to feel their heritage was as valid as the whites."

Mr. TALMADGE. Mr. President, in conclusion, I desire to ask a question of the distinguished Senator from Connecticut.

According to the figures of HEW, 5.4 percent of Negroes in Atlanta attend schools which are predominately white.

In Chicago, Ill., only 3.2 percent of Negroes attend schools which are predominately white.

In Gary, Ind., only 3.1 percent of Negroes attend schools which are predominately white.

This percentage is what HEW uses to determine the degree of desegregation.

According to these figures, Atlanta is more desegregated than either Chicago, Ill., or Gary, Ind.

Yet the Department of Health, Education, and Welfare and the Justice Department have filed suit against the whole State of Georgia, but has done absolutely nothing about Chicago, Ill., or Gary, Ind. A suit has been handed down in my own State that, despite the Green case, and despite the Civil Rights Act of 1964, has directed the school boards that they must cease to be color blind and now become color conscious, that they must go out and run down and hunt up a numerical ratio of whites and blacks and assign them to schools, against their will, sometimes 20 miles away, when their own home may be adjacent to the nearest school.

Does the Senator feel that a policy of making laws applicable to only one section of the country should prevail in our Nation at the present time?

Mr. RIBICOFF. No. May I say to the distinguished Senator that, to me, there is no difference between de facto and de jure except as a legal technicality.

Mr. TALMADGE. Is it not a fact that at one time every State in the Union had a de jure system of segregation except the State of Massachusetts?

Mr. RIBICOFF. I am not familiar with that, but I will take the Senator's word. May I say this, that what has been happening, practically, is that we have a cycle occurring. In the Senator's State, in Atlanta, for a considerable period of time, for many years, blacks and whites were living in the same area and in the same neighborhood. It was a "pepper and salt" mixture. My information is that in places like Atlanta, it is now reaching the situation where that is being eliminated. Blacks are living in one area completely, and the whites in another area completely.

It is, to me, indefensible to bus a child 20 miles away in order to comply. Busing itself will not be the solution to a problem. This is where we must be very realistic in what we are dealing with if we are interested in the child and not the system. We have to understand when busing will work and when it will not work.

We could not do anything worse to a black child who comes from a poor ghetto than to take him and bus him into a middle-class school. I will explain why.

A small child is in his formative years. As one witness before my committee a number of years ago said:

> You know, there is nothing as beautiful to see as a black child 7 or 8 years old. And then at about 9 or 10 years of age, you have what is known as the death of the heart when the child gets to realize that he is up against a useless situation with no future.

We take a black child from a ghetto who has no breakfast in his stomach, has torn shoes, and torn trousers, and we send him into a middle-class school where the children are well fed and well clothed and come from good homes. The child receives an education in a mixed school.

But that child leaves that school, that warm school he attends with white, clean children who are well fed, and goes back to the slum with rats and vermin, and it is cold and his clothes are still torn. The psychological and philosophical shock to that child is crueler than anything that could be done.

Dr. Robert Coles, a psychiatrist who spent most of his time in the black ghettos of this country testified before our committee when we were holding our hearings on the crisis in the American cities, and I will quote him because he is most knowledgeable in this field.

He said:

> The bus I have been riding transports children between the ages of 6 and 10, very shrewd little children. They embarrass the life out of me a lot of times with their questions. They don't want to ride buses, not because they oppose busing, but because they tell me that I am a fool to think it will lead to anything.

The time has come to quit kidding ourselves, to stop the illusions and stop all the theories and the raising of false hopes that are in turn dashed to the ground.

We raise them with promises and with legislation. Then, they find that their condition is as bad as it has ever been. And there is nothing crueler than to raise hopes and then dash them to the ground.

If we talk about busing, we should do it thoughtfully.

There are places for busing in a city. But to take children and bus them 20 miles does not make commonsense.

Let us talk about children and not talk about forcing the children into a situation such as this.

Mr. TALMADGE. Mr. President, I thank the Senator. I agree 100 percent.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. BAKER. Mr. President, I thank my distinguished and courageous colleague, not for what I believe to be one of the most important, if not the most important, speech that I have been privileged to hear since I have been a Member of the Senate, not because of its particular content or because of the courage of the man who made it, but, rather, because I am persuaded that it may reflect a change in the thinking and the attitude of all of us in this body on approaching this dangerous matter that confronts this Nation today. That refers to the relationship that exists and must be made to exist between the races.

When I came to the Senate in January 1967, I came after having campaigned across my native State of Tennessee proclaiming that, in my judgment, the Civil War century had ended and that after the 100 years since that terrible conflict, the people of my State and Nation were no longer concerned with the historic past and the prejudices that existed, but were rather concerned with the pragmatic approach to a new philosophy that was relevant to the time.

I believed that. I still believe that. But I must confess that I am less certain in that respect than when I came to the Senate, because after a while it began to occur to me—I did my best to resist it—that in some matters, especially in matters relating to education, race relations, and our relations between ourselves in this body, there was still a lingering prejudice on the part of some Members of this body against some of the Members of the Senate because of the origin and the States they represented—a sort of segregation in the Senate, a sort of moral superiority in racial matters. That reflected itself in the assumption that a Member of the Senate from Tennessee, Kentucky, Alabama, or Florida is assumed to vote a certain way and to hold certain prejudices, regardless of his votes or his utterances.

Then it occurred to me that if that were the case, we were playing a very dangerous game indeed, because as one of the two bodies of the legislative branch of the Government, we were judging the most volatile, most clearly important issue before our country on the basis of regionalism, which is as insidious and dangerous as deciding it on a racial basis, because it substitutes an artificial bias for judgment on a particular controversy.

If that is the case, or ever was the case, then I feel that we have never fully emerged from the Civil War century.

I was persuaded to believe we had left the Civil War behind. However, now after 3 years, I have come to fear that my version may not be true. And that is alarm enough for me to stand in my place and say to the Senator from Connecticut that his speech may do more to destroy that attitude and that prejudice and that course which may deprive us of the ability to cope honestly with the problem than any speech I have heard since I have become a Senator.

On the matter of education itself, I think it is appropriate to the remarks I have just made—I might point out with no immodesty—that in the course of my tenure here I voted for the provision of the statute which now graces our statute books and provides by Federal law that any person may live in, purchase a home, or reside in any part of any community he wishes without discrimination. That statute is now referred to as the fair housing statute.

I not only voted for that bill, but I also voted to stop debate on the bill so that we could reach the merits.

Many of my colleagues, especially my colleagues from the South on both sides of the aisle, were roundly critical of that position. I must confess that it was not popular in my State of Tennessee.

I think the Senator from Connecticut has underscored the validity of the basic fundamental right of every citizen of this Nation to live, work, and enjoy life wherever he pleases without any sort of restraint, de jure or de facto, and that no one should be permitted to say that a particular person because of the color of his skin or for any other reason should be prevented from living in a particular

neighborhood or attending a particular school.

That is freedom of choice of the most exquisite sort: The right to choose where you work, the right to choose where you live, the right to choose where you prosper, and the right to choose where you worship; but it is no substitute to say that this law is not going to serve the purpose, but rather that we are going to have some artificial undertaking to create some mythical and mathematical balance of the races within our schools in obedience to some obscure theorum that the quality of education is related to this mythical quota of students. I believe we are dealing with the fluff and not the substance of the problem confronting this Nation. The problem is being honest with ourselves.

Therefore, it is especially satisfying to me to see that the distinguished Senator from Connecticut has taken that first step and said what we must say if we are going to make real progress in this field. We are all alike and equal: North, South, East, and West. We are all alike aside from our prejudices against each other or for each other. Let us attack this problem in good conscience and in good faith on the basis of the requirements of the times and not on the basis of the Civil War century, in a workmanlike way to serve the long-range interests of the children of this country and their children in maximum freedom and opportunity.

That is what the Senator from Connecticut has said and it is what I applaud him for.

Mr. RIBICOFF. I thank the Senator from Tennessee.

Mr. President, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank my distinguished colleague, the Senator from Connecticut. I have been reluctant, despite my expressed feelings to a good number of my friends from the South, to take the floor in connection with this matter. It would be easy for people to say, "CLIFF HANSEN comes from the West, from a State with a total black population of less than 1 percent of those persons who reside in what we call the 'Equality State.'" For that reason and for other reasons I have felt it would be awfully easy to be misinterpreted and misunderstood.

However, I must say after having listened as I have and having read, as I have, what has been said on the floor of the Senate, after taking note of the very extensive and exhaustive study that was launched some several months ago by our distinguished colleague, the Senator from Mississippi (Mr. STENNIS), that I feel I could not be fair to myself, to my constituents, nor to this body if I were longer to remain silent.

I told the distinguished Senator from Mississippi some time ago how I would vote on both of his amendments. He knows I will vote to support them.

It is a fact that in Wyoming there are about 2,000 black people. I suppose some people from my State who come to the Capitol and visit in my office from time to time—and I am privileged to have them—wonder why I have a black man on my staff. Certainly, it was not because of any feeling on my part that I had something to offer the fine young gentleman who works for me, and who comes from the District of Columbia, but rather because I felt the need to learn firsthand if I could a little bit more from a member of a minority group whose concerns, anxieties, and frustrations must be the concerns, anxieties, and deep interest of all of us. I can say that it has been my privilege to learn a great deal from this young man who is on my staff. I am certain I have much more to learn than I know. But calling on the experience and in appreciation of that important contribution, I wish to say we might all better understand something about a problem that has been slowly evolving in this country that started 300 years ago, a problem that cannot be ascribed to the sins of the South. That theory, if there was ever any validity to it, and I doubt there was, must be discarded now on the basis of the facts.

The Senator from Mississippi has pointed out the unfairness of some of the laws we have. For those who contend we should extend those laws I say, "Shame on you." I say "shame" because as the distinguished Senator from Connecticut has already pointed out there is no longer any reason at all to look at the South or any other part of the country with eyes closed, blinded to our own guilt.

If this law makes sense for the South it should make sense for Wyoming, Connecticut, and every one of the 50 States, and it should be applied in that fashion. I think we should keep in mind—despite the fact we are hoping so desperately to give meaning to our pledge that all Americans regardless of race, color, creed, or national origin have equal opportunity with every other American—that we must be realistic.

We need not only to seek the advice and counsel of sociologists who have studied this problem in this country and whose skins are white, but we need also to listen to some whose skins are black. I call upon others to listen to the advice of Bayard Rustin from time to time. I think what he has been saying to the people needs to be repeated. He has said what we need in this country is better education. It is not going to help young black men very much to know more about African dance, or Swahili, or some exotic culture; if the black man is to attain true equality he must be able to compete in the business world. He cannot compete unless he can read and write. He needs skills demanded by today's opportunities.

Mr. Rustin underscored the need for better education.

I think what the Senator from Connecticut has been saying is so abundantly true. Along with my colleague and very cherished friend from Tennessee (Mr. BAKER), I congratulate you, sir. I congratulate you because what you have said has not been an easy thing to say. You have said what a good many others have not said. Perhaps they lacked the courage or the commitment or downright honesty which the Senator from Connecticut has displayed with such great clarity this afternoon.

I am proud of you and I am proud to be associated with you. I hope we can do all those things which will bring about better education, for all of our children and that does not, in my judgment, begin with nor end with busing. I could not agree more than I do with the Senator that it does not make sense to bus a child 20 miles or those who say that busing is all right in the South where there is segregation but not in the North where there is also segregation. I know children can be bused 20 miles. If there is good reason to bus them in the South there is just as good reason to bus them out of the District of Columbia into Maryland and Virginia, and it is just as important to bus white children from Maryland and Virginia into the District of Columbia if that is going to make for better education.

But I do not think that it will make for better education. I say that because, having been Governor of Wyoming, I know of the deep concern to us that the approximate 5,000 Indians we have in the State of Wyoming are not receiving as good an education as they did a few years ago when they had schools on the reservation. The Indian Bureau decided it probably made sense to move those children out of reservation schools and to put them in the public schools. Do Senators know what happened? There was a very sharp increase in the dropout rate and some people were wondering what was happening. I did not know but I, too, was concerned. I asked a friend of mine who was born and grew up in Riverton, which was at one time part of the Wind River Reservation. He said, "The problem is not that the Indian child is unable to compete academically with white children but rather,"—and the Senator from Connecticut has just put his finger on it—he said, "They are not dressed as well. They have shabby clothes. They do not have new shoes. They cannot afford hairdo's others have." As a consequence—not because they were not able to compete academically but because of their pride, and they are proud people, they were unable to compete socially—they preferred to dropout of school.

I hope we can make our schools better. I believe we can. If we can make them better, I will do everything I can to support that effort. But I do not believe that our money will be most wisely spent on busing children out of neighborhoods in which they have grown up.

Young children are sensitive, they can become frighten and even terrified if they are moved out of familiar surroundings into a strange environment. And it makes little difference if the child is white or black. Let us improve our schools—all of our schools, so as to assure that wherever a child lives he has an opportunity for a good education.

I thank my distinguished colleague for his great stand.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. STENNIS. Mr. President, the Senator's time was to expire at 2:30. I do not think some Senators knew that. I ask unanimous consent that his time be extended for 10 minutes.

Mr. JAVITS. Mr. President, reserving the right to object, I am certainly the last person in the world to try to limit a Senator's time——

The PRESIDING OFFICER. The Chair will state that the Senator from Connecticut did not start speaking until 1:38 p.m., because a quorum call was in progress.

Mr. JAVITS. Well, let us get this matter settled. I have no desire to interfere with the Senator's speech or the speech of any other Senator, including my own. I only point out to my colleagues that, at the urgent behest of the leadership, we were to do our utmost to produce a vote today on the Stennis amendment. I only point this out to call to the attention of the leadership that some Members are drifting out and others will do so very rapidly, and it becomes difficult to bring this matter to a disposition. Other than that, I have no objection whatever to whatever time a Senator may wish in the way of debate. I wanted the leadership to be informed as to why the Chair should be restored the right to recognize Senators at 2:30.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I am well aware of what the distinguished Senator from New York has said. I sympathize with him, but I do think the Senator from Connecticut ought to be allowed to go until 1:38 or 1:40. I do not think we ought to adopt the policy in this body of depending on Senators' staying or going. We are paid to stay on the job. That is what counts. We are going to get 3 days off the end of this week. Many Senators are absent who should be here today. They have no excuse at all. So I think we ought to take our chances.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. RIBICOFF. Mr. President, may I say that, basically, my speech took 15 minutes. Several Senators engaged in colloquy. I think they should have the courtesy of making queries.

I ask unanimous consent to proceed for an additional 15 minutes. I see three Senators standing.

Mr. MANSFIELD. Mr. President, we ought to stick to the original request of 10 minutes by the Senator from Mississippi.

Mr. STENNIS. Mr. President, if the Senator will yield, that was for an additional 10 minutes.

Mr. MANSFIELD. That is right.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request that the Senator be permitted an additional 10 minutes? Without objection, it is so ordered.

Mr. RIBICOFF. I yield to the Senator from Colorado (Mr. DOMINICK).

Mr. DOMINICK. Mr. President, I have been listening to the colloquy and the speech with great interest, and I have some problems. I want to ask the Senator from Connecticut a few questions because of those problems.

We have a situation in my State in which we had a school board in Denver which was 5 to 2, in a nonpartisan election, but, we will say, were probably on the Senator's team as far as the political end was concerned. A school board regulation was adopted last spring which provided that, starting in September, the schools in Denver would be assigned quotas of students on the basis of race, and they would be bused back and forth on account of the quota system which they set up.

We then had a school board election. Two people ran against two members on the then existing school board contending there should not be forced busing. The two nonbusing candidates won 4 to 1 in our Spanish area. They ran even or won by a slight majority in our Negro area. They ran 2 to 1 in the white area. Overall, their winning margin was 2 to 1.

The new school board changed the regulation, because the board then was 4 to 3 against forced busing. They dropped mandatory busing but permitted voluntary busing. Subsequently, individuals advocating mandatory busing went before the Federal district court and obtained a preliminary injunction against the new voluntary busing system. The effect was to restore the mandatory busing of the old board. In turn, this matter was appealed to the 10th circuit court, where the ruling of the district judge was reversed.

The proponents for forced busing then took the matter to the Supreme Court. A single Justice overturned the 10th circuit court and sent it back to the district court; and a temporary injunction is now in force against the existing school board and in favor of mandatory busing.

That is a synopsis of the legal situation in Denver right now. A full trial is expected shortly.

In our State we have probably the second strongest fair housing law in the country. It may be the first. People are permitted to buy and rent wherever their economic condition and desires permit them to do so. Whatever school racial mix has occurred has come about because of the desires of the people to move into certain areas. As a matter of fact, blacks moved into one of our better school districts when the law went into effect. They moved into the area in volume. It is a great area for them. It is a marvelous area. They do a great job. They keep it up, and it is a fine place. But by virtue of this fact, the schools became overwhelmingly black.

Now the theory is that, simply because they are black, even though the same facilities are there and many of the same teachers are there, the school does not have equality.

It seems to me that when there is a fair housing law which permits people, in a reasonable manner, whenever they have the economic means and desires, to move where they want to, we have solved the basic problem of whether or not there has been intentional segregation as far as schools are concerned.

Second, it would seem to me that the Federal Government, in the existing bill, has said quite clearly that it does not want any of the funds authorized to be used to require busing on account of race. Section 422 states that no provision of law shall be construed to require the assignment or transportation of students in order to overcome racial imbalance—words to that effect.

If we should adopt amendment No. 463, it seems to me, we are in fact—and this is the question I want to ask—largely extending the existing law by inclusion of the last words "without regard to the origin or cause of such segregation." It would seem to me these words inject the Federal branch of the Government into every State where there was in fact de facto segregation in the school system. Would the Senator say that is correct?

Mr. RIBICOFF. Yes. My contention is that if we have a policy based on de jure segregation in the South, the North should not be excluded from the same policy because there is de facto, instead of de jure, segregation there.

I would imagine that in many areas of the South where there is now de jure segregation, once de jure segregation was out of the way it would become actually de facto segregation, as the Senator has described in Colorado, because I think what has happened in the South and what is happening all over the country is a resegregation of the races, which is a tragedy, but which nevertheless has taken place.

It has taken place in Colorado, in Denver. I think it has taken place in Atlanta. It has taken place in Hartford. It has taken place all over the Nation. This is one of the bothersome features to me: That we think we are going to solve this problem merely by the passing of a law. What we have to do is address ourselves to the entire field of education, determine just what we are going to do, and face up to it. I suggest that we in the North should not exclude ourselves from the rules and regulations applied to the South by saying we are de facto and they are de jure.

Mr. DOMINICK. I agree that the rules ought to be applied uniformly, not just in certain areas. I have felt for a long time that this was desperately unfair in the sense of active enforcement in de jure situations.

As I see the problem, if that were all that this did, it would be all right; but these specific words of amendment No. 483 attempt to substantially increase the power of the Federal Government to move into the South as well as the North, the East as well as the West—for the first time on a de facto basis. That, I think, is something that could further irritate an already very difficult situation in the South as well as elsewhere.

I find real problems on that issue. I just think that if the distinguished Senator from Mississippi, for whom I have such vast respect, would strike out of his amendment those last words "without regard to the origin or cause of such segregation," I would be happy to vote with him.

Mr. RIBICOFF. The Senator from Mississippi will have to answer that for himself. I am happy to yield now to the Senator from New York.

Mr. JAVITS. Mr. President, I want to be sure we all understand each other.

The pending amendment relates to so-called freedom of choice, and the New York State statute on busing. Am I clear

that the Senator from Connecticut intends to vote for that?

Mr. RIBICOFF. That is amendment 481?

Mr. JAVITS. Right.

Mr. RIBICOFF. I have stated that I would vote against amendment 481, but would vote for amendment 463.

Mr. JAVITS. The reason I ask the Senator that is that the timing of his speech, if it does have such a quality of relevancy and impact as some Senators think, coming before the amendment he is going to vote against, could create confusion as to what he is for and what he is against. Therefore, I think it is better to make it clear, and I am sure the Senator joins me in that.

Mr. RIBICOFF. May I say that, to me, the issue before the Senate today is so vast and so important that, to my mind, it transcends both amendments 481 and 463. I wanted to put the whole problem in focus and perspective, which I thing it is very important to do right now, because it is my understanding that both amendment 481 and amendment 463 will be voted on either today or tomorrow.

Mr. JAVITS. Right. I do not know that that is the case, but in any case, we have it clear.

The second question I should like to ask the Senator is this: Is it not a fact that this bill already says exactly what the Senator from Mississippi (Mr. STENNIS) wishes to say, without adding the words which the Senator from Colorado, astute lawyer that he is, has properly picked up, "without reference to the origin of the segregation?"

I call the Senator's attention to page 150, section 421(c) of the bill, which reads:

> All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

Mr. RIBICOFF. Well, as to whether Senator STENNIS' amendment is a nullity, I would be pleased to yield to the Senator from Mississippi to give the answer to that.

Mr. JAVITS. I say, aside from the words which Senator DOMINICK picked up, which I think make as much of a difference in what we are going to accomplish as the reason for the Senator's voting against the pending amendment, to wit, the words "without regard to the origin or cause of such segregation"—other than that, it includes nothing, because we have already covered uniformity of enforcement. I just wanted to be sure the Senator from Connecticut was aware of that.

Now, if I may also ask the Senator another question, as to another point of fact, is the Senator aware of the fact that in a recent appropriation bill, to wit the Labor-HEW Appropriation Act of 1969, which we passed early in the year, we required—I was then a member of the Appropriations Committee myself—that an equal number of operatives be assigned North and South, in order to see that the law was enforced, and the Secretary of HEW has actually reported that he has assigned an equal number of operatives, and has accounted to Congress for the number of cases he is investigating, which run into the hundreds in the North?

In short, I happen to be acquainted with the finite details and, while I do not want to impose upon the Senator, all I am trying to qualify for is that the Senator more or less implied that there may be a lack of sympathy with the problems being faced, or some effort to apply a different kind of rule.

As a matter of fact, I said a while ago, and I repeat, we are moving, obviously, slowly, but within the path that we take at least let us do it to the full. So far all we have done, really, is to prohibit de jure segregation. Other than that, we have not done anything. Everybody is afraid, in the South as well as the North, and I am ready to agree with the Senator at once that we are apparently decades behind what we ought to be doing as far as our minorities are concerned.

I agree with that, but I do not want to let that confuse the issue, so that, when we try to lift some of these hands somewhere, we will get into such broad, high-level applications that it disables us everywhere.

I noticed that most of the Senator's speech was taken up with covering problems in the suburbs, et cetera. I agree with the Senator, but what has that to do with a provision in an amendment which could nullify hundreds of court proceedings which have a chance to advance our common goals, no matter where they strike North or South?

Mr. RIBICOFF. Mr. President, I was trying to call attention to a basic problem that exists in this country, and I was trying to point out that what we are dealing with is a question of racism, and the problem of segregation in the schools, due to a segregated society—a segregated society which is just as segregated in the North as in the South. And may I say, in all due respect to the Senator from New York, that within 12 blocks of where the Senator lives, one could find school conditions that, on every basis, would be even worse than any place in the South. The situation in New York is so bad that it points up the problem that we are raising, that it is not a question of just Mississippi, but the people of New York have to search their souls as much as the people of Mississippi. Mississippi is de jure and New York is de facto, but it is just as bad in New York de facto as it is in Mississippi de jure.

Mr. JAVITS. Mr. President, will the Senator yield to me at that point?

Mr. RIBICOFF. I yield.

Mr. JAVITS. All the Senator is saying, and that is absolutely true, is that it is just as bad de facto as it is de jure. I think I know what is within 12 blocks of my home as well as the Senator does. But I say we should not be dissuaded from attacking de jure because de facto is just as bad. I want to attack both, but I do not want to be carried off from attacking de jure because of this broad laying on of hands, that we are all in trouble and everything is bad.

I want to attack both situations. I think we are going to compromise, if we adopt Senator STENNIS' amendment, with all love and respect to him, the effort to deal with de jure segregation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. RIBICOFF. May I say to the Senator from New York, talking on my own time, I just do not accept that at all, because I do not think it is enough for us to be on this floor, at a point 2,000 miles away, trying to solve all the problems 2,000 miles away, when we are unwilling to solve the problems in our own backyards.

The statistics for the city of New York are as bad as any statistics you can find on the State of Mississippi. So it is all right for the Senator to say, "We will attack de jure," but I say that if we are honest with ourselves, we will attack de facto in Hartford and New York as well as de jure in Mississippi. This is the point I am trying to make. If we do not do that, we are never going to solve the problem of education in a racist society.

Mr. JAVITS. Will the Senator yield one moment further?

Mr. RIBICOFF. I yield.

Mr. JAVITS. I thoroughly agree with the Senator, but I cannot momentarily, for reasons of the Constitution and law, attack de facto as hard as I would like. That should not stop us from dealing with de jure segregation where it exists. That is all I am saying. I do not disagree with the Senator, but I am just warning against—and the Senator is illustrating it in his own prospective vote—getting off the idea of dealing with this issue wherever we can find it, and wherever we can get at it, because we cannot deal with it all at this given moment in the way we would like.

This may be a fundamental difference in philosophy between us, but I do not think any Senator from the South will complain—if he does I do not think it is justified—against me on the ground that I have misstated the law, or tried to disguise the facts, or to whitewash my own area of the world.

I consciously have never endeavored to do that. But I have committed myself, as a human being and as a Senator, to try to deal with this subject wherever we could get hold of it. That is all I say. I do not differ with the Senator. I only say that I do not think we should stay our hands in trying to deal with this issue wherever we can deal with it, because we cannot deal with it all in a moment of time.

Mr. RIBICOFF. All I am asking the Senator to do is to project himself into the position of our colleagues from the South. The Senator gets up and says, "I want to deal with the problem where it is, and that is de jure." That is all very well and good, because when he does it on a de jure basis, he is dealing with the South.

I am saying that if we are asking to deal with this problem de jure, we have an obligation to say it is just as bad where we are, where it is de facto. What I am asking the Senator to do is to go beyond the position where we now are and deal with the problem in New York and Connecticut as well as Mississippi and Arkansas. This is the point I am trying to make. If we do not, we are again going to be in the situation where we do not solve the problem; and where

we have this anger and differences between the North and the South; and we should not have it.

I think the time has come for the Senator from New York and the Senator from Connecticut to be able to sit down with the Senator from Georgia and the Senator from Mississippi and try to bring our experience, our wisdom, and our philosophy to bear on these basic problems; because if we do not, we are going to have this problem deeper and deeper and deeper.

As the Senator from Georgia (Mr. TALMADGE) pointed out, the front page stories in the New York Times dealing with New York and the country indicate the depth and extent of these problems. My feeling is that until we reach the stage where we are willing to look at it de facto, we will not solve it. We can write editorials and make speeches and say, "Let us solve it in the South. We are going to solve it in the South, but nothing is going to happen in the North." When we stand up and say, "Yes, it is bad in the South, and we want to correct it. But it is bad in the North, and we want to correct it"—when we reach that stage, the shoe will really pinch; and northerners and southerners and the President of the United States and Congress will sit down and say, "What are we driving at?"

We are trying to eliminate a racist society, and let us not make our innocent children the pawns for our ideas and theories. We want to save our children, not destroy them.

We do not want to force our children into a system. We want to change the system to make it work for children, not to make our children work for the system. Until we face up to the situation of segregation in the North, we are not going to solve it.

To me amendment No. 481 is not important, amendment No. 463 is not important, and this bill is not important. What is important is that the Senate of the United States understand that we have a grave national crisis, as grave as any we have had in our history; and unless we solve that crisis, we are going to be in serious trouble. That is why I took the floor today to try to bring to the attention of this body this basic national problem. I think it is unfair for us in the North to try to tell the South what to do, when we are unwilling to have the same thing done in the North.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield

Mr. JAVITS. I cannot accept the fact that I am trying to impose something on the South without including the North. I will tell the Senator why.

I, myself, have done something which not too many Senators will do. I have said that the New York State law is wrong, and I am against it, and I will do my best to undo it. I have been against, whereas most of the protagonists of the opposition to the bills regarding de jure segregation have been for inhibiting the Federal Government's funds in any way from being used to break this matrix of poverty and minorities and schooling and housing.

It should be remembered that this very provision preventing anything from being done about racial imbalance has always been written in on the floor of the Senate by those who now espouse a position of, "Let's do it equally all over the country." It is they who have inhibited the ability of Federal funds for education to be used to make the very improvements that the Senator and I both want.

I beg any Member to call me to task if I am ever found lacking in being equally critical, equally searching, with respect to the North as I am to the South.

But I reserve the right, as a Senator, to act upon any of those matters whenever it is within my reach and competence or to try to defend against something which I think will compromise the effort to get justice in either place.

Mr. RIBICOFF. The fact that the Senators from the South fought the civil rights bills and what we sought to accomplish in civil rights in the past is meaningless, so far as I am concerned; we should not try to solve the problems of the future on the basis of a sense of revenge.

There is great change in the thinking in the South. I think there is a realization that there are changes in this country. I sense, in talking with my colleagues from the South, that they recognize that changes are taking place, and they realize that this country has to move on.

There is much wisdom, much experience, and much deep judgment on the floor of the Senate. The Senator sees it, and I see it. It is only when all of us are going to exercise that wisdom, coolly and calmly, without pointing fingers at one another, that we are going to solve the problem. We do not have too much time in which to solve it. When we have a school system ready to blow up across this Nation, when teachers have to be escorted to school by police, and when students are fighting one another in the halls and the classrooms, we have a civilization in disintegration.

Every Senator in this Chamber loves this Nation and has the commonsense to realize when a nation is in the process of decay and disintegration. If 10-, 12-, 14-, and 15-year-old boys and girls are fighting each other with knives and guns in classrooms, what are they going to do 5 or 10 years from now? Is our Nation going to be an armed camp? Are we going to start an armed camp with children, let alone adults? What will be the future for our country?

What I am trying to point out is the basic philosophical problem that faces us, not the question of amendment 481 and amendment 463. I am glad for amendments 481 and 463, because, as I pointed out, Senator STENNIS has done a great service to the country and a great service to our northern liberals. He has shown up our hypocrisy. I think Senator STENNIS is owed thanks from all of us. It is only if we face up to the hypocrisy and eliminate and correct it that we can start sitting down and correcting the basic problem, not just amendments 481 and 463. Amendments 481 and 463 could not be more meaningless than they are today. They are not going to solve the problem. Only when we look at the big picture and the big issue will we be able to solve the problem.

I yield to the Senator from Georgia.

Mr. RUSSELL. I wish to congratulate the distinguished Senator from Connecticut on one of the most courageous and forthright speeches I have heard since I became a Member of this body, and I know the decision to make this speech must have been difficult. But this is a speech that is in the national interest, and it will bear more fruit 20 years from now than it will today. It was not only a courageous speech but also a well informed speech.

I do want to advert briefly to the discussion about de jure and de facto segregation. As a practical matter, there cannot be any de jure segregation in this country—that means by law or with law. Since the handing down of the decision of Brown against Board of Education in 1954, segregation by law has been invalid, and, therefore, there can be no de jure segregation in this country.

As has been said, there are few men in this body who are better qualified to deal with this subject objectively than the distinguished Senator from Connecticut.

Not only has he served as Governor of the great State of Connecticut, as a Member of the House of Representatives, and as Secretary of Health, Education, and Welfare, which is directly involved in this subject, but he also has served on committees of this body which have conducted lengthy hearings on closely related matters. Thus, he deserves the attention of Senators when he speaks.

It made my heart feel good, because this is the first time that a so-called northern liberal has risen here to ask for fairness.

This is the first time, in dealing with this peculiar question of race, that someone has made an appeal on the basis that the South should not be treated as conquered provinces, but that the South is entitled to the same treatment that is accorded other sections of the country.

For that reason, I particularly congratulate the Senator from Connecticut.

Mr. President, this problem is getting more acute throughout the Nation. I want to say, with some pride, that although we have a high proportion of colored citizens in my State, the problem has been handled very well in Georgia. We have not had the difficulties some other sections of the Nation have had and we have proceeded to integrate our schools.

Our people are working on this subject exceedingly hard. They are devoting a great deal of time, energy, prayer, and effort to it. I know that the change is being made.

The only thing that I could really ask on the floor of the Senate today is that we be treated as others would like to be treated under the same circumstances.

I have noticed in the course of my years of service in the Senate that where there is a problem that is unique to one section of the country, it is solved much more quickly, much more completely, much more readily, and much more totally by the man who does not have that problem

at all in the section of the country from which he comes.

That is certainly true of this question. People who do not have that problem at all in their section of the country can solve it at the snap of a finger.

But the Senator from Connecticut is more honest than this. He has made a momentous speech. He has made a true speech. He has made a speech that I think is fair.

There are some portions of it with which I might not be in total agreement, but I do say that the speech bears the stamp of courage that I was afraid had long since departed from these Halls.

VISIT TO THE SENATE BY A DELEGATION FROM THE FRENCH NATIONAL ASSEMBLY

Mr. YARBOROUGH. Mr. President, on behalf of the distinguished senior Senator from Alabama (Mr. SPARKMAN), chairman of the Subcommittee for European Affairs of the Committee on Foreign Relations, it is my privilege to introduce four distinguished parliamentarians from the Republic of France, who are members of the French National Assembly.

They are Alain Peyrefitte, Minister of National Education; Roger Ribadeau-Dumas, Deputy of Drome to the National Assembly; Pierre Buron, Deputy of Mayenne to the National Assembly; and Claude Guichard, Deputy of Dordogne to the National Assembly.

I should like at this time to ask our distinguished guests to rise and be greeted by the Senate.

[Applause, Senators rising.]

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that biographical sketches on these four distinguished guests be printed in the RECORD.

There being no objection, the biographical sketches were ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCHES

ALAIN PEYREFITTE

Deputy of "Seine-et-Marne" to the National Assembly (Union of Democrats for the Republic), Chairman of the Committee for Cultural Affairs, Family and Welfare.

Born on August 26, 1925, Mr. Peyrefitte is a diplomat and a writer. He is a former student of the "Ecole Normale Supérieure" and the "Ecole Nationale d'Administration". He has been elected to the National Assembly in 1958 and reelected in 1962, 1967 and 1968. He has been several times a member of Government, first as State Secretary assistant to the Prime Minister, in charge of Information (1962), then as Minister delegate to the Prime Minister, in charge of Repatriated persons (1962), Minister of Information (1962–1966), and Minister of National Education (1967).

Mr. Peyrefitte is the Mayor of Provins and a member of the "Seine-et-Marne" General Council.

ROGER RIBADEAU-DUMAS

Deputy of "Drome" to the National Assembly (Union of Democrats for the Republic).

Born on July 15, 1910, Mr. Ribadeau-Dumas, after obtaining degrees in law and economics, made a business career in banking and then in the movie-making industry. A member of the National Assembly since 1962, he has been reelected in 1967 and 1968.

He was a Vice-chairman of the Committee for Cultural Affairs, Family and Welfare in 1965–1967.

PIERRE BURON

Deputy of "Mayenne" to the National Assembly (Union of Democrats for the Republic).

Born on December 15, 1921, Mr. Buron is a professor of Philosophy. Elected to the National Assembly in 1967 he has been reelected in 1968.

CLAUDE GUICHARD

Deputy of "Dordogne" to the National Assembly (Independent Republican).

Born on November 11, 1928, Mr. Guichard is a professor of Medicine and Pharmacology. A member of the National Assembly since 1967, he has been reelected in 1968.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. MONDALE. Mr. President, I think it is terribly important that the challenge which the Senator from Connecticut poses be taken seriously by every Member of this body, whether he represents a Southern or a Northern State.

We all have deep and compelling racial problems. None of us can deny that. Those problems largely remain unsolved. To a large extent, they are getting worse. We cannot deny that.

A few years ago we were challenged in a similar way by the South on the fair housing statute.

The PRESIDING OFFICER (Mr. DOLE in the chair). The Senator from Minnesota will suspend. The Senate is not in order. The Senate will please be in order.

The Senator from Minnesota may proceed.

Mr. MONDALE. Mr. President, at that time, a distinguished southerner stood up and said that he intended to propose a fair housing amendment to the 1968 Civil Rights Act. He said that northern Senators were so hypocritical that if a fair housing amendment dealing with the problems of the North were included they would vote against the Civil Rights Act. We accepted that challenge and proposed a strong fair housing amendment. Surprisingly, we did not receive the support from the South which had been threatened. Five successive cloture votes were needed to pass the amendment that dealt with the North and fair housing, which is at the core of de facto segregation. Thus, there is evidence that the Senate has accepted the fact that this is a national problem and is not just a regional one. Our willingness to deal with this problem in our own communities and not just in communities in the South brings me to my question about amendment No. 463, which enjoys the support of the Senator from Connecticut.

What bothers me about the amendment is that while it declares a policy of opposition to de facto segregation, it does nothing about it. What would the Commissioner of the Office of Education or the Secretary of Health, Education, and Welfare do if this amendment were adopted? Does it require him to pursue a policy of busing? How does he determine where de facto segregation exists and where it does not? Would it require new desegregation guidelines including racial percentages and what percentage would be pursued? Does the Commissioner include the schools in the suburbs in solutions to the problems of the cities? Does the amendment require him to pursue vigorous enforcement of the fair housing statute, or not? Does this amendment really require any movement against de facto desegregation? I am afraid that all this amounts to is a political gesture in opposition to de facto segregation. The amendment itself does nothing at all except possibly confuse the effort against the de jure segregation.

Would the Senator from Connecticut respond to that?

Mr. RIBICOFF. As I read and understand the amendment of the Senator from Mississippi (No. 463), all he is asking is that the same policy, the same guidelines, and the same activities be used against de facto segregation as against de jure segregation. That is my understanding of amendment No. 463.

As I understand it, when HEW and the courts go into de jure segregation, they take a plan and come up with a plan or a ruling, and that is the ruling or the plan that they expect to be followed. It is my understanding from what the Senator from Mississippi is trying to achieve in amendment No. 463, that if this policy applies to de jure segregation, we want the same policy to apply nationwide to de facto segregation.

Do I misinterpret the Senator from Mississippi's point on amendment No. 463?

Mr. STENNIS. The Senator has made a correct interpretation here. Amendment No. 463 relates to the money grants in the Education Act. It refers to title VI of the Civil Rights Act and also to section 182 of the Elementary and Secondary Education Amendments of 1966.

With reference to the guidelines, the guidelines and criteria relate to the money. We cannot get the money until HEW has approved it. That is the situation in this amendment. As it says "without regard to origin or cause of such segregation."

That takes de jure so-called and de facto so-called and treats them all alike in suburbia, in the rural areas, in the ghettoes—whatever it is. There is no distinction.

Mr. RIBICOFF. That was my understanding of amendment No. 463.

Mr. MONDALE. Mr. President, with all deference to that answer, let me say that I do not think it is responsive to the question. If the amendment were to be agreed to, I assert that the Commissioner of Education, the Secretary of HEW, the Attorney General, and the Secretary of the Department of Housing and Urban Development, would not have the slightest idea what to do about it.

For example, section 401 of the Civil Rights Act of 1964, which is not affected by the amendment, provides that:

Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

And section 804 of the Elementary and Secondary Education Act states that nothing in this act shall be construed "to require the assignment or transportation of students or teachers in order to overcome racial imbalance."

In other words, this amendment would retain provisions in present law that prohibit funds to assist in busing in a segregated situation arising from a living pattern. That would continue. In other words, this amendment would retain provisions prohibiting busing which, to my knowledge, is perhaps the best known way to overcome de facto segregation. This amendment would declare a policy against de facto segregation but not remove prohibitions against doing anything to implement it.

It is simply not the same task to eliminate a problem that exists because of a living pattern, as it is to deal with the problem in the school system that exists because of separating children not on the basis of geography but on the basis of color.

Mr. RIBICOFF. Mr. President, I may say to my friend, the Senator from Minnesota, that what takes place in the South in de jure segregation is exactly the same as the situation that takes place in the North in de facto segregation.

One can look at the figures. It is exactly the same thing that takes place, because it is not due to the segregation of the schools, but is due to the segregation of the population. We are separating blacks and whites. We have de jure segregation in the South and de facto segregation in the North. But the schools are just as black in the North as they are in the South.

What I am trying to say and what the Senator from Mississippi is saying is that if we say it is wrong to do it in the South, we ought to say it is just as wrong to do it in the North.

Let us be honest with ourselves. Whether it is de jure or de facto segregation, it is segregation.

I want them all treated the same way. Let us not have any illusions that then the whites in the North will start to worry about solving the problem. Our problem is that we have a racist society. We are just as racist in the North as they are in the South.

One can go anywhere in this country and see the situation that prevails. But we hide behind the fact that ours is de facto segregation instead of de jure.

I do not want to have either of the two.

Mr. MONDALE. Mr. President, as I said earlier, I agree entirely with the Senator from Connecticut. There is a serious problem in the North and something should be done about it. But I point out that the amendment offered by the Senator from Mississippi does absolutely nothing. It implies that something will be done. But it does not repeal the provision in the existing statute which prohibits busing to overcome racial imbalance which is one of the few short-run ways I know of that would do anything about de facto segregation in the schools.

This amendment appears to do something. It perhaps satisfies our feelings of guilt about hypocrisy. And we are hypocritical at times. But I do not think that a political slogan will suffice.

If we want to deal with the situation in the North, let us not kid ourselves that this does anything about the problem of de facto segregation. It may indeed simply weaken the effort to do anything about de jure segregation.

Mr. RIBICOFF. This is the argument that has been used: That this is a ploy by the southerners to make sure that we eliminate any action on de jure segregation. But I am going to insist that we keep our eye on the basic problem, that if we are going to say, "You are going to eliminate all de jure segregation in the South," then I think that we should do the same thing in the North with respect to de facto segregation to make sure we are not going to use the hard hand in the South and let the northerners escape their responsibility.

I know the argument is used, "If you do this, it will slow down integration in the South." I will fight to eliminate it in the South. But we should be willing to stand on this floor and in our own States and say that what we want for the South, we want for all of the States in the North, too.

Mr. STENNIS. Mr. President, in a speech on October 16, I think, of last year, I pointed out some facts. There were thousands and thousands of cards or questionnaires of compliance sent out to the schools of the North. And they came back all signed up saying, "Yes, we are under compliance." And they were all put in the drawer. I think there were only 16 to 18 at that time that had ever been gone into. It was a very small number anyway. There was a presumption of innocence. They said they were in compliance. The presumption of innocence applied to them, whereas in the South virtually all of the cards were challenged by the HEW, and they were required to file another statement, an additional card, 441–B, I believe it was. They were told, "Yes, you are under the dual system. You have de jure segregation. There is a presumption of guilt against you."

That is where they started the ball rolling for negotiations to get the money, and that has been going on for years.

All we are saying here is that every district in the North, so far as I am able to tell—there may be 1, 2, 3, 4, or 5 exceptions, in small districts—all of those districts have been drawing all this money all this time. And they never have to prove anything. There is a presumption of innocence in their favor because they have de facto segregation, whereas in the South the presumption is that we are guilty. We have been challenged. In order to get that money, they had to agree with HEW to do certain things that could not be done without busing. And they got around that provision of the law and said, "The provision about busing applies to de facto segregation, but it does not prohibit us from proceeding against you because you are unlawful. There is a presumption of guilt on your doorstep."

That has been going on and on.

The pending amendment provides that it is the policy of the United States that the guidelines, and criteria established, and so forth, shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local education agency of any State.

If we stop there, we have a repetition of what has been going on and on all the time. But these words add, "without regard to the origin or cause of such segregation." And that is what the Senator's speech is based on. If we take those words out, it has virtually no meaning.

Mr. MONDALE. Will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. MONDALE. I think that the effort by the Senator from Mississippi to underscore and make visible the deep and profound problems arising out of de facto segregation in the North is well taken and it deserves a responsible and effective response by the Congress. However, that is exactly where the Senator's amendment is most deficient. It does nothing about de facto segregation at all. The problems of de facto segregation and de jure segregation involve different issues. De facto segregation involves elimination of dual school systems; one is white and one is black. De jure segregation involves different living patterns. The result may be the same but it involves very different remedies. The only short run remedy I have heard for de facto segregation is a program of busing, which the Senator from Mississippi opposes and which I understand the Senator from Connecticut opposes, and which is prohibited by the law in cases of de facto segregation. So we have the sanctimonious proposition against de facto segregation and we do nothing about it. We will go home and constituents will ask, "Do you mean you are for busing?" We will say, "No, we have already prohibited that. We do not want to get into that."

Mr. RIBICOFF. I am trying to focus the attention of the Senate on the realities of the situation. I know the legal difference between de facto and de jure, but it comes down to the same thing. What I tried to point out in my speech was that basically the problem of schools being segregated is due to the fact that we have a segregated society, and that we are not going to solve the problem of the schools by busing. Who are we, whose faces are white, to think that the blacks ought to be bused? Who are we, whose faces are white, who send our children to white schools or private schools, to think that because a person is poor or because a person lives in the ghetto he wants his black child carted 20 miles away? Who are we to think that we can play with the lives of children? I do not think that busing will solve our problems. We are talking about busing children 5 or 10 miles away, taking them outside the ghetto. You are doing more harm and hurt to a child than would be done by letting him remain in a black school with decent teachers and a good curriculum.

What I am trying to do is to focus the attention of the Senate on the realities of the situation and not the theory. I am sick of theories. I have seen too many of them. I am sick of sociologists and educators. It is time to bring good com-

monsense to this problem. I am not going to take the point of view of the "pros." Heaven knows it has not been working. They have come up with one program after another. We have taken their approach and it has not worked. Let us focus our attention on the basic problem and determine what we are going to do for American society and American children, black and white, North and South.

As long as we think the only problem is segregated schools we miss the point. We are talking about a segregated society. We are not going to solve the situation unless we look at the problem. It is not the kids who are racists; it is the adults who are racists. I do not want to make the children innocent pawns. This is what we are doing. We think we can take a group of children, put them in a bus and take them 5 miles away to an atmosphere they do not like and do not know, and then think that we have solved the situation. I am interested in education. That is what I am interested in.

When the country is divided over kids who are 5, 8, 10, 12 years old, and they are brought up with such violence and hatred that they go at each other with knives, and they do not wait to get at each other outside but do it in the lunch rooms, this country is in the process of disintegration. We should not just be arguing the difference between de facto and de jure segregation.

Until we take the faces of the North and put them in this mess we are not going to solve the problem. As long as the North hides in lily-white suburbs and as long as they say this is a Southern problem we are not going to attack the basic problem. The time has come for the North to take a look at itself in the mirror; it is not just the people in the South, in Georgia, Mississippi, and Alabama. It is time for us to solve our problem.

Mr. MONDALE and Mr. FULBRIGHT addressed the Chair.

Mr. RIBICOFF. I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I wholeheartedly endorse what the Senator from Connecticut said. He will recall that in 1968 I spent 2 months on the floor of the Senate going through the longest and most arduous struggle the Senate has ever had on a civil rights bill. We finally adopted a strong national fair housing bill to deal with discrimination in the sale and rental of housing in this country, a problem that clearly struck the North and the South. Unfortunately, we did not have the support of some who support the amendment of the Senator from Mississippi today. But we did pass that measure and it was a problem which applied to the people of the North in their hometowns. The Senate stood up in an unhypocritical way and tried to deal with the basic problem of de facto segregation.

I accept the point which the Senator from Connecticut makes that we must do far more to break up those segregated living patterns than we have done before. I hope we can increase the appropriations for the fair housing enforcement more than we have.

I would ask: What would happen if this amendment were adopted? What would HEW do with it? The Department could not proceed to busing requirements to overcome de facto segregation. That is prohibited under existing law. Then, it would seem we would be passing a meaningless, sanctimonious declaration against the results of residential segregation patterns in the North and doing nothing about it except, possibly, interfering with and confusing the effort to do away with de jure segregation.

Mr. RIBICOFF. The sheer fakery of the educational bills we have passed are only exceeded by the fakery of the housing legislation we passed. We call it fair housing but the fact remains if your skin is black you cannot find housing in the suburbs. You can talk about fair housing, but say what you will, the Negro is stuck in the ghetto. In the last two decades 80 percent of the new jobs created in America have been in the suburbs.

Can the blacks find a place to live in the suburbs? Has the policy done anything to make sure they have places to live in the suburbs? Or has the policy been one of creating new ghettos?

Let us acknowledge the fact that the housing program has been an abysmal failure. It has not done anything to solve any economic, social, or housing problems.

What we are trying to do on the floor is to face up to reality. This is not just words. We can talk about fair housing, but it does not mean anything if there is no housing for blacks to move into—and there are no houses for the blacks to live in. This is a problem we face today.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. FULBRIGHT. Before I ask my question, I would merely like to refer to what the Senator said just prior to the last interruption by the Senator from Minnesota. I think what he said was the most eloquent statement I have heard on what I believe to be the essence of this problem.

I think, as often happens in extemporaneous statements, and the Senator from Connecticut made his statement with great feeling and great force, it was the most eloquent statement I have heard on this subject, and I could not agree more with the sentiment he expressed of what we are trying to achieve and what has not been achieved in the past, and the reasons for it. So I congratulate him on the statement, and I certainly join with him in it.

The point I wish to make is that there has been a continual repetition by the Senator from Minnesota that this does nothing and is an utterly idle gesture. If it is adopted and if the distribution of Federal funds in the North, and throughout the country, takes place in accordance with the same guidelines that have been applied in the South and elsewhere, will it not bring about very substantial changes? These guidelines will be made acceptable and workable to all the northern participants in the program, and most of them will take a different attitude toward this whole problem with regard to society, and not just with regard to the children, and we will cease to make innocent children the pawns and the victims of this whole program.

It seems to me that it is not correct to say that this is an idle gesture. I think very substantial effects will result. I wonder if the Senator will comment on that.

Mr. RIBICOFF. I should say that perhaps the most salutary thing would be to have uniform factors with regard to de facto and de jure segregation in all areas, affecting everyone, whether it is de facto or de jure segregation.

What will happen if that takes place? The President, the Secretary of Health, Education, and Welfare, the Congress, and educators will have to look themselves squarely in the face and into their hearts and recognize that we have a problem and ask themselves what we are going to do about it—North and South. What are we going to do about education?

Those of us who have had experience in education at different levels—and the distinguished Senator from Arkansas has had extensive experience in it—will speak in like manner that our education has been an abysmal failure.

The time has come to look at education in America in the world of the 1970's, which is a different world from the one in the 1930's, 1940's, 1950's, and 1960's. When we start looking at it, let us ask the question of what we are going to do with the authorized amount of $35 billion for the next 4 years so it can be used meaningfully.

My feeling is that a great part of the $35 billion authorized will go down the drain and accomplish nothing if we do not do something constructive. If we are going to spend $35 billion, let us look at the problems of blacks and whites, the young, the teenagers, the college level. If we have $35 billion to spend, let us spend it to reconstitute education and get something for the children—not dropouts, not sex, not dope, not a deteriorated society. What are we going to do about producing teachers who can teach, curriculums that prepare children for work, curriculums that prepare children for higher education if they want it, curriculums that prepare children for administration? Let us look at the whole problem of education. That is what I am pleading for. We are not going to get it as long as northerners think, "It is those guys in the South who are playing fast and loose with segregation," and think they can look at it with righteousness because there is de jure segregation there and they should not get away with it. But the northerners get away with it. They run away from it. They do not face it. They see it on the commuter trains as they ride through the slums of Harlem. It is a terrible thing, but they read their newspapers when they go through those areas. They skip unpleasant things when they read their newspapers or see it on television. The time will come when the guidelines begin to pinch North and South, when we are going to make our-

selves take a good look at a tough problem.

Mr. FULBRIGHT. It seems to me that is a complete answer to the criticism of the Senator from Minnesota that this does nothing or accomplishes nothing. Of course, we cannot write into one bill a change in attitudes of a great community such as the United States, an attitude of people—particularly adults, which is the root problem—on a problem which has accumulated over many years, and centuries, even. It is not going to be eradicated overnight. But I think the change in attitude which will come about in the North, as the Senator has said, will be an extremely important result.

It is utterly without foundation for the Senator from Minnesota to say this proposal does not do anything. It does a great deal, and it is a great step.

If the Senator will allow me to say so, I voted against many of the Civil Rights Acts. However, I now accept them as the law of the land, however unwise I think it was to approach the problem as it was approached.

I can only say that, back in the 1940's, one of the first bills I ever cosponsored in the Senate was a Federal aid to education bill, when it was considered, in many parts of the South, to be politically dangerous because it was thought that it would give the Federal Government an opportunity to interfere with local control of the schools—which it has. I tried to minimize that effect at the time. But I and many other Senators believed it was the proper approach to the problem and put a greatly increased emphasis on the quality of education.

I do not believe the Senator from Connecticut was a Member of the Senate the time. I think he was then Governor of Connecticut. Some very wise legislation was proposed then, authorizing a widespread and very far-reaching program for Federal aid to elementary and secondary education. That was as far back as 1947. It passed the Senate twice, but failed in the House or in a committee of the House. I shall not go into that at this time. But the approach then was that it was a better way to bring about an adjustment, peacefully and effectively, between the races and an improvement in the quality of education, than the previous approach. I do not wish to rehash that. I think most of the southerners who opposed some of those bills now accept them as the law of the land.

What we want to do now is to make it work. As I understand the Senator from Connecticut, that is what he wants to do. He wants to forget the sociological theories and programs; he wants to make it work. He wants to create an effective educational system.

That is what I want to accomplish. That is what I think the Senator from Mississippi wants. Coming from where he does, and having said what he has, I think the Senator from Connecticut has rendered a very great service. Now it will be respectable for other Senators, Representatives, Governors, and officials in the North, in my opinion, to take this objective attitude and begin to do something about the quality of the schools and schoolteachers. I do not think there is any way to make any improvement in the whole problem until we do that.

I congratulate the Senator. I shall support him, of course. I think we are now making progress in an area which has been largely preoccupied by theories which have not been consistent with human nature and which have not been effective.

Several Senators addressed the Chair.

Mr. RIBICOFF. I yield first to the Senator from Minnesota. I shall be happy to yield to the Senator from Florida next.

Mr. MONDALE. Mr. President, I think this colloquy underscores the fact that the pending amendment does nothing at all to affect de facto segregation. It does not in any way amend or repeal the existing provisions found in section 401 of the Civil Rights Act of 1964 and section 809 of the Elementary and Secondary Education Act which prohibit desegregation action to overcome racial imbalance. That is still in the law. So busing, as a remedy, has been thrown out.

We are also told that fair housing is not regarded as a very fruitful way of doing anything about de facto segregation. I must say it is difficult to imagine what could follow, then, from the adoption of amendment No. 463. The problem of de jure segregation is a specific problem. It involves the establishment of a dual school system within a single school district, which separates children on the basis of race. The desegregation guidelines require ending the dual system, and setting up a unitary system so that children go to school on the basis of a single school district. There is no requirement concerning racial percentages.

De facto segregation is an entirely different thing. In it we are dealing with a unitary system. We are dealing with percentages of race in a single school, as distinguished from a larger school district. It is an entirely different problem, one that desperately needs to be solved, but this amendment does nothing whatsoever about it.

Indeed, in my judgment, this amendment, by establishing two very contradictory desegregation requirements in the Federal statutes, would produce an ambiguous desegregation policy, at best. At worst, it might produce an unenforceable one. I am hopeful that we can take such proposals as those offered by the Senator from New Jersey (Mr. CASE), and that the Subcommittee on Education or the Committee on the Judiciary, whichever one would have jurisdiction—I am not sure which would—could sit down, in this session of Congress, and come up with a provision that in fact provides an intelligent, strong, effective response to de facto segregation in the North. Then we would be accepting the challenge of the Senator from Mississippi and doing something meaningful.

I am afraid this is a hypocritical gesture that would mean nothing at all in response to the real problem of de facto segregation in the North. Instead, under the guise of uniformity, I fear it would weaken efforts by prohibiting the application of desegregation guidelines in de jure situations because they are now prohibited in de facto situations.

Mr. HOLLAND. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield to the Senator from Florida.

Mr. HOLLAND. First, I congratulate the Senator from Connecticut. I appreciate the contribution he has made. It has taken courage to do it, and he has done it in what I would call a very fine and noble way.

Second, the Senator from Minnesota could not be more mistaken in what he has said. He has intimated that he thinks the whole South is a rural area. He thinks we do not have cities in the South. He thinks we do not have residential patterns in Jacksonville, Memphis, New Orleans, and Louisville exactly like the residential patterns in Hartford and other northern cities. In fact, we have them, and we have had to meet the patterns prescribed by HEW and the courts; and in fact HEW has been a great deal more severe than the courts have, in my observation.

We have had to meet them, and we are meeting them in the same way that we have, and have been required to, just as in the problem cases that can be met in Hartford and other places in the North. There is no distinction between the cities of the South and the cities of the North in the matter of this residential fact.

I think of the city of Jacksonville, with about 120,000 Negro citizens, most of them good people, too, and they live in one area of the city. I doubt if there is any different situation in the city of Hartford, and I think the two cities are about the same size.

I think it is completely unsound to say that the amendment offered by the Senator from Mississippi offers no remedy, because it has been shown that under existing law there have been remedies applied in all areas of the South, and the thing that disturbs me is that there has been no effort whatever to apply those same remedies in other parts of the Nation.

One more thing I wanted to say is that the Senator from Minnesota overlooks the fact that the contribution of the Federal Government, under title 6, unless there is a finding of deliberate segregation practice, may be available to the schools in the ghettos to raise very greatly the level of instruction there.

I remember that the distinguished Dr. Conant, the president of one of the greatest universities in the North, in a book on this subject 3 or 4 years ago, said it would be impracticable entirely to bus students out of areas of preponderantly Negro residents in the great cities of the North, but that by all means what was needed was more money to build up the standard of teaching. That can happen under the amendment offered by the Senator from Mississippi.

Mr. President, one further little comment, if I may make it. One of the things that the Senator from Connecticut said that brought back something in my memory was when he said that students who come without good shoes and without good clothes, in tattered raiment, in the presence of suburban children who are well clothed and with good shoes and well-fed and all that, simply have a feel-

ing of inferiority that does not operate to keep them in the schools at all, but to the contrary is conducive to their leaving and quitting school.

I was reminded that I was once told by one of the biographers of the great John Wesley that the two Wesley brothers came, when they were still members of the Anglican Church, to Savannah when it was a small city, but it had a poor area, and John Wesley promptly set up a school out in that poor area, for the children there.

He soon found that many of them could not wear shoes, because their people did not have the money to buy them, and they came with overalls, or the equivalent thereof. He found that because of the fact that a few did have shoes and were well clothed they were inclined to look down their noses at the poor, and the poor quit school.

Wesley's biographer said that Wesley pondered about it, and finally solved it in this way: One day he showed up, the teacher, in overalls and barefooted; and he did not have any trouble from then on getting the children back in school.

It is a fact, as the Senator has stated, that when you try to mix the poor from the ghettos with the well-to-do from the suburbs, you will have exactly the problem that the Senator has mentioned.

I think he has made many contributions, not just one, by his speech. I congratulate him and I take off my hat to what he has done here today.

Several Senators addressed the Chair.

Mr. RIBICOFF. I yield to the Senator from Rhode Island.

Mr. PELL. I requested that the Senator yield so that I might make a brief comment on one of the statements of the Senator from Minnesota.

I agree with the Senator that hearings should be held in connection with segregation in schools, which certainly exists as is shown by the Coleman report, and on the whole effect of segregation, no matter whether de jure or de facto.

But I would further hope that such hearings would be conducted under the auspices of the Committee on the Judiciary, as a matter of civil rights. As chairman of the Subcommittee on Education, I should like to continue concentrating on the problems of education in general. I realize that I may not succeed in this request, because of the very nature of the problem before us and the very justifiable points the Senator from Connecticut made earlier.

I ask unanimous consent to have printed in the RECORD at this point a summary of the Coleman report, which discusses some of the points that have been made in the course of the debate.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY REPORT

SEGREGATION IN THE PUBLIC SCHOOLS

The great majority of American children attend schools that are largely segregated—that is, where almost all of their fellow students are of the same racial background as they are. Among minority groups, Negroes are by far the most segregated. Taking all groups, however, white children are most segregated. Almost 80 percent of all white pupils in 1st grade and 12th grade attend schools that are from 90 to 100 percent white. And 97 percent at grade 1, and 99 percent at grade 12, attend schools that are 50 percent or more white.

For Negro pupils, segregation is more nearly complete in the South (as it is for whites also), but it is extensive also in all the other regions where the Negro population is concentrated: the urban North, Midwest, and West.

More than 65 percent of all Negro pupils in the first grade attend schools that are between 90 and 100 percent Negro. And 87 percent at grade 1, and 66 percent at grade 12, attend schools that are 50 percent or more Negro. In the South most students attend schools that are 100 percent white or Negro.

The same pattern of segregation holds, though not quite so strongly, for the teachers of Negro and white students. For the Nation as a whole, the average Negro elementary pupil attends a school in which 65 percent of the teachers are Negro; the average white elementary pupil attends a school in which 97 percent of the teachers are white. White teachers are more predominant at the secondary level, where the corresponding figures are 59 and 97 percent. The racial matching of teachers is most pronounced in the South, where by tradition it has been complete. On a nationwide basis, in cases where the races of pupils and teachers are not matched, the trend is all in one direction: white teachers teach Negro children but Negro teachers seldom teach white children; just as, in the schools, integration consists primarily of a minority of Negro pupils in predominantly white schools but almost never of a few whites in largely Negro schools.

In its desegregation decision of 1954, the Supreme Court held that separate schools for Negro and white children are inherently unequal. This survey finds that, when measured by that yard-stick, American public education remains largely unequal in most regions of the country, including all those where Negroes form any signficant proportion of the population. Obviously however, that is not the only yardstick. The next section of the summary describes other characteristics by means of which equality of educational opportunity may be appraised.

THE SCHOOLS AND THEIR CHARACTERISTICS

The school environment of a child consists of many elements, ranging from the desk he sits at to the child who sits next to him, and including the teacher who stands at the front of his class. A statistical survey can give only fragmentary evidence of this environment.

Great collections of numbers such as are found in these pages—totals and averages and percentages—blur and obscure rather than sharpen and illuminate the range of variation they represent. If one reads, for example, that the average annual income per person in the State of Maryland is $3,000, there is a tendency to picture an average person living in moderate circumstances in a middle-class neighborhood holding an ordinary job. But that number represents at the upper end millionaires, and at the lower end the unemployed, the pensioners, the charwomen. Thus the $3,000 average income should somehow bring to mind the tycoon and the tramp, the showcase and the shack, as well as the average man in the average house.

So, too, in reading these statistics on education, one must picture the child whose school has every conceivable facility that is believed to enhance the educational process, and whose teachers may be particularly gifted and well educated, and whose home and total neighborhood are themselves powerful contributors to his education and growth. And one must picture the child in a dismal tenement area who may come hungry to an ancient, dirty building that is badly ventilated, poorly lighted, overcrowded, understaffed, and without sufficient textbooks.

Statistics, too, must deal with one thing at a time, and cumulative effects tend to be lost in them. Having a teacher without a college degree indicates an element of disadvantage, but in the concrete situation, a child may be taught by a teacher who is not only without a degree but who has grown up and received his schooling in the local community, who has never been out of the State, who has a 10th-grade vocabulary, and who shares the local community's attitudes.

One must also be aware of the relative importance of a certain kind of thing to a certain kind of person. Just as a loaf of bread means more to a starving man than to a sated one, so one very fine textbook or, better, one very able teacher, may mean far more to a deprived child than to one who already has several of both.

Finally, it should be borne in mind that in cases where Negroes in the South receive unequal treatment, the significance in terms of actual numbers of individuals involved is very great, since 54 percent of the Negro population of school-going age, or approximately 3,200,000 children, live in that region.

All of the findings reported in this section of the summary are based on responses to questionnaires filled out by public school teachers, principals, district school superintendents, and pupils. The data were gathered in September and October of 1965 from 4,000 public schools. All teachers, principals, and district superintendents in these schools participated, as did all pupils in the 3d, 6th, 9th, and 12th grades. First-grade pupils in half the schools participated. More than 645,000 pupils in all were involved in the survey. About 30 percent of the schools selected for the survey did not participate; an analysis of the nonparticipating schools indicated that their inclusion would not have significantly altered the results of the survey. The participation rates were: in the metropolitan North and West, 72 percent; metropolitan South and Southwest, 65 percent; nonmetropolitan North and West, 82 percent; nonmetropolitan South and Southwest 61 percent.

All the statistics on the physical facilities of the schools and the academic and extracurricular programs are based on information provided by the teachers and administrators. They also provided information about their own education, experience, and philosophy of education, and described as they see them the socioeconomic characteristics of the neighborhoods served by their schools.

The statistics having to do with the pupils' personal socioeconomic backgrounds, level of education of their parents, and certain items in their homes (such as encyclopedias, daily newspapers, etc.) are based on pupil responses to questionnaires. The pupils also answered questions about their academic aspirations and their attitudes toward staying in school.

All personal and school data were confidential and for statistical purposes only; the questionnaires were collected without the names or other personal identification of the respondents.

Data for Negro and white children are classified by whether the schools are in metropolitan areas or not. The definition of a metropolitan area is the one commonly used by government agencies: a city of over 50,000 inhabitants including its suburbs. All other schools in small cities, towns, or rural areas are referred to as nonmetropolitan schools.

Finally, for most tables, data for Negro and white children are classified by geographical regions. For metropolitan schools there are usually five regions defined as follows:

Northeast—Connecticut, Maine, Massachu-

setts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, District of Columbia. (Using 1960 census data, this region contains about 16 percent of all Negro children in the Nation and 20 percent of all white children age 5 to 19.)

Midwest—Illinois, Indiana, Michigan, Ohio, Wisconsin, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota (containing 16 percent of Negro and 19 percent of white children age 5 to 19).

South—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia (containing 27 percent of Negro and 14 percent of white children age 5 to 19).

Southwest—Arizona, New Mexico, Oklahoma, Texas (containing 4 percent of Negro and 3 percent of white children age 5 to 19).

West—Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming (containing 4 percent of Negro and 11 percent of white children age 5 to 19).

The nonmetropolitan schools are usually classified into only three regions:

South—As above (containing 27 percent of Negro and 14 percent of white children age 5 to 19).

Southwest—As above (containing 4 percent of Negro and 2 percent of white children age 5 to 19).

North and West—All States not in the South and Southwest (containing 2 percent of Negro and 17 percent of white children age 5 to 19).

Data for minority groups other than Negroes—are presented only on a nationwide basis because there were not sufficient cases to warrant a breakdown by regions.

Facilities

The two tables which follow (table 1, for elementary schools, and table 2, for secondary) list certain school characteristics and the percentages of pupils of the various races who are enrolled in schools which have those characteristics. Where specified by "average" the figures represent actual numbers rather than percentages. Reading from left to right, percentage or averages are given on a nationwide basis for the six groups; then comparisons between Negro and white access to the various facilities are made on the basis of regional and metropolitan-nonmetropolitan breakdowns.

Thus, in table 1, it will be seen that for the Nation as a whole white children attend elementary schools with a smaller average number of pupils per room (29) than do any of the minorities (which range from 30 to 33). Farther to the right are the regional breakdowns for whites and Negroes, and it can be seen that in some regions the nationwide pattern is reversed: In the nonmetropolitan North and West and Southwest for example, there is a smaller average number of pupils per room for Negroes than for whites.

The same item on table 2 shows that secondary school whites have a smaller average number of pupils per room than minorities, except Indians. Looking at the regional breakdown, however, one finds much more striking differences than the national average would suggest: In the metropolitan Midwest, for example, the average Negro has 54 pupils per room—probably reflecting considerable frequency of double sessions—compared with 33 per room for whites. Nationally, at the high school level the average white has 1 teacher for every 22 students and the average Negro has 1 for every 26 students. (See table 6b.)

It is thus apparent that the tables must be studied carefully, with special attention paid to the regional breakdowns, which often provide more meaningful information than do the nationwide averages. Such careful study will reveal that there is not a wholly consistent pattern—that is, minorities are not at a disadvantage in every item listed—but that there are nevertheless some definite and systematic directions of differences. Nationally, Negro pupils have fewer of some of the facilities that seem most related to academic achievement: They have less access to physics, chemistry, and language laboratories; there are fewer books per pupil in their libraries; their textbooks are less often in sufficient supply. To the extent that physical facilities are important to learning, such items appear to be more relevant than some others, such as cafeterias, in which minority groups are at an advantage.

TABLE 1.—PERCENT (EXCEPT WHERE AVERAGE SPECIFIED) OF PUPILS IN ELEMENTARY SCHOOLS HAVING THE SCHOOL CHARACTERISTIC NAMED AT LEFT, FALL 1965

Characteristic	Whole nation						Nonmetropolitan						Metropolitan									
							North and West		South		Southwest		Northeast		Midwest		South		Southwest		West	
	MA	PR	IA	OA	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.
Age of main building:																						
Less than 20 years	59	57	66	61	63	60	48	54	72	34	73	40	31	59	28	63	77	75	52	89	76	80
20 to 40 years	18	18	20	20	17	20	35	13	21	43	17	28	23	23	18	18	11	20	27	10	14	9
At least 40 years	22	24	13	18	18	18	17	32	4	20	9	29	43	18	53	18	12	4	21	1	7	7
Average pupils per room	33	31	30	33	32	29	25	28	34	26	21	31	33	30	34	30	30	31	39	26	37	31
Auditorium	20	31	18	21	27	19	3	5	16	40	14	19	56	40	27	10	20	21	11	1	47	12
Cafeteria	39	43	38	30	38	37	41	33	46	64	47	54	41	45	24	22	34	32	48	38	34	14
Gymnasium	19	27	20	14	15	21	9	8	15	31	15	21	46	49	36	19	6	5	13	17	0	8
Infirmary	59	62	64	77	71	68	52	52	49	44	38	39	74	90	74	79	81	76	59	48	93	96
Full-time librarian	22	31	22	24	30	22	4	13	32	22	5	11	46	43	22	15	38	50	11	12	19	13
Free textbooks	80	82	80	85	84	75	73	56	70	73	99	98	100	98	72	54	84	82	83	65	98	100
School has sufficient number of textbooks	90	87	91	93	84	96	97	99	76	94	97	96	90	97	97	99	74	98	82	84	95	90
Texts under 4 years old	66	68	60	52	67	61	66	51	60	60	47	85	57	56	67	59	71	91	76	53	77	77
Central school library	69	71	72	83	73	72	44	58	74	77	48	75	83	89	57	70	79	69	59	33	81	95
Free lunch program	64	73	66	52	74	59	61	50	87	94	83	70	50	43	42	48	90	85	74	82	65	47

Note: In this Summary section, the group identifications are abbreviated as follows: MA—Mexican American; PR—Puerto Rican; IA—Indian American; OA—Oriental American; Neg.—Negro; and Maj.—majority or white.

Table 2.—Percent (except where average specified) of pupils in secondary schools having the school characteristics named at left, fall 1965

Characteristic	Whole nation						Nonmetropolitan						Metropolitan									
							North and West		South		Southwest		Northeast		Midwest		South		Southwest		West	
	MA	PR	IA	OA	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.
Age of main building:																						
Less than 20 years	48	40	49	41	60	53	64	35	79	52	76	44	18	64	33	43	74	84	76	43	53	79
20 to 40 years	40	31	35	32	26	29	15	26	13	33	22	46	41	20	38	37	18	14	16	56	46	19
At least 40 years	11	28	15	26	12	18	21	38	3	15	3	10	40	15	29	20	3	0	6	1	2	3
Average pupils per room	32	33	29	32	34	31	27	30	35	28	22	20	35	28	54	33	30	34	28	42	31	30
Auditorium	57	68	49	66	49	46	32	27	21	36	56	68	77	72	51	44	49	40	67	57	72	45
Cafeteria	72	80	74	81	72	65	55	41	65	78	78	97	88	73	55	54	77	97	75	63	77	79
Gymnasium	78	88	70	83	64	74	51	52	38	63	71	71	90	90	75	76	52	80	70	77	99	95
Shop with power tools	96	88	96	98	89	96	97	96	85	90	88	91	67	97	99	100	89	90	92	97	100	100
Biology laboratory	95	84	96	96	93	94	99	87	85	88	93	96	83	94	100	99	95	100	100	97	100	100
Chemistry laboratory	96	94	99	99	94	98	98	97	85	91	92	95	99	99	100	100	94	100	100	97	100	100
Physics laboratory	90	83	90	97	80	94	80	90	63	83	74	93	92	99	94	96	83	100	96	97	76	100
Language laboratory	57	45	58	75	49	56	32	24	17	32	38	19	47	79	68	57	48	72	69	97	95	80
Infirmary	65	77	77	69	70	75	47	56	53	45	23	47	96	99	70	83	83	83	74	85	71	87
Full-time librarian	84	93	85	98	87	83	53	58	69	76	67	61	97	99	99	94	96	99	71	63	100	99
Free textbooks	74	79	78	88	70	62	42	53	51	43	94	92	98	91	67	39	58	34	98	97	99	86
Sufficient number of textbooks	92	89	90	96	85	95	99	99	79	91	97	100	94	99	98	100	69	97	94	57	96	96
Texts under 4 years old	58	68	65	55	61	62	77	56	64	54	73	66	55	59	51	67	56	65	99	82	59	67
Average library books per pupil	8.1	6.2	6.4	5.7	4.6	5.8	4.5	6.3	4.0	6.1	8.1	14.8	3.8	5.3	3.5	4.8	4.5	5.7	5.6	3.7	6.5	63
Free lunch program	66	80	63	75	74	62	58	54	89	88	61	82	66	52	74	63	79	79	89	52	47	54

Note: In this Summary section, the group identifications are abbreviated as follows: MA—Mexican American; PR—Puerto Rican; IA—Indian American; OA—Oriental American; Neg.—Negro; and Maj.—majority or white.

Usually greater than the majority-minority differences, however, are the regional differences. Table 2, for example, shows that 95 percent of Negro and 80 percent of white high school students in the metropolitan Far West attend schools with language laboratories, compared with 48 and 72 percent, respectively, in the metropolitan South, in spite of the fact that a higher percentage of Southern schools are less than 20 years old.

Finally, it must always be remembered that these statistics reveal only majority-minority average differences and regional average differences; they do not show the extreme differences that would be found by comparing one school with another.

Programs

Tables 3 and 4 summarize some of the survey findings about the school curriculum, administration, and extracurricular activities. The tables are organized in the same way as tables 1 and 2 and should be studied in the same way, again with particular attention to regional differences.

The pattern that emerges from study of these tables is similar to that from tables 1 and 2. Just as minority groups tend to have less access to physical facilities that seem to be related to academic achievement, so too they have less access to curricular and extracurricular programs that would seem to have such a relationship.

Secondary school Negro students are less likely to attend schools that are regionally accredited; this is particularly pronounced in the South. Negro and Puerto Rican pupils have less access to college preparatory curriculums and to accelerated curriculums; Puerto Ricans have less access to vocational curriculums as well. Less intelligence testing is done in the schools attended by Negroes and Puerto Ricans. Finally, white students in general have more access to a more fully developed program of extracurricular activities, in particular those which might be related to academic matters (debate teams, for example, and student newspapers).

Again, regional differences are striking. For example, 100 percent of Negro high school students and 97 percent of whites in the metropolitan Far West attend schools having a remedial reading teacher (this does not mean, of course, that every student uses the services of that teacher, but simply that he has access to them) compared with 46 percent and 65 percent, respectively, in the metropolitan South—and 4 percent and 9 percent in the nonmetropolitan Southwest.

Principals and teachers

The following tables (5, 6a, and 6b) list some characteristics of principals and teachers. On table 5, figures given for the whole Nation of all minorities, and then by region for Negro and white, refer to the percentages of students who attend schools having principals with the listed characteristics. Thus, line one shows that 1 percent of white elementary pupils attend a school with a Negro principal, and that 56 percent of Negro children attend a school with a Negro principal.

Tables 6a and 6b (referring to teachers' characteristics) must be read differently. The figures refer to the percentage of teachers having a specified characteristic in the schools attended by the "average" pupil of the various groups. Thus, line one on table 6a: the average white student goes to an elementary school where 40 percent of the teachers spent most of their lives in the same city, town, or county; the average Negro pupil goes to a school where 53 percent of the teachers have lived in the same locality most of their lives.

Both tables list other characteristics which offer rough indications of teacher quality, including the types of colleges attended, years of teaching experience, salary, educational level of mother, and a score on a 30-word vocabulary test. The average Negro pupil attends a school where a greater percentage of the teachers appears to be somewhat less able, as measured by these indicators, than those in the schools attended by the average white student.

Other items on these tables reveal certain teacher attitudes. Thus, the average white pupil attends a school where 51 percent of the white teachers would not choose to move to another school, whereas the average Negro attends a school where 46 percent would not choose to move.

TABLE 3.—PERCENT OF PUPILS IN ELEMENTARY SCHOOLS HAVING THE CHARACTERISTIC NAMED AT LEFT, FALL 1965

Characteristic	Whole nation						Nonmetropolitan						Metropolitan									
							North and West		South		Southwest		Northeast		Midwest		South		Southwest		West	
	MA	PR	IA	OA	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.
Regionally accredited schools	21	27	26	22	27	28	38	29	16	22	59	39	34	24	52	49	21	35	42	23	22	9
Music teacher	31	34	41	33	24	35	22	43	26	17	37	42	34	49	38	32	21	17	23	61	9	13
Remedial reading teacher	41	45	35	41	39	39	37	46	15	11	12	26	73	58	60	17	28	31	18	29	66	70
Accelerated curriculum	34	32	42	37	29	40	47	26	28	24	32	13	34	47	21	28	19	41	34	76	43	73
Low IQ classes	43	44	44	56	54	48	54	48	30	29	47	25	60	51	73	45	48	33	63	66	77	75
Speech impairment classes	41	44	42	58	41	51	34	49	13	11	27	22	59	73	86	67	20	51	34	23	86	82
Use of intelligence test	93	77	90	95	88	95	85	93	80	91	92	90	73	91	97	99	92	100	97	98	98	99
Assignment practice other than area or open	6	11	9	5	12	6	6	1	27	20	26	2	7	4	1	2	12	22	0	0	4	1
Use of tracking	37	47	40	34	44	36	36	28	38	25	38	23	66	50	40	38	45	35	50	48	36	40
Teachers having tenure	68	68	69	79	70	64	70	64	34	49	7	36	100	98	94	76	51	58	64	39	92	90
Principal salary $9,000 and above	51	52	56	69	51	51	45	34	12	12	22	36	95	86	92	72	30	26	35	14	98	99
School newspaper	23	29	35	37	28	29	39	43	25	26	8	6	28	31	31	24	29	27	22	11	31	31
Boys' interscholastic athletics	55	44	51	47	41	43	71	62	51	51	59	72	22	22	43	46	38	22	43	54	34	22
Girls' interscholastic athletics	35	29	36	32	26	26	37	35	39	38	40	44	19	14	17	17	2	6	29	43	25	18
Band	71	63	64	76	66	72	82	81	39	40	54	76	67	73	77	86	66	85	52	33	95	94
Drama club	26	37	32	33	38	29	43	33	50	31	25	25	34	32	36	29	35	23	33	2	37	36
Debate team	6	4	4	7	5	4	0	3	14	6	10	6	1	3	0	0	3	6	16	8	0	2

Note: In this Summary section, the group identifications are abbreviated as follows: MA—Mexican American; PR—Puerto Rican; IA—Indian American; OA—Oriental American; Neg.—Negro; and Maj.—majority or white.

TABLE 4.—PERCENT OF PUPILS IN SECONDARY SCHOOLS HAVING THE CHARACTERISTIC NAMED AT LEFT, FALL 1965

Characteristic	Whole nation						Nonmetropolitan						Metropolitan									
							North and West		South		Southwest		Northeast		Midwest		South		Southwest		West	
	MA	PR	IA	OA	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.
Regionally accredited schools	77	78	71	86	68	76	69	65	40	59	30	62	74	74	75	86	72	81	92	86	100	100
Music teacher, full-time	84	94	88	96	85	88	87	87	65	61	85	77	95	97	96	96	87	100	91	82	99	97
College preparatory curriculum	95	90	96	98	88	96	98	95	74	92	81	83	93	99	99	100	87	100	89	82	100	100
Vocational curriculum	56	50	55	68	56	55	49	64	51	62	52	34	42	35	60	60	58	21	89	80	65	65
Remedial reading teacher	57	76	55	81	53	52	35	32	24	20	4	9	81	66	62	57	46	65	63	62	100	97
Accelerated curriculum	67	60	66	80	61	66	42	46	46	58	25	25	60	82	64	78	72	81	87	55	74	78
Low IQ classes	54	56	50	85	54	49	44	47	23	20	46	12	75	62	86	59	37	34	64	14	98	97
Speech impairment classes	28	58	28	51	21	31	18	33	10	6	1	11	43	44	48	42	0	10	14	3	45	52
Use of intelligence test	91	57	84	86	80	89	79	93	83	90	97	100	59	87	86	86	78	100	94	75	89	90
Assignment practice other than area or open	4	20	9	3	19	4	5	0	32	14	2	0	14	5	0	0	36	9	4	0	0	8
Use of tracking	79	88	79	85	75	74	41	48	55	57	21	24	94	92	74	90	80	80	92	82	99	93
Teachers having tenure	65	86	71	85	61	72	47	73	33	41	2	3	100	98	97	83	50	79	24	15	96	88
Principal's salary $9,000 and above	73	89	73	91	66	72	54	64	31	37	59	63	99	99	76	91	61	46	86	18	100	100
School newspaper	89	95	86	97	80	89	71	72	50	81	67	71	95	93	99	97	87	100	66	94	100	100
Boys' interscholastic athletics	94	90	98	99	95	98	99	99	97	100	96	93	80	95	100	97	93	100	95	100	100	100
Girls' interscholastic athletics	58	33	59	37	57	54	32	32	80	69	89	81	51	60	50	43	45	80	89	97	38	35
Band	92	88	92	98	91	95	90	97	80	76	84	81	92	97	100	100	93	100	99	100	100	100
Drama club	95	93	89	92	92	93	75	91	87	75	91	88	92	88	93	99	94	94	100	97	100	100
Debate team	51	32	46	50	39	52	43	48	27	36	80	67	27	46	49	69	42	58	68	63	37	48

Note: In this Summary section, the group identifications are abbreviated as follows: MA—Mexican American; PR—Puerto Rican; IA—Indian American; OA—Oriental American; Neg.—Negro; and Maj.—majority or white.

TABLE 5.—PERCENT OF PUPILS IN ELEMENTARY AND SECONDARY SCHOOLS HAVING PRINCIPALS WITH CHARACTERISTIC NAMED AT LEFT, FALL 1965

Characteristic	Whole nation						Nonmetropolitan						Metropolitan									
							North and West		South		Southwest		Northeast		Midwest		South		Southwest		West	
	MA	PR	IA	OA	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.
Elementary schools:																						
Negro principal	16	27	11	12	56	1	13	0	86	2	69	1	9	1	28	0	94	2	64	0	3	0
Majority principal	79	71	80	77	39	95	79	90	7	91	24	97	86	97	69	94	1	97	29	100	95	99
Principal with at least M.A	85	84	77	86	84	80	69	69	65	64	86	91	98	90	98	92	83	74	95	85	96	94
Principal would keep neighborhood school despite racial imbalance	62	52	58	52	45	65	58	67	39	67	58	67	38	53	61	80	48	71	78	67	29	53
Principal approves compensatory education	66	68	61	70	72	59	63	60	61	46	52	58	76	64	82	63	67	46	75	52	92	76
Principal would deliberately mix faculty for:																						
Most minority pupils	40	48	38	47	48	43	31	44	41	43	43	35	56	37	51	40	43	44	52	45	61	57
Mixed pupils	34	46	31	42	44	35	46	40	37	35	35	26	50	32	50	34	40	28	46	23	52	42
Almost all majority pupils	17	30	15	25	35	14	19	13	29	3	18	3	48	18	42	15	34	7	33	1	41	37
Secondary schools:																						
Negro principal	9	12	7	3	61	1	8	0	85	0	68	0	22	0	36	4	97	0	82	0	10	0
Majority principal	89	81	91	76	37	95	79	87	10	94	25	98	75	99	64	95	3	100	18	100	90	99
Principal with at least M.A	91	97	94	94	96	93	89	85	92	90	90	90	97	97	100	100	97	93	94	86	100	100
Principal would keep neighborhood school despite racial imbalance	49	37	50	33	32	56	54	49	41	73	27	52	25	53	48	55	18	91	80	64	14	28
Principal approves compensatory education	80	83	73	94	78	71	73	59	66	55	81	49	75	79	71	79	80	57	100	80	100	100
Principal would deliberately mix faculty for:																						
Mostly minority pupils	56	47	61	70	54	58	50	53	41	49	57	43	41	50	46	71	53	42	85	86	92	65
Mixed pupils	35	41	45	57	46	40	40	39	36	19	37	7	37	37	18	56	57	32	47	46	82	55
Almost all majority pupils	22	32	23	43	39	14	17	9	23	1	32	1	35	20	14	29	48	0	70	1	78	26

Note: In this Summary section, the group identifications are abbreviated as follows: MA—Mexican American; PR—Puerto Rican; IA—Indian American; OA—Oriental American; Neg.—Negro; and Maj.—majority or white.

TABLE 6A.—CHARACTERISTICS OF TEACHERS IN THE ELEMENTARY SCHOOLS ATTENDED BY THE AVERAGE WHITE AND MINORITY PUPIL—PERCENT OF TEACHERS WITH CHARACTERISTIC NAMED AT LEFT, FALL 1965

Characteristic	Whole nation						Nonmetropolitan						Metropolitan									
							North and West		South		Southwest		Northeast		Midwest		South		Southwest		West	
	MA	PR	IA	OA	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.
Percent teachers who spent most of life in present city, town, or county	37	54	35	39	53	40	34	40	54	55	40	31	64	51	55	39	69	37	35	18	24	24
Average teacher verbal score [1]	22	22	22	23	20	23	23	24	17	22	20	22	22	23	22	23	19	23	21	24	22	24
Percent teachers majored in academic subjects	19	18	17	21	17	16	16	18	12	14	16	22	19	17	17	15	18	16	9	7	23	22
Percent teachers who attended college not offering graduate degrees	39	41	37	32	53	37	48	38	63	47	44	30	45	38	39	40	72	46	44	26	22	21
Percent teachers attended college with predominantly white student enrollment	79	70	85	83	39	97	81	99	9	97	28	93	73	97	75	97	7	95	43	98	82	96
Average educational level of teacher's mother (score) [2]	3.7	3.5	3.7	3.8	3.5	3.7	3.4	3.5	2.9	3.5	3.6	3.7	3.6	3.7	3.7	3.6	3.5	4.2	3.8	3.8	4.1	4.2
Average highest degree earned [3]	3.1	3.1	3.1	3.1	3.2	3.0	2.8	2.8	3.1	3.0	3.4	3.3	3.2	3.1	3.1	3.0	3.2	3.0	3.5	3.2	3.3	3.1
Average teacher-years experience	13	12	12	12	13	12	12	13	14	16	14	13	11	11	11	14	14	10	13	11	11	10
Average teacher salary ($1,000's)	5.9	6.0	6.1	6.6	6.0	6.0	5.8	5.7	4.7	5.0	5.5	5.4	7.2	7.1	7.0	6.5	5.2	5.0	5.9	5.1	7.8	7.3
Average pupils per teacher	30	30	30	28	20	28	26	25	32	27	23	26	27	26	29	28	28	30	30	42	30	31
Percent teachers would not choose to move to another school	58	57	59	59	55	65	56	60	49	73	57	64	53	64	49	63	61	76	63	59	55	66
Percent teachers plan to continue until retirement	44	42	41	39	45	37	42	35	50	51	57	55	31	32	34	31	51	34	48	46	41	34
Percent teachers prefer white pupils	27	21	26	20	7	37	22	32	6	57	10	45	8	18	12	37	1	57	12	48	8	31
Percent teachers approve compensatory education	56	59	56	64	61	56	53	56	55	47	53	44	69	66	65	55	59	49	56	54	73	66
Percent Negro teachers	19	30	14	15	65	2	17	1	90	2	75	1	31	2	40	2	96	4	65	1	22	2
Percent White teachers	78	67	83	79	32	97	82	99	8	96	24	96	67	97	58	98	2	96	32	98	69	59

[1] Score is the average number of correct items on a 30-item verbal facility test.
[2] Educational attainment scored from 1–8 (lowest to highest); 4 represents high school graduate.
[3] Highest degree earned scored from 1–6 (lowest to highest); 3 represents a bachelors degree.

Note: In this Summary section, the group identifications are abbreviated as follows: MA—Mexican American; PR—Puerto Rican; IA—Indian American; OA—Oriental American; Neg.—Negro; and Maj.—majority or white.

Student body characteristics

Tables 7 and 8 present data about certain characteristics of the student bodies attending various schools. These tables must be read the same as those immediately preceding. Looking at the sixth item on table 7, one should read: the average white high school student attends a school in which 82 percent of his classmates report that there are encyclopedias in their homes. This does not mean that 82 percent of all white pupils have encyclopedias at home, although obviously that would be approximately true. In short, these tables attempt to describe the characteristics of the student bodies with which the "average" white or minority student goes to school.

Clear differences are found on these items. The average Negro has fewer classmates whose mothers graduated from high school; his classmates more frequently are members of large rather than small families; they are less often enrolled in a college preparatory curriculum; they have taken a smaller number of courses in English, mathematics, foreign language, and science.

On most items, the other minority groups fall between Negroes and whites, but closer to whites, in the extent to which each characteristic is typical of their classmates.

Again, there are substantial variations in the magnitude of the differences, with the difference usually being greater in the Southern States.

ACHIEVEMENT IN THE PUBLIC SCHOOLS

The schools bear many responsibilities. Among the most important is the teaching of certain intellectual skills such as reading, writing, calculating, and problem solving. One way of assessing the educational opportunity offered by the schools is to measure how well they perform this task. Standard achievement tests are available to measure these skills, and several such tests were administered in this survey to pupils at grades 1, 3, 6, 9, and 12.

These tests do not measure intelligence, nor attitudes, nor qualities of character. Furthermore, they are not, nor are they intended to be, "culture free." Quite the reverse: they are culture bound. What they measure are the skills which are among the most important in our society for getting a good job and moving up to a better one, and for full participation in an increasingly technical world. Consequently, a pupil's test results at the end of public school provide a good measure of the range of opportunities open to him as he finishes school—a wide range of choice of jobs or colleges if these skills are very high; a very narrow range that includes only the most menial jobs if these skills are very low.

Table 9 gives an overall illustration of the test results for the various groups by tabulating nationwide median scores (the score which divides the group in half) for 1st-grade and 12th-grade pupils on the tests used in those grades. For example, half of the white 12th-grade pupils had scores above 52 on the nonverbal test and half had scores below 52. (Scores on each test at each grade level were standardized so that the average over the national sample equaled 50 and the standard deviation equaled 10. This means that for all pupils in the Nation, about 16 percent would score below 40 and about 16 percent above 60).

TABLE 6B.—CHARACTERISTICS OF TEACHERS IN THE SECONDARY SCHOOLS ATTENDED BY THE AVERAGE WHITE AND MINORITY PUPIL, FALL 1965

Characteristic	Whole Nation						Nonmetropolitan						Metropolitan									
							North and West		South		Southwest		Northeast		Midwest		South		Southwest		West	
	MA	PR	IA	OA	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.
Percent of teachers who spent most of life in present city, town, or county	31	55	31	36	41	34	20	23	38	48	35	28	62	49	34	31	52	41	37	19	22	25
Average teacher verbal score [1]	23	22	23	23	21	23	23	24	19	23	22	24	22	23	22	23	21	23	21	24	23	24
Percent of teachers majored in academic subjects	37	40	39	40	38	40	39	36	37	35	30	32	40	46	35	41	42	41	25	36	38	41
Percent of teachers who attended colleges not offering graduate degrees	26	27	27	20	44	31	33	31	52	44	32	17	25	29	38	34	64	42	42	22	16	13
Percent of teachers who attended colleges with predominantly white student enrollment	90	86	92	86	44	48	90	99	15	99	31	98	85	98	75	97	8	97	29	99	90	95
Average educational level of teacher's mother (score) [2]	3.8	3.5	3.8	3.7	3.6	3.8	3.6	3.8	3.3	3.8	3.7	3.8	3.5	3.5	3.7	3.8	3.8	4.3	3.4	3.7	4.1	4.0
Average highest degree earned [3]	3.4	3.5	3.4	3.6	3.3	3.4	3.2	3.2	3.2	3.2	3.4	3.4	3.5	3.5	3.4	3.4	3.2	3.3	3.4	3.3	3.6	3.5
Average teacher years experience	11	11	10	11	11	10	9	10	10	12	11	11	12	11	11	10	12	8	11	9	11	11
Average teacher salary ($1,000's)	6.8	7.6	6.8	7.7	6.4	6.6	6.0	6.3	4.9	5.2	5.6	5.8	7.8	7.6	7.2	7.2	5.5	5.4	6.1	5.5	8.8	8.3
Average pupils per teacher	23	22	23	24	26	22	20	20	30	25	20	21	24	20	25	24	26	25	25	26	23	23
Percentage of teachers would not choose to move to another school	49	48	48	48	46	51	39	42	42	59	48	63	51	55	45	49	50	62	55	51	42	47
Percentage of teachers plan to continue until retirement	36	41	34	40	38	33	25	28	35	36	43	43	44	38	37	31	36	23	37	30	44	41
Percentage of teachers prefer white pupils	26	13	24	13	8	32	28	28	8	58	15	48	8	14	11	31	2	52	7	38	10	21
Percentage of teachers approve compensatory education	61	67	60	68	66	60	55	62	60	49	59	50	72	67	67	58	67	54	67	49	72	70
Percent Negro teachers	10	16	8	6	59	2	11	2	85	2	70	1	18	2	35	2	94	1	77	0	14	2
Percent White teachers	87	81	88	76	38	97	88	97	13	98	27	98	79	96	64	97	3	99	20	97	82	94

[1] Score is the average number of correct items on a 30-item verbal facility test.
[2] Educational attainment scored from 1–8 (lowest to highest); 4 represents high school graduate.
[3] Highest degree earned scored from 1–6 (lowest to highest); 3 represents a Bachelors degree.

Note: In this Summary section, the group identifications are abbreviated as follows: MA—Mexican American; PR—Puerto Rican; IA—Indian American; OA—Oriental American; Neg.—Negro; and Maj.—majority or white.

TABLE 7.—FOR THE AVERAGE MINORITY OR WHITE PUPIL, THE PERCENT OF FELLOW PUPILS WITH THE SPECIFIED CHARACTERISTICS, FALL 1965

Level of school and pupil characteristics	Whole nation						Nonmetropolitan						Metropolitan									
							North and West		South		Southwest		Northeast		Midwest		South		Southwest		West	
	MA	PR	IA	OA	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.
Elementary schools:																						
Mostly white classmates last year	59	52	66	63	19	89	59	91	17	91	19	72	33	87	26	91	7	91	27	91	20	86
All white teachers last year	75	68	77	74	53	88	71	89	53	87	57	85	60	89	52	88	49	89	51	89	52	85
Encyclopedia in home	62	57	64	70	54	75	62	72	36	65	48	64	71	84	60	80	51	80	57	72	64	83
Secondary schools:																						
Mostly white classmates last year	72	56	72	57	10	91	77	96	12	94	23	88	41	90	40	89	4	95	14	96	35	81
All white teachers last year	73	57	75	57	25	89	79	93	11	93	23	90	44	84	45	88	3	92	16	95	46	79
Encyclopedia in home	77	76	75	82	69	82	76	78	52	75	66	75	82	87	80	86	67	88	73	83	78	83
Mother high school graduate or more	49	47	50	53	40	58	51	58	23	45	44	48	51	63	49	63	37	58	41	49	53	65
Taking college preparatory course	36	38	35	41	32	41	29	35	22	33	28	32	39	53	43	46	34	44	29	31	34	46
Taking some vocational course	27	30	28	32	27	23	22	24	23	20	25	20	30	20	28	25	27	16	37	38	35	30
2½ years or more of science	36	38	38	38	39	42	41	41	41	38	47	39	43	55	32	38	43	43	42	31	26	34
1½ years or more of language	37	41	35	43	35	40	29	30	25	26	19	23	49	60	36	44	38	44	34	23	37	50
3½ years or more of English	77	73	80	76	69	83	68	78	66	89	75	84	79	91	73	79	67	89	71	87	63	72
2½ years or more of math	47	45	44	47	44	49	40	39	43	46	50	52	47	73	41	50	46	55	58	45	37	47

Note: In this Summary section, the group identifications are abbreviated as follows: MA—Mexican American; PR—Puerto Rican; IA—Indian American; OA—Oriental American; Neg.—Negro; and Maj.—majority or white.

TABLE 8.—FOR THE AVERAGE MINORITY OR WHITE PUPIL, THE PERCENT OF FELLOW PUPILS WITH THE SPECIFIED CHARACTERISTICS, FALL 1965

Secondary school pupil characteristic	Whole nation						Nonmetropolitan						Metropolitan									
							North and West		South		Southwest		Northeast		Midwest		South		Southwest		West	
	MA	PR	IA	OA	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.
Mother not reared in city	45	33	44	33	45	42	58	50	64	65	53	61	25	19	35	32	45	42	48	60	34	33
Real father at home	77	71	75	84	64	83	80	84	65	84	64	85	67	83	70	84	58	84	55	84	62	74
Real mother at home	90	88	90	89	85	92	90	92	82	93	82	94	88	92	90	92	83	92	83	94	86	88
Five or more brothers and sisters	28	27	30	27	44	20	30	24	56	23	54	23	25	15	34	19	48	13	47	17	36	21
Mother expects best in class	48	49	45	42	62	43	47	39	71	55	67	54	50	41	49	38	69	49	71	51	53	41
Parents daily discuss school	47	46	44	42	49	47	44	44	51	51	52	54	50	52	44	45	53	53	51	43	43	44
Father expects at least college graduate	38	34	35	37	38	37	36	32	33	37	39	44	33	39	36	38	39	44	45	45	37	40
Mother expects at least college graduate	41	39	39	41	44	41	41	35	42	40	48	45	38	42	43	41	48	45	52	50	43	44
Parents attend PTA	36	38	34	37	51	37	36	40	59	37	50	34	43	37	45	36	61	44	42	26	36	30
Parents read to child regularly before he started school	25	28	24	24	30	26	26	24	30	25	32	23	32	31	27	27	33	29	31	21	26	27

Note: In this Summary section, the group identifications are abbreviated as follows: MA—Mexican American; PR—Puerto Rican; IA—Indian American; OA—Oriental American; Neg.—Negro; and Maj.—majority or white.

TABLE 9.—NATIONWIDE MEDIAN TEST SCORES FOR 1ST- AND 12TH-GRADE PUPILS, FALL 1965

Test	Racial or ethnic group					
	Puerto Ricans	Indian Americans	Mexican-Americans	Oriental Americans	Negro	Majority
1st grade:						
Nonverbal	45.8	53.0	50.1	56.6	43.4	54.1
Verbal	44.9	47.8	46.5	51.6	45.4	53.2
12th grade:						
Nonverbal	43.3	47.1	45.0	51.6	40.9	52.0
Verbal	43.1	43.7	43.8	49.6	40.9	52.1
Reading	42.6	44.3	44.2	48.8	42.2	51.9
Mathematics	43.7	45.9	45.5	51.3	41.8	51.8
General information	41.7	44.7	43.3	49.0	40.6	52.2
Average of the 5 tests	43.1	45.1	44.4	50.1	41.1	52.0

With some exceptions—notably Oriental Americans—the average minority pupil scores distinctly lower on these tests at every level than the average white pupil. The minority pupils' scores are as much as one standard deviation below the majority pupils' scores in the 1st grade. At the 12th grade, results of tests in the same verbal and nonverbal skills show that, in every case, the minority scores are farther below the majority than are the 1st-graders. For some groups, the relative decline is negligible; for others, it is large.

Furthermore, a constant difference in standard deviations over the various grades represents an increasing difference in grade level gap. For example, Negroes in the metropolitan Northeast are about 1.1 standard deviations below whites in the same region at grades 6, 9, and 12. But at grade 6 this represents 1.6 years behind; at grade 9, 2.4 years; and at grade 12, 3.3 years. Thus, by this measure, the deficiency in achievement is progressively greater for the minority pupils at progressively higher grade levels.

For most minority groups, then, and most particularly the Negro, schools provide little opportunity for them to overcome this initial deficiency; in fact they fall farther behind the white majority in the development of several skills which are critical to making a living and participating fully in modern society. Whatever may be the combination of nonschool factors—poverty, community attitudes, low educational level of parents—which put minority children at a disadvantage in verbal and nonverbal skills when they enter the first grade, the fact is the schools have not overcome it.

Some points should be borne in mind in reading the table. First, the differences shown should not obscure the fact that some minority children perform better than many white children. A difference of one standard deviation in median scores means that about 84 percent of the children in the lower group are below the median of the majority students—but 50 percent of the white children are themselves below that median as well.

A second point of qualification concerns regional differences. By grade 12, both white and Negro students in the South score below their counterparts—white and Negro—in the North. In addition, Southern Negroes score farther below Southern whites than Northern Negroes score below Northern whites. The consequences of this patten can be illustrated by the fact that the 12th grade Negro in the nonmetropolitan South is 0.8 standard deviation below—or, in terms of years, 1.9 years behind—the Negro in the metropolitan Northeast, though at grade 1 there is no such regional difference.

Finally, the test scores at grade 12 obviously do not take account of those pupils who have left school before reaching the senior year. In the metropolitan North and West, 20 percent of the Negroes of ages 16 and 17 are not enrolled in school—a higher dropout percentage than in either the metropolitan or nonmetropolitan South. If it is the case that some or many of the Northern dropouts performed poorly when they were in school, the Negro achievement in the North may be artificially elevated because some of those who achieved more poorly have left school.

RELATION OF ACHIEVEMENT TO SCHOOL CHARACTERISTICS

If 100 students within a school take a certain test, there is likely to be great variation in their scores. One student may score 97 percent, another 13; several may score 78 percent. This represents variability in achievement within the particular school.

It is possible, however, to compute the average of the scores made by the students within that school and to compare it with the average score, or achievement, of pupils within another school, or many other schools. These comparisons then represent variations between schools.

When one sees that the average score on a verbal achievement test in school X is 55 and in school Y is 72, the natural question to ask is: What accounts for the difference?

There are many factors that may be associated with the difference. This analysis concentrates on one cluster of those factors. It attempts to describe what relationship the school's characteristics themselves (libraries, for example, and teachers and laboratories, and so on) seem to have to the achievement of majority and minority groups (separately for each group on a nationwide basis, and also for Negro and white pupils in the North and South).

The first finding is that the schools are remarkably similar in the way they relate to the achievement of their pupils when the socioeconomic background of the students is taken into account. It is known that socioeconomic factors bear a strong relation to academic achievement. When these factors are statistically controlled, however, it appears that differences between schools account for only a small fraction of differences in pupil achievement.

The schools do differ, however, in their relation to the various racial and ethnic groups. The average white student's achievement seems to be less affected by the strength or weakness of his school's facilities, curriculums, and teachers than is the average minority pupil's. To put it another way, the achievement of minority pupils depends more on the schools they attend than does the achievement of majority pupils. Thus, 20 percent of the achievement of Negroes in the South is associated with the particular schools they go to, whereas only 10 percent of the achievement of whites in the South is. Except for Oriental Americans, this general result is found for all minorities.

The inference might then be made that improving the school of a minority pupil may increase his achievement more than would improving the school of a white child increase his. Similarly, the average minority pupil's achievement may suffer more in a school of low quality than might the average white pupil's. In short, whites, and to a lesser extent Oriental Americans, are less affected one way or the other by the quality of their schools than are minority pupils. This indicates that it is for the most disadvantaged children that improvements in school quality will make the most difference in achievement.

All of these results suggest the next question: What are the school characteristics that are most related to achievement? In other words, what factors in the school seem to be most important in affecting achievement?

It appears that variations in the facilities and curriculums of the schools account for relatively little variation in pupil achievement insofar as this measured by standard tests. Again, it is for majority whites that the variations make the least difference; for minorities, they make somewhat more difference. Among the facilities that show some relationship to achievement are several for which minority pupils' schools are less well equipped relative to whites. For example, the existence of science laboratories showed a small but consistent relationship to achievement, and table 2 shows that minorities, especially Negroes, are in schools with fewer of these laboratories.

The quality of teachers shows a stronger relationship to pupil achievement. Furthermore, it is progressively greater at higher grades, indicating a cumulative impact of the qualities of teachers in a school on the pupil's achievements. Again, teacher quality seems more important to minority achievement than to that of the majority.

It should be noted that many characteristics of teachers were not measured in this survey; therefore, the results are not at all conclusive regarding the specific characteristics of teachers that are most important. Among those measured in the survey, however, those that bear the highest relationship to pupil achievement are first, the teacher's score on the verbal skills test, and then his educational background—both his own level of education and that of his parents. On both of these measures, the level of teachers of minority students, especially Negroes, is lower.

Finally, it appears that a pupil's achievement is strongly related to the educational backgrounds and aspirations of the other students in the school. Only crude measures of these variables were used (principally the proportion of pupils with encyclopedias in the home and the proportion planning to go to college). Analysis indicates, however, that children from a given family background, when put in schools of different social composition, will achieve at quite different levels. This effect is again less for white pupils than for any minority group other than Orientals. Thus, if a white pupil from a home that is strongly and effectively supportive of education is put in a school where most pupils do not come from such homes, his achievement will be little different than if he were in a school composed of others like himself. But if a minority pupil from a home without much educational strength is put with schoolmates with strong educational backgrounds, his achievement is likely to increase.

This general result, taken together with the earlier examinations of school differences, has important implications for equality of educational opportunity. For the earlier tables show that the principal way in which the school environments of Negroes and whites differ is in the composition of their student bodies, and it turns out that the composition of the student bodies has a strong relationship to the achievement of Negro and other minority pupils.

* * * * *

This analysis has concentrated on the educational opportunities offered by the schools in terms of their student body composition, facilities, curriculums, and teachers. This emphasis, while entirely appropriate as a response to the legislation calling for the survey, nevertheless neglects important factors in the variability between individual pupils within the same school; this variability is roughly four times as large as the variability between schools. For example, a pupil attitude factor, which appears to have a stronger relationship to achievement than do all the "school" factors together, is the extent to which an individual feels that he has some control over his own destiny. Data on items related to this attitude are shown in table 10 along with data on other attitudes and aspirations. The responses of pupils to questions in the survey show that minority pupils, except for Orientals, have far less conviction than whites that they can affect their own environments and futures. When they do, however, their achievement is higher than that of whites who lack that conviction.

Furthermore, while this characteristic shows little relationship to most school factors, it is related, for Negroes, to the proportion of whites in the schools. Those Negroes in schools with a higher proportion of whites have a greater sense of control. This finding suggests that the direction such an attitude takes may be associated with the pupil's school experience as well as his experience in the larger community.

OTHER SURVEYS AND STUDIES

A number of studies were carried out by the Office of Education in addition to the major survey of public elementary and secondary schools. Some of these were quite extensive investigations with book-length final reports; certain of them will be published in full as appendixes to the main re-

port. There will be other appendixes containing more detailed analyses of the public school data than could be included in the main report. Still other appendixes will contain detailed tabulation of the data gathered in the survey so that research workers will have easy access to them.

Opportunity in institutions of higher education

The largely segregated system of higher education in the South has made comparison between colleges attended mainly by Negro students and mainly by majority students easy in that region. Elsewhere it has not been possible in the past to make comparison between educational opportunities because of the general policy in Federal and State agencies of not collecting data on race. In the fall of 1965, however, the Office of Education reversed this policy as a result of the interest of many agencies and organizations in the progress of minority pupils in gaining access to higher education. The racial composition of freshmen of all degree-seeking students was obtained from nearly all of the colleges and universities in the nation.

These racial compositions have been cross-tabulated against a variety of characteristics of the institutions in the report itself. Here we present only three such cross-tabulations which relate particularly to the overall quality of the institutions. First, there are presented three tables (11, 12, 13), showing the distribution of Negro students in number and by percentages over eight regions of the Nation. Over half of all Negro college students attend the largely segregated institutions in the South and Southwest. About 4.6 percent of all college students are Negro (11.5 percent of college-age persons are Negro).

Following the three distribution tables are three cross-tabulations showing, respectively: student-faculty ratio, percent of faculty with earned doctorate, and average faculty salary. Looking at table 14, the upper column headings classify the institution by percent of Negro students in the total enrollment; for each of these the next column headings show the number of such institutions in the category at the left of the table and the average number of students per faculty member; the average is weighted (abbreviated in col. head "Wtd. avg.") by the number of students in an institution, so that large colleges have large influence on the average. For example, the numbers 8 and 22 in the top line of the 0% column mean that there were 8 institutions in the North Atlantic region with no Negro students, and that there were on the average 22 students per faculty member in these 8 institutions. The bottom line shows that whereas the bulk of the institutions (1,104 in the 0–2% column) have on the average 20 students per faculty member, those with predominantly Negro enrollment (the 96 in the 50–100% column) have on the average 16 students per faculty member. Table 15 provides the same categories of information on the percent of faculty with Ph. D. degree. Negro students are proportionally in colleges with lower proportions of Ph. D. faculty (bottom line of table 15); this is generally but not always true in the various regions.

TABLE 10.—PERCENT OF MINORITY AND WHITE 12TH-GRADE PUPILS HAVING CERTAIN ATTITUDES AND ASPIRATIONS, FALL 1965

Item	Whole nation						Nonmetropolitan						Metropolitan									
							North and West		South		Southwest		Northeast		Midwest		South		Southwest		West	
	MA	PR	IA	OA	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.	Neg.	Maj.
Do anything to stay in school	37	35	36	44	46	45	43	44	49	50	56	50	47	47	44	43	48	54	50	47	35	44
Desires to be best in class	33	36	38	46	58	33	48	35	69	46	68	48	48	36	49	33	63	45	70	45	50	35
3 or more hours per day study outside of school	22	21	17	42	31	23	26	21	32	23	36	23	33	27	27	19	33	27	33	22	27	23
No willful absence	59	53	60	76	76	66	72	65	84	75	86	73	68	61	73	66	78	69	77	69	64	56
Read at least 1 book last summer	69	72	73	74	80	75	76	74	83	73	82	75	81	79	75	74	83	73	80	72	76	75
Desires to finish college	43	43	42	46	46	45	43	38	42	41	51	47	43	49	46	47	52	52	57	45	42	51
Definitely planning to attend college next year	26	26	27	53	34	40	22	35	30	35	41	50	31	46	33	37	35	41	43	40	48	55
Have read a college catalog	46	45	50	70	54	61	51	57	49	50	54	64	59	73	55	59	57	67	59	63	54	65
Have consulted college officials	22	25	26	33	25	37	26	33	22	38	23	38	32	46	25	35	24	44	26	30	25	30
Believes self to be brighter than average	31	37	31	51	40	49	41	48	42	45	44	51	37	48	36	50	40	48	46	51	43	56
I just can't learn	38	37	44	38	27	39	31	39	24	37	21	35	29	39	34	40	23	37	25	39	28	38
I would do better if teacher didn't go so fast	28	31	26	26	21	24	23	23	22	25	19	24	22	22	22	24	20	24	19	25	20	25
Luck more important than work	11	19	11	8	11	4	14	4	15	4	14	4	9	4	9	4	10	4	11	4	10	4
When I try, something or somebody stops me	23	30	27	18	22	14	24	14	22	16	26	14	21	13	23	15	19	14	23	13	21	21
People like me don't have much of a chance	12	19	14	9	12	6	15	6	11	6	11	5	12	5	13	6	10	6	11	4	13	6
Expect professional career	18	21	21	43	27	37	26	34	25	31	26	38	31	46	31	37	27	37	28	37	22	38

Note: In this Summary section, the group identifications are abbreviated as follows: MA—Mexican American; PR—Puerto Rican; IA—Indian American; OA—Oriental American; Neg.—Negro; and Maj.—majority or white.

Table 16 shows the average annual salary in dollars for faculty members in the same format as before. Negro students are in colleges with substantially lower faculty salaries. The institutions in the South and Southwest generally pay lower salaries than those in other regions, and the colleges serving primarily the Negro students are at the bottom of this low scale.

Other findings of the study are that—(1) In every region Negro students are more likely to enter the State college system than the State university system, and further they are a smaller proportion of the student body of universities than any other category of public institutions of higher education, (2) Negro students are more frequently found in institutions which have a high dropout rate, (3) they attend mainly institutions with low tuition cost, (4) they tend to major in engineering, agriculture, education, social work, social science, and nursing.

FUTURE TEACHERS

Since a number of investigations of teacher qualification in the past few years have indicated that teachers of Negro children are less qualified than those who teach primarily majority children, this survey investigated whether there might be some promise that the situation may be changed by college students now preparing to become teachers. To this end, questionnaire and achievement test data were secured from about 17,000 college freshmen and 5,500 college seniors in 32 teacher training colleges in 18 States that in 1960 included over 90 percent of the Nation's Negro population. Some of the findings of this survey are:

1. At both the freshman and senior levels, future teachers are very similar to students in their colleges who are following other career lines. (It should be remembered that these comparisons are limited to students in colleges that have a primary mission in the training of teachers, and is not, of course, a random sample of all colleges.)

2. Majority students being trained at the college level to enter teaching have a stronger preparation for college than have Negro students; that is, they had more courses in foreign languages, English, and mathematics, made better grades in high school, and more often were in the highest track in English.

TABLE 11.—ESTIMATED NUMBER OF COLLEGE STUDENTS BY RACE AND REGION, FALL 1965[1]

	New England	Mideast	Great Lakes	Plains	South	Southwest	Rocky Mountains	Far West	Total
Majority	313,514	781,112	821,999	375,043	778,472	434,005	175,000	552,153	4,232,098
Negro	2,216	30,226	30,870	8,500	101,648	20,620	1,605	11,631	207,316
Other minority	1,538	6,542	10,882	2,885	4,996	7,012	1,968	16,092	51,855
Total	317,268	817,880	863,691	386,428	885,116	461,637	179,373	579,867	4,491,269

[1] Based on reports received on 2,013 institutions from among a total of 2,183.

TABLE 12.—PERCENT DISTRIBUTION OF COLLEGE STUDENTS BY RACE ACROSS REGION, FALL 1965[1]

	New England	Mideast	Great Lakes	Plains	South	South-west	Rocky Mountains	Far West	Total
Majority	7.41	18.46	19.42	8.86	18.39	10.26	4.15	13.05	100
Negro	1.07	15.48	14.89	4.10	49.03	9.95	.77	5.61	100
Other minority	2.97	12.62	20.87	5.56	9.63	13.52	3.80	31.03	100

[1] Based on reports received on 2,013 institutions from among a total of 2,183.

TABLE 13.—PERCENT DISTRIBUTION OF COLLEGE STUDENTS BY RACE WITHIN REGION, FALL 1965 [1]

	New England	Mideast	Great Lakes	Plains	South	Southwest	Rocky Mountains	Far West
Majority	98.82	95.50	95.17	97.05	87.95	94.01	98.01	95.22
Negro	.69	3.70	3.57	2.20	11.48	4.47	.89	2.00
Other minority	.48	.80	1.25	.75	.56	1.52	1.10	2.78
Total	99.99	100.00	99.99	100.00	99.99	100.00	100.00	100.00

[1] Based on reports received on 2,013 institutions from among a total of 2,183.

TABLE 14.—STUDENT-FACULTY RATIO BY PERCENT OF NEGRO ENROLLMENT IN INSTITUTIONS OF HIGHER EDUCATION, FALL 1963

	Negro enrollment (percent)											
	0		0–2		2–5		5–10		10–50		50–100	
Control and region	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Public institutions:												
North Atlantic	8	22	64	21	15	23	5	21	2	69	6	16
Great Lakes and Plains	41	22	91	21	27	22	7	21	10	33	2	23
South	24	18	66	19	13	19	21	22	3	21	28	17
Southwest	3	26	46	23	24	27	8	28	(1)	(1)	3	20
Rocky Mountains and Far West	12	21	83	26	22	32	8	40	2	36	(1)	(1)
Private institutions:												
North Atlantic	70	12	265	20	58	16	11	25	14	13	2	11
Great Lakes and Plains	54	13	249	16	59	17	20	27	8	21	1	20
South	86	18	117	16	15	18	4	14	1	18	48	15
Southwest	9	19	33	18	10	18	1	22	(1)	(1)	6	16
Rocky Mountains and Far West	17	15	90	17	20	19	4	25	1	2	(1)	(1)
All public institutions	88	21	350	22	101	25	49	25	17	35	39	17
All private institutions	236	16	754	18	162	17	40	25	24	18	57	15
All institutions	324	18	1,104	20	263	22	89	25	41	31	96	16

[1] Data not available.

TABLE 15.—PERCENT FACULTY WITH EARNED DOCTORATE BY PERCENT OF NEGRO ENROLLMENT IN INSTITUTIONS OF HIGHER EDUCATION, FALL 1963

	Negro enrollment (percent)											
	None		None to 2		2 to 5		5 to 10		10 to 50		50 to 100	
Control and region	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Public institutions:												
North Atlantic	3	47	47	38	5	54	2	30	(1)	(1)	6	22
Great Lakes and Plains	2	46	49	41	12	28	2	23	2	42	2	34
South	12	29	49	30	12	32	3	26	1	17	18	19
Southwest	2	22	25	37	8	39	1	45	(1)	(1)	3	26
Rocky Mountains and Far West	4	37	32	40	2	27	1	32	(1)	(1)	(1)	(1)
Private institutions:												
North Atlantic	13	25	175	37	31	35	7	17	3	30	2	26
Great Lakes and Plains	10	32	179	30	35	26	6	23	4	29	1	27
South	31	32	78	32	12	23	2	28	1	33	28	29
Southwest	1	41	24	34	5	27	(1)	(1)	(1)	(1)	3	31
Rocky Mountains and Far West	8	22	67	38	15	35	3	25	(1)	(1)	(1)	(1)
All public institutions	23	36	202	37	39	35	9	28	3	34	29	21
All private institutions	63	30	523	34	98	31	18	20	8	30	34	29
All institutions	86	34	725	36	137	34	27	25	11	31	63	24

[1] Data not available.

3. Data from the senior students suggest that colleges do not narrow the gap in academic training between Negro and majority pupils; indeed, there is some evidence that the college curriculum increases this difference, at least in the South.

4. Substantial test score differences exist between Negro and white future teachers at both freshman and senior levels, with approximately 15 percent of Negroes exceeding the average score of majority students in the same region. (This figure varies considerably depending on the test, but in no case do as many as 25 percent of Negroes exceed the majority average.)

5. The test data indicate that the gap in test results widens in the South between the freshman and senior years. The significance of this finding lies in the fact that most Negro teachers are trained in the Southern States.

6. The preferences of future teachers for certain kinds of schools and certain kinds of pupils raise the question of the match between the expectations of teacher recruits and the characteristics of the employment opportunities.

The preferences of future teachers were also studied. Summarized in terms of market conditions, it seems apparent that far too many future teachers prefer to teach in an academic high school; that there is a far greater proportion of children of blue-collar workers than of teachers being produced who prefer to teach them; that there is a very substantial number of white teachers-in-training, even in the South, who prefer to teach in racially mixed schools; that very few future teachers of either race wish to teach in predominantly minority schools; and finally, that high-ability pupils are much more popular with future teachers than low-ability ones. The preferences of Negro future teachers are more compatible with the distribution of needs in the market than are those of the majority; too few of the latter, relative to the clientele requiring service, prefer blue-collar or low-ability children or prefer to teach in racially heterogeneous schools, or in special curriculum, vocational, or commercial schools. These data indicate that under the present organization of schools, relatively few of the best prepared future teachers will find their way into classrooms where they can offset some of the environmental disadvantage suffered by minority children.

TABLE 16.—AVERAGE ANNUAL SALARY, FULL PROFESSOR THROUGH INSTRUCTOR IN INSTITUTIONS OF HIGHER EDUCATION BY PERCENT OF NEGRO ENROLLMENT, FALL 1963

Control and region	Negro enrollment											
	0 percent		0–2 percent		2–5 percent		5–10 percent		10–50 percent		50–100 percent	
	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average	Number of institutions	Weighted average
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Public institutions:												
North Atlantic	3	$8,577	38	$8,607	6	$10,601	2	$11,514	(1)	----------	5	$8,152
Great Lakes and Plains	2	8,268	43	8,777	11	9,417	2	8,687	1	10,005	2	8,185
South	11	7,296	45	7,992	13	7,838	3	6,959	1	6,784	19	6,583
Southwest	2	7,041	24	8,176	7	7,777	1	7,419	(1)	----------	2	6,806
Rocky Mountains and Far West	2	6,436	28	8,893	2	9,641	(1)	(1)	(1)	(1)	(1)	----------
Private institutions:												
North Atlantic	7	6,513	156	8,268	27	8,867	6	8,040	3	5,947	1	8,309
Great Lakes and Plains	7	6,336	147	7,781	30	7,872	5	7,145	4	7,895	(1)	(1)
South	25	6,421	63	7,543	8	6,340	3	6,047	(1)	(1)	19	5,974
Southwest	1	5,816	23	6,770	5	5,784	(1)	(1)	(1)	(1)	2	5,473
Rocky Mountains and Far West	1	5,470	50	8,448	9	7,107	1	7,302	(1)	(1)	(1)	(1)
All public institutions	20	7,573	178	8,491	39	9,112	8	9,248	2	8,754	28	6,824
All private institutions	41	6,379	439	7,964	79	8,175	15	7,640	7	7,352	22	6,652
All institutions	61	7,165	617	8,279	118	8,756	23	8,643	9	7,795	50	6,773

[1] Data not available.

School enrollment and dropouts

Another extensive study explored enrollment rates of children of various ages, races, and socio-economic categories using 1960 census data. The study included also an investigation of school dropouts using the October 1965 Current Population Survey of the Bureau of the Census. This survey uses a carefully selected sample of 35,000 households. It was a large enough sample to justify reliable nationwide estimates for the Negro minority but not for other minorities. In this section the word "white" includes the Mexican American and Puerto Rican minorities.

According to the estimates of the Current Population Survey, approximately 6,960,000 persons of ages 16 and 17 were living in the United States in October 1965. Of this number 300,000 (5 percent) were enrolled in college, and therefore, were not considered by this Census Bureau study. Of the remaining, approximately 10 percent, or 681,000 youth of 16 and 17, had left school prior to completion of high school.

The bottom line of table 17 shows that about 17 percent of Negro adolescents (ages 16 and 17) have dropped out of school whereas the corresponding number for white adolescents is 9 percent. The following table 18 shows that most of this difference comes from differences outside the South; in the South the white and Negro nonenrollment rates are much the same.

Table 19 is directed to the question of whether the dropout rate is different for different socio-economic levels. The data suggest that it is, for whereas the nonenrollment rate was 3 percent for those 16- and 17-year-olds from white-collar families, it was more than four times as large (13 percent) in the case of those from other than white-collar families (where the head of household was in a blue-collar or farm occupation, unemployed, or not in the labor force at all). Furthermore, this difference in nonenrollment by parental occupation existed for both male and female, Negro and white adolescents.

The racial differences in the dropout rate are thus sharply reduced when socioeconomic factors are taken into account. Then the difference of 8 percentage points between all Negro and white adolescent dropouts be-

TABLE 17.—ENROLLMENT STATUS OF PERSONS 16 AND 17 YEARS OLD NOT IN COLLEGE BY SEX AND RACE, FOR THE UNITED STATES, OCTOBER 1965

[Numbers in thousands. Figures are rounded to the nearest thousand without being adjusted to group totals, which are independently rounded.]

Enrollment status	Total	Both sexes		Male		Female	
		White	Negro	White	Negro	White	Negro
Total not in college, 16–17 years	6,661	5,886	775	3,001	372	2,885	403
Enrolled:							
Private school	588	562	26	281	11	281	15
Public school	5,198	4,588	610	2,363	299	2,225	311
Not enrolled:							
High school graduate	194	183	11	66	2	117	9
Non-high-school graduate	681	553	128	291	60	262	68
Nonenrollment rate [1]	10	9	17	19	16	9	17

[1] Percent "not enrolled, non-high-school graduates" are of "total not in college, 16–17 years."

TABLE 18.—ENROLLMENT STATUS OF PERSONS 16 AND 17 YEARS OLD NOT IN COLLEGE BY SEX, RACE, AND REGION OF RESIDENCE, FOR THE UNITED STATES, OCTOBER 1965

[Numbers in thousands]

Enrollment status and region of residence	Total	Both sexes		Male		Female	
		White	Negro	White	Negro	White	Negro
SOUTH							
Total not in college, 16–17 years	2,141	1,676	465	847	238	829	227
Enrolled:							
Private school	108	89	19	45	11	44	8
Public school	1,666	1,297	369	669	195	628	174
Not enrolled:							
High school graduate	36	29	7	8	0	21	7
Non-high-school graduate	331	261	70	125	32	136	38
Nonenrollment rate [1]	15	16	15	15	13	16	17
NORTH AND WEST							
Total not in college, 16–17 years	4,520	4,210	310	2,154	134	2,056	176
Enrolled:							
Private school	480	473	7	236	0	237	7
Public school	3,532	3,291	241	1,694	104	1,597	137
Not enrolled:							
High school graduate	158	154	4	58	2	96	2
Non-high-school graduate	350	292	58	166	28	126	30
Nonenrollment rate [1]	8	7	19	8	21	6	17

[1] Percent "not enrolled, non-high-school graduates" are of "total not in college, 16–17 years."

comes 1 percent for those in white-collar families, and 4 percent for those in other than white-collar families.

Table 20 breaks the data down by metropolitan and nonmetropolitan areas as well as by South and non-South. The largest differences between Negro and white dropout rates are seen in the urban North and West; in the nonurban North and West there were too few Negro households in the sample to provide a reliable estimate. In the South there is the unexpected result that in the urban areas, white girls drop out at a greater rate than Negro girls, and in the nonurban area white boys drop out at a substantially greater rate than Negro boys.

Relation of integration to achievement

An education in integrated schools can be expected to have major effects on attitudes toward members of other racial groups. At its best, it can develop attitudes appropriate to the integrated society these students will live in; at its worst, it can create hostile camps of Negroes and whites in the same school. Thus, there is more to "school integration" than merely putting Negroes and whites in the same building, and there may be more important consequences of integration than its effect on achievement.

Yet the analysis of school factors described earlier suggests that in the long run, integration should be expected to have a positive effect on Negro achievement as well. An analysis was carried out to seek such effects on achievement which might appear in the short run. This analysis of the test performance of Negro children in integrated schools indicates positive effects of integration, though rather small ones. Results for grades 6, 9, and 12 are given in table 21 for Negro pupils classified by the proportion of their classmates the previous year who were white. Comparing the averages in each row, in every case but one the highest average score is recorded for the Negro pupils where more than half of their classmates were white. But in reading the rows from left to right, the increase is small and often those Negro pupils in classes with only a few whites score lower than those in totally segregated classes.

Table 22 was constructed to observe whether there is any tendency for Negro pupils who have spent more years in integrated schools to exhibit higher average achievement. Those pupils who first entered integrated schools in the early grades record consistly higher scores than the other groups, although the differences are again small.

No account is taken in these tabulations of the fact that the various groups of pupils may have come from different backgrounds. When such account is taken by simple cross-tabulations on indicators of socioeconomic status, the performance in integrated schools and in schools integrated longer remains higher. Thus, although the differences are small, and although the degree of integration within the school is not known, there is evident, even in the short run, an effect of school integration on the reading and mathematics achievement of Negro pupils.

Tabulations of this kind are, of course, the simplest possible devices for seeking such effects. It is possible that more elaborate analyses looking more carefully at the special characteristics of the Negro pupils, and at different degrees of integration within schools that have similar racial composition, may reveal a more definite effect. Such analyses are among those that will be presented in subsequent reports.

Case studies of school integration

As part of the survey, two sets of case studies of school integration were commissioned. These case studies examine the progress of integration in individual cities and towns, and illustrate problems that have arisen not only in these communities but in many others as well. The complete case studies are maintained on file at the Office of Education. In addition publication of all or some of the reports by their authors will be carried out through commercial publishers.

In the main report, excerpts from these case studies are presented to illustrate certain recurrent problems. A paragraph which introduces each of these excerpts is given below, showing the kinds of problems covered.

Lack of racial information.—In certain communities, the lack of information as to the number of children of minority groups and of minority group teachers, their location and mobility, has made assessment of the equality of educational opportunity difficult. In one city, for example, after a free transfer plan was initiated, no records as to race of students were kept, thereby making any evaluation of the procedure subjective only. Superintendents, principals, and school boards sometimes respond by declaring racial records themselves to be a mark of discrimination.

A narrative of "the racial headcount problem" and the response to the search for a solution is given in the excerpt from the report on San Francisco.

Performance of minority group children.—One of the real handicaps to an effective assessment of equality of education for children of minority groups is the fact that few communities have given systematic testing and fewer still have evaluated the academic performance and attitudes of these children toward education. Yet quality of education is to be estimated as much by its consequences as by the records of the age of buildings and data on faculty-student ratio. A guide to cities now planning such assessment is a pupil profile conducted in Evanston, Ill.

TABLE 19.—ENROLLMENT STATUS OF PERSONS 16 AND 17 YEARS OLD BY SEX, RACE, AND OCCUPATION OF HOUSEHOLD HEAD, FOR THE UNITED STATES: OCTOBER 1965

[Numbers in thousands. Percent not shown where base is less than 40,000]

Enrollment status and occupation of household head	Total	Both sexes		Male		Female	
		White	Negro	White	Negro	White	Negro
WHITE COLLAR							
Total not in college, 16–17 years	2,065	2,017	48	1,081	31	936	17
Enrolled:							
Private school	275	257	18	135	11	122	7
Public school	1,680	1,654	26	893	18	762	8
Not enrolled:							
High school graduate	44	42	2	14	2	28	0
Non-high-school graduate	65	63	2	39	0	24	2
Nonenrollment rate [1]	3	3	4	4		3	
NOT WHITE COLLAR							
Total not in college, 16–17 years	4,596	3,869	727	1,920	341	1,949	386
Enrolled:							
Private school	313	305	8	146	0	159	8
Public school	3,517	2,933	584	1,470	281	1,463	303
Not enrolled:							
High school graduate	150	141	9	52	0	89	9
Non-high-school graduate	616	490	126	252	660	238	66
Nonenrollment rate [1]	13	13	17	13	18	12	17

[1] Percent "not enrolled, non-high-school graduates" are of "total not in college, 16–17 years."

TABLE 20.—NONENROLLMENT RATES OF PERSONS 16 AND 17 YEARS OLD NOT IN COLLEGE BY SEX, RACE, TYPE OF AREA, AND REGION OF RESIDENCE, FOR THE UNITED STATES: OCTOBER 1965

[Number in thousands. Percent not shown where base is less than 50,000]

Nonenrollment rate, type of area, and region of residence	Total	Both sexes		Male		Female	
		White	Negro	White	Negro	White	Negro
METROPOLITAN SOUTH							
Total not in college, 16–17 years	715	545	170	295	95	250	75
Nonenrollment rate [1]	10	9	12	4	14	16	11
METROPOLITAN NORTH AND WEST							
Total not in college, 16–17 years	2,576	2,301	275	1,237	124	1,064	151
Nonenrollment rate [1]	8	6	20	7	23	6	17
NONMETROPOLITAN SOUTH							
Total not in college, 16–17 years	1,426	1,131	295	552	143	579	152
Nonenrollment rate [1]	18	19	17	21	13	17	20
NONMETROPOLITAN NORTH AND WEST							
Total not in college, 16–17 years	1,944	1,909	35	917	10	992	25
Nonenrollment rate [1]	8	8		9		7	

[1] Percent "not enrolled, non-high-school graduates" are of "total not in college, 16–17 years."

In 1964, the Director of Research and Testing for District 65 gathered and analyzed data on "ability" and "achievement" for 136 Negro children who had been in continuous attendance at either Central, Dewey, Foster, or Noyes school through the primary years. A group of 132 white children in continuous attendance for the same period at two white primary schools was compared. Seven different measures from kindergarten through seventh grade were correlated and combined by reducing all measures to stanines. The excerpt from the Evanston report examines in detail the performance of these two groups of children.

Compliance in a small community.—Many large metropolitan areas North and South are moving toward resegregation despite attempts by school boards and city administrations to reverse the trend. Racial housing concentration in large cities has reinforced neighborhood school patterns of racial isolation while, at the same time, many white families have moved to the suburbs and other families have taken their children out of the public school system, enrolling them instead in private and parochial schools. Small towns and medium-sized areas, North and South, on the other hand, are to some extent desegregating their schools.

TABLE 21.—AVERAGE TEST SCORES OF NEGRO PUPILS, FALL 1965

Grade	Region	Reading comprehension—Proportion of white classmates last year				Math achievement—Proportion of white classmates last year			
		None	Less than half	Half	More than half	None	Less than half	Half	More than half
12	Metropolitan Northeast	46.0	43.7	44.5	47.5	41.5	40.6	41.1	44.5
12	Metropolitan Midwest	46.4	43.2	44.0	46.7	43.8	42.6	42.9	44.8
9	Metropolitan Northeast	44.2	44.8	44.8	47.1	43.1	43.5	43.7	47.2
9	Metropolitan Midwest	45.3	45.2	45.3	46.4	44.4	44.3	44.1	46.6
6	Metropolitan Northeast	46.0	45.4	45.8	46.6	44.0	43.4	43.6	45.6
6	Metropolitan Midwest	46.0	44.7	44.9	45.1	43.8	42.8	42.9	44.1

TABLE 22.—AVERAGE TEST SCORES OF NEGRO PUPILS, FALL 1965

Grade	Region	Grade of 1st time with majority pupils	Proportion of majority classmates last year				
			None	Less than half	Half	More than half	Total
9	Metropolitan Northeast	1, 2, or 3	45.9	46.7	46.9	48.1	46.8
		4, 5, or 6	45.2	43.3	44.4	44.4	44.8
		7, 8, or 9	43.5	42.9	44.6	4.50	44.0
		Never	43.2				43.2
9	Metropolitan Midwest	1, 2, or 3	45.4	46.6	46.4	48.6	46.7
		4, 5, or 6	44.4	44.1	45.3	46.7	44.5
		7, 8, or 9	44.4	43.4	43.3	45.2	43.7
		Never	46.5				46.5
12	Metropolitan Northeast	1, 2, or 3	40.8	43.6	45.2	48.6	46.2
		4, 5, or 6	46.7	45.1	44.9	46.7	45.6
		7, 8, or 9	42.2	43.5	43.8	49.7	48.2
		10, 11, or 12	42.2	41.1	43.2	46.6	44.1
		Never	40.9				40.9
12	Metropolitan Midwest	1, 2, or 3	47.4	44.3	45.6	48.3	46.7
		4, 5, or 6	46.1	43.0	43.5	46.4	45.2
		7, 8, or 9	46.6	40.8	42.3	45.6	45.5
		10, 11, or 12	44.8	39.5	43.5	44.9	43.3
		Never	47.2				47.2

In the Deep South, where there has been total school segregation for generations, there are signs of compliance within a number of school systems. The emphasis on open enrollment and freedom-of-choice plans, however, has tended to lead to token enrollment of Negroes in previously white schools. In school systems integrated at some grade levels but not at others, the choice of high school grades rather than elementary grades has tended further to cut down on the number of Negroes choosing to transfer because of the reluctance to take extra risks close to graduation.

The move toward compliance is described in the excerpt from the report of one small Mississippi town.

A voluntary transfer plan for racial balance in elementary schools.—The public schools are more rigidly segregated at the elementary level than in the higher grades. In the large cities, elementary schools have customarily made assignments in terms of neighborhood boundaries. Housing segregation has, therefore, tended to build a segregated elementary school system in most cities in the North and, increasingly, in the South as well, where *de facto* segregation is replacing *de jure* segregation.

Various communities have been struggling to find ways to achieve greater racial balance while retaining the neighborhood school. Bussing, pairing, redistricting, consolidating, and many other strategies have been tried. Many have failed; others have achieved at least partial success. In New Haven, Conn., considerable vigor has been applied to the problem: Whereas pairing was tried at the junior high level introducing compulsory integration, a voluntary transfer plan was implemented at the elementary level. Relief of overcrowding was given as the central intent of the transfer plan, but greater racial balance was achieved since it was the Negro schools that were overcrowded. With the provision of new school buildings, however, this indirect stimulus to desegregation will not be present. In New Haven the transfer plan was more effective than in many other communities because of commitment of school leadership, active solicitation of transfers by door-to-door visits, provision of transportation for those transferring, teacher cooperation, heterogeneous grouping in the classrooms, and other factors.

The original plan provided that a student could apply to any one of a cluster of several elementary schools within a designated "cluster district," and the application would be approved on the basis of availability of space, effect on racial balance and certain unspecified educational factors; that students "presently enrolled" at a particular school would be given priority; and that transportation would be provided where necessary.

Desegregation by redistricting at the junior high school level.—The junior high schools, customarily grades seven to nine, have been the focus of considerable effort and tension in desegregation plans in many communities. With most areas clinging to the neighborhood school at the elementary level with resultant patterns of racial concentration, and with high schools already more integrated because of their lesser reliance upon neighborhood boundaries and their prior consolidation to achieve maximum resources, junior high schools have been a natural place to start desegregation plans. Like the elementary schools, they have in the past been assigned students on the basis of geography; but on the other hand, they tend to represent some degree of consolidation in that children from several elementary schools feed one junior high school. Further, parental pressures have been less severe for the maintenance of rigid neighborhood boundaries than at the elementary level.

Pairing of two junior high schools to achieve greater racial balance has been tried in a number of communities. Redistricting or redrawing the boundaries of areas that feed the schools has been tried in other areas. In Berkeley, Calif., after considerable community tension and struggle, a plan was put into effect that desegregated all three junior high schools (one had been desegregated previously). All the ninth graders were sent to a single school, previously Negro, and the seventh and eighth graders were assigned to the other two schools. The new ninth grade school was given a new name to signal its new identity in the eyes of the community. The excerpt describes the period following initation of this plan and the differential success of integration in the different schools.

A plan for racial balance at the high school level.—In a number of communities, students are assigned to high schools on the basis of area of residence and hence racial imbalance is continued. In Pasadena, Calif., a plan was initiated to redress this imbalance by opening places in the schools to allow the transfer of Negroes to the predominantly white

high school. A measure of success was achieved but only after much resistance. Of interest particularly in this situation was the legal opinion that attempts to achieve racial balance were violations of the Constitution and that race could not be considered as a factor in school districting. Apparently previous racial concentration, aided by districting, had not been so regarded, yet attempts at desegregation were. The school board found its task made more difficult by such legal maneuvering. The excerpt describes the deliberations and controversy in the school board, and the impact of the court decision, which finally upheld the policy of transfers to achieve racial balance.

Segregation at a vocational school.—The Washburne Trade School in Chicago seems to be effectively segregated by virtue of the practices and customs of the trade unions, whose apprenticeship programs have been characterized by racial isolation. Washburne has presented the same picture since its founding in 1919 after the passage of the Smith-Hughes Act by Congress. That act provides for the creation of apprenticeship programs in which skilled workers are trained both in school and on the job. For example, a young man who wishes to be certified as a plumber may work at his job 4 days a week and attend a formal training program at least 1 day or more or evenings a week.

The apprenticeship programs are heavily financed and regulated by the Federal Government through the Department of Labor and the Department of Health, Education, and Welfare. In recent years the regulations have focused increasingly upon racial segregation within the union structures. One of the causes for this concern has been the rather discouraging racial pattern in the apprenticeship schools. Washburne seems to preserve that pattern. In 1960 an informal estimate showed that fewer than 1 percent of the 2,700 Washburne students were Negroes. Half of the apprenticeship programs conducted at the school had no Negroes whatsoever. This excerpt describes the state of racial segregation at Washburne and at Chicago's vocational schools.

Relation of a university to school desegregation.—Education is a continuum—from kindergarten through college—and increasingly public school desegregation plans are having an impact on colleges in the same area, particularly those colleges which are city or state supported. Free tuition, as in the New York City colleges, has no meaning for members of minority groups who have dropped out of school in high school and little meaning for those whose level of achievement is too low to permit work at the college level. A number of colleges, through summer tutorials and selective admittance of students whose grades would otherwise exclude them, are trying to redress this indirect form of racial imbalance.

In Newark, Del., the pressures for desegregation in the public schools have had an effect on the nearby University of Delaware indicated by the following excerpt:

"There are striking parallels in reactions to integration among Newark's civic agencies, school district, and the University of Delaware. Because the university plays such a large part in Newark's affairs, this excerpt examines its problems with school integration."

* * * * *

This section concludes the summary report on the survey; the summary report is the first section of the full report, and it is also printed separately for those who desire only an overview of the main findings of the survey. The full report contains a great deal of detailed data from which a small amount has been selected for this summary. It also contains a full description of the statistical analysis which explored the relationships between educational achievement and school characteristics.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield to the Senator from Minnesota.

Mr. MONDALE. The Senator from Connecticut has been most generous with me. I wish to conclude this colloquy by saying there is no Member of the Senate whose commitment to the cause of human rights is more clear or more complete than that of the Senator from Connecticut. I hope that nothing I say will be construed in any way to diminish my profound respect for his commitment to that cause.

I ask unanimous consent to have printed in the RECORD at this point a letter from the Commissioner of Education, Mr. Allen, dated February 6, 1970, which underscores the point I have made.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 6, 1970.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR PELL: This is in response to the Committee's request for the views of the Department of Health, Education, and Welfare with respect to several amendments proposed to H.R. 514, an Act to extend programs of assistance for elementary and secondary education, and for other purposes.

The proposed amendments deal with a serious educational matter, the subject of school desegregation. They would affect the enforcement of the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and, as a result, would affect the educational opportunities of children.

As an educator, I am convinced that segregation by races in our Nation's schools for any reason is unsound educationally, regardless of geography. The elimination of segregated schools is not just a legal requirement, it is fundamental to the ultimate provision of quality education for all children. This is the time to see that desegregation of schools is carried out in a manner that preserves and enhances the quality of education. It is for this reason that the Department is giving high priority to the provision of technical assistance nationwide to State and local education agencies through Title IV of the Civil Rights Act of 1964, services which are intended to aid officials in seeking the best local solution within the meaning of the law without restrictions such as contained in these amendments. We soon shall be seeking a supplemental appropriation under this authority to expand such services.

With regard to the specific legal impact of these amendments, I am advised by the Department's Office for Civil Rights that the amendments numbered 462, 469 (sections of which are also printed separately), and 481 are essentially similar to the so-called Whitten Amendments which the Department opposed and which the Congress debated thoroughly last year in connection with the FY 1970 Labor-HEW Appropriations Bill. The Department continues to oppose such proposals because they not only conflict with the decision sof the Supreme Court but further would seriously restrict the enforcement efforts under Title VI to eliminate discrimination.

I am also advised with respect to the Amendment No. 463, that serious questions arise as to the legal effect and implications of the provision, and specifically whether the section does in fact amend Title VI of the Civil Rights Act of 1964. In line with the intent of Congress, Title VI and its "guidelines and criteria" currently apply to discrimination, and they have been applied uniformly throughout the Nation. The amendment, however, speaks in terms of "segregation", which is left undefined. Title VI also applies to discrimination as to color and national origin, which reference is omitted in the amendment. It also appears that the amendment conflicts with the provisions of other acts of Congress which, for example, limit the Department's authority to deal with situations of "racial imbalance". And, notwithstanding the varying interpretations which may be attached to the provision, the legal consequence of a policy declaration of this nature is uncertain.

In summary, the Department's position is that (1) the elimination of racial segregation in education is essential wherever it exists in our Nation; (2) Amendments 462, 469, and 481 are opposed by the Department; and (3) Amendment 463 should be more thoroughly considered by the appropriate committees of the Congress so that the nature and consequences of any legislative action of this kind may be more accurately defined and understood.

Sincerely,

JAMES E. ALLEN, Jr.,
Assistant Secretary for Education and U.S. Commissioner of Education.

Mr. MONDALE. Commissioner Allen also opposes the pending amendment offered by the Senator from Mississippi, on the ground that its nature is uncertain and, in effect, as I had argued earlier, there would be no way of knowing what to do with it if it were adopted.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield so that I may ask a question of the Senator from Minnesota?

Mr. RIBICOFF. I yield.

Mr. JORDAN of North Carolina. The Senator from Minnesota has said that, under present law, school busing is illegal. I believe that is what he said earlier.

Mr. MONDALE. As it relates to racial imbalance.

Mr. JORDAN of North Carolina. That reminds me of the story about the fellow who called up his lawyer and told him about his predicament. His lawyer said, "They can't put you in jail for that."

The fellow replied, "But I'm talking to you from the jailhouse now. I'm already in the jailhouse."

That is exactly what they are doing and are not paying attention to the law at all.

I will give the Senator an example. The city of Charlotte now is under a court order to buy enough buses to bus the schoolchildren of the city of Charlotte. That will require 500 buses by April 1. They have only 300 buses now. That means they will have to bus 10,000 elementary schoolchildren from one part of the city to another. It will mean they will have to take high school children out of the city of Charlotte and haul them into the country. The city is un-

der a court order now to abide by it by April 1. April 1 is not far off.

In the first place, they cannot find 500 buses. They cannot get 500 buses. And if they could, they do not have the money to pay for them. They are not going to have a bond issue to buy more buses. That would be silly and stupid. They are not going to do that, not if I can help it. The 2,600 elementary schoolchildren will have to be moved, simply to mix color.

The Senator says they cannot bus them, but they do.

The city of Winston-Salem also is under a court order, as of February 1. They had to move 422 teachers in different schools, right in the middle of the school year. A teacher goes to another school and does not know a pupil, and the pupils do not know the teacher. The schools in that county have been wrecked. It is simply for the purpose of bringing about compliance.

They will not allow freedom of choice. They say, "You cannot do that, either."

They have said, "Let a child go to school here if he wants to, black or white."

They said, "It is illegal. We are going to move you whether you want to move or not."

If a child lives within a block of a school, they say they are going to move him 3 or 4 miles for the sake of mixing. That is what is happening in North Carolina. But it is not happening in other places.

All we say is this: If they have a law in New York State that they like and are abiding by it, give us the same thing. We do not ask for anything different. We say the New York law is satisfactory to us.

Mr. MONDALE. Mr. President, will the Senator yield, in order to permit me to answer the Senator from North Carolina?

Mr. RIBICOFF. I have agreed to yield first to the distinguished Senator from Mississippi and then to the distinguished Senator from New York.

Mr. STENNIS. I thank the Senator for yielding to me. I wish to make a brief statement in response to the Senator from Minnesota.

Mr. President, it has been said that this amendment would leave HEW without proper guidance or without proper authority or any requirements. I think it should be stated again, for the record, how the matter of obtaining money works now outside the South and how it works in the South.

Outside the South, with these few exceptions, you do not have to prove anything; you do not have to submit a plan; you are just presumed to be innocent, and they send you the money. They have cards on record for that district. But in the South—that is where the so-called de jure stigma and blight are—HEW never mentions busing as such. It is never in one of their orders. It is never in one of their direct requirements.

Do not tell me I am totally wrong on this, because I have dealt directly with those men at the so-called working level. I understand that their uniform practice is that they never write out a requirement or a plan for a school district that is trying to get its money. They let that district know, "If you will propose so-and-so, we will approve the plan on that basis." The trustees then have to come in and make a proposal. That proposal, indirectly demanded, or impliedly demanded, to use a softer word, by HEW is such that there is no way to carry it out except by busing. As I understand, it never mentions a ratio of races, but it is in there, even though it is not mentioned by name. It requires a certain amount of mixing and requires a certain amount of busing in order to carry it out. That is what they do, and they get their money.

On the other hand, outside the South, HEW takes the high and holy ground that Congress has prohibited them from requiring any busing. They take the further holy ground that there is nothing the matter outside the South, because they have never had the so-called de jure system. That is the practical way this works.

This amendment would go right to the heart of the matter and say, "Whatever you require in your guidelines, certain criteria under this law, would have to be applied uniformly in all regions, and it would be without regard to the origin or cause of such segregation."

That is the very point the Senator from Connecticut has spoken to, and without those words in there, we will have just more and more of the same. Outside the South they will get their money, with few exceptions, and we will get what we have been getting.

Mr. RIBICOFF. Mr. President, I yield, without losing my right to the floor, to the Senator from West Virginia, for a unanimous-consent request.

ORDER FOR ADJOURNMENT TO 9:30 A.M. TOMORROW, ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW, ORDER FOR TRANSACTION OF MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. I thank the able Senator for yielding.

Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9:30 o'clock tomorrow morning; that immediately following the prayer and the disposition of the reading of the Journal on tomorrow morning, the able senior Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes; that at the conclusion of his speech there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes; and that at the conclusion of the transaction of morning business, the unfinished business be immediately laid down.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—but just for the purpose of asking the Senator a question: What does the leadership consider the existing situation to be?

We had hoped for a vote this afternoon at 3 o'clock. So far as I know, many Senators may be leaving for the Lincoln holiday. Does the leadership expect to have any votes tonight or tomorrow?

Mr. PELL. As manager of the bill, if I may speak at this time, I should like to see us move ahead with votes, obviously, and hope we can.

Mr. BYRD of West Virginia. Mr. President, I think I am authorized by the leadership to say that it is hoped that we will have a vote or some votes on tomorrow. I do not think we can expect to vote today. We are already in the shank of the afternoon. I have a speech which is perhaps 45 minutes to 1 hour or more in length. I think some other Senators also desire to speak.

That being the case, I do not feel that we will have any votes today. But it is the hope of the leadership that enough Senators will be on hand tomorrow to have a vote or some votes.

I think I would be correct in saying, in the majority leader's behalf, that all of us have a responsibility to stay here and do our job and be on hand if there are votes or live quorums, and then we will adjourn tomorrow evening for the holiday recess.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

(Later in the day, the Senate modified its order, and provided for an adjournment to 9 a.m. tomorrow.)

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. JAVITS. I ask the Senator to yield only so that the facts will be spread of record about the matter we have been discussing.

There has been a general assumption that the figures in the North and the figures in the South are the same. I hasten to add that there is no excuse for any doubt. But I think it is very important that we do have some authoritative figures of record. HEW issued a statement on January 4, 1970, which analyzes the situation as to attendance in school by Negroes, which have various percentages of minorities, but primarily Negroes attending there. In other words, what is the character of the segregation problem?

Mr. President, I ask unanimous consent that the entire table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1-A.—NEGROES BY STATE

[Number and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

State	Total number of students	Total number of Negro students	Percent of total students	Negroes attending 0-49.9 percent minority schools		50-100 percent minority schools		95-100 percent minority schools		99-100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,567	6,282,173	14.5	1,467,291	23.4	4,814,881	76.6	3,832,843	61.0	3,331,404	53.0	2,493,398	39.7
Alabama	770,523	269,248	34.9	22,308	8.3	246,940	91.7	244,693	90.9	243,269	90.4	230,448	85.6
Alaska	71,797	2,119	3.0	2,119	100.0	0	.0	0	.0	0	.0	0	.0
Arizona	366,459	15,783	4.3	5,272	33.4	10,511	66.6	4,349	27.6	3,344	21.2	790	5.0
Arkansas	415,613	106,533	25.6	24,091	22.6	82,442	77.4	78,901	74.1	77,703	72.9	75,797	71.1
California	4,477,381	387,978	8.7	87,255	22.5	300,723	77.5	185,562	47.8	115,890	29.9	27,986	7.2
Colorado	519,092	17,797	3.4	5,432	30.5	12,365	69.5	8,017	45.0	2,862	16.1	0	.0
Connecticut	632,361	52,550	8.3	22,768	43.3	29,782	56.7	9,601	18.3	2,254	4.3	328	.6
Delaware	123,863	24,016	19.4	13,025	54.2	10,991	45.8	5,177	21.6	593	4.0	0	.0
District of Columbia	148,725	139,006	93.5	1,253	.9	137,753	99.1	123,939	89.2	95,608	68.8	38,701	27.8
Florida	1,340,665	311,491	23.2	72,333	23.2	239,158	76.8	224,729	72.1	215,824	69.3	184,074	59.1
Georgia	1,001,245	314,918	31.5	44,201	14.0	270,717	86.0	262,689	83.4	259,891	82.5	240,532	76.4
Idaho	174,472	415	.2	415	100.0	0	.0	0	.0	0	.0	0	.0
Illinois	2,252,321	406,351	18.0	55,367	13.6	350,984	86.4	294,066	72.4	252,225	62.1	156,869	38.6
Indiana	1,210,539	106,178	8.8	31,833	30.0	74,345	70.0	46,208	43.5	37,664	35.5	13,597	12.8
Iowa	651,705	9,567	1.5	6,994	73.1	2,573	26.9	340	3.6	340	3.6	0	.0
Kansas	518,733	30,834	5.9	16,479	53.4	14,355	46.6	9,820	31.8	6,264	20.3	2,327	7.5
Kentucky	695,611	63,996	9.2	34,389	53.7	29,606	46.3	17,025	26.6	9,021	14.1	3,342	5.2
Louisiana	817,000	317,268	38.8	28,177	8.9	289,091	91.1	279,614	88.1	278,620	87.8	259,897	81.9
Maine	220,336	1,429	.6	389	27.2	1,040	72.8	0	.0	0	.0	0	.0
Maryland	859,440	201,435	23.4	62,670	31.1	138,765	68.9	105,886	52.6	92,030	45.7	62,898	31.2
Massachusetts	1,097,221	46,675	4.3	23,916	51.2	22,759	48.8	8,558	18.3	4,936	10.6	79	.2
Michigan	2,073,369	275,878	13.3	56,840	20.6	219,038	79.4	128,116	46.4	78,319	28.4	24,720	9.0
Minnesota	856,506	9,010	1.1	7,116	79.0	1,894	21.0	361	4.0	0	.0	0	.0
Mississippi	456,532	223,784	49.0	15,000	6.7	208,784	93.3	207,515	92.7	206,736	92.4	197,447	88.2
Missouri	954,596	138,412	14.5	33,996	24.6	104,416	75.4	91,355	66.0	77,676	56.1	46,285	33.4
Montana	127,059	102	.1	102	100.0	0	.0	0	.0	0	.0	0	.0
Nebraska	266,342	12,340	4.6	3,364	27.3	8,976	72.7	4,321	35.0	674	5.5	0	.0
Nevada	119,180	9,189	7.7	4,883	53.1	4,306	46.9	3,626	39.5	699	7.6	0	.0
New Hampshire	132,212	537	.4	537	100.0	0	.0	0	.0	0	.0	0	.0
New Jersey	1,401,925	208,481	14.9	70,628	33.9	137,853	66.1	68,434	32.8	37,827	18.1	15,245	7.3
New Mexico	271,040	5,658	2.1	2,712	47.9	2,946	52.1	901	15.9	574	10.1	394	7.0
New York	3,364,090	473,253	14.1	152,868	32.3	320,385	67.7	169,401	35.8	100,899	21.3	35,637	7.5
North Carolina	1,199,481	352,151	29.4	99,679	28.3	252,472	71.7	229,393	65.1	227,057	64.5	207,742	59.0
North Dakota	115,995	458	.4	458	100.0	0	.0	0	.0	0	.0	0	.0
Ohio	2,400,296	287,440	12.0	79,762	27.7	207,678	72.3	123,127	42.8	93,775	32.6	37,861	13.2
Oklahoma	543,501	48,861	9.0	18,472	37.8	30,389	62.2	23,610	48.3	18,715	38.3	8,437	17.3
Oregon	455,141	7,413	1.6	4,689	63.3	2,724	36.7	0	.0	0	.0	0	.0
Pennsylvania	2,296,011	268,514	11.7	73,901	27.5	194,614	72.5	118,449	44.1	87,064	32.4	11,756	4.4
Rhode Island	172,264	8,047	4.7	7,196	89.4	851	10.6	0	.0	0	.0	0	.0
South Carolina	603,542	238,036	39.4	33,811	14.2	204,225	85.8	200,188	84.1	199,752	83.9	188,666	79.3
South Dakota	146,407	384	.3	360	93.7	24	6.3	12	3.1	0	.0	0	.0
Tennessee	887,469	184,692	20.8	39,240	21.2	145,453	78.8	132,208	71.6	123,468	66.9	108,425	58.7
Texas	2,510,358	379,813	15.1	95,931	25.3	283,882	74.7	239,540	63.1	208,021	54.8	165,249	43.5
Utah	303,152	1,486	.5	1,098	73.9	388	26.1	0	.0	0	.0	0	.0
Vermont	73,570	90	.1	90	100.0	0	.0	0	.0	0	.0	0	.0
Virginia	1,041,057	245,026	23.5	65,922	26.9	179,104	73.1	167,172	68.2	161,321	65.8	142,209	58.0
Washington	791,260	19,145	2.4	12,299	64.2	6,846	35.8	0	.0	0	.0	0	.0
West Virginia	404,582	20,431	5.0	16,763	82.0	3,668	18.0	1,157	5.7	841	4.1	841	4.1
Wisconsin	942,441	37,289	4.0	8,406	22.5	28,883	77.5	14,783	39.6	9,288	24.9	4,819	12.9
Wyoming	79,091	665	.8	482	72.5	183	27.5	0	.0	0	.0	0	.0

*Minute differences between sum of numbers and totals are due to computer rounding.

Mr. JAVITS. Mr. President, this table shows, for whatever it is worth, and I think it is very important, that in a State like Mississippi, Negroes attend schools—although the population of Mississippi is almost 50 percent Negro—in the minority schools where the minority represents 0 to 49 percent of the school population to the extent of 6.7 percent of its students; whereas in New York—and I am not proud of the fact, but it is their figure—the same is 32.3 percent of the students. That is, roughly speaking, 3½ times as good.

At the other end of the scale—that is attending schools—let us take the schools where the minority is 99 to 100 percent, allowing for few children of a different race, it mentions 92.4 percent of black children attending that kind of school. In New York, 21.3 percent attend that kind of school. The figures are roughly comparable in other States. I hasten to state——

Mr. ERVIN. Will the Senator repeat that number of Negro children?

Mr. JAVITS. It is 21.3 percent attending schools where the minority population school is 99 to 100 percent.

Mr. ERVIN. That is one-fifth.

Mr. JAVITS. It is 21.3 percent. In Mississippi that figure is 92.4 percent. I will be glad to give the figure for South Carolina. It is 83.9 percent.

Mr. RUSSELL. The Senator comes from North Carolina.

Mr. JAVITS. Oh, yes. For North Carolina—I am sorry—the figure is 64.5 percent.

Mr. HOLLAND. What about Florida?

Mr. JAVITS. It is 69.3 percent in Florida.

Now, Mr. President, I am not arguing the morality or the justice of this situation, because I think we have explored that thoroughly, but I think it was fair to have an authoritative figure of record as to the size of the problem on how much progress has been made in de jure and de facto States.

Mr. RIBICOFF. Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I have yielded the floor.

Mr. BYRD of West Virginia. Mr. President, the Senator from Connecticut just yielded the floor. I have the floor. Does the Senator from South Carolina wish me to yield to him?

Mr. THURMOND. That is all right. I withdraw my request.

Mr. BYRD of West Virginia. I will be glad to yield to the Senator from South Carolina.

Mr. President, first, I wish to congratulate the able Senator from Connecticut (Mr. RIBICOFF) on a very eloquent, courageous, forthright, enlightening, and honest speech. It was a commonsense speech, well considered and well delivered. He has contributed a great service to the Senate and to the Nation.

Mr. President, I support amendment No. 481.

First I should like to read that amendment:

On page 45, between lines 4 and 5, insert the following new section:

"DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED

"SEC. 2 (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

"(b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school

district, school zone, or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose: *Provided*, That nothing contained in this Act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian."

Mr. President, about 15 years ago the Supreme Court, in the now famous Brown cases—Brown I and Brown II, so called—held that State-imposed racial segregation in public schools deprived the pupils of equal protection of the laws under the 14th amendment to the Concontution. In Brown I—*Brown et al* v. *Board of Education of Topeka et al*, 347 U.S. 43 (1954)—the Court reconsidered the former "separate but equal" doctrine of *Plessy* v. *Ferguson*, 163 U.S. 537, not as to "equality" but as to the effect of "segregation itself on public education."

The only holding in the Brown case, really, was that State-imposed racial segregation deprived plaintiffs of equal protection under the 14th amendment, which directs that—

No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.

The following is particularly important in considering this matter: the Court in Brown commented that—

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is the principle instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

Thus, the Court concluded, that to separate children from other children of similar age and qualification solely because of race generates feelings of inferiority and may affect the hearts and minds of children in a lasting way. The Court alleged that the proposition was supported by "modern psychological authority," a somewhat dubious basis, perhaps, concluding that "separate educational facilities are inherently unequal" and that "such segregation" is a denial of equal protection.

It is important to note that, in the above opinion, the Court not once used or even referred to the term "integration," much less "forced integration." The opinion was solely devoted to State-enforced segregation.

Brown II.—*Brown et al.* v. *Board of Education of Topeka, et al.*, 349 U.S. 294 (1955)—as interested persons will recall, enjoined that authorities concerned should proceed "with all deliberate speed" to admit students to public schools on a "racially nondiscriminatory basis," this injunction following the *Bolling* v. *Sharpe* case, 347 U.S. 497 (1954), involving the District of Columbia schools, which held that classification based "solely" on race must be especially scrutinized. The Bolling case outlawed forced segregation, but nowhere in any of these opinions, is there a statement to the effect that forced integration is legally required or indeed proper under the Constitution.

Ethical and reasonable men, regardless of their inner feelings about this proposition, may well agree that the Supreme Court's decisions in these cases—even though they were contrary to precedent and even though public education should be administered and controlled by the States—were called for by the Constitution. In short, we may agree that forced segregation—that is, segregation imposed by law—is illegal and wrong under our scheme of government. This, however, is a far cry indeed from saying—or agreeing—that it is legal or proper to impose forced integration on any class or group. And yet, one cannot but feel that this is what the Court—and, without question, the Department of Health, Education, and Welfare—have now come to say: that not only must public schools, formerly segregated by law, no longer place such restrictions on pupils by law, but further, and beyond this, they must also take active steps—by force if necessary—to integrate. A brief consideration of the Supreme Court's progression to this way of thinking may be useful.

Following the two Brown cases and Bolling against Sharpe, the Court spoke in no less than 15 cases as to the principles applicable to school segregation cases. Of course, in numerous other cases, the Court has disposed of them by simple order or mandate, refused to grant review, and so forth. One suspects, in reviewing these decisions, that at times the Court has come perilously close to letting its emotions—not its legal acumen—rule its decisions, brought about, possibly, by the delays of school or other authorities which piqued the Court. Yet, the Court should not have been surprised that such delicate and grave problems would take some time to work out, the changes requiring as they did the reorientation in patterns not only of school districts, zones and the like, but also in the very habits, customs, and thinking of the people themselves. The Court has recognized the problem—at least implicitly—as the following language from Brown II indicates:

Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems, courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles.

In *Cooper et al.* v. *Aaron et al.*, 358 U.S. 1 (1958) the Court interpreted Brown II only as requiring the end of racial "segregation in the public schools with all deliberate speed." It conceded that local authorities might consider the qualifications of Negro children, so that they would not be barred from particular schools solely because of race or color. In fact, the Court went further. It conceded that lower courts might conclude there was no justification to require present nonsegregated admission of all qualified Negro children, if in scrutinizing the programs, the court was assured that the local authorities had arrived at the earliest practicable completion of desegregation and had taken steps to put the plan in operation. The Court here used, in a case arising 4 years after Brown, the term "desegregation" but only in a way clearly indicating that its decree was aimed at eliminating de jure segregation. The terms "desegregation" and "racial discrimination" were used, but the Court did not refer to the term "integration."

Frankfurter's concurring opinion in Cooper against Aaron probably expresses more clearly and forcibly than anywhere else the principle or the Court's expressions in this area:

The Constitution precludes compulsory segregation based on color in state-supported schools.

And the Court aims at "ending enforced racial segregation in the public schools"—for example, "in cities with Negro populations of large proportions." It is, from this, abundantly clear that the only goal or principle expressed by the Court is that forced segregation is illegal. Nothing more was stated or implied until much later and, as already observed, one suspects that such later utterances were the result, not of legal reasoning, so much as of pique at delay.

To illustrate the truth of the above statement, one turns to *Goss* v. *Board of Education*, 373 U.S. 683 (1963). The school boards had adopted transfer provisions, to allow students, on the sole basis of race and the racial composition of the school to which assigned pursuant to a newly adopted rezoning plan, to request assignment from a school where the student would be in the racial minority back to his former segregated school with a majority of his race.

In holding such a transfer plan illegal because it would lead to the perpetuation of segregation, the Court noted that the child could choose segregation but not integration outside his zone and said:

State-imposed separation in public schools is inherently unequal.

Indicating that what the Court had in mind was not forced integration, but forced segregation is the following quotation:

If, here, transfer provisions were made available to all students regardless of their race and regardless as well of the racial composition of the school to which he requested transfer we would have an entirely different case. Pupils could then at their option (or that of their parents) choose, entirely free of any imposed racial considerations, to remain in the school of their zone or to transfer to another.

Further, "classification based on race for purposes of transfers between public schools" is against the Constitution. Here, the Court reiterated that "race as an absolute criterion for granting transfers which operate only in the direction of schools in which the transferee's race is in the majority" is unconstitutional. All that the Court condemned here was classification based on race for purposes of transfers between public schools.

Similarly, the Court in *Griffin* v. *County School Board*, 377 U.S. 218

(1964), forbade the perpetuation of racial segregation by closing public schools and operating only private segregated schools supported directly or indirectly by State or county funds. The Court again referred to the prevention of "racial discrimination" and again used the term "segregation." Indicating that the Court was not so much concerned with forced integration, as with banning forced segregation and helping education, was the comment that the lower court should issue a decree guaranteeing "that these petitioners will get the kind of education that is given in the State's public schools."

Understandably, in 1965, with *Rogers* v. *Paul*, 382 U.S. 198 (1965), the Court began to be concerned about the pace of ceasing forced segregation. In that case it commented that—

> Delays in desegregating school systems are no longer tolerable.

The same thing may be said of *Bradley* v. *School Board*, 382 U.S. 103 (1965), the Court referring to school "desegregation" plans in considering the impact of racially based faculty allocations. It is about at this point that one feels the Court forgot its earlier recognition of the massive local problems involved and turned to a more urgent principle, one that, with deference to the Court's judgment, has seemed to increasingly overlook these problems and the educational results sought, in calling for more and more urgency to desegregate.

Not until 1968, 14 years following the original Brown decision, in *Green* v. *County School Board*, 391 U.S. 430 (1968), a case involving a freedom of choice plan in New Kent County, Va., did the Court explicitly or impliedly go beyond discussions aimed at forced segregation. There, a freedom of choice plan allowing pupils to choose their school was held unacceptable on the sole ground that, during 3 years, no white pupil chose all-Negro schools and though 115 Negroes enrolled in formerly all-white schools, 85 percent of them still attended all-Negro schools. Here, for the first time, the Court interpreted Brown II as requiring school boards "to effectuate a transition to a racially nondiscriminatory school system" and stated that—

> The transition to a unitary, nonracial system of public education was and is the ultimate end to be brought about.

I believe, however, that the argument of the school board in this case is a correct analysis of the legal principle involved: that freedom of choice plans may be faulted only by incorrectly reading the 14th amendment as universally requiring compulsory integration. The amendment will not support such a reading. The Court, however, refused to go along with this proposition, stating that Brown II required a "racially nondiscriminatory school system." It was said that school boards were "clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." The Court's impatience is indicated by its statement that the time for deliberate speed had run out and that—

> The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now*.

Strangely, though, the Court did not outlaw "freedom of choice" plans. In fact, it said:

> We do not hold that "freedom of choice" can have no place in such a plan. We do not hold that a "freedom-of-choice" plan might of itself be unconstitutional, although that argument has been urged upon us. Rather, all we decide today is that in desegregating a dual system a plan utilizing "freedom of choice" is not an end in itself.

The Court, however, pretty well emasculated the meaning of the words quoted, by adding later in the opinion,

> Although the general experience under "freedom of choice" to date has been such as to indicate its ineffectiveness as a tool of desegregation, there may be well be instances in which it can serve as an effective device. Where it offers real promise of aiding a desegregation program to effectuate conversion of a state-imposed dual system to a unitary, nonracial system there might be no objection to allowing such a device to prove itself in operation. On the other hand, if there are reasonably available other ways, such, for illustration, as zoning, promising speedier and more effective conversion to a unitary, nonracial school system, "freedom of choice" must be held unacceptable.

This language, it seems rather clear, comes close to outlawing all freedom-of-choice plans. This, I believe, is not only a far cry from the Court's original posture but one that is not supported by the Constitution.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Georgia, the beloved President pro tempore.

Mr. RUSSELL. Mr. President, the Senator is dealing with holdings of the Supreme Court. Of course, until recently Congress was supposed to be the legislative body in this country. Here of late the Supreme Court has preempted our prerogatives or rather usurped our prerogatives. However, I recall distinctly when the so-called Civil Rights Act of 1964 was being debated the distinguished Senator from West Virginia asked a question of two of the principal sponsors of the bill and both of them indicated in their answers that the only thing required by the law that Congress passed was that the doors of the schoolhouse be open to any child qualified to stay in the class which he attended without regard to race or any other qualification. The Supreme Court has gone beyond that and imposed a great many other regulations on the trustees and those who operate our schools. But so far as legislative intent is concerned, the only legislative intent I have heard manifested in any of this legislation is that the door be open to any child who applies, and not that there is any responsibility on anyone anywhere to work out some kind of numerical ratio of the races in the schools.

Mr. BYRD of West Virginia. I thank the able Senator. He is absolutely correct.

Mr. ERVIN. Mr. President, will the Senator yield for a few questions?

Mr. BYRD of West Virginia. I would hope the Senator would not persist in asking questions at this point. I would like to proceed at this time and I shall be glad to yield later.

Mr. ERVIN. That is quite understandable.

Mr. BYRD of West Virginia. Mr. President, if, in other words, pupils choose, under such a plan, to remain with the present school, for reasons having nothing to do with either education or segregation, presumably the court would outlaw it, for now it says, a unitary, nonracial system is required. It seems not to have occurred to the Court that pupils may base their choice on things quite unrelated to the "segregation" turmoil going on about them, for example, interest in athletic, cultural, or social activities. Who is to say they are wrong in considering such aspects of school or neighborhood life? Moreover, who is to say that they are wrong in wanting to choose their associates and in preferring to associate with their own color, black or white? Yet, the Court, even here, did not come out flatly in favor of forced integration. It said the inquiry was whether the board had taken steps to abolish a dual, segregated system. This, it is clear, is far from approving, much less requiring, forced integration. This is a far cry from stating that the Constitution justifies, much less requires, that the power of the Federal Government be put behind forced integration of schools.

Raney v. *Board of Education*, 391 U.S. 443 (1968), also considered the adequacy of a "freedom of choice" plan very similar to that in Green and with about the same results: that is, no white children enrolled in all-Negro schools and over 85 percent of the Negro children still attended the all-Negro schools. Despite the fact that the plan was approved by HEW, the Court held it inadequate "to convert to a unitary, nonracial school system." The Court said adamantly that "the goal of a desegregated, nonracially operated school system" must be "rapidly and finally achieved."

Monroe v. *Board of Commissioners*, 391 U.S. 450 (1968), involved, not a freedom of choice, but a "free transfer" plan. Attendance zones had been redrawn along geographic or "natural" boundaries and, according to capacity and facilities, within the school zones. Any child, after registering annually in his assigned school in his attendance zone, could freely transfer to another school of his choice if space were available, zone, residents having priority in case of overcrowding.

This plan, too, was held not sufficient, because, for example, schools with over 80 percent of the Negro students had no white pupils and one school had only seven Negroes out of 819 students. In short, the students chose to remain with their former "white" or "Negro" schools, with the exception that one school had 349 white and 135 Negro pupils. Here, the Court said the transfer device "patently operates as a device to allow resegregation of the races to the extent desegrgation would be achieved by geographically drawn zones." Again the Court paid lipservice to such plans, as follows:

> We do not hold that "free transfer" can have no place in a desegregation plan. But

like "freedom of choice," if it cannot be shown that such a plan will further rather than delay conversion to a unitary, nonracial, nondiscriminatory school system, it must be held unacceptable."

One wonders why the Court did not, frankly and honestly, say that it would never, under any circumstances, approve any freedom-of-choice plan. In neither case, again, did the Court lay down or even imply as a binding principle that "forced integration" was the maxim. On the contrary, as has already been pointed out in discussing Goss against Board of Education, the Court stated clearly and unequivocally that transfer provisions available to all students regardless of race and regardless of the racial composition of the school to which the student requested transfer would be, in its words, "an entirely different case." The Court said:

Pupils could then at their option (or that of their parents) choose, entirely free of any imposed racial considerations, to remain in the school of their zone or to transfer to another.

The Monroe case, although disapproving the "free transfer" plan involved therein, did not state that forced integration was the principle to be applied. The Court admitted that in the Goss case it stated that free transfer plans under some circumstances might be valid, and that so long as no official transfer plan or provision of which racial segregation is the inevitable consequence, it may be allowed to stand under the 14th amendment.

Not until *U.S.* v. *Montgomery County Board of Education*, 395 U.S. 225 (1969), did the Supreme Court directly use any language similar to that of "forced integration." That case, concerning Montgomery County, Ala., involved a situation where the school authorities did not voluntarily take any effective steps to integrate public schools, and where the State government and its school officials, in the words of the Court, "attempted in every way possible to continue the dual system of racially segregated schools in defiance of our repeated unanimous holdings that such a system violated the U.S. Constitution."

After pointing out that, so far as the Court could see, the schools in that situation had operated as though the Brown cases had never been decided, the Court stated that the "coercive assistance of courts was imperatively called for." The Court referred to the school board's responsibility to achieve, as soon as practicable, a fully integrated school system and, in the words of the Green case, wipe out segregation "root and branch." One suspects, in reading this opinion, that the strong language used by the Court was not the result of any particular legal principles felt to be applicable to the use, but was, rather, the manifestation of its impatience with the delay and resistance of the school authorities in the case to moving toward abolishing forced segregation.

As a matter of fact, the opinion, other than as already mentioned, uses the term "segregation" throughout and states that "desegregation" is a goal "recognized to be an important aspect of the basic task of achieving a public school system wholly free from racial discrimination." That the above statement is justified is supported by a peculiarly personal statement by Justice Black near the end of the opinion:

It is good to be able to decide a case with the feelings we have about this one. But the differences between the parties are exceedingly narrow. . . . Respondents recognize their affirmative responsibility to provide a desegregated, unitary and nonracial school system.

And the opinion noted the authorities' stated purposes to bring about a "racially integrated school system as early as practicable in good faith obedience to this court's decisions."

In Alexander against Holmes County Board of Education, decided October 29, 1969, docket No. 632, Justice Black, writing as Circuit Justice, spoke in such arbitrary terms that one wonders whether he—and the other members of the Court—have allowed their emotions, their impatience, or however one wishes to phrase it, to outweigh their commonsense and legal reason. This case laid down no new law, and did not, in so many words, call for forced integration, it being one concerned with a delay in accelerating desegregation plans in Mississippi. Later in the same case, before the full Court, it was held that school districts could "no longer operate a dual system based on race or color" and they were directed to "begin immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color."

Owing to the seemingly contradictory language the Supreme Court has used in these cases, there may yet be legitimate differences of opinion as to whether the Court has put to rest disputes in lower courts about whether the 14th amendment requires forced integration or merely prohibits de jure segregation or discrimination. The reason this may still be in dispute is that recent cases, as indicated, have been concerned mainly or entirely with the pace of desegregation and the Court has not, it is felt, clearly enunciated the precise guiding principles beyond the Brown cases.

The cleanest expression as to forced integration, in fact, has come not from the Supreme Court, but from the fifth circuit, in *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836 (1966), cert. den. 389 U.S. 840 (1967), affirmed en banc in 1967 and certiorari denied the same year. Here, the circuit court came out clearly and said that the Constitution "requires public school systems to integrate students, faculties, facilities, and activities" and that it was the "affirmative duty of States to furnish a fully integrated education to Negroes as a class." In citing the Brown cases for this proposition, however, one submits that the fifth circuit has misread those cases and stretched their principle beyond what the Supreme Court either held or said. In fact, one feels that the fifth circuit, in speaking in such unequivocal language, has paid only token service to education, while holding integration to be the end-all.

Thus, one feels, the argument as to "integration," "desegregation," or "nondiscrimination" is more than semantics, as some have said; it would seem to be at the root of the problems bedeviling education today—not only in the South but also in cities and States throughout the country. The debates which have already occurred in this body—and with more to come—are evidence of this fact, let alone the articles appearing almost daily in the press. So, whether the fifth circuit is correct or whether Judge Parker, in *Briggs* v. *Elliott*, 132 F. Supp. 776, is right, the problem is far more encompassing than mere legal semantics or technicalities; it strikes at the very heart and soul of our public school system today. Judge Parker, it will be recalled, said that:

The Constitution . . . does not require integration. It merely forbide discrimination.

One feels that unless the Federal Government is to embark on a vast social experiment, based on neither logic nor reason nor accepted values of any kind—and one costing perhaps billions of dollars—Judge Parker's dictum may well be heeded, before it is too late. Which is worse and which is right—to have forced segregation or forced integration? Neither bodes well for the future of quality education in the United States, and both are very likely to bring about even more turmoil, strife, unhappiness, and wasted resources than have already occurred in the tortuous path of this problem; a problem which, really, is at the heart of our society, resting as it does on the education of the populace.

In addition to the cloudiness of the applicable legal principles involved, one cannot fail to note the seemingly partial attitude of the Supreme Court. While indulging numerous cases involving Southern States, it has, as recently as 1968, declined to review a case arising from Ohio holding—and, I believe, rightly so—that the Constitution imposed no duty on a local school board to correct racial imbalance by such devices as busing students, transfer classes, and new school site selections, *Deal* v. *Cincinnati Board of Education*, 369 F. 2d 55 (C.A. 6, 1967), 389 U.S. 847 (1967). Is there, one wonders, any difference between so-called de jure and de facto cases, and has the Court allowed its impatience with the pace of desegregation—perhaps too slow in some cases—to blind it to the fact that this problem is not regional or sectional, but exists throughout the length and breadth of the land?

Unless one is to disregard the language used in Goss against Board of Education, unless one is to forget the actual holdings and language used in the Brown cases, unless one is to affirm complete acquiescence in the fifth circuit opinion already mentioned, then one wonders why the Supreme Court cannot approve a "freedom of choice" plan. Can it be that, as a practical matter, the Court realizes, finally, that such plan will not immediately—or perhaps ever—lead to full integration—and, therefore, the pace is too slow—or is it that the Court, caught by the logical outgrowth of its own language, chooses to ignore it and, at least implicitly, requires forced integration? The progression of cases before the Supreme Court sufficiently indicates the complexities and confusion which exist

as to the actual, technical, legal principles involved. I shall leave to legal scholars, more learned than I, to deal with this "tangled web"; one feels, in any event, that however extensive the legal analysis undertaken, there will yet be real—and legitimate—differences of opinion. The history of the period being one of litigation and legal concepts which have seemed to shift with each particular case—starting with pupil placement and extending through majority and minority transfers to freedom of choice—the problem is not easily subject to concrete answers.

In 1964, Congress enacted a Civil Rights Act—to which the able President pro tempore referred a moment ago—in which it was declared as follows:

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Further, it was enacted even more specifically in that statute:

Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

Mr. President, during the past 2 or 3 years, we have witnessed the open violation of the 1964 Civil Rights Act on the part of Federal authorities. Students have been assigned by race in order to overcome racial imbalance. Students have been transported from one school to another or from one school district to another in order to overcome racial imbalance. Where is the equal protection of the law as between those, both black and white, who are compelled to move or be bused away from their own neighborhood schools, and those, black and white, who are not compelled to move? Where is the equal protection of the law as between children who are provided free bus service if they choose to go in a direction that will achieve racial balance and those children who choose to go in any other direction?

Here is indeed an incredible spectacle. Despite the Congress of the United States having enacted a statute requiring that " 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance," a department of the U.S. Government proceeds to spend vast sums of tax money collected from American citizens, as a means of inveigling school administrators to join with it—the Federal Department of Health, Education, and Welfare—in violating the express will of Congress. The fund amounts, however, to hundreds of millions of dollars, and with a temptation so great, many succumb. As Huck Finn observed, "The money fetches 'em."

Does the U.S. Constitution require that State governments shall, on the basis of a child's race or color, designate and determine where he is to attend public school if such is necessary in order to bring about forced integration? Of course, the Constitution of the United States does not so require. It only requires that no State shall deny to any person within its jurisdiction the equal protection of the laws. It forbids the use of governmental power to enforce segregation. It requires that a State may not deny to any person, on account of race or color, the right to attend any public school that it maintains.

How does it make sense to say that words in the U.S. Constitution, and specifically in its 14th amendment, prohibited the States in 1954 from assigning children in public schools on the basis of race, and that identically the same words, in the same 14th amendment, may compel the States in 1970 to assign children in public schools on the basis of race?

How can it reasonably or intelligently be claimed that 16 years ago the constitutional requirement of "equal protection" of the law freed students from government compulsion based on race, or color, but that the same constitutional requirement now imposes government compulsion based on the same factor; namely, race or color? This is a monumental inconsistency, but it is precisely what is taking place under the orders of some of the Federal courts and HEW. Children, black and white, are sent to this school or to that school or to another school, depending upon whether they are white or black. How can it be said that the Constitution grants freedom to the Negro child or to the white child if it denies freedom of choice to either of them and if it imposes a compulsion upon either or both of them determined by race or color? White children are bused out of white neighborhoods and placed in schools predominantly Negro miles away, and Negro students are bused for miles to schools that are predominantly white, and, in both cases often against their will and the will of their parents. Most of them would like to continue to attend their own neighborhood schools. Yet, against their will, and through no choice of their parents, these children, black and white, are bused over icy roads, leaving home an hour or so earlier in order to reach their school destination and returning home an hour or so later than would otherwise be the case if they had been permitted to attend the schools of their choice.

How can the Constitution of the United States, and specifically its 14th amendment, today require what it so clearly prohibited 16 years ago, namely, State dictation of school assignment on the basis of race or color? During those 16 years there has been no change whatsoever in the wording of the 14th amendment.

One of the first principles of American constitutional law is that the U.S. Government has no powers except as delegated or assigned to it by the Constitution. Nobody claims that the Constitution gives the Federal Government any power to educate the youth or to operate or regulate the public schools in the various States. It is, however, the responsibility of the Federal courts to enforce the constitutional provision requiring the States to give "equal protection of the law" to all citizens. Yet, how can they claim that they are obtaining the "equal protection" of law for a citizen when they order a State to take from him a right which they, the Federal courts, have themselves declared to be his constitutional right; namely, the right not to have his school assignment determined on the basis of whether he is white or whether he is black.

Negro children who rioted recently in Florida and Louisiana because they were being forced to attend schools other than those of their choice might well have felt that the freedom of the Negro child to attend any public school without regard to his race, first secured in the Brown cases, is again lost to him after a short life of 15 or 16 years. Barring a child from a certain school because of his race, white or black—and forcing a child to go to a certain school because of his race, white or black—these are precisely one and the same offense against the U.S. Constitution and specifically its 14th amendment.

As for "quality education," it may reasonably be doubted whether forced assignment to schools for the purpose of achieving racial balance, irrespective of the wishes of the students and parents involved, can possibly contribute to equanimity or to harmony or to "quality education" in the public schools.

No integration will ever be meaningful or lasting unless it is purely voluntary. If integration results from the free and voluntary choice of individuals there can be no quarrel with it from a legal standpoint. But there is and should be quarrel with those who declare that our Constitution orders and compels forced integration. To force integration in the name of the Constitution and against the will of children and their parents, black and white, is an unforgiveable subversion of that document.

Those who fail to see this may be motivated by what they consider to be "nobility." They may be motivated by the best of intentions to achieve "quality education," "social unity," or whatever. There always have been, and probably always will be, many people who have a great urge to plan and prescribe what they deem to be best for everybody else, and in that process they are often quite willing, consciously or unconsciously, to override any individual liberties that stand in the way of what they consider to be beneficial or desirable. But the Constitution was intended to be a barrier against such "well intentioned" individuals when they have achieved public office, both appointive and elective. Daniel Webster said it well:

It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions.

Thomas Jefferson, in his inimitable way, expressed it thusly:

Let us hear no more then of the good intentions of man, but bind him down with the chains of the Constitution.

Mr. President, how many Senators, how many Members of the House of Representatives, would want to see their children compelled to attend public schools not of their choice? How many Federal court judges, yea, how many Justices on the U.S. Supreme Court, would want to see their children or

grandchildren bused for miles out of their own neighborhoods just to bring about some degree of racial balance in order to conform to the whims and fancies of bureaucrats in the Department of Health, Education, and Welfare? How many Senators, Representatives, and Federal judges, through noble motivations send their children or grandchildren to District of Columbia schools which are 95 percent nonwhite? To ask the question is to answer it. None, in all probability. How many high HEW officials, Negro or white, send their children to the District's schools?

Mr. President, these officials in the legislative, judicial, and executive branches of the Government can afford to send their children to private schools or they can live in suburbia where schools are virtually all white. Negro parents, in many instances, have taken their children out of the District of Columbia schools and placed them in private schools.

I do not blame them. I would not let my children go to school in the District schools. I would be opposed to my grandchildren attending the District schools; and, if I could possibly prevent it, I would not let one of my daughters teach in the District schools, where she would be confronted with switchblade knives, steel knuckles, and pistols, and have to listen to offensive language, profanity and obscenities, and where her life might be threatened.

No; I do not blame these Negro parents for taking their children out of District schools and placing them in private schools. They are concerned about the safety and the education of their children. I do not blame Senators and Representatives for not wanting their children to go to District schools. They, too, are rightly solicitous regarding the education and the safety of their children. I do not blame judges in the Federal courts for putting their children in private schools, rather than have them attend schools in the District of Columbia. Let us be honest about it.

Recently it has been stated that even some members of the District of Columbia School Board send their children to private schools. What is sauce for the goose is sauce for the gander. Is it not political hypocrisy to vote to send other people's children, against their will, to this public school or to that public school, depending upon whether the child is white or black, while he who so votes sends his children or grandchildren to a private school? There is more political hyprocisy involved in this issue of forced integration than in any other issue today, in my opinion.

Mr. President, I come from a State which, I submit, may be characterized as neither North nor South. Whether this is a happy coincidence, in view of the current subject of debate, is open to question. On the one hand, it removes one from close proximity to some of the terrible problems with which much of our country is now struggling; on the other hand, hopefully, it may give one the objectivity to view all sections, North and South, with compassion and reason and understanding, and to throw some light on what I conceive to be the real problem here. Desegregation in my State did not pose such a difficult problem as it has in many States, because West Virginia has a population which is only 5-percent Negro. Some of our counties have no Negroes at all. To be removed personally from such a difficult desegregation problem means, on the one hand, that I may not be aware of the many complexities existing in such a situation. Contrarily, it may permit one to take a more balanced and factual approach.

As is well known, West Virginia takes its name from the fact that in 1863, during the Civil War, the western counties of Virginia broke away from the mother State and rejected secession. This act has typified the independent attitude of my State toward many of the issues and problems which from time to time have nearly torn this country asunder, and which even today plague modern man—with all his knowledge and techniques—and defy solution. We have been blessed in not having suffered the awful problem which many cities and States have endured as the result of efforts to end forced segregation.

Speaking of West Virginia and the Civil War, there was not a single county in what is now West Virginia that was wholly northern or wholly southern in sympathy. Ours was truly a border State of divided loyalties. C. Shirley Donnelly, who is probably West Virginia's foremost living State historian, states in a February 4, 1970, newspaper column:

> More than 40,000 West Virginia men shouldered arms in the 1861–1865 trouble. In 1868 the total population of the area that composed West Virginia was but 376,688. Of the men who went to war in that struggle there were about 10,000 who fought for the Confederacy, the exact number unknown. It is known that about 32,000 joined the various Union armies.
>
> Our state was the scene of the first land battle of the Civil War, the affair at Philippi, June 3, 1861.
>
> Nearly 500 battles, engagements, fights, skirmishes, and brushes took place between the contending armies in West Virginia territory.
>
> West Virginians in the Civl War attained no little distinction. Seven of them became generals in the Confederate Army.
>
> Those who rose to rank of general in the Union Army were 14. Of these who became generals, the most famous was "Stonewall" Jackson.

These facts are mentioned, not to indicate the presumption of any expertise on the subject before us today, but merely to sketch in the background from whence I speak. I am not only concerned with my own State—though, of course, as is natural and proper, it comes first in my consideration—but I am concerned with all States. I am concerned, in short, with education in this country and what is happening to it. I am fearful that quality public education is going to be greatly impaired in many areas of the country and that hundreds of thousands of school children, Negro and white, will suffer therefrom if Federal officials and Federal courts persist in their unwise, and unreasonable efforts to require forced integration.

One may well cite the words of the Secretary of Health, Education, and Welfare in one of the Mississippi cases, that time was too short, under the then existing development of plans, to formulate provisions which could be implemented without producing "chaos, confusion, and catastrophic educational setback to the 135,700 children" concerned. The delay was not allowed, the consequence being the withdrawal of increased numbers of white children from public schools and their enrollment in private schools—that is, those who could afford it.

Mr. President, the problem before us all is not only a legal and a constitutional one; it is also, and first of all, a human problem—one of education, of children, of hearts, and minds—both those of white children and Negro children—which are suffering, indeed disregarded, in the tumult and the shouting. There are here, as nowhere else, practical and human problems involved which call for the highest degree of understanding and compassion and wisdom, and for the greatest patience we can bear.

At this point, I would like to recall to Senators some expressions used by the Supreme Court itself as to the gravity of this situation, and as recognizing the difficulty of solving it: Today, education is perhaps the most important function of State and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment.

In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms, Negroes and whites alike. Hearts and minds may be affected in a lasting way by circumstances under which education is afforded. Responsibility for public education is primarily the concern of the States.

There is a diversity of circumstances in local school situations. School plans may be reasonably designed to meet legitimate local problems. Practices, habits, and customs of generations may be recognized as indisputable facts in considering the change of school systems. There is no universal answer to the complex problems of desegregation. Whatever plan is adopted will require evaluation in practice.

A doctrinaire approach to desegregating schools may lower educational standards or even destroy public schools in some areas. No court can have a confident solution for a legal problem so closely interwoven with political, social, and moral threads as the problem of establishing fair, workable standards for undoing de jure school segregation in the South.

Mr. President, quotes are not placed

around the statements in the preceding paragraph; yet, all of them—save one or two sentences—are taken from Supreme Court opinions on this question which is gnawing at the heart of America; and those phrases are taken from the Fifth Circuit case already mentioned. Certainly, they indicate the Court's awareness of the difficult, highly complex, human, social, educational and cultural problems involved. Would that the Court, in all its wisdom, had actually given more weight to these considerations in the decrees and orders it has issued. One may well grant that 8 or 12 years or 15 years is a slow pace in solving such a problem, but for how many generations has it existed?

We all are impatient that we cannot, overnight, push a mighty button and see all our problems disappear. We are equally frustrated because, knowing no magic button exits, we cannot, by even the most superhuman effort, begin to solve some of the many other complicated problems before us today. One may mention, among others, pollution, the arms race, and the problems of the poor. Democracy, however, in the words of Plato, being "a charming form of government, full of variety and disorder," it is not given to us, no, not even to Senators, not even to Supreme Court Justices, to so easily or quickly turn around the course of events and solve problem so readily. It takes, not time alone, but understanding to the point of widsom and, perhaps above all, compassion—compassion not only for the students involved—though that above all—but also for the cities and communities and States torn with such problems.

For these problems are human, make no mistake about it—as human as any we are ever likely to encounter, no matter how long or in what capacity we serve this country, or our individual States. I regret that my words cannot conjure up before you the actual picture of what the cold figures of forced integration mean, to black and white alike—to the allegiance to their former school, to the trust placed in former teachers to friendships torn asunder and even to the forced separation of sisters and brothers in the same family by shifting them to different schools, but—most and preeminently of all—to the education of the children, for is that not what the hue and cry is all about?

Previously, on January 28, I placed in the RECORD an article about Yale Prof. Alexander M. Bickel's forthcoming book, "The Supreme Court and the Idea of Progress." The article appeared in the National Observer and was titled "Doubts Grow About School Integration." Even before that, Joseph Alsop, writing in the Washington Post of December 3, 1969, remarked on this work. Mr. Alsop quoted in his column, a single sentence which presumably indicates the thrust of Professor Bickel's book:

> The Warren Court's noblest enterprise—school desegregation—and its most popular enterprise—reapportionment—not to speak of the school prayer cases and those concerning aid to parochial schools, are headed toward irrelevance, obsolescence, and, in large measure, abandonment.

Professor Bickel, in his book, argues that the Supreme Court, in its desegregation rulings, beginning with the history-making Brown against Board of Education decision in 1954, should have contented itself with finding only that legally enforced school segregation is unconstitutional. Professor Bickel argues that in going beyond that principle to maintain that separate educational facilities are inherently unequal, the Court bases its reasoning on dubious sociology and a parochial view of American education, one holding that education's main duty is to promote assimilation.

Yet, in forced desegregation we merely force more whites into the suburbs or into private schools, leaving, Professor Bickel argues, only the poor—black and white—in city schools. The thesis of this work is one we should all remember for years to come: that the courts, and, in particular, the Supreme Court, are imperfect instruments of social and political reform, which, in virtually all cases, should be left to the people's elected representatives, in the legislatures and in the Congress.

In the latest development of this matter to come to my attention, Professor Bickel has written an article appearing in the New Republic for February 7, entitled "Desegregation: Where Do We Go From Here?" This article sets forth the following point: to dismantle the official structure of segregation, even with good faith cooperation, is not to create integrated schools, any more than such schools are produced by the absence of an official structure of school segregation in the North and West.

> The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly, it creates as many problems as it purports to solve, and no one can be sure that even if accomplished, it would yield an educational return.

Professor Bickel goes on to develop the point that, while the Supreme Court originally barred segregation, later thinking developed to set a point that it was demanded that students, faculties, and administrators had to be shuffled about so that an entirely or almost entirely black or white school would no longer be characterized as such. Residential zoning, pairing of schools by grades, busing, and transfers have been employed to insure distribution of both races through the school system. But it is stated:

> However legitimate the reasons for imposing such requirements, the consequences have been perverse. Integration soon reaches a tipping point.

And resegregation sets in.

Professor Bickel argues that there is no way to prevent whites fleeing certain schools and there are no gains sufficient to offset the flight of the whites in continuing to press the process of forced integration. To pursue a policy of forced integration, according to Professor Bickel, would require pursuit of the whites with busloads of innercity Negro children, or even perhaps with trainloads or helicopter loads, as distances lengthened. The very substantial resources that would be needed for such a project have so far nowhere been committed, in any place. The reason is that no one knows or can show that such an enterprise would be educationally useful to children, black and white. Moreover, and in the long view very importantly, such large scale efforts at forced integration would almost certainly be opposed by leading elements in urban Negro communities.

As the article continues, polls asking abstract questions may show what they will about continued acceptance of the goal of integration, "but the vanguard of black opinion, among intellectuals and political activists alike, is oriented more toward the achievement of group identity." And so we find that, while the courts and HEW are rezoning and pairing schools in an effort to integrate them, Negro leaders in northern cities are trying to decentralize them, accepting their racial character and attempting to bring them under community control. In fact, some Negro leaders in the North are asking for black principals and black teachers for black schools.

As the above quotations from this article indicate, it is quite clearly Professor Bickel's view that massive school integration is not going to be achieved in this country very soon, in part because no one is certain that it is worth the cost, and he says, therefore, let us get on with education.

The de facto segregation yet existing, as it has for years, in northern cities and States has already been noted by other Senators, in a manner far more detailed than I could accomplish. That it exists, no one denies; and that it is a problem equally as complex as so-called de jure segregation, no one would deny.

Many questions rise to haunt us when we think about this subject. What does a school district have to do to change to a unitary system? What is a unitary system? Just what is the proper shape of desegregation? Is it constitutional to separate children by test scores, and suppose after this, the children end up separated by race as well? In southern cities, now, blacks and whites may be separated not only by tradition but by neighborhoods, so how much busing must a city do before it has a "unitary school system?" As, in many other southern cities and towns, neighborhoods are not segregated—certainly to the same degree as are those of northern urban areas with many "inner" or "core" cities almost all black and the suburbs almost entirely white—is a plan drawn along residential lines acceptable? Let alone how much a school district must do, how long must it do it? What if it changes attendance zones to desegregate two schools and whites then move to avoid the desegregation? Does it have to change the zones again? How many times? These questions indicate some of the actual problems confronting the States and the people—legally, socially, and educationally.

It should be recognized, as I indicated earlier, that this is not a southern problem, or a northern problem—it is an American problem. For instance, while

a fifth of the South's black pupils were in predominantly white schools last school year, this year Federal estimates are that it may be a third. Nationwide, last year 61 percent of the Negro pupils in the 49 continental States were in schools between 95 and 100 percent colored. This gap, also, as between North and South, is lessening, though, as previously published data indicates, there are many places in the North where segregation is as much a fact of life as anywhere else.

Mr. President, let us all recall that we are neither North nor South, neither East nor West. We are Americans, and it is in that spirit that we should approach and solve this problem, God willing. It is in that spirit that I speak today. Some Negro leaders, recognizing how greatly education of Negro children is suffering, are now frank to say that they prefer education first, and integration second—or maybe not at all. The national director of CORE, Roy Innis, is trying to drum up support to establish separate black school districts in the South; and civil rights leader James Farmer concedes that recently he has stopped trying to sell Negroes on integration—"They don't agree on it anymore." In my view, these men are pragmatic and have reached the nub of the whole complex problem—that it is one of education for all, black and white alike, and education first. Unless we make this our paramount concern, I fear we shall—for years to come—do grave harm to education, for all children, Negro and white. The failure is not one of South or North; the failure is one of the American dream so far to solve this human and complex problem. To forbid forced segregation is not to bring about forced integration; and to bring about forced integration, North or South, is certainly a formidable undertaking. It creates many problems—educational, social, cultural—and the question is, would the educational results be worthwhile or even beneficial at all.

Do we wish to continue to move children about like cattle? Do we want to use children—black and white—as guinea pigs in a vast social experiment, one that may be laudable—idealistically—but perhaps quite impractical realistically, at least for our day and time? Do we want to persist in trying first one mode then another—residential zoning, busing, free transfers, et cetera—hoping, somehow, to stumble onto one that may be acceptable and workable? For whatever the legal principle which governs here and how much men may agree on it, if it will not work, of what good is it to anyone and least of all to the education of children?

As has been pointed out, there are problems beyond education that should be considered. Man being a social animal, these problems fall into the social, cultural, and even economic areas. Where resegregation sets in, as it has in the District of Columbia and other large cities, where it is the result of some children fleeing to private schools, the poorest are the ones who suffer most—Negro and white. Families scrape and save, but no matter how hard they scrimp, some are simply unable to send their children to private schools, or to give them the kind of quality education we would like for all children in this country.

Granting it is wrong to classify people by race, color, or any other arbitrary standard, can the goal laid down by the courts be attained without resegregation of one kind or another? That goal, one submits, is questionable. And even if obtainable, is it right that any child should be subjected to a school system that is, to him, disagreeable? Recalling playground activities, school plays, clubs, school picnics, and all the various other activities which are part and parcel of schools in the United States, is it right that we force children to be thrown into a strange and unfamiliar milieu in which many of these things are lost to them? Will the result be harmful or good? Is it not more important to turn our attention to education first, and social movements second?

Mr. President, I do not pretend to know the answer. I suspect that neither do sociologists, educators, or psychologists. The problem is vast, complicated, deep. But what I do know is that we had best turn our best efforts, now, toward improving and guaranteeing education for all—race, color or creed notwithstanding. Reading and writing being the foundation not only of education, but also of meaningful participation in a democratic society, one may properly suggest that we cope with such problems as these and work out the sociological ones later, or perhaps reassess the value to be gained from them before making any decision one way or another. Education is the principal purpose of the public schools and is their sole reason for being. Integration should be secondary, incidental, and voluntary. Those who advocate forced integration, on the laudable pretext that people must learn to live together, are simply deluding themselves as to the efficacy of forced integration in bringing about better understanding and cooperation. All too often the result has been the opposite. Misunderstanding, suspicion, ill will, racial "incidents," and violence have rocked many schools, North and South. School officials often deny that such incidents are "racial" in nature, but the facts are not to be denied.

Mr. President, how long will our Government persist in its foolish, unwise course? Let us do all we can to give every child, black and white, the opportunity to develop its intellect and talents to the fullest, whatever its potential. It is far more important that black children be taught to read and write and add and subtract than to be hauled like guinea pigs out of their own neighborhoods and away to a strange school only that they may look into white faces. I say, Mr. President, let us first provide the opportunities for a good education to blacks and whites. This is what they will need in order to get and keep a job and to gain promotion in that job. Merely rubbing elbows with a white child will not equip a black child to grow up as a breadwinner for a family. Education is the important thing, and with it will come a better understanding and mutual respect upon the part of both black and white.

Mr. President, I have tried to speak not as a northerner or southerner, for I consider myself as neither. I do not represent a southern State or a northern State, but a border State. I speak as a Senator who is opposed to forced segregation. I speak as a Senator who is opposed to forced integration. I speak as a Senator who believes in the freedom of the individual Negro and white, to choose the associates. I have tried to speak only as a Senator and as an American and, more particularly, as one who is interested in the future of our country and one of its real strengths—the education of all, black and white alike. I speak in the national interest. I am gravely concerned that public education is going to be destroyed unless we act to save it. I hope very much that we may all assume this attitude for I fear that to continue to debate this question as representatives of sections, regions or States, North or South, liberal or conservative may accomplish little and indeed obstruct the way to lasting solutions. Quality education must not be sacrificed to the golden calf of forced integration.

Mr. President, the people of the great State of New York, recently appealed to their lawmakers to enact legislation to prevent busing to effectuate forced integration. New York is a liberal State with a liberally oriented legislature and a liberal Governor. I do not attach must significance to such terms as "liberal" and "conservative," but as the terms are today generally used, I think most everyone would agree that New York and its Governor are liberal. Yet, after full debate, the New York Legislature passed a bill and Governor Rockefeller signed it—although he had earlier threatened to veto it—ending compulsory busing of school children for the purpose of forced integration. The law became effective in September 1969.

The amendment before the Senate today is patterned after the New York law. The amendment provides that no child shall be excluded from or refused admission into any public school because of race or color, and that no child shall be compelled to attend any public school on account of race or color or for the purpose of achieving racial balance. This is a "freedom of choice" amendment, pure and simple. It treats Negro and white students alike. It gives them—Negroes and whites—freedom of choice. Who can be against freedom of choice? The Constitution requires no more and demands no less.

I shall vote for the amendment and I hope the Senate will adopt it.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the article from the National Observer entitled "Doubts Grow About School Integration"; an article which appeared in the Washington Post of January 29, 1970, entitled "Shakedowns Intimidate District of Columbia Students"; an article appearing in the Washington Post in January 30, 1970, entitled "Blacks Riot in Florida School Transition"; and an article which appeared in the Washington Post on January 21, 1970, written by Joseph Alsop, entitled "Interracial Violence in Schools Requires A Wide Survey."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DOUBTS GROW ABOUT SCHOOL INTEGRATION

WASHINGTON, D.C.—A new word has entered the debate over segregation and integration in the nation's public schools: resegregation.

In dozens of cities, schools and school systems once almost entirely white are turning increasingly nonwhite. This trend, produced by the familiar exodus of whites to the suburbs and nonwhites to the inner cities, has been going on for more than 30 years.

Only now, however, it is becoming a matter of prime concern to Federal officials. A new Federal school survey shows that racial isolation exists in every section of the country and that its growth is most rapid in the big Northern cities. This fact is raising new doubts among many long-time integrationists about the wisdom of trying to enforce desegregation in the schools. Items:

Several years ago, the Cleveland Board of Education searched the city for a new high-school site that would permit optimum racial integration. They settled on a neighborhood of modest owner-occupied homes near the suburb of Shaker Heights that was 60 per cent white, 40 per cent black. But when John F. Kennedy High School opened in 1965, 95 per cent of its pupils were black. "There's no question the decision to open that school accelerated the departure of whites," says Mrs. Cornella Coulter Brown, administrative assistant for the Cleveland schools.

Edmondson High School on the west side of Baltimore was 80 per cent white when it opened in 1957. Today there are 25 whites out of its student population of 2,700. "This is a well-kept-up residential area," says assistant principal Margery W. Harris. "But once the school turned half-black, it turned rapidly almost 100 per cent black. The whites just moved out or took their children elsewhere."

Heavy Negro migration gave the District of Columbia's schools a Negro majority as early as 1950—four years before the Supreme Court's watershed desegregation decision. In 1970, with the schools 95 per cent nonwhite, middle-class Negroes are fleeing—just across the boundary to neighboring Prince George's County, Maryland. The interesting thing about Prince George's enrollments this year, however, is not that the number of new blacks is up but that the number of new whites is down. No one knows exactly why, but one administrator muses: "The whites are moving to other Washington suburbs rather than to Prince George's."

In city after city in the North, the story is the same: Schools once all or nearly all white are drawing nonwhites in increasing numbers. When they reach a "tipping point" of 30 to 50 per cent, the whites move out and the schools become rapidly almost entirely nonwhite.

The extent of resegregation in the North has never been known with any certainty. But the Department of Health, Education, and Welfare (HEW) undertook a survey of the racial composition of 90 per cent of the school districts in the country during the 1968–1969 school years, and fed the returns into a high-speed computer. The results, released Jan. 4, portray a system of segregated education that knows no regional boundaries.

The survey shows, for example, that 5 out of 10 Negroes outside the South attend schools 95 to 100 per cent Negro, as opposed to 7 out of 10 Negroes in the 11 Southern states. Only 25 per cent of the Negroes outside the South attend majority-white schools, as contrasted with 18 per cent of the Negroes in Southern schools.

The survey shows too that 10 of the largest 20 city school systems in the country have majority Negro enrollments. In 16 of those systems, 60 per cent or more of the Negroes go to schools 95 to 100 per cent Negro—almost totally segregated.

A STENNIS CHALLENGE

Federal officials say they are deeply troubled by the extent of segregation the survey has uncovered. Sen. John Stennis, Mississippi Democrat, first previewed the findings in a series of speeches in December, in which he challenged the Government to pursue desegregation in the North with the same vigor it is pursuing desegregation in the South. "If segregation is wrong in the public schools of the South," he argued, "it is wrong in the public schools of all other states."

Mr. Stennis made the point in arguing that the Government should ease up on its efforts to promote desegregation of schools. Leon E. Panetta, HEW's chief civil-rights officer, on the other hand, told Congress two months ago that the answer is not to make segregation legal in the South but to pass legislation making it illegal everywhere.

Last week, in a pensive mood, Mr. Panetta reflected on the emerging pattern of resegregation in America and said: "Nobody really is considering what the answers to this situation are, and whether there aren't new injustices resulting from rectifying gross past injustices."

Ever since the Supreme Court held in 1954 that state-supported racial segregation was a denial of equal educational opportunity, the courts have been trying to undo the vestiges of the South's dual school system. With the passage of the 1964 Civil Rights Act, the Justice Department and HEW joined the battle to force recalcitrant school districts to adopt plans of racial balance.

TURNING ATTENTION NORTH

In the past two years, both agencies have begun turning their attention to school discrimination outside the South, but only a handful of non-Southern districts have been cited for discrimination. This is because racial separation in Northern districts is generally regarded as *de facto* segregation, a result of housing patterns, rather than—as in the South—*de jure*, the result of official law or policy.

Last week, in the second of seven suits filed by the Justice Department in non-Southern districts, a Federal district court ordered the Pasadena, Calif., school board to put into effect by next September a desegregation plan that would give none of its schools a nonwhite majority. The district—30 per cent black, 58 per cent white, and 12 per cent other minorities—was accused of discriminating in the making of school district boundaries, teacher assignments and other ways.

So far, few courts have held that the existence of *de facto* segregation itself is proof of discrimination, and the Supreme Court has not ruled on the issue. Yet the disparity continues between what is forbidden in the South and what is tolerated in the North, and the pattern of Northern separation begins to look more like its Southern counterpart.

For example, 17 Florida school systems, with two-thirds of the state's pupil population, are currently under Federal court orders to desegregate, two of them by Feb. 1 under a Supreme Court order. Seventy-two per cent of the Negro students in Florida attend schools in which Negroes constitute 95 to 100 per cent of the enrollment.

Yet 72 per cent of the Negro students in Illinios, according to the HEW survey, also attend schools with 95 to 100 per cent Negro enrollment, and there are no court orders compelling desegregation in Illinois. In fact, it can be argued there is more segregation in Illinois than in Florida. Theoretically it should be easier for Illinois, where Negroes make up 18 per cent of the student population, to place Negroes in majority-white schools than for Florida, where they make up 23.2 per cent. Yet there are proportionately more Negroes in majority-white schools in Florida (23.2 per cent) than in Illinois (13.6).

It seems likely that the courts will not for long be able to postpone consideration of such discrepancies in the application of national law. For a few Southern school districts, which have desegregated in accordance with the law, now find themselves victims of resegregation, ostensibly as a result of shifting housing patterns. One such district is Atlanta, where integration began eight years ago as the result of court suits initiated by the NAACP and other civil-rights groups.

TWO ESCAPE ROUTES

Since that time, 25 schools that were formerly all-white have turned predominantly black, as white parents have followed one of the two legal escape routes open to them: a private school or a home in the suburbs. Today, the school system, predominantly white before integration, is two-thirds black, but adjoining, suburban school systems are 80 to 95 per cent white.

If this appears to be *de facto* segregation Northern-style, Atlanta—because it had a dual school system until recently—is nonetheless still subject to a Supreme Court order of Jan. 14, requiring desegregation of schools in Georgia and four other Southern states by Feb. 1.

Southerners have long been grumbling about what they wryly refer to as "this dual system of justice" (one for the North, another for the South), and they are beginning to organize to combat it. Last week, Florida's Gov. Claude Kirk appealed to the U.S. Supreme Court to set national desegregation standards that would affect all 50 states. And the attorneys general of Louisiana, Mississippi, and Alabama announced a joint legal effort designed to ensure that "the same rules for administration of public schools" imposed by the Federal courts in the South apply to all other states."

The forces attempting to undermine enforced desegregation will get an unexpected assist next month with the publication of a book by Harper & Row, which challenges the Constitutional basis of court-ordered integration.

Entitled *The Supreme Court and the Idea of Progress*, and written by Yale University's Alexander M. Bickel, a Constitutional law authority of impeccable credentials among civil rights advocates, the book is an expanded version of the Holmes Lectures, which Professor Bickel delivered at Harvard Law School in October.

In a chapter on the Supreme Court's desegregation rulings, Professor Bickel argues the Court, beginning with the history-making *Brown* v. *Board of Education* decision in 1954, should have contented itself with finding that legally enforced school segregation is unconstitutional.

DUBIOUS SOCIOLOGY?

In going beyond that principle to argue that separate educational facilities are inherently unequal, says Professor Bickel, the Court based its reasoning on dubious sociology and a parochial view of American education, which holds that education's main duty is to promote assimilation. As a result, says Mr. Bickel:

"In most of the larger urban areas, demographic conditions are such that no policy that a court can order, and a school board, a city, or even a state has the capability to put into effect, will in fact result in the foreseeable future in racially balanced public schools."

Enforced desegregation, in other words, will merely force more whites into the suburbs or into private schools, leaving, Professor Bickel argues, only the poor—black and white—in the city schools.

It should be noted that there are many successful experiments in racial desegrega-

tion of schools. Several dozen Northern school districts, according to HEW estimates, have achieved full and voluntary integration by such techniques as altering attendance zones, busing and pairing of students to achieve racial balance. In White Plains, N.Y. for example, a quota system introduced in 1964 has not resulted in an exodus of whites. No school may have more than a 30 per cent or less than a 10 per cent enrollment of minority-group students.

But such plans; officials say, generally work in small or medium-size cities (White Plains' population: 65,000), where the population is stable and the blacks are in the minority. They often require, in addition, a rare degree of local leadership.

Central cities, on the other hand, experienced an increase of 2,400,000 in the Negro population between 1960 and 1968, and a decline of 2,100,000 in the white population, according to Census Bureau figures. While the figures are open to various interpretations, they nonetheless make it clear that great numbers of whites do not consider integration a primary social goal.

CHANGING NONWHITE ATTITUDE

Integration seems to be losing its attraction among nonwhites as well, at least as a short-run goal. Civil-rights leader James Farmer, now a high Nixon Administration official, said recently he has stopped trying to "sell Negro audiences on integration." The reason: "They don't agree on it any more."

In Philadelphia, where 60 per cent of the Negro school children attend schools that are 95 to 100 per cent Negro, officials report waning enthusiasm for busing black students to white schools to relieve overcrowding. "The people want to go to their neighborhood school," says school spokesman Robert S. Finarelli. "It's the state, not local people, pressing us for a desegregation plan."

The educational argument for integrated schools is based on the premise that minority-group children make their greatest achievement gains in an integrated environment. Numerous studies over the years, including the mammoth Coleman Report, issued by the U.S. Office of Education in 1966, have documented this thesis.

Conversely, there is relatively little information to indicate that spending more money in black schools in the slums does much good. "Most experiments in improving ghetto education have, quite frankly, been failures," says a U.S. Office of Education official.

That is why Government "integrationists" are so disturbed by the new finding of racial resegregation in the public schools. Leon Panetta, HEW's 31-year-old civil-rights chief, throws up his hands and shrugs. "We need a congressional examination of this whole question of the results of integration," he says. "In the meantime, we do what the law says we should do."

SHAKEDOWNS INTIMIDATE DISTRICT OF COLUMBIA STUDENTS

(By Carl Bernstein)

On Tuesday, police arrested a 12-year-old student at Simon Elementary School in Southeast Washington and accused him of robbing a classmate, Ernest Powell, 11 of a quarter.

The suspect was charged with a crime called "robbery fear"—meaning that fear was the weapon used in the alleged robbery.

Robbery-fear, which a layman might call extortion, is an accepted fact of public education in and around many of Washington's schools, according to police, students and school officials.

The problem has become so acute in at least one school—Shaw Junior High—that some students stay home out of fear, according to the principal.

"Essentially these incidents are shakedowns," says Officer James Gainer of the Washington police youth division.

"It's a continuous problem at all levels in the schools. The only thing unusual about the Simon case is that there was an arrest. Usually, the kids are too scared to complain about it."

Ernest told police he became frightened Tuesday when he saw a schoolmate walking toward him on the Simon playground at Mississippi Avenue and 4th Street SE.

The same boy had taken money from him before, after threatening to beat him, Ernest reported. Ernest also was beaten and robbed several weeks ago by three boys as he walked home from school, according to his grandmother.

So, on Tuesday, he handed his 25-cent daily allowance to a friend when he saw the same schoolmate walking toward him.

The student later charged with robbery then approached both boys and demanded the quarter he had seen Ernest pass to his friend, assistant principal Gloria S. Ingram said.

Kenneth Mathis, Ernest's 12-year-old companion, wasn't about to argue: In December, another student had taken $1.50 from him after threatening to beat him, his mother said yesterday.

"A quarter just isn't worth getting messed up over," she observed.

Police report that Anacostia—where Simon Elementary is located—has been particularly hard-hit by student shakedowns, although there seem to be few schools in the District unaffected by the problem.

"There's even a bridge near here that the children call the toll bridge," Principal James Carter of Hart Junior High School said yesterday. The school is located at 601 Mississippi Avenue SE.

The bridge, which crosses Oxon Run near Valley Avenue, takes its name from older students who "shake down smaller children before they let them go across," Carter said.

The Hart principal, who recently testified before Congress on safety problems in District schools, said shakedowns have become less frequent since increased police protection was ordered for schools in Anacostia two months ago.

"I'm sure it's still going on though," he added. "And it's going to get worse when the weather gets warmer."

According to police, most student shakedowns are committed either by older or bigger students or groups of three or four who will pick on a lone student.

"We could do something about it," says Officer Gainer of the youth division, "but the victims are afraid to complain. They know that kids have been beaten up for talking."

Even when students complain to school officers, Gainer says, a shakedown rarely results in an arrest.

"When it comes time for a confrontation, the kid who has done it says, 'I didn't take anything; I asked for a loan.' And then the one who go robbed gets scared and says maybe it was a loan after all."

Conversations with principals, students and teachers at a dozen schools in all areas of the city yesterday resulted in assertions that students at all 12 schools have been experiencing shakedowns.

In addition to Simon, the schools checked were Carver (in Northeast), Congress Heights (SE) and Langston (NW) elementaries; Alice Deal (NW), Hart (SE), Shaw (NW), Stuart (NE) and Randall (SW) junior highs; and Western (NW), Eastern (NE) and Ballou (SE) high schools.

"We need everybody on duty in the halls all day because of the problem," said Principal Percy Ellis of Shaw Junior High at 7th Street and Rhode Island Avenue NW.

"At lunch time it's terrible . . . We have at least one (shakedown) reported every day but there are a lot more than that going on. Some of the girls do it, too.

We've had complaints where students wouldn't come to school. The mother would go to work and then the student would slip back home because he was afraid he'd lose his money or get beaten up," Ellis said.

At Alice Deal Junior High in Upper Northwest, a teacher reported that lunchtime shakedowns are becoming more frequent.

"Sometimes if a student won't turn over money he'll get his lunch tray snatched," the teacher said.

At Western High in Georgetown, students who take buses to school from the inner city say they have been shaken down by schoolmates who ride with them.

"It goes on all the time," said a sixth grader at Congress Heights Elementary School, 5th Street and Nichols Avenue SE. "There's nothin' you can do about it if there's a bunch of them or if somebody's bigger than you are . . . If you report it to the principal, they'll beat you up."

Leroy Dillard, a former principal who now is assistant to Acting School Supt. Benjamin Henley, says shakedowns "are nothing new . . . but like everything else they've taken a turn for the worse.

"Many people have considered them a minor problem before," Dillard says, "but they're a frightening and traumatic thing for many of our children . . .

"I really believe it's a way of life for some of these kids. It's survival of the fittest; it's a reflection of our whole community. They know they're wrong, yet it is part of their living."

The shakedowns will stop, Dillard believes, "only when we get people aroused to the point where they want to make their communities, neighborhoods and schools safe."

BLACKS RIOT IN FLORIDA SCHOOL TRANSITION

GAINESVILLE, FLA., January 29.—Several hundred black students ran screaming into the street from Lincoln High School today, stoning cars and attacking passersby in apparent frustration over the closing of their school. Police quelled them with tear gas.

At least two persons were reported injured in the outburst of violence at the school, due to be closed after Friday under the Supreme Court's desegregation orders.

Several cars were damaged and school windows were smashed. One man, identified as Charles Tanner, was injured by a brick that smashed his windshield. A woman was reported dragged from her car and beaten.

After the crowd dispersed, police roped off the area and authorities cancelled Friday's classes.

Lincoln is part of a school district ordered by the Supreme Court to begin operating totally desegregated schools by Feb. 1. Under school board plans, Lincoln will be closed and its students integrated with those at Gainesville High.

The black students of Lincoln and their parents have bitterly protested the closing. In December, many of them boycotted the school to protest the closing and returned only after a judge threatened to cite them for truancy.

INTERRACIAL VIOLENCE IN SCHOOLS REQUIRES A NATIONWIDE SURVEY

(By Joseph Alsop)

It is a hundred to one bet that President Nixon's report on the state of the nation will take no note of a key fact so dangerous that everyone in this nation ought to be thinking about it.

The fact is that something perilously close to race war has now begun in just about every integrated high school in the United States. This is not a Southern problem. It is a nationwide problem, with future political implications so grave that we dare not go on being ostriches about it.

First, however, let us examine the facts, which are not easy to ascertain with absolute precision. This reporter began the attempt about 10 days ago. The spur was a talk with young men in the Office of Education, whom Commissioner of Education James

Allen had told to go out and find out, on the spot what was really happening to the U.S. school system.

Their story, as some may remember, as downright hair-raising. They estimated that one-half the center city high schools and about 30 per cent of the suburban high schools had serious hard-drug problems. They further told a melancholy tale of widespread interracial violence in the high schools.

This seemed serious enough to call for further inquiry, and inquiries were duly made. School officials were queried. So were leading figures in the academic-educational world, like Dr. John Naisbitt, of the Urban Research Corporation, which is linked to the University of Chicago, and Prof. Mark Chesler, of the Institute for Social Research at Wisconsin University.

Concerning the racial problem, the results of these inquiries were so disturbing that a more scientific, high-school-by-high-school nationwide census is clearly in order. God pray such a census, if taken, will show different results from the spot check thus far made.

One must make that prayer, because the spot checks failed to reveal *any* integrated high school, anywhere at all, that was free of the poison of simmering racial conflict. Mercifully, it is mostly just simmering—taking the form, that is, of minor aggressions between whites and blacks.

In too many places, moreover, the simmering conflict has already boiled up, or may soon boil over, into major violence between whites and blacks. And in New York, Chicago and elsewhere, there are actually high schools where the race war is so serious that large numbers of police have to be continuously stationed in the school buildings.

The trouble centers in the high schools for two obvious reasons. One is the fact that high school pupils have reached fighting-age. The other is the fact that pupils from different neighborhoods, often with little prior experience of integrated schooling, naturally tend to be mixed up together when they go on to high school.

With reason, Commissioner Allen is deeply concerned about this problem. Last Monday, he held a meeting with men from other potentially interested federal agencies, in the Justice Department and elsewhere. The topic was possible federal leadership in the search for a solution of the problem.

In a few high schools again, although the conflict is still there, something is at least being done about it. In Cleveland, for instance, Shaker Heights High School has inaugurated what are called "dialogue groups." And it offers human relations courses, and is experimenting with other ways to keep things cool.

Yet the widest inquiries have failed to locate any truly informed man of goodwill who is not deeply discouraged. If you consider the problem politically, moreover, this problem is not just a source of discouragement about the orneriness of human nature. It is a source of really frightening danger to the American political future.

Anyone ought to be able to figure out the automatic effect of racial attitudes of both parents and pupils of virtually omnipresent racial conflict in the integrated high schools. Even if there are no more than minor aggressions, requiring no outside intervention, causing no public clamor, the effect must still be the widespread promotion of prejudice and hatred.

The nauseous George C. Wallace has already spotted that. He is now out to solidify his Southern support by exploiting the special Southern school situation. But he will surely be heard from all over the country, unless the decent majority of both races goes into action pretty quick.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Mr. President, as a lawyer the Senator has given one of the soundest and most impartial viewpoints regarding the law and all its implications that I have ever heard on this immediate subject.

I think it is outstanding and will contribute greatly not only to this debate, but also to the history of the problem.

There is a solution of some kind on the way. And I believe that a great deal of the solution will be based on many of the things the Senator has said.

We owe the Senator a debt of gratitude for the preparation of his speech and the effort he devoted to the subject.

The Senator said that he speaks not as a southerner or as a northerner. But he certainly speaks as a sound lawyer who has a great knowledge of our system of government and the practicalities of this problem.

I do think that we are all interested in the problems that the Senator described so well.

I believe that a great part of his thought will be involved in the permanent solution of the problem.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. ERVIN. Mr. President, I congratulate the distinguished Senator from West Virginia on the fine exposition he has made concerning the 14th amendment and the impact which forced integration has upon the liberties of the American people and the social questions which this matter has involved.

I would like to ask the Senator if all of these things being done to force integration are not being accomplished under the pretext that they are authorized by the equal protection clause of the 14th amendment.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. ERVIN. Mr. President, the equal protection clause of the 14th amendment says, in very simple language, that no States shall deny to any person within its boundaries the equal protection of the laws. Was that language not placed in the Constitution to deny States the power and the right to have one law for one man or one group of men and another law for another man or another group of men, when those men or group of men were in similar circumstances?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. ERVIN. Also, does not the equal protection clause mean this and nothing more—that a State is required to treat in like manner all persons in like circumstances, or, to state it in a negative way, a State is prohibited from treating differently people who are similarly situated?

Mr. BYRD of West Virginia. The Senator is again correct.

Mr. ERVIN. The Senator has performed a real service by pointing out the paradoxical situation which has transpired in our country in this area. As the Senator so well and so eloquently indicated, in 1954 the Supreme Court held that under the equal protection clause a State could not deny to any child admission to any school for which the child was otherwise qualified.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. ERVIN. Now, the same Court is trying to twist that around and say that the equal protection clause requires the State to treat children differently and requires them to take into consideration their race.

Mr. BYRD of West Virginia. The Senator is correct. Moreover, in the intervening time there has been no change in the verbiage of the 14th amendment.

Mr. ERVIN. I would like to ask the Senator if the 14th amendment is not a limitation of certain prohibited action on the part of the State and that it has no reference to individuals.

Mr. BYRD of West Virginia. The Senator is correct and the courts have so interpreted it in the past.

Mr. ERVIN. I will ask the Senator if there is any basis whatever for construing the equal protection clause as establishing any limitation whatever on the freedom of any individual.

Mr. BYRD of West Virginia. I believe not.

Mr. ERVIN. Is not the effort to impose forced integration upon the schools of the South an effort to deny little children their freedom because it denies them the right to go to their neighborhood schools and requires them to go to another school, or to remain in the neighborhood school, solely on the basis of race?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. ERVIN. I ask the Senator from West Virginia if he noticed an article in the press recently where a little 14-year-old boy out in Oklahoma, obeying all the instructions of his parents, refused to get on the bus and ride to a new school to which he had been assigned by the court?

Mr. BYRD of West Virginia. Yes; I recall reading of that disgraceful episode.

Mr. ERVIN. Does not the Senator from West Virginia agree with the Senator from North Carolina that if the Bible emphasizes one thing over another in the duty of children, it is that they obey their parents?

Mr. BYRD of West Virginia. There is no doubt about it. That is one of the Ten Commandments—that they honor their father and their mother.

Mr. ERVIN. According to the press statement, did not the United States marshal, the highest law enforcement officer in the United States, take this 14-year-old boy, whose only offense was that he obeyed the instructions of his parents, and place him in custody until the school to which he was supposed to go had closed?

Mr. BYRD of West Virginia. The Senator is correct, to the everlasting discredit of the marshal and those who required the Federal official to so act.

Mr. ERVIN. Did the Senator read a few days later that the Federal judge who issued this decree took the little boy's mother and father, placed them in jail, and fined them $1,000 each?

Mr. BYRD of West Virginia. The Senator is correct. The whole episode was a shameful commentary on American justice.

Mr. ERVIN. We had an order issued by a district court in North Carolina a few days ago requiring the busing of 5,000 black children from black sections to other sections and the busing of 5,000 white children from white sections to other sections.

I received a telephone communication from the father of a fifth grade girl. He told me that he and his wife moved to Charlotte a few months ago; that he had spent 4 months trying to find a house they were financially able to purchase; close to a school; and that at long last they found a house one block from the school. Now, under order of this judge, their 5-year-old daughter will have to be placed on the bus each day and transferred to a school in a different part of the area. She will have to spend 2½ hours a day riding to and from school on the school bus. Does the Senator think that this bus ride contributes anything to the education of that little fifth grade girl or contributes anything to the respect we think citizens of the United States should have for their Government?

Mr. BYRD of West Virginia. Quite to the contrary, I think it contributes to discontent on the part of the child and the parents, and disrespect for the public school system and the court system in the United States.

Mr. ERVIN. I wish to ask the Senator one or two questions about the courts. If the Senator does not care to respond to the questions, it is all right with me. I do not mind talking about the courts, because to me tyranny on the bench is just as reprehensible as tyranny on the throne. I would like to ask the Senator, in view of recent efforts to bring about forced integration as speedily as possible, if the Supreme Court has not refused hearings to Southern States and the Governors of Southern States, and rendered adverse judgments, without having a hearing or giving State representatives an opportunity to be heard.

Mr. BYRD of West Virginia. Summarily so.

Mr. ERVIN. Of course, we are all accustomed to the old philosophy that justice is blind; but do we not have a right to expect that justice will not be deaf?

Mr. BYRD of West Virginia. I agree.

Mr. ERVIN. Is it not denial of due process to refuse to give a hearing to a person who wishes to be heard?

Mr. BYRD of West Virginia. I should think so.

Mr. ERVIN. I wish to ask one question about freedom of choice. A freedom of choice system which gives the parents of all the races the right to select the school their children attend is certainly in perfect harmony with the equal protection clause of the 14th amendment in that it treats all persons in like circumstances alike. Is that not correct?

Mr. BYRD of West Virginia. If it is a bona fide freedom of choice, and not one meant to subvert or serve as a subterfuge in order to avoid living up to the decision of the court in the Brown case of 1954.

Mr. ERVIN. In other words, where the school board, acting in good faith, opens up all schools under its jurisdiction to children of all races and allows the parents of those children to select the school they attend, that is about the finest and fairest way the equal protection clause rightly interpreted can be considered. Is that not true?

Mr. BYRD of West Virginia. To my thinking it is.

Mr. ERVIN. Does the Senator from West Virginia recall that about 2 years ago Congress passed a law making punishable by fine or imprisonment those who used force or the threat of force to dissuade a person from enrolling or attending any school on account of that person's race?

Mr. BYRD of West Virginia. Yes.

Mr. ERVIN. So if the Department of Justice enforces a law there can be no use of violence or threat of violence to prevent any child of any race from attending a school because of race.

Mr. BYRD of West Virginia. Or to compel him to attend any school on the basis alone of race or color.

Mr. ERVIN. I agree with the Senator. I do not see how any American who believes what America has always proclaimed, namely, that freedom of the individual is the supreme value of civilization, can oppose freedom of choice in the assignment of students to schools. This is true because, to my mind, when you give the parents of children of all races the right to select the school to attend you give them an equality of freedom and that is certainly the American ideal. Is it not?

Mr. BYRD of West Virginia. I think it is.

Mr. ERVIN. I thank the Senator. I wish to compliment the Senator again on such fine presentation of the law, the Constitution, the social problems involved, and the impact which forced integration is having on the freedom of our people.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from South Carolina.

Mr. THURMOND. I would like to commend the able Senator from West Virgina upon the objective and impartial manner in which he has presented what I would consider an eloquent and a brilliant address on the subject of freedom of choice. I think the Senator from West Virginia has put his finger on the key point in the Brown decision and the decisions of the courts in distinguishing between desegregation and integration. The Brown decision held that schools must be desegregated. That means that the schools must be open to all children of all races.

Integration is an entirely different matter. Forced integration means that a child must be forced to integrate, must be forced to go to another school. The court did not go that far.

Freedom of choice is, in effect, complete desegregation. It opens all schools to all children of all races; and, as I understand, that is the position of the Senator from West Virginia as he has spoken here today. Is it not?

Mr. BYRD of West Virginia. The Senators is correct.

Mr. THURMOND. The Senator was here in 1964 when the Civil Rights Act was passed. Does the Senator know of anything in that act that gives authority for an order to achieve racial balance in any school by requiring the transportation of pupils or students from one school to another, or one school district to another, or to enlarge the existing power of the courts to insure compliance with constitutional standards?

Mr. BYRD of West Virginia. Quite to the contrary. The junior Senator from West Virginia was assured at that time by the then Senator from Minnesota and majority whip, later Vice President, Hubert Humphrey, that there was nothing in the act which could be regarded as requiring any State to take any action to overcome racial imbalance in the public schools.

Mr. THURMOND. In fact, did not that act of 1964 define desegregation as not meaning the assignment of students to public schools in order to overcome racial imbalance?

Mr. BYRD of West Virginia. Precisely so.

Mr. THURMOND. That was a definition in the act?

Mr. BYRD of West Virginia. Unquestionably so.

Mr. THURMOND. In the last appropriation bill it was provided that funds contained in that act would not be used for the forced busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parent or parents in order to overcome racial imbalance. Is that not exactly what the orders are being issued for today in many cases, or is the Senator familiar with it?

Mr. BYRD of West Virginia. Well, it appears that they are to be so regarded as requiring action to overcome racial imbalance and to bring about some degree of racial balance. This is prohibited by the 1964 act, and it is not required by the 14th amendment to the Federal Constitution.

Mr. THURMOND. Two districts in my State were ordered to desegregate immediately. They are not segregated. Both districts had opened all of their schools to children of all races. It is really forced integration. That is what they are being required to do now.

In the same appropriation bill to which I referred, section 410 provides that funds contained in the act shall not be used to force busing of students as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

That is being violated today. The Federal Government is threatening to withhold funds unless they integrate.

These districts in South Carolina are not being required to desegregate—they are already desegregated; they are being required to forcefully integrate and to abolish certain schools and to bus to other schools miles away. That is completely contrary to the Constitution.

The Civil Rights Act of 1964 provides power to Congress to forbid the use of public funds to create racial imbalance, but it has to be proved that this is the result of a State law or deliberate discrimination locally. Is that correct?

Mr. BYRD of West Virginia. I believe so.

Mr. THURMOND. In many places today parents are being forced to bus their children or to send them to a distant school in order to correct racial imbalance. Today when I spoke at St. John's University in New York, I brought out some figures showing the situation there. The students, I may say, seemed to be amazed. For instance, in New York City, the very city in which the school is located, 80 percent of the blacks are in schools over half black, 44 percent in schools over 95 percent black, and 34 percent in schools 100 percent black. That is in New York City. More than one-third of the blacks there are in 100-percent black schools.

It is very difficult for the people down South to understand why, when integration exists on such a vast scale in some of the Northern States, and in the South all schools are desegregated and open to students of all races, forced integration must be practiced there.

I also brought out, for instance, with respect to the percentage of desegregation, that in Chicago only 3.2 percent of the schools are integrated, leaving 96.8 percent segregated.

In Gary, Ind., the figure is 3.1 percent, leaving 96.9 percent segregated.

In Buffalo, N.Y., it is 31 percent, leaving 69 percent segregated.

In St. Louis, Mo., it is 7.1 percent, leaving 92.9 percent segregated.

I gave the figures for New York City—19.7 percent, with 80.3 percent segregated.

In Cincinnati, it is 29.8 percent, leaving 70.2 percent segregated.

In Milwaukee, it is 22.4 percent, leaving 77.6 percent segregated.

Again, I want to congratulate the distinguished Senator from West Virginia. I think he has made a very fine contribution here on the floor of the Senate today, and I think he has made one of the finest, one of the most objective, and one of the most enlightening speeches on this subject I have heard on the floor.

Mr. BYRD of West Virginia. I thank the Senator. I strove to make it an objective one, and I hope it was an objective speech.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JORDAN of North Carolina. I want to commend the able Senator from West Virginia for the fine speech he has made. I think it is certainly one of the ablest and most descriptive speeches we have had on this subject.

As the Senator pointed out, his State is neither a Northern State nor a Southern State, but a border State; and his speech was objective. It was not biased one way or the other.

Mr. BYRD of West Virginia. If the Senator will yield, West Virginia extends farther north than Pittsburgh, Pa., farther east than Buffalo, N.Y., farther south than Richmond, Va., and farther west than Columbus, Ohio.

Mr. JORDAN of North Carolina. So the Senator has a pretty good idea of East and West, North and South.

Mr. BYRD of West Virginia. I like to think so.

Mr. JORDAN of North Carolina. The Senator does, and he certainly brought out all the facts in the Supreme Court decisions down to date.

Mr. BYRD of West Virginia. Further, along that line, if the Senator will allow me facetiously to comment, West Virginia is the State where the East says "Good morning" to the West and where Yankee Doodle and Dixie kiss each other "Good night."

Mr. JORDAN of North Carolina. As the Senator knows, I am not a lawyer. But I wish to associate myself with the remarks of my senior Senator and colleague from North Carolina. I do not think there is a better lawyer in the Senate than he. I think he is one of the ablest constitutional lawyers there is, and I wish to associate myself with the discussion he had with the Senator from West Virginia relative to the constitutionality of the matter we are discussing now, which the Senator agreed to and they discussed at length, because I know he is correct in his position.

So far as I know, we have no problem with the freedom of choice in our schools in North Carolina. The schools in the little neighborhood where I live, and which my grandchildren attend, are integrated. I have heard no complaint about it one way or the other. They are getting along all right. All we ask is to let us go ahead and operate our schools in that manner.

North Carolina schools are operated by the State. All the schoolteachers, black and white, are paid the same basic salary all over the State. It has been that way for years. Compulsory education has been in existence in North Carolina for many years.

The black schoolteachers, a few years ago, as a whole, drew more salary than did the white teachers. There was a good reason for that. All starting teachers get the same amount of pay, and each year receive increases in salary. When they get a master's degree, it puts them up in another bracket. Our black teachers have conscientiously worked hard, stayed with the school system, and built up their education, their retirement, and their salaries. They have done a good job, and there has been no problem with them.

It is distressing to us to have the turmoil and strife that is being generated through some of the court orders under which we are being compelled to operate. As I said a while ago to the Senator from Minnesota, the city of Winston-Salem and that county had 422 schoolteachers who had to change schools as of February 1 of this year. Teachers had to go to brandnew schools, without knowing any of the pupils. Some of them have to drive from Winston-Salem way out in the county. The teacher starts early in the morning to go out there, and the pupil has to go back the other way.

That has not brought about harmony, nor created a better school system in that county, one of the finest counties you will find anywhere.

Furthermore, under the order they will have to close five good schoolhouses. That means the students they put in another school will cause classrooms to be overcrowded, the teachers will have a bigger load than they have had before, and that does not create a better climate for education.

They say, "You will have to build some more schoolhouses," but that costs money, and where are you going to build them?

The same thing has taken place, as I pointed out and Senator ERVIN pointed out, in the city of Charlotte, which right now is under a court order, by April 1, to bus at least 10,000 children—of course, the law says you do not have to bus them, but that is the only way they can move them from one part of the county to the other—and it will require, I am told today, at least 500 buses to accomplish that. That represents a lot of money; and they could not get 500 buses by April 1, anyway. There are not that many available. When they are available, it will cost an estimated $2.2 million just to operate those buses, to bus those children back and forth, more than the present system.

I am certain in my mind that the people of Charlotte and the people of Mecklenburg County, where this is taking place, want to have good schools. They want to treat every child alike. They want to educate the black and the white on an unbiased basis, and let them go to any school they want to in the area where they want to go. There has been no objection to that, so far as I know—no clamor and no great upheaval—but they are tremendously concerned about this order now, and it is causing chaos in our school system in that city.

That should not have to be. I hope very much that we can adopt the amendment offered by the distinguished Senator from Mississippi, which is the New York law. I am the cosponsor of that same language in another bill. All we are asking is that in North Carolina, Tennessee, Mississippi, or anywhere else, we may just operate under the same law they do. That is all we are asking. We do not want any special law, nor any special treatment. We would like to be treated like the rest of this country.

I think that the wisdom of the Senate will prevail, and that will happen.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for his legitimate concern over what is happening to the public schools in his State and elsewhere.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, I commend my distinguished friend, the able Senator from West Virginia, on the splendid, scholarly address he has given on the subject of freedom of choice, and on his discussion of the Supreme Court rulings in the matter of desegregation.

Since I have been in the Senate, I have observed the Senator from West Virginia, his statesmanlike position, the diligence with which he pursues his duties here on the Senate floor, the way that he stays in touch with his constituents, and the great public service that he is rendering to the people of his State and the people of this Nation; and I would say that the speech which the Senator from West Virginia has given on this subject today is an outstanding

speech, and one of the greatest speeches it has been my pleasure to hear since coming to the Senate.

I am a great admirer of the distinguished Senator from West Virginia. We appreciate him in our State. We appreciate his statesmanship. We appreciate the great work that he has done for this country. He is not only one of the ablest Members of the Senate, he is a great statesman for the Nation, and I feel that the distinguished Senator from West Virginia is one man in the National Democratic Party that the South would rally to in a future nationwide political race. We admire and appreciate the distinguished Senator from West Virginia, and I wanted, on behalf of the people of Alabama and the people of the South, to commend him on this great address. His logic is unassailable, his reasoning is certainly unanswerable, and I do not believe that his logic will be assailed in any future speech on the Senate floor. My commendation, again, to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for his overly generous, charitable, and gracious remarks.

Mr. STENNIS. Mr. President, if the Senator will yield, I think the Senator's handling of the equal protection clause of the Constitution of the United States on this subject matter is the best that I have ever heard. It was clear as crystal, true, and sound; and I believe his interpretation will be referred to, and finally adopted.

Mr. BYRD of West Virginia. I thank the Senator very much. He flatters me, but I would never doubt his sincerity in everything he says.

Mr. MONDALE. Mr. President, I rise again to underscore and explain my opposition to amendments Nos. 462, 463, 469, 471, 472, 473, 474, 475, and 481, which may be offered to the Elementary and Secondary Education Act. All of these amendments deal with the subject of school desegregation. They contradict decisions of the U.S. Supreme Court in this field. It appears that they are designed to cripple the school desegregation program, severely restrict the authority of title VI of the Civil Rights Act of 1964, and weaken existing protections under the 14th amendment of the Constitution. In short, these amendments appear to be designed to compromise our country's commitment to human rights. I join with the administration, and the Leadership Conference on Civil Rights, in calling for their defeat.

CIVIL RIGHTS ACT OF 1964

Much of the progress which has occurred in the desegregation of hospitals, formerly dual school systems, and other public facilities, is a result of the enforcement of title VI of the Civil Rights Act of 1964. Section 601 of this title provides that:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

FREEDOM OF CHOICE

Several of these amendments are intended to require the Department of Health, Education, and Welfare—in its enforcement of title VI—to accept so-called "freedom of choice" desegregation plans whether or not these plans are effective in ending discrimination and unconstitutional segregation of schools.

"Freedom of choice" student enrollment plans have been defined by HEW as:

> A system of assigning students to school by requiring all students, or their parents to make a choice of school.

Experience under the school desegregation program has demonstrated that in many cases the use of the so-called freedom of choice plan has simply served to maintain existing discriminatory and unconstitutional segregation in the schools. HEW and the courts have found that in many communities, direct intimidation, harrassment, or indirect social and economic pressures have been used to discourage Negroes from choosing to attend a white school.

As a result of this experience, the Supreme Court has held that freedom of choice plans are acceptable only when these plans result in the elimination of discrimination. The Supreme Court made this clear in its unanimous decision on May 27, 1968, in Green against County Board of New Kent County, Va. The Court said:

> In desegregating a dual system, a plan utilizing freedom of choice is not an end in itself . . . The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now* . . . It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing State-imposed segregation.

The Court said further in Green that if:

> There are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, nonracial school system, "freedom of choice" must be held unacceptable.

The Court also quoted Judge Sobeloff in Bowman against County School Board:

> Freedom of choice is not a sacred talisman; it is only a means to a constitutionally required end—the abolition of the system of segregation and its effects. If the means prove effective, it is acceptable but if it fails to undo segregation, other means must be used to achieve this end. The school officials have the continuing duty to take whatever action may be necessary to create a "unitary, non-racial system."

In view of the experience under so-called freedom of choice plans, and Court decisions concerning this, adoption of amendments legalizing freedom of choice would be a tragic step backward in the effort to comply with the Civil Rights Act of 1964. I oppose the adoption of these damaging amendments.

FACULTY SEGREGATION

The amendment concerning faculty segregation would prohibit the withholding of Federal financial assistance—the enforcement proceeding authorized under title VI of the Civil Rights Act of 1964—to induce the transfer of faculty members from one school to another in order to desegregate unconstitutionally segregated schools.

It has been well established by several Court decisions that faculty segregation plans are essential components of a constitutionally adequate desegregation plan. The adoption of this amendment would prohibit practices which the courts have held are constitutionally required in some cases, and by so doing, place unreasonable restrictions on the title VI school desegregation program. I oppose this amendment for that reason.

BUSING

The requirements concerning the authority of the Department of Health, Education, and Welfare to require busing are quite explicit. HEW is only permitted to propose or accept busing to desegregate in the case of segregated schools which were created by deliberate discriminatory practices involving public policy. In these districts, affirmative action must be taken to correct the violation of title VI of the Civil Rights Act of 1964.

Therefore, in negotiating for compliance under title VI, HEW may recommend, and local school districts may adopt, desegregation plans that reschedule, reroute, or unify the previously existing bus system, particularly if such a system is being used to maintain segregated education. In the vast majority of cases, the Department reports that additional busing is not involved for the school district; in some cases desegregation results in less busing. If this amendment were adopted, the flexibility of HEW and local school districts in working out effective and practical desegregation plans complying with the law of the land would be severely restricted. I therefore oppose this amendment.

CLOSING OF SCHOOLS

The amendment with respect to HEW's authority concerning the closing of schools would similarly limit the flexibility of local school systems in complying with the nondiscrimination requirements in law. HEW does not require the closing of schools. It discourages closing useful educational facilities in order to desegregate. There are some cases, however, in which school districts have chosen to close usable all-Negro facilities instead of desegregating them in the belief that white children would not attend them under desegregated conditions. This amendment would limit the flexibility of school districts in working with HEW to develop plans for desegregation within the requirements of the Constitution and I oppose it for that reason.

ACCESS TO COURTS

One amendment would restrict Federal courts from providing effective relief when constitutional rights have been violated. I oppose this attempt to prevent courts from providing relief where they have found that unconstitutional segregation exists.

AMENDMENT NO. 463

Of all the amendments concerning school desegregation, amendment No. 463 contains the most confusing and far-reaching implications. The amendment states that:

> It is the policy of the United States that guidelines and criteria established pursuant to Title VI of the Civil Rights Act of 1964 and Section 182 of the Elementary and Secondary Education Amendments of 1966 shall be ap-

plied uniformly to all regions of the United States in dealing with conditions of segregation by race in the schools or the local educational agencies of any state without regard to the origin or cause of such segregation.

The references in this amendment to "segregation" and "without regard to the origin or cause of such segregation" imply a substantial but unclear change in existing law with respect to desegregation. The issues raised by these references concern the distinction between "segregation" and "discrimination," and the distinction between "de facto" and "de jure" segregation.

Title VI of the Civil Rights Act of 1964, school desegregation guidelines, and recent court decisions refer to discrimination and de jure segregation. Title VI prohibits discrimination in federally assisted programs. It applies to de jure segregation—segregation which has been caused by, or is a vestige of, official acts of public discrimination—such as the establishment of dual, racially segregated school systems, or official gerrymandering of school districts.

Title VI does not, however, provide that racial segregation per se is illegal or unconstitutional. What has been called racial isolation, racial imbalance, or de facto segregation caused by adventitious events such as residential patterns is not subject to the desegregation requirements of title VI of the Civil Rights Act or recent court decisions.

In fact, the Congress has been explicit in its decision that the school desegregation program shall not apply to situations of racial imbalance or de facto segregation. For example, section 401 of the Civil Rights Act states that:

> Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

The effect of these laws and court decisions is that the existence of segregation is not an end of itself sufficient to invoke the enforcement mechanisms of the school desegregation program.

The enforcement mechanisms of the school desegregation program are only invoked where segregated schools are the result of deliberate and official public policy. The trigger for school desegregation enforcement is a finding of discrimination, not simply a finding of segregation. In the case of segregated schools, the origin or cause of such segregation determines whether the title VI school desegregation program is applicable or not.

I think it is terribly important to understand not only that this distinction between de jure and de facto segregation exists, but also that the existing law is applied uniformly. Wherever discrimination or de jure segregation is found—in the North, South, East, or West—it is unconstitutional and subject to administrative enforcement under title VI or court action.

A substantial amount of the school desegregation effort has been focused on the South because until 1954, when the Supreme Court declared they were unconstitutional, laws mandating dual, racially segregated school systems existed in 17 Southern and border States. The courts have accepted as a reasonable presumption that segregated schools in these States have resulted from those official policies.

Since Northern and Western States did not have laws requiring segregated school systems at this late date, the task of establishing official responsibility for de jure segregation in the North has been more difficult. However, the Office of Civil Rights in the Department of Health, Education, and Welfare, assigns an equal number of its staff to the problems of segregated schools in the North, has conducted reviews to determine whether racial imbalance in Northern school districts is the result of deliberate official acts of discrimination, and is taking administrative action to require desegregation where it finds evidence of discrimination.

This aspect of the title VI school desegregation program was clearly described by Mr. Leon Panetta, Director of the Office of Civil Rights, Department of Health, Education, and Welfare, in his testimony before the Labor–HEW Subcommittee of the Senate Appropriations Committee last fall. Mr. Panetta said:

> Nevertheless, questions have arisen as to whether enforcement policies in the North differ from those applied in the South—whether, as a practical matter, there is one set of rules for the South and another set of rules for the rest of the country.
>
> The law prohibits racial discrimination at schools receiving Federal assistance—and let me make it clear that the law has been applied equally throughout the country.
>
> In all cases of racial segregation, whether in the North or in the South, a finding of discrimination must be supported by evidence to the effect that such segregation was brought about purposefully by law or by administrative action. If there is such a finding, the law requires affirmative steps to correct that situation of discrimination.
>
> Now, it is true that racial isolation in Northern school systems is often as acute as racial isolation in Southern school systems. But establishing official responsibility for such segregation in the North is far more difficult than in Southern states, where until recently rigid dual school systems were maintained by law or formal custom and where today the residual effects of this discrimination are readily apparent.
>
> In the North, although school systems may have at various times established and maintained particular schools for minority students, many years have elapsed since rigid racial segregation existed as a matter of formal policy or practice. Consequently, evidence of discrimination must be sought in the administrative actions of local authorities—a process that invariably requires the examination of hundreds and thousands of individual decisions made by school officials over a period of years.

Racial isolation, wherever it occurs, and for whatever the cause, presents many problems. I believe these problems require far more attention than the Congress has devoted to them in the past. The Senator from Mississippi (Mr. STENNIS) has done the Senate a service by focusing this debate on the question of racial imbalance and de facto segregation. In much the same way that the Congress faced up to the challenge of a national open housing policy—and I am proud to have led the fight for open housing legislation—we must adopt a reasonable and just policy with respect to de facto segregation.

I do not believe, however, that this amendment represents such an approach. I do not think we can, on the basis of floor debate alone, on an ambiguous amendment, shape a responsible policy for a problem area which up to this point has been exempt from desegregation requirements.

What, for example, is the legal consequence of the "policy declaration" used in this amendment? How would the term "segregation"—undefined in this amendment—be construed? What test of "desegregation" would be used in a situation of de facto segregation since existing guidelines simply require the disassembling of the dual school system? Would this amendment require that racial percentages be established in the guidelines? Would the amendment require more vigorous enforcement of the open housing law? Would it apply only to core cities or metropolitan areas? Why does it refer only to "race" and not "color" or "national origin"?

Most importantly, how would this amendment relate to existing law in this field, such as the provisions which limit the authority of HEW to deal with situations of "racial imbalance." While the apparent intent of the amendment is to break down the established distinction between de facto and de jure segregation, there is serious question about whether its effect would be to require movement against de facto segregation or restrict movement against de jure segregation.

At best, this amendment, by establishing two very contradictory desegregation requirements in Federal statutes, would produce an ambiguous desegration policy. At worst, it might produce an unenforceable one. Since existing law prohibits the application of the guidelines to situations of de facto segregation, and this amendment requires these guidelines to be applied "uniformly, without regard to the origin or cause," the result might be that the guidelines could not be applied to any form of segregation, either de facto or de jure.

Mr. President, I do not believe that the Senate can act responsibly, as it should, in this area by adopting on the basis of a floor debate alone an ambiguous amendment proposing to break new ground in such a serious area. Amendment No. 463 raises a legitimate and important question, but does not answer it. We know what the laws on discrimination mean, and despite any implication to the contrary, we apply these laws uniformly to all sections of the country. We do not, however, know what this amendment means, or what it would do. It would seem to me that the reasonable course of action would be to examine this amendment in committee, along with at least one other bill dealing with this problem which I understand has been introduced by the Senator from New Jersey (Mr. CASE). For these reasons, I am prepared to support that effort which would refer this amendment to an appropriate committee for review and recommendation.

I ask unanimous consent that a copy of the letter from Commissioner Allen to Senator PELL appear at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 6, 1970.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR PELL: This is in response to the Committee's request for the views of the Department of Health, Education and Welfare with respect to several amendments proposed to H.R. 514, an Act to extend programs of assistance for elementary and secondary education, and for other purposes.

The proposed amendments deal with a serious educational matter, the subject of school desegregation. They would affect the enforcement of the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and, as a result, would affect the educational opportunities of children.

As an educator, I am convinced that segregation by races in our Nation's schools for any reason is unsound educationally, regardless of geography. The elimination of segregated schools is not just a legal requirement, it is fundamental to the ultimate provision of quality education for all children. This is the time to see that desegregation of schools is carried out in a manner that preserves and enhances the quality of education. It is for this reason that the Department is giving high priority to the provision of technical assistance nationwide to State and local education agencies through Title IV of the Civil Rights Act of 1964, services which are intended to aid officials in seeking the best local solution within the meaning of the law without restrictions such as contained in these amendments. We soon shall be seeking a supplemental appropriation under this authority to expand such services.

With regard to the specific legal impact of these amendments, I am advised by the Department's Office for Civil Rights that the amendments numbered 462, 469 (sections of which are also printed separately), and 481 are essentially similar to the so-called Whitten Amendments which the Department opposed and which the Congress debated thoroughly last year in connection with the FY 1970 Labor-HEW Appropriations Bill. The Department continues to oppose such proposals because they not only conflict with the decisions of the Supreme Court but further would seriously restrict the enforcement efforts under Title VI to eliminate discrimination.

I am also advised with respect to the Amendment No. 463, that serious questions arise as to the legal effect and implications of the provision, and specifically whether the section does in fact amend Title VI of the Civil Rights Act of 1964. In line with the intent of Congress, Title VI and its "guidelines and criteria" currently apply to discrimination, and they have been applied uniformly throughout the Nation. The amendment, however, speaks in terms of "segregation", which is left undefined. Title VI also applies to discrimination as to color and national origin, which reference is omitted in the amendment. It also appears that the amendment conflicts with the provisions of other acts of Congress which, for example, limit the Department's authority to deal with situations of "racial imbalance". And, notwithstanding the varying interpretations which may be attached to the provision, the legal consequence of a policy declaration of this nature is uncertain.

In summary, the Department's position is that (1) the elimination of racial segregation in education is essential wherever it exists in our Nation; (2) Amendments 462, 469, and 481 are opposed by the Department; and (3) Amendment 463 should be more thoroughly considered by the appropriate committees of the Congress so that the nature and consequences of any legislative action of this kind may be more accurately defined and understood.

Sincerely,

JAMES E. ALLEN, Jr.,
Assistant Secretary for Education and U.S. Commissioner of Education.

Mr. CASE. Mr. President, I oppose the Stennis amendment.

My position does not reflect any lack of concern for equal application of our laws in all sections of the country. Rather it is precisely because of my deep concern for equal educational opportunities for all children in every section of the country that I take this position.

Because of my concern, I introduced on Tuesday, February 3, a bill which would take us at least one step toward meeting the problem of educational disadvantages faced by minority children who are racially, socially, or linguistically isolated in schools throughout the country.

In introducing my bill—S. 3378—I specifically urged that the Committee on Labor and Public Welfare thoroughly consider my bill and all other proposals dealing with these or related issues in an effort to develop a responsible legislative program to deal with this matter.

The Stennis amendment deals only partially with the very complex issue which my bill is designed to meet. It is not possible to do justice to this issue along with all the other matters raised by the pending bill, which include, among others, extension and expansion of the program of aid to educationally disadvantaged children, modification of the impacted areas aid program, adult and vocational education, and National Defense Education Act loans.

My bill is a responsible approach to the problem of providing equal educational opportunities to all children throughout the country. Unlike the Stennis amendment, it does not raise constitutional questions and it does not raise complicated legal questions as to its effect on existing programs or its meaning.

As I pointed out during hearings on the Health, Education, and Welfare appropriations last year, I believe there is some justification for feeling that the South is taking the brunt of the desegregation effort.

Mr. Leon Panetta, head of the Office for Civil Rights in the Department of Health, Education, and Welfare, agreed with me on this point.

But I disagree with any contention that the situation in the North justifies any diminution of the pressure for desegregation in the South.

In my view, two wrongs do not make a right. We must get at the problems in the North, but not at the expense of our efforts to correct even more severe problems in the South.

I have studied the pending amendment and there is serious question about whether it would do anything to improve the situation outside of the South or whether it would merely hamstring all desegregation efforts throughout the country.

There are also questions about the constitutional basis for an amendment of this type, what force of law the amendment would have, the enforceability of the ostensible intent of the amendment and other related matters.

If this amendment is to be considered as a responsible effort, attempting in good faith to correct problems which we all know exist, these questions must be resolved. And they can best be resolved during committee hearings specifically concerned with this issue.

The chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare has assured me that hearings will be held on my bill and related proposals later this year. I am sure that the issues raised by the pending amendment will receive appropriate attention during those hearings.

Mr. HATFIELD. Mr. President, my distinguished colleague from Mississippi (Mr. STENNIS) eloquently stated his case this past week that the cities of the North and West have not adequately faced up to the problems of segregation.

He has cited impressive statistics to prove his case that there are more completely segregated schools in some cities of the North and West than in certain States in the South.

Court orders, and enforcement of the Civil Rights Act of 1964 by the Department of Health, Education, and Welfare, Civil Rights Division, have brought this about, moving as they did against de jure segregation, which, to my understanding, is segregation enforced at one time by State law or deliberate design of authorities.

It is also my understanding that under guidelines drafted, since 1964, by the civil rights enforcement section of the HEW, the South was the primary target of enforcement against de jure segregation. Fewer personnel were assigned to look into cases of de jure segregation in the North. Cases were handled on a complaint basis, and, in most cases, were settled amicably.

That has now changed, more personnel have been assigned to dig into the more tedious problem of proving de jure segregation in the North and West, but recent cases have been acted upon: 42 cases have been completed, and from 75 to 80 are in process. The most recent which comes to mind is Pasadena, in which the Department of Health, Education, and Welfare moved against discriminatory school board action.

Mr. STENNIS is right when he points to the North and West and says we should do more, and we should. The Department of Health, Education, and Welfare should be given additional personnel, more than in the past, to continue the arduous task of ferreting out cases of de jure segregation in the North and West.

There should be no unequal application of the laws governing de jure segregation, and I believe such is not the case now, it is just that it takes longer to prove in the North and the West.

Mr. STENNIS is offering an amendment which makes the guidelines uniform throughout the United States "regardless of the origin or cause of such segregation."

This has a very attractive sound. I fear that the purpose is not to equally apply the Civil Rights Act to cases of discrimi-

nation in the schools across the land. Instead, I fear the result of enaction of this amendment would mean that there would be no enforcement of the law and we would be back where we were 10 years ago. Clarence Mitchell of the NAACP informs us that this is so.

What we need, Mr. President, is a study of these HEW guidelines, and a most thorough study of present HEW practice in bringing about integration of the races in our schools and colleges. Congress should embark upon a thorough study of de facto segregation and not leave the solution by default to the executive department and the courts.

In so doing, we could take a look at the problems of de facto segregation in the North and West, with the intent of coming up with plans for meeting the need to deal with the problem raised by Mr. STENNIS.

We certainly need a study of present practices, especially the extremes to which the Department of HEW goes to enforce the law. Even to the extent, as it recently did in Oklahoma, of holding a young boy in custody for not complying with directives of the Department to bus him to a newly integrated school.

Mr. President, I am not an advocate of busing children back and forth across miles of highway just to bring about a racial mix in the schools. I believe that busing children is no long-time solution to the problem of segregation. This may raise the academic level of a few children. But the majority continue to receive inadequate education in the segregated rural and inner city schools.

Surely part of the answer must be to bring about quality education throughout the United States in all the schools, both rural and city.

It is also no answer to the problems of integration to have Congress try to turn aside Supreme Court decisions to allow freedom of choice. The courts have spoken on freedom of choice, and Congress should not flout the Court by passing amendments such as those offered.

Mr. President, I should like to apprise my colleagues of a new plan which is being implemented in Portland, Oreg., the largest city in my State. This plan provides for integrated schools to change the present pattern of racial isolation.

The purpose of the plan, Mr. President, is to integrate the schools, under carefully controlled conditions. No one knows whether the plan will work perfectly, but at least it is an attempt to deal honorably with the situation and the Portland superintendent of schools, Dr. Robert Blanchard, is to be commended for the effort.

I should like to read part of an editorial in the Eugene Register-Guard which describes the plan:

> Court rulings in the South are aimed at segregation imposed by law or by conscious policy of school boards. That is different from the kind of school segregation that results from segregated private housing—the de facto segregation that pervades the Nation outside the South.
>
> So the Court is on firm legal ground in requiring desegregation in the South and not elsewhere. But the legal question is easier than the moral. For the entire country must decide whether segregated schools are wrong and, if so, how they should be integrated.
>
> These are the questions being addressed boldly by Bob Blanchard, who has been Superintendent of the Portland public schools for only a few months. Portland is the only city in Oregon with significant numbers of nonwhites. It also has fairly extensive de facto segregation in its classrooms.
>
> Blanchard has proposed a plan to divide his school district into four sub-districts. Instead of two levels of school, there would be three:
>
> Elementary schools for kindergarten through fourth. Middle schools for grades 5 through 8, and high schools for grades 9 through 12.
>
> This may sound like dry administrative detail. It is instead a sensitive attempt to create social change. Its purpose is to *integrate the schools* under carefully controlled conditions.
>
> In the middle schools (grades 5 through 8) and high schools, all black students would attend schools with white majorities . . . No more racial isolation in which blacks attend schools 90-plus percent black. A crucial part of the proposal states that no middle school or high school would be permitted to have more than 25% black enrollment.
>
> The plan tacitly acknowledges the fact that almost everywhere integration has been attempted, white enrollment begins to drop as soon as black enrollment reaches a certain percentage. White parents either send their children to other schools or, typically, move to the whiter suburbs.

Mr. President, the Portland school system is now in process of putting this plan into operation. The schools are being split into four quarters, with a superintendent for each area. This is to bring greater flexibility and fiscal control to the communities. There will be citizen advisory school boards in each area, and greater student involvement.

I might point out, Mr. President, that Portland has an excellent school system, with a fine school board and public support. Portland anticipated the Elementary and Secondary Education Act years before 1965 with a model school plan and aid to inner city schools. Teachers in the Portland schools are encouraged to innovate and some write their own course material. Oregon spends $800 on each pupil in its schools—more in the model school areas—which is the highest on the Pacific coast. But, Portland has problems, just as all cities do.

Dr. Blanchard, in his report to the Portland school board, advised that the new plan envisages no massive busing of children.

Children through grade 4 will attend neighborhood schools.

In the middle schools, he says:

> Integration can be accomplished without massive transportation of students. Nor will students be transported across area lines. Thus, integration of Portland students will come about as a result of the movement to a better educational program, a movement based upon sound and important educational concepts and reflecting educational priorities for all children.

The superintendent has also planned for extensive preschool programs in the school system.

I cannot claim that Oregon has posed a final solution to the cities' problems of racial isolation, but it is a try.

I should also like to draw attention to Senator CLIFFORD CASE's plan to amend the Elementary and Secondary Education Act, which would "require applicants for the title I assistance to submit plans for reducing or eliminating racial, social, and linguistic isolation in their schools."

This bill will be thoroughly studied in committee, and should go a long way toward answering the argument that de facto segregation be tackled in the North.

Mr. President, I should like permission to include Dr. Blanchard's statement in its entirety in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

(Statement by Robert W. Blanchard, superintendent, Portland, Oreg., public schools)

PORTLAND SCHOOLS FOR THE SEVENTIES

INTRODUCTION

Paramount in the formulation of all recommendations I am about to make has been the consideration of what will be best for the education of Portland's children. Our problems and our recommendations for meeting them cover a broad spectrum of areas—from administration to construction to school organization. But implicit in all proposals is that they are being recommended because they will lead to a better school system and a better educational program for all of our children.

Not that Portland does not have a good school system. My analysis of the district since I have been here shows Portland children are receiving a good education, especially at the high school level; but without prompt changes including expanded vocational offerings in the high schools, this enviable record will not continue.

ADMINISTRATION

The effectiveness of any public institution as large as the Portland School District depends to a great extent upon how well it organizes itself to do its job. In order to make the administrative services more efficient and to eliminate bureaucratic strictures as much as possible, I am recommending an extensive revision of the school district administration. This revision will include a complete reorganization of the central office staff as well as a decentralization of many of the district's administrative services.

First I will deal with the organization proposed for the central administrative staff. I am recommending that the central office operation, in addition to the superintendent's office, be limited to three divisions—an Operations Division; a Systems Support Division; and a Management Services Division. The Operations Division will be headed by the Deputy Superintendent of Schools, Dr. Harold Kleiner. The other two divisions will be under the direction of associate superintendents.

By tightening the administrative organization, lines of authority and accountability will be better delineated and the total manpower resources of the district can more effectively be brought to bear upon problems faced. An accompanying change will be the institution of a budget system organized around the program goals of the district. This already has begun. The 1970–71 school budget will utilize this system, in which funds are allocated—and expenditures evaluated—on the basis of educational objectives.

Savings made through these changes—because of greater efficiency and better budgetary practices—hopefully will have a direct and beneficial effect upon the level of educational resources for Portland children.

DECENTRALIZATION

To further quicken the administrative reflexes of the school district, I am recommending the decentralization of the system into four pre-school through grade 12 administrative areas. As you know, the Portland School District serves a geographic area covering 157 square miles as well as about 78,000 students. The need is imperative to

provide a better response to community and staff needs and concerns, to reduce the steps required to secure decisions on matters initiated by teachers, parents or students, and to allow more direct and productive involvement of the community and staff in school affairs.

Besides breaking the district down into four areas, the decentralization proposal recommends that each new area have citizen representation in the form of an advisory school board. Also, I recommend that a maximum of the current central office services be reassigned to area offices.

I am recommending that each of the four new areas will be in the charge of an area superintendent, operating with a great deal more fiscal authority than has been traditional. The area superintendent will exercise this authority in consultation with the area advisory school board. The area superintendent will have administrative responsibility for all of the schools within his district. Under this recommendation the current system of five elementary and two secondary education areas will be eliminated.

These four new areas are designed to be contiguous for convenience and economy of supervision and to provide as much community integrity as possible in light of sound educational policies. Each area is established so that it will constitute a healthy cross section of the city's population. Obviously, one of the factors that was considered was the concentration of black students in the North-Central area of the city. A portion of this area has been included in each of the districts. The districts range in enrollment from about 15,000 to 24,000 with the percentage of black students within the districts varying from 7 to 11 per cent. The smallest district, Area IV which might be called the South District also has the greatest growth potential among the four divisions. Within that district, Washington High School would lose a great portion of its current attendance area. This loss of student population at Washington is not unwelcome, for it would allow the establishment of new programs with city-wide drawing power—certain vocational and other specialized programs with limited enrollment. These could more easily be provided in the additional room resulting from lower enrollment.

These administrative changes if accepted will serve to bring the schools closer to the students, the parents and other citizens in each of the areas served while those operational functions which can more economically be handled on a city-wide basis will remain with the central office. Greater freedom for constructive professional action and responsibility will obviously be enhanced.

SCHOOL ORGANIZATION—NO BUSING OF ELEMENTARY CHILDREN

I am also recommending that the current school organization in Portland—which, for the most part, is based upon elementary schools with kindergarten through the eighth grade and four-year high schools—be changed. The new organization would maintain the current high schools, but at the elementary level pupils would attend neighborhood schools through the fourth grade and then would move to middle schools for fifth through eighth grade instruction.

Portland is one of the few cities in the nation to retain the 8–4 organization plan in schools. While much has been done by the district to improve seventh and eighth grade programs, this organization has hampered efforts to provide needed programs for upper grade pupils.

All evidence suggests that children are maturing faster today than they did a generation ago. At about the fifth grade, the physical, emotional and intellectual changes of preadolescence begin and a child's social and educational needs become different from those of earlier childhood. Middle schools offer these children broader horizons than can be made available in the traditional neighborhood elementary school.

The middle school is strategically located between the elementary school with its emphasis on basic and social skills and the high school with its emphasis on subject matter instruction. These two extremes can be effectively combined in the middle school, and the curriculum revisions can be made in keeping the needs of students as they progress.

Let me review some of the advantages of the middle school. Today's learning requirements make it almost impossible for any one teacher to provide a daily program in six to nine subjects with the degree and depth necessary for upper grade students.

A middle school can be staffed with full-time teachers who are specialists in various areas of instruction. During the middle school years, teachers must deal with the very rapid growth of pre-adolescent children. To cope effectively with these rapid changes in children, and especially to provide the best possible instruction for individual youngsters, a team effort among specialists is needed. For such an effort to be successful, the full-time presence in the schools of subject matter specialists is essential. Obviously, rigid departmentalization must also be avoided.

At the same time, the movement to middle schools will make it possible to provide guidance and counseling services to all 5th to 8th grade youngsters, and speech therapy, remedial reading and other special services to all students who need these kinds of assistance.

These deployments of full-time personnel simply cannot be made economically or effectively in the neighborhood elementary schools.

Thus, while we wish to avoid the development of a miniature high school so often the case with junior high schools, the middle school can represent an educational program specifically tailored to the education of pre-adolescents. It can provide a smooth transition from the self-contained elementary classroom to the departmentalized high school program.

Teachers can be assigned who are specially trained in middle school instruction and the students have the use of more specialized facilities such as more comprehensive libraries, laboratories, fine and practical arts centers and introductory vocational offerings and adequate gymnasiums to allow them to explore, experiment and learn about their interests and abilities. Other important characteristics of the four year middle school are its flexibility and its sensitivity to changing needs, in curriculum and in other school services.

I am recommending that attendance patterns for the middle schools, as well as the high schools be designed to eliminate isolation of minority students in those grades, to the extent that no middle or high school will have a black student enrollment of more than 25 per cent. With the areas recommended, this can be accomplished without massive transportation of students; nor will students be transported across area lines. Thus, integration of Portland students will come about as a result of the movement to a better educational program, a movement based upon sound and important educational concepts and reflecting educational priorities for all children.

Should the Board approve these recommendations, the district will sponsor and implement extensive inservice training programs concerning the middle school for all staff members who will be involved. These programs will be designed to make the transition to middle schools as smooth and effective as possible.

At the same time, each of the areas will sponsor activities to improve public understanding of the middle school concept. Obviously the specifics of the middle school's programs must result from staff discussion.

NEIGHBORHOOD SCHOOLS: EXEMPLARY PRESCHOOL—ALBINA

Pupils in the kindergarten through the fourth grade will continue to attend neighborhood primary schools. Attendance boundaries for the neighborhood primary schools will remain much the same.

However, the primary schools in the Albina area will be converted into early childhood education centers, including pre-school as well as primary education through the fourth grade. These centers will be designed for continuous progress by pupils and will draw children, on a voluntary basis, from throughout the school district. All parents interested in enrolling their children in an exemplary pre-school program as well as in a non-graded primary education program will be able to do so. The program if approved will have minimum standards of achievement necessary to allow individual pupils to transfer from the centers to the middle schools at any time the individual pupil is ready to make that move. The program in the centers will be designed to serve the best interests of the youngsters who live in the Albina area and, at the same time, to have strong appeal to parents throughout the school system. The emphasis must, and will, be on the educational advantages accruing to all children involved.

These centers, located in each of the four geographic areas, will become models for further developments in primary education that can be implemented throughout the school district.

The Model School programs are to be retained. Certain aspects of the program will change, but those programs that stand the test of evaluation will not only be maintained in all four of the new areas, but also will be reinforced and strengthened. Programs of special assistance to students with educational problems must be sustained. The Model School effort represent an essential response to this need wherever such students are assigned.

SCHOOL BUILDINGS—INADEQUATE SCHOOL PLANT

To house these new educational programs, major changes will have to be made in the physical plant of the school district. Obvious inadequacies in our facilities have long been apparent. We have had to provide portable classrooms at many schools and some of these structures—designed to be temporary only—have been in use for more than 20 years. Hundreds of other temporary and frequently poor solutions to classrooms and other needed space have been utilized.

Also, the district has a relatively old physical plant. Of our 109 school buildings, 59 have been in use for more than 30 years. The very age of our plant leads to a multitude of maintenance problems. In addition, maintenance projects have often been deferred in the past because of more pressing operations expenses. We are now paying for those deferrals. Indeed, if yearly investment in plant had been sustained at levels comparable to private industry the sizeable financial investment urgently needed at this time would not be required.

In recent years, we have received many reports from citizens dealing with inadequacies in facilities at specific school buildings. Such elementary school deficiencies as poor lighting, crowded rooms, shortage of playground space and even the lack of adequate lavatory facilities have been called to our attention by concerned parents throughout the school district. Of course, of equal concern in any review of our high school buildings is the lack of facilities needed for broad based vocational programs and opportunities. For too long the cities of this country have shortchanged too great a percentage of its non-college bound school population. In today's

technological age more adequate vocational offerings are likely to be a more important consideration for all of our youth—both college bound and non-college bound students.

STUDY OF BUILDING NEEDS

Other problems with our physical plant are as many and as varied as our school buildings. All deficiencies need to be rectified as soon as possible.

However, before concrete recommendations concerning costs and specific construction projects can be made, a great deal more information is needed. I am recommending that, as a *first step in a building program, a review be made by outside consultants of the educational adequacy of all Portland school buildings.* An earlier building study completed by the district's research department will provide a good starting point for the work of the consultation team in that the prior study catalogs the physical condition of the buildings in the district.

I expect the consultants to take our educational recommendations and relate them to our building needs. They will suggest ways in which we may respond to our building problems by using the latest techniques of construction and planning. The consultants will recommend ways to resolve our building needs in keeping with these educational recommendations.

We already know that our schools need more flexible interior space in order to accommodate new educational programs. Some small scale efforts at opening up and better utilizing the interiors of our older buildings have been made in the past, but these efforts have been haphazard and the overall changes minimal.

One advantage of a project of this magnitude—involving as it does virtually all 109 Portland school buildings—is that it will hopefully attract the interest and participation of corporations, universities and foundations. Experiences in other areas show that citizens of a city cannot realistically be expected to scrap their investment in school plant, even though the buildings may be outmoded. A large-scale replacement project has nowhere been successful. Indeed, we do not believe it is educationally necessary to abandon old buildings—but rather we believe that it is more economical to adapt them to a modern program. This proposal is for an imaginative study and anaylsis of ways in which this large-city system can live with its existing plant and still provide for the future educational needs of this city.

Of course, any major building program will need the financial support of the district's citizens. The Portland School District has constructed its buildings on a pay-as-you-go basis in the past and has no bonded indebtedness. But serial levies may not be an adequate or economic method of financing a massive building program, because of the immediate heavy impact upon the taxpayer of such a short-term levy and the toll of inflation over a period of years.

As mentioned previously, without a full study of our physical plant it is not possible to estimate the actual amount of money that will be needed for a construction program. I wish to emphasize this point—without a full study it is just not possible to estimate the amount of money that will be needed.

Prior to my coming to Portland the research department of the school district, during the years 1965–68, made a building by building inventory of all school construction needs and costs. This included deferred maintenance and in each building additional facilities not now present but essential to the operation of our then existing educational program. For example, when there was no library, or a completely inadequate one, cost of providing one was included. The same was true for gymnasiums or outdoor space for playgrounds. That study produced an estimate to bring the school district up to first class building standards in excess of $100 million.

The program I am proposing today, and the kind of building analysis to be provided by outside experts hopefully can produce economies in construction and costs in terms of the 4–4–4 program being advocated. However, it would be unfair at present for me not to rely heavily on that earlier study without alternate facts before me.

Obviously whatever figure is finally determined to be necessary, it is apparent that construction of the magnitude necessary would have to be phased over a good portion of this decade.

IMPLEMENTATION

Because the gravity of our problems demands that there be no delay in seeking solutions, all of the recommendations I have made should be implemented as soon as possible. Here is that checklist:

1. Administrative Reorganization;
2. Decentralization;
3. Middle Schools;
4. Early Childhood Education Centers;
5. Building Study; and
6. Building Program.

The administration and fiscal changes have already begun. The full decentralization of administrative services into the four proposed areas should be instituted at the beginning of the fiscal year on July 1.

The study of our building needs also should begin as soon as approval is gained for the employment of consulting services. Financial decisions by the Board and by the people of Portland should follow as promptly as possible after hard cost data are developed.

The reorganization of the school program to include middle schools obviously could not be implemented fully before the opening of school next fall with present facilities, but should be put into operation over a period of time as building adjustments are made. Most Portland students next year, then will not be attending school according to the 4–4–4 system, but I would hope that at least some of our schools might be converted to the middle school program as early as next fall.

I want to emphasize that these recommendations are, in a sense, an outline of the future directions of the Portland School District. More involvement by members of the school staff and by citizens of this district is needed in the full development of the recommendations.

In offering these recommendations to you, the citizens of Portland, I recognize that much work still needs to be done before decisions are made. I ask for the involvement of teachers, students, parents, and citizens in the detailed study of these proposals and for comment in developing final recommendations for our schools.

The recommendations outlined in this report represent immediate and long-range responses to the great issues in public education as they are manifested in Portland. They are not panaceas. But they are opportunities to make significant strides forward in meeting the needs of Portland students, teachers and citizens in the 70's and beyond. And they present a chance to stem the tide of frustration, fury and despair that has swept so many other large city school districts in the nation.

It is true, of course, that no one can predict the future with any certainty. But, at the very least, it can be said that implementation of the recommendations in this outline will find this city school district healthy and dynamic and equipped to provide a major breakthrough in modern urban education in this country.

WAR IN LAOS

Mr. GORE. Mr. President, it has been my privilege to attend some of the most commendable hearings being so ably conducted by the distinguished senior Senator from Missouri (Mr. SYMINGTON). In addition, I have had access to the record of the hearings. The body of detailed information developed by the subcommittee regarding our country's involvement in the war in Laos is, to me, exceedingly disturbing.

Not a member of the subcommittee, I shall not at this time refer to specific data from the hearing records. But, without detailed reference, Mr. President, please be advised that evidence is ample that the war in Laos and U.S. participation in the war in Laos has been secretly but greatly escalated. I express concern and warning, as I have previously done, about the dangerous implications of these actions.

There have been many recent news reports about this escalation, though official information has been carefully screened from the public.

On September 23, in a story from Vientiane, the Washington Star reported an estimate that total U.S. air strikes in Laos had increased 40 percent since March. The same story said that "on days with good weather, U.S. air sorties in north Laos number close to 300."

I emphasize the reference to U.S. air sorties in north Laos. This, apparently, is bombing indigenous Pathet Lao forces as well as North Vietnamese forces in the Plain of Jars, not interdicting the Ho Chi Minh Trail.

On October 1, the New York Times, also in a story from Vientiane, reported that:

> The restraints on the United States in bombing Laotian targets have been significantly relaxed over the last six months. The daily total of United States bombing sorties has risen to the hundreds with United States jets often refueling over Laos rather than returning to their Thai or South Vietnamese bases as they continue their round-the-clock search for targets.

On January 1, 1970, the Far Eastern Economic Review estimated 20,000 U.S. bombing sorties a month in Laos—and, it said:

> They are increasingly directed not just against the Ho Chi Minh Trail but against communist settlements and supply routes which previously were spared.

The respected Le Monde of Paris estimates:

> There must be roughly 3,000 or 4,000 military or semi-military advisers here (i.e., in Laos) whose task is to organize or lead the "special forces."

The New York Times in October printed a series of three stories reporting in detail on a secret Laotian army made up of Meo tribesmen and financed and supplied by the U.S. Central Intelligence Agency.

In October, the Christian Science Monitor had this to say:

> The new factor is the use of American air power on a massive scale. The air war has two aspects. First there is the concentration bombing of North Vietnamese infiltration routes through Laos. It is on those operations that the giant B–52 bombers are used.
>
> The scale of this bombing has been increased vastly is the past year.
>
> But last month the United States appar-

ently organized tactical air support on a large scale for government forces routing the Communists from the Plain of Jars. . . . It seems clear that the United States military command in Southeast Asia, perturbed at Communist advances of unusual vigor in Laos, ordered extensive air support for the counterattacking Lao Government forces.

Officially the word is that the United States flies only "armed reconnaissance" flights over Laos. If fired upon, American planes fire back.

But this is mere official mumbo jumbo, designed to disguise the illegality of American actions in terms of the Geneva Agreements under which Laos is theoretically neutralized.

The American commitment in Laos is obviously substantial, and there is no better pointer to this than the reluctance of the United States Embassy in the Lao capital of Vientiane to allow foreign correspondence to visit the Plain of Jars.

There are several interesting things about this story which comes from a reputable newspaper. There is, for instance, the description of the official terminology that disguises U.S. actions in Laos, perhaps because of its contravention of the Geneva agreements. Then, there is the flat statement that the scale of bombing had been increased vastly in the past year. That was the year which followed the complete cessation of the bombing of North Vietnam.

Mr. President, our people are entitled to straight answers from their Government to the question of just what is going on in Laos, and how it fits into the Nixon doctrine.

This doctrine, as stated by the President in his address of November 3, is as follows:

First, the United States will keep all of its treaty commitments.

Second, we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security.

Third, in cases involving other types of aggression we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

In his state of the Union message January 22, President Nixon expanded on this further. He said:

We shall reduce our involvement and our presence in other nations' affairs.

Yet, we have increased our involvement and our presence in Laos, and the Government refuses publicly to admit it. What goes on here?

Mr. President, I assert on my own authority three things that I believe to be factual:

First, Laos is not under our protection in the SEATO Treaty. Her Government in 1962 specifically asked to be considered neutral—not under the umbrella of SEATO.

Second, we have no treaty to protect Laos. If there is any agreement whatsoever, it is no more than a private agreement made by some former American Ambassador without authority of the U.S. Government acting in accordance with its constitutional processes.

Third, our escalating activities in Laos are not solely to stop traffic on the Ho Chi Minh Trail on the way from North Vietnam to the South.

We are engaging now in a civil war in Laos, and we have chosen sides just as we did earlier in Vietnam.

I ask again, what goes on here?

At the very, very least, it is a blow to public confidence in what their Government tells them when the Government deliberately conceals deep and escalating involvement in a foreign war.

In his press conference of December 8, President Nixon said:

There are no American combat troops in Laos.

Is "combat troops" a military term of art which, at least in this case, serves to conceal instead of reveal?

The President added:

Our involvement in Laos is solely due to the request of Souvanna Phouma, the neutralist Prime Minister, who was set up there in Laos as a result of the Laos negotiation and accords that were arranged by Governor Harriman during the Kennedy Administration.

We are attempting to uphold those accords and we are doing that despite the fact that North Vietnam has 50,000 troops in Laos.

By way of comparison, the largest estimate of organized North Vietnamese troops in South Vietnam up to now is 85,000.

The President said:

We are also, as I have publicly indicated and as you know, interdicting the Ho Chi Minh Trail as it runs through Laos.

Are these bombing raids not "combat"? Do we not consider soldiers killed on these missions as lost in action against the enemy? How are our servicemen who die in action in Laos described, Mr. President? How many have there been?

Do these actions "keep" our international commitments or violate the Geneva agreements?

The President said:

Beyond that, I don't think the public interest would be served by any further discussion.

With this statement I respectfully disagree. The American people, who are disenchanted with one war in Asia, are, or I believe would be, apprehensive about another.

The administration seems to be saying, on the one hand, that it is trying to extricate us from entanglements in the Far East. On the other hand, it has more deeply involved us in a war in Laos, and our losses have been sad, indeed.

Can one really have it both ways? More importantly, the crisis of confidence is worsened, not abated, by this character of conduct.

Though in the long run, what we do may be more important than what we say, I sometimes wonder if in the poisoned climate in which we live credibility is not the most urgently needed value. In any event, what we are doing is getting more deeply involved in Laos while executing a gradual withdrawal from South Vietnam, where, in another example of artful phrasemaking, we are said to be winning by pulling out.

In his address on November 3, President Nixon said:

I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

That loss of confidence was not President Nixon's fault. He inherited it. He had an opportunity to restore confidence. He still does, I think.

Mr. PELL. Mr. President, I commend the senior Senator from Tennessee on his speech concerning escalation of our involvement in Laos. I would hope that his words would be read and taken seriously by the executive branch, and I wish that circumstances had not arisen that necessitated his making that speech.

CHANGE OF REFERENCE

Mr. GORE. Mr. President, on behalf of the distinguished Senator from Arkansas (Mr. FULBRIGHT), I ask unanimous consent that the Committee on Foreign Relations be discharged from the further consideration of the joint resolution (H.J. Res. 589) expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program, and that it be referred to the Committee on Labor and Public Welfare.

This is done for the purpose of expediting action and in view of the fact that the companion joint resolution, Senate Joint Resolution 89, introduced by the Senator from Maine (Mr. MUSKIE), has been referred to that committee. At the same time, however, I do want to reserve the jurisdiction of the Committee on Foreign Relations over international conferences, "years," and programs because with the multiplication of such events there has to be a central clearinghouse to prevent overlapping and duplication of efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HANSEN, SENATOR PROXMIRE, AND SENATOR YOUNG OF OHIO TOMORROW; TRANSACTION OF MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon

the completion of the prayer and the disposition of the reading of the Journal tomorrow morning, the able Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed 20 minutes; that at the conclusion of his speech, the able Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 10 minutes; that upon the completion of his speech, the able senior Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes; that at the conclusion of his speech, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes; that immediately upon the conclusion thereof, the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, again may I say, on behalf of the leadership, it is hoped that we may have votes tomorrow and that all Senators should act accordingly and be present, so that we may have rollcall votes when consideration of the pending bill proceeds to that point.

Mr. President, before moving to adjourn, may I ask, for the information of the Senate, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 514, the elementary and secondary education bill, and the pending question is on the amendment of the Senator from Mississippi, No. 481.

Mr. BYRD of West Virginia. I thank the able Presiding Officer.

ADJOURNMENT TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 53 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, February 10, 1970, at 9 a.m.

CONFIRMATION

Executive nominations received by the Senate February 9, 1970:

U.S. MARSHAL

Laurence C. Beard, of Oklahoma, to be U.S. marshal for the eastern district of Oklahoma for the term of 4 years.

EXTENSIONS OF REMARKS

FREEDOM OF CHOICE IN EDUCATION

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. FLOWERS. Mr. Speaker, aside from the great overriding problems of the war in Vietnam and inflation which plagues our economy, there is no more serious issue to us in the South than the crisis facing our public education system. The Federal courts and the Departments of Justice and Health, Education, and Welfare each must share part of the blame for the creation of the situation which now exists—where freedom of choice of school is the fair, just, democratic and American way for most of the Nation, but the States of the South must suffer a separate and different standard.

Recently the Vice President of the United States announced the formation of a high level commission to be headed by him and composed of other members selected by the President. Although we have become accustomed to disappointment in our efforts to maintain local control of our institutions in this country, like the poet "hope springs eternal" in our breasts, too.

The following is an open letter that I have directed to the Honorable SPIRO T. AGNEW, Vice President of the United States:

DEAR MR. VICE PRESIDENT: I noted with interest your comments on television last Sunday regarding the creation of a high level Presidential Commission to "apply the decree of the Supreme Court with the least disruption of schools and then preserve the quality of education". We of the South are heartened at this apparent concern over the crisis in our schools brought about by the Supreme Court and the Departments of Justice and Health, Education, and Welfare, but, Mr. Vice President, unless something is *done immediately*, all of the Presidential commissions in the world will not be able to help the situation.

It has been brought to your attention by many of us and often, that this is a matter of gravest concern to parents, teachers, students and educators of both races. We cannot understand why the South has been treated differently from the rest of the Nation. We can see no justfication for abolishing freedom of choice in education in Alabama, while allowing it to exist in various places of the North, East and West. The Commission that you will lead could perform no more worthwhile service than to investigate thoroughly this oppressive double standard that now exists.

The people of our section have come to accept freedom of choice. It has been a workable solution allowing a continuance of good relations between the races. The abolishment of freedom of choice and the attendant forced busing of children away from their neighborhood schools to distant points is making it impossible for students to receive the kind of education to which they are entitled in this great land of ours.

I invite you (and the other members of your Commission when they are named) to come to Alabama and see firsthand what chaos has been created. I am confident that you will find that it is impossible to "apply the decree of the Supreme Court" and at the same time, "preserve the quality of education."

You have been to Alabama before. You should know that we are not unreasonable people. *We merely want to provide our children with good schools, good teachers, good textbooks, and the opportunity to use them without harassment by the Federal Courts and bureaucracy.*

Freedom of choice can still be the answer and I believe that any impartial Commission will find that it provides a far superior quality of education than the various plans that are being forced upon us now.

Mr. Vice President, you have demonstrated your ability to speak our language. We hope, for our children's sake, that this Commission will do likewise and translate the words into action.

Sincerely yours,

WALTER FLOWERS,
Fifth District, Alabama.

GOVERNMENT SHOULD HALT ITS POLLUTION OF CALIFORNIA BEACHES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. BROWN of California. Mr. Speaker, a lot of Government officials are talking about the need for effective environmental quality programs, but so far, real action still has been limited.

I endorse President Nixon's recent statement that Federal agencies must begin to halt their own pollution practices, and I look forward to immediate and strong action by all Government agencies.

As a starter, I have suggested to the President, in a letter I sent him today, that a massive antipollution program be instituted at Fort Ord, Calif. There, sewage and other effluents from that military base have so fouled local shore waters that State officials have been forced to close down public beaches.

As are the residents of the Monterey Peninsula area, I am outraged by this federally caused pollution. Already, careless—even stupid—Government mismanagement and greed led to the tragic ruin of the southern California coastline from the continuing series of Santa Barbara oil spills.

The situation at Fort Ord is not the only major Government-caused pollution in northern California, but it is certainly the most blatant.

I urge quick and strong Government action to remedy this pollution. I now enter my letter to the President in the RECORD at this point:

FEBRUARY 9, 1970.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am quite pleased to learn of your new efforts to strive for environmental quality, and by the emphasis you place on the need for government agencies to reduce their own pollution.

I would like to offer my suggestion that an immediate and comprehensive anti-pollution program be initiated at Fort Ord, California. Recently, state officials have been forced to close public beaches in the Fort Ord vicinity because sewage and other effluents from Fort Ord have thoroughly contaminated the local shore waters. Since the pollution source is on Federal property, neither state or local government can develop effective anti-pollution remedies.

Already the California shoreline has suffered tragic and priceless damage resulting from Federally-leased oil drilling. Now, a Federal installation further pollutes this val-

uable resource. I urge you to institute a full scale drive as soon as possible to halt this costly pollution.

Very sincerely,

GEORGE E. BROWN, JR.,
Member of Congress.

FAILURE OF NORTH VIETNAM TO ABIDE BY GENEVA CONVENTION

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. SPONG. Mr. President, one of the greatest tragedies of the Vietnam war is the failure of the North Vietnamese to abide by the Geneva Convention. Hundreds of families do not know whether their members are alive or captives, whether they are sick or wounded, or whether they are receiving the treatment which they might need. Hundreds of American servicemen are in facilities which have not been inspected by impartial observers, and they have not been permitted to correspond with their relatives.

Clearly, we need to undertake new efforts to convince the North Vietnamese to abide by the humane and civilized principals set out in the Geneva Convention. The POW and MIA Action Committee, conceived by the Virginia Beach Jaycees, is designed for such a purpose. It has been established to inform persons of our Nation and the world of the conditions faced by U.S. prisoners of war and to mobilize support for these men.

I ask unanimous consent that a summary of the committee's plans and activities be printed in the Extensions of Remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HELP US BRING PRESSURE ON HANOI IN BEHALF OF OUR PRISONERS OF WAR AND MISSING IN ACTION PERSONNEL

POW AND MIA ACTION COMMITTEE,
OCEANA STATION, *Virginia Beach, Va.*

All evidence indicates that Hanoi is viciously mistreating our captive servicemen. In July, 1966, Ho Chi Minh even went so far as to announce that all Allied prisoners would be tried as war criminals. World opinion, however, was so vigorously opposed to this measure that Ho Chi Minh backed off.

This example and many others clearly demonstrates that Hanoi's policies can be influenced by the pressure of public opinion. Therefore, we intend to mobilize public opinion against Hanoi's barbarous treatment of our POW's . . . first on a nationwide basis, then in a worldwide effort. We shall ask for only one concession on the part of the North Vietnamese—that they treat our POW's in accordance with the rules of the Geneva Convention to which they are signatory.

We are not a political group, nor are we fanatics of any kind. The POW & MIA Action Committee is a Jaycee project which was conceived by the Virginia Beach Jaycees, adopted as a state project by the Virginia Jaycees, and then endorsed by the United States Jaycees. We are working with the National League of Families of American Prisoners in Southeast Asia in an effort to find out what is happening to our men in North Vietnam, and to secure for them the proper treatment they deserve in accordance with the Geneva Convention.

With your help, we hope to pressure Hanoi into complying with our requests for:

1. *The immediate release of a list of prisoners.*—441 men are believed to be prisoners and 991 are in the missing category, but these figures are, at best, hypothetical. Despite agonized pleas from the families of these men, North Vietnam has refused to supply any information. Are they alive, dead, wounded, well? Their families do not know.

2. *Immediate inspection of all POW facilities by an impartial body*—The international Committee of the Red Cross regularly inspects the Allied POW camps in South Vietnam. If, as Haoni claims, its POW facilities are models of cleanliness and modernity, why is even the Red Cross refused access to them?

3. *Free flow of communications between the POW's and their families.*—So far, approximately 100 families out of more than 1,400 POW's and MIA's have received letters. Generally, these arrive on a yearly basis, rather than monthly as claimed by North Vietnam. The Geneva Convention guarantees each POW the right to send and receive four letters and two postcards per month. Is this too much to ask?

4. *Repatriation of sick and wounded prisoners.*—The first American POW was a pilot, shot down in August of 1964. Since then, only nine POW's have been repatriated even though we have returned many of their men. What is happening to our sick and wounded? Hanoi will not permit Red Cross inspection of its POW camps, but the nine men who have returned tell terrible stories of pain and filth and torture.

5. The eventual release of all POW's.—The U.S. has made repeated attempts to "trade" POW's. To date, in fact, more than 400 Viet Cong prisoners have been repatriated. Hanoi has not reciprocated.

OUR PROGRAM

Until the Virginia Beach Jaycees formed the POW & MIA Action Committee, there was no centralized, coordinating agency designed to publicize North Vietnam's maltreatment of our men. Fragmented efforts were made—by the POW's wives, for instance—and they received brief bursts of publicity, but proved ineffectual because they were not sustained.

With your help, we plan to mount a sustained public service advertising campaign that will last until Hanoi is forced to "save face" by opening its POW camps to Red Cross inspection and to answer our other requests for common decency in the treatment of our men. To this end, we have designed a campaign that will utilize all media to graphically demonstrate the plight of our POW's. It will be implemented, nationwide, by the 6,500 chapters in this country.

Our theme is "The People of The World Are Watching . . ." It is being incorporated into slide presentations, direct mail pieces, newspaper and magazine ads, T.V. and radio announcements, brochures, billboards, bumper stickers, and lapel buttons. We also plan to establish a speaker's bureau in each Jaycee chapter so that word of our effort can reach other organizations on a local basis and gain their support.

We are in the process of contacting all 50 state Jaycee presidents to confirm their endorsement of this project and to enlist their active aid. We are recommending that they organize their states as follows:

1. After a state chairman has been selected to coordinate all activities, regional chairmen should be chosen and given responsibility for appointing and guiding chapter chairmen. Each chapter project chairman should organize his own POW & MIA Action Committee and do his best to bring the plight of our POW's to the public attention.

2. Each local chapter committee will be supplied with the most current of aforementioned advertising aids and will be responsible for disseminating them among the various media available locally.

Each chapter should have a speaker's bureau to help spread the message to other organizations.

We expect this organizational structure to be functioning in the not-too-distant future. As soon as it is in full swing, we plan to initiate a National Letter-Writing Day. We will ask every Jaycee chapter in the country to arrange for Letter-Writing Centers (such as churches and civic buildings) to be open to the public and supplied with pens, paper, and addresses of influential people. Local and National news media will be contacted and asked to publicize the event, encourage our citizenry to participate and show North Vietnam that we are united in our condemnation of their conduct towards our men and their families.

PLEASE HELP

We need your help! If the clamor is loud enough, if the protests are strong enough, Hanoi will listen. To help our men in the prison camps of Southeast Asia, you or your organization can:

1. Write letters expressing your concern for the treatment of American prisoners.

2. Write to government officials of this and other countries and to news editors around the World. Your local Jaycee chapter can supply you with addresses.

3. Take an official stand by resolution and publicize it.

4. Ask your company or National organization to take a similar stand.

5. Insure the success of our program with financial support.

North Vietnam cannot afford Worldwide condemnation. No country can. Yet she merits such condemnation for her treatment of our POW's.

The wives of these men have sent letters. They have even flown to Paris. Our government has pleaded. But our country has been silent. It is time to break that silence. It is time to raise such a simultaneous uproar that every front page in the World will bear the news. It is time to bring Hanoi face-to-face with the wrath of our people—200 million of us—and the rest of the civilized World, roaring, demanding, insisting . . . . "Treat our men in accordance with the Geneva Convention".

THE PRESIDENT'S REALISTIC APPROACH TO SOLVING OUR NATION'S PROBLEMS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. PELLY. Mr. Speaker, President Nixon's ability and willingness to lead this Nation in new directions makes him a dynamic, forward-looking President. Yet while he is advancing progressive initiative and ideas in the fields of welfare reform, crime prevention, environmental quality, and revenue sharing, he retains the conservatism which "does not believe that appropriating billions of dollars is automatically the best way to solve any problem."

The President's realistic approach to solving the problems of our Nation is dis-

cussed in an editorial by Roscoe Drummond. I commend this editorial to the attention of my colleagues, and under unanimous consent I insert it in the RECORD, as follows:

[From the Christian Science Monitor, Jan. 31, 1970]

NIXON STEALS THEIR CLOTHES

(By Roscoe Drummond)

WASHINGTON.—If the nation's top Democrats were in a huddle in the same spot, it would not be surprising to hear Hubert Humphrey, Edmund Muskie, Mike Mansfield and Edward Kennedy blurt out in unison and exasperation: "That man has stolen our clothes!"

"That man" is Richard Nixon and what he has done should not be surprising to the rest of us because during the 1968 campaign Mr Nixon frequently cited Theodore Roosevelt as a model of a president.

And now Mr. Nixon is showing that he is likely to be the most activist, reformist Republican president with political skill since Teddy himself.

What the President did in his State of the Union address to Congress was to appropriate nearly all the pay-dirt political issues and put himself at the head of the cause to do something significant about them.

DEMOCRATS' SURPRISE

Many Democrats never thought he would try it, let alone get away with it—if he does get away with it. The voters will decide in this fall's elections after they can begin to see if the White House and the Republicans in Congress start to carry promise toward fulfilment.

The Democrats figured they could delay acting on issues on the grounds that the President would stand still.

They were apparently confident he would stand still because they assumed that Mr. Nixon would be so mired in caution and conservatism that he couldn't possibly respond rapidly to the winds of change.

But those who thought Mr. Nixon couldn't move rapidly on the domestic front failed to understand his concept of conservatism or to measure his political sensitivity.

Mr. Nixon is conservative in that he does not want a bloated, do-everything federal bureaucracy, and he doesn't believe that appropriating billions of dollars is automatically the best way to solve every problem. To him conservatism means using conservative principles to deal with national problems, not just mouthing conservative phrases as an excuse for not dealing with them.

DIVERSE PRIORITIES

And Mr. Nixon is the first *Republican politician* to be president in a very long time. The presidency is a political office and those who have done best in it have had political sensitivity. It is an asset, not a weakness.

I think Mr. Nixon did not want to move very vigorously into acute domestic problems—all of which require large appropriations—until the heavy cost of the Vietnam war could be radically reduced and inflation could be brought under control. But the President soon perceived that if he did not quickly take the initiative on domestic matters, and do it with a decisiveness that would put him at the head of the class, he would be so far overtaken by public opinion that he would lose command of the situation as President Johnson lost command for different reasons in 1967 and 1968.

This is the difference between Herbert Hoover, an able president without political skill, and Mr. Nixon, an able president, with political skill.

And this is why today the President is causing Democratic leaders to scream, "we wuz robbed"—a political compliment—because the White House is substantially ahead on the crucial issues of crime, welfare, pollution of the environment and decentralized government through revenue sharing.

The President is not throwing away his other priorities. He is withdrawing from Vietnam and he will come up with another balanced budget by cutting hard where cuts are tolerable. This enables him to propose doubling appropriations on crime control, to expand reform welfare, and to plan a total cleaning up of the nation's lakes and rivers, in a five-year $10 billion program.

REASONABLE GOALS

The Democrats can earnestly and honestly argue that Mr. Nixon is not proposing to spend enough on anything, but I doubt that that will prove to be a very appealing argument after the Democrats in Congress voted overwhelmingly to reduce Federal revenue needed to finance the programs they advocate.

Mr. Nixon is a relatively modest promiser and it is clear that he believes that the majority of Americans prefer relatively modest goals which can be visibly attained to big, vague promises which rarely get fulfilled and which lead to lack of faith in government itself.

GREATEST ADVENTURE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. SCOTT. Mr. President, it is a pleasure for me to bring to the attention of the Senate the address made by John J. Powers, Jr., chairman of the board and president of Chas. Pfizer & Co., Inc., at the Poor Richard Club in Philadelphia on Benjamin Franklin Day, January 17, 1970. Mr. Powers addressed the club as the 37th recipient of its annual Gold Medal of Achievement Award in recognition of his "outstanding contributions to the Nation."

Taking issue with the "prophets of doom," Mr. Powers told the Poor Richard Club that America is in another of the great historical times of change that marks the beginning of one of mankind's great creative ages. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE GREATEST ADVENTURE OF ALL

(By John J. Powers, Jr.)

I am greatly honored to be named as the recipient of the Poor Richard Medal for 1970 which I accept most gratefully. But no man stands alone, and I cannot help but feel that to some extent it is intended to honor not just myself but also the men and women of my company, indeed, of the entire chemical and pharmaceutical industry. For all, my deepest thanks.

To respond to this award in the tradition of this occasion would be a challenge at any time. I find it particularly so at this time, at the beginning of the 70's, at the end of the 60's. The 60's—how shall we characterize them? The decade of confrontation between nations and between peoples within nations—marked by declining civility and mounting instability, of war abroad, of violence at home, and an increased awareness of the interrelated social problems of poverty, of urban deterioration, of racial conflict, and the widening generation gap. As I look forward to the decade of the 70's I see all these, and more, as important problems to be solved or mitigated, but my attention is drawn irresistably first to the generation gap, to our young people because tomorrow belongs to them.

In this new decade they will move to the other side of this troublesome, sometimes tragic, gap. For the generation gap is not new. It is and always has been part of the living process. It is not just youthful insights (which are sometimes very right) against adult judgments (which are sometimes very wrong). It is not just the physical prime of youth and the great need to be active against the slowly ebbing tide of adult years that makes of midnight an end not a beginning. These are obvious and understandable and accepted. But, consider when youthful curiosity has finally seen too much with the passing years and novelty has lost its charm, when youthful imagination has been bent heavily under the adult load of routine and repeated tasks, when youthful daring has finally yielded to a great yearning to be secure and unchanged. These, indeed, are great and often disturbing differences. And today every facet of these differences has been magnified to startling proportions by the great conflicts, the fundamental changes, the swift flow of events of our times. Yes, and by the great dissatisfaction in our times as men continuously and rightfully seek to improve their condition. Indeed, more than in any other age there is real hope of what heretofore seemed only distant goals or glorious slogans. It has taken 200 years for Egalité, Fraternité and Liberté suddenly to seem visible of achievement.

It is this, I venture to say, that has whetted the appetite of the new generation, which has caught the sense of justice and adventure of our youth in these tumultuous times and made their voices louder and more demanding. But it is of some importance to recall that we provided the opportunity which they now grope to seize, which soon they must fully exploit as they begin to take over our role and assume the responsibilities of their times.

As for us we are neither proud nor ashamed of the role we played, of the contributions we made. Not ashamed because, we at least, committed ourselves. In the most complex times in the history of the world we have had a real run at it. In some respects, we have done much. But we are no longer surprised that we have not done everything or even most things. We know now that the sands run fast. In the end, we see our contribution as but a small part in the long process of the development of man and the reaching for God. So neither are we proud.

But for them it is the beginning of their contribution. They should be able to do much more than we, for knowledge builds on knowledge in geometric progression. In the swift pace of the years since we stepped over to this side of the generation gap more new knowledge, especially measurable knowledge, has been developed by our generation than in the previous entire history of the world. They will now build on that knowledge and so will do more.

But in another sense they can do no more than to commit themselves entirely to the fulfillment of their responsibilities. We now wonder if, in the end, we quite did this. For while we are of the age which provided the big technological breakthroughs, we are also of the age which sometimes stood watching while murder was committed in the streets. Indeed, I suspect that the first meaning of the tensions of these times is that they provide a new setting where the need for total commitment will be more evident and more compelling, and so here too they will no doubt surpass our generation. Perhaps our proudest boast will be that we spawned the present youth and the times that will form their destiny.

What of those times? What have we wrought, and where does the path now lead?

One suspects that there is a rhythm to life which is beyond our power to control. The vast tides of action and reaction within the long process in the development of man show a pattern. And I would venture to say that in the past forty years and in yet some years to come, we are in one of those great historical moments of change that invariably mark the beginning of one of the great ages of man. Man easily becomes complacent and fat, but the spirit lives, and when once again he is ripped with the spur of adversity, he rises to the challenge with all the genius and creativity of which he is capable.

The glory that was Rome started in the midst of the cruelest of times during which civil wars and corruption and bitter hardship had racked all Italy for years. The Roman state seemed to be disintegrating. Then came the great creative response beginning with Augustus, and there followed 400 years of peace and prosperity and a glorious flourishing of arts and letters.

It is strange that in the times of terrible trouble and tension which give birth to the creative periods, most people are convinced the end has come and see not at all the beginning of the new era.

We now look back on the Elizabethan age as a great and glorious period of English history, yet the early Elizabethans saw it otherwise. Hostile foreign powers pressed them from without. Within, they were overrun by masterless men, boly vagabonds who imperiled internal security. Gloom and decay were all they could see, yet this was the beginning of an age which saw the emergence of a poverty stricken little northern island to world power, and the development of the infinite cultural wealth of English poets and dramatists.

The ravens of doom were croaking again in England in the opening years of Victoria's long and fruitful reign. Cruikshank calls it a time when "Statesmen were without ideals, the church without vision, the crown without honor and the common people without hope . . . how could they dream," he wrote, "that they were in a dawn not in a dusk—that it was already here, that it had begun. . . ."

And it has begun here—now—in America.

The clue, is of course, not just the tensions that mark these times, but what lies behind them—the explosion of new discoveries, new knowledge and new techniques that make men see new worlds and dream new dreams. They make possible what once lay beyond hope. And, as always, new things lead to change. With them, a vast stirring occurs, a restlessness with the status quo, a wish to be off to the moon. But in our times, the explosion of things new has come with atomic force, and at a pace too swift to grasp. The change is beyond belief. It is more fantastic than the most bizarre of science fiction stories. And change creates tensions between what was and what is becoming and what may be. This time the buildup towards a new era, a new age, is creating greater tensions than ever before, not just on the campus but throughout every aspect of man's activities in the world—social, economic, political and technological.

The one great error of these times, for us as we begin to step aside, for youth as they begin to take over, would be to see the problems and not the opportunities, for us to fight change rather than to build a new world, for them to protest the old without seeing the new. Let none of us stay in the darkness of trouble and woe. These are but the herald of what is to come. The tragedy for each one of us would be to miss the chance to participate in the building of this new world, we at the end of our time, they at the beginning of theirs.

It is becoming now. It is greatest adventure of all the great adventures on which man has ever embarked. We are no longer spreading throughout the Mediterranean basin, or civilizing northern Europe, or developing the new world of the western hemisphere. There lies before us the entire earth and all its countries and all its peoples. The ferment of change and betterment is touching everyone, the haves as well as the have nots, and this earth will be made over to satisfy these deep-felt needs. The potentialities are fascinating, exciting and stimulating. To work to bring them to actuality will be deeply satisfying as no effort of man in the past could ever be. And our youth are already looking beyond this earth and the man in the moon which for us was the peak of high adventure. They, literally, have their eye upon a distant star. They feel the deepest aspirations of man to reach out, far beyond himself. But maybe here they will not in the end be so different from us. For as they extend their outstretched hands far out into space they will find, I hope, not so much a place on the moon, as they will the only final satisfaction possible for man, their Creator. And unless they see Him they will have seen nothing.

TOXINS AND NATIONAL SECURITY

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. DELLENBACK. Mr. Speaker, on November 3, with the cosponsorship of three other Members and the support 12 additional Members of the House of Representatives, I presented to this Congress a study paper on CBW and National Security. It was an examination of the strategic and tactical importance of chemical and biological weapons. We believed that the judgment of the Congress concerning the future of these weapons should be based on a careful study of this kind.

We were delighted that many of our concerns were resolved by the President's historic announcement. Subsequently, however, uncertainties have developed; one such is with regard to the classification of toxins. Toxins are biologically produced chemicals; they are dead but poisonous products of bacteria. If considered biologics, they fall within the scope of the President's ban on production. As chemicals, they do not. Technically they are chemicals, for they are no longer living. However, they not only must be produced from biological organisms; they produce noncommunicable forms of the diseases we associate with biological warfare, namely botulism, cholera, diphtheria, gangrene, plague, staphylococcus, tetanus, and typhoid. Regrettably, there are indications that the Department of Defense has decided that toxins are to be classified as chemicals and thus not to be covered by President Nixon's prohibition upon the use of lethal biological agents and weapons, and all other methods of biological warfare.

I am concerned that policy not be made on the criteria of what is politically achievable or, in the eventuality of synthetic toxins, what is technically possible. The only acceptable criterion for military expenditure is military necessity. The determining question ought to be whether toxins add to the deterrent and retaliatory effectiveness of nerve gases and other chemicals. Having raised that question, I have come to doubt that the marginal advantages which toxins possess in dispersion suffice to justify a completely separate arsenal. In fact, the greater the dispersion possibilities, the greater are the chances for unintentional spreading of toxins beyond the battle zone. Thus, even were we to accept the necessity for chemical retaliation, the need for toxins remains unclear.

Subsidiarily, there are two other reasons why it seems best not to produce toxins. First, the dangers associated with producing and stockpiling biological agents will persist unless the toxins are extracted immediately from the live spores and the bacteria are killed immediately. I would be interested in knowing whether this is our process.

Additionally and at present even more significantly, we face the problem of being consistent with the President's statement supporting the draft convention against biological war proposed by Britain at the Geneva disarmament talks. This draft treaty includes toxins in its definition of biological weapons. It does so in part because of the conviction that disease should not be a weapon of war. The world impact of the President's announcement would suffer by engagement in definitional disputation, especially at a time of discussions concerning comprehensive arms limitations through SALT.

HONORING MR. DAVIS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. THURMOND. Mr. President, the policy of this administration has often been summed up in the phrase "Bring Us Together." The efforts by the UDC to have Jefferson Davis' name admitted to the Hall of Fame, as expressed in the editorial entitled "Honoring Mr. Davis," will assuredly preserve a national unity and put an end to sectional bitterness. Mr. Davis in his own words states:

> A Reunited Country. . . . The past is dead—its hopes, its aspirations. The future lies before you, a future of such expanding national glory before which all the world shall stand amazed.

Mr. Davis' attributes are numerous and these alone should be sufficient to justify his worthiness of being selected to the Hall of Fame. Let us continue in our efforts to see this sectional bitterness dissolved and begin to recognize a person for his achievements and not for his circumstances.

Mr. President, I ask unanimous consent that the editorial entitled "Honoring Mr. Davis" published in the Charleston, S.C., News and Courier of December 14, 1969, be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the News and Courier, Dec. 14, 1969]

HONORING MR. DAVIS

Though Jefferson Davis has not yet been admitted to the Hall of Fame, the United Daughters of the Confederacy have not yet given up hope. Nor has The News and Courier. Formal recognition of the leader of the Lost Cause is deserved for Mr. Davis, whose death December 6, 1889, occurred 80 years ago this month.

Among the tributes paid the president of the Confederate States at the time of his death was on editorial in The New World. The editorial noted that Davis "worked mightily for the preservation of the Union, pleading in many northern states for justice to the South . . ."

After the Civil War was ended, in a speech to the youth of Mississippi, Davis said: "Let me beseech you to lay aside all rancor—all bitter sectional feeling, and take your places in the ranks of those who will bring about a consummation devoutly to be wished, 'A Reunited Country.' . . . The past is dead—its hopes—its aspirations. The future lies before you, a future of such expanding national glory before which all the world shall stand amazed."

Jefferson Davis has been nominated for the Hall of Fame. As Miss Desiree L. Franklin of New York City, honorary president of the UDC, has expressed it, "in thus honoring the memory of Jefferson Davis, the electors, who grant it, will honor themselves." The recognition would help to fulfill Jefferson Davis' plea for an end to sectional bitterness.

CONGRESSMAN JAMES H. QUILLEN REPORTS FROM WASHINGTON

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. QUILLEN. Mr. Speaker, I have just completed my "Report from Washington," which will go out to all postal patrons in my district in a few days, and I would like to make it available for readers of the RECORD. Naturally, I am not including for the RECORD the photographs which are contained in the report.

The report follows:

CONGRESSMAN JAMES H. QUILLEN REPORTS FROM WASHINGTON

FEBRUARY 1970.

DEAR FRIENDS: The second session of the 91st Congress is now well underway, but before we get too far along I would like to report to you on some of the decisions and activities in which I was involved last year. I am hopeful that when the 1970 session ends, we can all look back on a record of more accomplishments than was evidenced in 1969.

Last year was a busy one for me as your Congressman. And it appears that this year will be equally as hectic.

My office received more mail in 1969 than any other year since I have been in Congress. This is gratifying to me, for it makes me feel I have been of assistance in helping you with your problems involving the Federal Government.

I sent out my Questionnaire last year and I was very pleased with the returns I received—almost 20%. These public opinion polls give me a good indication of how the majority of the people feel on important issues facing the Nation, and I plan on putting my 1970 Questionnaire in the mail soon.

Although the past session of Congress is often called a "foot dragging" Congress as far as the number of bills enacted, I feel there were many important issues resolved and several worthwhile laws placed on the books.

Two very important issues which continue to plague this Country are the Vietnam war and inflation.

The Vietnam conflict must be brought to an honorable conclusion as expeditiously as possible. The President's plan of eventually withdrawing all American troops and replacing them with Vietnamese forces is a workable plan and will enhance the United States' chances of bringing the war to an end. We need to bring our men back home.

Inflation, as I am sure you are quite aware, is presenting turmoil in our Country. We have made progress in attempting to ease this serious problem which affects every citizen.

The Administration is right in persisting on a policy to control inflation. This battle must be won. President Nixon, in his State of the Union Message, recently pledged to continue to wage an all-out war against this menace. Interest rates must be lowered, the value of the dollar re-established, and an opportunity made available for all to enjoy a better way of life.

Another factor adding to my busy year was the "Open Door" sessions which I held at the Courthouses in the counties of the First District. As you know, I hold these "Open Door" sessions every off-election year.

I initiated these informal type meetings during my first term in Congress, and I have found throughout the years that they give me an opportunity to meet with the people on a personal basis. I hear from many of you through the letters you send me, but because of the time I must spend in Washington, I very seldom have the opportunity to visit and talk with everyone except during my "Open Door" sessions.

There are a number of other decisions and activities in which I was involved during 1969, but space will not permit me to go into detail on each of them; however, on the following pages I will comment briefly on several that I know will be of interest.

PRESIDENT NIXON RECEIVES VIETNAM PETITION

Near the end of the 1969 session, I was honored to personally present President Nixon with a petition signed by a group who supports his effort to bring the war to an honorable conclusion and return our American fighting men to friendly soil.

This particular petition was signed during a patriotic day observance at the Gateway Baptist Church in Bristol, Tennessee, on November 16, 1969, by those in attendance. I had the honor of speaking to this group at the ceremony, and I was certainly pleased when the pastor, Reverend Don Lasley, asked me to hand deliver the petition to President Nixon. The President was delighted to receive the document.

I feel the President needs the solid support of the American people on his withdrawal program if the United States is to achieve its ultimate goal in Southeast Asia.

In the picture at left, I am shown presenting President Nixon the petition at a special White House ceremony.

CONGRESS GRANTS SOME LONG-OVERDUE TAX RELIEF

One of the most far-reaching bills passed last year was the comprehensive Tax Reform Bill. It is a move in the right direction to correct glaring inequities in our tax structure.

Although it increases the amount of the personal income tax exemption for everyone, I still feel it is not as great as it should be.

I have advocated increasing the personal income tax exemption from $600 to $1,200 a year by introducing a bill in each Congress since I was first elected.

I am of the opinion that we can continue to update our tax laws with the aim of providing even greater tax relief for those who need it.

When the controversial Tax Reform Bill was sent to the Senate-House conferees, I urged the conference to make an effort to close gaping loopholes in the Federal tax structure in order to grant more tax relief.

I feel Congress has been derelict by not coming up before last year with a tax reform package to improve our tax program.

If Congress is to fight inflation, and at the same time provide long-overdue tax relief to those who need it, we must be realistic when we send tax reform legislation to the President for his consideration.

If Congress had taken—and it could still do so—the necessary bold action in closing these glaring tax loopholes. I believe there would be enough funds to operate the Federal Government in addition to providing an even higher increase in personal income tax exemptions and greater social security benefits than the 15 percent already granted.

MY BILL WOULD PREVENT COMMUNISTS FROM WORKING IN DEFENSE FACILITIES

My bill which would prevent Communists from working in defense facilities passed by a vote of 274 to 65 in the House shortly after the second session got underway this year. I feel this is one of my most important legislative accomplishments.

Of couse, the bill must now be considered by the Senate and signed by the President before it becomes law.

The measure is entitled the "Defense Facilities and Industrial Security Act of 1970" and, in my opinion, it is vitally needed. Our national defense facilities have been the targets of these subversives for too long—now is the time to thwart their efforts to overthrow our Government.

As passed by the House, my bill vitalizes, strengthens and improves three basic and necessary national security programs for the purpose of safeguarding (1) selected industrial facilities essential to the defense of the Nation against espionage, sabotage and acts of subversion; (2) classified information released to contractors and (3) vessels and waterfront facilities.

The principal legislative base for the maintenance of industrial facilities programs was Section 5 of the Subversive Activities Control Act of 1950. Under that section of the Act, members of the Communist-action organizations were prohibited from employment in certain facilities designated by the Secretary of Defense as defense facilities. However, in 1967, the U.S. Supreme Court voided that section of the Act on the ground of "overbreadth."

It is unthinkable to me that there should be any question of whether our defense plants should be protected from subversives. This is especially true at a time when we are committed to a fight against Communism throughout the world, and yet, the Supreme Court has handed down decision after decision which virtually rolls out the red carpet for Communists in defense facilities.

The passage of my bill, which I co-sponsored with Representative Richard H. Ichord, D-Mo., Chairman of the House Internal Security Committee, represents two years of legislative efforts on my part and others who supported the measure.

VETERANS LEGISLATION PASSES OVERWHELMINGLY

I introduced a bill, which passed the House by an overwhelming 352 to 0 vote, that would remove the current mandatory requirements of the Veterans Administration for the annual reporting of income for World War I and other veterans who are 72 years of age or older.

My bill was included as a provision in H.R. 372, a measure to modify the reporting requirement and establish additional income exclusions relating to pensions for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement

for hospitalization of veterans, and for other purposes.

Under the present VA requirements, veterans who are 72 or older must fill out an annual income statement before they can receive a pension. I have hopes that the Senate will act promptly on this bill so it can be signed into law by President Nixon.

The House also passed another bill I sponsored which would make it possible for all Congressional Medal of Honor winners to have a graveyard marker or headstone furnished by the U.S. Government. My bill authorizes the furnishing of headstones to mark the graves of persons awarded the Medal of Honor regardless of the character of discharge awarded for their last term of service. The bill is now in the Senate and I have no doubt it will be passed and sent to the President for his signature.

PORNOGRAPHY PROFITEERS MUST BE STOPPED!

Of all the forces at work today eroding the dignity and basic morality of the people, I believe the most disgusting is the use of the U.S. mails to purvey obscenity and perversion within the privacy of the home. Pornography has become a multimillion-dollar racket, invading the homes of many, unasked and unwanted.

Legislation designed to greatly curb the peddling of smut mail must be given top priority by this Congress.

Smut peddlers prey upon inexperienced and impressionable young people at the very time of their character formation, subverting the principles of morality that decent parents are trying to instill in their children.

Vicious pornography profiteers use mailing lists derived from such innocent sources as high school honor roll lists to flood the mails with offers of hard-core smut. Even the promotional materials which they send unsolicited are far too graphic and obscene to be allowed in the hands of vulnerable youngsters, and a decade ago would have qualified the sender for a term in a Federal penitentiary.

Every week I receive letters from anguished and angry parents, pleading for a way to keep this filth out of their mailboxes. They take the position that the U.S. mails should not be freely available to those who would profit from pandering to the natural curiosity of the young—I wholeheartedly agree.

Last year I introduced four bills—H.R. 12225, H.R. 12519, H.R. 12520, and H.R. 12657—in an attempt to halt this onslaught of smut being forced upon the American people by the misuse of the mails. These measures provide first-offense penalties of a $50,000 fine and five years in prison for anyone convicted of sending this kind of material.

Special emphasis is placed on protection of children under 18, but the legislation protects the privacy of adults as well.

I hope my bills will be favorably considered so that the people of the First District and throughout the Country will be safe from the purveyors of filth who have too long profited from exploitation of the innocent.

GUN CONTROL LAW SHOULD BE REPEALED

During my "Open Door" visits, I found that the bill passed in 1968 by Congress on gun control was a real concern to the people throughout the District.

I introduced a bill, H.R. 13409, which was included as a provision of another bill, making it unnecessary to register shotgun shells, rifle ammunition and .22 calibre rimfire ammunition. This bill passed the House and Senate in 1969 and was signed into law by the President.

I introduced another bill—H.R. 13408—to repeal the Gun Control Act of 1968. The major complaints of the firearms owners and dealers are that gun control leads to registration and registration leads to confiscation. This must never happen.

I found from talking with some of you, and from the mail I received, that the people believe the gun control law will do little to deter the ever-growing crime rate. I agree with this.

My opinion is that the only people who will comply with such regulations are the law-abiding citizens who aren't in the habit of committing crimes with their guns, including sportsmen, gun collectors, and those who buy firearms for the protection of their families. As Americans, we have a constitutional right to bear arms, and we must protect this privilege.

I am cognizant of the need for law and order, but it will have to come through stricter enforcement of our present laws and more severe punishment for those who violate them.

As the different hunting seasons open, the problems in the sale of ammunition have been solved by the passage of my bill.

IN CONCLUSION

I would add that there were a number of programs and reforms proposed by the Nixon Administration which the Congress simply refused to consider.

Congress failed, over my objection, to enact needed anti-crime legislation; no action was taken on welfare reform; and the lack of new legislation allows pornography to continue to flood the mails.

As the President pointed out in his State of the Union Message, the Administration sent to the Congress thirteen separate pieces of legislation dealing with organized crime, pornography, street crime, and narcotics, but none of the measures reached the President's desk.

Law and order must be restored without further delay. The rapid increase in crime throughout the Country must be halted. Until the Committees of the Congress start acting these goals cannot be accomplished. The log jam just be broken.

I feel the Administration is willing to take steps to reduce Federal spending. We had a balanced budget in 1969, a surplus in fiscal 1970, and the President has presented Congress a balanced budget for 1971.

I approve of the President's plan of improving our environment by taking steps to eliminate air, land and water pollution.

I have a feeling that it's going to be a better year for everyone if we all work together.

Sincerely,

JAMES H. QUILLEN.

ALDA WELCOME

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. SCOTT. Mr. President, we enter the new decade of the 1970's faced with a housing crisis. The challenge of our population boom will require, between now and year 2000, a response of a magnitude equivalent to the establishment every 40 days of new cities capable of housing a quarter million people.

A sobering aspect of this situation is the fact that this country's course for countless generations will be affected by what we do now, both in terms of housing construction and, more importantly, land use. Solutions will require our boundless energies, the utmost of our ingenuity, and our collective vision, for visionaries we must be if we are to find an answer to the seemingly answerless problem of where to house our children and our children's children.

One thing, however, is certain: we must turn our attentions more and more to the problems of our environment. We must absorb into our national thinking an ecological approach—ecology must be a common word—because the trespasses against ecology are becoming common knowledge through common sights and common smells.

I am delighted to note that a newcomer on the Washington scene, the American Land Development Association—ALDA—has taken the first small step in promoting this new environmental-ecological approach. The founders of this fledgling association have set forth in their "Statement of Beliefs and Policies of ALDA" a terse announcement of their awareness that as land developers, they hold the key which could unlock a truly beautiful and livable America. I believe this association represents a commendable undertaking, and I wish its members well.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement as it was ratified by the board of directors for the American Land Development Association, and as it appeared in the January 1, 1970, edition of the association's monthly newsletter, Washington Developments.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF BELIEFS AND POLICIES, AMERICAN LAND DEVELOPMENT ASSOCIATION

Consistent with broad national policy, as expressed by the Congress of the United States, to provide, "A decent family," the members of the American Land Development Association are dedicated to the principle of excellence in quality and service.

We recognize that land is a limited basic natural resource. We are aware that land and its development are essential to the production, composition, consumption, and utilization of the nation's total wealth. We are cognizant of our duty to conserve and maintain the land in our possession or under our control and ownership in a manner befitting a precious natural resource.

We believe the members of the land development industry, through free contractual relationships with the various land consuming and land utilizing members of the public, can more perfectly create the means to bring about a balanced and efficient allocation of this limited resource. At the same time, we believe the tradition of American private enterprise, functioning as it does in a mixed national economy under a democratic system of government, will most effectively achieve equity in distribution of land ownership and real property, along with a fair and equitable distribution of wealth and income produced therefrom.

In recognition of our interests and unique contributory function in achieving these high national goals, the American Land Development Association, subscribes to and dedicates itself to promote the following policies and practices:

1. In matters of land development, the public good and benefit is to be a major consideration.

2. Good faith efforts are always to be made to increase land's quality as well as its value.

3. Reasonable efforts are to be made to preserve and protect natural flora and fauna peculiar to a region or locale, where development may be undertaken.

4. Reasonable efforts are to be made to preserve landmarks and structures of unique local, state, or national historic interest and value.

5. Design and engineering of development improvements are to take into consideration total environmental enhancement.

6. When at all possible, innovations and new technology, materials, and methods are to be employed in site design and preparation, and in construction, rehabilitation, renovation, and maintenance.

7. In the sale or advertisement for sale of land or improvements, the doctrine of caveat emptor is to be renounced in favor of on-site inspection, wherever possible, and in all cases true and factual full disclosure as to condition of title, and nature of the land, restrictions and easements, taxes, assessments, and reasonable representatives to the purchaser or lessee regarding the nature, dates for completion and cost to the purchaser or lessee of planned common areas.

8. In the sale or advertisement for sale of land or improvements fair market value is not to be misstated or misrepresented.

9. In the sale or advertisement for sale of land or improvements, statements of future use and value and potential use and value is to be based on known and ascertainable record of fact and on reasonable projections.

10. In the sale or advertisement for sale of land or improvements, no person is to be denied purchase, or lease, or the opportunity of purchase, or lease because of race, color, creed, religion, or national origin.

11. The members of the American Land Development Association will confer, consult, and cooperate with national, state, and local governments, associations of architects, contractors, engineers, and similar groups related to the industry, labor unions, and private and non-profit agencies and organizations in a determined effort to upgrade the land development industry and serve the needs of land developers, individual purchasers, the community, and the nation.

CONTINUING CBW PROBLEMS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. DELLENBACK. Mr. Speaker, when 15 Members of this House joined me last November in releasing CBW and National Security, we assumed that safety measures would be academic should the production and stockpiling of C–B weaponry be unnecessary. Safety hazards will be greatly reduced as the United States now begins to destroy its biological war stockpiles. Regarding chemical weaponry, such hazards will remain with us. Accordingly, we need to be attentive to safety in shipment, storage, testing, and disposal.

Instances of safety difficulties continue to come to light. Most recently, there has been concern over the seeming lack of precautions taken at a U.S. Forest Service Test Center in Globe, Ariz. At the Arizona site, residents blame drifting clouds of the chemical herbicide 2,4,5-T for stillborn and deformed goats and chickens, vaginal bleeding in local women, and the destruction of gardens. The use of 2,4,5-T in Vietnam has been controversial for quite some time. The National Cancer Institute reported that this herbicide can cause cancer, and birth defects have been noted among Vietnamese women living in regions saturated with it. Last fall, the President ordered its use restricted to remote regions of Vietnam, yet reports indicate that we are still using the chemical in the United States. I encourage investigation of the safety measures employed at our test sites, wherever they may be. More fundamentally, considering its apparent disadvantages, I question the rationale for employing this herbicide.

In mid-December, leaking nerve gas at the Army's Dugway, Utah, Test Center forced the evacuation of 200 workers. The incident occurred when one of the containers sprang a small leak after being dropped or banged against a wall. Dugway, 80 miles from Salt Lake City, is near the area in which 6,400 sheep died in 1968 when nerve gas was sprayed from an airplane during a test.

The Department of Defense has stated its intention of transferring nerve gas from Okinawa to the Umatilla Army Depot in Hermiston, Oreg. In light of the past safety record with regard to chemical weapons, I am particularly concerned about this operation. If these lethal chemicals have to be brought to Oregon, I hope every conceivable precaution is taken to assure safety in transit and storage. If these weapons are obsolete or surplus, I believe they should be destroyed in order to maximize safety; if toxins are involved, I urge that the necessary steps be taken to insure their detoxification.

With research in chemical and biological weapons being reduced, the problem of what to do with unused facilities arises. Senator MATHIAS urged on January 9, 1970, that the facilities at Fort Detrick "be given a national mission commensurate with their potential." Because the facilities are well-suited for medical research, Senator MATHIAS has suggested that Fort Detrick be used as a center for cancer research. I wholeheartedly endorse the Senator's proposal.

I have outlined some of the basic problems and hazards involved in maintaining an arsenal of chemical weapons and toxins. Others also have been concerned with this issue. Recently, in a letter addressed to me, the Scientists' Committee on Chemical and Biological Warfare detailed nine points that our Government has yet to resolve in its policies concerning chemical and biological weapons. I commend this letter to the attention of my colleagues as a concise statement of our continuing problems:

SCIENTISTS' COMMITTEE ON CHEMICAL AND BIOLOGICAL WARFARE,
December 16, 1969.

HON. JOHN R. DELLENBACK,
House Office Building,
Washington, D.C.

DEAR SIR: I am writing on behalf of the Scientists' Committee on Chemical and Biological Warfare concerning President Nixon's recent announcement on U.S. chemical and biological warfare policy. While comprehensive in scope, the announcement was sketchy in detail and consequently is subject to varying interpretations. In fact, many of those who are more or less familiar with the CBW situation have tentatively concluded that the President's announcement would result in only very limited changes.

Answers to the following series of questions would help greatly to clarify the situation, and we feel that because of your interest in and concern about chemical and biological weapons you might be in a position to provide interpretations not readily visible to the private citizen. As it is this Committee's intention to produce for publication a commentary on the President's announcement, please let us know whether or not you are willing to be quoted.

1. Mr. Nixon reiterated the policy of the U.S. never to initiate the use of lethal chemical weapons. Are there also plans to curtail the U.S. program of development, testing, stockpiling and deploying of nerve gases and other agents and their delivery systems?

2. The President stated that "the U.S. shall renounce the use of . . . all . . . methods of biological warfare". Does this renunciation include the anti-crop biologicals, such as rice blast and wheat stem rust? If so, do current plans include the cessation of development and testing of these agents and the destruction of stockpiles? Does it also include botulinum toxin and other similar substances? Will the 20,000 "Botulism bullets" stored at Pine Bluff now be destroyed?

3. Mr. Nixon mentioned that future research on biological warfare will be confined "to defensive measures such as detection and safety measures." Is it thought within the Administration or the military that a biological attack on this country is sufficiently likely to necessitate protective measures for the civilian population? If so, what specific types of protection are envisioned? How will protective systems be distributed and administered? When will the civilian population be informed of their existence and instructed in their use?

4. It has been the contention of those responsible for biological warfare research that the development of new types of pathogenic microorganisms, and the development and testing of delivery systems were a necessary part of defensive research, since one had to anticipate all possible moves of an enemy in order to be properly prepared for defense against them. Does the President's directive on biological warfare include any curtailment of the development of novel varieties of disease-causing organisms or of delivery systems and dissemination techniques?

5. The facilities for biological warfare research at Fort Detrick and at Pine Bluff are said to contain the most advanced equipment available for the study of disease-causing microbes. Are there any plans to convert these installations into national or international research centers for the study of communicable diseases, or to transfer their administration to the Department of Health, Education and Welfare?

6. On the disposal of stockpiles of biological agents, has any tentative timetable been set? Is it planned to destroy the microbes by heat or by some other method?

7. Has a definite timetable been set for the presentation of the Geneva Gas Protocol to the Senate for advice and consent? Will there be a qualifying proviso excluding herbicides and non-lethal gases from coverage by the Protocol?

8. In view of plans to continue the use of herbicides and defoliants in Vietnam, what measures are being taken to eliminate the risk of teratogenesis?

9. In view of recent disclosures that Department of Defense officials have sometimes disregarded administrative and Congressional policy directives, what measures will be taken to ensure that changes in CBW policy, such as destruction of biological weapons and stockpiles, are carried out?

Answers to these questions will greatly help the public and the scientific community to understand in precise terms the Administration's plans with regard to CBW.

Sincerely yours,

RICHARD NOVICK, M.D.,
The Public Health Research Institute of the City of New York, Inc.

THE LATE JAMES H. HAMMOND, COLUMBIA, S.C.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. THURMOND. Mr. President, South Carolina lost a great man and I lost a good friend upon the death recently of James H. Hammond, of Columbia, S.C. I was privileged to work with Jim Hammond as a fellow member of the South Carolina Senate, and I have been privileged to consider him as a friend and supporter. Senator Hammond, who was a native of my home county, Aiken, was the grandson of the late James H. Hammond, who served as a distinguished Member of this body as Senator from South Carolina and also served as Governor.

Senator Jim Hammond's dedication to the best interests of South Carolina led him to a lifetime of public service. He represented Richland County in the State senate, served on the Board of Visitors of the Citadel, and served as chairman of the Santee-Cooper Authority and of the city of Columbia's Sesquicentennial Commission.

In 1968, even though he had passed his 80th year, Jim Hammond served as a presidential elector on the ticket supporting Gov. George Wallace. He was active all his life and will be missed not only by the State of South Carolina which knew him for his energetic involvement in public affairs but also by his family and a large circle of personal friends who regarded him highly.

Mr. President, the State newspaper of Columbia, S.C., published an editorial noting the splendid record of Senator Hammond. I ask unanimous consent that the editorial, entitled "The End of a Busy Life," be printed in the Extensions of Remarks.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

THE END OF A BUSY LIFE

Some of the zest went out of Richland County—and of South Carolina, for that matter—when James H. Hammond died Wednesday.

"Jim" Hammond had a choice of titles, but he was the sort of man who had them thrust upon him rather than seeking them out. He was "Senator" for his legislative service in behalf of Richland County, "Colonel" for his long tenure on the Board of Visitors of his beloved Citadel, "Chairman" of Columbia's Sesquicentennial Commission and of the Santee-Cooper Authority, "Presidential Elector" on the Wallace ticket in 1968, and "Captain" of the football teams both at The Citadel and (as a law student) at the University of South Carolina.

He crowded more living into his 84 years than could be done by a dozen ordinary men. His involvement in political, civic, historical, and cultural affairs brought him recognition and appreciation, but few persons—no matter how intimately associated with him—knew the full measure of his contributions, financial and otherwise, to his fellow men.

He was a "do it now" sort of individual, impatient of needless delay or selfish motives. Whether the project involved the construction of highways, the honoring of a deserving citizen, the publication of a bit of Carolinaana, or the extension of a helping hand to a faltering but worthy person or program, Jim Hammond would somehow find the time and the means to get things moving.

And he himself kept moving until the very end. Ever ready with a quip, a bit of verse, or an outlandish story, he brightened any gathering and delighted every audience. His close association with persons and places throughout the state would prompt him on occasion to jest that he "was born in every county of South Carolina."

Indeed, his life did touch almost every facet and every part of the Palmetto State. When he is laid to rest in what is truly "Hammond country," the Beech Island community of Aiken County, he will join his grandfather, the James H. Hammond whose service as United States Senator and Governor of South Carolina is recalled by his 19th Century cry, "Cotton is King."

Both will long be remembered by South Carolinians.

A QUESTIONNAIRE

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, the time has now arrived when according to my usual custom I prepare and send to the people of the 23d District of Pennsylvania a questionnaire on many of the complex issues of the day. For the information of the Members, and in order to make the questionnaire a part of the official RECORD of this session, I am presenting my questionnaire in detail, which will soon be mailed into the district. The questionnaire will have on its face a picture of myself at the telephone, wherein I state that again I am calling to ask the people a few questions. The remainder of the questionnaire is as follows:

FEBRUARY 1970.

DEAR FRIENDS IN THE 23D CONGRESSIONAL DISTRICT: We are now in the decade of the seventies, and the Second Session of the 91st Congress has assembled, and we are about to commence voting on many controversial issues.

As in past years, I have again prepared a questionnaire wherein I seek your views on many of the complex issues of the day, such as inflation, Vietnam, and drug penalties. I would like to ask you to take a moment or two of your time and share with me your opinions on some of these issues.

Results will be tabulated and made known to yourself, the Congress and the President.

You do not need an envelope to return this questionnaire. Just refold it and attach a 6¢ stamp.

Thanking you in advance, I remain,

Sincerely yours,

ALBERT W. JOHNSON.

CONGRESSIONAL QUESTIONNAIRE

In answering the multiple questions, indicate your opinion by inserting a, b, c, or d in the space provided. Other questions answer "yes" or "no." Your answers will be held to be confidential.

1. Do you agree with Vice President Agnew's charge that news media are often partial and biased?

2. Should wage and price controls be imposed to stop inflation?

3. Do you approve of the President using his veto power if he believes a bill is inflationary?

4. What should be done about Vietnam?

(a) withdraw immediately, irrespective of consequences; or

(b) try to negotiate a settlement around present positions; or

(c) withdraw our combat troops as rapidly as the South Vietnamese can take over their responsibility (the President's Vietnamization Policy); or

(d) invade and blockade North Vietnam?

5. Do you favor allowing Federal police officers with a warrant to enter a house without knocking in drug felony cases, if they believe drugs and other evidence being sought may be destroyed quickly?

6. Should we reduce the crime for first time use or possession of marijuana and heroin from a felony to a misdemeanor?

7. Do you favor:

(a) increasing Federal aid to education; or

(b) reducing allocations; or

(c) maintaining aid at present levels?

8. Do you favor busing school children to achieve a better racial balance?

9. What do you consider the single most important problem confronting the country today?

(a) air and water pollution; or

(b) crime and violence; or

(c) Vietnam war; or

(d) inflation—rise of cost of living?

10. So that industry will install pollution abatement devices, would you favor:

(a) granting tax credits for such installations; or

(b) issuing a deadline for abatement with a fine for failure to comply?

11. Has the Supreme Court been too lenient in its decisions on pornography and obscenity?

12. Do you now favor a Federal gun registration law?

13. Do you approve of the way President Nixon has handled the war in Vietnam?

14. Do you favor our government selling military equipment to Israel?

15. Do you favor gradually eliminating the Federal farm subsidy and control programs for agriculture commodities?

16. Would you favor Congress granting home rule to the District of Columbia?

17. Do you favor a four-year term for Congressmen and State Representatives who now serve only for two years?

18. Do you consider yourself a part of the "silent majority"?

19. How would you rate President Nixon's overall performance in office? ——good; ——fair; ——bad.

Comments:

Name ———————————

Address ———————————

PRESS CONFERENCE WITH CYRUS S. EATON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. STOKES. Mr. Speaker, there are few Americans who elicit more deserved respect from their countrymen than a fellow Clevelander who I am proud to know as a friend, Mr. Cyrus S. Eaton.

Many words have been invoked to describe Mr. Eaton—words which otherwise would have lapsed from our vocabularies with the passing of the John Rockefellers, Andrew Carnegies, and Henry Fords. And indeed he is a magnate, a tycoon, and a self-made industrial giant.

But Cyrus Eaton is far more. He is also a philanthropist, a peacemaker, and

our country's premier emissary of good will to Communist nations. His integrity unquestionable, and his energy unlimited despite his 86 years, Mr. Eaton has now turned his sights and the devotion of the remainder of his life to expediting the noblest of men's causes, peace on earth.

Recently Mr. Eaton, accompanied by his lovely and charming wife, spent 8 days in Hanoi conferring with the leaders of the North Vietnamese Government and embassy representatives of many countries now stationed there. He reported his findings and impressions of these encounters in a recent speech before the National Press Club which I was privileged to attend. As always, his commentary was both perceptive and enlightening. Moreover, many of his statements were far different than the usual sterilized reports we receive about the Vietnam war and the financial crisis now confronting our Nation.

I believe that the views which Mr. Eaton expressed on this occasion should be brought to the attention of every Member of Congress. At this time, therefore, I would like to include the speech of Mr. Cyrus S. Eaton in the RECORD for my colleagues to read:

PRESS CONFERENCE WITH CYRUS S. EATON

Mr. EATON. When I saw this snow last night, I thought I was in for another catastrophe in Washington. In March of 1909, we were celebrating the inauguration of one of our boys from Ohio as President of the United States. I had two motives for being here. One, to do honor to President Taft; the other to keep an eye on our railroad and track systems here that are expected to carry a great many passengers; not only be patriotic, but maybe earn an honest dollar, through carrying the great numbers of visitors to this great city. There were no automobiles then. If you look up the weather reports, you will find that Washington had the greatest snowstorm in its history—five or six feet of snow, that fell two days before the inauguration. So that for four days there wasn't a wheel turned in any of the railroad cars.

When I saw the snow last night, I said it will be my bad luck again. However, I'm highly honored to have this large group of distinguished journalists here.

Since that time, 1909, I have had occasion very frequently to visit Washington, both on business and to meet the statesmen in the White House, cabinets, Senate and the House. During the same time, my business financial interests have given me contacts with all five continents.

Last month, Mrs. Eaton and I spent eight fairly crowded days in Hanoi. We met the heads of state. We met many others—journalists, heads of hospitals, educators, and what was highly useful to me, the Ambassadors and their staffs, including their military attaches from many countries, Great Britain, France, Canada, India, Poland, Burma, the Soviet Union. We found those visiting Ambassadors men of great knowledge and great understanding of the country, and they were of enormous help to me, because they knew all the personalities in Hanoi and their eccentricities.

We saw, in addition, we met one day with a delegation from the Revolutionary Front of South Vietnam. So I felt I learned a lot about that country, its history, and its ambitions.

They were occupied by Japan in 1940, and for five years Japan controlled the country. At that time, the present Prime Minister, who in my judgment is a very able man, was in contact with President Roosevelt. Roosevelt said to him, "Expel the Japanese and we will promise you complete independence for your country." He also—the Prime Minister—was a man who conducted the negotiations for his country at Geneva, and he thought he had made what to him was a satisfactory arrangement; namely, Japan's soldiers had been expelled. He had an understanding that there would be a temporary division between the North and South, and there would be immediately a vote taken which would decide whether the South would join the North or not.

Our Secretary, Mr. Dulles, thought that wasn't a good idea. President Eisenhower supported him in that cause. He said, "If a vote is taken at this time, 80 percent of these people will vote to join the North, and to have a common leader." We gave the encouragement—our Government did—to the French to reassert their ownership, and their domination of that country. The French Foreign Office told me a few years ago that these people asked for their independence, that we in France wouldn't give it to them. They went to war, and after 10 years they threw us out, even though we had tremendous support from the United States, and I warn you, the same thing will happen to the United States, who have gone into this thing without our approval or without any promise of help from us.

I found these people not especially interested in Communism, but very greatly interested in Nationalism. That is the ruling passion in that country—to be independent. Independent of China, independent of the Soviet Union, independent of France, independent of the United States.

My feeling is that they ought to have been supported in that ambition. Now they have reached the conviction, which is shared by all the leaders there and by all the people that we saw in many walks of life, that this Administration does not wish to end the war, but is making plans to continue it. Any small withdrawal of troops is just a tranquilizer to keep the American people quiet who are protesting. That is their conviction.

I tried to persuade them to the contrary. I said America is a peace-loving country. I speak for the businessmen, and there is nothing in the slander that businessmen like this war because of the profit. That is completely untrue. The businessmen of America would like to see this war ended. That is true of people in all walks of life—college people, clergy, farmers, labor leaders.

Well, they are tremendously well informed, and they are watching everything that goes on in America. Every speech made by the President or interview given by him or by Secretary Laird, Secretary Rogers, someone close to those people, they come there instantly by shortwave, and are translated. And I found them extremely sharp and well informed.

When I said America is for peace, they said in effect, how can you get away with that when your appropriation for military activities is $80 billion year, more than the military appropriations of all the rest of the countries of the world combined—capitalist and socialist?

That was a little hard to explain.

They are well aware of this. $30 billion of that is directly used in their country, and the rest of it is because of the activities in which we indulge.

I continued to press. I didn't offer a single argument as to why I thought our Administration doesn't want to end the war, nor any reasons for it. I tried to advance every argument I could to persuade them that it was in their interest to get the war ended, and to devote themselves to improving their agriculture and their industries and the many other things that they need to do. But they are going to be hard to convince. If our country wants peace with them, we can't be half-hearted in our approach, or in our statements.

I think the problem is not Hanoi. I think it's right here in Washington. Do we want to end the war? If we do, there is no problem of negotiating. There are great exaggerations brought forward that they are hard to deal with. There is nothing in that. Here I am, an American capitalist, and they talked to me, I believed with great frankness and great freedom.

Mind you, they have problems in receiving a visitor from America, because they not only have their own warlike activities to concentrate on, but they have very important allies whom they have to hold.

China, with the largest standing army in the world and 600 miles of common frontier with them, the Soviet Union, a valued ally.

And the military attaches of our allies there told me they consider the Soviet Army the best equipped, the most efficient, the most modern army in the world. And that army, under the Soviet's contract to defend that country, is at their disposal.

How are we going to end the war? Let me refer a moment to the situation—you will be asking me questions which I will be glad to answer as fully as I can. What I can't answer, Mrs. Eaton will.

(Laughter.)

I would just say a word about the situation as I see it in America. You have only to read the front page of today's newspapers to know what is wrong with America. You will see the fact that the Department of Agriculture, a branch of our government, is raising $350 million selling bonds yielding nearly nine percent. When you get our government paying nine percent for money, you are right on the verge of a financial crisis that will be terrific.

Look further on the financial pages and you will see some of our greatest preparations. Floating bonds, triple-rated, nine percent interest. Companies that six years ago their three percent bonds were selling at a premium.

Now that affects not only the great corporations but that high cost of money, that almost complete scarcity of credit, that weighs heavily on a farmer who wants to buy a new tractor or on the laboring man who wants to build a new house.

On the front page also you will see that our government is protesting against any move to bring our troops back from Germany, where we have over 300,000 men that we are sustaining.

How can we maintain those military establishments around the world with the great scarcity of money?

I was in Japan on the way back. I saw leading industrialists, bankers and heads of the government. I asked them—I said, "you can't get any money now from America expanding your industry. Where are you getting it?"

They said mainly from West Germany. They said the German industrialists and bankers are supplying us great quantities of money at eight percent but all convertible into the common stock of our industries.

Here you have Japan and West Germany, the two countries that are forbidden to spend any money to speak of on military equipment. They are the two countries with the soundest currency in the world. Does that mean nothing to us?

Here we go on saying we are going to maintain 300,000 men in Germany at immense cost when we are going bust over maintaining our military activities in one little country.

Mind you, our treaty obligations, if carried out, would take us into 43 wars on behalf of 43 nations all over the world that we have agreed to defend. We simply cannot do it.

What is going to happen? You are going to have a revolt by the businessmen of America who no longer can afford to see our resources spent all over the world in military undertakings.

The great difficulty in which the corporation labors today to get money is illustrated by our cities. The City of New York yesterday floated a bond issue. Seven and a half percent on a completely tax exempt issue and with great difficulty. A few years ago New York City credit would have financed that for about a third of the cost today.

What is the main reason for that? It is this unwise, unprofitable war that we are carrying on in that little country.

Now we advanced various possible arguments as to why we are there and why we should continue but from the standpoint of the American businessman, after visiting that little country and seeing those gentle people, I can't see one single sound reason in the world for our being there or continuing.

I would like to see us do what General de Gaulle did in Algeria. There, you will remember, the war went on between Algeria and the French for years and years, and then they started negotiations to end it.

Those talks went on as they are in Paris, getting nowhere.

Finally de Gaulle said he was going to quit this talk and act, and over night he decided to end that war.

He had to withdraw 500,000 French troops and over one million civilians, some of them of the third generation, who had been there.

What we need here is not—our government knows the facts. They understand the whole situation. There is nothing I can tell them they don't already know.

But what we have to have is the courage of someone in Washington to end this conflict. If it can't come from the executive department, then it has to come from the Congressmen and the Senators. After all, the purse strings—one thing they reminded me of: I was proclaiming the dedication of this country to peace. They said there you have your Senate and your House both elected by popular vote and yet you put up $80 billion a year to carry on war. That is a very hard thing to answer.

So I look forward to action in the House and the Senate that will say we are no longer going to bankrupt America and continue this drain in a useless undertaking. We will see a time when no longer will there be any funds available to carry it on.

Don't forget, these people are very shrewd in international things. They know what is going on.

When we say that we want to end this war but are making preparations to continue it, authorizing these vast sums for military undertakings, you can't convince them.

You will be asking me many questions, I hope, and I will stop now, if I may, and await your questions.

(Applause.)

Mr. HUDOBA. Thank you, Mr. Eaton.

For the members of the audience, a typed transcript of Mr. Eaton's talk, including the questions and answers, will be available this afternoon at the club desk.

QUESTION. Sir, why won't the North Vietnamese let us tiptoe out as Senator Aiken suggests?

Mr. EATON. I don't think we are tiptoeing out. I read this morning again that 350 North Vietnam soldiers were killed yesterday by our artillery. That doesn't look like tiptoeing.

The constant declaration from Washington that as we withdraw our troops we are going to equip others—they would be glad to have us tiptoe out but don't believe we have any intention of doing that.

QUESTION. This may seem a repetition but if the problem in ending the war lies in Washington and President Nixon says he wants to end the war, how come the war doesn't end?

(Laughter.)

Mr. EATON. Well, as Secretary Long said to President Roosevelt, did you mean it when you said it?

(Laughter.)

They have a museum at Hanoi which they call the Revolutionary Museum in which they have many things from the revolutionary war with France. Eighty percent of the equipment of the French was American-made, so they have American guns and all sorts of things. But in that museum the thing they take you around to see is the huge picture of the then Vice President Nixon in his visit to Hanoi. A picture with the commander of the French forces in which the Vice President was stimulating the general to greater activity and persist in the fight against those people trying to get their independence. So with that in mind, it is a little hard to persuade them that the President has changed his mind and wants to end this.

QUESTION. You blame Washington and the Congress for continuing the Vietnam war. Have Hanoi and Moscow no responsibility?

Mr. EATON. I am sure that all Hanoi wants to do and all that the Soviet Union will help them do is to remove from their soil foreign soldiers. If you could see the dedication of these people to independence, far greater interest than in communism—if once you could persuade them that we want to end that war, then all of these questions would resolve themselves. It could be done overnight, as DeGaulle did in Algeria.

QUESTION. Mr. Eaton, do you believe there is a limit to North Vietnam's ability to prolong the war?

Mr. EATON. I am sure they can prolong that war and they are preparing to prolong it for five years, keeping in mind that they have the support of every communist country in the world and that they are receiving from China and the Soviet Union immense support, not only in food and supplies but in modern military equipment.

Every once in a while we see—you know, they have been going on for five or six years. They are about to collapse. That is wishful thinking. There is nothing in it. What amazed me upon looking at these statesmen and everyone was their look of confidence and resolution. No one is scared. Everyone wanting peace so they could get to building their country. But any idea that they are anywhere near being conquered is all bunk.

QUESTION. Two related questions. Hanoi has maintained that no North Vietnamese troops are fighting in South Vietnam. Do you believe this?

The second question: Averell Harriman says he reached agreement with the North Vietnamese in Paris in 1968 for peaceful withdrawal of troops. Was this mentioned to you in Hanoi?

Mr. EATON. Averell Harriman is very highly spoken of by everyone there. They think they were on the way to a solution for all these problems but when Harriman was replaced, they felt that his successor had a totally different policy and different point of view. I think if Harriman had been given authority he would have settled the thing quite early.

Now, as to their troops in South Vietnam, we have to remember that for two thousand years that has been one country, exactly the same people in north and south. They are just as alike as the people of Ohio and Indiana are. Undoubtedly they have troops there but, of course, the leaders of the Saigon government are the three—the three top men are men from the north. They were men fighting on the side of France in their civil war. So to that extent they have North Vietnam people there that they recognize and they are not happy about it.

I have no doubt that those men are looking forward to—I can't prove this—their bank accounts in Switzerland, all ready to get out when the war ends.

I think Harriman would have had a settlement if he had been given authority and I think he would have made great progress if he had been allowed to continue.

QUESTION. Mr. Eaton, you say the statements of U.S. leaders are available to well-informed North Vietnam leaders. Does a free press in Hanoi relate these U.S. statements to the people of that nation?

Mr. EATON. I doubt that. I couldn't read their language, but I would doubt if that were done. I think their interpretation of those statements are printed and commented on and circulated every day, but of course they don't have a free press as we have here. It is under government supervision. The man who is head of the leading newspaper and in charge of press relations is one of the best men I have seen in any part of the world, well informed, intelligent man, speaks no other native language but French and Chinese. A tremendous person in the editorial field.

They haven't very much television and all that, but remember they are at war with this country and they observe the same regulations and restrictions that we did in World War II.

QUESTION. On the subject of prisoners, why does the North Vietnamese government continue to resist all overtures concerning information on our prisoners of war?

Mr. EATON. That is a problem that is of great concern to America. I think they are going to change their policy. They told Mrs. Eaton and me that hereafter any letters sent to prisoners would be delivered and any letter or message written by a prisoner would get out, but we have to remember this, their means of communication there are very limited. Here is that little nation in total war. Much of their countryside has been bombed. They can't get around swiftly. It is a great problem to get letters in and communicate around there. They are under that very great difficulty. They are dedicated to trying to win that war and defend themselves. I don't think they have given the attention to the prisoner question that they ought to and they will. I would predict in sixty or ninety days anything relating to prisoners that had been done by other countries, that will be done there. They kept reiterating to us that the allegations of cruelty to prisoners, lack of feeding, were untrue. They were being treated just as well as any citizen of North Vietnam.

QUESTION. If I may ask two related questions. When U.S. troops are totally withdrawn will there be any room in South Vietnam for freedom and independence, and what would happen to the anti-communists in South Vietnam if we were to withdraw quickly, as you suggest?

Mr. EATON. That is the identical problem that De Gaulle had in Algeria, which he resolved. The terms which they have suggested that they would accept at the end of the war would be the withdrawal of 100,000 troops say in sixty days and a complete withdrawal of all troops in eighteen months. Now, in that eighteen months our forces would still be there for the protection of anyone that was threatened. There are certain people that have to get out. These three men who are at the head of the government, would they want to stay around? They are planning to get out. But you have to remember that in South Vietnam there are really three groups of people. There are those who support the Saigon government, those who support the revolutionary force and then there is a big group in between. That group in between, a good many don't know if they are in between communism and capitalism and don't care. They are not dedicated one way or the other. That very large group would just like to be left alone to carry on their own work, whatever it is. That is a very important crowd in South Vietnam and they have to be considered.

That in between group has no use for the present Saigon government. One is they were traitors, as they consider it, to their country in their conflict with France. Secondly, they have been parties to bringing in soldiers from abroad.

They are highly offended at that group.

I asked this question recently. If there was an honest-to-goodness vote taken where every man was free in the south to express his opinion, where they were not dragooned by an American army or any other army, but completely free, how many would vote to support the present Saigon government?

The answer, everywhere, was about 20 percent. The 80 percent represent that in between group plus the Front.

QUESTION. With the death of Ho Chi Minh, there is much speculation about who leads North Vietnam. Some say it is Li Gwan. Some say Che Trun. What do you say on the basis of your visit, and who will be his successor as number one Communist in North Vietnam?

Mr. EATON. I must not be dogmatic on a question of that kind, but my opinion is that there is at the present time complete cooperation and understanding between the three main men in the North. Sometimes a man will be there who is interested in bringing up the local economy. You can say this man is against war, or you can see a man directing war-like operations, and you can say that is the side that is prevailing.

Each one of these men is doing his own job in his own way, and I think there is, so far as I could detect, complete cooperation and understanding among them. That is verified to me by the Ambassadors of other countries, including our own allies and friends who are there.

I don't think there is—we keep kidding ourselves all the time that there will be a falling out among these people. There will be no disagreement among them so long as they are fighting us.

QUESTION. This may seem like a repetition, but could you make an assessment of Hanoi's views on Communist China from your observation in Hanoi? Do you expect any change in U.S.-Taiwan relationship in the foreseeable future?

Mr. EATON. There was every evidence of fairly generous support in Vietnam from China. Food, money, small arms.

I'm among those that feel that the sooner we get to relieving of tensions among nations of the world, the better. Some people, I think, have been saying, "Well, there are conflicts between the Soviet Union and China that would be for our benefit." Our own attitude to Taiwan is likely to undergo changes if the present leader disappears.

My grandson had an interesting article in the New York Times, Fox Butterfield, on Sunday, which I think he is highly familiar with what goes on there. And it seems to me he set it up pretty well. That those people want independence, and I think they would be glad to have Chiang Kai-shek out, and I don't think they want to join the mainland, but I don't believe that that is a problem that affects Vietnam.

At the present time the Chinese are giving everything to North Vietnam that North Vietnam asks for. North Vietnam doesn't want any of those soldiers. Over the years they have fought with China. They don't want any renewal of that. But the support that China is giving these people is on a very generous scale, as is that of the Soviet Union, and the same is true of all the other Communist countries of the world.

The Ambassador of Poland struck me as a man of very great ability, and with a real desire to see this war settled, not with any animosity toward the United States or undue feeling toward the other side. And that is true of all the Ambassadors there from all these countries. They think this is an unwarranted warfare that ought to be settled, and I think every one of them could be helpful.

France, for instance, owned the country, dominated it for hundreds of years. They would like to be helpful. Of course, the Asiatic countries probably have most influence with them, because they belong to the same continent, similar ancestry and interest.

But whether it is India or Burma or any of the other countries of Asia, I think they all want to be helpful in getting this war settled, and I think our State Department would be well advised if they would seek the help and support of these people who had experience with this country, and with that area; but vanity keeps us from asking any help from outside.

I say that I thought they were extremely able, well-informed men, who would be constructive to the N'th degree if given a chance.

QUESTION. Did you balance your talks in North Vietnam with a visit and talks in South Vietnam? Have you discussed any of these issues with the South Vietnamese side?

Mr. EATON. Only with the representatives of the Revolutionary Front. A group from there came up and I heard their side, but I have not had the privilege of talking to any of the Government of Saigon.

I have talked to a lot of our soldiers, both officers and privates, who have come back after having spent their two years there, and I take very seriously their appraisal of conditions in the country in which they spent two years as soldiers.

QUESTION. Senator Fulbright had urged President Nixon to send a representative to Ho's funeral. Was it a mistake that President Nixon didn't?

Mr. EATON. Well, I am one of those who feel that any courtesy that we can show to people of that kind are wise and well advised. I don't believe we gain anything by being rude. Good manners always pay, I think, in any situation, whether it is in business or otherwise.

Now I think nothing better could happen maybe than a meeting between President Nixon and the Prime Minister of North Vietnam. I think the Prime Minister would respond to meeting the President at some neutral place where, without any propaganda from people in between, there was a discussion of the real issues. In other words, we would be asking the boss in each country what are the terms on which we can settle this? And it wouldn't be so good maybe for you journalists because there wouldn't be as many things to speculate about or talk about, but I have found in the business world, if you get two heads of rival corporations together, you are more likely to get cooperation and understanding than if they refuse to see each other but only say mean things about the other fellow.

QUESTION. You visited Japan on your way home. What do the Japanese think of the Vietnam situation?

Mr. EATON. Japan is the one nation that is prospering out of this conflict, because so much of our activities center from there. Japan's prosperity is astounding. Nothing like it in the world.

Tokyo now is a city of twelve million. The largest city in the world. Japan is doing business on a vast and profitable scale all over the world.

Japan is trying to make up its mind on their difficult problems. One is that I think they are being urged to rearm with the idea that they would become a valuable ally of the U.S. against China or against the Soviet Union.

Those of us who can remember Pearl Harbor I think would look upon the rearming of Japan as a hazardous undertaking. I think the present government of Japan is opposed to that. I think fairly subtle pressure is being put on them to rearm with the idea that they would become an immense ally of the capitalist world, and it is a very dangerous doctrine.

Many of the people of Japan are opposed to that. They know what the bomb can do. They had an example of it in their two cities that were destroyed.

I think Japan, in spite of temptations, ought to stick to their policy of no rearmament and forget—there are plenty of scientists in Japan that could produce a bomb but I think they will resist that.

But Japan and West Germany are two countries that are not spending money on armaments. They are the two countries flourishing most in the world. I think we ought to take a look at that and see if it is something that would benefit us.

QUESTION. Moving to the West, Mr. Eaton, are you just as much in favor of reunification of East and West Germany as you are in favor of unification of North and South Vietnam?

Mr. EATON. I think you have a much more difficult problem there than we do in Vietnam. East Germany takes in a lot of areas that join Communist countries and I am a great admirer of Germany, both East and West. I think they are among the most remarkable, thrifty, hardworking, fine people in the world, but I don't think it actually matters much whether they are united or not as long as they drive ahead.

The war destroyed them. They can devote themselves to their agriculture, industry and finance. I don't think it makes too much difference whether they are under one government or two.

Mr. HUDOBA. Before asking the last question, Mr. Eaton, it is my privilege to present to you a certificate of appreciation from the National Press Club for your service to correspondents in commemorating your visit with us today.

(Applause.)

Mr. EATON. Thank you very much. I had the privilege of being here 12 years ago and I hope 12 years from now you will invite me back again.

(Applause.)

Mr. HUDOBA. Well, we certainly shall.

I would also like to—this is perhaps one of the most redundant things that could happen, but at the risk of a pun, for a man who owns two railroads, here is another tie.

(Laughter and applause.)

Mr. EATON. Blessed be the tie that binds.

Mr. HUDOBA. We have lost the last question but I remember it, I think. Do you plan to give your money away the way that young Brody is doing?

(Laughter.)

Mr. EATON. I want to devote much of the rest of my life to promoting peace in the world. Carnegie, whom I knew, and who was one of the greatest American industrialists, dedicated his fortune to peace but with little effect. I want to be very active in the cause of peace.

I expect to come back to Washington frequently. I want to see my friends in the Senate and the House, and in the executive departments see if I can't persuade them that war is folly and that there is no point in our going bankrupt, especially in these wars that we can't win and we are not much better off if we win them.

Japan and Germany are examples of what can happen to countries that are defeated but yet have the energy and the skill to work hard in their various places.

So I expect to come to Washington; I expect some mayors of big cities will come here privately with me who have their friends in Congress. I expect the heads of big corporations will come down not for any publicity but to talk with the Senators and Congressmen who put up the money to carry on this war in which we are making no progress, and if we continue at the present pace we are all going to go bust.

(Applause and standing ovation.)

A PIONEER IN THE FIELD OF POLLUTION CONTROL

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. RAILSBACK. Mr. Speaker, the administration should be commended for being the first to take such a strong stand on our increasingly contaminated environment. President Nixon, in his state of the Union message, correctly expressed the concern of virtually every American when he said:

> The great question of the '70s is: Shall we surrender to our surroundings or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land and to our water?

But while the public is becoming more concerned about our gradually poisoned environment, the public as well as Government officials involved with pollution control, should take note of the individual efforts of leaders in the manufacturing community.

I am proud to bring to your attention, Mr. Speaker, and to the attention of my colleagues, one such pioneer in the field of pollution control.

Long before it was fashionable, Deere & Co., of Moline, Ill., realized that the cost of pollution to mankind was far greater than the cost of controlling it.

With the exception of the Des Moines and Dubuque operations, the company's manufacturing operations are located in the familiar type of river front "manufacturing sections" which sprang up in the 19th century when water power and transportation were necessary elements in the location of manufacturing operations.

The manufacturing firm, which produces John Deere farm tractors and equipment, industrial tractors and equipment, and lawn and garden tractors and equipment, had for a number of years equipped its factories with a variety of water pollution control devices, such as skimmer ponds. Its comprehensive action against water pollution dates back to 1954. Prior to that time there were no standards for effluent discharge or standardized program to guard against stream pollution; only a general attitude that the company should not be guilty of stream pollution.

In 1954 several stories appeared in the Quad-City newspapers including the Rock Island Argus, the Moline Dispatch and the Davenport Times-Democrat concerning fish kills in the Mississippi River. Although there was no indication that Deere & Co. operations were responsible for any pollution, company executives, spurred on by the articles, adopted a policy which assured the firm would "never be guilty of discharging lethal wastes into a stream."

In 1957, 10 years before the Illinois State Sanitary Water Board adopted its first set of standards, Deere & Co.'s stream pollution control committee set down strict standards which included a system for sampling and testing the discharge from each outlet and a complete review of manufacturing processes with the goal of halting the possibility of discharge of dangerous chemicals into streams. Since cyanide was one of the most dangerous chemicals used, a complete change of heat treating methods was instituted to eliminate the use of cyanide. Other changes were initiated to prevent possible water pollution.

But water pollution control was not the only area in which the company played a pioneering role. The earliest company efforts to control air pollution were made in the 1920's. Dust exhaust systems were placed on grinders and cloth screen collectors were added to prevent a discharge of dust into the atmosphere. Since then, cloth bag collectors, wet scrubbers, and cyclone separators have been installed to prevent pollution from dusty areas of the factory. Many other advances in pollution control were utilized by the company including dust collectors in coal-fired boilers, the use of interruptible gas to reduce soot and fly ash emission, the replacement of seven old small boiler plants with a single modern two-boiler plant designed to curb any possible pollution.

Mr. Speaker, before describing the most ambitious and successful of its pollution control efforts, I think it fitting to relate Deere & Co.'s policy on such control:

> All new facilities should be designed and constructed with the ultimate goal of control or elimination of water and air pollutants. Plans for upgrading controls or eliminating the pollutants should be actively pursued in our existing factories. As a company we should actively support laws and regulations governing air, water and land pollution. We should participate in formulation of such laws by control agencies and whenever possible urge that such regulations be provided with specified methods of measuring the contamination and published limits of quality standards. Regulations governing these contaminants should be applied fairly and uniformly, in a manner which would allow industry to provide the facilities for eliminating the contaminants.

This all-inclusive good neighbor policy might well be followed by other companies who are considered by the American public to be notorious polluters and contaminators of our environment.

Last year a modern new foundry with an annual capacity of 80,000 tons which utilizes electric arc furnaces for melting was completed in the Quad-Cities. These furnaces are equipped with extensive fume- and dust-collecting systems which discharge to the atmosphere through high efficiency bag type collectors. The emission, company officials say, will only be 10 percent of that allowed by rules and regulations of the Illinois Air Pollution Control Board, and the air discharged is actually cleaner than the outside atmosphere. The collected material is so fine it must be pelletized before it is disposed as land fill. With these new controls, the new foundry does not even have smokestacks.

The revered journal of the manufacturing industry, Modern Manufacturing, cited the smokeless foundry as one of the top 10 plants in the country in 1969.

The magazine's citation to the company follows:

> By departing from typical foundry traditions, Deere has introduced additional dimensions to the industry. Comfort and convenience are offered to employees, visitors and neighbors. Especially laudable is the blending of the plant's smart architectural styling with the urban site's attractive landscaping. The mixture complements the surrounding area. Inside, extensive pollution controls, high production automatic conveyors, safety and rest provisions prove Deere is a leader and a winner.

INTEREST IN RURAL DEVELOPMENT, POPULATION DISPERSAL CONTINUES TO MOUNT NATIONALLY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. EVINS of Tennessee. Mr. Speaker, in a recent newsletter, I have emphasized the importance of rural development in the context of the solution of both rural and urban problems.

My newsletter, Capitol Comments, also cited two bills which I have introduced which would assist in population dispersal: H.R. 799, to provide tax credits to business and industry locating or expanding in rural areas and H.R. 9586, to provide for a commission to study the problem and develop a national policy to assure balanced population and industrial growth.

In this connection Mr. James L. Sundquist, former Deputy Under Secretary of Agriculture, in an article in the Public Interest, reprinted February 8 in the Washington Post, provides some additional insight into the problem of rural-urban balance.

Because of the interest of the American people and my colleagues in this most important subject, my newsletter and the article from the Washington Post are placed in the RECORD.

The newsletter and article follow:

CAPITOL COMMENTS

(By JOE L. EVINS)

IMPORTANCE OF SMALL TOWN AND RURAL AMERICA DRAWS INCREASING NATIONAL ATTENTION

The importance of small town and rural development was emphasized again in hearings conducted last week by the House Small Business Committee which your Representative is honored to serve as Chairman. Officials from the Department of Agriculture and the Department of Housing and Urban Development, among other Federal agencies and departments, agreed in testimony that the strengthening of small town and rural America is fundamental in the solution of the problems of our Nation in both rural and urban areas.

Your Representative has repeatedly call for increased attention to the problems of rural areas, pointing out that the lack of opportunity in rural areas has been a major factor in the massive out-migration of our rural population to crowded and congested metropolitan areas.

In recent years programs for rural areas have been strengthened and through private enterprise and efforts of such Federal agencies as the Small Business Administration and Economic Development Administration, business and industrial development in rural and small town areas has been accelerated, creating jobs and employment. In our area, with Federal assistance,

local programs of progress have improved and strengthened many of our communities.

The rate of out-migration has been slowed nationally, and the return of families now living in metropolitan areas to small town and rural areas is now being urged. Chairman Aubrey Wagner of the Tennessee Valley Authority predicted in an address in New York City this week that a new generation of talented young men and women, sons and daughters of Tennesseans who came to the city in search of opportunity, will "take the reverse path to find a more rewarding and satisfying way of life" at home in Tennessee.

Two bills which your Representative has introduced can play a major role in encouraging re-migration. The first is a bill to provide for a system of tax credits for business and industry locating or expanding in rural areas and small towns. Another bill which I introduced last March provides for establishment of a Commission to study and develop a national policy to assure balanced population and industrial growth—a balance between rural areas and the big urban population centers.

Your Representative in a letter to the White House on July 27, 1965—almost five years ago—said: "The new thrust that is needed—the new concept I suggest—is a concentrated effort to develop the small town to its peak of perfection and to wage a national campaign to 'sell' the small town to our new generation. This would ease urban problems by shifting growth to manageable divisions away from urban complexes."

It is heartening to know that progress has been made in this direction and that there is a growing national awareness of the importance of small towns and rural areas, the backbone of America.

[From the Washington (D.C.) Post, Feb. 8, 1970]

It's High Time for Americans To Disperse

(By James L. Sundquist)

(Note—Former Deputy Undersecretary of Agriculture, Sundquist is now a senior fellow at the Brookings Institution. His article is excerpted by permission from the winter issue of The Public Interest.)

By the end of this century, 100 million people will be added to the population of the United States. That is as many people as now live in Britain and France combined. Where shall they live?

If present trends continue—if they are allowed, that is, to continue—most of the 300 million Americans of the year 2000 will be concentrated on a very small proportion of the nation's land area. Projections of the Urban Land Institute place 60 per cent of the country's population—or 187 million persons—in just four huge urban agglomerations.

One continuous strip of cities, containing 68 million people, will extend 500 miles down the Atlantic Seaboard from north of Boston to south of Washington. Another, with 61 million, will run from Utica, N.Y., along the base of the Great Lakes as far as Green Bay, Wis. Some 44 million persons will live on a Pacific strip between the San Francisco Bay area and the Mexican border. A fourth agglomeration, with 14 million, will extend along the Florida East Coast from Jacksonville to Miami and across the peninsula to Tampa and St. Petersburg.

Most of the remaining 40 per cent of Americans will live in urban concentration, too—and big ones. In this decade, the larger concentrations have been growing fastest; metropolitan areas over 150,000 grew faster than the national average of 9.8 percent between 1960 and 1965 while the smaller areas grew more slowly.

These trends, continued for the next three decades, would place 77 per cent of the coming 300 million Americans on 11 per cent of the land (excluding Alaska and Hawaii). Only 12 per cent of the population would be outside urban areas of 100,000 or more population. Is this the way we want to live?

Two questions are presented. The first pertains to regional balance. Is it desirable that population be massed in a few enormous "megalopolises" along the seacoasts and lakeshores? The second relates to rulal-urban balance (or more accurately, the balance between metropolitan and nonmetropolitan areas). Is it in the best interest of the country, and its people, to continue indefinitely the depopulation of rural and small-town America and the building of ever bigger metropolitan complexes, in whatever region?

Forced Migration

In short, the 300 million can be highly concentrated in a few "megalopolises," or they can be distributed more evenly as among regions and dispersed in a more nearly balanced way among large metropolitan areas, middle-sized cities and thriving small towns and villages. Which do we want?

How each family lives is profoundly influenced, even controlled, by the size of the population cluster in which it is embedded. The degree to which population is massed determines the amenity and congeniality of the whole environment in which adults and children live and grow and work. It affects their personal efficiency, their sense of community, their feelings about the relationship between man and nature, their individual and collective outlooks of the world.

The impact of size is most emphatic on the lives of the ghetto dwellers of the great cities, of course, but no one in a megalopolis is immune. The resident of Scarsdale or Winnetka is not wholly spared the stresses of big city life; the larger the metropolitan area, the greater in strains and irritations of commuting and the more inevitable that the environmental pollution that arises from population concentration will affect the most idyllic suburbs, too.

In any case, the desirability of population concentration must be measured by its consequences for the majority of families who live at near-average or below-average levels, not upon the few who can insulate themselves in political and social enclaves.

So the question is, what kind of environment do we want to build? The nation, through its government, has established policies on matters of far less crucial import, yet the extent to which the country's population will be concentrated remains essentially laissez-faire.

That would be all right, perhaps, if by laissez-faire one meant free choice by the individuals and the families that make up the population. But it is far from that. The movement of people from smaller to larger places is, to a large extent though no one knows the exact proportions, involuntary, forced migration.

Young people going freely to the cities in search of adventure and opportunity make up part of the migrant flow, but only part; among the rest are millions of uprooted, displaced families who have little desire, and less preparation, for life in large cities and whose destination is often inevitably the city slums. These displaced families are simply forced into the migration stream by economic forces they cannot control.

The spatial distribution of population is determined, of course, by the distribution of jobs. With the exception of the limited numbers of the self-employed and the retired, people are not in reality free to live just anywhere. The vast majority are employees who must live where there are jobs, and the location of jobs is not their choice. The concentration of the country's population is the result of employer-created job patterns that the people have had to follow.

For the most part, employers have not been free to create jobs just anywhere, either. They have been bound by considerations of economic efficiency—the location of raw materials and markets, the transportation cost differentials of alternative locations, etc. As a result, the basic pattern of population distribution has been designed by the play of economic forces, not by men acting rationally as environmental architects; events have been in the saddle once again.

Even in the absence of quantified evidence, it seems reasonably clear that our largest urban concentrations have grown well beyond the point at which diseconomies of scale begin to show. The costs of moving people and things within large metropolitan areas are demonstrably greater than the costs of moving them in smaller population centers. Commuting distances are obviously longer, the time loss greater, the costs higher. The flight of industry from central cities to the suburbs is a reflection, in part, of the cost of transportation to and within congested areas.

The cost of urban freeway construction varies directly with the population density of the areas affected, and subway systems are an enormous expense that only the larger metropolitan areas require. Such municipal functions as water supply and sewage and solid waste disposal are probably also subject to diseconomies of scale, for the simple reason that the water and the waste must be carried over longer distances. San Francisco, for example, had contemplated dispatching a 70-car train daily to carry its solid waste over 300 miles into the mountains on the Nevada-California border.

Costly Cruelties

The diseconomies are ultimately measurable, at least in theory, in dollars and cents. Other disadvantages of scale are less measurable but no less real. Air pollution, for example, is a function of the dense concentration of automobiles. Similarly, water pollution is more amenable to control in areas where population is dispersed; there, given the will, the way is at least available.

One other factor that must be considered in any calculation of costs and benefits of urbanization is the social and economic cost of migration itself. To decide which new plant location is really most efficient, it is not enough to measure only the building and operating costs of the plant, although that has been the sole criterion of our laissez-faire philosophy.

There are enormous costs, as well as appalling cruelties, in the forced displacement and migration of populations, whether it be Negroes from the South, mountaineers from Appalachia or small businessmen from the declining regions of the Great Plains and the Midwest. (In the 1950s, more than half of America's counties suffered a net loss of population.)

Families lose their homes and savings and equities and property values along with their most deeply cherished associations; communities lose their tax base for public services; community institutions wither. Some of the migrants are too ill-prepared, too sick or too poor to adjust to city life successfully; many of them wind up on welfare, and they burden every kind of institution.

Yet these costs and losses are not borne by the industry locating the plant, but by people and communities, thereby entering no one's cost-benefit equation, no one's computations of efficiency. If they did so enter, then calculations of simple efficiency would no doubt show that, as a general rule, it is far more economical from the standpoint of the whole society to create new economic opportunities where the people are rather than allow existing communities to die while building other whole communities from the ground up in the name of "economic efficiency."

Moving from the physical to the social environment, hard data on disadvantages of scale are even more difficult to come by. Yet we know that as population in general is concentrated, so is poverty (large ghettos ex-

ist only in large urban concentrations) and crime, drug addiction, family breakdown and every other form of social pathology. It may be specious to argue that rural poverty is better than urban poverty when both are bad enough, yet the fact remains that the social evils associated with poverty tend to be mutually reinforcing when the poor are herded together in concentrated masses—as studies of public housing populations, for example, have clearly shown.

Racial tension and rioting are not limited to big cities, to be sure, but in their most terrifying aspects they seem to be. Perhaps most important of all, the problem of unemployment and underemployment of the urban poor appears all but insoluble in the largest urban complexes because transportation systems just cannot economically link the inner cities where the poor live with the scattered suburuban sites where the new jobs are being created. In smaller places, by contrast, people can even walk to work.

For all these reasons, it is not hard to accept as a hypothesis, at least, that our largest metropolitan agglomerations are less livable and eocnomically less sound than smaller urban centers. Moreover, what little evidence is available suggests that people do not like to live in unlivable places; they are there, in substantial proportion, against their will. A Gallup poll in 1968 showed that 56 per cent of Americans would choose a rural life, if they were free to choose, only 18 per cent a city and 25 per cent a suburb.

FRUSTRATED FREEMAN

Over the last decade, only one leading figure in public life has made it his mission to sound the alarm on the question of population distribution policy. That was the recent Secretary of Agriculture, Orville L. Freeman. For the whole of his eight years in office, he led a personal crusade for what he initially called "rural areas development" and later came to call "rural-urban balance."

Before a House subcommittee in 1967, he said, "I say it is folly to stack up three-quarters of our people in the suffocating steel and concrete storage bins of the city while a figurative handful of our fellow citizens rattle tapped resources and empty dreams." And then he got carried away: "The whiplash of economic necessity which today relentlessly drives desperate people into our huge cities must be lifted from the bleeding back of rural America."

Freeman's metaphors could be excused; no one ilstened to all his years of sober pleas and reasoned argument. True, President Johnson gave him moral support and himself made a speech or two on rural development and sent Congress some minor measures, but the subject remained low on the President's priority list.

As for the congressional committees on agriculture, which might have been expected to take some leadership, Freeman could not even get them to set up active subcommittees to consider rural development.

The nation's intellectual community, insofar as it was aware of the Freeman thesis, treated it with a disdain that blended into outright hostility. A composite view of the urban intelligentsia toward rural America can be portrayed, with a touch of caricature, something like this:

Culturally, the cities have a monopoly, and have had since the Age of Pericles. Urban means urbane; rural means rustic. The theater, the concert hall, the museum are exclusively urban institutions; the countryside cannot produce the higher culture, and those who insist on living there are, by definition, both culturally unrefined and, what is worse, content to remain so.

Economically, rural America is destined for decay; the economic forces that built the cities are too powerful to be reversed, even if it were desirable to do so. Freeman's "back to the farm" movement (which, for the record, is not what it was) is romantic nonsense that flies in the face of every economic reality.

Sociologically, rural America is a backwater populated by misshapen characters out of Faulkner, given to choosing as their leaders men like George Wallace and Lester Maddox and to hunting down civil rights workers and interring them on the banks of the Tallahoga River. Politically, it is time that rural America got its comeuppance; the farmers have been exploiting the cities far too long through outrageous programs that pay them enormous subsidies to cut production while the urban poor—and the rural poor as well—go hungry.

Let the land-grant colleges—the "cow colleges," that is—worry about the Podunks and the hicks and hayseeds who live there; we are an urban nation now.

INTELLECTUALS RECONSIDERING

This picture of the rural areas is not, unfortunately, wholly unrelated to reality. The fact is that the rural areas of the country *are* disadvantaged in many ways: they *are* culturally isolated (although their isolation has been drastically reduced by television and good roads); they *have* declined economically; their governmental and social institutions *are* often primitive and backward; racial exploitation *is* rife.

But the cities are not all that superior. There is truth, too, in Freeman's counterportrait of big cities as places of "congestion and confusion, crime and chaos, polluted air and dirty water, overcrowded schools and jobless ghettos, racial unrest . . . and riots in the streets."

But there are signs now that the intellectual world may at last be rediscovering rural and small town America and looking with fresh eyes upon the problem of rural-urban balance. Like so many other trends of current history, this one was set in motion in August, 1965—in Watts.

The analysts of that explosion, and those which followed, suddenly discovered that the problems they called urban had rural roots. "We're being overwhelmed!" cried the urbanists. "Stop the migration. Get these people off our backs!"

So the rural and the urban interest may have converged, finally, and it is out of such convergence that effective political coalitions are born and problems attain their place on the national agenda. The prospects for such a coalition are expressed most sharply in, of all places, the 1968 Republican platform.

"Success with urban problems requires acceleration of rural development in order to stem the flow of people from the countryside to the city," reads the GOP's plank. The language is not without irony for the party of small town America and the party that enacted the Homestead Act. The subject is treated under the heading "Crisis in the Cities"; rural development should be accelerated because the problems of the big cities, where the Democrats live, must be solved.

The leadership for a rural development coalition, also ironically, will have to come from those very cities. Groups with names like the Urban Coalition, the Urban Institute and the Urban League will have to assume the burden of worrying about rural America because there is no rural coalition, no rural institute, no rural league.

Nobody has ever organized to speak for rural and small town people in the nation's councils as the United States Conference of Mayors, say, and the Urban Coalition speak for city people. Farm groups exist, to be sure, but their interest is the economic interest of farmers as producers, and most rural Americans—whatever the definition of the word "rural"—are not farmers but small town and small city dwellers. And they are not organized at all.

When rural America is saved, it is clear, it will be for the wrong reasons and under the wrong leadership. But that is better than not being saved at all.

We can begin by defining one objective—to bring to a halt, as nearly as possible, all involuntary migration. The purpose of governmental policy, then, would be to permit people to live and work where they want to live and work; if they prefer to move to the big city, well and good, but if they want to remain where they are, the objective should be to bring the jobs to them.

This proposal will be confronted at once by the objection that some rural areas are too remote, too backward to be salvageable in any circumstances—that no matter how much they are subsidized, they are beyond the reach of economic opportunity. I hide behind the qualifying phrase; forced migration should be brought "as nearly as possible" to a halt, and where a rural community lies beyond the possibility of redevelopment (the Appalachian "head of the hollow" communities come to mind) then it is by definition impossible to help.

However, the number of people living in such communities is far smaller than is usually believed, if one understands that the jobs to be provided need only be *near*, not *at*, the community concerned. Commutation is a fact of life in this automobile age in rural areas as well as on Long Island, and rural people commonly travel daily to jobs within a radius of 25 to 50 miles. Circles with 25-mile radii drawn around small cities that have a proven economic potential—proven by the fact that they are growing now—cover the vast majority of the country's rural population east of the high plans, and if the circles are extended to 50-mile radii, they blanket almost the whole country but for a few sparsely settled sections of the western mountains and the plains.

A population distribution policy, then, would seek to encourage an accelerated rate of growth in the smaller natural economic centers of the country's less densely populated regions. To effectuate such a policy, the present approaches would have to be extended in both breadth and depth.

First, they would need to be expanded beyond Appalachia and the other presently recognized redevelopment areas to cover all areas that are sources of out-migration. Second, they would need to be greatly improved in potency so that they have a decisive impact upon the migration stream.

Present federal programs are limited to public investment—roads, hospitals, vocational training schools and so on—to strengthen the "infrastructure" of the nonmetropolitan areas, and loans and loan guarantees to encourage private investment. To these would have to be added the policy instrument of tax incentives that has proved so effective in stimulating and channeling investment both for war production and for peacetime economic growth. If an extra investment tax credit were available for defined types of new industry located in the places where the national population distribution policy called for it to be located, then jobs would be created where the people are rather than in places to which they have to migrate.

WRITING THE LANGUAGE

The rub will come, of course, when Congress begins to write the language defining exactly the places eligible for benefits. Growth centers that serve areas of out-migration would have to be included among the beneficiaries even though the centers themselves were areas of in-migration. But only up to a certain point. A cutoff population figure would have to be established at the point where a growth center is considered to have grown large enough, or at least to be able to attain its further growth under its own power.

But given the old-fashioned booster psychology that still conditions the thinking of the leadership of even the largest cities, Congress will find it difficult to designate

any area, even the New York City area, as one that is destined—if national policy can bring it about—to stop growing. To most community influentials, bigger and bigger still mean greater and greater and richer and richer. A population distribution policy may therefore ultimately have to await a major shift in the national psychology.

CAN ANYONE RUN A CITY?

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. JAVITS. Mr. President, it is becoming increasingly apparent that many of our cities are becoming places that people only want to escape from. The problems of race, pollution, overcrowding, and shrinking tax base have grown greater with each passing year, and no quick solutions are in sight. The last several years have seen a fair number of resignations by big city mayors because of their confessed inability to solve their citizens' problems. Attempts by city dwellers to escape city problems by moving to the suburbs have not been wholly successful, since experience has shown that the city problems follow the migration of people to the suburbs.

Gus Tyler, assistant president of the International Ladies' Garment Workers' Union, has written an interesting article, published in the November 8, 1969, issue of the Saturday Review, discussing the plight of the cities and proposing a "New Cities" to the city problems. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN ANYONE RUN A CITY?

(By Gus Tyler)

Can anyone run a city? For scores of candidates who have run for municipal office across the nation this week, the reply obviously is a rhetorical yes. But if we are to judge by the experiences of many mayors whose terms have brought nothing but failure and despair, the answer must be no. "Our association has had a tremendous casualty list in the past year," noted Terry D. Schrunk, mayor of Portland, Oregon, and president of the U.S. Conference of Mayors. "When we went home from Chicago in 1968, we had designated thirty-nine mayors to sit in places of leadership. . . . Today, nearly half of them are either out of office or going out . . . most of them by their own decision not to run again." Since that statement, two of the best mayors in the country—Jerome P. Cavanagh of Detroit and Richard C. Lee of New Haven—have chosen not to run again.

Why do mayors want out? Because, says Mayor Joseph M. Barr of Pittsburgh, "the problems are almost insurmountable. Any mayor who's not frustrated is not thinking." Thomas G. Currigan, former mayor of Denver, having chucked it all in mid-term, says he hopes "to heaven the cities are not ungovernable, [but] there are some frightening aspects that would lead one to at least think along these lines." The scholarly Mayor Arthur Naftalin of Minneapolis adds his testimony: "Increasingly, the central city is unable to meet its problems. The fragmentation of authority is such that there isn't much a city can decide anymore: it can't deal effectively with education or housing."

Above all, the city cannot handle race. Cavanagh, Naftalin, and Lee—dedicated liberal doers all—were riot victims. Mayor A. W. Sorensen of Omaha had to confess that after he'd "gone through three-and-a-half years in this racial business," he'd had it.

Although frictions over race relations often ignite urban explosives, the cities of America—and the world—are proving ungovernable even where they are ethnically homogeneous. Tokyo is hara-kiri, though racially pure. U Thant, in a statement to the U.N.'s Economic and Social Council, presented the urban problem as world-wide: "In many countries the housing situation . . . verges on disaster. . . . Throughout the developing world, the city is failing badly."

What is the universal malady of cities? The disease is density. Where cities foresaw density and planned accordingly, the situation is bad but tolerable. Where exploding populations hit unready urban areas, they are in disaster. Where ethnic and political conflict add further disorder, the disease appears terminal.

Some naturalists, in the age of urban crisis, have begun to study density as a disease. Crowded rats grow bigger adrenals, pouring out their juices in fear and fury. Crammed cats go through a "Fascist" transformation, with a "despot" at the top, "pariahs" at the bottom, and a general malaise in the community, where the cats, according to P. Leyhausen, "seldom relax, they never look at ease, and there is continuous hissing, growling, and even fighting."

How dense are the cities? The seven out of every ten Americans who live in cities occupy only 1 per cent of the total land area of the country. In the central city the situation is tighter, and in the inner core it is tightest. If we all lived as crushed as the blacks in Harlem, the total population of America could be squeezed into three of the five boroughs of New York City.

This density is, in part, a product of total population explosion. At some point the whole Earth will be as crowded as Harlem—or worse—unless we control births. But, right now, our deformity is due less to overall population than to the lopsided way in which we grow. In the 1950's, half of all the counties in the U.S. actually lost population; in the 1960s, four states lost population. Where did these people go? Into cities and metropolitan states. By the year 2000, we will have an additional 100 million Americans, almost all of whom will end up in the metropolitan areas.

The flow of the population from soil to city has been underway for more than a century, turning what was once a rural nation into an urban one by the early 1900s. Likewise, the flow from city to suburb has been underway for almost half a century. "We shall solve the city problem by leaving the city," advised Henry Ford in a high-minded blurb for his flivver. But, in the past decade, the flow has become a flood. Modern know-how dispossessed millions of farmers, setting in motion a mass migration of ten million Americans from rural, often backward, heavily black and Southern counties to the cities. They carried with them all the upset of the uprooted, with its inherent ethnic and economic conflict. American cities, like Roman civilization, were hit by tidal waves of modern Vandals. Under the impact of this new rural-push/urban-pull, distressed city dwellers started to move—then to run—out. Hence, the newest demographic dynamic: urban-push and suburban-pull. In the 1940s, half the metropolitan increase was in the suburbs; in the 1950s, it was two-thirds; in the 1960s, the central cities stopped growing while the suburbs boomed.

Not only people left the central city; but jobs, too, thereby creating a whole new set of economic and logistics problems. Industrial plants (the traditional economic ladder for new ethnic populations) began to flee the city in search of space for factories with modern horizontal layouts. Between 1945 and 1965, 63 per cent of all new industrial building took place outside the core. At present, 75 to 80 per cent of new jobs in trade and industry are situated on the metropolitan fringe. In the New York metropolitan area from 1951 to 1965, 127,753 new jobs were located in the city while more than three times that number (387,873) were located in the suburbs. In the Philadelphia metropolis, the city lost 49,461 jobs, while the suburbs gained 215,296. For the blue-collar worker who could afford to move to the suburbs or who could commute (usually by car) there were jobs. For those who were stuck in the city, the alternatives were work in small competitive plants hungry for cheap labor and no work at all.

Ironically, the worthwhile jobs that did locate in the cities were precisely those most unsuited for people of the inner core, namely, white-collar clerical, administrative, and executive positions. These jobs locate in high-rise office buildings with their vertical complexes of cubicles, drawing to them the more affluent employees who live in the outskirts and suburbs.

The disallocation of employment, calling for daily commuter migrations, has helped turn the automobile from a solution into a problem, as central cities have become stricken with autoimmobility; in midtown New York, the vehicular pace has been reduced from 11.5 mph in 1907 to 6 mph in 1963. To break the traffic jam, cities have built highways, garages, and parking lots that eat up valuable (once taxable) space in their busy downtowns: 55 per cent of the land in central Los Angeles, 50 per cent in Atlanta, 40 per cent in Boston, 30 per cent in Denver. All these "improvements," however, encourage more cars to come and go, leaving the central city poorer, not better.

Autos produce auto-intoxication: poisoning of the air. While the car is not the only offender (industry causes about 18 per cent of pollution; electric generators, 12 per cent; space heaters, 6 per cent; refuse disposal, 2.5 per cent), it is the main menace spewing forth 60 per cent of all the atmospheric filth. In 1966, a temperature inversion in New York City—fatefully coinciding with a national conference on air pollution—brought on eighty deaths. In 1952, in London, 4,000 people died during a similar atmospheric phenomenon.

The auto also helped to kill mass transit, the rational solution to the commuter problem. The auto drained railroads of passengers; to make up the loss, the railroads boosted fares; as fares went up, more passengers turned to autos; faced with bankruptcy, lines fell behind in upkeep, driving passengers to anger and more autos. Between 1950 and 1963, a dozen lines quit the passenger business; of the 500 intercity trains still in operation, fifty have applied to the ICC for discontinuance. Meanwhile, many treat their passengers as if they were freight.

Regional planners saw this coming two generations ago and proposed networks of mass transportation. But the auto put together its own lobby to decide otherwise: auto manufacturers, oil companies, road builders, and politicians who depend heavily on the construction industry for campaign contributions.

The auto is even failing in its traditional weekend role as the means to get away. On a hot August weekend this year, Jones Beach had to close down for a full hour, because 60,000 cars tried to get into parking lots with a capacity of 24,000. The cars moved on to the Robert Moses State Park and so

jammed the 6,000-car lot there as to force a two-hour shutdown.

Overcrowding of the recreation spots is due not only to more people with more cars but to the pollution of waters by the dumping of garbage—another by-product of metropolitan density.

Viewed in the overall, our larger metropolises with their urban and suburban areas are repeating the gloomy evolution of our larger cities. When Greater New York was composed of Manhattan (then New York) and the four surrounding boroughs, the idea was to establish a balanced city: a crowded center surrounded by villages and farms. In the end, all New York became citified. Likewise, the entire metropolitan area is becoming urbanized with the suburbanite increasingly caught up in the city tangle.

The flow from city to suburb does not, surprisingly, relieve crowding within the central city, even in those cases where the city population is no longer growing. The same number of people—especially in the poor areas—have fewer places to live. In recent years, some 12,000 buildings that once housed about 60,000 families in New York City have been abandoned, with tenants being dispossessed by derelicts and rats; 3,000 more buildings are expected to be abandoned this year. The story of these buildings, in a city such as New York, reads like a Kafkaesque comedy. For the city to tear down even one of these menaces involves two to four years of red tape; to get possession of the land takes another two to four years. Meanwhile, the wrecks are inhabited by human wrecks preparing their meals over Sterno cans that regularly set fire to the buildings. By law, the fire department is then charged with the responsibility of risking men's lives to put out the fire, which they usually can do. However, when the flames get out of hand, other worthy buildings are gutted, leaving whole blocks of charred skeletons—victims of the quiet riot.

Other dwellings are being torn down by private builders to make way for high-rise luxury apartments and commercial structures. Public action has destroyed more housing than has been built in all federally aided programs. As a result, the crowded are more crowded than ever. Rehabilitation instead of renewal doesn't work. New York City tried it only to discover that rehabilitation costs $38 a square foot—a little more than new luxury housing.

The result of all this housing decay and destruction (plus FHA money to encourage more affluent whites to move to the suburbs) has been, says the National Commission on Urban Problems, "to intensify racial and economic stratification of America's urban areas."

While ghetto cores turn into ghost towns, the ghetto fringes flare out. The crime that oozes through the sores of the diseased slum chases away old neighbors, a few of whom can make it to the suburbs; the rest seek refuge in the "urban villages" of the low-income whites. Cities become denser and tenser than they were. In the process, these populous centers of civilization become—like Europe during the Dark Ages—the bloody soil on which armed towns wage their inevitable wars over a street, a building, a hole in the wall. Amid this troubled terrain, the freelance criminal adds to the anarchy.

All these problems (plus welfare, schooling, and militant unions of municipal employees) hit the mayors at a time when, according to the National Commission on Urban Problems, "there is a crisis of urban government finance . . . rooted in conditions that will not disappear but threaten to grow and spread rapidly." The "roots" of the "crisis"? The mayor starts with a historic heavy debt burden. His power to tax and borrow is often tethered by a rural-minded state legislature. He has lost many of the city's wealthy payers to the suburbs. His levies on property (small homes) and sales are prodding Mr. Middle to a tax revolt. The bigger (richer) the city is, the worse off it is. As population increases, per capita cost of running a city goes up—not down; density makes for frictions that demand expensive social lubricants. Municipalities of 100,000 to 299,000 spend $14.60 per person on police; those of 300,000 to 490,000 spend $18.33; and those of 500,000 to one million spend $21.88. New York City spends $39.83. On hospitalization, the first two categories spend $5 to $8 per person; those over 500,000 spend $12.54; New York spends $55.19.

Expanding the economy of a city does not solve the problem; it makes it worse. Several scholarly studies have come up with this piece of empiric pessimism: if the gross income of a city goes up 100 per cent revenue rises only 90 per cent, and expenditures rise 110 per cent. Consequently, when a city's economy grows, the city's budget is in a worse fix than before. This diseconomy of bigness and richness applies even when cities merely limit themselves to prior levels of services. But cities, unable to cling to this inadequate past, have had to step up services to meet the rising expectations of city dwellers.

The easy out for a mayor is to demand that the federal coffers take over cost or hand over money. But is that the real answer? The federal income tax as presently levied falls most heavily on an already embittered middle class—our alienated majority. Unable to push this group any harder and unwilling to "soak the rich," an administration, such as President Nixon's, comes up with revenue-sharing toothpicks with which to shore up mountains. Nixon has proposed half a billion for next year and $5-billion by 1975, while urban experts see a need for $20- to $50-billion each year for the next decade. A Senate committee headed by Senator Abe Ribicoff calls for a cool trillion.

But even if a trillion were forthcoming, it might be unable to do the job. To build, a city must rebuild: bulldoze buildings, redirect highways, clear for mass transportation, remake streets—a tough task. But even tougher, a city must bulldoze people who are rigidified in resistant economic and political enclaves. The total undertaking could be more difficult than resurrecting a Phoenix that was already nothing but a heap of ashes.

What powers does a mayor bring to these complex problems? Very few. Many cities have a weak mayor setup, making him little more than a figurehead. If he has power, he lacks money. If he has power and money, he must find real—not symbolic—solutions to problems in the context of a density that turns "successes" into failures. If a mayor can, miraculously, come up with comprehensive plans, they will have to include a region far greater than the central city where he reigns.

A mayor must try to do all this in an era of political retribalism, when communities are demanding more, not less, say over the governance of their little neighborhoods. In this hour, when regional government is needed to cope with the many problems of the metropolitan area as a unity, the popular mood is to break up and return power to those warring factions—racial, economic, religious geographic—that have in numerous cases turned a city into a no man's land.

Is there then no hope? There is—if we putter less within present cities and start planning a national push-pull to decongest urban America. Our answer is not in new mayors but in new cities; not in urban renewal but in urban "newal," to use planner Charles Abram's felicitous word.

We cannot juggle the 70 per cent of the American people around on 1 per cent of the land area to solve the urban mess. We are compelled to think in terms of new towns and new cities planned for placement and structure by public action with public funds. "All of the urbanologists agree," reported Time amidst the 1967 riot months, "that one of the most important ways of saving cities is simply to have more cities." The National Committee on Urban Growth Policy proposed this summer that the federal government embark on a program to create 110 new cities (100 having a population of 100,000 and ten even larger) over the next three decades. At an earlier time, the Advisory Commission on Intergovernmental Relations proposed a national policy on urban growth, to use our vast untouched stock of land to "increase, rather than diminish, Americans' choices of places and environments," to counteract our present "diseconomics of scale involved in continuing urban concentration, the locational mismatch of jobs and people, the connection between urban and rural poverty problems, and urban sprawl."

New towns would set up a new dynamic. In the central cities, decongestion could lead to real urban renewal, starting with the clearing of the ghost blocks where nobody lives and ending with open spaces or even some of those dreamy "cities within a city." The new settlements could be proving grounds for all those exciting ideas of city planners whose proposals have been frustrated by present structures—physical and political. "Obsolete practices such as standard zoning, parking on the street, school bussing, on-street loading, and highway clutter could all be planned out of a new city," notes William E. Finley in the Urban Growth report. These new towns (cities) could bring jobs, medicine, education, and culture to the ghost towns in rural America, located in the counties that have lost population—and income—in the past decades. Finally, a half-century project for new urban areas would pick up the slack in employment when America, hopefully, runs out of wars to fight.

The cost would be great, but no greater than haphazard private development that will pop up Topsy-like to accommodate the added 100 million people who will crowd America by the year 2000. Right now we grow expensively by horizontal or vertical accretion. We sprawl onto costly ground, bought up by speculators and builders looking for a fast buck. Under a national plan, the federal government could buy up a store of ground in removed places at low cost or use present government lands. Where private developers reach out for vertical space, they erect towers whose building costs go up geometrically with every additional story. On the other hand, as city planners have been pointing out for a couple of decades, "it has been proved over and over again by such builders as Levitt, Burns, and Bohannon" that efficient mass production of low-risers "can and do produce better and cheaper houses." Cliff dwellings cost more than split-levels.

The idea of new towns is not untested. "There is little precedent in this country, but ample precedent abroad," notes the Committee on Urban Growth. "Great Britain, France, the Netherlands, the Scandinavian countries—all have taken a direct hand in land and population development in the face of urbanization, and all can point to examples of orderly growth that contrast sharply with the American metropolitan ooze." To the extent that the U.S. has created new communities it has done so as by-products: Norris, Tennessee, was built for TVA to house men working on a dam; Los Alamos, Oak Ridge, and Hanford were built for the Atomic Energy Commission "to isolate its highly secret operations."

What then is the obstacle to this new-cities idea? It runs contrary to the traditional wisdom that a) where cities are located, they should be located, and b) that the future ought to be left to private enterprise. Both thoughts are a hangover from a hang-up with laissez faire, a Panglossian notion that what is, is best.

The fact is, however, that past reasons for locating cities no longer hold—at least, not to the same extent. Once cities grew up at rural crossroads; later at the meeting of

waters; still later air railroad junctions; then near sources of raw material. But today, as city planner Edgardo Contini testified before a Congressional committee, these reasons are obsolete. "Recent technological and transportation trends—synthesis rather than extraction of materials, atomic rather than hydroelectric or thermoelectric power, air rather than rail transportation—all tend to expand the oppotunities for location of urban settlements." Despite this, the old cities, by sheer weight of existence, become a magnetic force drawing deadly densities.

Furthermore, concluded Mr. Contini and a host of others, "the scale of the new cities program is too overwhelming for private initiative alone to sustain, and its purposes and implications are too relevant to the country's future to be relinquished to the profit motive alone." The report of the Urban Growth Committee stresses the limited impact of new towns put up by private developers such as Columbia, Maryland and Reston, Virginia. "They are, and will be, in the first place, few in number, serving only a tiny fraction of total population growth. A new town is a 'patient' investment, requiring large outlays long before returns begin, it is thus a non-competitive investment in a tight money market. Land in town-size amounts is hard to find and assemble without public powers of eminent domain. Privately developed new towns, moreover, by definition must serve the market, which tends to fill them with housing for middle- to upper-income families rather than the poor."

The choice before America is really not between new cities and old. Population pressure will force outward expansion. But by present drift, this will be unplanned accretion—plotted for quick profit rather than public need. What is needed is national concern for the commonweal in the location and design of new cities: a kind of inner space program.

VOTING RECORD OF HON. JAMES J. HOWARD

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. HOWARD. Mr. Speaker, during the course of the first session of this 91st Congress, there were a total of 177 rollcall votes in the House. I have gone back over my voting record and tabulated my "yea" and "nay" votes. I am doing this for the benefit of my constituents who may wish to know of my voting record.

My tabulation indicates that I voted on 152 of the 177 "yea" and "nay" votes, answering 85.8 percent of those votes. There are times, of course, when work back in the district or personal family illness may prevent a Member from voting. For that reason, at the end of the table I have noted which way I would have answered on votes that I did miss. I have also noted those occasions on which I was paired for or against a particular bill.

I might add, Mr. Speaker, that I have canceled a number of speaking engagements and meetings back in my district to be on hand for votes which we anticipated may be close. Of the votes that I did miss during the first session of the 91st Congress, almost all of them were overwhelmingly approved, and my vote would not have been a significant factor.

I have made no attempt in this table to completely describe in detail the bills which were voted on. They are simply noted as a means of identification.

The table follows:

Date, measure, question, and results	Vote
January 3:	
Call of the Members	Pr.
Election of the Speaker (McCormack 241 Ford 187).	McCormack.
H. Res. 1: To order the previous question on the resolution which would permit Representative-elect Powell to take the oath of office. (Defeated 176–248.)	Yes.
H. Res. 1: A motion similar to that in rollcall 3 to order the previous question. (Defeated 172–252.)	Yes.
H. Res. 1: On a substitute amendment providing that the matter involving Representative-elect Powell be referred to a special committee for investigation and recommendations. (Defeated 131 to 290).	No.
H. Res. 2: To order the previous question on the resolution providing a fine of $25,000 and loss of seniority for Representative-elect Powell. (Passed 248 to 171.)	Yes.
H. Res. 2: To adopt the resolution seating Representative elect Powell and providing for a fine of $25,000 and loss of seniority. Passed 252 to 160.)	Yes.
January 6: On the motion that the House of Representatives reject the objections to the electoral vote of the State of North Carolina by which 1 vote would be counted for George Wallace and Curtis LeMay. (Defeated 169 to 229.)	Yes.
February 5: H. Con. Res. 124: On the adoption of the resolution providing for the Lincoln day recess. (Passed 241 to 125.)	Yes.
February 18:	
H. Res. 89: On a motion to order the "previous question" on the resolution to change the name of the Committee on Un-American Activities to Committee on Internal Security. (Passed 262 to 123.)	No.
H. Res. 89: To adopt the resolution changing the name of the Committee on Un-American Activities to Committee on Internal Security and clarifying its responsibilities. (Passed 305 to 79.)	No.
March 12:	
H.R. 33: To recommit to committee the bill providing for increased participation by the United States in the International Development Association. (Defeated 155 to 241.)	Absent.[1]
H.R. 33: On final passage of the bill providing for increased participation by the United States in the International Development Association. (Passed 247 to 150.)	Absent.[2]
March 18:	
S. 1058: On passage of the bill to extend to Apr. 1, 1971, the authority of the President to submit reorganization plans to Congress. (Passed 334 to 44.)	Yes.
H.R. 2171: To suspend the rules and pass the bill establishing a commission to advise the President on national observances and holidays. (Defeated 164 to 212.)	Yes
March 19: H.R. 8508: To approve the bill increasing the limitation on the public debt to $377,000,000,000 until June 30, 1970. (Passed 313 to 93.)	Yes.
March 27: H.R. 7757: On passage of the supplemental military procurement authorization for 1969. (Passed 341 to 21.)	Absent.[2]
Apr. 1:	
H. Res. 270: On a motion to recommit to committee the resolution authorizing $425,000 for use by the Committee on Internal Security. (Defeated 73 to 284.)	Yes.
H. Res. 270: To approve the resolution authorizing $425,000 for expenses of the Committee on Internal Security. (Passed 305 to 51.)	Yes.
Apr. 16: H.R. 4148: To adopt the bill amending the Federal Water Pollution Control Act. (Passed 392 to 1.)	Yes.
Apr. 23:	
H.R. 514: On the motion to adopt the substitute proposal providing a 2-year extension and certain block grants to the States in lieu of the committee's bill amending the Elementary and Secondary Education Act. (Passed 235 to 184.)	No.
H.R. 514: On final passage of the bill (the substitute) amending the Elementary and Secondary Education Act. (Passed 400 to 17.)	Yes.
Apr. 29: H.R. 4153: To approve a $142,800,000 authorization bill for Coast Guard ships planes, shore facilities, aids to navigation, and bridge construction. (Passed 382 to 2.)	Yes.
May 1: H. Res. 17: On adoption of the resolution to establish a 7-member Select Committee to Study Crime in the United States. (Passed 343 to 18.)	Yes.
May 6: H.R. 5554: To approve the bill making the special school milk program a permanent program and authorizing appropriations of $125,000,000 annually. (Passed 384 to 2.)	Yes.
May 21:	
H. Res. 414: On adoption of the rule waiving points of order in the consideration of H.R. 11400, the supplemental appropriation bill. (Passed 322 to 53.)	Absent.[2]
H.R. 11400: To adopt an amendments to the supplemental appropriation bill denying interest grants to colleges which do not enforce the law relative to grants for students convicted of crimes in connection with campus disorders. (Passed 329 to 61.)	Absent.[1]
H.R. 11400: On final passage of the supplemental appropriation bill. (Passed 347 to 40.)	Absent.[2]
May 27:	
H.R. 11612: On an amendment to the appropriation bill for the Department of Agriculture limiting subsidy payments to any one farm to $20,000. (Passed 224 to 145.)	Yes.
H.R. 11612: On final passage of the Department of Agriculture appropriation bill. (Passed 321 to 50.)	No.
H. Res. 424: On adoption of the rule providing for the consideration of the appropriation bill for the Treasury and Post Office Departments and the Executive Offie. (Passed 345 to 12.)	Yes.
H.R. 11582: On an amendment to the Post Office appropriation bill limiting to $20,000 the postal subsidy for any one mailer of 2d class mail. (Defeated 99 to 239.)	No.
H.R. 11582: On final passage of the appprotion bill for the Treasury and Post Office Departments and the Executive Office of the President. (Passed 325 to 6.)	Yes.
June 2:	
H.R. 763: To suspend the rules and pass the bill providing for a study of State laws governing the operation of youth camps. (Defeated 151 to 152.)	Yes.
H.R. 693: To suspend the rules and pass the bill permitting veterans 72 years of age and older to enter a VA hospital without declaring inability to pay. (Passed 302 to 3.)	Yes.
June 4:	
H.R. 11102: On final passage of the Medical Facilities Construction and Modernization Amendments of 1969. (Passed 359 to 0.)	Yes.
H.R. 11271: To approve the bill authorizing appropriations for the National Aeronautics and Space Administration. (Passed 328 to 52.)	Yes.
June 11: H.R. 1035: To approve the bill prohibiting the use of public grounds in the District of Columbia for camping or erection of any temporary buildings. (Passed 327 to 51.)	Yes.
June 18: H.R. 6543: On a motion to recommit to committee "The Public Health Cigarette Smoking Act of 1969." (Defeated 137 to 252.)	Yes.
June 24:	
H.R. 12167: To approve the bill authorizing appropriations for the Atomic Energy Commission for fiscal 1970 (passed 406 to 3).	Yes.
H.R. 12307: To approve the $14,900,000,000 appropriation bill for the independent agencies and the Department of Housing and Urban Development. (Passed 388 to 6.)	Yes.
June 25:	
H. Res. 357: On adoption of the resolution providing for an additional clerk for all House Members. (Passed 204 to 195.)	Yes.
H.R. 7906: To approve the bill providing a system for the taxation of interstate commerce. (Passed 311 to 87.)	Yes.
June 27: H.R. 8644: To adopt the conference report on the bill to make permanent the existing temporary suspension of duty on crude chicory roots and to repeal the freeze on aid to families with dependent children. (Passed 269 to 65.)	Yes.
June 30: H.R. 12290: On final passage of the bill to continue the surtax and the excise taxes on automobiles and telephone service to terminate the investment credit, and provide for a low-income allowance for individuals. (Passed 210 to 205.)	No.
July 8: H.R. 11249: To recommit to committee the authorizing of an additional $7,500,000 appropriation for the John F. Kennedy Center for the Performing Arts. (Defeated 162 to 217.)	No.
July 8: H.R. 11249: On final passage of the bill to authorize an additional $7,500,000 appropriation for the John F. Kennedy Center for the Performing Arts. (Passed 210 to 162.)	Yes.
July 9: H.R. 11400: To approve the conference report on the 2d supplemental appropriation bill for 1969. (Passed 348 to 49.)	Yes.
July 10:	
H.R. 11702: To approve the Medical Library Assistance Extension Act of 1969.	Yes.
H.R. 4284: To approve the bill authorizing appropriations for the Standard Reference Data Act. (Passed 365 to 2.)	Yes.

Footnotes at end of table.

Date, measure, question, and results	Vote
July 15: H.R. 4018: To approve the bill renewing and extending the Appalachian and Regional Planning Commissions. (Passed 273 to 163.)	Yes.
July 17:	
H.R. 7491: To recommit to committee the bill relative to State taxation of national banks in order to substitute for the committee's bill a provision that would protect national banks from interstate taxation that would permit interstate taxation on State banks.	No.
H.R. 7491: On final passage of the bill relative to State taxation of national banks. (Passed 342 to 4.)	Yes.
July 21:	
H.R. 11609: To suspend the rules and pass the bill authorizing the construction of an entrance road at Great Smoky Mountains National Park, N.C. (Passed 341 to 3.)	Absent.[2]
H.R. 11651: To suspend the rules and pass the bill concerning temporary emergency assistance to provide nutritious meals to needy children.	Do.[2]
July 22: H.R. 12781: To approve the $1,500,000,000 appropriation bill for the Department of Interior and related agencies. (Passed 398 to 6.)	Do.[2]
July 23: H.R. 9825: To recommit to committee the bill, relative to civil service retirement financing and benefits in order to continue the provision for "5 consecutive years" and to omit congressional employees from title II of the bill. (Defeated 129 to 261.)	Absent.[1]
July 23: H.R. 9825: On final passage on the bill relative to civil service retirement financing and benefits. (Passed 358 to 48.)	Do.[2]
July 24: H.R. 12964: To approve the $2,300,000,000 appropriation bill for the Departments of State, Justice, Commerce, the judiciary, and other related agencies. (Passed 366 to 31.)	Absent.[2]
July 28:	
H.R. 9553: To amend the District of Columbia Minimum Wage Act for Hospital Employees. (Passed 220 to 141.)	Absent.[3]
H.R. 255: To recommit to committee the bill authorizing the deduction of interest in advance on installment loans in the District of Columbia. (Passed 356 to 19.)	Absent.[2]
H.R. 2: To amend the Federal Credit Union Act to provide for an independent Federal agency for supervising of federally chartered credit unions. (Passed 365 to 10.)	Do.[2]
July 30: H.R. 13080: To approve the bill extending for 15 days to Aug. 15 the withholding of the 10-percent surtax. (Passed 306 to 103.)	Yes.
July 31:	
H.R. 13111: On an amendment to the Labor-HEW appropriation bill increasing the amount by $894,500,000 over that recommended by the committee. (Passed 293 to 120.)	Yes.
H.R. 13111: On an amendment to the Labor-HEW appropriation bill to prohibit funds to any college or university that does not comply with the law relative to disorders. (Passed 316 to 95.)	No.
H.R. 13111: Final passage	Yes.
Aug. 4:	
H. Res. 509: To approve the resolution accepting the Senate amendment to H.R. 9951 (unemployment insurance) extending the 10-percent surtax to Dec. 31, 1969. (Passed 237 to 170.)	No.
H.J. Res. 764: To suspend the rules and pass the resolution authorizing appropriations for expenses of the President's Council on Youth Opportunity. (Passed 396 to 7.)	Yes.
S. 1611: To suspend the rules and pass the bill providing for a National Center on Educational Media and Materials for the Handicapped. (Passed 365 to 22.)	Yes.
Aug. 5:	
H.R. 13018: On a motion to recommit to committee the military construction authorization in order to strike the provision prohibiting pickets or parades in or near the Pentagon which would interfere with the administration of defense affairs. (Defeated 323 to 87.)	Yes.
H.R. 13018: On final passage of the $1,500,000,000 military construction authorization bill. (Passed 375 to 30.)	Yes.
Aug. 6: H. Res. 513: To adopt the previous question on the rule under which to consider H.R. 13270, the Tax Reform Act of 1969. (Passed 265 to 145.)	Yes.
Aug. 7:	
H.R. 13270: To recommit to committee the Tax Reform Act of 1969. (Defeated 79 to 345.)	No.
H.R. 13270: On final passage of the Tax Reform Act of 1969. (Passed 394 to 30.)	Yes.
Aug. 12: H. Res. 269: To authorize the Committee on Post Office and Civil Service to conduct studies and investigations. (Passed 196 to 132.)	Absent.[2]
Sept. 3: H.R. 10105: To amend the National Trade and Motor Vehicle Safety Act and to authorize appropriations for 1970 and 1971 (Passed 321 to 0.)	Yes.
Sept. 4:	
H.R. 7621: To adopt the Child Protection Act of 1969. (Passed 327 to 0.)	Absent.[2]
H.R. 12085: To adopt the bill amending the Clean Air Act to extend the program of research to fuel and vehicles. (Passed 332 to 0.)	Do.[2]
Sept. 8:	
H.R. 11039: On the motion to recommit to committee the Peace Corps Act Amendments of 1969 in order to reduce the 1970 authorization from $101.1 million to $90 million. (Defeated 144 to 186.)	No.
H.R. 11039: To approve the Peace Corps Act Amendments of 1969 with the $101.1 million authorization. (Passed 281 to 52).	Yes.
Sept. 9: H.J. Res. 247: To approve the resolution relative to the administration of the national park system. (Passed 334 to 55.)	No.
Sept. 15: H.R. 13194: To suspend the rules and pass the bill authorizing higher interest rates and market adjustment allowance for student insured bank loans. (Passed 322 to 60.)	Yes.
Sept. 18:	
H.J. Res. 681: To recommit to committee the resolution providing for the direct election of the President and Vice President in order to substitute the district plan. (Defeated 162 to 245.)	No.
H.J. Res. 681: To adopt the resolution providing for a constitutional amendment calling for the direct election of the President and Vice President by the people. (Passed 339 to 70.)	Yes.
Sept. 19: H.R. 13763: To pass the Legislative appropriation bill. (Passed 177 to 94.)	Absent.[2]
Sept. 23: H.R. 12549: To approve the bill establishing a council on environmental quality. (Passed 372 to 15.)	Yes.
Sept. 24: S. 574: On a bill to authorize the Secretary of Interior to engage in feasibility investigations of certain water resource developments. (Passed 364 to 16.)	Yes.
Sept. 29:	
H.R. 13369: To approve the bill extending for 2 additional years the authority of the Administrator to set interest rates for guaranteed and insured home loans to Veterans. (Passed 339 to 21.)	Absent.[2]
H.R. 4314: To approve the bill permitting employer contributions to trust funds for scholarships for employees and their families, and so forth. (Passed 354 to 1.)	Absent.[2]
Sept. 30: H.R. 13300: To approve the bill amending the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act. (Passed 372 to 17.)	Yes.[2]
Oct. 1: H. Res. 561: To adopt the rule under which to consider H.R. 14000, the military procurement authorization bill. (Passed 324 to 61.)	No.
Oct. 3:	
H.R. 14000: On a motion to order the previous question on a motion to recommit the military authorization bill to committee with restrictions. (Passed 223 to 141.)	No.
H.R. 14000: On a motion to recommit to committee the military authorization bill in order to strike out funds for the ABM Safeguard missile. (Defeated 93 to 270.)	Yes.
H.R. 14000: On final passage of the military authorization bill for 1970. (Passed 311 to 44.)	Yes.
Oct. 6:	
H.R. 14127: To suspend the rules and pass the bill authorizing the minting of a nonsilver cupro-nickel half dollar coin and a nonsilver cupro-nickel dollar coin bearing the portrait of President Eisenhower. (Defeated 205 to 148, a ⅔ majority being necessary.)	Absent.[2]
H.R. 13304: To suspend the rules and pass the bill relating to educational programs for gifted and talented children. (Passed 352 to 0.)	Do.[2]
H.R. 13310: To suspend the rules and pass the bill to include "children with learning disabilities" among "handicapped" and to provide research and demonstratives in the education of these children. (Passed 350 to 0.)	Do.[2]
H.R. 13576: To suspend the rules and pass the bill authorizing increases in the rates of dependency and indemnity compensation of widows and children of men who died in service or as a result of service-connected disability. (Passed 350 to 0.)	Do.[2]
Oct. 7: H.R. 10878: To pass the bill authorizing appropriations for the National Science Foundation. (Passed 384 to 5.)	Absent.
Oct. 8:	
H.R. 14159: On a motion to order the previous question on final passage of the Public Works Appropriation bill .(Passed 215 to 187.)	Do.[1]
H.R. 14159: On a final passage of the Public Works Apppropriation bill. (Passed 396 to 3.)	Do.[2]
Oct. 9:	
H.R. 11612: On a motion to lay on the table a motion to instruct the conferees on the agricultural appropriation bill to insist on the provisions in the House bill limiting subsidy payments to $20,000 to any one producer. (Passed 181 to 177.)	Absent.[3]
H.R. 8449: To approve the Hours of Service Act Amendments of 1969 relating to railroads. (Passed 370 to 0.)	Do.[2]
H.R. 7737: On a motion to recommit to committee the bill relating to public (educational) television in order to reduce from $20 million to $10 million the authorization for the Corporation for Public Broadcasting in 1970. (Defeated 131 to 190.)	Do.[1]
H.R. 7737: On final passage of the bill relating to grants for public (educational) television. (Passed 279 to 21.)	Do.[2]
Oct. 14:	
H.R. 13000: To amend the Federal Salary Act to require Congress to take affirmative action on the yearly recommendations of the Federal Salary Commission. (Passed 191 to 169.)	No.
H.R. 13000: On a motion to recommit to committee the Federal Salary Comparability Act of 1969. (Defeated 81 to 281.)	No.
H.R. 13000: On final passage of the Federal Salary Comparability Act of 1969. (Passed 311 to 51.)	Yes.
On a motion to adjourn the House. (Defeated 99 to 210.)	No.
On a motion to adjourn the House. (Passed 112 to 110.)	No.
Oct. 15: H.R. 14127: To approve the bill providing for he coinage of a cupro-nickel half dollar and dollar (Eisenhower-Apollo 11). (Passed 257 to 68.)	Absent.[3]
Oct.16:	
H.R. 13194: To adopt the conference report on the Emergency Insured Student Loan Act of 1969. (Passed 326 to 10.)	Do.[2]
H.R. 4293: On final passage of the bill to provide for continuation of authority for regulation of exports. (Passed 272 to 7.)	Yes.
October 20: H.R. 14195: To suspend the rules and pass the bill revising the law governing contests of elections of Members of the House of Representatives. (Passed 311 to 12.)	Absent.[2]
October 23:	
H.R. 13763: On a motion to lay on the table a motion to instruct the conferees to accept the Senate position.	No.
H.R. 13827: (S. 2864) On final passage of the Housing and Urban Development Act of 1969. (Passed 339 to 9.)	Yes.
October 29: H.R. 19350 (S. 2917): On final passage of the Federal Coal Mine Health and Safety Act of 1969. (Passed 389 to 4.)	Do.
October 30:	
H. Res. 586: On ordering the previous question on adoption of the "Rule" under which to consider H.R. 14001, amendments to the Military Selective Service Act. (Passed 265 to 129.)	No.
H.R. 14001: On passage of the bill amending the Selective Service Act to permit the drafting of 19-year-olds first and the use of the lottery system. (Passed 382 to 13.)	Yes.
October 31:	
H.R. 14522: On final passage of the Drug Abuse Education Act. (Passed 294 to 0.)	Do.
H.R. 4244: To recommit to committee the bill increasing the authorized annual appropriation for the Administrative Conference of the United States from $250,000 to $450,000. (Defeated 130 to 134.)	No.
H.R. 4244: On final passage of the bill increasing the authorized annual appropriation for the Administrative Conference of the United States from $250,000 to $450,000. (Passed 133 to 127.)	Do.
November 5:	
H.R. 6778: On a motion to recommit to committee the 1-bank holding company bill as amended by the House. (Defeated 124 to 245.)	Do.
H.R. 6778: On final passage of the 1-bank holding company bill as amended by the House. (Passed 351 to 24.)	Yes.
November 6: H.R. 14465: To approve the Aviation Facilities and Expansion Act. (Passed 337 to 6.).	Do.
November 12:	
H.R. 2777: On passage of the Potato Research and Promotion Act. (Defeated 171 to 198.).	Absent.[1]
H. Res. 603: On ordering the previous question on the rule under which H.J. Res. 589 (expressing support for the international biological program) was to be considered. (Passed 230 to 100.)	Absent.[2]
November 13:	
H. Res. 677: To adopt the rule under which H.R. 14751 (military construction appropriation bill) was to be considered. (Passed 326 to 43.)	Absent.[2]
H.R. 14751: To approve the $1.450,000,000 military construction appropriation bill. (Passed 343 to 32.)	Absent.[2]

Footnotes at end of table.

Date, measure, question, and results	Vote
H.R. 14705: To approve the Employment Security Amendments of 1969. (Passed 337 to 8.).	Absent.[3]
November 17:	
H. Res. 675: To approve the resolution agreeing to a conference with the Senate on H.R. 12829, extension of the interest equalization tax as amended by the Senate to repeal certain provisions of the Gun Control Act. (Passed 313 to 36.).	Absent.[1]
S.J. Res. 121: To suspend the rules and pass the resolutions authorizing appropriations for expenses of the National Conference on Indian Opportunity. (Passed 316 to 31.)	Absent.[3]
November 18: H.R. 14974: To approve the $6,600,000 appropriation bill for the Department of Tranaportation and other related agencies. (Passed 362 to 25.)	Absent.[3]
November 19:	
H.R. 11612: On a motion to order the previous question on adoption of the conference report on the Department of Agriculture appropriation bill. (Passed 214 to 172.).	No.
H.R. 12829: To agree to the conference report on the Interest Equalization Tax Extension Act of 1969 as amended to repeal certain provisions of the Gun Control Act of 1968. (Passed 334 to 47.)	Yes.
November 20:	
H.R. 14580: On an amendment to the foreign aid authorization bill to add $54,500,000 for aircraft for the Republic of China.	No.
H.R. 14580: On a motion to recommit to committee the foreign aid authorization bill in order to reduce development loan funds by $50,000,000 for each year of the program. (Passed 185 to 187.)	No.
H.R. 14580: On final passage of the $2,100,000,000 foreign aid authorization bill. (Passed 176 to 163.)	Yes.
November 24:	
H.R. 11193: To strike from the bill relating to the District of Columbia subway system, a provision for $150,000 for a study of extending the system to Dulles International Airport. (Defeated 52 to 256.)	Absent.[3]
H.R. 11193 (S. 2185): To approve the National Capital Transportation Act 1969 (Subway system). (Passed 285 to 23.)	Do.[3]
H.R. 14916: To approve the $683,000,000 appropriation bill for the District of Columbia. (Passed 305 to 9.)	Do.[3]
November 25: H.R. 14741: On passage of the Federal-Aid Highway Act of 1969. (Passed 341 to 1.)	Yes.
December 1:	
H. Res. 613: To order the previous question on the resolution of support for the President's efforts to negotiate a just peace in Vietnam. (Passed 225 to 132.)	No.
H. Res. 722: To adopt the rule under which H. Res. 613 was considered. (Passed 251 to 100.)	No.
December 2:	
H. Res. 613: On a motion to recommit the resolution to the Committee on Foreign Affairs with instructions to insert the following amendment "requests to Government of North Vietnam to abide by the Geneva Convention of 1949 in the treatment of prisoners of war". (Adopted 392 to 0.)	Yes.
H. Res. 613: To adopt the resolution as amended affirming House support of Nixon efforts to negotiate a just peace in Vietnam. (Passed 333 to 55.)	Yes.
December 8: H.R. 15090: To approve the bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1970. (Passed 330 to 33.)	Yes.
December 9:	
H.R. 15149: To amend the foreign aid appropriation bill to provide $50,000,000 for Korea and $54,500,000 for Taiwan. (Passed 250 to 142.)	Do.
H.R. 15149: To pass the bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970. (Passed 200 to 195.)	Do.
December 10: H.R. 4293: To adopt the conference report on the bill providing for the continuation of authority to regulate exports which liberalized the rules on trade with the Communist nations. (Rejected 238 to 157.)	Yes.
December 11:	
H.R. 4249: On a motion to amend the committee bill by substituting an administration bill establishing a nationwide suspension of literacy tests extending nationwide the Attorney General's authority to monitor elections and initiate voting rights law suits, establishing uniform requirements for presidential elections and establishing a presidential commission to study voting practices (Passed 208 to 203.)	No.
H.R. 4229: On final passage of substitute voting rights bill. (Passed 234 to 179.)	No.
H.R. 15209: On a motion to recommit to committee the bill making supplemental appropriations in order to eliminate $7,500,000 for the Kennedy Center for the Performing Arts. (Defeated 142 to 243.)	No.
December 12:	
H.R. 12321: On a motion to recommit the bill with instructions to strike all after the enacting clause and insert a substitute which would give states greater control of the OEO program. (Rejected 163 to 231).	No.
H.R. 12321 (S. 3016): On final passage of the bill extending for 2 years the Office of Economic Opportunity. (Passed 276 to 117.)	Yes
December 15:	
H.R. 15095: To suspend the rules and pass the bill providing for a 15 percent increase in social security effective January 1, 1970. (Passed 397 to 0.)	Yes.
H.R. 14646: To suspend the rules and pass the bill approving the Connecticut-New York Railroad Transportation Compact. (Passed 352 to 49.)	No.
H. Con. Res. 454: To suspend the rules and pass the resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Federation Front. (Passed 405 to 0.)	Yes.
December 16:	
S. 740: To suspend the rules and pass the bill establishing a Cabinet Committee on Opportunities for Spanish-Speaking People. (Passed 314 to 81.)	Yes.
H.R. 14213: To suspend the rules and pass the bill providing for additional members of the Board or Regents of the Smithsonian Institution. (Passed 273 to 119.)	Yes.
December 17	
H.R. 15091 (S. 2577): On an amendment to the bill relating to interest rates and inflation which would strike out the provision authorizing the Federal Reserve Board to purchase federally guaranteed mortgages to assist in meeting national housing needs. (Passed 231 to 171.)	No.
H.R. 15091 (S. 2577): On an amendment to the bill relating to interest rates and inflation which would strike out provisions authorizing the purchase of up to $6,000,000,000 in federally guaranteed mortgages by the Federal Reserve Board. (Passed 233 to 170.)	No.
H.R. 15091 (S. 2577): On a motion to recommit to committee the bill relating to interest rates and inflation in order to substitute portions of the Senate-passed bill, S. 2577, that would provide authorization for the purchase of $3,000,000,000 in federally guaranteed mortgages by the Federal Reserve Board. (Defeated 193 to 206.)	No.
December 17:	
H.R. 15091 (S. 2577): On final passage of the bill relating to interest rates and inflation. (Passed 259 to 136.)	Yes.
S. 2917: To recommit the conference report on the Mine Health and Safety Act with instructions to insist upon the House position relative to sec. 110(B) on injunctions. (Defeated 83 to 258.)	No.
S. 2917: On final passage of the conference report on the Mine Health and Safety Act. (Passed 333 to 12.)	Yes.
December 18:	
H.R. 14944: On passage of the bill to establish the Executive Protective Service. (Passed 394 to 7.)	Yes.
H.R. 13111: To table the motion which would have instructed the House conferees to agree to Senate amendments to the Labor-HEW appropriation bill which would uphold the authority of HEW to cut off funds from school districts that refuse to desegregate. (Defeated 180 to 216.)	No.
H. Res. 572: On adoption of the resolution to authorize investigative authority to the Committee on Education and Labor. (Passed 224 to 153.)	Yes.
December 19:	
H.R. 14580: To adopt the conference report on the $1,970,000,000 foreign aid appropriation bill. (Passed 208 to 166.)	Yes.
S. 2577: To adopt the conference report on the bill relating to interest rates and inflation. (Passed 358 to 4.)	Yes.
December 20:	
H.R. 15149: On a motion to recommit to committee the conference report on the foreign aid bill with instructions to agree with the Senate amendment deleting $54,500,000 for military assistance to the Republic of China. (Defeated 136 to 220.)	Yes.
H.R. 15149: To adopt the conference report on the foreign aid appropriation bill in the amount of $1,460,000,000. (Passed 181 to 174.)	No.
S. 3016: To adopt the conference report on the Economic Opportunity Amendments of 1969. (Passed 243 to 94.)	Yes.
H.R. 13111: On a motion to order the previous question on adoption of the conference report on the appropriation bill for the Departments of Labor, and Health, Education, and Welfare. (Passed 261 to 110.)	Yes.
H.R. 13270: On adoption of the conference report on the Tax Reform Act. (Passed 381 to 2.)	Yes.
H.R. 15209: On a motion to agree to a continuing resolution to Jan. 30, 1970, as provided in the supplemental appropriation bill. (Passed 276 to 99.)	Yes.
H.R. 15209: On a motion to agree to the Senate amendment to the supplemental appropriation bill limiting the application of the so-called Philadelphia plan on job discrimination. (Defeated 156 to 208.)	No.

[1] If present, would have voted no.
[3] If present would have voted yes.
[3] Paired against.

Footnotes at end of table.

WATER POLLUTION CONTROL

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. SCOTT. Mr. President, we are in an environmental crisis. The dreary shroud of pollution hangs ominously over the land. Sewage, pesticides, detergents, and chemicals have changed sparkling streams into slime, clear blue lakes into something once called water, and ocean coastlines into submarine deserts. Billions of gallons of heated water are being spewed out by power generating plants into our lakes, rivers, and coastal waters. Our food supply is threatened.

President Nixon, in his state of the Union message, wisely termed environment "the great question of the 1970's." It has become a matter of survival. Yet, despite some encouraging signs, too many Americans are still unaware of, or refuse to face up to, the danger. Clearly, there is an informational challenge as well.

With this in mind, I was particularly gratified to learn that the Washington Chapter of the Public Relations Society of America has, for the second consecutive year, presented its Thoth Award for professional excellence to the Federal Water Pollution Control Administration's Public Information Office. With imagination, inspiration, and ingenuity, they have been alerting America to the multiplying dangers of pollution. Their message is crucial, and they richly deserve this recognition.

I ask unanimous consent that a letter from the Public Relations Society of America's awards chairman, Mr. Bernard A. Goodrich, to the Director of the Federal Water Pollution Control Administration's Public Information Office, Mr. Charles M. Rogers, as well as selected comments from publications of the broadcasting and entertainment industries, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON CHAPTER PUBLIC RELATIONS SOCIETY OF AMERICA, INC.,
December 1, 1969.

Director, Office of Public Information, Federal Water Pollution Control Administration, Washington, D.C.

DEAR MR. ROGERS: It is my pleasure to inform you that your entry in the Washington Chapter, PRSA Annual Awards Program, has awarded first place in the government category.

The judges, members of the Richmond (Va.) Public Relations Socity were greatly impressed with the very effective public relations program your office has fashioned to present facts about water pollution, prevention and control.

The Thoth Award, the Washington Chapter's symbol of professional excellence, will be presented at the Annual Awards Banquet on Friday, December 5 at the National Press Club. We hope you or a representative of your office will be on hand to receive it.

Congratulations on an excellent job.

Sincerely,

BERNARD A. GOODRICH,
PRSA Awards Chairman.

SIX BLURBS ON A SHOESTRING

It's enough to make Madison Ave. shiver and shake. The Federal Water Pollution Control Administration division of the U.S. Dept. of the Interior (bureaucrats, right?) has distributed three one-minute blurbs and three 20-second blurbs—all in glorious tint—for pubservice slotting by networks and stations. The chiller is that the FWPCA division of the USD did it on a production budget totaling $31,000, without an ad agency—and with a producer who had never turned out a blurb before.

Previously, the Administration had been making its video pitch via an "animated little man." But officials decided, with acceptable logic, that so serious a subject required something other than the light touch. They got it.

Out of nine producer bids, the Administration picked Bill Jersey's Quest Productions. Jersey was producer of the critically acclaimed telementary, "No Time for Burning," aired last season as an "NET Journal" seg on the NET web, but had never produced a blurb. Jersey, with Don Buxbaum as producer and Michael David scripting, managed to bring off the project sans ad agency creative help or production supervision.

The blurbs feature Hudson River and Hamburg, N.Y., locations and such diverse performers as folk singer Tom Paxton and a professional (AFTRA?) rat. Paxton wrote and sings a moody ode to a river, while the camera pictures it as it should be and how man and industry have really fouled it up. Another blurb features children's voices over, seemingly headed for a beach—but the water is polluted and the only sun bather turns out to be the rat. A sign reading, "This water unsafe for bathing," is a main prop in this one.

Third blurb is interior, with a happy guy humming and mixing lemonade in the kitchen. The lemonade is fouled by a montage of the various industrial gooks that are ruining the waterways. Very effective in tint.

There's brief voice-over on all blurbs, and an invitation to write to Clean Water, U.S. Department of the Interior, Washington, D.C.

The three 20-second blurbs are edited out of the full minutes—just like on Madison Ave.

TROUBLED WATERS

The Federal Water Pollution Control Administration is sending prints of 60-second and 20-second films alerting Americans to the dangers of water pollution, to tv stations around the country.

Each of the films—three '60s, three '20s—is a strong statement of the urgency of cleaning up America's waters. For example, one of them, to the accompaniment of a nostalgic ballad called *My River*, opens to shots of debris-laden water, river covered by industrial scum, effluvia of factories, tankers dribbling chemicals into the stream, and other enchantments of the industrial environment.

Another shows a deserted beach town, the cottages all boarded up, as, voice-over, children chant "we are goin' swim-min'," while the camera dips down to surfside to show the beach littered with dead fish, the boardwalks posted with "Danger—bathing prohibited—Polluted Water" signs. (The '20s are lifts from the 60-second films)

The beach spot ends with a glimpse of a water rat scurring among the marine waste, with a voice warning that since nothing was done, "now the beach belongs to him."

The third spot shows a guy setting about to make a pitcher of lemonade with the available water supply. First milky, then rusty, then oily, then acidulous, then sludgy elements go into the pitcher, until the result is a one pitcher microcosm of what has happened to the country's water.

Charles Rogers of the Water Pollution Control Administration said the campaign was conceived as a way "to tell the American people that we're running out of clean water."

To sock the message across, it was decided to use a documentary style, unlike the whimsical cartoon treatment used by the division of the Department of Interior in an earlier campaign.

On a budget of $30,000, excluding print costs—700 prints of each of the spots are being shipped to stations—the films were produced by Quest Productions, headed by William Jersey, who made the widely-acclaimed *A Time for Burning* for the Lutheran Council.

Jersey directed the film, from a script by Michael David. Producer was Don Buchsbaum of Quest. The song, *My River*, was written and sung by folk singer Tom Paxton.

The Advertising Council is urging stations to run the spots as often as possible.

TV SPOTS ATTACK BEFOULED RIVERS, BEACHES

That impure water is a problem and clean water a national need are the messages, and TV is the medium being used by U.S. government water-pollution fighters who are spending more than $30,000 in the production and distribution of some 700 prints to stations and networks.

Officials of the Federal Water Pollution Control Administration of the Department of the Interior at a screening in New York last week said the color films—three one-minute messages and shorter 20-second versions—were produced by Quest Productions and mark a departure from the agency's use of animated spots to documentaries.

The said the step up in TV exposure was in keeping with the "critical and serious" nature of the water pollution problem in the U.S. A film on river pollution features folksinger Tom Paxton on the sound track; another spot dramatizes water impurities as a pitcher of lemonade is mixed, and a third is a pictorial study of a beach area closed because of pollution.

AN INTERESTING POLL

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. KYROS. Mr. Speaker, one swallow does not a summer make, and the temperature today shows only too clearly that winter is still very much with us. In the State of Delaware, however, the first State to sign our Declaration of Independence, a political poll was recently conducted by a well-known national polling organization. I would like to bring the results of the presidential preference segment of this poll to the attention of my colleagues. These results are as follows:

[In percent]

Muskie	48
Nixon	39
Wallace	13

EIGHTH DISTRICT POLL SHOWS NIXON VIETNAM SUPPORT

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. BETTS. Mr. Speaker, the people of the Eighth Congressional District of Ohio have responded enthusiastically to my 1969 legislative questionnaire. It was mailed to every household November 10 and a total of 15,535 questionnaires were completed and returned. In many cases a questionnaire represents the thinking of an entire family rather than just one person.

President Nixon's handling of the war in Vietnam is supported by 81 percent of the people. Several hundred letters accompanied the questionnaires, most commenting on Vietnam. There is a strong consensus that American battlefield involvement should end with the Vietnamese taking over the combat responsibilities. I find most people want an honorable conclusion to the war, that is the freedom of the Vietnamese people must be insured. Basically, these are the stated objectives of President Nixon, particularly well presented in his November 3 speech. The President has the confidence of the American people to reduce America's role in Vietnam and throughout Asia, which is very important.

While strongly backing the President on Vietnam, only 61 percent favor the controversial ABM—antiballistic missile—system. The people are reacting to findings of excessive and wasteful defense spending. Quite a few said they did not have enough facts about the ABM to make an informed judgment. Now that President Nixon is to make this defense system operational, Congress will be debating the issue again this year. I supported the President when the issue first arose because I believe the first responsibility of the National Government is defense of its citizens. The ABM system is challenged on its potential effectiveness and high cost while the President believes it will protect against the Russia-China nuclear threat. The risk involved if ABM is scrapped is one of not being protected against attack—I for one do not want to take that risk.

Criticism of defense spending, I believe has in large part resulted from disclosure of cost overruns, duplication, and inefficiency in the Department of De-

fense. I am sponsoring a bill to require a modern accounting system for every department and agency. This is one of the real deficiencies at Defense. People are losing patience with extravagance of the military bureauracy. The charge of a military-industrial complex is more than a cliche, as General Eisenhower so correctly described in his farewell address. These reasons no doubt lead residents of the Eighth District for the first time in my memory to drop defense from top priority Federal spending. My constituents ranked their spending priorities in this order: aid to education, health, defense, crime prevention and control, aid to cities, poverty programs, space programs, and foreign aid.

I did not ask a question on pollution because of the obvious concern along Lake Erie and throughout the district about the deterioration of our environment. However, I share the commitment of my fellow citizens that a much greater portion of Federal effort must be directed to water and air pollution and the entire scope of environmental control problems.

Only 49 percent of the people want the space program continued at the same level. I think President Nixon's leveling off of NASA spending in the new budget reflects a nationwide feeling that problems on earth deserve as much of our money as we can devote to them. Nearly everyone I talk with commend NASA for its great Apollo moon feats but question whether we are getting ahead of ourselves with such scientific expeditions when the immediate area we live in has urgent needs.

With the number of complaints about postal rates and mail service, I was surprised that opinion was so divided on the future of the Post Office Department. Some 21 percent want the Post Office to become a Government corporation, 37 percent think it should be turned over to private, and 36 believe it should be left as it is. Let me make two observations about postal reform. The postal employees, clerks, carriers, and administrative personnel in my district are top flight, hard workers. They do their best to speed the mails and the people know it. I participated in the post office dedication at McComb recently and could see how the local post office is a respected institution in that community. This is why the greater percent of opinion favors leaving the Post Office as it is, as opposed to a drastic change. The chances of the Post Office being turned over to private enterprise are minimal but presidentially endorsed legislation is being considered by Congress to establish a public corporation like TVA to manage the Post Office. Taking the Post Office out of direct Government supervision would allow for reorganization, modernization, elimination of political control, and adjustment of postal rates closer to the costs of handling various types of mail.

On other questions, the people believe our welfare programs should place emphasis on work as a condition for receiving payments and enrollment in vocational or job training programs should be required. The Ways and Means Committee of which I am a member is currently reviewing the President's proposed Family Assistance Act which contains a work or training feature along with many other important reforms in the national welfare system.

Students should not receive Federal subsidies if they engage in unlawful activities, 86 percent of the people believe.

I am very pleased the preponderent belief in the district is for the census to be limited to a few mandatory questions with others asked on a voluntary basis.

Mr. Speaker, I am including the questionnaire results at this point:

EIGHTH CONGRESSIONAL DISTRICT LEGISLATIVE QUESTIONNAIRE

[In percent]

Do you approve of the ABM (Anti Ballistic Missile Defense System) as proposed by President Nixon?

Yes	61
No	26
Undecided	13

Do you approve of the efforts that President Nixon is making to end the Vietnam war?

Yes	81
No	12
Undecided	7

Should the Federal Government refuse grants or loans to students actively engaging in unlawful disorders?

Yes	86
No	11
Undecided	3

Should our welfare programs include:

Emphasis on work as a condition for receiving payments?

Yes	88
No	1
Undecided	11

Vocational and job training as a condition for payments?

Yes	73
No	6
Undecided	20

Benefits to all whose income is below the poverty level without any conditions?

Yes	8
No	69
Undecided	23

Does the United States space program justify its cost?

Yes	49
No	36
Undecided	15

Do you believe that we need stricter Federal laws in the area of obscenity and pornography?

Yes	78
No	18
Undecided	4

Should the 1970 Census include just a few basic questions which everyone must answer, with all others being asked on a voluntary basis?

Yes	87
No	8
Undecided	5

Should the Post Office Department be:

Converted into a government owned corporation?	21
Turned over to private enterprise and separated from the government?	37
Left as it is?	36
Undecided	6

Indicate in order of priority the areas where you would most like to see your tax dollars spent?

First priority: Education and Health

Second priority: Defense, Crime Prevention and Control

Third priority: Aid to Cities and Poverty Programs

Fourth priority: Space Programs and Foreign Aid.

Do you approve of Congressional questionnaires such as this?

Yes	98
No	0
Undecided	2

CONGRESSMAN JOE L. EVINS OF TENNESSEE DELIVERS INFORMATIVE REPORT ON 91ST CONGRESS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. JONES of Tennessee. Mr. Speaker, my colleague and friend, Representative JOE L. EVINS of Tennessee, recently delivered an address to the Board of Directors of the Upper Cumberland Economic Development District, meeting in Cookeville, Tenn., which drew much commendation and attention. The meeting was attended by county judges, mayors and other local officials and leaders from 14 counties in the Upper Cumberland area, as well as officials of Tennessee Technological University at Cookeville and representatives of various State and Federal departments and agencies.

The county judges who attended included: Judge Lehman Mitchell of Cannon County, Judge Frank Halsell of Clay County, Judge J. T. Horn of Cumberland County, Judge Billy J. LaFever of De Kalb County, Judge P. G. Crooks of Fentress County, Judge Elmo Swallows of Overton County, Judge Luke Medley of Putnam County, Judge T. E. (Ed) Hackett of Smith County, Judge A. P. Baker of Van Buren County and Judge David H. Snodgrass of White County.

State and Federal officials attending the meeting included: Mr. James Vinson of the Appalachian Regional Commission; Mr. Charls Pate, Mr. Paul Kugler and Mr. Boyd Rose of the Economic Development Administration; Mr. Paul Koger, State Director of the Farmers Home Administration; Mr. J. C. Loring, Regional Director of the Small Business Administration; and Mr. Walter Lambert and Mr. Tilden Curry of the Tennessee Office of Urban and Federal Affairs.

Congressman EVINS delivered an outstanding address and I am placing his address in the RECORD herewith:

REPORT ON 91ST CONGRESS

(By Representative JOE L. EVINS)

Certainly I am pleased and delighted to have this opportunity of meeting with the leadership of the Upper Cumberland Economic Development District in Cookeville here tonight.

This is an important occasion. This is a significant occasion. This is a landmark occasion, as this is the first annual meeting of the Upper Cumberland Economic Devel-

opment District since it was created on January 1, 1969—a year ago.

Dr. Donald Wakefield, Executive Director of the Upper Cumberland Economic Development District, has suggested that I provide your organization with a report on the work of the 91st Congress.

First let me commend and congratulate Dr. Wakefield; County Judge Luke Medley of Cookeville and Putnam County, President of the District; Mayor Bob Davis of Cookeville; County Judge T. E. (Ed) Hackett of Carthage and Smith County, Vice President; County Judge Frank Halsell of Celina and Clay County, Secretary and Treasurer; President Everett Derryberry of Tennessee Technological University in Cookeville and the entire leadership of the Upper Cumberland area represented here tonight.

This is truly a remarkable representation and a remarkable organization.

I am advised that the Board of Directors consists of 57 members—57 leaders from 14 counties—Cannon, Clay, Cumberland, DeKalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Warren, White and Van Buren. And 43 of the Board Members are either Mayors or County Judges.

Some 14 other members have been appointed by County Judges to concentrate on industrial development.

I want to commend and congratulate the Board Members and all who work for industrial development and progress in our area. I commend the unity which you are demonstrating by your membership in this Development District.

I want to commend your example of regional cooperation. Here we share common heritage—as we represent an area rich in history and tradition. We share common goals and objectives for growth and progress.

I want to commend Dr. Derryberry and Tennessee Technological University for their role in the growth and progress of our area. The University is providing technical know-how, resources and expert advice and counsel to this fine Development District. It is evident that the University and community leadership are moving forward together—and this is another example of teamwork and regional cooperation.

Let me commend also our State Legislators who are present and participating in this landmark meeting.

I am sure we will all work together for progress and development of the Upper Cumberland. In unity there is strength and with all of your leadership united and our forces marshaled I can foresee greater progress in 1970 and in the years ahead.

UPPER CUMBERLAND'S VAST POTENTIAL

The Upper Cumberland area has a vast potential—a potential that really exceeds our ability to predict at this time.

In addition to this area having an abundance of great resources—ours is indeed an area rich in tradition and history.

Great things are happening in the Upper Cumberland—great progress is being made—great achievements are being accomplished.

We can see progress on all sides as we travel from community to community—new buildings, new industry, new roads—and a spirit of confidence and optimism.

The Upper Cumberland area has a vast potential for industrial development—a vast potential for employment of our people. We have a vast potential for tourism and I can foresee the day when the Upper Cumberland will become the tourist mecca of the Nation.

We have beautiful lakes and with construction of the Cordell Hull Lock and Dam—a magnificent structure which I visited recently—we will be adding another water reservoir and wonderland to Dale Hollow and Center Hill Reservoirs in our midst.

We have magnificent mountains and scenery, and with enterprising businessmen beginning to develop many recreation enterprises in our area, our potential is boundless.

REPORT ON 91ST CONGRESS

As the New Year begins, it is fitting and appropriate that we reflect on the events of the past year and prospects for the future. We have just concluded one of the longest sessions of Congress in history. There was a time when Members of Congress could plan on spending extensive time in their Districts between sessions. That time has gone forever. Now Congress is a year-round business. Sessions are longer and recesses shorter.

The First Session of the 91st Congress was a very deliberative Congress. A new administration took office in January and adjustments between the new Executive Branch and the Congress have taken time. It takes time for a new administration to develop policy and recommendations on appropriations, and it has taken time for Congress to study and evaluate the Administration's recommendations. The President has not yet addressed a Joint Session of the Congress. He sent a number of piecemeal messages from time to time, but it was not until October 14th that a full-scale legislative message or package was sent to the Congress by the President.

Meanwhile, Congress moved ahead with its own legislative programs. Someone has said that Congress is like a locomotive—it is slow to get started, but once in motion, even more difficult to get stopped or bring to a halt. After a slow start—this year has seen a remarkable record of achievement. The press has generally acclaimed the Congress as one which passed some historic and landmark legislative measures such as the massive tax reform and tax revision measure, the Social Security increase measure, and the passage of the anti-ballistic missile bill. These measures alone are sufficiently important so as to make the work of the First Session of the 91st Congress historic and one long to be remembered. Speaker McCormack called the work of the Congress "Productive and Constructive." Senate Majority Leader Mansfield declared the record as "Responsible and Respectable." Some partisans may not agree, but I can assure you much constructive legislation, in the public interest, was passed.

The 91st Congress has been called a "Reform Congress." Among the reform measures passed or under consideration are: reform of our income tax system, reform of the Selective Service System, reform of the Electoral College—our method of selecting Presidents, reforms in health and mine safety standards, reform of the antipoverty program, reform of the Food Stamp program, reform of the welfare system, reform of the postal system, reform of the Foreign Aid program. Reforms and amendments to existing laws rather than much new legislation has been the Hallmark of the work of this Congress.

TAX REFORM

Perhaps the tax reform bill is considered by most Americans to be the most important measure passed by this Congress. In passing this historic measure, Congress cut taxes for many of our citizens and closed the loopholes through which a privileged few avoided taxes. I introduced a tax reform bill, early in the Session, which called for increases in personal exemptions—and closing of tax loopholes. My bill also proposed curbs on tax-exempt foundations which have avoided taxes while engaging in many varied business enterprises. We proposed a limitation on the use of "hobby farming" to write off losses while making profits in other fields. I also proposed a provision to assist small business in expanding—an exemption on investment credit. As passed by the House, the tax bill provided for increases in revenue, by plugging loopholes, reducing oil depletion allowances and taxing foundations, to the tune of about $6 billion. At the same time the House bill contained provisions reducing taxes on middle and lower income groups to the tune of approximately $6 billion. The amounts were just about balanced off with reduced rates to certain groups and individuals. The Senate made a number of changes.

The final bill as worked out in Conference was a meaningful Tax Reform Bill—long overdue—in the public interest—increasing the tax bite on foundations and corporations and lowering taxes for other groups. The press called the Senate version a Christmas tree package of goodies. The bill as finally passed caused the President to consider vetoing it. But on second thought he signed and approved the measure—the first meaningful tax reform bill in more than two decades.

REFORM OF SELECTIVE SERVICE SYSTEM

Another important legislative reform passed was the reform of the Selective Service System. The purpose of this legislation was to establish a fairer system of selecting young men for the armed forces. We all wish it were not necessary to draft any of our young men—but since we are faced with the communist challenge in Vietnam and elsewhere, and the necessity of keeping our guard up and our military posture strong, many officials feel that the draft is still necessary.

The bill as passed called for random selection of draftees. I am sure many of you saw on television the drawing of birthdates in a ceremony at the White House. Under this new system just passed young men, beginning the first of the year, will be drafted according to the drawing of their birthdays—the 19 year olds first. Another important feature of this bill is that the time of vulnerability to the draftee will be narrowed to one year. Long years of uncertainty will be discontinued. The measure as passed seems to be a fairer system than the previous procedure.

REFORM OF ELECTORAL COLLEGE

The House approved a Resolution proposing a Constitutional amendment which provided for reform of our system of electing presidents. As you know, in the last Presidential election there was concern in some quarters that the election might be thrown in the House of Representatives because of the possibility that no candidate would receive a majority of electoral votes. As it developed, this situation did not occur—but it gave rise to a Constitutional amendment adopted by the House, election of a President would be by direct or popular vote—with 40 percent or a minority sufficient to elect.

I supported a substitute amendment which would continue some of the checks and balances established in the Constitution by our Forefathers to assure an adequate voice by the smaller states in Presidential elections. Under the plan as passed by the House, the influence of the smaller, less populous states will be greatly diminished. This I feel does damage to one of the great principles of the Constitution which provides for some balance between the smaller and larger states.

Under the plan I supported—called the District plan—the vote from each Congressional district would be counted as a unit—and the candidate carrying a majority of the Congressional districts of the Nation would be the winner. This system would assure a balance of power of the smaller, less populous states as against the large metropolitan areas and a few states dominating and controlling the elections. The amendment, as passed by the House, must be approved by the Senate and subsequently approved by three-fourths of the State legislatures to become effective—and many doubt that this will happen.

COAL MINE HEALTH AND SAFETY STANDARDS

Another measure passed by the Congress was reform of the laws and regulations relating to coal mine health and safety stand-

ards. This bill provided for the closing of unsafe mines and restricted the levels of coal dust in mines to reduce the danger of explosions. This bill also provided for additional compensation to miners afflicted with the fatal "black lung" disease and requires the use of non-sparking mine equipment. State-Federal inspection plans were approved and the force of mine inspectors was expanded and increased.

WATER QUALITY IMPROVEMENT

Congress approved the Water Quality Improvement Act of 1969 which requires oil drillers and operators to pay the costs of oil spills and imposes other anti-pollution restrictions. This legislation was the result of the tremendous damage to natural life caused by the spillage from oil wells off the California coast early last year. Substantial funds were voted to greatly expand the program of waste treatment facilities to assist in the war on pollution in the Nation's streams and waterways. We all are concerned with the quality of our environment and against air and water pollution—pollution of our rivers, lakes and streams. One of the major battles of the year occurred in the Appropriations Committee for funds for anti-pollution grants.

President Nixon in his budget submission to Congress recommended $214 million for next year for this purpose. The Congress greatly increased the appropriation—the House voted $600 million, more than doubling the budget request, and the Senate increased the amount to $1 billion. In Conference the conferees agreed on $800 million for next year as the Secretary of Interior had testified that only $600 million could be used next year. The increased sums voted will stimulate and step up action on anti-pollution work and improve the quality of our environment. Congress in its appropriation action is reflecting the increasing concern of the public with the problems of pollution in more than doubling the President's request. President Nixon, just a few days ago, announced that next year he will launch an all-out drive against pollution of air, water and the total environment. This will be a burning issue next year. The press, this morning, in editorials and columnists' writings have said that the Seventies will need more than just "rhetoric" in this battle—to cope with this problem of growing national concern.

OTHER IMPORTANT LEGISLATIVE MEASURES

The House has approved legislation designed to reform the system of financing of airport construction and safety improvements throughout the Nation. Today our airports are overcrowded. Many have outgrown their capacity to handle air traffic and new air traffic continues to increase. The House bill would provide for user taxes paid by passengers of airlines to provide the financing for a vast program of airport expansion and improvement.

The Administration has proposed reforms in the welfare system and in the postal system—and these are under study.

Legislation was passed to increase Social Security payments. The President recommended a 7 percent increase in Social Security—later increased to 10 percent—and a Democratic Congress has provided for a 15 percent increase in Social Security payments to our needy and elderly citizens. Congress doubled the President's original recommendation. A recent department report has estimated that Social Security receipts in Tennessee alone will increase by $63 million annually beginning April 1st of this year.

Much time was given to the question of military spending. Waste in the military establishment has increased enormously in recent years—overruns in costs in weapons and military hardware are estimated to exceed $20 billion. Much effort was exerted to eliminate waste and cut costs in Defense Contract Procurement. Congress cut the military budget by $5.6 billion. Savings effected in this area will help in providing funds for domestic needs. Notably, education, health, welfare and human needs.

We considered a full agenda of legislative proposals concerning our national problems—including the problems of inflation, war, population explosion, education, research, conservation, pollution of our rivers, streams, air—problems of riots and crime detention and suppression—national defense—and others. These are a few of the reforms enacted or under consideration.

APPROPRIATIONS

Concerning appropriations, the Congress considered budget requests this year totaling $200 billion. Our State Legislatures consider one appropriation bill which is submitted biannually covering all requirements of the state government including roads, schools and institutions. In Congress, however, there are 12 major annual appropriations bills which this year will total approximately $192.8 billion. The budget is larger than the metropolitan telephone directory of many of our largest cities. We were unable to act, finally, on budget and appropriation requests until after April 15th when the revised Nixon budget was submitted to the Congress.

As a member of the Committee on Appropriations and Chairman of one of its important subcommittees—the Subcommittee on Independent Offices and Housing Appropriations—and as the senior member of the Subcommittee on Public Works and Atomic Energy Commission Appropriations, my own duties and responsibilities are very heavy. It is my responsibility to conduct the hearings and investigations into the appropriations requests and needs of the cabinet-level Department of Housing and Urban Development and some 20 independent agencies of the Government. The scope and impact on this $16 billion bill is so broad it touches the lives of virtually all our citizens.

The Housing and Urban Development budget alone totals almost $2 billion in direct appropriations for housing programs. There are some 57 separate programs of assistance for our cities both large and small. I am sure most of you are familiar with these programs—programs in housing, urban renewal, metropolitan planning, water and sewer grants, open space land grants, model cities, transportation, neighborhood facilities, mortgage financing, public housing and housing rehabilitation, among others. Many of these programs are at work in your communities.

In our Appropriations Conference Report recently passed by the House and Senate—and signed by the President—the following sums for many major HUD programs were provided: $1 billion for urban renewal, $575 million for the Model Cities program, $90 million in annual contract authority for the home ownership housing program, $85 million in payments for the rental housing assistance program, $50 million for the rent supplement program, $473 million 500 thousand for payments to the public housing program, $40 million for neighborhood facilities grants, $75 million for open space land grants for parks and recreation areas and $135 million for grants for water and sewer facilities, among others. It is my feeling that while appropriations will help, appropriations alone will not solve the problems of our cities—more is needed in community and civic enterprise and local initiative.

Our Committee's responsibilities reach from the earth to the moon. Our Subcommittee also recommends appropriations for the important programs of space exploration of the National Aeronautics and Space Administration. This program at one point reached a level of appropriations of $7 billion annually. However, appropriations have now achieved a level of about $4 billion. It is my feeling that a steady, consistent funding on a year-to-year basis assures a sound, orderly program rather than peaks and valleys. We have now surpassed the Soviet Union in space exploration—American ingenuity and know-how have triumphed with the successful Apollo flights to the moon and safe return. Indeed our achievements in space exploration have been fantastic and phenominal. The "spinoff" in jobs and employment, science and medicine, health, new knowledge, weather modification and weather reporting—as well as agriculture and industry are almost incalculable.

Our Committee also funds the General Services Administration—the construction and service agency of the Federal Government. GSA manages the Nation's stockpile of critical materials.

The Committee also funds the vast programs of veterans benefits administered by the Veterans Administration. We have the greatest program of veterans benefits in the world—and justifiably so. These programs include hospital and medical care, compensation and pensions, readjustment benefits and education and training, insurance and housing, among other benefits. As veterans of the Vietnam conflict have become eligible for assistance more than 4,000,000 new veterans have been added to the rolls eligible for benefits in the past few years—new veterans are coming on the rolls at the rate of 840,000 a year or 70,000 per month currently.

Other agencies funded by our Committee include Civil Services Commission, the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, National Science Foundation, the Renegotiation Board, the Securities and Exchange Commission and the Selective Service System, among others.

PUBLIC WORKS APPROPRIATIONS

In addition to my regular duties as Chairman of the Independent Offices and HUD Appropriations Subcommittee, this year I served as Acting Chairman of the Public Works and Atomic Energy Commission Appropriations Subcommittee. As Floor Manager for the Public Works-AEC Appropriations Bill—we secured passage of an appropriation for public works for this Nation in excess of $4½ billion.

And so this year your Representative handled two of the 12 appropriations bills—Independent Offices at $16 billion and Public Works at $4 billion for a total of some $20 billion. The Public Works Bill—funds programs of the Corps of Engineers, the Tennessee Valley Authority, the Bureau of Reclamation, the Atomic Energy Commission, the St. Lawrence Seaway, the Panama Canal and other public works agencies.

Included in this appropriations bill are many projects important to Tennessee and our area. In our Upper Cumberland area, for example, the bill appropriated $7,500,000 for continued construction of the Cordell Hull Lock and Dam. The bill also included $365,000 for work on the new park development on Center Hill Lake in our area. This is a joint project with the State of Tennessee and the U.S. Corps of Engineers participating. This new park development will be a tremendous asset and boost to our area. This bill also included $50,600,000 for the Tennessee Valley Authority—an increase over last year. Among TVA projects funded in the bill are: Tellico Dam in East Tennessee—$5,992,000, Tims Ford Dam in Middle Tennessee—the first TVA dam in Middle Tennessee—$8,275,000, the Oliver Springs Redevelopment Project—$1,415,000, and land acquisition for Columbia and Normandy Dams on the Duck River in Middle Tennessee—$1.3 million.

The bill also provided $2 billion 438 million for the Atomic Energy Commission. The Senate cut and reduced the AEC appropriation by $44 million. The House-Senate Conference restored $22 million for this Commission. In

addition $3 million was added to the molten salt reactor program—from $5 to $8 million. This is an important program that holds great promise for more economic production of electric power for our area and the Nation.

PROGRESS IS KEYNOTE OF 91ST CONGRESS

Progress has been the keynote of the 91st Congress. We have also been concerned with the war and the building of a strong national defense. President Nixon recommended more than $75 billion for all programs of National defense—for the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard—all phases of our great defense establishment. The Congress made some substantial cuts and reductions in the President's military budget as there is much waste in our vast military establishment. While recognizing the extravagance in the Department of Defense, it is my strong feeling that if we are to err, we should err on the side of safety and strength and security for our country rather than weakness.

This, then, my friends, is the record—the record of the First Session of the 91st Congress. The work is never finished. The next session will be concerned with many public issues—both of the Vietnam War and domestic matters and priority of appropriations.

Concerning the Vietnam conflict, as Congress adjourned I can report that there was an atmosphere of subdued optimism in Washington. The Vietnam War, of course, overshadows everything else in Washington, as it does througout the country. The primary concern of the Congress and the primary objective of the President is to end this war and achieve peace with justice—an honorable peace—as soon as possible. We all want our fighting men to return home—we want an honorable peace.

Recently I was among more than 350 members of both parties—Democrats and Republicans in a non-partisan effort—who sponsored and passed a Resolution backing President Nixon in his efforts to achieve an honorable peace in Vietnam. The President as Commander-in-Chief deserves our support as long as he is conscientiously acting in the national interest. In my view President Nixon is exhausting every possible avenue and recourse in an effort to end this unfortunate conflict. He has announced a periodic withdrawal of American troops—and with this I agree. He has stepped up training of the South Vietnamese Army so that it can assume an increasing role in the war—and with this I agree. He has announced that he wants to end the war at the earliest time possible—and with this everyone agrees.

And so, as we enter the New Year there is an atmosphere of optimism and hope that the fighting will cease and the war will end. With the ending of the war our Country should have resources to move forward with many programs of progress in Tennessee and throughout the Nation in the new demanding decade of the Seventies.

CONGRATULATIONS JAYCEES

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. BETTS. Mr Speaker, today I would like to salute the Jaycees of the United States in this, their 50th anniversary. In particular, I congratulate the Jaycees of the Eighth District of Ohio who are rendering exemplary service to their home communities. Volunteer participation in civic action groups is a tradition in this country and the Jaycees are a model of the American spirit.

Congratulations on the past record but more so good stead in your next half century. I know it will be just as productive and beneficial to our cities and towns and Nation as a whole. This worldwide organization deserves only the best of success in the years ahead.

CONSTITUTIONALITY OF PRE-TRIAL DETENTION

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. POFF. Mr. Speaker, more than a year has passed since President Nixon called upon Congress to amend the Bail Reform Act of 1966 to authorize the limited pretrial detention of dangerous defendants. More than 6 months have passed since my bill, H.R. 12806, was introduced to implement the President's request.

The pretrial detention provided in this bill raises several interesting questions of constitutional importance. Some critics have argued that pretrial detention is absolutely barred by the eighth amendment. Others have suggested that it cannot be achieved in accord with due process. After studying these contentions in light of the precedents, I am persuaded that Congress enjoys the authority, within reasonable limits, to define the classes of offenses in which bail is a right. I am further persuaded that Congress is fully capable of devising procedures to achieve pretrial detention that will satisfy the requirements of due process.

The November issue of the Virginia Law Review carries an article authored by Attorney General John N. Mitchell. It is a piece of precise legal craftsmanship reflecting unique insight and sensitivity. I quote that article in full:

BAIL REFORM AND THE CONSTITUTIONALITY OF PRETRIAL DETENTION

(By the Honorable John N. Mitchell*)

On January 31, 1969, President Nixon, in his first public statement on crime control, called for legislation to permit "temporary pretrial detention" of criminal defendants whose "pretrial release presents a clear danger to the community."[1] Pursuant to the President's directive, the Department of Justice sent to the Congress, on July 11, 1969, a proposal[2] amending the Bail Reform Act of 1966[3] which would, *inter alia*, permit the federal courts to detain up to 60 days prior to trial those criminal defendants who are charged with certain crimes of violence; whose release, even with conditions imposed, would constitute a danger to the community; and who have been afforded a hearing with appropriate procedural safeguards. For criminal defendants not detained prior to trial, the proposal would authorize courts to consider the defendant's potential dangerousness to the community in determining and setting conditions of pretrial release.[4] Furthermore, new sanctions are provided for violations of conditions of release, for bail jumping and for crimes committed while on release.[5]

The question of pretrial detention raises issues of constitutional dimension; such detention has been challenged on the grounds that it violates the eighth amendment,[6] the presumption of innocence[7] and the due process clause of the fifth amendment.[8] This Article will analyze these issues and set forth a constitutional basis for the proposal.

EIGHTH AMENDMENT

The only provision of the Constitution which specifically mentions bail is the eighth amendment.[9] Its language, which does not expressly grant or deny the right to bail, is susceptible of two interpretations. First, because the amendment does not provide for denial of bail, it can be construed to require the setting of bail in all cases with the proviso that it never be excessive. Second, because the amendment does not specifically grant the right to bail, it can be construed to mean only that bail shall not be excessive in those cases in which it is proper and that the setting of no bail in certain cases is not excessive. While the first of these two interpretations would prohibit pretrial detention of criminal defendants, the second would not.

To resolve the ambiguity of the abbreviated language of the eighth amendment, it is necessary to examine the historical context in which it was adopted in 1791 on the assumption that those concerned with drafting and ratifying the amendment generally intended to conform the law to contemporary practices. The only Supreme Court opinion which discusses the history of the eighth amendment and its application to the right to bail clearly adopts the interpretation which permits denial of bail prior to trial in some situations. In *Carlson v. Landon*,[10] the Court stated:

"The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. Thus in criminal cases, bail is not compulsory where the punishment may be death. Indeed, the very language of the Amendment fails to say all arrests must be bailable."[11]

The conclusion that a constitutional prohibition of excessive bail does not, in itself, establish a right to bail has been followed by other courts.[12]

The Supreme Court's brief historical analysis of the eighth amendment in *Carlson v. Landon* and its statement that "[t]he Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country"[13] are supported by a more detailed examination of the federal and state bail and penal statutes existing at the end of the 18th century. This examination establishes beyond question that persons charged with serious felonies—those which posed a substantial danger of injury or death to others—were not entitled to bail when the eighth amendment was adopted, nor for a substantial period of time thereafter. Moreover, it is reasonable to conclude that anticipated danger to other persons or the community was a substantial motivating factor in legislative decisions to make bail unavailable to certain classes of dangerous offenders. Indeed, in a case involving the attempted assassination of President Andrew Jackson by an allegedly insane man in 1835, an offense punishable at that time only as a misdemeanor, the court observed that "the discretion of the magistrate in taking bail in a criminal case, is to be guided [in part] by . . . the atrocity of the offense."[14]

Footnotes at end of article.

The prevalent bail practice when the amendment was proposed by the First Congress without floor debate in 1789,[15] and ratified by the states in 1791, was denial of bail in death cases. The federal bail statute of 1789,[16] which authorized discretionary denial of bail in all capital cases, was similar to and frequently more liberal in this respect than state bail enactments. Eleven of the thirteen original states enacted bail statutes between 1780 and 1801.[17] the statutes in six of these states—Delaware, Maryland, New Jersey, North Carolina, Pennsylvania and South Carolina—denied bail automatically in capital cases.[18] During the same period, only Connecticut, Massachusetts, New York and Virginia granted a right to bail in capital cases, within certain safeguards—for example, in Massachusetts bail was permitted in all cases but only when authorized by a Judge of the Supreme Judicial Court.[19] It is noteworthy that North Carolina, which had allowed bail for all offenses in 1792, made all capital offenses nonbailable in 1801.[20] Authority to deny bail in capital cases remains the general pattern throughout the United States today.[21]

This pervasive practice of denial of bail in capital cases when the eighth amendment was ratified in 1791 is particularly significant because at that time the great majority of criminal offenses involving a threat of serious physical injury or death to the victim were punishable by death under state laws. The same pattern prevailed in federal law to the limited extent that federal criminal statutes were deemed necessary at that time. In addition to murder, capital punishment was imposed for rape, arson, burglary and robbery in Connecticut, Delaware, Massachusetts, New Hampshire, New York and Rhode Island.[22] In Maryland, the death penalty was imposed for rape and arson, while South Carolina defined rape, arson and burglary as capital offenses.[23] Furthermore, such offenses as sodomy, mayhem and manslaughter were punishable by death in several states.[24] Georgia, New Jersey and North Carolina, which had not enacted penal codes, entrusted the formulation of criminal laws and penalties to the courts in accordance with the common law which imposed capital punishment for most felonies.[25]

Although the death penalty typically applies to only a limited range of serious offenses today, and has been abolished entirely in eight states,[26] the widespread impact of the movement to abolish capital punishment has been relatively recent.[27] By the end of 1958, more than a century and a half after ratification of the eighth amendment, capital punishment was still authorized for murder in forty-four states,[28] rape in twenty-one states, arson in four states, burglary in three states and robbery in eleven states.[29] Federal law prescribes the discretionary use of the death penalty for murder, kidnapping, treason, espionage and rape.[30]

The considerations which have led to the gradual repeal of the death penalty—primarily rehabilitative efforts in corrections, doubts concerning the deterrent effect of capital punishment and a felt disproportion between the punishment and the crime—are largely irrelevant to the question whether a defendant should be detained pending trial. Whatever the merits of these considerations with respect to the death penalty, they have little bearing on human propensities for dangerous conduct during the period between arrest and trial. As a class, persons held to answer for such dangerous offenses as robbery, rape or burglary if released pending trial pose as great a danger to the community today as they did in 1791. Accordingly, since the eighth amendment when adopted clearly permitted pretrial detention for capital crimes because of danger to the community, it should not today prohibit pretrial detention for such dangerous crimes merely because they are no longer capital for reasons completely unrelated to their dangerousness.

Case precedent and history, therefore, belie the contention that the eighth amendment grants a right to pretrial release in all criminal cases, or even in all noncapital cases. When the language of the amendment is analyzed in the historical context in which it was adopted, its ambiguity must be resolved, as in *Carlson* v. *Landon*,[31] in favor of the interpretation that although bail may never be excessive, there is no absolute right to bail.

Denial of pretrial release for serious crimes, moreover, is consistent with the practice in other countries—for example, Sweden, Norway, Denmark and West Germany deny pretrial release as a matter of course, because of the danger to society and the risk of flight.[32] More importantly, in England, the source and foundation of the development of our system of law, the English Bill of Rights did not grant "a right to bail in all cases."[33] Prior to 1789, bail was either not authorized or within the discretion of English courts in serious felony cases.[34] Even after the adoption of the eighth amendment in the United States, England has continued to grant discretion to its judges and magistrates to deny pretrial release to offenders charged with felonies or, in some circumstances, with misdemeanors.[35] Indeed, in 1955 the Criminal Court of Appeals stated that persons with a past record of convictions were not to be released prior to trial "unless the magistrates think that there is a real doubt as to . . . guilt."[36]

THE PRESUMPTION OF INNOCENCE

The presumption of innocence is not a presumption in the strict sense of the term. It is simply a rule of evidence which allows the defendant to stand mute at trial and places the burden upon the government to prove the charges against him beyond a reasonable doubt. Apart from the Supreme Court's dictum in *Stack v. Boyle*,[37] there is no basis for thinking that the presumption of innocence has any application to proceedings prior to trial.[38] If it did, the long established practice of pretrial detention of those charged with capital crimes and those found likely to flee, to whom the presumption of innocence applies with equal force at trial, would be unwarranted. Indeed, we have long recognized in the law the propriety of certain forms of temporary pretrial detention such as that necessary to effect arrest and presentment. It has never been thought that these forms of temporary pretrial custody violated the presumption of innocence.

THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

The fifth amendment's due process clause[39] is not an absolute bar to official restraint of persons prior to trial and final judgment. As the Supreme Court has said in a related context:

[T]he fact that a liberty cannot be inhibited without due process of law does not mean that it can under no circumstances be inhibited.

The requirements of due process are a function not only of the extent of the governmental restriction imposed, but also of the extent of the necessity for the restriction.[40]

The test is one of reasonableness, which inevitably involves a weighing of the individual's interest in freedom against society's just demands for varying degrees of restraint under particular circumstances.[41]

In a wide variety of situations, official restraint prior to final judgment of conviction for an offense is consistent with due process of law. As discussed above,[42] and equally pertinent here, discretionary denial of bail in capital cases has been authorized by federal law since 1789. No allegation that this authority violates due process requirements has ever received judicial support. Moreover, bail pending appeal following conviction may be denied in the federal court's discretion if it appears that the defendant's release may "pose a danger to any other person or the community."[43]

Detention prior to or during trial has been sanctioned where the defendant's release threatens to interfere with the trial. Thus, threats against witnesses or jurors, disruptive conduct during the trial or similar misconduct may justify revocation of bail. As Mr. Justice Harlan has stated:

"District courts have authority, as an incident of their inherent powers to manage the conduct of proceedings before them, to revoke bail during the course of a criminal trial, when such action is appropriate to the orderly progress of the trial and the fair administration of justice."[44]

Deprivations of freedom for substantial periods of time on grounds of anticipated criminal conduct prior to any adjudication of guilt or innocence are authorized under other necessary and reasonable circumstances. For example, federal law authorizes indefinite commitment of persons charged with federal offenses who are determined to to be incompetent to stand trial and whose release pending trial would "probably endanger the safety of the officers, the property, or other interests of the United States . . ."[45] This procedure was sustained by a unanimous Supreme Court in *Greenwood v. United States*.[46] In the District of Columbia, a statute[47] which authorizes pretrial commitment to a hospital for a mental examination for a reasonable period, usually sixty days, of persons charged with crime, based only on the court's observations of the accused or prima facie evidence submitted, has never been considered to contravene due process.

Statutes authorizing indeterminate civil commitment for sexual psychopaths, narcotics addicts, chronic alcoholics, the mentally ill and others considered dangerous are not uncommon and, in their essential features, have generally been held constitutional.[48] In *Minnesota ex rel. Pearson v. Probate Court*,[49] the Supreme Court rejected contentions that due process and equal protection were violated by a state sexual psychopath statute authorizing commitment of persons "likely to attack or otherwise inflict injury, loss, pain or other evil on the objects of their uncontrolled and uncontrollable desire."[50] That statute, like many similar statutes, did not require prior conviction of an offense as a prerequisite for commitment.[51]

Moreover, detention has been authorized in noncriminal areas prior to any judicial determination. Thus, in *Carlson v. Landon* the Supreme Court upheld the denial of bail to alien Communists pending deportation proceedings on due process[52] as well as eighth amendment rounds. in 1964, Congress enacted the District of Columbia Hospitalization of the Mentally Ill Act,[53] a bill sponsored by Senator Ervin as Chairman of the Senate Subcommittee on Constitutional Rights as a model act in this area.[54] This Act provides for the detention in a hospital of persons believed to be mentally ill and dangerous prior to any court finding of either mental illness or resulting dangerousness and, unlike the provisions here under discussion, does not even require a triggering act of any kind.[55] Although preadjudication detention is authorized on the basis of status or condition alone, these provisions, in light of the cases discussed above, do not run afoul of the due process clause.

In short, the due process clause of the Constitution does not prohibit pretrial detention in criminal cases. Its requirements are those of reasonableness—the restraints imposed on the liberty of an accused must be reasonable when balanced against society's

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acknowledged interest in preventing commission of further crimes while the defendant is awaiting trial.

Analysis of the pretrial detention proposal in light of due process requirements

In analyzing a pretrial detention proposal to determine whether it comports with the due process requirements of reasonableness, three major considerations emerge. First, value judgments must be made concerning the degree of harm to be anticipated from particular categories of defendants. Second, appropriate procedural safeguards must be devised to assure that only those individuals who actually pose a danger to the community are detained. Third, the statute must seek to minimize, as far as practicable, the burdens of pretrial detention. The Administration's pretrial detention proposal clearly satisfies these due process requirements. Indeed, a close examination of its provisions reveals that they incorporate standards far above the minimum necessary to avoid any possible conflict with the due process clause.

Categories of Detainable Offenses

The Administration's proposal limits the categories of defendants who may be detained to those charged with highly dangerous offenses (1) which involve the threat of serious bodily injury or death, and (2) which are either of the kind which common sense, experience, and available statistics indicate are not "one-shot affairs" but involve repeat offenders, or involve narcotics addicts or persons who have recently been convicted of or charged with other violent crimes. In addition, the statute codifies existing law by authorizing detention in any case in which the defendant threatens a prospective witness or juror.[56]

Though the Administration's proposal scrupulously limits the categories of defendants who may be detained to those whose recidivous tendencies to commit dangerous offenses are clearly established, it should be noted that based on history and present day practice, neither the eighth amendment nor the due process clauses requires proof of recidivous tendencies. Since 1790, bail has almost universally been denied defendants charged with premeditated murder, a capital crime, on a mere finding probable cause. Similarly the Bail Reform Act of 1966 specifically provided for pretrial detention on grounds of dangerousness of defendants charged with capital crimes.[57] The almost universal experience of law enforcement officials, however, has been that most persons who are charged with this offense murder family members or paramours and therefore are the least likely of all offenders to be recidivists. Nevertheless, they have been and still are routinely detained pending trial.

Of the detainable offenses in the Administration's proposal, the category of "dangerous federal crimes"—robbery, burgarly, arson, rape, sex crimes and unlawful drug sales—does not require specific proof of a former charge or conviction as does the second category of "crimes of violence." But the "dangerous federal crimes" category is limited to crimes usually resulting from a continuing motivation of pecuniary profit or sexual gratification, which involve planning, deliberation and the purposeful selection of a victim who is always a stranger. Moreover, apart from sex offenses, these dangerous crimes frequently involve cooperation with other criminals on a continuing basis. The nature of these offenses, the fact that the arrest rate for such crimes is typically under 15 percent[58] and the long experience of law enforcement officers with such offenders, compels the conclusion that a person charged with commission of one of these crimes is rarely apprehended on his first criminal venture.

Meaningful empirical data showing recidivism and predicting criminal behavior is limited; few records have been kept. Moreover, over 50 percent of criminal activity goes unreported and fewer than 25 percent of the reported crimes result in arrests.[59] In the District of Columbia, however, one study shows that of 557 persons indicted for robbery in 1968, 70.1 percent of the persons released prior to trial were rearrested while on bail.[60] In a sample of 65 cases involving those who were rearrested, 28 cases were terminated during the survey period; and 82.1 percent of the defendants in these completed cases were convicted of the crime committed while on pretrial release.[61] This persuasive proof of the recidivous tendencies of this class of criminals is all the more remarkable in light of the following two facts: first, arrests are made in less than 15 percent of all crimes committed, indicating that criminals in this class probably committed many other crimes before rearrest; and, second, the 70.1 percentage for rearrest is limited to those released prior to trial. In view of the *sub rosa* practice of judicial officers of denying pretrial release to dangerous offenders by setting high monetary bail, the 212 persons not released prior to trial—38.1 percent of the entire group—undoubtedly contained the highest percentage of dangerous persons.

The second category of detainable offenses, "crimes of violence," includes many more offenses than the category of "dangerous federal crimes." Detention for those charged with these crimes of violence, however, is authorized for only two classes of offenders, both inherently recidivous. One class is narcotics addicts, recidivists for the obvious reason of their continuing need to supply their drug habits. The second class consists of persons whose proclivity for dangerous crime is evidenced by the commission of a crime of violence while they are on bail, probation or parole for a prior crime of violence or who have been convicted of a crime of violence within the ten-year period preceding the commission of the alleged offense.

Since these categories carefully circumscribe the imposition of pretrial detention, the potential aggregate impact of the Administration's proposal, in terms of the persons detained, is quite narrow. In a recent survey of all persons charged with offenses by the United States Attorney in the District of Columbia during a two-week period, a pretrial detention order could have been sought under the Administration's proposal in approximately 10 percent of the cases.[62] Because of the procedural safeguards provided by the bill, preventive detention would actually have been imposed in far less than 10 percent of these cases.

Procedural Safeguards

The Administration's proposal expressly provides the necessary due process procedural safeguards. No detention order may be entered prior to a judicial hearing in which the defendant is represented by counsel, has an opportunity to present witnesses in his behalf and has an opportunity to cross-examine adverse witnesses. The burden of proof of dangerousness would, of course, rest upon the Government. Furthermore, the order of detention must be accompanied by written findings of fact to justify its entry. The judicial hearing officer is required to make three independent findings as a precondition to detention, all of which are designed to insure, with the greatest degree of accuracy possible, that only those defendants are detained whose release would expose the community to an unreasonable risk of serious danger.

First, the defendant must be within one of the categories of detainable offenses, which, as described above, are limited to offenses committed by recidivists—precisely those persons who, if released, are most likely to commit dangerous crimes, intimidate witnesses and destroy or secrete incriminating evidence. Thus, persons charged with other offenses—approximately 90 percent of all persons charged with crime[63]—cannot be detained.

Second, the hearing officer must find that no condition or combination of conditions of release will reasonably assure the safety of the community. This determination must be based on all available relevant information bearing on the anticipated dangerousness of the defendant, including the nature and circumstances of the offense charged, his family ties, employment, financial resources, character, mental condition, past conduct and record of convictions. If these factors, taken together, indicate that the defendant, even though he falls within one of the detainable categories, could safely be released, for example, on his own recognizance or in the custody of a third person, he must be released.

Third, except where intimidation of a prospective witness or juror is involved, the judicial officer must find on the basis of information presented that there is a substantial probability that the defendant committed the offense with which he is charged. This test is perhaps best compared to the civil test for the issuance of a preliminary injunction, frequently characterized as a "likelihood of eventual success on the merits."[64] The defendant, of course, is allowed, through counsel, to introduce whatever evidence he deems appropriate to challenge this finding.

A finding of probable guilt of the offense charged is critical for two reasons. It means that in the vast majority of cases where detention is ordered, the defendant will be convicted of the charge or some lesser included offense. Thus, the chance that an innocent defendant who is not dangerous will be detained is reduced to a minimum. Detained defendants will receive credit towards service of their sentences for time served in detention, thereby mitigating the possibilty of unfairness to them. More fundamentally, a finding of probable guilt of a violent crime is the best possible evidence of future dangerousness. Although community ties, employment, character and similar factors concerning a defendant may indeed indicate a proclivity for antisocial conduct, nothing more clearly forebodes future criminal activity than the commission of a crime in the immediate past. Similar reasoning underlies the widely adopted statutes providing for indefinite commitment of dangerous offenders who are acquitted of criminal charges by reason of insanity.[65]

Provisions Mitigating the Burden of Confinement

Deprivation of freedom is, of course, an inevitable consequence of pretrial detention. Some burdens that might otherwise be incident to detention, however, may be substantially reduced, and the Administration's proposal incorporates such provisions so far as they are feasible. In recognizing that the fifth and sixth amendments' "guarantee to persons accused of crime the right privately to consult with counsel both before and during trial,"[66] the bill provides for such private consultation. In addition, for good cause shown, the proposal allows the defendant to be released in the custody of a reliable person in order to prepare his defense—for example, to search for witnesses. The bill also provides that detained persons are to be confined, to the extent practicable, in facilities separate from convicted persons. They may not be detained more than sixty days solely on grounds that their release will expose the community to an unreasonable risk of danger, and even within the sixty-day maximum, trials are to be expedited to the extent practicable.

Significance of the Absence of Precise Statistic-Based Guidelines for Predicting Dangerousness

Critics of pretrial detention proposals argue that the need for such detention has

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not been demonstrated. While acknowledging that accused persons frequently do commit additional crimes if released on bail, they contend that the magnitude of the problem is not precisely documented, that less stringent remedies have not yet been tried and found wanting, and that additional studies should be undertaken to develop more precise criteria upon which to predict dangerousness.[67] In response to these critics, it should be noted at the outset that no serious constitutional question has been raised, due process or otherwise, to what is in effect pretrial detention of defendants charged with capital crimes or defendants considered unlikely to appear for trial. The Bail Reform Act of 1966 specifically permits pretrial detention of defendants who are charged with capital crimes and are considered likely to flee or to pose a danger to the community [68] and by implication authorizes pretrial detention of all defendants considered likely to flee by permitting judicial officers to impose execution of a bail bond with a solvent surety as a condition of release, even if the defendant cannot satisfy this condition and will therefore remain in custody until trial. Such detention, moreover, is more often than not for periods of time in excess of sixty days and frequently as long as a year.

The criteria for determining the dangerousness of capital crime defendants or the risk of flight of other defendants set forth in the Bail Reform Act are no more refined in a statistical sense than are the proposed criteria for determining the dangerousness of defendants under the Administration's bill. Accordingly, objections to pretrial detention of dangerous defendants on the ground that it is improper to confine those not yet convicted or on the ground that judicial and law enforcement officers lack sufficiently accurate information upon which to detect dangerousness, apply with equal force to existing pretrial detention practices—detention because of risk of flight or of dangerous capital offense defendants. Yet these grounds of objection have never been considered to preclude such detention because society has an acknowledged right, consistent with procedural due process, to impose reasonable conditions, including detention, to assure that defendants will appear for trial or that capital crime defendants will not pose a danger to the community. Similarly, society has an equally important right to impose reasonable conditions, including detention, to assure that those charged with noncapital but dangerous crime will not expose the community to unreasonable risks of danger prior to trial.

There are other statutes which authorize confinement, even indeterminate confinement, on grounds of dangerousness without any refined mathematical bases for predicting dangerousness.[69] One such statute, the District of Columbia Hospitalization of the Mentally Ill Act,[70] merits specific attention because, as the Senate Committee report shows, this bill originated and passed as an Act "Protecting the Constitutional Rights of the Mentally Ill." [71] Although specifically drafted to protect constitutional rights whenever possible, the Act permits commitment of mentally ill persons found likely to injure themselves or others if allowed to remain at liberty without providing any criteria for this finding.[72] Thus, the conclusion is inevitable that statistical evidence which permits predictability with precise mathematical accuracy is not constitutionally necessary to warrant confinement on grounds of dangerousness. Instead, it is sufficient to place reliance, as is the practice in the law, on the insight and experience of trial judges applying appropriate qualitative standards.

Available statistics on crimes committed by persons released pending trial are necessarily fragmentary. This is attributable to the unavailability or incompleteness of court records and to the absence of information on how many undetected crimes are committed by persons released on bail. It has been estimated that approximately 75 percent of *reported* serious crimes are never solved [73]—a statistic which strongly suggests that most crimes committed by persons released on bail are not solved. Moreover, a substantial number of serious crimes committed, over 50 percent, are not even reported.[74] As long as a majority of serious crimes are not reported and the great majority of those which are reported remain unsolved, the precise extent of recidivism on pretrial release can never be fully documented. Because the problem is, by any standard, a serious one, information of a precise mathematical quality, while helpful, is not necessary to justify congressional action.

There are, to be sure, alternative methods for attempting to deal with the problem. While these alternatives, including speedier trials, additional penalties for crimes committed during pretrial release and expanded use of bail agencies to supervise releases, have been tried, they have not been extensively or effectively used. The Administration's proposals dealing with criminal problems include implementation of all these approaches.[75] Even assuming maximum feasible implementation of these approaches, however, available data and reason strongly indicate that certain defendants will commit additional serious crimes if released pending trial. There is no real alternative to detention of such persons, if the community is to receive the protection it deserves. Reliance must be placed on a carefully drawn statute which incorporates procedural safeguards, reasonable standards and the experience and insight of trial judges. Here, as in other contexts, due process of law requires fundamental fairness, not perfect accuracy.

FOOTNOTES

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[1] 27 CONG. Q. WEEKLY REP. 238 (Feb 7, 1969).

[2] S. 2600, 91st Cong., 1st Sess. (1969). For the text of the bill and an explanation of the various provisions, see CONG. REC. vol. 115, pt. 14, pp. 19259–19264. *See also* 27 CONG. Q. WEEKLY REP. 1270 (July 18, 1969).

[3] 18 U.S.C. §§ 3146–52 (Supp. IV. 1968).

[4] *See* S. 2600, 91st Cong., 1st Sess. § 1(c) (1969).

[5] *Id.* §§ 5, 6.

[6] See text at notes 9–36 *infra*.

[7] See text at notes 37–38 *infra*.

[8] See text at notes 39–75 *infra*.

[9] Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[10] 342 U.S. 524 (1952).

[11] *Id.* at 545–46.

[12] *E.g.*, Mastrian v. Hedman, 326 F.2d 708 (8th Cir.), *cert. denied*, 376 U.S. 965 (1964); People *ex rel.* Shapiro v. Keeper of City Prison, 290 N.Y. 393, 49 N.E.2d 498 (1943); *see* Vanderford v. Brand, 126 Ga. 67, 54 S.E. 822 (1906) (dictum).

[13] 342 U.S. at 545.

[14] United States v. Lawrence, 26 F. Cas. 887, 888 (No. 15,557) (C.C.D.C. 1835).

[15] *See* Foote, *The Coming Constitutional Crisis in Bail*, 113 U. PA. L. REV. 959, 971–72 (1965).

[16] Act of Sept. 24, 1789, ch. 20, § 33, 1 Stat. 91. See note 17 *infra*.

[17] See the following table:

BAIL STATUTES: 1780–1801

Jurisdiction	Bail possible in all cases except—	Other limitations—
Connecticut (1786)	No exceptions	Bail allowed in high treason cases only by court having jurisdiction.
Delaware (1797)	"Felonies of death"	None.
Georgia (1801)	Horse theft (felony punished by death)	Do.
Maryland (1692–1839)	Felony or treason	Do.
Massachusetts (1780–1807)	No exceptions	Bail allowed only by Judes of Supreme Judicial Court.
New Jersey (1800)	Treason or "felony of death"	None.
New York (1792)	No exceptions	Justices must investigate whether party committed the felony before release on bail.
North Carolina (1792)	There are some nonbailable offenses; 1 statute refers to only by 2 judges in open session after investigating capital offenses in 1801.	English law for these. Murder and felonies are bailable whether defendant committed the crime. No bail for
Pennsylvania (1781–90)	Treason or felony	Bail allowed for robbery, burglary, sodomy, and buggery only by Supreme Court judge.
South Carolina (1790)	Treason or felon (unless defendant is not indicated within 1 term of the Court).	None.
Virginia (1792–95)	No exceptions	Do.
Federal (1789)	Capital cases except by Supreme Court or Circuit Court.	Do.

Source: Prepared by the Department of Justice.

[18] See note 17 *supra*.

[19] LAWS OF MASS. vol. 1, at 238, § 2 (1807). See note 17 *supra*.

[20] See note 17 *supra*.

[21] *See, e.g.*, CAL. PENAL CODE § 1270 (West 1956); ILL. CONST. art. 2, § 7; MASS. GEN. LAWS ANN. ch. 276, § 20D (1959); MICH. COMP. LAWS § 765.5 (1968); N.Y. CODE CRIM. PROC. § 552 (McKinney Supp. 1969); OHIO CONST. art. 1, § 9; OKLA. STAT. ANN. tit. 22, §§ 1101–02 (1951); PA. CONST. art. 1, § 14; R.I. GEN. LAWS ANN. § 12–13–5 (1957); VA. CODE. ANNO. §19.1–66 (1960); FED. R. CRIM. P. 46(a)(1).

[22] See the following table:

TABLE OF CAPITAL OFFENSES

Jurisdiction	Rape[1]	Arson	Burglary	Robbery
Connecticut (1786)	Death	(Of dwelling house) death	Death	Death.
Connecticut (1796)	do	Prison	Prison	Prison.
Delaware (1797)	Treated as felony	(Of home) death	Death	Treated as felony.
Maryland (1809)	Death (1744)	Death	Prison	Prison.
Massachusetts (1785)	Death	(Of home at night) death	(At night) death	Death (1805).
New Hampshire (1792)	do	(At night) death	Death	Death.
New York (1785–88)	do	(Of dwelling house) death	do	Do.
Pennsylvania (1790–94)[2]	Prison	Prison	Prison or forfeiture of property[2]	Prison or forfeiture of property.[2]
Rhode Island (1798)	Death	Death	Death	Death.
South Carolina (1790)	do	(Of wood frames for house construction) death.	do	(Of bond, warrant, will, or note) punishment same as for theft of goods themselves.
Virginia (1792–95)[4]	do	(Of house) death	Prison and restoration of goods (1796–1802).	Prison and restoration of goods (1796–1802).

[1] May include statutory rape.
[2] One convicted of burglary or robbery in Pennsylvania could be admitted to bail only at the discretion of a Supreme Court judge.
[3] In 1794 death penalty authorized only for murder.
[4] In 1796 death penalty eliminated except for 1st degree murder.
Prepared by the D epartment of Justice.

[23] See note 22 *supra*.

[24] See the following table:

CRIMES AND PUNISHMENTS

Jurisdiction	Bestiality	Buggery	Sodomy	Mayhem	Kidnapping	Manslaughter
Connecticut (1787)	Death		Death except where 1 party was under 15 or colored.	Death	(Of Negroes) fine (1788)	Forfeiture of goods, whipping, and branding with M.
Delaware (1797)	Treated as felony—death.	Treated as felony—death.	Treated as felony—death.	Treated as felony—death.	(Of Negroes) whipping and ears cut off.	Treated as felony—death.
Georgia (1801)				Fine of pillory, 2d offense—death.		
Maryland (1809)			Maximum, 10-year prison term.	Maximum 10-year prison term.	(Of Negroes) maximum 10-year prison term.	Maximum 10-year prison term.
Massachusetts (1785)			Death	Maximum 10-year prison term (1805).		Maximum 1-year prison term, stand on gallows 1-year, brand with M.
New Hampshire (1792)	Death		Death	Fine or 7-year maximum prison term.		Gallows, fine and/or prison.
New York (1792)	Death	Death		Death		
North Carolina (1792)		Punished as in England—death.		Fine and prison (1801)		Death.
Pennsylvania (1790)		Prison and forfeiture of lands.	Prison and forfeiture of lands.	Maximum 10 year prison term.	(Of Negroes) fine	Prison.
South Carolina		Death or forfeiture		Treated as felony—death.	(Of slaves) death	Treated as felony—death.
Virginia		Death		Treated as felony—death.	(Of slaves) death	

Source: Prepared by the Department of Justice.

[25] W. BLACKSTONE, COMMENTARIES *98, 216, 222; PERKINS, CRIMINAL LAW 10–11 (2d ed. 1969).

[26] 2 ALASKA STAT. § 11.15.010 (1962); IOWA CODE ANN. § 690.2 (Supp.. 1969); 9 ME. REV. STAT. ANN. tit. 17, § 2651 (1964); MICH. STAT. ANN. § 750.316 (1968); MINN. STAT. ANN. § 609.185 (1964); 1 ORE. REV. STAT. § 163.010 (1967); W. VA. CODE ANN. § 61–2–2 (1966); WIS. STAT. ANN. § 940.01 (1958).

In North Dakota the death penalty has been abolished except for murder committed while under a previous sentence for murder. 2 N.D. CENT. CODE § 12–27–13 (1960). Vermont allows capital punishment only on a second unrelated murder or the killing of a peace officer or prison official. 5 VT. STAT. ANN. tit. 13, § 2303 (Supp. 1969). New York permits the imposition of the death penalty only for the second conviction of murder or the murder of a peace officer. N.Y. PENAL LAW § 125.30 (McKinney 1967). California and Georgia do not impose the death penalty for murders committed by minors. 10 GA. CODE ANN. § 26–1005 (Supp. 1968) (under 17 years); CAL. PENAL CODE § 190.1 (West Supp. 1968) (under 18 years).

For a discussion of the state statutes, see Witherspoon v. Illinois, 391 U.S. 510, 525–28 nn. 2–8 (1968) (concurring opinion).

[27] *See* PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: THE COURTS 27–28 (1967); T. SELLIN, CAPITAL PUNISHMENT (1967); T. SELLIN, THE DEATH PENALTY (1959); ROYAL COMMISSION ON CAPITAL PUNISHMENT 1949–1953, REPORT (1953).

[28] T. SELLIN, THE DEATH PENALTY 1 (1959).

[29] *Id.* at 4.

[30] 18 U.S.C. § 1114 (Supp. III, 1968); *id.* § 1111 (1964) (murder of a federal official); *id.* § 1201 (kidnapping); *id.* § 794 (espionage); *id.* § 2381 (treason); *id.* § 2031 (rape).

A recent act makes an attempted assassination or kidnapping of the President or Vice President of the United States a capital crime. *Id.* § 1751 (Supp. III, 1968).

[31] 342 U.S. 524 (1952). See text at notes 9–13 *supra*.

[32] Foote, *supra* note 15, at 963. There is no statutory authorization for such release in Sweden. Norway, Denmark and West Germany have statutory authorization but the practice has fallen into disuse for the reasons stated in the text. *Id.*

[33] Carlson v. Landon, 342 U.S. 524, 545 (1952).

[34] Statute of Westminster the First, 3 Edw. 1, c. 12 (1275); 4 W. BLACKSTONE, COMMENTARIES *296–300; 2 M. HALE, PLEAS OF THE CROWN 126–34 (Emlyn ed. 1800); I. J. STEPHEN, A HISTORY OF THE CRIMINAL LAW OF ENGLAND 233–38 (1883); State v. Konigsberg, 33 N.J. 367, 370, 164 A.2d 740, 742 (1960) (authorities cited therein).

[35] *See, e.g.*, 7 GEO. 4, c. 64, § 1 (1826); 11 & 12 Vict. c. 42, § 23 (1848); Criminal Justice Act 1967, c. 80, § 18.

[36] Regina v. Gentry, 39 Crim. App. 195, 196 (Crim. App. 1955).

[37] 342 U.S. 1 (1951). "Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning." *Id.* at 4.

[38] *See* 2 C. WRIGHT, FEDERAL PRACTICE AND PROCEDURE: CRIMINAL § 404, at 76 (1969); Note, *Preventive Detention Before Trial*, 79 HARV. L. REV. 1489, 1501 (1966).

[39] U.S. CONST. amend. V. ("No person shall . . . be deprived of life, liberty, or property, without due process of law . . .").

[40] Zemel v. Rusk, 381 U.S. 1, 14 (1965) (reasonable governmental restrictions on right to travel abroad do not violate due process).

[41] *Cf.* Terry v. Ohio, 392 U.S. 1, 20–27 (1968) (reasonableness is test for restraints on liberty caused by stop and frisk procedures).

[42] See text at notes 11–12 *supra*.

[43] 18 U.S.C. § 3148 (Supp. III, 1968). *See, e.g.*, Carbo v. United States 82 S. Ct. 662 (Douglas, Circuit Justice, 1962); United States v. Wilson, 257 F.2d 796 (2d Cir. 1958); United States *ex rel.* Estabrook v. Ottis, 18 F.2d 689 (8th Cir. 1927).

Federal Rule of Criminal Procedure 46(a)(2) provides that "[b]ail *may be allowed* pending appeal or certiorari unless it appears that the appeal is frivolous or taken for delay." FED. R. CRIM. P. 46(a)(2) (emphasis added). The effect of this rule upon the denial of bail prior to a trial on the merits is questionable since Rule 46(a)(1) provides that "[a] person arrested for an offense not punishable by death *shall* be admitted to bail." *Id.* 46(a)(1) (emphasis added). Justice Douglas in Carbo v. United States, *supra*, considered this difference in language significant, emphasizing that the court has discretion under Rule 46(a)(2) to deny bail. 82 S. Ct. at 666. The House Report on the Bail Reform Act of 1966 also draws a distinction

between noncapital cases before and after trial:

This section [3148] treats those accused of capital offenses and convicted persons differently from persons accused of noncapital offenses. . . . Since there is no absolute right to bail in capital cases nor in the cases of convicted persons, the courts are empowered to elect to detain defendants in such cases.

H.R. REP. No. 1541, 89th Cong., 2d Sess. 15 (1966).

[44] Fernandez, v. United States, 81 S. Ct. 642, 644 (Harlan, Circuit Justice, 1961); *see* Bitter v. United States, 389 U.S. 15, 16 (1967); *cf.* Carbo v. United States, 82 S. Ct. 662, 668 (Douglas, Circuit Justice, 1962).

[45] 18 U.S.C. § 4247 (1964).

[46] 350 U.S. 366 (1956).

[47] 24 D.C. CODE ANN. § 301(a) (1967).

[48] *See generally* Note, *Civil Commitment of Narcotic Addicts*, 76 YALE L.J. 1160 (1967).

[49] 309 U.S. 270 (1940).

[50] 309 U.S. at 273, *quoting* State *ex rel.* Pearson v. Probate Court, 205 Minn. 545, 555, 287 N.W. 297, 302 (1939).

[51] *E.g.*, ILL. ANN. STAT. ch. 91–1/2, §§ 6–1 to 6–5 (Smith-Hurd Supp. 1969); MICH. COMP. LAWS ANN. § 330.19 (Supp. 1968).

[52] The refusal of bail in these cases is not arbitrary or capricious or an abuse of power. There is no denial of the due process of the Fifth Amendment under circumstances where there is reasonable apprehension of hurt from aliens charged with a philosophy of violence against this Government. 342 U.S. at 542.

[53] 21 D.C. CODE ANN. §§ 501–91 (1967).

[54] SEN. COMM. ON THE JUDICIARY, CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL, S. REP. No. 925, 88th Cong., 2d Sess. 10 (1964).

[55] 21 D.C. CODE ANN. §§ 521, 528 (1967).

[56] *See* Fernandez v. United States, 81 S. Ct. 642 (Harlan, Circuit Justice, 1961).

[57] 18 U.S.C. § 3148 (Supp. IV, 1969).

[58] Less than 50% of these serious crimes are reported to the police and the arrest rate for those crimes which are reported is only about 25%. Thus, the actual arrest rate for committed, as contrasted with reported crime, is about 12.5%. See notes 73–74 *infra* and accompanying text.

[59] See text at notes 73–74 *infra*.

[60] Of the 345 persons released, 242 were rearrested while on bail. Report of the Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia 20–21 (May 1969).

[61] *Id.*

[62] Only 44 of the 459 persons charged would have met the requirements of the Administration's pretrial detention program. The above figures were derived from an informal study conducted by the Department of Justice in the courts of the District of Columbia.

[63] See note 62 *supra* and accompanying text.

[64] W. E. Bassett Co. v. Revlon, Inc., 354 F.2d 868, 872 (2d Cir. 1966).

[65] *E.g.*, Mo. ANN. STAT. § 552.040 (Supp. 1968–69); 20 OHIO REV. CODE ANN. § 2945.39 (Page Supp. 1968); 42 WIS. STAT. ANN. § 957.11(3) (1958); MODEL PENAL CODE § 4.08 (Proposed Official Draft 1962).

[66] Coplon v. United States, 191 F.2d 749, 759 (D.C. Cir. 1951), *cert. denied*, 342 U.S. 926 (1952).

[67] See, *e.g.*, testimony of Judge Harold H. Greene and Professor Alan Dershowitz, *Hearings on Amendments to the Bail Reform Act of 1966 Before the Subcomm. on Constitutional Rights of the Sen. Comm. on the Judiciary*, 91st Cong., 1st Sess., 29, 172 (1969).

[68] 18 U.S.C. § 3146(a)(4) (Supp. IV, 1969). See Allen v. United States, 386 F.2d 634 (D.C. Cir. 1967) (dictum).

[69] See text at notes 45–48 *supra*.

[70] 21 D.C. CODE ANN. §§ 501–91 (1967). See text at notes 53–55 *supra*.

[71] S. REP. No. 925, *supra* note 54, at 1.

[72] 21 D.C. CODE ANN. § 545(b) (1967).

[73] In the District of Columbia 34,765 serious crimes were reported in 1966; 9159 or 26.3% were solved. PRESIDENT'S COMMISSION ON CRIME IN THE DISTRICT OF COLUMBIA, REPORT 596 (1966).

[74] PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORTS CRIME AND ITS IMPACT—AN ASSESSMENT 17–19 (1967).

[75] See 27 CONG. Q. WEEKLY REP. 238 (Feb. 7, 1969).

DEVELOPING TRANSPORTATION FOR THE SEVENTIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include this excellent speech given at the National Transportation Institute by Mr. Richard Stoner, vice chairman of the board, Cummins Engine Co., Columbus, Ind. Mr. Stoner's remarks reflect the kind of approach, by both the private and public sectors, to the problems of the environment which is necessary if we are going to succeed in the fight against pollution.

His talk follows:

DEVELOPING TRANSPORTATION FOR THE SEVENTIES

(By Richard B. Stoner, vice chairman of the board, Cummins Engine Co., Inc., Columbus, Ind.)

I wonder how many of you saw a full-page advertisement that appeared in the "News in Review" section of the New York Times on January 18? It was headed "April 22: Earth Day." It said "A disease has infected our country. It has brought fog to Yosemite, dumped garbage in the Hudson, sprayed DDT in our food, and left our cities in decay. Its carrier is man."

Sponsor of that ad is an organization called "the environmental teach-in," which says April 22 "is a day to challenge the corporate and governmental leaders who promise change but who shortchange the necessary programs."

A few days earlier, on January 13, the Times carried a report issued by Mayor Lindsay's task force on noise control. Let me summarize one portion.

One of the first moves will be against truck and construction equipment noise. As for trucks, attempts will be made to lower the 88-decibel limit the State of New York now prescribes.

The report says anything above 85 decibels is where injury begins; and California, the leader in sociability standards, has already set standards for 1973 at 86 decibels.

Do you know whom both the ad and the report are talking about?

They are talking about us!

And we had better listen!

And . . . we had better take action!

Our industry is either going to fulfill its moral obligation to lead the way in minimizing the threat of air, water, waste, and noise pollution in this decade or the people, led by our youth, will force the government to enact legislation which requires us to do the job we will not do ourselves.

All of industry is about to be caught again with an inadequate response to those problems that affect the human environment—health, hunger, security, to name three.

For most of us who have operated effectively with the clear economic goal of producing a competitive product at the lowest possible cost, a new phrase—sociability—is about to become the planning "goal" of the 1970's. Never before has this country entered a new decade with such a clear-cut technological challenge. We must clean up our environment.

So, remember that word, "sociability." It means making our products, our industry, our company, or plant operate in such a manner that it is acceptable to the public—that it is not too noisy; that it is not unhealthy; that it does not emit offensive odors; and that it does not sting the eyes.

Sociability has real meaning to us today as we recognize that stopping pollution is the number one technological challenge to the transportation industry in this decade.

This is the thesis of my remarks today because transportation vehicles are the number one contributor to air, noise, and esthetic decay. Emissions from vehicles make up over half of the contamination in the air over the United States. To a great extent, our success in cleaning up our products will determine the improvement in environmental quality throughout the country. The 100 million automobiles, trucks, and buses on America's highways spew more than 66 million tons of carbon monoxide, one million tons of sulfur oxides, six million tons of oxides of nitrogen, 12 million tons of hydrocarbons, and one million tons of particulates annually into the air we breathe.

In addition, the smoke, dirty water, and industrial wastes from our production facilities, our foundries, and even our office complexes are tainting the air we breathe, the water we drink, and the sources of food we eat.

Admittedly, pollution has been with us as long as time itself. The American Indian had little need to be concerned about the polluting effects of his smoke signals. But, as population has increased, as we have become technologically more sophisticated, as consumers have demanded more convenience products in nonreturnable containers, and more powerful engines, and as we have moved together into huge urban areas, man has emerged as a threat to his own environment.

The transportation industry has responded to pollution about as well, but no better, than all of industry. Until just a few years ago, we were not greatly concerned with engine exhaust emissions. The problem was concentrated primarily in a few highly populated industrialized areas.

Then, California's smog problems became so great the State government was forced to issue the first automobile exhaust emission standards. If you will recall, the industry and general public reaction was less than enthusiastic. We protested costs would be too high, the time requirements were too short, and the standards were impossible to achieve. Yet, today, we are rushing ahead, successfully I might add, to meet the latest Federal standards which until recently we also had criticized as too costly, too restrictive in time to achieve, and, yes, even impossible to achieve.

The latest Federal or State of California standard became our next target. And, this is why the transportation industry has not solved its pollution problem. Our goal must become the reduction of engine emissions and noise to the lowest possible level which technology will permit.

Our technical staff at Cummins is confident the technology can be developed and applied within this decade which will eliminate the problems of internal combustion engine emissions and noise in environmental quality. We can achieve this goal if our industry is prepared to commit itself to solving the problem. Dramatic improvements must and will be made in the next two to three years.

The emission control effort will be massively expensive. The many millions already committed to the program by the automotive industry will seem almost insignificant when the total cost is added up.

And, all of us will pay. Increased costs will not stop with the manufacturer. Equipment purchasers and finally the ultimate consumer will feel the cost of the emission control effort. This is not because manufacturing costs will be passed along in their entirety. It is primarily because high horsepower-to-weight ratios and high engine performance and low emissions are not necessarily compatible according to our present understanding of the state of the art.

Where we have historically emphasized high horsepower engines to pull heavier loads and lighter, smaller engines to permit more freight to be hauled, we now may be talking about bigger engines with lower horsepower. This could require more trucks to haul the same amount of produce; consequently, higher freight charges to keep trucking profitable and, thus, more costs to the consumer. I choose this illustration to point up the inescapable fact that all of us—producers and consumers alike—will share in the added cost of emission controls.

WHAT MUST BE DONE?

Somehow out of today's rhetoric must come not just governmental pledges, nor industry programs, but a national commitment to improve environmental quality. Most of us as consumers will have to change our life style. Protection of our environment must become a personal cause of highest magnitude in the everyday lives of tens of millions of Americans. President Nixon in his State of the Union address said, "each individual must enlist if this fight is to be won . . . it is time for those who make massive demands on society to make some minimal demands on themselves."

In this growing effort government can provide guidelines and help define priorities, but it is those of us in industry who must take on the leadership role and commit, now today, both our human and financial resources to guarantee, as the President has requested, that: "Clean air, clean water, open spaces—these should once again be the birthright of every American." Surely, if we have the brainpower and resources to put a man on the moon in the short span of ten years, we can bring our environmental violations into tolerable limits within a similar time span.

INDUSTRY'S ROLE

There is a jarring truth to *Newsweek's* statement that "until a few years ago, fighting pollution ranked somewhere below giving to charity on the list of corporate priorities." We have this black eye because we have not led in the control of pollution. And, we have not given sufficient attention to the harm our manufacturing plants and products are having on the quality of our environment.

There is, however, a growing movement among responsible industrialists; and, if the effort can be expanded and maintained, I am confident we can have clean air, pure water, and decent living conditions for all people.

As a first step in industry's commitment, all of us must take whatever action is necessary to stop noise, air, water, and waste pollution resulting from our manufacturing processes. The technology is available and it must be put to work. The cost will be enormous and it is likely that some industries will need governmental assistance and incentives. Unfortunately, some enterprises will not survive, but that is a necessary cost.

Second, sociability must become a priority design criterion in planning all new products, plants, and services.

Third, those of us who produce products that pollute must modify present product lines so they are as emission-free as society requires. Products which cannot be modified, must be abandoned and replaced by new ones with a high sociability factor. Cost considerations must be secondary to health and safety.

Fourth, industry-wide cooperation in reducing pollution must override competitive considerations. I am pleased to be able to tell you that comparative studies to develop meaningful test procedures to measure the emissions from diesel engines are underway through the Engine Manufacturers' Association and in conjunction with the State of California. I will be gratified if the association can go to Washington with a recommendation that stricter standards be applied. This will be the kind of positive leadership our industry should provide.

Fifth, industry must fund more basic research to develop new technologies which go beyond those presently known. We have great faith in the adaptability of the internal combustion engine. It has served man well over the years; and, if we are as creative in making social improvements as we have been in improving its efficiency, we can extend its useful life for years to come.

However, and this is very important, if the technology cannot be found, we must be prepared in fact to bury our old friend (as University of Minnesota students did recently at a campus demonstration when they buried a gasoline automobile engine) and replaced it with a new, less offensive power plant.

Presidential Science Advisor Dr. Lee A. DuBridge cautions that "such a power plant, however, has not yet been invented, or at least has not yet proven to be reliable, economical, or capable of the high performance required."

GOVERNMENT'S ROLE

Government's primary role is to make pollution a priority public issue of our decade and to provide incentives and, where necessary, requirements for industry to meet its responsibilities to eliminate pollution as a threat to the Nation's survival.

This role should be implemented as follows. First, economic incentives should be devised that encourage all industries, large and small, to accelerate their anti-pollution efforts—the idea being to make normal economic factors provide the Nation with the direction so urgently needed in the conservation task ahead of us,

Second, we would also favor the establishment of a Federal program of penalties for those who pollute, whether it be the producer or the end user, if he is at fault. Income from a pollution tax could be used to fund research, pollution control devices, and purification systems for the good of the entire community. Senator Proxmire has introduced a bill that would levy a federal "effluency fee" of 10 cents per pound for industrial wastes emitted into the nation's rivers. A similar fee system could be developed for engines with emissions measured at the time of annual licensing and a punitive fee schedule used for emissions of various kinds. When the consumer realizes it costs him more to own a product that pollutes or he will be fined if he deactivates the emission control device on his engine, he will demand and maintain a clean product.

Third, we recommend the Government reallocate present funds earmarked for development of low-emission engines into more productive channels. Industry has the proper economic incentives to develop sociable products and industry will get this job done.

More appropriately, government should be funding studies to determine what levels of pollution we can tolerate and maintain a good environment, thereby determining the standards required. Also, we are not well enough informed on the interactions of various emissions, especially their tolerability as they affect health and living conditions and the rate at which the atmosphere cleanses itself. These studies should lead to specific emission parameters. Industry does not have the facilities for such ecological determinations. These are governmental responsibilities of the highest order.

Government's efforts must be coordinated and not diffused through establishment of inefficient and ineffective offices in a number of federal bureaus. The effort must be singularly directed and receive the top-level attention the problem demands.

Fourth, while industry should set the pace, Government must make it possible for industry-wide cooperation to be carried out without fear of antitrust violation. In other words, we must be able to "swap information" in the public interest. Cooperation between government and industry is imperative in setting targets and meeting new standards.

CUMMINS' COMMITMENT

Cummins Engine Company's commitment is to eliminate, to the extent technically feasible, the pollutants, noise, and wastes resulting from each of our plant operations and all of our products. We will do this job as quickly as possible. We will take this action, not waiting for an adjustment in federal requirements or incentives, but in an attempt to fulfill our responsibility to improve the quality of our environment.

Diesel improvement starts with an engine that already has emission characteristics superior to most vehicular engines in use today. The diesel is inherently low in unburned hydrocarbons, a principal contributor to chemical smog, and carbon monoxide, a known poison. Both are major concerns in gasoline engines, although the automobile manufacturers are well along the road to solving these problems.

We are funding an accelerated program for the development of clean and quiet engines, including new power forms. Cummins has adopted emission control standards more severe than any current governmental standards as design criteria for all new products. Our ultimate goal is to produce engines that are completely socially acceptable. By this we mean that engine emissions and noise will no longer cause problems of environmental quality. An immediate target is to reduce smoke substantially below the present federal smoke standards, thus removing diesel smoke as a nuisance. We will apply this new target across the broad spectrum of our power applications—off-highway uses in construction, industrial, and marine equipment as well as on-highway truck engines. To achieve this further improvement of our engines will require changes ranging from minor modifications and substantial increases in the number of turbocharged engine models to the possible elimination of some engine models and development of new engines to replace them.

Our technical center staff is currently studying promising techniques of emission and noise control and is hard at work exploring new techniques.

These clean engine commitments have been made with the full realization that the risks involved may include:

Reductions in profitability;

Increased capital investments;

Increased initial investment for the customer; and

A massive educational job to sell the new concepts and their importance to customers and operators.

Beyond product research and development, Cummins has placed in the 1970 capital budget substantially increased funding for an accelerated program to begin the clean-up of all of our plant operations. We will cooperate fully with each of our plant communities in the solution of the solid waste disposal problem.

Frankly, we are not in a position to brag about these decisions. We should have made them years ago. But it is important to understand that Cummins has made the basic commitment to go as far as we can in elim-

inating contamination of our environment, not just meeting federally imposed standards.

We hope others will join us in this commitment because we concur with Philosopher Lewis Mumford's observation that: "Any square mile of inhabited earth has more significance for man's future than all of the planets in the solar system."

AN EXTRAORDINARY CITIZEN

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. BURTON of Utah. Mr. Speaker, the American Academy of Achievement has selected one of Utah's leading businessmen as one of the 50 national leaders whom they will honor this year. His name is Maurice Warshaw, who has been active in civic affairs in my State for many years. Mr. Warshaw will travel to Dallas this June to accept the award from the academy.

He has also won the Brotherhood Award of the National Conference of Christians and Jews for the Rocky Mountain region. A former Utahan, Secretary George Romney, of the Department of Housing and Urban Development, will go to Utah to make that award Wednesday evening.

Mr. Speaker, I thought my colleagues would appreciate reading about this extraordinary individual. We could use such citizens as Mr. Warshaw in every community across the Nation. A biographical sketch follows:

MAURICE WARSHAW, OF SALT LAKE CITY

At age 71, Maurice Warshaw could relax and look back on a colorful, productive life. Typically he is too busy enjoying life and planning for tomorrow.

No one person knows all of the accomplishments and good deeds of this man. He understands the younger generation and they "dig" him. Known as a fierce business competitor, he is equally known for his sincerity in helping people and appreciated for his wit. Even his business competitors back his humanitarian efforts.

As President of Grant Central, Inc., he is "big business." His company grossed 75 million dollars last year, yet he is unusually approachable. He has been a consultant on supermarkets to the Shah of Iran and several South American governments, but may be seen frequently at one of his markets helping a housewife select fruits or vegetables. Although his international philanthropic efforts are well known, he devotes equal attention to local problems.

Warshaw is a self-made multimillionnaire who has known poverty and affluence both in this country and in Russia. When he was a young boy the Czar was assassinated. To avoid the Pogroms (killing of Jews), Warshaw's father, a wealthy food broker, smuggled the family to the United States via the underground. They settled in Philadelphia where they were desperately poor. Warshaw quit school in the sixth grade to help with family finances.

The family migrated to Utah but soon returned to Philadelphia. Maurice and a younger sister stayed in Salt Lake City. Determined to work for himself, he started peddling fruit from a cart to support himself and his sister. From this humble merchandising beginning, he ultimately became a supermarket pioneer, initiating customer self-service and other "firsts."

For the past three decades he has also devoted his talents, energy and concern to volunteer efforts for which he has received numerous awards, including the first United States Committee Award for Volunteers from the International Society for the Rehabilitation of the Disabled. Assignments, particularly in the health and rehabilitation fields, have taken him to many foreign countries including those behind the Iron Curtain.

He does not consider himself a "joiner" but has been a member of the Chamber of Commerce and Exchange Club for 35 years serving on various committees and projects.

Inez Williams Warshaw, his wife of over 50 years, has planned and decorated their elegant home. Unlike most wives, she doesn't get upset when her husband fails to tell her they have company coming even though the company may be 100 guests.

They have a son Keith, two daughters, Marge Mackey and Pat Panos and 13 grandchildren. Warshaw is close to his family, enjoying their company and admiring their accomplishments. They in turn feel the same way about him.

What are his plans for the future? He is looking forward to a fact finding of Africa for UNICEF and CARE. Also on his immediate agenda are further expansion of the Grand Central Chain, more snowmobiling with his family and, of course, several projects. He anticipates sometime in the future "when business settles down" time to finish writing his book.

VOLUNTEER SERVICES

President's Committee on Employment of the Handicapped, Member.

National Society for Crippled Children and Adults, Board Member.

National Rehabilitation Association, Past Director and Executive Committee Member.

United States Committee for the International Society for Rehabilitation of the Disabled, Executive Board and Treasurer.

National Committee for UNICEF, Member.

U.S. Public Health Service, Mental Health Advisory Council, Member.

Center for The Study of the Causes of War and Conditions for Peace, Board of Governors.

American Cancer Society, Member.

Peoples-to-Peoples Organization, Member.

CARE, Western Regional Representative.

Utah Governor's Committee on Employment of the Handicapped, Chairman.

Utah Society for Crippled Children and Adults, President Emeritus.

Utah Speech and Hearing Foundation, Board Member.

National Polio Foundation, Former State Chairman.

Utah March of Dimes, Chairman past 10 years.

United Nations Association of Utah, Past President.

Utah Office of Rehabilitation Advisory Committee, Chairman.

Utah Statewide Planning Project for Vocational Rehabilitation, Vice-Chairman.

Citizens Advisory Committee for Salt Lake County Hospital, Board Member.

Salt Lake County Family Services (Welfare), Board Chairman.

Holladay Children's Center for Mentally Handicapped, Member Advisory Council.

Junior League of Salt Lake City—1968 and 1969 Flea Market Fund Raising Project, Advisor. Associated with: American Fork Training School, Foster Parents, Easter Seal Society, and Utah Heart Association.

BENEFITS AND CONTRIBUTIONS

"Flower Drum Song" benefit for TV sets at the University Medical Center, netted $18,000.

Jack Benny benefit concert for the Rehabilitation Wing at the David O. McKay Hospital, netted $75,000.

Abigail Van Buren fashion show for the March of Dimes.

Donation of $50,000 for Rehabilitation Wing at the University of Utah Medical Center.

AWARDS

United States Department of Health, Utah Crippled Children Citation for outstanding services at Children's Health Center—1955.

March of Dimes—1959–1961.

March of Dimes, State Chairman Certificate of Appreciation—1961 and 1968.

American Cancer Society, Certificate of Appreciation for Crusade for Cancer—1959–1969.

Utah United Nations Distinguished Service Plaque—1963.

Utah State Medical Association Award of Merit Plaque for outstanding contribution in the field of medical care—1963.

Certificate of Appreciation for notable public service—1964.

International Society for Rehabilitation of Disabled, First United States Committee Award for Volunteers Plaque for International Service in Rehabilitation of the Disabled—1965.

Utah Society for Crippled Children and Adults, Honorary President Plaque for lifelong devotion to assisting the handicapped—1965.

American Heart Association, Certificate of Appreciation—1966.

Salt Lake Newspapers, Trophy for largest user of newspaper color, retail store and drug advertising in U.S.—1966.

American Institute of Management, President's Council Citation for contribution to the field of management—1967.

Utah District Sertoma International Service to Mankind Citation—1967.

American Legion (Salt Lake Post No. 2) Plaque for Outstanding Services and Devotion for the Handicapped—1968.

Department of Health, Education and Welfare (Region VIII), Citation for exemplifying the highest traditions of citizen concern and for two decades of sustained individual achievement in building public programs to meet the rehabilitation needs of handicapped children and adults—1968.

United States Marine Corp Reserves Citation for Utah's Operation Friendship Vietnam—1968.

United Nations of Utah Citation for Compassionate Service—1968.

U.S. Public Health Service, Advisory Mental Health Council Certificate of Appreciation—1968.

President's Committee on Employment of the Handicapped Citation for Meritorious Service for exceptional contributions in furthering the employment of the handicapped—1969.

National Foundation March of Dimes Plaque for outstanding service in the fight against birth defects—1969.

American Business Women's Association, Wasatch Chapter Boss of the Year Plaque—1969.

Days of 47 Parade, First Place Big Business Trophy "Romper Room"—1969.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

THE STATE OF THE REVOLUTION

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. BROCK. Mr. Speaker, an interesting and constructive approach to the problems of Revolution has recently been described by Mr. Ed Butler who is widely known as host of the weekly TV series "The Square World of Ed Butler." His remarks were made on February 3 at the opening of the George Washington University Center in Washington, D.C. In them Mr. Butler states that for better or worse, revolutions of several categories will be with us for a long time to come. To cope with these problems he proposes a new major in conflict management to be set up at the university level.

Because of my concern with campus unrest and the currency of this problem, I insert Mr. Butler's remarks and other material in the RECORD:

THE STATE OF THE REVOLUTION

(Remarks by Ed Butler at opening of the George Washington University Center, Washington, D.C., February 3, 1970)

President Nixon has presented the State of the Union Message, because politics is his business. I am about to discuss the State of the Revolution, because "Revolution Is My Profession."

In President Nixon's discourse, he surveyed our nation's national and international problems from his position at the pinnacle of power. In our conversation tonight, we will also consider the same problems from a much less lofty point of view.

And so there will be some similarities of topic, but few of tactic . . . some identity of purpose but none of procedure. President Nixon spoke, then left the press, the people, and their representatives to ponder the impact of his words upon their lives, as is traditional. I speak from a much humbler vantage point, and so I shall expect and invite questions at the conclusion of my talk. In my profession, there are few traditions but many challenges, and the *people always* have the last word.

Please note any questions you have on the cards now being given out. We probably won't be able to answer all tonight, so put down your name and address.

While the cards are being distributed, let me say that it is good to be back in Washington. I lived nearby in Alexandria for two years.

I last spoke here on Veterans Day in mid-November, to a throng of 15,000 Americans at the Washington Monument. I was surprised to receive thunderous applause from the so-called "Silent Majority" for some very revolutionary statements about securing peace in Vietnam, through revolution. What surprised me even more was the rebuff a few days later from the so-called revolutionary leaders of the Moratorium Mobilization, who refused to permit me to speak to their followers . . . the stated reason was lack of space on the agenda, but I sensed the real reason was that, while I wholeheartedly supported their demand for peace, I categorically rejected "immediate and total withdrawal" as a euphemism for surrender, which always leads to worse wars later. Postponing problems doesn't solve them.

Thus, paradoxically, we had the spectacle of the "Silent Majority" shouting approval of revolution as the solution in Vietnam, while the leadership of the "revolutionary minority" censored my speech because it did not conform to their doctrinaire view that "peace" and "surrender" are synonymous.

What was perhaps the most astonishing paradox of al lwas the startling willingness among nearly all the citizens I spoke to in Washington that hectic week, to listen with cordial attention to some new, creative alternatives, even when presented by so freaky a figure as a self-proclaimed professional revolutionary.

To complicate matters more, I am not only a revolutionary, but an admitted SQUARE, who believes that underlying ethical standards of right and wrong are essential, precisely because human beings deviate from them so often and drastically. Nor do I exempt myself. I am disgustingly human.

Because we are all now thrust into a no-man's land between peace and war—called revolution—we need standards more than ever. And yet, because much of the territory is unexplored, the old charts won't work, and we must draw up new ones as we go.

This creates a certain amount of indecision, confusion and inner conflict, to which none of us is immune. For example, as a revolutionary I am the "natural enemy" of the Establishment, from President Nixon on down. But, as a square, I sympathize with every President's belief in the American heritage—from Truman, Eisenhower, Kennedy, Johnson and Nixon, on up.

As a revolutionary, I can share with the Left an urgent need for the new. As a square, I can see the logic of the Right's reverence for the old.

I treasure these inner conflicts, because, in the process of resolving them (a dialectical/idealistic process incidentally), new ideas are born. My baby is called Conflict Management, and you may have heard the term for the first time on our show ("The Square World of Ed Butler" with John Wayne, WTTG, Channel 5, Sunday, 10:30 p.m.) a week ago last Sunday (Jan. 25).

Here's a definition:

"Conflict Management is the study and practice of Revolution as a profession. Basically, it is the use of words and symbols by the few to influence the many in favor of freedom."

Which leads to the need to define the term "revolution"—the briefest way to say it is:

"Revolution is the radical change in the existing order through propaganda and agitation."

This bald statement could be misleading unless we realize . . .

First, military and diplomatic methods—the procedures proper to states of war and peace—are often haphazardly blended with revolution, which leads to its reputation for violence and turmoil.

Second, in any case, revolution is among the most drastic operations that can be conducted upon the body politic, and should never be undertaken by amateurs without professional advice and counsel.

Third, if, however, revolution is professionally managed with an adequate ethic, it is far preferable to war and can be a practical step to peace.

So let me be clear. I believe . . .

We are in a world revolution.

We started it nearly 200 years ago, with the shot fired at Lexington and Concord that was heard round the world.

The revolution cannot, and should not, be stopped.

It must be won or lost, for freedom. Every day.

Am I calling for a persistent revolutionary condition, with minimum violence and maximum progress? Yes. Isn't this just another way to say "evolution?" No. Evolution is a cruel, violent process which involves the annihilation of whole species, the survival of the fittest, and proceeds in jumps and starts. It is a bestial way to progress. Revolution is a more human way.

Ironically, although the American Revolution set in train awesome events in France, Latin America, Asia, Africa and, ultimately, the whole world, we got out of the business for a hundred years. Then, the Civil War reminded us of our revolutionary heritage, but not enough to prevent us from resorting to mainly military means on both sides. As soon as possible, we got back to business as usual and the reconstruction began.

Now, the third revolutionary climax has begun to occur in America. It is urgent that we recognize this revolutionary reality, and identify immediately our own role in the struggle. For the revolution is globally pervasive—every human being has a part to play—if only passive, as a victim.

The two basic, *active* categories of participation in Conflict Management are as "Patron" or "Practitioner."

The *Patron* is a part-time participant, but he is as essential as patient to physician, or client to lawyer. He both supports and controls the profession.

The *Practitioner* is a full-time professional revolutionary, responsible to his Patrons. They can be organized as citizens groups, foundations, churches, governments, businesses, conflict corporations . . . you name it.

But the essential factor is that there are many Patrons and Practitioners, at once competitive and cooperative.

Only within the framework of a *profession* can competition and cooperation be so combined that they produce progress.

For example, every physician is, in a sense, competing with every other physician for patients, and, at the same time, they share medical knowledge through publication and consultation, and the facilities of hospitals.

Similarly, lawyers are adversaries of the strongest kind in court, yet cooperate to share legal knowledge.

Because Doctors, Lawyers and Clergymen have so much life and death power—potentially—the professional method of organization was developed to check and balance them, so that humanity could use their services without undue fear of consequences.

This does not mean that abuses do not develop despite the professional organization . . . as we shall see, abuse is inevitable because of the Tendency Toward Tyranny that is in us all.

But one only need imagine what would happen if all Doctors decided to strike for a day . . . or a month. Or worse, if they agreed to inject all the slow-paying patients with encephalitis . . . to imagine the vast powers physicians possess, but never think of using.

Which brings us at last to the *Enemy* . . . that *Tendency Toward Tyranny* which is part of human nature and thus is in us all. "TTT" leads to *war*, for war is never fun or popular with a people, but often is with leaders greedy for power. Similarly, the ""TTT" leads to *poverty*, because material gain at the expense of others is always ultimately unprofitable, leading to customers who won't buy and consumers who can't consume, but again it is the greed for power—property is only one path—which causes the abuse.

I call those afflicted with an inordinate TTT "Tyrannists." It is not a monopoly of the "Right" or "Left."

Tyrannists of every stripe are continually inventing ideological justification for seizing power . . . from The Divine Right of Kings, to Communism and Nazism, to Objectivism.

Therefore, "Conflict Managers"—professional revolutionaries—are needed now, by the thousands, to cope with this inherent inclination in humanity, before we incinerate ourselves from the face of the earth.

We can help reinstitute revolution as an honorable profession in America. Tonight I

am calling upon you, upon the educational leaders, elected leaders and American public to do so.

I have called upon the leadership of the American Political Science Association to bring up at their next meeting the establishment of a framework in which to train professional revolutionaries—Conflict Managers—at the university level.

This would be a new "major" within the Schools of Government or Political Science Department of our universities. Now, I'm an activist not an academician, and I call upon educators in the field of political science only because I personally believe that Conflict Management might be most logically placed in this scope of study. I only suggest Conflict Management as a needed profession. The rest is up to our educators.

I am sure many people in our society will say, "Well, we've survived before. Why must we take the risk of putting such great power in the hands of a few?"

But ask yourself: Could we have avoided or minimized human losses in World War II, Korea, Vietnam and other conflicts if our schools were graduating Conflict Managers? Did we pay the price of war by neglecting the profession of revolution?

Could we have alleviated racial injustice, poverty, pollution and other socio-economic problems *before* they reached the crisis stage if Conflict Management had been included in the curriculum of our schools?

Although national and international affairs are actually intimately entwined, let's look at what might happen if Conflict Management were properly employed at home and abroad.

NATIONAL AFFAIRS

Campus revolution.—The best young people in America have been involved in the campus revolution . . . either in bringing it about, or turning it toward freedom. But we must face the fact that many are deeply disenchanted with government, disappointed that the injustices they've identified have not been solved, and eager to continue to apply the revolutionary talent for propaganda and agitation they have learned. After a three-hour interview about the problem, an editor of a college magazine wrote an editorial warning businessmen that, unless The Revolutionaries of Today become the Conflict Managers of Tomorrow, things would be bad for America. I completely concur.

Servicemen's revolution.—It is fashionable to deny that soldier morale has dropped, marijuana use has skyrocketed, and that a general malaise grips our troops.

This is understandable. It is difficult enough for an officer to give unpopular orders to a group of armed men, when he believes their discipline and morale are high. When he knows it is not, such a stance may seem suicidal. Also, we know that demoralization can be vastly increased—and spread—by simply admitting it exists.

By the same token, blindly denying the truth does not stop disintegration. An alternative—creative and meaningful—to military war must be developed, and deferments perhaps awarded to those who pursue it. Conflict Management could be that profession, and put tens of thousands of disillusioned GI's to work, productively and patriotically, upon separation.

Russia and Germany are but two examples of what happens when a disillusioned, demobilized army drifts into a nation without hope or ideals. Both Communism and Nazism were nurtured by such despair. Conflict Management can help America avoid a dreary re-run of that all-too-recent history.

Urban revolution.—This includes the myriad problems of pollution and corruption, traffic congestion and housing. Pressure groups are continually forming in the independent sector, but their success in large measure depends on the professionalism of their staff. Without it they cannot hope to cope with entrenched political machines and big business. On the other hand, a private pressure group inspires the natural sympathy of a "David versus Goliath." Thus, unless its operations are ethically managed, this sympathy can be perverted by Tyrannists to a tool for personal power, displacing one evil with a greater one. Conflict Managers can guarantee both efficiency and ethics on both sides of the coin.

Political revolution.—"Decentralization" and "Power to the People" are the cries of the hour, and government will hear them at every level only so long as they are responsibly, and effectively articulated. Amateurs typically vacillate from whispers to hysteria and are consequently either ignored or abhorred. No government is self-critical or self-effacing enough to dismantle itself with top efficiency. After all, government is only an organization of human beings who provide administrative, military and diplomatic services. And, fortunately, through a benign cooperation with communications, government today can produce an unconscious tyranny, perpetuate its power, and enforce illusions among the populace. Then, when a Tyrannist like Oswald comes along and smashes the highest symbol of national authority, the entire nation slips into cultural shock—and as illusions fall, violence rises. The present conflict between the government championed by Vice President Agnew, and the media, represented by the networks, is healthy only so long as the competition/cooperation continues. Conflict Managers—employed by both sides—can see that these checks and balances expand.

INTERNATIONAL AFFAIRS

I'd like to preface this portion of my talk by saying I believe the day of the expeditionary force is over. What needs doing abroad *must be done by natives of the nations concerned,* primarily. Americans can teach, and America can serve as a secure base area for revolutionary forces fighting for their freedom. But we must never undertake to export the American system of the 1970's to any other country. Each must find the appropriate level of freedom for itself.

But I am convinced as deeply as I can be, that every nation deserves liberty and every people are "ready" for some degree of liberty immediately. I am equally certain that no one's freedom is safe as long as one human being is enslaved.

Here are just a few areas where revolution could shift the balance toward freedom.

Latin America: Miami was the secure base area for the Cuban revolution and Cuba has been the secure base area for the current American revolution Base areas are as essential to revolutions as service stations are to automobiles. When you see one, you know the other cannot be too far. To re-claim the revolution which Castro betrayed, Americans should make contact with Cubans, now, for joint Conflict Management training. Likewise, in many areas of Latin America today, militaristic juntas have forestalled the democratic process. The left wing does not have any monopoly on tyrannist tactics and popular forces are continually threatening reactionary regimes.

The government should maintain a strict hands-off policy toward any such popular initiatives for freedom, neither supporting nor thwarting them. Revolution is the business of the people, just as diplomacy and military defense are the province of government. If officials persist in intervening in this area, it is up to Conflict Managers to outwit them, test and help change the laws which perpetuate injustice. A basic premise: no government has the right to make agreements with another government which endorses or extends tyranny. Conflict Manager's very presence can help prevent this common abuse.

Eastern Europe: The shameful silence among some . . . especially student leaders who claim to be revolutionaries . . . while Czech students were slaughtered, was one of the most sickening cop-outs in history. The fact that these massacres were managed by the same kind of regime some would like to install in America also says a lot. Revolutionary potential is always present in Eastern Europe, waiting for the sparks to ignite it. We should be ready, privately, next time the opportunity occurs, and this means Conflict Managers from every nation of Eastern Europe must be trained for the great task of liberation.

Southeast Asia: Vietnamization can work on a miltary and diplomatic level only to the extent that the revolution is diverted toward freedom. The *people* of Vietnam, in the North as well as the South, deserve at long last the chance to determine their own destiny. Now that Ho Chi Minh is dead, the Communist regime is more vulnerable in the North, and the military regime in the South can be steadily democratized. This work must proceed in all areas proportionately under the leadership of Vietnamese Conflict Managers, who can, and should, be trained here, at first. The alternative to liberation is unending military/diplomatic/revolutionary conflict, and misery for millions.

Africa and Asia are ripe for revolution. China is insecure as a national entity, and Mao's demise could accelerate fragmentation and revolution there. In Russia, the Jewish populace is suffering renewed oppression, and, for the first time in memory, individual revolutionary acts are being carried out in Soviet Russia.

Trained Conflict Managers, citizens of each of the nations involved, could bring about radical changes in favor of freedom, swiftly. Of course, there are those whom the word "radical" frightens as much as the word "revolutionary." However, radical means *root,* and we must aim at the underlying causes if we are ever going to achieve both peace and freedom on this planet.

Are there Conflict Managers available? Yes, but not nearly enough, nor are those who exist necessarily conscious of the term. I'd consider Ralph Nader a Conflict Manager, and John Banzaf of ASH, who put anti-cigarette smoking commercials on the air, is certainly a Conflict Manager, whether he is aware of the term or not. So, I suspect, is Saul Alinsky, although we argued about it for hours one evening in Chicago after a memorable TV debate. In my opinion, Richard Cornuelle, who discovered and named the elusive Independent Sector in his excellent book, *Reclaiming the American Dream,* is a Conflict Manager. So are Richard Warren and Larry Kihnel of INCA down in New Orleans, who put together the very successful "National Student Conferences on Revolution" in 1968 and 1969. Certainly Lee Edwards, who introduced me tonight, fits the bill, with his relentless efforts on behalf of the enslaved peoples. He has been called the "Voice of the Silent Majority" by the *New York Times.* The attractive young lady who quietly arranged this conference, Lo Anne Wagner, certainly qualifies as a Conflict Manager in my mind.

As you can imagine, old-fashioned divisions of partisan politics—right and left, Liberal and Conservative, Reactionary and Radical—don't describe Conflict Managers very well.

What is urgently needed are some different labels which can be invested with more accurate meanings. That's why I sign myself "square." People come to sneer and put me down, but often stay to cheer for a square deal for minorities and a square meal for the disadvantaged, and a square shake for enslaved peoples everywhere.

Even more than simplistic slogans and labels, we need in-depth academic exploration, study and specialization in the whole vast arena of "Conflict Management." Some

of this has already begun according to an article by *Newsweek*'s Thomas Gordon Plate. At the University of Michigan, a "Center for Research on Conflict Resolution," publishes the *Journal of Conflict Resolution*; and The American Arbitration Association handles 17,000 cases each year. But these are exclusively oriented toward the *resolution* of Conflict which is but one part of Conflict Management—the Conflict Manager must also know how, when and where to initiate and *not* to initiate conflict; how to limit, control and channel it constructively; how to sustain it when necessary and end it when possible. For Conflict is essential to human nature. By setting aside a group of professionals to deal with it on a day-to-day basis, just as we have assigned lawyers to deal with injustice and doctors to deal with disease, our nation and our world can begin to adjust to revolutionary reality and grow within its exciting atmosphere.

Remember, the word "Revolution" was coined to describe the orbiting of heavenly bodies, and was appropriated by the politicians. As mankind enters the Age of Aquarius and sets its sights on the planets, it might be well to remember that original meaning of revolution.

America has had its New Deal, Fair Deal, New Frontier and Great Society. I call upon the Citizens of the Country, not just the President, to face revolutionary reality now . . . we can create for all humanity. . . . A square deal!

ED BUTLER: BIOGRAPHICAL SKETCH

Ed Butler is host of the weekly TV series "The Square World of Ed Butler." The half hour informational format is a combination of music and discussion of today's vital subjects, geared to the youth of America.

A political maverick who defies labeling and insists terms like "right" and "left," "liberal" and "conservative" are outmoded and obsolete, he also is editor/publisher of the *Westwood Village Square* magazine, which reached a circulation of 150,000 in 1969, and author of the provocative book, *Revolution Is My Profession* (excerpts on Conflict Management attached).

An internationalist who conceived, and helped to organize, the Information Council of the Americas (INCA), a private, nonprofit educational organization with links in 16 nations of the hemisphere, he was named New Orleans' "Outstanding Young Man for 1968" when he received the Jaycee's *Distinguished Service Award* in January, 1969. He is also the recipient of the Americanism Award of the Young Men's Business Club of New Orleans (1963) and Award of Merit from the Cuban Journalist's in Exile (1967).

ADDENDUM

[As professionals, Conflict Managers will serve all segments of society on domestic problems—in business, education, labor, communities, cities, state and federal governments—on a non-partisan basis. Tyranny has many faces—economic tyranny, or greed, causes men to wield power over their fellow man; political tyranny, fear of reprisals, causes men to wield power over their fellow man; prejudice is a form of tyranny if it results in one man thwarting the liberty of another; pollution—although not foreplanned as a form of tyranny—is now sapping the liberty of all society.

The list is endless. Revolution can perfect the institutions of our society—governmental as well as private—by releasing them, via the Conflict Manager, from responsibilities they have not and cannot meet.]

PROFESSION NOT ORGANIZATION

(Excerpts from "Revolution Is My Profession," by Ed Butler, Twin Circle, 1968)

Conflict Management must operate as a profession, not only because the work is complex and vitally necessary, but also because Conflict Managers could become as dangerous tomorrow as Communists are today, and Nazis were yesterday, unless care is taken to prevent it. How do you delegate life and death power, but retain it?

It is just this kind of dilemma that mankind has solved in the past by creating *professions*. Mere organizations won't do.

Let's illustrate with some examples:

There are many professions, but theology, law and medicine are recognized as the three learned professions at present. Each was presumably devised to answer a basic human need, and provide professionals to serve it.

Each day thousands confide their innermost secrets to *clergymen*—secrets which could ruin them. They do it without a qualm.

Hourly, businessmen, housewives, young and old, on every matter from murder to divorce, whisper personal facts which could compromise them to *attorneys*, without hesitation.

At this moment people are baring their bodies to *surgeons'* scalpels and *physicians'* searching eyes, as a matter of course.

In evolving these professions, man was required to delegate potentially dangerous powers to their practitioners, who after all, were men like himself and could betray the trust. Yet mankind found a way to do it routinely, without much worry.

The reason is that within a profession, *and only within this framework*, are there sufficient psychological and organizational safeguards to allow man to delegate the great powers of life and death. But at the same time, to be relatively secure against their abuse.

There are four major means by which every profession checks and balances the practitioners:

1. The Professional Ethic
2. The Decentralized Organization
3. The Internal Self-interest
4. The Restricted Method

The Professional Ethic—Instills in both the practitioner and his patron positive motivations for the proper exercise of power. And it also implants negative inhibitions against its abuse. The practitioner adopts a stylized professional conscience, which acts as a personal check upon his ambition. By contrast, the diversity of business and the representative nature of government makes it extremely difficult to establish a uniform set of standards for businessmen or statesmen. The Conflict Manager, however, operating in an area which is filled with temptation and opportunity to acccumulate power, needs rigid standards.

The Decentralized Organization—Makes each practictioner responsible for his bread and butter on a daily basis—not to some distant boss—but directly to those whom he serves.

For example, the physician who betrays his oath finds his practice departing and his living standard diminishing.

Likewise, the Conflict Manager who attempts to seize control of the state for his personal purposes, or otherwise abuse his powers, can be made to feel the disfavor of his Patrons. Fast and firmly.

Every profession provides watchdog powers so that those who are most immediately affected by the practitioner's actions can control them, day-to-day. By contrast, stockholders may normally exercise such powers only once each year (if, indeed, at all). Voters can register complaints only once every two, four, or six years upon elected officials, and nearly never appointed ones. Business and government can get by without continued close scrutiny, because life and death decisions are not a daily duty. But Conflict Management operations must be continually checked out by the Patrons who pay for them.

Internal Self-Interest—Puts the professionals into dynamic internal competition with each other, thus balancing powers practically. For example, when a lawyer is disbarred, other lawyers do the disbarring.

So, too, must the Conflict Manager be constantly subject to the censure of his peers, should he merit it.

The latent power of the majority to cast out an individual or minority whose actions could injure the profession as a whole, are a strong deterrent and effective insurance against anyone getting out of hand.

Such internal self-interest in professional purity does not apply in business. Anti-trust statutes have been enacted from outside to prevent collusion against the public interest. Nor does it apply in politics, where numerous devices, from impeachment and recall proceedings, to elections themselves, are provided for outside governance.

There is nothing evil about business or politics. It is simply that the virtues of diversity, competiion, and compromise outweigh any social advantages to be gained by the stylized uniformity, and purity of purpose, which is essential to a profession.

The Restricted Method—Prevents practitioners from gradually expanding their powers into a total tyranny, by limiting them publicly at the outset. Before theology could become a profession, sorcerers and false prophets had to be expelled, and the duties of the ministry carefully limited.

Before Conflict Management can achieve professional status, the quacks and charlatans must be discredited, and the beginning and end of its power must be clearly defined.

In government and business the imperatives clearly point to the opposite direction. The less limitation on opportunity the better. The less restrictions on personnel the fairer.

It is significant that in the time of greatest political danger for democratic nations, the conduct of war is the province of *professionals*. Of military men. The President joins the professionals to lead the armed services and the nation as Commander-in-Chief.

Similarly in business, whenever life and death decisions become part and parcel of the daily routine, professions have been evolved to minimize the risk. Thus in the building trades, architects and engineers who take the responsibility for designing bridges and buildings which must bear the burden of hundreds of lives, have come to be classed as professionals.

Certified Public Accountants, who check and control funds, which in America's corporate oriented economy can mean the sustenance of millions, have been gradually achieving professional status over the past several years.

Because they are needed, but potentially dangerous, Conflict Managers must be *professionals*, not organization men.

The problems that called it forth are but the natural product of innate and unchanging human weakness. The problems will change, but the weaknesses won't. Therefore, the Conflict Manager must stand guard permanently, precisely *because* the problems themselves will change, while human nature remains the same.

Viruses mutate and make old remedies obsolete, requiring physicians to remain on hand, both to hold, and to extend, the ground that has been gained. So, too, will a group of professional Monitors be always required, even after all tyrannies have been liberated, both to *keep* them liberated, and combat the ingenious new methods that neo-Tyranists devise.

And here is where the concept of Conflict Management beckons to those who would promote world peace. For Conflict Management, by professionally controlling the essential human drives of those who seek and abuse power to launch war, or perpetuate poverty to satisfy their lust for power—Conflict Management can become the international peace enforcement mechanism

mankind has sought since the first war was waged.

Unlike the League of Nations, the U.N. and other formal "peacekeeping" structures which can at most treat symptoms, Conflict Management strikes at the core of the problem. It professionally treats that tendency in the mind of man which *causes* conflict, rather than merely assuaging the violent effects once they already exist.

STRONG SUPPORT FOR INVESTIGATION OF THE NCAA

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. GIAIMO. Mr. Speaker, less than 2 weeks ago, my colleague, the gentleman from Illinois (Mr. MICHEL) and I introduced a resolution which would create a select House committee to investigate the National Collegiate Athletic Association. Last week, 24 of our colleagues joined with us to reintroduce this measure, and we expect to obtain further support in the days to come.

The time has come for us to act, Mr. Speaker. The NCAA has already expanded its football schedule, apparently disregarding the recent case of a star quarterback who failed all his academic courses because of pressure from football. Many NCAA tournaments in other sports will be held this year; the basketball championship will take place at nearby College Park, Md., next month. Finally, of course, the Olympic games, the zenith of amateur athletics, are now only 2 years away.

In recent weeks, the gentleman from Illinois (Mr. MICHEL) and I have detailed the obviously unfair action taken by the NCAA against Yale University. We have pointed out that this action was not unique; on the contrary, the NCAA has shown for some time that it is willing to arbitrarily punish those who dare to defy it in any way. Yet, Mr. Speaker, there is another reason why an investigation of the NCAA is vital at this time.

We must put a stop to the ridiculous and tragic dispute between the NCAA and the Amateur Athletic Union, a dispute in which the only consequence has been injury to individual athletes, colleges and universities, and the entire system of amateur athletics in the United States.

The late Senator Robert Kennedy, the late Gen. Douglas MacArthur, three U.S. Presidents, a Senate committee, and thousands of interested persons both in and out of sports have tried and failed to bring these parties together. They have failed because both the NCAA and AAU have proven themselves to be stubborn, arrogant hierarchies more concerned with their own power than with the future of amateur athletics or the athletes and schools they are supposed to represent.

Neither the athletes nor their schools want to see this tragic feud continue, Mr. Speaker. They know the consequences of this dispute for they have all been hurt by it. Rather than trying to bring the NCAA and AAU together now, I submit that we must try to make each more democratic, more responsible to those they are supposed to represent, and more concerned with amateur athletics than with their own quests for power.

My colleagues and I want to begin this effort with the NCAA. If we can make the NCAA more democratic and more responsible, we can insure that its power will be properly and fairly used, both in its dealings with member schools and individual athletes and in its relationship with the AAU. Once this is done, we will be well on our way toward ending this dispute and creating a successful and beneficial amateur athletic program in America which will last for years to come.

Therefore, Mr. Speaker, I urge our colleagues who care about the future of amateur athletics in this country to join us in supporting this resolution. I am confident that the Committee on Rules will consider it favorably at the earliest possible date.

Subsequent to the introduction of this resolution by the gentleman from Illinois (Mr. MICHEL) and me, we have received a tremendous amount of mail from all over the country supporting our position. As an example, I wish to include at this point in the RECORD the text of a letter from Mr. Bill Currie, sports director of television and radio station WSOC in Charlotte, N.C.:

WSOC TELEVISION/RADIO,
Charlotte, N.C., January 29, 1970.

Hon. ROBERT GIAIMO,
House of Representatives,
Washington, D.C.

DEAR MR. GIAIMO: May I urge you to press for a congressional investigation of the National Collegiate Athletic Association. Certainly there has never been any regulatory body which is more hypocritical and which dispenses more unjust discipline than the NCAA.

Not only is their childish squabble with the AAU detrimental to sports in general, but it is specifically unfair to many young athletes caught in the struggle between these two power-hungry organizations. The NCAA in dispensing its punishment never allows the accused school or individual know who has brought the charges. There is no opportunity for the accused to meet his accuser or to cross-examine him. The accused is always presumed to be guilty, and the burden of proof is on the accused to prove he isn't guilty.

NCCA discipline has been used, to my certain knowledge, in the carrying out of personal vendettas against individuals, and I suggest that you ask Frank McGuire, basketball coach at the University of South Carolina, what was done to him and a ball player of his, Mike Grosso, and how ridiculous and unfounded all the charges were.

Only winners are ever punished. Teams, coaches, and institutions which have losing records can and do violate the rules. Only the winners are subject to NCAA persecution.

These people should be exposed, their powers limited by law, and their unfair treatment of various colleges, universities, and individuals prohibited. Thousands of people in and out of sports will appreciate your efforts, and I congratulate you on your concern in this matter.

Yours very truly,

BILL CURRIE,
Sports Director.

DIRECT ELECTIONS: AN INVITATION TO NATIONAL CHAOS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. FISHER. Mr. Speaker, Theodore H. White is well known and respected as a reporter and author. He followed closely the campaigns of the last four Presidents. He recently wrote "The Making of the President, 1968."

In the January 30 issue of Life magazine there appears an editorial written by this distinguished authority. He attacks and exposes the built-in weakness and danger inherent in the proposal to elect Presidents and Vice Presidents by direct vote. His reasoning is excellent, and I think it should be read by everyone.

The editorial follows:

DIRECT ELECTIONS: AN INVITATION TO NATIONAL CHAOS

(By Theodore H. White)

Last September, in a triumph of noble purpose over common sense, the House passed and has sent to the Senate a proposal to abolish the Federal System.

It is not called that, of course. Put forth as an amendment to the Constitution, the new scheme offers a supposedly better way of electing Presidents. Advanced with the delusive rhetoric of *vox populi, vox Dei,* it not only wipes out the obsolete Electoral College but abolishes the sovereign states as voting units. In the name of The People, it proposes that a giant plebiscite pour all 70,000,000 American votes into a single pool whose winner—whether by 5,000 or 5,000,000—is hailed as National Chief.

American elections are a naked transaction in power—a cruel, brawling year-long adventure swept by profound passion and prejudice. Quite naturally, therefore, Constitution and tradition have tried to limit the sweep of passions, packaging the raw votes within each state, weighing each state's electoral vote proportionately to population, letting each make its own rules and police its own polls.

The new theory holds that an instantaneous direct cascade of votes offers citizens a more responsible choice of leadership—and it is only when one tests highminded theory against reality that it becomes nightmare.

Since the essence of the proposal is a change in the way votes are counted, the first test must be a hard look at vote-counting as it actually operates. Over most of the United States votes are cast and counted honestly. No one anymore can steal an election that is not close to begin with, and in the past generation vote fraud has diminished dramatically.

Still, anyone who trusts the precise count in Gary, Ind.; Cook County, Ill.; Duval County, Texas; Suffolk County, Mass.; or in half a dozen border and Southern states is out of touch with political reality. Under the present electoral system, however, crooks in such areas are limited to toying with the electoral vote of one state only; and then only when margins are exceptionally tight. Even then, when the dial riggers, ballot stuffers, late counters and recounters are stimulated to play election-night poker with the results, their art is balanced by crooks of the other party playing the same game.

John F. Kennedy won in 1960 by the tissue-thin margin of 118,550—less than one fifth of one percent of the national total—in an election stained with outright fraud in at

least three states. No one challenged his victory, however, because the big national decision had been made by electoral votes of honest-count states, sealed off from contamination by fraud elsewhere—and because scandal could as well be charged to Republicans as to Democrats. But if, henceforth, all the raw votes from Hawaii to Maine are funneled into one vast pool, and popular results are as close as 1960 and 1968, the pressure to cheat or call recounts must penetrate everywhere—for any vote stolen anywhere in the Union pressures politicians thousands of miles away to balance or protest it. Twice in the past decade, the new proposal would have brought America to chaos.

To enforce honest vote-counting in all the nation's 170,000 precincts, national policing becomes necessary. So, too, do uniform federal laws on voter qualifications. New laws, for example, will have to forbid any state from increasing its share of the total by enfranchising youngsters of 18 (as Kentucky and Georgia do now) while most others limit voting to those over 21. Residence requirements, too, must be made uniform in all states. The centralization required breaches all American tradition.

Reality forces candidates today to plan campaigns on many levels, choosing groups and regions to which they must appeal, importantly educating themselves on local issues in states they seek to carry.

But if states are abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of states and becomes a media effort to capture the largest share of the national "vote market." Instead of courting regional party leaders by compromise, candidates will rely on media masters. Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and most "creative" TV talent.

The most ominous domestic reality today is race confrontation. Black votes count today because blacks vote chiefly in big-city states where they make the margin of difference. No candidate seeking New York's 43 electoral votes, Pennsylvania's 29, Illinois' 26 can avoid courting the black vote that may swing those states. If states are abolished as voting units, the chief political leverage of Negroes is also abolished. Whenever a race issue has been settled by plebiscite—from California's Proposition 14 (on Open Housing) in 1964 to New York's Police Review Board in 1966—the plebiscite vote has put the blacks down. Yet a paradox of the new rhetoric is that Southern conservatives, who have most to gain by the new proposal, oppose it, while Northern liberals, who have most to lose, support it because it is hallowed in the name of The People.

What is wrong in the old system is not state-by-state voting. What is wrong is the anachronistic Electoral College and the mischief anonymous "electors" can perpetrate in the wake of a close election. Even more dangerous is the provision that lets the House, if no candidate has an electoral majority, choose the President by the undemocratic unit rule—one state, one vote. These dangers can be eliminated simply by an amendment which abolishes the Electoral College but retains the electoral vote by each state and which, next, provides that that in an election where there is no electoral majority, senators and congressmen, individually voting in joint session and hearing the voices of the people in their districts, will elect a President.

What is right about the old system is the sense of identity it gives Americans. As they march to the polls, Bay Staters should feel Massachusetts is speaking, Hoosiers should feel Indiana is speaking; blacks and other minorities should feel their votes count; so, too, should Southerners from Tidewater to the Gulf. The Federal System has worked superbly for almost two centuries. It can and should be speedily improved. But to reduce Americans to faceless digits on an enormous tote board, in a plebiscite swept by demagoguery, manipulated by TV, at the mercy of crooked counters—this is an absurdity for which goodwill and noble theory are no justification.

THE CARSWELL APPOINTMENT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. RYAN. Mr. Speaker, I have made clear to the Senate Judiciary Committee and to the two Senators from New York my opposition to Judge G. Harrold Carswell. There appears nothing meritorious to warrant his elevation to the U.S. Supreme Court. To the contrary, there is good reason for the Senate to refuse to confirm his nomination.

As I said in my letter to the Senators from New York:

Judge Carswell's most serious disjunction with the needs of our time lies in his views on civil rights. The passage of time cannot temper his statement, made in 1948, that "the segregation of the races is proper and the only practical and correct way of life in our states." Some have suggested that political expediency fathered this statement. Even if that were so—and nothing in Judge Carswell's subsequent professional life adequately supports this conclusion—expediency can be no substitute for principle.

Moreover, Judge Carswell's professional qualifications do not justify his being placed on the highest court on the land. Testimony has been offered to the Senate Judiciary Committee and denied by Judge Carswell, charging him with hostility toward civil rights attorneys in his role as a judicial officer. His decisions, it has been suggested, show little sensitivity to civil rights problems. And, as Michael Harrington, in his column which appeared in the February 5 edition of the Washington Evening Star, observed:

Carswell's record is replete with cases in which he has been overruled; but it does not contain any evidence of judicial scholarship or thought.

I commend this column, which follows, to my colleagues, as a thoughtful and well-reasoned argument against confirmation of the nomination of Judge Carswell to the U.S. Supreme Court:

[From the Washington Evening Star, Feb. 5, 1970]

COURT NO PLACE FOR HACK POLITICS

(By Michael Harrington)

Richard Nixon claims to be a judicial conservative, a man who believes that judges should construe the Constitution "strictly" and keep their own private and political opinions out of their decisions. Richard Nixon acts toward the Supreme Court like a radical activist who wants to politicalize that body much more than Franklin Roosevelt, the man who was supposed to have invented "court packing." And in the nomination of G. Harrold Carswell he has managed to unite the worst elements in his contradictory theory and practice.

It is clear for all to see that the Carswell appointment is part of Nixon's Southern strategy and may even be a direct payment for promises made to Strom Thurmond and others at the 1968 Republican Convention. Far from exhibiting a reverential awe for the judiciary, President Nixon plans to reconstruct the nation's highest court on the basis of his own politics. And since he is likely to have a large number of nominations he may be able to inflict his own prejudices on American society long after he has left office by means of a "Nixon court."

But then something like this has always happened, which goes to show how shallow—or worse, deceitful—the conservative theory of the judicial process is. The U.S. Constitution, and the other founding documents of the nation, were written by brilliant, sophisticated men. And yet, no matter how much respect one pays them, they lived at a time when there were no corporations, trade unions or television sets. To think that one can take the problem of an urbanized and unprecedented America and, "laying it alongside" some citation from the Constitution, come up with a contemporary answer is nonsense. The founding fathers did not bequeath us a ouija board; they wrote a document which was of its time and place.

And so the nation's fundamental principles have been constantly reinterpreted as they have been applied to a tumultuous, unpredictable history. The Constitution was once used to deny workers the right to organize because that would violate the freedom of contract, and then to affirm that very same right because it was protected under the First Amendment. Which of these interpretations was "strict"?

But that does not mean that the Nixon (and conservative) theory is simply an ignorant error. The functioning meaning of "strict construction" is that some previous interpretation of the Constitution is to be made eternal in order to resist change. In Nixon's case, that means that he wants to undo the Warren court's reading of our national heritage in the areas of civil rights and civil liberties. He is not, I am suggesting, so much in pious awe of Thomas Jefferson and James Madison as he is concerned with the political future of Richard Nixon.

And yet, if the court does, in Mr. Dooley's immortal aphorism, follow the election returns, doesn't that justify Nixon in appointing Carswell?

I think not. The President does have the right to take political considerations into account when he makes his nominations to the court. I believe that the American people made a mistake when they voted Nixon in and this is part of the price we have to pay for it. However, that right is not absolute and it can be abused.

If Nixon had sent the name of a distinguished conservative jurist to the Senate I would be unhappy but I would have to regard that as a moment in the traditional American political process. But even supposing one were to regard Carswell's outrageous remarks on white supremacy as a youthful indiscretion (which, given his civil rights record, I would not, since it seems to me that he has modified and modernized his segregationism but not abandoned it), he still should be rejected.

The Senate should bow to Nixon's right to shape the court politically but it has a right to insist upon a minimum of judicial accomplishment in his nominees. Carswell's record is replete with cases in which he has been overruled; but it does not contain any evidence of judicial scholarship or thought.

The Supreme Court, contrary to Nixon's theory, is politically responsive but, contrary to his practice, it is not the place for hack politics.

CBW, HEALTH AND THE ENVIRONMENT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. DELLENBACK. Mr. Speaker, in 1961, the United States began, on a limited scale, the use of defoliants in Vietnam. Since that time, military sources estimate that American planes have sprayed more than 5 million acres of South Vietnamese territory, or about 12 percent of the countryside. By way of comparison, this defoliated region represents an area the size of the State of Massachusetts.

At the same time that American reliance on defoliants such as 2,4,5-T is growing, biologists are discovering evidence linking such chemicals to birth defects and the destruction of Vietnam's ecological balance. In October 1969, President Nixon, through the office of his science adviser, Dr. Lee A. DuBridge, announced restrictions on the use of 2,4,5-T in Vietnam. The herbicide, the President said, could only be used in remote regions of the country.

During the past week, animal birth deformities and vaginal bleeding in local women were associated with the testing of 2,4,5-T in Globe, Ariz. At the time this accident was making headlines, the New Yorker magazine published, on February 7, an excellent article on the development of problems associated with the use of defoliants in Vietnam. The author, Thomas Whiteside, describes in detail the ecological damages these herbicides are inflicting upon that country. He also discusses the results of laboratory research on rats and mice exposed to varying doses of the chemicals now being used. Whiteside points out that because defoliants are sprayed from the air, they are very difficult to control. The slightest breeze may push a cloud as far as 15 miles from the intended target, contaminating crops and drinking water along the way. Similar conclusions on the impracticality of chemical and biological weapons can be found in the study "CBW and National Security" which I and 15 cosponsors presented to this Congress on November 3, 1969.

In the United States, with its relatively well-fed population and sophisticated methods of water purification, the lingering effects of chemical herbicides such as 2,4,5-T are harmful. In Vietnam, poverty, malnutrition, and few precautions with regard to drinking water make the people particularly susceptible to the ill effects of herbicides.

The author implies that the use of defoliants is a method of biological warfare in effect because it is a means of "plant-growth regulation." Definitively, the problem is similar to the controversy surrounding toxins, and Whiteside makes a strong case for the inclusion of defoliants in President Nixon's November ban on biological weapons. I commend this article to my colleagues as a thorough overview of the grave hazards involved with the use of defoliants not only in Vietnam but also in the United States:

A REPORTER AT LARGE: DEFOLIATION

(By Thomas Whiteside)

Late in 1961, the United States Military Advisory Group in Vietnam began, as a minor test operation, the defoliation, by aerial spraying, of trees along the sides of roads and canals east of Saigon. The purpose of the operation was to increase visibility and thus safeguard against ambushes of allied troops and make more vulnerable any Vietcong who might be concealed under cover of the dense foliage. The number of acres sprayed does not appear to have been publicly recorded, but the test was adjudged a success militarily. In January, 1962, following a formal announcement by South Vietnamese and American officials that a program of such spraying was to be put into effect, and that it was intended "to improve the country's economy by permitting freer communication as well as to facilitate the Vietnamese Army's task of keeping these avenues free of Vietcong harassments," military defoliation operations really got under way. According to an article that month in the New York *Times*, "a high South Vietnamese official" announced that a seventy-mile stretch of road between Saigon and the coast was sprayed "to remove foliage hiding Communist guerrillas." The South Vietnamese spokesman also announced that defoliant chemicals would be sprayed on Vietcong plantations of manioc and sweet potatoes in the Highlands. The program was gathering momentum. It was doing so in spite of certain private misgivings among American officials, particularly in the State Department, who feared, first, that the operations might open the United States to charges of engaging in chemical and biological warfare, and, second, that they were not all that militarily effective. Roger Hilsman, now a professor of government at Columbia University, and then Director of Intelligence and Research for the State Department, reported, after a trip to Vietnam, that defoliation operations "had political disadvantages" and, furthermore, that they were of questionable military value, particularly in accomplishing their supposed purpose of reducing cover for ambushes. Hilsman later recalled in his book, "To Move a Nation," his visit to Vietnam, in March, 1962: "I had flown down a stretch of road that had been used for a test and found that the results were not very impressive. . . . Later, the senior Australian military representative in Saigon, Colonel Serong, also pointed out that defoliation actually aided the ambushers—if the vegetation was close to the road those who were ambushed could take cover quickly; when it was removed the guerrillas had a better field of fire." According to Hilsman, "The National Security Council spent tense sessions debating the matter."

Nonetheless, the Joint Chiefs of Staff and their Chairman, General Maxwell Taylor, agreed that chemical defoliation was a useful military weapon. In 1962, the American military "treated" 4,940 acres of the Vietnamese countryside with herbicides. In 1963, the area sprayed increased fivefold, to a total of 24,700 acres. In 1964, the defoliated area was more than tripled. In 1965, the 1964 figure was doubled, increasing to 155,610 acres. In 1966, the sprayed area was again increased fivefold, to 741,247 acres, and in 1967 it was doubled once again over the previous year, to 1,486,446 acres. Thus, the areas defoliated in Vietnam had increased approximately three hundredfold in five years, but now adverse opinion among scientists and other people who were concerned about the effects of defoliation on the Vietnamese ecology at last began to have a braking effect on the program. In 1968, 1,267,110 acres were sprayed, and in 1969 perhaps a million acres. Since 1962, the defoliation operations have covered almost five million acres, an area equivalent to about twelve per cent of the entire territory of South Vietnam, and about the size of the state of Massachusetts. Between 1962 and 1967, the deliberate destruction of plots of rice, manioc, beans, and other foodstuffs through herbicidal spraying—the word "deliberate" is used here to exclude the many reported instances of accidental spraying of Vietnamese plots—increased three hundredfold, from an estimated 741 acres to 221,312 acres, and by the end of 1969 the Vietnamese crop growing area that since 1962 had been sprayed with herbicides totalled at least half a million acres. By then, in many areas the original purpose of the defoliation had been all but forgotten. The military had discovered that a more effective way of keeping roadsides clear was to bulldoze them. But by the time of that discovery defoliation had settled in as a general policy and taken on a life of its own—mainly justified on the ground that it made enemy infiltration from the North much more difficult by removing vegetation that concealed jungle roads and trails.

During all the time since the program began in 1961, no American military or civilian official has ever publicly characterized it as an operation of either chemical or biological warfare, although there can be no doubt that it is an operation of chemical warfare in that it involves the aerial spraying of chemical substances with the aim of gaining a military advantage, and that it is an operation of biological warfare in that it is aimed at a deliberate disruption of the biological conditions prevailing in a given area. Such distinctions simply do not appear in official United States statements or documents; they were long ago shrouded under heavy verbal cover. Thus, a State Department report, made public in March, 1966, saying that about twenty thousand acres of crops in South Vietnam had been destroyed by defoliation to deny food to guerrillas, described the areas involved as "remote and thinly populated," and gave a firm assurance that the materials sprayed on the crops were of a mild and transient potency: "The herbicides used are nontoxic and not dangerous to man or animal life. The land is not affected for future use."

However comforting the statements issued by our government during seven years of herbicidal operations in Vietnam, the fact is that the major development of defoliant chemicals (whose existence had been known in the thirties) and other herbicidal agents came about in military programs for biological warfare. The direction of this work was set during the Second World War, when Professor E. J. Kraus, who then headed the Botany Department of the University Chicago, brought certain scientific possibilities to the attention of a committee that had been set up by Henry L. Stimson, the Secretary of War, under the National Research Council, to provide the military with advice on various aspects of biological warfare. Kraus, referring to the existence of hormone-like substances that experimentation had shown would kill certain plants or disrupt their growth, suggested to the committee in 1941 that it might be interested in "the toxic properties of growth-regulating substances for the destruction of crops or the limitation of crop production." Military research on herbicides thereupon got under way, principally at Camp (later Fort) Detrick, Maryland, the Army center for biological-warfare research. According to George Merck, a chemist, who headed Stimson's biological-warfare advisory committee, "Only the rapid ending of the war prevented field trials in an active theatre of synthetic agents that would, without injury to human or animal life, affect the growing crops and make them useless."

After the war, many of the herbicidal materials that had been developed and tested for biological-warfare use were marketed for civilian purposes and used by farmers and

homeowners for killing weeds and controlling brush. The most powerful of the herbicides were the two chemicals 2,4-dichlorophenoxyacetic acid, generally known as 2,4-D, and 2,4,5-trichlorophenoxyacetic acid, known as 2,4,5-T. The direct toxicity levels of these chemicals as they affected experimental animals, and, by scientific estimates, men, appeared then to be low (although these estimates have later been challenged), and the United State Department of Agriculture, the Food and Drug Administration, and the Fish and Wildlife Service all sanctioned the widespread sale and use of both. The chemicals were also reported to be shortlived in soil after their application. 2,4-D was the bigger seller of the two, partly because it was cheaper, and suburbanites commonly used mixtures containing 2,4-D on their lawns to control dandelions and other weeds. Commercially, 2,4-D and 2,4,5-T were used to clear railroad rights-of-way and power-line routes, and, in cattle country, to get rid of woody brush, 2,4,5-T being favored for the last, because it was considered to have a more effective herbicidal action on woody plants. Very often, however, the two chemicals were used in combination. Between 1945 and 1963, the production of herbicides jumped from nine hundred and seventeen thousand pounds to about a hundred and fifty million pounds in this country; since 1963, their use has risen two hundred and seventy-one per cent—more than double the rate of increase in the use of pesticides, though pesticides are still far more extensively used. By 1960, an area equivalent to more than three per cent of the entire United States was being sprayed each year with herbicides.

Considering the rapidly growing civilian use of these products. it is perhaps not surprising that the defoliation operations in Vietnam escaped any significant comment in the press, and that the American public remained unaware of the extent to which these uses had their origin in planning for chemical and biological warfare. Nevertheless, between 1941 and the present, testing and experimentation in the use of 2,4-D, 2,4,5-T, and other herbicides as military weapons were going forward very actively at Fort Dietrick. While homeowners were using herbicidal mixtures to keep their lawns free of weeds, the military were screening some twelve hundred compounds for their usefulness in biological-warfare operations.

The most promising of these compounds were test-sprayed on tropical vegetation in Puerto Rico and Thailand, and by the time full-scale defoliation operations got under way in Vietnam the U.S. military had settled on the use of four herbicidal spray materials there. These went under the names Agent Orange, Agent Purple, Agent White, and Agent Blue—designations derived from color-coded stripes girdling the shipping drums of each type of material. Of these materials, Agent Orange, the most widely used as a general defoliant, consists of a fifty-fifty mixture of *n* butyl esters and of 2,4-D and 2,4,5-T. Agent Purple, which is interchangeable with Agent Orange, consists of the same substances with slight molecular variations. Agent White, which is used mostly for forest defoliation, is a combination of 2,4-D and Picloram, produced by the Dow Chemical Company. Unlike 2,4-D or 2,4,5-T, which, after application, is said to be decomposable by micro-organisms in soil over a period of weeks or months (one field test of 2,4,5-T in this country showed that significant quantities persisted in soil for ninety-three days after application), Picloram—whose use the Department of Agriculture has not authorized in the cultivation of any American crop—is one of the most persistent herbicides known. Dr. Arthur W. Galston, professor of biology at Yale, has described Picloram as "a herbicidal analog of DDT," and an article in a Dow Chemical Company publication called "Down to Earth" reported that in field trials of Picloram in various California soils between eighty and ninety-six and a half per cent of the substance remained in the soils four hundred and sixty-seven days after application. (The rate at which Picloram decomposes in tropical soils may, however, be higher.) Agent Blue consists of a solution of cacodylic acid, a substance that contains fifty-four per cent arsenic, and it is used in Vietnam to destroy rice crops. According to the authoritative "Merck Index," a source book on chemicals, this material is "poisonous." It can be used on agricultural crops in this country only under certain restrictions imposed by the Department of Agriculture. It is being used herbicidally on Vietnamese rice fields at seven and a half times the concentration permitted for weed-killing purposes in this country, and so far in Vietnam something like five thousand tons is estimated to have been sprayed on paddies and vegetable fields.

Defoliation operations in Vietnam are carried out by a special flight of the 12th Air Commando Squadron of the United States Air Force, from a base at Bien Hoa, just outside Saigon, with specially equipped C–123 cargo planes. Each of these aircraft has been fitted out with tanks capable of holding a thousand gallons. On defoliation missions, the herbicide carried in these tanks is sprayed from an altitude of around a hundred and fifty feet, under pressure, from thirty-six nozzles on the wings and tail of the plane, and usually several spray planes work in formation, laying down broad blankets of spray. The normal crew of a military herbicidal-spray plane consists of a pilot, a co-pilot, and a technician, who sits in the tail area and operates a console regulating the spray. The equipment is calibrated to spray a thousand gallons of herbicidal mixture at a rate that works out, when all goes well, to about three gallons per acre. Spraying a thousand-gallon tankload takes five minutes. In an emergency, the tank can be emptied in thirty seconds—a fact that has particular significance because of what has recently been learned about the nature of at least one of the herbicidal substances.

The official code name for the program is Operation Hades, but a more friendly code name, Operation Ranch Hand, is commonly used. In similar fashion, military public-relations men refer to the herbicidal spraying of crops supposedly grown for Vietcong use in Vietnam, when they refer to it at all, as a "food-denial program." By contrast, an American biologist who is less than enthusiastic about the effort has called it, in its current phase, escalation to a program of starvation of the population in the affected area." Dr. Jean Mayer, the Harvard professor who now is President Nixon's special adviser on nutrition, contended in an article in *Science and Citizen* in 1967 that the ultimate target of herbicidal operations against rice and other crops in Vietnam was "the weakest element of the civilian population"—that is, women, children, and the elderly—because in the sprayed areas "Vietcong soldiers may . . . be expected to get the fighter's share of whatever food there is." He pointed out that malnutrition is endemic in many parts of Southeast Asia but that in wartime South Vietnam, where diseases associated with malnutrition, such as beriberi, anemia, kwashiorkor (the disease that has decimated the Biafran population), and tuberculosis, are particularly widespread, "there can be no doubt that if the [crop-destruction] program is continued, [the] problems will grow."

Whether a particular mission involves defoliation or crop destruction, American military spokesmen insist that a mission never takes place without careful consideration of all the factors involved, including the welfare of friendly inhabitants and the safety of American personnel. (There can be little doubt that defoliation missions are extremely hazardous to the members of the planes' crews, for the planes are required to fly very low and only slightly above stalling speed, and they are often targets of automatic-weapons fire from the ground.) The process of setting up targets and approving specific herbicidal operations is theoretically subject to elaborate review through two parallel chains of command: one chain consisting of South Vietnamese district and province chiefs—who can themselves initiate such missions—and South Vietnamese Army commanders at various levels; the other a United States chain, consisting of a district adviser, a sector adviser, a divisional senior adviser, a corps senior adviser, the United States Military Assistance Command in South Vietnam, and the American Embassy in Saigon, ending up with the American ambassador himself. Positive justification of the military advantage likely to be gained from each operation is theoretically required, and applications without such positive justification are theoretically disapproved. However, according to one of a series of articles by Elizabeth Pond that appeared toward the end of 1967 in the *Christian Science Monitor:*

"In practice, [American] corps advisers find it very difficult to turn down defoliation requests from province level because they simply do not have sufficient specific knowledge to call a proposed operation into question. And with the momentum of six years' use of defoliants, the practice, in the words of one source, has long since been "set in cement."

"The real burden of proof has long since shifted from the positive one of justifying an operation by its [military] gains to the negative one of denying an operation because of [specific] drawbacks. There is thus a great deal of pressure, especially above a province level, to approve recommendations sent up from below as a matter of course."

Miss Pond reported that American military sources in Saigon were "enthusiastic" about the defoliation program, and that American commanders and spotter-plane pilots were "clamoring for more of the same." She was given firm assurances as to the mild nature of the chemicals used in the spray operations:

"The defoliants used, according to the military spokesman contacted, are the same herbicides . . . as those used commercially over some four million acres in the United States. In the strengths used in Vietnam they are not at all harmful to humans or animals, the spokesman pointed out, and in illustration of this he dabbed onto his tongue a bit of liquid from one of . . . three bottles sitting on his desk."

As the apparently inexorable advance of defoliation operations in South Vietnam continued, a number of scientists in the United States began to protest the military use of herbicides, contending that Vietnam was being used, in effect, as a proving ground for chemical and biological warfare. Early in 1966, a group of twenty-nine scientists, under the leadership of Dr. John Edsall, a professor of biochemistry at Harvard, appealed to President Johnson to prohibit the use of defoliants and crop-destroying herbicides, and called the use of these substances in Vietnam "barbarous because they are indiscriminate." In the late summer of 1966, this protest was followed by a letter of petition to President Johnson from twenty-two scientists, including seven Nobel laureates. The petition pointed out that the "large-scale use of anticrop and 'non-lethal' antipersonnel chemical weapons in Vietnam" constituted "a dangerous precedent" in chemical and biological warfare, and it asked the President to order it stopped. Before the end of that year, Dr. Edsall and Dr. Matthew S. Meselson, a Harvard professor of biology, obtained the signature of five thousand scientists to co-sponsor the petition. Despite these protests, the area covered by defoliation operations in Vietnam in 1967 was

double that covered in 1966, and the acreage of crops destroyed was nearly doubled.

These figures relate only to areas that were sprayed intentionally. There is no known way of spraying an area with herbicides from the air in a really accurate manner, because the material used is so highly volatile, especially under tropical conditions, that even light wind drift can cause extensive damage to foliage and crops outside the deliberately sprayed area. Crops are so sensitive to the herbicidal spray that it can cause damage to fields and gardens as much as fifteen miles away from the target zone. Particularly severe accidental damage is reported, from time to time, to so-called "friendly" crops in the III Corps area, which all but surrounds Saigon and extends in a rough square from the coastline to the Cambodian border. Most of the spraying in III Corps is now done in War Zones C and D, which are classified as free fire zones, where, as one American official has put it, "everything that moves in Zones C and D is considered Charlie." A press dispatch from Saigon in 1967 quoted another American official as saying that every Vietnamese farmer in that corps area knew of the defoliation program and disapproved of it. Dr. Galston, the Yale biologist, who is one of the most persistent critics of American policy concerning herbicidal operations in Vietnam, recently said in an interview, "We know that most of the truck crops grown along roads, canals, and trails and formerly brought into Saigon have been essentially abandoned because of the deliberate or inadvertent falling of these defoliant sprays; many crops in the Saigon area are simply not being harvested."

He also cited reports that in some instances in which the inhabitants of Vietnamese villages have been suspected of being Vietcong sympathizers the destruction of food crops has brought about complete abandonment of the villages. In 1966, herbicidal operations caused extensive inadvertent damage, through wind drift, to a very large rubber plantation northwest of Saigon owned by the Michelin rubber interests. As the result of claims made for this damage, the South Vietnamese authorities paid the corporate owners, through the American military, nearly a million dollars. The extent of the known inadvertent damage to crops in Vietnam can be inferred from the South Vietnamese budget—in reality, the American military budget—for settling such claims. In 1967, the budget for this compensation was three million six hundred thousand dollars. This sum, however, probably reflects only the barest emergency claims of the people affected.

According to Representative Richard D. McCarthy, a Democrat from upstate New York who has been a strong critic of the program, the policy of allowing applications for defoliation operations to flow, usually without question, from the level of the South Vietnamese provincial or district chiefs has meant that these local functionaries would order repeated sprayings of areas that they had not visited in months, or even years. The thought that a Vietnamese district chief can initiate such wholesale spraying, in effect without much likelihood of serious hindrance by American military advisers, is a disquieting one to a number of biologists. Something that disquiets many of them even more is what they believe the long-range effects of nine years of defoliation operations will be on the ecology of South Vietnam. Dr. Galston, testifying recently before a congressional subcommittee on chemical and biological warfare, made these observations:

"It has already been well documented that some kinds of plant associations subject to spray, especially by Agent Orange, containing 2,4-D and 2,4,5-T, have been irreversibility damaged. I refer specifically to the mangrove associations that line the estuaries, especially around the Saigon River. Up to a hundred thousand acres of these mangroves have been sprayed. . . . Some [mangrove areas] had been sprayed as early as 1961 and have shown no substantial signs of recovery. . . . Ecologists have known for a long time that the mangroves lining estuaries furnish one of the most important ecological niches for the completion of the life cycle of certain shellfish and migratory fish. If these plant communities are not in a healthy state, secondary effects on the whole interlocked web of organisms are bound to occur. . . . In the years ahead the Vietnamese, who do not have overabundant sources of proteins anyhow, are probably going to suffer dietarily because of the deprivation of food in the form of fish and shellfish.

"Damage to the soil is another possible consequence of extensive defoliation. . . . We know that the soil is not a dead, inert mass but, rather, that it is a vibrant, living community. . . . If you knock the leaves off of trees once, twice, or three times . . . you change the quality of the soil. . . . Certain tropical soils—and it has been estimated that in Vietnam up to fifty per cent of all the soils fall into this category—are laterizable; that is, they may be irreversibly converted to rock as a result of the deprivation of organic matter. . . . If . . . you deprive trees of leaves and photosynthesis stops, organic matter in the soil declines and laterization, the making of brick, may occur on a very extensive scale. I would emphasize that this brick is irreversibily hardened; it can't be made back into soil. . . .

"Another ecological consequence is the invasion of an area by undesirable plants. One of the main plants that invade an area that has been defoliated is bamboo. Bamboo is one of the most difficult of all plants to destroy once it becomes established where you don't want it. It is not amendable to killing by herbicides. Frequently it has to be burned over, and this causes tremendous dislocations to agriculture."

Dr. Fred H. Tschirley, assistant chief of the Corps Protection Research Branch of the Department of Agriculture, who made a month's visit to Vietnam in the spring of 1968 in behalf of the State Department to report on the ecological effects of herbicidal operations there, does not agree with Dr. Galston's view that laterization of the soil is a serious probability. However, he reported to the State Department that in the Rung Sat area, southeast of Saigon, where about a hundred thousand acres of mangrove trees had been sprayed with defoliant, each single application of Agent Orange had killed ninety to a hundred per cent of the mangroves touched by the spray, and he estimated that the regeneration of the mangroves in this area would take another twenty years, at least. Dr. Tschirley agrees with Dr. Galston that a biological danger attending the defoliation of mangroves is an invasion of virtually ineradicable bamboo.

A fairly well-documented example not only of the ecological consequences of defoliation operations but also of their disruptive effects on human life was provided last year by a rubber-plantation area in Kompong Cham Province, Cambodia, which lies just across the border from Vietnam's Tay Ninh Province. On June 2, 1969, the Cambodian government, in an angry diplomatic note to the United States government, charged the United States with major defoliation damage to rubber plantations, and also to farm and garden crops in the province, through herbicidal operations deliberately conducted on Cambodian soil. It demanded compensation of eight and a half million dollars for destruction or serious damage to twenty-four thousand acres of trees and crops. After some delay, the State Department conceded that the alleged damage might be connected with "accidental drift" of spray over the border from herbicidal operations in Tay Ninh Province. The Defense Department flatly denied that the Cambodian areas had been deliberately sprayed. Late in June, the State Department sent a team of four American scientists to Cambodia, and they confirmed the extent of the area of damage that the Cambodians had claimed. They found that although some evidence of spray drift across the Vietnamese border existed, the extent and severity of damage in the area worst affected were such that "it is highly unlikely that this quantity could have drifted over the border from the Tay Ninh defoliation operations."

Their report added, "The evidence we have seen, though circumstantial, suggests strongly that damage was caused by direct overflight." A second report on herbicidal damage to the area was made after an unofficial party of American biologists, including Professor E. W. Pfeiffer, of the University of Montana, and Professor Arthur H. Westing, of Windham College, Vermont, visited Cambodia last December at the invitation of the Cambodian government. They found that about a third of all the rubber trees currently in production in Cambodia has been damaged, and this had happened in an area that normally had the highest latex yield per acre of any in the world. A high proportion of two varieties of rubber trees in the area had died as a result of the damage, and Dr. Westing estimated that the damage to the latex-producing capacity of some varieties might persist for twenty years. Between May and November of last year, latex production in the affected plantations fell off by an average of between thirty-five and forty per cent. According to a report by the two scientists, "A large variety of garden crops were devastated in the seemingly endless number of small villages scattered throughout the affected area. Virtually all of the . . . local inhabitants . . . depend for their well-being upon their own local produce These people saw their crops . . . literally wither before their eyes." The Cambodian claim is still pending.

Until the end of last year, the criticism by biologists of the dangers involved in the use of herbicides centered on their use in what were increasingly construed as biological-warfare operations, and on the disruptive effects of these chemicals upon civilian populations and upon the ecology of the regions in which they were used. Last year, however, certain biologists began to raise serious questions on another score—possible direct hazards to life from 2,4,5-T. On October 29th, as a result of these questions, a statement was publicly issued by Dr. Lee DuBridge, President Nixon's science adviser. In summary, the statement said that because a laboratory study of mice and rates that had been given relatively high oral doses of 2,4,5-T in early stages of pregnancy "showed a higher than expected number of deformities" in the offspring, the government would, as a precautionary measure, undertake a series of coordinated actions to restrict the use of 2,4,5-T in both domestic civilian applications and military herbicidal operations. The DuBridge statement identified the laboratory study as having been made by an organization called the Bionetics Research Laboratories, in Bethesda, Maryland, but gave no details of either the findings or the data on which they were based.

This absence of specific information turned out to be characteristic of what has been made available to the public concerning this particular research project. From the beginning, it seems, there was an extraordinary reluctance to discuss details of the purported ill effects of 2,4,5-T on animals. Six weeks after the publication of the DuBridge statement, a journalist who was attempting to obtain a copy of the full report made by Bionetics and to discuss its details with some of the government officials concerned encountered hard going. At the Bionetics Laboratories, an official said that

he couldn't talk about the study, because "we're under wraps to the National Institutes of Health"—the government agency that commissioned the study. Then, having been asked what the specific doses of 2,4,5-T were that were said to have increased birth defects in the fetuses of experimental animals, the Bionetics official cut off discussion by saying, "You're asking sophisticated questions that as a layman you don't have the equipment to understand the answers to." At the National Institutes of Health, an official who was asked for details of or a copy of the study on 2,4,5-T replied, "The position I'm in is that I have been requested not to distribute this information." He did say, however, that a continuing evaluation of the study was under way at the National Institute of Environmental Health Sciences, at Research Triangle Park, North Carolina. A telephone call to an officer of this organization brought a response whose tone varied from wariness to downright hostility and made it clear that the official had no intention of discussing details or results of the study with the press.

The Bionetics study on 2,4,5-T was part of a series carried out under contract to the National Cancer Institute, which is an arm of the National Institutes of Health, to investigate more than two hundred compounds, most of them pesticides, in order to determine whether they induced cancer-causing changes, fetus-deforming changes, or mutation-causing changes in experimental animals. The contract was a large one, involving more than two and a half million dollars' worth of research, and its primary purpose was to screen out suspicious-looking substances for further study. The first visible fruits of the Bionetics research were presented in March of last year before a convention of the American Association for the Adancement of Science, in the form of a study of possible carcinogenic properties of the fifty-three compounds; the findings on 2,4,5-T were that it did not appear to cause carcinogenic changes in the animals studied.

By the time the report on the carcinogenic properties of the substances was presented, the results of another part of the Bionetics studies, concerning the teratogenic, or fetus-deforming, properties of the substances, were being compiled, but these results were not immediately made available to biologists outside the government. The data remained—somewhat frustratingly, in the view of some scientists who had been most curious about the effects of herbicides—out of sight, and a number of attempts by biologists who had heard about the teratological study of 2,4,5–T to get at its findings appear to have been thwarted by the authorities involved. Upon being asked to account for the apparent delay in making this information available to biologists, an official of the National Institute of Environmental Health Sciences (another branch of the National Institutes of Health) has declared, with some heat, that the results of the study itself and of a statistical summary of the findings prepared by the Institute were in fact passed on as they were completed to the Commission on Pesticides and Their Relationship to Environmental Health, a scientific group appointed by Secretary of Health, Education, and Welfare Robert Finch and known—after its chairman, Dr. E. M. Mrak, of the University of California—as the Mrak Commission. Dr. Samuel S. Epstein, chief of the Laboratories of Environmental Toxicology and Carcinogenesis at the Children's Cancer Research Foundation in Boston, who was co-chairman of the Mrak Commission panel considering the teratogenic potential of pesticides, tells a different story on the availability of the Bionetics study. He says that he first heard about it in February. At a meeting of his panel in August, he asked for a copy of the report. Ten days later, the panel was told that the National Institute of Environmental Health Sciences would be willing to provide a statistical summary but that the group could not have access to the full report on which the summary was based. Dr. Epstein says that the panel eventually got the full report on September 24th "by pulling teeth."

Actually, as far back as February, officials at the National Cancer Institute had known, on the basis of a preliminary written outline from Bionetics, the findings of the Bionetics scientists on the fetus-deforming role of 2,4,5–T. Dr. Richard Bates, the officer of the National Institutes of Health who was in charge of coordinating the Bionetics project, has said that during the same month this information was put into the hands of officials of the Food and Drug Administration, the Department of Agriculture, and the Department of Defense. "We had a meeting with a couple of scientists from Fort Detrick, and we informed them of what we had learned," Dr. Bates said recently. "I don't know whether they were the right people for us to see. We didn't hear from them again until after the DuBridge announcement at the White House. Then they called up and asked for a copy of the Bionetics report."

At the Department of Agriculture, which Dr. Bates said had been informed in February of the preliminary Bionetics findings, Dr. Tschirley, one of the officials most intimately concerned with the permissible uses of herbicidal compounds, says that he first heard about the report on 2,4,5-T through the DuBridge announcement. At the Food and Drug Administration, where appropriate officials had been informed in February of the teratogenic potential of 2,4,5-T, no new action was taken to safeguard the public against 2,4,5-T in foodstuffs. In fact, it appears that no action at all was taken by the Food and Drug Administration on the matter during the whole of last year. The explanation that F.D.A. officials have offered for this inaction is that they were under instructions to leave the whole question alone at least until December, because the matter was under definitive study by the Mrak Commission—the very group whose members, as it turns out, had such extraordinary difficulty in obtaining the Bionetics data. The Food Toxicology Branch of the F.D.A. did not have access to the full Bionetics report on 2,4,5-T until after Dr. DuBridge issued his statement, at the end of October.

Thus, after the first word went to various agencies about the fetus-deforming potential of 2,4,5-T, and warning lights could have flashed on in every branch of the government and in the headquarters of every company manufacturing or handling it, literally almost nothing was done by the officials charged with protecting the public from exposure to dangerous or potentially dangerous materials—by the officials in the F.D.A., in the Department of Agriculture, and in the Department of Defense. It is conceivable that the Bionetics findings might still be hidden from the public if they had not been pried loose in midsummer through the activities of a group of young law students. The students were members of a team put together by the consumer-protection activist Ralph Nader—and often referred to as Nader's Raiders—to explore the labyrinthine workings of the Food and Drug Administration. In the course of their investigations, one of the law students, a young woman named Anita Johnson, happened to see a copy of the preliminary report on the Bionetics findings that had been passed on to the F.D.A. in February, and its observations seemed quite disturbing to her.

Miss Johnson wrote a report to Nader, and in September she showed a copy of the report to a friend who was a biology student at Harvard. In early October, Miss Johnson's friend, in a conversation with Professor Matthew Meselson, mentioned Miss Johnson's report on the preliminary Bionetics findings. This was the first that Dr. Meselson had heard of the existence of the Bionetics study. A few days previously, he had received a call from a scientist friend of his asking whether Dr. Meselson had heard of certain stories, originating with South Vietnamese journalists and other South Vietnamese, of an unusual incidence of birth defects in South Vietnam, which were alleged to be connected with defoliation operations there.

A few days later, after his friend sent him further information, Dr. Meselson decided to obtain a copy of the Bionetics report, and he called up an acquaintance in a government agency and asked for it. He was told that the report was "confidential and classified," and inaccessible to outsiders. Actually, in addition to the preliminary report there were now in existence the full Bionetics report and a statistical summary prepared by the National Institute of Environmental Health Sciences, and, by nagging various Washington friends, Dr. Meselson obtained bootlegged copies of the two latest reports. What he read seemed to him to have such serious implications that he got in touch with acquaintances in the White House and also with someone in the Army to alert them to the problems of 2,4,5-T, in the hope that some new restrictions would be placed on its use. According to Dr. Meselson, the White House people apparently didn't know until that moment that the reports on the adverse effects of 2,4,5–T even existed. (Around that time, according to a member of Nader's Raiders, "a tremendous lid was put on this thing" within government agencies, and on the subject of the Bionetics work and 2,4,5–T "people in government whom we'd been talking to freely for years just shut up and wouldn't say a word.") While Dr. Meselson awaited word on the matter, a colleague of his informed the press about the findings of the Bionetics report. Very shortly thereafter, Dr. DuBridge made his public announcement of the proposed restrictions on the use of 2,4,5–T.

In certain respects, the DuBridge announcement is a curious document. In its approach to the facts about 2,4,5–T that were set forth in the Bionetics report, it reflects considerable sensitivity to the political and international issues that lie behind the widespread use of this powerful herbicide for civilian and military purposes, and the words in which it describes the reasons for restricting its use appear to have been very carefully chosen:

"The actions to control the use of the chemical were taken as a result of findings from a laboratory study conducted by Bionetics Research Laboratories which indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities.

"Although it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5–T, and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is being sought."

These actions, according to the statement, included decisions that the Department of Agriculture would cancel manufacturers' registrations of 2,4,5–T for use on food crops, effective at the beginning of 1970, "unless by that time the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods," and that the Departments of Agriculture and the Interior, in their own programs, would stop the use of 2,4,5–T in populated areas and in all other areas where residues of the substance could reach man. As for military uses of 2,4,5–T, the statement said, "The chemical is effective in defoliating trees and shrubs

and its use in South Vietnam has resulted in reducing greatly the number of ambushes, thus saving lives." However, the statement continued, "the Department of Defense will [henceforth] restrict the use of 2,4,5–T to areas remote from the population."

All this sounds eminently fair and sensible, but whether it represents a candid exposition of the facts about 2,4,5–T and the Bionetics report is debatable. The White House statement that the Bionetics findings "indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities" is, in the words of one eminent biologist who has studied the Bionetics data, "an understatement." He went on to say that "if the effects on experimental animals are applicable to people it's a very sad and serious situation." The actual Bionetics report described 2,4,5–T as producing "sufficiently prominent effects of seriously hazardous nature" in controlled experiments with pregnant mice to lead the authors "to categorize [it] as *probably dangerous*." The report also found 2,4–D "potentially dangerous but needing further study." As for 2,4,5–T, the report noted that, with the exception of very small subcutaneous dosages, "all dosages, routes, and strains resulted in increased incidence of abnormal fetuses" after its administration. The abnormalities in the fetuses included lack of eyes, faulty eyes, cystic kidneys, cleft palates, and enlarged livers. The Bionetics report went on to report on further experimental applications of 2,4,5–T to another species:

"Because of the potential importance of the findings in mice, an additional study was carried out in rats of the Sprague-Dawley strain. Using dosages of 21.5 and 46.4 mg/kg [that is, dosages scaled to represent 21.5 and 46.4 milligrams of 2,4,5–T per kilogram of the experimental animal's body weight] suspended in 50 per cent honey and given by the oral route on the 6th through 15th days of gestation, we observed excessive fetal mortality (almost 80 per cent) and a high incidence of abnormalities in the survivors. When the beginning of administration was delayed until the 10th day, fetal mortality was somewhat less but still quite high even when dosage was reduced to 4.6 mg/kg. The incidence of abnormal fetuses was threefold that in controls even with the smallest dosage and shortest period used . . .

"It seems inescapable that 2,4,5–T is teratogenic in this strain of rats when given orally at the dosage schedules used here."

Considering the fetus-deforming effects of the *lowest* oral dosage of 2,4,5–T used in the Bionetics work on rats—to say nothing of the excessive fetal mortality—the White House statement that "relatively large oral doses of the herbicide . . . showed a higher than expected number of deformities" is hardly an accurate description of the results of the study. In fact, the statistical tables presented as part of the Bionetics report showed that at the lowest oral dosage of 2,4,5–T given to pregnant rats between the tenth and fifteenth days of gestation thirty-nine per cent of the fetuses produced were abnormal, or three times the figure for control animals. At what could without much question be described as "relatively large oral doses" of the herbicide—dosages of 21.5 and 46.4 milligrams per kilogram of body weight of rats, for example—the percentage of abnormal fetuses was ninety and a hundred per cent, respectively, or a good bit higher than one would be likely to deduce from the phrase "a higher than expected number of deformities." The assertion that "it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5–T" also appears to be worth examining, for this is precisely what many biologists are most worried about in relation to 2,4,5–T and allied substances.

It seems fair, before going further, to quote a cautionary note in the DuBridge statement: "The study involved relatively small numbers of laboratory rats and mice. More extensive studies are needed and will be undertaken. At best it is difficult to extrapolate results obtained with laboratory animals to man—sensitivity to a given compound may be different in man than in animal species. . . ." It would be difficult to get a biologist to disagree with these seemingly sound generalities. However, the first part of the statement does imply, at least to a layman, that the number of experimental animals used in the Bionetics study had been considerably smaller than the numbers used to test commercial compounds other than 2,4,5-T before they are approved by agencies such as the Food and Drug Administration and the Department of Agriculture. In this connection, the curious layman could reasonably begin with the recommendations, in 1963, of the President's Science Advisory Committee on the use of pesticides, which proposed that companies putting out pesticides should be required from then on to demonstrate the safety of their products by means of toxicity studies on two generations of at least two warm-blooded mammalian species. Subsequently, the F.D.A. set up new testing requirements, based on these recommendations, for companies producing pesticides, However, according to Dr. Joseph McLaughlin, of the Food Toxicology Branch of the F.D.A., the organization actually requires applicants for permission to sell pesticides to present the results of tests on only *one* species (usually, in practice, the rat). According to Dr. McLaughlin, the average number of experimental animals used in studies of pesticides is between eighty and a hundred and sixty, including animals used as controls but excluding litters produced. The Bionetics studies of 2,4,5-T used both mice and rats, and their total number was, in fact, greater, not less, than this average. Including controls but excluding litters, the total number of animals used in the 2,4,5-T studies was two hundred and twenty-five. Analysis of the results by the National Institute of Environmental Health Sciences found them statistically "significant," and this is the real purpose of such a study: it is meant to act as a coarse screen to shake out of the data the larger lumps of bad news. Such a study is usually incapable of shaking out anything smaller; another kind of study is needed to do that.

Thus, the DuBridge statement seems to give rise to this question: If the Bionetics study, based on the effects of 2,4,5-T on two hundred and twenty-five experimental animals of two species, appears to be less than conclusive, on the ground that "the study involved relatively small numbers of laboratory rats and mice," what is one to think of the adequacy of the tests that the manufacturers of pesticides make? If, as the DuBridge statement says, "at best it is difficult to extrapolate results obtained with laboratory animals to man," what is one to say of the protection that the government affords the consumer when the results of tests of pesticidal substances on perhaps a hundred and twenty rats are officially extrapolated to justify the use of the substances by a population of two hundred million people—not to mention one to two million unborn babies being carried in their mothers' wombs?

The very coarseness of the screen used in all the tests—that is, the relatively small number of animals involved—means that the bad news that shows up in the data has to be taken with particular seriousness, because lesser effects tend not to be demonstrable at all. The inadequacy of the scale on which animal tests with, for instance, pesticides are currently being made in this country to gain F.D.A. approval is further indicated by the fact that a fetus-deforming effect that might show up if a thousand test animals were used is almost never picked up, since the studies are not conducted on that scale; yet if the material being tested turned out to have the same effect, quantitatively, on human beings, this would mean that it would cause between three and four thousand malformed babies to be produced each year. The teratogenic effects of 2,4,5-T on experimental animals used by the Bionetics people, however, were not on the order of one in a thousand. Even in the case of the lowest oral dose given rats, they were on the order of one in three.

Again, it is fair to say that what is applicable to rats in such tests may not be applicable to human beings. But it is also fair to say that studies involving rats are conducted not for the welfare of the rat kingdom but for the ultimate protection of human beings. In the opinion of Dr. Epstein, the fact that the 2,4,5-T used in the Bionetics study produced teratogenic effects in both mice and rats underlines the seriousness of the study's implications.

In the opinion of Dr. McLaughlin, this is even further underlined by another circumstance—that the rat, as a test animal, tends to be relatively resistant to teratogenic effects of chemicals. For example, in the late nineteen-fifties, when thalidomide, that disastrously teratogenic compound, was being tested on rats in oral dosages ranging from low to very high, no discernible fetus-deforming effects were produced. And Dr. McLaughlin says that as far as thalidomide tests on rabbits were concerned, "You could give thalidomide to rabbits in oral doses at between fifty and two hundred times the comparable human level to show any comparable teratogenic effects." In babies born to women who took thalidomide, whether in small or large dosages and whether in single or multiple dosages, between the sixth and seventh weeks of pregnancy, the rate of deformation was estimated to be one in ten.

Because of the relatively coarse testing screen through which compounds like pesticides—and food additives as well—are sifted before they are approved for general or specialized use in this country, the Food and Drug Administration theoretically maintains a policy of stipulating, as a safety factor, that the maximum amount of such a substance allowable in the human diet range from one two-thousandth to one one-hundredth of the highest dosage level of the substance that produces no harmful effects in experimental animals. (In the case of pesticides, the World Health Organization takes a more conservative view, considering one two-thousandth of the "no-effect" level in animal studies to be a reasonable safety level for human exposure.) According to the standards of safety established by F.D.A. policy, then, no human being anywhere should ever have been exposed to 2,4,5-T, because in the Bionetics study of rates *every* dosage level produced deformed fetuses. A "no-effect" level was never achieved.

To make a reasonable guess about the general safety of 2,4,5-T for human beings, as the material has been used up to now, the most appropriate population area to observe is probably not the relatively healthy and well-fed United States, where human beings are perhaps better equipped to withstand the assault of toxic substances, but South Vietnam, where great numbers of civilians are half-starved, ravaged by disease, and racked by the innumerable horrors of war. In considering any potentially harmful effects of 2,4,5-T on human beings in Vietnam, some attempt has to be made to estimate the amount of 2,4,5-T to which people, and particularly pregnant women, may have been exposed as a result of the repeated defoliation operations. To do so, a comparison of known rates of application of 2,4,5-T in the United States and in Vietnam is in order. In this country, according to Dr. Tschirley, the average recommended application of 2,4,5-T

in aerial spraying for woody-plant control is between three-quarters of a pound and a pound per acre. There are about five manufacturers of 2,4,5-T in this country, of which the Dow Chemical Company is one of the biggest. One of Dow Chemical's best-sellers in the 2,4,5-T line is Esteron 245 Concentrate, and the cautionary notes that a drum of Esteron bears on its label are hardly reassuring to anyone lulled by prior allegations that 2,4,5-T is a substance of low toxicity:

"Caution—May cause skin irritation. Avoid contact with eyes, skin, and clothing. Keep out of the reach of children."

Under the word "Warning" are a number of instructions concerning safe use of the material, and these include, presumably for good reason, the following admonition:

"Do not contaminate irrigation ditches or water used for domestic purposes."

Then comes a "Notice":

Seller makes no warranty of any kind, express or implied, concerning the use of this product. Buyer assumes all risk of use or handling, whether in accordance with directions or not.

The concentration of Esteron recommended—subject to all these warnings, cautions, and disclaimers—for aerial spraying in the United States varies with the type of vegetation to be sprayed, but probably a fair average would be three-quarters to one pound acid equivalent of the raw 2,4,5-T per acre. In Vietnam, however, the concentration of 2,4,5-T for each acre sprayed has been far higher. In Agent Orange, the concentrations of 2,4,5-T have averaged *thirteen times* the recommended concentrations used in the United States.

The principal route through which quantities of 2,4,5-T might be expected to enter the human system in Vietnam is through drinking water, and in the areas sprayed most drinking water comes either from rainwater cisterns fed from house roofs or from very shallow wells. It has been calculated that, taking into account the average amount of 2,4,5-T in Agent Orange sprayed per acre in Vietnam by the military, and assuming a one-inch rainfall (which is quite common in South Vietnam) after a spraying, a forty-kilo (about eighty-eight-pound) Vietnamese woman drinking two litres (about 1.8 quarts) of contaminated water a day could very well be absorbing into her system a hundred and twenty milligrams, or about one two-hundred-and-fiftieth of an ounce, of 2,4,5-T a day; that is, a daily oral dosage of three milligrams of 2,4,5-T per kilo of body weight. Thus, if a Vietnamese woman who was exposed to Agent Orange was pregnant, she might very well be absorbing into her system a percentage of 2,4,5-T only slightly less than the percentage that deformed one out of every three fetuses of the pregnant experimental rats.

To pursue further the question of exposure of Vietnamese to 2,4,5-T concentrations in relation to concentrations officially considered safe for Americans, and advisory subcommittee to the Secretary of the Interior, in setting up guidelines for maximum safe contamination of surface water by pesticides and allied substances some time ago, recommended a concentration of one-tenth of a milligram of 2,4,5-T in one litre of drinking water as the maximum safe concentration. Thus, a pregnant Vietnamese woman who ingested a hundred and twenty milligrams of 2,4,5-T in two litres of water a day would be exposed to 2,4,5-T at six hundred times the concentration officially considered safe for Americans.

Moreover, the level of exposure of Vietnamese people in sprayed areas in not necessarily limited to the concentrations shown in Dr. Meselson's calculations. Sometimes the level may be far higher. Dr. Pfeiffer, the Univesity of Montana biologist, says that when difficulties arise with the spray planes or the spray apparatus, or when other accidents occur, an entire thousand-gallon load of herbicidal agent containing 2,4,5-T may be dumped in one area by means of the thirty-second emergency-dumping procedure. Dr. Pfeiffer has recalled going along as an observer on a United States defoliation mission last March, over the Plain of Reeds area of Vietnam, near the Cambodian border, during which the technician at the spray controls was unable to get the apparatus to work, and thereupon dumped his whole load.

"This rained down a dose of 2,4,5-T that much have been fantastically concentrated," Dr. Pfeiffer has said. "It was released on a very watery spot that looked like headwaters draining into the Mekong River, which hundreds of thousands of people use." In another instance, he has recalled, a pilot going over the area of the supposedly "friendly" Catholic refugee village of Ho Nai, near Bien Hoa, had serious engine trouble and dumped his whole spray load of herbicide on or near the village. In such instances, the concentration of 2,4,5-T dumped upon an inhabited area in Vietnam probably averaged about a hundred and thirty times the concentration recommended by 2,4,5-T manufacturers as both effective and safe for use in the United States.

Theoretically, the dangers inherent in the use of 2,4,5-T should have been removed by means of the steps promised in the White House announcement last October. A quick reading of the statement by Dr. DuBridge (who is also the executive secretary of the President's Environmental Quality Council) certainly seemed to convey the impression that from that day onward there would be a change in Department of Defense policy on the use of 2,4,5-T in Vietnam, just as there would be a change in the policies of the Departments of Agriculture and Interior on the domestic use of 2,4,5-T. But did the White House mean what it certainly seemed to be saying about the future military use of 2,4,5–T in Vietnam? The White House statement was issued on October 29th. On October 30th, the Pentagon announced that no change would be made in the policy governing the military use of 2,4,5-T in South Vietnam, because—so the Washington Post reported on October 31st—"the Defense Department feels its present policy conforms to the new Presidential directive." The *Post* article went on:

"A Pentagon spokesman's explanation of the policy, read at a morning press briefing, differed markedly from the written version given reporters later.

"When the written statement was distributed, reporters were told not to use the spokesman's [previous] comment that the defoliant . . . is used against enemy 'training and regroupment centers.'

"The statement was expunged after a reporter asked how use against such centers conformed to the Defense Department's stated policy of prohibiting its use in 'populated areas.'"

But the statement wasn't so easily expunged. A short time later, it was made again, in essence, by Rear Admiral William E. Lemos, of the Policy Plans and National Security Council Affairs Office of the Department of Defense, in testimony before a subcommittee of the House Foreign Affairs Committee, the only difference being that the phrase "training and regroupment centers" became "enemy base camps." And in testifying that the military was mounting herbicidal operations on alleged enemy base camps Rear Admiral Lemos said:

"We know . . . that the enemy will move from areas that have been sprayed. Therefore, enemy base camps or unit headquarters are sprayed in order to make him move to avoid exposing himself to aerial observation."

If one adds to the words "enemy base camps" the expunged words "training and regroupment centers"—centers that are unlikely to operate without an accompanying civilian population—what the Defense Department seems actually to be indicating is that the "areas remote from the population" against which the United States is conducting military herbicidal operations are "remote from the population" at least in part *because* of these operations.

As for the Bionetics findings on the teratogenic effects of 2,4,5–T on experimental animals, the Department of Defense indicated that it put little stock in the dangers suggested by the report. A reporter for the *Yale Daily News* who telephoned the Pentagon during the first week in December to inquire about the Defense Department's attitude toward its use of 2,4,5–T in the light of the Bionetics report was assured that "there is no cause for alarm about defoliants." A week or so later, he received a letter from the Directorate for Defense Information at the Pentagon which described the Bionetics results as based on "evidence that 2,4,5–T, when fed in large amounts to highly inbred and susceptible mice and rats, gave a higher incidence of birth defects than was normal for these animals." After reading this letter, the *Yale Daily News* reporter again telephoned the Pentagon, and asked, "Does [the Department of Defense] think defoliants could be affecting embryo growth in any way in Vietnam?" The Pentagon spokesman said, "No." And that was that. The experimental animals were highly susceptible; the civilian Vietnamese population, which even under "normal" circumstances is the victim of a statistically incalculable but clearly very high abortion and infant-mortality rate, was not.

Nearly a month after Dr. DuBridge's statement, another was issued, this one by the President himself, on United States policy on chemical and biological warfare. The President, noting that "biological weapons have massive, unpredictable, and potentially uncontrollable consequences" that might "impair the health of future generations," announced it as his decision that thenceforward "the United States shall renounce the use of lethal biological agents and weapons, and all other methods of biological warfare." Later, a White House spokesman, in answer to questions by reporters whether this included the use of herbicidal, defoliant, or crop-killing chemicals in Vietnam, made it clear that the new policy did not encompass herbicides.

Since the President's statement did specifically renounce "all other methods of biological warfare," the reasonable assumption is that the United States government does not consider herbicidal, defoliant, and crop-killing operations against military and civilian populations to be part of biological warfare. The question therefore remains: What does the United States government consider biological warfare to consist of? The best place to look for an authoritative definition is a work known as the Joint Chiefs of Staff Dictionary, an official publication that governs proper word usage within the military establishment. In the current edition of the Joint Chiefs of Staff Dictionary, "biological warfare" is defined as the "employment of living organisms, toxic biological products, and plant-growth regulators to produce death or casualties in man, animals, or plants or defense against such action." But the term "plant-growth regulators" is nowhere defined in the Joint Chiefs of Staff Dictionary, and since a certain technical distinction might be made (by weed-control scientists, for example) between plant-growth regulators and defoliants, the question of whether the Joint Chiefs consider military defoliation operations part of biological warfare is left unclear. As for "defoliant agents," the Dictionary defines such an agent only as "a chemical which causes trees, shrubs, and other plants to shed their leaves prematurely." All this is hardly a surprise to anyone familiar with the fast

semantic legerdemain involved in all official statements on biological warfare, in which defoliation has the bafflingly evanescent half-existence of a pea under a shell.

To find that pea in the official literature is not easy. But it is reasonable to assume that if the Department of Defense were to concede officially that "defoliant agents" were in the same category as "plant-growth regulators" that "produce death . . . in plants," it would thereby also be conceding that it is in fact engaging in the biological warfare that President Nixon has renounced. And such a concession seems to have been run to earth in the current edition of a Department of the Army publication entitled "Manual on Use of Herbicides for Military Purposes," in which "antiplant agents" are defined as "chemical agents which possess a high offensive potential for destroying or seriously limiting the production of food and defoliating vegetation," and goes on, "These compounds include herbicides that kill or inhibit the growth of plants plant-growth regulators that either regulate or inhibit plant growth, sometimes causing plant death . . ." The admission that the Department of Defense is indeed engaging, through its defoliation and herbicidal operations in Vietnam, in biological warfare, as this is defined by the Joint Chiefs and as it has been formally renounced by the President, seems inescapable.

Since the DuBridge statement, allegations, apparently originating in part with the Dow Chemical Company, have been made to the effect that the 2,4,5-T used in the Bionetics study was unrepresentative of the 2,4,5-T generally produced in this country, in that it contained comparatively large amounts of a certain contaminant, which, according to the Dow people, is ordinarily present in 2,4,5-T only in trace quantities. Accordingly, it has been suggested that the real cause of the teratogenic effects of the 2,4,5-T used in the Bionetics study may not have been the 2,4,5-T itself but, rather, the contaminant in the sample used. The chemical name of the contaminant thus suspected by the Dow people is 2,3,6,7-tetrachlorodibenzo-p-dioxin, often referred to simply as dioxin. The 2,4,5-T used by Bionetics was obtained in 1965 from the Diamond Alkali Company, now known as the Diamond-Shamrock Company and no longer in the business of manufacturing 2,4,5-T. It appears that the presence of a dioxin contaminant in the process of manufacturing 2,4,5-T is a constant problem among all manufacturers.

Three years ago, Dow was obliged to close down its 2,4,5,-T plant in Midland, Michigan, for several months and partly rebuild it because of what Dow people variously described as "a problem" and "an accident." The problem—or accident—was that workers exposed to the dioxin contaminant during the process of manufacture came down with an acute skin irritation known as chlor-acne. The Dow people, who speak with considerable pride of their toxicological work ("We established our toxicology lab the year Ralph Nader was born," a Dow public-relations man said recently, showing, at any rate, that Dow is keenly aware of Nader and his career), say that the chlor-acne problem has long since been cleared up, and that the current level of the dioxin contaminant in Dow's 2,4,5-T is less than one part per million, as opposed to the dioxin level in the 2,4,5-T used in the Bionetics study, which is alleged to have been between fifteen and thirty parts per million. A scientist at the DuBridge office, which has become a coordinating agency for information having to do with the 2,4,5-T question, says that the 2,4,5-T used by Bionetics was "probably representative" of 2,4,5-T being used in this country—and presumably in Vietnam—at the time it was obtained but that considerably less of the contaminant is present in the 2,4,5-T now being produced. Evidently, the degree of dioxin contamination present in 2,4.5-T varies from manufacturer to manufacturer. What degree of contamination, high or low, was present in the quantities of 2,4,5-T shipped to South Vietnam at various times this spokesman didn't seem to know.

The point about the dioxin contamination of 2,4,5-T is an extremely important one, because if the suspicions of the Dow people are correct and the cause of the fetus deformities cited in the Bionetics study is not the 2,4,5-T but the dioxin contaminant, then this contaminant may be among the most teratogenically powerful agents ever known. Dr. McLaughlin has calculated that if the dioxin present in the Bionetics 2,4,5-T was indeed responsible for the teratogenic effects on the experimental animals, it looks as though the contaminant would have to be at least ten thousand times more teratogenically active in rats than thalidomide was found to be in rabbits. Furthermore, it raises alarming questions about the prevalence of the dioxin material in our environment. It appears that under high heat the dioxin material can be produced in a whole class of chemical substances known as trichlorophenols and pentachlorophenols. These substances include components of certain fatty acids in detergents and in animal feed.

As a consequence of studies that have been made of the deaths of millions of young chicks in this country after the chicks had eaten certain kinds of chicken feed, government scientists are now seriously speculating on the possibility that the deaths were at the end of a chain that began with the spraying of corn crops with 2,4,5-T. The hypothesis is that residues of dioxin present in the 2,4,5–T remained in the harvested corn and were concentrated into certain by-products that were then sold to manufacturers of chicken feed, and that the dioxin became absorbed into the systems of the young chicks. One particularly disquieting sign of the potential of the dioxin material is the fact that bio-assays made on chick embryos in another study revealed that all the embryos were killed by one twenty-millionth of a gram of dioxin per egg.

Perhaps an even more disquieting speculation about the dioxin is that 2,4,5–T may not be the only material in which it appears. Among the compounds that several experienced diologists and toxicologist suspect might contain or produce dioxin are the trichlorophenols and pentachlorophenols, which are rather widely present in the environment in various forms. For example, a number of the trichlorophenols and pentachlorophenols are used as slime-killing agents in paper-pulp manufacture, and are present in a wide range of consumer products, including adhesives, water-based and oil-based paints, varnishes and lacquers, and paper and paper coatings. They are used to prevent slime in pasteurizers and fungus on vats in breweries and are also used in hair shampoo. Along with the 2,4,5–T used in the Bionetics study, one trichlorophenol and one pentachlorophenol were tested without teratogenic results. But Dr. McLaughlin points out that since there are many such compounds put out by various companies, these particular samples might turn out to be—by the reasoning of the allegation that the 2,4,5–T used by Bionetics was unusually dirty—unusually clean.

Dr. McLaughlin tends to consider significant, in view of the now known extreme toxicity and possible extreme teratogenicity of dioxin, the existence of even very small amounts of the trichlorophenols and pentachlorophenols in food wrappings and other consumer products. Since the production of dioxin appears to be associated with high-temperature conditions, a question arises whether these thermal conditions are met at *any* stage of production or subsequent use or disposal of such materials, even in minute amounts. One of the problems here seems to be, as Dr. Epstein has put it, "The moment you introduce something into the environment it's likely to be burned sooner or later—that's the way we get rid of nearly everything." And most of these consumer products may wind up in municipal incinerators, and when they are burned, the thermal and other conditions for creating dioxin materials may quite possibly be met. If so, this could mean a release of dioxin material into the entire environment through the atmosphere.

Yet so far the dioxin material now suspected of causing the fetus-deforming effects in experimental animals has never been put through any formal teratological tests by any company or any government agency. If the speculation over the connection between dioxin in 2,4,5-T and the deaths of millions of baby chicks is borne out, it might mean that, quite contrary to the assumptions made up to now that 2,4,5-T is rapidly decomposable in soil, the dioxin material may be extremely persistent as well as extremely deadly.

So far, nobody knows—and it is probable that nobody will know for some time—whether the fetus deformities in the Bionetics study were caused by the 2,4,5-T itself, by the dioxin contaminant, or by some other substance or substances present in the 2,4,5-T, or whether human fetuses react to 2,4,5-T in the same way as the fetuses of the experimental animals in the Bionetics study. However, the experience so far with the employment of 2,4,5-T and substances chemically allied to it ought to be instructive. The history of 2,4,5-T is related to preparations for biological warfare, although nobody in the United States government seems to want to admit this, and it has wound up being used for purposes of biological warfare, although nobody in the United States government seems to want to admit *this*, either. Since 2,4,5-T was developed, the United States government has allowed it to be used on a very large scale on our own fields and countryside without adequate tests of its effects. In South Vietnam—a nation we are attempting to save—for seven full years the American military has sprayed or dumped this biological-warfare material on the countryside, on villages, and on South Vietnamese men and women in staggering amounts.

In that time, the military has sprayed or dumped on Vietnam *fifty thousand tons* of herbicide, of which twenty thousand tons have apparently been straight 2,4,5–T. In addition, the American military has apparently made incursions into a neutral country, Cambodia, and rained down on an area inhabited by thirty thousand civilians a vast quantity of 2,4,5–T. Yet in the quarter of a century since the Department of Defense first developed the biological-warfare uses of this material it has not completed a single series of formal teratological tests on pregnant animals to determine whether it has an effect on their unborn offspring.

Similarly, officials of the Dow Chemical Company, one of the largest producers of 2,4,5–T, although they refuse to divulge how much 2,4,5–T they are and have been producing, admit that in all the years that they had produced the chemical before the DuBridge statement they had never made formal teratological tests on their 2,4,5–T, which they are now doing. The Monsanto Chemical Company, another big producer, had, as far as is known, never made such tests, either, nor, according to an official in the White House, had any other manufacturer. The Department of Agriculture has never required any such tests from manufacturers. The Food and Drug Administration has never required any such tests from manufacturers.

The first tests to determine the teratogenic effects of 2,4,5–T were not made until the National Institutes of Health contracted for them with Bionetics Laboratories. And even then, when the adverse results of the tests became apparent, it was, as Dr. Epstein said,

like "pulling teeth" to get the data out of the institutions involved. And when the data were obtained and the White House was obliged, partly by outside pressure and publicity, to act, the President's science adviser publicly presented the facts in a less than candid manner, while the Department of Defense, for all practical purposes, ignored the whole business and announced its intention of going on doing what it had been doing all along.

There have been a number of reports from Vietnam both of animal abortions and of malformed human babies that are thought to have resulted from spraying operations in which 2,4,5–T was used. But such scattered reports, however well founded, cannot really shed much more light on the situation. The fact is that even in this country, the best-fed, richest, and certainly most statistics-minded of all countries on earth, the standards for testing materials that are put into the environment, into drugs, and into the human diet are grossly inadequate. The screening system is so coarse that, as a teratology panel of the Mrak Commission warned recently, in connection with thalidomide, "the teratogenicity of thalidomide might have been missed had it not produced malformations rarely encountered."

In other words, had it not been for the fact that very unusual and particularly terrible malformations appeared in an obvious pattern—for example, similarly malformed babies in the same hospital at about the same time—pregnant women might still be using thalidomide, and lesser deformations would, so to speak, disappear into the general statistical background. As for more subtle effects, such as brain damage and damage to the central-nervous system, they would probably never show up as such at all. If such risks existed under orderly, normal medical conditions in a highly developed country, how is one ever to measure the harm that might be done to unborn children in rural Vietnam, in the midst of the malnutrition, the disease, the trauma, the poverty, and the general shambles of war?

ANOTHER OIL SPILL

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. KEITH. Mr. Speaker, yesterday I was alerted by a number of constituents to the fact that a huge mass of oil had come ashore on the south side of Martha's Vineyard Island. For a time yesterday afternoon, my home seemed like a communications center, as I put into contact the various agencies and individuals concerned with this latest disaster.

It was, to say the least, a frustrating experience. No one knows where the oil had come from. The Coast Guard made an aerial search, and promised to do so again today. But the oil might as easily have come from a tanker sunk during World War II as from a passing ship. At any rate, it was there, and befouling the waters and killing the wildlife over acres of ocean.

This is becoming an all too familiar story. In 1966 the Coast Guard counted 371 major oil spills in U.S. waters; last year they counted 714. And the figure is liable to rise again, as the use of tankers to transport oil continues to rise.

It will rise, that is, unless we do something more about it. At this moment a conference committee is trying to reach agreement between the House and Senate versions of legislation that would vastly increase the costs of such spills to the offending spiller.

But while we deliberate, oil continues to despoil our environment. Four miles of Buzzards Bay shoreline in my district are now largely lifeless because of an oil spill—and may remain that way for several years. Now it is Martha's Vineyard that is feeling the devastating effects of spilled oil.

So I wish my colleagues on the conference committee all good luck in their efforts to reach a speedy agreement. Every day of delay means another part of our offshore environment is likely to be ruined, and we have lost too much already.

FORWARD TOGETHER

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. MORSE. Mr. Speaker, the Junior Chamber of Commerce of Billerica, Mass., is to be highly commended for its interest in and commitment to national and international issues of importance to this country. Under the leadership of its chairman, Ashton E. Welch, and co-chairmen John Maletta, Jr., Robert W. Sanchez and Oswald G. Hayes, the Billerica Jaycees recently passed a resolution expressing their support for President Nixon's efforts to seek a just and honorable peace in South Vietnam, and for those soldiers who have served their country in Vietnam.

The resolution will go to the President with the names of the many members of the Billerica Jaycees who have signed it. In addition, it has the wholehearted support of the Billerica posts of the American Legion, the Veterans of Foreign Wars and Disabled American Veterans.

Mr. Speaker, I want to take this opportunity to congratulate the Billerica Jaycees and to include the text of their resolution at this point in the RECORD:

FORWARD TOGETHER

Whereas the Billerica Jaycees are young men concerned not only with the welfare of the community, but also the welfare of the state and the nation, we hereby resolve;

To strongly support the President of the United States in his efforts to bring a just and lasting peace in South Vietnam;

To support those men who are now serving in South Vietnam, and to express our heartfelt gratitude for those who have served;

To support the efforts of our negotiators to assure that the South Vietnamese people may determine their own destiny through free elections.

ASHTON E. WELCH,
Chairman.
JOHN MALETT, Jr.,
ROBERT W. SANCHEZ,
OSWALD G. HAYES.
Co-Chairman.

DISTRICT OF COLUMBIA ELECTIONS AVERAGE 3-PERCENT VOTER TURNOUT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. RARICK. Mr. Speaker, I call to the attention of the House a deliberate campaign of dishonesty, inaugurated by the irresponsible left, to deceive the American people into a fundamental change in our Constitution.

With editorial ballyhoo from the Washington Post, the League of Women Voters proposes a nationwide campaign to procure 1,500,000 signatures calling on the Congress to amend the Constitution to provide suffrage to the residents of Washington. The reference to the District of Columbia as a colony is appropriate—a colony of programed votes available for the pollution of this Congress.

Not too long ago the voters of Washington were able to vote—for the election of a school board. As this is a thoroughly mixed city—the very model of school desegregation—it would seem that the parents would be interested in electing a board dedicated to quality education for their children. Parents throughout the rest of the Nation certainly are, and Washington can probably stand some improvement, with more crime than education taking place in the public schools.

But about 3 percent of the eligible voters took the trouble to cast ballots.

After the sobbing editorial of February 7, these voters again had the opportunity to elect—of all things—one of the highly touted citizens boards where the police are immobilized by the community. Again, they responded with about 3 percent of the underprivileged electorate taking the trouble to vote. Of some 70,000 eligible voters, about 2,300 participated.

And this was an election to slice a $1.4 million pie given by the Office of Economic Opportunity—out of the pockets of the taxpayers of the Nation.

Amend the Constitution the way these dedicated ladies suggest and 1,151 of these voters can seat two Members in the Senate and several Members here.

While the idea seems to do a little violence to the "one-man, one-vote" slogan of the liberals, it would obviously lead to a packed House.

Perhaps someone should suggest to the League of Women Voters that their leadership is misleading them. Instead of getting their members all excited about the poor people of the District of Columbia, to pressure us into acting on their misinformation rather than on our information, they should devote their attention to the 97 percent of the registered voters in the city who do not care enough to go to the polls.

Or perhaps the Senate should amend the Voting Rights Act now before it to include Washington—since its limitation to the South is on the phony theory

that where less that 50-percent participation in an election occurs—especially when the result does not suit the leftists—there has been a suppression of voting rights.

Or perhaps the Washington promoters just know that it would be unsafe for their ladies to canvas Washington—even in the daytime.

I include the editorial in my remarks:

D.C.—LAST COLONY

The American people are going to get a lesson in civics this spring from the League of Women Voters. The lesson, that Washingtonians may vote for President but cannot elect any members of the House or Senate, and that they may vote for the local school board but not for the city council or mayor, will be broadcast throughout the land this April by the National League through its 1,300 local leagues in virtually every congressional district in every state.

The educational effort which is needed because few Americans realize that the Capital enjoys only the most limited kind of suffrage, is part of the petition drive the League is launching during its 50th anniversary year, labeled the Year of the Voter. The objective is to enroll 1.5 million signatures (10 for each League member) to convince Congress that the American people, once informed, will want to amend the Constitution to give Washington voting representation in both houses of Congress—an entitlement of two senators and two House members. A two-thirds vote of each house of Congress is required as well as ratification by three fourths of the state legislatures.

For the League, which did yeoman service in providing state legislative ratification of the 23d Amendment giving the city a vote for President, that requirement is the easy part. The hard part is to convince Congress to move. A combination of lethargy and covert opposition has kept such measures off the floor of the two houses in the past. But not being among those who underestimate the power of the League of Women Voters we can confidently predict that the petition drive will get the congressional wheels turning, to which we would add the hope that sufficient momentum will be established to get the amendment resolution on its way to the states.

Along the way, and this gets back to the importance of the League's lesson in civics, there is a good chance that new life may be breathed into companion measures to provide home rule and, on an interim basis pending final ratification of the constitutional amendment for national representation, the half-loaf proposal for a nonvoting delegate in Congress. These measures which have been endorsed by the administration require only a simple act of Congress.

The League is distributing bumper stickers which simply state in bold letters, "D.C.—Last Colony." That will continue to be an appropriate description of the state of the District until its citizens are given the full voting rights, local as well as national, that are their birthright as Americans.

ALTOONA, PA., HONORS ALL-AMERICAN MIKE REID ON "MIKE REID DAY"

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. WHALLEY. Mr. Speaker, on Tuesday, February 3, 1970, Penn State All-American Mike Reid was honored in his hometown of Altoona, Pa., with a testimonial banquet attended by over 1,200 of his friends, neighbors, and admirers. The citizens of Altoona designated February 3 "Mike Reid Day."

This outstanding young man was named to virtually every All-American team, including the Associated Press, United Press International, NEA, New York Daily News, Detroit Football News, Sporting News, Look Magazine, Time Magazine, Kodak, and Walter Camp.

Among his other awards were the Maxwell Trophy; the Outland Trophy; the Washington, D.C., Touchdown Club Lineman of the Year Award; the Washington, D.C., Pigskin Club Lineman of the Year Award; Eastern Collegiate Athletic Conference Player of the Year; Most Valuable Lineman in the 1970 Orange Bowl Game; and first-round draft choice of the American Professional Football League's Cincinnati Bengals.

Mike Reid is an outstanding individual whose talents go beyond the football field. Mike is also an accomplished concert pianist who has been acclaimed for his virtuosity in the field of music. He is also an academic student of the highest standards whose future would be bright even without football.

Mr. Speaker, I would like to go on record applauding Mike Reid for these outstanding achievements. I am proud to be his Congressman.

NATIONAL POLKA MONTH A BIG SUCCESS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. PUCINSKI. Mr. Speaker, Mr. Edwin T. Maciak, a polka music critic and Chicago editor for the Post Eagle newspaper published in New Jersey, has written a very interesting report on polka activities around the country and the designation of January as "National Polka Music Month" by the International Polka Association. He places the origin of the dance into historical perspective and discusses the reasons why it has again become so popular nationally.

Polka fans will find Mr. Maciak's report both timely and interesting, and I should like to place it in the RECORD today.

Mr. Maciak's report follows:

NATIONAL POLKA MONTH A BIG SUCCESS

Once again the entire month of January had been designated as "National Polka Music Month" by the International Polk Association, located in Chicago, Illinois; the Wisconsin Orchestra Leaders Association, located in Algoma, Wisconsin; and the United States Polka Association, located in Uncasville, Connecticut.

It was a tremendous success.

A nation wide promotional campaign had been launched to create a greater public awareness and appreciation of polka music in the United States as well as in other parts of the world. Radio announcers participated in this campaign by informing their audiences of this special month of celebration. Band leaders and various business establishments associated with polka music assisted by displaying appropriate posters, signs, lapel pins and bumper stickers.

This year's slogan was "January is National Polka Month—Do Your Thing, Go Polka Dancing." Various dances, motorcades, festivals and other special programs were planned to attract that segment of the public that is not familiar with the happy and lively tempo of polka music. The general polka public was urged to demonstrate their support of polka music by their patronage and participation in polka events—not only during the month of January but the year round.

Perhaps "polka-mania" is a good name for the "new" dance craze that is sweeping the Nation today. However, it isn't new! This may surprise most of my colleagues to find that many variations that the good polka dancers use today actually found their beginning over 100 years ago.

The polka is a 19th century dance in 2/4 time. The origin is claimed by Poland and Czechoslovakia; but the Polish "polka" was more likely the foundation of 17th century Scandinavian dances of that name.

A country dance popular in Czech villages in 1830 was in polka rhythm and utilized steps that are fundamental to the later dance. This seems to be the source of the dance which first caught popular attention in Prague in 1835, and later to Paris in 1840. By 1843–44 it was the popular dance craze of all Europe and America, called "polka-mania"!

The polka was a sprightly dance for couples proceeding around the room—facing each other, the man's right arm around the partner's waist, the left hand taking her right. The main feature was a hopping step and "heel and toe." In one figure, the man leading his partner danced backwards around the room, repeated with the lady dancing backwards. Composers of classical music such as Smetana and Weinberger included polkas in "The Bartered Bride" and "Schwande, The Bagpiper." Of course, one cannot overlook Johann Strauss.

There are various notes from "World History of the Dance" by Curt Sachs and from "Dictionary of the Dance" by W. G. Raffe. Here is an interesting quotation by Perrot and Robert in 1845 that I thought you might enjoy: "To dance the polka, men and women must have hearts that beat high and strong; tell me how you do the polka and I will tell you how you love."

My own opinion of this dance is that it certainly isn't anything new. Strange how a dance older than 100 years would suddenly be so popular again.

Other original dances of the time (1800's) are also related to the polka. Among these are the "gallop" and "rutscher" (sliding dance) which are quick polkas wherein the couples gallop through the hall to a rapid 2/4 time with the step pattern of the polka. In contrast, the Bavarian polka supposedly is a slow polka in 2/4 time.

There are, to my knowledge, five polka styles, which are described as follows:

German "Oompah" style is slow, sometimes called a "suped up" waltz, uses six- to 10-piece band with tuba, bass, and accordion or concertina.

East Coast style is fastest polka beat and played by a big band, featuring trumpets and clarinets.

Slovenian style, often referred to as the Cleveland style, and best known to Milwaukee polka fans, has a slow tempo as with the German polka.

Chicago Polish style, a slow but snappy beat, uses a five- to seven-piece band with trumpet, clarinet, and bass.

Bohemian style is similar to German . . . only with a faster tempo.

By far, the year of 1969 will be considered as the most exciting one from the standpoint of advancement, organization, leader-

ship and administrative capability of polka music leaders throughout the Nation and elsewhere. I am including at the conclusion of my remarks a chronological monthly list of the salient activities of diversified polka music organizations so that we can all have a better understanding of how efficiently polka music serves the cultural music world in a cosmopolitan fashion and on an international level.

Polka music deserves high praise, mainly because it is a happy music and played by decent-thinking, clean-cut citizens—but above all polka music is a great morale booster to the average every-day working American, who has the desire and drive to keep this country strong spiritually, economically and musically.

The chronological monthly list of the salient activities for 1969, polka musicwise, follows:

ACTIVITIES IN 1969 WHICH ADDED TO THE SUCCESS OF POLKA MONTH IN AMERICA

January: First Annual Polka Music Hall of Fame Inaugural Dance held at Polonia Ballroom in Chicago, Illinois, sponsored by International Polka Association & Wisconsin Orchestra Leaders Assoc., four international bands performed; Edwin Maciak, polka music critic on staff of "Post Eagle" newspaper attends Chicago Press Club President's Dinner and presents "Chicagoan of the Year," Mr. Joseph B. Meegan with a "Chicago Polka" recording at Pick-Congress Hotel in Chicago.

February: Massachusetts bandleader "Happy Louie" Dusseault and his vocalist wife "Julcia" present Senator Edward Kennedy with their latest album which contains a song dedicated to the late Senator Robert Kennedy; Mr. Dick Pillar, President of U.S. Polka Association, from Connecticut and Edwin T. Maciak, polka music critic with the "Post Eagle" paper in Chicago, travelled to Nashville, Tennessee for conferences with the "Country Music Association" and Grand Ole Opry leaders.

March: "Li'l Richard" Towalski, of Chicago, was promoted to "Polka General" in Milwaukee, Wisconsin . . . This was a patriotic program which took place on the eve of General Dwight "Ike" Eisenhower's funeral—Soldier Boy "Li'l Richard" is a band leader, vocalist, Dee Jay and recording artist.

April: Mr. Myron Floren, nationally known TV star, accordionist and assistant conductor of the famous Lawrence Welk Show, became a member of the U.S. Polka Association . . . through the efforts of USPA Secretary, Mrs. Marian Wroble-Cox.

Congressman Roman C. Pucinski was presented with plaque designating him as "Honorary Member" of "Li'l Richard Polka Fan Club" . . . award was made for the Congressman's interest in polka music and dancing.

May: "Li'l Polka" Richie Drongoski (age 11), Clifton, New Jersey's contribution to the polka music field, donated his earnings to Congressman Henry Helstoski (candidate for governor) at testimonial held for the Congresman . . . "Li'l Richie" entertained the guests with his accordian and singing both American and Polish numbers—this boy is also studying drums and concertina.

June: The House of Representatives of the Seventy-Sixth General Assembly of the State of Illinois commend the International Polka Association, for its promotion of public interest in polka music, by issuing House Resolution No. 149—offered by local legislators; 1969 Pulaski Polka Festival took place at Memorial Park in Pukaski, Wisconsin . . . More than 30 bands made appearances during the four-day events—sponsored by Wisconsin Orchestra Leaders Association & the Sideman's Association of the Wola . . . 30,000 persons enjoyed parade, fireworks, carnival, Kids Day, Queen Contest & Music.

July: Eddie Blazonczyk presented annual "Bel-Aire Polka Days" at Polonia Grove in Chicago, Illinois, featuring eight polka orchestras—two-day affairs; U.S. Polka Association Convention combined with the Dick Pillar Enterprises Festival held at Ocean Beach Park in New London, Connecticut. Thirty bands performed in eight days of dancing.

Janek Lewandowski Productions presented a stage show starring Helen "Zosia" Dudek and "Wesoly Stas" Lyskawa from Chicago, as well as the Jadczak Dancers from Flint, Michigan—featuring the Harmoneers Orchestra from Pittsburgh Pennsylvania; Chester Grabowski, Editor-in-Chief of "Post-Eagle" paper was presented with the General Casimer Pulaski trophy in recognition of outstanding journalistic services to the polka music world in U.S.A. . . . Polka news media made this presentation headed by Edwin Maciak, polka music critic from Chicago. Other publications that particiated are as follows: "Polka News" in Connecticut, Editor Stans Saleski; "Polish-American World", editor Eddie "D" Dmuchowski, of New York "Polka Digest" in Connecticut, editor John Demerski; "Music & Dance News" of Wisconsin, represented by G. Lucky Ladewski. Other prominent polka writers are Janek Lewandowski, Veronica Kearns & Edward Wilczynski.

August: International Polka Association Convention in Chicago, held at Polonia Grove, with 13 polka bands appearing during a three-day weekend; prexy of the "IPA" is Leon Kozicki of Chicago. Polka music hall of fame banquet-installation and polka music awards presentations took place at Personality Lodge; Li'l Lally Jagiello and Frank Yankovic were enshrined (inaugural) into the polka music hall of fame; while Marion Lush of Chicago won the "best male vocalist" award; and Teresa Zapolska of New York won the "best female vocalist" award; the "best polka album" award went to Happy Louie of Massachusetts; the "best single record" award went to Marion Lush of Chicago; and taking the honors for the "best instrumental group" were the "Ampol-Aires" orchestra of Chicago; "Li'l Polka" Richie Drongoski, an 11-year old polka artist from the eastern seaboard, captivated the hearts of polka fans with his musicianship all over the city; Bill Shibilski's polka spectacular in Long Island, New York drew 8 polka bands for 3 days.

September: By far, the biggest festival was one held at Columbus, Nebraska, featuring 43 polka bands for three days; "Big Joe" Siedlik was the promoter of this third annual "Polka Days"; "Li'l Richard" Polka Fan Club in Chicago bestows honorary membership upon Miss Christine Grabowski, secretary at the "Post Eagle" newspaper office in Clifton, N.J.; part two of the "Penn-Ohio" polka festival was a one-day affair, featuring 4 polka bands at Idora Park in Youngstown, Ohio.

October: Thirty-third annual Pulaski Day parade on New York's Fifth Avenue was fronted by many polka music bands from the East; Carol & Stan Pelc of Brooklyn, New York (a sister-brother team) danced their way to the "1969 polka championship" at the Harvest Moon Ball held at Madison Square Garden in N.Y.C., before a crowd of 19,269 (largest ever) . . . the great Ted Maksymowicz polka band performed.

November: Mayor Richard J. Daley of Chicago issued official proclamation designating Sunday, November 9, 1969, as Richard Towalski Day . . . festivities on this "Li'l Richard" day took place at Polonia Ballroom in Chicago, with five big polka bands performing, Li'l Richard also received the "Silver Eagle" award from the "Post Eagle"—the Nation's No. 1 polka newspaper . . . as well as many other honors; Michiana (Michigan-Indiana) polka power club establishes a "scholarship fund"—polka partners, George and Lucky Ladewski are originators of this idea in the polka music field; a new publication from Columbus, Nebraska, being circulated nationally—name of this newspaper is "Polka World," edited by "Big Joe" Siedlik; new radio program in Chicago, called the "Polka Bunny Show," commenced broadcasting over station WEAW-FM, hostess Vi Johantgen.

December: Mr. Zenon Kwiatkowski has inaugurated a new television show in Chicago, which is called "Polka Party," emanating from WCIU-TV (channel 26) . . . this one-hour show features a different polka band every week as well as other features—alternating MC's are radio announcers Chet Gulinski and "Uncle Henry" Cukierka; Congressman Roman Pucinski was a special guest during the inaugural program in company of his assistant, Miss Pat Kuta, a polka dancing enthusiast.

New Year's Eve: Frankie Gee (Grybosh) polka music bandleader from Ludlow, Massachusetts, was killed during a hit-and-run accident while driving home from a New Year's Eve engagement . . . therefore, in his memory, a "Frankie Gee memorial fund" was established, which indicates the close fraternal bond of polka music people.

Good news for Polka music fans was received that Mr. Wozniak bought radio station WJSW in Minnesota and has changed their format to a full time Polka Radio Station, making this a first in the Polka Industry.

The biggest asset in the Polka music field is in the legion of loyal followers, fans, boosters and supporters. Many of these fans become leaders within a Polka community as is evidenced by the existence of such clubs as the "Western Pennsylvania Polka Power Club," headed by George Balocik; the "New York-New Jersey Polka Power Club," led by Connie Verostek; the "Detroit Polka Boosters Club of America," with "Polka Joe" Marcissuk as president; the "Michiana (Michigan-Indiana) Polka Power Club," whose leaders are a husband-wife team, George and Lucky Ladewski; then there is the "Li'L Richard Polka Fan Club," in Chicago, which supports one particular orchestra morally and organizationally. . . . Its leaders are also a husband-wife combination, Ted and Laurie Frys. Membership in most of these clubs runs into the several hundreds.

What greater "peace power" can there be than "Polka power." Polka music people are a happy people, and a happy people make for a healthy and strong country spiritually!

THE PRISONER OF WAR ISSUE

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mrs. MAY. Mr. Speaker, the conduct of the North Vietnamese in refusing to apply the principles of humane treatment to American prisoners of war is outrageous. Despite long and extensive efforts by the U.S. Government, the North Vietnamese and the NLF have remained adamant in their refusal to treat the prisoners of war held by them in accordance with the Geneva Convention.

Last December 15 the U.S. House of Representatives adopted by unanimous vote of 405 yeas House Concurrent Resolution 454, calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front.

According to our Secretary of Defense, Melvin R. Laird, there is clear evidence that North Vietnam has violated even

the most fundamental standards of human decency. Some of our men have been in Communist prison camps for more than 5 years. Over 200 have been there longer than 3½ years. We are deeply concerned that the passage of so many months of captivity could have long-term adverse effects on the well-being of these men.

Our Government has repeatedly appealed to North Vietnam and the NLF to respect the requirements of the Geneva Convention, which, in fact, North Vietnam has signed. But these appeals have been brutally rebuffed by the North Vietnamese.

Last week, the United States, through a statement delivered by Ambassador Philip C. Habib at the Paris meetings on Vietnam, again appealed for humanitarian treatment of our prisoners of war.

World opinion must be marshaled now against such inhumanity. I therefore include Ambassador Habib's opening statement of February 5 and his supplementary remarks at this point in the RECORD:

TEXT OF OPENING STATEMENT BY AMBASSADOR PHILIP C. HABIB AT THE 53D PLENARY SESSION OF THE NEW PARIS MEETINGS ON VIETNAM, FEBRUARY 5, 1970

Ladies and gentlemen, your consistent refusal to abide by the 1949 Geneva Convention on the treatment of prisoners of war is viewed by American and world public opinion with dismay. There is a long tradition among civilized nations of treating captured personnel humanely in wartime. This principle has been codified in the Geneva Convention of 1949 to which there are over 120 signatories, including North Viet-Nam, South Viet-Nam and the United States.

Furthermore, the prisoners of war question is urgent because of the deep humanitarian concern which is aroused by your unconscionable failure to insure that prisoners of war—and the families of men who are held prisoner or who are missing in action—are treated fairly and humanely.

The 1949 Geneva Convention sets forth clearly the requirements of humanitarian treatment. First, all prisoners of war must be immediately identified so that their families and their governments will know who is alive and who is not. Second, prisoners of war must be permitted to correspond freely with their families. Third, impartial observers must be allowed to visit prisoners of war regularly to verify whether their treatment is fair. Fourth, seriously sick and wounded prisoners must be repatriated as quickly as possible. These are minimum standards that are recognized and applied by all civilized nations.

On our side prisoners of war are treated in accordance with the provisions of the 1949 Geneva Convention. The International Committee of the Red Cross has access to prisoners of war captured by our side and to the prisoner of war camps in which they are held. Every one of these prisoner of war camps is publicly identified. The Government of the Republic of Viet-Nam transmits lists of prisoners of war it holds to the International Committee of the Red Cross. It permits a free flow of mail to and from prisoners of war. It has, over and over again, sought your side's cooperation in the repatriation of seriously sick and wounded prisoners of war.

Your side still refuses to identify most of the prisoners of war you hold in North Viet-Nam. You have identified none of the prisoners you hold in South Viet-Nam. Several weeks ago we handed you a list of over 1400 missing or captured Americans. The families of these men are waiting to know whether you will provide information about their status in an official and regular manner. The piecemeal and indirect provision of information through unofficial channels does not fulfill your obligations under the Geneva Convention.

Only about 170 families have ever received a letter from a man who is missing or captured in Viet-Nam. Many of these families have only recently received their first letter. In some cases, those men have been held since 1965—that is, over four years with no word to their families.

There have been recent unofficial reports that American prisoners held in North Viet-Nam could send and receive letters and could receive packages on a regular schedule. Families are acting upon that information and will be waiting to see whether such packages and letters are actually received.

At the same time, American prisoners of war held in South Viet-Nam are also entitled to regular mail privileges. These prisoners have never been permitted to write letters to their families. The families of these men also should be able to send packages and letters to them and to hear from their men.

It is essential and urgent that impartial observers be permitted to visit prisoners of war held by your side both in North and South Viet-Nam in order to verify whether those prisoners are being treated humanely as you claim. We have new, shocking evidence that prisoners of war whom you hold are subject to inhumane treatment. Only recently it was discovered that your forces in South Viet-Nam had executed two American prisoners captured in 1966 after having put them on public display in several villages. This is a grave breach of the 1949 Geneva Convention and is unacceptable when measured against any standard of civilized behavior.

The representative of the Government of the Republic of Viet-Nam has recalled his government's efforts to obtain your side's agreement to the release of sick and wounded prisoners of war who wish to go to North Viet-Nam. We believe discussions with your side should begin, without delay, on arrangements for the immediate release of all seriously sick and wounded prisoners of war as well as for the early release of all other prisoners of war held on both sides.

Ladies and gentlemen, the question of prisoners of war is not only a burning humanitarian question, but also a question of your solemn legal obligation. Its solution must not await an overall settlement of the political and military issues involved here. World opinion demands no less.

We desire to engage in meaningful discussions of all prisoners of war questions with your side now. We await your serious response.

AMBASSADOR HABIB'S SUPPLEMENTARY REMARKS

I

We have sought from the beginning of these meetings to discuss in meaningful ways all the basic issues involved. The prisoner of war question is a basic issue in these Paris meetings. It is not a propaganda matter. It is a serious humanitarian question as well as a question of your legal obligations. It is not a question to be avoided as you have sought to avoid it today by wild charges and evasions of the basic considerations and obligations involved.

There are essentially three aspects in the prisoner of war question. First, the treatment of prisoners of war while they are detained; second, the release of sick and wounded prisoners of war; third, the release of all other prisoners of war. None of these questions needs await a resolution of the conflict.

Your side claims to treat prisoners of war humanely. Now what does "humane treatment" mean? Both in the 1949 Geneva Convention, and apart from it, the world community has demanded that humane treatment of prisoners of war include the following:

1. Identification of and accounting for all prisoners;
2. That all prisoners be permitted to communicate with their families on a regular basis;
3. That seriously sick and wounded prisoners be promptly repatriated; and
4. That impartial observers be permitted to verify that prisoners of war are being treated humanely.

Your side has not lived up to these standards of humane treatment. Your side has not even been willing to discuss the application of these standards of humane treatment. Let us take just one of these standards of humane treatment. Let us take just one of these standards at this time. That is the identification of all prisoners of war.

We have made available lists of all prisoners of war in our hands. Your side refuses to give the names of the prisoners of war you hold. The question is: are you prepared to do as we have done and provide the names of all prisoners of war that you held, without delay?

II

You claim that you treat American prisoners of war humanely. What we have been trying to do is to clarify what you mean by humane treatment and to relate it to normal international standards.

At this time you appear unwilling to discuss in any meaningful way your responsibility to supply the names of prisoners and thus fulfill your obligation in this regard. I will return to that question again. Meanwhile, let me take another standard for humane treatment of prisoners of war, namely their right to communicate regularly with their families.

The Geneva Convention provides that each prisoner shall be permitted to send at least two letters and four cards per month as a standard of humane treatment. Yet, in over five years you have allowed only 170 out of all the prisoners you hold to write even one letter to their families. Even this limited number of prisoners has only been permitted to send an average of two letters a year—far less than the accepted standard. No American prisoner of war held by your side in South Viet-Nam has ever been permitted to write a letter. The question is the following: are you willing to do as we have been doing and let regular communications between the prisoners and their families take place?

III

To make progress at these meetings, the relevant issues need to be raised and discussed. To avoid issues is to block progress. Now, as at this time you appear unwilling to discuss the question of regular communications between prisoners and their families, I will return to that another time. Meanwhile, let me take up another standard of humane treatment.

Seriously sick and wounded prisoners should be promptly repatriated. Are you willing to do what we are willing and have offered to do? That is, arrange immediate repatriation of sick and wounded prisoners?

While you consider that issue, let me take up another standard of humane treatment. Impartial observers should be permitted to have access to prisoners of war and prisoner of war camps in order to verify whether prisoners are being treated humanely. The question is, are you willing as we are doing to allow imported observation of your prisoners of war camps?

IV

Serious indignation arises when issues are avoided rather than discussed. Serious indignation arises when prisoners of war and their families are not accorded the treat-

ment called for by all accepted international standards. The question of prisoners of war is an issue at these meetings. We have every right to seek for our prisoners of war the treatment which is theirs by right, by reason, and by international practice. Today you have avoided meaningful discussion of the issue of prisoners of war, an issue on which there is no logical or reasonable reason for us not to make some progress. We will return to this issue, because it is not an issue which can be left alone.

TIME MAGAZINE REPORTS ON THE AMERICAN INDIAN

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. KASTENMEIER. Mr. Speaker, the February 9 issue of Time magazine contains a lengthy and perceptive report on the American Indian, who, after more than a century of patience and passivity, is seeking a means of redressing his grievances.

As one who favors a policy of self-determination for our Indian citizens, I strongly recommend to my colleagues the following Time analysis:

THE ANGRY AMERICAN INDIAN: STARTING DOWN

Most Americans know the first Americans only by cliché. There is the 19th century image, caught in bronze and in lithography, of the defeated warrior, head dropping forward so that his feathers nearly mingle with his pony's mane. The bow of his shoulders and the slump of his body evoke his loss of pride, of green and fertile lands, of earth's most favored continent. Then there is the recent image, often seen through air-conditioned automobile windows. Grinning shyly, the fat squaw hawks her woven baskets along the reservation highway, the dusty landscape littered with rusting cars, crumbling wickiups and bony cattle. In the bleak villages, the only signs of cheer are romping, round-faced children and the invariably dirty, crowded bar, noisy with the shouts and laughter of drunkenness.

Like most stereotypes, these caricatures possess a certain core of validity. They also help white America contain and numb the reality of past guilt and present injustice. Most important of all, they are less and less significant. After more than a century of patience and passivity, the nation's most neglected and isolated minority is astir, seeking the means and the muscle for protest and redress. Sometimes highly educated, sometimes speaking with an articulateness forged of desperation, always angry, the new American Indian is fed up with the destitution and publicly sanctioned abuse of his long-divided people. He is raising his voice and he intends to be heard. Listen:

"The next time whites try to illegally clear our land, perhaps we should get out and shoot the people in the bulldozers," contends Michael Benson, a 19-year-old Navajo and a freshman at Wesleyan University.

"It's time that Indians got off their goddam asses and stopped letting white people lead them around by their noses," says Lehman Brightman, a South Dakota Sioux now working on a Ph.D. at Berkeley. "Even the name Indian is not ours. It was given to us by some dumb honky who got lost and thought he'd landed in India."

"We weren't meant to be tourist attractions for the master race," scoffs Gerald Wilkinson, 30, a Cherokee who holds multiple degrees after attending four universities. "We don't use the language of the New Left, but that doesn't mean we're not militant."

"Some day you're going to feel like Custer, baby," shouted one unidentified Indian at Donald Dwyer, a former Minneapolis police chief recently invited to discuss city problems with a group of Minneapolis Indians.

SYMBOLIC PROTEST

That kind of rhetoric is surprising, coming from people long accustomed to equating silence with dignity. But in acts as well as speech, the newly aroused Indian is no longer content to play the obsequious Tonto to the white man's Lone Ranger. A belligerent band of 100 Indians still occupies the abandoned federal prison at Alcatraz, which the Indians propose to use as a cultural center and are willing to buy—for "$24 in glass beads and red cloth." Says one of the invaders: "Alcatraz is still better than most reservations." Angered at the whites who litter their beaches with beer cans and broken bottles, Indians in the state of Washington set up road blocks and closed 50 miles of seashore. A group of 50 Passamaquoddy Indians in Maine charged motorists fees to pass through their land on a busy highway last July. Four Indians at Dartmouth College, which was founded partly "for civilizing and christianizing Children of Pagans," protested the Indian dress of the college mascot, and officials banished it from football games.

Going beyond such symbolic acts, Indians in Washington have deliberately violated fishing regulations that they consider a breach of their rights, and have gone to jail as a result. One of their leaders, Janet McCloud, a fiery Tulalip, contends that restrictions on catching salmon have reduced the Indian to "savages with no more rights than a bear." More softly, she concedes: "I don't like being a clown or a militant, but sometimes you have to break this conspiracy of silence." Another angry woman, Kahn Tineta Horn, effectively uses a trim figure in a tight buckskin dress to gain television attention for protest demonstrations. But sex is not her only weapon; she has been arrested for carrying a knife and for interfering with police.

Harassment by police is the target of a sophisticated Indian uprising in Minneapolis, which has one of the few Indian ghettos in any city. There Clyde Bellecourt, 33, a tough Chippewa who has spent 14 years behind bars, has organized an "Indian Patrol." Dressed in red jackets, its members use short-wave radios to follow police activity, then show up to observe the cops silently whenever an Indian gets into trouble. After the patrol was formed, there were no arrests of Indians for 22 straight weekends. Ironically, it was during a prison term for burglary that Bellecourt decided he could help other Indians. "I read a lot of books," he says, "and I started finding out that I wasn't a savage, that I wasn't dirty—and that I was smart." For his work, he is paid a salary by the Urban Coalition.

The new Indian activism is gradually beating its way into the nation's consciousness—and into its conscience. In ways both salutary and shabby, Indians are becoming fashionable. As *The New Yorker's* Calvin Trillin recently observed: "It is almost possible to hear the drums in the East Sixties."

The Indian is spicing his protest with a grim kind of humor. His slogans proclaim: Kemo Sabe Means Honky, Red Power!, and Custer Had It Coming. More stingingly, Indian Folk Singer Buffy Sainte-Marie, a Cree with a degree in education and Oriental philosophy, confronts white audiences with pointed lyrics:

When a war between nations is lost
The loser, we know, pays the cost;
But even when Germany fell to your hands
You left them their pride and you left them
their land.

The national abuse of the Indian reached Broadway last year as the subject of serious drama. Arthur Kopit's *Indians* played only twelve weeks; some critics considered it noisy, disorganized theater; some audiences seemed to find the penitential message discomfiting. A pro-Indian movie, *Little Big Man,* starring Dustin Hoffman, has been filmed on Montana's Crow reservation. It portrays George Custer as a villain leading troops bent on genocide. Three books personalizing Indian alienation have won critical acclaim. A novel, *House Made of Dawn,* by N. Scott Momaday, a Kiowa who teaches English at Berkeley, won a Pulitzer prize last year. *Custer Died for Your Sins,* by Vine Deloria, a Standing Rock Sioux, wryly details the Indians' own infighting and their frustrations in dealing with white society. *Our Brother's Keeper: The Indian in White America* angrily indicts whites for keeping the Indian a stranger in his homeland—"America's prisoner of war."

On the fad level, a budding renaissance of Indian cultural accouterments has inspired pot-smoking teen-agers and high-fashion socialites to don beaded necklaces, fringed jackets, Indian belts, bikinis and feathers. Most Indians scoff at the affectation and claim that much of the clothing is foreign made.

THE HANDICAP OF DIGNITY

Why has it taken the Indian so long to rouse himself to turn his ire toward action? Many a white bureaucrat, ruling a reservation like a colonial army officer, has assumed that Indian acquiescence stemmed from either respect or servility. Rarely has it been either. The Indian nation was physically shattered and spiritually demoralized by the U.S. Cavalry, which systematically destroyed its leaders and the best of its manhood in the late 19th century campaigns that whites euphemistically call the pacification of the West. Long before the white man's arrival, Indian tribes had, of course, waged limited war upon one another over hunting rights, and raids for revenge were common.

Yet on a personal level, Indian culture shuns confrontation. Even the meeting of eyes and the firm handshake were long avoided. Discussions of personal problems are painful. Indians have been known to sit in Government offices for hours before deciding to air a grievance, however just. "My mother won't even get rid of a salesman," says the Navajos' Michael Benson.

For too long, Indian dissent also has been stifled by their forced dependency upon whites for land and livelihood. This has made many of them regard white authority as an almost magical thing. One veteran scholar of Arizona's Hopis, E. D. Newcomer, notes that today's young Hopis even "feel that the day of the whites must be better than their own gods, because the whites have new clothes and shiny cars."

Handicapped by their special definition of dignity and fractionalized by their allegiances to about 300 tribes, the 652,000 Indians in the U.S. have never developed a unity that would sustain massive protest.[1] "Remember, I'm not Indian, I'm Osage," declares Charles Lohah, an Oklahoma judge who finds political intrigue both within and among tribes fascinatingly complex. "Often we have to strap our shields to our backs," he says. But Indians have also watched the nation respond to the marches, sit-ins and street tactics of restive blacks. Indians feel little affinity with blacks, and there is friction between the races in

[1] At the time of Columbus, the native population of what is now the U.S. was probably between 1,000,000 and 3,000,000. By 1860 that had dropped to about 340,000, and by 1910 to an all-time low of 220,000. No longer vanishing, the Indians are now the nation's fastest-growing minority.

some federal antipoverty programs; still, the Indians are beginning to demand their share of the action.

That demand is not only just but long overdue. Ford Foundation President McGeorge Bundy insists flatly that "the American Indians are by any measure save cultural heritage the country's most disadvantaged minority." After studying U.S. ill-treatment of the Indian 26 years ago, Swedish Sociologist Gunnar Myrdal described it as "a morality play of profound importance" to American history. He said that it "challenges the most precious assumptions about what this country stands for—cultural pluralism, freedom of conscience and action, and the pursuit of happiness." The morality play is still a bad show today.

The indicators of Indian suffering are appalling. Their life expectancy is 44 years, compared with 71 for white Americans. The average income for each Indian family living on a reservation—and more than half do—is only $1,500. The average years of schooling is 5.5, well behind that of both the black and the Mexican American. Some officials rate 90% of reservation housing as substandard. Unemployment ranges from a low of 20% on the more affluent reservations to 80% on the poorest. The birth rate of Indians is 2½ times that of whites—and a majority of Indians are under 20 years old. The average family has to carry water for its daily needs of least a mile. It is usually done afoot.

Indians, of course, are not statistics, and TIME Correspondent James Willwerth discovered that individual reality for Indians often consists of human deprivation in a setting of uplifting natural beauty. Visiting Arizona's White Mountain Apache reservation, he reported: "The land is like a painting—hills covered with ponderosa pine, snow-capped mountains in the distance, sprawling valleys filled with thick forests and rushing streams. In the midst of all this, there's a one-room shack with a corrugated metal roof that shows daylight from every angle. This is Judy's house. Judy is in her mid-20s, stocky but not fat, and rather pretty. But she drinks a lot, gets into fights when she does, and often ends up in jail.

"Her lovers are legion. The result of one liaison toddles toward me through broken glass and excrement. He's less than two years old. He lived with Judy's sister until recently, but Judy took him back to get some welfare money. Now they are living in this one-room place. 'It's got no windows,' she says. 'But that's nothing. I've never lived in a house with windows.' "

The grim individual vignettes are multiplied among entire tribes. In northern Arizona, twelve small villages of the deeply religious Hopis fight their uncertain struggle to avoid extinction. Reversing years of decline, the Hopis now number 6,000. Isolated for centuries, even their own villages still have no political links with one another. They live on three massive sandstone mesas in the Painted Desert, where pasture land is scarce and only their skillful dry-farming of corn provides a meager diet.

The sole tribal commerce of the Hopis is a trailer court and a few arts-and-crafts shops. Yet the hope of the Hopis lies in their determination to improve their condition. They teach their children to value schooling so highly that the average daily attendance in their elementary schools is a surprising 90%—a rarity among Indians. A score of older youngsters take a bus each day and make a 96-mile round trip to atttend high school. Each day 50 adult Hopis get up at 5 a.m. to board a yellow bus and ride 65 miles to their jobs at a BVD underwear plant. Things may get better. Coal has been found on Hopi land, and a strip mine is scheduled to open this year. Ironically, the Hopi devotion to education is diluting what they value most: their own special kind of polytheistic belief that each living thing possesses a human spirit. Now, when elders hold their annual dance with rattlesnakes, many Hopi children laugh.

AGONY AND ANOMIE

To live in squalor while surrounded by beauty, to desire a better material life while clinging to tradition is, for American Indians, to know agony and anomie. Their alienation is aggravated by the fact that Indian cultur is vastly different from that of whites in terms of technology, productivity and intellectual interests. From the viewpoint of what makes a modern civilization work, Indian culture appears hopelessly irrelevant. To some extent, the collision of Western and Indian cultures warped the conquerors' attitudes. When the Senecas sought assurances from President Thomas Jefferson in 1802 that their rights would be protected, no attempt was made to bridge the cultural gap. They received a patronizing note from a secretary that said: "Brothers, your father, the President, will at all times be your friend and he will protect you and all his red children from bad people." Only last fall Ted Rushton of New Mexico's Gallup *Independent* wrote haughtily of "the inevitable clash of a superior culture with a vastly inferior culture."

The Indian child who attends school with whites must brace himself for taunts: when it rains, he is told, "You must have done your dance." If he has a girl friend, he is asked: "How's your squaw?" Or it may be "Hey, Tonto, where's your horse?" and "What number is your teepee?" "Indian kids are shy, and can't take this," explains Gary Fife, 19, an Oklahoma Cherokee-Creek student at Northeastern State College.

Prejudice is as painful a fact to Indians as it is to blacks. Indians suffer just as harshly from biased history books. One text observes that "it is probably true that all the American Indian tribes in the course of their wandering lived for some generations on the frozen wastes of Alaska. This experience deadened their minds and killed their imagination and initiative." A white teacher in a Chippewa reservation school recently asked Indian children to write essays on "Why we are all happy the Pilgrims landed." Western movies and television, of course, still portray the Indian as the savage marauder. "How are you going to expect the Indian to feel a part of America when every television program shows him to be a brute or a stupid animal?" asks Ray Fadden, owner of a Mohawk museum in northern New York. On an Apache reservation, even an Indian girl was caught up in the TV drama. As an Indian actor crept up on an unsuspecting cowboy, the girl involuntarily shouted at the cowboy: "Get him! Get him!"

Indians smolder when the white operators of trading posts sell their Indian-crafted goods to tourists at 400% markups. They resent the white sportsmen who gun down caribou from airplanes, while their own hunting for lifesaving games is restricted by white laws. They become furious at the white shopkeepers' use of Indian religious symbols and bad portraits of Indian chiefs. Don Wilkerson, the Cherokee-Creek director of the Phoenix Indian Center, claims that a bar in Scottsdale, Ariz., has a huge picture of a great Indian chief on its roof as an advertising gimmick. "The Jewish people would not permit such treatment of one of their revered leaders," he says. "Nor would society allow Martin Luther King to be so humiliated."

ALCOHOLISM AND SUICIDE

Dispirited by poverty, rejected by a white culture in which they are often unable and unwilling to compete, many Indians choose death or drink. The suicide rate among Indian teen-agers is three times the national average; on some reservations it is ten times as high. Shattered by her parents' broken marriage, an 18-year-old Blackfoot girl not long ago killed herself on her Montana reservation with an overdose of tranquilizers, though she was an honor student. Accused of drinking during school hours, a 16-year-old youth on Idaho's Fort Hall Reservation hanged himself in the county jail. Just two days before, he had talked about conditions on the reservation with Senator Robert F. Kennedy.

Alcohol has long been a means of escape from boredom and pressures for Indians. On one Midwest reservation containing 4,600 adults. 44% of all the men and 21% of the women were arrested at least once for drunkenness in a span of three years. Many reservations have opened bars and liquor stores to keep Indians from killing themselves in auto accidents en route home from binges in the city. A much-repeated explanation quotes Bill Pensoneau, president of the National Indian Youth Council, as telling a new commissioner of Indian Affairs: "We drown ourselves in wine and smother ourselves in glue—because the only time we are free is when we're drunk."

THE PATERNALISTIC BIA

Sober or drunk, most Indians cite the Bureau of Indian Affairs when they lament their troubles. A unit of the Interior Department, it is supposed to help all native Americans under federal jurisdiction to achieve a better life, mainly by offering education and medical care and protecting their land, water and other treaty rights. More often, it suffocates Indians with its all-encompassing paternalistic authority. An Indian must have BIA permission to sell his land; he is taught by BIA teachers, and if he cannot support his children they may be taken from his home by the BIA and placed in boarding schools or with white foster parents. Most BIA employees are white.

The first Indian head of the BIA in this century was Robert Bennett, appointed by President Johnson in 1966 and admired by most moderate Indian leaders. An Oneida from Wisconsin and a career BIA man, Bennett resigned in dismay last July, charging that "the new Administration has completely ignored the Indians." His successor is Louis Bruce, part Mohawk and part Oglala Sioux, who seems just as frustrated as his people in dealing with the Great White Father. "I keep hearing terrible and sad things that are happening that I didn't know about." One trouble with the bureau, claims one of its most effective field men, is that it is overstaffed at top levels (there is one BIA employee for every 18 reservation Indians), and it takes three years to get new funds to pave a road. "We have created a monster," he says.

Indians have seen countless treaties broken, their lands diminished from 138 million acres in 1887 to 55 million acres today, their water diverted. They are convinced that the Government is determined eventually to dismiss the whole problem by terminating all reservations. Long a favorite white liberal policy, based on the assumption that all minorities will thrive by being assimilated into the mystical American melting pot, termination of the reservations is now heatedly rejected by nearly all Indian leaders. These Indians now want first to conserve all that is best of their own heritage, summed up in the slogan Integrity, Not Integration. They are thus moving in tandem with black groups that have rejected integration in favor of black power. Theoretically, at least, Indians have several advantages over the blacks in moving toward their goals. They have available a whole federal bureaucracy that professes to want the same end. While

they lack national unity, their tribal traditions give them a sense of self-identity. And above all, they have their own lands.[2]

TO KEEP THE LAND

The fight to preserve those lands and the water required to make their acreage livable is a constant one for U.S. Indians. The Senecas are still bitter about the 10,000 acres taken in 1964 by the Army Corps of Engineers for the Kinzua Dam. The Senecas were paid $3,000,000, but to them land is no mere matter of money—it is a spiritual as well as a sustaining resource. The Tuscaroras of New York lost 553 acres to a reservoir in the late 1950s. They were paid $850,000, only to learn that nearby Niagara University got $5,000,000 for just 200 acres.

Currently, Indians in New Mexico, Montana and California are locked in battles with various Government agencies for control of land and water. The Paiutes of western Nevada have watched their emerald-green Pyramid Lake, ancient source of their cutthroat trout, shrink to one-third its former size by various water-diversion projects. The lake's ecological balance has been destroyed, and most of the fish have died.

The most dramatic controversy over native lands is one now raging over the ownership of 90% of the acreage of Alaska. Aided by some of the nation's best lawyers, including former Supreme Court Justice Arthur Goldberg and former Attorney General Ramsey Clark, 55,000 Indians, Eskimos and Aleuts contend that they hold title to the Alaskan land because the U.S. did not puchase it from Russia in 1867; it bought only the right to tax and govern the territory. When Alaska became a state in 1959, the state began to assert claim to the area. It has seized 450,000 acres for itself. The natives are willing to give up all except 40 million acres—10% of the state—at a price of $500 million and a 2% royalty on revenues from the surrendered lands. If they do not get satisfaction this time, the native groups calculate that they have sufficient legal options to tie up the land in court contests for years.

Today activist Indians throughout the U.S. are determined to push all such holding operations to the limit of their resources, since they have seen the devastating impact of closed-down reservations. The Menominees of Wisconsin had good schools and community services, plus a sawmill owned by the tribe, when they were "terminated" in 1961. Since then, many Menominees have had to sell their lands to pay taxes in their new ownership status. The Indian hospital shut down and sawmill profits dwindled. As a result, the state paid out more than six times as much money in welfare to the Menominees as before—and the Menominees lost their identify. "The Menominee tribe is dead," reports Professor Gary Orfield in a study for the University of Chicago, "but for no good reason." Also terminated in 1961, Oregon's Klamath tribe suffered soaring rates in suicides, crime and drunkenness.

There are, however, encouraging signs of progress on some reservations. The Lummi tribe of Washington State, a sea-oriented people along Puget Sound, are using federal funds and considerable hard labor to develop the most advanced aquafarm in the U.S. They control the spawning and cultivating of oysters, the breeding of hybrid steelhead-rainbow trout and the harvesting of algae, used in making toothpaste, ice cream and pudding. It may net $1,000 an acre for the Indians, compared with at most $40 an acre in land farming.

[2] The first reservation opened in 1853, and the system still includes some 284 BIA-supervised enclaves. Indians are free to leave reservations whenever they wish, but those who do not live on them do not benefit from most Indian-aid programs. All Indians were granted full citizenship status in 1924.

Elsewhere some 150 commercial and industrial enterprises, among them General Dynamics and Fairchild Camera, have moved onto Indian reservations, enticed by the freedom from real estate taxes accorded reservation enterprises—and by cheap labor. They provide jobs and profits for individual Indians as well as their tribes. Simpson Cox, a white Phoenix lawyer, has spent 22 years with the Gila River Pima-Maricopa Indians, successfully pressing the Government to compensate the tribe fairly for confiscating their lands. He has helped them build industrial parks, a tourist center, a trade school, farms, community centers and an airstrip.

Antipoverty funds are also beginning to benefit Indians, since by any definition no group in the U.S. is more impoverished than Indians. One group utilizing such funds is Oklahoma for Indian Opportunity, founded by LaDonna Harris, the attractive, mixed-blood Comanche wife of Senator Fred Harris, chairman of the Democratic National Committee. Her group fights federal red tape to help reservation Indians, gathers evidence when whites discriminate against them, forms buying clubs to combat high grocery prices, trains young Indians for jobs and leadership. There are sharp contrasts in the efforts to help reservation Indians. Navajos at their tribal headquarters in Window Rock, Ariz., have eagerly taken to instruction in the use of a computer to handle industrial-development projects. In northern Minnesota, Indians had strayed so far from their traditions that white sportsmen had to be employed to teach them the rudiments of canoeing, water safety and fishing.

LIFE IN THE CITY

Indians also now have a few influential voices in the U.S. Congress. One of them belongs to Senator Edward Kennedy, whose subcommittee on Indian education recently charged that "our nation's policies and programs for educating American Indians are a national tragedy." Another friend is Minnesota Senator Walter Mondale. An honorary Chippewa chief, Mondale criticizes Indian schools as containing the elements of disaster. "The first thing an Indian learns is that he is a loser."

The Indians who move off the land and into big cities are indeed apt to become losers. More than 200,000 Indians have done so. They do not congregate as closely as blacks, partly because they meet less resistance in moving into low-income white neighborhoods. There are nearly 60,000 in Los Angeles, perhaps 20,000 in the San Francisco Bay area, about 12,000 in Phoenix, 15,000 on Chicago's North Side. Some 12,000 inhabit the Minneapolis-St. Paul area, almost half in shabby apartment houses and creaky Victorian houses near Minneapolis' Franklin Avenue, which cops and Indians alike call "the reservation."

TIME Correspondent Richard Saltonstall talked to many Indians who had tried the urban life. "Nobody mistreated me in Dallas," he was told by Donna Flood, a mixed-blood Ponca. "But I was unhappy there. It was too fast. There was noise, fumes, confusion—the white man's problems. In the city you lose your contact and feeling for the land. You become isolated." Hiner Doublehead, a Cherokee with two children, took his family to Chicago. "God, it was a jungle when we got there," he recalled. "The people lived like foreigners—unfriendly, clannish. It was the closeness and the crammed-in living that got to me. The bars were the only places to get acquainted and to unwind. But the friendships never went far. Nobody would invite you up to his house. I didn't feel like I was human up there."

Even the Indians who manage to make it often get restless and long to return to their reservation families for spiritual renewal. Many do so, abruptly abandoning jobs. It is the lure of the land, most often, that proves irresistible. "They used to tell me the land is like your mother," explains Tom Cook, a 21-year-old Mohawk. "The trees are like your brothers, as are the birds in the air and the fish in the water. They give you life; they give you food; they give you everything. It was so pretty the way my grandmother used to tell it." Cook attends college in New York City and is a full-time steelworker in Manhattan.

SOMETHING OF VALUE

Indian grievances are specific, but the goals of redress so far remain diffuse. There are no Indian leaders who, with any confidence of national support from their people, can speak on precisely what should be done. Traditionalists merely tend to look at the mountains that have sheltered their tribes for centuries and at the writings of their ancestral prophets, and they say patiently: "We'll outlast you whites." There are others who seek accommodation of white and Indian cultures. Says Ronnie Lupe, tribal chairman of the White Mountain Apaches: "We know what the white man offers us. There are certain comforts in your culture—good homes, good cars, good jobs—but there is a certain way to get these and yet retain our identity, and we have yet to find it."

But even that kind of reasonableness is dismissed by the new Indian militants as the talk of "Uncle Tom-Toms" or "Uncle Tomahawks" and "Stand-Around-the-Fort Indians." What these leaders seem to want most is for the Federal Government, which now spends only $500 million a year on aid to Indians, to increase its spending for Indian schools, roads, housing and medical care—and to stop smothering Indians with restrictive regulations and unwanted advice on how to run their affairs. They want their water and land rights protected and expanded, not contracted through treaty violations. They want help in attracting job-providing industries to their reservations, but they want to determine what kinds and how they will be operated. They want federal benevolence, in short, as compensation for the loss of more than half a continent, but they want to be free to go their own way—even though they are not yet certain of their direction.

The Indians' longing to live harmoniously with nature touches recesses of nostalgia in the minds of many Americans. Indeed, at a time when the drive to protect and restore the nation's physical environment is the most popular cause of the day, whites' guilt over their spoilage of air, land and water engenders a new admiration for those who have fought for so long to protect their own plains, lakes and hunting grounds. It would be wrong to romanticize Indian culture, but there is something to be valued, or at least envied, in a society that respects the wisdom of elders, enjoys the closeness of kinship, prefers tranquility to competition and sees little merit in 9-to-5 punctuality at a desk.

Although they now live in what one Indian calls "a schizoid world of fractured loyalties," all Indian leaders agree that the best of their ancient heritage is a priceless resource. To many white Americans, who are constantly told these days how much they have to feel guilty about, the demands of yet one more minority may seem almost more than the conscience can bear. Yet Indians can hardly be expected to keep their peace just because they have only lately joined the queue of those vociferously demanding social justice. If they continue to be rejected, many young Indians will continue to despair and will embrace the sentiments of Phil George, a young Nez Perce, who wrote:

> This summer I shall
> Return to our Longhouse
> Hide beneath a feathered hat
> And become an Old Man.

The new militants reject such resignation, and are determined that Indians be heard

along with all of America's second-class citizens. Their aim is nothing less than to reverse the perspectives of the races. Explains one:

You will forgive me if I tell you that my people were Americans for thousands of years before your people were. The question is not how you can Americanize us but how we can Americanize you. The first thing we want to teach you is that, in the American way of life, each man has respect of his brothers' vision. Because each of us respected his brother's dream, we enjoyed freedom here while your people were busy killing and enslaving one another across the water. We have a hard trail ahead of us, but we are not afraid of hard trails.

THE VIETNAM VETERAN—AMERICA'S MOST UNDERRATED HERO

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to include an address by Mr. James E. Merna, aide to the national commandant, Marine Corps League, before the Eastern Branch Kiwanis Club, Washington, D.C., on January 31, 1970.

Mr. Merna was introduced by Mr. George T. Stafford, administrator of the Cafritz Memorial Hospital, Washington, D.C., immediate past president of the Kiwanis Club, eastern branch, Washington, D.C.

Mr. Merna is himself an extraordinary young man. Orphaned at an early age he spent 10 years of his youth in two Catholic orphanages in Rockland County in my congressional district in New York. He served as a marine in active combat during the Korean war, and I believe that his remarks will be of great interest to every American.

The material follows:

INTRODUCTION OF GUEST SPEAKER, JAMES E. MERNA

This past Veterans Day, November 11th, President Nixon announced the inauguration of a program of visits by outstanding Americans to Veterans Administration Hospitals throughout the United States. He called the program the VIP Program—the initials *VIP* standing for *"Very Important Patients."*

The program is to involve nearly 500 outstanding Americans volunteering their time to visit hospitalized veterans. The volunteers will include famous names from the fields of entertainment, professional football, baseball, basketball, etc.

Well, I don't know if President Nixon is aware of it or not, but such a type program has been functioning practically within a shadow's length of the White House for the past 3½ years—right here in the Washington area—at Bethesda Naval Hospital, to be exact. The name of this program is Operation Appreciation.

Our guest speaker tonight is the originator and Chairman of Operation Appreciation. Operation Appreciation has been fantastically successful and is believed to be the Nation's first substantial and continuing aid program for returning Vietnam casualties. The program has received much national attention, has been cited by the Freedoms Foundation at Valley Forge, has been praised on the floors of Congress on many occasions, and most importantly, has served as a model and the impetus for adoption by numerous other organizations at hundreds of military and veterans hospitals across the country.

We have asked our speaker to tell us about Operation Appreciation. He will conclude his remarks with some personal observations about the Vietnam Veteran.

Before we begin the program, let me give you a little background about our guest speaker.

A native of New York, he spent 10 years of his youth in two Catholic orphanages in Rockland County, New York. He's a combat veteran of the Korean War, having served three years in the Marine Corps from 1950–1953. He's a 1957 graduate of the University of Maryland. He's a co-founder and Past Commandant of the Prince Georges County Detachment, Marine Corps League. Last year he served as State Commandant of the Marine Corps League in Maryland. Having progressed from local and state level, he is now serving as Aide to the National Commandant of the Marine Corps League.

In 1968, in nationwide competition he was named the *Marine of the Year* at the National Convention of the Marine Corps League in Bridgeport, Connecticut. Last year he was named one of the *Outstanding Young Men of America* for 1969 by the National Jaycees and the Outstanding Americans Foundation.

In professional life, he is a Government Public Affairs Officer with the Naval Supply Systems Command in Washington.

Married to his college sweetheart and the father of four children, he makes his home in New Carrollton, Maryland.

It gives me great pleasure to officially welcome and present our guest speaker—a recognized outstanding veteran spokesman, Mr. Jim Merna.

THE VIETNAM VETERAN—AMERICA'S MOST UNDERRATED WAR HERO

(By James E. Merna)

Operation Appreciation is the name of a volunteer "home-front support program" which we originated in the Washington area some 3½ years ago, in May, 1966. As the name implies, we had but one purpose in mind—we simply wanted to show our appreciation to the American fighting man—to let him know that he had not been forgotten—that his great personal sacrifices in defense of freedom were appreciated by many of his fellow Americans.

We began the program at Bethesda Naval Hospital shortly after the return back to the States of some of the first American casualties from the Vietnam War. We intentionally selected Bethesda Naval Hospital as the place to start this program because this was where the wounded Marines in this area were being sent for recuperation, rest, and treatment. Being former Marines, a few of us from the Prince Georges County (Maryland) Detachment, Marine Corps League felt that this was a situation where we might be able to be of some immediate assistance to our fellow Marines.

Well, what is Operation Appreciation? What kind of a job has it done and what form of assistance has it rendered?

In a nutshell, Operation Appreciation has provided a diversity of enjoyment and entertainment for the wounded Marine Corps and Navy Vietnam veterans at Bethesda. We believe it to be the Nation's first substantial and continuing aid program for returning Vietnam casualties.

Operation Appreciation has treated the Vietnam veterans at Bethesda Naval Hospital to more than 70 outings and entertainment and recreational events since its inception. These have ranged from taking the patients to all of the major sports events, both professional and collegiate, such as baseball, basketball, football, boxing, soccer, wrestling, stock car races and tennis matches, to such diverse social events, for example, as stage plays at the Washington National Theatre, concerts at Constitution Hall, pizza parties, firehouse parties, American Legion smokers, society lawn parties, Congressional receptions on Capitol Hill, embassy parties, and sports banquets.

Some of you may have noticed an article this week in the sports section of the Washington Post about the upcoming heavyweight championship fight next month at Madison Square Garden in New York between Joe Frazier and Jimmy Ellis. A New York Congressman, Representative Martin B. McKneally is trying to organize one of the most unusual boxing promotions in years—having the world's heavyweight title contenders, Frazier and Ellis, put on an exhibition match in the House of Representatives gymnasium before their championship bout. Congressman Jim Wright of Texas is even hopeful at this time of being allowed to spar a short round with either contender, should the proposed match in Washington come off.

I spoke to Congressman McKneally about this on Wednesday over the phone. I told him I hoped the exhibition would take place and that if it did, I would like to bring a group of wounded Marines from the hospital as his guests to watch the match. Congressman McKneally informed me he is confident that the proposed match may take place shortly and that he would be delighted to have the "Gyrenes," as he affectionately called them, as his guests.

When we take the patients on an outing, and we've had up to as many as 150 at one time, we usually try to make arrangements to take them behind the scenes, into the locker room after a baseball game, for example, to meet with Brooks Robinson of the Baltimore Orioles, or back stage after a performance at Washington's National Theatre for a visit with actress Myrna Loy or singer Miss Pearl Bailey.

Operation Appreciation is also concerned about the long and sometimes lonely hours at Bethesda and, to help brighten at least some of them, it arranges for variety shows and "cheer-up" visits by friends, the serviceman's Congressman, pretty girls, local talent, and prominent personalities.

On one occasion, thanks to a referral that I had received from sportswriter Bob Addie of the Washington Post, it was Joe Garagiola of baseball and radio and television fame that I contacted at his home in Scarsdale, New York with a request to come to Bethesda for a visit with the patients. Joe promptly adjusted his schedule and paid a generous visit. He was an instant success with his highly amusing banter of sports stories and film clips from national television shows on which he had appeared.

The Washington Redskins football team is one of the most popular groups we've ever brought to the hospital. Sonny Jurgensen, Sam Huff, and Bobby Mitchell received the biggest ovation of all the players. I will always remember this encounter of both groups, the young wounded Marines and the pro football players, each idolizing each other and each representative of teamwork at its finest. In my opinion, it was a meeting of "champions among champions."

Singer Judy Garland was another celebrity that I was fortunate to persuade to come to Bethesda. Accompanied by a piano on wheels, Miss Garland went from ward to ward bringing chants of music and cheer to the combat-weary Marines.

Another distinguished visitor whom we escorted to Bethesda was Mrs. William Henry Sullivan, Jr., the National President-General of the Daughters of the American Revolution. Seeing first-hand the results of Operation Appreciation, Mrs. Sullivan saw to it that the doors to Constitution Hall were opened wide for free admittance to concerts

by hospitalized servicemen. She also saw to it that our program was adopted nationally by the hundreds of D.A.R. Chapters across the country.

We have also conducted gift drives for the patients on occasion and the response has always been most heart-warming, resulting in a deluge of gifts and small necessities, thanks to the generosity of many local and national business firms.

Operation Appreciation has many supporters. Our most active and interested booster by far is Mrs. Marjorie Merriweather Post, well known Washington socialite and philanthropist. Words are inadequate to express the high esteem which the Marine Corps, the Marine Corps League, the patients and staff at Bethesda Naval Hospital hold in their hearts for this gracious and compassionate lady. In her own unheralded way, Mrs. Post has provided financial support making possible many of the activities of Operation Appreciation. She constantly inquires about the welfare and progress of "her boys" at Bethesda and has entertained hundreds of Vietnam Veterans at gala parties at Hillwood, her Washington estate, on a number of occasions.

This then, in quick fashion, is what Operation Appreciation is all about. It's simply a people-to-people way of saying "thank you" to some truly deserving and outstanding young Americans.

I have had the opportunity and the privilege to appear before community, civic, and other fine service-oriented groups such as Kiwanis here tonight to explain Operation Appreciation and to urge adoption of similar programs at the many military and veterans hospitals throughout this great land of ours. I believe we've attained many fine results. The program has been editorially endorsed by leading newspapers and has been adopted by other organizations. It has been cited at length in the Congressional Record a number of times which has helped immensely to spread the word nationally.

It is imperative that programs of this type be continued throughout the Nation because the war in Vietnam is far from over and many casualties continue to return home daily for recuperation and rehabilitation. To date, more than 265,000 Americans have been wounded in action in Vietnam. Many of these servicemen will be hospitalized for a long time to come.

For anyone who gets involved in a program of this type, he or she will find that the hours oftentimes are long but the rewards in terms of personal satisfaction and gratification are many.

With your indulgence, I would like to be permitted to say a few words about this remarkable young man of our times—the Vietnam Veteran. After coming into contact with, working with, and literally counseling hundreds and hundreds of these fine young Americans, I believe I have formed some personal opinions and observations about these men from a unique and close personal vantage point. I would like to share some of these thoughts with you.

And while I'm referring primarily to the young Marine of today, the same thoughts can be equally expressed for our gallant soldiers, sailors, airmen, and Coast Guardsmen who are performing just as valiantly and courageously in the struggle against Communist aggression.

In my opinion, the Vietnam Veteran is the most under-rated American war hero of all times—he's truly our unheralded young patriot. Never before in our almost 200 years of existence have we sent our brave defenders to battle lacking the home-front support that they do today.

This young fighting man goes to war quietly and efficiently. In Vietnam, he faces countless hardships and death. But, in the tradition so well established by his forefathers, he does his duty. And when he comes home, he can be sure there will be no national outburst of emotion or flag-waving in his behalf. To the contrary, he comes home as quietly as he left. Many of these modern American heroes return home often as strangers in their own land. They are not greeted as the heroes that they are—but as someone to be forgotten rather than revered—as someone who has been guilty of some wrongdoing.

Compare this attitude and treatment and lack of respect to our returning veterans of World War II! And even Korea! Then it was clearly a case of appreciation and pride—both for the serviceman and his uniform and all that he represented.

Today, in the words of the President of the United States himself, it's "Open Season on the Armed Forces." We see all about us a growing disenchantment with the military establishment and anything even remotely connected with defense preparedness.

What effect does all of this have, particularly the wave of anti-war moratorium demonstrations on our fighting men, the young men of today who bear arms in United States uniform and whom I have heard described by General Lew Walt, the Assistant Commandant of the Marine Corps as "the smartest, toughest, best led, and most highly motivated youngster who ever shouldered a rifle in the defense of this country."

Frankly, he doesn't pay too much attention to it. He doesn't have time. As the Navy's top Chaplain Rear Admiral James W. Kelly recently remarked upon his return from his annual Christmas visit to Vietnam, "the U.S. serviceman in Vietnam is less concerned about public opinion than the job at hand." He went on to say that dissent at home has been met with the attitude of "disgust" among U.S. fighting men. The effect on our troops morale has been insignificant, he added, but he feels the recent moratorium demonstrations may have inspired the enemy.

The Commandant of the Marine Corps, General Leonard F. Chapman, Jr. recently expressed some concern about this same problem and drew an appropriate analogy of the stiuation. He recalled attending the State Dinner last August for the Moon Astronauts—one of many tributes to the bravery and skill of these incredible men. As he watched and listened throughout the festive occasion, he couldn't help thinking about the bravery and skill of the young Marines in Vietnam. He noticed a serious and highly disturbing difference. Our astronauts were cheered on by all of the American people and were greeted enthusiastically when they returned. It's obvious, he thought to himself, that we can't say the same of the young veterans of Vietnam. Many Americans do not support him—to many outright reject him when he returns.

That same individual Marine, I have found, doesn't like being referred to as a tool of imperialistic aggression, *especially when the accusation is made in an American accent.* But he doesn't pay too much attention to it. He's too busy manning the outposts of freedom—or searching for mines set by North Vietnamese soldiers—mines that have killed and injured more Vietnamese civilians than they have American troops.

He's a remarkable young fellow doing a man-sized job in Vietnam—our man in uniform. And young indeed he is—the average age of the 80,000 Marines that General Walt commanded when he was Commanding General of the Third Marine Amphibious Force in Vietnam was 19. But he's got a pride in his heritage and maturity beyond his youthfulness. He's one of the finest American Ambassadors the world has ever seen.

I have mentioned the high dedication and sense of purpose of the modern Marine. He believes in what he is fighting for—he is convinced that our commitment is just. And he *proves* his commitment by his actions. Since the first Marines became eligible for rotation home from Vietnam in 1966, a total of nearly 40,000 Marines have voluntarily extended their tours for 6 months or more in that country. This is the equivalent of two full Marine Divisions. Of all Marines eligible to vote, 75% cast their ballots in the last national election—far greater than the 60% nationwide participation by eligible voters as recorded by the Gallup poll. This is what the young Marine—the young American—thinks of the American effort in Vietnam—this is how he sees his duty—this is a good example of how highly the individual Marine values his citizenship.

According to official Veterans Administration statistics, there are now approximately 3 million, 400 thousand Vietnam era veterans back in civilian life. Seven hundred thousand enrolled this past Fall in education and training under the Vietnam G.I. Bill—approximately 380,000 are attending the nation's colleges and universities.

And I'm sure that most of them are typical of the determination of two of Prince Georges County's finest young citizens, Charles E. "Butch" Joeckel, Jr. of Colmar Manor (Maryland) and John Clements of Cheverly (Maryland). Both of these young men were seriously wounded in combat while serving with the Marine Corps in Vietnam. Butch lost both of his legs from an enemy land-mine while leading a patrol; John Clements was awarded three Purple Hearts for his heroic efforts out there. He'll probably need the continued use of his cane to help him walk, for the rest of his life. Both were retired on disability from the Corps due to their injuries—both are currently full-time students under the G.I. Bill. You ought to see them together strolling the campus of Prince Georges Community College, each helping the other on their way to classes. Witnessing their determination gives you a great feeling of pride.

"Butch" and John, I feel, are typical of the nearly half a million inspired young men who are returning home from Vietnam each year. They are the "mature Americans" of tomorrow. They're not going to shed the mantle of leadership—the qualities of character—the firm determination they have acquired—when they return. As General Walt has said, "They've been shot at for real, and they are not going to let anything keep them from taking a stand on issues involving the security of this country. They have the responsibility for America's position in the world on their shoulders now. And they'll all have the responsibilities of citizenship to fulfill in the years to come. And they'll do a good job."

Finally, let us never forget the valiant 40,300 American servicemen who have paid the supreme sacrifice in Vietnam. We must make sure that their sacrifices have not been in vain. More than 100 of those who lost their lives are from our own Prince Georges County—heroes like 20 year old Warrant Officer Tom King of New Carrollton, an Army helicopter pilot whose plane was shot down by enemy fire; Lance Corporal Stephen E. Belcher, an 18 year old Marine from Avondale who was killed by mortar fire while on a search-and-destroy mission and who was voted the outstanding athlete of the Hyattsville-Brentwood Boys Club; and Marine Captain James A. Graham of Forestville who won the Nation's highest award, the Medal of Honor for personal heroism above and beyond the call of duty.

Captain Graham, in the thick of battle and while personally accounting for 15 enemy killed, had been ordered by his battalion commander to withdraw to friendly lines. The Captain reacted by sending all of his men back except one man who could not moved due to the seriousness of his wounds. He apologized to his Battalion Commander for not completely carrying out the order to withdraw, but said, "I just can't leave this young Marine, keep the fire coming though,

Colonel, we are hurting them." About 20 minutes later, Captain Graham radioed: "This is my last transmission. I am being assaulted by at least 25 of them. It's been a pleasure soldiering with you." Those were his last words.

I was privileged to be in attendance on October 29, 1968 when the Medal of Honor was posthumously presented to the Captain's widow. I talked to Mrs. Graham after the ceremony and extended an offer of assistance from the Marine Corps League. With a sense of great pride and much confidence in the future, Mrs. Graham, a mother of two young children replied, "I don't have half as many problems as I have offers of assistance." She impressed me as a woman who is every bit as brave as her husband was.

Well, we're not going to let the memory of these courageous heroes to be soon forgotten. The Marine Corps League is pushing ahead with plans to build a Vietnam Memorial in their honor as a fitting tribute to all servicemen who gave their lives in Vietnam. The Memorial is to be built in Largo, Maryland, near the site of the new Prince Georges Community College on land already promised to be donated by the County Government. The Memorial has already been designed, free of charge, by a professional architect, Mr. Thomas Kerley of Cheverly. All that remains to be done is to raise the necessary funds to build it.

This is a task that cannot be accomplished by any one group alone. We are hopeful that by means of public subscription and contributions and through the assistance of interested business and civic and service organizations throughout the area, the Memorial may soon be a reality.

In conclusion, I think it is clear that we have seen vivid examples of our servicemen in Vietnam to continue the course to its end. *We need determination like that here at home too.* As grateful Americans, we need to continue to show our faith in these men—we must honor them—and we must give them their due recognition and a true showing of our appreciation.

POINT REYES NATIONAL SEASHORE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. COHELAN. Mr. Speaker, tomorrow, February 10, Members of this House will have an opportunity to cast a crucial vote to save a very special natural treasure, Point Reyes National Seashore.

As Gladwin Hill put in the New York Times of August 5, 1969:

> Point Reyes is a 100-square-mile peninsular encompassing an unusual array of fascinating and beautiful terrain, flora, and fauna.
>
> Pastoral countryside dotted with dairy herds merges magically into a "Black Forest" of towering Douglas firs. The forest gives way to moors, dunes, estuaries, granite headlands and plunging canyons. California poppies and lupine, wild roses and lilac carpet the slopes. Between the tidelands and ridges are creatures ranging from oysters and elephant seals to mountain lions, cormorants and egrets.

Eight years ago, the Congress enacted and President Kennedy approved, a bill to authorize Point Reyes National Seashore. I cosponsored that bill together with our late colleagues, Clem Miller and Clair Engle.

At Point Reyes, as elsewhere, however, our reach exceeded our grasp as land values shot up faster by far than the funds appropriated to buy the land. Moreover, the original authorizing legislation contemplated, and so provided, that roughly half the land within the seashore would continue to be undisturbed in conforming pastoral uses such as dairying and ranching. In a patchwork park, however, where the boundaries between public and private lands are hard to discern, taxes and other natural changes have made it impossible for many of the owners to continue to hold their land at Point Reyes.

At the same time, people have been coming to the seashore in ever-growing numbers. In 1969, over 992,000 visitors came from every State in the Union, and from foreign countries as well, to enjoy this "island in time," this unique "wild peninsula," only 30 miles from San Francisco.

H.R. 3786, the bill we take up tomorrow, will not affect those citizens who wish to continue to live or ranch at Point Reyes. It will, however, authorize funds needed to save those lands for the American people which would otherwise be lost to the bulldozer, the subdivider, the developer.

A grassroots citizen effort to "save our seashore" developed in Marin County, Calif., which includes Point Reyes; it spread to the San Francisco Bay area, and has now aroused nationwide interest. It has become a bellwether of the conservation cause. It has enlisted support from concerned citizens across the country, and that support and concern has naturally been expressed in the press.

After Gladwin Hill's article in the New York Times of August 5, 1969, William Steif of the Scripps-Howard newspapers, Robert Hornig in the Washington Star, Spencer Rich in the Washington Post, and the Wall Street Journal all drew attention to the conservation crisis, each with specific emphasis on Point Reyes.

In October 1969, Marquis Childs devoted a nationally syndicated column to this question of dwindling, yet priceless, natural assets versus dwindling conservation dollars. Mr. Childs used Point Reyes as a case in point.

The Los Angeles Times of October 27, 1969, evinced its interest and that of its subscribers in preserving Point Reyes National Seashore, hundreds of miles away, in an article by Philip Hager. Mr. Hager described both the problems and the advantages in saving the seashore.

In its commonsense way, the Deseret News of Salt Lake City, on November 10, 1969, posed the question we face next Tuesday this way:

> Which is more important—a properly developed national seashore for all Americans, or 30,940 acres of subdivided real estate for a few Californians?

The Deseret News hit the nail on the head.

The Wall Street Journal of November 20, 1969, likewise reflected both the widespread citizen interest in environmental issues and its focus on Point Reyes as the cutting edge, so to speak, of the conservation blade. James E. Bylius' article entitled, "Conservation Gains Political Weight."

Mr. Speaker, I am an old believer both as to Point Reyes and the conservation crisis which confronts us all. The articles and editorials I have included with these remarks show, I think, that the national press has expressed that concern on a national basis.

Point Reyes National Seashore has become a symbol of our hopes, a trail blazer. If we vote tomorrow to save it, many other precious areas in every part of our country may also be saved for present and future generations of Americans.

I hope and expect that Members of this House will join me tomorrow in voting to save our seashore at Point Reyes.

The articles and editorials follow:

[From the Washington Post, Oct. 22, 1969]

SUB-DIVIDERS ARE THREATENING LAST AREAS OF UNSPOILED LAND

(By Marquis Childs)

SAN FRANCISCO.—The lure of California is one of the most remarkable phenomena of our time. Like a great magnet it pulls people—young, old, a vanguard of hippies, escapees, opters out—from the rest of the country to this slope on the Pacific shore.

Even for the Chamber of Commerce boosters this is almost too much of a good thing. Like the frantic movements of the lemmings to the seashore, with an instinctual drive that sends them finally to their destruction, there will soon be standing room only if the present rate of growth continues.

Nothing could illustrate this better than the controversy over the Point Reyes national seashore. A beautiful, still relatively untouched peninsula about an hour from San Francisco, Point Reyes is one of the few spots on the coast that has not fallen to the developers and the sub-dividers. With the parks in the metropolitan bay area hideously overcrowded, Point Reyes is a natural outlet for city dwellers in search of quiet and unspoiled beauty.

But the sub-dividers are on the doorstep and pressing hard. Less than half the land for Point Reyes has been acquired by the federal government since the project was authorized in 1962. With each passing year land values have sharply increased. And now the White House is saying through the Bureau of the Budget that a freeze is imperative through 1973 to hold down spending and hold inflation.

Other parks and seashores staked out by Congress to save a part of vanishing America before it is all paved with concrete are also threatened by the double-squeeze of inflation and economy. Besides Point Reyes, Cape Cod in Massachusetts, Assateague Island in Maryland and Padre Island in Texas are in half-completed state, threatened by the land speculators who stand to gain from federal delay.

The Nixon administration has been generous with rhetoric. Secretary of Interior Walter Hickel, in a speech to the National Park and Recreation Association in Chicago, proposed a $6.3 billion development program for urban parks.

Point Reyes precisely fits this description. But Hickel in the same speech included an escape hatch that negated much of the fine rhetoric. "Present fiscal restraints" would very likely make it impossible to ask Congress for any funds to make the grandiose dream a reality. The Hickel speech coincided with a letter from Budget Director Robert Mayo to House Interior Chairman Wayne

Aspinall warning that under "present constraints" land purchase for parks and recreation areas would not be completed until mid-1973.

The conservationists are going into battle over Point Reyes, and nowhere is the breed more aggressive and determined than in California. Aspinall is moving to get added funds out of Congress. So, that untouched shore may still be saved.

But the economizers have the final say. Congress can propose but the Bureau of the Budget disposes by freezing extra money that may be voted. As the people push accelerates, the standing-room-only sign covers more and more of a once-free land.

[From the Los Angeles (Calif.) Times, Oct. 27, 1969]

PRESSURE MOUNTING TO PRESERVE POINT REYES NATIONAL SEASHORE—LEGISLATORS AND CONSERVATIONISTS JOIN IN CAMPAIGN TO GET NIXON'S HELP IN SAVING SPECTACULAR SCENIC LANDMARK

(By Philip Hager)

POINT REYES.—Legislators and conservationists are applying increasing pressure on the Nixon Administration to help save the Point Reyes National Seashore, an historic and spectacularly scenic landmark 30 miles north of San Francisco.

"If we don't act soon, the park will never come into being," says Peter Behr, a 54-year-old San Francisco attorney who leads an aggressive citizens campaign. "There'll be nothing to stop the developers from putting in high-rise hotels and shopping centers."

Behr's organization, called Save Our Seashore, has joined with 26 California congressmen—including Sens. Alan Cranston and George Murphy—in behalf of a legislative appropriation to buy the remaining private land in the area to complete the park.

AREA REMAINS UNSPOILED

The House Interior Committee begins hearing on the proposal on Nov. 13.

Point Reyes today remains largely unspoiled, not too different perhaps from the way it was when Sir Francis Drake is said to have sailed the Golden Hind into its harbor in the summer of 1579. The 100-mile square peninsula is lined with vast sandy beaches. In the spring wild flowers flourish on its rolling hills. Extensive wild life—deer, mountain lions and rare bald eagles—roams a forest of tall Douglas firs.

Seven years ago, President John F. Kennedy signed a bill authorizing the Point Reyes National Seashore. Conservationists rejoiced—they thought the area was saved from exploitation and ruin.

But in the ensuing years, Congress appropriated barely $20 million, sufficient only to acquire 22,543 of the 53,483 acres within the park's boundaries.

Land prices continued to rise—almost 10% a year—as speculators moved in; taxes climbed and placed a heavy burden on landowners waiting for the government to act. Meanwhile, the number of visitors to the area grew and put increasing pressure on its facilities: some 660,000 visitors are expected in 1970—compared to 520,000 in 1967.

Now the park is an irregular and confusing patchwork of private and public land—almost impossible to administer and bewildering to visitors.

Supporters of the pending legislation say the park can be saved if Congress appropriates about $38 million—enough to buy the rest of the private lands.

CLAIM FUND IS SUFFICIENT

Presumably, the money could come from the Land and Water Conservation Fund, a $200 million-a-year reserve established by Congress last year, exactly for such purposes. Conservationists say there is more than enough in the fund now to preserve Point Reyes and several other park sites in similarly precarious positions.

But an economy-minded Bureau of the Budget hesitates to approve further park acquisitions, pointing to a backlog of obligations still not funded. In a letter to Rep. Wayne Aspinall (D-Colo.) chairman of the House Interior Committee, bureau director Robert P. Mayo said:

"While in the circumstances we would have no objection to . . . increasing the authorization ceiling at Point Reyes National Seashore . . . We must reiterate that funds likely to become available will not be sufficient to permit acquisition of such areas without extensive curtailment in already programmed land acquisition."

Aspinall was displeased. He replied: "The Administration is not keeping faith with Congress, which intended that this $200 million a year be available despite any other budget restrictions."

Interior Secretary Walter J. Hickel last week, said he was "pushing" for a Point Reyes appropriation. But conservationists note with dissatisfaction that the department also has proposed that 9,200 acres of the land in the area be sold to developers for residential uses.

At this point, park supporters are not optimistic. But they believe their best bet is to stress that Point Reyes meets the Administration's stated desire to develop parks that serve urban areas. They note further that the longer the Administration waits the higher land prices will become.

Lloyd Tupling, the Sierra Club's Washington representative, observed: "Here is land that's going to be put to the bulldozer, split up by real estate developers. There's money in the Treasury, earmarked for this specific purpose. Why in the hell can't we get going?"

Others speculate that the increased political appeal of environmental causes may inspire the Administration to change its mind on Point Reyes. "Look at it this way," says a conservationist. "This park will serve five million people in this area—an area that neither President Nixon, Gov. Reagan or Sen. Murphy have done well in politically. We're hoping Murphy, who's up for reelection, can get something done."

STATE LEVEL VIEW

On the state level, Assemblyman Edwin Z'Berg (D-Sacramento) and William T. Bagley (R-San Rafael) have proposed that the Legislature appropriate $10 million to supplement federal funds to complete the park-land acquisition.

S.O.S., the citizens' group, has gone to work hoping to stir public interest in Point Reyes through a petition campaign (aiming for a million signatures), mass mailings pleading for letters and wires to President Nixon and educational programs at schools, service clubs and other public gathering places.

"This is the fastest growing area in California," says Peter Behr, a former Marin County supervisor. "We need to save this seashore for our children and grandchildren. God will provide more babies in the future but not more land."

TEMPTING OFFERS

Meanwhile, the owners of remaining private land at Point Reyes say they can't hold out much longer against the tempting offers from developers.

"It's obviously a red-ink situation to hold property that you pay more in taxes for than you receive in income," says Gordon Pusser, president of Land Investors Research, the firm that operates Pierce Ranch, a choice 2,500-acre property on the park site.

Pusser says the ranch earns about $7,500 a year in income from dairy and beef cattle while costing more than $20,000 a year in property taxes.

The situation is similar to another piece of land, the 2,500-acre Lake Ranch, where owner William Sweet reports taxes of $22,000 a year on income from leases of about $2,400.

Another pressure on land owners stems from the patchwork pattern of the park. Visitors unknowingly wander onto private land and in some instances, an owner reports, serious—even fatal—accidents have occurred, after which visitors looking for assistance from park authorities have discovered they were on private lands. "People have come to the farmhouses thinking they'd find a forest ranger or park personnel to help them," says the landowner. "There's an awful lot of confusion."

[From the Salt Lake City (Utah) Deseret News, Nov. 10, 1969]

TO SAVE SEASHORE, NIXON SHOULD ACT

Which is more important—a properly developed national seashore for all Americans, or 30,940 acres of subdivided real estate for a few Californians?

That is a question now facing Americans at Pt. Reyes, 30 miles north of San Francisco. Whatever decision is made at Pt. Reyes will affect the opportunity of future generations to enjoy the sea, sand, scenery, wildlife, quiet forests and a feeling of tranquility there.

Pt. Reyes is also a test case. Whatever happens here indicates what Americans can expect elsewhere in "pavement vs. park" questions under the Nixon Administration.

Pt. Reyes was recommended for national park status more than 30 years ago by Conrad L. Wirth, then National Park Service director. Cited were the "miles of Douglas fir forests, bird-rich beaches, and miles of scenic paths." Wirth indicated the area was "worth more as a public park than under a subdivision shovel."

Pres. John F. Kennedy set Pt. Reyes aside in 1962 as a national seashore, "the western counterpart of Cape Cod."

Some land was purchased immediately for $20 million. A $14 million price tag was placed on the remainder, "to be purchased when funds became available."

No further action was taken. The delay was costly. The land now appraises at $38 million.

One reason for the burgeoning cost, of course, is proximity to San Francisco. But it is also a reason why extensive use of the seashore can be expected.

Pt. Reyes federal holdings are presently "so fragmented and scattered that they cannot be administered," according to Under Secretary of Interior Russell Train. One property owner says people constantly wander over his land, "not knowing which is private and which is park."

Many landowners would like to sell. But as one says, "we aren't certain whether the government wants to buy." The owner, who paid $22,000 taxes there last year, compared to $2,400 profits, can't be blamed for selling to a private real estate developer in the near future.

Nor can the developers be expected to wait forever.

Any further delays by the Nixon Administration would be an invitation to private development—and a public loss.

And any more extended delays before ultimate acquisition could cost the American taxpayers several more million dollars. Let's act now.

[From the Wall Street Journal, Nov. 20, 1969]

CONSERVATION GAINS POLITICAL WEIGHT

(By James E. Bylin)

SAN FRANCISCO.—"Politicians of all parties and persuasions are speaking up in forceful terms in unprecedented ways. Solid achievements are still few and far between, but the willingness to embrace the idea is really significant."

Or, to paraphrase these comments by Michael McCloskey, executive director of the Sierra Club, conservation is becoming more

fashionable among politicians. "The mood has changed dramatically in the last year," adds Peter Behr, a slightly built lawyer who helped lead a successful fight for strengthened state legislation against filling parts of San Francisco Bay. "Conservation has become a synonym for survival. Formerly, it was considered a delightful hobby practiced above the 10,000-foot level by a few eccentrics."

As the ebullient quotations suggest, vibrations are presently good among Northern California conservationists—the most militant variety of that species. Their spirits hit a new high last week, when President Nixon announced the Administration will after all support spending an extra $38 million to save Point Reyes National Seashore from impending development. The extra money had been blocked by the Administration's anti-inflation drive. Conservationists now look on the President's announcement of support as not only a victory for their cause, but an encouraging sign on attitudes toward conservation by the Nixon Administration and by politicians generally.

Point Reyes is a lake-dotted, 100-square-mile triangle of sweeping beaches, wooded ridges, rolling hills and grassy moors alive with wildlife. Little changed from the 16th century when Sir Francis Drake first landed there, it's only 30 miles north of San Francisco. Within a 100-mile radius, some five million people reside.

Conservationists once before felt the long battle for Point Reyes was won—in 1962 when President Kennedy signed legislation authorizing it as a national seashore. Seven years and $19 million later, though, Point Reyes turned out to be a blueprint on how not to put together a national park.

In fact, it isn't even half a park. Rather, it's a confused checkerboard of Federally and privately owned lands coexisting in disharmony. Private lands block visitors from one public tract to another, park administration is a headache and ranchers complain about unintentional trespassers asking directions and seeking restrooms. Private owners were grumbling that they would have to subdivide their land unless Uncle Sam purchased the property—and soon.

A $14 MILLION "SHOESTRING"

Federal officials, in essence, attempted to put together the 53,800-acre park on a shoestring, if $14 million—the original appropriation for land acquisition—can be called a shoestring. The idea was called the "hole in the donut." Some 23,000 acres of ranch and dairy land in the north and central regions would remain in private hands as a so-called compatible "pastoral zone." Recreational development would largely be concentrated in the south, with the southern property as well as the land girdling the entire park being acquired with the $14 million as well as land exchanges.

The donut quickly began to crumble. The pastoral zone was predicated on that property continuing in its long-standing agrarian use. But deaths in the families of some property owners forced their heirs to put the land on the block to pay off stiff inheritance taxes. Too, Point Reyes' mere designation as a national seashore sent property values soaring 10% to 20% a year. The result: Property taxes outpaced income and more land went up for sale. The Federal Government, with the right of first refusal, had to divert funds to buy land in the north to keep it out of the hands of anxious developers who were now swarming around Point Reyes. These diversions from the south, sharply increasing land prices and bureaucratic delays in closing deals exhausted the $14 million as well as a fresh infusion of $5.2 million in 1966.

Land exchanges also fell through. For example, the "jewel" of southern Point Reyes is considered the 2,500-acre Lake Ranch, which is owned by an Oregon lumberman. National park officials arranged to swap the ranch for Bureau of Land Management timberland in Oregon, but Mark Hatfield, then Governor of Oregon, blocked the deal as a giveaway for his state.

The upshot of all this was the present patchwork park. The Federal Government owns 22,543 acres and private interests nearly 31,000 widely scattered acres. With rising taxes and expenses, many private owners were considering offering their land for private development, which would have effectively blocked its future acquisition as parkland and left a park speckled with apartments and houses. The owner of the Lake Ranch says he's paying $22,000 a year in taxes on ranch income of only $2,400. His property has already been surveyed into 40-acre plots.

The $38 million needed to acquire the remaining private lands, though, had not been budgeted by Federal planners, though the California Congressional delegation was strongly pro-Point Reyes. Seven identical bills to grant the extra money were introduced in the House by 26 Californians. The legislation was also supported by both of California's politically diverse Senators, George Murphy and Alan Cranston.

Conservationists here also switched their sights to the Point Reyes battle. Fresh from the San Francisco Bay fight, Peter Behr's non-partisan, ad hoc "Save Our Bay" committee became "Save Our Seashore," or SOS. A variety of local groups, including both liberal and conservative political organizations, backed the ensuing petition drive, which sent some 250,000 signatures to President Nixon.

In this context, the President was cast as the villain who was going to permit the park to fall to the bulldozers. Along with the conservationists, the good guys were the Department of Interior, which wanted the park completed, and Congress, which appeared willing to appropriate the money. They were stopped by Nixon's men controlling the purse strings—the Bureau of the Budget—who said the money wouldn't be spent even if it were appropriated.

The money debate swirled around the Land and Water Conservation Fund, passed by Congress in 1965 and amended in 1968. The fund provided $200 million a year for a continuing, stable park land acquisition program. Previously, the Interior Department had to request acquisition funds on a year-to-year basis in its own budget. The fund's money comes from the sale of surplus federal property, taxes on motorboat fuel and park entrances fees, and a portion of Federal offshore oil royalties.

While Congress appropriates from the fund, only the President can spend the money. As an anti-inflationary measure, President Nixon's Bureau of the Budget (following the lead of President Johnson, who had never spent the full amount) decided not to budget the full 200 million. The Bureau earmarked 124 million for spending in the current fiscal year. With Federal matching funds to the states and other commitments, only $17 million would be left for all new Federal land acquisitions, effectively ruling out Point Reyes.

But observers, noticing some Congressmen were beginning to chafe under this policy, felt Congress would appropriate the money anyway. Rep. Wayne Aspinall of Colorado, the influential chairman of the House Interior and Insular Affairs Committee, said his parks subcommittee routinely approved the $38 million appropriation Nov. 14, despite a letter from Budget Director Robert Mayo that the money wouldn't be spent.

This sentiment particularly heartened conservationists because it indicated Congress was setting aside pork barrel politics in its deliberations. Otherwise, the chances for Point Reyes may have been slim—it's in the same Congressional District as the new $92 million Redwood National Park, a district represented by a Republican, Donald Clausen, in a Democratic Congress.

PRESIDENTIAL SUPPORT

They were heartened even more by last week's announcement. President Nixon, flanked by Rep. Clausen and Sen. Murphy, announced his decision after a series of closed meetings: He would support the Point Reyes funds, $7 million this year and $31 million over the next two years. (Conservationists had supported a lump-sum $38 million appropriation, but had themselves noted it would be spent over a three-year period.)

Conservationists also singled out Sen. Murphy for praise as the prime mover in the President's shift. The Senator, a man close to President Nixon, has never been closely identified with conesrvationist causes. Others more cynical noted that neither President Nixon nor Sen. Murphy have run particularly well in Northern California and Sen. Murphy is up for reelection next year.

In any case, Administration support insures that the money will be spent once it is appropriated by Congress, and conservationists here see little obstacle in passing the bill through that already receptive body. The completion of Point Reyes into a cohesive park now seems all but assured. High rise apartments and other developments won't be interspersed amid the park lands to be visited by nearly a million persons this year.

A plain lesson might be to avoid a repetition of the Point Reyes escapades. Says California Rep. Harold Johnson, a member of the House Interior committee, "Although our experience at Point Reyes has been unfortunate from the standpoint of early completion . . . it is one of the most instructive examples of the price escalation problem we have experienced. As a result of what we have learned at Point Reyes, we have already begun to improve the land acquisition policies and procedures of the whole National Park System."

A wider lesson, though, would seem to be that conservationist campaigns are growing increasingly likely to be effective. Even before the Point Reyes victory, conservationists said they were detecting increasing evidence that growing national concern over environmental problems isn't being lost on public officials.

Here in California, top Democrats vow conservation will be a major issue in their efforts to recoup power next year. Republican legislative leaders are pledging an "Environmental Bill of Rights" to guarantee unspoiled wilderness and clean air and water for every resident. Gov. Reagan, an anathema to many conservationists, last week sponsored a conservation conference for 1,000 conservationists, businessmen, government officials and others. His detractors were largely reduced to criticizing its composition as including people who are responsible for environmental pollution. Other conservationists, tired of talking to themselves, found that a fine idea.

A WASHINGTON WORRY

"California is leading the way, though people in New York and the Eastern seaboard are very strong," observes the Sierra Club's Mr. McCloskey. "Other areas are coming along, too." He still worries about Washington, D.C. "I spent a couple weeks on the Hill and I had a feeling the public officials there were completely out of touch with the mood of the country as a whole." However, Mr. McCloskey says he's now "greatly encouraged" that conservation could be finding a higher priority in the White House and in Congress.

Many conservationists rate the Point Reyes episode as particularly important because,

as one says, it's a "harbinger" of the Nixon Administration's attitudes. They regard it as tangible evidence, for example, that Interior Secretary Walter J. Hickel, whom they roundly criticized at the time of his appointment, was serious in a June 13 directive to his national parks director. "Time is of the essence" in acquiring recreation lands close to urban areas, he wrote. "Opportunities are being lost daily to acquire such lands."

Point Reyes is an opportunity that was not lost, and conservationists are developing a new attitude toward the man who speaks for this Administration on parks and conservation. Mr. Behr says, "I have hopes Secretary Hickel may develop into one of the most significant of all our Secretaries of the Interior. He's spent a lifetime in action. Instead of constantly worrying, wondering and collecting evidence, he seems to be a man who wants to get something done. He wants to preserve and enhance the environment. I would put my chips on it."

A NATIONAL WEATHER SERVICE

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. SCHADEBERG. Mr. Speaker, on February 9, 1970, 100 years will have elapsed from the day when President Ulysses S. Grant signed into law the bill initiating a national weather service. That bill was introduced in this House by Congressman H. E. Paine of Wisconsin, and I think it appropriate that this body take note of the accomplishments of this century of service.

But the end of one century is also the beginning of another. The legions of talented and dedicated men and women, civilians and military personnel, who produced the scientific and technological achievements of this century have much to be proud of. They have eased the threat of the hurricane and tornado, the lightning stroke and flood, the hailstorm and winter snows which has burdened human life from the beginning. They have improved the human condition. And they have readied us for the century just beginning.

Man has never been so well prepared scientifically to approach the problems of weather and environment. Nor has he ever been so well equipped—the antique art of weather forecasting has become the province of computers and satellites, research ships and exotic radars, model atmospheres and man-modified ones, and experiments of a size and scope not known to natural sciences until now.

We have never needed this superb equipment more, for we have finally learned scientifically, politically, and humanistically how inextricably linked our lives are with the physical environment. The second century of weather service must be a century of environmental service.

As populations grow and change, so do environmental problems. Weathermen today must describe and predict not only the natural state of the atmosphere, but also its polluted or modified condition.

Planners of new cities have become conscious that meteorology plays an essential part in locating and controlling industry—it can be the difference between an industry supporting or destroying a community.

The possibility of beneficially modifying atmospheric processes and of reducing the effects of our inadvertent modification of the atmosphere, brings grave responsibilities, and a host of difficult scientific, legal, and social problems.

The new century's challenge does not find the meteorologist isolated from his colleagues. The closely interacting spectrum of environmental forces and phenomena has become as apparent as the closely knit ecology which links man and microscopic creatures.

Looking at the next hundred years of meteorology, we see not a single discipline but a blend of many—weathermen and oceanographers, aeronomers and solid-earth scientists banded together to give man the broader view of his fine, blue planet that his survival will require.

I am sure my colleagues will join me in commending those who achieved the milestones of the century past, and in congratulating those who now seize the challenge of a new century.

The biographical sketches follow:

DICTIONARY OF AMERICAN BIOGRAPHY

Paine, Halbert Eleazer (Feb. 4, 1826–Apr. 14, 1905), lawyer, Union soldier, congressman, and commissioner of patents, was the son of Eleazer and Caroline (Hoyt) Paine. He was descended from a long line of Puritan ancestry running back to Stephen Paine who migrated to New England in 1638. He was born at Chardon, Geauga County, Ohio, was educated in the schools of that community, and completed his academic training at Western Reserve College * * * of the Interior. He declined for financial reasons, but later accepted the post of commissioner of patents. During his eighteen months in this office (November 1878–May 1880), he instituted important changes in the bureau. The most important of these were the substitution of scale drawings for models; the provision that errors of the patent office could be rectified without changing the date of the origin of the patentees' rights; the dating of claims for grants from the time of receipt of the application instead of at some time within three months thereafter; and the introduction of the use of typewriters.

After his resignation Paine resumed law practice, which he followed to the end of his life. In 1888 he published *A Treatise on the Law of Elections to Public Offices*, which remains the authoritative work upon the subject. It exhibits the rules and principles applicable to contests before judicial tribunals and parliamentary bodies, and is based upon American, English, Scotch, Irish, and Canadian authorities. It consists of 900 pages of heavily annotated text and a comprehensive list of cases (to 1888) which constitute the precedents from which the rules and principles are derived. Systematically presenting all the aspects of the law upon elections, it stands as a monument to the industry, comprehension, and thoroughness which were dominant attributes of the author's character.

[*Milwaukee Jour.*, and *Milwaukee Sentinel*, Apr. 17, 1905; S. B. Ladd, "Halbert Eleazer Paine," in *Jour. of the Patent Office Society*, Nov. 1920; *Who's Who in America*, 1903–05; *Paine Family Records*, Jan. 1882, *The Reminiscences of Carl Schurz*, vols. II (1907), III (1908); F. B. Heitman, *Hist. Reg. and Dict. U.S. Army* (1903), vol. I; *War of the Rebellion, Official Records (Army); Biog Dir. Am. Cong.* (1928).]

BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS, 1774–1961

Paine, Halbert Eleazer, a Representative from Wisconsin; born in Chardon, Geauga County, Ohio, February 4, 1826; attended the common schools; was graduated from the Western Reserve College, Hudson, Ohio, in 1845; taught school for a season in Mississippi; studied law; was admitted to the bar in 1848 and commenced practice in Cleveland Ohio; moved to Milwaukee, Wis., in 1857 and continued the practice of law; during the Civil War entered the Union Army in May 1861 as colonel of the Fourth Regiment, Wisconsin Volunteers; promoted to the rank of brigadier general on March 13, 1863, and in the following June lost a leg at Port Hudson; brevetted major general on March 13, 1865, and resigned on May 15, 1865; elected as a Republican to the Thirty-ninth, Fortieth, and Forty-first Congresses (March 4, 1865–March 3, 1871); was not a candidate for renomination in 1870; continued the practice of law in Washington, D.C.; through his efforts the taking of meteorological observations in the interior was inaugurated; appointed Commissioner of Patents by President Grant and served from November 1, 1878, to May 7, 1880; author of "Paine on Contested Elections," a work which is recognized as a legal authority on that phase of constitutional law, and one which was used in the Hayes-Tilden contest; died in Washington, D.C., April 14, 1905; interment in Arlington National Cemetery, Fort Myer, Va.

FIRST LOCAL SCHOOL ELECTIONS IN NEW YORK CITY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. SCHEUER. Mr. Speaker, under its new decentralization law New York City will hold its first local school elections this spring.

Since this will be an election of great importance to all of our children and parents, and to the city itself, most of our civic organizations, led by the Urban Coalition, are doing all they can to encourage maximum participation.

The following is the message that our civic organizations are trying to get across to our citizens:

Community School Board elections are on Thursday, March 19th. The polls will be open from 6:00 A.M. to 7:00 P.M. (this may be extended to 9:00 P.M.) at your regular polling place. Every registered voter plus parents who registered specially are eligible to vote.

Those elected on March 19th will run your neighborhood schools. If you want your views to be heard you must participate.

Voting will be on paper ballots and will list the candidates for the school board. You vote by putting a number one (1) next to your first choice, a number two (2) next to your second choice, and so on.

You can indicate as many or as few numerical choices as you wish. This system of voting is known as proportional representation, a system which should help to assure representation on the community school board for all groups within a community.

A SMALL BUSINESSMAN TAKES ON THE RAILROAD GIANTS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. OTTINGER. Mr. Speaker, Ed Wimmer, vice president of the National Federation of Independent Business, Inc., last week delivered a timely and thought-provoking radio broadcast on the railroad industry. I share Mr. Wimmer's deep concern over the alarming parallel between rail passenger service deterioration and the sudden growth of conglomerates in the transportation industry.

His remarks deserve the full and serious consideration of all of us and I present them herewith for inclusion in the RECORD:

This week, ladies and gentlemen, we approach our subject with feelings akin to what David must have experienced when he aimed his slingshot at Goliath, for in the next few minutes we hope to bring down a giant, not with a slingshot but with about 13 minutes of your listening time.

Our giant is the Penn Central Company, formerly the Pennsylvania and New York Central Railroads, plus their near 400 non-railroad subsidiaries which, before the recent rail merger approved by the United States Supreme Court, was the biggest corporate marriage in U.S. history.

We opposed that marriage on the grounds that it was not a railroad merger, that it flaunted the antitrust laws, that it would not result in the economies claimed—would probably never pay any federal income taxes, would continue to bulge with new non-railroad take-overs, would not improve passenger service, and would ultimately lead to nationalization.

This was in 1965, and since that time every argument brought against the wedding of these giants has been proven valid, and the same Mr. Stuart Saunders, former president of the Pennsylvania Railroad and now chairman of the Penn Central Company, has suggested before a Subcommittee on Transportation and Aeronautics, that "government ownership of the railroads on a lease back basis, might be a good thing."

Mr. Saunders told the Committee that the Penn Central "operates 40 per cent of the passenger trains in the United States, and 58 per cent in the East; therefore, we lost more money than anyone else." He bluntly told the Committee that if passenger service is to be maintained and improved, "the government will have to pick up the tab for any losses incurred," or, "let the Penn Central drop all its remaining passenger trains, numbering about 1300."

Consider, now, that we are talking about the same Mr. Saunders who told the I.C.C. and the Pennsylvania Public Utility Commission (the latter now claims promises were broken) that passenger service would be improved, that massive economies would be carried out, and that many mass transit problems would be solved.

Yet right after the merger was approved, Time Magazine reported a statement by Mr. Saunders, that "now we have another $100 million with which to buy up non-railroad companies"; adding, "if it had not been for the help we received from people in The White House, the Justice Department might have stopped us."

A principal objection raised by our office at the time, was the unknown identity of the biggest beneficiaries of the two giant rail systems, who, we pointed out, might even be the Mafia, Batista, or an unfriendly government. A year after the merger, the I.C.C. requested this knowledge, but to this day it hasn't been made public. What was so wrong about this merger, was the fact it was not a rail merger, but an amalgamation of railroads, shopping centers, restaurants, motel chains, beauty parlors, trucking companies, vast real estate developments, home building projects—a total of 334 corporations on which little if any federal income taxes are being paid because of rail losses. Indeed a monster conglomerate conceived in violation of the antitrust laws, and dedicated to the proposition that a monster could be created by a court decision, and be operated in the public interest, when all the evidence pointed to contrary conclusions.

Permit me to draw your attention to a few facts and figures that have a bearing on one of the greatest private enterprise tragedies of this century, and one that has become so serious it could cost the taxpayers billions of dollars to escape its total consequences.

All of us know from experience, or from general knowledge, that in looking at rail passenger service on the whole, no other enterprise in American history has failed so miserably to meet its challenges nor was there ever so much evidence of deliberately planned deterioration of both service and equipment as in the case of passenger trains.

In commenting on this particular phase of the issue, Richard L. Ottinger, M.C. (N.Y.), told a House Subcommittee on Transportation and Aeronautics, on November 13, 1969, that even the I.C.C. had noted a "purposeful downgrading of service possibly taking place." Mr. Ottinger was so critical of the performance of the I.C.C. in dealing with mass transit problems, rail mergers, and the conduct of the giants in hiring former I.C.C. personnel and attorneys, that he urged a "transfer of power over passenger service and safety to the Department of Transportation, until I.C.C. is reorganized in the public interest." He said:

"In eleven years, the number of passenger trains dropped from 1440 to 480;" that the Penn Central merger has developed into a "major conglomerate at a furious pace, having serious implications for rail passenger service," and has opened a "whole new area for Congressional investigation."

Of extreme significance at this point, I think, is a letter received by the Members of Congress, dated January 23, 1970, from the Conference of Transportation Trades, an affiliation of 27 AFL–CIO unions dedicated to better transportation for all America. Membership claimed is 4,500,000, and among the 23 listed on the letterhead is the International Brotherhood of Firemen and Oilers, Brotherhood of Maintenance of Way Employees, Brotherhood of Railroad, Airline and Steamship Clerks, Freight Handlers, Express and Station employees, and 19 others, all with a tremendous stake in all kinds of mass transportation. The letter reads:

"The emergence of conglomerates on the American scene poses potential problems with which the Congress may have to deal in the immediate future. Unless these corporate giants are held in check they could gain monopoly control of the American economic system.

"This would be dangerous under any circumstances; it would be particularly dangerous in the transportation industry, which accounts for one-fifth of America's Gross National Product.

"The General Board of the Conference of Transportation Trades recently adopted a resolution expressing deep concern over this subject, and authorized a continuing study of the trends and implications of mergers in the transportation industry."

Surprised? Then you were surprised if you were tuned in about a year ago when I quoted Dr. Irving Beller, AFL–CIO economist, who predicted America would become "one big company store" if monopoly trends continued. Were you surprised over two years ago (if you were tuned to this station) when we pointed out that railroad unions had employed famed economist, author and presidential confidant, Leon Keyserling, to prepare a brief opposing the Pennsylvania, New York Central merger, but withdrew the opposition after the press reported an alleged secret conference between Mr. Sanders and union heads, at which time it was allegedly promised that no workers would be laid off because of the merger—which was one of the promised economies?

But—listen to this list of companies of the kind complained about by the Conference of Transportation Trades, that are only a small part of the network created by the Penn Central marriage: Pennsylvania Truck Lines, Merchants Trucking Company with nine carriers under its control, Cleveland Cartage Company, Eagle Transfer, Motor Freight Express, Toledo Cartage, Riverside Trucking, Western Express, American Contract and Truck, Black Diamond Transportation, et cetera, et cetera, et cetera.

Among other "et ceteras" is the Buckeye Pipeline Company and two oil companies recently purchased; Rancho California (an 85,000-acre development), and Maco Realty Company (owner of 75 per cent of the land available for development in Los Angeles County). Pennsy owned air space in New York City worth billions. It controls Madison Square Garden and recently bought apparel and shoe factories, and is looking around for still more acquisitions.

Yet with all this ability to accumulate and accumulate, and profit and profit on non-railroad business, this same giant couldn't keep one passenger train (outside of the Metro Liners) as a showcase, run as proof they were at least making an effort. As for the Metro Liners, operating between New York and Washington, no one can telephone for reservation availability and get an answer. Penn and Central stations haven't been painted in 25 years, or more, and as Johnny Carson put it when he saw a fare increase notice, it was like "sending backbar bills to passengers of the Titanic".

Where the government has fallen down, and especially Congress, is the absence of any attempt to really enforce the antitrust laws by separating railroad officials from their myriad of directorships and operation of hundreds of other companies unrelated to railroading; and also getting to a penetrating study of the rail official and labor featherbedding so vast and so cobwebbed from top to bottom that it amounts to a crime against society itself.

In its promise to look into the effects of the merger trend, the Conference of Transportation Trades should determine what part labor has played in the deterioration of passenger service, mail and express: what the airlines have done with their subsidies against the gift of over 300,000,000 acres of land grants the railroads have received, and the hundreds of millions in depreciation and other tax bonanzas, and how they were spent. Mr. Saunders blamed highway subsidies and airline subsidies for passenger woes, but rail passenger service and equipment were going down the deterioration drain long before those highways were built, and back when air travel was confined largely to DC–3's, rail passenger service was going to pot on most lines.

Kentucky has just lost its last passenger train, the Royal Palm, cut to pieces before its

final short run on which trip children took their first and maybe their last, train ride—at least in Kentucky. No sales pitch on convention trains to Florida, no radio or TV skits as the airlines use, and no romance, no attempt to tell the American people they are losing a part of America's backbone, and at a time when the Russians, Canadians, and Japanese are building the fastest and best mass transit systems in the world.

In this broadcast we are calling upon Congress to investigate the conglomerate aspects of the railroad industry, and turn a deaf ear to the threats that there will be "no passenger trains anywhere unless the government pays the deficits, and puts up the money for new equipment."

Mass transit is a city, state and federal problem, and the heart of the problem runs on steel rails. Steel rails that could have helped to keep the smaller towns and cities of rural America expanding instead of dying. Steel rails that might have been singing with growing commerce, hauling livestock and mails, merchandise and people, across our beautiful land—instead of abandonment—a seemingly favorite word of those who have guided one of the world's greatest enterprises to its present state.

Glenn L. Shinn, former attorney-adviser of I.C.C.: "On the record, it is reasonable to believe that another failure of public transportation to meet the needs of the nation's commerce with due regard for the real public interest, especially as now expressed in the equalities provisions of the Interstate Commerce Act, might result in nationalization of all public transportation, thus seriously threatening our private enterprise system which provides the chief shield for freedom throughout the world."

ALVIN E. O'KONSKI, M.C. (Wisc.)—1965: "It is but a short step from control of these vast assets to control by the state."

DECISION TO CANCEL HOUSE CONSIDERATION OF H.R. 12025 WAS WISE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. PELLY. Mr. Speaker, last week House consideration of the National Forest Timber Conservation and Management Act was called off.

It seems to me that the postponement or cancellation or whatever it was should be indefinite or at least until after the Public Land Law Review Commission report is made to Congress covering the rules and use of land. This study is due the President and the Congress by June 30.

I was going to vote to send the bill back to committee, although I believe in increased productivity, because it contains no protection of potential recreation, wilderness and park areas which are so badly needed for the future. The objectives of such legislation sound fine, but even when I submitted a proposed amendment seeking to eliminate such scenic and other areas from the optimum timber harvest program, my conservationist friends shook their heads.

So, I think the House leadership was wise to take H.R. 12025 off the schedule. Like myself, many Members, and I suspect a majority of the House, were going to oppose this legislation if it had been brought up.

THE STATE OF THE REVOLUTION

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. McEWEN. Mr. Speaker, last Veterans Day, November 11, I attended a freedom rally at the Washington Monument. At that time, some 15,000 Americans demonstrated their support of our President's moves to bring the war in Vietnam to an end. I was proud to see this outpouring of patriotic feeling calling for victory with honor. Many of our colleagues from the Congress were participants in the rally, and I hasten to point out that members of both political parties shared the rostrum.

One of the participants in that program was a dynamic young man who describes his occupation as that of a "revolutionary." His name is Ed Butler.

Ed Butler is host of the weekly TV series "The Square World of Ed Butler." The half hour informational format is a combination of music and discussion of today's vital subjects, geared to the youth of America.

A political maverick who defies labeling and insists terms like "right" and "left," "liberal" and "conservative" are outmoded and obsolete, he also is editor-publisher of the Westwood Village Square magazine, which reached a circulation of 150,000 in 1969, and author of the provocative book "Revolution Is My Profession."

An internationalist who conceived, and helped to organize, the Information Council of the Americas—INCA—a private, nonprofit educational organization with links in 16 nations of the hemisphere, he was named New Orleans' Outstanding Young Man for 1968 when he received the Jaycee's Distinguished Service Award in January 1969. He is also the recipient of the Americanism Award of the Young Men's Business Club of New Orleans, 1963, and Award of Merit from the Cuban Journalists in Exile, 1967.

I have met personally with Ed Butler. I am impressed by his approach to today's problems.

On February 3, 1970, Ed Butler delivered a speech entitled "The State of the Revolution." It was made at the George Washington University Center here in Washington. It is worthy of our attention. I submit it to all Americans for their reading.

The text follows:

THE STATE OF THE REVOLUTION

(By Ed Butler)

President Nixon has presented the State of the Union Message, because politics is his business. I am about to discuss the State of the Revolution, because "Revolution Is My Profession."

In President Nixon's discourse, he surveyed our nation's national and international problems from his position at the pinnacle of power. In our conversation tonight, we will also consider the same problems from a much less lofty point of view.

And so there will be some similarities of topic, but few of tactic . . . some identity of purpose but none of procedure. President Nixon spoke, then left the press, the people, and their representatives to ponder the impact of his words upon their lives, as is traditional. I speak from a much humbler vantage point, and so I shall expect and invite questions at the conclusion of my talk. In my profession, there are few traditions but many challenges, and the *people always* have the last word.

Please note any questions you have on the cards now being given out. We probably won't be able to answer all tonight, so put down your name and address.

While the cards are being distributed, let me say that it is good to be back in Washington. I lived nearby in Alexandria for two years.

I last spoke here on Veterans Day in mid-November, to a throng of 15,000 Americans at the Washington Monument. I was surprised to receive thunderous applause from the so-called "Silent Majority" for some very revolutionary statements about securing peace in Vietnam, through revolution. What surprised me even more was the rebuff a few days later from the so-called revolutionary leaders of the Moratorium Mobilization, who refused to permit me to speak to their followers . . . the stated reason was lack of space on the agenda, but I sensed the real reason was that, while I wholeheartedly supported their demand for peace, I categorically rejected "immediate and total withdrawal" as a euphemism for surrender, which always leads to worse wars later. Postponing problems doesn't solve them.

Thus, paradoxically, we had the spectacle of the "Silent Majority" shouting approval of revolution as the solution in Vietnam, while the leadership of the "revolutionary minority" censored my speech because it did not conform to their doctrinaire view that "peace" and "surrender" are synonymous.

What was perhaps the most astonishing paradox of all was the startling willingness among nearly all the citizens I spoke to in Washington that hectic week, to listen with cordial attention to some new, creative alternatives, even when presented by so freaky a figure as a self-proclaimed professional revolutionary.

To complicate matters more, I am not only a revolutionary, but an admitted square, who believes that underlying ethical standards of right and wrong are essential, precisely because human beings deviate from them so often and drastically. Nor do I exempt myself. I am disgustingly human.

Because we are all now thrust into a no-man's land between peace and war—called revolution—we need standards more than ever. And yet, because much of the territory is unexplored, the old charts won't work, and we must draw up new ones as we go.

This creates a certain amount of indecision, confusion and inner conflict, to which none of us is immune. For example, as a revolutionary I am the "natural enemy" of the Establishment, from President Nixon on down. But, as a square, I sympathize with every President's belief in the American heritage—from Truman, Eisenhower, Kennedy, Johnson and Nixon, on up.

As a revolutionary, I can share with the Left an urgent need for the new. As a square, I can see the logic of the Right's reverence for the old.

I treasure these inner conflicts, because, in the process of resolving them (a dialectical/idealistic process incidentally), new ideas are born. My baby is called Conflict Management, and you may have heard the term for the first time on our show ("The

Square World of Ed Butler" with John Wayne, WTTG, Channel 5, Sunday, 10:30 p.m.) a week ago last Sunday (Jan. 25).

Here's a definition:

"Conflict Management is the study and practice of Revolution as a profession. Basically, it is the use of words and symbols by the few to influence the many in favor of freedom."

Which leads to the need to define the term "revolution"—the briefest way to say it is:

"Revolution is the radical change in the existing order through propaganda and agitation."

This bald statement could be misleading unless we realize. . . .

First, military and diplomatic methods—the procedures proper to states of war and peace—are often haphazardly blended with revolution, which leads to its reputation for violence and turmoil.

Second, in any case, revolution is among the most drastic operations that can be conducted upon the body politic, and should never be undertaken by amateurs without professional advice and counsel.

Third, if, however, revolution is professionally managed with an adequate ethic, it is far preferable to war and can be a practical step to peace.

So let me be clear. I believe. . . .

We are in a world revolution.

We started it nearly 200 years ago, with the shot fired at Lexington and Concord that was heard round the world.

The revolution cannot, and should not, be stopped.

It must be won or lost, for freedom. Every day.

Am I calling for a persistent revolutionary condition, with minimum violence and maximum progress? Yes. Isn't this just another way to say "evolution?" No. Evolution is a cruel, violent process which involves the annihilation of whole species, the survival of the fittest, and proceeds in jumps and starts. It is a bestial way to progress. Revolution is a more human way.

Ironically, although the American Revolution set in train awesome events in France, Latin America, Asia, Africa and, ultimately, the whole world, we got out of the business for a hundred years. Then, the Civil War reminded us of our revolutionary heritage, but not enough to prevent us from resorting to mainly military means on both sides. As soon as possible, we got back to business as usual and the reconstruction began.

Now, the third revolutionary climax has begun to occur in America. It is urgent that we recognize this revolutionary reality, and identify immediately our own role in the struggle. For the revolution is globally pervasive—every human being has a part to play—if only passive, as a victim.

The two basic, *active* categories of participation in Conflict Management are as "Patron" or "Practitioner."

The *Patron* is a part-time participant, but he is as essential as patient to physician, or client to lawyer. He both supports and controls the profession.

The *Practitioner* is a full-time professional revolutionary, responsible to his Patrons. They can be organized as citizens groups, foundations, churches, governments, businesses, conflict corporations . . . you name it.

But the essential factor is that there are *many* Patrons and Practitioners, at once competitive and cooperative.

Only within the framework of a *profession* can competition and cooperation be so combined that they produce progress.

For example, every physician is, in a sense, competing with every other physician for patients, and, at the same time, they share medical knowledge through publication and consultation, and the facilities of hospitals.

Similarly, lawyers are adversaries of the strongest kind in court, yet cooperate to share legal knowledge.

Because Doctors, Lawyers and Clergymen have so much life and death power—potentially—the professional method of organization was developed to check and balance them, so that humanity could use their services without undue fear of consequences.

This does not mean that abuses do not develop despite the professional organization . . . as we shall see, abuse is inevitable because of the Tendency Toward Tyranny that is in us all.

But one only need imagine what would happen if all Doctors decided to strike for a day . . . or a month. Or worse, if they agreed to inject all the slow-paying patients with encephalitis . . . to imagine the vast powers physicians possess, but never think of using.

Which brings us at last to the *Enemy* . . . that *Tendency Toward Tyranny* which is part of human nature and thus is in us all. "TTT" leads to *war*, for war is never fun or popular with a people, but often is with leaders greedy for power. Similarly, the "TTT" leads to *poverty*, because material gain at the expense of others is always ultimately unprofitable, leading to customers who won't buy and consumers who can't consume, but again it is the greed for power—property is only one path—which causes the abuse.

I call those afflicted with an inordinate TTT "Tyrannists." It is not a monopoly of the "Right" or "Left."

Tyrannists of every stripe are continually inventing ideological justification for seizing power . . . from The Divine Right of Kings, to Communism and Nazism, to Objectivism.

Therefore, "Conflict Managers"—professional revolutionaries—ar needed now, by the thousands, to cope with this inherent inclination in humanity, before we incinerate ourselves from the face of the earth.

We can help reinstitute revolution as an honorable profession in America. Tonight I am calling upon you, upon the educational leaders, elected leaders and American public to do so.

I have called upon the leadership of the American Political Science Association to bring up at their next meeting the establishment of a framework in which to train professional revolutionaries—Conflict Managers—at the university level.

This would be a new "major" within the Schools of Government or Political Science Department of our universities. Now, I'm an activist not an academician, and I call upon educators in the field of political science only because I personally believe that Conflict Management might be most logically placed in this scope of study. I only suggest Conflict Management as a needed profession. The rest is up to our educators.

I am sure many people in our society will say, "Well, we've survived before. Why must we take the risk of putting such great power in the hands of a few?"

But ask yourself: Could we have avoided or minimized human losses in World War II, Korea, Vietnam and other conflicts if our schools were graduating Conflict Managers? Did we pay the price of war by neglecting the profession of revolution?

Could we have alleviated racial injustice, poverty, pollution and other socio-economic problems before they reached the crisis stage if Conflict Management had been included in the curriculum of our schools?

Although national and international affairs are actually intimately entwined, let's look at what might happen if Conflict Management were properly employed at home and abroad.

NATIONAL AFFAIRS

Campus Revolution: The best young people in America have been involved in the campus revolution . . . either in bringing it about, or turning it toward freedom. But we must face the fact that many are deeply disenchanted with government, disappointed that the injustices they've identified have not been solved, and eager to continue to apply the revolutionary talent for propaganda and agitation they have learned. After a three-hour interview about the problem, an editor of a college magazine wrote an editorial warning businessmen that, unless The Revolutionaries of Today become the Conflict Managers of Tomorrow, things would be bad for America. I completely concur.

Servicemen's Revolution: It is fashionable to deny that soldier morale has dropped, marijuana use has skyrocketed, and that a general malaise grips our troops.

This is understandable. It is difficult enough for an officer to give unpopular orders to a group of armed men, when he believes their discipline and morale are high. When he knows it is not, such a stance may seem suicidal. Also, we know that demoralization can be vastly increased—and spread—by simply admitting it exists.

By the same token, blindly denying the truth does not stop disintegration. An alternative—creative and meaningful—to military war must be developed, and deferments perhaps awarded to those who pursue it. Conflict Management could be that profession, and put tens of thousands of disillusioned GI's to work, productively and patriotically, upon separation.

Russia and Germany are but two examples of what happens when a disillusioned, demobilized army drifts into a nation without hope or ideals. Both Communism and Nazism were nurtured by such despair. Conflict Management can help America avoid a dreary rerun of that all-too-recent history.

Urban Revolution: This includes the myriad problems of pollution and corruption, traffic congestion and housing. Pressure groups are continually forming in the independent sector, but their success in large measure depends on the professionalism of their staff. Without it they cannot hope to cope with entrenched political machines and big business. On the other hand, a private pressure group inspires the natural sympathy of a "David versus Goliath." Thus, unless its operations are ethically managed, this sympathy can be perverted by Tyrannists to a tool for personal power, displacing one evil with a greater one. Conflict Managers can guarantee both efficiency and ethics on both sides of the coin.

Political Revolution: "Decentralization" and "Power to the People" are the cries of the hour, and government will hear them at every level only so long as they are responsibly, and effectively articulated. Amateurs typically vacillate from whispers to hysteria, and are consequently either ignored or abhorred. No government is self-critical or self-effacing enough to dismantle itself with top efficiency. After all, government is only an organization of human beings who provide administrative, military and diplomatic services. And, unfortunately, through a benign cooperation with communications, government today can produce an unconscious tyranny, perpetuate its power, and enforce illusions among the populace. Then, when a Tyrannist like Oswald comes along and smashes the highest symbol of national authority, the entire nation slips into cultural shock—and as illusions fall, violence rises. The present conflict between the government, championed by Vice President Agnew, and the media, represented by the networks, is healthy only so long as the competition/cooperation continues. Conflict Managers—employed by both sides—can see that these checks and balances expand.

INTERNATIONAL AFFAIRS

I'd like to preface this portion of my talk by saying I believe the day of the expeditionary force is over. What needs doing abroad *must be done by natives of the nations concerned,* primarily. Americans can teach, and America can serve as a secure base area for revolutionary forces fighting for their freedom. But we must never undertake to export the American system of the 1970's to any other country. Each must find the appropriate level of freedom for itself.

But I am convinced as deeply as I can be, that every nation deserves liberty and every people are "ready" for some degree of liberty immediately. I am equally certain that no one's freedom is safe as long as one human being is enslaved.

Here are just a few areas where revolution could shift the balance toward freedom.

Latin America: Miami was the secure base area for the Cuban revolution and Cuba has been the secure base area for the current American revolution. Base areas are as essential to revolutions as service stations are to automobiles. When you see one, you know the other cannot be to far. To re-claim the revolution which Castro betrayed, Americans should make contact with Cubans, now, for joint Conflict Management training. Likewise, in many areas of Latin America today, militaristic juntas have forestalled the democratic process. The left wing does not have any monopoly on tyrannist tactics and popular forces are continually threatening reactionary regimes.

The government should maintain a strict hands-off policy toward any such popular initiatives for freedom, neither supporting nor thwarting them. Revolution is the business of the people, just as diplomacy and military defense are the province of government. If officials persist in intervening in this area, it is up to Conflict Managers to outwit them, test and help change the laws which perpetuate injustice. A basic premise: no government has the right to make agreements with another government which endorses or extends tyranny. Conflict Managers' very presence can help prevent this common abuse.

Eastern Europe: The shameful silence among some . . . especially student leaders who claim to be revolutionaries . . . while Czech students were slaughtered, was one of the most sickening cop-outs in history. The fact that these massacres were managed by the same kind of regime some would like to install in America also says a lot. Revolutionary potential is always present in Eastern Europe, waiting for the sparks to ignite it. We should be ready, privately, next time the opportunity occurs, and this means Conflict Managers from every nation of Eastern Europe must be trained for the great task of liberation.

Southeast Asia: Vietnamization can work on a military and diplomatic level only to the extent that the revolution is diverted toward freedom. The *people* of Vietnam, in the North as well as the South, deserve at long last the chance to determine their own destiny. Now that Ho Chi Minh is dead, the Communist regime is more vulnerable in the North, and the military regime in the South can be steadily democratized. This work must proceed in all areas proportionately under the leadership of Vietnamese Conflict Managers, who can, and should, be trained here, at first. The alternative to liberation is unending military/diplomatic/revolutionary conflict, and misery for millions.

Africa and Asia are ripe for revolution. China is insecure as a national entity, and Mao's demise could accelerate fragmentation and revolution there. In Russia, the Jewish populace is suffering renewed oppression, and, for the first time in memory, individual revolutionary acts are being carried out in Soviet Russia.

Trained Conflict Managers, citizens of each of the nations involved, could bring about radical changes in favor of freedom, swiftly. Of course, there are those whom the word "radical" frightens as much as the word "revolutionary." However, radical means *root,* and we must aim at the underlying causes if we are ever going to achieve both peace and freedom on this planet.

Are there Conflict Managers available? Yes, but not nearly enough, nor are those who exist necessarily conscious of the term. I'd consider Ralph Nader a Conflict Manager, and John Banzaf of ASH, who put anti-cigarette smoking commercials on the air, is certainly a Conflict Manager, whether he is aware of the term or not. So, I suspect, is Saul Alinsky, although we argued about it for hours one evening in Chicago after a memorable TV debate. In my opinion, Richard Cornuelle, who discovered and named the elusive Independent Sector in his excellent book, *Reclaiming the American Dream,* is a Conflict Manager. So are Richard Warren and Larry Kihnel of INCA down in New Orleans, who put together the very successful "National Student Conferences on Revolution" in 1968 and 1969. Certainly Lee Edwards, who introduced me tonight, fits the bill, with his relentless efforts on behalf of the enslaved peoples. He has been called the "Voice of the Silent Majority" by the *New York Times.* The attractive young lady who quietly arranged this conference, Lo Anne Wagner, certainly qualifies as a Conflict Manager in my mind.

As you can imagine, old-fashioned divisions of partisan politics—right and left, Liberal and Conservative, Reactionary and Radical—don't describe Conflict Managers very well.

What is urgently needed are some different labels which can be invested with more accurate meanings. That's why I sign myself "Square." People come to sneer and put me down, but often stay to cheer for a Square deal for minorities and a square meal for the disadvantaged, and a square shake for enslaved peoples everywhere.

Even more than simplistic slogans and labels, we need in-depth academic exploration, study and specialization in the whole vast arena of "Conflict Management." Some of this has already begun according to an article by *Newsweek's* Thomas Gordon Plate. At the University of Michigan a "Center for Research and Conflict Resolution," publishes the *Journal of Conflict Resolution;* and The American Arbitration Association handles 17,000 cases each year. But these are exclusively oriented toward the *resolution* of Conflict which is but one part of Conflict Management—the Conflict Manager must also know how, when and where to initiate and *not* to initiate conflict; how to limit, control and channel it constructively; how to sustain it when necessary and end it when possible. For Conflict is essential to human nature. By setting aside a group of professionals to deal with it on a day-to-day basis, just as we have assigned lawyers to deal with injustice and doctors to deal with disease, our nation and our world can begin to adjust to revolutionary reality and grow within its exciting atmosphere.

Remember, the word "Revolution" was coined to describe the orbiting of heavenly bodies, and was appropriated by the politicians. As mankind enters the Age of Aquarius and sets its sights on the planets, it might be well to remember that original meaning of revolution.

America has had its New Deal, Fair Deal, New Frontier and Great Society. I call upon the Citizens of the Country, not just the President, to face revolutionary reality now . . . we can create for all humanity . . . A Square Deal!

CEDRIC FOSTER'S CHRISTMAS GREETING

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. KEITH. Mr. Speaker, every year all of us receive literally hundreds of Christmas cards. The most outstanding one my wife and I have ever received came this year from our longtime friends, the Cedric Fosters.

Those of my colleagues who know Cedric Foster will appreciate his Christmas greeting. Those Members who do not have the privilege of his acquaintance will perhaps gain an insight into a remarkable personality.

One of our best-known radio commentators, Cedric was with the Mutual Broadcasting System for 25 years and is an old friend to many of us here in the House. He was stationed in Washington for 10 years prior to his move to station KFML in Denver, Colo., in 1967. In his career, Foster has been around the world three times, broadcast from nearly every European capital, and crossed the Atlantic Ocean by air 50 times. He has been decorated by the Governments of Greece, the Netherlands, and Iran and was cited for his contributions to his profession by the National Association of Broadcasters in 1963.

Mr. Speaker, consistent with the other outstanding aspects of this man is the relationship that he and his wife, Marguerite, have had over the years. Their Christmas greeting, which follows, truly reflects the warmth and depth of this unusually happy couple:

1921—

In a tea-room on the corner of Bancroft and College in Berkeley, California, Marguerite Lane and Cedric Foster were introduced to each other on Saturday evening, December 10, 1921. On Monday evening, December 12, 1921, they were married. In this Christmas season they greet you from their home in Denver, Colorado, expressing the hope that you will ever enjoy the happiness that has been theirs together through the years. They believe that they are the only two people in United States who knew each other for forty-eight hours and then lived with each other for forty-eight years. Joining them in greetings are Shirley Foster Fields and her two children, Michael, and Dallas, in Washington, D.C., and Sarah Ann Foster Carpenter and husband, Peter, along with their children, Robert and Louisia, in Auburndale, Massachusetts. May you have all the joys of Christmas and copious blessings in the New Year . . .

—1969

MARGUERITE AND CEDRIC FOSTER.

Mr. Speaker, many of us, as parents, are concerned that hasty marriages by our children—preceded by courtships of only a few months—are destined for disaster. We should be encouraged by the example of Cedric and Marguerite Foster. Divorce and marital discord would be unheard of if only all of us could count on 1 year of marriage for every hour of courtship we spent beforehand.

We should also be encouraged in that at least one couple of our generation—or older—have established a record of

some sort—a record that even the highly touted young lovers of today can hardly hope to match.

What is the old song—"the fundamental things don't change, as time goes by." Vive l'amor.

THE ANNIVERSARY OF THE WEATHER SERVICE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. HOGAN. Mr. Speaker, I am privileged to have in my district some of the Nation's most important meteorological installations, and included among my constituents are a great many professional meteorologists, technicians, and support personnel.

Today I would like to pay tribute to them and all the men and women who serve in our Weather Service.

Today marks the 100th birthday of the Nation's weather services. These employees are among the oldest scientific servants of the public. For a century they have been at work to protect life and property.

On February 9, 1870, President Ulysses S. Grant signed a joint resolution of Congress into law, authorizing the Secretary of War to take meterological observations at all military posts and give notice of impending storms to shipping interests on the Great Lakes and the Atlantic coasts.

The congressional initiative was spawned by the frightful losses suffered through shipwrecks in the Great Lakes and on the coasts as a result of weather. Our early colleagues of the 41st Congress did not waste much time in enacting a law that provided beneficial and essential services to the country. Congressman H. E. Paine of Wisconsin introduced the resolution on December 16, 1869. The scientific community of the day backed this initiative by supporting memoirs and the House passed it on February 2, 1870. Only 3 days later the Senate concurred, with leadership provided by Senators Henry Wilson and Arthur P. Gorman.

Congressman Paine had been persuaded to initiate this legislation by a constituent, Prof. Increase A. Lapham of Milwaukee. Lapham had for many years made weather observations there and his studies had convinced him that forecasts had come within reach of meteorological science.

This was also the judgment of other scientific luminaries of the time who had worked for decades in this elusive field. Among them was the illustrious Joseph Henry, first Secretary of the Smithsonian Institution and President of the National Academy of Sciences. He had made meteorology one of the research targets of Smithsonian Institution and more than a decade prior to the congressional action had experimented with telegraphic collection of weather messages from a group of cooperative observers. Indeed, it had been his hope that the Smithsonian might institute the first national weather service. The Civil War interfered and later Henry yielded the honor to the Army because they had the best telegraphic network in the country. Henry's faith in the feasibility of weather forecasts had been unshaken since the 1840's. In this he was supported by one of the keenest scientific minds in the field, Prof. Elias Loomis, first of Western Reserve College, later at Yale. Loomis had studied storms for over three decades and contributed greatly to the synoptic method of weather analysis. Both he and Henry wrote in support of Congressman Paine's resolution. It was also backed by Col. Albert J. Myer, the head of the Signal Service, who was imbued by the new technology of the age. After passage of the legislation, Secretary of War William B. Belknap assigned the new responsibility to the Signal Service.

Among the earlier pioneers of weather work one deserves to be singled out, Cleveland Abbe of Cincinnati, who had started a forecast service there in 1869. He later joined the Federal Weather Bureau and for over four decades gave direction to the scientific work of this agency.

The weather service had a checkered history with a major change, when in 1890 the public functions were transferred from the War Department to a civilian bureau. But both in the Military Establishment and the civilian realm weather services grew enormously with the expansion of aviation, where weather played a decisive role. Advances in scientific meteorology also were impressive. In the last century one of the meteorological instructors in the Signal Service, William Ferrel, gained worldwide fame through his theories of atmospheric circulation. In the early part of this century William J. Humphrey, of the Weather Bureau, made fundamental contributions to physical meteorology.

And in recent decades Harry Waxler, as director of Weather Bureau research, with his visionary anticipation of the use of meteorological satellites and a plan for the World Weather Watch opened new avenues to study and anticipate atmospheric motions. In that hundred-year period perhaps nobody contributed as much to the development of U.S. Government weather services, first in the Navy and then as Chief of the Weather Bureau, than Francis W. Reichelderfer, whose career spanned over 40 years.

We now regard weather services as a commonplace activity. We expect warnings of tornadoes, hurricanes, and snowstorms as a routine. But we rarely think of the vast organization behind these services. It is not only nationwide but worldwide, coordinated by one of the specialized agencies of the United Nations, the World Meteorological Organizations, in whose founding the United States played an important role. In this world-spanning endeavor a number of installations in Maryland play a vital role. First of all, ESSA's Weather Bureau, with headquarters in Silver Spring and under it the National Meteorological Center in Suitland, in my congressional district. This is the nerve center of collection and dissemination of weather information, much of it automated by giant computer systems. Also located in Suitland is the National Environmental Satellite Center which feeds data from the new weather eyes in the sky into the international weather communications channels. Naval weather facilities are also colocated at Suitland and an Air Force Weather wing is at nearby Andrews Air Base in my district. Not far from there even more sophisticated weather satellites are being developed at NASA's Goddard Space Flight Center, in Greenbelt, Md. With these Maryland installations the core of the weather system, civilian and military weather offices and posts throughout the Nation keep a 24-hour alert to observe and forecast atmospheric conditions.

We have come a long way in weather science during this century of weather service. From vague prognostications of wind and weather in the 1870's we have advanced to ever-more-reliable forecasts of multitudinous weather elements, quickly disseminated by radio and television to millions of users. Although perfection has not yet been reached, we are confident that during the second century we will surely accomplish this goal. This service also promises to lead to a certain measure of control over the most damaging storms, a vista no more prophetic now than computer-produced forecasts were a hundred years ago. As the environment has become the major concern for the new decade, atmospheric science has become a new focal point for research and service. The weather services will play a vital role in this respect, too. We wish them well in their endeavors to protect life, property, and health of our citizens in the future.

MUCKRAKING JOURNALISM IN THE FIELD OF ECOLOGY AND POLLUTION

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mrs. MAY. Mr. Speaker, on Tuesday of last week the NBC Network presented what reporter Sander Vanocur admitted was "muckraking journalism in the field of ecology and pollution." In spite of this admittance, the impression left with "First Tuesday" viewers that Hanford, Wash., is located in a hazardous earthquake area and because of atomic reactors and waste storage facilities there, the public is endangered.

Such conclusions are not supported by reputable geologists. NBS has full access to the factually supported information that Hanford does not lie in an active seismic zone, and that further, the facilities there are designed to well survive any earthquake considered credible for the area.

I have written to the president of the

National Broadcasting Co., Mr. Julian Goodman, to express the opinion that Hanford will survive NBC's incredible attack. But I have asked him how the network can justify presenting this kind of hysteria-producing doomsday material it knows is unsupportable as fact. I have asked the network executive, "Where is your public responsibility?"

SENATE—*Tuesday, February 10, 1970*

The Senate met at 9 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray, in remembrance of President Abraham Lincoln.

Almighty God, under whose sovereignty this Nation exists and by whom its leaders have ever been guided, as we stand in this place at this time to hallow the memory of Thy servant Abraham Lincoln, help us the living once more to be dedicated to the unfinished task he espoused, that we highly resolve that the battle dead of the generations "shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that the government of the people, by the people, for the people, shall not perish from the earth."

In this spirit help us to work this day. In this spirit may we speak while we are separated. In this spirit may we return to our tasks in the days to come.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 9, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may speak briefly before the distinguished Senator from Wyoming (Mr. HANSEN) is recognized, without taking away any of the time allotted to him.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be at least one live quorum call today and, very, very possibly, a vote on an amendment.

I make this statement at this time so that the Senate will be informed, and any Senators who have ideas about leaving early today because of the 3-day recess beginning at the conclusion of business this afternoon will do so on their own responsibility.

I reiterate that the Senate is not going to be run for the benefit of any individual Senator, or any individual groups of Senators.

I want that to go in the RECORD so that all will be aware of the situation for the remainder of this year.

That applies to the distinguished minority leader as well as to the majority leader now speaking.

We are here to look after the people's business. The people should get first priority over everything else.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am happy to yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I agree with what the distinguished majority leader says. What he says is that we are not fooling around, that we mean business, and that we mean for the business of the Senate to be conducted.

There may be a vote today. There is no way to protect any single Senator. We wish it were otherwise, but the moment exceptions begin to be made, the system breaks down, as all of us know all too well. Therefore, we do have to adhere to a rule once it is announced or, I fear, there would be no respect for the joint leadership if we did not take that position.

Thus, with all respect for the convenience of all Members, including the majority and minority leaders, that is the way it has got to be.

Mr. MANSFIELD. Mr. President, I thank the distinguished minority leader. I am delighted that we have been able to cooperate wholeheartedly, effectively, and freely since the beginning of this session.

I am sure that this feeling of cooperation and accommodation will continue.

TRIBUTE TO SENATOR HANSEN

Mr. MANSFIELD. Mr. President, last week, the distinguished Senator from Wyoming (Mr. HANSEN) engaged in colloquy with the distinguished Senator from Georgia (Mr. TALMADGE). The question had to do with textile imports and the condition in which the textile industry in the United States finds itself today.

During the course of that colloquy, I had some remarks to make about the distinguished Senator. They were not carried correctly in the RECORD—probably through my fault.

Accordingly, I want to make those remarks again today so that they will be carried in the RECORD as I stated them at the time, and as I still feel about what I said then.

I want to say, Mr. President, that I think the distinguished Senator from Wyoming (Mr. HANSEN) is one of the outstanding Members of this body.

He is especially proficient and expert in the field of wool, in the area of oil imports, and on the question of beef imports.

I want the RECORD to show that.

Mr. President, I yield the floor.

Mr. HANSEN. Mr. President, first of all, let me say "Thank you most sincerely" to our distinguished majority leader. He has been most kind, indeed. I just hope that there may be some reason for his very complimentary remarks. I am certain that he has been overgenerous but, nevertheless, I do appreciate his very kind words.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wyoming is recognized for not to exceed 20 minutes.

OIL IMPORT POLICY

Mr. HANSEN. Mr. President, in view of the fact that the task force recommendation on oil import policy was reportedly delivered to the President Monday, I would like to express my hope that the President will defer any decision on the recommendations until the Congress has had an opportunity to review the report, or reports, as I understand a minority report has also been submitted.

At the risk of becoming repetitious, I feel compelled to remind my colleagues of the inherent dangers and risks involved in a plan that could and most certainly would leave this country at the tender mercies of those countries that now possess or control more than 80 percent of the known oil reserves of the world.

The eminent academicians and economists selected for the task force study of the oil import problem had one common denominator: none of them had any practical experience in or knowledge of the oil and gas industry.

The President, in appointing a Cabinet member whose department is not directly concerned with petroleum affairs or legislation said he wanted an unbiased report but, in examining the backgrounds of the theoreticians who were selected to make the study, I am concerned that these professors and doctors of philosophy may not have been entirely unbiased or unprejudiced or, at least, there is a serious question of their objectivity.

In earlier remarks I made here, I pointed out some of the past opinions and writings of these gentlemen which now seem to be reflected in their recommendations.

First, I would say, is their disregard for the legal foundations of the oil import program which was predicated on U.S. trade policy legislation—the national security clause of the Trade Agreements Act, the Trade Agreements Extension

Act, and the Trade Expansion Act in that order. The whole purpose and concept of the oil import program was based on national security.

Those who made the study and recommendations may never have read George Santayana's "Reason in Common Sense," wherein he said:

Those who cannot remember the past are condemned to repeat it.

Obviously, these gentlemen with such impeccable scholastic credentials gave little heed to the history of World Wars I and II nor to such events since as the Suez crisis of 1957 or the Middle East war of 1967. During both of these events, oil sources from the Middle East and North Africa were cut off to not only this country but to Europe where such oil was the main source of supply. Only because this country had the reserve-producing capability of reversing our own imports from those and other countries, diverting them to Europe and supplying the needs of Europe during that period, was a major economic shutdown and actual suffering avoided.

We had the capability and the oil industry had the expertise to immediately increase our domestic production to meet such a crisis.

Recent events in the Middle East—Libya for example—have not offered any hope for easing of that explosive situation and the threat it might again offer to countries dependent upon oil from that area.

Mr. President, in my continuing discussion of oil import policy and the dangers inherent in becoming dependent on foreign sources of oil, even friendly sources that seem somehow to change overnight as was the recent case in Bolivia and the experience of our copper companies in Chile and Peru, I have prepared a summary or fact sheet of U.S. oil import policy and the tariff plan proposed by the Task Force on Oil Import Controls. I would like to offer that summary in support of the practically unanimous objections that have been made by the oil and gas industry and those knowledgeable of the industry.

IMPACT OF A TARIFF SYSTEM FOR OIL IMPORTS ON THE UNITED STATES

First. The objective of any import control system is to maintain a healthy and viable domestic petroleum industry by encouraging domestic exploration and production. A tariff aimed at the reduction of domestic crude prices would defeat this objective. Without the incentives provided by the mandatory oil import program and percentage depletion, the oil industry would not have been encouraged to invest nearly $56 billion since 1958 with the result that some 40 billion barrels of oil and 207 trillion cubic feet of gas were added to our national reserves. Besides being responsible for the development of new reserves in the lower 48 States, these incentives induced the oil industry to undertake significant operations in offshore areas and on the North Slope of Alaska. Without such encouragement, there would have been no Alaskan exploration in the first place, and it is unlikely that exploration in such promising but forbidding areas as the Arctic would be pursued if prices were reduced. Indeed, because of the prospect of domestic crude price reductions, there is no assurance that the costly transportation programs needed to bring Alaskan oil to districts I–IV will be undertaken.

Second. Marginal production from stripper wells, which accounts for about 20 percent of proved U.S. reserves and 15 percent of current production, would be drastically reduced and could be permanently lost. This production could make the critical difference between self-sufficiency and the ability to meet domestic demand if foreign supplies were disrupted in an emergency.

Third. The overall effect of such a tariff on the small businessman would be catastrophic. Many of the independent producers who derive their income from stripper wells would be forced into bankruptcy. The industries servicing the oil industry would be severely affected, and the viability of small inland refiners who now participate in a quota system would be jeoparidzed.

Fourth. A tariff would be incapable of achieving the fine tuning necessary to adjust the volume of imports to any predetermined figure in face of fluctuating transportation rates, varying values of crudes, and changes in foreign oil costs.

Fifth. Any attempt to achieve this fine tuning through a tariff system would result in an administrative nightmare. Such a tariff would need constant readjustment, placing unbearable pressures both on the administrative authority and on those affected by its decisions.

Sixth. A tariff system would make it difficult, if not impossible, for the oil industry to engage in long-range facility planning. The industry would be seriously hampered in its ability to tackle the long-range logistics planning problems involved in locating refineries, pipelines, and distribution facilities which must be solved to insure the optimum economic supply of oil to U.S. markets.

Seventh. Natural gas presently accounts for 32 percent of our total energy supply. A tariff system which reduced domestic crude prices would have a severe effect on natural gas supplies and prices since a very large proportion of natural gas production is associated with the production of crude oil.

Eighth. Use of a tariff to reduce domestic oil prices would impair the continued development of the technology needed to produce oil at economic rates from shale, coal, and tar sands. The prospect that the United States would enjoy the benefit of abundant petroleum from these domestic sources could be foreclosed indefinitely by such a tariff.

Ninth. The 31 domestic oil-producing States would be affected by a decline in U.S. petroleum exploration and production. Many of these States draw a substantial part of their revenues from oil taxes and other payments. These payments would be drastically curtailed if oil prices were reduced. These losses would be compounded by a decline in employment and a consequent loss of purchasing power.

Tenth. The increase in revenue to the U.S. Government from a tariff on oil imports would be partially offset by a decline in Federal tax payments resulting from a decline in domestic oil exploration and production.

Eleventh. Use of tariffs to reduce oil prices would increase our dependence on foreign supplies to an extent that would be unacceptable from a security standpoint. Not only would vital supplies be subject to cutoff in an emergency, but the United States would become vulnerable to potential blackmail from politically unstable regimes. The global balance of power would shift away from us if the Soviet Union were to remain virtually self-sufficient in oil while our own domestic industry's viability were eroded.

Twelfth. Foreign crude prices would increase if the U.S. market were widely opened to imports as would be the case under the proposed tariff program. The major portion of foreign crude oil costs consists of royalty and tax payments to the host countries. Governments of the countries comprising the Organization of Petroleum Exporting Countries—OPEC—have already increased their unit tax receipts on oil produced by American companies to a pronounced degree, and would increase them still further if we became excessively dependent on their supplies. A tariff system would be especially likely to induce foreign governments to increase their taxes on oil since the size of the proposed U.S. tariff would be higher than any payments they now receive. The temptation to make their own charges at least equal to a U.S. tariff might well be irresistible.

Thirteenth. The consumer would no longer enjoy the present price differential between domestic and imported foreign oil which is now largely passed on to him by the oil companies. Under the tariff system, this would go to the U.S. Treasury. Also, besides having to pay more for natural gas, the consumer might have to make up in taxes the revenues lost by the States.

Fourteenth. If an influx of foreign oil to the United States resulted from the imposition of a tariff system, the U.S. balance of payments, already under serious strain, would deteriorate still further. For example, according to Chase Manhattan Bank, the effect of reducing the average price of domestic crude by 30 cents per barrel to $2.80, one of the widely reported goals of the Cabinet task force, would result in an adverse impact on the U.S. balance of payments of nearly $10 billion annually by 1980.

Mr. BYRD of West Virginia. Mr. President, under the previous unanimous-consent agreement, is the Senator from Wisconsin to be recognized at this time?

The PRESIDING OFFICER (Mr. ALLEN in the chair). Under the previous unanimous-consent agreement, the Senator from Wisconsin is recognized for 10 minutes.

WHO STOLE THE PEACE DIVIDEND?

Mr. PROXMIRE. Mr. President, when one looks beneath the vast propa-

ganda generated by the White House and the Budget Bureau about the cuts in the Defense budget for fiscal year 1971, some alarming and disquieting facts are found. The paucity of the cuts does not match the rhetoric by which they are proclaimed. In fact known cuts of about $25 billion in military spending have reduced outlays in the 1971 budget by only $5.3 billion. Somewhere along the line, even after generous allowances are made for inflation and pay raises, double counting and uncontrollable items, we lost about $10 billion. Someone stole the peace dividend.

Consider the following items:

THE $13 BILLION CUT IN VIETNAM SPENDING

On October 22, in a speech before the Overseas Writers Club, Secretary Laird announced that by the end of fiscal year 1970, or by June 30, 1970, the cost of the Vietnam war would be down from a $30 billion a year level to an annual rate of $17 billion. Secretary Laird's figures were later stamped official in testimony before Congress. They are found in the supplemental testimony of Chairman McCracken of the Council of Economic Advisers to the Joint Economic Committee on October 23, 1969. In his supplementary comment Chairman McCracken verified what we on the committee had pointed out to him; namely, that Vietnam spending was scheduled to drop by $13 billion by mid–1970. He wrote in his supplementary submission to us:

> Secretary Laird has estimated that Vietnam spending will have fallen by mid–1970 to an annual rate of about $17 billion. (*Hearings*, Subcommittee on Fiscal Policy of the Joint Economic Committee, October 23, 1969, p. 359.)

That is a reduction of $13 billion in Vietnam spending. And that is the rate of spending at which fiscal year 1970 ends and fiscal year 1971 Vietnam spending begins. It is not the average rate for fiscal year 1971 which should be even lower.

Yet the 1971 Department of Defense Budget for the Pentagon itself—excluding military assistance, atomic energy, and defense related activities—is only $5.3 billion below 1970 outlays. It is only $6.6 billion below the 1969 outlays when Defense spending and the Vietnam war were at their peaks.

CUTS IN MILITARY PERSONNEL

The administration has only recently announced that by the end of fiscal year 1971, the number of military personnel would be down by 600,000. The budget indicates that 250,000 of that reduction will be in effect by June 30, 1970. The rest is to come in 1971. But most of the savings will come in fiscal year 1971 because the 1970 reductions are end of the year figures. About 450,000 of that reduction should be in effect for the entire fiscal year.

The cost of supporting one military man for 1 year is approximately $10,000. The cost for a fighting man abroad is estimated at much more than that. Some estimates are as high as $25,000 per man per year. When units are disbanded, the cost per man is higher than in ordinary attrition. Even though a big part of the 600,000 reduction in personnel will be from soldiers in Vietnam, let us apply the more conservative $10,000 per man per year rate and apply it only to reduction of 450,000 in effect for the full year. That in itself should bring a $4.5 billion reduction in personnel costs.

CUTS IN CIVILIAN PENTAGON EMPLOYMENT

The administration simultaneously announced a reduction in civilians working at the Pentagon by June 30, 1971, of 150,000. From the budget figures it is clear that at least 100,000 of that reduction will be fully in effect throughout the fiscal year. At a modest $10,000 per man per year for pay and allowances this should bring an additional $1 billion savings during fiscal year 1971.

These three items alone total $18.5 billion.

But there are other items as well which should portend additional large savings.

ADDITIONAL VIETNAM CUTS

First, there are the additional reductions for Vietnam spending which should be made in fiscal 1971. The fiscal year 1971 budget goes into effect on July 1, 1970. Certainly there will be some further reductions in Vietnam spending during that 12-month period.

The administration refuses to tell us what Vietnam will cost. That is a great mistake and I, for one, criticize them strongly for that unnecessary and unwarranted concealment. If Secretary Laird could tell us in October of 1969 what the estimates were for June 30, 1970, the President should be able to tell us in February 1970, what the estimates are for fiscal year 1971.

Nevertheless, to our $18.5 plus billion should be added additional Vietnam savings in fiscal year 1971. Certainly these should amount to a modest $3 to $4 billion. They could be very much more.

END WASTEFUL PROCUREMENT

Second, the budget message tells us we are to provide for the procurement of "carefully selected weapons systems and for a prudent research and development program."

We all know the horrendous waste now found in both weapons systems procurement and in research and development for weapons systems. The GAO has just testified before the Subcommittee on Economy in Government that the overruns on 38 major weapons systems are at least $20.9 billion. Additional huge savings should be made here. The Pentagon should be able to save at least $2 billion in procurement by stopping wasteful practices in addition to any actual cuts in the scheduled procurement of weapons systems.

REVISED FORCE LEVELS

Third, we are told that for fiscal year 1971, there is to be a revised defense strategy. On October 16, 1969, Secretary Laird held an informal press conference at the Pentagon. He announced then that for the first time in many years the budget for fiscal year 1971 would not be based on the assumption that our military forces should be capable of waging two major land wars—one in Europe and one in Asia—and a minor brush fire war simultaneously.

Secretary Laird announced that for fiscal year 1971 he had instructed the Joint Chiefs of Staff to submit budgets that would maintain the capability of fighting one major and one minor war simultaneously.

That revised strategy, from forces capable of waging two and a half wars to a force level to meet merely one major and one minor war, should be reflected in a somewhat smaller overall defense budget. Certainly this shift should be reflected by at least a billion dollar savings in fiscal 1971.

Throughout the 11-week debate on the military authorization bill in 1969 the critics of military spending were told time and again that no meaningful reductions could be made until the two and a half war strategy was changed.

It has been changed. We should get meaningful cuts.

FEWER OVERSEAS BASES

Finally, there is at least one further major item which should result in vastly reduced expenditures. We now have 429 major and 2,972 minor bases scattered over 30 countries throughout the world. Many of them are obsolete, or the reasons they are where they are are obsolete. The Symington committee is now reviewing these, and major cuts should be made. A modest half a billion dollars in savings should be made in fiscal year 1971 by reducing the overseas bases outside Vietnam over and above the minor savings now contemplated.

Thus, in addition to the $18.5 billion-plus of direct reductions, we should add additional cuts in Vietnam spending for fiscal year 1971, savings in weapons systems procurement, savings which should result from reducing our force levels from a two and a half to a one and a half war contingency, and a reduction in some of our bases all over the world. Other savings are possible too, and this should by no means exhaust the possibility for Pentagon savings.

But let us limit ourselves to this most conservative and modest estimate.

GROSS SAVINGS ON $25 BILLION

This total of Defense cuts and reductions for Vietnam, for announced troop and civilian personnel reductions, for bases, for the revised two and a half war strategy, and for savings on weapons systems procurement, amounts to at least $25 billion.

INFLATION, PAY HIKES, ETC. REDUCE SAVINGS

This, of course, is an estimate of gross savings. The net would be smaller. One must take account of higher pay and allowances for both the military and civilian personnel still employed. Retired pay expenses are up slightly. We know that the military costs are affected by inflation, as are civilian costs.

Generous allowances are already made in the budget and in weapons system contracts for this problem. But at a 10-percent rate over and above the generous amounts already allowed, only $2.5 billion of the savings would be eaten up by inflation.

If we are generous and allow a total of $10 billion for inflation, for additional pay and allowances, for possible double counting, and for other costs, that still

leaves a net cut of about $15 billion in Defense costs which should be reflected in the fiscal year 1971 budget.

WHERE HAS $15 BILLION NET SAVINGS GONE?

But where has the $15 billion plus gone? Who gets it? Why is the Pentagon budget only $5.3 billion below last year and $6.7 billion below the peak fiscal year 1969 outlays?

The question is, who stole the peace dividend? Who usurped the military cuts? Where did $10 billion disappear?

PENTAGON HAS USURPED $10 BILLION OF THE PEACE DIVIDEND

The answer is that the Pentagon is keeping it. They are not cutting back as much as their press releases suggest. Instead of making real savings by improving the procurement of weapons systems, by using personnel more efficiently, and by cutting back on the frills and unnecessary perquisites of the Military Establishment, the Pentagon is absorbing for its own use about $10 billion of the savings. And this $10 billion should be used for other priorities.

SAVINGS EATEN UP BY NEW WEAPONS SYSTEMS

Let me say specifically where some of it is going. The Army intends to take part of it for phase II of ABM.

The Navy is absorbing vast huge dollar amounts of the savings in converting the Polaris submarines to the Poseidon system at costs which now exceed the original estimates by over $3 billion. Some of it is being eaten up in the Poseidon overrun.

OVERRUNS TAKE PEACE DIVIDEND

The Air Force is usurping its share of the fiscal or peace dividend through huge overruns on the Minuteman program. Secretary Shillito agreed before the Economy in Government Subcommittee of the Joint Economic Committee last summer that the overrun on Minuteman was in the $3 billion-plus category.

The Air Force is also moving forward with the SRAM missile for late models of the B–52's and the FB–111. The GAO said the costs of this program had gone up from an estimated $261 million at the contract definition stage to a $1.47 billion current estimate, or an increase of $1.2 billion.

The Air Force has usurped additional amounts of the peace dividend to pay for the huge AWACS over the horizon radar and airborne warning and control system. Some $18 billion has already been spent for SAGE and AWACS even though the Russians have no modern intercontinental bomber system.

These huge funds were expended to meet a nonexistent threat. Yet this is justified by the argument that the expenditure kept the Russians from developing an intercontinental bomber capability. Added funds are in the budget for AWACS.

NAVY GETS ITS SHARE

The Navy has usurped its share of the peace dividend through its $2.6 billion annual fleet modernization program, an increase of $1 billion annually over the 1967–69 Navy modernization expenditures.

The Army is doing its share in wasting funds by pushing forward with tanks which do not work and duplicate antitank weapons.

GROSS SAVINGS IDENTIFIED

The facts are that a reduction of about $25 billion in gross military costs and $15 billion in net military costs can be identified. These involve a $13 billion cut in Vietnam expenditures to be in effect by June 30, 1970, a $5.5 billion cut already announced in military and civilian personnel in fiscal 1971, plus additional savings of at least $6.5 billion which should result during fiscal year 1971 from four sources. These are: First, additional Vietnam cuts; second, the revised defense strategy; third, a reduction in overseas bases not associated with Vietnam; and fourth, savings which should come from the "prudent" management of weapons systems procurement the budget message proclaims.

An estimated $10 billion of the $25 billion will be eaten up in pay raises, inflation, and uncontrollable items, leaving a net of $15 billion.

SUM OF $10 BILLION USURPED BY MILITARY

But this "net" cut of $15 billion or more translates into a reduction of budget outlays of only $5.3 billion. The remaining $10 billion has been absorbed and usurped by the military services.

TAXPAYERS ROBBED

The Pentagon has heisted $10 billion of the peace dividend. The long-suffering taxpayers have been robbed of $10 billion in tax relief or improved domestic services or a combination of the two.

Mr. Moynihan's predictions have come true. When one examines the details of the new Nixon budget, it is clear that the peace dividend has "turned out to be evanescent, like the morning clouds around San Clemente."

The American public has been short changed. Congress should redress the imbalance and return the $10 billion to the taxpayers or to urgent priorities.

I ask unanimous consent that a table reflecting the facts I have set forth in this speech be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Pentagon savings

[In billions of dollars]

Announced savings:	
Cut in Vietnam expenditures at the end of fiscal year 1970 announced by Secretary Laird	13.
Announced reduction in military personnel of 600,000 by June 30, 1971	4. 5.
Announced reduction in civilian personnel by June 30, 1971 of 150,000	1.
Subtotal	18. 5.
Additional savings:	
Fiscal year 1971 Vietnam savings	3 to 4.
Savings by more efficient procurement	2.
Reductions from revised two and a half war contingency	1.
Closing of some of the 429 major and 3,972 minor bases in 30 countries throughout the world now obsolete and not included in budget	0. 5.
Total, gross savings	25 to 26.
Less:	
Allowance for pay increase, inflation, double counting, and uncontrollable items	—10.
Net savings	15 to 16.
Savings reflected in reduction of 1971 budget outlays over 1970 budget outlays	—5. 3.
Estimated savings usurped by military in 1971 budget	9. 8 to 10. 8.

PRESIDENT JOHNSON DISTORTS HISTORY

Mr. YOUNG of Ohio. Mr. President, it was with a feeling of shocked surprise that I watched and listened to Walter Cronkite's recent television interview with former President Lyndon B. Johnson. It was with sadness and astonishment that I heard a somewhat hysterical version of the various recommendations and plans he spoke of regarding our involvement in that immoral, undeclared war in Vietnam.

Also, it was startling in the extreme to hear him disavow ever having the aim and purpose to achieve a military victory by our offensive bombing of North Vietnam. In the course of his rambling remarks speaking of the North Vietnamese armed forces he said, "We were just trying to stop them at the bridge." The most astonishing of all was his statement that the Vietcong Tet lunar offensive of the last of January and early February 1968 was a victory for General Westmoreland and our forces.

Mr. President, I was in Vietnam and visited the Danang and Khesanh area 4 days before the Tet Lunar offensive of General Giap began. In the Danang and Khesanh area I did not go along in its entirety with the guided tour provided by our commanders in Vietnam for visiting Congressmen. I did follow the custom of talking with General Westmoreland. Also, General Cushman commanding the marines who were on the defensive in the Danang area honored me with a reception and, of course, I talked with him. I report that in that area I also talked with Ohio GI's and succeeded in talking privately with a marine sergeant and others making it a point to separate myself not only from my escort officer, but from Marine Corps officers.

The generals, including General Westmoreland, told me that without a doubt the Vietcong would try to overrun Khesanh during the Tet lunar holiday, and that this important outpost would be held by our marines at all costs and the North Vietnam units would be held back with great slaughter. General Westmoreland was proud of the fact that he had withdrawn 40,000 soldiers from other areas, and he and his generals told me that they had encircled the encirclers. He and his generals informed me that 40,000 fighting men had been withdrawn from the interior and central highlands and that the Vietcong were being encircled and would be annihilated when they attacked Khesanh and tried to overrun Danang as he predicted they would. I was informed by Generals Westmore-

land, Cushman, and others that Khesanh was a defense outpost of utmost importance and that the enemy would concentrate on an all-out assault but that this important outpost would be held at all costs and the enemy was in for a surprise.

In conversations with an Ohio sergeant and other GI's, after I told them I had been a private and later an officer and that I found it a lot harder to be a private than an officer, the sergeant said:

I feel there is something phony going on and they are trying to make us believe they will try to overrun Khesanh. I have placed a bet they will not attack Khesanh or Da Nang.

How right he was. General Westmoreland was completely outgeneraled by General Giap, the victor over the French at Dienbienphu in May 1954. The Vietcong attacked almost everywhere else in South Vietnam. They invaded, captured, and held these provincial capitals for days and, in fact, held Hue for 1 month. That so-called important outpost Khesanh never attacked was abandoned within a month.

What about this victory that General Westmoreland and President Johnson claim was our victory during the Tet lunar holiday? Psychiatrists have a name for General Westmoreland and others who delude themselves and really believe a bitter defeat was a victory. There was no attack on Danang or Khesanh. It was shocking enough to anyone to observe our marines on the defensive in these areas, when the facts are that they should have been in the Mekong Delta or spearheading amphibious landings. Our marines are trained for offensive combat and for spearheading amphibious landings. They are the finest, most intelligent and best trained fighting men in the world. It was astonishing that at Khesanh and Danang our marines were on the defensive. Some marine officers in the lower echelon, I refer particularly to one captain and to two sergeants, told me they wished they were permitted to take the offensive in the Mekong Delta or some other area instead of digging in and waiting around Khesanh and Danang.

There are 44 provincial capitals in South Vietnam. Instead of attacking at Khesanh, the Vietcong and North Vietnam forces overran and captured 37 of the 44 provincial capitals. In every instance their forces went for the jails and liberated all prisoners, including thousands of political prisoners who had never been tried. In Saigon they breached the fortress-like American Embassy. For 7 hours they held possession of our Embassy. Is it possible that General Westmoreland and former President Johnson claim a great victory when the capital city of the militarist regime we are supporting, Saigon, and our own Embassy were invaded? We Americans were made happy at that time that our Ambassador, Ellsworth Bunker, escaped death or capture. Perhaps General Westmoreland's claims that the Tet lunar offensive on the part of the Vietcong and our forces on the defensive throughout South Vietnam was really a great victory because our Ambassador escaped capture and we Americans regained our own Embassy following 7 hours of fighting.

It is said that more than 7,000 political and other prisoners in jail in Saigon were liberated. The Vietcong in all the provincial capitals freed prisoners from jails no doubt conscripting many thousands of men in their armed forces. This was at the height of the rice collection season, and they also seized huge quantities of rice in all of the cities they captured. True, Ambassador Bunker who fled from our Embassy was not killed or captured by the Vietcong. Is it for this reason that General Westmoreland and former President Johnson claim this was an American victory?

Hue, the ancient capital, was captured and only after 30 days of frontal assaults with great loss of life on the part of our marines was Hue regained. During that period of terror the Vietcong killed hundreds of inhabitants. They occupied the center of that beautiful city. Finally, following a month of fighting our heroic marines by sheer force of numbers and firepower killed or forced out of Hue all of the Vietcong. Throughout that 30 days of fighting our generals resorted to no encircling or flank attacks against the Vietcong held citadel at Hue. Day after day it was one frontal assault following another and our marines suffered great loss of life.

It is a hysterical statement by President Johnson to term this grave defeat and setback under the leadership of General Westmoreland as an American victory.

President Lincoln more than a hundred years ago fired his generals who were failures. To name a few, Gen. Erwin McDowell, whose forces were routed by the Confederates July 21, 1861, never commanded Union troops thereafter. Gen. John Polk, who commanded a superior force in the second battle of Manassas, or Bull Run, in late August 1862 was soundly beaten and fired. Fighting Joe Hooker at Chancellorsville May 2, 1862, commanded a Union Army far greater in number than the opposing Confederate forces of Generals Lee and Jackson. I can report accurately that as the XI Corps of Ohio soldiers on the right flank of Fighting Joe Hooker's huge army were enjoying their supper, they were attacked and routed by a lesser force of Confederates, who had marched silently around General Lee's few soldiers who were holding the line against a huge force with the fighting men standing about 6 feet apart, and took the Union Army by surprise. Fighting Joe Hooker in the confusion with the routed soldiers of the XI Corps fleeing in panic passing his headquarters neither tried to rally these men nor counterattacked with his troops who had not been in combat. President Abraham Lincoln fired him and placed Gen. George Meade in charge of the Army of the Potomac.

What did President Johnson do? Did he fire General Westmoreland? To the contrary, he promoted him to be Army Chief of Staff. The best that can be said is that President Johnson removed General Westmoreland from leadership of our troops in combat and moved him upstairs in Washington, and selected Gen. Creighton Abrams, a highly respected fighting general, probably our best, as chief commander in Vietnam and Thailand.

It was sad to observe and listen to former President Johnson in his rambling television interview arguing in a somewhat hysterical manner that we Americans won a great military victory by repulsing the enemy's Tet offensive. He did not dwell on the fact that our military leaders requested 206,000 more American fighting men. He sloughed off the fact that General Westmoreland's request for 40 percent more fighting men reflected not victory but our weakness.

President Johnson's assessment of the 1968 Tet offensive "as a disaster, a debacle, and a serious military loss" for the Vietcong ignores overwhelming evidence to the contrary. The former President took the same distorted view of other events during his administration regarding our deepening involvement in Vietnam. His severe unjustified criticism of the distinguished chairman of the Senate Committee on Foreign Relations (Mr. FULBRIGHT) and his part in the passage of the Tonkin Gulf resolution ignores completely the deceit perpetrated on the Congress and on the distinguished junior Senator from Arkansas (Mr. FULBRIGHT) by the President and members of his administration regarding the facts on the so-called attack by North Vietnamese gunboats on the destroyers *Maddox* and *Turner Joy*.

The fact is that the chairman of the Foreign Relations Committee deserves the gratitude of all Americans for his efforts in helping to make Americans aware of the futility and stupidity of our continuing to wage an immoral, undeclared war in Vietnam. Unfortunately, it appears that former President Johnson cannot accept the fact that his decision to turn the civil war in Vietnam into an American air and ground war was the most horrendous mistake ever made by any President in the history of our Republic.

Mr. Johnson himself appeared exasperated during portions of the program especially when he discussed his relations with war critics. His caustic characterization of his former senatorial colleague Senator J. WILLIAM FULBRIGHT as "this Rhodes Scholar" confirmed that the crevice of disagreement which arose between them over Vietnam has indeed widened into a canyon. Generally, this viewer was left with the impression that although the former President has made a pleasant transition from the White House to retirement at his Pedernales Ranch he remains perplexed with the public's criticism of his Vietnam policy, intransigent in his views and still mired in the mud of a major ground war in Vietnam inaugurated while he was President and Commander in Chief of our Armed Forces. On the day President John F. Kennedy was assassinated we Americans had 16,120 military advisers in Vietnam. No combat troops.

The interview with former President Lyndon Johnson televised on CBS last Friday night was very poor history. Lis-

tening to his account of the events, I did not know whether to be outraged at what I regard as his attempt to distort history, or saddened by his apparent complete self-delusion.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed now to the transaction of routine morning business.

SENATE JOINT RESOLUTION 172—INTRODUCTION OF JOINT RESOLUTION DESIGNATING FIRST FULL WEEK IN MAY OF EACH YEAR AS "CLEAN WATERS FOR AMERICA" WEEK

Mr. McCLELLAN. Mr. President, for myself and my colleague (Mr. FULBRIGHT) I introduce, for appropriate reference, a joint resolution (S.J. Res. 172) designating the first full calendar week in May of each year as Clean Waters for America Week.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 172) to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week," introduced by Mr. McCLELLAN (for himself and Mr. FULBRIGHT), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, the current enthusiasm for improving environmental quality is most welcome. The breadth of concern ranges from conservation of minerals, to solid waste disposal, to considerations of natural beauty. Everyone is talking about environmental problems and they include virtually all of human activity.

The Congress has passed an impressive number of laws for action programs to do something about improving our environment. Most recently the National Environmental Policy Act—Public Law 91–190—was signed into law by the President. This act declares that it is the policy of the U.S. Government to create and maintain conditions under which man and nature can exist in productive harmony. Title I states:

> Each person should enjoy a healthful environment and has a responsibility to contribute to the preservation and enhancement of the environment.

The leadership of the Congress has been particularly strong on legislation for water quality and productivity. The Water Quality Act of 1965—Public Law 89–234—was a landmark law, establishing the Federal Water Pollution Control Administration. It called for the States to set standards based on federally promulgated criteria. After 4 years of scientific study and river basin planning, the Nation is making the hard choices and committing the funds to meet these standards. The Clean Waters Restoration Act of 1966 authorized matching funds to local governments for sewage treatment plant construction. Last year the Congress appropriated $800 million for this purpose and in fiscal year 1971, $1¼ billion is authorized. Other acts have authorized and funded the extensive works of the Corps of Engineers and the Bureau of Reclamation. Through annual authorizations, the Congress has maintained a strong research and development effort in the desalting of sea water and brines. The Water Resources Act—Public Law 89–80—established river basin commissions and the Water Resources Council. Last year Public Law 90–515 set in motion a 5-year intensive review of the entire water problem by the National Water Commission. These diverse efforts assure steady progress but there are many facets to the water resources issue and water quality is only one part of the broadening interest in the environment.

Priorities must be set and the emphasis of limited revenues and manpower placed on the most critical natural resource areas. I believe that water is at the top of the list and that we should periodically remind ourselves of the importance of water while we are recognizing and appreciating the more subtle and particular interactions of man and his surroundings. That is why it is fitting to set aside a time especially to examine the status of water resources and the quality of our streams, lakes, and reservoirs. We are well aware of the enormous requirements of a modern industrial society for water. The laws we have established implement a national policy of multiple use.

The Arkansas River is an instructive example of the many purposes of a great watershed. From the time that a trickle of rainfall or melted snow enters its upper tributaries until the full river empties into the Mississippi, the same water will serve recreation, transportation, agriculture, drinking water supply, industrial cooling, hydroelectric power production, and the esthetic pleasure of just viewing a healthy, flowing stream. Presently, the river is open to barge traffic from the Mississippi River to Fort Smith, Ark. The great complex of dams, channels, and reservoirs is not yet complete but the dream which we had in the 1930's is becoming an impressive reality. The benefits from the various uses now possible in this region of America can never adequately be described in dollars and cents. The quality of life for millions of people in the Arkansas basin has been improved by the intelligent development of this water resource.

The State of Arkansas is abundantly blessed with many lakes, rivers, and streams of clean, usable water which are free from pollution and we propose to keep them that way.

There are other success stories around the Nation, but there are also some major catastrophies in the making. Pollution must be corrected in the Great Lakes and most large river systems and estuaries of the east coast. Water supply crises are always hovering over New York City and the Pacific Southwest. The great increase in boating recreation threatens to overwhelm the recent development of inland reservoirs and lakes. Enormous growth in electric power generation produces corresponding quantities of waste heat which is largely dissipated in surface waters, changing the ecology of the river or bay.

Thus, the observation of Clean Waters for America Week should dramatize the very real accomplishments of the past, the importance of water resource planning for the future, and the urgency with which we must attack some present day pollution problems.

The Federal Government is well organized to participate in such an event. The Water Resources Council coordinates most of the agencies with responsibilities for water quality and the many uses of our rivers, lakes, and ocean areas. I call on all departments to contribute imaginative suggestions for Clean Waters for America Week activities. There should be a variety of opportunities for education of young persons. The demonstration of successful water management is important to sustain taxpayer support for the continuing programs and projects ahead.

Mr. President, the restoration and maintenance of environmental quality and productivity has become a major national issue. I submit that the joint resolution which Senator FULBRIGHT and I introduce today is an appropriate recognition of clean water as the central objective of environmental management. I urge rapid adoption of the measure so that planning can proceed for the first Clean Waters for America Week in May of this year. I invite the participation of my colleagues in the Senate and citizens everywhere in the events which will take place all over the country.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from New York.

S. 3425—INTRODUCTION OF A BILL TO AMEND THE WAGNER-O'DAY ACT

Mr. JAVITS. Mr. President, I introduce for myself, the senior Senator from Washington (Mr. MAGNUSON) and the Senator from West Virginia (Mr. RANDOLPH) an amendment to the Wagner-O'Day Act—the 1938 law which for the past 32 years has given to the blind a special priority in the selling of certain products to the Federal Government.

This bill has two principal objectives: First, to extend the priority now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference; and second, to expand the category of contracts under which the blind and severely handicapped would have priority to include services as well as products, reserving to the blind first preference for

5 years after the enactment of the bill. No additional Government expenditures would be occasioned by this measure. A companion bill will be introduced in the House of Representatives by Representative CRAIG HOSMER of California, and other Members of the House.

Largely through the opportunities made possible by the Wagner-O'Day Act, there are now over 5,000 blind persons earning regular wages in 79 workshops for the blind in 35 States, turning out over 300 high-quality products. This bill would broaden their opportunities by allowing for special consideration in Government contracts for services in addition to products. Also, it would permit the severely handicapped to avail themselves of similar opportunities, without impinging on the first preference given the blind.

This measure has the support of principal organizations for the blind and the severely handicapped. These include the American Association of Workers for the Blind, the American Foundation for the Blind, the Federation of the Handicapped, the Goodwill Industries of America, International Association of Rehabilitation Facilities, National Association for Retarded Children, the National Association of Sheltered Workshops and Homebound Programs, the National Industries for the Blind, and the National Rehabilitation Association.

In Japan, nearly a third of that country's blind and partially blind are employed; in the United States no more than one-fifth of the blind are employed. As for the handicapped, a recent study indicates that up to 50 percent more disabled persons could be helped by a sheltered workshop if more work were available to them. Today, over 100,000 disabled—including blind disabled—are served each year by the 1,500 sheltered workshops in the Nation.

The proposed legislation is not a welfare measure. It is a hard-nosed proposal to help those who have no choice but to help themselves. The blind and the severely handicapped wish to be self-supporting and to be taxpayers, not tax burdens. This legislation would provide a significantly increased number of opportunities for work for those who otherwise might be relegated to institutions, to welfare programs or supported by already burdened families. After 32 years of successful operation, the Wagner-O'Day Act must now be strengthened as I propose.

In closing, I wish to state that I am particularly gratified that Senator JENNINGS RANDOLPH is a cosponsor of this bill. As a Member of the House, he was a coauthor of the Randolph-Shepherd Act which for the past 34 years has benefitted blind vendors in public buildings. Senator RANDOLPH has long been a pioneer in the effort to help the blind become productive citizens—as they are able. I think it is magnificent that he has lent himself to this effort as well.

I sent the bill to the desk for appropriate reference, and I ask unanimous consent that its text be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3425) to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes, introduced by Mr. JAVITS (for himself, Mr. MAGNUSON, and Mr. RANDOLPH), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to create a Committee on Purchase of Blind-made Products, and for other purposes", approved June 25, 1938 (52 Stat. 1196; 41 U.S.C. 46–48), is amended by striking out all after the enacting clause and inserting in lieu of the matter stricken the following: "That there is hereby created a Committee to be known as the Committee for Purchase of Products and Services of the Blind and other Severely Handicapped (hereinafter referred to as the 'Committee') to be composed of two private citizens conversant with the problems incident to the employment of blind and other severely handicapped individuals and a representative of each of the following Government Department or Agencies: The Department of Agriculture, the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Health, Education, and Welfare, the Department of Commerce, the Department of Interior, the Department of Justice, the Department of Labor, and the General Services Administration. The members of the Committee shall be appointed by the President, shall serve without additional compensation, and shall designate one of their number to be chairman.

"SEC. 2. (a) It shall be the duty of the Committee to determine the fair market value of all brooms and mops and other suitable commodities produced and offered for sale by, and services offered by, blind and other severely handicapped individuals to the Federal Government by any nonprofit agency for the blind or other severely handicapped, organized under the laws of the United States or of any State, to revise such prices from time to time in accordance with changing market conditions; and to make such rules and regulations regarding specifications, time of delivery, authorization of a central nonprofit agency or agencies to facilitate the distribution of orders among the agencies for the blind and other severely handicapped, and other relevant matters of procedure as shall be necessary to carry out the purposes of this Act: *Provided,* That no change in price shall become effective prior to the expiration of fifteen days from the date on which such change is made by the Committee.

"(b) Rules and regulations of the Committee shall provide that, in the purchase by the Government of commodities produced and offered for sale by the blind and other severely handicapped, priority shall be accorded to such commodities produced and offered for sale by the blind, and that, in the purchase by the Government of services offered by the blind and other severely handicapped, priority shall, until the close of June 30, 1975, be accorded to services offered by the blind.

"SEC. 3. All brooms and mops and other suitable commodities and services hereafter procured in accordance with applicable Federal specifications by or for any Federal department or agency shall be procured from such nonprofit agencies for the blind or other severely handicapped in all cases where such articles or services are available within the period specified at the price determined by the Committee to be the fair market price for the article or articles or services so procured: *Provided,* That this Act shall not apply in any cases where brooms and mops and other suitable commodities and services are available for procurement from any Federal department or agency and procurement therefrom is required under the provisions of any law in effect on the date of enactment of this Act, or in cases where brooms and mops and other suitable commodities and services are procured for use outside any State.

"SEC. 4. For purposes of this Act—

"(a) the term 'severely handicapped' means an individual or class of individuals who is under a physical or mental disability which constitutes a substantial handicap to employment and is of such a nature as to prevent the individual under such disability from currently engaging in normal competitive employment; and

"(b) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands."

SEC. 2. The amendments made by the first section of this Act shall take effect on the first day of the ninth month following the month in which this Act is enacted.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, if it is agreeable to other Members who may be waiting, I would ask the indulgence of the Chair to be recognized for 10 minutes, to make some remarks on my recent trip to Japan.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from New York is recognized for 10 minutes.

SENATOR JAVITS REPORTS ON HIS TRIP TO JAPAN

Mr. JAVITS. Mr. President, it is increasingly recognized that the policy and posture of the United States in post-Vietnam Asia will be determined to a very major extent by the viability and creativity of our relationship with Japan. With this in mind, I made a 4-day visit to Japan, January 25 ot 28, as the culmination of a trip to seven countries, as a member of the Foreign Relations Committee.

In Japan I met with Prime Minister Sato, Foreign Minister Aichi, Minister of International Trade and Industry Miazawa, and the leaders of Japanese business under the auspices of the Keidanren. In addition, I met with a group of militant Japanese student leaders, the foreign affairs spokesman of the opposition Komeito Party, a gathering of Japanese avant garde artists, and I was the guest at a working lunch hosted by Vice Foreign Minister Usiba. On January 26, I addressed the Japan-America Society, in which I reviewed the whole range of United States-Japan relations with particular emphasis on trade relations.

On the American side, I met with Ambassador Meyer, Minister Sneider—who was the U.S. negotiator for the

Okinawa agreement—Minister-Counseler for Economic Affairs Barger, our Consul General in Osaka William Sherman, and Ambassador Chernoff, the U.S. representative to the Expo '70 fair in Osaka. In addition, I met with the chairman and officers of the Private Investment Co. for Asia—PICA—at the PICA headquarters in Tokyo.

My discussions in Japan were focused on two broad questions: Asian security problems—and trade relations between the United States and Japan.

With respect to security issues, I found on the Japanese side a noticeably increased concern about Vietnam and Southeast Asia as well as a continuing concern about what Japan considers its own immediate defense perimeter in South Korea, Okinawa and Taiwan. In addition, there were expressions of thoughtful concern about Japan's relations with its two giant Asian neighbors, Communist China and the U.S.S.R., although the Japanese do not seem to feel that very much can be done in the near future to improve their relations with Moscow or Peking.

While I was in Japan the decision was made to sign the Nuclear Nonproliferation Treaty. I regarded this as a most significant and hopeful development which I hope will be followed up by further constructive Japanese initiatives in the nuclear arms field.

It seems clear from my conversations that Japan has derived deep satisfaction and national reassurance from the Nixon-Sato agreement on the reversion of Okinawa. Japan has begun to think of its role in Asia in new and more positive and active terms following the agreement with us on Okinawa.

Significantly in this regard, I found a comprehension by the Japanese of the relationship of the Okinawa agreement to the broader doctrine announced by President Nixon at Guam foreshadowing a new and multilateral U.S. security posture in Asia following the Vietnam war. In my judgment, this comprehension of a multilateral U.S. security role in Asia is what has prompted greater Japanese concern with Vietnam and Southeast Asian security.

In Japan as I had found in Vietnam itself, I found understanding and approval of U.S. combat withdrawal from Vietnam, and the turning over of the responsibility to the GVN—Government of South Vietnam. But I also found that Japanese leaders favor a much slower and more gradual U.S. withdrawal than I believe is the intention of the President, and certainly much slower than I believe to be essential for broader U.S. interests.

Significantly, Japanese concern over the pace of U.S. withdrawal as expressed to me, had a major, positive new dimension. This new dimension is the expressed willingness in Japan for it to assume a significant new responsibility in the economic field, perhaps in the context of a "master plan" for the reconstruction and development of Vietnam. I saw indications that Japan's efforts in this regard need not await a formal or juridical end of the Vietnam war.

It is widely recognized that Japan's new role in Asian security cannot be in the military field, or even in the field of political leadership under present conditions. But a major economic development role, even beyond Vietnam and Southeast Asia, is being contemplated. With respect to Vietnam, an expanded Japanese economic role would probably be presented in terms of an offer to assist in the development and reconstruction of both South Vietnam, and—if it accepts—North Vietnam, too.

Japanese business leaders also expressed concern about Vietnam and a certain willingness to increase private business activities there, provided better security assurances could be obtained. I believe that there is much the Japanese Government could do, through investment guarantees and other programs, to bring Japanese private enterprise into Vietnam's economic development in a significant way.

In terms of broader Asian economic development, I found a readiness on Japan's part to play a major role within some kind of consortium arrangement in which the United States would also be a major participant. The Japanese seem to be aware of the residue of distrust and fear of Japanese economic and political domination which still persists in Asia. This awareness undoubtedly contributes to the Japanese readiness to act essentially in a multilateral way in cooperation with the United States, and also such other Asian governments as those of Thailand, Malaysia, the Philippines, Indonesia, Taiwan, Republic of China, and South Korea.

Japan seems ready to act in a significant way—both governmentally and in the private sector—to accelerate economic development efforts in Asia. In this regard, Japan has already pledged $100 million to the "soft loan"—special fund—window of the Asian Development Bank. The U.S. pledge to make available an equal amount has not yet been acted upon by Congress. In my judgment, it is critical that the United States come through on its own pledge which is so necessary to give momentum to economic development in Asia as the Vietnam war winds down, and which is needed to supplement the Japanese contribution.

In addition to these broad Asian security themes, my discussions in Japan focused on the major problems which have arisen to threaten the very foundations of United States-Japan trade and economic relations. I made a public presentation of these issues as I see them in my speech before the Japan-American Society in Tokyo. The full text of this speech, is appended to my report, and I ask unanimous consent to have it printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, the trade problems which I have dealt with extensively in my Tokyo speech are the same ones which I discussed in some depth and in candor in my private meetings with Japan's Government and private business leaders.

The issue most urgently threatening the United States-Japan trade partnership is the U.S. need for a voluntary quota on the export of certain categories of Japanese textiles, which have gravely threatened the economy of our major textile producing States—the Carolinas. As one who has been in the continuing fight for a more open trading world, I made unmistakably clear to the Japanese my conviction that a restraint agreement was necessary to provide temporary relief to the regions undermined economically by the relatively sudden impact of Japanese textile imports in given categories. Without such agreement, I stated I believed that the Congress might well enact protectionist legislation, which could have far-reaching consequences and initiate a protectionist momentum throughout the world. This would be devastating to ourselves and Japan alike and to the other major trading nations of the world.

Among Japanese officials I found an awareness of the potential significance and magnitude of the problem symbolized by the textile problem, and a sincere desire to reach an agreement which would defuse the issue, and head off a broader movement in the protectionist direction. Naturally, the Japanese emphasized the difficulties of reaching an agreement from their viewpoint, including the strong feelings within the Japanese textile industry and sentiment within the Diet against a "quota agreement." Nonetheless, I was given to believe that it would be much easier for the Japanese to make an agreement under multilateral GATT auspices which also involved other such Asian producers as Korea, Taiwan, Hong Kong, India, and Singapore.

Regarding the sensitive question of Japanese textile imports to the United States, I would make the following suggestions:

First, let us get this matter off the front pages of newspapers and onto the bargaining table before unwitting damage is done to United States-Japanese relations.

Second, contrary to some allegations, my conversations with Japanese leaders have convinced me of the Japanese desire to reach a prompt and just settlement of this trade dispute. Toward this end, they have progressively modified their negotiating position. Negotiations must be a two-way proposition. As the Japanese have been delinquent in recognizing that trade must be a two-way street where one side should not enjoy a $1 billion plus surplus, perhaps U.S. negotiators have not sufficiently realized that negotiation to be fruitful must also encompass give and take. It should also be recognized that this is a problem involving textile exporting nations other than Japan; and involving as well Japanese relations with other Asian nations and probably Western Europe. It is a matter that should be treated in a multilateral context. I also question whether the entire textile and apparel industry requires protection, or only those specific areas which have sustained serious injury from the sudden impact of imports.

Third, to circumvent the developing

inpasse which could have important international ramifications and looking into the problems confronting the United States and Japan in this area, I recommend that the President convene a special presidential task force to investigate, with Tariff Commission support, the question of injury. The finding of this task force as to the injury being sustained by our textile and apparel industry through increased levels of imports could form, in my opinion, the basis of just and equitable negotiations with the Japanese. It would be useful also in providing the Japanese Government with ammunition to use against their own potent textile industry lobby. I believe that my recommendation is fully consistent with the President's desire to liberalize the escape clause provisions of the Trade Expansion Act. In his message to the Congress on his proposed trade legislation, the President stated:

> I recommend a liberalization of the escape clause to provide, for industries adversely affected by import competition, a test that will be simple and clear; relief should be available whenever increased imports are the primary cause of actual or potential injury. The increase in imports should not—as it now is—have to be related to a prior tariff reduction.

Even though this proposal is not yet law, I urge the President to apply this simple and clear test to the textile industry. Such an application could form the basis of a solution to this serious problem.

In making this recommendation, I note that the precedent of using a special task force to make a priority study for the President on an import problem has already been established in the case of the shoe industry. I have been informed that the President will have this study on shoe imports on his desk in the very near future, if it is not already there. I do not believe that the political ramifications of the textile problem exceed that of shoe imports: Have not approximately 400 Congressmen and Senators made their wishes known on shoes?

In making this recommendation, I must note that as our economy slows down and as the inflation is stemmed, our balance on the trade account improves. Our surplus on the trade account has improved over the past year, and it probably will show further improvement in 1970. If we restrict any import without reference to injury criteria, I think that we would be leaving ourselves wide open to retaliation. And the areas in which we are vulnerable to retaliation are many, such as agricultural exports, to name only one.

My visit to Japan reaffirmed by conviction that the world is at a dangerous crossroads with respect to world trade. Protectionist forces have gained strength in the United States to the point where the whole U.S. trading posture of the post-war period is being called into question. Protectionist forces within the European Common Market are as strong as in the United States, and within Japan itself—the third major free world trading entity—entrenched protectionist forces continue effectively to resist meaningful loosening of foreign investment and manufacturing restraints.

In my judgment, 1970 is likely to be a watershed year which determines whether international trade continues to increase with the momentum that characterized the 1960's or falls prey to the parochial protectionist forces in the United States, Europe, and Japan that are derived from the defects and imbalances which accompanied the expansion of the 1960's.

This is a broad theme of critical significance which I intend to pursue, I wish to underscore one vital aspect of the broader trading question.

I have no doubt but that the success of Nixon's Guam doctrine, and the security of non-Communist Asia which depends on the success of that doctrine, will be determined in a major way by the degree of success we have in resolving the very real problems that have come to the fore in our trade relationship with Japan. These problems will require statesmanship of the highest order if they are to be resolved in a creative and mutually reinforcing way. However, if we and the Japanese allow ourselves to be trapped and overwhelmed by these problems, a heavy price will be paid by both countries, as well as by the Asian nations whose security depends on our joint development efforts.

EXHIBIT 1

A SENATOR LOOKS AT UNITED STATES-JAPAN RELATIONS

(Text of an address by Senator JACOB JAVITS before a luncheon meeting of the America-Japan society Tokyo, Monday, January 26, 1970)

Relations between the United States and Japan are now entering a significant new phase. The relationship of inequality deriving from the end of World War II has now been replaced by a relationship of equality. The symbol of the new equality is the agreement on the reversion of Okinawa announced in the Nixon-Sato communique of November 21, 1969. In my judgment, this agreement will rank in history as one of the major diplomatic achievements of the century.

The extraordinary importance of the agreement on Okinawa was momentarily more immediately and widely recognized in Japan than in the United States, but Americans will soon be as appreciative of the accomplishment as are the people of Japan.

Naturally, I view with great satisfaction the high statesmanship exercised in this agreement by President Nixon who insisted at each crucial stage in the negotiations that the American position would be governed by our long-range national interest in a peaceful and enduring cooperation with Japan—even when this meant the sacrifice of immediate military requirements and convenience. A similar spirit of high statesmanship and accommodation was demonstrated on the Japanese side. Neither would have been possible without the support of our respective peoples. And I believe also that this attitude will be extended to the negotiation of the agreement regarding U.S. businesses on Okinawa which Congress will also be watching with great interest.

One of the great issues in the United States today—and also a vital international task—is the debate in the Congress over the proper role for the United States in post-Vietnam Asia. The United States is determined to bring its participation in that struggle to an end. There are some in the U.S. who argue strongly for an almost total U.S. withdrawal from Asia. But I doubt that this view will prevail. Yet, the U.S. role in Asia—particularly its military role—will undergo significant changes. There is a very strong consensus of national opinion against any new involvement of U.S. ground combat troops in Asia.

President Nixon, in what has become known as the Guam Doctrine, articulated what I believe will be the basic guidelines for the U.S. role in Asia for the next decade. It is the kind of role which I think Japan and the other nations of Asia should welcome. In the 1970's the U.S. will play a strong and active role in Pacific Asia, but it will be supportive and developmental in its accent rather than being focused on the "close-in" military containment of Communist China, as was our policy of the 1950's and 1960's.

In effect, the U.S. is acting on the assumption that the 1970's will be a decade of development in Asia—economic as well as political development. Japan's role, in cooperation with the U.S. and others, will have a crucial bearing on the outcome.

Japan needs to live up to the responsibilities of its economic power and its new political maturity. A comparison of the percentage of its GNP spent by Japan on defense with the percentage spent by the U.S. on defense—including that of Japan—shows the order of magnitude of resources available to Japan for this kind of development to which the world has a right to expect from Japan. For 1967 and 1968 these figures are respectively 9.2% for the U.S. (1969—8.5%) and .93% and .84% for Japan. Much will be expected of Japan; much will be demanded of Japan. Japan's economic genius, which has been the marvel of the industrialized world in recent years, needs now to devote more of its attention and creativity to assisting the other nations of Asia to break the cycle of poverty and stagnation. Japan is about to discover—as the U.S. has already—that it is expensive to be "rich."

Another one of the most important international tasks ahead—not just for Asia but for the whole world—is the peace reintegration of mainland China into the family of nations. Japan is uniquely positioned to play a creative and leading role in this respect. In the next three decades, I believe the United States will welcome enlightened Japanese initiative there, for while we will continue to be realists, many of the ideological fears and animosities of the past with respect to mainland China are fading in the United States. Concurrently, there is a feeling in the United States that there has been a sobering and a maturing of Japanese views regarding the difficulties of dealing meaningfully and profitably with mainland China. And, there is a growing appreciation in the United States and elsewhere that Japan not China—will be the economic giant of Asia in the 1970's and '80's. The reintegration of Japan—following the hatreds and destruction of World War II—into the world community provides an example, and even some relevant pointers, of what must be done with respect to China. Japan's incentive in this task is second to none, given the geography and history of Asia.

The deepening of tensions between the Soviet Union and Communist China focuses new attention on the nuclear equation in Asia. The world's greatest danger of nuclear war in the 1970's is war between China and the Soviet Union. There is a very real urgency to the task of building an international environment of nuclear sanity. Japan can play an important role in these efforts. With its huge economy and its world renowned technological virtuosity, Japan can no longer be content with its ostrich-like head-in-the-

sand policy of the past; such a posture based upon its memories of Hiroshima and Nagasaki will not be credible in the 1970's. The new Japan will need to chart a new course which can make more positive contributions to the cause of nuclear arms control—contributions commensurate with its advanced technology and political maturity as well as with its memories.

No one can doubt that Japan has the capacity to become a major nuclear power. But Japan's determination not to pursue this course requires new expression. Japan can play a leadership role by promptly ratifying the Non-Proliferation Treaty and by playing more active role in international arms control efforts.

The cornerstone of U.S. policy in Asia is U.S. cooperation with Japan. Hopes for a peaceful and prosperous Asia—particularly in the post-Vietnam period—will depend heavily on the closeness and viability of that cooperation over the remaining decades of this country. Neither Japan nor the United States can be fully effective in its efforts without the cooperation of the other; and this is true also not only as to the affairs of Pacific Asia but of mainland China and of the USSR.

The make-or-break touchstone of the U.S.-Japan partnership will be our trading partnerships—our agreement on questions of trade, investment and money. Serious differences have arisen in recent years which could threaten the very foundations of the U.S.-Japan trading partnership, if they are not resolved through the mutual statesmanship and forbearance shown by the Okinawa agreement. Because of the importance of these questions, I wish to examine them in some detail, as seen from the perspective of a United States Senator whose reputation at home as a devotee of an open trading world is second to no one's.

Two-way trade between our two nations was close to $8 billion in 1969 but the trade imbalance against the U.S. continued to expand. Because of this and other factors I must say in all candor that the omens for continued cordial economic relations in the 1970s are mixed and that the burden of proof for maintaining these relations mainly rests with Japan.

I was very much encouraged by the economic portions of the Joint Communique between President Richard Nixon and His Excellency Prime Minister Sato of Japan. In the communique the following was stated:

"The Prime Minister indicated the intention of the Japanese Government to accelerate rapidly the reduction of Japan's trade and capital restrictions. Specifically, he stated the intention of the Japanese Government to remove Japan's residual import quota restrictions over a broad range of products by the end of 1971 and to make maximum efforts to accelerate the liberalization of the remaining items. He added that the Japanese Government intends to make periodic reviews of its liberalization program with a view to implementing trade liberalization at a more accelerated pace than hitherto. The President and the Prime Minister agreed that their respective actions would further solidify the foundation of overall U.S.-Japan relations."

While recognizing and applauding these favorable signs, I must urge a much more accelerated timetable in implementing the good intentions spelled out in this communique. Time is short if we are to avert a trade war that could only injure our respective countries. The portents of this danger are clear and present and include:

(1) Japan's trade surplus with the United States in the first eleven months of 1969 totaled $1,344.4 million—an increase of some $200 million over the already unsustainable surplus of $1,102.6 million that Japan enjoyed in 1968.

(2) In the closing hours of the first session of the 91st Congress, the Senate attached a rider to the tax reform bill which would have given the President of the United States almost unlimited authority to impose quotas on products entering the United States. This was an expected conclusion to a year which witnessed increased public outcry over developing trade patterns with particular reference to Japan.

In all frankness I must state that this Senate action which I opposed and which fortunately did not carry in the House-Senate conference and did not become law, is directly related to the Japanese trade surplus. Senator after Senator rose to condemn rising import levels with concern over rising shoe imports and textile imports predominating. Those of us who opposed this rider found it difficult to answer some of these arguments, particularly as they related to rising Japanese imports since a billion dollar trade deficit for two years running stares us in the face. This enormous deficit makes increased levels of certain of Japan's exports to the United States particularly vulnerable since they are concentrated in highly sensitive areas such as textiles, automobiles, shoes, electronics and steel among others.

Trade, as we all know too well, is a two-way street and the continuance of a billion plus dollar surplus between the U.S. and Japan is unsustainable—both politically and economically. Japanese policy makers need to move and move now to liberalize substantially the existing complex of import restrictions. The token liberalizations of the past year are inadequate and not befitting of the great world economic power which is Japan today.

I hope that my remarks convey the sense of urgency that I feel. As you may know the Congress will consider President Nixon's trade bill early in this new session of the 91st Congress. This trade bill, I am convinced, will serve as the lightning rod for many protectionist groups in the United States and efforts to gain support for protectionist amendments are already well underway. It is also clear that such protectionist pressures will find more supporters in an election year.

As I mentioned earlier the Senate attached a quota amendment to the tax bill which was supported by the great majority of the Senate but which was subsequently eliminated by the House-Senate conference. However, the conference report indicates that it was eliminated not because of lack of sympathy with the intent of the rider, but because the rider was not germane to the tax bill. Such riders and amendments will be germane to the coming trade bill and I urge our Japanese friends to take proper cognizance of this fact. The protectionists are out in force, and Japan's trade policies over the past two years have moved the Congress towards declaring an open season. Your Government's actions between now and the time the Congress opens consideration of President Nixon's trade bill will be crucial in determining the size of the target there will be to shoot at. As you all know, the lack of an agreement on textile imports is a particularly sensitive point.

It is clear that in any impartial court of world opinion, Japan's continuing appeal for free market access to other markets of the world must be judged as seriously flawed since Japan does not accord this same free market access to its trading partners. This is particularly true since more than any other nation in the free world, Japan has erected the most severe non-tariff barriers to goods and capital. Since the war, our corporations have actively promoted U.S. sales in the Japanese markets, but have been faced with continued and, in my view, increasingly unjustified trade barriers.

For example, while even Japanese tariff schedules are relatively high and restrictive—particularly on luxury items, chemicals and machinery—the greatest discrimination continues to be the non-tariff regulations imposed or perpetuated here. The more substantive of these barriers to free trade include: First, quantitative import controls, many of which are on agricultural products; second, restrictive licensing requirements; third, sizable commodity taxes on automobiles and liquor which affect imports more severely than domestic production; fourth, a prior import deposit requirement of one per cent which can be disastrous to the importer when credit is tight or profits are slim; and fifth, the institution of "Buy Japan" policies. The impact of these restrictions varies according to the products and barriers they face, but all contribute substantially to Japan's growing trade advantage over the United States in Japan.

There is another element to this question which I believe that Japanese policy makers haven't adequately taken into consideration. The Japanese people have worked exceedingly hard over the past decade and the economic progress of Japan continues to be the wonder of the world. However, wouldn't the Japanese wage-earner—the individual Japanese consumer—welcome the product diversification, the quality competition, and lower prices which would result from trade liberalization? West Germany, the other major surplus nation of the 1960's, moved toward this end through the courageous recent revaluation of the mark which made imports cheaper for the consumer. This step was taken immediately after the West German elections. The West German revaluation killed two birds with one stone rewarding the efforts of its citizens and coming to grips with its international accounts surplus position. Could not Japan partially accomplish the same result by prompt and meaningful trade liberalization now that the elections are over?

Turning briefly to the investment area and looking ahead to the 1970's, I conclude that Japan needs to come to terms with its developing status as an important capital exporting nation. While limited steps already have been taken towards this end—and I refer particularly to Japan's willingness in 1969 to give up its exemption under the U.S. Interest Equalization Tax—additional steps are needed. Again, the principle is the same—nations which increasingly hope to export capital need to allow increased capital inflows. In 1967 U.S. direct investment in Japan was approximately 8 times as large as Japanese direct investment in the United States. In 1968, because of increased flows of Japanese capital to the U.S. the ratio was slightly less than six to one. I expect 1969 comparative figures to show a further narrowing of this gap.

That fact alone makes it increasingly difficult to justify the continuing outright prohibition or severe restriction on U.S. capital investments in Japan. Millions have read Servan Schreiber's "The American Challenge" and can understand the psychological reluctance of Japan to follow an open door policy on private foreign investment. But I would suggest that the fears of Japanese industry indeed may be grossly exaggerated since in 1968 U.S. direct investment totalled only $1,048 million in a $141.9 billion Japanese economy. Again, I point to the recent judgment of the Business and Advisory Council of the OECD (BIAC) that "no other advanced industrialized country confronts the foreign investor with the sort of obstacles presented by Japan."

Acting together Japan and the U.S. have an excellent chance to help bring about basic success in Asian economic developments—and from it can follow a new chance for peace and stability. But this requires an allocation of resources for the purpose and an adaptation of Japan to this commitment which has not yet clearly materialized. I can think of no one Asian nation which can contribute more to this result than Japan and I believe millions in the U.S. await expectantly Japan's decision to do so!

THE NARKIN AFFAIR

Mr. CHURCH. Mr. President, for the past several weeks my name has been falsely linked to an effort to secure legislation to compensate survivors of the alleged massacre at Mylai.

One Paul Narkin, who claims to be an "international attorney" with residences in Idaho, Honolulu, and New York, has stated in at least two interviews that I am working with him in the drafting of this legislation. This is simply not true.

On February 5, after Mr. Narkin's claims had been distributed throughout the Pacific Northwest through an Associated Press news dispatch originating in Spokane, I issued a press release detailing Mr. Narkin's activities and the true facts of the matter.

I ask unanimous consent, Mr. President, that this news release be printed at this point in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

WASHINGTON, February 5.—Senator Frank Church today denied published reports linking his name with efforts to secure legislation which—have presupposed the guilt of American servicemen in the Mylai incident—would grant $125 million compensation to survivors of the alleged massacre.

Church took the unusual step of releasing private correspondence to indicate that his name is being used without his permission by an "international attorney" who claims to represent Buddhist survivors of the Mylai incident.

Church's name has been linked to the proposed legislation by Paul Narkin, who claims to be an international attorney with residences in Idaho, Honolulu and New York.

Narkin stated in at least two interviews with newsmen in the Pacific Northwest that Church is working with him in drafting the legislation. This, Church emphasized, "is not true."

After the first interview appeared on January 14 in the Coeur d'Alene Press, Church wrote both the editor of that paper and Narkin, disavowing any connection.

In his letter to the editor of the Press, Church said that "I have been informed of Mr. Narkin's activities, but I am not working with him in any way. Nor have I seen the bill to which the article refers. Every American of good conscience is deeply troubled by the court-martial proceedings which the U.S. Army has brought against certain of our servicemen accused of criminal assault against the civilian population of Mylai. But the essential question of guilt or innocence of the accused U. S. servicemen is still unresolved. I have no intention of supporting any action in Congress that presumes guilt when the soldiers remain entitled to the presumption of innocence. That is the keystone of our American legal system."

At the same time, Church wrote directly to Narkin on the matter. The operative part of that letter read:

"Please refrain from using my name in connection with any proposal to compensate the survivors of the alleged massacre at Mylai.

"The facts concerning the incident have not been established; the men accused are entitled to a presumption of innocence until all the evidence is presented and a judgment reached in the pending court martial proceedings.

"Meanwhile, no legislative action of any kind would be appropriate, and I am giving no consideration whatever to your proposal or any other."

Since these letters were written January 19, Narkin has continued to state that Church was working with him on the legislation. On February 1, an Associated Press interview with Narkin, written in Spokane, erroneously linked Church's name with the matter. Church has since advised AP of the facts of the case and requested that a correction be issued.

The Idaho Senator said that Narkin first came to his attention when Church was in Boise for the Christmas recess. Narkin called Church long-distance and the two talked for about five minutes. Church has never met Narkin in person or received any correspondence from him on the proposed legislation.

S. 3424—INTRODUCTION OF A BILL ON MICHAUD IRRIGATION PROJECT

Mr. CHURCH. Mr. President, on behalf of myself and my colleague the junior Senator from Idaho (Mr. JORDAN), I introduce for appropriate reference a bill to amend the act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance and operation of the Michaud Flats irrigation project.

The act of August 31, 1954, authorized the construction of the Michaud Flats reclamation project and reauthorized the construction of the Michaud Division of the Fort Hall Indian Reservation. The act provided that construction of works to serve the Michaud Division shall only be undertaken after certain agreements are entered into by the Indians limiting the water supply to the lands and consenting to certain water right priorities.

Certain of the lands involved have been allotted to individual owners. The bill which I am introducing would authorize the Secretary of the Interior to execute contracts on behalf of any Indian who holds an individual interest in trust or restricted land where the contract has been signed by or on behalf of holders of a majority interest in the land. It also permits the Secretary to execute contracts on behalf of such Indians who are minors, who have been adjudicated non compos mentis, whose ownership interest has not been determined, or who cannot be located. The authority is necessary to enable all of the Indian lands in the Michaud Division at the Fort Hall Indian Reservation to participate in the benefits of the irrigation project.

Mr. President, I ask unanimous consent that the letter from the Department of the Interior, dated October 31, 1969, recommending this legislation, be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3424) to amend the Act of August 31, 1954 (68 Stat. 1026), providing for construction, maintenance, and operation of the Michaud Flats irrigation project, introduced by Mr. CHURCH (for himself and Mr. JORDAN of Idaho), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, ordered to be printed in the RECORD, reads as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 31, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To amend the Act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats Irrigation Project."

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

The Act of August 31, 1954 (68 Stat. 1026), provides for the construction, operation, and maintenance of the Michaud Flats Project under the jurisdiction of the Bureau of Reclamation and reauthorizes the construction, operation, and maintenance of the Michaud Division of the Fort Hall Indian Reservation under the jurisdiction of the Bureau of Indian Affairs. Construction on the Indian reservation was originally authorized by the Act of February 4, 1931 (46 Stat. 1061).

Section 3 of the 1954 Act provides as follows:

"Sec. 3. (a) To aid in the development of not more than twenty-one thousand acres of irrigable land in the Michaud division of the Fort Hall Indian Reservation, as heretofore authorized by the Act of February 4, 1931 (46 Stat. 1061), and hereby reauthorized for construction, operation, and maintenance without regard to the provisions of said Act, the Secretary is authorized—

"(1) to reserve for the benefit of those lands when needed, but without prejudice to the interim use thereof for other purposes proper under reclamation laws, eighty-three thousand and nine hundred acre-feet of storage capacity in Palisades Reservoir and forty-seven thousand and seven hundred acre-feet of that portion of the storage capacity in American Falls Reservoir which was set aside for lands in the Michaud area generally by section 3 of the Act of September 30, 1950 (64 Stat. 1083); and

"(2) to account for the return of so much of the cost of said development (including the cost of the aforesaid storage space in Palisades and American Falls Reservoirs) as the Secretary finds cannot be repaid by the water users on terms substantially similar to those provided in section 2 of this Act, except for the application of the provisions of the Act of July 1, 1932 (47 Stat. 564), and the Act of March 1, 1907 (34 Stat. 1015, 1024), which are specifically made applicable to the project authorized by this section and Indian lands susceptible of irrigation under said project, by application of net power revenues of the Palisades project and any developments combined therewith for payout purposes under the provisions of the second sentence of section 2 of the Act of September 30, 1950, after payout thereof is accomplished pursuant to law.

"(b) Construction of works to serve the Michaud division lands shall be undertaken only if, in consideration thereof and of the additional benefits authorized in the preceding sentence of this section, such *appropriate arrangements as may be required in the circumstances are first made, by contract or otherwise, with respect to a water supply for said lands which, among other things*—(italics supplied)

"(1) limit that supply to the yield of the space in Palisades and American Falls Reservoirs as hereinbefore set forth and to that obtained by the pumping of ground water in an average annual amount of not more than twenty-two thousand and four hundred acre-feet; and

"(2) consent to a priority in time and right in such beneficial consumptive uses of the waters of the Snake River, and its tributaries, as are established under the laws of the State of Idaho prior to the date of this Act as against any use of the waters arising on or flowing through the Fort Hall Bottoms within the Fort Hall Indian Reservation, including, but not limited to, the intercepted flow of Ross Fork Creek, the Portneuf River below Pocatello, Big Jimmy Creek, Big Spring Creek, and Clear Creek, for the irrigation of the lands of the Michaud division of the Fort Hall Indian Reservation."

It will be noted from the underscored lines of the Act that prior to the undertaking of construction a contract or other arrangement must be made with respect to a water supply for the Michaud Division lands. The contract or other arrangement must be appropriate under the circumstances, and must limit the water supply for such lands and consent to certain priorities in time and use.

The requirement with respect to tribal lands has been satisfied by tribal resolution and ordinance. With respect to allotted lands, both the consent requirement and the limitation of water supply requirement call for a contractual agreement of the landowners. Contract forms have been prepared and executed by most of the landowners. In some instances, however, difficulty has been experienced in obtaining the necessary signatures of all the Indians involved in the land. The failure to obtain signatures of some of the minority interest owners in the land is preventing those Indians holding a majority interest in the land, and who have executed the contracts, from sharing in the benefits that can be derived from irrigation.

The proposed bill authorizes the Secretary to execute contracts on behalf of any Indian who holds an individual interest in trust or restricted land where the contract has been signed by or on behalf of holders of a majority interest in the land. It also permits the Secretary to execute contracts on behalf of such Indians who are minors, who have been adjudicated non compos mentis, whose ownership interest has not been determined, or who cannot be located. The authority is necessary to enable all of the Indian lands in the Michaud Division at the Fort Hall Indian Reservation to participate in the benefits of the irrigation project.

The Bureau of the Budget has advised that there is no objection to the presentation of the proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

Mr. JORDAN of Idaho. Mr. President, the bill, which I am cosponsoring with my colleague, the senior Senator from my State of Idaho (Mr. CHURCH), is an important measure. It will authorize the Secretary of the Interior to execute certain contracts on the part of part owners of tracts of land on the Fort Hall Indian Reservation in those instances when the individuals are unavailable or unable to act for themselves.

The development of the Michaud division irrigation works offers significant potential opportunities for the economic development of Indian land on the reservation. In order for all of the lands to be included where tracts have been subdivided among many owners, it is necessary for all of the owners to agree to the provisions of the project authorization concerning water right limitations.

In some cases the agreement of all owners of divided tracts cannot be obtained. Sometimes part owners cannot even be located. This measure is necessary to clear the way for orderly progress of the development.

FINANCIAL AID TO LAW SCHOOLS

Mr. CHURCH. Mr. President, the December issue of the American Bar Association Journal contains a most informative article by Bayless Manning, dean of the Stanford Law School, concerning the need for additional funds for law schools.

I ask unanimous consent that this important article be printed here in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Bar Association Journal, December 1969]

FINANCIAL ANEMIA IN LEGAL EDUCATION: EVERYBODY'S BUSINESS

(By Bayless Manning)

(The nation's law schools are being called on to face the present and gird for the future without being furnished the financial muscle to do the job. Law schools are pitifully undernourished because most educational dollars flow into other channels. If this financial anemia is to be cured, the legal profession must learn of the problems confronting the law schools, become concerned with their solutions and provide the leadership for better financing.)

America's law schools have been notably unsuccessful in bringing their unhappy financial plight to the attention of anyone outside an immediate circle of professional legal educators and a few generous and interested lawyers. It has been observed before that lawyers take better care of other people than they do of themselves, and law schools appear to be no exception to that professional trait.

IS ANYBODY INTERESTED IN LEGAL EDUCATION?

In appearance (and in a sense in fact) the financial difficulties of legal education stem from a shortage of interested supporting constituencies.

In a modern university, the physical science departments and engineering schools are heavily supported by the National Science Foundation and federal research grants and contracts. Law schools never receive these grants and contracts.

Medical schools today operate only because of massive direct federal aid and would close their doors at once if that aid were not provided. Legal education receives no federal support.

Testimentary bequests from a wide public form a major basis of funding for many parts of the modern university, again including medicine. Bequests rarely come to law schools and almost never from anyone but lawyers.

University programs for religion, music, the fine arts and the performing arts are able to rely in considerable measure on their own special constituencies of enthusiasts. Law schools have no such outside constituency.

The social sciences have been major beneficiaries of the development of the large-scale, professionally staffed foundations. Except in the one area of international legal studies, in which the Ford Foundation has been helpful, law schools have received little foundation support.

Business schools and engineering schools are able to draw on major sources of corporate giving. Law schools so far have been almost wholly unsuccessful in appealing to the board room.

The disinterest of nonlawyers in the problems of our law schools is neither surprising nor a ground for fair criticism. Nonlawyers assume that the Bar, as a learned profession, is interested in its own education, is generally well-to-do, is able to look after its own and presumably is doing so.

But the fact is that the Bar by and large provides almost no financial support for legal education, has only the remotest idea of what is happening inside the law schools, is unaware that they are in financial trouble and does not know why. Much of the blame for this widespread unawareness lies with me and my fellow deans. I believe that we have done an execrable job of projecting the situation and of communicating to our fellow lawyers why there is a problem—and why the key to solution rests with the Bar itself.

The biggest stumbling block to an understanding of the law schools' financial problems is the peculiar, slow-paced history of American legal education. All American lawyers alive today are products of that history and have difficulty conceiving of today's law school as differing from a norm that has prevailed since the turn of the century.

In the nineteenth century, American lawyers were trained through apprenticeship. If the neophyte was gifted and the tutoring lawyer was accomplished and committed to his responsibilities, apprenticeship produced a superb new lawyer. But these matches were rare, and most of the product of the system was not of a high order. Inevitably, legal education moved from the practitioner's office to the university classroom. Before the end of the nineteenth century Harvard had emerged as the major national law school, and in the 1890's legal education in university form sprang up nationwide.

The nation's new network of law schools was patterned on the model of the nation's leader, Harvard. The outlines of that 1905 model are familiar to all lawyers. The length of the law school's curriculum was set, almost fortuitously, at three years. The primary educational objective was to acquaint the law student with substantive doctrinal categories. Jurisprudentially, the model was built upon the cherished dream that somehow there was, and is, in the common law a great, beautiful, coherent, rational unity. The curriculum, therefore, was a compulsory, three-year guided tour across what was assumed to be the entire panorama of the legal system. The curriculum adopted, substantially intact, the categories set out by Blackstone in the survey lectures he delivered at Oxford beginning in 1753. The great innovation of the American law school was its emphasis on reading appellate judicial opinions. Occasionally and grudgingly a statute might be admitted to attention if, like the Statute De Donis or the Statute of Frauds, it was sufficiently old and English. But the distinctive teaching tool was the casebook—1,000 pages of glued-together snippets from 500 years of judicial utterances in England and in the United States.

The turn of the century model dominated legal education absolutely for at least two generations, and its influence is still widely felt. Most of us still asume that there is a single unitary thing called "law school", that it will always look very much as it did in our own law school days, and that all of the nation's law schools must have essentially the same curriculum, taught by the same pedagogy from the same textbooks.

Most of us in the legal profession also assume that law school is inherently inexpensive to operate. The classical model of law school had large classes of tuition-paying students, tiny faculties and no major library needs for students or even faculty. New courses and materials were developed glacially. The school was inexpensive to operate; in some cases it even made money.

THE LAWYER HAS A PERSISTENT ILLUSION

This educational and fiscal image of law school persists in the minds of most members of the legal profession. The persistence of that image, more than any other factor,

explains why law schools are today victims of financial anemia—and why almost nobody seems interested in doing much about it.

The fact is that law schools have changed significantly in recent years and are on the brink of much greater change in the next few years. The forces bringing about these changes, most of them external to the law schools, combine to require for the modern law school a much larger and more diversified faculty and staff and a much bigger library and funding base than the 1905 model had.

Let us look first at some of the external forces that have brought change.

1. Entire new areas of law have sprung forth, full bloom. Any modern law curriculum must include many courses that were unimagined in the classical law school curriculum. Obvious examples include income taxation, administrative law, labor law, welfare law, government regulation of business, air law, telecommunications, and socialist legal systems.

2. Apart from the emergence of new topical categories of legal inquiry, American law has undergone major subproliferation within the traditional Blackstonean categories. "Property" has splintered into a dozen courses dealing with zoning, land use controls, urban renewal problems, real estate financing, water resources, conservation, oil and gas, and a good many others. This proliferation has its counterparts in torts, contracts, constitutional law, and the other classical areas.

3. Some long-standing but long-ignored subjects of the law have come in for new and focused attention in the modern law curriculum. Domestic relations and criminal procedure are examples. The impact of law on lower income groups is another.

4. Much of law teaching has become interdisciplinary. Intellectual progress in the social sciences has brought their work product to a level of practical utility to the legal scholar and student. No one today would try to talk about antitrust law seriously without a context of oligopolistic price theory. Instruction in criminal law is no longer thinkable without reference to what penologists, psychiatrists and sociologists have learned about deviant social behavior. The law student of today is being trained to be the law man of tomorrow. He insists on and will have at least a nodding acquaintance with computer uses and contemporary social science methodology, and with their applications to the legal process.

5. In sheer quantity, there is far more law being generated today, the outpouring from a nation of 200 million people in a more complex world who litigate more, who are more regulated, who have more tribunals that insist on printing everything, more governing agencies and more legislatures that no longer are reluctant to legislate. For a law professor to remain on top of his field today requires an investment of time, an intensity of attention, a variety of inquiry and a degree of specialization unknown in the law school world of yesterday.

In addition to these external forces of change, there have been internal developments in our law schools.

1. A series of factors have tended to make the large class unsatisfactory and to breed more small group instruction. The rising academic quality of entering students, the experimental character and novelty of many law courses, the necessity for using statutory and regulatory material and background contextual reading, and the increasingly recognized pedagogical advantage of having students do work on their own rather than sit passively like mushrooms—all have contributed to this change. Yet no law school is very far down the road to providing small-group instruction typical of other graduate education, because no law school has a faculty large enough to do the job.

2. As the law has become more extended, it has become impossible to provide the student with a panoramic survey of the law, and law school curricula have come to offer a wide diversity of optional courses and seminars. Law instruction is becoming instruction in method and in legal process. A closely related phenomenon is that the career objectives, career opportunities and intellectual interests of law students are more diverse than they were in an earlier day. Many students enter law school with specialized training that they wish to link with their legal study. Throughout the law school world, new and specialized programs have begun to appear. At Stanford today the business school and the law school jointly run a program that yields in four years both M.B.A. and J.D. degrees and a small, special graduate program in law and computers is getting under way. New on the scene are joint programs between medical schools and law schools on problems of law and medicine. The University of Washington has begun to develop a center on Chinese and Japanese law. New Mexico has turned attention to the American Indian. New York University is operating almost a separate law school dealing with taxation only. Increasing numbers of law schools provide joint programs with departments of social science producing for the student both an M.A. and a J.D.

3. Although there is a widely credited myth that law schools used to be "practical" whereas today they have become "theoretical", the fact is that much of the change in our law schools has been in the direction of greater attention to practical operational skills. The work of men like Williston, Corbin and Wigmore imposed intellectual structure where there had been chaos, taught us to distrust the abstract generalizations of commentators and provided us a major portion of the vocabulary and conceptual structure that lawyers use daily. But the early American law school had closely limited objectives. It was in a sense created by an act of withdrawal. Compared to the apprenticeship system, the turn-of-the-century law school withdrew from the courts, the practitioner, the community, the working context of the law and any effort to teach law students how to do. The American law school at the turn of the century became academic—even, some would say, theological. No student in a Willistonian contracts class got within a light year of a negotiated business deal; in contrast, the modern seminar in labor law rings true to the life of collective bargaining. Today law students spend a significant part of their time working in a full practice context in legal aid and public defender offices and, in conformance to the law of an increasing number of states, appear on behalf of clients in court. Courses in legal writing, appellate advocacy and trial presentation are commonplace. Compared to earlier law graduates, many of today's students emerge from law school significantly more familiar with the work they will be doing as lawyers.

In a modern law school both faculty and students carry out more research than was done in the classical law school. Much of this research work is familiar to the practicing lawyer; it involves library work with traditional legal materials. What is new, however, is that all students in a major law school today do library work, write memoranda and prepare publishable material of a kind that in an earlier day was attempted only by law review editors. But slowly "research" is also coming to mean something broader and far more important in the modern law school. Younger faculty and students are not content to stop their inquiry at the point of discovering the unanswerable Socratic question or the verbal formulation of what the "rule" is. Law is not words. The modern law school sees law as what happens when the organized forces of the society, acting through a legitimated process, impinge upon the lives and the property of human beings. Little by little, law students, law professors and law schools are beginning to produce useful findings about the law as it really works, subtantiated by data and grounded in the increasingly rigorous methodologies of the social sciences.

Other external and internal forces have affected our law schools in the past two generations, the most important of which are essentially jurisprudential in character. But I have outlined enough to provide an over-all sense of the changes. The old law school was a place of large classes, slow cadence, limited subject matter, verbal analytics, symmetrical theology, classroom enclosure, repetitive pedagogy and compulsory curriculum. The modern law school is, within the limits of its resources, a place of smaller classes, multidisciplinary and diversified subjects, differentiated pedagogy, factual context, in-depth study, research in field and library, operational training, professional community activity and curricular optionality.

BUT WHAT ABOUT TOMORROW'S LAW SCHOOL?

Tomorrow's law school will be even more different. Multiple curricular tracks will be opened to serve the different interests of different students. A scholarly track may lead in five years or more to something like a Ph.D. in law. A vocational-professional track may be reduced to two years. Clinical experience—something like internship experience—will become normal for students pointed toward the practice. Law schools will train not only lawyers, but paraprofessional personnel to work with and increase the work output of lawyers, as medical technicians give leverage to medical doctors. A much closer interaction and relation between the law school and the Bar is in the offing, with the practitioner acting both as teacher and student.

LAW SCHOOLS WILL SPECIALIZE

Some law schools will specialize—either in a field of law or in the constituency of students they train. Instruction in the law will flow from the law schools to undergraduates, journalists, public administrators, foreign service personnel and scholars from other disciplines. Large-scale, interdisciplinary sociolegal research will be as normal as activity in a law school as similar research is today in the physical sciences and in other disciplines dealing with human behavior.

This may sound radical. And surely it is different from the 1905 model. But when added together, are these changes in fact remarkable? I think not. Seen as a whole, the pattern of change is substantially the same as that which has happened in the last fifty years to every other professional school and discipline in the modern university. What is remarkable is that change has taken so long to reach the law schools. But then, ours always has been a conservative profession.

As change has come to legal education, it has brought basic financial dislocation. The law school of a modern university is typically its lowest budget operation. Outside of law, graduate education is usually characterized by a low student-faculty ratio, an extensive fellowship structure, sophisticated equipment and major research funding. As yet, our law schools have no comparable ambition.

CAN'T MAKE A NEW MODEL WITH AN OLD BUDGET

But the operations of a modern law school cannot be conducted on the budgetary scale of the turn-of-the-century law school. Specialization and diversity of curriculum require a larger faculty than the earlier model, and the movement toward small-group instruction reinforces that trend. Modern legal research requires faculty time, thus adding to the need for larger faculties. Faculties must be increased to bring student-faculty ratios in law schools from their present level

of about 25 to 1 to the 10 or 12 to 1 that is a typical average for the balance of the university. Legal research requires special funding, some of it (like the recent Kalvern study of jury behavior) on a large scale. At present, most law schools have literally no research funds whatever.

The old-fashioned law library containing nothing but statutes and appellate decisions is manifestly inadequate; in a modern law school's research library, the scope of relevant material has widened dramatically. Expenditures for book acquisitions by the law library of a modern law school have soared in recent years.

Space in most of America's law schools is a major problem. The library explosion, increase in the size of faculty and student body, increase in the use of the library by students and increments to law school staffs for supporting services have jammed the inhabitants of law schools to the walls. It is no accident that within the last eight years new construction has had to be added at Pennsylvania, Harvard and California, to name but a few, and that whole new buildings have been erected at Columbia, Chicago, Utah and many other places.

Two more factors must be added to set in full perspective the scale of the financial dislocation confronting the nation's law schools today.

The first is inflation. The impact of inflation on privately financed education is particularly severe. Prices of books, supplies, binding, duplicating equipment and the like are immediately responsive to inflationary pressures, and the schools must pay them at once. Income to the school from tuition charges, annual giving and endowment responds to inflationary pressures more slowly and often to a lesser degree. The purchasing power of some law schools may not be improving, but slowly eroding.

Second, there is the matter of the level of starting salaries for young lawyers of high academic qualification. Some major law firms have moved to a starting salary of $15,000 a year; instances are known this year of starting salaries of $17,000. There is more at work here than inflation. Our law schools are not turning out enough people of high capability and sophisticated legal education to supply the demands of an increasingly complex and regulated society of 200 million people. Neither government offices nor corporate law offices nor law firms are able to hire enough young people of this quality to do the work that must be done. So salaries go up and will go up again.

Law schools, too, must engage in the competition for young lawyers of the highest academic qualification. But law schools have neither the resources to pay at the new levels nor available resorts for passing along the cost. The faculty salary situation at our law schools has now become wholly untenable. Current structures at the highest paying law schools tend range between $12,000 a year for the neophyte to $25,000 a year for a senior scholar of national rank. Some full professors with years of teaching experience in good law schools earn just about what a top student can command the day he steps out of law school. Law schools do not have to be competitive, dollar for dollar, with the world of law practice, but they must be able at least to match the outside market at the time a young lawyer leaves practice for teaching, and the salary scale of the more senior law faculty soon will have to be adjusted upward accordingly.

Unknown to the Bar and the general public, the nation's law schools as a body increasingly find themselves in an impossible position. Faculties must be increased in size, salaries raised, space provided, libraries expanded, more intensive teaching methods introduced, new programs begun, new research undertaken, and advanced study fellowships established—all at the same time. But the budgets and funding patterns of the law schools continue to be those inherited from an earlier day, based on the image of the 1905 model.

Caught up in a period of increased demand for a superior product and a compelling need to overhaul and modernize their operations, the law schools have, at a time of national inflation, come face to face with the inevitable consequence of at least two generations of underinvestment.

WHAT IS TO BE DONE FOR FINANCIAL ANEMIA?

Tuition is the largest single source of income for privately financed law schools, and it has been pushed rapidly upward in recent years. In Stanford's case it has quadrupled in twenty years to $2,145 in 1969–1970. Tuition is now at an altitude beyond the reach of many families, and each tuition increase adds to the number of students who require scholarship aid. Tuition charges do not, in any case, match the cost of education. A reasonable estimate is that the actual cost of a year of legal education for a student at a top ranking law school today is more than $4,000, and the usual three-year schooling in law, at present levels of cost and program development, represents an investment of about $13,000. Tax-supported schools tend to have low or no tuition income. Their costs remain commensurate with those in privately financed schools, however, and pressures for additional financing at state-supported schools are strong.

There is little reason to think that tuition can become a major source for the investment increment that legal education requires today.

The key to solving the critical financial problems facing legal education lies in the legal profession itself. If the Bar and especially its leadership are not knowledgeable and concerned about their own training institutions, then I have no hope that other elements of the community can be brought to have a concern.

If every graduate of a law school were to take it upon himself, when and as his economic circumstances enable him to do so, to pay into his law school an amount equal to the difference between the cost of educating one law student and the tuition rate—and thereby make it possible for a student to receive a legal education as someone made it possible for him to receive a legal education—that step alone would go far to meet the financial problems facing our law schools. Most members of the Bar now have no sense of this responsibility or commitment, either to their schools or to the profession.

1. Making the subsidy revolve.—Today, as in the past, law students are subsidized from endowments, typically established years ago, from the relatively small income contributed annually by a fraction of law school alumni, from the depressed salary structure of law teachers and law school staff, and at the further price of creeping institutional obsolescence. The present situation is outrageously unjustifiable; more to the point, perhaps, it cannot be sustained.

2. Employers of law graduates.—Among the major beneficiaries of the present system of financing legal education are the law firms and corporations that regularly, year after year, hire young law graduates. These employers are in the business of providing legal services, and they cannot perform without a flow of young lawyers entering at the bottom. It is singular that almost none of these employers ever considers the simple reality that each young man it hires today represents a valuable asset in which somebody has invested at least $7,000 over and above tuition. That asset will not only be converted over time into high income for the man involved, but it will also generate income for the employer.

It would be a strange businessman who believes he should be subsidized by having his sales inventory provided free. It does not seem to be thought strange that law schools should subsidize the lawyer inventory of profitmaking companies and firms.

3. Major gifts from lawyers.—Some lawyers will be in a position to make substantial gifts to their law schools over and above payment of the cost of their own education. Occasionally, such gifts are made, and without them privately financed legal education would long since have disappeared. But they are extraordinarily rare. And it is a mark of the poor job the law schools have done in projecting their financial plight to their most immediate constituency that so few lawyers have ever made law schools a significant beneficiary of their philanthropy.

4. Gifts from nonlawyers.—Apart from the personal economic position of lawyers, the legal profession is well placed in its own community and has close contact with clients. Not infrequently, clients need and request guidance from their lawyers on an appropriate disposition of their estates. It is often ethically possible for a lawyer to suggest to a client a charitable institution as a beneficiary. Every major university regularly receives a flow of gifts, usually testamentary, resulting from suggestions made by lawyers friendly to that institution. Astonishingly, however, virtually none of this funding is addressed to the needs of the law schools, a result partly attributable to the lawyer's reticence to talk about his own corner of the university, but mainly attributable to the Bar's general lack of awareness of the financial problems facing law schools.

5. Corporate giving.—Lawyers are in close contact with many business clients. So far, law schools have been almost wholly unsuccessful in their efforts to bring business management to an awareness of the importance of legal education and of its current difficulties. No one has a greater stake in the preservation of a smoothly functioning legal order than the business community. No one has a greater stake in the improvement of the practices of administrative agencies, the fairness and efficiency of taxing and regulatory systems, the stability of contractual arrangements, and the rationality and objectivity of judges and public administrators.

Business daily places its name and fortune in the hands of lawyers. One would think that the businessman, as client, would prefer that his own counselor be as well trained as possible. And the corporate world draws heavily for its executive manpower on men whose graduate education was in the law. The arguments that support corporate help for executive training in business schools have as strong an application to law schools.

The modern law school embraces within the reach of its teaching and research almost the entire range of economic and social activity. It is involved in training men who will become major participants in those activities. The business community cannot be unconcerned with such a school.

Finally, there is the matter of general public leadership. A large percentage of America's leaders in federal, state and local government and in general civic and community activities always have been lawyers. There is no indication that the pattern will change. Is it not odd that an enlightened corporate community that supports the fine arts, museums, music, literature and the humanities—as well as medical research, engineering, and business administration—finds no basis for helping the schools that more than any other produce the political and governmental leadership of the Republic?

6. Federal support.—As in virtually all other areas of education and research in the United States, federal support of some sort will probably prove necessary for law schools. The subject is, however, peculiarly sensitive, and the need for maintaining absolute freedom from political intrusion is probably nowhere so great as in the field of law. Members of the Bar, both as private citizens and as legislators, will in time be in a position to

help design and support or plan for various kinds of financial aid to law schools.

7. Foundations.—The nation's law schools stand badly in need of a substantial, privately funded foundation for legal education and research. No foundation could ever be large enough to contribute significantly toward the operating cost of law schools. But a new foundation could be invaluable (1) in providing pilot funding for innovations in legal education, (2) in supporting legal research and (3) in serving the function of clearinghouse and intelligence gathered in matters relating to legal education and the legal process. Incredible as it may seem, there is now only one foundation devoted specifically to legal education, and that foundation is both small and self-liquidating. Small support grants for law faculty research programs are almost impossible to obtain today. Few foundations make such grants at all. There is no intelligence center where faculty members or deans can go for information on where to apply. And none of the large foundations has a budgeted program for legal education or an infrastaff matched to the needs and experience of law schools.

LEGAL PROFESSION'S LEADERSHIP IS ESSENTIAL

Law schools—even tomorrow's modernized law schools—are cheap. They have no expensive equipment or instrumentation; they are small; there are only about 2,000 full-time law teachers in the country. An increased national investment in legal education of $100 million from our $800 billion national income would double the present aggregated budgets of all our law schools.

Investment in legal education is not only cheap—it has a high pay off. Through their training function, law schools produce our single most fungible national resource of professional problem solvers. Law schools have enormous leverage in their impact on the political life of the Republic. In their research function, law schools could tell us much about where the trouble spots are in our social order and what could be done to mitigate them.

What would it have been worth to have had clear demonstrations of the growing alienation of much of the black community from white law and white policemen? Is not support of sociolegal research at least cheaper—to say nothing of humanity's claims—than waiting for riots to give us warning signals? Is it not at least as worthwhile to spend a few thousand dollars to learn how children's courts are administered as to spend millions on market surveys to discover the best toothpaste flavors?

Is it not at least as worthwhile to spend thousands of dollars to train the leadership of the next generation in the traditions of law and the functioning of democratic government as to pour millions into a hole in the ocean and fire off billions to the moon? Is it a defensible scale of values that would invest unlimited treasure in research into and improvement of hardware but concern itself only trivially with research into and improvement of the functioning of the society's institutions of governance, the efficiency of its administrative apparatus and the ethical product of its legal order?

Our law schools are everybody's business. But financing legal education will continue to be nobody's business until the legal profession itself assumes a role of active, concerned leadership.

NATIONAL RESOLVE—THE BRITISH AND ENVIRONMENTAL POLLUTION

Mr. CHURCH. Mr. President, in the Thursday, February 5, 1970, Washington Post there appeared an article written by Alfred Friendly of the Post's foreign service division.

The article tells of the remarkable success of the British people in their fight against the contamination of the environment. The battle is far from won, but the success to date indicates that the process of pollution is not irreversible when a nation resolves that the air, the water and the land shall no longer be desecrated by the thoughtless actions of those who control its current stewardship.

The famous Thames River had been without fish for nearly a century but now, as a result of a strong national antipollution campaign, it sports 40 varieties. Such a program is neither easy nor cheap. Residents of London and other areas in England have forgone the luxury of a log-fed fire in their fireplaces, high standards have been imposed on sewage disposal practices and other stringent regulations imposed. Now a special Royal Commission on Environmental Pollution has been authorized. In England, the story notes, recommendations of commissions are listened to and implemented, not stored in the Archives and forgotten.

England should be commended for its actions, our Nation should study them for their success in this battle is what we seek in our country. The article expresses the sentiments of a large portion of the American public when it says:

Unless you want to submit, cursing but helpless, to the offal of industrial progress—or alternatively revert to a peasant economy—there is no option but to pay up.

The time has come for us to show our resolve in the battle against pollution and put our resources where our good intentions are. The United Kingdom has proved what beneficial effects such an action can produce.

I ask unanimous consent that the article entitled "British Stand Fast in Battle Against Pollution of Environment" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRITISH STAND FAST IN BATTLE AGAINST POLLUTION OF ENVIRONMENT

(By Alfred Friendly)

LONDON, February 4.—Britain is holding its own in the war against pollution. In the long term, it may even win—or come as close to winning as the facts of a crowded and industrialized society permit.

The explanation for what would appear as an achievement and a hope unique in the Western world is that Britain has gritted its collective teeth, has begun to pay some of the inescapable costs and seems resolved to keep doing so, up to or beyond the limits of its strained pocketbook.

Its fight against contamination of the environment is in every way tougher than an equivalent one would be in the United States. Britain is basically much poorer, per capita and in the absolute; it is proportionately more dependent on the kind of industry and transport that pollutes; it puts 12 times more pressure of people on every acre than in America and its problem has been festering much longer. British rivers, for example, have been polluted for a century while in America they began to grow foul only a couple of decades ago.

Yet there seems to be here, as there seems not yet to be in other advanced nations, Sweden excepted, a national resolve, no longer subject to challenge, to pay the money and submit to the tough restrictions necessary for decent living.

Some 360 authorities, London included, prohibit the burning of anything but smokeless fuel—with the government defraying the individual costs of householders switching or modifying their heating equipment.

This has meant the end of lovely log fires or chunks of crackling coal on the roaring hearth, and in their place the much less inspiring glow of electric heaters or, at best, coke briquets on the grate. But it has also meant the end of the black fogs.

To be sure, nature is no less malign and still sends rolling clouds of fog tumbling now and then over this winter city. But the choking opaque clouds that American visitors remember are things of the past.

The Thames has been without fish for a century. But by 1968 some 40 different varieties had come back to the river.

In the battle for the environment, Britain is advantaged by a—relatively—unified command. By law and by the possession of the money bags, the central government exerts far more power and control than in the United States. When the Ministry of Housing decrees that no new dwelling may be built without sewage facilities of such and such standard, there is no argument.

The central government also carries out the provisions of a national law 107 years old, the Alkali Act, which now covers 56 separate industrial processes. It requires every factory in those industries to use "the best practicable means" to prevent the emission of grit, fumes, smoke and gasses, and to render harmless and inoffensive those emissions that are unavoidable.

In all, there are thousands of regulations of some 12 cabinet departments and hundreds of lesser authorities aimed against pollution and contaminants.

Smoke and grime still belch over the Midlands, harbors remain foul and many a river stays rancid and algae-covered. Trash dumps and auto graveyards still mark the landscape. The horrible and dangerous coal tipples blight the mining areas. And so on.

But, with the possible exception of oil and tar on the beaches, the situation is getting no worse. That is the appraisal of Lord Kennet, who, as parliamentary secretary of the Ministry of Housing and coordinator of department of programs, is the nearest thing there is to an antipollution boss.

His thesis is that, with rare and usually quickly solved exceptions, there is no contaminating factor in the environment, including noise, that defies a technical solution. All it takes is money.

"Like the diffuse pluralistic beehive that it is," Kennet declares, "the British body politic [is] renewing and adjusting itself to the problem of pollution."

Since the Labor government came to power, it has put through 11 national laws of far-reaching impact on clean air, fisheries, mines, rivers, sewage, medicines, farm chemicals and nuclear installations. It has seen to it that public authorities spend a quarter of a billion dollars a year on sewerage and sewage disposal. It has made industries covered by the Alkali Act spend half that again in the past 10 years on capital expenditures and close to three-quarters of a million on running costs to keep down pollution. It requires clean exhausts on all trucks (although it has not yet got around to California-style regulations for passenger cars).

The picture that emerges is of a nation armed with many controls against pollution and able to enact most of the rest it needs without the harrowing political struggle that would ensue in the United States. But it faces a wall of economic difficulties.

The obstacles to a clean environment are neither technological nor legal, but simply economic. On whom do you saddle the costs?

You cannot make cement without dust, or steel without fumes. You raise the price of both, whatever the mechanics of the economic arrangements, when you require a catchment of the dust and fumes. If you want milk minus the antibiotics fed to cows,

the farmer's efficiency declines and the milk cost rises. If you force the packer to give up tin cans and plastic wrappers, or install equipment to dispose of them, you can do it by subsidizing the industry or paying more for municipal services. Either way, any way, the consumer-tax payer pays in the end.

There is no escaping the imperative: "Pollution control equals short-term economic disadvantage," Kennet points out.

So, unless you want to submit, cursing but helpless, to the offal of industrial progress—or alternatively, revert to a peasant economy—there is no option but to pay up.

The path to a better quality of life, in terms of quiet, cleanliness, beauty and natural amenities, will be painful and rugged and costly indeed, but this nation seems to have set its foot on it.

As a token of intent, the government has authorized the creation of a Royal Commission on Environmental Pollution. It is the first such body created by the present government that is to be permanent, its life and functions continuing indefinitely.

No government, Labor or Tory, likes to let recommendations of a Royal Commission lie around untended to. Accordingly, the new body has a chance to strike powerful blows in service of a new social objective.

OPPOSITION TO SUGGESTION FOR LICENSING OF NEWSPAPER REPORTERS

Mr. MANSFIELD. Mr. President, I was extremely distressed to read in the Montana newspaper that Dr. Walter Menninger, who was, I believe, a member of the Eisenhower Commission, suggests that reporters be licensed.

I think this is a direct infringement on the first amendment. It certainly is an infringement on the freedom of speech guaranteed in the first amendment and the Bill of Rights. And I would hope that this suggestion would not become anything more than a suggestion, because if it has any validity, I intend to do everything in my power to see that such a suggestion does not become a fact.

I do not believe that reporters should be licensed. I think that their freedom should be maintained within the concepts of the first amendment. I certainly hope that this misconception, as I view it, under which Dr. Walter Menninger, a very well-known doctor of medicine and psychiatry, has made this suggestion, will not materialize.

I just want to make this statement to observe that I will watch this matter very closely and to express the hope that it will not become more than a suggestion.

MONTANA HAS LOST 31,400 FARMS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled, "Troublesome Trend—Montana Has Lost 31,400 Farms," published in the Great Falls Tribune on January 21, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TROUBLESOME TREND: MONTANA HAS LOST 31,400 FARMS

Montana has lost 31,400 farms in the last 50 years.

The trend toward fewer farms is expected to continue.

The Montana Crop and Livestock Reporting Service estimates that the state will have 26,300 farms during this year. That's a drop of 400 from 1969.

Montana had 57,700 farms in 1920—a record high.

The state will have an estimated 67.1 million acres in farm operations this year—the same level recorded during the last four years.

The average size of farms for 1970 is estimated at 2,551 acres, a slight decrease from 1969.

It seems almost inevitable that the trend to fewer farms will continue. Another trend also is continuing; that's the increase in corporate farming. The Upper Midwest Research and Development Council reported last summer that Montana had 764 corporation farms with a total of 8,770,000 acres in 1968. Corporate farm acreage represented 15.15 per cent of all the land in commercial farming in the state for 1968.

Some authorities contend the answer to farmers who do not want to be squeezed off their farms is better management.

Lloyd Rixe, president of Technology in Action Is Progress (TAP), believes that management is an absolute necessity, not a luxury farmers can have if they can afford it.

Speaking at Billings last week at a Montana State Rural Areas Development meeting, Rixe said farmers will need more capital to run their operations and keep costs down and production up. To do that successfully, he said, better management is a must.

Montana farmers, especially marginal ones, will have to conquer cruel odds if they are to survive—distance from markets, unfavorable freight rates, high cost of equipment and labor and low prices for their farm products.

Even with sound management and a strong national farm program, it appears virtually certain that the trend to fewer farms will continue.

Mr. MANSFIELD. Mr. President, Montana has lost 31,400 farms in the last 50 years. The trend is continuing. It is a bad trend. In my judgment it is not healthy for the country to divert to corporate farming solely and to end the middle-sized family-type farm.

May I say, incidentally, that I think the American population is becoming entirely too congested in the cities. It is moving far too rapidly to the urban areas.

The trend is continuing, and with that trend we will have nothing but more trouble and greater problems in the future.

Mr. President, I express the hope that the trend could be reversed and that the migration to the urban centers, which in turn will create more congested metropolises covering many States, will be turned in the opposite direction so that more people would go back into the country, into the green spaces, into the small towns, and the small cities. I would hope that industry likewise would become a part of this reverse migration. I would hope that a better equilibrium would thus be achieved and perhaps at the same time a diminution of our problems including especially a decrease in the crime problem and the other grave matters which are becoming endemic as far as the cities are concerned.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION TO EXPAND HEADQUARTERS OF THE UNITED NATIONS IN NEW YORK

A letter from the Secretary of State, transmitting a draft of proposed legislation authorizing a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States (with an accompanying paper); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on Observations on United States Assistance to Guatemala (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of cetain banks of the farm credit system supervised by the Farm Credit Administration, for fiscal year 1969, dated February 9, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION WITH RESPECT TO SPECIALIZED OR TECHNICAL SERVICES PROVIDED TO STATE OR LOCAL GOVERNMENTS

A letter from the National Aeronautics and Space Administration transmitting, pursuant to law, a report of the Administration with respect to the scope of specialized or technical services provided to State or local governments by the Administration during the calendar year 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO AMEND THE LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON EMPLOYEE PERSONAL PROPERTY CLAIMS SETTLED

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report of the Administration on employee personal property claims settled during calendar year 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE POSTMASTER GENERAL

A letter from the Postmaster General, transmitting, pursuant to law, the annual report of the Post Office Department for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

PROPOSED LEGISLATION TO ESTABLISH AN ENVIRONMENTAL FINANCING AUTHORITY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes (with accompanying papers); to the Committee on Public Works.

PROPOSED LEGISLATION TO AMEND THE CLEAN AIR ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous

emissions from stationary sources, and for other purposes (with an accompanying paper); to the Committee on Public Works.

PROPOSED LEGISLATION TO EXTEND THE PROVISIONS OF THE SOLID WASTE DISPOSAL ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes (with an accompanying paper); to the Committee on Public Works.

PROPOSED LEGISLATION TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, FOR RESEARCH AND TRAINING

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended (with an accompanying paper); to the Committee on Public Works.

PROPOSED LEGISLATION TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, FOR CONSTRUCTION OF WASTE TREATMENT FACILITIES

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes (with an accompanying paper); to the Committee on Public Works.

PROPOSED LEGISLATION TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, FOR ENFORCEMENT OF CONTROL MEASURES

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended (with an accompanying paper); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

Seven resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO INCLUDE A COST-OF-LIVING INDEX FORMULA IN SOCIAL SECURITY BENEFIT PAYMENTS

Whereas, Under the present regulations persons receiving social security benefits are limited to a fixed income; and

Whereas, Many persons receiving such payments are totally dependent upon them for their living expenses; and

Whereas, The cost of living has increased continually from year to year; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing that there be a cost of living index formula included in the method of computing payments under the social security law; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 20, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 22, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN, *Secretary of the Commonwealth.*

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR A FEDERAL WELFARE SYSTEM

Whereas, There exists an urgent need for a federal welfare system with the federal government assuming the full control and cost of said system; now, therefore, be it

Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for a federal welfare system supported and managed by the federal government; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of the Congress and to the members thereof from the Commonwealth.

Senate, adopted, January 14, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 19, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN, *Secretary of the Commonwealth.*

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION EXPANDING THE MEDICARE PROGRAM TO INCLUDE PERSONS WHO ARE RECIPIENTS OF AID TO THE PERMANENTLY AND TOTALLY DISABLED UNDER THE SOCIAL SECURITY PROGRAM

Whereas, There are numerous persons who receive assistance under the social security program because of permanent and total disability but who do not receive the benefits derived under the Medicare program; now, therefore, be it

Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation expanding the Medicare program to include persons who are recipients of aid to the permanently and totally disabled under the social security program; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 20, 1970.

NORMAN P. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 22, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN, *Secretary of the Commonwealth.*

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR AN INCREASE IN SOCIAL SECURITY BENEFITS

Whereas, Social Security recipients are in great need of an increase in benefits to meet the rising cost of living and to maintain a decent standard of living; now, therefore, be it

Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for an increase in social security benefits of twenty per cent in the year nineteen hundred and seventy, twenty per cent in the year nineteen hundred and seventy-one and ten per cent in the year nineteen hundred and seventy-two; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 21, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 26, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN, *Secretary of the Commonwealth.*

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING RETIREMENT ALLOWANCES TO CERTAIN WIDOWS UNDER THE SOCIAL SECURITY ACT

Whereas, The cost of living has greatly increased and the current monthly amounts payable under the Social Security Act to the widows of retired workers are greatly reduced in value and are thus inadequate for the proper support and maintenance of such widows; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to increase the amount of benefits payable under the Social Security Act to widows of retired workers to an amount equal to one hundred per cent of the benefits payable to the worker at the time of his death; and be it further

Resolved, That the Secretary of the Commonwealth transmit forthwith copies of these resolutions to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 21, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 26, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN, *Secretary of the Commonwealth.*

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING THAT THE FEDERAL OLD-AGE ASSISTANCE PROGRAM BE ADMINISTERED BY THE FEDERAL DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE THROUGH THE SOCIAL SECURITY SYSTEM

Whereas, There exists an urgent need to consolidate governmental assistance programs for needy and elderly persons, particularly those less fortunate receiving old age assistance; now, therefore, be it

Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing that the federal old-age assistance program be administered by the Department of Health, Education, and Welfare through the social security system; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 21, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 26, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN, *Secretary of the Commonwealth.*

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION MAKING ALL PERSONS ELIGIBLE FOR MEDICARE COVERAGE UPON REACHING AGE 65

Whereas, The Medicare program has failed to provide its benefits for many citizens; and

Whereas, Many such citizens are unable to meet the heavy medical expenses which are attendant upon old age because they are not covered by the Medicare program due to inability to meet certain eligibility requirements of said program; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing that all citizens shall upon attaining age sixty-five be eligible for Medicare coverage; and be it further

Resolved, That the Secretary of the Commonwealth transmit forthwith copies of these resolutions to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 20, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 22, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Resolutions of the Commonwealth of Massachusetts; to the Committee on Interior and Insular Affairs:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION ESTABLISHING A NATIONAL CEMETERY IN THE COMMONWEALTH

Whereas, It is the right of every veteran to be accorded the honor of a burial in a national place of honor; and

Whereas, Out of the ninety-eight national cemeteries in the United States, there is none in the New England area; and

Whereas, The saturation point of these cemeteries is rapidly being reached and the need for new land is pressing; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to establish a national cemetery in the commonwealth of Massachusetts; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 20, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 22, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Resolution of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO DIRECT THE OFFICE OF ECONOMIC OPPORTUNITY TO DOUBLE THE FOSTER GRANDPARENTS PROGRAM

Whereas, The foster grandparents program of the Office of Economic Opporutnity has been so successful in providing the means whereby older persons may demonstrate their love for mentally retarded and disturbed childen thoughout the nation; and

Whereas, The facilities and funds necessary to fulfill the needs of said program have proven inadequate; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation directing the Office of Economic Opportunity to double the foster grandparents program; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 21, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 26, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

A concurrent resolution of the Legislature of the State of Oklahoma; to the Committee on Agriculture and Forestry:

CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO TAKE POSITIVE ACTION TO INSURE PASSAGE OF LEGISLATION TO PROVIDE ADEQUATE FUNDS TO IMPLEMENT CHILD FEEDING PROGRAMS; AND DIRECTING DISTRIBUTION

Whereas, in 1946 the Congress of the United States passed an act to make the national School Lunch Program permanent; and

Whereas, the basic objectives of this program were stated in the following Declaration of Policy: "It is hereby declared to be the of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs"; and

Whereas, this program has been acknowledged at all levels of government as an exemplary cooperative local, state and federal endeavor; and

Whereas, surveys have found that hunger and malnutrition exist in all areas of our country and at all economic levels; and

Whereas, educators and health and nutrition specialists have found that well nourished children are easier to discipline and learn more rapidly than hungry children; and

Whereas, these surveys and evaluations have caused great interest in relieving hunger and malnutrition, new child feeding programs have been established and funded through the same channels; and

Whereas, in school districts which have made a maximum effort to implement the nutrition programs and include nutrition education in the school and community, and other districts which have made a maximum effort to include all those children financially unable to pay the full cost of their meals, there has been great expansion in participation and, at the same time, program emphasis has changed from "consumption of nutritious agricultural commodities" to "safeguard the health and well-being of the Nation's children"; and

Whereas, local communities and states, nationwide, have been greatly handicapped in the ability to fully implement these programs because the need is greater than funds will afford; and

Whereas, the State of Oklahoma, operating with the allocations made from the regular U.S. Department of Agriculture Congressional appropriations and projecting program obligations to participating schools, will exhaust all available funds sometime in March, 1970; and since the schools will have no resources from which to supplement the programs, the result will be that food service to children unable to pay the full price of the meal will be withdrawn; and

Whereas, it is mandatory that every participating school system must have an approved policy which declares that meals will be provided to those unable to pay the full cost, they cannot legally remain in the program and, thus, their total program will be in jeopardy; and

Whereas, in some areas the meal provided through the School Lunch Program to needy children is the only substantial meal eaten by such children each day.

Now, therefore, be it resolved by the House of Representatives of the 2nd session of the 32nd Oklahoma Legislature, the Senate concurring therein:

Section 1. That the Congress of the United States be and hereby respectfully is urged to take positive action immediately to insure passage of pending legislation which will provide an appropriation of funds adequate to insure that all states will be in position to reach every child with nutritionally sound meals; most specifically to provide assistance in supplying free and/or reduced price meals for very needy children.

Section 2. That duly authenticated copies hereof be forwarded to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, to each member of the Oklahoma Delegation in Congress and to the presiding officers of the legislative bodies in the several states.

Adopted by the House of Representatives the 26th day of January, 1970.

REX PRIVETT,
Speaker of the House of Representatives.

Adopted by the Senate the 28th day of January, 1970.

GEORGE NIGH,
President of the Senate.

A letter, in the nature of a petition, from Mrs. T. R. Bynum, of Vian, Okla., praying for the enactment of legislation relating to proper treatment of prisoners of war; to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes (Rept. No. 91–701).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Robert Strausz-Hupé, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary to Ceylon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to the Republic of Maldives; and

Jerome H. Holland, of Virginia, to be Ambassador Extraordinary and Plenipotentiary to Sweden.

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I also report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the CONGRESSIONAL RECORD and ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Keith E. Adamson, of Nevada, and sundry other persons, for promotion in the Foreign Service; and

Harry G. Barnes, Jr., of Maryland, and sundry other persons, for promotion in the Foreign Service.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 3424. A bill to amend the Act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats irrigation project; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. CHURCH when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. MAGNUSON, and Mr. RANDOLPH):

S. 3425. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. JAVITS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3426. A bill to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes; and

S. 3427. A bill to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bills appear later in the RECORD under the appropriate headings.)

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 3428. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JORDAN of Idaho when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. FULBRIGHT (by request):

S. 3429. A bill to amend the Foreign Military Sales Act; and

S. 3430. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended; to the Committee on Foreign Relations.

(The remarks of Mr. FULBRIGHT when he introduced the bills appear later in the RECORD under the appropriate headings.)

By Mr. WILLIAMS of New Jersey (for himself and Mr. BROOKE):

S.3431. A bill to extend the coverage of sections 13(d), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors; to the Committee on Banking and Currency.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. WILLIAMS of New Jersey:

S. 3432. A bill to amend the Act of February 24, 1925, incorporating the American War Mothers, to permit certain stepmothers and adoptive mothers to be members of that organization; to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. BAYH, Mr. GRAVEL, Mr. INOUYE, Mr. MONDALE, Mr. MONTOYA, Mr. RANDOLPH, and Mr. YOUNG of Ohio):

S. 3433. A bill to amend the Social Security Act to provide for a national program of basic income benefits to individuals and families in need thereof; to the Committee on Finance.

(The remarks of Mr. HARRIS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. KENNEDY:

S. 3434. A bill to amend title 8, United States Code, to provide for the establishment of a Public Counsel Corporation to insure full participation by and on behalf of unrepresented citizens in administrative rulemaking proceedings; to the Committee on the Judiciary.

By Mr. McCLELLAN (for himself and Mr. FULBRIGHT):

S.J. Res. 172. Joint resolution to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week"; to the Committee on the Judiciary.

(The remarks of Mr. McCLELLAN when he introduced the joint resolution appear earlier in the RECORD under the appropriate heading.)

S. 3426—INTRODUCTION OF A BILL TO AUTHORIZE APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, for myself and the Senator from Colorado (Mr. ALLOTT), the ranking minority member of the Senate Interior and Insular Affairs Committee, a bill to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes. This proposed legislation is recommended by the Department of the Interior.

Mr. President, I ask unanimous consent that the executive communication accompanying this proposal be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the communication will be printed in the RECORD.

The bill (S. 3426) to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. ALLOTT), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The communication, presented by Mr. JACKSON, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 3, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To authorize appropriations for the Saline Water Conversion Program for fiscal year 1971, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The saline water conversion program conducted by the Office of Saline Water of this Department has made excellent progress in the development of practical, low-cost methods for producing fresh water from saline, brackish, and other mineralized or chemically-charged waters, for potential use in meeting present and future municipal, industrial, and agricultural needs. The program has fostered the development of desalting technology and has encouraged the growth of a significant and viable desalting industry to meet future water requirements of the United States and other nations.

The Act of July 3, 1952, as amended (42 U.S.C. 1951 *et seq.*), authorizes "to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation authorization acts." In order to meet fiscal year 1971 program requirements, we propose an appropriation of $29,373,000 to enable the Department to conduct a research and development program to meet the program goals in the following four major activities:

I. Research and development operating expenses, $16,650,000;

II. Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, $5,000,000;

III. Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, $5,345,000; and

IV. Administration and coordination, $2,378,000.

Included in our authorization request for Category III, Design, Construction, Acquisition, Modification, and Maintenance of Saline Water Conversion Modules, are funds amounting to $4,345,000 for construction of a Vertical Tube Evaporator/Multi-stage Flash (VTE/MSF) module and for one additional field position. Funds for three additional positions and related administrative costs are included in Category IV, Administration and Coordination.

The advancement of large-scale desalting technology now could prevent serious water shortages in areas in this country where desalting appears to be the only economically feasible solution. The Office of Saline Water is continuing research on such other new and promising concepts as pressure dialysis, biomembranes and reverse osmosis. However, these processes have not been developed to the point where large-scale testing is warranted. The VTE/MSF technology has arrived at the point where large-scale testing is the next logical step. Therefore, it is essential that this process be developed now for future commercial application.

Feasibility studies on the combined VTE and MSF plants clearly indicate significant cost savings over the present conventional MSF plants. In a study completed in January 1969 by the Fluor Corporation, it was concluded that a VTE/MSF plant would obtain very meaningful reductions in product water costs. For a 250 MGPD plant, the estimates included a 30% capital cost reduction with a 15% water cost reduction over present known distillation processes. The VTE/MSF process is the only one now available that can yield cost reductions of this size for large-scale plants.

The development of the VTE process has progressed to the stage where the design, construction, and operation of a large module that will stimulate the performance of a full-size plant is mandatory to fully establish large component technology and the economics of the process. Heat transfer in a VTE plant with enhanced tubes is double that of an MSF plant. This cuts surface requirements by half and reduces the physical size of the shell and, consequently, of the plant. The larger temperature differences or thermal driving forces of the VTE process result in direct economies in heat transfer requirements. The proposed module incorporates a highly efficient process which utilizes MSF preheating coupled with VTE evap-

orators and results in high product recovery per pound of sea water feed. The VTE/MSF process combines in one system the process and cost advantages of each, while minimizing the disadvantages.

In addition to the appropriation authorization for fiscal year 1971, the proposal would amend the Act, first, to broaden the authority of the Department to have research performed by foreign individuals, universities, and research institutions, and second, to delete the references in section 8 of the basic Act to the duration of the program for a specified term of years.

The Act of April 29, 1968 (82 Stat. 110), which authorized appropriations for the saline water conversion program, also amended section 8 of the basic Saline Water Conversion Act to prohibit, effectively July 1, 1968, any new commitments under the latter Act for cooperation with public or private agencies in foreign countries which require expenditures of funds under the Act. We understand that this legislation, together with the legisltive history in the 90th Congress and in the 91st Congress (e.g., H.R. Rept. No. 1247, 90th Cong., 1st sess. 3 (1968) and H.R. Rept. No. 208, 91st Cong., 1st sess. 3 (1969)) permits the Department to conduct on-site inspection of foreign projects, foster and participate in international conferences relating to saline water conversion and exchange technical information with foreign entities, but does not authorize new agreements with agencies in foreign countries for research.

We have, in the past, supported a very limited amount of foreign research under this program. Nevertheless, over the past 2 years the results from grants in existence before July 1, 1968, have been excellent. For example, they have resulted in: (a) development of a new process for preparing reverse osmosis membranes which has been patented and assigned to the U.S. Government (Pat. No. 3,412,184); (b) the discovery of a new desalting process known as pressure dialysis; (c) the development of membranes potentially capable of discriminating between sodium and potassium ions; (d) definition of the requirements for a pressure dialysis process; and (e) a much better understanding of the liquid state and of the factors repsonsible for the fouling of electrodialysis membranes.

Without the authority to conduct foreign research, the desalting program would have lost to the benefits of these valuable research accomplishments. The foreign research activity has therefore been beneficial to the desalting program and of considerable advantage to the U.S. Government. Furthermore, research costs generally are lower in foreign countries and it frequently is possible to obtain more talent and time for the dollar.

We have noted with concern that the Office of Saline Water received no unsolicited research proposals from foreign sources during the past year. The foreign scientific community has become aware of the foreign restriction and is turning its attention to other problem areas. In the past years, OSW received from 10 to 15 unsolicited foreign research proposals per year. Although it is difficult to measure in absolute terms, this drying up of sources of new ideas is very disturbing and can only be detrimental to the desalting program.

While the proposed legislation would recognize limited authority to award research grants and contracts to foreign individuals, universities, and research institutions, it would preserve the ban on other foreign activities not specifically authorized by the Congress.

In view of the current requirement that appropriations "be specified in the annual appropriation authorization acts," and the opportunity for review that requirement affords, we propose to delete the reference in section 8 to the duration of the authorization for a specified term of years. Originally, the intent of this provision was to authorize the conduct of the desalination program for a specified term of years. At the end of that term Congress was to review the progress of the program in the relation to the capability of industry in the field. Subsequently, under the provisions of the Act of April 29, 1968, the program was placed on an annual authorization basis. This change has provided for an annual review by the Congress and makes the termination dates in section 8 of the Act unnecessary. Accordingly, the revised section 8 in the draft bill omits the language limiting the program to a fixed term of years.

The Bureau of the Budget has advised that this proposed legislation is in accord with the program of the President.

Sincerely yours,

CARL L. KLEIN,
Assistant Secretary of the Interior.

S. 3427—INTRODUCTION OF A BILL TO INCREASE THE AUTHORIZATION FOR APPROPRIATION FOR CONTINUING WORK IN THE MISSOURI RIVER BASIN

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, for myself and the Senator from Colorado (Mr. ALLOTT), the ranking minority member of the Senate Interior and Insular Affairs Committee, a bill to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior. This proposed measure is recommended by the Department of the Interior and would increase by $32 million the appropriation authorization for the portion of the Missouri River Basin project for which the Secretary of the Interior is responsible.

Mr. President, I ask unanimous consent that the executive communication from the Department of the Interior accompanying this proposal be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the communication will be printed in the RECORD.

The bill (S. 3427) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior, introduced by Mr. JACKSON (for himself and Mr. ALLOTT), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The communication, presented by Mr. JACKSON, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 3, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill would increase by $32.0 million the appropriation authorization for the portion of the Missouri River Basin project for which the Secretary of the Interior is responsible. This authorization is for appropriations to carry out the comprehensive plan of development on the project for fiscal years 1971 and 1972.

The Missouri River Basin project was begun with the passage of the Flood Control Act of 1944 (58 Stat. 887), section 9(e) of which authorized the appropriation of $200 million for partial accomplishment of the works to be undertaken. Subsequent Acts, most recently the Act of May 24, 1968 (82 Stat. 129), which authorized appropriations of $59 million for fiscal years 1969 and 1970, have increased the funds authorized to be appropriated to carry out the comprehensive plan for the project. (A table of these authorization Acts is enclosed.)

Since the current appropriation authorization will expire on June 30, 1970, the additional authorization provided by this bill will be required early in this session of Congress to support the Administration's request for appropriations for fiscal year 1971.

The bill continues the provision of previous Missouri River Basin project appropriation authorization Acts, beginning with the Act of August 14, 1964 (78 Stat. 446), that no new construction of any unit be initiated under this authorization. Excluded from the additional appropriation authorization provided in the bill are the Garrison Diversion unit, Nebraska Mid-State division, and the Oahe unit of the Missouri River Basin project, which have been authorized with separate appropriation limitations.

The estimated program obligations for fiscal years 1971 and 1972 are shown in the enclosed tables.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

JAMES R. SMITH,
Assistant Secretary of the Interior.

S. 3428—INTRODUCTION OF A BILL TO AUTHORIZE EAST GREENACRES UNIT OF THE RATHDRUM PRAIRIE RECLAMATION PROJECT IN IDAHO

Mr. JORDAN of Idaho. Mr. President, I introduce, for appropriate reference, a bill to authorize construction, operation, and maintenance of the East Greenacres unit of the Rathdrum Prairie reclamation project. My colleague (Mr. CHURCH) joins me in cosponsoring this bill.

The proposed East Greenacres unit is a multipurpose water resource development located in northwestern Idaho. It will provide supplemental irrigation water to 1,770 acres which now have inadequate supplies, and it will serve 3,500 acres which are not now irrigated. It also will provide domestic and stock water to the area and benefit fish and wildlife conservation and public recreation.

The Bureau of Reclamation has found the project to be engineeringly feasible and economically justified, and the Department of the Interior recommends that construction of the project be authorized by the Congress.

The State of Idaho has reviewed the proposal, and the Governor of Idaho has expressed his support for early authorization.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3428) to authorize the Secretary of the Interior to construct, op-

erate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes, introduced by Mr. JORDAN of Idaho (for himself and Mr. CHURCH), was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, I am pleased to join with my colleague (Mr. JORDAN of Idaho) in introducing this bill on a matter of importance to our State of Idaho.

The potential East Greenacres unit of the Rathdrum Prairie project offers an opportunity to provide outstanding multiple-purpose benefits to the project area in northern Idaho. It will provide irrigation water to more than 5,000 acres, about 1,800 acres of which are presently irrigated but with insufficient supplies. Water will also be provided for domestic use and livestock, and the development of the project will also stabilize the existing Twin Lakes Reservoir with significant benefit to recreation and fish and wildlife conservation.

I wish to emphasize that the East Greenacres unit has been evaluated using the very rigorous current procedures and it is engineeringly feasible and economically justified.

S. 3429—INTRODUCTION OF A BILL TO AMEND THE FOREIGN MILITARY SALES ACT

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Foreign Military Sales Act—82 Statute 1320.

The proposed bill has been requested by the Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary of State to the Vice President dated February 2, 1970.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3429) to amend the Foreign Military Sales Act, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Foreign Military Sales Act (82 Stat. 1320) is amended as follows:

SECTION 1. Section 31(a) is amended by deleting the period at the end of the first sentence and inserting in lieu thereof, "and not to exceed $272,500,000 for the fiscal year 1971."

SEC. 2. Section 31(b) is amended by deleting the period at the end of the subsection, and inserting in lieu thereof, "and during the fiscal year 1971 shall not exceed $385,000,000."

The letter, presented by Mr. FULBRIGHT, is as follows:

THE SECRETARY OF STATE,
Washington, February 2, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: I enclose a draft of legislation to amend the Foreign Military Sales Act (82 Statute 1320).

PURPOSE OF THE LEGISLATION

On October 22, 1968 the Congress enacted the Foreign Military Sales Act which consolidated and revised into a single act legislation to authorize sales by the United States Government of defense articles and services to friendly countries and international organizations. There is now pending before the Senate S. 2640, a bill to amend the Foreign Military Sales Act for FY 1970. The purpose of the proposed legislation which this letter transmits is to amend Section 31 of the Act to provide that not to exceed $272.5 million is authorized to be appropriated to carry out the Act in FY 1971 and to provide that the aggregate total of credits extended and guaranties issued shall not exceed $385 million in FY 1971.

COST AND BUDGET DATA

The President's budget for FY 1971 will request new obligational authority (NOA) of $272.5 million under the Foreign Military Sales Act to finance up to $385 million of credit sales made in FY 1971 through the extension of credits and the issuance of guaranties of credit.

The $385 million figure represents the proposed ceiling on the aggregate total of credits and guaranties of credit to be extended under the bill by the Department of Defense during FY 1971.

One hundred percent of the face value of credits extended is charged against NOA and twenty-five percent of the face value of guaranties issued is so charged. Thus, the full $385 million credit program authorized would be funded by $150 million of guaranteed private credit, using $37.5 million of NOA for the guaranty reserve; and $235 million of direct credit, using $235 million of NOA, for a total of $272.5 of NOA. Should a higher level of guaranteed private credit be extended in place of direct credit, a lesser amount of NOA would be obligated.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation and that its enactment would be in accord with the program of the President.

Sincerely yours,

WILLIAM P. ROGERS.

S. 3430—INTRODUCTION OF A BILL TO AMEND FURTHER THE PEACE CORPS ACT

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to amend further the Peace Corps Act (75 Stat. 612) as amended.

The proposed bill has been requested by the Acting Director of the Peace Corps and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Director of the Peace Corps to the Vice President dated February 2, 1970 and the section-by-section analysis of the proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and analysis will be printed in the RECORD.

The bill (S. 3430) to amend further the Peace Corps Act (75 Stat. 612), as amended, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended (1) by striking out "1970" and "$98,450,000" and substituting "1971" and "$98,800,000", respectively, and (2) by striking out the last sentence thereof.

SEC. 2. Section 5 of the Peace Corps Act, as amended, which related to Peace Corps Volunteers, is amended as follows:

(a) Subsection (c) is amended by: (1) Striking out the period at the end of the first sentence, substituting a colon therefor and adding the following: *"Provided, however,* That in the cases of volunteers who have one or more minor children at the time of their entering a period of pre-enrollment training, one parent shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President"; and (2) by striking out "section 61f" and substituting therefor "section 5582(b)."

(b) By adding a new subsection, as follows: "(m) The minor children of a volunteer living with the volunteer may receive (A) such living, travel, education and leave allowances, such housing, transportation, subsistence and essential special items of clothing, as the President may determine; (B) such health care, including health care following the volunteer's service for illness or injury incurred during such service and health and accident insurance, as the President may determine and upon such terms as he may determine, including health care in any facility referred to in section 5(e) of this Act, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in section 5(e); (C) such orientation, language, and other training necessary to accomplish the purposes of this Act as the President may determine; (D) the benefits of subsection (1) of this section on the same basis as volunteers."

SEC. 3. Section 6 of the Peace Corps Act, as amended, which relates to Peace Corps Volunteer Leaders, is amended at clause (3) by striking out ", and a married volunteer's child if born during the volunteer's service,".

SEC. 4. Section 7 of the Peace Corps Act, as amended, which relates to Peace Corps employees is amended at subsection (a), paragraph (3) to read as follows:

"(3) The President may specify what additional allowance authorized by section 5941 of title 5, United States Code, and which of the allowances and differentials authorized by sections 5923 through 5925 of that title may be granted to any person employed, appointed or assigned under this subsection (a) and may determine the rates thereof not to exceed those otherwise granted to employees under those sections."

SEC. 5. Section 13 of the Peace Corps Act, as amended, which relates to experts and consultants, is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "section 15 of the Act of August 2, 1946, as amended (5 U.S.C. 55a)" and substituting therefor "section 3109 of title 5, United States Code"; and

(B) by striking the words "$75 per diem" and substituting therefor "the per diem equivalent of the highest rate payable under section 5332 of title 5, United States Code".

(2) Subsection (b) is amended by striking out "section 13 of the Civil Service Retirement Act, as amended (5 U.S.C. 2263)" and "section 201 of the Dual Compensation Act" and substituting therefor "sections 3323(b) and 8344 of title 5, United States Code" and "section 5332 of title 5, United States Code," respectively.

SEC. 6. Section 14 of the Peace Corps Act, as amended, which relates to detailing personnel to foreign governments and international organizations, is amended at subsection (b) by striking out "section 1765 of the Revised Statutes (5 U.S.C. 70)" and substituting therefor "section 5536 of title 5, United States Code."

SEC. 7. Section 301 of the Peace Corps Act, as amended, which relates to the encouragement of voluntary service programs, is amended as follows:

(1) Subsection (a) is amended by striking out everything following "and participation in," in clause 3 and substituting the following: "international voluntary service programs and activities."

(2) Subsection (b), paragraph (2) is amended to read as follows:

"(2) Not more than $300,000 may be used in fiscal year 1971 to carry out the provisions of clause (3) of subsection (a) of this section. Such funds may be contributed to educational institutions, private voluntary organizations, international organizations and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of encouraging the development of, and participation in, international voluntary programs and activities."

The letter and analysis, presented by Mr. FULBRIGHT, are as follows:

PEACE CORPS,
Washington, February 2, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: Mr. Blatchford is currently out of the country and in his absence I am forwarding for your consideration the enclosed draft legislation which will enable the Peace Corps to continue to strengthen its work on behalf of world peace and understanding.

This legislation will authorize the appropriation of $98.8 million for the Peace Corps in fiscal 1971. This authorization is $350,000 more than the amount authorized and appropriated for 1970. The authorization will enable the Peace Corps to train an estimated 7,000 Volunteer applicants in the coming year, 500 more than this year. The total estimated number of Volunteers and trainees serving at the end of the Peace Corps Program Year, August 31, 1971, will be about 10,000, approximately 500 less than the estimated number on August 31, 1970.

One of the more significant amendments would enable the Peace Corps to recruit, train and assign Volunteers who have minor dependent children. Despite the fact that such people frequently have high skill qualifications, in the past they have been prevented, in the practical sense, from becoming Volunteers. This legislation will authorize an increase in the monthly readjustment allowance from $75 to $125 for one Volunteer parent per family and authorize the provision of various items of support which would help to make Peace Corps Volunteer service a realistic opportunity for dedicated people with dependent children.

The legislation would also authorize the Peace Corps to encourage international voluntary service programs and activities on a limited basis by permitting the Peace Corps to contribute not more than $300,000 in fiscal 1971 as its proportionate share of funds necessary to spur the development of selected international programs.

The Peace Corps will continue in 1971 to seek more effective and more economical ways to recruit, select, train, program and support our Volunteers. Our efforts during the past year to accomplish these goals and our plans for further improvements in 1971 will be presented to the appropriate committees.

The Bureau of the Budget has advised that enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

THOMAS J. HOUSER,
Acting Director.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED ACT TO AMEND FURTHER THE PEACE CORPS ACT

The proposed act ("the bill") to amend further the Peace Corps Act, as amended ("the act"), has three purposes. First, it authorizes appropriations for fiscal year 1970 under the general authority in the act for appropriations to carry out programs in furtherance of the purposes of the act. The bill would accomplish this by striking out the amount and the reference to the fiscal year in that general authorization and substituting the new amount and the new fiscal year. Deletion of the amount and year in the general authorization has, of course, no effect on prior appropriations thereunder to carry out the provisions of the act. Second, the bill would effect other amendments to the act, which are of a substantive nature designed to promote more effective operation of the Peace Corps. Third, the bill would effect technical amendments to the act to reflect codification of title 5, United States Code, into positive law by Public Law 89–554.

Section 1.—Amends section 3(b) of the act, which relates to authorizations, (1) to authorize the appropriation of $98,800,000 for fiscal year 1971 and (2) to delete the last sentence which was added by Public Law 91–99.

The last sentence of section 3(b) prohibits the Peace Corps from using its funds to operate the Volunteers to America Program (VTA) "or any similar program involving the service or training of foreign nationals in the United States." Since the Peace Corps will not be conducting VTA, this sentence is not essential. In addition, the prohibition against "similar" programs in which foreign nationals are trained or serve in the United States seems to conflict to some extent with the existing authority in sections 9 and 301 of the act.

Developing countries themselves have persons with the talent and inclination to become engaged in the development and conduct of domestic and international voluntary projects in their countries. These individuals, and consequently voluntary service programs in their countries, could benefit from the experience and training which the Peace Corps could provide more effectively and efficiently in the United States than overseas. The Peace Corps therefore intends to provide training to foreign nationals in the United States under the existing authority contained in section 301 and in accordance with the applicable provisions of section 9 of the act. That training would involve limited experience in certain Peace Corps functions in Washington and regional offices in the United States. Therefore, to eliminate any uncertainty as to the authority of the Peace Corps under sections 9 and 301 to engage in this type of effort, the last sentence of section 3(b) of the act should be deleted.

Section 2.—Amends section 5 of the act to enable the Peace Corps to enroll and assign Volunteers with families by making provision for the care, subsistence and education of Volunteers' children, by authorizing (1) a $50 per month increase in the readjustment allowance for one Volunteer per family; (2) for Volunteers' minor children, the payment of allowances and provision of support items previously provided only to Volunteers, Volunteer Leaders, or the spouses and minor children of Volunteer Leaders; and (3) the payment of education allowances for Volunteers' minor children.

The Peace Corps is currently conducting a pilot project involving the assignment of not more than 200 Volunteers with families under the Volunteer Leader authority of section 6 of the act. Through the use of that authority, the Peace Corps is able to pay living, travel and similar expenses of the spouses and minor children of the pilot project Volunteers despite the fact that they are not Volunteer Leaders in the originally intended meaning of that term. From the experience gained in the pilot project, it has become obvious that the authorities requested in this section of the bill are necessary for the Peace Corps to engage in a major effort to place and retain Volunteers with families in assignments overseas.

The amendment of section 5(c) authorizes an increase of $50 in the monthly readjustment allowance for one Volunteer per family with children at the time of entering training. This increase, which is modest in terms of the costs of maintaining a household, will make it more feasible for individuals with families to serve as Volunteers by providing an additional sum which will help them to defray continuing obligations, such as life insurance premiums and household goods storage costs, during service as well as living expenses upon their return to the United States. The increased readjustment allowance would not be available to Volunteers who do not have minor children when they report to training because the objective is to make it possible for individuals with children to enter the Peace Corps, not to encourage Volunteers without children to begin having them.

The new subsection 5(m) would authorize the Peace Corps to provide Volunteer's minor children with (A) allowances and items necessary for them to accompany the Volunteer in training and in service, which at the present time Volunteers may be paid and provided only for purposes of their own support; (B) health care during and after the Volunteer's training and service for injuries and illnesses incurred while living with the Volunteer during training and service; (C) orientation and training necessary for the entire family to function overseas within the philosophical framework of Peace Corps Volunteer service; and (D) counsel fees, court costs and related expenses for their defense in foreign judicial and administrative proceedings.

Some of these benefits and allowances for Volunteers' children do not require further comment because they are now specifically authorized for the children of Volunteer Leaders under section 6 of the act. This amendment would therefore merely extend them to Volunteers' children. The following comments are thus generally limited to benefits and allowances not specifically authorized for the children of Volunteer Leaders.

First, the new subsection 5(m), at clause (A), would authorize the provision of education allowances for Volunteers' minor children. Payments of such allowances would not exceed the amounts prescribed for the children of Government employees under the *Standard Regulations (Government Civilians, Foreign Areas)*.

Second, clause (B) would authorize the provision of health care to Volunteers' children regardless whether they were born prior

to or during the Volunteers' service. Under section 6, clause (3), health care has been provided married Volunteers' children only if they were born during the Volunteers' service. Clause (B) would also authorize for Volunteers' minor children who live with their parents during training and service, the provision of health care following such service, either directly or through the purchase of insurance.

The post-service health care so provided would generally be identical to that available to Volunteers under the Federal Employees' Compensation Act, except that disability and death compensation payments would not be made. Provision of this care to the minor children of Volunteers is considered highly desirable because there is no practical alternative to relieve a Volunteer from what could be a crushing financial burden arising out of the injury or illness of a member of his family during his training or service. Although every attempt will be made to assign Volunteers with families to locations where health facilities are available, the Peace Corps cannot deny that Volunteers' children may be subjected to a greater likelihood of serious illness or injury than they would be in the United States. Nor would it be sufficient for the Peace Corps to provide health care for the children during the Volunteers' service. For example, it is foreseeable that an injury or illness may be so serious as to require the family's return to the United States in order for the stricken family member to receive the best possible care; or the illness or injury may have such long-term consequences as to require treatment beyond the normal tour of Volunteer service. In these kinds of cases, this authority would authorize the provision of care to the extent needed.

Moreover, given the small amount of the readjustment allowance and the limitations and cost of private health insurance, it would not be practical or fair to place on the Volunteers the cost of such coverage or the risk that coverage would be inadequate.

If adequate insurance can be developed, a determination will be made whether payment of the costs of coverage by the Peace Corps would be more economical than the direct provision of care. If such insurance would be less costly, taking into account the administrative effort involved in providing care, the Peace Corps would probably arrange for insurance coverage in place of direct care.

Third, clause (D) would permit the Peace Corps to employ counsel and pay the counsel fees, court costs, bail, and other expenses incident to the defense of a Volunteer's child in a foreign judicial or administrative proceeding to which he has been made a party. This benefit was authorized for Volunteers under section 5(1) of the act by Public Law 89–572 in 1966. The justification for this benefit for Volunteers and the circumstances for which it was intended were set forth in H. Rep. No. 1778, 89th Cong., 2d sess. 4–5 (1966). The same general considerations, the Volunteer's inability to pay for expenses incident to a legal proceeding when he is accused or sued, would also apply in the cases of Volunteers' children.

Finally, section 2(a)(2) of the bill would effect a technical amendment to reflect the 1966 recodification of title 5, United States Code.

Section 3.—Amends section 6 of the act to delete the authorization to provide health care to children born to a married Volunteer during his service because health care of Volunteers' children is to be provided under the new subsection 5(m).

Section 4.—Amends subsection 7(a)(3) of the act to reflect the 1966 recodification of title 5, United States Code.

Section 5.—Amends section 13 of the act to remove the $75 per day limitation on the amount which the Peace Corps may pay experts and consultants as compensation and to substitute the limitation applicable to most federal government agencies. The $75 per day limitation dates back to 1961 and has become a restrictive, and at times hindering, limitation in that it precludes the Peace Corps from compensating experts and consultants at a rate approximating their normal earning capacity.

Removal of a specific dollar limitation should enable the Peace Corps, as other Government agencies, to keep pace with the private economy in compensating experts and consultants without the need to seek periodic upward adjustments to the ceiling.

The other amendments merely reflect the 1966 recodification of title 5, United States Code.

Section 6.—Amends subsection 14(b) of the act to reflect the 1966 recodification of title 5, United States Code.

Section 7.—Prior to enactment of Public Law 91–99, Title III, section 301(a), of the act stated that it is the policy of the United States (1) to encourage other countries to establish voluntary programs like the Peace Corps to help less developed countries and (2) to encourage less developed countries to establish their own voluntary programs. Public Law 91–99 added that it is also the purpose of the United States "(3) to encourage the development of, and participation in, any *international register* which seeks to provide volunteers to serve in less developed countries or areas, training or other assistance in order to help such countries or areas to meet their needs for trained manpower." (Italic added.)

The use of funds for purposes (1) and (2) of Title III was not affected. For the new purpose (3), however, the Peace Corps was authorized to use up to $300,000 in fiscal year 1970 and to make contributions of such funds. The new authority under purpose (3) to expend and contribute funds in the development of international registers does not enable the Peace Corps to make significant contributions to the advancement of multi-national voluntary efforts.

In the last six years since the enactment of Title III, there has been a virtual explosion in voluntary service programs of both the export and domestic variety. For example, forty countries now send Volunteers abroad, and the number of Volunteers involved has risen to 24,937. Twenty-two voluntary domestic programs and 69,176 volunteers are now involved in national development projects. In addition, the International Secretariat for Voluntary Service (ISVS) which was created in 1963, has grown to a total membership of 52 countries, 15 of which countribute to the organization's support. Eight of these 15 are from the developing world. The ISVS has played a very valuable role in the dissemination of knowledge and skills relating to the selection, training and programming of volunteer manpower.

This growing interest in the possibilities of international and multinational volunteer programs is reflected in the unanimous adoption by the United Nations General Assembly of the resolution presented by the Government of Iran for a feasibility study of an international corps of Volunteers. The Economic and Social Council of the UN subsequently supported this resolution by a vote of 23–0 and the study is now being prepared. Its recommendations are expected to be presented to the General Assembly in the fall of 1970. Simultaneously, there is a movement towards the multinational programming of Volunteers which would involve having Volunteers from two or more export or domestic programs working as a unified team on a specific development project under the supervision of either the host government, one of the volunteer organizations, or perhaps an international body. The expected advantages of such programming are not only that the various Volunteer agencies may, due to the nature of their personnel, be able to complement each other in the effort to achieve a developmental objective, but also that the movement away from bilateralism may make Volunteer service more acceptable to countries which are concerned with real or perceived political entanglements. There is also the clear possibility that the cooperative features of such programs would further enhance the search for world peace and understanding while we are striving to meet the needs of receiving countries for middle-level manpower.

Section 5(1) of the bill would amend purpose (3) of Title III to authorize the Peace Corps to encourage international voluntary service programs.

In order for the proposed amendment to be meaningful, the Peace Corps must have greater flexibility in the forms its support of this objective can take. If there is to be creative experimentation in the area of international and multinational programming of Volunteers, some authority for funding must be available. Thus, section 301(b)(2), as amended, would authorize the expenditure of up to $300,000 during FY 1971 to carry out the amended purpose (3) of section 301(a) and permit contributions of such funds directly in support of pilot programs designed to achieve that purpose and in proportion to the contributions of others. Under this authority, the Peace Corps could provide seed money for the development of a program whereby a domestic Volunteer program might integrate export Volunteers from one or more countries into its efforts. It might also make a grant to a host country agency or an international body, such as ISVS, to defer the costs incident to the development of a program whereby a number of export Volunteer agencies would join in a unified effort to provide Volunteers to a receiving country for a specific project of that country. Such endeavors would be based on the proposition that manpower development is crucial in the developing world and that these efforts can help enable host country peoples to assume responsibility for the work currently being done by Volunteers and development assistance organizations from other countries. Thus by providing "seed capital" for the creation of international programs with host country participation, the Peace Corps would be further able to contribute to this objective.

S. 3431—INTRODUCTION OF A BILL RELATING TO INVESTOR PROTECTION IN CORPORATE TAKE-OVER BIDS

Mr. WILLIAMS of New Jersey. Mr. President, legislation regulating corporate tender offers—Public Law 90–439—which I sponsored was enacted on July 29, 1968. The purpose of this legislation was to close a significant gap in our Nation's securities acts—to bring about full disclosure in corporate tender offers.

Under Public Law 90–439 all pertinent facts concerning the identity and background of the person or group making a tender offer must be disclosed. Stockholders must also be informed as to—

The size of the holdings of the person or group involved;

The source of the funds to be used to acquire the shares being tendered;

Any financing arrangements made for these funds and how these arrangements will be liquidated;

The purpose of the tender offer; and

The plans of the offeror concerning the company if he wins control.

All persons soliciting tenders are now required to answer these questions. Indeed, anyone acquiring more than 10 percent of a class of an equity security

registered under the Securities and Exchange Act is required to disclose similar information.

While this legislation has worked well in lifting the veil of secrecy that had previously surrounded tender offers, certain adjustments are now necessary in light of current developments.

Under the proposed legislation which I am introducing today, anyone acquiring as much as 5 percent of a company's stock must comply with the disclosure requirements of the Corporate Takeover Act.

Recently, many large corporations have been the subject of takeover bids. For example, between 1946 and 1966 only five companies with assets exceeding $250 million were acquired in this manner. However, in 1967, six such acquisitions took place. In 1968, this number doubled. As we all know, 10 percent of the stock in companies of this size—indeed even 5 percent—can add up to a large sum of money, often in excess of $40 million. Stock holdings of between 5 and 10 percent in such companies are in many instances a controlling interest. Here the need for the full disclosure requirements of the Securities Exchange Act are necessary for adequate investor protection.

In addition, a recent trend has developed where individuals contemplating stock acquisitions terminate their purchases at 9 percent of the companies stock in order to avoid full disclosure. This legislation would discourage such tactics.

The bill would also extend the protection of Public Law 90–439 to shareholders of publicly held insurance companies. Under current law, insurance company shareholders are excluded from the full disclosure protections of the Corporate Takeover Act. This is due to the fact that the securities of most insurance companies are exempt from the registration provision of the Securities Exchange Act. Since tender offer legislation applies only to securities registered under that act and to closed-end investment companies insurance company shareholders are at the mercy of the secret takeover bid. This disparity in investor protection is unwarranted and should no longer be tolerated.

The third change which this proposed legislation would make in existing law would be to give the Securities and Exchange Commission rulemaking power with respect to fraudulent, deceptive, and manipulative activities made in connection with a tender offer.

This provision is of the utmost necessity. The techniques used in corporate takeovers and tender offers have become increasingly sophisticated and change rapidly. This is particularly true in situations where the takeover is resisted by incumbent management—industrial warfare develops. Claims and counterclaims, charges and countercharges are hurled back and forth. Efforts are often made to influence the price of the securities involved. The Commission must be given full rulemaking powers in order to deal with these rapidly changing problems.

Mr. President, the Securities and Exchange Commission has informed me that Public Law 90–439 is a valuable and important tool in the arsenal of investor protection. The Commission also agrees that modifications and improvements are necessary in light of the current wave of corporate takeovers and tender offers. This bill will accomplish that objective.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3431) to extend the coverage of sections 13(d), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors, introduced by Mr. WILLIAMS of New Jersey (for himself and Mr. BROOKE), was received, read twice by its title, and referred to the Committee on Banking and Currency.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 3118

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Rhode Island (Mr. PELL) I ask unanimous consent that at the next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of S. 3118, to amend the National Sea Grant College and Program Act of 1966 in order to authorize coastal zone laboratory programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3355

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas (Mr. YARBOROUGH) I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. HARTKE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Oregon (Mr. HATFIELD), and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of S. 3355, the Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 147

Mr. BYRD of West Virginia. Mr. President, on behalf of my colleague from West Virginia (Mr. RANDOLPH), I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor of Senate Joint Resolution 147, proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTANCE TO PERSONS IN OVERCOMING OBSTACLES TO SUITABLE EMPLOYMENT—AMENDMENTS

AMENDMENT NO. 487

Mr. CRANSTON submitted amendments, intended to be proposed by him, to the bill (S. 2838) to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

IMPROVEMENT OF THE AIRWAY SYSTEM—AMENDMENT

AMENDMENT NO. 488

Mr. WILLIAMS of New Jersey submitted an amendment, intended to be proposed by him, to the bill (S. 3108) to provide additional Federal assistance in connection with the construction, alteration, or improvement of the airway system, air carrier and general purpose airports, airport terminals, and related facilities, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT TO UNEMPLOYMENT COMPENSATION BILL SETTING MINIMUM BENEFIT REQUIREMENTS

AMENDMENT NO. 489

Mr. McCARTHY. Mr. President, on February 5, the Committee on Finance began its hearings on H.R. 14705, a House-passed bill to improve the Federal-State unemployment compensation program. The bill makes a number of constructive changes in the Federal-State unempolyment insurance system, but, it does not deal, in my judgment, with the central change needed to improve the State unemployment compensation programs: to set forth minimum benefit requirements in the Federal law that established the State programs.

The Senate was faced by a similar situation in 1966. The House had passed an unemployment compensation bill which did not provide minimum Federal benefit requirements, and the Senate amended the House bill to add benefit requirements. Unfortunately, we could not reach agreement in the conference committee before the session ended.

I am introducing today an amendment to the House-passed bill which is almost identical, except for dates, to standards recommended by the Finance Committee and approved by the Senate in 1966.

The first standard deals with eligibility of workers. It provides a reasonable test to establish that a worker has been a regular member of the labor force.

Under the amendment, a State would have to consider eligible for benefits any worker who has had either 20 weeks of employment in the 1-year base period or its equivalent in terms of wages. Any State which wishes to qualify workers who have worked for less than 20 weeks may continue to do so.

It is also necessary to provide that the size of the weekly unemployment benefit meet a minimum level of adequacy. Ever since the unemployment compensation program was adopted, the goal has been to provide an unemployed worker with at least half the weekly wages he earned before his unemployment, or if his income was relatively high, at least half the average weekly wages in his State. Today most States meet this test for low-wage workers, but not for workers at average wage levels because of limitations on benefits imposed by State law. This amendment provides first, that each eligible individual who earned the State average weekly wage or less must be entitled to a weekly benefit representing at least half of his average weekly wage, and second,

that the maximum weekly benefit could be no less than 50 percent of the average wage in the State.

The final criteria for measuring the adequacy of unemployment compensation benefits is the length of the period in which benefits may be received. The amendment would require the States to entitle to 26 weeks of benefits persons who have had 39 or more weeks of work in the base year. States who permit workers to become eligible for benefits based on less than 39 weeks of work could provide this group of workers with a shorter period of benefits.

A State would be able to participate in the Federal-State program even if it did not meet these requirements. A State which did not meet the benefit requirements would continue to receive Federal grants for administrative purposes. Employers in the State would receive some tax credit for their State taxes, but the credit would be limited to the actual cost, over a 4-year period, of the benefits paid. For example, if a State's benefit costs averaged 2 percent, the credit allowed employers in that State would be limited to 2 percent, compared to the 2.7 percent credit which would be allowed if the State met the minimum benefit requirements of my amendment.

Mr. President, the Senate acted in 1966 to assure workers that the Federal-State program would provide minimally adequate unemployment insurance benefits. The amendment I am submitting will assure the same goal.

I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 489) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 489

On page 6, line 9, strike out "3311" and insert in lieu thereof "3312".

On page 10, line 7, strike out "3311" and insert in lieu thereof "3312".

On page 32, between lines 20 and 21, insert the following:

"PART E—BENEFIT REQUIREMENTS

"Sec. 151. CERTIFICATION AND REQUIREMENTS.

"(a) Chapter 23 of the Internal Revenue Code of 1954 is amended by inserting after section 3310 (added by section 131(b)(1) of this Act) the following new section:

"'Sec. 3311. BENEFIT REQUIREMENTS.

"'(a) CERTIFICATION.—On October 31, 1972, and October 31 of each calendar year thereafter, the Secretary of Labor shall certify to the Secretary each State whose law he finds is in accord with the requirements of subsection (c) and has been in accord with such requirements for substantially all of the 12-month period ending on such October 31 and that there has been substantial compliance with such State law requirements during such period. The Secretary of Labor shall not withhold his certification to the Secretary unless, after reasonable notice and opportunity for hearing to the State agency, he finds that the State law is not in accord with the requirements of subsection (c) or has not been in accord with such requirements for substantially all of the 12-month period ending on such October 31 or that there has been a failure to comply substantially with such State law requirements during such period. For any State which is not certified under this subsection on any October 31, the Secretary of Labor shall within 10 days thereafter notify the Secretary of the reduction in the credit allowable to taxpayers subject to the unemployment compensation law of such State pursuant to section 3302(c)(4).

"'(b) NOTICE TO GOVERNOR OF NONCERTIFICATION.—If at any time the Secretary of Labor has reason to believe that a State may not be certified under subsection (a) he shall promptly notify the Governor of such State.

"'(c) REQUIREMENTS.—

"'(1) With respect to benefit years beginning on or after November 1, 1971—

"'(A) the State law shall not require that an individual have more than 20 weeks of employment (or the equivalent as provided in subsection (4)) in the base period to qualify for unemployment compensation;

"'(B) the State law shall provide that the weekly benefit amount of any eligible individual for a week of total unemployment shall be (i) an amount equal to at least one-half of such individual's average weekly wage as determined by the State agency, or (ii) the State maximum weekly benefit amount (exclusive of allowances with respect to dependents) payable with respect to such week under such law, whichever is the lesser;

"'(C) the State law shall provide for an individual with 39 weeks of employment (or the equivalent) in the base period, benefits in a benefit year equal to at least 26 times his weekly benefit amount.

Any weekly benefit amount payable under a State law may be rounded to an even dollar amount in accordance with such State law.

"'(2) The State maximum weekly benefit amount (exclusive of allowances with respect to dependents) shall be no less than 50 percent of the Statewide average weekly wage most recently computed before the beginning of any benefit year which begins after October 31, 1971.

"'(3) In determining whether an individual has 20 weeks of employment, there must be counted as a week, any week in which the individual earned at least 25 percent of the Statewide average weekly wage.

"'(4) For the purpose of subsections (c)(1)(A) and (C), the equivalent of 20 weeks of employment in a State which uses high-quarter wages is total base period wages equal to five times the Statewide average weekly wage, and either one and one-half times the individual's high-quarter earnings or forty times his weekly benefit amount, whichever is appropriate under State law.

"'(d) Definitions.—

"'(1) "benefit year" means a period as defined in State law except that it shall not exceed one year beginning subsequent to the end of an individual's base period.

"'(2) "base period" means a period as defined in State law but it shall be fifty-two consecutive weeks, one year, or four consecutive calendar quarters ending not earlier than six months prior to the beginning of an individual's benefit year.

"'(3) "high-quarter wages" means the amount of wages for services performed in employment covered under the State law paid to an individual in that quarter of his base period in which such wages were highest, irrespective of the limitation on the amount of wages subject to contributions under such State law.

"'(4) "individual's average weekly wage" means an amount computed equal to (A) one-thirteenth of an individual's high-quarter wages, in a State which bases eligibility on high-quarter wages paid in the base period or (B) in any other State, the amount obtained by dividing the total amount of wages (irrespective of the limitation on the amount of wages subject to contributions under the State law) paid to such individual during his base period by the number of weeks in which he performed services in employment covered under such law during such period.

"'(5) "Statewide average weekly wage" means the amount computed by the State agency at least once each year on the basis of the aggregate amount of wages, irrespective of the limitation on the amount of wages subject to contributions under such State law, reported by employers as paid for services covered under such State law during the first four of the last six completed calendar quarters prior to the effective date of the computation, divided by a figure representing fifty-two times the twelve-month average of the number of employees in the pay period which includes the twelfth day of each month during the same four calendar quarters, as reported by such employers.'

"(b) The table of sections for chapter 23 of such Code is amended by adding after the item relating to section 3310 (added by section 131(b)(1) of this Act) the following:

"'Sec. 3311. Benefit requirements.'

"Sec. 152. LIMITATION ON CREDIT AGAINST TAX.

"(a) Section 3302(c) of the Internal Revenue Code of 1954 is amended by adding at the end thereof a new paragraph (4) as follows:

"'(4) If the unemployment compensation law of a State has not been certified for a twelve-month period ending on October 31 pursuant to Section 3311(a), then the total credits (after applying subsections (a) and (b) and paragraphs (1), (2), and (3) of this subsection) otherwise allowable under this section for the taxable year in which such October 31 occurs in the case of a taxpayer subject to the unemployment compensation law of such State shall be reduced by the amount by which 2.7 percent exceeds the four-year benefit cost rate applicable to such State for such taxable year in accordance with the notification of the Secretary of Labor pursuant to section 3311(a).'

"(b) Subsection (c)(3)(C)(i) of section 3302 of such Code is amended by substituting the term "4-year" for the term "5-year".

"(c) Section 3302(d)(5) of such Code is amended to read as follows:

"'(5) 4-Year Benefit Cost Rate.—For purposes of subsection (c)(4) and subparagraph (C) of subsection (c)(3), the 4-year benefit cost rate applicable to any State for any taxable year is that percentage obtained by dividing—

"'(A) One-fourth of the total compensation paid under the State unemployment compensation law during the four-year period ending at the close of the first calendar year preceding such taxable year, by

"'(B) The total of the remuneration subject to contributions under the State unemployment compensation law with respect to the first calendar year preceding such taxable year. "Remuneration" for the purpose of this subparagraph shall include the amount of wages for services covered under the State law irrespective of the limitation of the amount of wages subject to contributions under such State law paid to an individual by an employer during any calendar year beginning with 1972, up to $4,200; for States for which it is necessary, the Secretary of Labor shall estimate the remuneration with respect to the calendar year preceding the taxable year.'"

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 490

SCHOOL DESEGREGATION

Mr. MONDALE. Mr. President, I rise today to address myself again to the issues raised by amendment No. 463 concerning school desegregation policies

which may be offered to the Elementary and Secondary Education Act.

I wish to reaffirm my strong support for equal application of the civil rights laws in all sections of this country. I believe very deeply that it is our responsibility to insure that the laws of this land provide equal educational opportunity for all children—regardless of their color, race, or national origin.

I further recognize that racially segregated schools exist in all parts of our country.

As I indicated yesterday, the problems surrounding school desegregation involve some of the most fundamental issues facing our Nation. The amendment proposed by the Senator from Mississippi (Mr. STENNIS) raises legitimate and important questions, but provides no answers.

Amendment No. 463 is ambiguous at best. It may be meaningless or it may be mischievous. What, for example, is the legal consequence of the "policy declaration" used in this amendment? How would the term "segregation" be construed? What test of "desegregation" would be used in a situation of de facto segregation since existing guidelines simply require the disassembling of the dual school system? Would this amendment require that racial percentages be established in the guidelines? Would the amendment require more vigorous enforcement of the open housing law? Would it apply only to core cities or metropolitan areas? Why does it refer only to "race" and not "color" or "national origin"?

Most importantly, how would this amendment relate to existing law in this field, such as the provisions which limit the authority of HEW to deal with situations of "racial imbalance." While the apparent intent of the amendment is to break down the established distinction between de facto and de jure segregation, there is serious question about whether its effect would be to require movement against de facto segregation or restrict movement against de jure segregation.

The Commissioner of Education states that the intent of this amendment is unclear, many of the important terms in it are undefined, and its legal consequences are uncertain.

I do not believe that the serious problems associated with racial isolation and de facto segregation can be resolved responsibly by acting on this ambiguous amendment on the basis of floor debate alone. Senators on both sides of the aisle, and administration spokesmen, have expressed similar reservations about action at this time, and have urged that this amendment and others dealing with these problems be referred to committee for thorough review and recommendation.

I accept the challenge to develop a responsible approach to these problems.

I am, therefore, submitting at this point a substitute amendment for amendment No. 463 which would create a Select Committee on Equal Educational Opportunity to be charged with the responsibility to study and make recommendations concerning the problems related to de facto segregation of the schools. In order to develop a reasonable recommendation concerning these problems, it is my belief that this select committee would have to consider among others, the following questions:

Would new policies need to be adopted concerning residential living patterns and the enforcement of fair housing legislation?

Would new policies need be adopted to encourage more low-income housing, more widely dispersed?

Is a new policy regarding busing as a means for eliminating or reducing racial isolation in public schools necessary?

Is a new policy insuring equal employment opportunity necessary to reduce racial isolation? Do we need a national program of public service employment?

Do we need a new program to insure excellence in education in all schools so that children will have equal access to employment and housing opportunities?

Would existing provisions in existing laws such as in the Civil Rights Act of 1964 and the Elementary and Secondary Education Act with respect to racial imbalance need to be modified or repealed?

Should programs of Federal assistance be established to enforce or encourage a new national policy relating to racial isolation in the schools?

This select committee would be composed of members of the Committee on Labor and Public Welfare, the Committee on the Judiciary, and Members of the Senate at large.

The select committee would be required to submit an interim report with recommendations to the Senate no later than August 1, 1970, and submit its final report no later than January 31, 1971.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 10, 1970, he presented to the President of the United States the enrolled bill (S. 2214) to exempt potatoes for processing from marketing orders.

NOTICE OF HEARINGS ON S. 1530

Mr. BIBLE. Mr. President, I wish to announce that hearings on S. 1530, a bill to authorize the appropriation of additional funds necessary for the purchase of private lands at the Point Reyes National Seashore, Marin County, Calif., will be held by the Subcommittee on Parks and Recreation of the Interior Committee, on Thursday, February 26.

This hearing will begin at 10 a.m. in room 3110, New Senate Office Building.

Members of Congress or others wishing to participate in this hearing should notify the Interior Committee staff promptly.

FOR MILLIONS THERE IS A RECESSION NOW, A NEW ANTI-INFLATION STRATEGY IS NEEDED

Mr. PELL. Mr. President, when the present administration took office a year ago, it announced its intention to halt inflation and prevent a recession. This goal was to be accomplished by a reduction of Federal spending and by a reduction in the Nation's money supply.

The anti-inflation effort of the administration was supposed to be one of the major differences which distinguished it from the previous administration.

I would like to suggest, as I mentioned once before, following the President's anti-inflation veto of the HEW appropriations bill, that the present emphasis on monetary policy and domestic cutbacks is no more likely to end inflation and stop a recession than unfunded domestic programs were likely to end poverty.

I would also suggest, taking the analogy one step further, that while the past democratic administration developed a credibility gap with its so-called major constituent group, the disadvantaged, the present administration is also developing a credibility gap with its inflation effort with its own self-proclaimed constituent group, the silent majority.

It is the average worker, the small businessman, and the pensioner who are suffering right now the burden of a recession, as is pointed out in a recent newspaper article written by Sylvia Porter. I ask unanimous consent that her article, published in the February 5, 1970, Providence Journal, be printed following the conclusion of my remarks.

If this administration is going to halt this recession, if it is seriously concerned about the welfare of the silent majority, I would then suggest it change its anti-inflationary strategy. Rather than veto the domestic programs designed for the less influential in our society and reduce the supply of money needed to build their homes, I think it is time for serious consideration to be given, on one hand, to the implementation of wage, price, and credit controls as a means of controlling excessive demand, and, on the other hand, to increase expenditures for those education and manpower programs serving those sectors of economy where inflation is caused by a lack of skilled manpower needed to meet the demand for services.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR MILLIONS RECESSION'S HERE

(By Sylvia Porter)

Avoidance of recession is a key goal of economic policy in 1970, the President has tried to make clear in his economic and budget messages—and in view of what a significant decline in our economy would mean to the jobs, paychecks and profits of millions of voters, you wouldn't expect any other statement from so masterful a politician as Richard Nixon.

But who's kidding whom? For millions of us—and the number is mounting by the week—recession is already here and now. What's more, as I'll document below, for millions recession has been here for a startlingly prolonged period.

I'm not writing in this column in the technical baffle-gab which defines a national recession as two calendar quarters of decline in real Gross National Product (the dollar total of our output adjusted to eliminate price increases). I'm writing in terms of you and me—and in these terms, a recession is what the dictionary says it is.

It's a "retreat." It's a moving or sliding

back in our buying power, our assets, our living standards. Specifically:

(1) If you're a typical U.S. worker, you have been sliding back since the start of the Vietnam war escalation in 1965! You have been in a recession longer than any worker since before World War II—a whole generation!!! This hasn't been a one-year phenomenon; "since 1965" means for more than five years.

The weekly spendable earnings (take-home pay after deduction of federal income and social security taxes) of the typical factory worker with a wife and two children totaled $99.99 in 1969, up 4.9 per cent over 1968.

On the surface, that seems progress, but the real weekly spendable earnings of this worker (take-home pay after allowance for price increases) are down to $78.30—0.4 per cent below 1968, also below 1966 and below 1965 too!

"For 1969 as a whole, increases in consumer prices eroded all of the gain in earnings," confirms the Labor Department's official report. "Over-the-year declines occurred in manufacturing, trade and finance, insurance and real estate."

Admittedly, these pay figures do not include fringe benefits—but they don't include skyrocketing state and local taxes either.

I'll wager the bite taken by state-local taxes more than offsets the contribution made by fringe benefits.

(2) If you're a small businessman, you're in an ever-deepening recession. You're a target of tight money; you rank way down for loans, way up for stiff loan charges. You are hit the hardest by pay demands and you can't resist very well. Your customers are most likely to be slow payers and, again, you're comparatively helpless. Your profits are fading fast.

The giants are now being hit too, but to nowhere near the extent that you are. They are in a slowdown; you're in a retreat.

(3) If you've heavily invested in stocks, you're hurting and hard—and no matter whether your chips are blue, white, red or polka-dot. Even if you haven't been forced to sell out, you're aware of the degree to which the crackup of 1969–70 has erased your profits and eaten into your capital. With stock prices on average back to 1963's levels—wiping out more than six years of gain—who isn't hurting?

(4) If you've been in the bond markets, it has been a "pure blood bath." All investors in bonds of all types are "bleeding"—big and small, pros and amateurs, the dealers of Wall Street, the widows of Main Street.

And if you're trying to build houses in a period of brutally tight and expensive credit . . . or trying to buy or sell a house when mortgage money is so tough to get . . . and now, of course, unemployment is on the rise, profits are perceptibly shrinking, the rise in personal incomes is leveling off. . . .

Who needs to wait for the baffiegab to confirm that millions of us are in a recession? Who's kidding whom?

THADDEUS KOSCIUSZKO—A FIGHTER FOR HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, today I wish to remember Gen. Thaddeus Kosciuszko, a Polish-American patriot who was instrumental in helping the Continental Army turn the tide of battle against the British. Trained as a military engineer, Kosciuszko arrived in Philadelphia in 1776, and was commissioned as Colonel of Engineers in the Continental Army.

He masterfully built fortifications at West Point and his brilliant choice of battlefields and erection of fortifications at Saratoga are said by many to have been a major factor in turning the tide of battle in favor of the Americans.

In recognition of his distinguished service to the cause of American independence, the Continental Congress awarded Kosciuszko a pension with land in Ohio, made him an American citizen, and gave him the rank of brigadier general.

After the War of Independence, Kosciuszko returned to Poland to lead an unsuccessful struggle for Polish independence against partition by Poland's neighbors. For his efforts the American general spent 2 years in a Russian prison.

I feel, though, that in addition to remembering Kosciuszko for his fierce dedication to independence and liberty, we must also think of him as a strong advocate of human rights. He was very much opposed to slavery and forced labor of any type and was a strong advocate of liberty for every human being.

It is Thaddeus Kosciuszko's complete and unselfish dedication to the principles of human rights and freedom for all peoples that I particularly ask the Senate to recall today. In testimony to this dedication, I wish to read a brief will which he left with his good friend Thomas Jefferson:

I, Thaddeus Kosciuszko, being just on my departure from America, do hereby declare and direct that, should I make no other testamentary disposition of my property in the United States, I hereby authorize my friend Thomas Jefferson to employ the whole thereof in purchasing Negroes from among his own or any other giving them liberty in my name; in having them instructed for their new condition in the duties of morality which may make them good neighbors, good fathers and mothers, husbands and wives, in their duty as citizens; teaching them to be defenders of their liberty and country, of the good order of society, and in whatsoever may make them happy and useful.

Let us today rededicate ourselves to the basic principles of human rights so well exemplified in the deeds and words of Thaddeus Kosciuszko.

POW CHRISTMAS CARDS DELIVERED TO NORTH VIETNAMESE PARIS DELEGATION

Mr. GRIFFIN. Mr. President, I speak again on a question of deep national concern—the plight of American prisoners of the Vietnam war.

Last Thursday, at the weekly session of the Paris meetings on Vietnam, U.S. Ambassador Philip Habib delivered some pointed remarks to the North Vietnamese and the National Liberation Front delegations on this subject.

He reminded the other side that there is a long tradition among "civilized nations" of treating captured personnel humanely in wartime. If the observance of that tradition is an important element, surely North Vietnam does not qualify today for inclusion in the world community of civilized nations.

On December 10, 1969, I spoke at some length concerning the enemy's callous disregard of the Geneva Convention in its treatment of prisoners of war. I shall not repeat today what I said then.

However, the remarks of Ambassador Habib before the recent Paris meeting provided an appropriate backdrop for the report I am able to make to the Senate today. I ask unanimous consent that the opening statement and supplementary remarks of Ambassador Habib be printed in the RECORD at the conclusion of my remarks.

Four days after Ambassador Habib's statement to the other side, on Monday, February 9, 1970, petitions from thousands of American citizens were delivered to the North Vietnamese villa outside Paris. The petitions, mostly in the form of Christmas cards and other holiday greeting messages, urged North Vietnam:

First, to make known the names of Americans held as prisoners of war;

Second, to treat them humanely in accordance with directives of the Geneva Convention, and

Third, to release them at an early date.

I have a copy of a news release issued yesterday by the U.S. Jaycees, a nonpartisan organization of patriotic, public-spirited young men. It will be recalled that the U.S. Jaycees carried out a campaign, referred to as Project Xuan Thuy, calling upon Americans to send a Christmas card to the head of the North North Vietnamese delegation.

The response from the public was gratifying. Cards were received from an estimated 125,000 Americans from all walks of life.

Mr. President, I ask unanimous consent that the Jaycees news release be printed at this point in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

NEWS RELEASE

TULSA, OKLA.—Thousands of Christmas cards from United States citizens who are concerned about the welfare of American prisoners in the Vietnam war were delivered today to the North Vietnamese delegation to the Paris peace talks.

The delivery of more than 100 cartons was completed by representatives of the United States Jaycees, with assistance in Paris from a representative of Junior Chamber International.

The cards were accepted at the North Vietnamese villa outside Paris by the officer in charge. They had been addressed to the chief North Vietnamese negotiator, Xuan Thuy. All of the cartons were opened and inspected before they were received. The cartons had been opened previously by French officials and shipment into the country had been delayed for approximately ten days. Trans-World Airlines had provided shipment of the cards from Washington, D.C. to Paris.

The delivery was a result of a project begun by the Jaycees in cooperation with U.S. Senator Robert P. Griffin of Michigan. In a speech before the Senate last December 10, Griffin called on all Americans to remember the more than 1,300 prisoners of the North Vietnamese by sending a Christmas card to negotiator Thuy.

The cards asked that the names of those being held captive be released to their families in this country and that the prisoners be treated humanely in accord with the Geneva Convention. Many of the cards also asked that negotiations leading to the release of the prisoners begin immediately.

A telegram message from the president of the United States Jaycees, Andre LeTendre, accompanied the cards. The message read:

"Contained in these boxes are messages of peace and goodwill from many thousands of people in the United States. Please accept them as a good faith gesture and as a sincere

expression of genuine concern for the well-being of the American servicemen which your country holds captive."

LeTendre, in commenting on the successful delivery, said: "The North Vietnamese have accepted these petitions. Whether or not they help to generate the desired effect cannot be immediately determined. We will be watching, the American people will be watching, and the world will be watching to see how Hanoi's rulers will respond."

Mr. GRIFFIN. Mr. President, the plight of American prisoners of war is a matter that warrants the unrelenting attention not only of the American public, but of all in the world community who ascribe to basic standards of human decency concerning the handling of war captives.

The Jaycees have helped to keep this issue before the American consciousness. It should remain there until the problem is satisfactorily resolved—until each wife and mother in every State of the Union gets an answer to the question—as one young woman put it—"whether I am a wife or a widow."

One of these brave young women, Mrs. Candace Parish, recently wrote an article that was published on February 1, 1970, in the nationally syndicated Sunday supplement magazine, Family Weekly. Mrs. Parish's husband, Charles, a Navy lieutenant, took off on a mission in his Phantom jet from the carrier *America* on July 25, 1968. His aircraft was shot down over North Vietnam.

To this day Mrs. Parish does not know the fate of her husband.

I ask unanimous consent that her story, poignantly told, be printed in the RECORD at the conclusion of my remarks.

Mr. President, I wish to commend and express my gratitute to President Andre LeTendre and the staff of the U.S. Jaycees on their efforts in connection with Project Xuan Thuy.

I wish to salute all Jaycees throughout the country who worked on this project, among them, Wendell Smith, of Atlanta, Ga., Jaycees national chairman; and Richard Headlee of Rosebush, Mich., a past president of the U.S. Jaycees. In addition, a word of appreciation is due Trans World Airline and its fine personnel who cooperated in shipping the cards at no cost to Paris; and to Smith's Transfer & Storage Co., Inc., of Washington, D.C., which packed the cards and conveyed the 110 cartons free of charge to Dulles Airport for the TWA flight. Furthermore, I wish to acknowledge that the interest and attention of the news media of the country helped significantly to publicize Project Xuan Thuy.

Most important, I wish to thank Americans who took the time to send the thousands and thousands of cards and messages addressed to Minister Xuan Thuy.

Mr. President, as I noted in my December 10 speech in this Chamber, the Communists who run North Vietnam have demonstrated that they can be heartless. But I doubt that they are fools. As we have seen, they have indicated intense interest from time to time in American public opinion.

It may be a cause for some optimism that the North Vietnamese at least accepted delivering of the Christmas cards. I hope the cards will be read.

As Jaycees President LeTendre noted in his statement, we have no way of knowing immediately whether our undertaking will help to bring forth favorable results.

But as Mr. LeTendre obeserved—and I think his remarks bear repeating:

We will be watching, the American people will be watching, and the world will be watching, to see how Hanoi's rulers respond.

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

AMBASSADOR HABIB'S OPENING STATEMENT

Following is the text of the opening statement delivered by Ambassador Philip C. Habib at the Fifty-Third Plenary Session of the New Paris Meetings on Viet-Nam, February 5, 1970:

Ladies and Gentlemen: Your consistent refusal to abide by the 1949 Geneva Convention on the treatment of prisoners of war is viewed by American and world public opinion with dismay. There is a long tradition among civilized nations of treating captured personnel humanely in wartime. This principle has been codified in the Geneva Convention of 1949 to which there are over 120 signatories, including North Viet-Nam, South Viet-Nam and the United States.

Furthermore, the prisoners of war question is urgent because of the deep humanitarian concern which is aroused by your unconscionable failure to insure that prisoners of war—and the families of men who are held prisoner or who are missing in action—are treated fairly and humanely.

The 1949 Geneva Convention sets forth clearly the requirements of humanitarian treatment. First, all prisoners of war must be immediately identified so that their families and their governments will know who is alive and who is not. Second, prisoners of war must be permitted to correspond freely with their families. Third, impartial observers must be allowed to visit prisoners of war regularly to verify whether their treatment is fair. Fourth, seriously sick and wounded prisoners must be repatriated as quickly as possible. These are minimum standards that are recognized and applied by all civilized nations.

On our side prisoners of war are treated in accordance with the provisions of the 1949 Geneva Convention. The International Committee of the Red Cross has access to prisoners of war captured by our side and to the prisoners of war camps in which they are held. Every one of these prisoners of war camps is publicly identified. The Government of the Republic of Viet-Nam transmits lists of prisoners of war it holds to the International Committee of the Red Cross. It permits a free flow of mail to and from prisoners of war. It has, over and over again, sought your side's cooperation in the repatriation of seriously sick and wounded prisoners of war.

Your side still refuses to identify most of the prisoners of war you hold in North Viet-Nam. You have identified none of the prisoners you hold in South Viet-Nam. Several weeks ago we handed you a list of over 1400 missing or captured Americans. The families of these men are waiting to know whether you will provide information about their status in an official and regular manner. The piecemeal and indirect provision of information through unofficial channels does not fulfill your obligations under the Geneva Convention.

Only about 170 families have ever received a letter from a man who is missing or captured in Viet-Nam. Many of these families have only recently received their first letter. In some cases, those men have been held since 1965—that is over four years with no word to their families.

There have been recent unofficial reports that American prisoners held in North Viet-Nam could send and receive letters and could receive packages on a regular schedule. Families are acting upon that information and will be waiting to see whether such packages and letters are actually received.

At the same time, American prisoners of war held in South Viet-Nam are also entitled to regular mail privileges. These prisoners have never been permitted to write letters to their families. The families of these men also should be able to send packages and letters to them and hear from their men.

It is essential and urgent that impartial observers be permitted to visit prisoners of war held by your side both in North and South Viet-Nam in order to verify whether those prisoners are being treated humanely as you claim. We have new, shocking evidence that prisoners of war whom you hold are subject to inhumane treatment. Only recently it was discovered that your forces in South Viet-Nam had executed two American prisoners captured in 1966 after having put them on public display in several villages. This is a grave breach of the 1949 Geneva Convention and is unacceptable when measured against any standard of civilized behavior.

The representative of the Government of the Republic of Viet-Nam has recalled his government's efforts to obtain your side's agreement to the release of sick and wounded prisoners of war who wish to go to North Viet-Nam. We believe discussions with your side should begin, without delay, on arrangements for the immediate release of all seriously sick and wounded prisoners of war as well as for the early release of all other prisoners of war held on both sides.

Ladies and gentlemen, the question of prisoners of war is not only a burning humanitarian question, but also a question of your solemn legal obligation. Its solution must not await an overall settlement of the political and military issues involved here. World opinion demands no less.

We desire to engage in meaningful discussions of all prisoners of war questions with your side now. We await your serious response.

AMBASSADOR HABIB'S SUPPLEMENTARY REMARKS

Following is the text of four supplementary remarks by Ambassador Philip C. Habib at Fifty-Third Plenary Session of the New Paris Meetings on Viet-Nam, February 5, 1970.

I. We have sought from the beginning of these meetings to discuss in meaningful ways all the basic issues involved. The prisoner of war question is a basic issue in these Paris meetings. It is not a propaganda matter. It is a serious humanitarian question as well as a question of your legal obligations. It is not a question to be avoided as you have sought to avoid it today by wild charges and evasions of the basic considerations and obligations involved.

There are essentially three aspects in the prisoner of war question. First, the treatment of prisoners of war while they are detained; second, the release of sick and wounded prisoners of war; third, the release of all other prisoners of war. None of these questions needs await a resolution of the conflict.

Your side claims to treat prisoners of war humanely. Now what does "humane treatment" mean? Both in the 1949 Geneva Convention, and apart from it, the world community has demanded that humane treatment of prisoners of war include the following:

(1) Identification of and accounting for all prisoners;

(2) That all prisoners be permitted to communicate with their families on a regular basis;

(3) That seriously sick and wounded prisoners be promptly repatriated; and

(4) That impartial observers be permitted to verify that prisoners of war are being treated humanely.

Your side has not lived up to these standards of humane treatment. Your side has not even been willing to discuss the application of these standards of humane treatment. Let us take just one of these standards of humane treatment. Let us take just one of these standards at this time. That is the identification of all prisoners of war.

We have made available lists of all prisoners of war in our hands. Your side refuses to give the names of the prisoners of war you hold. The question is: are you prepared to do as we have done and provide the names of all prisoners of war that you held, without delay?

II. You claim that you treat American prisoners of war humanely. What we have been trying to do is to clarify what you mean by humane treatment and to relate it to normal international standards.

At this time you appear unwilling to discuss in any meaningful way your responsibility to supply the names of prisoners and thus fulfill your obligation in this regard. I will return to that question again. Meanwhile, let me take another standard for humane treatment of prisoners of war, namely their right to communicate regularly with their families.

The Geneva Convention provides that each prisoner shall be permitted to send at least two letters and four cards per month as a standard of humane treatment. Yet, in over five years you have allowed only 170 out of all the prisoners you hold to write even one letter to their families. Even this limited number of prisoners has only been permitted to send an average of two letters a year—far less than the accepted standard. No American prisoner of war held by your side in South Viet-Nam has ever been permitted to write a letter. The question is the following: are you willing to do as we have been doing and let regular communications between the prisoners and their families take place?

III. To make progress at these meetings, the relevant issues need to be raised and discussed. To avoid issues is to block progress. Now, as at this time you appear unwilling to discuss the question of regular communications between prisoners and their families. I will return to that another time. Meanwhile, let me take up another standard of humane treatment.

Seriously sick and wounded prisoners should be promptly repatriated. Are you willing to do what we are willing and have offered to do? That is, arrange immediate repatriation of sick and wounded prisoners?

While you consider that issue, let me take up another standard of humane treatment. Impartial observers should be permitted to have access to prisoners of war and prisoner of war camps in order to verify whether prisoners are being treated humanely. The question is, are you willing as we are doing to allow impartial observation of your prisoner of war camps?

IV. Serious indignation arises when issues are avoided rather than discussed. Serious indignation arises when prisoners of war and their families are not accorded the treatment called for by all accepted international standards. The questions of prisoners of war is an issue at these meetings. We have every right to seek for our prisoners of war the treatment which is theirs by right, by reason, and by international practice. Today you have avoided meaningful discussion of the issue of prisoners of war, an issue on which there is no logical or reasonable reason for us not to make some progress. We will return to this issue, because it is not an issue which can be left alone.

Is My Husband Dead or Alive?

(By Mrs. Candace Parish)

(Note.—It was only natural for "Candy" Engen to marry a pilot. Her father was a Navy flier, and as soon as she was old enough to be accepted, at 20, she began flying as an airline stewardess. That was in November, 1965. A few months later, she met Charles Parish, a young pilot who had just won his wings in the Navy, and they were married the following November. This is her story:)

The ordeal doesn't begin very differently for any of the women, the more than 1,335 wives and mothers whose husbands or sons are missing in Vietnam.

Mine began that hot Thursday afternoon of July 25, 1968. My husband, Lt. Charles C. Parish, U.S.N., was flying an F–4 Phantom Jet off the carrier *America* in the Tonkin Gulf. I had sublet our house at Virginia Beach and come home to be with my parents in Alexandria, Va., while our baby was born.

Hunter was a beautiful baby with golden hair and blue eyes. He was not yet three weeks old the day that our telephone began ringing.

My parents had gone out, and I was alone in the house. The calls were from Navy officers, asking for my father. He's also in the Navy, so I didn't attach any significance to it, though there were a number of calls.

I didn't know that the callers were trying to reach my father so he could break the news to me, or that one of our friends was driving around the local shopping center looking for my parents to tell them that Chuck had been shot down over North Vietnam.

My parents returned at about 4 p.m. and immediately there was another telephone call. I was feeding the baby. After I placed Hunter in his crib, Daddy came into the living room and said there was bad news.

Quietly, he told me all that was known. Chuck's plane had been hit over North Vietnam, Another flier had seen his plane going down at 6,000 feet and tried to make radio contact, but received no answer; he assumed both crewmen already had ejected. Chuck's plane was seen to crash—"impact" was the Navy word—in Communist territory. If Chuck were able to hide and make radio contact, a rescue mission might still pick him up. We would be informed.

I always knew it was possible that my husband might be shot down. It had happened to others and could happen to him. But I never really believed it. Even in peacetime the wife of any man who flies realizes that on any flight something may go wrong. But she puts the thought out of her mind, or buries it so deeply that it rarely surfaces for more than an instant.

Chuck and I knew that one day his ship would be sent to Vietnam. We knew this early in 1967, when we had been married for less than three months and the *America* sailed to join the fleet in the Mediterranean.

I flew over that February along with many of the officers' wives, and we had a wonderful time, meeting our husbands at every port the ship visited, then going swimming, sight-seeing, and shopping together. But there was a general belief among us that after this cruise, the *America's* next duty station would be Vietnam.

In August, we wives returned from Europe on a plane we had chartered. When Chuck's ship sailed into Hampton Roads, I was waiting for him, and we rented a house at Virginia Beach. Again, it was a wonderful time. The house was right on the beach, and other fliers and their wives would come over in the evenings.

We knew it was transitory. That's part of service life, and you accept it. So was Vietnam, and we accepted without words that Chuck's squadron would take its turn at combat flying. We knew this when I became pregnant, but we didn't talk about it. And I wouldn't change anything. Those were glorious months. We were incredibly happy.

When I was five-months pregnant, Chuck sailed for Vietnam. When Hunter was born on July 5 in DeWitt Army Hospital at Ft. Belvoir, Va., the fact that I was the only woman in the maternity ward whose husband was not with her didn't worry me. I had Chuck's letters and tapes to read and listen to, and I just knew I had the handsomest baby ever.

Chuck was informed by cable, and his taped reply was ecstatic. When I got home, I sent him a tape of the baby crying and told him: "Set your alarm for 2 a.m., then get up and play this. This is what it sounds like at that hour every morning in this house." Chuck never had a chance to answer.

When Daddy told me that Chuck was down, that it actually had happened, I couldn't believe it. I heard it, I knew it was true, but I couldn't accept it.

Chuck is six-foot-one, 180 pounds, alert, resourceful, and full of life. People like that don't just disappear. That first day, I kept thinking they would hear from him, pick up a radio signal to home in on, and winch him up to a helicopter and safety. It had happened before and it would happen this time. Only it never did.

That evening at about 9 o'clock a chaplain and another officer came to call. The officer was assigned to keep me posted on any information the Navy received and to help me with the financial affairs regarding Chuck's pay and allotments. An officer is assigned to every woman in my situation, and they do everything they can to help.

In spite of their best efforts and the efforts of many kind people, it's a very personal nightmare. Mine began that summer afternoon and is still going on.

I took our baby and went back to Virginia Beach, where Chuck and I had been together. We lived in a townhouse apartment, Hunter, our dachshund Sasha, and I. Two months later, the bundle containing Chuck's belongings was delivered. That was a particularly difficult time, unpacking and putting away his clothes, his toilet articles, his camera. Those first months were the worst. Sometimes a few wives of fliers would get together for dinner or a movie, but it was hard to feign cheerfulness in our position.

A news report, that Christmas, said arrangements were being made to release American fliers held by Hanoi. Later, we were told it had been an error in translation. In the beginning, I hung on every word, every story that mentioned the prisoners in North Vietnam. But there would always be that awful letdown, the realization that there wasn't going to be any list of names or free exchange of mail, at least not this time.

Some of the wives still go through this at every scrap of news or rumor that comes from the Paris talks or from pacifist groups here or abroad. I don't, not any more. I won't let myself get excited. I wait to be notified. I think I'm storing it all up inside me, and it will spill out all over some officer who one day brings me news of Chuck. That poor officer is going to have a scene on his hands.

Last September I came to Washington, D.C., with a number of wives whose husbands were missing or known to be prisoners in Vietnam. We visited the House of Representatives, and the House passed a resolution condemning North Vietnam for its refusal to abide by the Geneva Convention on treatment of prisoners by not furnishing a list of prisoners.

Afterward, there was a reception for the families, and we discussed what else we could do. We had formed the National League of Families of American Prisoners to exchange information, work together, and try to help one another. It's one organization that nobody wants to join, and new members are never welcome.

After trying so long to be patient and unobtrusive, it felt good to be making ourselves heard, to know that voices were being raised on our behalf I had thought for some time about going to Paris to ask the Communist delegates to the peace talks whether

they couldn't please give me some word of my husband. I watched the Paris trip of four women from Texas—the first of 22 relatives who would visit the North Vietnamese delegation—and when I read that they were assured by the Communists that they would receive word of their husbands, my mind was made up.

I moved home from Virginia Beach, and on Sept. 28 I flew from New York to Paris in the company of four other wives and the father-in-law of one of the missing men. We arrived on a Sunday night.

On Monday we obtained the number of the North Vietnamese delegation's headquarters and telephoned them. They promised to call back and let us know when we might be received. At 10:30 Saturday morning, Oct. 4, we were told we had a 4:30 appointment. We were there at 4:20. Four men received us and began taking information: pictures for identification, birth dates, service number, rank and branch, date shot down, and so on.

We sat in a large room that I vaguely recall was decorated with some Oriental art and were served several cups of Oriental tea accompanied by North Vietnamese candy and French cakes. I was told that Ho Chi Minh's picture was hanging just above where I sat, but I was so nervous I never saw it.

All I could think of was that these men could tell me about Chuck and deliver to him the letters and pictures of me and of the baby that I had brought all this distance.

This is the closest I've been to him since he vanished, I thought, and I was terrified that I might do or say something to ruin our chances—his and mine. Everyone was being very polite and formal during the two hours and 15 minutes we were there. The North Vietnamese spokesman was Xuan Oanh.

We were asked what instructions the Pentagon had given us, but we explained that we were acting entirely on our own, with no guidance from the Defense Department. Xuan Oanh suggested that the Pentagon was intercepting our mail and that was why we hadn't heard from our husbands.

But one woman refuted this by saying she had received eight letters and four postcards from her husband in North Vietnam in the four years since he was taken prisoner. They were addressed to her home and were delivered. We said we felt certain that if more letters were mailed from the prison camps, they would be delivered.

We sat through two films, one showing damage from napalm bombing and the other showing the release of three American prisoners in August, 1968. We had brought with us letters and pictures from relatives of other missing servicemen, which we gave to our hosts. We asked if it would be necessary for each of these women to come to Paris to learn of their men's fate, and the North Vietnamese said it would not be necessary, that relatives could just write.

When we asked whether we could do anything to help our husbands, we were told we should join Dr. Spock and Women Strike for Peace and demonstrate against the war. But I don't know of a single wife or parent of a man who is missing or captured in Vietnam who has done this.

On returning from Paris, I really thought that I would get word of Chuck. When someone makes such a direct promise, on a matter that is so important, I tend to believe him. Perhaps I believed because it meant so much to me. But with each week, I'm less confident. North Vietnam said in 1968 and again in 1969 that we could send packages to our husbands. Both times I sent Chuck medication—ointment for ringworm, body lice, infections—and vitamins, candy, letters, pictures, books, cards. But I don't know whether he received them.

I keep active, for busy days pass quicker. I went to the United Nations when Mrs. Rita Houser, America's representative to the Human Rights Commission, raised the issue of the prisoners in November. I've been interviewed on television, and I speak to church groups, women's clubs, civic groups, any assembly that is interested in hearing about the plight of the captives in North Vietnam: how they are awakened at 5:30 a.m., listen to 30 minutes of "Hanoi Hannah's" version of the news, are fed pumpkin soup at 10:30 a.m. and 4:30 p.m., the only meals of the day, and are kept isolated and idle in order to break their spirit.

To interested groups, I suggest that they write to the President of North Vietnam and ask for humane treatment for our men. We make no demands on Hanoi. We are just asking, really we are begging, for word of our husbands and sons.

Even were I to hear from Chuck before this is published, this nightmare will have lasted far too long.

FEDERAL HEALTH BUDGET ENDANGERED BY PRESIDENT NIXON'S VETO

Mr. BIBLE. Mr. President, in the wrangle over Health, Education, and Welfare appropriations for the current fiscal year, many have overlooked the fact that increases voted by Congress for education are not the only ones to suffer. Substantial additions to the Federal health budget also are endangered by President Nixon's veto.

Of particular concern are the funds of the National Institutes of Health. The Institutes, as the Appropriations Committee saw it, were shorted in the executive budget. We provided reasonable additions. Actually, the increases we wrote in were modest in comparison with other sections of the HEW budget—modest but essential.

I was happy to learn that President Nixon would be agreeable to accepting some of the NIH increases, particularly those we in the Senate wrote in for cancer and heart research. Unfortunately, other equally deserving and essential health research programs such as those in neurological disease and stroke and general medical sciences, to name a few, were not favored for increases in the compromise revision offered by the administration.

All Senators, I am sure, have received considerable correspondence on the subject of HEW appropriation increases, some for and some against. Perhaps the most effective single letter I have seen so far in support of NIH research funds—in this instance the National Cancer Institute—comes from a Florida dentist. It is addressed to the President with copies doubtlessly sent to most Members of Congress. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ORLANDO, FLA.,
February 5, 1970.

President RICHARD NIXON,
Washington, D.C.

DEAR PRESIDENT NIXON: I am writing you today with grave concern for my little eleven year old daughter, Karen. But before I tell you about her, let me say how sorry I am to have read of your daughter, Tricia's, illness with both the flu and measles. I am truly sorry and I hope she hasn't been too uncomfortable.

You probably have not thought about it, but there was a time in the not too distant past that Tricia would probably have died from complications resulting from the measle virus's tendency to debilitate the body's defenses so that other disease such as pneumonia would infect and kill the patient. Thanks to medical research your daughter is today well on the way to complete and uneventful recovery. *Please ponder that.*

Karen is one of the unfortunate fifteen thousand (15,000) persons who is struck down each and every year with leukemia. Karen's illness was diagnosed at Jackson Memorial Hospital in Miami, Florida in October of 1968. The "average" life expectancy after diagnosis is approximately 2.5 years. To put it another way—she has maybe a year to live.

Of all the children being treated when Karen was first admitted only she is still alive. Karen and those like her can not do anything for themselves, but you can. You can support increased funds for Cancer Research. I just don't see how the funds for cancer research can possibly be reduced when you consider that cancer is second only to cardio vascular disease as a cause of death in America today.

A cure can be found and it will, but time is of the essence. This is something that just can not be put off. Don't you think there is some other way to balance the budget without letting so many Americans die that could be saved by medical cancer research—just as your daughter was "saved" recently.

I know your job must be an absolute "impossible" one, but please do what you can because so many helpless people that don't know it are depending on you and your good judgment on this issue.

Sincerely,

MALCOLM L. HENLEY, D.D.S.

OUTSTANDING WORK BY DR. WILLIAM MULLOY ON EASTER ISLAND

Mr. HANSEN. Mr. President, on Sunday, February 8, 1970, an article entitled "Come to Where the Action Isn't—and Dig It" was published in the Parade section of the Washington Post. The article calls attention to the outstanding work being done on Easter Island by Dr. William Mulloy, a professor of anthropology at the University of Wyoming. Dr. Mulloy spends 4 or 5 months a year on Easter Island by arrangement with the Government of Chile. This noted scholar has spent years studying the island's ancient civilization and restoring many of the huge sculptures carved by the Easter Island's unknown ancient inhabitants.

I take this opportunity to recognize the contribution which Dr. Mulloy is making to our knowledge of ancient civilizations. I know I speak for all Wyomingites when I say that I am extremely proud that a man of this caliber is a professor at the University of Wyoming and shares his wealth of knowledge with the students of that university.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COME TO WHERE THE ACTION ISN'T—AND DIG IT

(By Richard Harrington)

EASTER ISLAND.—Most of us would give a great deal for a sojourn on a South Pacific island—an idyllic dot in the blue with towering volcanic cliffs on one side, white sandy beach and booming surf on the other. Who wouldn't want to work in a place where average temperature is 70 degrees, the auto-

mobile is almost unknown and excellent fishing and lobstering is right at hand? Who wouldn't long for all this?

Young American archeological students, that's who.

For Dr. William Mulloy, the American anthropologist directing reconstruction of great stone sculptures and temples in this remote Pacific Isle, complains that he can't persuade young U.S. archeologists to come here to work on the job.

WHAT—NO TV?

"They all seem to want luxury-hotel comfort," he says. "They shy away from Easter because they'd have to live in tents and do without TV. It hurts a bit to realize that our kids put modern convenience ahead of an unlimited view across the blue ocean, ahead of the screams of sea birds, ahead of the serenity you can feel in a place where the big event of the week is the weekly feast of dancing and singing."

And so, assisted only by his crew of some 20 unskilled native men, Dr. Mulloy plugs along at the project of restoring many of the more than 1000 huge, crag-faced sculptures carved by Easter Island's unknown ancient inhabitants.

Sad to say, most of the island's permanent population of 1200 Polynesians, including Dr. Mulloy's crew of assistants, are fed up with Easter and its quiet ways. They want action. Just as American farm boys used to dream of a job in the nearest big city, the Easter Islanders would like to go to Tahiti 2500 miles to the west—the closest populous isle—and find employment.

Their chances are not bright. There's little opportunity even to earn, let alone set aside, any money here. Most of them have to barter for their clothes with men of the island's small U.S. Air Force group. There's only one ship a year. And only two planes a month, stopping off each way on a round trip between Santiago, Chile, and Tahiti. Lonesome is the word for Easter.

Since 1888 a possession of Chile, more than 2000 miles to the east, Easter is only 14 miles long with maximum width of seven miles. And scattered widely over this small area is the profusion of religious statutes carved from volcanic rock, averaging 12 to 60 feet tall, the largest weighing more than 50 tons. Some of these strange figures—most with uptilted faces, ski-slide noses and big ears—are known to be more than 1000 years old.

"But we don't know very much about the people who made them," says Dr. Mulloy, a University of Wyoming professor who spends four or five months a year here by arrangement with Chile. "We don't know where they came from originally, nor much of their religious lore and we haven't even figured out their written language which we've found on some wooden tablets."

Easter's people—nearly all live in the one village, Hangaroa—have a tragic history. In 1862 about 1000 of the best men were kidnaped to work Peru's guana islands. The few who got back brought smallpox and by 1877 only 111 were left alive. Today, they know virtually nothing of their own past history, though in their wood carving they often depict ancestral spirits.

A STATUS SYMBOL

Of late, they've come to know more of the outside world since Lindblad Travel, Inc., of New York has organized tourist groups on the occasional plane service. Many of the visitors, who bring in clothing and gadgets to barter for wood carving, are elderly Americans who've been just about every place else in the world and regard Easter as a tourist's status symbol. Dr. Mulloy happily acts as guide for the tourists who don't seem to mind living in tents for a few days.

Meanwhile, though, he continues to lament: "Here I am in one of the world's greatest archeological treasuries and I can't get the help I need to come in." And, as for the Easter Islanders—they want out.

QUESTIONS ABOUT THE DEFENSE BUDGET

Mr. PROXMIRE. Mr. President, yesterday the New York Times published an important and salient editorial on the subject of the defense budget. The Times, too, raised questions about the size of the defense budget.

Where, they asked, are the savings represented by the Guam doctrine, so eloquently put forward in the President's state of the Union message but unreflected in budget cuts?

Where are the savings which should have come from reducing our strategic planning from a two-plus-war contingency to a one-and-a-half-war contingency?

Where, they asked, are the projections for the 5-year costs of new weapons and new programs? This is crucial, for very small sums added now mean huge expenditures later.

Why, they ask, should we be building a new intercontinental air defense system against, at best, a very remote contingency? What is the justification for building a new manned supersonic bomber in an age of sophisticated missiles?

Mr. President, I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEFENSE BUDGET DEBATE

The Administration's $71.8-billion defense budget, viewed as a percentage of total Federal spending, promises to be the lowest in twenty years. It is $5.2 billion lower than defense expenditures during the current fiscal year. Yet it is headed into heavy weather in a Congress that is increasingly critical of military programs.

At a time when the issue of national priorities dominates budget debate, the projected cuts in defense spending reflect savings in Vietnam alone. There appears to be little or no budgetary reflection as yet of the Guam Doctrine or the reported decision to limit general purpose forces to those needed to handle one major and one minor war at a time, instead of the two major-and-one-minor-war capability that previously was official doctrine. Nor is any monetary account taken of the prospects—officially described as hopeful—for restraining the nuclear missile race with Russia through the Strategic Arms Limitation Talks (SALT).

On the contrary, a major build-up of offensive and defensive strategic weapons is under way. That buildup is getting only relatively limited amounts of "seed money" so far. But the so-called "light" Safeguard antiballistic missile (ABM) system and the two systems of MIRV multiple-warhead missiles, Poseidon and Minuteman III—which get a reported $3.3 billion in the new budget—will cost about $30 billion over the next few years and could soar to more than double that amount, as Senator Mansfield has noted.

At the same time, part of the current Vietnam saving is being devoted to modernization of the non-Vietnam general-purpose forces on the theory that these forces have been starved for several years. Here again current spending is relatively small compared to the ultimate cost of the new weapons that are being developed or put into production.

The General Accounting Office recently reported that the Defense Department is proceeding on 130 new strategic and tactical weapons systems costing $140 billion, according to present cost projections. These projections, already up more than $20 billion over original estimates, are sure to rise.

This year's Congressional debate on the defense budget will be informed by independent expert analysis of a quality rarely seen in the past. Studies by former Budget Director Charles Schultze and a team of defense experts at the Brookings Institution indicate a possibility of a 20 per cent cutback in defense spending after Vietnam. This analysis suggests that, rather than being starved in recent years, non-Vietnam forces have received funds at least equivalent to those of the early 1960's. In those years, defense funds bought "a sharp increase" in military capability, Mr. Schultze recently pointed out.

Until Secretary Laird publishes the Pentagon's annual "posture statement" later this month, the full details of the new defense budget will not be known. Even then, it has been indicated, the Nixon Administration will only outline its defense plans through June 1971. The five-year projections initiated by former Defense Secretary McNamara will only be resumed in the fiscal 1972 budget. But some of these projections—and their financial implications—are already evident in the new weapons systems now planned or under way.

Some of these weapons systems, Mr. Schultze has pointed out, are designed "to cover possible, but very remote, contingencies" of enemy threat. Plans for a new $12-billion air defense system, for large carrier and other tactical air forces for new strategic bombers costing $80 million each—all initiated before the Nixon Administration—need close examination, apart from the Safeguard ABM and the MIRV missile programs.

Weapons systems that cost billions to hedge against remote threats must be measured against urgent domestic needs if rational priorities are to govern use of the nation's resources. For the first time in decades there is a climate in the country tha would permit the Congress to participate critically in judging what is required for an adequate defense posture. It is a judgment that can no longer be evaded.

MAN'S CONCERN FOR HIS ENVIRONMENT

Mr. BOGGS. Mr. President, man's concern for his environment appears to many to have sprung just recently from our junkyards and filthy lakes. But respect for the glory of the land and its sanctity goes back thousands of years to the words of the Bible. The Bible brings to us in countless passages the message of man's stewardship for the earth and the environment in which we live.

The distinguished senior Senator from Illinois (Mr. PERCY) recently discussed, at the Senate prayer breakfast meeting in Washington, our environmental ills, as they relate to the words of the Bible. Senator PERCY's talk was eloquent, his message vital.

Senator PERCY finds that environmental respect—for reasons both of esthetics and the preservation of life—is one of the greatest and most consistent messages in the Bible:

It is our obligation as citizens of the earth to preserve for prosperity the blessings of a pollution-free environment, a fruitful and productive earth.

Mr. President, I believe that Senator PERCY's fine talk has special relevance as we enter what many have called the environmental decade. I ask unanimous consent, therefore, that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE NECESSITY FOR ENVIRONMENTAL CONTROL: THE ETHICAL IMPLICATIONS

The vital need for environmental control—for renewed effort toward preserving a balanced ecology—has justly become one of the foremost issues confronting America and the world in the 1970's. Just last week the President enunciated our National concern with preserving—or to use a more accurate phrase, *restoring*—the quality of the natural world in which we live—of the air, land, and water without which the human race—indeed all life itself—would neither have come into being nor cannot hope to survive.

"Shall we surrender to our surroundings," asked the President, "or shall we make our peace with nature and being to make reparations for the damage we have done to our air, our land and our water?"

It is this crucial question to which we must address ourselves; it is this question to which we must find affirmative response, if we are ever to fulfill the potential for human advancement toward the good life for which men through the centuries have dared to aspire.

The enormity of the problem when we consider its implications, is truly appalling. Many of our rivers have become little better than fetid cesspools, while Lake Erie, a natural treasure, already manifests symptoms of advanced decay and terminal illness. If steps are not taken, Lake Michigan, shared by my own State of Illinois, will follow next. Our major cities inflict upon the lungs of their citizens the equivalent of two or three packs of cigarette smoke per day, and the land itself is fast yielding to the destructive encroachment of urban sprawl and the congestion of overpopulation.

Lord Ritchie-Calder, a prominent U.N. authority and student of ecology, has forcefully stated the urgency of the issue: "Pollution is a crime compounded of ignorance and avarice. The great achievements of Homo sapiens become the disaster-ridden blunders of unthinking man—poisoned rivers and dead lakes, polluted with the effluents of industries which give something called 'prosperity' at the expense of posterity."

Perhaps more graphic and immediate is the testimony of the Apollo 7 Astronauts that air pollution prevented them from catching so much as a glimpse of the southern California coast, 124 miles below their space capsule. Wally Schirra spoke for the group when he warned: "The moon is not hospitable. Venus is not hospitable. Mars is not hospitable. We'd better do what we can to clean up Earth, because this is were we're going to be."

I do not wish to belabor the magnitude of the problem which environmental pollution presents. We are, I believe, sufficiently aware that this is a cardinal issue of the '70s. It is self-evident that if we foul the earth on which we live, we stand little chance of dealing effectively with any of the other grave concerns which continue to haunt our ancient dreams of utopia.

What I do wish to suggest is the ethical imperative which our religious heritage places upon us to save our world from destruction. For I believe that, as in so many areas, the Bible has a special relevance to the issue of ecology—to man's relationship to the world in which he lives. I believe that implicit in the Bible's commands regulating human behavior is the injunction to reverance the *earth*—the heavens, the soil, the waters, the very elements by which we sustain life itself. Man was made from the earth, and to it he returns when he dies. It gives him life while he lives. Should he not therefore have respect for this substance of which he is literally a part?

I am struck by the eloquent testimony, particularly of the Old Testament, which seems to imply an affirmative answer to this question. Consider, for example, the very earliest example in the book of Genesis: the story of the Creation. Adam and Eve are portrayed as tenders of the earth, keepers of a fruitful garden, guardians of a divine trust. When they betray this trust they alienate themselves—to use a current term—from the productive environment in which they had been created and which has supported them, as it were, free of charge. Whereas man had once been the carefree recipient of benevolent abundance, he had now to earn his bread by the sweat of his brow; to make the earth fruitful, he had to plow, sow, reap, and constantly *preserve*, in order to keep the gains which had formerly been his for the asking.

In a sense, we are still the victims of this ancient alienation; we still must constantly guard against the destructive use, of the natural resources upon which we depend for our very lives. We must constantly strive to preserve and create anew the life-giving elements which so often we accept as self-perpetuating.

Thus I find of great benefit the Bible's message in regard to the stewardship which we have been given concerning our environment. For unless I greatly misread the Scriptures' intent, our responsibility to the earth, the air, and the water, is as great today as it was three thousand years ago.

Consider first, the significance of the frequent and repeated references throughout the Old Testament to the cleansing and life-sustaining quality of the land and water, and to the necessity for maintaining those qualities. And, if there is less reference to the air, I suggest that this is owing to the fact that the ancient world did not suffer the effects of industrialization which is our burden today. The air to them was naturally pure, and it was beyond the capability of man to defile it.

But the land and its waters were vulnerable. Their destruction meant starvation, thirst, and ultimate death. The ancient Hebrews were an agricultural people, living in harmony with the land and dependent upon it in a much more immediately recognizable—though no less vital—way than are we. Thus when Moses sent his scouts into Canaan, they reported back to him that "We came to the land to which you sent us; it flows with milk and honey, and this is its fruit. "[Numbers, 13:27]. If we today have lost man's primitive understanding of nature and her works, we are nevertheless equally as dependent upon our environment as were the Hebrew farmers. If we believe ourselves lords of the earth, we must not forget our obligations toward maintaining that mastery. Thus God told Moses: "You will dwell in the land securely. The land will yield its fruits, and you will eat your fill. . . . The land shall not be sold in perpetuity, for the land is mine; for you are strangers and sojourners with me." [Leviticus, 25: 18–19, 23]. Lords we are; but only in reality to a higher authority.

Similarly, the Old Testament is laden with references to water as a symbol of purification, as a source of life and sustenance. Thus, in the book of Numbers we see the Lord commanding Moses to "take the Levites from among the people of Israel, and cleanse them . . . [to] sprinkle the water of expiation upon them, [that they may] cleanse themselves . . ." [Numbers 20:27]. Psalm 78 similarly praises the wondrous life-giving power of the Lord, who "cleft rocks in the wilderness, and gave [to his people] drink abundantly as from the deep." It is the Lord, sings the Psalmist, who "made streams come out of the rock, and caused waters to flow down like rivers." [Psalm 78: 15–16]. In a similar vein, the prophet Isaiah reminds us of the words of God who proclaims: "I will open rivers on the bare heights, and fountains in the midst of the valleys: I will make the wilderness a pool of water, and the dry land springs of waters. I will put in the wilderness the cedar, the acacia, the myrtle, and the olive; I will set in the desert the cypress, the plane, and the pine together, that the hand of the Lord has done this, the Holy One of Israel has created it." [Isaiah, 41: 18–20].

Of equal importance is the Biblical injunction against the allowing the despoliation and deterioration of these vital resources. Thus the Psalmist reminds the Israelites of the great power of the Lord, who gave the earth to man, and who also can take it away. God is not obligated to do man's work for him, and if man betrays the trust placed in his keeping, God will not intervene to set things right. The responsibility is upon *us*. Thus the Lord not only makes the earth "blossom and give forth fruit," but He may also "turn . . . rivers into a desert, springs of water into thirsty ground, a fruitful land into a salty waste, and a parched land into springs . . . [Psalm 107: 35], he may also, if rejected "lay waste the earth", and render it, in the words of Isaiah, "polluted and desolate". [Isaiah, 24: 1–8]. The message does not convey that it is literally *God* who will lay waste the earth, but rather, *man himself*, by abandoning his sacred trust, by turning his back upon the stewardship which God has placed in his hands. Thus Jeremiah laments that by forsaking their trust, by abandoning their traditional role as tillers of the soil, and whoring after strange gods. The Israelites have "made my pleasant portion a desolate wilderness. They have made it a desolation . . . The whole land is made desolate [*for*] *no man lays it to heart.*" [Jeremiah 12: 11].

This it is our solemn responsibility to *lay to heart* that stewardship to which we fall heir. It is our obligation as citizens of the earth to preserve for posterity the blessing of a pollution-free environment, a fruitful and productive earth.

It is incumbent upon us, to use the means at our disposal for the purpose of improving the environment, rather than destroying it. And, quite obviously, the most promising means in our possession is the very agent of our destruction—our technology—if we will determine to use it wisely.

I think we can find guidance in the counsel of modern theologians—men concerned with using contemporary methods in living up to the responsibilities of our stewardship. Thus Rabbi Roland Gittelsohn has summarized that "if science and religion have conspired to teach me any one abiding truth, it is that man is one, the universe is one, and man and the universe together are one . . . Man is made of the same stuff as the universe. He could perhaps be perceptively defined as the stuff of the universe become conscious of itself." Thus the very agent of our destruction—our highly developed technology—is, as a human invention, an extension of man and an integral part of the universe—the stuff of life. Technology, seen by so many to augur destruction, can, if used wisely, be the agent of salvation.

The struggle is ours, if we are willing to meet the challenge. In the words of an eminent historian, John Herman Randall, "man is not alone—in this struggle. The powers he mobilizes are as 'natural' as those he is forced to oppose. In attacking disease, the physician is cooperating with the universe; he is successful in the measure in which he has *discovered the possibilities* of cure and health."

Thus to live—to devote ourselves to preserving that natural universe which we are integral part—this is to me the ultimate challenge presented to the human race. To preserve the universe is to preserve mankind; to do both is to fulfill that trust which is ours for eternity—a trust deriving from God Himself. "The earth is the Lord's," wrote the Psalmist, "and the fulness thereof; the world, and they that dwell therein." [Psalm 24].

BLUE RIBBON COMMISSION ON ORGANIZATIONAL REFORMS IN DEPARTMENT OF STATE AND RELATED AGENCIES

Mr. FULBRIGHT. Mr. President, on October 7, 1969, I reintroduced Senate Joint Resolution 157 providing for the appointment of a blue-ribbon Presidential Commission on Organizational Reforms in the Department of State, the Foreign Service, the Agency for International Development, and the U.S. Information Agency. Since then I have received letters from the presidents of some of the largest corporations in the United States, distinguished educators, and a considerable number of present and former Foreign Service officers of all ranks supporting the joint resolution.

On January 14, however, the new Deputy Under Secretary of State for Administration, the Honorable William B. Macomber, Jr., made a speech on "Management Strategy" in which he expressed his conviction that the necessary reforms in the Department of State could best be accomplished by the Department itself. Although I have been convinced for some time that these problems cannot be solved exclusively from within, I have decided not to pursue the concept of a Presidential commission, at least for the moment, given Mr. Macomber's opposition to the idea and because of the fact that there has been no indication of support from the Foreign Service Association.

My position is set forth in a letter of February 3 to Mr. Macomber. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., February 3, 1970.

Hon. WILLIAM B. MACOMBER, Jr.,
Deputy Under Secretary of State for Administration, Department of State, Washington, D.C.

DEAR BILL: I appreciated your sending me your speech of January 14 on "Management Strategy," and I see from the January 29 New York Times that you are beginning to appoint the task forces you mentioned in your January 14 remarks.

You say in your speech that "some outsiders say that we cannot do the job from within" and that you are convinced that this view is wrong. I have been convinced for some time, and I am still convinced, that the problems the Department of State and Foreign Service face cannot be solved exclusively from within, in part because many of these problems stem not from within the Department but from other government departments and agencies over which the Department of State does not have control. You have provided me with figures showing that in seven of our fifteen largest diplomatic missions, less than ten percent of those in the mission, including reimbursable staff, are from the State Department, and in fourteen of these fifteen missions the percentage is below thirty.

Both of your predecessors are in favor of the appointment of a Presidential Commission on organizational reforms in the Department of State, the Agency for International Development and the United States Information Agency, as proposed in S.J. Res. 157. As you know, Mr. Rimestad said that something of the sort was needed when he appeared before the Committee last October 7, and in a recent letter Mr. Crockett expressed his "whole-hearted support" for the concept of a Presidential Panel. There are many others who have written me or told me, or members of the Committee staff, that they are in favor of the idea, including the presidents of some of the largest corporations in the United States, distinguished educators and a considerable number of present and former Foreign Service Officers of all ranks.

Nevertheless, I have decided not to pursue the idea of a Presidential Commission, at least for the moment. You are just beginning your service as Deputy Under Secretary of State for Administration and seem to be firmly opposed to the idea. I do not want you to think that I wish to undercut your efforts to effect reform from within. I hope, however, that you will work closely with the appropriate committees in the House and the Senate, for one of the past difficulties has been that there has been little congressional participation in the organization of the agencies conducting our foreign relations, a deficiency which S.J. Res. 157 would have corrected.

I am frankly skeptical that you will, during your time in office, be successful in solving the manifold problems confronting you. My guess is that your experience will not differ from the experiences of your predecessors and that, at the end of your service as Deputy Under Secretary for Administration, or perhaps even before, you will have come to the conclusion, as they did, that S.J. Res. 157 should have been tried.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

LITHUANIAN INDEPENDENCE DAY

Mr. GRIFFIN. Mr. President, freedom-loving people everywhere should mark next Monday, February 16, well. It is the 52d anniversary of Lithuanian independence.

But people of Lithuanian descent—among them more than 1 million Americans—observe this day with sadness as well as pride.

February 16, 1918, was the birth of an independent Lithuanian state based on democratic principles. Today, it exists as a captive nation.

Nearly 30 years ago, the Soviet Union overran the young Republic of Lithuania. Since that day, the gallant people of Lithuania and their Baltic neighbors, Estonia and Latvia, have never ceased to yearn for restoration of their independence.

Such a day may be some distance in the future. In recent years, we have seen the Soviet-led invasion of Cechoslovakia snuff out, for the present at least, one small candle of freedom.

I, for one, take pride in the fact that the United States still recognizes the independent Lithuanian Government and has never recognied Russia's illegal annexation of Lithuania. We continue to maintain diplomatic relations with that former independent government, which has a legation in Washington.

Let us all observe next Monday by renewing our dedication to the democratic principles that are presently denied those in Lithuania.

Let us do so in the knowledge that no man can be totally free—if another is denied freedom.

WILLIAM E. TIMMONS, THE PRESIDENT'S ASSISTANT FOR CONGRESSIONAL RELATIONS

Mr. BAKER. Mr. President, last week the President named his new assistant for congressional relations. As we know, our friend, Bryce Harlow, who has been serving as Assistant to the President for Congressional Relations, has been named counselor to the President, a post in which the President can make even better use of his superb talents and long experience.

To succeed Mr. Harlow in the vital post of Assistant for Congressional Relations, the President, I am pleased to say, named a fellow Tennessean—William E. Timmons.

Many Senators will remember Bill Timmons when he served as an aide to the late Senator Alexander Wiley, of Wisconsin. Others, who once served in the House, knew him as administrative assistant to my colleague from Tennessee, Representative WILLIAM BROCK. Still others met him when he was active in the Young Republicans, or later, when he played a vital part in the presidential campaign of Richard M. Nixon, both before and after the 1968 convention.

Finally, many of us have known him as the President's able Deputy Assistant for Congressional Relations, with responsibility largely for the House of Representatives.

In all these various positions, Bill Timmons has shown outstanding ability. I know he will continue to perform expertly and efficiently in his new capacity.

U.S. INVOLVEMENT IN LAOS

Mr. DOLE. Mr. President, I read with interest the speech given yesterday by the senior Senator from Tennessee (Mr. GORE) concerning U.S. involvement in Laos. I particularly agree with the Senator that the "loss of confidence" many Americans have had in their Government's policy statements was not President Nixon's fault. Indeed, as the Senator pointed out, President Nixon does have an opportunity to restore confidence in our Government. Furthermore, he is restoring that confidence.

Several points did occur to me after reading the Senator's statement.

The Senator did not explain the presence of 50,000 North Vietnamese troops in Laos, even though he asserted the conflict there is a "civil war."

The Senator apparently does not oppose the concept of a neutral Laos which was formulated in the Laos negotiations and accords by Governor Harriman during the Kennedy administration. But the Senator from Tennessee ignores the repeated violations by the North Vietnamese of the 1962 accords.

VETERANS' ADMINISTRATION MEDICAL CARE

Mr. CRANSTON. Mr. President, in the February issue of the Jewish Veteran, the national executive director of the Jewish War Veterans, now beginning its 75th year, has raised some interesting and important new perspectives about the Veterans' Administration hospital and medical care system. The Veterans' Affairs Subcommittee, of which I am privileged to be the chairman, of the Committee on Labor and Public Welfare has recently concluded—on January 27—6 days of hearings on the question of the quality of care available to disabled Vietnam veterans. As a result of these hearings I plan not only to be making specific recommendations for increases in the Veterans' Administration appropriations for fiscal year 1970 and 1971, but also to introduce over the next month some major new legislative proposals designed to improve and extend VA hospital and outpatient care.

The column I referred to earlier asks some timely questions about the future direction of the VA medical program. They should be pondered by every veteran and every American concerned about maintaining the highest quality potential for caring for our disabled veterans, and I commend the column to the attention of the Senate.

Mr. President, I ask unanimous consent that the column from the February issue of the Jewish Veteran be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

JEWISH WAR VETERANS

For those of us who have had the opportunity to serve our country in time of war, Veterans Day is the most solemn of national holidays. Its observance provides a time for reflection as well as an opportunity to honor the memory of departed comrades.

Coming as it did during the climatic 1969 controversy over the Vietnam War, this past November 11th afforded an unparalleled opening for some publicists to dilute and demean the essence of a day of non controversial remembrance by using it to stage harangues for and against the dissenters about to come to Washington for their mass demonstration.

Instead of indulging in a display of his own strongly held views on Vietnam, on Veterans Day, Senator Alan Cranston, chairman of the Senate Veterans Subcommittee, took the Senate floor to announce hearings by his subcommittee to investigate the subject of medical treatment available to veterans. For background, he reeled off a string of questions and supporting facts that zeroed in on a prime focus of veteran concern—the availability and quality of medical care provided youngsters back from Vietnam as well as for the World War II generation of vets now beginning to feel the aches and ailments of middle age.

The alarming picture emerging from the hearings since that Veterans Day announcement and the testimony of a formidable battery of medical experts, in and out of the Veterans Administration, is both shocking and reflective of the low state of medical care prevalent through much of the country.

Having been lulled into a satisfied stupor from twenty years of repeating to ourselves that the VA hospital system is without a peer, many of us are shocked to learn that such is no longer the case. Apparently, we boosters have been wrong—and for quite a while. As the evidence turned up in the hearings indicates, the senators on the subcommittee can only surmise that the VA hospital and medical care setup is second best and in the process of spinning downhill. To reverse the trend, personnel ceilings must be raised along with a heavy infusion of funds to permit the VA hospital system to recapture its once fine reputation.

The decline of VA medical care as depicted in the Senate hearings really reflects the poor state of all health care in this country. We in the JWV recognized this appalling situation last summer when we adopted a policy paper on public health. No subject could be more basic to the national security. Indeed, last July President Nixon warned the country that the nation's health services were about to break down. Since then, while dozens of studies are under way in Washington and elsewhere in the search for a national panacea, the nation has been hobbling along with a medical delivery system in which hospital costs are increasing at three times the rate of general prices; doctor's fees are moving upwards at twice the general price rate; a severe shortage of physicians supplies fewer services as specialization increases; and medical care for impoverished minority groups is almost completely unavailable.

At one time a VA hospital patient was assured of the finest care by a corps of first rate professionals in some of our best equipped institutions We in the organized veterans community have been guarding this high privilege with a zealousness it once fully deserved. With a changed situation brought on by the crisis confronting the VA hospital system, the nature of our interest may be changing. The standard measurement for hospital care, the staff-patient ratio reveals how badly the VA system is lagging behind other hospitals. For the VA it is 1.5 staff to each patient in general medical hospitals and less than one percent in psychiatric hospitals. The national staff ratio is higher at 2.72 for each patient in general medical communities, state and local government hospitals and three staff per patient in university and teaching hospitals.

It appears that veterans organization must soon rethink the standard position of making certain that each VA bed must be used only by a veteran. This is hardly a bargain or even a benefit at the current rate of VA care. To get better care and more attention it is not inconceivable that the veteran might better benefit from a non VA hospital with more staff, better equipment and more sophisticated care.

A national policy for medical care and public health will be designed and made a reality during this new decade. If the VA hospital system is permitted to lag behind, we shall be confronted with a weird situation in which veterans will turn reluctantly to the VA care as a last desperate resort. Is this what we are carefully guarding from non veteran encroachment? What do we gain? Who are we helping? What will be best for the infirm, the lame and the broken who served for us?

HELP THY NEIGHBOR

Mr. PEARSON. Mr. President, there is thought abroad in our Nation that churches in suburban neighborhoods are hopelessly caught up in their world of fashionable Sunday clothes, covered dish dinners, expanding building projects, and money for far-off missionaries.

It is refreshing, then, Mr. President, for me to bring the attention of the Senate to one church, the Village United Presbyterian Church of suburban Johnson County, Kans., of which I am, incidentally, a member. A real human concern has been demonstrated for the problems of black men and women in the Kansas City area. They have not embarked upon a short-lived, half-hearted effort accompanied by fanfare. Rather, they have made a quiet commitment to better the lot of fellow human beings done in a spirit of humanity and morality.

Accordingly, I ask unanimous consent to have printed in the RECORD an editorial published in the Kansas City Star, explaining and praising this effort.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, Jan. 30, 1970]

A PRAIRIE VILLAGE CHURCH ACTS

The Black Motivation and Training center, scheduled to open Sunday at 1300 Chelsea trafficway, Kansas City, Kansas, promises to be an impressive operation. It is based on a unique concept.

Black men and women will set the policy of the center and run it on a $100,000 grant from the Village United Presbyterian church of suburban Johnson County. As the center develops its courses of vocational training in data processing, banking, heavy construction and printing, and as other programs emerge, members of the church with expertise will be available as advisers—but only if and when they are needed. The money comes with no strings attached.

The Prairie Village church is large, and the median income of its membership must be high. Even so, $100,000 from a single church is a lot of money. Nationwide denominations have done less (or nothing at all) in this field and some have done slightly more only after much agony. Black churches in the inner city have been carrying the load alone for years and without much recognition.

When he presented the plan to the congregation, Dr. Robert Meneilly, pastor of the Village church, said:

"I have worried at times that our . . . church has spread her mission money all across the country and even the world—you know, something like pennies from heaven—and perhaps often doing what only pennies can do. But what if we concentrated some of our dollars . . . say $100,000 in one year, in one particular place, perhaps enough Christian money power in one place to accomplish something for real in an area . . . the very place where perhaps the Kingdom of God is most challenged here and now."

Which is what the people of the Village Presbyterian church are doing: Looking at the plight of near-neighbors, deciding to do something about it, and then doing it without great fanfare and in a manner that nurtures and promotes dignity for all concerned.

In itself, the plan is an act of humanity, based on the highest principles of religious concern. It will have important practical results. Beyond that, it stands as a model and goal for other groups. The fact that what the Village church has done is so unusual is the plainest evidence that others can be doing a lot more.

NOMINATION OF JUDGE CARSWELL TO THE SUPREME COURT

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Florida (Mr. GURNEY), I ask unanimous consent to have printed in the RECORD a statement prepared by him relative to the nomination of Judge Carswell to the Supreme Court and also a letter from Dr. Thomas W. Matthew to Dr. John Morsell, acting director of the NAACP.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GURNEY

I have received a copy of a letter addressed to Dr. John Morsell, acting director of the NAACP, by Dr. Thomas W. Matthew. Dr. Matthew is a well-known physician and surgeon who achieved national recognition because of his development of a black self-help organization, National Economic Growth and Reconstruction Organization, Inc. (NEGRO). Dr. Matthew disputes the NAACP's almost automatic opposition to the Carswell nomination, Matthew says:

"To deny Judge Carswell the chance to repudiate a past position that we all abhor is to deny the black underprivileged as a group the hope that is implied in the principle of redemption. The cry from the street that all America must hear is the cry for a second chance."

Dr. JOHN MORSELL,
Acting Director, NAACP,
New York, N.Y.:

In the interests of black unity and a consistent strategy for all our people, we of NEGRO must question the soundness of your opposition to the nomination of G. Harrold Carswell to the Supreme Court. Unless you have information not available to the general public regarding statements or behavior of Judge Carswell since his public recantation of racist views last week we must find your opposition to him ill considered and detrimental to the welfare of black America.

To insist on a national policy which precludes the concepts of rehabilitation and redemption of the individual is to close the door forever on our black brothers who, because they have been the victims of the very bigotry you decry, are today chronic welfare recipients, drug addicts, alcoholics, and convicted criminals. To deny a Judge Carswell the chance to repudiate a past position that we all abhor is to deny the black underprivileged as a group the hope that is implied in the principle of redemption. The cry from the street that all America must hear is the cry for a second chance.

We must encourage such second chance programs as enlightened parole measures for redeemed law offenders. We must promote progressive economic methods to help the poor start a new life of self support. Drug addicts must be assured that they can change and be accepted back by society. The national attitude must eventually extend forgiveness to those citizens who have exiled themselves because of moral principles involving war.

As an organization which devotes itself to the needs of the black masses we of NEGRO are particularly concerned that the press has taken your position on the Carswell nomination to be a reflection of the view of all black people. As a lifelong supporter of the aims of the NAACP and deeply grateful for the gains it has achieved primarily for the black middle class, I am certain that it was not your purpose either that your opinion be considered totally representative of our people or to do damage to the aspirations of the black masses.

We of NEGRO do respectfully urge that you reconsider your position so that it not be contrary to the American ideals the NAACP has devoted itself to making a reality, and not risk being detrimental to the interests of the least of our people who must struggle to overcome the handicaps we all, no matter how successful we may be, share as Negroes in America. It is our fervent hope that your position will be faithful to the above principles showing the concern for the truly underprivileged black masses that will enable us to work together in unity.

THOMAS W. MATTHEW, M.D.,
President, NEGRO.

ACTION URGED TO OFFSET IMPACT OF IMPORTS AND RESTRICTIVE MONETARY POLICY UPON CERAMIC TILE INDUSTRY

Mr. WILLIAMS of New Jersey. Mr. President, I am today joining seven distinguished Senators—SPARKMAN, SCOTT, ALLEN, EASTLAND, ERVIN, BENNETT, and MURPHY—in cosponsoring Senate Concurrent Resolution 41, which urges the executive branch to take steps to secure the voluntary reduction of ceramic tile imports during periods of housing market contraction based upon our Nation's monetary policies.

As Senators well know, 1969 was an extremely critical year for a number of U.S. industries which depend for their very existence upon the well-being of our housing industry. Manufacturers of ceramic tile, for example, whose products are used principally in new residential construction, have been particularly hard hit by the precipitous decline in new housing starts which characterized 1969. The three tile manufacturers in New Jersey, and their 440 employees, were no exception.

In this connection, recently published figures from the Department of Commerce indicate that the rate of new housing starts in November was 1.28 million units, down from 1.9 million in January of 1969. The 6-month average ending in November was 13 percent below the preceding 6-month average and 10 percent below the corresponding period in 1968. The situation speaks poorly on the subject of our progress under the Housing and Urban Development Act of 1968, which established a national housing goal of nearly 3 million units per year for the next 10 years.

Perhaps even more disturbing is the fact that there are no signs of noticeable improvement in the foreseeable future.

With the passage of S. 2577, which included a provision for substantially increased home loan funds, the Congress has recently recognized the basic inequity of a situation wherein one segment of our economy is forced to bear the principal burden of our fight against inflation. Even so, I think we must all recognize that immediate assistance to many facets of the building industry will be negligible and unnoticeable.

The domestic ceramic tile industry, to which I have previously referred, is an excellent case in point. The extreme shortage of available long-term credit has severely contracted the housing market, reducing at the same time, the demand for ceramic tile. This restrictive monetary policy has also had another very significant impact in the housing market as it relates to this industry.

Apartment-type construction—for the first time in history—now accounts for over 50 percent of housing construction. Because the consumer does not participate in materials selection for this construction, the historic preference for domestic ceramic tile in home construction has been, to that extent, eliminated as a factor in the marketplace.

Why should foreign manufacturers receive a competitive advantage as a result of our monetary policies? The domestic manufacturers, most of them small business concerns, justifiably ask that the foreign manufacturer share the burdens of America's anti-inflation efforts. With this I wholeheartedly concur.

New Jersey is fifth in terms of value of shipments among the States in which ceramic tile is produced. Of the slightly more than 2 dozen domestic firms, three of them are located in my State. Their combined payrolls approximate $6,300,000. The housing collapse of 1966 closed the doors of 13 similar plants—and only a few weeks ago the Tariff Commission received an Adjustment Assistance Act petition filed on behalf of the employees of an Ohio manufacturer forced to let 600 of his 700 employees go.

Senate Concurrent Resolution 41 would call upon the President to secure voluntary reductions in imports of ceramic tile during periods when the U.S. housing market is contracted due to restrictive monetary policies. Only equity is sought—and equity we should be willing to insure.

THE FEDERAL GOVERNMENT AND THE SCIENTIST

Mr. MCINTYRE. Mr. President, much has been written and discussed about the environmental crisis we find ourselves in today, and much more talk will go on before we solve this most important crisis.

There is a great deal of talk of the role of science and technology in bringing the crisis to the brink of catastrophe. There is a multiplicity of reasons for the deterioration of the environment as well as a wide variety of means to pay off our debt to nature and begin to learn to live in peace with the environment. As surely as an undisciplined use of science and technology has been a major contributor to environmental degradation, man's wise use of these tools must also be a contributing factor in solving the crisis. One of the tragedies of the situation is that, in many cases, scientists knew of the impending crisis long before the people of the Nation and their elected public officials.

The Senator from Wisconsin (Mr. NELSON), long a spokesman for the wise utilization of our natural resources, addressed himself to this problem in an address before the annual meeting of the Federation of American Societies for Experimental Biology in Atlantic City.

I ask unanimous consent that Senator NELSON's remarks be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FEDERAL GOVERNMENT AND THE SCIENTIST [1]

(By the Honorable GAYLORD NELSON)

I speak to you as a politician who strongly believes there is inadequate liaison between the political community and the scientific community. The blame rests equally on both of us. I believe that decision makers at all

[1] Special Address at the Annual Meeting of the Federation of American Societies for Experimental Biology, Atlantic City, N.J., April 17, 1969.

political levels are in critical need of more scientific information. The casual, unformalized consultation with scientists that we now have is simply not adequate to meet the constant and increasing need for political leadership to have an understanding of the scientific implications of what it does, as well as having scientific advice in making social decisions.

If you think about it, every significant social decision involves some aspect of one or more of the natural or social science disciplines. You could recite many more than I can.

You cannot even build a highway without having important ecological effects. We build them, of course, all the way across this country. We spent $50 billion creating an interstate, limited access, defense, commerce highway system that will be completed in a few years. We tore through hillsides. We could not bother to make a bend in the road so we could avoid destroying a lovely marsh which was the habitat for wildlife.

One of our great failures as a people is that we have not brought the two necessary factors—science and politics—together so that an adequate dialogue continues between them, so that both sides benefit from it, so that, of course, we make better social decisions. We need much more scientific research—not less. And, we need more involvement of science in political decision making—not less.

We have many major social problems. You are as aware of them as I am. We also have the know-how to resolve most of them reasonably. The issue is how we join together the knowledge of the scientific community with those who are responsible ultimately for the political action.

Now we have put together a number of times in our history the necessary combination to meet dramatically and effectively some very complicated and tough problems. We were able to put millions of men and women in uniform very rapidly, and mobilize the whole scientific community and the whole industrial community, and win World War II.

We have demonstrated that we were able to put together industry and science in the political world to develop the awesome nuclear bombs and their incredibly sophisticated delivery systems.

And we have demonstrated that we were able to put all this combination together again, to make the probes into space and manned flights around the moon that no one except Buck Rogers thought possible 25 years ago.

We did all this, yet we cannot get food to hungry children in a nation that has too much to eat. We cannot get downtown in the morning because of a clogged transportation system. We cannot get adequate medical care to the ghetto, to the elderly, or to the poor in rural America. With all of our lavish spending, we cannot even create an educational system that capitalizes on one of the strongest drives a child has—the desire to learn. And, in a nation more abundantly endowed than any other, we cannot quite yet get organized for a truly effective massive effort to protect the air we breathe, the water we drink, or the beauty of our countrysides.

How could we organize the scientist, industry, the people, and the resources to win a big war, create a fantastic nuclear weapons system, and rocket men to the moon, and then fall so far short of our historic goals—the creation of a social structure founded on quality instead of quantity and on moral might instead of military might?

It is not because our intentions were bad. We are not a military people. We believe in the dignity of man and the sanctity of individual rights.

At the risk of oversimplification and certainly at the risk of offending a lot of people, let me say that we went wrong in at least one fundamental way. We assumed too much. Everything was progressing so well, and at a rapidly accelerating pace in this glorious 20th century. Abundance was pouring from the fields, our factories, and our great academies of knowledge. The standard of living was rising at an unprecedented pace. We felt there were no problems that would not just automatically dissolve and disappear in the face of this mighty growth and development. We did not believe social planning was necessary. Or, in any event we assumed that whatever social planning was needed could better be done by private enterprise. We assumed, in fact, that private enterprise could do many things that by its very nature it never was and never will be equipped to do. If it could turn out more automobiles, airplanes, and freight cars than all the rest of the world combined, somehow, we knew, it would create a transportation system that would work. If we are the greatest builders in the world, we need not worry about our poor and we need not worry about the planning and the building of our cities; private enterprise will manage that just fine for us.

Ironically, while the social system, through its colleges and government-funded research, developed the finest medical community on the earth, we assumed that the whole system of the delivery of medical services could be left to private enterprise. And, I might say, after having conducted hearings on prescription drugs for 2 years and hearing viewpoints of some in the medical profession, I conclude there are quite a few left, even the AMA, who still think so.

In short, we assumed that if private enterprise could be such a spectacular success in the production of goods and services, it could do our social planning for us too, set our national priorities, shape our social system and even establish our moral standards for us. I am sure most of you will remember the famous words of Charles Wilson back in the mid-50's when he said, "What's good for General Motors, is good for America."

The social problems we faced then mushroomed upon us from the blind side. We got where we are by default, rather than by design. What was missing was the unity of purpose, forged out of a threat to our national health or security or prestige that so often seems to be seen only in war.

But there is now, I think, a great awakening underway. We have begun to recognize that our security again is threatened—not from the outside, but from the inside. Not by our enemies, but by ourselves. As Pogo quaintly put it, "We have met the enemy and they is us."

The challenges to our society are open and obvious for all of us to see. I shall not detail them or even list all of them. You know them as well as I. They are the deteriorating cities, the degradation of the environment, the relevance of our system of education, equal rights and opportunities, the hungry, the poor. Perhaps most important of all, there is the very serious challenge to our whole value system, a challenge that says under this system there is far too much emphasis on quantity and too little on quality, that the measure of success in this system is power, affluence, abundance, bigness, gross national product, and profits. It is a challenge that says any system that becomes dominated and controlled and directed by these forces is incapable of producing a society of quality.

These challenges and disturbances across the nation, both on the campus and off, are an encouraging sign of concern and conscience among our people about the status of our society. We are on the verge, I think, of galvanizing the nation to constructive action, to repair and improve the social and political fabric of this country. We can and we will.

To achieve our goal of quality, we need to utilize the finest scientific and political talent in this country.

As an aside let me say, the scientific community needs to communicate more directly in a political way to the political leaders and to the people of this nation. By that I do not mean scientific organizations should get into partisan political debates. And, I do not mean that as organized groups they should necessarily get into very specific political decision making, although as individuals you ought to. What I mean is that you must translate effectively your knowledge of the implications of what we are doing in terms of our society in the broader sense of the word. That has been a missing link in the whole process of the development and growth of our social institutions and in our problem-solving efforts in this country.

For example, the scientific community knew very well 30, 40, 50 years ago what was happening to the waters of America. It understood very well that any body of water can handle just a certain amount depending upon its size and capacity of biodegradable waste. The scientific community understood very well the implications. Why is it that the public has just become excited now when you had all that knowledge so many years ago? Where did we fall down? Where did we fail? Or, where did you fail? The failure was in not translating this alarm to the public and to the political leadership of America, a function in which the scientific community must take leadership.

Biologists, biochemists, entomologists, specialists in all the scientific disciplines have been telling us for years and years that we are involved in an environmental crisis that has been growing day by day and now approaching catastrophic proportions. We are on our way to polluting the air so badly that if we continue doing so for another half century a scientific report to the President 5 years ago said we may alter the climate of the earth.

The scientific community knows very well what kind of ecological imbalances we are creating by introducing slow, degrading pesticides—DDT, dieldrin, and all the rest—into the atmosphere. Why is it that somehow, some way, the scientific community could not convince the public and political leadership of impending disaster? There is something wrong with our communications system when we have the knowledge and do not use it.

But finally, we are being alerted, and finally we are beginning to move. And, I think the public is far ahead of the political leadership in this country on this.

We know what we are doing in research and development. You know what you are doing in all your biomedical fields. Let me just mention, though, three good examples of how critical it is to have scientific expertise involved in decision making.

In 1962, after a long fight, Senator Kefauver got through part of his bill which provided that all drugs sold in the market place must be demonstrated to be efficacious.

Under that law, the National Academy of Sciences and the National Research Council have established a whole series of panels and are reviewing old drugs developed from 1938 to 1962 to find out whether or not they are efficacious. They have listed a number of widely used fixed combination drugs and said that they should be taken off the market. If it were not for the eminence of the National Academy of Sciences and the National Research Council, and of the panels that gave the advice on the drugs and if it were not for that distinguished scientific

backup, the Food and Drug Administration would not last a day with its recommendations to remove these drugs from the marketplace. This is true because politically, the drug companies would whip FDA overnight. But, they cannot lick it with the backing of the scientists' recommendations.

As another example, recently we had hearings before the Interior Committee. We had three bills pending there. One of them is mine, one is Senator Jackson's and one is Senator Tydings'. In the total environmental picture, all three bills have roughly the same objective. They provide, at this late date in history, for the creation of a high-level Presidential Council on Environmental Quality, composed of distinguished scientists from the appropriate disciplines, with the responsibility of evaluating the environmental activities in this country, privately and in government.

My bill creates also a Joint Committee on Environmental Quality composed of Senators and members of the House of Representatives, and requires the President to make an annual report on these matters to Congress and to the Committee.

If this legislation passes, it will give visibility for the first time to the environmental problems that we face. The Council itself will have the kind of prestige that will be recognized and respected. And, the annual report will get the kind of publicity which helps formulate the public understanding and political support for action to reverse the trend of degrading our environment.

I will conclude with one other example of critical importance to the scientist and to political decision makers. Since World War II, and particularly in the past 10 or 12 years, the public and the Congress have accepted without critical evaluation practically all the recommendations of the military-industrial complex about what is needed for the defense of this country.

Now for the first time, you are seeing a real debate over whether this country should deploy an antiballistic missile system. In my judgment, this could not have happened 2 years ago.

But now, the public and Congress have decided, partly on the basis of the Vietnam War, that the military-industrial complex is not infallible after all.

After four scientific advisors to the last three Presidents advised against the deployment of an antiballistic missile system on the grounds that we do not have the sophisticated technology to make it work against an all-out attack by Russia, we are questioning the ABM—scientists are, the people are, Congress is.

The problem here is that for the first time in 20 years the two great powers are reasonably balanced. We would not dare attack them because, after our first strike—no matter what it was—they could retaliate and impose unacceptable losses on us. And they are in the same situation. Why not leave it there? They have a count on everything we have—we have a count on everything they have. We know what they have underwater—and they know what we have underwater. And if we deploy the ABM to protect our offensive missile sites, which is the argument of the Administration, what about those 700 missiles we have cruising in submarines under the seas, an arsenal large enough to destroy any country in the world anywhere? So why deploy ABM? Why in heaven's name does the military-industrial complex insist upon it?

Well, I think it is because their function is military affairs. They will buy all the systems with all the money that you can furnish them.

Last year, we had 14 votes in the Senate against ABM. Since then, we have had overwhelming scientific evidence presented to us in many forms. And now, finally—a year later—the hard questions about ABM are being asked by Senators and Congressmen who more than ever before know the merits and demerits of the case, in large part because of the dialogue with the scientists.

The ABM has been another case demonstrating the critical need for the scientific community to supply resources and information so that there can be a valid, honest debate on critically important questions.

The next issue is MIRV, a multiple independently targeted reentry vehicle. If we deploy MIRV and the Russians deploy a similar system, we each will have spent billions of dollars. And, when it is all over, we will stand again in the same relative position in terms of military power vis-a-vis each other as we were before we started.

This is the issue at stake. Until this country and Russia place a little more energy in the direction of deescalating the arms race instead of escalating it, and allocating our resources to the problems of our social structure at home and the underdeveloped countries around the world, we cannot have peace and security on earth.

But in achieving our social goals, I repeat again, the scientific community is a critical factor.

THE BOXCAR SHORTAGE

Mr. PEARSON. Mr. President, again I invite the attention of the Senate to the grave national problem caused by the shortage of boxcars. In the Western States, grain is overflowing the elevators and, in some instances, spoiling on the ground.

Unfortunately, the situation is growing worse. Not only is more grain being produced annually, but the number of available boxcars is gradually decreasing. At present, an insufficient number of new cars are being built, and an alarming number of cars are being retired by the railroads. Further, the continued practice of the Eastern railroads to delay the return of cars so desperately needed in my area of the Nation has aggravated this impending crisis.

I ask unanimous consent to have printed in the RECORD an article from the Huchinson, Kans., News, which indicates the dimensions of this pressing problem.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOXCAR SHORTAGE THREATENS SMALL SOUTHWEST KANSAS ELEVATORS

(By Jeanette Jackson)

Southwest Kansas, crippled by an extended railroad car shortage, is rapidly approaching a major crisis which could break many small elevators and cause tremendous monetary losses among larger cooperatives.

Co-op managers are unanimous in their stories of back logged railroad boxcars and hopper orders. Some complain that railroad cars they do receive are not fit to use, and all say the situation is critical.

The situation stems from a national railroad problem which includes Rock Island, Missouri Pacific, and Santa Fe railroads. Most railroad officials have remained noncommittal in discussing the problem with coop managers, telling them only that cars are not available.

"We're critically short," exclaimed J. L. Heacock, manager of the Minneolo Cooperative. "We haven't gotten cars we ordered back in December."

At the end of December the Coop had 244,000 bushels of wheat to move out under contract, but has been able to get only enough cars to move 125,000 bushels. The Coop has purchased about 250,000 bushels more. Today there is 350,000 bushels to move.

Allowing 2,000 bushels per boxcar, the Minneola Coop needs 175 boxcars.

"The rate we're getting boxcars, it will be fall before the wheat is moved. We could have another wheat harvest before we get it moved," Heacock added ruefully.

The Minneola Coop is served by the Rock Island and Heacock leveled sharp criticism at the railroad.

"The railroad said they don't have the cars. They've given us some, but they're in terrible condition. We've loaded all that's fit to load, but 50 per cent of them aren't fit. They are contaminated. There are holes in the car floors. Some cars don't even have doors on them.

"With $400,000 tied up in capital, our interest rate over the last three weeks has been much more than what we make out of wheat," he added. He said interest has amounted to nearly $100 per day.

Fred Eaton, of Tribune, reports the cooperative there has contracts for 340,000 bushels of cash wheat waiting for boxcars to move it.

"All we can do is sit here and sweat it out. We're desperately in need of railroad cars," he said.

The Missouri Pacific Railroad car distributor out of St. Louis, Mo., advised Eaton that the railroad was doing all it could and would ship the cars as soon as they could get them.

Last week Eaton said he had gotten only two cars.

"It has never been this bad before," he said. "We always have a problem by the end of wheat harvest, but it's much worse now than then."

The three elevators in the cooperative are averaging only six cars per week.

He said all the elevators in the area including Marienthal, Horace, and Tribune are "fighting for cars".

The Johnson Cooperative Grain Co. at Johnson is another big elevator complex which moves large quantities of grain out of Kansas into the export field.

The four elevators there have been averaging four or five cars per week and most of the wheat is going into Gulf export facilities.

"I think Santa Fe railroad has done a better job than some of the other railroads," Eugene Friesen, manager of the Johnson Co-op, said. "This has been equal to or worse than last harvest season."

Wednesday the elevator loaded 15 cars and Friesen seemed optimistic about a possible break in the situation.

So far the Johnson grain firm hasn't suffered any loss because of the boxcar shortage, Friesen said.

The car shortage at Garden City remains fairly critical with only five cars moving out this week.

Sherman Baird, manager of the Garden City Cooperative, said they were still 60 cars short of their requirements. They have had car orders backlogged since Jan. 13 and 16, and have been unable to meet their wheat contracts. This has caused some financial loss to the cooperative. It has run about a cent per bushel, amounting to about $2,000, he said.

"There's no way to protect yourself from this kind of problem," Baird said, talking about the three-week delay on shipments.

Baird blamed part of the Southwest Kansas problem on eastern railroads who are using Midwest boxcars in the east rather than returning them to their owners.

"The cars are left on foreign lines and they pay a rental fee for the cars. It's cheaper than buying enough cars for their own use. Santa Fe Railroad is innocent of this. They put on more new hopper cars than any other line in 1969," Baird said. "They have sufficient numbers of cars to take care of our needs if they could get the cars back home."

He said the last 30 to 45 days had been worse than in the fall.

Two weeks ago Southwest Kansas grain dealers complained to the Kansas Corporation Commission. Dale Saffels, KCC chairman, in turn complained to the ICC.

Tuesday, Senate Majority Leader Mike Mansfield of Montana called for cooperation by the Interstate Commerce Commission, Congress, and railroads in reducing the boxcar shortage.

The boxcar shortage is hampering grain and lumber shipping in Montana, the Northwest, and in the Midwest.

"If this goes into May or June, it could really be a bad harvest season. Farmers are in a tight squeeze right now," Heacock said. "We're in pretty good financial condition ourselves, but some elevators could be broken if this continues. It will hurt us some too."

REFUGEE PROBLEM IN EASTERN NIGERIA

Mr. HUGHES. Mr. President, nine Senators and 20 Members of the House have signed a statement expressing their concern with regard to the refugee problem in eastern Nigeria.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE NIGERIAN CRISIS, FEBRUARY 10, 1970

We are appalled by the dimensions of the potential tragedy in the former Eastern Region of Nigeria. Initial reports from the territory liberated by the surrender are contradictory. United Nations Secretary General U Thant painted an optimistic picture, while the United Nations representative in Nigeria later gave a much more solemn reading on the relief situation. Press dispatches give very disturbing accounts, while the Nigerian government remains optimistic.

We understand from the report of Dr. Western, who recently visited the enclave, that 10,500 tons of food are needed weekly. During the Senate Subcommittee on Refugee hearings, it was stated that only 140 tons of food had gotten in during the first week and one-half after the end of the war. From our knowledge of the relief problem in the past and from the testimony of Drs. Taylor and Western, it is clear that the need for relief is immediate and desperate.

President Nixon has made an unequivocal commitment to provide aid to insure that the needs of all Nigerians are met. Nonetheless, confusion surrounds the existing relief conditions and there are indications of widespread and desperate need for food. We therefore call upon the President to use the full power of his office to insure that food be gotten into the areas of need without delay.

To this end we call upon the President to:

1. Continue the presence of expert observers in the area of need to update and present reliable information which is an indispensable basis for action.

2. Present to the Nigerian Government all the information at our disposal respecting the present situation. We feel that the information gathered by experts would be useful to the Nigerian Government.

3. Convey to the Nigerian Government our feeling that the food crisis can be eased immensely by utilizing individuals and agencies experienced in handling similar emergencies throughout the world.

4. Convey to the Nigerian Government the President's informed opinion that the best way of meeting the critics would be to open an airfield in the area of need immediately. Alternatively, supplies could be air dropped. Poor ground transportation makes an air lift essential.

5. Emphasize to General Gowan that he has a unique opportunity for promoting life and for fostering Nigerian unity. The next few days will determine whether the Nigerian Government goes down in history as one of the great humanitarian governments of the world or whether that government will carry with it for generations the stigma of having lost thousands of its citizens through insufficient action. The possibility is there too for the government to show the people of this devastated area that they are welcome members of the Nigerian community.

We realize that the Nigerian Government has full sovereignty over its territory. But the imminent tragedy is a human one, and we must do all we can to insure that the human needs of all Nigerians are met.

Birch Bayh, Frank Church, Alan Cranston, Philip A. Hart, Harold E. Hughes, Daniel K. Inouye, George McGovern, Walter F. Mondale, Joseph M. Montoya, Members of the Senate.

Joseph P. Addabbo, George E. Brown, Jr., Daniel E. Button, Shirley Chisholm, Don Edwards, Leonard Farbstein, Jacob H. Gilbert, James J. Howard, Robert L. Leggett, Abner J. Mikva, Patsy T. Mink, Richard L. Ottinger, William F. Ryan, James H. Scheuer, Frank Thompson, Jr., Charles H. Wilson, Edward I. Koch, Henry Helstoski, Phillip Burton, Augustus Hawkins, Members of Congress.

ENVIRONMENTAL DILEMMA

Mr. WILLIAMS of New Jersey. Mr. President, Sports Illustrated for February 2, 1970, includes an article which is undoubtedly one of the most discerning and cogent discussions of our environmental dilemma thus far published in the American press.

Lord Ritchie-Calder, noted British scientific author and United Nations science adviser, warns us that "mankind shares a common habitat—we have mortgaged the old homestead and nature is liable to foreclose."

I share the belief of the editors of Sports Illustrated—who reprinted the article from Foreign Affairs—that Lord Ritchie-Calder's excellent statement deserves the widest possible readership. I commend this article to Senators as a thorough overview of what has become the foremost issue of the day. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORTGAGING THE OLD HOMESTEAD

(By Lord Ritchie-Calder)

Past civilizations are buried in the graveyards of their own mistakes, but as each died of its greed, its carelessness or its effeteness another took its place. That was because such civilizations took their character from a locality or region. Today ours is a global civilization; it is not bounded by the Tigris and the Euphrates nor even the Hellespont and the Indus; it is the whole world. Its planet has shrunk to a neighborhood round which a man-made satellite can patrol 16 times a day, riding the gravitational fences of Man's family estate. It is a community so interdependent that our mistakes are exaggerated on a world scale.

For the first time in history, Man has the power of veto over the evolution of his own species through a nuclear holocaust. The overkill is enough to wipe out every man, woman and child on earth, together with our fellow lodgers, the animals, the birds and the insects, and to reduce our planet to a radioactive wilderness. Or the Doomsday Machine could be replaced by the Doomsday Bug. By gene manipulation and man-made mutations, it is possible to produce, or generate, a disease against which there would be no natural immunity; by "generate" is meant that even if the perpetrators inoculated themselves protectively, the disease in spreading round the world could assume a virulence of its own and involve them, too. When a British bacteriologist died of the bug he had invented, a distinguished scientist said, "Thank God he didn't sneeze; he could have started a pandemic against which there would have been no immunity."

Modern Man can outboast the Ancients, who in the arrogance of their material achievements built pyramids as the gravestones of their civilizations. We can blast our pyramids into space to orbit through all eternity round a planet which perished by our neglect.

A hundred years ago Claude Bernard, the famous French physiologist, enjoined his colleagues, "True science teaches us to doubt and in ignorance to refrain." What he meant was that the scientist must proceed from one tested foothold to the next (like going into a minefield with a mine detector). Today we are using the biosphere, the living space, as an experimental laboratory. When the mad scientist of fiction blows himself and his laboratory skyhigh, that is all right, but when scientists and decisionmakers act out of ignorance and pretend that it is knowledge, they are putting the whole world in hazard. Anyway, science at best is not wisdom; it is knowledge, while wisdom is knowledge tempered with judgment. Because of overspecialization, most scientists are disabled from exercising judgments beyond their own sphere.

A classic example was the atomic bomb. It was the Physicists' Bomb. When the device exploded at Alamogordo on July 16, 1945, and made a notch mark in history from which Man's future would be dated, the safebreakers had cracked the lock of the nucleus before the locksmiths knew how it worked. (The evidence of this is the billions of dollars which have been spent since 1945 on gargantuan machines to study the fundamental particles, the components of the nucleus; and they still do not know how they interrelate.)

Prime Minister Clement Attlee, who concurred with President Truman's decision to drop the bomb on Hiroshima, later said: "We knew nothing whatever at that time about the genetic effects of an atomic explosion. I knew nothing about fallout and all the rest of what emerged after Hiroshima. As far as I know, President Truman and Winston Churchill knew nothing of those things either, nor did Sir John Anderson, who coordinated research on our side. Whether the scientists directly concerned knew or guessed, I do not know. But if they did, then so far as I am aware, they said nothing of it to those who had to make the decision."

That sounds absurd, since as long before as 1927, Herman J. Muller had been studying the genetic effects of radiation, work for which he was later awarded the Nobel Prize. But it is true that in the whole documentation of the British effort, before it merged in the Manhattan Project, there is only one reference to genetic effects—a Medical Research Council minute which was not connected with the bomb they were intending to make; it concerned the possibility that the Germans might, short of the bomb, produce radioactive isotopes as a form of biological warfare. In the Franck Report, the most statesmanlike document ever produced by scientists, with its percipience of the military and political consequences of unilateral use of the bomb (presented to Secretary of War Henry L. Stimson even before the test bomb exploded), no reference is made to the

biological effects, although one would have supposed that to have been a very powerful argument. The explanation, of course, was that it was the Physicists' Bomb and military security restricted information and discussion to the bomb-makers, which excluded the biologists.

The same kind of breakdown in interdisciplinary consultation was manifest in the subsequent testing of fission and fusion bombs. Categorical assurances were given that the fallout would be confined to the testing area, but the Japanese fishing boat *Lucky Dragon* was "dusted" well outside the predicted range. Then we got the story of radiostrontium. Radiostrontium is an analog of calcium. Therefore in bone-formation an atom of nautral strontium can take the place of calcium and the radioactive version can do likewise. For all practical purposes radiostrontium did not exist in the world before 1945; it is a man-made element. Today every young person, anywhere in the world, whose bones were forming during the massive bomb-testing in the atmosphere, carries this brand mark of the Atomic Age. The radiostrontium in their bones is medically insignificant, but, if the test ban (belated recognition) had not prevented the escalation of atmospheric testing, it might not have been.

Every young person everywhere was affected, and why? Because those responsible for H-bomb testing miscalculated. They assumed that the upthrust of the H-bomb would punch a hole in the stratosphere and that the gaseous radioactivity would dissipate itself. One of those gases was radioactive krypton, which quickly decays into radiostrontium, which is a particulate. The technicians had been wrongly briefed about the nature of the troposphere, the climatic ceiling which would, they maintained, prevent the fallback. But between the equatorial troposphere and the polar troposphere there is a gap, and the radiostrontium came back through this fanlight into the climatic jet streams. It was swept all round the world to come to earth as radioactive rain, to be deposited on food crops and pastures, to be ingested by animals and to get into milk and into babies and children and adolescents whose growing bones were hungry for calcium or its equivalent strontium, in this case radioactive. Incidentally, radiostrontium was known to the biologists before it "hit the headlines." They had found it in the skin burns of animals exposed on the Nevada testing ranges and they knew its sinister nature as a "bone-seeker." But the authorities clapped security on their work, classified it as "Operation Sunshine" and cynically called the units of radiostrontium "Sunshine Units"—an instance not of ignorance but of deliberate noncommunication.

One beneficial effect of the alarm caused by all this has been that the atoms industry is, bar none, the safest in the world for those working in it. Precautions, now universal, were built into the code of practice from the beginning. Indeed it can be admitted that the safety margins in health and in working conditions are perhaps excessive in the light of experience, but no one would dare to modify them. There can, however, be accidents in which the public assumes the risk. At Windscale, the British atomic center in Cumberland, a reactor burned out. Radioactive fumes escaped from the stacks in spite of the filters. They drifted over the country. Milk was dumped into the sea because radioactive iodine had covered the dairy pastures.

There is the problem of atomic waste disposal, which persists in the peaceful uses as well as in the making of nuclear explosives. Low energy wastes, carefully monitored, can be safely disposed of. Trash, irradiated metals and laboratory waste can be embedded in concrete and dumped in the ocean deeps—although this practice raises some misgivings. But high-level wastes, some with elements the radioactivity of which can persist for hundreds of thousands of years, present prodigious difficulties. There must be "burial grounds" (or, euphemistically, "farms"), the biggest of which is at Hanford, Wash. The Hanford "farm" encloses a stretch of the Columbia River in a tract covering 575 square miles where no one is allowed to live or to trespass.

There, in the 20th-century Giza, it has cost more, much more, to bury live atoms than it cost to entomb the sun-god kings of Egypt. The capital outlay runs into hundreds of millions of dollars and the maintenance of the U.S. sepulchers is more than $6 million a year. (Add to that the buried waste of the U.S.S.R., Britain, Canada, France and China, and one can see what it costs to bury live atoms.) And they are very much alive. At Hanford they are kept in million-gallon carbon-steel tanks. Their radioactive vitality keeps the accompanying acids boiling like a witch's cauldron. A cooling system has to be maintained continuously. The vapors from the self-boiling tanks have to be condensed and "scrubbed" (radioactive atoms removed); otherwise a radioactive miasma would escape from the vents. The tanks will not endure as long as the pyramids and certainly not for the hundreds of thousands of years of the long-lived atoms. The acids and the atomic ferments erode the toughest metal, so the tanks have to be periodically decanted. Another method is to entomb them in disused salt mines. Another is to embed them in ceramics, lock them up in glass beads. Another is what is known as "hydraulic fraction": a hole is drilled into a shale formation (below the subsoil water); liquid is piped down under pressure and causes the shale to split laterally. Hence the atoms in liquid cement can be injected under enormous pressure and spread into the fissures to set like a radioactive sandwich.

This accumulating waste from fission plants will persist until the promise, still far from fulfilled, of peaceful thermonuclear power comes about. With the multiplication of power reactors, the wastes will increase. It is calculated that by the year 2000, the number of six-ton nuclear "hearses" in transit to "burial grounds" at any given time on the highways of the United States will be well over 3,000 and the amount of radioactive products will be about a billion curies, which is a mighty lot of curies to be roaming around a populated country.

The alarming possibilities were well illustrated by the incident at Palomares on the coast of Spain, when there occurred a collision of a refueling aircraft with a U.S. nuclear bomber on "live" mission. The bombs were scattered. There was no explosion, but radioactive materials broke loose and the contaminated beaches and farm soil had to be scooped up and taken to the United States for burial.

Imagine what would have happened if the *Torrey Canyon,* the giant tanker which was wrecked off the Scilly Isles, had been nuclear-powered. Some experts make comforting noises and say that the reactors would have "closed down," but the *Torrey Canyon* was a wreck and the Palomares incident showed what happens when radioactive materials break loose. All those oil-polluted beaches of southwest England and the coasts of Brittany would have had to be scooped up for nuclear burial.

The *Torrey Canyon* is a nightmarish example of progress for its own sake. The bigger the tanker, the cheaper the freightage, which is supposed to be progress. This ship was built at Newport News, Va. in 1959 for the Union Oil Company; it was a giant for the time—810 feet long and 104 feet beam—but five years later, that was not big enough. She was taken to Japan to be "stretched." The ship was cut in half amidship and a mid-body section inserted. With a new bow, this made her 974 feet long, and her beam was extended 21 feet. She could carry 850,000 barrels of oil, twice her original capacity.

Built for Union Oil, she was "owned" by the Barracuda Tanker Corporation, the head office of which is a filing cabinet in Hamilton, Bermuda. She was registered under the Liberian flag of convenience and her captain and crew were Italians recruited in Genoa. Just to complicate the international tangle, she was under charter to the British Petroleum Tanker Company to bring 118,000 tons of crude oil from Kuwait to Milford Haven in Wales, via the Cape of Good Hope. Approaching Lands End, the Italian captain was informed that if he did not reach Milford Haven by 11 p.m. Saturday night he would miss high water and would not be able to enter the harbor for another five days, which would have annoyed his employers. He took a shortcut, setting course between Seven Stones rocks and the Scilly Isles, and he finished up on Pollard Rock, in an area where no ship of that size should ever have been.

Her ruptured tanks began to vomit oil and great slicks appeared over the sea in the direction of the Cornish holiday beaches. A Dutch tug made a dash for the stranded ship, gambling on the salvage money. (Where the salvaged ship could have been taken one cannot imagine, since no place would offer harborage to a leaking tanker.) After delays and a death in the futile salvage effort, the British Government moved in with the navy, the air force and, on the beaches, the army. They tried to set fire to the floating oil which, of course, would not volatilize. They covered the slicks with detergents (supplied at a price by the oil companies), and then the bombers moved in to try to cut open the deck and, with incendiaries, to set fire to the remaining oil in the tanks. Finally the ship foundered and divers confirmed that the oil had been effectively consumed.

Nevertheless the result was havoc. All measures had to be improvised. Twelve thousand tons of detergent went into the sea. Later marine biologists found that the cure had been worse than the complaint. The oil was disastrous for seabirds, but marine organic life was destroyed by the detergents. By arduous physical efforts, with bulldozers and flamethrowers and, again, more detergents, the beaches were cleaned up for the holiday-makers. Northerly winds swept the oil slicks down Channel to the French coast with even more serious consequences, particularly to the valuable shellfish industry. With even bigger tankers being launched, this affair is a potentous warning.

Two years after *Torrey Canyon,* an offshore oil rig erupted in the Santa Barbara Channel. The disaster to wildlife in this area, which has island nature reserves and is on the migratory route of whales, seals and seabirds, was a repetition of the *Torrey Canyon* oil spill. And the operator of the lethal oil rig was Union Oil.

Another piece of stupidity shows how much we are at the mercy of ignorant men pretending to be knowledgeable. During the International Geophysical Year, 1957–58, the Van Allen Belt was discovered. This is an area of magnetic phenomena. Immediately it was decided to explode a nuclear bomb in the belt to see whether an artificial aurora could be produced. The colorful draperies and luminous skirts of the aurora borealis are caused by the drawing in of cosmic particles through the rare gases of the upper atmosphere—ionization it is called; it is like passing electrons through the vacuum tubes of our familiar fluorescent lighting. The name Rainbow Bomb was given it in anticipation of the display it was expected to produce. Every eminent scientist in the field of cosmology, radio astronomy or physics of the atmosphere protested at this irresponsible tampering with a system which we did not understand. And, typical of the casual attitude toward this kind of thing, the

Prime Minister of the day, answering protests in the House of Commons that called on him to intervene with the Americans, asked what all the fuss was about. After all, they hadn't known that the Van Allen Belt even existed a year before. This was the cosmic equivalent of Chamberlain's remark about Czechoslovakia, at the time of Munich, about that distant country of which we knew so little. They exploded the bomb. They got their pyrotechnics and we still do not know the cost we may have to pay for this artificial magnetic disturbance.

In the same way we can look with misgivings on those tracks—the white tails of the jets that are introducing into our climatic system new factors, the effects of which are immensurable. Formation of rain clouds depends upon water vapor having a nucleus on which to form. That is how artificial precipitation is introduced—the so-called rain-making. So the jets, crisscrossing the weather system, playing noughts and crosses with it, can produce a man-made change.

In the longer term we can foresee even more drastic effects from Man's unthinking operations. At the United Nations' Science and Technology Conference in Geneva in 1963 we took stock of the effects of industrialization on our total environment thus far. The atmosphere is not only the air which humans, animals and plants breathe, it is also the envelope that protects living things from harmful radiation from the sun and outer space. It is also the medium of climate, the winds and the rain. Those are inseparable from the hydrosphere—the oceans, covering seven-tenths of the globe, with their currents and extraordinary rates of evaporation; the biosphere, with its trees and their transpiration; and in terms of human activities, the minerals mined from the lothosphere, the rock crust. Millions of years ago the sun encouraged the growth of the primeval forests, which became our coal, and the plant growth of the seas, which became our oil. Those fossil fuels, locked away for eons of time, are extracted by man and put back into the atmosphere from the chimney stacks and the exhaust pipes of modern engineering. About six billion tons of carbon are mixed with the atmosphere annually. During the past century, in the process of industrialization, with its release of carbon by the burning of fossil fuels, more than 400 billion tons of carbon have been artificially introduced into the atmosphere. The concentration in the air we breathe has been increased by approximately 10%, and if all the known reserves of coal and oil were burned at once the concentration would be 10 times greater.

This is something more than a public health problem, more than a question of what goes into the lungs of an individual, more than a question of smog. The carbon cycle in nature is a self-adjusting mechanism. Carbon dioxide is, of course, indispensable for plants and is, therefore, a source of life, but there is a balance which is maintained by excess carbon being absorbed by the seas. The excess is now taxing this absorption, and it can seriously disturb the heat balance of the earth because of what is known as the "greenhouse effect." A greenhouse lets in the sun's rays but retains the heat. Carbon dioxide, as a transparent diffusion, does likewise. It keeps the heat at the surface of the earth and in excess modifies the climate.

It has been estimated that, at the present rate of increase, the mean annual temperature all over the world might increase by 3.6° centigrade in the next 40 to 50 years. The experts may argue about the time factor and even about the effects, but certain things are apparent, not only in the industrialized northern hemisphere but in the southern hemisphere also. The north-polar ice cap is thinning and shrinking. The seas, with their blanket of carbon dioxide, are changing their temperature, with the result that marine plant life is increasing and is transpiring more carbon dioxide. As a result of the combination, fish are migrating, changing even their latitudes. On land the snow line is retreating and glaciers are melting. In Scandinavia, land which was perennially under snow and ice is thawing, and arrowheads of more than 1,000 years ago, when the black soils were last exposed, have been found. The melting of sea ice will not affect the sea level, because the volume of floating ice is the same as the water it displaces, but the melting of ice caps or glaciers, in which the water is locked up, will introduce additional water to the sea and raise the level. Rivers originating in glaciers and permanent snow fields will increase their flow; and if ice dams, such as those in the Himalayas, break, the results in flooding may be catastrophic. In this process the patterns of rainfall will change, with increased precipitation in some areas and the possibility of aridity in now fertile regions. One would be well advised not to take 99-year leases on properties at present sea level.

At that same conference, there was a sobering reminder of mistakes which can be writ large, from the very best intentions. In the Indus Valley in West Pakistan, the population is increasing at the rate of 10 more mouths to be fed every five minutes. In that same five minutes in that same place, an acre of land is being lost through waterlogging and salinity. This is the largest irrigated region in the world. Twenty-three million acres are artificially watered by canals. The Indus and its tributaries, the Jhelum, the Chenab, the Ravi, the Beas and the Sutlej, created the alluvial plains of the Punjab and the Sind. In the 19th century, the British began a big program of farm development in lands which were fertile but had low rainfall. Barrages and distribution canals were constructed. One thing which, for economy's sake, was not done was to line the canals. In the early days, this genuinely did not matter. The water was being spread from the Indus into a thirsty plain and if it soaked in so much the better. The system also depended on what is called "inland delta drainage," that is to say, the water spreads out like a delta and then drains itself back into the river. After independence, Pakistan, with external aid, started vigorously to extend the Indus irrigation. The experts all said the soil was good and would produce abundantly once it got the distributed water.

There were plenty of experts, but they all overlooked one thing—the hydrological imperatives. The incline from Lahore to the Rann of Kutch—700 miles—is a foot a mile, a quite inadequate drainage gradient. So as more and more barrages and more and more lateral canals were built, the water was not draining back into the Indus. Some 40% of the water in the unlined canals seeped underground, and in a network of 40,000 miles of canals that is a lot of water. The result was that the water table rose. Low-lying areas became waterlogged, drowning the roots of the crops. In other areas the water crept upward, leaching salts that accumulated in the surface layers, poisoning the crops. At the same time the irrigation regime, which used just 1½ inches of water a year in the fields, did not sluice out those salts but added, through evaporation, its own salts. The result was tragically spectacular. In flying over large tracts of this area, one would imagine that it was an Arctic landscape because the white crust of salt glistens like snow.

The situation was deteriorating so rapidly that President Ayub appealed in person to President Kennedy, who sent out a high-powered mission which encompassed 20 disciplines. This was backed by the computers at Harvard. The answers were pretty grim. It would take 20 years and $2 billion to repair the damage—more than it cost to create the installations that did the damage. It would mean using vertical drainage to bring up the water and use it for irrigation, and also to sluice out the salt in the surface soil. If those 20 scientific disciplines had been brought together in the first instance, it would not have happened.

One more instance of the far-flung consequences of Man's localized mistakes: no insecticides or pesticides have ever been allowed into the continent of Antarctica. Yet they have been found in the fauna along the northern coasts. They have come almost certainly from the northern hemisphere, carried from the rivers of the farm states into the currents sweeping south. In November 1969, the U.S. Government decided to "phase out" the use of DDT.

Pollution is a crime compounded of ignorance and avarice. The great achievements of *Homo sapiens* become the disaster-ridden blunders of unthinking Man—poisoned rivers and dead lakes, polluted with the effluents of industries which give something called "prosperity" at the expense of posterity. Rivers are treated like sewers and lakes like cesspools. These natural systems—and they are living systems—have struggled hard. The benevolent micro-organisms which cope with reasonable amounts of organic matter have been destroyed by mineral detergents. Witness our foaming streams. Lake Erie did its best to provide the oxygen to neutralize the pickling acids of the great steelworks. But it could not contend. It lost its oxygen in the battle. Its once rich commercial fishing industry died and its revitalizing micro-organic life gave place to anaerobic organisms which do not need oxygen but give off foul smells, the mortuary smells of dead water. As one Erie industrialist retorted, "It's not our effluent; it's those damned dead fish."

We have had the Freedom from Hunger Campaign; presently we shall need a Freedom from Thirst Campaign. If the International Hydrological Decade does not bring us to our senses, we will face a desperate situation. Of course it is bound up with the increasing population, but also with the extravagances of the technologies which claim that they are serving that population. There is a competition between the water needs of the land which has to feed the increasing population and the domestic and industrial needs of that population. The theoretical minimum to sustain living standards is about 300 gallons a day per person. This is the approximate amount of water needed to produce grain for 2½ pounds of bread, but a diet of two pounds of bread and one pound of beef would require about 2,500 gallons. And that is nothing compared with the gluttonous requirements of steel-making, paper-making and the chemical industry.

Water—just H_2O—is as indispensable as food. To die of hunger one needs more than 15 days. To die of thirst one needs only three. Yet we are squandering, polluting and destroying water. In Los Angeles and neighboring Southern California, a thousand times more water is being consumed than is being precipitated in the locality. They have preempted the water of neighboring states. They are piping it from Northern California, and there is a plan to pipe it all the way from Canada's Northwest Territories, from the Mackenzie and the Liard, which flow northward to the Arctic Ocean, to turn them back into deserts.

Always and everywhere we come back to the problem of population—more people to make more mistakes, more people to be the victims of the mistakes of others, more people to suffer hell upon earth. It is appalling to hear people complacently talking about the population explosion as though it belonged to the future, or world hunger as though it were threatening, when hundreds of millions can testify that it is already here—swear it with panting breath.

We know to the exact countdown second when the nuclear explosion took place—5:30 a.m., July 16, 1945, when the first device went off in the desert of Alamogordo, N. Mex. The fuse of the population explosion had been lit 10 years earlier—February 1935. On that day a girl called Hildegarde was dying of generalized septicemia. She had pricked her finger with a sewing needle and the infection had run amok. The doctors could not save her. Her desperate father injected a red dye into her body. Her father was Gerhard Domagk. The red dye was prontosil, which he, a pharmaceutical chemist, had produced and had successfully used on mice lethally infected with streptococci, but never before on a human. Prontosil was the first of the sulfa drugs—chemotherapeutics—which could attack the germ within the living body. Thus was prepared the way for the rediscovery of penicillin—rediscovery because, although Fleming had discovered it in 1928, it had been ignored; neither he nor anybody else had seen its supreme virtue of attacking germs within the living body. That is the operative phrase, for while medical science and the medical profession had used antiseptics for surface wounds and sores, they were always labeled "Poison, not to be taken internally." The sulfa drugs had shown that it was possible to attack specific germs within the living body and had changed this attitude. So when Chain and Florey looked again at Fleming's penicillin in 1938, they were seeing it in the light of the experience of the sulfas.

A new era of disease-fighting had begun—the sulfas, the antibiotics, DDT insecticides. Doctors could now attack a whole range of invisible enemies. They could master the old killer diseases. They proved it during the war, and when the war ended there were not only stockpiles of the drugs, there were tooled-up factories to produce them. So, to prevent the spread of the deadly epidemics which follow wars, the supplies were made available to the war-ravaged countries with their displaced persons, and then to the developing countries. Their indigenous infections and contagions and insect-borne diseases were checked.

Almost symbolically, the first great clinical use of prontosil had been in dealing with puerperal sepsis, childbed fever. It had spectacularly saved mothers' lives in Queen Charlotte's Hospital, London. Now its successors took up the story. Fewer mothers died in childbirth, to live and have more babies. Fewer infants died, fewer toddlers, fewer adolescents. They lived to marry and have children. Older people were not killed off by, for instance, malaria. The average life-span increased.

Professor Kingsley Davis of the University of California at Berkeley, the authority on urban development, has presented a hair-raising picture from his survey of the world's cities. He has shown that 38% of the world's population is already living in what are defined as urban places. More than one-fifth of the world's population is living in cities of 100,000 or more. And more than one-tenth of the world's population is now living in cities of a million or more inhabitants. In 1968, 375 million people were living in million-and-over cities. The proportions are changing so quickly that on present trends it would take only 16 years for half the world's population to be living in cities and only 55 years for it to reach 100%.

Within the lifetime of a child born today, Kingsley Davis foresees, on present trends of population increase, 15 billion people to be fed and housed—nearly five times as many as now. The whole human species would be living in cities of a million and over inhabitants, and—wait for it!—the biggest city would have 1.3 billion inhabitants. That means 186 times as many as there are in Greater London.

For years the Greek architect Doxiadis has been warning us about such prospects. In his Ecumenopolis—World City—one urban area would ooze into the next, like confluent ulcers. The East Side of World City would have as its High Street the Eurasian Highway stretching from Glasgow to Bangkok, with the Channel Tunnel as its subway and a built-up area all the way. On the West Side of World City, divided not by the tracks but by the Atlantic, the pattern is already emerging, or rather, merging. Americans already talk about Boswash, the urban development of a built-up area stretching from Boston to Washington; and on the West Coast, apart from Los Angeles sprawling into the desert, the realtors are already slurring one city into another all along the Pacific Coast from the Mexican border to San Francisco. We don't need a crystal ball to foresee what Davis and Doxiadis are predicting; we can already see it through smog-covered spectacles. A blind man can smell what is coming.

The danger of prediction is that experts and men of affairs are likely to plan for the predicted trends and confirm these trends. "Prognosis" is something different from "Prediction." An intelligent doctor, having diagnosed your symptoms and examined your condition, does not say (except in novelettes), "You have six months to live." An intelligent doctor says, "Frankly, your condition is serious. Unless you do so-and-so, and I do so-and-so, it is bound to deteriorate." The operative phrase is "do so-and-so." We don't have to plan for trends; if they are socially undesirable our duty is to plan away from them, to treat the symptoms before they become malignant.

We have to do this on the local, the national and the international scale, through intergovernmental action, because there are no frontiers in present-day pollution and destruction of the biosphere. Mankind shares a common habitat. We have mortgaged the old homestead and nature is liable to foreclose.

AIR CARGO PILFERAGE AND SMALL BUSINESS

Mr. JAVITS. Mr. President, I invite attention to the excellent efforts of the Select Committee on Small Business, of which the distinguished senior Senator from Nevada (Mr. BIBLE) is the chairman, to attempt to alleviate the serious impact of crime against the small businessman. The select committee, on which I serve as ranking minority member, last December filed with the Senate two reports which detail its findings and provide specific recommendations to begin the development of preventive measures to cope with this growing problem now threatening the economic stability of many small businesses. One volume of this two-part report deals with the growing incidence of crime at U.S. airports, the wholesale theft and pilferage of goods in air commerce.

An outstanding analysis of this problem and the efforts of the committee and its chairman to develop remedial measures to curb it was published in the Los Angeles Times of December 14, 1969. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Dec. 14, 1969]

PILFERED CARGOES—AIRPORT THEFTS: SALAMIS, WIGS AND WATCHES

(By Robert E. Dallos)

NEW YORK.—Armed guards with vicious dogs . . . special dual lens surveillance cameras . . . unmarked boxes, recognizable only by secret symbols . . . time-locked rooms . . . hidden closed-circuit TV cameras.

A scene from Mission Impossible?

No. Just a few of the precautions being instituted at the nation's airports to stifle the staggering rise in cargo thefts and pilferage.

But thus far even these means haven't made a dent in the systematic stealing of air freight. It has been estimated that 2% of all tonnage shipped to, from and within the United States by air somehow goes astray.

According to the American Institute of Marine Underwriters, an organization of more than 100 insurance companies, there were 967 claims of $1,000 or more in the first 11 months of this year. They totaled $5,816,401, compared with $3,168,572 for all of 1968.

PASSED ON TO CONSUMERS

"The thievery-pilferage plague at our major airports, especially at international ports of entry," says Sen. Alan Bible (D-Nev.) "is a major part of the biggest multibillion-dollar racket nationally today—stealing from business. To permit such thievery to continue jeopardizes many businesses who cannot stand the impact." He figures the result is higher prices for consumers as the companies seek to recover the added costs.

The Select Committee on Small Business, chaired by Bible, recently held hearings on the criminal disappearance of air cargo. It is expected to report its findings soon and to make recommendations for legislation.

A major concern of the committee is what it terms the apathetic or passive attitude of the carriers. Thieves are having a field day partly because the liability airlines have for such losses is limited by law. Hence, the loss to the lines often isn't as great as to the shippers.

Most all parties involved in shipping by air, Bible says, have been "negligent at the worst, or inattentive at the best." In surveys of major airports, the Bible committee said it found "important deficiencies in security arrangements."

These included inadequate fencing of cargo areas or no fences at all; unlimited access to cargo terminals and warehouses; general employe parking right next to cargo terminals, and warehouses and no employe identification systems to prevent entry into cargo and handling areas by unauthorized personnel.

VIEW ON REPORTING

Also, since no accurate reporting system exists, it is difficult to determine the extent of losses or at which point most take place, the committee believes.

The airlines, on the other hand, oppose any government intervention. While admitting that a serious problem exists, they deny they are lax. They contend thay are taking steps to correct the situation, that the amount stolen is minuscule in relation to the total tonnage they carry and that the crime is the result of the phenomenal growth in the air cargo business in the last few years with which they haven't been able to keep pace.

CARGO PROBLEM

"We're just getting out of our britches and into long, long pants," says Frank A. Cardman, the director of Pan American World Airways' newly created security department. "All of the airlines had paid more attention to passenger operations than they did to cargo. Cargo has become a feature in only the last seven or eight years."

Cardman says the losses of his line this year from damage and loss to cargo and baggage might reach $5 million

While cargoes have been disappearing at such terminals as Los Angeles, Chicago, Boston and Miami, the dilemma is greatest at New York's John F. Kennedy International Airport, which handles the greatest amount of cargo coming into and going out of the country.

At Kennedy in the first nine months of the year there were 448 reported cases of criminal loss of cargo, an increase of 369% over the similar nine-month period of 1968; the value of shipments lost in the first nine months of this year rose to $2,859,148, an increase of 106% over the $1,384,779 over a similar period in 1968.

The Bulova Watch Co. lost $133,000 worth of imported watches at Kennedy Airport in the first six months of this year, 5% of all its air shipments. The figure is about $100,000 over last year's first half.

WATCHES DISAPPEAR

The entire watch industry is being similarly victimized. Gerhard Ditesheim, president of the American Watch Assn., says $2.5 million worth of watches and their components have disappeared since the beginning of 1967.

"In a good year," he says, "profits for the entire watch-importing industry probably amount to only about $15 million. Such losses are of utmost seriousness to our industry."

The disapperance of a shipment often has graver consequences than just the loss of the cash value of the merchandise. Many importers and retailers have conducted costly promotions for new lines of such products as watches and apparel only to have the shipment stolen en route. Business lost in this manner, merchants say, can never be recovered and is not covered by insurance.

There's hardly a product, in fact, which the air cargo thieves ignore.

Leading the list of claims paid by the Marine Underwriters group were stolen shipments of knitwear and other wearing apparel. They accounted for 232 claims totaling more than $1 million thus far this year. The loss of watches totaled $41,631, photographic equipment accounted for $209,337 of the payouts and fur coats and stoles, $190,752.

Wigs seemed to have been in vogue in 1969 as well. The insurers paid five claims worth $33,433 for human hair and 16 for manufactured wigs worth $59,409.

Airline officials say that when the underworld is involved in a theft, entire shipments—often truckloads vanish. For example, a truck rolls up to an airline cargo loading dock, its occupants dressed in legitimate-looking uniforms. They carry fraudulent documents. They load their trucks with a shipment and drive off to dispose of it with an underworld fence.

Most observers feel that many thefts are accomplished with the help of airline or trucking employes who apprise crooks of the contents of the valuable shipments and times of arrival.

SALAMIS, TOO

In addition, employees often break open shipments and help themselves. A large importer of Italian salamis reported that in every single shipment, he loses about 10% of his sausages. The goods, he surmises, are eaten for lunch in the warehouses.

"Employes are so brazen," says one clothing importer, "they'll go home with a size 10 dress. When they find it doesn't fit their wives or the color isn't right, they'll bring it back the next day and 'exchange it'."

Pan American recently caught three employes who had driven a cargo truck loaded with watches into the employe parking lot and transferred a $14,000 shipment to an automobile.

The Bible committee hopes to spark legislation raising the amounts for which airlines are liable for shipping losses.

Current domestic air carrier tariffs provide for a limitation on the carrier's liability to 50 cents a pound on domestic shipments and $7.48 a pound on international shipments (as specified in the Warsaw Convention.)

Excess valuation above the domestic limits may be declared by the shipper at a charge generally of 10 cents per $100 of liability and shippers can insure their cargoes with private insurance companies if they wish, though with the growing loss rate, the premiums are becoming "prohibitive" to most shippers.

One spectacular example of the air carriers' limited responsibility was underscored by a theft last September of $262,000 in diamonds and cash from an air cargo terminal at Kennedy. The shipment weighed 48½ pounds making the air carrier's liability only $362.79.

Meantime, the airlines point to specific steps towards a crackdown. In New York 43 domestic and foreign airlines and various other groups recently set up the Airport Security Council. Its aim is to curtail crime at New York's airports.

POLICE DOGS

The New York council, headed by Mario T. Noto, a former high official of the U.S. Immigration Department, has spurred a number of precautionary actions.

Noto says that a photographic badge system the council instituted already covers 90% of all airline employes at Kennedy and half of all the outsiders—such as truckers—who must gain regular access to cargo areas.

At the urging of the council, the airlines have instituted or are studying numerous antitheft means.

At Swiss Air's Kennedy facilities, guards patrol with police dogs; KLM recently began using a padlocked box for watch shipments. It is locked in Europe in the presence of airline employes and unlocked when the importer shows up for his shipments on the American end. KLM hasn't lost a watch since the system was set up.

Half a dozen airlines at Kennedy have started to use a dual lens camera called a "Regiscope." It takes simultaneous photos of persons picking up shipments and the cargo's documents. A number of airlines have installed a closed-circuit TV system so guards may watch all the movements in warehouses and some airlines have strongrooms for valuable cargoes which can only be unlocked at certain times or by using special card devices available only to authorized employes.

Many importers now get shipments in unmarked crates so thieves can't identify the products inside. Watchmakers no longer put names on boxes. They use secret symbols which are changed often.

Some manufacturers ship their finished goods in pieces. A shoe manufacturer reportedly ships all left shoes in one load and the right ones in another.

But despite some protective actions, most observers believe the airlines won't be able to move quickly enough to keep pace with the expected rise in air cargo transportation.

The use of air freight is growing at about 21% a year. Nearly 3 billion tons are being shipped by air into, out of and within the limits of the United States.

With the advent of the new generation of jet aircraft (the new Boeing 747 is capable of carrying the equivalent of 100 Volkswagen automobiles) air cargo is expected to quadruple in the next decade.

RURAL DEVELOPMENT

Mr. MONDALE. Mr. President, after tracing population growth patterns in the United States for the past several decades, it is impossible to avoid the conclusion that a great many of the critical problems facing urban centers have their roots in rural depletion.

Millions of Americans have been forced, for want of suitable economic opportunity, to relocate in and around the Nation's cities, adding to the too-heavy demands already placed upon public services and institutions and contributing their share to congestion and to the pollution of the urban environment. And more of the same lies ahead. If current trends continue, says James Sundquist, of the Brookings Institution, some 77 percent of the predicted 300 million people in our population at the end of this century will be jammed onto only 11 percent of the Nation's land area. That means that we will have substantially more city residents then than the entire U.S. population today.

The need for effective measures to stop the migration—and to reserve it—is clear. Unless we begin actively seeking a balance in the economic attractiveness of rural and urban areas, the cities—no matter how much Federal technical and financial help is made available—will become unmanageable and unlivable.

President Nixon has responded to these prospects with rhetoric, such as the reference in his state of the Union address to a "national growth policy." Meanwhile, however, his administration has been gradually dismantling the few programs aimed at rural development which were in operation at the beginning of 1969.

The actions and inactions which lead to concern are listed in a letter which I and a number of other Senators today send to the President. A similar letter is being transmitted by a group from the House of Representatives.

I urge all to read this letter to note why current policy has been and is creating a negative attitude among many leaders in rural America. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 10, 1970.

DEAR MR. PRESIDENT: We are becoming increasingly concerned about your Administration's approach to the problems and needs of rural America.

While the rhetoric of your State of the Union Address was encouraging, it is heavily outweighed by the apparent indifference and inaction which best describe the record of your first year. We are particularly distressed by the following:

The quiet dismantling of the Agriculture Department's Rural Community Development Service.

The assignment of the now curtailed USDA rural development responsibility to the Cooperative Extension Service—an agency which does not report to the Assistant Secretary for Rural Development.

The phasing out, without Congressional notification, of USDA's rural community recreation loan program and HUD's program of advances for public works planning.

The failure to support with staff or other meaningful efforts the nonmetropolitan multi-county planning program within the Department of Housing and Urban Development.

The failure to seek meaningful improvements, aimed at strengthening family farm income, in agricultural commodity programs.

Despite Congressional directives calling for increased concentration on rural poverty, OEO rural programs are being reduced and eliminated. The Office of Rural Affairs has been abolished, and the only remaining staff unit with a broad rural function is being dismantled.

The naming of a White House Task Force to stimulate rural development has done little to produce action. The membership of this group shows it to be unrepresentative of

the cross section of the community actually concerned with rural development. Their meetings have been held in secret. Their report and recommendations are long overdue.

The appointment of a Rural Affairs Council within the Administration was accompanied with the announcement that it would not have its own coordinating executive officer.

The early-named Council on Urban Affairs immediately constituted a Subcommittee on "Internal Migration" to focus on the vital rural-urban balance question, but that group formulated no policy and died a quiet death.

These and other concerns are of extreme importance to our constituents, our communities, our States and regions. They are serious enough to have brought us together to direct this letter to your attention.

Mr. President, they are great enough that we respectfully request that you immediately begin setting forth a plan of action for rural America that will provide the leadership and resources necessary to not only avoid further economic deterioration, but to so broaden its development base and opportunities so that rural to city migration patterns will be reversed to the benefit of a restless Nation.

Sincerely,

HOWARD W. CANNON, THOMAS F. EAGLETON, J. W. FULBRIGHT, ALBERT GORE, FRED R. HARRIS, HAROLD E. HUGHES, DANIEL K. INOUYE, B. EVERETT JORDAN, GEORGE MCGOVERN, WALTER F. MONDALE, JOSEPH M. MONTOYA, FRANK E. MOSS, EDMUND S. MUSKIE, JENNINGS RANDOLPH, HARRISON WILLIAMS, RALPH YARBOROUGH.

Mr. MONDALE. Mr. President, I must also alert Senators to the fact that these distressing events will be further compounded if the administration's budget proposals for rural programs are permitted to stand.

A review of the budget shows it is requesting across-the-board reductions for the Agriculture Department's Farmers Home Administration. Certainly we will be told the reason for slashing programs to eliminate shameful living conditions in rural America is to help halt inflation. But I cannot accept this knowing full well the conditions which exist in the countryside.

The Farmers Home Administration, cut to a shell during the years of Ezra Taft Benson, had been given a new vigor by Secretary Orville Freeman. Now, in the 1971 budget, we see requested reduction of over $100 million in key grant and loan programs of the agency.

For example, the President is asking for cuts of $37.5 million for direct real estate loans, $22 million in rural water and waste disposal grants, the elimination of the direct rural loan account program, reducing rural housing insurance loans by $11 million, and cutting by 40 percent the self-help housing programs.

Hopefully, these proposed reductions will face opposition both in the Congress and by a concerned constitutency. This past weekend, the formation of a National Rural Housing Coalition was announced. More than 100 National and State leaders from the fields of rural affairs, labor, religion, education politics, business and minority-support organizations make up the initial group of directors and sponsors.

Mr. President, the purpose of the coalition is threefold:

Develop and support legislation that establishes and adequately funds low-income housing programs for rural areas and small towns.

Build at the grass roots and at the national level an awareness that six million rural American families live in houses that jeopardize their health and degrade their lives.

Provide a focal point for all who want to insure that the congressional commitment of two decades ago—a suitable living environment for every American family—is fulfilled.

Serving as honorary chairman of the coalition are Senators GEORGE MCGOVERN and CHARLES GOODELL and Congressman JOHN CONYERS, JR. I am privileged to be listed among the committee of sponsors. Mr. Clay Cochran is chairman of the board of directors.

Mr. President, I ask unanimous consent to have printed in the RECORD documents which list facts about the rural housing crisis, the National Rural Housing Coalition, its board of directors, and committee of sponsors.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FACTS ABOUT THE RURAL HOUSING CRISIS

One measure of the rural housing crisis is found in the 1967 Report by the President's National Advisory Commission on Rural Poverty, "People Left Behind." Using census data, the President's Commission reported the following condition of rural housing in America:

In 1960, 27 percent of occupied rural housing was classified as substandard—deteriorating or dilapidated—compared with 14 percent for urban areas.

Of the 9.2 million substandard occupied housing units in the nation, 3.9 million were in rural areas.

More than a million rural homes are dilapidated—structurally unsafe for human occupany. Many of these homes are beyond repair.

Less than 1 in 4 occupied rural farm dwellings have water piped into their homes.

About 30 percent of all rural families still use the traditional privy.

Fewer than half of all rural homes have central heating. Most rural homes are heated by kerosene-, gas-, wood-, or coal-burning stoves. The result is uneven heating and an ever-present danger of fire.

Nearly 60 percent of all rural families with incomes of less than $2,000 lived in houses that were dilapidated or lacked complete plumbing.

Another indication of the nature and scope of the rural housing crisis is found in Dr. George Rucker's paper, "Rural Housing: Need and Non-Response," published in 1969 by the Rural Housing Alliance. Dr. Rucker came up with the following facts:

Although they contain less than half the nation's households, rural areas and small towns account for more than half its low-income families and two-thirds of its bad housing.

On one part of rural America, its Indian reservations, nearly three out of four houses are either "substandard" or overcrowded or both.

Between 80% and 90% of the households occupying bad housing in rural areas and small towns will require Federal assistance to secure adequate housing.

Less than 15% of the low-income housing produced by HUD programs goes to the 60% of the low-income families which live in rural areas and small towns.

To properly house low-income rural and smalltown families approximately 7 million homes will have to be built or rehabilitated with Federal assistance during the next decade.

At current levels of federal activity it will take nearly 100 years to meet what should be our 10-year goal.

NATIONAL RURAL HOUSING COALITION

The Rural Housing Coalition is—

A group of people and organizations across the nation determined to wipe out rural shacks and replace them with decent homes.

A non-profit, non-partisan organization financed by contributions from its members.

The Rural Housing Coalition was formed because—

Two-thirds of all the Nation's bad housing exists in rural and small-town America.

Present housing laws are inadequately written, ridiculously underfunded, and simply incompetent to meet the housing needs and aspirations of the rural poor.

If the need for low-income, rural housing is even to be approached, the Federal government must assist in construction of at least seven million units during the coming decade—at our present level of federal activity, it will take more than a hundred years to get those houses constructed.

There does not exist a genuine, public commitment to alter the timetable and move low-income housing to a high position of national priority.

The Rural Housing Coalition will—

Strive to build at the grassroots and at the national level an awareness that America's rural poor—millions in number—live in shacks that stunt health and stifle spirit.

Provide a focal point for all who want to act to ensure that the Congressional commitment of 1949—"a decent home and a suitable living environment for *every* American family"—is fulfilled.

Draw from the recent campaign against hunger and malnutrition any lessons that can help to obtain a significant public response to the plight of the ill-housed, rural poor.

Support legislation that establishes and funds adequate, low-income, rural housing programs.

The concept of a Rural Housing Coalition was developed at the First National Conference on Rural Housing. The Conference, held at Warrenton, Virginia, June 9 thru 12, 1969, included participants from rural-antipoverty organizations, minority groups, universities, and government agencies.

INITIAL 25 MEMBERS OF THE BOARD OF DIRECTORS ELECTED AT THE FIRST MEMBERSHIP MEETING OF THE NATIONAL RURAL HOUSING COALITION OCTOBER 31, 1969 [1]

Ed Anderson, Friends Committee on National Legislation, Washington, D.C.

Paul Anthony, Southern Regional Council.

Dan Bedell, United Auto Workers, Washington, D.C.

Jim Clyburn, South Carolina Commission for Farm Workers, Charleston, South Carolina.

Clay Cochran, Rural Housing Alliance, Washington, D.C.

Cushing Dolbeare, Housing Association of Delaware Valley, Philadelphia, Pennsylvania.

Pat Gish, Eastern Kentucky Housing Development Corporation, Whitesburg, Kentucky.

Don Hadwigger, Washington Research Project, Washington, D.C.

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[1] The bylaws of the Coalition provide that the Board of Directors may have up to 50 members.

Rev. Robert E. Johnson, United Presbyterian Church, New York, New York.
Bob Jones, Unitarian Universalist Ass'n, Washington, D.C.
Dave Knox, Vermont Poor Peoples Congress, Hinesburg, Vermont.
Rev. R. B. Lloyd, Commission on Religion in Appalachia, Blacksburg, Virginia.
Cipriano Manuel, Indian Community Action Program, Tempe, Arizona.
William Morris National Association for the Advancement of Colored People, New York, New York.
Ben Neufeld, NCALL Research Fund, Washington, D.C.
Kermit Overby, National Rural Electric Cooperative Association, Washington, D.C.
Gerald Robinson, National Association for Community Development, Washington, D.C.
Harlan Severson, Mandan, North Dakota.
Fred Simonton, Mid-West Electric Consumers Association, Denver, Colorado.
Steve Kaplan, Richmond, Vermont.
Rev. Arthur Tennies, New York State Council of Churches, Syracuse, New York.
Harold Warstler, Macon Program for Progress, Franklin, North Carolina.
Ed Smith, North Dakota Farmers Union, Jamestown, North Dakota.
Carl Stuple, Natural Bridge, Virginia.
Frank Wright, Rutgers University, New Brunswick, New Jersey.

NATIONAL RURAL HOUSING COALITION

HONORARY CO-CHAIRMEN

Representative John Conyers.
Senator Charles Goodell.
Senator George McGovern.

COMMITTEE OF SPONSORS[1]

Robert A. Aleshire, Exec. Dir. National Association for Community Development, Washington, D.C.
Harry S. Ashmore, Center for the Study of Democratic Institutions, Santa Barbara, California.
H. M. Baggarly, Editor, Tulia Herald, Tulia, Texas.
George Ballis, Fresno, California.
Dan Bedell, United Auto Workers, Washington, D.C.
Randolph Blackwell, Director Southern Rural Action, Inc., Atlanta, Georgia.
Tom Bonar, Brookfield, Colorado.
Marvin Caplan, Leadership Conference on Civil Rights, Washington, D.C.
Eric Carlson, United Nations, New York, New York.
E. Russell Carter, National Council of Churches, New York, New York.
Stephen Cary, Haverford College, Haverford, Pennsylvania.
Dr. Ramiro Casso, McAllen, Texas.
Harry Caudill, Whitesburg, Kentucky.
Ethlyn Christensen, Denver, Colorado.
James Christiansen, American Baptist Home Mission Society, Valley Forge, Pennsylvania.
Bronson P. Clark, American Friends Service Committee, Inc., Philadelphia, Pennsylvania.
Rep. Robert Clark, Lexington, Mississippi.
Jake Clayman, AFL–CIO, Washington, D.C.
Dr. Robert Coles, Harvard University, Cambridge, Massachusetts.
Governor Kenneth M. Curtis, Augusta, Maine.
Marvin Davies, NAACP, St. Petersburg, Florida.
Tony Dechant, National Farmers Union, Denver, Colorado.
Paul Douglas, Washington, D.C.
Ronnie Dugger, Texas Observer, Austin, Texas.
Leslie W. Dunbar, Exec. Dir., The Field Foundation, New York, New York.
Marian W. Edelman, Director, Washington Research Project, Washington, D.C.
Peter Edelman, Robert F. Kennedy Memorial, Washington, D.C.
Rep. Bob Eckhardt (Texas), House of Representatives, Washington, D.C.
Mayor Charles Evers, Fayette, Mississippi.
John Henry Faulk, New York, New York.
Arthur Flemming, MacAlester College, St. Paul, Minnesota.
Herman Gallegos, Exec. Dir., Southwest Council of La Raza, San Francisco, California.
James L. Grahl, Basin Electric Cooperative, Bismarck, North Dakota.
David Granger, Washington, D.C.
LaDonna Harris, McLean, Virginia.
Ralph Helstein, President, United Packing House, Food and Allied Workers, Chicago, Illinois.
Dr. Vivian Henderson, President, Clark College, Atlanta, Georgia.
Aaron Henry, President, NAACP, Clarksdale, Mississippi.
Tony Henry, National Tenants Rights Organization, Washington, D.C.
Sarah Herbin, Black Women's Community Development Foundation, Washington, D.C.
Father Theodore Hesburgh, President, Notre Dame University, Notre Dame, Indiana.
Gerald Hill, San Francisco, California.
Rabbi Richard G. Hirsch, Washington, D.C.
M. Carl Holman, Urban Coalition, Washington, D.C.
Kenneth G. Holum, Washington, D.C.
Cliff Ingram, Chairman, National Association for Community Development, Washington, D.C.
Loyal Jones, Council of Southern Mountains, Berea, Kentucky.
Everett Krackov, Visalia, California.
Frank Lapeyrolerie, Director, Southwest Louisiana Self-Help Housing Association, Inc., Reserve, Louisiana.
John Lewis, Southern Regional Council, Atlanta, Georgia.
Rep. Allard K. Lowenstein, House of Representatives, Washington, D.C. (New York).
Pepe Lucero, President, National Association for Community Development, Washington, D.C.
Henry McCanna, National Council of Churches, New York, New York.
Father A. J. McKnight, Director, Southern Consumers' Cooperative, Lafayette, Louisiana.
Charles Mahone, President, Peoples Organization of Montgomery County, Rockville, Maryland.
Alex Mercure, Home Education Livelihood Program, Albuquerque, New Mexico.
Senator Lee Metcalf, U.S. Senate (Montana), Washington, D.C.
Senator Walter F. Mondale, U.S. Senate (Minnesota), Washington, D.C.
Tom Moore, Organization for Medical Alternatives, San Mateo, California.
Dr. Kenneth G. Neigh, United Presbyterian Church, New York, New York.
Senator Gaylord Nelson, U.S. Senate (Wisconsin), Washington, D.C.
Helge Nygren, Mor-Gran-Sou Electric Cooperative, Inc., Flasher, North Dakota.
Msgr. Edward O'Rourke, National Catholic Rural Life Conference, Des Moines, Iowa.
James G. Patton, James G. Patton & Associates, Washington, D.C.
W. Nelson Peach, University of Oklahoma, Norman, Oklahoma.
Bernard Rapoport, President, American Income Life Insurance Company, Waco, Texas.
Joseph L. Rauh, Americans for Democratic Action, Washington, D.C.
John Paul Roblin, Pearl River Valley Corp., Columbia, Mississippi.
Metz Rollins, National Council of Black Churchmen, New York, New York.
Henry Santiestevan, United Auto Workers, Washington, D.C.
James Smith, Pennsylvania State University, State College, Pennsylvania.
Philip Stern, Washington, D.C.
Adlai Stevenson, III, Mayer, Frelich, Spiss, Tiepney, Brown, & Blatt, Chicago, Illinois.
Ben Stong, Washington, D.C.
Charles Tillinghast, Boise-Cascade Industries, Boise, Idaho.
Jim Twomey, Urban America, Washington, D.C.
Rep. Morris Udall (Arizona), House of Representatives, Washington, D.C.
Dr. Norman Walters, Orinda, California.
Dr. Richard Wenner, Brooklyn, New York.
Dr. Raymond Wheeler, Chairman, Southern Regional Council, Atlanta, Georgia.
Glen Wilson, Cleveland, Ohio.
Florence Wykoff, Watsonville, California.
Senator Ralph Yarborough, U.S. Senate (Texas), Washington, D.C.
Julian Bond, Georgia State House of Representatives, Atlanta, Georgia.

[1] Organizations are listed for identification purposes only.

WHY HANOI KEEPS ON FIGHTING

Mr. GRIFFIN. Mr. President, the Democratic Policy Council was reported in the Washington Post this morning as declaring that all U.S. troops should be withdrawn from Vietnam within 18 months.

Variations on this theme are heard almost daily in Congress.

Now, it is apparent to most Americans that President Nixon has done more to end the war in Vietnam in the last year than was done in the 4 previous years.

He is continuing to wind that war down in a way, and at a pace, that will allow the South Vietnamese people to build their own defense and choose their own way of life.

In this endeavor President Nixon deserves and has the support of most Americans.

Yet, there are those who not only seek to direct the course the President should take; they would even tie his efforts to a fixed timetable.

No one can expect that there will ever be unanimous agreement among all of our people concerning the Vietnam war. The debate should, and will, continue.

But I wonder if those who seek to impose a timetable on withdrawal of American forces have taken the trouble to ascertain what effect their proposals may have in Hanoi.

In this connection, Edmund A. Gullion, dean of the Fletcher School of Law and Diplomacy at Tufts University, recently explained why Hanoi keeps on fighting.

Mr. President, I call his statement to the attention of the Senate and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

Also, the Reader's Digest for this month contains a series of remarks culled from the North Vietnamese radio, newspapers, and spokesmen that reflect their continuing attitude toward the demands from some Americans for peace at any price. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WHY HANOI KEEPS ON FIGHTING

(Statement by Edmund A. Gullion)[1]

While Hanoi broadcasts its thanks to the Americans who march through the streets of Washington, other Americans see the repitition of a grim and familiar pattern. Hanoi moves by the same calculations which paid off for it in the defeat of the French in 1954. As the late Ho Chi-Minh once told the French: "You will kill ten of our men and we will kill one of yours. And in the end, it will be you who will tire of it." French power was shaken but not shattered by the defeat at Dienbienphu. What broke France was the collapse of will on the home front. The French were fighting to preserve a hold in Vietnam. The Americans fight only to preserve the right of the South Vietnamese—the vast majority of whom fear and reject Hanoi—to choose and live by their own government. But North Vietnam, having seen one Western power worn down by sapping tactics on the home front, is sure the same strategy will pay off again. Indeed, this is what the declarations in the Hanoi press and radio are all about.

In Vietnam today the enemy grows weaker as our side grows stronger. The situation is still precarious but President Nixon's Vietnamization plan shows real signs of working. The bitter paradox is that Hanoi grows more resolute as American will seems to waver here at home. If the enemy believes that public opinion will force an immediate American pullout, he has no reason to negotiate at Paris or anywhere else. So long as he believes the throngs in Washington are marching not for peace but for him, he will carry on the fight and more American and Vietnamese men will lose their lives.

[From the Reader's Digest, February 1970]

FROM HANOI—WITH THANKS

("End the war now!" "Get out of Vietnam!" Such cries are heard in peace demonstrations across America today. Often they are voiced by well-meaning citizens who genuinely want peace—but they are also raised by rabid leftists who in fact want a communist victory in South Vietnam. That is why an anxious public, though aware of every American's right to dissent, should nonetheless ponder the real effect of such demonstrations. To what degree do they prolong the war by comforting Hanoi with the false assurance that the United States is rapidly losing its resolve to defend South Vietnam and will soon abandon it?

(Hanoi itself has provided the answer—with a calculated arrogance that clearly explains its intransigence at the Paris peace talks. Here traced from 1966 to the present, is a sampling, in somewhat condensed form, of the abundant evidence from North Vietnam's own information sources which shows that the enemy not only delights in the demonstrations in the United States, but has also placed its faith in them.)

February 27, 1966: The North Vietnamese newspaper *Nhan Dan*.

"In America the debates on the Vietnamese problem will become increasingly fiercer. The U.S. imperialist home front will be the scene of great confusion, which in turn will exert great influence upon the morale of the U.S. servicemen on the frontline. That is why the Johnson clique is very perplexed and afraid, faced with the ever stronger antiwar movement which, like a sharp knife, is stabbing them in the back."

November 6, 1966: Radio Hanoi:

"The Vietnamese people hail and support the struggle waged by the American people against the U.S. war of aggression in Vietnam, says Dr. LeDinh Than, chairman of the Vietnam Peace Committee. 'This struggle is a valuable encouragement and backing for the Vietnamese people, who sincerely thank the American peace fighters for their efforts to strengthen their solidarity with the Vietnamese people and coordinate their struggle with them.' "

November 8, 1966: Radio Hanoi:

"The Vietnamese people highly value the protest movement of the American people. We praise the American peace champions who courageously turned the courts which were trying them into forums to condemn the war. We praise the American journalists and writers who, in defiance or repression and threats, valiantly exposed the crimes of the Johnson clique in Vietnam."

February 15, 1967: Radio Hanoi:

"It is clear that the American people's protest movement has become a real second front against U.S. imperialists on the very soil of America. It is the largest, most stirring, and best organized mass movement in U.S. history."

October 17, 1967 (Four days before the "peace march" on the Pentagon led by Dr. Benjamin Spock and others): Radio Hanoi:

"The South Vietnam People's Committee for Solidarity With the American People has announced its program to establish relations with and contact all progressive organizations and individuals in the United States who want to acquaint themselves with the situation in Vietnam. The committee sent a message to the National Mobilization Committee and the Students Mobilization Committee in New York:

" 'We warmly hail your struggle from 16 to 21 October. Our struggle will certainly grow more powerful, and in coordination with your struggle it will certainly be capable of compelling the U.S. government to put an end to its aggressive war in Vietnam. May the 21 October struggle (the day of the March on the Pentagon) mark a new development in the American people's movement for an end of the U.S. war. We wish you brilliant success.' "

August 1968: Speech by Truong Chinh, Chairman of the National Assembly of North Vietnam and number two man in the government:

"We are currently taking advantage of the contradictions between the doves and the hawks in the American ruling class."

December 1968: Speech in Montreal, Canada, by Professor Hoang Minh Giam, North Vietnamese Minister of Culture:

" 'I have had the opportunity to meet American friends at the hemispheric conference to end the war in Vietnam. I must say that never before have I met so many Americans at a place so close to the United States. This was also a good occasion for me to talk with these American friends. I highly appreciate those young Americans who courageously said no to military conscription.' "

January 23, 1969: Radio Hanoi message to the National Mobilization Committee to End the War in Vietnam:

"We were deeply impressed by the successful march on Washington during the presidential inaugural day to welcome the victory of the South Vietnam National Front for Liberation and demand the withdrawal of all American troops. We extend to you sincere thanks. We hope that we will further coordinate our activities for peace and real independence in Vietnam."

October 6, 1969: Letter to American students from Tran Buu Kiem, chairman of the South Vietnam Liberation Student Union:

"We greatly admire the active and massive participation of the American youths and students in this fall movement. You are entering a new, seething and violent struggle phase. We hope that you all will pool your efforts in achieving great success, thus further accelerating the common movement of the American people against the war."

October 14, 1969: Message to American people from North Vietnamese Premier Pham Van Dong:

"This fall, the broad masses of the American people, encouraged and supported by many peace- and justice-loving American personalities, have again started a broad powerful drive to stop the war. The Vietnamese people fully approve and warmly hail your just struggle. We are firmly confident that with the solidarity and courage of our two peoples the struggle of the Vietnamese people will end in total victory. I wish your fall offensive a brilliant success."

October 14, 1969: Radio Hanoi:

"In response to Nixon's call for unity, the U.S. people have manifested a fierce opposition attitude. The U.S. peoples autumn struggle is placing the Nixon Administration in an extremely difficult, embarrassed situation. We consider their struggle the most realistic support for the Vietnamese people's fight against the United States."

October 17, 1969: Message from Xuan Thuy, chief of Hanoi's negotiating team in Paris:

"I should like today to send warm greetings to all Americans and all persons who took part in the October 15 movement. We consider that these legitimate actions are of a nature both to make the Paris conference progress and to demand of the Nixon Administration the complete and rapid withdrawal of the GIs."

October 21, 1969: Broadcast from Hanoi to communist troops in the South.

"All deceitful tricks and threats of the Nixon clique cannot check the American people's will. In their valiant and perserverving struggle, the American progressives will certainly win glorious victories. The Nixon clique will certainly be completely defeated in Vietnam."

November 6, 1969: Statement of the government of North Vietnam.

"The Vietnamese people hail the honest-minded Americans who, for the sake of peace, justice and the true interests of their people, have courageously denounced the plans for prolonging the war in Vietnam and strongly demanded a quick and total withdrawal of U.S. troops from South Vietnam."

November 13, 1969: Broadcast to communist troops in the South.

"A struggle which resulted in violence on 15 October 1969 will break out even more fiercely on 15 November. It will be coordinated by the National Moblization Committee to End War in Vietnam, one of the largest anti-war organizations in the United States. This struggle will have more violence and be on a much larger and more elaborate scale in all U.S. cities and state capitals. The seething struggle of U.S. youths, students and people is urging us to arise and win final victory for the fatherland."

November 14, 1969: Speech by Professor Hoang Minh Giam, North Vietnamese Minister of Culture.

"We highly value the great efforts of various U.S. anti-war organizations and well-known notables who had the initiative to organize the Moratorium Day, demanding the immediate return home of all U.S. troops with slogans suited to the American people's urgent needs and just aspirations. We enthusiastically welcome the peace-loving Americans who have stood up and struggled violently and bravely against the U.S. administration's stubborn attitude in prolonging the war of aggression. Moreover, we regard the U.S. people as our comrades in arms animated by the common goal of opposing the Nixon administration's aggressive policy and war. The fall offensive drive of

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[1] Edmund Gullion served the U.S. Department of State in many posts in Europe, Africa and the Far East before becoming dean of the Fletcher School of Law and Diplomacy. He was, among them, deputy chief of the American mission in Saigon from 1949 to 1953, and Ambassador to the Congo from 1961 to 1964. He recently visited South Vietnam with a delegation from the Citizens Committee for Peace and Freedom in Vietnam.

the American people has made more prominent our people's just cause and made our people more confident and resolute."

November 15, 1969: Communist broadcast from South Vietnam.

"The 'fall offensive' is sweeping the United States of America. We express our militant solidarity with and gratitude to the true sons and daughters of the United States. With all of our hearts we wish to thank our American friends."

OPPOSITION TO JOB CORPS SHUTDOWN

Mr. CRANSTON. Mr. President, according to an article published in the Washington Post last Saturday, the Nixon administration has seriously defaulted on its schedule to open 30 mini-centers to replace the Job Corps centers closed last summer in a dubious economy move. This disclosure, if true, is very disappointing to me because I have been concerned from the beginning that the precipitous decision last April 11 to phase out 59 Job Corps centers would have a serious adverse effect on thousands of disadvantaged youths and would greatly decrease the total number of job training opportunities available to such youths.

On April 25, 1969, when I submitted a resolution of opposition to the Job Corps shutdown, I expressed my grave concern that alternative training opportunities could not be made available in time to prevent irreparable damage to the attitudes and futures of many of these young men and women. Unfortunately, this appears to be exactly what has transpired, and I have written to Secretary of Labor Shultz for a report on this article.

The Post article states that only four of the 10 centers planned to be operational by last September have been opened even now—more than 5 months later—and one of these is said to have opened only a few weeks ago with about 30 enrollees and a staff reported to number over 85. These four centers have enrolled a total of only 500 youths, as compared with the approximately 17,000 slots eliminated in the 1969 closings. In addition, costs per enrollee have been extremely high in the new centers. While these are admittedly startup costs, I see no reason to expect them to decline appreciably until enrollment increases to planned levels. The Post article reveals that the Labor Department has encountered considerable difficulty in recruiting enrollees for the centers.

Furthermore, in spite of the fact that an announced purpose of the new mini-centers was to allow enrollees to be trained nearer their homes, the Department is now sending New York youths, who would formerly have been trained at Camp Kilmer, N.J., or one of the other nearby Job Corps camps, to centers in Kentucky and Indiana because no center has yet been established in New York City.

I was deeply disturbed to read the Assistant Secretary of Labor for Manpower characterized this extreme slowness in opening new centers as a "conscious decision" on the part of the administration, based on the desire to operate successful, high quality centers. Unfortunately, this conscious decision disregards the Department's own pledge last year to make alternative training opportunities available as soon as possible to serve the severely disadvantaged youths who are not and cannot be served in the remaining Job Corps facilities or in other training programs. Any such conscious decision would reveal an attitude of apparent insensitivity to the needs of the thousands of young men and women for whom conventional job training programs are grossly inadequate. For these youths, who are part of the hard-core disadvantaged, the comprehensive training, education, and counseling provided in Job Corps centers is absolutely essential.

If true, this disclosure of the administration's regrettable failure to implement its own proposals for revamping the Job Corps program demonstrates the undue haste and extremely unfortunate consequences of the decision last year to eliminate the 59 residential centers, with a total capacity of 17,000 enrollees. A new administration is justified in making program changes in keeping with its own priorities and preferences. However, the administration is not relieved of the obligation of making those changes in a manner which is least destructive to the lives and futures of the individuals whom the program is meant to serve.

In sum, the administration's Job Corps policies seem to continue the unconscionable pattern of piling more broken promises upon the heap already accumulated.

Mr. President, I ask unanimous consent that the Post article of February 7, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 7, 1970]

ENROLLEE COSTS SOAR ON CENTERS FOR JOB CORPS

(By Eve Edstrom)

The Nixon administration has fallen far behind its schedule for opening 30 new "mini" centers for Job Corps youth, and enrollee costs are far in excess of original estimates.

After ordering the shutdown of 59 Job Corps centers last year, Labor Secretary George P. Shultz told Congress that at least 10 of the new centers would be opened by last September.

But as of yesterday, only four were in operation and two of them, with the bulk of enrollees, are on the same New Jersey and Hawaii sites that housed Job Corps enrollees under the Johnson administration.

Nixon administration officials also estimated that costs of the new program for each enrollee would be in the neighborhood of $5300 annually. But actually start-up costs, exclusive of capital outlays, appear to be double or triple that amount.

Cost figures were hard to come by at the Labor Department yesterday. But one source said $749,960 already has been spent on operating a new center at Phoenix. That center has had only 50 enrollees since October so the cost averages almost $15,000 an enrollee.

No actual expenditure figure for the other new center at Atlanta were available. But the operator of the center has a $2,061,474 contract to run it during fiscal 1970. It opened only a few weeks ago with about 30 enrollees, and reportedly a staff of 86.

The eventual capacities of both the Phoenix and Atlanta centers will be 350.

Therefore, Assistant Labor Secretary for Manpower Arnold Weber said no meaningful cost calculations can be made until the centers are operating at full capacity. When that happens, he said he believed the estimated enrollee cost of $5300 will be met.

RECRUITING DIFFICULTY

However, the Labor Department has been having difficulty recruiting enrollees for the program. For example, it has been difficult to interest white girls to go to the Atlanta facility which is in a Negro neighborhood.

Weber said it would be fair to state that the administration's "original ambitious schedule for opening the new centers has not been realized."

But he said this was a "conscious decision" based on the administration's desire to operate successful, high quality centers. He further noted numerous problems have arisen concerning the location of sites.

As Rep. William F. Ryan (D-N.Y.) has pointed out, there still is no center for New York City youth because Long Island residents have been objecting strenuously to such use of a site that the Job Corps plans to take over.

Therefore, although the administration said one of its purposes in establishing the new centers was to permit enrollees to be close to home, New York boys are being shipped to the old established centers in Kentucky and Indiana, which were not affected by last year's shutdown orders.

FOR NEW JERSEY ONLY

Many of the New York youth formerly were sent to Camp Kilmer in New Jersey, but Ryan said that center now has been restricted to handle only New Jersey young people.

The New Jersey site, which used to train about 1600 young people, now has about 170 boys enrolled, while the center in Hawaii has about 250 enrollees.

Ryan said it is shocking that the administration, in providing for only 500 young people at the new centers at the present time, "has failed to live up to its commitment" to operate substitute centers for those that were shut down.

He also said that many of the closings have been wasteful. He noted that an excellent center was closed in St. Louis and now the administration is shopping around to find a different site.

INCREASES IN OIL IMPORTS THREATENS WYOMING'S ECONOMY

Mr. HANSEN. Mr. President, I am pleased to note that the Wyoming Education Association has recognized the threat to Wyoming's economy and its schools, of proposed increases in oil imports into the United States.

Mr. Bob Anderson, president of the Wyoming Education Association, recently wrote to President Nixon pointing out the impact a proposed tariff system of oil imports could have on the domestic oil and gas industry and the subsequent damage any reduced oil and gas exploration development and production would surely have on the economics of Wyoming and other oil-producing States.

As I have pointed out in a recent series of speeches in the Senate, I cannot believe that the President would approve such drastic changes in the oil import program nor single out an industry so vital to the economic well-being and defense of our country for an experiment in government price control through manipulation of more cheaply produced foreign imports.

The Casper Star-Tribune took note of the concern expressed by Mr. Anderson

in behalf of Wyoming schools in a recent news article.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Casper (Wyo.) Star-Tribune, Feb. 1, 1970]

TEACHER ASKS OIL IMPORTS BE KEPT AT PRESENT LEVEL

Bob Anderson, president of the Wyoming Education Association, has written to President Nixon urging him to seriously consider that any oil imports be kept at least at the present 12.2 per cent level.

A Cabinet Level Oil Import Task Force has studied the present oil quota system with the possibility of substituting tariffs and reducing quotas.

Anderson added "If a tariff system is applied in place of the quota system, the tariff program should be such that it will in no way reduce our domestic oil and gas activity below present levels."

At the present time, more than 37 per cent of our total taxable valuation is dependent upon oil and gas. In three of our counties, more than 70 per cent of the taxable property is based upon the oil and gas industry, he said.

"Any reduction in production of these resources or decrease in price thereon," said Anderson, "will certainly result in a disastrous effect on the economy of this State precipitating increased tax levies on agriculture, our other basic industry which is at this time heavily burdened."

Anderson also said "I do not believe that the economy of the agricultural industry is such at this time that it can possible bear the increased tax burden which would be required to maintain the public schools of this state on their present level regardless of the other serious impacts on the economy of Wyoming."

CHANGES THAT WILL OCCUR WHEN THE VIETNAM WAR ENDS

Mr. HARRIS. Mr. President, we are all aware of the changes in our national life and our economy which will occur when the Vietnam war finally ends. We can use the additional resources which will become available at that time wisely—in an attack on major domestic problems—or foolishly, allowing them to dissipate. The distinguished junior Senator from California (Mr. CRANSTON), in a speech delivered to the Western Electronics Manufacturers Association, has spoken eloquently of the challenges we face at home, and the necessity for shifting our collective talents and capabilities to an attack upon them, rather than continuing the present unnecessarily high level of defense expenditures. This speech particularly deserves the credit and attention of the Senate because of the great impact a shift away from defense production would have on the Senator's home State.

This is an important speech, because it presents constructive suggestions about the methods by which a reordering of priorities toward domestic needs can be effected with respect to industry, and because it gives a clear warning as to the dangers which would result from failure to take such steps.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR ALAN CRANSTON BEFORE THE WESTERN ELECTRONICS MANUFACTURERS ASSOCIATION, PALO ALTO, CALIF., JANUARY 15, 1970

When peace breaks out, California industry will be the first to feel it. When the nation sets new priorities, California industry can and should be the first to respond. When the promise of the '60s becomes the reality of the '70s, California industry must play a major role.

The course our nation takes in the '70s in many ways will profoundly affect the men and women who work in electronics and in defense and aerospace in California.

What we accomplish in the '70s and after will be built on what we learned in the '60s and before.

The '60s was a sobering decade—one that began with hope, confidence and promise but ended in confusion, discontent, and, for some, despair.

I do not join the chorus of critics who see the '60s in terms of national failure and disgrace, however. Nor do I agree with the zealots of the far right and the way-out left who see in the '60s a confirmation of their thesis that our country and its citizens are tools in the hands of sinister, scheming and powerful manipulators—"communists" or "establishment," depending upon the particular radical prophets involved.

Far from that, the '60s for all their turbulence were years of growing maturity on the part of the American people. We have, as a nation, begun to understand the reality of the crisis of race relations and poverty.

We are at last becoming aware of the need to move quickly to correct our environmental imbalance that threatens black and white, rich and poor, city dweller and rural resident.

We have begun to raise serious and disturbing—but very fundamental—questions about the quality of our lives, both as individuals and as members of a democratic society. We have stripped away some of our more romantic illusions concerning our role in the world. We have learned something about the limitations of the power we possess, and about the dangers of power on the loose in this world. All of this is cause for rejoicing—not despair.

When a people sees itself accurately, with all its own blemishes and blights, all its faults and frailties, when it knows its weaknesses as well as its strengths, then it is, in the last analysis, a healthy people.

From all this—the discoveries of the '60s—come the goals of the '70s:

To build a just and ever freer society at home;

To create a natural environment that will sustain health and human life, and lead to a new and higher quality in the human experience;

To devise a reasonable foreign policy that will lead us all, Americans and others, toward true security and a stable peace.

These words are easily said. These goals are simply set. To determine the requisite methods, to muster the required resources, to overcome all obstacles that stand in the way, is more difficult.

But we have no choice. We must succeed. I am convinced that more and more Americans know this, and are prepared to pay whatever costs are necessary.

A recent questionnaire put out by the Xerox Corporation, urging people to forward their views to Congress, is typical. The returns were strikingly identical. The 10,000 or so Californians who communicated with me want less spent on the arms race and more spent on our domestic needs.

They ask for a higher allocation of tax dollars for cleaner air and water, and for social, educational and urban problems.

I believe these feelings are reflected and shared by countless Americans who are convinced that the time has come for a reordering of national priorities. The American people will not accept endless engagement and slaughter in a Vietnam War that their leaders wisely deem unwinnable in old-fashioned military terms.

The American people and, I suspect, the Russian people, too, will not put up forever with defense policies based upon an overkill capacity that today would enable us to kill every Russian something like 15 times, and that would enable them to kill every American something like eight times. There is rising American skepticism about the need for devices like MIRV that could increase our overkill power to 41. And, I have a hunch, there is rising Russian doubt about their need for a MIRV that could boost their overkill count to 25.

Certainly there is room in this scene for the mutual understanding and forbearance that could come out of the SALT talks at Helsinki and Vienna. Our society, and theirs, both have countless urgent and diverse needs that will be dealt with adequately only if there is a reallocation of time, talent, resources and money.

Since World War II, we Americans have spent ten times more on warfare and its attendent requirements than on the welfare of our people. We have spent many hundreds of billions since World War II on the cost of war, but only $48,000,000 on the cost of new schools, and a mere $2.5 billion on new rapid transit systems, to take two examples.

Out of all the taxes you and I pay, knowingly and unknowingly, visibly and invisibly, to every level of government—local, state and national—50 cents out of every dollar is allocated for defense and war. We have created a new and huge industry to produce modern weapons and their components.

In California, almost a million jobs—15 percent of the state's industries—are in defense and aerospace. "Induced" employment—the additional employment generated by the spending activities of these workers—has been conservatively estimated at between 500,000 and 1,000,000 more jobs.

So the policies we have followed since World War II have given between 1,500,000 and 2,000,000 Californians a direct economic stake in defense spending.

California's dependence on defense and aerospace industries for new manufacturing jobs is illustrated by the fact that toward the end of the '60s, four of every five of our new manufacturing jobs were in this field.

Clearly, this is not a healthy situation.

I just met with some men at Stanford Research Institute, and one of their environmental experts remarked, "The more complex a community is, the stabler it is."

California's industry would be stabler if it was more complex, more diverse. No state, no group of people, should be so dependent upon one element of federal spending.

It is dangerous for those who rely so heavily upon defense spending, because a sharp and sudden cut-back would have catastrophic consequences for them—as well as for our economy generally.

It is also dangerous because some of those dependent upon the arms race may, even though unknowingly, seek defense contracts to be authorized, funded and negotiated for weapons systems that ultimately weaken rather than strengthen us, weapons systems that cause international imbalances and counter-moves by other nations, thus escalating still further world competition in arms and increasing international instability and heightening the danger of all-out war.

As a Senator deeply devoted to the cause of peace who represents the state with more defense contracts than any other, I am often asked if this constitutes a severe political problem for me. My answer is, "No. It gives me, instead, a unique and tremendous op-

portunity." I am asked: "Don't you find yourself under terrific political pressure to work for defense contracts you may not believe in, and to vote for defense items you are really against?"

The fact is that I am often asked to lend a hand on matters where the request is wholly legitimate and basically sound. The fact is that I have responded, and tried to help, more often than not. When I've decided not to pitch in, it has never been because the request was improper. In such cases I simply felt that what I was being asked to support was unwise from the point of view of society's over-all, intricate interests.

Not once have I yet been subjected to what I would label "pressure." On the contrary, the heads of some of our biggest defense companies, physicists, engineers, managers and others on the corporate payroll have repeatedly said to me in effect:

"Don't quote me, because it might cost us some defense contracts we're trying to land, but keep on working to scale down the defense budget. I admired your stand against ABM, and there's a lot else we could eliminate without weakening ourselves one bit. Frankly, I'd much rather be using my own abilities for whatever they're worth, and our company's skills which are damned well worth a great deal, to produce some of the things we need so badly here at home."

That is the unique and tremendous opportunity I referred to that I have. But really, it's an opportunity that is mostly yours with all your vast capacities in electronics and in the defense-aerospace industry; it is just a little bit mine.

I will do all within my power to see to it that the future brings expanding, not diminishing, horizons to so many of you whose creative capacities and technological skills have been developed by, and devoted to, national service in defense. I envisage a role for you that will be more rewarding, more satisfying, and far more constructive than that of being consumed by the task of devising ways and means of producing or preventing destruction.

Certainly no group is more aware of the problems caused by overdependence on defense contracts than the managers, workers and stockholders in defense industries and the communities in which the plants are located. Many firms have made substantial progress in reducing their dependence on Pentagon contracts. Three outstanding examples are Ampex, Varian Associates, and Hewlett-Packard.

Ampex has reduced its dependence on government contracts from 20 percent of its total business in fiscal 1966 to 13 percent in fiscal 1969. Varian Associates' government percentage dropped from 65 percent in 1959 to 31 percent in 1970. Hewlett-Packard's percentage of government business has dropped from 50 percent to 35 percent of its total business in recent years.

Characteristically, the amount of the government contracts has tended to remain constant in recent years, while the private percentage of the total business of a given concern has been expanding. We are obviously heading into a time when there will be a shrinkage in the dollar volume of available and likely defense and space contracts. It is not enough to think and plan in terms of reconversion—a term that seems to apply to steps that should be taken sometime in the future, after drastic defense cutbacks have occurred. A better term, I think, is diversification; that is, something that should be happening right now.

But it's not enough for firms to think and plan simply in terms of achieving a better balance between military and domestic contracts and sales.

I know that many of you are doing very well in commercial sales, but the industry generally must carve out a larger role in grappling with our domestic needs, problems and crises.

Many industrial leaders agree. The National Association of Manufacturers asked the managers of 700 firms: "Do you feel your company should be involved in the solutions of public problems?" Eighty-eight percent answered, "Yes."

There is an unhappy history of failures in attempts by industry to apply systems engineering to social problems—along with some remarkable successes. The failures have occurred in good part, I believe, because the federal government has not played the significant role that it could.

If we are to progress in solving our domestic and environmental problems, we must find ways to encourage and assist private defense industries to move in on and capture a substantial share of nondefense federal and other government contracts.

Unfortunately, some of these contracts are now non-existent, for we have not yet tackled many of our most urgent domestic problems in any significant way. But men who decided that it would be a realistic goal to design and construct Poseidon submarines to carry men under the ocean and fire missiles through the atmosphere to strike distant targets with incredible accuracy can also help figure out a feasible technical and scientific approach to controlling poison and pollution of the sea and sky. Men who planned and executed our earth orbitings and moon landings can master the technological side of the mass transit crisis in urban America.

But I disagree with those who think this task is easier than putting a man on the moon. It isn't; it's tougher. N.A.S.A. didn't face the problems of political subdivisions, divided jurisdictions, private interests and public pressures that we face in our cities. There weren't people by the millions, rich people and poor people, people with property and people with no property at all, living on the path to the moon who had to be persuaded not only to get out of the way, but also to go along for the ride.

Together, however, you in industry and we in government and politics can and must surmount these and other problems relating to the difficult, unpredictable human equation.

As the United States government approaches a time when, I predict, it will be moving into some wholly new fields, you who serve in firms with defense and aerospace contract experience can make a particularly important contribution by helping improve federal contracting regulations, procurement regulations, and other administrative procedures.

I strongly support present D.O.D. regulations which permit defense contractors to charge as overhead on defense contracts a certain amount of independent research and development, bid, and proposal expenses, together with other technical effort costs.

After years of trial and error, these regulations were worked out by some of the best minds we've had in government to encourage innovation and to increase competition—two dividends which are manifestly in the public and the national interest.

We need similar regulations by other agencies to encourage independent research, creativity and competition in present and impending areas of non-defense, non-space federal investments.

No officials, however dedicated, can judge finally and definitively which research will pay off and which will not. That is true whether the research is on communications for a space ship or on a communications system for a city or state police force and whether the research is funded by N.A.S.A. or H.U.D. or D.O.D. or D.O.T.

Let's encourage innovative approaches to all our problems, not just to some of them. If every research project had to be cleared by a bureaucrat, we might still not have a polio vaccine today. Dr. Jonas Salk couldn't get a federal grant to cover research on his vaccine because the government thought he was going off in the wrong direction. We can all be grateful that a private foundation took a more favorable view of his work and advanced the necessary funds.

The question of bureaucratic autocracy has other ramifications. If we continue to increase the number of government accounting procedures, bookkeepers and what have you to monitor federal contracts, we will force the private firms involved to make proportionate increases in their staff to do the paper work to comply with the new procedures. At some point we must decide whether the proliferation of rules and regulations is not becoming counter-productive to the national interest. It will be tragic if the task of complying with new and ever-more-detailed regulations becomes so oppressive, costly and wasteful that it forces our most efficient firms out of government contracting.

I also believe that procurement regulations on major non-defense items should be simplified and standardized to lessen the distinction between competing for Pentagon and other federal contracts. We need uniformity in cost-allowable standards and recognition of those standards by I.R.S.

The whole question of the dimensions of non-defense contracts cries out for serious study. It is obviously more attractive to bid on one $2 billion contract than it is to bid on 50 or 60 separate $10 to $20 million contracts. Our federal, state and local governments, along with the business community, must develop a coordinated approach to the vital task of increasing the appeal, profit and effectiveness of work related to our domestic needs.

We urgently need improved police computer systems, for example, that can instantly analyze crime, detect patterns, and aid with officer placement. Our electronics industry has the capability to build the necessary systems. But it makes little business sense for a firm to do all the necessary research if the hardware payoff at the end is merely the privilege of installing the system in one limited urban area. It would be much more attractive to bid on a contract, sponsored by the Department of Justice, to provide several major urban areas with the same system and with federal funding of some of the necessary research and production costs. That could lead to truly significant breakthroughs in developing systems and services that local taxpayers and communities cannot now afford, and that you cannot now afford to devise and produce. It would mean great progress, at long last, in the preventive aspect of the war on crime. Current conditions cry out for similar advances in airport control and safety, innovations in hospital care through computers, and countless other areas where progress waits upon the application of federal leverage to utilize your abilities.

The list of these areas is very long, and I'm sure each of you could string it out further than I. I am eager to study every sound approach to putting your defense and space experience to work in ways that are responsive both to the legitimate needs of private industry and the domestic progress the public demands. I want to work actively with you to put them into effect. I look to you for advice and counsel.

New procedures and new regulations will do nothing, however, unless we funnel substantial money into needed non-defense programs. The present sketchy, spotty system of grant contracts is pitifully inadequate in areas it touches, and there are all too many areas it doesn't touch at all. Only very heavy funding in areas that have been too long neglected will suffice. And we must develop a formula for federal funding that will be

based upon substantial, centralized contracting authority.

In the years ahead, I expect politicians will be judged on their willingness to face head on the issue of priorities and to make tough decisions on programming and budgeting and taxing.

There is a great deal of loose talk about spending on defense and space explorations, and their effect on our failure to meet other pressing needs. The salient point was aptly covered by a N.A.S.A. official who was queried about sending men to the moon when we have among us more than ten million hungry Americans. "Lady," he replied, "We wouldn't be going to the moon if not going meant we'd feed those hungry people."

I believe we will meet our domestic needs only if they are shown to be complementary to our defense and space efforts, not contradictory or competitive to them. We will succeed in meeting and mastering these domestic needs only if we muster the will to meet them. When we realize that building a sound and solid society at home is just as important to our national security and survival as our military strength abroad, we will be on our way.

It is now time for us to get moving. But it will require a substantial degree of your time and talent, and the resources and dollars that have been at your disposal in defense and aerospace.

This is not now a partisan issue. President Nixon is joining Congress in cutting back the defense budget. He is heeding the country by pulling us back from Vietnam. He is leading the way in cutting back the space budget.

These budget reductions—reallocations, really—must also occur if we are to win the war against inflation. In my opinion, the prime cause of the inflation that is devouring the value of our dollars lies in our pouring so many billions into defense and space programs that do not produce goods or services that can be purchased by those who get their profits and salaries from those programs.

I don't believe that the correct way to curb inflation is the administration's prescription of tight money, curtailment of desperately needed programs like research in cancer and heart disease, investments in education, moves to discourage business investment and expansion, and consequent increases in unemployment. One way to succeed would be to institute wage and price controls. A sounder way would be to substantially switch the emphasis on government expenditures to peaceful and productive purposes—a switch that, happily, is now beginning. The Vietnam War, so costly to us in blood and treasure, has served one useful purpose: it has shattered some of our most cherished illusions about our role in the world, and the nature of the threat that hostile powers pose to our national security.

The overall world situation has brought the lesson of Vietnam into sharper focus. The Soviet Union and the United States now have the capacity to destroy each other in a nuclear war no matter who strikes first. It is unlikely that either side could ever develop an adequate first-strike capability no matter how many billions were spent. So both sides have an interest in reaching serious agreements on arms limitations, or at least in reciprocal moves not based upon binding agreements that actually lead to a situation where both sides reduce their expenditures on advanced military hardware.

It makes no sense for either side to pour billions into uneconomic weapons systems that don't produce more security and in some instances produce less. The same holds true for weapons needed to fight a conventional war. The possibility of a conventional war between the Soviet Union and the United States is becoming more and more remote, and military planners on both sides are going to have an increasingly difficult time justifying new planes, new tanks or new ships.

Now that we have learned the folly of commitment to limited wars like Vietnam, the only remaining justification for new conventional weapons systems might be to equip client states. But surely someone in the Kremlin has noted that providing new planes and tanks to Arab nations is a singularly uneconomic use of Russian resources. And we are rapidly discovering the same thing to be true in other parts of the world.

All this is not to say that peace is about to break out like cherry blossoms in the Washington spring. The world and the men in it are too complicated and perhaps too perverse for that. We will in all probability be spending substantial sums on defense for many, many years to come.

Certainly, as long as it's necessary, we must maintain the capacity to defend ourselves against strongly armed potential foes, and you will play a vital role in that task. But I don't think it unrealistic to assume that, as we phase out of Vietnam, our defense budget will fall to around $60 billion—accompanied by a rise, not a fall, in our prestige and power.

Various knowledgeable sources make many estimates of the size of the so-called post-Vietnam dividend—anywhere from eight to 43 billion dollars. We could, of course, use that dividend to simply cut taxes, and thus fuel a whole new boom in the private sector. But that would not bring us pure air and water and less noise, nor better police and transportation and educational systems, nor more housing, better health care, nor new recreational areas.

I believe we will move to meet these needs. The American people are rapidly learning that pouring money into things that foul our air and water and create urban and suburban slums is as uneconomic as building weapons systems we don't need. We are fast becoming less a nation of separate consumers and more a nation of united conservationists—dedicated to improving the quality of the total environment we share. We are coming to realize that the solution to our domestic environmental problems is as important to the quality of our lives as the creation of an international environment in which a secure peace can become a reality.

In our lifetime, man has become a self-endangered species, threatened with self-extinction. We are all in dire double jeopardy. We have developed the capacity not only to foul our own environment, but also to destroy the human race. Worse yet, we possess this combined ability before we have learned how to control the dark and irrational impulses which spring from our clouded past.

Our realization of this double jeopardy may be our salvation. We have somehow survived a very dangerous decade. We have learned a bit and matured a bit. Together, we still have time, and opportunity.

JUSTICE DEPARTMENT SHOULD NOT IMPERIL THE INTEGRITY OF THE PRESS

Mr. PELL. Mr. President, recent actions by the Department of Justice in obtaining subpenas for information and material from news organizations are a cause for concern, not only by the public information media, but also by the public itself.

Traditionally, news gathering organizations have taken the position that they will not make themselves, in effect, an arm of the police by voluntarily providing information to the police. They have insisted they will provide information only after the issuance of a subpena compelling them to do so. Then, the news organizations generally have cooperated to the full extent possible without endangering confidential news sources or impairing the future effectiveness of the news organizations to serve the public.

This procedure in general has worked well. Police organizations have respected the necessity for news organizations to have a high degree of independence, and to protect their news sources, and the news organizations have, as a rule, cooperated with the law enforcement agencies to the full extent consistent with their public responsibilities.

This relationship, this balancing of public interests, has been endangered by the sweeping, broad subpenas issued recently by the Justice Department. More recently, there have been public reports that these subpenas were the result, not of a new policy by the Justice Department, but of "blunders" by department officials. I would certainly hope it is the latter, and that such broad subpenas, apparently part of a "fishing expedition" will not be sought again by the Justice Department.

Mr. President, the public interest in this matter has been explored and presented very thoughtfully by Mr. James J. Doyle, chief editorial writer for the Providence Journal and Evening Bulletin, in an article published in the Providence Journal of February 5, 1970. I ask unanimous consent that it be printed in the RECORD, along with a subsequent Associated Press story indicating that the Justice Department is having second thoughts about its subpena actions.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Providence Journal, Feb. 5, 1970]

OFFICIAL ACCESS—A THREAT TO PRESS FREEDOM

(By James J. Doyle)

The drive of the United States Department of Justice to get access to unused notes and pictures about news events from newspapers and from radio and television stations is dangerous business. In itself, it makes a serious threat to the freedom of the press; it could inspire similar demands from state attorneys general and from city and town prosecutors.

At immediate issue are notes and pictures taken during the course of investigations that preceded the writing and filming of material for reports on the Black Panthers and other extremist groups. It is a little frightening that the department does not seem to have aroused wide opposition from newspapers and radio and television stations.

The Columbia Broadcasting System and *Time* are preparing to fight the issue in the courts. The television chain and the magazine want to block the issuance of *subpoenas* which would make it possible for the Justice Department to demand and get every scrap of material that was not used in reports prepared for broadcast and publication.

For the general public which rarely gets a chance to learn much about the mechanics of newsgathering, the issue may seem of little account. After all, it would appear only that the government's agents are seeking a little bit of help in looking into the activities of an organization which openly preaches the desirability of violent attack on the government.

Let's take a look, therefore, at those mechanics. I speak from the experience gained while serving these newspapers as a reporter, part of whose time was spent running down tales of corruption and violence in locals of two unions which operate in this state and

in this city. I walked miles and spent weeks on those chores.

In the course of the investigations, I talked long hours with dozens of men, men fearful of reprisal if they became "involved" publicly in stories about those charges. I spoke to their wives, and sometimes the wives panicked even when their husbands were willing to talk. I took dozens of pages of notes and transcribed them for my files.

Eventually, I wrote stories. Not all I had heard went into those stories. Some of what I had heard and used in the stories was eliminated by lawyers concerned about the possibility of libel suits. Some of what I had heard was not used because it was not newsworthy or relevant in the judgment of my editors.

The stories that were printed went into the library files of these newspapers. The notes that were not used went into my personal files and later were surrendered to another reporter who was assigned to investigative work. I'm not sure where those files are now. I hope they are safe or have been destroyed.

In terms of newsgathering techniques, then, what the Justice Department is doing in the Black Panther case now may make sense to the general public. It is seeking, in effect, to get access to notes and pictures from the files of reporters and photographers who worked, as I did, running down every conceivable lead to get as many facts as possible to make a story.

The department is tapping sources that might never have talked if they had known that their stories would be turned over to the police and law departments for public display. The department is, in effect, enrolling reporters and photographers in police departments, and I don't know a single reporter or photographer who would enjoy that role.

I realize that there are those who will say at this piont, "Any good citizen ought to be ready to tell the police anything he knows about a matter that may involve criminal action". In their characters as citizens, I hope that every reporter and photographer would do his duty in this regard—as I hope every other citizen would.

But when a reporter or a photographer engages in major research or investigation to collect material for a story in the highest public interest, he functions as the agent of a free press, clad by the Constitution with the right to pursue and print the truth and acting under the further broad right of the public to know.

In the exercise of that right, the reporter and the photographer act with matching responsibilities: to seek the truth, to avoid libel, to write without malice; to concentrate on the relevant and to avoid the irrelevant; to exercise judgment—all goals to which the editors of all news media also are pledged by the nature of their tasks.

If the Justice Department pursues its drive to get access to all notes and pictures, used or unused, what will be the practical effect on reporters and photographers—and on the news media? The first effect will be to enforce the timidity of weak-kneed news media which will not want to "get involved" in possible criminal and libel court actions.

A second effect will be to silence those thousands of Americans who have learned that a free press is a guarantor of liberties when sometimes even attorneys general and state and local prosecutors decline to act out of personal fear of political considerations. It will be a sorry day for this country if Americans become afraid to talk to reporters.

The third effect—on reporters and photographers of integrity with respect for their professions—will be to turn them aside from their work. No decent man will want to imperil the freedom and safety of men and women with whom he talks in pursuit of major stories or major investigations in the public interest.

In short, the overall effect of the Justice Department's search for knowledge will tend to stifle a free press at the very roots of its information-gathering system. What good, then, will be the right of a free press, no matter how brilliant the Fourth of July oratory about the democratic guarantees of the United States Constitution?

There is nothing to prevent the Justice Department from taking to the streets in the same course of action followed by the reporters and photographers who investigated the Black Panthers. Tapping unused notes and pictures may ease the department's task, but only at the risk of creating a serious threat to the freedom of the press.

I have yet to read a frank explanation of the reason for the department's drive; I am sure that when it comes, it will be couched in terms equating its purpose with the Flag and Motherlove. Whatever the official rationale, however, I think a most serious issue has been raised, and I wish I could hear more and louder voices raised about it.

Big and savage attacks on the freedom of the press arouse big and savage defenses of the freedom of the press. I am deeply afraid that the most serious threat to an honest, free press will come from the slow erosion of freedom in the name of forced or unforced "cooperation" with the federal police—and then, in sure and slow stages, with state and local police.

The moment a free press allows itself to become an arm of any agency of government, it will have lost its right to claim freedom and it will shame decency if it cries freedom. If the Justice Department gets its way in the Black Panther case, the door will have opened into a room where I will be fearful to walk.

BLUNDER IN SUBPENAS?—UNITED STATES EASES DEMANDS FOR REPORTERS' NOTES

NEW YORK.—A Justice Department source says the government will not require all of the material that it demands from newsmen in a recent series of broadly worded subpoenas.

Unused source materials, including still photos, correspondence and notes, have been subpoenaed from newsmen in recent cases in Chicago and elsewhere.

However, the Justice Department source said yesterday the government probably would still reserve the right to demand some material from newsmen.

The subpoenas have been criticized by news media representatives.

William M. Ware, executive editor of the Cleveland Plain Dealer and chairman of the Associated Press Managing Editors Association Freedom of Information Committee, said, "The recent trend toward issuance of subpoenas for reporters' notes and files and news photographs, published or not, is a direct and serious threat to the American free press.

"Editors everywhere had better be weary of their response to these indiscriminate 'fishing expedition' subpoenas," he said.

CBS newsman Walter Cronkite said two news sources, one an official of an industrial firm and the other a representative of a foreign government, had refused interivews because of the subpoenas.

"We cannot function," Cronkite said. "Our people cannot be informed if we have to work under these conditions."

The Justice Department source said some government officials had broken a long-standing policy of agreeing with newsmen on what information would be demanded before the demands were made.

Privately, some Justice Department officials indicated they were chagrined over what they said appeared to be blunders by officials who had served newsmen with subpoenas that gave the impression the Nixon administration had instituted a rigid new policy toward the news media.

Reporters' materials have been subpoenaed by the Department of Justice within the past week from CBS, the New York Times, and Life, Time and Newsweek magazines in connection with investigations of the Black Panther party and the Weatherman branch of the Students for a Democratic Society.

Ramsey Clark, former U.S. attorney general, said, "I think there has been a change if general warrants are being issued, and I have a feeling of great uneasiness about it."

MEDICARE: THE NEED FOR REFORM

Mr. HARTKE. Mr. President, medicare and medicaid are and have been vital and necessary programs bringing better health and life for our elder citizens. They are, however, new programs, and problems have arisen which threaten the efficiency and economy of their operation. For some time, I and the other members of the Senate Finance Committee have been troubled by some of the reported difficulties with these programs. Accordingly, we directed the staff of the Senate Finance Committee on February 26, 1969, to undertake an intensive investigation of the operation of the medicare and medicaid programs. This investigation has now been completed, and it clearly reveals some unconscionable abuses; the result is impending bankruptcy of these two programs.

Although many successful corporations have faced bankruptcy in the first few years of their operation, longstanding critics of medicare will use this report as an excuse to totally condemn what they have always opposed. Medicare has a legion of enemies waiting to find an excuse to end the program. The present difficulties of medicare and medicaid should not be used to obscure the desperate need for their existence. The stark fact is that without these programs many of our older citizens would have died from lack of proper medical care. To eliminate these programs is to pass a sentence of death on many of this Nation's elderly.

What is involved here is not the life of a particular program but the question of responsibility in a democracy. We will, by improved legislation and regulations and by the cooperation of all the affected people, improve medicare and medicaid. Our goals are economy in government, efficiency in operation, but first and foremost, health and vitality for our elder citizens.

Medicaid and medicare are in grave financial trouble. In medicare, after 3 years' experience, original assumptions of cost have had to be entirely abandoned. The estimated cost of calendar year 1970 has jumped from the original projection of $3.1 billion to a current estimate of $5.8 billion. And from 1970 on, the gap between original estimates and current projections progressively widens. For example, estimated costs for 1975 were originally $4.3 billion, but by January 1969 they were $7.6 billion. Estimates of 1990 costs were $8.8 billion; but by January 1969 they had increased to $16.8 billion. In total, the estimated deficit between the cost of part A of

medicare and projected income under present law amounts to $131 billion for the next 25 years. It is estimated that the hospital insurance trust fund will be completely exhausted by 1973 under present methods of financing. New financing methods are needed to prevent complete exhaustion of all possible sources of funds.

Similar increases in cost are also evident in part B of medicare—the supplementary medical insurance plan of medicare. The Federal share of part B costs will have increased from $623 million for 1967 to an estimated $1,246 million in 1971.

Medicaid program costs have risen 500 percent since 1965. Because of the indicated increased costs, and the increasing financial burden of the medicare and medicaid programs, the staff of the Senate Finance Committee is devising a more equitable reimbursement formula, a formula that will be equitable to all involved—the Government, the doctor, and the patient. Hopefully, it will eliminate costly abuses and at the same time provide for simplified and coordinated cost-reporting requirements. This new reimbursement formula will make greater use of comparisons in determining reasonable costs. We are working not only on a new reimbursement formula but also on a system that will create an incentive for economy. Public programs, like the private sector itself, work best when there is incentive for efficient and economic operation. I believe incentives can be provided in this program which will be beneficial both for the patient and for the Government, and which will reduce costs.

Staff investigations have revealed certain abuses which must be eliminated. For example, on occasion medicare has paid for the cost of empty beds. New regulations are being drafted to prevent this abuse in the future. Also, it has been determined that because of the existence of medicare, some hospitals have been extremely inefficient in the collection of their bad debts, relying on Federal funds instead of the collection of their outstanding accounts. I support a requirement that all participating institutions make a genuine effort to collect from beneficiaries before passing on their bad debts to medicare as uncollectable. It also appears that medicare in some cases has paid for the collection of debts that were not a part of the program. Again, with stricter regulations and tighter controls we can prevent this abuse.

Another area the Senate Finance Committee must consider carefully is the tax-exempt status of hospitals and other medical facilities. It seems to me that this tax-exempt status is a privilege and is conditional on providing some services to the community. Hospitals should provide charitable services to the extent of their financial abilities in order to justify tax exemption.

Without such a rule, the existence of free- and below-cost medical care will diminish because of the existence of medicare and medicaid. But the purpose of medicare and medicaid is not to substitute for existing forms of free medical aid but to supplement them.

Medicare and medicaid were established with a clear congressional intent that physicians not receive more than they would receive normally. Unfortunately, in some instances, this rule has not been followed. One of the most flagrant abuses is what is known as a "gang visit." Under this practice some physicians may see as many as 30 or 40 or 50 patients in a day in the same facility, regardless of whether the visit is medically necessary or whether any service is actually furnished. In addition, many physicians are now itemizing for services that were previously included in one basic service fee. For them a medical visit is like a visit to the shopping center where every service, no matter how insignificant, is itemized. As a result, charges rise astronomically. This flagrant misuse of medicare can only disserve those it was intended to benefit.

Another problem is payments to subsidiary physicians in teaching hospitals. Previously, supervisors or teachers in hospitals were not included as a basic cost for care provided by that hospital. The staff study investigation shows that some hospitals now have transferred this educational cost to medicare. Unquestionably, there is a need for more medical education and for medical facilities generally. But, I believe that the way to provide for this need is through direct Federal appropriation, and not by burdening a program that was originally set up to provide for the health and welfare of our elder citizens.

The abuses I have mentioned earlier have resulted in substantial payments to certain doctors. A partial and incomplete study indicated that there are at least 4,300 individual practitioners, plus an additional 90 physicians groups, who each received $25,000 or more in 1968. The individual practitioners included at least 68 who were known to have received $100,000 or more.

I must say, Mr. President, that in comparison to the other States, the great majority of Indiana physicians have exercised a high degree of professional responsibility and restraint. Fewer doctors have received large payments than in most other States. In Indiana only 23 doctors received more than $25,000 under medicare, and of these, 29 received $29,000 or less. None received more than $80,000, there being one who received from $50,000 to $80,000 and another one who received from $40,000 to $50,000.

Compare this with other States. For example, in Alabama, 83 doctors received more than $25,000. In California, 375 doctors received more than $25,000 in reimbursement, with three doctors receiving more than $100,000. In Florida, 879 doctors received more than $25,000, with seven doctors receiving more than $150,000. In Iowa, 62 doctors received $25,000; in Maryland, 39 doctors received $25,000; in Kentucky, 41 doctors received more than $25,000. These figures clearly indicate that in Indiana the profession, as a whole, has tried to live within the spirit of this program.

I believe that new regulations and a new reimbursement formula will prevent any further abuses. To facilitate the infusion of needed new regulations, it is absolutely necessary that profiles of payments and the extent of payments to each doctor be carefully kept. In this way, those in charge can indicate who is receiving too much money. The public welfare demands this close accounting.

In another area in which to achieve efficiency and economy in medicare and medicaid programs, I have asked the staff of Senate Finance Committee to perfect an incentive reimbursement system. Here again, incentives should be devised to encourage better-than-average performance and economical operation.

In recent years, Congress provided for two new programs under medicare which were intended to reduce cost. Unfortunately, because of poor operations and standards, both programs have resulted in additional costs.

The first program was the inclusion of posthospital extended care benefits. This was intended to provide an extension of hospital care which, in its absence, would have to be provided by much more costly hospital care. It was Congress' intention to reduce cost and also provide much-needed secondary medical care. Unfortunately, there has been substantial looseness in certifying facilities as extended care facilities. We should require that only nursing homes that meet the high standards of the Federal program be allowed to participate.

In a major effort to control the rising cost of providing nursing home care under medicaid, the Committee on Finance approved an amendment to the Social Security Act in 1967 to pay for care in institutions providing services beyond room and board but below the level of skilled nursing homes. It was clearly congressional intent that this be a less costly service than nursing care and at the same time be adequate for the patient and his needs. Just as clearly, in some areas the congressional intent is not being met. In some States nursing homes have been reclassified as intermediate care facilities on a wholesale basis where they cannot meet the requirements for participation as skilled nursing homes under medicare. Furthermore, in several States, including Massachusetts, Rhode Island, and Ohio—many intermediate care facilities are being paid for at a greater rate than those paid to many skilled nursing homes participating in medicare in the same area. Again, this is expressly contrary to the congressional intent that intermediate care was to be less costly than that of skilled nursing homes.

I shall propose legislation that will prevent payment to intermediate care facilities at the same or greater rate than those made to skilled nursing homes. I also suggest stricter regulations for the certification of facilities under this part of the program.

Congress, in enacting medicare, wrote provisions that attempted to guard against excessive and unnecessary use of institutional care. Unfortunately in too many cases, hospitals have failed to carry out Congress direction, and there has not been an effective system to prevent unnecessary stays in hospitals. For this reason, new utilization procedure will be devised which will prevent abuses of this nature.

Briefly, some other areas for further

investigation by the Senate Finance Committee are the following:

First. There is disturbing evidence that some chains of medical facilities are growing not in response to any community needs, but rather in response to the existence of Federal funds. Legislation should be devised to prevent artificial growth of unneeded medical facilities.

Second. There is also evidence that some institutions are changing from a proprietary status to that of a nonprofit status to take advantage of Federal programs. I am preparing legislation that will avoid the abuse of tax-exempt status and capital gains treatment in the sale or exchange of health care facilities.

Third. It is clear that the reporting of medical payments to tax collectors is woefully inadequate. More complete tax reports will not only provide a much better picture of the cost of medical care but also will insure that each man pays his full and fair amount of Federal taxes. In the next couple of years, Congress, and the Senate Finance Committee in particular, must be concerned with how to make this program work better.

Mr. President, I am convinced that one of the main reasons for discontent in this country is the inability of all levels of Government to perform adequately, to deliver their service efficiently and economically. The solution is not to abandon governments and thereby abandon the needs and problems of the people, but to retain our historical confidence and optimism. By responding courageously to existing problems, not by denying them, we will continue to be worthy of the description, "idealists working on matter."

UKRAINIAN INDEPENDENCE DAY

Mr. WILLIAMS of New Jersey. Mr. President, on January 22, 1918, the people of the Ukraine announced their independence from Russia and became a "free and sovereign" republic. For 52 years, this day has been celebrated by Ukrainian descendants around the world as the Ukrainian Independence Day.

Through 300 years of suppression, the Ukrainian patriots continually struggled for freedom. When their oppressors became involved in the Bolshevik revolution, the Ukrainians recognized their opportunity for breaking from Russian rule and proclaiming their independence by announicng the Ukrainian National Republic. Unfortunately for these proud and dedicated people, their country was invaded by all sides for the next 3 years, even as they suffered from internal strife. In November 1920, the Republic finally succumbed under the superior military force of the Russian Army and the Ukraine was soon divided between the Soviets and the Poles.

It should be noted, Mr. President, that of all the nations under Soviet rule, the Ukraine has suffered the longest, yet the spirit of the Ukrainians in their continual struggle for permanent liberation is undying. Although the Ukraine has been destroyed, the Ukrainian National Republic continues to live in the hearts and minds of all Ukrainian loyalists.

Today Ukraine, the largest "non-Russian" nation in Eastern Europe, is still under Russian rule. For half a century, she has been shut off from the rest of the world, forbidden self-determination and self-control. Her continued fight for independence has the support and encouragement of free nations everywhere.

Therefore, Mr. President, in honoring the Ukrainian Independence Day, we give recognition to the vital principle of political freedom which we, in the United States, enjoy and to which all men aspire.

JUDGE CARSWELL'S DEFENDERS

Mr. HANSEN. Mr. President, on behalf of the distinguished Senator from Florida (Mr. GURNEY), I ask unanimous consent that a statement by him relating to testimony taken before the Committee on the Judiciary concerning Judge Carswell and the testimony of Prof. James W. Moore, of the Yale Law School, be printed in the RECORD.

There being no objection, the statement and testimony were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GURNEY

I have noticed that in recent days some Senators have placed in the RECORD testimony taken before the Judiciary Committee Concerning Judge Carswell. I think this laudable; the public should know all it can about this nominee and his credentials. However, lest the public receive the erroneous notion that the testimony before the Judiciary Committee was totally unfavorable, I think it would be well to give greater circulation to a part, at least, of the testimony favorable to the Carswell nomination.

TESTIMONY OF PROF. JAMES WILLIAM MOORE, YALE LAW SCHOOL, NEW HAVEN, CONN.

Mr. MOORE. Thank you, sir. My name and address is Professor James William Moore, Yale Law School, New Haven Connecticut. This morning we heard a great deal about the rights of women and with much eloquence. May I say that Yale too appreciates women, and we now let the men through the old sacred halls of Maury's where Louie dwells and they come singing the Whiffenpoof Song. Candor compels me to say that the quality of the singing has not improved any.

I appear at my request to testify in support of the prompt confirmation of G. Harrold Carswell as a Justice of the Supreme Court of the United States.

While my qualifications are set forth in more detail in an attached Appendix, briefly they are these. For 35 years I have been a student of the federal judicial system, its jurisdiction, practice and procedure. I hold a named chair, Sterling Professor of Law, at Yale University; am a member of the Supreme Court's standing Committee on Practice and Procedure; have authored many legal articles and books, chief of the latter being Moore's Federal Practice, and Collier on Bankruptcy (14th edition)——

The CHAIRMAN. Moore's Federal Practice is in most law offices, isn't it?

Mr. MOORE. Well, I like to think so, sir.

The CHAIRMAN. I think it is a standard textbook, is it not?

Mr. MOORE. Well, it is a self serving statement, but I will make it. I think it is.

And at the present time am in addition counsel to the trustees, now a single trustee of the New York, New Haven and Hartford Railroad since the beginning of its reorganization in mid-1961.

Now, as an author, may I say that I would attach no significance to a vote by a judge denying a plea for rehearing en banc. It is just not possible to determine what promoted that vote on the substantive issues. It in a sense is something like the denial of cert. and as Justice Frankfurter once said the bar has been told over and over again that no significance should be attached to a denial of cert.

I testify on behalf of Judge Carswell on the basis of both personal and professional knowledge.

About five years ago a small group of jurists, educators and lawyers consulted me (without compensation) in connection with the establishment of a law school at Florida State University at Tallahassee. Judge Carswell was a very active member of that group. I was impressed with his views on legal education and the type of law school that he desired to establish: a law school free of all racial discrimination—he was very clear about that; one offering both basic and higher legal theoretical training; and one that would attract students of all races and creed and from all walks of life and sections of the country. Judge Carswell and his group succeeded admirably. Taking a national approach they chose, as their first dean, Mason Ladd, who for a generation had been Dean of the College of Law at the University of Iowa and one of the most respected and successful deans in the field of American legal education.

And from the vision and support of the Carswell group has emerged, within the span of a few years, an excellent, vigorous law school.

For example, every member of the first graduating class of Florida State University Law School of about 100 passed the bar examination on the first go round. That makes my law school look like a member of the bush league.

From those and subsequent contracts I have formed the personal opinion that Judge Carswell is a vigorous young man of great sincerity and scholarly attainments, a good listener who wants to hear all sides, moderate but forward looking, and one of growth potential.

I have a firm and abiding conviction that Judge Carswell is not a racist, but a judge who has and will deal fairly with all races, creed and classes. If I had doubts, I would not be testifying in support, for during all my teaching life over 34 years on the faculty of the Yale Law School I have championed and still champion the rights of all minorities.

From the contacts I have had with Judge Carswell, and the general familiarity with the Federal judicial literature, I conclude that he is both a good lawyer and a fine jurist. Called to the bar about 20 years ago he has the background of private practice, public practice as a United States district attorney, and that of both district and circuit judge.

And while Judge Carswell has not been a circuit judge for a long time, he has Federal appellate experience since he has sat on the Court of Appeals as a district judge by designation, that goes back long before he became circuit judge. In fact I recall an example of an opinion written by him as early as 1961.

Having been in each of the 50 states, and having taught in most sections of this country, I have long been impressed with this country's diversity—economic, social, moral, and ideological. In my opinion the Supreme Court should be representative of that great diversity. And I believe at this time it is highly desirable that the next Justice should come from the section where Judge Carswell was born and has lived; and that Judge Carswell should be that Justice.

I thank you, sir.

The CHAIRMAN. You have made a very able statement.

Senator Thurmond?

Senator THURMOND. Thank you, Mr. Chair-

man. I don't have any questions. I would like just to commend Professor Moore for the very excellent statement he has made here. We thank him for coming and presenting this excellent statement.

Mr. MOORE. Thank you, sir.

The CHAIRMAN. We certainly thank you.

Mr. MOORE. May I be excused, sir?

The CHAIRMAN. Yes, sir.

Mr. MOORE. Thank you.

AN AVIATION LEADER ADDRESSES ECONOMIC CLUB OF DETROIT

Mr. GRIFFIN. Mr. President, in a recent address before the Economic Club of Detroit, Najeeb E. Halaby, president of Pan American World Airways, discussed how the aviation industry can continue to grow without encroaching upon our natural resources.

I ask unanimous consent that Mr. Halaby's informative address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AN AIRPORT CAN BE BEAUTIFUL

(An address by Najeeb E. Halaby)

I spoke at the opening of the Detroit Metropolitan Wayne County Airport a couple of years ago, and I said that seeing talk and plans materialize as runways and terminals was like a vacation for an airline person. Today looking at the Commissioner's $300 million master plan to give this Detroit, the automotive city, the title of Transportation City is quite a renewal. It's more like a three week vacation perhaps in clear air with fresh water on an island of hope surrounded by a sea of salty controversy.

That's what we feel like in the transportation industry at times. And when we find a city as refreshing with its planning, it's like a vacation, and I must acknowledge that it's great occasionally to be able honestly to congratulate leaders in transportation for their vision and courage. We're much more often needling people to get on with the job of meeting the public demands.

You'd think Pan Am and Detroit would have been more closely living together. We did try a wedding with Detroit and other domestic points back in the mid-'40's, when we tried to get Pan Am domestic routes. Mr. Trippe felt that Detroit should not be an island in the mid-West, but part of this great world, and, unfortunately, he was not able to persuade our masters in Washington that we should have those domestic routes along with the international.

But since '54 we have been serving this area, and introduced in 1960 the first jet service between Detroit and Europe. Now with Pan Am linking you with Europe, and with other lines linking you to the Far East, with the seaway linking you to all of the oceans, Detroit, still thought by some to be deep in America's heartland, is as international to us as a trading port as Singapore or Panama or even Hong Kong.

Now one key gap that we'd like to help you fill in your international transport system is to provide you with direct service to Latin America. We have applied to the Civil Aeronautics Board and our other regulators in Washington to give direct service to Detroit to the Caribbean and South America with through plane service and with nonstop service.

When you look at the map of the world, as an airman does, you see that this is one gap in your entry into the whole world. It would give you much greater choice of flights, and we really think the present two-carrier service between Detroit and Latin America is inadequate as well as inconvenient.

This new airplane we've all been reading about is another gift that we would like to bring to this great area. 362 fellow passengers isn't as bad as you might think. In fact, our early experience has been that people get along quite well. In fact, the biggest problem we've had in the last six days where we've been scheduled flying between New York and London, is that with the two aisles up and down the airplane and with 360 people on board, the moment the seat belt sign goes off, instead of tightening up, people jump up and start walking around the airplane.

Now there's no difficulty about it tipping over or going into a dive or a climb. The problem is traffic control. Think of that—to make traffic congestion airborne; that's quite an achievement, within the airplane. In any case, we have had a few minor problems, some delays due, I think, to what might be called super-precaution, but for the last two days and nights, we've been right on schedule with good loads between New York and London and with five of these giants at $23 million each you can see that we've got a number of Imperials to market. I hope the inventory doesn't build up.

We wanted to bring this beautiful bird in to the land of automation, and we've tried twice, but two snow storms made it rather difficult. In one case, we were concerned lest this airplane come in and have either freezing rain or slush freeze on the control services. As you know, before an airliner takes off a man goes up in a crane and sprays a kind of antifreeze or ice dilutant. And even as well equipped as Jim Davies has this airport, they had a little problem in assuring us that they could spray the tail feathers of this great bird enough to unfreeze it.

You see, the tail six stories high, and even your airport doesn't have a sprayer six stories high. So, we decided not to take the chance of bringing it in to demonstrate it to you for fear that our first 747 at Detroit might stand as a monument to the future of air transportation until sometime later in the spring when it thawed out.

I think we in the transportation business are a little bit more maligned at times than we deserve. It is easy to forget and take the automobile and the airplane for granted. But when you go back and look at the change in man's mobility and the structure of today's society, you realize what kind of contribution wheels and wings have made. There are those who would argue that there should be a certain kind of monument for the automobile industry; some would urge a noble kind of monument, others would echo Elliot's observation which was that their only monument should be "the asphalt road and a thousand lost golf balls."

We don't agree with that, but I think an article recently is of importance to us, who visit Detroit rather than live here. The paper said that Detroit had discovered a new word—environment. Today, that word is bigger in the motive city than such old standbys as "horsepower" or "all new" or even "profits." In virtually every major speech to any group, environment is a major topic.

Well, when I read that I naturally threw away the original speech which dealt with high finance, the future of the universe and Pan American World Airways. Courtesy, after all, demanded that I adhere to your current local traditions. And I won't shirk the argument about which kind of award we get in the transportation industry, but before addressing myself to that, I think we can look at some positive contributions that we've made and be proud of them.

The automobile and aviation industries are relatively new. Both have aimed at the mass market. Both have changed the quality of life, not by selling hardware but by merchandising mobility. In fact, we're really merchants of mobility by offering man more dominion over time and space; by translating the expression "expanding his horizons" from poetry to hard fact; by holding out a whole new range of aspirations and by adding a whole new dimension to man's life and outlook.

The automobile liberated man from the cloister of his neighborhood and made him a citizen of his country. The airplane has made him a citizen of the world. Our industries have grown along with the population, and, more important, along with its growing aspirations. But the effects of this industrial growth overflow the immediate society that produces it. Michigan earns $3½ billion a year selling its products to foreign countries and buys $2½ billion worth of goods from overseas. And, if this were a nation instead of a state, it would rank as the eleventh richest country in the world on the basis of GNP.

And one reason Michigan enjoys such success is because you can get your products to those faraway markets, and that's where we come in. The jet, you know, because it carries so much more weight than the propeller plane, has been responsible for a tremendous increase in marketing of automobiles and spare parts abroad; whereas the propeller's ideal cargo was ping-bong balls, a jet's is ball bearings. And, as you will recall, our major problem in selling cars abroad was providing spare parts quickly. The jets enabled you to fly spares anywhere in the world in a day, and elimianted the exorbitant alternative of warehousing huge inventories of obsolescent parts in distant places.

And, today, auto parts constitute one of the foremost items of air cargo, not to forget full diesel power plants. Now these exported cars and trucks and machinery return benefits not only to the workers who construct them but they contribute favorably to our balance of payments; they bring a higher standard of life to those on the other end who receive them. And, they set an example for your competitors abroad as well to get in on the market.

We have throughout the world millions of persons living in an environment of hunger, of disease, of primitive life, of ignorance—yes, of helplessness, but since we are a globally oriented people, and surely and provenly of humanitarian instinct, we have a responsibility to try to change these environments.

And I don't think we've been found wanting, in the broad sense of the word. A great deal has been spoken about the need to produce food for the burgeoning population of the world, but relatively little has been said about how to get it to them. Biafra has dramatized that once again. Chances are, over the long term, food as well as medicines will fly to underprivileged areas on jets of our great international carriers, and to get to their ultimate destinations on trucks built in Detroit, over roads built with American-made machinery.

I think our mobility has created the best informed public in the world. A tourist is not unusual who has seen far more of the world than Alexander the Great who wept that there was no more of it left for him to conquer, you'll remember; nor is this casual tourism merely frivolous. You will recall that barbarian was the word for foreigner through the Golden Age of Greece, the Roman Empire, in fact, right up to the Medieval Ages. A foreigner, anybody who spoke a different language, dressed differently, had different habits and manners, in a word, anybody you didn't know very well was automatically a barbarian.

Well, the more we travel, the more we discover that strangers are not barbarians after all, and hopefully, they discover that we have some qualities to recommend us. You might say that mobility has had a marvelous way of civilizing people we thought of as barbarians. Certainly widespread travel has displaced vast reservoirs of ignorance and hostility with a measure of understanding and friendship, and this is important to the environment and the global community.

In dedicating the 747 a few days ago in Washington, I suggested to our First Lady that what we're really dedicating is a new era of man's hospitality to man. And, I think that's really within reach, and it may be as important as the negotiations to limit armaments to expand this hospitality, as I see here today, with representatives of various other cultures and other nations who are with you.

Of course, this mobility has enhanced or even led to things like the four-day work week which I doubt that many of those at the head table are as anxious to see arrive as we are. We'd like a four-day work week for all of our customers, but not for our own employees. Although in a recent negotiation, the head of the union did argue that we should be for a four-day week because then all of our employees could travel a great deal more on our airlines. And I had to nod and smile without agreeing.

These longer vacations, the highly publicized problem of how to spend all this leisure time that mechanization will thrust on us, are parts of this pattern of mobility. And I guess I can't really speak with a lot of authority on this latter point, because right now at Pan Am this long vacation is not approaching the crisis stage as one of our problems.

The positive impact of mobility on our global environment is there. Up over the skating rink at Rockefeller Center, is a magnificent statue of Prometheus, a god of Greek mythology, doing his thing. And the thing Prometheus is remembered for, you will recall, is stealing fire from the sun and presenting it to mankind. Now that statue, most of you have seen it, shows Prometheus, all golden and glorious in the sunlight, racing, fire in hand, toward Radio City Music Hall.

And it doesn't show what happened after he gave mankind this invaluable gift. Zeus, the father of the gods, as you may recall, was enraged about this, and took revenge on both Prometheus and mankind for trying to improve what we now call the quality of life. He sent mankind a woman of stunning beauty, but with an unfortunate curiosity about trunks. You remember Pandora. And, as for Prometheus, Zeus chained him up with a hungry vulture to gnaw on his liver.

And I'm sure all of us take solace that this is only a myth—that people today who try to make life more comfortable and rewarding, no longer have to worry about their livers. Although the legend doesn't record it, I'll wager that soon after making mankind the gift of light and warmth, man started complaining about smoke getting in their eyes.

It's pointless to deny that we have a problem of environment today. Of course we have; in fact, it is a far more pervasive problem than most of its advocates indicated as a global problem. It may appear that by enumerating the contributions that our transportation system has made to our global environment, I'm laying the foundation for a counter-assault from the conservationists, who tend to suggest that it may harm our environment. I'm not, believe it or not. I love trees, except possibly for one at the dogleg on the eighth fairway of a certain golf course.

But let's forget that for a moment. I think it's fair to say that we can no longer take grass, birds, fish, and wild life for granted in general. But to say that public service organizations whose very livelihood is dependent upon the patronage of shippers and passengers, don't care, is quite another thing. We in the airlines are, I guess you might say, among the world's most experienced conservationists. We conserve time and life; we conserve comfort and energy; and we are in sympathy with the objectives of all the other conservationists.

And if I were not, my good friend, ardent conservationist and member of our Board of Directors, Charles Lindbergh, would be prompt to straighten me out—I'll tell you that. No, the reason I've described at length what these vehicles have done to improve the global human environment is to put in perspective the problem that confronts us today.

The same jet, that accomplishes all these wonders I've been describing also contributes to air and noise pollution, and requires more room to operate both on the ground and in the air, and more support facilities from the community. All these needs have an impact on the immediate environment at every major airport at a time when people are becoming extremely concerned about the preservation of nature. The question is: what do we do about it?

I think we first have to look at the dual pollution of sound and smoke. You might say that these were the price we had to pay for the new world the jets brought to our doors. But, as with all new products, prices at first are high—even the social price. But after they enter mass productoin, and undergo forced improvements and refinement, the price generally comes down. And, so it is with the jets in terms of smoke and sound.

At its worst, the jet engine produced only a small proportion of the smoke that pollutes our cities' air. Less than one per cent. But even this small amount demanded action. If only because it not only indicated a loss of efficiency in the engine, but a social cost that had to be reduced. So, for example, Pratt and Whitney developed for the 747 the newest, biggest and finest in the family of jet engines to produce 45,000 lbs. of thrust—more than twice its father's weight in the jet field. It's about equal to the energy of 900 Chryslers, and can burn fuel so thoroughly and efficiently that it produces no smoke discernible to the casual observer. So these planes of the future will be all but smoke-free. Moreover, the industry has undertaken a program of modifying and improving earlier generations of jet engines, to eliminate smoke to the maximum extent possible, and to have this done within 3 years, at a cost to the industry that may run as high as 30 million dollars.

These are some of the things that we are doing, and doing it because it will appeal to our public and is in the interest of the public. For you nonsmokers, we are also concerned about the conservation of your breath, and we are going to designate a section in this large new airplane that will be available just for smokers. Now, we can't guarantee that no one else will smoke in the airplane. But for those who don't like to sit next to a cigar, this will be a break.

Now as for the sound of the jet, we never expect a silent engine. We have developed sound suppressors for the 707 engines that reduced their noise well below that of a bus accelerating on the street corner, and even our severest critics have judged the 747 engines quiter on takeoff and landing than the 707s and 727s. In fact, never in the history of transport has so much money been spent on sound and smoke suppression as in the development of the supersonic transport and the superjet 747 within the last five years.

The miracle is, and for your automotive engineers and electronics experts and other technical men, it is a tour de force in technology, that this Boeing-Pan Am 747 which is three times as large, and three times as productive, is quieter and cleaner than its 10 year older brother, the 707, and much quieter and cleaner than its 727 cousin.

However, we have much more demanding challenges. Our grand objective must be to expand our capacity to give our proliferating society the local and the global mobility that it needs and has come to expect, without encroaching on our natural resources. The airport, properly planned, must offer a comprehensive solution to many of the problems facing the airlines. Looking at the land used by our airports, looking at the problem of pollution and congestion and organization, and looking at the requirements of today's society, what new concepts could we develop if we were able to plan the ideal airport of the future?

An airport can be beautiful, but how? First, we would have to create a buffer zone around each airport so that no longer would the airport be allowed to attract residential neighbors—which it does—who then complain, which they do. Here Detroit has set an example. Jim Davies told me not long ago that back in the early 50s, a zone or buffer of a type was set up around the airport, and I think it's a great tribute to those political leaders who stood fast against the eager encroachers on that area.

Of course, the residents of the zone would by law be more or less sound proof, and the buffer zone would largely be utilized to accommodate industry, warehousing, trucks and related transportation enterprise. A second thing that we can do is use the areas adjacent to the airport for job training and for education, particularly, for technical training related to the growth of aviation and transportation.

Third, I think the airport could be a logical site for tree farming and for the building of landscaping capabilities. State or county forest reserves would be an economic asset, a scenic asset, and a contribution to noise abatement. Such forest reserves would also serve as the basis for recreational and conservation programs. There is no reason why most of the ground associated with an airport has to be a slum or desert. It can quite easily become a park land.

Fourth, the airports of the future could be a nest of recreational facilities. For an airport by definition requires vast spaces, but, by definition, the aircraft themselves use only that portion of the vast spaces devoted to runways and ramps. And the runways and the airport boundaries, therefore, in a sense protect all of these vast areas. Why shouldn't an airport include picnic grounds, riding trails, hiking paths, baseball diamonds, tennis courts, football fields, stables, swimming pools, skating rinks, golf courses? Or, if the area includes water, why not a marina? Why not? The answer is, only because we have not thought through the use of airports for these purposes.

Fifth, an airport can serve as a conservation area. Conservationists and airport managers should realize that they are natural allies, and to use the biological term, they can develop binding, symbolic relationships. They could prove that ecology and technology can be balanced. Airports can be more than airports—they can serve conservation, recreation, training and industrial needs as well as transportation needs.

Under such circumstances, the community might change its airport image from menace to asset. And this has been done at Dulles, at Kuala Lampur, the new airport in Paris and the planned airport in Tokyo, so it is not a myth from an airline executive. I note with pleasure that Detroit's master plan for its Metropolitan Airport in the 70s incorporates a number of these concepts. The problem now is to loosen up the funds to match the vision of its planners in this age of rocketing interest rates and tight money.

Finally, I'd like to make a plea to the leaders of our great automotive industry, who have produced buses, taxis, limousines, and private cars in such magnificent volume. Please go to work on systems of airport access for the soaring 70s. The current combination of freeway, cloverleaf and parking lot will not be good enough—in my judgment—even when they are double-decked and triple-decked.

Yes, Cleveland is to be credited for having in operation its rapid train from city center to airport center, and it's quite a boon for the traveler. Dulles has its great mobile lounges, developed by Chrysler and Budd. It has an 18-mile-single-purpose road,

limited to airport access only. Tokyo has its monorail. But, and this will remain true unless you, or Disney, does something about it—there is not yet available a system engineered high speed, safe and economical public method for getting hundreds of millions of people from the door of their home or office to the door of the airplane.

I think on a systems approach that Detroit is worthy of this challenge. The demand is there and Detroit's been very good at meeting and generating demands, and I think the demand will treble round the world by 1980, when close to ¾ of a billion people will be going to and from airports in the 125 nations of the world. Of course, it takes ingenuity as well as funds to exploit the life enhancing forces of our technology. There's no denying that we are faced with a sociological challenge quite as formidable as the technical one of exploring the outer reaches of the universe.

In closing, may I urge that we all try to reframe our perspective, to keep the ultimate objective of our efforts—people, their safety, their comfort, their economy—in the forefront of our attention. And may I urge that we strive to communicate this sense of values, this sense of global environment, to the critical idealists of the next generation, who will succeed us. Who knows? Each of us may discover that the other is not such a barbarian after all. Thank you.

AMERICA IN THE 1970'S

Mr. HARRIS. Mr. President, I invite the attention of the Senate to a crucially important set of recommendations for an agenda of national priorities which was adopted yesterday by the Democratic Policy Council. The council, a constituent agency of the Democratic National Committee, is a principal forum through which the National Democratic Party determines and publicizes its views on major questions facing the Nation. Former Vice President Hubert H. Humphrey serves as council chairman and Senator MUSKIE and I serve as vice chairmen.

The council forcefully stated its views on a number of issues which concern the Senate and trouble every American.

I am grateful for the effort put in on this important statement by members of the Democratic Policy Council and by its six committees.

I believe that what they have to say will be useful in helping move this Nation in the right direction. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[Report of the Democratic Policy Council, Feb. 9, 1970]

AMERICA IN THE 1970'S

We, the members of the Democratic Policy Council, set forth in this first statement of policy our principal beliefs and hopes about the paths this nation should follow in the decade of the 1970's.

We believe the American people are capable of facing America's problems for what they are. We believe they are willing to initiate and sustain tangible efforts to meet these problems. We do not believe they will long be content with a national administration lacking any deep inner convictions about ourselves and our world . . . a national administration highly skilled in public relations and television packaging, but demonstrably unwilling to come to grips with the necessities of the 1970's.

Our people are threatened by the prospect of an inflationary economy headed simultaneously toward recession. Rising prices are a cruel tax on the poor, the retired, on every owner of insurance policies, every contributor to a retirement system.

The strength of our economy, as our resources of human life and spirit, is drained by a war which has been prolonged unnecessarily.

Our humanity is assaulted by inadequate schools, by the crushing costs of available health care, by racial injustice and unequal opportunity, by a crisis in housing and transportation, by the foul air and water which pollute our environment, and by a rising rate of crime.

Our initial doubt about the Republican Administration's capacity to tackle these problems was changed to certainty when, in the same week, President Nixon vetoed as inflationary legislation providing an extra $1.2 billion for education and health and then announced a new multi-billion dollar spiral in the nuclear arms race.

We believe the American people deserve better from their national leaders.

In the months ahead the Democratic Policy Council and its committees will speak to these problems . . . specifically and in detail. Some of what we say here today is general—for in certain areas we have yet to find solutions equal to the problems which confront us. Some of what we say is tentative—for in examining these problems we expect to learn much. But this document does express our deepest convictions about the purposes and goals which should characterize our national life in this decade of challenge and promise.

We offer these ideas and positions to the American people. And we challenge the Republican Administration to respond.

I

It is widely recognized that in this decade we must devote our greatest energies to securing the decisive shift of resources—human and natural—from pursuits which cripple or destroy man's capacity for life, liberty and happiness to those which enhance these qualities. Too often, however, such recognition is not accompanied by the realization that this task will require difficult and courageous political judgments.

Just to fulfill the nation's *existing* commitments to its citizens may require placing additional burdens on the American people. It may require further redistribution of our wealth and redirection of our human energies. It will require the elimination of obsolete Federal programs and subsidies that have long since lost their original purpose. It may require restructuring of our instruments of government. As a beginning it is essential to commit the billions now spent on Viet Nam to help solve our pressing domestic problems.

It is the Congress to which the American people must increasingly look for leadership in determining our national priorities and committing the resources—human and financial—to meet our urgent domestic needs. An initial step in any such determination is the creation of a Joint Congressional Committee on National Priorities.

These are but a *few examples* of the commitments which Congress already has made the law of the land:

The Housing Act of 1949 declared that the "general welfare and security of the nation require . . . a decent home and suitable living environment for every American family . . .".

In the 1968 Housing and Urban Development Act, the Congress recognized that for twenty years the promise had not been kept, noted the failure as "a matter of grave national concern" and rededicated itself to "the elimination of all substandard housing in a decade."

—In the 1966 Model Cities legislation, Congress declared that "improving the quality of urban life is the most critical problem facing the United States . . .".

The Economic Opportunity Act of 1964 declared it "the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this nation by opening to everyone the opportunity for education and training, the opportunity to work and the opportunity to live in decency and dignity."

The Elementary and Secondary Education Act of 1965 made it the policy of the United States "to provide financial assistance . . . to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational program. . . ."

To date these commitments remain unfulfilled and either ignored or underfunded by the Republican Administration.

Simply to ignore these acts of Congress and the national goals established by these acts is not acceptable; we must move decisively to accomplish them. But we must look simultaneously at other pressing needs:

Crime

The Republican Administration has talked a great deal about stopping crime. But the crime rate has continued to rise; indeed, crime increased by 11 percent nationwide in 1969. In the face of these facts, however, the Republicans have asked for only $480 million to implement the Safe Streets Act of 1968 in comparison to the $1 billion that was forecast for 1971 by the previous Democratic Administration. Effective use should be made of all of the resources that can be made available through this legislation.

Today in the United States we have no *system* for the enforcement of our criminal laws. We have instead only a faltering, inefficient process—police, courts, corrections—consisting of an amalgamation of fragmented and often hostile agencies. There are serious deficiencies in every part of this process, and as a whole it is not preserving order and keeping our people safe from the threat of crime.

Each year there are more than nine million serious crimes committed in the United States. Only half of these are even reported to the police. The police arrest a suspect in only one-eighth of the crimes committed and in only one-sixteenth is there a conviction obtained. The law enforcement process, as it presently operates, is not doing the job on crime that must be done, and it will never do the job unless we face up to the need for basic improvements in levels of funding and in management techniques.

We must swiftly and substantially increase the resources devoted to law enforcement and the administration of justice.

Federal, State and local authorities must work together to create central offices of criminal justice at the metropolitan level to make all parts of the law enforcement process—police, courts, corrections—function together as a fair, effective system.

Beyond this, however, we need major efforts in several areas almost totally overlooked by the Republicans: strict gun control legislation, prevention of juvenile delinquency and rehabilitation of young offenders before they become hardened criminals; rehabilitation of drug addicts; the reform of our court system to eliminate delays in the administration of justice and the reform of our correctional institutions to include greater stress on community-based rehabilitation.

Seventy percent of all crimes are committed by repeat offenders. In other words, to achieve real resutls in the war-on-crime, it is essential to provide the facilities and expert personal care to help stop persons convicted of one crime from committing another.

Education

Improving education and making it freely available to all our people is the surest way to break the cycles of poverty, crime, welfare, and blighted opportunity that prevent us from fulfilling our national destiny. Yet we have only begun to make the major commit-

ment of resources, time and talent needed to secure this urgent priority. Existing programs, including the landmark Elementary and Secondary Education and Higher Education Acts, remain underfunded; there is almost no support from the federal government for research into new educational techniques; and we need to make greater efforts in areas of pre-school education, child development, facilities and methods for teaching disadvantaged children and further education for adult Americans. Education must never be starved of funds or sacrified for less essential needs. It must receive our continuing attention, commitment, and support.

Cities

The urban crisis was a prominent feature of the political landscape of the 1960's, but the Republican Administration already seems bent upon having us forget it in the 1970's. Despite the importance of national action to save our environment, this effort cannot become an excuse or rationale for diverting our attention and vital resources from the increasingly serious plight of American cities. The Eisenhower Commission has called for vast new expenditures on domestic needs, underscoring the earlier conclusions of the Kerner and Douglas Commissions about the urgency and dimension of the task of reconstructing urban life.

Above all, however, the effort to rescue our metropolitan areas requires a political decision, supported by all the American people. This, in turn, will require committed and articulate political leadership which calls upon our nation to make the sacrifices now that are essential if we are to insure the survival and development of urban America.

Medical care

Sharply rising medical costs and the lack of adequate health care for millions of Americans demand far better use of existing medical facilities, and their expansion to meet the growing needs of the 1970's. We must explore ways for all Americans to be insured against grave financial loss through illness and to have full access to preventive care facilities. The time has come to look particularly at ways for the federal government to help establish and support national programs of health insurance, in the private market where possible but through public action where necessary. The time has also come to correct immediately the outrageous abuses of Medicare and Medicaid as revealed by the Senate Finance Committee staff yesterday.

Welfare

Last year, the Republican Administration proposed a family assistance program that would begin reform of the present welfare system and provide a federal minimum payment of $1600 for a family of four whose income was under $1000. Although the Republican program contains some good elements, we should explore other proposals that would remedy shortcomings in the Administration's bill.

We need, for example, to implement the broader proposals of the Heineman Commission on Income Maintenance appointed by President Johnson and to increase the minimum payments to a figure that makes it possible for a family of four to survive in today's economy; achieved in stages this would bring each family's income to the federally-defined poverty line of $3600 a year. And we should look for ways to relieve the already overburdened budgets of states and localities.

Other needs claim our attention and action:

Workable mass transportation systems to eliminate the daily worsening traffic congestion of the highways in our metropolitan centers;

A total commitment by the federal government to eliminate hunger and malnutrition in this richest of nations;

A program for rural America which concentrates on development of rural communities and their human and material resources; which helps to relieve the already overcrowded urban centers; which more fairly compensates efficient producers of agricultural commodities while reducing gross overpayments to a handful of absentee, off-the-land farm "manufacturers."

Where will we find the resources to meet these commitments and solve these problems?

First, we must insure that no favored interest group evades its obligation to contribute to the public sector. We must continue the fight to close tax loopholes which benefit a few politically powerful groups to the detriment of our society as a whole. Progress was made in 1969 by the Democratic Congress, but more must be done.

Second, we must make a serious and determined effort to reduce our military budget to the lowest level consistent with realistic national security objectives. We welcome the cuts announced on the Pentagon budget for fiscal 1971, even though the Administration's refusal to release figures on expenditures related to the Vietnam war makes it difficult to assess the nature and extent of the military reductions which have been proposed. But we are distressed to learn of the Administration's decision to return initial responsibility for military budgeting to the Armed Services instead of leaving it in civilian hands; allocation of Defense dollars should not be determined through logrolling by competing services, but by people aware of and responsible for competing domestic needs of our society.

We know, for example, that the number of major new weapons systems initiated in the past year has been unusually large; when added to weapons programs previously under way, the cost-to-completion of 131 major systems has risen to over $140 billion, even if no further cost overruns occur.

We must understand that small initial down payments on major weapons systems can have enormous impact on future budgets, depriving the American people of urgently needed funds for schools, hospitals, clean air and water, and more livable cities and rural areas.

The Policy Council's Truth-in-Budgeting Task Force will soon release a more detailed report on the Republican Administration's budget for fiscal 1971.

Third, we must pursue responsible fiscal and monetary policies to insure real growth in our economy so that under existing tax rates, there will be substantial additional revenues for our public needs. Inflation must not continue to rob the poor, the retired, the small businessman, those on fixed incomes and so grievously inhibit our ability to meet our national needs.

Finally, we must face the difficult question and be prepared, if necessary, for the possibility that along with tax reform and Pentagon budget reductions we will have to make selective increases in tax rates so that those able to contribute most readily to the public weal will do so in true proportion to their ability.

This nation has the greatest per capita income of any nation in the world, but our citizens contribute less per capita than those in most industrialized, Western nations.

In sum, a decisive shift of resources will not be achieved with rhetoric or short-term budgetary gimmickry. It will take hold and imaginative commitments of resources and talents, worthy of a great and dedicated people. We have faith that given proper leadership, America will take these essential steps in the decade ahead.

II

Despite the Administration's claims of progress, Vietnam remains our most urgent overseas problem and our most divisive and bitter domestic one. Our national interests require that the war in Vietnam be brought to a close at the earliest practical moment. The loss of life, the diversion of resources from critical domestic needs, and the disunity of our country must be ended.

The withdrawal of some U.S. troops is a desirable first step and we support this decision. But future U.S. decisions, affecting American lives and resources, should not be dependent upon either North Vietnamese or South Vietnamese actions. Our schedule of withdrawal should not be dependent upon the progress of the Paris peace talks, the level of violence, or the progress of so-called Vietnamization. It should depend primarily upon the interests and policy of the United States. That interest and that policy require a firm and unequivocal commitment to the American people that all U.S. forces will be withdrawn from Vietnam in accordance with a definite schedule. We see no reason why this withdrawal should not be completed within eighteen months. Such a withdrawal can be accelerated by efforts to create the conditions necessary for a peaceful political settlement.

The resolution of the Vietnam tragedy cannot be found in military measures alone—whether those of the United States or, through Vietnamization, those of South Vietnam. It can be found in political arrangements which broaden the South Vietnamese government to the point where it is truly representative of the people. Our continued unconditional support of the Thieu government as now constituted is not only unjustifiable but delusive. The U.S. should be interested in putting an end to violence in Vietnam, not prolonging it. And so long as the present government of Vietnam believes that it can count on U.S. military support for an indefinite period, we believe it will not take or permit others to take the domestic poltical measures in South Vietnam which are essential to peace.

There are, as well, unanswered questions regarding negotiations. It is puzzling that President Nixon stated in his November 3rd address that Ho Chi Minh's letter to him "flatly rejects" his approach. We had been faced with a North Vietnamese demand that a settlement "must be . . . in accordance with the NLF program." But Ho Chi Minh's letter stated, "The ten point program . . . is *a* logical and reasonable basis for settlement . . .". Furthermore, his letter ended by stating, "With good will on both sides we might arrive at common efforts in view of finding a correct solution to the Vietnam problem." Was this a rejection, or, in fact, an invitation for further negotiation?

By failing to appoint a successor to Ambassador Lodge, the Administration has created the widespread impression that it has downgraded the Paris talks and "written off" negotiations. We believe that the President should immediately appoint a high level negotiator to head the Paris delegation and thus put pressure on the North Vietnamese to negotiate in good faith. Among the subjects that should be pressed are steps to reduce the level of combat and violence, leading to a ceasefire.

President Thieu has denounced and taken action against Vietnamese political leaders who have urged a negotiated compromise settlement. Yet there is evidence that a majority of the South Vietnamese desire such a settlement. Even in the 1967 elections, over sixty percent of the people voted for civilian candidates who ran on some type of peace platform. We believe the United States should now insist on the inclusion in the Saigon government of men who represent wider pub-

lic opinion desiring a peaceful solution and who are prepared to negotiate such a settlement.

Furthermore, the United Nations should be used to the fullest extent practicable to speed a resolution of the struggle in Vietnam.

The Administration's failure to develop viable U.S. policies in other areas of the world is deeply disturbing.

Almost the only "new" policy of this Administration has been the so-called Guam or Nixon Doctrine. At first this appeared to mean that we would keep existing commit ments in Asia but not expand them and that coping with subversion must be the responsibility basically of the nation threatened. Yet the policy has now become an accordion, contracted at home, expanded when the President or Vice President travel. President Nixon volunteered in Bangkok to stand with Thailand against threats "from abroad and from within," and Vice President Agnew spoke in Singapore of a "definite relationship" where there has been no commitment in the past. In addition, the President implied but did not define an American nuclear umbrella over Asia. Finally, the President's State of the Union message seemed to apply the doctrine to the whole world, and without distinction. This may or may not be "policy," but it represents neither clarity nor a willingness to level with the American people.

We welcome the resumption of American-Chinese discussions in Warsaw and the initiatives toward relaxation of barriers to commerce and travel between the United States and China. We urge that consideration be given to further steps which will bring China into wider contact with the community of nations and encourage the end of her isolation.

We support the growing economic and social role being played in Asia by Japan. We should encourage the trend toward regional cooperation among Asian nations.

The objective of U.S. policy in the Middle East is lasting peace between the Arab nations and Israel—a peace that will assure independence and security to Israel and all other nations in the area. Today we are further away from that goal than we were 14 months ago.

As a matter of primary importance, the United States should undertake efforts to bring about face-to-face negotiations between the parties in the Arab-Israeli conflict, including efforts under the auspices of the United Nations. We should also press for restoration of complete compliance with the cease-fire. It is regrettable that the quiet statesmanship of the past has given way at times to public declarations by Administration spokesmen.

In the meantime, the Middle East arms race continues at an accelerated rate, spurred by increased shipments of arms to the Arabs from the Soviet Union and the recent French sale of advanced aircraft to Libya. The United States should make every effort to reduce the flow of arms into the area and press for Middle East arms limitation arrangements.

However, pending such an arrangement, the United States must remain prepared to correct or prevent an arms imbalance which might either threaten Israel's existence or contribute to a resumption of major hostilities.

We believe the United States should welcome and support the new German government's initiatives for improving relations with the nations of Eastern Europe and with the Soviet Union. Furthermore, we believe that the proposed European Security Conference between the NATO and Warsaw Pact countries presents opportunities to reduce tensions in Europe now, and we are concerned by indications that the Administration considers that the conference should be postponed for at least a year. Rather than dragging our feet, we should assure our NATO allies that the United States is fully prepared to join in such a conference. Among the immediate issues should be the lessening of tensions in Europe and the mutual reduction of force levels. A Warsaw Pact—NATO agreement on balanced reductions in forces is the soundest way to reduce the number of American troops stationed in Europe.

Pending such an agreement, we call upon the Administration to obtain from our German and other allies in NATO an arrangement to take over some of the budgetary costs now carried by the American taxpayer.

In Latin America, this Administration has replaced the Alliance for Progress with a vacuum.

Governor Rockefeller's study trip of our already overstudied Hemisphere was completed months ago; the Latins presented their own joint proposals on U. S. policy to the President last year. Yet there has been no adequate Administration response. No policy on trade; no policy on aid—except to reduce it; no policy on inter-American reorganization; no policy on social and economic reform. Nothing to reflect a commitment to Latin America's drive for a better future.

However, there have been ample assurances that the political status quo will be respected; the Governor's embrace of Duvalier, and his advocacy of increased military aid, are only some notorious examples. Military governments and the erosion of individual liberty in Latin America seemingly are not matters of much concern to the Administration today.

This is not a policy to stir the hopes—and strengthen the commitment—of the democratic leadership in Latin America.

We must rededicate ourselves to the UN in order to insure that its role for peace—in mediation, conciliation, and in providing observers and peacekeeping forces—will be effective in those parts of the world in which the UN alone can act.

We should also look to the UN as an important forum for the control of the arms race, helping to bring more countries into the growing consensus against the use of nuclear and other weapons of mass destruction, through instruments such as the Non-Proliferation Treaty, and for the control of the population explosion which threatens the human environment of the rich nations and the very existence of the poor. Furthermore, its affiliated agencies can serve an expanding role in cooperative action for human progress and should have our enthusiastic support.

While economic progress is no guarantee of peace, we believe that economic development of the emerging nations can make an essential contribution to a peaceful world. The United States, together with the other industrialized nations, has a responsibility to increase and make more efficient its participation in development, particularly through multilateral organizations and through a liberalized trade policy.

The Committee on International Affairs is preparing detailed, policy papers which will examine and make recommendations in each of these critical areas.

III

The success of our efforts in the 1970's to use the resources of America wisely for the benefit of all depends on maintaining a strong and sound economy. Today, this goal is threatened by the cruel reality of inflation and the growing threat of recession.

Most Americans, particularly those of modest or fixed incomes, have suffered under the 6.1 percent rise of consumer prices which occurred in 1969. Sky-rocketing grocery bills and an enormous increase in the cost of basic health services bring home the fact that inflation has been more rapid in the last year than in any since 1951.

Interest rates, meanwhile, have soared to the highest levels in over a century, small business has been denied fair access to credit, and the housing industry has entered a full-fledged recession. The economy's expansion has come to a halt, and unemployment is a reality for a rising number of workers in major industries.

While some have benefited from sky-rocketing interest rates, strategic control of sources of credit, or the ability to push prices or income up faster than costs, most Americans have been caught up in a fruitless attempt to keep up with a spiral cost of living or of doing business, and many have suffered severe economic disability.

How has the Republican Administration brought us to this state of economic crisis?

The Republican Administration has failed to give us strong, balanced and affirmative leadership to deal effectively with our developing economic crisis. It has rejected a policy to give leadership to private price and wage decisions, and has even repeatedly advertised that it had no concern with such decisions. This announced renunciation of Presidential leadership told the responsible and the irresponsible that the sky was the limit. And the results were predictable: prices in those industries previously responsive to Democratic wage-price leadership rose an average of 6 percent in 1969, compared to the 1.7 percent annual increase that occurred in these industries from 1966–68.

However, the Administration has shown no interest in considering the use of credit control authority granted it by the Congress.

We can expect little relief until the Administration decides to stop fighting inflation with one hand tied behind its back.

There have been other failures. A year ago the Administration was unable for months to decide whether or not it favored extension of the income tax surcharge, or whether it wanted tax reform and, if so, what kind. More recently, it has been unable to make up its mind about monetary policy, standing helplessly by, alternately wringing and clapping its hands while interest rates have soared.

We have heard nothing more effective than a series of repeated hopes by the Administration—repeatedly disappointed—that its policies would soon bring a slowing down of inflation. Now we are told that this is all the fault of the Democrats and that the projected budgetary surplus for fiscal year 1971 will do the job. But the Administration forgets to tell the American people that this budget—if it does turn out to be balanced—will not be the *first* balanced budget in recent years, but the *third* in a row; and it is only the first for which the Republicans are fully responsible.

If a balanced budget, therefore, was the solution for all economic ills, then surely the inflation both of the cost of living and of interest rates, like the drying up of credit for housing and small business, would have long since begun to ease, and American workers would not now be fearing the loss of several million jobs from a potential recession.

We learned long ago that a balanced federal budget in itself is no panacea for a sound and balanced economy—yet this is all the Republicans have offered in the past year. A sophisticated economic policy adequate to the needs of the 1970's must have many concerns: among them, stable prices, jobs for all, reasonable interest rates, the fair availability of credit, adequate economic growth, and a sound dollar internationally. It must seek equity for all sectors of society—producers and consumers; small businessmen, farmers, homebuilders and homebuyers; workers, the self-employed, the unemployed, the unemployable and the retired; as well as big business and the banks. All these concerns cannot be met by the simple prescription of a balanced budget.

We are forced to this conclusion: the rhetoric of the Republican Administration's concern about inflation is directed at the

so-called silent majority. But the reality is that the Republican economic policy has endangered the economic welfare of the great majority of the American people. The history of Republican economics supports the fear that—as in 1954, 1957, and 1960—a Republican Administration may once more plunge us into recession. The American people are entitled to something better.

In the coming months, the Committee on Economic Affairs will release policy studies in the following areas and possibly others: economic goals for America; fiscal and monetary policies, and tools for their execution; inflation; tax structure; federal-state-local fiscal relationships; the concentration of economic power; and international trade and the balance of payments.

IV

We welcome the negotiations with the Soviet Union looking toward the limitation of offensive and defensive strategic nuclear weapons. This is a critical time. Both the United States and the Soviet Union are continuing to move forward in the arms race—moving in reaction to one another and in a direction which can only leave both nations less secure than they are today and with fewer resources to devote to domestic needs.

We are convinced that the national interest of both countries demands a stop in the "mad momentum" of the strategic armament race. A policy designed to bring about reciprocal restraint will create the most favorable conditions for bilateral agreement on arms limitations, without endangering our security through unilateral disarmament or indefinite unilateral postponement of strategic weapons programs. Some have argued that negotiations will succeed only if we achieve a position of increased strength. But this argument would distort the promise of disarmament talks into a rationale for continued escalation. It would be a tragic error to jeopardize the prospects for reducing the terrible risks and heavy costs of the arms race by precipitate decisions to proceed with new nuclear weapons not urgently needed for our national security.

Specifically, we question the need and the wisdom of going ahead now with a new manned strategic bomber and expanded plans for anti-ballistic missile defenses. In an abrupt change from last year's justification of the Safeguard system as necessary to protect our land based missiles and hence our second strike capability, the Administration now proposes an enlarged system which purportedly would protect our cities from a Communist Chinese nuclear threat which may exist a decade or more in the future.

Past experience surely demonstrates the futility of resting present security decisions primarily on speculation about the future. The risks of accelerated ABM deployment far outweigh the highly conjectural value of an anti-ballistic missile system using today's technology against the threats we may or may not face in the 1980's. We oppose further ABM deployment.

Expansion of the Safeguard system from missile defense to area defense will cast doubt on our intentions and seriously prejudice the prospects for the SALT talk. The underlying assumption of protracted Chinese hostility and irrationality can also preclude real progress in improving relationships between China and the United States. The nuclear striking force on which we rely to deter a major Soviet attack surely will deter the relatively insignificant nuclear strength attainable by China or any other power in the foreseeable future.

Moreover, steps should be taken now to bring about reciprocal restraint in testing and deploying new nuclear missiles with improved warheads, such as MIRV. Only by such steps can we keep open the option of negotiating an effective and verifiable agreement on nuclear arms control. This should be made the first order of business when the SALT talks reconvene in Vienna in April. In taking the initiative to stop atmospheric nuclear testing, President Kennedy advanced the cause of peace and our own security. The Soviets responded affirmatively to U.S. initiative and the Limited Nuclear Test Ban Treaty was agreed upon shortly thereafter. The United States should further seize the initiative and take another step toward a safer world by deferring MIRV testing and further deployment of offensive and defensive missile systems while calling on the Soviet Union for similar restraint.

We are concerned by the Administration's failure to relate the defense budget for fiscal year 1971 to probable threats to U.S. national security in the 1970's. No rhetoric about meeting our treaty commitments and promoting partnerships, while reducing our involvement and our overseas military presence, can substitute for detailed analysis of where and how our security may be threatened and what level and mix of military power is needed to deter or deal with those threats.

The Arms Control and Defense Policy Committee will shortly release a more detailed report on these and other matters, together with recommendations for further reforms of the selective service system.

V

Americans, living in a democratic society, have never wholly failed to ask: How can government at all levels serve all the people with greater justice and effectiveness?

In the decade of the 1970's, however, the American people will ask this question with greater urgency than at any other time in our history and they will expect answers.

They properly will expect just and effective government in the wealthiest, most powerful nation of the world. Such a nation, Americans will say, must have governments—federal, state and local—which can secure equality of opportunity for all citizens, move decisively against the tremendous human problems besetting our society, particularly in its urban areas, and preserve our national inheritance of liberty and individual initiative.

To secure these goals of just and effective government will demand more than rhetoric and reassurance. We need national leadership ready to give moral force and practical support to the law of the land, the law that says all children, black and white, rich and poor, are to learn and live together. We need national leadership ready to walk in dark urban ghettos and forgotten rural sprawls, ready to search them out, eliminate them and build in their place communities of dignity and opportunity.

Having been warned two years ago by the National Advisory Commission in Civil Disorders that "our nation is moving toward two societies, one black, one white—separate and unequal," we need national leadership that does not polarize opposites but that reconciles differences, one that helps heal the wounds of generations of oppression and inequality.

We are told to judge the Republican Administration on the basis of deeds. But it is the record of Republican deeds which concerns us:

The Administration's failure to support the extension of the Voting Rights Act of 1965 which had secured the most essential political right for more than 700,000 previously disfranchised blacks, despite considerable support for extending the law.

The nomination to the Supreme Court of two jurists, who, at best, have demonstrated no understanding of the nation's commitment to full racial justice;

The Administration's efforts to delay the process of school desegregation which had been promised an earlier generation of school children by the Supreme Court in 1954; and

The Administration's opposition to legislation strengthening the enforcement powers of the Equal Employment Opportunity Commission.

These acts by the Republican Administration have served to polarize the people of this country on the basis of race, and have understandably diminished the confidence of black citizens in the commitment of government to the achievement of equality for all citizens.

We believe that the Haynsworth and Carswell nominations to the Supreme Court should not have been made; and we urge the Senate to reject Judge Carswell as it did Judge Haynsworth.

We believe further, that this administration must state unequivocally where it stands on the question of the elimination of dual systems of education based on race.

The Committee on Democracy and Government is charged with developing the specific plans that, when implemented, will reestablish a relationship of trust and common purpose between the American people and government at all levels. In the 1970's this will require of *access, structure,* and governmental *effectiveness.*

We report periodically on these matters to the American people.

At this juncture, however, several specific directions have already become clear and demand comment now.

In a democracy, access to *government* can be no greater than access to the political process itself. For this reason, the 1970's must be a time of far-reaching reform of the American political system, including, among others:

The elimination of the vestiges of voting discrimination on the basis of race, a goal which can best be served at this time by reenacting and enforcing the Voting Rights Act of 1965;

The amendment of the Constitution of the United States to lower the voting age for all state and federal elections to eighteen;

The amendment of the Constitution to permit the direct election of the President and the Vice President of the United States;

The establishment of a Universal Voter Enrollment Plan to register all qualified voters through a government canvass of every election jurisdiction, as called for by the Democratic Party's Freedom-to-Vote Task Force under the chairmanship of former Attorney General Ramsey Clark;

The creation of a National Election holiday to permit everyone the opportunity to vote and a National Election Commission to keep an accurate and comprehensive current record of all election rules and results, a duty which no agency, public or private, now performs;

Procedures for permitting all citizens, regardless of where they happen to be on election day, to vote through a simplified process for casting and verifying ballots; and

Some system of public support to alleviate the growing financial burdens of running for political office—whether by tax credits, public subsidies, donations of time or services, including television time—thus allowing poor and middle-income citizens, as well as the rich, to represent their country in public office.

The benefits of full participation and access to the political process can be thwarted nevertheless by an outmoded governmental structure incapable of dealing with the complex demands of contemporary society and the economy.

For this reason the federal government must offer the states and localities powerful incentives to redesign the fragmented, unresponsive, underfinanced structure of local government itself is an evolutionary process toward governmental units that encompass metropolitan areas capable of deal-

ing with metropolitan-wide problems. At the same time we must also give attention to developing a lower tier of neighborhood political units, "little city halls," to which appropriate municipal offices and services would be decentralized, and through which elected representatives of the neighborhood would exercise authority over the provision of neighborhood services.

Increased effectiveness of government will require numerous reforms in the 1970's. There are few things more destructive of effective government action than the overlapping and confusion of administration of domestic programs. The executive branch urgently requires the decision-making and command mechanism that would be provided by a National Domestic Policy Council. Such an instrumentality would serve not only to increase effectiveness within the federal bureaucracy but also to carry forward the equally vital task of developing more efficient delivery systems of federally-supported services.

To assist in making these decisions, the executive should have the information and guidance flowing from a system of social indicators—measures of factors such as reduction of racism, and educational and health deficiencies—prepared and evaluated by a Council of Social Advisors, analogous to the annual Economic Report prepared by the Council of Economic Advisors.

In our quest for the good life we have put enormous pressures on our natural resources, disrupted delicate biological balances, fouled our cities and the countryside, and endangered our lives and the planet. Our challenge is to restore a balance between man and his environment and to make life more meaningful and attractive in the largest cities and in the smallest towns.

Consider these facts:

Almost every American lake, stream or river is now blighted by pollution.

As a nation, we discard yearly more than 195 million tons of solid waste, and industrial smokestacks spew over 175 thousand tons of noxious fumes into the air.

The exhaust pipes of 85 million cars create more than 60 percent of the air pollution that blankets major cities.

Thoughtful and respected scientists have warned that unless the tempo of ravaging our national environment is checked, life itself may hang in delicate balance by the year 2000.

This problem touches everyone—the poor, the middle class, the wealthy. Not only is it an urban phenomenon but the forces of blight threaten life in rural America as well.

Now, our goal for all citizens must be a safe and sane environment for man—the right to clean air, to clear waters, to open spaces and to a beautiful America—not a bulldozed America.

We have made a small and modest beginning. The apathy of the 1950's turned to awareness and action in the 1960's. Through Democratic leadership, a nation's commitment was embodied in such landmark legislation as:

The Clean Air Act of 1963;

The Clean Air and Solid Waste Disposal Acts of 1965;

The Clean Rivers Act of 1966;

The Water Resources Planning Act of 1966;

The Air Quality Act of 1967; and

The National Environmental Policy Act of 1969.

We welcome the President's expressed concern with the problems of the environment. Now we must hope that this concern will be translated into a serious and sustained commitment to attack these problems.

The time has passed for rhetorical pronouncements or admonitions. Nor is this the time to call for a "do it yourself" environmental clean-up program. The central and irreducible fact is that the federal government must assume major responsibility and assert national leadership in this effort.

We must demand more than sleight-of-hand financing and the mere reshuffling of governmental bureaus and agencies. Indeed, we must be acutely aware of the danger of superficial reforms that divert the growing public support for far-reaching and effective action.

There must be no misunderstandings—a serious and sustained effort to achieve, and then to maintain, a quality environment for Americans is an undertaking of major proportions. It will require significant readjustments in our national priorities. It will entail the examination and possibly the rejection of certain national beliefs and practices. It will involve greater citizen participation. But, most importantly, it will demand new governmental tools at all levels and the enormous commitment of public resources.

President Nixon devoted much of his State of the Union message to the environmental crisis. He committed his Administration to this battle, but regretfully his budget does not square with the promise to propose "the most comprehensive and costly program in this field in America's history." In fact, his budget represents for many programs a retreat from the goals already set by Congress and for others no more than a commitment to achieve existing levels. And deeds, not words, will be the ultimate measure of this Administration's commitment.

Pollution takes its greatest toll among those who live in the urban environment. Americans who live in the central cities should not be asked to put up with uncollected garbage, crippling poisons in the air, rivers which are fire hazards, contaminated water supplies, or relentless urban noise. These Americans who have been forgotten in the past must not be forgotten now in this battle to reclaim our environment.

We suggest a program of action—action that is urgently required.

An appropriations request for the full $1.25 billion authorized for expenditure in fiscal 1971 for grants for water pollution control.

A program for continued and greatly expanded assistance to municipalities for the construction of waste treatment facilities after 1971.

Stricter and more rapid enforcement of both air and water pollution control standards, and greater public participation through the commencement of class actions against violators of the standards.

A requirement that all existing factories will have the best available anti-pollution equipment and technology installed and applied as quickly as possible.

A requirement that places the burden of proof on proposed industries, before they are built, that they will not add to air or water pollution.

Accelerated research to develop exhaust-free motor vehicles.

Development of state-wide air pollution control programs so that no polluters can evade or escape control and compliance schedules, with stand-by authority in the Federal government to act if the states do not.

The development of rational systems of user charges that place the burden of the cost of cleaning up public waterways upon those who are the source of the pollution.

Greatly increased Federal outlays for research and development in all areas of environmental control.

Adequate funding for acquisition of lands for park and open space needs but in a manner designed to avoid speculation and excessive land payments.

Strong Federal strip mine control and land reclamation laws.

A new program for noise polution abatement and control.

The complete elimination of harmful environmental contaminants and pesticides.

A national policy and plan for growth, population distribution and land use.

Development of a major Federal environmental education program.

Development of new methods to cope with the problems of solid waste disposal.

Strong regulations promptly implemented against pollution by Federal installations.

The decade of the 1970's will be equally decisive in our efforts to protect the American consumer. Under the leadership of Presidents Kennedy and Johnson, the Democratic Party has:

The National Motor Vehicle and Traffic Safety Act of 1966;

The Child Protection Act of 1966;

The Wholesome Meat Act of 1967;

The Wholesome Poultry Products Act of 1968; and

The Truth-in-Lending Act of 1968.

Experience has shown that much of the consumer legislation of the 1960's needs strengthening. Beyond this, however, the 1970's must be a time of expanding the consumer's right to choose and his right to be heard. And, as in the case of environmental policy, we must be particularly alert in the 1970's to the dangers of consumer proposals which offer only paper rights and fake reform—a highly sophisticated brand of mislabeling and deceptive packaging.

In this spirit of vigilant action, we advocate this program:

A consumer protection agency, one vested with independence, power and authority, to consolidate the scattered consumer research and investigative activities of the federal government and mechanisms outside the government to help the consumer achieve satisfaction in the market place, such as the Consumer Action Plan recently announced by the Democratic National Committee;

A freedom of consumer information law that would authorize the release of consumer product information collected by federal agencies, particularly the information related to product performance;

A federal class action law to permit consumer lawyers to bring class actions in the federal courts without having to await prior action by the Attorney General or the Federal Trade Commission;

A consumer products guaranty bill that would require the maker of any guarantee to repair or replace malfunctioning parts within a reasonable time and without charge;

A fish inspection law that would provide full-time federal inspectors in the fish processing plants, essentially the same system now used in the meat and poultry inspection program;

Comprehensive automobile insurace reform; and

Comprehensive product safety legislation.

These are the essential next steps in consumer protection as we enter the 1970's. Further recommendations will be made.

THADDEUS KOSCIUSZKO: SOLDIER AND PATRIOT

Mr. KENNEDY. Mr. President, on February 12, we celebrate the birth of the great Polish patriot and hero of our own Revolution, Thaddeus Koscuiszko. Called by Thomas Jefferson "the purest spirit of liberty," Koscuiszko was born February 12, 1746, at Siechnowicz, Poland. As a youth his brilliance and particularly his aptitude for engineering were so outstanding that they came to the attention of the King of Poland, who sent him to France to study at leading French military schools.

Unfortunately, there was little opportunity for his talents, for by the time he returned to Poland the First Partition had occurred; a commission in the reduced army was to be had only by purchase, and Kosciuszko was without

funds. He left Poland and went to Paris, where the news of the outbreak of hostilities in America kindled his imagination, and he determined to go to the aid of America—a Polish knight in the cause of liberty.

The contribution of Kosciuszko to the American cause was so substantial, in widely differing spheres of military activity, that he can justly be counted among the architects of the final victory at Yorktown. His engineering accomplishments included the fortification of the Delaware, aiding in the defense of Philadelphia in the early period of the war; the fortification of Saratoga, leading to a victory which won for America not only a campaign but France's recognition of her independence; and the fortification of West Point, rendering it impregnable. In the latter half of the war, he joined the southern campaign under Generals Gates and Greene and served with great distinction and courage as a dashing leader of cavalry.

It is good to remember, in contrast to the tragedy of Poland's desperate and unsuccessful struggle for freedom under Koscuiszko's leadership, that this brave leader had, here in America, his share in a glorious victory and complete triumph. Later he enjoyed the experience of public receptions and reunions with old friends in America, and the Continental Congress, for once giving a hero his due during his lifetime, appropriated $15,000 for him and made him a land grant of 500 acres in Ohio.

Polish Americans are justly proud of the memory of Thaddeus Koscuiszko, whose name is treasured as a shining example of the Polish contribution to American life; but all Americans, and all men, owe honor to the memory of one whose life was dedicated, with entire unselfishness and with unswerving courage, to the cause of liberty—the hero of Poland and of America, Thaddeus Koscuiszko.

ENVIRONMENTAL QUALITY: THE GOVERNOR OF MARYLAND SPEAKS OUT

Mr. TYDINGS. Mr. President, Marvin Mandel, the Governor of Maryland, recently testified in Annapolis before the Senate Subcommittee on Intergovernmental Relations. Governor Mandel expressed his support for S. 2752, the Intergovernmental Coordination of Power Development and Environmental Protection Act, and outlined Maryland's forceful effort to abate pollution and provide a quality environment for all her citizens.

The State has adopted basic air pollution regulations and is now divided into six air quality regions. Open burning dumps are being eliminated and through Governor Mandel's creative initiative a program to remove abandoned automobiles has been started. In the area of water pollution, Maryland has perhaps the most progressive water quality control program in the Nation. As the Governor notes in his statement Maryland has required her counties to submit comprehensive water and sewerage plans for approval and, most importantly, is now financing a training program at our community colleges, to provide the money needed to operate the new water treatment facilities.

Let me make special mention that with Governor Mandel's full approval the State is cracking down on those who violate Maryland's water quality standards. In the last half of 1969, the Maryland Department of Natural Resources issued more that 125 formal notices of pollution violations against industrial and commercial concerns. I fully support this approach to clean water. The time for sweet talking and compromise is over. It is time to crack down on those who treat publicly owned natural resources as a private possession to pollute as they wish.

In his statement to the subcommittee Governor Mandel calls for a Federal-State partnership in the siting of powerplants and for original research to be carried out on the environmental effects of powerplant operations. These are sensible recommendations and I am in full agreement with them.

Mr. President, Gov. Marvin Mandel's statement is a useful review of Maryland's program to protect her natural resources and a forceful declaration of the Governor's own commitment to a quality environment. It reflects the concern of all Marylanders for the State's environmental well-being and their determination to insure that this is not degraded.

I commend the statement to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF GOVERNOR MARVIN MANDEL

Mr. Chairman, Members of the Committee: I am Marvin Mandel, Governor of the State of Maryland. On behalf of myself and the people of Maryland, I am honored to welcome you to Annapolis. We are pleased that you are here to take testimony and give us an opportunity to present our views on S. 2752, the Intergovernmental Coordination of Power Development and Environmental Protection Act.

Other legislation fostered by Senator Muskie has aided Maryland materially in our fight to control air and water pollution. We have also benefitted from Federal legislation addressing the problems of solid waste disposal. The proposed legislation under consideration today once again illustrates Senator Muskie's knowledge of the problem and the need to coordinate local, State, regional, and Federal efforts to control the environment.

The proliferation of electric power generating plants and their attendant high voltage transmission lines poses serious environmental hazards. The State, including its citizens and power industry as well as its regulatory agencies, has grappled with this set of problems for more than twenty years. The controversy surrounding the atomic energy plant under construction at Calvert Cliffs has brought all of the old issues connected with fossil fuel plants into sharp focus. In addition, we have had thrust upon us the new set of awesome responsibilities that accompany our first venture into the area of nuclear power production. We are anxious to share with your Subcommittee our record of partial success, our plans for the future, and our anxieties created by uncertainty.

The members of this subcommittee know that pollution control programs vary greatly from one State to another. Before addressing myself to the Calvert Cliffs generating plant, let me give you some highlights of the fight to control pollution in Maryland.

We have turned the corner and we are making significant progress toward the elimination of both air and water pollution. In brief, Maryland has a modern hard-hitting air pollution control law. The State has been divided into six air quality control regions and basic regulations have been adopted. Methodically, all open burning dumps in the State are being eliminated. A ban on open burning, a tax on automobile hulks in junk yards, and a cash incentive for turning junked cars over to scrap processors has started to bring the problem of the abandoned automobile under control. In conjunction with the National Air Pollution Control Administration, we have made the first moves in the long hard fight to restore clean air to the Washington and Baltimore metropolitan areas.

Of special significance to our topic today, stringent limitations have been placed on the sulphur content of all fuel oil. Within metropolitan areas, and statewide for large burners including power plants, the sulphur content of coal is regulated. Discharge of smoke and soot has been outlawed so that emissions from power plant stacks in the future will be invisible to the naked eye. All new power plants must meet the air pollution control regulations before they are permitted to go into operation. In the case of older plants, improvements have been scheduled over a period of years so that the clean-up will be made as quickly as possible without interrupting the supply of power. This is an expensive program. The Baltimore Gas & Electric Company is committed to compliance plans enforceable under an order of the State that will cost 23 million dollars over the next few years. The citizens of Maryland know that they will be required to bear these expenses, but they have given overwhelming support to the clean air program. A few cents extra on an electric bill is a small price to pay to protect our people from the disease and disablement caused by air pollution.

We have made giant strides in our effort to control water pollution. An aggressive set of closely coordinated State and local actions has moved us steadily towards our first objective, to clean up the backlog of pollution that has resulted from three centuries of neglect. Maryland has adopted water quality standards for all waters of the State, and I am proud to tell you that we were one of the first ten states to have both our standards and plan of implementation approved by the Federal government. To meet those standards and lay the background for the needs of the future, Maryland is the only State that I know of that requires the governing bodies of its counties to adopt comprehensive water and sewerage plans. When adopted by the county government, after public hearings and approval by the State regulatory agencies, a county plan has the full effect of law and must be followed. All water and wastewater treatment plants are required by law to be under the direction of competent supervisors. In a State-financed program, 400 operators have been trained in our community colleges, and another 200 are enrolled this year.

Every industry in Maryland is being checked for compliance with water quality standards. Under a no-nonsense procedure, a formal notification is issued and corrective measures are taken. Otherwise, the matter moves promptly to the courts as rapidly as due process will permit. A special Assistant Attorney General is assigned to our water pollution control agency to provide counsel and to make sure that violations are corrected or prosecuted. In the last half of 1969, the State issued more than 125 formal notices of violation against industrial and commercial concerns ranging in size from the very small to the giants of industry.

Mr. Chairman, like you, I believe there is overwhelming logic in favor of joint Federal-State programs to eliminate and prevent further pollution of our natural resources. We hailed the provisions of the Clean Waters Restoration Act of 1966, a landmark piece of legislation that bears your name. Maryland adjusted its grant program. We accepted the opportunity to establish mutually acceptable Federal-State standards. We required our political subdivisions to prepare comprehensive plans, thereby becoming completely eligible for the full fifty-five percent Federal grant on sewage treatment facilities. At the same time, our General Assembly realized that Federal funds would not be available as rapidly as our communities would be willing to proceed, even with the generous appropriation authorized in the Federal Water Pollution Control Act.

Therefore, we took advantage of the reimbursement clause that Congress placed in the Federal Act to meet that very possibility. Maryland set up a Sanitary Facilities Fund to meet its own obligations to its communities and to pre-finance any deficiency of funds to meet the full Federal grant. Thus, our people were assured that the full amount of Federal and State grants was ready and waiting, and that all they need do was to get their local governments to move. The existence of the fund has stimulated our State officials to be forceful because they know that at the end of the tough negotiation sessions, when the other side finally agrees to act, the State will not be embarrassed by asking the recalcitrants to wait on a priority list for a Federal grant.

The initial results of this financing plan are all that Congress and our General Assembly could ask for. At the start of 1967, there were approximatly 800,000 of our people contributing to water pollution for lack of modern sewerage facilities. We set as our goal the most modern treatment available for every community in Maryland by the end of 1971. I am pleased to tell you that projects constructed, under construction, or firmly funded at this time, have reduced the backlog to approximately 200,000 persons. With the projects in the planning stage, our 1971 goal is in sight.

But all is not well. The under-funding of the Federal grant program is a flagrant breach of promise. It has placed our program in financial jeopardy and it has raised grave questions in the minds of our legislative leaders concerning the reliability of implied promises in Federal legislation. Because the reimbursement clause was limited to appropriations through fiscal year 1971, we accepted some risk that the full amount of money advanced to pay Federal grant offers would never be returned to the State. But we were trusting enough to believe that money authorized by the Congress would be requested by the President in his budgets. That was the proud record of the water pollution control program prior to its transfer from the Department of H.E.W. to the Department of the Interior. Since that transfer, the request has never equalled the authorized amount.

Billion dollar authorizations and million dollar requests give us little reason to believe that the Federal government will be a predictable and dependable partner.

I know that you share my views on this matter of full funding for the grant portion of the Federal Water Pollution Control Act. We know that Senator Muskie supported the Crusade for Clean Water and we were somewhat satisfied when Congress raised the President's request from 214 to 800 million. It was not as good as the one billion authorized, but much better than the inadequate initial request. Now that the appropriation bill has been passed and enacted into law over the President's signature, I cautiously hope that the money will be promptly allotted to the States.

In this war against pollution, the Federal Government has every right to insist that the States move with a sense of purpose. Also, in many areas, including the topic of your hearing today, joint responsibilities in the matter of power plants, there are good reasons to form a partnership. However, these problems are real and they cannot be avoided or shelved at the State and local levels. It seems to me, Mr. Chairman, that the States should insist on a partnership role with the Federal government in the siting of power plants, but only on some predictable and dependable basis. Maryland must hesitate to commit itself to a partnership based on Federal legislation if the erratic, unpredictable financing experienced in recent years is to become the norm in such arrangements. In that event, it would be wiser for us to go about our separate duties agreed to ally as closely as the opportunities of the moment permit, but avoiding programs vitally dependent on projected Federal funding.

With that background, let me turn my attention to the problems of power production and transmission. Nowhere does the concern for the environment seem more prominent. Here in Maryland many voices are raised in dissent, but it is difficult to hear a common chorus emerging from the noise. Somehow, in my role as Governor, I must judge between the clashing views and sort out truth from emotion. It is most difficult to differentiate between those who are concerned with making this a better world and those who are concerned with preserving some special condition for themselves at the expense of the rest of the world. Among those who have sought to advise me, there are individuals with genuine concern willing to work for a better environment, and then there are others who seek to exploit the environmental issue as a means of attaining some personal goal.

I have faith that an environmental crisis can be defused, but stern judgments and hard choices will have to be made. In the short run, Maryland is, to a large extent, the master of its own environment. But in the long run, our fate will depend on equally courageous actions in our neighboring states, the Federal government, and perhaps even the other countries of the world.

Nowhere do these hard choices come into focus more sharply than on the issue of additional power plants. The options are clear enough. Conceivably, we could outlaw all electric energy in the State of Maryland and fall back on an economy of animal power and human labor, but I don't believe any rational person would agree to that course of action. We could freeze the supply of electrict energy at its present level and resign ourselves to a declining standard of living. If so, those now enjoying air-conditioned homes, electric hot water heaters, and elevator services in luxury apartments, must be prepared to see those privileges revoked and their excess power redistributed to make some slight improvement in the lot of the less privileged. My guess is that neither group would lead a happy life. Another possibility is to permit the unrestrained proliferation of power plants and turn our backs on the mounting misery and diminishing value of life caused by air and water pollution. That we do not intend to do.

There is no such thing as a pollution free electric generating plant. We cannot choose pollution-free fossil fueled plants as an alternative to the uncertain hazards of atomic plants. Both produce waste heat and both require high-voltage transmission lines. Abandoned strip mines scarring the landscape, acid streams and rivers, hazardous railroad spurs, fly ash and cinder disposal, and air pollution problems accompany the use of coal. In fact, our air pollution control people advise me that we must face the fact that the day is coming when we cannot tolerate the burning of raw coal. They say it is important that we start to explore ways of increasing the supply of natural gas, or methods for converting coal to gas at the coal mine. Fuel oil has its own set of environmental problems. Marylanders live in constant fear of a major oil spill on the Chesapeake Bay. The likelihood of a spill increases in direct proportion to the amount of oil burned in the State. Even buried gas pipes have been known to rupture and cause explosions, taking large tolls in life and property.

Thus, our choice is whether we use more electricity or not. If we use more, we must face and control hazards no matter what type of generating plant we use.

Neither have we arrived at the time in history where there is enough electricity to provide the good way of life for every citizen of Maryland. The underprivileged want electric stoves, air conditioning, and television probably as much as the suburbanite wants electric heat or a summer cottage with all of the electrical conveniences of home. Maryland is rich in history and scenic beauty. I don't believe there is a route for for a power line in this State that would not intrude on the view from some hallowed ground or alter a scenic vista treasured by someone.

We must also consider our hopes and aspirations for the industrial development of Maryland. Clean industry places less strain on the quality of our environment. But, clean industry requires electricity for such things as modern computers and air conditioned working space. The creation of good paying jobs by industries that are good neighbors in residential counties depends on an adequate supply of electricity. Desirable economic activities will not be attracted to an energy starved State.

The intention of the Baltimore Gas & Electric Company to construct an atomic power plant at Calvert Cliffs had the effect of placing these difficult choices on the Governor's desk. Two and one-half years earlier, a zoning hearing before the Commissioners of Calvert County cleared the way for the construction of the atomic plant on 985 acres of land at Calvert Cliffs. A year later, Governor Agnew congratulated the County Commissioners for their cooperation in getting the power company to construct its newest generating plant at that site. According to the Calvert Journal Gazette, the Governor was reported as saying that he had made a study of the entire matter and felt it was a great gain for the county to have such an important industry located there.

My science advisers have said that there is no possibility of a critical mass producing a nuclear exposion at Calvert Cliffs. But, I hasten to advise my scientists that there is a critical mass of conflicting social dissent that could produce a human explosion many times more powerful than the most awesome atomic bomb. I determined that before the State Government under my administration gave the Baltimore Gas & Electric Company the final permit to use water from the Chesapeake Bay for cooling purposes, I would seek the advice of the best minds available to me. At my invitation, a Task Force was formed of 17 outstanding citizens known for their concern for human and social values as well as their technical ability to understand the subject. They were charged to advise me if the characteristics of nuclear power plants constitute a significant threat to justify further action on the part of the State. The Task Force has completed its deliberations and presented its report to me. They found that the Calvert Cliffs nuclear power plant, operated in compliance with Federal and State laws, would not in any significant way constitute a threat to the people or seriously impair the quality of the Chesapeake Bay environment. The Task Force noted that the State agencies had been vigilant in the enforcement of water quality standards and the protec-

tion of shellfish. However, they pointed out that permits were issued as construction proceeded and stated that this sequence should not be allowed to recur. I am pleased to tell you that under recent State legislation, construction cannot start on power plants or power lines until all of the necessary permits are secured in advance from the regulatory agencies of the State.

Recently, the Maryland Academy of Sciences presented me with still another report on the matter of nuclear power plants. A special Study Panel of the Academy of Sciences came to the same general conclusions as the Governor's Task Force. Both groups concluded that while the Calvert Cliffs installation by itself did not constitute a threat, a massive research effort is required to make intelligent decisions with respect to the large number of power plants that will be required to supply the anticipated desire for future electrical energy in Maryland and the adjoining states. Both of these learned groups were highly critical of the fact that criteria to judge the hazard to the environment of radioactive discharges are conspicuous by their absence. Much research has been done to establish guidelines to protect the health and safety of man, but little knowledge exists to judge the hazard to plants and living creatures other than man. This is a glaring omission which we will attempt to correct at the State level, but considering the magnitude of the task and the gravity of the situation, we believe that a massive national research effort is required as well.

Both the Task Force report and the report of the Maryland Academy of Sciences are being studied by our natural resources staff. On February 18th, a public hearing will be held in Baltimore to consider the application for use of cooling water at the Calvert Cliffs installation. Shortly after the hearing, our Department of Water Resources will decide whether no not to issue the permit, and, if so, what engineering requirements and other stipulations will be placed on the use of water. Our laws are such that if any person is aggrieved by the decision of the Department of Water Resources, he may appeal to a Board of Review. If still dissatisfied, the person is entitled to take his case to court. Thus, Mr. Chairman, it is clear that Maryland's laws are written to guarantee that the public and private citizens have an opportunity to participate in regulatory decisions and that they do have remedy against arbitrary or capricious actions.

Maryland is richly endowed with natural resources. Our heritage extends from the upland streams and forests of Appalachia to the sandy beaches of the Atlantic ocean. We feel an almost sacred obligation to the Chesapeake Bay and its tributaries. We are determined to do whatever is necessary to protect the Chesapeake Bay from the ravages of pollution.

Maryland has committed itself to the cause of conservation and environmental control. Nowhere is that commitment more evident than in the reaction of our citizens to the proposed atomic power plant at Calvert Cliffs on the shores of Chesapeake Bay. Citizens from all parts of the State have written to me expressing their deep concern. Scientists in industry and in universities, some of whom were not directly associated with formal advisory groups, have voluntarily spent many hours studying the potential hazards. They have expressed their views on radio, television, and in the newspapers. Many of them have sent thoughtful letters to me and the State agencies containing worthwhile recommendations. I am grateful for this upswell of concern and for the messages I have received, both public and private.

There is one wonderful theme that runs through these communications. From the most astute scientist to the lay citizen, the theme of common concern is for quality, quality of the Bay and the plants and creatures living in it. Of course there is concern for the health of man and some parochial interests of those whose personal lives will be disturbed, but the predominant concern is for the Bay itself, the Bay as a living entity. I believe that the people of Maryland are telling their Governor that the quality of our natural resources is a valuable commodity in its own right. It is, if you please, a property right, held in common by all of the people in this State and the many others who visit us.

The public is dissatisfied and distrustful of the Atomic Energy Commission. Part of the trouble is that the public doesn't believe that any organization can be true to two masters. In the dual role of promoting the usefulness, while passing on the safety, of nuclear energy, AEC is bound to draw suspicion. But more than that, I think AEC's troubles stem from the fact that they don't believe that our people can be interested in anything more than their personal health, wealth, and comfort. Having spent millions of dollars to find what level of radioactivity man can tolerate, they are dismayed when we ask, "Yes, but what will it do to the sex life of a rockfish?" They can't believe that people would be willing to pay more for electric energy just to keep oysters healthy. But many of us are willing to pay that price.

Calvert Cliffs is but one of many issues that have aroused the public. Whenever an activity has been proposed in recent years that could cause a major impact on the environment, I can detect this common assertion and question:

"Government has shown its willingness and ability to act as an instrument to create wealth while at the same time protecting the health of man, but will it and can it protect the quality of the environment for our enjoyment and the survival of our children?"

I have addressed myself to that question and have found my answer. The question becomes a mandate. In my term of office I am giving a high priority to conservation and the environment. We have started to turn back the tide of water and air pollution and momentum is on our side. Soon the open dumps, the untreated sewage, and the belching smoke stacks will be a sin of the past. Even while we are eliminating this backlog of pollution, we will take the stern measures open to the State to see that pollution is kept under control in the future.

To that end, next week I intend to go before the General Assembly with a message and a number of far-reaching proposals. The program which I outline will cover all aspects of conservation and the environment. However, in the field of bulk power production and atomic energy, the measures would seem to be consistent with Senator Muskie's bill. Specifically, I am taking steps to establish a Council on Maryland's Environment. The composition and responsibilities of this Council will be revealed at a later date.

In another action, I have instructed the Secretary of Health, or his designee, to participate as a party in all Maryland power licensing cases before the Atomic Energy Commission. As the AEC is limited to those aspects of the environment related to health and safety of humans, the Secretary of Health seems to be the logical choice. However, I have asked him to see that there is the fullest possible articulation of our interests in the public record and that our interests are given explicit weight in any consideration of the benefits and risks of nuclear power plants in Maryland. I will expect the Secretary of Health to enter into these hearings in the role of a constructive skeptic.

Finally, I have instructed the Secretary of Natural Resources to prepare a complete and coordinated plan for research and monitoring of atomic power plants on the Chesapeake Bay. The Secretary will seek the advice and cooperation of the Maryland Academy of Sciences, industries, universities, other State agencies, and the agencies of the Federal government. I have asked him to report his plan to the Council on Maryland's Environment by July 1, 1970. The plan will include a design of specific monitoring functions, including the division of assignments among participating groups and the manpower and funds required. Research projects will be identified according to priority and the organizations best suited to conduct various aspects of the research will be named.

I have asked the Secretary not to be constrained by any assumed limitations on funds or other resources. He will present the Council with a clear picture of the actions, priorities, and resources required. The Council will then find the resources needed or make the hard decisions necessary if resources are not available.

I am advised that the research may be long and costly, but we must start now. Otherwise we will soon come to the point where we cannot accept the logic presented by my advisers. They have told me that the first plant isn't much of a risk because the potential insults to the environment are small compared to other risks that now exist. But, the addition of each plant will bring us closer to some danger point, and without research we can neither define that point nor can we design to avert it.

The Federal government must be prepared to assume the cost of research that is beyond the capabilities of the individual States. Even if the States could bear the cost of individual research, the duplication of effort would be wasteful of scarce research manpower and would be extremely costly. I hope this committee will agree with me, that if we can't afford the research needed to protect the environment from nuclear damage, it would be prudent to delay the proliferation of atomic power plants until that precondition has been met.

GOVERNOR ROCKEFELLER LAUDS STATE TRAFFIC SAFETY COUNCIL'S 10 YEARS OF ACCOMPLISHMENTS

Mr. GOODELL. Mr. President, Gov. Nelson A. Rockefeller recently attended a meeting in New York City with a group of leading businessmen, bankers, and industrialists, all of whom were either members of the New York State Traffic Safety Council's Finance and Advisory Committee or strong supporters of the council's important work.

The State traffic safety council has for many years pioneered in all phases of training police and other officials in traffic control work designed to make New York highways safer for travel. This luncheon conference marked the 10th anniversary of the organization of the council. It is with understandable pride that I call attention to the fact that Charles F. Luce, chairman of the board of the Consolidated Edison Co. of New York, accepted Governor Rockefeller's invitation to serve as chairman of the council's finance and advisory committee. In the true spirit of the New York business and industrial community, and despite the business pressures of his own company, Mr. Luce will undertake this civic responsibility on behalf of the council and the people of New York.

Mr. President, at this meeting two principal reports were made. Governor Rockefeller, the main speaker, high-

lighted the important programs of the council which have set an example for other States to follow. Mr. C. W. Owens, president of the New York Telephone Co., who serves as the council's president summarized the main accomplishments of the council during the past 10 years. Because of the importance of the council's work not only to New York but to our national effort for improving safety on our Nation's highways, I ask unanimous consent to have excerpts from these addresses inserted in the CONGRESSIONAL RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM GOVERNOR ROCKEFELLER'S REMARKS TO MEMBERS OF THE NEW YORK STATE TRAFFIC SAFETY COUNCIL, NEW YORK CITY, JANUARY 1970

Ten years ago, a group of civic-minded New Yorkers decided it was time they personally got involved in the problem of traffic accidents.

The result was the formation of the State Traffic Safety Council—and today, you can take great pride in your achievements of the last decade.

Your presidents—Cliff Phelan, Bill Renchard, Bo Wentworth, Baldy Maull, and now Neil Owens—have all given an extra measure of themselves to be sure that the council would succeed

Not only has it succeeded; it has become a national model, and has drawn attention from states throughout the Country.

As your council's honorary chairman, I want to thank these men and your entire membership—for your efforts to achieve traffic safety.

Unfortunately, despite the best efforts of all of us, the automobile accident—with all the suffering and financial ruin it brings—remains one of our most persistent and serious social problems.

However, we have made progress since the modern traffic safety movement began in the early 1930's.

Safety is now a vital component in every mile of highway we build or maintain.

We are learning more about making automobiles safer for drivers, passengers, and those outside the vehicles.

And our driver education and driver rehabilitation efforts are proven safety programs.

However, if we are to reduce traffic accidents substantially below their present levels, we have to have a high degree of cooperation between the various levels of government, and we also have to involve the private sector.

I would like to give you one illustration of how such cooperation is now being carried out today in New York State.

In 1966, Congress passed the National Highway Safety Act, and set aside new funds to help both the state and its communities carry out traffic safety projects.

The amount of Federal money available was limited, and many states used it all up at the state level, carrying out statewide projects.

Here in New York, however, we felt that action at all levels of government was needed. And so, unlike most of our sister states, we made plans immediately to share these funds with our local governments.

We devised a plan under which each of the State's larger political subdivisions—counties, cities, and towns—could qualify for grants.

Our plan called for formation of local traffic safety boards, made up of all interests involved in highway safety—highway superintendents, police chiefs, planners, local legislators, and private citizens.

New York was the first state to develop such a plan, and eventually, it became a national model, followed by states everywhere.

Now, two years later, New York is still the national leader in channeling traffic safety funds to localities.

So far, nineteen counties, and seventeen cities and towns have adopted our plan and formed their local safety boards.

These boards have received more than $2,000,000 through the State Interdepartmental Highway Safety Committee, to carry out safety projects.

And there are now 52 such projects underway by local safety boards. They include:

Purchase of breathanalyzers to crack down on drinking drivers;

Purchase of speed-detection devices to combat speeders;

Inventories of traffic control devices such as signs and traffic lights, to permit better safety planning;

Improvement of accident records, to pinpoint trouble spots on our highway system;

And even a project under which a television camera in a helicopter keeps a whole expressway system under constant aerial surveillance.

Your council has been an effective partner with us in these endeavors.

As soon as the local assistance plan was developed in 1967, your staff under Joe Kusaila sponsored a series of meetings throughout the state, to tell local groups how to qualify for these funds.

Your staff has since met with hundreds of local safety officials, to help them get organized.

Just this week, for instance, your staff conducted a training session in Syracuse for local traffic safety boards from throughout the State.

And you have done much more. You have trained thousands of engineers, policemen, and safety administrators. You have given meaning and impetus to traffic safety on a statewide basis. In short, you have been a strong right arm to me, and to every other public official in the State dedicated to reducing traffic accidents.

As you enter your second decade, under Neil Owens' leadership, I want to thank you, to commend you, and to urge that you keep up the good work. And we only have to look at any newspaper on any day of the week to know that in reducing death and injury on the highway, much work remains to be done.

EXCERPTS FROM THE REPORT BY C. W. OWENS, PRESIDENT OF THE NEW YORK STATE TRAFFIC SAFETY COUNCIL, NEW YORK CITY, JANUARY 1970

(Before proceeding with the main thrust of his remarks Mr. Owens congratulated the members of the Finance and Advisory Committee, Members of the Board and Governor Rockefeller for their inspiring cooperation and support. He pointed out that Governor Rockefeller was probably the only Honorary Chairman of any comparable organization anywhere in the country who was directly, personally and actively involved not only in the formation of the Council but also in its fund raising campaign and other operations.)

Now all of you are familiar with what is happening on our highways. In 1968 more than 55,000 persons were killed in auto accidents—up 4% from 1967. Nationwide the cost is running well over $11 billion annually.

In New York last year we had 3,114 fatalities and 409,202 accidents, a new record. We have had 2,034 fatalities for the first nine months of this year. The figures for accidents are not yet available. But they will be high. Cost estimates for all this tragedy range anywhere from $500,000,000.00 to one billion annually. This is a most unhappy waste of our resources in terms of manpower and finances.

Thus nationally and in our State the picture is rather gloomy. Governor Rockefeller recognized this problem ten years ago when he urged a group of business and industrial leaders to organize our Council. We have been working at this ever since, and I believe with some remarkable results.

In the last seven years the Council has trained more than 9,000 police and other officials in all phases of traffic safety management. This is a record we can all be proud of. I don't know of any other comparable agency which has accomplished so much with so little. We have taught police traffic engineering, business management techniques, proper traffic accident investigation, use and maintenance of traffic records, selective enforcement, supervision and court room procedures; and how to cope with the drinking, driving and drug problem.

When we first started, we barely managed to attract 120 police from 60 units of government. This year more than 1,500 police and other officials from 411 units of government and other agencies attended our training workshops in eight key locations in the State. We have pioneered in this work. At least a dozen other states are following our example.

None of this success would have been possible without the fullest cooperation and encouragement from Governor Rockefeller, his immediate staff and his Administration.

We are indebted to Motor Vehicles Commissioner Tofany and his predecessor, Bill Hults; to State Police Superintendent Bill Kirwan and his predecessor, the late Arthur Cornelius; to the Departments of Transportation and Commerce, and to all police agencies in New York. Commissioner Francis Looney of the Nassau County Police Department, and President of the State Police Chief Association, has worked with us wholeheartedly over the years. I would like to tell Commissioner Looney, in his capacity as head of the State Police Chiefs Association, that our Council is grateful to the Association and its members for their cooperation over the years.

Now all of you should have before you copies of our annual report. That report explains in detail what we have accomplished, not only this year, but over the last 10 years. With your permission, therefore, I will simply touch on some of the highlights contained in that report.

Some years ago we initiated the Council's annual awards program designed to encourage police departments to upgrade their traffic management activities. When we started this program, a handful of police agencies cooperated. And understandably so. We were a new organization and few had heard of us. This year 54% of the police departments eligible to participate joined with us in this project.

In line with our police work, I am happy to report, that we have supported constantly Governor Rockefeller's efforts to add more state police patrols to guard our highways. Most important, the Council played a significant role in helping the State Police acquire a $4,000,000.00 State Police Academy. When it opens, it will provide formal training to all police agencies in the State in traffic management subjects.

Over the years the Council has either sponsored or supported 24 major pieces of traffic safety legislation enacted into law. Included in that package are such bills as mandatory seat belt requirements; fail safe brakes; training for school bus drivers; periodic eye tests; the Good Samaritan bill; school speed limits; safer tires, reflectorized license plates, and annual inspection for all motor vehicles. Our work has inspired countless editorials on highway safety. Earlier this year hundreds of newspapers carried our support of the Governor's request to the Legislature for a tougher drinking driving law.

More recently, the Department of Motor

Vehicles invited our cooperation in developing a key-sort accident analysis and information card-system for police departments. Together we launched a statewide study in which almost 95% of the police agencies in the state cooperated. Currently, approximately 65 large and small police agencies have adopted this system. Another 60 have it under consideration. This was a major undertaking and may well produce major results in the years ahead. To the best of my knowledge, this is the first such study of this nature ever undertaken in New York, or for that matter, in any state in the nation. It was an historic achievement. The aim here, of course, was to encourage local police to develop a records system whereby each department would know exactly what is happening on roads within their jurisdiction. Unless the police know what is happening, and where these accidents are occurring, there is simply no way of mounting an effective program designed to reduce the slaughter on our highways. Here again we have pioneered and here again we believe that other states will follow the pattern set in New York.

When you consider the relatively small budget that we have, and the small staff, which has never been more than four men with secretarial help, I think you will agree that our Council has produced a remarkable record.

While the Governor invited me to take on this job, it is really you who are here today, who are responsible for these accomplishments—for all this good work being done to safeguard you and your families, and all our citizens when they use our highways for pleasure and for business. This is a tribute not only to the present leadership of the Council but also to the men who have guided its work in the past.

HERBICIDES AND DEFOLIANTS IN VIETNAM: A CRITICAL REVIEW

Mr. GOODELL. Mr. President, for over a year now, chemical and biological weaponry—CBW—has undergone careful review in Congress.

Last year, Congress succeeded in placing restrictions on the vast arsenal of chemical and biological agents developed for military purposes.

Still, Congress has much to do. Yet to be resolved are questions directed at the existence of disease-producing weapons, such as toxin weapons, and the use of herbicides, defoliants, and tear gas in Vietnam.

"Defoliation" by Thomas Whiteside is a useful report on the use of herbicides and defoliants in Vietnam. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Yorker, February 1970]

DEFOLIATION

(By Thomas Whiteside)

Late in 1961, the United States Military Advisory Group in Vietnam began, as a minor test operation, the defoliation, by aerial spraying, of trees along the sides of roads and canals east of Saigon. The purpose of the operation was to increase visibility and thus safeguard against ambushes of allied troops and make more vulnerable any Vietcong who might be concealed under cover of the dense foliage. The number of acres sprayed does not appear to have been publicly recorded, but the test was adjudged a success militarily. In January, 1962, following a formal announcement by South Vietnamese and American officials that a program of such spraying was to be put into effect, and that it was intended "to improve the country's economy by permitting freer communication as well as to facilitate the Vietnamese Army's task of keeping these avenues free of Vietcong harassments," military defoliation operations really got under way. According to an article that month in the New York *Times*, "a high South Vietnamese official" announced that a seventy-mile stretch of road between Saigon and the coast was sprayed "to remove foliage hiding Communist guerrillas." The South Vietnamese spokesman also announced that defoliant chemicals would be sprayed on Vietcong plantations of manioc and sweet potatoes in the Highlands. The program was gathering momentum. It was doing so in spite of certain private misgivings among American officials, particularly in the State Department, who feared, first, that the operations might open the United States to charges of engaging in chemical and biological warfare, and, second, that they were not all that militarily effective. Roger Hilsman, now a professor of government at Columbia University, and then Director of Intelligence and Research for the State Department, reported, after a trip to Vietnam, that defoliation operations "had political disadvantages" and, furthermore, that they were of questionable military value, particularly in accomplishing their supposed purpose of reducing cover for ambushes. Hilsman later recalled in his book, "To Move a Nation," his visit to Vietnam, in March, 1962: "I had flown down a stretch of road that had been used for a test and found that the results were not very impressive. . . . Later, the senior Australian military representative in Saigon. Colonel Serong, also pointed out that defoliation actually aided the ambushers—if the vegetation was close to the road those who were ambushed could take cover quickly; when it was removed the guerrillas had a better field of fire." According to Hilsman, "The National Security Council spent tense sessions debating the matter."

Nevertheless, the Joint Chiefs of Staff and their Chairman, General Maxwell Taylor, agreed that chemical defoliation was a useful military weapon. In 1962, the American military "treated" 4,940 acres of the Vietnamese countryside with herbicides. In 1963, the area sprayed increased fivefold, to a total of 24,700 acres. In 1964, the defoliated area was more than tripled. In 1965, the 1964 figure was doubled, increasing to 155,610 acres. In 1966, the sprayed area was again increased fivefold, to 741,247 acres, and in 1967 it was doubled once again over the previous year, to 1,486,446 acres. Thus, the areas defoliated in Vietnam had increased approximately three hundredfold in five years, but now adverse opinion among scientists and other people who were concerned about the effects of defoliation on the Vietnamese ecology at last began to have a braking effect on the program. In 1968, 1,267,110 acres were sprayed, and in 1969 perhaps a million acres. Since 1962, the defoliation operations have covered almost five million acres, an area equivalent to about twelve per cent of the entire territory of South Vietnam, and about the size of the state of Massachusetts. Between 1962 and 1967, the deliberate destruction of plots of rice, manioc, beans, and other foodstuffs through herbicidal spraying—the word "deliberate" is used here to exclude the many reported instances of accidental spraying of Vietnamese plots—increased three hundredfold, from an estimated 741 acres to 221,312 acres, and by the end of 1969 the Vietnamese crop-growing area that since 1962 had been sprayed with herbicides totalled at least half a million acres. By then, in many areas the original purpose of the defoliation had been all but forgotten. The military had discovered that a more effective way of keeping roadsides clear was to bulldoze them. But by the time of that discovery defoliation had settled in as a general policy and taken on a life of its own—mainly justified on the ground that it made enemy infiltration from the North much more difficult by removing vegetation that concealed jungle roads and trails.

During all the time since the program began in 1961, no American military or civilian official has ever publicly characterized it as an operation of either chemical or biological warfare, although there can be no doubt that it is an operation of chemical warfare in that it involves the aerial spraying of chemical substances with the aim of gaining a military advantage, and that it is an operation of biological warfare in that it is aimed at a deliberate disruption of the biological conditions prevailing in a given area. Such distinctions simply do not appear in offical United States statements or documents; they were long ago shrouded under heavy verbal cover. Thus, a State Department report, made public in March, 1966, saying that about twenty thousand acres of crops in South Vietnam had been destroyed by defoliation to deny food to guerrillas, described the areas involved as "remote and thinly populated," and gave a firm assurance that the materials sprayed on the crops were of a mild and transient potency: "The herbicides used are nontoxic and not dangerous to man or animal life. The land is not affected for future use."

However comforting the statements issued by our government during seven years of herbicidal operations in Vietnam, the fact is that the major development of defoliant chemicals (whose existence had been known in the thirties) and other herbicidal agents came about in military programs for biological warfare. The direction of this work was set during the Second World War, when Professor E. J. Kraus, who then headed the Botany Department of the University of Chicago, brought certain scientific possibilities to the attention of a committee that had been set up by Henry L. Stimson, the Secretary of War, under the National Research Council, to provide the military with advice on various aspects of biological warfare. Kraus, referring to the existence of hormone-like substances that experimentation had shown would kill certain plants or disrupt their growth, suggested to the committee in 1941 that it might be interested in "the toxic properties of growth-regulating substances for the destruction of crops or the limitation of crop production." Military research on herbicides thereupon got under way, principally at Camp (later Fort) Detrick, Maryland, the Army center for biological-warfare research. According to George Merck, a chemist, who headed Stimson's biological-warfare advisory committee, "Only the rapid ending of the war prevented field trials in an active theatre of synthetic agents that would, without injury to human or animal life, affect the growing crops and make them useless."

After the war, many of the herbicidal materials that had been developed and tested for biological-warfare use were marketed for civilian purposes and used by farmers and homeowners for killing weeds and controlling brush. The most powerful of the herbicides were the two chemicals 2,4-dichlorophenoxyacetic acid, generally known as 2,4-D, and 2,4,5-trichlorophenoxyacetic acid, known as 2,4,5-T. The direct toxicity levels of these chemicals as they affected experimental animals, and, by scientific estimates, men, appeared then to be low (although these estimates have later been challenged), and the United States Department of Agriculture, the Food and Drug Administration, and the Fish and Wildlife Service all sanctioned the widespread sale and use of both. The chemicals were also reported to be short-lived in soil after their application. 2,4-D was the bigger seller of the two, partly because it was cheaper, and suburbanites commonly used mixtures con-

taining 2,4-D on their lawns to control dandelions and other weeds. Commercially, 2,4-D and 2,4,5-T were used to clear railroad rights-of-way and power-line routes, and, in cattle country, to get rid of woody brush, 2,4,5-T being favored for the last, because it was considered to have a more effective herbicidal action on woody plants. Very often, however, the two chemicals were used in combination. Between 1945 and 1963, the production of herbicides jumped from nine hundred and seventeen thousand pounds to about a hundred and fifty million pounds in this country; since 1963, their use has risen two hundred and seventy-one percent—more than double the rate of increase in the use of pesticides, though pesticides are still far more extensively used. By 1960, an area equivalent to more than three per cent of the entire United States was being sprayed each year with herbicides.

Considering the rapidly growing civilian use of these products, it is perhaps not surprising that the defoliation operations in Vietnam escaped any significant comment in the press, and that the American public remained unaware of the extent to which these uses had their origin in planning for chemical and biological warfare. Nevertheless, between 1941 and the present, testing and experimentation in the use of 2,4-D, 2,4,5-T, and other herbicides as military weapons were going forward very actively at Fort Detrick. While homeowners were using herbicidal mixtures to keep their lawns free of weeds, the military were screening some twelve hundred compounds for their usefulness in biological-warfare operations. The most promising of these compounds were test-sprayed on tropical vegetation in Puerto Rico and Thailand, and by the time full-scale defoliation operations got under way in Vietnam the U.S. military had settled on the use of four herbicidal spray materials there. These went under the names Agent Orange, Agent Purple, Agent White, and Agent Blue—designations derived from color-coded stripes girdling the shipping drums of each type of material. Of these materials, Agent Orange, the most widely used as a general defoliant, consists of a fifty-fifty mixture of *n* butyl esters and of 2,4-D and 2,4,5-T. Agent Purple, which is interchangeable with Agent Orange, consists of the same substances with slight molecular variations. Agent White, which is used mostly for forest defoliation, is a combination of 2,4-D and Picloram, produced by the Dow Chemical Company. Unlike 2,4-D or 2,4,5-T, which, after application, is said to be decomposable by micro-organisms in soil over a period of weeks or months (one field test of 2,4,5-T in this country showed that significant quantities persisted in soil for niney-three days after application), Picloram—whose use the Department of Agriculture has not authorized in the cultivation of any American crop—is one of the most persistent herbicides known. Dr. Arthur W. Galston, professor of biology at Yale, has described Picloram as "a herbicidal analog of DDT," and an article in a Dow Chemical Company publication called "Down to Earth" reported that in field trials of Picloram in various California soils between eighty and ninety-six and a half per cent of the substance remained in the soils four hundred and sixty-seven days after application. (The rate at which Picloram decomposes in tropical soils may, however, be higher.) Agent Blue consists of a solution of cacodylic acid, a substance that contains fifty-four per cent arsenic, and it is used in Vietnam to destroy rice crops. According to the authoritative "Merck Index," a source book on chemicals, this material is "poisonous." It can be used on agricultural crops in this country only under certain restrictions imposed by the Department of Agriculture. It is being used herbicidally on Vietnamese rice fields at seven and a half times the concentration permitted for weed-killing purposes in this country, and so far in Vietnam something like five thousand tons is estimated to have been sprayed on paddies and vegetable fields.

Defoliation operations in Vietnam are carried out by a special flight of the 12th Air Commando Squadron of the United States Air Force, from a base at Bien Hoa, just outside Saigon, with specially equipped C–123 cargo planes. Each of these aircraft has been fitted out with tanks capable of holding a thousand gallons. On defoliation missions, the herbicide carried in these tanks is sprayed from an altitude of around a hundred and fifty feet, under pressure, from thirty-six nozzles on the wings and tail of the plane, and usually several spray planes work in formation, laying down broad blankets of spray. The normal crew of a military herbicidal-spray plane consists of a pilot, a co-pilot, and a technician, who sits in the tail area and operates a console regulating the spray. The equipment is calibrated to spray a thousand gallons of herbicidal mixture at a rate that works out, when all goes well, to about three gallons per acre. Spraying a thousand-gallon tankload takes five minutes. In an emergency, the tank can be emptied in thirty seconds—a fact that has particular significance because of what has recently been learned about the nature of at least one of the herbicidal substances.

The official code name for the program is Operation Hades, but a more friendly code name, Operation Ranch Hand, is commonly used. In similar fashion military public-relations men refer to the herbicidal spraying of crops supposedly grown for Vietcong use in Vietnam when they refer to it at all, as a "food-denial program." By contrast, an American biologist who is less than enthusiastic about the effort has called it, in its current phase, "escalation to a program of starvation of the population in the affected area." Dr. Jean Mayer, the Harvard professor who now is President Nixon's special adviser on nutrition, contended in an article in *Science and Citizen* in 1967 that the ultimate target of herbicidal operations against rice and other crops in Vietnam was "the weakest element of the civilian population"—that is, women, children, and the elderly—because in the sprayed areas "Vietcong soldiers may . . . be expected to get the fighter's share of whatever food there is." He pointed out that malnutrition is endemic in many parts of Southeast Asia but that in wartime South Vietnam, where diseases associated with malnutrition, such as beri-beri, anemia, kwashiorkor (the disease that has decimated the Biafran population), and tuberculosis, are particularly widespread, "there can be no doubt that if the [crop-destruction] program is continued, [the] problems will grow."

Whether a particular mission involves defoliation or crop destruction, American military spokesmen insist that a mission never takes place without careful consideration of all the factors involved, including the welfare of friendly inhabitants and the safety of American personnel. (There can be little doubt that defoliation missions are extremely hazardous to the members of the planes' crews, for the planes are required to fly very low and only slightly above stalling speed, and they are often targets of automatic-weapons fire from the ground.) The process of setting up targets and approving specific herbicidal operations is theoretically subject to elaborate review through two parallel chains of command: one chain consisting of South Vietnamese district and province chiefs—who can themselves initiate such missions—and South Vietnamese Army commanders at various levels; the other a United States chain, consisting of a district adviser, a sector adviser, a divisional senior adviser, a corps senior adviser, the United States Military Assistance Command in South Vietnam, and the American Embassy in Saigon, ending up with the American ambassador himself. Positive justification of the military advantage likely to be gained from each operation is theoretically required, and applications without such positive justification are theoretically disapproved. However, according to one of a series of articles by Elizabeth Pond that appeared toward the end of 1967 in the *Christian Science Monitor:*

"In practice, [American] corps advisers find it very difficult to turn down defoliation requests from province level because they simply do not have sufficient specific knowledge to call a proposed operation into question. And with the momentum of six years' use of defoliants, the practice, in the words of one source, has long since been 'set in cement.'

"The real burden of proof has long since shifted from the positive one of justifying an operation by its [military] gains to the negative one of denying an operation because of [specific] drawbacks. There is thus a great deal of pressure, especially above province level, to approve recommendations sent up from below as a matter of course."

Miss Pond reported that American military sources in Saigon were "enthusiastic" about the defoliation program, and that American commanders and spotter-plane pilots were "clamoring for more of the same." She was given firm assurances as to the mild nature of the chemicals used in the spray operations:

"The defoliants used, according to the military spokesman contacted, are the same herbicides . . . as those used commercially over some four million acres in the United States. In the strengths used in Vietnam they are not at all harmful to humans or animals, the spokesman pointed out, and in illustration of this he dabbed onto his tongue a bit of liquid from one of . . . three bottles sitting on his desk."

As the apparently inexorable advance of defoliation operations in South Vietnam continued, a number of scientists in the United States began to protest the military use of herbicides, contending that Vietnam was being used, in effect, as a proving ground for chemical and biological warfare. Early in 1966, a group of twenty-nine scientists, under the leadership of Dr. John Edsall, a professor of biochemistry at Harvard, appealed to President Johnson to prohibit the use of defoliants and crop-destroying herbicides, and called the use of these substances in Vietnam "barbarous because they are indiscriminate." In the late summer of 1966, this protest was followed by a letter of petition to President Johnson from twenty-two scientists, including seven Nobel laureates. The petition pointed out that the "large-scale use of anti-crop and 'nonlethal' antipersonnel chemical weapons in Vietnam" constituted "a dangerous precedent" in chemical and biological warfare, and it asked the President to order it stopped. Before the end of that year, Dr. Esall and Dr. Matthew S. Meselson, a Harvard professor of biology, obtained the signatures of five thousand scientists to co-sponsor the petition. Despite these protests, the area covered by defoliation operations in Vietnam in 1967 was double that covered in 1966, and the acreage of crops destroyed was nearly doubled.

These figures relate only to areas that were sprayed intentionally. There is no known way of spraying an area with herbicides from the air in a really accurate manner, because the material used is so highly volatile, especially under tropical conditions, that even light wind drift can cause extensive damage to foliage and crops outside the deliberately sprayed area. Crops are so sensitive to the herbicidal spray that it can cause damage to fields and gardens as much as fifteen miles away from the target zone. Particularly severe accidental damage is reported, from time to time, to so-called "friendly" crops in the III Corps area, which all but surrounds Saigon and extends in a rough square from

the coastline to the Cambodian border. Most of the spraying in III Corps is now done in War Zones C and D, which are classified as free fire zones, where, as one American official has put it, "everything that moves in Zones C and D is considered Charlie." A press dispatch from Saigon in 1967 quoted another American official as saying that every Vietnamese farmer in that corps area knew of the defoliation program and disapproved of it. Dr. Galston, the Yale biologist, who is one of the most persistant critics of American policy concerning herbicidal operations in Vietnam, recently said in an interview, "We know that most of the truck crops grown along roads, canals, and trails formerly brought into Saigon have been essentially abandoned because of the deliberate or inadvertent falling of these defoliant sprays; many crops in the Saigon area are simply not being harvested." He also cited reports that in some instances in which the inhabitants of Vietnamese villages have been suspected of being Vietcong sympathizers the destruction of food crops has brought about complete abandonment of the villages. In 1966, herbicidal operations caused extensive inadvertent damage, through wind drift, to a very large rubber plantation northwest of Saigon owned by the Michelin rubber interests. As the result of claims made for this damage, the South Vietnamese authorities paid the corporate owners, through the American military, nearly a million dollars. The extent of the known inadvertent damage to crops in Vietnam can be inferred from the South Vietnamese budget—in reality, the American military budget—for settling such claims. In 1967, the budget for this compensation was three million six hundred thousand dollars. This sum, however, probably reflects only the barest emergency claims of the people affected.

According to Representative Richard D. McCarthy, a Democrat from upstate New York who has been a strong critic of the program, the policy of allowing applications for defoliation operations to flow, usually without question, from the level of the South Vietnamese provincial or district chiefs has meant that these local functionaries would order repeated sprayings of areas that they had not visited in months, or even years. The thought that a Vietnamese district chief can initiate such wholesale spraying, in effect without much likelihood of serious hindrance by American advisers, is a disquieting one to a number of biologists. Something that disquiets many of them even more is what they believe the long-range effects of nine years of defoliation operations will be on the ecology of South Vietnam. Dr. Galston, testifying recently before a congressional subcommittee on chemical and biological warfare, made these observations:

It has already been well documented that some kinds of plant associations subject to spray, especially by Agent Orange, containing 2,4-D and 2,4,5-T, have been irreversibly damaged. I refer specifically to the mangrove associations that line the estuaries, especially around the Saigon River. Up to a hundred thousand acres of these mangroves have been sprayed. . . . Some [mangrove areas] had been sprayed as early as 1961 and have shown no substantial signs of recovery. . . . Ecologists have known for a long time that the mangroves lining estuaries furnish one of the most important ecological niches for the completion of the life cycle of certain shellfish and migratory fish. If these plant communities are not in a healthy state, secondary effects on the whole interlocked web of organisms are bound to occur. . . . In the years ahead the Vietnamese, who do not have overabundant sources of proteins anyhow, are probably going to suffer dietarily because of the deprivation of food in the form of fish and shellfish.

Damage to the soil is another possible consequence of extensive defoliation. . . . We know that the soil is not a dead, inert mass but, rather, that it is a vibrant, living community. . . . If you knock the leaves off of trees once, twice, or three times . . . you change the quality of the soil. . . . Certain tropical soils—and it has been estimated that in Vietnam up to fifty per cent of all the soils fall into this category—are laterizable; that is, they may be irreversibly converted to rock as a result of the deprivation of organic matter. . . . If . . . you deprive trees of leaves and photosynthesis stops, organic matter in the soil declines and laterization, the making of brick, may occur on a very extensive scale. I would emphasize that this brick is irreversibly hardened; it can't be made back into soil. . . .

Another ecological consequence is the invasion of an area by undesirable plants. One of the main plants that invade an area that has been defoliated is bamboo. Bamboo is one of the most difficult of all plants to destroy once it becomes established where you don't want it. It is not amenable to killing by herbicides. Frequently it has to be burned over, and this causes tremendous dislocations to agriculture.

Dr. Fred H. Tschirley, assistant chief of the Crops Protection Research Branch of the Department of Agriculture, who made a month's visit to Vietnam in the spring of 1968 in behalf of the State Department to report on the ecological effects of herbicidal operations there, does not agree with Dr. Galston's view that laterization of the soil is a serious probability. However, he reported to the State Department that in the Rung Sat area, southeast of Saigon, where about a hundred thousand acres of mangrove trees had been sprayed with defoliant, each single application of Agent Orange had killed ninety to a hundred per cent of the mangroves touched by the spray, and he estimated that the regeneration of the mangroves in this area would take another twenty years, at least. Dr. Tschirley agrees with Dr. Galston that a biological danger attending the defoliation of mangroves is an invasion of virtually ineradicable bamboo.

A fairly well-documented example not only of the ecological consequences of defoliation operations but also of their disruptive effects on human life was provided last year by a rubber-plantation area in Kompong Cham Province, Cambodia, which lies just across the border from Vietnam's Tay Ninh Province. On June 2, 1969, the Cambodian government, in an angry diplomatic note to the United States government, charged the United States with major defoliation damage to rubber plantations, and also to farm and garden crops in the province, through herbicidal operations deliberately conducted on Cambodian soil. It demanded compensation of eight and a half million dollars for destruction or serious damage to twenty-four thousand acres of trees and crops. After some delay, the State Department conceded that the alleged damage might be connected with "accidental drift" of spray over the border from herbicidal operations in Tay Ninh Province. The Defense Department flatly denied that the Cambodian areas had been deliberately sprayed. Late in June, the State Department sent a team of four American scientists to Cambodia, and they confirmed the extent of the area of damage that the Cambodians had claimed. They found that although some evidence of spray drift across the Vietnamese border existed, the extent and severity of damage in the area worst affected were such that "it is highly unlikely that this quantity could have drifted over the border from the Tay Ninh defoliation operations." Their report added, "The evidence we have seen, though circumstantial, suggests strongly that damage was caused by direct overflight." A second report on herbicidal damage to the area was made after an unofficial party of American biologists, including Professor E. W. Pfeiffer, of the University of Montana, and Professor Arthur H. Westing, of Windham College, Vermont, visited Cambodia last December at the invitation of the Cambodian government. They found that about a third of all the rubber trees currently in production in Cambodia had been damaged, and this had happened in an area that normally had the highest latex yield per acre of any in the world. A high proportion of two varieties of rubber trees in the area had died as a result of the damage, and Dr. Westing estimated that the damage to the latex-producing capacity of some varieties might persist for twenty years. Between May and November of last year, latex production in the affected plantations fell off by an average of between thirty-five and forty per cent. According to a report by the two scientists, "A large variety of garden crops were devastated in the seemingly endless number of small villages scattered throughout the affected area. Virtually all of the . . . local inhabitants . . . depend for their well-being upon their own local produce. These people saw their crops . . . literally wither before their eyes." The Cambodian claim is still pending.

Until the end of last year, the criticism by biologists of the dangers involved in the use of herbicides centered on their use in what were increasingly construed as biological-warfare operations, and on the disruptive effects of these chemicals upon civilian populations and upon the ecology of the regions in which they were used. Last year, however, certain biologists began to raise serious questions on another score—possible direct hazards to life from 2,4,5-T. On October 29th, as a result of these questions, a statement was publicly issued by Dr. Lee DuBridge, President Nixon's science adviser. In summary, the statement said that because a laboratory study of mice and rats that had been given relatively high oral doses of 2,4,5-T in early stages of pregnancy "showed a higher than expected number of deformities" in the offspring, the government would, as a precautionary measure, undertake a series of coordinated actions to restrict the use of 2,4,5-T in both domestic civilian applications and military herbicidal operations. The DuBridge statement identified the laboratory study as having been made by an organization called the Bionetics Research Laboratories, in Bethesda, Maryland, but gave no details of either the findings or the data on which they were based. This absence of specific information turned out to be characteristic of what has been made available to the public concerning this particular research project. From the beginning, it seems, there was an extraordinary reluctance to discuss details of the purported ill effects of 2,4,5-T on animals. Six weeks after the publication of the DuBridge statement, a journalist who was attempting to obtain a copy of the full report made by Bionetics and to discuss its details with some of the government officials concerned encountered hard going. At the Bionetics Laboratories, an official said that he couldn't talk about the study, because "we're under wraps to the National Institutes of Health"—the government agency that commissioned the study. Then, having been asked what the specific doses of 2,4,5-T were that were said to have increased birth defects in the fetuses of experimental animals, the Bionetics official cut off discussion by saying, "You're asking sophisticated questions that as a layman you don't have the equipment to understand the answers to." At the National Institutes of Health, an official who was asked for details of or a copy of the study on 2,4,5-T replied, "The position I'm in is that I have been requested not to distribute this information." He did say, however, that a continuing evaluation of the study was under way at the National Institute of Environmental Health Sciences, at Research Triangle Park, North Carolina. A telephone call to an officer of this organization brought a response whose tone varied from wariness

to downright hostility and made it clear that the official had no intention of discussing details or results of the study with the press.

The Bionetics study on 2,4,5–T was part of a series carried out under contract to the National Cancer Institute, which is an arm of the National Institutes of Health, to investigate more than two hundred compounds, most of them pesticides, in order to determine whether they induced cancer-causing changes, fetus-deforming changes, or mutation-causing changes in experimental animals. The contract was a large one, involving more than two and a half million dollars' worth of research, and its primary purpose was to screen out suspicious-looking substances for further study. The first visible fruits of the Bionetics research were presented in March of last year before a convention of the American Association for the Advancement of Science, in the form of a study of possible carcinogenic properties of the fifty-three compounds; the findings on 2,4,5–T were that it did not appear to cause carcinogenic changes in the animals studied.

By the time the report on the carcinogenic properties of the substances was presented, the results of another part of the Bionetics studies, concerning the teratogenic, or fetus-deforming, properties of the substances, were being compiled, but these results were not immediately made available to biologists outside the government. The data remained—somewhat frustratingly, in the view of some scientists who had been most curious about the effects of herbicides—out of sight, and a number of attempts by biologists who had heard about the teratological study of 2,4,5–T to get at its findings appear to have been thwarted by the authorities involved. Upon being asked to account for the apparent delay in making this information available to biologists, an official of the National Institute of Environmental Health Sciences (another branch of the National Institutes of Health) has declared, with some heat, that the results of the study itself and of a statistical summary of the findings prepared by the Institute were in fact passed on as they were completed to the Commission on Pesticides and Their Relationship to Environmental Health, a scientific group appointed by Secretary of Health, Education, and Welfare Robert Finch and known—after its chairman, Dr. E. M. Mrak, of the University of California—as the Mrak Commission. Dr. Samuel S. Epstein, chief of the Laboratories of Environmental Toxicology and Carcinogenesis at the Children's Cancer Research Foundation in Boston, who was co-chairman of the Mrak Commission panel considering the teratogenic potential of pesticides, tells a different story on the availability of the Bionetics study. He says that he first heard about it in February. At a meeting of his panel in August, he asked for a copy of the report. Ten days later, the panel was told that the National Institute of Environmental Health Sciences would be willing to provide a statistical summary but that the group could not have access to the full report on which the summary was based. Dr. Epstein says that the panel eventually got the full report on September 24th "by pulling teeth."

Actually, as far back as February, officials at the National Cancer Institute had known, on the basis of a preliminary written outline from Bionetics, the findings of the Bionetics scientists on the fetus-deforming role of 2,4,5-T. Dr. Richard Bates, the officer of the National Institutes of Health who was in charge of coordinating the Bionetics project, has said that during the same month this information was put into the hands of officials of the Food and Drug Administration, the Department of Agriculture, and the Department of Defense. "We had a meeting with a couple of scientists from Fort Detrick, and we informed them of what we had learned," Dr. Bates said recently. "I don't know whether they were the right people for us to see. We didn't hear from them again until after the DuBridge announcement at the White House. Then they called up and asked for a copy of the Bionetics report."

At the Department of Agriculture, which Dr. Bates said had been informed in February of the preliminary Bionetics findings, Dr. Tschirley, one of the officials most intimately concerned with the permissible uses of herbicidal compounds, says that he first heard about the report on 2,4,5-T through the DuBridge announcement. At the Food and Drug Administration, where appropriate officials had been informed in February of the teratogenic potential of 2,4,5-T, no new action was taken to safeguard the public against 2,4,5-T in foodstuffs. In fact, it appears that no action at all was taken by the Food and Drug Administration on the matter during the whole of last year. The explanation that F.D.A. officials have offered for this inaction is that they were under instructions to leave the whole question alone at least until December, because the matter was under definitive study by the Mrak Commission—the very group whose members, as it turns out, had such extraordinary difficulty in obtaining the Bionetics data. The Food Toxicology Branch of the F.D.A. did not have access to the full Bionetics report on 2,4,5-T until after Dr. DuBridge issued his statement, at the end of October.

Thus, after the first word went to various agencies about the fetus-deforming potential of 2,4,5–T, and warning lights could have flashed on in every branch of the government and in the headquarters of every company manufacturing or handling it, literally almost nothing was done by the officials charged with protecting the public from exposure to dangerous or potentially dangerous materials—by the officials in the F.D.A., in the Department of Agriculture, and in the Department of Defense. It is conceivable that the Bionetics findings might still be hidden from the public if they had not been pried loose in midsummer through the activities of a group of young law students. The students were members of a team put together by the consumer-protection activist Ralph Nader—and often referred to as Nader's Raiders—to explore the labyrinthine workings of the Food and Drug Administration. In the course of their investigations, one of the law students, a young woman named Anita Johnson, happened to see a copy of the preliminary report on the Bionetics findings that had been passed on to the F.D.A. in February, and its observations seemed quite disturbing to her. Miss Johnson wrote a report to Nader, and in September she showed a copy of the report to a friend who was a biology student at Harvard. In early October, Miss Johnson's friend, in a conversation with Professor Matthew Meselson, mentioned Miss Johnson's report on the preliminary Bionetics findings. This was the first that Dr. Meselson had heard of the existence of the Bionetics study. A few days previously, he had received a call from a scientist friend of his asking whether Dr. Meselson had heard of certain stories, originating with South Vietnamese journalists and other South Vietnamese, of an unusual incidence of birth defects in South Vietnam, which were alleged to be connected with defoliation operations there.

A few days later, after his friend sent him further information, Dr. Meselson decided to obtain a copy of the Bionetics report, and he called up an acquaintance in a government agency and asked for it. He was told that the report was "confidential and classified," and inaccessible to outsiders. Actually, in addition to the preliminary report there were now in existence the full Bionetics report and a statistical summary prepared by the National Institute of Environmental Health Sciences, and, by nagging various Washington friends. Dr. Meselon obtained bootlegged copies of the two latest reports. What he read seemed to him to have such serious implications that he got in touch with acquaintances in the White House and also with someone in the Army to alert them to the problems of 2,4,5–T, in the hope that some new restrictions would be placed on its use. According to Dr. Meselson, the White House people apparently didn't know until that moment that the reports on the adverse effects of 2,4,5–T even existed. (Around that time, according to a member of Nader's Raiders, "a tremendous lid was put on this thing" within government agencies, and on the subject of the Bionetics work and 2,4,5–T "people in government whom we'd been talking to freely for years just shut up and wouldn't say a word.") While Dr. Meselson awaited word on the matter, a colleague of his informed the press about the findings of the Bionetics report. Very shortly thereafter, Dr. DuBridge made his public announcement of the proposed restrictions on the use of 2,4,5–T.

In certain respects, the DuBridge announcement is a curious document. In its approach to the facts about 2,4,5–T that were set forth in the Bionetics report, it reflects considerable sensitivity to the political and international issues that lie behind the widespread use of this powerful herbicide for civilian and military purposes, and the words in which it describes the reasons for restricting its use appear to have been very carefully chosen:

The actions to control the use of the chemical were taken as a result of findings from a laboratory study conducted by Bionetics Research Laboratories which indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities.

Although it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5–T, and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is being sought.

These actions, according to the statement, included decisions that the Department of Agriculture would cancel manufacturers' registrations of 2,4,5–T for use on food crops, effective at the beginning of 1970, "unless by that time the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods," and that the Departments of Agriculture and the Interior, in their own programs, would stop the use of 2,4,5–T in populated areas and in all other areas where residues of the substance could reach man. As for military uses of 2,4,5–T, the statement said, "The chemical is effective in defoliating trees and shrubs and its use in South Vietnam has resulted in reducing greatly the number of ambushes, thus saving lives." However, the statement continued, "the Department of Defense will [henceforth] restrict the use of 2,4,5–T to areas remote from the population."

All this sounds eminently fair and sensible, but whether it represents a candid exposition of the facts about 2,4,5–T and the Bionetics report is debatable. The White House statement that the Bionetics findings "indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities" is, in the words of one eminent biologist who has studied the Bionetics data, "an understatement." We went on to say that "if the effects on experimental animals are applicable to people it's a very sad and serious situation." The actual Bionetics report described 2,4,5–T as producing "sufficiently prominent effects of seriously hazardous nature" in controlled experiments with pregnant mice to lead the authors "to categorize

[it] as *probably dangerous.*" The report also found 2,4–D "potentially dangerous but needing further study." As for 2,4,5–T, the report noted that, with the exception of very small subcutaneous dosages, "all dosages, routes, and strains resulted in increased incidence of abnormal fetuses" after its administration. The abnormalities in the fetuses included lack of eyes, faulty eyes, cystic kidneys, cleft palates, and enlarged livers. The Bionetics report went on to report on further experimental applications of 2,4,5–T to another species:

Because of the potential importance of the findings in mice, an additional study was carried out in rats of the Sprague-Dawley strain. Using dosages of 21.5 and 46.4 mg/kg [that is, dosages scaled to represent 21.5 and 46.4 milligrams of 2,4,5–T per kilogram of the experimental animal's body weight] suspended in 50 per cent honey and given by the oral route on the 6th through 15th days of gestation, we observed excessive fetal mortality (almost 80 per cent) and a high incidence of abnormalities in the survivors. When the beginning of administration was delayed until the 10th day, fetal mortality was somewhat less but still quite high even when dosage was reduced to 4.6 mg/kg. The incidence of abnormal fetuses was threefold that in controls even with the smallest dosage and shortest period used. . . .

It seems inescapable that 2,4,5–T is teratogenic in this strain of rats when given orally at the dosage schedules used here.

Considering the fetus-deforming effects of the *lowest* oral dosage of 2,4,5–T used in the Bionetics work on rats—to say nothing of the excessive fetal mortality—the White House statement that "relatively large oral doses of the herbicide . . . showed a higher than expected number of deformities" is hardly an accurate description of the results of the study. In fact, the statistical tables presented as part of the Bionetics report showed that at the lowest oral dosage of 2,4,5–T given to pregnant rats between the tenth and fifteenth days of gestation thirty-nine per cent of the fetuses produced were abnormal, or three times the figure for control animals. At what could without much question be described as "relatively large oral doses" of the herbicide—dosages of 21.5 and 46.4 milligrams per kilogram of body weight of rats, for example—the percentage of abnormal fetuses was ninety and a hundred per cent, respectively, or a good bit higher than one would be likely to deduce from the phrase "a higher than expected number of deformities." The assertion that "it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5–T" also appears to be worth examining, for this is precisely what many biologists are most worried about in relation to 2,4,5–T and allied substances.

It seems fair, before going further, to quote a cautionary note in the Du-Bridge statement: "The study involved relatively small numbers of laboratory rats and mice. More extensive studies are needed and will be undertaken. At best it is difficult to extrapolate results obtained with laboratory animals to man—sensitivity to a given compound may be different in man than in animal species. . . ." It would be difficult to get a biologist to disagree with these seemingly sound generalities. However, the first part of the statement does imply, at least to a layman, that the number of experimental animals used in the Bionetics study had been considerably smaller than the numbers used to test commercial compounds other than 2,4,5–T before they are approved by agencies such as the Food and Drug Administration and the Department of Agriculture. In this connection, the curious layman could reasonably begin with the recommendations, in 1963, of the President's Science Advisory Committee on the use of pesticides, which proposed that companies putting out pesticides should be required from then on to demonstrate the safety of their products by means of toxicity studies on two generations of at least two warm-blooded mammalian species. Subsequently, the F.D.A. set up new testing requirements, based on these recommendations, for companies producing pesticides. However, according to Dr. Joseph McLaughlin, of the Food Toxicology Branch of the F.D.A., the organization actually requires applicants for permission to sell pesticides to present the results of tests on only *one* species (usually, in practice, the rat). According to Dr. McLaughin, the average number of experimental animals used in studies of pesticides is between eighty and a hundred and sixty, including animals used as controls but excluding litters produced. The Bionetics studies of 2,4,5–T used both mice and rats, and their total number was, in fact, greater, not less, than this average. Including controls but excluding litters, the total number of animals used in the 2,4,5–T studies was two hundred and twenty-five. Analysis of the results by the National Institute of Environmental Health Science found them statistically "significant" and this is the real purpose of such a study; it is meant to act as a coarse screen to shake out of the data the larger lumps of bad news. Such a study is usually incapable of shaking out anything smaller; another kind of study is needed to do that.

Thus, the DuBridge statement seems to give rise to this question: If the Bionetics study, based on the effects of 2,4,5–T on two hundred and twenty-five experimental animals of two species, appears to be less than conclusive, on the ground that "the study involved relatively small numbers of laboratory rats and mice," what is one to think of the adequacy of the tests that the manufacturers of pesticides make? If, as the DuBridge statement says, "at best it is difficult to extrapolate results obtained with laboratory animals to man," what is one to say of the protection that the government affords the consumer when the results of tests of pesticidal substances on perhaps a hundred and twenty rats are officially extrapolated to justify the use of the substances by a population of two hundred million people—not to mention one to two million unborn babies being carried in their mothers' wombs?

The very coarseness of the screen used in all these tests—that is, the relatively small number of animals involved—means that the bad news that shows up in the data has to be taken with particular seriousness, because lesser effects tend not to be demonstrable at all. The inadequacy of the scale on which animal tests with, for instance, pesticides are currently being made in this country to gain F.D.A. approval is further indicated by the fact that a fetus-deforming effect that might show up if a thousand test animals were used is almost never picked up, since the studies are not conducted on that scale; yet if the material being tested turned out to have the same effect, quantitatively, on human beings, this would mean that it would cause between three and four thousand malformed babies to be produced each year. The teratogenic effects of 2,4,5–T on experimental animals used by the Bionetics people, however, were not on the order of one in a thousand. Even in the case of the lowest oral dose given rats, they were on the order of one in three.

Again, it is fair to say that what is applicable to rats in such tests may not be applicable to human beings. But it is also fair to say that studies involving rats are conducted not for the welfare of the rat kingdom but for the ultimate protection of human beings. In the opinion of Dr. Epstein, the fact that the 2,4,5-T used in the Bionetics study produced teratogenic effects in *both* mice and rats underlines the seriousness of the study's implications. In the opinion of Dr. McLaughlin, this is even further underlined by another circumstance—that the rat, as a test animal, tends to be relatively resistant to teratogenic effects of chemicals. For example, in the late nineteen-fifties, when thalidomide, that disastrously teratogenic compound, was being tested on rats in oral dosages ranging from low to very high, no discernible fetus-deforming effects were produced. And Dr. McLaughlin says that as far as thalidomide tests on rabbits were concerned, "You could give thalidomide to rabbits in oral doses at between fifty and two hundred times the comparable human level to show any comparable teratogenic effects." In babies born to women who took thalidomide, whether in small or large dosages and whether in single or multiple dosages, between the sixth and seventh weeks of pregnancy, the rate of deformation was estimated to be one in ten.

Because of the relatively coarse testing screen through which compounds like pesticides—and food additives as well—are sifted before they are approved for general or specialized use in this country, the Food and Drug Administration theoretically maintains a policy of stipulating, as a safety factor, that the maximum amount of such a substance allowable in the human diet range from one two-thousandth to one one-hundredth of the highest dosage level of the substance that produces no harmful effects in experimental animals. (In the case of pesticides, the World Health Organization takes a more conservative view, considering one two-thousandth of the "no-effect" level in animal studies to be a reasonable safety level for human exposure.) According to the standards of safety established by F.D.A. policy, then, no human being anywhere should ever have been exposed to 2,4,5-T, because in the Bionetics study of rats *every* dosage level produced deformed fetuses. A "no-effect" level was never achieved.

To make a reasonable guess about the general safety of 2,4,5-T for human beings, as the material has been used up to now, the most appropriate population area to observe is probably not the relatively healthy and well-fed United States, where human beings are perhaps better equipped to withstand the assault of toxic substances, but South Vietnam, where great numbers of civilians are half-starved, ravaged by disease, and racked by the innumerable horrors of war. In considering any potentially harmful effects of 2,4,5-T on human beings in Vietnam, some attempt has to be made to estimate the amount of 2,4,5-T to which people, and particularly pregnant women, may have been exposed as a result of the repeated defoliation operations. To do so, a comparison of known rates of application of 2,4,5-T in the United States and in Vietnam is in order. In this country, according to Dr. Tschirley, the average recommended application of 2,4,5-T in aerial spraying for woody-plant control is between three-quarters of a pound and a pound per acre. There are about five manufacturers of 2,4,5-T in this country, of which the Dow Chemical Company is one of the biggest. One of Dow Chemical's best-sellers in the 2,4,5-T line is Esteron 245 Concentrate, and the cautionary notes that a drum of Esteron bears on its label are hardly reassuring to anyone lulled by prior allegations that 2,4,5-T is a substance of low toxicity: Caution, May Cause Skin Irritation; Avoid Contact with Eyes, Skin, and Clothing; Keep out of the reach of children.

Under the word "Warning" are a number of instructions concerning safe use of the material, and these include, presumably for good reason, the following admonition:

"Do not contaminate irrigation ditches or water used for domestic purposes."

Then comes a "Notice":

"Seller makes no warranty of any kind, express or implied, concerning the use of

this product. Buyer assumes all risk of use or handling, whether in accordance with directions or not."

The concentration of Esteron recommended—subject to all these warnings, cautions, and disclaimers—for aerial spraying in the United States varies with the type of vegetation to be sprayed, but probably a fair average would be three-quarters to one pound acid equivalent of the raw 2,4,5–T per acre. In Vietnam, however, the concentration of 2,4,5–T for each acre sprayed has been far higher. In Agent Orange, the concentrations of 2,4,5–T have averaged *thirteen times* the recommended concentrations used in the United States. The principal route through which quantities of 2,4,5–T might be expected to enter the human system in Vietnam is through drinking water, and in the areas sprayed most drinking water comes either from rainwater cisterns fed from house roofs or from very shallow wells. It has been calculated that, taking into account the average amount of 2,4,5–T in Agent Orange sprayed per acre in Vietnam by the military, and assuming a one-inch rainfall (which is quite common in South Vietnam) after a spraying, a forty-kilo (about eighty-eight-pound) Vietnamese woman drinking two litres (about 1.8 quarts) of contaminated water a day could very well be absorbing into her system a hundred and twenty milligrams, or about one two-hundred-and-fiftieth of an ounce, of 2,4,5–T a day; that is, a daily oral dosage of three milligrams of 2,4,5–T per kilo of body weight. Thus, if a Vietnamese woman who was exposed to Agent Orange was pregnant, she might very well be absorbing into her system a percentage of 2,4,5–T only slightly less than the percentage that deformed one out of every three fetuses of the pregnant experimental rats. To pursue further the question of exposure of Vietnamese to 2,4,5–T concentrations in relation to concentrations officially considered safe for Americans, an advisory subcommittee to the Secretary of the Interior, in setting up guidelines for maximum safe contamination of surface water by pesticides and allied substances some time ago, recommended a concentration of one-tenth of a milligram of 2,4,5–T in one litre of drinking water as the maximum safe concentration. Thus, a pregnant Vietnamese woman who ingested a hundred and twenty milligrams of 2,4,5–T in two litres of water a day would be exposed to 2,4,5–T at six hundred times the concentration officially considered safe for Americans.

Moreover, the level of exposure of Vietnamese people in sprayed areas is not necessarily limited to the concentrations shown in Dr. Meselson's calculations. Sometimes the level may be far higher. Dr. Pfeiffer, the University of Montana biologist, says that when difficulties arise with the spray planes or the spray apparatus, or when other accidents occur, an entire thousand-gallon load of herbicidal agent containing 2,4,5-T may be dumped in one area by means of the thirty-second emergency-dumping procedure. Dr. Pfeiffer has recalled going along as an observer on a United States defoliation mission last March, over the Plain of Reeds area of Vietnam, near the Cambodian border, during which the technician at the spray controls was unable to get the apparatus to work, and thereupon dumped his whole load. "This rained down a dose of 2,4,5-T that must have been fantastically concentrated," Dr. Pfeiffer has said. "It was released on a very watery spot that looked like headwaters draining into the Mekong River, which hundreds of thousands of people use." In another instance, he has recalled, a pilot going over the area of the supposedly "friendly" Catholic refugee village of Ho Nai, near Bien Hoa, had serious engine trouble and dumped his whole spray load of herbicide on or near the village. In such instances, the concentration of 2,4,5-T dumped upon an inhabited area in Vietnam probably averaged about a hundred and thirty times the concentration recommended by 2,4,5-T manufacturers as both effective and safe for use in the United States.

Theoretically, the dangers inherent in the use of 2,4,5-T should have been removed by means of the steps promised in the White House announcement last October. A quick reading of the statement by Dr. DuBridge (who is also the executive secretary of the President's Environmental Quality Council) certainly seemed to convey the impression that from that day onward there would be a change in Department of Defense policy on the use of 2,4,5-T in Vietnam, just as there would be a change in the policies of the Departments of Agriculture and the Interior on the domestic use of 2,4,5-T. But did the White House mean what it certainly seemed to be saying about the future military use of 2,4,5-T in Vietnam? The White House statement was issued on October 29th. On October 30th, the Pentagon announced that no change would be made in the policy governing the military use of 2,4,5-T in South Vietnam, because—so the Washington *Post* reported on October 31st—"the Defense Department feels its present policy conforms to the new Presidential directive." The *Post* article went on:

"A Pentagon spokesman's explanation of the policy, read at a morning press briefing, differed markedly from the written version given reporters later.

"When the written statement was distributed, reporters were told not to use the spokesman's [previous] comment that the defoliant . . . is used against enemy 'training and regroupment centers.'

"The statement was expunged after a reporter asked how use against such centers conformed to the Defense Department's stated policy of prohibiting its use in 'populated areas.' "

But the statement wasn't so easily expunged. A short time later, it was made again, in essence, by Rear Admiral William E. Lemos, of the Policy Plans and National Security Council Affairs Office of the Department of Defense, in testimony before a subcommittee of the House Foreign Affairs Committee, the only difference being that the phrase "training and regroupment centers" became "enemy base camps." And in testifying that the military was mounting herbicidal operations on alleged enemy base camps Rear Admiral Lemos said:

"We know . . . that the enemy will move from areas that have been sprayed. Therefore, enemy base camps or unit headquarters are sprayed in order to make him move to avoid exposing himself to aerial observation."

If one adds to the words "enemy base camps" the expunged words "training and regroupment centers"—centers that are unlikely to operate without an accompanying civilian population—what the Defense Department seems actually to be indicating is that the "areas remote from the population" against which the United States is conducting military herbicidal operations are "remote from the population" at least in part *because* of these operations.

As for the Bionetics findings on the teratogenic effects of 2,4,5-T on experimental animals, the Department of Defense indicated that it put little stock in the dangers suggested by the report. A reporter for the *Yale Daily News* who telephoned the Pentagon during the first week in December to inquire about the Defense Department's attitude toward its use of 2,4,5-T in the light of the Bionetics report was assured that "there is no cause for alarm about defoliants." A week or so later, he received a letter from the Directorate for Defense Information at the Pentagon which described the Bionetics results as based on "evidence that 2,4,5-T, when fed in large amounts to highly inbred and susceptible mice and rats, gave a higher incidence of birth defects than was normal for these animals." After reading this letter, the *Yale Daily News* reporter again telephoned the Pentagon, and asked, "Does [the Department of Defense] think defoliants could be affecting embryo growth in any way in Vietnam?" The Pentagon spokesman said, "No." And that was that. The experimental animals were highly susceptible; the civilian Vietnamese population, which even under "normal" circumstances is the victim of a statistically incalculable but clearly very high abortion and infant-mortality rate, was not.

Nearly a month after Dr. DuBridge's statement, another was issued, this one by the President himself, on United States policy on chemical and biological warfare. The President, noting that "biological weapons have massive, unpredictable, and potentially uncontrollable consequences" that might "impair the health of future generations," announced it as his decision that thenceforward "the United States shall renounce the use of lethal biological agents and weapons, and all other methods of biological warfare." Later, a White House spokesman, in answer to questions by reporters whether this included the use of herbicidal, defoliant, or crop-killing chemicals in Vietnam, made it clear that the new policy did not encompass herbicides.

Since the President's statement did specifically renounce "all other methods of biological warfare," the reasonable assumption is that the United States government does not consider herbicidal, defoliant, and crop-killing operations against military and civilian populations to be part of biological warfare. The question therefore remains: What does the United States government consider biological warfare to consist of? The best place to look for an authoritative definition is a work known as the Joint Chiefs of Staff Dictionary, an official publication that governs proper word usage within the military establishment. In the current edition of the Joint Chiefs of Staff Dictionary, "biological warfare" is defined as the "employment of living organisms, toxic biological products, and plant-growth regulations to produce death or casualties in man, animals, or plants or defense against such action." But the term "plant-growth regulators" is nowhere defined in the Joint Chiefs of Staff Dictionary, and since a certain technical distinction might be made (by weed-control scientists, for example) between plant-growth regulators and defoliants, the question of whether the Joint Chiefs consider military defoliation operations part of biological warfare is left unclear. As for "defoliant agents," the Dictionary defines such an agent only as "a chemical which causes trees, shrubs, and other plants to shed their leaves prematurely." All this is hardly a surprise to anyone familiar with the fast semantic legerdemain involved in all official statements on biological warfare, in which defoliation has the bafflingly evanescent half-existence of a pea under a shell.

To find that pea in the official literature is not easy. But it is reasonable to assume that if the Department of Defense were to concede officially that "defoliant agents" were in the same category as "plant-growth regulators" that "produce death . . . in plants," it would thereby also be conceding that it is in fact engaging in the biological warfare that President Nixon has renounced. And such a concession seems to have been run to earth in the current edition of a Department of the Army publication entitled "Manual on Use of Herbicides for Military Purposes," in which "antiplant agents" are defined as "chemical agents which possess a high offensive potential for destroying or seriously limiting the production of food and defoliating vegetation," and goes on, "These compounds include herbicides that kill or inhibit the growth of plants; plant-growth

regulators that either regulate or inhibit plant growth, sometimes causing plant death. . . ." The admission that the Department of Defense is indeed engaging, through its defoliation and herbicidal operations in Vietnam, in biological warfare, as this is defined by the Joint Chiefs and as it has been formally renounced by the President, seems inescapable.

Since the DuBridge statement, allegations, apparently originating in part with the Dow Chemical Company, have been made to the effect that the 2,4,5-T used in the Bionetics study was unrepresentative of the 2,4,5-T generally produced in this country, in that it contained comparatively large amounts of a certain contaminant, which, according to the Dow people, is ordinarily present in 2,4,5-T only in trace quantities. Accordingly, it has been suggested that the real cause of the teratogenic effects of the 2,4,5-T used in the Bionetics study may not have been the 2,4,5-T itself but, rather, the contaminant in the sample used. The chemical name of the contaminant thus suspected by the Dow people is 2,3,6,7-tetrachlorodibenzo-*p*-dioxin, often referred to simply as dioxin. The 2,4,5-T used by Bionetics was obtained in 1965 from the Diamond Alkali Company, now known as the Diamond-Shamrock Company and no longer in the business of manufacturing 2,4,5-T. It appears that the presence of a dioxin contaminant in the process of manufacturing 2,4,5-T is a constant problem among all manufacturers. Three years ago, Dow was obliged to close down its 2,4,5-T plant in Midland, Michigan, for several months and partly rebuild it because of what Dow people variously described as "a problem" and "an accident." The problem—or accident—was that workers exposed to the dioxin contaminant during the process of manufacture came down with an acute skin irritation known as chlor-acne. The Dow people, who speak with considerable pride of their toxicological work ("We established our toxicology lab the year Ralph Nader was born," a Dow public-relations man said recently, showing, at any rate, that Dow is keenly aware of Nader and his career), say that the chlor-acne problem has long since been cleared up, and that the current level of the dioxin contaminant in Dow's 2,4,5-T is less than one part per million, as opposed to the dioxin level in the 2,4,5-T used in the Bionetics study, which is alleged to have been between fifteen and thirty parts per million. A scientist at the DuBridge office, which has become a coordinating agency for information having to do with the 2,4,5-T question, says that the 2,4,5-T used by Bionetics was "probably representative" of 2,4,5-T being used in this country—and presumably in Vietnam—at the time it was obtained but that considerably less of the contaminant is present in the 2,4,5-T now being produced. Evidently, the degree of dioxin contamination present in 2,4,5-T varies from manufacturer to manufacturer. What degree of contamination, high or low, was present in the quantities of 2,4,5-T shipped to South Vietnam at various times this spokesman didn't seem to know.

The point about the dioxin contamination of 2,4,5-T is an extremely important one, because if the suspicions of the Dow people are correct and the cause of the fetus deformities cited in the Bionetics study is not the 2,4,5-T but the dioxin contaminant, then this contaminant may be among the most teratogenically powerful agents ever known. Dr. McLaughlin has calculated that if the dioxin present in the Bionetics 2,4,5-T was indeed responsible for the teratogenic effects on the experimental animals, it looks as though the contaminant would have to be at least ten thousand times more teratogenically active in rats than thalidomide was found to be in rabbits. Furthermore, it raises alarming questions about the prevalence of the dioxin material in our environment. It appears that under high heat the dioxin material can be produced in a whole class of chemical substances known as trichlorophenols and pentachlorophenols. These substances include components of certain fatty acids used in detergents and in animal feed.

As a consequence of studies that have been made of the deaths of millions of young chicks in this country after the chicks had eaten certain kinds of chicken feed, government scientists are now seriously speculating on the possibility that the deaths were at the end of a chain that began with the spraying of corn crops with 2,4,5-T. The hypothesis is that residues of dioxin present in the 2,4,5-T remained in the harvested corn and were concentrated into certain by-products that were then sold to manufacturers of chicken feed, and that the dioxin became absorbed into the systems of the young chicks. One particularly disquieting sign of the potential of the dioxin material is the fact that bio-assays made on chick embryos in another study revealed that all the embryos were killed by one twenty-millionth of a gram of dioxin per egg.

Perhaps an even more disquieting speculation about the dioxin is that 2,4,5-T may not be the only material in which it appears. Among the compounds that several experienced biologists and toxicologists suspect might contain or produce dioxin are the trichlorophenols and pentachlorophenols, which are rather widely present in the environment in various forms. For example, a number of the trichlorophenols and pentachlorophenols are used as slime-killing agents in paper-pulp manufacture, and are present in a wide range of consumer products, including adhesives, water-based and oil-based paints, varnishes and lacquers, and paper and paper coatings. They are used to prevent slime in pasteurizers and fungus on vats in breweries and are also used in hair shampoo. Along with the 2,4,5-T used in the Bionetics study, one trichlorophenol and one pentachlorophenol were tested without teratogenic results. But Dr. McLaughlin points out that since there are many such compounds put out by various companies, these particular samples might turn out to be—by the reasoning of the allegation that the 2,4,5-T used by Bionetics was unusually dirty—unusually clean.

Dr. McLaughlin tends to consider significant, in view of the now known extreme toxicity and possible extreme teratogenicity of dioxin, the existence of even very small amounts of the trichlorophenols and pentachlorophenols in food wrappings and other consumer products. Since the production of dioxin appears to be associated with high-temperature conditions, a question arises whether these thermal conditions are met at *any* stage of production or subsequent use or disposal of such materials, even in minute amounts. One of the problems here seems to be, as Dr. Epstein has put it, "The moment you introduce something into the environment it's likely to be burned sooner or later—that's the way we get rid of nearly everything." And most of these consumer products may wind up in municipal incinerators, and when they are burned, the thermal and other conditions for creating dioxin materials may quite possibly be met. If so, this could mean a release of dioxin material into the entire environment through the atmosphere.

Yet so far the dioxin material now suspected of causing the fetus-deforming effects in experimental animals has never been put through any formal teratological tests by any company or any government agency. If the speculation over the connection between dioxin in 2,4,5-T and the deaths of millions of baby chicks in borne out, it might mean that, quite contrary to the assumptions made up to now that 2,4,5-T is rapidly decomposable in soil, the dioxin material may be extremely persistent as well as extremely deadly.

So far, nobody knows—and it is probable that nobody will know for some time—whether the fetus deformities in the Bionetics study were caused by the 2,4,5-T itself, by the dioxin contaminant, or by some other substance or substances present in the 2,4,5-T, or whether human fetuses react to 2,4,5-T in the same way as the fetuses of the experimental animals in the Bionetics study. However, the experience so far with the employment of 2,4,5-T and substances chemically allied to it ought to be instructive. The history of 2,4,5-T is related to preparations for biological warfare, although nobody in the United States government seems to want to admit this, and it has wound up being used for purposes of biological warfare, although nobody in the United States government seems to want to admit *this*, either. Since 2,4,5-T was developed, the United States government has allowed it to be used on a very large scale on our own fields and countryside without adequate tests of its effects. In South Vietnam—a nation we are attempting to save—for seven full years the American military has sprayed or dumped this biological-warfare material on the countryside, on villages, and on South Vietnamese men and women in staggering amounts. In that time, the military has sprayed or dumped on Vietnam *fifty thousand tons* of herbicide, of which twenty thousand tons have apparently been straight 2,4,5-T. In addition, the American military has apparently made incursions into a neutral country, Cambodia, and rained down on an area inhabited by thirty thousand civilians a vast quantity of 2,4,5-T. Yet in the quarter of a century since the Department of Defense first developed the biological-warfare uses of this material it has not completed a single series of formal teratological tests on pregnant animals to determine whether it has an effect on their unborn offspring.

Similarly, officials of the Dow Chemical Company, one of the largest producers of 2,4,5-T, although they refuse to divulge how much 2,4,5-T they are and have been producing, admit that in all the years that they had produced the chemical before the DuBridge statement they had never made formal teratological tests on their 2,4,5-T, which they are now doing. The Monsanto Chemical Company, another big producer, had, as far as is known, never made such tests, either, nor, according to an official in the White House, had any other manufacturer. The Department of Agriculture has never required any such tests from manufacturers. The Food and Drug Administration has never required any such tests from manufacturers. The first tests to determine the teratogenic effects of 2,4,5-T were not made until the National Institutes of Health contracted for them with Bionetics Laboratories. And even then, when the adverse results of the tests became apparent, it was, as Dr. Epstein said, like "pulling teeth" to get the data out of the institutions involved. And when the data were obtained and the White House was obliged, partly by outside pressure and publicity, to act, the President's science adviser publicly presented the facts in a less than candid manner, while the Department of Defense, for all practical purposes, ignored the whole business and announced its intention of going on doing what it had been doing all along.

There have been a number of reports from Vietnam both of animal abortions and of malformed human babies that are thought to have resulted from spraying operations in which 2,4,5-T was used. But such scattered reports, however well founded, cannot really shed much more light on the situation. The fact is that even in this country, the best-fed, richest, and certainly most statistics-minded of all countries on earth, the standards for testing materials that are put into the environment, into drugs, and into the human diet are grossly inadequate. The screening system is so coarse that, as a

teratology panel of the Mrak Commission warned recently, in connection with thalidomide, "the teratogenicity of thalidomide might have been missed had it not produced malformations rarely encountered." In other words, had it not been for the fact that very unusual and particularly terrible malformations appeared in an obvious pattern—for example, similarly malformed babies in the same hospital at about the same time—pregnant women might still be using thalidomide, and lesser deformations would, so to speak, disappear into the general statistical background. As for more subtle effects, such as brain damage and damage to the central-nervous system, they would probably never show up as such at all. If such risks existed under orderly, normal medical conditions in a highly developed country, how is one ever to measure the harm that might be done to unborn children in rural Vietnam, in the midst of the malnutrition, the disease, the trauma, the poverty, and the general shambles of war?

U.S. JURY INDICTMENT OF PRIDE, INC., EMPLOYEES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a news story which appeared in today's Washington Post, titled "U.S. Jury Indicts Pride Employees," and I also ask unanimous consent to insert in the RECORD a news story which appeared in today's Washington Star, titled "17 at Pride Indicted in Pay Probe."

There being no objection, the news stories were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Feb. 10, 1970]

U.S. JURY INDICTS PRIDE EMPLOYEES

(By Peter Osnos)

Seventeen present and former employees of Youth Pride, Inc., were indicted by a special federal grand jury here yesterday on charges stemming from alleged payroll irregularities that investigators said involved about $10,000.

The indictments were the first to result from a year-long investigation into the financial affairs of the multimillion dollar anti-poverty agency aimed at enlisting Washington's inner-city youths in various self-help and training programs.

The offenses are alleged to have taken place between Oct. 1, 1967, three months after Pride (Youth Pride, Inc.) was started, and Aug. 14, 1968. All 17 persons charged were in medium-level supervisory roles, according to the agency.

According to Marion Barry, Pride's operations director, four are still employed with the agency. They are: Charles Boykins, 23, of 4220 Wheeler Rd. SE; James E. Jenkins, 27, of 1451 Harvard St. NW; Roscoe V. Brockenberry, 29, of 2327 18th St. NW; and Roland G. Howard, 23, of 3726 Foote St. NE.

Charges against the 17 involve alleged instances of forging names on checks, drawing up false timecards and demanding kickbacks from lower ranking Pride members.

Each of the 17 has been charged with one or more of four offenses. These are:

Forgery.

Making a false statement or representation in a matter within the jurisdiction of a department or agency of the United States.

Willfully misapplying and obtaining by fraud moneys or funds which are the subject of a contract of assistance with a department or agency of the United States.

Inducing a person to give up money by threat of procuring his dismissal from employment in connection with a contract of assistance with a department or agency of the United States.

In a statement issued last night, Pride, Inc., said, "Although we have no official notification of the indictment we have been trying to reach those who have been charged. . . .

"Under our system of justice these men have only been charged and are presumed innocent until proven guilty . . . we hope others will reserve judgment until due process of law shall have had its opportunity to run its course."

The statement stressed that the 13 former employees "were terminated or resigned more than eight months ago." It said the average amount involved in 14 of the cases is less than $250.

Examples of the offenses charged by the grand jury are these:

"Roscoe V. Brockenberry made and caused to be made bi-weekly time and attendance reports representing that a designated employee was then employed by Youth Pride, Inc., and entitled to compensation . . . when said employee was not then employed."

"James E. Jenkins . . . falsely made and forged . . . various payee endorsements on the backs of certain commercial checks . . . Youth Pride, Inc., payroll checks."

"Charles R. Boykins . . . did willfully influence another employee of Youth Pride, Inc. . . . to give up one-half of all the moneys received by him as bi-weekly wages . . . by threat of procuring the dismissal (of the other employee)."

"Roscoe V. Brockenberry . . . did willfully misapply funds . . . by cashing and converting to his own use and benefit the proceeds of certain payroll checks." These resulted from allegedly false time cards.

As operations director, Barry oversees programs that by recent count involved about 900 inner-city young people, including members of street gangs, ex-convicts, parolees and the functionally illiterate.

Begun as a $300,000 federally-financed cleanup campaign, the organization has received more than $6.6 million to help finance such enterprises as a gas station, a landscaping company and a remedial education program.

The investigation of Pride, Inc., began in mid-1968, and was carried out by the General Accounting Office at the urging of Sen. Robert C. Byrd (D-W. VA.) and Rep. Joel T. Broyhill (R-Va.).

The GAO study turned up allegations of waste, theft, payroll padding and sloppy accounting during Pride's first year of operation, roughly the same period covered in the indictments.

By the time the GAO's final report came out on Jan. 16, 1969, the government agency noted that its recommendations for tighter controls had been adopted the previous September by Pride.

The Department of Labor also conducted an investigation of Pride in 1968.

Philip L. Kellogg, an assistant U.S. attorney, said yesterday that the GAO and Labor probes had turned up evidence of criminal activity in the payroll area and a special grand jury was empanelled last March 3 to hear testimony.

Kellogg said the payroll documents of Pride were subpoenaed and studied by a team of three FBI agents. He said the grand jury heard several dozen witnesses.

Officials in the U.S. atttorney's office declined to say yesterday whether there would be further indictments. Kellogg noted, however, that the grand jury had not been dismissed.

As recently as Dec. 30, courthouse sources said, the government had subpoenaed the payroll records of Youth Pride Economic Enterprises, Inc., a business-oriented independent branch of Youth Pride, Inc.

The four present employees of Pride are charged as follows: Brockenberry, making a false statement and wilfully misapplying funds; Howard, forgery; Jenkins, forgery; and Boykins, inducing a person to give up money.

The 13 others and the offenses they are charged with are Eddie Campbell, 23, 1475 Euclid St. NW, forgery; Paris A. Jones, 23, 3339 Clay Pl. NE, wilfully misapplying funds and forgery; Henry W. Banks, 27, 125 P St. SW, making a false statement, wilfully misapplying funds, forgery; Jerome Brown, 29, 2723 13th St. NW, forgery and making a false statement.

Also Edward B. Bundy Jr., 21, 1009 9th St. NE, willfully misapplying funds and forgery; Samuel A. Benson 718 Barnes St. NE, making a false statement, willfully misapplying funds and forgery; Theodore J. Hickerson, 28, federal penitenary, Lewisburg, Pa., making a false statement, willfully misapplying funds and forgery; Albert Davis, 30, 1816 16th St. NW, willfully misapplying funds; Harry C. Chase, 34, 1823 Monroe St. NW, making a false statement, wilfully misapplying funds and forgery.

Also, Winston Staton, 26, 3821 Halley St. SW, making a false statement, willfully misapplying funds and forgery; Leroy Buchanan, 23, 1413 Half St. NW, forgery; Herman Coefield, 23, 3004 Georgia Ave. NW, willfully misapplying funds and forgery; Robert L. Beasley, 29, 24A Bates St. NW, making a false statement, willfully misapplying funds, inducing a person to give up money and forgery.

[From the Evening Star, Feb. 10, 1970]

17 AT PRIDE INDICTED IN PAY PROBE

A U.S. District court grand jury has indicted 17 former and present members of Pride, Inc., the ghetto-based, economic self-help organization here, on charges of payroll irregularities.

The indictments handed up late yesterday were the culmination of a year-long investigation of Pride that was started under former U.S. Atty. David G. Bress and continued under his successor, Thomas A. Flannery.

The period covered was from Oct. 1, 1967, to Aug. 14, 1968, most of which was during the group's first full-year federal grant.

The 17 persons indicted—four of whom still are with the program, according to a Pride spokesman—were described by court officials as holding supervisory positions. Pride officials contended that only one could be considered an official of the organization.

Pride leaders, in a statement, also said that according to information available to them, the amounts in 14 of the cases average less than $250 each. In the indictments, the amount involved was specified in three of the cases—$1,137.90, $2,354.66, and $289.35.

Pride, in its 2½ years of existence, has received some $8.6 million in federal funds. It has often been the center of controversy.

The project was launched with a $300,000 Labor Department grant in August 1967, and within several months had put some 1,000 green-coveralled teenagers on the streets, primarily in cleanup programs.

That fall, the organization received $2 million from the department and began to expand and diversify its operation. Still paying hourly wages to students working part-time, the leaders of Pride started to concentrate on the hard-core "dudes" out of school and on the street corners.

SELF-SUFFICIENCY SOUGHT

The organization since has formed a number of economic units with a goal of eventual financial self-sufficiency.

Two of the group's most consistent critics, Rep. Joel T. Broyhill, R-Va., and Sen. Robert W. Byrd, D-W. Va., have expressed skepticism and have charged irregularities in the operation.

In the summer of 1968, auditors from the Labor Department and from the General Accounting Office began checking Pride's books, at the insistence of the Senate Appropriations Committee, which was considering a $3.8 million refunding.

GAO in an interim report cited allegations of payroll padding and turned information over to the FBI. However, in September, GAO certified that bookkeeping procedures had been tightened and the Pride operation was "in proper order."

CALLED TRAINEES

The federal probe was under way into the allegations of payroll kickbacks and forgeries by December 1968. The program currently is operating with $2.5 million granted in November.

Pride's statement said, "The 17 top officials indicted are in reality 17 Pride trainees, 17 of more than 3,000. Of those indicted, only 4 are still with Pride. The other 13 were terminated or resigned more than 8 months ago. . . .

"We shall withhold further comment, and we hope that others will withhold judgment until due process of law shall have had an opportunity to run its course," the Pride statement said.

One of those indicted, Winston L. Staton, 26, of the 1400 block of Harvard Street NW, was named chairman of the Pride board in the fall of 1967 after the resignation of Rufus Mayfield. He was charged with representing that certain persons were employed by Pride when they were not and forging names on the backs of paychecks.

OTHERS INDICTED

Most of the charges involved falsifying payroll records, forging endorsements, and fraud.

Those indicted, in addition to Staton, were: Eddie Campbell, 23, of the 1400 block of Euclid Street NW; Samuel A. Benson, 22, of the 700 block of Barnes Street NE; Charles R. Boykins, 23, of the 4200 block of Wheeler Road SE; James E. Jenkins, 27, of the 1400 block of Harvard Street NW.

Also, Leroy Buchanan, 23, of the 1400 block of Half Street SW; Jerome Brown, 29, of the 2700 block of 13th Street NW; Robert L. Beasley, 29, of the unit block of Bates Street NW; Albert Davis, 30, of the 1800 block of 16th Street NW; Theodore J. Hickerson, 28, Federal Penitentiary at Lewisburg, Pa.

Also, Edward B. Bundy Jr., 21, of the 1000 block of 9th Street NE; Henry W. Banks, 27, of the 100 block of P Street SW; Harry C. Chase, 34, of the 1800 block of Monroe Street NW; Herman Scofield, 23, of the 3000 block of Georgia Avenue NW.

Also, Roscoe V. Brockenberry, 29, of the 2300 block of 18th Street NW; Paris A. Jones, 23, of the 3300 block of Clay Place NE, and Roland G. Howard, 23, of the 3700 block of Foote Street NE.

AN EXTRA "RIGHT" IN NEW YORK?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a column written by David Lawrence, titled "An Extra 'Right' in New York?" the item having appeared in today's Washington Star.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

AN EXTRA "RIGHT" IN NEW YORK?

(By David Lawrence)

All the states of the union are supposed to be equal. But somehow the people of the State of New York are today enjoying rights which the people of several states of the South apparently are being denied.

Many congressmen are calling attention to a statute passed by an overwhelming vote of both houses of the legislature of the State of New York and signed by Gov. Nelson Rockefeller, which became effective on Sept. 1, 1969. It provided that, except with the approval of a board of education the majority of whose members are elected:

"No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian."

This gives the parents of the children a chance to pick a school in their neighborhood and not be forced to send them elsewhere in order to fill racial quotas. A provision also was adopted making it clear that nothing in the law would impair the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of its own religion or denomination.

The effect of the legislation is to prevent appointed school boards and the state education commissioner from directing the assignment of pupils and altering school boundaries or attendance zones just to eliminate racial segregation. While the New York State Board of Regents called the new law "unsound" the legislature felt that it was reflecting the will of the people and that this was the desire of the electorate.

Congress now is being asked to pass a statute which will give the Southern states a similar privilege. This could be done by an amendment to the school-aid authorization bill at present before the Senate. Congress has the right under the Constitution to limit the appallate jurisdiction of the Supreme Court of the United States. In the Civil Rights Act of 1964, Congress declared that the law does not "empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance."

But some of the lower federal courts have ruled to the contrary, and there are cases pending which have not yet been passed upon by the Supreme Court. Many of the Southern senators feel that Congress should reiterate its declaration concerning the limitation of the jurisdiction of the Supreme Court so as to exclude rulings on busing to attain "racial balance."

The issue is whether the people shall have "freedom of choice"—the right to determine to what schools their children may be sent.

There are lots of areas in the country where busing is not popular. Many members of Congress, particularly those who represent suburban areas, would not wish to see children from their districts sent into the cities to achieve racial quotas in city schools, or vice versa. The theory behind the New York state law is that the parents shall have the right to decide where their children shall go to school.

"Freedom of choice" is open, of course, to Negro parents as well as to white. If they wish to have their children bused to a school outside their neighborhood, they may do so. The problem really arises when parents are required, against their will, to send their children to faraway schools.

Within the next few weeks, Congress will have to come to some solution of the problem and apply it to all states of the union.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 514) to extend the programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of the bill.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I am about to suggest the absence of a quorum, and it will be a live quorum.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll and the following Senators answered to their names:

[No. 38 Leg.]

Allen	Hansen	Mansfield
Byrd, W. Va.	Holland	Pell
Cranston	Hughes	Schweiker
Dole	Jackson	Stennis
Ervin	Javits	Talmadge
Griffin	Jordan, Idaho	

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senators from Oregon (Mr. PACKWOOD and Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to request the attendance of absent Senators.

After some delay the following Senators entered the Chamber and answered to their names:

Aiken	Gore	Pearson
Anderson	Gravel	Percy
Baker	Harris	Proxmire
Bennett	Hart	Randolph
Bible	Hartke	Ribicoff
Boggs	Hollings	Russell
Byrd, Va.	Jordan, N.C.	Saxbe
Case	Kennedy	Scott
Church	Long	Smith, Maine
Cook	McCarthy	Spong
Cooper	McClellan	Symington
Cotton	McIntyre	Thurmond
Dominick	Metcalf	Tydings
Eagleton	Mondale	Williams, N.J.
Eastland	Montoya	Williams, Del.
Ellender	Moss	Yarborough
Fulbright	Muskie	Young, N. Dak.
Goodell	Nelson	Young, Ohio

The PRESIDING OFFICER (Mr. HOLLAND in the chair). A quorum is present.

Mr. ERVIN. Mr. President——

Mr. JAVITS. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. JAVITS. Will the Senator yield to let us get the yeas and nays?

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. ERVIN. No; I do not yield.

The PRESIDING OFFICER. The Senator declines to yield.

The Senator from North Carolina is recognized.

Will the Senator yield so that the Senate may receive a message from the House of Representatives?

Mr. ERVIN. I yield for that purpose, provided I do not lose the floor.

The PRESIDING OFFICER. Without objection it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2214) to exempt potatoes for processing from marketing orders.

ELEMENTARY AND SECONDARY AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. ERVIN. Mr. President, I should like to request order in the Senate.

The PRESIDING OFFICER. The Senate will please come to order.

The Senator from North Carolina may proceed.

Mr. ERVIN. Mr. President, I should like to ask that the distinguished senior Senator from Georgia (Mr. RUSSELL), the distinguished junior Senator from North Carolina (Mr. JORDAN), and the distinguished junior Senator from Mississippi (Mr. STENNIS), be made cosponsors of amendments 471, 472, 473, 474, 475, and 486.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, we live in what is presently a perplexing era. So far as I know, for the first time in the history of this Nation, which claims to be civilized, little children in one area of the country—some of them white and some of them black—are being made helpless and hapless subjects of a bureaucratic and judicial tyranny.

If I were to preach a sermon about the way these little children are being treated, I would take the words of the Master, in the 17th chapter of Luke, verses 1 and 2:

> Then said he unto the disciples, It is impossible but that offences will come: but woe unto him, through whom they come!
>
> It were better for him that a millstone were hanged about his neck, and he cast into the sea, than that he should offend one of these little ones.

Mr. President, during the past week, a Federal district court sitting in Charlotte, N.C., has entered an order requiring the busing of 5,000 little black children away from their neighborhood schools to other schools in remote areas of the city and county, and the busing of 5,000 little white children from their neighborhood schools into what are, to them, remote areas of the city and the county, all for the purpose of integrating their bodies rather than enlightening their minds.

To my mind, it is unspeakable tyranny in any government which undertakes to make such helpless and hapless pawns of little children.

After the busing order was entered in Charlotte, I received a telephone call from the father of a fifth-grade daughter in that city. He told me that he had recently moved to Charlotte and that he and his wife had searched for 4 months to find a home they were financially able to pay for near a school. He stated that at long last they found such a home within one block of a school, but that instead of allowing his little fifth-grade daughter to go to the school located within one block of his home, she will now be required to get on a bus and be carried across the city into a rural area of the county. He said that his little daughter will have to spend anywhere from 2 to 2½ hours a day riding on the bus.

Mr. President, I wish some human being could tell me how tyranny of that sort contributes toward education.

I wish someone would tell me how tyranny of that sort contributes to respect for the Federal courts of this country.

I wish someone would tell me why such tyranny as that should be tolerated in a land which boasts that it is the land of the free.

This situation in Charlotte which I have just related is being repeated throughout the Southern States in thousands and thousands of cases and I shall have a little more to say about that later in the course of my remarks.

Mr. President, it is strange that all of this busing and other means of forced integration is being done under the pretext that, somehow, the equal protection clause as set forth in the 14th amendment requires it, or at least justifies it.

Well, the equal protection clause is a wise provision of law. Properly interpreted, it is a clause which prevents a State from treating persons similarly situated in a different manner. It is such a wise clause that it should be applied nationally. Yet, we had on the floor of this Senate on yesterday some Senators trying to make a distinction between what they call de jure segregation in the schools and de facto segregation in the schools.

Well, every informed Senator knows that so far as the schools are concerned, in 1954, the Supreme Court of the United States, in the historic Brown case—now known as First Brown—outlawed de jure segregation in the schools, North, South, East, and West. But some persons who advocate not applying the principle of the equal protection clause to North and South still want to talk about de jure segregation which has not been in existence anywhere in this and, so far as the schools are concerned, since May of 1954.

Some of the old political philosophers, who did not read party platforms but who exercised their own intelligence, made some statements which illustrate wisdom. One of these old political philosophers was John Locke and he gave what I conceive to be the best exposition of what constitutes freedom under government. What he said bears repetition here because every fundamental principle set forth in that statement is being violated by the Federal Government in its dealings with the public schools of our land. John Locke said:

> Freedom of men under government is to have a standing rule to live by, common to everyone of that society, and made by the legislative power vested in it; a liberty to follow my own will in all things, when the rule prescribes not, and not to be subject to the inconstant, uncertain, unknown and arbitrary will of another man.

Let us examine what John Locke said. If we are going to have freedom under government, he said we must have a standing rule to live by, common to everyone of the society which establishes the rule. This principle is violated every day with respect to the public schools in our land. I say this because we have one rule for the South and another rule for the other areas of the country. And those who distort and pervert the equal protection clause of the Constitution and the 14th amendment continue to insist that the spirit of the equal protection clause be violated and that we have one rule for one area of the country and another rule for another area of the country.

These policies to face integration which are instituted by Federal bureaucrats and the Federal courts also violate the second rule laid down by John Locke as a fundamental condition for freedom of men under government. This principle is

that the rules which are to be common to all men in the society, North, South, East, and West, must be made by the legislative power vested in the government of that society.

These policies and rules to bus students and to force integration which are being enforced in such a harsh manner are not rules made by the legislative body of this Nation. They are rules made by faceless bureaucrats over in the Department of Health, Education, and Welfare, who are elected by nobody and cannot be identified by anyone, and who have not been entrusted with any power by the American people.

They are rules and policies made out of the head and from the imagination of Federal judges exercising the most unbounded discretion that any judges have ever exercised at any time in the history of this Nation, and exercising a discretion which might be becoming to totalitarian countries, but which are entirely alien to free people.

And so, John Locke emphasizes the fact that the rules which given men not only must be common to every member of the society and applied in like manner, just as the equal protection clause obligates the States to apply those rules, but also it must be a rule established by the legislative power because freedom does not exist in any government if the people are subject to the inconstant, the uncertain, the unknown, and the arbitrary will of other men.

The inconstant, the uncertain, the unknown, and the arbitrary will of other men is precisely what the helpless little children of the Southern States and their parents are being subjected to at this time by HEW bureaucrats and by judicial activists, rather than the acts of Congress or the legislature.

One of the great English jurists, Sir Charles Pratt, had something to say about the discretion of a judge which should be repeated here today because Federal judges are now exercising unbounded discretion, defined by no law, but only by the inconstant, uncertain, unknown, and arbitrary wills of the Supreme Court Justices.

Sir Charles Pratt stated in the case of Hindson against Kersey:

> The discretion of a judge is a law of tyrants. It is always unknown. It is different in different men. It is casual and depends upon constitution, temper, and passion. At the best it is oftentimes caprice; in the worse it is every vice, folly, and passion to which human nature is liable.

We are told that these policies with respect to southern schools were laid down by the Supreme Court of the United States. It is time for Congress to take some action which will give some freedom to the children of this land and not subject them to the policies of this Nation laid down by the Supreme Court of the United States which causes little children to be bused around like cattle and pawns in a chess game.

The Supreme Court is supposed to be a judicial tribunal. It is not supposed to be a school board. It is not supposed to make laws. It is supposed to interpret the Constitution according to its language and its history, as I shall remark further in this discourse.

If there is any provision in the Constitution which is plain and unambiguous and which he who runs may read and not err in so doing, it is the equal protection clause, the 14th amendment.

All that the 14th amendment says is that no State shall deny to any person within its boundaries the equal protection of the laws. This provision was inserted in the 14th amendment to prevent a State from applying its laws to one person or to one group of people in one way and to another person or another group of people in another way when that person or that group of persons were similarly situated.

All that the equal protection clause does is to forbid the States of this Union to deny to any person within their jurisdiction due process of law or equal protection under law or their privileges and immunities as citizens of the United States. There is not a syllable in the equal protection clause which authorizes Congress, or authorizes the Supreme Court, or authorizes the Department of Health, Education, and Welfare to put a single limitation upon the freedom of any individual. And yet, as the Senator from West Virginia pointed out yesterday on the floor of the Senate in one of the soundest and most eloquent speeches I have ever been privileged to hear, the equal protection clause, after being interpreted by the Supreme Court in 1954 to give each child the right not to be excluded from any school operated by a State for which he is otherwise eligible on the basis of his race, is now being distorted and pervaded by Federal courts to deny helpless and hapless little children of the right to attend their neighborhood schools, and is compelling them to be transported hither and yon to other schools simply because they want to change the racial composition of the neighborhod schools or simply because they want to change the racial composition of the schools to which they are transported.

In other words, as the Senator from West Virginia so eloquently pointed out yesterday, the Federal courts are perverting and distorting the equal protection clause of the 14th amendment to deny helpless little children of their freedom to attend their neighborhood school, and this is occurring despite the fact that, there is not a syllable in the equal protection clause of the 14th amendment which authorizes Congress, or the Department of Health, Education, and Welfare, or the President, or the Supreme Court, or any other power under heaven to deny a single individual anywhere in the United States, be he a schoolchild or school parent, or anyone else, of his freedom.

A great Republican, Abraham Lincoln, said something about allowing the policies of the Government to be fixed by the Supreme Court. At this point I quote his remark:

> If the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court . . . the people will have ceased to be their own rulers, having to that extent practically resigned this government into the hands of that eminent tribunal.

At this point, I wish to explain what I shall call, for the sake of brevity, my proposed amendments to the pending bill, H.R. 514. I call these my amendments for the sake of brevity because they are not simply my amendments. They are cosponsored by the distinguished junior Senator from Alabama (Mr. ALLEN), the distinguished senior Senator from Mississippi (Mr. EASTLAND), the distinguished junior Senator from Florida (Mr. GURNEY), the distinguished senior Senator from Florida (Mr. HOLLAND), by my distinguished colleague from North Carolina (Mr. JORDAN), the distinguished senior Senator from Georgia (Mr. RUSSELL), the distinguished senior Senator from Alabama (Mr. SPARKMAN), the distinguished junior Senator from Mississippi (Mr. STENNIS), the distinguished junior Senator from Georgia (Mr. TALMADGE), and the distinguished senior Senator from South Carolina (Mr. THURMOND).

However, I shall designate them as my amendments merely for convenience of expression during the remainder of my remarks. These amendments bear the numbers 471, 472, 473, 474, 475, and 486. They would restore to local school boards their constitutional power to administer the public schools committed to their charge; they would confer upon parents the right to choose the public schools their children attend; they would secure to children the right to attend the public schools chosen by their parents; and they would make effective the right of public school administrators and teachers to serve in the schools in which they contract to serve.

These amendments are identical with bills designated as S. 3114 and S. 3278 which I have heretofore introduced.

I have divided these bills into these amendments in the hope that some Senators who might be opposed to one of the provisions of my bill could support the other provisions of these measures. In presenting the case for these amendments I shall disobey Mark Twain's admonition, "Truth is precious. Use it sparingly." Indeed, I will use truth in quantities which may embarrass and displease some judicial activists and crusading bureaucrats.

THE OBJECTIVES OF THE AMENDMENTS

These are the objectives of the amendments:

First. To restore to local school boards the power to administer the public schools committed to their charge.

Second. To confer upon parents the right to choose the public schools their children attend.

Third. To secure to children the right to attend the public schools chosen by their parents.

Fourth. To make effective the right of administrators and teachers of public schools to serve in the schools in which they contract to serve.

Fifth. To end the perversion of the equal protection clause of the 14th amendment by judicial activists and crusading bureaucrats.

Sixth. To end the disobedience of acts of Congress by judicial activists and crusading bureaucrats.

Let me explain what I mean by the term "judicial activists" and the term "crusading bureaucrats."

It is the function of judges to interpret the Constitution and the laws, not to amend them. To interpret the Constitution or a law is to ascertain its meaning, and to amend the Constitution or a law is to change its meaning.

Most judges rightly regard themselves as the servants of the Constitution and the laws, and not their masters. Consequently, the number of judicial activists is comparatively small.

Judicial activists are judges who undertake to amend the Constitution or the laws while professing to interpret them. In so doing, they actually substitute their personal notions for constitutional principles and rules of law.

Judicial activists are motivated by good intentions. Daniel Webster undoubtedly had them in mind when he made this trenchant statement:

> Good intentions will always be pleaded for every assumption of authority—it is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

Judicial activists labor under the delusion that there was little, if any, wisdom on earth before their arrival. As a consequence, they lay the flattering unction to their souls that the amendments they usurp the power to make improve the Constitution and the laws. For this reason, they believe the ends they have in view excuse the unjustified means they employ to accomplish them.

Let me make it plain that all the Federal judges who do the things of which I complain are not judicial activists. The Federal judiciary is structured as a hierarchy in which the judges in one echelon are compelled to follow the rulings of judges in higher echelons, no matter how much they may disagree with them. As a consequence, many Federal judges in lower echelons, who rightly regard judicial activism as a cardinal judicial sin, are forced to do the will of more highly placed judicial activists to escape the charge of judicial insubordination.

Crusading bureaucrats are power-hungry officers of the executive branch of the Government who steal a mile of authority for every inch given them by law.

EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT

If we are to understand the conditions out of which the necessity for the amendments arise, we must understand the equal protection clause of the 14th amendment which prohibits a State from denying to any person within its jurisdiction the equal protection of the laws.

While the opinions of judicial activists and the guidelines of crusading bureaucrats tend to shroud this clause in obscurity, the true meaning of the clause is simple and readily understandable. The clause means simply that all persons subjected to State action shall be treated alike under like conditions, both in the rights conferred and in the obligations imposed.

In interpreting this clause in *Brown* v. *Board of Education of Topeka*, 347 U.S. 483, the Supreme Court held that a State denies the equal protection of the laws to black children if it denies them admission to its public schools attended by white children under State laws requiring or permitting segregation according to race. One of the intellectual and legal giants of our age, the late Chief Judge John J. Parker of the U.S. Court of Appeals for the Fourth Circuit, corrrectly explained what the Supreme Court decided in the Brown case in his per curiam opinion in *Briggs* v. *Elliott*, 132 F. Supp. 776, 777:

> Having said this, it is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the federal courts are to take over or regulate the public schools of the states. It has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the state may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The Fourteenth Amendment is a limitation upon the exercise of power by the state or state agencies, not a limitation upon the freedom of individuals.

What Judge Parker said in the Briggs case correctly interprets the ruling in the Brown case. Circuit Judge Wisdom's attempt in *U.S.* v. *Jefferson County Board of Education*, 372 F. 2d 836, 862, to dismiss what Judge Parker declared in the Briggs case as "pure dictum" is not even plausible. The Briggs case was one of the four cases consolidated for hearing and decision in the Brown case, and Judge Parker was applying that decision to the Briggs case on its remand to the three-judge district court sitting in the eastern district of South Carolina.

It is as clear as the noonday sun in a cloudless sky that Judge Parker's assertion that when a State opens its schools to children of all races and grants to them freedom to choose the schools they attend, its action in so doing does not violate the equal protection clause of the 14th amendment and is absolutely sound. This is so because when it takes such action, the State treats all persons of all races exactly alike under like conditions, and thus fulfills both the letter and the spirit of the equal protection clause. No amount of judicial or bureaucratic jargon and sophistry can erase this obvious truth.

Moreover, Judge Parker's declaration is faithful to the proposition that the Constitution decrees that Americans are citizens of a free society and not the hapless and helpless subjects of judicial and bureaucratic oligarchies.

It is worthy of observation at this point that when the Brown case itself was remanded to the court in which it originated, the three-judge U.S. district court sitting in the District of Kansas revealed itself to be in complete agreement with Judge Parker's analysis of the Brown case by making the following statement:

> It was stressed at the hearing that such schools as Buchanan are all-colored schools and that in them there is no intermingling of colored and white children. Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color.
>
> If it is a fact, as we understand it is, with respect to Buchanan School that the district is inhabited entirely by colored students, no violation of any constitutional right results because they are compelled to attend the school in the district in which they live. (139 F. Supp. 468, 470)

It is noted, in passing, that in *Bell* v. *School City of Gary*, 324 F. 2d 209, *Deal* v. *Cincinnati Board of Education*, 369 F. 2d 55, and other well-considered cases, able Federal courts rendered decisions in full harmony with the sound views expressed by Judge Parker in the Briggs case.

CIVIL RIGHTS ACT OF 1964

Congress enacted the Civil Rights Act of 1964 in part to implement the equal protection of the laws clause of the 14th amendment as interpreted by the Supreme Court in the Brown case. In so doing, Congress accepted the view that the equal protection clause prohibits a State from taking into consideration the matter of race in assigning children to public schools and, for this reason, forbids a State to deny to any child admission to any public school solely because of the child's race.

This conclusion is made manifest by section 401 of title IV which is concerned with desegregation of public education, and section 602 of title VI which relates to nondiscrimination in federally assisted programs.

I will analyze these and other relevant sections of titles IV and VI in subsequent remarks, and for that reason forego elaboration of this point at this time.

The legislative history of the Civil Rights Act of 1964 likewise makes this conclusion abundantly clear.

During the course of the debate on the bill which became the Civil Rights Act of 1964, Senator BYRD of West Virginia addressed this question to Senator Humphrey, the floor manager of the bill, and received this reply from Senator Humphrey:

> Mr. BYRD of West Virginia. Can the Senator from Minnesota assure the Senator from West Virginia that under Title VI school children may not be bussed from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?
>
> Mr. HUMPHREY. I do.

Senator Humphrey made these further statements relating to the purposes of the bill:

> Mr. HUMPHREY. Mr. President, the Constitution declares segregation by law to be unconstitutional, but it does not require integration in all situations. I believe this point has been made very well in the courts,

and I understand that other Senators will cite the particular cases.

I shall quote from the case of Bell against School City of Gary, Ind., in which the Federal court of appeals cited the following language from a special three judge district court in Kansas: "Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color." Brown v. Board of Education, D.C. 139 F. Supp. 468, 470.

In *Briggs* v. *Elliott* (EDSC), 132 Supp. 776, 777, the Court said: "The Constitution, in other words, does not require integration. It merely forbids discrimination." In other words, an overt act by law which demands segregation is unconstitutional. That was the ruling of the historic *Brown* case of 1954.

THE PERVERSION OF THE EQUAL PROTECTION CLAUSE AND THE CIVIL RIGHTS ACT OF 1964

Before the advent of the judicial activists, the equal protection clause of the fourteenth amendment was uniformly interpreted in multitudes of decisions to be merely prohibitory in nature and operation, and to impose upon a State no duty whatever except the duty to refrain from the specified prohibited action, that is, denying persons within its jurisdiction the equal protection of the laws. This is manifestly the right interpretation of the clause because this is exactly what it says.

But this interpretation is not pleasing to judicial activists, who are afflicted in virulent form with the disease of tyrants which George Washington diagnosed in his farewell address as "love of power and proneness to abuse it."

As a consequence, the judicial activists now pervert the equal protection clause and the Civil Rights Act of 1964, and declare that they not only outlaw State imposed segregation in public schools, but also thrust upon a State the affirmative obligation to use compulsory methods to mix black and white children in public schools, regardless of the desires of such children and their parents, and regardless of the impact of the compulsion upon the schools as educational institutions.

In so doing, the judicial activists undertake to add to the equal protection clause things which expand their power and subtract from it things which limit their power.

Lack of time precludes me from stating in detail the specious reasons advanced by the judicial activists in support of their declaration that the equal protection clause now requires the compulsory integration of public schools. I must refer those interested in this phase of the subject to the 69 page opinion of Circuit Judge Wisdom in *U.S.* v. *Jefferson County Board of Education,* 372 F.2d 836, and the 118-page opinion of Circuit Judge Wright in *Hobson* v. *Hansen,* 200 F. Supp. 401, where these reasons are presented with profuseness.

Some of the Federal courts inferior to the Supreme Court are now attempting to rob school children and their parents of the liberty to select schools embodied in the freedom of choice concept. For example, the Fourth Circuit Court of Appeals declared on July 11, 1969, in the case entitled Hawthorne against Luneberg, that "the famous Briggs against Elliott dictum—adhered to by this court for many years—that the Constitution forbids segregation but does not require integration, is now dead."

In this quotation from the Hawthorne case, the Fourth Circuit Court of Appeals was referring to the constitutional principle enunciated by Judge Parker in these words: "Nothing in the Constitution—takes away from the people freedom to choose the schools they attend." *Briggs* v. *Elliott,* 132 F. Supp. 776, 777.

I make this observation: If this constitutional principle is now dead, it was murdered by judicial activists in violation of the equal protection clause of the 14th amendment itself. This is so because no man who is willing to give words their obvious meaning can find anything in the equal protection clause which deprives any individual in the United States of the freedom to choose the public school he attends or any other freedom. Indeed, as I have pointed out, this clause relates solely to State and not to individual action, and does not undertake to limit the freedom of any individual.

Judicial activists cite the opinion of Justice Brennan in *Green* v. *County School Board of New Kent County,* 391 U.S. 430, as a pronouncement of the Supreme Court that the Brown case requires all public schools to be compulsorily integrated if both black and white children of school age are obtainable and that all "freedom of choice" plans are automatically unconstitutional.

However, as the distinguished Senator from Kentucky (Mr. COOPER) and I have agreed, in colloquy which will appear in the RECORD after my prepared remarks, the Green case does not hold at all that freedom of choice plans are unconstitutional. I shall not undertake to say what the Green case holds. If one desires to speak with assurance concerning it, he must limit his remarks to these observations: Its facts are plain; its verbiage is ambiguous and murky; it lays down no understandable or workable rule.

New Kent County is a rural county in eastern Virginia which possesses only two schools. One of these schools, the New Kent School, is designated by the opinion as a "white" school, and the other, the Watkins School, is designated by the opinion as a "Negro" school. Three years before the opinion was written, the school board of New Kent County completely removed from its school system all State-imposed segregation, and adopted a "freedom of choice" plan which allowed each black and white schoolchild in New Kent County to attend whichever school he chose to attend.

The district court and the Fourth Circuit Court of Appeals adjudged this freedom of choice plan valid, and the Supreme Court reversed their ruling and remanded the case to the district court with a statement that the school board must be required to "fashion steps which promise realistically to convert promptly to a system without a 'white' school and a 'Negro' school but just schools." I will not undertake to determine whether the case constitutes a solemn adjudication that the words "just schools" imply that all schools must be black and white schools where black and white children are available for coercive mixing.

I will make certain comments, however, concerning the only real reason given by the opinion for the rejection of the school board's "freedom of choice" plan.

The opinion declares that such plan did not constitute an "adequate compliance" with the responsibility imposed upon the school board by the second decision in the *Brown* case (347 U.S. 294, 300–301), "to achieve a system of determining admission to the public schools on a nonracial basis" because not a single one of the 550 white children in the county had chosen to attend Watkins School, and only 115 of the 740 black children in the county had chosen to attend the New Kent School.

This ruling to the contrary notwithstanding, it is as clear as the noonday sun in a cloudless sky that the most effective way "to achieve a system of determining admission to the public schools on a nonracial basis" is to open the public schools to children of all races, and allow them or their parents to choose the schools they attend. Oceans of judicial sophistry cannot wash out this plain truth.

If the Green case means anything, it means that freedom of choice plans are valid if black and white children choose to mix themselves in public schools in proportions pleasing to Supreme Court Justices, but are invalid if black and white children exercise their freedom of choice in a manner displeasing to Supreme Court Justices.

Obviously, the United States cannot continue to boast that it is a free country if the freedom of its people hangs on such an arbitrary and tenuous judicial thread.

(At this point Mr. HUGHES took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, I wish to call to the attention of the Senate a cartoon and editorial which appeared in the Washington Star on June 23, 1968, and which are highly pertinent to the subject under consideration. The cartoon depicts a black-robed Federal judge who presides over a classroom inhabited by small children, banging his gavel on the teacher's desk and declaring in stern judicial language: "This court will come to order."

I deeply regret that the format of the CONGRESSIONAL RECORD does not permit reproduction of the cartoon for the edification of Senators. Fortunately, however, I can read the editorial into the RECORD.

The editorial is entitled "Our Judges Should Stick to Their Judging."

I shall read the editorial:

Eleven months ago the American Association of School Administrators, with some 17,000 members around the country, strongly urged that an appeal be taken from Judge Skelly Wright's decision in the District school case.

The association said that the decision "usurps the prerogatives of boards of education and school administrators" and, further, that Judge Wright's educational theories are "wrong and dangerous."

Now, a year after the ruling, an appeal will be heard this week by the United States

Court of Appeals. What the result will be is, of course, uncertain. But one may at least hope that the appellate judges will return control of the Washington schools to the school authorities, and that Judge Wright will be encouraged to devote himself to his judicial knitting.

Judge Wright has not been the only federal judge to get into the business of running or trying to run public school systems. The Supreme Court and the Fourth Circuit Court of Appeals also got in a few whacks this year.

The case of Brown vs. Board of Education was decided by the Supreme Court in 1954 and an implementing decision, known as Brown II, came down a year later.

The 1954 Brown ruling held that segregated public school systems imposed or required by state or local law were in violation of the Fourteenth Amendment and therefore unconstitutional. Brown II decreed that such segregated systems must be abolished. The court did not say, however, that compulsory segregation must be replaced by compulsory integration.

John J. Parker, then chief judge of the Fourth Circuit construed the Brown decision in this language: "It (the court) has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. * * * Nothing in the Constitution or in the decision of the Supreme Court takes away from the people the freedom to choose the schools they attend."

Chief Judge Parker was a distinguished jurist, not a man to bypass or undermine Supreme Court rulings. A few years before his death in 1958 he was awarded the American Bar Association's gold medal for "conspicuous service to American jurisprudence." But in undertaking to construe Brown, Judge Parker spoke too soon. He couldn't foresee, of course, what the Supreme Court would say in May 1968 in the case of Virginia's New Kent County, and he would have been horrified to read that opinion.

New Kent is a small rural county with only two schools for its 740 Negro and 550 white pupils—New Kent School on the east side of the county for whites and George W. Watkins School on the west for Negroes. There is no residential segregation in the county.

New Kent, as it had to do, went along for several years after Brown with the Virginia Legislature's various efforts to avoid school desegregation. But three years ago the county adopted a freedom of choice plan. There has been no claim that the plan did not offer a truly free choice or that it was applied in any discriminatory way. No white children transferred to the Watkins School. But in 1967 a total of 115 Negro children applied for and were enrolled in New Kent. This was up from 35 in 1965 and 111 in 1966. To sum it up, no white children have gone to the "colored" school, but slightly more than 15 percent of the Negro children were attending the "white" school at the end of this year's term.

In an ambiguous opinion, Justice Brennan said this was not good enough.

He did not, and indeed he could not, properly say that a bona fide freedom of choice plan, such as New Kent's, is unconstitutional. In fact, he did not cite any specific constitutional basis for holding that the New Kent system wouldn't do.

He said the plan placed a "burden" on children and their parents—the burden of applying for admission to one school or the other if they wanted to switch. He did not stress the point that the parents of 115 Negro children did not find this too burdensome last year. He also suggested that the county should adopt some kind of "zoning" system, although he was very vague about this. And without more ado, he set aside a ruling by the Fourth Circuit which had upheld the New Kent plan.

So much for that. But what is it that New Kent County is supposed to do that will satisfy the learned justices of the Supreme Court when they doff their judicial robes and sit as a local school board? Justice Brennan didn't say. The county authorities are left in the dark. But we have several suggestions. (1) The ruling applies only to states whose schools formerly were segregated by law, which means the southern and border states. If this is what the law now requires in those states, why is it not required in all states? (2) This decision, although it doesn't spell it out, clearly commands compulsory integration, and this without specifying any constitutional basis for the command. Judge Brennan did cite some language from Brown II, but Brown II is not the Constitution. (3) The court is saying, though not in so many words, that some white children in New Kent County, regardless of their wishes, must be compelled by the local authorities to attend the "colored" school, and that more than 115 Negro children, regardless of their desires, must be compelled to attend the "white" school. Precisely what racial "mix" will be satisfactory? Again, the justices in their infinite wisdom did not say. We suspect they haven't the foggiest notion. We also suspect that what they have done will play hob with New Kent County's public school system and the education of both its black and white children.

Another judicial shocker, which reinforces our belief that judges, especially eager-beaver judges, should stay out of the schoolroom, has just come down from the Fourth Circuit.

The effect of this 5-to-2 ruling in a Norfolk case is to cut down the neighborhood school concept. Again, the court majority uses weasel words. It says that the assignment of pupils to neighborhood schools is a sound concept. But it adds that this is not true if purely *private* discrimination in housing keeps Negroes out of a given residential area. How does private discrimination, as distinguished from public or state discrimination, offend the Constitution? The majority judges, of course, do not say. But we note with interest the dissenting opinion by Judge Albert V. Bryan, who said the court was guilty of "usurpation," and that the majority through its decision "once again acts as a school board and as a trial court, and now is about to act as a city planning commission." This last presumably refers to the problem of how to bus pupils in Norfolk, which has no school bus system.

To sum it up, federal judges have a constitutional duty and the competence to strike down any law which imposes school segregation. They have neither the duty nor the competence to demand compulsory integration and to run the schools by judicial fiat. The sooner the judges recognize this, if they ever recognize it, the better it will be for our system of public education.

Mr. President, in passing from this phase of my remarks, I note that since it is authorized by congressional legislation to extend Federal financial aid to public school activities, the Department of Health, Education, and Welfare administers the provisions of title VI of the Civil Rights Act of 1964, which deals with nondiscrimination in federally assisted programs. I content myself with the observation at this time that the crusading bureaucrats in HEW have allied themselves with the judicial activists. As a consequence, they pervert congressional intent expressed in titles IV and VI of the Civil Rights Act of 1964, and use Federal funds appropriated by Congress for educational purposes to compel school boards to operate public schools as integrating rather than educating institutions.

A FEDERAL JUDGE'S ANALYSIS OF JUDICIALLY FORCED INTEGRATION

What I am trying to say has been much better said by an observant and wise Federal district judge, J. Robert Elliott, of the middle district of Georgia, who performs his task where people live, move, and have their being rather than in some remote judicial ivory tower.

A short time ago, the Fifth Circuit Court of Appeals remanded the case of United States against Board of Education of Crisp County, Ga., to the U.S. District Court for the Middle District of Georgia with directions that Judge Elliott reconsider his former ruling in the "light of the most recent decisions of the court of appeals and the Supreme Court dealing with school desegregation."

In an order requiring the school board to submit a new plan of desegregation, Judge Elliott made an accurate and penetrating analysis of the tragic impact of judicially coerced integration upon law and public school education. I quote his words:

A review of these decisions shows that it is intended that integration be brought about in some way by school administrators as the first order of business. Problems of money, problems of transportation, problems of finding competent teachers willing to staff completely integrated schools, problems of political and emotional ramifications and the myriad frustrating difficulties peculiar to public education, and even the substantial objections of those thought to be benefited, are either ignored or brushed aside. We are told not to be "color blind", but to be "color conscious". The three R's long thought to be the reason for the existence of the public school system have been eclipsed by the one big R—Race. Integration is primary. Education is secondary. And through it all is the clear implication that Federal Courts are competent to design, supervise and administer plans for the integration of all school systems within our jurisdiction regardless of the diverse and complex problems presented. As for myself, I disavow any such occult power and am convinced that a fairly administered freedom of choice plan is the best answer and that the "immediate total integration at any cost" approach must inevitably result in serious damage to the public school system. However, we are bound by the decisions of the Supreme Court and the Court of Appeals for the Fifth Circuit, so we will make one more drag of the judicial claw across this sensitive area.

HOW THE PERVERTED VERSIONS OF THE EQUAL PROTECTION CLAUSE AND THE CIVIL RIGHTS ACT OF 1964 ARE ENFORCED

The judicial activists and the crusading bureaucrats have virtually taken over the public schools of the South. Their inconsistent professions remind me of Aesop's Fable entitled "The Man and The Satyr," which goes like this:

A man had lost his way in a wood one bitter winter's night. As he was roaming about, a Saytr came up to him and finding that he had lost his way, promised to give him a lodging for the night, and guide him out of the forest in the morning. As he went along to the Satyr's cell, the man raised both his hands to his mouth, and kept blowing at them. "What do you do that for," said the Satyr. "My hands are numb with the cold," said the man, "and my breath warms them."

After this they arrived at the Satyr's home, and soon the Satyr put a smoking dish of porridge before him. But when the man raised his spoon to his mouth, he began blowing upon it. "And what do you do that for," said the Satyr. "The porridge is too hot, and my breath will cool it." "Out you go," said the Satyr. "I will have nought to do with a man who can blow hot and cold with the same breath."

The judicial activists and the crusading bureaucrats blow hot and cold with the same breath. At one moment they accept as valid the ruling in the Brown case and the congressional definition of desegregation, and assert that school boards are forbidden by the Constitution to consider race in assigning faculty members and pupils to public schools. The next moment they declare that school boards must take race into consideration in assigning faculty members and pupils to public schools because the Constitution obligates them to mix black and white faculty members and pupils in public schools.

In thus blowing hot and cold with the same breath, the judicial activists and crusading bureaucrats exemplify the moral taught by another fable of Aesop; namely, the fable of "The Wolf and the Lamb," which proclaims the truth that "any excuse will serve a tyrant."

Let me recount with succinctness what Federal judges and officials of the Department of Health, Education, and Welfare do to public school boards, public school administrators, public schoolteachers, public schoolchildren, the parents of public schoolchildren, and taxpayers to enforce the fallacious interpretations which the judicial activists and crusading bureaucrats put upon the equal protection clause of the 14th amendment and the Civil Rights Act of 1964.

They arbitrarily establish numerical or percentage quotas based on race for specified schools, and compel school boards to assign black and white administrators and teachers, and black and white children, to these schools in numbers or percentages sufficient to meet these racial quotas. In so doing, they compel school boards to breach the provisions of contract giving the affected administrators and teachers the legal right to teach in other schools.

If neighborhood schools are located in racially mixed school districts, they compel school boards to force children residing in the districts to attend their neighborhood schools even in instances where some of the children have valid reasons for assignment to schools elsewhere.

If neighborhood schools are not located in racially mixed districts, they compel school boards to resort to geographical rezoning, to bus schoolchildren from one school to another or from one school district to another, and to "pair schools." The sole objective of each of these courses of action is to mix black and white children in the same schools, and each of them requires that substantial numbers of black and white children be denied the freedom to attend the neighborhood schools nearest their homes because children of their race are needed to integrate schools elsewhere.

Let me explain what each of these courses of action involves.

In geographical rezoning, Federal judges and HEW officials compel school boards to create new geographical districts or zones, gerrymandered if necessary for the purpose, to embrace racially mixed residential areas, and to make arbitrary assignments of black and white children to the various schools within the newly created districts or zones, even though such arbitrary assignments deny substantial numbers of the children the right to attend the neighborhood schools nearest their homes and require them to travel substantial distances to reach the schools to which they are assigned.

Some of the judicially and bureaucratically imposed geographical zoning plans thrust grave hardships upon schoolchildren and their parents. Others are irrational. Moreover, some imposed in the fifth circuit where judicial activism runs rampant even imperil the safety of schoolchildren.

I mention only a few of the numerous instances which prove the validity of these observations.

The school board of Raleigh, the capital of North Carolina, was coerced by HEW to adopt new geographical zoning by the threat of cutting off Federal funds otherwise available to it. Under the HEW coerced geographical rezoning plan, the school board in Raleigh had to deny to numerous children, both black and white, the right to attend their neighborhood schools, and to assign them to schools located substantial distances from their homes. Two boys who reside only four blocks from a high school were assigned to another high school 4½ miles distant from their home. When their father made requests in their behalf that they be assigned to their neighborhood high school instead of the distant high school, he received this response from the school authorities in respect to each of his sons:

I regret to inform you that your request for transfer of school assignment * * * for your child has been denied. * * * Honoring your request would have resulted in exposing your child to fewer students of a different race than he would be exposed to in the school to which he has been assigned for the next year.

The father wrote me a letter in which he pointed out that the denial of his request for the transfer of his sons to their neighborhood high school compelled them to walk 9 miles daily to and from the distant high school, despite the intervening traffic hazards. He then put to me a question which I now in turn put to the Senate: Why should children "be herded around like cattle and shifted like pawns in a chess game?"

I will now call attention to a few judicial decisions in the fifth circuit where the courts are dominated by judicial activists of highly immoderate attitudes. They compel school boards to create geographical zones sufficient to "produce integration of faculties, staff, facilities, transportation, and school activities such as athletics, along with the integration of students" (*Adams* v. *Matthews*, 403 F. 2d 181), even though the geographical districts are so irrational as to compel little children to imperil their safety by crossing hazardous railroad tracks, bridges, and bayous (*U.S.* v. *Indianola Municipal School District*, CA–5, April 11, 1969, No. 25,665; *U.S.* v. *Greenwood Municipal School District*, CA–5, February 4, 1969, No. 25,714); ignore the density of population in the zones, the proximity of the residences of schoolchildren to schools, and natural boundaries created by God; and deprive school boards of the ability to make maximum use of existing school buildings (*U.S.* v. *Indianola Municipal School District*, supra; *Henry* v. *Clarksdale Municipal School District*, CA–5, March 6, 1969, No. 23,255).

Indeed, the court of appeals for the fifth circuit intimates in the Greenwood Municipal School District case that the equal protection clause of the 14th amendment requires school boards to give "all Negro students a desegregated education," regardless of what burdens such action would impose upon them, their parents, other schoolchildren, the parents of other schoolchildren, and the taxpayers.

Moreover, the same court makes the astounding declaration in the Indianola Municipal School District case that even nondiscriminatory action of a school board is unconstitutional if it fails to result in substantial desegregation.

When they require school boards to resort to the busing of students, Federal judges and HEW officials compel the school boards to deny to substantial numbers of black and white children the right to attend their neighborhood schools, and to transport them by bus to other schools in the district in which they reside, or to other schools in other districts for the purpose of altering the racial composition of their neighborhood schools, or the racial composition of the schools to which they are transported.

When they require the pairing of schools, Federal judges and HEW officials compel school boards to swap certain grades in a school located in a predominately black residential area for certain other grades in a school located in a predominately white residential area. For example, they may require a school board to transfer grades one through four from school A to school B, and grades five through eight from school B to school A.

In their zeal for compulsory integration of schools, Federal judges and HEW officials have even assumed overlordship over the property of the public schools of the States. In many cases, they compel school boards to close public schools attended in predominate numbers by children of one race, and to transfer such children to other public schools attended in predominate numbers by children of the other race. In so doing, they regard with utter distain the fact that the schools which are closed were built with the hard-earned dollars of the taxpayers, and the further fact that the closing of such schools deprive the people of the community of any community center.

During last year, under pressure from HEW, the school board of Hyde County, N.C., undertook to close two schools black children had been attending and to force the black children to attend a predomi-

nately white school located elsewhere in the county. This action evoked violent demonstrations by black citizens of Hyde County who demanded that the closed schools be reopened and that their children be permitted to attend them. Events of this nature have been inspired by similar action in other areas.

In the recent unreported case entitled Swann against the Charlotte Mecklenburg Board of Education, the District Court of the Western District of North Carolina ordered the school board not to divest itself of any land, options, rent arrangements, or other access to or control over real estate which it may have in the second ward area until it could be determined whether a midcity high school would prove most desirable for desegregation purposes.

Sometimes one encounters statements in desegregation cases that courts only enforce plans for desegregation presented to them by school boards. Candor compels me to say that these statements savor of hypocrisy. The truth is that the plans are dictated by Federal judges, and are presented by school boards simply because their members sit beneath Damoclean swords. The members of the school boards know they are subject to being fined or jailed for contempt of court if their official action is displeasing to Federal judges. As a consequence of this, it requires great patriotism for any person to serve on a school board nowadays.

Even apart from constitutional considerations, Federal judges and HEW officials ought to stop taking over and exercising the functions of school boards. This is so because they lack the competence to operate schools. The validity of this observation is made manifest by the arbitrary guidelines of HEW, which exhalt the integration of the bodies of schoolchildren above the enlightenment of their minds; and the decisions of judicial activists which mommick educational processes almost as badly as they mangle the Constitution.

I yield at this point to the temptation to comment briefly upon one of these decisions, *Hobson* v. *Hansen,* 269 F. Supp. 401, where Judge Wright uses 118 pages to instruct the Board of Education of the District of Columbia as to how it should perform its constitutional obligation to abolish de facto segregation produced in the public schools of the District by prevalent residential patterns, and as to how it should teach the children of the District after its schools are desegregated. Judge Wright adjudges, in essence, among other things, that the Constitution now forbids a public school to extend to bright or diligent students any opportunity to learn anything more than it attempts to teach to dull or lazy students.

I challenge the validity of this adjudication. Gov. Charles Brantley Aycock, of North Carolina, was right when he asserted that the highest of the inalienable rights of the American people is the "right of each individual to make of himself all that God gave him any possibility of being." I deny that the Constitution of my country undertakes to rob children of this right by imposing upon them the equality of inferiority.

THE ACTIONS OF JUDGES AND HEW OFFICIALS VIOLATE THE CONSTITUTION AND ACTS OF CONGRESS

Since they treat all parents and children of all races alike under like conditions, freedom-of-choice plans are in perfect accord with the equal protection clauses of the 14th amendment, which merely forbids States to treat differently persons similarly situated. This being so, Federal judges and HEW officials violate the equal protection clause when they nullify freedom-of-choice plans and undertake to impose on State school boards affirmative obligations to commingle black and white children in public schools.

It is obvious, moreover, that Federal judges and HEW officials actually force school boards to violate the equal protection clause as interpreted by the Supreme Court in the Brown case when they compel school boards to employ such programs as large-scale geographic rezoning, the busing of children, or the pairing of schools. These programs require school boards to deny to substantial numbers of children the freedom to attend their neighborhood schools and assign them to other schools because children of their race are needed to desegregate the other schools. Consequently, these programs discriminate against the children affected by them because they deny those children admission to their neighborhood schools on account of their race.

Furthermore, when Federal judges and HEW officials undertake to produce desegregation of facilities of public schools by compelling school boards to force administrators or teachers to serve in schools other than those in which the administrators or teachers have contracted to serve, they compel school boards to violate the spirit, if not the letter, of article I, section 10 of the Constitution, which provides that "No State shall pass any law impairing the obligation of contracts."

In addition to being repugnant to the equal protection clause of the 14th amendment, the actions of Federal judges and HEW officials, which I have previously recounted, violate laws made by the Congress.

The first of these laws is the Civil Rights Act of 1964. In title IV of that act, Congress undertakes to enforce the interpretation placed upon the equal protection clause by the Supreme Court in the Brown case. In so doing, Congress uses the term "desegregation" and "discrimination" interchangeably to express the concept made familiar by the prevalent use of the word "discrimination" to mean State action denying persons admission to public colleges or public schools because of their race.

This observation is made indisputable to all except judicial activists and crusading bureaucrats by section 401(b) which expressly declares that "desegregation" merely means "the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin"; section 407(a)(1)(2) which refer to children who "are being deprived by a school board of the equal protection of the laws" and individuals who have "been denied admission" to a public college or permission "to continue at a public college by reasons of race, color, religion, or national origin"; and section 409 which directs its attention to "discrimination in public education." There is not a single syllable in title IV of the Civil Rights Act of 1964 giving any support to a different interpretation.

Section 401(b) merits further consideration because it specifies not only what Congress means by the term "desegregation," but also what Congress does not mean by that term.

Section 401(b) consists of two clauses. The first clause provides that "desegregation" as used in title IV "means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin," and the second clause provides that "desegregation" as used in title IV "shall not mean the assignment of students to public schools in order to overcome racial imbalance."

As a law made by Congress, title IV is binding on Federal judges, and defines their jurisdiction in respect to public schools operated by public school boards acting as State agencies.

The first clause of section 401(b) simply commands school boards to ignore race, color, religion, and national origin as factors in assigning students to public schools. Hence, it is self-evident that a school board complies with every jot and title of this clause if it opens the schools it operates to children of all races, colors, religions, and national origins, and allows them or their parents to choose the schools they attend.

Since Federal judges have no power to add anything to the laws they enforce, this clause merely confers upon Federal judges the limited jurisdiction to enforce its command by decrees which prevent recalcitrant school boards from denying otherwise eligible children admission to schools on account of their race, color, religion, or national origin.

Since Federal judges do not have power to subtract anything from laws they enforce, the second clause of section 401(b) denies to Federal judges jurisdiction to compel school boards to assign "students to public schools in order to overcome racial imbalance." By this clause, Congress, forbids Federal judges to make decrees compelling school boards to take affirmative steps to commingle black and white children in public schools in proportions satisfactory to judicial activists, even in cases where judicial activists assert that such action is necessary to achieve what they speciously, sententiously, and unrealistically call a unitary nonracial system free of the vestiges of State-imposed segregation.

This interpretation of section 401(b) is completely confirmed by sections 407 and 409 of title IV.

Before the enactment of title IV of the Civil Rights Act of 1964, only the individuals aggrieved thereby had legal standing to make complaint in Federal

courts concerning State-imposed segregation in public education. They were restricted to seeking relief for themselves and their children. They did not have the right to demand that Federal courts should substitute federally coerced integration for State-imposed segregation.

When it drafted title IV, Congress decided to extend to the Attorney General standing to sue for "such relief as may be appropriate" in behalf of two groups of people if he believes their complaints to be "meritorious" and concludes that they are "unable to initiate and maintain appropriate legal proceedings for "their own relief." These groups of people are described, in essence, as children who "are being deprived by a school board of the equal protection of the laws" and individuals who have been "denied admission" to a public college or "permission to continue in attendance at a public college by reason of race, color, religion, or national origin." To this end, Congress inserted section 407(a) in title IV.

At the same time, however, Congress decided to preserve intact the existing rights of individuals to sue in their own behalf for relief against State-imposed segregation. To accomplish this purpose, Congress stipulated in section 409 that nothing in title IV "shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education."

Congress was determined, however, not to increase the powers of Federal judges when it gave the Attorney General standing to seek relief against discrimination in public education in behalf of the aggrieved persons designated in section 409(a). It made this purpose manifest by inserting in the section language expressly providing "that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

Federal judges are violating these provisions of title IV of the Civil Rights Act of 1964 with constantly increasing frequency and intensity.

Section 601 of title VI of the Civil Rights Act of 1964, which is designed to insure "nondiscrimination in federally assisted programs" rather than to achieve the desegregation of public schools, provides that:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Since it is empowered by certain statutes enacted by Congress to extend Federal financial assistance to certain programs conducted by public schools, the Department of Health, Education, and Welfare is empowered by section 602 of title VI to do these things:

First. To effectuate the provisions of section 601 with respect to such programs "by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken."

Second. To enforce compliance with requirements embodied in such rules, regulations, or orders by withholding Federal financial assistance from "the particular program, or part therefor," in which noncompliance with title VI is found.

Notwithstanding title VI does not commission them to compel school boards to desegregate public schools, notwithstanding none of the statutes authorizing them to extend Federal financial assistance to programs conducted by public schools have as their objective the achievement of compulsory integration in public schools, notwithstanding section 407(a) of title IV expressly forbids them "to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance," and notwithstanding their power to withhold Federal financial assistance is expressly limited to "the particular program, or part thereof," in which noncompliance with title VI is found, crusading officials of the Department of Health, Education, and Welfare avidly seized upon title VI as a pretext for forcing school boards to desegregate public schools in a manner pleasing to them. To accomplish this purpose, these HEW officials compelled school boards to employ geographic rezoning, the busing of children, the pairing of schools, and other artificial methods to mix black and white school administrators, teachers, and children in public schools in proportions dictated by them as conditions precedent to obtaining Federal financial assistance for school programs, regardless of whether the programs were, in whole or in part, in noncompliance with title VI.

When protests were made against these violations of titles IV and VI, the HEW officials advanced specious arguments to justify their illegalities and continued to preserve in them.

Congress thereupon inserted this provision in the Elementary and Secondary Education Act of 1965, the principal statute which empowers the Department of Health, Education, and Welfare to extend Federal financial assistance to public schools:

> Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the personnel of any school system. * * * or to require the assignment or transportation of students or teachers in order to overcome racial imbalance. (P.L. 89–10, Title VIII, Section 804; 20 U.S.C. Section 884)

The crusading HEW officials ignored this statutory prohibition and proceeded to violate it as well as titles IV and VI of the Civil Rights Act of 1964.

This contumacy prompted Congress to enact this provision in 1968 and insert it as an amendment in the act making appropriations for the Department of Health, Education, and Welfare for the fiscal year 1969:

> No part of the funds contained in this act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining federal funds otherwise available to any state, school district or school. (P.L. 90–557; 82 Stat. 995)

Despite this statutory inhibition, HEW steadfastly continues its efforts to compel school boards to mix black and white administrators, teachers, and students in public schools in a manner pleasing to them.

I put this question to the Senate: How can America expect murderers, robbers, and thieves to obey the law when Federal judges and HEW officials treat acts of Congress with contempt and violate them with impunity?

In virtually all instances, the actions of Federal judges and HEW officials, which I have recounted, were strongly opposed by substantial numbers of the black and white parents and other black and white residents of the communities affected by them.

Some weeks ago a Federal district judge, who had signed a compulsory desegregation decree, had this question put to him:

> If the whites don't want it and the blacks don't want it, why do we have to have it?

The judge answered, in substance, that the Constitution requires it.

If the judge had replied that the judicial activists demand it, he would have been right. But he erred in saying the Constitution requires it.

There is nothing in the Constitution which requires, or even authorizes, Federal judges and HEW officials to substitute federally coerced school integration for outlawed State-imposed school segregation. Moreover, there is nothing in the Constitution which confers upon Federal judges or HEW officials the autocratic power to deprive schoolchildren and their parents of the freedom to determine for themselves how their constitutional and legal rights are to be exercised. Yet this is precisely what Federal judges and HEW officials do when they assume authority to nullify freedom of choice plans, deny schoolchildren the liberty to attend their neighborhood schools, and compel them to attend schools other than those chosen by them or their parents.

THE ACTIONS OF FEDERAL JUDGES AND HEW OFFICIALS ARE UNJUST AND UNWISE

The actions of Federal judges and HEW officials, which I have enumerated, are unjust and unwise as well as unconstitutional.

Governmental action which visits the sins of the guilty upon the innocent is repugnant to justice. Yet that is what HEW officials intend to do when they deny the benefits of Federal financial assistance to innocent children merely because the members of public school boards charged by law with the duty of operating public schools with wisdom disagree with their self-manufactured views and arbitrary guidelines in respect to the desirability of compulsory desegregation or the particular methods of achieving it.

In so doing, they not only punish the innocent children for things for which they are not remotely responsible, but they thwart the primary purpose Congress had in mind in authorizing Federal financial assistance to public schools; that is, the promotion of the education and welfare of disadvantaged children. As every intelligent man knows, disadvantaged children suffer the most when HEW officials deny Federal financial assistance to the school systems operating the schools they attend.

On occasions the HEW bureaucrats engage in the unspeakable act of denying food to hungry children to impose their self-manufactured notions on the school boards and the general public.

When HEW officials cut off Federal funds and they and Federal courts deny to children the freedom to attend their neighborhood schools, and herd them around like cattle and shift them about like pawns in a chess game, they seriously impede their education. Moreover, their efforts to compel administrators and teachers to serve in schools other than those in which they contract to serve is driving untold numbers of gifted administrators and teachers either from public school work entirely or from the particular schools which stand in sorest need of their talents.

On August 2, 1969, the Washington Post carried an article by Eric Wentworth entitled "Integration of Teachers is Aim of U.S. Drive for Equal Schooling," in which he made observations on this point.

I ask unanimous consent that a portion of this article be printed at this point in the body of the RECORD.

There being no objection, the excerpts from the article was ordered to be printed in the RECORD, as follows:

The scope of this task is already being demonstrated as the federal government turns its civil-rights artillery increasingly toward urban school systems outside the Deep South. In case after case, one of the Government's key targets is the segregation of teachers—too many black teachers in black schools, too many white teachers in white schools.

Not only is this a noxious color scheme, the government contends, but to some extent at least the mostly-black faculties tend to have teachers with less impressive academic credentials—and vice-versa.

However, when it comes to schemes for enforcing a better balance of black and white teachers in these schools, the obstacles are immense. A lot of teachers simply don't want to comply.

Desegregating the pupils is one thing—after all, the law requires them to stay in school. But there's no law requiring a teacher to teach, especially to teach in a particular school system he thinks is trying to push him around.

For example, after Indianapolis ordered mandatory transfers for 204 teachers last September to meet the demands of a desegregation order, it discovered that 55 of them had resigned by the end of the year.

More recently, when Memphis sought to transfer nearly 400 teachers to comply with a federal court order, the teachers threatened at one point to go to court themselves.

The highest hurdles to forced teacher desegregation have been erected where the ever-heftier teachers' trade union movement has taken hold. One of the basic protections espoused by the American Federation of Teachers and sought by its affiliates in contracts with school boards is the right to voluntary transfers.

"Forced transfers have been tried in a number of instances," the AFT asserted recently, "and they have brought about increased teacher turnover and a general increase in the teacher shortage."

Transfer rights are a key issue in Chicago, where the Justice Department has threatened court action unless the Windy City's school board takes quick steps to break up its "segregated pattern of faculty assignments."

The Chicago Board, hoping to promote voluntary transfers, has asked Washington among other things for money to offer $1,000 bonuses to teachers willing to work in ghetto schools. It has also proposed lowering its ceiling on the number of fully-certified teachers in each school to spread those less qualified more evenly through the system.

But federal officials doubt they have authority at present to fund ghetto "combat pay"—which teachers unions eye askance in any event. And to lower the ceiling would require rewriting the Chicago board-union contract.

Atop these other obstacles, systemwide desegregation faces still another, relatively new challenge—the mounting clamor for decentralized, neighborhood control from parents fed up with fighting officialdom downtown. And here especially, if there are white parents who want white teachers there are also black parents today who want black teachers.

Judge Wright, while noting two years ago "a significant if not startling" correlation between the races of pupils and their teachers in D. C. schools, stopped short at the time of ordering mandatory faculty shifts.

Mandatory transfers would almost certainly bring a new confrontation between the school board and the Washington Teachers Union. Such a development could only add to the confusion, inner conflict and consequent low morale of a school system that already provides ample proof that the nation's capital is hardly the nation's showplace.

Mr. ERVIN. Mr. President, while the judicial activists and the crusading bureaucrats have made some threats to the Chicago School Board as set forth in Mr. Wentworth's article, they have thus far virtually concentrated all of their efforts upon the public school systems of the South.

Knowing as I do the insatiable hunger of nonelective Federal officials for power, I give this warning to those who live in the North, in the East, and in the West. When the judicial activists and crusading bureaucrats reduce the South to a state of vassalage, they will not sit down like Alexander the Great and weep because they can find no other worlds to conquer. They will turn their attention to the North, the East, and the West, take over and exercise the functions of their school boards, and herd their children around like cattle and shift them about like pawns in a chess game.

For this reason, it is highly advisable for northern Senators and Representatives to join me in my effort to put an end to judicial and bureaucratic tyranny, and restore to the States their right to operate their public schools in a manner consistent with wisdom and the true interpretation of the equal protection clause of the 14th amendment.

WHAT MY AMENDMENTS DO

Let me enumerate the things my amendments are designed to accomplish.

If they are enacted, these amendments will restore to the local school boards of the States their constitutional power to administer the public schools committed to their charge without impairing in anyway their constitutional obligation under the equal protection clause of the 14th amendment to treat all schoolchildren and all parents of all races in like manner under like conditions. In so doing, the amendment honors and enforces the truth proclaimed by the Supreme Court in *Texas* v. *White*, 19 L.Ed. 227, 237, that "the Constitution in all its provisions, looks to an indestructible union composed of indestructible states."

If they are enacted, my amendments will confer on parents the right to choose the public schools their children attend. In so doing, the amendment will honor and enforce the truth proclaimed by the Supreme Court in *Pierce* v. *Society of Sisters*, 268 U.S. 510, that parents have a right to a voice in the upbringing and education of their children. After all, God gives the children to parents and not to judicial activists and crusading bureaucrats, and parents have more interest in their upbringing and education than any other human beings anywhere on the face of this earth.

If they are enacted, my amendments will secure to children the right to attend the public schools chosen by their parents. In so doing, the amendment recognizes the further truth proclaimed by the Supreme Court in Pierce against Society of Sisters, supra, that children are not the mere creatures of the State. After all, the father of the schoolboys in Raleigh, N.C., was right when he declared that children ought not "to be herded around like cattle and shifted like pawns in a chess game" to satisfy the undefined notions of judicial activists and crusading bureaucrats concerning compulsory integration.

If they are enacted, my amendments will make effective the right of public school administrators and teachers to serve in the schools in which they contract to serve instead of being compelled by judicial or bureaucratic fiat to serve in other schools in violation of other contracts and contrary to their conveniences and desires.

If they are enacted, my amendments will end the perversion of the equal protection clause of the 14th amendment and the disobedience of the acts of Congress by judicial activists and crusading bureaucrats.

The amendments are in perfect accord with the Constitution. Moreover, they make a substantial contribution to the constitutional ideals that all Americans of all races shall be members of a free society and that none of them shall be the hapless and helpless subjects of judicial or bureaucratic oligarchies.

The amendments are designed to accomplish these things by restoring freedom of choice to its rightful place in the law of the land, and by placing certain prohibitions upon Federal judges and executive officials with respect to the busing of children, and the assignment of members of the faculties of public schools to schools other than those in which they contract to teach.

Let me explain the amendments.

Amendment No. 471 provides that—

"Freedom of choice" means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

Amendments Nos. 471, 472, and 473 forbid the Department of Health, Education, and Welfare to do any of these things:

First. To withhold, or threaten to withhold, Federal financial assistance from any public school operating under a freedom of choice plan "on account of the racial composition of its student body."

Second. To withhold, or threaten to withhold, Federal financial assistance from any public school "to coerce or induce the school board operating the public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school."

Third. To withhold, or threaten to withhold, Federal financial assistance from any school board operating any public school to coerce or induce the school board to transfer any member of any faculty from the public school in which the member of the faculty contracts to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

Amendment No. 474 empowers any school board or any parent of any student affected or to be affected by any violation or threatened violation of any of the provisions of amendments Nos. 471, 472, or 473 to sue the United States in the district court of the United States, and obtain such relief "as may be necessary or appropriate to redress the violation or prevent the threatened violation."

Amendment No. 475 specifies that:

No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with a freedom of choice system as defined in amendment 471, or requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district, or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with a freedom of choice system as defined in amendment 471, or requiring any school board to close any school and transfer any students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school, or precluding any school board from carrying into effect any provision of any contract between it and any member of the faculty of any public school it operates specifying the public school where the member of the faculty is to perform his or her duties under the contract.

Amendment No. 486 is similar to No. 475, but it limits the jurisdiction of the Federal courts in only one area. That is, the amendment withdraws jurisdiction from the Federal courts to make any decision under any judgment, or issue any order requiring any school board to transport students from one public school to any other public school for the purpose of altering in any way the racial composition of the student body. Beyond limiting busing by the courts, amendment No. 486 also prohibits it from being done by any Federal agency.

Amendments Nos. 475 and 486 are sanctioned by article III of the Constitution which empowers Congress to regulate the appellate jurisdiction of the Supreme Court and both the original and appellate jurisdiction of all Federal courts inferior to the Supreme Court.

In order that the complete text of these amendments may be made available to all Members of the Senate, I ask unanimous consent that they be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, these amendments may seem to some to be strong legislative medicine. Be this as it may, their provisions must be prescribed by Congress to protect public school systems, administrators, teachers, and children from "the love of power and proneness to abuse it" of judicial activists and crusading bureaucrats. The amendments would do this by granting to parents of all races the freedom to choose the public schools their children attend and by depriving Federal judges and the Department of Health, Education, and Welfare of the power to deny to any child of any race the freedom to attend the public school chosen by his parents. In so doing, the amendments would exalt freedom above governmental tyranny and make effective to a substantial degree the constitutional objective that Americans of all races shall be members of a free society. Moreover, they would do these things in complete harmony with the equal protection clause of the 14th amendment whose only command is that States treat in like manner all persons similarly situated.

My amendments merit the support of every Senator and Representative who believes that it is either unconstitutional or unwise for Federal judges and bureaucrats to herd children around like cattle or shift them about like pawns in a chess game.

EXHIBIT 1

AMENDMENT No. 471

At the end thereof add the following new title and sections:

TITLE IX

SEC. 901. As used in this title—

(a) "State" means any State, District, Commonwealth, territory, or possession of the United States.

(b) "Public school" means any elementary or secondary educational institution, which is operated by a State, subdivision of a State, or governmental agency within a State, or any elementary or secondary educational institution which is operated, in whole or in part, from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(c) "School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

(d) "Student" means any person required or permitted by State law to attend a public school for the purpose of receiving instruction.

(e) "Parent" means any parent, adoptive parent, guardian, or legal or actual custodian of a student.

(f) "Faculty" means the administrative and teaching force of a public school system or a public school.

(g) "Freedom of choice system" means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

SEC. 902. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, such financial assistance from any such program or activity on account of the racial composition of the student body at any public school or in any class at any public school in any case whatever where the school board operating such public school or class maintains in respect to such public school and class a freedom of choice system as defined in section 901(g).

AMENDMENT No. 472

At the end thereof add the following new title and section:

TITLE IX

SEC. 903. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

AMENDMENT No. 473

At the end thereof add the following new title and section:

TITLE IX

SEC. 904. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school system to transfer any member of any public school faculty from the public school in which the member of the faculty contracts

to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

AMENDMENT NO. 474

At the end thereof add the following new title and section:

TITLE IX

SEC. 905. Whenever any department, agency, officer, or employee of the United States violates or threatens to violate section 902, section 903, or section 904 of this Act the school board aggrieved by the violation or threatened violation, or the parent of any student affected or to be affected by the violation or threatened violation, or any student affected or to be affected by the violation or threatened violation, or any member of any faculty affected or to be affected by the violation or threatened violation may bring a civil action against the United States in the district court of the United States complaining of the violation or threatened violation, and the district court of the United States shall have jurisdiction to try and determine the civil action irrespective of the value or the amount involved in it and enter such judgment or issue such order as may be necessary or appropriate to redress the violation or prevent the threatened violation. Any civil action against the United States under this section may be prosecuted in the judicial district in which the school board aggrieved by the violation or threatened violation has its principal office, or in the judicial district in which any school affected or to be affected by the violation or threatened violation is located, or in the judicial district in which a parent of a student affected or to be affected by the violation or threatened violation resides, or in the judicial district in which a student affected or to be affected by the violation or threatened violation resides, or in the judicial district in which a member of a faculty affected or to be affected by the violation or threatened violation resides, or in the judicial district encompassing the District of Columbia. The United States hereby expressly consents to be sued in any civil action authorized by this section, and hereby expressly agrees that any judgment entered or order issued in any such civil action shall be binding on the United States and its offending department, agency, officer, or employee, subject to the right of the United States to secure an appellate review of the judgment or order by appeal or certiorari as is provided by law with respect to judgments or orders entered against the United States in other civil actions in which the United States is a defendant.

AMENDMENT 475

At the end thereof add the following new title and section:

TITLE IX

SEC. 906. No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with a freedom of choice system as defined in section 901(g) of this Act, or requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district, or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with a freedom of choice system as defined in section 901(g) of this Act, or requiring any school board to close any school and transfer the students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school, or precluding any school board from carrying into effect any provision of any contract between it and any member of the faculty of any public school it operates specifying the public school where the member of the faculty is to perform his or her duties under the contract.

AMENDMENT NO. 486

Adding at the end thereof the following new title and sections:

TITLE IX

SEC. 901. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, any Federal financial assistance from any such program or activity, at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

SEC. 902. No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to affect a change in the racial composition of the student body at any school or place or in any school district.

(The following proceedings, which took place during the delivery of Mr. ERVIN's address, are printed at this point in the RECORD by unanimous consent.)

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. ERVIN. I am glad to yield to the distinguished Senator from Georgia, with the understanding that the act of so doing will not lose me my right to the floor, that my prior and subsequent remarks will not be construed to be more than one speech on the same subject on the same day, and that the colloquy of the distinguished Senator from Georgia and myself will appear in the RECORD at the conclusion of my remarks, in order not to disturb their continuity.

The PRESIDING OFFICER (Mr. NELSON in the chair). Without objection, it is so ordered.

Mr. TALMADGE. Is it not a fact that the Brown against Board of Education case in 1954 held that all States must be color blind with reference to their schools, and that any child must be admitted to any school?

Mr. ERVIN. The Senator from Georgia is eminently correct. The Brown case held, in substance, that in assigning pupils to public schools, those who had the power to make the assignments shou'd totally ignore and leave out of all consideration the race of the children concerned.

Mr. TALMADGE. Is it not a fact that at the present time the promulgations and regulations of the Department of Health, Education, and Welfare, and later Supreme Court decisions, have held that you must no longer be color blind, but that now you must be color conscious?

Mr. ERVIN. Yes.

Mr. TALMADGE. And that you must go out and find the exact percentage of white students and white teachers in a given school, the exact percentage of black students and black teachers in a given school, and that you must get some kind of a computer, mix them up, and assign them under some mathematical formula that they think wise?

Mr. ERVIN. Absolutely. The judicial activists have abandoned the decision in the Brown case, and hold now that the primary consideration in assigning teachers or assigning students to schools shall be the race of the teacher or the race of the child.

In other words, the Federal courts are now practicing a complete perversion of the Brown case; and also, as I intimated awhile ago in my remarks, it is a complete perversion and distortion of the provision of the Constitution; namely, the equal protection clause of the 14th amendment, under which they profess to act, because it robs the teachers of the right to teach in the schools which they have contracted to teach, and robs the children of their right to go to their neighborhood schools. In other words, it does something the 14th amendment does not justify: It places limitations upon the freedom of individuals.

Mr. TALMADGE. What the Senator is saying, as I understand it, is that the very acts they are doing now are violative of the predicate to the Brown decision, which is the 14th amendment, and the equal protection clause thereof?

Mr. ERVIN. Absolutely. It is a violation of the interpretation of the equal protection clause upon which the decision in the Brown case is based, and of the plain words of the equal protection clause itself.

Mr. TALMADGE. Unfortunately, some of our colleagues, when we try to point that out to the Senate, look with some ridicule and some scorn upon southern Senators who try to uphold the Constitution. They think they are acting wisely and in the interest of the Negroes of the South and the Nation.

I hold in my hand a clipping from this morning's Washington Post. It appears on page 2 and quotes from news sources. The last paragraph of this item reads as follows:

> A boycott by the 1600 pupils at all-black Spalding School in Lamar, S.C., was virtually 100 percent effective. They are protesting a court-ordered desegregation plan that would move about 500 Negro pupils to a predominantly white school. About 121 whites are to be transferred to Spalding.

In other words, these 1,600 Negro pupils of the Spalding School in Lamar, S.C., are violently objecting to that court decree, which transfers them from their school, to which their parents have decided to send them, to a different school, which they do not want to attend.

Does the distinguished Senator from North Carolina agree with me that that is violative of the 14th amendment and the equal protection of the law for the 1,600 black students of that school?

Mr. ERVIN. Absolutely. It is an absolute violation of the interpretation placed upon that clause in the Brown case, and

it is an absolute violation of the words of the clause itself.

Mr. TALMADGE. I agree with the Senator, and I congratulate him on the point he is making.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the Senator from South Carolina for a question or an observation and for colloquy between him and myself, without my losing the right to the floor, with the understanding that any subsequent remarks I may make after the colloquy between me and the Senator from South Carolina shall not be counted as an additional speech by me on the subject matter, and with the understanding that anything which may be said by the Senator from South Carolina and myself will be printed at the conclusion of my remarks, so as to preserve the continuity of my prepared statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I wish to commend the distinguished Senator from North Carolina. He is an able lawyer. He has served faithfully and well in this body, and he has given a great deal of attention to these school questions, which affect not only his State but the entire Nation as well.

I should like to ask the distinguished Senator this question: Is it not true that when Congress passed the Civil Rights Act of 1964, which is being invoked to such an extent to try to bring about integration of the races, that act contained no provision that a racial balance shall be achieved?

Mr. ERVIN. As a matter of fact, the Civil Rights Act of 1964 expressly declares that no action shall be taken to achieve racial balance or to correct racial imbalance. And the act states in plain words that in assigning students to schools, the public school boards shall wholly ignore the race of those children and shall not assign any child to any school because of race.

Mr. THURMOND. Since a matter might come up at a later date, did that act not include a definition of desegregation to the effect that it would not mean the assignment of students to public schools in order to overcome racial imbalance?

Mr. ERVIN. Congress took particular pains to define what desegregation should be and to define what desegregation should not be. In declaring what would constitute desegregation, it declared, in effect, that school authorities should not take into consideration the race of any child in making an assignment of that child to a school. In defining what segregation is not, it particularly said children should not be assigned to schools to overcome a racial imbalance.

In a further provision of this act, it says that no Federal officer or Federal court should require the busing of children in order to achieve a racial balance. Yet, in the past week, in Charlotte, N.C., a Federal judge—acting, I will have to say, under some orders of the higher echelons of the Federal judiciary—entered an order requiring the busing of 10,000 children to achieve a racial balance in the schools of that city.

Mr. THURMOND. Was that not only a violation of the 1964 Civil Rights Act but also a violation of the provision in the last appropriations measure for the Department of Health, Education, and Welfare, in which it was provided that the funds would not be used to force busing of students or abolishment of schools or to force any student attending an elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance?

Mr. ERVIN. Congress has declared expressly in three separate acts that the Department of Health, Education, and Welfare shall not do what it is actually doing. Congress also declared the same thing impliedly in another act.

One thing that puzzles me is this: How can Congress, how can the President, how can the people of the United States expect people who are at heart murderers and burglars and robbers and arsonists and thieves to obey the law, when the officers and employees of the Department of Health, Education, and Welfare are flouting acts of Congress every day? It certainly does not set an example of law enforcement or of obedience to the law, when officers and employees of the Department of Health, Education, and Welfare do every day what they are forbidden to do by at least three express acts of Congress to the contrary.

Mr. THURMOND. Is it not also true that the last appropriations measure provided that the funds could not be used to bring about a forced busing of students, and other purposes, as a condition precedent to obtaining Federal funds otherwise available to any State or school district or school?

Mr. ERVIN. The act of Congress from which the Senator from South Carolina has quoted ought to be intelligible to anybody who can read and write, and I am satisfied that it is intelligible to the faceless bureaucrats in the Department of Health, Education, and Welfare.

How can one expect the lawless element to obey the law, when the officers and employees of one of the executive branches of the Federal Government violate the law with impunity and treat the acts of Congress with contempt?

Mr. THURMOND. I should like to inquire of the distinguished Senator if he does not feel—I think he has put his finger on it—that the real point here, which seems to have been overlooked, since the courts have referred in the Brown case and subsequent cases to desegregating schools, is that it was the intention that no child of any race should be denied attendance at any school, but that is far different from forced integration or forced busing, which is a separate matter entirely.

Mr. ERVIN. The difference between those two propositions is as wide and as deep as the gulf which yawns between Lazarus and Abraham's bosom and dives in Hell. One of them is a recognition of what the court declared to be the constitutional right of a child, and the other is the denial of the constitutional right of a child.

Mr. THURMOND. In other words, the court, in the Brown decision and subsequent decisions, held that it would be discrimination to prohibit any child of any race from attending any school, but the courts have gone further now, and the Supreme Court seems to be upholding orders which not only do that through forced integration, but are upholding orders of the court below which seem to be following the Supreme Court, so that they can require children to be picked up here and transferred there and swapped back and forth, and that this is being done with the approval of the Court and that this is now the policy, rather than desegregation.

Mr. ERVIN. Yes. As a matter of fact, no man willing to face reality will deny that the recent actions of the Court are disruptive of public education in Southern States. How can it be other than disruptive when teachers are taken off their assignments and sent from one school to another in the middle of the year and little children are transferred from their neighborhood schools to distant schools on the first day of March, the first day of April, or the first day of May. There is no question about it disrupting the education of those children. This is the reason I said that those who seek to bring about forced integration, under the circumstances, are more interested in the integration of the bodies of little black and white children than they are in the enlightenment of their minds.

Mr. THURMOND. As the distinguished Senator has said, it is applicable in my State right now in at least two counties, Greenville and Darlington; and in the school in Lamar, which the distinguished Senator from Georgia referred to as being in Darlington County, they are now bringing about forced integration in order to try to get racial balance. Is that not what is going on in the South but not in other parts of the country?

Mr. ERVIN. That was illustrated in debate when the legislature of the great Empire State of New York passed a law by approximately 2-to-1 majority in both houses of its legislature to prohibit schoolchildren in New York from being treated as the schoolchildren in the South are being treated now. That great libertarian, Governor Rockefeller, signed that legislative proposal into law.

Mr. THURMOND. Is it not true that those who are proposing the Stennis amendment, upon which the Senator from North Carolina, the Senator from South Carolina and others join, are merely trying to give the Nation the same law and the same equality that the Legislature of the State of New York tried to give to the people of New York.

Mr. ERVIN. That is precisely what those of us who are supporting the Stennis amendment are trying to do. In other words, we are trying to give schoolchildren in the South, who are supposed to be a part of the Union and citizens of the Union, the same right the New York Legislature has given the schoolchildren of New York.

Some people prate about equality, but it is a strange thing that the very ones who prate the most seem to be willing to give equality to schoolchildren else-

where that they are not willing to extend to schoolchildren in the South.

Mr. THURMOND. Is it not true that there has been objection in many parts of the North as well as in the South to busing and forced integration of the races?

Mr. ERVIN. There is no question about that. As a matter of fact, I am certain that a great majority of the people of this Union are opposed to busing and are opposed to the taking of little children and making them hapless and helpless puppets of the judicial and bureaucratic oligarchies.

Mr. THURMOND. Blacks comprise only 13 percent of the population of Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania, yet, according to figures from the HEW report of January 2, 75 percent of the blacks in these States are in schools that are over one-half black, and 48 percent, almost half, are in schools over 95 percent black. Does that sound like the same kind of treatment they are trying to invoke and impose upon the South?

Mr. ERVIN. I stated at the beginning of my remarks that while many tyrannies are being perpetrated by the Federal courts and HEW bureaucrats under the equal protection clause, those who sanction such tyrannies are not willing to have equality of laws applied North and South in this particular area of national life.

Mr. THURMOND. Is it not the purpose of those who are cosponsors, those who are supporting the Stennis amendment, simply to give the little children of the South and the people of the South the same opportunities, the same privileges, and the same rights that are now being enjoyed by people in the North.

Mr. ERVIN. I would say that those who support the Stennis amendment, and those who support the amendments which I and many other colleagues have proposed, are trying to give, by law, to all children of all races, North, South, East, and West, equality of freedom to attend their neighborhood school. That is all we are trying to do. We are trying to protect the rights of little children in all areas of the country so that they will not have imposed upon them the tyrannies now being imposed upon them in the South.

Mr. THURMOND. Is it not true that those who have taken a position against this amendment have misjudged or misread it and are not willing to have the children of the South kept on the same plane and the same position as the children of the North?

Mr. ERVIN. I would refrain from attempting to diagnose the mental state of those in opposition to my amendments, because I cannot understand how anyone who believes in the American principle that the most precious value of civilization is the freedom of the individual, and who profess the equality of all men before the law, would oppose a legislative proposal which merely undertakes to give equality of freedom to the parents and children of all races throughout the United States.

Mr. THURMOND. In my State of South Carolina, every school is desegregated, and a child of any race can attend any school. There is no discrimination. Does the Senator feel that that is true freedom and meets the requirements of the Constitution?

Mr. ERVIN. It certainly meets the requirements of the Brown case. The Brown case undertook to enforce what it said was the constitutional right of a schoolchild; that is, to not be denied the right to attend a public school on account of race. Now, instead of having the Brown case applied, we have an attempt made to rob children of the right to exercise their constitutional rights; because those children today, black and white, in Southern States, are being robbed of their constitutional rights which the Brown case held they possess.

Mr. THURMOND. As I understand it, and I want to make this clear, the position of those who favor the Senator's amendment, and the position of the Senator from North Carolina, is in favor of desegregation, is opposed to any discrimination, but is in opposition to forced integration, and forced busing, which is an entirely different principle altogether.

Mr. ERVIN. I am advocating legislative proposals which would give to every child of every race the absolute right to attend the public school suitable for a child of his age and educational advancement, without hindrance from the Department of Health, Education, and Welfare, or without hindrance from the Federal courts. In other words, I am trying to make America once again a free land.

How anyone can object to a parent having the right to select a school for his child to attend exceeds my comprehension.

Mr. THURMOND. So what the Senator from North Carolina is advocating is true freedom of choice, and this is represented by the Stennis amendment, which does not favor discrimination but favors allowing any child of any race to attend any school in the school district in which he lives.

Mr. ERVIN. Yes. I say to the Senator from South Carolina that we in the South are held to be evil people, practicing intimidation against black children. But I should like to call attention to a provision of title I of an act prescribing penalties for certain acts of violence and intimidation, and for other purposes, which became the law on April 11, 1969.

I read from section 101(b) of that statute:

> Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with . . . any person because of his race, color, religion, or national origin and because he is or has been enrolling in or attending any public school or public college . . . shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily harm results shall be fined not more than $10,000, or imprisoned not more than 10 years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

If the Department of Justice does its duty and enforces the law which I have just read, there will be no threats of violence anywhere in the South or interference with the right of any child to enroll or attend any schools.

Mr. THURMOND. Mr. President, I was pleased to join the Senator from North Carolina on his amendments and the Senator from Mississippi on his amendments. These amendments, as I construe them, would provide for freedom of choice without forced integration or forced busing, which to my way of thinking is true freedom. I believe all the people of this Nation favor such a course.

Mr. ERVIN. Mr. President, I say to the Senator from South Carolina that we have an amendment that would prohibit busing. Everyone will be given an opportunity to vote on it when the debate is ended.

Mr. COOPER. Mr. President, will the Senator yield to me for questions and discussion without losing his right to the floor?

Mr. ERVIN. Mr. President, I yield to the Senator from Kentucky with the understanding, first, that I will not lose my right to the floor, that he may ask me any questions, make any observation, or engage in such colloquy as he sees fit with the Senator from North Carolina, and that any remarks the Senator from Kentucky may make or that the Senator from North Carolina may make in this connection may be printed at the conclusion of my remarks so as not to interfere with the continuity of my speech.

Mr. JAVITS. Mr. President, reserving the right to object, what was the unanimous-consent request? I could not hear it.

The PRESIDING OFFICER. The unanimous-consent request was that the Senator not lose his right to the floor while the Senator from Kentucky made his comments, and that questions may be asked.

Mr. JAVITS. Mr. President, could we find out if this will take any length of time?

Mr. COOPER. Mr. President, I do not think our colloquy will take a great deal of time.

Mr. JAVITS. That will be all right.

Mr. COOPER. Mr. President, the Senator from North Carolina's stipulation covers every possible circumstance to prevent him from losing the floor and to limit my questions. He is a good lawyer.

I do not intend now to discuss the social implications of the pending amendment. My purpose is to find out as simply as I can what it intends. I do so because in the time I have had the opportunity to hear the debate, and from reading the RECORD, if I may say so, I do not think the intent of the amendment—and the distinction between its two objectives—has been made very clear.

Mr. President, in 1964 I was very interested in the development of the Civil Rights Act, and I maintain my interest.

The Senator may remember that in 1964 when the civil rights bill was before the Senate, a number of Senators who favored the bill were managers of certain titles.

It happened that former Senator Douglas of Illinois and I were charged with managing on the floor title IV of the bill which dealt with education.

I have read the 1964 RECORD and many

of the questions raised in this debate were raised then. Of course, many things have changed since that time and many circumstances have occurred and court decisions rendered which bring about new questions and further interpretation.

Is it correct that amendment No. 481, to the pending bill, deals with two distinct propositions? The first concerns itself with the subject popularly called busing or more accurately compulsion upon a student to attend a public school to overcome a so-called racial imbalance. Am I correct?

Mr. ERVIN. Mr. President, the Senator from Kentucky is absolutely correct. As I construe the pending amendment, it provides two things. One is a prohibition upon busing to achieve or correct a racial imbalance. The other is to assure that no child shall be assigned to any particular school because of race. That is the reverse of the Brown case.

Mr. COOPER. Lines 11 through 14 of page 2 of the amendment read:

Provided, That nothing contained in this Act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

This language goes to the so-called freedom of choice.

Mr. ERVIN. The Senator is correct.

Mr. COOPER. The first objective of the amendment would be to prohibit compulsion. As I recall—and I know I am correct because I have read the record of the debate in 1964, the Senator and a number of other Senators—I remember particularly former Senator Olin Johnston who is now dead—directed questions to former Senator Douglas and me as managers of title IV, asking whether it intended busing or the forced assignment of students to secure a racial balance. My answer was "No."

I ask the Senator if it is not correct that title IV of the Civil Rights Act of 1964 specifically provided that the desegregation of schools did not mean compulsory assignment of students, which is popularly called busing.

Mr. ERVIN. Mr. President, I would say, if the Senator from Kentucky will pardon my making a personal allusion to him, that the Senator from Kentucky is one of the great American patriots and one of the great American lawyers.

Mr. COOPER. The Senator is mighty kind.

Mr. ERVIN. The Senator from Kentucky made it very plain in 1964 that title IV of the bill was attempting to implement the interpretation put upon the equal protection clause by the Supreme Court in the first Brown case.

And so there was written into that law in section 401(b), these words:

"Desegregation" means the assignment of students to public schools and within such schools without regard to race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Then further this provision was inserted in title IV of the Civil Rights Act of 1964:

Nothing herein shall empower any official or any court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of students from one school to another or from one school district to another in order to achieve such racial balance or otherwise enlarge the existing power of the court to assure compliance with the constitutional standards.

Mr. COOPER. That was the wording of the Civil Rights Act of 1964. But since that time, is it not correct that considering that general principle, the Court has had to look at the so-called "freedom of choice" not generally and in all cases as a violation of that section, but as to whether or not the "freedom of choice" as a Government-applied rule in some cases—on the facts the case—would violate the Brown against Board of Education case.

Mr. ERVIN. Yes. The courts have said that where you do not have true freedom of choice, where you have freedom of choice to circumvent the Brown decision, that freedom of choice is unconstitutional.

Mr. COOPER. I am trying to get the distinction clear.

Mr. ERVIN. Yes.

Mr. COOPER. Of course, with regard to freedom of choice, it is said that it is not truly a constitutional question unless there is a State-imposed rule which would bring it into violation of the Brown case.

Mr. ERVIN. Yes. In what I consider to be a very ambiguous and murky decision, Green against New Kent County, the Court held that State school plans were not constitutional.

Mr. COOPER. But a specific plan for desegregation is looked upon to determine whether the school board of a district had imposed such a rule of freedom of choice that did not go toward the objective of desegregation but, in fact, would continue segregation.

Mr. ERVIN. Yes.

Mr. COOPER. Having asked these questions, I now come to the conclusion. In the Senators' opinion, would the language on page 2, lines 11 to 14—and this is the language which gives me trouble—enable a school district in any section of the United States, under the guise of freedom of choice to evade the law of the Brown case, and to relieve itself of the responsibility to move toward what the courts have said must be accomplished, and that is desegregation? Would this language give an outlet or an escape as it seems to me it would?

Mr. ERVIN. I understand the Senator is referring to amendment 481, section 2?

Mr. COOPER. Yes.

Mr. ERVIN. I think the controlling provision in the amendment is section 2 which states:

No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

I think subsection (2) on page 2 is in complete harmony with that because it states that no student shall be compelled or forced to attend a certain school because of race. In other words, it is preserving the constitutional right of the child which is declared in section 2 on page 1.

Mr. COOPER. It is my view at the present time, unless I hear something new in the debate that the language on page 2, up to the word "provided" is the law today; that it is the law Congress passed, and it is written into title IV of the Civil Rights Act.

Mr. ERVIN. That is the law passed by Congress but it is not the law enforced by the courts because of that most famous case—or to use a more unsavory term, that notorious case—of Green versus New Kent County. How it reached its conclusion I do not know because the State had abolished all vestiges of State imposed segregation 3 years before the opinion was written. They had only two schools in the county and they said to the children of the county, "You can go to either of the schools you wish." There was no coercion. The white students did not elect to go to what had been a black school and only a small percentage of the blacks elected to go to a white school. The effect of that decision is that the school board of that county was compelled to force some white children to go to a black school and some black children to go to a white school; and that was perfectly inconsistent with the Civil Rights Act of 1964.

Mr. COOPER. But the Court held in that case that freedom of choice was not necessarily unconstitutional and was not necessarily constitutional.

Mr. ERVIN. That is correct.

Mr. COOPER. It depended on the effect of the freedom of choice decision made by the particular school district and whether it was for the purpose of evading or did factually evade the Civil Rights Act of 1964 in pursuing segregation. The Court held in that case it was not permissible.

Mr. ERVIN. I do not believe the Court mentioned the Civil Rights Act of 1964 in the Green case.

Mr. COOPER. It did not.

Mr. ERVIN. The only interpretation I place on the Green case is that children can have freedom of choice provided they exercise their freedom in a manner pleasing to a majority of Supreme Court Justices but they cannot have freedom of choice if they exercise their freedom of choice in a manner displeasing to a majority of Supreme Court Justices. I cannot get any other meaning out of the case except that.

Mr. COOPER. It is a difficult case and it is difficult to understand. Apparently the Court was saying that if a governmental body, such as a school board, should direct a course which resulted in segregation it should not be approved.

I have one other question. My judgment at present is that the last section of the amendment should be stricken because it would seem to me that it would leave a loophole for freedom of choice to be used to circumvent the provisions of the Brown case, rather than leaving it to the District court to approve or disapprove the plan as provided in the Brown case.

Mr. ERVIN. I construe the second provision on page 2 as being in perfect harmony with the Civil Rights Act of 1964, because, as we agreed a while ago, the Civil Rights Act of 1964 in title IV provided that no student shall be assigned to any school on account of his race, color, or creed, or previous condition of servitude.

This section states that:

No student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance at any school, of persons of more than one particular race, creed, color, or national origin.

I construe that to be in perfect harmony with the Civil Rights Act of 1964.

Mr. COOPER. I thank the Senator.

Mr. ERVIN. It is subject only to one change. This does say the school board can exercise some discretion in the matter. The exception clause is in the first sentence.

Mr. COOPER. I wish to address a question to amendment 463. I find no fault with the amendments' statement of policy—that is, the Civil Rights Act of 1964—with respect to public elementary and secondary education shall be applied uniformly throughout the United States. I see nothing wrong with that principle.

Mr. ERVIN. That is in full accord with the fundamental principle that all laws should apply in like manner to all people in like circumstances.

Mr. COOPER. Admitting the principle and not only admitting it but believing in it, I think it is the correct principle. But it is difficult of achievement. What would the Senator do with a school district or school districts, in my State of Kentucky, or some State in the North, such as New York, where de facto segregation exists to accomplish desegregation? Should we require Federal compulsion to send students from one school district or several school districts to another school district in which they did not reside in order to accomplish desegregation. Is there some contradiction in the two amendments? In amendment 463 the Senate would say that we ought to deal with de facto segregation. I see no simple way of dealing with it unless Federal compulsion is used to transfer children from one district to another; and that is not permitted under the Civil Rights Act of 1964. I do not approve Federal compulsion and I do not think the Senator would approve. It may be that it is a matter for the States to determine.

Mr. ERVIN. I think every child ought to have an absolute right to attend his neighborhood school, the school nearest his home which is adapted for the education of children of his age and his educational attainments. I would not impose any compulsion at all. I would give freedom to everybody to go to any school he wanted to that was suitable to his age and educational standards. I would not exercise any compulsion at all, because I do not think this is a problem which can be solved by compulsion. I think problems of this kind have to be solved by the persuasive powers of religion, and not by the coercive powers of laws.

Mr. COOPER. We have argued that problem for years, and I agree fundamentally it should be the perfect answer, but the Congress has acted and the courts have ruled that a governmental body cannot sustain segregation and prevent desegregation. Our argument on this may be legalistic, but I do not think it is wholly legalistic, because, as I view the Green case, it says that freedom of choice in itself is not prohibited, but that if freedom of choice is imposed by a school district to prevent desegregation and continue discrimination, then it is prohibited.

The problem which worries me about the second portion of the amendment offered by the distinguished Senator from Mississippi (Mr. STENNIS) is that it might provide a complete escape from the Brown case and the 1964 act.

Mr. ERVIN. I would say to the Senator from Kentucky that I think the Civil Rights Act of 1964 would permit compulsion in only one case, and that is where a threat was made to deny a child admittance to a school because of race, creed, or national origin. It absolutely prohibits that. It says desegregation shall not consist in the admittance of children to schools on account of their race, creed, or national origin. In other words, the only compulsion that is permitted by the Civil Rights Act of 1964 is compulsion under the principle enunciated in the Brown case that no child shall be prevented from attending any school on account of race. It absolutely prohibits denial of admission on account of race.

Mr. COOPER. I thank the Senator.

Mr. ERVIN. I know the position the Senator from Kentucky took in the debate on the 1964 Civil Rights Act. I think, largely as a result of his efforts, title IV of the 1964 act was written in harmony with the provision of the Brown case on the equal protection of the laws.

Mr. COOPER. I may say that Senator Douglas, who was with me, and who was a strong supporter throughout the years of civil rights, as the Senator knows—and I may say I have been—agreed with that interpretation at that time. The interpretation is in the CONGRESSIONAL RECORD of the debate.

Mr. ERVIN. I would say that Senator Douglas was one of the most sincere men I have ever known. I admired him very much and had much affection for him, nothwithstanding the fact that he and I disagreed very frequently on some of these problems.

Mr. COOPER. Mr. President, I ask unanimous consent that there be included in the RECORD at this point the following materials: First, the Supreme Court decision of Green against County School Board; second, a comment on this case appearing in the Harvard Law Review of November 1969; and third, statements made by former Senator Douglas and myself on the floor of the Senate as managers of title IV of the Civil Rights Act of 1964, on April 3, 1964, at pages 6820 and 6839 of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Supreme Court of the United States No. 695, October Term, 1967]

CHARLES C. GREEN ET AL. *v.* COUNTY SCHOOL BOARD OF NEW KENT COUNTY, VIRGINIA, ET AL. (ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT)

[May 27, 1968.]

Mr. Justice Brennan delivered the opinion of the Court.

The question for decision is whether, under all the circumstances here, respondent School Board's adoption of a "freedom-of-choice" plan which allows a pupil to choose his own public school constitutes adequate compliance with the Board's responsibility "to achieve a system of determining admission to the public schools on a nonracial basis. . . ." *Brown* v. *Board of Education*, 349 U.S. 294, 300–301 (*Brown II*)

Petitioners brought this action in March 1965 seeking injunctive relief against respondent's continued maintenance of an alleged racially segregated school system. New Kent County is a rural county in Eastern Virginia. About one-half of its population of some 4,500 are Negroes. There is no residential segregation in the county; persons of both races reside throughout. The school system has only two schools, the New Kent school on the east side of the county and the George W. Watkins school on the west side. In a memorandum filed May 17, 1966, the District Court found that the "school system serves approximately 1,300 pupils, of which 740 are Negro and 550 are white. The School Board operates one white combined elementary and high school [New Kent], and one Negro combined elementary and high school [George W. Watkins]. There are no attendance zones. Each school serves the entire county." The record indicates that 21 school buses—11 serving the Watkins school and 10 serving the New Kent school—travel overlapping routes throughout the county to transport pupils to and from the two schools.

The segregated system was initially established and maintained under the compulsion of Virginia constitutional and statutory provisions mandating racial segregation in public education, Va. Const. Art. IX, § 140 (1902); Va. Code. § 22–221 (1950). These provisions were held to violate the Federal Constitution in *Davis* v. *County School Board of Prince Edward County*, decided with *Brown* v. *Board of Education*, 347 U.S. 483, 487 (*Brown I*). The respondent School Board continued the segregated operation of the system after the *Brown* decisions, presumably on the authority of several statutes enacted by Virginia in resistance to those decisions. Some of these statutes were held to be unconstittuional on their face or as applied.[1] One statute, the Pupil Placement Act, Va. Code § 22–232.1 *et seq.* (1964), not repealed until 1966, divested local boards of authority to assign children to particular schools and placed that authority in a State Pupil Placement Board. Under that Act children were each year automatically reassigned to the school previously attended unless upon their application the State Board assigned them to another school; students seeking enrollment for the first time were also assigned at the discretion of the State Board. To September 1964, no Negro pupil had applied for admission to the New Kent school under this statute and no white pupil had applied for admission to the Watkins school.

[1] *E.g., Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218; *Green* v. *School Board of City of Roanoke*, 304 F. 2d 118 (C.A. 4th Cir. 1962); *Adkins* v. *School Board of City of Newport News*, 148 F. Supp. 430 (D.C.E.D. Va.), aff'd, 246 F. 2d 325 (C.A. 4th Cir. 1957); *James* v. *Almond*, 170 F. Supp. 331 (D.C.E.D. Va. 1959); *Harrison* v. *Day*, 200 Va. 439, 106 S.E. 2d 636 (1959).

The School Board initially sought dismissal of this suit on the ground that petitioners had failed to apply to the State Board for assignment to New Kent school. However on August 2, 1965, five months after the suit was brought, respondent School Board, in order to remain eligible for federal financial aid, adopted a "freedom-of-choice" plan for desegregating the schools.[2] Under that plan, each pupil may annually choose between the New Kent and Watkins schools and, except for the first and eighth grades, pupils not making a choice are assigned to the school previously attended; first and eighth grade pupils must affirmatively choose a school. After the plan was filed the District Court denied petitioner's prayer for an injunction and granted respondent leave to submit an amendment to the plan with respect to employment and assignment of teachers and staff on a racially nondiscriminatory basis. The amendment was duly filed and on June 28, 1966, the District Court approved the "freedom-of-choice" plan as so amended. The Court of Appeals for the Fourth Circuit, *en banc*, 382 F. 2d 326, 338,[3] affirmed the District Court's approval of the "freedom-of-choice" provisions of the plan but remanded the case to the District Court for entry of an order regarding faculty "which is much more specific and more comprehensive" and which would incorporate in addition to a "minimal, objective time table" some of the faculty provisions of the decree entered by the Court of Appeals for the Fifth Circuit in *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, aff'd *en banc*, 380 F. 2d 385 (1967). Judges Sobeloff and Winters concurred with the remand on the teacher issue but otherwise disagreed, expressing the view "that the District Court should be directed . . . also to set up procedures for periodically evaluating the effectiveness of the [Board's] 'freedom of choice' [plan] in the elimination of other features of a segregated school system." 382 F. 2d, at 330. We granted certiorari, 389 U.S. 1003.

The pattern of separate "white" and "Negro" schools in the New Kent County school system established under compulsion of state laws is precisely the pattern of segregation to which *Brown I* and *Brown II* were particularly addressed, and which *Brown I* declared unconstitutionally denied Negro school children equal protection of the laws. Racial identification of the system's schools was complete, extending not just to the composition of student bodies at the two schools but to every facet of school operations—faculty, staff, transportation, extracurricular activities and facilities. In short, the State, acting through the local school board and school officials, organized and operated a dual system, part "white" and part "Negro."

It was such dual systems that 14 years ago *Brown I* held unconstitutional and a year later *Brown II* held must be abolished; school boards operating such school systems were *required by Brown II* "to effectuate a transition to a racially nondiscriminatory school system." 349 U.S., at 301. It is of course true that for the time immediately after *Brown II* the concern was with making an initial break in a long-established pattern of excluding Negro children from schools attended by white children. The principal focus was on obtaining for those Negro children courageous enough to break with tradition a place in the "white" schools. See, *e.g., Cooper v. Aaron*, 358 U.S. 1. Under *Brown II* that immediate goal was only the first step, however. The transition to a unitary, nonracial system of public education was and is the ultimate end to be brought about; it was because of the "complexities arising from the transition to a system of public education freed of racial discrimination" that we provided for "all deliberate speed" in the implementation of the principles of *Brown I*. 349 U.S., at 299–301. Thus we recognized the task would necessarily involve solution of "varied local school problems." *Id.*, at 299. In referring to the "personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis," we also noted that "[t]o effectuate this interest may call for elimination of a variety of obstacles in making the transition. . . ." *Id.*, at 300. Yet we emphasized that the constitutional rights of Negro children required school officials to bear the burden of establishing that additional time to carry out the ruling in an effective manner "is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date." *Ibid.* We charged the district courts in their review of particular situations to "consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems. They will also consider the adequacy of any plans the defendants may propose to meet these problems and to effectuate a transition to a racially nondiscriminatory school system." *Id.*, at 300–301.

It is against this background that 13 years after *Brown II* commanded the abolition of dual systems we must measure the effectiveness of respondent School Board's "freedom-of-choice" plan to achieve that end. The School Board contends that it has fully discharged its obligation by adopting a plan by which every student, regardless of race, may "freely" choose the school he will attend. The Board attempts to cast the issue in its broadest form by arguing that its "freedom-of-choice" plan may be faulted only by reading the Fourteenth Amendment as universally requiring "compulsory integration," a reading it insists the wording of the Amendment will not support. But that argument ignores the thrust of *Brown II*. In the light of the command of that case, what is involved here is the question whether the Board has achieved the "racially nondiscriminatory school system" *Brown II* held must be effectuated in order to remedy the established unconstitutional deficiencies of its segregated system. In the context of the state-imposed segregated pattern of long standing, the fact that in 1965 the Board opened the doors of the former "white" school to Negro children and of the "Negro" school to white children merely begins, not ends, our inquiry whether the Board has taken steps adequate to abolish its dual, segregated system. *Brown II* was a call for the dismantling of well-entrenched dual systems tempered by an awareness that complex and multifaceted problems would arise which would require time and flexibility for a successful solution. School boards such as the respondent then operating state-compelled dual systems were nevertheless clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch. See *Cooper* v. *Aaron*, *supra*, at 7; *Bradley* v. *School Board*, 382 U.S. 103; cf. *Watson* v. *City of Memphis*, 373 U.S. 523. The constitutional rights of Negro children articulated in *Brown I* permit no less than this; and it was to this end that *Brown II* commanded school boards to bend their efforts.[4]

In determining whether respondent School Board met that command by adopting its "freedom-of-choice" plan, it is relevant that this first step did not come until some 11 years after *Brown I* was decided and 10 years after *Brown II* directed the making of a "prompt and reasonable start." This deliberate perpetuation of the unconstitutional dual system can only have compounded the harm of such a system. Such delays are no longer tolerable, for "the governing constitutional principles no longer bear the imprint of newly enunciated doctrine." *Watson* v. *City of Memphis*, *supra*, at 529; see *Bradley* v. *School Board*, *supra*; *Rogers* v. *Paul*, 382 U.S. 198. Moreover, a plan that at this late date fails to provide meaningful assurance of prompt and effective disestablishment of a dual system is also intolerable. "The time for mere 'deliberate speed' has run out," *Griffin* v. *County School Board*, 377 U.S. 218, 234; "the context in which we must interpret and apply this language [of *Brown II*] to plans for desegregation has been significantly altered." *Goss* v. *Board of Education*, 373 U.S. 683, 689. See *Calhoun* v. *Latimer*, 377 U.S. 263. The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now*.

The obligation of the district courts, as it always has been, is to assess the effectiveness of a proposed plan in achieving desegregation. There is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance. It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing state-imposed segregation. It is incumbent upon the district court to weigh that claim

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[2] Congress, concerned with the lack of progress in school desegregation, included provisions in the Civil Rights Act of 1964 to deal with the problem through various agencies of the Federal Government. 42 U.S.C. §§ 2000c *et seq.*, 2000d *et seq.*, 2000h–2. In Title VI Congress declared that

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C. § 2000d.

The Department of Health, Education, and Welfare issued regulations covering racial discrimination in federally aided school systems, as directed by 42 U.S.C. § 2000d–1, and in a statement of policies, or "guidelines," the Department's Office of Education established standards according to which school systems in the process of desegregation can remain qualified for federal funds. 45 CFR §§ 80.1–80.13, 181.1–181.76 (1967). "Freedom-of-choice" plans are among those considered acceptable, so long as in operation such a plan proves effective. 45 CFR § 181.54. The regulations provide that a school system "subject to a final order of a court of the United States for the desegregation of such school . . . system" with which the system agrees to comply is deemed to be in compliance with the statute and regulations. 45 CFR § 80.4c. See also 45 CFR § 181.6. See generally Dunn, Title VI, the Guidelines and School Desegregation in the South, 53 Va. L. Rev. 42 (1967); Note, 55 Geo. L. J. 325 (1966); Comment, 77 Yale L. J. 321 (1967).

[3] This case was decided *per curiam* on the basis of the opinion in *Bowman* v. *County School Board of Charles City County*, 382 F. 2d 326, decided the same day. Certiorari has not been sought for the *Bowman* case itself.

[4] "We bear in mind that the court has not merely the power but the duty to render a decree which will so far as possible eliminate the discriminatory effects of the past as well as bar like discriminations in the future." *Louisiana* v. *United States*, 380 U. S. 145, 154. Compare the remedies discussed in, *e. g.*, *NLRB* v. *Newport News Shipbuilding & Dry Dock Co.*, 308 U. S. 241; *United States* v. *Crescent Amusement Co.*, 323 U. S. 173; *United States* v. *Standard Oil Co.*, 221 U. S. 1. See also *Griffin* v. *County School Board*, 377 U. S. 218, 232–234.

in light of the facts at hand and in light of any alternatives which may be shown as feasible and more promising in their effectiveness. Where the court finds the board to be acting in good faith and the proposed plan to have real prospects for dismantling the state-imposed dual system "at the earliest practicable date," then the plan may be said to provide effective relief. Of course, where other, more promising courses of action are open to the board, that may indicate a lack of good faith; and at the least it places a heavy burden upon the board to explain its preference for an apparently less effective method. Moreover, whatever plan is adopted will require evaluation in practice, and the court should retain jurisdiction until it is clear that state-imposed segregation has been completely removed. See No. 805, *Raney* v. *Board of Education, post,* at p. 5.

We do not hold that "freedom of choice" can have no place in such a plan. We do not hold that a "freedom-of-choice" plan might of itself be unconstitutional, although that argument has been urged upon us. Rather, all we decide today is that in desegregating a dual system a plan utilizing "freedom of choice" is not an end in itself. As Judge Sobeloff has put it:

" 'Freedom of choice' is not a sacred talisman; it is only a means to a constitutionally required end—the abolition of the system of segregation and its effects. If the means prove effective, it is acceptable, but if it fails to undo segregation, other means must be used to achieve this end. The school officials have the continuing duty to take whatever action may be necessary to create a 'unitary, nonracial system.' " *Bowman* v. *County School Board,* 382 F. 2d 326, 333 (C. A. 4th Cir. 1967) (concurring opinion). Accord, *Kemp* v. *Beasley,* 389 F. 2d 178 (C. A. 8th Cir. 1968); *United States* v. *Jefferson County Board of Education, supra.*

Although the general experience under "freedom of choice" to date has been such as to indicate its ineffectiveness as a tool of desegregation,[5] there may well be instances in which it can serve as an effective device. Where it offers real promise of aiding a desegregation program to effectuate conversion of a state-imposed dual system to a unitary, nonracial system there might be no objection to allowing such a device to prove itself in operation. On the other hand, if there are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, nonracial school system, "freedom of choice" must be held unacceptable.

The New Kent School Board's "freedom-of-choice" plan cannot be accepted as a sufficient step to "effectuate a transition" to a unitary system. In three years of operation not a single white child has chosen to attend Watkins school and although 115 Negro children enrolled in New Kent school in 1967 (up from 35 in 1965 and 111 in 1966) 85% of the Negro children in the system still attend the all-Negro Watkins school. In other words, the school system remains a dual system. Rather than further the dismantling of the dual system, the plan has operated simply to burden children and their parents with a responsibility which *Brown II* placed squarely on the School Board. The Board must be required to formulate a new plan and, in light of other courses which appear open to the Board, such as zoning,[6] fashion steps which promise realistically to convert promptly to a system without a "white" school and a "Negro" school, but just schools.

The judgment of the Court of Appeals is vacated insofar as it affirmed the District Court and the case is remanded to the District Court for further proceedings consistent with this opinion.

It is so ordered.

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[5] The views of the United States Commission on Civil Rights, which we neither adopt nor refuse to adopt, are as follows:

"Freedom of choice plans, which have tended to perpetuate racially identifiable schools in the Southern and border States, require affirmative action by both Negro and white parents and pupils before such disestablishment can be achieved. There are a number of factors which have prevented such affirmative action by substantial numbers of parents and pupils of both races:

"(a) Fear of retaliation and hostility from the white community continue to deter many Negro families from choosing formerly all-white schools;

"(b) During the past school year [1966–1967], as in the previous year, in some areas of the South, Negro families with children attending previously all-white schools under free choice plans were targets of violence, threats of violence and economic reprisals by white persons and Negro children were subjected to harassment by white classmates notwithstanding the conscientious efforts by many teachers and principals to prevent such misconduct;

"(c) During the past school year, in some areas of the South public officials improperly influenced Negro families to keep their children in Negro schools and excluded Negro children attending formerly all-white schools from official functions;

"(d) Poverty deters many Negro families in the South from choosing formerly all-white schools. Some Negro parents are embarrassed to permit their children to attend such schools without suitable clothing. In some districts special fees are assessed for courses which are available only in the white schools;

"(e) Improvements in facilities and equipment . . . have been instituted in all-Negro schools in some school districts in a manner that tends to discourage Negroes from selecting white schools."

Southern School Desegregation, 1966–1967, at 88 (1967). See *id.,* at 45–69; Survey of School Desegregation in the Southern and Border States 1965–1966, at 30–44, 51–52 (U.S. Comm'n on Civil Rights 1966).

[6] "In view of the situation found in New Kent County, where there is no residential segregation, the elimination of the dual school system and the establishment of a 'unitary, non-racial system' could be readily achieved with a minimum of administrative difficulty by means of geographic zoning—simply by assigning students living in the eastern half of the county to the New Kent School and those living in the western half of the county to the Watkins School. Although a geographical formula is not universally appropriate, it is evident that here the Board, by separately busing Negro children across the entire county to the 'Negro' school, and the white children to the 'white' school, is deliberately maintaining a segregated system which would vanish with non-racial geographic zoning. The conditions in this county present a classical case for this expedient." *Bowman* v. *County School Board, supra,* n. 3, at 332 (concurring opinion).

Petitioners have also suggested that the Board could consolidate the two schools, one site (e.g., Watkins) serving grades 1–7 and the other (e.g., New Kent) serving grades 8–12, this being the grade division respondent makes between elementary and secondary levels. Petitioners contend this would result in a more efficient system by eliminating costly duplication in this relatively small district while at the same time achieving immediate dismantling of the dual system.

These are two suggestions the District Court should take into account upon remand, along with any other proposed alternatives and in light of considerations respecting other aspects of the school system such as the matter of faculty and staff desegregation remanded to the court by the Court of Appeals.

[From the Harvard Law Review]

EQUAL PROTECTION

1. Free Choice and Free Transfer Plans for School Desegregation.—In *Green v. County School Board* [1] the Court severely restricted the availability of "freedom of choice" as a device for desegregating southern schools. Kent County in Virginia is a rural county with roughly equal numbers of Negroes and whites and no residential segregation. Before 1954 the County operated two schools, one in its eastern part for all grades of white pupils and another in its western part for all grades of Negroes. School buses used overlapping routes to take pupils to and from school. There was no desegregation of the county schools during the decade following *Brown v. Board of Education* [2] when Virginia was massively resisting integration. In August 1965 Kent County adopted a desegregation plan which permitted Negro and white parents to choose which school their children would attend. Since then approximately fifteen percent of the Negroes had attended the formerly all-white school, but no white families had chosen to send their children to the all-Negro school. Petitioners sought to enjoin operation of this allegedly segregated school system. Speaking unanimously through Mr. Justice Brennan, the Court held the free choice plan inadequate because eighty-five percent of the Negro pupils continued to attend an identifiable "Negro" school and because more effective means to eliminate such racially identifiable schools were reasonably available. In school systems formerly segregated by law, school boards have an affirmative duty to eliminate the vestiges of racial discrimination "root and branch." This duty is not discharged by offering to Negro and white families freedom to choose which school their children will attend unless the exercise of this freedom actually leads to conversion of the existing "dual" school system (part white and part Negro) to a "unitary" system.[3]

Freedom of choice plans became widespread in the South after pupil-placement laws and other anti-integration measures were struck down,[4] and after the Department of Health, Education and Welfare announced that such plans would satisfy the duty of school boards to desegregate in order not to be cut off from federal aid.[5] By the 1966–67 school year such plans were in use in the overwhelming majority of southern school districts desegregating by voluntary plan or under court order.[6] In practice, freedom of choice has produced very little integration.[7]

Until *Green,* the constitutional status of freedom of choice plans was unclear because of confusion, still not wholly resolved, over the nature of the evil condemned in *Brown* and the remedial duty imposed on states and school boards. The Fourth Circuit [8] took the view that institution of a free choice plan satisfies the full duty of school boards subject to *Brown* regardless of the amount of integration achieved. The Fifth Circuit [9] and, in a recent decision, the Eighth [10] held, to the contrary, that desegregation means integration and that the adequacy of free choice is to be tested by the amount of integration it produces.

At issue in *Green* was not the pace of "desegregation" achieved by the respondent school board, but the very meaning of "desegregation" under *Brown.* The school board argued not that it was desegregating at an adequate pace, but that it had "desegregated" completely. The board contended that *Brown* condemned only the assignment of pupils to schools by the state on the basis of race. The full duty of a state is fulfilled when state laws and practices compelling segregation are respectively repealed and terminated. Free choice is particularly unobjectionable

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Footnotes at end of article.

since it affirmatively provides "equal educational opportunity" by giving Negro and white children an equal opportunity to choose which school they will attend.

The Solicitor General, as amicus curiae, contended that *Brown* imposes on states formerly segregated by law the duty not only to end state compelled segregation, but also to take affirmative steps to undo the racial separation which remains as an effect of past practice, and that that duty is not fulfilled while racially identifiable schools remain.[13] The possible implications of this theory are broad indeed: it might impose on southern states the duty to eliminate racially identifiable schools even where their preservations results from educationally sound pupil assignment policies. Moreover, beyond the field of education, the argument might require southern states to take affirmative action to eliminate racially separate use of any facilities formerly segregated by law. The Solicitor General and petitioners also offered the Court a narrower ground of decision by presenting evidence to the effect that generally throughout the South the choice given to Negroes under free choice plans is not perceived by them to be, and is not in fact, free, and that given the context of traditional white and Negro schools in the South, the "free choice" of whites is really foreordained.[13] The Court alluded to this evidence but "neither adopt[ed] nor refuse[d] to adopt" it.[14]

The Court also did not unambiguously endorse the broader theory. Its only explanation of why the Negroes in Kent County who chose to go to the Negro school were denied equal protection was that the county school system remained a "dual" one. But the Court did not explain how "dual" systems are to be distinguished from "unitary" ones. At various points in his opinion Mr. Justice Brennan suggested that several factors were relevant to the decision: a long record of bad faith on the part of the school board charged with implementing desegregation, the past history of racial identification attaching to the schools in question, the lack of educational or administrative reasons for adoption of the free choice plan, the affirmative activities of the board to facilitate racial separation under the free choice plan, the actual enrollment figures, the undoubted perceptions and attitudes of the Negro and white communities toward the schools, and the availability of alternative methods which would provide greater racial mixing.

It may also have been important to the decision that the county population was not predominately Negro, and that therefore the goal of an integrated education for all Negro pupils was feasible absent white withdrawal. Because all these factors pointed in the same direction *Green* was an easy case: all the Justices could concur in the opinion, but perhaps only because the opinion does not set forth any doctrine indicating which of the many relevant factors are crucial.

In more difficult cases, where not all the factors point the same way, the Court will have to refine its analysis of the concepts "dual system," "unitary system," "segregated," "integrated," and "racially identifiable." And it will have to begin facing some of the hard questions involved in implementing *Brown:* in formulating desegregation plans, what weight is to be given to sound policies of education and school administration;[15] what weight to wishes of southern black nationalists for separation, even where by the lights of the larger community the result will be "inferior" education; what weight to such evidence as exists that once the ratio of Negro pupils to whites passes beyond a critical point the educational benefits from integration are reduced or lost altogether? Since *Brown*, the lower courts have been grappling with these issues largely without guidance from the Supreme Court. In *Green* the Court missed an important opportunity to provide guidance by re-articulating the reasons for and the very meaning of "desegregation."[16]

Free choice remains a theoretically permissible system of pupil assignment in the South, but the Court has at least made it clear than an end to avoidable racially identifiable schools is a primary goal of desegregation, and that free choice cannot be employed if more effective means of achieving this goal are reasonably available. In many southern communities, methods more effective than free choice are available:[17] in *Green*, a division of Kent County into two geographic attendance zones might have achieved substantially more integration; in the companion *Monroe* case, use of a "feeder system"[18] appeared to be an effective method; in other communities the redrawing of attendance zones, judicious location of new school facilities, or enlargement of old ones can be effective in promoting an end to racially identifiable schools.[19] Since such a large variety of techniques is available to school boards now required to take affirmative action to eliminate racial separation and since free choice plans place considerable administrative burdens on school boards and thus are not likely to be favored by the boards themselves,[20] *Green* probably sounds the knell for free choice in the South.[21]

The Court struck down free choice in Kent County without commenting on the genuineness of the expressed "preferences" of most of the county's Negroes for separation. Has the Court taken judicial notice that "free choice" by southern Negroes is a myth? Or has it merely placed the burden on school boards—at least in the South—to show that the choice was truly free? Or has the Court resolved to ignore even strong preferences of black nationalists on the theory that school boards must eliminate segregated schools even if Negro parents wish them to survive? If, on the other hand, the Court is prepared to distinguish between separatist preferences flowing from militant nationalism and those flowing from traditions of deference fostered by caste systems, how will it develop techniques for applying the distinction? Once again, *Green* raises more questions than it answers.

Since the decision applies only to school districts formerly segregated by discriminatory state action,[22] it does not directly address the problem of "de facto" segregation. The Court expressly rejected the suggestion that a decision for petitioners would entail that the Constitution "universally requir[es] 'compulsory integration.'"[23] Moreover, the failure of the Court to articulate more fully its concept of equal educational opportunity and its understanding of the relationship between integration and equality will prolong uncertainty as to the constitutional status of free choice plans, community control, and unrevised neighborhood attendance zones in the North. In condemning racial separation in *Green* the Court gave no hint whether outside the South separate public education of Negroes and whites might in some contexts satisfy the equal protection clause. But since *Green* did strike down free choice in a county representative of large parts of the South and did so without developing principles applicable to the North, the decision may be a step toward the ironic result of required integration in the South coexistent with continued racial separation in the North. As predictable resistance to *Green* grows in the South, the irony may become politically intolerable, and pressure may grow for the Court to grant certiorari in a northern school case.[24]

Finally, the Court's steadfast refusal to prescribe a minimum acceptable rate of integration leaves unresolved questions as to the relation between the duty imposed by *Brown* and *Green* and the requirements of the Guidelines[25] issued by the Office for Civil Rights of the Department of Health, Education, and Welfare pursuant to Title VI of the Civil Rights Act of 1964.[26] The 1965 Guidelines, issued by the Office of Education, accepted free choice as a technique of desegregation and set the fall of 1967 as the target date for total desegregation.[27] The revised Guidelines promulgated in 1966 retreated from the established target date by providing for detailed percentage of integration as targets of desegregation plans.[28] The new 1968 Guidelines continue to adhere to the basic principle that the test of whether free choice "works" is the extent to which pupils in minority groups actually transfer out of segregated schools, but they establish a new target date for full integration—fall 1969.[29] The existence of parallel administrative and judicial requirements for desegregation has created problems for both HEW and the Courts and has engendered considerable discussion.[30] Prior to *Green* the Fifth Circuit had sought to resolve these problems by adopting, with only marginal change,[31] the 1966 HEW standards as minimum requirements for all court-approved free choice plans in the circuit.[32] Other Circuits had reached other accommodations, giving the Guidelines greater or lesser weight in the appraisal of desegregation plans.[33] In directing the remand in *Green* the Court missed an opportunity to guide the lower courts in their reliance on the Guidelines.

FOOTNOTES

[1] 391 U.S. 430 (1968).

[2] 347 U.S. 483 (1954) (Brown I); 349 U.S. 294 (1955) (Brown II).

[3] In the companion case of Raney v. Board of Educ., 391 U.S. 443 (1968), the Court held that, in accordance with Brown v. Board of Educ., 349 U.S. 294, 299–301 (1955), district courts should retain jurisdiction in cases involving a desegregation plan in order to ensure the constitutionality of the plan and of its execution. In the second companion case, Monroe v. Board of Commr's, 391 U.S. 450 (1968), the Court held that the adequacy of "free transfer" plans is to be tested in the same way as that of "free choice" plans. A free transfer plan differs from a free choice plan in that the former permits a choice only after an initial assignment on some basis other than choice (*e.g.*, geographic districts), whereas the latter permits a choice of the initial assignment.

[4] The antecedents of free choice in Virginia were recounted by the majority in *Green*. The history in other states which have recently turned to free choice is parallel. *See, e.g.*, Clark v. Board of Educ., 369 F.2d 661 (8th Cir. 1966) (Arkansas anti-integration efforts culminating in free choice); United States v. Jefferson County Bd. of Educ., 372 F.2d 836, 878 (1966), *aff'd with modifications on rehearing en banc*, 380 F.2d 385 (5th Cir.), *cert. denied sub nom.* Caddo Parish School Bd. v. United States, 389 U.S. 840 (1967) (origins of free choice in the 5th Circuit). *See generally* Dunn, *Title VI, The Guidelines and School Desegregation in the South*, 53 Va. L. Rev. 42 (1967).

[5] *See* note 25 *infra*.

[6] United States Commission on Civil Rights, Southern School Desegregation 1966–67 at 45–46, 87 (1967).

[7] On the ineffectiveness of free choice as a method of achieving integration, consult *id.* at 45–69. The difficulty of providing a genuinely free choice in a community overwhelmingly opposed to integration is suggested in Coppedge v. Franklin County Bd. of Educ., 273 F. Supp. 289 (E.D.N.C. 1967).

[8] *See* Bowman v. County School Bd., 382 F. 2d 326 (4th Cir. 1967) (*en banc*); Bradley v. School Bd., 345 F.2d 310 (4th Cir. 1965), *vacated and remanded on other grounds*, 382 U.S. 103 (1965). The Fourth Circuit thus in effect, though not expressly, adopted the famous dictum in Briggs v. Elliott, 132 F. Supp. 776, 777 (E.D.S.C.) 1955) that "[t]he Constitution . . . does not require integration. It does not forbid such segregation as occurs as the result of voluntary action. It

merely forbids the use of governmental power to enforce segregation."

[9] United States v. Jefferson County Bd. of Educ., 372 F.2d 836 (1966), *aff'd with modifications on rehearing en banc*, 380 F.2d 385 (5th Cir.), *cert. denied sub nom.* Caddo Parish School Bd. v. United States, 389 U.S. 840 (1967); Singleton v. Jackson Municipal School Dist., 355 F.2d 865 (5th Cir. 1966).

[10] Kemp v. Beasely, 389 F.2d 178, 181 (8th Cir. 1968); Kemp v. Beasley, 352 F.2d 14, 20–21 (8th Cir. 1965). *But see* Kelley v. Altheimer School Dist., 378 F.2d 483, 490 (8th Cir. 1967) (*rehearing en banc denied*) (rejection of request that school board be ordered to integrate classes immediately, the court stating: ". . . we are not prepared to hold at this time . . . that desegregation . . . cannot be accomplished if students are permitted to attend the schools of their choice"); Clark v. Board of Educ., 369 F.2d 661, 666 (8th Cir. 1966) ("[T]he constitutionality of [a desegregation] plan does not necessarily depend upon favorable statistics indicating positive integration of the races . . . The [free choice] system is not subject to constitutional objection simply because large segments of whites and Negroes choose to continue attending their familiar schools").

[11] Brief for Respondents at 8–13, Green v. County School Bd., 391 U.S. 430 (1968).

[12] Memorandum for the United States as Amicus Curiae at 3–6, Green v. County School Bd., 391 U.S. 430 (1968).

[13] *Id.* at 7–9. Brief for Petitioners at 21–25, Green v. County School Bd., 391 U.S. 430 (1968). The evidence is presented in UNITED STATES COMMISSION ON CIVIL RIGHTS, SOUTHERN SCHOOL DESEGREGATION 1966–67, at 47–69 (1967).

[14] 391 U.S. at 440 n. 5.

[15] *E.g.*, the policy of assigning children to the school nearest their home; tracking systems designed to segregate pupils on the basis of ability to learn.

[16] Since *Brown* the Court has never stated unambiguously whether such terms as "segregation," "dual system," and "racially identifiable schools" refer to physical separation of the races or to racial separation attributable to discriminatory state action. The existence and celebrity of the *Briggs* dictum, *see* note 8 *supra*, testify to the Court's unwillingness to identify desegregation squarely with integration. Since the Court has not identified with precision the evil condemned in *Brown*, its own formulations of the remedial duty in terms of "desegregation" or "conversion to a unitary system" can be read as merely conclusory terms, whose connection with actual racial mixing is unclear. *But see* United States v. Jefferson County Bd., of Educ. 372 F.2d 836, 846 n. 5 (1966), *off'd with modifications on rehearing en banc*, 380 F.2d 385 (5th Cir.), *cert. denied sub nom.* Caddo Parish School Bd. v. United States, 389 U.S. 840 (1967).

[17] Throughout the South, any potentially "effective" desegregation plan runs the risk that white pupils will flee the public schools altogether. It would be unseemly for courts to allow threats of white withdrawal to set an effective maximum on the amount of integration they will order. But the results of this approach may be, especially in countries with a predominantly Negro population, that if the courts order more integration than the white community regards as tolerable, there will be no integration at all. To avoid this result the courts may be forced to find some means to close off the exit to private and parochial schools or to bring these schools within the ambit of the public system.

[18] The feeder system is a commonly used method of pupil assignment whereby pupils graduating from a specified school at one level are automatically assigned to a specified school at the next higher level.

[19] For a brief survey of techniques for promotion of integration, consult Fiss, *Racial Imbalance in the Public Schools: The Constitutional Concepts*, 78 HARV. L. REV. 564, 570–74 (1965).

[20] The burdens and uncertainties which a free choice plan introduces into the process of school administration are discussed in Moses v. Washington Parish School Bd., 276 F. Supp. 834, 850–52 (E.D. La. 1967). After surveying the disadvantages of free choice plans the court concluded that no good reason could be advanced for their adoption other than as a merely transitional step in the very early stages of desegregation. It was in such a context that free choice was ordered for the state of Alabama in Lee v. Macon County Bd. of Educ., 267 F. Supp. 458 (M.D. Ala.), *aff'd sub nom.* Wallace v. United States, 389 U.S. 215 (1967) (mem.), where the court evidently sought to find a uniform plan which had some chance of achieving integration throughout the state regardless of local conditions. In that case the court retained jurisdiction for periodic redeterminations of the effectiveness of the plan.

[21] However, the demise of free choice will not occur until after the 1968–69 school year. In suits instituted by the Justice Department after the decision in *Green*, the Fifth Circuit has held that it is too late to alter plans for the administration of schools for the coming academic year. *See* N.Y. Times, Aug. 7, 1968, at 27, col. 7.

[22] "State action" in this context includes the compulsory segregation statutes which existed in 17 states at the time of *Brown* and actions of state officials, such as gerrymandering of attendance zones, taken deliberately to foster segregation. For an example of the latter, consult Clemons v. Board of Educ., 228 F. 2d 853 (6th Cir.), *cert. denied*, 350 U.S. 1006 (1956) Hillsboro, Ohio).

[23] 391 U.S. at 437.

[24] All of the Supreme Court opinions dealing with school desegregation have involved schools in states which formerly imposed segregation by law. The Court has thus far not determined what the duty of a school board is with respect to racial imbalance not attributable to state compulsion or encouragement. It denied certiorari in Bell v. School City, 213 F. Supp. 819 (N.D. Ind.), *aff'd*, 324 F. 2d 209 (7th Cir. 1963), *cert. denied*, 377 U.S. 924 (1964) (where segregation of schools occurs without deliberate intent of state or school officials, there is no state action in violation of the equal protection clause and no duty to correct racial imbalance).

[25] U.S. Office for Civil Rights, HEW, Policies on Elementary and Secondary School Compliance with Title VI of the Civil Rights Act of 1964, 33 Fed. Reg. 4955 (1968).

[26] 42 U.S.C. § 2000d (1964). HEW issued a general regulation proscribing discrimination in any program it administers. 45 C.F.R. §80.1–.13 (1964). Guidelines for school desegregation were subsequently issued by the Office of Education, and now by the Office for Civil Rights.

[27] Office of Education, HEW, Desegregation of Elementary and Secondary Schools; General Statement of Policies under Title VI of the Civil Rights Act of 1964, 30 Fed. Reg. 9981, 9982–83 (1965).

[28] Office of Education, HEW, Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964, 31 Fed. Reg. 5623, 5628–29 (1966).

[29] 33 Fed. Reg. 4955, 4956 (1968). The new Guidelines add: "If, under a free choice plan, vestiges of a dual school structure remain, the school system is responsible for taking whatever additional steps are necessary to complete the desegregation of its schools." *Id.*

[30] *See, e.g.*, Dunn, *Title VI, The Guidelines and School Desegregation in the South*, 53 VA. L. REV. (1967); Note, *The Courts, HEW, and Southern School Desegregation*, 77 YALE L.J. 321 (1967); 81 HARV. L. REV. 474 (1967); 64 MICH. L. REV. 340 (1965).

[31] *See* 81 HARV. L. REV. 474, 475 & n.7 (1967).

[32] United States v. Jefferson County Bd. of Educ., 372 F.2d 836 (1966), *aff'd with modifications on rehearing en banc*, 380 F.2d 385 (5th Cir.), *cert. denied sub nom.* Caddo Parish School Bd. v. United States, 389 U.S. 840 (1967).

[33] *See* 81 HARV. L. REV. 474, 475 & nn.8, 9 (1967).

[From the CONGRESSIONAL RECORD, vol. 110, pt. 5, p. 6820]

Mr. DOUGLAS:

TECHNICAL ASSISTANCE

In addition to this, the Commissioner of Education is authorized to make grants or contracts with institutions of higher education for special institutions to give training to school teachers and supervisors and other personnel to help them in dealing with the problems which might follow upon desegregation. It also provides that grants may be made for inservice training for school personnel and in employing specialists to advise in problems concerning desegregation.

As I previously pointed out, this technical assistance would not only be available to a school or district where desegregation has been ordered under a plan, but where the desegregation was voluntary as well.

RACIAL IMBALANCE EXCLUDED

Finally, there is nothing in this title dealing with so-called racial imbalance in the public schools. There is nothing in this title which would require the busing of students, to transfer white students from predominately white schools to Negro schools. There is nothing to require the transfer of Negroes into predominately white schools.

The provisions with respect to racial imbalance were specifically excluded from the House bill and are not a part of this bill, contrary to some of the propaganda and publicity which has gone out about it.

Let me read from the bottom of page 13, and the top of page 14, of the bill:

" 'Desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

It would be possible for States and localities to follow such policies as they thought wise and proper, but it would not be a requirement of Federal law. This is one of the issues with which we are trying to deal in Chicago. The Hauser report has been very well received by the press of Chicago and by a very large section of public opinion in Chicago. It may be put into effect.

[From the CONGRESSIONAL RECORD, vol. 110, pt. 5, p. 6839]

Mr. KEATING. Mr. President, will the Senator yield, before he passes from section 407, regarding the powers of the Attorney General?

Mr. COOPER. I yield.

Mr KEATING. First, I commend the distinguished Senator from Kentucky for the excellent analysis which he has made of title IV, in his affirmative presentation to the Senate. Many misleading charges have appeared regarding the education section. It has been said that the bill would give to the Attorney General inordinate control over the operation of public schools. I do not believe that any of us wants to give the Attorney General authority to operate our public schools. It is said that if this bill is enacted he could establish and enforce a racial quota system in the schools. Would the Senator comment on that point, and tell us whether there is anything in the section which would give any such power to the Attorney General?

Mr. COOPER. I do not believe there is any provision, or language, in the bill which would give the Attorney General any such authority. The only authority he would have would be to initiate a suit and attempt to achieve the desegregation of schools which school boards had refused to do. I do not

see how he can reach into the operation of the schools or have anything to do with its facilities, or its teachers, or the courses it offers or anything else.

Mr. KEATING. It has been charged that the boards of trustees of schools would be denied the right to handle students and teaching staffs in any way they saw fit. Is there anything in the bill which would lend justification to a charge of that kind?

Mr. COOPER. I have been unable to find anything to that effect. I have given this kind of legislation some thought for several years. In 1960, I offered an amendment to the civil rights bill. It was substantially the same as the section now under consideration. In 1961, 1962, and 1963. I offered the same amendment, and at times I have been joined by the distinguished Senator from New York [Mr. KEATING], the distinguished Senator from New York [Mr. JAVITS], and last year with the Senator from Connecticut [Mr. DODD] as chief cosponsor. We were joined by 15 other Members of the Senate as cosponsors. It contained substantially the same language as the section we are considering. For 4 years I have been offering the section now under consideration, as either an amendment or a bill. I have spoken on the need for this kind of legislation every year. I have studied section 407 as it is now presented. I have never been able to find anything in it except what the language provides. It would give the Attorney General the right to initiate an action to secure desegregation of schools.

Mr. KEATING. Is this section not very much less comprehensive than the so-called part III, which was actually adopted in the House bill in 1957 and eliminated in the Senate?

Mr. COOPER. There is no comparison at all between the two. We are considering a specific case; namely, a right which has already been declared by the Supreme Court of the United States to exist. It is known. It is the right of an individual not to be discriminated against in admittance to a public school because of race or color. Title III embraced any number of known rights. It was even said that it included some unknown claimed rights. This section deals with a right that has been established and has been known and recognized throughout the country, except in some 11 States.

Mr. KEATING. Finally, a number of letters have come to me from the city of New York, as I presume they have come to other Senators who represent large metropolitan centers, concerning specifically the proposal of the New York City Board of Education, that students be moved from one area of the city to another to overcome an alleged racial imbalance. Would the bill in any way authorize the Attorney General to force or to finance such a program; or would it give the Federal Government any authority or power whatever in that direction?

Mr. COOPER. No. Title IV, section 401(b) contains a definition of desegregation with this condition:

"'Desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Mr. KEATING. In other words, there is a definite prohibition against the use of any Federal funds or any injuction by the Federal Government which would move children from one area to another for that purpose?

Mr. COOPER. I am sure the Senator is correct. I am sure the language which I have just read would apply to the first sections of this title, sections 401 to 406, which deal with technical assistance, grants, training, and so forth. Training, grants, and assistance could not be withheld in an effort to achieve desegregation based upon the racial imbalance in schools under this bill.

The language of section 401(b) would also apply to section 407. The Attorney General would have no authority to institute action for the purpose of trying to correct racial imbalance but to secure the right against discrimination. The language speaks for itself.

Mr. KEATING. Except with regard to the provisions prohibiting discrimination in employment generally, which are dealt with in another title, would private schools in any way be affected by the passage of the bill so far as the education section is concerned?

Mr. COOPER. It is my judgment that they would not be affected.

Mr. KEATING. In other words, the Senator feels that except for the provision relating to employment, which provides that an employer cannot discriminate with regard to race generally in any activity, there would be nothing in this section which would deal with private schools in any way?

Mr. COOPER. That is my understanding.

Mr. KEATING. In this title?

Mr. COOPER. That is correct. The section gives a definition of the schools to be covered. The bill in section 401(c) defines "public schools" and public colleges.

Mr. KEATING. I have asked these questions of the Senator because of his comprehensive study of this problem. I agree with the answers which he has given. It might seem to the Senator that the Senator from New York is rather obtuse in this matter. However, all these questions are raised by information contained in the pamphlet called, "Unmasking the Civil Right Act." This pamphlet has been widely circulated all over the Nation and in the State of New York by people who are completely misinformed regarding the contents of the bill. All of the allegations to which I have referred are contained in mail which I have received on this subject.

I agree with the Senator on the answers which he has given. My purpose in asking the questions is to place in the RECORD the views of one who is charged with the responsibility of having detailed knowledge on this title, and one who is widely respected by Senators on both sides of the aisle for his deep study and clear understanding of the issue to which he devotes himself.

Mr. COOPER. I thank the Senator. I realize that the Senator knows the answers to the questions which he has asked me. The questions and answers might seem simple. However, I think it is necessary for the Senator and all of us to keep asking these questions because they are being asked throughout the country. That is the reason I speak today at some length on what are accepted principles; namely, the power of the Supreme Court to interpret the Constitution; and the fact that the Brown case is the law of the land, and not merely the law of the case. I speak on those matters because this kind of talk is heard throughout the country.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I ask unanimous consent to yield to the distinguished junior Senator from Alabama for questions or observations or colloquy on these conditions: First, that I shall not lose my right to the floor; and second, that anything which may be said by the Senator from Alabama or by the Senator from North Carolina shall be printed at the conclusion of my prepared remarks, so as to preserve the continuity of my prepared remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. The Governor of the State of Florida, the Honorable Claude Kirk, acting on behalf of the people of Florida, filed an original proceeding in the Supreme Court of the United States, as he is permitted to do under the Constitution of the United States, alleging that the people of the State of Florida are being denied the equal protection of the laws guaranteed by the Constitution, by reason of the Federal school policy that allows segregation in the North and requires instant desegregation in the South.

That petition was thrown out by the Supreme Court, causing Governor Kirk to say that a convicted felon, by writing some memorandum on the back of an envelope, could get the attention of the Supreme Court, but that the people of Florida could not.

The Governor of the State of Alabama, the Honorable Albert P. Brewer, acting on behalf of the State of Alabama and her people, filed a similar petition in the Supreme Court, averring that the people of Alabama are being denied of the equal protection of the laws guaranteed by the U.S. Constitution on the same grounds; and that petition was thrown out by the Supreme Court. This caused Governor Brewer to remark that a Communist can get the ear of the Supreme Court, but 3.5 million to 4 million Alabamians are unable to get the ear of the Supreme Court on this subject.

Does the Senator think it was right for the Supreme Court of the United States to deny the people of Alabama and the people of Florida a hearing on this matter before that so-called august body?

Mr. ERVIN. I will have to confess that, as a lawyer, and as one who spent a large part of his life in administering justice, I have been sadly disappointed by recent actions of the Supreme Court in refusing to hear causes brought in behalf of the Southern States. We are all accustomed to the old aphorism that justice is blind, but the recent actions of the Supreme Court of the United States, I say with all due deference, would indicate that justice is not only blind, but deaf also.

When the Court dismissed these cases, it had just about enough time to read the preamble to the case. The Justices dismissed them without hearing. I had always heard that every man is entitled to due process. Of course, the Supreme Court said, in the voting rights decision, that seven Southern States are not entitled to due process, that their people are not protected by the prohibition against a bill of attainder. If that means what it says, we could be abolished by court action without even notice or an opportunity of being heard.

I was almost as shocked by the action the Court took in the case of Mississippi, wherein the Department of Justice had recommended a delay. The Justices said, in effect, as I recall the decision, that they would go ahead and order desegregation and the Court could hear complaints later.

I could not help but think, when I read that memorandum decision, of an old couplet I have heard all my life:

> I oft have heard of Lydford Law,
> How in the morn they hang and draw,
> And sit in judgement after.

I never thought the Supreme Court would get to the point where they would apply Lydford Law, but they certainly did in that case; and as a result of it, we have a disruption of the educational process. Teachers are being shifted in violation of their contracts with school boards from one school to another in

the middle of the term, and little children are being denied their right to attend their neighborhood schools and being transferred elsewhere in the middle of the term.

That is the reason why I say that those who fanatically advocate forced integration are more interested in the integration of the bodies of little black children than they are in the enlightenment of their minds.

I hate to make such caustic comments about the Supreme Court of the United States, because I was taught by my father to revere the Supreme Court. He brought me up here when I was a small boy, took me to the old Supreme Court Chamber, and pointed out the busts of the great justices of the past, and he said to me, in a tone of awe, "This Court would enforce the Constitution though the heavens fall."

As a lawyer, I am forced to say that in recent years they have sometimes mangled the Constitution instead of enforcing it. But I do not hesitate to say these things, because I believe tyranny on the bench is just as bad as tyranny on the throne.

Mr. ALLEN. I appreciate the able explanation of the distinguished Senator from North Carolina, who has served on the Supreme Court of his State, and who is certainly one of the most eminent lawyers in the entire country.

I wonder if the term "constitutional lawyer" is really going to have any meaning in years to come, because the Supreme Court has gotten the law into such a state of confusion that I am sure they do not know what the law is and, while a constitution lawyer knows what the law should be stated to be by the Supreme Court, they very seldom agree with eminent constitutional lawyers on these subjects.

Mr. ERVIN. I might interject at this point to mention to the distinguished Senator from Alabama what a great law teacher in North Carolina, Dean Mordecai of the old Trinity Law School, now Duke University Law School, said about the law making quite different requirements of different classes of men. He said that the law required a layman to know all the law, every jot and title of it, and that it required a lawyer to know a reasonable amount of the law, but that it did not require a judge to know a damn thing.

Mr. ALLEN. Does the Senator think that the members of the Supreme Court might live up to that third requirement he sets out?

Mr. ERVIN. No, I am not going to say that about the Supreme Court. I have the highest respect for the Supreme Court as an institution.

I have said that the controlling element on the Supreme Court in recent years has been composed of judicial activists, and judicial activists are men of good intentions. They think that they can improve on the Constitution that we have, and so they exercise their power and undertake to change the meaning of the Constitution to reflect their personal views while they are professing to interpret the Constitution. I think every informed lawyer in the United States will admit that to be true privately, and I think that most intellectually honest lawyers will admit it publicly.

Mr. ALLEN. I ask the distinguished Senator from North Carolina, since we are speaking of legal precedents and decisions of the Supreme Court, what legal precedents, if any, were cited by the Supreme Court in handing down the 1954 decision in Brown against Board of Education.

Mr. ERVIN. There were no legal decisions cited as precedents. As a matter of fact, the Court said that the decision that was handed down in 1927 in Gong Lum against Rice, where they held exactly the opposite, did not raise the validity of the separate-but-equal doctrine, though the Chief Justice of the United States at that time, Chief Justice Taft, who wrote the opinion in that case, said in express words twice that the only question involved in the case was the validity of the separate-but-equal doctrine.

All of the legal precedents that were cited they rejected or attempted to distinguish. The case was based fundamentally on the fact that since Plessy against Ferguson, there had been some new books and treatises written on psychology, and the case contains a remarkable statement to the effect that we cannot turn the clock back to 1868 or to 1896, when Plessy against Ferguson was decided; while the effect of the decision was that it was the duty of the Court to turn the clock back to 1868, when the 14th amendment became a part of the Constitution, and ascertain from the history what it was intended to do.

So that laid down the premise which I think is improper, and which actuated the decisions of the Warren court, that the Constitution from time to time changes its meaning without any change in its phraseology being authorized by the only people who can change its meaning, the States and Congress, and that a majority of the Supreme Court justices are the sole judges of when these automatic changes occur and what the nature of the changes are, which means that we have no constitutional government in America under that kind of a provision.

Mr. ALLEN. Actually, then, the only work of a literary or legal nature that was cited by the Supreme Court in support of this decision in Brown against Board of Education was a work by a Swedish sociologist?

Mr. ERVIN. Yes, Myrdal's "The American Dilemma," I believe it is called.

While I accept the decision that no child should be excluded from any school on account of his race—and that is involved in the freedom of choice provision—that case has always left me with the misgiving that perhaps whenever new books on psychology are written, the Constitution automatically changes its meaning, which is a fearful doctrine.

But I might state that it started a series of precedents which show that the Supreme Court, as recently constituted, has the feeling that it has the power to change the meaning of the Constitution, notwithstanding the fact that the Constitution itself provides that its meaning can be changed in only one way, which is by an amendment under article V. In fact, that was the reason why I opposed the elevation of Justice Fortas to be Chief Justice, because he made speeches in which he said that the words of the Constitution had no fixed and unchanging meaning, that the words of the Constitution were just as impermanent as the hand that wrote them.

Mr. ALLEN. I invite the attention of the Senator from North Carolina to the fact that on last Sunday, in the great port city of Mobile, Ala., a meeting was held by four southern Governors—Gov. Albert P. Brewer, of Alabama; Gov. John McKeithen, of Louisiana; Gov. John Bell Williams, of Mississippi; and Gov. Lester Maddox, of Georgia—and at the conclusion of their meeting, they announced a statement of principles to which they subscribe. I should like to read that statement of principles—it is not long—and ask the distinguished Senator from North Carolina if he would tell us whether this statement is in conformity with his views. They said:

> We reaffirm our belief in the absolute necessity for quality public education, administered and controlled by local citizens.
>
> We reaffirm our belief that the problems of our schools should be solved through orderly, democratic processes and not through violence.
>
> We reaffirm our determination that no child in any State or in any school system shall be mandatorily assigned or bused for the sole purpose of achieving racial balance in our public schools. We believe that the same standards for the operation of schools applied in other States should be applied in the Southern States. We resent the fact that we have been singled out in our respective States for punitive treatment.
>
> We support the commitment given by President Nixon in the presidential campaign of 1968 to the principle of freedom of choice and maintenance of neighborhood schools.

Does the Senator from North Carolina subscribe to that statement of principle?

Mr. ERVIN. Yes. I think that that statement of principles is a good statement of the things that the Senator from Alabama and I and other Senators who are supporting these amendments are fighting for on the floor of the Senate.

Mr. ALLEN. Is that statement not pretty well embodied in the Stennis amendments?

Mr. ERVIN. Yes.

Mr. ALLEN. And in the amendment of the distinguished Senator from North Carolina?

Mr. ERVIN. Cosponsored by the distinguished Senator from Alabama.

Mr. ALLEN. I should like to propound this question to the distinguished Senator from North Carolina. It involves statistics, comparing some Alabama attendance figures with figures in other sections of the country. These figures are given by the Department of Health, Education, and Welfare, and I assume they are correct.

According to the figures of HEW, 91.7 percent of the Negroes in Alabama attend schools that are a majority black. The same figures show that in the city

of Los Angeles, 95.3 percent of the Negroes attend majority black schools. In Newark, N.J., 97.9 percent of the Negroes—nearly all of them—attend schools that are a majority black. In Gary, Ind., 96.9 percent of the Negroes attend majority black schools. In other words, there is a higher percentage of segregation in Los Angeles, Newark, N.J., and Gary, Ind., than in the State of Alabama.

I should like the Senator to explain to me, if he can, why it is the policy of the Federal Government to push for desegregation on a crash basis in Alabama but to completely ignore the situation in Los Angeles; Newark, N.J., and Gary, Ind., where there is more segregation than in Alabama.

Mr. ERVIN. In reply to that, I will say something I dislike to say, because it is a very unfortunate truth in our national life today: that it is politically profitable in some areas of this country to browbeat the South. I would say that if the Northern States were treated the same as the Southern States are treated in this field, it would not take more than 24 hours and the suspension of the rules to get a freedom of choice bill passed by Congress. I realize that I have no license to be a prophet, but I nevertheless would usurp and exercise the right to make that prophecy.

Mr. ALLEN. I appreciate the information the Senator has given.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be permitted to yield to the distinguished Senator from Florida under the following conditions: First, that I will not lose my right to the floor; second, that I may yield to the Senator from Florida for a question or for observations or for colloquy; and third, that any matters which may transpire between the Senator from Florida and myself will be printed in the RECORD after the conclusion of my remarks so that the continuity of my remarks may be preserved.

Mr. JAVITS. Mr. President, reserving the right to object, could we have some idea of the length of this colloquy?

Mr. ERVIN. The Senator from North Carolina does not know, because I do not know how long the Senator from Florida wants to make inquiry or engage in colloquy.

Mr. JAVITS. Mr. President, further reserving the right to object, if the floor is going to change hands under the guise of colloquy, someone else should have the right to participate.

If the colloquy is of a reasonable length, say a half an hour it does not matter to me.

Mr. ERVIN. Mr. President, as far as I am concerned, I propose to occupy the floor until I say everything that I think ought to be said to preserve the rights of the people of North Carolina, whom I have the honor to represent, and to attempt to acquire freedom for the people of other States.

I waited here for several days after the bill was laid before the Senate in an effort to make a speech. I could not get the floor.

A person tries to be very polite. I have yielded to a number of my brethren, which has caused my speech to be longer than it would otherwise have been.

I cannot enlighten the Senator from New York as to how long the Senator from Florida will query me or how long he will want to ask questions.

Mr. JAVITS. Mr. President, the Senator from Florida informs me that it will only be a short time. On that basis, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, I congratulate the distinguished Senator on his speech. I ask him this question because it bothers me. With the Federal courts operating under the 14th amendment and its requirement that States accord equal treatment to all persons, how do they justify the fact that they order school boards to send some white children on buses in one direction and some Negro children on buses in another direction, but leave some white children in the schools where they originally were and some Negro children in the schools where they originally were?

How does the distinguished Senator feel that equal treatment under the law is given to the two groups of children, let us say, with the white group which they have ordered to be bused somewhere else and the other group which they have ordered to stay where it is. How does the distinguished Senator recognize that as a giving of equal treatment under the law?

Mr. ERVIN. Mr. President, I do not think the Supreme Court has ever attempted to justify it. And I do not think any other court has ever made out any justification for it.

There are some decisions in the fifth circuit, which has been for some time in the hands of a very pronounced judicial activist. I recall one of their decisions that said that even though the actions of the school boards in the conduct of the schools was entirely nondiscriminatory, it was unconstitutional unless it produced substantial integration of the races.

Another decision of the fifth circuit involved these facts: The school board had divided a town into two school districts because the good Lord had put a bayou between the two natural sections of the town and because there were dangerous railroad tracks there. One of these schools was substantially white and one substantially colored, but they were divided because of the natural boundary, the bayou, and for the sake of the safety of the children, because of the railroad lines.

The court said that the safety of the children was of secondary importance, that the overriding important matter was the mixing of the races in the schools. Now some of the little black children are required to cross the bayou and to cross the railroad tracks at the hazard of risking their lives to get to school on the other side of the bayou. And some of the little white children are required to cross the bayou and the dangerous railroad tracks to get to the other school.

That is the kind of decision that has been handed down in the fifth circuit.

Mr. HOLLAND. Mr. President, I thank the Senator. The thing that bothers me so greatly is the matter of trying to find how equal treatment is being given to either black children or white children when each of those groups is divided and some of them are left where they were, close to their homes, and some of them are transported far away to another school. How could that constitute equal treatment of those two groups when they are divided?

Mr. ERVIN. It would be in violation of the equal protection clause when the courts require States to violate the equal protection clause in these decisions.

Mr. HOLLAND. I thank the Senator. The Senator has stated what I think is the case. The equal protection clause of the 14th amendment is violated instead of observed in these decisions about which we have been speaking.

I yield the floor.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on February 3, 1970, the President had approved and signed the joint resolution (S.J. Res. 131) to welcome to the United States Olympic delegations authorized by the International Olympic Committee.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2214) to exempt potatoes for processing from marketing orders, and it was signed by the President pro tempore.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator yield, with the understanding that his colloquy will not be interrupted in the record, so that I may call up a resolution affecting the Senate and the House of Representatives, and have it considered at this point?

Mr. ERVIN. It has no reference to the matter of the debate on the pending bill?

Mr. MANSFIELD. Oh, no. It is the adjournment resolution.

Mr. ERVIN. I yield to the Senator, with the understanding that I shall not lose my right to the floor.

Mr. MANSFIELD. That the Senator

will not lose the floor, and the colloquy will not be interrupted.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADOPTION OF RESOLUTION PROVIDING FOR ADJOURNMENT OF THE TWO HOUSES TO FEBRUARY 16, 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 497.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 497, which was read by the bill clerk, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, February 10, 1970, they stand adjourned until 12 o'clock meridian, Monday, February 16, 1970.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, House Concurrent Resolution 497 was considered and agreed to.

ORDER OF BUSINESS

Mr. ERVIN. Mr. President, I ask that I may be indulged in so that I may have a brief discussion with the Senator from Mississippi and the distinguished majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may propound some unanimous-consent requests without the Senator from North Carolina losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask that the remarks of the Senator from West Virginia be printed in the RECORD after my remarks in order to preserve the continuity of my prepared statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT ON ENVIRONMENTAL QUALITY (H. DOC. NO. 91-225)

Mr. BYRD of West Virginia. Mr. President, there is a message at the desk from the President of the United States on "Environmental Quality." It is very broad in scope; the President states that the message embraces a 37-point program involving 23 major legislative proposals and 14 new measures.

Therefore, I ask unanimous consent that the message be referred to the Committees on Public Works, Interior and Insular Affairs, Commerce, Finance, and Government Operations since their jurisdictions are expected to be involved.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

Like those in the last century who tilled a plot of land to exhaustion and then moved on to another, we in this century have too casually and too long abused our natural environment. The time has come when we can wait no longer to repair the damage already done, and to establish new criteria to guide us in the future.

The fight against pollution, however, is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable by-product either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected: not from malign intention, but from failure to take into account the full consequences of our actions.

Quite inadvertently, by ignoring environmental costs we have given an economic advantage to the careless polluter over his more conscientious rival. While adopting laws prohibiting injury to person or property, we have freely allowed injury to our shared surroundings. Conditioned by an expanding frontier, we came only late to a recognition of how precious and how vulnerable our resources of land, water, and air really are.

The tasks that need doing require money, resolve and ingenuity—and they are too big to be done by government alone. They call for fundamentally new philosophies of land, air and water use, for stricter regulation, for expanded government action, for greater citizen involvement, and for new programs to ensure that government, industry and individuals all are called on to do their share of the job and to pay their share of the cost.

Because the many aspects of environmental quality are closely interwoven, to consider each in isolation would be unwise. Therefore, I am today outlining a comprehensive, 37-point program, embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive Order in five major categories:

—Water pollution control.
—Air pollution control.
—Solid waste management.
—Parklands and public recreation.
—Organizing for action.

As we deepen our understanding of complex ecological processes, as we improve our technologies and institutions and learn from experience, much more will be possible. But these 37 measures represent actions we can take *now*, and that can move us dramatically forward toward what has become an urgent common goal of all Americans: the rescue of our natural habitat as a place both habitable and hospitable to man.

WATER POLLUTION

Water pollution has three principal sources: municipal, industrial and agricultural wastes. All three must eventually be controlled if we are to restore the purity of our lakes and rivers.

Of these three, the most troublesome to control are those from agricultural sources: animal wastes, eroded soil, fertilizers and pesticides. Some of these are nature's own pollutions. The Missouri River was known as "Big Muddy" long before towns and industries were built on its banks. But many of the same techniques of pest control, livestock feeding, irrigation and soil fertilization that have made American agriculture so abundantly productive have also caused serious water pollution.

Effective control will take time, and will require action on many fronts: modified agricultural practices, greater care in the disposal of animal wastes, better soil conservation methods, new kinds of fertilizers, new chemical pesticides and more widespread use of natural pest control techniques. A number of such actions are already underway. We have taken action to phase out the use of DDT and other hard pesticides. We have begun to place controls on wastes from concentrated animal feedlots. We need programs of intensified research, both public and private, to develop new methods of reducing agricultural pollution while maintaining productivity. I have asked The Council on Environmental Quality to press forward in this area. Meanwhile, however, we have the technology and the resources to proceed *now* on a program of swift clean-up of pollution from the most acutely damaging sources: municipal and industrial wastes.

MUNICIPAL WASTES

As long as we have the means to do something about it, there is no good reason why municipal pollution of our waters should be allowed to persist unchecked.

In the four years since the Clean Waters Restoration Act of 1966 was passed, we have failed to keep our promises to ourselves: Federal appropriations for constructing municipal treatment plants have totaled only about one-third of authorizations. Municipalities themselves have faced increasing difficulty in selling bonds to finance their share of the construction costs. Given the saturated condition of today's municipal bond markets, if a clean-up program is to work it has to provide the means by which municipalities can finance their share of the cost even as we increase Federal expenditures.

The best current estimate is that it will take a total capital investment of about $10 billion over a five-year period to provide the municipal waste treatment plants and interceptor lines needed to meet our national water quality standards. This figure is based on a recently-completed nationwide survey of the deficiencies of present facilities, plus projections of additional needs that will have developed by then—to accommodate the normal annual increase in the volume of wastes, and to replace equipment that can be expected to wear out or become obsolete in the interim.

This will provide every community that needs it with secondary waste treatment, and also special, additional treatment in areas of special need, including communities on the Great Lakes. We have the industrial capacity to do the job in five years if we begin now.

To meet this construction schedule, I propose a two-part program of Federal assistance:

—I propose a Clean Waters Act with $4 billion to be authorized immediately, for Fiscal 1971, to cover the full Federal

share of the total $10 billion cost on a matching fund basis. This would be allocated at a rate of $1 billion a year for the next four years, with a reassessment in 1973 of needs for 1975 and subsequent years.

By thus assuring communities of full Federal support, we can enable planning to begin *now* for all needed facilities and construction to proceed at an accelerated rate.

—I propose creation of a new Environmental Financing Authority, to ensure that every municipality in the country has an opportunity to sell its waste treatment plant construction bonds.

The condition of the municipal bond market is such that, in 1969, 509 issues totaling $2.9 billion proved unsalable. If a municipality cannot sell waste treatment plant construction bonds, EFA will buy them and will sell its own bonds on the taxable market. Thus, construction of pollution control facilities will depend not on a community's credit rating, but on its waste disposal needs.

Providing money is important, but equally important is where and how the money is spent. A river cannot be polluted on its left bank and clean on its right. In a given waterway, abating *some* of the pollution is often little better than doing nothing at all, and money spent on such partial efforts is often largely wasted. Present grant allocation formulas—those in the 1966 Act—have prevented the spending of funds where they could produce the greatest results in terms of clean water. Too little attention has been given to seeing that investments in specific waste treatment plants have been matched by other municipalities and industries on the same waterway. Many plants have been poorly designed and inefficiently operated. Some municipalities have offered free treatment to local industries, then not treated their wastes sufficiently to prevent pollution.

To ensure that the new funds are well invested, five major reforms are needed. One requires legislation: the other four will be achieved by administrative action.

—I propose that the present, rigid allocation formula be revised, so that special emphasis can be given to areas where facilities are most needed and where the greatest improvements in water qualify will result.

Under existing authority, the Secretary of the Interior will institute four major reforms:

—Federally assisted treatment plants will be required to meet prescribed design, operation and maintenance standards, and to be operated only by State-certified operators.

—Municipalities receiving Federal assistance in constructing plants will be required to impose reasonable users' fees on industrial users sufficient to meet the costs of treating industrial wastes.

—Development of comprehensive river basin plans will be required at an early date, to ensure that Federally assisted treatment plants will in fact contribute to effective clean-up of entire river basin systems. Collection of existing data on pollution sources and development of effluent inventories will permit systems approaches to pollution control.

—Wherever feasible, communities will be strongly encouraged to cooperate in the construction of large regional treatment facilities, which provide economies of scale and give more efficient and more thorough waste treatment.

INDUSTRIAL POLLUTION

Some industries discharge their wastes into municipal systems; others discharge them directly into lakes and rivers. Obviously, unless we curb industrial as well as municipal pollution our waters will never be clean.

Industry itself has recognized the problem, and many industrial firms are making vigorous efforts to control their water-borne wastes. But strict standards and strict enforcement are nevertheless necessary—not only to ensure compliance, but also in fairness to those who have voluntarily assumed the often costly burden while their competitors have not. Good neighbors should not be placed at a competitive disadvantage because of their good neighborliness.

Under existing law, standards for water pollution control often are established in only the most general and insufficient terms: for example, by requiring all affected industries to install secondary treatment facilities. This approach takes little account of such crucial variables as the volume and toxicity of the wastes actually being discharged, or the capacity of a particular body of water to absorb wastes without becoming polluted. Even more important, it provides a poor basis for enforcement: with no effluent standard by which to measure, it is difficult to prove in court that standards are being violated.

The present fragmenting of jurisdictions also has hindered comprehensive efforts. At present, Federal jurisdiction generally extends only to interstate waters. One result has been that as stricter State-Federal standards have been imposed, pollution has actually increased in some other waters—in underground aquifers and the oceans. As controls over interstate waters are tightened, polluting industries will be increasingly tempted to locate on intrastate lakes and rivers—with a consequently increased threat to those waterways—unless they too are brought under the same strictures.

I propose that we take an entirely new approach: one which concerts Federal, State and private efforts, which provides for effective nationwide enforcement, and which rests on a simple but profoundly significant principle: that the Nation's waterways belong to us all, and that neither a municipality nor an industry should be allowed to discharge wastes into those waterways beyond their capacity to absorb the wastes without becoming polluted.

Specifically, I propose a seven-point program of measures we should adopt *now* to enforce control of water pollution from industrial and municipal wastes, and to give the States more effective backing in their own efforts.

—I propose that State-Federal water quality standards be amended to impose precise effluent requirements on all industrial and municipal sources. These should be imposed on an expenditious timetable, with the limit for each based on a fair allocation of the total capacity of the waterway to absorb the user's particular kind of wastes without becoming polluted.

—I propose that violation of established effluent requirements be considered sufficient cause for court action.

—I propose that the Secretary of the Interior be allowed to proceed more swiftly in his enforcement actions, and that he be given new legal weapons including subpoena and discovery power.

—I propose that failure to meet established water quality standards or implementation schedules be made subject to court-imposed fines of up to $10,000 per day.

—I propose that the Secretary of the Interior be authorized to seek immediate injunctive relief in emergency situations in which severe water pollution constitutes an imminent danger to health, or threatens irreversible damage to water quality.

—I propose that the Federal pollution-control program be extended to include all navigable waters, both inter- and intra-state, all interstate ground waters, the United States' portion of boundary waters, and waters of the Contiguous Zone.

—I propose that Federal operating grants to State pollution control enforcement agencies be tripled over the next five years—from $10 million now to $30 million in fiscal year 1975—to assist them in meeting the new responsibilities that stricter and expanded enforcement will place upon them.

AIR POLLUTION CONTROL

Air is our most vital resource, and its pollution is our most serious environmental problem. Existing technology for the control of air pollution is less advanced than that for controlling water pollution, but there is a great deal we can do within the limits of existing technology—and more we can do to spur technological advance.

Most air pollution is produced by the burning of fuels. About half is produced by motor vehicles.

MOTOR VEHICLES

The Federal Government began regulating automobile emissions of carbon monoxide and hydrocarbons with the 1968 model year. Standards for 1970 model cars have been made significantly tighter. This year, for the first time, emissions from new buses and heavy-duty trucks have also been brought under Federal regulation.

In future years, emission levels can and must be brought much lower.

The Secretary of Health, Education and Welfare is today publishing a notice of new, considerably more stringent motor vehicle emission standards he intends to issue for 1973 and 1975 models—including control of nitrogen oxides by 1973 and of particulate emissions by 1975.

These new standards represent our best present estimate of the lowest emission levels attainable by those years.

Effective control requires new legislation to correct two key deficiencies in the present law:

a) *Testing procedures.* Under present law, only manufacturers' prototype

vehicles are tested for compliance with emission standards, and even this is voluntary rather than mandatory.

I propose legislation requiring that representative samples of actual production vehicles be tested throughout the model year.

b) *Fuel composition and additives.* What goes into a car's fuel has a major effect on what comes out of its exhaust, and also on what kinds of pollution-control devices can effectively be employed. Federal standards for what comes out of a car's engine should be accompanied by standards for what goes into it.

I propose legislation authorizing the Secretary of Health, Education and Welfare to regulate fuel composition and additives.

With these changes, we can drastically reduce pollution from motor vehicles in the years just ahead. But in making and keeping our peace with nature, to plan only one year ahead or even five is hardly to plan at all. Our responsibility now is also to look beyond the Seventies, and the prospects then are uncertain. Based on present trends, it is quite possible that by 1980 the increase in the sheer number of cars in densely populated areas will begin outrunning the technological limits of our capacity to reduce pollution from the internal combustion engine. I hope this will not happen. I hope the automobile industry's present determined effort to make the internal combustion engine sufficiently pollution-free succeeds. But if it does not, then unless motor vehicles with an alternative, low-pollution power source are available, vehicle-caused pollution will once again begin an inexorable increase.

Therefore, prudence dictates that we move now to ensure that such a vehicle will be available if needed.

I am inaugurating a program to marshal both government and private research with the goal of producing an unconventionally powered, virtually pollution-free automobile within five years.

—I have ordered the start of extensive Federal research and development program in unconventional vehicles, to be conducted under the general direction of the Council on Environmental Quality.

—As an incentive to private developers, I have ordered that the Federal Government should undertake the purchase of privately produced unconventional vehicles for testing and evaluation.

A proposal currently before the Congress would provide a further incentive to private developers by authorizing the Federal government to offer premium prices for purchasing low-pollution cars for its own use. This could be a highly productive program once such automobiles are approaching development, although current estimates are that, initially, prices offered would have to be up to 200% of the cost of equivalent conventional vehicles rather than the 125% contemplated in the proposed legislation. The immediate task, however, is to see that an intensified program of research and development begins at once.

One encouraging aspect of the effort to curb motor vehicle pollution is the extent to which industry itself is taking the initiative. For example, the nation's principal automobile manufacturers are not only developing devices now to meet present and future Federal emission standards, but are also, on their own initiative, preparing to put on the market by 1972 automobiles which will not require and, indeed, must not use leaded gasoline. Such cars will not only discharge no lead into the atmosphere, but will also be equipped with still more effective devices for controlling emissions—devices made possible by the use of lead-free gasoline.

This is a great forward step taken by the manufacturers before any Federal regulation of lead additives or emissions has been imposed. I am confident that the petroleum industry will see to it that suitable non-leaded gasoline is made widely available for these new cars when they come on the market.

STATIONARY-SOURCE POLLUTION

Industries, power plants, furnaces, incinerators—these and other so-called "stationary sources" add enormously to the pollution of the air. In highly industrialized areas, such pollution can quite literally make breathing hazardous to health, and can cause unforeseen atmospheric and meteorological problems as well.

Increasingly, industry itself has been adopting ambitious pollution-control programs, and state and local authorities have been setting and enforcing stricter anti-pollution standards. But they have not gone far enough or fast enough, nor, to be realistic about it, will they be able to without the strongest possible Federal backing. Without effective government standards, industrial firms that spend the necessary money for pollution control may find themselves at a serious economic disadvantage as against their less conscientious competitors. And without effective Federal standards, states and communities that require such controls find themselves at a similar disadvantage in attracting industry, against more permissive rivals. Air is no respecter of political boundaries: a community that sets and enforces strict standards may still find its air polluted from sources in another community or another state.

Under the Clean Air Act of 1967, the Federal government is establishing air quality control regions around the nation's major industrial and metropolitan areas. Within these regions, states are setting air quality standards—permissible levels of pollutants in the air—and developing plans for pollution abatement to achieve those air quality standards. All state air quality standards and implementation plans require Federal approval.

This program has been the first major Federal effort to control air pollution. It has been a useful beginning. But we have learned in the past two years that it has shortcomings. Federal designation of air quality control regions, while necessary in areas where emissions from one state are polluting the air in another, has been a time-consuming process. Adjoining states within the same region often have proposed inconsistent air quality standards, causing further delays for compromise and revision. There are no provisions for controlling pollution *outside* of established air quality control regions. This means that even with the designation of hundreds of such regions, some areas of the country with serious air pollution problems would remain outside of the program. This is unfair not only to the public but to many industries as well, since those within regions with strict requirements could be unfairly disadvantaged with respect to competitors that are not within regions. Finally, insufficient Federal enforcement powers have circumscribed the Federal government's ability to support the states in establishing and enforcing effective abatement programs.

It is time to build on what we have learned, and to begin a more ambitious national effort. I recommend that the Clean Air Act be revised to expand the scope of strict pollution abatement, to simplify the task of industry in pollution abatement through more nearly uniform standards, and to provide special controls against particularly dangerous pollutants.

—I propose that the Federal government establish nationwide air quality standards, with the states to prepare within one year abatement plans for meeting those standards.

This will provide a minimum standard for air quality for all areas of the nation, while permitting states to set more stringent standards for any or all sections within the state. National air quality standards will relieve the states of the lengthy process of standard-setting under Federal supervision, and allow them to concentrate on the immediate business of developing and implementing abatement plans.

These abatement plans would cover areas both inside and outside of Federally designated air quality control regions, and could be designed to achieve any higher levels of air quality which the States might choose to establish. They would include emission standards for stationary sources of air pollution.

—I propose that designation of interstate air quality control regions continue at an accelerated rate, to provide a framework for establishing compatible abatement plans in interstate areas.

—I propose that the Federal government establish national emissions standards for facilities that emit pollutants extremely hazardous to health, and for selected classes of new facilities which could be major contributors to air pollution.

In the first instance, national standards are needed to guarantee the earliest possible elimination of certain air pollutants which are clear health hazards even in minute quantities. In the second instance, national standards will ensure that advanced abatement technology is used in constructing the new facilities, and that levels of air quality are maintained in the face of industrial expansion. Before any emissions standards were established, public hearings would be required involving all interested parties. The States would be responsible for enforcing these standards in conjunction with their own programs.

—I propose that Federal authority to seek court action be extended to include both inter- and intrastate air pollution

situations in which, because of local non-enforcement, air quality is below national standards, or in which emissions standards or implementation timetables are being violated.

—I propose that failure to meet established air quality standards or implementation schedules be made subject to court-imposed fines of up to $10,000 per day.

SOLID WASTE MANAGEMENT

"Solid wastes" are the discarded leftovers of our advanced consumer society. Increasing in volume, they litter the landscape and strain the facilities of municipal governments.

New packaging methods, using materials which do not degrade and cannot easily be burned, create difficult new disposal problems. Though many wastes are potentially re-usable, we often discard today what a generation ago we saved. Most bottles, for example, now are "non-returnable." We re-process used paper less than we used to, not only adding to the burden on municipal sanitation services but also making wasteful use of scarce timberlands. Often the least expensive way to dispose of an old automobile is to abandon it—and millions of people do precisely that, creating eyesores for millions of others.

One way to meet the problem of solid wastes is simply to surrender to it: to continue pouring more and more public money into collection and disposal of whatever happens to be privately produced and discarded. This is the old way; it amounts to a public subsidy of waste pollution. If we are ever truly to gain control of the problem, our goal must be broader: to reduce the volume of wastes and the difficulty of their disposal, and to encourage their constructive re-use instead.

To accomplish this, we need incentives, regulations and research directed especially at two major goals: a) making products more easily disposable—especially containers, which are designed for disposal; and b) re-using and recycling a far greater proportion of waste materials.

As we look toward the long-range future—to 1980, 2000 and beyond—recycling of materials will become increasingly necessary not only for waste disposal but also to conserve resources. While our population grows, each one of us keeps using more of the earth's resources. In the case of many common minerals, more than half those extracted from the earth since time began have been extracted since 1910.

A great deal of our space research has been directed toward creating self-sustaining environments, in which people can live for long periods of time by reprocessing, re-cycling and re-using the same materials. We need to apply this kind of thinking more consciously and more broadly to our patterns of use and disposal of materials here on earth.

Many currently used techniques of solid waste disposal remain crudely deficient. Research and development programs under the Solid Waste Disposal Act of 1965 have added significantly to our knowledge of more efficient techniques. The Act expires this year. I recommend its extension, and I have already moved to broaden its programs.

I have ordered a re-direction of research under the Solid Waste Disposal Act to place greater emphasis on techniques for re-cycling materials, and on development and use of packaging and other materials which will degrade after use—that is, which will become temporary rather than permanent wastes.

Few of America's eyesores are so unsightly as its millions of junk automobiles.

Ordinarily, when a car is retired from use it goes first to a wrecker, who strips it of its valuable parts, and then to a scrap processor, who reduces the remainder to scrap for sale to steel mills. The prices paid by wreckers for junk cars often are less than the cost of transporting them to the wrecking yard. In the case of a severely damaged or "cannibalized" car, instead of paying for it the wrecker may even charge towing costs. Thus the final owner's economic incentive to deliver his car for processing is slight, nonexistent or even negative.

The rate of abandonment is increasing. In New York City, 2,500 cars were towed away as abandoned on the streets in 1960. In 1964, 25,000 were towed away as abandoned; in 1969, more than 50,000.

The way to provide the needed incentive is to apply to the automobile the principle that its price should include not only the cost of producing it, but also the cost of disposing of it.

I have asked the Council on Environmental Quality to take the lead in producing a recommendation for a bounty payment or other system to promote the prompt scrapping of all junk automobiles.

The particular disposal problems presented by the automobile are unique. However, wherever appropriate we should also seek to establish incentives and regulations to encourage the re-use, re-cycling or easier disposal of other commonly used goods.

I have asked the Chairman of the Council on Environmental Quality to work with the Cabinet Committee on the Environment, and with appropriate industry and consumer representatives, toward development of such incentives and regulations for submission to the Congress.

PARKS AND PUBLIC RECREATION

Increasing population, increasing mobility, increasing incomes and increasing leisure will all combine in the years ahead to rank recreational facilities among the most vital of our public resources. Yet land suitable for such facilities, especially near heavily populated areas, is being rapidly swallowed up.

Plain common sense argues that we give greater priority to acquiring now the lands that will be so greatly needed in a few years. Good sense also argues that the Federal Government itself, as the nation's largest landholder, should address itself more imaginatively to the question of making optimum use of its own holdings in a recreation-hungry era.

—I propose full funding in fiscal 1971 of the $327 million available through the Land and Water Conservation Fund for additional park and recreational facilities, with increased emphasis on locations that can be easily reached by the people in crowded urban areas.

—I propose that we adopt a new philosophy for the use of Federally-owned lands, treating them as a precious resource—like money itself—which should be made to serve the highest possible public good.

Acquiring needed recreation areas is a real estate transaction. One third of all the land in the United States—more than 750,000,000 acres—is owned by the Federal Government. Thousands of acres in the heart of metropolitan areas are reserved for only minimal use by Federal installations. To supplement the regularly-appropriated funds available, nothing could be more appropriate than to meet new real estate needs through use of presently-owned real estate, whether by transfer, sale or conversion to a better use.

Until now, the uses to which Federally-owned properties were put has largely been determined by who got them first. As a result, countless properties with enormous potential as recreation areas linger on in the hands of agencies that could just as well—or better—locate elsewhere. Bureaucratic inertia is compounded by a quirk of present accounting procedures, which has the effect of imposing a budgetary penalty on an agency that gives up one piece of property and moves to another, even if the vacated property is sold for 10 times the cost of the new.

The time has come to make more rational use of our enormous wealth of real property, giving a new priority to our newly urgent concern with public recreation—and to make more imaginative use of properties now surplus to finance acquisition of properties now needed.

—By Executive Order, I am directing the heads of all Federal agencies and the Administrator of General Services to institute a review of all Federally-owned real properties that should be considered for other uses. The test will be whether a particular property's continued present use or another would better serve the public interest, considering both the agency's needs and the property's location. Special emphasis will be placed on identifying properties that could appropriately be converted to parks and recreation areas, or sold, so that proceeds can be made available to provide additional park and recreation lands.

—I am establishing a Property Review Board to review the GSA reports and recommend to me what properties should be converted or sold. This Board will consist of the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality and the Administrator of General Services, plus others that I may designate.

—I propose legislation to establish, for the first time, a program for relocating Federal installations that occupy locations that could better be used for other purposes.

This would allow a part of the proceeds from the sales of surplus properties to

be used for relocating such installations, thus making more land available.

—I also propose accompanying legislation to protect the Land and Water Conservation Fund, ensuring that its sources of income would be maintained and possibly increased for purchasing additional parkland.

The net effect would be to increase our capacity to add new park and recreational facilities, by enabling us for the first time to use surplus property sales in a coordinated three-way program: a) by direct conversion from other uses; b) through sale of presently-owned properties and purchase of others with the proceeds; and c) by sale of one Federal property, and use of the proceeds to finance the relocation and conversion costs of making another property available for recreational use.

—I propose that the Department of the Interior be given authority to convey surplus real property to State and local governments for park and recreation purposes at a public benefit discount ranging up to 100 percent.

—I propose that Federal procedures be revised to encourage Federal agencies to make efficient use of real property. This revision should remove the budgetary penalty now imposed on agencies relinquishing one site and moving to another.

As one example of what such a property review can make possible, a sizable stretch of one of California's finest beaches has long been closed to the public because it was part of Camp Pendleton. Last month the Defense Department arranged to make more than a mile of that beach available to the State of California for use as a State park. The remaining beach is sufficient for Camp Pendleton's needs; thus the released stretch represents a shift from low-priority to high-priority use. By carefully weighing alternative uses, a priceless recreational resource was returned to the people for recreational purposes.

Another vast source of potential parklands also lies untapped. We have come to realize that we have too much land available for growing crops and not enough land for parks, open space and recreation.

—I propose that instead of simply paying each year to keep this land idle, we help local governments buy selected parcels of it to provide recreational facilities for use by the people of towns in rural areas. This program has been tried, but allowed to lapse; I propose that we revive and expand it.

—I propose that we also adopt a program of long-term contracts with private owners of idled farmland, providing for its reforestation and public use for such pursuits as hunting, fishing, hiking and picnicking.

ORGANIZING FOR ACTION

The environmental problems we face are deep-rooted and widespread. They can be solved only by a full national effort embracing not only sound, coordinated planning, but also an effective follow-through that reaches into every community in the land. Improving our surroundings is necessarily the business of us all.

At the Federal level, we have begun the process of organizing for this effort.

The Council on Environmental Quality has been established. This Council will be the keeper of our environmental conscience, and a goad to our ingenuity; beyond this, it will have responsibility for ensuring that all our programs and actions are undertaken with a careful respect for the needs of environmental quality. I have already assigned it major responsibilities for new program development, and I shall look to it increasingly for new initiatives.

The Cabinet Committee on the Environment, which I created last year, acts as a coordinating agency for various departmental activities affecting the environment.

To meet future needs, many organizational changes will still be needed. Federal institutions for dealing with the environment and natural resources have developed piecemeal over the years in response to specific needs, not all of which were originally perceived in the light of the concerns we recognize today. Many of their missions appear to overlap, and even to conflict. Last year I asked the President's Advisory Council on Executive Organization, headed by Mr. Roy Ash, to make an especially thorough study of the organization of Federal environmental, natural resource and oceanographic programs, and to report its recommendations to me by April 15. After receiving their report, I shall recommend needed reforms, which will involve major reassignments of responsibilities among Departments.

For many of the same reasons, overlaps in environmental programs extend to the Legislative as well as the Executive branch, so that close consultation will be necessary before major steps are taken.

No matter how well organized government itself might be, however, in the final analysis the key to success lies with the people of America.

Private industry has an especially crucial role. Its resources, its technology, its demonstrated ingenuity in solving problems others only talk about—all these are needed, not only in helping curb the pollution industry itself creates but also in helping devise new and better ways of enhancing all aspects of our environment.

I have ordered that the United States Patent Office give special priority to the processing of applications for patents which could aid in curbing environmental abuses.

Industry already has begun moving swiftly toward a fuller recognition of its own environmental responsibilities, and has made substantial progress in many areas. However, more must be done.

Mobilizing industry's resources requires organization. With a remarkable degree of unanimity, its leaders have indicated their readiness to help.

I will shortly ask a group of the nation's principal industrial leaders to join me in establishing a National Industrial Pollution Control Council.

The Council will work closely with the Council on Environmental Quality, the Citizens' Advisory Committee on Environmental Quality, the Secretary of Commerce and others as appropriate in the development of effective policies for the curbing of air, water, noise and waste pollution from industrial sources. It will work to enlist increased support from business and industry in the drive to reduce pollution, in all its forms, to the minimum level possible. It will provide a mechanism through which, in many cases, government can work with key leaders in various industries to establish voluntary programs for accomplishing desired pollution-control goals.

Patterns of organization often turn out to be only as good as the example set by the organizer. For years, many Federal facilities have themselves been among the worst polluters. The Executive Order I issued last week not only accepts responsibility for putting a swift end to Federal pollution, but puts teeth into the commitment.

I hope this will be an example for others.

At the turn of the century, our chief environmental concern was to conserve what we had—and out of this concern grew the often embattled but always determined "conservation" movement. Today, "conservation" is as important as ever—but no longer is it enough to conserve what we have; we must also restore what we have lost. We have to go beyond conservation to embrace restoration.

The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level; it requires the help of every citizen. It cannot be a matter of simply sitting back and blaming someone else. Neither is it one to be left to a few hundred leaders. Rather, it presents us with one of those rare situations in which each individual everywhere has an opportunity to make a special contribution to his country as well as his community.

Through the Council on Environmental Quality, through the Citizens' Advisory Committee on Environmental Quality, and working with Governors and Mayors and county officials and with concerned private groups, we shall be reaching out in an effort to enlist millions of helping hands, millions of willing spirits—millions of volunteer citizens who will put to themselves the simple question: "What can I do?"

It is in this way—with vigorous Federal leadership, with active enlistment of governments at every level, with the aid of industry and private groups, and above all with the determined participation by individual citizens in every state and every community, that we at last will succeed in restoring the kind of environment we want for ourselves, and the kind the generations that come after deserve to inherit.

This task is ours together. It summons our energy, our ingenuity and our conscience in a cause as fundamental as life itself.

RICHARD NIXON.

THE WHITE HOUSE, *February 10, 1970.*

Mr. SCOTT. Mr. President, the President's extensive message on our environment is no less than the bold and massive start toward reordering our national attitudes and actions. It is a comprehensive and coordinated attack on

the problems which are gnawing away at the quality of life for Americans. Implementation of these massive proposals will start a new era of concern for our environment. These are the most important national actions proposed since another great Republican President, Theodore Roosevelt, took initiative seven decades ago.

The 23 legislative proposals and 14 administrative measures call for an entire new outlook on land, air, and water use. They go far beyond rhetoric and meet the issue of what we must do now head on. Now Congress must act. The bold and innovative legislation proposed by the President deserves the speedy and full attention of Congress. We have waited too long, we have done too little.

Next week, I will introduce into the Senate, as the prime sponsor, the legislation which will implement the President's proposals. I invite cosponsorship from every Senator. I have assured the President and my colleagues that this legislation is top priority for this session of Congress. I hope that massive bipartisan support will assure the American people that we, their Government, after much talk, are willing to act and act now, to protect their precious resources.

Mr. GRIFFIN. Mr. President, in an address to midwestern Governors last Friday, President Nixon called for total mobilization to overcome the environmental crisis.

Today, the President has sent to Congress a program which represents a far-reaching commitment on the part of the Federal Government to improve our environment.

The program will increase 1971 outlays for major environmental programs by 42 percent. Budget authority for 1971 will be increased by 240 percent.

Increased Federal spending, however, is not enough. More research, better coordination of activities, and tougher enforcement measures also are needed. All of these requirements for an effective program are recognized and included in the President's program.

For example, the proposed Environmental Financing Authority will provide coordination of Federal and State financing by insuring that local governments will be able to borrow the necessary funds for financing their share of the cost of municipal waste treatment plants. This type of Federal assistance is just as valuable as direct cash outlays.

A significant indication of the President's commitment is that the newly established Council on Environmental Quality will be directed to become involved in several areas of research, such as solid wastes, agricultural pollution, and low-emission vehicles.

This will assure a continued concern in the White House for environmental problems.

Mr. President, the program which we have received calls for strong bipartisan support—and I am confident that it will receive such support.

It demands widespread public support—and I am sure that support will be forthcoming.

Mr. DOLE. Mr. President, In his state of the Union message, the President of the United States committed his administration to the fight to improve and preserve our rapidly deteriorating environment. In his message to Congress on the environment, the President translated that commitment into legislative and administrative proposals.

The problems of the environment are so vast and critical that they deserve the attention and commitment of the best problem solvers in the Nation. They are not simple problems whose solutions lie merely in rhetoric. Nor are there Republican or Democrat solutions to these problems.

This presidential message represents the most comprehensive and far-reaching commitment of any administration to the problems of environmental improvement. In his 37-point program, including 23 legislative measures and 14 administrative actions, the President has touched the major areas of air and water pollution, solid waste disposal, and the use of Federal lands for public recreation. An important part of the President's message was his appeal for action at every level of government and from every segment of society. This means that industry and private groups, along with the individual citizen, must participate if we are to succeed in restoring the kind of environment we want for ourselves and the kind the generations that come after deserve to inherit.

I hope Senators will examine these proposals carefully and make their views known to the committee throughout its deliberations.

Mr. BOGGS. Mr. President, the message on the environment from President Nixon represents a significant step toward our goal of a better quality of life for all people. The companion legislation which will be presented within a few days should propel us more rapidly toward that moment when our environment becomes cleaner with each passing day, rather than progressively dirtier.

But it will not be achieved easily or cheaply. As the President states in his message:

> The tasks that need doing require money, resolve, and ingenuity—and they are too big to be done by government alone. They call for fundamentally new philosophies of land, air, and water use, for stricter regulation, for expanded government action, for greater citizen involvement, and for new programs to ensure that government, industry, and individuals all are called on to do their share of the job and to pay their share of the cost.

The President offers important proposals for water pollution abatement, with increased funds for construction of sewage treatment plants. Possibly more important than the $4 billion in Federal moneys for the program—enough dollars to do the job, according to present best estimates by the administration—is the imaginative new effort to assist local communities in raising their share of a project's cost. The proposed Environmental Financing Authority will assure all communities of a buyer for their bonds to finance a sewage treatment plant. As the President declares:

> Thus, construction of pollution control facilities will depend not on a community's credit rating, but on its waste disposal needs.

Another important feature of the President's program is the encouragement it offers for State participation in construction of projects to improve water quality. The President suggests modifying the present allocation formula for funds so that special emphasis can be given to areas where facilities are most needed, and where the States offer financial assistance to local communities.

The Nixon administration also proposes new requirements that effluent standards be established on all waters. This means that each outfall pipe will someday have a pollution control standard to meet in addition to current practices setting quality standards in the receiving river or lake. The limit for each source of pollution would be based "on a fair allocation of the total capacity of the waterway to absorb the user's particular kind of waste without becoming polluted," the President says, and thus speed up the move toward clean water across the land. This will have an additional benefit in simply encouraging each State to make a census of each source of potential pollution within its boundaries.

In the field of the control of air pollution, the Nixon administration has offered other significant proposals. Particularly important is the suggestion for effluent standards to be established on new facilities emitting gases into the air. This would be done for those industries offering the greatest potential pollution danger, and tied to the use of the best technology available.

With his lofty goals and promises for heavy Federal financial commitment to cleaner air and water, the President also seeks increased penalties for the recalcitrant. His proposals include a request for the imposition of fines of up to $10,000 per day for any plant that fails to meet established air or water quality standards or implementation schedules.

The automobile, of course, represents the greatest challenge in the control of air pollution. The action announced today by the President should greatly accelerate the effort to reduce pollution from vehicles. The requirement of more stringent emission standards will reduce pollution from internal combustion engines. At the same time, increased research into other propulsion sources meshes the best that appears possible now with the best that technology can bring us in the future.

The President also has committed himself to finding incentives to encourage the recycling of solid wastes, particularly ways to get junked cars off the streets and junkyards and back into the economic pipeline.

The proposals I have touched on represent just a fraction of what the administration has suggested. Other proposals will be made by Senators, as well as by Members of the other body, in the months ahead.

The Committee on Public Works, of which I have the honor to be a member, will have the opportunity to consider many of these proposals.

It is my hope that as the committee considers and debates these and other proposals, it will continue its tradition of bipartisan cooperation in the

consideration of bills dealing with environmental enhancement. This spirit of cooperation has been encouraged by the distinguished chairman of the committee (Mr. RANDOLPH), the distinguished ranking Republican member (Mr. COOPER), and the distinguished chairman of the Subcommittee on Air and Water Pollution (Mr. MUSKIE). It is a spirit that has enabled the committee to report many essential pollution control bills since the formation of the subcommittee in 1963, and thus create a foundation for the President's excellent proposals.

I am confident that we will continue to look upon the environment as a pervasive challenge that can only be met with this cooperative action.

Mr. COOPER. Mr. President, President Nixon's message to the Congress on this day, Feruary 10, 1970, calling upon the Congress and the entire Nation to restore, in his words, "the kind of environment we want for ourselves, and the kind the generations that come after deserve to inherit" is a historic message. He has asked the Nation to move to action, and has made his petition not to the Congress alone but to the States and all citizens as well.

The President presented a comprehensive program, including legislative proposals and administrative actions covering the wide spectrum of programs and decisions required to protect, restore, and secure environmental quality. He proposes substantial changes in programs that have had their origin in the Senate Committee on Public Works, on which I serve as ranking minority member—identifying inadequacies of the present water and air pollution control legislation. Significantly, the President had previously described the problems as beyond partisanship. The Senate Committee on Public Works recognizes this fact, and I am sure that Senator JENNINGS RANDOLPH, chairman of the committee, and Senator EDMUND S. MUSKIE, chairman of the Subcommittee on Air and Water Pollution, will agree, as do Senator BOGGS, the ranking minority member of the subcommittee, and its minority members. I know that the Senate committee will work to secure for the Nation the best legislation it is possible to enact. I look forward with enthusiasm and optimism to the work that can be done in the Senate Committee on Public Works to implement the President's proposals.

The President has given this Nation leadership and direction in recognizing that pollution and degradation of the environment is caused by the Federal Government as well as by State and local governments, industry, and individuals. And all will need to work together in a number of large and continuing efforts to clean up and enhance our environment.

The President, the members of his Cabinet, and his staff have placed before this Nation a document that appeals to the very best in our citizens. Placing environmental issues among the Nation's first priorities, the President appeals to the energy of the citizens of this country to participate in achieving environmental quality. His appeal can be a unifying force, bringing people to work together in their communities, in their States, and in the Nation so that a better equality of life can be achieved.

Mr. President, I ask unanimous consent that there be included in the RECORD at this point a fact sheet, released today by the White House, which summarizes the program contained in the President's message to the Congress on the environment.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

PRESIDENT'S MESSAGE TO THE CONGRESS ON THE ENVIRONMENT

I. THE 37-POINT PROGRAM

Water pollution

1. Authorization of $4 billion to cover the Federal share of $10 billion needed for construction of municipal waste treatment plants. To be allocated at a rate of $1 billion per year over the next four years, with a reassessment in 1973 of further needs for 1973 and subsequent years.

2. Establishment of Environmental Financing Authority to ensure that every municipality can finance its share of treatment plant construction costs.

3. Revision of statutory formula governing allocation of grants for treatment plant construction, to permit construction of plants where need is greatest and where greatest improvements in water quality will result.

4. Requirement that treatment plants be built to prescribed design, operation and maintenance standards, and be operated only by certified operators.

5. Requirement that municipalities impose users fees on industrial users sufficient to meet costs of treating industrial wastes.

6. Requirement of comprehensive river basin plans, to assure that construction of municipal treatment plants is complimented by abatement of all other sources of water pollution.

7. Encouragement of construction of large-scale, regional treatment facilities.

8. Extension of Federal-State water quality standards to include precise effluent standards for all industrial and municipal sources.

9. Provision that violation of established water quality standards is sufficient cause for court action.

10. Revision of Federal enforcement procedures to permit swifter court action against those in violation of water quality standards.

11. Provision that violation of established water quality standards is subject to court-imposed fines of up to $10,000 per day.

12. Authorization for the Secretary of the Interior to seek immediate injunctions where severe water pollution threatens imminent danger to health or irreversible damage to water environment.

13. Extension of Federal pollution control authority to include all navigable waters, both inter- and intra-state, all interstate ground waters, the United States' portion of boundary waters, and waters of the Contiguous Zone.

14. Tripling of Federal operating grants to state pollution agencies—from $10 million now to $30 million in 1975.

Air pollution

15. Publication of new, more stringent motor vehicle emission standards for 1973 and 1975.

16. Revision of auto emissions enforcement procedures, to ensure that all new autos are in compliance with Federal standards.

17. Authorization for the Secretary of Health, Education and Welfare to regulate gasoline composition and additives.

18. Initiation of a research and development program to produce an unconventionally-powered, low-pollution auto within five years.

19. Initiation of testing and evaluation programs to assist private developers of unconventional, low-pollution autos.

20. Establishment of national air quality standards, with the states preparing abatement enforcement plans to meet national standards.

21. Accelerate designation of inter-state air quality control regions.

22. Establishment of national emissions standards for pollutants that are extremely hazardous to health and for specified classes of new facilities.

23. Extension of Federal air pollution control authority to both inter- and intra-state situations.

24. Provision that violation of air quality standards and national emissions standards are subject to court-imposed fines of up to $10,000 per day.

Solid waste management

25. Re-direction of solid waste research toward techniques for re-cycling materials and producing packaging materials that are easily degradable.

26. Council on Environmental Quality to develop bounty payment or similar system to ensure prompt scrapping and re-cycling of junk automobiles.

27. Council on Environmental Quality to work with appropriate industry and consumer groups to develop other incentives or regulations for re-cycling or easier disposal of consumer goods.

Industrial involvement

28. Establishment of National Industrial Pollution Control Council.

29. Priority treatment for patent applications which could aid in curbing environmental abuses.

Parks and recreation

30. Full funding of the $327 million available under the Land and Water Conservation Fund.

31. Review of all Federally-owned real estate to identify properties that can be converted to public recreational use, or sold, with proceeds used to acquire additional recreational areas.

32. Relocation of Federal installations that occupy locations that could better be used for other purposes.

33. Provision that the Land and Water Conservation Fund is maintained or increased as a source of funds for purchase of lands in future years.

34. Authorization for the Department of the Interior to convey surplus real property to State and local governments for park and recreational purposes at public benefit discounts of up to 100%.

35. Revision of budget accounting procedures to encourage Federal agencies to make more efficient use of their properties.

36. Assistance to State and local governments for making constructive recreational use of idled farmlands.

37. Authorization of long-term contracts with owners of idled farmlands for reforestation and other improvements for public recreational use.

II. HIGHLIGHTS OF PRESIDENT'S ENVIRONMENT PROGRAM

Water pollution

Municipal pollution

Major Problems: 1. Federal funding for construction of water treatment plants has been far below the nation's needs.

2. Municipalities with serious pollution problems have often been unable to finance their share of treatment plant construction costs.

Administration Proposals: 1. Federal funding to provide waste treatment in every community in the nation at the fastest rate possible, $10 billion program to begin now.

with assessment in 1973 of needs for 1975 and beyond.

2. Environmental Financing Authority to ensure that all municipalities needing treatment plants can finance local costs.

Industrial Pollution

Major Problem: 1. Regulations on disposal of industrial wastes (regulations apply to municipal wastes as well) have been too weak to prevent increasing water pollution.

Administration Proposal: 1. Reform pollution control program to greatly strengthen regulations on industrial and municipal polluters and permit swift enforcement actions.

Agricultural Pollution

Major Problem: 1. Agricultural pollution sources are diffuse, necessitating control of agricultural methods and materials.

Administration Proposal: 1. Phasing out of DDT and other hard pesticides. Water quality controls on concentrated animal feedlots.

Air Pollution

Automobile Pollution

Major Problems: 1. Emissions from motor vehicles must be reduced greatly if air pollution is to be brought under control.

2. It may be impossible to reduce emissions from conventional automobiles sufficiently to reduce air pollution beyond 1980 in the face of increasing numbers of autos.

Administration Proposals: 1. Strengthen Federal automobile emissions standards and reform enforcement procedures to ensure that they are applied to all new autos. Regulate gasoline composition and additives to achieve maximum possible pollution reduction.

2. Begin a research and development program to produce an unconventionally-powered, low-pollution auto by 1975 if we cannot reduce pollution sufficiently from conventional vehicles.

Pollution from stationary sources

Major Problem: 1. The present program for regulating air pollution from stationary sources is extremely limited in scope and does not provide sufficient enforcement authority against polluters.

Administration Proposal: 1. Establish national air quality standards and extend abatement regulations to all areas of the nation where air quality is below national standards. Establish national emissions standards for extremely hazardous polluters and certain classes of new facilities. Strengthen enforcement authority for swift action against polluters.

Solid wastes

Major Problem: 1. New consumer technologies and marketing methods are creating an increasing volume of waste and refuse. There are few incentives for reusing wastes or disposing of them efficiently.

Administration Proposal: 1. Develop incentives and regulations for reducing volume of wastes, by encouraging products that can be re-cycled or easily disposed.

Parks

Major Problems: 1. Metropolitan expansion is claiming potential recreation areas which will be irretrievable if not acquired *now*.

2. Federal funding for acquisition of recreation areas has been far below national needs.

3. The Federal government has not made imaginative use of its vast real estate assets.

Administration Proposals: 1. Full funding of the Land and Water Conservation Fund: $327 million for fiscal 1971.

2. Identification and conversion of Federal properties which could better be used for public recreation. Selling of some Federal lands for financing of additional recreation areas.

3. Increased use of idled farmland for public recreation.

III. COSTS ESTIMATES FOR A NATIONAL PROGRAM FOR MUNICIPAL SEWAGE TREATMENT PLANT CONSTRUCTION

On the basis of our present knowledge, a national construction program of $10 billion in the next five years for municipal waste treatment plants and interceptor sewers will be required to meet national water quality standards.

The nation has not kept pace with sewage treatment needs in the face of the rapid population increases and concentration in urban centers that has occurred in the first 70 years of this century. There is an immediate need today to construct about 1500 new sewage treatment plants in communities without such facilities around the nation. An excess of 2500 existing plants must be substantially upgraded as of today to accommodate population growth. Major needs exist in the most heavily populated states. For example, at least a half-billion dollar public investment, or more, must be made in states like New York, Pennsylvania, California, Massachusetts, Ohio, Texas, Illinois and New Jersey.

These estimates rest upon an exhaustive study that has been carried out by the Federal Water Pollution Control Administration over the last 3 years, and it is corroborated by an independent canvass of the states. The FWPCA analysis concludes that an investment of $4.9 billion will be required to eliminate existing waste treatment deficiencies within 5 years; and during that time, growth of demand and replacement requirements will each add about $2.5 billion to the investment required. The conclusion rests upon an evaluation of reported needs for every public sewage system in the U.S., as they were defined individually by each state, and historical relationship between the value of capital in place, replacement, and growth of demand on systems over the last 18 years.

To supplement that analysis, each state was independently requested to estimate the total amount of its needed investment for the next 5 years, without consideration of financial constraints. Those estimates total $10.2 billion—actually slightly less than FWPCA's figure, because a number of the states reported investment needs for a 6-year rather than a 5-year period.

We will refine these investment studies on a continuing basis and a total reassessment will be conducted in 1973 to assure that water quality objectives are fully achieved by 1975.

IV. THE ENVIRONMENTAL FINANCING AUTHORITY

The President's waste treatment financing proposal will require $6 billion of State and local financing to match the Federal share of $4 billion. This provides a total program of $10 billion of waste treatment plant construction. If the Administration's water pollution goals are to be met, it will be necessary to provide more than the Federal share of cash grants. It will also be necessary to assure that adequate financing for the State and local share will be available.

The President is proposing the establishment of an Environmental Financing Authority (EFA) to assure that no State or local body will be unable to meet water quality standards because of the inability to borrow necessary funds. The net effect of the new authority will be to provide a conduit. Local communities that would normally have difficulty in obtaining financing will be able to use this conduit to tap the capital market on favorable terms.

Under the bill, the Secretary of the Interior would identify communities that are unable to finance at reasonable rates the local share of approved waste treatment grant projects. The Secretary would guarantee timely payment of principal and interest on obligations that are sold to the Environmental Financing Authority for this purpose. The Authority would obtain funds to make these purchases by issuing its own taxable obligations in the capital market in large enough blocks to provide favorable reception. The Secretary of the Treasury would also be authorized to purchase EFA obligations, thus assuring availability of funds to meet the requirements of the Authority.

The interest rate at which EFA would purchase State and local obligations would be determined by the Secretary of the Treasury, taking into consideration current yields on comparable Federal obligations, obligations issued by EFA, and municipal obligations. The Treasury would make a differential payment to EFA to cover the difference between the interest received on the tax-exempt bonds purchased and the interest paid on the taxable bonds issued.

The authority would have a five-man board of directors, with the Secretary of the Treasury as Chairman. Each director will be a Government employee who would not receive additional compensation. Initial capital will be advanced by the Treasury. EFA would be authorized to charge fees for its commitments and other services that are adequate to cover all expenses and to provide for accumulation of contingency reserves. EFA would be required to transmit to the President and the Congress an annual report of its operations.

V. BUDGET IMPACT OF ENVIRONMENTAL PROGRAMS

OUTLAYS FOR MAJOR ENVIRONMENTAL QUALITY PROGRAMS

[Fiscal years. Dollar amounts in millions]

	1969 actual	1970 estimate	1971 estimate	1971 increase	
				Amount	Percent
Federal Water Pollution Control Administration	$215	$258	$465	+$207	+80
National Air Pollution Control Administration	57	80	104	+24	+31
Recreational resources	372	447	546	+99	+22
Total	644	785	1,115	330	42

BUDGET AUTHORITY FOR MAJOR ENVIRONMENTAL QUALITY PROGRAMS

Federal Water Pollution Control Administration	$301	$886	$4,101	+$3,215	+363
National Air Pollution Control Administration	88	96	106	+10	+10
Recreational resources	427	432	597	+165	+38
Total	816	1,414	4,804	3,390	240

Mr. HART. Mr. President, there is much praise in President Nixon's message on the environment, but it should be recognized that the message raises as many questions as it answers.

Certainly the President's proposals to broaden water and air quality standards are welcomed.

Only with national standards can we be certain that the company which seeks

to protect the environment will not be put at a competitive disadvantage, in terms of production costs, with a firm located where local or State standards are less stringent.

Also, the added enforcement tools the President asks are steps in the right direction.

Having read the message, the big question remains: Will the program really get us moving against pollution?

For example, the President estimates "it will take a total capital investment of about $10 billion over a 5-year period to provide the municipal waste treatment plants and interceptor lines needed to meet our national water quality standards."

He goes on to propose that the Federal Government provide only $1 billion annually for 4 years, with the rest to be raised through State and local bond issues. He further proposes to create an Environmental Financing Authority to buy any such bonds a State or municipality is unable to sell. The authority will in turn sell its own bonds on the taxable market.

These questions come immediately to mind.

First. Given the high interest rates, which may well continue throughout the decade, how much does this approach increase the cost of the program over straight-out grants of say $2 billion annually for 5 years? The taxpayer pays either way.

Second. What effect will this approach have on the economy? Might it not add more inflationary pressures to the already overburdened bond market?

Third. At what point in time and at what interest rate will it be determined that the bonds cannot be sold locally?

Fourth. And what happens if a municipality or a State has used up its limit of bonded indebtedness? Must we wait for the State legislature to increase that limit before a project is started?

Only when we know the answers to those questions will we know if this proposal will result in swift and tangible progress in the effort to clean our waterways.

Let us hope the answers show just that, but if they do not, let us be prepared to take necessary steps to match the pace of the program to the urgent need. And let us be prepared to ask what level of treatment we can achieve through this program, and whether we ought to plan now to go further.

There can be no question of that urgency.

Michigan alone will need $1.5 billion by 1980 to build the sewage treatment facilities, lateral sewer line and storm sewers it needs to meet minimum water quality standards. While Federal money is not available for all of these needs, funds must come from the public. The more the Federal-aid programs cost the public, the less there will be available for those projects to be financed without Federal assistance.

Mr. President, while I endorsed the proposal to broaden the effect of air and water quality standards, I am disappointed that no mention is made of going beyond minimum standards to require the best reasonable alternative in connection with certain types of programs.

The Senate recently accepted my amendment to the Urban Mass Transportation Act which would require the Secretary of Transportation to make just such a determination before approving Federal funds for a mass transit project.

It seems to me this requirement should be applied to all appropriate Federal programs.

Under his discussion of air pollution, the President recommended that States be allowed to impose standards stricter than required by the Federal Government.

I would hope that the administration will vigorously endorse the same principle in regard to radioactive emissions from nuclear powerplants.

The President outlined an ambitious program to reduce the amount of air pollution caused by the internal combustion engine. I regret he did not give stronger support to the bill before Congress which would use the purchasing power of the Federal Government to accelerate the development of low-emission motor vehicles.

Similarly, there was much to applaud in his discussion of land usage. No one can take exception to his statement that "plain commonsense argues that we give greater priority to acquiring now the lands that will be so greatly needed in a few years."

And to back up that statement, the President has requested the full $327 million available for park and recreational facilities from the Land and Water Conservation Fund.

That request gives rise to expectations that the administration may soon endorse a proposal to make Sleeping Bear Dunes in Michigan a national lakeshore. Certainly, there is no better example of a precious resource which could be ruined forever if we do not act promptly.

There was one serious omission in the part of the President's statement relating to land use.

While stress was placed on the wise and best use of federally owned land, no mention was made of requiring the same approach in selecting sites for airports, highways, and other projects which involve Federal dollars and privately, locally, or State-owned property. If we are to protect our environment, we must be concerned, for example, with the questions of where or if a new highway should be built. There appears no reason to give less attention to the answers to those questions than in those cases in which Federal land, rather than Federal money is involved.

To sum up, one is impressed with the scope of the President's message. If there are questions unanswered, or serious omissions, it is up to Congress to supply the answers and fill in the blanks.

Pollution recognizes no political or geographic boundaries.

Neither should we in Congress as we work to implement, perfect and enlarge, where necessary, the proposal the President outlined for us today.

Mr. BAKER. Mr. President, every American citizen—whether he knows it or not—has a major stake in the quality of our physical environment. Fortunately, more and more American citizens have become aware in recent years and months of the deteriorating quality of that environment. This growing public concern about pollution and other assaults on the environment not only demands but will permit effective public and private action.

In his message to the Congress on the state of the Union, President Nixon responded to this public challenge by making an unprecedented national commitment to improving the quality of American life. Within the context and given the limitations of that occasion, there were few specific indications of how the President and his administration hoped to promote—in fact—the improved quality of which he spoke so compellingly. Some reacted to the President's speech critically, alleging that it was no more than new rhetoric and that words, however noble and well-intended, are no substitute for action and, perhaps most important of all, for money.

Today, the President has sent to the Congress a major message setting forth in great detail the short- and long-term goals of his administration in the major areas of environmental concern—water pollution, air pollution, solid waste management, parklands and public recreation, and the need for new institutional organizations for coordinating and administering the new policies and programs. The message is accompanied by drafts of legislation proposed to the Congress. Others will follow during the coming weeks.

Since coming to the Senate in 1967, I have had the privilege of serving on the Senate Subcommittee on Air and Water Pollution. During these 3 years I have had an unusual opportunity to become familiar with the dimensions of the environmental problem and with the tremendous obstacles that must be overcome on the way to its alleviation. Thus it is something more than perfunctory applause when I say that I find this message from the President an extraordinarily significant and hopeful document. It is no less than the blueprint for a physical environment in which the individual freedom which is the end of our Government will be able to thrive and flourish.

Some will find fault with the President's program, for whatever reason. When such criticism is responsible it will be welcomed, and the program will be strengthened by constructive competition. But progress toward environmental quality will, in the future, be cast in terms of refining the President's program. This is the document that will serve as the basis for future action. This is, henceforth, the touchstone, the benchmark.

The program of the President, today, contains 37 points. Each of the points is designed to meet a particular aspect of the larger, total problem of which each part is intimately related to the other.

But the program as a whole is based on several very fundamental assumptions about the problem and about our econ-

omy and our social institutions. It acknowledges, first, that material prosperity and a quality environment are not mutually exclusive, as some romantics would have us believe; thus the choice is not between a higher standard of living and a higher environmental standard. As the President says in his message, the damage done to our environment "has not been the inevitable byproduct either of advancing technology or of growing production. It results not so much from choices made, as from choices neglected: not from malign intention but from failure to take into account the full consequences of our action." Thus, the problem has two faces: One retrospective and the other prospective. We must act to correct the unwanted side effects of past choices and, by no means less important, we must act in such a way as to anticipate the unwanted side effects of future choices and fail to make them.

The second basic assumption of the President's program is that the market system of our free enterprise must be supplemented by selected Government actions in a joint effort to clean up the environment and keep it clean. With a profound and fundamental understanding of the way in which our material and political freedom is enhanced by the competitive nature of a free enterprise economy, the President has chosen not to disrupt the essential competitive function but to equalize through Federal regulation and incentive any "external diseconomy" that will result from the investments that must be made in a quality environment. Thus the free market will continue to operate, with Government regulation affecting all as equitably as possible, and with the people, the consumers making free choices between various alternative goods and services.

The third basic assumption is one relating to the Federal structure, the relationship between the National Government and State and local governments. Existing legislation for the abatement and control of air and water pollution has reserved to the States and localities the primary responsibility for standard setting, for the establishment of the standards that govern the emissions and effluents that degrade our environment. This approach was taken out of the finest deference to our federal system and to the conviction that power should always be as close as possible to the people. Many States and localities have moved with great vigor and commitment in establishing standards for pollution control and abatement. But, because more stringent standards impose greater external diseconomies on existing and prospective productive facilities, the natural and healthy competition between States and localities for greater economic growth has often tended to impede the genuinely effective action that is so clearly needed. The President's program will relieve this problem by establishing national air quality standards and water quality standards amended to reflect the specific requirements of entire river systems. The Federal-State partnership will continue but will be modified in such a way as to relieve the States in many ways of the responsibility of imposing on themselves requirements that conflict their ability to compete for economic growth.

Mr. President, to say that the problem of environmental quality should transcend partisan politics discounts the very real contribution made to our national life by the two-party system. There can be little harm in efforts by all of us to come up with the very best policies and programs for improving the quality of our environment; from such competition, whatever its motivation, comes public benefit. What cannot be excused is the obstruction of a program in the national interest, whatever the reason. The message of the President that we have received today is a great cornerstone on which the foundation of our environment for the future will be built.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. ERVIN. Mr. President, I yield to the able and distinguished majority leader for what I understand will be a unanimous-consent request, without losing my right to the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that this request may be placed in the RECORD so that the continuity of the speech of the Senator from North Carolina will not be interrupted.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer on Tuesday next there be a time limitation on all amendments of 2 hours each, the time to be equally divided between the sponsor of the amendment and the manager of the bill, or whomever they may designate; and that there be 5 hours of debate on the bill itself.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed. I yield.

Mr. JAVITS. Mr. President, I believe we must protect ourselves, because time and time again we fail to take care of amendments to amendments.

Mr. MANSFIELD. This is just the amendments.

Mr. JAVITS. I know, but we have to include time for amendments to amendments. If we omit that, we are in trouble. So I respectfully suggest that amendments to any amendment shall have 1 hour, divided equally; but let us take care of Senators who may wish to amend the amendments of other Senators instead of shutting them out.

Mr. MANSFIELD. Mr. President, I wish to ask for the comment of the distinguished Senator from Mississippi in that respect. We could do that if the Senator wishes and make it 6 hours on the bill.

Mr. STENNIS. Mr. President, if the Senator will yield, as I understand the situation, the proposal was for 1 hour to a side on each amendment to the amendment.

Mr. JAVITS. I made that suggestion as a reasonable time.

Mr. MANSFIELD. One hour, 30 minutes to a side.

Mr. SCOTT. Thirty minutes to a side.

Mr. STENNIS. I am agreeable to having controlled time, but we do not know the sweeping nature of some of those amendments. I think we should allow 1 hour to a side on these amendments to amendments.

Mr. JAVITS. That is all right.

Mr. STENNIS. And, according to the subject matter, perhaps we can yield back time.

Mr. JAVITS. I agree.

Mr. STENNIS. Mr. President, if I may make a parliamentary inquiry, reserving the right to object, and I shall not object——

Mr. MANSFIELD. Mr. President, first would the Senator allow me to amend my unanimous-consent request to include 2 hours on each amendment to an amendment?

Mr. STENNIS. Yes.

Mr. MANSFIELD. I thank the Senator.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. If there should arise an occasion where there is a substitute for an amendment offered, that substitute would have 2 hours to a side.

Mr. MANSFIELD. That is correct.

The PRESIDING OFFICER. That is included in the proposed agreement.

Mr. ERVIN. I would like to ask a question for clarification. I have an amendment which would accord to school administrators and teachers who contracted to teach in specific schools the right to continue to teach in their schools and not have that right taken away by the Department of Health, Education, and Welfare. I wish to clarify that amendment a little. I understand this agreement would not prohibit my clarifying it.

Mr. MANSFIELD. No, sir.

Mr. ERVIN. But it would be covered by the restriction of time on the amendment.

Mr. MANSFIELD. Exactly. It would cover all amendments.

Mr. JAVITS. And amendments thereto.

Mr. STENNIS. Mr. President, reserving the right to object and I shall not object, there never has been any purpose on the part of those of us who offer these amendments to filibuster or delay a vote or cause any delay anytime to get to the merits of this matter. I think that is clearly demonstrated during the debate we have had on the amendment. Personally, I would like to have had a vote today but this is what it seems we can agree on. I am not being personal at all. This is substantially what I proposed myself.

Mr. President, I just mention that to refute the implications that frequently try to arise on bills of this kind that there is some disposition to unduly delay the vote. I am delighted we can have an agreement.

Mr. JAVITS. Mr. President, reserving the right to object and I shall not object, we, too, wanted a vote today and we wanted it when most of the Members were here, which would be at or about this time. We have not charged, in terms of the bill, any filibuster or dragging of feet at all. I would not wish the implication made that we did not want to vote. We wanted one yesterday and today. But be that as it may and that is neither here nor there the record should be clear that we are satisfied with this arrangement.

Mr. SCOTT. Mr. President, I am entirely satisfied. We have worked out the best arrangement we could.

Mr. MANSFIELD. I am not satisfied. I am disappointed that we could not get to at least one vote today. But that is the way the ball rolls, as they say.

Mr. President, can we have a ruling?

The PRESIDING OFFICER. The Senator wants the usual form?

Mr. MANSFIELD. Yes, indeed.

Mr. HOLLAND. Mr. President, would this include the requirement of germaneness?

Mr. MANSFIELD. Yes, sir.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object and I shall not object, I wonder if the able majority leader meant to include disposition of the reading of the Journal prior to the time limitation.

Mr. MANSFIELD. That is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(The unanimous-consent agreement, later reduced to writing, is as follows:)

Ordered, That effective on Tuesday, February 17, 1970, after the approval of the Journal, during the further consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, debate on any amendment, motion, or appeal except a motion to lay on the table shall be limited to 2 hours, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill or their designees; *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Minority Leader or some Senator designated by him; Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 5 hours, to be equally divided and controlled, respectively, by the majority and minority leaders; Provided, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. MANSFIELD subsequently said: Mr. President, if the Senator will yield briefly once again, I left out the stipulation that amendments already at the desk would be excluded. I ask unanimous consent that the agreements be corrected.

The PRESIDING OFFICER. From germaneness?

Mr. MANSFIELD. From germaneness. The ones at the desk already.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO NOON ON MONDAY, FEBRUARY 16, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon on Monday next.

Mr. SCOTT. It is under the resolution.

Mr. MANSFIELD. There is nothing like emphasizing it.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, it is the intention of the joint leadership on Monday next to spend the entire day on the appropriations for the Senate committees beginning with Calendar No. 659, Senate Resolution 332. There are a large number of these resolutions. It will take all day. The distinguished senior Senator from Louisiana (Mr. ELLENDER) will have some extended remarks to make on that occasion.

So I would hope that we would have a good attendance then. If Senators are not present and they do not get the moneys they are requesting, they will have no one to blame but themselves. But Monday will be resolutions day for the committees.

I hope we will have further business this afternoon. I hope no Senator rushes off because we have a unanimous-consent agreement. I think this afternoon we ought to have all the speeches which can be gotten out of the way and all the legislation we can pass.

Mr. SCOTT. Mr. President, if the Senator will yield, I would like to associate myself with the statement made by the distinguished senior Senator from New York—that I, too, was ready to vote today; hoped we would; but we will not. When I say I am satisfied, I am satisfied in the Senate sense, which is the art of the possible.

I would like to make inquiry of the distinguished majority leader with regard to Tuesday. Some suggestion has been made that we might meet on Tuesday at 11 instead of 12. I hope it will not be earlier, because we probably will have a leadership meeting at the White House that morning, but we have no objection to 11 o'clock that morning, if the majority leader wishes.

ORDER FOR ADJOURNMENT FROM MONDAY, FEBRUARY 16, TO 11 A.M. TUESDAY, FEBRUARY 17, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the business of the Senate on Monday next, it stand in adjournment until 11 o'clock Tuesday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I make the same request that these proceedings appear in the RECORD after the body of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the able and distinguished junior Senator from Georgia under the following conditions: First, that I will not lose the floor; second, that he may make inquiry of me or may make observations or engage in a colloquy with me and that whatever he says or I say in connection therewith shall be printed at the conclusion of my remarks in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I listened with interest to the remarks made by the distinguished Federal judge for the middle district of Georgia, Judge J. Robert Elliott. I have known Judge Elliott now for some 40 years. He was an outstanding scholar in school. He was the son of a Methodist minister. I first saw him as a participant in a debate in which a debating team from Oxford, England, took part. I was impressed with his ability at that time, and I still am. I think he correctly stated the law, and I share his views.

Let me say also that I have heard the major portion of a very outstanding address by my warm friend and distinguished senior Senator from North Carolina. I think he has made an eloquent plea to uphold the Constitution of the United States for all Americans, of every color and every creed, from every State in the Union. I hope the Senate will heed his advice and words of wisdom.

Mr. ERVIN. I thank my distinguished friend from Georgia.

(This marks the end of the proceedings which took place during the delivery of Mr. ERVIN's address and which were ordered to be printed at this point in the RECORD by unanimous consent.)

Mr. STENNIS. Mr. President, before the Senator yields the floor, will he yield to me?

Mr. ERVIN. I yield.

Mr. STENNIS. Mr. President, I have given a great deal of attention to the Senator's amendment——

Mr. ERVIN. Before yielding, I understand that under the unanimous-consent agreement, amendments have to be drafted today in order to be eligible. I should like to have the attention of the majority leader. I have just been informed of something I did not understand before, that amendments, in order to be eligible, would have to be drafted today.

Mr. MANSFIELD. No. Any germane amendment can be offered at any time up to third reading.

Mr. ERVIN. That is what I had understood, but I was informed that someone had a different opinion.

The PRESIDING OFFICER. That is correct.

Mr. ERVIN. I have only one other amendment, which is just a clarifying amendment.

I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me. I wanted to say that I have given a great deal of time to the study of his fine group of amendments, and commend him highly. I congratulate him warmly upon their completeness, upon his approach, and upon the enlightened way that they are put together.

I have heard a part of the Senator's speech. I wish I could have heard all of it, but I had duties in the cloakroom and off the floor. I know the merits of the Senator's position are very strong. He knows the subject matter of the school problem, and he knows the law on the subject.

I think our fellow Senators, as well informed as they are and as circumspect as they are in the performance of their duties, simply do not realize, and cannot realize unless they have been involved in it, the problem that has been created by this massive demand for immediate integration by the Supreme Court. They just cannot realize the distress, the frustration, the uncertainty and, really, the destruction of the spirit—and there is a spirit to a school.

The demand is so great that we are losing many of our teachers. We are losing administrators. I have had them call me, and write to me, and wait up here all day, just to get my opinion as to whether or not things are going to get better. Certainly I am not a wise man, but they feel as though I am in touch with the matter. Teachers who are planning their futures, young men with families who are teaching, are considering that if the situation does not improve, they are going to have to seek other employment.

Mr. ERVIN. One thing that is strange to me is the court's attitude on the matter of contract impairment. I intend to offer an amendment in behalf of school administrators with reference to that issue.

Virtually every school administrator and every teacher contracts to serve a particular school because of the proximity of that school to his home, among other considerations. The Constitution of the United States says that no State shall pass any law impairing the obligation of a contract. If the legislature of any State of this Union should pass a law providing what the school boards are required to do with respect to shifting administrators and teachers about, they would be violating the Constitution.

Yet, we have Federal courts and HEW officials who absolutely require State school boards to violate the Constitution of the United States insofar as impairing the obligation of a contract is concerned; and we have the Federal courts and the HEW requiring school boards to violate the equal protection clause of the 14th amendment, so as to rob little children of their freedom to go to their neighborhood schools.

As the Senator from Mississippi has stated, unless you live in one of these States, you cannot appreciate the unspeakable tyrannies being practiced upon the people of the Southern States. I have probably 8,000 letters from people in North Carolina. I received 3,000 letters in a period of about 4 days from one of the largest cities in my State, Winston-Salem, complaining of an order of the court requiring 500 teachers to change their schools in the middle of a school term. I wish I had time to read those letters. Many of them are pathetic. I received one from a lady in Warrenton, N.C. She said:

> My husband and I took everything we had and everything we could borrow to acquire a home across the street from an elementary school so our little children could walk across the street to their school.

She said:

> They will not let my 9-year-old daughter walk across the street to school any longer, but they compel her each day to get on a bus and ride 5½ miles out into the county, in order to mix her racially, together with eight other white children, in a school of 103 black children.

These things are happening in hundreds of thousands of instances in the South. In my State, some children are required by court order to ride buses 2 hours or 2½ hours a day, to get to and from school, when those children live within 1 or 2 or 3 blocks of a school.

Why any men who believe in justice, not to speak of mercy, will visit these unspeakable tyrannies upon little helpless children is something my mind and my heart cannot comprehend.

Mr. STENNIS. The Senator is a fine constitutional lawyer, as he has demonstrated in many ways. I want to ask him this: Where in the Constitution is there power for the Government to reach over into a man's family and take his children and bus them, against the parents' will, a distance of 5 miles, 10 miles, 15 miles, 20 miles—not relevant, particularly—just to create a racial balance or percentage or ratio of any kind? Does the Senator know of any reasoning that permits that?

Mr. ERVIN. There is not a syllable in the Constitution that authorizes courts to do that—not a single syllable. On the contrary, while the courts profess to be acting under the equal protection clause of the 14th amendment, that kind of action, if done by a State, would be an unconstitutional, flagrant, and blatant violation of the constitutional provision under which the courts profess to act. I do not mind saying this publicly, because, to my mind, as I have said before, tyranny on the bench is just as reprehensible as tyranny on the throne. And I intend to fight for the freedom of the American people as long as God gives me a heart to love them.

Mr. STENNIS. Let it not be said that moving children around in the schools in order to balance the racial ratio is not being done by the Federal Government. It is being done. I know of instance after instance in which the people representing the HEW or the Department of Justice have told a school superintendent, the executive director for the school board of the district, "Put them where you please, as long as you keep the ratio in line with the ratio of the races." That is happening over and over. I know it is. It may be disputed, but that is their game.

Mr. ERVIN. I had a conversation with a very learned man some time ago, and I told him that the only possible solution to this problem, the only thing that is going to bring peace to this Nation, the only thing that is going to unite the North and the South, and the only thing that is going to bring the races into more harmony is the freedom of choice system.

Mr. STENNIS. That is correct.

Mr. ERVIN. He said to me, "I would be for freedom of choice as a proper solution, provided we did not have any coercion."

I said, "But, you would substitute, for fear some private individuals might practice a little coercion under a freedom of choice system, the most colossal coercion of an economic nature that this country has ever dreamed of—HEW taking billions of dollars of Federal appropriations to coerce economically these school boards into doing their bidding, which is absolutely inconsistent with the Constitution—not only inconsistent with the Constitution but also inconsistent with good horse sense." Of course, private coercion is already prohibited by an act which became law on April 11, 1969, which I commented on in my colloquy with the senior Senator from South Carolina.

Mr. STENNIS. I believe that one point has not been developed in this debate. I have found Mr. Panetta, of HEW, to be a rather frank man. I ask him, "What are you going to do now, after a school district has obeyed all the court orders and has totally integrated the school and there is no longer any remnant of the so-called dual system or anything like that? Are you going to agree that the court may enter a final decree and dismiss the suit as to the defendants?"

He said, "Yes."

I said, "Well, then what are you going to do?"

He said, "Well, we are going to keep a surveillance over them"—I am talking about the South now—"and we are going to continue to watch them; and if there is any evidence of gerrymandering or of meandering or of artificial creation of districts, then we are going to bring them back into court."

Mr. ERVIN. As a matter of fact, Mr. Panetta's department has compelled the gerrymandering of school districts all through the South.

Mr. STENNIS. Yes. That is my point. That is exactly what they are doing now—gerrymandering everywhere, trying to get their percentages.

Another point is that here is a man, in this free government of ours, saying, frankly, that he is going to perpetuate the police authority over these school districts. Our friends in the North, or in any area outside the South—I will put

it that way—do not know anything about that. The position is, "That is a different kind, and we do not have the proof." So they do not make this effort to police them. They do not make this inquiry.

Mr. ERVIN. I think one reason is that they know that in a few days, if they tried the same thing in the North that they tried on us, they would be fired from their jobs and would have to find other ways to make a living.

Mr. STENNIS. I want to add this point: We in the South, who are being subjected to the things we have related, need help. We need help beyond our borders. We do not have the political strength—we do not have the votes on this floor, we do not have them in the House of Representatives, and we do not have the electoral votes in the electoral college—to protect ourselves. We appeal—I do—I appeal to the fair-thinking people beyond the South to consider this matter, this problem, and try to help us find a solution. We will work on some reasonable basis, because our educational system is being destroyed. It may be restored at sometime. But these children, as they are coming along—8, 9, 10, 11, and 12 years of age—will never have those years back, and it is going to be a gap, the lost group.

I had thought there was hope in what the President was going to do in appointing a very high level commission. I do not know that a commission can do much, however. It will take a judiciary that changes its mind on some facts, and it will take some action in this Congress.

Mr. ERVIN. It is going to take a Supreme Court which recognizes, once again, that our Constitution was brought into being to create a free society, and that our Constitution does not contemplate that little, helpless, and hapless children shall be made the puppets of a judicial oligarchy. That is what it is going to take.

Mr. STENNIS. I have an example. Some of the people I have known who have represented HEW have been real educators. They knew their subject. I know as a fact that when they were hurried out into the school districts in my State last July and August, some of the very best ones told some of our better school administrators: "I want you to know that, as a professional man, these plans that we are filing are not sound educationally and that I know they can't be carried out." Those very plans were approved by the Supreme Court of the United States in the October decisions, after all the testimony of HEW and the Department of Justice had indicated there was not time to prepare plans.

That shows the very willful demand of the court decrees, regardless of the facts—do it, anyway. These districts were told later in open court, by the Circuit Court of Appeals panel, "We know you cannot do all these things; we know it cannot be done; but we have to order you to do it, anyway."

Mr. ERVIN. One other point that has not been touched upon in this debate is that the Federal courts do not process the competence to operate school systems.

If anyone doubts that, he should read the 118-page opinion of Judge Skelly Wright in the District case. He solemnly adjudged that the Constitution now forbids a school board to offer a bright and diligent student the opportunity to learn anything more than what it offers to teach a dull and lazy student.

The Constitution of my country does no such thing. The Constitution of my country does not impose upon the schoolchildren of American an equality of inferiority as Judge Wright says it does.

The Constitution of my country presupposes that every American shall have an inalienable right to make of himself that which God Almighty gave him the power to become.

Mr. STENNIS. I appreciate greatly the Senator's remarks. I am thankful that he yielded to me so that I could congratulate him on a very fine speech.

Mr. ERVIN. I thank the Senator.

Mr. President, I yield the floor.

Mr. YARBOROUGH. Mr. President, today the Senate is considering legislation that strengthens and reaffirms the national commitment to quality education. The Elementary and Secondary Education Amendments of 1969 will expand, improve, and extend for 4 years the programs first enacted in 1965 to upgrade education and teaching in our elementary and secondary schools.

As chairman of the Committee on Labor and Public Welfare, where so much time and effort went into the hearings and executive consideration of the bill, I am proud that we brought this bill to the floor with the unanimous support of committee members.

In addition to extending basic authorities, H.R. 514 also makes changes designed to assure that the money it authorizes is spent effectively.

TITLE I

One of these changes is in title I, for the education of disadvantaged children. This title is the Federal effort to solve one of our most critical social problems: adequate education for the children of the Nation's poor.

Each year, 16,000 school districts receive money under this title, and offer its special services to 9 million poor children. For Texas, existing law authorizes $140,043,000 under this title. Since appropriations fall far short of educational authorizations, averaging only about one-third in the President's budget for elementary and secondary education, Texas actually received $73 million in fiscal year 1969 for title I, and is budgeted for $74.5 million in fiscal 1970.

Texas is typical in that it is receiving only 53 percent of what it is authorized to receive for title I. When charges are made that this effort to give better education to children from poor families is failing, or unsuccessful, we have to remember it is operating with only half the money it was intended to have. Fund title I fully, I say to the administration and to Congress, before drawing your conclusions as to its worth and success.

It is ironic, too, that while the President castigates impacted aid for not putting money into the poor districts, he still economizes on the poor districts, too. Even his budget for fiscal year 1971 shows an increase of only $74 million for title I over the meager requests he submitted last year. It barely keeps up with price increases. The continued starvation budget for title I undermines completely the President's arguments about impacted aid.

In the bill, we have amended title I to raise from $3,000 to $4,000 the low income factor, beginning in fiscal year 1973. This means that poor children will be those from families having an income less than $4,000, compared to the $3,000 figure we use today. The poverty line we use today is $3,500 for a family of four. Since this is a 4-year bill, it is reasonable and realistic to adjust this figure to $4,000, beginning July 1, 1972.

The second major change in title I takes note of the special financial hardship for school districts having large numbers of poor children. It follows that when a high percent of their children come from poor families, the school district has little financial base from which to get money to run the schools.

Therefore, we added to title I special grants to districts serving high concentrations of poor children. The formula calls for grants to districts with 20 percent or more title I pupils, or 5,000 and over, if that figure is at least 5 percent of the children in the district. We believe that urban and rural areas will benefit equally under this formula.

SCHOOL LIBRARIES

The existing program for putting libraries and library materials into elementary and secondary schools has been so successful that we have extended it and increased its authorization. In the first 3 years, this section of the law has brought 12,234 libraries into public schools, serving 6 million children. But the job is not finished. In Texas alone, 40 percent of our elementary schools still lack a library. The bill carries increased authorizations for title II of $200 million for fiscal year 1971, rising to $230 million in 1974.

BILINGUAL EDUCATION

Children whose families speak a language other than English at home, have a greater handicap in our school system than any other group. Understandably, their dropout rate is very high. In the Bilingual Education Act of 1967, which I authored, we finally recognized that this dropout rate was more a case of the school system leaving them out.

In bilingual education, we make it possible for these children to learn in the language they hear and speak at home as well as the national language of English. Of the 76 projects funded in fiscal 1970, 65 are for Spanish-speaking children. The 1968 provides money for bilingual teaching, and for training the teachers.

The bill extends this act for 4 years, and raises the authorization to $80 million in fiscal year 1971, $100 million in fiscal year 1972, $135 million in 1973, and $170 million in fiscal year 1974. It also adds schools on Indian reservations to those who may submit bilingual projects for funding.

I call attention, however, to the lack

of funding that has crippled the effectiveness of bilingual education. The 1970 budget called for $10 million of the $40 million authorized. In the vetoed appropriation bill, Congress approved $25 million. In this bill, we double the authorization to $80 million for fiscal 1971.

But the budget the President sent us Monday still asks that only $10 million be spent. That would be one-eighth of the sum the Committee on Labor and Public Welfare is recommending.

The great promise of bilingual education will never be realized until we provide the money to operate it, until we breathe financial life into the programs we can only create on paper with our authorizations.

FEDERALLY IMPACTED DISTRICTS

The committee bill extends for 4 years the payments made to school districts affected by Federal activities. We made no basic changes, except to add children residing in low-rent housing projects to those whose parents work for the Federal Government. I considered the committee language inadequate in this area, and offered a corrective amendment, which was adopted.

Despite the attacks that have been made upon assistance to districts affected by Federal activities, the committee found none of them convincing. Far from mere "aid to education" program, payments to these school districts is more accurately a cost of doing business for these installations, as well as for education, and a matter of tax equity for local communities.

ADULT EDUCATION

The bill amends the Adult Education Act of 1966 to include secondary-level education for adults who have not finished high school. While 1.26 million people have participated in adult basic education, it has been at a level under the eighth grade, since fewer than 10 States have any program at the secondary level.

Fifty-six million adult Americans lack a high school education. The committee bill will enable them to obtain its equivalent by increasing the funds so that States may go beyond basic literacy in their adult education programs.

LEARNING DISABILITIES

Title VI codifies all existing programs for handicapped children, and incorporates a measure I introduced earlier, as S. 1190, for children with learning disabilities. The National Advisory Committee on the Handicapped has identified children with specific learning disabilities as those having a disorder in one or more of the processes involved in understanding or using language. The disorder may manifest itself in a poor ability to listen, think, read, write, spell, or do mathematical calculations. These disorders are not the result of retardation, emotional disturbance, or motor handicaps, but of certain brain disfunctions that can be overcome with proper teaching methods. A program of research, teacher training, and model centers for these children is authorized and funded separately so that funds for it will not be taken from other equally important programs for the handicapped.

CONCLUSION

I urge the Senate to pass the bill. It continues the principle of Federal aid, that there be no replacement of local effort or Federal control of education. Our States and communities will still carry the great load of raising the money for elementary and secondary education, and of administering education for their children. These Federal programs supplement but do not replace local effort. They are intended to fill in some of the gaps left in school systems that do not have the financial resources to meet every educational need of local children.

There is an overriding Federal interest in good education. Our boys and girls are our greatest natural resource. The money spent to train their minds and develop their talents will be repaid many times over in future years.

For their well-being, and for the well-being of the country, I recommend the enactment of H.R. 514.

Mr. SCOTT. Mr. President, on the matter of desegregation of schools, there can be no reversal of the precedents established by the courts of the Nation.

However, an interesting contribution to the breadth of the nationwide debate now in progress was offered by the Christian Science Monitor in its weekend issue as the lead editorial. I ask that the editorial be reprinted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INTEGRATION: NORTH AND SOUTH

The United States is aiming today toward a tremendous goal: the achievement of genuine racial balance in its public schools. But the difficulties encountered, symbolized by the current Senate debate, proclaim that this goal still requires the most careful pondering and the greatest wisdom from all citizens—concerning both immediate tactics and ultimate aims.

With the South under Supreme Court command to end immediately its dual white-black school system, Southern senators are pleading for more time to comply, and are demanding that the new standards of racial balance be applied to the North as well as the South. Particularly is the Southern attack aimed at prohibiting pupil bussing and at restoring "freedom of choice" as permissible—if snailpace—method of desegregation.

The goal of desegregation is eminently desirable. Several studies, including the Coleman report in 1966, have documented the proposition that minority-group children show their greatest achievement gains when placed in integrated schools.

Meanwhile heavier investment in slum-area schools has not produced as much pupil improvement as might be expected. Ergo, school integration is good for the disadvantaged, despite the fact that in Philadelphia and some other cities some black officials say enthusiasm for bussing is fading and that black parents prefer their neighborhood schools.

But the gravest questions now are the practical ones concerning just how much true desegregation is being achieved, and whether current avoidances and evasions are only temporary.

Resistance to desegregation in Mississippi areas where blacks are in the majority—resulting in large resort to private schools by whites—has been well publicized. Now a survey by the Department of Health, Education, and Welfare shows that a kind of "resegregation" is developing in many big Northern cities. When city schools which have had a large white majority experience a big influx of black pupils, in a number of instances the whites in the neighborhood begin to move out and the schools eventually become almost entirely nonwhite. In other Northern school districts there is, of course, "de facto" segregation due mainly to long-existing housing patterns.

Senator Stennis of Mississippi and other Southern senators are saying to the government: Either proceed as diligently against all this Northern segregation as you are moving in the South, or jettison the whole drive and fall back on "freedom of choice."

The United States cannot really abandon itself to a reinstated dual school system. It cannot leave slum pupils bereft of massive educational help. What has to be determined, with deepest dedication, is whether present procedures are truly accomplishing their purposes, and how the aim of a classless, educated society can be most effectively and speedily promoted, in both North and South.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR ALL COMMITTEES TO FILE REPORTS, TOGETHER WITH ANY MINORITY, INDIVIDUAL OR SUPPLEMENTAL VIEWS ON FRIDAY, FEBRUARY 13, 1970, DURING ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following completion of business today until Monday, February 16, 1970, that all committees of the Senate may be permitted, on Friday, February 13, to file their reports together with any minority, individual, or supplemental views.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, as long as the rule of germaneness has passed, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 645, and then Calendar Nos. 651, 653, 654, 655, 656, 657, and 658.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISPOSITION OF DAIRY PRODUCTS ACQUIRED BY THE COMMODITY CREDIT CORPORATION

The Senate proceeded to consider the bill (S. 2595) to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 1, line 8, after the

word "used", insert "in the United States"; on page 2, line 1, after the word "including", strike out "hospitals to" and insert "hospitals, to"; in line 2, after the word "any" strike out "such use without regard to any limitation or priority contained in this section or in any other provision of law" and insert "such use prior to any other use or disposition."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), is amended by adding at the end thereof the following:

"Dairy products acquired by the Commodity Credit Corporation through price support operations may, insofar as they can be used in the United States in nonprofit school lunch and other nonprofit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served, be donated for any such use prior to any other use or disposition."

Mr. YARBOROUGH. Mr. President, the distinguished junior Senator from Wisconsin (Mr. NELSON) has introduced a most commendable bill, S. 2595, which not only serves the humane and beneficial purpose of providing for distribution of healthful dairy products to children and other needy persons, but effects a more economical operation of a part of the existing price support program for dairy products.

This bill would permit high priority donation of dairy products which are held by the Government to be made to school lunch programs, to assist other needy children and people, and to be given to charitable institutions, including hospitals, without the present requirement that such donations cannot be made unless the products cannot be sold.

Permitting food distribution to be given this high priority avoids the present expensive and duplicative process of selling Government held products and then having to purchase the same type products for food distribution programs.

The fact that both these commendable objectives are achieved in this proposed legislation—providing wholesome dairy products to those who need them and making an existing Government program more economical—is an excellent example of the thought and study given to this measure by its able sponsor, Senator NELSON of Wisconsin.

Existing law provides that the Commodity Credit Corporation may only donate dairy products "to prevent the waste of commodities." The sale of these goods now has priority over donation for worthy purposes. However, after being forced to sell these products, the Commodity Credit Corporation often has to enter the marketplace again as a purchaser and obtain necessary dairy products for the food distribution programs.

Wholesome dairy products have played an extremely important role in the school lunch, needy persons, and other food assistance programs for many years. The use of dairy products in these programs has and should continue to contribute toward the objective of eliminating hunger and malnutrition of the Nation's poor.

In 1969 the Government stocks of dairy products provided 169.5 million pounds of butter, 54.6 million pounds of cheese, and 102.9 million pounds of nonfat dry milk for school lunch programs and other donations for needy persons.

Occasionally, the Commodity Credit Corporation's inventories of dairy products have declined to such low levels that their use in some programs have had to be curtailed or even temporarily interrupted. This inequitable situation must be corrected by a realinement of our priorities, and the bill achieves this goal. We should not be placed in the situation of having to tell hungry children and malnourished needy people that we cannot feed them because the sale of these goods has priority over their pressing needs.

This bill, S. 2595, cuts through this governmental redtape and needless duplication, and gives priority for distribution of dairy products held by the Government to programs for feeding children and other needy persons.

The bill will assist the nonprofit school lunch and other nonprofit child feeding programs, programs for the assistance of needy persons, and programs of food distribution to charitable institutions, including hospitals. This is a worthy objective in itself, and when economy and efficiency of governmental operations are also achieved, it is clear that the bill is worthy of the most serious consideration.

I urge my fellow Senators to join me in support of this bill.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NELSON. Mr. President, the Senate's action today in approving this legislation will make it possible for more surplus dairy products to be available for school lunch programs.

This measure, which I was pleased to sponsor, assures that that national school lunch program will receive first call in the distribution of butter, cheese, and dry milk products obtained by the U.S. Department of Agriculture through price-support programs. The bill also makes these products available to needy persons through food programs at day-care centers, hospitals, and other charitable institutions.

There are tens of millions of American schoolchildren who still do not have a lunch program available at their schools. This leaves many youngsters, including several million undernourished children from poverty homes, without a good midday meal.

Dairy products form the nutritional base of our national school lunch program. This legislation will give the health and well-being of millions of American children top priority in our efforts to eliminate hunger from our Nation.

Currently, surplus commodities held by the Agriculture Department are initially earmarked for domestic commercial trade or foreign export. The products are only available for the country's food programs after the distribution channels are exhausted.

While supplies of surplus dairy products are usually adequate for both sales and food programs, the Department's stocks have occasionally dropped so low that products have not been available for certain programs.

This legislation will help to assure continuing supplies of dairy products for domestic food programs at less cost to the Government than would be the case if the Agriculture Department exhausted its inventories through sales and had to purchase the supplies in the open market.

ACCESSIBILITY TO PHYSICALLY HANDICAPPED OF CERTAIN PUBLIC FACILTIIES

The Senate proceeded to consider the bill (H.R. 14464) to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped which had been reported from the Committee on Public Works with amendments on page 1, after line 7, strike out:

(1) by striking out "and (B)" and insert in lieu thereof: "(B)";

On page 2, at the beginning of line 1, strike out:

(2) by striking out "personnel)" and inserting in lieu thereof: "personnel and (C) a bus, subway car, train, or similar type of rolling stock)";

At the beginning of line 4, strike out "(3)" and insert "(1)"; at the beginning of line 6, strike out "(4)" and insert "(2)"; and, at the beginning of line 8, strike out "(5)" and insert "(3)".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REMOVAL OF DEPOSIT LIMITS IN CASE OF ANY MEMBER OF A UNIFORMED SERVICE WHO IS A FRISONER OF WAR, MISSING IN ACTION, OR IN A DETAINED STATUS DURING THE VIETNAM WAR

The bill (H.R. 9485) to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict was considered, ordered to a third reading, read the third time, and passed.

INCREASE IN NUMBERS AND ELIGIBILITY OF OFFICERS TO SERVE ON CERTAIN SELECTION BOARDS

The bill (H.R. 8664) to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion was considered, ordered to a third reading, read the third time, and passed.

GRADE RESTRICTIONS OF DIRECTOR AND ASSISTANT DIRECTORS OF THE MARINE CORPS BAND

The bill (H.R. 9564) to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band was considered, ordered to a third reading, read the third time, and passed.

ELIGIBILITY OF NAVAL FLIGHT OFFICERS TO COMMAND NAVAL ACTIVITIES

The bill (H.R. 11548) to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes was considered, order to a third reading, read the third time, and passed.

GEN. OMAR N. BRADLEY

The concurrent resolution (H. Con. Res. 207) was read, considered, and agreed to, as follows.

H. CON. RES. 207

Whereas May 8, 1970, marks the twenty-fifth anniversary of the victory of Allied forces and the termination of World War II in Europe; and

Whereas General of the Army Omar N. Bradley is acknowledged to have played a role of utmost importance in gaining that victory; and

Whereas General of the Army Omar N. Bradley is the last surviving officer of World War II having attained the rank of General of the Army; and

Whereas General of the Army Omar N. Bradley is donating his collection of personal papers; historical documents, and memorabilia to the United States Army Military History Research Collection; and

Whereas the Bradley collection will be housed at Carlisle Barracks, Pennsylvania, and will be formally dedicated and opened to the public on May 8, 1970, the occasion of the twenty-fifth anniversary of V–E Day: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that on the occasion of the twenty-fifth anniversary of V–E Day, and the formal opening of the Omar N. Bradley historical collection, appropriate ceremonies be conducted at Carlisle Barracks under the direction of the Secretary of Defense in memorial tribute to the Allied victory in Europe and in memory of those who gave their lives to attain that victory, and expressing the gratitude of the American people to one of this country's greatest soldiers, General of the Army Omar N. Bradley.

ROUND TRIP TRANSPORTATION TO HOME PORT FOR MEMBERS OF THE NAVAL SERVICE ON PERMANENT DUTY ABOARD A SHIP OVERHAULING AWAY FROM HOME PORT

The Senate proceeded to consider the bill (H.R. 8020) to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the naval service on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port which had been reported from the Committee on Armed Services, with amendments, on page 2, line 2, after the word "the", strike out "naval service" and insert "Uniformed Services"; in line 4, after the word "Secretary", strike out "of the Navy, a member of the naval service" and insert "concerned, a member of the Uniformed Services"; after line 21, strike out:

"(2) The following new item is inserted in the analysis:

"'406b. Travel and transportation allowances: members of the naval service attached to a ship overhauling away from home port.'"

And, in lieu thereof, insert:

"On page 2, line 16, delete clause (2) and insert in lieu thereof the following:

"(2) The following new item is inserted in the analysis:

"'406b. Travel and transportation allowances: members of the Uniformed Services attached to a ship overhauling away from home port.'"

The committee amendments were agreed to.

Mr. MANSFIELD. Mr. President, I send to the desk some additional amendments to the bill on behalf of the committee which affect some of the committee amendments just agreed to.

I ask unanimous consent that these amendments be agreed to en bloc, as follows:

On page 2, delete lines 23 and 24.

On page 3, amending the title, following the word "read:" delete the word "To" and insert in lieu thereof the words "An Act to".

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "To amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port."

REMARKS BY SENATOR BENNETT AT SENATE PRAYER BREAKFAST

Mr. STENNIS. Mr. President, recently at a meeting of the Senate prayer breakfast group, the Senator from Utah (Mr. BENNETT) made remarks that were certainly impressive, of great depth, and spiritual value.

I believe they will be of value to all Members of the Senate and the people of the country. I ask unanimous consent that the remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR WALLACE F. BENNETT, SENATE PRAYER BREAKFAST, JANUARY 28, 1970

I am grateful for the privilege I have today or taking my turn at the beginning of a new session, a new year, and a new decade—the Seventies. It has become the custom to hail each new decade with an appraisal of its possible direction and significance; and as I begin, I'd like to suggest for your consideration the hope that these will be the "Spiritual Seventies."

This idea is based on more than a pleasant sounding alliteration. It has roots that go deep into our religious heritage; in fact, all the way back to the Old Testament. The numbers "7" and "70" were sacred to the Children of Israel. With them they measured their week and the 7th day became the Sabbath—the Lord's Day—the preservation of whose holiness was commanded in the Decalogue. In the seventh year, all Hebrew slaves were to be set free, and the year of seven times seven was the year of Jubilee and all debts were to be forgiven.

Christ reflected this special feeling for seven and seventy many times, including His answer to Peter's question about forgiveness, as recorded in Matt. 18: 21–22—

Then came Peter unto him and said "Lord, how oft shall my brother sin against me and I forgive him? till seven times? Jesus saith unto him, I say not unto thee until seven times but until seventy times seven."

Why do we need in the 70's what might be called a "Sabbath" decade? For the same reason the Sabbath was originally instituted. The first six decades of this century have been very busy ones—devoted to material creation. That this has happened at a speed which has far out-paced our spiritual growth is demonstrated by the evils that have grown and expanded along with our material progress—including those we regard as today's great problems: crime, discrimination, pollution, war. Thus far, most of our suggested solutions have been based essentially on more materialism and more money. These have failed because the essential causes of our problems are human weaknesses—spiritual failures. Too often we in Government have sought to exploit these rather than to cure them.

In the face of these problems, what can we in government contribute to the realization of the concept "The Spiritual Seventies"? There is obviously no simple, complete list of specifications, no exclusive set of principles, no one and only pattern of organization or administration. But there are some observations I would like to make.

First, I shall begin with definitions of the words "spiritual" and "government". For this purpose, let's go to the dictionary. Among its many definitions of spiritual are these:

"Influenced or controlled by the Divine Spirit."

"Having a nature in which a concern for the spirit of God predominates."

"Seeking earnestly to live in a right relation to God."

"Relating to the moral feelings or states of the soul as distinguished from external actions—reaching or affecting the spirit of man rather than his material aspects."

To round out this definition, I should like to quote two scriptures. The first is familiar to all of us.

"Thou shalt love the Lord thy God with all thy heart, and with all thy soul and with all thy mind. This is the first and great commandment. And the second is like unto it—Thou shalt love thy neighbor as thyself. On these two commandments hang all the law and the prophets."

We, who call ourselves makers of law, should remember this especially in the "Spiritual Seventies."

The other passage I want to relate to the definition of the word "spiritual" is from the Mormon scripture.

"When ye are in the service of your fellow beings ye are only in the service of your God."

Going again to the dictionary, we learn that "to govern" means "to steer" as with a rudder in a boat. If government is to be good, those who steer it must know all the dangerous rocks and shoals along the course—political, social and economic—and spiritual—and be determined to avoid them.

No good pilot ever deliberately steered his ship into a storm or close to a reef, as some

of us politicians are often tempted to do. But every dependable one must be capable of holding to his chosen course when the waves of opposition are raging and the decks are awash.

If "to govern" is to steer, we can see the truth in the poet's phrase "The Ship of State" and ask ourselves to wnat fair harbor should our ship of State be bound in the "Spiritual Seventies?"

Over the centuries, many great men, with actual experience as wise mariners and as faithful servants in government, have pondered this problem and have come up with essentially the same answer—that the goal and safe harbor of good government is the happiness of the people it serves. Thomas Jefferson wrote the idea into the Declaration of Independence in his deathless phrase "life, liberty and the pursuit of happiness."

Interpreting this concept of government as the pilot and happiness as the harbor, many have believed, and some still do, that government has the power as well as the specific duty to confer this happiness by its actions. But this I cannot accept. Government has no powers of its own except those it derives from the people it governs—with or without their consent. Happiness, which is our goal, is not an attribute of government, to be dispensed like money or jobs. Happiness is a spiritual state which only individual men and women can seek and attain.

William Ellery Channing recognized this when he wrote—

"The object of good government is not to confer happiness but to give men opportunity to work out happiness for themselves."

What is happiness?

If you are a devotee of Charlie Brown, you will remember that he has been concerned with a definition of happiness. He reached the conclusion that "Happiness is a warm puppy."

If you were a Mormon, you would have been brought up on the concept contained in the simple statement "Man is that he might have joy." In other words, happiness or joy is at once both a great eternal, motivating spiritual force for good and the ultimate spiritual reward for righteous living.

Why should the search for happiness, a quest that is intensely personal, also be thought to be the goal of good government? There is an obvious answer—government is an institution which men have created in their own image—endowed with their own powers and charged with their own responsibilities. Into its laws they write their own standards of conduct—onto its administrators they cast their burden of self-discipline—unto its courts they look for wise and prudent judgment on their weaknesses. Therefore, government, even good government, has the same weaknesses as well as the same strengths as are possessed by its human creators. Just as water cannot rise above its source, government can never possess moral force or wisdom greater than those its people have.

When people created government as a device to solve their common problems, they had to endow it with power to act and to agree to be bound by its action. Power thus became the vital living force in government; and in this sense, it may be likened to a huge magnifying glass capable of focusing the united personal powers of a whole people on their common problems. But magnifying glasses can become burning glasses if the power is carelessly concentrated. Similarly, governments too powerful can become destructive even of those who created them. Indeed, one might say that governments may be said to resemble the creature made out of human parts by Dr. Frankenstein and that for us, as for the good doctor in the story, the ultimate risk is that government may turn on its creators and destroy their happiness rather than promote it.

The key to good government then is good people—both in and out of it. And by "Good", we should mean spiritually strong.

At this point, let me re-read the definitions of "spiritual" I quoted earlier relating directly to this concept of "good people" and ask myself and you to apply the test to ourselves as part of government.

Are we influenced or controlled by the Divine Spirit? Do we have a nature in which concern for the spirit of God predominates? Are we seeking earnestly to live in a right relation to God? Do we relate more to the moral feelings or states of the soul rather than to external things? Do we seek to reach or affect the spirit of men rather than their material aspects?

Of course all of us meet these qualifications to some extent or we wouldn't be here today. But where can we turn for help to do better? The best place is to the counsel of the Master Himself whose words are preserved for us in the Scriptures. That's where I turned in preparation for this assignment.

Because there are certain special spiritual problems involved in the political system—our political system—certain unique temptations that are harder for us to resist, I found myself re-writing one famous passage to read:

"It is easier for a camel to go through the eye of a needle than for a politician to enter the Kingdom of Heaven."

The first of these unique temptations grows out of the political conflict for power. Political conflict is a struggle for power. Christ said in Matt. 20:25–27—

"Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them.

"But it shall not be so among you, but whosoever will be great among you, let him be your minister and whosoever will be chief among you, let him be your servant."

Another problem is pride. The 1970 campaign will be on us before we know it, and campaigns still fit the old one-sentence definition "Point with pride and view with alarm." There is an old warning worth remembering found in Proverbs 16:18–19—

"Pride goeth before destruction, and a haughty spirit before a fall. Better it is to be of an humble spirit with the lowly than to divide the spoil with the proud."

The Prophet Micah gave the same kind of advice affirmatively—

"He hath showed thee, O man, what is good and what doth the Lord require of thee but to do justly and to have mercy and to walk humbly with thy God."

Political partisanship—like love—is often blind. I wonder what the effect would be on us as candidates if—at our political rallies, along with the Pledge of Allegiance—some one were required to read the first five verses of the seventh chapter of Matthew? Listen to them now.

"Judge not, that ye be not judged. For with what judgment ye judge, ye shall be judged and with what measures ye mete, it shall be measured to you again.

"And why beholdest then the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

"Or how wilt thou say to thy brother, let me pull the mote out of thine eye and behold the beam is in thine own eye?

"Thou hyprocrite, first cast the beam out of thine own eye, and then shalt thou see clearly to cast the mote out of thy brother's eye."

There is another aspect of this matter which has always disturbed me. It is represented in a phrase the Savior used in the parable of the talents. The servant who hid his one talent used this phrase in his defense. "Lord, I knew thee that thou art a hard man reaping where thou hast not sown and gathering where thou hast now strawed."

Sometimes I think this is the most common evil in political life—this business of trying to reap where we have not sown, presenting another man's idea as our own, or claiming credit for things which we did not accomplish.

Perhaps the hardest problem we face in our political conflict is the problem of selfishness. In our system, those who want elective office must seek it in spite of the old saying that the office should seek the man. We must put ourselves on display.

A politician's concern for his "image" frequently overshadows every other aspect of his campaign.

The central theme of Christ's pattern for living was unselfishness—the very opposite of this. It was presented in two great paradoxes. I have already quoted the one that related to power—"Whosoever would be chief among you, let him be your servant."

In my opinion, the other has even more fundamental and profound meaning for all men, and particularly for men like us. In Matt. 16: 25–26—

"For whosoever will save his life shall lose it and whosoever will lose his life for my sake, will find it. For what is a man profited if he shall gain the whole world, and lose his own soul? or what shall a man give in exchange for his soul."

And finally, there is this question of priorities. Today there is much partisan talk about whose table of priorities, whose scale of values is the most desirable. As we face the potential of the "Spirital Seventies," perhaps we should turn to God to find what his ultimate priority is. We can read it in Matt. 6: 33—

"But seek ye first the Kingdom of God and His righteousness and all these things shall be added unto you."

Here we are on the threshold of the 70's—the Sabbath decade. Can we remember to keep it Holy? As steersmen of the "Ship of State" can we set and hold true a course toward the harbor of human happiness?

Because of us, will these become the "Spiritual Seventies"?

Each man of us must answer this question for himself.

S. 3433—INTRODUCTION OF THE NATIONAL BASIC INCOME AND INCENTIVE ACT

Mr. HARRIS. Mr. President, on behalf of myself and Senators BAYH, GRAVEL, INOUYE, MONDALE, MONTOYA, RANDOLPH, YOUNG of Ohio, and others, I introduce, for appropriate reference, a bill entitled "The National Basic Income and Incentive Act."

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3433) to amend the Social Security Act to provide for a national program of basic income benefits to individuals and families in need thereof, introduced by Mr. HARRIS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

Mr. HARRIS. Mr. President, the purpose of this bill is at long last to redeem our pledge as a Nation to wipe the paradoxical scourge of poverty from this otherwise prosperous land. Repeatedly, over the years, we have made such a promise to ourselves and to our impoverished fellow citizens. We have made progress in moving toward this goal. But now the time has come to act—to act as decisively and courageously as our idealism demands and our great resources allow.

Mr. President, today I continue a fight which the late Senator Robert F. Kennedy and I launched in the fall of 1967.

It will be remembered that he and I, as a member of the Senate Finance Committee, joined together on the floor of the Senate in opposition to certain regressive, punitive amendments which had been adopted in the welfare laws in the fall of 1967. We fought for a deletion of those objectionable provisions and advocated affirmative improvements in the welfare laws of our country. We were successful by and large on the floor of the Senate, but unfortunately, most of the gains we made on the floor of the Senate in that session were lost later in conference.

We continued that fight, and I have continued it since as a member of the Senate Finance Committee and also as a member of the Kerner Commission—National Advisory Commission on Civil Disorders. I was one of those who advocated very strongly what eventually became the recommendation of the Kerner Commission—the institution in this country of a Federal income maintenance system, which would be accomplished by the bill. I am today introducing, the National Income and Incentive Act.

It federalizes the presently outdated, unworking, and inhumane welfare system, replacing it with a Federal income maintenance system. In the process it would give immediate financial relief to the States, not by a revenue-sharing plan but by letting them keep more of their own money.

The result of this and related programs would be to provide every child in America with the kind of minimum standard of life which would allow him a chance to break out of poverty and to become whatever his abilities and ambitions permit.

The bill would help hold families together, rather than as is true now under the welfare system in many of the States often force the head of a family who is unemployed and ineligible for assistance from the home. This matter was one which the late Senator Kennedy and I attacked on the floor of the Senate successfully, I am pleased to say. We, and others on the Senate floor, felt that forcing a mother of two children receiving AFDC to go to work and forcing the father, if he were in the home, to leave the home so that the family would be eligible for assistance was going about things exactly backward. We felt it would be better to change the welfare laws of the country and not require the mother to go to work.

Although that was the position adopted by the Senate, it was not the position eventually adopted by the conference and thereafter by Congress. Therefore, this great anomaly still exists in the welfare laws of many States and is in itself a major cause for family deterioration.

The bill I introduce today would change that very serious and very grievous fault.

It is a human investment system. It is an affirmation that every child born in America has certain basic rights: to good health, to a decent education, to enough to eat, to a real chance. It is a GI bill of rights for every American child. And we Americans should all know from that one example what great dividends are realized by us all, what economic growth, what human enrichment is unleashed by human investment.

We learned from the GI bill that those funds invested in human development were paid back into the Federal Treasury many times over in increased taxes received as a result of increased income made possible by the program.

Indeed, great economic dividends always result from upgrading the standard of living of those in the lower economic levels. But, more importantly, this bill will result in a great moral dividend; it will allow us all to feel we are living more closely in line with the ideals we profess. We will more nearly be entitled to say that we believe in the dignity and value and worth of every human life.

The bill I am today introducing would achieve these purposes by establishing over a 3-year, phase-in period a new Federal program for undergirding other sources of income for all Americans. Under this program, the officially determined "poverty level" would become the effective floor below which the income of no American family or individual would be permitted to fall. To the extent that income from jobs, wages, farming, and other enterprise, social security, and other sources failed to meet this minimal standard, the basic income benefit would make up the difference. To the extent that we can reduce this gap by measures and policies that prevent poverty before it occurs—by higher wages, new and better job opportunities, training provisions and allowances, a strengthened income position for the small farmer, a fairer share of national income for the retired worker through social security, a better break for children—to that extent we would limit the task and cost of the national basic income and incentive program. This is an undergirding program, not a substitute for these other, needed measures. The purpose of this proposal is to strengthen all of our efforts to allow people a better chance by placing the protection of a floor beneath the income of every American individual and family.

It is time for this principle to become reality. The Nation's Governors have repeatedly urged the Federal Government to assume the total responsibility for financing public assistance. The Supreme Court in its landmark decision outlawing, as unconstitutional, State welfare residence restrictions—Shapiro against Thompson—made such a Federal assumption of responsibility virtually inevitable. Every major organization and study commission concerned with welfare policy has urged such a step in one form or another. The Heineman Commission made an excellent report and the Kerner Commission also called for changing the welfare system to an income maintenance system.

We know now that a decent and livable income will create incentive for people, while the presently inadequate welfare system destroys incentive.

The U.S. Office of Economic Opportunity has been administering an experimental income maintenance system in several New Jersey cities which shows this very clearly. One official, speaking of this program recently said:

> The work ethic in this (low-income) population has been badly under-estimated. The Protestant ethic applies very strongly to low-income people.

This experiment has shown that people do not quite work when they have income supplements; far from it. "Even where the job is unsatisfactory, there is this urge to work," this same official has pointed out.

As I have stated on other occasions, Mr. President, for some reason you and I know we would not like to be on welfare or relief, but somehow there are those who think lower income people do like being on welfare. You and I know we want to work, but somehow there are those who think low-income people do not want to work. The facts are just the opposite. The truth is, as has been shown by, among other things, a New Jersey experiment financed by the Office of Economic Opportunity, that when people get a little more and have a better chance for a more nearly decent standard of health, nutrition, housing, and education by having some decent minimum income, they are just like the rest of us and want to do it a little better. The facts show that if people are given a decent income they have a chance to do a little better, a chance they do not have now under the welfare systems which exist in most States, systems which are degrading, dehumanizing and which destroy incentive and initiative.

President Nixon in his welfare message of last August proposed a family assistance program with a floor which works out at $1,600 a year for a family of four with two children. But a floor at such a low level, instead of raising families out of poverty, would mean for many a sad plunge into the lower depths of even greater poverty. It would provide considerably less than half the amount prescribed for all Federal agencies as "the poverty level" by President Nixon's own Budget Bureau in a circular issued in August of last year. It would provide income substantially below the amount now paid to more than 80 percent of those now receiving aid under the Federal-State AFDC programs.

Moreover, such a plan would do little or nothing to help the States with their increasingly staggering financial burdens. Under the administration plan, the States would still have to meet the cost—virtually without additional Federal aid—of closing the gap between an unrealistically low Federal floor and the actual needs of poor families. Nothing would be done to equalize the crazy quilt pattern of presently varied AFDC benefits in the States, including the 40 States now above that floor. The only Federal initiative provided for benefits above that $1,600 level in the administration bill would be the threat to withhold Federal funds going to a State for the needy, aged, blind, and disabled if the State failed to maintain its July 1969 level of payment to needy children. Thus, instead of providing a unified Federal policy of income protection for all the poor,

the needs of one group would be made hostage to the needs of another.

By contrast, the National Basic Income and Incentive Act provides that by July 1, 1973, the Federal Government will meet the full cost of undergirding the income of all persons.

This bill is intended to put new reality behind the traditional rhetoric of our growing concern about poverty.

In 1944, President Franklin D. Roosevelt called for the country to accept a "second bill of rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed."

President John F. Kennedy in his inaugural address of 1961 asked the country to "bear the burden of a long twilight struggle" which would be a struggle against "the common enemies of man: Tyranny, poverty, disease, and war itself."

President Lyndon B. Johnson in his state of the Union message of January 8, 1964, declared an "unconditional war on poverty in America."

We have been called repeatedly to provide a decent portion of the country's immense bounty for all her people. As of now we have not answered. We have not yet committed ourselves to this basic human cause which will do more than anything else to eliminate alienation and division from our national community and to narrow the gap between what we say and what we do. Why have we passively accepted a caste of poverty-ridden citizens in the midst of the greatest national wealth in the world's history? We did not count money when we decided to undertake the task of landing men on the moon. But we have appeared to be prepared to cut every budget figure which would insure a real future for 30 million of our poorest fellow Americans.

Perhaps our very strength as a nation has fostered this strange blind spot. We rightly regard ourselves as a nation of individualists. We correctly prize individual liberty, freedom, and initiative. We have been a nation of frontiers, offering opportunities and challenges for the individual.

In a growing nation of new and expanding frontiers, it was less difficult for the prosperous to assume that their prosperity resulted from superior virtue and extra effort and that the afflictions and problems of the poor were the product of their own failure of will and character.

Thus, we have retained and have even recently added regressive and punitive provisions to our welfare laws which have added the burden of shame to the sufferings of poverty. Not so long ago, we also oppressed and hid away the mentally ill or retarded because their sufferings aroused a sense of shame, guilt, or fear in those of us who were well. Today, we still do too much of the same in regard to those who are poor.

We are basically decent and generous people. But we have never fully understood the power of poverty to corrode a life, to destroy initiative, to extinguish hope. The time is long overdue for us to recognize that poverty, too, is an affliction which destroys the capacity for initiative so highly valued in our traditions. The child who is undernourished has no real freedom. The man who cannot find a job sees no beckoning future or frontier; he knows little actual liberty.

Present programs for poor people require them to run a dehumanizing gauntlet of indignity to secure a grudging pittance of help. Go to any welfare office or public health clinic and see the long lines and the cold treatment poor people consistently receive. Ask yourself, "Could I go through this kind of process again and again and still get up in the morning with a bounce and a whistle? Would I go out each morning ready to take on the world and win my rightful place? If I were a child and saw my mother or father go through this process, would I still dream dreams?"

As I have said before, there continues to be a lingering feeling in the minds of many people in this country that poor people should be punished for their poverty and, therefore, are not entitled to the same treatment, quality of services and humane considerations that are extended to those who are not poor. I can say—and I have been poor—that being poor is punishment enough.

As a nation, we have rightly prized our independence. But we are just now beginning to grasp the full measure of our individual interdependence. Our wisest men have reminded us, as did John Donne in the 17th century, that "No man is an island entire of itself." A 20th century American, Dr. Paul Tillich, said it another way:

> And we participate in each other's having and in each other's not having. When we become aware of this unity of all beings, something happens to us. The fact that others do NOT have changes the character of our having; it undercuts our security and drives us beyond ourselves, to understand, to give, to share, to help . . . Our becoming aware of the fact that others who COULD have developed into full human beings did not, changes our state of full humanity.

In the past, we may have acknowledged these as lofty sentiments, but the concrete facts of recent times have made clearer our increasing dependence on each other and the threat to us all of failing so to act.

Water can be polluted hundreds of miles from its source. A rise in the price of steel is immediately felt in all parts of the country, in all sectors of our economy. Our sense of community must now catch up with the facts of modern life. Our national conscience, our sense of values, our bond of humanity—not just our gross national product—must expand and grow. A renewal of national character requires that the reality of opportunity for many must become the reality of opportunity for all.

We have been a throw-away nation. We use disposable plates, disposable bottles, disposable clothes, and the list is getting longer. We must now resolve not to be known for what we throw away, but for what we build and save. And, most of all, we must build and save people.

Our recent progress shows that poverty need not always be with us. In the 10 years between 1959 and 1969, the number of people who could be counted as "poor," according to the official measure of the Bureau of the Census, dropped by 14 million persons—from 39.4 to 25.4 million. But, quite obviously, 25 million poor people in a country as rich as ours is still too many. We have made real progress over the years in raising social security benefit levels, but not enough; we must do better. We have made progress in raising wage levels and the Federal minimum wage, but not enough; we must do more. We have made a good start in upgrading the skills of our work force through the manpower development training and similar programs. We have made a commendable beginning in creating new job opportunities in the public and other personnel-shortage areas of community service. But much remains to be done.

The best answer to poverty is prevention. We know how to prevent poverty as surely as we know how to prevent smallpox or polio. Any measures of alleviation, however well conceived, must be seen as transitional, residual, or supplementary to those measures that will prevent poverty before it occurs.

The ways to prevent poverty are well known to us all. Allow every baby a chance to be born wanted, raised in good health, educated to full capacity, accepted upon individual merit, welcomed to a range of job choices according to capacity and interest, paid a good wage, insured at adequate levels against the economic hazards of the industrial economy, and assured a comfortable house in a supportive neighborhood, and opportunities for cultural enrichment, participation in the decisions affecting his own life, and survival into a respected and secure old age.

In this age, these are not utopian goals. For we have made a strong beginning in all of them, but we have not carried our beginnings through to their logical development. For example, the Social Security Act was a landmark measure in social responsibility, but old age is still a major cause of poverty. We need continued upgrading of our social security benefit level to eliminate this anomaly for those outside our wage system.

The Fair Labor Standards Act was another such landmark measure. But even for those covered by its present minimum wage provisions, a full-time worker with average family responsibilities may still earn less than the officially designated poverty income level, while there are millions uncovered by the law who earn substantially less. Thus, a basic attack on poverty must include higher minimum wages and broader coverage. Moreover, we must assure—as this bill does—that hunger and deprivation of benefits will never be used to force an individual to take a job below the Federal minimum wage level or to undercut the standards of fellow workers by a requirement that he take a job at less than their wage rates or one involved in a labor dispute. The failure of the Nixon proposal to afford protection against such practices constitutes a most serious threat to the health of the economy. It may be well to remember that similar practices under the poor law brought 27 percent of the population of England and Wales onto the relief rolls in the

early 19th century and delayed the upgrading of labor standards required by the industrial revolution. The very aim of reducing dependency, so strongly emphasized in the President's message, could thus be thwarted by such a self-defeating policy.

Similarly, while we have increasingly brought the resources of the Federal Government to bear on problems of health, education, training, and job creation, we are far from our goal of assuring good health services to all who need them, equality of educational opportunity for all our young people, and decent, open-ended job opportunities for all who are able to work. We, therefore, need to move toward a universal health program and to fulfill the commitment announced and begun in regard to education during the last administrations. Above all, we need an updated manpower program, so that a guaranteed job becomes an effective policy as intended by the Full Employment Act of 1945. There are critical shortages of personnel in health, education, and other public services and growing needs for reconstruction of our rapidly deteriorating urban evironment. We need the fullest utilization of all our potential and presently wasted manpower to fulfill these needs.

If we are now, as a result of tightening up the economy of America, to see the levels of employment reduced, it seems to me we need a more humane welfare system, such as would be provided by this bill, and also an expanded program of private and public employment, such as would be carried out under the O'Hara bill in the House of Representatives and a measure being developed by Members of the Senate. Either a guaranteed job or a guaranteed income system is essential in our society.

These interrelated measures must be seen as needed parts of an integrated effort to wipe out poverty and achieve a society which is responsive to the needs of all its people. To advocate minimum income proposals outside the context of these other and related measures to upgrade the level of opportunity for those now at the bottom of the economic ladder would be unrealistic and irreconcilable with our democratic ideals.

The role of the National Basic Income and Incentive Act in this total campaign against poverty is the provision of a true floor under income for all Americans. It would do so in a way that is equitable and dignified for those who need its help, fair to the State governments in relieving them of a staggering burden to alleviate conditions over which they have relatively little control, and well within the administrative scope of the Department of Health, Education, and Welfare.

It provides a program of federally financed basic income benefits which would bring all families and individuals up to the officially designated poverty index level, with some adjustments for geographical differentials and special needs, as with the blind and aged.

The transition to a full federally financed program would be over a 3-year period, giving to the States a 20-percent reduction in welfare costs the first year, a 50-percent reduction the second year and, then, in the third year, the total cost up to the poverty level would become the responsibility of the Federal Government.

The first year the basic income benefit would be 70 percent of the minimum living requirement, or approximately $2,520 assuming the poverty level to be $3,600; the second year the basic income benefit for a family of four would be 80 percent of the minimum living requirement, or approximately $3,060; and the final year the basic income benefit would be the full minimum living requirement. But, in the meantime, the States would be required to maintain at least the standard of assistance they were providing persons in similar situations in January 1970. The bill authorizes a contractual arrangement between the Secretary of Health, Education, and Welfare and the States, under which the States would undertake to act as agents for this new Federal program. But, should any State decline such a role or fail to live up to its agreements, the Secretary would be authorized to undertake direct Federal administration immediately and to withhold the amount the State would otherwise have been required to expend from other grants going to the State.

The single most objectionable provision in the President's proposal is the $1,600 annual income floor for a family of four without adequate financial and other provisions to protect even the present level of payments in the 40 States now above the $1,600 figure. The $1,600 is not an adequate income floor for a family of four. The President's proposal would provide only $133 per month for a family of four. The weakness of this proposal becomes clear when such a level is compared with current State AFDC payments which now range up to $332 per month.

If the Federal Government, in the name of reform, sets a level for welfare benefits which is not only less than one-half of its own officially designated poverty level, but which is also less than what 80 percent of the States are currently providing, it would still be subject to the criticism so appropriately made by the President's Advisory Council on Public Welfare in a 1966 report which stated:

> Public assistance payments are so low and so uneven that the Government is by its own standards and definitions a major source of poverty on which it has declared unconditional war.

Mr. President, the Secretary of Labor, Mr. Shultz, was quoted in yesterday's Washington Evening Star as calling the welfare system of America something akin to the bubonic plague.

He went on to say that if you are dealing with something like that, you cannot do anything really serious about it unless you move to cure it.

I agree wholeheartedly with that statement, but I say that the administration is not curing it, but is just sort of doctoring it a little around the edges.

If we are really serious about reforming our welfare system, and if we want to avoid merely patching up the system and pouring good money after bad, as President Nixon recently suggested we should not do, then the basic floor of income for a family of four will have to be more than $1,600. It is tragically wrong that the difference between the States making the highest payments and those making the lowest payments per person is now as much as $1,488. As President Nixon himself has pointed out, a child in one State is not worth more than one in another, but under President Nixon's own proposal the difference in payments by the States would continue to be substantial. Under the present proposal there would not only be a floor but a progressive upgrading in all States until the full poverty level is reached for all Americans.

Work incentive provisions, which are in the President's proposal and also in the bill I have introduced, are definitely needed, for there are good reasons for encouraging beneficiaries who can work, to work by recognizing their need for a progressive improvement in their income as a result of their own effort. We must not in this process, however, sacrifice basic income standards for those who cannot work. We have, therefore, provided a plan of earned income exemption above the basic poverty level which starts by disregarding in the calculation of resources all of the first $75 a month of earnings, half of the next $150, and a quarter of the remainder until the full basic income benefit level is reached.

The program provided by this bill is to be administered under the direction of the Secretary of Health, Education, and Welfare, who is authorized to create new machinery for its administration; utilize existing units within the Department; utilize, on a reimbursable basis and with the consent of the head of the Federal agency concerned, the personnel, facilities, and services of other Federal agencies; contract with agencies of the States or their political subdivisions; or a combination of all these methods.

This bill contains strong incentives to work and strong disincentives against idleness, but it contains important safeguards. In the first place, mothers of preschool and school age children, persons over age 65, and disabled persons would be exempt from any requirement to work. But should they choose to do so, they would be able to retain a portion of their earnings.

All mothers of preschool and school age children should be able to exercise their own judgment as to whether they are able to carry the double responsibilities of home and job. It seems unfair to permit the mother whose husband is still in the home to exercise this kind of option, as the Nixon plan would do, but deny it to a mother who is already carrying the double burden of rearing children unaided by a father in the home.

No beneficiary, under this bill, would be required to accept employment in a job involving a labor dispute or paying less than the minimum wage or the prevailing wage.

Beneficiaries would be assured of the right to receive a prompt determination of eligibility—eligibility based on a declaration of resources and family circumstances, not on demeaning and recurring investigations.

This is an important provision, for it would help to preserve the dignity of

those receiving assistance. It would also have the advantage of correcting what Mitchell Ginsberg, human resources adminstrator of New York City, has accurately referred to as a bankrupt policy, Ginsberg said:

> You can't send around caseworkers as spies and law enforcers on Monday, constantly checking on the eligibility of welfare receipients to see that there is no cheating, and then have them come around on Tuesday and say, "Today I am here as a social worker and as a friend to help you." It just will not work.

Even on a dollars and cents basis, the infringements on privacy and self-respect which the present method of investigations entail, and the wasting of valuable skills which social workers possess, cannot be warranted. Welfare fraud has been discovered to involve only one-half of 1 percent of the total number of persons receiving assistance. Even if lesser irregularities are included, discrepancies represent only a fraction of the cost of detection.

In 1968, Marin County, Calif., found that the declaration method provided results which were "as reliable and accurate as the information obtained through an interview-administered declaration method." In Maine, a switch to the declaration method, along with other reforms, resulted in a reduction of the number of ineligibles on welfare rolls from 8 percent in 1964 to only 1 percent in 1968. Maine found the cost of eligibility determination per case dropped from $22.50 under the old system in 1964 to $6.30 in 1968 under the declaration method. The Legislative Reference Service, in a 1968 study, provided added corroboration when they found that all of the welfare departments surveyed which had tried the declaration method preferred it to the conventional system.

The present bill also attacks the basic need to eliminate the other condescending and grudging ways in which assistance is now given. Any claimant or recipient dissatisfied with a decision of the agency would be assured a fair and independent hearing, represented by counsel. All recipients' records would be held in confidence.

There are several reasons why a federally financed system is superior to the present system of Federal and State cost-sharing or the divided financial responsibility of the President's proposal.

Last year's Supreme Court decision in Shapiro against Thompson, declaring State welfare residency laws unconstitutional, focused attention on the fact that welfare is a national problem and should be a national responsibility. There is no logical or constitutional reason for welfare recipients to be penalized because they move from one jurisdiction to another; it is not fair that some States should bear a disproportionate share of welfare expenses because they gain additional citizens eligible for assistance from other States.

Complete Federal financing has also gained support from Governors and other officials because of the critical financial problems facing most of our States. The twin and increasing burdens of education and welfare present impossible budgetary problems for Governors and State legislatures. Federalization of the welfare system would free the States to devote more of their own funds to such compelling needs as education.

Furthermore, federalization of the welfare system is gaining support because more and more people are recognizing that it would be more effective than any form of revenue sharing program that might be devised. The distinguished Governor of Missouri, Warren E. Hearnes, in remarks made at the annual meeting of the Executive Committee of the Council of State Governments at Lexington, Ky., on November 24, 1969, discussed in the context of welfare payments and revenue sharing the need for people to feel that the Government is more responsive and stated:

> This concept is violated by both the present welfare system and that proposed by the Nixon administration, since both involve federal control with a combination of federal aid and state funds. This leaves the states with financial obligations but very little authority in what is essentially a federal program. This concept also is violated by the proposed revenue sharing plan, which would separate the right of spending from the responsibility of taxing. It would allow state and local officials to spend these blank check funds without being fully responsive to their constituents, since they could use the excuse that "this is just federal money" upon receiving a complaint from local taxpayers.
>
> On the other hand, full federal financing of welfare could clearly place both the powers and responsibilities for that program with one level of the government, and also would free critically needed state funds to be used for other purposes.

It is estimated that the President's revenue sharing plan would yield to the States in the fiscal year 1976 an estimated $5 billion. In 1968 the States' share of the welfare cost was $3.7 billion and at present levels of benefits would by 1976 reach at least $5 billion. The best plan of revenue sharing would obviously result from the Federal Government assuming the welfare burden now borne by the States.

A consideration of these various reasons led the Governors of the States, at the National Governor's Conference in Colorado Springs during August of 1969—a conference I attended, and at which, I discussed federalization of the welfare system—to the conclusion that the present welfare system should be substituted as they, said, "on a phased basis" by a "federally financed system" of welfare payments. This goal would be accomplished by the bill I am today introducing.

The cost of this program is substantial. Yet, at the same time, anyone who has studied our present welfare system knows that by changing this section or that section or by adding 2 or 3 billion here and perhaps another billion some other place, few of the failures of the present system will be eliminated. There is no magic in calling an old worn out system by a new name and by dressing it up a bit. As one person has put it, "The welfare system is designed to save money instead of people and tragically ends up doing neither." Both welfare recipients and taxpayers rightly believe that the present welfare system is a failure and that it traps people in poverty; this being true, it should be replaced rather than repaired.

Fortune magaine contained an article in its July 1968 issue written by Edmond K. Faltermayer, wherein it was estimated that 2 percent of the gross national product would bring everyone in the country up to a minimum standard of living and employment. This does not seem to be an improper or unreal goal, especially when it is considered that other developed nations are spending, on the basis of a percentage of their GNP, more than three times what we are spending.

The costs of the national basic income and incentive program would not be cumulative to, but instead of the present Federal costs of welfare and the proposed Nixon revenue sharing plan.

If we put first things first, if we get our priorities straight, if we put people ahead of SST's and ABM's and manned Mars landings and a mistaken continuation of the war in Vietnam, we can easily do what needs to be done, what humanity requires.

We often forget that poverty, by definition, means lack of money. Somehow we have managed to cling to the idea that, if we can just give enough advice and services to the poor, they will somehow quit being poor. For most of the poor people today, this myth is just not working. Further, we must at last realize, as other nations have, that doing nothing or doing not enough ultimately costs us more.

"We hold these truths to be self evident: that all men are created equal." Pierre Teilhard de Chardin's definition expresses well the reality and the ideal of "equality":

> The right of every man to participate according to his aptitudes and powers, in the common endeavor to promote each by way of the other, the future of the individual and the species. Indeed, is it not this need and legitimate demand to *participate* in the Human Affair (the need felt by every man to live co-extensively with Mankind) which deeper than any desire for material gain, is today agitating those classes and races that have hitherto been left out of the game?

Each of us today, more than ever in a highly urbanized, highly technological society, indeed is a part of mankind, and mankind is a part of each of us.

The old maxim, "live and let live," will no longer suffice. "Live and help live" is both the moral and practical password to our survival.

If Americans make up their minds to it, we can stop the suffering of millions of women and children, and we can make it possible for millions of Americans to have a chance to be real men.

I call upon America to make up its mind to achieve its ideals and to make sure that every child who stands before the flag and recites, "with liberty and justice for all" can fully live the ideal he salutes.

I ask unanimous consent that a summary of the provisions of the National Income and Incentive Act be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROVISIONS IN NATIONAL BASIC INCOME AND INCENTIVE ACT

SEC. 2001. Sets forth the purpose of the Act which is to establish a national program of basic income benefits entirely financed from Federal funds, uniformly administered throughout the Nation by either Secretary or delegates, designed to assure that every individual and family will enjoy the level of living justified by American productivity, and will encourage persons to enter the labor market.

SEC. 2002. Provides that the determination of what constitutes a minimum living requirement shall be made by the Secretary of Health, Education, and Welfare. The determination shall be consistent with the incomes of nonfarm families determined by the Social Security Administration for the latest year for which data is available as an index of poverty subject to such variables as age, composition of families, difference in cost of living in different regions of a country, et cetera.

SEC. 2003 (a). Provides authority for Secretary to determine what resources can be disregarded for purpose of determine qualification and level of need. Such items as the home, household goods, and personal effects of an individual or family as well as other items which the Secretary may determine warrants exclusion.

In addition, the earned income of any individual or of any member of a family group during any month shall be disregarded to the extent of the first $75, plus one-half of the next $150, plus one-fourth of the remainder.

SEC. 2003 (b). Provides for conditions upon which a refusal to accept a job will not disqualify individual to basic income benefits. Refusal to accept a job if it is vacant due to a labor dispute, if the wages are not in keeping with prevailing wages in area for similar job or if below minimum hourly rate, et cetera, will not be grounds for denial.

Refusal to participate in work-training program if the program would not prepare the individual for a suitable job which will be available when training is complete will not disqualify one to benefits.

Further, it is provided that: one under the age of 16 or over 65; one physically or mentally unable to work; a child attending school; a woman having in her care a preschool child or a child attending school; and that one required in the home because of the illness or incapacity of another, will not lose benefits by reason of refusal to participate in work-training program.

SEC. 2004. Provides that the amount of assistance to which an individual or family group is entitled to shall be equal to the minimum living requirement of such individual or group less the amount of other income and resources available to the individual or group.

SEC. 2005. Provides for responsibility of the Secretary, or his delegate to refer applicant for basic income benefits to other agencies, rehabilitative, et cetera, if he would benefit from services of the agency.

SEC. 2006. Provides for the filing of an application for benefits. The Secretary shall prescribe what information is to be contained in the application. Furthermore, the action requires the Secretary to act promptly on an application.

SEC. 2007. Provides that the Secretary or his delegate shall make the determination of eligibility for benefits based on information in the application and if the initial determination is incorrect the Secretary shall take appropriate action to assure that no more than the correct amount is paid.

SEC. 2008. Provides for review procedure of determination made by the Secretary or his delegate. Judicial review of the Secretary's determination is provided for along with the right to legal representation.

SEC. 2009. Provides for the applicability of legal procedures otherwise provided for in Social Security Act to this title.

SEC. 2010. Provides for authorization of appropriations. Such amounts as may be necessary beginning with the fiscal year which ends June 30, 1971, are authorized to be appropriated.

SEC. 2011. Provides for the publication of the regulations of the Secretary in the Federal Register in accordance with the provisions of subchapter 11 of title 5, United States Code.

SEC. 2012. Provides for authority for the Secretary to administer the program authorized by the Act. Authority is given to the Secretary to utilize the personnel, facilities, and services to another Federal agency with the consent of the head of the Federal agency concerned or to enter into agreements with States to administer the program.

SEC. 2013. Provides that the Secretary by regulation shall provide safeguards which restrict the use or disclosure of information concerning applicants or recipients.

SEC. 2014. Provides for a three year transition to the benefit levels prescribed in section 2002, section 2003, and section 2004.

For the fiscal year 1971, the basic income benefits shall be the greater of 70 percent of the minimum living requirements or the benefits paid under the States plans as of January 1, 1970, based on the present poverty level this shall be $2,520. For fiscal year 1972 the greater of 85 percent of the then determined minimum living requirement or the States benefit.

For the years 1971 and 1972, the Secretary can enter into an agreement with the appropriate State agency to administer the plan.

The States will be reimbursed for the cost of administrating the program including the payment of the benefits specified in the Act in excess of the following percentages of expenditures which would have been made by such State under titles I, X, XIV, XVI, and part A of Title IV had this section not been in effect:

For the fiscal year 1971—80 percent of such expenditures.

For the fiscal year 1972—50 percent of such expenditures.

Should a State refuse to enter into an agreement with the Secretary, then the Secretary can administer the program through employees of the Department of Health, Education, and Welfare, and money expended, which would not have otherwise been expended had the State entered into an agreement, may be withheld from amounts payable to such State under other Federal programs.

SEC. 2015. Provides for certain conforming amendments.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of 10 U.S.C. 9355(a), the Speaker had appointed Mr. ROGERS of Colorado, Mr. FLYNT, Mr. RHODES, and Mr. BROTZMAN, as members of the Board of Visitors to the U.S. Air Force Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 14 U.S.C. 194(a), the Speaker had appointed Mr. ST. ONGE and Mr. MESKILL as members of the Board of Visitors to the U.S. Coast Guard Academy, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 46 U.S.C. 1126c, the Speaker had appointed Mr. CAREY, and Mr. WEICKER as members of the Board of Visitors to the U.S. Merchant Marine Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 10 U.S.C. 5355(a), the Speaker had appointed Mr. TEAGUE of Texas, Mr. NATCHER, Mr. Davis of Wisconsin, and Mr. MCKNEALLY as members of the Board of Visitors to the U.S. Military Academy, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 10 U.S.C. 6968(a), the Speaker had appointed Mr. FLOOD, Mr. STRATTON, Mr. MINSHALL, and Mr. MORTON as members of the Board of Visitors to the U.S. Naval Academy, on the part of the House.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SAXBE in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PROTECTION

Mr. TYDINGS. Mr. President, as the decade of the 1970's begins, the political focus of Americans has increasingly centered on our domestic problems. New areas have emerged as cause for critical concern. In this "new" probe into our society's internal problems we have discovered that individuals in our society are increasingly being overwhelmed by forces outside of their direct control. One of the most obvious areas of this type of concern is the quality of our environment, where poisonous air, putrid water, and despoiled landscapes face the helpless citizen who views with alarm the destruction of our natural resources. Recently we have come to recognize that this situation is so damaging and threatening that our very existence is at stake. The legislative and executive branches have committed themselves, at least in speeches, to sweeping remedial action to restore the quality of our environment. Hopefully, action will follow words.

Yet there is a second area that I believe deserves just as much concern and attention as the environment; the cause of the consumer. This is a broad field that encompasses many problems from advertising fraud, repair deficiencies, and oil import quotas, to planned obsolescence, court reform, and so on, indefinitely. The stakes are tremendous; just in the area of consumer fraud and shoddy goods, losses to the American

public may well be above $10 billion a year. And this figure does not include the indirect costs to consumers of decisions made adverse to their interests such as artificial price support programs or goods designed for high repair costs.

Here, as in pollution, the individual as consumer faces institutions and practices which he cannot begin to affect or remedy. Indeed, not only can the consumer not correct evil practices or poor production methods, but also he usually stands little chance of recovering his own losses from fraud or deception. The consumer is helpless when faced with distant corporate or government decisions, when confronted with restrictive laws and hostile courts, and when opposed by a battery of highly paid industry lawyers.

For those who have explored this issue with concern for the consumer, it has become obvious that we must redress the balance between the hapless buyer and the indifferent business. If not, there will be no justice in the marketplace. Laws, trade customs, regulations, and institutions developed for our economy at the turn of the century by the Progressives are now hopelessly inadequate for the task of policing today's world of mass marketing and electronic industry. Nothing stands out as more eloquent testimony to the failure of outmoded attempts to aid the consumer than the Federal Trade Commission, a seemingly inert and lifeless bureaucracy long since devoid of any strength or initiative.

What we need is a redress in our imbalance of power between the buyer and seller. This can be done—and should be done—starting with two distinct yet complementary approaches:

First, the consumer needs an advocate at the Federal level. There is no one who represents the individual buyer—and he alone—in the councils of Government or in the byzantine maze of the Federal bureaucracy. Only when there is someone whose responsibility is to fight, lobby, publicize, and sue for the consumer will our ossified institutions respond to the needs of the individual buyer.

Second, the consumer must be given an adequate private remedy in court. No administrative agency can possibly guard the consumer rights of millions of individuals or the thousands of complaints received each year. Each buyer is best protected by himself. One he has a reasonable chance of recovering his damages, a court of law will be the most direct, efficient, and certain mode of redressing the wrongs in the marketplace. The primary responsibility should rest upon the individual and not the Government.

Both of these approaches are required for the consumer—a remedy at court for individual wrongs and an advocate at the highest levels of Government to affect national policy. I introduced legislation last session that would serve the consumer in these ways. On April 25, 1969, I introduced the consumer class action bill (S. 1980) and on May 1, 1969, I introduced the Consumer Affairs Act of 1969 (S. 2045) providing for an Office of Consumer Affairs in the Executive Office of the President. Other Senators have introduced bills in these areas, some similar and others quite different.

The administration has also drafted legislation on these two specific subjects; on October 30, S. 3201, the Consumer Protection Act, was submitted by the President providing for consumer class actions and on December 12, the administration introduced S. 3240, its bill creating an Office of Consumer Affairs. As a strong proponent of consumer legislation, I welcomed this commitment by the administration on behalf of the consumer. And the administration has repeatedly said that it meant to act vigorously and effectively in these areas to protect the consumer.

However, if one looks beyond the rhetoric of the President's spokesman and examines the proposed legislation in detail, it can be judged only as a dismal failure.

In the words of Bess Myerson Grant, the head of the New York City Consumer Affairs Division, appointed by Mayor Lindsay:

The administration's so-called class action bill is like balloon bread—substantial at first glance but short on weight.

She went on to say that it is in essence a fraud.

The administration bill is not the product of the President's valiant special assistant for consumer affairs, Mrs. Virginia Knauer.

The administration bill is the product of White House assistants—and by the look of the legislation they have drafted, these are assistants whose primary concern is not the interests of the consumer.

The single most disingenuous provision in the administration bill is its prerequisite of a Justice Department or FTC action before a class suit may be brought. What assurance would consumers have that these agencies would have sufficient funding or personnel to prosecute the many thousands of instances of systematic consumer abuse which occur every year?

The 11 categories of wrongs to which the administration bill is addressed boil down in reality to only two categories—misrepresentation and failure to return deposits for goods not delivered.

Mr. President, she said that failure to make good on guarantees, "unconscionable contracts," such as ones in which a buyer is promised a discount if he persuades another person to make a purchase, and installment sales were subjects which had been omitted.

I believe that if you enact a meaningful consumer class action law, you will be responsible for a historical landmark—an event as important in the legal protection of the American consumer as was the passage of the Sherman Antitrust Act of 1890.

Mr. President, I ask unanimous consent to have the article entitled "Buyer's Bill Called 'Fraud'" published in the Washington Post on February 6, 1970, printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUYER'S BILL CALLED FRAUD

(By J. Y. Smith)

Bess Myerson Grant, the statuesque former, Miss America who now looks out for "the little man" in New York City, yesterday put her own label on the Nixon Administration's class action consumer bill. It is, she said, "a fraud."

In testimony before House and Senate subcommittees on consumer affairs and at a Capitol Hill press conference, Mrs. Grant said she was here to help the legislators do a little comparative shopping on what kind of class action they should settle for.

A class action bill would permit consumers to get relief for their grievances in federal courts, something they cannot now do. Under such a bill, the consumer would have standing to sue either as an individual or band together with other consumers in a single suit, thereby sharing the cost.

As part of President Nixon's "Buyer's Bill of Rights," the administration has proposed legislation that would allow class actions, but only after the Justice Department or the Federal Trade Commission had obtained a judgment against the manufacturer or merchant involved.

Mrs. Grant, whom Mayor John V. Lindsay named New York's commissioner of consumer affairs a year ago, favors a bill which allows consumers to start class action in federal courts on their own. Such legislation has been introduced by Rep. Robert C. Eckhard (D–Tex.) and by Sens. Joseph D. Tydings (D-Md.) and Frank E. Moss (D-Utah).

The administration's so-called class action bill is like balloon bread," Mrs. Grant said. "Substantial at first glance, but short on weight."

Asserting that this proposal is "not the product of the President's valiant special assistant for consumer affairs, Mrs. Virginia Knauer," she added:

"The administration bill is the product of White House assistants—and by the look of the legislation they have drafted, these are assistants whose primary concern is have that these agencies not the interests of the consumer.

"The single most disingenuous provision in the administration bill is its prerequisite of a Justice Department or FTC action before a class suit may be brought. What assurance would consumers have that these agencies would have sufficient funding or personnel to prosecute the many thousands of instances of systematic consumer abuse which occur every year?"

Moreover, Mrs. Grant said, "The 11 categories of wrongs to which the administration bill is addressed boil down in reality to only two categories—misrepresentation and failure to return deposits for goods not delivered."

She said that failure to make good on guarantees, "unconscionable contracts," such as ones in which a buyer is promised a discount if he persuades another person to make a purchase, and installment sales were subjects which had been omitted.

"I believe that if you enact a meaningful consumer class action law, you will be responsible for a historical landmark—an event as important in the legal protection of the American consumer as was the passage of the Sherman Antitrust Act of 1890," she said.

Appearing at her press conference were Eckhardt and numerous other consumer advocates. They included Rep. Seymour Halpern (D-N.Y.)—who kissed the lady upon his arrival—Rep. Allard Lowenstein (D-N.Y.), Rep. Benjamin S. Rosenthal (D-N.Y.), who has introduced legislation to set up a separate Department of Consumer Affairs; Rep. James H. Scheuer (D-N.Y.) and Rep. Richardson Preyer (D-N.C.).

"The laws which were adequate when we were trading for horses are not adequate today," Preyer said

Mrs. Grant, who was wearing a bright red wool suit with a printed scarf, takes considerable care about what she says to the

press or any other public forum on the complexities of consumer protection.

"It's not easy for me to understand all this legal stuff," she told a reporter later. "I don't understand it until I really sit down and study it."

Mrs. Grant is equally chary about her age. She admits to having won the Miss America contest in 1945 and dodges the age question by saying: "I was nine years old—I was a very tall, well-developed 9-year-old."

Mr. TYDINGS. Mr. President, in both cases the promise of grand schemes is betrayed in the reality of fine print. This legislation is the product of the politics of public relations; it is not written by those who are serious about the continuing abuses in the marketplace. Indeed, if we compare the elaborate promises of this administration against the delivered product—its legislation—I believe the American public is the victim of a consumer fraud. The consumer was promised protection, and he has received from the administration only artifice.

I realize that these are strong charges to make; I would not make them if I did not believe this is such a vital area and if I could not document them. I propose to do just that.

In order to understand the grave deficiencies of the administration proposals, I believe it is essential to present some of the background in each area, and to discuss the bills in detail.

CONSUMER CLASS ACTIONS

The presence of consumer type agencies in the government and the present legal structure do not provide the consumer with an individual, private remedy that is at all adequate. For most of Anglo-American legal history, the law has uncompassionately insisted: "Caveat emptor—let the buyer beware." This was all very well when one was selling a cow to his neighbor and the man had a chance to look the animal over.

But in today's marketplace, with sophisticated Madison Avenue techniques, and expense accounts, whatever justification there may have been for such a policy in the early stages of the development of our economy no longer exists. Its chief effect in today's complex market is to place an undue burden on the contractual party least capable of carrying it. Too often the modern consumer is unable to assess the technical qualities of the product he purchases, to resist sophisticated sales campaigns, or to comprehend the multitude of credit plans and financial "deals" that he may be offered. Every year billions of dollars are wasted by consumers through the purchase of misrepresented merchandise. Although the least educated and the more impoverished segments of society, those who can least afford it, suffer the most, all levels of society are affected. Commissioner Mary Gardiner Jones of the Federal Trade Commission characterized the situation this way:

No matter how informed and sophisticated the consumer, deception will take its toll and the very morality of the community is at stake when there is no effective legal action to be taken against such dishonest merchants.

Public awareness of the need for consumer protection programs has had some salutary effects, but has not resulted in a significant reduction in the incidence of fraud. False advertisers, loan sharks and others of their ilk are still making exorbitant profits at the expense of the unwary consumer.

Despite good intentions and the proliferation of consumer protection laws and agencies, our society continues to require that the "buyer beware." Ralph Nader estimates that "at least 95 percent of illegal consumer abuses are never adjudged to be such by our legal system. The arm of the law," he continues, "never reaches these abuses, thereby permitting an 'overworld' of corporate crime which reaps billions yearly from the defenseless consumer." [1]

The activities of the Federal Trade Commission indicate the weaknesses of the present "agency" approach to the prevention of consumer frauds.

"Even Commissioner Ralph Elman of the Federal Trade Commission recently charged that this agency is marked by "waste, inefficiency, and indifference to public interest." [2]

Mr. President, let me recall some history. Has the Presiding Officer ever heard of the Holland Furnace Co. case? The lengthy career of the Holland Furnace Co. provides a classic example of the ineffectiveness of administrative agencies in providing consumer remedies. Complaints about high pressure tactics were made against the company as long ago as the early 1930's.[3] In December 1936, the company agreed to a Federal Trade Commission dissent order against certain misleading advertising claims.[4] Although complaints against the company continued,[5] a second proceeding was not initiated by the Federal Trade Commission until 1954.[6] Four years later, a cease and desist order was issued prohibiting Holland "from engaging in a sales scheme—whereby its salesmen gain access to homes by misrepresenting themselves as official 'inspectors' and 'heating engineers' and thereafter dismantling furnaces on the pretext that this is necessary to determine the extent of necessary repairs." [7]

This is not 1930 or 1940. This is 1958, Mr. President. For 7 years, Holland Furnace Co. ignored the court decree enforcing the cease and desist order. Finally in 1965, the company was heavily fined for contempt of court.[8]

Consumer fraud is too widespread to be effectively policed by any one agency. Administrative budgets and personnel are limited. By their very nature consumer protection agencies must select only the most blatant forms of fraud and only those operating on a large scale as to justify the expenditure of agency time. Delay is inherent in a bureaucracy, and furthermore, administrative budgets and many personnel are limited and in some cases the statutory structure or powers of an agency may inhibit its effectiveness. More often than not, such agencies lack effective sanctions to enforce their decrees.[9]

It is clear that present agency remedies might as well be nonexistent. Just as important, the Office of Consumer Affairs that I propose will by itself not remedy the problem. This Office can affect policy, it can litigate major cases and attack flagrant and widespread practices. But no one agency or agencies in Washington will provide enough protection for the consumer who has been defrauded. The administration gives us fine rhetoric. But if one reads the fine print, he will find that, as Bess Myerson said, it is a fraud. We must provide a legal remedy so the individual can act immediately and effectively. The injured party has the incentive to carry through; he is the best guardian of his own interest.

We thus must use a traditional American tool: the private lawsuit.

Today, of course, the victimized consumer may initiate a private action for fraud or for rescission of a sales contract on the basis of misrepresentation. In most cases, however, this ability at present is more theoretical than real. Lawsuits are costly. The financial loss to a single consumer is not usually large enough to make individual litigation practicable. His court costs and attorney's fees may far exceed the restitution he is likely to receive if he prevails in his suit.

But while administrative agencies may have limited effectiveness with individual cases, and the cost of an individual suit may be prohibitive, many persons acting as a defrauded class could afford to enforce their individual rights.[10] A consumer class action compensates for the inability of individual consumers to litigate small individual losses by enabling one or more representatives of a group of consumers with similar injuries to place the group injury in issue. The aggregate group claim is generally large enough to warrant the outlay of the necessary expenses and, more significantly, to make it possible to obtain private counsel on reasonable terms.

In addition to being economically infeasible, individual suits, even if their success is assumed, are unlikely to prove an effective deterrent to the dishonest company. In fact, many irresponsible companies probably treat the loss of an

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[1] *Hearings on S. 1980 Before the Subcommittee in Improvements in Judicial Machinery of the Senate Comm. on the Judiciary*, 91st Cong., 1st Sess.

[2] *The Washington Post*, September 11, 1969, at A2, Col. 1–2.

[3] *Consumer Bulletin* at 26 (April 1965).

[4] 24 F.T.C. 1413–14 (1936).

[5] Consumer Bulletin at 25–26 (April 1965).

[6] *See* 55 F.T.C. 55 (1958).

[7] *Id.* at 91, *aff'd*, 295 F.2d 302 (7th Cir. 1961).

[8] In Re Holland Furnace Co., 241 F. 2d 548 (7th Cir.) cert. den., 381 U.S. 924 (1965).

[9] *See* Dixon, *Federal State Cooperatives to Combat Unfair Trade Practices*, 30 State Gov't 37 (1966); Mendell, *N.Y. Bureau of Consumer Frauds and Protection*, 11 N.Y.L.J. 603 (1965); O'Connell, *Consumer Protection in the State of Washington*, 39 State Gov't 230 (1966); Rice, *Remedies, Enforcement Procedures and the Quality of Consumer Transaction Problems*, 48 B.U.L. Rev. 559 (1968).

[10] See Dole, *"Consumer Class Actions under Recent Consumer Credit Legislation,"* 44 N.Y.U.L. Rev. 80 (1969); Staars, *The Consumer Class Action*, 49 B.U.L. Rev. 211 (1969).

occasional small judgment as one of the risks of the trade; a risk made worth while by their continued high profits through misrepresentation or other deceit.

The consumer class action, on the other hand, has beneficial effects that extend beyond the restitution of individual damages to the injured consumers. The mere existence of an effective class action remedy will deter improper conduct. The potential defendant is forced to consider not only the possible direct economic loss from a class action, but also the potential visibility, publicity, and public reaction and the resulting loss of good will.[11] Although the dishonest merchant may be able to safely ignore the separate complaints of many individuals, he cannot afford to disregard the public criticism of many voices raised in unison.

Class actions are a potentially invaluable weapon in the consumer's arsenal, but the class action procedure of many of the States is outmoded and archaic. Most States provide some form of class actions, but the manner in which they define the procedure usually makes it unavailable in a consumer fraud situation.

Moreover, as a result of a recent Supreme Court decision, Snyder against Harris,[12] the Federal courts appear to be even less hospitable to consumer class actions than State courts. Prior to Snyder against Harris the provisions of rule 23 of the Federal Rules of Civil Procedures[13] appeared to establish a procedural basis for the maintenance of consumer class actions in those cases where a basis for Federal jurisdiction existed.[14] But in that decision the Supreme Court ruled that separate and distinct claims cannot be aggregated to meet the required $10,000 jurisdictional amount. This ruling in effect makes the rule 23 action, the most modern class action procedure in the United States, unavailable to the defrauded consumer who has a claim of less than $10,000, even if he can satisfy the necessary diversity of citizenship requirement for Federal jurisdiction, and thus precludes recourse to the Federal courts in consumer class actions.

It was because of this legal situation and the obvious need for vigorous action in the consumer field that I introduced last spring S. 1980, the Consumer Class Action Act. S. 1980 provided for consumer class actions in Federal court in cases where State consumer protection laws have been violated. The bill was designed to reverse the effects of Snyder against Harris and, in addition, to broaden the basis for Federal jurisdiction over consumer fraud.

By doing so, it would afford the liberal machinery of Federal rule 23 for joinder of all persons in like situations involving deception, fraud, or other illegal over-reaching of consumers.

In July, the Senate Subcommittee on Improvements in Judicial Machinery of which I am chairman, held hearings to consider the merits of S. 1980.

Testimony was heard from among others, Ralph Nader; Virginia Knauer, Special Assistant to the President for Consumer Affairs; and Bess Myerson Grant, commissioner of the department of consumer affairs for the city of New York—all of whom supported the concept of increased consumer access to the class action procedure available in the Federal courts.

In her testimony, Mrs. Knauer presented a somewhat different approach than S. 1980, suggesting legislation to permit consumer class action suits for the broad range of practices condemned as "unfair or deceptive" under the Federal Trade Commission Act. After close study of Mrs. Knauer's proposal, I concluded that it complemented the provisions of S. 1980. On October 29, I introduced S. 3092 combining Mrs. Knauer's proposal with my own. I am pleased that the Senator from Utah (Mr. Moss), chairman of the Consumer Subcommittee of the Commerce Committee is a cosponsor of S. 3092.

Basically, S. 3092 makes unlawful and subject to class suits, acts in defraud of consumers that affect commerce, without regard to the amount in controversy. An act in defraud of consumers is defined as including two distinct things: First, an unfair or deceptive act or practice as condemned in section 5(a) of the Federal Trade Commission Act; and second, an act that gives rise to a civil action by a consumer or consumers under State, statutory, or decisional law for the benefit of consumers. Diversity of citizenship is not required. Federal jurisdiction is premised upon the commerce power.

Such a suit in Federal court would apply the laws of the State in exactly the same manner that the Federal courts apply such law in a diversity of citizenship case. Thus, the court in any suit, would be dealing with a definite body of law in a manner in which it is accustomed to deal with such law. Moreover, utilization of existing well-developed bodies of State law and of Federal Trade Commission rulings prevent the coverage of the bill from being "vague."

Perhaps the most significant provision of S. 3092 is section 4(d) which governs the award of attorney fees. If an action has been successful, the attorney will receive an award of a reasonable fee, based on the value of his services to the class. I have become increasingly convinced that the private bar is the untapped reservoir of consumer power.

S. 3092 is designed to insure the ready availability of competent well-compensated counsel. By doing so, it guarantees a major increase in legal muscle for the consumer.

Significantly, that muscle will be in the form of private legal actions, the traditional method of effectively redressing grievances in this country. The bill depends solely upon existing legal processes.

I think that by utilizing traditional institutions and proven procedures we can attack this problem of consumer fraud directly. We do not need elaborate new schemes, we do not need massive governmental intervention. We do not need to regulate the free market. All that is required is opening the processes of the courts to this long neglected area.

Unfortunately various political pressures have induced the administration to retreat from the strong proposal originally advocated by Mrs. Knauer, the President's own consumer spokeswoman. The bill that the President finally sent to Congress on October 30 offered a sorry substitute for meaningful consumer class action protection that the American people had a right to expect.

Mr. SAXBE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. (Mr. HANSEN in the chair). Does the Senator yield?

Mr. TYDINGS. I yield.

Mr. SAXBE. Mr. President, I have listened with a great deal of interest to the statements concerning the application of some of these consumer fraud problems. As the former attorney general of a large State with consumer fraud problems I was involved in a good many of these cases and I am familiar with the situations that the Senator from Maryland refers to.

There is one area I think we have overlooked and I wish the Senator would concern himself with it in this regard. Most of these major sales are on a credit basis, especially referral sales. The sales of major appliances are sold with the idea that they are going to be paid for by referring for collection the sale of vacuum cleaner systems in the house, water softeners, furnaces, siding jobs, and roofing jobs.

Mr. TYDINGS. Home improvements.

Mr. SAXBE. Yes. All of these are areas where the fast-buck operator moves in. In almost every instance the homeowner signs a note which is usually discounted before the sun goes down and it winds up under the protection of "holder in due course."

One of the attacks I made, and successfully made, was to set up as a defense against the collection of these notes, fraud in the inducement. I think that this idea should be given particular attention so that financial institutions will learn they cannot buy this bad paper, because, without exception, they know who the fast buck operators are. There are collections before the job is sold. Many of them are fly-by-night loan companies, but a surprising number of them are solid financial institutions where this paper winds up.

If there is one area where a consumer protection bill should focus it would be in the area of extending the protection and setting out exactly what constitutes fraud in the inducement so that they can ring the bell on this paper.

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[11] *See* Dolgow v. Anderson, 43 F.R.D. 472, 485-88 (E.D.N.Y. 1968); Dole, *Consumer Class Actions Under the Uniform Deceptive Trade Practices Act*, 1968, Duke LJ. 1101, 1103.

[12] 394 U.S. 332 (1969).

[13] See Donelan, *Prerequisites to a Class Action Under New Rule 23*, 10 B.C.L. Rev. 527 (1969); Kaplan, *Continuing Work of the Civil Committee: 1966 Amendments of the Federal Rules of Civil Procedure (I)*, 81 Harv. L. Rev. 356, 375-400, 414-16 (1967).

[14] *The Class Action—A Symposium*, 10 B.C. Ind. & Comm. Law. L. Rev., spring (1969).

Mr. TYDINGS. I think the point made by the distinguished former attorney general of the State of Ohio is very pertinent.

As the Senator knows, in addition, purchasers of this fraudulent paper generally require the seller to set aside an additional sum of money so that it is not a purchase without recourse. Yet the poor defrauded consumer, when he tries to defend against paying on the note because of the fraud, finds himself out of luck on account of the holder-in-due-course doctrine.

The commissioners on uniform State law in their new draft of the proposed commercial codes for the States have adopted a proposal along the lines suggested by the Senator from Ohio with respect to limiting the defenses of the holder in due course doctrine where fraud was the basis of the original sale. Just how many States are moving to adopt it and what the final steps will be, I do not know. However, I think the Senator's suggestion in this area merits a great deal of consideration and I would hope that the individual States would consider carefully the recommendations of the commissioners because certainly in the home improvement field and many other areas the amount of fraud perpetrated on the poor individual homeowner buying a home improvement contract is sufficiently large to be considered tragic and criminal.

I thank the distinguished Senator from Ohio for bringing up this matter and calling it to the attention of the Senate.

Mr. President (Mr. SAXBE in the chair), I wish to comment for 1 or 2 minutes about the President's proposals.

Under the President's proposal a consumer cannot file a suit no matter how outrageous the fraud is. Under the administration proposal, the private remedy that is supposed to give every consumer the chance to have his day in court is tied to the Government bureaucracy. Before the consumer can file a suit, the Attorney General must have initiated and won a suit on behalf of the Government or the FTC must have filed a final cease-and-desist order. Thus all the individual suits must depend upon the promptness and concern of the Justice Department or FTC bureaucracy—which or both far from being consumer agencies. Under the Nixon bill, a consumer's right to his day in court is more restricted than a treble damage plaintiff in an antitrust action. Must we repeat the failures of the dormant FTC? I ask, What is the point of giving the buyer an effective private action if it is made to depend upon bureaucratic approval?

Just as disastrous for the consumer, the Government and private suits would be limited to a narrow series of defined forms of fraud, forms that unscrupulous merchants can change as rapidly as the legislation can be enacted.

Under this severe limitation, the consumer will have fewer remedies than he would in State courts. Why grant the consumer the advantage of the Federal procedure and then deny him the power of State substantive law? With these two crippling limitations the consumer will be little better off than he is today. He will have no private remedy and no State law wedded to modern procedure. All that he will have are promises, promises.

OFFICE OF CONSUMER AFFAIRS

As I said earlier, no pure agency or administrative change will solve the consumer's problems. Our primary relevance upon private initiative must rest in the courts. But a pure consumer agency, representing the consumer alone, can have profound impact upon key Federal Government decisions, agency rulings, and court actions. At present, no one represents the consumers in Washington; and even the class action proposal will not remedy this particular lack of representation. We need an Office of Consumer Affairs.

First let me say that I am quite flattered that the administration bill creating an Office of Consumer Affairs (S. 3240) so closely follows my own bill (S. 2045) in so many respects. I regret, however, that in several crucial areas the administration proposal differs from mine; these differences add up, in my opinion, to a virtual emasculation of authority of the Office of Consumer Affairs and make this reorganization more cosmetic than real.

In delegating functions to the Office of Consumer Affairs, the two bills are very similar. Both measures provide for an Office: First, to coordinate Federal action and program affecting consumers; second, to disseminate consumer information; third, to initiate and coordinate consumer research; fourth, to aid efforts at consumer education; fifth, to assist State and local government consumer efforts; sixth, to investigate and report on consumer affairs; and seventh, to be the consumer "advocate" within the Federal Government. Where the bills differ is in the powers granted to the Office of Consumer Affairs.

CONSUMER COMPLAINTS

In the area of consumer complaints, for example, my bill provides for a Consumer Office that can investigate and then act. Under the administration plan, however, the Office can do neither; it merely is a passive transmission belt for consumer complaints to the appropriate agencies.

Under section 3(b)(2) of my bill, the Consumer Office will establish consumer centers across the country to bring the Federal consumer advocate in reach of the consumer himself. The administration makes no such proposal.

In section 5(b) of my bill there is a specific provision that, upon a complaint, the Office of Consumer Affairs "shall take whatever action may be appropriate to resolve the complaint—including, but not limited to, referral to an appropriate" agency. In the administration bill, under sections 104 (a) and (b), all that the Office is permitted to do is "transmit" the complaint to the appropriate agency. This city already possesses adequate personnel whose sole function is to refer unsolved problems to other personnel. The entire point of an Office of Consumer Affairs is to create an organization outside the existing bureaucracies to provide action for the consumer; we must provide a Federal advocate and representatives for the consumer who will face the bureaucracy. I cannot understand how an organization which merely ferries consumer complaints to the existing departments and agencies and passively hands the problem over will change the present situation whatsoever.

Further, the full power of investigation is granted to the Consumer Office under my bill so that a complete inquiry can be made following any complaint; this power is obviously necessary if any successful solution is to be provided by the Office for valid complaints.

How can an attorney general of the State of Ohio, or the State of Maryland, or any other State, be responsible for a consumers' affairs division if he did not have the wherewithal to conduct an investigation when he received a complaint? He could refer it to the State's attorney of Harford County, or Anne Arundel County, or Cuyahoga County, or any other county. But he could do that without any consumer agency. What happens then? He does not know, and he does not have any control over it. That is exactly what the President is asking us to do—to have an agency and just let them refer a complaint. There is no power to investigate and no power to act.

More important, the function of consumer advocate requires the powers of investigation to discover if individual complaints reflect widespread practices that must be corrected. The administration proposal has an investigation provision, section 204, which prevents the use of these powers in conjunction with complaints.

INVESTIGATIVE POWERS

Under my proposal, the Office of Consumer Affairs is granted a full battery of discovery or investigative powers to be used for all purposes. Section 5(d) utilizes the subpena power for documents and witnesses, deposition authority, and the contempt of court provisions of section 9 of the Federal Trade Commission Act (15 U.S.C. 49). In order to give realistic punch to the eyes and ears of the consumer advocate, I have added the penalty provisions of section 10 of the same Federal Trade Commission Act (15 U.S.C. 15) which contains stiff fines and jail sentences for willful refusal or false statements.

In stark contrast to these broad powers of investigation, the administration's plan has discovery provisions which are drafted to practically blindfold the consumer advocates. As noted above, there are no investigatory powers that can be used for complaints.

Indeed, the Office of Consumer Affairs itself has no investigatory powers; rather these are vested in the Consumer Protection Division of the Justice Department. This Division is given certain investigatory power under section 204(a) (1) and (2), but only for general investigation. Thus under the administration's bill there is the anomaly of having the policy investigation power given to the prosecutors; the policy body, the Office of Consumer Affairs, must proceed blindly. To compound this ridiculous

situation futher, the power of investigation relating to actual court cases or regulatory proceedings, that is, the prosecutor's investigatory power, is given under section 204(a)(3) to the Federal agency involved in the proceedings and not to the consumer prosecutor. Thus, the Division of Consumer Protection under section 203 can intervene to present the consumer's case in court or before an agency—presumably to present the consumer point of view. But under section 204(a)(3) the consumer lawyer has to rely upon that very agency for discovery powers.

If the agency does not want to do anything, nothing happens. Two or three secretaries could be set up right now in the White House, who could pass on complaints to the agencies. Basically, that is what has been happening for the last 20 or 30 years.

Needless to say, there are no penalties for false statements or willful refusal.

LEGAL REPRESENTATION

The authority granted for intervention on behalf of the consumer into regulatory proceedings and appeals of those proceedings or in district courts and court of appeals is similar in both my bill and the administration proposal—the difference in approach lies with the people given this authority. In S. 2045, this power is given to the consumer advocate, the Office of Consumer Affairs. Thus an independent body whose only task is to represent the consumer is given the power to do precisely that—represent the consumer. This guarantees that a new point of view is injected into agency and court proceedings.

At last someone will speak for all the unrepresented consumers across the land. The administration divorces the power to intervene from the Office of Consumer Affairs and puts it back into an ongoing bureaucracy—the Justice Department. Those who are the policymakers cannot be the advocates. The Justice Department advocates are, as I pointed out about, dependent upon the agencies involved for any information gathering powers, so they have no independent source of information. Most distressing, the Justice Department also may have the responsibility to defend the agency itself if it is in court.

Thus the very same Department—albeit with different divisions—which has the responsibility of bringing in the consumer perspective also has the responsbility of presenting the agency perspective. I cannot imagine a greater conflict of responsibilities in one department. It simply does not make sense to create a new structure—the Office of Consumer Affairs—because an independent view, a new perspective must be created at the Federal level, and then not permit that new structure to present its case. What is the point of a consumer advocate if it cannot advocate?

REPRESENTATION IN DECISIONMAKING

At the Federal level, many of the decisions made that affect the consumer most directly are not made in adversary proceedings before courts or agencies. I do not think it is an exaggeration to say that most of the vital decisions affecting the consumer are not made this way. Rather they are made in the policy decisions of the departments, agencies, or high-level committees. The need for the consumer advocate, that is, a separate, new voice in the higher councils of Government, is the very reason for creating the Office of Consumer Affairs and placing it in the President's Executive Office. We must create a high level, policy advocate for the consumer.

For this reason, my bill in section 4(d) specifically provides for the intervention of the Consumer Office as a matter of right when "any matter" is pending before an agency or department that "may affect substantially the interests of consumers." Contrast this clear mandate for the Consumer Office to plead the case of the consumer to the administration's analogous provision, section 301.

For instance, in the matter of import quotas of oil, a matter handled by the Secretary of the Interior, here is a decision which, when the amount of oil coming into this country is restricted, can raise the cost of living for the average consumer by many dollars every year. Here is where the consumer ought to be represented. Here is where a people's counsel, here is where a public defender, here is where a consumer advocate ought to be in there fighting for the consumer. There is no one in there now.

Under the President's proposal, the Office of Consumer Affairs is given no authority to speak or intervene in any matter, through any bureaucratic maze, to represent the consumer. The Division of Consumer Affairs in the Department of Justice is given no authority to speak or intervene. There is no institutional change. Every department and agency is directed, when making decisions to "give due consideration to the valid interests of consumers."

Well, they are supposed to do that now, yet we know it is not happening. To me, this directive is a joke. It is next to meaningless. Nothing can be more inadequate for the consumer. It is a clear decision to do nothing at all.

I hope I have brought to light some of the grave inadequacies of the administration's proposals: No help to the complaining consumer; no independent investigatory powers for the policymakers or advocates; no separate institution for consumer advocacy; and no representation in policymaking decisions. I can only conclude that the administration's program is totally inadequate. It is a promise without the possibility of fulfillment. It is the consumer advocate blindfolded and tonguetied.

I ask unanimous consent to have printed in the RECORD at this point a chart comparing the provisions of S. 2045, my proposal, with those of S. 3240, the administration proposal. I think this will make the contrast between the two proposals quite clear.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

COMPARISON OF TYDINGS (S. 2045) AND ADMINISTRATION (S. 3240) PROPOSALS FOR AN OFFICE OF CONSUMER AFFAIRS

TYDINGS—S. 2045	ADMINISTRATION—S. 3240
Consumer complaints	*Consumer complaints*
Establishes regional consumer centers to receive complaints, give expert advice, and seek resolution of consumer problems. § 3(b)(2).	No provision for regional consumer complaints.
Upon complaint, powers given to consumer office to take "appropriate action," such action *not* limited to referral. If agency refuses action, binding arbitration provided. § 5(b).	Powers of Consumer office limited to transmittal of complaints of legal violations, bad trade practices, etc. § 104(a)&(b). No other action permitted.
Investigatory powers of complaints as in § 9, FTC Act [15 USC § 49]; penalty for refusals of discovery as in § 10, FTC Act, [15 USC § 50].	No investigatory powers concerning complaints—§ 204.
Investigations	*Investigations*
Full FTC powers upon consumer complaints—§ 5(a) (as above).	No powers of investigation upon consumer complaints (as above).
Full FTC discovery powers for any agency proceeding or court proceeding—§ 5(d), using § 9, FTC Act providing subpoena powers for documents & witnesses; court contempt for refusal; and deposition powers and § 10 FTC Act—providing penalties for refusal: $1,000 to $5,000/one year imprisonment; for false statement: $1,000 to $5,000/3 years imprisonment.	Discovery powers in court or agency proceedings: § 204 (a)(2); can require discovery by order—§ 204(a)(3) option of discovery is granted to other federal agencies at proceedings—§ 204(a)(4) provides petition to court for contempt in discovery refusals.
Legal representation	*Legal representation*
Intervention in agency proceeding by consumer office. § 4(a)&(b).	Intervention in agency proceedings by Justice Department § 203 (b)&(c).
Intervention in court proceedings by consumer office—§ 4(b)&(c).	Intervention in court proceedings by Justice Department—§ 203(c)&(d).
Representation in executive decisionmaking	*Representation in executive decisionmaking*
Intervention consumer office as of *right* § 4(d)—	No intervention-Agency involved itself responsible for protecting consumer, as done at present.

Mr. TYDINGS. Mr. President, we have reached that point in the legislative process where hard choices must be made about these measures. As far as I am concerned the choices are clear cut. Either we have the appearance of relief for consumers and the illusion of redress of fraud and deception or we have major

substantive changes in the law. We can pretend we are helping the consumer by offering him an Office for Consumers with no real powers and a cause of action strangled with crippling devices or we can create meaningful solutions to longstanding problems with some bite to them. It is a question of purpose: Are we interested in short-term, political gain built upon elaborate but empty proposals? Or are we interested in granting the hard-pressed consumer his day in court and his voice in the decisionmaking process? I hope no Member of the Senate is under the impression that before this body there are proposals of varying approach and technique, because that is not the case. There are only two types of proposals before us—those that will be effective and those that are drafted to be ineffective.

I hope we will do something for the consumer. If not, I hope the consumer will elect those who will.

I thank the Presiding Officer for his courtesy, and I yield the floor.

MR. FRITCHEY SHOULD INFORM HIMSELF

Mr. McCLELLAN. Mr. President, it is not often that I feel the necessity to respond to criticism either expressed or implied by editorial writers and newspaper columnists. However, a recent article by Mr. Clayton Fritchey in the Evening Star of Friday, February 6, 1970, concerning S. 30, the Organized Crime Control Act of 1969, which passed the Senate on January 23 by an overwhelming vote of 73 to 1 affords justification for a departure from that general policy.

It is apparent from an examination of Mr. Fritchey's article that he has not bothered to read the act, the Senate debates, the committee report, or the hearings conducted by the subcommittee. Instead, the article represents little more than a scissors and paste collage of newspaper comments and quotes that other more enterprising reports have drawn together. For this reason, Mr. Fritchey himself has a woefully distorted conception of the process that led to the passage of S. 30 by the Senate, and in the article inflicts that misconception on his readers through what can only be charitably described as irresponsible journalism.

Mr. Fritchey begins by suggesting that S. 30 was the product of a "stampede" by an "excitable" Senate acting under "popular pressure." The bill was, he says, "rammed through" with "little or no debate." As we here in the Senate know so well, nothing could be further from the truth. The process which produced S. 30 had its beginning on January 15, 1969, over a year ago, when I introduced S. 30, along with my distinguished colleagues from North Carolina (Mr. ERVIN) and from Nebraska (Mr. HRUSKA). It moved through extensive hearings and consultations, during the course of which seven other bills in the organized crime area were introduced and included in our considerations.

Mr. President, only a habit of irresponsible journalism—or perhaps misguided ideology—could lead a commentator to suggest that this bill was "rammed through" the Senate. Debate, as all the Members know, proceeded over the course of 3 days. Each Member was allowed to speak as long as he chose. Where a limitation was placed on debate, it was done by unanimous consent. And I might add, Mr. President, that as manager of the bill I declined overtures from the leaders to agree on limited debate more than once during the pendency of the measure. I felt it should have full and free debate. It was only after we were nearing the conclusion, as I recall in the third day of the processing of the bill in the Senate, that any time limitation was set, and then it was set on particular amendments as they came up, and set by unanimous consent and by agreement of the sponsor of the amendment and the manager of the bill.

Each amendment that was suggested was considered thoroughly and, I might add, where they improved the bill they were gladly accepted by the floor managers, and where the floor managers thought they were inappropriate, votes were duly taken—in most instances rollcall votes.

Mr. Fritchey next suggests that perhaps in the House Judiciary Committee some of the bill's "worthwhile" features might be salvaged. He then notes that the House Committee expects to hold hearings on the legislation on February 18. This comment, like several others, shows the extent to which Mr. Fritchey's column is based on the quicksand foundation of little more than other people's newspaper clippings. Had he contacted the House Judiciary Committee directly, as I have done, or any other responsible source, he would have learned that the committee does not now plan to take up S. 30 as a part of its February 18 hearings and that earlier reports to the contrary in the newspapers were erroneous. Instead, I am informed, S. 30 will be the subject of hearings in the House sometime after the February 18 series of hearings is completed, probably sometime in late April.

A central point made by Mr. Fritchey's article is that new sentencing authority is not needed to deal with the leaders of organized crime. Such is not the view of those who have taken the time and trouble to study this problem in anything more than a superficial fashion. The model penal code of the American Law Institute, the model sentencing act of the National Council on Crime and Delinquency, the sentencing standards of the American Bar Association, the report of the President's Commission on Law Enforcement and the Administration of Justice, and the Judiciary Committee's own studies, all refute Mr. Fritchey's views, confirm the commonsense judgment of American citizens everywhere that the leaders of organized crime are not now brought to book under present procedures, and conclude that special sentencing techniques like S. 30's must be used.

Mr. President, I would also like to point out how Mr. Fritchey stands convicted, from his own words, of falling prey to the very sin he would impute to the Senate. He accuses this body of giving in to "popular pressure"—implicity, I would suppose, of lack of courage or independent convictions—but he then suggests that there is no need to enact S. 30, since it is aimed at organized crime which, he suggests, is not responsible for the violence that "so much concerns" the public. Obviously, S. 30 should be considered on its own merits—independent of the question of public pressure. But Mr. Fritchey cannot have it both ways. He cannot fault us for taking action in response to the demands of people everywhere and suggest at the same time that our action is inappropriate since it does not, he says, meet those demands.

Nevertheless, I suggest that Mr. Fritchey has once again demonstrated the superficiality of his understanding of our crime problem when he failed to recognize the relationship between organized crime and the sort of street crime that he suggests gives our citizens legitimate concern. Whitney Young of the Urban League has rightly observed:

> A cause of violence in Harlem is the refusal of the authorities to crack down on the Mafia, which trafficks in narcotics.

Narcotics addicts account, in the estimate of those most directly involved, for as much as 50 percent of the muggings, robberies, and thefts in our major metropolitan areas—including not only Harlem, but also the District of Columbia. In the Washington Daily News of February 9, 1970, page 2, column 1, the cost in stolen property in connection with drug addiction to the District is estimated at $618 million per year.

Mr. President, how do these narcotics addicts raise the money? Many of them do not work. Many of them have no source of income except by mugging, robbery, stealing, and burglary. We must cut off the source of supply of the drugs, which is controlled by organized crime—more than 90 percent of all harmful drugs that come into this country, the illicit drug traffic, is brought in by the forces of organized crime. Yet this very distinguished columnist can see no relation between the street crime—where the addict goes out and knocks somebody on the head or snatches a woman's purse or by unlawful entry commits burglary—and organized crime, the activities of the Mafia.

Mr. President, Mr. Fritchey ends his article by falling into the fallacy characteristic of much of the reasoning of some liberal commentators on the administration of justice. He suggests that, if we were willing to put up the kind of money that it takes to modernize the major law enforcement and prison systems in this country, we might be able to restore law and order.

He presents this spending program, moreover, as an alternative to giving to our law enforcement agencies the legal tools they need to respond to our crisis in crime control, when, in truth, these items are not mutually exclusive or alternative courses of action. The peace forces in our society—the police, the courts, the prisons—need not only money and modernization—with that I agree—but they

also need modern legal tools and techniques. To deny law enforcement either more financial resources or the new legal tools that are required is to render more difficult their task of enforcing the law and protecting society.

Mr. President, I sincerely regret that Mr. Fritchey's article is calculated more to mislead than to inform his readers. I therefore felt constrained to call this shoddy reporting to the attention of my colleagues and the readers of the CONGRESSIONAL RECORD.

Mr. President, I ask unanimous consent that the newspaper articles to which I have referred be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Feb. 6, 1970]

HOUSE GETS CHANCE TO CALM SENATE

(By Clayton Fritchey)

The accepted theory for having a bicameral Congress is that if the supposedly mercurial House should stampede under popular pressure, as it has from time to time, the more entrenched Senate would be there to stabilize the situation until the panic passed. In the new session of the 91st Congress, however, the public must look to the House to restrain an excitable Senate—at least as far as crime busting is concerned.

After pondering some of the dubious features of the hodge-podge omnibus crime bill just passed overwhelmingly (73 to 1) by the Senate, with little or no debate, the country can be glad that this legislation still has to face further scrutiny in the House, especially by the Judiciary Committee where, fortunately, there are influential members of parties who are dedicated to protecting the kind of civil liberties that this bill endangers.

Senator Hugh Scott, the Senate Republican leader, thinks both parties should share the credit for the bill. It would be more accurate to say both share the blame, for the bill was rammed through in three days only because of partisan politics.

President Nixon, seeking to pre-empt the law-and-order issue, as he did in 1968, blamed the Congress for not acting on the crime bill, and the Democrats, despite misgivings, sought to head him off by immediate passage. So now it is up to the House to salvage the bill's worthwhile features, while purging it of provisions so questionable and extreme as to threaten its constitutionality.

Rep. Emanuel Celler, D-N.Y., chairman of the House Judiciary Committee, says hearings will start on the legislation on Feb. 18. The ranking Republican on the committee, Rep. W. M. McCulloch of Ohio, says he "has no intention of rushing through any unconstitutional legislation that won't stand up in court."

Celler's calm view is that "frankly, crime is primarily a state matter; it is not a federal matter." Nixon, since becoming President, has also been coming around to this view, but after blaming Lyndon Johnson for the increase in crime, he can hardly absolve himself of responsibility now that he is in the White House.

Actually, the new crime bill is as much Democratic Senator John McClellan's as it is Nixon's, perhaps more so. Most of the administration's items centered on gambling, obscenity and District of Columbia law enforcement. The McClellan items largely reflected his primitive view that crime can be cured by tougher sentences and fewer safeguards for defendants.

Senator Edward Kennedy, for instance, fears that a provision ostensibly aimed at professional criminals is so broad that a war protestor like Dr. Benjamin Spock could get 30 years under some circumstances. Other senators are mindful that James V. Bennett, former U.S. prisons director, says that our criminal laws are already "the most severe in the world"—but they haven't curbed crime.

As bad as crime is, there is no great urgency for enacting the Senate's bill, for it doesn't concentrate on the kind of violence that so concerns the public; muggings, robbery, rape, riots, looting, car thefts, vandalism, juvenile gangsterism, etc. It is primarily aimed at the mobs and organized crime, which seldom threaten the public directly.

The administration has already discovered that harsher sentences are no real answer to crime. When it came to power last year, the administration was talking about 10 and 20 years in prison for marijuana offenses, but now it is going along with proposals to make "pot" a mere misdemeanor, subject only to light punishment and or suspended sentences.

The only senator who had the courage to vote against the pending bill was Lee Metcalf, D-Mont. He says he was and is prepared to vote more money for policemen, courts and rehabilitation, but "I am very much opposed to taking away what I consider to be fundamental rights from people charged with crime." A sheepish colleague, who feels the same way, but voted for the bill, says, "Everyone's afraid of being called soft on crime."

When Congress and the President are ready to support an effective gun control bill, and are willing to put up the kind of money it takes to modernize the nation's law enforement and prison systems, the country can begin to take seriously their proclaimed interest in law and order.

[From the Washington Daily News, Feb. 9, 1970]

HUGE COST OF ADDICTION

(By Don Kirkman)

The enormity of financial losses a major American city suffers from crimes committed by drug addicts has been revealed in a penetrating study by a Johns Hopkins University medical researcher.

Dr. Leon Wurmser, director of the Johns Hopkins Drug Abuse Center in Baltimore, reports robberies, muggings, burglaries, shoplifting and other crimes committed by Baltimore addicts cost the city $100 million to $500 million per year.

Baltimore has a population of about one million and about 12,000 are drug addicts, Dr. Wurmser says. The $100 to $500 million estimate is based on confidential information he obtained from 60 Baltimore addicts who revealed the details of their crimes in unsigned questionnaires.

The study showed an average drug addict's habit cost him $47 a day, with the amount varying from per addict to one who had to spend $250 a day for drugs.

Because the addicts had to sell stolen goods at prices varying from one-third to one-half their true value, an addict with average $47 per day habit had to steal goods valued at about $42,000 annually to support his habit, Dr. Wurmser said.

All 60 addicts confessed they had to commit a variety of crimes to support their drug habits. Forty-one of the 60 admitted widespread shoplifting, 30 confessed to being dope pushers, 19 said they committed burglaries, 15 participated in confidence games and gambling, eight resorted to violent robberies and muggings, and five were prostitutes.

PRESENTS STUDY

In a personal presentation of his study to a joint session of the Maryland legislature, Dr. Wurmser cited the case of a young addict who had been hooked on heroin since last August. To support his $65-a-day habit, this addict admitted a long string of shoplifting, automobile break-ins and burglaries.

Dr. Wurmser said another addict with an $80-to-$100 a-day habit claimed he had stolen a "few hundred thousand dollars" worth of goods by shoplifting in Baltimore department stores and shopping centers every year for six years.

The day before he turned himself into Johns Hopkins, the addict admitted burglarizing a drugstore of 30 watches and 60 to 70 packs of razor blades. He sold his haul, valued at $400, for $110 to buy heroin.

Dr. Wurmser says the Baltimore police department's drug addict register lists 6,000 known addicts but there are an equal number who haven't been detected by the police.

"For 6,000 addicts our estimate of property damage would go to $250 million per year and for 12,000 addicts to $500 million per year," Dr Wurmser said.

This enormous loss is borne mostly by Baltimore's large stores, Dr. Wurmser said, but insurance companies bear part of the brunt and their losses eventually are passed on to the city's consumers.

FAVORS METHADONE

The only logical way to treat narcotics addicts, Dr. Wurmser said, is to place them on a strictly supervised dose of the drug methadone, a narcotic that substitutes for the addict's chosen drug.

About 80 per cent of the addicts who use methadone for six months are able to break their addiction, Dr. Wurmser said, and taking daily doses of methadone allows addicts to lead an almost normal life while "kicking" the drug habit.

Dr. Wurmser estimated the average methadone cure costs about $1,000 an addict, or two or three per cent of the amount an addict would steal to support his habit.

ADDICTS COSTLY TO DISTRICT OF COLUMBIA

The financial cost to Washington is at least as staggering as to Baltimore from crimes committed by drug addicts, if Dr. Leon Wurmser's calculations are correct.

Estimates on the true number of addicts in the District range from the Federal Narcotics Bureau's figure of 1,162 last spring to more than 12,000 by such persons as Hiawatha Burris, director of Bonabond, Inc., a leading drug rehabilitation program. Col. Jeru-Ahmed Hassan, director of the Blackman's Development Center heroin treatment program, said more than 9,000 addicts were registered in his program, with 1,500 actively receiving treatment.

A $41-a-day habit would mean $544,000 in drug traffic daily for 12,000 addicts, or $199 million a year. An addict with a $47-a-day habit has to steal goods valued at $51,465 a year, if stolen goods bring one-third their true value, based on Dr. Wurmser's calculations.

And 12,000 addicts needing $50 a day in drugs would mean $618 million in property stolen and fenced here each year.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. HOLLAND. Mr. President, I wish to speak briefly in connection with H.R. 514, now pending before the Senate, and in particular in support of the amendment proposed by the Senator from Mississippi (Mr. STENNIS) and others, of whom I am one, which is amendment No. 481, and relates primarily to the en-

actment of freedom of choice for the parents and the children in our public school systems.

I first invite attention to the fact that amendment No. 481 follows as nearly as may be the enactment by the Legislature of New York last year of section 3201 of the Statutes of New York. I ask unanimous consent that statute 3201, now part of the law of New York, as enacted by a vote of better than 2½ to 1 in the lower House of the New York Legislature and a substantial vote in the Senate of the New York Legislature, and approved by Governor Rockefeller of that State be printed at this point in the RECORD.

There being no objection, the statute was ordered to be printed in the RECORD, as follows:

§ 3201. No exclusion Discrimination on account of race, creed, color or national origin prohibited

1. No person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin.

2. Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

Mr. HOLLAND. I want to make it clear that I have included all of that section except the portion which deals with religious schools, which has no relation whatever to the Stennis amendment which will follow.

Without attempting to read the statute of New York in full, I just want to make it very clear that the concluding words of that portion which deal with the public schools reads as follows:

Provided, that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

This makes it very clear that the major thrust of that portion of the statute of New York has to do with the retention of freedom of choice of parents and guardians as to where their children shall attend public schools.

In order that it may be completely clear for the RECORD how closely the amendment offered by Senator STENNIS and others follows not only the meaning but even the exact wording of the statute of New York to which I have referred, I ask unanimous consent that the body of amendment No. 481, entitled "Discrimination on Account of Race, Creed, Color, or National Origin Prohibited," be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 45, between lines 4 and 5, insert the following new section:

DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED

SEC. 2. (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

(b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone, or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose: *Provided*, That nothing contained in this Act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

Mr. HOLLAND. Mr. President, sometimes we are lucky enough to find an able and a scholarly treatise on a subject under discussion in the Senate which so nearly fits the situation that I think it should be brought to the attention of the Senate. I have found such a scholarly discussion of this question—freedom of choice—entitled "Freedom of Choice and the Constitution," in a brief written by Mr. Whiteford S. Blakeney, an able attorney at law of Charlotte, N.C. I have inquired of some of my North Carolina lawyer friends, particularly of the senior Senator from North Carolina (Mr. ERVIN), as to the standing of Mr. Blakeney and I find that he stands among those few attorneys considered to be at the top of the North Carolina bar.

Therefore, I have been particularly happy to find this brief, which is on the subject of "Freedom of Choice and the Constitution," and after making some minor changes which are necessary in order to make the brief applicable to present debate, I am going to read from that brief in some detail because I think it so clearly applies to the specific part of the pending debate.

These are the words of Mr. Blakeney, with minor changes, to make them apply directly to our situation now pending:

FREEDOM OF CHOICE AND THE CONSTITUTION

The subject which I shall undertake to discuss with you is of deep interest to many people nowadays. It is in fact a center of continuous controversy, which in turn is heightened by a great deal of genuine misunderstanding and confusion.

Not all things yield to reasoning, but clear thinking and understanding are certainly the beginning of solution to any difficult problem; and it does seem to me that the thinking and understanding processes on this subject have become extraordinarily obscure and tangled.

Let me begin by stating two different propositions:

(1) The United States Constitution requires that State government shall *not*, on the basis of a child's race or color, designate or determine where he is to attend public school.

(2) The United States Constitution requires that State Governments *shall*, on the basis of a child's race or color, designate and determine where he is to attend public school—*if* such be necessary in order to accomplish racial integration.

Immediately it appears that these two statements contradict each other. They are indeed contradictory. And this contradiction summarizes the whole dilemma of this problem today. For some of our Federal Courts and Federal executive authorities are now trying to maintain both of these positions—to their own confusion, to the frustration of thousands of school administrators, and to the total befuddlement of students, teachers, parents and the general American public. How has such a situation come about?

THE FIRST PROPOSITION

Fifteen years ago the United States Supreme Court in the case of *Brown* vs. *Board of Education* ruled that even though facilities and curricula and all other factors be wholly equal, the Constitution of the United States does not permit the compulsory separating and segregating of children in public schools on the basis of race or color. The provision of the Constitution which the Court pointed to as compelling this ruling was the short and concise command, in the Fourteenth Amendment, directing that "no State shall . . . deny to any person within its jurisdiction the equal protection of the laws."

That decision departed from established precedents, but its reasoning was that, since the Constitution directs the State to accord "equal protection of the laws" to all citizens, the State is not doing so when it, the State itself, assigns any child, because of his race, away from any other children in the public schools. Laws compelling separation because of race do not accord equal protection of law, said the Court.

Thus there became established and settled the first proposition I stated to you, namely: The United States Constitution requires that State governments shall not, on the basis of a child's race or color, designate or determine where he is to attend public school.

Soon thereafter, various Federal District Courts and Appellate Courts outlined carefully what the Supreme Court had thus held, and what it had not held. For example, Judge John J. Parker, Chief Judge of the United States Court of Appeals for the 4th Circuit, emphasized that:

"It (the Supreme Court) has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing schools they attend. What it has decided is that a State may not deny to any person on account of race the right to attend any school that it (the State) maintains."

Further, he stressed:

"(The Constitution) does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The Fourteenth Amendment is a limitation upon the exercise of power by the freedom of individuals."

For some twelve years after the *Brown* decision, no Court disagreed with this clear statement of constitutional principle, nor did the Supreme Court.

Indeed, in 1964, Congress embodied this same distinction in the Civil Rights Act enacted that year. It is declared in that *major* Federal statute that:

"'Desegregation' means the assignment of students to public schools and within such schools without regard to their race, color, religion or national origin, but 'desegregation' shall *not* mean the assignment of students to public schools in order to overcome racial imbalance."

Further, it is enacted even more specifically in this statute that:

"(Nothing herein shall empower any offi-

cial or Court of the United States to issue any order *seeking to achieve a racial balance* in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance. . . ."

But approximately three years ago, there began to develop a swing or shift on the part of Federal authorities and some of the Federal Courts. They began to say: Twelve years have now passed since the decision of the Supreme Court in the *Brown* case and a sufficient racial mixing in the public schools has not occurred; in some area there has been little or none; and in some places it increased for a while but is now actually diminishing.

To this, many school administrators made answer: We are no longer in any way, directly or indirectly, maintaining or requiring any segregation by race in the public schools. We are not placing upon school children, according to race, any desperate pressures or inducement of any nature. We give to the children of any race the same freedom to choose where they will attend school that we give to the children of any other race. In various cases it was proved in Court, and indeed agreed on all sides, that this was so, and that no student, white or black, was being in any way restricted, on the basis of race or color, in choosing where he would attend school.

No matter, the rulings began to declare, more racial integration must take place. It is essential to "quality education"; school authorities have an "affirmative duty" under the United States Constitution "to bring about more mixing of the races in the public schools," it was insisted. The test of the validity of any plan or program relative to school assignments is whether it actually "works," and works sufficiently, in the direction of racial integration; if it does not, then it is unconstitutional. Such became the new pronouncements.

And therefore it had become apparent that the local school plan did not "work." The Court decreed that the United States Constitution required the school authorities to use "other means" in order to produce a greater proportion of racial mixing.

Specific orders as to such "other means" have now begun to emanate rapidly from some of the lower Federal Courts—Court orders, for example, to halt the construction of schools, or to close schools though they might be up-to-date and well equipped, or to provide free bus service to a child if he chooses to go in a direction that will increase racial mixing but not if he chooses to go in any other direction, and even the foreshadowing of decrees for the compulsory busing of children away from wherever they may be, in order to accomplish a greater degree of racial integration.

EQUAL PROTECTION?

Unanswered are such baffling questions as: How many white and how many black will be forced to change or transfer? How are the individuals to be selected who are to be forced to move? Where is the equal protection of law as between those, both black and white, who are compelled to move and those black and white, who are not compelled to move? How are the percentages or proportions of racial mix to be determined? What is sufficient mixing and what is not? Are the proportions to be the same in each and every school?

Meanwhile, as Court orders of this new tenor issue, the Federal Department of Health, Education and Welfare has been promulgating guidelines with respect to the ratios of racial mixing and the percentages of annual increase therein which will be deemed "satisfactory," coupled with pronouncements that schools which fail to meet these ratios and these percentages will be cut off from Federal assistance funds.

In this connection it might be noted that when the Civil Rights Act of 1964 was being debated in Congress, the managers of the Bill, in response to specific questioning, solemnly and repeatedly gave assurance that the cutting off of funds for any such reason would "violate the law."

Here is indeed an incredible spectacle. The Congress of the United States having enacted a statute declaring that " 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance," a department of the United States Government proceeds to use vast sums of tax money, collected from American citizens, as a means of inveigling school administrators to join with it, the Federal department, in violating the expressed will of Congress. The funds amount, however, to hundreds of dollars, and with a temptation so great, many succumb.

But as for the Courts and their new orders, they say—and rightly so—that on any matter as to which Congress and the Constitution are not in harmony, their duty is to follow the Constitution. And various of them are declaring that the basic constitutional distinction which they all observed up until two or three years ago is no longer valid.

Thus some of the Judges of the 4th Circuit Court only two years ago referred to this fundamental distinction as a "facile formula" and a mere "dictum." Some other Judges in the Fifth Circuit opined that it "should be laid to rest." And in July of last year, 1969, the Fourth Circuit Court of Appeals solemnly intoned that this pivotal principle "is now dead."

Thus they arrive at the second proposition which I originally stated to you, namely: The United States Constitution requires that State governments shall, on the basis of a child's race or color, designate and determine where he is to attend public school—if such is necessary in order to accomplish racial integration.

Does the Constitution of the United States so require? Let's analyze the matter.

How does it make sense to say that words in the United States Constitution, and specifically in its Fourteenth Amendment, prohibit the State from assigning children in public schools on the basis of race, and that identically the same words, in the same provision, may compel the State to assign children in public schools on the basis of race?

How can it reasonably or intelligently be claimed that the constitutional requirement of "equal protection" of the law freed the citizen from governmental compulsion based on race, but that the same requirement now imposes governmental compulsion based on the same factor, namely, race? Is this not a monumental inconsistency?

How is it to be said that the Constitution grants freedom to the Negro child or the white child, if it denies free choice to both of them and imposes a compulsion upon both of them—a compulsion shaped and determined by race?

Not only do we have here a stultifying self-contradiction. It is also a 180 degree reversal of what the Supreme Court held in the Brown case. The second proposition necessarily means that the United States Constitution, and specifically its Fourteenth Amendment, today requires what it prohibited fifteen years ago, namely, State dictation of school assignments on the basis of race. Yet, in the meanwhile, there has been no change whatever in the Fourteenth Amendment—not in any word or jot or title.

Let us look again at the constitutional provision in question. It is simply this: "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." That is all. The Supreme Court based its Brown decision specifically and wholly upon those words. All that has been done in this field, all that is now sought to be done, is in the name of these few words in the Fourteenth Amendment to our Constitution.

One of the first principles of American constitutional law is that the United States Government has no powers except as delegated or assigned to it by the Constitution. Nobody claims that the Constitution gives the Federal Government any power to educate the youth or to operate and regulate the public schools in the various States. And the Federal Courts are not claiming any authority to direct or control the States in this public school controversy or any aspect of it, except to enforce the constitutional provision which says that the States shall, in all matters, give "equal protection of the laws" to all citizens.

Since then all that the Federal courts are now purporting to do in this field rests solely on this phrase, how do they claim they are obtaining the "protection" of law for a citizen when they order a State to take from him a right which they, the Federal Courts, have themselves declared to be his constitutional right, namely the right not to have his school assignment determined on the basis of his race?

How do they claim that a person in receiving the protection of law is a right when the law is depriving him of that very right? And how do they explain saying to him: The constitutional provision for "equal protection of the laws" recently required that we give you this right, and now the same constitutional provision requires that we take it away from you?

Thus, as one of the Judges of the United States Courts of Appeals has discerningly put it:

"The freedom of the Negro child to attend any public school without regard to his race or color, first secured in the Brown cases, is again lost to him after a short life of less than thirteen years."

Reason, common sense, intellectual integrity all lead to one conclusion: That the same words of the Constitution which are construed as prohibiting a State from forcing racial segregation upon any school child, black or white, are not to be construed as commanding the State to force racial integration upon any school child, black or white. The Constitution does not assure the child freedom in this matter and at the same time order it taken from him. Rather, it guarantees to him that he shall not be compulsorily assigned to a school on the basis of his race—period. Barring a child from a certain school because of his race, white or black—and forcing a child to go to a certain school because of his race, white or black—these are exactly one and the same offense against the Constitution of this nation.

Beyond the abstract reasoning of this matter, however, let us consider the force and impact of a Court order as it says to a school child, whether black or white: Because of your race, you will now leave here, though against your will, and, because of your race, you will now be transported to a distant place and there you will attend school, though against your will. Such compulsion is bound to be resented, deeply resented, by American citizens, both black and white.

And well may they resent it, for it is not a compulsion of minor or insignificant nature. It is a major intrusion upon the individual's freedom of choice and decision. It is a major erosion of the guarantees of our Constitution. It is a major step in our accelerating trend toward governmental dictatorship.

As one of the Judges of the Fifth Judicial Circuit has said with regard to this issue, "the collision is head-on between individual freedom and paternalistic authoritarianism." In his words, the orders which are now being issued "cut horizontally and vertically" into the body of constitutional principle in a manner that is "breathtaking."

Other Judges have well summarized the matter:

"If completely free choice is afforded and neither the students nor their parents desire to change the schools the students have heretofore attended, this Court is without authority under the Constitution or any enactment of Congress to compel them to make a change."

"While professing to vouchsafe freedom and liberty to Negro children, they have destroyed the freedom and liberty of all students, Negro and white alike."

"It is unthinkable that our Constitution does not contemplate a middle ground—no compulsion one way or another."

"The true answer remains, give (the child) absolute freedom of choice and see to it that he gets that choice in absolute good faith."

But those who support the new compulsion say that "freedom of choice is not an end in itself" and that racial mixing in the schools must be brought about, by the force of Court decrees if need be, in order to achieve the further objective of "quality education."

Upon reflection, however, one cannot fail to see that freedom of choice is an end in itself. Indeed, what end is higher or greater? What is the objective of our Constitution if not this? Individual freedom and liberty are the words repeated and echoing throughout the Bill of Rights. They are its very theme. They are what it secures and guarantees.

What man will do with freedom is left for his own initiative and choice and decision, not for governmental dictation and decree. That is why he esteems it so highly—it and the Constitution which assures it to him.

As for "quality education," it may be reasonable to doubt whether forced assignments to schools for the purpose of achieving racial mixing, irrespective of the wishes of anybody concerned, is likely to contribute to equanimity or harmony or educational processes in the public schools. But however that may be, it is not the purpose of this discussion to try to analyze what constitutes or does not constitute "quality education." Nor is it the purpose of this discussion to argue the merits or demerits of racial mixing in the public schools.

It is the purpose of this discussion to try to make clear that the Constitution of the United States does *not* require—indeed does not *permit*—any governmental authority to dictate and prescribe public school assignments *on the basis of race.*

If racial mixing results from the free and voluntary choice of individuals, there can be no quarrel with that from a legal standpoint. But there is and should be quarrel with those who declare that our Constitution orders and compels it. To impose it by force in the name of the Constitution is an unforgivable subversion of that great Covenant—our very Charter of freedom.

Those who fail to see this may be motivated by the best of intentions to achieve "quality" education, social "unity," or what not. There is no occasion to doubt that they sincerely and genuinely believe that what they seek is good. But there always have been, and probably always will be, many people who have a great urge to plan and prescribe what they deem to be best for everybody. And in that process they are often quite willing, consciously or unconsciously, to override any individual liberties that stand in the way of what they consider beneficial and desirable.

The Constitution is, and was intended to be, a curb upon and a barrier against, such persons—when they have achieved public office and hold the reins of government in their hands. As Daniel Webster declared:

"It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions."

Justice Brandeis said: "Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent . . . The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding."

And as Thomas Jefferson vividly expressed it: "Let us hear no more then of the good intentions of man, but bind him down with the chains of the Constitution."

One Judge, in recently exalting this new domain of governmental dictation which we are now considering, quoted Victor Hugo's aphorism that "no army is stronger than an idea whose time has come." To this it might be respectfully answered that the idea which this Judge now espouses has *not* just arrived. Throughout ancient and medieval times it bestrode the world. For thousands of years, man has struggled—and ever struggled—against it. It is the idea that those who wield governmental power shall always control more and more the decisions, the actions, the lives, of the governed.

It is an idea which was thought to have been banished from these shores with the adoption of the American Constitution. But it is infinitely persistent and returns continually in many guises. Again and again it must be resisted and fought by free men who recognize it for what it is—the age-old enemy of individual liberty—the ever-present reach for control and power over other people.

But the method of resistance cannot be the disobeying or defying of Court orders. That is the road of anarchy. Those who place their hope and faith in constitutional government must follow constitutional processes—while there is a Constitution.

And the contest on this matter is by no means yet resolved. The Supreme Court has indicated but not yet crystallized its adoption of this new compulsion. Appeals in Court are still open. The Supreme Court can and does alter, and indeed reverse, its own trends—as we have so clearly seen on this very subject. If need be, language more specific and hopefully impossible to subvert, can be placed in the Constitution by the amending process, should the American people sufficiently so desire.

But first there must be understanding—understanding as we are discussing here today—that in public schooling our country is almost subtly and unconsciously shifting from a State compulsion based on race to a Federal compulsion based on race—and this upon the amazing claim that the United States Constitution requires it.

In the end, this latter compulsion, like the former, cannot prevail. It will be repelled and undone—for the simple reason that it undertakes to shackle a force greater than it is. By that greater force I mean the spirit of independence—man's elemental urge and yearning for freedom—freedom to decide and to choose for himself—personal freedom in his life.

That is exactly the force that built this nation and established a constitutional framework for all government in this land. And it is a force that lives on. The more restrictions, the more controls, the more dictates that are heaped upon it—the more bonds that are fastened around it—the greater becomes the *certainty* that they *will be broken.*

Patrick Henry's impassioned cry expressed it. Irrespective of their race or color, *men do value liberty above all else.*

And no matter how often or how severely it may be repressed, it reasserts itself inevitably and rises again and again in all the generations of mankind. *It is a flame that can never be extinguished!*

Mr. SAXBE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HANSEN in the chair). Does the Senator yield?

Mr. HOLLAND. I am glad to yield to my distinguished friend.

Mr. SAXBE. Mr. President, the statement read by the Senator and the logic thereof are very persuasive. In stating that perhaps the law has gone full circle and turned back on itself in an effort to grant equality to the black man it could be we have brought inequality to both black and white.

Mr. HOLLAND. That is exactly what Mr. Blakeney says and I thought his treatise was so completely persuasive and so completely unanswerable that I wanted to place the major contents of it in this debate.

Mr. SAXBE. It certainly makes for an outstanding case. As a lawyer we look with great concern on the fact that something that is attempted fails or that it brings a different end than was foreseen. But it is not that simple, as he states in that article.

It is a situation with many ramifications because the case of Brown against Board of Education upset a procedure of some 55 years or longer whereby the separate but equal system had survived in this country; and the separate but equal system had evolved into a separate black society, separate and second class; and it had resulted in a rather hopeless outlook. As we came into the Brown decision, and into allied Supreme Court decisions, and then to the civil rights laws that were passed by this body, it seemed that we were taking away the barriers that held the black man to this second class position.

All over the country it was heralded as "Now we are going to have equality in education and equality in opportunity," because everywhere education was considered as the doorway, the key, to achieving the opportunities that awaited everyone in this country.

But then nothing happened; and we waited and we waited. And we saw that there were other forces at work. Even with freedom of choice, we found that there were economic forces, there were social forces; we saw that a parent did not want to send a child to a school where he was not wanted, where he was a stranger in his own community, where the educational level was so different that he could not meet the requirements. And so he drifted backward, to a society that, even though second class, was one where he felt comfortable.

So we had the situation, as we have today, where a high school sophomore could not read a newspaper.

In our northern cities I know, as the Senator from Mississippi (Mr. STENNIS) and others have pointed out, as the black man took over the center city and the ghetto developed, we have had schools—and it has happened in my State—that were more than 95 percent black. We have schools here in Washington that are practically 100 percent black.

Mr. HOLLAND. Leave out "practically." They are 100 percent black.

Mr. SAXBE. That has resulted in a segregation that was never foreseen in

Brown against Board of Education. What has resulted is a segregation that has put the black man in a worse situation, from the education and economic opportunity standpoint, than he was years ago.

But the very idea that we are going to turn this around and we are going to change it by saying, "All right, we will stop the Court in its attempt to make integration work"; we will change it around and say, "All right, let them go to school wherever they want to"—this is exactly what the black militant wants, the black separatist, because he says there is no area of reconciliation between the black man and the white man. And the Black Panther says, "There is nothing but revolution that is left, because we have been crowded out. We have been put in a position where the opportunities that exist are purely visionary and do not really exist in fact."

On the other hand, the white separatist says, "Well, we cannot integrate this school, because there is too great a difference, and the 10th grade black student and the 10th grade white student have really nothing in common. So when we go in to teach them geometry, we might as well be trying to teach Greek to a person totally unacquainted with the basics of English. So we have to segregate if we are going to preserve the educational system in America."

What comes out of all this is not an answer that is obvious to all of us. A jurist or an attorney who says this problem can be solved so easily by making Brown against Board of Education again the simple law of the land does not have the whole answer. He satisfies himself. On the other hand, what we have today in Washington, in Cleveland, is not a satisfactory answer.

I personally am one who believes that we must have integration if we are going to have any kind of peace in this country. I think that 90 percent of the black people of this country believe that there is hope for integration, and it is only the few who are giving up the idea and who have turned to militancy who refuse to believe it. I think most of the white people in this country want to believe that this can be so.

As we look at the history of the world, it cannot be too optimistic. We know that racial mixing has been the only permanent solution, and it has happened only in a few countries, and racial mixing does solve the problem. But here we see no evidence that it is going to happen on such a major scale that it is going to solve our problem.

However, I do not believe that to turn the clock back and say, "Well, let us make it freedom of choice and this will solve the problem" is the answer. What I am afraid of is that freedom of choice will perhaps work in the North in a few areas, but that in most areas where the aggravation is today, in the South, and the rural South especially, we will be right back where we were at the time of Brown against Board of Education, because the ones who want to go to school will settle quietly for the segregated school, or what will amount to the segregated school. The few bold ones who are willing to stand the taunts and the hurts and the social injustice that comes, not from the institution, but the people, will attend the white high schools and undergraduate schools. But generally it will sift itself out until we have segregated schools and we will be back where we were before Brown against Board of Education.

Now, if that is what we want, if that is satisfactory to us, then I suppose it is a solution. But, for me, I hope for something more. Perhaps I am optimistic, but I hope for something more, and that is that integration can become a reality and that men can come to live one with another as brothers in this country; that education will open the doors so that there will be equal opportunity, so that we do not have economic stratification, which we have today, with the very limited top for the black man; and that the dream that Martin King talked about, and the dream that many optimistic citizens of this country still hold, has a chance to become a reality.

If we turn it around and start back down the Jim Crow road, even though legally condoned, it is going to kill the hopes of those who feel that there is a chance for it to work.

I see the argument. I understand it. As I say, it was, and is, most persuasive. But I view it with fear, fear that what we say and what we mean are two different things, and that, unequally applied, even though conceived in the greatest of justice, it can achieve distortion and result in evil.

Mr. HOLLAND. Mr. President, I thank the Senator for his comments. I can see that they are based on a deep conscience, and he just does not know what the answer is. I do not think any of us are sure at this stage what the answer is. But certainly the argument which I made, and the argument which I have repeated, which was made by the learned Charlotte attorney, Mr. Blakeney, does not suggest turning back, as the Senator has said, to the Jim Crow days.

I may mention to the Senator that I have 15 grandchildren. They are all in school. Every one of them is going to school attended by both white and colored students, in varying numbers, depending upon the situation. They are learning to get along with the matter. But the trouble begins when this new course of decisions comes in that says, "We are not going to permit this thing to go according to the freedom of choice of the individuals; we are not going to allow neighborhoods to solve this situation for themselves; we are going to bring in a new and contradictory interpretation of the meaning of this particular part of the 14th amendment to the Constitution which the Court leaned upon in its two Brown cases." That is what disturbs the whole picture.

In closing, I wish to come back where I started. I call attention to the fact that the State of New York, through its legislature, had passed last year and had made the law of that great State, either our largest or next largest State, the following—and I read into the RECORD that part of the statute which applies:

> Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creed, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

Mr. President, that is the present law of the State of New York. I followed with a good bit of interest the events which led up to the enactment of that law. It began shortly after the Brown cases, when there began the urge for busing of great numbers of students from the black areas of New York City into the white areas, and from the white areas into the black ones, in the effort to obtain a better balance racially in the schools of the great city of New York.

I read in the New York Times, day after day, the stories told there of the vast disapproval of the parents, both white and Negro, of that busing of their children. I read in the Times of the disapproval of the carrying of their children far away from their own homes, far away from the places where they were able to get home for their warm lunch, far away from the influence of their own parents, through their PTA's, and so forth; and the outcry became so great that it finally resulted in the enactment of this statute last year, which, as I have already stated, was enacted by a huge majority. The vote in the House of Representatives of the State of New York was 114 to 41, or a good deal of better than 2 to 1—better than 2½ to 1; and a substantial vote in the senate of the legislature and Governor Rockefeller signed it.

The reason was that the people of that State, having tried busing, having tried the overriding of the freedom-of-choice principle for their own people, found it not good, and decided, in their own wisdom and through their own legislature, that the busing of students for the preservation or making of a racial balance should not be permitted, and that freedom of choice should never be disturbed.

I think that was a very compelling showing by the State which had made, I think, the greatest trial of the philosophy that by busing this problem could be solved. I said yesterday, in an exchange on this floor, that a learned educator, the president of one of the great universities in the Nation, had just a few years ago written a book on this subject, in which he said that busing, the transporting of students away from their own homes, was not the answer, that the answer was the building of better education in the districts that so greatly needed it, and for the benefit of the children who were so backward and so very behind in their educational opportunities.

Dr. Conant made this point clear over and over again in his book. I had occasion to read excerpts from that book in the debate on a kindred bill dealing with that subject some years ago here on the Senate floor.

The history of the effort in the State of New York has resulted in this statute, and we, in almost the same words—in identical words so far as they can be adapted to the Federal conditions—are asking, through the Stennis amendment, No. 481, to solve this problem for all of the people in all of the 50 States in the same way that the people of New York, through their legislature, have solved it for themselves.

Mr. President, it is going to be a very interesting thing, when we start voting on this proposal next Tuesday, to see where the Senators from the great State of New York stand on this matter. Has the experience recognized by the legislature had the effect upon them that they believe in freedom of choice, that they still believe in the freedom which is declared to be the primary purpose of our Constitution and of our Bill of Rights? It is going to be very interesting to see their reaction to the proposed amendment.

Mr. President, unless there be further questions, I yield the floor.

S. 3434—INTRODUCTION OF A BILL TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE FOR THE ESTABLISHMENT OF A PUBLIC COUNCIL CORPORATION

Mr. KENNEDY. Mr. President, the Federal administrative rulemaking processes reach almost every activity of every American. Children attend federally assisted schools; laborers work on Federal or federally assisted construction projects or in industries contracting with or regulated by the Government; the Indian, the Alaskan native, the farmer, the disabled veteran, the widow, often rely heavily on Government assistance. The tax system is administered through regulations of the Internal Revenue Service; the meat we eat has been inspected pursuant to Department of Agriculture regulations; the products we buy—food, drugs, appliances, cosmetics, automobiles—are all manufactured and distributed within the framework of rules and regulations worked out by the FTC, the FDA, the Department of Transportation and other agencies of the Federal Government.

Yet how many of the people know of, much less participate in the determination of, the rules and regulations that so vitally affect them? Surely, the Washington law firms specializing in administrative practice follow closely and participate vigorously in any proceeding affecting the interests of their paying clients. But who looks out for the interests of the poor, the consumer, the elderly? Who is their advocate in the decisionmaking process? In fact, until now they have been unrepresented.

At present, practically the only resort for the unrepresented public is to complain to congressional offices, where staff generalists, usually not lawyers, may contact agencies regarding particular constituents or groups of constituents. Yet congressional staffs have neither the time nor resources adequately to handle all matters of administrative decisionmaking "appealed" to Capitol Hill, and often their involvement in administrative proceedings, however well intentioned or casual, creates problems of appearance.

One recent study undertaken for the Administrative Conference of the United States by Prof. Arthur Bonfield examined the extent to which Federal agencies attempt to ascertain the views of one element of the unrepresented public; namely, poor people, with respect to those rulemaking proceedings aimed at or having a substantial impact on them, and the extent such persons participate in those proceedings. The results were not surprising. To begin with, a number of agencies did not even recognize that programs they administered had a substantial impact on the poor. For example, the Department of Agriculture omitted from its enumeration of programs having a substantial impact on the poor the Rural Electrification Administration programs and the Federal Extension Service programs. In fact, these programs have a major influence on areas where a substantial part of the population is poor.

Even when agencies recognize that their programs substantially affect the poor, Professor Bonfield's study reports that about one-third of these agencies had not attempted to ascertain the views of those affected by the programs, and of the two-thirds stating they made some efforts to ascertain the views of the affected class, the efforts described appeared haphazard, unsystematic, and sporadic. Of those agencies acknowledging that they administer programs substantially affecting the poor, about half reported that no particular groups or organizations had intervened or otherwise participated in their rulemaking proceedings.

Often an agency feels that it has done all that is expected of it when it publishes in the Federal Register notices of proposed rules and regulations and of rulemaking proceedings. Yet, how many television watchers or automobile purchasers can pay the $25 a year for the Federal Register, will read it regularly, will recognize a notice of a rule or proceedings by the Federal Communications Commission, Federal Trade Commission, or Highway Safety Administration affecting their interests, and will be able to understand that notice when they focus on it? Most importantly, how many consumers have the expertise, time, and financial ability to represent themselves or obtain counsel to represent their interests before the relevant agency?

Many bureaus and agencies, of course, have advisory panels, groups, or commissions, which are set up by statute or by regulation to assist them in obtaining the views of those outside of Government in a regular and orderly fashion. Yet the presence of a representative of any consumer or lay organization, or minority group, is almost totally lacking on any of these panels. For example, the Federal Communications Commission has a number of advisory committees, manned by representatives and employees of licensees, equipment manufacturers, broadcasters, and the like; but one wonders who advises the agency on the needs, and interests of the radio listeners, telephone users, and television watchers.

This past fall the Subcommittee on Administrative Practice and Procedure published a compilation of responses from members of the major regulatory agencies to a questionnaire I sent to them on citizen involvement and responsive agency decisionmaking. The same theme echoed on page after page. The Chairman of the Civil Aeronautics Board observed that "ordinarily, the Board does not specifically seek out the views of persons who would not otherwise be likely to present their views to the Board." That's a shorthand way of saying that only commercial interests regulated or directly affected are involved in agency decisionmaking. Commissioner Nicholas Johnson of the Federal Communications Commission observed the "citizen participation in the Federal Communications Commission's decisionmaking process is virtually nonexistent." Former Chairman Lee White of the Federal Power Commission wrote:

> On the whole, I believe meaningful citizen involvement in the administrative process is sorely lacking.

And even the Interstate Commerce Commission, which maintained that basically everything was fine in the agency, admitted that citizen participation before that agency is "somewhat limited."

This phenomenon is certainly not limited to the regulatory agencies. How often do aliens participate in rulemaking by the Immigration and Naturalization Service? What input do draft-age men have into the policy formulation of the Selective Service System? How often are passengers represented in ICC rulemaking proceedings? How is the automobile driver's interest represented before the various subagencies of the Department of Transportation? How often is the Indian heard before the Bureau of Land Management or the Bureau of Reclamation?

Obviously no one can insure that the public's voice will be followed in administrative rulemaking proceedings. And it certainly is not a monolithic voice. But presently there is no way we can be sure that diverse segments of the unrepresented public will be given an opportunity to be heard in those proceedings. A number of bills have been introduced in this Congress to give the consumer, the poor, and other segments of the unrepresented public a vehicle through which their interests can be translated into effective representation and channeled through the proper administrative processes to reach Government decisionmakers. Specifically, there are bills to establish a Department of Consumer Affairs, a Utility Consumers Counsel, and an Independent Consumer Council, and to authorize the Attorney General to contract for representation of the poor before Federal agencies. Each approach has its advantages and disadvantages, and many of these have been brought out and will continue to come out in hearings on the bills. We no longer question the need for effective representation of the public interest in

the agencies of the Government. We are now searching for the means for more of such representation.

Today, I am introducing a bill to amend the Administrative Procedure Act to provide for the establishment of a Public Counsel Corporation. This bill is based on the premise—reinforced time and again in the studies by the Administrative Conference, in articles and books on administrative law and procedure, and in volumes of testimony before a number of House and Senate committees—that large segments of the American public are not adequately represented in the Federal rulemaking process, and thus that the views of those directly affected by administrative agencies of all types are frequently not heard in the formulation of policy.

There are a number of privately funded organizations, many with offices in Washington, that are now making first efforts at representing before Government agencies segments of the heretofore unrepresented public in specific substantive areas. Examples of these are the Center for the Study of Law and Social Policy, the Center for the Study of Responsive Law, the Washington Research Project, the Citizens Advocate Center, the Citizens Communications Center, the Consumer Federation of America, Action on Smoking and Health, Citizens Board of Inquiry into Health Care, and the Welfare Rights League, to name but a few.

These are beginning to take their place beside older organizations, for example, the Legal Defense Fund, the NAACP, the ACLU, and the Sierra Club. These organizations have performed and will increasingly perform important functions in representing citizens' interests before Federal agencies. But the demand for such representation far exceeds that which they can on their own supply. They are all dependent on individual contributions or foundation funding, and thus they often have neither the present resources nor the long range financing to budget complex projects or long range activities, both of which are necessary for effective participation on administrative proceedings. Thus there remains a huge public representation gap which only public resources can fill.

The Public Counsel Corporation I propose would be a nonprofit Corporation modeled after the Public Broadcasting Corporation, funded by the Federal Government and directed by a board of presidential appointees. The Corporation would be authorized to represent directly or by contract the interests of the unrepresented public in agency proceedings, either on its own initiative or by request of the agency. It could initiate rulemaking proceedings and could represent individuals or groups seeking judicial review or consideration of administrative actions or inactions where the issues involved substantially affect the interests of the unrepresented public.

The Corporation would also serve a clearinghouse function of collecting and disseminating information concerning rulemaking affecting the unrepresented public.

The term "unrepresented public" is generally defined in the bill as "persons or groups of persons whose collective interests are not likely to be adequately represented in regulatory agencies of the United States because such persons or groups lack resources or institutional mechanisms to provide such representation." I believe that the Board of the Corporation can determine the precise substantive areas of involvement based on input from presently existing public interest organizations and on a study of areas where the public is not at present adequately represented by any groups or organizations.

The Public Counsel Corporation cannot insure that Government regulators will consider the needs of the consumer, the poor, the elderly, the minority groups, and other citizens. It is not an exclusive remedy. The Corporation set up by the bill might exist side by side with a Utility Consumers Counsel, or might be incorporated into and utilized to expand the representational elements of the Independent Consumers Counsel.

I hope that hearings on my proposal will bring out not only the value of independent representation of public interests before Government agencies, but how the various proposals currently before Congress can be amalgamated to insure that the processes of Government are opened to widespread public participation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3434) to amend title 8, United States Code, to provide for the establishment of a Public Counsel Corporation to insure full participation by and on behalf of unrepresented citizens in administrative rulemaking proceedings, introduced by Mr. KENNEDY, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADJOURNMENT TO MONDAY, FEBRUARY 16, 1970

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the provisions of House Concurrent Resolution 497, and in accordance with the order previously entered, that the Senate stand in adjournment until 12 o'clock noon on Monday, February 16, 1970.

The motion was agreed to; and (at 4 o'clock and 51 minutes p.m.) the Senate adjourned until Monday, February 16, 1970, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, February 10, 1970:

U.S. ATTORNEY

D. Dwayne Keyes, of California, to be U.S. attorney for the eastern district of California for the term of 4 years, vice John P. Hyland.

U.S. MARSHAL

Carl H. Slayback, of Illinois, to be U.S. marshal for the southern district of Illinois for the term of 4 years, vice James J. Moos resigned.

IN THE MARINE CORPS

The following-named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Beagley, Larry E.
Braun, Frank IV
Ekle, Thomas L.
Rickman, Dwight G.

HOUSE OF REPRESENTATIVES—*Tuesday, February 10, 1970*

The House met at 12 o'clock noon.

His Grace, Bishop Papken, primate's legate of the diocese of the Armenian Church of America, Washington, D.C., offered the following prayer:

O Father of all, You are the source of all inspiration and wisdom. Be with these leaders of our country.

Give them Your strength to solve the complex problems of today and every day.

As they are seeking divine guidance, be with them and attend to their various needs with a faith that will not shrink under the pressure of external foes and internal crises.

Fortify them all to uphold and protect the freedom we inherited and enjoy. As children of God let them strive earnestly to be just peacemakers.

In February as we honor the memory of George Washington and Abraham Lincoln, additionally Armenian-Americans take pride in honoring their greatest ancestral heroes, the Vartanian Saints, who 1,500 years ago protected the Christian faith from the onslaught of the sun worshipers.

O God, replace our weakness with Your courage; endow us with Your generous love and hope. Take our indifference and make us men of charity and understanding in dealing with friends and foes.

Fervently we invoke Your protection upon our country. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed a bill and joint resolutions of the House of the following titles:

On February 4, 1970:

H.J. Res. 1051. Joint resolution designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes.

On February 9, 1970:

H.R. 15149. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes; and

H.J. Res. 1072. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

CONGRESSMAN ANNUNZIO WELCOMES BISHOP PAPKEN, OF ST. MARY'S ARMENIAN APOSTOLIC CHURCH IN WASHINGTON, D.C.

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, in behalf of my constituents of the Seventh Congressional District of Illinois, many of whom are of Armenian descent, it gives me great pleasure to welcome here today Bishop Papken Varjabedian, who has served the Armenian Church with dedication and devotion for more than 35 years.

He has served throughout the country, in Troy, N.Y., in Philadelphia, in California and now he is the representative in Washington, D.C., of the diocese of the Armenian Church of America. He was ordained a bishop upon assuming the post of primate of the diocese of the Armenian Church in California in 1957.

Bishop Papken began his religious training in Jerusalem, having attended the Armenian Seminary there from 1932 to 1936. He continued his studies at the Near East School of Theology in Beirut, Lebanon. In 1947 he enrolled at the Berkeley Divinity School which is affiliated with Yale University and received S.T.B. and S.T.D. degrees from that school.

It is fitting that Bishop Papken join us here today, because this week, as we in America commemorate the birth of the Great Emancipator, the Armenian Church commemorates its greatest hero St. Vartan, who led his vastly outnumbered army to martyrdom in 451 A.D. in a battle against the Persians. St. Vartan and his gallant army, by their sacrifice, gave evidence of the fierce devotion of the Armenians to Christianity, and because of this, the Persian onslaught against the Armenian Church failed.

During the span of turbulent centuries that have passed since St. Vartan's great battle, there have been numerous onslaughts by superior foes against the Armenian Church and the Armenian people. None of these onslaughts have succeeded, and today, the Armenians remain steadfast to their church and to their belief in Christianity. Their religion and their culture continue to flourish wherever Armenians live in all corners of the globe.

Since coming to America, Bishop Papken has made several trips abroad, and wherever he has traveled he has told of our great democracy where freedom of religion, freedom of conscience, and freedom of thought are guaranteed to all Americans.

I want to thank Bishop Papken for being with us today and to wish him continuing success in his work with the Armenian Church.

ELECTION TO JOINT COMMITTEE ON PRINTING

Mr. ARENDS. Mr. Speaker, I offer a privileged resolution (H. Res. 829) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 829

Resolved, That the gentleman from Ohio, Mr. Devine, be and he is hereby elected a member of the Joint Committee on Printing.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE POSSIBILITY OF JAILING SOUTHERN GOVERNORS

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, according to a news report heard this morning, Jerris Leonard, head of the Civil Rights Division of the Department of Justice, has suggested the possibility of jailing southern Governors in connection with their current effort to save public education in their States from complete destruction.

It is well known that the force behind the current integration effort is centered in the Federal Government in Washington and that the problems visited upon our schools are the result of a double standard application of school integration—a standard of summary enforcement in Southern States as against a "wink" in the North.

It would appear that someone high in the administration of this Government has given thought to the jailing of these southern Governors; otherwise, Mr. Leonard, who holds a high responsible, and powerful position within the administration, would have never made reference to the idea of jailing southern Governors.

His statement was shocking and unquestionably designed to intimidate.

I think it is incumbent upon the President and the Attorney General to make public whatever plans are being considered in this regard. I am, therefore, today respectfully requesting the President and the Attorney General to do so. If no such has been discussed or considered at the levels of the Office of the President or that of the Attorney General, then the President and Attorney General should repudiate the idea and Mr. Leonard be ordered to forget it.

PERSONAL EXPLANATION

(Mr. FRASER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FRASER. Mr. Speaker, on January 27, 1970, I was unavoidably detained at an important meeting downtown. Because my return was delayed, I was not able to vote on the conference report on H.R. 15149, foreign assistance and related agencies appropriations, 1970. At page 1357, I am recorded as being paired against the bill. This is not correct. If present I would have voted "yea."

READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on Monday, February 23, 1970, George Washington's Farewell Address may be read by a Member to be designated by the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR THE COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY, FEBRUARY 18

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday, February 18, 1970.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DESIGNATING A MEMBER TO READ GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER. Pursuant to the special order agreed to today, the Chair designates the gentleman from Illinois (Mr. ANNUNZIO) to read George Washington's Farewell Address immediately following the approval of the Journal on February 23, 1970.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED AND FOUND TRULY ENROLLED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, February 16, 1970, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

STATE OF THE UNION

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, Sunday, I watched the state of the Union as it appears to the Democrats. They did a good job, too, in pointing out all that is wrong. But they never said where they

have been up to now in avoiding or correcting those things that are wrong.

In fact, they went out of their way not to place the blame, because they know too well where the blame rests.

But even more interesting than their message were those who delivered it and those who did not. Those who appeared were all fine, honorable gentlemen, including one candidate for President. But where, I ask, were the rest of the party's leaders?

Where, for instance, was the Democratic whip in the Senate? Where was the Democratic whip in the House? Where was the Democratic nominee for President last year? Where was the Democratic national chairman? Indeed, where was the immediate past President of the United States, who did so much as Senate majority leader, as Vice President, and as President to shape the present state of the Union?

Is it possible that the Democratic former President and the Democratic former Vice President and the Democratic Party chairman have nothing to say about the situation today?

Or is it just that those responsible for this message to the American people did not want to reopen old wounds?

THE PRECARIOUS FISCAL SITUATION CONFRONTING THE COUNTRY

(Mr. MAHON asked and was given permission to address the House for 1 minute, and to extend his remarks on the budget and fiscal situation in the Extensions of Remarks section of the RECORD, and include pertinent tabular material.)

Mr. MAHON. Mr. Speaker, all Members and all citizens—and this certainly includes the press—need to understand the precarious fiscal situation confronting the country. We need to understand that had the budget now before the Congress been submitted under the same budget guidelines that obtained under the Eisenhower and Kennedy administrations, and under the first 3 years of the Johnson administration, the new budget, submitted last week, would show an estimated deficit for fiscal year 1971 of $7.3 billion.

That blunt statement of fact will seem strange and perhaps incredible to people who have read the big headlines and who have not studied and understood the fine print.

Let me follow my blunt statement of fact with a few other statements of fact.

We talk about a balanced budget, but under the budget as submitted we will have to raise the debt ceiling by around $8 billion this year.

We talk about a balanced budget, but we are being requested to provide new spending authority above what was provided last year by way of appropriations and other spending authority, in the net sum of $9 billion. The gross increase is several billions higher, but there are certain nonrecurring offsets.

This is what the so-called unified budget shows. But even under the unified budget, which takes into account the various trust funds, during the 3-year period ending with fiscal 1971, we are expecting to borrow from the trust funds, dedicated to social security and otherwise, about $19 billion in order to meet the regular expenditures of the Government.

My plea is that we take account of this situation.

We should also take account of this: The trend is in the wrong direction. Under the unified budget, which can be misleading, the budget surplus is going down. In fiscal 1970 it is now down from 1969. In fiscal 1971 it is down from 1970.

All I am trying to do is to contribute to a better understanding of the precarious fiscal situation confronting the country. If we do not find a way to dramatize this situation then we are going to have to pay the penalty in accelerated inflation.

THE UNIFIED BUDGET

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I am happy the chairman of our committee is still on the floor, because I should like to ask the distinguished chairman a question. He does not mean to imply that there is some gimmickry here in a unified budget, that did not prevail in the previous administrations, surely.

As I recall, the chairman supported the proposition pushed by the Johnson administration that we go this route.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. MAHON. No. I charge no gimmickry. I think there has been complete good faith.

All I am seeking to do is to alert the Congress and the country to the facts.

The unified budget is not the creature of the Nixon administration. It was first approved under the previous admintration.

Mr. MICHEL. Right.

Mr. MAHON. The point is that this unified budget has—while not designed to do so—misled or confused a lot of people who are not students of fiscal matters. They seem startled when they are told that under the former procedure the new budget for fiscal 1971 is out of balance by $7.3 billion. This is a shocking fact we must be aware of if we are to meet the situation.

Mr. MICHEL. I will agree with the gentleman. As he well knows, last year when there was considerable talk about a surplus in the neighborhood of some $6 billion I pointed out at that time that we should not obscure the fact that there were considerable moneys coming into the unified budget from the trust funds—social security contributions, highway, unemployment compensation, and so forth—and that we should not be talking about a big surplus when in fact a good part of it was a result of contributions to the trust funds exceeding pay out.

The recently enacted social security increase of 15 percent alone accounts for over a $1 billion increase in outgo from that projected in last September's budget review.

The situation is mighty serious.

I would just like to say to the gentleman that we are certainly going to support him in every effort to hold spending or appropriations down to within these bounds, prescribed by the 1971 Nixon budget, but we have to have the support of the gentleman from Texas and the Members on that side to keep it within bounds. We cannot be coming on the floor next week again, for example, and raising the President's compromise figures on the Labor-HEW bill by over a half a billion dollars and still hold the line. You cannot have it both ways. What we say today will have to be backed up with votes on the floor of this House next week. Otherwise we are just playing games and dangerous ones at that.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman.

Mr. GROSS. Is it not about time, speaking of budgets, that we got something that Congress as well as the public can understand by way of budgetary? We have an administrative budget, a unified budget, an expenditure budget, and I do not know how many other budgets. It seems to me the gentleman from Texas can make a real contribution if he will insist upon some kind of a budget that we can understand—not a mixture or an admixture of all kinds of budgets.

THE BUDGET SITUATION

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, since the gentleman yields, I am placing in the RECORD today a comprehensive statement in regard to the budgetary situation showing what the true situation is in regard to the budget. I hope it will be helpful. The present budget is not inaccurate but it is misleading to people who only read the headlines. They read headlines saying there is a surplus, and there is when viewed in a certain context, but in a broader context, and in relation to Federal funds there is not a surplus. We are borrowing this year some $8 billion from the trust funds which must eventually be restored if social security, highway, and other trust funds are to pay their bills.

Mr. GROSS. Yes. And Congress knew that when it started issuing participation certificates and otherwise borrowing from those funds. Every Member of Congress should have known what would happen; that it was "robbing Peter to pay Paul," and that there would be a day of accounting.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. THOMPSON of Georgia. Mr. Speaker, I would like to compliment the chairman of the committee. He has made

a very valid argument. The unified budget does in many aspects give us a false picture of what we are actually spending. The argument was made by a Member on this side of the aisle, that the Johnson administration first proposed it. I was one who made the same argument. We need to be alert to the fact that under the past standards that we have adopted we have a deficit in this budget and we cannot continually borrow from our trust funds and get away with it forever. I compliment the gentleman and hope that the entire House, as appropriation bills come before this body, keeps it in mind and also keeps in mind the fact that we are going to have to keep our spending within bounds.

ENVIRONMENTAL CONTROL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-225)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

Like those in the last century who tilled a plot of land to exhaustion and then moved on to another, we in this century have too casually and too long abused our natural environment. The time has come when we can wait no longer to repair the damage already done, and to establish new criteria to guide us in the future.

The fight against pollution, however, is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable by-product either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected: not from malign intention, but from failure to take into account the full consequences of our actions.

Quite inadvertently, by ignoring environmental costs we have given an economic advantage to the careless polluter over his more conscientious rival. While adopting laws prohibiting injury to person or property, we have freely allowed injury to our shared surrounding. Conditioned by an expanding frontier, we came only late to a recognition of how precious and how vulnerable our resources of land, water and air really are.

The tasks that need doing require money, resolve and ingenuity—and they are too big to be done by government alone. They call for fundamentally new philosophies of land, air and water use, for stricter regulation, for expanded government action, for greater citizen involvement, and for new programs to ensure that government, industry and individuals all are called on to do their share of the job and to pay their share of the cost.

Because the many aspects of environmental quality are closely interwoven, to consider each in isolation would be unwise. Therefore, I am today outlining a comprehensive, 37-point program, embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive Order in five major categories:

—Water pollution control.
—Air pollution control.
—Solid waste management.
—Parklands and public recreation.
—Organizing for action.

As we deepen our understanding of complex ecological processes, as we improve our technologies and institutions and learn from experience, much more will be possible. But these 37 measures represent actions we can take *now*, and that can move us dramatically forward toward what has become an urgent common goal of all Americans: the rescue of our natural habitat as a place both habitable and hospitable to man.

WATER POLLUTION

Water pollution has three principal sources: municipal, industrial and agricultural wastes. All three must eventually be controlled if we are to restore the purity of our lakes and rivers.

Of these three, the most troublesome to control are those from agricultural sources: animal wastes, eroded soil, fertilizers and pesticides. Some of these are nature's own pollutions. The Missouri River was known as "Big Muddy" long before towns and industries were built on its banks. But many of the same techniques of pest control, livestock feeding, irrigation and soil fertilization that have made American agriculture so abundantly productive have also caused serious water pollution.

Effective control will take time, and will require action on many fronts: modified agricultural practices, greater care in the disposal of animal wastes, better soil conservation methods, new kinds of fertilizers, new chemical pesticides and more widespread use of natural pest control techniques. A number of such actions are already underway. We have taken action to phase out the use of DDT and other hard pesticides. We have begun to place controls on wastes from concentrated animal feed-lots. We need programs of intensified research, both public and private, to develop new methods of reducing agricultural pollution while maintaining productivity. I have asked The Council on Environmental Quality to press forward in this area. Meanwhile, however, we have the technology and the resources to proceed *now* on a program of swift clean-up of pollution from the most acutely damaging sources: municipal and industrial waste.

MUNICIPAL WASTES

As long as we have the means to do something about it, there is no good reason why municipal pollution of our waters should be allowed to persist unchecked.

In the four years since the Clean Waters Restoration Act of 1966 was passed, we have failed to keep our promises to ourselves: Federal appropriations for constructing municipal treatment plants have totaled only about one-third of authorizations. Municipalities themselves have faced increasing difficulty in selling bonds to finance their share of the construction costs. Given the saturated condition of today's municipal bond markets, if a clean-up program is to work it has to provide the means by which municipalities can finance their share of the cost even as we increase Federal expenditures.

The best current estimate is that it will take a total capital investment of about $10 billion over a five-year period to provide the municipal waste treatment plants and interceptor lines needed to meet our national water quality standards. This figure is based on a recently-completed nationwide survey of the deficiencies of present facilities, plus projections of additional needs that will have developed by then—to accommodate the normal annual increase in the volume of wastes, and to replace equipment that can be expected to wear out or become obsolete in the interim.

This will provide every community that needs it with secondary waste treatment, and also special, additional treatment in areas of special need, including communities on the Great Lakes. We have the industrial capacity to do the job in five years if we begin now.

To meet this construction schedule, I propose a two-part program of Federal assistance:

—I propose a Clean Waters Act with $4 billion to be authorized immediately, for Fiscal 1971, to cover the full Federal share of the total $10 billion cost on a matching fund basis. This would be allocated at a rate of $1 billion a year for the next four years, with a reassessment in 1973 of needs for 1975 and subsequent years.

By thus assuring communities of full Federal support, we can enable planning to begin *now* for all needed facilities and construction to proceed at an accelerated rate.

—I propose creation of a new Environmental Financing Authority, to ensure that every municipality in the country has an opportunity to sell its waste treatment plant construction bonds.

The condition of the municipal bond market is such that, in 1969, 509 issues totaling $2.9 billion proved unsalable. If a municipality cannot sell waste treatment plant construction bonds, EFA will buy them and will sell its own bonds on the taxable market. Thus, construction of pollution control facilities will depend not on a community's credit rating, but on its waste disposal needs.

Providing money is important, but equally important is where and how the money is spent. A river cannot be polluted on its left bank and clean on its right. In a given waterway, abating *some* of the pollution is often little better than doing nothing at all, and money spent on such partial efforts is often largely wasted. Present grant allocation formulas—those in the 1966 Act—have prevented the spending of funds where they could produce the greatest results in terms of clean water. Too little attention has been given to seeing that investments in specific waste treatment plants have been matched by other municipalities and industries on the same waterway. Many plants have been poorly designed and inefficiently operated. Some municipalities have offered free treatment to local industries, then not treated

their wastes sufficiently to prevent pollution.

To ensure that the new funds are well invested, five major reforms are needed. One requires legislation: the other four will be achieved by administrative action.

—I propose that the present, rigid allocation formula be revised, so that special emphasis can be given to areas where facilities are most needed and where the greatest improvements in water quality will result.

Under existing authority, the Secretary of the Interior will institute four major reforms:

—Federally assisted treatment plants will be required to meet prescribed design, operation and maintenance standards, and to be operated only by State-certified operators.

—Municipalities receiving Federal assistance in constructing plants will be required to impose reasonable users' fees on industrial users sufficient to meet the costs of treating industrial wastes.

—Development of comprehensive river basin plans will be required at an early date, to ensure that Federally assisted treatment plants will in fact contribute to effective clean-up of entire river basin systems. Collection of existing data on pollution sources and development of effluent inventories will permit systems approaches to pollution control.

—Wherever feasible, communities will be strongly encouraged to cooperate in the construction of large regional treatment facilities, which provide economies of scale and give more efficient and more thorough waste treatment.

INDUSTRIAL POLLUTION

Some industries discharge their wastes into municipal systems; others discharge them directly into lakes and rivers. Obviously, unless we curb industrial as well as municipal pollution our waters will never be clean.

Industry itself has recognized the problem, and many industrial firms are making vigorous efforts to control their water-borne wastes. But strict standards and strict enforcement are nevertheless necessary—not only to ensure compliance, but also in fairness to those who have voluntarily assumed the often costly burden while their competitors have not. Good neighbors should not be placed at a competitive disadvantage because of their good neighborliness.

Under existing law, standards for water pollution control often are established in only the most general and insufficient terms: for example, by requiring all affected industries to install secondary treatment facilities. This approach takes little account of such crucial variables as the volume and toxicity of the wastes actually being discharged, or the capacity of a particular body of water to absorb wastes without becoming polluted. Even more important, it provides a poor basis for enforcement: with no effluent standard by which to measure, it is difficult to prove in court that standards are being violated.

The present fragmenting of jurisdictions also has hindered comprehensive efforts. At present, Federal jurisdiction generally extends only to interstate waters. One result has been that as stricter State-Federal standards have been imposed, pollution has actually increased in some other waters—in underground aquifers and the oceans. As controls over interstate waters are tightened, polluting industries will be increasingly tempted to locate on intrastate lakes and rivers—with a consequently increased threat to those waterways—unless they too are brought under the same strictures.

I propose that we take an entirely new approach: one which concerts Federal, State and private efforts, which provides for effective nationwide enforcement, and which rests on a simple but profoundly significant principle: that the nation's waterways belong to us all, and that neither a municipality nor an industry should be allowed to discharge wastes into those waterways beyond their capacity to absorb the wastes without becoming polluted.

Specifically, I propose a seven-point program of measures we should adopt *now* to enforce control of water pollution from industrial and municipal wastes, and to give the states more effective backing in their own efforts.

—I propose that State-Federal water quality standards be amended to impose precise effluent requirements on all industrial and municipal sources. These should be imposed on an expeditious timetable, with the limit for each based on a fair allocation of the total capacity of the waterway to absorb the user's particular kind of waste without becoming polluted.

—I propose that violation of established effluent requirements be considered sufficient cause for court action.

—I propose that the Secretary of the Interior be allowed to proceed more swiftly in his enforcement actions, and that he be given new legal weapons including subpoena and discovery power.

—I propose that failure to meet established water quality standards or implementation schedules be made subject to court-imposed fines of up to $10,000 per day.

—I propose that the Secretary of the Interior be authorized to seek immediate injunctive relief in emergency situations in which severe water pollution constitutes an imminent danger to health, or threatens irreversible damage to water quality.

—I propose that the Federal pollution-control program be extended to include all navigable waters, both inter- and intra-state, all interstate ground waters, the United States' portion of boundary waters, and waters of the Contiguous Zone.

—I propose that Federal operating grants to State pollution control enforcement agencies be tripled over the next five years from $10 million now to $30 million in fiscal year 1975—to assist them in meeting the new responsibilities that stricter and expanded enforcement will place upon them.

AIR POLLUTION CONTROL

Air is our most vital resource, and its pollution is our most serious environmental problem. Existing technology for the control of air pollution is less advanced than that for controlling water pollution, but there is a great deal we can do within the limits of existing technology—and more we can do to spur technological advance.

Most air pollution is produced by the burning of fuels. About half is produced by motor vehicles.

MOTOR VEHICLES

The Federal Government began regulating automobile emissions of carbon monoxide and hydrocarbons with the 1968 model year. Standards for 1970 model cars have been made significantly tighter. This year, for the first time, emissions from new buses and heavy-duty trucks have also been brought under Federal regulation.

In future years, emission levels can and must be brought much lower.

The Secretary of Health, Education, and Welfare is today publishing a notice of new, considerably more stringent motor vehicle emission standards he intends to issue for 1973 and 1975 models—including control of nitrogen oxides by 1973 and of particulate emissions by 1975.

These new standards represent our best present estimate of the lowest emission levels attainable by those years.

Effective control requires new legislation to correct two key deficiencies in the present law:

a) *Testing procedures.* Under present law, only manufacturers' prototype vehicles are tested for compliance with emission standards, and even this is voluntary rather than mandatory.

I propose legislation requiring that representative samples of actual production vehicles be tested throughout the model year.

b) *Fuel composition and additives.* What goes into a car's fuel has a major effect on what comes out of its exhaust, and also on what kinds of pollution-control devices can effectively be employed. Federal standards for what comes out of a car's engine should be accompanied by standards for what goes into it.

I propose legislation authorizing the Secretary of Health, Education and Welfare to regulate fuel composition and additives.

With these changes, we can drastically reduce pollution from motor vehicles in the years just ahead. But in making and keeping our peace with nature, to plan only one year ahead or even five is hardly to plan at all. Our responsibility now is also to look beyond the Seventies, and the prospects then are uncertain. Based on present trends, it is quite possible that by 1980 the increase in the sheer number of cars in densely populated areas will begin outrunning the technological limits of our capacity to reduce pollution from the internal combustion engine. I hope this will not happen. I hope the automobile industry's present determined effort to make the internal combustion engine sufficiently pollution-free succeeds. But if it does not, then unless motor vehicles with an alternative, low-pollution power source are available, vehicle-caused pollution will once again begin an inexorable increase.

Therefore, prudence dictates that we

move now to ensure that such a vehicle will be available if needed.

I am inaugurating a program to marshal both government and private research with the goal of producing an unconventionally powered, virtually pollution-free automobile within five years.

—I have ordered the start of an extensive Federal research and development program in unconventional vehicles, to be conducted under the general direction of the Council on Environmental Quality.

—As an incentive to private developers, I have ordered that the Federal Government should undertake the purchase of privately produced unconventional vehicles for testing and evaluation.

A proposal currently before the Congress would provide a further incentive to private developers by authorizing the Federal Government to offer premium prices for purchasing low-pollution cars for its own use. This could be a highly productive program once such automobiles are approaching development, although current estimates are that, initially, prices offered would have to be up to 200% of the cost of equivalent conventional vehicles rather than the 125% contemplated in the proposed legislation. The immediate task, however, is to see that an intensified program of research and development begins at once.

One encouraging aspect of the effort to curb motor vehicle pollution is the extent to which industry itself is taking the initiative. For example, the nation's principal automobile manufacturers are not only developing devices now to meet present and future Federal emission standards, but are also, on their own initiative, preparing to put on the market by 1972 automobiles which will not require and, indeed, must not use leaded gasoline. Such cars will not only discharge no lead into the atmosphere, but will also be equipped with still more effective devices for controlling emissions—devices made possible by the use of leadfree gasoline.

This is a great forward step taken by the manufacturers before any Federal regulation of lead additives or emissions has been imposed. I am confident that the petroleum industry will see to it that suitable non-leaded gasoline is made widely available for these new cars when they come on the market.

STATIONARY-SOURCE POLLUTION

Industries, power plants, furnaces, incinerators—these and other so-called "stationary sources" add enormously to the pollution of the air. In highly industrialized areas, such pollution can quite literally make breathing hazardous to health, and can cause unforeseen atmospheric and meteorological problems as well.

Increasingly, industry itself has been adopting ambitious pollution-controlled programs, and state and local authorities have been setting and enforcing stricter anti-pollution standards. But they have not gone far enough or fast enough, nor, to be realistic about it, will they be able to without the strongest possible Federal backing. Without effective government standards, industrial firms that spend the necessary money for pollution control may find themselves at a serious economic disadvantage as against their less conscientious competitors. And without effective Federal standards, states and communities that require such controls find themselves at a similar disadvantage in attracting industry, against more permissive rivals. Air is no respecter of political boundaries: a community that sets and enforces strict standards may still find its air polluted from sources in another community or another state.

Under the Clean Air Act of 1967, the Federal government is establishing air quality control regions around the nation's major industrial and metropolitan areas. Within these regions, states are setting air quality standards—permissible levels of pollutants in the air—and developing plans for pollution abatement to achieve those air quality standards. All state air quality standards and implementation plans require Federal approval.

This program has been the first major Federal effort to control air pollution. It has been a useful beginning. But we have learned in the past two years that it has shortcomings. Federal designation of air quality control regions, while necessary in areas where emissions from one state are polluting the air in another, has been a time-consuming process. Adjoining states within the same region often have proposed inconsistent air quality standards, causing further delays for compromise and revision. There are no provisions for controlling pollution *outside* of established air quality control regions. This means that even with the designation of hundreds of such regions, some areas of the country with serious air pollution problems would remain outside of the program. This is unfair not only to the public but to many industries as well, since those within regions with strict requirements could be unfairly disadvantaged with respect to competitors that are not within regions. Finally, insufficient Federal enforcement powers have circumscribed the Federal government's ability to support the states in establishing and enforcing effective abatement programs.

It is time to build on what we have learned, and to begin a more ambitious national effort. I recommend that the Clean Air Act be revised to expand the scope of strict pollution abatement, to simplify the task of industry in pollution abatement through more nearly uniform standards, and to provide special controls against particularly dangerous pollutants.

—I propose that the Federal government establish nationwide air quality standards, with the states to prepare within one year abatement plans for meeting those standards.

This will provide a minimum standard for air quality for all areas of the nation, while permitting states to set more stringent standards for any or all sections within the state. National air quality standards will relieve the states of the lengthy process of standard-setting under Federal supervision, and allow them to concentrate on the immediate business of developing and implementing abatement plans.

These abatement plans would cover areas both inside and outside of Federally designated air quality control regions, and could be designed to achieve any higher levels of air quality which the states might choose to establish. They would include emission standards for stationary sources of air pollution.

—I propose that designation of interstate air quality control regions continue at an accelerated rate, to provide a framework for establishing compatible abatement plans in interstate areas.

—I propose that the Federal government establish national emissions standards for facilities that emit pollutants extremely hazardous to health, and for selected classes of new facilities which could be a major contributor to air pollution.

In the first instance, national standards are needed to guarantee the earliest possible elimination of certain air pollutants which are clear health hazards even in minute quantities. In the second instance, national standards will ensure that advanced abatement technology is used in constructing the new facilities, and that levels of air quality are maintained in the face of industrial expansion. Before any emissions standards were established, public hearings would be required involving all interested parties. The States would be responsible for enforcing these standards in conjunction with their own programs.

—I propose that Federal authority to seek court action be extended to include both inter- and intrastate air pollution situations in which, because of local nonenforcement, air quality is below national standards, or in which emissions standards or implementation timetables are being violated.

—I propose that failure to meet established air quality standards or implementation schedules be made subject to court-imposed fines of up to $10,000 per day.

SOLID WASTE MANAGEMENT

"Solid wastes" are the discarded leftovers of our advanced consumer society. Increasing in volume, they litter the landscape and strain the facilities of municipal governments.

New packaging methods, using materials which do not degrade and cannot easily be burned, create difficult new disposal problems. Though many wastes are potentially re-usable, we often discard today what a generation ago we saved. Most bottles, for example, now are "nonreturnable." We reprocess used paper less than we used to, not only adding to the burden on municipal sanitation services but also making wasteful use of scarce timberlands. Often the least expensive way to dispose of an old automobile is to abandon it—and millions of people do precisely that, creating eyesores for millions of others.

One way to meet the problem of solid wastes is simply to surrender to it: to continue pouring more and more public money into collection and disposal of whatever happens to be privately produced and discarded. This is the old way; it amounts to a public subsidy of waste pollution. If we are ever truly to gain

control of the problem, our goal must be broader: to reduce the volume of wastes and the difficulty of their disposal, and to encourage their constructive re-use instead.

To accomplish this, we need incentives, regulations and research directed especially at two major goals: a) making products more easily disposable—especially containers, which are designed for disposal; and b) re-using and recycling a far greater proportion of waste materials.

As we look toward the long-range future—to 1980, 2000 and beyond—recycling of materials will become increasingly necessary not only for waste disposal but also to conserve resources. While our population grows, each one of us keeps using more of the earth's resources. In the case of many common minerals, more than half those extracted from the earth since time began have been extracted since 1910.

A great deal of our space research has been directed toward creating self-sustaining environments, in which people can live for long periods of time by reprocessing, recycling and re-using the same materials. We need to apply this kind of thinking more consciously and more broadly to our patterns of use and disposal of materials here on earth.

Many currently used techniques of solid waste disposal remain crudely deficient. Research and development programs under the Solid Waste Disposal Act of 1965 have added significantly to our knowledge of more efficient techniques. The Act expires this year. I recommend its extension, and I have already moved to broaden its programs.

I have ordered a re-direction of research under the Solid Waste Disposal Act to place greater emphasis on techniques for re-cycling materials, and on development and use of packaging and other materials which will degrade after use—that is, which will become temporary rather than permanent wastes.

Few of America's eyesores are so unsightly as its millions of junk automobiles.

Ordinarily, when a car is retired from use it goes first to a wrecker, who strips it of its valuable parts, and then to a scrap processor, who reduces the remainder to scrap for sale to steel mills. The prices paid by wreckers for junk cars often are less than the cost of transporting them to the wrecking yard. In the case of a severely damaged or "cannibalized" car, instead of paying for it the wrecker may even charge towing costs. Thus the final owner's economic incentive to deliver his car for processing is slight, non-existent or even negative.

The rate of abandonment is increasing. In New York City, 2,500 cars were towed away as abandoned on the streets in 1960. In 1964, 25,000 were towed away as abandoned; in 1969, more than 50,000.

The way to provide the needed incentive is to apply to the automobile the principle that its price should include not only the cost of producing it, but also the cost of disposing of it.

I have asked the Council on Environmental Quality to take the lead in producing a recommendation for a bounty payment or other system to promote the prompt scrapping of all junk automobiles.

The particular disposal problems presented by the automobile are unique. However, wherever appropriate we should also seek to establish incentives and regulations to encourage the re-use, re-cycling or easier disposal of other commonly used goods.

I have asked the Chairman of the Council on Environmental Quality to work with the Cabinet Committee on the Environment, and with appropriate industry and consumer representatives, toward development of such incentives and regulations for submission to the Congress.

PARKS AND PUBLIC RECREATION

Increasing population, increasing mobility, increasing incomes and increasing leisure will all combine in the years ahead to rank recreational facilities among the most vital of our public resources. Yet land suitable for such facilities, especially near heavily populated areas, is being rapidly swallowed up.

Plain common sense argues that we give greater priority to acquiring now the lands that will be so greatly needed in a few years. Good sense also argues that the Federal Government itself, as the nation's largest landholder, should address itself more imaginatively to the question of making optimum use of its own holdings in a recreation-hungry era.

—I propose full funding in fiscal 1971 of the $327 million available through the Land and Water Conservation Fund for additional park and recreational facilities, with increased emphasis on locations that can be easily reached by the people in crowded urban areas.

—I propose that we adopt a new philosophy for the use of Federally-owned lands, treating them as a precious resource—like money itself—which should be made to serve the highest possible public good.

Acquiring needed recreation areas is a real estate transaction. One third of all the land in the United States—more than 750,000,000 acres—is owned by the Federal Government. Thousands of acres in the heart of metropolitan areas are reserved for only minimal use by Federal installations. To supplement the regularly-appropriated funds available, nothing could be more appropriate than to meet new real estate needs through use of presently-owned real estate, whether by transfer, sale or conversion to a better use.

Until now, the uses to which Federally-owned properties were put has largely been determined by who got them first. As a result, countless properties with enormous potential as recreation areas linger on in the hands of agencies that could just as well—or better—locate elsewhere. Bureaucratic inertia is compounded by a quirk of present accounting procedures, which has the effect of imposing a budgetary penalty on an agency that gives up one piece of property and moves to another, even if the vacated property is sold for 10 times the cost of the new.

The time has come to make more rational use of our enormous wealth of real property, giving a new priority to our newly urgent concern with public recreation—and to make more imaginative use of properties now surplus to finance acquisition of properties now needed.

—By Executive Order, I am directing the heads of all Federal agencies and the Administrator of General Services to institute a review of all Federally-owned real properties that should be considered for other uses. The test will be whether a particular property's continued present use or another would better serve the public interest, considering both the agency's needs and the property's location. Special emphasis will be placed on identifying properties that could appropriately be converted to parks and recreation areas, or sold, so that proceeds can be made available to provide additional park and recreation lands.

—I am establishing a Property Review Board to review the GSA reports and recommend to me what properties should be converted or sold. This Board will consist of the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality and the Administrator of General Services, plus others that I may designate.

—I propose legislation to establish, for the first time, a program for relocating Federal installations that occupy locations that could better be used for other purposes.

This would allow a part of the proceeds from the sales of surplus properties to be used for relocating such installations, thus making more land available.

—I also propose accompanying legislation to protect the Land and Water Conservation Fund, ensuring that its sources of income would be maintained and possibly increased for purchasing additional parkland.

The net effect would be to increase our capacity to add new park and recreational facilities, by enabling us for the first time to use surplus property sales in a coordinated three-way program: a) by direct conversion from other uses; b) through sale of presently-owned properties and purchase of others with the proceeds; and c) by sale of one Federal property, and use of the proceeds to finance the relocation and conversion costs of making another property available for recreational use.

—I propose that the Department of the Interior be given authority to convey surplus real property to State and local governments for park and recreation purposes at a public benefit discount ranging up to 100 percent.

—I propose that Federal procedures be revised to encourage Federal agencies to make efficient use of real property. This revision should remove the budgetary penalty now imposed on agencies relinquishing one site and moving to another.

As one example of what such a property review can make possible, a sizable stretch of one of California's finest beaches has long been closed to the public because it was part of Camp

Pendleton. Last month the Defense Department arranged to make more than a mile of that beach available to the State of California for use as a State park. The remaining beach is sufficient for Camp Pendleton's needs; thus the released stretch represents a shift from low-priority to high-priority use. By carefully weighing alternative uses, a priceless recreational resource was returned to the people for recreational purposes.

Another vast source of potential parklands also lies untapped. We have come to realize that we have too much land available for growing crops and not enough land for parks, open space and recreation.

—I propose that instead of simply paying each year to keep this land idle, we help local governments buy selected parcels of it to provide recreational facilities for use by the people of towns in rural areas. This program has been tried, but allowed to lapse; I propose that we revive and expand it.

—I propose that we also adopt a program of long-term contracts with private owners of idled farmland, providing for its reforestation and public use for such pursuits as hunting, fishing, hiking and picnicking.

ORGANIZING FOR ACTION

The environmental problems we face are deep-rooted and widespread. They can be solved only by a full national effort embracing not only sound, coordinated planning, but also an effective follow-through that reaches into every community in the land. Improving our surroundings is necessarily the business of us all.

At the Federal level, we have begun the process of organizing for this effort.

The Council on Environmental Quality has been established. This Council will be the keeper of our environmental conscience, and a goad to our ingenuity; beyond this, it will have responsibility for ensuring that all our programs and actions are undertaken with a careful respect for the needs of environmental quality. I have already assigned it major responsibilities for new program development, and I shall look to it increasingly for new initiatives.

The Cabinet Committee on the Environment, which I created last year, acts as a coordinating agency for various departmental activities affecting the environment.

To meet future needs, many organizational changes will still be needed. Federal institutions for dealing with the environment and natural resources have developed piecemeal over the years in response to specific needs, not all of which were originally perceived in the light of the concerns we recognize today. Many of their missions appear to overlap, and even to conflict. Last year I asked the President's Advisory Council on Executive Organization, headed by Mr. Roy Ash, to make an especially thorough study of the organization of Federal environmental, natural resource and oceanographic programs, and to report its recommendations to me by April 15. After receiving their report, I shall recommend needed reforms, which will involve major reassignments of responsibilities among Departments.

For many of the same reasons, overlaps in environmental programs extend to the Legislative as well as the Executive branch, so that close consultation will be necessary before major steps are taken.

No matter how well organized government itself might be, however, in the final analysis the key to success lies with the people of America.

Private industry has an especially crucial role. Its resources, its technology, its demonstrated ingenuity in solving problems others only talk about—all these are needed, not only in helping curb the pollution industry itself creates but also in helping devise new and better ways of enhancing all aspects of our environment.

I have ordered that the United States Patent Office give special priority to the processing of applications for patents which could aid in curbing environmental abuses.

Industry already has begun moving swiftly toward a fuller recognition of its own environmental responsibilities, and has made substantial progress in many areas. However, more must be done.

Mobilizing industry's resources requires organization. With a remarkable degree of unanimity, its leaders have indicated their readiness to help.

I will shortly ask a group of the nation's principal industrial leaders to join me in establishing a National Industrial Pollution Control Council.

The Council will work closely with the Council on Environmental Quality, the Citizens' Advisory Committee on Environmental Quality, the Secretary of Commerce and others as appropriate in the development of effective policies for the curbing of air, water, noise and waste pollution from industrial sources. It will work to enlist increased support from business and industry in the drive to reduce pollution, in all its forms, to the minimum level possible. It will provide a mechanism through which, in many cases, government can work with key leaders in various industries to establish voluntary programs for accomplishing desired pollution-control goals.

Patterns of organization often turn out to be only as good as the example set by the organizer. For years, many Federal facilities have themselves been among the worst polluters. The Executive order I issued last week not only accepted responsibility for putting a swift end to Federal pollution, but puts teeth into the commitment.

I hope this will be an example for others.

At the turn of the century, our chief environmental concern was to conserve what we had—and out of this concern grew the often embattled but always determined "conservation" movement. Today, "conservation" is as important as ever—but no longer is it enough to conserve what we have; we must also restore what we have lost. We have to go beyond conservation to embrace restoration.

The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level; it requires the help of every citizen. It cannot be a matter of simply sitting back and blaming someone else. Neither is it one to be left to a few hundred leaders. Rather, it presents us with one of those rare situations in which each individual everywhere has an opportunity to make a special contribution to his country as well as his community.

Through the Council on Environmental Quality, through the Citizens' Advisory Committee on Environmental Quality, and working with Governors and Mayors and county officials and with concerned private groups, we shall be reaching out in an effort to enlist millions of helping hands, millions of willing spirits—millions of volunteer citizens who will put to themselves the simple question: "What can *I* do?"

It is in this way—with vigorous Federal leadership, with active enlistment of governments at every level, with the aid of industry and private groups, and above all with the determined participation by individual citizens in every state and every community, that we at last will succeed in restoring the kind of environment we want for ourselves, and the kind the generations that come after deserve to inherit.

This task is ours together. It summons our energy, our ingenuity and our conscience in a cause as fundamental as life itself.

RICHARD NIXON.

THE WHITE HOUSE, *February 10, 1970.*

PRESIDENT'S MESSAGE ON OUR NATURAL ENVIRONMENT

Mr. ALBERT. Mr. Speaker, we have just heard President Nixon's message on the environment. I am of course delighted that the President has at long last been converted to a supporter of clean water. Such was not the case 10 years ago. At that time, Congress passed a Federal Water Pollution Control Act sponsored by the gentleman from Minnesota (Mr. BLATNIK). President Eisenhower vetoed that measure. The President, then the Vice President of the United States, insofar as I know, was in full accord with that veto. At any rate, he has never disavowed it. The House on February 25, 1960, voted 249 to 157 to override the veto, this being short of the required two-thirds. On that occasion House Democrats voted 234 to 27 in favor of clean water, Republicans voted 134 to 15 against clean water. That vote clearly demonstrates how the two parties have always stood on environmental issues. This legislation was repassed in 1961 and approved by President Kennedy.

Even today, however, the President is obviously but a halfhearted convert. It is true that his message today would raise the $800 million annual contract authority level proposed in his budget message to $1 billion. This, however, is still below the $1.25 billion authorization provided by Congress for fiscal year 1971 in the 1966 Clean Water Act. In addition, he proposes to keep the appropriation level for water and sewerlines at $150 million, approximately its past level. Congress last year provided an author-

ization for this program for next year of $500 million. Waste treatment plants while of course of vast importance cannot operate in a vacuum. It is absolutely necessary to provide the sewerlines to take the waste to the treatment plants. Smaller communities in particular have found it impossible to take advantage of the waste treatment plant grants without also receiving tandem grants for the required lines.

The President has a considerable amount to say on the subject of air pollution, but conspicuously missing from his message is any explanation as to why when Congress voted to up his appropriation request for air pollution from $96 million to $109 million, he chose to veto the Labor-HEW appropriation bill. Even for fiscal year 1971, the President proposes an appropriation under that which Congress voted for the current year.

On the subject of parks and public recreation, the message chose to ignore the open spaces program, on the statute books since 1961, a measure which incidentally House Republicans voted 158 to 7 to kill. The President in his budget message has stressed the importance of providing adequate parks and recreational open spaces particularly in and near cities. This is exactly what the open spaces program—administered by the Department of Housing and Urban Development—provides. The President's budget request nevertheless is for but $75 million, a sum identical to that provided by the Congress for the current fiscal year and some $10 million below the authorized level for 1971 provided in last year's housing legislation.

President Nixon and the Republican Party are of course to be congratulated for having, even at this late date, reached the point of acknowledging that this Nation is beset by environmental problems and now espousing programs, if somewhat halfheartedly, formulated and enacted into law by the Democratic Party a decade ago. But the needs are greater today than they were then, and it is obvious that the Democratic 91st Congress will have to enlarge and reshape the President's proposals if America's natural heritage is to be saved for posterity.

We Democrats are of course delighted that the Republicans, as evidenced by the President's message, have successfully traveled the long intellectual road from the 19th century to 1960. But the 1960's are over. The Republican Party is obviously weary from its long journey and can proceed not another mile forward. It will be necessary for us Democrats then to provide the answers to the environmental problems of the seventies. President Nixon's message is solid evidence that the Republican Party is lacking in either the insight or commitment to accomplish this.

THE PRESIDENT'S MESSAGE ON THE ENVIRONMENT: THE ACTION DECADE BEGINS

Mr. SAYLOR. Mr. Speaker, the President's message to Congress and to the American public on the subject of our Nation's environment will become the single most important document of this administration. In fact, it may well become the most important Presidential message of the decade of the 1970's. President Nixon, as no other President in our history, has outlined a program of Federal, State, and local attack on problems heretofore largely ignored—problems which everyone realizes must be solved.

The President's message is courageous to a fault—it is not the standard fare that "big brother" will solve the problem of environmental pollution if only given enough money. No, the President states simply and eloquently that the way to solve the adverse environmental situation created by our unparalleled economic and technological growth is through total cooperation of all levels of government, with all levels of industry and labor. More important, solutions will come if the individual citizen seizes the opportunities afforded him under the new program and attacks pollution in his immediate environment.

We began the year calling this the Environmental Decade. Henceforth, it should be called the Environmental Action Decade.

The President's leadership in this field was revealed to the public last week with his order to eliminate pollution from Federal Government installations. Never before has the Federal Establishment been directed to set its environmental house in order by a specified date. For years, the pollution caused by the Federal Government has been a concern of the Nation's conservationists; now, something positive and concrete is being done. In short, this administration has acted where others have postured.

The 14-point plan for a total attack on water pollution is a perfect indication of the administration's long term concern for the Nation's environment. This is no one-shot, politically oriented, polemic, but a firm commitment to the people that the Nation's water and waterways will be cleaned up, improved, and protected. An important facet of the overall program to combat water pollution is the President's promise for a reassessment in 1973 of the progress of the plan to that date and the requirements for future years' water pollution efforts.

Calling for industrial users to pay fees sufficient to meet the costs of treating industrial wastes is in line with proposals I have made on the same subject and I am heartened that the principle underlying the clean water trust fund is incorporated in the message. I hope that the principle will be extended to cover those municipalities that discharge pollutants into our waterways sometimes in greater quantities than industrial users. The provisions of the program extending the power of the Government to act legally against polluters is vital to the success of the overall program. As the President's message was being delivered to the Congress, the Justice Department was suing polluters in the Midwest. Again, this is proof positive of the administration's commitment to antipollution action.

Although action may be the single outstanding characteristic of the President's program and activities to date concerning the protection of our environment, the adjective, innovative, must be applied to the plan to convert some Federal properties for use by the public as recreation areas. This innovation, along with full funding of the land and water conservation fund in fiscal year 1971, is an acknowledgement of the President's awareness of the Government's responsibility to plan ahead for the recreation and open-space needs of citizens suffering from unplanned urbanization.

I was particularly pleased with the President's reference to the problem of solid waste disposal and his recognition of the potential for recycling of the materials which presently create heaps of pollution. One immediately thinks of automobile hulks and although that is a major problem, the solid waste resulting from coal production—culm piles—covering acres upon acres of land in many States is a prime example of the need for a reuse technology. With cosponsors from all the coal-producing States I have introduced a bill, H.R. 14557, which would begin an in-depth study of ways to utilize culm materials.

The call for "national air quality standards" is another giant step forward in the battle to preserve the environment. With the establishment of such standards, combined with strict enforcement of the water quality standards, the Government can move on all fronts against all types of polluters.

Last, but by no means least, the President is to be congratulated for submitting a reasonable plan for financing the fight on environmental pollution. Naturally, there will be those who cry that the program is "not enough" or that "the Federal Government should assume more of the financial burden." The amount proposed is a thousand percent more than expenditures in 1969. Whatever the President proposed would be criticized by politicians who habitually call for "more Federal spending" as the solution to any or all problems. President Nixon, correctly judging that the American people know that "Federal money" is their money, has not attempted to politically soften the individual financial responsibilities of the program. The outline proposals constitute a program for the people—all the people—and all the people as taxpayers will have to share in the financial burden. The President has been honest with the Congress and the Nation on a matter which has so often been confused by fuzzy rhetoric. The proposal submitted today to the Congress will not be "the solution" to the problems of environmental pollution during the environmental action decade—it is only a beginning. But what a beginning.

THE PRESIDENT'S MESSAGE ON OUR NATIONAL ENVIRONMENT

(Mr. ROBISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBISON. Mr. Speaker—

This task is ours together. It summons our energy, our ingenuity and our conscience in a cause as fundamental as life itself.

With those words, Richard Nixon concluded his historic message to this Congress on our natural environment—a most welcome message, as received by us today, and a carefully considered action plan that demands an early and favorable congressional response.

Mr. Speaker, though our problems are many, our challenges innumerable, it seems to me that our President has now properly proclaimed the conservation of our environment as our chief task in this decade—and perhaps for the rest of this century.

Though we have learned to live—albeit uncomfortably—with the knowledge that man now has it within his power through nuclear weaponry to obliterate all human life, we must now learn to understand that the scourge of pollution, absent drastic action on our part, presages a possible devastation as thorough as that contemplated in the event of a nuclear holocaust.

This message today should do much to advance that understanding.

And it is a call to broad-scale action on the part of government at every level, on the part of industry, and on the part of every citizen—a call to action that must be heeded.

I congratulate the President on his message, and I pledge him my full support in the implementation of the environmental programs he has recommended.

POINT REYES NATIONAL SEASHORE, CALIF.

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 818 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 818

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute now printed in the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 818 provides an open rule with 1 hour of general debate for consideration of H.R. 3786 to authorize additional funds necessary for acquisition of land at the Point Reyes National Seashore in California.

The purpose of H.R. 3786 is to authorize an increase of $38,365,000—from $19,135,000 to $57,500,000—in the appropriation for acquisition of land for the Point Reyes National Seashore.

Legislation authorizing establishment of the seashore was approved during the 87th Congress, at which time $14 million was authorized for the acquisition of lands. In the 89th Congress, an additional $5,135,000 was authorized. Of the total, $19,135,000, $17,037,073 has been appropriated to purchase land and the remaining $2,097,927 is committed to the settlement of existing condemnation cases.

Land price escalation has outdistanced appropriations; reliable cost estimates were not available originally; and the land exchange program contemplated by the act did not work as expected. However, a substantial investment has been made and if the area is to be a useful part of the national park system, then the authorization must be increased.

Mr. Speaker, I urge the adoption of House Resolution 818 in order that H.R. 3786 may be considered.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to authorize the appropriations of additional funds to assure the acquisition of all remaining non-Federal lands needed to make the Point Reyes National Seashore a successful part of the national park system.

The 87th Congress authorized the purchase of 64,546 acres of land for the park, and authorized $14,000,000 for this acquisition. At that time it was not expected that it would be necessary to acquire lands located within a "pastoral zone" as long as it was used for ranching and dairying purposes. Land values quickly increased and lands within the pastoral zones were threatened with subdivision.

The 89th Congress responded with an additional authorization of $5,135,000 for land acquisition. Thus far some $17,037,073 has been expended on the purchase of some 28,776 acres and $2,097,927 is committed to the settlement of condemnation cases involving almost 400 acres.

Land costs have continued to rise and the presently owned Federal lands are not contiguous. A substantial investment has been made at Point Reyes and the value of a completed park has increased with population expansion and other uses of available land in the general area.

The bill authorizes the appropriation of an additional $38,365,000, bringing the total authorizations to $57,500,000 for the park. This figure is $5,000,000 above current National Park Service estimates. All funds will be made available from moneys credited to the Land and Water Conservation Fund in the Treasury. This use of the funds will not prejudice any presently planned land acquisition programs for other parks or recreation areas in fiscal 1970. In 1971, however, this earmarking of the moneys may cause other park sites to be slighted.

The gentleman from Pennsylvania (Mr. SAYLOR) has filed minority views opposing the bill. He believes it changes our basic philosophy concerning the funding of authorized national parks and recreation areas. He points out that the Bureau of the Budget does not support this approach—as evidenced by its letter of September 10, 1969—because it would require that other planned acquisition be curtailed and funds shifted to Point Reyes. He believes that a number of other national parks have an equally good case and that this bill places one park in a preferred position.

The Department of the Interior supports additional funding for land acquisition at Point Reyes. The Bureau of the Budget believes it will cause the curtailment of other planned purchases.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3786, with Mr. WATTS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. TAYLOR) will be recognized for one-half hour and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for one-half hour.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the House Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, the bill now before the House is an easily understandable bill. It should not be a controversial bill. It is a bill which is drafted to fulfill a commitment which the Congress made to the people of this Nation in 1962—to make the Point Reyes Peninsula in California a national seashore. To accomplish this objective, H.R. 3786, if enacted, would increase the amount of money authorized to be appropriated for land acquisition from $19,135,000 to $57,500,000—an increase of $38,365,000. The bill, as reported, also provides that none of the lands acquired with these funds are to be resold or leased for any resi-

dential or commercial purposes, except as authorized by law.

As briefly as possible, I want to explain the background which causes this legislation to be before the Members of the House.

Many Members will recall that, when the Point Reyes National Seashore was authorized in 1962, it was estimated that this superb outdoor area could be acquired for $14 million. Subsequent events proved this authorization to be grossly inadequate. Not only was the estimate based on extremely poor data—rather than competent appraisals—but land prices began to escalate as soon as the Federal Government began to show an interest in the property. The cost estimates also suffered from the fact that the early years of the land exchange program were severely frustrated so as to be an ineffective tool in keeping cash costs minimal. Adding to the problem, lands in the so-called pastoral zone, which were to be retained in private ownership, were threatened with adverse uses totally incompatible with the objectives of the seashore.

Some of these problems might not have been so critical if cash had been available to move promptly forward with the necessary acquisitions. Our report in 1962, and the act itself, implored the Secretary to acquire the lands with dispatch, but funds were slow in coming.

As a result of all of these handicaps, it was necessary to bring this matter before the 89th Congress. At that time, a stopgap measure was considered which had as its limited objective authorizing $5,135,000 for the acquisition of six specific tracts of land located within the boundaries of the seashore. While it was recognized that there would be a "need for a very considerable increase" in the authorization ceiling, intensive studies were to be made prior to further action by the Congress.

Now we have come a little further. All but about $2 million of the $19,135,000 authorized has actually been appropriated and put to use, and the remainder is allocated to acquisitions still being litigated. In 1966, we said that it might be necessary to increase the ceiling to $57,500,000 based on information supplied to the committee. H.R. 3786 authorizes this amount to be appropriated—hopefully in the immediate years ahead. The one thing that we have learned is that these costs do not diminish with the passage of time. The President has indicated a willingness to move forward with requests for funds as soon as the authorization is approved. This action should not be discouraged; we should move forward as rapidly as possible to complete this program.

I want to point out that the amount included in the bill exceeds the amount which the Department suggested was needed by $5 million. Normally, the members of the Committee on Interior and Insular Affairs do not recommend a ceiling in excess of the amounts suggested by the Department, but in this case we felt fully justified in doing so:

First, because our ceiling was based on data supplied to the committee prior to the submission of the revised amounts recommended by the Department;

Second, because we recognize the difficulties in making accurate estimates when the time frame is not fixed. In fact, the National Park Service has already found it necessary to increase the amounts recommended in the departmental report due to more up-to-date cost information; and

Third, because we want to be able to assure the Members of this House that it will not be necessary to bring this matter up again.

It should be emphasized that we hope we are proven wrong. In the long history of disappointments associated with this land acquisition program, it would be a happy ending if the National Park Service could complete the acquisition of the remaining lands at a cost figure below the ceiling. This is their responsibility. The Director of the National Park Service told us that he had no objection to the higher figure because, he added:

I am not going to spend one dime more than I have to spend, no matter what you authorize.

Before I conclude, I want to say that these funds will be requested as an appropriation from the land and water conservation fund. That fund is the exclusive source of revenues for the Nation's outdoor recreation program, in general. Everyone is aware of the fact that legislation was enacted during the 90th Congress which raised the level of the fund to $200 million annually for a 5-year period. At no time since that action was taken has any administration, regardless of party, fully utilized the financial resources which were available.

Mr. Chairman, I think that it is important that the Members of this House recognize that the mandate which they gave to the Chief Executive in this respect has been largely ignored. Moneys have been allowed to accumulate in the fund while land acquisition programs—like this one at Point Reyes—have been permitted to falter. There is no economy in holding moneys in a fund where they may draw 4 or 5 percent interest, when they could be put to active use in authorized areas where price escalation is running upward from 10 to 15, and 20 percent per annum.

My friend from Pennsylvania, who wrote some strong minority views in this report, and I are in agreement on this point. We both believe that all of the moneys in the fund should be promptly put to effective and efficient use. We both feel we have been betrayed by the bureaucrats downtown who have deliberately ignored the congressional mandate implicit in the Land and Water Conservation Fund Act Amendments of 1969. We both know that only $111.5 million of the $200 million available in the fund was requested in fiscal year 1969, and we also know that only $124 million of the $288.5 million available in the fund in fiscal year 1970 was requested. Now we are both extremely concerned about the President's 1971 budget which, on its face, requests actual appropriations of only $168.5 million of the $364.5 million which is available in the fund and which can be legally used for no other purpose.

If these funds were not sorely needed we would not have urged the enactment of the land and water conservation fund legislation during the 90th Congress. And more importantly, if the funds are not to be requested then the program to which they are dedicated is seriously and needlessly jeopardized. Both my colleague and I will be very interested in analyzing the President's message on the environment in detail to ascertain if and how this administration plans to utilize these financial resources. If the President, as he suggests, is ready to make these funds work for the program, then there is no reason why the Congress cannot proceed with the consideration and approval of this legislation for Point Reyes and comparable legislation for Cape Cod. I have also written to the Secretary of the Interior asking him to forward to us the views of his Department on such proposed authorization as the Sleeping Bear Dunes National Lakeshore, the Apostle Islands National Lakeshore, Gulf Islands National Seashore, and the Voyageurs National Park. If the President means business about the "environment" that we are hearing so much about, then our committee stands ready to hear the arguments concerning the merits of these and other matters of importance to the people of the Nation.

Mr. Chairman, H.R. 3786 will be only a page in the middle of a big book. It could well mark the end of a decade of progress in the annals of conservation history, but it could also mark the beginning of a new decade of constructive achievements where the objectives of the past can become the realities of the present. We can make the Point Reyes National Seashore a reality if we enact this legislation and follow through with the funds.

I hope the Members of this House will join me in supporting the enactment of this important measure. I urge the approval of H.R. 3786.

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this legislation. I rise in support of the legislation despite the fact that the committee report, as filed, includes my minority views in opposition to the present enactment of this bill. The reason I filed minority views is not because Point Reyes is not a good project and not that the area should not be preserved and the land acquired. I objected to picking out Point Reyes and authorizing its acquisition in preference to all the other projects that have been authorized by Congresses in years gone by and that also need immediate financing.

Since I filed those minority views, three items have come to my attention which I would like to report to this committee.

First, under date of February 6, I received a letter from Robert P. Mayo, Director of the Bureau of the Budget. The letter follows:

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., February 6, 1970.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR JOHN: We are writing with further reference to your recent questions about the item included in the President's 1971 budget of $188.9 million of budget authority proposed for later transmittal under the Land and Water Conservation Fund.

While the specific use of the funds has

not been completely worked out, certain aspects of the Administration's program are now clear.

The funds will be used to support parkland acquisition, both Federal and State, in places located throughout the country.

It is expected that only a limited portion of the $188.9 million will be used for proposed new national park or recreation areas.

The main emphasis, insofar as Federal recreation lands are concerned, will be on acquisition in currently authorized areas—including some areas on which legislation is needed to increase existing appropriation authorization.

We expect that we will be able, shortly, to further clarify the proposals which will be made pursuant to this budgetary provision. If we can be of further assistance please let us know.

Sincerely,

ROBERT P. MAYO,
Director.

Mr. Chairman, I also have a letter from the Secretary of the Interior, dated February 10, 1970. That letter follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 10, 1970.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR JOHN: This will respond to your inquiry concerning the proposed usage of the $188.9 million shown in the President's FY 1971 budget to be expended from the Land and Water Conservation Fund, in addition to the basic budget request of $138.5 million. The staff of the Department has nearly completed preparation of a proposed breakdown for expenditure of the $188.9 million, and the bulk of those funds allocated for Federal acquisition would be used for acquisition of presently authorized areas (including areas for which an increase in the authorized ceiling would be required).

I am anxious, as you know, to develop new directions in the general park land acquisition program. In terms of immediate priorities, however, I recognize the urgent need to complete acquisition of those areas which have been already authorized. Accordingly, the overall program for FY 1971 will be directed to a large degree toward that objective.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

Just a few minutes ago Members heard read by the reading clerk the President's message, dated February 10, 1970, in which the President states on page 10:

I propose full funding in fiscal 1971 of the $327 million available through the Land and Water Conservation Fund for additional park and recreational facilities . . .

With this assurance from the Director of the Bureau of the Budget, from the Secretary of the Interior, and from the President of the United States, this bill should be passed.

I would like to comment on the increased cost. I have been told by some people it is unconscionable—and in many respects it is—because certain people in California have deliberately attempted to increase the price of certain land included within Point Reyes National Seashore.

There is only one way the Congress can keep control of the rising prices in the areas which we desire to acquire for parks and recreation areas, and that is the system which was devised and used and approved by the Congress when we acquired the Redwoods National Park—simply Congress provides in the bill creating the park or recreation area that the land immediately become the property of the United States, and the only problem then is to pay for it. With this method the costs in the Redwoods have not escalated. But the costs in all of the other areas, whether they be in California, Pennsylvania, New York, Massachusetts, Maryland, or anywhere between, have escalated at the rate of 10, 15, and sometimes 20 percent a year.

Even though the people in the Park Service conscientiously try to give to the House and to the Senate committees their best information and their best appraisals, the failure to finance at once causes Uncle Sam to have to pay these increased prices.

With the request the President has in his message today that the land and water conservation fund be increased, I think it is incumbent now upon the Congress of the United States to take the initiative and to say that parks and recreation areas hereafter authorized should use the formula which we used in the Redwoods, which is to acquire the land at the time the President signs the bill. With this, the value is fixed and the only matter we have then is to determine how it shall be paid and to whom it shall be paid.

Mr. Chairman, I urge that this bill be passed.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to my colleague, the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I know there are other members of the committee who share some of my feelings respecting this bill, but I must speak only for myself at this point.

I do not like to bring a bill like this to the floor. The plain matter of fact is that we got caught with our tweeds at half-mast on the cost on this project.

Congress approved it once because Congress thought it was a worthwhile project. It is a project I think is a fine addition to our national park system.

The amount of money involved is great. We cannot stop at this point, because to do so would be to lose the investment we have already made there.

So I find myself in the position of saying that we just might as well close our eyes and vote this authorization through and get this business out of the way, because the longer we keep it in check the greater the cost is going to be.

I thank the gentleman for yielding.

Mr. SAYLOR. I want to say to my colleague, I agree heartily. If we had used at Point Reyes the same formula which we used in the redwoods we would have had the use of this park for 10 years, at the price we could have bought it for 10 years ago.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. SAYLOR. I am happy to yield.

Mr. KYL. We cannot lay the blame for the problem which has developed on somebody else, because the Congress did what it did. This example should be remembered in the future when we come to similar cases. We did some unrealistic things. We locked land in a single land use for all future time, defying all reason and all logic. Then we got a problem which has to be solved in this fashion. There is a lesson here, and we had better learn that lesson for the future.

Mr. REIFEL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from South Dakota.

Mr. REIFEL. I want to commend the chairman of the Committee on Interior and Insular Affairs, as well as the ranking minority member of the committee and the entire committee, for bringing this bill to the floor so that we can vote it into law.

There is one part of the President's message, from which the gentleman quoted, which I consider to be important: increased emphasis on locations that can be easily reached by the people in crowded urban areas.

I spent some time a few years ago in this area, and I visited the land set aside for the park near the city of San Francisco.

It has been the feeling of the chairman of our Subcommittee on Appropriations having to do with the Interior Department and related agencies, the gentlewoman from Washington (Mrs. HANSEN), and the members—and we have stressed for the last 2 or 3 years—that it is important to obtain property for parks near the city areas where there are people who need recreational opportunities. These should be within walking distance, if possible, and certainly within a few hours of riding distance by bus or car, or even by hitchhiking.

This is one area where this can be accomplished, so I commend the Committee for its action today.

Mr. TAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, as coauthor of legislation we have before us today, I rise to advise my colleagues here in the House of Representatives that the need for favorable consideration of this legislation is urgent. The situation we now face at Point Reyes National Seashore is serious.

In addition to the general problem of land price escalation, more magnified at Point Reyes than at any other unit of the national park system, there is an immediate threat to the magnificent national seashore we have begun there. The threat is the imminent subdivision of the 2,400-acre Lake Ranch, which has been called the jewel of Point Reyes Peninsula.

The owners, the Sweet family of Coos Bay, Oreg., do not want to subdivide the property. They believe that the Lake Ranch should be part of the national seashore. Since the seashore was authorized in 1962, they have been waiting for the National Park Service to acquire this land. But the Park Service has used up or committed all the funds we have authorized and approprated to date, often in order to step in and halt subdivision of other properties. Now, members of the Sweet family say they can no longer

carry the financial burden of the property taxes on the ranch, amounting to about $22,000 in 1968 alone. Grazing leases yield only $2,400 in return. The Sweet family is to be commended for its willingness to hold back the developers in order that this may be a national recreation facility. However, there is a limit to how long they can carry this financial burden by themselves. It should be emphasized that the Lake Ranch is critical to the success of the national seashore.

First of all, there is its location. It cuts across the full width of the peninsula and the national seashore area, from Inverness Ridge on the east to the Pacific Ocean on the west. The terrain ranges from the 1,200-foot fir and pine-covered ridge—from which one can see downtown San Francisco, incidentally—to the bluffs of Double Point, one of the peninsula's landmarks, and the ranch's 2 miles of ocean beach. If the Lake Ranch were to be subdivided, visitors to the northern portions of the national seashore would be, in effect, cut off from the southernmost portions.

The remarkable characteristics of this property include the lakes for which it is named. The pelicans and other sea birds come in from the ocean to these seven fresh-water lakes to drink and to wash the salt from their feathers. The shoreline here includes Seal Beach where hundreds of seals raise their pups. The Lake Ranch also is noted for the variety of its upland game and waterfowl, and the abundance of its wild flowers. This diversity and abundance of so many different forms of life has caused the Park Service to propose that the national seashore's nature center and principal nature trails and nature education activities should be located here.

All in all, the Lake Ranch still epitomizes what the National Park Service found when it surveyed all of our ocean shorelines a decade or so ago and reported:

The Point Reyes Peninsula provides a combination of scenic, recreation, and biologic interests which can be found nowhere else in this country as near to a large center of population.

There are other properties within the boundaries of this national seashore that are not yet in public ownership, including many of its 45 miles of beaches, but none is in such a strategic location or presents such a superlative combination of natural and scenic values as does the Lake Ranch.

If we do not act promptly, as time goes on more and more of the peninsula's extraordinary natural values will be lost.

I was, therefore, honored to sponsor, along with so many other members of the California delegation, the legislation before us which would clear the way for sufficient funds to finish the work that was begun by our late colleague, Clem Miller.

As Congressman MILLER and the late Senator Clair Engle, who took the lead in the Senate to save Point Reyes, said when they joined to introduce their Point Reyes National Seashore bills 8 years ago:

If we act sensibly and foresightedly now, while the opportunity remains, we shall have preserved for America priceless heritage to be enjoyed many times over, not only by our generation, but also by those which follow.

Now I would like to comment on land price escalation at Point Reyes.

It may be useful to review the situation 8 years ago, when we authorized this project with an authorization limiting appropriations for land acquisition to $14 million.

The $14 million figure was set after the Park Service estimated that the public-use portions of the seashore could be secured within that amount. This figure was arrived at by reducing a total estimated cost of $35 million by some $21 million, as follows: $9 million, estimated value of lands to be acquired by exchange for Federal land elsewhere; $10 million, estimated value of lands the ranching area or pastoral zone which it was assumed at the time need not be acquired, and $2 million, estimated value of the A.T. & T., REC, and Vedanta Society lands which it was assumed need not be acquired.

In its report on the 1962 bill, the Committee on Interior and Insular Affairs noted that it believed the $14 million figure would be adequate only if several assumptions proved to be true. As summarized later, in 1966 by the Committee—House Report 2067, 89th Congress, second session—these assumptions were—

(1) that the land prices prevailing at the time the appraisal on which the figures was based was made, would remain approximately constant for a few years at least:

(2) that the land acquisition program would be started and carried out promptly;

(3) that a certain portion of the land could be acquired by exchanges rather than by payment of cash; and

(4) that a 26,000-acre pastoral zone within the boundaries of the National Seashore would continue . . . and that little, if any, of the land in this zone would have to be acquired to preserve its character.

None of these assumptions, of course, has proven correct.

The committee report noted this in 1966, when it raised the appropriation limitation to $19,135,000. It reported then that—

(1) Land prices have risen rapidly and are continuing to do so.

(2) The acquisition program got off to a relatively slow start.

(3) Large-scale use of the exchange authority has been frustrated by developments in an adjoining state (a reference to the objections of the then Governor of Oregon to a proposed exchange of the Lake Ranch at Point Reyes for some BLM timberland in Oregon).

(4) Parts of the pastoral zone have been subdivided and threatened with subdivisions, the development of which will be incompatible with the intended public use and enjoyment of the National Seashore.

The 1966 committee report concluded:

The net result is that there is need for a very considerable increase in the present limitation on appropriations. While the present bill proposes an immediate increase of $5,135,000 to take care of six specific tracts of land totaling 3,707 acres, the Committee is fully aware of the fact that this is a stopgap measure and that there will be need for further increases—perhaps to $57,500,000—before the seashore is fully established.

Since passage of the 1962 act, land price escalation at Point Reyes has averaged from 10 to 20 percent a year. The price rise has been as fast as it has in part because of its location—only some 20 to 30 airline miles from San Francisco.

We should not forget that Cape Cod and Point Reyes were the first of the national seashores and lakeshores of the 1960's. Not only were these the first major units of the national park system to be acquired entirely or even largely with appropriated funds, they were the first so near major metropolitan areas. It was in these respects, an entirely new ball game for the National Park Service and for this committee.

The breakthrough was in line with major recommendations of the Outdoor Recreation Resources Review Commission. If there was one highest priority recommendation for on-the-ground action in the ORRRC report, it was that undeveloped shorelines near metropolitan areas and threatened by incompatible encroachment should be acquired for the public benefit.

Since we began this new era in the history of our national park system, we have learned a great deal. We have learned that we must shorten the timelag between authorization and acquisition. In 1968, we gave the National Park Service for the first time authority to contract for options to acquire land in advance of actual appropriation of funds. And, of course, we authorized more adequate annual financing of the land and water conservation fund—for which we now need full funding at the $200 million level as we authorized.

Although our experience at Point Reyes has been unfortunate from the standpoint of early completion of the land acquisition program there, it is one of the most instructive examples of the price escalation problem we have experienced. As a result of what we have learned at Point Reyes, we have already begun to improve the land acquisition policies and procedures for the whole national park system.

Mr. Chairman, each of my colleagues today received in the mail a Sierra Club poster portraying the beauty of Point Reyes. May I end this admittedly lengthy discussion of the problems that we face in California in connection with the Seashore by reminding you of this poster and say as I said in my cover letter, "One picture is worth 10,000 words." May I urge my colleagues in the House of Representatives to support the enactment of this legislation so that we can get on with the work we have begun at the Point Reyes National Seashore.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. I thank the gentleman for yielding, and I will not take the entire 5 minutes.

Mr. Chairman, I believe the bill has been ably presented to the Members on the floor by the chairman and the ranking minority member, who have enunciated the problems we have faced in advancing this project to its current position.

I do want to take time to single out, in particular, the chairman of the committee, the gentleman from Colorado (Mr. ASPINALL) and also the members of the committee, to state how much I appreciate the priority consideration they have given to the advancement of this very unique conservation gem, known as the Island in Time, the Point Reyes National Seashore.

Again, the gentleman from Colorado (Mr. ASPINALL) has shown, as he did on the Redwood National Park, that he is a man of his word. At that time, I asked for early consideration of the Point Reyes proposal. Today you are seeing the results. This very able, kindly, considerate, and dedicated gentleman from Colorado has, once again, proven to be a stanch friend of conservation. History will record his great efforts and all Americans will enjoy and appreciate his extraordinary contributions to the national park and seashore system.

Mr. Chairman, as one of the principal authors of the legislation to complete the Point Reyes National Seashore, now before the House, I want to urge, in the strongest manner possible, prompt and affirmative action on this proposal.

The Point Reyes National Seashore was originally authorized by the 87th Congress, but this original authorization, plus a supplemental appropriation by the 89th Congress, proved to be insufficient to acquire the necessary property to complete the seashore, primarily due to escalating land values.

At present, the total authorization for Point Reyes is $19,350,000. The National Park Service has estimated that in order to complete this conservation gem on the north coast of California, an additional $38 million is required. The legislation now under consideration will authorize these needed funds.

Quite frankly, we are faced with a half-completed, half-usable national seashore that is desperately in need of funds to complete the project. Even in its half-finished state, the Park Service recorded nearly 1 million visitors during 1969.

In my judgment, the Point Reyes National Seashore, which is located just a few miles north of the Golden Gate Bridge and San Francisco, has the potential for one of the finest conservation projects ever undertaken in this country. The general area is one of true natural beauty that is superbly adaptable for park purposes and its close proximity to a major metropolitan complex provides untold opportunities for recreation and for people to enjoy the beauties of nature that abound there.

The need for immediate action is extremely urgent. The threat of imminent subdivision of one of the most beautiful areas of the seashore is a very real and present one. The county of Marin, in which the seashore is located, has all but exhausted all legal means aimed at delaying or preventing this subdivision. It is therefore up to this Congress to provide the necessary funds to prevent the desecreation of the land within the boundaries of the seashore.

President Nixon, in anticipation of the passage of this legislation and recognizing the urgent nature of the problem, announced on November 18, following a meeting with Chairman ASPINALL, Senator MURPHY, and me, that his administration would make the funds available for this project. Since that time, in his budget submitted to the Congress, the President specifically earmarked funds for the Point Reyes project, in the event of passage by the Congress of the necessary authorizing legislation.

Every major conservation organization in the country has announced support of this bill as well as all local governmental units and political subdivisions in the area of the seashore. Governor Reagan has personally announced his unqualified support as has the California State Assembly by official resolution. In addition, I have received and forwarded to the White House more than 400,000 signatures from residents of the San Francisco Bay area and throughout the State of California urging prompt and favorable action by the Congress to complete the seashore.

Therefore, in closing, I respectfully urge my colleagues to assist in providing this generation and future generations with the opportunity to share one of the country's greatest natural assets by making possible the completion of this conservation package that will mean so much to so many.

A half-completed seashore is totally unacceptable and any further delays in providing the needed funds will only compound an already difficult problem and could seriously jeopardize completion of the project for all time.

Mr. TAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, it is a pleasure to speak, once again, to the issue of Point Reyes National Seashore. As you know, and as most Members of this body know, this has been an issue of long-standing interest with me. Nine years ago, my former colleague and dear friend, the late Congressman Clem Miller and I introduced the original legislation to authorize the establishment of Point Reyes National Seashore.

In 1962, President Kennedy signed a bill which established the boundaries of Point Reyes and authorized Congress to appropriate up to $14 million to purchase it from private owners for use as a national seashore. The House subsequently approved an additional $5 million. Of the total 54,000 acres available, some 22,000, less than half of the original authorized acreage, has been purchased with the total $19 million appropriation.

The park today is a series of fragmented patches with little territorital continuity. It has been the subject of untold controversy, and on several occasions was almost lost to bulldozing and subdividing interests.

I have continued the fight to save Point Reyes ever since. This area, poetically described as an "Island in Time" is held by some as a monument to natural beauty and to man's aspirations. This effort is bipartisan in nature and has the support of most of the California delegation, including both of our Senators.

I know that many more of my colleagues in the House share my interest and enthusiasm in conservation projects and my sincere belief in the need to preserve that small part of this country that remains natural and free. Point Reyes is an excellent example of this type of terrain—a wild, unfettered expanse, an embodiment of the soul of this country.

Popular support and demand both in California and throughout the Nation has been overwhelming. The Appropriations Committee has indicated their support for this effort by sending this bill to the floor for our decision, and most importantly, the administration has finally expressed support for Point Reyes by approving the expenditure of the funds necessary to complete the purchase of the remaining acres.

The President's recent budget message has earmarked $7.1 million as a supplemental appropriation for Point Reyes for this fiscal year, and an additional $188.9 million for fiscal year 1971 for Point Reyes and "other recently authorized recreation areas." Not only is this a bonus for those of us behind the Point Reyes project, but all conservationists can take heart for the many other priceless parklands in this country that have long been fought for now stand a good chance of being completed.

It is gratifying to me to have administration support for Point Reyes, but it is also equally satisfying and important to have the administration acknowledge the real need and demand for increased outdoor recreation facilities. The President's budget request surely underscores the true value of preserving and protecting areas of natural wilderness.

The passage of this bill will not be a preferential action and will in no way detract from acquiring other sorely needed and desired national parklands. The $7.1 million approved for this year will be in the form of a supplemental appropriation, in no way jeopardizing other previously planned park acquisitions for fiscal year 1970. The additional moneys requested by the President for fiscal year 1971 are for Point Reyes and "other recently authorized recreation areas."

It is my understanding that the National Park Service and the Bureau of the Budget have jointly worked out a planning schedule and timetable for parkland acquisition. The President's request including funds for Point Reyes in no way jeopardizes this schedule, but rather includes the acquisition of Point Reyes as one among other authorized parklands to be secured.

This bill has been with us for many years. The will of the Congress was clear when it first approved the establishment of Point Reyes as a national seashore some years ago. This important land has been hanging in the balance for too long. The case is imminent; the threat of subdivision and bulldozing is real; its effect would be disastrous, and would be directly contrary to what the Congress initially intended. The President has now realized this and can no longer run the risk of forestalling purchase. If the land is not purchased now, it will not be there to purchase in the

future. Surely we must recognize the values at stake here. Point Reyes is the case in question now, but with completing Point Reyes we may hope to move on toward completing the many other priceless lands that are of prime interest to so many of you. I am convinced that the President's approval of the funds for Point Reyes is indicative of things to come in the area of conservation and preservation of wilderness areas and national parklands. All of us should get behind this effort for it is indeed a nationwide effort. Californians will undoubtedly benefit most immediately and most directly, but all of our citizens have some things to gain. The completion of Point Reyes is only a start in expanding and enhancing the public lands in our national park system.

The current environmental crisis, coupled with our growing concern over the great problems of population explosion, air pollution, the dangers of pesticides, and other ecological crises all speak to the need for accessible wilderness areas. Statistics indicate that national parks are utilized mostly by people from densely populated urban areas. However, the availability of such regions is limited and wholly out of proportion to the total population.

The acquisition of the Point Reyes lands would provide 45 unspoiled shore miles with beaches, caves, rocks, and tide pools for public use and enjoyment. Although the majority of visitors are from the densely populated San Francisco Bay area, the national seashore is of great interest to the entire country. Of some 60,000 miles of shoreline in the United States—not including Alaska and Hawaii—less than 2 percent is publicly owned. Point Reyes is a rarity among those rare miles of public beaches; it is the only California coastal area of beaches, cliffs, rolling hills, forest, and pasture not partitioned or paralleled by highway.

Nowhere else in this country is there a recreation area that offers so much near such a large population center. Classified by the U.S. Outdoor Recreation Resources Review as one of the nine most important and relatively unspoiled natural seashores in the United States, it combines manifold scenic, recreational, and biological interests. Topographically, it boasts broad sand beaches, sheer cliffs, rolling pastures, and wooded uplands and ridges.

Due to this topographical diversity, and a variety of climatic pockets, the area supports abundant plant and animal life of many types. Among these are strands of virgin Douglas-fir, the Monterey pine, and the Bishop pine, as well as six specialized varieties of flora found nowhere else in the world. Animal life in the area includes 164 species of birds. It is the southernmost habitat of the mountain beaver, the wintering ground of a large concentration of black brant geese, and the only remainder mainland breeding ground for a seabird known as the California murre. It is one of the few areas from which both sea lions and harbor seals can be seen.

In addition to serving as a refuge for plant and animal life not easily seen elsewhere, Point Reyes, offers much to those interested in geology and archeology. Originally the home of the Miwok Indians before the arrival of the white man, 113 aboriginal sites are known, and many are believed to be worthy of exploration. Geologically, Point Reyes is unique in that its rock formations are unlike those on the east side of the San Andreas Fault. It is here, too, that the famous fault shows itself above the ocean.

Of interest to such specialists as the geologist and archeologist, Point Reyes offers unlimited possibilities for enjoyment to everyone. The pleasures of camping, hiking, picknicking, fishing, water sports, and riding can be experienced in an atmosphere of great natural beauty. Such beauty, and the rich variety of wildlife that attends it, should be preserved for future generations, in a world where the magnificence and timelessness of places such as Point Reyes are needed more and more.

Mr. Chairman, I urge my colleagues on both sides of the aisle to give careful and special consideration to this bill. A yes vote will not only secure Point Reyes as part of our national park system, but will also reaffirm this body's commitment to the preservation of wilderness areas and to this country's dwindling natural resources.

In closing, allow me to quote from one man's poetic description of Point Reyes:

> We need the sea.
> We need a place to stand and watch and listen—to feel the pulse-beat of the world as the surf rolls in.
> We need to keep some of our vanishing shoreline an unspoiled place, where all men, a few at a time, can discover what really belongs there—can find their own Island in Time.

Mr. SAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I rise in support of H.R. 3786, a bill to authorize the appropriation of additional funds in order to carry out the program of land acquisition at Point Reyes National Seashore in California. My colleague the gentleman from California (Mr. DON H. CLAUSEN) and I have cosponsored this legislation as a step toward completing Point Reyes and making it a meaningful unit of the national park system.

Recognizing the need to preserve a portion of our diminishing seashore for recreational purposes, the Congress in 1962 approved and the President signed a law establishing the Point Reyes National Seashore. Funds in the amount of $14 million were appropriated.

By 1966, however, it became evident that, because of rapidly rising land costs, more money would be required. Thus, an additonal $5,135,000 was authorized as a stopgap measure.

To date, these funds have been used to purchase 22,816 acres of the total 54,136 acres intended for acquisition.

Now, H.R. 3786 increases the authorization by $38,365,000, thus raising the ceiling to a total of $57,500,000.

As indicated in the report of the Interior and Insular Affairs Committee, this is the amount considered necessary in order to insure an adequacy of funds for acquisition in an area where land costs are expected to rise. These funds are to be made available through the land and water conservation fund, which was designed specifically to expand our Nation's outdoor recreation resources. The administration has indicated that the money can be allocated during this and the next 2 fiscal years.

It should be obvious that speedy completion of land purchases at Point Reyes is imperative. The seashore is located only 30 miles from San Francisco, in a rapidly expanding metropolitan area. Its proximity to this densely populated area makes the seashore a unique one in this country, and it has been preserved so far only because the main flow of traffic from San Francisco has been away from the shore. This situation is changing, however, and the land near the shore is now coming into great demand.

We can no longer vacillate. Each delay means only increased costs as the land involved jumps in value.

Strong public interest in and support for the preservation of Point Reyes has been expressed, both to myself and the gentleman from California (Mr. DON H. CLAUSEN) and to our colleagues in the Senate. With considerations of economy in mind, I urge the House today to act favorably on H.R. 3786 so that the Point Reyes National Seashore can be completed within a reasonable amount of time and so that a magnificent portion of our coastline can be preserved for the enjoyment of our citizens.

Mr. TAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I would like to express my support for the bill before us today, H.R. 3786, which, as reported with an amendment, authorizes the appropriation of funds at an adequate level to permit the acquisition of all nonfederal lands still needed to complete the Point Reyes National Seashore on the California coast.

Congress first authorized funds for the acquisition of the 64,546-acre Point Reyes National Seashore in 1962, realizing the need both to preserve the Nation's natural resources and to provide its citizens with national recreational areas.

However, as a result of numerous problems, including improper estimates on land costs and increases in land prices, the national seashore envisioned by Congress in 1962 has still not been completed.

This legislation, as amended, would increase the authorization for acquisition of land in Point Reyes from $19,135,000 to $57,500,000—an increase of $38,365,000—which would enable Point Reyes to become an important part of our national park system.

This bill also includes an amendment which I offered during the marking up session of the Committee and which provides that no property or interests in any lands acquired within Point Reyes may be conveyed or leased for residential or

commercial use except for those public accommodations, facilities, and services provided for in Public Law 89–249, establishing concession policies in areas administered by the National Park Service.

The purpose of my amendment is to insure the integrity of the seashore and to prevent the Department of Interior from selling land within the Point Reyes National Seashore for private development.

During the hearings, the Department of Interior revealed plans to sell 9,200 acres, one-sixth of the land within the boundaries of the seashore, to a private developer for residential use as a restricted subdivision with related commercial facilities, including shopping centers.

In his testimony before the Subcommittee on National Parks and Recreation on May 13, 1969, National Park Service Director George Hartzog contended that he had authority to sell back land under a 1968 amendment to the Land and Water Conservation Fund Act, and that in Point Reyes the Interior Department could recoup $10 million.

During my questioning Mr. Hartzog stated that, although control would be exercised over lot sizes, location, quality of building sites, and architectural design—in order to prevent a building "offensive" to the park such as a high rise apartment—no control would be exercised over those who purchased the land from developers.

In other words, the land would be sold to the developer, who could then sell it as he saw fit for whatever price he wanted.

In a December 9, 1969, letter to me from Thomas Flynn, Assistant Director of the National Park Service, the proposed subdivision of the 9,200 acres was broken down—1,475 lots of which 75 were marina frontage and view, 1,250 were interior lots, and 150 were proposed golf course sites.

As a matter of public policy, a private country club development should not be created within the national park system.

This plan would place the Government in the role of a speculator and a land developer, having acquired the land ostensibly for public conservation.

The proposal to sell the land to private owners for development is clearly inconsistent with the intent of Congress when it authorized the Point Reyes National Seashore in 1962. It would deplete the seashore by one-sixth, allowing for the resale of the land to developers who would build homes, shopping centers, and other facilities totally inconsistent with the purpose of the park.

The Senate Interior Committee, in Senate Report No. 1071, accompanying S. 1401—Public Law 90–401—which amended title I of the Land and Water Conservation Fund Act of 1965, said the following in reference to the authority provided to the Secretary of the Interior to sell back and lease back lands:

> While the Secretary is authorized to convey such freeholds or leaseholds in a manner which is, in his judgment, consistent with the purpose for which the area was authorized by the Congress, the committee wishes to make clear the legislative intent that new commercial development such as residential subdivisions . . . is not to be considered within the purposes for which such areas were, and will be, authorized by Congress. (Senate Report No. 1071, p. 8.)

Despite the intent of the committee not to allow the sell-back and lease-back authority to include sale to developers for subdivision, the Department of Interior decided to go ahead with the sale.

And for this reason, I introduced my amendment to H.R. 3786 to preserve the integrity of Point Reyes National Seashore. Certainly, such a sale or rental would greatly damage the overall purpose of establishing the seashore as a national park—to retain its natural, recreational, and historical resources for all Americans.

The committee has set an important precedent in reporting out the bill with the amendment which states:

> No freehold, leasehold, or lesser interest in any lands hereafter acquired within the boundaries of Point Reyes National Seashore shall be conveyed for residential or commercial purposes except for public accommodations, facilities, and services provided pursuant to the Act of October 9, 1965 (Public Law 89–249; 79 Stat. 969).

Congress must neither countenance nor sanction the carving out of enclaves of private privilege within the national park system.

I urge my colleagues to support the passage of H.R. 3786.

If the 1970's is to become the decade during which we pledge to keep our environment free—we cannot start off in a better way than to make this investment—an investment which will preserve a large part of our land unfettered from commercial development for the benefit of everyone, in this decade and in the future.

Mr. SAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I wholly share the sentiments of Chairman ASPINALL and my friends JOHN SAYLOR, DON CLAUSEN, and BILL MAILLIARD in regard to the need and desirability of this legislation. Open spaces near our large population centers are disappearing rapidly, and any money appropriated for acquiring such land is money well spent.

There are, of course, other parks similar to that at Point Reyes, close to centers of population, that were authorized years ago and which were not completed because of rising land costs and other factors. One such park is the Cape Cod National Seashore, which was authorized nearly 10 years ago, and which is still incomplete.

I wonder if the distinguished chairman of the Interior Committee would care to comment on the likelihood of Cape Cod Seashore's completion being funded, in view of the President's recent actions and our own here today?

Mr. ASPINALL. Mr. Chairman, will the gentleman from Massachusetts yield to me?

Mr. KEITH. I am happy to yield to the chairman of the committee.

Mr. ASPINALL. Mr. Chairman, we have requests down at the administration. Included among them, of course, is the additional authorization for Cape Cod. But the President's message being what it is today, it makes no difference to the chairman of the committee and I am sure to the chairman of the subcommittee whether it is Cape Cod or Delaware Gap or Assateague. We will try to bring these things into the picture just as rapidly as the administration downtown and the Interior Department will send them up.

Mr. KEITH. Mr. Chairman, I certainly appreciate the statement of the chairman of the committee. It does make a difference to me and to my constituents.

As the gentleman knows well, the cost of this delay has been enormous. The original estimate of $16 million was sufficient to purchase 16,400 acres of land, leaving only 7,519 acres unacquired. Today it is estimated that it will cost more to acquire those last 7,500 acres than it did to acquire the first 16,400. And prices of land in the area are still rising.

They say that "he who hesitates is lost," and the history of the Cape Cod National Seashore is a perfect example of that.

So while I feel the Point Reyes bill we are considering today is a highly worthwhile measure, I would like some assurances that our voting for this measure will not be detrimental to other such projects, like the Cape Cod National Seashore—which have been waiting much longer for funding.

There are landowners on Cape Cod who have been kept in limbo for nearly a decade, waiting for the Federal Government to act upon its commitment to complete acquisition. And I think it only fair that the Cape Seashore be given highest priority in any program of national parkland acquisition.

I thank the gentleman very much for yielding this time to me.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I am happy to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I will be happy to tell my colleague that with the assurance of the chairman of the Committee on Interior and Insular Affairs, the Bureau of the Budget, the Secretary of Interior, and the message which we just had from the President that Cape Cod will be authorized very shortly—that an authorization will be forthcoming.

Mr. KEITH. I thank the gentleman for that assurance.

Mr. TAYLOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3786—a bill to increase the amounts authorized to be appropriated for land acquisition at the Point Reyes National Seashore. This bill, which was cosponsored by almost 30 Members of the House, has as its chief objective the authorization of adequate funds to acquire all of the lands within the boundaries of the seashore.

For the past several years, the Subcommittee on National Parks and Recreation has sought to expand the number of outdoor recreation areas near our cities and metropolitan areas. We have recognized that they should be as convenient as possible for the large urban populations and yet be suitable additions to the national park system. Unfortu-

nately, not all available lands near or in our cities are appropriate for national park status, nor are all potential national park lands located near our cities.

Large, undeveloped, natural and scenic areas located in proximity to our major cities are few and far between. But Point Reyes is such an area. It is located about 30 miles from San Francisco and its outdoor recreation potential is so great that it can be a valuable resource for the millions of people living nearby. At the same time, its natural and scenic values are so outstanding that the area is important to people from all parts of the country.

The popularity of this area continues to expand. Even with the scattered and fragmented land ownership pattern which precludes efficient public use of the federally owned lands, large numbers of people are already visiting the area. In fact, it has been reported that the 1969 visitation figure for the area would probably top a million—almost a two-fold increase over the 575,000 visitations reported the year before. These outdoorsmen come for a variety of reasons, but the diversified resources at Point Reyes are conducive to boating, hiking, fishing, swimming, camping, riding, and many other popular outdoor activities.

The outdoor values of Point Reyes have not changed appreciably since the Congress authorized it as a national seashore in 1962, but land prices have increased tremendously. In the mid-sixties, we recognized that land prices in this area were escalating at a rate of about 15 percent per year, and we know now that the rate of increase is not likely to diminish in the future. Even the Department of the Interior, which relied on data only about a year old in making its report to the committee last May, made a reappraisal of the anticipated land costs and increased its estimates significantly before this legislation was reported by the Subcommittee on National Parks and Recreation.

In addition to land price escalation, the Members should realize that this bill contemplates the acquisition of 26,000 acres of land which we never expected to have to purchase under the original act. These are the so-called pastoral zone lands which were to be retained in private ownership for ranching and dairying purposes. Unfortunately, for a variety of reasons, these activities have been declining and the Park Service has been forced to acquire some of the lands to head off subdivisions and other adverse uses. Under the terms of the bill before you, adequate funds will be authorized to acquire all of these lands so that they will be available for the use and enjoyment of all Americans for all time.

Our objective at this area has been frustrated because the authorization ceiling has apparently been too restrictive, because the Budget requests have been too slow and too small, and because appropriations have fallen short of the need. Regardless of where the fault may lie, the authorization recommended in this bill—H.R. 3786—is ample to complete the task and, if this measure is enacted, the mandate to complete this project will be clear. We hope that these funds can be made available promptly. Unless they are, no one can be sure that this job can be completed at or below the ceiling. The Director of the National Park Service has indicated that his estimates are reliable only if he has the funds in hand within the next 2 fiscal years. Knowing how long it has taken to get the authorized funds that have been available for this area so far, it is conceivable that all or part of the $5 million authorization which the committee is recommending will be needed.

Mr. Chairman, it is very important that the authorizing and the appropriating committees work together closely on this entire outdoor recreation program. Our purposes are one and the same—to make reasonable progress toward a desirable goal. The enactment of any authorizing legislation justifies the existence of a Federal undertaking and it represents a commitment on behalf of the entire Nation, but it takes appropriations to convert these projects into tangible realities which the public can see, and, use and enjoy. Both elements of the legislative process are indispensible: without an authorization, the Appropriations Committees are powerless to make moneys available; without appropriated funds, an authorization is a project or program on paper, only.

I hope that the House will approve H.R. 3786 which provides one link in the chain, and I hope that the Bureau of the Budget, and the Appropriations Committees, and the Congress will extend and strengthen that chain so that Point Reyes can truly become a national seashore worthy of the name.

By way of a summary, Congress in 1962 authorized the Point Reyes National Seashore. Some progress has been made in acquiring land and the money authorized has been spent or obligated, but many of the most valuable seashore holdings are still not in Government ownership, so that the park is not yet a manageable area. Yet there is much interest in the park, and a million visitors are anticipated this year.

Having to increase an authorization in this manner is unpleasant, but I believe that the future value of Point Reyes to our Nation will justify our action. We have partly established a badly needed seashore area. We now have no choice but to finish the job. Land values in the area are increasing at 10 to 20 percent each year. Delay in action is poor economy.

Mr. SAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I would like to rise in support of this bill. I think now is the time to begin to acquire these lands around our national seashores as soon as possible because of commercial and private development which will take place unless this is done.

Mr. Chairman, although this particular project is located in the State of California, it obviously will benefit people who travel there from other States. However, I urge the acquisition and completion of other areas such as Cape Cod in the State of Massachusetts and Cumberland Island in the State of Georgia. We have this island on the coast of the State of Georgia which is the largest island on the entire eastern seaboard. In my opinion this is the least we can do for future generations in order to assure that there will be spaces available and that they will not be taken over by commercial and private groups.

Mr. EILBERG. Mr. Chairman, I rise today to express my strenuous opposition to the legislation now under consideration, H.R. 3786, to authorize the appropriation of additional funds for the acquisition of land at the Point Reyes National Seashore in California. I do not oppose this legislation because I believe completion of the Point Reyes Seashore is unnecessary, but because I object to the manner in which this legislation has been brought to the floor in violation of time-honored means for establishing funding priorities for acquisition of land for our national park system.

In its report on the legislation, the Bureau of the Budget states, and here I quote:

> The priority of a particular area seems to us to be a complex product of perhaps six principal and several additional factors, most of them highly judgmental. These six principal factors are: (1) the priority of the principal federal purpose to be served by the area (bearing in mind that areas are authorized for a wide variety of purposes), (2) the overall quality of the area for its principal purpose (recognizing that most areas are authorized for more than a single purpose), (3) the relative supply of other areas serving a similar purpose for potential users as well as the number of such users and the proximity and accessibility of the area to them, (4) the relative cost of the area compared with other areas which would serve a similar purpose, (5) the threat to the area by conflicting purposes or adverse development, and (6) price escalation potential, particularly as escalation might be affected by authorization.
>
> While we believe these are the key factors, we have not as yet been able to apply them in sufficiently precise fashion to provide a clear and objective basis for allocating a higher or a lower priority, for example to Point Reyes acquisition than to Cape Cod (or the Delaware River Gap National Recreation Area serving Philadelphia which I represent) or to give a seashore recreation area higher or lower priority than areas with other principal purposes.

This aforementioned report is the last word that we have on H.R. 3786. It would appear from this report that the Bureau of the Budget has some doubts about which national park projects should have priority and this fact is pointed out quite graphically near the end of the departmental report where we read:

> While under the circumstances we would have no objection to the bill, we must reiterate that funds likely to become available will not be sufficient to permit acquisition of such areas without extensive curtailment in already programed acquisition.

Thus, I would say that we can assume that the Bureau of the Budget has some reservations about the bill we are now considering in view of the limited acquisition resources available from the land and water conservation fund. Yet on November 18, 1969, a press conference takes place at the White House and sud-

denly we are advised that the principles which have guided the Congress over the years with regard to the funding of the national parks and recreation program have been thrown out of the window. While the Bureau of the Budget, speaking for the administration, says that there are no funds available for new parks or increasing authorizations because of budgetary restraints, the press conference says that a commitment has been made for the Point Reyes project and funding will be available.

I believe that the Point Reyes Seashore may well be needed by the residents of the San Francisco area but certainly no more than the Delaware Water Gap National Recreation Area is needed by the residents of New York and Philadelphia.

I represent the northeast section of Philadelphia and I assure you all that is a paucity of recreational opportunity in my district and its environs. Our situation is certainly as serious as is the San Francisco predicament and I object strongly to the administration's attitude that our national parks and recreation areas program is to be made a partisan political football. If it could be demonstrated that the San Francisco need for the Point Reyes Seashore was greater than Philadelphia's need for the Delaware Water Gap National Recreation Area, then I would not object to the authorization and expenditure of Federal tax dollars for this purpose. However, under the circumstances that the Point Reyes matter has been decided—outside the orderly procedures for establishing priorities we have all agreed upon—I must oppose this bill and, accordingly, I will vote against it.

We have established an accepted system of priorities for authorization and funding of national park and recreation program projects. Let us continue to abide by these priorities and considerations and let the chips fall where they may. I urge all my colleagues to consider carefully the implications of the Bureau of the Budget report on their States and congressional districts when it states:

> While under the circumstances we would have no objection to the bill, we must reiterate that funds likely to become available will not be sufficient to permit acquisition of such areas without extensive curtailment in already programed acquisition.

I believe we cannot let party labels decide our national park and recreation area priorities. I urge that this bill be defeated.

Mr. MOORHEAD. Mr. Chairman, in these familiar lines, Lord Byron paid poetic tribute to the shores of the vast, blue ocean:

> There is a pleasure in the pathless woods;
> There is a rapture on the lonely shore.

I am here today to urge that we pay financial tribute to the recreational and esthetic needs of the American people. Unless we appropriate the funds needed for the authorized acquisitions at the Point Reyes National Seashore, we will be denying our people an essential part of the natural heritage they are entitled to enjoy. The need, as I see it, Mr. Chairman, is quite evident. This glorious strip of "lonely shore" at Point Reyes is within a 2-hour drive for 5 million people living in the greater bay area of San Francisco. It is a part of our national plan to put the parks where the people are.

In times past, it was said that the national parks represent the best that is America. With the overcrowded park conditions we have now, can we make that same statement today? Last year an observer declared that our national parks and seashores have become national slums. At Yosemite, for example, attendance has almost doubled in the past 5 years. On a July Fourth weekend, 74,000 persons were logged in.

One sensible way to alleviate the traffic jams and congestion, is to provide more space for our national parks and seashores. This is exactly what H.R. 3786 is designed to do for one of our most critical recreation areas—the Point Reyes National Seashore.

Furthermore, it is urgent that we enact this legislation without delay. Since 1962 when the seashore was established, the constant escalation of land prices has greatly increased the cost of authorized acquisition of private land still within the boundaries. With the $57,500,000 authorized by H.R. 3786, the National Park Service will be able to acquire the remaining dairy farms, ranches, and other private lands within the seashore boundaries. As conditions exist now, this hodgepodge ownership pattern results in an unmanageable patchwork, for most of the ocean beach in the area is still privately owned.

I am not sure that solutions to all the problems facing the National Park Service will be simple—or even possible—but I do feel certain that the enactment of this legislation is a step in the right direction.

At the beginning of this environmental decade of the seventies, we have pledged to the people of America that we will seek to improve the quality of the environment—that we will try to make it possible for more Americans to enjoy Byron's pleasure of the pathless woods and the rapture of the lonely shore.

Mr. BURTON of California. Mr. Chairman, the passage of H.R. 3786 is a fitting tribute and creates a lasting monument to a man who served ably in this House and who championed the cause of the preservation of the magnificent Point Reyes area, the late Honorable Clem Miller.

The Point Reyes National Seashore was envisioned by him and the bill establishing its boundaries was signed by President Kennedy in 1962.

With the passing of H.R. 3786 we have seen to it that Clem Miller's dream will be completed and that this "Island in Time," the Point Reyes National Seashore will be preserved for future generations to enjoy and to explore.

At a time when this Nation is becoming increasingly aware of the environment in which we live, it is fitting that this legislation is passed and provides for the completion of this National Seashore which stands as a tribute to the foresight and concern of the man who conceived it, our late colleague, Clem Miller.

Mr. TAYLOR. Mr. Chairman, I have no further requests for time.

Mr. SAYLOR. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 3786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of Public Law 87–657 of the Eighty-seventh Congress is repealed and that there is enacted in lieu thereof the following:

"SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, except that no more than $57,500,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interest therein, and incidental costs relating thereto, in accordance with provisions of this Act."

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"That section 8 of the Act of September 13, 1962 (76 Stat. 538), as amended (16 U.S.C. 459c–7), is amended (a) by deleting '$19,135,000' and inserting '$57,500,000', and (b) by changing the period at the end of the section to a colon and adding '*Provided,* That no freehold, leasehold, or lesser interest in any lands hereafter acquired within the boundaries of the Point Reyes National Seashore shall be conveyed for residential or commercial purposes except for public accommodations, facilities and services provided pursuant to the Act of October 9, 1965 (Public Law 89–249, 79 Stat. 969).'"

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WATTS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California, pursuant to House Resolution 818, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks immediately prior to the passage of the bill H.R. 3786 today.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 497. Concurrent resolution providing for an adjournment of the two Houses from February 10, 1970, to February 16, 1970.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader if he will advise us as to the program for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman from Illinois yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman from Illinois, Monday is Consent Calendar day, and there are five suspensions:

H.R. 1049, to amend the Anadromous Fish Conservation Act;

H.R. 14300, to facilitate the disposal of Government records and to abolish the Joint Committee on the Disposition of Executive Papers;

H.R. 14116, to increase criminal penalties under the Sherman Antitrust Act;

H.R. 13582, to authorize the waiver of claims of the United States arising out of certain erroneous payments; and

H.R. 13008, Job Evaluation Policy Act of 1970.

Tuesday is Private Calendar day, and we will also have:

H.R. 14810, to authorize production research under marketing agreement and order programs, under an open rule with 1 hour of debate; and

H.R. 15165, to establish a Commission on Population Growth, and the American Future, under an open rule with 1 hour of debate.

For Wednesday and the balance of the week, we will have the Department of Labor-Department of Health, Education, and Welfare appropriation bill for fiscal year 1970.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and that any further program may be announced later.

Mr. ARENDS. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS, U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 9355(a), the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following members on the part of the House: Mr. ROGERS of Colorado, Mr. FLYNT, Mr. RHODES, and Mr. BROTZMAN.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS, U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of 14 United States Code 194(a), the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following members on the part of the House: Mr. ST. ONGE and Mr. MESKILL.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS, U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of 46 United States Code 1126c, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following members on the part of the House: Mr. CAREY and Mr. WEICKER.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS, U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 5355(a), the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following members on the part of the House: Mr. TEAGUE of Texas, Mr. NATCHER, Mr. DAVIS of Wisconsin, and Mr. MCKNEALLY.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS, U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 6968(a), the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following members on the part of the House: Mr. FLOOD, Mr. STRATTON, Mr. MINSHALL, and Mr. MORTON.

THE EPIC OF ST. VARTAN THE BRAVE

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today it was my pleasure to welcome Bishop Papken, representative of the diocese of the Armenian Church of America in Washington, D.C., as guest Chaplain.

During his prayer and during my own welcoming remarks, mention was made of St. Vartan, who in A.D. 451 led his army in a battle against the Persians. As a result of this battle, the Armenian Church and the faith of the Armenians in Christianity was preserved.

At this point in the RECORD I would like to include a brief history of the epic battle which occurred in A.D. 451, over 1,500 years ago. The article about this event follows:

EXCERPTS FROM THE EPIC OF ST. VARTAN THE BRAVE*

More than fifteen hundred years ago an epic celebrated by Armenians everywhere took place. It symbolizes the resolute courage and firmness of faith of a people. Vartan, the Armenian general, and 1035 comrades fell, on May 26, 451, A.D., in the plain of Avarayr, ancient Shavarshan, in the shadow of the Biblical Mount Ararat, battling against an overwhelming army of another King of Persia, in defense of their national homeland and Christian faith. That memorable conflict, though it ranks as a military defeat, secured the preservation of a Christian bastion in the Near East.

In the calendar of the Armenian Church, an annual day is set apart in memory of those 1036 martyrs, for their loyalty to a supreme ideal. And the Armenian communities throughout the world are dedicating the present year to the celebration of the fifteenhundredth anniversary of that battle.

THE SOUL OF ARMENIA

The adoption of Christianity as the state religion of Armenia angered the Sassanid Kings of Persia, her suzerains, who saw in the change not only a political but a cultural danger. In their determination to spread the Mazdean religion in western Asia and thereby to consolidate a unified front against Roman influence, the Sassanid monarchs took steps to avert the apparent threat.

On the other hand, the cause of Christianity in Armenia was not innately secure. A considerable part of the nobility still clung to their ancient gods and in reality were silent partners of the Mazdean priests, although hating them in their hearts. The assassination of King Trdat III, the first patron of the new religion in the country, was ascribed to pagan plotters. Even Gregory, the "Illuminator," the first Patriarch (257–325), had retired into seclusion to avoid his opponents. His immediate successors met violent deaths, instigated by members of the royal family.

Why was there such a relapse? Christianity, according to tradition, had been preached even by Christ's apostles, Thaddeus and Bartholomew. Church history declares that Roman legionnaires of Galatia and Asia Minor, 10,000 in number, embraced Christianity and took refuge in the plain of Ararat, in Armenia during the reign of the Emperor Trajan (98–117). All eventually became martyrs. A bishop, Ghevond (Leondius) by name, occupied the see of Artaz, in Armenia, and was martyrized at Shavarshan in 190. Another bishop, Mehrujan, to whom a letter had been sent from Bishop Dionisius of Alexandria (according to Eusebius), also met death for his faith at Artaz about the end of the third century.

Persecution at last ceased. Trdat III, his family and courtiers, were baptized by St. Gregory on January 6th, 303, the Feast of Baptism and Epiphany. Constantine the Great promulgated the Edict of Milan in favor of the new religion in 313. His own baptism took place in 327 on the day of his death. Paganism had suffered a signal reverse in the year 311 when Maxim Daja, the Roman Governor of Syria, was repulsed by Trdat III in his attempt to uproot the new religion from Armenia by armed force.

Notwithstanding such sponsors of Chris-

* Based on the classical History of Vartan by Elisaeus (5th century) and translated by C. F. Neumann (1830) as published by the Diocese of the Armenian Church, New York, 1951, on the occasion of the fifteen hundredth anniversary of the Epic.

tianity in Armenia, there remained still much to be done to achieve real success. The new religion was too abstract to appeal to the heart and mind of the majority of the population, because church and community remained too far apart from each other. Bible readings, prayers and hymns were conducted in foreign languages; Syriac in the much larger Persian section and Greek in the Western. Occasional translations during church services and the sermons in the Armenian tongue did not mean much, the congregations being unable to retain or memorize them.

At this critical juncture, there appeared on the scene a man named Mesrop-Mashtotz, former secretary of the royal chancellery. Encouraged by the scholarly Katholikos, Sahak Partev, and financially aided by the King, Vram-Shapuh, Mashtotz, after extensive travels and untiring research, invented the Armenian alphabet. That blessed achievement was followed by the translation of the Bible under the guidance of Sahak, first from the Syriac, and then from the Greek Schools were opened and a craving for knowledge was stimulated. Community of thought, sentiment and interests thus came about. The country boy was trained in company with the sons of the nobility; the grandson of the pagan priest together with the issue of the house of St. Gregory, among whom was Vartan Mamikonian, the future hero of liberty, the son of the Patriarch's daughter, Sahakanush. This process of education made Armenia a happier land, an object of admiration to the world (Pavstos).

The literary movement, through the rendering into Armenian of the works of various Church Fathers and ancient lay thinkers, developed with amazing swiftness, in less than half a century. Another outcome was the awakening of a national consciousness. The numerous clans, separated from each other by geographical, political and social barriers, were now being drawn together by the spiritual tie of the written and spoken Word. The Armenian Soul came into being. The nation might lose its independence, it might be scattered to the four corners of the earth, but it would still survive in spirit.

To what extent the Armenian soul had been crystallized may be seen in this uprising in the middle of the Fifth Century, just sixteen years after the complete translation of the Scriptures. Armenia at that time had no king. The leaders of the nation, lay and clerical, many of them brought up in the Sahak-Mesropian schools, and well versed in the teachings of Christianity, assembled at Artashat and bravely though courteously rejected the command of their sovereign lord, the Persian King of Kings, to replace their religion with that of sun and fire. "From this belief no one can move us," they declared, "neither angels nor men, neither fire nor sword or water or any other bitter torture."

This bold stand was not an empty gesture. In the following year, 451, 66,000 volunteers assembled to oppose the formidable force of Iazdegerd II, and sealed the nation's pact of attachment to faith and homeland, with the blood of Vartan and 1,035 fellow-martyrs on the battlefield. Greatly outnumbered, they suffered defeat, but the physical military disaster was destined to result in spiritual victory.

REVIEW OF THE TIMES

After the fall of the Arsacids of Persia, the dynasty of Sassan, the Persian, ruled over the land of the Armenians. The Sassanids were ardent followers of the Magian religion, and inflicted great oppression upon all who did not adhere to their beliefs. Their dominion in Armenia began during the reign of Arshak (363–381), son of Tiran, grandson of Trdat, and continued until the sixth year of King Artashes, the son of Vramshapuh.

After the overthrow of Artashes by the King of Kings in 428, the government fell into the hands of Armenian nakharars (satraps or great princes), and whenever the Persian monarch demanded it, the nakharars led their horsemen to war. The fear of God was still firmly established in Armenia, from the beginning of the reign of the Persian Shapuh until the second year of Iazdekert (Hazgerd), the son of Vram, in whom Satan found a willing accomplice. Spewing forth the venom, with the fury of a wild beast he fell upon the country of the Greeks, pressing on as far as the city of Mdzbin (Nisibin). He laid waste sundry provinces of the Horoms (Romans), and after burning the churches, he dragged the booty and prisoners in his train, terrifying all the troops and the country.

Now the blessed Horom (Byzantine) Emperor Theodosius (the Second, 408–450), would not give battle, but sent Anatol, his Eastern commander, to the Persian court with much treasure for a peace conference. Now those Persians who, after their conversion to Christianity, had fled to the Imperial city of Constantinople, were delivered into the Persian King's hands; and all things required by him were agreed to. The Persian King, having been appeased by these concessions, returned to his capital, Tizbon (Ctesiphon).

Having thus secured his position, he proceeded to turn all people away from the Christian faith; some by threats, others by imprisonment and torture. But observing that many of his subjects fled the country and scattered to various foreign parts, he called his advisers together for consultation. The Magi (priests) said, "Valiant King, the gods have given thee the empire and victory. They require no corporeal homage, but they expect that all nations of thy kingdom shall be brought under one law, after which thou wilt also subject the land of the Greeks to thy belief. Gird thyself, then, O King, gather an army and set out against the Land of Kushans of the East, assemble all the tribes, lead them within the Gates of the Watch and set up thy residence even there. Shouldst thou hold them all fast in a distant foreign land, thou wilt then attain the object of thy wishes. But exterminate the sect of the Christians."

This advice appeared excellent to the king, so an edict was dispatched to all parts of the country, reading, "To all peoples of my kingdom, Aryans and non-Aryans; our greetings of benevolence increase for you. Rest ye in good health. We ourselves are in good health thanks to the gods!"

"Without in any way troubling you, we went forth to the land of the Greeks, and without bloodshed, by kindness only, we gained the submission of the whole country. Be ye of good cheer and rejoice boundlessly. And now receive ye the word which we are about to announce to you. We have made an inflexible resolution; to storm forth towards the East, to subjugate, with the help of the gods, the land of the Kushans. As soon as ye see this edict, ye will promptly assemble around me your horsemen, to proceed with me to the land of Apars."

This proclamation was sent through the lands of the Armenians, Georgians, Albanians, Lephnians, Dzodeans, Gordeans and Aghtzniq, and many distant countries which in former times were not required to journey that way. From Great Armenia came an army of nobles and their sons, and men of the Ostanik class of the royal house. Similarly, recruits were collected in the lands of the Georgians and Lephnians, and from the southern provinces, near the frontiers of Tajkastan, from Horom Land, the lands of Kordeq, of the Goths, Dzovdeans and Arznarzun; all of whom were believers in one Catholic and Apostolic Church. These people in their innocence, cheerfully hastened, with all their warlike accouterments, to offer their military service. With them also went many priests and church ministers, with gospels in their hands. None of these nations had the slightest inkling of the king's intent. They were all obedient to the precepts of God, mindful of the lesson of Paul (Eph. VI, 58); "Be obedient servants to your masters. Do not oppose them, but show them homage; serve them in love, as though you were serving God and not man; for the Lord will reward you for all your pains."

Fortified by such exhortations, they had left their country, eager to comply with the king's command.

The king manifested pleasure in seeing before him the nobles and so great a host. Concealing his design, he lavished honors upon them. Then he proceeded against the Huns of Kushanland, but failing to subdue them after two years of struggle, he sent the troops back, each command to its own province, and summoned others in their stead.

As to the Romans, they remained true to their treaty obligations. The Khaylenturqs ceased their attacks upon the Watch of Jor, the Huns were restrained within their boundary. The king therefore sent joyful tidings to the fire-temples and perpetuated his abominable religion, increasing the offerings of fat oxen and long-haired white bulls and goats. He also honored the fire-priests with crowns and distinctions, and decreed that the Christian properties be plundered.

Puffed up by arrogance, he now believed himself to be superhuman, worthy to be classified among the immortals. He could not control his wrath when told of the crucifixion, burial and resurrection of Jesus. About that time, an Armenian youth of princely descent, Garekin by name, became engaged in argument with the king about the mission of Christ in this world. The monarch was so irritated by the bold assertions of the young man that he ordered the latter's imprisonment and torture, and finally, his execution.

Exasperated by the unyielding attitude of the Christians in the army and among the civilians, the king now resorted to drastic measures. He separated nobles from common people, and although bitter at every Christian, he persecuted the Armenians more than others. He seduced some of them with gold, lands and high honors. He often spoke to Armenian princes in wheedling words: "Oh, if you would only accept the doctrine of the Magi into your souls! Oh, that you would exchange the heresy of your minds for the true and excellent laws of our gods! You would then stand as equals to my own noblemen; nay, I would even exalt you still higher."

This campaign of hypocrisy continued from the fourth year of his reign to the eleventh. But as the Christians grew stronger, he became more indignant and issued a command. "All peoples and tongues," he said, "must give up their false beliefs, worship the sun, bring offerings to him and call him God. They shall feed the holy fire and fulfill all other ordinances of the Magi."

He then marched to the land of Itaghia. The King of the Kushans took to flight, his cities and fortresses were plundered and his subjects carried away captives. The Magi now told the king that the gods required no other evidences of homage but that he should banish all heresies, and make the Zoroastrian religion dominant. It was thereupon planned to confine the cavalry forces of the Armenians, Georgian and Albanians within the Gates of the Watch, closing the road leading to the West, and leaving open only the passage to the East. Thus enclosed as in a cage, the Christians were ordered to deny God.

Their only answer was, "We call heaven and earth to witness that we have never been negligent in our duty to the king; that we have never been cowards, and that we are being punished for no just cause."

When this plea reached the king's ears, he

swore an oath that, "I will never set you free until you fulfill my demand." On the thirteenth day of the detention of the Armenians, the king gave them a sumptuous banquet. He spoke to them in a kindly manner, urging them to eat of the flesh of sacrificed animals, which the Christians were forbidden by their religion to touch. Having failed in this, the king resumed his policy of oppression.

The new governor of Armenia, Denshapuh, inaugurated a new poll-tax system for Armenia, hypocritically promising exemption from all other kinds of taxation and reduction of the charges of military service. But proofs of his evil designs were only too plainly evidenced by new governmental regulations, tax increases, the hitherto unknown taxing of hermits and monks, and the fomenting of discords between prominent families through official intrigues. To these irritants was added a heavier blow—the demotion of the Hazarapet, Vahan Amatuni, who had governed the nation in a paternal manner. His post was given to a Persian. The position of Chief Justice, until then held by the Churchmen, was transferred to a Mogpet or fire-temple priest.

Exactions became extremely oppressive when the legal tax of 100 dahekan was raised to 200 for priests and 300 for bishops. Taxes were now imposed not only on edifices in good repair, but also upon ruined buildings. Flagrant injustices were sanctioned also in the division of hills, plains and woods. The officials conducted themselves, not as agents of the king, but as plunderers. On finding even these processes ineffective in bringing about apostasy, Denshapuh sent to Armenia a document compiled by Zoroastrian priests, allegedly proving the truth and excellence of their religion, and fervently calling for its adoption. The paper began with the customary salutation: "Mihrnerseh, the Vzruk (Vizier), generalissimo of Erans and Anerans, many greetings to the people of Greater Armenia." But it closed ominously with:

"Two courses are now before you to choose; either that you write, word by word, an answer to this message, or that you repair to the court and be present at the Great Assembly."

Upon the receipt of the document, the bishops met at Artashat, together with distinguished princes, and compiled a 4,000-word answer, opening with the customary flattering phrases:—

"Bishop Hovsep (Joseph), together with all who are united with me, from the great to the little, to thee, Mihrnerseh, the great Hazarapet (General) of Aryans and non-Aryans, great and abundant salutations, in peace-loving mind, to thee and to the entire Aryan army." Then followed a laborious treatise on Christian doctrine, together with a refutation of the Zoroastrian tenets, and a final resolve:

"From this confession none can ever shake us, neither angels nor men, neither sword, fire, water or any bitter tortures. All our goods and chattels we commit into your hands; our bodies also are at your disposal. Do as you will. If you choose to leave us in the free exercise of our faith, we on our part will exchange you for no other lord on earth; neither, however, will we own in heaven any other Lord than Jesus Christ only, beside whom there is no other God."

This document was signed by the following bishops:

Hovsep, Bishop of Airarat, Sahak of Taron, Meliteh of Manazkert, Yeznik of Bagrevand, Surmak of Bznuniq, Tajat of Tayq, Tatik of Bassen, Kassun of Turuberan, Eremia of Mardastan, Eulali of Mardaghi, Anania of Sewniq, Musheh of Ardzruniq, Sahak of Rshtuniq, Bassil of Mokq, Cad of Vanand, Yeghisheh of Amatuniq, Eghbayr of Antsevatziq, Eremia of Apahuniq.

At the royal court, the letter was read before a large assembly. The king, inflamed with rage, declared his determination not to relent until the Christians abandoned their "erroneous doctrines." He then ordered his chancellor to prepare a summons to be served upon certain distinguished persons in Armenia, whose names he himself selected. They were as follows:

Vassak Sewni, Nershapuh Ardzruni. Artak Rshtuni, Qai Khorkhoruni, Vartan Mamikonian, Manej Apahuni, Vahan Amatuni, Cute Vahevanian, Shmavon Antsevatzi.

It was the custom, when Armenian troops came to the court, that some officer be sent by the king to meet them, to inquire as to the health and well-being of the Armenian land, and having twice or thrice performed this ceremony, the king would preside at a review of troops and publicly thank the Armenian notables, each one by name, recalling the deeds of bravery and services contributed to the monarchy by their ancestors. But on this occasion nothing of the sort was done. Instead, a distant rumbling, like that of a winter storm, seemed to threaten terrible destruction. "I have sworn an oath by the sun," roared the king, "by the great god who, with his rays, illumines all the world, who, by his warmth, vivifies all creatures, that if, on the morrow, on his marvelous appearance, every knee does not bend before him and acknowledge him as god, I will bring you all manner of punishment and penalties, until you bend your will to my command."

Unalarmed by this threat, the Armenians humbly presented to the king another written answer: "We beseech thee, O brave king, lend ear to our few words and listen patiently. We wish to remind thee of the days of Shapuh, the king of kings, who was the father of thy grandfather, Iazdegerd. God gave him the land of the Armenians as a heritage when, already, it was under the same profession of faith in which we, at the present day, still live. Our fathers and the grandfathers of our fathers cheerfully performed for him the duties of obedience, fulfilled all his commands and were frequently honored by him. From that time until the present, we have continued the same duties, and indeed, even more to thee than to thy predecessors."

The letter closed with statements of the amount of taxes they had been paying, and some details of services they had been rendering to the Persian Empire.

The king's reply was blunt: "I look upon it as a loss to keep the tribute of your land in the royal treasury, and I hold your valor of no avail, for in your ignorance, you offend against the truths of our belief. You despise our gods, you pollute the burning flame and defile the water; you bury your dead in the earth, which you thus befoul; and while you do not receive the kirdigar, you render assistance to Ahriman. And worst of all, you do not at all times approach your women, which gives most joy to the gods . . . I am much troubled in spirit, lest on your account the gods should be enraged, and take vengeance on us . . ."

Again the Armenians pleaded for tolerance, again reciting theological arguments in defense of their faith, finally declaring their readiness for all torments, even for death.

Red with rage, Iazdegerd voiced new threats: "I will load you with chains and send you to remote parts of Sacastan, where many of you will perish from the heat. The survivors I will cast into prison. I will send your country an innumerable force, with elephants; your wives and children shall be banished, your churches and chapels demolished . . . and should anyone oppose my will, he shall be trampled by wild beasts . . ."

The nakharars were then led away from the monarch's presence, guarded by a chief executioner. But there was no weakening of spirit among them, though they were eager for some suggestion of rescue. In their confinement, they thought of the Biblical Abraham and exclaimed, "We are as Isaac, bound on the holy altar. Receive, O Lord, our souls, and deliver not thy church to the scorn and jest of this tyrannical ruler."

One of the king's privy councillors loved Christ in secret. Aware of the king's intention to inflict the long-threatened punishment on Armenia, he advised some of the prisoners to deliver themselves from danger by stratagem. While secretly maintaining their loyalty to God, he advised the princes to send word to the court that they would comply with the royal order. At this news, the king happily altered his plans. He now poured honors upon the Christians, raised them all to their former rank, gave to each of them farms and towns belonging to the royal Armenian patrimony. He then sent, as teachers of fireworship, an army of 700 Magi under a high dignitary, with a strong military escort. The nakharars, too, returned to Armenia.

Before arriving in Armenia, the Magi had determined by lot in what language and what order to conduct instruction, for they were commanded to convert not only the Armenians but all the neighboring tribes. A royal ordinance allowed six months for the accomplishment of this task:—

"Before the day of Navasard arrives, the churches in the kingdom of the Great King shall have been pulled down . . . their books shall be taken away and sent to the royal treasury; the sound of psalms shall be silenced and the reading of the prophets shall cease; the priests shall not teach the people in their homes, and the believers in Christ, men and women, who dwell in abbeys shall be forced to return to the normal modes of life.

"Furthermore, the wives of the princes shall be brought to the Magi to receive instruction, and the sons and daughters of the noblemen and of the common folk shall be instructed by the same Magi in a public assembly. They shall abolish the laws of matrimony, which, according to Christian custom, they have received from their fathers; and a man shall take several wives instead of one, so that the Armenian population may be much increased. . . .

"No man shall kill any living thing without making an oblation (offering), whether it be a sheep, goat, bear, bird or sucking pig. None shall knead cakes without (wearing a) pantam, dust and filth shall not be thrown into fire; hands shall never be washed without bull's urine. Serpents, foxes and hares shall not be killed. Otter, salamander, frog or any other kind of worm shall be destroyed and their bodies collected, to be brought to the proper officer, in accordance with the measure of quantity required by royal ordinance.

"All these things shall be done within a year."

The Magi of the higher and lower classes, having received these instructions, were eager to reach Armenia. They were too pleased at the prospect before them to complain of the length of the journey, by day and night.

Vartan was well aware of the wavering spirit of some of those who were attached to him, but his courage did not fail him and he endeavored to cheer and inspire the men under him.. After seizing the royal residence by assault, he commanded the troops to assemble in Artashat and replaced the faltering and disloyal officers by his own brothers and nephews. The leading personalities in his command were as follows:—

Vartan spoke to the princes and their men as follows:—

"I have been in many battles; you, too, with me. Sometimes we have bravely vanquished the foe; sometimes they have vanquished us. We have often been conquerors.

But on all occasions we thought of worldly purposes only, and we fought merely at the command of a mortal king. . . . All of us have many wounds and scars upon our bodies, and great must have been our intrepidity to have won those marks of honor. But I consider the exploits whereby we have received those marks useless and empty because they have achieved nothing permanent. If, however, you have done such deeds of valor in obedience to a mortal ruler, how much more will you do then for our immortal king, the Lord of life and death, who judges everyone according to his works. . . .

"Now, therefore, I entreat you, my dear companions—and especially, as many of you, although greater than I in bravery, worth and inherited distinction, have of your own free will and out of your love, elected me as your leader—I beg of you all, high and low, to listen to me in a sympathetic spirit. Fear not the number of heathen, shield not your necks from the sword of mortal man, but act so that the Lord may give the victory into our hands, that we may annihilate their power and lift on high the standard of truth. Should our life's purpose be completed by a holy death in battle, let us meet it with a joyful heart . . ."

After delivering this speech before the assembly, the valiant Generalissimo further comforted the men privately according to their personal needs. To him who was unarmed, he sent weapons; to him who was not adequately clothed he supplied garments, and he gave a horse to him who needed one. With generous pay he made them all happy. He ordered the troops to march before him in review and congratulated many by name. Well versed in the Holy Scriptures from his early youth, he read aloud from the Sacred Book the valorous deeds of the Maccabees, explaining the course of events; how, in defense of God's law, they had fought against the Seleucian king, Antiochus, and that, although they had suffered death, the remembrance of their bravery had been preserved and made them immortal on earth as well as in Heaven. After this exhortation, Vartan took his station on the plain, arranging the groups and encircling them with the cavalry.

A few days later, the Persian army arrived in the cantons of Her and Zarevand (modern Khoi and Salmast, Persia). Here they halted, pitched their tents, erected fortifications, dug trenches, built wooden stockades and secured the camp in all possible ways. A number of enemy raiders went forth to forage and plunder, but a band of 200 Armenians under Amatuni drove the marauders back to their camp.

Again Vassak resorted to perfidy. He sent renegade priests to seduce the common soldiers, but was still unable to accomplish his design. The priest Ghevond was called upon to come forward. He stood forth and delivered a stirring discourse before the clerical messengers in a loud voice, after which the soldiers spent the night in spiritual meditation, the catechumens among them being baptized. In the morning they received Holy Communion. The entire army said joyfully, "May God look down in mercy upon our voluntary self-sacrifice, and may he not deliver the Church into the hands of the heathen."

THE ARMENIANS IN BATTLE

The Persian general, seeing his emissaries driven away, relinquished his hope of dissolving the Armenian forces. After consulting Vassak, he called his staff officers and ordered the herd of elephants to march, with 3,000 lancers to each elephant. He admonished the nobles to "Be mindful of the precious oil and crown, of the wine and the enviable marks of honor which will be offered you by the court. You will become lords of provinces and owners of vast principalities. You know the valor of the Armenians, and the courage of every one among them." He also reminded them of their friends who had skulked away from battle and been sentenced to death, their sons and daughters, in fact, their entire families being placed on an equality with aliens, deprived of their inheritance.

He then arranged the army for battle, extending the vanguard across the plain. On the right and left wings stood one elephant each, surrounded by 3,000 lancers, while around himself he collected such a body of hardy warriors as to give the force the appearance of an impregnable castle or fortress. He distributed the banners, ordered the flags to wave, and all to be ready at the sound of the great trumpet. The troops of the Abbarhaigs, of the Gajians, of the Huns, of the Kakhians and all the selected men he assembled in one place and commanded them to be ready to break in on the right wing of the Armenian army.

Meanwhile Vartan, after consultation, disposed his officers as follows: the first division he entrusted to the Prince of Ardzrunis, and with him the Prince of Moks as adjutant-general. These two he placed over the whole army. The second division was under Khoren Khorkhoruni, with Nerseh Qajberuni as adjutant-general. The third division was entrusted to Tatul Vanandetzi, with Tajat Qntuni as adjutant. The fourth division was taken over by himself, with Arshavir and his own brother Hamazaspian as adjutants. He appointed outposts and commanded resistance to the Aryans (Persians) stationed at Derbend Pass, on the Caspian shore.

Both armies, thus fully arrayed, rushed against each other, like clashing clouds thundering forth, with peals resounding through hills and vales as loud as the yells of the combatants on each side. The gleaming of the helmets of the warrors rivalled in luster the beams of the sun; the flash of the swords and spears was like the glare of flames in the sky. But who shall describe the terrible noise when all listeners were deafened by the whizzing of arrows and the impact of the shields? Nussalavurd ordered Artashir, who was on the wild beast as on a watch tower or as in a fortified city, to incite his troops by the sound of the trumpet, and he himself plunged among the foremost ranks. Not a little carnage did the valiant Vartan and his colleagues inflict, until he himself was found worthy of martyrdom on the spot.

The battle continued, the day waned and night approached. Bodies were heaped around fallen cedars. On all sides were broken spears and shattered bows, wherefore the sacred bodies of the wounded could not be recognized. The survivors were scattered amongst the hills and castles. Now that the Armenian leader had fallen, there was no longer any chief around whom the broken forces could rally. So they took refuge in the vastness of the country.

Of the royal house of Arshakuni, of that of Ardzrunis and of other princely houses, there were yet others, 740 in number, whose names have been inscribed in the Book of Life. In all, there fell 1,036 men, 9 nakharars included.

On the side of the infidels, the number of dead was 3,544, among whom were nine distinguished persons, on whose account Nussalavurd was deeply concerned, for he saw that the loss of his army was several times as great as that of the Armenians.

A MODERN APPRAISAL

"Vartan's death was a heavy loss for Armenia, but the battle of Avarayr saved the nation, for the Persians, staggered by so vigorous a resistance, halted in order to recoup their losses. About this time grave dangers from the Huns appeared on their eastern frontiers, and their armies had to hasten to the plains of the Oxus River, to check the invaders; and thus Armenia was for a long time delivered from the Magian menace. The memory of Vartan's supreme sacrifice, and those of his comrades has been so affectionately cherished that the Armenian Church still celebrates the anniversary of the battle of Avarayr and pays tribute to those who fell on that day."—Jacques de Morgan, Histoire du Peuple Armenien, 1919.

In the history of entire Christendom the Battle of Avarayr is the first instance where a country as a whole rose to arms and fought an unequal war for the defense of the Christian faith and of religious freedom. This action, which was taken in a remote century of ancient Christian history by a relatively small nation living in an outlying area of the civilized world of that time, is significant in that it consolidated the foundations of the ramparts of Christian civilization in the East which Asian paganism never succeeded to destroy in the course of its continued onslaught until modern times.

ST. VARTAN, A.D. 451—ARMENIANS DEFENDING THEIR FAITH

More than fifteen hundred years ago the Armenian people rose as a nation to defend its faith. The first nation to adopt that faith and the first to go to war to defend it, it fought with all its might in the face of devastating pressure imposed by the fanatical ruler of the fire-worshipping Sassanids. Vartan, the commander of the Armenians, on the eve of the climactic battle exhorted his troops with the following words:

"You and I have been in many battles together. In some we triumphed over our enemies; in others we met defeat at their hands. But our victories have been more in number than our defeats.

"On all these occasions, however, sacrifices were made for personal glory, because we were fighting merely at the command of a mortal king. He who deserted was branded a coward throughout the land and met merciless death; whereas, he who pressed onward valiantly enjoyed national fame for bravery and received splendid gifts from the temporal and mortal king.

"We all have numerous wounds and scars on our bodies, and there have been many deeds of valor for which we have been excellently rewarded. But I consider all these notable accomplishments ignoble and useless and all the honors idle, because they will all fade away.

"Now then, if we were able to perform such brave deeds in obedience to a mortal commander, how much more should we do for our immortal king who is the Lord of the living and the dead and Who will judge men according to their deeds.

"I entreat you, therefore, my brave companions, especially because many of you surpass me in valor and precede me in princely rank. But since you of your own free will have selected me as your leader and commander, let my words be pleasant and agreeable to you all, great and small: Fear not the heathen hordes and never turn your backs to the frightful sword of mortal men; because should our Lord grant us victory, we shall destroy their might and the cause of righteousness shall be exalted. But if the time has come for us to meet a holy death in this battle, let us accept our fate with joyful heart, without mingling cowardice with our valor and courage.

"We all recall two or three engagements in which our Lord came to our aid with a mighty force and enabled us to earn great fame in bravery, to smite the royal armies fiercely, to obliterate the sacrilegious idolatry in some places, and to destroy and annihilate the ungodly decree of the king. He who intended to cause injury to our holy church with words and commands is now fighting with bows, spears, and swords. He who thought that we donned Christianity

like a garment has now discovered that, as man cannot change the color of the skin, so he cannot and will never succeed in altering our minds, because the foundations of Christianity are firmly set on an immovable rock, not only on this earth, but in heaven above, where neither rains fall, nor winds blow, nor floods are formed.

"Stand firm by our resolute Commander, who shall never forget your deeds of valor. Fear is a sign of doubt; but as we have repudiated doubt long since, let fear also disappear from our hearts and minds."

Mr. NIX. Mr. Speaker, in the past year since coming to Washington from Philadelphia, Bishop Papken has continued his efforts to bring the message of love and fellowship from the ancient Armenian Church to fellow Americans of varying faiths.

Bishop Papken is well known in Philadelphia having served the Armenian Church there for many years. While there he was continuously involved in community activities and ecumenical work.

In his dual capacities in Washington, D.C., as primate's legate of the diocese of the Armenian Church of America and pastor of St. Mary's Armenian Church on Fessenden Street, he ministers to the spiritual needs of his parish which encompasses the whole of Greater Washington and represents the whole Armenian Church.

Mr. SISK. Mr. Speaker. I would like to add my words of welcome this morning to great Bishop Papken. Many of my constituents in the 16th District know him well. Thousands of Armenian immigrants came, over 50 years ago, to settle in the fertile valley surrounding Fresno. They brought with them the skill of working with the grape arbor from the old country. Nurtured by the sun of California and the air of American freedom, these people created their gardens of Eden.

Bishop Papken when he was primate of the diocese of the Armenian Church in California often visited Fresno. I join with my constituents to wish this worthy churchman well in his labors in the vineyard of the Lord.

Mr. ST. ONGE. Mr. Speaker, Bishop Papken honors us with his presence here today. He is one of the outstanding church leaders in our country.

For the past 35 years he has served as deacon, priest, and bishop in one of the most ancient churches of Christendom. In fact, Americans of Armenian descent this month pay tribute to the memory of St. Vartan and his soldiers, heroes of the Battle of Avarayr, 1,500 years ago in ancient Armenia, when the people of that country fought against the Persians to preserve their Christian faith.

Throughout his long years of service, Bishop Papken has constantly worked toward the unity of peoples of all faiths. In his present post as primate's legate of the diocese of the Armenian Church in America he has participated in numerous communitywide activities.

I am pleased to note that he numbers among his friends many of my constituents of eastern Connecticut who are of Armenian descent. I wish to join with them today in extending a warm welcome to Bishop Papken on his visit to the U.S. House of Representatives and the inspiring words of his prayer with which he opened our session today.

Mr. ROYBAL. Mr. Speaker, I was delighted to hear the opening prayer of today's session of the House of Representatives delivered by Bishop Papken. I remember well when he was ordained a bishop and assumed the primacy of the diocese of the Armenian Church in California in 1957.

During his years in Los Angeles, he formed lasting section of religious faiths. He came before us today representing Armenian Americans in their annual commemoration of St. Vartan, hero of the battle of Avarayr, 1,500 years ago in Biblical Armenia, in which the Armenians fought the Persians to preserve their Christian faith.

In keeping with a true concept of Christianity, Bishop Papken has pioneered in the ecumenical activities of the Armenian Church and I wish him abiding success as he continues to preach the brotherhood of man and freedom of religion and conscience.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks welcoming Bishop Papken.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

HEARINGS ON BILLS TO REPEAL THE EMERGENCY DETENTION ACT OF 1950

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, 16 bills to repeal the Emergency Detention Act of 1950, sponsored by not less than 133 Members of the House, have been introduced in the first session of this Congress and have been referred to the House Committee on Internal Security. Ten bills—while not expressly repealing the act, but which are drafted to that effect as an amendment to title 18, United States Code, sponsored by 22 Members of the House, some of whom have likewise joined in the foregoing bills referred to the Committee on Internal Security—have been referred to the Committee on the Judiciary. Likewise, a Senate bill, S. 1872, sponsored by 21 Members of the Senate, reported on December 22, 1969, without hearings by the Senate Committee on the Judiciary, and passed on that day without debate or recorded vote in the Senate, has been transmitted to the House and referred to the House Committee on Internal Security.

The committee which I chair has received numerous inquiries with respect to the disposition of these bills. In view of the interest on this subject, both within and without the House, I want to advise the Members, and others concerned, that it is my intention to hold hearings on such bills commencing on this March 16, 1970. Indeed, I also want to take this opportunity to urge the Members of the House and other persons who have an opinion on the important questions raised by these bills to appear and to give the committee the assistance of their views.

That the bills raise questions not free from difficulty may perhaps be inferred from the fact that while, as early as June 10, 1969, I had requested the views of the Department of Justice on bills introduced to that date which would repeal this act, it was not until last December, toward the close of the first session, that these views were obtained through the Department's Deputy Attorney General, Richard G. Kleindienst. Noting that—

Various groups, of which our Japanese-American citizens are most prominent, look upon the legislation as permitting a reoccurrence of the roundups which resulted in the detention of Americans of Japanese ancestry during World War II. The repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens.

Since in the opinion of the Department, the allaying of these fears would outweigh "any potential advantage" which the act may provide in a time of emergency, the Department therefore recommended its repeal.

The Emergency Detention Act of 1950 is an independent act which constitutes title II of the Internal Security Act of 1950. It is a wartime measure which would, in short, authorize the detention of persons whom there is a reasonable ground to believe would probably engage in acts of espionage or sabotage during a period of proclaimed national emergency in the event of: First, an invasion of the United States; second, declaration of war by Congress; or third, insurrection within the United States in aid of a foreign enemy. In the years following the adoption of the act, the event for its application has not occurred. The act has therefore never been applied, nor has it been judicially construed.

The Emergency Detention Act of 1950 was legislation enacted in 1950 on the recommendation of a number of Senators whose expertise in the area of subversion and sincere concern for constitutional considerations and individual liberties, are entitled to great weight. The act, in fact, incorporates the provisions of the bill S. 4130, introduced in the 81st Congress, which was drafted and sponsored by Senators Kilgore, Douglas, Humphrey, Lehman, Graham, Kefauver, and Benton. There are few who would dispute the civil libertarian credentials of a majority of these sponsors. Although initially offered by them as a substitute for title I of the Internal Security Act of 1950, and originally opposed by Senator McCarran on alleged grounds of "unconstitutionality," the Emergency Detention Act was subsequently amended to meet his objections and, as thus amended, was finally enacted as title II of the Internal Security Act of 1950 upon the basis of the cogent argumentation advanced by its sponsors.

In drafting the Emergency Detention Act of 1950, the Senators who sponsored

the legislation were fully aware of the unfortunate occurrence during World War II. That the provisions of the title were not directed towards persons of a particular national origin, race, or religion, is made manifest in its legislative history. The act was directed to the inner "hard core" of the Communist Party organization. Senator Douglas, who was a principal proponent of the act, made this clear when, in the course of debate on the act, he said:

I would say that apparently, according to Mr. Hoover, what we have in [sic] an inner Communist Party organization, which has an inner "hard core" of determined revolutionaries. Then, within the Communist Party, there is a wrapper, so to speak, of those who are Communists, but who probably are not potential saboteurs. There would then be various other ramifying circles.

What I am trying to say is that the real danger to the United States is with the "inner hard core." If what we want to do is to punish the outer extremities, let Senators go ahead and do that. But I think the real danger to the United States is from this inner "hard core," who are potential saboteurs and spies. Mr. Hoover says there are 12,000 of them. In my judgment, if we had a period of national emergency—and I think it is pretty close to being a period of national emergency now—the best thing the country could do would be to "put them on ice," so to speak, treating them nicely, but to take them out of circulation so that they could not commit acts of sabotage or spying.

The particular fear evoked among our Japanese-American citizens seems to rest on the assumption that the act authorizes the establishing of the same "detention centers," "concentration camps," or "relocation centers" with which they were afflicted in World War II. At that time, about 112,000 Japanese residents of Western States, approximately two-thirds of whom were natural-born citizens of the United States, were removed from their homes and placed first in temporary camps and later in ten "relocation centers" situated in several Western States.

However, "relocation centers" which had been established during World War II were not established pursuant to the provisions of the Emergency Detention Act of 1950, which was not of course then in existence. Moreover, such action would not be authorized by this act against either Japanese nationals or American nationals of Japanese ancestry. While it is true that an earlier act, the act of April 16, 1918—50 U.S.C. 21—would expressly authorize the President to apprehend, restrain, or remove, during war or invasion, alien enemies resident in the United States, which could have been applied to resident Japanese nationals during World War II, that statute would have been inapplicable to citizens of the United States who, although of Japanese ancestry, were relocated during the war.

Relocation centers established during World War II were in fact established pursuant to an Executive order of President Roosevelt, Executive Order 9066, February 29, 1942, 7 Federal Register 1407. Issued about 2 months after the attack on Pearl Harbor, at a time when fear that a Japanese invasion of the west coast was imminent, the order was promulgated by the President, as expressly set forth in its terms, by virtue of the constitutional authority vested in him as President of the United States and as Commander in Chief of the Army and Navy.

By the terms of the order, the Secretary of War was authorized and directed to prescribe military areas "from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate military commander may impose in his discretion." This order, indeed, was in effect "ratified" by the Congress in the act of March 21, 1942—56 Stat. 173—by which it was made a misdemeanor knowingly to enter, remain in, or leave prescribed military areas contrary to the orders of the Secretary of War or the commanding officer of the area.

The authority of the President to issue this order, when questioned, was generally upheld. However, its application to particular circumstances was in part circumscribed by decisions of the Supreme Court. In order to prevent espionage and sabotage, it was held in *Hirabayashi* v. *United States*, 320 U.S. 81 (1943), that the freedom of movement of such persons embraced within the order could be restrained by a curfew; and it was held in *Korematsu* v. *United States*, 323 U.S. 214 (1944) that such persons could be excluded from a defined area. However, in *Ex parte Endo*, 323 U.S. 283 (1944) it was held that a citizen of Japanese ancestry, whose loyalty was conceded by the Government, could not be detained against her will in a relocation camp.

Thus the President, unguided and unrestrained by Congress, took the course he did to detain many loyal American citizens of Japanese ancestry, an action which, in my opinion, may be regarded as a dark day in our history. On repeal of the Emergency Detention Act of 1950, and in the absence of any legislation on this subject, we are restored to the position in which we found ourselves at the commencement of World War II. It is surely a serious question, requiring further exploration, whether we wish to leave the door open to similarly ill-advised and hasty action in the future. Therefore, it is my opinion that the vital interests which the sponsors of the bills seek to protect can be best served only by the development of a record on the basis of which reasoned action can be taken.

That such should be our course is further reinforced by the consideration that the circumstances giving rise to the enactment of the Emergency Detention Act remain very much in existence today. The Internal Security Act of 1950, containing two titles at the time of its adoption: Title I cited separately as the Subversive Activities Control Act of 1950, and title II cited separately as the Emergency Detention Act of 1950, was enacted in September of 1950 shortly following the invasion of South Korea by Communist forces. These titles were an expression of congressional concern in the face of accumulating evidence of a threat posed by a foreign directed and controlled Communist apparatus within the United States.

The nature of this threat with which the Congress sought to deal is expressed in the act by detailed legislative findings based upon extensive evidence adduced before various congressional committees. The first of these findings, expressed in title I of the act, and reiterated in identical language in the prefatory findings of title II, was as follows:

There exists a world Communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization.

Further findings, expressed in both titles, determine that the direction and control of the "world Communist movement" is vested in and exercised by the Communist dictatorship of a foreign country and that in furthering the purposes of the world Communist movement, set forth above, that country has established and utilizes in various countries "action organizations," organized on a secret, conspiratorial basis, which operate to a substantial extent through "Communist-front" organizations so as to conceal their true character and purpose.

These findings, Mr. Justice Frankfurter observed, were the product of extensive investigation by committees of Congress over more than a decade and a half. They cannot, he said, be dismissed "as unfounded or irrational imaginings," *Communist Party* v. *Subversive Activities Control Board*, 367 U.S. 1, 95 (1961). Indeed, in that case, which was the first test of the act, the Court upheld the determination of the Board that the Communist Party, U.S.A., was a Communist-action organization operating within the United States under Soviet Union control for the purpose of installing a Soviet-style dictatorship in this country. This determination remains undisturbed to this day, although the Communist Party has the opportunity under section 13(b) of the Internal Security Act to have this question redetermined on petition to the Board.

It can hardly be expected that the Party would seek to disturb this conclusion in light of its long and continuous record of obeisance to the Soviet Union. As recently as June 1969, Gus Hall, general secretary of the Communist Party, U.S.A., led a delegation of the party to the international conference of Communist parties in Moscow, at which he and his associates pledged continuing support to the leadership of the Communist Party of the Soviet Union. At the conference, Henry Winston, Chairman of the Communist Party, U.S.A., proudly stated that they had affixed their signatures to the decisions of the conference. Likewise attending the February 1968 preliminary consultative meeting of 79 Communist parties convened in Budapest, Hungary, Gus Hall declared that the fight against "U.S. imperialism" was

the central issue uniting them. In May 1969 at New York, 245 delegates in attendance at the national convention of the Communist Party, U.S.A., pledged overwhelming support to his leadership.

Title I of the act, designated the Subversive Activities Control Act of 1950, contains provisions designed to control certain aspects of the threat posed by the world Communist movement, by establishing a system for the public disclosure and identification of Communist-action and Communist-front organizations operating within the United States. This title had its genesis in the Mundt-Nixon bill—H.R. 5852—of the 80th Congress. The provisions of this bill were further elaborated in S. 2311, introduced by Mr. MUNDT in the 81st Congress following his election to the Senate, together with Senators Ferguson and Johnston of South Carolina. Not limited as a wartime statute, but applicable in time of peace, its essential disclosure concept has been sustained by the Supreme Court. Communist Party versus SACB, supra.

On the other hand, title II, the Emergency Detention Act of 1950, presently in issue, was intended to cope with other aspects of this threat. It is designed as a wartime statute to cope specifically with the activities of espionage and sabotage. It was directed to certain hard-core activists seeking to effect the objective of the world Communist movement or of other movements or organizations having as a purpose the destruction of the Government of the United States and to substitute therefor a totalitarian dictatorship controlled by a foreign government. To achieve its objective the act authorizes the detention of such persons during the period of emergency, while according such persons detailed hearings and judicial review. This title has its origin, as previously indicated, in the bill—S. 4130—introduced in the 81st Congress by Senators Kilgore, Douglas, Humphrey, Lehman, Graham, Kefauver, and Benton.

The necessity for the detention measure was expressed by them in the findings—section 101 of title II—as follows:

(10) The experience of many countries in World War II and thereafter with so-called "fifth columns" which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

(11) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, war or insurrection in aid of a foreign enemy, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

(12) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

(13) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(14) The detention of persons who there is reasonable ground to believe probably will commit or conspire with others to commit espionage or sabotage is, in a time of internal security emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

That the provisions of the title were not directed toward persons of a particular national origin, race, or religion, is thus manifested not only in its legislative history, but is likewise clear in the actual provisions of the title. In deciding the issue of the existence of reasonable ground to believe that a person will probably engage in or conspire with others to engage in espionage or sabotage, section 109(h) of the title provided that the Attorney General and reviewing authorities are authorized to consider evidence of the following:

(1) Whether such person has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, and whether such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or whether such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or whether, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies and such disclosure has been made a matter of record in the files of the agency concerned;

(2) Any past act or acts of espionage or sabotage committed by such person, or any past participation by such person in any attempt or conspiracy to commit any act of espionage or sabotage, against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States;

(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government.

It was undoubtedly based upon these considerations, that the Department of Justice, in its expression of views, adverted to the fact that the apprehensions of a number of our citizens as to the application of the statute to "various groups," of which our Japanese-American citizens are most prominent, was "unfounded." Nevertheless, it appears both from the statements of sponsors of legislation to repeal the title, and from the rather extensive mail we are receiving emanating from nationality and racial groups, that these apprehensions do exist.

In light of the experience in World War II, it is understandable that some of our citizens, particularly those of Japanese ancestry, and some of other racial or religious groups as well, might be disquieted by rumors of the existence of "concentration camps." These rumors were given some further plausible credence when, during the Korean war, pursuant to the provisions of title II, then enacted, and in readiness for its possible enforcement in the event of a full-scale and declared war, certain facilities to meet the requirements of the title were held in readiness for a few years with funds authorized by Congress. These facilities were located at Tule Lake, Calif.; Wickenburg and Florence, Ariz.; El Reno, Okla.; Allenwood, Pa.; Avon Park, Fla. However, these facilities were never used for the purposes of title II, since the events that might call them into use had not been determined to have occurred. About 1957, the project was discontinued. No facilities have been maintained since that time, and no funds have been appropriated, for that purpose.

Nevertheless, rumors of the existence of "concentration camps" have continued to persist. The history of this controversy has been summarized in a letter of the Assistant Attorney General to a Member of Congress, then a member of the House Committee on Un-American Activities, dated May 9, 1968, a copy of which is appended to my statement. Indeed, in the prior administration, the Department of Justice, responding to numerous inquiries with regard to the alleged existence of "concentration camps," took the position that such "disquieting rumors" were stimulated, and started spreading in 1966, "probably" as the result of allegations contained in an article captioned "Concentration Camps, U.S.A.," written by a Mr. Charles R. Allen, Jr., at the request of the so-called Citizens Committee for Constitutional Liberties and widely disseminated by it. This pamphlet, reviewed by the Internal Security Division of the Department of Justice, was found to be "replete with inaccuracies."

The controversy which appears to have been generated by the dissemination of the Allen pamphlet appears likewise to have inspired articles on the

subject in newspapers and magazines of national circulation, which had the result of giving further currency to the rumors. This was particularly the case during the high period of riots in the cities. The Washington Post, for example, on March 3, 1968, carried an article titled "Negro Detention Camps: Debunking of a Myth," which reported an inquiry made of J. Walter Yeagley, Assistant Attorney General, whether title II "of the McCarran Act" could be "legally applied against a nameless mass of Negroes who happened to be in a street where a riot was taking place." Mr. Yeagley is quoted as replying that—

I know of no contingency plan for mass Federal detention of Negroes under Title II or any other statute. It would be absolutely unconstitutional for what Rap Brown accuses us of doing.

Subsequently, on May 6, 1968, the House Committee on Un-American Activities issued its report—House Report No. 1351, 90th Congress, second session—titled "Guerrilla Warfare Advocates in the United States," in which it was suggested, among other things, that, in the event of guerrilla warfare, guerrillas engaging in acts of overt violence should forfeit their rights as in wartime, and that various detention centers to be operated under title II "might well be utilized for the temporary imprisonment of warring guerrillas." The release of this report precipitated other articles, among which was that appearing in the May 6, 1968, issue of the Washington Post, followed by a May 28, 1968, article in Look magazine. To the careless observer it was made to appear that the United States was maintaining concentration camps for the interment of Negro militants and other dissenters.

Indeed, this controversy became a matter of international interest following, as might well have been anticipated, a TASS—Moscow—international broadcast, in English, on May 7, 1968. The text of the broadcast is as follows:

WASHINGTON.—Frightened by the growth of the Negro movement in the country, U.S. authorities are planning the severest measures to suppress the movement. The House Un-American Activities Committee, which has acquired the reputation of an oppressor of anything progressive in America, has published a report proposing mass roundups and arrests in Negro ghettos and the throwing of active civil rights fighters into concentration camps.

The hue and cry thus generated, agitating many loyal citizens, was taken up by other revolutionary organizations, including the Black Panthers, which appears to be a black Maoist group. An article contained in the July 12, 1969 issue of its publication, the Black Panther, titled "Concentration Camps," a copy of which is appended to my remarks, is illustrative of the alarming character of the mass of misinformation purveyed on this subject.

In addition, metropolitan newspapers and magazines, including some in the Washington area, have carried articles conveying the erroneous conclusion that the power of detention was presently possessed by the executive. Apparently the articles were written by persons who had not read title II. A cursory examination of the title will reveal that the President does not now and never has had such power, for the conditions precedent which would bring such power into being have never occurred. In the light of such widespread misinformation, it is no wonder that, in both administrations, the efforts of the Department of Justice to dispel the erroneous impression that "concentration camps" were maintained in the United States was not wholly successful.

It is, of course, my hope and intent that, in the consideration of bills to repeal title II, we shall be able to divorce ourselves from such emotional considerations, which can throw more heat than light upon the issues. I do not think it relevant to the consideration of these bills that the controversy, or even some of it, may have been inspired by unfounded rumor instigated by alleged subversive individuals or organizations. The basic issues presented by these bills are questions of the act's necessity, its constitutional propriety, and the relevancy of the measure to the objectives sought to be attained. The title must ultimately stand or fall on these basic issues. I do not think that, under the circumstances, any useful purpose can be served by an inquiry into the origin of the controversy. Nor shall I tolerate any suggestion or implication that the effort to repeal the act is purely a subversive conspiracy.

It is my hope that in the disposition of these bills we shall make some contribution to the Nation's security consistently with other national interests and a due respect for constitutional liberties. This will involve a thorough inquiry into the provisions of the title, as well as the necessity for appropriate remedial alternatives. In dealing with these complex issues, as I have said, the committee will need the assistance of interested Members of the House and other public-spirited citizens who will share with us their knowledge, research, and judgment, to the end that we shall accomplish a result which is best for the Nation as a whole. I would ask that all Members interested in the questions raised by the bills give the committee the benefit of their thought and judgment.

The material referred to follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., May 9, 1968.

Hon. JOHN C. CULVER,
House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: Considerable public attention has recently been focused on the subject of "emergency detention" and "concentration camps or detention centers" allegedly maintained by the United States under the provisions of the Internal Security Act of 1950, otherwise referred to as the McCarran Act.

Rumors about the existence of "concentration camps" in the United States started spreading in 1966, probably as the result of allegations contained in an article captioned "Concentration Camps USA" written by Mr. Charles R. Allen, Jr., at the request of the Citizens Committee for Constitutional Liberties. This pamphlet has been reviewed by this Division and found to be replete with inaccuracies. You may wish to refer to the reports of the hearings before the House Committee on Un-American Activities for background information on the Citizens Committee for Constitutional Liberties which commissioned Mr. Allen to write his article.

More recently, an article in the May 6, 1968 issue of "The Washington Post" captioned "HUAC Would Intern Any Negro " 'Guerrillas' " attributes to the HUAC a suggestion that "guerrilla warfare" advocated by militant black nationalists might be countered by "detention centers" among other devices. According to this article Committee Chairman Willis declared that "mixed Communist and black nationalist elements across the Nation are planning and organizing guerrilla-type operations against the United States. In the event of such violence the Committee contended that "the guerrillas would be declaring a state of war within the country and therefore would forfeit their rights as in wartime." According to the HUAC report "The McCarren Act provides for various detention centers to be operated throughout the country and these might well be utilized for the temporary imprisonment of warring guerrillas."

A review of emergency detention provisions of the Internal Security Act of 1950 will reveal that there is no support therein for the establishment of detention centers for the purposes set forth in the HUAC report. That Act provides that in the event of (1) invasion of the territory of the United States or its possessions, or (2) declaration of war by Congress, or (3) insurrection within the United States *in aid of a foreign enemy*, the President is authorized to proclaim the existence of an internal security emergency and during such emergency, acting through the Attorney General, to apprehend, and by order, detain persons as to whom there is reasonable grounds to believe that such persons will engage in or conspire with others to engage in, acts of espionage or sabotage.

In keeping with the provisions, facilities were maintained for a few years with funds appropriately authorized by the Congress for this purpose. These facilities were located at Tule Lake, California; Wickenburg and Florence, Arizona; El Reno, Oklahoma; Allenwood, Pennsylvania; and Avon Park, Florida. These facilities were never used for the foregoing purposes. About 1957, the project was discontinued, the camps abandoned and since that time no such camps have been maintained and no funds have been appropriated for this purpose.

The installations at Allenwood and Florence are now used as regular Federal Prison camps where minimum security inmates charged with a variety of offenses are confined. The site at El Reno is used as grazing land for cattle kept by the Farm operated by the nearby Federal Reformatory in which youthful offenders are confined. The Avon Park installation was taken over by the State of Florida as the Avon Park Correctional Institution. The Wickenburg site, which had been leased from the City of Wickenburg was turned back to the City in 1956. The Tule Lake site, which formerly belonged to the Department of Interior, was returned to the Bureau of Reclamation, Department of the Interior in 1956.

Attorney General Ramsey Clark stated, during his appearance on April 7, 1968, on NBC's "Meet The Press," that there are no concentration camps in this country and there will be no concentration camps in this country. He added that "Rumors, and fear that arises from rumors, are a great threat to us. Fear itself is a great threat, and people who spread false rumors about concentration camps are either ignorant of the facts or have a motive of dividing this country."

The following appeared in an article in the March 3, 1968 issue of "The Washington Post," captioned "Negro Detention Camps: Debunking of a Myth";

Assistant Attorney General J. Walter Yeagley, whose Internal Security Division

of the Justice Department would administer Title II of the McCarran Act if it were invoked, says there are two basic reasons why the Act could not be legally applied against a nameless mass of Negroes who happen to be in a street where a riot is taking place:

The Act requires that each "detained" person be arrested on a warrant specifying his name and stating the Government's belief that he may engage or conspire to engage in sabotage or espionage.

Even if the rioting were formally declared an "insurrection," there is no evidence to date that it is or may be fomented "in aid of a foreign enemy," as required before Title II could be applied.

"I know of no contingency plan for mass Federal detention of Negroes under Title II or any other statute," says Yeagley. "It would be absolutely unconstitutional for us to do what Rap Brown accuses us of doing."

Sincerely,

J. WALTER YEAGLEY,
Assistant Attorney General.

[From The Black Panther, July 12, 1969]

CONCENTRATION CAMPS

In a recent article I've written about the extermination of our Black population. Well, now if you are still not convinced here comes the where's.

Let's deal with the names and locations before going any further:

Tule Lake—California.
Wickenburg—Arizona.
Florence—Arizona.
Safford—Arizona.
Tucson—Arizona.
El Reno—Oklahoma.
Montgomery—Alabama.
Greenville—South Carolina.
Mill Point—West Virginia.
Allenwood—Pensylvania.
Avon Park—Florida.
Elmendorf—Alaska.

Well these are the known areas for detention. This may be your home tomorrow or it may be your place of burial the day after. I stated "Maybe", because I don't know if you are armed or not and I don't know if you are brainwashed and, or narrow-minded or not and I don't if you exercise the wisdom of being prepared just in case the Black Panther Party is right or not. I don't know if you value your life enough to fight for it. So I'll stick to "Maybe".

Three of these detention centers are now in operational use in a slightly different guise, the rest (as far as I know) are ready and available with a minimum of preparation—and all that is needed to fill these camps with thousands of Black, whites, browns, is a high ranking pig—(probably one you voted in) to launch "Operation Dragnet."

The warrants already exist. The concentration camps are mostly ready and waiting. Only the time to fill them has not yet arrived. Operation Dragnet is the manifestation of Title II of the Beastly McCarran Act, a law which when put into force can slap at least 12,000 suspected subversives behind barbed wire within 24 hours.

On September 22, 18 years ago Congress, by a two-thirds vote, made an official public law 831. Now it is known as the Internal Security Act of 1950. Under it, the president is authorized to declare the existence of an "Internal Security Emergency" caused by war, invasion or civil uprising.

Thus giving the pigs the power to arrest and jail anyone they think will engage in or probably conspire against the government of the United States. You can be snatched off the streets or from your home and never be heard from again. (Remember the beginning outrages against the Jewish population of Germany) Ponar. Without even a hearing, Title II permits the G-men or other arresting officers to jail you for 48 hours—and if in that period of time the Attorney General's office feels that you are any way a threat to National Security, your hearing as well as your whereabouts can be kept secret. Anyone considered as a ghetto dweller can be a threat because the manner of life you are forced to live warrants change, not to mention, revenge.

The Bay Area is full of FBI, CIA (G-Men) or shall we say S.S. I advise you not to take this lightly, because if you are not following the advice and tactics set down for you by the Black Panther Party, then you are virtually defenseless.

For you brothers and sisters who plan to survive here in the Bay Area or anywhere in fascist U.S.A. I say to you "All Power to the People". For the rest I will sadly say, that Tule Lake, Calif., nine miles outside of Newall is waiting for you. From 1942 through March 1946 it held 16,000 Japanese-Americans, when they were released they fled the barbed wire and clapboard GI barracks like the wretched internees they were.

Tule Lake has been on standby since 1952, about the same time that the numerous passification and dividing programs popped up on the scene. The plan is set out in elaborate detail in a government document of the 90 Congress and session called House Report No. 1351 and is dated May 6, 1968. Here is how the Blacks will be dealt with: Identification cards will be issued, and combat areas such as ghettos or riot torn college campuses, will be sealed off, and then—

1. A curfew would be imposed on the enclosed areas. No one would be allowed out of or into, the area after sundown.

2. During the night, authorities will not only patrol the boundary lines, but will also attempt to control the streets and, if necessary send out foot patrols through the entire area. If the guerrillas attempt to either break out of the area or (try) to engage the authorities in combat, they will be readily suppressed.

3. During a guerrilla uprising, most civil liberties will have to be suspended: Search and seizure operations would be instituted during daylight hours. Anyone found armed or without proper identification will be immediately arrested.

Most of the people of the ghetto would not be involved in the guerrilla operations and, under conditions of police and military control, some would help in ferreting out the guerrillas. Their help will be invaluable.

4. If the guerrillas were able to hold out for a period of time then the population of the ghetto would be classified through an office for "control and organization of the inhabitants."

This office would distribute census cards which would bear a photograph of the individual, the letter of the district in which he lives, his house and street number and a letter designating his home city. This classification would aid authorities in knowing the exact location of any suspect and who is in control of any given district. Under such a system, movement would be proscribed and the ability of the guerrilla to move freely from place to place would be seriously curtailed.

5. The population within the ghetto would be exhorted to work with authorities and to report both on guerrillas and any suspicious activity they might note.

Police agencies would be in a position to make immediate arrests, without warrants, under suspension of guarantees usually provided by the Constitution.

6. Acts of overt violence by the guerrillas, would mean that they have declared "a state of war" within the country and, therefore, would forfeit their rights as in wartime.

The McCarren Act provides for various detention centers to be operated throughout the country and these might well be utilized for the temporary imprisonment of warring guerrillas.

7. The very nature of guerrilla operations as presently envisioned by certain Communists and black nationalists would be impossible to sustain. According to the most knowledgeable guerrilla warfare experts in the country, the revolutionaries could be isolated and destroyed in a short period of time.

And that's official. That's Uncle Sam's plan. Thousands of human beings are already slated for this degenerate beastly system's secret camps. The odds are one in 200 that you are among them.

How do the names get there? Post office, police records, credit cards, welfare roles, school records, medical records, employment records, credit ratings.

Purpose of concentration camps: "The concentration camp, first used against the people of Germany was one of the fundamental institutions of the Nazi regime. It was a pillar of the system of terror by which the Nazis consolidated their power over Germany. It was a primary weapon in the battle against the jews, against the Christian Church, against labor, against opposition or non conformity of any kind.

"The concentration camp involved the systematic use of terror to achieve the cohesion within Germany which was necessary for the execution of the Nazi conspirators plans for aggression. It was the final link in a chain, of terror and repression which involved the S.S. and the gestapo, and which resulted in the apprehension of victims and their confinement without trial, often without charges and generally with no indication of the length of their detention."

Statement of American prosecution of Nuremberg War Crimes Trials 1946—Nazi Conspiracy and Aggression.

THE HONORABLE JAMIE L. WHITTEN, OF MISSISSIPPI

(Mr. NATCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NATCHER. Mr. Speaker, I have served as a member of the Committee on Appropriations in the House of Representatives for a period of 15 years. During this time I have had the distinct privilege and honor of serving on the subcommittee of the Committee on Appropriations that provides the funds for the Department of Agriculture and related agencies with my friend, JAMIE L. WHITTEN, who has been the chairman of this particular subcommittee ever since I have been a member.

As chairman of the Agriculture Subcommittee of the Committee on Appropriations, Congressman JAMIE L. WHITTEN has established an excellent record and is recognized throughout the 50 States as one of the outstanding Members of the House of Representatives. He is a true friend of the American farmer.

I have served on the Agriculture Subcommittee of the Committee on Appropriations longer than any present member other than my chairman, JAMIE L. WHITTEN. When I was first selected to go on the Committee on Appropriations it was my hope and desire to serve on the Agriculture Subcommittee. In addition to serving on this subcommittee, I am a member of the subcommittee that appropriates the funds for the Department of Labor and the Department of Health, Education, and Welfare and, in

addition, am chairman of the District of Columbia Budget Subcommittee.

Mr. Speaker, JAMIE L. WHITTEN, of Mississippi, is recognized as one of the Nation's strongest advocates of conservation of natural environment, and on January 23 was honored by the National Limestone Institute at their annual congressional banquet.

In recognition of Congressman WHITTEN's long service to the benefit of the Nation's agriculture and his continuing hard work to conserve natural resources, the 549 members of the National Limestone Institute adopted the following resolution:

Whereas the Honorable Jamie L. Whitten, Member of Congress, selfless public servant to his state and nation without surcease since the age of 21, devoted advocate, missionary, and dedicated leader on behalf of the priceless heritage of our nation's lands has achieved an unexcelled magnitude of accomplishments therefor; and

Whereas he has guided the development of a record of strong support in the Congress for soil conservation programs, the Extension Service, 4–H Club work, rural electrification, loans for rural housing, flood prevention and watershed programs; and

Whereas Congressman Whitten has long been the resolute leader of the Congress in providing monies for all conservation programs, and is the recognized champion in protecting, preserving, restoring our natural resources "which will always be the base upon which all the rest of our economy depends;" and

Whereas during his incumbency as chairman of the Subcommittee on Appropriations for Agriculture the American farmer has become enabled to produce food and fiber for our people in large quantities and at low costs which are unmatched anywhere in the world; now, therefore,

Be it resolved by the National Limestone Institute, Inc., in Convention in Washington, D.C., this twenty-third day of January, 1970, that the Institute express its grateful appreciation for his superlative work; and,

Be it further resolved that the Honorable Jamie L. Whitten be the 1970 recipient of the National Limestone Institute's Distinguished Service Award for Outstanding Contribution to the Nation's Agriculture.

Mr. Speaker, presentation of the Distinguished Service Award by Robert M. Koch, president of National Limestone Institute, followed Congressman WHITTEN's address to the institute's members and congressional guests on "Some Problems Created by Urbanization."

Congressman WHITTEN is only the 10th man to receive the National Limestone Institute Award for Distinguished Service to the Nation's agriculture since the institute was formed 25 years ago.

THE SUPREME COURT AND THE SCHOOL SYSTEM

(Mr. McMILLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLAN. Mr. Speaker, the Supreme Court has rendered a number of decisions during the past few years that have vitally affected our public school system here in the United States. We realize that the Supreme Court reinterpreted the Constitution and legislative clause on integration which so substantially affected our school system.

One of the Court orders recently rendered in my congressional district has done great damage to the public school system and race relations in one of the outstanding counties in my district and in the State of South Carolina. There is no county in the United States where both white and black races enjoy such excellent relations as they have always enjoyed in the county of Darlington, S.C. We have some real leaders in both races and they have always cooperated and lived congenially together. I had received no complaints from Darlington County concerning integration until the recent Court order which is completely tearing down the public school system in that county.

I have had numerous telephone calls and letters during the past week from both races, black and white, stating that they strenuously objected to the recent Supreme Court order which will, unless changed, cause a number of seniors in the Darlington public schools to fail to graduate this year.

I, of course, realize, and I think all my constituents who will take time to think will realize, that Members of Congress have no jurisdiction over court orders rendered and prepared by the U.S. Supreme Court. However, I do wish they would discontinue issuing orders of this nature in the middle of a school term if the judiciary is actually interested in educating our younger generation. I know that this is a matter that is squarely between the school officials, the individual people in every State, and the Federal courts. It is not a problem for politicians and I was hoping that the people in my district would not try to make a United States court order a political football, as our wonderful school system should not be subjected to politics.

On two occasions within the past year the House has added amendments to appropriations bills calling for freedom of choice and no busing of children for the purpose of racial balance in our schools. However, both these bills have failed to pass the U.S. Senate. The southern Members of Congress fully realize that all the Court orders have been directed toward the Southern States and we have done everything legally possible to use the legislative process to correct this situation. We simply do not have sufficient votes to overturn any of the Supreme Court's decisions since the North, East, and West have been voting against us.

I have a bill for freedom of choice before the House Judiciary Committee. However, I am not naive enough to think the committee chaired by Congressman EMANUEL CELLER would ever favorably report my bill to the floor of the House.

Our only chance is to add amendments to the appropriations bills with the hope that we can get a freedom-of-choice bill finally enacted into law.

TO PROHIBIT INVOLUNTARY BUSING OF SCHOOLCHILDREN

(Mr. TAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR. Mr. Speaker, today I introduced a bill to prohibit the involuntary busing of schoolchildren and to adopt freedom of choice as a national policy. The forced busing of school children away from neighborhood schools is wrong and Congress must find a way to stop it. It is costly, time consuming, and dangerous. It in no way improves the quality of education. It cuts across both races and does damage to both races.

I favor equality of educational opportunities by providing a good school in every community and giving all pupils genuine freedom to attend the school that their parents choose. This would give all children of all races an equality of education and an equality of liberty.

The neighborhood school backed by community support has become the backbone of American education and it is being destroyed by busing. Parents all over the South do not understand why their right to send their children to the neighborhood school a few blocks away is being denied. They resent this tyranny from the judiciary and from HEW. No parents, black or white, have told me that they prefer that their children be bused away from the neighborhood school to the other side of a town or county.

As you recall, last year the House passed an amendment to the HEW appropriations bill providing that no Federal funds could be used for the busing of pupils in order to secure racial balance. Then Secretary of Health, Education, and Welfare Mr. Finch, opposed the amendment bitterly and persuaded the Senate to kill it. Yet the Department of Health, Education, and Welfare, controlled by Secretary Finch, is applying two sets of standards in the Nation—one for the South and one for the rest of the Nation. Certainly the same guidelines should be enforced uniformly throughout the Nation. Such an enforcement would bring an end to busing, because people throughout the Nation would see the futility of it. Busing to secure racial balance was tried in New York City and then abolished by act of the New York Legislature. If people in New York do not want this system for themselves, surely they would not try to force it on another section of the Nation.

ROGERS PUSHES "GET THE LEAD OUT" CAMPAIGN

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am pleased to see the recent action taken by certain members of the automobile and petroleum industries since last week when I called for a "Get the Lead Out" campaign.

As I have proposed, there would be a phasing out of leaded gasoline, thus allowing the automobile industry to install more effective muffler devices to cut down on the pollution emitted from autos.

Two petroleum firms have indicated they would be willing to develop lead-free gasoline if the automobile industry

would develop engines which could use lower octane gas.

And we also have pledges from certain automobile manufacturers that indeed they will develop an engine which will use lead-free gas and will install muffler systems which will be capable of eliminating between 90 and 97 percent of the hydrocarbons and carbon monoxide which now pollutes our air.

I commend these companies. But at the same time, I would point out that only a portion of the petroleum industry has come forth and indicated they are willing to help clean up the air.

We are now in a "chicken and egg" debate. The oil companies say they will develop lead-free gas if the automakers will develop engines. From the first statements from both industries, it is obvious that the production of lead-free gas is a technical possibility, as is the development of lower combustion engines.

I have already mentioned that the Subcommittee on Public Health is planning to continue hearings on H.R. 14733 the Clean Air Act which I introduced last session and we hope that by the hearing date the oil companies will have reached a unanimous decision to help us fight air pollution by producing lead-free gasoline. If not, then standards for fuel I feel will be forthcoming.

Last month I wrote to several companies asking what would be involved in producing lead-free gasoline. As yet, I have not heard from all such companies.

Mr. Speaker, I again urge that all the petroleum companies now remaining silent on this issue make their stand known.

We could start this program this year and have a complete conversion within 5 or 6 years. I feel this would represent the single greatest breakthrough in the fight to make our environment a cleaner one particularly when one realizes that 60 percent of air pollution comes from the automobile.

AID FOR ISRAEL

(Mr. WYMAN asked and was given permission to address the House for 1 minute.)

Mr. WYMAN. Mr. Speaker, while communism continues to stir up conflicts all over the world, it is heartening to see at least one country standing up to Soviet pressures.

That country is Israel. And that country deserves our whole-hearted support. In light of continuing Soviet aid to Nasser there is only one side for us to be on here, oil or no oil.

Twenty-two years of Arab siege have weakened neither Israel's determination nor ability to survive. Indeed, that small State is now stronger than ever.

But the Soviet Union has virtually donated billions of dollars worth of arms to its Arab clients, tossing in thousands of Soviet "advisers" to accompany the arms. Egypt's Nasser, the Russian's chosen instrument for spreading Russian influence and power in the Middle East, has been the best customer. The Soviet-groomed, Soviet-armed Nasser today poses the greatest threat to Israel's security. The United States must see to it that Israel remains capable of meeting that threat.

The United States has never given arms to Israel, and Israel does not ask that it do so now. Nor has Israel ever asked that American boys be sent over to fight in her defense. She asks only that we sell her the weapons that she needs to defend herself. Surely, we can do no less.

The Arab countries buy from both East and West—and at favorable terms. Now that France has become a major supplier of the Arab States and is embargoing shipments to Israel, Israel's position has become more critical than ever.

In view of Israel's virtual dependence on the United States for arms, I think that we must make it clear that when we meet her military requests we do so willingly and gladly—for this is one country completely committed to democracy and to freedom.

A strong Israel is the best deterrent to Soviet-Arab aggression. For if the Egyptians or the Russians have reason to doubt Israel's ability to thwart an attack, that attack will most certainly come. The United States, by complying with Israel's requests to purchase arms, can help make sure that no such doubts arise. President Nixon has pointed out the necessity of providing Israel with a margin of military superiority over the Arab States, and I strongly support this view.

But in addition to the military offensive in the Middle East there is also a diplomatic offensive. When the Arab armies and their Soviet arms went down in June 1967, Soviet prestige in the area went with them. Thus the Soviets have been trying to recoup their losses by backing the Arab postwar demands to the hilt in the diplomatic arena.

The Russians would like nothing better than to vest the Arab bloc with a status-quo-ante Arab aggression settlement. This is exactly what they are trying to do. But the Israelis are not about to give up any of their hard-won territorial gains—nor should they—without a concrete assurance of Arab willingness to accept peace with Israel, once and for all and to recognize Israel as a de jure State. This assurance can come only from the Arabs themselves, and it can only be communicated by the Arabs to the Israelis—not by ill-intentioned Soviet diplomats to their well-intentioned American counterparts. And this assurance, if it is to be worthy of the name, must be sealed in a peace treaty.

If Israel relinquished these territories in advance of a peace treaty, there would be no peace treaty forthcoming, for there would be nothing to induce the Arabs to join Israel at the peace table. And there would be little to stop the Arabs from launching, another full-scale war, for they would be led to believe that a new attempt would at worst simply leave them back where they started. Their loss of arms has been more than made up for by the Soviet Union.

Israel's stamina in the face of the military and political Soviet-Arab offensive provides a ray of hope for all small countries who have reason to fear the heavy hand of the Soviet Union. She knows that she cannot afford to settle for anything short of a real Arab peace treaty, and she is going to stay where she is until she gets one. The integrity and the wisdom of Israel's position should be clear to all those who sincerely want peace to come to the Middle East.

It is in America's interest to strengthen Israel and we should not impose conditions—political or economic—in transferring arms to Israel which in any way abridge her sovereignty or prejudice her prospects, for the attainment of a real peace with her neighbors. Such a settlement is urgently needed in the cause of world peace.

VAGUE CHARGES AND QUOTING OUT OF CONTEXT ON C–5A

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I was somewhat startled and somewhat amused by remarks of the senior Senator of Wisconsin which appeared in the February 5, 1970, CONGRESSIONAL RECORD. I was startled, Mr. Speaker, because it appears to this Representative that the Senator is practicing by his statement precisely what he is complaining about others having done; namely, making vague charges and quoting out of context.

I am amused, Mr. Speaker, by the expertise of confusion, in the political sense, with which the senior Senator attempts to accomplish this by his statement.

In the statement he refers to some unnamed individuals or groups as having made certain vague, undefined statements about him. If the Senator desires to make accusations, let him specifically name those to whom he attributes these statements. Otherwise, one may wonder about the origin of the statements.

Let him not engage in the old political game of using terms such as "some people," "they," and like vague references to nameless individuals who he says are accusing him of some act or the other.

I state here and now that the Senator's qualifications to judge whether the C–5 is safe at any load are the same as his qualifications to judge whether from a technical view the Apollo spacecraft is safe at any load.

But aside from that, there are certain items that can be determined from the record and the Senator quotes Al Smith as stating:

> Let us look at the record.

And he continues:

> Let us examine the misstatements and misrepresentations and lay them side by side with the truth.

Then the Senator proceeds to use a series of jumbled statements, some taken out of context, by which he attempts to defend the so-called charges he says "some" have made against him. I still do not know who these nameless people are.

But let us look at the record. In the first statement he makes a charge that

the C–5A did not meet the FAA requirements. This aircraft, of course, is not designed for commercial use but for military use and military standards are the criteria to be met. However, the FAA requirements referred to are probably those in the Whittaker report, page 3, listed below:

h. Sink rate reduction from 10 f.p.s. (FAA certification requirement) to 9 f.p.s. The current standard MIL–8862 specifies 10 f.p.s. but does not specify design strength at 150% of limit load without failure as used for the C–5 with 9 f.p.s. sink rate.

This item acknowledges that the C–5 is designed to higher strength than FAA requires. The standard military 9 feet per second can be put in perspective with the realization that the C–130 transport is designed to 9 feet per second and engages in assault takeoffs and landings daily in Vietnam, as much more demanding environment than any commercial airliner is exposed. It certainly complies with all requirements for the mission it is designed to accomplish.

Second, the Senator tries through an obvious twisting of the Whittaker report to make it appear that the mere fact that there have been a series of changes in the specifications of the aircraft is something of a horrible nature when, in fact, the report from which the Senator takes his information points out that the changes are beneficial.

Mr. Speaker, there have been some 46 designed performance changes to date and quoting directly from the report:

None of these changes has degraded the mission performance requirements, e.g., payload/range, takeoff, and landing distance or cruise speed . . . for these criteria changes (are) to the mutual benefit of both the Air Force and the contractor. It looks as though we will have a good aircraft.

Now why did not the Senator quote this section?

Then the Senator, practicing some more of the deception which he is decrying, attempts to make it appear that the Whittaker report verifies that only 40 airplanes are needed. He does this by taking out of context statements on page 3 of the report. Mr. Speaker, for the benefit of those who do not have the report, I would like to quote in full the pertinent section:

This fact was a consideration in the decision to have 6 squadrons of C–5A aircraft and reduce the programmed C141 force from 20 squadrons to its current level. An extrapolation of this thesis using currently projected C–5A costs again demonstrates that *if* (emphasis added) the outsize requirements necessitates the procurement of *at least* (emphasis added) 40 C–5A aircraft, *additional quantities of this aircraft will be the most economical means of meeting all types intercontinental military* airlift needs beyond present airlift force capacities (emphasis added).

In other words, Mr. Speaker, the Whittaker report, which the Senator attempts to distort, confirms that the original requirement based on a decision of the Joint Chiefs of Staff was for six squadrons—96 airplanes plus spares and others for a total of 120—not for 40. The only statement about the 40 is that if outsize requirements dictate the need of at least 40, the most economical means of providing for the necessary airlift requirements would be additional C–5A's. After having read the Whittaker report, I must admit that I am somewhat astounded that the Senator could interpret it in the manner that he did, but for the benefit of all who read the CONGRESSIONAL RECORD, I placed its actual words in the RECORD.

Now, Mr. Speaker, the Senator ignores that part of the Whittaker report relating to the cost of the C–5 as related to the 747 and makes a vague charge that one cost twice as much as the other. On page 3–5 of the Whittaker report it says:

Cost of the standard commercial version of the 747B–F (without AGE, data, or training costs) is estimated at about $22 million each (similar quantities to C–5A buy). The comparable C–5A cost is $26.9 million.

The report goes on to note that the 747 does not have the needed military features of the C–5 which would cost extra in the 747.

However, the most astounding statement by the Senator is that the 747, a civilian plane, is comparable to the C–5 in most aspects. What a tremendous oversimplification. True, both the C–5 and the 747 have four engines, are land planes, and are of about the same size and speed, but that is like saying a woman is comparable to a man. Just as a man can never birth a baby the 747 could never do the job of the C–5.

Mr. Speaker, to illustrate the differences, I quote from the Whittaker report on page 2:

In addition to the gross tonnage capability improvement, the most remarkable aspect of the C–5A introduction is a very significant gain in military flexibility. The C–5A evolved from a Specific Operational Requirement (SOR) prepared by the Air Force from Army requirements. It was based on all of the operational experience derived from more than a decade of airlift usage in Berlin, Beirut, the Congo, Korea and extensive development exercises in the field.

The major features designed into the C–5A enable it to reach any part of the globe with a minimum number of refueling stops, or, if necessary, without stopping, by the use of aerial refueling. Its high flotation 28 wheel landing gear will permit it to land on 4000 ft. unpaved fields. Its cargo deck is low to the ground (truck bed height) and enables easy, quick loading and unloading. For vehicular loads, the aircraft drops each end of its cargo deck to provide ramps for roll/on roll off access. In the event of resupply requirements not near an airfield, the rear of the aircraft opens to permit airdrop delivery of loads up to units of 50,000 lbs. It is equipped with special avionics which enable it to pinpoint any target location at night or in adverse weather and to achieve that objective in formation with other C–5A's if large scale simultaneous deliveries are required. In summary, the C–5A provides mobility to our General Purpose Forces which is superior to that which can be achieved with any other transport system in the world.

There is no practical alternative to achieve this capability. The 747 and other commercial augmentation aircraft of the Civil Reserve Air Fleet (CRAF) will be able to assist in meeting resupply airlift requirements, but will not be able to operate into unimproved airfields or airfields without ground handling equipment for loading and unloading, nor to accept outsize cargo, nor to operate under the unprotected conditions for which the C–5A has been designed, nor to function in the air drop resupply role.

Now, for the Senator's charge that the C–5 is unsafe to fly until what he called the problem of the wing crack is solved, let us look at the facts.

It is quite correct that a minor wing structure modification is required on the C–5. This was pointed out by laboratory test and the discovery of a hairline crack in a cap on a wing spar in C–5 No. 3.

After engineers designed and tested an appropriate strengthening modification for the wing, C–5 No. 3, the structural test airplane, returned to Marietta for installation of the modification. During flight testing, airplane No. 3 was utilized in flight and ground operations well above load factors and weights permitted on other airplanes so as to verify C–5 structural integrity. The world's heaviest airplane takeoff weight, 798,200 pounds, was accomplished on No. 3 to allow in-flight maneuvers at the C–5's maximum design gross weight. While Galaxy No. 3 was being readied for the modification, small 8-inch cracks were detected on both the left and right wings in the area destined to be modified. Ship No. 3 had been flying for an unknown number of hours with the cracks present thereby confirming Lockheed's design philosophy of "damage tolerant." This philosophy demands design of the structure that if a structural weakness occurs there will be sufficient strength in an adjacent structural member to carry the load transferred from the weakened member and prevent a catastrophic loss. The wing structure of the C–5, as typified in ship No. 3, clearly demonstrated that a structural failure is compensated for by adjacent structure.

On discovering the cracks on ship No. 3, Lockheed immediately undertook detailed inspection of the other nine C–5's that were flying. All these airplanes were cleared by experts, not politicians, and returned to flight status.

Professional aerospace experts from both the Air Force and Lockheed after detailed investigation have validated the safety margin for the C–5 and approved continued flying with appropriate operational restrictions.

There is absolutely no need to ground the C–5 pending retrofit of the modification in the view of responsible highly competent aeronautical engineers.

Apparently, the Senator is unaware of the plan to incorporate the wing modification on airplanes No. 14 and subsequent prior to delivery to the Air Force. Additionally, the proposal calls for retrofit of the modification in all airplanes except No. 5 by mid-August. In fact, airplane serials 1, 3, 6, and 9 are currently in work for the wing beefup.

I cannot help but think that the Senator is trying to trade on his reputation as a fiscal expert to endow statements on technical matters with the aura of unquestionable truth. Further, I cannot help but ask myself this question. Is he engaging in a personal vendetta to make the C–5 scapegoat? I ask this because he, a politician as am I, would try to substitute his judgment on technical matters for that of professional aeronautical engineers.

PRESERVING THE NEIGHBORHOOD SCHOOL

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, today I am introducing legislation which is addressed to a serious problem confronting all sections of our Nation—the disruption of the neighborhood school system through the busing of schoolchildren, the pairing of schools, and other devices aimed at achieving racial desegregation and/or racial balance in the Nation's schools. This is far more than a regional problem, but one which is confronting parents, children, and school officials in many places throughout the United States. If we permit the basic American institution of the neighborhood school to be destroyed, in my judgment there will be far-reaching effects upon the life of our society far too adverse to justify any alleged social gain achieved thereby.

Most Americans who are parents select the neighborhood in which they live with great care. For most of us the quality of the neighborhood's schools constitute a basic prerequisite for moving there. The typical American devotes time, energy, and money through the local PTA and in other ways toward the improvement of the neighborhood's school or schools which his children attend. To require his children to walk or be bused past their neighborhood school is an unreasonable and unwarranted abrogation of the obvious rights of parents and children alike. Why should parents work to purchase a home and continually strive to provide for their children the best possible environment if the Federal courts, the Department of Health, Education, and Welfare, or any other authority in turn compels the children of those parents to attend other schools which are in many instances well removed from the neighborhood in which they live?

This innovation in American education by those who advocate the achievement of racial balance as the primary value of an educational system subjects young children to difficulties and dangers clearly beyond any involved in their attendance at a neighborhood school. It is unreasonable in the extreme, for example, to compel first graders to walk extra distances and cross major traffic arteries at the rush hour when such children could attend schools closer to their homes. To force a young child to attend a school which his mother cannot easily reach in the event of injury or illness is a similar intrusion upon the rights of parent and child. In too many instances, furthermore, efforts to achieve racial balance in our schools are subjecting schoolchildren to pressures and prejudices which are seriously disrupting their education.

Mr. Speaker, the battle to preserve the neighborhood school is a fight for the rights of all Americans, regardless of their race or creed and against the clear abrogation of these rights which we are witnessing today. Because this is a battle which the Congress ought to fight and which we must win. I am introducing legislation on this date which would prohibit any elementary or secondary school student from being required to attend a school other than that school in closest proximity to his home, without the consent of his parents.

The legislation which I am introducing today has nothing to do with the composition of a school's student body, racial or otherwise. Nor is desegregation of schools by other lawful and less disruptive means in any way affected by this measure. It would, for instance, still allow for the desegregation of faculties by means of transfers and it would fully preserve voluntary transfer rights.

This legislation provides full recognition and preservation of the rights of those children who feel—or whose parents feel—that their educational opportunities can be bettered through transfer to other schools. This bill would also protect, however, the rights of those parents and children who do not wish to travel great distances to schools when appropriate schools already exist in their own neighborhoods. Toward this end, there is a definite need for such legislation which simply and specifically precludes the compulsory attendance of students at schools far from their homes.

Mr. Speaker, we cannot allow attempts to change the composition of our Nation's schools to thwart their basic purpose of providing quality education. Nor can we allow such attempts to abrogate the rights of those very persons our educational systems are meant to serve.

It is tragic that the Nation's schools have become a battleground in our time, but for the sake of all Americans the battle for the survival of the neighborhood school system in our country is one we cannot afford to lose.

HOW TO GET INTEREST RATES DOWN

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, all of us are concerned about inflation, high interest rates and the scarcity of funds for mortgages. Few find inflation attractive but too many lose sight of the devastation it creates when called upon to support the measures necessary to correct it.

I share the concerns of my colleagues. I recognize that in a period such as this the burden of responsibility, should I say the burden of statesmanship, hangs heavy upon us. Yet, I must say that I feel that we in Congress must share the blame for these problems and I know that we can help correct them.

As the ranking minority member of the House Banking and Currency Committee I am particularly concerned about the general scarcity of mortgage funds and the fact that those funds which are available are so costly that they price low and middle income people out of the market. Even the interest subsidy programs we have enacted are less effective and can aid fewer people when rates are high.

Unfortunately this seems to be a subject somewhat like the weather in that everyone talks about it but no one does much about it. One reason I believe is because it is so hard for most people to see and understand the relationship between inflation, high interest rates, and tight money. I was pleased to find an article by Mr. Ralph F. Leach, vice chairman of the board of the Morgan Guaranty Trust Co. in the January 1970 issue of the Morgan Guaranty survey entitled "How To Get Interest Rates Down." I submit this article for inclusion with these remarks and commend it to you for reading.

The article is outstanding not because it tells us of any simple cure. It does not. It says just what every intelligent economist has been saying for months, namely that high interest rates are a result of, I repeat "a result" of inflation. I know there are a few, including a minority of the majority in this House who would argue that high rates are a cause of inflation but in the over view of our total national economy this position cannot be sustained.

What makes this article remarkable and informative is that it draws a direct correlation, in language the layman can understand, between rates of inflation and interest rates. It offers real and supportable promise that by getting inflation under control we can bring interest rates down and improve the availability of funds for mortgages.

For those of you who enjoy higher mathematics I refer you to a study entitled "Interest Rates and Price Level Changes, 1952–69" in the "Bulletin of the Federal Reserve Bank of St. Louis" for December 1969. This highly technical study demonstrates the means by which conclusions such as those reached by the Morgan Guaranty Bank would be made.

What both these studies bear out is that long-term interest rates at any given time are the product of two things. First is the basic return which the lender feels is necessary for the use of the money. Second, the additional percentage the lender feels is necessary based upon the future rate of inflation.

I could explain this second point by relating it to risk. It is a risk of not getting back the same number of dollars, in purchasing power as were lent out. We are all familiar with the fact that some loans involve more risk than others and that those with a higher risk involve a higher rate. The U.S. Treasury, for example, has always been able to borrow at a relatively low rate as compared to the rates charged to an individual or a company whose credit standing is not well established.

We all talk about "reasonable" interest rates but no one seems to be able to define "reasonable." I found Mr. Leach's article provides some basis for judgments in this area. After reviewing the economies of industrialized nations he found that Great Britain had enjoyed a stable economy from 1850 to 1900 and that long-term funds were available at 3 percent in that country during that period. Using this as a base, that is the basic rate a lender expects to obtain for the

use of money, and the GNP inflator to compute the risk of inflation he was able to chart an amazing correlation between the sum and rates actually charged. Using this approach it is possible to say at least that it is reasonable to expect a certain rate of interest to accompany a certain rate of inflation. Most regrettably I have to report to you that with our present rate of inflation it is unreasonable to expect interest rates to decline.

I am particularly concerned that all members should recognize and understand this relationship between inflation and high interest rates because it will require the concerted effort of us all to correct this problem. It is one thing for us in the Banking and Currency Committee to identify inflation as the culprit which has driven up interest rates, disrupted the flow of mortgage money and stymied our efforts to achieve our housing goals. But no one committee, in this House can recommend any one action to cure inflation—it requires the concerted and coordinated effort of all of us working together.

Nor can we shirk this responsibility or shift it to others. Passage of legislation to authorize the President to impose credit controls is the kind of weak escapism we cannot afford. It suggests that we place the blame for inflation on the private users of credit and restrict it to cure the problem. My constituents do not fall for that and I dare say yours do not either. They know that the real culprit is the Federal Government—that its spending must be controlled and that control must first be exercised here in the Congress. If it is I think we can rest assured interest rates will decline and funds for home mortgages will again be available. The article follows:

[From the Morgan Guaranty Survey, January 1970]

HOW TO GET INTEREST RATES DOWN

(This article is an expanded and updated version of the testimony presented by Mr. Ralph F. Leach, Vice Chairman of the Board of Morgan Guaranty Trust Company, to the Committee on Banking and Currency of the United States Senate on March 26, 1969.)

The year just ended can be characterized, with little risk of overstatement, as an astounding period for the cost of credit in the money and capital markets. Interest rates reached levels unmatched in modern times. The yield on three-month U.S. Treasury bills exceeded 8% at the peak in December. High quality long-term corporate bonds often required a yield well in excess of 9% in order to be attractive to investors—resulting in borrowing costs never before experienced in corporate financial history. Municipal issues moved up in yield until at the peak they offered, on average, a return of nearly 7% tax-free. And borrowing costs for the Treasury on its notes and bonds were higher than at any time in the past 100 years.

Homebuyers, meanwhile, saw the interest cost of a mortgage loan climb steadily during 1969 to reach 8½% and even more in some areas. Bank loans, too, grew more costly and harder to get as 1969 wore on—reflecting the severely restrictive policies pursued by the Federal Reserve.

With credit costs at such stratospheric heights it is not surprising that cries have gone up in Congress and elsewhere to get interest rates back to a "normal and reasonable" level. At Morgan Guaranty Trust Company—and I think it is fair to say in the banking community generally—we are disturbed about the economic and financial situation which has brought interest rates to such high levels. While there has been a modest easing in rates in recent weeks, everyone agrees that interest rates at current levels still are much too high for the long-run good of the country.

Bankers, it is often said, rub their hands together in great glee when interest rates climb steeply. It happens, however, that this just isn't so. Many people overlook the fact that there are two sides to the phenomenon of rising interest rates. The obvious assumption is that, since higher rates mean more income for lenders, bankers and other lenders always try to push rates to the highest possible level. The other side of this, often forgotten or ignored, is that banks are borrowers as well as lenders and higher rates mean higher costs for them. In addition, banks have large portfolios of fixed-income securities, and higher interest rates mean depreciation in the market value of these holdings.

Interest rates, of course, are a price—the price of borrowed money. Since interest rates merely express the price relationship which mediates between the demand for and the supply of credit, getting interest rates down from today's high levels and keeping them there in the 1970's will require three things, most probably in combination:

1. Some dampening of the overwhelming desire to use borrowed money.

2. An increase in the willingness to save money.

3. A significant and lasting reduction in the rate of price inflation below last year's 6%, as measured by the increase in the consumer price index, the highest in nearly two decades.

Point number 3—the need sharply to reduce inflation—is of critical importance. From many years of living day to day in the markets where money is bought and sold, borrowed and lent, it is my feeling that the level of interest rates, by and large, reflects the appraisal of borrowers and lenders of the prospects for future price stability. This is particularly true of long-term rates, since an investor who is turning over his savings to someone else under a long-term fixed-income contract naturally will expect not only a reasonable return to compensate him for the use of his money but an additional rate of return to compensate him for any anticipated loss of purchasing power. Another way of saying this is that only those countries which can demonstrate long-run price stability can expect an economic and savings pattern which will provide low long-term interest rates.

The observed link between interest rates and the pace of price inflation is not, of course, something that only recently has come to light—as the box on this page indicates. However, we at Morgan Guaranty have used this link as the basis for extensive analysis designed to aid the bank and its customers in anticipating interest rate movements for business purposes. In doing this we have utilized techniques of the new science of operations research. Our objective has been to improve our own investment performance and the counsel we give our clients with respect to their financing plans.

We started our analysis by trying to determine a proper assumption as to a reasonable rate of return in a noninflationary setting. Our observations, historical and more recent, led us to conclude that an expectation of absolute price stability over the life of a long-term security involving virtually no credit risk would produce an interest rate of about 3%.[1]

We tested this assumption over periods of financial history in the U.S. and other countries. Unfortunately, there are not many periods of price stability to study. Wars and their accompanying inflation have erupted with distressing regularity. The financial upheavals associated with the great depression of the 1930's knocked relationships out of kilter for quite a while in most countries. During World War II—and continuing up to 1951—interest rates were artificially pegged in this country.

It is interesting, however, that in the one extended period of price stability recent enough so that we have fairly good records of both rates and prices, the idea of a basic 3% rate seems to be supported. The economic history of the last half of nineteenth-century England reveals that by and large it was a period free of inflationary pressures, and that the consumer's shilling bought approximately as much at the end of the century as it did in the 1850's. Long-term British issues fluctuated around a 3% yield during the entire half-century; in fact the rate tended to decline as the period of price stability lengthened.[2] What this suggests is that long-term interest rates at any given time are the product of two things: a basic return of something approximately 3% plus some additional percentage based on investors' expectations of future inflation.

THE INFLATION-EXPERIENCE FACTOR

To quantify this expectational factor, we took various measures of inflation and checked out their correlation with interest rate movements. As one measure, we tried using the average of consumer prices. This index, however, deviated rather widely at times from the trend in bond prices. The measure which showed the highest degree of correlation was the annual rate of increase in prices as reflected in the GNP deflator, that broad measure which the U.S. Department of Commerce employs to eliminate the effect of price changes from the gross national product. The time period for which the deflator showed the smallest deviation from bond prices turned out to be the 24 months preceding any given interest rate reading. Most of the time, that is, the addition of this "inflation-experience factor" to 3% has produced a reasonably good approximation of actual marketplace interest rates. This can be seen from the chart on page 8, depicting experience during the 1960's. The line labeled "actual" records the trend of yields on new issues of high grade corporate bonds. The line labeled "calculated" was arrived at by combining 3% with the "inflation-experience factor," based on the GNP deflator.

The generally close correlation between the calculated rate and the actual rate set in the marketplace seems persuasive documen-

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[1] Such a rate is comfortably above what J. M. Keynes considered a rock-bottom floor demanded by lenders. In his *General Theory of Employment Interest and Money*, he referred to a "minimum rate of interest acceptable to the generality of wealth-owners"—a rate which he suggested might be 2%. Reflecting his rather unsympathetic attitude toward the rentier, Keynes footnoted the nineteenth-century saying, attributed to Bagehot, that "John Bull can stand many things, but he cannot stand 2 per cent."

[2] The British *Radcliffe Report* in 1959 lends support to the idea of a basic 3% gilt-edged return. Sir Roy Harrod, in his testimony, urged that 3% "on which (Britain) prospered and expanded for a century" has a claim to be regarded as a normal rate to which reasonable policies will bring the market "quite naturally, without any fuss or bother." Professor J. R. Hicks based his belief in this concept of a normal 3% rate ". . . on a review of the last two hundred years," arguing "that it has generally been during wars and their aftermaths that the long rate has been appreciably above the 3% level . . ."

tation of the link between inflation and interest rates.

The implications of this for national economic and financial policy are clear. It is imperative that such policies concentrate on controlling inflation and reducing the expectation, all too widespread in homes and businesses, that a high and ever rising rate of inflation will continue in the months ahead.

With a lowering of the inflation rate, or even a lessened expectation that the current rate will be maintained, a lowering of interest rates very likely will follow. In fact a realization on the part of investors that the Congress, the Administration, and the Federal Reserve System are determined to control inflation would in itself have a powerful effect on the interest rate level.

Dr. Arthur F. Burns, in Congressional hearings last month on his appointment as Chairman of the Federal Reserve Board, emphasized the importance of curbing inflation in order to bring down interest rates:

"At the present time we suffer from a lack of confidence on the part of business and financial people in the willingness of this government to pursue an anti-inflationary policy . . . We must have a budget for next year which will be regarded by financial people as being anti-inflationary. If we do that, then I think our monetary authorities will no longer carry the heavy burden that they have been carrying. The inflation premium on interest rates will . . . tend to come down, and we could all begin to look forward to easier credit—lower interest rates."

Dr. Paul McCracken, Chairman of President Nixon's Council of Economic Advisers, linked inflation and interest rates in an interview in *U.S. News & World Report* on January 12, 1970.

"Today's high rates . . . are in part a reflection of past errors in economic policy. Once the economy starts expanding at too rapid a rate, bringing on sustained inflation, lenders of money insist on a rate of interest that leaves them with a decent return after inflation."

Some people argue that interest rates could be kept from rising by the adoption of a perpetual easy-money policy. Simply inject reserves into the banking system, they say, and low levels of yields will automatically follow. For a while, indeed, such a policy can keep rates low in the short-term end of the market. However, each increment of reserves supplied by the Federal Reserve System under this concept only serves to convince another segment of investors that price stability has been sacrificed, at least for the time being, to expediency. At each stage, we find these investors turning to equity-oriented employment of their funds and avoiding investment in long-term fixed-income securities. As a consequence, a monetary policy which is judged by the market to be unduly easy, or easy for too long, will almost certainly result in raising rather than lowering long-term interest rates.

The experience of 1967 (see accompanying chart) illustrates this point. Beginning late in 1966, long-term yields had started downward while the short-term money market was still fairly tight, reflecting market conviction that the Federal Reserve clearly intended to curb inflationary pressures. For a while after monetary policy turned easy, both long- and short-term rates moved lower. Fairly early in 1967, however, the market began to sense that the massive stimulative thrust of both fiscal and monetary policy risked an early resumption of inflationary pressures. From February until June, despite a steady supply of reserves to the market which pushed short-term yields steadily downward, long-term rates moved back up because inflationary expectations were increasing.

Experience in past years, particularly in 1967 and 1968, has convinced borrowers and lenders alike that in any future period of uncertainty as to the economic outlook—that is, a situation in which the Federal Reserve System is confronted with a risk of a business slowdown or potentially greater inflationary pressures—doubts will be resolved on the side of economic stimulation.

This market conviction not only has produced high rates, it also has undermined the breadth and resilience of the fixed-income securities market. Yet the survival of this market is essential to the whole financial fabric of the country. Healthy debt markets are vital if businesses in the 1970's are to raise the funds needed to equip a growing work force and if the nation is to meet its vast social needs. It is true that some underdeveloped countries manage to survive without long-term capital markets—that is, of course, one reason why they are underdeveloped. And the United States doubtless could, over a period of time, restructure its markets and institutions to the expectation of perpetual inflation and still survive—but only at a tremendous cost in our standard of living.

We have come dangerously close to the total disruption of financial markets by yielding to the tempting thought that a little inflation never hurt anyone. The notion surely is open to challenge, but in any case what this country has experienced has not been a "little" inflation. The harm done in the last three or four years will take time to undo.

OUTLOOK CONSIDERATIONS

Against the background of a demonstrated link between inflation and interest rates, what is a reasonable expectation for borrowers in the future? More specifically, is there a chance that interest rates will be brought down—and brought down in a substantial way—this year and in 1971?

In attempting a look ahead, it is helpful to glance once again at the chart on page 8. From that, it can be seen that actual marketplace interest rates during the last half of 1969 rose considerably above those that would have been expected on the basis of inflationary experience during the preceding two years. Whereas new issues of high-grade bonds carried yields of about 8.7% in December 1969, the sum of the basic interest rate of 3% and the "inflation-experience factor" works out at only about 7.7%.

Conceivably, the considerable discrepancy between the actual and the calculated interested rates may well be the result of the sort of "credibility gap" that Dr. Burns alluded to in his testimony before Congress in December. It evidences an assumption by borrowers and lenders that disinflation will not be pursued effectively and that high rates of inflation will persist for many months. As a consequence, it may very well be that, in the extremely distorted inflationary environment of 1969, investors tended to put more emphasis on immediately past experience as against experience over as long a period as two years.

If the assumption of continuing high rates of inflation were to be shattered by evidence of decisive support in Congress and in the Administration for sticking to policies aimed at restoring price stability, it is entirely reasonable to expect that interest rates promptly would head downward.

Monetary policies of the Federal Reserve, in fact, have been severely restrictive. The federal budget over the past year has tended to dampen economic activity, though fiscal restraint in 1970 is threatened by the end to the surcharge, by revenue losses from tax reforms, and by the large-sized increases voted in Social Security benefits. Only a tight-fisted hold on spending programs now can keep the federal budget from slipping rather heavily into the red.

As policies of monetary and fiscal restraint have taken hold, economic activity has slowed noticeably. Total output in the fourth quarter of 1969 showed no growth at all in real terms. A number of prominent economists—including those in my own bank—see a distinct possibility that a recession may already have gotten under way.

The consensus of many economists is that inflation probably will in some degree moderate in 1970, and slacken further in 1971. The inflation rate, for example, is seen in many of these forecasts as dropping from the 4.5% rate, as measured by the GNP price deflator, for the fourth quarter of 1969 to roughly a 3.5% pace by the end of 1970. There is hope also that the trend will continue in 1971, producing a rate of inflation perhaps no more than 3% by the end of that year.

If in fact these forecasts of lower rates of inflation turn out to be fairly accurate, historical experience suggests that interest rates should decline from today's roof-top levels. Using the strictly mechanical approach of a 3% basic interest rate plus the inflation-experience factor, based on a moving average of prices over the previous two years, high-grade bond yields might fluctuate around the following levels: from the 8¾% of the fourth quarter 1969 to 8% by fourth quarter 1970, and down to 7% by the end of 1971.

Even if one had a sure-fire method for predicting inflation rates, it should be obvious, of course, that this approach is no foolproof formula for predicting interest-rate levels.

Many forces besides inflation influence interest rates at any given time. Only a partial list of such factors would include the stance of monetary policy, new financing volume, savings rates, and investor preferences. For the short run, trading swings in the marketplace can cause rates to fluctuate on either side of the level indicated by the rate of inflation. And even for the long haul it surely would be unwise to forecast interest rates simply on the single consideration of the expected rate of price inflation.

Yet it is abundantly clear from the record that investors are naturally concerned with what they expect is going to happen to the value of the dollar. It follows, then, that the rates at which they will put their funds out to hire surely will reflect such a basic concern.

INFLATION AND INTEREST RATES: A LONG-OBSERVED LINK

The observed link between interest rates and the rate of inflation reaches far back into financial history

Economist John Stuart Mill noted in his *Principles of Political Economy,* published in 1848:

"Depreciation, merely as such, while in process of taking place, tends to raise the rate of interest: and the expectation of further depreciation adds to this effect: because lenders who expect that their interest will be paid, and the principal perhaps redeemed, in a less valuable currency that they lent, of course require a rate of interest sufficient to cover this contingent loss."

But even at that early date Mill found that others had already made the same point. Nearly 40 years earlier—in 1811—Henry Thornton, the British monetary theorist, stated:

"In countries in which the currency was in a rapid course of depreciation, supposing there were no usury laws, the current rate of interest was often . . . proportionately augmented."

Irving Fisher, after years of study, concluded in 1896 that there was a close correlation between prices and interest rates. In his book *Appreciation and Interest,* Fisher wrote that high interest rates accompanying high prices, and low interest rates accompanied low prices. He viewed interest rates as being made up of two components:

1. The "real" rate of interest, to which real saving and investment respond.

2. An added premium based on expected changes in the price level.

The St. Louis Federal Reserve Bank, in its December 1969 *Review*, devoted 20 pages to an analysis of interest rates and price changes in the period 1952–69. The major finding—and its significance in measuring the impact of monetary policy—was put this way by the St. Louis Reserve Bank:

"Past price movements exert a major effect on nominal (observed) interest rates, with the effect largely manifested within two years. Consequently, most of the rise in market interest rates since 1965 can be attributed to the current inflation.

"This finding has an important implication for market interest rates as an indicator of the thrust of monetary actions on economic activity. High market interest rates do not necessarily indicate monetary excessive monetary ease (as measured by rapid expansion of the money supply), which results in rapidly expanding total spending and eventually inflation."

WHAT IS THE NIXON PROGRAM FOR AGRICULTURE—AND WHERE IS IT?

The SPEAKER. Under a previous order of the House, the gentleman from Oklahoma (Mr. ALBERT) is recognized for 60 minutes.

Mr. ALBERT. Mr. Speaker, depressions in this country have historically been farm bred and farm fed. The Great Depression of 1929 had been preceded by a decade-long agricultural depression in rural America. The Republican Party, dominant in our National Government during the 1920's, turned a deaf ear to the economic anguish of the American farmer. This helped make inevitable the general economic collapse which followed. American agriculture revived and prospered during 20 years of Democratic rule but with assumption of office by Secretary of Agriculture Ezra Taft Benson in 1953, farm income began a precipitous slide downward. Four years later we experienced our most severe post World War II economic slump, the 1957–58 recession. I am fearful we are now headed down the same unfortunate path toward economic hard times for the American farmer and ultimately for the country as a whole.

After more than a year under the Republican administration of President Nixon, the Congress continues to wait in vain for proposals by the administration on farm programs.

Over and over again—at meeting after meeting—we have been told that answers were forthcoming to questions on how to deal with problems of the American farmer. Despite this promise of answers, we have received nothing in the way of constructive proposals on the part of the Department of Agriculture. Actually, the new administration has quickly mastered the put-off promise and appears to have made the technique a matter of common usage at the Department of Agriculture.

A new deal for the American farmer—we heard that theme repeated often by members of the Republican Party in the last election. Much was made by them over their promise of a Secretary of Agriculture who would speak to the White House for farmers, instead of speaking to farmers for the White House.

We have had a new Secretary for the Department of Agriculture for more than a year and I believe that farmers, and many of the Members of this body, are anxious for him just to speak—period. We would like to know his views; we would like—and have a right—to know how he and the administration stand on farm programs—what they have done so far, and what they expect to do.

For months the Secretary of Agriculture and an attachment of aides have been meeting informally with members of the Committee on Agriculture of this body. From these meetings, I am told, the impression has emerged that on policy the new Department officials are about as rootless as a tumbleweed in a whirlwind. They have been steadfast only to the suggestion that they will administer whatever Congress enacts.

What kind of leadership is this? What are farmers and Members of Congress to expect? In order to pass meaningful, sound farm legislation, we must have the President's proposals and his support. I and many others are increasingly troubled by this approach, or perhaps better, this lack of approach.

Consider the events of this past Tuesday, February 3. At long last the Department of Agriculture sent forward to the Agriculture Committee of this body some proposals for farm legislation and what were the circumstances? These proposals were not even given the administration stamp of approval.

They only carried the notation that herewith was a composite—a synthesis—a so-called bipartisan consensus—of legislative opinions expressed at the informal meetings, held earlier with the Agriculture Committee, Chairman POAGE immediately repudiated the suggestion that the proposals submitted came even close to a consensus of the group.

Certainly the issues at stake require more courage and initiative than what has been shown by the Department leadership thus far. The hour already has grown very late.

If no action is taken on new legislation, as now appears possible, because of the administration's lack of proposals, the Secretary of Agriculture will be required by law to proclaim wheat marketing quotas no later than April 15, 1970, and hold a referendum of wheat farmers on strict marketing controls prior to August 1. When last held in April of 1963, such a referendum was defeated. Today farmers are waiting with worry, fear, and doubts. In the case of wheat, the lead time required for intelligent planting decisions has been dissipated and farmers simply will not get details on programs far enough in advance.

The other major commodity programs expire at the end of this year. Will the lead time in the case of each of these be dissipated in inaction also?

The importance of action on farm legislation cannot be overemphasized, not only for its impact on the farmers of our Nation, but because of its impact on our total economy.

It is obvious that any producing group which buys about $27 billion in production goods per year is an important factor in our general economy. The commercial farmer buys about 5 percent of our total steel production, about $1.6 billion of our petroleum products or about 11 percent of the total sold. He buys a lot of rubber for his cars and tractors. It is estimated that his purchases are the basis for about 6 million jobs in machinery, chemical, and other supply industries. In turn, his products are the basis for processing and marketing industries which provide an estimated 14 to 16 million jobs.

There is a growing trend in our expanding industrial economy, to underestimate the importance of the farm sector and its contributions to the total economy; unfortunately, this sector receives less and less emphasis. The significance of the farm sector in its interrelations to the rest of the economy however must be recognized because its products are necessary for our existence. We must have food and fiber to meet domestic requirements; we should also have enough additional food and fiber to help balance our trade.

We must also consider the impact of agriculture on the total economy. Recent data from my neighboring State of Kansas show this impact to be staggering. On the average, $1 of farm income generated $3.33 of total income, whereas $1 of nonfarm income generated only $1.46 of total income.

In addition, the farm sector in that State expended 84.4 percent of its income in the nonfarm sector, whereas the nonfarm sector expended only 10 percent of its income in the farm sector; and, lastly, there was an increasing interdependence between farm and nonfarm sectors in the period 1950 to 1966.

In recent years, the clamor to abandon farm programs has increased considerably in volume. I believe it is significant that critics of these programs in general offer no alternatives, and have ill-considered the consequences their actions might bring about.

I repeat: The hour already has grown late. President Nixon's administration must come forward, and come forward immediately, with legislative proposals and push for enactment of legislation which so vitally affects our farmers and our total economy.

It has the responsibility. It cannot shirk it. It cannot dodge it. If because of this administration's lack of agricultural proposals, lack of leadership or both, American agriculture suffers disaster, the responsibility will be at the door of the White House.

Mr. JONES of North Carolina. Mr. Speaker, I want to associate myself with the other Members of the House who are stressing the need for more equitable farm legislation. Four years ago on this very date, as a result of a special election, I was privileged to become a Member of this great body. In this short period of time, this Nation has become the victim of almost unprecedented spiraling inflation and practically every segment of our economy has participated, through wage and price increases, except the American farmer.

It is ironical that in this inflation the American farmer is today receiving less of the consumer's dollar than he did 20 years ago while his cost of production

has increased several times. This, in itself, emphatically demonstrates the need for improved farm legislation. It is no wonder that we find a rapidly decreasing farm population, almost to the extent of being a national catastrophe. Many of you are concerned with an increased food stamp program—and, certainly, this is no criticism of food stamps—but I think it in order to remind you that if our farmers cannot survive economically then, heaven forbid, we will become a "have not" nation as it relates to the production of agricultural commodities. And, what, may I ask, would be the value of the food stamps if, indeed, there was no food for which to redeem them?

And so, those who are concerned with the overall economy and well-being of this Nation should look sympathetically at the plight of the farmer and join those of us who are attempting to bring forth legislation which might solve this acute problem.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CHAOS IN THE PUBLIC SCHOOL SYSTEMS OF THE SOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 30 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the southern region of this country is in the throes of a very serious problem—a problem that can no longer be considered regional. However, I fear that those of you in this body who represent constituencies outside of the South are not interested enough in this very serious matter.

The matter is the future of the public school system in a number of Southern States. It is serious to the extent that a large percentage of students are now attending poorly staffed and poorly equipped private schools and a significant number are just not attending school at all. It is serious because within the public school system itself only chaos is master. The teachers have been reshuffled and must start anew midway through a semester. The students have been thrown into mass confusion as a result of busing, transferring problems, new teachers, and new surroundings. Some children are about to be transferred to their third school this year.

Think now, what I am saying to you. Great numbers of students are being transferred in February and March, not between semesters, not at the end of a school year, but right in the middle of a semester. How does the receiving teacher grade the transferred student that she has never seen before when half of his work in the semester has been before another teacher in another school? Well some schools have had to create artificial semesters and for many students there will be an extra set of grades. The poor teachers are swamped with extra work and there is chaos in the administrative office of the school boards.

Can all this be what we want for our children?

Yet, just about the only people in this or the other body expressing concern about the worsening situation are those colleagues who represent constituencies in the South. One's first impression of the inattention paid by those Congressmen outside of the South is that they either just do not care because the victims of the Supreme Court policies are not their constituents, or they just do not understand the problem.

But, Mr. Speaker, if you do not understand the problem it is because you have not been listening. Maybe we have cried "wolf" too often. But I am most serious when I say that our schools are facing a chaotic situation.

The problem of the schools, affecting several million southern children, is a national problem, not a regional one. You see, the last vestige of our old dual school systems is about gone. This leaves us with integrated schools much like you have in the North. But the courts have not been willing to stop there. In their zeal to drive us to the wall, the judges are treating our children like so many parcel post packages to be delivered around town or across the county. Well, its time for the same court decisions to be applied in your part of the country. I can assure you that you would then understand the problem most clearly.

Let me point out part of that problem.

I would remind my northern colleagues that the Civil Rights Act of 1964 stated specifically that no official or court of the United States was empowered "to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance."

I would also remind you that desegregation is defined in the Civil Rights Act as follows:

> Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

The intention of Congress was clear in 1964, but HEW and the courts from the very beginning found many ways to get around the law by arguing that the many guidelines and orders they were issuing were not to "overcome racial imbalance," but rather were to break up a dual school system.

Mr. Speaker, the dual school system in most of the South is now a thing of the past. But still the army of bureaucrats and judges continue their relentless march through the South. I suppose the thing I resent most is that while this is going on; while the courts have misconstrued the Civil Rights Act of 1964; while the HEW continues to ignore the clear intent of Congress, the Members of this great body sit here in silence ignoring the fact that the courts and the bureaucrats are thumbing their respective noses at us. Does the 1964 law mean what it says or not? Are you willing to stand behind the laws you pass or not? Is it okay for the bureaucrats and the courts to ignore the laws passed by the Congress as long as they do not interfere with the status quo in your congressional districts?

Where does it all end? Unfortunately it will not end until some of the same unconstitutional court decisions are applied in your part of the country as they are being applied in mine. We watched many of you squirm when President Nixon proposed that the Voting Rights Act be applied in the North as well as the South. Now let's see what happens when your constituents are bused across town; when they are moved from their neighborhood schools; when the public school systems of your district are thrown into utter chaos. That is when it will all end. That is when you will finally understand the problem. That is when the Congress will finally demand the Department of Health, Education, and Welfare follow the law. And that is when Congress will finally call the hand of the courts.

Look, Mr. Speaker, we in the South know we have been wrong in the past. As a region we have struggled mightily to keep things as they were. Frequently, we have not come into court "with clean hands." But that day has passed now. The zealots are overrunning our land. The all encompassing octopus of Government—having enjoyed great feast at the expense of the South—is still hungry; its appetite only whetted, not satisfied. And so our children are made to suffer.

Mr. Speaker, I call on my colleagues to demand that the bureaucrats and the courts follow the law. I call on the Departments of Justice and Health, Education, and Welfare to follow the law. And finally, and most reluctantly, I say to Health, Education, and Welfare and the Justice Department, if you are not going to follow the law, then by all that is holy enforce your illegal edicts in every region of this land just as you do in the South. Then, Mr. Speaker, the cries of righteous indignation will issue from the now silent figures of our northern friends. And then maybe we will finally get some action out of this sleeping Congress.

Listen to me, Mr. Speaker. Hear my words. I am talking in the emotional terms of a man concerned about what is happening in his city and his State. I am concerned about what is happening to the millions of southern children, whose educated minds are so desperately needed if the South as a region is ever to move out of the economic dark ages. I am concerned about the effect such action by the courts is having on the feeling of respect for law and order, long one of the most admirable characteristics of the southerner.

Mr. Speaker, you should know that most of the people now crying for relief from oppressive court orders, now seeking an end to discrimination of the worst kind, are not radicals. They are concerned citizens, both black and white, who do not want to see an end to public education. They are solid members of their community, who only seek a chance to live their lives without the uncon-

stitutional interference of the Supreme Court. I beg my colleagues to let them have that right. Remove the heel of Government from our necks and let us once again turn our attentions to providing good, sound educational opportunities for all our citizens.

Is that too much to ask?

PANAMA CANAL POLICIES: STATE DEPARTMENT CONFUSION CLARIFIED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, informed leaders of the Congress in both House and Senate have long recognized the Panama Canal as posing one of the gravest questions now facing the United States. Though various Senators and Representatives, in addresses and statements in the CONGRESSIONAL RECORD over a period of years, have covered the significant angles of this complicated subject, the mass news media, with rare exceptions, has failed to clarify the issues. Too often what has been published was inaccurate, lacking in realistic perspective, misleading and confusing. All of this proves that the writers involved have had no adequate knowledge of the essential facts, or the necessary objectivity to deal with matters of such vast import.

It was, therefore, with much interest that I read in the Washington Post two letters to the editor on the canal question. The first, on December 28, 1969, by Emmett Harris, correctly expressed the fear of loss by the United States of its control over the vital waterway; the second, on January 4, 1970, by Robert McClintock, a career official of the Foreign Service of the Department of State, ridiculed the fears of Mr. Harris and grossly misinterpreted the terms of the proposed new Panama Canal treaties.

With the purpose of dispelling the resulting confusion, Capt. Franz O. Willenbucher, a retired career officer of the Navy and lawyer with long experience in Panama Canal treaty matters, on January 13 wrote a letter to the editor of the Washington Post, which this paper declined to publish. This letter admirably clarifies the key issues in the canal question and makes two specific recommendations for the actions that should be taken by our Government. They are: First, a formal declaration in opposition to the surrender by the United States of any of its sovereign rights, power, or authority over the Canal Zone territory and Panama Canal to any other nation or to any international organization; and second the enactment of legislation for the major modernization of the Panama Canal.

As to the fundamental question of safeguarding U.S. sovereignty over the Panama Canal enterprise, more than 100 Members of the House have introduced identical resolutions opposing the projected surrenders at Panama that were referred to the Committee on Foreign Affairs, which committee has not yet held hearings, nor has it indicated when they will be held. Also, Mr. Speaker, I may add that extensive hearings by this committee on similar resolutions in 1967 were held but never printed as is customary in such cases and the committee never made a report.

In regard to the major modernization of the Panama Canal, identical bills are pending in both the House and Senate. The form of modernization provided for in them contemplates retention by the United States of its full sovereignty over both the zone territory and canal, enables the maximum utilization of all work so far accomplished on the great waterway, avoids the dangerous pitfall of treaty involvements with Panama and other countries directly affected, and preserves the economy of Panama through the employment of thousands of Panamanians on the canal enterprise, and large expenditures in Panama of more than $100 millions annually.

In this connection, Mr. Speaker, in a statement to the House of Representatives on January 19, 1970, entitled, "Panama Giveaway: Time for Action has Come." I quoted the full texts of the pending measures now before the Congress along with another thoughtful letter by Captain Willenbucher published in the December 25, 1969, issue of the Washington Evening Star.

Because letter-writer McClintock is now assigned for duty as Special Assistant to the Undersecretary for Political Affairs, it is unthinkable that he would write the letter he did without superior approval. For this reason, it was probably a trial balloon for what could be a move to reopen the negotiations for the proposed 1967 giveaway treaties that are again being vigorously demanded by radical elements in Panama.

As the indicated series of letters is highly pertinent to the present canal situation and should be read by all Members of the Congress and cognizant officials of the executive branch of our Government, I quote the two that were published in the Washington Post, along with the complete text of the one that the Post refused to publish:

[From the Washington Post, Dec. 28, 1969]

FEAR FOR THE CANAL

Personnel changes on the State Department's Panama desk indicate that favorable consideration of the Panama Treaty is again about to be given. Since the closing of the Suez Canal, only the Straits of Malacca and the Panama Canal remain under non-Communist control. The release of the Panama Canal to the Republic of Panama is to place the control of that vital waterway in jeopardy. Steps should be taken to block the Panama Treaty.

EMMETT HARRIS.

WASHINGTON.

[From the Washington Post, Jan. 4, 1970]

A MATTER OF STRAITS

I read with some amusement the letter published in your edition of Dec. 28 from Mr. Emmett Harris in which he expresses fear that personnel changes in the State Department indicate that favorable consideration of the Panama Treaty is again about to be given. Mr. Harris concludes that "since the closing of the Suez Canal, only the Straits of Malacca and the Panama Canal remain under non-Communist control."

This simplistic view of the geography of the oceans does not conform with the facts. The two principal straits governing egress from the Soviet Union toward the West—the Bosporus and Dardanelles and the Baltic Belts—are controlled by our NATO allies. Turkey, Denmark and Norway, with Sweden neutral. On the other side of the world egress by the Soviet Union from the Sea of Japan is controlled at the Strait of Tsushima by South Korea and Japan and at the Hakodate Strait also by Japan. The entrance to the Persian Gulf is the Straits of Oman, controlled by Iran. The Straits of Gibraltar, traversed by Soviet warships as well as the Sixth Fleet, lie between non-Communist Spain and Morocco. In fact, your correspondent Mr. Harris should be informed that there are no interoceanic straits or canals in Communist hands anywhere, except for a few passages between the Kuriles from the Sea of Okhotsk.

As for Mr. Harris's fear that "the release of the Panama Canal to the Republic of Panama is to place the control of that vital waterway in jeopardy," the main stock-in-trade of the present Guardia government in Panama is anti-communism; nor do the proposed treaties give away the Panama Canal.

Probably if Mr. Harris were to learn that this commentary on his geography was written by a State Department officer, his suspicions would be deeply increased. However, at least one advantage of writing as a State Department officer is that we know our facts.

ROBERT MCCLINTOCK.

WASHINGTON.

JANUARY 13, 1970

To the EDITOR,
Washington Post,
Washington, D.C.

DEAR SIR: As a career naval officer who, while on active duty in the Navy Department, shared with others responsibility for certain national defense aspects of the Panama Canal, participated in drafting some of the provisions of the Hull-Alfaro Treaty of 1936–39, and, consequently, long interested in questions affecting its operation and security, I read the letters of Emmett Harris and Robert McClintock in the Washington Post of Dec. 28, 1969 and January 4, 1970, respectively, with more than casual interest. The Harris letter, while basically sound, is, unfortunately, very much too short. The effect of the McClintock letter is to confuse by emphasis upon irrevelant matter and a disregard of essential facts.

Ever since the 1917 Communist overthrow of the Russian Government and the influence at Petrograd of John Reed, the notorious Harvard-educated Communist, long range Soviet policy has aimed at gaining control of key strategic water transportation routes. While the other waterways mentioned by Mr. McClintock, a career officer of the United States Foreign Service, are important, they are dwarfed into insignificance, when compared with the ONLY two interoceanic canals: Suez and Panama.

In the Middle East, the stage was set for Soviet dominance by two colossal diplomatic blunders which we, ourselves, made during the Eisenhower administration. The first was our determined insistence that Britain withdraw from the Suez Canal Zone, to which demand it reluctantly succumbed only after ruthless pressure, including our sale of sterling on a scale which would have broken the pound. The second was our refusal, in 1956, to help finance the Aswan Dam project, as something which could not be done, only to witness its successful construction, as a monument to Soviet persistence to achieve its ultimate aim of Communist control over the Suez Canal. Following our refusal of such financial aid, the British having been forced to withdraw, the Suez Canal Zone was nationalized on July 26, 1956 by Egypt, which occasioned the closure of the Canal for the first time. It was subsequently reopened and

for a time operated until it was again closed in 1967, as the result of the Arab-Israeli war. It has since remained closed with evil consequences to world shipping. The predictable result of our own ineptitude has been directly to aid Communist Russia in becoming the likely heir to the Suez Canal should Israel fall, thus placing ourselves in the difficult position of choice between possible necessity of direct military aid to Israel should her independence be threatened or the loss of the Suez Canal to Communist control.

In the Caribbean, which is sometimes described as our fourth front, Soviet power in 1959 gained control of Cuba on the northern flank of the Atlantic approaches to the Panama Canal, a situation which also resulted from our diplomatic ineptitude. Since then, Communist agents in Panama, among them Thelma King, a former member of the Panamanian National Assembly and now a leading commentator on Panamanian television, led in agitation against the United States. These activities were featured by Red-led Panamanian mob assaults in January, 1964 against the Canal Zone, causing the death of four of our soldiers and large losses of United States property in Panama and the United States owned Zone territory. This violence led to the negotiation of three proposed new Canal treaties which would, if adopted, cede United States territory and property at the Canal Zone to Panama.

Many members of Congress have recognized the dangers inherent in the existing situation in Panama. Starting on October 27, 1969 (the birth date of Theodore Roosevelt who, while president, provided the leadership for achieving for the United States full sovereign powers over the Canal Zone) more than 100 members of Congress have introduced identical resolutions, expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights, jurisdiction, and control over the Canal and its operation and not surrender any of those powers in any degree to any other nation or any international organization.

It is, also, important for the people of our country to know that legislation to provide for major modernization of the Panama Canal has been introduced in both Senate and House to effectuate plans already developed, that such modernization does not involve a new treaty with Panama, since it does not require any additional land or waters or any new authority and that it would preserve and increase the economy of Panama as well as serve the best interests of the United States and other nations which are important users of the Canal.

It might be well for those who advocate surrender of its sovereign rights over the Panama Canal Zone by the United States to answer certain pertinent questions, including the following:

(1) Why should the total net investment of more than $5,000,000,000 of United States taxpayers' money in the Canal, including expenditures for defense which incidently must continue, be completely ignored and lost?

(2) Why have our treaty negotiators wholly disregarded the provisions of Article IV, Section 3, Clause 2 of the United States Constitution, which vests the power to dispose of territory and other property of the United States in Congress (Senate and House) and not alone in the treaty-making power (President and Senate)?

(3) Would not the surrender of the United States control over the Canal Zone and the Canal instantly create a power vacuum (as occurred in the Middle East through our ineptitude) that would promptly be filled by Soviet power, all leading to Communist domination of the Canal and of Panama itself and over other Latin American countries? Witness Cuba where we assisted Soviet Russia in gaining its foothold in this very area.

Based upon its actions in 1967 and again in 1969, our House of Representatives will, no doubt, vigorously oppose any attempt to give away the Canal or any future canal which may be constructed with United States taxpayers' money, as is contemplated in the proposed treaties, which aroused a storm of protest in the United States when their contents became known.

The McClintock letter appears to be a trial balloon on the part of the old State Department-White House clique which, for years, has been advocating a give-away policy not only with regard to our possessions in Panama, but also by insisting that the British do likewise, as we did with reference to the Suez Canal.

Our people must realize that the real sovereignty issue at Panama is not United States control of the Canal Zone versus Panamanian control; it is United States control versus Communist control in that coup-ridden country. Any other view is, to say the least, naive and blind to the true interests of the United States and the entire Western Hemisphere.

Two years before Panama ceded to the United States territory to construct the Canal, the Hay-Pauncefote treaty of 1901 was consummated between the United States and Great Britain, under the precise terms of which, as a mandate of civilization, we agreed to operate any isthmian canal which we might construct on the basis of "entire equality" with tolls to be "just and equitable" to all. This we have scrupulously done. Consequently, there cannot be, nor is there any, just or supportable reason why any nation, much less Panama, should want our authority and control diluted in any way. Certainly, the time has come for Congress to assert itself. It should promptly adopt the resolution pending in the House of Representatives covering the sovereignty question. It should also, forthwith, enact the legislation, pending in both houses of Congress, for major modernization of the Panama Canal, something which the State Department appears not ready to accept, despite the fact that it is the single most logical solution to this vital problem in these difficult times of world-wide political instability.

FRANZ O. WILLENBUCHER,
Captain, USN, (Retired).

LEGISLATION TO BAN THE SALE OF LEADED GASOLINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 15 minutes.

Mr. FARBSTEIN. Mr. Speaker, on August 4 and 5, of last year I introduced H.R. 13281 and H.R. 13321, to my knowledge the first bills ever introduced in the Congress to regulate or ban the sale of lead in gasoline. H.R. 13281 would require a health warning on all advertising of leaded gasoline; while H.R. 13321 would eliminate the depletion allowance for all oil companies that continue to sell or manufacture leaded gasoline.

At the time I noted that the health effects of lead on the nervous system, on reproductive organs, as a cause of blood, coronary, and kidney disease and on lung damage have been known for many years. It was also clear that the increase in the level of lead both in human beings and in the air over our major cities was in almost direct proportion to the amount of leaded gasoline produced. Yet no State or Federal standards for lead had been established.

I followed this up at an ad hoc hearing on air pollution in December with expert testimony from witnesses like Ralph Nader and the former New York City Commissioner of Air Pollution, Austin Heller, who testified as to the dangers of lead.

It is a strange coincidence that the pronouncement of public concern recently heard from the auto industry on auto pollution appear to date from about the time of this hearing.

In January I sent a telegram to Governor Rockefeller of New York, calling on him to initiate action to ban lead in gasoline. I noted that leaded gasoline was the single greatest source of lead in the atmosphere, and that while doctors and scientists have not set a threshold for lead concentration as a health hazard, "we cannot permit this experiment with human life to continue."

The President's announcement today in his environmental message supporting the banning of lead in gasoline is thus a source of pride to me. However, it must be made clear that the banning of lead is not the ultimate solution to the problem of auto pollution, and that it is probably fair to say that one of the contributing factors to the Presidential support was the reversal of the traditional position of the auto industry on the question.

A year ago the auto industry opposed the banning of lead in gasoline. Public indignition over auto-caused air pollution, and the growing support for banning the inherently polluting internal combustion engine, forced the industry to jettison its traditional alliance with the oil companies in order to try to save the internal combustion engine itself from being banned. Eliminating lead from gasoline would bring about a moderate reduction in pollution from the automobile. This is why I have advocated action against it. It will not, however, bring about the kind of significant reduction that will mean clean air.

The auto industry hopes that by supporting the banning of lead, public attention will be diverted from the internal combustion engine to the oil industry until the furor subsides and the threat of legislative action is ended.

I do not intend to let this happen. Last July I introduced legislation to ban the internal combustion engine unless it could meet rigorous new pollution standards. Next week I intend to offer a set of recommendations that will eliminate the automobile as a source of pollution. It is today responsible for 60 percent of air pollution in this country and up to 92 percent in urban areas. These recommendations will come in a report developed as a result of the December hearings.

The text of H.R. 13281 and H.R. 13321 follow, as do my RECORD statements when I introduced them, my telegram and the reply from Governor Rockefeller, a recent Washington Post article on leaded gasoline, and other related information:

H.R. 13281

A bill to require advertising for gasoline that contains lead to contain a statement that the gasoline contains lead and that inhaling its fumes can be fatal and to require that such statement be prominently displayed where such gasoline is sold

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be an unfair or deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act to fail to display, clearly and prominently, (1) in all advertising of gasoline that contains lead, and (2) at all places where such gasoline is sold the following statement: "This gasoline contains lead. Lead fumes are poisonous. Prolonged exposure can be fatal." The statement required to be displayed prominently at the places where such gasoline is sold shall be composed of letters four inches high and one-half inch thick.

SEC. 2. (a) This Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedures provided for pursuant to the Federal Trade Commission Act.

(b) The Federal Trade Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 3. The first section of this Act shall take effect ninety days after the date of the enactment of this Act.

H.R. 13321

A bill to amend the Internal Revenue Code of 1954 to provide that after 1970 no oil or gas depletion deduction shall be allowed a company which is engaged directly or indirectly in the sale to consumers of petroleum products containing lead

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613 of the Internal Revenue Code of 1954 (relating to percentage depletion) is amended by adding at the end thereof the following new subsection:

"(e) DENIAL OF DEPLETION TO COMPANIES ENGAGED IN SALE OF PETROLEUM PRODUCTS CONTAINING LEAD.—Notwithstanding any other provision of this chapter, no deduction for depletion shall be allowed a taxpayer with respect to any oil or gas well under section 611 for any taxable year, whether the applicable allowance for depletion would be determined under subsection (b) (1) of this section or otherwise, if such taxpayer is determined in accordance with regulations prescribed by the Secretary or his delegate to be engaged in such taxable year directly or indirectly, through one or more affiliates, parents, subsidiaries, or related companies, or otherwise, in the sale at retail to consumers of gasoline or other petroleum products to which lead has been added."

SEC. 2. The amendment made by the first section of this Act shall apply only with respect to taxable years beginning after December 31, 1970.

[From the CONGRESSIONAL RECORD, Aug. 4, 1969]

LEGISLATION TO REQUIRE A HEALTH WARNING ON ALL ADVERTISING FOR GASOLINE CONTAINING LEAD

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 13281, legislation to require a health warning on all advertising for gasoline containing lead.

The amount of lead in the air over New York City has almost tripled in the 45 years since tetraethyl lead was introduced as a motor fuel additive. Similar trends have been noted in other cities and in increasing atmospheric lead contamination even in such remote locations as Greenland and Antarctica.

Lead has so contaminated the oceans, surface waters, air, and food that man today bears a body burden of lead far above the natural level of intake. The average lead concentration in the bodies of Americans today is many times the level found even a few years ago.

There is absolutely no doubt that automobiles in general and the lead gas-using internal combustion engine in particular is the No. 1 villain. According to the Public Health Service, the automobile is the single largest contributor to the lead in our atmosphere. Forty-five percent of all lead in gasoline by weight ends up in the atmosphere.

The Air Pollution Control Administration forecasts the continued upward surge in the lead content of our air at an annual rate of approximately 4½ percent. In terms of the next 4 years, this means 38 million more pounds of lead pollution.

Lead pollution level for automobiles, 1968–72, Air Pollution Control Administration—Total emissions nationwide

[In millions of pounds per year]

1968	199
1969	208
1970	217
1971	227
1972	237

The effects of lead poisoning have been well known for many years. Lead poisoning can attack the central nervous system, peripheral nerves, smooth muscles, and reproductive organs, as well as cause blood disorders, coronary and chronic kidney disease, and lung damage. This is amply demonstrated by the fact that Tetraethyl Lead Corp., major producer of lead in the United States, has almost been forced to go out of business several times as a result of successful lawsuits by former employees whose health was permanently impaired through exposure to lead. Yet the danger from lead for a majority of the population comes not from individual contacts, but from cumulative exposures to lead; for lead particles build up in the body.

Despite this, there are currently no State or Federal air quality standards for lead in the United States although the Air Pollution Control Administration last week ordered oil companies to provide it with data on additives in fuel. The Soviet Union is already regulating the lead content of gasoline, and the panel on electrically powered vehicles recommended in 1967 that standards for the lead content in gasoline be immediately established. A scientific task force on environmental problems in Sweden has recommended the total banning of lead additives from gasoline.

I cannot stand by and watch the long-term harmful effects of lead pollution remain masked only to be detected too late to prevent serious damage. We may already be perilously close to the threshold of lead toxicity as a result of environmental exposure.

The legislation I am today introducing would require all advertising for gasoline containing lead to contain the warning:

"This gasoline contains lead. Lead fumes are poisonous. Prolonged exposure can be fatal."

The bill would also require the prominent posting of the same health warning near gasoline pumps in service stations.

This proposal is the second in a three-bill package relating to the effect of automobiles and air pollution. On Thursday I introduced legislation that would ban the manufacture or sale of automobiles powered by internal combustion engines after January 1, 1978. The final bill, which I intend to introduce on Tuesday, will call for a tax incentive to oil companies which eliminate lead from gasoline.

[From the CONGRESSIONAL RECORD, Aug. 5, 1969]

LEGISLATION TO REPEAL OIL DEPLETION ALLOWANCE FOR COMPANIES WHO MANUFACTURE LEADED GAS

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 13321, a bill to repeal the percentage depletion allowance for oil companies which continue to manufacture gasoline containing lead after January 1, 1971.

This legislation is not simply a matter of tax reform. Congress hopefully is going to reduce the 27½-percent depletion allowance anyway. Lead fumes from gasoline contribute very heavily to the $12 billion annual cost of air pollution as well as representing a serious health hazard. There are practical and relatively inexpensive alternatives to lead in gasoline. The petroleum industry, however, like the auto industry, has generally resisted efforts to put these alternatives into effect, because it does not want to go to the expense and effort necessary to effect a conversion. The economic incentive can serve as a significant stimulus. The big oil companies must take some corrective action or pay the bill.

There are two alternatives to gasoline containing lead. One would be to either replace lead with other additives or to modify the refining process. Lead functions in gasoline as an antiknock ingredient. Nickel and boron are among the additives which can be substituted to perform the same function. American Oil Co., on the other hand, has modified its refining process to bring about a higher level of paraffins in order to produce its nonleaded gas. In either case refined gasoline is still the basic fuel which goes into the internal combustion engine.

The second alternative is the replacement of gasoline by natural gas. Natural gas can be used in internal combustion engines just as refined gasoline is. Natural gas, however, does not pollute the atmosphere to the extent regular gas does, and produces no lead emission. This is demonstrated by recent truck tests conducted by the Air Pollution Control Administration in Detroit:

Comparative truck emissions for leaded gasoline and propane—Air Pollution Control Administration

[In grams per mile]

Carbon monoxide:	
Gasoline	17.00
LPG (propane)	16.00
Hydrocarbons:	
Gasoline	28.80
LPG (propane)	8.00
Oxides of nitrogen:	
Gasoline	8.00
LPG (propane)	4.00
Lead:	
Gasoline	3.17
LPG (propane)	0

Methane in the compressed form is now just beginning to come into use as a substitute for gasoline. As tests with a 1968 Ford Ranchero demonstrated, methane produces an even lower level of pollution emission than propane:

Comparative pollutant emission for leaded gasoline and methane

[In grams per mile]

Carbon monoxide:	
Gasoline	28.20
Methane	2.11
Hydrocarbons:	
Gasoline	2.56
Methane	1.41
Oxides of nitrogen:	
Gasoline	3.82
Methane	.51
Lead:	
Gasoline	3.17
Methane	0

Even aside from the level of pollution emission, methane offers other benefits over leaded gasoline. It is cheaper to operate, does not clog spark plugs, dilute or contaminate the oil, or corrode the exhaust pipes. Furthermore, it rates as safe as if not safer than gasoline by the insurance industry.

The bill is the third and last in a legislative package I have proposed to reduce air pollution caused by automobiles. My initial bill would ban the manufacture and sale of automobiles powered by internal combustion engines after January 1, 1978. The second would require a health warning in ads for gas containing lead.

My bill is admittedly a stopgap measure. It would alleviate air pollution somewhat until we can entirely do away with the internal combustion engine by bringing about a modification in the fuel component of the engine. But we cannot wait for the internal combustion engine to be eliminated before we begin to do something drastic about automobile pollution. Human lives are too important to be dependent upon the automobile industry's willingness to produce low-pollution cars on a large scale.

[From the Washington Post, Feb. 8, 1970]

GASOLINE FIRMS MAY HAVE TO GET THE LEAD OUT

(By Thomas O'Toole)

One of the first casualties in the nation's new war on pollution might be the lead in gasoline.

In recent weeks, amid the furor against dirty air and President Nixon's promise to clean it up, the city of New York, the state of California, the President of General Motors Corp., a Congressman from New York and one from Florida have all made threatening statements about leaded gasoline.

After introducing a bill to disallow oil and gas depletion allowances to any company selling leaded gasoline, Rep. Leonard Farbstein (D-N.Y.) went one step further a few weeks ago in a telegram to New York's Gov. Nelson Rockefeller.

"We cannot permit this experiment with human life to continue," the telegram read. "Urge you to recommend the banning of leaded gasoline in New York State."

Rep. Paul Rogers (D-Fla.) was a little less vehement about the lead in gasoline, but as the second ranking Democrat on the House Subcommittee on Public Health, Rogers might swing a little more weight on the issue than Farbstein.

"We have pretty well established that 60 per cent of our air pollution comes from the automobile," Rogers said recently in asking the subcommittee to look into the causes of air pollution, "and everything we've heard thus far indicates that lead in fuel may be a major factor in the pollution problem."

FACTS AND FANCIES

Like many another issue in air pollution these days, the facts and fancies about leaded gasoline and its impact on the air and public health are little known and often contradictory.

What are the facts about the lead in gasoline?

Lead was introduced into gasoline to raise its octane rating 47 years ago, and as automobile engines grew bigger and more powerful so did the amount of lead in the gas. Each gallon of today's gasoline has about 4 grams of lead in it, which adds up to 700 million pounds of lead consumed each year by gasoline sales.

While there is no hard agreement about how much lead gets exhausted into the air, most experts say that about 70 per cent of the lead in gasoline comes out of a car's tailpipe. The disagreement is over how much drops onto the ground as solid lead particles and how much wafts into the air as an aerosol. A conservative estimate is that half the exhausted lead gets airborne, meaning that at least 250 million pounds of lead swirl into the air every year from automobile exhausts.

There is no doubt that the nation's cities have more lead in their air today. Most cities with populations of about 1 million have 2 micrograms of lead for each cubic meter of air, while cities of 2 million have 2.5 micrograms of lead per cubic meter of air.

Two years ago, Los Angeles had 5 micrograms of lead per cubic meter of air, the highest in the nation at the time. But last year, New York City's Department of Air Resources measured the air on East 45th Street at 7.5 micrograms of lead.

OVER THE EDGE

The most recent study of a city's air was done by a team of scientists from Scripps Institute of Oceanography in San Diego. They found that the lead in San Diego's air has gone up 5 per cent every year for the past three years, and at present contains as many as 8 micrograms of lead for each cubic meter of its downtown air.

"It seems like we're about ready to go over the edge," said Scripps' Dr. T. J. Chow. "The Public Health Service recommends that the air in lead not exceed 10 micrograms per cubic meter."

Doctors disagree on the scope of lead's hazards, but they all agree it's no help to health.

Lead poisoning is one of the oldest occupational diseases known, its symptoms classic in medical textbooks. A lead overdose can change red blood cells, hemoglobin and the metabolism of body enzymes. Long-term lead intake can cause chronic kidney disease and damage the brain.

Usually, lead poisoning is the result of unknowingly swallowing or even eating lead, not breathing it in almost invisible quantities with air.

But in the air, the lead exhausted by cars has a particle size just small enough to be inhaled and just big enough to stick to the lung. What lead does to the lung is largely unknown, but a recent study of rats inhaling lead exhausts showed that they were unable to "cleanse" other particles trapped by the lungs.

At least some of the lead in the lung moves through the body. One doctor studying the tissue from bodies of people who had lived in large American cities found lead in the aorta, kidney, lung, liver, pancreas, spleen, bone, trachea, larynx and prostate.

BEGINNING TO MOVE

Still, no medical study has ever said that auto-exhausted lead has caused disease in man.

"Exposure to small amounts over a long time are unclear," said one report on lead in the atmosphere last year.

A growing number of complaints against leaded gasoline accuse it not of being a health hazard, but of becoming a nuisance.

One California study claimed that atmospheric lead accounted for a reduction in visibility of as much as 25 per cent in the Los Angeles Basin. A scientist at the University of Washington suggested that lead exhausts might play a "significant role in the atmospheric processes that cause smog."

Whatever the reasons, some people have begun to move against leaded gasoline. Legislation has already been written to reduce and ultimately remove lead from gasoline sold in California, and the state itself is about to test some of its cars with unleaded gasoline.

New York City's Department of Air Resources has said that it wants to buy unleaded gasoline for its 3,600 cars and 8,700 trucks. That's a sizable order. The city spends as much as $3.5 million (tax-free) a year to buy gasoline for its vehicles.

More and more motorists are turning to lead-free gasoline, though their motives might be more to cut down on wear to their engines than to improve the public health.

American Oil Co. says its lead-free gasoline now accounts for 20 per cent of its total gasoline sales, and at many of its stations the lead-free gas outsells the cheaper brand with lead in it. Its sales of lead-free gasoline in Atlanta alone were up 16 per cent last year, and the sales growth of the unleaded product in 22 states was enough a year ago to expand company production of the lead-free gas by 70,000 barrels a day.

PENNY A GALLON

The biggest obstacle to the elimination of lead in gasoline is economics. American Oil charges a penny more per gallon for its unleaded gas, and it claims it costs more than a penny per gallon to mix gasoline in the right way to get the octane rating of the unleaded gas high enough to work in today's car engines.

Universal Oil Products Co. says it has a process to make high octane gas without lead for a penny more per gallon, but the company that supplies most of the tetraethyl lead in the U.S. tells a different story.

The Ethyl Corp. claims the average increase in cost to make an unleaded gasoline would be 4 cents per gallon, and closer to 8 cents per gallon for small oil refineries. The company estimates that the cost to the country would be $3.5 billion a year, with the petroleum industry having to pay more than $6 billion to construct the new refineries it would need.

Even if Ethyl's figures are correct, the lead might be taken out of gasoline anyway. A few recent events suggest that it might happen in the next five years, starting with a speech by Edward N. Cole, president of General Motors.

Pointing out that unleaded gasoline cuts down engine wear, reduces auto exhausts and improves the performance of antipollution mufflers on cars, Cole concluded:

"The potential gains which might be realized through removal of tetraethyl lead from automobile gasoline should be evaluated."

By the end of last week, it was clear that just such a thing was already being studied, Mobil Oil Corp. disclosed that major oil companies had begun talks with auto manufacturers about how both industries might cooperate in removing the lead from gasoline.

In effect, one Mobil executive said, the auto makers told the oil companies that the "lead must go."

A few days later, Atlanta Richfield said it was making plans to test market a lead-free gasoline in California next year if the car manufacturers could design an engine for 1972 models that would run on a lower octane gasoline than that used today.

"The implication is obvious here," said an oil company official. "Atlantic already knows that Detroit has such an engine right now."

All this is window dressing to what the Nixon administration might do to outlaw lead in gas, a possibility that strongly exists. The Department of Health, Education and Welfare, is studying the issue right now, at the same time that the Commerce Department is weighing the effects of a ban on lead on the oil and chemical business.

President Nixon himself alluded to a ban on leaded gasoline in his State of the Union message, in which he promised a clean-up campaign against the automobile.

"Adequate control," he said, "requires further advances in engine design and fuel composition."

While he didn't mention it, the President meant the lead in gasoline and an engine that could run just as well on regular unleaded fuel. He might not be thinking of removing all the lead in gasoline, but he is almost certainly thinking of laws that would gradually cut it down.

[From the New York Daily News, Jan. 11, 1970]

FARBSTEIN BIDS ROCKY PUT BAN ON LEADED GAS

WASHINGTON.—Rep. Leonard Farbstein, Manhattan Democrat, asked Gov. Rockefeller today to ban the sale of leaded gasoline in New York as an air pollution control measure.

In a telegram to the governor, Farbstein said the lead content in gasoline used as automobile fuel was a major source of pollution and would pose an increasingly serious health hazard if unchecked.

"There is absolutely no doubt that the automobile is the No. 1 villain," Farbstein said. "Fifty per cent of all lead in the atmosphere is attributable to automobiles. In the last 40 years, the percentage of lead in the air of New York City has almost tripled."

He suggested that New York follow California's example and use compressed natural gas as auto fuel. "Methane and related fuels are less expensive than regular gasoline and cause one tenth the pollution," he said.

[From Gasoline Retailer, Jan. 21, 1970]

NEW YORK REPRESENTATIVE SEEKS BAN ON LEADED GASOLINE

WASHINGTON.—Rep. Leonard Farbstein (D–N.Y.) has called upon Gov. Nelson A. Rockefeller to take action to ban the sale of leaded gasoline in New York State.

"Gasoline is the only major uncontrolled source of lead in the atmosphere," Farbstein wired Rockefeller. "We cannot permit this experiment with human life to continue," he said.

Farbstein has introduced legislation in Congress to ban the use of lead in gasoline. It is expected that he will push this suggestion and others in a congressional appearance in early February.

The New York congressman's action followed Gov. Rockefeller's proposal to set up a new Dept. of Environmental Protection. While the New York City congressman supports Rockefeller's suggestion, he called for immediate action to eliminate this source of pollution.

There are currently no state or Federal standards for the control of lead, although state and local jurisdictions do not have the authority to regulate the contents of fuels sold within their boundaries, according to Farbstein. The Soviet Union, he added, is already regulating the lead content of gasoline, and a scientific task force has recommended Sweden do the same.

Farbstein said "that lead fumes from gasoline contributed very heavily to the $20 billion annual cost of air pollution, and unlike other pollutants, lead accumulates in the body, thus increasing the hazard to health as exposure continues. One of the major auto companies recently came out for a ban on lead."

"There are two alternatives to gasoline containing lead," according to Farbstein. "One would be to replace lead with other additives or to modify the refining process, as American Oil Co. is currently doing. A second is to replace leaded gasoline with natural gas."

"California has recently announced that it will use compressed natural gas in its vehicles," Farbstein said. He urged New York to "follow California's example. Methane and related fuels are less expensive than regular gasoline and cause one-tenth the pollution."

"There is absolutely no doubt that the automobile is the number one villain," Farbstein stressed. "Fifty percent of all lead in the atmosphere is attributable to automobiles. In the last 40 years the percentage of lead in the air of New York City has almost tripled."

JANUARY 9, 1970.

Hon. NELSON A. ROCKEFELLER,
Governor, the State of New York,
Albany, N.Y.

DEAR GOVERNOR ROCKEFELLER: Urge you to recommend the banning of leaded gasoline in New York State as part of your program on the environment. Gasoline is the only major uncontrolled source of lead in the atmosphere. We cannot permit this experiment with human life to continue. Reasonably inexpensive alternatives to lead in gas exist.

Urge you also to follow California's example and establish a program to use compressed natural gas or other low-pollution fuels in place of gasoline in state vehicles. It will not only cut pollution, but is less expensive.

LEONARD FARBSTEIN,
Member of Congress.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, N.Y., February 4, 1970.

Hon. LEONARD FARBSTEIN,
U.S. Representative, House Office Building,
Washington, D.C.

DEAR MR. FARBSTEIN: Governor Rockefeller has asked me to reply to your telegram of January tenth, in which you suggest that the State of New York ban the use of leaded gasoline.

The State Health Department has been aware of growing concern over this contaminant source, and as a result, has been studying its effects on health and possible alternatives to its usage. However, much controversy still remains as to the actual impact of this material on the environment. When the facts become clear and if standards are required, we are confident, as you are, that a suitable additive substitution can be made. Currently, one major producer markets a lead-free gasoline at a slightly higher price.

In addition, concerned State agencies are presently studying the possibility of using low pollution fuels as possible power sources for general vehicle use. They are following closely and evaluating the various experimental and pilot projects presently being conducted.

Thank you for your interest in this matter.

Sincerely,

ALTON MARSHALL.

AMERICAN OIL CO.,
Chicago, Ill., December 4, 1969.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR SIR: Thank you for your letter about the use of lead in gasoline. While American Oil Company certainly has a concern for public health and welfare, I am afraid in this instance it would not be honest for us to accept the compliment paid us concerning our unleaded product.

You see, we cannot truthfully claim that our unleaded Amoco Super Premium gasoline was developed as an anti-pollution measure. We have manufactured it for many years—and people have continued to buy it—primarily because it is good for automobile engines, especially valves, spark plugs, and mufflers that are susceptible to corrosion from lead deposits.

American Oil's unleaded premium represents less than 20 percent of our total production of gasoline. All our regular grades use lead compounds to increase anti-knock potential and, in most areas of the United States, we also market a leaded premium. This is another reason why we could not, in all candor, make any widespread claims for an anti-pollution product.

It is not that we are not concerned with the pollution problems of auto emissions. We are doing basic research in this area ourselves, and we are contributing to the research done by others, such as the American Petroleum Institute and the Inter-Industry Emission Control Program.

More specifically, we are also concerned about the potential problem of lead in the atmosphere, and we are watching carefully the studies that are still going on in an effort to determine how big the problem may actually be. That is the difficulty, of course; to date, no one knows with any certainty what effects on human beings are likely from current or future levels of lead in the atmosphere.

What our company—and the oil industry generally—hopes will happen is that these studies will be permitted to continue so that they can result in solid facts on which we can base action. Perhaps the time will come when a reduction of lead in gasoline will be necessary, in spite of the added cost it will entail, both to the industry and the consumer. If so, we hope these burdens will not be imposed before it is known whether they will actually contribute significantly to solving our pollution problems.

Now, about your specific questions:

(1) What automobiles need—and particularly automobiles with today's high-compression engines—is high octane fuel. As it happens, lead is the least expensive way of raising the octane rating of gasoline. Cars either need fuel containing lead *or* some other alternate high-octane product.

(2) We have not carried out any studies solely by ourselves on the health effects of lead, although we do participate in the financing of such studies through the American Petroleum Institute.

(3) and (4) Our unleaded Amoco Super Premium is a unique fuel which satisfies the octane requirements of most automobiles. Neither it nor any other gasoline satisfies the requirements of all cars.

(5) We produce the anti-knock effects of lead by special processing and by blending in more high-octane components, including aromatics and paraffins.

(6) Consumer price depends greatly on the effects of competition in the marketplace, so I cannot give you a flat answer to this question. Generally speaking, however, our dealers price unleaded Amoco Super Premium higher than competitive leaded premiums.

I hope that this response to your inquiry is satisfactory and that I have been able to answer your questions in a way that will be helpful to you. Thank you again for your interest.

Sincerely,

ERNEST L. GODSCHALK.

[From the Christian Science Monitor, Feb. 6, 1970]

SHIFT TO LEAD-FREE GAS DEBATED—MOVE WOULD IMPLY BIG CHANGES BY OIL AND CAR FIRMS

(By Martin Skala)

NEW YORK.—For a long time salesmen for the American Oil Company have been begging management to let them market Amoco's leadfree gas on the West Coast. In the smog-laden Los Angeles area, salesmen reckon, the "clean-burning" fuel could be a

big hit with thousands of motorists as well as with pollution-control officials.

Lead additives are under increasing attack by automakers as an unwanted source of pollution in automotive exhausts, and Amoco is the only major oil company producing an unleaded product.

So far, Amoco's managers have resisted their salesmen's pleas. The company figures that construction of a second refinery to to produce unleaded gas for the West Coast wouldn't be profitable unless the fuel was priced several cents a gallon above competing "premium" brands. Amoco's experience in the East shows a reluctance among motorists to pay more than a cent a gallon additional for a high-octane, lead-free gas.

COST AFFECTED

Most oil companies, some of whom have considered producting an unleaded fuel in the past, would probably agree with Amoco.

If lead is removed from gasoline, says Rawleigh Warner Jr., chief executive officer of Mobile Oil Company, "the consumer will probably pay more—whether in cash per car or per gallon or in a less efficient automobile." Oil executives estimate the additional costs of producing high-quality leadless gasoline—primarily more extensive refining—would raise gas prices by 3 to 4 cents a gallon.

RESPONSIBILITY SHIFTED

Furthermore, auto engines will probably have to be reengineered, with less emphasis placed on high compression ratios. Most of the 100 million cars and trucks now on the road couldn't operate efficiently on unleaded gas.

An antiknock compound, tetraethyl lead, provides even burning of fuel in combustion chambers. It boosts the octane rating of gas more cheaply than traditional refining methods.

A strong booster of lead compounds in days when the horsepower race was in full swing, Detroit's turnabout is something of a shock to the oil industry. It is viewed as part of an effort to place more of the burden of battling automotive pollution on fuelmakers. As federal antipollution law now stands, car builders are the only ones responsible for controlling the various contaminants in exhaust gases.

Some critics of lead additives assert that the 400 million pounds of lead poured into the atmosphere each year from vehicular tailpipes constitute a health hazard. But there is little scientific evidence to support this view, most medical authorities agree.

Detroit's principal objection to leaded fuels is their corrosive effect on new types of pollution-control equipment, such as catalytic mufflers. The absence of lead, automakers contend, would make it easier to reduce hydrocarbon emissions in accordance with tough emission-control standards proposed by the Department of Health, Education, and Welfare for 1980.

PRODUCT DEFENDED

Makers of lead compounds, quite naturally, have risen to the defense of their product. But the number of oil companies taking Detroit's lead-must-go message seriously is increasing.

"The issue is one of trade-offs," says one of Mobil's fuel researchers. By this he means the auto companies and fuelmakers must evaluate the complex interrelationships between octane levels, compression ratios, the use of lead, and costs. If Detroit were to mass-produce cars with lower compression ratios, for example, conversion to unleaded fuels would be less costly to oil refiners. This is because less-powerful engines don't require high-octane ratings to operate efficiently.

Privately, some oil-company executives say the lead question may have to be resolved by federal regulation. Washington may be forced to set standards for fuel composition in order to move the entire petroleum industry toward a common goal.

If lead additives are prohibited, oil-industry executives say two things are certain. First, there would be an enormous push to build new refining capacity, possibly as much as $6 billion worth. This is more than the refinery industry has spent on new construction in the past 10 years.

PLATINUM SUPPLY CRUCIAL

Secondly, there would undoubtedly be a big scramble for platinum, which is widely used as a "reforming" catalyst in producing high-octane levels. Far larger quantities of the precious metal would be needed in refinery processes.

According to an American Petroleum Institute study, now several years old, refiners would need an additional 3.4 million ounces of platinum to maintain current octane levels without lead. This is equivalent to seven years' normal consumption.

The big spurt in demand would probably send platinum prices soaring. The white metal, whose major sources are South Africa, the Soviet Union, and Canada, already sell for $135 an ounce. Supplies are limited, although South Africa, the biggest free-world platinum producer, is expanding platinum output significantly.

"It will replace gold as South Africa's No. 1 export metal in the '70's," forecasts Charles R. Stahl, publisher of Green's Commody Market Comments. Mr. Stahl figures enough platinum will be available to meet the petroleum industry's demand, provided refiners are willing to pay the price.

[From the Wall Street Journal, Feb. 6, 1970]

ATLANTIC RICHFIELD MAY MAKE GASOLINE LEAD-FREE; HENRY FORD SUPPORTS THE IDEA

NEW YORK.—Atlantic Richfield Co. announced qualified plans to make a lead-free gasoline for the California market by late 1971 as a step toward eventually removing lead from all its gasoline.

The plans would be dependent on auto makers agreeing to produce a new internal combustion engine to use unleaded fuel.

In Detroit, Henry Ford II, chairman of Ford Motor Co., said that "just as soon as we are assured that an adequate supply (of lead-free fuel) will be available, we will build our new cars with modified power systems so that they can operate effectively" with the new fuel. Mr. Ford's comment represents the first specific promise by any Detroit auto maker to alter automobiles to handle lead-free gasoline.

The announcement heated up a growing debate over leaded fuels and their relation to automotive air-pollution problems. Auto makers say they'd like to have lead removed from gasoline because it poisons the catalysts in devices used to remove pollutants from auto exhausts. Some medical studies have concluded that there isn't any scientific evidence that lead itself is an air-pollutant danger to health.

A subcommittee has sent to the Transportation Committee of California's state assembly a bill that would phase out lead content in gasoline over a four-year period. California motorists are the nation's largest consumers of gasoline.

The bill would require that lead content in gasoline drop to two grams a gallon by July 1, 1971, to one gram a year later, to one-half gram the next year and to no lead at all by July 1, 1974.

Gasoline throughout the country generally contains an average of about 2½ grams of lead per gallon, with premium containing about one-half gram more a gallon than regular.

Robert O. Anderson, chairman of Atlantic Richfield, said, "The combination of a lead-free gasoline and a new engine designed to use this fuel appears a most promising route to the development of an essentially pollution-free automobile."

He said that California was selected as the first place for Atlantic Richfield to make and sell an unleaded gasoline because "the problem of air pollution is most severe there at the present time." A spokesman, however, reported, "We regard our action as the first step in an orderly process which will ultimately result in the removal of lead from all gasoline."

Mr. Anderson asserted that the automotive industry is on the verge of designing an engine that would operate on lead-free gasoline. And he said Atlantic Richfield's proposed gasoline change is aimed at helping automotive engineers "in their efforts to bring an essentially pollution-free internal combustion automobile from the drawing boards to the general public without undue delay."

He added that the company is convinced that the combination of a new engine and a lead-free gasoline will "ultimately solve the problem of the automobile as a major polluter of the atmosphere."

He said the move would require "major modification" of the company's big Watson, Calif., refinery, south of Los Angeles. And he said the plans would be contingent on sufficient 1972 model cars requiring the new fuel.

The company declined to say whether the unleaded gasoline would have to be a lower octane (lower quality) fuel than present leaded gasoline, or whether it will cost motorists more. But others in the oil industry generally contend it would have to be of lower octane, and would have to carry a higher price.

The vice president-research of another major oil company asserted, "To maintain present octane ratings without lead would just be too costly to the industry and to the motorist."

Mr. Ford recently wrote the heads of 19 major oil companies saying that there is a need for nationwide availability of lead-free gasoline. In his letter, Mr. Ford repeated the company's finding that "most of our advanced-vehicle exhaust emission control systems (such as those using catalysts, thermoreactors and exhaust-gas recirculation) have a shorter life when leaded fuel is used."

Mr. Ford proposed to the oil executives that they retain the two-fuel system currently utilized by most oil companies "to ease any resulting problems" from making lead-free gasoline.

He suggested that one fuel could be lead-free with an antiknock rating equivalent to that of today's regular-grade fuel. He added that "all new engines manufactured by us following the countrywide introduction of this fuel would be modified to function properly on this fuel with emission-control devices." And, he said, this lead-free fuel also would satisfy the needs of 63% of all used cars currently in use.

Mr. Ford suggested that the remaining 37% of used cars in use could be serviced by a second fuel that could be leaded and that would have an antiknock equivalent to that of today's premium-grade fuel.

Mr. Ford also asked the oil executives to let him know when they thought lead might be removed from premium-grade fuel "so that we might again build new cars with more efficient engines requiring higher octane fuel."

Floyd D. Gottwald Jr., chairman of Ethyl Corp., a principal producer of lead antiknock compounds for gasoline, has estimated that unleaded gasoline of current octane ratings would cost motorists about four cents a gallon more than leaded gasoline.

Standard Oil Co. (Indiana) currently markets an unleaded gasoline in Eastern markets.

Competitors say it sells for an average of one cent a gallon more than leaded gasoline. And they note that most of Indiana Standard's gasoline is leaded and that costs escalate as an increasing share of total gasoline output is made unleaded.

Atlantic Richfield said it is still studying how it would market an unleaded gasoline through its service stations. Most of the 100 million cars and trucks on the road require leaded fuel, as gasoline is currently constituted and a spokesman says "as long as the public needs leaded gasoline, we'll make one."

One oil company researcher reports that the standard procedure for making unleaded gasoline is to add more "aromatics," the volatile, high value lighter products of oil refining. This, he says, both costs more and results in a gasoline subject to greater evaporation loss (from auto fuel tanks and carburetors). Mr. Gottwald asserts the added aromatics could worsen auto air pollution as much as 25%, according to Government tests.

Concerned over such problems, one oil executive said California and Atlantic Richfield may be moving too rapidly toward unleaded fuel before enough is known about how it will affect air pollution and auto performance.

The oil industry is the nation's second largest user of lead. In 1968, refineries consumed 237,589 metric tons of lead in the form of tetraethyl lead. Only storage batteries accounted for more lead use, and gasoline took more lead than paint, ammunition and solder combined.

[From the New York Times, Feb. 2, 1970]

POLLUTION ROLE OF LEAD DISPUTED—ETHYL CORP. SAYS ANTIKNOCK HOLD NO HEALTH MENACE

(By John J. Abele)

Claims that the presence of lead antiknock compounds in gasoline adds to air pollution were disputed yesterday by the Ethyl Corporation, a leading manufacturer of the compounds.

In a special report to the company's stockholders, Floyd D. Gottwald Jr., chairman, declared: "There is no proof whatsoever that the use of lead antiknocks in gasoline is or will be detrimental to public health."

Last week, Rawleigh Warner Jr., chairman of the Mobil Oil Corporation, told a group of security analysts here that because of growing concern over air pollution, atuomobile manufacturers had indicated to oil companies that "lead must go."

Mr. Gottwald, however, contended that the use of unleaded gasoline could lead to an increase in pollution, would raise the cost of gasoline by about 4 cents a gallon, and would require the use of more crude oil than present manufacturing processes.

"Smog will not be reduced by elimination of lead antiknocks," Mr. Gottwald said, "but will probably be increased because unleaded high-octane gasoline yields higher emissions of hydrocarbons that react to cause smog.

"The emissions from fuels using lead antiknocks have been thoroughly studied for more than 40 years, but the substitution of non-leaded gasolines for leaded gasolines may very well introduce health hazards that are presently unassessed."

LOWER COST SEEN

The Ethyl chairman also said that the use of leaded gasoline "conserves the nation's petroleum resources" and provides lower-cost gasoline to consumers.

"Automobiles can be engineered to produce low levels of exhaust emissions when operating on leaded fuels," he added. "Moreover, high octane gasolines will continue to be essential to the proper functioning of present engines in the current generation of automobiles."

In another development, officials of the Continental Oil Company said here yesterday that $8 million of the company's $350 million capital expenditure program this year would be directly devoted to various types of pollution control.

The officials emphasized that the $8 million figure reflected only projects specifically designed to curb pollution.

Many other projects, they said, have anti-pollution features included as a part of the overall cost. Defenses against pollution also represent a large factor in regular operating costs, they added.

John G. McLean, president, told a press luncheon that Continental expects earnings in 1970 to be higher than the $146.4 million, or $2.77 a share, reported for 1969.

Factors that are expected to contribute to the increased profits, he said, include higher production in Libya and Dubai, operations at a United Kingdom refinery that was completed last year and increased coal production in this country.

A SPECIAL REPORT—THE STATUS OF LEAD ANTIKNOCKS IN GASOLINE

(By Floyd D. Gottwald, Jr., Chairman of the Board, Ethyl Corp.)

To the Shareholders of Ethyl Corp.:

As a shareholder of Ethyl, you are probably aware by now of the continued attention being given to the relation of the automobile to air pollution. Some statements have been made that lead antiknocks in gasolines will make it more difficult for the automotive industry to build cars meeting the low exhaust emission standards forecast for the future. The question also has been raised as to whether concentrations of lead now in the air, or likely to be in the air in the future, might be harmful to the health of the public. Such considerations have raised other questions as to the possibility of reducing or even ultimately eliminating lead antiknocks in gasoline.

We want to advise you of your Company's position and of our continuing effort to protect both our stockholders' and the public interest. Based on years of intensive study, we believe:

1. There is no proof whatever that the use of lead antiknocks in gasoline is or will be detrimental to public health.

2. "Smog" will not be reduced by elimination of lead antiknocks, but will probably be increased because unleaded high-octane gasoline yields higher emissions of hydrocarbons that react to cause smog.

3. The emissions from fuels using lead antiknocks have been thoroughly studied for more than forty years, but the substitution of nonleaded gasolines for leaded gasolines may very well introduce health hazards that are presently unassessed.

4. The use of lead antiknocks conserves the nation's petroleum resources.

5. Gasoline will cost the motorist more if leaded antiknocks are not used.

6. Automobiles can be engineered to produce low levels of exhaust emissions when operating on leaded fuels. Moreover, high octane gasolines will continue to be essential to the proper functioning of present engines in the current generation of automobiles.

Brief background for each of these statements follows:

1. There is no proof whatsoever that the use of lead antiknocks in gasoline is or will be detrimental to public health.

During the more than forty years of use of lead antiknock compounds, the effects of these materials have been studied extensively by government, industry, and the medical and scientific world. Thus, lead antiknock compounds are among the most comprehensively studied products from the standpoint of public health. A great many statements from competent authorities could be quoted. Following are only a few:

From the U.N. World Health Organization in 1965:

"There has been no increase in lead contamination in the last two decades. . . . If there has been any change it would appear that at present man is exposed on the whole to less lead in his environment than he was twenty years ago."

From the American Medical Association's Committee on Occupational Toxicology in 1966:

"The Committee feels obligated to point out that as a result of years of careful clinical study of workers in the lead industry significant, subtle and unrecognized or 'unrecognizable' changes are not occurring in the general population as a result of its exposure to environmental lead. In fact, this vast clinical evidence, evaluated by a great number of clinically-trained scientists, suggests that the general public is not now, nor in the immediate future, facing a lead hazard."

From a publication by Dr. Thomas J. Haley, an expert in the field of toxicology in 1966:

"The supposed chronic lead intoxication from environmental contamination is a myth, not a fact."

Thus, authorities in the field recognize that lead is and always has been widely distributed in everything on the earth, including man. It is true, of course, that lead in excessive amounts can be harmful. Similarly, many other useful things which are essential in human and plant metabolism are harmful in excessive amounts. In the case of lead, extensive studies of urban atmosphere and people exposed to it have been made and are being made in cooperation with representatives of the U.S. Public Health Service. These studies of large numbers of people in large cities have shown no evidence of health problems due to lead.

2. "Smog" will not be reduced by elimination of lead antiknocks but will probably be increased.

A published and generally-accepted investigation carried out by Midwest Research Institute showed that adding lead antiknocks to gasoline had no influence on the amount of photochemical smog formed from vehicle exhaust emissions or the amount of eye irritation produced. The investigators summarized their work as follows:

"Neither tetraethyl lead nor halogen-containing scavengers of lead have any detectable effect on the smog-forming potential of automobile exhaust."

It is now recognized that if nonleaded high performance gasoline were to be produced nationwide, the hydrocarbon composition of the gasoline would have to be altered to reach present octane number levels. Generally, this would mean increasing the concentration of aromatics in gasoline. Therefore, the exhausted hydrocarbon products of the gasoline would be expected to be different and to have different smog-forming potential. Recently an investigation of the smog-forming potential of leaded and unleaded fuels embodying such changes in hydrocarbon composition was conducted by the Bureau of Mines Petroleum Research Center at Bartlesville, Oklahoma. The publication based on this work includes the following statement:

"Leaded and the comparable quality prototype unleaded fuels yielded about equal amounts of emissions. This was true for both evaporative and exhaust losses. If the photochemical effects is considered, the fuel factor is shown to exert significant influence. The fuel alterations from leaded to unleaded changed emission characteristics so that the pollution effect was increased by as much as 25%."

Extensive studies also indicate that increased aromatic content substantially increase eye irritation.

3. The emissions from fuels using lead antiknock have been thoroughly studied but the substitution of nonlead gasolines for leaded gasolines may very well introduce health hazards that are presently unassessed.

As mentioned earlier, gasoline would contain greater concentrations of aromatics if lead antiknocks were not used. Such an increase in aromatics may very well introduce a new and serious health problem because of the exhaust materials produced. Under these circumstances, the choice would be between emissions whose health hazards are presently unassessed and the continued use of lead antiknocks which have been studied for more than forty years with no proof that a health problem exists.

Further evidence indicates that the use of lead antiknocks reduces the emissions of aldehydes by cars. These materials are irritating to the eyes and nose, are odorous and undesirable, and have been described as "instant smog."

4. The use of lead antiknocks conserves petroleum resources.

It would take about 6% more crude oil to make gasoline of present-day quality if lead antiknocks were not available. This is because more extensive refining operations would have to be carried out to raise the octane number of non-leaded gasoline. For the United States as a whole, this means that 250 million additional barrels of crude oil would have to be consumed annually if lead antiknocks were unavailable.

5. Gasolines will cost more if lead antiknocks are not used.

The amount by which the cost of producing gasoline would be increased if lead were not used would vary among individual refiners. We estimate that the average increase in cost for equal road performance for the entire U. S. refining industry would be about 4¢ per gallon. The cost increase might be twice as much for small refiners, and it is likely that many of them could not continue in business if lead antiknocks were not available. For the nation as a whole we estimate this would result in an increase of 3.5 billion dollars in the annual cost of gasoline. In addition, the petroleum industry would be faced with a capital expenditure of more than 6 billion dollars to build the additional refining facilities needed to produce non-leaded gasoline. This is more than the refinery industry has spent on new construction in the past 10 years!

6. Automobiles can be engineered to produce low levels of exhaust emissions when operating on leaded fuels.

Spectacular improvements have been made by the automobile industry in reducing all automobile emissions. Ethyl's engine modification work shows that automobile engines can continue to be improved to give even lower levels of emissions when operated on leaded fuels. Until different engines designed with distinctly lower compression ratios are mass produced, high octane gasolines will continue to be essential to the proper functioning of present engines in the current generation of automobiles. Any effort to achieve that octane without lead will have the serious adverse effects referred to above.

We concur with the opinion of others that the present internal combustion engine offers the best promise for continued improvement and solution to the automotive phase of the overall air pollution problem in the United States. We differ in opinion with some on the approach. Our goal is to contribute to the attainment of the best solution. We firmly believe that through our continuing cooperative efforts with the automotive and oil industries and all levels of Government, the primary goal of an essentially pollution-free car is feasible.

SUMMARY

Improving the environment is now an accepted national goal and one we wholeheartedly endorse. But in seeking to attain this desirable goal, it is well to proceed only on the basis of established facts and not to be stampeded into condemning proven products or embracing untested theories. Tetraethyl lead is a proven product which has served the automotive public well and safely for more than 40 years. Until there is scientific proof of its having any significant adverse effect on the environment, and certainly until a safe and effective substitute for it is found, this product will continue to provide the public with the most efficient gasoline known to our technology.

In summary, these are the basic reasons for the continued use of lead antiknocks in gasoline. We believe no justification has been established for their elimination or reduction. Restrictions on lead antiknocks would certainly increase the cost of gasoline and waste petroleum resources, not only without improving the quality of the atmosphere, but with substantial risk of seriously degrading the present quality of the atmosphere.

UNIVERSAL OIL PRODUCTS CO.,
Des Plaines, Ill., December 5, 1969.

HON. LEONARD FARBSTEIN,
Custom Court House Building,
New York, N.Y.

DEAR CONGRESSMAN FARBSTEIN: It has been brought to our attention that you are holding a meeting December 8th in New York City for the purpose of discussing automobile exhaust emissions and its effect on pollution in the New York metropolitan area.

Just yesterday, the writer testified before a sub-committee of the California Legislature on certain aspects of the auto exhaust pollution problem with relation to the effect of lead in gasoline and the use of catalytic exhaust emission control devices. Since I believe our evidence is pertinent to the discussion you have arranged, I thought you might appreciate having a copy of our testimony for subsequent review.

If you are inteersted in any other aspects of this matter please feel free to call upon us for further information.

Sincerely yours,

J. O. LOGAN.

TESTIMONY OF JOHN O. LOGAN, PRESIDENT OF UNIVERSAL OIL PRODUCTS CO., DES PLAINES, ILL., TO THE ASSEMBLY COMMITTEE ON TRANSPORTATION OF THE CALIFORNIA LEGISLATURE

LOS ANGELES, CALIF., *December 4, 1969.*

The Assembly's Transportation Committee's Subcommittee on Air Pollution Hearing on (1) the feasibility of altering fuel composition and (2) the desirability of reducing or eliminating lead additives in gasoline.

In summary, we believe—

1. It is technically possible to reduce or eliminate lead additives with no sacrifice in gasoline quality.

2. To do so will require sizable capital investment, but this investment is not unreasonable if expended over a period of years.

3. The manufacturing cost to produce unleaded gasoline should not exceed 1¢ per gallon and will be substantially less if only a portion of the lead is eliminated.

4. Using unleaded gasoline a high percentage of the remaining exhaust pollutants can be eliminated for the life of the vehicle by using suitable catalytic converters.

5. Using leaded gasoline a lesser portion of the exhaust pollutants can be eliminated because the catalytic converter loses efficiency more rapidly and might have to be replaced during normal car life.

[From the Report of the Panel on Electrically Powered Vehicles, October 1967]

(c) Lead Emissions—Lead alkyls are added to gasoline to increase octane ratings and reduce engine knock. Current concentrations of this additive range from approximately 2 grams per gallon for regular blends to 4 grams per gallon for some premium grades. Most of the lead component of gasoline is subsequently transferred to the atmosphere as lead compounds in the exhaust.

The sharp increase in motor vehicle mileage over the past two decades has been accompanied by a similar rise in the use of lead additives. These totals and projections to the end of the century are shown in Figure 6 (figures not printed in the RECORD).

Concern over the use of lead additives is concentrated upon its possible effects in the following areas: (1) human health, (2) increased emission levels of other exhaust pollutants, (3) modification of atmospheric processes, and (4) deactivation of catalysts or absorbants which may be necessary to reduce the emission of other pollutants.

The major fears from rising lead levels in the environment stem from a belief that many of the adverse health effects may be chronic or cumulative and not early, or easily, detectable. This concern is accentuated by the fact that in addition to ingestion, inhalation is a major route for bodily absorption of lead. The motor vehicle is the major producer of airborne lead compounds in urban areas.

In addition to its possible effects on human health, lead is reported to be a contributing agent to higher emission levels for hydrocarbon exhaust contaminants. It appears from available data that lead deposits in the engine account for a gradual increase of 30 to 40 parts per million in hydrocarbon emissions. This increase is a minor percentage of the hydrocarbon exhaust levels allowed under present Federal standards, but it could become significant under more restrictive future regulations if the lead effect does not show a reduction in proportion to the reduction of other exhaust emissions.

Definitive quantitative data regarding the effects of lead in all these areas of concern may not be available for many years. The processes involved are extremely complex and the early isolation of this single variable to determine past, present, cumulative, and synergistic effects is unlikely. Once this is realized, the question becomes one of identifying the risks and the selection among alternative strategies in view of these risks.

If the risks are very low, then the easiest, or lowest cost strategies may be selected without hesitation until all the relevant evidence has been gathered. However, the growing rates of lead emissions into the atmosphere present a potentially serious problem. The controversy in the medical profession regarding the dangers to public health is an indication that the problem cannot be dismissed without concern. The possibility is real that long-term harmful effects may be masked and detected too late to prevent serious damage.

These uncertainties, with their corresponding health and economic impacts, dictate immediate action if the risks are to be reduced. As a minimum, steps should be taken to assure that current atmospheric lead levels are not exceeded. This goal can be achieved in the face of a rising motor vehicle population because satisfactory engine performance is possible with lower lead levels in gasoline. Non-leaded fuels with adequate performance characteristics can be produced through a modification of existing refining processes. It has been estimated that the elimination of lead from gasoline, on the basis of current engine design and fuel requirements, would involve an approximate $4 billion investment by the petroleum industry and an increase of about 20% in the manufacturing cost of gasoline.[1] It should be emphasized that these estimates are based on octane levels required by the current internal combustion engine. If en-

[1] Lawson, S. D.; J. F. Moore, and J. B. Rather, Jr., "A Look at Lead Economics in Motor Gasoline," American Petroleum Institute, Division of Refining, Reprint No. 36-67, 32nd Midyear Meeting, Los Angeles, California, May 16, 1967, 35 p.

gines are designed and used which can perform adequately at lower octane levels, some or all of this cost may be avoided.

The Panel recommends the following:

Recommendation 5: The Federal Government should immediately establish standards for the lead content in gasoline which will prevent any further increase in the total quantity of lead emitted to the atmosphere. The Department of Health, Education, and Welfare should begin an intensive study of the long-term health effects of lead in the atmosphere to determine requirements for future action.

[From the Scientist and Citizen, April 1968]

INTRODUCTION TO A CONTROVERSY

"Some maintain that a large segment of the population is already perilously close to the threshold of lead toxicity as a result of environmental exposure; others take an almost diametrically opposed position," says Dr. Leo J. Gehrig of the Public Health Service.[1] Is the public forever to be at the mercy of the inability of the experts to agree, or is there an alternative to hopefully awaiting the rarely-seen unanimity?

When scientists disagree, *Scientist and Citizen's* approach is to present as clearly as possible the best available evidence and explain the differences which exist among the experts. We believe that an informed public is best equipped to decide the social issues that so often arise from decisions which *must* sometimes be made, despite scientific uncertainty.

In the case of lead contamination, the question is clear: Should steps be taken to limit the amount of lead in our environment? It has been proposed that new and stricter standards be set for lead concentration in the air, in food and in water. It has been suggested that lead additives in gasoline be prohibited. (In Sweden, a scientific task force on environmental problem has already recommended this step.)

Much of the disagreement about lead is centered on the work of Dr. Clair C. Patterson. Patterson, in a series of studies and articles, has argued that the average lead concentration in the bodies of Americans is many times the natural lead concentration in human tissues. He has presented geochemical studies which estimate the natural lead concentrations in air, water and food to be far below current levels. He places the blame for the drastic increase in environmental lead on recent industrial contamination, especially from airborne lead emitted from auto exhausts.

Patterson says that industrial lead has so contaminated the oceans, surface waters, air and foods, that man today bears a high body burden of lead from this artificially accelerated intake. He warns of the likelihood of chronic, low-level damage from lead as contamination of the air from industrial sources—especially leaded gasoline—increases.

Lead poisoning has been detected by clinical signs and symptoms such as those outlined in Dr. David Elwyn's article in this issue, or by chemical tests of blood and urine. In general, blood tests are the physicians' chief tool for detecting lead poisoning. Blood lead levels from 0.05 to 0.4 parts per million have been considered within the range of normal exposure; those of 0.4 to 0.6 indicative of occupational exposure to lead; those of 0.6 to 0.8 abnormally high and indicative of danger from lead poisoning. A blood level above 0.8 parts per million is considered strong evidence of lead poisoning. According to most studies, the average blood lead level of the population is about 0.25 parts per million, usually thought of as "normal," and well within safe limits of exposure.

The crux of the problem is that the classical and generally accepted concept of acute lead poisoning lacks terms to answer Patterson's arguments. There is no recognition, for example, of "low-level" lead damage; lead poisoning to the clinical practitioner is defined by the presence of recognizable signs and symptoms; to the experimental researcher, lead poisoning is conceived of in terms of labelled ranges of blood lead concentration: normal, occupational exposure, dangerously high, intoxicated. With few exceptions, there was a general dismissal by occupational toxicologists of Patterson's most significant points: that the increasing concentrations of lead in the air are bound to show up as increasing amounts of lead in the body, and that this process has in fact already resulted in dangerously high levels of lead contamination, as represented in the "normal," average blood lead level of 0.25 parts per million.

There are, of course, areas of general agreement. Because lead is so commonplace and so useful and because it has long been recognized as a poison, its occurrence in nature and its physiological effects have been studied for centuries.

There is no significant disagreement on the amount of lead in the environment. This is largely a matter of direct measurement of lead concentrations in air, water, foods and organisms. The studies which have been made to date offer clear and relatively unambiguous data about the prevalence of lead in the environment.

There is no significant disagreement about the source of lead in the environment. The natural distribution of lead is well known, and industrial lead contamination can be determined by direct measurement.

There is no disagreement about the harmful effects of large doses of lead on human health. Classical lead poisoning has long been familiar to doctors, and it has been the subject of detailed and comprehensive monographs.[2 3] Although much uncertainty remains as to the mechanisms by which lead causes harm, there is no doubt that continuing large doses of lead—or a single massive dose—can cause serious, often fatal illness. There is general agreement that blood lead levels above 0.5 parts per million are indicative of abnormal exposure, and that blood lead levels in the neighborhood of 0.8 parts per million are consistent with the appearance of clinical symptoms of acute lead poisoning.

Finally, there is no evidence that any amount of lead has beneficial effects on health.

The areas of disagreement about lead are also easily identified, and they are many. But four key questions are at the heart of the disagreement about lead contamination:

Has the rate of environmental lead contamination increased in recent years?

Does a rise in environmental lead contamination necessarily result in an increase in the average body burden?

Has the body burden of lead in human beings increased in recent years?

Does long-term, low-level exposure to lead damage health?

The articles by Schroeder, Hardy, and Patterson in this issue seek to cast light on some of these questions. Patterson's studies of polar lead, for example, show a sharp increase in *atmospheric* lead contamination. Goldsmith and Hexter (see page 71) have found a clear relationship between increasing atmospheric contamination and increasing blood lead levels. However, the overall effects of increasing lead contamination on human health remain uncertain, and the most important question—whether low-level exposure to lead is harmful—cannot be answered clearly and unequivocally.

What must be weighed, then, are the unknown health costs of continued exposure versus the known economic cost of reducing the risk. Only the public can judge whether the threat of illness from current levels of lead exposure is worth the cost of curtailing lead concentration.

Lead is a more immediate and dangerous threat to a small segment of our population—children in the slums. Here the danger is not in doubt; the facts are clear. The social decision requires weighing the lives of children against the cost of new or rehabilitated housing in the slums. The articles by Elwyn and Simon and the report from the Rochester Committee for Scientific Information deal with this aspect of the problem.

Should standards be set for the control of lead contamination? As always, the answer depends on the public's ability to weigh the extent of the risk against the cost of protection. Only in this way can we avoid decisions based on groundless fears or blind complacency.

LEAD IN THE MODERN ENVIRONMENT: HOW MUCH IS NATURAL?

(By Clair C. Patterson with Joseph D. Salvia)

In July, 1965 a Boeing 707 took off from McGuire Air Force Base, carrying our small party from the California Institute of Technology. Within a few hours the big jet had left behind the summer heat of New England. It was bound for Thule, Greenland, where we would spend ten weeks collecting samples of snow from three types of sites: from the vertical faces of ancient glaciers at the edges of the ice caps; from deep tunnels at the polar research station Camp Century; and from surface snow layers in undisturbed virgin regions of the arctic.

Drs. T. J. Chow of the University of California, M. Murozumi of the Muroran Technical Institute in Japan, and I have collaborated for years in the study of lead contamination.

From studies of changing lead concentrations in polar snows of recent centuries and in seawater, we hoped to gather data which would determine the extent to which industrial lead has contaminated the atmospheres. The remote polar icecaps far from any immediate source of lead contamination, seemed the ideal proving ground. As rain and snow "scrub" the atmosphere, airborne dust particles and suspended aerosols are carried to earth. By careful measurement of annual samples of precipitation, changes in the relative concentrations of lead and other substances in the air can be determined. We hoped to measure long-term variations of lead contamination by gathering lead samples of snow layers from the polar icecaps.

The annual snowfall in polar regions is relatively small—about one foot per year in the Antarctic and three feet per year in the Arctic. Because of the low year-round temperature and the absence of melting or surface activity, snow is deposited in distinct annual layers which remain relatively undisturbed. Each layer is an intact record of what was in the air when the snow came down; the thickness of the polar icecaps is comprised of centuries of such records. In 1964 we had begun a series of expeditions to collect samples of ice and snow and measure the lead content. These expeditions culminated with the Greenland and Antarctica expeditions of 1965–66.[1]

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[1] "Symposium on Environmental Lead Contamination," Public Health Service Publication No. 1440, Washington, D.C., March, 1966, p. 3.

[2] Aub, J. C., L. T. Fairhall, A. S. Minot, and Paul Reznikoff. "Lead Poisoning," *Medicine Monographs*, Vol. VII, Williams and Wilkins, Baltimore, 1926.

[3] Cantarow, Abraham, and Max Trumper. "Lead Poisoning," Williams and Wilkins, Baltimore, 1944.

Footnotes at end of article.

I was accompanied on the Greenland expedition by three students from the California Institute of Technology. The plane carried tons of equipment, much of which had been developed for our purposes, and tested in earlier, preliminary expeditions in the United States and Greenland.

After disembarking at Thule, our party and equipment were trucked to Camp Tuto, on the edge of the ice sheet, where we gathered blocks of ice from tunnels driven deep into the vertical faces of the glacier sheets. Samples of ice, dated by carbon 14 determination at about 800 B.C.,[2] were taken from the exposed ancient edges of the ice sheet.

We then flew by helicopter 140 miles eastward to Camp Century, a center for U.S. arctic research until its abandonment in 1967. In its deep snow tunnels were year-round living quarters, shops, and laboratories, heated and powered by an atomic reactor and supplied in the summer months by a tractor from Camp Tuto. Here at Century we gathered more samples of ice and snow, this time from the walls of a thousand-foot long tunnel which slanted to a depth of more than 300 feet beneath the arctic ice. Samples of annual snow layers dating back more than 200 years were gathered by workers cutting the frozen blocks from the walls with chain saws.

Snow samples were dated by several different methods; stratigraphic techniques (annual layers are identified by variations in seasonal textures of the snow); direct measurement of accumulation on stakes; measurement compaction of successive snow layers; determination of lead 210 (a radioactive isotope of lead common in air—it is the daughter product of radon, a radioactive gas). Lead 210's twenty-two-year half life can be used to date snow as old as seventy years. An additional aid to dating recent samples was the known location of two layers of snow dated by fallout contamination from atomic and hydrogen bomb tests.

Our party, joined by a dozen soldiers, from the U.S. Army Research Support Group, embarked from Camp Century in August. We travelled hundreds of kilometers upwind in three fifty-ton caterpillar snow tractors, each pulling a train loaded with supplies, and research and communications equipment. The weather was bad and we traveled through almost continuous storm, checking our course with a sun compass when possible. When the storms obscured the sun, we held our course by sighting back along flagmarkers that we set out as we went. At a desolate, virgin site, working parties dug a trench fifty feet deep and 300 feet long to collect samples of snowfalls from the last fifteen years. (The Camp Century site, contaminated at the surface by human activity since 1954 and by slight melting of the upper layers of snow in summer, was unsuitable for the collection of recent samples.)

In November, 1965, I went to Antarctica to conduct similar experiments in the southern hemisphere, accompanied also by three Caltech students and by four students from the University of Canterbury in New Zealand. We flew from New Zealand to McMurdo Sound in Antarctica in Air Force C–130 turbo-prop planes, and from there to the mile-high Byrd Station, halfway between the South Pole and the edge of the Antarctic ice sheet, where even midsummer temperatures fall to ten degrees below zero.

Here, with electric chain saws and an electric winch, we dug an inclined tunnel more than 300 feet long and 140 feet deep. As in the arctic expedition, all personnel worked ten to twelve hours a day for many weeks, in low temperatures and at high altitudes. Because of the extreme demands, only young, strong men in top physical condition were chosen for the expeditions.

Again as in the arctic expedition, the project was concluded by gathering surface snow samples from a virgin site, uncontaminated even by the activities of the few men at tiny Byrd station. This time, we travelled many miles upwind from Byrd, on the mile-high Antarctic plateau. Our four man party travelled in a single snow-cat pulling a freight sled. At the final site, deep in this remote region, we excavated by hand a hundred-foot long inclined shaft to collect samples.

In both the Greenland and Antarctic expeditions, surface laboratories were set up at sites remote and upwind from the main camp tunnel entrances. Power lines from camp generators had to be laid to supply the electric cutting tools in the shafts and the ice-melters in the laboratories. Transformers were installed and laboratory buildings were built and their interiors lined with plastic sheeting.

The ice blocks were collected by men completely encased in plastic suits, working with acid-cleansed stainless-steel electric tools to prevent contamination of the snow. The shaft at Byrd alone required four weeks to excavate, working two ten-hour shifts per day.

Samples were taken from ten different time-levels in each deep shaft; from five different time-levels in each virgin site trench, and from several different levels at each glacier-edge site. The ice blocks gathered from each site were melted in the surface laboratories and transferred to large, chemically clean plastic drums for transport back to laboratories in the U.S., where they were analyzed for concentrations of lead and other substances.

For lead analysis, we use an extremely sensitive and accurate method called isotope dilution—a small quantity of lead isotope tracer is added to the snow water, mixed with the lead in it, withdrawn, and analyzed on a mass spectrometer to determine the ratio of tracer lead to sample lead. This method is complex, tedious and expensive, so the work is slow and costly. For determination of other elements, we use isotope dilution (potassium, calcium, titanium), neutron activation (sodium, chlorine), atomic absorption (sodium, potassium, magnesium), spectrophotometric techniques (chlorine), and emission spectrographic techniques (silicon).

For the simple lead curve of sixteen points shown in Figure 1, about 400 lead analyses of various kinds have been performed over a period of four years. The scatter in these points is due mainly to our improper sampling techniques. At the time the ice samples were taken we were ignorant of seasonal variation effects, and we failed to mix equal proportions of rich and lean winter and summer layers in all samples, which introduced a pronounced scatter upon the yearly trend.

The analytical work was done cooperatively by Morozumi, Chow, and myself in our laboratories at the Muroran Institute of Technology, the University of California at San Diego, and the California Institute of Technology.

Three polar field expeditions were carried out between July 1964 and February, 1966. But the polar snow studies were only one aspect of our inquiry into environmental lead contamination.

Chow is conducting a program of collecting measurements of lead concentrations in continental and oceanic atmospheres, rainfall, harbor waters, soils and grasses, and coal. Since March, 1967, he has operated a continuous air sampling program, monitoring lead in the atmosphere in the San Diego-La Jolla area. In 1967, the Scripps Oceanographic Institute's research vessel *Argo* collected samples of lead in oceanic air from thirty stations along its path from San Diego to American Samoa. Chow has found much less lead in the air over the mid-Pacific than in rural American air, indicating that country air outside cities is also polluted with lead. Chow has also analyzed lead content in coals from the major American mining areas, and in samples of soils and grasses gathered near busy U.S. highways in Maryland.

Dr. M. Tatsumoto, Dr. Chow, and I have made studies of lead and barium concentrations in sea water.[3] Most of this work has been in process for several years and it will probably be several years more before a comprehensive picture is completed.

Researchers have studied the distribution and concentration patterns of lead in sea waters all over the world. Long-term surveys have been made of the concentrations of lead in urban and rural atmospheres, and of the surface water systems which supply drinking water to most Americans. Geochemical studies and experiments have sought to determine the relationships between lead and other substances in their natural distribution.

The research of recent years has added to the already considerable knowledge of lead in the environment. The polar snow studies furnish evidence of a sharp increase in lead contamination of the atmosphere. The lead content of North polar snows has increased gradually and dramatically with time, displaying a marked parallel with the increase in lead smelting and in consumption of leaded gasoline. Near the North Pole, lead concentrations apparently have increased about four hundred per cent between 1750 and 1940; since 1940, there has been another, sharper increase, this time by about three hundred per cent. Lead content in snow dating from 1750 is about twenty micrograms per ton; from 1860 about fifty micrograms; from 1940 about eighty micrograms; from 1950, about 120 micrograms; and from 1965, about 210 micrograms (See Figure 1).

This corresponds with what is known about the increase in lead smelter production following the industrial revolution, and the increase in the use in leaded gasolines in recent decades. Samples of snow taken from the North Greenland ice sheet furnish concentration profiles of other substances during the same period (See Figure 2). There has been no significant change, for example, in the concentrations of sea salts and calcium in snow during the last two centuries.

These findings become more significant in the light of the data gathered in Antarctica, where lead concentrations in snow samples taken near the South Pole were in sharp contrast with the Greenland results. The highest lead content of the Antarctic samples was about equal to the 800 B.C. sample, *lowest* value found in Northern snows. Older samples, taken from snow layers approximately two centuries old, showed no significant decrease in lead content. These findings suggest that the increase in lead content of Northern snows is due to atmospheric contamination, for most industrial contamination of the air occurs in the northern hemisphere and the prevailing air currents set up an effective barrier against the transmission of airborne contaminants from the northern hemisphere to the southern.

Measurements taken in the Atlantic, Pacific and the Mediterranean show that the recent distribution of lead in sea waters follows a pattern of relatively high surface concentrations which decrease sharply with depth,[3 4] a pattern similar to that of strontium 90 and cesium 137, which are products of radioactive fallout from nuclear explosions,[5] and whose current concentrations in sea water are without doubt the result of recent contamination from two decades of atomic bomb testing (See Figure 3).

Footnotes at end of article.

The lead pattern is strikingly different, almost the opposite, of the barium concentration in sea water (See Figure 4). Barium, an element closely related to lead, appears in low surface concentrations which increase with depth.[4] This reflects a history approximately in accord with the natural prevalence of barium in the environment. Since barium is of little industrial significance, this pattern is probably an indication of the distribution to be expected in the absence of industrial contamination.

Research in the field of environmental lead has not only shown an increase in lead concentration in the atmosphere and in the seas. Contamination from industrial lead is everywhere: air, water, food, and man himself carry many times the amount of lead they would bear in an uncontaminated environment. City dwellers are especially subject to high concentrations of lead, largely due to the discharge into urban air of tons of lead from the exhaust wastes of automobiles.

The Survey of Lead in the Atmosphere of Three Urban Communities,[5] compiled in Cincinnati, Philadelphia, and Los Angeles, by a working group from public health agencies, the Kettering Laboratory and industries producing leaded gasoline, shows *annual average* airborne lead concentrations in these cities of 1.4 micrograms per cubic meter of air in Cincinnati, 1.6 micrograms per cubic meter in Philadelphia, and 2.5 micrograms in Los Angeles. These figures range from thirty to fifty times the average existing rural concentration, and five thousand times the estimated natural concentration.

Shortly after this report was issued, I criticized the California State Department of Public Health and the U.S. Public Health Service for collaborating with the leaded fuel-producing industries in seeming to exonerate leaded fuels as a source of increased lead burdens in the bodies of city dwellers.[7] I pointed out that these agencies had ignored the obvious relationships which existed between present blood lead levels, lead concentrations in air, and material balance considerations of the sources of lead in the atmosphere.

California State Department of Public Health investigators John R. Goldsmith and Alfred C. Hexter, working with data from the above survey and from experimental data compiled by Dr. Robert A. Kehoe, now recognize a predictable dose-response relationship between increased respiratory exposure and increased blood lead levels. Goldsmith and Hexter now take issue with Kehoe, the Professor Emeritus of Occupational Medicine at the Kettering Laboratories, who says:

"So long as a larger quantity of lead is absorbed by the average citizen from food and beverages than from the air . . . the control of atmospheric lead cannot be expected to obviate a potential lead hazard to the general population, since it does not concern itself with the principal source of such hazard." [9]

On the basis of accepted measurements of intake and absorption rates for lead, and recent measurements of airborne lead concentrations, Goldsmith and Hexter now contend, as I had pointed out earlier, that total lead absorption from alimentary and respiratory tracts are of similar magnitude, and that for residents of highly contaminated areas such as Los Angeles, the amount of lead absorbed from inhalation may be greater than that from food and drink.

They conclude that airborne lead *is* a principal source of body lead, at least for city dwellers, and that it is a real hazard:

Increased respiratory exposure *within the range observed in community air pollution* is capable of producing materially increased storage of lead in the body as reflected in blood lead level; and that *further increases in atmospheric lead will result in higher blood lead levels in the population in a predictable relationship.* (Italics added)

This conclusion is still not universally accepted, however. Some authorities see no immediate threat in atmospheric lead contamination. In 1960, Dr. Kehoe had this to say of the public health implications of lead exposure:

"It is fair to say that, at the present time, in the United States, the absorption of lead on the part of the public, generally, is attended by no hazard. This is not to say that there may not be situations productive of danger and of actual cases of lead poisoning within the population. . . . On the whole, however, the food and beverages of the nation contain but little more lead than that which occurs naturally in them, while the ambient air, even in the more heavily contaminated areas of our cities, is contaminated with lead only to the extent of a few micrograms per cubic meter. . . . We have found no reason to believe or to suspect that the quantities of lead involved in this normal metabolism of lead have increased within the past twenty-odd years." [10]

It seems to have been generally accepted by many people in the fields of public health and occupational medicine that—excluding occupational exposure to lead—the lead content in a typical man's blood and tissues is well within the margin of safety. This assumption—and it is important that we identify it as such—is based on other assumptions, now questionable in the light of recent studies of lead in the environment.

NATURAL LEAD STATES

It is *assumed* that lead in food and water is not much aboove natural levels. It is *assumed* that the typical lead burden in man today is not much above what would be expected in an entirely natural, uncontaminated environment. It is *assumed* that this lead burden is normal, or little above normal, in terms of man's body chemistry and the physical environment out of which he evolved. It is *assumed* that there has been in recent years no significant increase in lead in man's immediate atmospheric environment and therefore no significant increase in lead intake by human beings.

Drs. Leonard J. Goldwater and A. Walter Hoover of Columbia University said in 1967:

"Concern has been expressed that increased burning of gasoline by the internal combustion engine and the wider use of lead in industry are causing additional exposures to lead in our environment. At the same time the amounts of environmental lead from insecticides, lead pipe and paints have decreased. It would appear that the increase of lead from the former sources has been balanced by decrease from the latter." [11]

These assumptions are not demonstrable. They may be entirely false.

A most serious flaw in the above argument is that airborne lead pollution does not replace a segment of the lead pollution of foods with equal effect. For a unit of lead entering the lungs and a unit of lead entering the stomach, nearly an order of magnitude greater fraction is absorbed into the body by the lungs. Much of the lead entering the stomach passes through the gastrointestinal tract unabsorbed. The above-mentioned studies of lead concentration in modern and prehistoric environments casts serious doubts, furthermore, on what may be the most harmful assumption—that the typical American is in no danger from lead poisoning today and has been in no danger for decades. It may well be that *any* interpretation of the danger of lead to typical human beings today is meaningless except in the light of more accurate knowledge of a genuinely *natural* lead environment.

It is difficult to measure natural concentrations of lead in foods by studies of contemporary plant and animal tissues from relatively uncontaiminated rural or primitive areas because industrial lead pollution is so widespread and of such long standing duration. I have been compiling a history of world lead production, and figures from that study show that very large quantities of lead have been smelted in southwest Asia and Europe since 2500 B.C., the time when men discovered how to obtain silver from lead ores. The huge amounts of lead that accumulated from these operations has provided the foundation for a widespread use of lead in human societies throughout the world during the last four thousand years. The Romans produced an average of more than 60,000 tons of lead each year for four hundred years, and most of this lead was shipped to Italy, where it was utilized by a population of about ten million free people and four million slaves. With an industrial per capita consumption of approximately 0.004 tons of lead per person per year, the Romans are essentially indistinguishable from modern, industrialized Americans, who have an industrial per capita consumption of lead of about 0.006 ton of lead per person per year.

Natural lead concentrations can also be estimated by comparing the occurrence of lead with that of such commonplace elements as calcium, strontium, and barium. Because these elements, unlike lead, are not of industrial importance, their occurrence in plant and animal tissues has not changed significantly since primitive times.

Man's natural sources and rates of lead intake can be estimated from the same and similar data. These studies of processes which determine the natural lead content of air and water suggest that, in an uncontaminated setting, essentially all of man's lead intake comes from food, with insignificant amounts originating in air and water. The total lead intake of a man in a natural environment is estimated on this basis at about 20.5 micrograms per day.[7]

Kehoe [10] and others have studied lead intake and output and established accepted rates of lead absorption in blood and tissue. About ninety-five per cent of ingested lead—that is, lead taken in from food and beverages—is excreted in the feces. Most of the five per cent which remains is absorbed into the blood and later excreted in urine. But a very small portion of this absorbed lead is *retained* in the tissues, mostly in bone, so that over a period of years a *body burden* of lead is accumulated which varies with the changing conditions of lead exposure.

This body burden is a function of lead intake, rate of absorption, and rate of retention of absorbed lead. Of the twenty micrograms that are thought to have been ingested daily by man in an uncontaminated state, only about five per cent, or one microgram, is absorbed into the blood, and most of this absorbed lead is stored by the body; a man in an uncontaminated environment would accumulate a body burden of several milligrams during his lifetime.

Lead exposures are usually expressed today by the amount of lead in the blood. It is necessary, therefore, to convert this estimated natural body burden into an estimated level of lead in the blood. In the absence of other information today, one may suppose that the natural distribution of lead in the body is in the same proportion which prevails today. In the U.S., the significant range of blood lead is from about 0.05 parts per million to 0.4 parts per million,[10 12 13 14 15] with a mean level of about 0.25 parts per million; while the mean body burden is about 200 milligrams of lead. Following the same proportion, the estimated natural blood level would be about 0.0025 parts per million, or only a hundredth of current typical levels.

There is a possibility that this proportionality may not be quite so linear. That is, in contaminated states the blood may not reveal the full extent of the total body bur-

Footnotes at end of article.

den of lead, so that changes in blood lead concentrations, in going from natural to contaminated environments, are not so severe as corresponding changes in total body burdens of lead. We may, therefore, be underestimating blood lead levels in the natural state.

All of these estimates of the natural lead state in man are based on a set of relationships which exists in the occurrence of certain subgroups of metals (including lead) in the earth's crust and in man, and on observation of the behavior of these metals in the human body. Details of the geochemical processes involved and full documentation of the studies which contributed to these estimates can be found in my article, "Contaminated and Natural Lead Environments of Man," *Archives of Environmental Health*.[7] Although these estimates cannot carry the weight of direct observation, they represent the only comprehensive attempt yet made to determine natural lead states.

When estimates of natural states are placed together, they give the following perspective of the position of primitive man with respect to lead in his environment:

About 0.01 parts per million of lead in human foods.

About 0.5 micrograms of lead per liter of water.

About 0.0005 micrograms per cubic meter of air.

Total lead intake of about 20.5 micrograms per day for a 150 pound man.

Average body burden of about two milligrams for a 150 pound man.

Average natural blood lead level of about 0.0025 parts per million.

The next step in the process is to survey existing lead states and compare the situation today with these estimates of natural lead states.

LEAD TODAY

The industrial use of lead today is so massive that the amount of lead mined and introduced into our relatively small urban environments each year is more than a hundred times greater than the amount of natural lead leached each year from soil by streams and added to the oceans over the entire earth.[16] There are indications that about nine-tenths of the lead in the young surface layers of the oceans in the northern hemisphere is industrial in origin,[17 18] and that the atmosphere of the northern hemisphere contains about a thousand times more than natural amounts of lead.[19]

As a result of this contamination, the ratio of industrial lead to natural lead may be very high in common foods and other biological materials, and lead concentrations in typical people and environments far above natural levels. How has the 1,200,000 tons of lead annually consumed by American industry affected man's intake of lead and body burden?

In one survey of foods in Britain and the United States,[20] the American beverages were found to have only five times the estimated natural lead content, but in this case and in two other surveys,[9 21] all other foods showed a much higher lead content, ranging up to 4.2 parts per million in British beverages.

TABLE I

Source of lead	Amount per day	Lead intake (in micrograms)	Amount of lead absorbed by various groups (in micrograms per day)			
			Rural nonsmokers	Rural smokers	Urban nonsmokers	Urban smokers
Food	2 kilograms	400	20	20	20	20
Water	1 kilogram	10	1	1	1	1
Urban air	20 cubic meters	26			10	10
Rural air	do	1	0.4	0.4		
Tobacco smoke	1 pack	24		10		10

TABLE II

Approximate number in group	Micrograms of lead taken into the body per day	Micrograms of lead absorbed per day	Parts per million of lead in blood
30,000,000 urban smokers	461	41.0	0.21
70,000,000 urban nonsmokers	437	31.0	.17
30,000,000 rural smokers	436	31.4	.17
70,000,000 rural nonsmokers	412	21.4	.11

It should be pointed out that if a person ingests, for a prolonged interval, food and liquids averaging several parts per million of lead, he will become incapacitated with acute classical lead poisoning. It is interesting to note that studies which showed that this was true[10] were being made at about the same time U.S. government health agencies, at Congressional urging, had finished investigations of lead arsenate pesticides in 1939 and had set maximum permissible levels of lead in apples at 7 parts per million. Data pertinent to the ill effects of several parts per million of lead in food are summarized on page 74 of Kehoe's *Harben Lectures*.[10]

In the United States, the average lead concentration in foods is about 0.2 parts per million, about twenty times the inferred natural concentration.

Lead concentration in fresh surface waters and in local water supplies has been the object of many surveys in this country.[22-27] On the basis of these surveys, average concentrations are about 0.008 parts per million of lead in rivers and about 0.011 parts per million in municipal water supplies. The increased lead content in municipal water supplies is probably due to contamination from lead piping in the water systems.

A conservative estimate of average lead concentrations in existing urban atmospheres is about 1.3 micrograms of lead per cubic meter.[28 29] For existing rural atmospheres a similarly conservative estimate would be about 0.05 micrograms per cubic meter.[14 30] These estimates are based on direct measurements of lead concentrations in selected urban and rural atmospheres.

An additional and important contribution to respiratory lead exposure originates in recent decades from tobacco smoke. The lead in tobacco comes from auto exhaust fallout and lead arsenate insecticides. In this country, the average one-and-a-half pack-a-day cigarette smoker used to be exposed to about 24 micrograms of lead per day by inhalation.[31]

All the above data can be summarized to give a fairly accurate estimate of an average person's lead intake. But most of the lead passes directly through the digestive system and is excreted. The important factor, for our purposes, is the amount of lead that is absorbed into the blood.

As mentioned before, in the discussion of lead intake under natural conditions, only five per cent of the body's lead intake from food and water is absorbed even temporarily into the blood and tissues.[32] In striking contrast, about *forty per cent* of the lead that is inhaled is absorbed by the body.[33]

By grouping the population at large into urban and rural, smokers and non-smokers, the population can be divided into categories according to variations in respiratory exposure, and their respective rates of lead intake and absorption can be compared as shown in Table I.

There is probably very little difference in the average lead content of food and water consumed by people in these four population groups. The large differences in the amounts of lead absorbed by the groups is the result of differences in the amounts of lead they inhale from air or from smoking.

Although there is very little difference in total lead intake among these groups, the differences among these groups in lead absorption and blood lead levels, as shown in Table II, contrast sharply. The total increase in lead intake from lowest to highest is only about twelve per cent, but increases in absorption and blood lead levels are close to 100 per cent. This disproportion is the result of the higher absorption factor of inhaled lead, and serves as another forceful warning of the greater hazards from lead in urban air and in tobacco smoke.

In summary, there is no doubt that industrial lead, especially lead from auto exhaust wastes, has greatly increased lead contamination of the atmospheric environment in the modern era. The studies of lead concentrations in northern polar snows and in sea waters of the northern hemisphere indicate a significantly sharp increase in lead contamination in the last few decades. As a result, people in the northern hemisphere, especially city-dwellers, have been exposed to constantly increasing amounts of lead. Most of this increase seems to be in the form of airborne lead aerosols, so that it is now clear that atmospheric lead contamination is, at least in large cities, a hazard of equal or greater magnitude than lead in food and water.

It has been demonstrated that there is a clear dose-response relationship between atmospheric lead contamination at levels common in urban air pollution and the blood lead levels of those exposed.

What will happen if lead contamination continues to accelerate in the future as it has in the last two hundred years? There is good reason to believe that consumption of leaded gasolines will continue to increase as the number of automobiles increases and as auto engines become more powerful.

The public may soon be forced to decide whether the health hazards inherent in contamination from lead are outweighed by the social and economic exigencies of today's patterns of lead consumption. For more than forty years federal and state health authorities failed to recognize this hazard, and my lead contamination study met severe opposition at first, but the climate of opinion has changed. The possibility of danger from current levels of lead pollution is now a respectable viewpoint even in the field of medicine.[38] Federal and state health people are re-examining the situation. It may be that increasing lead contamination will soon necessitate the setting of standards for lead contamination of the atmosphere.

FOOTNOTES

[1] Patterson, C. C., T. J. Chow, and M. Murozumi. "The Possibility of Measuring Variations in the Intensity of Worldwide Lead Smelting During Ancient and Medieval Times

Using Lead Aerosol Deposits in Polar Snow Strata," to be published in *Contributions of the U.C.L.A. Center for Medieval Studies: International Conference on the Application of Science to Medieval Archaeology*, October, 1967, Los Angeles.

[2] Oeschger, H., B. Alder, H. Loosli, C. Langway, and A. Renaud. "Radio Carbon Dating of Ice," *Earth and Planetary Science Letters 1*, 1966, p. 194.

[3] Tatsumoto, M., and C. C. Patterson. "The Concentration of Common Lead in Sea Water," *Earth Science and Meteoritics*, North Holland Publishing Co., Amsterdam, 1963.

[4] Chow, T. J., and C. C. Patterson, "Concentration Profiles of Barium and Lead in Atlantic Waters off Bermuda," *Earth and Planetary Science Letters*, Vol. I, No. 6, Nov. 1966, pp. 397–400.

[5] Broecker, W. S., and E. R. Bonebakker. "The Vertical Distribution of Cs-137 and Sr-90 in the Oceans," *J. Geophys. Res.* 71, 1966, p. 1999.

[6] "Survey of Lead in the Atmosphere of Three Urban Communities," Public Health Service Pub. No. 999–AP–12, Cincinnati, 1965.

[7] Patterson, C. C. "Natural and Contaminated Lead Environments of Man," *Arch. Environ. Health*, Vol. 11, Sept., 1955.

[8] Goldsmith, J. R., and Alfred C. Hexter. "Respiratory Exposure to Lead: Epidemiological and Experimental Dose-Response Relationships," *Science*, Vol. 158, October 6, 1967, pp. 132–34.

[9] Kehoe, Robert A. "Standards with Respect to Atmospheric Lead," *Arch. Environ. Health*, Vol. 8, February, 1964, p. 352.

[10] Kehoe, R. A. "The Harben Lectures, 1960, the Metabolism of Lead in Man in Health and Disease, Present Hygienic Problems Relating to the Absorption of Lead." *Journal of the Royal Institute of Public Health and Hygiene* 24:81, 1961.

[11] Goldwater, Leonard J. and A. Walter Hoover. "An International Study of 'Normal' Levels of Lead in Blood and Urine," *Arch. Environ. Health*, Vol. 15, July, 1967, pp. 60–63.

[12] Hamilton, A., and H. L. Hardy. "Industrial Toxicology," Paul B. Hoeber, Inc., div. of Harper and Bros., New York, 1949.

[13] Cantarow, A., and Max Trumper. "Lead Poisoning," Williams and Wilkins Co., Baltimore, 1944.

[14] Hofreuter, D. H., et al. "The Public Health Significance of Atmospheric Lead," *Arch. Environ. Health*, Vol. 3, 1968, p. 568.

[15] California State Dept. of Public Health. "Health Effects of Atmospheric Lead in Los Angeles," preprint of preliminary study for "Survey of Lead in the Atmosphere of Three Urban Communities," (see Ref. 6).

[16] Chow, T. J. and C. C. Patterson. "The Occurrence and Significance of Lead Isotopes in Pelagic Sediments," *Geochim et Cosmochim, Acta 26*, 1962, p. 263.

[17] Tatsumoto, M., and C. C. Patterson. "The Concentration of Common Lead in Sea Water," *Earth Science and Meteoritics*, ed. Geiss and Goldberg, North Holland Pub. Co., Amsterdam, 1963.

[18] Tatsumoto, M., and C. C. Patterson. "Concentrations of Common Lead in Some Atlantic and Mediterranean Waters and in Snow," *Nature*, Vol. 199, 1963, p. 350.

[19] Murozumi, M., T. J. Chow, and C. C. Patterson. "Concentration Profiles of Lead and Silicon in Greenland Snow," to be published.

[20] Schroeder, H. A., and J. J. Balassa. "Abnormal Trace Metals in Man: Lead," *J. Chronic Diseases*, Vol. 14, 1961, p. 408.

[21] Monier-Williams, G. W. "Public Health Reports," Ministry of Health, Her Majesty's Stationery Office, 1938.

[22] Durum, W. H., S. G. Heidel, and L. J. Tison. "World-Wide Runoff of Dissolved Solids," *I.A.S.H. Commission of Surface Waters*, Publ. No. 51, p. 618.

[23] Turekian, K. K., and M. D. Kleinkopf. "Estimates of the Average Abundance of Copper, Manganese, Lead, Titanium, and Chromium in Surface Waters of Maine," *Bull. Geol. Soc. Amer.* 67:1129, 1956.

[24] Kleinkopf, M. D. "Spectographic Determination of Trace Elements in Lake Waters of Northern Maine," *Bull. Geol. Soc. Amer.* 71:1231, 1960.

[25] Kehoe, R. A., J. Cholak, and E. J. Largent. "The Concentration of Certain Trace Metals in Drinking Water," *J. Amer. Water Works Assoc.* 36:637, 1944.

[26] Braidech, M. M., and F. H. Emery. "Spectographic Determination of Minor Chemical Constituents in Various Water Supplies in the U.S.," *J. Amer. Water Works Assoc.* 27:557, 1935.

[27] National Water Quality Network, Annual Compilation of Data, U.S. Public Health Service Publication 663, 1959–1962.

[28] Chambers, L. A., M. J. Foter, J. Cholak. "A Comparison of Particulate Loadings in the Atmosphere of Certain American Cities," *Third National Air Pollution Symposium*, Pasadena, Calif., 1955.

[29] Air Pollution Measurement of the National Air Sampling Network, U.S. Public Health Service Publication 978, 1962.

[30] Patterson, C. C., T. J. Chow and M. Murozumi. "Concentration Profiles of Lead and Silicon in Greenland Snow." To be published.

[31] The concentration of lead in American tobacco has decreased from a high of about 130 parts per million during the early fifties to an estimated 20 ppm today. These values are inferred from arsenic values: H. S. Satterlee. "The Problem of Arsenic in American Cigarette Tobacco," *New England J. Medicine* 254:1149, 1956; J. H. Weber. "Arsenic in Cigarette Tobacco," *J. Sci. Food Agric.* 8:490, 1957; F. F. Guthrie, C. B. McCants, and H. G. Small, Jr. "Arsenic Content of Commercial Tobacco, 1917–1958," *Tobacco Service* 3:62, 1959; *Tobacco* 148:20, 1959.

[32] Alimentary absorption of water-soluble lead is about ten per cent (see Ref. 9). Food lead is less readily absorbed, and the value may be closer to five per cent, a value which has been observed for soluble barium. See N. H. Sanborn. "Substitute Solders and Substitute Metal Containers for Canned Food Products," Nat. Canners Assn., Works Project Bureau, Research Proj. NRC–502N, 1943.

[33] Langham, W. H. "Radioisotope Absorption and Methods of Elimination: Relative Significance of Portals of Entry," *Symposium on Radioisotopes in the Biosphere*, edited by R. C. Caldecott and L. A. Snyder, University of Minnesota, Minneapolis, 1960.

[34] Sherman, H. C. "Chemistry of Food and Nutrition," 8th ed. MacMillan Co., New York, 1952.

[35] Brecher, R., E. Brecher, A. Herzog, W. Goodman, and G. Walker. "The Consumers Union Report on Smoking and the Public Interest," Consumers Union, Inc., New York, 1963.

[36] Statistical Abstract of the United States, U.S. Dept. of Commerce, Bureau of the Census, 1963.

[37] United States Census of Population. 1960, Dept. of Commerce, Bureau of the Census 1.

[38] Editorial. "Atmospheric Contamination with Lead," *Annals of Internal Medicine*, February, 1968, p. 488.

GEN. THADDEUS KOSCIUSZKO DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROONEY) is recognized for 15 minutes.

Mr. ROONEY of New York. Mr. Speaker, I am glad to remind my colleagues that once more, the day after tomorrow, the time has come when we join with our loyal Polish-American friends to pay honor to that great patriot and hero of our War of Independence, Gen. Thaddeus Kosciuszko. Although I cannot claim Polish ancestry, I share with those who do, the same deep feelings of gratitude and respect for our beloved Revolutionary hero.

It is worthwhile for all of us who are engaged in the daily task of making contemporary history to turn back the pages and review problems faced by the men who have preceded us in these historic Halls. It is good for us to read again of the types of leadership demanded of our Chiefs of State and those who were at the helm of our legislative bodies during the great epochs of our history.

I find it particularly gratifying to be reminded once more of the galaxy of bewildering problems which faced our illustrious first President and our pioneering forebears in the Congress. My gratification does not come from recalling the problems, but rather in the manner in which George Washington solved them. I am gratified, too, in witnessing again the kind of men upon whom the Father of Our Country relied for encouragement and help. One of these close and trusted friends was a Polish soldier and statesman who became one of General Washington's most trusted military aides and one of President Washington's most intimate friends.

Even as a young boy growing up in Poland, Thaddeus Kosciuszko possessed a keen discernment of right and wrong plus an unswerving determination to do something about the wrongs he encountered about him. His passionate love of liberty and the independence of his people thrust him into the leadership of those who resisted the dismemberment of Poland by Russia, Prussia, and Austria. For his fearless efforts in behalf of his countrymen, Kosciuszko was exiled from his native land. This young officer's love of freedom was so deep, it was only natural that he had compassion for the American patriots who were beginning their struggle to throw off the shackles of British enslavement.

I hope that someday a record of the meeting of this young Polish zealot with General Washington may be found. It would be a fascinating bit of history to learn in detail how this young officer presented himself as a volunteer to help the Commander in Chief of our Continental Army. His presentation must have been of the same high order as his subsequent military service.

General Washington had young Kosciuszko commissioned a colonel of engineers in the raw and fledgling Continental Army.

He performed his first assignments of strengthening the fortifications along the Delaware River and at West Point with such zeal and with such despatch that even Thomas Jefferson was so impressed that he remarked that the young Polish officer was "the purest son of liberty I have ever known."

Kosciuszko gave of himself and his experience without reservation as he served General Washington month after month during the 6 grim and hungry years of war. He not only contributed great skill as an engineer and tactician but he endeared himself to his troops and fellow

officers for his valiant and courageous leadership on the fields of battle. Because of his valor and because of his accomplishments, a grateful Congress bestowed upon him all the rights and privileges of American citizenship along with a grant of 500 acres of land and $12,000 cash. We recall with great feeling and admiration General Kosciuszko's moving instructions to his dear friend Thomas Jefferson, who was the executor of his last will, that these moneys should go for the freeing of slaves in the United States of America.

Many Americans then and even now regret that Kosciuszko decided to forego making this country his home and bask in the love and adulation of his adopted countrymen. Yet all Americans deeply respect and admire him for his decision to return to his homeland to lead Polish patriots to fight for their independence. His efforts in his homeland were spectacular and of such magnitude that Catherine the Great unleashed all her mighty military strength to crush the uprising.

And so the unfortunate destiny of our great American hero was not to enjoy the fruits of a good life among his devoted American friends, but to be captured in battle and consigned to life imprisonment in a stinking dungeon. Only upon the death of Catherine was he freed from prison—a wasted and suffering man but still with his love of freedom burning fiercely.

Today, Thaddeus Kosciuszko lies buried in the Wawel Cathedral in Krakow among Poland's most historic and honored dead. I have paid my respects to him there.

Today in America, Mr. Speaker, Thaddeus Kosciuszko lives in the hearts of his fellow men. On Thursday, the anniversary of his birth, we join with his countrymen and with our fellow Americans so proud of their blood relationship to him, to revere his name and to praise his deeds. We herald him not as a foreign-born officer but as a true American patriot.

MARILYN ANNE McKAY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I am saddened not to have personally known Marilyn Anne McKay, because she had an extraordinary gift for life that I am sure will live as a testament to a generation seeking to bear personal witness to the dignity of mankind.

For in the work and hopes and determination of this 23-year-old girl, there is a vision of life strong enough to overcome the disillusionment of a generation perplexed by a world it inherited but did not shape.

She explained to the Peace Corps:

> It seemed to me that I had so much given to me that it was a moral obligation of mine to give up some of my time to help others who were not as fortunate as I.

She died a few weeks ago in Africa after devoting herself to teaching the children of a remote village in outer Liberia. Marilyn was vacationing in Kenya with two other Peace Corps volunteers, Susan Davey and Martha Merrill, when their car was struck by a train. It was the Peace Corps' worst single tragedy.

Marilyn McKay grew up in a section of my district in Queens, N.Y., where she was blessed with a family rich in spiritual character as well as material wealth. Her sister is a nun, Sister Theresa, a member of the order of Daughters of Wisdom in Norfolk, Va. And she had a brother who also tragically died in an auto accident 10 years ago.

A graduate of St. John's University, she was caught up in the youthful turmoil of our times, yet firm in her religious conviction that she need not be passive while expressing devotion and love for her country. While a student, she tutored the less fortunate children of the city, symbolizing the belief of today's youth that their personal affluence is peculiarly empty if others live ignorant of their potential.

For from what I understand of this young lady, as she moved from childhood to adulthood, her adolescence was a time of setting personal goals that demanded the best of her abilities while devoted to her idealistic convictions. In this she reflected the quieter and undramatic side of today's youthful rebellion, the dedication and knowledge that only hard work produces change.

Joining the Peace Corps, she defined this personal goal:

> I have seen so much of the hardships that poorer people have (. . . in New York City) that I felt a definite need within myself to try and do something to alleviate at least a small part of the suffering in the world.

In the Peace Corps, teaching in the difficult, demanding environment of the small village of Barziwen, a grueling 6-hour drive from Liberia's capital city of Monrovia, Marilyn fulfilled her promise. Her devotion to her Peace Corps assignment found expression in helping to build common bridges amongst people of different cultures, creating a world of understanding and promise instead of despair and hopelessness.

In the wake of Marilyn's tragic death, the McKay family has set up a memorial fund in her name. It suggests to me the remembrance of a young girl who called forth the best in human nature while challenging our complacency.

Her death calls to mind, what Tennyson once wrote:

> That which we are, we are;
> One equal temper of heroic parts,
> Made weak by . . . fate, but strong in will
> To strive, to seek, to find and not to yield.

LIBERTY UNDER ATTACK

The SPEAKER pro tempore (Mr. VANIK). Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, it is a free country—or is it?

I have watched repeated attacks on individual liberty in the past few months, and I wonder if we are still a free country, and if we are, how long we will remain that way.

The Vice President has made violent attacks against the press in general and certain individual newspapers in particular, using language such as we have not heard since Senator GOLDWATER made his famous assault in 1964.

I have seen written into law a bill making it a crime to cross State lines with the intent of creating a riot. We well know that such a law is so vague that it is of extremely dubious value and is in all likelihood unconstitutional, a law so poorly drawn that Attorney General Clark refused to prosecute under it, yet which is used by the present Attorney General to prosecute a trial in Chicago that is so bizarre as to defy description, a trial that is in every respect a disgrace to our whole system of justice.

I see the administration pressing for a law that will irrevocably change, limit, and impair the right of our citizens to reasonable restraints on the search of their private homes by agents of the Government.

I see wholesale, admittedly illegal wiretapping justified by a fantastic legal argument of the Justice Department.

I see the Justice Department seeking wholesale confiscation of private, unpublished notes, film, and other material gathered by reporters. This action alone casts grave doubts on the extent of freedom of the press, which is the right of the people to know. It is an assault on the press such as has not taken place in living memory.

I see the use of the military draft as punishment for defiant acts, until at long last the Supreme Court has declared this outrage illegal.

Those who have concern about freedom had better pause now and think of what has been happening to our liberty, and ponder how much of it we have lost and are in danger of losing. I am one of those. It is time that we think of what is happening and time that we warn of the dangers we are facing. Liberty is under attack in our own land.

Consider the matter of the press.

I am not uncritical of the press. Indeed, I doubt that anyone has disputed more strongly than I, or at greater political danger, television network reporting that I felt was erroneous. But it is one thing to dispute the factuality of a broadcast, and quite another to bring to bear all the powers of Government against a reporter or a news institution, to force from them information that is confidential and has heretofore been considered privileged.

We have just seen the spectacle, not merely of the Vice President attacking newspapers, but of the Justice Department issuing carte blanche subpenas to force reporters and their companies to produce unpublished notes and film, and other materials, as part of a Government investigation. This is dangerous business, because it smacks of using the press as an arm of the police, of using raw data as part of a general Government fishing expedition. The Attorney General now confesses that the action of issuing these subpenas was a mistake. But he offers no real guarantee that it will not happen again, it seems clear indeed that he intends to continue using newsmen for

information when he deems this necessary, just as he intends to tap any telephone line that he deems necessary.

Some newsmen are of the opinion that the Justice Department, by demanding subpenas for material on certain types of stories, intends to intimidate newsmen from covering those stories. Others theorize that the issuance of such subpenas will cause news sources to refuse to talk to reporters. Either way, news about the subjects in question would dry up, and the Attorney General would not see stories about subjects that he did not like. He would substitute his desire to kill stories about the Black Panthers for the right of the people to know about this group, its actions, and its beliefs.

Perhaps the Attorney General is concerned about the accuracy of news items. But that offers no ground upon which to subpena information that was never published; how could an unpublished item give rise to concern about items that were in fact published? Perhaps the Attorney General in his zeal forgets that the best guarantee of accurate news is free newspapers. He would do well to remember Jefferson's comment that—

> The press is impotent if it abandons itself to falsehood.

If Mr. Mitchell is concerned about news accuracy, then he should assure the press its full liberty, for in the end, if the press is inaccurate, its stories will be rejected by the people who read them. It is a controlled press that cannot be contradicted; it is a controlled press that cannot expose facts needful of exposure; and it is a controlled press whose falsehoods cannot be denounced.

If the Government intimidates reporters, or uses the powers of Government to suppress their activities, or to cut the press off from its sources of information, our press will in fact be controlled, and to the extent that it is controlled, our people will have lost their right to know the truth—and it is the truth that makes men free.

This is no matter of mere passing concern; it is no isolated incident. For this matter touches upon the very heart of the relationship between a reporter, his duty and his responsibility, and the rights of the people and the rights of the Government.

Surely the Government has a right to seek information from any source, when it is seeking facts regarding criminal matters. But that must be a restricted right. The Government in a free land cannot resort to torture, it cannot force a man to testify against himself; it must use legal means to get its information; it must protect the rights of the innocent. The Government has in the past asked reporters to supply confidential information only on a very limited basis. It has never launched a broadside attack against reporters and the press such as we have just seen; and the reaction of the press to this attack is understandable. Mr. Mitchell's recognition of his error and his public pledge to the contrary notwithstanding, the liberty of the press has been infringed, and there is no guarantee that it will not happen again.

In addition to the attacks on the press, both political and legal, we are witnessing a drive for a type of search warrant such as must not exist in any country calling itself free.

What free country would grant police the right to smash down, without warning, a private door? Yet that is what we are being asked to do. The search warrant procedure in the Drug Act would permit police to obtain from a magistrate search warrants that would enable the police to attack households without warning. Our law has for centuries given special status to a man's private home; no police could enter without a duly obtained warrant, and no police could enter without warning. But we are now seeing an erosion of that very fundamental right of freedom from unreasonable search, in the name of nailing a few narcotics users.

Granted, it is possible for users of drugs to dispose of key evidence in drug cases in the seconds that it takes for the police to announce their presence. Yet it is not the users who are most dangerous to our society—it is the big pushers who are not going to be caught up in this crude dragnet at all. Moreover, I can foresee the day when the so-called no-knock warrant will be sought for gambling cases, for in gambling operations it is also possible to destroy records and crucial evidence in a matter of seconds. Then the no-knock warrant will be sought for other offenses. Where will it end? Who knows, for the camel whose nose we now see in liberty's tent is a formidable one.

The demand for more and more police power of this type will not end crime; it will not do anything more than erode freedom. Law and order is one thing, but tyranny is quite another. We have to be willing to take risks for liberty, just as we have to be willing to take risks for peace, as the President is so fond of saying.

How much risk are we willing to take to preserve our own liberty? If the Attorney General's policies seem to say anything, it is that he is not willing to take much risk at all. Yet if there is anything that we ought to be willing to take risks for, it is our own liberty, for our own freedom not to be intimidated, controlled, and threatened by limitless police power granted the State by men who are too unwise to uphold their liberty, or too afraid to defend it.

HON. JOSEPH P. ROSTENKOWSKI

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I join my distinguished majority leader Hon. CARL ALBERT, in expressing my condolences to our distinguished colleague, Congressman DAN ROSTENKOWSKI, who serves as whip of the Illinois delegation and as chairman of the Democratic caucus, on the loss of his father, the Honorable Joseph P. Rostenkowski.

For over 25 years I have known Joseph Rostenkowski. He served as committeeman and alderman of the 32d ward on the Near Northwest Side of Chicago. Joe was a lifelong leader of the Democratic Party in Cook County. He was an outstanding public official serving the wants and needs of the immigrant Polish district which he represented from 1931 to 1955. He served as collector of customs in the Chicago Port. He was a veteran of World War I. He served in many civic organizations and devoted a lifetime in Democratic politics as State senator, alderman, ward committeeman, and delegate to the national convention.

Joe served his city, his State, and his Nation with dedication and devotion, and he will be missed not only by me but by his countless friends and associates who have known Joe and his willingness to always extend a helping hand to his fellow man.

Mr. Speaker, Mrs. Annunzio joins me in extending to DAN and his two sisters our heartfelt sympathy on the loss of their father.

ABM—THE RIGHT TO KNOW

(Mr. GIAIMO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIAIMO. Mr. Speaker, from the time that the anti-ballistic-missile system was first discussed by this House in early 1968, I have questioned the need for its immediate deployment. I have done so not because I doubt the need for the best possible defense for the United States, but rather because I fear that deployment of ABM before all research and development activities are completed will result in an imperfect system and will cost the American taxpayer millions of dollars in unnecessary cost overruns.

In last year's Defense appropriations bill, $400.9 million was appropriated for continued ABM research and development which the Defense Department said was necessary to perfect the system. Also included in this bill, over the objections of several of my colleagues and me, was a total of $359.5 million for deployment at sites in Montana and North Dakota. This measure was signed by the President on December 29, so it is safe to assume that the necessary research and development for which we appropriated over $400 million has not yet been completed.

In light of this, I was dismayed to discover in an article in the New York Times of January 30 that the administration plans to ask for $600 million to build additional missile sites in Washington State, Michigan-Ohio area, Missouri, Washington, D.C., and southern New England. I have learned since then that more money for research and development will also be requested.

I find it difficult to understand how the administration can propose these new sites at the same time that its Defense Department admits to a need for millions of dollars worth of additional research and development. It has been shown time and again on other sophisticated weapons systems that concurrency of research and development and production results in imperfect weapons and unnecessary

additional expense. Such concurrency has cost the American people more than $16 billion in the last few years, yet the administration seems determined to make the same mistake on what may be our most complex and expensive weapons system.

More importantly, however, I am concerned by the lack of information from the Defense Department on just where these missile sites are to be located. Why is it that the people of southern New England, Washington, D.C., the Michigan-Ohio area, Missouri, and Washington State had to learn about these proposed sites from the New York Times rather than from the Defense Department? Certainly, national security is not a factor in this case since the construction of these sites and their locations will soon be common knowledge anyway. It appears, unfortunately, that the Defense Department has remained silent in order to prevent public concern and criticism about the locations of these ABM sites until construction begins.

Once again, the Defense Department has forgotten the basic fact that, in a democracy, the people have a right to know. Since the American taxpayer is expected to foot the bill for ABM, he certainly has the right to criticize, on his own or through his elected representative, the location of any of these sites. It is absurd for the Defense Department to think that it can remain immune to public questioning about ABM by merely keeping silent.

I have asked the Secretary of Defense to provide more details about the proposed site location in southern New England, and I urge our colleagues from other affected areas to do the same. In the meantime, I wish to insert at this point in the RECORD the New York Times article of January 30, which must serve, unfortunately, as a poor substitute for a Defense Department policy statement:

[From the New York Times, Jan. 30, 1970]

PRESIDENT SEEKS ABM EXPANSION BUT PLANS REVIEW

(By William Beecher)

WASHINGTON, January 29.—President Nixon has decided to seek an expansion of the Safeguard missile defense system and of the funds to be requested for it from Congress in the next budget, Administration officials say.

But Mr. Nixon has ordered an 11th-hour restudy of the specific proposals of the Defense Department, largely because of concern about Soviet reaction to the move, the officials add.

The new budget, which goes to Congress on Monday, will contain a request for about $1.5-billion, roughly $600-million of which would be earmarked for expanding Safeguard beyond the first two sites narrowly approved by the Senate last August.

FIVE SITES RECOMMENDED

The remaining funds, about $900-million, would be devoted to completing most of the financing for the first two Safeguard sites, which were approved by Congress after a bitter debate. Construction of those first sites is just getting started.

The Defense Department and the Army have recommended a second step that would include construction of two new sites and land acquisition and preliminary preparation of three additional sites.

According to reliable Administration and Congressional sources, these would involve the following:

A new Safeguard site at Whiteman Air Force Base, in Missouri to protect Minuteman missile silos in the area against a possible Soviet attack.

A new defense site in upper Washington State to shield against any launching of missiles from Communist China.

Site acquisition and preparation of a defense around the nation's capital to protect national leaders and their communications against a surprise Soviet attack.

Similar acquisition and preparation of sites in both southern New England and in the Michigan-Ohio area to protect against a Chinese attack.

LONG REVIEW MADE

Military and diplomatic sources say that, after a long review, the Pentagon became convinced that an expansion of Safeguard should proceed because of the continuing buildup of the threat from both Russia and China. The move would also be designed to increase pressure on Soviet negotiators in the arms control talks to try to come up with a relatively early agreement on limiting strategic weapons.

The Pentagon sent a variety of possible expansion proposals to the White House but urged selection of the package that features both additional protection of Minuteman offensive missiles and a start on a "thin" nationwide defensive screen against the kind of attack on cities that China is expected to be capable of launching in the mid-nineteen-seventies.

But at a National Security Council meeting within recent days, the sources said, arms control officials strenuously raised objections to starting on the nationwide defense system at this time.

WHAT WORRIES RUSSIANS

The Russians, they argued, are less worried about Minuteman defense than about a start on a broader national defense system that could conceivably be expanded one day to try to protect many American cities against a large-scale Soviet attack.

Even though the Johnson and Nixon Administrations have disclaimed any intention to expand Safeguard into a heavy defensive system, the protesting officials pointed out, the system to protect against a Chinese threat would technically be adaptable to heavy expansion merely by adding a lot of short-range antiballistic missiles around a number of American cities.

Concern on this score might compel the Russians to build a lot more intercontinental missiles, thus undermining hopes for freezing offensive systems in the arms talks, which are to resume April 16 in Vienna. The disarmament officials urged delay on this part of the Safeguard expansion until the talks are further along.

Officials say the President thought this argument had enough merit to warrant further study before the final Safeguard expansion package is settled on.

Because of this last minute review, officials were not sure late today whether the President would go into much detail on his Safeguard decision in his Budget Message on Monday, or would keep his remarks on that subject fairly general, leaving a fuller explanation until later.

In support of their position, Pentagon officials argue that the Soviet Union has constructed even more intercontinental missiles in 1969 than Defense Secretary Melvin R. Laird projected in Congressional testimony last spring. The Chinese missile program, they say, is not moving any faster than expected but, in the words of one analyst, "is a year further along the road."

To delay defensive measures unilaterally while the Russians are speeding up their offensive buildup would merely decrease pressure on them to come up with an agreement to hold down deployment of both offensive and defensive weapons, Pentagon officials argue.

Their specific Safeguard proposal is based on the following rationale:

To add a defense of the Minutemen at Whiteman to the first two sites around Malmstrom Air Force Base in Montana and Grand Forks Air Force Base in North Dakota would be in recognition of the Soviet buildup with its big SS–9 missiles, now approaching 300, up from the 230 SS–9's mentioned by Mr. Laird last spring.

The site in Washington State would be aimed to start a defense strictly against China in hopes of achieving a full defense against China by the mid-nineteen-seventies, when China is expected to have anywhere from 15 to 40 intercontinental missiles.

Preliminary work on the three other sites would be aimed to reduce the time that would be required to build full Safeguard systems at those places in the event they should be required.

SURVEYS WOULD BE MADE

The work would include aerial surveys in three locations to find suitable sites; test borings of the land to insure it is solid enough to support the heavy facilities; and acquisition of the land and access routes for heavy construction equipment.

The site near the nation's capital would be designed to protect the decision-makers, especially from an attack from Soviet missile submarines lying just offshore in the Atlantic.

The sites in the Northeast and along the Michigan-Ohio border would be designed to complete the five northern-most sites designed against a Chinese attack. These would include the Malmstrom and Grand Forks sites, which have capabilities of covering a large part of the north-central part of the border against Chinese attack as well as close-in defense of Minutemen against a Soviet strike.

One knowledgeable official described the basic differences of approach between Pentagon and arms control officials as being a philosophical difference over the effectiveness of the carrot or the stick. "The military men prefer the stick, while the arms controllers feel the carrot would be more effective," he said.

U.S. CHAMBER OF COMMERCE CONTINUES ITS OFFENSIVE ON ORGANIZED CRIME

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FASCELL. Mr. Speaker, legislatively and operationally there has been much recent activity aimed at defeating organized crime. Much more must be done at all levels of government. Not only that, but governmental activity alone, however effective, is not enough. To achieve a total engagement against that enemy an involved and concerned private sector is indispensable.

One of the most encouraging developments in the evolution of greater public concern about organized crime has been the strenuous and effective actions of the U.S. Chamber of Commerce in this regard.

Recognizing organized crime as one of the most ominous threats to the well-being of our private enterprise system, the chamber has embarked on a number

of programs which not only dispel myths and tell the facts about organized crime but also tell the public what steps to take in combating it.

As was stated in a report by the House Government Operations Subcommittee on Legal and Monetary Affairs, which I chair:

> One of the greatest menaces that organized crime presents is the ability, through accumulation of illegal gains, to infiltrate legitimate business. (Federal Effort Against Organized Crime: Report of Agency Operations. H. Rept. No. 1574, June 20, 1968).

The chamber's deskbook on organized crime, published last September, is a definitive blueprint for effective action by the businessman against syndicated crime.

Recently at the eighth conference of trade and professional associations, which form an integral part of the U.S. Chamber, an illuminating and hard-hitting action forum on organized crime was conducted.

Charles Rogovin, administrator of the Law Enforcement Assistance Administration, and Aaron Kohn, director of the New Orleans Metropolitan Crime Commission, as panelists quite dramatically conveyed the real threat that American business faces from the crime confederation.

In the question and answer period which followed short presentations by the panelists, it was pointed out that the businessman faces one problem the syndicate does not, the problem of crime. Syndicates derive approximately one-third of their business intake of up to $50 billion a year as untaxed profit. A portion of this profit results from the sale of merchandise which has been stolen from the free marketplace. This, of course, poses formidable, if not insurmountable, competition to the legitimate merchant.

To eliminate the organized crime menace each and every businessman must become aware of the importance of organized crime, support legislation drafted to combat it, respond to its symptoms, speak out against it using tools such as the chamber's deskbook on organized crime, and pass up profitable organized crime-initiated arrangements that may be so appetizing when offered. In summary: "All that is necessary for the triumph of this evil is do nothing."

The association department of the chamber of commerce is well equipped to join in the battle against organized crime. The more than 1,100 trade and professional associations that make up its membership are linked together with the millions of businessmen united under the leadership of the U.S. Chamber of Commerce. It is extremely significant that this conference selected the menace of organized crime as the issue to focus on during its yearly meeting.

Again I commend the chamber and its association of tradesmen and professionals for their stepped-up offensive on organized crime. The chamber has indeed been a principal catalyst in achieving increased public awareness and involvement in the fight.

ENVIRONMENTAL PROTECTION

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, our Nation and Congress are rapidly realizing that the most important area facing us is environmental protection. Citizen groups are being formed to study what the individual can do to reduce pollution, businesses are realizing that the protection of the environment is as important to our continued economy as the profit margin, college groups are organizing teach-ins on this issue, and Congress is being deluged by requests for increased appropriations and new programs.

In my district in Wisconsin, an example has been set by a group of citizens who have realized that the only way to control pollution is through the individual effort working through the locally constituted form of government. Instead of sitting back and decrying the few years of life which we have ahead of us, this group, which calls itself the Neighborhood Organizations Working—NOW—and which represents and acts in concert with other organizations on Lake Delavan, Wis., has been working very strenuously with the State, with the Federal Government through my office, and with the local municipalities.

As a result of their continuing efforts, a lake which was rapidly dying stands a good chance of providing the citizens of southern Wisconsin with continuing recreational facilities. It is with a sense of admiration for these efforts, and with the purpose of showing to America how pollution control progress can be made, that I place two recent articles from the Wisconsin State Journal in the CONGRESSIONAL RECORD. These articles give needed recognition to the local efforts on the part of Sage T. Gunderson, Ross Robbins, Richard Gifford, Steve Mestan, A. John Beucus, and Joseph M. Monroe.

The articles follow:

HOW CITIZEN GROUP SAVED LAKE DELAVAN—WATER WAS SUFFOCATED BY EFFLUENTS

(By Dennis Madigan)

A little-used Wisconsin statute, a family heirloom Masonic ring, and citizen concern translated into action have combined to spur the cleanup of Lake Delavan.

The quality of fishing and swimming in this 2,072-acre Walworth County lake has declined in recent years. During the past summer at several points along its shoreline, algae was so dense boats could not pass through it.

The problem is nutrient-filled runoff which fertilizes the lake.

Awareness of Lake Delavan's deterioration dates back as far as 1935.

Tom Gunderson, of Neighborhood Organizations Working (NOW), a federation of concerned local groups, has clippings on Lake Delavan's condition dating back that far. They were given to the NOW leader by his father.

Citizen concern peaked early in 1969 when the Delavan Fish and Game Assn. authorized a $4,000 study of the nutrient problem in the lake by Limnetics, Inc., a Milwaukee firm.

Limnetics reported on Apr. 17 that 40 per cent of the nutrients came from improperly treated sewage effluent from the City of Elkhorn. Another 5 per cent of the nutrients was attributed to the treatment plant at the Walworth County Home and Hospital.

Septic tanks around the lake, Lemnetics said, contributed about 25 per cent of the problem, and feedlot runoff in the lake's watershed was the cause of 30 per cent of the nutrient enrichment.

Three days after the Limnetics report, NOW was formed.

And four months after NOW went into action, on Aug. 20, Gunderson and five other Lake Delavan landowners dusted off Section 537 of Chapter 144, Wisconsin Statutes, and filed complaints against Elkhorn and Walworth County.

The six-man group took the name of the Lake Delavan Improvement Assn.

The statute, which has only been brought into play on a half dozen occasions since it was created in 1966, directs the Department of Natural Resources (DNR) to hold a public hearing when six or more citizens file a verified complaint on alleged or potential pollution.

After filing the complaint, the association and NOW continued to develop support for their efforts.

On Oct. 4, Gunderson and Delavan Enterprise Editor Albert L. Petermann set out to photograph the 12-in-thick layer of algae clogging one of the bays.

Petermann suggested Gunderson scoop up a handful of the growth.

Agreeing, Gunderson began to remove the heirloom 32d Degree Masonic ring he wore on the little finger of his right hand, explaining he didn't like to submerge it in the algae.

The ring, in the family since his grandfather acquired it in 1892, slipped from his grasp, bounced once on the dock, and settled slowly into the algae.

Donning skin-diving gear, Gunderson descended slowly into the bay in search of the family heirloom. After settling into several feet of sediment and never touching solid bottom, he decided the best strategy would be to sift the sediment through a piece of large mesh hardware cloth.

Instead of disturbing the sediment, Gunderson reached deep into it with the hardware cloth and swept it upward through the sediment and algae.

He found the ring on the second upward sifting.

NOW found added support after Petermann published the photo of Gunderson sifting sediment.

On Nov. 18, the Delavan Lake Sanitation District, including the Towns of Delavan and Walworth, was formed, with Gunderson as president. All septic tanks with the potential to drain into Lake Delavan will become part of the district, virtually eliminating 25 per cent of the nutrients.

On Jan. 7, the City of Elkhorn, cooperating through City Atty. Rodney Thorson and Ald. Thomas Godfrey, agreed to several steps to curtail any further occurrence of improperly treated sewage entering the lake.

The action was agreed to at the DNR hearing which resulted from the complaint filed four months earlier. Another 40 per cent of the nutrients have been accounted for.

Walworth County, at the same hearing, agreed to a study of its treated effluent to determine if Limnetics' report was accurate. Another 5 per cent of the problem is under surveillance.

Gunderson reports the latest NOW efforts center on establishing a watershed project to eliminate the remaining 30 per cent of the nutrients threatening the life of Lake Delavan.

Judging from past action of local citizens, the Lake Delavan watershed will be a reality—soon—through NOW.

ONLY SIX PEOPLE NEEDED TO ACT AGAINST POLLUTER—BUT IT'S COMPLICATED, EXPENSIVE

If you want to take a polluter to court, there's a Wisconsin statute—Section 537 of Chapter 144—that permits you and five other citizens to carry out the action.

That may sound simple.

It appeared that way in the Lake Delavan Improvement Assn.'s recent action against the City of Elkhorn and Walworth County.

But it's important to remember that both Elkhorn and Walworth County were ready to cooperate with the association.

Elkhorn had just completed two years of exhaustive studies on its sanitary sewer system to find where excess clear water—from rain and other runoff—was entering the system. These waters pushed sewage volume above Elkhorn's plant capacity and caused discharge of improperly treated effluent.

Elkhorn's findings, on file with the Department of Natural Resources (DNR) at the time of the hearing, said the age of the sanitary sewer system made limiting excess clear waters impractical. Elkhorn was prepared to expand its plant and treatment facilities.

Walworth County had recently installed treatment equipment at its County Home and Hospital and readily agreed to a check of its efficiency.

The statute was created in 1966 as part of the water resources legislation passed that year. It was later amended, when Wisconsin's air pollution and solid waste regulations were adopted, to include any instance of alleged or potential environmental pollution.

In the four years 144—537 has been around, only a half dozen hearings have been requested.

The particulars of the law, plus the very real possibility of encountering opposition instead of cooperation from polluters, may help explain why it has been used so infrequently.

Finances and time play the major roles in carrying a citizen-polluter confrontation to its conclusion.

Any six citizens may file a verified complaint—made under oath and notarized—with DNR. The filing, if proper, initiates action by the department to hold a hearing on alleged or potential pollution.

DNR has the option of asking the complainants for a security deposit of up to $100. This keeps the complainants honest and discourages cranks.

The responsibility for carrying the case forward rests with the complainants.

When a complaint is filed, it must be specific. Generally, this means such things as date, time, extent, and effect of the pollution must be stated. Facts and figures are needed to back up the specifics in the complaint.

Legal counsel is necessary.

The bills for fact collection and legal help must be paid by the six citizens.

The Delavan Lake group raised funds for its action through citizen and organization contributions. Specific facts were gathered by Limnetics, Inc., Milwaukee, at a cost of $4,000 underwritten by the local Fish and Game Assn.

Richard J. Steinberg, Milwaukee attorney and counsel for Limnetics, Inc., was retained as legal counsel for the association.

Within 90 days of the complaint filing, DNR is required to hold the hearing. Within 90 days following the hearing, DNR is required to issue an order based on evidence presented at the hearing.

While one type of order can direct a polluter to correct a situation, other types of orders can be issued.

DNR may dismiss the complaint for lack of evidence or other reasons.

It may also find the complaint was filed in bad faith. In this case, the party complained against can recover hearing expenses through action in a civil court.

On the face of it, a six-month time frame—from filing to order—may not seem bad.

However, another Wisconsin statute says any ruling of a state agency is subject to court review. DNR hearings are termed quasi-judicial. This means the department order may be challenged by the polluter.

Review and appeal processes can delay implementation of the order by as much as a year, if it is upheld.

Add to this the six months between filing and order and you have a long, arduous—and costly—process.

There was no challenge by either Elkhorn or Walworth County in the association's action.

The success of the Lake Delavan Improvement Assn. can be duplicated. All it takes is six citizens, a large share of time and money, and a touch of good fortune.

PORNOGRAPHY

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, I would like to take this occasion to call your attention to an article entitled "Pornography" which was researched and written by Jay Reed, a writer for the Milwaukee Journal, and which appeared in this great metropolitan newspaper from my State, in its magazine section "Insight."

This article points out better than any I have seen how the pornographer has taken a place on Main Street, U.S.A., and has thereby cloaked his business of pollution of the mind in an aura of respectability which he does not deserve.

He is doing this because of the determination of Congress and the Post Office Department to close his previous channels of communications, the mails. Now he must ply his wares and his smut on the city streets and avenues.

I take this opportunity to remind the Congress that this business is far too embroiled in the seedy aspects of life to be considered respectable. I challenge this industry to prove that it deserves a place in any city, in any State.

I hope that you, Mr. Speaker, and other Members of this august body will read Mr. Reed's article and offer support to House Resolution 797, now before the Committee on Rules, which would establish a select committee to probe the extent of this industry in America.

The article referred to follows:

PORNOGRAPHY

(By Jay Reed)

Not all of Milwaukee's garbage is collected by city sanitation crews. Not all of the stuff that brings on sickening swirls of nausea finds its way to incinerators and dumps. Not all. Bet your life, not all. A lot of it is stacked in neat, cellophaned rows in a dozen or so Milwaukee smut shops, otherwise known as magazine stores. It sells to a panting public, so inclined, at prices ranging from 75c to as much as 28 bucks a clatter if your thing is dirty movies.

This may or may not seem like much depending upon your state of affluence, but what you have to remember is that we are not talking here of the staff of normal life like milk or bread or oranges or even beer. We're talking about the literary refuse that attracts maggots to the dumps of the human mind. We're talking, plainly, about dirty books.

I have just completed a survey of Milwaukee smut shops. I visited all of them, or all I could find. I purchased representative magazines and books and newspapers in some, but not all of them. And I read the material from cover to cover. I browsed a lot. I observed the patrons. And I spent time in the shops ranging from 8:30 in the morning until 11 at night on various days of the week and on weekends. Since this is not an ordinary report, the reader should know this: After four years of active duty with the Marine Corps infantry here and overseas; after an overseas stint as a war correspondent; after some international travel as a merchant seaman, I do not classify myself as a prude.

I have had intimate association with purple portions of society in a half dozen or more countries. I thought I had seen it all—or most of it—over the years.

Yet, over a period of 10 days, I have purchased and read written material here in Milwaukee that made my stomach crawl. Some of it was debased enough to make me think of Singapore's waterfront as a virginal place, clean and fine as mom's good old apple pie.

So we live in a permissive society.

So the highest courts in our land and the most respected judicial minds in this country have been unable to make definitions of "obscenity" and "pornography" precise enough for legislation.

So one of the most popular best selling novels in recent times concerns a man whose single passion, masturbation, makes him incapable of love.

So in a hit play of the times the actors take off their clothes and scream obscenities at the audience.

So for the price of $2.75 you can buy in downtown Milwaukee right now a book by one Hilda Carter or Hilda Arthur—depending upon which page of the book you believe—that describes in sickening detail, from first paragraph to last, every sexual experience and act of perversion you can think of.

So what?

Well, here is what.

There has to be something wrong with a society that permits the open sale of such a book under the guise of a literary effort. Legalizing the sale of pornography would be one thing. There would be, at least, some little honor in that. But a hypocritical burying of the public head in legal sands is something else. That is what is happening.

Sure, there are those who will say that to suppress by law activities or expressions that some consider immoral or sinful is to deprive those of contrary opinion of their constitutional rights.

There are those who will say there is no such thing as a dirty book.

They will say that a four letter word that shocks a churchgoing housewife in Wauwatosa will not mean a thing to a pulp cutter in Woodruff.

They will say that words describing sexual acts are largely used as curses, jokes, or in contempt; that they are dirty only to those for whom sex itself is dirty.

They will say our customs and codes of morality are changing. They will say there can be no law discriminating against hard core pornography that does not, at the same time, infringe upon the rights and freedoms of the serious writer to portray life as he sees it and the right of any citizen to read it if he should choose to do so.

They will say these things. And much, much more.

To which I must say: Oh, hell!

It is one thing to applaud so-called sexual freedom as a healthy reaction against the hypocrisy of self-confessed "good" people

who practice in private what they condemn in public.

But it is quite another to accept the growing abuse of this freedom by commercial interests who use it in the name of art or literary effort to debase and vulgarize sex, language and all of the other basic instincts.

To discriminate between healthy freedom and sick license is a difficult, if not downright dangerous thing to do, but it will be done before the conclusion of this article, righty or wrongly.

But let us now, for the moment, take a look at the Milwaukee situation.

It is easy, if you have the price, to buy a "dirty" book at any one of a number of downtown locations. Two executives of the National Citizens for Decent Literature, as a matter of fact, toured Milwaukee bookstores about a year ago and called the city "one of the worst in the nation" as far as the availability of smutty material is concerned.

The stores are strikingly similar in outward appearance. Their windows are either thickly curtained or painted, in most cases. You can't see in. But the comeons are displayed.

They consist of a suggestive cover or two, a magazine featuring the word "Sex," an assortment of paperbacks with lurid titles, pictures of unclothed females with strips of tape sometimes placed over strategic areas. Most of the shops also display a sign advertising adult magazines and another saying "You Must Be 21 to Enter."

So spend a half an hour with me now in a typical downtown Milwaukee smut shop.

Let's go in at noon because it is a fairly busy hour. There are plain shelves against plain walls. The lighting is good. The magazines are racked singly, segmented, as it were, by general subject matter. There are the girlie types in one area; the male nudes in another; the paperbacks in yet another.

There will be a section of photo magazines devoted solely to closeup shots of male and female sex organs. There will be pamphlets dealing with artificial organs. Yet another section features erotic phonograph records and filmstrips.

The floor is carpeted. Through the entrance to the right there sits behind a small counter a middle aged man who watches with bored interest the comings and goings of customers. Down the center of the room are two rows of tables on which are stacked more picture magazines. The variety of stock is astonishing. The store features a section of photo magazines and written material entirely for homosexual interests which is the largest I have ever seen.

And it also features a complete display of "sexploitation" papers, lavish with four letter words, paid personal solictations for every category of sexual partnership, group or single, devices—mechanical and chemical—for increased sexual prowess and articles on new cultural developments.

Most sell for 75c a copy. One called "Screw" features as one of its lead articles a story on the joys of masturbation while watching television.

The profusion of paperbacks caters to all conceivable erotic or sadistic tastes.

Certain of the magazines are enclosed in cellophane. Except for their covers, their contents cannot be seen. Their prices, generally, are a dollar or two higher than the others. Presumably, they are of better quality or contain a "hotter" array of material. The ones I purchased, however, were little different than the overall run.

Price ranges are fairly standard, although at least two stores hike the prices printed on the covers. A picture magazine selling for $3, according to the price printed on its cover, was hiked to $4 by a sticker pasted over the original price. A paperback with a printed price of $1.95 was pushed to $2.75.

Businessmen and young executives make up a good part of the noon smut trade. They stride in purposefully, select carefully and then they stand there and read or flip through the pages of the picture stuff. One man in a blue suit, white shirt and polished shoes munched a sandwich while he read.

Milwaukee authorities say they have no idea what the total yearly profits are of those who deal in smut. But Citizens for Decent Literature estimates the business grosses something like $2 billion annually.

Most of the smut coming into Milwaukee is published in New York and California. There are no smut publishers in Wisconsin, so far as local authorities can determine. Mail order smut, on the other hand, comes from a variety of states and Scandinavian countries.

Obscene material is reaching the hands of Milwaukee children and authorities are concerned. Capt. Leonard Ziolkowski, head of the police vice squad, said his department had received a number of complaints from parents but, too often, they had already destroyed the evidence.

I interviewed a half dozen students at Milwaukee high schools. They were random interviews lasting from a couple of minutes to a half hour.

In each case, they had seen "dirty" material. Two students showed me examples of the material. One was a picture magazine displaying photos of nude men and women performing acts just short of actual intercourse and perversion. There was a film strip of a nude woman dancing. There was a plastic viewer through which the film could be viewed. And there were a half dozen pamphlets advertising sex books and film and erotic equipment that could be purchased through the mails.

The students claimed they had not purchased the material. "The other kids had it," they said.

Whatever the extent that young people receive obscene material, authorities believe it is adults, rather than youngsters, who feed the smut industry. The kids I talked with tended to shrug it all off. One senior at Marshall High School said he had seen "quite a bit" of smutty material. How did he feel about it?

"I think it's pretty funny."

Milwaukee has an ordinance against distributing obscene material to juveniles. Currently in State Assembly committee is a bill making it illegal to distribute harmful material to anyone under 18.

The problem is now, as it always has been, in defining what is obscene.

Supreme Court rulings on what is obscene and what is not involve three basic factors. To be obscene the work:

1. Must be without redeeming social value.
2. Must be an affront to contemporary community standards.
3. Must have a clear appeal to prurient interest in sex.

This, of course, is what has opened the door to a full scale assault on the sort of reading material that once was looked at behind the barn or in the confines of a hotel room in Paris for those who got there.

There is an incapability today among people to establish a line, not drawn by law but by each individual's deepest instincts. That is the key. What is offensive or obscene is not pictures or descriptions of two naked people making love but the context in which it is presented.

That is my argument with those magazines which can be purchased so easily in Milwaukee today.

The real obscenity, in my view, occurs when sex itself becomes the object of contempt, when sadism enters in, when aggression is committed against the human body or the human spirit.

There is a need in Milwaukee and elsewhere right now to hold a public lynching of a madman called hypocrisy.

We must call it like it is and quit the kidding.

There is pornography. You know it.

There is obscenity. You know it.

And neither one has anything to do with honest sexuality and the freedom of expression essential to full social development.

It is dirty, miserable, sordid stuff—the law notwithstanding—and it's piling up on Milwaukee's mental doorstep.

Somewhere there must be a garbageman who will carry it away.

THE PROPOSED NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, last week this body was scheduled to consider H.R. 12025, the National Forest Timber Conservation and Management Act. However, the bill was removed from the calendar; and, thus, any final action by the House has been postponed.

In order that I might make my own position with respect to this legislation clear, I am taking the liberty of inserting these comments in the RECORD at this time.

Approximately 1 year ago, the Banking and Currency Committee, of which I am a member, held extensive hearings concerning the very rapid rise in the prices of plywood and lumber which was then occurring. Of course, our hearings were instituted because of the jurisdiction which our committee has over those Federal agencies charged with improving the quality and quantity of housing for American citizens, particularly those in the low-income bracket. Needless to say, we were concerned that a sharp rise in a commodity basic to home construction, timber, and its related products, would undermine our efforts to achieve our national housing goals.

The following facts became readily apparent in the course of our hearings:

First. Approximately 54 percent of the standing timber existing in the United States which is suitable for commercial purposes is located in Government owned and controlled national forests.

Second. Receipts from the sale of timber from the national forests are now paid into the general fund of the Treasury while funds for the operation of the U.S. Forestry Service—an agency of the Department of Agriculture—are appropriated by the Congress. Appropriations for the Forest Service are never as great as receipts from the sale of the timber and they are not adequate to meet the needs of the Forest Service if proper land management techniques are to be employed.

Third. The national forests are not now producing the timber of which they are capable: it is estimated that with proper land-management techniques the productivity from our forests could be raised to 7 billion board feet per year in the next 10 years.

Fourth. The national forests can reach this high degree of productivity without destroying the uses of forest areas for recreational and wildlife purposes, provided adequate funding is provided to the Forest Service.

Fifth. Under present funding arrangements, the Forest Service is unable to provide the degree of land manage-

ment which is necessary for the preservation and sustainment of present forest areas, it being recognized that presently 4.8 million acres need reforestation.

Of course, the facts set out above lead to only one inescapable conclusion and that being that proper funding for the U.S. Forest Service must be provided without further delay if we are to achieve any of our national goals for housing and, at the same time, prevent the wholesale destruction of our national forests. The bill now before the Congress, H.R. 12025, the National Forest Timber Conservation and Management Act of 1969 is the most logical answer to this need, and I intend to give it my support.

However, I also feel that in the present act there are not adequate safeguards to preserve the fish, wildlife, and recreational values of our national forest lands. Even though the argument will be presented that the Multiple Use-Sustained Yield Act provides adequate safeguards, I believe that with the strong emphasis on timber yield which is found in the National Forest Conservation and Management Act, this provision of the Multiple Use-Sustained Yield Act would be effectively emasculated. Also, I have found through experience with the Department of Agriculture that recreational and fish and wildlife values often do not hold predominance when the Department is considering any special project.

Therefore, I plan to offer an amendment which would require that before sections 6 and 7 of this act could be implemented in any national forest, the Secretary of Agriculture must consult with the Secretary of the Interior and the head of the agencies exercising administration over wildlife resources of the particular State involved. This consultation would at least give conservation interests an avenue through which to present their views to the Secretary of Agriculture before any action is begun.

I find that the idea of consultation and cooperation between the different Government agencies in the field of conservation has been reaffirmed many times by the Congress. Specifically, I would like to bring to your attention the Fish and Wildlife Coordination Act of 1934, the Watershed Protection and Flood Prevention Act of 1954, the land and water conservation fund, the National Trails Act, and the Wild and Scenic Rivers Act. All of these acts require consultation and coordination by the different Government departments in order to preserve and protect the recreational and wildlife interests of our natural resources. With these precedents in mind, I feel that my amendment would strengthen the conservation part of this bill.

BUSINESS DEALINGS WITH THE SOVIET UNION

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, we hope to begin hearings this year on the question of American export control policy. Recently we passed an extension of the Export Control Act, in which we liberalized our trade dealings among our businessmen and the Communist bloc countries.

I would like to take this occasion to insert following my remarks, for the benefit of my colleagues, a column which was prepared for the February 9 edition of Barron's, written by Mr. Robert Hessen, which deals with the subject matter of the degree to which American technology has been exported to the Soviet Union and its satellites, with no resulting benefit to this country. I invite this column to the attention of my colleagues.

The column is as follows:

CAPITALIST DUPES: THE STORY OF U.S. BUSINESS DEALINGS WITH THE SOVIET UNION

(NOTE.—The accompanying article was written by Robert Hessen, author of the widely circulated "Campus or Battleground?" (Barron's, May 20, 1968), and an assistant professor at the Graduate School of Business, Columbia University. It first appeared in the January 1970 issue of The Objectivist, a monthly magazine edited by Ayn Rand.)

In recent years we have witnessed the spectacle of a number of American businessmen scurrying to Eastern Europe, sniffing the scent of Soviet rubles. Their action was paralleled by British and Canadian businessmen eager to supply machinery and food to Red China and Castro's Cuba. The men who pursue such policies evade the fact that, two generations ago, similar action by Western businessmen saved the Soviet Union from self-destruction, and helped to strengthen the dictatorship whose unchanging goal is our annihilation.

The massive aid which Western businessmen have given the Soviet regime is recounted and thoroughly documented in an important new book, Western Technology and Soviet Economic Development, 1917 to 1930 by Professor Antony C. Sutton, who is a Research Fellow at the Hoover Institution of Stanford University. With meticulous scholarship, Dr. Sutton demonstrates the overwhelming economic ineptitude of the Soviets, and their total dependence on Western technology. His documentation exposes the crude falsehood of Soviet propaganda claims.

The official line propagated by Soviet spokesmen (and repeated by their Western sympathizers) declares that, when the Soviets seized power in 1918, they inherited an empty cupboard, which they then transformed into a cornucopia. Dr. Sutton shows that the truth was the exact opposite: the Soviets seized an economy that was industrialized to a significant extent and proceeded to plunge it into chaos.

Between 1918 and 1922, the Soviet government attempted to run the country on the basis of "socialist self-sufficiency." The result, Dr. Sutton shows, was a breakdown of the economy. The Bolsheviks' seizure of power caused a mass exodus of foreign engineers and technicians—and the flight of comparably skilled Russians, either into exile abroad or to the countryside, where food was easier to obtain. Men of ability were replaced by men of unquestioned Party loyalty: industrial managers were chosen on the basis of ideological orthodoxy rather than of managerial talent. Throughout Soviet industry, incompetents soared to the heights of power.

By 1922, as a result of strict adherence to socialist policies, the Soviet economy reached a state of "catastrophic collapse." Following Marx' dictum that money is a capitalistic tool of exploitation unnecessary in a socialist society, the Soviets deliberately inflated the ruble in order to wipe out its value. They succeeded—and crippled the country in the process. The inflation triggered a decline toward a primitive barter economy; people would not exchange goods for paper money of steadily decreasing value.

Socialist dogma also subverted industrial methods. As an example, Dr. Sutton cites the case of a Soviet steel mill built in contemptuous defiance of all concern for costs. The mill used raw materials which had to be transported a distance of 1,250 miles. Engineers and economists complained that this was uneconomical, but they were ignored. The official Party line proclaimed that transportation cost should not determine the location of factories in a socialist society; cost-consciousness, it declared, is a capitalistic concept.

By means of an industry-by-industry survey, Dr. Sutton shows that, in the early years of the Soviet regime, output fell precipitously throughout the country. Virtually the only exceptions were a few foreign-owned firms that had been temporarily exempted from nationalization, because the Soviets did not feel competent to operate the highly complex factories involved.

To revive their crippled economy, the Soviets desperately needed Western machinery and Western technicians. To finance imports, they were exporting food, even at a time when starvation was sweeping Russia. It was American "missions of mercy" that helped the Soviet dictatorship to survive. Dr. Sutton cites the following example: "The Soviets were loading a boat with Ukrainian wheat for export to Germany, while alongside was a boat from the United States unloading American wheat for the famine areas to the north of the Ukraine."

In 1921, Lenin conceded that the Soviet system could avert total collapse only by relaxing economic controls and by obtaining assistance from Western businessmen. He decreed a "New Economic Policy," a temporary repeal of certain controls, which permitted retailing, wholesaling and small manufacturing concerns to return to private ownership. Lenin would not, however, relinquish control over what he called the "commanding heights" of the economy, which included foreign trade, mining, transportation and heavy industry.

Dr. Sutton describes in detail the Soviet program of economic "concessions," which was designed to enlist the services of foreign companies and thus to use the latest Western technology in the development of the "commanding heights." A concession involved a contract by which the Soviet union authorized a foreign company to organize, equip and operate a specified economic enterprise; the company did not acquire any ownership rights, but it was free (at least, on paper) to earn a surplus or profit for a specified number of years, after which all the assets of the concession were to become Soviet property.

Other studies of Russia have noted the existence of these concessions, but have dismissed them as economically insignificant. Dr. Sutton emphatically disagrees with such an assessment; he proves that major scholarly contribution of his book lies in the fact that he has assembled a vast amount of data about concessions from widely scattered sources, and has shown that these concessions played an indispensable role in Soviet economic development.

Thus, contrary to their propaganda claims of self-sufficiency, the Soviets were forced to appeal to the technology and talents of capitalism to save their system. If Western governments and Western businessmen had continued the policy of political ostracism and economic boycott begun in 1918, the Soviet economy would have collapsed. Dr. Sutton does not draw this latter conclusion explicitly, but the evidence he presents makes it inescapable.

In turning to the West for aid, the Soviets were not, of course, abandoning their long-range dedication to socialism or to world-

revolution. On the basis of a careful study of Soviet political writings in this early period, Dr. Sutton concludes: "The pleas to the Party faithful to accept foreign capitalists and engineers give the clue that Communist intent was to absorb capital, skills, and technology, and then, 'when the lemon was sucked dry,' to discard it." To the shame of the West, the Soviet strategy succeeded, as Dr. Sutton illustrates in his discussion of the oil and coal industries.

In 1900, Russia had been the world's largest producer of crude oil. When the Soviets took over the oil fields of the Caucasus, they acquired an asset that could have become a major source of exports. Instead, the oil fields were all but destroyed. As a result of negligent operations, writes Dr. Sutton, "water percolated into the wells, and the flow of crude oil became first a mixture of oil and water and finally a flow of oily water." Left to themselves, the Soviets would have been in the same position as primitive savages living in an industrial era, staring helplessly at the works of modern technology, finding their incantations useless to raise oil from the ground. But they were not left to themselves. An American firm operating on concession, International Barnsdall Corp., sent technicians and a massive quantity of modern oil-drilling equipment to the Caucasus, and restored the Russian oil fields to normal operations.

A similar development occurred in the case of coal. Russia's most productive coal fields were in the Donetz Basin, which in 1910 produced three-fourths of Russia's total coal output. Yet, under Soviet operation, coal production fell sharply from 1917 through the mid-'Twenties. The situation became so bad that, in 1921–23, coal had to be imported into the region from England and America. This, Dr. Sutton observes, was "truly a case of 'carrying coals to Newcastle.'" Once again, it was an American firm (Stuart, James & Cooke, Inc.) that bailed out the Bolsheviks. It reorganized Russian coal mines in accordance with the latest American mining methods, thus providing the Soviets with a productive and profitable enterprise.

In his discussion of the Soviet electrical industry, Dr. Sutton draws a conclusion which is equally applicable to other industries: "All technological progress resulted from a transfer from West to East. Further, rather than just restoring and modernizing the pre-revolutionary plants, the foreign associates introduced the latest innovations from Western laboratories—sometimes before they had been utilized in the Western country of origin." Clearly, the Soviets drew enormous benefits from their dealings with Western business firms.

What did the Western companies get in return? In terms of paper promises, profits; in fact, expulsion and expropriation. Dr. Sutton describes several Soviet methods employed to expel Western companies from Russia once they had finished the desired task: the Soviets encouraged crippling labor strikes, they accused foreign firms of bribing Soviet officials, they trumped up charges of economic espionage. One of the most successful methods consisted of raising taxes to the point where the foreign enterprise would be forced to run at a loss; then, when the company closed its doors, it was seized without compensation.

Perhaps the most flagrant example of Soviet duplicity cited by Dr. Sutton involves the concession rights to manganese mining. In 1913, Russia produced 52% of the world's supply of manganese, but production fell to zero in 1920, and reached only 25% of capacity in 1924. The Soviets granted a concession to a group of German companies, and then unilaterally changed the terms of the agreement. When the Germans protested, the Soviets simply nationalized the companies' assets, and proceeded to negotiate a new concession with W. Averell Harriman, who represented an American syndicate. Dr. Sutton quotes a British observer who recognized that the Soviet motive in negotiating this new concession was primarily political: to establish "the fact that a big American company had taken the properties which belonged to foreign concerns . . . thereby recognizing the rights of the Soviet government to nationalize property."

Harriman in turn soon became Soviet prey. His agreement with the Soviets was signed in 1925; after only a year of full-time operations, manganese output climbed to half of the prewar total. A year later, the Soviets announced their plan to expropriate Harriman's $4 million investment. In a rare offer to compensate a victim of expropriation, they offered Harriman long-term bonds—but only on the condition that he would "arrange a commercial loan for the Soviet authorities to develop the manganese industry." As Dr. Sutton notes, Harriman's acceptance of this offer was a double victory for the Soviets; first, in agreeing to take their long-term bonds, a leading American businessman was sanctioning and granting validity to Soviet paper promises; second, after Harriman had arranged a commercial loan for the Soviets, they "went about Europe bragging they could borrow money from Harriman . . . therefore their credit must be good."

Harriman's policy was of far-reaching benefit to the Soviets; other American businessmen played a similar role in building up the Russian economy. Not all American companies were willing to play such a role, not even a majority, but the list does include a number of giants, among them Singer Sewing Machine Co., General Electric, Westinghouse, DuPont, Ford and RCA. Nor did American businessmen have a monopoly on what, at best, was short-sighted stupidity. The examples provided by Dr. Sutton show that the Americans had keen competition from their British, German, French, Swedish and Italian counterparts.

In the closing pages of his book, Dr. Sutton writes: "One surprising conclusion from this study has been that organizations which are often thought to be somewhat socialist in character, such as cooperatives and trade unions, have consistently refused to have anything to do with the Soviet Union in the matter of credits, aid, trade, or technical assistance. . . . On the other hand, the industrial and financial elements in all Western countries have, in the final analysis, provided more assistance for the growth of the Soviet Union than any other group."

While Dr. Sutton proves this point conclusively, he does not attempt to explain why so many Western businessmen were willing to deal with a ruthless dictatorship that was, and is, openly dedicated to the destruction of capitalism. He offers evidence that a few Western businessmen were secret Soviet sympathizers; "their contribution," he writes, "was to lead the way and instill confidence in the Soviet government in the hope that other businessmen would follow." This, however, does not explain the behavior of the majority of the businessmen involved. What does explain it? The following is my own explanation, consistent with the evidence provided by Dr. Sutton:

The businessmen who cooperated with the Soviets regarded themselves as "practical men," as "realists." They acted on the premise that ideas (particularly political philosophy and morality) are irrelevant to business dealings. They treated communist ideology as "just words" that need not affect their working relationship with the Soviet government. Their contemptuous indifference to ideas forced them to act in a "pragmatic," range-of-the-moment manner; their occasional attempts to justify their actions were a grab bag of evasions, rationalizations and empty slogans. Some chose to declare that Soviet Russia was, or easily could become, a congenial member of the family of nations. Some asserted that Western trade and friendship would somehow induce the Soviet leaders to abandon their dictatorship and renounce their plans for world-revolution. Others claimed to believe that somehow "the people" would overthrow their Soviet rulers and establish a parliamentary regime. Such was the deliberate blindness of these so-called "practical men."

They paid for it. As Dr. Sutton shows, some firms signed concession agreements to invest new sums and build new plants in Russia in the hope of recovering property which the Soviets had previously expropriated. They ignored the possibility of being expropriated a second time—a fate that actually befell Singer, Westinghouse and International Harvester. Other firms, lured by exceedingly lucrative profit "guarantees," evaded the possibility that the Soviets would seize their factories many years before the expiration of the concession term. The result of such evasions was that many firms lost millions of dollars. It was a loss they had richly deserved.

No other book has demonstrated so thoroughly the Soviets' economic ineptitude or the West's role in saving and strengthening the Soviet regime. This is a segment of history that ought to be better known, and the coverage needs to be extended beyond the early years of the Soviets. The present volume, although self-contained, covers only the years from 1917 to 1930. Fortunately, it is the first of three volumes: the next two, scheduled for publication in 1970 and 1971, will carry Dr. Sutton's analysis of Western aid to Soviet Russia up to 1945 and 1960 respectively. When completed, the series will undoubtedly rank as the foremost scholarly work in the field.

A book published a few years ago, East Minus West Equals Zero by Werner Keller, presented the same basic thesis. It was ignored in academic circles, allegedly on the grounds that Mr. Keller is a journalist, rather than a professional scholar, and that he relied almost exclusively on secondary sources. Neither excuse can be employed to attack Dr. Sutton's work. Dr. Sutton is an economist and an historian of technology; his book is based on research in six languages; this research included a study of Soviet periodicals and trade journals, U.S. State Department archives (which contain economic reports on Russia from our embassies abroad), and the captured German Foreign Office records (which contain similar economic reports).

The thoroughness of Dr. Sutton's documentation is the outstanding virtue of his book. He analyzes the Soviet economy on an industry-by-industry basis, and includes an extensive amount of technological detail. While this makes his book invaluable to scholars, it may present some difficulty to the general reader. Nevertheless, the book will reward the general reader's patience, for it is a storehouse of information not available anywhere else.

If you know any businessmen who mouth today's liberal line, claiming that no harm can come from economic relations with Soviet Russia, Red China or Cuba, urge them to read this book. It illustrates why actions which are profoundly immoral are also profoundly impractical, and it makes clear why, if America ever perishes, the coroner's verdict will read: Suicide.

STREAM CHANNELIZATION

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, earlier in this Congress, I sent to each Mem-

ber of this body a copy of an article which I wrote for Field & Stream magazine regarding the adverse effect channelization of our streams and rivers by the Soil Conservation Service of the Department of Agriculture has on the wildlife resources of our country.

Today, I am introducing legislation which, it is hoped, will minimize the problem. Specifically, I am seeking to amend the Fish and Wildlife Coordination Act so as to permit the Secretary of the Interior to object in writing to the head of any agency sponsoring a project involving streambed alterations if he fears that serious damage would result to the stream's ecology. My amendment would then require a conference between the Secretary, or his designate, and the Secretary of the Interior, or his designate, for the purpose of seeking a mutually agreeable method of carrying out the project. In the event that no mutually acceptable method of carrying out the project can be agreed upon, the controversy shall be transmitted to the Congress for its resolution of the differences presented.

Section 2 of my bill would require that in computing cost-benefit ratios while in the planning stage of a project, the term "cost" shall include the net gain or loss to the wildlife and recreational use of the land and water, the cost to be jointly determined by the Secretary of the Interior and the head of the agency exercising administration over the particular State concerned.

The third section of my legislation would prohibit channelization or channel deepening within any project until the Secretary of the Interior has completed a study which investigates the potiential damage to the ecology and the environment of the project areas and concludes that there are not other economically justifiable and technically feasible techniques which could be employed.

I am hopeful that this matter will receive prompt action by the House Committee on Merchant Marine and Fisheries.

PRESIDENT'S CABINET TASK FORCE ON OIL IMPORTS CREATES CONCERN

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SHRIVER. Mr. Speaker, recent disclosures over probable recommendations of the President's Cabinet Task Force on Oil Imports has created deep concern and uncertainty among the Nation's independent oil producers. They are justifiably alarmed over the possibility that present mandatory import controls will be replaced by a variable tariff system.

The implementation of a tariff system could result in unretrievable damage to the domestic oil and gas industry, and thereby endanger our national security. This Nation should not be placed in the position of relying upon foreign sources for its domestic supplies; and this is what could happen under a tariff system.

The tariff system would result in increased oil imports, and thereby reduce the incentives needed for domestic exploration for new scurces of supply. Such a condition could set in motion forces that would cause the destruction of the domestic oil-producing industry, and compel the United States to depend on foreign nations for oil.

This would be a great blow to our Nation, and to oil-producing States such as Kansas. Thousands of jobs are at stake. Tax revenues in 32 States which produce oil and gas would be sharply reduced, with a substantial adjustment in State tax structures and loss of school tax revenues.

In recent months, I have communicated and visited with the Secretary of Labor who is Chairman of the President's Cabinet task force regarding the impact of the tariff system on our national security and the independent producers. I have joined with my colleagues from other oil-producing States in expressing deep concern over any change in the program which would result in increased oil imports.

On January 31, 1970, I wrote to the President in regard to the protests and strong reactions from independent producers in Kansas, and outlining the damages which the reported tariff system would have upon our naticnal security and this vital industry.

I hope the President, after careful study of the task force recommendations, will allay the doubts and fears by the continuation of the present mandatory control program which, on the whole, has fulfilled its objectives.

Following is the text of my letter to the President:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 31, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am again writing in regard to the reported recommendations of your Cabinet Task Force on Oil Imports. Many of the recommendations and proposed changes in the mandatory oil import program have reached the press. Although Members of Congress have not yet been briefed on those recommendations, we are receiving protests and strong reactions from our constituents.

The reported tariff system would probably result in the closing of thousands of oil wells, most of them owned by small and independent operators. This would be disastrous to the State of Kansas. It would drive out of work thousands of individuals who directly or indirectly owe their livelihood to the petroleum industry.

Exchanging the present oil import controls for a tariff system would have even graver implications for our national security. The tariff system would result in increased oil imports and thereby reduce the incentives needed for domestic exploration for new sources of supply. Such a condition could set in motion forces that would cause the destruction of the domestic oil producing industry, and compel the United States to depend on foreign nations for oil.

Mr. President, I am seriously concerned about the reported recommendations of the Task Force because they will damage seriously the second largest industry of Kansas, and do long-range damage to our national security. I would appreciate information on how these recommendations have evolved, and what actions you may take.

Sincerely,

GARNER E. SHRIVER,
Member of Congress.

CASTRO AND THE AMERICAS

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, the Freedom Academy at Korea's Freedom Center is the only one of its kind in the free world. The academy, under the direction of Dr. Jose Hernandez of the Philippines and secretary general of the World Anti-Communist League, is dedicated to study and instruction in Communist psychopolitical warfare and the means to combat it. The academy draws students and professional participants from countries in free Asia and other parts of the free world.

The annual students' seminar at the academy has developed into another successful undertaking of this unique institution. Last November the seminar was devoted to the subject of the so-called people's war. Two of the lectures delivered by Dr. Lev E. Dobriansky of Georgetown University treated of the operations of Fidel Castro in the Americas. The viewpoints developed in these lectures, particularly their organic analysis relating Castroism to Communist developments in Asia, Eastern Europe, and elsewhere and the conversion of Cuba into a critical Russian base, make for some profitable reading and thought. The concrete measures proposed for coping with this growing Russian menace in the Western Hemisphere deserve studied attention and consideration.

I commend the reading of the two lectures on "Castro and the Americas" to my colleagues, along with a description of both the recent seminar and the Korean Freedom Center:

CASTRO AND THE AMERICAS

(By Lev E. Dobriansky)

"I must keep Cuba armed with the most modern equipment so that the United States and some of the Latin American nations can be restrained until the moment that we are able to launch our continental plans"—so spoke Fidel Castro to his confidants early in the 60's, as reported by his sister Juanita.[1] This insistent statement in itself reveals the intricate nature and scope of our subject. "Armed with the most modern equipment" and "our continental plans" are the key phrases in this declaration of intention. They indicate the subordinate and dependent character of what is frequently dubbed Castroism and clearly suggest a broader framework of analysis only by which this phenomenon of the so-called and miscalled "peoples' war" in the Western Hemisphere can be intelligently understood and combatted.

Before we construct this framework of analysis, let us at the very outset debunk certain lingering myths surrounding the essentially reactionary revolution staged by Castro. Duped by propaganda emanating from Havana and other sources, there still are uncounted citizens of varying intelligence in the Free World who believe that Castroism is merely a socio-economic, revo-

Footnotes at end of article.

lutionary phenomenon aimed at social justice and economic betterment. These people in their incorrigible naiveté are perennial fodder for any well-executed propaganda. At the turn of the 60's, they were preceded by countless others, including leaders and writers, who hailed Castroism as another agrarian reform movement, only to be disillusioned by events in a year or two. The repeated lessons of history, from Lenin's "land, bread and peace" to Mao's characterized "agrarian reformers" to Ho Chi Minh's fabrications, are never learned by too many, and thus find a field for repetition in new geographical contexts, as in the case of Cuba.

Another dangerous myth, enunciated even by a former American Secretary of State, is poised on the geographical size of Cuba and views Castroism as merely the hollow squeal of a pygmy. A relatively small island, with a small population and meager resources and capacity—so the barren argument goes—need Cuba be feared by such large states as the United States, Brazil, Argentina and others in the Americas? Castro has said, "If we train but 300 men to act as group leaders in each country, we will have enough to explode the Socialist Revolution volcano in Latin America." With some sense of confidence, he went on to say "If to this we add the militant and/or nonmilitant Marxists-Leninists in all Latin America who will act as a fifth column as well as the other elements which through contagion, economic or social frustration, political ambition, either left or right, are conditioned to join an insurrectional movement, Soviet rockets will not be needed in the takeover of the entire continent." [2] A hollow threat? Never for those who know how Lenin started, as well as Mao, Ho, Tito and numerous other Red leaders, trained and skilled in psycho-political warfare. And for the past ten years the methodical, emperical unfolding of this threat, even on the terrain of the supposedly "mightiest nation in the world," has supplied more than sufficient evidence of the network and real bases underlying it.

Other myths obscuring the reality of Castroism and its fundamental bases of support portray the Castro episode as just another in the species of Latin American revolts against a previously corrupt and dictatorial regime, or just another Latin American expression against Yankee imperialism, or a costly Russian adventure in the Western Hemisphere that Moscow would sooner discard. The ramifications of these myths are extensive and sometimes emerge in the most unlikely circumstances when a rational attempt is made to place Castro and his operations in true perspective. For example, some of these myths are strongly implied by positions taken today that "Demonstrations and rebellions today in Latin America are not led by Communists nor encouraged by Russia" or that "The principal threat to the United States in Latin America is not communism but a form of Nasserism which tends to grow in Latin American republics" or "To continue to assist the Latin American military means to encourage insurrection rather than to insure stability" or "The most radical elements are not the Communists, but the priests." [3]

The persistence and untoward circulation of these myths show to some extent the difficulties facing us in projecting the true meaning and significance of Castro in the Americas. As always, the sources of these myths are naive interpretations, ignorance, and propaganda agitation. In the Americas, there is no doubt that the vast majority of knowledgeable as well as just plain working people view Castro and all that he represents with anathema and rightful disdain. In the United States, the Congress, the President and both major parties have by one expression or another reflected this general view. Through the Organization of American States the governments of the Latin American countries have expressed the same sentiment. Mexico, which has maintained relations with Cuba, likewise cannot be said to favor the totalitarianism that prevails on that betrayed island. So, when one speaks of peoples generally, the environment is foreign and inconducive to the goals and aspirations of the Castroist instrumentality.

A "people's war" on either of the American continents and under the leadership of a Castro or an allied native of a given country is a fantasy. It would be like putting an acorn into a pot of butter and expecting the growth of an oak tree. This is not the context of the problem and the real threat. What is the context—providing us with the only intelligible framework of analysis—is that ultimately determined by the Russian presence and direction, enforced either directly or through proxies and agents. This contextualization of the problem is not new. It was seen in Eastern Europe and Asia, and it is in formative process in the Middle East and in the Western Hemisphere. The geography changes, but the determining power and techniques remain substantially the same.

THE RUSSIAN DETERMINANT

Let us now recall Castro's two key phrases, "armed with the most modern equipment" and "our continental plans." Plainly, whether Castro uttered these words or not, both logic and fact dictate that he, his horde and sympathizers, and the island are completely incapable alone of realizing the objectives implicit in these two phrases. For these, Castro and his so-called revolutionaries are thoroughly and essentially dependent on external sources, and in politico-economic reality the sole, determining source is Moscow. All of which, despite Castro's disenchanting approaches toward Red China, leads up to the working structure and main props of our analytical framework for Castro's operations in the Americas.

With no natural, popular environment in the hemisphere for a "people's war" or "wars of national liberation" or "more Vietnams," the only course open for Castro to produce these fraudulent conflicts is that of professional revolutionism. As in so many other cases in other parts of the world, this course involves the whole panoply of psycho-political warfare which Moscow is in the best position to supply. This course, as one American official puts it, is a "determined campaign of subversion which is now being waged against the responsible governments of Latin America." [4] And the tools are Castroist or Castro-bred; the determinator and manipulator is the Russian subsidizer. It is Moscow that arms and has armed Castro "with the most modern equipment," and he who pays the piper, determines the tunes to be played in what is quite accurately described as "our continental plans," with emphasis placed on "our." Beyond arms and other necessary equipment, Moscow pours into the faltering Cuban economy some one million dollars a day in staking out its investment for future operations in the hemisphere.

This vital point on the Russian determinant cannot be too strongly emphasized. All too often one finds regional experts and specialists so engrossed with their specialty that the whole picture—if you will, the forest in relation to its component trees—is somehow missed, or at best distorted. Transient and successive events of subversive Castro operations are noted with equal transiency, but all too frequently they are left isolated and unrelated to the steadily evolving pattern of interrelated events, patterns which have been repeated time and time again in other quarters of the world. With these lapses, characteristic myths then seep in, confusion spreads, and the anticipated net gain devolves to the unremitting Red aggressors. This sequence itself is an integral part of the aggressors' strategy for the long haul, and it is remarkable how consistently they succeed at it.

At this juncture, permit me to interject a few similarities from this highly important part of the world in order to make my unifying and cohesive point perfectly clear. Here in Korea, for example, you and I know all that has transpired since 1950. If, however, with political foresight combined with overwhelming military power we had properly checked the Russian presence and influence, there wouldn't have been a Red Korean army trained and equipped by the Russians; there woudln't have been a diplomatically staged Korea in partition, and today a far more formidable bastion of freedom would exist on this soil. In the case of Red China, the basic Russian contribution extends over decades, despite intermittent parties' rifts. In the case of totalitarian North Vietnam, the Russian stamp was long imprinted on the genocidist Ho Chi Minh, and Moscow's heavy contribution in material support to Hanoi is a chief, if not the paramount, factor in the prolongation of the war there. The fundamental Russian hand, backed up and reinforced by an imperial power far surpassing that of any combination of Red states, is played with conditioned finesse in other parts of Asia, too. With comparable dexterity, so it is being played in the Americas, utilizing and manipulating Castro and his betrayed Cuba as instruments and tools in the unfolding continental plans.

Thus, to complete this basic framework of analysis and interpretation, within the time allowed here, let us for our full perspective, as against just an operational insight, note the many dominant elements entering into this framework. For those, like myself, who argue that the basic enemy to the Free World is Soviet Russian imperio-colonialism, it is important to cite the historical fact that imperial Russian interest in the Western Hemisphere did not commence with Khrushchev and Cuba. As its expanding interest in Asia, it goes all the way back to Alexander I in the early 19th century, an interest which in part contributed to the Monroe Doctrine. What Alexander failed to achieve, not to mention subsequent Tsars, the momentary Red Tsar, Khrushchev, succeeded in gaining a foothold in the Western Hemisphere.

Second, as will be shown later in operational application, what should be noted here is the policy view expressed by Brezhnev, the formulator of a revised imperialist Russian version now called the Brezhnev doctrine. Referring to the lesson of the postwar years, he explicitly states, "It teaches in particular that the 'Cold War' and the confrontation of military blocs, the atmosphere of military threats, seriously hamper the activity of revolutionary democratic (i.e. Communist) forces." [5] With reference to Western Europe, he continues in this vein: "And conversely, the past few years have shown clearly that in conditions of slackened international tension the pointer of the political barometer moves left . . . The increase in the influence of West European Communist parties is most directly correlated with the reduction in tension which has taken place in Europe." This deceptive policy of "peaceful coexistence" bears poignant significance for current Castro operations in the Americas.

For a perceptive understanding of the role of Castro in the Americas we must note, too, the following elements constituting our analytic framework. One is the mythology of communism itself. The myths of communism and the socialist revolution have long been exposed by the captive nations in Central Europe and in the Soviet Union, who have suffered long under the weight of Soviet Russian imperio-colonialism buttressing the Red totalitarian apparatus in each syndicated

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state and "republic." [6] In many areas of Latin America, Castroite propaganda attempts to interweave these myths with Catholic Christianity in the old fashion of an ideologic Trojan horse.

Another element is the "peoples' war" concept which carries as much relevance to Marxism as sociologic capitalism does to totalitarian statism. The spurious concept is, however, relevant to operational Leninism which is deeply rooted in traditional Russian imperial techniques of empire-building. The Tsars of the Russian Empire were always "liberating" other peoples, and the unwanted wars were cast in the names of peoples, whether they were Slavonic peoples in other empires, Orthodox people, or peasant people. Today, the focus is on national peoples in the fraudulent context of "wars of national liberation," the precedent step to nationalization of the means of social livelihood, and the final clamp of tyrannical totalitarianism with a red coat of paint.

Correlated with the "peoples' war" concept is the crucial divide-conquer-and then dominate technique, also an old Russian empire-building technique. The instrumental "peoples' war" concept involves more than one dimension. It is aimed not only at targeted national people in relation to a phantom imperialist exploiter, but equally so against segments of that national people. As employed time and time again, early in this political warfare game, in Eastern Europe and elsewhere, the technique is by now classic for the production of intensive revolutions, or more commonly called civil wars. Thus, the war in Vietnam is no more a civil war than it was in Byelorussia, Ukraine, Georgia and other parts of the present-day Soviet Union. As in these early cases, and with similar people's war slogans, it is a war triggered by Red aggression from without and backed in the main by Moscow. It is this type of war that Moscow through Castro and other proxies seeks in time to launch on the American continents.

An additional element of importance is this matter of proxy. In recent years the phrase "Russian wars by proxy" has attained currency. So Koreans and Chinese do the fighting in Korea, Vietnamese in Vietnam, Arabs in the Middle East and so forth, with no Russian blood spilled, while Moscow feeds the fires of the phoney "peoples' war," maneuvers into guiding position, and awaits the dividends of native dependency and effective imperial dominance. In line with this repeated pattern, Cubans, Americans, Brazilians, Chileans, Bolivians and others in the Americas may be similarly involved in a "peoples' war by proxy"—proxies of Soviet Russian imperio-colonialism. Now, here too, a "peoples' war by proxy" is only a contemporary version of the time-tested imperialist Russian borderlands springboard technique, which has been used by Red Moscow in Iran, Iraq and Outer Mongolia and is being used in relation to Red China today. Specifically, in close geographical proximity. Azerbaijani in the USSR are used in relation to those in Iran, Kurds with regard to those in Iraq and so on down the line, all prettied up in terms of a people's aspirations. On our higher technologic and communications plane today oceanic distances are no barrier to the substantial enforcement of the same policy and technique with Cuba as both a part of the Red Russian imperium and a Latin American country and training ground for other Latin Americans in the export of the "peoples' war by proxy."

Capping this whole contextual structure are the final two elements of psycho-political warfare and the captive nation status of Cuba. It is often difficult for citizens of the Free World to view events, developments, and such described elements in meaningful integralistic form, as integral parts of an evolving whole; in short, as an expanding network causing and being effected by an organic process that has now been in being a little over fifty years. Cuba and what is transpiring in the Americas in terms of professional revolutionism are just recent additions of note in this organic process toward Soviet Russian world domination. And, in this connection, what seems most difficult to convey to free citizens is this thriving reality of professional revolutionism that inspirits the process of psycho-political warfare, leading to its consummate goal of a Red takeover and the addition of another nation to the long list of captive nations. When, before American groups, I relate this process and speak about some 6,000 political warfare training schools, probably over 200,000 trained Red professional revolutionaries scattered on all populated continents, about simulated American and other villages in the USSR for future operations in the U.S., about P.R. "sleepers" in the U.S. and elsewhere awaiting patiently the opportunity that contingent events may afford, and the heavy Red resources that are poured into this prime and indispensable weapon, I invariably encounter glares of disbelief and outright rejection, all in the myopic and complacent spirit of "It Can't Happen Here." [7] Well, what history and logic can't teach, costly experience will.

After the Red takeover of Cuba a decade ago, most Cubans were sent behind the Iron Curtain for this specialized training, to so-called universities in Moscow, Prague and elsewhere. Now the training ground, not only for Cubans but also nationals from all countries in the Americas, is this small island in the Caribbean. Based on decades of cumulative experience and systematic course development in masked institutions in the Soviet Union and outside, this expanding training program on the island is subsidized in a variety of ways by the Russians, their syndicated allies in Eastern Europe, and the economic deprivations of the oppressed Cuban nation. This training in the whole gamut of Red psycho-political warfare includes propaganda, infiltration tactics, popular front operations, guerrilla warefare, sabotage, assassination plotting, and the instrumentalist development of every conceivable means, whether universities, drugs, youthful inexperience, sex blackmail, etc., designed to create disorder, division, and the erosion of legitimate authority. As we shall see, Castro's Cuba is now primarily the convenient and strategic base for Red psycho-political warfare operations in the Americas. Herein lies the real threat of a pygmy leader on a relatively small island, backed, subsidized and controlled.

Finally, it is no wonder that innumerable Cuban refugees and defectors have rightly and accurately characterized present-day Cuba as a Russian colony. Again, one of the closest to puppet Castro, his own sister, has observed in unequivocal terms, "We could see as the days passed how the country was being delivered to Russian imperialism." [8] Despite geographical distance, with Castro, Cuba has to all intents and purposes slipped behind the Iron Curtain, though we inaccurately speak of a Sugar Curtain. In short, Cuba is the latest addition to the long list of captive nations. To indicate how minds work and experience teaches, I can't but recall a White House call at the end of July, 1961 chastening me for classifying Castro's Cuba as a captive nation in an address I delivered to a Chicago Captive Nations Week rally where about 500 Cuban refugees participated. My explanation along the lines set forth here were to no avail. However, a year later, in his Cuban crisis address to the American nation President Kennedy numbered the Cuban people as a "captive people." Similarly, in his recent address to the American people, President Nixon was in effect saying, we are not prepared to deliver the people of South Vietnam as another addition to the long list of captive nations.

THE RUSSIAN CUBAN BASE FOR THE AMERICAS

Turning now to this Russian Cuban Base for the Americas, it is always important to know how a given condition or state of circumstances evolved, at what costs to the population, and toward what dominant ends. An evolutional development of an object or phenomenon always provides experiential insights that logical analysis alone can never divulge. For example, it often amazes me how relatively few educated people in this world actually know how the Soviet Union came into being, now the main backer of the emotionally unstable Castro. To be sure, it is not my purpose or our goal here to furnish an historical account of the Castro story in Cuba. Others have narrated this far more competently than I can. No, on the stage set by our depicted framework of analysis, it would do well for us to review briefly the highlights of this evolution in terms of more or less acceptable phases of the development. This brief review will suggest some familiar repetitions of history.

For our formal object, it would not be a rigid portrayal to view the Castro story in these phases of development: (1) the pre-takeover phase of guerrilla activity, 1953–59 (2) the Red unmasking and Russian foothold, 1960–63 (3) Castro's vain orientation toward Peking, 1964–68 and (4) the consolidation of the Russian Cuban base, 1968 onward. The first phase, marked by camouflage, perfidy, naive American psychological assistance, guerrilla determination cloaked by idealistic propaganda, and a corroded regime, we can dispose of quickly. Not unlike the perfidious genocidist, Ho Chi Minh, who exploited the genuine fores of nationalism and human economic aspirations to further his ultimate Red totalitarian objective, Castro made his appeal to these same forces and attracted the help and sympathies of peasants, intellectuals and other strata of Cuban society. While in the Sierra Maestra Mountains he owed the safety of his life and revolution to the peasants who only sought a more livable economic existence. These legitimate forces surrounded the 26th of July Movement, from that date in 1953, when Castro attacked the Moncada Barracks, to the takeover on January 1, 1959. Those who knew Castro from the days at Havana University and elsewhere openly suspected his motives, were left unheard, and in the end were proven right—another old behavioral pattern.

As in so many other historical cases of the Red Cheaters in this century, the second phase initiated the betrayal of Cuba, its people, and Castro's own revolutionary loyalists. His supporting peasants were now, in 1960, "little donkeys" untutored in Marxism; nationalist Cuban veterans of the revolution were suddenly unfit for their military and government positions; and the autonomous status of Havana University was abolished to become a reservoir of totalitarian indoctrination. [9] With speed and ruthlessness, Communist Party characters began to emerge into leading positions, and names such as "Che Guevara, Lázaro Peña, Blas Roca and others began to occupy the seats of the inner council. As demonstrated in punctuated form two years later, with equal speed plans were laid for a Russian and Red Chinese backing for a psychological propaganda campaign throughout Latin America, for the systematic exploitation of favorable conditions in Latin American countries, particularly Brazil and Venezuela, to foist "the socialist revolution" and eventually, over a ten or fifteen year period, establish a "Union of Socialist Republics of the Americas," for the training in Cuba of thousands of Latin Americans in psycho-political warfare, and for basic exactions in toil and sweat from the now captive Cuban populace to undertake this seemingly grandiose continental program.

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How swiftly the transformation of Cuba was executed, all the world was able to witness two years hence. What just a few years before was regarded on the world scale as a small island of some seven million people, with a gross national product of over $2 billion and indigenous beauty and civilized attractions, now suddenly became a crossroad of conflict and military confrontation between the two major nuclear powers in the world. Virtually overnight the new Russian base was converted into a nuclear arsenal with Russian IRBM's placed in a calculated setting for a nuclear blackmail of the United States itself. The outstanding facts of the Bay of Pigs disaster and the subsequent missile crisis in October, 1962 are well known to you. However, for our analytic examination here, the meaning and significance of these two facts deserve special consideration. The first plainly demonstrated the ineptitude of the Kennedy Administration to handle politically and militarily this Cuban problem. This no doubt inspired the Khrushchev adventure later, and with lasting benefits to Moscow's strategy in the Americas. The second event, namely the missile crisis, produced President Kennedy's "assurances against an invasion of Cuba," which the Kremlin to this day interprets as a binding guarantee that the U.S. would neither invade nor permit an invasion of Cuba. What finer sanctuary could one obtain for fomenting trouble and revolution in the professional Leninist sense throughout the Americas!

Clearly now, these notable events of the early 60's laid the foundation for the build-up of Cuba as a Russian base of systematic psycho-political warfare in the Americas. As we turn to the third phase, i.e., Castro's vain and materially futile approach toward Peking, which caused some difficulties for the Russians, there are several prominent aspects to be considered. One, accounting in part for this overt re-direction, the erratic totalitarian leader of Cuba was definitely dissatisfied with Khrushchev's retreat in the face of the American naval blockade. Two, in the following three years, his vocal erraticism was amply demonstrated by his seeming dependence on Peking, which had neither the capability of furnishing the wherewithal for those "continental plans" nor a stability within Red China during the macabre circus of Mao's "cultural revolution." Three, to this day, it is a controversial issue as to whether all the offensive nuclear weapons had been withdrawn from Cuba. And four, the deteriorating economic condition in Cuba during this entire period and the convening of the so-called Tricontinental conference in January, 1966 clearly indicated that the powerful Russian hold on Cuba had not lessened. These last two points require necessary elaboration for they lead to the fourth phase on the firm consolidation of this Russian Cuban base in 1968.

It wasn't until the end of 1961 that Castro orally publicized his concealed motive when he declared "I am a Marxist-Leninist and will be one until the day I die."[10] As in so many other instances, I am sure this Russian tool doesn't understand Marxism-Leninism, which is an ideological squared circle, but the badge of differentiation and ostensible philosophical respectability is nevertheless politically useful. Marxism carries as much weight with the pattern of economic totalitarianism in Cuba as it does in other Red-controlled states, which substantially means zero. As in Czecho-Slovakia, Poland, Bulgaria, North Korea and other smaller Red states, the economic deterioration of Cuba in this decade is basically the result of totalitarian planning geared to the proverbial "continental plans" of psycho-political warfare and military aggression. Those in the U.S., for example, who glibly speak of maladjusted national priorities should study the pattern of any Red state, particularly the empire-state of the USSR, and by contrast would see day compared to night, even on the scale of satisfied idealism.[11]

An overburdening bureaucracy, disproportionate armed services, spy networks, concentration camps, political warfare schools, heavy subventions for propaganda, friendship missions and other familiar accouterments of the Red totalitarian state are not productive factors on the plane of civilized economic values. Rather, they represent individually and collectively a burdensome, costly imposition on the sweat, toil and lives of the underlying captive populace. What has transpired and exists in Russian-controlled Cuba is an old repeated story, going back to the Russian Soviet Federative Socialist Republic in 1917. As elsewhere, Castro's jails and concentration camps are filled with some 85,000 political prisoners, subjected to forced labor and indignities that receive scarcely a whimper in the United Nations and other councils and media of vocal idealism.[12]

Here are some salient facts on Cuba's economic deterioration in the service of Castro's Russian "continental plans." Moscow subsidizes its Cuban base at the rate of $1 million a day, receiving in return unneeded sugar that costs twice as much to produce than in free economies. Reflecting the state of the economy, the Cuban peso sells for less than three cents in the world market, and to pay for goods purchased from Western Europe or Canada, Castro must pay in hard currency, which for him is in continual short supply. On this small island over a third of a million are in the armed services, including the 250,000 militia. Collective state farms, employing a half a million workers, account for about 70 per cent of agricultural output and, according to plan, would produce about 90 per cent as the remaining 200,000 small private landowners are squeezed out in the next two decades. Sugar still is the main foreign-exchange earning crop, averaging over seven million tons with a goal set for ten million in 1970. Diversification efforts in cattle-raising, rice, grapes, asparagus, etc., have not succeeded as planned, and over these years Cuba still imports more food than it exports.

For the populace at large, life is pretty drab and fear-ridden, given the block spy system and the like. It is no wonder that several airline hijackers have sought an "out" back to the States. By far more prominent is the fact that approximately 400,000 Cubans have fled to the U.S. since 1959, and since December 1, 1965 nearly 158,000 anti-Castro Cubans have been air-lifted to the U.S. at an average American cost of about $55 million per annum. This questionable policy of indirectly aiding Castro through property confiscations and lessened anti-Castro resistance and rebellion deserves serious reexamination. Nonetheless, under the Maximum Leader's rule, I.D. cards for all were instituted to tighten security surveillance; Catholic schools were abolished, and children attend state schools with their heavy propaganda indoctrination; ration cards are the order of the day, with daily shortages dictating consumption in such terms: three pounds of rice per person per month, three-fourths of a pound of meat per person per week, orange juice only for infants and the sick, three ounces of coffee per person per week, twenty-five gallons of gas for a large automobile, if a Cuban has one, and two new pairs of shoes per year. Night life, which used to be a source of gaiety for the average fun-loving Cuban, is now almost exclusively for foreigners, including the nearly 8,000 Russian military advisors and "technicians." Batista was corrupt, but Castro is corruptibly impoverishing.

A final economic facet of importance to our total analysis is, in addition to the Russian aid, the real political aid given to the totalitarian Castro regime by several Free World trading countries. Britain, Spain, France and Japan as well as others are involved. At the beginning of 1967, Cuba had only about $50 million in hard currency left, but West European countries saved it from the brink with credit extensions of over $140 million. Britain and its sale of 900 Leyland buses, French trucks and heavy roadbuilding equipment, Spanish fishing trawlers, trucks and buses, Japanese sugar purchases and details of similar character, in some instances buttressed by five year term credits, are in the aggregate beneficial to Castro Russian plans. Americans resent this trade, but as I once pointed out in an exchange with Senator Fulbright, chairman of the U.S. Senate Foreign Relations Committee, our allies can come back at us, primarily with reference to Eastern Europe, and soundly point to "the unfortunate consequences of our failure to have provided that kind of cold war institutional framework that would consider not only the trade weapon, but political and other nonmilitary weapons and in the diplomatic area alike."[13] In the Americas we are not even adequately prepared to cope with the psycho-political threat posed by Castro and his Russian sponsors which was indicated by the faint response in the Americas to the highly significant Tricontinental Conference in Havana in January 1966.

THE RED SUMMIT ON POLITICAL WARFARE

The tricontinental Conference was really a Red summit on political warfare in the Americas. It was publicized as a meeting of representatives of the peoples of Africa, Asia and Latin America, a sort of Banding conference in the Western Hemisphere. In reality, it was a convention of eighty-two Communist Party delegations, the Soviet Union having forty delegates led by Sharaf Rashidov and Red China with thirty-four delegates. Despite the Sino-Russian rift, it is illuminating that all the resolutions of the conference were approved unanimously. One couldn't get better unity than this. Moreover, the declared resolution of the gathering are as clear and explicit as to the Red Kampf as were the pages of Hitler's Mein Kampf. We cannot ever blame the Red totalitarians for informing us of their intentions and programmatic directions, but we must continually blame ourselves for ignoring them until it is almost too late.

In addition to stating its purposes and objectives with maximum candor, the conference was revealing in numerous respects. As just pointed out, in spite of the Sino-Russian conflict, it showed again the power of unity where the common enemy denominator, the U.S., is involved. This summit meeting on insurrectionary planning across two continents underscored the grip the Russians have on the Cuban base, regardless of the many Havana-Moscow squabbles that marked this period. Also, in this so-called appeal to the Third World, the world of the less developed nations, it was interesting to observe the partial non-Russian composition of the USSR delegation, starting with Sharaf Rashidov, a candidate member of the Politburo, as though to impress on others the organic unity of the USSR and the affinity of its less developed nations with the L.D.N. peoples. Furthermore, in the string of peak developments and major highlights of the Castro story—already punctuated by the 1959 takeover, the 1961 Bay of Pigs fiasco, and the 1962 missile crisis—this conference is the next peak development resulting from President Kennedy's guarantee of sanctuary for the Russian base and leading to the next major developments, namely the immediate formation of Castro's Latin American Solidarity Organization (LASO) and the Havana-Moscow accord of 1968.

Clearly, in unmistakable terms, this Red Summit produced a declaration of psycho-political war against all the governments in

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the Americas. The underlying problem for the conspiratorial delegates was not what to do, but how to do it—a problem of implementation and timing, not one of resolution and fixed objective. The problem of implementation has been a source of superficial friction between Castro and the Russians. As one Cuban analyst puts it, "for the Russians . . . Castro represents an extremely efficient springboard for the spread of communism to the rest of Latin America and Africa. . . . It is convenient for them to have some influence on the development of Communist governments originated from Cuba. But, as far as the ideology, the ideology that has been advocated for instance by Ché Guevara and by most of the leaders in the Castro government today, is more in line with the Maoist ideas." [14] Let me stress here a vital point that is often overlooked, and this is that Maoist ideas on guerrilla warfare, the countryside tactic and so forth, not new in themselves, are not mutually exclusive to Russian political warfare strategy which, given time and place, readily accommodates them. The fundamental question is timing, a prudent assessment of not only a local or regional or even a continental situation but of a global one and, from this viewpoint, being in a far more critical position than is Mao, Castro or other Red pygmies, the Russian coordinator is right in his pursuit for balanced warfare with maximized opportunities for success.

Now let us observe some of the declarations and resolutions of this Red Summit on psycho-political warfare. Among numerous resolutions, one called for the creation of a continuing Latin American Solidarity Organization "to combat North American imperialism." Another, targeting Colombia, Venezuela and Peru, called "To advance the militant solidarity of the fighters of those countries among each other, and with the countries of the three continents in the great battle for national liberation." As some of you know, the Red Casa Nostra also underwrote political warfare training schools in Havana and Pyonyang in captive North Korea. A long resolution, studded with typical Red jargon on "principles of self-determination, and nonintervention," "liberty and independence," "facism and imperialism," concentrates on the Dominican Republic and condemns "the imperialist government of the United States of America as an aggressor," "the oligarchic governments of Brazil, Paraguay, Nicaragua, Honduras and Costa Rica as accomplices," and "the Organization of American States a prime political instrument of North American imperialism." Other condemnatory resolutions were directed, for example, at the United Nations for ineffectiveness and vacillation and at the Inter-American Peace Force "for being a threat to the sovereignty of the peoples of Latin America and the embodiment of international counter-revolution."

The pitch for all this and more was prodded by the chief of the largest delegation to this Red Appalachia. In his statement the Kremlin's mouthpiece indicated the prime targets when he said "We express our fraternal solidarity with the armed fight for liberty by the patriotic Venezuelans, Peruvians, Colombians and Guatemalans against the lackey imperialism." [15] Using the techniques of accusing others for their exclusive crimes in this respect, he went on to say "The peoples that carry on this heroic struggle against imperialism, in whatever corner of the globe that it takes place, can be certain that the soviet people will always be at their side." No doubt, captive to captive. The climax of the statement is reached in these words: "Our principal enemy is world imperialism, headed by the imperialism of the United States," and the old Russian imperio-colonialist ring, "in the world-wide struggle for liberation." That is liberation into Russian captivity.

As in all such operations with a guaranteed base, the propaganda and organizational tentacles are formed and begin to penetrate the environment of the targeted "enemy," sweeping into their grip a motley assortment of humanity, from gangsters to educated fools, and tearing at every disruptive issue, from Red victory in Vietnam to sex education in primary schools. Castro's LASO was launched for export of revolution throughout the hemisphere, and thousands of agents, including students and black militants, are trained annually for the act. This only formalized and magnified an operation that had been in process since the start of the decade. For example, the criminal Robert F. Williams, who fled arrest on a kidnaping charge in North Carolina, was operating long before this on Radio Havana and through other media. He was continually giving advice to Afro-Americans on revolt tactics, as for instance, "Hand grenades, bazookas, light mortars, rocket launchers, machine guns and ammunition can be bought clandestinely from servicemen, anxious to make a fast dollar . . . Extensive sabotage is possible. Gas tanks on public vehicles can be choked up with sand," and so forth.[16] A tri-Continental Information Center eventually emerged in New York and paraded such sponsors as the baby doctor Benjamin Spock and the so-called communist theoretician Herbert Aptheker. Undoubtedly, a proliferation of such activities will occur as it did thirty years ago, but with one great difference, the immensely greater Cold War resources at the disposal of the Russian center.

Now for the present phase of Russian consolidation of its Cuban base. Those who over the years have demonstrated little perception into Russian cold war strategy and tactics, have recently been sobered up by what they call "the Sovietization of Cuba." You wouldn't know from this brand of thinking that any missile crisis occurred in 1962, and all that that implied in preparation, Russian control and Russian influence. The economic cards of power alone foretold the destiny of Cuba even three years before. Thus the reported pact between Havana and Moscow in 1968 is just the culmination of a trend in basic evidence for an entire decade, regardless of superficial ebbs and flows in Castro-Russian relations.

This significant pact is loaded with political and diplomatic dynamite. First, as disclosed by intelligence and diplomatic Cuban defectors, the Russians are now in full control of the DGI, Castro's Directorate General of Intelligence, and with it Cuba's diplomatic apparatus and *Prensa Latina*, Castro's wire service. Second, the characteristic Russian policy ruse is seen in an attempted combination of Moscow's "peaceful coexistence" strategem on the inter-governmental level and a more recessive and subterranean Castroist political warfare operation on the two continents. After all, neither Khrushchev nor Brezhnev nor Kosygin ever repudiated the "wars of national liberation" or "peoples' wars" technique; in fact, each is on record reasserting it. And, as we have seen, Brezhnev has found the facade of "peaceful coexistence" most conducive to Red penetrations for enkindling such phoney wars. With a vocal de-emphasis of political warfare on the governmental level and greater mechanical efficiency in exporting revolution through indigenous forces on the two continents, the Castro regime, just like the Russian regime in Moscow, can even become acceptable to the U.S. By the same token, easier Russian access to the Latin American countries will be facilitated, too.

According to one important defector, Orlando Castro Hidalgo, a former member of the GDI, the economic leverage exercised by the Russians to obtain all this is to continue supporting Castro's lagging economy with subsidies and 5,000 technicians.[17] Moscow has also agreed to increase desperately needed petroleum shipments and to purchase more of Cuba's nickel ore output. Also, the Cuban and Russian embassies in Mexico City are mutually coordinating subversive operations in Central America and the Caribbean, while the Paris center of the DGI conducts operations into South America, with active support from the Russian embassies. Another recent defector, Augustin Sanchez Gonzalez, went on leave from his post as chargé d'affairs of Cuba's United Nations mission in Geneva, Switzerland, for a visit to Cuba, returned, and defected. What he saw was a "total domination" of his Cuba by the USSR. He publicly charged that Castro "is making of Cuba merely another colony of imperial Russia." He also observed, "While the common people lack food, medicine, adequate clothing and shoes, the wealth of Cuba continues to flow abroad in a vain effort to subvert the Latin American continent." [18] Such accounts only repeat what others have attested to years ago. As in the mountainous cases of refugees and defectors from Eastern Europe and Red Asia, the question is how many does it take to impress these truths on the still free peoples? Red propaganda concerning Vietnam has demonstrated how easily people can be misled despite the testimonies of tens of thousands who have experienced Red totalitarian tyranny and have wtinessed the worst cases of terrorism and genocide. But, then, is it true, as Sanchez says, that Castro's effort is "vain" to subvert the Latin American continent?

"OUR CONTINENTAL PLANS" IN EXECUTION

For the process of psycho-political warfare and its outcomes, implied predictions in adjectives such as vain, promising, successful, etc. are always academic and experientially amateurish. The process rests heavily on emergent contingencies and a capability to capitalize on them. A linear cause and effect development is not the essence of this process, and from Lenin down to Castro the chance moment was always crucial. No one can predict the eventuation of the chance moment, but they who work toward it, whatever its form or character, and have developed a capability to harness it stand the best chance of winning, regardless of numerous costly dry-run rehearsals and probing tests. Time, patience, methodical organizational build-up, and professional revolutionary training are the essential ingredients of this capability. The Americas have deep-seated problems as any other area, ranging from affluent indifference to overpopulation, and trained professional revolutionaries can easily tap them through a variety of means, whether instigated agitation, front association or outright leadership. Cumulative causation is what counts, and then the anticipated chance.

Castro was in a sense right when years ago he spoke of "our continental plans"—but not his and his associates, rather the Russians and his.[19] The overall framework is set and moulded, and if the Red pygmy in his emotional tantrums were to balk it, I'm certain that somewhere along the line he would not again see the light of day. Much content of specific subversive and other events has already been recorded, and there assuredly will be considerably more in the years ahead, with proliferating consequences and points of impact in a constantly fluctuating environment. In short, if one grasps the framework set forth here, all that is substantially required for the period ahead is to systematically catalog by case method the empirical evidence of the execution of "our continental plans." Here let us recount some selected specific cases that from this point of time may be regarded as "failures," but from the viewpoint of a longer time dimension may prove to be experimental cases that were necessary for the final results. We don't ever want to place

Footnotes at end of article.

ourselves in the position of saying "My mind is made up; don't confuse me with the facts."

The conditions in Latin America vary in character and degree from country to country, and the Red totalitarians will naturally concentrate on the weakest one. Overall, these conditions for social ferment and unrest include a rapid population growth, structural economic imbalances, income maldistribution, single export staples, lack of transport and communications, inadequate agrarian land ownership, illiteracy, and governmental instability. Regardless of marked improvements, the Cuban-trained P.R. will always agitate for easily idealized objectives on higher points and levels of scale. This is even being done in the developed economy of the U.S. where over-exaggerated poverty, the immaturity of youth, naive pacifism magnified racism and Vietnam frustrations are being methodically exploited. In short, the prevalence of problems is extensive, and thus the field for manipulation is unbounded, depending on popular awareness, security alertness, and national will.

Bolivia, as we all know, was a testing ground for a Castro-type operation. The non-Cuban Ernesto Ché Guevara, supposedly a guerrilla warfare expert, chose this ground and was killed by the Bolivian army in October 1967. The propaganda rumblings over this event extended to black militants in the U.S. who, in addressing themselves a couple of months before to "fellow comrade Ché," stated "The African-Americans inside the United States have a great deal of admiration for you. We eagerly await your writings in order to read them, digest them and plan our tactics based on them." [20] For the Russians this must have been a complete waste. Bolivian government forces have also captured a guerrilla leader, Felix Melgar Antelo, trained in Cuba and quite informative as to Russian-Cuban operations out of Havana and through Russian embassies in Uruguay, Colombia and Mexico. Typical of other Latin American countries, as concerns instability in government, Bolivia underwent a unique social revolution in 1952, a military coup in 1964, and another one in 1969 under General Alfredo Ovando. Economic problems in further nationalization of resources, as the Gulf oil fields, transportation and marketing plague the present regime.

Another terrorist target has been Brazil, the sometimes tottering keystone of South America. Psychologically, it must be borne in mind that aside from injected Leninist or Maoist doctrine, Castro, a Latin American, in part pictures himself as the proverbial Latin American leader operating now, by proxy, out of the mountains for social justice. However, there is a vast difference between the revolutionaries of the past in this area and the professional ones of the present under Russian guidance. The difference is between national independence with social justice and captivity in the extended Soviet Russian Empire without it. Brazil, too, has had many revolutions and just a few years ago was on the brink of a Red takeover. Early in the decade of the 60's, Castro had his eye on this large nation when he was reported to have said, "This continental action must begin with the two countries where the conditions are the most favorable, i.e. Venezuela and Brazil. It will take about 10 or 15 years to get all of the other nations into the fold." [21]

This year Brazilian forces uncovered a training center on the Paraguay-Brazil border with a band trained in Cuba and possessing a powerful radio station in direct contact with Havana. The case of the kidnaping of U.S. Ambassador C. Burke Elbrick in Rio de Janeiro this past September is also significant. Thirteen of the fifteen Brazilian prisoners traded for the life of the ambassador asked to go to Cuba upon their arrival in Mexico City. The largest nation in Latin America, Brazil has its outstanding problems of insufficient capital, vast unexploited resources, inflation, structural economic imbalance, and communications deficiencies.

In the adjacent northern countries of Venezuela and Colombia, the pattern of psycho-political warfare has been substantially the same, involving propaganda, the exploitation of students, terrorism, bank holdups, police station and barrack raids, building burning, assassinations and other activities reminiscent of the banditry of Stalin and the early Russian Bolsheviks. As reported early this year, the Colombian government had "discovered an international Communist subversive plot which extends to Mexico, Bolivia, Peru, Venezuela, Brazil and Colombia." [22] The story was confirmed by the Venezuelan government. This and other reports disclosed that at the end of December, 1968, "70 guerrilla delegates from five countries met in the Andes Mountains along the Venezuelan-Colombian border to 'integrate' their activities in a continental war of subversion and terror." Three Russian KGB agents were present, one identified as B. Taraskov. The urban riots in five Colombian cities last January were one result of this meeting, developing a labor dispute over bus fires into a wave of terror.

From our viewpoint, in all of this it is quintessential to constantly focus our attention on the guiding and integrating Russian hand. According to Colombian, Venezuelan and other intelligence sources, Moscow is pouring in some one million dollars for this guerrilla integration program; it has appointed Tiro Fijo, a politburo member of the Soviet-controlled Colombian Communist Party as the chief of the combined Colombian and Venezuelan guerrilla forces; it has its security members in Russian embassies aid in the planning and staging of riots, as two had in Bogota; it has embassy couriers traveling regularly from Havana to Mexico City to deliver funds to Castroite couriers for guerrilla distribution in South America, and one was apprehended at the El Dorado airport in Bogota with U.S. $100,000 and Russian plans for intensified urban and rural guerrilla activity in Colombia, Venezuela, Bolivia and Panama. One could go on and on with this kind of authentic, detailed reporting, but it won't help in the least if we have no overall conception, with valid concepts, of what is transpiring in the Americas. Within our framework of analysis, these and many other evidences point clearly to the Russian command over a united continental guerrilla force precipitating more Vietnams at the doorstep of American power.

In Argentina, Castro-supported Red activity is directed at the Catholic Church, "recognized to be revolutionary and reformist." the workers, professors, and the campesinos or small farmers, and, as reported by an outstanding organ, the professional revolutionists have moved ahead on all these fronts.[23] In Chile, three years ago President Eduardo Frei himself acknowledged the inspiration given by the Tricontinental Conference to the illegal mines strikes in his country. The confiscation of the Anaconda Copper mines, the drift toward Red-supported nationalization, and reports of a resumption of Chilean trade with Cuba next year and in defiance of the OAS embargo are some indications of the trend in that country. The cases of Guatemala has a history in Red revolutionism, and in this decade the guerrilla warfare in the country's eastern region has been under the dominance of the pro-Russian F.A.R. (Rebel Armed Forces) faction. Its future importance is underscored by both the Tricontinental Conference and Russian command over the integrated guerrilla forces. The case of the Dominican Republic, which received special attention at the conference, is by no means closed. The Red takeover attempt in 1965, which displayed for all to see a remarkable unity of action among Moscow, Peking and Havana, was a near success that undoubtedly will serve future plans.

Panama, too, has been fertile ground for riot and demonstration agitation. As President Robles himself had to admit in 1966, Red agitators under Tricon instructions capitalized on and aggravated the riots. A consumate, mediate objective of Red political warfare in that area is the panamaization of the Canal and its tragic strategic consequences for the U.S.[24] Among the many minacious strikes planned against the U.S., Puerto Rico is being sought as a center of Red agitation. One of the tricon resolutions contains this drivel: "Puerto Rico remains occupied by U.S. imperialism, which not only denies her the right of independence, but has converted it into an enormous military base that includes atomic weapons. From it the U.S. Government organizes interventionist actions in Latin American countries. We express solidarity with the struggle of the Puerto Rican people and call for the abolition or neo-colonialism there." The same, time-worn propaganda times for an area that has free and open elections and the independista movement is miniscule.

WHAT TO DO?

Finally, what to do about this growing Russian-Castro threat in the Americas? This subject merits a lecture in its own right. However, for our conclusion, a few, broad guidelines and recommendations are in order:

1. Through every possible medium, the achievement of a popular understanding of the analytic framework outlined here, with prime emphasis on the Russian-Castro complex.

2. U.S. reaffirmation of the Monroe Doctrine against Red intervention in the Western Hemisphere.

3. Concentrating on the immediate base, a forthright U.S. and OAS declaration directed at the captive Cuban people that no permanent Red captivity will be visited upon them.

4. Programatic action for the elimination of this Soviet Russian-Castro base by Cubans, entailing a recognized free Cuban government-in-exile, recruitment and training of exiles for infiltration into Cuba and the build-up of national resistance for the genuine liberation of a captive nation.

5. American leadership in the tightening of the economic boycott of Cuba and the elimination of Free World economic contributions to this Russian base.

6. Inadequate by itself, the launching of a hemispheric economic plan, short on misleading economic promises but long on rational aid, trade and development encompassing the use of multilateral inter-American agencies, easier financing of Latin American exports, and guarantees of investments against confiscatory nationalization.

7. Military assistance to all members of OAS for insuring the extinction of so-called indigenous Red revolutionaries and progressive stability of the respective nations; and

8. The establishment of a Freedom Academy in the U.S. for the learning of the strategy and tactics of Red psycho-political warfare, a governmental institution not only for Americans but also patriotic citizens of other Free World countries.

Most of these points are not new. They have been advocated by different people for a decade and even more. What would be new is to do what should have been done long ago, as those who had the vision and foresight advocated. The free Koreans are to be congratulated for not only having foresight but also acting upon it by establishing this Freedom Center for the study of Red psycho-political warfare. And, strangely enough, this type of warfare is as old as the hills. In contemporary times, originating in Moscow, it has fooled some of the people all of the time

Footnotes at end of article.

and all the people some of the time, but it can't fool all the people all the time.

FOOTNOTES

[1] Juanita Castro. Address to Los Angeles World Affairs Council, California, February 8, 1965.

[2] "Cuba and Fidel Castro," *Congressional Record,* U.S. Congress, February 19, 1965, p. 3136

[3] Paul Bethel. "Liberals Call For U.S. Pull-Back in Latin America," *Human Events,* September 13, 1969.

[4] Honorable Strom Thurmond. "Soviet Support of Guerrilla Actions in Latin America," *Congressional Record,* September 9, 1969, p. 24930.

[5] Leonid Brezhnev, Address, Karlov Vary, Czecho-Slovakia, April 24, 1967.

[6] See Lev E. Dobriansky, *Lands and Nations in the U.S.S.R.,* The National War College, Washington, D.C., 1958.

[7] See Lev E. Dobriansky, *The Vulnerable Russians,* New York, Second Printing, 1967. Chapter XII.

[8] Juanita Castro, "I Accuse My Brother Fidel," *Free Front,* Manila, Philippines, October–November 1964, p. 17.

[9] Ernesto E. Blanco, *Testimony, Extent of Subversion in Campus Disorders,* Committee on Judiciary, United States Senate, June 19, 1969, pp. 6–12.

[10] UPI, Address in Havana, December 2, 1961.

[11] For these contrasts see L. E. Dobriansky, *Communist Economic Systems,* The New Catholic Encyclopedia reprint, 1966.

[12] Hon. Thomas J. Dodd. "Castro's Concentration Camp Regime," CONGRESSIONAL RECORD, September 30, 1969, p. 27592.

[13] *East-Wset Trade,* Hearings. U.S. Senate Committee on Foreign Relations, 1965, pp. 102–103.

[14] Ernesto E. Blanco. Testimony. Op. cit. p. 19.

[15] Sharaf Rashidov. Statement of U.S.S.R. delegate. *Politica,* February 1, 1966.

[16] Robert F. Williams. *The Crusader,* Havana, May–June 1964.

[17] "Cuba More Sovietized." *Christian Science Monitor,* July 16, 1959.

[18] "Cuban Visit Disenchanting." *The Evening Star,* Washington, D.C., September 31, 1969.

[19] A good account of the overall strategy is in Wolfgang W. Berner "Soviet Strategy Toward Cuba, Latin America and the Third World," *Bulletin,* Institute for the Study of the USSR, Munich, July, 1968 pp. 3–12.

[20] "When the United States has 50 Viet Nams Inside and 50 Outside," *Granma,* Havana, August 13, 1967.

[21] CONGRESSIONAL RECORD, vol. 111, pt. 3, p. 3217.

[22] *El Tiempo,* Bogota, Colombia, January 12, 1969.

[23] *La Prensa,* Buenos Aires, Argentina, July 11, 1969.

[24] For a complete discussion see *Isthmian Canal Policy Questions,* U.S. House of Representatives, 1966, p. 523.

SEMINAR: "THE (SO-CALLED) PEOPLE'S WAR"—FREEDOM CENTER, SEOUL, KOREA, NOVEMBER 20–25, 1969

THE LECTURERS

Keynote Speaker: Tai Whan Shin, Minister, National Unification Board.

Dr. Stefan T. Possony, "The Background of People's Wars."

Prof. Kwan Ching Wang, "China's Experience."

Prof. Dong Won Lim, "Vietnam and Korea—A Study of Strategies of Terror."

Dr. Lev E. Dobriansky, "Castro and the Americas."

Rev. Fr. Raymond J. de Jaegher, "Guerrillas in the United States."

Special Lecturer: Lt. Gen. Chae Myung Shin.

BIOGRAPHICAL DATA

Possony

1939—Advisor to the French Air Ministry.

1946–1961—Lecturer, Graduate School, Georgetown University and Special Advisor to the U.S. Air Force at the Pentagon.

1961—Director of International Studies at the Hoover Institute on War, Revolution and Peace.

Wang

Graduated at: Kwang-tung University, The National War College, Advisor to the Chinese Ambassador to Korea. Professor of the Chinese Cultural College. Secretary and Information Department Director of the KMT (The Chinese National Party).

Lim

Graduated at: The Korean Military Academy, Seoul National University, U.S. Army Special Warfare School. Asst. Professor, Korean Military Academy. Lecturer, Korean National Defense College. Lt. Col. Republic of Korea Army. To-date—Commandant, ROK Army Special Warfare Training School.

Dobriansky

1942–1948—Instructor, New York University.

1957–1958—Professor, National War College.

1960-date—Professor, Georgetown University.

Awards: Hungarian Freedom Fighter Award in 1965.

Listed in: Who's Who in America. Who Knows—and What. Director of American Scholars.

de Jaegher

1919—Obtained the M.A. in Theology at Louvain University, Belgium.

1931—Ordained in China (Diocese of Ankwo), Professor, the Major Seminary of Suanhwa.

1937–1943—Under the Chinese Communists.

1945–1949—Relief and Anti-Communist Works in Peiping.

PUBLISHED WORKS

Possony

"The Geography of Intellect." "Lenin the Compulsive Revolutionary." "American Security Council on Strategy and Military Affairs." (Editor.)

Lectured on: Communism, Strategy, and International Affairs throughout the United States and Europe.

Wang

"A Criticism on Materialistic Dialectics." "A Comparative Study of Logic and Materialistic Dialectics." "The Reality of the 'People's Commune'." "A Thorough Survey of the Chinese Communists in 1967 and 1968."

Lim

"Communist Revolutionary Warfare and Counter-Insurgency." "Countering Communist Guerrilla Warfare."

Dobriansky

"Veblenism A New Critique." "The Great Pretense." "The Crimes of Khrushchev." "Europe's Freedom Fighters Taras Shevchenko." "Peace and Freedom Through Cold War Victory." "Essays on Liberty." "Nations, Peoples and Countries in the USSR." "Captive Nations Week, Red Nightmare." "The Vulnerable Russians."

de Jaegher

"The Enemy Within Peking's Red Guards" in collaboration with Dr. Stephen C. Y. Pan.

Founded: Free Pacific Association, Two High Schools, A Free Pacific News Agency, A Free Pacific Magazine, A Daily Paper "The New Vietnam" (In Chinese).

WHY THIS SEMINAR

The Free World has been witness in recent years to the so-called People's Wars of Liberation. This term, a Communist concoction, is a fancy name for a criminal act.

Let us look at the record.

Wherever the Communists have set foot, they have stayed and the people whom they promised and pledged to liberate have become slaves of their Communist "liberators."

Now, what is the real meaning of a "People's War" as the Communists understand it?

Is a "People's War" really the result of the collective vote of the people?

Or is a "People's War" the will and desire only of the Communist directorate?

Does a "People's War" always succeed, as the Communists assert, or can it be thwarted by free peoples determined to remain free?

What is the true nature of a "People's War"?

Is it true that a "People's War" brings in its wake terrorism, pillage, murder, the destruction of sacred places, and the massacre of innocent women and children?

The Free World must know the answers to these questions. Otherwise, it will continue to drift into the orbit of the Communists through the constant and universal bombardment of the air by deceptive Communist propaganda.

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Any young man or woman at college level duly certified and recommended by the Chairman or President of any WACL national or associate member is qualified to attend the Seminar.

Any Chapter may send from one to five youth representatives to this Seminar.

The only expense each student will incur is the round-trip plane fare from the Chapter to the Freedom Center, Seoul, Korea, and return.

The Freedom Center will underwrite all expenses of all student-trainees for the duration of the Seminar or from November 20 to 25, 1969. These will include hotel accommodations, teaching aids, stationery, entertainment, transportation, and visits to important places.

It is, therefore, imperative that all registration forms be submitted to the WACL Permanent Secretariat not later than November 1, 1969.

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II. Research. On the story of man's struggle from slavery to Freedom. On the history of men's battles to preserve liberty, justice, and peace. On the comparative arts of mankind for a greater understanding of man and his problems.

III. Cultural Exchanges. Arts of all countries collected and displayed at the Exhibition Hall and other Halls. Visiting groups perform at the amphitheatre—drama, concerts, movies, dances. Informal meetings at Freedom Gril, Golf Driving Range, and Freedom Center Grounds.

PROGRESS REPORT ON H.R. 14557, A BILL DESIGNED TO RID THE NATION OF CULM BANKS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, having introduced H.R. 14557 on October 28 of last year with 24 colleagues as cosponsors, I have been encouraged by the support of legislation to investigate possible uses of solid waste resulting from the mining and processing of coal. I am pleased to bring to the attention of our colleagues two important letters indicating that both industry and labor are fully committed to the bill, its passage, and implementation. The letters are from the presidents of the National Coal Association and the United Mine Workers of America and are reproduced below:

UNITED MINE WORKERS OF AMERICA,
Washington, D.C., January 26, 1970.

Hon. JOHN P. SAYLOR,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SAYLOR: The United Mine Workers of America urges immediate action to pass H.R. 14557, a bill which would provide for an investigation of appropriate means to use or remove gob piles and culm banks located in coal producing areas.

Such banks present an economic, an aesthetic and a health hazard to the people of coal mining regions. They inhibit the full development of those regions and detract from the well-being of both the present and future generations of inhabitants.

The United Mine Workers of America in October 1969 addressed a letter to Secretary of Interior Walter J. Hickel urging immediate action on culm banks. We urged the Interior Department to redouble its efforts because the people of the coal mining regions will no longer endure the eyesore of culm banks and the ever present danger that such banks represent to their health and safety.

There is no more urgent need in the area of solid waste disposal than the problem to which your bill, H.R. 14557, is addressed from the standpoint of the volume of material involved and the economic and social losses incurred. Removal of these banks is the number one national priority.

The appropriate congressional committees should call immediate hearings on this subject and the UMW will appear and present testimony on the need for the program you have outlined.

We congratulate you and the other sponsors of this bill for your foresight and wisdom in introducing it and we offer the full resources of the United Mine Workers of America in any legislative program designed to insure its immediate passage.

Sincerely yours,

W. A. BOYLE.

NATIONAL COAL ASSOCIATION,
Washington, D.C., December 1, 1969.

Hon. JOHN P. SAYLOR,
U.S. House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN SAYLOR: The National Coal Association strongly endorses your bill (HR 14557) to investigate means of using or removing the solid wastes resulting from mining and processing coal.

Disposal of solid wastes is a perplexing national problem. Certainly the most desirable solution is to turn wastes to useful purposes. We hope that your bill will result in knowledge that will not only help to dispose of wastes from coal mining but to gain a financial credit from their use to help offset the present high costs of waste handling and disposal.

As you know, the coal industry has long been concerned with the problem of disposing of the rock, shale and other materials which must be removed to reach a coal seam, or which are mined along with the coal and separated from it in coal preparation plants.

For example, Truax-Traer Co., in cooperation with Ohio State University and the Federal Water Pollution Control Administration, is now conducting research to determine means of preventing stream pollution from deposits of such mining wastes, known as gob piles. Though the project has been under way for only a year, it has found that only the outer few feet of the exposed surface of gob piles reacts with the atmosphere, while the interior remains inert and probably would not contribute to stream pollution.

These preliminary findings lead to some conclusions:

1. Moving gob piles for disposal elsewhere would probably expose new acid-forming material and create additional pollution.

2. If no way is found to utilize the gob piles, the best solution may be to find suitable plants that will thrive on the slopes, converting abandoned gob piles into green hills.

In view of this experience, we hope that the research provided under your bill would include studies on the most effective means of revegetating these waste deposits in cases where they cannot be put to effective use.

We believe this bill will provide effective service to the coal industry and the nation. Your sponsorship of HR 14557 is typical of your continuing interest in the coal industry and in conservation of natural resources.

Sincerely,

STEPHEN F. DUNN.

Chairman ASPINALL of the House Interior and Insular Affairs Committee has requested a report on this measure from the Interior Department and I am confident he will schedule hearings on the matter as soon as a reply has been received and studied.

Today, there are an estimated 1.5 billion tons of refuse in the culm piles that disturb the environment of every mining region. Pennsylvania alone has 800 such hideous landmarks.

H.R. 14557 has been cosponsored by colleagues of both parties from six States. They are: Congressmen FRANK M. CLARK, Democrat, of Pennsylvania, ROBERT J. CORBETT, Republican, of Pennsylvania, JOHN H. DENT, Democrat, of Pennsylvania, DANIEL J. FLOOD, Democrat, of Pennsylvania, JAMES G. FULTON, Republican, of Pennsylvania, JOSEPH M. GAYDOS, Democrat, of Pennsylvania, KENNETH J. GRAY, Democrat, of Illinois, ALBERT W. JOHNSON, Republican, of Pennsylvania, JAMES W. KEE, Democrat, of West Virginia, JOSEPH M. MCDADE, Republican, of Pennsylvania, ROBERT H. MOLLOHAN, Democrat, of West Virginia, WILLIAM S. MOORHEAD, Democrat, of Pennsylvania, THOMAS E. MORGAN, Democrat, of Pennsylvania, ARNOLD OLSEN, Democrat, of Montana, CARL D. PERKINS, Democrat, of Kentucky, MELVIN PRICE, Democrat, of Illinois, FRED B. ROONEY, Democrat, of Pennsylvania, GEORGE E. SHIPLEY, Democrat, of Illinois, JOHN M. SLACK, Democrat, of West Virginia, HARLEY O. STAGGERS, Democrat, of West Virginia, FRANK A. STUBBLEFIELD, Democrat, of Kentucky, WILLIAM C. WAMPLER, Republican, of Virginia, J. IRVING WHALLEY, Republican, of Pennsylvania, and GUS YATRON, Democrat, of Pennsylvania.

I invite the support of everyone who wishes to join in eliminating a most serious blight on the beauty of this land. I believe that Pennsylvania's success in finding uses for materials in coal refuse banks should encourage extensive Federal research such as I have proposed.

While removal of the frightful peaks that defile the horizons of every mining region of every mining State would alone justify Federal involvement, application of the solid wastes to useful purpose is an added inducement to scientific exploration of the problem.

For many years the "red dog" that comes from burning refuse banks has been utilized in roadbuilding. More recently in Pennsylvania recovery of unburned combustible materials has sent to market literally millions of tons of coal that otherwise could be lost forever.

To eliminate entirely the manmade mountains of unsightliness, however, will require discovery of new uses for the other materials that make up these monstrosities. A research team at the Pennsylvania State University is experimenting on the use of material from the culm piles to prevent skidding on icy highways. It is also looking into the possibility of mixing the coal wastes with fertilizer for hydroseeding on deep banks. The Pennsylvania Department of Mines and Mineral Industries is also investigating economic disposal of the refuse banks; including the use of coal-ash slag for producing mineral wool insulating. Such utilization should be ample reason for the Federal Government to join in attacking a problem that has blighted the inadscape in all mining areas.

While recovery of germanium, lithium, vanadium, alumina, sulfur, and other contents of the culm piles is not economically attractive at this time, an in-depth study might very well result in cost vindication by combining net

worth of the byproducts and increased land value. The least Congress can do in the interest of esthetic considerations is to enact H.R. 14557. Through it may come the economic answer to a problem which has plagued the land for much too long.

WORDS OF SGT. KEN O. KEOGH AN INSPIRATION TO ALL AMERICANS

(Mr. ROTH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROTH. Mr. Speaker, on November 6, 1969, I joined a number of my colleagues in sponsoring House Resolution 664, a resolution honoring our soldiers in Vietnam. In November, I sent a copy of that resolution, with a covering letter, to those men from Delaware who are currently serving in Vietnam.

On December 3, 1969, I received a letter from Sgt. Ken Keogh, [redacted]. Mr. Speaker, I believe that Sergeant Keogh's words of patriotism can serve as an inspiration to all Americans, and I insert the text of his letter at this point in the RECORD:

NOVEMBER 27, 1969.

WILLIAM V. ROTH, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MR. ROTH: Since I have a few minutes to myself, I thought I would write and thank you for your consideration for the Vietnam veterans. I received your letter a few days ago and was surprised to hear that I, from the state Delaware, was the only one in my unit to receive a letter from his state representative. I guess that goes to prove one of the many reasons behind our state's nickname, The First State.

I would also like to say that I am glad to serve for my country by having to serve a tour of duty in the Republic of Vietnam. As I see it, I'm doing my share to stop oppression, terror and turmoil, and to keep the stain of blood off American soil. What's one small year to give for such a big cause? Liberty and freedom mean a lot to me. I only wish a lot of other people felt the same way and didn't take it for granted. A little more than seven more months and I'll be home for good. I'll be glad I have served my one year and that I have served it proudly.

One other thing Mr. Roth, I would like to know how I can go about getting a state flag. I would definitely like to have one.

Well, I guess I've taken up enough of your time and I'd like to thank you once again for your letter.

Sincerely,

SGT. KEN D. KEOGH.

TAKE PRIDE IN AMERICA—NO. 26

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. In 1967, the United States spent more money on education—$36,687,000,000—than any other nation. In 1969, this figure was $40 billion. This expenditure exceeded the entire gross national product of every country in the world except the U.S.S.R., United Kingdom, Japan, West Germany, Israel, France, and Canada.

NOT-SO-SWEET SUGAR

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, on a number of occasions in the past I have pointed out the extremely wasteful results of the headlong rush by the Economic Development Administration—EDA—to spew out the taxpayers' money on ill-advised or ill-conceived projects.

A classic example of this tendency to throw away the taxpayers' money is the Maine Sugar Industries project into which tens of millions of the public's money has been poured and which is on the verge of bankruptcy.

Mr. Speaker, as in other cases, the alleged review of this project made by the EDA to determine whether it could stand on its own feet was apparently little more than a joke.

The EDA said Maine Sugar could go it alone and it has, to date, put up $12.3 million of the public's money, while the State of Maine is liable for another $8 million in guaranteed bank loans.

Let me outline a little of the history of this project for those who may be unfamiliar with it.

Maine Sugar Industries—a corporation largely financed by the Federal Government and the State of Maine—is a beet sugar processing plant in northern Maine.

The sponsors of the project wanted to introduce sugar beets in that area as a second crop to help the farmers. In 1963, they put great pressure on both the Commerce and Agriculture Departments, not only to put up money for the project, but also to provide a 33,000-acre sugar beet allotment for the area. They got what they wanted.

After the Commerce Department agreed to finance most of the project, the original processor in the picture—Great Western Sugar—decided it was too risky and backed out. The sponsors of the project hurriedly persuaded Fred H. Vahlsing, Jr., president of Vahlsing, Inc., which had a potato processing plant in Maine, to go into the sugar beet business, although he knew nothing about the processing of sugar beets.

You might think that when an experienced commercial sugar company threw up its hands and left the scene, not only the backers of this project but the Federal officials involved would have thought twice about the risks. You would have been wrong.

The blind determination to obtain this plant was so strong that one of today's most pious and vocal advocates in Congress of antipollution campaigns left no stone unturned until the classification of the stream on which the plant is located was legally changed so that it became little better than an open sewer because of waste discharged into it from the Vahlsing potato plant and, later, its neighboring sugar beet plant.

I understand that the pollution of this once clear and pure fishing stream became so severe that a Canadian town downstream has raised heated objections with the State of Maine for permitting it.

At any rate, this continuing pollution has now cost the taxpayers—at a minimum—$196,000 in the form of a Federal Water Pollution Control Agency grant to try to clean up the stream.

Pollution aside, Maine farmers never planted anywhere near the number of acres of sugar beets the bureaucratic dreamers in Washington said they could.

So, in 1966, the Federal Government obligingly picked up the $2.25 million tab for sugarcane processing machinery for this plant in a desperate effort to make the project self-supporting.

This was nothing more than throwing good money after bad, and I am pleased to note that the gentleman from Massachusetts (Mr. O'NEILL) has expressed my sentiments on this score on previous occasions.

Last June 16 he spoke of the sorry history of what he described as the "ill-advised Economic Development Administration involvement in this project."

And he observed that his previous judgment "was correct and that Federal financial assistance to this project was not 'preceded by and consistent with sound, long-range economic planning,'" as required by law.

To make a long story short—the upshot of all this money being poured into the venture is that:

Maine Sugar Industries lost $2.7 million during the 9-month period that ended on July 31, 1969.

It owes $170,000 to Maine beetgrowers for last year's crop, and $1.3 million to New York State beetgrowers. The New York Sugar Association is reportedly considering a suit to force payment.

The company is now delinquent on two payments to the First National Bank of Boston on an $8 million loan guaranteed by the Marine Industrial Building Authority, a State agency.

It owes $300,000 in back taxes to the town of Easton, Maine.

Two New York banks, Morgan Guaranty and Chase Manhattan, have reportedly refused to advance any more money to either Maine Sugar Industries or Vahlsing, Inc.

At the end of January this year, the situation had become so bad that some employees of the sugar beet plant were laid off for lack of payroll money.

This, Mr. Speaker, is a partial recitation of what has happened as a result of a foolish venture, and the end is not yet in sight.

I am advised that Vahlsing is now endeavoring to lobby for certain changes in the sugar import quotas that would benefit his company. I understand that on December 15, 1969, Vahlsing wrote to Agriculture Secretary Hardin asking him to reallocate sugar beet quotas for Maine, New York, Pennsylvania, and New Jersey in such fashion that his company could benefit. And I understand he has proposed an amendment to the Sugar Act of 1948 to increase the total acreage allotment in States where he has processing plants.

Mr. Speaker, the present administration has already bent over backward to bail out this ill-conceived project. Interest payments on the EDA loan have been deferred until October of 1971 and principal payments until October 1973.

I can only hope that the taxpayers are not going to be asked to put another red cent into this monumental boon-

doggle and, in light of the past dismal history of this project, I would certainly hope that Secretary Hardin would take no precipitous action on any self-serving request by Vahlsing.

FULL FUNDING FOR ESSENTIAL HOUSING PROGRAMS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on February 5, I introduced H.R. 15729, in which 23 of my colleagues joined. This bill provides supplemental funding for five key programs of the Federal Government's efforts to bring decent housing to all Americans.

I am today reintroducing this supplemental appropriations bill with three more cosponsors: Mrs. CHISHOLM, Mr. HARRINGTON, and Mrs. MINK.

The pressing need for these additional funds is clear. This need is pointed out in an article by Leonard Downie, Jr., which appeared in the February 8 edition of the Washington Post. Mr. Downie perceptively analyzes the problems of housing in America, particularly so far as low- and middle-income families are concerned. As he states:

> The little housing that has been built has not been available to most of those families statistics show need it most . . .

One of the reasons for the failure to meet the commitment enunciated as long ago as 1949 by the National Housing Act for a "decent home for every American" is the lack of funding. Particularly relevant to H.R. 15729 is Mr. Downie's report that—

> Although Congress has passed bold legislation for housing the poor, it has failed to appropriate the money that the Department of Housing and Urban Development says it needs to carry the laws out.

In detailing the innovative approaches created by the housing laws of the 1960's—such as the rent supplement program and the sections 235 and 236 programs—Mr. Downie reports, as I stated in my statement on February 5 upon introduction of H.R. 15729:

> All of these opportunities, however, have been encumbered by a meager supply of money from Congress . . . (S)o little money has been appropriated for the programs so far that HUD funds are usually used up within months of becoming available. Disappointed investors are being turned away.

Certainly, there are problems with the Federal housing program, and these problems must be resolved. But equally necessary is sufficient funding.

I am, therefore, pleased that Mrs. CHISHOLM, Mr. HARRINGTON, and Mrs. MINK have joined 23 of our colleagues in cosponsoring legislation to provide full funding for fiscal year 1970 for the urban renewal, model cities, rent supplement, section 235 homeownership, and section 236 rental assistance programs.

I also commend Mr. Downie's article to my colleagues as an impressive report on these problems:

[From the Washington (D.C.) Post, Feb. 8, 1970]

U.S. EFFORT TO HOUSE POOR HELD FAILURE

(By Leonard Downie, Jr.)

For a decade, the federal government has experimented with subsidizing private business and "nonprofit groups" to build housing for the poor. Congress has provided during the 1960s what everyone believes is the most imaginative legislation possible.

But many congressmen, top Nixon administration housing officials, and an emerging cadre of professionals and volunteers trying to build the housing for the poor agree the job simply is not being done.

Far less housing than Congress planned for "low" and "moderate" income families has been built under the once promising new programs.

The little housing that has been built has not been available to most of those families statistics show need it most. It has gone mostly to the richest of families eligible under government regulations.

Optimistic plans for renovating many of the basically sturdy but rundown houses and apartment buildings of city slums for low-income families have failed to achieve significant results.

This is the case despite the fact the government has a supermarket of subsidies to offer builders of housing for the poor through the Housing Act of 1968, which President Johnson called a "Magna Carta to liberate our cities."

The reasons the experts give for the failures are varied.

Although Congress has passed bold legislation for housing the poor, it has failed to appropriate the money that the Department of Housing and Urban Development says it needs to carry the laws out.

The nationwide credit squeeze and rising mortgage interest rates also have hurt, because most of the government subsidies go to insuring and paying part of the interest on mortgage loans made by private sources for construction or renovation of the housing.

The most costly item, however, the one that keeps rents in the subsidized projects so high that low-income families can't get into them, is land.

"Land control"—the ability to get the land needed for subsidized housing programs at a much lower cost, or with a further federal subsidy—is listed as a "must" need by every expert in housing for the poor, in and out of government.

There has been little overall direction from HUD for private investors and the churches, labor unions and civic associations that form nonprofit or limited profit groups and corporations to build low income housing.

They usually know little about construction, mortgage financing, or the red tape of HUD's Federal Housing Administration. An Urban America, Inc., book of instructions and official forms for such a group to use to process a housing application contains 280 pages and 70 forms.

Even experienced groups with housing experts on their staffs, like Washington's Housing Development Corporation, have run into interminable delays in the FHA process. Delays of one and two years between initial application and the beginning of construction are common.

Part of the delay comes from still another problem plaguing efforts to build housing for the poor: rising construction costs.

They are going up so fast, especially for renovation of existing slum buildings, that FHA, which compares requests to a data bank of costs for past projects, often refuses to approve construction cost estimates of even the most experienced nonprofit housing groups.

FHA has also had difficulty changing from an agency that primarily insured mortgages on safe middle class home investments to one that many expect to take the leadership in the risky redevelopment of the slums.

HUD Secretary George Romney says he knows about all this and wants to do something about it.

He is reorganizing HUD to separate the insurance and housing production functions and to give priority to providing housing for the poor, with emphasis on finding new technology for the task.

A top aide to Romney says HUD is preparing "dramatic and possibly controversial" proposals for still more legislation and changes within HUD designed to refine and operationally improve the pioneering housing laws of the '60s.

Experts like Channing Phillips of Washington's Housing Development Corporation, who work with HUD every day in trying to get the housing built, say they like what they have seen so far of the new direction there.

They fear, however, that the nation lacks the strong commitment to provide decent housing that is necessary to get enough money spent and enough of the old rigid rules made more flexible.

The nation had already made a formal commitment in the 1930s, reinforced by the Housing Act of 1949, to provide "a decent home . . . for every American."

For millions of upward bound white Americans, the promise came true as FHA and its predecessor and sister agencies provided the insurance and other backing for their migration to comfortable homes in the suburbs.

After World War II, to provide a way station for poorer people not yet ready to rent or buy a decent home, the government embarked on building public housing projects. Many have have become government-built ghettos for very poor, mostly black tenants. Many units suffer from disrepair and run up losses for the local governments that own them.

The housing laws of the 1960s constitute an entirely new approach. The government would finance indirectly, through FHA mortgage insurance and the paying of interest on mortgages from private investors, the efforts of private businesses and groups to build housing for those too poor for regular FHA programs and not poor enough to qualify for public housing.

The laws were designed to help build and renovate housing for both sale and rental to poor families. The government also was authorized to pay much of the mortgage interest for low-income home buyers and pay part of the monthly rent for low-income tenants.

A nonprofit group or limited dividend corporation can go to HUD with plans to build or refurbish an apartment building or home for a low-income family. If the plans are approved the group can get an FHA guarantee to insure the mortgage and pay some of its interest. The applicant must find a bank or other investor to make the mortgage loan and get the architect, builder and the rest to get the job done.

If the apartment building or house is being rented, the group or corporation keeps ownership of it and is responsible for its maintenance.

Nonprofit groups are expected to break even. And, at the end of the 40-year mortgage, the church or union or neighborhood group would own a building free and clear.

A limited dividend corporation—usually an established builder or a syndicate of investors, put together by a builder—is allowed to make a 6 per cent return on its investment. What makes it more attractive is that investors can deduct depreciation of the finished building from their income at tax time.

Speculative home builders who put up houses that are inexpensive enough can sell them to low-income buyers with the mortgage guaranteed and much of the interest on it paid by the federal government.

Finally, nonprofit groups like Washington's Urban Rehabilitation Corporation (financed by the Catholic archdiocese and overseen up to now by the Rev. Geno Baroni) can take old, rundown houses and get FHA-insured loans to rehabilitate and sell them to low-income buyers.

All of these opportunities, however, have been encumbered by a meager supply of money from Congress and severe restrictions in both the legislation and FHA procedures on how the programs could be carried out.

Donald Reape, a Philadelphia mortgage expert who helps get investors, mortgage money, builders and FHA officials together for subsidized housing projects (in the trade he is called a "packager") says that investors in limited profit corporations are "lined up" waiting for federal funds to get to work.

But so little money has been appropriated for the programs so far that the HUD funds are usually used up within months of becoming available. Disappointed investors are being turned away.

The one problem many of the limited profit companies usually can handle is FHA red tape. The reason is that the builder or real estate expert who puts a limited profit company together has had this experience.

But FHA red tape, lack of technical expertise and scarcity of venture capital all combine to hamper severely what Congress expected to be the other primary source of subsidized housing: nonprofit groups.

"Generally," says Don Reape in Philadelphia, "the nonprofit sponsor has not gotten the job done."

Reape acts as the paid adviser for churches, unions or civic groups that try to build big subsidized apartment buildings. He is paid out of the proceeds of the mortgage loan for the building.

He knows what they don't know about how to find a mortgage lender, a builder and subcontractors; about how to deal with FHA, local officials, zoning boards, and the like.

He places little importance on the Nixon administration's Operation Breakthrough project to find ways to massproduce housing.

"What we need are more funds now," he says, "We must face that."

Small nonprofit groups that want to redo a house or two, or build a very small apartment building, cannot pay a consultant, Reape says, yet they must go through the same complicated, time consuming processing required for big projects that pay consultants' fees.

The usual result, Reape said, is that the small nonprofit group gives up. Or, they proceed naively through projects that wind up in financial disarray when they are finished.

Another arm of the government, the Office of Economic Opportunity, tried to attack the nonprofit problem by funding larger nonprofit groups called "housing development corporations." Washington's HDC, which is now renovating Clifton Terrace, is one of these.

The OEO grants pay for large staffs of experts for these groups, and, along with grants from other sources, provide working capital with which they can acquire property to build on and prepare good initial development plans for FHA.

But even for these groups, the red tape tangle, rising construction costs and shortages of federal subsidies have made the hope of large-scale housing production "a hoax," according to an official of Philadelphia's HDC.

Philadelphia contains more than 15,000 abandoned brick rowhouses, according to official city estimates, an ideal resource for renovation of housing for the poor.

But Philadelphia's HDC has been able to renovate only 30 for sale to low or moderate income families.

The Philadelphia Public Housing Authority, however, was able to bypass FHA red tape and restrictions and, through the offices of HUD that provide public housing assistance, renovate nearly 5,000 of the same "used houses" for rental to public housing tenants.

Washington's HDC has tied up $400,000 in capital in contracting for buildings for construction and renovation, but thus far has gotten FHA approval for just four of 10 pending projects. Four of those not approved have been pending for more than a year.

Frank DiStephano, an Urban America, Inc., employee who watches the nation's 12 HDCs for OEO, says they still are not being provided with enough operating funds from the government, enough capital from private sources (who would be repaid when a job was finished), or enough expert advice and help from HUD.

Their production of housing has gone "only from nothing to a little," DiStephano says.

He also wants to see construction costs and the prices for acquiring land drop so that the rents charged the tenants can be dropped. These programs are still serving "moderate" income families, and not really "low" income persons, DiStephano complains.

And he joins with several others in the field, including top HUD officials, in calling for a concerted national commitment to provide housing for the poor, a commitment like that which put men on the moon.

"We kept hearing about the promise of these new housing laws," Reape says. "But these people can't live on promises."

RESOLUTION ON THE MIDDLE EAST

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am introducing today, with the cosponsorship of 18 of my colleagues, a resolution on the Middle East reading as follows:

Whereas since the Arab-Israeli war of 1967, the announced policy of the United States has been for direct negotiations between the parties as the only road to an effective long-term peace in the Middle East, and

Whereas the Congress of the United States has affirmed its support for that policy in the Foreign Assistance Act of 1967 and has in effect reaffirmed that position in 1968 and 1969, and

Whereas the Secretary of State in his speech of December 9, 1969, has indicated that the U.S. Government has made certain proposals with regard to an eventual settlement between Israel and Egypt, thus undercutting Israel's bargaining position in any future talks, and eroding the principle that all issues should be resolved in direct talks, and

Whereas the principle has been further eroded by the proposals reportedly made by the U.S. Government with regard to a settlement between Israel and Jordan, and

Whereas the President has recently reaffirmed the necessity of negotiations between the parties, but without repudiating the specific proposals earlier made; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States Government should withdraw the specific proposals made and reaffirm the previous policy of insisting on negotiations between the parties as the only long-term solution,

(2) the United States should henceforth refrain from attempting to impose a settlement in the Middle East or to bring pressure on the parties to accept any particular set of proposals, and

(3) the United States Government should make available to Israel such military assistance as Israel requires to assure her defense, to offset at least in part the vast amounts of weapons, aircraft and other aid being furnished to the Arab States by the Soviet Union and other powers.

I am delighted that the following Members have joined me in sponsoring this resolution: Messrs. BOLAND, BROWN of California, Mrs. CHISHOLM, Messrs. CONYERS, DULSKI, EDWARDS of California, GIBBONS, HALPERN, HAWKINS, KOCH, OTTINGER, PEPPER, REES, ROSENTHAL, RYAN, SCHEUER, TUNNEY, and WHITEHURST.

The resolution reflects the views on the Middle East which I expressed in some detail in a speech given at the Rochester, N.Y., City Club on January 10, which my colleague Mr. FARBSTEIN kindly had inserted in the RECORD on January 22 at pages E223–E225. It is not inconsistent with the joint declaration prepared by Chairman CELLER, which I have signed along with some 240 other Members. But it goes beyond that declaration in repudiating the specific proposals made by the administration last fall. Some of those specific proposals, having to do with terms for a settlement between Israel and the United Arab Republic, were stated in Secretary Rogers' speech of December 9. Others, suggesting guidelines for an Israel-Jordan settlement, were reported by the New York Times on December 21 and 22 and have not been denied—in effect have been confirmed—by the State Department.

These proposals tended to undercut the Israelis' bargaining position in any talks that might actually take place, and were thus inconsistent with the principle that the parties to the dispute must themselves hammer out the terms of settlement.

Since those proposals were made—and attacked by both Israelis and Arabs—the President has reaffirmed the necessity of direct negotiations between the parties before any settlement can be arrived at. The President has also stated that the United States will make available arms to the Israelis needed for Israel's defense. These developments are reassuring. However, there has been no repudiation of the earlier specific proposals, which therefore still stand as the U.S. position. Since these proposals have been rejected by both Arabs and Israelis, the U.S. Government is clearly free to withdraw them, and this should now be done.

WHAT DO WE DO IN VIETNAM?

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, one of the most vexing problems that faces our Nation is our involvement in Vietnam.

During recent visits to my district I have discussed this matter at great

length with my constituents, for we have lost many of our boys from south Texas, and many more are daily facing the prospect of going there. I have been asked to make statements concerning this matter and this is in essence my stand as I speak in my district.

How we got there or why is now really a moot question. The fact is that we are there. I am not a professional military man—although I have served and have received training in the military in what some people call the old school.

I have had—and shall continue to have—the opinion that if you become involved in a military conflict you go out and win, using all the resources at your command. This has not been done in the past and it is not being done now. I disagreed with it in the past and I disagree with it now.

I do not trust the Communists and I never shall, so the idea of a negotiated peace, as far as the Communists are concerned, in my humble opinion is a futile effort.

It has not worked in the past and it will not work in the future. They merely change their tactics and their strategy and continue their aims of subjugation of the free peoples of the world—while we abide by our commitments.

Therefore the ultimate question remains, "What do we do in Vietnam?"

There is in my opinion only one person in our country who has all the facts at his disposal. This person is the President of the United States. He and he alone has the facts and the ultimate awesome responsibility to make the decisions which must be made.

We as individuals—and I as a Representative in the Congress—have in turn the responsibility to assist him in these decisions. The only recommendation which I had was not heeded—that we win. Now the only recourse that we have, you and I, is that we support our President, and pray to God that he make the right decisions.

I supported President Johnson, and now I support President Nixon. We cannot—and I surely will not—impose on him timetables or schedules of troop withdrawals. This only plays into the hands of the enemy who has time on their side.

The President—our President—yours and mine, must have a free hand to do what he thinks is best for the good of the country and of mankind. There cannot be any disagreement or difference of opinions as there is with domestic problems or programs—for here we are dealing with an external enemy of our country, who is not interested in priorities or differences in approach. Their main and sole interest is the destruction of our democratic form of Government. Vietnam is but another step or phase in their overall plan.

I therefore disassociate myself from any plan, any group or any individual who would hinder or in any way impede the actions of the President in his attempt to find an honorable solution to this problem.

Again I state, Mr. Speaker, although I do not agree with many of the actions heretofore taken, I support the President of the United States.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. PELLY, for the week of February 16, 1970, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PODELL, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. EDWARDS of Alabama (at the request of Mr. COUGHLIN), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. GONZALEZ (at the request of Mr. JONES of Tennessee), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. HALPERN (at the request of Mr. VANDER JAGT), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. JONES of Tennessee) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 15 minutes, today.

Mr. FARBSTEIN, for 15 minutes, today.

Mr. ROONEY of New York, for 15 minutes, today.

Mr. FLYNT, for 60 minutes, on February 18.

Mr. PRYOR of Arkansas, for 60 minutes, on February 19.

Mr. FARBSTEIN, for 60 minutes, on February 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON and to include extraneous matter, tables, and charts in connection with his 1-minute speech today, and that these remarks appear in Extensions of Remarks of today's RECORD.

Mr. FRELINGHUYSEN and to include extraneous matter.

Mr. ALBERT immediately following the reading of the President's message on environmental pollution today.

Mr. SAYLOR, his remarks in the Committee of the Whole today, and to include extraneous material.

Mr. SAYLOR immediately following the President's message today.

(The following Members (at the request of Mr. COUGHLIN) and to include extraneous matter:)

Mr. POFF.

Mr. BROWN of Michigan.

Mr. BLACKBURN in three instances.

Mr. SCHERLE in two instances.

Mr. SCOTT.

Mr. DUNCAN in two instances.

Mr. CONTE in three instances.

Mr. MESKILL in two instances.

Mr. CORMAN in two instances.

Mr. SEBELIUS.

Mr. MILLER of Ohio.

Mr. ZWACH.

Mr. HAMMERSCHMIDT.

Mr. VANDER JAGT.

Mr. DERWINSKI in two instances.

Mrs. REID of Illinois.

Mr. THOMPSON of Georgia.

Mr. KUYKENDALL.

Mr. HALPERN in three instances.

Mr. QUIE.

Mr. SPRINGER.

(The following Members (at the request of Mr. JONES of Tennessee) and to include extraneous matter:)

Mr. ANDREWS of Alabama in two instances.

Mrs. GRIFFITHS in two instances.

Mr. PEPPER.

Mr. BARRETT.

Mr. BIAGGI in six instances.

Mr. FRASER in six instances.

Mr. KLUCZYNSKI in three instances.

Mr. HOWARD in two instances.

Mr. EDWARDS of California in two instances.

Mr. RODINO in three instances.

Mr. JACOBS.

Mr. DINGELL in three instances.

Mr. EILBERG.

Mr. SCHEUER in two instances.

Mr. PICKLE in three instances.

Mr. ST. ONGE.

Mr. MOORHEAD in six instances.

Mr. MATSUNAGA.

Mr. RARICK in two instances.

Mr. FOUNTAIN in three instances.

Mr. ROONEY of New York in three instances.

Mr. DIGGS.

Mr. KOCH in two instances.

Mr. O'HARA.

Mr. GETTYS.

Mr. ANDERSON of California in two instances.

Mr. HELSTOSKI in four instances.

Mr. JOHNSON of California in two instances.

Mr. BENNETT in two instances.

Mrs. SULLIVAN in four instances.

Mr. DE LA GARZA in four instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. RYAN in three instances.

Mr. SISK.

Mr. GONZALEZ.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2214. An act to exempt potatoes for processing from marketing orders.

ADJOURNMENT

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. VANIK). In accordance with House Concurrent Resolution 497 of the 91st Congress, the Chair declares the House adjourned until 12 o'clock noon on February 16 next.

Thereupon (at 1 o'clock and 46 minutes p.m.), pursuant to House Concur-

rent Resolution 497, the House adjourned until Monday, February 16, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as followed:

1627. A letter from the Secretary of the Interior as chairman of the Migratory Bird Conservation Commission, transmitting the annual report of the Commission for the fiscal year ended June 30, 1969, pursuant to the provisions of 45 Stat. 1222 (16 U.S.C. 715b); to the Committee on Agriculture.

1628. A letter from the Chairman, District of Columbia Armory Board, transmitting the 22d annual report and financial statements of the operation of the Armory and the 12th annual report and financial statement of the Board's operation of the Robert F. Kennedy Memorial Stadium for the fiscal year ended June 30, 1969, pursuant to the provisions of section 10, Public Law 80–605, as amended and section 10, Public Law 85–300, as amended; to the Committee on the District of Columbia.

1629. A letter from the secretary and member of the board of directors, the Foundation of the Federal Bar Association, transmitting the audit report of the association for the fiscal year ended September 30, 1969, pursuant to the provisions of section 14 of Public Law 83–662 (68 Stat. 800); to the Committee on the District of Columbia.

1630. A letter from the Secretary of State, transmitting a draft of proposed legislation to authorize a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States; to the Committee on Foreign Affairs.

1631. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

1632. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1633. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1634. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

1635. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

1636. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.); to the Committee on Public Works.

1637. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL: Committee on Foreign Affairs. To save succeeding generations (Rept. No. 91–837). Referred to the Committee of the Whole House on the state of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 15728. A bill to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes (Rept. No. 91–838). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 14645. A bill to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President; with amendments (Rept. No. 91–839). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 15807. A bill to amend the Clean Air Act in order to extend the authorizations for such act, to extend the provisions of title II relating to emission standards to vessels, aircraft, and certain additional vehicles, and for other purposes, and to provide for a study of noise and its effects; to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Maryland:

H.R. 15808. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 per centum increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT (for himself, Mr. GRAY, Mr. ICHORD, Mr. RIVERS, and Mr. UTT):

H.R. 15809. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

By Mr. DORN:

H.R. 15810. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. DORN (by request):

H.R. 15811. A bill to amend section 314(k) of title 38, United States Code, to provide for a statutory payment of $47 per month to a veteran who has lost the use of a lung or kidney as the result of a service-connected disability; to the Committee on Veterans' Affairs.

H.R. 15812. A bill to amend title 38 of the United States Code to provide an increase in the rate of dependency and indemnity compensation payable to certain children; to the Committee on Veterans' Affairs.

H.R. 15813. A bill to amend chapter 39 of title 38, United States Code, to provide a recurring grant of monetary assistance for the purchase of specially equipped automobiles or other conveyances by certain disabled veterans; to the Committee on Veterans' Affairs.

H.R. 15814. A bill to amend section 110 of title 38, United States Code, to provide for the preservation of total disability ratings under laws administered by the Veterans' Administration where such ratings have been in force for 10 years or more; to the Committee on Veterans' Affairs.

H.R. 15815. A bill to amend section 312 of title 38, United States Code, to provide a presumption of service connection in the case of veterans suffering from hypertension developing a 10 percent degree of disability within 2 years from the date of discharge or release; to the Committee on Veterans' Affairs.

H.R. 15816. A bill to establish a minimum rate of disability compensation for veterans with service-connected tuberculous disease which has reached a condition of complete arrest; to the Committee on Veterans' Affairs.

H.R. 15817. A bill to amend title 38, United States Code, to increase the rate of additional compensation provided for certain disabled veterans whose children are attending school; to the Committee on Veterans' Affairs.

H.R. 15818. A bill to amend section 1732 of title 38, United States Code, in order to increase the rate of educational assistance allowance paid to certain eligible persons pursuing a full-time program of education under chapter 35 of such title; to the Committee on Veterans' Affairs.

By Mr. FRIEDEL:

H.R. 15819. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 15820. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

H.R. 15821. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. GRAY:

H.R. 15822. A bill to amend the Uniform Time Act of 1966 in order to provide that daylight saving time shall be observed in the United States from the first Sunday following Memorial Day to the first Sunday following Labor Day; to the Committee on Interstate and Foreign Commerce.

By Mr. HALEY:

H.R. 15823. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 15824. A bill to amend title 38, United States Code, to extend servicemen's group life insurance protection from 120 to 240 days after discharge; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of California:

H.R. 15825. A bill to require a review of the Sacramento-San Joaquin Basin Streams with respect to additional bank protection and erosion control programs; to the Committee on Public Works.

By Mr. MIKVA:

H.R. 15826. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.R. 15827. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the

disposition of waste materials in the waters of the New York Bight, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. OTTINGER (for himself, Mr. ADDABBO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BUTTON, Mrs. CHISHOLM, Mr. DELANEY, Mr. FARBSTEIN, Mr. FISH, Mr. GILBERT, Mr. GROVER, Mr. HALPERN, Mr. KOCH, Mr. LOWENSTEIN, Mr. PODELL, Mr. POWELL, Mr. REID of New York, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, and Mr. WOLFF):

H.R. 15828. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the disposition of waste materials in the waters of the New York Bight, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. OTTINGER (for himself, Mr. DANIELS of New Jersey, Mr. HELSTOSKI, Mr. HOWARD, Mr. MINISH, Mr. RODINO, Mr. SANDMAN, Mr. THOMPSON of New Jersey, and Mr. WIDNALL):

H.R. 15829. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the disposition of waste materials in the waters of the New York Bight, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PELLY:

H.R. 15830. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 15831. A bill to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 15832. A bill to authorize the disposal of castor oil from the national stockpile; to the Committee on Armed Services.

H.R. 15833. A bill to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 15834. A bill to authorize the disposal of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 15835. A bill to authorize the disposal of magnesium from the national stockpile; to the Committee on Armed Services.

H.R. 15836. A bill to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 15837. A bill to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 15838. A bill to authorize the disposal of shellac from the national stockpile; to the Committee on Armed Services.

H.R. 15839. A bill to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 15840. A bill to authorize the disposal of zinc from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. RANDALL:

H.R. 15841. A bill to amend the Internal Revenue Code of 1954 to exempt from the termination of the investment tax credit certain property used for farming purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Florida:

H.R. 15842. A bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937 to permit projects for paid advertising under marketing orders applicable to tomatoes; to the Committee on Agriculture.

By Mr. RYAN:

H.R. 15843. A bill to provide supplemental appropriations to fully fund the "Construction Grants for Waste Treatment Works" program of the Federal Water Pollution Control Act for the fiscal year 1970; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mrs. CHISHOLM, Mr. HARRINGTON, and Mrs. MINK):

H.R. 15844. A bill to provide supplemental appropriations to fully fund the urban renewal, model cities, rent supplement, and low-income homeownership and rental housing assistance programs for the fiscal year 1970, and for other purposes, including jobs in housing; to the Committee on Appropriations.

By Mr. RYAN:

H.R. 15845. A bill to amend section 302(b) of the National Housing Act; to the Committee on Banking and Currency.

By Mr. SIKES:

H.R. 15846. A bill providing that discrimination on account of race, creed, color, or national origin is prohibited; to the Committee on Education and Labor.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 15847. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 15848. A bill to amend the Clean Air Act so as to extend its duration, provide for the national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR:

H.R. 15849. A bill to prohibit the involuntary busing of schoolchildren and to adopt freedom of choice as a national policy; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.R. 15850. A bill to amend the Fish and Wildlife Coordination Act to assure adequate consideration of the views and recommendations of the Secretary of the Interior in connection with certain water modification projects, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BUCHANAN:

H.R. 15851. A bill to prohibit the Federal Government from requiring any schoolchild to attend a public school other than his neighborhood school; to the Committee on Education and Labor.

By Mr. BUTTON:

H.R. 15852. A bill to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings; to the Committee on Armed Services.

H.R. 15853. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho:

H.R. 15854. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. KYROS:

H.R. 15855. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 per centum increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. LOWENSTEIN:

H.R. 15856. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 15857. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PODELL:

H.R. 15858. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 per centum increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. POLLOCK:

H.R. 15859. A bill to provide additional office space and staff for Members of Congress representing a certain type of district and to provide a cost-of-living allowance for such additional staff in certain cases; to the Committee on House Administration.

By Mr. SCHEUER (for himself, Mr. BRASCO, Mr. BURKE of Florida, Mr. BURTON of California, Mr. BUTTON, Mr. HALPERN, Mr. HELSTOSKI, Mr. KEITH, Mr. MIKVA, Mr. OTTINGER, Mr. PODELL, Mr. POWELL, Mr. REUSS, Mr. RYAN, Mr. TIERNAN, and Mr. WALDIE):

H.R. 15860. A bill to assist in the effective and suitable disposal of passenger cars at the time of the discontinuance of their use on the highways by encouraging the disposal of such cars through persons licensed by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES:

H.R. 15861. A bill relating to the policy with respect to the application of certain provisions of Federal law; to the Committee on Education and Labor.

By Mr. McMILLAN:

H.J. Res. 1080. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. SIKES:

H.J. Res. 1081. Joint resolution proposing an amendment to the Constitution of the United States to provide that appointments of Supreme Court and other Federal judges be required to be reconfirmed every 6 years, to require 5 years' prior judicial experience as a qualification for appointment to the

Supreme Court, and to require retirement of Federal judges at the age of 70 years; to the Committee on the Judiciary.

By Mr. BINGHAM (for himself, Mr. BOLAND, Mr. BROWN of California, Mrs. CHISHOLM, Mr. CONYERS, Mr. DULSKI, Mr. EDWARDS of California, Mr. GIBBONS, Mr. HALPERN, Mr. HAWKINS, Mr. KOCH, Mr. OTTINGER, Mr. PEPPER, Mr. REES, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. TUNNEY, and Mr. WHITEHURST):

H. Con. Res. 503. Concurrent resolution on the Middle East; to the Committee on Foreign Affairs.

By Mr. McMILLAN:

H. Con. Res. 504. Concurrent resolution expressing the sense of the Congress that "freedom of choice" plans are the most equitable, legal, and feasible method of facilitating title VI of the Civil Rights Act of 1964; to the Committee on the Judiciary.

By Mr. POWELL:

H. Con. Res. 505. Concurrent resolution expressing the sense of the Congress with respect to the participation of South Africa in the Davis Cup international tennis competition; to the Committee on Foreign Affairs.

By Mr. DERWINSKI:

H. Res. 830. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. MANN:

H. Res. 831. Resolution to create a Select Committee on the Investigation of Pornographic Enterprises; to the Committee on Rules.

By Mr. POWELL:

H. Res. 832. Resolution expressing the sense of the House of Representatives with respect to the participation of South Africa in the Davis Cup international tennis competition; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Res. 833. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 15862. A bill for the relief of Santo Salvaggio, Anna Collura, and Patrizia C. Collura; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 15863. A bill for the relief of Sylvia Diaz; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 15864. A bill for the relief of Robert L. Stevenson; to the Committee on the Judiciary.

By Mr. PRICE of Illinois:

H.R. 15865. A bill for the relief of Marion Owen; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

294. By the SPEAKER: A memorial of the Legislature of the State of South Carolina, relative to overriding the presidential veto of the act making appropriations for health, education, and welfare; to the Committee on Appropriations.

295. Also, General Court of the Commonwealth of Massachusetts, relative to increasing the amounts of minimum monthly payments under the Social Security Act; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

389. By the SPEAKER: Petition of Belle Pickering, New York, N.Y., and others, relative to certain movies regarded as pornographic in content; to the Committee on Interstate and Foreign Commerce.

390. Also, petition of Daniel Edlord Leveque, Sheboygan, Wis., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

TOPICS: HOW THE ADMINISTRATION CAN CURB INFLATION

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. HELSTOSKI. Mr. Speaker, with rosy forecasts on the "success" of its alleged fight against the Nation's wild inflation flowing from administration spokesmen on a regular basis, I think it is about time we mounted a crusade to reply to the propaganda.

A certain member of the administration has demanded truth in reporting and presentation on Government activities. Let us give it to him and a concerned public.

Every Member of this body knows that there has been no abatement of inflation since the present administration took office. In fact, inflation has grown progressively worse. Prices of everything go up and up. Interest rates go up and up.

The Nation is headed for dire trouble if inflation is not at the very least braked. It appears to me that the administration has no effective anti-inflation program. It is floundering badly and I believe it is about time that the administration started listening to some experts not having membership in the closed corporation setup running the financial and economic affairs of our Nation.

One outside expert that should be listened to is the Honorable Arthur J. Goldberg. As we all know Mr. Goldberg has had vast experience in many phases of American life. Let the RECORD show that during his career in Government, Mr. Goldberg served as Secretary of Labor, Supreme Court Justice, and Ambassador to the United Nations.

In a news column appearing in the New York Times on January 31, 1970, Mr. Goldberg offered some sound advice on how to combat inflation, and I call it to the attention of all by hereby placing the column in the RECORD:

TOPICS: HOW THE ADMINISTRATION CAN CURB INFLATION

(By Arthur J. Goldberg)

I am the last one to deny the utility of clichés to public officials. But a cliché cannot be substituted for a policy. I fear that this may be happening with respect to the Administration's inflation policy.

Its cliché is governmental nonintervention in labor-management affairs. The most applauded statement that can be made to a business or labor audience is: "Let the Government stay out of collective bargaining." But I know from experience that the Government cannot stay out if a dispute impairs our national health, safety or economy.

President Nixon recognized this in 1959, when as Vice President he intervened to help settle the 116-day steel strike. The still unsettled railroad controversy is an example affecting national health and safety. Secretary of Labor Shultz rightly put aside Administration predilections against intervening to help resolve this dispute.

More importantly, the Administration has still to deal realistically with the impact of the sum total of collective bargaining on our inflationary economy. Collective bargaining does not operate in a vacuum. To illustrate, collective bargaining is not responsible for the more than $30 billion a year of Government expenditures in carrying on the tragic war in Vietnam.

Although collective bargaining may not be the prime cause of inflation, it contributes to its acceleration. Workers cannot be expected to moderate wage demands at the expense of living standards while prices and profits remain unrestrained. Employers cannot absorb increasing costs arising from collective bargaining without protecting profit margins.

The Administration is concerned about this, but its remedy is fiscal and monetary restraint. This means higher interest rates, tighter credit, a diminution of the money supply, higher taxes, a reduction in governmental expenditures, a substantial budget surplus and higher levels of unemployment.

PRICES, PROFITS, WAGES

I am not reassured by statistics showing that the gross national product is slowing. These figures are accompanied by reports of price increases in key commodities, wage increases and growing lay-offs in important industries. Only this week the Commerce Department reported that food prices went up 2 per cent in January.

The time has come—indeed it is long overdue—to supplement appropriate fiscal and monetary measures by dealing directly with the impact of prices, wages and profits on inflation.

A good beginning for the Administration would be to raise rather than lower its voice about inordinate price and wage increases. "Jawboning" is not always effective, but silence on the part of government is deemed acquiescence. "Guidelines" don't always work but at least remind industry and labor that they also must heed the public interest.

In all candor, however, I doubt that at this late stage "jawboning" and "guidelines" alone will do the job. The Administration will have to deal more directly with the wage, price and profit situation.

Robert Roosa, a perceptive economist and financier, has advocated a wage-price-profit freeze. It would be in the form of a Presidential appeal to maintain all prices, wages and dividends at present levels for a period of, say, six months.

The difficulty with Mr. Roosa's suggestion is the inequity of a prospective freeze, applicable to some when others will have beaten the freeze by hiking prices or raising wages. The difficulty with all-out controls is the antipathy Americans have to direct controls—particularly in an undeclared war—an antipathy based upon past distaste for bureaucratic administration and black marketeering, the almost inevitable concomitant of controls even in times of a declared war. But greater than both of these difficulties is the consequence of "galloping" inflation.

CITIZEN RESPONSE

I believe that the American people, whether they come from industry or labor, understand this; the citizen is ahead of his elected officials and is ready to support a responsible wage, price and profits policy to help control inflation.

But whether popularly supported or not, it is the first obligation of any Administration to protect the national health, safety and economy with all the means available to it and, if these are inadequate, to seek additional means from the Congress.

We have reached a crisis point which brooks no further delay and no appropriate measure—including wage, price and profit controls—can be excluded to bring inflation under control.

THE PRECARIOUS BUDGET SITUATON—NEED FOR DRAMATIZATION

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. MAHON. Mr. Speaker, earlier today, in speaking to the House briefly about the precarious fiscal situation confronting the country, I discussed one key aspect of the budget submitted by the President last week, and secured permission to extend my remarks on the budget more fully and to include pertinent tabulations.

Mr. Speaker, all Members and all citizens, and this certainly includes the press, need to understand the precarious fiscal situation confronting the country.

We need to understand that had the fiscal 1971 budget now before Congress been submitted under the same budget guidelines that obtained under the Eisenhower and Kennedy administrations, and under the first 3 years of the Johnson administration, the new budget, submitted last week, would show a deficit for fiscal year 1971 of $7.3 billion, not the $1.3 billion surplus in the headlines.

That blunt statement of fact will seem strange and perhaps incredible to people who have read the big headlines and who have not studied and understood the fine print. I am not charging bad faith. I know of none.

I am charging that there is a lack of information as to the facts.

Let me follow my blunt statement of fact with a few other statements of fact:

First. We talk about a balanced budget, and it is balanced under the new unified budget system, which seems to mislead a lot of people. The Federal debt continues to go up. The administration estimates that the gross Federal debt will increase by nearly $8 billion in the next fiscal year. This means that the debt ceiling will have to be raised at this session of Congress. If there were a balance of outgo and income in the federally owned funds of the Government, the Federal debt would not, of course, go up.

Second. The fiscal 1971 budget requests new spending authority—"budget authority" is the technical term—in excess of fiscal year 1970 in the sum of $9 billion. The gross increase is several billions higher than $9 billion as I shall in a few moments show in some detail, but there are certain nonrecurring offsets.

Third. Under the unified budget which became effective for fiscal year 1969, and which includes 6 months under the previous administration, the so-called surplus is dwindling. The trend is in the wrong direction. Here it is:

Under the unified budget, the fiscal 1969 surplus was $3.2 billion. It is estimated to sag to $1.5 billion in the current fiscal year, and it is estimated to sag further in the forthcoming fiscal year to $1.3 billion.

What concerns me and many others is that the so-called surplus for fiscal year 1970 will probably dwindle further, and the so-called surplus for 1971 will undoubtedly vanish, and we will be in the red under the new unified budget plan in 1971. Under the former budget plan which obtained in the previous administration, we would be in the red for the 3 fiscal years 1969, 1970, and 1971 in the total sum of $19.9 billion. The actual figures by years are: 1969, $5.5 billion; 1970, estmated, $7.1 billion; 1971, estimated, $7.3 billion.

The practical facts which I have recited are not understood generally, but they must be understood if we are to be able to take off the cloak of complacency in regard to fiscal matters. Under the facts there is no possible basis for comfort in regard to the budgetary situation.

It must be understood how the unified budget surplus is arrived at. As a result of the actions of Congress, increasing social security and other trust funds, trust funds have sharply increased during the past few years. Receipts of trust funds have exceeded expenditures of trust funds, thereby creating large surpluses. The estimated surplus for 1971 is $8.6 billion. The estimated surplus for 1970 is $8.6 billion. The surplus for 1969 was $8.7 billion.

Trust funds are dedicated to specific programs, such as social security and highway construction. These revenues are not available for regular Federal programs. They can be borrowed, however, by the Government and used to pay the regular expenses of the Government, and this is what has been and is being done. The Government borrows these funds, paying appropriate interest, and uses them for the regular functions of the Government.

I am not opposing the practice of borrowing surplus trust funds and using them for the operation of the Government. These sums earn interest, of course, paid by the taxpayer. But the Congress and the citizen must not overlook the fact that these funds will have to be repaid and that a budget surplus based solely on trust fund borrowings is not a very comforting situation.

I am not making a partisan appeal. It was not this administration which first advocated the unified budget procedure. This was done by the previous administration. I am not even making a plea for the abandonment of the unified budget plan. I am just advocating that a way be found to display the full truth to the Congress and to the American people.

The unified budget plan was designed to promote understanding by use of a single, comprehensive measurement in lieu of the three or four separate sets of figures used previously. It tends to obscure the actual situation in relation to general Federal funds but it does provide a picture of total budgetary income and outgo for economic analysis and other purposes.

I would like to contribute to the awakening of the American people on this issue. Some way must be found to dramatize the seriousness of the situation confronting the country.

Moreover, I am not charging this administration with inventing unacceptable inflation. It began in the previous administration largely because of unbalanced budgets brought about principally by heavy war spending and insufficient Federal revenues. Yet within the last year inflation has not only continued unabated, it has accelerated. I will insert a set of figures illuminating this fact.

THE NEED FOR LIVING WITHIN OUR MEANS

Mr. Speaker, the President has done his duty under the law in presenting his budget to Congress. The budget message may very well be the most important document presented to Congress this year.

In a sense the President has passed the ball to Congress and it is the duty of Congress in the coming months to carefully evaluate the President's budget and use its best judgment in taking action.

In my judgment, it must be agreed that the President has used considerable restraint in presenting his budget to Congress. I applaud the President for placing heavy stress on the need for a balance in Federal spending.

Last Friday, the President said in Chicago that total mobilization of the Nation's resources was necessary to fight pollution. He added: "Whatever the costs we are going to do the job." I find no fault with this. I applaud it.

Now, others are saying we must spend billions to reduce poverty to the minimum.

Others are saying that we have only scratched the surface in providing Federal aid to education, that we must spend more, more, more.

Others talk about housing and propose the expenditure of billions.

Others are saying that the cities will die without mass transit aid, advocating long-range programs that will cost uncounted billions.

I will not go on to mention, space, welfare, revenue sharing, and innumerable other opportunities for spending for good purposes.

My point is that everybody is talking about big spending but nobody is talking in a very loud voice about attractive new tax programs which will raise massive sums of additional revenue to pay for the spending program.

Unless some way can be found to rectify this situation, we are in my judgment headed toward fiscal and economic chaos.

If there is to be a hero in the 1970's, he may be the man who entices the people to vote upon themselves the taxes required to pay for all our programs to clean up the environment, stamp out disease, eliminate poverty, and educate everybody. Everybody can dramatize the need for spending. Why cannot somebody dramatize the need to collect the revenue?

Is it not true that if we finance these ambitious programs by deficit spending, the money will not buy much and our efforts will fail?

A TENUOUS BUDGET BALANCE

I share the President's concern that pressures for increased spending could unhorse the razor-thin unified budget surplus of $1.3 billion which he has presented. In fact, I say—regretfully—that in my opinion the razor-thin unified budget surplus projected for fiscal 1971 will disappear.

I would have preferred to see a much larger surplus projection. The $1.3 billion figure stands uncomfortably close to the edge of a zero balance. It is a fragile, precarious balance. It can disappear with a single miscalculation—and there are always miscalculations in budgets.

Original budget projections are often highly fragile. They rest on major assumptions and contingencies. They not infrequently fail to allow prudent margins of safety as hedges against miscalculations and failures. They are prospective only. They are not self-enacting. They never materialize exactly according to plan. They are, characteristically and understandably, optimistic in tone and outlook.

I would say that the current budget message is no exception in these regards.

Whether this budget reflects a strong budget position is a matter of opinion, open to debate.

The unified budget position in the current year has deteriorated considerably. The administration's original April 15 estimate for fiscal 1970 projected a unified surplus of $5.8 billion. In its Summer Review of the Budget issued last September, the reestimated amount was $5.9 billion. Today, it is again reestimated, down to $1.5 billion. It is withering away.

Our national budget position is slipping. Today's unified budget surplus of $1.3 billion for 1971 is down from the reestimated unified surplus of $1.5 billion for the current fiscal year 1970, which itself is somewhat tentative especially because of the uncertainty involved as to the final figures for the vetoed Labor-HEW appropriation bill.

The unified budget surplus for fiscal 1969 was $3.2 billion. Thus both fiscal years 1970 and 1971 have slipped to less than half the 1969 figure.

It is thus crystal clear that there is no room whatever for complacency about our fiscal position. The current highly volatile inflationary situation underscores the necessity to follow a high order of restraint in approaching the fiscal bills of the session.

DETAILS OF TRUST FUND AND FEDERAL FUND TOTALS

Mr. Speaker, I include a table summarizing the budget totals with a division between the trust funds and Federal funds:

THE BUDGET SURPLUS AND DEFICIT SITUATION

[In billions of dollars]

	Trust funds	Federal funds	Total of the 2	Less: Intra-governmental transactions that wash out	Net totals
Fiscal 1971:					
Budget receipts (estimated)	64.1	147.6	211.7	−9.6	202.1
Budget outlays (estimated)	55.5	154.9	210.4	−9.6	200.8
Surplus (+) or deficit (−) (estimated)	+8.6	−7.3	+1.3		+1.3
Fiscal 1970:					
Budget receipts (estimated)	58.1	149.6	207.7	−8.3	199.4
Budget outlays (estimated)	49.5	[1] 156.7	[1] 206.2	−8.3	197.9
Surplus (+) or deficit (−) (estimated)	+8.6	[1] −7.1	[1] +1.5		+1.5
Fiscal 1969:					
Budget receipts (actual)	52.0	143.3	195.3	−7.5	187.8
Budget outlays (actual)	43.3	148.8	192.1	−7.5	184.6
Surplus (+) or deficit (−), actual	+8.7	−5.5	+3.2		+3.2
Surplus (+) or deficit (−), all 3 years (estimated)	+25.9	−19.9	+6.0		+6.0

[1] These figures, besides being estimates, are subject to the further qualification that they are especially subject to change on account of delay of enactment of the Labor-HEW Appropriation bill (for 1970) into the second session of the 91st Congress.

Source of figures: Budget for 1971, p. 19 of Special Analyses.

The fact is that prior to 3 or 4 years ago, the trust fund surpluses were either small in relation to more recent years, or there were small deficits. Contributions are made to the trust funds for dedicated purposes. Necessary amounts are paid out of the trust funds for the purposes for which they were established, such as social security, highway construction, civil service retirement, and other authorized programs. The larger surpluses, as you will note from the table which I now insert, have occurred in the more recent years and are projected to continue for a few years.

Trust fund surpluses and deficits, fiscal years 1971–1960

[In billions of dollars]

Fiscal year:	*Surplus (+) or deficit (−)*
1971 (estimate, 1971 budget)	+8.6
1970 (estimate, 1971 budget)	+8.6
1969	+8.7
1968	+3.2
1967	+6.2
1966	+1.3
1965	+2.2
1964	+2.6
1963	+1.8
1962	−.2
1961	+.8
1960	−.5

Source: Computed from the budget for 1971.

With respect to the unified budget, on the debit side, so to speak, the plan masks the Federal funds budget position and gives rise to misunderstanding when surplus trust funds are borrowed to defray the general costs of Government. On the credit side, the unified budget plan does this, and this is very pleasing and helpful to economists and many others in and out of the Government—it does show the totality of the flow of funds between the Federal Government and the public.

IS THE NEW BUDGET REALISTIC?

Mr. Speaker, a key question is whether the projected budget is realistic.

Does it square with the realities?

Does it project a "strong budget position" the President says is necessary in the present situation?

Is there any substantial margin as a hedge against miscalculation of estimates? As shown by the new budget, there were significant miscalculations in the 1970 budget estimates of the administration.

Are there propositions in the new budget that, based on recent experience, there is reason to doubt that a majority in Congress will adopt? Some contingent items involving additional revenues and reductions in spending in the new budget are resubmissions from last year's budget or earlier budgets.

While the overall budget projects a hairline margin of surplus on the unified basis, like all budgets it hinges on many contingencies and assumptions.

SELECTED BUDGET CONTINGENCIES AND ASSUMPTIONS

The new budget for fiscal 1971 assumes that the Treasury will acquire an additional $1.2 billion in fiscal 1971 by speeding up the collection of taxes withheld

and excise taxes. That improves the short-run cash position but adds no additional revenue.

The new budget assumes adoption of a long list of proposed cutbacks, revisions, and terminations of programs and activities that are counted on in the new budget to save $2,132 million in spending and $2,423 million in budget authority in fiscal 1971.

As the President's budget points out: If these actions were not taken, the much-needed budget surplus would disappear.

It is most unlikely that a majority of the Congress will adopt all of these proposals.

I include at this point a condensation of the more detailed list of these cutbacks, revisions, and terminations that appear in the budget:

SELECTED LISTING OF 1971 BUDGET PROPOSALS TO TERMINATE, RESTRUCTURE, AND REFORM CURRENT PROGRAMS AND ACTIVITIES

[Fiscal years in millions]

Agency and program	1971 savings		1st full year savings	
	Budget authority	Budget outlays	Budget authority	Budget outlays
1. Program terminations:				
Special milk program	$84	$64	$84	$84
Agriculture conservation practices payments	211	66	227	233
Sale of Alaska Railroad	100	100	----	----
Annual grants to land-grant colleges	12	12	12	12
Hospital construction grants	65	2	65	65
All other	113	56	130	137
Total, program terminations	585	300	518	531
2. Program restructuring:				
Sales of stockpile commodities	597	751	----	----
School assistance in federally impacted areas—tie payments more closely to local fiscal needs	392	196	400	400
Medicare—discourage overuse of long-term insitutional care and encourage greater use of more efficient providers of health care	235	215	300	300
Various changes in veterans services (p. 55, Budget for 1971)	$146	$159	$195	$208
All other	31	75	66	185
Total, program restructuring	1,401	1,396	961	1,093
3. Program reductions:				
Rural water and waste disposal grants	22	3	22	12
NASA:				
Apollo/lunar exploration	215	277	----	----
Launch vehicle and spacecraft production	160	125	500	500
All other	40	31	40	35
Total, program reductions	437	436	562	547
4. Total, all three groups	2,423	2,132	2,041	2,171

Note.—Defense military items not listed, since any new reductions in 1971 are largely a continuation of actions initiated in fiscal 1970.

Source of figures: Budget for 1971, pp. 50–56.

Continuing with the listing, Mr. Speaker, the new budget assumes a 6-month delay in enactment of a general civilian and military pay raise—from July 1 to January 1, 1971. Earlier enactment would draw down the projected surplus; about $1,000 million would be added to the budget if July 1 were the effective date.

It calls for $674 million additional in 1971 from increased postal rates, which it assumes will be enacted by this coming April 1. Congress failed to act on the postage increase bill last year. And another $500 million of increased postal revenues are counted on to come from various reforms and changes which apparently, at the moment, are not contingent on legislative action.

The budget resubmits various user charge proposals which failed of adoption last year, relating to aviation and highways; $653 million is counted on in the figures.

Another 1-year extension of excise taxes on automobiles and telephone service is proposed, valued at $560 million in fiscal 1971.

The new budget would make necessary another debt ceiling increase—in the order, I would assume—of about $8 billion.

On a percentage basis, the projected growth in the gross national product for calendar 1970, which underpins the revenue estimates, appears to compare reasonably with the general outlook. It is projected 5.7 percent above calendar 1969, which was 7.7 percent above the calendar 1968 GNP.

The greater uncertainties about the projections appear to lie on the spending side, especially in view of the constant pressures for more and more spending but not for more and more revenues to pay the bills.

Mr. Speaker, I include a listing summarizing in tabular form the major items referred to:

Selected major contingencies surrounding the projected $1.3 billion unified budget surplus for fiscal year 1971 (partial listing only)[1]

[In millions of dollars]

Budget surplus projected by the President, February 2, 1970 (with all the attending assumptions and contingencies)	+1,331
In the absence of Treasury steps administratively to speed up collection of withheld income taxes, and excise taxes (which add to fiscal 1971 receipts, but not to ultimate revenues)	−1,200
Then the projected figure would be	+131
If the various proposals for user charges, resubmitted this year, are not adopted (involving aviation and highways)	−653
Then the projected figure would be	−522
If the proposal to extend excise tax rates declining on January 1, 1971 for 1 year is not adopted (involving automobiles and telephones)	−560
Then the projected figure would be	−1,082
If the proposal to raise the taxable income base for several social insurance programs from $7,800 to $9,000 effective January 1, 1971 is not adopted	−205
Then the projected figure would be	−1,287
If the proposal to increase railroad retirement revenues is not adopted	−104
Then the projected figure would be	−1,391
Assuming failure of adoption of the various proposals to terminate, restructure, and reduce various civilian programs (as shown on pp. 50–56 of the Budget)	−2,132
Then the projected figure would be	−3,523
If the Congress should decide to put the civilian and military pay raise in effect next July 1, rather than January 1, 1971, as the budget proposes	−1,000
Then the projected figure would be	−4,523
If the postal rate increase proposal, resubmitted from last year, is not adopted (NOTE: This does not count other postal revenue increases of $500 million which the budget assumes but which apparently—at this time—are not assumed to be contingent upon legislative action)	−674
Then the projected figure would be	−5,197

[1] Partial listing only; and other considerations enter, including, of course, action or inactions on the spending side of the budget. Perhaps the single most important contingency, aside from the selected list above, that could affect the tentatively projected budget picture would be if the general performance of the economy, in calendar year 1970, were to vary significantly from the economic assumptions underpinning the budget. Principally, the assumption that the GNP (gross national product) for calendar 1970 will be about $985,000,000,000—about $53,000,000,000 over calendar 1969, an increase of 5.7 percent, which compares with an increase of 7.7 percent in 1969 over 1968.

Source: Budget for 1971 (one or two figures rounded).

THE INCREASE IN NEW BUDGET AUTHORITY

The projected increase of $2.9 billion in expenditures—budget outlays—re-

flects a considerable degree of austerity on the spending side—certainly it appears so when compared to the $13 billion increase now estimated for the current fiscal year 1970 over what was actually spent in fiscal 1969.

But today's expenditures to a very considerable degree are the consequences of yesterday's appropriation decisions. And this year's appropriations lay the basis for next year's spending. New budget obligating authority is the barometer to the direction of the spending budget; the key indicator; the leading edge that precedes the actual expenditure.

The 1971 budget proposes a net increase of $9 billion in new budget authority over the total now estimated for the current fiscal year 1970. And this is very much a net result, of course, reflecting the sharply changing priorities proposed in the budget, and reflecting something of the size of the probable path of rise in expenditures in the years ahead.

Here, in capsule form, is a breakout of the $9 billion increase in new budget authority proposed in the budget for 1971 compared with the currently estimated total for 1970—which itself assumes enactment at this session of $5,095 million in supplementals:

New budget authority increase, 1971 over 1970

	Millions
New obligational authority:	
(a) National defense (*spending* is projected to go down in the new budget in 1971 by $5,849 million)	−$2,954
(b) All other	+16,735
Net change, new obligating authority	+13,781
Lending authority (reflects deletion of a $3 billion standby loan authority made available in fiscal 1970 to Federal Home Loan Bank Board, and deletion of a $2 billion item made available in fiscal 1970 for mortgage purchase authority to the Govt. Nat'l Mortgage Association)	−4,802
Net increase, new budget authority, 1971 over 1970 (shown in 1971 budget)	+8,979

Mr. Speaker, much of this net increase—and I emphasize "net"—of $8,979,000,000 involves items that will go on the books automatically under laws of earlier years—so-called permanent authority that does not require action at this session. This would include the trust funds, such as social security, highways, and civil service retirement. And it would include interest on the public debt and other permanent-type Federal fund appropriations.

But a great portion of the net increase proposed in new budget authority will be subject to action, either legislative or appropriation, or both, at this session.

I am inserting a capsule listing of many of the more significant increases and decreases proposed:

Major increases and decreases in new budget authority proposed in the budget for fiscal 1971 (as compared to estimated 1970 amounts)

[In rounded amounts]

	Millions
New obligational authority:	
National defense:	
Defense, military (various, including importantly the effect of further cutbacks associated with Vietnam war)	−$3,257
Military construction (and family housing)	+569
Military assistance (net)	+10
All other (many items, both up and down, and including offsetting receipts from public	−276
Subtotal, national defense	−2,954
Other than national defense:	
Interest on the public debt (permanent-type)	+200
Civil service retirement (permanent-type)	+407
Railroad retirement fund (permanent-type)	+151
Social security and related trust funds (permanent-type)	+4,973
Family assistance plan (new legislation)	+600
Revenue sharing (new legislation)	+275
Civilian and military pay increases, including pay adjustments related to postal reform (new legislation, but assumes delayed effective date of pay bill of 6 months)	+1,225
Food assistance programs	+640
Law enforcement assistance	+212
Supersonic aircraft (SST)	+204
Urban mass transportation ($214 million already enacted for 1971. Proposed legislation, $2,802 million *contract authority for first 5 years*)	+2,921
Ship construction (maritime)	+183
Airways and airport development (proposed legislation. There is an $80 million offset by dropping the former grant-in-aid item)	+235
Construction grants, waste treatment works (new legislation, $4 billion *contract authority for a 5-year period,* offset here in 1971 by deletion of $800 million appropriation in 1970)	+3,200
Land and water conservation fund (partially new legislation)	+181
National Science Foundation (emphasis on environmental sciences)	+73
Special benefits for disabled coal miners	+140
Grants for public assistance	+861
Payments to trust funds for financing supplemental medical services	+578
Tennessee Valley Authority (Proposed legislation, *contract authority*)	+200
Veterans	+202
Space program	−404
Agricultural conservation practices program (advance authority)	−195
Inter-American Development Bank (non-recurring)	−505
Disaster relief (large increase was in 1970, Hurricane Camille)	−105
Decennial census (nonrecurring)	−$105
Postage rates ($674 million proposed legislation; plus $500 million otherwise. Operates as offset to both outlays and budget authority)	−1,174
Multilateral assistance program (proposed legislation)	+540
Increase in allowance for general budget contingencies	+700
All other	+322
Subtotal, new obligational authority increase, other than national defense	+16,735
Net change, new obligating authority	+13,781
Lending authority:	
Deletion of nonrecurring special authority provided in 1970 for Federal Home Loan Bank Board	−3,000
Deletion of nonrecurring authority provided in 1970 for Government National Mortgage Association	−2,000
Export-Import Bank	+561
All other (net of several items)	−363
Subtotal, net change in lending authority	−4,802
Net change, budget authority, 1971 over 1970, as shown in 1971 budget	+8,979

(NOTE.—Much requires current action by Congress; much does not.)

NEW BUDGET AUTHORITY

The proposed net increase of $9 billion is reflected in the new budget authority gross total of $234,819,000,000 proposed or estimated for 1971:

	Millions
Gross total proposed for 1971	$234,819
Less amounts not requiring action this session (so-called permanents)	−86,706
Amounts requiring action at this session	148,113
Divided as to:	
New legislative proposals and contingencies	10,900
Specific budget requests	137,213
Amounts requiring action this session	[1] 148,113

[1] This involves less than $93 billion of the $200.8 billion projected expenditure budget, and it involves a substantial number of billions of so-called relatively uncontrollable items.

Recapitulating, the new budget involves a total of $154,696,000,000 in new budget authority for consideration at this session, as follows:

	Millions
Fiscal 1971	$148,113
Fiscal 1970 supplementals	5,095
Fiscal 1972 (advance funding)	1,488
	154,696

I include a summary indicating the approximate portions of the $200.8 billion expenditure budget total that relates to new budget authority subject to action in the current session and the portions not requiring action:

THE BUDGET ACTED UPON ANNUALLY—THE BUDGET NOT ACTED UPON ANNUALLY

[In millions of dollars]

	New budget authority, 1971		Budget outlays, 1971	
	In 1971 budget requests	Compared to 1970	Projected for 1971	Compared to 1970
1. Proposed to be available through current actions by the Congress	148,113	+9,165	92,798	+2,536
2. Portion estimated to become available without current actions by the Congress (so-called permanent authorizations under laws of earlier years, such as interest on the debt, social security and other trust funds, etc.)	86,706	+2,688	28,826	+1,100
Subtotal	234,819	+11,853	121,624	+3,636
3. Outlays from unexpended carryover balances of all kinds			95,935	+2,122
Subtotal	234,819	+11,853	217,559	+5,758
4. Deduct offsetting receipts (intrabudgetary transactions to avoid double counting, and "proprietary receipts from the public")	−16,788	+2,874	−16,788	+2,874
Totals in the 1971 budget	218,031	+8,979	200,771	+2,884

Source: Budget for 1971, p. 541.

PROPOSALS FOR NEW LEGISLATION

Mr. Speaker, common to every budget are proposals requiring new legislation. Realization of the total budget figures hinges on the enactment of these proposals; the related amounts are cranked into the totals. Some are for increases; some have the effect of reducing the totals.

In the new budget there are propositions of legislation aggregating—for fiscal 1971—nearly $10 billion in additional new budget authority. However, because of the magnitude of proposals to offset or reduce spending, and the low, first-year expenditure impact, a much smaller budget outlay total is involved.

A tabulation follows:

ITEMS PROPOSED FOR SEPARATE TRANSMITTAL UNDER PROPOSED LEGISLATION

[In thousands of dollars]

	Fiscal year 1970		Fiscal year 1971	
	Budget authority	Budget outlays	Budget authority	Budget outlays
Funds approriated to President:				
Expansion of defense production				−67,616
Asian development bank	25,000	6,000	35,000	10,000
Provision for expanded multilateral assistance			540,000	40,000
Office of Economic Opportunity:				
Economic opportunity program			−622,000	−689,300
Total	25,000	6,000	−47,000	−706,916
Agriculture:				
Consumer marketing service-consumer protective marketing and regulatory programs			−4,577	−4,547
Removal of surplus agricultural commodities				−1,542
Total			−4,577	−6,089
HEW:				
Family planning services			12,000	4,000
Family assistance			600,000	500,000
Office of Education—Elementary and secondary education			425,000	212,500
Social and Rehabilitation Service—Grants to States for public assistance (providing or financing medical services)			−235,000	−215,000
Social Security Administration—Trust (nonrevolving) fund			204,000	
Total			1,006,000	501,500
Interior:				
Bureau of Outdoor Recreation—Land and Water Conservation	7,100	7,100	188,900	62,260
Federal Water Pollution Control Administration—Construction grants for waste treatment works				40,000
Contract authority			4,000,000	
Total	7,100	7,100	4,188,900	102,260
Justice: Legal Activities and General Administration—S. & E. Consumer Protection Division	539	487	1,262	1,256
Labor:				
Manpower Admin.—Manpower Training Act			667,000	714,300
Unemployment trust fund				8,000
Total			667,000	722,300
Post Office: Proposed legislation, rate increase	−156,000	−156,000	−1,174,000	−1,174,000
State: International organizations and conferences—Special contribution to the U.N			20,000	
Transportation: FAA-airport and airways trust fund	57,500	2,300	292,500	163,000
Federal Highway Administration:				
Public lands highways			−3,975	−15,000
Contract authority			−62,300	
Forest highways, contract authority			−118,950	−20,000
Darien Gap highway			20,000	4,000
Forest highways, (nonrevolving trust fund)			118,950	20,000
Public lands highways (nonrevolving trust fund)			3,975	15,000
Contract authority			62,300	
Urban Mass Transportation Administration:				
UMT Fund			80,000	80,000
Contract Authority			2,802,000	
Total	57,500	2,300	3,194,500	247,000
TVA: TVA Fund—Contract Authority			200,000	
Veterans' Administration:				
Compensation and pensions	1,000	1,000	−104,000	−104,000
Medical care			−40,000	−40,000
Direct loan revolving fund				−125,000
Readjustment benefits	24,000	24,000	88,000	88,000
Total	25,000	25,000	−56,000	−181,000
Other independent agencies:				
Civil Service Commission: Intergovernmental personnel assistance			4,400	3,000
Corporation for Public Broadcasting: Payment to Corporation			22,500	22,500
District of Columbia:				
Federal payment to District of Columbia	7,000	7,000	48,000	35,300
Loans to District of Columbia for capital outlay			27,500	27,500
Total	7,000	7,000	75,500	62,800
Committee on population growth and the American future, S. & E	1,433	340		670
Railroad Retirement Board: Railroad retirement		43,500	103,700	103,700
Net total, foregoing	−32,438	−64,273	8,202,185	−301,019
Special allowances:				
Revenue-sharing			275,000	275,000
Civilian and military pay increases	175,000	175,000	1,400,000	1,400,000
Grand total, net	142,572	110,727	9,877,185	1,373,981

Source of figures: Bureau of the Budget.

FISCAL ENVIRONMENT IN YEARS IMMEDIATELY AHEAD

Mr. Speaker, a major new priority in the President's budget is our seriously deteriorated physical environment. Proposals to deal with the problem loom large in the $13.7 billion increase requested in new obligational authority. The budget also contains an illuminating and instructive—though considerably bleakish—appraisal of our future fiscal environment. I applaud the President for making this study and including it in the budget. Although necessarily rough and arbitrary, it is a sobering projection of the probable Federal revenues and expenditures over the next 5 years, fiscals 1971–75.

It projects a GNP—gross national product—of $1.4 trillion for 1975.

It assumes a declining rate of inflation during the next 2 years, followed by relative price stability thereafter.

It projects Federal revenues of $266 billion in 1975.

It estimates Federal expenditures of $244 billion in 1975, leaving a theoretical "Federal nest egg" of $22 billion.

It assumes that the "new initiatives" proposed in the 1971 budget—with a 1971 price tag of $3 billion in expenditures—will entail $18 billion in 1975.

Quoting from the budget:

> The major conclusion of the analysis is that projected claims leave only modest resources for future initiatives, including tax and debt reduction as well as new expenditure programs, through 1975."

More immediately than 1975—again quoting from the budget:

> On the basis of present estimates, little, if any, margin is available in 1972 for new initiatives.

This bleakish outlook, though rough and approximate, clearly marks out the necessity of following a stringent course in Federal fiscal affairs, beginning with the present budget—which has no clear margin at all.

Without new taxes, the revenues are not going to be available. And letting the overall budget slip back into the red would of course tend to pull the rug from under the assumption that the rate of inflation would decline during the next couple of years.

RISE IN COST OF LIVING—DECLINE IN BUYING POWER OF DOLLAR

Mr. Speaker, inflation, as measured by the official Government Consumer Price index, has risen dramatically and unacceptably in the last 2 or 3 years. From December of 1968 to December of 1969, it increased by 6.1 percent. In consequence, the buying power of the dollar in the year just closed fell by 6 percent.

The previous year, 1968, it increased by 4.7 percent. The year before that, by 3.1 percent. The year before that, by 3.3 percent. In the 6 years preceding, that is, from 1965 back through 1960, the rate of increase, from year to year, never exceeded 2 percent.

I include illuminating tables of figures:

RATE OF INFLATION AS MEASURED BY THE CONSUMER PRICE INDEX

	Percentage increase	
	Across the year—from December to December	Average of the year over the preceding year's average
Calendar year:		
1969 over 1968	+6.1	+5.4
1968 over 1967	+4.7	+4.2
1967 over 1966	+3.1	+2.8
1966 over 1965	+3.3	+2.9
1965 over 1964	+2.0	+1.7
1964 over 1963	+1.1	+1.3
1963 over 1962	+1.7	+1.2
1962 over 1961	+1.2	+1.2
1961 over 1960	+0.6	+1.1
1960 over 1959	+1.5	+1.6

Note: Average annual percentage rate, period of December 1959, to December 1969, is +2.5 percent.

PURCHASING POWER OF THE DOLLAR

	1939= $1.000	1947–49= $1.000	1957–59= $1.000
Years:			
1939	$1.000	$1.684	$2.066
1946	.712	1.199	1.471
1954	.517	.871	1.069
1955	.519	.873	1.071
1956	.511	.861	1.056
1957	.494	.832	1.021
1958	.481	.810	.994
1959	.477	.803	.985
1960	.469	.791	.971
1961	.465	.782	.960
1962	.459	.773	.949
1963	.454	.764	.937
1964	.448	.754	.925
1965	.441	.734	.910
1966	.428	.720	.884
1967	.416	.701	.860
1968	.400	.673	.825
1969	.3793		.783
Selected months:			
June 1946	.745	1.253	1.537
June 1950	.583	.982	1.205
December 1952	.521	.876	1.075
December 1960	.466	.784	.962
Dec. 1968	.391	.659	.808
1969:			
January	.390	(1)	.806
February	.389	(1)	.803
March	.386	(1)	.796
April	.383	(1)	.791
May	.382	(1)	.789
June	.380	(1)	.784
July	.378	(1)	.780
August	.376	(1)	.777
September	.375	(1)	.774
October	.373	(1)	.770
November	.371	(1)	.767
December	.369	(1)	.762

[1] Discontinued series.

CONCLUSION

It is the responsibility of Congress to decide what funds shall be appropriated. No doubt there will be some further rearranging of priorities. But I believe we must make an all-out effort to proceed with restraint and caution and hold authorizations and appropriations as low as reasonably possible.

There will be many opportunities to practice fiscal prudence. The $10.9 billion of new legislative proposals will be before the legislative committees and the House.

Some $35 billion of the new appropriations for going programs are first subject to annual authorizations through a number of legislative committees.

The Committee on Appropriations will carefully screen all the items in the budget over which it has jurisdiction, recommending reductions wherever reasonably possible. No doubt there may be some increases in certain programs.

We began our consideration of the budget on yesterday with an overall hearing with the Secretary of the Treasury, the Director of the Budget, and the Chairman of the Council of Economic Advisers. A number of subcommittees begin individual hearings next week. We are committed to undertake to have all the regular appropriation bills in and through the House by June 15. We plan to issue a schedule of the dates for the various bills.

ANSWER TO CAMPUS REBELLION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 10, 1970

Mr. RANDOLPH. Mr. President, knowledge in the 20th century is pyramiding by geometric progression: it is doubling about every 15 years.

As a higher proportion of our population gains levels of education once reserved for the scholar, value systems are certain to change. In the past 2 years, there have been more than 150 university and college uprisings in the United States. Some have been marked by extreme violence; guns and bombs have been used.

One of the solutions to this awful waste of academia is, I believe, a change of emphasis in the total environment of our higher educational system. Young men and women, deprived of even the basic fundamentals of learning, are thrown into a giant multiuniversity atmosphere, taught by recorders and guided by computers—and asked to compete with other students who arrived from advanced school systems. Small wonder that they feel alienated; and their disenchantment is only compounded when concessions on curriculums are made on their behalf.

How this educational dilemma can be met is detailed in an article entitled "Pea-Size Colleges Answer the Campus Rebellion," written by Miller A. F. Ritchie, president of Pacific University. In the February issue of the magazine The Lion, President Ritchie tells how small private colleges and public community colleges enroll about two-thirds of the 54 million undergraduates on U.S. campuses today. They are, I agree, a wholesome force in the educational system.

As I stated in a Founder's Day speech at West Virginia Wesleyan College last October, the many-faceted universities are very much in the forefront of attention today, both for the splendid educational job they are doing and by reason of the fact that, unfortunately; they also

manifest much that is wrong with America today. I added:

Colleges in the smaller classification, such as West Virginia Wesleyan, have been spared the problems attendant with extreme bigness. It is small, private colleges that were the foundation of America's higher education system that today gives our nation the world's highest educational levels.

I might add, parenthetically, that West Virginia has, in its 21 State-supported colleges and universities, one of the highest number of educational institutions per capita in the Nation.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEA-SIZE COLLEGES ANSWER THE CAMPUS REBELLION

(By Miller A. F. Ritchie)

In the past two years there have been more than 150 university or college uprisings in the United States. Youth's war on authority has been ugly, frightening and bewildering, but worst of all it has engendered a dangerous myth that there is an implacable trend on all college campuses to a universal rule of disorder. The facts speak differently, for we've largely overlooked America's small colleges and universities.

What's happening on the pea-size campuses? Why is it that most small colleges don't make waves, even small ones? The students are the same, with about the same proportion of longhairs, hippies, yippies, pacifists and war apologists. And the professors and administrators are the same, too—earnest, dedicated educators who are trying to do a job.

No, you never hear much about the small, private colleges, but according to a report by Editorial Projects for Education, Inc., they educate one-third of the present crop of students. Add to this percentage, the enrollments in small public community colleges and you account for more than two-thirds of the 54-million undergraduates in the U.S. today.

It would be a gross error to say that small colleges have escaped the frustrating issues that student militants have made headlines out of on the larger campuses. That would be impossible, considering the magnitude and the rate of social change that is going on in American society. This ferment is as bewildering and disturbing to our young people as it is to us. Continuous, rapid change is now the inevitable and normal pattern of development in higher education.

By virtue of its size, the small college can be more quickly responsive to this permanent change. And this should say something for the future direction of higher education in the U.S.

This is not to say that an educational institution is obliged to adapt itself to every demand of its students.

In a university, which is a professional authority, one man's opinion is not necessarily as good as anothers. A student's opinion is not necessarily as good as his professor's. And certainly this holds true of the student who is one of the militant minority, who insists that if there is to be any authority, it should be by the vote of him and his peers on the issue of the moment without regard for any truths history may have to tell or for any rules and regulations.

This kind of emotional naiveté reminds me of the story of the four children who found a kitten, but didn't know how to tell whether it was a male or female. Finally, one of the youngsters had an idea. "I know," he said, "We'll take a vote."

By definition, most of the problems that bug the student as he emerges from late adolescence are emotional not rational. He is placed in the college milieu only to discover that it is a structured learning situation stressing rational, not emotional or passionate solutions to problems. It cannot be a participating democracy where every student has the right to vote on what should be taught and who should teach it. Absolute, subjective democracy has never worked, and it is not even desirable if we are to believe in the distinctive role of the liberal arts college: To pass on the heritage. This implies consent to professional authority and the acknowledgement by the student that his opinion is not necessarily as good as those who represent this authority.

This does not mean that students shouldn't have a voice, a say in the running of a university, but it should be realistic. If anything, campus riots have taught us that those who refuse to make peaceful change possible are making violent change inevitable. The revolutionary mood of our universities exists on the smaller campuses, but at Pacific University and in hundreds of other small colleges like this one, discontent doesn't get a chance to fester. Grievances are anticipated before the radicals can blow them out of proportion.

If the small colleges have done a better job of heading off rebellion, it is because they have faced the stark facts of survival. The presidents know with terrible certainty what just one riot could do to even an old and revered institution.

Consider what happened to Columbia University when students rioted in April 1968. Much of the university was closed for the balance of the academic year—a loss of millions of dollars and a blow to its prestige from which it may never recover.

Such a prospect gives a small college president nightmares. The continued existence of private universities such as Pacific depends upon tuition and financial contributions from influential citizens who recognize their dollars are helping to turn out sensitive, rewarding graduates who in their turn help build the university's distinctive reputation through career success and alumni support.

Any kind of ugly confrontation that would shake public confidence would have repercussions that would be felt for years. The most likely tragic consequence to a small university of a cop-taunting, building-occupying riot is that eventually the doors might have to close for good.

But the majority of colleges have not been coerced into policy changes out of fear of what might happen if they don't. They realize that university authorities who submit to student intimidation are creating a precedent of appeasement and conciliation from which there is no retreat. Once a university gives in to unreasonable demands or demands unreasonably made, it has abandoned its authority, undermined the concept of academic freedom and substituted passion for reason as a means of settling disputes.

Thus, the small colleges have innovated because they saw the need for reform was immediate and valid; they have made exciting changes; they have involved students wholesomely in the university's decision-making processes and they have joined with students in building a climate of learning that encourages them to engage in honest debate on needed university reforms and social changes, rather than adopt the politics of violence.

If I were to have to describe the manner in which these things have come about in the small colleges in the past five years, I'd call it the quiet uproar.

The game of quiet uproar at Pacific University has involved the same student demands gleaned out of manifestos issued at dozens of big university rebellions; participation in matters of student discipline; better, more pupil-oriented teachers, a voice in faculty hiring; a black studies program; greater communication between students and faculty and administration.

Take for instance, the matter of a black studies program: One day last spring, a belligerent group of Negro students from a neighboring college contacted members of Pacific's Negro student group. The visiting contingent was still heady from the successful havoc it had wrought at the prestigious college by occupying the president's office following a demand for absolute student control of a black studies program. A 20-year-old Negro political science major at Pacific said the visiting black students had come over to "show us how to put the administration down and get it to install black studies. With that wedge, we could develop real black power on campus. At first they wouldn't believe us when we told them we already had a black studies program in the works. Then they told us we had sold out; then they went away."

Guidelines for the black studies program at Pacific are being drawn as socially inclusive of both races, black and white, not as a Harvard-type propaganda course where the Negro student can get instructions on how to make a Molotov cocktail.

We've had a heterogeneous student body for years—Negro, Oriental, East Indian, Cuban and native Hawaiians and we've planned it that way and integrated all students in the social life of the campus. So there is no feeling of alienation. Other colleges, which have only lately awakened to the need for this kind of social mixing have suddenly imported large groups of Negroes. But you cannot socially integrate a minority suddenly and dramatically. A resulting alienation is almost predictable.

For example, at Oregon's second largest university, Oregon State (13,000 students) 57 Negroes registered for Fall 1968. Only 17 remained after a walkout that involved a campus incident over a black football player's forbidden beard. The beard incident was only a precipitating factor. The main reason: social isolation. On the other hand Pacific, with 63 Negroes, has, like many other smaller colleges, successfully integrated large percentages of black students. Social acceptance has already been established.

More than 10 years ago, the Ford Foundation, the Fund for the Advancement for Higher Education, predicted the failure of some 500 small liberal arts colleges. One of the contributing causes: The perpetuation of archaic business methods and organizational structures. Pacific, no different than other colleges, hamstrung by an inbred system of little bureaucracies, centralization of influence, faculty power plays, outmoded business procedures, and no clear plan for future growth, decided to do something about it.

Three years ago, Stanford University college management consultant Lewis B. Mayhew was called in. His recommendations included:

Administrative reorganization.

Improving lines of communication between faculty and administration, students and faculty.

Now, with administrative responsibilities parceled out more effectively, I have been freed to implement major university policy matters and to pursue the vital job of developing new sources of funds for the college.

Our provost, Brock Dixon, keeps the university machinery running smoothly, so that every decision is not a crisis.

The most immediate and perhaps most far-reaching result is the improvement in total campus relationships. With an organization, and a plan for the future, we've found the time to solve some human problems.

Topping the list of these problems were

student gripes expressed this way by Mayhew in his report:

"Students generally feel that there should be greater communication with the faculty and administration. By this they don't want more paternalism—they feel they have too much of that already. But they would like to know channels of communication and would like to see some action as a result of their efforts. They also would like to see a more vibrant intellectual tone to the campus but don't quite understand how they might help to achieve it. They also feel that some faculty members are not really concerned with academic freedom for students. They report incidents where faculty penalize students for developing ideas of their own. As is true of students elsewhere, they also want greater control over their personal lives."

Part of Pacific's answer was the formation of the STACULATION committee; the title derived by combining the words, students, faculty and administration. Its purpose: a three-way meeting, often followed by a social hour, once a month where representatives of each group mingle, let their hair down, discuss and work out grievances, hone new ideas for improving inter-personal relationships and sharpen the spirit of community on campus.

Has it worked? Indeed it has! The Staculation Committee has kept small problems small before they become big. It has improved student-faculty-administrative understanding on campus. And out of the frank exchanges in Staculation Committee meetings has come a major change in the structure of the Board of Trustees, notably the establishment of a trustee committee on student affairs.

Now the students have a pipeline for their proposals directly to the Board of Trustees. From their sometimes "untrusting" viewpoint, this means that an issue vital to them can now be presented to the university's policy makers, without the risk that second-hand interpretation will dilute or scale down the seriousness to them of the problem.

Directly and indirectly, the Staculation Committee has increased student participation in the decision-making process on campus. Student representatives have participated on the search committee for a new dean of the College of Optometry and they now serve on most of the major university faculty committees; a student will participate on an advisory committee charged by the Board of Trustees to revise the by-laws of the university, and two students will be part of a new committee on developing long range goals for the university.

How closely does the profile of the Pacific University undergraduate compare with that of the student on the big campus and does the closeness and sanctuary of the small university actually contribute a more direct personal leveling and social shaping of a rebellious boy or girl?

According to M. H. McDowell, Pacific's psychology department chairman, "We have our share of deeply hostile kids, about the same percentage as the multiversity, but if you say 5 percent are potential troublemakers, this number is more manageable out of our university population of 1,200 than the same percentage of, say, 30,000 students.

"Actually, I think we get more dissidents on the small campus; these kids who are truly angry, disgusted with society, but still have high hopes for a better world, as opposed to the ones who withdraw from life or lash out blindly against what they consider the follies of the establishment.

"In a smaller community, they can discover better who they are and they can learn to live better with themselves and society by learning the responses to the actions of their peers. The small school is too little for a student to be socially isolated."

McDowell recalled one youth who in a heated discussion with some classmates accused them of being square and surrendering to the establishment because they didn't "smoke grass" and wear their hair long.

"A few months later he was off pot and wore his hair short. Nobody, neither in the administration nor among his classmates, forced him to do so. He simply discovered that while most of the kids liked him, they thought he was being silly, not modern."

Perhaps the greatest challenge in the future for the small private colleges is to keep improving the climate of learning in order to accommodate the inevitable and continuing rapid change in American society.

Youth today is attacking the beliefs and assumptions the older generation built its life upon. It is not comforting and we don't like it to be told that we've rigged history, and so idealized our social devices of the past that we refuse to see many of them are outmoded for solving the agonizing problems of today.

The time is certainly gone when we any longer can insist to our young that the purpose of an education is acquiring a passport to a good job and a secure future. The kids won't buy it and you can't blame them. We reproach them with the worn accusation: "You've never had to work hard for a living." This is true, but irrelevant. We worked hard for precisely the reason that we could give them the time and leisure to quest and perfect solutions to the problems of human rights, politics, government and justice, problems we sensed and often recognized, but were too busy or preoccupied to pursue. Often I think we are a little envious of their freedom, perhaps resentful of them because we didn't have it in such large measure.

Americans have always had a tendency to equate bigness with success, but this does not necessarily mean quality in education. I think we must redefine what we mean by quality: I believe it is to create an environment for the full flowering of the human spirit, but the construction of this environment should be accomplished lawfully, not by uncivil coercion, by rebellions that tear a campus apart, by insults or childish withdrawal. It must be done by the intelligent young whom we have supplied with the vision and purpose.

The small colleges in America are better equipped to do this today. If they have so far accomplished anything, it is to prove that bigness can be a fault and by their examples we may eventually act to decentralize our huge universities into cluster colleges that can offer the advantages of the close personal community that exists on the pea-size campuses.

LOS ANGELES AREA CHAMBER OF COMMERCE ACCEPTS CHALLENGE OF AMERICA IN THE 1970'S TO FIND ANSWERS TO MAJOR URBAN PROBLEMS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. ROYBAL. Mr. Speaker, I was delighted to read in the January 27 edition of Southern California Business, the official weekly publication of the Los Angeles Area Chamber of Commerce, two very thoughtful and encouraging letters addressed to the membership of that organization by Mr. John V. Vaughn, the chamber's 1969 president, and Mr. W. A. Simpson, Jr., the new incoming president for 1970.

In his 1969 president's letter to the members, Mr. Vaughn emphasized the urgent need for all elements of the urban community to work closely together to help solve the growing social and economic problems that confront us, particularly in our major metropolitan population centers. After outlining some of the leading areas of concern—air pollution, public transportation, water resources and quality, new means of revenue for government, continued industrial growth, new jobs, education, and the planning function—Mr. Vaughn declared:

A new dimension to all of these problems became dominant in 1969—a recognition by the private business sector that the social elements of our society are inseparable from the economic. The Chamber, therefore, wisely broadened its purposes and activities to provide greater emphasis on social objectives such as campus disorders, racial unrest, and jobs for the disadvantaged . . .

If feasible answers are to be found to today's many socio-economic needs and questions, it is essential that every thoughtful, concerned businessman recognize his obligation to his community and to himself.

Mr. Simpson, in his 1970 president's letter, followed a similar theme and noted that the chamber was constantly working "to keep abreast of current problems that now encompass not only economic and political problems, but our vast social problems that continue to multiply with an exploding economy." And he pledged:

We will continue to work with authorities and educators on the various social problems including jobs for the disadvantaged, recognizing that these social problems cannot be separated from business and industry.

Mr. Speaker, I want to take this opportunity to commend these leaders of the Los Angeles Area Chamber of Commerce for their forthright and constructive approach to meeting the challenge of Urban America in the 1970's.

I believe that, with this kind of positive thinking, and an evident willingness to assume the responsibility and expend the effort required to get the job done, we will be able to overcome our current difficulties, and fulfill the bright promise of America for all our citizens.

Under unanimous consent, I include the full texts of these outstanding letters in the RECORD at this point:

THE 1969 PRESIDENT'S LETTER

Since 1888, the Los Angeles Area Chamber of Commerce has been a strong, vital part of its community. A small, centralized-city community in the beginning, our city has now enlarged into a five county megalopolis.

Ever broadening our prospective over the years, our emphasis has changed markedly from selling sunshine and oranges to working toward solutions to urgent growth. The Chamber has constantly pursued a fundamental policy of creating a favorable climate for growth under a free enterprise system.

True to its heritage, Chamber volunteers and staff have worked diligently during the past year on the burning issues facing this area—air pollution, public transportation, water resources and quality, new means of revenue for government, continued indus-

trial growth, new jobs, education and the planning function.

The hundreds of volunteers on committees can take justifiable pride in their accomplishments for slow but steady progress has been made on all fronts.

But a new dimension to all of these problems became dominant in 1969—a recognition by the private business sector that the social elements of our society are inseparable from the economic. The Chamber, therefore, wisely broadened its purposes and activities to provide greater emphasis on social objectives such as campus disorders, racial unrest, and jobs for the disadvantaged.

This new dimension has sharply increased the need for broader business support of the Chamber, and for the participation and cooperation of all stable elements of the community.

If feasible answers are to be found to today's many socio-economic needs and questions, it is essential that every thoughtful, concerned businessman recognize his obligation to his community and to himself. He can do his best by supporting, financially and personally, an organization that has proven itself capable of dealing with major issues.

A membership of 16,000 volunteers—over 3,000 member firms—3,000 active committeemen—a staff of 80 professionals—a budget of $1,226,000—are imposing figures. Combined with the leadership of a Board of 50 top business leaders, we can accomplish much, and already have.

When we relate our actions to the magnitude and complexity of the challenge of change in a widely diverse, five county area of over ten million souls, however, more, much more, is needed.

I wish to express my thanks to all who contributed to our noteworthy progress this past year. I urge all of us to renew our efforts. We must attract greater interest and support from among the thousands of other business firms and individuals who can and should support the continuing work of the Los Angeles Area Chamber of Commerce.

JOHN V. VAUGHN.

THE 1970 PRESIDENT'S LETTER

The Los Angeles Area Chamber of Commerce, one of the strongest voices of free enterprise in the western United States, has for many years effectively used its offices in bettering the communities in which we live.

The records are filled with successful accomplishments for which this organization can be justifiably proud.

However, as the world moves at an ever faster pace, we find the problems of our area to be more complex and of greater urgency.

Because of this, your Chamber is constantly reorganizing to keep abreast of current problems that now encompass not only economic and political problems, but our vast social problems that continue to multiply with an exploding economy.

We recognize that the rapid rise of inflation in our economy is affecting all areas of business and government, and that we must make every effort to strongly represent the interests of our business community.

The growth of Southern California has been dynamic and our problems include many which your Chamber has extended every effort in effecting a solution.

Progress has been made, but the need for increased smog reduction, adequate public transportation, and a restructuring of State and local taxes are still with us. These important problems will receive priority consideration in the year 1970.

Involvement in developing adequate water resources, preparing for increased industrial growth and, in short, planning for the orderly over-all economic growth of our community, will be undertaken by your Chamber and over 3,000 participating firms whose businessmen act as our Committee volunteers.

We will continue to work with authorities and educators on the various social problems including jobs for the disadvantaged, recognizing that these social problems cannot be separated from business and industry.

W. A. SIMPSON, Jr.

PATROLMAN MICHAEL GRAY, BALTIMORE POLICE DEPARTMENT, NAMED OFFICER OF THE YEAR FOR 1969

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, February 10, 1970

Mr. MATHIAS. Mr. President, in conjunction with its observation of Crime Prevention Week, the Exchange Club of Highlandtown, Baltimore, has named Patrolman Michael Gray of the Baltimore Police Department its Officer of the Year for 1969.

I ask unanimous consent that a report of Patrolman Gray's outstanding police work be printed in the RECORD together with a proclamation by Mayor Thomas D'Alesandro III designating the week of February 8–14, 1970, as "Crime Prevention Week."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PATROLMAN MICHAEL GRAY

Patrolman Michael Gray was born on 24 October 1944 and has been a member of the Police Department since 8 November 1966.

He is currently assigned to the Operations Unit of the Southeastern District and is assigned to areas where crime statistics indicate additional patrol strength is needed. Between the months of June and November 1969 he was assigned to a special squad in plainclothes which was concerned specifically with Felony Offenders with emphasis on Narcotics violations.

Patrolman Gray attended a two week course held by the Bureau of Narcotics and Dangerous Drugs in Washington, D.C. and in addition, he participated in a one week conference held in Philadelphia, Pennsylvania which was sponsored by the International Narcotic Enforcement Officers Association. Patrolman Gray received his Bachelor of Science degree from the Towson State College in 1966. He is an energetic, ambitious officer, who is willing to work many hours without compensation and is typical of the "new breed" becoming involved in Law Enforcement.

During the year 1969 Patrolman Gray participated in many outstanding cases the most noteworthy of which occurred on 18 October at a bar in the 700 block S. Broadway. His investigation revealed an argument ensued between a male and female patron of the bar. Patrolman Gray, who was working undercover on a narcotics investigation, rushed the two combatants and disarmed the woman who had a gun as well as the man who had a knife. Four shots were fired by the woman before the disarming and an innocent bystander was shot. The man was arrested and charged with possession of a deadly weapon. Further investigation revealed the gun taken from the woman was stolen in a $19,000 burglary in Anne Arundel County.

In addition, Patrolman Gray assisted Baltimore County Police in clearing several burglaries in that jurisdiction as well as in Baltimore City and assisted in the investigation which resulted in the apprehension of two youths who had committed a burglary at the S. & N. Katz Jewelry Store located at 3520 Eastern Avenue. Merchandise valued at more than $26,000 was recovered.

During the year 1969 Patrolman Gray participated in 307 arrests. Listed below is a compilation of those arrests:

Homicide	1
Attempted murder	1
Assault & robbery	11
Burglary	22
Narcotics violators	95
Misdemeanors	177

PROCLAMATION BY MAYOR THOMAS J. D'ALESANDRO III, DESIGNATING THE WEEK OF FEBRUARY 8–14, 1970, AS "CRIME PREVENTION WEEK" IN BALTIMORE

Crime is the concern, not solely of law enforcement agencies but of the community as well, and as a result, it is important that each citizen learn to do his part to prevent crime.

The National Exchange Club is sponsoring National Crime Prevention Week throughout the Nation during the week of February 8 to 14, 1970.

The Exchange Club of Highlandtown will observe "Crime Prevention Week" during the same period of time.

Since criminals do not slacken their activities at any hour of the day or night, it is the duty of all our citizens to help stamp out this growing menace.

Now, therefore, I, Thomas J. D'Alesandro III, Mayor of the City of Baltimore, do hereby proclaim the week of February 8–14, 1970, as "Crime Prevention Week" in Baltimore, and do urge all our citizens to cooperate in the observance and in the activities being held by the Exchange Club of Highlandtown.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the City of Baltimore to be affixed this second day of February, in the year of Our Lord, one thousand nine hundred and seventy.

THOS. J. D'ALESANDRO III,
Mayor.

IN ACCORD: CLEAN AIR A MATTER OF TIME NOT ONE OF PERSUADING INDUSTRY

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. MOLLOHAN. Mr. Speaker, I wish to call the attention of the House to a very perceptive editorial concerning the problems of curbing pollution.

Quoting the vice president of one of the largest coal corporations in the Nation, Consolidation Coal Co., the editorial stresses the fact that tough antipollution legislation will be of no avail unless we have the technology to meet the causes of pollution and overcome them.

As Mr. Ewart points out, it will be little help to the country to pass antipollution legislation without developing a technology to accomplish the goals of this legislation. We must move simultaneously

to curb pollution where our present technology permits.

And we must mount a cooperative drive between government and industry to develop that technology where it does not exist.

It is my hope, and apparently the hope of industry leaders such as Mr. Ewart, that government and industry can combine their resources in a joint industry-by-industry effort to rid our country of pollution.

This is as it should be, for the responsibility for polluting and for cleaning up pollution does not rest with one corporation or industry any more than it rests with the Government.

I commend this editorial to every Member of the House:

[From the Wheeling (W. Va.) Intelligencer, Jan. 27, 1970]

IN ACCORD: CLEAN AIR A MATTER OF TIME NOT ONE OF PERSUADING INDUSTRY

During the course of a recent speech in Moundsville Donald L. Ewart, Vice-President, of Consolidation Coal Co., had this to say on the subject of pollution abatement:

"The need for the protection and preservation of our air and water resources cannot be questioned . . . We in the coal industry, together with our friends in the utility industry, must admit that we were slow to recognize and to correct some of these problems. We accept the criticism. The same criticism in varying degrees can also be leveled at all industry and—to take it one more step—at all the citizens of this country . . .

"I do not quarrel with the need for an aroused, well informed public demanding environmental protection, nor do I deny that strong, well enforced laws are necessary to achieve progress in pollution control. But all of the past omissions are not going to be remedied by the passage of technologically unattainable and scientifically questionable pollution laws. Nor will the problems of pollution be solved expeditiously by simply saying to industry 'clean up your mess.' Pollution will not be eliminated solely by counselling women's groups and student activists to demonstrate for new laws. In our current energy and fuel crisis many air pollution laws now on the books cannot be enforced because there are no alternatives to current practice . . .

"This is no time and there is no room for senseless finger pointing . . . If we are to solve this problem quickly without crippling our economy we must put the best scientific and technical brains to work on it—both in and out of government . . . The Federal Government must exercise leadership . . . It must commit vast sums of our tax money, far beyond current levels, to develop integrated systems which will maximize the use of our resources with the least environmental damage. Industry also must be prepared to expend more of its talents and its money in this national effort. When it does you and I must be prepared to spend more for the goods and services we receive. This, I believe, we are willing to do, but I think we have a right to demand a rational national policy."

Cleaning up the atmosphere—and the streams—is a matter of time and effort. Industry, obviously, and government, hopefully, are as aware of this as they are of the size of the task and the urgency of the need for improvement. In the meantime it will serve no useful purpose and could impose a great economic loss to insist on coal pollution emission standards, for example, unattainable at the present stage of technical development with the fuel available.

MONTANA-WYOMING COAL RESOURCES FOR ELECTRIC GENERATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 10, 1970

Mr. METCALF. Mr. President, hundreds of persons crowded into a hearing room in Chicago a few weeks ago to urge that electric power for that polluted city be generated from low-sulphur coal in Montana and Wyoming. At last the public is beginning to demand the environmental protection which neither governments nor industries have provided.

Western coal will help provide that protection. Let me emphasize, however, certain things that need to be done to accomplish this:

First. We need tougher laws, and tough enforcement of existing laws, to keep environmental damage incident to coal production at a minimum.

Second. We need more industry and government financing of power production by magnetohydrodynamics—MHD—the energy technology which provides direct conversion of fuel into electric power with a minimum of pollution. Congress has poured more than $2 billion into nuclear power development but has yet to fund an MHD pilot plant. The power industry, as the hearings before the Senate Interior Subcommittee on Minerals, Materials, and Fuels, headed by the distinguished Senator from Utah (Mr. Moss) disclosed, and as I pointed out in my remarks of January 28, has put next to nothing into MHD and other research and development related to emerging energy technologies.

Third. We need long-distance high voltage transmission lines, to bring the power from western coalfields to the load centers and to provide reliable loop service. All power systems must have access to a nationwide transmission network. It must be designed to serve the public rather than to exclude or overcharge small consumer-owned distributors of power.

The hearing record of S. 607, the utility consumers counsel bill, and the Federal Power Commission record in the Otter Tail Power case document the efforts of many utilities to monopolize transmission facilities, to refuse to deal with smaller systems and to make unreasonable demands upon them.

Mr. President, an important document relating to coal development and power transmission was released this week. It is entitled "Montana-Wyoming Coal Resources for Electric Generation" and was produced by Ken Holum & Associates. Mr. Holum is the former Assistant Secretary for Water and Power, under whose direction the Department of Interior prepared Study 190, an analysis of transmission line plans released April 18, 1968, to encourage all segments of the electric utility industry to proceed with cooperative planning.

Mr. President, the distinguished majority leader, Mr. MANSFIELD, and I today issued a short statement regarding this new study. It is time for action now on it and Study 190. In order that persons in government and industry may have convenient reference to this important new study, I ask unanimous consent that it be printed in the RECORD, along with Senator MANSFIELD's and my remarks.

There being no objection, the document and remarks were ordered to be printed in the RECORD, as follows:

COAL RESOURCES FOR ELECTRIC GENERATION

(By Ken Holum & Associates, Consultants)

To: The Western Inter-tie Task Force.

From: Ken Holum and Associates.

GENTLEMEN. At your request we prepared and submitted to you on July 17th a proposal for a survey study designed to determine the probable cost of Montana-Wyoming Coal delivered to major electric generating stations together with estimates as to the cost of that electric energy delivered to load centers in the West over a high-voltage transmission network modeled after those systems suggested in Study 190 conducted by the Department of the Interior.

You expected this first phase effort to produce recommendations as to whether or not a long-range study should be conducted. If additional effort is proposed you asked that we make recommendations as to appropriate next steps in the study effort.

Work has proceeded under the July 17th outline to the point where it seems appropriate to submit a report and make recommendations for future action. Our "Findings, Recommendations, and Conclusions" are summarized immediately following this transmittal letter.

We have found that Montana and Wyoming have huge resources of strippable coal, and we have concluded that this coal is in all probability the nation's largest reserve of cheap energy. Although the supply is more limited, water is available for cooling purposes. We are convinced that a carefully planned transmission network can deliver electric energy produced at mine-mouth plants in Montana or Wyoming to major load centers in the west at prices that compare favorably with power produced at large nuclear stations located at or near to those load centers. Our conclusions are based on current prices and available technology. West-wide cooperation taking advantage of the economies inherent in mid-point generation and system diversities will almost certainly produce additional savings.

Traditionally the consumer-owned electric utilities have been the pace-setters for the industry. Development of the inter-regional relationships required to take advantage of the economies suggested by Study 190 and this investigation represents a new and exciting challenge to that leadership.

The document entitled "An Appraisal of Transmission Study 190," prepared in response to Interior's request for "a cooperative planning effort," indicates that a large segment of the power industry is still unwilling to initiate new concepts and pursue new relationships within the industry.

We recommend, therefore, that the consumer-owned utilities of the West proceed with the development of a comprehensive investigation and power cost study of Montana or Wyoming coal burned at or near mine-mouth with the electric energy delivered to load centers over a high-voltage transmission network interconnected with the Bonneville Power Administration system to the west and the Bureau of Reclamation system to the east. We suggest a generating station

with four 800 MW machines as a logical point-of-focus for the initial effort.

A variety of engineering studies and legal investigations will need to be conducted before the utilities in the region can consider final decisions and commitments. We have pinpointed some of those requirements in the recommendations section. You should anticipate that other similar needs may well emerge as the work progresses.

Our preliminary investigation leads us to conclude that proper utilization of Montana-Wyoming coal and high-voltage transmission technology may well save participating utilities 10's of millions of dollars. Achieving these results will obviously require hard negotiating and skilled planning and leadership.

Although outside of the scope of this report, we suggest that the sponsors of this study must develop an appropriate relationship among themselves that will provide general policy guidance and make provisions for day-to-day supervision of the detailed work.

Sincerely yours,

KEN HOLUM.

FINDINGS

(1) *Coal Supply.* Both Montana and Wyoming have extremely large reserves of strippable coal. At least two companies, one in each state, own proven reserves in excess of two billion tons. Because the coal seams are thick (up 100 and 200 feet in some locations), large reserves are available in a small geographic area. Without any bargaining, we have been quoted coal prices of 6¢ and 11½¢ a million BTU's, delivered to power plants located in this area.

(2) *Water Supply.* Water is available for cooling purposes in both states. Price variations will be substantial. Preliminary discussion indicates a range of from $9.00 per acre foot in Montana below Yellowtail Dam upwards to $100.00 an acre foot in Wyoming, when you include amortizing of the facilities necessary to deliver water to the coal fields. Because of supply, cost, and environmental factors, once-through cooling may prove impractical. Some coal fields will support mine-mouth generation only if you condemn agricultural water rights or assume the necessary development of dry cooling tower technology.

(3) *Price and Supply Relationships.* On the basis of preliminary offers, without negotiatons, the cheapest coal seems to be associated with the more expensive water and the more expensive coal with the cheapest water. Six cent coal and $100.00 water and 11¢ coal and $9.00 water will produce electric energy for costs that are not too far apart. Future price trends for each commodity may be controlling.

(4) *Study 190 and the July 1969 Appraisal.* A review of the July 1969 appraisal does not disturb the basic assumption that diversities and other benefits achieved as a result of interconnecting the system of the West will amortize all or a large share of the cost of building the transmission facilities. The manner in which the diversity benefits are realized can be of significant economic importance.

(5) *Montana-Wyoming Coal—Nuclear Plants.* Montana-Wyoming coal will produce fuel costs comparable to those of nuclear plants. The substantial difference in capital costs is available to finance transmission lines or to provide other benefits to owners.

(6) *Indian Tribes—Their Resources.* Both the Crow and Cheyenne reservations in southeastern Montana may have a good combination of coal and water.

(7) *State Law.* On the basis of the sketchy investigations of state law, there is general agreement that new laws may be required in either State before municipal-type financing can be available to finance power facilities in a satisfactory manner.

(8) *The First Development.* Although obviously a preliminary finding, a generating station composed of four 800 MW machines appears to bear a nice relationship to anticipated interregional power requirements and the development of an economic transmission system. To take advantage of seasonal diversities, "mid-point" generation and an extensive transmission system are required. To be meaningful to each region, comparatively large blocks of power (1000 MW or so) need to be delivered. Too large a development will produce excessive unit transmission costs. Delivering approximately 1200 MW east and 1200 MW west requires an installation of 3200 MW, allowing for losses, station service and reserve.

(9) *Investments and Power Costs.* Investments approximating ¾ billion dollars will be required to construct a 3200 MW plant and a 2000 mile, 500 KV transmission system. Since the capacity and output would be used by a number of systems, the required investment might be distributed among them, directly or indirectly.

It is anticipated, based upon preliminary analysis, that power could be delivered to major load centers on existing transmission systems at 4 to 4½ mills per kwh at 8000 hours use of delivered kw, based upon 8% fixed charge rates (municipal-type financing), anticipated coal and water costs and today's prices. The lower costs depend upon obtaining some seasonal diversity benefits between regions. These costs are comparable to delivered costs that may be optimistically expected from large nuclear plants under the same conditions.

CONCLUSIONS

The supply and price situation with respect to both coal and water in both Montana and Wyoming leads us to conclude that those fuels burned in power generating stations located in or near mine-mouth may prove to be the cheapest source of future electric power supply for a portion of the requirements of many utilities in the West.

Coal prices are so attractive in relationship to other alternatives that it appears quite likely that utilities in the Pacific Northwest or utilities in the Missouri Basin area will find it profitable to locate major generating stations in the region even if they have to proceed unilaterally. The feasibility will be substantially enhanced, however, by a cooperative approach.

Substantial economies appear to be available to all parties if widespread interregional planning is carried forward and generating stations and transmission facilities constructed to realize the benefits inherent in system diversification and centrally located generation.

Although the document entitled "An Appraisal of Transmission Study 190" is not convincing from the point of view of establishing that a high-voltage transmission system interconnecting the West is uneconomical, the fact that it was prepared in response to Interior's request for "a cooperative planning effort" indicates that a large segment of the electric utility industry is not likely to initiate such an effort. Hopefully their attitudes are subject to change at a later date.

Recognizing that major refinements will undoubtedly occur during the study effort, a 3,200 MW mine-mouth generating station located on or near major coal fields in either Wyoming or Montana, together with an extensive transmission system, appears to meet urgent requirements of all three regions and to hold special promise for the most complete utilization of existing resources and transmission facilities. Coal and water are available for a station of this size.

Investments in production plant are estimated at $450,000,000. Transmission investments could exceed $300,000,000. Approximately half of these investments relate to service in the Northwest and the other half to the Missouri River Basin area. If this potential is compared with nuclear plants on the West Coast or on the Missouri River, possible changes in interest rates will affect either alternative similarly, since they are both capital intensive with low variable costs.

RECOMMENDATIONS

1. Although a project of this magnitude may ultimately require the participation of many of the power systems of the regions involved, it is necessary that it be brought to a more definitive stage before such participation is considered. It is appropriate that the consumer-owned systems take the initiative in undertaking the next phase of development because of the inter-regional aspects involved.

2. Based upon more detailed engineering studies outlined below, negotiations should be undertaken with the view of obtaining proposals for coal, including consideration of appropriate contract provisions and multiparty arrangements. Coincidentally negotiations for cooling water should be initiated to determine the optimum combination for a given site.

3. A preliminary investigation should be made of ownership possibilities and possible contract arrangements between principals, with consideration of necessary state legislation relating to the ownership pattern as needed to obtain optimum financing terms and conditions.

4. Investigations, including discussions with appropriate power systems, should be made to determine standby availability at each proposed delivery point to reduce necessary transmission investment.

5. An analysis should be made of the diversity benefits between participating systems to be incorporated in the basic planning of the generation and transmission facilities. In addition consideration should be given to the potential benefits of diversities between other interconnected systems, utilizing the proposed transmission system and displacements possible with "mid-point" generation.

6. The possibility of utilizing the low-cost energy (less than 1 mill per kwh delivered) to be combined with future Federal hydro peaking power in both the Columbia and Missouri River basins should be studied, including the appropriate role of the Federal power marketing agencies.

7. A detailed transmission analysis, including necessary computer runs should be made to verify routings and to permit accurate estimates of investments. It may also be pertinent to consider a system with two power sources, planned in relation to transmission factors and water supplies.

8. A preliminary site analysis and cooling water study, including consideration of dry-type cooling towers, and other cooling plans, should be prepared.

9. On the basis of the above, a comprehensive power cost study should be prepared, in sufficient depth and detail to serve as a basis for decisions.

If negotiations for coal and water produce incremental costs comparable to those of nuclear stations and if the benefits achieved by interconnecting systems and mid-point generation prove ultimately adequate to amortize a substantial portion of the necessary transmission facilities, a portion of the difference in capital costs between nuclear and coal fired plants become savings to the participants. Careful planning and hard negotiating may well produce that result. On the basis of present cost differentials the savings in investment could in the long run approximate $100,000,000.

THE RESOURCES

Rocky Mountain—and more specifically the resources located in Montana and Wyoming—is receiving increasing attention as the nation's total energy consumption continues to increase at a rapid rate. Electric utilities, oil companies, and gas suppliers are each giving the area's coal fields increasing attention as they plan to develop additional supplies of electric energy, liquid petroleum or gas.

In each instance the economic utilization of the coal resource requires substantial quantities of water as an integral element in the energy conversion process. Dry type cooling towers may reduce the amount of water required to convert coal to electric energy, but the technology is not available on an economically competitive basis at the present time.

Accordingly, any investigation of the economic attractiveness of Montana and Wyoming coal for large-scale mine-mouth electric power generation must concern itself with both the supply and the price of coal and the availability and the costs associated with water for cooling purposes.

COAL

The United States Geologic Survey estimates that in excess of 900 billion tons of coal remain in the ground in Montana and Wyoming. The two states account for over one-third of the total reserves available in the United States. See figures 1 and 2.

S. L. Groff, Chief of the Ground Water and Mineral Fuels Division of the Montana Bureau of Mines and Geology, reports that Montana coal production peaked in the early 1940's when the Northern Pacific Railroad was producing 2.5 million tons annually at Calstrip and dropped to slightly over 300,000 tons in 1958. He expects the State to have proven strippable reserves approaching 15 billion tons in 1970.

Without having made any special effort to identify ownership of coal-bearing lands in the two States, it is obvious that the Federal government, the State governments, the railroads, and the Crow and Cheyenne Indian Tribes are all major owners of such lands. Mineral rights are being acquired and have been acquired by major oil companies, coal companies, individual electric utilities, U.S. Steel and Reynolds Metals. Many entities including the Union Pacific Railroad, Reynolds Metals, and the Peabody Coal Company have active and aggressive programs of drilling and testing designed to prove the quantity and quality of their coal reserves.

Although attempting to secure definitive coal prices was not the purpose of this preliminary study, it has of course been necessary to secure some price information from coal suppliers to develop meaningful cost information with respect to electric energy. We have not attempted to bargain or negotiate. We have asked for prices that are attainable if and when price negotiations are actually conducted.

On that basis the Peabody Coal Company, with coal in both Montana and Wyoming and proven reserves exceeding 2 billion and approaching 3 billion tons, quotes coal delivered to a generating station (depending upon the location and size of the station) at from 11.5¢ to 14¢ per million BTU. Because water supplies are uncertain in Wyoming, they quote Wyoming coal f.o.b. at 11¢ to 13.5¢ per million. This information has been extracted from a September 18th letter from R. E. Miller, Senior Vice President for sales to Kenneth Holum.)

The Reynolds Metal Company has assembled a unique property at Lake DeSmet, Wyoming. They are just completing a drilling program on 40,000 acres of coal lands. Proven reserves on the 40,000 acres exceed 2 billion and may equal 3 billions tons. On September 19, 1969, the Wyoming Congressional delegation wrote the Joint Committee on Atomic Energy saying among other things, "The Reynolds power consultants estimate a fuel cost at the power plant of about 6¢ per million BTU." We would expect the Congressional delegation to have reliable information consistent with the situation as it existed at that time. This information is consistent with information acquired when we discussed this resource with Mr. Richard Reynolds, Chairman of the Board, and other company officials, in Richmond on August 1. More recent conversations indicate that cost escalation may result in higher fuel prices for this particular resource.

The Union Pacific Railroad is a major owner of coal reserves in Wyoming. The railroad owns every other section in a strip 40 miles wide across the State. Generally speaking, the alternate sections are owned by the United States and administered by the Bureau of Land Management.

Because of restrictions in the law the railroad company is unable to acquire the intervening sections to assemble a complete coal supply package. Nevertheless, they estimate that mine-mouth costs for coal in the Hanna area of Wyoming would fall in the 10¢ to 12¢ per million BTU range for production of 5 to 6 million tons per year. They would expect costs to drop if production were doubled—at least to the lower figures in the suggested range.

Although the precise figure will vary with the heat content of the coal and the efficiency of the turbine generator, a power installation in either Wyoming or Montana will consume approximately 5 million tons of coal annually for each 1000 MW of capacity.

WATER

Unfortunately the two States (Montana and Wyoming) that contain one-third of the nation's coal reserves are less adequately supplied with the water that continues to be an essential element of all fuel conversion processes.

The Green River in western Wyoming and the Missouri and Yellowstone in eastern Montana are capable of supplying the water necessary for major power generating stations, although the Yellowstone would require some regulation that is not currently in existence. The Bureau of Reclamation's Yellowtail Dam on the Bighorn River can supply municipal and industrial water to both states from its reservoir that straddles the border between the two States. The State of Montana has under consideration plans to enlarge its dam and reservoir on the Tongue River, and the Bureau of Reclamation is completing plans for its proposed Morehead Dam on the Powder River. The Reynolds Metals Company has acquired water rights and developed storage at Lake DeSmet, which is expected to produce a safe yield of 50,000 acre feet anually for consumptive uses.

The Bureau of Reclamation is marketing municipal and industrial water from Yellowtail water in both States. A $9.00 per acre foot rate has been established in Montana, below the power plant, and a $11.00 rate has been established for Wyoming users to compensate for the lost power revenues. Secretary of the Interior Stewart Udall reserved 110,000 acre feet anually of Yellowtail water for the Crow and Cheyenne Indian Tribes in Montana.

Water is available for large power generating plants located on or near the coal fields in both Wyoming and Montana, but the availability of water and the costs involved in purchasing or developing a supply may well be as important a consideration in plant siting as the availability of coal and its costs.

As noted earlier, water is available below Yellowtail Dam at $9.00 per acre foot. Companies owning or acquiring coal interests in the Yellowtail service area have generally moved aggressively to acquire options on Yellowtail water.

The $9.00 per acre foot Yellowtail water in Montana and the $11.00 acre foot counterpart in Wyoming, plus the industrial water potentially available at Fontanelle and Boysen Dams in western Wyoming, is almost certainly the cheapest supply available. Existing large multi-purpose federal storage projects are certain to produce the cheapest water.

Reynolds Metals has tentatively priced Lake DeSmet water at $100.00 per acre foot. It seems quite likely that water developed on the Tongue or diverted to the Platte River system from the Green River in western Wyoming will produce comparable costs when delivered to the coal fields. The Bureau of Reclamation's proposed Morehead Dam on the Powder River may produce more attractive costs.

PRICE AND SUPPLY RELATIONS

On the basis of the information discussion conducted with potential coal suppliers, cheap coal appears to be associated with expensive water and cheap water with more expensive coal. The 6¢ per million BTU coal owned by Reynolds Metals is associated with projected $100.00 per acre foot water. Peabody Coal Company, which quoted a minimum coal price of 11.5¢ per million BTU is able to associate that coal with $9.00 per acre foot water that the company has under option.

Final decisions as to plant siting, from the point of view of costs, would appear to turn primarily on two factors: (1) the opportunities to improve either coal or water prices or both in future negotiations; and (2) the ability of engineers to develop techniques which will reduce the demand for cooling water without unreasonably increasing the initial capital investment.

THE LAW

This preliminary investigation is based on public agency financing and tax exempt operations despite the fact that no research has been conducted into applicable law in either state. In fact, discussions with individuals who are knowledgeable on the law in the two states indicate that new legislation will almost certainly be required before a domestic corporation can qualify in either state.

States often find it necessary to modify existing law or modify old law to attract new commercial enterprises. Many states have enacted legislation that would meet the requirements of the program outlined in this report. Obviously those laws will provide useful precedents.

The potential availability of both coal and water on both the Crow and Cheyenne reservations in Montana introduces an additional opportunity that merits research and consideration. It may well be that more detailed study will identify opportunities for the sponsors of the plan and the Indian Tribes to work together for mutual advantage.

STUDY 190 AND THE JULY 1969 APPRAISAL

Study 190, prepared by technical personnel from the Bureau of Reclamation, the Bonneville Power Administration, and the Southwest Power Administration, analyzes twelve transmission line schemes designed to interconnect and permit power exchanges between the electric systems of the West. The Study was released by the Department of the Interior, April 18, 1968, with the stated hope that "the document should encourage all segments of the electric utility industry to proceed with cooperative planning."

In July, 1969, a report entitled "An Appraisal of the Transmission Study 190" was released. Although the report is unsigned, the cover indicates that it is the joint prod-

uct of the Western Systems Coordinating Council (WSCC), Mid-Continent Area Power Planners (MAPP), Mid-American Inter-pool Network (MAIN), and the East Central Area Reliability Agreement (ECAR).

With one significant exception there is little evidence that the participants in the appraisal report had any interest in achieving the potential economies and developing the inter-regional relationships suggested by Study 190. Instead of using the information in Study 190 as a basis for additional planning and the development of new relationships between utilities and regions, the sponsors of the appraisal report have limited their effort to subjecting the Study and its conclusions to new and much more stringent economic requirements.

After Study 190 had been released, but prior to the completion of the appraisal report, the executive branch of the national government modified federal resource policies so that the interest rate on projects such as envisioned in Study 190 became 4⅜% instead of 3¼% as used in the original Study. The appraisal report appropriately uses the new higher interest rate in computing costs but fails to recognize that higher interest rates will also affect and increase the benefit side of the same calculations.

Those who advocate eliminating or sharply curtailing federal activity in the resources field have always urged the application of the opportunity cost of money doctrine and the inclusion of taxes foregone as an expense charged against federal projects. Although the argument continues, the federal policy makers in both the executive and legislative branch have traditionally and appropriately rejected both theories. Their application in the appraisal report suggests the authors' desire to prove the proposed program infeasible. In both instances, the authors have departed significantly from established and continuing national policy.

Applying the much more stringent financial criteria, i.e., the higher interest rate, taxes foregone and the opportunity cost of money doctrines—the appraisal report finds the benefit cost ratio for the scheme subjected to re-analysis to be .84 to 1 instead of 1.7 to 1 as projected in Study 190.

Taxes forgone and the opportune cost of money are not appropriate components of financial analysis of federal resource projects. However, in this specific instance the important fact is that even under the severe criteria employed by the authors of the July appraisal, the transmission system by itself creates economic benefits that are almost sufficient to repay the cost of the system.

As noted earlier, one short sentence in the entire document is devoted to the opportunity that could more appropriately have been the principal thrust of the group's effort. They say—

"The development of extra-high voltage transmission facilities in the vast area between the Pacific coastal systems and the highly populated Midwestern areas should be predicated on sound planning concepts of meeting the intervening area's needs for electric power and developing its energy resources before long inter-regional ties are built without sufficient underlying transmission lines."

Utilizing and developing the Rocky Mountains' energy resources while simultaneously realizing the economies inherent in the existing diversities is the purpose of this Study and the effort it proposes. Study 190 attempts to identify the full scope of existing and projected diversity benefits and proposes transmission systems that will realize these potential economies.

Utilizing the information developed by the Interior team, it becames appropriate to analyze the economies of large generating plants located on or near to the coal fields of Wyoming and Montana at mid-point on a transmission network and to consider the opportunities for staged development of the ultimate transmission system. No doubt staged development will require forgoing some of the ultimate diversity benefits until later in the construction cycle.

THE PROPOSED PLAN

This preliminary plan analyzes the prospective merit of utilizing low-cost Montana-Wyoming coal in conjunction with a western inter-regional high-voltage transmission system to meet an appropriate portion of the West's growing requirements for electric energy.

The "Hydro-thermal accord" anticipates the single entity approach to the future power requirements of the Pacific Northwest. Current planning anticipates the installation of units in the 1000 MW range, most of which would be nuclear fueled. The plan discussed in this report suggests that Montana-Wyoming coal might be a reasonable and economic substitute for one of those units. Although additional units might well be located in the Rocky Mountain states at some future time, reliability of service and transmission line limitations favor a conservative approach.

The Salt River project has an oportunity under an existing arrangement with the Bureau of Reclamation to deliver 400 MW into the Bureau's Colorado system in exchange for 400 MW delivered to the project in Arizona from the Reclamation system. The Archer substation is considered to be an appropriate delivery point.

Basin Electric must complete plans for meeting the requirements of its members beyond the capability of the second 400 MW unit. Specific attention must be given to the requirements of Tri-State and Central Montana as well as the member systems served by Units 1 and 2. The plan contemplates deliveries to the former through the facilities at Archer and to the latter by deliveries at Grand Island and displacement through the 345 KV line in existence and under construction.

Five Colorado cities with consumer-owned electric systems may well find the proposed facilities the cheapest possible source for their growing power requirements. Delivery to Archer over the facilities proposed in this plan, together with additional use of the existing lower voltage network, makes their participation possible.

Municipal members of the Missouri Basin Systems Group will soon find it necessary to supplement their Bureau of Reclamation allocations. The plan contemplates meeting these requirements with bulk deliveries to Grand Island and displacement over existing facilities.

Grand Island is a major power center for the public systems in Nebraska with power moving towards Grand Island both from the Bureau of Reclamation hydro system to the north and the Cooper nuclear station under construction to the east. Delivery to Grand Island from the west facilitates major power deliveries into Nebraska.

The preliminary analysis indicates that Archer and Grand Island are major delivery points for power flows to the east. For deliveries into the Pacific Northwest, Anaconda and Hot Springs appear to be similarly advantageous.

As outlined above, including one of the proposed units in the Pacific Northwest, the deficiencies of the systems included in the study outline will approximate 3,000 MW by 1980 or earlier. By 1990 the same systems, including one additional 1,000 MW unit for the Pacific Northwest will have requirements of 8,000 MW. Although no attempt has been made to develop a plan for meeting the 1990 requirements, it is useful to recognize the magnitude of the future potential.

Except for the Pacific Northwest, for a variety of reasons, this preliminary study is limited to the requirements of a selected group of consumer-owned utilities. Participation by the investor-owned utilities would substantially increase the potential demand and because of the economies of scale we would expect the potential savings to increase at a greater ratio.

The economic evaluation of the proposed plan assumes diversity benefits of 12% at the time of peak load. The Pacific Northwest and the Dakotas have winter peaks. Nebraska and Colorado loads are summer peaking. The Salt River project peaks occur during the summer months but the displacement involved may modify the significance of these summer peaks. The 12% diversity factor appears reasonable but it requires more detailed analysis.

Similarly, the analysis assumes capacity losses of 10%. Twenty percent of the gross generating capacity has been allocated to reserve and station service. The plan contemplates the development of reserve arrangements with a number of systems or pools such as the Missouri Basin Systems Group, the Nebraska systems (or MAPP), the Pacific Northwest Power Pool, and possibly WEST. On this basis 15% of the station's capacity has been allocated to maintaining reserves.

With these assumptions of load requirements at source totaling 3,170 MW. Recognizing that the extremely low fuel costs available in the region modify the need for the high efficiency turbine generators, we suggest that four 800 MW units would be an appropriate installation.

The analysis developed in this preliminary report assumes that a station with four 800 MW turbine generators can be built for a total cost of $450,000,000 or $140 per KW. These costs are predicated on reasonable site conditions, the use of cooling towers and staggered installation of our identical units to permit manufacturing economies.

Because of the apparent wide range of costs to be expected for both coal and water, a comparison has been made of the effect of the two extremes. This analysis demonstrates that fuel at 6¢ per million BTU combined with $100 per acre foot water, is more economical than 11¢ coal and $9.00 water by a narrow margin. Because of high water costs in many areas and the effect of these costs on the costs of power, a more detailed study of potential savings in water use is clearly indicated.

Because fuel costs will be less than a mill per KWH, the analysis assumes the plant will operate 7,500 hours per year for a plant factor of approximately 85%. Energy at less than one mill per KWH should prove to be extremely useful for supporting future peaking installations on either the Missouri or Columbia River hydro systems.

Anticipating non-profit, tax exempt financing and interest costs of 6%, a fixed charge rate of 8% was used in the calculations. If present trends continue and this proves to be too optimistic an assumption, the same factor would apply to alternative sources.

Facilities would almost certainly be designed to achieve the optimum overall costs rather than the highest level of fuel efficiency. With that in mind, 10,000 BTU per KWH seems the likely level of fuel efficiency.

On the basis of the assumptions outlined above, it is expected that the proposed plant will produce power for 2.5 mills per KWH on the plant bus-bars.

Transmission lines of 500 KV capacity are required to deliver the quantities of power contemplated over the distances involved in the study area. Such a line from the plant to Archer to Grand Island is the basic facility required to deliver power eastward. If it is possible to develop appropriate stand-by arrangements for power deliveries to Archer and Grand Island this facility may prove to be sufficient. However, that decision involves

studies and negotiations beyond the scope of this study. For that reason the study includes funds to finance a second 500 KV line from the plant to Fort Thompson and a second 345 KV line from Fort Thompson to Grand Island.

A 500 KV line from the plant to Anaconda and Hot Springs is the basic facility required to deliver power to the Pacific Northwest. The recent arrangement for the delivery of a large block of power from Rock Springs, Wyoming, to southern Idaho and the Pacific Northwest by displacement requires considerable study before an additional alternative route to Hot Springs and Anaconda can be considered appropriate. Instead, the plan includes enough funds to finance 250 miles of 500 KV line beyond Anaconda and Hot Springs to provide the required support for these delivery points.

On this basis the total estimated cost for transmission, including substations and other equipment is estimated to be $341,000,000. The total includes $80,000,000 for reactors and capacitors. Obviously more study is required to firm up the latter figure. Utilizing the fixed charge rate of 8%, transmission costs per KWH are approximately 1.4 mills.

The basic costs of the proposed plan are $25 per KW per year of non-simultaneous demand at the points of delivery and 0.9 mills per KWH at the same points of delivery—Archer, Grand Island, Anaconda, and Hot Springs. On the basis of 7,500 hours of delivered demand the average cost is 4.2 mills per KWH. At 8,000 hours (91% load factor), the cost is 4.0 mills.

Large nuclear fueled units, located close to loads, appear to be most likely alternatives to the plants proposed in this study. An analysis of the projected costs from such units is included for purposes of comparison.

The analysis anticipates that a 1,100 MW nuclear unit will cost $200,000,000 or $180 per KW—$40 per KW more than the conventional unit. Although these plants can be located closer to load, reducing transmission costs, additional transmission would be required. The study includes $1.30 per KW year for transmission purposes because this is the figure utilized in the Pacific Northwest.

Utilizing the 8% fixed charge rates as used for the conventional plants, the basic costs become $22.50 per KW year and 1.36 mills per KWH delivered which at 7500 hours is 4.4 mills per KWH at 8,000 hours is 4.2 mills. Nuclear plants in the Pacific Northwest financed by investor-owned utilities at their capital cost rates will produce 6.4 mills power at 7500 hours of use and 6.1 mills at 8000 hours.

The quantities of capacity that should be considered from the Rocky Mountain states requires careful detailed study. For this reason the Montana-Wyoming coal source should be considered initially as enlarging the opportunities of existing planning in the separate regions, rather than modifying them in any basic way.

JOINT STATEMENT BY SENATORS MIKE MANSFIELD AND LEE METCALF ON HOLUM REPORT

Montana and Wyoming's vast resources of coal and its economic potential have again been pinpointed by a new private study released this week by Ken Holum and Associates, a consulting firm in Washington, D.C. The consultants state that "in all probability, Montana and Wyoming have the Nation's largest reserve of cheap energy . . . water is available for cooling purposes . . . a carefully planned transmission network can deliver electric energy produced at mine-mouth plants in Montana or Wyoming to major load centers in the West at prices that compare favorably with power produced at large nuclear stations located at or near to those load centers."

Montana-Wyoming coal resources for electric generation is based on current prices and available technology and was prepared for the Western Inter-tie Task Force.

"Coal prices are so attractive in relationship to other alternatives that it appears quite likely that utilities in the Pacific Northwest or utilities in the Missouri River Basin area will find it profitable to locate major generating stations in the region even if they have to proceed unilaterally. The feasibility will be substantially enhanced, however, by a cooperative approach.

Substantial economies appear to be available to all parties if widespread inter-regional planning is carried forward and generating stations and transmission facilities constructed to realize the benefits inherent in system diversification and centrally located generation."

The Holum report estimates that there are in excess of nine hundred billion tons of coal remaining in the ground in Montana and Wyoming. The two states account for over one-third of the total reserves available in the United States. Water is available for large power generating plants located on or near the coal fields in both states, but the availability of water and of costs involved may well be as important a consideration as the availability of coal and its costs.

The development of these coal resources would be beneficial to both the Crow and the Northern Cheyenne reservations, where there is an abundance of coal and water. The former Assistant Secretary of the Interior recommends "that consumer owned utilities of the West proceed with the development of a comprehensive investigation and power cost study of Montana or Wyoming coal burned at or near mine-mouth with the electric energy delivered to load centers over a high-voltage transmission network interconnected with the Bonneville Power Administration system to the west and the Bureau of Reclamation system to the east."

We feel that a rapidly growing interest in Montana coal resources along with new research in uses of coal for thermo-generating plants (MHD), having a minimum of pollution, will be a major economic boost for eastern Montana.

BRAVE BOYS RISK LIVES

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. LONG of Maryland. Mr. Speaker, Eddie Watkins and Dale Quillen, two fine young men from Maryland, recently risked their lives to rescue a drowning child. I wish to commend their courage by including the following article in the RECORD:

TWO BOYS RESCUE CHILD AT HAVRE DE GRACE MARINA

Two teenagers, with Boy Scout training, have been credited with saving an unidentified child from a watery grave.

The young men, Eddie Watkins and Dale Quillen, along with about a dozen other persons, were ice-fishing at the Tidewater Marina in Havre de Grace recently, when the ice gave away and a small child was plunged into the icy water. Eddie and Dale, who were about 15 feet away at the time, rushed to the floundering child's aid. Eddie laid down on his stomach and inched his way to the boy, at the same time Dale produced a ten-foot piece of rope from his pocket and threw one end to the pair. Together they worked the child out of the water and onto the ice. Then they put the youngster up on the bulkhead where his father was waiting.

Mrs. Helen Watkins, who accompanied the boys on the fishing trip said she noticed the child, which she thought was about nine or ten years old, walking on the ice near a piling shortly before he fell into the water. She went on to say, that the unidentified child apparently was with his father and a friend or brother. At the time the youngster fell into the ten-foot deep water, his brother or friend and father were sitting in a bluish-green pick up truck, about 40-feet away. Everyone, who was present, acknowledged that only the quick action taken by the boys saved the child's life. They also noted that the ice had many air pockets in it where the accident occurred and they were in great danger of falling through the opening. Both boys credit their Boy Scout training for knowing what to do in such situations. However, beside training it takes a brave person to lay his life on the line for someone else, particularly a total stranger.

Eddie Watkins is 17 years old and is a junior at Bel Air High School. He formerly was a member of Boy Scout Troop 999, in the Forest Hill community.

Dale Quillen is 16 years old and like Eddie is a junior at Bel Air High School. He is a member of Boy Scout Troop 952, which meets at the Hickory Elementary School. Dale has advanced to the rank of Star Scout in the scouting program, which is only two steps away from the coveted Eagle Scout rank. He is a member of the school's track team and participates in the cross-country event.

Both of the young men live in the Hickory area on Minnick Road with their parents.

HIGHWAY SAFETY EFFORTS PAYING OFF: DOWNTURN IN DEATH RATE IS FORECAST

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 10, 1970

Mr. RANDOLPH. Mr. President, the large number of deaths suffered on the highways of the United States has for years been a cause for extreme concern. With the death toll increasing yearly, there have been concerted efforts to halt and reverse the trend.

Both private and public bodies have been involved in this campaign to reverse the trend as more and more vehicles crowd our highways. In the Public Works Committee, which I have the responsibility to chair, we have worked diligently to assure that new highways are constructed in the safest manner possible. All legislation pertaining to highways is developed with safety receiving prime consideration, and I believe we have made significant strides in improving our roadways.

But the task is not yet completed. I have introduced legislation to begin a systematic, accelerated program of replacing bridges that carry highways across bodies of water, an undertaking that is vitally needed, considering the age and condition of many of our thousands of bridges. I also intend to sponsor measures aimed at the very serious problem of accidents at railroad crossings in which approximately 1,500 lives are lost every year.

While the need for improved highway safety is very real, Mr. President, I am

nevertheless greatly encouraged by trends that are appearing.

I was particularly heartened by the information contained in an article in the February 2 issue of U.S. News & World Report. This well-documented article pointed out that the rate of highway accidents has started to decline and predicted that we might expect an actual decrease in the number of highway deaths in the next few years.

Because highway safety affects every citizen, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered printed in the RECORD, as follows:

ARE CROWDED HIGHWAYS GETTING SAFER?

A significant drop in highway carnage may be in the offing. That's the feeling of traffic officials. Their optimism stems from a combination of things, including safer cars, better-trained young drivers. But many hazards will remain.

For the first time in the modern era of the automobile, traffic experts see a reasonable chance that the death toll on U.S. highways will enter a sustained downturn, even though the number of cars and trucks continue to rise.

In the past, temporary declines in deaths have come when car usage dropped for some reason. But fatalities rose again when traffic increased.

Deaths in traffic accidents hit an all-time high in 1969, of approximately 56,000, as the accompanying chart shows. A further rise is predicted for this year and next. But, by 1972 or 1973, a continuing downturn is a distinct prospect.

If a decline comes, the trend toward fewer traffic fatalities is expected to continue for some years. By 1980, an annual death toll of about 41,000 is indicated by projections of the National Highway Safety Bureau, a Federal Government agency.

The same projections indicate there will be 37 million more cars, trucks, buses, motorcycles and other vehicles on the road in 1980 than there were during 1969.

If the indicated reduction in deaths is to take place, it will be necessary for the death rate per 100 million vehicle-miles to be cut almost to half—from 5.4 in 1969 to 2.9 in 1980.

This can happen, traffic experts believe, if certain trends now at work continue through the 1970s.

These trends include constantly improving safety features on cars; a nationwide upgrading of highways and freeways; more driver education for young people; stepped-up law enforcement; campaigning by private and public agencies against hazards.

ROADBLOCKS TO IMPROVE

Not all developments are favorable. Deaths caused by drunken drivers are rising, with no solution in sight. The new "muscle" cars are a worry.

The Insurance Institute for Highway Safety says some can speed up to 150 miles an hour. One insurance company reported that losses for the superpower cars are 56 per cent greater than for ordinary autos.

Yet the basic trend toward safer auto travel is apparent.

For years, safety campaigners have been gaining in the battle to reduce the rate of fatalities per mile of travel. If that rate were as high today as it was in 1934, for example, there would have been 163,000 automobile deaths last year, or three times the number that actually occurred.

The decade of the 1960s brought the first sign of a significant showdown in the number of fatalities. Between 1962 and 1966, there was an annual increase in traffic deaths averaging 6.8 per cent a year. Between 1966 and 1968, the average rise was 2.0 per cent. In 1969, the National Safety Council figures show that fatalities rose 1.4 per cent.

The turning point came in 1966, with passage of two federal laws—the Highway Safety Act and the National Traffic and Motor Vehicle Safety Act.

Under the Highway Safety Act, the National Highway Safety Bureau drew up 16 highway-safety programs, through which States and localities get federal grants to help carry out recommended programs.

They promote such things as driver education for students, periodic motor-vehicle inspection, motorcycle safety, curbing alcoholic drivers, emergency medical services, and plans for highway construction that eliminate hazards along the roadsides.

IMPROVED SAFEGUARDS

Under the Motor Vehicle Safety Act, the Bureau ordered manufacturers to incorporate 30 safety features into cars built after Jan. 1, 1968. These included safety belts, windshields that reduce head injuries, steering columns that absorb some of the blow in a crash. Safety requirements continually are being revised, and more are planned.

Manufacturers, on their own, have been engineering added safety features.

The auto builders also have been recalling cars in which safety defects have been found, as required by the new legislation. Through 1969, some 14 million vehicles have been called back to auto dealers for corrective work.

These measures have produced some striking results.

Safety belts saved 2,500 to 3,000 lives in 1968, the National Safety Council says. If all auto occupants had safety belts and used them, it estimates, from 8,000 to 10,000 lives would be saved in a year. At present, 75 per cent of occupants have them, but actual use of belts comes to only 30 per cent of all driving time.

Motor cycle deaths had been increasing at the rate of 35 per cent a year when new federal standards influenced more States to enact laws requiring that motorcyclists wear crash helmets and eye protection. Motorcycle deaths decreased 2 per cent in 1967 and 10 per cent in 1968, despite a large increase in the number of motorcycles.

FURTHER IMPROVEMENT

Emphasis now is on "survivability," or saving the life of occupants after a crash occurs. Higher standards for automobile construction and highway safety have helped, and many more improvements are planned, both by the Government and the manufacturers.

Douglas W. Toms, director of the National Highway Safety Bureau, says a "second generation" of safer automobiles is coming. Improvements he envisages include such things as crashproof protection for passengers on the sides and tops of cars—heavy metal to protect against side collisions and roll-overs.

Mr. Toms is counting heavily on the air bags that now are being developed as a safeguard and may be installed in some 1971 cars. These are air pillows which inflate automatically in a crash. The rider is thrown into a big cushion instead of against solid metal.

One advantage of the air bag is that it requires no co-operation on the part of the occupant. Seat belts have to be buckled and often are ignored. Mr. Toms hopes the air bag will eliminate the need for seat belts. But some technical problems remain to be solved.

Dr. William Haddon, Jr., president of the Insurance Institute for Highway Safety, charges that fragile construction in some autos makes them easily crushed in a collision. He calls auto bumpers "largely cosmetic," and wants bumpers and the entire framework of the car made into "proper energy-absorbing structures."

GAINS AND LOSSES

Checking with traffic officials in a number of cities, "U.S. News & World Report" correspondents turned up these signs of gains and losses in the battle for traffic safety:

Chicago has reduced accidents by 29 per cent on one of its expressways by installing new guardrails and "break-away" signs mounted on poles that collapse when rammed by a car.

Chicago also has a three-year program to make seven expressways safer. Light standards have aluminum bases rather than concrete. Taller poles, set behind guardrails, will be used so that fewer are needed. Some will be 100 feet high.

Guardrails will be used to protect motorists who run into the bases of underpasses and other solid structures. The rails will be flexible and high, and will have many supports so as to keep cars from climbing over them or causing the rails to buckle between widely spaced braces.

COMPULSORY EDUCATION

Los Angeles and Phoenix both had declines in traffic fatalities in 1969. Much of the credit is given to the remedial driver-education classes, which courts in California and Arizona can compel traffic-law violators to attend.

California officials also have found their stepped-up automobile inspections an effective accident preventive. Last year, 65 teams from the highway patrol checked about 4 million cars for proper functioning of lights, brakes, horns and turn signals.

In Milwaukee, Police Inspector Lloyd K. Lund believes one new danger is the superpowered cars. He said:

"You put a young, inexperienced driver in a 350-horsepower car and you can just imagine what he'll do. You see them zoom down the freeways, changing lanes, tires spinning."

Another trend being eyed warily is the higher legal speeds that are being adopted. Traffic officials in both New Orleans and Cleveland blame the higher speed limits permitted on highways for many traffic deaths.

National traffic experts agree that speed does not necessarily produce more accidents, but they believe it makes crashes less "survivable."

Actually, on a national basis, fewer fatalities occur on turnpikes, where the highest speeds are permissible, than on rural roads. The National Safety Council found that in 1968 the rate on turnpikes was 2.7 deaths per 100 million vehicle-miles of travel, compared with 7.5 on rural roads.

THE ALCOHOLIC DRIVER

Still baffling to the safety experts is the problem of the alcoholic driver. Drinking is indicated as a factor in at least half of motor-vehicle accidents, says the Safety Council.

"An astonishing 44 per cent of drivers killed in accidents lost their lives because the other guy was drunk," Secretary of Transportation John A. Volpe recently told the National Safety Council. He said a major effort should be made to identify chronic alcoholics and prevent them from driving.

In accordance with the standards set up by the National Highway Safety Bureau, 32 States have enacted laws to make it legal to compel drivers to take blood, urine or breath tests when they are believed to be intoxicated. Britain reduced its auto deaths about 14 per cent after it put a compulsory breath-screening test into operation in 1967.

California finds an increase in the number of persons driving under the influence of drugs and narcotics.

"Many times we find drivers are under the influence of both drugs and alcohol," said one official in California. "People take all kinds of narcotics, often barbiturates, to get 'high.' Then they try to cover it up by drinking. This combination is especially dangerous."

Another drivers problem creating concern is the large number of collisions caused by motorists suffering from a chronic or acute emotional disorder.

"People who drive when they are emotionally upset aren't thinking about their driving," claims Leroy Mouser of the Houston police department.

Sergeant William Turner, of the Phoenix police department's traffic bureau, believes:

"If times were not so difficult, I expect that the accident rate would be even lower. If a driver doesn't think we should be in Vietnam, or read something in the paper which upsets him, he may be preoccupied. If he has an argument with his wife, he may be diverted from his driving for a fraction of a second. This may mean the difference between an accident and avoidance of one."

QUICK MEDICAL AID NEEDED

Although medical attention has improved, accident victims often die for lack of proper care after a crash, experts have found. One major program calls for States and localities to improve care of the injured—summoning help quickly and providing good medical attention. In some places, helicopters are being used.

The Highway Safety Bureau says doctors estimate that between 10,000 and 20,000 of those killed each year in auto accidents could be saved if they were handled properly in "the postcrash phase."

All of these problems and many others are being tackled by federal and local authorities and the auto industry.

The payoff will come soon, they believe, in a year-by-year lowering of the highway death toll.

A spokesman for the New York State Department of Motor Vehicles said:

"I think we are entering an encouraging period. There is much to be done. But a great deal has been accomplished to improve safety in the last few years, and much more is being done now that is significant."

ARKANSAS VETERANS HOSPITALS FACE FUNDING AND STAFFING PROBLEMS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the survey of the Veterans' Administration hospital system which is being conducted by the Committee on Veterans' Affairs is continuing to reveal more and more serious problems which are primarily being caused by funding and staffing shortages. The staffs at many of our VA hospitals are being overworked and under these circumstances they cannot begin to deliver the quality of care which they have in the past. Vietnam veterans, in many areas, are experiencing long waits to have their teeth examined and fixed. Many hospitals are having to use maintenance and equipment funds to help pay for drugs, medical supplies, food, and other on-going day-to-day hospital operating costs. Many veterans who no longer need expensive hospital care and who could be placed in community nursing homes at VA expense cannot be transferred because of lack of funds.

Mr. Speaker, the present average national ratio of about 1.5 staff for each patient in general medical hospitals is wholly inadequate. It should be at least 2 staff for each patient and psychiatric hospitals should have at least a 1-for-1 ratio. The recent 1971 budget submission allows very little relief in this area and I am concerned that our Nation's exservicemen will not be receiving prompt and proper medical care which they are due.

The Veterans' Affairs Committee investigation of the hospitals in the State of Arkansas revealed funding deficiencies in fiscal year 1970 of almost $1.3 million to operate about 1,900 beds serving approximately 213,000 Arkansas veterans. VA hospitals in Arkansas are located at Fayetteville and in Little Rock.

As of February 6, 1970, the Arkansas hospital directors had advised the Veterans' Affairs Committee that supplemental funds had been received in January 1970 to apply toward some of the reported deficiencies. About $267,000 had been made available toward the almost $1.3 million deficit reported to the committee earlier in the year.

The 230-bed general medical and surgical hospital in Fayetteville reported funding deficiencies of about $116,000. Most of this, approximately $100,000 is needed to cover salaries of 10 on-duty employees. Hospital director, Dr. J. B. Bounds, reported that he would have to reduce his employment level by 16 full-time positions on April 1, 1970, unless additional funding support was received. Other shortages included about $3,800 for drugs and chemical supplies; $3,700 for medical and dental supplies, and the balance for recurring maintenance and repairs supplies and materials to maintain the physical plant.

Dr. Bounds reported that he was deferring filling three nursing positions and two other positions, one clerical and one food service worker, in an effort to recoup salary funds and it would be necessary to divert approximately $82,000 in equipment and nonrecurring maintenance and repair of facility funds to support on-duty personnel. Bounds said:

The most pressing need at this station are adequate, recurring funds and staff improvement to continue on-going medical programs and to meet the significant increase in the outpatient workload. This increased workload has caused a marked increase in the cost of drugs and beneficiary travel, and has placed increased demands on support services, such as laboratory, radiology, and medical administration.

Included in a long list of items of equipment that would have to be deferred were three cardiac arrest carts for treatment of patients with acute heart conditions, a circo-electric bed, replacement of an operating table, sterilizers, and some office equipment. Dr. Bounds reported that he would need 53 more people at an annual cost of about $360,000 to achieve a minimal staffing ratio satisfactory for the operations of his hospital.

Dr. Bounds subsequently advised the committee that he had received a supplemental allotment of $57,840 to apply against his reported deficiencies. He said that this additional amount would enable him to restore $11,000 of the $82,000 previously diverted equipment and maintenance funds leaving a deficiency of $71,000; $16,000 would correct deficiencies reported for drugs, medical, and dental supplies and $23,000 would negate the need for a reduction of personnel during the last quarter of the fiscal year. The remaining $7,840 would be applied to the community nursing care program which would permit an average of 10 patients in the program rather than nine previously allowed.

Director Kenneth J. O'Brien of the Little Rock Hospital reported the largest fund deficiency in the State of Arkansas—almost $1,175,000 for fiscal year 1970. Over $600,000 of this amount was required to maintain fiscal year 1969 employment levels. To meet this funding deficiency for salaries O'Brien reported that he would divert approximately $275,000 in initial equipment, replacement equipment, and maintenance and repair of facilities funding support as well as he would defer filling about 43 position vacancies including 22 nursing positions.

The Consolidated VA Hospital at Little Rock consists of a 471-bed general medical hospital with a statewide outpatient program located in Little Rock. The hospital is closely integrated with the University of Arkansas School of Medicine. The VA hospital complex also includes the large psychiatric hospital located in North Little Rock. The psychiatric hospital has 1,216 beds, plus a 100-bed VA nursing home. All administrative and 50 percent of the professional services of these two hospitals are consolidated with more or less flexibility of staff between the two hospitals.

O'Brien also reported a shortage of $21,200 to support the community nursing home care program. He stated that an average daily community care load of 60 could be funded with the support provided by VA central office this fiscal year; however, if additional funds could be made available an average daily load of 70 patients could be maintained in community nursing homes. A shortage of about 10 much needed research support personnel was also disclosed in the committee investigation. In order to support on-going research activities about five more positions costing about $35,000 are required over and above the current on-duty strength.

To bring the hospital to the staffing ratio of employees to patients advocated by me, Hospital Director O'Brien stated:

We need a funding ceiling for 110 more positions at a cost of about $900,000 annually.

O'Brien stated he was also short in the specialized medical programs including 10 more positions for the surgical intensive care unit at an annual cost of approximately $75,000. In the fee dental program, the first half year experiences indicated that he would need approximately $90,000 to cover authorizations for dental care primarily for returning Vietnam veterans for the remainder of fiscal year 1970.

Director O'Brien subsequently reported to the Veterans Affairs Committee that he had received supplemental funding support in January 1970. Funds in the amount of $209,299 were received to apply against his reported funding deficiencies. O'Brien said he would not be re-

quired to conduct a reduction in force but he said:

We have not been able to employ up to the level of 1,865 full-time permanent ceiling we are authorized this year due to insufficient funding.

He said that with the $200,000 additional he received for salaries, an employment level of 1,830 could be maintained. It would still be necessary to use about $200,000 of the previously diverted $275,000 equipment and maintenance funds for salaries. This would leave a balance of $75,000 for "needed equipment and maintenance and repair requirements," O'Brien stated.

The balance of the supplemental allotment, $9,299, was restricted for use in the community nursing care and O'Brien said:

It appears that there will be adequate community nursing home funds. All other deficiencies as reported . . . continue to exist.

Mr. Speaker, the hospitals in Arkansas are trying to take care of the sick and disabled veterans who need care, but they cannot do this promptly and properly unless they get more funding and staffing assistance. Congress should keep this in mind when appropriation bills relating to the Veterans' Administration are considered in the future.

AID SPEAKS OUT ON EARMARKING OF FUNDS IN FOREIGN AID BILL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. HAMILTON. Mr. Speaker, I thought it would be of interest to my colleagues to read some recent correspondence between the Agency for International Development and myself, on the issue of earmarking funds in the foreign aid appropriation bill. I would like to draw particular attention to the Agency letter of February 5, 1970, in which explicit disapproval of indiscriminate earmarking is stated. The correspondence follows:

DECEMBER 18, 1969.

Dr. JOHN A. HANNAH,
Administrator, Agency for International Development, Washington, D.C.

DEAR DR. HANNAH: I have become concerned about the number of specific institutions and projects, both economic and military, for which the Congress has earmarked funds in this year's foreign aid appropriation bill. I would like to have a list of all these items, for easy future reference.

I look forward to hearing from you on this matter.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., January 15, 1970.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: In response to your letter of December 18, 1969, I am enclosing a list of funds earmarked for specific institutions and projects in the Foreign Assistance and Related Agencies Appropriation Act, 1970, reported out by the Conference Committee. Since the Conference Report was rejected by the Senate, these earmarkings have not as yet become law.

If we can be of any further assistance to you, please let me know.

Sincerely yours,

JOHN A. HANNAH.

Funds earmarked in fiscal year 1970 appropriation bill

United Nations Children's Fund	$13,000,000
American schools and hospitals abroad:	24,550,000
American University of Beirut, Lebanon	9,490,000
American Farm School, Thessaloniki, Greece	100,000
Robert College, Istanbul, Turkey	2,300,000
American University in Cairo, Egypt	200,000
Escuela Agricola, Panamericana, Honduras	200,000
Admiral Bristol Hospital, Istanbul, Turkey	75,000
Project Hope	500,000
Weizmann Institute, Israel	3,000,000
Merkaz Lechinuch Ichud, Israel	1,400,000
Amana Ulpenat B.A., Israel	600,000
Hadassah (expansion of medical facilities in Israel)	5,000,000
Hospital and Home for the Aged, Zichron-Yaakov, Israel	650,000
Beth Yaacov Avat Girl's School	1,200,000
Educational Center of Galilee	800,000
Hospital in Chemke, Nigeria	500,000
Program Support	35,000
American schools and hospitals abroad (foreign currencies):	
University of North Africa, Tangier, Morocco	3,000,000
Vocational School for the Underprivileged in Israel	1,000,000
Merkaz Lechinuch Ichud, Israel	500,000
Indus Basin Development Fund	7,530,000
Prototype desalting plant	20,000,000
U.N. Relief and Works Agency (Arab Refugees)	1,000,000
Military assistance for Korea	50,000,000
Military assistance for Republic of China	54,500,000

JANUARY 16, 1970.

Dr. JOHN A. HANNAH,
Administrator, Agency for International Development, Department of State, Washington, D.C.

DEAR DR. HANNAH: Thank you for the list of earmarked funds in the FY 1970 Appropriation Bill.

I have become increasingly disturbed by the number of these earmarked items. The past year has witnessed an unusual proliferation of them, causing the aid bill to adopt characteristics of porkbarrel legislation. I would like to know that the position of the Administration is with regard to this matter.

I look forward to hearing from you.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: Thank you for your letter of January 16 expressing your concern over earmarking of funds in this year's foreign aid appropriation bill.

As a general rule, we do not favor earmarking or line item appropriation for a specific purpose or program in foreign assistance legislation. Earmarking tends to restrict the Executive Branch's flexibility to carry out what it believes to be the best possible foreign assistance program with the limited funds available and inhibits its abilities to respond to the constantly changing world environment. Moreover, earmarking, even for desirable purposes often tends to stimulate earmarking for other purposes, which may be less desirable. It may also force the President to give higher priority to programs of less consequence to the development process, thus making our total assistance effort less effective. We prefer, therefore, that Congressional interest in a particular foreign assistance purpose or activity normally be expressed by some means other than earmarking of funds. Needless to say, we also would not like foreign aid bills to become "porkbarrel" legislation.

On the other hand, this Administration does not have an inflexible position on all earmarking in foreign assistance legislation. To be sure, in some cases an earmarking may be for a purpose or activity which the Executive Branch opposes or believes should be left to its discretion. In other cases, however, it may merely reflect Congressional support for an activity which the Executive Branch also supports, or it may represent a Congressional initiative which the Executive Branch finds acceptable within the context of its own program. Thus, the Administration's position on particular earmarked items would depend on the facts of each case.

I appreciate the interest that you, as a consistent supporter of foreign aid, have taken in this matter. We share your concern and hope that the number of earmarked items in our legislation can be kept to a minimum.

Sincerely yours,

RUTHERFORD POATS,
Acting Administrator.

A SEQUEL TO A SONG

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. JACOBS. Mr. Speaker, with apologies to and profound respect for country and western singer Roger Miller who once sang:

Got a letter just this morning
It was postmarked Omaha
It was typed and neatly written
Offering me this better job
Better job at higher wages
Expenses and a car
But I'm on T.V. here locally
I can't quit I'm a star.

The following sequel has been brought to my attention and, therefore, I urgently bring it to the attention of to whom it may concern:

Got a letter just this morning
From an inalecshul snob
It was typed and neatly written
Askin' me to quit my job
Quit my job at playin' architect
With resturants as a ploy
But we got T.B. here locally
I can't give up my toy.

Mr. Speaker, I find it all very confusing, but perhaps someone will understand.

REMARKS OF MR. CARL L. KLEIN, ASSISTANT SECRETARY OF THE DEPARTMENT OF THE INTERIOR FOR WATER QUALITY AND RESEARCH

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. JOHNSON of California. Mr. Speaker, last week I was privileged to hear the remarks of Mr. Carl L. Klein, Assistant Secretary of the Department of the Interior for Water Quality and Research, at the fifth annual Conference on Water Resources Research.

Secretary Klein is a capable administrator and has brought to the Department of the Interior an in-depth understanding of the tremendous water quality and resource management problems facing our Nation.

I certainly agree with Secretary Klein that top priority should be given to the preservation of our environment for this generation as well as those to follow. Consequently, I am very pleased to see the Congress realize its tremendous responsibility to act on legislation which will improve the quality of our lakes, streams, rivers, and oceans, and which will provide for the conservation and wise utilization of all our water resources.

It is clear that as population density increases, water management, and pollution problems will intensify and demands for water for municipal, industrial, recreational, and agricultural uses will increase.

In view of the environmental problems we are presently facing and will meet in the future, I am very pleased that we are fortunate to have such a qualified and dedicated leader as the Assistant Secretary for Water Quality and Research. Accordingly, I thought it appropriate to share with my colleagues Secretary Klein's comments. Therefore, I include his remarks at this point in the RECORD:

REMARKS BY CARL L. KLEIN, ASSISTANT SECRETARY OF THE INTERIOR FOR WATER QUALITY AND RESEARCH, AT THE FIFTH ANNUAL CONFERENCE ON WATER RESOURCES RESEARCH, WASHINGTON, D.C., FEBRUARY 3, 1970

You couldn't have picked a more appropriate time to hold this Fifth Annual Water Resources Research Conference. Never before has the Nation's attention been so directly fixed on problems relating to water resources.

President Nixon voiced the Nation's concern January 1, when he approved the Environmental Policy Act, which set up a Cabinet Committee on Environmental Quality. He made this his first official act of the new decade in order to focus attention on what he called a "now or never" campaign to reclaim the purity of our air, our water and our living environment.

Three weeks later he introduced a $10 billion clean water program to build municipal waste treatment plants wherever they are needed to make our waters clean again. He said, "We no longer can afford to consider air and water common property, free to be abused by anyone without regard to the consequences. Instead, we should begin to treat them as scarce resources, which we are no more free to contaminate than we are free to throw garbage in our neighbor's yard."

The President said it was "time for those who make massive demands on society to make some minimal demands on themselves," as he urged everyone to join the campaign to make America a cleaner place now and for the generations to come.

In directing his appeal for an environmental cleanup to the people, the President placed on you, as representatives of state water centers and agencies, a large measure of responsibility for making sure the public was supplied with adequate water quantity as well as quality.

As a former member of the Illinois General Assembly, I feel I have some understanding of the needs at the state level for water research and the efficient planning, development and management of local water resources that can asure such supplies. I also feel that top priority should be given to improving water resources management, particularly in metropolitan areas where increased water quantity and water quality requirements can have profound effects on water resources management and on enhancement of the environment.

The Office of Water Resources Research has prepared a plan for research in the urban environment to be reviewed by a panel of technical experts. This program, once approved, will provide increased cooperation and coordination among Federal agencies, and between the Federal sector and State and local governments as well as academic and other research organizations.

Thus, we have taken positive steps to improve our knowledge and understanding of urban water problems through research and to relate research findings meaningfully to decision-making and to technological improvements.

Many of today's water problems are really people problems. Man, it has been said, is Nature's only mistake. Let us look at what he has done.

The Mississippi is congested with 5 cubic miles of soil each year, a mammoth waste of farmland in a starving world. Lake Erie is on the verge of becoming septic; New York City suffers from water shortages while the Hudson flows foully past; salt water encroaches in the Delaware; floods alternate with drought, the fruits of two centuries of land mismanagement.

The Potomac River and its estuary flows through the heart of the Washington metropolitan area virtually unused. The summer weekend exodus to the ocean resorts, despite the frustrations and delay, symbolizes man's biological need to retain some contact with nature.

Yet man can use his rivers, lakes, shorelines, and waterways to enhance rather than detract from his enjoyment of urban life. Water, managed well, can make our cities more hospitable, more enjoyable, and contribute to our sense of well being.

A number of programs, such as those in Chicago and Cleveland, propose partitioning and restoring beaches to make them safe for use. Water-based recreation plans may include the locating of reservoirs close to central city areas for use by nearby residents, as we are planning at Kingman Lake in Washington.

Outstanding examples of how urban waterfronts can be restored to give visual access and lift the spirits of urban residents are the Corpus Christi bayfront and the Charles River in Boston.

But, you know and I know that because of the nature of water itself there are no instant solutions to our water problems. One of your colleagues, Robert L. Smith, stated the difficulty quite clearly when he wrote that the American public has become most conscious of water management problems—mainly because of the migratory nature of water and its capacity to fulfill and satisfy such a diverse pattern of wants.

Each of these wants is related to the social desires and economic needs of one or more individuals, private corporations, or political units, he stated. "Now there are some who will quarrel with the contention that recognition of these two characteristics—migratory nature and diverse utility—is fundamental to understanding our water management problems. But the first is adequately documented in the laws of nature, and the second is continually observed in contemporary America."

"Each individual assigns a different relative value scale to the various water uses, but everyone desires it for one or more purposes. The significance of this situation can be simply stated. The world of water is inherently full of conflict—conflict between man and nature, conflict between political jurisdictions, conflict between users, and conflict between social value judgments which of themselves are biased by personal needs and wants."

If I were to carry a placard at the upcoming "environmental teach-ins," my placard would bear the slogan, "Water is Deep." I trust and hope that you, the leaders in the field of water resources research planning and management, will reassert that leadership in the coming decade and will insist that there must be presentation and representation by *all* interests; that there be reasoned intellectual discussion, and reconciliation of legitimate differences in points of view.

Give us an unpolluted intellectual environment and we can advance more rapidly toward the goal of an unpolluted physical environment.

One of our most difficult problems in planning our water needs in this country is that the pattern of population growth is far from uniform. Although the total U.S. population increased by 18 percent between 1950 and 1960, more than half the nation's counties actually lost inhabitants during those years.

The U.S. population has been migrating West and, to a lesser extent, South. In 1940, only 11 percent of the population lived in the Far West and Rocky Mountain states. By 1965, 16 percent did; by 1985 the Census Bureau expects about 19 percent will live there. Most of the increase of the 15 to 20 million inhabitants expected in the West will be added to a single state—California. As you know, California is already experiencing severe water problems.

Even more conspicuous, though, will be the continuing urbanization of the Nation's population. One hundred years ago, about a quarter of the U.S. population lived in cities and towns of more than 2,500 people. By 1900, 40 percent lived in localities of that size, and by the end of World War I, the percentage had passed 50 percent.

Today the percentage has climbed to more than 70 percent, or 140 million people. They live on less than 2 percent of the land—land that is covered by cities, towns, or suburbs. Of these urban dwellers, more than 40 percent live in the 28 metropolitan areas that contain more than 1 million inhabitants each. By the year 2000, these areas are expected to house 80 to 90 percent of all the people in this country.

The greatest urban growth has not been in the central core of the cities, however, but in the sprawling suburbs around them. Since 1960, the suburbs have grown seven times faster than the central cities, and since 1965, the number of people living in suburban communities has exceeded the number living in cities.

What this means is that in the immediate future urbanization will place ever greater demands on the Nation's water resources. It has been estimated that average annual total expenditures by local governments on urban water resources will be on the order of $12 billion or more annually through 1980.

The preceding statistics serve to underline the magnitude of the problem faced by those who will be responsible for providing the

essential water related facilities to the growing urban complexes. That problem has been aggravated by the long time neglect of research on many aspects of urban water. The deliberate and systematic study of urban water problems is an immediate necessity if future crises resulting from inadequate management of water resources are to be averted.

Before turning to the subject of improving water management in the urban environment, I would like to define what we mean by management and identify the kinds of water management problems our cities face today.

The term, water management, eludes precise definition. One might say water management seeks "a rational basis for choice and a maximum of flexibility to cope with changes in the services demanded and in the priority that society accords them." This implies a continuing assessment of the hydrologic and social environments and the application of this knowledge in a setting conducive to flexibility in choice of alternatives for action.

In Layman's language, however, I think we could say management is the art of manipulating the water resources for the public good. Whatever definition we accept, metropolitan water resources management exists more as a concept than as implemented policy. This is so because metropolitan planning and management in general, despite the growth of planning commissions nationwide, have not received wide acceptance. A water management plan cannot be an entity in itself. It must be part of the overall metropolitan plan for development and management.

Effective coordinated water management at the metropolitan level has not been the general rule, possibly because by tradition, management has looked upon the urban water problem solely as one of water supply and distribution, waste water disposal and storm drainage. Seldom do municipal water supply and waste treatment agencies play any direct role in such water functions as flood control or recreation use, or water front development.

Moreover, realistic water resources planning is commonly thwarted because of non-engineering restraints of a legal, political, jurisdictional, or administrative origin. For most metropolitan areas, the prevailing pattern has been described as a patchwork of numerous, independent agencies providing water and sewage services to municipalities or groups of municipalities within the urban complex.

The result is bound to be a heightening of conflict. As population density increases, water management and pollution problems will intensify. Demand for water for municipal, industrial, recreational, and agricultural uses will increase. The uncontrolled expansion and growth of urban areas will then have serious consequences with regard to our wetlands, estuaries, flood plains, and watersheds.

The water resources research planner and manager will be expected to develop means to satisfy fairly the diverse needs of all who have legitimate claim to the water resource. The decision-maker will have to be provided the data, the methodology, and the formulae which will allow him to achieve an effective solution. Public involvement in the decision making process will increase and there will be those whose emotional involvement in the issues will shadow and cloud their reason.

Improvement in water management in the urban environment, however, can be expanded significantly by imaginative research. Indeed, research is part of management. Here are some examples of current or recently-completed OWRR-sponsored research to show you what I mean.

A study of urban water politics and decisionmaking in the Detroit metropolitan area suggests that political and institutional factors are restricting the development of a regional system in an area keenly protective of local autonomy. These factors are more significant than economic or social considerations, or projected business, industrial and residential demands.

In the Las Vegas Valley of southern Nevada, one of the fastest growing urban areas of the United States, progress is being made on how best to organize an urban oriented population for optimum water management and distribution.

At Cornell University, mathematical planning models are being structured for defining alternative designs and policies for municipal and regional water resources systems. This includes supply, distribution, urban runoff collection, storage and treatment facilities.

The American Society of Civil Engineers is assisting OWRR in outlining and developing a national program of urban water resources research. A final report for the first project year comprises nearly 700 pages.

And research at George Washington University is underway to assess the past performance of water agencies in metropolitan Washington, D.C., with a view toward recommending improvements.

In summing up, I believe we would all agree that water management is a key element in efficient utilization of our water resources and that planning and management assume even greater importance in the framework of the urban complex.

Let us welcome the newcomers who will labor and sweat for a higher quality environment. Their views, insights, and perspectives are the ingredients which could produce totally new concepts in the water resources field.

I welcome heightened public awareness and involvement in environmental quality problems, but there is one small lingering uncertainty that troubles me. I do not want to see an issue as important as this one become a fad or a sophist symbol of protest for the sake of protest—or to see protest on the basis of half-truths, faulty intelligence, or misunderstanding of the issues involved.

Let us not be sidetracked from our goal of a higher quality of life by those who would contribute little to the attainment of those goals, but would rather polarize the issues and prevent public understanding of alternative choices.

We welcome the teach-in, and with it the stimuli of searching inquiry. But all of us have the responsibility to convey to the public the real issues involved.

EULOGY OF REPRESENTATIVE ROSTENKOWSKI'S LATE FATHER HON. JOSEPH P. ROSTENKOWSKI

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. KLUCZYNSKI. Mr. Speaker, "What greater ornament to a son," wrote Sophocles of old, "than a father's glory, or to a father than a son's honorable conduct?" These words come inevitably to mind in reflecting on the passing of a dear friend and my distinguished colleague's beloved father. In sharing his sense of loss, we also share his pride in all that his father embodied—the triumph of the Polish people through so many centuries of oppression and tyranny. The millions of Poles who have come to these shores—as early as the settlement of Jamestown in 1607—have contributed immeasurably to the upbuilding of American life in every area of endeavor. We are stronger as a Nation because of their presence.

In his sorrow at this time, my colleague will surely find consolation and inspiration in the awareness of his father's life and character. Folk wisdom through the ages has captured the meaning of those precious ties which bind father to son in every generation, "Like father, like son," we read—and again, "Patris est filius," "he is his father's son." It is no small privilege to carry into public and private life those qualities and values which have been inextricably associated with the Polish people—their deep religious faith, their love of family and home, their inextinguishable courage, their fierce passion for liberty. As sons of all our common Father, may we look to our earthly fathers with gratitude and pride, trusting that in the conduct of our lives we, in turn, may honor them. I do not doubt that my colleague is strengthened today by the knowledge of his father's genuine pride in the honorable achievements of his son in service to America within this great deliberative body. To him and to all of his family, Mrs. Kluczynski and I extend our deepest sympathy in their loss.

KOSCIUSZKO—HERO OF TWO WORLDS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. HELSTOSKI. Mr. Speaker, it is fitting that all of us who love liberty and freedom so much should pause for a moment on this, the 224th anniversary of Kosciuszko's birth to remember this great Polish patriot. Kosciuszko was born on February 12, 1746, the same day that we honor the memory of a great American President, Abraham Lincoln.

Tadeusz Kosciuszko, with a name difficult for most Americans to pronounce, and born in the village of Mereczowszczyzna, even more unpronounceable, came to America on borrowed money. With no recommendations except his military engineering background and humble personality, he offered his services to fight for the American cause. On October 18, 1776, Kosciuszko was appointed colonel of engineers and served until the American cause was won.

Kosciuszko is best remembered for his engineering skill in erecting the fortifications at West Point and, after the war, recommending the present location for the establishment of the U.S. Military Academy. Military historians also named him "the Father of the American Artillery" for his publication of the first effective system for the organization of the American artillery.

On the site of West Point stands a commemorative statue of Tadeusz Kosciuszko and a tribute "to the hero of two worlds."

The garden that Kosciuszko started

while working on the fortifications at West Point during the Revolutionary War days has recently been reconstructed as a project of the Polish community.

Returning to his native Poland, Kosciuszko was commissioned a major general and with an army of peasants armed with scythes fought against the well-organized and equipped Russian forces during Poland's insurrection of 1794. Critically wounded, he was captured and imprisoned in Russia. Gaining his freedom after the death of Catherine the Great, he visited America and received a hero's welcome in Philadelphia.

Before his final departure from American soil, Kosciuszko left a document with his friend, Thomas Jefferson. It was his last will and testament, dated May 5, 1798, directing that his American property be used to purchase freedom for Negro slaves and to provide for their education.

Kosciuszko died in Switzerland on October 15, 1817. After Poland regained her freedom, his body was laid to rest among Poland's greats on Wawel Hill in Krakow. Outside the walls of the city a mound of earth was piled up as a memorial, earth taken from the battlefields where Kosciuszko had defended freedom. This earth was carried by handfuls, in baskets, and wheelbarrows by men, women, and children.

Not only to the Poles of Poland, but also to the millions of Poles and Americans of Polish descent and extraction, Kosciuszko is a source of pride, a hero, and a symbol; a source of pride because he was a democrat of the new world variety, a hero, because he forever made it possible for the growing generations of Polish-Americans to feel that they did not come empty-handed to the blessings of American freedom, that while that freedom was being won by those whose ancestors came in the *Mayflower*, there was a Kosciuszko helping them; a symbol of the link between their new country, the United States of America, and the country of their forefathers, Poland.

Kosciuszko's life was that of honorable achievement, and his name has lived through two centuries, is synonymous with freedom in two countries, and will continue for generations to come to inspire free men everywhere.

THE NCAA IS NOT A SECRET ORGANIZATION

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. ANDREWS of Alabama. Mr. Speaker, in recent days there have been news reports and some discussion in this body about the National Collegiate Athletic Association's actions against Yale University for participation by its athletes in certain events of the Maccabiah games, held last summer in Israel.

Surely some disagreement with the decision within and without the NCAA is to be expected, and disagreements between the NCAA and the Amateur Athletic Union will find supporters and opponents of both organizations.

Such disagreement with the sanctions imposed by the NCAA hardly represents a sound basis for a congressional investigation. Before any such suggestion is seriously considered, I feel it appropriate that certain facts about this organization be given. This is not secret information, but then neither is the NCAA a secret organization.

First, the NCAA is a voluntary organization with 670 member institutions. All of these institutions have voting rights.

Second, all records of the organization are public, and these records are printed and distributed.

Finally, the college president of each member institution designates who has the right to vote for the college.

LEGISLATION ON TEACHING ETHICAL AND MORAL VALUES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. BENNETT. Mr. Speaker, there is a great need in America today for broad instruction in the development of man's moral and ethical values. Such a program can be developed in the elementary and secondary schools of our Nation and the Federal Government can give stimulus to this through the grant procedure.

I have introduced legislation, H.R. 12339, to accomplish this. It has 35 cosponsors and is pending in the House Committee on Education and Labor. The cosponsors are:

Mr. ADAIR, Mr. BARING, Mr. BEVILL, Mr. BROCK, Mr. BUCHANAN, Mr. BYRNE of Pennsylvania, Mr. CARTER, Mr. CHAPPELL, Mr. CORBETT, Mr. DANIEL of Virginia, Mr. DENT, Mr. DUNCAN, Mr. FASCELL, Mr. FISHER, Mr. FULTON of Pennsylvania, Mr. FUQUA, Mr. GIBBONS, Mr. GRAY, Mrs. GREEN of Oregon, Mr. HALEY, Mr. ICHORD, Mr. KING, Mr. KUYKENDALL, Mr. LEGGETT, Mr. LUKENS, Mr. MADDEN, Mr. MATSUNAGA, Mr. PEPPER, Mr. RARICK, Mr. RIVERS, Mr. ROGERS of Florida, Mr. SIKES, Mr. UTT, Mr. WHITEHURST, and Mr. YATRON.

The teaching of ethics and instruction in moral values are a proper function of our schools, especially in view of recent Supreme Court rulings prohibiting prayer and Bible reading in public schools. Educational programs of this nature and textbooks for such have already been developed in some school systems in the Nation.

The curriculum and academic instruction in morals and ethics could take the form of assembly programs or individual classes. Lessons on courage, heroism, and good works developed from actual stories and biographies of great men and women could be the teaching avenue.

Programs on the growth of the freedom of worship—how it became part of our Constitution; on patriotism—how brave men fought to preserve our freedom; on good citizenship—why is it important to obey the law and on the objective history of religion, which the Supreme Court has approved, could all be topics of classroom discussion.

Mr. J. Edgar Hoover has said that we have as a society failed our youth by failing "to teach them the meaning of discipline, restraint, self-respect, and respect for law and order and the rights of others." The teaching of moral and ethical standards belongs in the home, church, and school.

The juvenile crime rate is growing at a much faster rate than the overall crime rate and this is an indication of failure to teach our children the difference between good and bad. The latest figures show that arrests of juveniles for serious crimes increased 78 percent in 1968 over 1960, while the population in the juvenile age group, 10 to 17, increased only 25 percent.

If we are to reverse the rising crime rate, costing the nation $27 billion annually, then we must concentrate on the problem where it hurts the most: Our young people.

The legislation we have introduced will attack the problem at the root and through strong classroom teaching of moral and ethical values our young people will be better able to cope with the challenge of right and wrong.

Mr. Speaker, I include in the RECORD an editorial from the Orlando, Fla., Sentinel on this bill and a copy of the bill:

[From the Orlando (Fla.) Sentinel, Dec. 28, 1969]

TEACHING ETHICS, MORALS

One of the reasons for the rapid increase in juvenile crime may well be the lack of emphasis on moral and ethical values, in the opinion of Florida Congr. Charles E. Bennett.

He points to the 50 percent increase in juvenile crime in 1967 over 1960 and to the nation's $27 billion annual crime bill as reasons to try to reverse the trend.

He proposes a federal program to stimulate the teaching of morals and ethics in elementary and secondary schools, commenting:

"The teaching of ethics and instruction in moral values are a proper function of our schools, especially in view of recent Supreme Court rulings prohibiting prayer and Bible readings in public schools.

"The curriculum and academic instruction in morals and ethics could take the form of assembly programs or individual classes. Lessons on courage, heroism and good works developed from actual stories and biographies of great men and women could be the teaching avenue.

"Programs on the growth of the freedom of worship—how it became part of our Constitution; on patriotism—how brave men fought to preserve our freedom; on good citizenship—why it is important to obey the law and on the objective history of religion which the Supreme Court has approved, could all be topics of classroom discussion."

Bennett received surprisingly good response from his colleagues to his idea. When he introduced his bill to accomplish his goals (H.R. 15336) he had 23 cosponsors.

Principles such as Bennett wants taught in the schools used to be emphasized in the classroom as well as in the home but we seem to have gotten away from all that. We have lost touch with the pioneers and what they had to overcome. We have lost touch

with those whose acts of valor made this a free country and has kept it that way.

We need to be retaught.

H.R. 12339

A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"GRANTS FOR TEACHING MORAL AND ETHICAL PRINCIPLES

"SEC. 807. (a) The Commissioner shall make grants to State educational agencies to assist them in establishing and carrying out programs under which students attending public elementary and secondary schools will be provided instruction in moral and ethical principles. The content and nature of such instruction shall conform to general standards prescribed by such State agencies.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1970, and each of the two succeeding fiscal years."

SEC. 2. Section 804 of such Act is amended by inserting after "this Act" the following: "(other than section 807)".

THE NIGERIAN CRISIS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, it goes without saying that we are all concerned about the crisis in Nigeria. As witnesses to the tragic suffering from the now-ended civil war we can hope and pray that the toll of human lives will soon be brought to an end. In the spirit of helping end this tragic loss of life a number of Members from the House and Senate have today issued the following statement with specific recommendations for effectively bringing relief to that war-torn nation:

STATEMENT ON THE NIGERIAN CRISIS, FEBRUARY 10, 1970

We are appalled by the dimensions of the potential tragedy in the former Eastern Region of Nigeria. Initial reports from the territory liberated by the surrender are contradictory. United Nations Secretary General U Thant painted an optimistic picture, while the United Nations representative in Nigeria later gave a much more solemn reading on the relief situation. Press dispatches give very disturbing accounts, while the Nigerian government remains optimistic.

We understand from the report of Dr. Western, who recently visited the enclave, that 10,500 tons of food are needed weekly. During the Senate Subcommittee on Refugee hearings, it was stated that only 140 tons of food had gotten in during the first week and one-half after the end of the war. From our knowledge of the relief problem in the past and from the testimony of Drs. Taylor and Western, it is clear that the need for relief is immediate and desperate.

President Nixon has made an unequivocal commitment to provide aid to insure that the needs of all Nigerians are met. Nonetheless, confusion surrounds the existing relief conditions and there are indications of widespread and desperate need for food. We therefore call upon the President to use the full power of his office to insure that food be gotten into the areas of need without delay.

To this end we call upon the President to:

(1) Continue the presence of expert observers in the area of need to update and present reliable information which is an indispensable basis for action.

(2) Present to the Nigerian Government all the information at our disposal respecting the present situation. We feel that the information gathered by experts would be useful to the Nigerian Government.

(3) Convey to the Nigerian Government our feeling that the food crisis can be eased immensely by utilizing individuals and agencies experienced in handling similar emergencies throughout the world.

(4) Convey to the Nigerian Government the President's informed opinion that the best way of meeting the crisis would be to open an airfield in the area of need immediately. Alternatively, supplies could be air dropped. Poor ground transportation makes an air lift essential.

(5) Emphasize to General Gowan that he has a unique opportunity for promoting life and for fostering Nigerian unity. The next few days will determine whether the Nigerian Government goes down in history as one of the great humanitarian governments of the world or whether that government will carry with it for generations the stigma of having lost thousands of its citizens through insufficient action. The possibility is there too for the government to show the people of this devastated area that they are welcome members of the Nigerian community.

We realize that the Nigerian Government has full sovereignty over its territory. But the imminent tragedy is a human one, and we must do all we can to insure that the human needs of all Nigerians are met.

Senators BIRCH BAYH, FRANK CHURCH, ALAN CRANSTON, PHILIP A. HART, HAROLD E. HUGHES, DANIEL K. INOUYE, GEORGE MCGOVERN, WALTER F. MONDALE, JOSEPH M. MONTOYA.

Representatives JOSEPH P. ADDABBO, GEORGE E. BROWN, JR., DANIEL E. BUTTON, SHIRLEY CHISHOLM, DON EDWARDS, LEONARD FARBSTEIN, JACOB H. GILBERT, JAMES J. HOWARD.

Representatives ROBERT L. LEGGETT, ABNER J. MIKVA, PATSY T. MINK, RICHARD L. OTTINGER, WILLIAM F. RYAN, JAMES H. SCHEUER, FRANK THOMPSON, JR., CHARLES H. WILSON, EDWARD I. KOCH.

FOOD FOR THOUGHT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. ZWACH. Mr. Speaker, I pointed out last week that parity had dropped one point, that the American producer now gets 75 percent of what is considered a fair price for the fruits of his labor and investment.

But still we have rising food prices in our retail stores and the consumers in general are inclined to believe that the producer is being overpaid.

The editors of our Sixth Congressional District are doing a good job in exploding this fallacy.

Mr. Speaker, I would like to insert another well-written editorial about food costs into the CONGRESSIONAL RECORD. This one was written by Curtis B. Warnke of the Wood Lake News:

FOOD FOR THOUGHT!

We read an extremely interesting article the other day in the *Progressive Farmer* written by C. G. Scruggs. He pointed out a number of facts about American agriculture as compared to that of other countries. Did you know for example that in Russia half the population is required to produce enough food for the other half? That in Communist China, 75% of the population is required to produce the food which offers at best bare subsistence?

In the United States on the other hand, five million farm workers produce enough food and fiber for 195 million Americans and 60 million foreign Consumers—In other words, one American farm worker produces enough to feed and clothe himself and almost 50 others. This achievement indeed ranks with the "Miracles" of all time. Unfortunately not enough of us are appreciative of this "Miracle", take it for granted, or make light of it. Actually we should be thankful our farm friends continue to produce such abundance for a relatively small return.

Writer Scruggs in the *Progressive Farmer* went on to point out, and we quote: "In 1900 every American family spent 40% of its disposable income on food. Today, the average family spends only 17% of its disposable income on food. In the part 20 years, average farm prices have gone own 9%. Hourly earnings of manufacturing workers have gone up 127%. Corporate dividends have gone up 251%.

In 1920, it took 4 hours and 29 minutes to buy a pound of steak, a pound of pork, a quart of milk, a dozen eggs, a dozen oranges and a 10-pound sack of potatoes.

Today, it requires only 1 hour and 30 minutes of work to purchase these same items—plus built-in maid service of frozen orange juice, frozen ready-to-cook potatoes, and other conveniences of packaging."

Certainly these facts and figures should give us all some "food for thought" in the days ahead. Contemplate what it would be like here if we needed 75% of our population to produce our food for example—what time would we have for leisure, luxury, etc? Very little, would be our guess—think about it!

THE COST AND EFFICIENCY OF MEDICAL CARE IN THE UNITED STATES

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. BARRETT. Mr. Speaker, we are all aware of the soaring, runaway cost of medical and health care in the United States today. We also have reason of late to question the efficiency of the methods and services providing that care. Recently, the very able director of the AFL–CIO department of legislation, Andrew J. Biemiller, made a speech before the Philadelphia Medical Society at the installation of its new president, Dr. Jonathan Rhoads, addressing his remarks to these vital matters. His comments were evidently thoughtful and critical, and merit consideration, for they were the subject of a news story and editorial in the Philadelphia Inquirer. These comments should be pondered by every Member of the Congress and I would like to include his speech in the RECORD:

THE COST AND EFFICIENCY OF MEDICAL CARE IN THE UNITED STATES

(By Andrew J. Biemiller)

Ladies and Gentlemen: Let me start with two things I am sure we agree on. The President of the Philadelphia Medical Society is a fine gentleman and I say that from a long family acquaintanceship. I am sure you agree—after all you elected him.

Second, I am sure we agree that Americans deserve the very best in medical care and that making American health care Number One in the world can be our common goal.

Let me first of all cite my own credentials as a partisan in this cause.

I have been in the center of the fight for national health insurance and improvements in the quality and quantity of medical care for over 30 years. In 1937 I introduced in the Wisconsin Legislature a state health insurance bill which became the model for the Wagner-Murray-Dingell bill, introduced in Congress in the early 40's. When I came to Congress I joined as a sponsor of that bill and served on the House Committee which held extensive hearings on the measure in 1949. The bill died in Committee.

A section of that bill, which would have authorized extensive grants for the improvement and enlargement of medical schools, nursing schools and other schools graduating health personnel, was introduced jointly by Senator Robert A. Taft and myself. Sen. Taft passed the bill in the Senate. With the help of Senator Hugh Scott, then a Philadelphia Congressman, I got the bill out of committee only to see it die in the Rules Committee, then a burial ground for progressive legislation. Let me add—Senators Taft and Scott carried the banner of the Republican party. I was a Democratic Congressman from Wisconsin. So this was clearly bi-partisan. And, if that bill had passed, we would not have the serious shortages of medical personnel which persist today.

All of this legislation was fought bitterly and blindly by the American Medical Association. However, the AMA's influence in the Congress began to wane with the passage of the Disability Amendments to the Social Security law, which the AMA fought. With the passage of Medicare, which the AMA fought to the bitter end, its influence became less and less. We are now awaiting the role the AMA will play in the legislation needed so badly today. We do not believe the American people will brook further delay in the passage of national health insurance legislation and we hope the AMA will proceed from that premise and avoid its traditional role of absolute opposition to the new day that is here.

Now let me state the AFL–CIO's interest in health care. We are not doctors and do not pretend to be. President Meany expressed it this way just a few weeks ago:

"We are perfectly willing to leave the treatment of illness to members of the medical profession. That's their business. That's what they're trained to do—for long years and usually at considerable expense.

"While we think medical treatment is the doctor's business, the health of Americans is the nation's business. And, more specifically, the health of workers is a major concern of the trade union movement."

Our members have to pay to get well, to stay well and to keep from becoming ill, if at all possible.

Our interest is no more complicated than this.

Current discussion focuses on the health care delivery system, in general, and the maldistribution of medical manpower and medical and health facilities, in particular. Along with these, there is obvious and quite valid concern over the cost of care.

Furthermore, we believe you doctors ought to have the opportunity to practice medicine to the fullest extent of your abilities and dedication. We believe you ought to have maximum opportunity to make the quality of health care in this country the very best in the world. For we are concerned about quality, too. After all, it is our bodies, our health and our lives that you are dealing with.

We read about and marvel at Manhattan's Lenox Hill pediatric cardiology unit; Columbia Presbyterian Medical Center's neurological magnetic probe; Harvard's knifeless brain surgery with a proton gun; and Dr. DeBakey's brilliant heart transplants.

Yet, millions of Americans do not get adequate care or have access to the best care and facilities available. The best in technology and research is concentrated in a few large cities and university connected hospitals. In the hinterlands, many hospitals cannot provide specialized pediatric facilities at all. Others were built and equipped years ago, and have not been able to install expensive modern, sophisticated equipment.

Modern medical technology is also wastefully duplicated in some areas.

Down in Miami, the Veterans Administration hospital has a $100,000 linear accelerator for radiation treatment of cancer. Not far away, Cedars of Lebanon Hospital is installing its own. Neither will be used at anywhere near capacity.

Out in Los Angeles, at what Time Magazine has called "hospital corners," four cobalt radiation units for cancer treatment are installed, where one or two could efficiently serve the hospitals of the area.

We also see a shortage of doctors and medical personnel. We see lots of city doctors but few country doctors. In New York City, each 100,000 residents is served by over 200 physicians.

While it is bad enough that Mississippi has only 69 doctors per 100,000 residents, in the ghetto and poverty areas of New York City, the ratio is only 10 to each 100,000 residents.

Uneven geographical distribution of doctors—and I use geographical not only as between states but as between silk stocking and slum areas—is just one sign of the doctor shortage. According to the National Advisory Commission on Health Manpower Report, during the 1955–65 decade, the number of physicians increased 22 percent—compared with a population increase of 17 percent. However, there was only a 12 percent increase in the number of new doctors who went into private practice as M.D.'s or osteopaths.

The Professional Health Services Act of 1963 and the Allied Health Professions Act of 1965 undoubtedly have begun to help close the gap. But the fact remains, at a time when the demand for medical care is growing rapidly, specialization is reducing the number of doctors available for general practice and direct patient care.

We feel the effects of maldistribution of doctors and the shortage in a number of ways. Curtailment of house calls, difficulty in obtaining appointments, long waits in crowded waiting rooms, rushed and harassed doctors, and nighttime or weekend trips to hospital emergency rooms for routine treatment and services by doctors we've never seen or known before, personalizes the problem for us in annoying, time consuming and expensive fashion.

Then we look at health care costs and, "Wow!"

Let's look at it statistically.

Per capita health expenditures rose 11 percent in fiscal 1969 over fiscal 1968.

Payments for hospital services increased 17 percent.

Payments for physicians' services went up 9 percent.

These are the figures for the latest year. The picture for last 10 years is much more graphic. The cost of living rose about 25 percent. Hospital daily service charges shot up 150 percent. Physicians fees climbed nearly 50 percent.

There are three points to be made about these increases. First, they can't be blamed entirely on Medicare and Medicaid.

In mid-1966, when these programs went into effect—and the AFL–CIO proudly played a leading and vital role in their enactment—the price of medical care was already climbing twice as fast as the Consumer Price Index. But medical care costs shot up even more after their enactment.

Second, we in labor resent and reject the argument that skyrocketing hospital costs can be blamed on wage increases for hospital employees and workers. We make no apologies for our efforts to bring low-wage hospital employees under the minimum wage law. Nor are we defensive about organizing hospital workers. It is our duty to increase their wages and better their working conditions whenever and wherever possible.

According to the American Hospital Association, the daily expense of Community hospitals went up by 59 percent from 1963 to 1968, while average annual salaries of employees in these hospitals rose 35 percent.

So increasing substandard wages to minimum wage levels or even a little higher, does not explain the tremendous increase in hospital rates.

The third point concerns physicians' fees.

We believe doctors deserve an income commensurate with their talents and their services. We don't object to this. How could we? In the labor movement, we try to obtain decent incomes for as many people as possible on much the same basis.

But as we see it, this does not excuse some, or even a few doctors, taking advantage of their unique position to arbitrarily charge excessive fees for their services.

Victor R. Fuchs, an outstanding health economist and vice-president of the National Bureau of Economic Research, sums up the price of health care this way: "Almost nowhere else in the economy do technologists have as much control over demand." He says control by the military of the defense budget in time of war is the only parallel.

Nowhere was the presence of unfettered fee increases and the absence of control over them more clearly evident than in the case of Medicaid, and this applies to medicare and insurance companies and hospitals as well. Before Medicaid, doctors were either getting nothing at all or whatever the traffic would bear from the patients covered by the program. But some doctors and health practitioners seized upon Medicaid and Medicare as get-rich-quick schemes.

Of course I know you're not responsible. I know that most doctors have the best of motives. But in pro football, when a player gets charged with clipping, his team is penalized. And if the clip was intentional or unnecessary, he gets fined by his own team. So, while we are not against doctors making money, we think when they get caught clipping, the penalty ought to be more than 15 yards and loss of the down.

Inflationary medical and health care costs are also reflected in the nation's total expenditures for these services. In the last fiscal year they totaled $60.3 billion—nearly 7 percent of the Gross National Product and an 11.9 percent increase over the previous year. This amounts to almost $300 a year for every man, woman and child in America.

Month-after-month, the insured—three-fourths of the population—pay premiums, which usually increase each year, then find that only one-third to one-half of the total cost of their bills are covered by their private insurance plans. The rest is out-of-pocket. This is a critical point, for too often, financial considerations, not medical considerations, determine where and how medical services are delivered, and even by whom, and who will have access to them and who won't. Private insurance financing has too

often forced the practice of medicine on the basis of the fine print in his insurance policy, rather than his health needs.

America spends a greater percentage of its Gross National Product for health care than any other country in the world. Yet we're not even in the top ten when we compare the major indices of adequate health standards with the other countries of the world. The rankings may vary a notch or two, but according to one recent authoritative study—

Fifteen other countries have longer average life expectancies.

In 12 other countries 10-year old females have a longer life expectancy.

In 31 other countries 10-year old males have a longer life expectancy.

In 14 other nations the infant mortality rate is less than in the U.S.

For non-whites, the poor, and city ghetto residents, the life expectancy rate is 7 years less than the average white American rate; infant mortality rates are roughly comparable to Equador's; and maternal mortality rates are comparable to Costa Rica's.

We find those statistics intolerable.

In medical care, we believe the United States must be No. 1. We can't settle for an Avis rental car philosophy in this field.

But we aren't No. 1. In fact, the record shows we continue to drop in the ratings, despite the new advances in science and technology.

So we look at the high cost of health care; see the concentration of doctors in suburbia and middle class areas and the dearth in rural and poor areas; the uneven distribution and often redundant availability of modern hospital facilities and our low health care rank in the world and ask, "Why?"

We believe the answer is lack of organization. America has no rational system for the delivery and financing of medical and health care.

In a very thorough and extensive critical analysis of the American health care system, in this month's issues, Fortune magazine stated the problem this way:

"The financial distortions, the inequities, and the managerial redundancies in the system are of a kind that no competent executive could fail to see, or would be willing to tolerate for long.

"The conversions to modern methods, and the institution of some degree of efficiency that Americans have reached in other realms, would probably effect enough saving so that good care could be brought to every American—with very little increase in costs.

"Nobody except other physicians should tell physicians how to practice medicine. But the *management* of medical care has become too important to leave to doctors, who are, after all, not managers to begin with."

In the labor movement, we have been trying to cope with this non-system through collective bargaining and through a few pre-paid comprehensive group health practice programs.

In the case of collective bargaining and negotiated health and welfare plans, we have, in most instances, undertaken a Sisyphean task. Time after time, we have bargained to get health benefits over the high peaks of Health and hospital costs. Each time we have been confronted with yet another steep and ascending incline in fees and charges, which roll us half way down the hill again, by the time the contract is up for renewal.

It has meant that frequently our members have been paying just as much or even more out of their own pockets, after negotiated increases for health care funds, as they were paying before.

For nearly 20 years, we have been on this treadmill, unable to overcome ever-mounting health care costs. The money has not been purchasing comprehensive health services or making our members and their families better off. It has merely been going from us and our employers and passing through third party insurance carriers into the labyrinth of interlocking referrals, specialties, clinics, laboratories, pharmacies and hospitals, each of which depends on and feeds on the other for sustenance and maintenance.

Taken in totality, it is a confusing, inefficient, often inaccessible, and always expensive piece-rate, cost-plus, unevenly distributed system. And the users pay for it all, beginning at the point of entry and continuing all the way down the line.

Blue Cross Association President Walter J. McNerney stated the problem succinctly, when he said medical care suffers from "a serious discombobulation of the principles of the free market with no invisible hand to move resources about efficiently."

So we've looked for better alternatives. And we've found them in some places. Here in Philadelphia, we have the AFL–CIO Hospital Association, which provides group practice for approximately 35,000 public employees and members of their families.

Through the John F. Kennedy Memorial Hospital, in-patient and out-patient services are provided for our members and the surrounding community. Its success has been judged by Resident and Staff Physicians Magazine. In an informal survey of patients in Philadelphia, JFK Memorial Hospital was judged the city's best, of all hospitals, in the provision of care. It was the only non-university hospital, in ten cities surveyed, to win the distinction. The runnerup, incidentally, was the hospital of the University of Pennsylvania.

Perhaps the measuring-rod plan of them all is the well known Kaiser Foundation program. It deserves close attention. It is a two million member prepaid system operating its own network of hospitals and outpatient clinics in California, Oregon and Hawaii and more recently in Denver and Cleveland.

Access to and point of entry into the System is easy. It is organized into regions, each having a large clinic housing salaried physicians of all major specialties. In the same building the patient has access to his personal physician, specialists and the whole range of technical and laboratory services. If hospitalization is necessary, there are 19 Kaiser Foundation Hospitals available, many adjoining the outpatient clinic.

The Kaiser program covers preventive care and physical examinations, as well as the usual range of services.

In a typical plan of the Sacramento-San Francisco area, *Fortune* Magazine reports that a subscriber with two or more dependents pays $35.40 a month. It covers all professional services in the doctor's office, all X-ray and laboratory services, and professional services in the hospital, including surgery and hospital care for up to 111 days per person in a calendar year. It also includes professional service in the home.

How can Kaiser successfully operate the program?

For one thing, subscribers monthly charges are set for the year and the entire program must operate on the revenue derived therefrom. If costs exceed revenue, the system must absorb them. This provides a built-in cost control factor.

However, any reduction in operating costs goes into a bonus fund shared by the doctors and the hospitals. Thus the incentive is to reduce costs and to avoid needless treatment and unnecessary hospitalization.

And Kaiser costs have been rising less than half as fast as for the nation as a whole.

Office hours are regular and turn is taken for after-hours and weekend duty.

Physicans are completely freed from administrative and business duties, thus relieved of managerial and businessman functions, so that they can do what they are trained to do—practice medicine.

The Kaiser Foundation plan stands in distinct contrast to the manner in which most of U.S. medical and health care is now distributed.

I realize group practice plans aren't every man's answer or preference. There are variations on the theme. An outstanding one is the San Joaquin Foundation for Medical Care, in California, and emulated in 28 other counties. Unions participate in this plan too.

The Foundation is a corporation completely controlled by the County Medical Society. It sells medical services at predetermined fees and approves group policy insurance plans, assigned to subscribers on an income level basis.

Even this isn't a rigid arrangement. At least one union has directly negotiated with the Foundation for a comprehensive package of health services, fully prepaid, including preventive services.

While the business functions of the insurance program are outside the Foundation, it is responsible for policing claims. A committee of doctors reviews the claims and if it is dissatisfied with a participating doctor, he can be denied readmission into the plan. So here we have group responsibility for delivering services on a fixed budget; predetermined fees negotiated or set by the doctors within the Foundation and distributed on a fee-for-service basis; and a self-policing mechanism.

It works.

Last year, the San Joaquin Medical Foundation contracted with the State of California to provide medical services to Medicaid eligibles, and 12 months later returned $200,000 to the State. Efficiency paid off there.

For many years the AFL–CIO has urged emulation of the Kaiser and San Joaquin plans and similar community-sponsored programs. We have always felt they would institute a badly needed competitive discipline upon the rest of the medical system, as well as deliver comprehensive health services to more people.

But the change has been too slow in coming.

The health care crisis is now. It has been with us for too many years, with too little attention being paid to it.

Let's face it—it is time for physicans to get away from being small businessmen. Over 300,000 active physicans can't act individually as independent businessmen. This is the Twentieth Century with integrated automatic analog digital computer planning systems. We who must use and need your services, are paying more and more for inefficiency and receiving deteriorating services.

We aren't happy. We won't be satisfied until you are Number One.

Along with streamlined organization of the delivery system complex, there has to be simultaneous development of a financing system which will enable all persons to enter the mainstream of health care on an equal basis and with assurance of first class care.

We believe the answer is National Health Insurance which provides that:

1. Every man, woman and child in the nation—rich or poor, working or unemployed, old or young, black or white—is eligible for the complete range of services.

2. Benefits are comprehensive, including preventive, outpatient, inpatient and rehabilitative care.

3. The program should be financed like Social Security, with payments by employees at about the presently scheduled Medicare rate, with the Federal government and employers splitting the remaining cost. The self-employed would pay as they do now under Social Security. The program would absorb Medicare and Medicaid. With these provisions, for the first time we would have equal rights to health care, regardless of income.

4. The national health insurance program should contract for all medical services on a prepayment basis. Eligible contractors would

include medical and dental societies, hospitals and multi-specialty groups. All should be paid on a per capita basis but how each contractor distributed the funds it received to its own constituents would be strictly an internal matter.

5. National health insurance should enhance, not contract, the freedoms of patients and doctors alike. Patients should have free choice of physicians and free choice of health delivery systems. Participation by physicians could be voluntary. If they did choose to participate there should be no interference whatsoever with their clinical practice of medicine. Solo practitioners could contract to provide services on the same per capita basis as medical societies or groups. However, if the program is properly organized, doctors who were members of medical societies or multi-specialty groups, would be free of all paper work and administrative and managerial functions. They would be free to devote all their attention to the prevention and treatment of illness. After all, that is what doctors have been trained to do. That is how, in the finest traditions of their profession, physicians can make their greatest contribution to the welfare of their fellowman.

6. A principal aim of the program should be improvement of the organization and delivery of health care. Therefore, financial assistance should be provided for planning, developing and initial staffing of comprehensive health delivery systems.

Some of course, will ask: Can we afford national health insurance?

To us, the answer is simple: We can't afford not to to have it.

The time has come to make health care a matter of right as well as a privilege. The time has come to make American health care the best in the world.

We can change the system with benefit for all parties—doctors, patients and hospitals. And we'd like to see the medical profession join with us in the fight to help bring it about.

REASON—NOT "RULINGS"—CAN BRING RACIAL PEACE

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. GETTYS. Mr. Speaker, I take the liberty of including for my colleagues' attention an excellent editorial by David Lawrence in the February 16 issue of U.S. News & World Report.

I commend this thought-provoking article to our careful consideration:

REASON—NOT "RULINGS"—CAN BRING RACIAL PEACE

(By David Lawrence)

Complex legal rulings and court orders that, in effect, necessitate the busing of students, on the one hand, while a variety of statutes, on the other hand, forbid busing of children to "overcome racial imbalance," have all contributed to a crisis in America's public schools which will never be solved by the methods now being used. Quality education will not be achieved by fixing rigid quotas of teachers or pupils for certain schools in particular areas so that parents have to send their children to distant schools and teachers are chosen not on the basis of competence but by race.

"Discrimination," which used to be applied mostly against Negroes, is being inflicted upon whites, too, and slowly a spirit of resentment is developing which could bring serious outbreaks of violence in America. This is happening not only in the South but also in the North.

The simple truth is that community life cannot be regulated by conflicting rules and regulations that are hastily imposed and ordered enforced before a community can adjust itself to change.

Congress declared in the Civil Rights Act of 1964 that the law did not empower "any official or court of the United States to issue any order seeking to achieve racial balance in any school by requiring the transportation of students from one school to another or one school district to another in order to achieve such racial balance.

The Supreme Court of the United States in its 1954 decision ordered schools which had been segregated by State law to be desegregated. But it did not require integration as a compulsory step in communities where neighborhood patterns had developed naturally.

There are approximately 23,000,000 Negroes in the United States out of a population of over 200,000,000. Every spiritual influence known to man demands that human beings be treated in a civilized manner irrespective of race or color or religion. America has prided itself on what has been achieved by the power of reason in settling disputes between rival groups.

Reconciliation of the races can be accomplished in schools. But in the last several years we have pushed the clock back, and the headlines in the newspapers tell us that we have unfortunately reverted to conditions of 100 years ago in arousing bitter feeling between the races. Extremists have appeared on all sides.

One of the principal difficulties is the vagueness with which the courts have handled the whole problem of integration. Since the first important decision was rendered in 1954 requiring desegregation, there has been no clear definition of what course the schools should take to attain this.

Today there are many segregated schools outside the South—more perhaps than in the South. The explanation given is that this segregation is due to natural causes, whereas in the South it is the result of State laws which in the past have required separate schools for whites and Negroes.

It is no answer to issue a court order and fix a date by which a certain quota of each race shall attend a public school. It is no answer to assign a proportionate number of teachers of each rate to all schools in a district. Teachers themselves are today unhappy and dissatisfied. Some of the best teachers are resigning their jobs and seeking other forms of employment. They do not want to become involved in the controversies.

What is needed is not only time but patience. The school problem will not be solved in a few weeks or even a few months. The courts have been mistaken in fixing deadlines.

First of all, it is necessary to proclaim definitions of what is meant by "integration." If segregated schools have arisen because of State laws in certain localities and neighborhood patterns have been formed, it will take some time to alter such situations. In the North these are described as "natural patterns." But the people in the South see little difference because both have become established facts. The worst thing that could happen would be to have one set of rules applying in some States and another system in other States.

The responsibility for settling these disputes rests with each community. Coercion will not solve anything. The voice of reason will accomplish far more.

There are many ways by which appeals can be made to the conscience of the liberty-loving people in all parts of the country who wish to see the race issue handled on a fair and humane basis. In every State of the Union commissions of whites and Negroes can be formed who have the respect of their fellow citizens, and who can, after study of each problem, come up with solutions to bring a steady improvement in the development of desegregated schools in accordance with the 1954 decision of the Supreme Court.

The art of conciliation is still powerful in applying the voice of reason. It can prevent violence.

A RATIONAL PLAN FOR COMPREHENSIVE HEALTH CARE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mrs. GRIFFITHS. Mr. Speaker, on Monday, February 9, I introduced a bill to establish a national health insurance program. This legislation, designed to restructure America's health care delivery system, is needed to meet what has come to be regarded as a crisis in health care. At this time I would like to include in the RECORD a capsule description of the prepayment pilot project of the San Joaquin Foundation for Medical Care, which I referred to yesterday in my speech:

SAN JOAQUIN FOUNDATION FOR MEDICAL CARE PREPAYMENT PILOT PROJECT

A one-year pilot program designed to improve quality medical care for the poor throughout California was initiated February 1, 1968 by the San Joaquin Medical Society's Foundation for Medical Care through a contract with the California State Office of Health Care Services.

This unique experiment, first in California and one of the first in the United States, means the state will be buying a prepaid medical insurance program for most of its welfare recipients. This gives the State a predictable ceiling on costs for a predictable period of time.

The program, as agreed to between the two bodies, provides complete care for the permanently and totally disabled, the blind and potentially self-supporting blind, and families with dependent children. All of the claims of our 32,000 recipients flow through the Foundation. Approximately 22,000 are covered under the prepayment proposal.

San Joaquin Medical Society's four counties—San Joaquin, Amador, Calaveras, and Tuolumne—will provide the area for the experiment. Physician members of the Foundation are accepting the challenge to provide mainstream care and are assuming the risk of underwriting the costs if the costs exceed funds allocated by the State under current Medi-Cal regulations.

In other words, San Joaquin's doctors are backing their contention that an efficient and effective prepaid medical insurance program can be made to work if administered properly on a local level.

If the plan works out successfully, it may be extended to other areas of the State. The United Foundations for Medical Care, which represent Foundations in 28 California counties, recently passed a resolution calling for a similar plan of action if the San Joaquin pilot program is a success.

Unique aspects of the pilot program include the prepayment of doctors' services, the recording of all services provided to a patient on one patient profile record and the recording or all services supplied by providers of medical care on provider profile records.

The sevices of the following providers are reviewed in the Foundation office, payment is authorized, adjusted or denied according to medical indications, and all information

is collected on the patient's profile card: physicians, drugs, optometry, podiatry, dental, hearing aids, lay laboratory, chiropractic, assistive devices, nursing home, hospital, hospital outpatient, physical therapy, prosthetic and orthotic appliances, transportation, and others (psychology, special duty nursing, etc.). Computerization of statistics, patient and provider profiles is being developed in order that the program can be as transferable as possible to other areas.

Most of the clerking functions connected with the program are carried out through a separate contract between the fiscal intermediaries in California; specifically Blue Cross North and South, California Blue Shield, the State Office of Health Care Services, and the San Joaquin Foundation.

The pilot program was conceived before Medi-Cal became established and while the State was providing medical care for the aged under Kerr-Mills legislation. California's A.B. 5 (Casey) stressed the possibility of prepayment programs two years ago and A.B. 1180 (Duffy) made possible the current pilot project.

San Joaquin's Foundation for Medical Care has been a pioneer in the field of prepaid medical services for a decade and a half. It was on this basis that the State requested San Joaquin's cooperation on the pilot project. Under terms of the agreement with the State, the Foundation provides physician services to public assistance recipients receiving cash grants and residing in one of the five counties.

The Foundation verifies eligibility based on eligibility determination made by the local welfare departments. Prior authorization is also the responsibility of the Foundation and the medical consultant is a Foundation physician in private practice.

Once public assistance recipients are certified by category each month, the State pays the Foundation on a monthly basis within the framework of Medi-Cal fiscal regulations.

If the services rendered to authorized public assistance recipients by the Foundation exceeds the amount allocated by the State, then the physicians of the Foundation absorb the extra costs.

DONALD C. HARRINGTON, M.D.,
President, Foundation for Medical Care of San Joaquin County.

YOUTH QUESTIONNAIRE

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. SEBELIUS. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to include the tabulation of my recent youth questionnaire which was mailed to political science and government students in every college and junior college and many large high schools in the "Big First" District of Kansas.

My office received an overwhelming response from over 1,500 students and compared the answers with the 22,500 replies we received from our adult constituency for the same questionnaire.

It should be noted that we received a 75-percent return from our youth questionnaires, five times greater than the 15-percent return from our adult constituency.

A comparison of the two groups leads one to believe that these students are better informed than their elders, less inclined to have strong political party allegiances and more independent. Our youth today want honest answers.

I think this questionnaire shows that our young people are probably much more responsible than we give them credit for. One thing is certain, most of our young people are taking an active and constructive interest in their government.

The tabulation and comparison of the two questionnaires are as follow:

YOUTH AND CONSTITUENT QUESTIONNAIRE RESULTS
[In percent]

Questions	Constituent	Youth
1. Do you favor an increase in social security benefits this session of Congress?		
Yes	53	49
No	40	47
Undecided	7	4
2. Should the Federal Government try to slow down the migration from the farm to the city through tax incentives and aid to private business to help create jobs in rural areas?		
Yes	70	66
No	20	30
Undecided	10	4
3. Vietnam—Do you favor—		
(a) Gradual withdrawal, no reciprocity from the enemy?	14	23
(b) Immediate and complete withdrawal?	23	14
(c) President Nixon's troop replacement program contingent upon mutual withdrawal and South Vietnamese readiness?	36	45
(d) Increased military effort to press for a military victory?	19	17
Undecided	8	1
4. The Safeguard Missile System, do you favor—		
(a) President's proposal to deploy the system around two ICBM sites?	34	49
(b) Authorization of funds for research and development only?	23	29
(c) No funding for this system?	27	16
Undecided	16	6
5. Foreign aid, do you favor—		
(a) Reducing the foreign aid programs?	85	56
(b) Continuation at the same level?	9	34
(c) Increasing the foreign aid program?	1	8
Undecided	5	2
6. Would you favor giving judges authority to detain criminals prior to trial depending on the danger to the community involved?		
Yes	83	67
No	8	30
Undecided	9	3
7. The draft, do you favor—		
(a) Extension of the present selective service system?	20	20
(b) A draft by lottery?	19	27
(c) A volunteer career military service?	50	50
Undecided	11	3
8. Do you favor legislation which would convert the Post Office Department into a Government-owned corporation to operate on a self-supporting basis?		
Yes	62	40
No	26	55
Undecided	12	5
9. Farm legislation, do you favor—		
(a) Continuation of the present program?	10	21
(b) Continuation of the present program but with voluntary but permanent land retirement?	10	12
(c) Government program for increased collective bargaining rights for the farmers?	15	34
(d) Gradual withdrawal of the Government from the farm picture to a market governed by supply and demand?	47	23
Undecided	18	10
10. Do you favor a bill which would limit daylight saving time to the three summer months?		
Yes	83	51
No	13	47
Undecided	4	2

SAFEGUARD MISSILE SYSTEM

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. HELSTOSKI. Mr. Speaker, I expect that before too long the administration is going to request our approval for another costly expansion of the so-called Safeguard missile defense system.

Because of this likelihood I believe it important that we know the views of thinking people and community thought molders on the subject. Therefore, I include in the RECORD the following editorial of February 2, 1970, from a leading New Jersey newspaper, the Record of Hackensack:

SAFEGUARDS ON SAFEGUARD

President Nixon is reported ready to seek expansion of the Safeguard missile defense system, which is deplorable. But he is also reported impressed by arguments of disarmament experts that such expansion is unwise, and he has ordered further study before any proposal is sent to Congress. And that is excellent.

It is not a matter of cost, although Mr. Nixon's emphasis on the cost of the vetoed health and education bill suggests he would not be averse to acting on that ground. The proposal is that $900 million be spent on two Safeguard sites already approved and that $600 million go to expansion. With the budget's paper surplus only $1.3 billion in a total of $200 billion, some further frugality would be welcome.

But the more important point is that expansion of the United States' missile defense system will prompt the Soviet Union and China to follow along; that will compel further United States action on the argument that is being advanced today, and so it will go.

Meanwhile both the Soviet Union and China are in deep trouble at home. Within China there is still turmoil as the Communist party tries to make Maoists of people who are desperate to make a living. In the Soviet Union there is in progress another of those tragicomic campaigns to increase workers' productiveness by exhortation, spying, and abuse.

All three big nuclear powers, that is, have major domestic difficulties that could easily absorb the resources now being devoted to arms.

And as far as the United States is concerned, where would be the battlefield on which this country would fight China or the Soviet Union? President Nixon is doing excellent work in withdrawing overcommitments abroad. He wants a lower profile, as he puts it. In his State of the Union address he said:

"The nations in each part of the world should assume the primary responsibilty for their own well-being; and they themselves should determine the terms of that well-being.

"We shall be faithful to our treaty commitments, but we shall reduce our involvement and our presence in other nations' affairs."

That passage comes near being opposite to a decision to expand a missile defense system that can only heighten tensions in advance of the resumption of Soviet-American disarmament talks April 16.

I am in agreement with the views expressed in the editorial. Why must we go on and on in an arms race when our

people have been led to believe by the administration that its quest is for world-wide peace? In my opinion the road to peace should not be lined with death-dealing weapons and other warlike instruments and machines.

ARKANSAS RIVER DEVELOPMENT CREATES NEW MARKETS

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. HAMMERSCHMIDT. Mr. Speaker, when Senators JOHN MCCLELLAN and the late Bob Kerr more than a quarter of a century ago introduced the first bills to develop the Arkansas River for commercial navigation, they acted with vision, farsightedness, and faith which today are being more than justified. The hopes and dreams are turning into realities as the river is opened for navigation beyond Little Rock, upstream to Dardanelle-Russellville, and Fort Smith.

The first commercial shipment beyond Little Rock—31,000 bushels of corn to the AVI feed mill, via the Port of Dardanelle—traveled almost 1,000 miles by barge, from Peoria, on Illinois waterways, and the Mississippi and Arkansas Rivers. The poultry industry in Arkansas uses huge quantities of feed, hundreds of thousands of tons annually, and much grain must be brought in from other States for processing.

The river is becoming a stimulus for economic growth. Business and industry are taking notice.

The Journal of Commerce of January 30, 1970, contains two reports which spell out much more about the potential of Arkansas River navigation.

The aritcles which follow are: "River Project Spurs Mid-South Growth," and "River System Enlargement Aids Farmers." I heartily commend these reports to my colleagues.

RIVER PROJECT SPURS MID-SOUTH GROWTH

LITTLE ROCK.—Fort Smith, Little Rock and Pine Bluff and the lush overseas trade marts had for a long time been separated by thousands of seemingly unconquerable miles. But as the last echoes of the '60 died out, they found—for the first time—they had something in common.

Exactly on schedule on the final day of last year, the Corps of Engineers slipped a lone barge and tug into the giant Fort Smith locks linking a 1,400 mile previously-landlocked area by water with the outside world.

The massive construction rigs, now silent, had finally opened up a vast section of the mid-South to the Gulf, via the Arkansas River and the murky Mississippi, opening up an untapped potential—for interior farmers, manufacturers, and miners, as well as chemical and petro-chemical industries—that appears without limit.

DREAM COMES TRUE

The vast Arkansas River project, one of the largest and costliest ever undertaken by the Army Corps still has a few miles to go. It now pushes on to Tulsa, Oklahoma, where a late 1970 opening has been scheduled, pulling the plug from still another rich potential world trading area.

Completion of the river project was a dream come true for residents of the mid-South and a vast trading area encompassing several nearby states. It meant that at long last they could get their products more competitively on the domestic and foreign markets by using the all-water route, and uniting, for the first time, all modes of transportation in the area into a gigantic all-purpose transportation network.

There were some who felt the Arkansas project was a waste of money; that it couldn't come even close to generating the kind of cargoes its backers forecast for it.

The river to Pine Bluff and Little Rock has been opened a little more than a year, and already its cargo accomplishments have astounded even its most ardent supporters.

By the close of 1969, the waterway had handled more than 2.5 million tons of freight, more than had been forecast for the first five years. What was even more significant was that many of the products moved in the overseas trade mainstream, including large quantities of steel and ore.

In short, the river had become a happy cargo hunting ground for even the hardened barge operators who had figured the first five years were going to be lean ones economically.

And what of the future for the Arkansas? The state's Gov. Winthrop Rockefeller feels it spells a great potential for the area. So does Arkansas Industrial director, Adrian Williamson, Jr., who sees the whole Arkansas business community backing the project and its future development with their own money if some of the planned bond projects fail.

Early this year, Little Rock, for the first time, will become an official U.S. customs entry port, which everyone predicts will mark the beginning of a profitable world trade center for this section of the mid-South.

MASSIVE TERMINAL

Already, massive terminal, dock installations, and plants have sprung up along the Arkansas from the bend of the river, at the Mississippi, where the winding waterway turns inland.

There is also considerable talk about soybean elevators springing up to help farmers move their stocks into the trade channels. New docks are being planned for moving raw materials in and finished products out.

State officials estimate that this year alone multi-million dollar projects for the river, including hydro-electric and atomic plants, will hit record proportions.

Col. Charles Steel, who heads the Army Corps of Engineers office here, sees great things for the Arkansas project.

Some indications of the area's trade potential can be gleaned from the value of its agricultural products alone.

The state estimates its annual agricultural productivity, based on last year's figures, at close to a billion dollars, with poultry leading the way ($306 million); followed by soybeans ($210 million); cotton ($145 million); rice ($121.822 million); and cattle and feeder calves ($110.558 million).

SOYBEANS, RICE EXPORTS

They said that barge transportation is becoming increasingly important for the exports of soybeans and rice, two of the state's major farm commodities. And the possibilities of a significant increase in cattle feed lot production in Arkansas also indicates a demand for importing feed and fertilizer by barge.

One leading transportation executive pointed out that the container-protected movement of freight is bringing about changes in transportation concepts, and since the proposed multi-modal distribution center is close to the planned "landbridge" container concept, Little Rock becomes an ideal distribution point.

PIPELINES NOT OVERLOOKED

All of which means that while the traffic is expected to move in the direction of the lower cost water routes, the railroads will play a major role in the over-all multi-modal system.

Even the pipelines are not overlooked in the transportation picture. For example, the Houston-based Texas Eastern Pipeline, a common carrier line, passes through the port on its way to Pittsburgh. It is expected to become a major source of supply for the plastic industries.

As the guiding light on the project since its inception, Colonel Steel knows every bend in the vast project. He estimates that already over $500 million worth of new plant investment in the state can be attributed to the river with its low cost transportation potential. Another $30 million have been spent on port facilities, private docks and marinas.

The Federal agency he represents also is planning to spend additional money on river maintenance and some construction is still to be completed.

VAST POTENTIAL

Said Colonel Steel: "The vast potential of the Arkansas River project is still to come."

Meanwhile, plans are also underway to set up a major transportation complex at Little Rock which will serve as the focal point for shipments moving into the mid-South from abroad and for those for domestic river movement or for shipment in the area.

Some of the nation's largest forwarding companies are interested in the potential of the transportation center and have placed on it their stamp of approval. There are also plans for setting up a vast warehousing and container complex to go with the transportation hub.

BIG TIME TRANSPORTATION

"We are going to tie together all of our transportation to take advantage of the river project," said Industrial Director Williamson.

"We feel that, geographically, we have everything going for us, and that we have the potential for becoming one of the nation's biggest distributing and warehousing centers. We plan to use our assets to accomplish this," he said.

The blast of the river tugs, the booming clarions seeking out a hole in the murky fog blanketing the river, and the clash of steel being discharged on local docks, are new sounds for this historic old city. But they are welcome ones.

Instead of being annoying, they serve as daily reminders that Little Rock, Pine Bluff and Fort Smith are now in big time transportation and a whole new era in the world of trade is here.

RIVER SYSTEM ENLARGEMENT AIDS FARMERS

HELENA, ARK.—Mid-America farmers by year's end were jingling more money in their pockets than they've had for years. Crop returns climbed and the prospects for a bigger slice if the export market loomed large for most of them.

The extension of the Mississippi River system into the Arkansas opened up new trade vistas for them. For the first time, grain farmers found themselves in competition with their counterparts in other sections of the South. They were able to trade at home and abroad on an equal basis.

Even before the first tug and tow moved into the river, traditional land freight rates began to drop. When water transportation moved inland to Pine Bluff and Little Rock, Arkansas soybean farmers were getting a 6 cents per bushel premium on their crop. This year the hike could go even higher, making this the most highly paid of the soybean areas.

Many feel the rate drop still has not hit bottom. Some predict a rate war that could prove to be a bonanza for the interior shippers, because nobody figures the land transport companies are going to surrender their traditional cargoes without a fight.

LUNCHEON WITH LIZ CARPENTER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. PICKLE. Mr Speaker, the most refreshing woman journalist to hit the Washington scene in many years is the inimitable Liz Carpenter. She has great charm and wit and has made a deep impression on Washington and the United States.

Recently Gwen Dobson, women's editor of the Evening Star, wrote an article about Liz Carpenter, her work, and book "Ruffles and Flourishes." This article is extremely well written and captures the warmth and good heart of this lovable person and her personal glimpse into the Johnson years. The book is bound to be a best seller.

I, therefore, want my colleagues to share this informative and colorful article about the most genuinely popular news personality in America today. The article is as follows:

[From the Evening Star, Jan. 23, 1970]

LUNCHEON WITH LIZ CARPENTER

(By Gwen Dobson)

The street where she lives is a quiet street, a cul de sac really, lined with sedate city houses.

And surprisingly, her house at the end of this street is fairly quiet.

Her maid, superb cook and experienced packer, Ruth Jackson Baker, answers the door . . . and close on her heels is the "world's greatest barker" . . . Liz Carpenter.

We settle down in comfortable chairs flanking the fireplace. And yet you never quite feel Liz is settled.

BUSY, BUSY

The secretary is upstairs pounding out correspondence, notes and invitations . . . Mr. Peacock is up the block in a neighbor's heated garage painting the "Lizmobile", the fitted camper that will trundle through Texas trumpeting her book . . . and Ruth is cooking in the kitchen and mentally making notes of what to pack for her boss, who is flying to New York that evening.

Ruth brings champagne (Liz's favorite drink . . . on the rocks) and pate on crackers. The pate is a gift from Liz's former White House sidekick, Simone Poulain.

Liz has already tried to let us "off the hook" . . . because she fears another warmed-over Liz Carpenter piece. "What is there left to say?"

She was a newspaperwoman . . . a wife, a mother of two children, president of the Women's National Press Club, press secretary to the First Lady of the land, aide to the President and now . . . author.

Probably everyone in America knows these things. They even know of her keen wit, her gift for imagery and her laudatory lectern work.

Up close, Liz really is bigger than life.

She lives big . . . she thinks big . . . her world is big, and yet she's not too big to do the little things. She fits everything and everyone into her life. She isn't the kind of woman to drop people in her wake, rather she carries them with her.

She is a busy woman. And a happy woman. Her personal definition of happiness is "being used up."

And that's exactly what she was during her five years in the White House. Long days and late nights of work . . . big parties and little parties, and Liz and Les Carpenter didn't neglect any of them. Often in Washington, it isn't who gives the party, but who accepts the invitation that "makes" the hostess or the event.

OPTIMISM

Aside from "being used up" or even "used", Liz sees her other attributes as zest and optimism. She adds "most of my skies are blue not gray."

But how did she get that way?

Well, to start with, she's Scotch-Irish, a popular and dependable American combination.

Her home life was settled but not sedentary. She was the middle of five children. Her father built highways throughout the state . . . and her mother ran their lives.

It sounds like a good life.

The family of Mary Elizabeth Sutherland lived in a lovely old plantation-house in Salado, Tex., built by her great, great grandfather.

It was a farm and a ranch . . . "mostly sheep and goats, because the soil there is not good. But there were rolling hills and cool streams.

"It was a wonderful house . . . the kind you think of at Christmas. A place where you kept butter in the spring. It had slave quarters, which I now call equal opportunity rooms."

Her ancestors had come there from Tennessee, leaving "GTT signs on their houses . . . you know, gone to Texas."

It's probably a tossup when it comes to the pride of being an American or a Texan, but next to God, family and the Johnsons, it's fairly clear Liz loves Texas.

She speaks proudly of the "strangers' bedroom" in her family home, "in Texas, people felt that everyone was entitled to a bed, food and drink. I can't remember my mother ever turning anyone away, even during the depression."

NO DEAF EARS

"I can't stand the thought of an anonymous world where a cry for help would go unanswered." And Liz brought that feeling with her to Washington. Her friends claim their calls for help never have fallen on deaf ears.

Luncheon with Liz is sort of like luncheon at the White House . . . once removed.

Her place mats are lovely linen; her crystal and silver gleaming and the food superb. Salad, filets of beef, spinach souffle, rice and finally sherbet with champagne.

Some things you just never get over!

Luncheon, of course, is punctured by several phone calls . . . a newspaperwoman friend and the publisher, twice.

Liz never misses a beat. Just as she operated in the White House. What most people find distracting and disconcerting, doesn't faze her. She dusts these things off and comes right back to the subject.

Austin, Tex. probably fostered Liz' consuming interest in the vital and intriguing world of politics. Her family moved to a townhouse in Austin when the oldest child was ready for "the university." For the grand sum of $25 a year, a youngster could "matriculate," and so the entire family picked up and moved.

College-age cousins came too. "There was no lock on our door. My mother's attitude was another cot-another cousin. Fortunately, our house was very flexible."

Liz says "my mother wasn't the world's greatest housekeeper." Earlier on she had referred to her own housekeeping, "I hope you won't say I'm a bad housekeeper." Then the subject abruptly switched to "managed" news.

Actually, Liz' house is not a decorated house . . . it's comfortable, convenient, efficient and filled with things that have meaning rather than things that have been selected to fit the decor.

Her "living" Christmas tree overpowers the family room, but "the ground's been too frozen to plant it."

LOTS OF TALK

Then we switch back to Austin. "Being the state capital and a university town, there was always lots of political talk."

Machinations and speculations along political lines still fascinate Liz Carpenter.

After her own "university" days, Liz went into the newspaper business . . . the career that equipped her well for the later high points.

But it was an early piece of advice from a managing editor that really set the pace for Liz "Remember, no story is too big for you to handle, and no story is too small." She believes that still. She gave as much zest to "drafting a speech" for the Johnsons as she did for "licking the stamp for envelopes."

"It's like eating liver. You might not like it, but you're better for it."

Like the former President, an avowed admirer of women as doers, Liz thinks nothing beats a working mother.

"Any woman who can balance a home and family against a job is a more total woman. You can change a diaper and dictate a story on deadline at the same time. You're willing to do everything."

Liz also thinks professional women work harder than men, "just to justify being a woman and having the job."

"But it all builds character, and somehow you manage."

Of her taxing role at the White House, Liz says, "only a dullard would have found it too taxing. It had laughter and some tears, but the one sustaining thing was that Lyndon Johnson thought I was better than I was. Because he thought I could, I did it."

The other sustainer during those days and since, is her husband, Les Carpenter.

ENDURED DEMANDS

He endured the demands while Liz was press secretary, when life simply couldn't be normal or regulated.

Then that all ended . . . and along came the book. Liz warned Les she "would be difficult to live with" and his only reply was "what's new about that?"

And so . . . he proofread her copy; rubbed her shoulders; took her on little trips during her "dry" spells when words wouldn't work; and left her alone when they flowed.

Finally, the chapter, the last word, the last period and the book was completed. Then came the terrible wait.

"A time when you ask yourself is it any good. What will my friends think of it? Will they be disappointed? What will people say?"

The critical period of creativity.

But the book is out . . . off the presses and on the road . . . a road tour really, as the Johnson's chief barker does the medicine show routine on her own behalf.

Coast-to-coast Liz will "do all I can for my book and Doubleday."

And all Liz does amounts to a great deal.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. SCHERLE. Mr. Speaker, a child asks, "Where is daddy?" A mother asked, "How is my son?" A wife asks, "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,100 American prisoners of war and their families.

How long?

NEEDED: A MECHANISM AGAINST AGGRESSION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. WYMAN. Mr. Speaker, in the interest of avoiding future wars, declared or undeclared, it behooves the smaller nations of the world to get with the Western bloc within the United Nations to fashion a workable method of dealing with aggression—whatever the source.

The cost of Vietnam is proof that the United States cannot—nor should it—undertake unilateral defensive action, the main objective of which is to protect Southeast Asia from Communist slavery. Such a role is properly that of a world organization, not a single nation.

The United Nations should have been empowered and ready to act in this type of situation and it should now be reconstructed to have this deterrent capability should the ugly face of aggression appear again elsewhere in this world.

If the United Nations cannot be made to work effectively in the cause of preserving world peace, let us take the leadership in fashioning a new international organization that can do this, even if it means bypassing the Soviet bloc to make it workable.

Time is running out as will be seen from a reading of the following warning on isolationism written by the distinguished columnist David Lawrence in yesterday's Washington Star:

WARNING SOUNDED ON ISOLATION

(By David Lawrence)

Is America getting ready to abandon the world to the brutishness of dictatorships and the inhumanity of despotic governments?

These were some of the challenging questions underlying former President Johnson's candid talk to the American people over CBS television last Friday night.

He told of his struggles to find a way to bring the North Vietnamese to the peace table and of his halt of the bombing of North Vietnam in a desperate attempt to impress the enemy with his sincerity of purpose.

He said Congress had given him in 1964, through the almost unanimously approved Gulf of Tonkin resolution, the power and authority to take "whatever action may be necessary to protect our forces and to prevent aggression," but he declared he didn't use that power until 1965. He then added:

"I tried to get them (the North Vietnamese) not to infiltrate. But they were determined to do one thing, and that's take over this little country. And if they take that one over, they were determined to take over others, in my judgment, just as Hitler was.

"We have an alliance—we've got 40 of them. And the American people had better stop, look and listen on this. They have supported, they have approved through their representatives more than 40 alliances which represent the word of honor of the United States. Now we either ought to get out of those alliances, tear them up and say we won't keep our word—or we ought to carry it out."

What Lyndon Johnson is putting his finger on is a mood of new isolation which is growing up in the United States that can, as in the past, cause trouble and lead to serious consequences in the world.

A committee of the Democratic Party, for instance, is this very week advocating complete withdrawal of American troops from Vietnam and suggesting that it be done in 18 months. The committee, which is headed by former Ambassador Averell Harriman, says in part:

"Our national interests require that the war in Vietnam be brought to a close at the earliest possible moment. The loss of life, the diversion of resources from critical domestic needs and the disunity of our country must be ended . . .

"U.S. withdrawal should not be dependent upon the progress of the Paris peace talks, the level of violence or the progress of so-called Vietnamization. It should depend wholly and exclusively upon the interests and policy of the United States."

Once the smaller nations begin to feel that the United States cannot be relied upon to uphold the rights of self-determination, a wave of fear will sweep the world. The major Communist countries will see opportunities to reach out not only in Asia but in Europe and Latin America to wield their power of subversion and aggression. Johnson, during the course of his TV talk last week, also made this observation:

"We have said from the very beginning that all of us believed that Hitler's aggression almost destroyed the world. And we believe that Communist aggression will destroy it if somebody doesn't stand up to it."

Unfortunately, the United Nations has been a failure. There are provisions in its charter which allow for international action when any nation engages in acts of aggression. The Vietnam war would never have required 550,000 American troops at any time if the U.N. had done its job. A distribution of manpower among 10 or 20 nations, with perhaps an American as military commander and a staff composed of officers from various countries, could have proved an efficient counterforce against North Vietnam's aggression.

Why hasn't this happened? Perhaps because the Soviet Union has a veto power in the Security Council. But collective action to thwart aggression can also be taken under Article 51 of the U.N. Charter.

It is time that the small nations of the world—all of which have votes in the Assembly—begin to realize that a mechanism against aggression is necessary to their survival.

THE IMPORTANCE OF RESOURCE DEVELOPMENT

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. SISK. Mr. Speaker, the McClatchy newspapers of California have an outstanding record of support for the development of our natural resources and for programs to preserve a healthy environment.

In California of late, there seems to have been some tendency to forget the importance of resource development of our State. The Fresno Bee and other McClatchy papers recently editorialized on that subject and I insert that editorial in the RECORD:

[From the Fresno (Calif.) Bee, Jan. 24, 1970]

CALIFORNIA CANNOT AFFORD TO ABANDON REASONABLE DEVELOPMENT OF RESOURCES

Water is such a precious commodity in California battles for it have been fought with guns and countless lawsuits. Hardly a session of the state legislature goes by without skirmishes involving water. Political careers have been built or broken in the process.

In the new-found zeal for protecting the state's environment this bit of history should be remembered: The development of the state's water resources has done more to improve the environment than to damage it.

Two of the most significant accomplishments in this regard are the federal government's Central Valleys Project and the state's water project.

Each represents a massive commitment of the taxpayers and water users toward improving upon nature in such a way as to benefit all citizens. They are multipurpose projects which not only provide water for growing food and supplying homes and industries, but also minimize the great, damaging floods create outdoor recreation opportunities where there were none before, improve fish life and generate electricity—the use of which is growing by leaps and bounds as the people seek a better life.

Talk of halting or abandoning such investments ignores these facts and borders on irresponsibility.

Before the federal government's Shasta and Folsom Dams were built, for instance, the Sacramento-San Joaquin Delta was periodically endangered by the intrusion of salt water from the ocean. Before the state's Oroville Dam was in operation, the Feather River was a muddy stream most of the year and a destructive river the rest of the time.

Where once there was a dry expanse of the western San Joaquin Valley there now is the joint federal-state San Luis Project providing water supply and recreational and fishing resources which did not exist before.

Noting the upsurging militancy of water project opponents, William R. Gianelli, state director of water resources, recently had this sound advice:

"Our real responsibility is to take the intelligent road toward a balanced environment which will permit both the development of our resources and the protection of our environment."

This reasonable course should guide the debate over future development and use of all the state's natural resources.

THE USE OF PESTICIDES AND INSECTICIDES

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, there is a great concern among Americans about the use of pesticides and insecticides. Some States have taken broad action in the field and have banned the use of certain types of pesticides entirely.

We must always be alert and aware to what the uncontrolled use of pesticides does to our environment. However, Mr. Speaker, we should never become stampeded into the promiscuous prohibition of all pesticides.

There are those who are now advocating that we return to the balance of nature's principle and forgo the use of chemical pesticides and insecticides. One of the best articles I have seen which puts reason into this discussion appeared in the Atlanta Journal, Sunday, February 8. This is by one of the most noted and most renowned horticulturists in the entire Nation, Mr. Charles Hudson. I insert the article in its entirety

at this point in the RECORD and compliment Mr. Hudson for a public service in preparing the article:

BALANCE THEORY HIT: LET NATURE SUBDUE PESTS? SPRAYING, DUSTING NEEDED

(By Charles Hudson)

The month of February begins to give us a little more incentive to get out in the garden and do some needed planting, pruning and other timely chores. It is a month, too, when dormant spraying will have to be done before plants begin to leaf out. This brings up a serious and much misunderstood situation concerning the use of pesticides.

Every facet of public information has been filled with all kinds of predictions of the severe threat to human and animal life if we continue to use pesticides. Much of the material already publicized is exaggerated and without positive proof of research, but let's look at the possible situation if we do stop using pesticides on our garden plants and leave it all up to nature to handle things for us. It is the old theory of "balance of nature" that is claimed to keep our plants free of bugs, worms and diseases. But there is no balance of nature in our big urban areas as it might have been 100 years ago.

Let's look at some situations that might develop if we do stop spraying and dusting our crops and let nature take care of the pests.

First of all, our fruit trees would be completely ruined by all types of worms, wood borers and foliage and stem diseases. There would certainly be no assurance, even remotely, that our wild birds would control the insect population. We wish they could, but bird populations in urban areas are far too small to effect such a natural control. The result? Our fruit trees in a single year would become worthless, and they would die in a few more years if we left it all up to nature.

What about roses? Would nature keep our plants free of aphids, leaf hoppers, thrips, red spiders and budworms? Would nature include a remarkable cure for blackspot and mildew diseases, and in addition such troubles as stem canker, rose cane borers and other such troubles? We would have to give up rose growing in a matter of a year or two if it was all left up to nature to handle the pest control situation.

Vegetable gardening is so important in these times of extremely high food prices. If we leave it up to nature to take care of the many pests that infest our crops we would again come up with worthless crops ruined by bean beetles, corn borers, corn earworms, cucumber beetles, squash vine borers, cabbage worms, aphids and a dozen other such common insects. As much as we would like to leave it all up to nature to control these pests, let's face it; man has unbalanced nature in heavily populated urban areas to the extent that we have to use other means to make our crops productive.

Going on down the line of plants we grow in our home garden plots we would have a bleak outlook if it was left entirely up to nature to prevent pest damage to all of our ornamentals and food crops.

Some of the outstanding criticism of pesticides and herbicides is the fact that these are chemicals. I wonder if such critics realize that much of the human body is composed of chemicals, that fertilizers, organic or inorganic, are mostly chemical in nature, and that our soils and soil conditioners are mostly chemical. Soils and plants are great chemical factories converting basic elements to forms that can be utilized by plants.

Unless someone comes up with an earth-shaking new discovery of a completely non-poisonous, nonpolluting type of pest control very soon, we will be using pesticides for a long time yet to come. They are talking about producing biological changes in insects by radiation and other treatments, but most of these are still in experimental stages and are far from being perfected to the point where everyone could use them in their gardens.

Much of the so-called pollution by garden chemicals is practically nil where home gardening is concerned. It is wide area usage and distribution by airplane dusting or spraying, and with the use of power equipment in large orchards and fields where it could possibly pollute the air and soil with overdoses of chemicals. But commercial operators are working hard to confine spray and dust applications to narrowly defined areas where crops are growing. And they are using materials with shorter residual life.

In our home gardens, many of us could be guilty of carelessness in using overdoses and in making guess measurements of pesticides. We could be guilty of spraying or dusting on windy days when pesticides are carried far beyond the small intended areas considered for treatment. Or we could just get in the habit of careless spraying without thought of household animals and birds in the garden.

Manufacturers of sprayers and dusters have perfected their apparatus to the point where materials can be confined to fairly close or small areas. Herbicides should be distributed to lawn areas by holding the spray nozzle close to the ground to concentrate weed killers on plants to be treated, not to infect all other plants nearby. Dusts should be applied on calm days so wind will not carry them to neighboring yards, lakes or streams.

As has often been told, serious troubles, and death from pesticides are far fewer than deaths caused by overdoses of aspirin and other household drugs. It's all a matter of how we use them and how to keep them safe from hands of children.

NO-MIXING RULE LEGISLATION

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. KUYKENDALL. Mr. Speaker, under permission to extend my remarks in the RECORD, I would like to include the following newsstory from the Journal of Commerce of Friday, January 30, 1970. The item concerns the no-mixing rule legislation now pending before the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce.

The newsstory follows:

BARGE INDUSTRY FORESEES ACTION ON NO-MIXING RULE LEGISLATION

Barge industry executives expect that the "no-mixing" rule legislation will be unblocked and passed by the Congress in 1970, finally legalizing a major improvement in barge productivity which began to be effective 15 years ago.

Some final minor compromises may be necessary, but the legislation is expected to survive with mixing of regulated and non-regulated commodities approved for a single towload of barges and authorization given to require the publication of rates on all dry-bulk commodities shipped by barge, industry sources said.

"This is an idea whose time has come," J. W. Hershey, of Houston, chairman of American Commercial Lines and a principal barge line spokesman said last week. "There is no controversy over eliminating the 'no-mixing' rule. The only argument that remains is over the provision for publication of rates. When the Congress balances the public's right to know the rates that are charged against the potential for discrimination by shippers involved in secret rates. I believe they will come out for the public's right to know what the rates are."

TECHNOLOGICAL BREAKTHROUGH

The problem arose out of three technological break-throughs in barge transportation. Improvements in reduction gearing enabled the barge lines to buy faster running, lighter and more powerful diesel engines.

At the same time, according to L. P. Struble, executive vice president of Dravo Corporation of Pittsburgh, a pioneer designer of shallow draft equipment, the barge lines began taking full advantage of the kort nozzle, a metal shroud around the propeller which concentrated the water against the propeller blades and added some 25 per cent to the effective push or thrust of the towboat wheel underway.

A third break-through occurred, Mr. Struble said, in the steering control of a barge tow. "By strategically locating rudders forward and aft of the nozzles, the naval architects developed a towboat which had absolute steering control, forward and backward.

ECONOMIC IMPACT

The economic impact was to triple the productivity of the towboat and enable the barge industry to maintain the same approximate level of rates they were charging in the 1920's. Indeed, as Mr. Hershey testified, average barge rates actually declined about 10 per cent between 1960 and 1969.

The barge industry hired the Stanford University Graduate School of Business to make a study of the economic impact of separating the regulated and unregulated traffic and breaking up 40,000 ton tows. The conclusion of Dr. Karl Ruppenthal of Stanford was that barge lines' total costs per ton mile would have to go up 47 per cent and that there therefore would be a significant change in the rates charged by the certificated barge lines.

Asked at the hearings before the House Subcommittee on Transportation and Aeronautics to translate these predictions of cost increases into possible rate increases, Mr. Hershey testified that shippers could expect a 10 to 15 per cent rate increase if the legislation fails.

Since nothing could be more in the public interest and particularly the consumer's interest than continuation of low freight rates, the barge industry's proposal for an amendment of the bulk exempt section of the Interstate Commerce Act, section 303(b), is highly popular. The bill went through the Senate Commerce Committee unanimously in 1967, but stuck fast in the House Interstate and Foreign Commerce Committee for reasons having nothing to do with its merit.

NOT ENOUGH VOTES

Congressmen told the Water Transport Association, sponsors of the bill, that there were not enough votes to get the bill out unless there could be some sort of accommodation of the railroad opposition.

The railroad industry had long sought either the complete regulation of the barge lines or the deregulation of railroads on bulk commodities. After years of struggle, they had failed to achieve either objective and testified that as a result they were under an unfair handicap in competing for dry-bulk traffic of the barge lines. They particularly objected to the fact that the barge rates were secret.

One leading railroad marketing specialist said that if he had a year's run of the rates actually charged by barge he would be able to design rate proposals to compete for the traffic. Without that knowledge, he was hopeless. Thus, the actual regulation of barge rates was not an essential to increased competition; knowledge of the charges made, however, was crucial.

Under the leadership of Representative

Samuel N. Friedel, chairman of the House Transportation and Aeronautics subcommittee, the committee put together the two main issues, the need to cure the "no mixing" problem and the need to equalize to some degree, the competition between railroads and water carriers.

The railroads didn't get everything they wanted out of the compromise. Neither did the barge lines. They had originally sought a broadening of the bulk exemption. This had been opposed as too radical by both the ICC and the truckers.

But the consumer certainly came out ahead. As a published statement by the Water Transport Association pointed out, the compromise had six basic public benefits:

"1. Continued low river rates derived from low unit costs resulting from large tows.

"2. More equitable rail-water competition and therefore additional stimulus to improved efficiencies and lower rates by both rail and water.

"3. More intelligence on what is going on in the barge transport market place. The more intelligence there is, the more effectively competition works.

"4. Less discrimination in transportation rates. Discrimination inevitably results from secret rates.

"5. A report by the ICC, based on facts never before available, which can serve as a foundation for future policy-making by the Congress after the two-year trial period provided for in the bill.

"6. Satisfaction of the public's right to know transport rates."

DOT ENTERS BATTLE

Some big shippers working through American Waterways Operators were opposed to the publication of rates and fears were expressed that small operators would find publication burdensome.

The Department of Transportation entered the battle with the announcement that the mixing rule bill seemed likely to go through and they intended to use it as a vehicle for amending the rule of rate-making to give more freedom in rate-making to the railroads, although the railroads said they had no interest in joining the two issues together.

The Department, however, said late last year that it intended to offer a bill to give the railroads more rate-making freedom. Dr. Paul Cherington, Assistant Secretary for Policy and Intenational Affairs said, "If these two bills are considered as a package, we have an exercise in good old-fashioned log-rolling."

In actual fact the barge industry thinks the compromise will be much more modest in nature. The first estimate by AWO that 1,700 barge operators would be affected has been scaled back to 600.

This total is disputed by the Water Transport Association which believes the actual number affected would be less than 200, and probably less than 100.

By amendment, the harbor and terminal operators have been exempted and by ICC rule-making the number of carriers required to publish rates could be much further restricted so that short haul carriers could be virtually eliminated.

Another important suggestion has been made that would cut down the burden of filing rates for the small operator.

The idea is that the carriers required to file rates with the ICC could be authorized to join together in an agency tariff so that there could be one tariff agreed to by everybody.

All carriers would, of course, retain the right of independent action if they desired.

But an agency tariff would eliminate the necessity of having each small barge line publish his own tariff.

Also likely is the re-instatement of the provision in the original mixing rule bill which eliminates the requirement that the exemption applies only to commodities in bulk carried "in accordance with the custom of the trade in the handling and transportation of such commodities as of June 1, 1939."

ONLY EXCEPTION

The so-called "magic" date has been a dead letter for some time. Tests before the Commission have resulted in a policy that in effect states that dry bulk is dry bulk, regardless of whether it was carried in barges before the "magic" date or not.

The only exception is sugar in bulk which would be deregulated by elimination of the date. Again deregulation of sugar would intensify competition for the sugar traffic. Rates would be published, but no economic regulation would be possible and the traffic would not be restricted to the regulated barge lines.

The Department of Transportation succeeded in holding up the legislation before the Rules Committee last year. The vote was a narrow seven to six. If the DOT can be persuaded to separate out the very large issue of amendment to the rule of rate-making, bound to be highly controversial with the railroads, shippers, truckers, and water carriers, the main objection will remain those who want secret rates.

CASE FOR SECRET RATES

The case for secret rates is not believed to be a strong one. It does permit large shippers to negotiate advantageous rates on a spot basis. But, as other shippers point out, one shipper's advantage is another shipper's disadvantage. Shippers generally would be better off without discrimination in rates, they say. For example, very low back haul rates can often be negotiated. The barge operator is glad to get any rate that will help him return the barge to the origin point. But this means, barge operators point out, that one shipper is subsidizing the other. If there is two-way traffic, the first shipper has a right to share in the economies of the two-way operation.

After the Rules Committee votes out the bill, amendments can be made on the floor and the bill then goes to the Senate, where it is well and favorably known.

The barge operators believe their 15-year struggle is near the end. If, by some mischance, the legislation fails, there is sentiment in the barge industry for letting the axe fall and raising the rates. "How simple our life would be," the argument runs, "if we raised the rates 15 per cent and let the shippers do all the work of getting them down again by passing the bill."

BOY SCOUTS' 60TH ANNIVERSARY

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mrs. REID of Illinois. Mr. Speaker, the week of February 7 through 13, 1970, marks the 60th anniversary of the Boy Scouts of America and it is with great admiration that I take this opportunity to again express my genuine interest in and affection of this outstanding organization.

I know that each of my colleagues shares my pride in the fine job that scouting does for the youth of America. Over 36 million boys have been proud members of Scout units and have earned their steps up the ladder of achievement within the organization since it was founded in our Nation's Capital on February 8, 1910. Today the national membership stands at over 6 million. In Cub packs, scouting groups, and Explorer posts, Scouts of all ages, under the capable guidance of their leaders, work toward character development, physical fitness, and outstanding leadership.

In my opinion, there is no organization more sympathetic or relevant to the needs of our youth and this in itself makes membership a deeply personal experience for every boy. This I know personally because both of my sons were Scouts at one time. They are, of course, grown now, but I still recall the meetings I attended as a parent—and attended proudly.

I recall that one of our colleagues who had been a district attorney for 12 years before being elected to the House of Representatives once told me that in all his years in law enforcement, he could not recall a single instance in which a juvenile case involved a Boy Scout. And I am told that throughout the Nation as a whole the ratio of juvenile cases involving boys who have participated in scouting is only one out of every thousand. In this era of unrest and mounting problems in which we are witnessing the struggle of so many of our young people for a clear vision of their place in the future, scouting is indeed one of the best proven methods of developing individual character and qualities of leadership.

Our Boy Scouts are definitely among our greatest assets and at this time of their 60th anniversary I consider it a high honor to pay tribute to them and wish for each of them, continued success. Scouts today are mindful, as they were more than a half century ago, of the opening phrase of their oath: "On my honor I will do my best." No more can we ask of anyone.

THE MISSING JOB CORPS CENTERS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. RYAN. Mr. Speaker, on January 20 in a speech in the House I pointed out the administration's failure in opening new Job Corps centers. Last year when the administration closed 59 Job Corps centers over the strenuous objections of 53 Members of Congress, who joined me in introducing House resolutions in opposition to this unwise action, Secretary of Labor Shultz told Congress that at least 10 of the 30 new centers, which the administration then promised, would be opened by September 1969. As I said on January 20, the administration is seriously remiss. Thus far, only two completely new centers—in Atlanta and Phoenix—have been opened. Two others—in New Jersey and Hawaii—are merely replacements for previous centers which were on the same sites.

In my speech of January 20 I also called upon the administration to utilize abandoned buildings for new centers. An article which appears in the New York Times of February 9, by John Herbers, reports the availability of such abandoned buildings, and I commend this article to my colleagues. I am also commending to my colleagues an article by Eve Edstrom which appeared in the February 7 Washington Post, and which reports the delay in opening new Job Corps centers.

The articles referred to follow:

[From the Washington (D.C.) Post, Feb. 7, 1970]

ENROLLEE COSTS SOAR ON CENTERS FOR JOB CORPS

(By Eve Edstrom)

The Nixon administration has fallen far behind its schedule for opening 30 new "mini" centers for Job Corps youth, and enrollee costs are far in excess of original estimates.

After ordering the shutdown of 59 Job Corps centers last year, Labor Secretary George P. Shultz told Congress that at least 10 of the new centers would be opened by last September.

But as of yesterday, only four were in operation and two of them, with the bulk of enrollees, are on the same New Jersey and Hawaii sites that housed Job Corps enrollees under the Johnson administration.

Nixon administration officials also estimated that costs of the new program for each enrollee would be in the neighborhood of $5300 annually. But actual start-up costs, exclusive of capital outlays, appear to be double or triple that amount.

Cost figures were hard to come by at the Labor Department yesterday. But one source said $749,960 already has been spent on operating a new center at Phoenix. That center has had only 50 enrollees since October so the cost averages almost $15,000 an enrollee.

No actual expenditure figures for the other new center at Atlanta were available. But the operator of the center has a $2,061,474 contract to run it during fiscal 1970. It opened only a few weeks ago with about 30 enrollees, and reportedly a staff of 86.

The eventual capacities of both the Phoenix and Atlanta centers will be 350.

Therefore, Assistant Labor Secretary for Manpower Arnold Weber said no meaningful cost calculations can be made until the centers are operating at full capacity. When that happens, he said he believed the estimated enrollee cost of $5300 will be met.

RECRUITING DIFFICULTY

However, the Labor Department has been having difficulty recruiting enrollees for the program. For example, it has been difficult to interest white girls to go to the Atlanta facility which is in a Negro neighborhood.

Weber said it would be fair to state that the administration's "original ambitious schedule for opening the new centers has not been realized."

But he said this was a "conscious decision" based on the administration's desire to operate successful, high quality centers. He further noted numerous problems have arisen concerning the location of sites.

As Rep. William F. Ryan (D-N.Y.) has pointed out, there still is no center for New York City youth because Long Island residents have been objecting strenuously to such use of a site that the Job Corps plans to take over.

Therefore, although the administration said one of its purposes in establishing the new centers was to permit enrollees to be close to home, New York boys are being shipped to the old established centers in Kentucky and Indiana, which were not affected by last year's shutdown orders.

FOR NEW JERSEY ONLY

Many of the New York youth formerly were sent to Camp Kilmer in New Jersey, but Ryan said that center now has been restricted to handle only New Jersey young people.

The New Jersey site, which used to train about 1600 young people, now has about 170 boys enrolled, while the center in Hawaii has about 250 enrollees.

Ryan said it is shocking that the administration, in providing for only 500 young people at the new centers at the present time, "has failed to live up to its commitment" to operate substitute centers for those that were shut down.

He also said that many of the closings have been wasteful. He noted that an excellent center was closed in St. Louis and now the administration is shopping around to find a different suitable location. * * *

[From the New York Times, Feb. 9, 1970]

URBAN PARADOX: DWELLINGS ABANDONED DESPITE HOUSING SHORTAGE

(By John Herbers)

WASHINGTON, February 8.—In the District of Columbia, three miles southeast of the Capitol, there is a cluster of two and three-story apartment buildings set on rolling hills and separated by tree-lined streets, lawns, sidewalks and play areas.

The buildings, erected in the nineteen-forties, are made of clean brick, and the design is not unattractive. Yet entire blocks of them are vacant, their windows and doors, covered with plywood. In the few that are occupied, people live only on the upper floors because the ground level is considered too vulnerable to burglars, who roam the neighborhood.

On a winter afternoon, the area seems to be a ghost town occupied by children at play. This scene of premature decay and abandonment provides visual evidence of a trend that is evident in large cities across the country:

While the nation is undergoing the most critical housing shortage since World War II, structurally sound dwellings in the inner cities are being abandoned in increasing numbers to vandalism and demolition.

In Detroit, where there are 3,000 empty buildings—1,300 of them abandoned by their owners—Jack Kelley, Deputy Commissioner of the Department of Buildings and Safety Engineering, said:

"People are looking all over for good homes and we have thousands of these empty ones around."

CAUSES TERMED COMPLEX

The causes are complex and are intertwined with all the other factors of urban distress, especially the troubles of poor minorities. A survey of 14 major cities showed that the abandonment of housing that could be rehabilitated at a reasonable cost is occurring almost exclusively in poor minority neighborhoods.

The acceleration of this process, however, seems to be caused chiefly by these developments:

The landlord, who has been accused for years of overcharging and underservicing low income families, now finds the slum unprofitable and is withdrawing as fast as possible. "The buildings become harder to rent, and the owners find it more economical simply to walk away," said Albert Nerviani, chief of the St. Louis housing code enforcement office. Tenant strikes and urban violence of recent years also have discouraged investors.

Economic conditions that are holding down construction of new housing—high costs and interest rates and scarcity of capital—are also hampering rehabilitation and simple repairs.

Whites, and to some extent blacks, when they have the means and opportunity, are migrating to the suburbs or outer areas of the city to escape blighted neighborhoods. For example, Negroes are moving from Anacostia, the southeastern section of Washington, into Prince Georges County, Md., leaving behind vecant units that would be snapped up if they were not in a distressed area.

Federal and local programs of rehabilitation, housing subsidies and demolition programs are barely making a dent in the abandonment process. In the Roxbury section of Boston, 2,700 apartments have been rehabilitated recently under Federal and local effort, but the number of abandoned or vacant buildings in the city has increased from 450 to 800 in the last two years.

In Philadelphia, where at last count there were 24,000 vacant residential structures, Ivan B. Bluckman, assistant housing director, said, "There are thousands of abandoned properties in Philadelphia that are not the responsibility of anyone."

TWO POLICY APPROACHES

This raises the question of national policy. The previous Administration had planned on expanded urban renewal, Model Cities and other Federal programs to help to arrest inner city decay. The Nixon Administration, however, is taking a different approach. For example, the Democrats had projected Model Cities appropriations at about $1-billion for the next fiscal year. Mr. Nixon's new budget calls for half of that, which is the current expenditure.

What the Nixon Administration is promising instead is action and programs that will help the minority poor to acquire more personal wealth and earning capability and opportunity to move into better neighborhoods, as whites have done.

Some local officials say this does not answer what will happen to the inner cities, and they fear that abondonment and blight will spread to stable neighborhoods if left unchecked. For example, fairly new apartments in the Anacostia section of Washington are vacant and boarded up because they are close to distressed areas.

According to the survey, the problem of abandonment is worst in the large cities of the industrial East and Middle West. In New York, officials estimate that 114,000 apartments have been lost since 1965 because of the abandonment of the buildings.

The trend is found also, however, in Southern and Western cities where there is a large minority population. In Houston, officials estimate there are 7,500 abandoned dwellings, and New Orleans recently closed part of a five-block area near the center of town because of decay.

In Chicago, where 1,400 buildings were demolished by court order last year, John Hight, chief of the city's building demolition, said that most of the cases fell into a pattern.

THIEVES MOVE IN

"The neighborhood deteriorates, crime increases," he said. "Tenants damage the buildings and may balk at paying their rents. The landlord is hailed into housing court for violations. If he tries to comply, he finds it difficult to get a good contractor to go into the area. He just quits trying.

"Eventually, it gets so bad people move out. Thieves and vandals come in. Plumbing, heating and electrical services are stripped and sold for salvage. Eventually the thieves go through the floor and dig up the lead pipes and sell them.

"A building, which not long before could have been repaired, is wrecked beyond repair. And then it ends up under the ball at the court's direction."

One building in Chicago provides a case study of some of the conflict, sociology and economics involved. The building, at 5801–09 Calumet Avenue on the South Side, was erected in 1901 and contained 24 apartments.

To make more money by packing in more families, the owners converted it some years later to 95 units in violation of the building codes. The courts in 1962, after a complaint had been filed, ordered it deconverted to 24 units.

Last June, an inspection showed the building to be largely occupied but in a state of neglect and infested with rats and roaches. The authorities said that the building could have been put into shape without major work.

The owners, Cheers Enterprises, Inc., did not follow the orders of the court in correcting code violations, and on Oct. 24 city inspectors found the building vacant and stripped of plumbing and heating facilities. The case was moved to demolition court.

PANTHERS OCCUPIED BUILDING

Subsequently, members of the Black Panther party occupied the building, and it was there on Nov. 13 that the shooting occurred in which two policemen and a Panther were killed and several policemen and Panters wounded.

On Dec. 1, the building was ordered demolished, and last week, after several delays caused by cold weather, the structure was gone.

One hopeful sign, housing officials say, is the tax reform enacted last year, which cuts the amount of depreciation an owner can claim during his first few years of ownership. The previous depreciation table encouraged a rapid turnover of buildings and thus their deterioration.

CITY OIL; COUNTRY WATER

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. VANDER JAGT. Mr. Speaker, I call to the attention of the House an editorial that appeared in the January 22, 1970, issue of the Lelanau Enterprise Tribune. I am certain all of you will agree with the editor—saving the cities is important in saving the Nation, and small town and country people have as big a stake in keeping a healthy nation as anyone. The editorial follows:

CITY OIL; COUNTRY WATER

The easy-going antipathy between the dwellers of the city and those of the countryside is an element of our society that we probably couldn't live without, particularly in tourist areas like ours where each year the locals try to understand and imitate the resorters and the resorters try to mix with the locals, and each group finally gives up in September, deciding it's a matter of combining city oil and country water.

This good-natured opposition is the healthy variety, but there is an unhealthy type of urban-rural enmity that shows up now and then. One time it appeared in Michigan was last year when numerous conservation clubs and outstate communities charged that the state was reneging in the way it divided up the parks and recreation bond money approved by voters the previous November.

Governor William Milliken and others wanted to give a sizable chunk to urban areas. Some people said he was only going where the most votes were and that it was merely a strategy to draw more votes out of the cities for the GOP. Milliken, though, probably lost one outstate vote for every one he picked up in the cities by deciding to rough-shod his way through the issue. He truly believed the cities needed recreation funds at least as much as other regions.

The governor's new plan largely won out, and now Milliken has followed through by calling a conference on urban leisure in Detroit next week in conjunction with the annual meeting of the Michigan Natural Resources Council.

"Leisure time can improve man's sense of well being, or free him to take out angers and frustrations on his surroundings," Milliken said in announcing the conference. "It is the sense of a man's importance to himself that gives him a grip on his life."

Not every Michigan city suffers from the specific ills that Milliken alludes to, but most of them, especially the big ones, are sick and getting sicker. Some non-city-dwellers smugly sit back ad say, "tough luck, but we shouldn't have to worry about their problems," all the while forgetting that one of the most difficult things to achieve in the city but one of the most important for a feeling of "well being," as the governor put it, is a closeness with nature, free of pollution, blight and crime. Leisure, with its potential for sloth and violence, also has the potential of reuniting men with nature.

Instead of being smug, we should be complimented by the city folks' finally coming around to valuing the good earth, as we always have done. Now that America has suddenly woke up to find itself primarily urban and industrial, a few leaders, like President Nixon and Governor Milliken, are trying to convince us that saving the cities is important in saving the nation, and that small town and country people have as big a stake in keeping a healthy nation as anyone.

OPERATION APPRECIATION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. LONG of Maryland. Mr. Speaker, the Kiwanis Club of Washington, D.C., recently presented a program at which James Merna, aide to the National Commandant of the Marine Corps League, described the work of Operation Appreciation. Operation Appreciation is a program which Mr. Merna began 3½ years ago to give aid and entertainment to returning Vietnam casualties. I should like to commend Mr. Merna and the Marine Corps League for their fine work in this area by including the introductory remarks and the text of Mr. Merna's speech in the CONGRESSIONAL RECORD:

INTRODUCTION OF GUEST SPEAKER, JAMES E. MERNA, BY GEORGE T. STAFFORD

This past Veterans Day, November 11th, President Nixon announced the inauguration of a program of visits by outstanding Americans to Veterans Administration Hospitals throughout the United States. He called the program the VIP Program—the initials VIP standing for "Very Important Patients."

The program is to involve nearly 500 outstanding Americans volunteering their time to visit hospitalized veterans. The volunteers will include famous names from the fields of entertainment, professional football, baseball, basketball, etc.

Well, I don't know if President Nixon is aware of it or not, but such a type program has been functioning practically within a shadow's length of the White House for the past 3½ years—right here in the Washington area—at Bethesda Naval Hospital, to be exact. The name of this program is Operation Appreciation.

Our guest speaker tonight is the originator and Chairman of Operation Appreciation. Operation Appreciation has been fantastically successful and is believed to be the Nation's first substantial and continuing aid program for returning Vietnam casualties. The program has received much national attention, has been cited by the Freedom Foundation at Valley Forge, has been praised on the floors of Congress on many occasions, and most importantly, has served as a model and the impetus for adoption by numerous other organizations at hundreds of military and veterans hospitals across the country.

We have asked our guest speaker to tell us about Operation Appreciation. He will conclude his remarks with some personal observations about the Vietnam Veteran.

Before we begin the program, let me give you a little background about our guest speaker.

A native of New York, he spent 10 years of his youth in two Catholic orphanages in Rockland County, New York. He's a combat veteran of the Korean War, having served three years in the Marine Corps from 1950–1953. He's a 1957 graduate of the University of Maryland. He's a co-founder and Past Commandant of the Prince Georges County Detachment, Marine Corps League. Last year he served as State Commandant of the Marine Corps League in Maryland. Having progressed from local and state level, he is now serving as Aide to the National Commandant of the Marine Corps League.

In 1968, in nationwide competition he was named the Marine of the Year at the National Convention of the Marine Corps League in Bridgeport, Connecticut. Last year he was named one of the Outstanding Young Men of America for 1969 by the National Jaycees and the Outstanding Americans Foundation.

In professional life, he is a Government Public Affairs Officer with the Naval Supply Systems Command in Washington.

Married to his college sweetheart and the father of four children, he makes his home in New Carrollton, Maryland.

It gives me great pleasure to officially welcome and present our guest speaker—a recognized outstanding veteran spokesman, Mr. Jim Merna.

THE VIETNAM VETERAN—AMERICA'S MOST UNDERRATED WAR HERO

(By James E. Merna)

Operation Appreciation is the name of a volunteer "home-front support program" which we originated in the Washington area some 3½ years ago, in May, 1966. As the name implies, we had but one purpose in mind—we simply wanted to show our appreciation to the American fighting man—to let him know that he had not been forgotten—that his great personal sacrifices in defense of freedom were appreciated by many of his fellow Americans.

We began the program at Bethesda Naval Hospital shortly after the return back to the States of some of the first American casualties from the Vietnam War. We intentionally selected Bethesda Naval Hospital as the place to start this program because this was where the wounded Marines in this area were being sent for recuperation, rest, and treatment. Being former Marines, a few of us from the Prince Georges County (Maryland) Detachment, Marine Corps League felt that this was a situation where we might be able to be of some immediate assistance to our fellow Marines.

Well, what is Operation Appreciation? What kind of a job has it done and what form of assistance has it rendered?

In a nutshell, Operation Appreciation has provided a diversity of enjoyment and entertainment for the wounded Marine Corps and Navy Vietnam veterans at Bethesda. We believe it to be the Nation's first substantial and continuing aid program for returning Vietnam casualties.

Operation Appreciation has treated the Vietnam veterans at Bethesda Naval Hospital to more than 70 outings and entertainment and recreational events since its inception. These have ranged from taking the patients to all of the major sports events, both professional and collegiate, such as baseball, basketball, football, boxing, soccer, wrestling, stock car races and tennis matches, to such diverse social events, for example, as stage play at the Washington National Theatre, concerts at Constitution Hall, pizza parties, firehouse parties, American Legion smokers, society lawn parties, Congressional receptions on Capitol Hill, embassy parties, and sports banquets.

Some of you may have noticed an article this week in the sports section of the Washington Post about the upcoming heavyweight championship fight next month at Madison Square Garden in New York between Joe Frazier and Jimmy Ellis. A New York Congressman, Representative Martin B. McKneally is trying to organize one of the most unusual boxing promotions in years—having

the world's heavyweight title contenders, Frazier and Ellis, put on an exhibition match in the House of Representatives gymnasium before their championship bout. Congressman Jim Wright of Texas is even hopeful at this time of being allowed to spar a short round with either contender, should the proposed match in Washington come off.

I spoke to Congressman McKneally about this on Wednesday over the phone. I told him I hoped the exhibition would take place and that if it did, I would like to bring a group of wounded Marines from the hospital as his guests to watch the match. Congressman McKneally informed me he is confident that the proposed match may take place shortly and that he would be delighted to have the "Gyrenes," as he affectionately called them, as his guests.

When we take the patients on an outing, and we've had up to as many as 150 at one time, we usually try to make arrangements to take them behind the scenes, into the locker room after a baseball game, for example, to meet with Brooks Robinson of the Baltimore Orioles, or back stage after a performance at Washington's National Theatre for a visit with actress Myrna Loy or singer Miss Pearl Bailey.

Operation Appreciation is also concerned about the long and sometimes lonely hours at Bethesda and, to help brighten at least some of them, it arranges for variety shows and "cheer-up" visits by friends, the serviceman's Congressman, pretty girls, local talent, and prominent personalities.

On one occasion, thanks to a referral that I had received from sportswriter Bob Addie of the Washington Post, it was Joe Garagiola of baseball and radio and television fame that I contacted at his home in Scarsdale, New York with a request to come to Bethesda for a visit with the patients. Joe promptly adjusted his schedule and paid a generous visit. He was an instant success with his highly amusing banter of sports stories and film clips from national television shows on which he had appeared.

The Washington Redskins football team is one of the most popular groups we've ever brought to the hospital. Sonny Jurgensen, Sam Huff, and Bobby Mitchell received the biggest ovation of all the players. I will always remember this encounter of both groups, the young wounded Marines and the pro football players, each idolizing each other and each representative of teamwork at its finest. In my opinion, it was a meeting of "champions among champions."

Singer Judy Garland was another celebrity that I was fortunate to persuade to come to Bethesda. Accompanied by a piano on wheels, Miss Garland went from ward to ward bringing chants of music and cheer to the combat-weary Marines.

Another distinguished visitor whom we escorted to Bethesda was Mrs. William Henry Sullivan, Jr., the National President-General of the Daughters of the American Revolution. Seeing first-hand the results of Operation Appreciation, Mrs. Sullivan saw to it that the doors to Constitution Hall were opened wide for free admittance to concerts by hospitalized servicemen. She also saw to it that our program was adopted nationally by the hundreds of D.A.R. Chapters across the country.

We have also conducted gift drives for the patients on occasion and the response has always been most heart-warming, resulting in a deluge of gifts and small necessities, thanks to the generosity of many local and national business firms.

Operation Appreciation has many supporters. Our most active and interested booster by far is Mrs. Marjorie Merriweather Post, well known Washington socialite and philanthropist. Words are inadequate to express the high esteem which the Marine Corps, the Marine Corps League, the patients and staff at Bethesda Naval Hospital hold in their hearts for this gracious and compassionate lady. In her own unheralded way, Mrs. Post has provided financial support making possible many of the activities of Operation Appreciation. She constantly inquiries about the welfare and progress of "her boys" at Bethesda and has entertained hundreds of Vietnam Veterans at gala parties at Hillwood, her Washington estate, on a number of occasions.

This then, in quick fashion, is what Operation Appreciation is all about. It's simply a people-to-people way of saying "thank you" to some truly deserving and outstanding young Americans.

I have had the opportunity and the privilege to appear before community, civic, and other fine service-oriented groups such as Kiwanis here tonight to explain Operation Appreciation and to urge adoption of similar programs at the many military and veterans hospitals throughout this great land of ours. I believe we've attained many fine results. The program has been editorially endorsed by leading newspapers and has been adopted by other organizations. It has been cited at length in the Congressional Record a number of times which has helped immensely to spread the word nationally.

It is imperative that programs of this type be continued throughout the Nation because the war in Vietnam is far from over and many casualties continue to return home daily for recuperation and rehabilitation. To date, more than 265,000 Americans have been wounded in action in Vietnam. Many of these servicemen will be hospitalized for a long time to come.

For anyone who gets involved in a program of this type, he or she will find that the hours oftentimes are long but the rewards in terms of personal satisfaction and gratification are many.

With your indulgence, I would like to be permitted to say a few words about this remarkable young man of our times—the Vietnam Veteran. After coming into contact with, working with, and literally counselling hundred and hundreds of these fine young Americans, I believe I have formed some personal opinions and observations about these men from a unique and close personal vantage point. I would like to share some of these thoughts with you.

And while I'm referring primarily to the young Marine of today, the same thoughts can be equally expressed for our gallant soldiers, sailors, airmen, and Coast Guardsmen who are performing just as valiantly and courageously in the struggle against Communist aggression.

In my opinion, the Vietnam Veteran is the most under-rated American war hero of all times—he's truly our unheralded young patriot. Never before in our almost 200 years of existence have we sent our brave defenders to battle lacking the home-front support that they do today.

This young fighting man goes to war quietly and efficiently. In Vietnam, he faces countless hardships and death. But, in the tradition so well established by his forefathers, he does his duty. And when he comes home, he can be sure there will be no national outburst of emotion or flag-waving in his behalf. To the contrary, he comes home as quietly as he left. Many of these modern American heroes return home often as strangers in their own land. They are not greeted as the heroes that they are—but as someone to be forgotten rather than revered—as someone who has been guilty of some wrongdoing.

Compare this attitude and treatment and lack of respect to our returning veterans of World War II! And even Korea! Then it was clearly a case of appreciation and pride—both for the serviceman and his uniform and all that he represented.

Today, in the words of the President of the United States himself, it's "Open Season on the Armed Forces." We see all about us a growing disenchantment with the military establishment and anything even remotely connected with defense preparedness.

What effect does all of this have, particularly the wave of anti-war moratorium demonstrations on our fighting men, the young man of today who bears arms in United States uniform and whom I have heard described by General Lew Walt, the Assistant Commandant of the Marine Corps as "the smartest, toughest, best led, and most highly motivated youngster who ever shouldered a rifle in the defense of this country."

Frankly, he doesn't pay too much attention to it. He doesn't have time. As the Navy's top Chaplain Rear Admiral James W. Kelly recently remarked upon his return from his annual Christmas visit to Vietnam, "The U.S. serviceman in Vietnam is less concerned about public opinion than the job at hand." He went on to say that dissent at home has been met with the attitude of "disgust" among U.S. fighting men. The effect on our troops morale has been insignificant, he added, but he feels the recent moratorium demonstrations may have inspired the enemy.

The Commandant of the Marine Corps, General Leonard F. Chapman, Jr. recently expressed some concern about this same problem and drew an appropriate analogy of the situation. He recalled attending the State Dinner last August for the Moon Astronauts—one of many tributes to the bravery and skill of these incredible men. As he watched and listened throughout the festive occasion, he couldn't help thinking about the bravery and skill of the young Marines in Vietnam. He noticed a serious and highly disturbing difference. Our astronauts were cheered on by all of the American people and were greeted enthusiastically when they returned. It's obvious, he thought to himself, that we can't say the same of the young veterans of Vietnam. Many Americans do not support him—too many outright reject him when he returns.

That same individual Marine, I have found, doesn't like being referred to as a tool of imperialistic aggression, especially when the accusation is made in an American accent. But he doesn't pay too much attention to it. He's too busy manning the outposts of freedom—or searching for mines set by North Vietnamese soldiers—mines that have killed and injured more Vietnamese civilians than they have American troops.

He's a remarkable young fellow doing a man-sized job in Vietnam—our man in uniform. And young indeed he is—the average age of the 80,000 Marines that General Walt commanded when he was Commanding General of the Third Marine Amphibious Force in Vietnam was 19. But he's got a pride in his heritage and maturity beyond his youthfulness. He's one of the finest American Ambassadors the world has ever seen.

I have mentioned the high dedication and sense of purpose of the modern Marine. He believes in what he is fighting for—he is convinced that our commitment is just. And he proves his commitment by his actions. Since the first Marines became eligible for rotation home from Vietnam in 1966, a total of nearly 40,000 Marines have voluntarily extended their tours for 6 months or more in that country. This is the equivalent of two full Marine Divisions. Of all Marines eligible to vote, 75% cast their ballots in the last national election—far greater than the 60% nationwide participation by eligible voters as recorders by the Gallup poll. This is what the young Marine—the young American—thinks of the American effort in Vietnam—this is how he sees his duty—this is a good example of how highly the individual Marine values his citizenship.

According to official Veterans Administration statistics, there are now approximately 3 million, 400 thousand Vietnam era veterans back in civilian life. Seven hundred thousand enrolled this past Fall in education and training under the Vietnam G.I. Bill—approximately 380,000 are attending the nation's colleges and universities.

And I'm sure that most of them are typical

of the determination of two of Prince Georges County's finest young citizens, Charles E. "Butch" Joeckel, Jr. of Colmar Manor (Maryland) and John Clements of Cheverly (Maryland). Both of these young men were seriously wounded in combat while serving with the Marine Corps in Vietnam. Butch lost both of his legs from an enemy land-mine while leading a patrol; John Clements was awarded three Purple Hearts for his heroic efforts out there. He'll probably need the continued use of his cane to help him walk, for the rest of his life. Both were retired on disability from the Corps due to their injuries—both are currently full-time students under the G.I. Bill. You ought to see them together strolling the campus of Prince Georges Community College, each helping the other on their way to classes. Witnessing their determination gives you a great feeling of pride.

"Butch" and John, I feel, are typical of the nearly half a million inspired young men who are returning home from Vietnam each year. They are the "mature Americans" of tomorrow. They're not going to shed the mantle of leadership—the qualities of character—the firm determination they have acquired—when they return. As General Walt has said, "They've been shot at for real, and they are not going to let anything keep them from taking a stand on issues involving the security of this country. They have the responsibility for America's position in the world on their shoulders now. And they'll all have the responsibilities of citizenship to fulfill in the years to come. And they'll do a good job."

Finally, let us never forget the valiant 40,300 American servicemen who have paid the supreme sacrifice in Vietnam. We must make sure that their sacrifices have not been in vain. More than 100 of those who lost their lives are from our own Prince Georges County—heroes like 20 year old Warrant Officer Tom King of New Carrollton, an Army helicopter pilot whose plane was shot down by enemy fire; Lance Corporal Stephen E. Belcher, an 18 year old Marine from Avondale who was killed by mortar fire while on a search-and-destroy mission and who was voted the outstanding athlete of the Hyattsville-Brentwood Boys Club; and Marine Captain James A. Graham of Forestville who won the Nation's highest award, the Medal of Honor for personal heroism above and beyond the call of duty.

Captain Graham, in the thick of battle and while personally accounting for 15 enemy killed, had been ordered by his battalion commander to withdraw to friendly lines. The Captain reacted by sending all of his men back except one man who could not be moved due to the seriousness of his wounds. He apologized to his Battalion Commander for not completely carrying out the order to withdraw, but said, "I just can't leave this young Marine, keep the fire coming though, Colonel, we are hurting them." About 20 minutes later, Captain Graham radioed: "This is my last transmission. I am being assaulted by at least 25 of them. It's been a pleasure soldiering with you." Those were his last words.

I was privileged to be in attendance on October 29, 1968 when the Medal of Honor was posthumously presented to the Captain's widow. I talked to Mrs. Graham after the ceremony and extended an offer of assistance from the Marine Corps League. With a sense of great pride and much confidence in the future, Mrs. Graham, a mother of two young children replied, "I don't have half as many problems as I have offers of assistance." She impressed me as a woman who is every bit as brave as her husband was.

Well, we're not going to let the memory of these courageous heroes to be soon forgotten. The Marine Corps League is pushing ahead with plans to build a Vietnam Memorial in their honor as a fitting tribute to all servicemen who gave their lives in Vietnam. The Memorial is to be built in Largo, Maryland, near the site of the new Prince Georges Community College on land already promised to be donated by the County Government. The Memorial has already been designed, free of charge, by a professional architect, Mr. Thomas Kerley of Cheverly. All that remains to be done is to raise the necessary funds to build it.

This is a task that cannot be accomplished by any one group alone. We are hopeful that by means of public subscription and contributions and through the assistance of interested business and civic and service organizations throughout the area, the Memorial may soon be a reality.

In conclusion, I think it is clear that we have seen vivid examples of our servicemen in Vietnam to continue the course to its end. We need determination like that here at home too. As grateful Americans, we need to continue to show our faith in these men—we must honor them—and we must give them their due recognition and a true showing of our appreciation.

HISTORICAL PRESERVATION

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. KEITH. Mr. Speaker, as we approach the 200th anniversary of this Nation's founding, more and more attention is being paid to our Nation's heritage—especially the buildings that have come down to us from the historic past.

Yet, paradoxically, this renewed interest in the past comes at a time when more and more of our physical heritage is being destroyed, to make way for highways, shopping centers, and factories.

Under the National Historic Preservation Act of 1966, we in Congress pledged a national commitment to preserve and restore the buildings that are a part of our heritage. We have appropriated relatively insignificant sums—less than $1 million annually—to fulfill that pledge.

In hearings recently held before the Interior Committee, Dr. Richard W. Hale, Jr., acting chairman of the Massachusetts Historical Commission, testified as to the need for a substantial increase in such funds, if we are to save many historical buildings that are in danger of being destroyed. I commend his remarks, which follow, to the attention of my colleagues:

STATEMENT OF DR. RICHARD W. HALE, JR.

My name is Richard Hale. I am the Acting Chairman of the Massachusetts Historical Commission, and its executive under Secretary of the Commonwealth John F. X. Davoren, who is the Massachusetts State Historic Preservation Liaison Officer. A state's Liaison Officer, it should be explained, is the person in each state or territory to whom has been assigned the duty of conducting surveys under the National Historic Preservation Act of 1966 and making submissions for his state to the National Register of Historic Places. Besides that, the newly formed organization of such Liaison Officers, the National Conference of State Historic Preservation Liaison Officers, has elected me its President. Therefore I can speak not only for Massachusetts but for those in the fifty-four other states and territories who operate the National Historic Preservation program at the state level.

There are two points which the members of the National Conference would like to have made at this hearing on H–14,896.

One is that there is a crying need for money for surveys and planning and that that money will be well spent. Last year the appropriation of $669,000 for state use fell far short of what the states had to put up. This year, with the state survey program under full swing, more than that will be needed. Each state can tell how much of historic value has been uncovered by the survey program, and how that survey program is being integrated into over-all planning. Our Massachusetts money, for instance, went into finding out much more than had been previously known about Cape Cod, and, more than that, integrating our findings into the over-all planning for the environment being done by the Cape Cod Economic Planning and Development Commission. We want now to continue that relationship with the rest of the regional planning agencies in the state.

The second thing that they would like to have said is that there is a further need for grants for historic preservation of the properties whose value has been demonstrated by the surveys now under way. Seed money in the form of matching preservation funds can make all the difference in such cases. Your time should not be taken up with instances, sometimes of successes against unnecessary difficulty, at other times of failures because hope of help was lost. Every state, I am sure, can give such instances, where the possibility of matching funds would have provided the margin of success and the lack of such hope caused failure. But I would be remiss if I did not state the feeling of the National Conference of State Liaison Officers that the time has now come to plan to go beyond historic surveys to preservation grants.

It is for these two reasons—need of historic surveys to identify the historic heritage that is so important a part of the quality of our environment, and need of grant money to preserve what has been so identified, that leads the National Conference of State Historic Preservation Liaison Officers to hope that the authorization of funds will be larger than $1 million and $2 million but will be at least the $10 million of the previous law, if not far more. The Liaison Officers of the states reported a figure of preservation needs to the Office of Archeology and Historic Preservation which goes well beyond that figure.

I shall not trespass on your time by repeating what others have said already, but in conclusion, may I add for the National Conference of State Historic Preservation Liaison Officers that we are in favor of the other aspects of H–14,896, the expansion of the Advisory Council and the support of the Rome Center, and wish to be so recorded.

CRIME IN THE STREETS AND COURT DELAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. HOWARD. Mr. Speaker, a little more than 8 months ago this body showed its concern for the ever-increasing frequency of serious crime in the country by creating a Select Committee on Crime to study the many facets of this complex problem. I am pleased to have been one of the original sponsors of that legislation.

We appointed as chairman, the Representative from Florida, the Honorable CLAUDE PEPPER, and six Members whose

viewpoints and districts are reflective of the people that this Congress serves.

During these past 8 months, the Select Committee on Crime has held hearings in Washington, D.C., Boston, Omaha, San Francisco, Columbia, S.C., and Miami. The committee is now in the process of drafting legislative recommendations based on its findings.

In addition, Chairman PEPPER has announced further hearings this year beginning with the Nation's Capital and surrounding suburban areas on February 25, 26, 27, and 28.

In San Francisco, the committee revealed alarming evidence on the growth in use and traffic in dangerous drugs and found loopholes in existing drug statutes in need of immediate attention.

The committee has also devoted considerable time to the less spectacular yet perhaps even more critical subjects of court delay and case backlog, and the disgrace of many of the Nation's adult and juvenile correctional systems which do little more than turn out more proficient criminals.

The committee's work has gained a considerable amount of attention in the news media. I would like at this point, Mr. Speaker, to insert into the RECORD a few of the editorials, columns and television and radio comments concerning the activities of the committee.

In conclusion, I include an excellent article written by the chairman on the subject of "Crime in the Streets and Court Delay" which appeared in the January 28 edition of the Georgetown Law Weekly:

[From the Miami Beach Sun, Jan. 19, 1970]

PEPPER SPARKS NARCOTIC PROBE

(By Miller Davis)

Miami soon may adopt New York's methods of nabbing Mafia hoods as they bring illegal heroin into this country, U.S. Rep. Claude Pepper said today.

Pepper said federal agents at New York's John F. Kennedy Airport are using some new techniques in blocking heroin and cocaine importation. Pepper's office said the congressman went today to visit JFK airport and learn how it's done.

"New York has taken some tough new steps in apprehending Cosa Nostra couriers," said a Pepper aide. "These should apply with equal success at the Miami air terminal."

The bulk of illegal narcotics are brought into Dade County through the airport, a Pepper-chaired congressional committee was told here last month:

One federal agent said an unholy alliance between the Italian Mafia and the Cuban "Mafia" has developed in which the Cuban hoodlums exchange quality cocaine for high-grade heroin.

Pepper said additional crime hearings probably will be held in Miami and other major U.S. cities this year.

"First we must go before the Congress and ask for the money," the Pepper spokesman said. "We have not been given any indication as to how much money we can expect at this point."

Pepper in 1969 laid groundwork for basic legislation the committee is preparing on narcotic control.

While the public appears fascinated by the doings of the fabulous underworld, this possibly was not what the 1968 political campaign was all about.

Sources on the crime committee say the connection lies in the underworld dissemination of illegal drugs which are believed to be a major contributor to crime in the streets.

Another issue Pepper fought for was stricter bail rules. This bill has been bottled up in a Senate subcommittee by Sen. Sam J. Ervin Jr., a North Carolina Democrat. Ervin says he doubts if the law would be constitutional.

[From the Miami Review, Aug. 19, 1969]

PEPPER'S PRISON REFORM PLANS MERIT STUDY AND CONSIDERATION

(By Lee Ruwitch)

"A good many millions of dollars."

That's how Congressman Claude Pepper describes the cost of a proposed overhaul of the nation's prison system. Pepper says "it will be cheap if it works."

Despite these ambiguities, there is sound logic in the Congressman's proposed innovations including on the job training for prison inmates and the boarding of model prisoners in private homes.

Pepper is chairman of the Select House Committee on Crime, which will soon hold a public hearing in Miami, one of a number scheduled throughout the nation.

The statistics that constantly remind us of the high percentage of repeat offenders vividly point up the failure of our penal system. FBI Director J. Edgar Hoover has just revealed another startling increase in crime as well as a decline in the effectiveness of law enforcement agencies in apprehending offenders.

Pepper wants a National Institute for Corrections to spearhead new approaches in dealing with convicts.

Under his proposal federal funds would help local communities provide correctional facilities for minor offenders. We have witnessed the miserable failures of the Dade County jail which just "incarcerates" the accused in a highly detrimental atmosphere likely to create more hostility and bitterness that would undermine any future rehabilitation effort.

Prison reform may "cost a good many millions of dollars . . . but it will be cheap if it works."

[From the St. Petersburg Times Sept. 7, 1969]

WHY ISN'T CRIME FOUGHT AT THE ROOTS?

(By Representative CLAUDE PEPPER)

The Select Committee on Crime has completed the initial phase of its hearings on a national view of the crime problem.

Obviously, we did not need these hearings for the purpose of discovering that crime exists. We all know too well that the fear of crime pervades the nation and that political candidates are being elected on the law and order banner.

The real message from our hearings is that despite this omnipresent fear and the public outcry for law and order, we are doing relatively little to meet the crime problem. We have heard more than 40 witnesses during the course of these hearings. The cumulative testimony of these witnesses has established the inadequacy, at every level of government, of our present programs.

Indeed a real paradox exists. While we all clamor for the control of crime, most actions that must be taken are apparently among the lowest priorities for governmental action. During the past decade juvenile crime has had an alarming increase out of all proportion with the increase in overall crime. Arrests of juveniles for narcotics offenses has increased 800 per cent yet our federal expenditures for juvenile delinquency prevention and control have decreased. I suggest that a rather cruel hoax is being perpetrated on our citizens. They are being assured that things are being done that are not being done.

The Omnibus Crime Control and Safe Streets Act of 1968, the most significant federal legislation in the field of law enforcement and criminal justice, established a Law Enforcement Assistance Administration (LEAA) to provide federal assistance to the states and local governments for their criminal justice systems. Last year $29-million in action grants were awarded and increased funding is sought for this year.

With that increase, the total federal expenditure in all areas of law enforcement and criminal justice will be far less than 1 per cent of total federal general expenditures. Furthermore the bulk of the LEAA action money will go to law enforcement—police—continuing the neglect of the pressing needs in such areas as juvenile justice, narcotics addict rehabilitation, court backlog, and corrections.

Our nation has no national or sensible program for corrections and rehabilitation; there is no adequate national program for treating narcotic dependents on a medical basis; we have no meaningful or adequately funded program for dealing with the critical problem of youth crime; there is no federal program for attempting to alleviate the crisis that exists in our state courts, which are overloaded and confronted with hopeless backlogs; although we all recognize that organized crime is an interstate business with which most local law enforcement bodies are incapable of dealing, there is no satisfactory federal response for the elimination of this menace; at every stage our efforts in law enforcement and corrections are beset by fragmentation, with very little coordination between local, state and federal authorities.

The fear that is both valid and real is not the fear that crime exists but the fear that we will continue to do very little to meet the problem. If our committee can dispel the fantasy that our government is responding adequately, we will have fulfilled an important and vital function. Let me cite an example of this delusion. Recently, the Administration forwarded to Congress what was described as a "comprehensive" bill to control drug abuse and narcotic addiction. However, an analysis of the bill reveals that it is little more than a codification of existing statutes concerning law enforcement.

Every expert witness our committee has heard, both in open hearings and in executive session, has agreed that no realistic program to control this important problem could rationally omit provisions for rehabilitation, medical treatment, training and education. What is scarcely one-fourth of a satisfactory program to control drug addiction and abuse has been foisted on the American people as a "comprehensive" legislative package.

It is almost a cliche to say there are no simplistic solutions to the crime problem.

Testimony before our committee set the profits of organized crime from gambling alone, at $7-billion annually. Our present federal effort against organized crime may rise to an unprecedented funding level of $55-million.

The hearings and studies of our committee have disclosed to me that there are several deficiencies and gaps in our federal legislation dealing with crime. A major overhaul of these laws is desperately required. The areas of most pressing need are: juvenile delinquency, narcotic addict rehabilitation and educational programs about drugs, improvement of state and local criminal courts, vast upgrading of criminal justice personnel—police prison guards, probation officers and prosecutors, a major revamping of our juvenile courts, and greatly increased use of citizen volunteers in our court and correction efforts.

There is one item of legislation I consider of great urgency—where a federal effort is immediately needed. I have met with many correctional experts and the consensus among

them is apparent that our correctional institutions are largely a relic of another age. Our correction programs just do not correct—the institutions are in too many instances "hothouses of crime" and "secondary courses in criminal activity." These conclusions are most alarming when considered in relation to juvenile corrections.

CRIME IN THE STREETS AND COURT DELAY

(By Congressman CLAUDE PEPPER)

From its inception, the Select Committee on Crime of the U.S. House of Representatives has devoted considerable attention to the congestion in our courts and its effect on the crime rate. Our hearings in Washington, Miami, and other cities have convinced us not only that serious congestion exists but that it has reached alarming proportions, especially in urban areas. Moreover, it is causing the crime rate to rise and respect for our criminal justice system to diminish. The conclusion is inescapable—unless we take prompt and substantial action to shore up the system, we will soon be engulfed by untried and illtried criminal cases.

MORE PEOPLE ARRESTED

In many cities, police forces which deservedly have been upgraded are arresting more people than ever before—more than the rest of the system, the courts and corrections, can handle. Justice that once deterred crime with its swiftness and sureness has become lumbering and uncertain, so that the principal problem today is not that the courts are "turning the criminals loose" because of recent Supreme Court decisions but that the cases of many of the accused are not even being reached on the docket. At best, we often see assembly-line justice dispensed by harried judges, prosecutors and clerks striving to cope with a mounting caseload. Thus, the criminal with a bail bondsman and a lawyer has gained months and sometimes years in which to rob and steal afresh; the insolvent defendant, who can afford neither bail nor private counsel, sits in jail until an overworked public defender or an appointed attorney can check out his defense and get him to trial; all the while, the innocent is left to despair of ever clearing his name, and the whole of society loses confidence in the efficacy of the judicial process.

Witness after witness before our Committee described the caseload problem in the courts in the gravest terms. "From one end of the Nation to the other," said Attorney General John N. Mitchell, "local, State and Federal criminal courts are becoming hopelessly overcrowded." The District Attorney of Los Angeles County, Evelle J. Younger, noted that "State courts throughout the country are rapidly approaching the point where the sheer volume of criminal cases threatens to inundate the administration of criminal justice." To Representative Bertram L. Podell of New York, the prevalence of clogged dockets represent "a national disgrace."

Justice so long delayed benefits no one except the criminal himself. As was pointed out by Dean A. Kenneth Pye of the Duke University School of Law, Police Chief Jerry V. Wilson of the District of Columbia and others, the last thing in the world the criminal wants is prompt and speedy trial. He is delighted to have prosecution witnesses go to the courthouse time after time, only to find a case postponed again, or a witness who has moved away or become sick or died. Even if the criminal is unlucky enough to have his case called up in court, he and his lawyer can always resort to plea bargaining—a device that too many judges and prosecutors, because of overwork, readily embrace. It is not surprising therefore, as Chief Wilson noted, that many auto thieves, burglars, muggers and purse snatchers are allowed to plead guilty to such reduced charges as petty larceny and simple assault—"a great number of fairly serious criminals get off with little or no punishment." The effect on the police was aptly described by Representative James H. Scheuer of New York: "There is nothing more discouraging to a police professional than to have risked his life in bringing in a suspect, particularly in the case of a violent crime, and then learn that we have to force the defendant to plead guilty to a lesser offense than what the police officer charged him with because society has not provided the judges, the juries, the prosecutors, the court clerks, the secretaries and the detention facilities to try people, particularly young people."

WHAT IS EFFECT?

What is the effect of all this on the crime rate? In the District of Columbia, where it often takes a year to 18 months to bring a felony case to trial, there is documentation. A study by the U.S. Attorney's office, cited by Chief Wilson, found a rearrest rate of 60 to 70 per cent among persons charged with robbery and released on bail.

Another study was made by the police department of 156 persons indicted for robbery (holdup) in fiscal year 1967. Within the following year, about 36 per cent had been reindicted for additional felony offenses—the majority of which were holdups—that were committed while the defendant was out on bond on the original holdup charge. Some were arrested, and subsequently released on bail, as many as five times. Chief Wilson rejected the notion that recent controversial Supreme Court decisions such as *Miranda* were the "real causes" of the law enforcement problem in the District of Columbia, saying: "My own view is that the real problem is that we are just not getting our criminals to trial and are not getting them effectively processed through the courts on the basis of the cases that we are able to make."

Much the same can be said of Miami, where the Committee conducted its most searching examination to date of an overburdened court system. The five judges of the Dade County Criminal Court dispose of about 12,000 cases a year, or about 2,500 cases each, about 60 per cent are felonies, the rest misdemeanors. Chief Judge Jack M. Turner estimated that most cases of those who can afford bail are tried within 12 to 18 months; "run-of-the-mill" jail cases get to trial within three to six months, he said, although other witnesses told of defendants who had spent as much as 18 months to two years in jail awaiting trial. For all classes of defendants, Judge Turner thought a fair interval—fair to both prosecution and defense—between arrest and trial would be three to four months. State's Attorney Richard E. Gerstein felt it was "essential for the efficient administration of justice" to guarantee every defendant a trial within 90 days after arrest.

Far from achieving these goals, the court is experiencing growing caseloads and backlogs with no let-up in sight. The backlog of pending cases (that is, ready for trial) jumped from 3,303 in August, 1968, to 6,978 in August, 1969—a 111 per cent increase. At the already frenzied pace at which the five judges now work, the August, 1969, backlog would require seven months to dispose of, even if no new cases were filed. But there can be no such prospect: the volume of new cases filed by the State's Attorney in the Criminal Court increased by 63 per cent—from 5,473 to 8,298—during the first eight months of 1969 compared wiht the same period in 1968.

COULD EASILY BE MUCH WORSE

As bad as this situation is, it could easily be much worse. All but a handful of the felony cases now coming before the court are disposed of by the judge after waiver of jury trial. One judge told a Committee investigator that if four or five attorneys with large defense practices demanded time-consuming jury trials for all their clients, chaos would ensue. The prevailing opinion is that defense attorneys readily waive jury trial in the belief that the saving in time will influence the judge to impose a softer sentence if conviction results.

Like Criminal Courts in all of Florida's metropolitan areas, the one in Dade County operates under several statutory and other handicaps. A judge may be added only with every 250,000 increase in county population (whereas a judge may be added in the Circuit Court, which largely handles civil cases, with each 50,000 increase in population). In addition, only Florida and Vermont permit discovery depositions from witnesses in criminal cases—a rule that substantially increases the workload for both State's Attorney and Public Defender offices in Dade County. Efforts to obtain more personnel are rebuffed by a Metropolitan government whose funding powers are severely limited by the State Constitution.

QUALITY JUSTICE SUFFERS

Under such handicaps and pressures as the Committee found in Miami, the quality of justice admittedly suffers. State's Attorney Gerstein, a past president of the National District Attorneys Association, cited the multitude of serious felony cases that are tried in big-city courts throughout the land with little or no preparation by the prosecutors. "They are tried 'from the hip,' so to speak," he said. "The prosecutor picks up the file. He calls out the names of the witnesses and he attempts, by rote, by prior experience in these areas, to try the case. That is no way for serious crime to be tried in America." Although the workload in his office has increased by 320 per cent in the past five years, there has been only a 13 per cent increase in staff, he said—and the starting pay of his assistants is less than that for a Dade County patrolman.

MAJOR REFORM NEEDED

Phillip Hubbart told us of his constant dilemma during five years in the Public Defender's office, where each of 10 part-time assistants assigned to the Criminal Court handle 330 to 340 felony cases a year (compared with a nationally recommended maximum of 150 cases per full-time defender). there are no investigators. He was able to handle such a vast caseload, Mr. Hubbart said, by placing a higher value on his clients' rights to a fair trial rather than on their right to a speedy trial. "It was a terrible choice to have to make," he said, "but I moved time and again for continuances in my cases until I was prepared to try them. Frequently, this meant five-to-six-month delays in the trial of a jailed defendant. Some of these people were undoubtedly innocent, but they had to wait their turn in line until I could fully check out their defenses." Even so, Mr. Hubbart estimated that because of the heavy caseloads in the Public Defender's office, five to 10 per cent of the insolvent defendants it counsels were being convicted of offenses they did not commit. His conclusion was that "it is the poor, not the wealthy, who suffer from these inexcusable inequities and delays in our criminal justice system. A Nation dedicated to equal justice under the law should not tolerate such injustice. Major reforms are in order."

Indeed they are. For Dade County, it was uniformly agreed, the overriding requirement is for manpower—more judges, more prosecutors, more public defenders. Judge Turner held out hope that Florida voters this year will approve a proposed constitutional amendment which would make the less burdened judges of the Circuit Court in metropolitan areas available to try the overflow of criminal cases. Mr. Gerstein and Mr. Hubbart implored Congress to appropriate funds directly to large cities to hire more prosecutors and public defenders. No such

funds have yet come to Dade County from the Law Enforcement Assistance Administration.

MORE ADMINISTRATORS

For multi-judge systems everywhere, I concur with retired Associate Justice Tom Clark of the Supreme Court, now Director of the Federal Judicial Center, that professional court administrators be appointed—and fully empowered—to free judges to spend more time on the bench. We need more schools to train such administrators; at present, only American University here in Washington and the University of Southern California offer degree courses in judicial administration. There should be more statewide judicial conferences (only a few States have them now) where successful techniques of judges and court administrators can be exchanged. Systems should be set up for constant review of all components of the criminal justice system to ascertain whether they are working or not working. Finally, a much greater proportion of funds should be expended through LEAA to strengthen those components of the system above the police department level; as many witnesses before us pointed out, it does little good to strengthen police forces—indeed, it may do more harm than good—without strengthening those other parts of the system, principally courts and corrections, which must deal with all those the police arrest.

In the coming year, the Committee will pursue its study of what is commonly known as court delay. But this much we now know: only through massive infusions of manpower and money, willingly supplied by an understanding public, can criminal justice in this country continue to be administered as a deterrent to crime and in accord with our traditions of fair treatment for all, rich or poor.

"KNOW THE TRUTH, AND THE TRUTH SHALL MAKE YOU FREE"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. RARICK. Mr. Speaker, I rise to congratulate and compliment the distinguished Senator from the Yankee State of Connecticut, Senator RIBICOFF, for his frank and forthright statements during yesterday's debate in the other body on the most pressing domestic problem facing the American people—S. 1461, and the following.

The threat of unlawful Federal intervention and control of our educational systems is, in many of our districts, a crisis of destructive proportions today. It is certain to cause grave controversy elsewhere and become a national crisis by this September.

The Senator from Connecticut has hit the nail on the head with his analysis of the school crisis. He correctly recognizes that it is not an educational problem but rather the educational aspect of the far more serious problem of race relations.

We of the South—of both races—have long understood each other and have repeatedly proven that we can live together in the same society with a minimum of friction and a maximum of individual freedom if left alone to solve our own problems. It is certainly no accident that George Washington Carver and Booker T. Washington, the greatest contributors to humanity of their race, and a credit to any civilization, were products of the South. For over 15 years, we of the South have been trying to tell our fellow Americans what Senator RIBICOFF has now announced—that national solutions to local problems are impossible.

As an intelligent people, we must realize that when engines do not run, bridges fall, and designs fail, we do not continue from the same blueprint. We must remain viable and look for solutions to our problems which are acceptable to the majority, yet carefully preserving the basic rights of the minority. We must have the honesty to recognize and deal with facts as they are—not as we wish them to be.

As a matter of economics, the cost of unsuccessfully implemented race mixing by force has proven astronomical, not only as a matter of financial drain on the taxpayers but also in the field of human relations. Efforts to force individual liberties and grant compensatory freedoms to a few have but resulted in amassing more and more concentrations of power in a central government with the result that the experiment now threatens the individual liberties of all under a near-police state.

Lawlessness has been encouraged in the name of law; deceit masquerades as truth, while truth, unwelcome is ostracized. Our land is a troubled land.

Whether it be planned or accidental, we are on a course which will destroy this Nation—the last remaining bulwark of human freedom.

To avoid the destruction of our country, we must first identify the deviation in our course and then correct it. The able Senator from Connecticut has recognized that we are off course. While I do not agree with his proposed solution, I commend his sounding of the alarm.

Because I recognize that the statements made so frankly by Senator RIBICOFF are not in the interests of sectional politics or in deference to any race or minority group, but only in the higher interest of the very survival of our United States, I laud the Senator for his courage and devotion to our country and our people.

I urge every Member of the House to study carefully yesterday's historic colloquy in the other body. The 91st Congress bears the responsibility to generations unborn, for the solution of this problem this year.

ONE-WEAPON ECONOMICS

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. ULLMAN. Mr. Speaker, add another voice to the growing chorus of those who recognize that the economic policies of the administration are taking the Nation along an increasingly dangerous road. An editorial in today's New York Times notes nearly all the pitfalls: continued reliance on virtually one anti-inflationary weapon, monetary policy; confidence in the balanced-budget approach to economic stability, based on a budget—for fiscal 1971—that is most precariously balanced; a refusal to come to grips with soaring prices and wages.

The editorial's final paragraph restates what I have been saying for months:

A sole reliance on monetary policy is unnecessarily risky. Although the hour is late, the President must start the task of regaining greater economic flexibility and a great arsenal of policy weapons. He must also map out and press for the structural reforms that will make stable growth an achievable objective, not a more forecast or a pious hope.

I commend the entire editorial to the attention of my colleagues:

ONE-WEAPON ECONOMICS

Though the unemployment figures are somewhat unreliable on a month-to-month basis, it new seems clear that President Nixon's prescribed "slowing pains" are starting to affect the labor market. The seasonably adjusted unemployment rate climbed from 3.4 per cent in November and December to 3.9 per cent in January and will probably go higher.

In his first official encounter with the House Banking and Currency Committee since assuming the chairmanship of the Federal Reserve Board, Dr. Arthur F. Burns predicted a moderate rise in unemployment this year—to 4.2 or 4.3 per cent, "or maybe a little higher." A full percentage point added to the unemployment rate means joblessness for about 800,000 more people.

At Dr. Burns's swearing-in ceremony, President Nixon pointedly insisted that the time is near for "lower interest rates and more money."

It is understandable that the President and his economic advisers should be jawboning Dr. Burns and the Fed about easing monetary policy; this is essential to its hopes for curbing inflation gradually with only a modest rise in unemployment and an early economic recovery.

According to the Nixon Administration's scenario, the economy is not to grow at all in the first half of 1970 but is then to begin a moderate upswing in the second half of the year. Even in 1971, however, the economy is expected to stay well below its full-employment potential. Not until 1972, by the Administration's current forecasts, will the economy enter a new phase of strong inflationless growth, with real output rising by a vigorous 4.3 per cent a year and unemployment hold to a pleasant 3.8 per cent rate.

The real question is whether the White House has retained the policy instruments it needs to br' g about the economic pattern, level of employment and rate of price increase that it desires. In fact, the Administration has virtually stripped itself of the policy instrument needed to achieve both price stability and low unemployment.

On fiscal policy, it has produced a precariously balanced budget and at the same time committed itself to a balanced-budget philosophy. Even if there is not a more serious recession and revenue shortfall than the budget assumes, there may actually be a significant deficit next year of $5 billion or more. This could result from a refusal of Congress to go along with a six-month delay in pay increases for Federal civilian and military personnel, a postal rate increase and massive sales of Government-owned mortgages, stockpiled materials and other assets.

The Administration has ruled out tax increases as instrument of economic policy. No tax increase under any circumstances has apparently become basic Republican ideology for the time being, no matter what the con-

sequences for inflation or for meeting urgent public needs may be. The Administration blames Congress for this but does nothing to oppose or re-educate Congress on the fiscal facts of life.

The Administration has also ruled out anything resembling a policy on prices, wages and productivity at a time when huge wage increases are in prospect, as unions boost their wage demands to keep pace with spiraling living costs. The Administration cannot end the structural faults in the American economy that have produced so heavy a trade-off between inflation and unemployment simply by describing a growth path that returns gradually to full employment.

The only policy tool left to achieve the desired growth path is monetary policy. And that tool still belongs to Dr. Burns and the Federal Reserve.

But the Administration must now face up to the question of what it would do if its comfortable forecast of a gentle slump and early economic recovery proves false and if changes in the money supply fail to produce the stabilization and growth results on which the White House is counting.

A sole reliance on monetary policy is unnecessarily risky. Although the hour is late, the President must start the task of regaining greater economic flexibility and a great arsenal of policy weapons. He must also map out and press for the structural reforms that will make stable growth an achievable objective, not a mere forecast or pious hope.

BIRTH CONTROL

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. BLACKBURN. Mr. Speaker, recently there has been a great deal of discussion over the need to control our expanding population. Earlier this session of Congress I had the pleasure of cosponsoring legislation which would set up a study commission on population control. Recently, Dr. Warren A. Rasmussen of the Georgia State Health Department submitted to me some satistics concerning the need for birth control in order to prevent unwanted pregnancies. For example, he pointed out that there were 1,561 born to mothers of ages 11 through 15 and 119 of these mothers were having their second or third child. I believe that these dramatic statistics show that there is a significant need to control the population problems.

For the information of my colleagues, I am hereby inserting Dr. Rasmussen's letter into the RECORD and the material which accompanied it:

DECATUR, GA.,
November 18, 1969.

Congressman BEN BLACKBURN,
House Office Building,
Washington, D.C.

DEAR MR. BLACKBURN: I enjoyed reading your November 1969 newsletter about President Nixon's policy regarding Viet Nam, tax reform, and electoral reform. In my opinion, you have omitted one of the more important aspects of President Nixon's efforts toward facing "our national goals in a more realistic framework". I refer to President Nixon's speech in July regarding population problems and the need for providing family planning services to needy women in this country.

The Georgia Department of Public Health conservatively estimates that there are presently 201,162 low income women of preproductive age in Georgia who are at risk of pregnancy and not sterile, pregnant, or seeking or desiring pregnancy. These women cannot afford contraceptive service from private physicians. Alas, many have no access to any medical care. Of 87,322 babies born in 1968 of Georgia mothers, 1,561 were born to mothers ages 11, 12, 13, 14, or 15; and 119 of these girls were having their second or third child. Three out of five are unmarried. An additional 6,436 babies were born to girls age 16 and 17. 1,264 were born to mothers over age 40 of whom 60% already had five, six, seven, eight, nine, ten, or more children. One baby in nine had no father listed on the birth certificate. Many of these babies resulted from "unwanted pregnancies".

It is my belief that an "unwanted pregnancy" may be considered a veneral disease which is transmitted by a human vector. This disease needs to be more precisely identified epidemiologically and more effectively controlled.

In 1965, the Georgia Health Department initiated the use of intrauterine devices and oral contraceptives as birth control measures in local health clinics. The stated goal of the program was that "every baby should be a wanted baby".

Only 11% of the needy women in Georgia are currently receiving active contraceptive care. Although this is one of the better family planning programs in the United States, its expansion is curtailed by budgetary and personnel limitations. President Nixon's important policy statement in July favored the provision of family planning services to all needy women in this country. I have heard nothing about the implementation of this stated objective into financially supported programs.

To summarize the situation in Georgia, if one sums up all babies born to girls age 17 or under, all babies born to women age 40 and over, illegitimate babies born to mothers between ages 18 and 39 and all other babies born to mothers who already have five children or more, one learns that 22,934 (26%) of all babies born in 1968 had a high risk suggesting that they may have resulted from unwanted pregnancies. This does not include illegal abortions about which we have no certain knowledge. Nor does it include the few legal abortions which have been received by a privileged few. Nor again, does it include many other women who married to obtain a father's name for the birth certificate.

Please give my compliments to President Nixon for his verbal interest in family planning, the lack of which causes untold suffering; please give him your strongest support in backing his words with appropriate monetary funding. "An ounce of prevention is worth a pound of cure" is more truly said of birth control than probably any other health issue today.

Sincerely yours,

ROGER W. ROCHAT, M.D.

P.S. Enclosed is an October memorandum from the Georgia State Health Department which substantiates most of my statistics.

MEMORANDUM

OCTOBER 29, 1969.

To: All District Directors of Public Health, All District Directors of Public Health Nursing, All Regional Consultant Nurses, All Local Health Departments, Regional Offices.

From: Warren A. Rasmussen, M.D., Director, Office of Local Health; Albert K. Schoenbucher, M.D., Director, Maternal Health Service.

Subject: Maternal Health Service Information Memo—October 1969.

GEORGIA'S TOP 10 IN FAMILY PLANNING SERVICE

	October 1969		September 1969		August 1969	
Rank	County	Percent served	County	Percent served	County	Percent served
1	Clay	52.6	Clay	52.6	Clay	60.4
2	Webster	35.7	Webster	34.7	Metro Atlanta	34.4
3	Metro Atlanta	32.1	Metro Atlanta	31.0	Webster	31.0
4	Jasper	30.0	Butts	28.2	Wilkinson	29.5
5	Wilkinson	29.3	Ben Hill	27.5	Butts	28.8
6	Ben Hill	27.8	Wilkinson	27.2	Ben Hill	25.9
7	Screven	25.7	Peach	23.3	Glascock	23.4
8	Warren	25.7	Glascock	22.7	Peach	22.1
9	Butts	24.6	Warren	22.6	Crawford	21.3
10	Crawford	23.4	Harris	20.8	Warren	20.5

FROM LAST PLACE TO PENNANT CONTENDER IN FOUR MONTHS

Sounds like a sports headline? Well, they're in there pitching in Terrell County!

In July it was announced that Terrell County had started its family planning clinic on July 7, 1969. In the past four months (14 clinic sessions) 177 new patients have been admitted to family planning services—almost 21.5% of the estimated eligible women. This phenomenal rise is due to Dr. Charles Ward's request to see 15 new patients during each clinic session. He devotes each Monday afternoon to providing contraceptive services to the needy women in Terrell County.

But even the physician's willingness is not enough. The efforts of Terrell County's Office of Economic Opportunity and Department of Family and Children Services are to be commended. They have had to struggle to meet Dr. Ward's requested number of clinic patients. They soon discovered that casefinding and referral were not enough. Patients need other help. Now FACS and OEO caseworkers arrange and provide transportation and other help so that the women can attend clinics at their appointed time. They also assist Miss Juanita Foster and Mrs. Roslie Stone in the clinic sessions.

A unique innovation was added in October. OEO aides use surplus commodity foods to provide lunch for patients. The patients are taught how to use available commodity foods to prepare nutritious as well as palatable meals. It has been said that nutrition has a place in family planning—Terrell County is proving it.

This outstanding accomplishment is an excellent demonstration of what can be done when the health department, FACS, and OEO cooperate fully with the physician to provide needed services.

CONGRATULATIONS

To the Big Indian Creek Club in Madison for winning FIRST prize (worth $60) in community exhibits at the Morgan County Agricultural Fair with an exhibit titled: "Family Planning Multiple Alternatives."

METRO ATLANTA REDEFINES ACTIVITY STATUS

Until August 1969, family planning patients in Metro Atlanta (Fulton, DeKalb, and Rockdale Counties) were considered "active" until they were *more than* two months tardy for

their appointments. These patients will now be defined as delinquent as soon as they miss their appointment. This will cause a decrease in the number of reported "active" patients.

NURSES MAY DO PAP SMEARS

"It is recognized that physician services are not available in all health department clinics; and, therefore, some provisions must be made for obtaining the Pap smear at times other than during a pelvic examination by a physician. With approval of the local board of health and the Office of Local Health, nurses and/or technicians may be taught by local physicians to obtain a Pap smear. Consultation and instructions for teaching will be provided by the Maternal Health Service. This nursing assistance in no way relieves the physician of the responsibility for the patient.*

Nurses have been performing Pap smears and IUD string checks in several counties during the past three to four years. These techniques can be easily taught by the clinician and provide the nurse with the capability of performing them during non-clinic hours when the physician may not be present. The physician's time can then be used for initiating new patient services and handling problems and complications associated with contraception. This would especially help counties which, like Webster, have family planning appointments booked through March 1970—most of these are for follow-up patients.

FAMILY PLANNING QUESTIONNAIRE

On September 18, 1969, a questionnaire was mailed to 375 active health department clinicians. About 50% have already been returned. The preliminary results are very interesting:

153 (87%) provide family planning in their private practice. Both the IUD and oral contraceptives are used by 124 (81%) of the physicians who provide family planning in their private practice.

Although the Lippes Loop was preferred by most physicians, both the loop and the Saf-T-Coil were used by a large number of physicians in public health clinics. Eighty (46%) preferred a single combined oral contraceptive; 82 (46%) chose two or more combined preparations. Ninety-two (52%) preferred a single sequential preparation; 40 (23%) chose two or more preparations; 16 (9%) expressed dislike for sequential preparations.

A "28-day" pill was preferred to the "21-day" pill for clinic patients by the majority of the physicians.

Foam and condoms were used by most physicians; appropriate comments were made about their relative ineffectiveness.

The IUD received considerable praise from the physicians:

"Only thing any good in clinic patients is an IUD."

"In our clinic there is very little real need for anything but the loop."

"I am 100% for the IUDs and have put in about 400 since 1965 (this includes public health and private)."

"I like the loop also."

Several complained about the "short strings"; another tersely stated "loops and coils unreliable in my practice".

CALORIES FROM NON FOOD ITEMS

Did you ever wonder if that "Argo" starch craved by some pregnant women added calories? Well, it does. As a matter of fact a box of starch is 86% carbohydrates and yields 1590 calories!

This is the amount of calories expended during 4–5 hours of active exercise, since we need approximately 2.7 calories per pound of body weight per hour for active activities.

Now if you really want to get an idea of how many calories this represents, just visualize a bag of potato chips, a piece of apple pie, a bag of peanuts, milk shake, and a candy bar—all of these add up to that box of starch!

Would you like an inservice program on nutrition? I would be happy to plan a visit to your county.

UNWANTED BIRTHS IN GEORGIA: 1968

"Every baby should be a wanted baby." So we believe. Who knows the extent of unwanted births in Georgia? The number of girls who quit school because of pregnancy? The unmarried mothers who cannot adequately support themselves and care for their children? The older mothers who already have a houseful . . . and suddenly . . . *one more?* And many of these are already poor people. "The rich get richer and the poor get babies."

An increased health risk to mother or baby is associated with mothers age 17 or less and 40 or more. Increased health problems are also seen with multiple teenage pregnancies, frequent pregnancies, and having more than five babies (at any age).

Did you know that in calendar year 1968 in Georgia . . .

There were 1,561 births to girls age 15 or under, 90 more than in 1967. (69% of these births were to non-white mothers.)

119 of the 1,561 babies born to mothers age 15 or under were the *second* or *third* baby born to that mother.

56% of the children born to mothers age 15 or less had no fathers listed on the birth certificate.

An additional 6,436 girls age 16 and 17 gave birth to babies in 1968. Of these tragically young mothers, 31 were delivering their fourth, fifth, or sixth child . . . at age 16 or 17.

1,264 babies were born to mothers age 40 or over; 761 (60%) were sixth, seventh, eighth, ninth, tenth, or higher in the family.

One out of nine babies born had no father named on the birth certificate.

How many babies were born to your county's children?

How many unwanted babies will be born in your county in 1969? in 1970?

Family planning, birth control, can be effective . . .

What are you doing to prevent unwanted births??

The following pamphlets are now freely available from Central Supply, Georgia State Health Department. Please order as many as you can effectively use:

"Why Family Planning?"

"If You Have Chosen the Loop for Spacing Your Children . . ."

NUMBER OF LIVE BIRTHS BY MOTHER'S AGE AND COUNTY, 1968[1]

	Total, 11–15	Mother's age 12	13	14	15
Total	1,559	12	103	346	1,097
Appling	7			1	6
Atkinson	4	1		1	2
Bacon	2				2
Baker	1				1
Baldwin	12				12
Banks	3				3
Barrow	3				3
Bartow	9			1	8
Ben Hill	4		1	1	2
Berrien	4			1	3
Bibb	46		4	8	34
Bleckley	5				5
Brantley	2		1		1
Brooks	4		1	1	2
Bryan	1			1	
Bulloch[2]	10	1		2	6
Burke	17	1	2	5	9
Butts	4	1			3
Calhoun	4		1	1	2
Camden	1				1
Candler	2		1		1
Carroll	16			5	11
Catoosa	5			1	4
Charlton	2			1	1
Chatham	82		6	19	57
Chattahoochee					
Chattooga	5				5
Cherokee	6			3	3
Clarke	15		2	3	10
Clay	2				2
Clayton	12		1	2	9
Clinch	8		2	2	4
Cobb	36	1	3	6	26
Coffee	11		2	3	6
Colquitt	21		3	6	12
Columbia	10				10
Cook	6			1	5
Coweta	9			4	5
Crawford	4			1	3
Crisp	13			3	10
Dade	1			1	
Dawson					
Decatur	12		2	3	7
De Kalb	100	2	7	16	75
Dodge	3				3
Dooly	6				6
Dougherty	34		2	9	23
Douglas	9		1	1	7
Early	12		2	2	8
Echols	4				4
Effingham	1			1	
Elbert	9			2	7
Emanuel	8			3	5
Evans	3			1	2
Fannin	1				1
Fayette	4		1		3
Floyd	12			4	8
Forsyth	5				5
Franklin	4			2	2
Fulton	276		20	67	189
Gilmer	1				1
Glascock	1				1
Glynn	10		1	1	8
Gordon	1				1
Grady	7		1	2	4
Greene	6		1	2	3
Gwinnett	24		4	3	17
Habersham	2				2
Hall	13			2	11
Hancock	11			3	8
Haralson	4			1	3
Harris	4		1		3
Hart	6			1	5
Heard	1				1
Henry	9	1		3	5
Houston	14			3	11
Irwin	5				5
Jackson	5			1	4
Jasper	6		1		5
Jeff Davis					
Jefferson	7		1	1	5
Jenkins	4				4
Johnson	3			1	2
Jones	1				1
Lamar	4		1	2	1
Lanier	1				1
Laurens	12		1	1	10
Lee	4			1	3
Liberty	8		1	2	5
Lincoln	4			2	2
Long	1				1
Lowndes	19			6	13
Lumpkin	3	1			2
Macon	7				7
Madison	2		1	1	
Marion					
McDuffie	14			5	9
McIntosh	5		2	1	2
Meriwether	7		1	1	5
Miller	3			1	2
Mitchell	11			3	8
Monroe	3				3
Montgomery	3			2	1
Morgan	4			1	3
Murray	1				1
Muscogee	38			11	27
Newton	10			2	8
Oconee	2			1	1
Oglethorpe	4			3	1
Paulding	4				4
Peach	11	1		3	7
Pickens	2				2
Pierce	3		1	1	1
Pike	1		1		
Polk	6				6
Pulaski	3				3
Putnam	6			2	4
Quitman	2				2
Rabun					
Randolph	7		1	1	5
Richmond	59	1	2	13	43
Rockdale	4		1	1	2
Schley	2				2
Screven	3		1	1	1
Seminole	4				4
Spalding	22		2	5	15

* From Maternal Health Service Policy Statement revised September 1969.

NUMBER OF LIVE BIRTHS BY MOTHER'S AGE AND COUNTY 1968 [1]—Continued

	Mother's age				
	Total, 11–15	12	13	14	15
Stephens	2			1	1
Stewart	2				2
Sumter	14		1	4	9
Talbot	2			1	1
Taliaferro					
Tattnall	5		1		4
Taylor	2			1	1
Telfair	8		2		6
Terrell	6			3	3
Thomas	11		1		10
Tift	9		1	3	5
Toombs	9			2	7
Towns	1				1
Treutlen	3		1	1	1
Troup	9	1		4	4
Turner	1				1
Twiggs	4		1		3
Union					
Upson	9			3	6
Walker	9			5	4
Walton	9		1	3	5
Ware	12			4	8
Warren	8			2	6
Washington	12			3	9
Wayne	8		1	4	3
Webster	2				2
Wheeler	2				2
White	2				2
Whitfield	16		1	6	9
Wilcox	2				2
Wilkes	2			2	
Wilkinson	1				1
Worth	11		1	2	8

[1] Biostatistics Service, Georgia Department of Public Health (excludes military establishments in Georgia which reported 1 13-year-old and 1 15-year-old mother in 1968).
[2] Bulloch County had 1 11-year-old mother in 1968.

AN ANALYSIS OF LIVE BIRTHS IN GEORGIA, 1968, BY AGE, RACE, MARITAL STATUS,[1] AND PARITY[2]

Characteristics of mother	White births	Percent ot total white births	Nonwhite births	Percent of total non-white births	Total births	Percent of total births
Age less than 15; 56 percent unmarried; 8 percent with previous child.	479 (27 percent unmarried).	0.8	1,082 (69 percent unmarried).	3.8	1,561	1.8
Age 16 to 17; 21 percent had previous children.	3,079 (12 percent unmarried).	5.3	3,357 (50 percent unmarried).	11.7	6,436	7.4
Age 40 and over; 50 percent had more than 5 previous live births.	698 (41 percent: more than 5).	1.2	566 (84 percent more than 5).	2.0	1,264	1.4
Unmarried mothers age 18 to 39; 35 percent had 2 or more previous live births.	1,582 (17 percent: 2 or more).	2.7	5,406 (40 percent: 2 or more).	18.8	6,988	8.0
Married mothers age 18 to 39 with more than 5 previous live births.	2,820	4.8	3,866	13.5	6,686	7.7
Subtotal [3]	8,658	14.8	14,277	49.7	22,935	26.3
Married mothers age 18 to 39 with 5 or fewer previous live births.	49,958	85.2	14,429	50.3	64,387	73.7
Total births	58,616	100.0	28,706	100.0	87,322	100.0

[1] Marital status is defined by presence or absence of name of father on birth certificate.
[2] Data obtained from Biostatistics Service, Georgia State Board of Health.
[3] The subtotal may represent live births which may be unplanned, unwanted and medically or socially disadvantaged.

WHILE WE LOOK THE OTHER WAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. DERWINSKI. Mr. Speaker, even though the House has passed a proposed constitutional amendment establishing direct popular vote for the President, the subject is of such a tremendous importance that commentary and debate very properly continues.

Therefore, I was especially interested in the very profound commentary on the subject in the Thursday, February 5, Worth-Palos (Ill.) Reporter, in a column by Mr. Zay Smith, Jr., a journalist who is recognized for his very high degree of political sagacity.

Incidentally, columnist Smith is a most able and dedicated liberal who very consistently maintains the honesty of his convictions. I believe that has commentary is, therefore, especially pertinent.

I include the article, as follows:

WHILE WE LOOK THE OTHER WAY

(By Zay Smith, Jr.)

In the 1950's, Senator John Kennedy led the forces opposing the abolishment of the electoral college. In a typically eloquent speech, he paraphrased Lord Melbourne and based his argument on this aphorism:

"When it is not necessary to change, it is necessary not to change."

These words are unassailable. To preach against them is to preach revolution just for the hell of it, as some foolish men have recently done. It is simply against common sense to destroy an institution that is working well, and it is also a waste of precious effort as there are so many institutions that are not.

So Senator Kennedy and his forces won. The outcome, actually, was never in doubt. The electoral college had many friends in the 1950's.

But we have been scared twice since then, and we have seen what damage the electoral college can and might do, given another squeaker, especially a three-party squeaker. And, with a decade of new experiences to our credit, we are moving to change the way that Presidents of the United States are elected.

A Constitutional amendment has already been swept through the House of Representatives. It awaits Senate action. If it goes into force, the character of our national elections will be changed radically. And it is sad that there is not sitting in the Senate, at this moment, a Senator Kennedy to paraphrase a Lord Melbourne, for the proposed amendment would change much that it is necessary not to change.

Peaceably, through due process, we are threatened with evolution just for the hell of it, and from this evoluton might come a worse chaos than the one we are presently trying to forestall.

In the words of Theodore H. White, who has been watching the making of Presidents for decades:

"Last September, in a triumph of noble purpose over common sense, the House passed and has sent to the Senate a proposal to abolish the Federal System.

"It is not called that, of course. Put forth as an amendment to the Constitution, the new scheme offers a supposedly better way of electing Presidents. Advanced with the delusive rhetoric of vox populi, vox dei, it not only wipes out the obsolete Electoral College but abolishes the sovereign states as voting units. In the name of the People, it proposes that a giant plebiscite pour all 70,000,000 American votes into a single pool whose winner, whether by 5,000 or 5,000,000, is hailed as National Chief."

White foresees election night nightmares if the amendment passes, and several of his arguments are here condensed:

1. John Kennedy won the Presidency in 1960 with a margin of less than one-fifth of one percent of votes cast nationally. There were cases of undeniable vote fraud in at least three states. But no one challenged his victory because "the national decision had been made by electoral votes of honest-count states—sealed off from contamination by fraud elsewhere—and because scandal could as well be charged to Republicans as to Democrats." The partitioning inherent in our present system had, then, nullified the vote frauds in 1960.

However, had the votes been dumped into one large pool, the pressure to cheat and to call for recounts would inevitably grow, and with this pressure would grow the chances for chaos. "Any vote stolen anywhere in the Union (would) pressure politicians thousands of miles away to balance or protest it." With the proposed system, according to White's best guess, both the 1960 and 1968 elections would have ended, not in an orderly transition, but in an electoral brawl.

2. Today's system forces "candidates to plan campaigns on many levels, choosing groups and regions to which they must appeal, importantly educating themselves on local issues in the states which they seek to carry. But if states are abolished as voting units, TV becomes absolutely dominant . . . Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and most 'creative' TV talent."

There is enough of this already, as anyone who has read The Selling of the President, 1968, by Joe McGinnis, knows. Take away the partitions, the local issues and the clout they carry, and all restraints against this sort of practice are taken away with them.

3. In the same sense, "if states are abolished as voting units, the chief political leverage of Negroes is also abolished."

"Black votes count today because blacks vote chiefly in big-city states where they make the margin of difference. No candidate seeking New York's 43 electoral votes, Pennsylvania's 29, Illinois' 26 can avoid courting the black vote that may swing those states."

Thus the grievances of the blacks (as well as those by countless other minority groups

that often hold whites as members) could be easily ignored by the ambitious candidates, in the hallowed name of The People.

These and other points that White makes should make us pause a bit before stapling our new Amendment to our most important listing of laws. In our eagerness to attack the Electoral College, which should be attacked and which should be abolished so great is the potential for mischief it carries, we are also attacking the entire system of state by state voting. How often we hear about the baby and the bath water. How often we forget to keep a firm grip on the baby.

The most dangerous aspect is this: we are presently spending most of our attention on those issues (such as environment and the arms race) which threaten to settle us if we do not settle them. So great are the pressures of these issues that we are presently being distracted from this Constitutional amendment. Constitutional law does not help sell magazines as mushroom clouds do. An amendment such as this, a comparative bore as issues go, might not arouse the passions necessary for a full national debate. And if this happens, it may very well slip through in the same way that most unfortunate laws slip through: while the electorate is looking the other way.

AN APPEAL TO THE ADVERTISING INDUSTRY TO JOIN IN ACHIEVING "CONSUMERISM" GOALS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mrs. SULLIVAN. Mr. Speaker, the advertising industry is one of the most important economic factors in our society; it makes the market for most of the things consumers buy, thus helping to provide jobs for millions of Americans at ever-higher standards of living. When enlisted in a public service crusade of any kind, it can appeal to us very effectively and successfully and stimulate public interest in the accomplishment of worthwhile goals. While it continues to sell cigarettes, for instance, its skills are also used with great effect in persuading millions of people to give up smoking, or in persuading youth not to start. It is a potent force in every aspect of daily life.

Traditionally, however, the advertising industry and the consumer interest have often been on opposite sides of many issues. Thus, I was happy to accept a sincere invitation from leaders of the American Association of Advertising Agencies last month to meet with the AAAA's Committee on Government and Public Relations to discuss consumerism—why it has grown into such a tremendous political force resulting in the introduction of scores of proconsumer bills in Congress and the legislatures, and why this legislation has become so important.

CINDERELLA AFTER THE BALL

In an introductory statement prior to an extended question-and-answer period on the status of consumer legislation and the outlook for passage of some of the bills, I urged the leaders of the advertising industry to put human safety—the safety of the members of their own families—at the very top of their concern in viewing some of the urgent consumer bills now pending "even when they step on some corporate toes of client firms."

I added:

I am not asking the advertising industry to commit suicide—just to help us all, including all of you as individuals and family men—to avoid involuntary suicide—to protect our families from industrial warfare against our health.

No industry sets out deliberately to kill or maim its customers. I know that. Often it is the competitive drive within an industry which forces firms to market products they themselves have doubts about, but cannot take the time to perfect because then somebody else will soak up the market.

As a woman, I love to read the cosmetic ads, for instance, I, too, dream of their implied miracles. But I want the assurance that when I buy a cream or lipstick or bath oil or other product to change me overnight into Cinderella at the ball, midnight won't find me scratching a rash or going to the hospital for liver or kidney disease.

Mr. Speaker, under unanimous consent I submit herewith the introductory remarks which I made to the AAAA leaders as follows:

REMARKS BY CONGRESSWOMAN LEONOR K. SULLIVAN, DEMOCRAT OF MISSOURI, CHAIRMAN OF THE SUBCOMMITTEE ON CONSUMER AFFAIRS, HOUSE COMMITTEE ON BANKING AND CURRENCY, AT MEETING WITH COMMITTEE ON GOVERNMENT AND PUBLIC RELATIONS, AMERICAN ASSOCIATION OF ADVERTISING AGENCIES, WILLIAMSBURG ROOM, WATERGATE HOTEL, WASHINGTON, D.C., MONDAY MORNING, JANUARY 26, 1970.

I am somewhat surprised and delighted—and I know you gentlemen are at least surprised—by the tremendous surge in public interest in the whole broad field of consumerism; for, while the issues themselves are not new by any means, the attention they are now receiving is amazing. Time Magazine recently devoted its cover story to this subject—centering around Ralph Nader, but including a broad roundup of most of the consumer issues; the daily press more and more is assigning reporters full time to consumer news; the television networks are doing the same thing; and this session this morning, in which I am most happy to participate, is a good illustration of the seriousness with which the business community is viewing the revolt of the consumer.

When I came to Congress 17 years ago, intent on making consumer issues my main interest as a legislator, there were so few members of Congress primarily interested in this area of legislation that, as I have said on several occasions, we could have held a caucus in one of the Capitol elevators. A telephone booth would have been a little too small.

Jim Delaney of New York had recently completed an investigation into the chemicals then being used in extravagant disregard for safety, without pretesting, in foods and cosmetics, but any legislation on the issue was still 5 years away; Doc Miller of Nebraska was expressing his concern as a medical man over the unrestricted use of pesticides in agriculture; Hubert Humphrey, as a pharmacist, was upset over the degree of supervision over non-prescription drugs including cough medicines containing narcotics; Estes Kefauver was working on organized crime issues at that time and hadn't begun his probe into drug prices and drug patents which eventually led him fatefully into the field of drug safety; there was some concern over smoke and smog in our cities, but air pollution wasn't considered a great national issue at the time, and so on. The total budget of the Food and Drug Administration was about $5 million compared to today's 15-fold increase to $73 million.

NOT "PROTEST" BUT RECOGNITION OF PROBLEMS

In 1953, when I took my seat in the House, a Food and Drug inspector was not free to enter a factory to see how products under the agency's supervision were being made, unless the management *voluntarily* admitted him, or he made an appointment in advance—and you can imagine how different conditions would be in the plant when the inspection appointment date arrived compared to what they might have been before.

Anyone could market anything he wanted to in the food line without pre-clearance of dangerous ingredients, and it would be up to the government to detect unsafe food additives and then, if it could *prove* they were unsafe, remove the product from the market. *That is still the law on cosmetics.*

With this audience, I am sure I do not have to go into the history of the changes in the Food, Drug, and Cosmetic Act since 1953, or into the history of other changes in the laws dealing with consumer products, because I believe that most of the advertising firms represented here have been very close indeed to those changes—and not always in the position of helping to bring them about.

A lot of people tend to associate the consumer movement with the general movement of protest in this country—over civil rights, minority aspirations, the revolt of youth, and so on. I don't see much connection. I think it is more a reflection of increasing affluence, increasing levels of education, and the participation of more and more of our middle class in the so-called good life. They are in a position now to buy more things—more complex and sophisticated and expensive gadgets and appliances and playthings and luxuries, and they are *fed up* with the slipshod workmanship and the fast-dealing and the poor service and the hazards they encounter in the acquisition of things they purchase in the pursuit of happiness.

REVOLT OF MIDDLE CLASS

In the fight over the Truth in Lending law, I found very little interest or concern on the part of the lower income families for the credit abuses of which they were traditional victims—it was the upper middle class which did most of the protesting about credit charges and practices. A study by the Federal Reserve Board last June, before the Consumer Credit Protection Act went into effect, showed that the people most likely to be aware of the extremely high interest rates being charged for credit were the college-educated, upper income families; most of the others seemed to think that they were buying used cars at 6% or so instead of 24% or 32% or 100% or whatever they were paying, and most of those frankly didn't care what they were paying as long as it was only so-much-a-month. But when department stores went to the 1½% a month credit charge on revolving credit, and we publicized that at the annual rate, you should have read the mail I received from indignant well-to-do families aghast at discovering they were paying 18% for credit.

The consumer movement is growing and making itself visible and articulate—and also effective—because more and more families are able to buy the mechanical gadgets which threaten their lives or safety, or which cost large amounts of money and therefore are expected to be well-made and worth the expense. And you can't soft-soap them anymore into being happy with their evidences of wealth and well-being, for these are people who work hard and take pride in what they do for a living and they resent being suckered by the sloppy workmanship or the fast-dealing of those they deal with or buy from.

CHANGE IN ATTITUDE OF PRESS

And, as we live longer and are able to buy medical care, we increasingly resent, and fight against, environmental factors which shorten our lives or cause disease, and against products and their promotion which entice us into premature illness and death. It was only after Veterans Administration physicians discovered a close relationship between cigaret smoking and cancer and heart disease that the newspapers would ever print anything adverse to the tobacco industry, even though all of us grew up being told by our teachers that cigarets were "coffin nails." But I think that VA study on cigarets and their statistical relationship to killing diseases marked a turning point in the consumer movement—in public awareness of environmental and other hazards, and it also marked the start of press attention, in anything other than the most perfunctory and protective manner, to products sold in this country and widely advertised in the media.

Now consumerism is one of the hottest and most glamorous of political issues in the Congress. Most of the Members of both bodies have introduced one or more bills dealing with specific aspects of consumer complaints. Some of them are very important and very necessary bills; others are not so important, and some border on the absurd.

But regardless of the kind of consumer complaint a bill deals with—and there are as many complaints about individual products or practices as there are consumers—the mere introduction of the bill gets the Member some press attention and some flattering approval from some of his constituents. *Passing* the bills is another matter entirely. That takes not only a vast amount of hard legislative work, but some good and timely breaks in the news—for instance, any disaster brings with it some legislative reaction, and we tend to legislate largely in response to crisis and disaster.

NO THREAT TO LEGITIMATE BUSINESS

Thanks to clients of many of the firms in this industry, a cosmetics safety measure of mine has been bottled up in Committee since 1954. I am not that patient, but I know that events will *eventually* pass that bill for me. The cosmetics industry has its fingers crossed on that—a perpetual posture for that industry, which is living under the knowledge that only the restraint or good luck of individual cosmetic merchandisers has avoided some catastrophe to thousands of women, or men and women, which would almost automatically result in passage of reasonable legislation the industry itself knows we need, but doesn't want.

The advertising industry is not in any way threatened by the consumer movement. You may be inconvenienced by it, as you were in getting out new commercials overnight for the diet soft drinks after cyclamates were banned for this purpose—and you proved your resourcefulness and professionalism in adjusting to that tremendous task. So you can do miracles.

Other government actions to protect the consumer may inconvenience you from time to time in your work, but you people are consumers, too—and it's *your* safety, as much as anyone else's, which is often at stake. And the credibility of your advertising is enhanced when you know, and the public knows, that *what* you advertise and help sell is *worth* buying.

I think the business economy of this country will be strengthened, not weakened, by the passage of needed, and intelligently drawn, consumer legislation. I do not believe in passing laws just for show—empty laws to meet a public demand by providing a title and no substance. Frankly, the Truth in Packaging law, which many of you fought so hard, is nothing more than that. The Truth in Lending law, and other provisions of the Consumer Credit Protection Act, are different—they have substance and teeth. And they will help you do a better job of marketing American industry's products.

SAFETY ISSUES PARAMOUNT

We are now faced with many bills to *regulate* credit, not just disclose its costs; to regulate credit life insurance rates; to regulate the quality and performance of products; to do many of the things which might assure more bargaining power to the consumer in negotiating a purchase or making a loan. There is strong public support for those bills, just as there is—I might say—for the idea of price and wage controls. These are pocketbook issues.

More important to me—although I am not against protecting the pocketbook by any means—are the proposed measures to protect human life from mounting daily hazards, and I sincerely and deeply hope your great industry will place itself behind these objectives, even when they step on some corporate toes of client firms. I am not asking the advertising industry to commit suicide—just to help us all, including all of you as individuals and family men—to avoid involuntary suicide—to protect our families from industrial warfare against our health.

No industry sets out *deliberately* to kill or maim its customers. I know that. Often it is the competitive drive within an industry which forces firms to market products they themselves have doubts about, but can't take the time to perfect because then somebody else will soak up the market. I could give you a catalogue of such products, but I think you know what many of them are.

As a woman, I love to read the cosmetic ads, for instance. I too dream of their implied miracles. But I want the assurance that when I buy a cream or lipstick or bath oil or other product to change me overnight into Cinderella at the ball, midnight won't find me scratching a rash or going to the hospital for liver or kidney disease.

THE CASE FOR PRETRIAL DETENTION

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. POFF. Mr. Speaker, on January 30, 1970, Deputy Attorney General Richard G. Kleindienst addressed the American Trial Lawyers Association assembled in its midwinter meeting in Freeport, Grand Bahama Island. It was a speech of unusual excellence concerning an issue of unusual urgency. In a most scholarly fashion, he made the case for limited pretrial detention of repeat offenders and narcotics addicts accused of crimes of violence and explained in depth the safeguards the administration's draft legislation would erect to preserve the constitutional rights of the accused. I quote Mr. Kleindienst's speech in full:

THE CASE FOR PRETRIAL DETENTION

(By Deputy Attorney General Richard G. Kleindienst)

Time and events have produced a crisis of disorder in American society.

In the great cities of the nation, crime and its consequences press in on Americans, creating apprehension and fear, and seriously diminishing the enjoyment of life. As we examine the situation, nearly every form of criminal activity is on the rise, while the system we have developed for containing this lawlessness is breaking down.

"An accumulation of public neglect," as one observer puts it, has rendered the institutions of criminal justice almost incapable of meeting the present emergency. Nowhere is this more painfully obvious than in the nation's capital.

Crime's social turbulence is infinitely complex. A long view of things sees crime as the product of social forces, economic conditions, cultural patterns, and ebbing morals as much if not more than of human depravity. Recent studies have helped us to delineate with some precision the causes of crime. Among these certainly are:

The alienation, bitterness, and frustration of poverty, aggravated by racial tensions, in an urban setting;

The boredoms and stresses of great affluence as it coexists uneasily with conditions of poverty;

The steady dissolution of family life;

The rootlessness, confusion, and disorientation which result from urbanization and unparalleled mobility;

The fashionable permissiveness which condones misconduct; and

The growing disrespect for the sources of authority which help to regulate human behavior.

To these broad, sometimes intangible, and grimly persistent factors which contribute remorselessly to crime in society, we must add the present inadequacy of the criminal justice system. Fragmented in its operations and split in its perspective, the criminal justice system is failing to achieve its traditional objectives.

It is failing to deter criminals.

It is failing to restrain criminals.

It is failing to rehabilitate criminals.

And the failure of the system to achieve these objectives is generating an unfortunate but understandable spirit of retribution among an angry, fearful, and dissatisfied people.

The long range solution to our *problems* with crime lies in a comprehensive effort to treat and remove the causes of crime—an effort involving the whole of government, in every department at every level. Such an effort will require a massive commitment of our energy and resources. It will require time. And we must remember that as long as the effort continues, it will compete with other national priorities of urgency and importance. Thus, the causes of crime, which we all agree must receive our most imaginative, dedicated, and intensive exertions, are not going to be eliminated within the life of this administration or the length of this decade. Despite our best efforts and the expenditure of billions, these causes may still exist when the nation passes into a new century.

This unpleasant assessment should not surprise anyone. It does not imply in the least that needed social reforms can be put off or ignored. On the contrary, the President has called for action in this session of Congress on fundamental welfare reforms, expanded efforts to combat hunger, and birth control assistance. The administration will continue to press forward with programs like the Philadelphia Plan to rid the land of discrimination in employment. These steps are crucial. But any realistic assessment of the situation must recognize the need for short range plans to treat the symptoms of crime—the rape, robbery, and violence in the streets—not tomorrow but now.

We believe the alleviation of crime may be achieved, with relative speed and lasting effect, by reforming and improving the administration of criminal justice. This will take some modification in substantive law. It will take some revision of criminal procedure. But mostly it will require ample funding for police, prosecutors, public defenders, bail agencies, courts, correctional facilities, treatment centers, and the other institutions of the criminal justice system. To make this

system work in the present crisis, we cannot give it less than generous support. We will pay for petty economies in blood and suffering.

The short range plans to improve criminal justice, in every jurisdiction where the federal government holds sway, are inescapably the burden of the Department of Justice. In the District of Columbia—where total offenses last year jumped 27 per cent; where reported armed robberies climbed from 4,640 in 1968 to 7,071 in 1969, up 44 per cent; and where a homicide occurred every 30 hours—we find the ultimate test for a law and order administration which expects to be taken seriously. At the same time, however, the District of Columbia presents a challenging opportunity for experimentation and reform.

The Department of Justice has the responsibility of trying to improve criminal justice in ways that will assure new quality throughout the system and push the crime rate decidedly downward. If deterrence, rehabilitation, and restraint are desirable objectives, we must adjust the system so that these objectives will be achieved.

The crime rate will be reduced, at least to some extent, if we have police forces with the manpower and wherewithal to be present in the streets to deter and solve crime. As things stand now, the police solution rate for reported robberies in Washington is less than 20 per cent. That feeble percentage will not deter crime. An expanded police force, well trained, well equipped, and sensitive to the issues of the day, can improve that statistic. The risk of apprehension which attends every crime must be increased.

The crime rate will be reduced when the offenders who are apprehended are processed without delay. When nine to twelve months elapse between arrest and trial because of choked and crowded courts, swift, sure justice is an idle pipedream. Crime will not be deterred by protracted proceedings; it will not be deterred by backlogs and delays. The court reorganization proposed by the administration for Washington is prompted in large part by the necessity of removing these scandals from the system to speed the disposition of a criminal case.

The crime rate will also be reduced when sentencing practices once again reflect the objective of deterrence as well as the objective of rehabilitation. When a potential offender believes he will "get off easy" if he is caught, he will not be deterred from committing a crime.

CBS television recently carried a documentary program on crime in the District of Columbia. Reporter Mike Wallace, who traveled with a police patrol for several hours one evening, interviewed a man on his way to choir practice who, moments before, had been assaulted and robbed by a gang of boys. The Americans at home who saw the cameras focus on the man's face, with blood streaming from his mouth, could only have reacted with fear—and outrage.

Although grim retribution should not be the aim of the panel sanction, our judicial procedure and sentencing practice must impart to an offender the outrage of society with acts of violence. There can be no compromise on our intolerance of violent crime. The wanton violence of the streets has no place in a civilized society. The criminal justice system must make that clear.

This determination to restore deterrence to the system must be matched by an equal determination to effect rehabilitation in correctional institutions across America. President Nixon has said that "No realistic program to substantially reduce crime can ignore the appalling deficiencies of our prisons and rehabilitative efforts."

At least 40 per cent of all offenders released from custody eventually return to prison. The percentage of released offenders who commit new crimes is probably much higher. Recognizing this, the President has directed the Attorney General to formulate a ten year program for a complete modernization of the physical plants and correctional programs in the federal prison system, with the goal of developing model facilities and programs which state and local systems can follow.

Among other things, the President specifically asked the Attorney General:

To give priority in the federal corrections program to the special problems presented by juvenile offenders, women offenders, and the mentally disturbed, with emphasis on the use of alternatives to traditional institutionalization;

To expand training programs for correctional personnel; and

To devise new vocational, educational, and employment opportunities for persons on probation, in prison, and on parole.

The stakes involved in effective rehabilitation become quite clear when we realize that 19 out of every 20 men who enter prison one day will return to society. To reduce crime, we must see that these men leave custody with education, with training, and with positive attitudes toward their role as citizens. If they do not leave with the capacity to make an attractive place for themselves in the world about them, we can only expect them to return to crime. Developing correctional programs that will restore wayward men is one of the most challenging and difficult problems we face today.

As we seek to improve deterrence and rehabilitation, we must not lose sight of the ultimate objective. That objective and the first purpose of the criminal law is to protect the public from crime and violence.

Governments are organized among men to afford some measure of protection to the individual citizen. They exist to provide a setting in which people can flourish and move about freely without fear. When lawlessness is rampant, the liberty and security of the citizen are in peril. When crime and the fear of crime terrorize our people, the primary purpose of government fails.

This is the situation in Washington today. Merchants and citizens are buying arms for protection because they know that last year more people were robbed and raped and slain in the District of Columbia than ever before. They know that Washington residents are the most beleaguered and endangered citizens in the United States.

One thinks of Leon Epstein, the clothier, who was gunned down last February in a four dollar robbery.

One thinks of Herman Clifford, an assistant principal, who was murdered in a holdup at Cardozo High School.

One thinks also of the many thousands of people in Washington who reported being victimized in an armed robbery. Too often these people felt a knife at their throats or were told point blank, as they looked down the barrel of a gun: "Give me your money, or I'll kill you."

Crimes of this nature have an obvious impact. Middle class blacks have long since joined the exodus from Washington. They know first hand that crime hits hardest in the black community. They know that in three fifths of the forcible rapes, the victim is a Negro. Representative William L. Clay, a young congressman from St. Louis, was speaking for blacks all across this country, when he said:

"We no longer take strolls at night, shop at night, and we are afraid to use the city parks. We are victims of fear, we are victims of crime. And, by and large we have not been the ones to raise our voices in protest. . . . I am amazed by the notion held by many white people that the ghettos are safe if your skin is black."

Columnist William Raspberry observes that in Washington poor blacks not only have their handbags snatched and their apartments looted, but they also suffer indirectly when whites are robbed. Said Raspberry:

"There won't be any more robberies of High's (Dairy) stores at 14th Street and Colorado Avenue, N.W., or at 103 Rhode Island Avenue, N.W., 800 Upshur Street, N.W., or 407 Rhode Island Avenue, N.E. Those stores have been closed down, beginning in November. The High's (store) at 3847 Pennsylvania Avenue, S.E., which was robbed again this week, after being hit twice the week before, will be closed before the month is out.

"That means that mothers in those neighborhoods will have to go a little farther for the baby's milk—a major problem when there's no car in the family . . . . It means too, that many of the people who worked in those stores will be job hunting."

Some people are the innocent victims of *crime*; other people are the innocent victims of *fear*. For example, last December a retired park policeman heard noises in the night. He got up to investigate and spotted two dark figures on the porch of his home. It was three o'clock in the morning. The week before someone had tried to break into the man's house. So he returned to his bedroom, took his pistol, and fired two shots onto the porch. His daughter died of a gunshot wound in the head—a victim of fear.

Several days ago a man and woman walked out of a dairy store in northwest Washington. Two boys, one 15 and one 18, left after them and walked behind them down the street. Suddenly the man turned around, demanded to know whether the boys planned to rob him, and then fired a shot. The 18-year-old boy died moments later—a victim of fear.

More than a year ago, the Washington Daily News published an editorial in which it said:

"No one can deny that we have reached a real crisis in the breakdown of law enforcement here, or that the very real and justified fears of both the business and residential communities demand that something extraordinary be done to protect both life and property."

Since that editorial appeared, crime in the District of Columbia has climbed 27 per cent.

It is against this background of crime and fear that we should examine the President's program on crime. Tonight, I would like to discuss one part of this comprehensive program—our legislative proposal for pretrial detention.

On January 31st of last year, President Nixon asked Congress to amend the Bail Reform Act of 1966 to authorize the limited pretrial detention of dangerous defendants. The President observed that "Increasing numbers of crimes are being committed by persons already indicted for earlier crimes, but free on pretrial release. Many (defendants) are being arrested two, three, even seven times for new offenses while awaiting trials." Thus, the President proposed that the Bail Reform Act be amended so that dangerous hard core recidivists could be held in temporary pretrial custody when they are charged with a serious crime and when their pretrial release would present a clear danger to the community.

Although crime prevention through restraint is an old and perceptible theme in our law, the measure we suggested has been bitterly criticized. Long before our bill was even drafted, it was pronounced unconstitutional by a host of critics. During the past year, the President and the Department of Justice have repeatedly been charged with racial bias and a "beat 'em up, lock 'em up hysteria" about crime. One defense attorney went so far as to contend that pretrial detention is "the opening gun in a movement to discard the fundamental protections of trial by jury, the right to cross examination and the other rights which have distinguished our system of justice from that of totalitarian countries."

We in the Department of Justice believe that pretrial detention is essential to any serious effort to reduce crime in the District of Columbia. We accept the burden of persuading the public that our position is sound. We also ask that men of good will examine our proposal with an open mind.

The legislation we have authored raises fundamental questions of policy and power. These questions were carefully considered before we decided to take our stand. The Department of Justice is not in the habit of supporting legislation we believe to be unwise or unconstitutional, and pretrial detention is no exception.

The pretrial detention we propose is designed to accomplish two objectives. First, it is an effort to reduce violent crime, a significant percentage of which may be attributed to persons released prior to trial. Although pretrial detention would be authorized in all federal courts, it would have its largest impact in the District of Columbia, where the problems of crime are by far the most serious.

Our second objective is to eliminate from the bail system the hypocrisy of locking up defendants, without fixed standards, through the device of requiring a high money bond. This second objective, of removing the shameful practice of detaining defendants arbitrarily by setting a bond which they cannot meet, is too often overlooked when considering this question. Let me discuss these objectives in turn.

1. Pretrial detention of selected defendants, in categories of offenses characterized by violence, is made necessary by the indisputable fact that many defendants are committing additional crimes during the period of their pretrial release. Precise statistics on the number of these crimes are not available because, until recently, no attempt was made to tabulate the incidence of crime on bail. Also, accurate statistics are simply not possible when many crimes go unreported and most crimes remain unsolved.

Nonetheless, the statistics we have are quite revealing. During the period between July, 1966, and June, 1967, 35 per cent of the defendants indicted for robbery and released prior to trial in the District of Columbia were reindicted for subsequent felonies. In 1968, when 557 persons were indicted for robbery, nearly 70 per cent of those released prior to trial were rearrested and charged with a subsequent offense.

Who are the people who commit these crimes? Some are desperate narcotics addicts with an irresistible need to support their habits. Some are incorrigibles, with long records of anti-social violence. Some have families whom they seek to "bankroll." Some commit crimes to pay a bondsman or an attorney. And some are out for a "last fling." Common sense tells us that while speeding up the trial process—which is the heart and soul of our court reorganization—will probably reduce the volume of offenses, none of the defendants here described will be particularly motivated to obey the law during the period of pretrial release. In the 50 to 60 days between arrest and trial—which is probably the minimum for serious offenses—the addict's habit will not disappear; the lifelong incorrigible will not be reformed; and the last fling phenomenon will still be present. Instead of spacing their crimes over a long period of time, many of these defendants can be expected to accelerate their misconduct, becoming more reckless and more dangerous because their time for planning action has been reduced.

To protect the public, we would retain in custody the most dangerous of these defendants, but only after a full-scale adversary hearing in which the court determines, in written findings, that *no condition or combination of conditions of release will reasonably assure the safety of the community.* The government's burden at such a hearing is twofold: to show by a "substantial probability" that the defendant in fact committed the violent crime with which he is charged, and to convince the court that the defendant presently constitutes a danger to the community. If this burden is not met, the defendant will not be detained.

Under the standards thus established, there is no alternative to the detention we propose except a release which threatens the public safety. There is no alternative to the detention we propose except a rejection of the purpose of the criminal law.

2. Our second objective is based upon the fact that for centuries, courts have been detaining persons charged with crime by the simple expedient of setting high bond. This sham frequently served the purpose of protecting the community from dangerous defendants, but it also imprisoned people who posed no threat. When the issue of dangerousness silently appeared, there were not set standards or due process safeguards to protect the defendant under suspicion; and since there was no visible determination of dangerousness, there was little or nothing for a court to review.

This hypocritical procedure, which most often victimized the indigent defendant, was the evil to which the Bail Reform Act was directed. In place of money bail, the Act substituted personal bond and personal recognizance; financial conditions were to be imposed only when necessary to assure the defendant's presence at trial. In striving to eliminate money as a barrier to release, the 1966 legislation was a great leap forward, which more than justified its label of reform. At the same time, however, by totally eliminating dangerousness as a criterion to be considered in setting conditions for pretrial release, the Bail Reform Act ignored the rationale behind 700 years of legal practice. Today, federal judges are faced with an agonizing decision when a dangerous defendant stands before them. They must either disregard the compelling mandate of the new law by setting bail beyond the defendant's means, or they must shut their eyes to community danger. One course perpetuates hypocrisy; the other course is reckless and irrational.

There is a reason why the Bail Reform Act has not been copied in the states. There is a reason why the money bail system will continue to hang on. There is a reason why even today almost 40 per cent of some categories of defendants in the nation's capital do not obtain their pretrial freedom. The reason is that protecting the community from danger is an imperative felt necessity of our law. By failing to meet this necessity head-on, the defenders of the Bail Reform Act are perpetuating a system of money bail which inevitably discriminates against the poor. They are blocking needed appropriations and authority to expand the D.C. Bail Agency so that many additional defendants can be released on conditions prior to trial. And they are seriously jeopardizing the safety of the community, which is powerless in some cases to prevent the release of a dangerous offender.

Ironically, the Bail Reform Act is responsible for the detention of hundreds of defendants who might be released under new procedures. This Administration is prepared to move vigorously to free these defendants, under some reasonable conditions, if they do not pose a threat to the community. But no movement in this direction is possible until the law comes to grips with the dangerous defendant.

These issues are of critical importance when we relate them to vital trends in the law. For example, ten years from now, court decisions based on equal protection of the law may give the indigent defendant the means to force his release before trial if money is the barrier between jail and freedom. Such a development could not be welcomed by a society besieged with crime unless that society were empowered to protect itself against the truly dangerous defendant. That means of protection is pretrial detention.

We are convinced that the constitutional objections to this legislation are not well founded and cannot stand up to careful examination. The three objections most frequently cited are the Eighth Amendment, Due Process, and the Presumption of Innocence. Let me discuss these one at a time:

The Eighth Amendment provides that "Excessive bail shall not be required . . . ." Opponents of our legislation assert that by these words the Eighth Amendment establishes a right to bail. They say that to refuse bail in certain cases would clearly be "excessive" and that the "right" to bail would thus be denied. Our response to this contention is set forth by the Supreme Court in the case of *Carlson* v. *Landon*. Speaking through Justice Stanley Reed, the Court declared:

The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. Thus in criminal cases bail is not compulsory where the punishment may be death. Indeed, the very language of the Amendment fails to say all arrests must be bailable.

As Justice Reed indicated, the Eighth Amendment finds its source in the English Bill of Rights. The pertinent provision there was specifically designed to limit the discretion of courts. It would be very curious indeed if the Founding Fathers chose virtually identical language to limit the *legislative* discretion of Congress, without recording their new intention. After all, contemporary constitutions in Pennsylvania, North Carolina, and Vermont—all of which were studied before drafting the Bill of Rights—set out quite explicitly an absolute right to bail in non-capital cases. These constitutions, as well as the Northwest Ordinance of 1787 and the Judiciary Act of 1789, show that early lawmakers were capable of establishing a right to bail in clear, unmistakable language when such was their purpose. As a writer in the University of Chicago Law Review observed, "The drafters of the Eight Amendment chose oblique language indeed if they intended to create an absolute guarantee of bail. It is more likely that the Amendment presupposed the familiar English common-law rules as to the availability of bail."

In any event, all the early American bail provisions, including the Judiciary Act of 1789, *excepted* capital offenses from a right to bail. This is significant to us, for at the time these measures were drafted, most serious offenses, such as robbery, rape, and arson, *were* capital offenses and thus not bailable as a matter of right. The only change which has occurred over the years is the gradual elimination of capital punishment—a development which is largely unrelated and irrelevant to custody pending trial. It passés belief to suppose that the federal government is powerless to detain a dangerous rapist in Washington, D.C., unless Congress passes a new law punishing rape with death.

If the Eighth Amendment really established a "right" to bail, it is difficult to see how Congress could create exceptions to that right simply by penalizing offenses with death. Nowhere does the Eighth Amendment authorize exceptions for capital offenses. Yet no one seriously contends that

the Judiciary Act of 1789 became unconstitutional in 1791 when the Eighth Amendment was adopted. Nowhere does the Eighth Amendment authorize the denial of bail when witnesses are threatened or evidence may be destroyed, or when a defendant is charged with an offense during his parole, or when extradition proceedings are pending—yet these exceptions are frequently approved.

If the Eighth Amendment established a right to bail, one wonders how the prestigious American Law Institute, as far back as 1927, could have included a provision for pretrial detention in its model Code of Criminal Procedure. One wonders too how the American Bar Association today can advocate the revocation of bail when a defendant commits a crime during his pretrial release.

These legislative, judicial, and scholarly exceptions to bail are consistent with the interpretation of the Eighth Amendment in *Carlson* v. *Landon*. They would be hard to explain in any other way.

Opponents of pretrial detention claim that if Congress can determine which offenses are bailable and which offenses are not, then it could *abolish* the right to bail and the Eighth Amendment would become meaningless. But that is not the case. Although no one has ever dreamed of abolishing the right to bail altogether, the Due Process clause in the Fifth Amendment would certainly bar a total abolition, for such an extreme move could not be rationally defended for *all* offenses. And even if bailable offenses were wholly abolished by Congress, judicial history demonstrates that courts would have the *inherent power* to bail defendants. They have done so throughout this country, even when expressly forbidden by statute.

Today, 49 state constitutions have an excessive bail clause similar to the clause in the Eighth Amendment; 37 of these constitutions also have a provision creating an absolute right to bail in non-capital cases. If the 37 constitutions with both clauses really have two clauses which mean the same thing, we may be witness to the most shocking example of constitutional redundancy in the whole history of government.

Fortunately, however, the state courts which have interpreted an excessive bail clause have never interpreted such a clause to create an absolute right to bail—even in non-capital cases. Thus, New York did not lose its power to detain a dangerous murder suspect when it abolished capital punishment. Yet, if the Eighth Amendment, which applies to the states, is interpreted to forbid pretrial detention in non-capital cases, common murderers would be bailable in New York, and we would be forced to declare the bail provisions in four states—Florida, Rhode Island, Michigan, and Maine—unconstitutional, because they permit the denial of bail in certain non-capital cases.

These points, which are amply supported by authority, substantiate our position on the Eighth Amendment. And this position is crucial. For if it is conceded that Congress can create categories of offenses which are not automatically bailable, then the Due Process objection begins to fail. After all, the Due Process clause has not barred other instances of custody before trial. For example, given proper procedures, juveniles may be detained; sexual psychopaths and the mentally disturbed may be detained; aliens, parolees, and accused persons who have fled across state lines may be detained. People may be detained in official custody *if the interests of society so require*.

What remains is a concern for the fairness and reasonableness of the procedures by which this detention is lawfully consummated.

Under the legislation we propose, the government must proceed against a defendant in a hearing of record. It must bear the burden of producing evidence, and it must demonstrate by a "substantial probability"—which is more than by probable cause—that the defendant has committed a serious crime.

At this hearing the defendant is entitled to counsel. He may present witnesses on his behalf and cross-examine witnesses presented by the government. Through this procedure he may discover the case against him. And he will not be retained in custody unless the court is convinced—and says so in writing—that *no condition* or *combination of conditions of release will reasonably assure the safety of the community*—a determination which may be appealed.

If the defendant should be detained, he may not be held for more than 60 days. During his confinement, he is to be set apart from convicted offenders to the maximum feasible extent. He may have unlimited access to counsel. He may be released for short periods in custody to secure witnesses and procure evidence. Every effort will be made by the prosecution and by the courts to schedule and hold a speedy trial.

If government may detain an accused murderer prior to trial on a simple showing of probable cause, then Due Process does not forbid it to detain other defendants—for limited periods, through reasonable procedures, for important public ends. We believe our legislation meets these requirements.

Having examined the Eighth Amendment and Due Process considerations, we come at last to the Presumption of Innocence.

The presumption of innocence is a time-honored canon of American law. Most frequently, it is cited as a rule of evidence which allocates the burden of proof at trial and requires the prosecution to satisfy a jury beyond a reasonable doubt that the accused has committed the crime charged. The presumption of innocence serves the additional useful purpose of warning the jury to disregard the developments before trial—such as the defendant's arrest, his indictment, and his possible detention—and to consider the defendant innocent until his guilt is fully established. A rule which governs procedure at trial does not preclude detention before trial. If it did, we would be forced to grant murderers pretrial release, for we do not deny them the presumption of innocence.

The presumption of innocence may also be defined as a rule which requires the government to produce evidence from the first moment when a case begins. Thus, the presumption of innocence may apply to arrest, but it does not preclude arrest if the government has reasonable grounds. It may apply at the preliminary examination, but a defendant may be held if the government shows probable cause. Nothing in this presumption of innocence bars a defendant's detention prior to trial if the government produces evidence which strongly suggests guilt. This is one purpose of our pretrial hearing.

Finally, the presumption of innocence may be regarded as a way of looking at a criminal defendant until the final moment a verdict is rendered. This approach would treat a defendant as innocent even though the evidence of his guilt is great. Viewed as a social policy, the presumption of innocence underlies the general desirability of granting defendants pretrial release. It shows our respect for the individual citizen and assures that the innocent will not be detained.

But this wise social policy is not incontrovertible. Occasions do arise when it must give way. As Britain determined long ago, society's interest in the public safety transcends other interests when danger is clear.

Balancing the interests of the individual and the public is a dilemma inherent in a free society. The questions are difficult for conscientious men. Today, as we reconcile the tensions between order and liberty, crime and fear weigh heavily in the balance. For they threaten important liberties as well as our lives. The time has come to face our responsibilities, to afford protection to all of our people. We can no longer neglect the security of our citizens. We must reassert *their* liberty to live without fear. Pretrial detention is not the whole answer; but it is part of the answer in this time of crisis.

Thank you very much.

HOPE FOR THE FUTURE

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. McCARTHY. Mr. Speaker, those of us who have come to appreciate the serious threat of pollution to our homes and country have attempted to focus public attention on these problems. We see now that the task of cleaning up our lakes and rivers, of ridding our air of noxious fumes, and of stopping the further destruction of scenic beauty, is one that cannot be accomplished overnight. It will take billions of dollars. It will take imagination. It will take determination. But, above all, it will take a commitment on the part of every American to the restoration of our natural resources. A commitment that must carry through year after year.

For these reasons, I was particularly pleased to receive recently a poem written by a young American from my congressional district. Miss Barbara Seubert, age 11, has described movingly the destruction that man can wreak on his environment. She asks questions which we have not answered. Her awareness of them should help in the search for an answer.

Following is her poem:

MAN

(By Barbara Seubert)

Burning to ashes were the trees
The fire leaped high with the help of a breeze.
The frightened animals ran and ran
Why is beauty destroyed by man?

A dead deer lies on the ground.
A harmless bug wiggles around.
The fish are caught, but then just tossed on land.
Why is beauty destroyed by man?

Some try to help things like forests and air,
But some people just don't even care.
Some people don't care whether there's beauty or goo!
Could one of those people possibly be you?

In the city or a country town,
Litter is lying all around.
A candy wrapper, an old tin can,
Why is beauty destroyed by man?

In a pleasant little city,
Where once things were sweet and pretty,
Are now covered with air pollution worse than the land.
Why must beauty be destroyed by man?

On the beach you think it's great,
It is not, you've come too late.
Now the fish lie dead in the sand,
Why must beauty be destroyed by man?

CAMPAIGNS AGAINST BORROWING

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. FRELINGHUYSEN. Mr. Speaker, a great deal has been said and written about the significance of a "tight money" policy in fighting inflation. Our banking institutions have become increasingly concerned with inflationary pressures on the economy, and some of our larger banks have launched campaigns urging restraint in consumer credit practices.

Mr. Speaker, I include in the RECORD the following article from the American Banker which describes these anti-inflation activities:

CAMPAIGNS AGAINST BORROWING

One of the most common criticisms levied against banks these days by some of the more thoughtful laymen is that they keep pushing consumer credit at a time when all policy efforts are being made in the direction of restraint.

It has been an awkward ambivalence.

Bankers can explain the whole situation away, at least to their own satisfaction, by pointing out that consumer credit is only a relatively small part of their total operation, and needs constant nurturing in lean times as well as fat ones, and that there is nothing really inconsistent about maintaining a firm presence in the consumer areas where they have already established a position, particularly when to do so requires only a moderate commitment of the bank's resources, and to fail to do so would entail the risk of losing ground already won.

The trouble with this logic has been that in terms of public impact, the big ads urging consumers to borrow have got much more attention than any explanations of why they are not inconsistent with broad policy objectives. They have created thereby a climate of doubt among the financially unsophisticated as to just how seriously to take the banks when they preach restraint.

A number of banks around the country have been facing up to this problem, and have pushed advertising campaigns urging the public to save, rather than borrow. But they have been in the small minority.

One of that minority, and certainly among the very largest institutions within it, is the $7.6 billion deposit Chemical Bank, New York, which last November started a series of ads in the newspapers and on TV designed specifically to discourage its customers from contributing to inflation. These ads assured the customer that there was still money for him to borrow if he had a compelling reason, but they warned that unnecessary borrowing was reckless, and urged him not to unless he had to.

So it is encouraging that this month two other giant New York banks join in what may now be in the process of becoming somewhat less of a minority activity among banks.

The $18.7 billion *Chase Manhattan* started a campaign earlier this month under the title: The Inflation Fighters. It emphasizes the contribution which the individual can make to bringing inflation under control, by saving.

The $17.3 billion deposit First National City Bank inaugurated its campaign with a slightly different emphasis, by urging the customer to help fight inflation by not borrowing: "Think twice the next time you're thinking about a personal loan." The bank acknowledged that some personal loans would always be necessary, and affirmed its continuing interest in doing this basic banking business: "There are times you should borrow and times you shouldn't. If now is a time you shouldn't borrow, we hope you won't. If it's a time you should borrow, come see us."

Chase says it plans to keep on running its campaign "until the inflation situation is better." City has firm plans for one more newspaper ad this month, and then will assess customer reaction before deciding what to do next.

It is important that these leading institutions have made these statements, directed specifically towards the individual consumer who has been disconcerted by the thrust of earlier banking efforts to encourage borrowing. It would be unrealistic, however, to expect that they would change consumer borrowing habits overnight, or that they would bring instant assurance to those individuals who have been worried about banking's ambivalence in this area.

But it would be a mistake, too, to minimize the potential value of these efforts, both in the market area where they are being carried out, and as examples which other banks, in other parts of the country, might find useful. The more banks that join in, the more convincing each will be, and the greater the total effect upon the public.

BOY SCOUTS OF AMERICA—STILL RELEVANT

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. GIAIMO. Mr. Speaker, February 8, 1970, marked the 60th anniversary of the Boy Scouts of America, an organization whose efforts and achievements in behalf of the youth of this country would fill many pages of this RECORD.

For more than half a century, words like "honor," "duty," and "be prepared" have been synonymous with Boy Scouting. Especially today when the values and virtues emphasized by Scouting may be obscured in some factions of our society, the Boy Souts of America continue to perform an urgently needed service in molding eager boys into mature young men with purposeful futures.

The program of the Boy Scouts continues to be relevant because it has changed with the times. Although outdoor activities are still a major precept in the Scouting philosophy, the Boy Scouts of America have turned more and more in recent years to the city, to the ghetto, and to the youngsters who most need their guidance, friendship, and idealism.

A young constituent and friend of mine who recently attended college here in Washington spent a great portion of his leisure hours as a scoutmaster in one of the poorest and most troubled areas of the city. Through him I noted personally the change in the attitudes of the youngsters once they were exposed to Scouting. The change was both obvious and remarkable, and it proved to me that there is and always will be a place and a need for the Boy Scouts in our society.

Mr. Speaker, I want to congratulate the Boy Scouts of America on their 60th anniversary and wish them many more successful years. In the success of the Scouting program lies the success of many young men and ultimately the hope of America.

ONE ANSWER TO DRUG PROBLEMS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. BURTON of Utah. Mr. Speaker, we in Congress—as well as interested citizens all across the country—are concerned over the use of drugs by our young people. In the city of Provo in my home State of Utah there is a program which is doing something more than merely talking about the problem. The youth center at the Utah State Hospital in Provo is attempting to inform the public of the problem through a series of youth panels set up throughout the State.

These panels have been most effective at civic clubs, PTA groups, high school classes, university forums, and other types of public meetings.

Mr. Speaker, I would like to express my personal thanks to Glen R. Brown, assistant director and principal at the Provo Youth Center, and would like my colleagues to read about this unusual approach to the drug problem. Perhaps such frank, open discussions could be of benefit to citizens in every State.

The material follows:

DRUG PANELS, YOUTH CENTER, UTAH STATE HOSPITAL

The widespread abuse of drugs in Utah has caused a furor among citizens. At the present time they are demanding information and programs to combat the problem. In response to public concern, Utah has seen legislation enacted and the appointment of a Governor's Advisory Committee on Drug Abuse. Professionals have attempted to respond, as is evidenced by the numerous conferences on Drug Abuse held in the past two years.

A great deal of apprehension is felt by those who are called on to "help" youngsters who abuse drugs. The apprehension is primarily motivated by a lack of knowledge concerning how they can best be "helped." A review of current literature indicates widespread concern but general confusion over treatment methods by both legal and professional agencies.

Current literature maintains that the control of drugs can best be accomplished through public education. Numerous articles have been published in popular magazines and many experts have lectured to teenage and citizen groups. Information has been disseminated without investigation into the legal, social, and psychological implications of drug abuse.

Experience indicates that young people have gotten the "word" from "experts" and now desire a dialogue with ex-addicts in their peer community.

METHODOLOGY

The Utah State Hospital has sponsored adult patient panels for many years with considerable success. It was therefore quite natural that among other adult program features panels became a part of Youth Center tradition.

Through the last few years there has been increasing demand for youth panels and the public reception and patient response has been enthusiastic. In the beginning months the panel theme was usually general with discussion around Youth Center program and youth problems. We soon were beset, however, with many youth admitted with drug problems. Parents and community leaders were concerned with the unfamiliar situation and we were asked to provide in-

formation regarding this problem. We again turned to the panel as the best medium for providing public information regarding drugs. It also has proven to be very therapeutic for the patient with a drug problem as he tends to become more prosocial as he describes the problem and why it happens.

We were at first concerned, wondering whether the exposure to the public would only offer an opportunity to recite their lingo and reinforce their attraction to the drug culture. We discovered that this could be avoided while still allowing honest responses from the patients by the way the staff moderator would guide the panel and screen the questions. For instance, an audience question asking "what is a trip like" or "what does it feel like to be on drugs" serves no purpose but to stimulate patient and even some of the audience to the glamour and excitement of drugs. The moderator simply asks the panel not to respond to inappropriate questions.

We have approached a drug panel request in various ways always with an eye to the audience and the youth involved. Usually we ask four or five youth, on a volunteer basis, to participate. On occasion, however, we have taken other combinations and have had panels all the way from one to six patients. We have also invited a member of the audience to sit in on the panel which adds to the audience involvement and interest.

Recently we asked two youth who had been discharged from the Hospital to join some inpatients on a drug panel. The results were excellent as we heard the patient in treatment and the youth who had successfully rehabilitated express themselves.

We strive for informality and honest, candid, unrehearsed comments from our panels. Always audience participation with questions and comments interchanged with the panel is encouraged. Staff members who take out panels do so voluntarily and without any compensation in terms of time or money. The value of the panel itself serves as the reward.

There are very few rigid rules to which panel moderators must subscribe. Guidelines and suggestions have been written down as products of our experience, however, there is much emphasis on flexibility and imagination in making these panel presentations interesting and informative to the public and rewarding and therapeutic to the patient.

COMMUNITY REACTIONS

The community's reaction to our panel program is well reflected by the increasing number of requests received each month. In September of 1968, the average number of presentations had reached thirty per month. (It should be noted that there were over sixty panels per month requested during the Spring but due to the fact that most panels were being taken out on the moderator's personal time there was insufficient time available to fill all requests). It is felt that this steady increase was due to the fact that those hearing the presentations were favorably impressed and, therefore, passed on their positive feelings to other individuals and organizations and thus increased the community's interest and demand for such panels.

The community's reaction to our panel program has also been reflected by a panel evaluation form which has been given to each of our panel audiences during 1969. A representative of the organization hosting the panel was asked to obtain the group's feelings (positive or negative) in regards to the panel, reflect the feelings on the evaluation form, and mail the form back to the Youth Center as soon as possible. A few direct quotes from these forms give one an indication of the types of responses received.

"Your program was awarded the Utah Jaycee Outstanding Program of the Year Award"

"The panel presented at our school has helped our counselors a great deal in their understanding of the youth enrolled in our school program"

"Your panel presentation seemed to have a tremendous effect upon students in my class and I am sure that your presentation was the beginning of a turning point in many of their lives"

Up to this point all comments on returned forms have been quite similar to the above mentioned. Negative comments have been limited to such items as:

"Not enough time for questions"

"Students not having name tags"

The total panel presentation has never received unfavorable criticism.

The enthusiasm and genuine interest radiated by the audience during and directly following presentations is another factor worth mentioning. Panel participants are generally flooded with questions and at times concluding the presentation has been an almost impossible task for the moderator, at the conclusion of a presentation the process often begins again, the panel participants are almost smothered by members of the audience who either want questions answered or want to express their appreciation. Several audience members have been so favorably impressed by presentations they have immediately offered their services as a volunteer to our program. Financial contributions to the Youth Center have also originated in a like manner.

In general it is felt by all involved that the panel program is meeting a very obvious need within the community. The community members reached by this program have seemed almost "hungry" for this type of a presentation.

PANEL QUESTIONNAIRE

In early June, 1969, a panel questionnaire was administered to 40 of 62 youth who were in residence at the Hospital. The questionnaire was administered only to those youth attending school for that particular school day. The identity of the individual respondents was kept anonymous.

Seventy-two and one-half percent of the youth were fifteen years and above with the remainder being 13 or 14 years old. No panel participants were under 12 years of age, although in the past we have had young children participate successfully on selected panels.

The length of time in the Hospital is shown in Figure 1.

FIGURE 1. *Length of hospitalization*

Numbers of months:	Percent
1 month or less	30
2 to 4 months	27.5
5 to 7 months	15
8 to 10 months	7.5
11 months and over	20

Thirty of the forty respondents or 75% of the sample indicated they had been on a panel presentation. Figure 2 represents the frequency of participation.

FIGURE 2. *Frequency of panel participation*

Number of panels participated in:	Percent
None	25
1 to 2	7.5
3 to 6	20
6 or more	47

The majority of the youth (see Figure 3) indicated they enjoyed being on panels, and the same percentage related, in an open-ended question, their opinion of advantages to themselves and the public. There were 26 write-in responses indicating the panels helped them personally in a therapeutic sense. In addition, there was 19 write-in responses indicating the benefits of panels to the public or the Youth Program in general.

FIGURE 3. *Attitude regarding participation on panels*

Enjoyment of panel participation:	Percent
Yes	72.5
No	12.5
No response	15

The following quotation from a 16 year old youth is fairly indicative of a response as to the advantages of panels:

"Panels help me to express my feelings to other people. They help the Youth Program because they let the public know about the Youth Program. They help the general public to be informed about the problems the youth of today have."

There were eight responses or 20% of the sample who indicated some disadvantages of panel participation. Three indicated the public got too personal or didn't understand, and others stated they interfered with school or Youth Program activities. Two respondents indicated extreme nervousness or embarrassment while participating.

The general enthusiasm of the youth, we as a staff have subjectively noted, is verified by the response to the question, "Would you like to participate in future panels?" Eighty-five percent answered in the affirmative, ten percent stated they did not wish to participate in the future, and five percent did not respond to the question.

In summary, the results of the questionnaire administered to 40 youth indicate a sizeable majority enjoy participating in panels and feel that it is very beneficial to the public and hospital in general but very specifically to them personally in self-growth and ego-enhancement.

LOS ANGELES TIMES WARNS OF THREAT TO BASIC RIGHTS IN "NO-KNOCK" PROVISION OF SENATE DRUG-CONTROL BILL

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. ROYBAL. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD an outstanding editorial from the February 2 issue of the Los Angeles Times, entitled, " 'No-Knock' and Basic Rights."

This editorial sounds a strong warning of the potential danger to our basic American constitutional rights posed by the Senate-passed provision in the omnibus drug control bill, S. 3246, which allows for unannounced entry into private homes by narcotics agents.

After discussing this important subject in some detail, the Times expresses the hope that the House of Representatives, in considering the controversial "no-knock" provision, will "act with greater wisdom than the Senate and reject it."

Since this is a question with vital public policy implications for all our citizens, I believe the Times' thoughtful editorial can be of substantial assistance in assuring the kind of thorough and balanced House consideration the subject deserves.

The editorial follows:

"NO-KNOCK," AND BASIC RIGHTS

Issue: What is wrong with the Senate-passed provision allowing unannounced entry into private homes by narcotics agents?

In their understandable concern to give law enforcement authorities new weapons

to fight the growing crime problem in the nation, the Administration and Congress may unwittingly be moving to erode certain rights which are fundamental to the preservation of a free society.

Preventive detention of certain suspects, who could be held without bail for up to 60 days in the belief that they might if released commit crimes, is one example. The latest move is contained in a bill passed by Senate last week which could permit federal investigators in narcotics cases to break into homes without warning or identification.

The "no-knock" provision was part of an omnibus drug-control bill which contains many good features. The intent of the no-knock statute is to strengthen the evidence-gathering powers of law enforcement officers. But inescapably, the provision represents a threat to the privacy and security of all citizens.

The statute allows an officer, after obtaining a warrant from a judge, to enter a home or other building without notice (e.g., by kicking down a door) if the judge issuing the warrant can be convinced that illicit narcotics are on the site and "will be" destroyed or disposed of if advance notice of entry were given.

Under present law narcotics agents seeking entry must first identify themselves. This has sometimes resulted in suspects destroying evidence before permitting agents to enter. The sudden, unannounced entry which the new statute would permit is supposed to get around this.

But the statute is confusing.

It is not clear if it is permissive or mandatory, that is, whether a judge must issue a no-knock warrant after being told by agents illegal narcotics are at a certain site. Moreover it demands prescience which no man, judge or otherwise, possesses. How is anyone to know whether evidence "will be" destroyed?

Beyond this, the potential for abuse and error in implementing the new authority is vast.

To take but one example, what if federal agents make a mistake and kick down the door of the wrong house? And what if the inhabitants of that house, properly terrified by this invasion, try to flee, or respond by taking up one of the millions of guns in private hands to shoot at the intruders? What then?

The possibilities of practical error and tragedy resulting from this new statute could be multiplied. The overriding issue in any case is plain. The no-knock provision smacks too much of the authority given the Soviet secret police or the Gestapo. It is destructive of our basic rights, and the House should act with greater wisdom than the Senate and reject it.

A TRIBUTE TO CRISPUS ATTUCKS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. RODINO. Mr. Speaker, the words and deeds of relatively few men have directed the course of history throughout the ages. One of those rare individuals was an American patriot—Crispus Attucks—first to give his life in the cause of the American Revolution.

He is martyred not only for the sacrifice of life, but as a great symbol of resistance to tyranny, which renders him immortal.

As a black man, he had escaped the chains of slavery which had bound him as an individual. His later deeds further illustrated a burning hatred of oppression, a selfless devotion to freedom for all men, from all tyrants.

His courage, his leadership on that fateful day in Boston in the struggle to be free, make him a symbol of hope for all men and an honored American patriot.

HORTON PRAISES SODUS MIGRANT PROJECT FOR DEVELOPING SELF-IMAGE OF CHILDREN AUD UTILIZING RESOURCES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. HORTON. Mr. Speaker, migrant children are constantly pulled away from education with the turn of the crops. The Sodus migrant project at Sodus Central School in Wayne County, N.Y., has gone a long way to develop the potential of these migrant children and to encourage the continuation of their education.

Migrant children attend Sodus Central School from September through November. During these months, college students from New York State University College at Oswego help with the migrant children and attempt to supply some of the special and individualized attention that a teacher with a regular class might not be able to offer.

The migrant children are not taught in separate classes. They join the regular class and become a cohesive part of the unit.

The teachers feel that the college students bring to the class a new enthusiasm, new ideas, and the extra help that is so desperately needed. As one teacher said:

We learn so much more about these children with these (Oswego) students helping. They listen to them, get them talking, bring them out in a way we never could in so short a time with so many.

Another said:

The migrant child desperately needs help. He needs the special and individual attention that only an extra teacher or aid can give him.

One teacher said the contribution made by the college student to the migrant child was "development of self-image through discussions and projects, and the sense that someone cares."

The success of this project calls attention to the fact that all efforts must be made to encourage such programs. It utilizes so many possible resources to improve education for the disadvantaged.

I would like to share with my colleagues the evaluations of the Sodus migrant project as made by the teachers and college students, as follows:

SODUS TEACHER RESPONSES

1. *Question:* If asked would you be *willing* to have the assistance of an Oswego college student during the Fall of 1970? Yes—No. Why or why not?

All the teachers except one said they would be willing to have an Oswego student next fall. The general feeling was that the students in this program helped provide individual attention and more of a one-to-one relationship with the migrant children than the classroom teacher could ever provide. A few of these same teachers enjoyed working with the students as they had some fresh, new ideas. The one negative comment said that it was a disadvantage to the migrant child who needs the security of one teacher and not the confusion created by extra helpers.

"The student had time to work individually with the children—which I would never have."

"I can use their help and their fresh young ideas. I enjoy working with these young people."

"I enjoy working with the college level student, and the exchanging of ideals is worthwhile, fun, and interesting."

"They are eager and the personal touch that they are able to give is of great value."

"It has been so worthwhile to have individual help for these children who are short term students for our school system."

"Migrant children need much individual help and attention. Large classes prohibit teachers doing just this . . ."

"I feel these children receive more of the individual help they need through the Oswego students."

"They were of great assistance to the classroom teacher. The Oswego student gave the individual migrant much needed attention, allowing the classroom teacher to move forward at a normal speed with her regular class."

"The Oswego students are able to work with the migrants on an individual basis giving them the attention and feeling of personal achievement they so badly need."

"Migrants need one-to-one contact! Our classrooms are too large for us to help them adequately."

"The migrant children need more attention than is possible to give them in a class of 35."

"The migrant children need a feeling of belonging and recognition of one teacher for security. The school is trying to help them, by having special help which is upsetting and confusing enough for them."

"The migrant child desperately needs help. He needs the special and individual attention that only an extra teacher or aid can give him."

"We learn so much more about these children with these helping. They listen to them, get them talking, bring them out in a way we never could in so short a time with so many."

"I feel we need all the help we can get in order to reach the needs of the migrant child."

"The migrant students get more out of the sessions with the Oswego student than out of whole class activities."

"Their concern for these children is great and I am glad to be able to give them the opportunity to develop background experience for their teaching."

2. *Question:* Were you provided enough assistance by your school system? Yes—No. Explain if necessary.

There were only two negative responses to this question. Some of the teachers said they were informed early about the project and were pleased with the school system's concern for the teacher during this time. Only a few felt that the orientation program for the teachers was weak and could be improved. In addition, most teachers suggested that the Oswego student should have special rooms to work in but realize that under the circumstances this is impossible.

"I was informed they would be coming and that I could have their help long in advance of their arrival."

"Just knowing that our school system encourages this program is proof enough that they are trying to help us at this particular

time. Our principal issued a "sign up" bulletin. Also, a survey was made of the weaknesses of the program is its early stages—these have been strengthened."

". . . except that we lack space for these students to work! The School really cannot help this!"

"I feel the cooperation was extremely good this year. They are behind the program and take care of problems before they arise."

"We were not given time to discuss what the special migrant teachers were doing in order to tell the Oswego students what to do."

3. *Question*: Was the orientation program information sufficient? Yes—No

All the teachers said their orientation information was sufficient but only a few elaborated on this question. There were two constructive criticisms mentioned. One suggested that the teachers join the Oswego students in the formal orientation program while aides take care of the children for the morning. The other idea was that perhaps the teacher and the Oswego student could get together and meet during the orientation.

4. *Question*: What significant contributions to the migrant children were made by the college student(s) with whom you worked most closely?

"Individual attention . . . special help in writing, reading, math."

"Children were given the individual attention they enjoy and need. They were helped with specific problems."

"Development of self-image through discussions and projects . . . The child developed self-confidence that someone cares."

". . . any child benefits from having someone close to them to encourage and express appreciation for their effort."

"A fine experience for one child in particular. She had an experience with a tape recorder, individual chance for personal conversations, creative hand work, etc."

"Gave them emotional security . . . worked with individuals or very small groups teaching basic skills and concepts . . . read stories, rhymes, and sang songs to children . . ."

"Individualized and personalized student/adult relationship"

"Individual attention . . . chance to work creatively . . ."

"Gave the migrant child a chance to be himself, not fearing failure and criticism from his fellow classmates . . . and she aroused enthusiasm and interest in the children which is sometimes difficult to do."

"I feel one of the major contributions made was providing individual attention."

"Made plans for individual as well as group learning . . . took leadership in planning a going away party for migrants . . . helped migrants make a booklet of themselves to give to the whole class . . . provided ideas and materials for masks and partial costumes for Halloween parade . . ."

"All four of them found at least one student with which they achieved great rapport and these students developed much self-interest and self-respect which helped them advance several levels in reading and math."

"She instilled a feeling of trust for the "white" man . . ."

"She brought the shy child more closely into the group with his ability to contribute in a small group situation."

"They created an enthusiasm in these children and an eagerness to talk, cut, paste, sing or whatever the activity was."

"The children got attention that I could not have possibly given. The lessons the Oswego students gave were geared more to individual needs."

"The student's age and fact that she was not a teacher seemed to be an aid to getting individual information. The children seemed to feel free to say more to her. Small group learning situations helped the migrants to get more needed positive attention."

5. *Question*: What suggestions would you make for improving the program?

"The students would gain more satisfaction themselves and give more aid to the children and to the participating teacher if they came on successive days."

"Have the student arrive early enough in the morning to get materials ready for the day."

"Perhaps next year, if we have part-time teachers, they could take over our regular class and we could work with the Oswego student and the migrant child. We would then have a better idea of what is happening."

"To make this a practice teaching experience so the students could work with these children each day or at least part of the day."

"Part-time certified teachers have not had planning time with regular teachers and with Oswego teachers. How about a full-day pay for part-time teachers once near the beginning of the program so that the Oswego teachers and part-time teachers can plan strategy, schedules, etc. with regular teachers."

". . . except for possibly preparing the Oswego student by informing him more realistically for the type of child he or she will be working with."

". . . the program was handled very well and I would certainly be willing to do it again in the same way."

"More time set aside by part-time teacher for discussion and planning with Oswego 'teacher.' "

"I don't feel that for any reason more than one student should be assigned or be permitted to work with the same teacher."

"More manipulative materials and those relating to the black children should be provided."

"I feel more teachers should be 'educated' to this program so they will want to become involved. Right now there are several teachers with migrant students that never have taken advantage of this and do not seem to want to."

"The Sodus teacher needs more orientation in this program . . ."

"Emphasize the use of professional behavior."

OSWEGO STUDENT RESPONSES

1. *Question:* If you were asked, would you sign up again for the Sodus Migrant Project section of Education 200? Yes—No Why or why not?

Every student agreed that they would sign up again for the Sodus Migrant Project. Many of these students were eager to apply and explore new ideas that they learned in their education courses to an actual classroom. The satisfaction they received, the confidence that they obtained, and the chance to prepare themselves for student teaching were all part of this very "real yet unmeasurable experience" for them.

"It . . . offered many rewards and satisfactions which outweighed the bad."

"I enjoyed it and found it very rewarding. I also feel that just being in the classroom and working with children has been a good preparation for student teaching. I also learned a lot in children's attitudes and how to cope with them."

"It was the most valuable experience I've ever had. I enjoyed it completely and it gave me such a good feeling to know I was needed. I don't think I'll ever be quite the same because of it."

". . . because it's the best thing that has ever happened to me. I learned more about kids and myself than ever before."

". . . because I feel it has been the most worthwhile experience of my college career. I feel as though I have gained far more from this experience than I have been able to give out."

". . . has so much to offer to the student. Besides being able to help these migrants in all areas, social and academic, the student is able to see his own potential . . . 'I found myself' . . . built up much confidence in me and also has prepared me for student teaching."

". . . an invaluable experience for me. It gave me a chance to apply methods and theories to practice before I went student teaching. I could discuss problems with other students and for the first time I felt really involved. Instead of reading about migrants—I got the experience first hand."

"This was the most rewarding experience in terms of what I learned, and what I was able to do, that I have ever had in my professional courses. It has certainly helped me decide whether teaching is really for me."

"It has been an extremely valuable learning experience for me, and the self improvement of the children and their change in attitude seem to indicate it has been a worthwhile experience for them too."

". . . it was the best and longest experience that I have had with teaching in any of my college courses!"

". . . proved to be as valuable to me as I hoped I made it for my children. It was a good opportunity for me to try out a lot of ideas I had formulated myself."

". . . I found my purpose in life . . . I found the motivation to teach . . ."

"I felt it very worthwhile and one of the most educational experiences I have had. It has prepared me for student teaching more so than coming right out of methods. It also has given me a great deal of confidence."

"Every migrant child is different. No one can say they learned everything there is to know from one experience."

"The experience was invaluable."

"I feel that the practical experience I have gained in this project has been worth more than most of my other education courses combined."

"I feel it has been the most rewarding *real* experience in my college career. What I learned could never have appeared in any book. It was the best opportunity one could ever have to be actually working with these children, instead of reading or hearing about someone else doing it."

"it is a very practical and real experience . . . you are given responsibility . . . it gives you great satisfaction helping these children."

". . . one of the most valuable courses that I've experienced."

"this has been one of the most educating experiences I have ever taken part in. The value of this for anyone concerned with the problems of education is unmeasurable."

"The course has been an extremely worthwhile experience for me. I have learned a lot about teaching and children and this is the type of information one can only gain through experience."

". . . great preparation for student teaching."

2. *Question*: Were you provided enough assistance by the college? Yes—No. Explain if necessary.

All of the students felt they were provided with enough assistance by the college. The majority of students that did comment on this question said that Dr. Nash was concerned, understanding, willing to help, and always available. The information that was given to these students in the spring was beneficial and helped answer their questions. They also mentioned that the librarians in the curriculum library were very helpful to them. Only one person commented on the fact that this project was not publicized enough on campus.

3. *Question:* Was the orientation program and information sufficient? Yes—No

Almost 75% of the students in their evaluations said the orientation program at the Sodus Schools and information were

sufficient, and the remaining said it was not. Many felt that it was a good introduction to the school, the project, and the personnel. The trips with Mrs. Herring were enjoyable but a few students wished they saw more homes. Those who wrote "no" felt the orientation program was biased, too idealistic, and the panel of migrants were not typical of the migrant children and parents in Sodus.

"Yes, but I felt that the people who spoke were not typical of the greater number of migrants (especially the parents that spoke). But I can understand Mrs. McDowell's problem in finding people to speak."

"Yes, the program was very informative. The first-hand experience of the speakers was very interesting, and as Mrs. McDowell said, expressed the good side of the migrant's situation. It might have been helpful, too, to have the other point of view."

"No, I was really disappointed with the orientation program. The parents of the migrant children were far from typical, from what I have learned from my own migrant students. The orientation program led me to believe that the migrants are much better off than they actually are."

"No, I felt the orientation program gave us a false impression of these people and their homes. When visiting the camps, I saw the real truth . . ."

"No, it was very misleading and untrue. The migrants presented in the orientation program were not typical in economic status and attitudes."

"I thought the orientation program was of very little value, besides introducing personnel and making us feel welcome. I learned things later on that completely changed my conception of the migrant worker from the partly false one that was presented."

"Yes, it was sufficient, but no more than that. It gave a starting point."

"I thought that the orientation was an excellent introduction to the program in that it let us in on some of the student's backgrounds and family life."

"Yes, as far as any orientation goes it is impossible to see what it was actually like until you are active in it."

"No, I think the view we received of the migrants was very one-sided and idealistic—which we learned quite abruptly when we got into our class."

"Yes, the orientation program gave me a good introduction to the life of a migrant. However, as I stated in my log, I felt the people who spoke were not giving us a truly representative picture in all cases."

"No, it was not realistic I'm afraid . . ."

"Yes, it was adequate in explaining the life of the migrant."

"Yes, in a general sense it was excellent but I had to experience everything with the children and see the camps with Mrs. Herring to gain a greater understanding of the people and the project. I really enjoyed the migrant people present at the orientation program. You could tell that they wanted us to understand their way of life and some of the problems they face. While I worked with the children, I learned in addition to what the orientation program gave me."

"Yes, I thought the orientation program was sufficient. The family presented was idealistically successful but what other type could really be used as an example? Dr. Nash's orientation was as explanatory as possible."

4. *Question:* What significant contributions to the migrant children do you feel you made?

". . . individual attention . . . give them confidence to face what was ahead of them in life—to think that they could do things without failing all the time."

". . . a feeling of self worth . . . love and attention . . . special help in number work and language arts . . . trying to make school enjoyable for them by making lessons interesting."

"friend . . . helper . . . someone to talk to . . . doing things they've never done before—carving pumpkins, collages . . . help them enjoy many stories . . ."

"I loved them and gave them a chance to see themselves when they needed it."

"Friendship, understanding, and love."

"Friendship, confidence . . . I stressed . . . respect for others and showing courtesy when it is due."

"I tried to get them to want to speak out and express themselves . . . I taught one child to successfully write his name, by himself for the first time."

"Individual attention! . . . help in remedial reading . . . some special activities they don't get at home or in school."

"What I hope I did accomplish was to help create in these children a desire to learn, and a realization that learning can be fun . . ."

"By using different medias than would be practical in a classroom I think I was able to provide meaningful learning experiences. This seemed to favorably change their attitude towards school. Because the tasks were geared to their needs they were able to be successful and experience the feeling of achievement which led to an improvement in their self image."

"I am not sure that I made any academic progress with my children, but I was a friend and confidant to my kindergarteners when they needed one, and I think that maybe that was more important than having them write their name and numbers!"

"I feel that I helped them become more independent children. My main objective was to make them interested in school and learning so that they could function in the classroom situation. This included cutting experiences, practicing numerals, writing names, and singing. I feel that I accomplished this to some degree with every child."

"Build up their self-images . . . help them in their readiness . . . and I gave them love . . ."

"Self-confidence and trust."

"Purely abstract . . . I feel the children trusted me . . ."

"They had a chance to respond to someone."

"I tried to communicate with these children as an interested individual on a one to one basis."

"Hopefully, a change in the attitudes of the children I worked with re: school, teachers and white people. I attempted this through sincere methods of interest in each child and affection for each."

"I hope I gave them the individual attention they needed."

"Confidence . . . I'd like to think that I was able to help them do some of the things that they at first thought were incapable of doing such as role playing and pantomining, writing their own endings to open ended stories, getting up in front of the class to talk to their classmates."

"Hopefully, I contributed to developing their self-image."

"I feel that my interest in the individual child was most significant . . ."

5. *Question:* What suggestions would you make for improving the program?

"I feel that more space is needed in the school, but I realize that this is difficult, under the circumstances."

"Maybe set aside a room where we could work together with the half-day teachers and the migrant children because the cafeteria is so distracting."

"Longer periods of time with just migrants."

". . . it would be much easier to carry through lessons if you didn't have to plan around a three or five day interval between times going to Sodus."

"Rooms to work with the migrants . . . if possible, the migrants' folders concerning tests and grades. . . ."

". . . that we be provided with more space to work, portable blackboards, and such equipment."

"There should be an effort to unite the people of Sodus with the migrants in the area of education. . ."

"It would be nice if there was some way that provisions could be made for better working rooms. It would also be more beneficial if arrangements could be made so it would be 5 days a week . . ."

"The most practical improvement that I can think of would be to arrange facilities so that the college students each have a place to work with their students away from the classroom."

"Could we go 5 mornings a week and have the other ed. electives in the afternoon so that they could correlate more closely with what we were trying to accomplish in Sodus?"

"I think that the program should be for three days a week in Sodus instead of two. I think that there should be more communication between the half-day teachers who work with the migrants and with us Oswego students."

"Have a bigger 'publicity' program in the spring."

"I think more consecutive days should be spent in Sodus."

". . . more or closer coordination with the Sodus teachers and Oswego student."

"For those involved in the Intermediate building as I was, improve and expand the orientation program to include a list of resource material available, not only that which the individual teacher can supply. . ."

"The Sodus teacher should fully understand the purpose of the project. Only teachers with migrant children should sign up . . . On the college side, students should be screened carefully. . ."

"Need more rooms . . . need more communication between the Sodus teachers and the Oswego student."

"I would have liked more than one opportunity to visit the camps and talk with the people. I would have liked to meet the parents of my migrant students."

"I think the teachers were confused as to what we were there for or what our status was as far as helping teacher, student teacher or observers."

THE 18TH ANNUAL PRESIDENTIAL PRAYER BREAKFAST

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. QUIE. Mr. Speaker, the 18th annual Presidential Prayer Breakfast was held on Thursday, February 5, at the Washington Hilton Hotel. The President, members of the Cabinet, members of the judiciary, members of the diplomatic corps, Governors of the various States, and members of the executive and legislative branches of Government attended the breakfast.

Presidents of national and international labor unions, leaders in industry and business, chancellors and presidents from colleges and universities, and citizens from other phases of American life were present.

The Armed Forces Radio and Television Service broadcast the Prayer Breakfast live to millions of men and women in uniform around the globe.

We have found this event to be very meaningful, not only to those who gather

at the breakfast, but also to millions of citizens across this Nation.

Mr. Speaker, 2,600 persons at the breakfast were given an hour of inspiration, devotion, and truth.

I include the program and proceedings of the Presidential Prayer Breakfast in the RECORD at this point:

PRESIDENTIAL PRAYER BREAKFAST

FEBRUARY 5, 1970

PROGRAM

Music: "Faith of Our Fathers," by John Brown University Choral Group.

Presiding: Honorable Albert H. Quie, United States House of Representatives.

Invocation: Honorable Morris Udall, United States House of Representatives.

BREAKFAST

Introduction of head table and statement: Honorable Albert H. Quie.

Greeting from House Breakfast Group: Honorable Burt Talcott, United States House of Representatives.

Greeting from Senate Breakfast Group: Honorable Herman Talmadge, United States Senate.

Old Testament and remarks: Honorable James E. Allen, Jr., Assistant Secretary for Education and United States Commissioner of Education.

Prayer for National Leaders: Admiral Thomas H. Moorer, Chief of Naval Operations.

New Testament and remarks: Honorable Melvin R. Laird, Secretary of Defense.

Closing Prayer: Honorable James B. Allen, United States Senate.

Closing Song: "America."

PROCEEDINGS OF 18TH ANNUAL PRESIDENTIAL PRAYER BREAKFAST

INVOCATION

(Read by Representative MORRIS K. UDALL, Arizona)

Mr. UDALL. O Lord, we assemble this morning in this capital city as men and women designated by our fellow citizens to bear the burdens and enjoy the privileges of leading our fellow men in these troubled, dangerous and revolutionary times. For, these are truly times when, as Thy servant, John Fitzgerald Kennedy, said, "Mankind holds in its mortal hands the power to eliminate all forms of human poverty or to eliminate all forms of human life."

Grant us, O Lord, the wisdom and courage to serve Thee and Thy people, to recognize the humility and vision to provide the essential function of leadership, which is to lead.

As this nation enters a new decade and nears its second century under liberty, help us find that elusive road to peace with other nations and the way to make our peace with nature on this oasis we call "earth."

We bow our heads and ask these blessings in Thy name, and in the name of Thy Son, Jesus Christ. Amen.

(Presiding: The Honorable Albert H. Quie, Minnesota.)

Mr. QUIE. This morning we meet for the eighteenth consecutive Prayer Breakfast, and we're honored in having with us this morning the President of the United States and Mrs. Nixon as our guests as we gather in fellowship with Christ. Your interest in attending this Breakfast is appreciated by the members of the Senate and the House Prayer groups.

Along with us today, then, we welcome our colleagues in the House and the Senate, the members of the President's Cabinet, the Judiciary, members of the diplomatic corps, Governors of the several States, and other men and women of the Executive and Legislative Branches of the Government, military officers, officers of labor unions, heads of the news media, business leaders, educators, astronauts, athletes, religious leaders, and citizens throughout America and the world.

The 1970 Presidential Prayer Breakfast is also being broadcast live to the members of the armed services throughout the world by the American Forces Radio and Television Service. In addition, field chaplains of more than 750 military installations are holding identical prayer breakfasts and listening to prerecorded statements by President Nixon and Secretary Laird.

When I think of what we represent sitting down here together, I am reminded of the view of earth which some here this morning have seen—the view from space. We are from throughout the nation. We are from throughout the world. We are of all ages, races and backgrounds, and we join in the bond of Christlove. What we experience here in a private way can be communicated across America and around the globe through the lives which we live. For we must find ways of coming closer to our Lord and Master and of finding His guidance. It is our hope that out of this meeting today will come a specific *esprit de corps* which will move our nation forward spiritually, and, if this happens, perhaps we would recognize His presence by a real desire to pray together about our problems. We might also recognize His presence by an increasing freedom and lack of embarrassment when we talk about the person of God, Jesus Christ, and a spiritual awakening.

Now, I'd like to introduce to you some of the people who are at the head tables. I'll introduce—and I would ask you to hold your applause—all those who will not take part in the program. So, I'll begin with the head table behind me, and first with—

Governor Linwood Holton and Mrs. Holton.

Governor Lester Maddox and Mrs. Maddox.

Secretary John Volpe and Mrs. Volpe.

Secretary Maurice Stans and Mrs. Stans.

Postmaster General Winston Blount and Mrs. Blount.

Secretary Walter Hickel and Mrs. Hickel.

Secretary George Shultz and Mrs. Shultz.

Mrs. George Romney, the wife of the Secretary of Housing and Urban Development.

Governor Russell Peterson.

Governor Claude Kirk.

And over to my left on this head table, I'll start off with—

Attorney General John Mitchell and Mrs. Mitchell.

Mr. J. G. Green, Minister of Energy, Mines and Resources of Canada and Mrs. Green.

Dr. Orlando Montenegro, President of the Congress of Nicaragua.

Secretary David M. Kennedy.

Dr. Seville Sacassa, Dean of the Diplomatic Corps.

Mrs. Allen, the wife of Senator James B. Allen.

Again, let me introduce Congressman Morris Udall.

Mrs. Allen, the wife of Commissioner of Education James E. Allen, Jr.

Senator Frank Carlson.

Over on the right side:

Senator Everett Jordan and Mrs. Jordan.

Minister of Public Works of Spain, Fredrico Silva and Mrs. Silva.

Secretary of State William Rogers and Mrs. Rogers.

William Tolbert, Vice President of Liberia.

Mrs. Talcott, wife of Congressman Burt Talcott.

Mrs. Laird, the wife of the Secretary of Defense.

Mrs. Quie.

Mrs. Spiro T. Agnew.

Mrs. Nixon.

In the House of Representatives each Thursday morning, a group of Congressmen meet together in a prayer breakfast, and bringing us greetings from the House Breakfast Group is Congressman Burt Talcott of California.

Mr. TALCOTT. Good morning, Mr. President, my colleagues in Government, and friends.

Some of us arrived this morning from the sad journey to California, where we helped to memorialize the life of a friend and colleague, Glenn Lipscomb, and to share our loss with his family and friends. But this is a new day, and I know that Glenn would want it to be a joyous one, so it's with personal humility and great representative pride that I bring warm greetings from the House Prayer Group.

Some Americans would probably consider a hotel room in Washington on a Thursday morning with no clergymen on the plaftform and with a quorum of the House and Senate present to be the least likely situation for a meeting at which prayer is the principal attraction. But for those I have a message, that I invite you to convey to your associates in your communities: Among your elected representatives, there is a growing conviction that universal understanding, domestic tranquillity and peace can be greatly advanced by a fellowship based upon a belief in God and sustained by prayer. And also, the most venerable of all of the traditions of the House of Representatives is that every daily session—from the first session in Philadelphia until today—has been opened with prayer.

Mr. President, we are especially grateful to you for your contribution by personal example to the spiritual renaissance so needed by our society today. Your presence here, your innovation of holding Sunday religious services in the East Room, your prayer breakfast in the White House, gave tremendous impetus to the concept of men meeting together on a spiritual basis.

The meetings of our House Prayer Group are informal with minimal organization. There are no dues or membership lists. Only members and elected members of foreign parliaments attend our meetings. All the discussions are off the record. This precedent enhances the candor of our discussions and the intimacy of our fellowship.

Capitol Hill is one of the most avidly political and keenly partisan places on earth. But our group is strictly nonpolitical and nonpartisan. Upstairs on the House floor we are fiercely adversary—disputation is the vogue. But downstairs at breakfast we are friends. The mode is to listen, exchange ideas and to discuss points of view. Our group does not profess any particular theology, there is little religiosity, and no liturgical trappings. We are ecumenical and we were long before ecumenism became popular. Men of all religious persuasions attend our Thursday meetings. Ours is a simple fellowship of communication, of conciliation and concern. Each of us is different—from widely different districts, with quite different backgrounds, training and religious experiences. But, like mankind everywhere, it is essential that we retain a bond of friendship in spite of our extraordinary differences.

We open and close each meeting with prayer. Some say grace, some ask a blessing, some give an invocation or a benediction, and sometimes we pray silently, each in his own way. But prayer is central to our meetings. It gives us a feeling of renewal, a spirit of unity with God, and a sense of oneness that is somehow above partisanship and politics, and somehow, almost mysteriously, inclusive of all of our denominational, ethnic and national differences.

We legislators deal with the future. The laws we enact are all prospectives. So, in our search for solutions, we are naturally attracted to the hope and the optimism and the love of Christ. We are living in a developing world, where people are continually changing, and nothing is finished. But we find certitude in Christ, the eternal contemporary. We believe that a network of private

prayer meetings, whether at breakfast or lunch or even without food, whether in the Capitol, the church, an office or your home, whether you tackle hard political issues or difficult social concerns or nagging personal problems, is compatible with the teachings of Christ and the Kingdom of God.

If members of the Congress, with all of our diversity and adversariness, can meet weekly in spiritual fellowship, certainly every other vocational group could do better.

So with our very special greetings this morning the House Prayer Breakfast Group earnestly invites you to join and support the prayer group movement where you live or work. You will be promoting a growing, worldwide fellowship, which we are convinced is the best hope for mutual understanding among men; tranquillity within communities, and peace with freedom among nations.

Mr. QUIE. Each Wednesday morning the Senate Prayer Breakfast Group meets, and to bring greetings from that group I give you the distinguished Senator from Georgia, the Honorable Herman Talmadge.

Senator TALMADGE. Mr. President, Mrs. Nixon, Mrs. Agnew, distinguished guests:

I am honored, indeed, to bring greetings to this distinguished gathering from the Prayer Group of the United States Senate. As our distinguished chairman told you, we meet each Wednesday morning while the Congress is in session. It is an intimate and deeply personal meeting. A selected member of our group brings a spiritual message. There are also responses and discussion then, by involving all of the members present.

I've been a regular participant in the Senate Prayer Breakfast Group for the 13 years that I have been a member of the Senate. I like to think of it as a meeting of the minds and of the souls of Senators in recognition of the high power that guides all of us in our service to our State and nation, and in search of divine inspiration. This is what the Prayer Breakfast Group means to me. By coming together each week as we do, respect is paid to the eternal truth as enunciated by the Psalmist in "blessed is the nation whose God is the Lord."

We are a great and strong nation. We have the best government in the world. We have more freedom and more prosperity than any other people. For these and all of our blessings we are thankful. But after all has been said and done, those of us in the Senate and throughout all of our Government, from the President on down, are but mortals in the eyes of God. All of us must know that God reigns over all. Wise old Benjamin Franklin said it best in urging that the Constitutional Convention be opened with the prayer: "God governs in the affairs of men, and if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?" We dedicate ourselves to this principle, and in so doing we renew the religious faith that has been so vital and meaningful to generations of Americans before us.

It is equally important and necessary for all of us now. These are difficult and extremely troubled times for Americans and for people throughout the world. The best in all of us is put to the test almost daily. In recent years, it has often seemed to me that our nation has gone from one crisis to another, either at home or abroad. The faith of all Americans in freedom, in what is right, in what is good, and in their God, is tested time and again. This is why men must take time from their duties to meet, to pray, and, most especially, to seek divine guidance.

Next week the nation will observe the birthday of Abraham Lincoln, who presided over this country during a most critical period. Lincoln spoke of liberty and courage and the spirit of America on many occasions. In making these blessings more secure, he acknowledged the power and the influence of the Almighty. I think it is appropriate for us today to think on these words of Lincoln:

"What constitutes the bulwark of our liberty and independence? It is not our frowning battlements or bristling seacoast, or army and navy. These are not our reliance against tyranny. Our reliance is on the love of liberty which God has planted in us. Our defense is the spirit which prized liberty as the heritage of all men in all lands everywhere."

Our faith is our strength. We are grateful for opportunities like our weekly breakfast meeting in the Senate, and for this special occasion each year when we can join together to dedicate ourselves to the ideal that ours is truly a nation under God.

Mr. QUIE. To read from the Old Testament and bring some comments, I present to you the Assistant Secretary of HEW, U.S. Commissioner of Education, the Honorable James E. Allen, Jr.

Mr. ALLEN. Mr. President, Mrs. Nixon, Mrs. Agnew, distinguished guests, and ladies and gentlemen:

May I direct your attention to passages from the Book of Proverbs.

"Get wisdom, get insight, do not forsake her and she will keep you. Love her, and she will guard you. The beginning of wisdom is this: Get wisdom, and whatever you get, get insight. Happy is the man who finds wisdom; the man who gets understanding. For the gain from it is better than to gain from silver, and its profit better than gold. She is more precious than jewels, and nothing you desire can compare with her. Long life is in her right hand; in her left hand are riches and honor. Her ways are ways of pleasantness and all her paths are peace. She is the tree of life to those who lay hold of her; those who hold her fast are called happy."

A compelling human instinct and desire—and necessity—is to pass to the young the wisdom and understanding of age and experience. This is the motivating force of all education; whether in its simplest or its most sophisticated form. To transmit knowledge is comparatively easy, but the nurturing of understanding is more elusive, for here we deal not only with the mind but with the heart and the spirit as well.

It is very clear that the problems of our country, our world cannot be solved by knowledge alone, but will yield only to the combination of increased knowledge and a shared concern for the human condition that understanding can produce. Thus, we seek in our schools, our colleges, our universities to give our young the moral and spiritual values that are the true greatness of our heritage. When we fail to gain their allegiance to these values it is because we rely too much on word rather than deed, on precept rather than practice. It is this disparity that too often exists between what we, the older generation, say and what we do. That is, I believe, at the root of much of the disillusionment and the unrest of youth today. They recognize our hypocrisy, and their trust in our understanding, our faithfulness to our inheritance of democratic ideals and principles is undermined.

In the Book of Jeremiah, the question is asked:

"How shall I give thee a pleasant land, a goodly heritage?"

Certainly this is the goal of our labors, the hope of our struggling—to give our coming generations a goodly heritage. Let us strive to do this by providing education that will transmit our heritage, our traditions, our values in ways that will produce both wisdom and understanding.

Let us also resolve not to be guilty of the hypocrisy that can destroy the faith of our young, but to demonstrate our understanding, not only through reaffirmation of faith in our Creator and dedication to democratic principles, but also in the practice, both in our personal and public lives, that honors the principles and ideals we hope will constitute the goodly heritage we can continue to pass on to coming generations.

Mr. QUIE. To bring a prayer for national leaders, we now call on Admiral Thomas H. Moorer, Chief of Naval Operations.

Admiral MOORER. Bow our heads, please.

Eternal Father, by whose spirit men are inspired, and in whose service they put forth their most noble efforts, we ask Your presence with the leaders of our country, our President, the leaders in our Government and our military services; indeed, all Americans who are charged with authority and accountability throughout our land. We pray that You will give them Your blessing and Your guidance, as they earnestly strive to make wise decisions and develop enduring policies. We pray that those who are entrusted with such awesome responsibilities will be endowed with solid faith and sound judgment, and as they lead the people of America we pray that they will in turn be led by You, so that our great nation wilst be an example and an inspiration to all peoples of the world, and that our nation will perform in accordance with Thy will. Amen.

Mr. QUIE. To bring us a message from the New Testament and make comments on it, it is my privilege to introduce to you a close friend, a former colleague in the House, and now Secretary of Defense, Melvin Laird.

Mr. LAIRD. Mr. President, Mrs. Nixon, Mrs. Agnew, ladies and gentlemen:

Reading from the New Testament, John 15; 4 and 5:

"Abide in me, and I in you. As the branch cannot bear fruit of itself, except it abide in the vine; no more can ye, except ye abide in me.

"I am the vine, ye are the branches. He that abideth in me, and I in him, the same bringeth forth much fruit; for without me ye can do nothing."

Twenty centuries have passed since the words which I have read from the New Testament were spoken by Him that called Himself the Prince of Peace. Within that span of history man has achieved truly remarkable things. He has made our deserts bloom, he has made the oceans and the airways our highways. He has harnessed the forces of nature, he has made tremendous attacks against his traditional enemies—hunger, disease and poverty. And in our day he has even stepped on the surface of the moon. These and countless other accomplishments are sources of justifiable pride; pride to all men in all parts of our world. The knowledge expansion of the last half century, the awesome implications of nuclear power, the dizzying speed of technological progress—all these are eloquent witness to the potenof disquietude. And he asks why. He looks tiality of man. His forward progress, indeed, seems limitless. His total mastery of the forces of nature appears to be inevitable. And yet, despite this phenomenal progress in the material sense, 20th Century man feels in the depths of his being a disturbing sense about him and he sees man's inhumanity to man. He sees wars and rumors of wars. He sees violence erupt where order should exist, and he somehow feels that the quality of human life is deteriorating. And he asks why.

"Without me, ye can do nothing. Except the Lord build a house, they labor in vain who build it."

When man forgets his ultimate dependence upon his Creator, he violates his nature. And violated nature can produce neither a good life nor a good society.

When man perceives himself in the place of God and relegates God, as some have done, to the tomb, then man is in serious danger indeed.

It was Abraham Lincoln, in 1861, who said in words that were simple, eloquent and direct, and I quote:

"It is the duty of nations, of men, to own their dependence upon the overruling power of God. We have grown in numbers, in wealth, and in power as no other nation has grown, but we have forgotten God. We have forgotten the gracious hand that preserved us in peace and multiplied and enriched and strengthened us. We have vainly imagined that all these blessings were produced by some superior virtue and wisdom of our own."

So said Abraham Lincoln in 1861.

It has been said that the beginning of wisdom is the fear of the Lord. Not the abject fear of the slave for his master, but the wholesome respect of the child for his father. It is only in the complete acknowledgment of our dependency on the Divine mercy that we as individuals or as a nation can look forward to true progress toward the good society.

We who are here are acting in the spirit of President Lincoln's admonition. We who represent a score or more of different creeds and practice many different modes of worship are one in our purpose here this morning: we are here to admit our reliance upon God, and to implore from Him those gifts that will enable us to go about His work here on earth. We cling firmly to the principle that state and church should be separate. We do not believe, however, that God and man or that God and State should be split asunder. We do not believe, to borrow Lincoln's words, that men or nations should forget God. "Without me, ye can do nothing."

When there is so much to be done, we cannot ignore the Divine power that alone will enable us to remove the scars that afflict our nation and our world.

And, so, humbly we ask our Heavenly Father for guidance and for blessing. Above all, we ask Him to lead us along the way to peace; to peace and love among all of his children.

Mr. QUIE. Ladies and gentlemen, it is a great privilege and a high honor to present to you the President of the United States.

The PRESIDENT. Congressman Quie, all of the distinguished guests here at the head tables, in the audience and listening on radio and also on television:

When I was preparing the State of the Union message, I did something that I usually do in preparing an important speech. I read for several days the background of all such messages that had been delivered by Presidents from the beginning of this country, and I found many interesting things—the fact, for example, that from the time of Thomas Jefferson until Woodrow Wilson none were delivered in person. They were all sent in writing. The fact that they varied a great deal in length—Woodrow Wilson's was the shortest when he resumed the practice of delivering them orally in 1913. He spoke only for 12 mintues. And the longer ones ran as long as 30,000 or 40,000 or 50,000 words. That, of course, would be on occasions when they did not have to be delivered in person. Even those delivered in person usually averaged an hour, an hour and a half, depending upon the circumstances and depending upon the time.

The content of the messages varied, too. The messages really present a history of the country, how its problems changed, and also how some of the problems remained the same through the whole 190 years' history of this country. But while lengths were different and styles were different and the men were different and the contents of the messages were different, there was one theme that ran through them all. The author of the book on state of the union messages—and somebody did write a book about state of the union messages—the author pointed out that almost without exception, each President at some point in his message called upon Divine Guidance for himself, but, more important, for this nation.

Now, let us be quite candid. All of our presidents were not the same in their religious faith. I mean by that they did not belong to the same churches, and, for some, religious faith was deeper, a different experience than for others.

But yet every one, whether he was a churchgoer, or, as in Lincoln's case, not a churchgoer, every one recognized in the awesome position of power of the Presidency the necessity for Divine Guidance, and also the fact that this nation is a nation under God, and that this nation some way from the beginning has had a spiritual strength far more important than the enormous economic potential that we have now developed, or the military strength that we now possess.

So consequently this morning I am very honored and very privileged to be here and to have the opportunity with you to listen to members of the Senate, members of the House, the Commissioner of Education, the Secretary of Defense speak very deeply, very sincerely with regard to their own religious faith and also with regard to this nation's fundamental unifying strength: The fact that regardless of our backgrounds, regardless of what religions we may have, that this is a nation which from the beginning has had a spiritual value which all of us in positions of leadership in varying degrees have recognized and on which we have relied.

This nation has had many problems. Reference has been made to perhaps the most difficult experience of all—the war between the States, brother against brother. But perhaps never in our history has the nation had a greater challenge and greater problems than when we were the most powerful and the richest nation in the world, something we had no reason to dream we could become, when we were 13 States and 3,000,000 people and poor economically and very weak militarily. And so here we stand in the last third of the 20th Century, rich and powerful and with the faith not only of the people who live in this country—200 million—in our hands, but with the faith of hundreds of millions all over the world who cherish freedom, who want peace, depending upon what we do. So it's well to be reminded of what this thread that runs through our history—that men will work hard, they will lead as well as they can, they will be as wise as they can, but that we recognize our own inability to do it alone, that we need the spiritual strength which unites us and the spiritual strength which gives us an extra power, perhaps that needed vision that we need, to look beyond the material problems that seem to be so overwhelming and see the promise of a better life for us and all the peoples in the world in the year ahead. And what a really wonderful time to be alive for that reason—with all that we have and with all that we can become, and what we can mean, not only to ourselves, but to the whole world.

Reference has been made to the White House church services, to which many of you have been invited and many of you have attended. There were a number of memorable statements on those occasions. I think one that particularly is appropriate to refer to this morning was Cardinal Cook's quotation from St. Augustine, when he told all of the assembled people from government on that occasion, in the words of St. Augustine: "Work as if everything depended on you and pray as if everything depended on God." And that is the message I would leave here this morning. We must work as if everything depended on us; we must pray as if everything depended upon God, recognizing that America *is* a nation under God. We do have a destiny; not a destiny to conquer the world or to exploit the world, but a destiny to give something more to the world simply than an example which other nations in the past have been able to give—a great military strength and great economic worth—to give to other nations of the world an example of spiritual leadership and idealism which no material strength or military power can provide.

Mr. QUIE. Thank you, Mr. President. I know I speak for all who are gathered here, our hearts and our spirits unite with you.

There are two parts left of our program—the closing prayer and the closing song. So what I would ask you to do is to remain standing for the closing song and then to remain in your places while the President and Mrs. Nixon retire from the room. Now I'd like to call on the distinguished Senator from Alabama, the honorable James B. Allen, to lead us in our closing prayer.

Senator ALLEN. Our Heavenly Father, we know that Thou art God, and we look to Thee as our Lord, and as the Creator and Ruler of the universe. We are thankful for this occasion, for the evidence it gives of our trust in Thee, our dependence on Thee, and our need of Thee every hour. We thank Thee that we are and we pray that we shall ever be one nation under Thee, indivisible, with liberty and justice for all. Bless, we pray Thee, the President of the United States and his efforts for the common good as he leads the nation in this day of challenge and opportunity, of peril and hope, of war and the yearning for peace. Grant, we beseech Thee, that America will always be free, that it will always be the land of opportunity for all. Grant that among Thy children everywhere throughout the world war will give way to peace, hunger to plenty, illness to good health, unrest to tranquility, dependence to self-reliance, hatred to brotherly love, agnosticism to faith in Thee. We pray that our fellowship, our meditation and our communion with Thee this morning will inspire us to a closer walk with Thee today and in the future. Forgive us of our sins. Bless us and all peoples everywhere. We pray in Jesus' name. Amen.

(Closing song: "America.")

STEVIE WONDER

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. KOCH. Mr. Speaker, I have been asked by a number of constituents to bring to the attention of this House the fact that Mr. Stevie Wonder will be honored with an award known as the Fight for Sight Show Business Inspiration Award for 1969. I am told that he is receiving this award because while blind from birth, he dramatically overcame this severe impairment and became a talented musician and entertainer. The award, I am told, is being presented to him as an inspiration to other young people similarly physically impaired to pursue active, productive lives. The award will be presented to him by Mr. Earl Wilson, a noted columnist who is an active leader in the Fight for Sight.

CHICAGO'S PROPOSED LAKE AIRPORT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. MIKVA. Mr. Speaker, a great deal of controversy has recently surrounded the possible siting in Lake Michigan of the Chicago metropolitan area's third major airport. Some excellent remarks on the financing and environmental problems posed by a lake airport where made by Mr. Douglas Schroeder in his article, "The Lake Airport—A Disaster in the Making," which appeared in the March 1969 edition of Inland Architect.

I believe Mr. Schroeder's remarks will be of current interest to House Members who are not only concerned about the cost of airport development but also about the impact of such development on our environment.

After some lengthy introductory remarks on the background of the lake airport proposal, Mr. Schroeder begins his discussion of the costs involved by referring to the cost comparisons which appeared in a study on the lake airport done by the open lands project, a Chicago conservation group. Mr. Schroeder's remarks follow:

THE LAKE AIRPORT—A DISASTER IN THE MAKING

(By Douglas Schroeder)

The Open Lands Project, a conservation group, published an exhaustive study in September, 1968, entitled, "Will a Lake Airport Best Serve the Chicago Area?" It makes total cost comparisons based on data assembled for the city by the Real Estate Research Corp. and Harza Engineering Co. The figures compare the projected costs of building the airport on the lake bottom and build it on a land site favored by the Federal Aviation Administration (FAA) east of the village of Frankfort, near the junction of Interstate 80 and Interstate 57:

General cost projections

Lake airport:	
Site	$413,000,000
Improvements	400,000,000
Principal costs	813,000,000
Annual debt service (×40)	52,945,000
Total costs	2,117,800,000
Land airport:	
Site	211,800,000
Improvements	400,000,000
Principal costs	611,800,000
Annual debt service (×40)	39,767,000
Total costs	1,590,680,000

Land sites other than the one preferred by the FAA also could be developed for less than half the cost of the lake site, according to reports given the city by its consultants.

It should be remembered that the costs of large public works consistently are understated. The proposed lake bottom airport is an example of this technique used to make a plan sound economically plausible.

For example, the plans proposed by Harza Engineering Company call for a single four-lane access roadway from shore by causeway, bridge or tunnel, with provision for two additional lanes in the future. O'Hare Airport—which accommodates much less traffic than that expected for the lake bottom airport—is served by an eight-lane highway. During rush hours, even a minor accident has been known to cause O'Hare traffic to back up for miles.

Three other perimeter entrances serve air cargo, employe and service traffic at O'Hare. A fifth entrance is planned from Irving Park Road when that street is rerouted. And a rapid transit line also has been projected for an expanded O'Hare in order to take even more pressure off roadways to the field.

In short, 18 or more traffic lanes and a rapid transit line will be needed to serve an expanded O'Hare Field and its projected 40,000,000 passengers a year. Is it reasonable to assume that four lanes will accommodate the 50,000,000 passengers projected for the first year of operation for the lake airport?

A more realistic cost estimate for the lake facility would include this inevitable public investment for roads and transit. This added cost could equal the cost of the polder itself.

Some have argued that the lake airport could be connected easily to the central business district by a subway tunnel. If such a connection were built from Monroe Street to the airport five miles in the lake, by either tunneling through rock or trenching the lake bottom, the cost would be about $100,000,000, or $20,000,000 per mile.

Other costs that have not been included in the published estimates would be for such necessities as sewer, water, gas and communication lines to the airport.

But the costs don't stop there. What about the expense of controlling air, water and noise pollution caused by the giant lake bottom airport? And what about the sadly diminished value of the lakefront as a glorious place of relaxation, refreshment and enjoyment for all the people?

Noise abatement is a factor that prompted Chicago officials to consider moving an airport farther offshore into deeper water. But even after this change was made in plans, diagrams of noise zones along takeoff and landing paths show that Uptown and Rogers Park communities on the North Side and the Kenwood-Oakland and South Shore on the South Side would fall into zones requiring residential soundproofing. Much of the recreational shore to the north and south would be blighted by constant airplane noise.

Moving an airport further offshore would make transportation and utility connections even more expensive. Building the polder in deeper water would add more to the construction costs. The practical limit of polder construction in the lake is probably 15 miles offshore from Chicago at the present time. Moving an airport to this outer limit would not much minimize the conflict in aircraft traffic patterns and would make prospects for additional poldering to even greater distances that much more attractive.

Air pollution, too, would be a problem, Lake Michigan has been a giant reservoir of clean air for Chicago. A lake airport would become a source of contamination from heavy airplane exhaust fumes. The main contaminant from jets is carbon exhausted in the form of black smoke. Though carbon emissions from jets is not known to be harmful to health, it is highly visible and certainly esthetically objectionable.

Carbon smoke could reduce visibility and constitute a safety hazard as it settles into the depressed airport polder and is trapped. The carbon particles also will settle in the lake and add to existing water pollution.

Officials contend that the lake airport would not add to water pollution. They point out that sewage will be pumped to the mainland, not into the lake. However, the Harza Engineering firm has proposed that a reservoir be created within the polder to collect seepage through the dike and rain runoff. This water would be pumped into the lake in great quantities.

It certainly is probable that large amounts of oil, kerosene, carbon and exotic chemical compounds will be in this water as it is pumped into the lake. Inasmuch as such great efforts are being made to stop the eutrophication (aging) of Lake Michigan, it is unlikely that Chicago would be permitted for long to get away with pumping this untreated water into the lake.

And would a lake bottom airport be safe? And could it be operated without too many weather shutdowns? If an airport cannot be operated fully because its air space conflicts with that of other airports, then it is not going to be an efficiently run facility.

The FAA stated in a letter to the city early in 1968 that poor weather conditions and/or heavy traffic could affect O'Hare and the lake airport simultaneously. This interaction is not as likely between O'Hare and an airport built on the land site south of the city.

Weather records of Lake Michigan conditions, taken at Dunne Crib, 2½ miles off 68th St., show higher winds, more moisture and more fog and haze than is experienced on land.

Beyond all these drawbacks, the least bearable expense of a lake bottom airport is the potential loss of more of the lake itself through additional poldering. Experience at O'Hare Field shows that a major airport generates tremendous commercial and industrial expansion. There would be irresistible pressures on the city for creation of more land in the lake, once the precedent were set by the airport polder.

What is to stop other municipalities and other states from trying to expand their shorelines into the lake if Chicago does it?

Certainly, when all objections are considered, a site south or southwest of Chicago seems to be the best answer to the problem of increased air traffic. The area is not yet densely populated and is ready for more development.

The problem is not just Chicago's. And it should not be solved strictly on terms laid down by Chicago. It should be viewed within a wider framework.

For example, Chicago, Cook County and the State of Illinois could set up a special authority to construct the third airport. The costs and revenues could be shared by each of the governing bodies.

The airport should be viewed as a nucleus of a planned and zoned district, perhaps 10 or more miles in diameter. A mass transit line to the core city should be included in construction plans to insure cheap and quick transportation for both passengers and workers at the airport.

To answer our question—is it necessary to ruin our city and deprive us of our lakefront so that passengers might save 20 minutes of travel time?

The answer, emphatically, is no.

LESTER W. THOMPSON TELLS STORY OF WARD 5C2'S ALCOHOLISM TREATMENT PROGRAM AT PALO ALTO VA HOSPITAL

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. REUSS. Mr. Speaker, I recently received a very impressive paper by Mr. Lester W. Thompson in which he tells the story of the founding of ward 502's alcoholism treatment program at the Palto Alto VA hospital, and gives an account of the life of patients in the program. Mr. Thompson was himself a patient in ward 5C2, and therefore can speak first-hand of the great initiative shown by Head Nurse Lois R. Learned

in getting the program started, of the effectiveness of a treatment program run by a dedicated staff, and of the need for more such programs.

It is unfortunate that misapplied budget cuts and personnel ceilings have prevented the Veterans' Administration from moving rapidly in activating specialized alcoholism treatment units in the many VA hospitals that have requested them. I hope that Mr. Thompson's story of local initiative and of patients who seek and respond to professional help will serve to jog loose funds long overdue to meet a great national health problem. I commend his moving account of life in ward 5C2 to my colleagues:

HISTORY OF WARD 5C2, VETERANS' ADMINISTRATION HOSPITAL, PALO ALTO, CALIF.

(By Lester W. Thompson)

I. ALCOHOLISM AS A PROBLEM OF NATIONAL CONCERN

Ward 5C2 of the Veterans Administration Hospital, Palo Alto, California, is primarily an alcoholic rehabilitation ward. To date, its history is rather brief, but hopefully, the attainment of the goals envisioned by the doctor in charge of the ward and his staff is promising. However, before going into detail about the history of the ward and its program, it is thought that a brief resume of alcoholism as a serious national problem is in order.

In March of 1969, H.R. 8532, a bill to amend title 38 of the United States Code in order to provide additional beds and special units in Veterans Administration Hospitals for the care and treatment of veterans afflicted with alcoholism and for other purposes was introduced into the House of Representatives by Mr. Reuss, a Representative from Wisconsin, and fourteen co-sponsors. Much of the statistical data following is taken from the speech made by Mr. Reuss before the House of Representatives introducing this bill.

Alcoholism ranks along with Heart Disease, Cancer and Mental Illness, as a national health problem. It is estimated by Mr. Reuss that 5,000,000 Americans suffer from this disease, with 200,000 new cases developing each year, although other estimates have indicated this figure to be as high as 6,000,000 to 8,000,000 Americans. 11,000 deaths a year are directly attributable to this illness, but this could be a minimal figure as it is recognized among the medical profession that excessive use of alcohol has been in many instances a contributing factor when the cause of death was listed as heart disease or some other illness. Alcoholism is also a major factor in approximately fifty percent of fatal auto accidents, many involving chronic alcoholics. In addition, the cost to industry in job absenteeism and industrial accidents is staggering, ranging from two to four billion dollars per year. In a recent speech, Senator Murphy of the State of California, made the statement that in his opinion, the cost to industry in California, alone, was a billion dollars per year.

Despite the fact that there are inconsistencies in the statistics and complete and accurate statistical data are difficult, if not impossible, to obtain, the figures stated above indicate that alcoholism is a serious menace to society and growing increasingly more so. However, statistics alone cannot tell the story. It is estimated that each alcoholic affects four family members, thus using Representative Reuss' minimum statistics of five million people afflicted with this illness. Alcohol reaches into the lives of at least twenty million Americans, bringing the anguish of financial insecurity and family disruption.

Alcoholism has long been thought of as a moral problem involving some weakness of character, and despite the voluntary work of such organizations as Alcoholics Anonymous, the chronic drunk has been treated more often than not as a person irretrievably lost to society, who must lead a precarious existence the rest of his life. However, in recent years, alcoholism is increasingly being recognized for what it is—a complex disease, not fully understood, but which, nevertheless, can, in some cases, be effectively treated. Industry has become aware of the fact that the alcoholic is not necessarily the typical, so-called, skid row bum, but that approximately thirty-five percent of the people suffering from an alcoholic problem are in their own ranks of white collar workers, even reaching into the top echelons of management. Another forty-five percent are blue collar workers. Industry has also become increasingly aware that in many instances it is better, from an economic standpoint, to rehabilitate the alcoholic, thus continuing to capitalize on his knowledge and experience, than to train a new employee for the job.

There is also an increasing tendency among the courts to treat the alcoholic for what he is—a sick person, rather than a criminal, and the problem is receiving increased attention from the medical profession, health agencies, voluntary organizations, research institutions, and is of growing concern to health insurance companies. Nevertheless, due to the past neglect of the problem, there is a woeful shortage of specialized facilities and trained personnel to treat alcoholics. Many doctors are unwilling to accept an alcoholic as a patient even for a disease other than alcoholism if they are aware the potential patient has a drinking problem. Hospitals are hesitant to accept alcoholics as patients under the same circumstances except in the case of an emergency. Many state and county health institutions who are supposedly equipped to deal with the problem and will accept the patient, assist him through the withdrawal stages which are results of an intensive bout with the bottle, and then leave him to shift for himself for the remainder of his stay in the institution. The patient may occasionally receive a visit from a psychiatrist, whose principal question is "Why do you drink?" If the poor patient knew the answer to this question, he might well be able to do something about the problem on his own. Private institutions are expensive and their cost is beyond the reach of most alcoholics even though he may have enjoyed a substantial salary for the majority of his working years. In addition, the treatment for the alcoholic in the private sanitorium is often not based on scientific fact and has very little, if any, therapeutic value.

II. ALCOHOLISM IN RELATION TO THE VETERAN

In 1966, Veterans Administration Regulations were amended to specify that requests for hospitalization for alcoholism be processed the same as any other disease susceptible to cure or decided improvement. Of the five million American alcoholics estimated by Representative Reuss, 1,700,000 of them are known to be veterans. In addition, alcoholism is a known factor in approximately twenty percent of the psychiatric cases involved in Veterans Administration Hospitals. Of 105,000 veterans in all Veterans Administration Hospitals on one certain day, sixteen percent were known to have a drinking problem. To counteract this specific problem of alcoholic veterans, there are twenty-five Veterans Administration Hospitals with a total of 900 beds authorized for the treatment and rehabilitation of alcoholics and many of the wards set aside for this purpose are operating without the necessary funds and an inadequate staff. This is out of a total of 125,000 beds authorized by the Administrator of the Veterans Administration.

The bill proposed by Representative Reuss would have authorized the establishment of 4,000 beds for the treatment and rehabilitation of alcoholics, 1,000 to be set up each year from 1970 through 1973. This bill was not enacted despite the fact that pilot programs in various Veterans Administration Hospitals involving sixty to ninety days intensive inpatient treatment supplemented by an adequate and sustained program of outpatient care have shown rehabilitation to be possible in an encouraging forty percent of the cases treated.

III. HISTORY OF WARD 5C2

Prior to 1969, Ward 5C2 was a psychiatric ward, headed by Dr. Leo Traub, with Lois R. Learned as the head nurse. The ward contained a number of patients with alcoholic problems who caused considerable trouble to the staff. During the Christmas and New Years' holidays of 1967, Mrs. Learned aroused the patients' interest in decorating the ward in an attractive and cheerful manner. Surprisingly, the incidence of intoxication and disorderly conduct was much lower on ward 5C2 than on the other psychiatric wards in the hospital and inquiry among the patients as to the reason for their reasonably good behavior revealed that the patients were appreciative of Mrs. Learned's efforts on their behalf and felt that they could not let her down.

Mrs. Learned informed her supervisor that she was interested in a head nurse position in an alcoholic rehabilitation ward, and on October 8, 1968, arrangements were made for her to attend the alcoholic programs set up in the Veterans Administration Hospitals in Houston, Texas, and Topeka, Kansas. On November 12, 1968, she visited the hospital at Houston and the following week she went to the hospital at Topeka for the purpose of observation and study of the operation of alcoholic rehabilitation wards. Upon her return, she began a definite formulation of a program for a similar ward at the Palo Alto Hospital.

On February 17, 1969, Ward 5C2 started an alcoholic program with Mrs. Learned as the head nurse. Alcoholic patients are difficult to treat, and many of the employees of the hospital were unwilling to serve on such a ward, but a volunteer staff was finally assembled. The original group of patients had primarily psychiatric problems so that from this group only three volunteered for the alcoholic rehabilitation program. Those patients whose problems were minaly psychiatric were gradually transferred to other wards or discharged from the hospital and replaced by patients with a professed desire to undertake a program which would assist them in their alcoholic problems. As far as is known, there was never any formal announcement to the effect that an alcoholic rehabilitation program was in effect in the Palo Alto Veterans Hospital, but the word was spread and shortly after the program was initiated there was and has been a waiting list.

IV. STAFF OF WARD 5C2

The ward is presently in charge of Dr. E. D. Radcliffe, M.D. and Psychiatrist. The doctor received his medical education in Europe and came to the United States in 1962. In 1963, he served as an intern and from 1964 to 1967 he took psychiatric training and then served in private practice and as a teacher. In 1967 he joined the Veterans Administration, and in February 1969, about a week after ward 5C2 was opened, accepted the position as the doctor in charge of this ward.

Previous comments have indicated the important role Mrs. Lois R. Learned, the present head nurse of the ward, had in its establishment. She joined the staff of the Veterans Administration in 1951 after serving two stints in the Nursing Corps of the United States Army, one from 1943 to 1946 as a nurse in a field hospital in the Philippine Islands, and the other from 1947 to 1949. In the interim between her latter discharge

from the Regular Army and her affiliation with the Veterans Administration in 1951, she took time out to have a baby daughter, and she also served in public health nursing.

A patient, upon first being admitted to the ward, may gain the impression that instead of being an Army Nurse, or as the old cliche often stated "an Angel of Mercy", she may have been the first sergeant in an Infantry Company of the 101st Paratroop Division, but they soon learn that despite the fact that she is a stern taskmaster and adheres to the rules, the welfare of the patients and pride in the ward are her primary concerns.

Another important role in the function of ward 5C2 is played by Dr. C. A. Brackbill, the Staff Psychologist. Dr. Brackbill taught at the University of Colorado for three years and then took graduate work in Psychology at the University of California at Los Angeles, where he obtained his Ph. D. in 1951. In 1952, he joined the staff of the Veterans Administration, serving in various posts until he became associated with the staff of ward 5C2 in February 1969. The writer is not qualified to comment upon his competence as a Psychologist, but it can be said with impunity that he is a terrible volley ball player, ranking just slightly higher than nursing assistants Holley and Thomas, in that regard.

In recounting the work of the staff, one must certainly remember the contributions of Miss Maryellis Ramsey, the Social Worker. Miss Ramsey is a registered nurse, having taken her training at St. Mark's Hospital in Salt Lake City, Utah. She took further training at Westminster College in Salt Lake City, obtaining her B.S. degree in nursing there. Further graduate work led to a Master of Social Work degree.

Although Mrs. Dorothy King is rather coy about her contribution to the operation of the ward, stating that she is only a typist, she actually is an excellent secretary and provides extremely valuable assistance to the patients in obtaining funds due to them from the various state and federal agencies. In addition, she is well known for the chocolate cakes she provides for the ward picnics, which are held on the average of once a month, weather permitting.

Ward routine requires starting the day at 6:00 a.m., but if it was not for the strident voice of Mrs. Pernella Farmer, a night nursing attendant and one of the original members of the staff, all of the patients would probably sleep-in until around ten in the morning. All of the patients of ward 5C2 will probably remember to his dying day those immortal words of Mrs. Farmer's, "Alright, gentlemen, six o'clock, six o'clock, time to get up, time to get up." If for any reason this call is ignored by any patients, Mrs. Willie Rattler, the other night nursing assistant and also an original member of the staff, can shortly set them straight that it actually is time to get up. In summary, it might be said in regards to the morning call that Mrs. Farmer provides the vocal power, but Mrs. Rattler just plain provides the power.

The nursing assistants on the day shift are Hazel Dabney, Anna Thomas, Doris Holley and James Black. Once again, the writer does not feel qualified to comment upon their ability as nursing assistants but does feel that he can make an accurate statement concerning their prowess as volley ball players. Anna Thomas and Doris Holley are handicapped to a degree by a lack of height and one senses some lack of muscular coordination in playing the game. In addition, Mrs. Holley has the tendency to close her eyes and cover her head with her arms if she thinks the ball is coming any place near her. Mrs. Dabney could be an excellent volley ball player except for the fact she has a tendency to catch the ball and throw it instead of batting the ball as it should be done. Naturally, this results in a fault for the team that she is on. However, she is enthusiastic and her love of participation encourages others.

Mr. Black is a new addition to the ward, and a welcome one. He is a powerful man and the very sight of him is usually enough to bring order out of chaos in the rare event any patient gets some wrong ideas in regard to adherence to the rules of the ward. Perhaps, too much stress is placed upon volley ball as a recreational activity, but since the soft ball season has ended, volley ball has become the chief recreational activity in which there can be group participation. Mr. Black has certainly become a welcome addition to the volley ball team, practically assuring a win for the team on which he plays.

The swing shift nurse is Nell Sounders, but as she is also assigned to another ward on which the patients perhaps need more attention than those on 502, one sees little of her except for periodic check-ups and medication time. She is ably assisted by Mrs. Lillian Nelson, nursing attendant, who, if time permits, can hold her own with any of the patients in a variety of card games. This has resulted in some humiliation among the patients, because as everyone knows, every ex-military man feels that he graduated from the branch in which he served Magna Cum Laude in every card game ever devised.

An hour's session of psychodrama is engaged in once a week by the patients. This therapy is conducted by Mrs. Sarah M. Drew, Chief of Educational Therapy of the hospital and Mrs. Mary Thompson, Therapist. Mrs. Drew has a B.A. degree from Mississippi Women's College and took some graduate work at Tulane University in New Orleans, Louisiana. She taught English in high school for approximately fifteen years before joining the Veterans Administration in 1951. In 1958 she was promoted to her present position as Chief Educational Therapist.

Mrs. Mary Thompson has a Special Secondary Teaching Credential in Business Administration and is now working on a Master's Degree at San Jose State College. She joined the Veterans Administration Hospital Staff in 1966 at her present position.

V. PROGRAM OF THE WARD

Admission to the ward is strictly voluntary, but the patient must sign an agreement to stay for ninety days. Withdrawal before that time without Dr. Radcliffe's permission is withdrawal against medical advice, except in some rare cases where the patient has practically completed the program and has a job awaiting him. Violation of the rules of the war such as showing up at the end of a week-end pass in an intoxicated state is usually cause for dismissal at Dr. Ralcliffe's discretion. However, a second such violation is practically automatically grounds for dismissal from the ward. In addition, a person is allowed to take advantage of this program only one time.

Upon admission to the ward, the patient is given an admission questionnaire to fill out and a booklet containing the rules and regulations of the ward. He is then given a basic intelligence test and a test for personality traits, which are evaluated by Dr. Brackbill and his evaluation is inserted in the patient's chart.

The ward has a bed capacity for twenty-eight patients and the staff has worked out a program whereby seven to eight new patients start the program within a relatively short time, such as a week, thus creating a cycle of approximately that number of new patients being admitted each month.

Emphasis is not only placed on the alcoholic rehabilitation aspects of the program, but the patient is also given a complete physical check-up and any necessary treatment is prescribed. This includes dental and eye care.

After breakfast, the ward is cleaned by the patients. Then, on Mondays and Thursdays, the first session of the day, between 9:00 a.m. and 10:00 a.m., group therapy sessions are held. The new patients are assigned to Mrs. Learned's group for the first thirty days, which consists primarily of instructional classes. One is faced with facts, the Alcoholic Game and Alcoholic Thinking. One of the major points stressed in these instructional classes is what Mrs. Learned has termed a "BUD"—building up a desire for a drink. It is emphasized that if frustration or other feelings should tempt the patient to take a drink, and if he can recognize it, stop and think about it, and seeks help, sobriety can be maintained. Each patient is instructed on how to recognize his own individual "BUD". This ties in to a degree with the Alcoholics Anonymous precept that it is the first drink that gets you into trouble. To supplement this program, two beds have been set aside as "BUD" beds, whereby a graduate of the program who finds himself in such a position is allowed to re-enter the ward for a day or two prior to taking that first drink, but absolutely not after.

After the thirty-day session in Mrs. Learned's group, the patient is then assigned to either Miss Ramsey's therapy group or Dr. Brackbill's group. These groups are usually smaller than Mrs. Learned's, and here individual problems of the patients are discussed. Upon first being exposed to these smaller groups, the patient is generally somewhat reticent to air his personal problems in front of other individuals, but this reticence is usually soon overcome. The emphasis is upon trying to help the patient recognize his problems, and then attempt to find a reasonable solution. Being questioned by five or six other individuals may, at times, result in confusion in a patient's mind, but as a rule, the therapy seems to work and for those that are sincere in their efforts to face their problems, this program appears to be of considerable assistance.

Wednesday morning from 9:00 a.m. to 10:00 a.m., Psychodrama sessions are held under the supervision of Mrs. Drew and Mrs. Thompson. Here, various situations which may have caused the patient trouble in the past or that he may have to cope with upon reentering the social and economic life of the community are reenacted by the patients. Once again the directors of the program are faced with the shyness of the patients in appearing before the entire group, but this is soon overcome and although no one has yet discovered who will be a threat to the careers of Sir Laurence Olivier or Richard Burton, the program has been of assistance. One of the more successful scenes enacted recently portrayed the prospective job applicant and his method of handling the fact that he was an alcoholic, and has successfully completed the program in the Veterans Administration Hospital. Incidentally, he got the job, but that was probably because the interviewer was in the same position as the one being interviewed and could have been a bit more sympathetic toward the applicant's problem.

Tuesday morning from 9:00 a.m. to 10:00 a.m. is an important hour of every week. That is the time when Dr. Radcliffe gives his lectures on alcohol. The lectures are factual and there is no moralizing. Never once has he admonished the group not to drink. It is his belief that this is the individual's own choice. His lectures are devoted to the characteristics of alcohol, its effects on the human body, and the cost to society. A series of slides of the various organs of the human body showing the disastrous results alcohol has had on these organs provides extreme emphasis on the more important points the Doctor wishes to put across. Such as factual approach instead of sermonizing is a much more effective approach.

Friday mornings from 9:00 a.m. to 10:00 a.m. are devoted to group therapy sessions without the presence of staff members, and surprisingly, some rather serious discussion

results instead of just what might be termed a general "bull session."

The period from 10:00 a.m. to 11:00 a.m. each day is devoted to general athletics. There is a well-equipped gymnasium available, and also a swimming pool. Patients may avail themselves of any of the equipment including rowing machines, parallel bars, weights, pulleys, and other equipment. In addition there is a small nine hole three par golf course. Softball is the principal group participation sport in the summer time, and once again it might be said that there have been no Brooks Robinsons, Ron Santos or Willie Mays discovered and the games are not closely scouted by the major league representatives. However, it is rather amazing to see how this physical activity improves the agility, coordination and general physical fitness of the patients. It will be noted that in discussing the general members of the staff there were considerable references made to their prowess in volley ball. After the close of the softball season, which incidentally ended this year with the team from ward 5C2 being beat in the playoff of the championship by a score of thirteen to twelve, volley ball became the principal group sport and the members of the staff often participate with the patients in this activity. This season has been a particularly successful one in which a group of bumbling uncoordinated old men finally fielded a fairly proficient volley ball team. The climax of the season to date was the sound dubbing given by the team from ward 5C2, to a challenging ward in two games. To date there have been no other challenges.

Mondays through Thursdays from 1:00 p.m. to 4:00 p.m. is devoted to either educational therapy or industrial therapy. For the patients that choose the educational therapy there is a wide variety of courses offered, ranging from grade-school level to the college level. First, the patient is given a series of tests to determine his relative standing in the educational set-up and then a series of courses are arranged for him to further his education and assist him in regaining a respectable economic status in society.

The industrial therapy offered gives the patient a number of choices. There is a fairly well equipped woodshop, machine shop, and hobby shop. They are all operated by patients under staff supervision. The woodshop and the machine shop not only give the patient the opportunity to engage in the construction of something he desires, but he also works on a number of projects that will be of use to the hospital staff. Those engaged in these activities, in addition to accomplishing something worthwhile, are either maintaining or furthering their skills in the use of the machinery involved in these operations.

Other patients are assigned to various nonpaying jobs in the hospital such as working in the X-ray department. There are also patients assigned to jobs around the hospital which pay a minimal wage, such as clearing tables in the canteen or working in the bowling alley. The principal job taken by the patients are offered by Dann Industries which pays the beginner $1.00 per hour. This allows the patient with little or no money the opportunity to at least earn his coffee and cigarette funds, besides keeping him busy in the afternoon.

After 4:00 p.m., the patient is free for the day, although Dann Industries sometimes work at nights and the ambitious one can take advantage of that opportunity if he so desires. However, most of this evening free time is occupied by patients in watching television, playing cards or visiting with members of his family. At times, this is the most boring time of the day. Many of the patients have no family to visit them, and after ninety days, cards and television can become quite monotonous, so quite a number of the occupants of the ward take advantage of the 9:30 p.m. lights out to go to bed, keeping in mind that daily morning chant, "Gentlemen, it's six o'clock, it's six o'clock, time to get up, time to get up!"

Although the program outlined above is generally followed, it has some flexibility, which allows various elements of the program to be replaced at times by films dealing with alcoholism and the social problems the alcoholic might face. One film, as a rule, is shown once a month. This is "The Alcoholic Cat". It shows that a cat which by nature abhors alcohol can become alcoholic through being subjected to a series of frustrations. It recognizes that a man is a much more complex personality than a cat, but the most meaningful part of the film is the latter part that reflects a man's ability to sustain his economic and social position through the increasing use of alcohol, but eventually reaches the point that this can no longer be done. He then abruptly drops to the position where his economic and social life is destroyed. Although he has reached this point, there may be some hope for recovery but such recovery is difficult and requires an extended period of time. Patients are primed for this film in Mrs. Learned's class on the learning and unlearning process.

The ward has an elected slate of officers, consisting of a President or Chairman, a Vice Chairman, and a Secretary-treasurer, and a Master-at-arms. The titles are self-explanatory except that it might be noted that the Master-at-arms is in charge of the daily clean-up of the ward. There is also a Recreation Chairman, whose principal function to date has been attempting, in conjunction with the other wards, to arrange some beneficial and constructive program for the patients, who for various reasons are unable to take advantage of the week-end pass privileges.

Meetings of the patients are held at 8:30 a.m. every Tuesday and Thursday. The Tuesday morning meetings are attended by the staff, which allows for a close liaison between staff members and patients. The Thursday morning meeting is for patients only. The various business of the ward is discussed and the appropriate action taken based on a majority of the votes of the patients. In addition, a 75¢ per week collection is taken which provides for coffee available to the patients from 6:00 a.m. to 8:00 a.m. and from 4:00 p.m. to bedtime.

Before closing this portion of the brief history of the ward, another important recreational activity should be mentioned. These are the ward picnics which are generally held on a monthly basis. These picnics are organized by a committee of patients who are ably assisted by the female staff members in the preparation of the food. They are generally held at one of the numerous parks in the area. Recreational equipment is drawn from the gymnasium, and a full schedule of athletic activities are provided for patients and staff with the exception of those who are physically unable to participate. No comment can be made about the earlier picnics, but it was universally acclaimed that the last two held were unqualified successes. Plans for a Christmas get-together for all patients who have completed the program is underway.

VI. SUCCESS OF THE PROGRAM

Because of the short length of time the program has been in effect, there is little statistical data that can be provided indicating either the failure or, most importantly, the success of the program. Since its inception, there have been a number of patients who have gone AMA, that is, failed to complete the full ninety days. There have also been a few patients who have been dismissed from the program for the violation of rules, principally showing back to the ward from a weekend pass in an intoxicated state. It is also known that a number of patients who successfully completed the program failed to remain sober after their dismissal. However, as previously stated, this information is not based on any statistical research program, but only on hearsay and personal knowledge of the patients. To offset these discouraging aspects, there is tangible evidence that in a number of cases, the successful completion of the program has resulted in a changed life for the better. The staff has received a number of letters and postcards from graduates of the program in which they indicate they are living a life of sobriety and have regained a respectable place in the economic and social world. In addition, a considerable number of patients who have completed the program visit the ward on occasion, and they appear to have attained the same goals. These letters, postcards and visits have an encouraging effect on the present inhabitants of the ward, showing that with sufficient willpower, a man's ways can be changed and that there is also hope for him.

As previously stated, there is little provision for outpatient care, except for the "BUD" beds. However, Dr. Radcliffe has stated that he believes in an adequate outpatient program, but such a program will have to be initiated a step at a time and its future is indefinite. He does hope that in the near future he can initiate a follow-up program consisting of a questionnaire being sent to each patient six months after he has completed the program. This would provide some slight measure of its failure or success. Dr. Radcliffe also states that he is well aware that despite the screening process, there are patients who are not sincere in their efforts to regain sobriety and that these patients may check into the ward for any number of ulterior reasons. However, he is not especially perturbed by this. He believes that, although the patient may not be sincere when he checks in, after exposure to the program, he may come to recognize the beneficial results of the attainment of a sober and respectable life in the community.

In summation, it might be said that to date the program is in the experimental stage, and whether it is a success or a failure cannot be statistically proven at this time. However, in view of the comment expressed in the first two major divisions of this paper, particularly those concerning the menace of alcohol to society as a whole and especially to the veterans, it would appear that it is imperative that something be done to cope with this problem. The program on ward 5C2 would seem to be a logical approach to at least a partial solution to the problem of alcoholism, and its success at this time may be judged by the attitude of the participants in the program. It must be remembered that these men, for the most part, are the hard-core alcoholics, those who have imbibed excessive quantities of liquor over a period of years, and that now these men have a feeling that there is hope and that they can be free themselves from a physiological and psychological addiction that has either almost ruined their lives or will do so eventually.

History is a continuing process and it can only be hoped that the history of ward 5C2 to be written in the future will show an increasing success in the rehabilitation of alcoholics.

DEMOCRATIC POLICY COUNCIL—I: NATIONAL PRIORITIES FOR THE 1970'S

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. FRASER. Mr. Speaker, as we move into the decade of the 1970's it is be-

coming increasingly important for the Government to establish a set of national priorities in order that the many pressing problems facing us be handled in an orderly, constructive manner. I introduce into the RECORD a statement by the Democratic Policy Council, which Monday arrived at some conclusions as to how we might meet many of those urgent matters facing us today. Hubert Humphrey and Senator FRED HARRIS are cochairmen of the Democratic Policy Council, and I am a member.

AMERICA IN THE 1970's

(By the Democratic Policy Council, February 9, 1970)

We, the members of the Democratic Policy Council, set forth in this first statement of policy our principal beliefs and hopes about the paths this nation should follow in the decade of the 1970's.

We believe the American people are capable of facing America's problems for what they are. We believe they are willing to initiate and sustain tangible efforts to meet these problems. We do not believe they will long be content with a national administration lacking any deep inner convictions about ourselves and our world . . . a national administration highly skilled in public relations and television packaging, but demonstrably unwilling to come to grips with the necessities of the 1970's.

Our people are threatened by the prospect of an inflationary economy headed simultaneously toward recession. Rising prices are a cruel tax on the poor, the retired, on every owner of insurance policies, every contributor to a retirement system.

The strength of our economy, as our resources of human life and spirit, is drained by a war which has been prolonged unnecessarily.

Our humanity is assaulted by inadequate schools, by the crushing costs of available health care, by racial injustice and unequal opportunity, by a crisis in housing and transportation, by the foul air and water which pollute our environment, and by a rising rate of crime.

Our initial doubt about the Republican Administration's capacity to tackle these problems was changed to certainty when, in the same week, President Nixon vetoed as inflationary legislation providing an extra $1.2 billion for education and health and then announced a new multi-billion-dollar spiral in the nuclear arms race.

We believe the American people deserve better from their national leaders.

In the months ahead the Democratic Policy Council and its committees will speak to these problems . . . specifically and in detail. Some of what we say here today is general—for in certain areas we have yet to find solutions equal to the problems which confront us. Some of what we say is tentative—for in examining these problems we expect to learn much. But this document does express our deepest convictions about the purposes and goals which should characterize our national life in this decade of challenge and promise.

We offer these ideas and positions to the American people. And we challenge the Republican Administration to respond.

It is widely recognized that in this decade we must devote our greatest energies to securing the decisive shift of resources—human and natural—from pursuits which cripple or destroy man's capacity for life, liberty and happiness to those which enhance these qualities. Too often, however, such recognition is not accompanied by the realization that this task will require difficult and courageous political judgments.

Just to fulfill the nation's *existing* commitments to its citizens may require placing additional burdens on the American people. It may require further redistribution of our wealth and redirection of our human energies. It will require the elimination of obsolete Federal programs and subsidies that have long since lost their original purpose. It may require restructuring of our instruments of government. As a beginning it is essential to commit the billions now spent on Viet Nam to help solve our pressing domestic problems.

CONGRESSIONAL LEADERSHIP

It is the Congress to which the American people must increasingly look for leadership in determining our national priorities and committing the resources—human and financial—to meet our urgent domestic needs. An initial step in any such determination is the creation of a Joint Congressional Committee on National Priorities.

These are but a *few examples* of the commitments which Congress already has made the law of the land:

The Housing Act of 1949 declared that the "general welfare and security of the nation require . . . a decent home and suitable living environment for every American family . . .".

In the 1968 Housing and Urban Development Act, the Congress recognized that for twenty years the promise had not been kept, noted the failure as "a matter of grave national concern" and rededicated itself to "the elimination of all substandard housing in a decade."

In the 1966 Model Cities legislation, Congress declared that "improving the quality of urban life is the most critical problem facing the United States . . .".

The Economic Opportunity Act of 1964 declared it "the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this nation by opening to everyone the opportunity for education and training, the opportunity to work and the opportunity to live in decency and dignity."

The Elementary and Secondary Education Act of 1965 made it the policy of the United States "to provide financial assistance . . . to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational program. . . ."

COMMITMENTS IGNORED

To date these commitments remain unfulfilled and either ignored or underfunded by the Republican Administration.

Simply to ignore these acts of Congress and the national goals established by these acts is not acceptable; we must move decisively to accomplish them. But we must look simultaneously at other pressing needs:

Crime. The Republican Administration has talked a great deal about stopping crime. But the crime rate has continued to rise; indeed, crime increased by 11 percent nationwide in 1969. In the face of these facts, however, the Republicans have asked for only $480 million to implement the Safe Streets Act of 1968 in comparison to the $1 billion that was forecast for 1971 by the previous Democratic Administration. Effective use should be made of all of the resources that can be made available through this legislation.

LACK SYSTEM

Today in the United States we have no *system* for the enforcement of our criminal laws. We have instead only a faltering, inefficient process—police, courts, corrections—consisting of an amalgamation of fragmented and often hostile agencies. There are serious deficiencies in every part of this process, and as a whole it is not preserving order and keeping our people safe from the threat of crime.

Each year there are more than nine million serious crimes committed in the United States. Only half of these are even reported to the police. The police arrest a suspect in only one-eighth of the crimes committed and in only one-sixteenth is there a conviction obtained. The law enforcement process, as it presently operates, is not doing the job on crime that must be done, and it will never do the job unless we face up to the need for basic improvements in levels of funding and in management techniques.

We must swiftly and substantially increase the resources devoted to law enforcement and the administration of justice.

Federal, state and local authorities must work together to create central offices of criminal justice at the metropolitan level to make all parts of the law enforcement process—police, courts, corrections—function together as a fair, effective system.

NEED MAJOR EFFORTS

Beyond this, however, we need major efforts in several areas almost totally overlooked by the Republicans: strict gun control legislation, prevention of juvenile delinquency and rehabilitation of young offenders before they become hardened criminals; rehabilitation of drug addicts; the reform of our court system to eliminate delays in the administration of justice and the reform of our correctional institutions to include greater stress on community-based rehabilitation.

Seventy percent of all crimes are committed by repeat offenders. In other words, to achieve real results in the war-on-crime, it is essential to provide the facilities and expert personal care to help stop persons convicted of one crime from committing another.

Education. Improving education and making it freely available to all our people is the surest way to break the cycles of poverty, crime, welfare, and blighted opportunity that prevents us from fulfilling our ntaional destiny. Yet we have only begun to make the major commitment of resources, time and talent needed to secure this urgent priority. Existing programs, including the landmark Elementary and Secondary Education and Higher Education Acts, remain underfunded; there is almost no support from the federal government for research into new educational techniques; and we need to make greater efforts in areas of pre-school education, child development, facilities and methods for teaching disadvantaged children and further education for adult Americans. Education must never be starved of funds or sacrificed for less essential needs. It must receive our continuing attention, commitment, and support.

Cities. The urban crisis was a prominent feature of the political landscape of the 1960's, but the Republican Administration already seems bent upon having us forget it in the 1970's. Despite the importance of national action to save our environment, this effort cannot become an excuse or rationale for diverting our attention and vital resources from the increasingly serious plight of American cities. The Eisenhower Commission has called for vast new expenditures on domestic needs, underscoring the earlier conclusions of the Kerner and Douglas Commissions about the urgency and dimension of the task of reconstructing urban life.

Above all, however, the effort to rescue our metropolitan areas requires a political decision, supported by all the American people. This, in turn, will require committed and articulate political leadership which calls upon our nation to make the sacrifices now that are essential if we are to insure the survival and development of urban America.

Medical Care. Sharply rising medical costs and the lack of adequate health care for millions of Americans demand far better use of existing medical facilities, and their expansion to meet the growing needs of the 1970's. We must explore ways for all Americans to be insured against grave financial loss through illness and to have full access

to preventive care facilities. The time has come to look particularly at ways for the federal government to help establish and support national programs of health insurance, in the private market where possible but through public action where necessary. The time has also come to correct immediately the outrageous abuses of Medicare and Medicaid as revealed by the Senate Finance Committee staff yesterday.

Welfare. Last year, the Republican Administration proposed a family assistance program that would begin reform of the present welfare system and provide a federal minimum payment of $1600 for a family of four whose income was under $1000. Although the Republican program contains some good elements, we should explore other proposals that would remedy shortcomings in the Administration's bill.

INCOME MAINTENANCE

We need, for example, to implement the broader proposals of the Heineman Commission on Income Maintenance appointed by President Johnson and to increase the minimum payments to a figure that makes it possible for a family of four to survive in today's economy; achieved in stages this would bring each family's income to the federally-defined poverty line of $3600 a year. And we should look for ways to relieve the already overburdened budgets of states and localities.

Other needs claim our attention and action:

Workable mass transportation systems to eliminate the daily worsening traffic congestion of the highways in our metropolitan centers;

A total commitment by the federal government to eliminate hunger and malnutrition in this richest of nations; and

A program for rural America which concentrates on development of rural communities and their human and material resources; which helps to relieve the already overcrowded urban centers; which more fairly compensates efficient producers of agricultural commodities while reducing gross overpayments to a handful of absentee, off-the-land farm "manufacturers."

RESOURCE NEED

Where will we find the resources to meet these commitments and solve these problems?

First, we must insure that no favored interest group evades its obligation to contribute to the public sector. We must continue the fight to close tax loopholes which benefit a few politically powerful groups to the detriment of our society as a whole. Progress was made in 1969 by the Democratic Congress, but more must be done.

Second, we must make a serious and determined effort to reduce our military budget to the lowest level consistent with realistic national security objectives. We welcome the cuts announced on the Pentagon budget for fiscal 1971, even though the Administration's refusal to release figures on expenditures related to the Vietnam war makes it difficult to assess the nature and extent of the military reductions which have been proposed. But we are distressed to learn of the Administration's decision to return initial responsibility for military budgeting to the Armed Services instead of leaving it in civilian hands; allocation of Defense dollars should not be determined through logrolling by competing services, but by people aware of and responsible for competing domestic needs of our society.

We know, for example, that the number of major new weapons systems initiated in the past year has been unusually large; when added to weapons programs previously under way, the cost-to-completion of 131 major systems has risen to over $140 billion, even if no further cost overruns occur.

We must understand the small initial down payments on major weapons systems can have enormous impact on future budgets, depriving the American people of urgently needed funds for schools, hospitals, clean air and water, and more livable cities and rural areas.

TRUTH IN BUDGETING

The Policy Council's Truth-in-Budgeting Task Force will soon release a more detailed report on the Republican Administration's budget for fiscal 1971.

Third, we must pursue responsible fiscal and monetary policies to insure real growth in our economy so that under existing tax rates, there will be substantial-additional revenues for our public needs. Inflation must not continue to rob the poor, the retired, the small businessman, those on fixed incomes and so grievously inhibit our ability to meet our national needs.

Finally, we must face the difficult question and be prepared, if necessary, for the possibility that along with tax reform and Pentagon budget reductions we will have to make selective increases in tax rates so that those able to contribute most readily to the public weal will do so in true proportion to their ability.

This nation has the greatest per capita income of any nation in the world, but our citizens contribute less per capita than those in most industrialized, Western nations.

In sum, a decisive shift of resources will not be achieved with rhetoric or short-term budgetary gimmickry. It will take bold and imaginative commitments of resources and talents, worthy of a great and dedicated people. We have faith that given proper leadership, America will take these essential steps in the decade ahead.

SELECT COMMITTEE ON CRIME

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. PICKLE. Mr. Speaker, hearings held by the Select Committee on Crime of this House, chaired by the Honorable CLAUDE PEPPER, of Florida, have been the subject of a good many editorials in cities throughout this country.

These editorials were written following hearings by the committee into such important subjects of concern as dangerous drug abuse, organized crime, and crimes of personal violence—more commonly referred to as street crime.

Of particular interest is the editorial in the Houston Chronicle summarizing the testimony of Houston attorney Leon Jaworski, who was instrumental in the writing of crime control and prevention recommendations that appeared in the 1967 report of the President's Commission on Law Enforcement and Administration of Justice.

Chairman PEPPER is to be commended for the outstanding job he has been doing with this new committee. They have been holding hearings across the country and more are scheduled. Wherever hearings have been held, strong new information has been developed and I am pleased to report that Chairman PEPPER has mustered a completely bipartisan approach to solving this Nation's difficulties in these areas of crime.

Regardless of whether we agree with all the findings of the committee or whether there is division within the Congress on the best approaches, we can all agree that the committee has mirrored the integrity, the motives and the deep concern of the chairman.

I cosponsored the legislation creating this committee and I am proud of their work. Accordingly, I include the following in the RECORD:

[From the Houston (Tex.) Chronicle, Aug. 6, 1969]

STATE ROLE IN LAW AND ORDER

In spite of a lot of talk and demands for law and order, state and community leaders have done little to launch an effective fight against crime.

Leon Jaworski, Houston attorney and member of the President's Crime Commission, believes that interaction between communities and the criminal justice system is the key to establishing law and order in the nation.

"In my view, what has been lacking so far is the leadership on both state and local levels that is required to generate this reaction," Jaworski told a special House committee on crime.

The Houston attorney, chairman of the American Bar Assn's. special committee on crime prevention and control, believes that state and local bar groups could greatly aid in implementing recommendations of the President's commission. Citizens action programs, citizens education programs, development of new attitudes among young people, citizen-police community relations projects and citizens cooperation with criminal justice agencies are some of the recommendations proposed by the President's committee.

Carrying out such recommendations require state and local leadership. Jaworski thinks that the organized bar groups could assume leadership and provide coordinated action.

We agree with Attorney Jaworski's proposed method of action.

We add a reminder that law and order and the overall problem of criminal activities are the business of every citizen and the final responsibility rests with the general public.

[From the Washington (D.C.) Daily News, Aug. 6, 1969]

OVER KILL IN THE DRUG BILL

An expert who testified before the House Crime Committee yesterday unloaded some alarming data on the widespread use of drugs among young people in the United States.

Dr. Richard H. Blum of Stanford University said use of marijuana by college students runs as high as 40 percent in metropolitan areas. Even more alarming, the statistics for high school students in the big cities are just about the same.

No doubt it was this growing incidence of drug experimentation among youngsters which led the Nixon Administration to propose a two-year prison sentence for possession or use of marijuana on a first offense. That's too harsh.

While everyone can agree on tough penalties for pushers, it is no help to brand first-time pot smokers as felons and send them away for two years. Dr. Roger O. Egeber, Assistant Secretary for Health and Scientific Affairs, opposes such an approach and points out this kind of enforcement would require "building stockades" to pen up the number of people involved.

Most experts believe the right tack is increased research and education to discourage drug abuse. This was the line taken by Dr. Blum, who suggested an educational program that would reach school boards and administrators, parents, teachers and doctors.

There is certainly cause for concern that so many young people are turning on with pot. But putting youngsters behind bars is

not an enlightened way to deal with the problem.

[From the Denver (Colo.) Post, Sept. 11, 1969]

A NEW LOOK AT DRUG LAWS

Estimates of how many Americans—mostly young—have tried marijuana range in the millions, yet there is little agreement on what if anything should be done about it. Rep. Claude Pepper, D–Fla., has made a timely suggestion to the Public Health Service. He's calling for a report on marijuana along the lines of the 1964 study on smoking and health.

Pepper observes that many scientific questions must be answered before the nationwide legal and moral controversy can be resolved. For example, should marijuana be classed with dangerous drugs like LSD and addictive narcotics like heroin? Do users easily move on to such narcotics? Are there permanent physical and mental effects? What about a user driving a car?

Many experts believe current penalties for the use and possession of marijuana are too strict and unrealistic. Among them are Dr. Roger Egeberg, assistant secretary of health, education, and welfare; James Goddard, former food and drug administrator, and the American Medical Association.

The main focus of drug laws seems to be the pusher rather than the curious teenager. But this can produce such bewildering results as the Colorado marijuana law, which the state Supreme Court upheld this week in a 5–0 decision.

The law classifies marijuana as a narcotic and makes possession a felony, while use is only a misdemeanor. We aren't sure how a person could use pot without possessing it. Possession of the far more potent LSD, on the other hand, is a misdemeanor.

President Nixon deplores "this rising sickness" and has proposed new federal laws to Congress. A recent Life Magazine editorial welcomes new legislation while criticizing the Nixon bill's premise. This is that marijuana is classified with LSD and "hard" narcotics, with the same tough—and unenforceable—penalties: 2 to 10 years in jail for use, a minimum of five for distributing.

Life states that less than one per cent of those arrested on "soft" drug charges are convicted, suggesting that the courts find the laws unfair. Juvenile drug arrests have gone up more than 800 per cent since penalties were stiffened in 1956, indicating that they're also ineffective as deterrents.

One loophole in the White House bill praised by the magazine is that judges may release first-time drug offenders on probation, sparing them the lifetime stigma of a felony conviction. But even more flexibility would be achieved by making possession of marijuana a misdemeanor and adding penalties for driving a car under its influence.

The Life editorial assumes that marijuana is "infinitely less harmful" than other drugs, with "no proven physiological ill effects." The key word here is "proven." That implied question mark gives extra urgency to Representative Pepper's request.

[From the Chicago (Ill.) Defender, Aug. 6, 1969]

RISING BLACK MAFIA

There is much fear among law enforcement experts in Washington that youthful Negro crime may be on the road to assuming the dimension and organization of a black Mafia. Such a development is regarded by them as a rebellion against the white racketeers who exploit heartlessly Negro slums.

Testifying before the House Select Committee on Crime, Ralph G. Salerno, retired New York City detective supervisor and a leading expert on the Mafia, said that "More recently, black militants have indicated that if the economics of vice are to continue they will seek community control of the activities. There is growing evidence in the major cities of America of the beginning of a black Mafia."

The former detective sergeant, a veteran of 21 years on the New York police force, said that the public concern over crime in the streets has obscured the fact that up to 50 percent of street crimes are committed by narcotics addicts supplied through tightly organized mob sources. This ominous assessment poses a new dilemma to black leadership.

[From the Orlando (Fla.) Sentinel, Jan. 5, 1970]

MILLIONS LIVING IN FEAR

Asking for an additional $2 billion from federal and local governments to fight crime, U.S. Rep. Claude Pepper of Miami said the other day, "Millions of Americans now live in fear for the physical security of themselves and their homes.

"They regard crime, particularly violent crime, in the streets or in armed robberies or burglaries, as the main domestic crisis."

He goes on to say that not since the Civil War or the frontier days have millions of Americans locked up their homes at night with some degree of uncertainty as to how safe they are against the rising tide of lawlessness.

That is certainly true for millions of Americans. But we are continually surprised by the attitude of millions of other Americans who, despite the fears of some and the warnings which are constantly being repeated in the press and by our political leaders, do not lock up their homes at all.

They go to bed every night leaving the front door unlocked or a rear window open—an invitation to any criminal who happens along.

We are constantly being told how important it is for us to lock our cars, not only the switch, but also the doors, so as to help keep some teen-age boy from going wrong.

How much more important it is to make our homes burglar proof, especially at night.

DEMOCRATIC POLICY COUNCIL—II: INTERNATIONAL AFFAIRS DURING THE 1970'S

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. FRASER. Mr. Speaker, the Vietnam tragedy has hopefully caused a new trend in U.S. international affairs, not only in regard to Southeast Asia, but throughout the world. I introduce into the RECORD a statement by the Democratic Policy Council, which has gone on record supporting a complete withdrawal of U.S. troops from Vietnam within the next 18 months, and also proposed measures we might adopt in dealing with other nations across the globe during this decade. Averill Harriman is chairman of the council's international affairs committee.

DEMOCRATIC POLICY COUNCIL—II: INTERNATIONAL AFFAIRS DURING THE 1970'S

Despite the Administration's claims of progress, Vietnam remains our most urgent overseas problem and our most divisive and bitter domestic one. Our national interests require that the war in Vietnam be brought to a close at the earliest practical moment. The loss of life, the diversion of resources from critical domestic needs, and the disunity of our country must be ended.

The withdrawal of some U.S. troops is a desirable first step and we support this decision. But future U.S. decisions, affecting American lives and resources, should not be dependent upon either North Vietnamese or South Vietnamese actions. Our schedule of withdrawal should not be dependent upon the progress of the Paris peace talks, the level of violence, or the progress of so-called Vietnamization. It should depend primarily upon the interests and policy of the United States. That interest and that policy require a firm and unequivocal commitment to the American people that all U.S. forces will be withdrawn from Vietnam in accordance with a definite schedule. We see no reason why this withdrawal should not be completed within eighteen months. Such a withdrawal can be accelerated by efforts to create the conditions necessary for a peaceful political settlement.

The resolution of the Vietnam tragedy cannot be found in military measures alone—whether those of the United States or, through Vietnamization, those of South Vietnam. It can be found in political arrangements which broaden the South Vietnamese government to the point where it is truly representative of the people. Our continued unconditional support of the Thieu government as now constituted is not only unjustifiable but delusive. The U.S. should be interested in putting an end to violence in Vietnam, not prolonging it. And so long as the present government of Vietnam believes that it can count on U.S. military support for an indefinite period, we believe it will not take or permit others to take the domestic political measures in South Vietnam which are essential to peace.

NEGOTIATIONS

There are, as well, unanswered questions regarding negotiations. It is puzzling that President Nixon stated in his November 3rd address that Ho Chi Minh's letter to him "flatly rejects" his approach. We had been faced with a North Vietnamese demand that a settlement "must be . . . in accordance with the NLF program." But Ho Chi Minh's letter stated, "The ten point program . . . is *a* logical and reasonable basis for settlement . . .". Furthermore, his letter ended by stating, "With good will on both sides we might arrive at common efforts in view of finding a correct solution to the Vietnam problem." Was this a rejection, or, in fact, an invitation for further negotiation?

By failing to appoint a successor to Ambassador Lodge, the Administration has created the widespread impression that it has downgraded the Paris talks and "written off" negotiations. We believe that the President should immediately appoint a high level negotiator to head the Paris delegation and thus put pressure on the North Vietnamese to negotiate in good faith. Among the subjects that should be pressed are steps to reduce the level of combat and violence, leading to a ceasefire.

COMPROMISE SETTLEMENT

President Thieu has denounced and taken action against Vietnamese political leaders who have urged a negotiated compromise settlement. Yet there is evidence that a majority of the South Vietnamese desire such a settlement. Even in the 1967 elections, over sixty percent of the people voted for civilian candidates who ran on some type of peace platform. We believe the United States should now insist on the inclusion in the Saigon government of men who represent wider public opinion desiring a peaceful solution and who are prepared to negotiate such a settlement.

Furthermore, the United Nations should be used to the fullest extent practicable to speed a resolution of the struggle in Vietnam.

The Administration's failure to develop vi-

able U.S. policies in other areas of the world is deeply disturbing.

Almost the only "new" policy of this Administration has been the so-called Guam or Nixon Doctrine. At first this appeared to mean that we would keep existing commitments in Asia but not expand them and that coping with subversion must be the responsibility basically of the nation threatened. Yet the policy has now become an accordion, contracted at home, expanded when the President or Vice President travel. President Nixon volunteered in Bangkok to stand with Thailand against threats "from abroad and from within," and Vice President Agnew spoke in Singapore of a "definite relationship" where there has been no commitment in the past. In addition, the President implied but did not define an American nuclear umbrella over Asia. Finally, the President's State of the Union message seemed to apply the doctrine to the whole world, and without distinction. This may or may not be "policy," but it represents neither clarity nor a willingness to level with the American people.

WELCOME DISCUSSIONS

We welcome the resumption of American-Chinese discussions in Warsaw and the initiatives toward relaxation of barriers to commerce and travel between the United States and China. We urge that consideration be given to further steps which will bring China into wider contact with the community of nations and encourage the end of her isolation.

We support the growing economic and social role being played in Asia by Japan. We should encourage the trend toward regional cooperation among Asian nations.

The objective of U.S. policy in the Middle East is lasting peace between the Arab nations and Israel—a peace that will assure independence and security to Israel and all other nations in the area. Today we are further away from that goal than we were 14 months ago.

As a matter of primary importance, the United States should undertake efforts to bring about face-to-face negotiations between the parties in the Arab-Israeli conflict, including efforts under the auspices of the United Nations. We should also press for restoration of complete compliance with the cease-fire. It is regrettable that the quiet statesmanship of the past has given way at times to public declarations by Administration spokesmen.

ARMS RACE CONTINUES

In the meantime, the Middle East arms race continues at an accelerated rate, spurred by increased shipments of arms to Arabs from the Soviet Union and the recent French sale of advanced aircraft to Libya. The United States should make every effort to reduce the flow of arms into the area and press for Middle East arms limitation arrangements.

However, pending such an arrangement, the United States must remain prepared to correct or prevent an arms imbalance which might either threaten Israel's existence or contribute to a resumption of major hostilities.

We believe the United States should welcome and support the new German government's initiatives for improving relations with the nations of Eastern Europe and with the Soviet Union. Furthermore, we believe that the proposed European Security Conference between the NATO and Warsaw Pact countries presents opportunities to reduce tensions in Europe now, and we are concerned by indications that the Administration considers that the conference should be postponed for at least a year. Rather than dragging our feet, we should assure our NATO allies that the United States is fully prepared to join in such a conference. Among the immediate issues should be the lessening of tensions in Europe and the mutual reduction of force levels. A Warsaw Pact-NATO agreement on balanced reductions in forces is the soundest way to reduce the number of American troops stationed in Europe.

Pending such an agreement, we call upon the Administration to obtain from our German and other allies in NATO an arrangement to take over some of the budgetary costs now carried by the American taxpayer.

In Latin America, this Administration has replaced the Alliance for Progress with a vacuum.

Governor Rockefeller's study trip of our already overstudied Hemisphere was completed months ago; the Latins presented their own joint proposals on U.S. policy to the President last year. Yet there has been no adequate Administration response. No policy on trade; no policy on aid—except to reduce it; no policy on inter-American reorganization; no policy on social and economic reform. Nothing to reflect a commitment to Latin America's drive for a better future.

However, there have been ample assurances that the political status quo will be respected; the Governor's embrace of Duvalier, and his advocacy of increased military aid, are only some notorious examples. Military governments and the erosion of individual liberty in Latin America seemingly are not matters of much concern to the Administration today.

This is not a policy to stir the hopes—and strengthen the commitment—of the democratic leadership in Latin America.

REDEDICATE OURSELVES

We must rededicate ourselves to the UN in order to insure that its role for peace—in mediation, conciliation, and in providing observers and peacekeeping forces—will be effective in those parts of the world in which the UN alone can act.

We should also look to the UN as an important forum for the control of the arms race, helping to bring more countries into the growing consensus against the use of nuclear and other weapons of mass destruction, through instruments such as the Non-Proliferation Treaty, and for the control of the population explosion which threatens the human environment of the rich nations and the very existence of the poor. Furthermore, its affiliated agencies can serve an expanding role in cooperative action for human progress and should have our enthusiastic support.

While economic progress is no guarantee of peace, we believe that economic development of the emerging nations can make an essential contribution to a peaceful world. The United States, together with the other industrialized nations, has a responsibility to increase and make more efficient its participation in development, particularly through multilateral organizations and through a liberalized trade policy.

The Committee on International Affairs is preparing detailed, policy papers which will examine and make recommendations in each of these critical areas.

CAN WE SURVIVE?

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. SCHEUER. Mr. Speaker, "Can We Survive?" That is the question which the noted environmentalist, Barry Commoner, poses in a very illuminating and disturbing article in the December issue of the Washington Monthly. Man, writes Professor Commoner, must begin to plan for his own survival soon. His own life, moreover, relies heavily on his links with the natural surroundings he too often took for granted and abused so blindly.

Fortunately, our country seems to have become aware of the gravity of the environmental problems facing it. It is now the responsibility of us in Congress to construct legislation which will deal with these problems effectively.

For the benefit of my colleagues I am inserting Professor Commoner's article:

CAN WE SURVIVE?

(By Barry Commoner)

No one can escape the enormous fact that California has changed. What was once desert has become the most productive land in the world. The once-lonely mountain tops are crisscrossed with humming power lines. Powerful industries, from old ones like steel to the most modern aerospace and electronic operations, have been built. California has become one of the most fruitful, one of the richest places on the surface of the earth. This is all change, and it is good.

But there are other changes in California. Its vigorous growth has been achieved by many men and women who came to give their children a healthy place to live. Now, however, when school children in Los Angeles run out to the playing fields, they are confronted by the warning: "Do not exercise strenuously or breathe too deeply during heavy smog conditions." For the sunshine that once bathed the land in golden light has been blotted out by deadly smog. In a number of California towns the water supplies now contain levels of nitrate above the limit recommended by the U.S. Public Health Service; given to infants, nitrate can cause a fatal disorder, methemoglobenemia, and pediatricians have recommended the use of bottled water for infant formulas. The natural resources of California, once a magnet that attracted thousands who sought a good life, now harbor threats to health. Beaches that once sparkled in the sun are polluted with oil and foul-smelling deposits. Rivers that once teemed with fish run sluggishly to the sea. The once famous crabs in San Francisco Bay are dying. Redwoods are toppling from the banks of eroding streams. All this, too, is change, and it is bad.

Thus, much of the good that has been produced in California, through the intelligence and hard work of its people, has been won at a terrible cost. That cost is the possible destruction of the very capital which has been invested to create the wealth of the state—its environment.

The environment makes up a huge, enormously complex living machine—an ecosystem—and every human activity depends on the integrity and proper functioning of that machine. Without the ecosystem's green plants, there would be no oxygen for smelters and furnaces, let alone to support human and animal life. Without the action of plants and animals in aquatic systems, there would be no pure water to supply agriculture, industry, and the cities. Without the biological processes that have gone on in the soil for thousands of years, there would be neither food crops, oil, nor coal. This machine is our biological capital, the basic apparatus on which our total productivity depends. If it is destroyed, agriculture and industry will come to naught; yet the greatest threats to the environmental system are due to agricultural and industrial activities. If the ecosystem is destroyed, man will go down with it; yet it is man who is destroying it. For in the eager search for the benefits of modern science and technology, we have become enticed into a nearly fatal illusion: that we have at last escaped from the dependence of man on the rest of nature. The truth is tragically different. We have become not less de-

pendent on the balance of nature, but more dependent on it. Modern technology has so stressed the web of processes in the living environment at its most vulnerable points that there is little leeway left in the system. We are approaching the point of no return; our survival is at stake.

These are grim, alarming conclusions; but they are forced on us, I am convinced, by the evidence. Let us look at some of that evidence.

A good place to begin is the farm—on which so much of California's prosperity is based. The wealth created by agriculture is derived from the soil. In it we grow crops which convert inorganic materials—nitrogen, phosphorus, carbon, oxygen, and the other elements required by life—into organic materials—proteins, carbohydrates, fats, and vitamins—which comprise our food.

The soil, the plants that grow in it, the livestock raised on the land, and we ourselves are parts of a huge web of natural processes—endless, self-perpetuating cycles. Consider, for example, the behavior of nitrogen, an element of enormous nutritional importance, forming as it does the basis of proteins and other vital life substances. Most of the earth's available nitrogen is in the air, as nitrogen gas. This can enter the soil through nitrogen fixation, a process carried out by various bacteria, some of them living free in the soil and others associated with the roots of legumes such as clover. In nature, nitrogen also enters the soil from the wastes produced by animals. In both cases the nitrogen becomes incorporated into a complex organic material in the soil—humus. The humus slowly releases nitrogen through the action of soil microorganisms which finally convert it into nitrate. In turn, the nitrate is taken up by the roots of plants and is made into protein and other vital parts of the crop. In a natural situation the plant becomes food for animals, their wastes are returned to the soil, and the cycle is complete.

This cycle is an example of the biological capital that sustains us. How has this capital been used in California?

The huge success of agriculture in California is a matter of record; it forms the largest single element in the state's economy. To achieve this wealth a vast area in the center of the state has been transformed from a bare desert into the richest agricultural land in the nation. How has this been done? How has this transformation affected the continued usefulness of the soil system, especially the nitrogen cycle?

When the first farmers came to the San Joaquin Valley, they found fertile soil and sunshine; only water was needed to make the valley bloom. This was obtained first from local streams and later, increasingly, from wells which tapped the huge store of water that lay beneath the entire Central Valley. As the bountiful crops were taken, the soil, originally rich in nitrogen, became impoverished. To sustain crop productivity, inorganic nitrogen fertilizers were added to the soil. But with the loss of natural soil nitrogen, humus was depleted; as a result the soil became less porous, and less oxygen reached the roots, which were then less efficient in taking up the needed nutrients from the soil. The answer: more nitrogen fertilizer, for even if a smaller proportion is taken up by the crop, this can be overcome by using more fertilizer to begin with. California now uses more nitrogen fertilizer than any other state—an average of about 450 pounds per acre in 1959.

One of the rules of environmental biology is: "Everything has to go somewhere," and we may ask: Where did the extra nitrate added to the soil, but not taken up by the crops, go? The answer is clear: The unused nitrate was carried down into the soil, accumulating at greater and greater depths as the water table fell due to the continual pumping of irrigation water.

With the water table falling, agriculture in the Central Valley was headed for disaster; recognizing this fact, the state constructed the Friant-Kern Canal, which began to supply the valley with above-ground irrigation water beginning in 1951. Irrigation water must always be supplied to soil in amounts greater than that which is lost by evaporation; otherwise salts accumulate in the soil and the plants are killed. So, following the opening of the new canal, the valley water table began to rise toward its original level—carrying with it the long-accumulated nitrates in the soil.

Now there is another simple rule of environmental biology that is appropriate here: "Everything is connected to everything else." The valley towns soon learned this truth, as their drinking water supplies—which were taken from wells that tapped the rising level of underground water—began to show increasing concentrations of nitrate. In the 1950's, the Bureau of Sanitary Engineering of the California Department of Public Health began to analyze the nitrate content of city water supplies in the area. They had good reason for this action, for in July, 1950, an article in the *Journal of the American Water Works Association* had described 139 cases of infant methemoglobenemia in the United States identified since 1947; 14 cases were fatal; all were attributed to farm well water contaminated with more than 45 ppm of nitrate.

At first, only a few scattered instances of high nitrate levels were found in valley water supplies. However, a study of 800 wells in southern California counties in 1960 showed that 88 of them exceeded the 45 ppm limit; 188 wells had reached half that level. In that year, the U.S. Public Health Service recommended that a nitrate level of 45 ppm should not be exceeded, warning:

"Cases of infantile nitrate poisoning have been reported to arise from concentrations ranging from 66 to 1100 ppm. . . . Nitrate poisoning appears to be confined to infants during their first few months of life; adults drinking the same water are not affected, but breast-fed infants of mothers drinking such water may be poisoned. Cows drinking water containing nitrate may produce milk sufficiently high in nitrate to result in infant poisoning."

In Delano, a 1952 analysis showed only traces of nitrate in the city water supply; in 1966, analyses of three town wells obtained by the Delano Junior Chamber of Commerce showed nitrate levels of 70–78 ppm. In 1968, a study by the Water Resources Board, made in reply to a request by State Senator Walter W. Stiern, showed:

"Nitrate concentrations in groundwater underlying the vicinity of Delano are currently in excess of the limit . . . recommended by the U.S. Public Health Service . . . similar geologic and hydrologic conditions occur in other areas of the San Joaquin Valley and the state generally."

So agricultural wealth of the Central Valley has been gained, but at a cost that does not appear in the farmers' balance sheets—the general pollution of the state's huge underground water reserves with nitrate. Fortunately, there appear to be no reports of widespread acute infant methemoglobenemia in the area as yet. However, the effects of chronic exposure to nitrates are poorly understood. We do know that in animals nitrate may interfere with thyroid metabolism, reduce the availability of vitamin A, and cause abortions. Moreover, there is evidence that even small reductions in the oxygen available to a developing human fetus—which might occur when the mother is exposed to subcritical levels of nitrate—result in permanent damage to the brain. In sum, the success of agriculture in the Central Valley has been won at a cost which risks the health of the people.

Nor does the nitrogen problem end there. Much of the nitrogen fertilizer applied to the soil of the Central Valley finds its way into the San Joaquin River, which drains the irrigated fields. As a result, the river carries a huge load of nitrate into the San Francisco Bay-Delta area. Here the added nitrate intrudes on another environmental cycle—the self-purifying biological processes of natural waters—bringing in its wake a new round of environmental destruction. The excess nitrate—along with excess phosphate from agricultural drainage and municipal wastes—stimulates the growth of algae in the waters of Bay, causing the massive green scums that have become so common in the area. Such heavy overgrowths of algae soon die off, releasing organic matter which overwhelms the biological purification processes that normally remove it. As a result, the natural balance is destroyed; the water loses its oxygen; fish die; the water becomes foul with putrefying material. In the cooler words of the Department of Interior report on the San Joaquin Master Drain, "Problems resulting from nutrient enrichment and associated periodic dissolved oxygen depression are numerous in the Bay-Delta area."

So the agricultural practices of the great Central Valley have overwhelmed the natural nitrogen cycle of the soil with massive amounts of fertilizer; once this cycle was broken, the rivers were contaminated with nitrate. Reaching the Bay-Delta area, the excess nitrate has destroyed the natural balance of the self-purifying processes in these waters, with the foul results that are only too well known to those who live in that once-sparkling natural area.

This much is known fact. But once the natural cycles of the Bay-Delta waters are disrupted, other biological disasters may soon follow. At the present time, in a number of regions of the Bay-Delta waters, the bacterial count exceeds the limit recommended by the California Department of Public Health for water contact sports. This may be due to the entry of too much untreated sewage. But experience with the waters of New York harbor suggests another, more ominous, possibility which connects this problem, too, to the drainage of nutrients from agricultural areas, as well as from treated sewage. In New York harbor, in the period 1948–1968, there has been a 10–20-fold increase in the bacterial count despite a marked *improvement* in the sewage treatment facilities that drain into the bay. Here too there has been an increase in nitrate and phosphate nutrients, in this case largely from treated sewage effluent. The possibility exists that bacteria, entering the water from sewage or the soil, are now able to *grow* in the enriched waters of the bay. If this should prove to be the case, changes in water quality such as those which have occurred in the Bay-Delta area may lead to new, quite unexpected, health hazards. The soil contains many microorganisms which cause disease in human beings when they are first allowed to grow in a nutrient medium. There is a danger, then, that as the Bay-Delta waters become laden with organic matter released by dying algae (resulting from overgrowths stimulated by agricultural and municipal wastes), disease-producing microorganisms may find conditions suitable for growth, resulting in outbreaks of hitherto unknown types of water-borne disease.

Nor does the nitrogen story quite end here. We now know that a good deal of the excess nitrogen added to the soil by intensive fertilization practices may be released to the air in the form of ammonia or nitrogen oxides. In the air, these materials are gradually converted to nitrate and carried back to the ground by rain. In 1957, a national study of the nitrate content of rainfall showed excessively high levels in three heavily fertilized regions: the Corn Belt, Texas, and the Central Valley of California. There is increasing evidence that nitrate dissolved in rain can

carry enough nutrient into even remote mountain lakes to cause algal overgrowths and so pollute waters still largely free of the effects of human wastes. Recent pollution problems in Lake Tahoe may originate in this way.

I cite these details in order to make clear a profound and inescapable fact of life: that the environment is a vast system of interlocking connections—among the soil, the water, the air, plants, animals, and ourselves—which forms an endless, dynamically interacting web. This network is the product of millions of years of evolution; each of its connections has been tested against the trial of time to achieve a balance which is stable and long-lasting. But the balance, the fine fabric of physical, chemical, and biological interconnections in the environment, is a delicate one; it hangs together only as a whole. Tear into it in one place—such as the soil of the Central Valley—and the fabric begins to unravel, spreading chaos from the soil to the rivers, to the Bay, to remote mountain lakes, to the mother and her infant child. The great Central Valley has become rich with the fruits of the land, but at a cost which has already been felt across the breadth of the state and which is yet to be fully paid.

Nor do we yet know how the destructive process can be halted, or if indeed it can be. In Lake Erie, where the natural balance of the water system has already been largely overwhelmed by excessive nutrients, no one has yet been able to devise a scheme to restore its original condition. The Bay-Delta waters may suffer the same fate. The recently released Kaiser Engineers' report on the San Francisco Bay-Delta Water Quality Control Program predicts that the drainage of agricultural nutrients (nitrogen and phosphorus) from the San Joaquin will continue unabated for at least the next 50 years if present agricultural practices persist. The report proposes a system which, to control only the deleterious effects of the drainage in the Bay-Delta area, will cost about $5 billion in that period. And even at that cost the plan will only transfer the problem to the ocean—where the waste nutrients are to be discharged—which can only bring disaster to this last remaining natural resource, on which so many of our future hopes must rest.

The root of the problem remains in the soil, for if the disrupted balance is not restored there, its destructive effects will only spread into further reaches of the environment. Tragically, each year of continued over-fertilization of the soil may make recovery increasingly difficult. For example, we know that inorganic nitrogen nutrients stop the nitrogen-fixing activity of microorganisms and may eventually kill them off or at least encourage them to mutate into nonfixing forms. If the natural fertility of the soil is ever to be restored, we may have to rely heavily on these microbial agents; but this becomes less and less possible as we continue to use massive amounts of fertilizer. In effect, like a drug addict, we may become "hooked" on continued heavy nitrogen fertilization and so become inescapably locked into a self-destructive course.

This same tragic tale of environmental disaster can be told of another prominent feature of California agriculture—insecticides. One important aspect of the biological capital on which agricultural productivity depends is the network of ecological relationships that relate insect pests to the plants on which they feed, and to the other insects that, in turn, prey on the pests. These natural relations serve to keep pest populations in check. Pests which require a particular plant as food are kept in check by their inability to spread onto other plants; the other insects which parasitize and prey upon them exert important biological control over the pest population.

What has happened in attempts to control cotton pests—where the great bulk of synthetic insecticide is used in the United States—shows how we have destroyed these natural relations and have allowed the natural pest-regulating machinery to break down. The massive use of the new insecticides has controlled some of the pests that once attacked cotton. But now the cotton plants are being attacked instead by new insects that were never previously known as pests of cotton. Moreover, the new pests are becoming increasingly resistant to insecticide, through the natural biological process of selection, in the course of inheritance, of resistant types. In Texas cotton fields, for example, in 1963 it took 50 times as much DDT to control insect pests as it did in 1961. The tobacco budworm, which now attacks cotton, has been found to be nearly immune to methyl-parathion, the most powerful of the widely used modern insecticides.

California, too, has begun to experience environmental disaster from the intensive use of insecticides. Consider only a single recent example. In 1965 the rich cotton fields of the Imperial Valley were invaded by the Pink Bollworm from Arizona. The Department of Agriculture began an "eradication" program based on a fixed schedule of repeated, heavy, insecticide sprays. The Pink Bollworm was controlled (but by no means "eradicated"); however, the cotton plants were then attacked by other insects which had previously caused no appreciable damage—the beet army worm and the cotton leaf perforator. The insecticide had killed off insects that were natural enemies of the army worms and perforators, which had in the meantime become resistant to the sprays. Catastrophic losses resulted. The problem is now so serious that Imperial Valley farmers have proposed the elimination of cotton plantings for a year in order to kill off the new pests, which cannot survive a year without food.

California is beginning to experience the kind of insecticide-induced disaster already common in Latin American experience. In the Cañete Valley of Peru, for example, DDT was used for the first time in 1949 to control cotton pests. Yields increased—temporarily. For soon the number of insects attacking the cotton grew from 7 to 13 and several of them had become resistant to the insecticides. By 1965, the cotton yields had dropped to half their previous value, and despite 15–25 insecticide applications, pest control was impossible. Productivity was restored only when massive insecticide application was halted and biological control was reestablished by importing insects to attack the pests.

These instances are, again, a warning that present agricultural practices may be destroying the biological capital which is essential to agricultural productivity—in this case, the natural population of insects that attack insect pests and keep them under the control of a natural balance. Again, if the ecologically blind practice of massive insecticide treatment is allowed to continue, there is a danger of permanently losing the natural protective insects—and agriculture may become "hooked" on insecticides.

And here too we see disaster spreading through the environmental network. In 1969, the Food and Drug Administration seized two shipments of canned jack mackerel, an ocean fish originating from Terminal Island, Los Angeles, because of excessive residues of DDT and related insecticides. Insecticides draining off agricultural lands into the Bay-Delta area have caused levels of DDT which exceed the amount allowed by the FDA to appear in the bodies of striped bass and sturgeon. It is possible that the recent decline in San Francisco Bay crabs may be due to the same cause. Spreading through the food chain, DDT has begun to cause disastrous declines in the population of birds of prey, and there is some evidence that gulls are being affected as well. The latter would extend the web of disaster even further, for the gulls are vital in controlling waste in shoreline waters.

Now let me follow the track of environmental disaster from the farm to the cities of California. Again, nitrogen is a valuable guide, this time, surprisingly enough, to the smog problem. This problem originates with the production of nitrogen oxides by gasoline engines. Released to the air, these oxides, upon absorption of sunlight, react with waste hydrocarbon fuel to produce the noxious constituents of smog. This problem is the direct outcome of the technological improvement of gasoline engines: the development of the modern high-compression engine. Such engines operate at higher temperatures than older ones; at these elevated temperatures the oxygen and nitrogen of the air taken into the engine tend to combine rapidly, with the resultant production of nitrogen oxides. Once released into the air, nitrogen oxides are activated by sunlight. They then react with waste hydrocarbon fuel, forming eventually the notorious PAN—the toxic agent of the smog made famous by Los Angeles.

The present smog-control technique—reduction of waste fuel emission—by diminishing the interaction of nitrogen oxides with hydrocarbon wastes, enhances the level of airborne nitrogen oxides, which are themselves toxic substances. In the air, nitrogen oxides are readily converted to nitrates, which are then brought down by rain and snow to the land and surface waters. There they add to the growing burden of nitrogen fertilizer, which, as I have already indicated, is an important aspect of water pollution. What is surprising is the amount of nitrogen oxides that are generated by automotive traffic: more than one-third of the nitrogen contained in the fertilizer currently employed on U.S. farms. One calculation shows that farms in New Jersey receive about 25 pounds of nitrogen fertilizer per year (a significant amount in agricultural practice) from the trucks and cars that travel the New Jersey highways. Another recent study shows that in the heavily populated eastern section of the country, the nitrate content of local rainfall is proportional to the local rate of gasoline consumption.

Thus, the emergence of a new technology—the modern gasoline engine—is itself responsible for most of the smog problem and for an appreciable part of the pollution of surface waters with nitrate. And no one needs to be reminded that smog is a serious hazard to health. Again we see the endless web of environmental processes at work. Get the engines too hot—for the sake of generating the power needed to drive a huge car at destructive speeds—and you set off a chain of events that keeps kids off the playground, sends older people to a premature death, and, in passing, adds to the already excessive burden of water pollutants.

This is some of the tragic destruction that lies hidden in the great panorama of the changing California environment—costs to the people of the state that do not appear as entries in the balance sheets of industry and agriculture. These are some of the great debts which must be paid if the state's environment is to be saved from ultimate destruction. The debts are so embedded in every feature of the state's economy that it is almost impossible to calculate them. Their scale, at least, can be secured from the figure produced for the water quality-control system which will transfer the pollution problem of the Bay-Delta area to the ocean: $5 billion over 50 years, and continuing at $100 million a year.

At what cost can the smog that envelops Los Angeles be cleared up—as it surely must if the city is to survive? Start with the price of rolling back air pollution that risks the health and well-being of the citizens of the Bay area, the Peninsula, and San Diego. And do not neglect the damage already done by

smog to the pine forests in the area of Lake Arrowhead. Nitrogen oxides have just been detected in Yosemite Park; what will it cost if the state's magnificent forests begin to die, unleashing enormous flood problems? How shall we reckon the cost of the huge redwoods on the North Coast, which need for their secure footing the soil built up around their roots during annual floods, when these floods are stopped by the new dams and the trees begin to topple? How shall we determine the cost of the urban spread which has covered the richest soil in the state? What will it cost to restore this soil to agriculture when the state is forced to limit intensive, pollution-generating fertilization, and new lands have to be used to sustain food production? What is the price of those massive walls of concrete, those freeways, which slice across the land, disrupting drainage patterns and upsetting the delicate balance of forces that keeps the land from sliding into ravines? Against the value of the new real-estate developments on landfills in San Francisco Bay, calculate the cost of the resulting changes in tidal movements, which have decreased the dilution of the polluting nutrients by fresh water from the sea and have worsened the algal overgrowths. Or balance against the value of the offshore oil the cost of a constant risk of beach and ocean pollution until the offending wells are pumped dry. Finally, figure, if possible, what it will cost to restore the natural fertility of the soil in central California, to keep the nitrogen in the soil, where it belongs, and to develop a new, more mixed form of agriculture that will make it possible to get rid of most insecticides and make better use of the natural biological controls.

If the magnitude of the state's environmental problems is staggering, perhaps there is some consolation in the fact that California is not alone. Most of Lake Erie has been lost to pollution. In Illinois, every major river has been overburdened with fertilizer drainage and has lost its powers of self-purification. Automobile smog hangs like a pall over even Denver and Phoenix. Every major city is experiencing worsening air pollution. The entire nation is in the grip of the environmental crisis.

What is to be done? What can be done? Although we are, I believe, on a path which can only lead to self-destruction, I am also convinced that we have not yet passed the point of no return. We have time—perhaps a generation—in which to save the environment from the final effects of the violence we have already done to it, and to save ourselves from our own suicidal folly. But this is a very short time to achieve the massive environmental repair that is needed. We will need to start, now, on a new path. And the first action is to recognize how badly we have gone wrong in the use of the environment and to mobilize every available resource for the huge task of saving it.

Yet all the marvelous knowledge in our universities and laboratories seems now to stand helpless, while the air becomes fouler every day, beaches covered with oil, and precious water and soil more heavily laden with pollutants.

But there is another crisis—one that has struck the nation's entire scientific community. This crisis, like the environmental one, is also man-made and disastrously short-sighted; it is the drastic curtailment of the funds for research and education.

What a tragedy! At the very moment that the nation has begun to sense the urgency of the environmental crisis, when the first steps in the large and urgent task must be taken in the laboratories and classrooms of our universities, the tools are denied the men who would use them.

The huge undertakings listed here cannot even be begun unless we drastically reorganize our priorities. We cannot continue to devote the talent of our engineers and the competence of our workers to the production of overpowered, pollution-generating cars that do violence on the road and in the ecosystem. We cannot burden our productive resources with a monstrous device like the SST—which, if used in the U.S., will bring the violence of airport noise to 60 million Americans. We cannot continue to waste manpower and resources on weapons that become obsolete before they are produced—and which, if ever used, will destroy this planet as a place for human life. In a crisis of survival, business as usual is suicide.

The environmental crisis has brought us to a great turning point in this nation's history. We have become a nation that wields the greatest power in the history of man: power in the form of food, industrial plants, vehicles, and the weapons of war. We have also become a nation beset by violence: on the battlefield, on the highways, in personal encounters, and, more fundamentally, in the destruction of the natural, harmonious fabric of the environmental system which supports us. It is this fundamental violence to the world in which we live which divides us, as we compete among ourselves for the earth's goods, unaware that each of us, in our own way is thereby contributing to the destruction of the whole that supports us all.

The time has come to forge a great alliance in this nation: All of us now know that if we are to survive, the environment must be maintained as a balanced, harmonious whole. We must all work together to preserve it. If we fail, we shall abandon the place where we must live—the thin skin of air, water, soil, and living things on the planet Earth—to destruction. The obligation which our technological society forces upon all of us, young and old, black and white, right and left, scientist and citizen alike, is to discover how humanity can survive the new power which science has given it. Every major advance in the technological competence of man has enforced new obligations on human society. The present age of technology is no exception to this rule of history. We already know the enormous benefits it can bestow, and we have begun to perceive its rightful threats. The crisis generated by this knowledge is upon us.

We are enormously fortunate that our young people—the first generation to carry strontium 90 in their bones and DDT in their fat—have become particularly sensitive to this ominous paradox of the modern world. For it is they who face the frightful task of seeking humane knowledge in a world which has, with cunning perversity, transformed the power that knowledge generates into an instrument of catastrophe.

The environmental crisis is a grim challenge. It also is a great opportunity. From it we may yet learn that the proper use of science is not to conquer nature, but to live in it. We may yet learn that to save ourselves we must save the world that is our habitat. We may yet discover how to devote the wisdom of science and the power of technology to the welfare, the survival of man.

LINCOLN'S THOUGHTS ON YOUTH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. ANDERSON of California. Mr. Speaker, we must never lose sight of the capabilities and the potential creativity of our youth. The problems which today's parents face in raising their children are not a recent phenomenon. I believe that our youth of today are prepared and capable to cure many of the problems created by past and present generations.

Abraham Lincoln, whose 171st birthday we will celebrate Thursday, had a way of conveying ideas that are worthy of repetition and which pertain to present generations. Thoughts spoken by Lincoln over a century ago have particular relevance today in bridging our modern generation gap and in helping to remind us that our children are the hope for the future:

A child is a person who is going to carry on what you have started. He is going to sit where you are sitting, and when you are gone, attend to those things which you think are important. You may adopt all the policies you please, but how they will be carried out depends on him. He will assume control of your cities, states, and nations. He is going to move in and take over your churches, schools, universities, and corporations. All your books are going to be judged, praised, or condemned by him. The fate of humanity is in his hands.

THE ONE MIDEAST ANSWER REMAINS—NEGOTIATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. EILBERG. Mr. Speaker, the conflict in the Middle East is of extreme importance to all of us. Many Members of the U.S. Congress have been watching rapidly moving events in that part of the world with great interest and much activity. Among those who have been particularly sensitive to the problems involved is Representative DANTE FASCELL of Florida. Throughout, he has been for the principle of direct negotiations between Israel and the Arab States without any preconditions to such negotiations.

Congressman FASCELL is currently serving his eighth term in the House, and has been a member of the Foreign Affairs Committee for 14 years. On the committee he served as chairman of the International Organizations and Movements Subcommittee for 8 years, and is now serving as chairman of the Inter-American Affairs Subcommittee. He is also a member of the State Department Organization and Foreign Operations Subcommittee, the Subcommitte for Review of Foreign Aid Programs, and the International Organizations and Movements Subcommittee. In addition, Congressman FASCELL was appointed by President Nixon and served as a member of the U.S. delegation to the 24th United Nations General Assembly in 1969.

I congratulate Congressman FASCELL for his position. His constituents obviously have a fine public servant. Further evidence of support of his position appeared as an editorial in the Miami Herald on Tuesday, January 27, 1970, which editorial follows:

THE ONE MIDEAST ANSWER REMAINS: NEGOTIATION

"The United States," President Nixon told a group of Jewish leaders, "stands by its friends. Israel is one of its friends."

Spelled out, these words of reassurance mean more arms for Israel, if needed, and

insistence on a negotiated agreement between Israel and the Arab states.

There's nothing new in this, for it has been said before in less emphatic words. The difference is the attitude. Mr. Nixon realizes that the policy enunciated last month (and since in part revised) by Secretary of State William P. Rogers did some violence to an old friendship.

The Secretary of State, it will be remembered, proposed a Middle East settlement that seemed heavily dependent on the big powers (two of whom are unfriends of the Israelis) and appeared to avoid direct confrontation between Israel and its hostile neighbors.

This would have meant restoration of the pre-1967 borders, requiring Israel's withdrawal from "occupied" territories.

It provided also (or seemed to) for a "civic" role for Jordan in Jerusalem, a city now open for the first time in 22 years to all comers.

Further, it went back to the 1948 war and the most nagging of all problems—that of the Arab refugees. The Rogers formula provided for their repatriation or compensation, and only after all of this were Israel and its neighbors to be brought together.

The Rogers policy statement was an alarming digression from the only viable quest for peace in the Middle East. We hope and believe Mr. Nixon has countered it satisfactorily.

More arms, of course, is not the answer. With the delivery of 50 Phantom jets and its ratio of 1 to 4 Arab fighters, Israel probably has enough arms, at least the way Israel is able to use them.

Nor is the answer in aerial and commando forays into Egypt which, however tactically successful, are still war, not peace. The current one-sided Battle of Egypt keeps Nasser off balance but it also keeps the watching world on edge.

There is only one answer; there has never been any other answer since 1948; there will never be another answer: that is direct, face-to-face unconditional negotiation which recognizes the right of all parties to exist.

As a resolution by Rep. Dante Fascell sets forth, "There can be no imposed settlement upon the parties to this dispute. Peace can only be achieved by working out their difference together across the conference table."

Easier said, of course, than done. But we are delighted to hear Mr. Nixon saying it, too.

PRISONER OF PEACE—HONOR OVER ALL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. RARICK. Mr. Speaker, in the third volume of his war memoirs, Sir Winston Churchill has this to say about one of the most dramatic events of the times:

Rudolph Hess was a good looking, youngish man to whom Hitler took a fancy, and who became an intimate member of the personal staff . . . he knew and was capable of understanding Hitler's inner mind . . . his hatred of Soviet Russia, his lust to destroy Bolshevism, his admiration for Britain and earnest wish to be friends with the British Empire, his contempt for most other countries . . .

In the same work, Churchill went on to say that Hess "came to us of his own free will, and though without authority, had something of the quality of an envoy."

Later, in volume III of the Second World War, he wrote of the treatment of Hess:

Reflecting upon the whole of this story, I am glad not to be responsible for the way in which Hess has been and is being treated.

During the last few days, many of us here on the Hill have had the opportunity to meet and talk with a polite and unassuming young man—Wolf Ruediger Hess, the only child of Rudolph and Ilse Hess. He has come to this land, known throughout the world for its humanity, in the simple interest of freedom for his father, the sole occupant of Spandau. His mission is humanitarian and only humanitarian.

A statement prepared in 1967, circulated throughout the world, and signed by more than 100,000 people from all over the world, speaks for itself. I include it in my remarks at this point:

STATEMENT

On October 1, 1967, a year of extreme loneliness will draw to a close for Rudolf Hess, erstwhile Reichsminister, who continues to be incarcerated in the four-power prison of Berlin-Spandau. He is in this 74th year, his 27th year of imprisonment.

In 1946 the Nuremberg Court Expressly exonerated Rudolf Hess of the charges of war crimes and crimes against humanity brought against him. The only count on which he was found guilty was based on the historical and political accusation that he had aided and abetted the preparations for and the implementation of a war of aggression.

The undersigned are not however concerned with the legal aspects of the case of Hess. It is on humanitarian grounds that we wish to express their very strong view that the punishment inflicted upon Hess has by now far exceeded any justifiable limits.

We believe that the maintenance of a political prison by four major powers for the single purpose of watching the slow death of an aged man is not in keeping with the spirit of this age which is striving towards true humanity.

Within the framework of world political affairs to which the governments concerned must daily devote their attention, the case of Hess may appear to be insignificant—yet this flagrant defiance of the precepts of humanity may set a tragic precedent if no steps are taken to bring it to an end, and this is our recommendation.

Since that time this aged and infirm man has been placed in the British military hospital. His son only asks that his father be permitted to join his aged wife in a modest home for his few remaining days—to die in the bosom of his family. How can anyone, in the name of humanity, deny such a simple, universal, human prayer?

PROBLEMS OF THE ENVIRONMENT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. SPRINGER. Mr. Speaker, the President of the United States is today revealing his plans for the acceleration of the national effort against pollution. The problem has many facets and those of us who have been working with the problem for years already know only too well that hasty, high-sounding legislation or Executive pronouncements will not solve it. It is complicated by many factors of nature and economics, none of which can be entirely ignored and all of which must be to some extent accommodated. Past efforts have moved rather slowly and part of the reason for the pace was the lack of scientific knowledge. Wrong solutions can complicate rather than assist.

In the matter of air pollution with which I have been more closely identified we have now had 2 years experience with the first really comprehensive plan for determining what substances in the air cause undue damage, for deciding upon the quality of air to be achieved and for the eventual abatement at the local and even factory level. Not everything has worked as well or as rapidly as we had hoped but it has involved the organizations and people directly affected. It has helped point up the need for more action.

The President in outlining his recommendations for changes and additions to the law and Government policy has wisely built upon this experience, setting forth bold but also logical and realistic steps to hasten the day when our environment can become what we wish it to be and we must strive for. The plan would hasten the enforcement of standards for motor vehicle emissions to the ultimate possible with present technology. It would then push both Government action and private efforts to produce a new means for motor vehicle propulsion which would minimize or eliminate pollutants from that source. In the matter of industrial and other stationary sources of air pollution it now appears that air quality should be as uniform as possible over the country and standards should be determined on a national basis. Abatement plans and execution should, as the 1967 act provided, remain at State and regional levels.

Solid waste which threatens to engulf us before many more years go by is a problem of the greatest magnitude and one which has no answers at present. This, despite an act of Congress encouraging new systems and helping with experimentation in the disposal of solid waste. The recommendations contained in the message get to the heart of the matter. More disposable containers and recycling of containers must come about. Research at this time is the only answer and that is provided for. Junk cars present a sizable but different problem and will be approached more directly.

I commend the President on a sensible, realistic approach which does not make idle recommendations incapable of accomplishment but tries to set forth those things that can improve our environment as quickly as possible. Great progress should be possible under such leadership and I trust that the Congress and the American people will support and carry out the programs outlined.

FEBRUARY NEWSLETTER

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. SCOTT. Mr. Speaker, this week we are sending our February newsletter to

approximately 27,000 people residing in the Eighth District of Virginia who have furnished their names and addresses and requested a copy. The newsletter, which is set forth in full below, contains the results of a recent opinion poll of all homes in the district on issues confronting the country.

Members may be interested in learning the views of my constituents on a variety of matters including inflation, crime, pollution, and disorder in our schools. I hope they will take the time to look at the statistical results of the poll.

The newsletter follows:

YOUR CONGRESSMAN BILL SCOTT REPORTS

FEBRUARY 1970.

CONGRESSIONAL ETHICS

All members of the Committee on Standards of Official Conduct joined in a bill to amend the rules of the House of Representatives to provide that any honorarium of $300 or more from a single source and any unsecured debt obtained by a Member in the amount of $10,000 or more be reported to that Committee. These two requirements would become effective at the beginning of next year and supplement last year's attempt to eliminate any fraud or conflict of interest by Members of the Congress. The Committee also issued an advisory opinion stating that Members of Congress should attempt to assist all constituents in their relationship with the Executive Branch of the government but should not request favoritism or threaten reprisal if requests are not granted. Of course, federal criminal statutes bar a Congressman from receiving compensation for intervening on behalf of a constituent with a federal agency.

ACTIVITIES IN BRIEF

The vetoed Labor-HEW-OEO Appropriation Bill is again being considered in Committee and will come before the House for action about February 18. It is expected that most, but not all, of impacted aid funds will be retained.

A measure to transfer jurisdiction over the District of Columbia correctional institutions at Lorton from the District of Columbia Government to the U.S. Bureau of Prisons has been favorably recommended by a Subcommittee of the House.

Our Subcommittee on Retirement, Insurance and Health Benefits has scheduled hearings to begin March 18 on federal employees' health benefit programs. Among the matters which will be considered is the ratio of sharing of the costs of health benefits between the Government and the employee. I hope that the program can be amended so that the cost of benefits can be shared between the Government and employees on a 50–50 basis.

The Speaker removed from the House Calendar a measure scheduled to be considered last Thursday to increase the timber yield from commercial forest land of national forests.

In a recent letter to the Governor, I urged that the full weight of his office be given to the completion of Interstate 66 from the Beltway into Washington. In my opinion, there is no excuse for a further delay in constructing this vital interstate link.

The President's budget includes $600,000 for pre-construction planning funds for the Salem Church Dam.

A new measure to curb pornography has been approved by a House Subcommittee and will be acted upon at the next meeting of our Post Office and Civil Service Committee.

A recent bill I introduced would exempt the first $250 of interest on money deposited in thrift institutions to encourage further savings. It is felt that the additional funds deposited could be loaned for home building and help relieve both the tight money market and high interest rates.

Legislation has been introduced by Members of the Committee on Veterans' Affairs to protect pensioners and dependent parents of servicemen killed in action against any reduction in their combined benefits from Social Security and Veterans pensions.

The Defense Communication Agency will lease space at Newton Square in Reston until two new buildings containing approximately 97,500 square feet of space are constructed on 11 acres of land. The new buildings in Reston are expected to be ready for occupancy by the first of next year.

PRESIDENT'S BUDGET

The budget submitted to Congress by the President indicates receipts in the next fiscal year or $202.1 billion and expenditures of $200.8 billion, with a surplus of $1.3 billion. This compares with an anticipated surplus this year of $1.5 billion and a surplus for 1969 of $3.2 billion. During the sixties there was a deficit in government spending totaling $57 billion and the cost-of-living increased by 25% which apparently contributed substantially to the present high interest rate, tight money and inflationary pressures. I certainly hope we will be able to obtain the services which need to be provided by the government without increasing the budget estimates or again having deficit spending.

Poll results: You may be interested in the following tabulation of answers received to date from our opinion poll. Somewhat over 33,000 questionnaires were returned and the results in percentages are set forth below:

	Yes	No	No opinion
1. If the cost of living continues to rise, would you favor—			
(a) General cutback of Government programs?	75	24	1
(b) Freezing all Government annuities such as social security and veterans' payments at the present level?	22	75	3
(c) Federal wage and price controls?	60	35	5
2. Do you favor—			
(a) Providing food stamps at low cost to needy families?	78	19	3
(b) Federally guaranteed minimum income?	21	74	5
(c) Requiring all able bodied adults to be available for work before receiving welfare aid?	92	7	1
3. Do you favor social security—			
(a) Payments tied to cost of living?	83	15	2
(b) Deduction increases to obtain higher payments?	30	59	1
(c) Amendment to allow higher earned income by annuitant?	76	17	7
4. If the draft is continued, do you believe the present law is adequate?	59	31	10
5. Do you believe the space program financing should be—			
(a) Continued at the present level?	51	45	4
(b) Increased?	14	85	1
(c) Decreased?	65	33	2
6. Do you favor reducing the penalty for 1st offense use and possession of marihuana?	48	49	3
7. To reduce crime, would you favor—			
(a) Denying bail to persons previously convicted of a felony or presently on bail who are again arrested for a felony?	91	8	1
(b) Making a felony all crimes involving a gun and the use or threat of force?	90	8	2
8. Do you favor U.S. recognition of Red China?	48	47	5
9. To deal with air and water pollution, do you favor—			
(a) Federal laws governing industrial pollution?	85	12	
(b) Permitting States to exercise control?	51	46	
(c) Federal funds and State control?	39	55	
(d) Tax credit to private industry?	50	42	
10. Some Members of Congress feel the President should consult with the Congress and receive its approval prior to any future commitment of troops to combat abroad. Do you agree with this position?	65	32	3
11. Do you believe the Federal Government should share a fixed percentage of tax funds with the States?	69	27	4
If answer is "yes" should it be—			
(a) Based on population?	60	32	8
(b) Based on percentage of funds collected in a State?	62	31	7
(c) Based on formula whereby higher percentage be given to poor States?	49	46	5
12. Do you believe Federal assistance should be denied colleges which—			
(a) Fail to have a plan to deal with campus disorders?	73	24	3
(b) Terminate ROTC programs?	48	44	8
(c) Refuse to do important Government research?	48	42	10

There seems to be substantial agreement in the need to stem the crime rate, reduce pollution and quiet campus disorders. Most people favor providing food stamps at low cost to needy families, tying Social Security payments to the cost of living and allowing those receiving Social Security to earn more. I was somewhat surprised at the nearly even division of opinion on the possibility of reducing the penalty for first offense use and possession of marihuana and whether Red China should be recognized.

Let me thank you for supplementing your answers with opinions on other issues confronting the country and for the constructive suggestions regarding future questionnaires. One constituent suggested that my personal views be stated in each instance but I am fearful that this would make the poll less objective and, of course, my views are frequently interwoven into the monthly newsletters forwarded to you.

OTHER SUGGESTIONS BY CONSTITUENTS

That there be a 70-year age limitation for members of Congress and that the seniority system be revised to provide for the election of the Chairman of each Committee; that there be an amendment to the Constitution to give the respective states exclusive jurisdiction over public schools; that retired military men be employed as policemen and also to enforce discipline in the public schools; that it be illegal for one person to sell a mailing list to another.

A TRIBUTE TO THE BOY SCOUTS OF AMERICA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. BIAGGI. Mr. Speaker, in large part the future of America depends on the proper development of its youth. It is they who eventually take over the reins of leadership in all walks of life and carve our destiny as well as chart the course for future generations.

Since their founding on February 8, 1910, the Boy Scouts of America have played a vital part in promoting the proper development of our youth in league with parents, churches, and schools throughout our country. For their contribution they deserve the cheers of a grateful Nation.

This week we honor Boy Scouts throughout the country and their slogan for the occasion is indicative of the impressive stability of this fine group of Americans—"Sixty Years of Scouting." What we are really honoring is 60 years of dedicated service to American ideals and spirit and the glorious pride that comes with promoting the essence of America.

Boy Scout leadership has concerned itself with the development, in young men, of the attributes of self-reliance, initiative, physical strength, endurance, courage, and patriotism. The Boy Scouts of America work closely with the community sponsoring them, and help American boys from eight through adolescence learn to fend for themselves against the elements. This development of skills engenders within them a spirit of self-reliance so necessary for satisfactory achievement in future years.

Mr. Speaker, the building of the man of tomorrow is one of the biggest tasks confronting America today. The fulfillment of our national destiny has been vastly aided by the efforts of the Boy Scouts who can pride themselves in the knowledge that their time, their efforts, and their energies have been decidedly well invested.

Approximately 6 million scouts and leaders have subscribed to the high ideals of the Scout oath and the Scout law since the founding of the organization in 1910. This is evidence enough that the Boy Scouts have more than earnestly attempted to meet their responsibilities, their aims, and their objectives.

For their efforts and for their dedication to the principles of democracy, once again, "Congratulations, Boy Scouts of America, for 60 years of outstanding service to America and Americans."

MESKILL NEWSLETTER

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. MESKILL. Mr. Speaker, this week I intend to send out my newsletter reporting on congressional activities during the first session of the 91st Congress. For the benefit of my colleagues, I would like to insert the text of my yearend report in the CONGRESSIONAL RECORD. The text follows:

CONGRESSMAN MESKILL REPORTS TO YOU

FEBRUARY 1970.

DEAR FRIEND: In December we completed the sixth longest legislative session in the history of the United States Congress. While the session was notable for the slimmest legislative output in 36 years, Congress did take major initiatives in several important areas. This was time-consuming.

Reform has been the theme of the new Administration. As a result, issues like tax reform, draft reform, reform of the electoral system, postal reform, and welfare reform dominated Congressional activity during the session.

The emphasis on reform will continue this year. A number of legislative proposals which will have far-reaching effects on the future of America are awaiting action.

Vietnam and inflation remain in the forefront.

As we move into the decade of the 70s, we must give special attention to the protection of our environment.

This, the second session of the 91st Congress, promises to be a busy one.

Sincerely,

TOM MESKILL.

SEVEN BILLS PASSED

I was highly gratified by the passage of seven important legislative measures which I introduced in the House of Representatives during this session. The measures are:

1. A Bill Providing for the Direct Election of the President (passed by the House);

2. A Bill to Grant Congressional Consent to the Connecticut-New York Railroad Passenger Transportation Compact (passed by the House and Senate and signed by the President);

3. A Bill to Reform the Census and Insure its Confidentiality (passed by the House);

4. A Bill Relating to Civil Service Retirement (passed by the House and Senate and signed by the President);

5. A Bill to Raise Salaries of Post Office and Civil Service Employees (passed by the House);

6. A Bill to Amend the Voting Rights Act of 1965 to Extend Its Provisions Nationwide (passed by the House);

7. A Resolution Calling for Peace With Justice in Vietnam (identical to resolution which passed the House).

TAX REFORM

Tax reform was a big issue in the past session of Congress. A fair and equitable tax law was the aim. While the bill finally enacted into law does not please everybody, it is a step in the right direction. It is a beginning.

As the first to introduce a bill to raise the personal income tax exemption from $600 to $1200, I was pleased to see a modified version of this measure included in the tax bill signed by the President. The compromise to raise the personal exemption to $750, while inadequate, is an improvement.

"Operation Snowball," an effort by Connecticut women to secure passage of my bill, H.R. 50, brought the personal exemption issue home to many Congressmen and Senators.

I pledge to drive for additional increases in the personal exemption until it reaches a realistic level.

POST OFFICE AND CIVIL SERVICE COMMITTEE

As a new member of the Post Office and Civil Service Committee, I enthusiastically tackled the postal reform issue.

In short order, it became clear to me that the Post Office was engaged in a "race with catastrophe." Outmoded facilities and archiac management practices have produced unsatisfactory working conditions. The delivery of the Nation's mail has suffered as a result.

Convinced that only total reform will save the postal system from collapse, I have pressed for meaningful postal reform.

SOCIAL SECURITY

The cruel grip of inflation made passage of an increase in social security benefits imperative. Congress reacted to the urgent needs of America's senior citizens living on fixed incomes by passing a 15-percent across-the-board increase in social security benefits.

Here is what the 15-percent increase means to you:

Average monthly earnings	Worker [1]		Man and wife [1 2]		Widow, widower, or parent, age 62	
	Present law	Bill	Present law	Bill	Present law	Bill
Minimum [3]	$55.00	$64.00	$82.50	$96.00	$55.00	$84.00
$150	88.40	101.70	132.60	152.60	73.00	83.90
$250	115.00	132.30	172.50	198.50	94.90	109.20
$350	140.40	161.50	210.60	242.30	115.90	133.30
$450	165.00	189.80	247.50	284.70	136.20	156.60
$550	189.90	218.40	284.90	327.60	156.70	180.20
$650	218.00	250.70	323.00	[4] 376.10	179.90	206.09

[1] For a worker who is disabled or who is age 65 or older at the time of retirement and a wife age 65 or older at the time when she comes on the rolls.

[2] Survivor benefit amounts for a widow and 1 child or for 2 parents would be the same as the benefits for a man and wife, except that the total benefits would always equal 150 percent of the worker's primary insurance amount; it would not be limited to $323 as it is under the present law.

[3] Average monthly earnings of $74 or less under the present law, and of $76 or less under the bill.

[4] $105 limit on wife's benefit is removed.

The benefit increase was the only amendment to the Social Security Act considered by Congress during the First Session. I had hoped to see Congress undertake major revision of the Act last year, but time ran out.

I do expect further revisions this year, however. I pledge to continue to fight for passage of provisions to tie future benefit increases to the cost-of-living index and to scrap the limitation on the amount of earnings an individual can receive and still remain eligible for benefits.

VOTING RECORD

I voted for: Tax Reform Bill; Census Reform (Meskill Bill); Anti-ballistic Missile Defense; Peace Corps Appropriations; Housing Bill; Draft Reform; Increased Funding for Water Pollution Control; Electoral College Reform (Meskill Bill); 15-Percent Increase in Social Security Benefits; Elementary and Secondary Education Act; National Voting Rights Act (Meskill Bill); Post Office and Civil Service Pay Increases (Meskill Bill); Drug Abuse Education Act; To Establish the Cabinet Committee on Opportunities for Spanish Speaking People; Connecticut-New York Railroad Passenger Transportation Compact (Meskill Bill); Clean Air Act; Child Nutrition Act; Vietnam Resolution (Meskill Resolution); Civil Service Retirement Bill (Meskill Bill).

I voted against Farm Subsidy Program; Supersonic Transport; Surtax; Foreign Aid; Use of Tax Dollars to Build the John F. Kennedy Center for the Performing Arts; Trade With Communist Nations.

BILLS INTRODUCED

The following is a list of some of the many bills which I introduced during the First Session of the 91st Congress. The bills cover a broad range of issues dealing with problems facing America today.

H.R. 50—A Bill To Double the Income Tax Exemption.

H.R. 5543—A Bill To Remove the Social Security Earnings Limitation.

H.R. 7014—A Bill To Provide Tax Credits for Water and Air Pollution Facilities.

H.R. 12473—A Bill To Include Teachers Under Medicare.

H.R. 10800—A Bill To Abolish the Oil Import Quota System Over a 10-Year Period.

H.R. 11031—A Bill To Prevent the Use of Mails To Send Obscene Materials To Minors.

H.R. 13311—A Bill To Continue the Golden Eagle Passport Program To Our National Parks and Recreation Areas.

H.R. 13325—A Bill To Establish a Lifetime Fee for Senior Citizens for Admission To Certain Outdoor Recreation Areas.

H.R. 12806—A Bill To Amend the Bail Reform Act.

H.R. 13198—A Bill To Establish an Urban Mass Transportation Trust Fund.

H.J. Res. 455—A Resolution To Allow Voluntary Prayers in Public Schools.

Address all correspondence to: The Honorable Thomas J. Meskill, 1017 Longworth Office Building, Washington, D.C. 20515. Phone: (202) 235-4476), or to: The Honorable Thomas J. Meskill, Room 406, City Hall, New Britain, Connecticut 06051, Phone: 229-0773.

A special service: I am privileged to be able to offer a fine 16 mm color movie with sound track of the launch of Apollo 11 for showing to civil groups and organizations in the Sixth District. Please contact my District Office if you wish this dramatic film for use by your organization.

THE 50TH ANNIVERSARY OF THE FOUNDING OF THE U.S. JAYCEES

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. BROWN of Michigan. Mr. Speaker, this year marks the 50th anniversary of the founding of the U.S. Jaycees—a youth-oriented organization which has been the training ground for tens of thousands of our Nation's leaders during the past half century.

As former chairman of the board and instrumental in founding the Jaycee chapter in my hometown of Schoolcraft, I am proud to say that I am personally familiar with some of the ideals, goals, and purposes of this outstanding organization. Scattered throughout my congressional district are many public officials and civic leaders who received their introduction to public service through Jaycee activities. This carries through to the Halls of Congress where many former Jaycees now serve as Representatives and Senators.

The junior chamber of commerce has become, in a remarkably short period of time, a major policy voice in American society. Providing, on the one hand service to thousands of individual American cities and towns, and proposing, in national convention, recommendations to the people and the Government alike, the Jaycees have captured the attention and respect of all America.

Local problems of every kind receive the attention of the Jaycees, from litter-strewn sidewalks to lack of adequate police or educational facilities. Juvenile delinquency is a prime target of several Jaycee programs, including some that are national in scope. In the matter of overall civic improvement, programs have been launched by virtually every Jaycee chapter in the country, each according to professional planning requirements.

Today, there are 6,000 Jaycee chapters in the United States, with 309,614 members. In addition, the Jaycee idea has been carried throughout the world, with 2,546 chapters and 89,499 members in more than 80 nations.

The Jaycee creed, written by William Brownfield in 1946, summarizes the faith and confidence of the Jaycees in God, in humanity, and in America:

We believe that faith in God gives meaning and purpose to human life;

That the brotherhood of man transcends the sovereignty of nations;

That economic justice can best be won by free men through free enterprise;

That government should be of laws rather than of men;

That earth's great treasure lies in human personality;

And that service to humanity is the best work of life.

Mr. Speaker, it is with great pleasure that I salute the Jaycees for the service they perform, touching on so many vital areas of our American life. I hope the Jaycee spirit will continue to prevail so that individual initiative will continue to flourish in this country and inure to the benefit of those traditions essential to all of us.

LITHUANIA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. CONTE. Mr. Speaker, the month of February marks the 719th anniversary of the formation of the Lithuanian State. To commemorate this momentous occasion, I would like to include in the RECORD, for the benefit of my colleagues and the American people, a letter from the Lithuanian-American Community of America. I would also like to include a copy of House Concurrent Resolution 416, which passed this body in 1965 and the other body in 1966, urging the President to take certain action in this regard:

A SEVEN-CENTURY QUEST FOR FREEDOM
(BRAVE LITHUANIA)

During the month of February, Lithuanian-Americans will be commemorating the 719th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 52nd anniversary of the establishment of the Republic of Lithuania which took place on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Communist regime did not come to power in Lithuania and other Baltic States by legal or democratic processes. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms in June of 1940.

The Lithuanians are a proud people who have lived peacefully on the shores of the Baltic from time immemorial. Their language is the oldest in Europe today. They were united into a State more than 700 years ago, and by the 15th century their nation extended from the Baltic to the Black Sea and almost to the gates of Moscow. Their fortunes gradually declined and the nation was completely taken over by Russia in 1795.

The intensive and determined struggle for freedom and independence from Czaristic Russia was climaxed on February 16, 1918, by the Declaration of the Lithuanian National Council, proclaiming the restoration of the Independence to Lithuania.

The February Sixteenth Declaration was unanimously approved by the freely elected Constituent Assembly in 1920. Thus, following the will of the Lithuanian people, the re-establishment of an Independent State of Lithuania, with its capitol in the city of Vilnius was accomplished. A diplomatic recognition by many free countries followed. On September 22, 1921, Lithuania was received as a *bona fide* member of the League of Nations, thereby Lithuania became a member of the international community of sovereign nations. A full diplomatic recognition by the United States of America on July 28, 1922, was followed soon, also with *de jure* recognition, by other world powers—Great Britain, France, Italy and Japan.

Soviet Russia recognized *de jure* the Independence of Lithuania in 1920, and on July 12th of the same year signed a peace treaty with Lithuania which stated that:

"The Soviet Union recognizes the sovereignty and independence of the Lithuanian State with all the juridical rights associated with such a declaration, and forever renounces, in good faith, all Russian sovereign rights, which it previously had in regards to Lithuanian Nation and its territory."

The re-establishment of an Independent State of Lithuania and her return to the self-governing community of nations is the most significant historical event of the Twentieth Century for the Lithuanian Nation, whose political maturity, economic achievements and cultural creativity were manifested during the period of restored independence (1918–1940).

During the Second World War, the Republic of Lithuania became a victim of Soviet Russia's and Nazi Germany's conspiracy and aggression, and as a result of secret agreements between those two powers of August 23rd and September 28th, 1939, became invaded and occupied by Soviet Russian armed forces on June 15, 1940.

Since the days of Soviet Russian occupation, however, the Lithuanian people have waged an intensive fight for freedom. During the period between 1944 and 1952 alone, some 30,000 freedom fighters lost their lives in an organized resistance movement against the invaders. Hundreds of thousands of others were imprisoned or driven to Siberia. Though that resistance movement was weakened and finally subdued due to a failure to get any material aid from the West, nevertheless, the Lithuanian people are continuing their passive resistance against Soviet Russian genocidal aggression to this very day.

The United States of America, mindful of its own struggle for freedom and independence, has remained sensitive to the aspirations of other people for self-determination. For this reason, Americans of Lithuanian descent are grateful to the Government of the United States for denouncing the Soviet Russian aggression in Lithuania and for refusal to recognize the alien subjugation of Lithuania since 1940. The United States continues recognizing the sovereignty of Lithuania. The Lithuanian Legation at Washington, D.C., Consulates General in New York, Los Angeles, Chicago and a Consulate in Boston are recognized and are functioning.

Recently the United States Congress passed *H. Con. Res. 416* that calls for freedom for the Baltic States. All freedom-loving Amer-

icans should urge the President of the United States to implement this legislation by bringing up the question of the liberation of the Baltic States in the United Nations and urging the Soviets to withdraw from Lithuania, Latvia and Estonia.

Thus, on the occasion of the 719th anniversary of the formation of the Lithuanian state, and the 52nd anniversary of the establishment of the Republic of Lithuania, the Lithuanian-American Community of the USA, Inc., representing all Lithuanian-Americans throughout the nation, most fervently appeals to the representatives of the Federal, State and local governments, religious leaders, labor unions, civil, political and professional organizations, academic and cultural institutions, news media and to the people of good will, to support the aspirations of the Lithuanian people for self-determination and to national independence in their own country.

The free world can never rest in peace, knowing that in Lithuania under Soviet rule, religious persecution is prevalent and basic human freedoms and rights are denied to the Lithuanian people.

LITHUANIAN-AMERICAN COMMUNITY OF THE UNITED STATES OF AMERICA, INC.
CHICAGO, ILL., *February 1970.*

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

TRADE EMBARGO AGAINST RHODESIA

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. BLACKBURN. Mr. Speaker, many speeches have been made before this body concerning the trade embargo which has been placed against the Republic of Rhodesia. As you know, this embargo has forced the United States to purchase chromium ore which is vital to our defense effort from the Soviet Union instead of Rhodesia. Recently, Mr. L. G. Bliss, chairman of the board and president of the Foote Mineral Co., presented testimony before the Subcommittee on Africa of the House Foreign Affairs Committee regarding our need for chormium ore. For the information of my colleagues, I am hereby inserting Mr. Bliss' testimony into the RECORD:

STATEMENT OF L. G. BLISS

Mr. Chairman and Honorable Members: I am L. G. Bliss, Chairman of the Board, President and Chief Executive Officer of Foote Mineral Company, a Pennsylvania corporation. Since 1932 Foote Mineral Company has been the sole owner of Rhodesian Vanadium Corporation, a Delaware corporation, which owns and operates chromium ore deposits and mines in the Great Dyke region near Salisbury, Rhodesia. Prior to the establishment of economic sanctions against the Rhodesian government, these deposits constituted one of Foote Mineral Company's principal sources of chromium ore for the production in the United States of ferrochromium and other chromium-containing alloys. These alloys are essential to the production of stainless steel, tool steels, and other high performance metals and alloys.

The distribution of the mineral riches in the earth's crust having been decided many millenia before political boundaries were established, it has been customary through the ages to share the world's resources through trade between nations. This interchange of the materials vital to civilization is conducted between nations of widely divergent political and philosophic views, and is rarely interrupted except in the face of hostilities—in which case the supply of strategic materials becomes a matter of utmost importance to a nation's defense.

The principal sources of high grade metallurgical chrome ores carrying a ratio of chrome to iron of 3 to 1 or better are located in Rhodesia, the Soviet Union, Turkey, Iran, Yugoslavia, Albania and the Republic of South Africa. It is believed that the reserves in the Soviet Union are extensive, but reliable quantitative information is not available. Excluding Russia for the moment, it is significant that, of the chromium ore reserves of some 440 million tons estimated for the rest of the world, approximately 300 million tons are located in Rhodesia

Companies engaged in the production of chromium alloys recognize the importance of differentiating among various types of chrome ores. They recognize that to speak only in terms of the total chromium contained in the ore is exceedingly misleading. Ores charged into a furnace must be carefully selected not only for chromium content, but also for the chromium-iron ratio, the magnesium oxide-to-aluminum oxide ratio, the physical size of the ore particles, and the level of undesirable impurities.

For example, Foote Mineral Company processes a low carbon grade of ferrochrome by a two-stage process. In the first stage a chrome silicide is produced. It requires a one to four inch lumpy ore with a chrome-iron ratio in excess of three parts of chrome to one of iron. To insure furnace efficiencies, the ratio of the magnesium oxide content to the aluminum oxide content must be controlled at about 1.5 to 1.

In the second stage the chrome silicide so produced is mixed with, among other raw materials, a high ratio chrome-to-iron ore, but of a substantially finer particle size. Obviously, the assay of the resultant product is at least in part dependent upon the quality of the ore used. Deviation from proper ore mixes in either of the two stages of the process materially affects the economics as well as the quality of the resultant product. Hence, a high chromium content alone does not qualify an ore for metallurgical use. Most certainly, chrome units available around the world cannot be added together as if they were one and the same thing in the determination of balance between supply and demand.

These comments, in part, explain why Foote Mineral Company, in operating its Rhodesian mines over the past 37 years, not only consumed the total output of its own mines but also purchased chrome ore of differing characteristics from other areas of the world, principally Turkey. However, since 1965 Russian ore has also been used in increasing quantities. It also explains in part why other companies have maintained chrome operations in Rhodesia and have relied heavily upon the lumpy pod-type high grade chrome ore which is abundant in that country.

Usually mining techniques differ, depending on the manner in which the ore occurs. The deposits being worked by the Rhodesian Vanadium Corporation are of a layered type, dipping at an acute angle. This type of occurrence results in the development of a complex system of shafts, stopes and drifts to mine the ore which occurs in layers from four to six inches in thickness. Thus, it can be appreciated that over a period of 37 years the honeycomb of tunnels extends for many thousands of feet under the surface. If such a complex is left unattended, it would flood and the serpentine walls of the tunnels would collapse. If this were permitted to occur, it is judged economically unfeasible to reach the previously developed ore.

We estimate that Rhodesian Vanadium Corporation has at its disposal over a hundred years of ore reserves, assuming a mining rate of 100,000 tons a year. It is difficult to place a dollar value on such a reserve. It is impossible to estimate the cost of locating another reserve of equal proportions elsewhere in the earth's crust—if indeed one exists outside of either Rhodesia or the Soviet Union.

Prior to the sanctions the Rhodesian Vanadium Corporation employed about 1,100 workers. I have no reason to believe the payroll differs today. The employees are housed, fed, hospitalized and schooled. Recreation facilities are also provided. Rhodesian Vanadium Corporation has consistently exceeded the lawful minimum requirements in these matters. We operate a thousand-acre farm which provides an abundance of vegetables and fruits basic to the diet of our work force and their families totalling 4,000 people. This complex operation has produced between 50 and 100 thousand tons of high grade chrome ore per year in the years 1960 through 1966.

Thus, at the time sanctions were imposed we were faced with a serious problem not envisioned when we began operations in 1932. To close the mines would have been tantamount to an irrevocable loss of one hundred years of high grade chrome ore reserves. A shutdown would have resulted in the dispersement of 4,000 workers and their families—to find other sources of employment, food, schooling and hospital accommodations. Consequently, after discussing the problem with the State and Treasury Departments, we continued to operate the mines at the rate of 40,000 tons of chrome ore per year considered to be minimal in the maintenance of the properties. This was done by Foote Mineral Company at a cost of $74,000 per month. The ore produced was stockpiled above ground.

At the time this action was taken there were many, including the member countries in the United Nations as well as individuals within our own Government, who considered that the sanctions would serve their in-

tended purpose and that they could subsequently and quickly be removed.

Clearly, Foote Mineral Company's economic muscle was inadequate to continue maintenance operations for an indefinite period of time. By the end of 1967, and prior to the imposition of so-called "hard" sanctions, we made it known to our Government as well as to Rhodesian officials that the one million dollars advanced for the protection of our assets and for the preventing of dispersal of our operating force was all we could afford. This sum covered the production of 57,000 tons of high grade metallurgical ore. The implications of this decision were quite clear. If the mines were abandoned at the end of the support period, 4,000 workers and their families would be dispersed with destinies unknown, and a valuable chromium source would be lost not only to the Company but to our nation.

This eventually was forestalled when, on January 2, 1968, Rhodesian Vanadium Corporation was mandated and the management of Rhodesian Vanadium Corporation was instructed by the Rhodesian government to continue the operations at the minimal level of 40,000 tons per year. This mandate continues in force, although there is no guarantee as to the future.

With regard to the economic impact on our Company, it must be appreciated that we had invested substantial sums of money prior to the imposition of sanctions for the purpose of exposing the ore to be mined in the future. This is a necessary requisite to the development of any mine. Three categories of ore totalling 232,765 tons were developed by December 16, 1966. These are defined as follows: 77,035 tons completely developed and available for retreat stopping; 65,505 tons developed but not completely available for retreat stopping; and 90,225 tons available for advance stopping.

Needless to say, the cost of the developed ore referred to above had been paid for well in advance of December 16, 1966. It equates to four to five years of total production at a minimal rate of 40,000 tons per year.

In the belief that the United States Government would not choose to discriminatorily penalize a U.S.-based company in the implementation of the Rhodesian sanctions, Foote Mineral Company submitted a special license request to the Foreign Assets Control Division of our Treasury Department on September 27, 1967 for permission to import 40,000 tons of metallurgical grade chrome ore, mined and paid for. Paradoxically, the Rhodesian regime did not then, nor do we believe it now would, prevent shipment of this parcel to the United States. The special license request was denied. A second request for 57,000 tons mined and paid for was submitted on August 28, 1968. This request was also denied.

In the meantime, an offer was received to purchase our Rhodesian assets, including the ore above ground. Obviously under existing circumstances, the price offered was well below what is considered to be a reasonable market value. We requested comments from various departments of our Government on the advisability and legalities of selling the properties. No formal response has been received albeit several unofficial observations were offered.

As previously stated, Foote Mineral Company has traditionally relied on non-captive mines for a portion of its ore requirement. In 1965 we paid approximately $26 per long dry ton for a Russian run of the mine ore, F. O. B., Burnside, Louisiana, U. S. A. Due to the magnesium content of the Russian ore, we required other ores in the mix fed to the furnaces. Each year since 1965 the price of non-captive ores has increased. I understand we will be obliged to pay in excess of $56 per long dry ton in 1970. This is over twice the prices paid pre-sanctions. This penalty in chrome ore prices adds to the cost of producing low carbon ferrochrome approximately 4.5 cents per pound of contained chrome, or 16.3% of the current selling price. Such a dramatic increase in cost contributes to our inflationary spiral rather than being a result of inflation. In making these comments I note that manganese ore, an equally strategic raw material not available in the United States, has decreased in price during the same period of time.

Apart from the cost of non-captive ore, I urge consideration of the impending shortfall of ore which will likely occur in 1971 and beyond if Rhodesian ore is effectively blocked from the marketplace. In support of this statement I point out that there is a strong possibility that Russian ore allocated to the U.S. marketplace in 1970 may fall short of the demand. I further note that our stockpile reserves are not inexhaustible.

I believe some comments on the total chrome problem relating to sanctions are germane to your deliberations.

Based on an estimated consumption of 850,000 short tons of high grade chrome ore in 1969, there will be no shortfall. Of the amount required, the Soviet Union and Turkey will provide an estimated 629,000 tons; the contribution from Government stockpiles is expected to be 175,000 tons. Inventories and imports of South African ore will more than satisfy the modest deficit.

However, it is our understanding that all economically usable chrome ore in the excess stockpile has already been committed to the U.S. consuming industry. Beginning in 1971, a shortfall of available ore can be anticipated. Depending on the levels of producer stockpiles and specific purchasing arrangements, all producers of chromium alloys may not be equally affected by the shortfall, but the net effect to the steel industry will be a reduction in the availability of domestically produced ferrochrome products.

We have another concern in attempting to assess the magnitude of the shortfall. As the U.S. Government and the U.S.-based companies rigorously adhere to the intent of the United Nations sanctions and the resultant regulations, it is well known that many other countries party to the same agreements are not so disposed. The fact is that movements of Rhodesian ore to many of our competing friendly nations are increasing. How much and at what rate Rhodesian chrome ore will continue to find its way into world markets at substantially lower prices than those paid for by American industry for ore of a different origin, is difficult to predict. Whether the magnitude of these sales will be adequate to offset the anticipated shortfall by increasing the availability of Russian ore remains to be seen. Yet, regardless of the outcome it is clear that high priced ores will continue to be the only ones available to U.S.-based furnaces.

In our efforts to set an example in international morality we must be mindful of the practical considerations. It is well documented that countries such as Malawi, Botswana and Zambia, as well as others surrounding Southern Rhodesia, are quite realistic, as are those nations buying Rhodesian chrome ore. They point out the need to protect their own economies as justification for their trading behavior. Thus it is that, as we assess alternatives available to us, we must be mindful of the long range pragmatic aspect of any course we steer. To recount a few:

1. No amount of expenditure of U.S. dollars can cause redistribution of the world's high grade chromium deposits.

2. A shortfall of high grade chrome can only further contribute to the spiral of inflation.

3. A prolonged shortfall of chrome guarantees a major disturbance in the raw materials essential to our mobilization base. Above-ground stockpiles are exhaustible much sooner than known reserves of chrome ore in Rhodesia. Maintenance of our stockpiles, or replenishment of depleted stockpiles, through sources presently available to the United States, seems increasingly remote.

I cannot believe there was ever any intent in our support of the United Nations position on Rhodesia that we jeopardize our national security. Nor do I believe that inequitabilities were foreseen in the administration of that policy which would place upon any American company or segment of American industry a disproportionate share of the cost. In short, I believe we intended to treat ourselves as equitably as we intend to treat the rest of the world.

As we examine our future policy toward Rhodesia, it is to be hoped that we do not pit idealism against pragmatism, but rather temper one with the other. With calm deliberation I believe we can formulate a judicious policy which could well avert an incipient crisis.

TABLE 1.—*Estimated free world reserves and potential resources of metallurgical chromite*

[Thousand long tons]

Republic of South Africa	100,000
South Rhodesia	300,000
Turkey	9,000
United States	400
Philippines	1,500
Finland	0
Canada	0
India	1,200
Malgache Republic	2,000
Cuba	150
Yugoslavia	1,500
Iran	1,000
Greece	375
New Caledonia	600
Japan	250
Sierra Leone	150
Brazil	150
Pakistan	100
Cyprus	100
Other	600
Free world total	419,075

SOURCE: "Mineral Facts and Problems"—1965 edition, Bureau of Mines, bulletin 630.

TABLE 2.—FORECAST GROWTH, METALLURGICAL CHROME ORE AND CHROMIUM CONSUMPTION IN THE UNITED STATES

[Thousands of tons]

	Chrome ore after allowance for scrap			Chromium content after allowance for scrap	
	1968	1973	Percent change	1968	1973
Stainless steel	525	659	+26	163	205
Alloy steel	215	157	+26	39	49
Tool steels [1] (all types)	16	19	+19	5	6
High temperature and nonferrous alloys	61	87	+43	19	27
Foundries (metallurgical)	61	84	+38	19	26
Miscellaneous metallurgical applications [2]	6	10	+67	2	3
Total	[3] 794	1,016	+28	247	316

[1] Based on production jof 96,000 tons of tool steel with an average Cr content of 6 percent

[2] Includes cutting and wear-resistant materials, welding and hard facing rods and use in other steels.

[3] To:al chrome ore requirement is ac'ually lower because of importation of 41,000 tons of Cr in HC and LCFeCr in 1968. This is equivalent to 128,000 tons of chromite. No reduction in chromite requirements is made in 1973 forecast because of difficulty of predicting import level.

Note: The projection includes allowance for losses during use of the ferroalloys in metallurgical processing; also includes an additional 10-percent loss for processing chromite into ferroalloys. Average assay of ore for metallurgical uses is 50 percent Cr_2O_3.

Source: National Research Council and Foote Mineral Co.

TABLE 3.—CHROMITE IMPORTS FOR CONSUMPTION—46 PERCENT OR MORE Cr_2O_3

[In thousand short tons]

	1969, 8 months	1968	1967	1966	1965	1964	1963	1962	1961	1960
Rhodesia	0	0	101	144	244	249	144	234	218	307
Russia	238	335	299	281	242	275	192	36	20	7
Percent	(67)	(69)	(55)	(42)	(36)	(42)	(49)	(6)	(4)	(1)
Turkey	33	59	44	33	42	38	40	171	150	123
South Africa	72	92	95	184	115	64	18	101	54	80
Other	12	0	0	27	33	25	0	35	10	24
Total	355	486	539	669	676	651	394	577	452	541
U.S. consumption of metallurgical chromite		804	866	828	907	832	632	590	662	665

Note: The yearly differences between above chromite imports and consumption has been made up by imports of ferrochromium alloys, GSA stockpile releases, small amounts of high quality chemical grade chromite and quantities from producer inventories.

Source: U.S. Bureau of Mines Minerals Yearbooks.

THE NIXON BUDGET MAKES SENSE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. DERWINSKI. Mr. Speaker, the responsibility inherent in President Nixon's budget is clearly in the public interest. I believe it would be detrimental to our Nation's interest for Congress to deliberately plunge the Federal budget into deficit status. Therefore, I submit for the RECORD a very timely editorial commentary in the Wednesday, February 4, Chicago Today, in which this publication emphasizes the commonsense of the Nixon budget.

The editorial follows:

[From the Chicago Today, Feb. 4, 1970]

THE NIXON BUDGET MAKES SENSE

Like many others, we'd have liked to see more of the new budget devoted to human resources. That category is given more than military needs only on paper, since it includes veterans' benefits and programs—the cost of which was incurred by the military. Still, we can't agree with those who believe President Nixon has surrendered to the Pentagon. His budget is as advertised. Mr. Nixon himself, far from claiming miracles, admitted at the outset that it was only a beginning—a start toward "reordering our national priorities."

In its simplest breakdown, the 200.8-billion-dollar budget allows 41 cents of each dollar for human needs thru welfare, anti-crime, anti-pollution, and other programs; 36 cents for national defense; 10 cents for physical resources; 7 cents for interest; 5 cents for all other programs [foreign aid, for example]; and 1 cent for debt reduction.

That is a reasonable apportionment, considering military commitments that can't be shrugged off. Yet the budget has met instant criticism, ranging from the view that the President is spending too much money to the belief that he should be spending more.

There is some merit in the charge that the administration is covering up Viet Nam costs, which were not broken down. But we can buy the explanation that Nixon needs flexibility in shaping Viet Nam policy. At any rate, it can't be any worse to hide the figures than to fabricate them, which at times has seemed to be a full-time profession in the defense department.

By approving the programs he has asked for, Congress can see to it that the surplus is maintained. Or Congress can tinker with allocations on its own, for good or bad. In either case, the result cannot be attributed to Nixon.

In our view, the important fact about this budget is that it doesn't contemplate spending money that doesn't exist. That practice has been tried before, and it has only served as prolog to the present inflationary mess. Mr. Nixon's more tightfisted method seems to us a promising antidote.

DO AWAY WITH INTERIOR PLUMBING

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mrs. GRIFFITHS. Mr. Speaker, it is a pleasure for me to point out that Will Muller of the Detroit News of February 5, 1970, has a far superior remedy for locating drugs in a person's household than the "no-knock" of the Senate. Mr. Muller suggests that we do away with interior plumbing. As anyone can see his argument is both logical and reasonable. I recommend it for your reading, and include it herewith:

PLUMBING SEEN AS LAW ENFORCEMENT KEY

(By Will Muller)

From all the current debate in Washington, it's easy to see that the real law enforcement problem in this country is plumbing.

The U.S. senators and the U.S. representatives are now split into contending factions known as the "Knocks" and the "No-Knocks."

The "no-knocks" want a new kind of search warrant law. Under it, officers could kick in the door of an establishment without knocking, dart through the wreckage and guard the bathroom and the sink.

The vision of a policeman kicking down a householder's door and rushing into his bathroom without learning if the coast is clear is shocking to the "Knocks." They want the search warrant rules kept as they are.

It seems the present procedure for exercising a search warrant is a matter of etiquette these days. The officer knocks on the door. If it opens, he asks if the head of the household is in and disposed to receive company.

Next, the householder steps out on the porch to talk to the officer. They exchange generalities about the prospects for more snow and whether Lenore Romney really wants to be a U.S. senator.

After that, the officer produces his warrant. The householder goes back in his quarters to find his reading glasses. While all this protocol is being followed, others inside the house are flushing the evidence—pot, hashish, heroin and LSD—into the plumbing and washing it away.

If this is so, time has gentled police officers since the days when they were harrying bootleggers under the Volstead act.

In those days, officers even were careless as to the address shown on a warrant. If it wasn't the first place where they kicked in the door, they just worked their way down the street.

Even in those times, however, plumbing was a handicap to law enforcement. There was, for instance, the occasion when the vice squad raided a blind tiger not far from where this is being written.

At the appointed hour, the sheriff blew a whistle. A policeman who would have dwarfed Alex Karras charged the door. Behind it at the exact second, the proprietor's wife, shaped like a sack of russet potatoes and several times as heavy, was desperately trying to empty the evidence in the sink.

The force of the patrolman's charge struck her rear quarters and catapulted her into the sink. There she sat, some 200 pounds of disheveled profanity, spitting defiance until the last of the moonshine gurgled away.

Gone is the hardier era when a raiding agent was asked on the witness stand how he gained entrance to a place selling forbidden spirits.

"We used the Big Key," he replied.

"The Big Key?" queried the judge. "What's that?"

"An ax," answered the officer.

The moral of all this is that the U.S. attorney general's office has known since the days of Mabel Walker Willebrandt that running water in the house is only protection for the evilly inclined. The bathtub, once the status symbol of prosperity, truly it a bolt hole for organized crime.

A recent president adjured his people to think of what they could do to improve the country. Today, the record of the Washington debate shows, the answer is simple.

Abandon interior plumbing.

NEGRO HISTORY WEEK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. ANDERSON of California. Mr. Speaker, this week, February 8 through 14, is Negro History Week—an occasion which has been observed in Los Angeles for a number of years. In view of this observance, I would like to pay homage to these Americans whose participation in our Nation's development began in 1619.

The history of the black man in the United States, although often neglected in our history books, is one of great accomplishments that have improved life in America. Due to the publicity and public adulation received by sports heroes and celebrities, the accomplishments of black athletes, musicians, and singers have often overshadowed the accomplishments of black scientists, inventors, educators, businessmen, and religious leaders.

However, throughout the history of the United States, the black American has made his mark and helped determine the outcome of events. Thus, any history of America must include the Negro.

During the American Revolution, some 5,000 Negroes served in the Continental Army and Navy. The first American to die in the cause of freedom was Crispus

Attucks, a black man shot by the British at the "Boston Massacre" in 1770.

A black pioneer, Jean Baptiste Point DuSable, founded the settlement of Chicago. Another black pioneer, Matthew Henson, was with Adm. Robert E. Peary when he discovered the North Pole in 1909.

Nearly a quarter of a million black soldiers and sailors served in the Union forces during the Civil War. Twenty of these men were recognized for valor and received the Nation's highest medal for heroism—the Congressional Medal of Honor.

Incidentally, just 6 months ago, I had the honor of participating in the ceremonies paying tribute to the late Pfc. James Anderson, Jr., of Compton—the first black marine to receive the Congressional Medal of Honor.

In the Old West, there were more than 5,000 black cowboys. A black man, Bill Pickett, invented the art of "bulldogging." James P. Beckworth was a black frontiersman who excelled in trapping and hunting.

The first black physician in America was James Derham, who established a prosperous medical practice in Philadelphia. The first doctor to perform open heart surgery was black—Dr. Daniel Hale Williams. Dr. Charles Drew, a black surgeon, invented the blood bank and became the world's greatest authority on blood plasma.

The achievements of Booker T. Washington and George Washington Carver are well known to students, but how many Americans have read the works of Alexandre Dumas, the author of "The Count of Monte Cristo," and realized that he was of African descent, as was Samuel Taylor Coleridge, and Alexander Jushkin. Black Americans such as Paul Laurence Dunbar and Charles Waddell Chestnutt have left their mark in the literary annals of America.

Leaders in the movement for civil rights have admired such leaders as Frederick Douglass, and of course, the outstanding leader, the late Martin Luther King, Jr.

Black men have prospered in the field of business. C. C. Spaulding developed an insurance company that had assets worth $33 million when he died. S. B. Fuller set up a firm in Chicago that manufactures toiletries and cosmetics and distributes them by door-to-door sales people. The Fuller Products Co., is one of the largest black-owned businesses in America.

The residents of Los Angeles know the fine architecture of Paul Williams, who designed the Beverly Wilshire Hotel, a Saks Fifth Avenue store, office buildings, and mansions. He ranks high among architects of the world.

The list of accomplishments by black men and women in the sports and entertainment field is endless. The record shows that the black men and women have been in the forefront. Whatever our history has been; whatever our future brings; the black man has made outstanding contributions and made this country and this world a better place to live.

VICTIMS OF CRIMES ARE AIDED BY HAWAII'S MODERN COMPENSATION LAW

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. MATSUNAGA. Mr. Speaker, the alarming increase in the number of serious crimes committed in the United States clearly points to the need for strengthening our local law enforcement agencies to provide for more effective crime prevention and detection.

Concerned as we are with a total attack on crime, a problem of equal magnitude which must be considered is that of the plight of victims of violent crimes who suffer physical injuries or devastating economic loss.

My colleagues will be interested to know that Hawaii is at the forefront among the States in showing society's concern for the innocent victims of crime by providing compensation for their losses through legislation.

In 1967 the Hawaii Legislature passed an act which provided for "compensation to victims of crime and indemnifying citizens in connection with crime prevention."

Hawaii's Criminal Injuries Compensation Commission recently submitted a report to the Governor and to the current Hawaii Legislature summarizing its first full year of work. In that report, it was revealed that 47 awards totaling $111,945 had been decided by the commission under this law designed to give financial aid to persons suffering from the consequences of criminal acts.

Wilfred S. Pang, executive secretary of the commission, in a recent interview with Honolulu Star-Bulletin writer Helen Altonn, commented that:

The biggest problem is that people are just not coming forward—primarily because of ignorance, not knowing that we have this legislation.

In order that the Members of Congress and others may be better informed about Hawaii's modern and farsighted approach to society's No. 1 issue, I submit for inclusion in the CONGRESSIONAL RECORD the article from the Thursday, January 22, 1970, Honolulu Star-Bulletin, entitled, "Victims of Crimes Reminded of Compensation Law":

VICTIMS OF CRIMES REMINDED OF COMPENSATION LAW

(By Helen Altonn)

On New Year's Eve, 1968, Warren Lee Gales and his wife, Monique, were shot to death by his ex-wife in a car on Mikahala Way, leaving Mrs. Gales' mother virtually penniless.

Because she was dependent upon her son-in-law, Hawaii's Criminal Injuries Compensation Commission has awarded Mrs. Berta Fiebig, now in Germany, $10,000.

The 61-year-old woman will receive a lump sum of $1,000 and the balance in $150 monthly installments.

This is one of 47 awards totaling $111,945 decided by the commission last year under the 1967 State law designed to give financial help to persons suffering from criminal acts.

Claimants need not be residents, but the crime must occur in the Islands and applications must be filed within 18 months of the date of the crime.

Seven recipients of 1969 awards were visitors here at the time of the crimes.

They include two men and two women from Alberta, Canada, who were injured fleeing from a carload of hoodlums at Kaena Point in July 1967.

The four awards, including compensation for medical expenses, pain, suffering, nervous and mental shock, totaled $60, $145, $268 and $120.

The commission has submitted a report to the Governor and the Legislature summarizing its first full year of work (only three awards totaling $1,000 were made in 1968.)

The Legislature also must appropriate money to pay the awards—so far only on paper.

Commenting on the report in an interview, Wilfred S. Pang, executive secretary of the commission, said:

"The biggest problem is that people are just not coming forward—primarily because of ignorance, not knowing that we have this legislation."

He said only a small percentage of victims of what appear to be eligible crimes under the compensation law are filing applications.

The commission had 13 applications during its six months of operation in 1968 and 84 last year. It decided 50 of last year's applications—denying three—leaving 42 pending, plus 11 that came in this month.

The commission is meeting every week to keep up with the workload, Pang said. "We are bending over backward to help the victims."

Six of the awards made last year were for the maximum compensation permitted under the law—$10,000.

Pang said, however, "This doesn't mean we will end up being out-of-pocket that much."

In many cases, such as Mrs. Fiebig's, awards were made on the basis of periodic payments with a stipulation that the unpaid balance will revert to the State if the applicant dies.

"We're trying to prevent people from squandering the money and going on welfare," Pang explained.

He noted, incidentally, that Mrs. Fiebig might have been entitled to another $10,000 in compensation as a result of her daughter's death if her daughter had been employed and contributing to her support.

Since she was dependent upon her son-in-law, rather than her daughter, her second claim was denied.

Assault and battery offenses comprised about 65 per cent of all applications. Homicides (murder and manslaughter) were the second major source of claims—about 18 per cent.

Other crimes involved were rape, assault with intent to rape, carnal abuse of a female under 12, unlawful use of explosives and miscellaneous (generally involving the use of an automobile.)

Only eight applications were from the Neighbor Islands. To save costs, the applicants were brought to Honolulu for hearings rather than the four-man commission going to them, Pang said.

The awards averaged about $2,382, with the most money allotted to cover medical expenses and financial loss to dependents of dead victims.

Pang pointed out that the law provides for recovery of the payment from the offender and the Attorney General's Office was alerted to cases where this might be possible.

To date, however, no action has been taken to collect any money from offenders.

Among those receiving the highest compensation under the law, besides Mrs. Fiebig, were Mrs. Ernest Joy Sr., and her son Ernest.

Mrs. Joy's husband was killed and she and her son were injured in a shooting in their Date Street apartment last February.

John D. Bento, former Little League leader and a Wahiawa "man of the year," was charged with the first-degree murder of Joy and the attempted first-degree murder of Mrs. Joy and the Joys' son.

Mrs. Joy was awarded $10,000 by the Compensation Commission, of which $5,225 will be paid in a lump sum to cover medical, funeral and burial expenses.

The balance will be paid at the rate of $200 a month with no requirement that any of it revert to the State in the event of her death.

Mrs. Joy also was awarded $1,184 for medical expenses and $900 for pain and suffering from her injuries and her son will receive $411.

The other $10,000 awards were made to:

The 50-year-old wife of a man who was shot to death. She will receive a $4,000 lump sum and the rest at the rate of $100 per month.

A 50-year old woman who suffered severe head injuries when she was robbed and assaulted by an unknown assailant while walking to work early one morning.

Her medical expenses totaled $8,561 and loss of earnings amounted to $2,160—so even the $10,000 isn't enough to compensate, Pang pointed out.

She will receive $5,000 in a lump sum and the rest in $100 monthly installments.

The mother of a 45-year-old man who was killed in his apartment by an unknown assailant. Now living in England, she will receive $271 in a lump sum and the balance at the rate of $100 a month.

OVERDENSE TIMBER ISSUE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. DINGELL. Mr. Speaker, the February 7–9, 1970, weekend issue of the Christian Science Monitor carried a fine editorial on the so-called National Forest Conservation and Management Act of 1969, H.R. 12025.

So that my colleagues will have an opportunity to be aware of the Monitor's view on this legislation, I insert the text of the editorial at this point in the RECORD:

OVERDENSE TIMBER ISSUE

Vote on the timber bill was postponed by the House of Representatives this week. The postponement indicated that the National Forest Conservation and Management Act of 1969, as the bill is called, had suffered a sharp cutback in support. Once thought sure of passage, its chances appear to have dimmed.

On balance, we feel the bill should be defeated when it is finally brought to the floor. The commercial timber interests and building groups favor the bill. It would increase timber cutting on 97 million acres of national forest land already set aside for commercial production. A main part of the cut-more-sooner group's rationale is that the United States is going to need vastly more lumber for housing. Also, increased yields could help keep the price of lumber down.

This help-the-nation's-housing-shortage argument—even given the need to build 26 million new units by 1978—is not convincing. In the first place, prices for lumber products have fallen to nearly half what they were a year ago, with no increased cutting permission, indicating that supply is not the only factor in lumber costs. But more basically, is it wise to trade forests for housing?

The conservationists who lobbied against the bill raised some significant questions. The bill appears to favor the use of national forest lands for logging, at the expense of recreational, watershed protection, fish and wildlife protection, and other noncommercial uses. Also, the bill might let the loggers get out of the "sustained yield" edict written into the national forest management act of 1960.

However, we believe the main reason for holding off passage of the bill now on the brink of House action is that such matters as how America's remaining forest lands are to be used should not be decided, as in the past, by lobby muscle and public relations campaigns alone. Frankly, the claims of neither the commercial nor the conservation interests are absolutely clear.

What the nation needs is a new audit of its forestland and timber resources. It needs the advice of timber-yield and woodlands management experts not so clearly in the camp of the cut and don't-cut antagonists.

The history of the timber-use controversy has grown overdense with allegations and mistrust. Perhaps under the President's new Council of Environmental Advisers or another independent commission, a balanced and prudent program for forest use could be put forth.

WRC–TV SPEAKS OUT IN A STRONG, CLEAR VOICE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. PEPPER. Mr. Speaker, if there is one single message that has reached each member of this body's Select Committee on Crime in its hearings and studies of the past 8 months, it is this: without citizen awareness and community action very little can be achieved from even the most carefully planned efforts to reduce and curtail the escalating crime rate in this country.

In Washington, the complex and multifaceted problem of crime and the unending search for reasonable solutions is as evident and troublesome as in any other major city in the land. But there are hopeful signs.

Just recently, it was my pleasure to note the adoption of an editorial opinion commentary by Washington's WRC–TV, channel 4.

The editorial voice of WRC is Bryson Rash. His comments on the news in behalf of the station are informative and perceptive.

I was particularly impressed by the editorial comment of last week in which WRC endorsed legislation to improve the swiftness and certainty of justice in our courts.

Speaking in behalf of the station, Mr. Rash said:

There is no sense in stuffing one end of a pipeline—called jail, prison or reformatory—with convicted criminals and treat them in such a manner that they come out of the other end of the pipeline still criminals and too often back in the pipeline.

We support also, as a most important part of the entire law enforcement system, the upgrading of the correctional institutions of the District—in terms of money, additional personnel and program approval.

I could not agree more. There is no more single important matter in the entire criminal justice system than the subject of reform of our correctional institutions and rehabilitation methods. Half of those released from prison are rearrested.

If we can cut down on the alarming rate of recidivism, we will have made a valuable contribution in the saving of lives and property.

WRC–TV is making a valuable contribution by speaking out in a strong, clear voice on these issues.

At this point, Mr. Speaker, under unanimous consent I include in the RECORD the first three of what hopefully will be a continuous series of WRC–TV editorials:

CRIME IN WASHINGTON

This is Volume One, Number One, in a series of editorials which will serve to express the opinion of WRC–TV on the triumphs and problems that affect all of us in the Washington community.

We believe—that the great and wonderful things that happen in this community should be singled out for praise and public acclaim.

We believe—that this community is beset with all of the difficult problems that affect every large urban area in the nation. WRC–TV will examine them with candor and urge that they be solved.

We believe—that we should be constructive. There is no place in Washington for another voice to do nothing but "view with alarm."

We believe—that WRC–TV should use its voice to advocate a course of action and to prod the community and its leaders toward a desirable goal. You may or may not agree with a position we may take.

We believe—that with the right of WRC–TV to present its editorial opinion, goes the responsibility to provide spokesmen for significant opposing viewpoints a reasonable opportunity for reply.

We believe—that the offering of editorials is separate and distinct from the news function of WRC–TV.

We believe—that our voice should be raised only when it is necessary and useful to speak out on a subject that is worth your time and thought.

And so we begin—with your help and cooperation, we will work to bring about a better and more viable Washington community.

The President calls it tragic—Members of Congress term it a disgrace—the Mayor cites it as the city's biggest problem.

Too many people get a sort of vicarious thrill tossing off the ominous phrase—"Washington is the crime capital of the nation."

There is too much rhetoric and not enough action by people.

To commit a crime is to commit an anti-social act. It is also an anti-social act to fail to provide a proper education for the young, to deny anyone equal opportunity of employment, to discriminate against any citizen because of race, color, or creed.

The differences between the two forms of anti-social action is one of degree of violence.

Crime is the problem of the entire Washington community. It cannot be avoided by fleeing to the suburbs, for crime will reach you there. Or it will destroy the city where you work and earn your money.

What can you do about it? The first thing is to rid yourself of the notion that you can build a chain link fence around the District and issue passes to come into the city or leave it.

You can involve yourself as an individual or group in seeing to it that the basic causes of crime are modified now and eliminated as rapidly as possible.

You can pay your fair share of taxes—as part of the entire Washington community.

It will be cheaper to meet the issue now than pay the cost of the fortress city and the care and feeding of public charges.

We'll go into other aspects of the problem in other editorials.

(This editorial was broadcast at various times during the day on February 4, 1970 and February 5, 1970.)

Most authorities agree that the surest way to contain the crime problem is swift and certain justice.

In the District, that is not available now.

There is no need to go into the sorry statistics of the backlog of cases or the delay in bringing to trial those accused of a crime.

The Senate has passed and the House is almost certain to approve, the administration's proposal to reorganize the court system in the District.

The measure would transfer from the Federal District court to a new D.C. Superior court, jurisdiction over all local criminal cases and major civil actions.

It provides also for folding in the Juvenile court and sets up more efficient methods for handling judicial business, including a number of new judges to end the present backlog and insure speedy justice.

WRC–TV supports this legislation.

We support also, as a most important part of the entire law enforcement system, the upgrading of the correctional institutions of the District—in terms of money, additional personnel and program approval.

There is no sense in stuffing one end of a pipeline—called jail, prison, or reformatory—with convicted criminals and treat them in such a manner that they come out of the other end of the pipeline still criminals and too often back in the pipeline.

The cycle must be broken. The know how is present—all it takes is money and will.

It is the kind of investment where you pay now and save later.

More on crime at another time.

(This editorial was broadcast at various times on February 5 and 6, 1970.)

NIXON SHOWS STATURE AS A TRUE STATESMAN

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. MILLER of Ohio. Mr. Speaker, Webster's dictionary defines a statesman as "one who exercises political leadership wisely and without narrow partisanship in the general interest." It is a significant tribute to his leadership that numerous editorials have used the word "statesman" to describe President Nixon.

I recommend to the attention of my colleagues an editorial from the Cleveland Plain Dealer entitled "Nixon Shows Stature as a True Statesman":

NIXON SHOWS STATURE AS A TRUE STATESMAN

(By John P. Leacacos)

WASHINGTON.—President Richard Nixon did a superb job in his first State of the Union speech. He began to show stature as a true statesman, viz, a leader who can combine the arts of politics to encompass the objectives of a nation.

The President's White House intimates in the several days preceding the address, which has been months in gestation, dropped the word that the speech was one of the great challenges that Nixon faced in his career, and that the President so regarded it himself. And it is only fair to add that the hints of the contents of the speech as given to me personally at least two weeks ago were actually borne out by the actual delivery, which, of course speaks well for the candor of the informants.

This reporter by pure chance had a further enlightening contact with the creation-in-process of the speech several days previously when I was sitting in the office of Henry A. Kissinger, the President's assistant for national security affairs.

Kissinger had read various drafts of the speech and he was perusing the latest version of the moment. He marked those pages he liked with a check mark, those he did not care for particularly with an x, and left unmarked those he was neutral about. Kissinger and I then resumed our conversation.

Some minutes later the phone rang and I was asked to step out of the room; the President was on the phone. Naturally I know nothing of what was talked about, but I do know the main topic at the White House for many days was THE SPEECH and I would guess that the President was asking Kissinger about points that the latter had made.

The impression I would like to stress in general is the President's sensitivity to responsible comment and his open-mindedness about revising his own views in the significant nuances that count. In that sense, the speech was a total administration effort, but above all, it was a reflection of everybody to the guidelines laid down by the President's own directions and instincts.

In the liberal rhetoric and conservative anchors of the Nixon proposals could also be seen the fine Irish hand of "Pat" Moynihan, the lone Democrat in the highest echelons of the presidential circles. This does not mean that Democrat Moynihan sold the President a bill of goods, but that the President's vision and needs made use of Moynihan.

All these is prefatory to a series of points the President made which were in the nature of the fine print, but highly illuminating nevertheless. Let us recall several phrases between the declarative sentences. For instance: "harnessing the vast energies . . . new beginnings and explorations . . . unfinished business . . . challenge of perfecting . . . the world as it is (as basis for policies) . . . how to use that growth . . . the effectiveness of government . . . reform of the institutions of U.S. government . . . redirect growth . . . national growth policy (as a national plan)."

In brief, the President in his report to the Congress exemplified the two aspects of a President's function that often are overlooked in the purely partisan political analysis. One was the visions he disclosed in his capacity as the leader of all the people, irrespective of party. The other—and the phrases quoted above are directly pertinent—have to do with managing and administering the affairs of the American society in the most efficacious manner so that desired objectives can be achieved in reality.

It is perhaps in this aspect of tidying up the messes of the past where 400 urban programs went off in almost as many directions; where billions were frittered away with no overall goal of coordinating vast and contradictory approaches; where no concepts of how to do the job were developed, that President Nixon might leave his permanent mark, among others.

Problems have been left to molder for close to 100 years. Programs have been left in abeyance like a pier in the midst of nowhere. Self-interests have never been evaluated and arranged. Priorities and systems have never been organized.

As a noted published remarked the other day, "If Nixon can bring modern management to the art of government as Alfred Sloan did for the General Motors, the greatest exemplar of modern capitalism, he will build the base and machinery with which we can truly create a new nation for the next centuries."

A ROMAN GENERAL'S OPINION OF "MILITARY CRITICS"

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. DUNCAN. Mr. Speaker, in voicing his concern over words and actions of elected officials, a constituent of mine made the suggestion that Congress might benefit from a reading of Lucius Aemilius Paulus' address to the Roman assembly.

I read the statement, and I agree with Capt. Donald P. Couch, Fort Benning, Ga., who wrote to me:

I am deeply concerned, as are many others, over the manner in which governmental figures in the House of Representatives and the Senate are criticizing and destroying our determination and incentive to defend our country and freedom as well as our methods of combating communist aggression in the world today. . . . I believe that it would be appropriate to read . . . a copy of Lucius Aemilius Paulus' address to the Members of Congress as food for thought. The ideals contained in the address not only pertain to military critics, but apply to everyone who would criticize or condemn our leaders' actions and the laws of this great country without being in a position to know all the truth and facts.

I agree wholeheartedly with Captain Couch, and thus follows the statement of the Roman Consul, Lucius Aemilius, some 2,000 years ago:

A ROMAN GENERAL'S OPINION OF "MILITARY CRITICS"

2137 YEARS AGO.

Lucius Æmilius Paulus, a Roman Consul, who had been selected to conduct the war with the Macedonians, B.C. 168, went out from the Senate-house into the assembly of the people and addressed them as follows:

"In every circle, and, truly, at every table, there are people who lead armies into Macedonia; who know where the camp ought to be placed; what posts ought to be occupied by troops; when and through what pass that territory should be entered; where magazines should be formed; how provisions should be conveyed by land and sea; and when it is proper to engage the enemy, when to lie quiet.

And they not only determine what is best to be done, but if any thing is done in any other manner than what they have pointed out, they arraign the consul as, if he were on trial before them.

These are great impediments to those who have the management of affairs; for everyone cannot encounter injurious reports with the same constancy and firmness of mind as Fabius did, who chose to let his own ability be questioned through the folly of the people, rather than to mismanage the public business with a high reputation.

I am not one of those who think that commanders ought at no time to receive advice; on the contrary, I should deem that

man more proud than wise, who regulated every proceeding by the standard of his own single judgment.

What then is my opinion?

That commanders should be counselled, chiefly, by persons of known talent; by those who have made the art of war their particular study, and whose knowledge is derived from experience; from those who are present at the scene of action, who see the country, who see the enemy; who see the advantages that occasions offer, and who, like people embarked in the same ship, are sharers of the danger.

If, therefore, any one thinks himself qualified to give advice respecting the war which I am to conduct, which may prove advantageous to the public, let him not refuse his assistance to the state, but let him come with me into Macedonia.

He shall be furnished with a ship, a horse, a tent; even his travelling charges shall be defrayed.

But if he thinks this too much trouble and prefers the repose of a city life to the toils of war, let him not, on land, assume the office of a pilot.

The city, in itself, furnishes abundance of topics for conversation; let it confine its passion for talking within its own precincts, and rest assured that we shall pay no attention to any councils but such as shall be framed within our camp."

Livy, (*Titus Livius) History of Rome. Vol. 7, Book XLIV, Chapter 22. Translation by George Baker, A.M.

JUDGE GIULIANO—ESSEX COUNTY CIVIC LEADER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. RODINO. Mr. Speaker, last week Newark lost one of its most devoted and long-time public servants. And I lost a friend.

Judge Anthony Giuliano's service to his community spanned a period of some 50 years. During his many years in public life he befriended all who knew him. He was a very religious man who lived the tenet of the Good Samaritan.

Even though we faced one another in my first successful congressional campaign, Judge Giuliano remained one of the kindest, most thoughtful, and most generous men that I have ever had the privilege to know.

Judge Giuliano served in World War I and entered the practice of law in 1920. His legislative career began in 1927 when he represented Essex County in the State assembly. He then served as assistant U.S. attorney from 1933 until 1937. In 1952, he became a city magistrate, then served as Essex County clerk, and by the early 1960's was elected to the Newark City Council. In 1968, he was chosen to become a municipal judge.

Msgr. Joseph Dooling of St. Francis Xavier Church, in eulogizing Judge Giuliano, stated that he was "a servant of the people—who never put money above his service to his fellow man. I am glad he was my friend. This church in its beauty and grandeur stands as a memorial to his personal effort." Such sentiments as Monsignor Dooling's are typical of the many eloquent comments spoken on behalf of our departed friend.

I certainly extend my deepest sympathy and compassion to the family and hope that the burden of their loss will be eased by the knowledge of the love and esteem in which he was held by his friends and neighbors.

* Titus Livius (Livy) born 59 B.C., died A.D. 17.

SCIENCE FOR PEACE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. HALPERN. Mr. Speaker, one of the extraordinary aspects of our society is the American genius for scientific discovery. We were thrilled by the moon shots, marveled at the feat of seeing men walk on the moon, and are continually stunned by the miraculous results of our technology.

But what has this scientific enterprise contributed toward making our planet a viable, peaceful environment? I am afraid the answer is, precious little. For no one has seen fit to give priority to scientifically researching the causes and prevention of war, and those human impulses compelling mankind toward human conflict.

In this respect, I would like to call my colleagues' attention to excerpts from an excellent address by the secretary of the Peace Act Advisory Council, John A. Mathews, which provides some thought-provoking ideas about enlisting the resources of behavioral and scientific research in pursuit of world stability where nations could live in peace:

PEACE, TOO, NEEDS SCIENTIFIC RESEARCH

(An address by John A. Mathews, secretary of the Peace Act Advisory Council, to the annual meeting of the Lisle Fellowship at Washington, D.C., January 31, 1970)

Scientific research was the key to development of atomic energy—for war and peace. It was the key to all the modern weapons of war, to electronic computers, and their use in war and peace. Most recently, scientific research made it possible for men to visit the moon and return. With this astonishing record, wouldn't you think we would try to use it for the prevention of war?

Strangely, no President of the United States has yet budgeted for any significant amount of scientific research for the prevention of war. No Secretary of State has yet requested any significant amount of funds for such research by his Department. No Congress has yet authorized or appropriated any significant amount of funds for research on the peaceful resolution of international conflict.

No member of the President's Science Advisory Committee, no Director of the National Science Foundation, no President of the National Academy of Science, and no President of the Association for the Advancement of Science has yet recommended to the President, to the Secretary of State, or to the Congress that any significant amount of funds be appropriated for research on the prevention of war.

I make these assertions without proof that all of them are true, but with a devout wish that someone can contradict them.

Now, of course, some Government money has been used for this purpose, so the allegation hinges on whether or not the amount has been significant. In fiscal year 1969 which ended last June 30, our Federal Government obligated over $17 billion for scientific research and development. Even excluding the amount for development, the remainder—almost $6 billion—was obligated for what the National Science Foundation defines as scientific research.

How did our Government spend this money? From statistics gathered by the Government, I have deduced that more than ¼ was for the means and methods of warfare. More than ¼ was for the exploration of space. And more than ⅓ was was combatting disease, developing atomic energy, and improving agriculture.

Less than 7% of the developing atomic energy, and improving agriculture.

Less than 7% of the Government's research money was devoted to studying the behavior of human beings. . . .

But before we look further to discover what has been spent for research on the prevention of war, let us note that this $2.6 million is less than a half of a tenth of one percent of the entire amount spent by the Federal Government for scientific research. . . .

Any feeling that behavioral research is not worth its cost, should be easily dispelled by an examination of the Defense Department's budget for such research. In fiscal 1969, it spent many millions of dollars—in sharp contrast to the $125,000 which the Department of State allocated for this purpose in that year.

For anyone interested enough to investigate for himself, there are some political studies which have employed scientific techniques, and which have obtained independently verifiable results. To cite one, I mention a project sponsored by the Arms Control and Disarmament Agency about five years ago. Prof. Karl Deutsch of M.I.T. and a group of his associates, surveyed the attitude of French and German elites toward arms control and disarmament with view to determining the future policy of these nations. The evidence examined included extensive interviews, a survey of proposals for arms control in Europe, mass opinion data, analysis of the content of newspapers and periodicals, and data about the actual behavior of European states and populations in regard to international transactions. One of their conclusions was that the French electorate would strongly support President DeGaulle's opposition to United States' domination of the North Atlantic Treaty Organization. Within a year of this determination, France withdrew its troops from NATO's military establishment and required all NATO troops in France to come under control of the French military establishment or else leave the country.

The techniques employed by Professor Deutsch and his associates could be applied to other knotty problems. For example:

Some highly-respected economists believe that currency exchange rates should not be fixed by government but should be allowed to fluctuate as prices do in a free market. Scientific research involving simulation, gaming, and attitude survey could be used to explore the desirability of doing this.

Many highly-respected economists believe that everyone would benefit from completely free trade. The problem is how to attain it. Some of these further believe that a nation would benefit through removal of its own barriers to trade even though other nations do not reciprocate. Scientific research could be applied to this problem.

There is evidence that in spite of foreign aid, poor nations are becoming poorer while

rich nations are becoming richer. Scientific research should be applied to this problem—first to verify that it exists and then to solve it.

Exploitation of ocean resources is growing at a rapid rate. Millions of dollars have been appropriated for this in the United States which has also recently created a council to coordinate this kind of activity in U.S. agencies. Malta—one of the newer nations—has proposed that control of ocean resources be vested in the United Nations but Congressional hearings revealed considerable opposition to this in the United States. A report of the new council clearly recognizes the political problem but allocates a miniscule portion of its resources to the solution. Political research is required.

The European Economic Community was created for the express purpose of leading to eventual European union. Elite attitude surveys conducted in France and Germany during the past several years indicate that progress toward union has stopped. Further progress of the European Economic Community is heavily dependent upon its relations with other international organizations such as the European Free Trade Area, the Organization for Economic Cooperation and Development, the Western European Union, and the North Atlantic Treaty Organization. Since the United States is a member of two of these organizations, and since its policy is to favor a union of Europe, there is no reason why it could not support research to seek a solution. . . .

Research on modification of the weather has been going on for some time. If it succeeds on a substantial scale, political research will be required to avoid its becoming yet another weapon of warfare. . . .

The development of new ways and means—new political structure—which could prevent international conflicts, will require massive scientific political research. Surely the results sought is worthy of an effort at least as massive as our exploration of space. The latter—which included over $19 billion just to put a man on the moon—is based on the general welfare clause of our Constitution. While there is substantial doubt that the space program has in fact benefitted the people generally, surely there can be no doubt that an equally massive program of peace research—research for the prevention of war—could clearly benefit not only the people of the United states but those of the whole world.

A step in this direction was begun about a year ago when Representative Halpern and Senator Hartke introduced the Peace Act Bills. These identical bills call for a Secretary of Peace in the Cabinet and for transfer of existing agencies to his administration. The Peace Corps, the Arms Control and Disarmament Agency, the Agency for International Development, the International Agricultural Development Service, and those functions of the Department of State which relate to the specialized agencies of the U.N. would be transferred to a new department—the Department of Peace.

The Bills would also create a Joint Congressional Committee on Peace and International Cooperation, and thus restore to the Congress some of the powers which have been gradually lost to the President. The Bills would also create an International Peace Institute to train young people for professional peace careers as we have for generations trained military leaders in the service academies.

Research on the peaceful resolution of international conflict—now so sadly neglected by the Government and private institutions—will be a principal responsibility of the Department of Peace. Such research will be sponsored and fostered by the Department in the same manner as war research by the Defense Department. Furthermore, the cooperation of other nations in this will be sought.

If this seems novel, you will be amazed to learn that the idea of a Department of Peace was first put forth by a signer of the Declaration of Independence, Dr. Benjamin Rush. It was later published by a distinguished black mathematician and astronomer, Benjamin Banneker. The current Peace Act Bills are the latest and most comprehensive of many legislative attempts to create such an office over the past 35 years.

The creation of the Arms Control and Disarmament Agency in 1961 reflects the wide appeal of the idea as well as the difficulty in implementing it. ACDA had the support of former President Eisenhower and President Kennedy, of former and current Government agency heads and a roster of illustrious statesmen, scientists, military experts and legislators. Everyone agreed on the inadequacy of the existing government structure for waging peace, but the agency which they created was focused mainly on the diplomacy of international arms control. Its most far reaching purpose which is to study the scientific, economic, political, and other factors relating to the prevention of war has been largely neglected.

Recognizing the slender chance of passage of the Peace Act Bills without the kind of support accorded the Arms Control and Disarmament Act, Representatives Halpern and Reuss and Senators Hartke and Hatfield suggested that interested organizations create a council to develop public support for the legislation.

Last May, about 26 private associations including most of the national churches, and organizations devoted to international affairs and intercultural exchange, created the Peace Act Advisory Council. Since then it has grown to 36 members led by Lisle's Founder, Dr. DeWitt C. Baldwin. The Council hopes to inform the public about the potential benefits of vesting individual and corporate interest in research, training, and other ways and means for resolving international conflict without war—and to stimulate a widespread demand for action.

Human intelligence, highly organized and lavishly subsidized, has brought Americans to their present condition of despair. The same intelligence must be employed in the service of hope. The Council is asking the American people to commit to peace what they have always committed to war—their most and their best.

HORTON COSPONSORS FAMILY PLANNING LEGISLATION RECOMMENDED BY TASK FORCE ON EARTH RESOURCES AND POPULATION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. HORTON. Mr. Speaker, February 4, with other members of the Republican Task Force on Earth Resources and Population, I introduced legislation that would amend the Public Health Service Act.

The task force has studied the population growth problem for the past year, and through our research and the testimony of experts who have appeared at our hearings, we have been convinced of the monumental and devastating effects of our current rate of population growth.

Environmental protection, and the alleviation of pollution demand immediate attention. However, we must treat the cause of environmental problems, rather than the symptoms.

The population growth problem interrelates to the crises of pollution, poverty, and overcrowding. In the light of this impending disaster, and the knowledge of the many unwanted pregnancies, the need for better family planning services is acutely obvious.

This bill which I have introduced, would amend the Public Health Act. It would provide for special project grants for the provision of family planning services, and contraceptive research. This would entail the training of professionals and paraprofessionals in family planning services, projects for operational and demonstrational research, and projects to provide services through both public and nonprofit agencies, institutions, and organizations.

In December, the task force published a report on family planning—"Federal Government Family Planning Programs: Domestic and International"—that was a result of our research into this problem. The bill which I have introduced is a result of recommendations that were made in this report. One of the key points of concern was in the area of contraceptive research, and due to the latest controversy that has arisen over the safety of the pill, we can see that the need for more research is mandatory if we are to provide effective and safe family planning measures for everyone.

This bill would provide for two amendments to the Public Health Service Act. First, it would provide for the Secretary, acting through the Center for Population Research, to make grants to public or nonprofit private agencies, institutions, and organizations, and to enter into contracts with public or private agencies, institutions and organizations, for projects for research into contraceptives. This bill would authorize $30 million for the fiscal year ending June 30, 1971, $60 million for the fiscal year ending June 30, 1972, $90 million for the fiscal year ending June 30, 1973, and $100 million each for the fiscal years ending June 30, 1974, and June 30, 1975.

Second, the bill would provide for increased appropriations for family planning grants and contracts administered by the Center for Family Planning Services within HEW in the amounts of $35 million for the fiscal year ending June 30, 1971, $70 million for the fiscal year ending June 30, 1972, $100 million for the fiscal year ending June 30, 1973, $130 million for the fiscal year ending June 30, 1974, and $150 million for the fiscal year ending June 30, 1975.

Mr. Speaker, I feel that the necessity of this legislation is obvious. Rhetoric is fine, but it is now time to take action. I urge my colleagues to consider the urgency of our population growth problem, and then to fully support this measure.

STATEMENT ON IRAQI JEWS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. KOCH. Mr. Speaker, on January 27, 1969, 14 Iraqis, nine of them Jews, were publically hanged in Baghdad and Basra, Iraq. These executions climaxed obviously false charges, mass arrests, tortures, and secret trials by a new regime seeking to strengthen its popular support by engaging in acts of suppression against minorities and providing a "Roman circus" for its bloodthirsty supporters.

The press reported that radio and television, shrill loudspeakers, and martial music exhorted the people to come to Liberation Square to view the hanging bodies identified in death with signs designating which were the Jews. A mob of 500,000 shouted and danced festively, viewing the swinging bodies.

World leaders denounced this barbaric display. Pope Paul VI said that since nine of the victims were "of Jewish extraction, it has generated the suspicions that motives of racism were involved." U.N. Secretary General U Thant and U.S. Secretary of State William P. Rogers condemned the spectacle of mass public execution as abhorrent and repugnant to the conscience of the world.

Standing in the shadow of these gallows is the terrified remnant of Iraqi Jewry striving for rescue and resettlement. From a 150,000 flourishing community in 1950—of which 98 percent fled, leaving all possessions behind after the 1948 Israeli war of independence—a mere 2,500 persons, mostly women, children, and elderly are left. These 2,500 Jews are required to carry yellow identity cards; are virtually deprived of a livelihood, with business and professional license canceled and ineligible for employment; and are limited in pursuing studies at colleges and universities; they are stripped of all civil rights and liberties, including the barring to them of all telephones. They are under constant surveillance with their assets frozen and are barred from leaving Iraq.

A year has gone by since the public hanging of these Iraqi Jews, and we can best memorialize their deaths by speaking out and condemning the oppressions practiced against minorities everywhere: Political, racial, and religious. Every generation sees new examples of man's inhumanity to man. Today we witness that practiced against the Ibos of Nigeria, the Catholics of Northern Ireland, those Greeks opposed to totalitarian government by the junta colonels, and the Jews still remaining in Arab countries and many of those living in the Soviet Union, to cite only a small part of this awful litany.

We who sit in relative safety and security here in the United States have an obligation to speak out on every occasion against oppression. That obligation applies to those in the highest of places as well as the individual citizen. Unfortunately, our Government is failing in that responsibility.

Let us keep before us the word of God in Genesis 4: 10 when in speaking to Cain after the murder of Abel he said:

What hast thou done? The voice of your brother's blood cries unto Me from the ground.

The voices of our brothers, black and white, Jew and Christian, subject to oppression are calling to each of us and must be heard—and responded to.

CONGRESSMAN WILLIAM J. GREEN AFFIRMS SUPPORT FOR ISRAEL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. MOORHEAD. Mr. Speaker, speaking in Philadelphia Sunday before a joint meeting of the Northeast Synagogue Council and the Philadelphia Zionist Council, Congressman BILL GREEN spoke for many of us who are concerned about the situation in the Mideast, and the present tenuous policy of the United States.

I am delighted to include the very apt remarks of my able colleague, the distinguished gentleman from Pennsylvania, at his point in the RECORD. His speech reinforces the pledge that 228 of us made in signing the bipartisan resolution in support of peace in the Middle East on January 29.

Congressman GREEN's remarks follow:

TOWARD A STABLE PEACE IN THE MIDDLE EAST

(By Hon. WILLIAM J. GREEN)

Ladies and Gentlemen, last April, on the occasion of Israel's 21st birthday, a resolution was circulated in the Congress. That resolution was signed by 66 out of 100 Senators and 280 out of 435 House Members—far more than a majority in both Chambers.

I am going to read a few key sections of that resolution because I believe it contains the essentials of a correct policy for this country.

"On the occasion of Israel's 21st birthday," it states, "we offer our congratulations to the people of Israel on their progress and it details some of the progress: the absorption of more than 1,250,000 refugees and immigrants; the reclamation of the land; the development of their economy; the cultivation of arts and sciences; the revival of culture and civilization; the preservation and strengthening of democratic institutions; their constructive cooperation in the international community.

"We believe," and this, I think is the crux of the problem, "that the issues which divide Israel and the Arab States, can be resolved in the spirit and service of peace, if the leaders of the Arab States would agree to meet with Israelis in face to face negotiations.

"There is no effective substitute for the procedure. The resolution continued.

"The parties to the conflict must be parties to the settlement.

"We oppose any attempt by outside powers to impose halfway measures not conducive to a permanent peace.

"To ensure direct negotiations and to secure a contractual peace settlement, freely and sincerely signed by the parties themselves, the United States should oppose all pressures upon Israel to withdraw prematurely and unconditionally from any of the territories which Israel now administers."

Finally, the resolution states that "the United States should make it clear to all governments in the Near East that we do not condone a state of war, that we persist in the search for a negotiated peace as a major goal of American policy."

I readily signed that resolution.

It was co-sponsored by the Senate Republican Leader, Hugh Scott.

The Speaker of the House of Representatives, John McCormack, signed it.

So did the Republican Leader of the House, Gerald Ford.

The Senate Democratic Whip, Edward Kennedy, endorsed it.

And to demonstrate its broad base of support, it was even signed by Barry Goldwater.

Such overwhelming support should not be surprising.

For more than twenty one years, this nation—and the State of Israel—have been bound together by something greater than power, something bigger than self interest and something more vital than the whims of diplomacy. For twenty one years, we have been united as friends and as brothers . . . as partners in the democratic experiment . . . and as two peoples who suffered the outrages of war and decided, together, that we would never permit such outrage again.

Governments should be extremely careful when they choose to tamper with such deep and lasting relationships.

When you take away all the smoke of diplomacy, this one essential fact remains: this nation—and the State of Israel—are friends and allies of the deepest kind. And I firmly believe that all decisions must be made with that understanding in mind.

But put aside the friendship for a moment. Forget the strong ties which bind us together. Let us, for a minute, be hard and practical like the diplomats and statesmen. Let us consider only our own selfish interest.

The answer remains the same. As Senator Ribicoff said, just a few days ago, and I quote him directly: "Sentiment, guilt feelings and history and domestic politics aside, in the cold light of international politics, Israel today is America's most valuable asset in the Middle East.

"It is clear," he said, "that the Russians hope to become the dominant Mediterranean power and also to penetrate Africa. The dam preventing Soviet pressures from being exerted in these directions has been Israel. But it should be obvious that only a well armed Israel within secure borders and with a strong economy, can withstand the Soviet pressures."

I do not wish to make this a partisan speech.

I did not come here simply to attack the President or his Administration.

I believe the President sincerely desires a peaceful settlement.

But I also believe he is on the wrong course.

Hopefully, by conducting this dialogue all over the country, we can convince him to remain firm beside his friend and ally.

Having stated what I believe to be the cornerstone of our relationship, let me briefly point out what I think is happening to American policy and why I am concerned about it.

First, how did this happen. What is the cause of the great concern both here in America and throughout the world.

Toward the end of last year, it became obvious that our government was discussing proposals for a settlement of the Middle East problem with the Soviet Union, without prior consultation with Israel.

The very fact that we did so has moved us dangerously away from the principle of direct negotiations between the Arabs and Israelis and toward a settlement imposed on the parties by the big powers.

This simply will not work.

It is nothing more than a return to the mistakes of 1956. At that time, the four major powers imposed another settlement which only led to deeper trouble. We asked Israel to withdraw from the territory she occupied in return for Arab guarantees. She withdrew—but the guarantees weren't worth the paper they were written on.

Second, we have, in these discussions, suggested major concessions from Israel—similiar to those of 1956—while asking once again for nothing more than guarantees from the Arabs. For example, we are suggesting the almost total withdrawal of Israel from territory captured during the six day war.

In return, the Arabs must graciously agree to recognize Israel.

We also suggest the joint administration of the City of Jerusalem by Israel and Jordan. The same arrangement would take place in the Gaza Strip. In addition, Israel will be asked to give up all territory on the Sinai peninsula, despite the fact that the peninsula represents Israel's outlet to the Suez Canal. In return, the Arabs are asked for no guarantee of shipping rights for Israel.

The real issue is that our government—by suggesting the areas of settlement—has undercut the Israeli bargaining position.

It has led the Arabs to believe that they need not even recognize Israel's existence in order to get a favorable settlement. And yet, as Mrs. Meir has said: "If they won't sit down with us, how will they live with us."

Does anyone seriously believe that such concessions gain us friends in the Arab world? What have the Arabs done lately to make us believe that our "even handedness" meets with their favor?

And even more fundamental, does anyone really believe that such concessions have made the Soviet Union more flexible? It is interesting that, two months after the proposals were made, Mr. Malik, the Soviet Ambassador to the United Nations, just the other day, said flatly that the American proposals did not include any worthwhile concessions and could not serve as a basis for a four power position.

We have, in short, managed to antagonize a trusted ally while satisfying no one.

Even more dangerous, however, is the vacillation of our own government over the past few weeks.

Ever since the first news reports of our new position, there has been a bewildering fluctuation in official statements.

Finally, last week, on January 25th, the President reassured Israel that the United States was prepared to supply military equipment to support Israel. He also stated, to the Conference of Jewish Leaders in Washington, that peace in the Middle East was attainable only through negotiations between the parties concerned.

One day later, on January 26th, the Premier of Israel responded warmly to the President's reassurances and expressed her gratification at what appeared to be a solidifying of American policy.

However, the next day, January 27th, the picture changed again.

American diplomats spent the day at the United Nations, assuring Arab leaders that the President's comments did not in any way invalidate the American proposals advanced in December.

Even more surprising, American diplomats also went out of their way—to assure the Arabs that no decision had yet been made by the Administration on the Israeli requests for further military and economic assistance.

I am sure those assurances were greeted warmly by the Arabs. They must have been even more pleasing to the Soviet Union . . . not to mention the French.

This vagueness of policy led one Arab diplomat to make an observation that all of us, oddly enough, can agree with. "How do we know here we stand," he said, "if there are such hidden shifts?"

He is not the only one with problems. He should talk to the Israelis. Or better yet, to Members of Congress.

At any rate, that was on January 27th.

Two days later, on January 29th, the President held his press conference.

"Let me put one thing in context," he said. "We are neither pro Arab or pro Israel. We are pro peace."

To that statement, I have only one reply: Mr. President, I, too, am pro peace. But I do not believe that being pro peace is incompatible with friendship for Israel.

On the contrary, I believe deeply that this "even handed" policy—this attempt, vague as it is, to be all things to all men—creates a vacuum in the Middle East. It tempts others—already belligerent—to take chances which could result in an all out war. It tells the Russians and the Arabs that there is a new, unstable factor in the Middle East. And that instability is the result of the present vacillation of the American government.

This is the stuff which whets the appetites of opportunistic and unpredictable governments.

And no government is more unpredictable than an Arab government.

None is more opportunistic than the Soviet Union.

And evidently there are few in the world more unpredictable and opportunistic than the French.

And that is why the President cannot simply say he is pro peace and impartial, at one and the same time.

By moving away from Israel, we have not encouraged others to get into the middle with us. We have only whetted their appetites for the small country which now stands alone.

I believe the Congress understands this situation.

During the courage of all this shifting, a majority of the House of Representatives, last week, reiterated the position taken last April by the overwhelming majority of both the Senate and the House. Once again, the Republican Leader of the House joined a bi-partisan coalition in urging support for direct negotiations between the parties involved.

Do you realize what that means? That means that most of the people's Representatives in Washington do not agree with the shifting position of our government.

Tonight, I call upon the President to heed the voice of the majority in Congress.

Ever since we became involved in Vietnam, we have had a great national debate about the limits of Executive power. In a democratic society, the critics say, the Executive should not have the absolute right to formulate and shift policy without the appropriate checks and balances by the Representatives of the people.

Here we have a resolution which reaffirms traditional American policy in regard to Israel, supported by a majority in Congress—an "unsilent" majority, I might add. And I suggest that the President heed the wishes of Congress because those wishes reflect the desires of the American people.

In speaking of Congressional support, it was interesting to me that the President, in his State of the Union Message, congratulated the Congress for its support of his policy in Vietnam. He said his policy was successful largely because Congress was behind it.

I suggest that his policy in the Middle East would also be successful if it was the policy backed by a majority in Congress.

I suppose it is one thing to wrap your arms around the government in Saigon. But I didn't know it was that difficult to say a few kind words about the State of Israel.

By moving away from Israel, we have satisfied no one.

By offering concessions on the part of Israel, we have met with none from the other side.

By vacillating from one day to the next, we have fostered confusion and prompted the present adventures in the Middle East, not only of Russia but of France and China as well.

This so-called policy must change . . . reverse . . . return—call it what you will, but there will be no stability in the Middle East unless America stands by Israel in its desire to be recognized as a nation and in its demand to settle its own problems face to face with its adversaries.

This is a strong position, a firm position and a clear one. But it is not therefore belligerent.

The unfortunate part of this story is that Israel has not been inflexible. She has not clung to a rigid position. Indeed, she believes that much is negotiable.

All she is saying is that she is waiting for someone to negotiate with. And she knows from experience that peace and stability cannot be imposed from the outside by others.

Last week, NBC's First Tuesday did a television special on the life of Israeli jet pilots. At the end, one young pilot spoke—with simplicity—about what it means to live in Israel today.

"There is no other possibility than to live here," he said. "If you understand this, you will have courage. It is a hard way to live but you've got to do your best. There is no other place for you and your children."

I want to see this country share the courage, the determination and the feeling expressed by that pilot.

Let us stand by Israel. Let us say that we won't surrender an inch until the Arabs come to the bargaining table. Let us tell them that we know their designs for what they are and that we are not going to let the Russians, the French or the Chinese overrun the Middle East in the name of Arab nationalism.

Let us make a few demands for our friends, instead of making so many of our friends. Let us tell them that we want shipping rights, guaranteed borders, the end of an arms race which eats up 25 percent of Israel's resources every year. And let us finally tell them that these are not only Israel's demands. They are America's.

That, I suspect, is the better road to peace and stability in the Middle East.

Thank you.

NATIONAL CEMETERY FOR MASSACHUSETTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. CONTE. Mr. Speaker, in the last session of Congress, I introduced two bills concerning our national cemeteries. The first, H.R. 5809, would establish a national cemetery at Westfield, Mass. The second, H.R. 5810, would establish a National Cemeteries System within the Veterans' Administration with jurisdiction over nearly all such facilities.

At present, the national cemeteries closest to New England are located in Elmira, N.Y., and Farmingdale, N.Y. I have been trying since 1965 to have a national cemetery established in New England in order to lift the burden of traveling unreasonably long distances from those throughout New England involved in visits to graves of loved ones and former friends buried in these cemeteries.

The proposal for a National Cemeteries System grew out of the fact that there is an increasing scarcity of gravesites in national cemeteries throughout the Nation.

On February 4, 1970, the Commonwealth of Massachusetts adopted resolutions memorializing this Congress to enact legislation establishing a national cemetery in the Commonwealth. Because of the importance of this matter, I include the resolutions in the RECORD at this time:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION ESTABLISHING A NATIONAL CEMETERY IN THE COMMONWEALTH

Whereas, It is the right of every veteran to be accorded the honor of a burial in a national place of honor; and

Whereas, Out of the ninety-eight national cemeteries in the United States, there is none in the New England area; and

Whereas, The saturation point of these cemeteries is rapidly being reached and the need for new land is pressing; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to establish a national cemetery in the commonwealth of Massachusetts; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 20, 1970.

NORMAN L. PIDGEON,
Clerk.

House of Representatives, adopted in concurrence, January 22, 1970.

WALLACE C. MILLS,
Clerk.

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

DEMOCRATIC POLICY COUNCIL—IV: ARMS CONTROL AND DEFENSE POLICY DURING THE 1970'S

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. FRASER. Mr. Speaker, the nuclear arms race is a most dangerous and costly phase of U.S. policy. It takes needed dollars that might be better used in meeting problems on the domestic front, interferes with meaningful negotiations between the United States and the Soviet Union and is a serious threat to the world because of the potential destructiveness it fosters. I introduce into the RECORD Democratic Policy Council suggestions on how we might curtail our expanded arsenal of nuclear weapons, and what such a move might mean in terms of providing for a safer world:

DEMOCRATIC POLICY COUNCIL—IV: ARMS CONTROL AND DEFENSE POLICY DURING THE 1970'S

We welcome the negotiations with the Soviet Union looking toward the limitation of offensive and defensive strategic nuclear weapons. This is a critical time. Both the United States and the Soviet Union are continuing to move forward in the arms race—moving into reaction to one another and in a direction which can only leave both nations less secure than they are today and with fewer resources to devote to domestic needs.

We are convinced that the national interest of both countries demands a stop in the "mad momentum" of the strategic armament race. A policy designed to bring about reciprocal restraint will create the most favorable conditions for bilateral agreement on arms limitations, without endangering our security through unilateral disarmament or indefinite unilateral postponement of strategic weapons programs. Some have argued that negotiations will succeed only if we achieve a position of increased strength. But this argument would distort the promise of disarmament talks into a rationale for continued escalation. It would be a tragic error to jeopardize the prospects for reducing the terrible risks and heavy costs of the arms race by precipitate decisions to proceed with new nuclear weapons not urgently needed for our national security.

Specifically, we question the need and the wisdom of going ahead now with a new manned strategic bomber and expanded plans for antiballistic missile defenses. In an abrupt change from last year's justification of the Safeguard system as necessary to protect our land based missiles and hence our second strike capability, the Administration now proposes an enlarged system which purportedly would protect our cities from a Communist Chinese nuclear threat which may exist a decade or more in the future.

OPPOSE ABM

Past experience surely demonstrates the futility of resting present security decisions primarily on speculation about the future. The risks of accelerated ABM deployment far outweigh the highly conjectural value of an anti-ballistic missile system using today's technology against the threats we may or may not face in the 1980's. We oppose further ABM deployment.

Expansion of the Safeguard system from missile defense to area defense will cast doubt on our intentions and seriously prejudice the prospects for the SALT talks. The underlying assumption of protracted Chinese hostility and irrationality can also preclude real progress in improving relationships between China and the United States. The nuclear striking force on which we rely to deter a major Soviet attack surely will deter the relatively insignificant nuclear strength attainable by China or any other power in the foreseeable future.

RECIPROCAL RESTRAINT

Moreover, steps should be taken now to bring about reciprocal restraint in testing and deploying new nuclear missiles with improved warheads, such as MIRV. Only by such steps can we keep open the option of negotiating an effective and verifiable agreement on nuclear arms control. This should be made the first order of business when the SALT talks reconvene in Vienna in April. In taking the initiative to stop atmospheric nuclear testing, President Kennedy advanced the cause of peace and our own security. The Soviets responded affirmatively to U.S. initiative and the Limited Nuclear Test Ban Treaty was agreed upon shortly thereafter. The United States should further seize the initiative and take another step toward a safer world by deferring MIRV testing and further deployment of offensive and defensive missile systems while calling on the Soviet Union for similar restraint.

We are concerned by the Administration's failure to relate the defense budget for fiscal year 1971 to probable threats to U.S. national security in the 1970's. No rhetoric about meeting our treaty commitments and promoting partnerships, while reducing our involvement and our overseas military presence, can substitute for detailed analysis of where and how our security may be threatened and what level and mix of military power is needed to deter or deal with those threats.

The Arms Control and Defense Policy Committee will shortly release a more detailed report on these and other matters, together with recommendations for further reforms of the selective service system.

THE NCAA—THE QUEST FOR POWER

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. GIAIMO. Mr. Speaker, my colleague, the gentleman from Illinois (Mr. MICHEL) and I have discussed at some length the case of Jack Langer, a varsity basketball player at Yale University, who was declared ineligible for NCAA competition because he participated in the basketball tournament at the Maccabiah games in Israel last summer. Because it defied the NCAA ban and allowed Langer to play on its varsity team this year, Yale was placed on probation by the NCAA for a period of 2 years.

We would be remiss, however, if we did not stress the fact that several other college basketball players who were invited to the Maccabiah games were forced to decline the invitation because of NCAA threats. Perhaps the most tragic case was that of a Polish-born, Israeli-bred athlete from the University of Cincinnati who was not allowed to play in a prestigious tournament in the land in which he was raised.

Another example of this injustice is brought to light through correspondence between President Gaylord P. Harnwell of the University of Pennsylvania and Mr. Walter Byers, executive director of the NCAA. I wish to insert these letters in the RECORD, and I urge our colleagues to study them carefully.

In the letter from President Harnwell to the NCAA, for instance, please note that two basketball players were not authorized to participate in the Maccabiah games even though a track man, a fencer, and a soccer player were eligible to do so.

In the letter from Mr. Byers to President Harnwell, two points are worth examining. The first is the fact that all requests for permission to participate in foreign competition were denied "because of the inability to secure an acceptable administrative organization to handle this country's international basketball competition." This statement would seem plausible were it not for a previous statement which said:

In the interim, BFUSA (Basketball Federation of the USA) recommended that foreign competition involving its members (the NCAA is a member of BFUSA) cease because the Federation was unable to arrange and sanction such competition. . . . Consequently, the NCAA Council has not given approval for out-of-season competition since 1967, with the exception of the Olympic Games.

Once all the excess verbiage is cleared away, it becomes obvious that the NCAA has not approved foreign competition be-

cause BFUSA—read NCAA—does not have the power to arrange and sanction such competition. Therefore, the "inability to secure an acceptable administrative organization to handle this country's international basketball competition" really means the inability of the NCAA, through the BFUSA, to become that administrative organization.

In short, here is another tragic example of the power struggle between the NCAA and its rival, the Amateur Athletic Union. Mr. Byers admits this when he says:

We believe this policy will persuade the AAU to participate in the IBB as FIBA intended or prompt FIBA to take further steps to correct the situation.

How long must the athletes and colleges of this country suffer because of this senseless dispute, Mr. Speaker? How long will these organizations, in their blind quest for power, continue to forget that the primary purpose of intercollegiate athletics is the betterment of the individual athlete and his school? How long can this dispute continue before it destroys the entire system of amateur athletics in the United States?

The following letters are a sad commentary on the use of power by the NCAA:

JUNE 20, 1969.

Mr. WALTER BYERS,
Executive Secretary, National Collegiate Athletic Association, Kansas City, Mo.

DEAR MR. BYERS: We are greatly disturbed to learn through press accounts that, due to an NCAA ruling, two of our undergraduate basketball players will not be authorized to participate in the Maccabean Games. This appears to us to be inconsistent for one of our track athletes has been asked to represent our country, and in all probability we will also be represented by a fencer and a soccer player.

This is to request formally, on behalf of the University of Pennsylvania, that necessary steps be taken to permit the youthful basketball players to participate in the Maccabean Games in Israel. Not to do so would penalize them unjustly.

Very sincerely yours,

GAYLORD P. HARNWELL.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION,
Kansas City, Mo., July 11, 1969.

Dr. GAYLORD P. HARNWELL,
President, University of Pennsylvania, Philadelphia, Pa.

DEAR PRESIDENT HARNWELL: Please forgive me for the delay in responding to your June 20 letter. It had been our hope that meetings scheduled June 24–25 would develop a solution to the problem which concerns you. Unfortunately, this did not occur and, for this reason, I am writing you this rather lengthy response to your request.

NCAA Constitution 3–10–(c) is specific regarding participation in organized out-of-season basketball competition. If an individual violates this provision he jeopardizes his future eligibility in the sport of basketball.

There are other NCAA regulations which affect participation in other sports. Constitution 3–10–(d), for example, is concerned with soccer. It is true that the Association's regulations are not the same for each sport. Athletes who participate in football and basketball are subject to greater restrictions than those who choose to compete in tennis and fencing. There are greater pressures in football and basketball and, as a consequence, more regulations.

The NCAA is a member of the Basketball Federation of the USA (BFUSA). Other members of BFUSA include the National High School Federation, National Junior College Athletic Association, National Association of Basketball Coaches, Collegiate Commissioners Association, American Basketball Association and others. More than 90 percent of organized basketball in the USA is represented by BFUSA.

The International Amateur Basketball Federation (FIBA) provided BFUSA with an opportunity to arrange competition for its own members commencing in 1963. During the ensuing three years there were more international exchanges between the USA and other countries than ever before in the history of the sport. Unfortunately the agreement between FIBA and BFUSA expired in January, 1967. In May of 1967, at FIBA's Central Bureau meeting, the Amateur Athletic Union (AAU), this country's current FIBA member, informed the international body that it represented more than 70 percent of basketball in the United States, an obvious falsehood. FIBA informed the AAU that it (the AAU) had until October, 1968, to unify all amateur basketball interests in the USA and improve its own basketball program or FIBA itself would investigate the situation in the United States.

In the interim BFUSA recommended that foreign competition involving its members cease because the Federation was unable to arrange and sanction such competition. The NCAA Council adopted a policy in support of BFUSA in October, 1967. This was later reaffirmed by the Association's membership at the 1968 NCAA Convention. Consequently, the NCAA Council has not given approval for out-of-season competition since 1967, with the exception of the Olympic Games.

In January, 1969, FIBA sent a five-man panel to the USA in an attempt to resolve the differences between the AAU and BFUSA. As a result an International Basketball Board was established which provides for equal representation from both sides and a chairman appointed by FIBA. The Board, designed to handle all international competition for the United States except Olympic and comparable competition, conducted its first meeting in Chicago on June 8. There appeared to be general agreement in many areas. The AAU implored BFUSA to meet again as soon as possible so that a final agreement could be attained to enable the Board to function immediately. BFUSA's delegates readily agreed and expended considerable time and effort in preparation for the next meeting, scheduled for June 25. We were hopeful that the issue would be resolved and that this letter could be more encouraging. Consequently, it was extremely frustrating when the AAU's representatives failed to attend a meeting of the Board's constitutional subcommittee on June 24. The following day the chairman was forced to postpone the IBB meeting indefinitely when only five of the AAU's ten representatives appeared. All ten of BFUSA's delegates were in attendance.

A number of organizations and NCAA member institutions have requested permission for foreign competition this summer, including the U.S. Collegiate Sports Council of which the NCAA is probably the most active member. All such requests have been denied by the Council because of the inability to secure an acceptable administrative organization to handle this country's international basketball competition.

We believe this policy will persuade the AAU to participate in the IBB as FIBA intended or prompt FIBA to take further steps to correct the situation. This country has suffered through the years because of lack of adequate and knowledgeable representation at the international level. Our basketball authorities are convinced that positive correction must be obtained now for the future welfare of the sport and its participants.

The NCAA Council has given serious deliberation to this matter and does not believe that there should be a change in NCAA policy at this time. We regret it is not possible to honor your request in the current circumstance.

Cordially yours,

WALTER BYERS.

SILVER COINS DISAPPEAR

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. CONTE. Mr. Speaker, I have spoken time and time again, both on and off the floor of this distinguished body, about the need to permanently end the use of silver in coinage and get the Government out of the silver business.

My point on taking silver out of U.S. coinage is simple—we just do not have enough of this precious metal left to waste on coins that do not circulate.

In this regard, a most interesting article appeared in the latest U.S. News & World Report, February 16, 1970. It substantiates the fact that silver coins disappear, and it shows how the coin hoarders are reaping a fortune with Government silver.

I would like to include this article in the RECORD now because of its relevance to the continuing debate over silver.

The article follows:

WHATEVER HAPPENED TO SILVER COINS AND CERTIFICATES?

There are billions of silver coins in the U.S. and some 221 million dollars in silver certificates—yet you rarely see any of them.

Where are they? Most have been stashed away by dealers, collectors and ordinary folk who regard them as souvenirs of a bygone era that are likely to increase in value.

What these speculators know: Gradually, the U.S. Treasury is getting out of the silver business. The curtain will be rung down on silver money in this country in a very short while—perhaps a matter of months.

Today the Treasury is minting only one type of silver coin—the Kennedy half dollar, which is only 40 per cent silver. Most of these quickly disappear from circulation.

In all, the Government has produced about 400 million Kennedy halves that were 90 per cent silver and about 800 million of the 40 per cent variety.

On June 24, 1968, the Treasury stopped paying out silver in exchange for silver certificates. These bills continue to be legal tender, but if they find their way into the Federal Reserve Banks they are retired from circulation.

The Government does continue to sell about 1.5 million ounces of silver at a weekly auction. The price received has run around $1.80 to $1.90 an ounce in recent weeks.

These sales, the Treasury says, will exhaust its supply of silver in readily salable form around the end of October. That does not include 165 million ounces safely locked up in the nation's defense stockpile.

The weekly sales could end even sooner. A Senate-passed bill would require the Treasury to use up its remaining supply of silver to issue a new Eisenhower silver dollar.

The House passed a silver bill more to the Treasury's liking—one that would end all silver coinage. One point on which the two

houses are in agreement: The Treasury would auction off to the highest bidders some 3 million rare silver dollars in federal vaults.

On the whole, people who are hoarding silver coins can feel rather comfortable about their investment. Coin dealers are offering $2.50 and up for silver dollars. Very rare "cartwheels"—depending on date, place of coinage, type of coin and condition—command hundreds of dollars each.

Silver dimes and quarters often bring 80 per cent or more above their face value. With silver selling at about $1.90 an ounce, the metal alone in the 90 percent coins minted before 1966 is worth more than the face value.

DEMOCRATIC POLICY COUNCIL—V: DEMOCRACY AND GOVERNMENT DURING THE 1970'S

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. FRASER. Mr. Speaker, the American people demand and deserve more responsive and responsible government at the Federal, State, and local levels. As we move into the decade of the 1970's, this need will become even more apparent. I introduce into the RECORD a statement by the Democratic Policy Council, which Monday suggested a number of measures which would insure not only a more democratic government, but one which could better meet the needs of our citizens as well.

The material follows:

Americans, living in a democratic society, have never wholly failed to ask: How can government at all levels serve all the people with greater justice and effectiveness?

In the decade of the 1970's, however, the American people will ask this question with greater urgency than at any other time in our history and they will expect answers.

They properly will expect just and effective government in the wealthiest, most powerful nation of the world. Such a nation, Americans will say, must have governments—federal, state and local—which can secure equality of opportunity for all citizens, move decisively against the tremendous human problems besetting our society, particularly in its urban areas, and preserve our national inheritance of liberty and individual initiative.

To secure these goals of just and effective government will demand more than rhetoric and reassurance. We need national leadership ready to give moral force and practical support to the law of the land, the law that says all children, black and white, rich and poor, are to learn and live together. We need national leadership ready to walk in dark urban ghettos and forgotten rural sprawls, ready to search them out, eliminate them and build in their place communities of dignity and opportunity.

RECONCILE DIFFERENCES

Having been warned two years ago by the National Advisory Commission on Civil Disorders that "our nation is moving toward two societies, one black, one white—separate and unequal," we need national leadership that does not polarize opposites but that reconciles differences, one that helps heal the wounds of generations of oppression and inequality.

We are told to judge the Republican Administration on the basis of deeds. But it is the record of Republican deeds which concerns us:

The Administration's failure to support the extension of the Voting Rights Act of 1965 which had secured the most essential political right for more than 700,000 previously disenfranchised blacks, despite considerable support for extending the law.

The nomination to the Supreme Court of two jurists, who, at best, have demonstrated no understanding of the nation's commitment to full racial justice;

The Administration's efforts to delay the process of school desegregation which had been promised an earlier generation of school children by the Supreme Court in 1954;

The Administration's opposition to legislation strengthening the enforcement powers of the Equal Employment Opportunity Commission.

These acts by the Republican Administration have served to polarize the people of this country on the basis of race, and have understandably diminished the confidence of black citizens in the commitment of government to the achievement of equality for all citizens.

We believe that the Haynsworth and Carswell nominations to the Supreme Court should not have been made; and we urge the Senate to reject Judge Carswell as it did Judge Haynsworth.

We believe further, that this administration must state unequivocally where it stands on the question of the elimination of dual systems of education based on race.

REESTABLISH TRUST

The Committee on Democracy and Government is charged with developing the specific plans that, when implemented, will reestablish a relationship of trust and common purpose between the American people and government at all levels. In the 1970's this will require reforms of *access, structure,* and governmental *effectiveness.*

We report periodically on these matters to the American people.

At this juncture, however, several specific directions have already become clear and demand comment now.

In a democracy, access to *government* can be no greater than access to the political process itself. For this reason, the 1970's must be a time of far-reaching reform of the American political system, including, among others:

The elimination of the vestiges of voting discrimination on the basis of race, a goal which can best be served at this time by reenacting and enforcing the Voting Rights Act of 1965:

The amendment of the Constitution of the United States to lower the voting age for all state and federal elections to eighteen;

The amendment of the Constitution to permit the direct election of the President and the Vice President of the United States;

The establishment of a Universal Voter Enrollment Plan to register all qualified voters through a government canvass of every election jurisdiction, as called for by the Democratic Party's Freedom-to-Vote Task Force under the chairmanship of former Attorney General Ramsey Clark;

The creation of a National Election holiday to permit everyone the opportunity to vote and a National Election Commission to keep an accurate and comprehensive current record of all election rules and results, a duty which no agency, public or private, now performs;

Procedures for permitting all citizens, regardless of where they happen to be on election day, to vote through a simplified process for casting and verifying ballots;

Some system of public support to alleviate the growing financial burdens of running for political office—whether by tax credits, public subsidies, donations of time or services, including television time—thus allowing poor and middle-income citizens, as well as the rich, to represent their country in public office.

The benefits of full participation and access to the political process can be thwarted nevertheless by an outmoded governmental structure incapable of dealing with the complex demands of contemporary society and the economy.

POWERFUL INCENTIVES

For this reason the federal government must offer the states and localities powerful incentives to redesign the fragmented, unresponsive, underfinanced structure of local government itself in an evolutionary process toward governmental units that encompass metropolitan areas capable of dealing with metropolitan-wide problems. At the same time we must also give attention to developing a lower tier of neighborhood political units, "little city halls," to which appropriate municipal offices and services would be decentralized, and through which elected representatives of the neighborhood would exercise authority over the provision of neighborhood services.

Increased effectiveness of government will require numerous reforms in the 1970's. There are few things more destructive of effective government action than the overlapping and confusion of administration of domestic programs. The executive branch urgently requires the decision-making and command mechanism that would be provided by a National Domestic Policy Council. Such an instrumentality would serve not only to increase effectiveness within the federal bureaucracy but also to carry forward the equally vital task of developing more efficient delivery systems of federally-supported services.

To assist in making these decisions, the executive should have the information and guidance flowing from a system of social indicators—measures of factors such as reduction of racism, and educational and health deficiencies—prepared and evaluated by a Council of Social Advisors, analogous to the annual Economic Report prepared by the Council of Economic Advisors.

THE INVOLVEMENT OF YOUNG PEOPLE IN OUR DEMOCRATIC SOCIETY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. JACOBS. Mr. Speaker, each of us are asked many times in the course of visits with young people in our districts, "What can I do? How can I help? How can I be a part of the democratic process?"

In response to this growing concern for involvement by young people, one of my colleagues from Indiana, LEE H. HAMILTON, has spoken to many school groups in the Ninth Congressional District of Indiana on the impact of young people on our society.

I believe the remarks of my colleague, LEE HAMILTON, responding to the questions asked by young people should be considered by each of us. Congressman HAMILTON'S thoughts are refreshing in a world and times when we hear far too little of hope and far too much of cynicism.

The speech referred to follows:

ADDRESS BY MR. HAMILTON

One of the biggest changes that has come over the American Scene in recent years is the degree of involvement by young people in the political life of the nation.

Young people have had a profound impact. One Congressman told me that young people caused a President to resign, and a nation to change its Vietnam policy.

His judgment may be open to question but certainly the young were the first, and surely the first in any number, to show disenchantment with Vietnam.

During the moratorium in Washington I stood on the West front of the Capitol and watched perhaps 100,000–150,000 people pass by. The dominant impression that struck me was how young the people were who participated. A person over thirty stood out in that crowd as unusual.

In 1968, young men and women marched into New Hampshire and Indiana with McCarthy. I will not forget the courage and determination of a young college coed whom I met on the street corner in Lawrenceburg, Indiana. Without money, without knowing a single person in the county, without even a car, she had come to Dearborn County to organize it for McCarthy.

In the Civil Rights movement of the 1960's, and in the emerging battle to preserve and enhance the quality of the environment, the young are prominent.

They have been the pacesetters in public opinion polls and they have experienced the satisfaction of seeing public opinion swing toward their view. In a real sense the young have led, and the leaders have followed.

Young people have always been interested in politics. Anyone who has run for office can tell you that youthful volunteers passing out literature and pretty girls in red, white and blue, singing the candidate's jingle and dancing at rallies, are a lot of help. But today their participation goes far beyond that.

Many are anxious to help, and can be easily recruited to politics. They are intelligent, financially independent, highly mobile, energetically involved and they have a passionate concern for the issues. They are adding a new dimension to American political life.

Their participation is most refreshing and I welcome them to the fray.

1. Impatience

One characteristic about their participation in American political life is that they are impatient. They see that changes have to be made and problems met. They want to try new answers and approaches. They are innovators, reformers. They know what needs to be done and see no reason why it cannot be done now. They will brook no excuse for inaction. They have no patience for the cliches and platitudes politicians so frequently use. Their impatience, sadly, but inevitably, means frustration.

And, of course, therein lies one of the risks of the involvement of young people in politics. If they don't see sufficient progress, if the changes are not sufficiently visible, then they sometimes become disenchanted and alienated from the system. They may become frustrated because they believe that the system cannot possibly work. The budding politician becomes, then, a rebel, a cynic, or apathetic.

We see much evidence of this. Student rebels seize an administration building. Some turn to drugs. Some turn to crime. The President's Crime Commission reports that 15 and 16-year-olds have the highest arrest rate in the nation and that young people commit a disproportionate share of crimes. Some flee to Canada or Sweden to avoid the draft. Some stage a sit-in at the Pentagon. Some become hippies.

Some turn to socialism or anarchy—or in one case, I know, to monarchy—as the best system.

Sometimes the establishment, those in authority, lose patience, too, and begin a crackdown. So they respond by cracking skulls, or spraying tear gas from helicopters, or calling in the Marines. And this, of course, confirms the worst fears of the young about the establishment and the system, and further alienates them.

2. Critical of establishment

Another characteristic of the involvement of young people in the political life of the nation is that they are sharply critical of the establishment, the leadership and of things as they are. I suppose this is traditional with young people, but it is especially accentuated today. It is good that they are critical.

After all, they live in an unpleasant time—a time when any thinking person is unsettled, frustrated, concerned, and asking probing questions about his country.

Young people have a right to be critical. They can no longer be as carefree as they once were. Too many harsh realities encircle them.

The pressure of foreign affairs intrudes early into their lives, and because of that pressure, young men from Indiana are drafted and some are called upon to fight, and some to die, in a country they could not identify by name only a few years ago.

They are forced to fight wars whose objectives, origins and tactics they neither understand or accept.

They live in a world when a strategic exchange can cause 240 million fatalities in the Soviet Union and in the United States within 20 minutes.

They see unrest and violence bubbling and seething beneath the surface calm in every continent. They know that the gap between the rich and the poor nations of this world is filled with the possibility of explosive violence.

They observe that the older generation's promises and rhetoric often outstrip its performance, and that despite that rhetoric, poverty, injustice and prejudice abide and abound.

They hear many white people say that we have done too much for the Negro, but they know the Negro is three times as likely as the white to die in childbirth and infancy, three times as likely to live in poverty, twice as likely to be unemployed and only half of his housing meets health and safety standards, and his income is forty percent lower and his life expectancy five years less.

The young people hear us speak of the equality of opportunity in this land, but they see too many boys and girls growing up stunted, inarticulate and angry.

They hear us speak of the natural heritage of this land, but they see all around them the headlong destruction and fouling of the natural environment.

The hear us proclaim the importance of each personality, but they see too many infants and mothers die from the failure to develop an adequate health system, too many citizens die on the highways from roads and automobiles that are not yet safe, and too few people who have lawyers to fight injustice.

They hear us extoll the virtues of a democratic society, and yet they feel shut out from the decision-making process in America. We tell them that we can use them to fight our wars but not to vote for our officials and they know that half of the men who have died in Vietnam were not able to vote in this country.

It is not hard to understand, then, why young people are critical of the establishment.

3. Pragmatic

We often speak of the young people as being energetic and idealistic—and they are that—but another characteristic of the young that has especially impressed me is their *pragmatism*. They want to know what will work, what will help solve the problems on the nation's agenda. They are not so much interested in whether it is a Democratic Party solution or a Republican Party solution—A liberal or a conservative solution. They want to know if it works.

THE CHALLENGE

They challenge those of us who accept the system. And it is incumbent upon us to explain to them why we feel the system can meet the urgent needs of this nation, why we think it is a moral and a just system which will respond to these needs humanely.

They are asking whether or not our form of government can work. It is the same question that Lincoln asked: "Can this nation so conceived, long endure."

It is the same question that John F. Kennedy asked: "We shall have to test anew whether a nation organized and governed such as ours can endure—the outcome is by no means certain."

The challenge is formidable because it is so basic. It is hard because we are called upon to justify things we have always taken for granted, as sacred, and not open to question. Naturally, then, those of us who are older are unsettled. Some of us even frightened by it, and all of us deeply disturbed.

It makes all the difference how we respond to this challenge. It is an honest challenge and must be honestly met. Many young people are losing their confidence in the way the system operates. They don't believe the political process is working today. If we cannot explain why an intelligent, critical, enlightened young man or woman should believe in the democratic system, and we fail to meet the challenge to their satisfaction, then in the long run the system itself is in jeopardy.

Some would respond to the queston: "Will the system work?" by saying, "No, the system will not work." They are the ones who have already turned to violence and anarchy.

Others will respond by saying, "Yes, of course, it will work—it always has." These people will be amazed that the question could ever be raised and will tend to think of the young people as hippies, malcontents, revolutionaries (and some few, of course, are) and, more than likely, simply walk away from the question.

May I suggest that the better answer to the question is, "Maybe it will work." It will work:

If we recognize what it has accomplished
And what it has not accomplished

If we see the necessity of changing, evolving our institutions to meet new situations, and to make the system work better than it does today.

Our response to the challenge of the young people when they ask, "will the system work?" should include several elements.

1. Impressive record

One, is to point out that the system has established an impressive record. We have the finest educational system in the world.

We may not have eliminated poverty, but we have built a nation of incredible wealth, shared by an impressive number of citizens. And we are closer to eliminating poverty than any nation ever has been.

We may not have eliminated prejudice, but few countries in the world defend the rights of the minority with the political and legal resources that this country does.

And we have peacefully absorbed more than 40 million immigrants from many lands and cultures, and given them freedom.

Read, if you will the names of the members of the 91st Congress: Addabbo, Conti, Derwinski, Galifianakis, O'Konski, Zablocki.

We may have our faults, but we are at least grappling with the right questions—questions of national purpose and poverty, how to organize a peace, and the relationship of America to the rest of the world, and no one of us is satisfied with the answers.

We may have serious deficiencies in our health system, as a nation, but, we are healthier than ever before and we are work-

ing very hard to extend and improve the quality of health care to all citizens.

We may make mistakes of judgment and mind, but very few of motive and heart. The fundamental motives, ideas, instincts of most American people are right and generous.

There may be many individuals who feel shut out with inadequate opportunity, but we have created a climate of accomplishment for most Americans, releasing their intelligence and vitalities for productive ends.

We may have reason not to trust every political leader, but by and large our political leadership performs well against incredibly difficult problems, and political leaders have never really lost sight of the moral considerations that motivate this nation.

The electoral process may not function perfectly, but in 1968, 69 million Americans went to the polls and without violence elected a new President, the most powerful political office in the world.

We may have not brought peace to this world, but no nation has been more generous with its resources to attack instability abroad, and more vigorous in its pursuit of peace.

We should also point out that the American system does respond to the clearly expressed demands of the people. If enough Americans feel strongly about an issue for a long enough period, and are willing to stand up, debate, fight for, suffer frustration, then the system often responds.

It took us ¾ of a century in this country to abolish slavery. Even after it was abolished, sadly enough, the Negro struggle for full legal and political rights—to say nothing of social and economic equality—has continued for over an entire century. But slavery was abolished.

The labor unions won their right to collective bargaining similarly after long decades of fight and frustration and even bloodshed.

Vietnam policy did change, maybe not exactly as the protestors would like, but it is clear that this nation has done an about face on Vietnam in recent months and that would not have occurred had it not been for the demands of people.

The system can even sometimes respond with startling speed. A comprehensive tax reform bill, the first one in fifty-six years, was passed by the House of Representatives in just a few weeks and in one year it was signed into law because the American people demanded more equity in their tax code.

Given the sheer size of America with such incredible diversity of geography, cultures, people, we have brought about unprecedented social and economic revolution.

So, the American record contains impressive achievements and any fair reading of that record would show that it has had substantial, even if partial, success dealing with the incredibly complex problems which crop up in a country as big and diverse as America.

I am well aware that the mere recitation of accomplishments and of good intentions, will not be enough to persuade most young people that the system will work.

So this element is only part of the answer, not the entire answer, but a necessary element in the whole.

2. Much needs correction

Another element in the answer is to freely acknowledge that there is much wrong that needs to be corrected.

We must candidly acknowledge that we are far from enthusiastic about the performance of American institutions, including the Congress, the courts, the schools, cities, counties, the political parties.

The brutal fact is that we still live in a world filled to the brim with injustice, careless rhetoric, prejudice, unfulfilled hopes, poverty, war, pestilence, crime, apathy and all the evils of man.

Several of our institutions—parts of the system—need correction.

(a) The Congress needs reform. For example, under the present seniority system the majority member with the longest continuous service becomes the powerful chairman of a Congressional committee. The chairman can absolutely block any piece of legislation that comes to his committee and a member cannot do a thing about it.

The Speaker of the House holds enormous power over the shaping of legislation. The present Speaker is 78 years of age. Fifteen committee chairmen, nine in the House and six in the Senate, are over 70.

Two committee chairmen are over 80 and a third will soon be.

(b) The political party needs reform. Only three percent of the Democratic and Republican precinct committeemen—the basic party officials—in the State of Indiana are under thirty years of age.

I am distressed that in Indiana not more than ten percent of the population engages actively in politics and probably less than half of that percentage becomes involved in political campaigns. We simply must do better if the democratic process is to remain viable and responsive.

(c) The National political party conventions need reform. I was a delegate to the Democratic National Convention in 1968. The proceedings of the convention were chaotic. The most conscientious delegate could not understand what was going on. The platform speaker could not be heard. Motions were not available to him in writing. The party platform itself at a most crucial point could not be amended from the floor.

These, and many other instances, are clear indications of the failure on the part of our system to respond to the people.

I know the shortcomings of the system.

I know that the system is slow to respond, that it takes tremendous effort to generate change, that legislative victories come small and come seldom.

I feel a sense of deep personal anguish when I see a failure of the system. Over the Christmas holidays I read about twelve-year-old Walter, a young Negro boy in New York City, who died as a dope addict because the system, the community, the family, the Church, the political party, the police, the courts, the Congress had failed to respond to the needs of this young man.

We must, then, in our response to the young say, honestly and with candor, there is plenty of room for improvement in the system and open our eyes to the necessity of change.

The democratic system is not an achieved state or a resting place. It is a building, a making, a process, a living tissue. Our job is to get on with the job of solving our problems and improving our institution.

3. Specific improvements

And that brings me to another element in our response. We must specifically and forcefully advocate changes to improve the system. Not all of us will agree with every suggested change. There is no reason we should. But each of us, acknowledging the defects in the system, must be open to proposals to make the system work better.

Let me indicate where I would make some changes to make the system work better.

(a) The democratic process must be expanded by reforming the Electoral College. The time has come in this country to elect its President by direct popular vote and to abolish the fiction of the Electoral College. We can no longer take the chance that the man with more popular votes loses the election. We cannot permit the massive disenfranchisement of the minority votes in every state or the possibility that an elector would take into his own hands the responsibility of swaying the election.

(b) The suffrage ought to be extended. The suffrage ought to be extended to young men and women 18 and over. We call upon them to fight, to carry out the policies of this nation. They ought to be permitted to participate in the selection of the leaders who made the policies. We need their enthusiasm and idealism in the political system.

Long state residency requirements for voting for President and Vice President should be removed.

(c) We ought to extend the primaries in Indiana to the nomination of governor, other state officers, and United States Senator. The convention system allows the average citizen less voice in the selection of his political leadership.

(d) We ought to seek new ways of financing campaigns.

Will Rogers remarked, "It takes a lot of money, even to get beat with." The cost of political campaigning has sky-rocketed. Because of these costs, good men refrain from running. Large individual contributions create uneasiness about the electoral process. The candidate is diverted from his main function by the necessity of raising substantial amounts of money. We have to seek ways and means to provide some form of support; through appropriations, tax credits, matching incentive plans.

(e) Legislative lobbying practices have to be strictly regulated. Lobbying is based on the constitutionally guaranteed right of the people to petition their representatives. The present law is based on the premise of regulation through disclosure, not curtailment. That premise is sound, but there is simply too many loopholes for effective and fair regulation.

(f) We must do everything we can to increase the equity of our institutions and to open them to the influence of people, especially young people.

The reform of the draft was a step in the right direction.

We must provide young people—many of whom are searching for a commitment, a cause—with the opportunity to serve. Only about one-third of the draft eligible young men are called. We must make available public service opportunities to young men and women. The possibilities are many:

Teaching and reading assistants;

Tutors and counselors in elementary and secondary schools;

Hospital aides;

Personnel for neighborhood centers;

Assistants to law enforcement officials;

Aides to social service agencies.

(g) Our political parties must become open institutions. We must assure that:

They do not discriminate;

That large delegate fees are abolished;

That the rules of the party are available to all people;

That adequate notices of all meetings are published;

That proxy abuses are curbed;

That the opportunity to express preference for delegates is freely available;

That the unit rule is abolished.

Above all, we want to assure that any person can become a party member easily.

We have to crash out of our party structure which has not substantially changed in 100 years time. It will be an agonizing, arduous effort to reform and open its processes, but it has to be done.

(h) The Congress of the United States needs help. It must be restructured and made more efficient, improving its ability to handle a $200 billion budget, spinning off its non-policy business, improving its public image. Congress is no longer a co-equal branch. The President not only is Chief Executive; he is also chief legislator. The great challenge is to make the Congress capable of exercising its responsibilities as the legislative branch of the government.

4. Other alternatives to the system

A final element of our response to those who challenge the system is to ask another question: Do you really have any other choice but to make the system work? Violence or anarchy or totalitarianism are not for us. You cannot have the pleasure of overthrowing one system without the burden of putting something in its place. That burden falls heavily upon those who criticize.

So we ask those who challenge the system: What do you plan to put in its place?

CONCLUSION

We all know that the system, the Democratic decision-making process in America is in for some rugged testing.

The number and complexity of the challenges before us are appalling. They cut deeper into our lives. They require more talent, more money, more time to resolve. They stubbornly resist solution.

The young people want to know:

Can the democratic system survive?

If it can be tough enough to solve our problems without being cruel?

If it can be alert, without being authoritarian?

If it can act with resolution, but with imagination?

If it can be efficient and still take time to consult and build a consensus.

In short, can the democratic system survive and prevail over the challenges that confront it?

It is not written in the stars that the democratic process will always remain preeminent among the nations.

But, challenges to the democratic process are not new. The history of this nation can be written as a grand conflict between those who believed in the ability of the system and the democratic process to meet challenge and change and those who did not.

From John Adams who said, "There never was a democracy that did not commit suicide," to Thomas Jefferson who said, "Cherish the spirit of the people."

From Alexander Hamilton, who feared power lodged in the majority, to Andrew Jackson, who feared it lodged anywhere else.

From Fisher Ames, who spoke of the tyranny of the many, to Lincoln who professed a mystical faith in the common man and the government of the whole people.

We must take our place in this historic debate, expressing our faith that America can meet its challenges if we recognize our strengths and correct our weaknesses and dedicate ourselves "to the great task remaining before us that this nation under God shall have a new birth of freedom."

CONSUMERS NEED CLASS ACTION

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. HALPERN. Mr. Speaker, with so much political hay being made on consumer issues these days, I do not want my colleagues to overlook proposed legislation that will be of substantial direct benefit to the buying public. Congressman ECKHARDT'S class action bill is the genuine article. It is a serious, carefully thought-out approach to giving consumers immediate relief in the courts. I believe it is the most important consumer proposal before Congress today.

On February 4, I testified in support of this measure, which I have cosponsored, before the House Commerce Committee. I am placing this testimony in the RECORD so that my colleagues may know of my strong feelings on this legislation:

CONGRESSMAN HALPERN'S TESTIMONY BEFORE THE SUBCOMMITTEE ON COMMERCE AND FINANCE

Mr. Chairman, I thank you and the Committee for affording me the opportunity to offer my evaluation of the proposals before this Committee. I am a cosponsor of Congressman Eckhardt's original class action bill, which presently exists in the form of H.R. 14585. I firmly believe that this is the best approach to enable the consumer to obtain effective legal redress of any approach offered, including the Administration supported bill, H.R. 14931.

Let me say, first, that I feel that the class action bill is the most important measure before Congress in terms of practical aid to the consumer. Many of the bills currently put forward attack the consumer abuses piecemeal, but the class suit approach goes to the very heart of the problem—giving the consumer the tools to make his complaint heard in a courtroom and thereby receive hard financial compensation for the injury he has suffered.

Much consumer legislation provides specific regulation to prevent particular commercial frauds or safety hazards, or sets up new bureaucracies to police the enormous area of consumer involvement. But no law as yet proposes to give the consumer the ability to protect himself and recover for his own damages.

INADEQUACY OF EXISTING STATE AND FEDERAL LAW

Before I explain the benefits of the class suit approach more thoroughly, I want to discuss a point of confusion. The proponents of the federal class action approach often talk of adopting state substantive law. Critics have asked what this means if the bills sponsored are talking of rejecting inadequate state processes.

The important distinction to make is the difference between laws which enable one to get into court, and laws which form the basis for recovering and proving one's case. The first type of law is procedural—and this is where the states fall short. The second type of law is substantive, and this is where the class action approach would hold state laws as adequate and adopt them for use in federal courts. The state substantive law on deceit and fraud is an adequate basis for recovery, but the state procedural statutes on consumer class action provide a poor means to enable consumers to get into court.

This leads to another point of confusion. If we have state class action laws, some ask, why must we have a federal class action law? The answer is simple. The state laws are inadequate—they cannot do the job.

Most states permit "joinder" of parties in given cases, but the courts have usually never allowed so numerous a group to be joined as consumer suits require, on the basis that all the plaintiffs' right to relief must arise out of the "same transaction", and a common question of law. What this often means is that the injured parties must have been injured by the same misrepresentation at the same time in exactly the same way. Frequently, consumers cannot prove, even if their injuries were caused by the same merchant and a particular form of practice, that there was a complete similarity as to all aspects of their injuries.

The same problem results with state statutes actually permitting class suits. The courts commonly require a complete similarity and coincidental timing of injuries, resulting in a "common interest". Also, state courts have held the uniting of large numbers of plaintiffs unacceptable because all are thereby bound by one remedy, precluding their ability to seek various diverse remedies on their own. In truth, few would seek any remedy at all if they were unable to combine in the class suit.

For example Ohio gas consumers seeking to sue for overcharges were thrown out of court because the court said that the consumers' injuries were too diverse—they purchased gas at different periods, paid different rates, and bought under different franchises and contracts. As a result, they had no "community of interest" and could not be represented in a single suit for all their injuries. *Davies* v. *Columbia, Gas and Electric*, 151 Ohio Street, 417; 86 N.E. (2d) 603 (1949).

A more disturbing result recently occurred in my own city of New York, in which a consumer class action against a finance company which notoriously violated the New York Retail Installment Sales Act by using microscopic print on its credit contracts was dismissed because the class was not "united in interest" and maintenance of the class action would deprive members of the class of "other remedies they might prefer to pursue". *Hall* v. *Coburn*, 160 NYL. J. No. 28, Pg. 2 (Supreme Court Bronx County).

There is no likelihood these people will have any remedy now.

The state class action laws then cannot get the consumer into state court, and we must have this Federal Consumer Class Action law to give him a federal forum.

However, it must be noted that the federal courts do have a class action rule which allows this type of suit at present. (*Federal Rule of Procedure 23*). But it has not served the consumer well. First, Federal courts will only entertain suits brought upon a "federal question" or "diversity of citizenship" jurisdictional basis. At present, no Federal substantive law exists in this area to provide a "Federal question". Similarly, diversity jurisdiction requires complete diversity of citizens from different states and clearly most consumer abuses occur locally so that parties will not be from different states.

In addition, the Supreme Court has held that claims of the individuals in the class action cannot be aggregated towards the $10,000 minimum, which is a prime prerequisite of Federal jurisdiction. *Snyder* v. *Harris* 89 Supreme Court 1053 (1969).

So once again, the need exists for new legislation to allow consumers to have their day in court by a clear mandate which waives the $10,000 jurisdictional amount, which H.R. 14585 does, and states clear Federal policy that "acts in defraud of consumers" are in violation of Federal law and therefore constitute a basis for "Federal question" jurisdiction.

CONSUMER BENEFITS

How does this all actually benefit the conusmer?

It has very great benefits. No existing legislation has been translated into meaningful relief for the consumer as yet. One who is defrauded in the marketplace finds the Federal Trade Commission concerned with larger "patterns" of fraud, local agencies too overworked to assist, and the courts too expensive in view of the usually modest amount of his claim. Worst of all the merchant knows how impotent the consumer is—and he takes an intransigent stance with no attempt to compromise the issue in the first place.

The class action bill makes the enforcement of small claims feasible for the first time, both legally and economically. Consumers will be able to pool their claims in one suit and get effective legal representation in the federal district courts.

While these problems affect all consumers, the greatest beneficaries may well be those in the middle-income brackets, for they are unable to secure the services of legal assistance programs and cannot afford the top legal services available to the wealthy.

There are many examples of consumer abuses where class action litigation would

offer effective new means of relief, such as where elderly citizens have been persuaded to contract for extensive dancing lessons only to find the instructions misrepresented or where semiliterate individuals have been pressured to purchase sets of books for self education and such books are entirely beyond their reading levels.

And the greatest beauty of this bill is that it would cost the inflation-pressed federal budget not a cent, and no cumbersome administrative bureaucracy need be developed to administer it.

This is the very reason the Administration's bill fails to be useful. It requires the Attorney General's office to successfully establish the wrongful claim before the consumer can begin his own suit. In effect, it makes consumers "second class citizens" before the courts.

Moreover, the Administration bill is far too narrow. It allows legal action only for a specified list of 11 "wrongs". H.R. 14585 makes the basis of legal action an "act in defraud of consumers" as defined by the Federal Trade Commission, which thereby encompasses well over 800 abuses uncovered by the FTC in its years of experience.

It is clear, then, which approach will be the best for the consumer. I urge the Committee to report the H.R. 14585 favorably. Many millions of consumers will continue to be blocked from effective relief without this, and it is certainly the best proposal yet to provide a full and effective recourse to the consuming public.

DEMOCRATIC POLICY COUNCIL—VI: THE HUMAN ENVIRONMENT DURING THE 1970'S

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. FRASER. Mr. Speaker, Americans deserve a healthy, clean environment. Such is not the case, however, as our water and air resources are becoming more polluted day by day, and the slogan "Keep America Beautiful" will soon be nearly beyond our grasp. I introduce into the RECORD a statement by the Democratic Policy Council, which Monday proposed a series of measures which are necessary if our environment is not to be spoiled beyond repair. Senator WALTER MONDALE is chairman of the council's human environment committee.

STATEMENT BY POLICY COUNCIL

In our quest for the good life we have put enormous pressures on our natural resources, disrupted delicate biological balances, fouled our cities and the countryside, and endangered our lives and the planet. Our challenge is to restore a balance between man and his environment and to make life more meaningful and attractive in the largest cities and in the smallest towns.

Consider these facts:

Almost every American lake, stream or river is now blighted by pollution.

As a nation, we discard yearly more than 195 million tons of solid waste, and industrial smokestacks spew over 175 thousand tons of noxious fumes into the air.

The exhaust pipes of 85 million cars create more than 60 percent of the air pollution that blankets major cities.

Thoughtful and respected scientists have warned that unless the tempo of ravaging our national environment is checked, life itself may hang in delicate balance by the year 2000.

This problem touches everyone—the poor, the middle class, the wealthy. Not only is it an urban phenomenon but the forces of blight threaten life in rural America as well.

BULLDOZED AMERICA

Now, our goal for all citizens must be a safe and sane environment for man—the right to clean air, to clear waters, to open spaces and to a beautiful America—not a bulldozed America.

We have made a small and modest beginning. The apathy of the 1950's turned to awareness and action in the 1960's. Through Democratic leadership, a nation's commitment was embodied in such landmark legislation as:

The Clean Air Act of 1963;

The Clean Air and Solid Waste Disposal Acts of 1965;

The Clean Rivers Act of 1966;

The Water Resources Planning Act of 1966;

The Air Quality Act of 1967; and

The National Environmental Policy Act of 1969.

We welcome the President's expressed concern with the problems of the environment. Now we must hope that this concern will be translated into a serious and sustained commitment to attack these problems.

The time has passed for rhetorical pronouncements or admonitions. Nor is this the time to call for a "do it yourself" environmental clean-up program. The central and irreducible fact is that the federal government must assume major responsibility and assert national leadership in this effort.

SUPERFICIAL REFORMS

We must demand more than slight-of-hand financing and the mere reshuffling of governmental bureaus and agencies. Indeed, we must be acutely aware of the danger of superficial reforms that divert the growing public support for far-reaching and effective action.

There must be no misunderstandings—a serious and sustained effort to achieve, and then to maintain, a quality environment for Americans is an undertaking of major proportions. It will require significant readjustments in our national priorities. It will entail the examination and possibly the rejection of certain national beliefs and practices. It will involve greater citizen participation. But, most importantly, it will demand new governmental tools at all levels and the enormous commitment of public resources.

President Nixon devoted much of his State of the Union message to the environmental crisis. He committed his Administration to this battle, but regretfully his budget does not square with the promise to propose "the most comprehensive and costly program in this field in America's history." In fact, his budget represents for many programs a retreat from the goals already set by Congress and for others no more than a commitment to achieve existing levels. And deeds, not words, will be the ultimate measure of this Administration's commitment.

POLLUTION TOLL

Pollution takes its greates toll among those who live in the urban environment. Americans who live in the central cities should not be asked to put up with uncollected garbage, crippling poisons in the air, rivers which are fire hazards, contaminated water supplies, or relentless urban noise. These Americans who have been forgotten in the past must not be forgotten now in this battle to reclaim our environment.

We suggest a program of action—action that is urgently required.

An appropriations request for the full $1.25 billion authorized for expenditure in fiscal 1971 for grants for water pollution control.

A program for continued and greatly expanded assistance to municipalities for the construction of waste treatment facilities after 1971.

Stricter and more rapid enforcement of both air and water pollution control standards, and greater public participation through the commencement of class actions against violators of the standards.

A requirement that all existing factories will have the best available anti-pollution equipment and technology installed and applied as quickly as possible.

A requirement that places the burden of proof on proposed industries, before they are built, that they will not add to air or water pollution.

Accelerated research to develop exhaust-free motor vehicles.

Development of state-wide air pollution control programs so that no polluters can evade or escape control and compliance schedules, with stand-by authority in the Federal government to act if the states do not.

The development of rational systems of user charges that place the burden of the cost of cleaning up public waterways upon those who are the source of the pollution.

Greatly increased Federal outlays for research and development in all areas of environmental control.

Adequate funding for acquisition of lands for park and open space needs but in a manner designed to avoid speculation and excessive land payments.

Strong Federal strip mine control and land reclamation laws.

A new program for noise pollution abatement and control.

The complete elimination of harmful environmental contaminants and pesticides.

A national policy and plan for growth, population distribution and land use.

Development of a major Federal environmental educational program.

Development of new methods to cope with the problems of solid waste disposal.

Strong regulations promptly implemented against pollution by Federal installations.

PROTECT CONSUMER

The decade of the 1970's will be equally decisive in our efforts to protect the American consumer. Under the leadership of Presidents Kennedy and Johnson, the Democratic Party has:

The National Motor Vehicle and Traffic Safety Act of 1966;

The Child Protection Act of 1966;

The Wholesome Meat Act of 1967;

The Wholesome Poultry Products Act of 1968;

The Truth-in-Lending Act of 1968.

Experience has shown that much of the consumer legislation of the 1960's needs strengthening. Beyond this, however, the 1970's must be a time of expanding the consumer's right to choose and his right to be heard. And, as in the case of environmental policy, we must be particularly alert in the 1970's to the dangers of consumer proposals which offer only paper rights and fake reform—a highly sophisticated brand of mislabeling and deceptive packaging.

In this spirit of vigilant action, we advocate this program:

A consumer protection agency, one vested with independence, power and authority, to consolidate the scattered consumer research and investigative activities of the federal government and mechanisms outside the government to help the consumer achieve satisfaction in the market place, such as the Consumer Action Plan recently announced by the Democratic National Committee;

A freedom of consumer information law that would authorize the release of consumer product information collected by federal agencies, particularly the information related to product performance;

A federal class action law to permit consumer lawyers to bring class actions in the

federal courts without having to await prior action by the Attorney General or the Federal Trade Commission;

A consumer products guaranty bill that would require the maker of any guarantee to repair or replace malfunctioning parts within a reasonable time and without charge;

A fish inspection law that would provide full-time federal inspectors in fish processing plants, essentially the same system now used in the meat and poultry inspection program;

Comprehensive automobile insurance reform; and

Comprehensive product safety legislation.

These are the essential next steps in consumer protection as we enter the 1970's. Further recommendations will be made. Senator Walter Mondale is chairman of the committee. Congressman Donald M. Fraser is a member of the council.

EDUCATION THREATENED BY REIGN OF TERROR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. RARICK. Mr. Speaker, in our country many people of "good will" are trying to make compulsory integration of our schools work.

To those who feel that with time, the problems of free peoples can be made to disappear, I recommend a reading of the frightening report from our nearby State of Maryland, discussing a reign of terror in the schools of that State, resulting directly from forceful intermeddling by Federal bureaucrats in the public schools of that State.

Tragically, even as reported by the New York Times, the terror is not limited to Maryland, but is found wherever the zealots have prevailed over local judgment.

Mr. Speaker, I include the news clippings, as follows:

[From the Washington (D.C.) Post, Feb. 7, 1970]

GRAND JURY SCHOOL PROBE IS REQUESTED

(By Lawrence Meyer and John Hanrahan)

ANNAPOLIS, February 6.—Three Prince Georges County legislators called today for a grand jury investigation into what they termed a "reign of terror" by black students at Bladensburg and DuVal high schools, the scenes of racial conflicts earlier in the school year. School officials denied that there was any terrorism.

John Sippel, foreman of the county grand jury, said the request would be considered, but he gave no definite answer.

The request came after a hearing before a House of Delegates Judiciary Subcommittee at which 4 of 20 white girls present, along with 10 parents, testified that the Negro "agitators" daily are guilty of physical assaults, extortion attempts, threats and obscenities directed against whites at the two schools.

About a fifth of Bladensburg's 2,500 students are black; at DuVal about a quarter of the 1,800 students are black.

The girls and their parents charged that black girls at the two schools have drawn up the equivalent of "10 most wanted" lists in which they single out 10 white girls to beat up. School officials, including the principal of DuVal, who were contacted by reporters, denied knowledge of such lists, but acknowledged that tensions exist between some white and black girls.

There were no black students or parents at the hearing, which was on a bill aimed at toughening the penalties for offenses committed in and around school property.

The three legislators, all white Democrats, making the request are Dels. Francis J. Santangelo, Bernard W. Donovan and Gilbert R. Giordano.

The trio voiced agreement with the bulk of the testimony to the effect that there has been a breakdown in discipline in the schools and that teachers and administrators are afraid to take action against unruly students for fear of physical harm.

The three legislators addressed their letter to Sippel, rather than to State's Attorney Arthur A. Marshall Jr., who directs grand jury activities. Marshall said that he felt the grand jury would welcome testimony on school disorders but that a full-scale probe could be conducted only by police or some other investigative unit.

Santangelo said that, although DuVal and Bladensburg present the most serious problems, he hoped that the grand jury would investigate all county schools that have experienced racial tensions. Racial incidents have also occurred at Suitland and Parkdale high schools in the county this school year.

In testimony today, Beverly Henn, a DuVal cheerleader, told the subcommittee that she was "on the list" that she said black girls had drawn up.

"It's real trouble trying to get an education when you have people threatening you all day long," she testified. She said she hadn't been beaten up.

Miss Henn and other students from her high school and Bladensburg testified that the main trouble occurs in the school corridors.

There, the claimed pushing, name calling, threats and confrontations occur constantly. No weapons have been used, but some girls claimed they knew of black girls who were carrying razor blades.

Midge Cruz, a student at Bladensburg, said she was speaking for both white and black students at her school "who are fed up with what's been going on." She termed school officials "spineless and two faced" and claimed they let black students "run up and down the halls screaming."

Miss Cruz said that of the approximately 500 black students at Bladensburg there are "about 40 to 60 that are agitators and about 100 more that are their followers."

After hearing from the 14 witnesses, the Subcommittee halted proceedings although many other students and their parents wanted to testify. Throughout, Giordano asked witnesses if they would be willing to testify before a grand jury. Most said they would. When he first mentioned the idea of a probe, the audience responded with wild applause.

In their letter, the three legislators contended that "inaction of school officials and authorities" in dealing with racial problems "was well documented at the hearing."

DuVal experienced its racial disorder Jan. 12 when black and white youths clashed. There were 22 arrests, and 19 were charged as juveniles. Bladensburg experienced its disorders last September and October. About 60 students were arrested over several days, and police remained in and around the school for weeks.

A teacher at Bladensburg, who wished to be anonymous, told a reporter today she thinks the situation at the school has improved since the troubles last fall. She said she "had never heard" of a "10 most wanted" list but acknowledged that among sophomore girls "there have been some personal vendettas" that had been mainly verbal but had resulted in "isolated instances of physical confrontations."

She said that there was a "standoff" of about two dozen black and white girls yesterday at the school, but it broke up without trouble. She said that the number of "agitators" was about "four or five on both sides."

David L. Dean, the Bladensburg principal, said, "I think since October we've been getting along pretty well."

"I'm sorry to hear they (the parents) went over there (Annapolis) rather than talking to us because we like to hear about these things," Dean said.

He added that he had never heard of the "10 most wanted" list.

Daniel Chase, DuVal principal, also said he had not heard of the list. He said police have not been needed at his school since the Jan. 12 incident. As a result of cooperation with the office of County School Superintendent William S. Schmidt, he said, a full-time administrative assistant was appointed last week to handle human relations problems at the school.

Schmidt said today, he has had no word on serious troubles at Bladensburg since last fall and nothing on DuVal since Jan. 12. He said generally he is informed immediately when there is a disturbance at any school. As for supporting school administrators who impose strict penalties on troublesome students, Schmidt said:

"I have had one request from Mr. Chase about expelling a student and I have supported him. The student has been expelled."

[From the New York Times, Jan. 12, 1970]

SCHOOLS HIRE OWN GUARDS AS VIOLENCE RISES SHARPLY

(By Wayne King)

Crime and violence appear to have increased sharply in public schools in urban areas.

This trend is documented in interviews with school officials in 20 major cities, and in the preliminary results of a Senate subcommittee study to be released later this year.

The school officials also reported that some school systems were moving to meet the growing problem, in part, by bringing private guards and other nonteaching personnel into the schools to maintain order.

The Senate subcommittee study links what it calls a dramatic rise in school violence over the last few years with adverse socio-economic conditions, particularly in the inner cities. The study also says that the most dramatic rise in violence involves nonstudents who congregate in and around the schools. Examples of school violence abound:

In Washington last week, policemen were stationed at each of the city's 46 junior and senior high schools following several incidents on Jan. 5. On that day, a 15-year-old student was shot to death by a classmate; another, 14, was wounded in the leg when a derringer brought to school by a friend accidentally fired; a third was arrested for carrying a pistol, and a fourth reported being shot at on a school playground. The incidents occurred at four different junior high schools.

In Nashville, Tenn., two students involved last year in a dispute with the band director at East Nashville High attacked him with their fists, knocking out several teeth and breaking his nose.

In Detroit, a 25-year-old substitute science teacher suffered a punctured lung last year when he was stabbed by a gang of youths who burst into his classroom during one of a series of disruptions at an East Side high school. Later in the year, a 26-year-old elementary school teacher was wounded when a youth, not a student, asked for a match outside the school, then pulled a pistol and shot her when she said that she had none.

In the face of such incidents, coupled with student disruptions and evidence of racial polarization in some schools, a number of large urban school systems are relying on private guards, hall monitors and other nonteaching personnel to maintain order.

While the problem of violence in urban schools has been cited for several years by teachers' unions and others, no reliable system of reporting incidents on a nationwide basis has been developed.

However, the Senate Subcommittee to Investigate Juvenile Delinquency, headed by Senator Thomas J. Dodd, Democrat of Connecticut, is now compiling data from questionnaires sent to 153 school systems in all parts of the country.

The Dodd report, while it stresses that its figures do not reflect a definitive picture, concludes that "it is possible to say that homicide, forcible rape, robbery and other crimes on which statistics were developed have dramatically risen."

Statistics compiled so far, contained in a draft of a statement Senator Dodd plans to make in opening hearings on school violence in the early spring, show sharp increases in specific categories of crime and violence.

The statistics, based on responses from the 110 districts that replied to the questionnaire, showed that between 1964 and 1968 the number of homicides in the schools responding rose from 15 to 26, forcible rape from 51 to 81 and robbery from 396 to 1,508.

In other categories, the reports show that the number of aggravated assaults in the 110 districts increased from 475 to 680; burglary and larceny from 7,604 to 14,102; instances of vandalism from 186,184 to 250,544; weapons offenses from 419 to 1,089; narcotics violations from 73 to 854; drunkenness from 370 to 1,035; assaults on teachers by students from 1,601 to 4,267; other offenses from 4,796 to 8,824, and expulsions for incorrigibility from 4,884 to 8,190.

In another category, the report cited what it called "perhaps the most dramatic increase," a rise in crime by nonstudents from 142 instances in 1964 to 3,894 in 1968.

The report continues: "There is every indication that despite his triumphant bravado, the dropout is deeply affected by his failure in school. In almost every case of vandalism, destruction of school property and attacks on students, former students who were dropouts are involved."

COST OF VANDALISM

The report also notes that the nation's 36 largest cities reported that school vandalism, including arson, caused damage totaling more than $6.5-million in 1968.

The report tentatively suggests that the causes of school violence are the same as those listed as cause of general violence by the National Commission on the Causes and Prevention of Violence. These are:

Low income, physical deterioration of housing and surroundings; dependency; racial and ethnic concentration; broken homes; working mothers; low levels of education and vocational skills; high unemployment; high proportion of single males; overcrowded and substandard housing; low rates of home ownership or single-family dwellings; mixed land use and high population density.

The report said that these conditions were particularly prevalent in the inner city.

At the same time the statement suggests that laxity on the part of school officials may be a cause:

"It is in the interest of the school system that whatever untoward violence occurs be hushed up," the report said. "It reflects on the school system itself. . . . The fact that these events are treated so gingerly is not lost on the student body, which feels considerable encouragement from this failure to report violent incidents."

While teachers in some cities reported a reluctance to discipline unruly youngsters, sometimes out of fear of making a bad situation worse, there were also indications that more schools were turning to nonteaching personnel for discipline.

After the incidents in Washington last week, for example, school officials held an emergency meeting and authorized the hiring of 80 "community aides," mostly young men, for duty in the schools. Uniformed city policemen, meanwhile, have been assigned to schools on a temporary basis, a step school officials had been trying to avoid as possibly inflammatory.

In New York, a $500,000 pilot program that puts 170 unarmed security guards in 29 high schools and 19 junior highs has been in operation less than a year. The Board of Education is requesting $2,656,901 to "provide additional security for pupils and teachers" and to make it unnecessary to call the city police to schools "except in rare instances."

PROGRAM CALLED SUCCESSFUL

Irving Anchor, assistant superintendent of schools, said that the guard program had been generally successful, although "some of the militants feel that these are pigs in the schools." About 60 per cent of the guards are Negro, 20 per cent Puerto Rican.

In Chicago, the public schools have recently increased the number of part-time security guards in the schools from 390 to 420. The guard program cost $912,000 last year and Edward D. Brady, director of security, said that he hoped for more money in the new budget.

As part of security arrangements, he has a direct-dial police phone on his desk that enables him to reach all police district stations and major police officials quickly. Other schools reported similar direct ties to police precincts.

With the increase in school security personnel, Mr. Brady reported that he was handling organization of a new school security directors association to be formed in Fort Lauderdale, Fla., in April.

In Philadelphia, the school system spends about $3-million a year to employ 532 nonteaching assistants, 48 fulltime security guards and varying numbers of "per diem security officers" hired as needed and numbering up to 170 at any one time.

The nonteaching assistants are not hired specifically to control violence, "but they come in pretty damn handy for unruliness," a school board spokesman said.

Public school officials in the last two years have also had to cope with student demonstrations and disruptions. Although disruptions in secondary schools have received far less public attention than incidents like those at Berkeley, San Francisco State and Columbia, the nation's public schools have been far from immune.

In a recent study titled "High School Student Unrest," published by the National School Public Relations Association, it was reported that 59 per cent of the high schools and 56 per cent of the junior highs had experienced some form of protest by January of last year. By May 25, according to Alan F. Westin, director of the Center of Research and Education in American Liberties at Columbia University, the number of protests had reached about 2,000.

WHAT ROLE FOR THE UNITED STATES IN THE STRUGGLE FOR RACIAL EQUALITY?

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. DIGGS. Mr. Speaker, if mankind is ever to live in peace, the poisons of racism must be eliminated. "Great Decisions, 1970," a recently published booklet by the Foreign Policy Association, contains an article on race and world politics entitled "What Role for the United States in the Struggle for Racial Equality?" For 8 weeks during February and March, adults and students will meet informally in locally sponsored groups to discuss this and other issues in "Great Decisions."

I urge every thoughtful American to read the following article for this subject is not an isolated domestic phenomenon but is increasingly being recognized because of its grave implications vis-a-vis our international policies.

The article follows:

WHAT ROLE FOR THE UNITED STATES IN THE STRUGGLE FOR RACIAL EQUALITY?

(Starred words defined in glossary at end of article)

It is in the U.S. that the racial problem is likely to be solved first. Likely to be solved, or finally and fatally to explode our planet. (*The Economist* (London).)

Every thoughtful American recognizes that the internal health of American society depends, in crucial measure, on how we cope with our race * problem. But the *external* effects may be no less critical. Many observers hold that not merely our global image but also the impact of our position as a global power is bound up with the fate of our nonwhite citizens at home.

The example of a racially separated and stratified America, they say, could corrode what moral and cultural influence we have abroad. It could estrange us from the world's nonwhite nations. It could exacerbate white-supremacy attitudes in other nations. At worst, it might even help ignite a disastrous world war across color lines.

The example of a genuinely open and egalitarian American society, on the other hand, would supply no instant panacea for the world's racial ills. But it could help alleviate them, within nations and among nations, and thereby serve the cardinal purpose of our foreign policy: peace with justice.

For racism infects our entire planet—even though some of its inhabitants manage to see only the mote in the other's eye.

Americans were long scolded for their color prejudices by their British cousins, who were complacently above that sort of thing until nearly a million colored immigrants flooded into Britain to compete with white workers for jobs and housing. Some Americans, in turn, have soothed their own consciences by pointing self-righteously at South Africa's white racists—or at Russian discrimination against African students. Meanwhile, amid cries of pious outrage at the white world's racial arrogance, several African countries are busy expelling thousands of their lifelong Asian residents. And so on.

For those of us who are not simply seeking to sugarcoat our own shortcomings, a study of international race problems poses some provocative questions:

What exactly is racism? Does it have many guises, or only the most obvious one of color prejudice? Where is it most, and least, prevalent—and dangerous? What aggravates it, and what allays it? What new perspectives on American race problems can we gain from a survey of race relations elsewhere? And what guidance for American action, at home and abroad, to combat man's inhumanity to man?

Scientist versus sociologist

In the definition acceptable to most scientists, "race" identifies a group of mankind sharing a distinctive set of hereditary physical traits.

The word is so emotionally charged and so often misused, however, that many anthropologists prefer more neutral labels such as "population unit" or "breeding group." But by any name, a race is rarely "pure" (from exclusive inbreeding). And few biological traits are peculiar to a single group.

"Color, tooth shape, nose shape, build, hair form, eye form, etc. do not come in neat racial packages clearly distinct from each other," points out anthropologist Robin Fox of Rutgers University.

For example, *Caucasoids*—one of the three classic anthropological divisions of mankind—display skin pigmentation ranging from pinkish white (north Europe) to tawny (Middle East) to coffee brown (India). Caucasoid hair, while frequently wavy brown, ranges from lank to curly from blond to black.

Within the *Mongoloid* division, the so-called double eye-fold is less common among American Indians than among Asians, and the skin-color spectrum spans yellowish white to deep bronze.

The *Negroid* division encompasses the tall, slender, aquiline-featured Nilotic peoples of East Africa and the squat, broad-nosed Negrito pygmies of the Andaman islands in the Bay of Bengal. Skin tone ranges from bluish black to yellowish brown.

Within the three big divisions are numerous racial subgroups: Eskimo, Polynesian, Bushman, Indo-Dravidian, Australoid, etc. But scientists stress that physical "race" has *no* applicability whatever to many groups which have at times been labeled as such: "Latin" is a civilization. "Aryan" is a family of languages. "Irish" is a nationality. Celts, Slavs, Jews, Zulus, Mongols or Arabs are descended from tribes with common geographic origins and cultural heritages.

At this point, exit the anthropologist and enter the sociologist. In practice, the latter tells us, "race" is *subjective*. Men persist in applying the notion, if not always the word, to a whole gamut of attributes—ethnic,* cultural, regional, class, tribal, religious, linguistic—that distinguish one group from of men from another.

Why? Many of us apparently have a psychological need to feel we belong to an "in" group, whether clan or tribe or nation, and to identify others as "out" groups. The technical term for this emotion is *ethnocentrism*.* It can bolster our self-assurance with a sense of solidarity and security among our own kind. It can also magnify the ways in which outsiders (whether minority groups or majority groups) differ from us and can prejudice us to the point of feeling that *we* are superior, *they* are inferior.

In extreme form, ethnocentrism can help drive us to exploit an alien group as the scapegoat for our own shortcomings, as the excuse for our own guilty misconduct, as the target of our own fear and frustration and aggression. This, says the sociologist, is the essence of racism.

Racism without race

Analysts of racism point out how easily the emotion can flourish *without* the biological race factor being present. Group prejudices against fellow whites, blacks, browns, etc. can be as—or more—bitter than those across color lines.

One recent survey of French workingmen, for example, revealed that 33 percent objected to working beside a white Algerian or Portuguese, while only 9 percent objected to a Negro co-worker. The former tend to be poorly educated migrants who fill the lowest-level jobs at rock-bottom wages, whereas the Africans and West Indians in France are fewer in number, are better educated and fill a higher niche in the socioeconomic scale.

In the past, nationalist or ideological excess has often taken on a quasi-racial taint, as in the Nazi massacres of Jews, Slavs and Gypsies. Today, we need only look at the map for reminders of how much ethnic and cultural tension pervades the world—not only within the same anthropological races, but among citizens of the same countries.

We see old religious antagonisms recurring between Hindu and Muslim in India, between Protestant and Catholic in Northern Ireland, between Buddhist and Catholic in South Vietnam. The Jews of Israel may form a united front *vis-a-vis* their Muslim Arab neighbors; at home, they are visibly divided into "Westerners" from Europe and "Orientals" from North Africa and western Asia.

The Basques, a no less ancient people, cling proudly to their traditions and unique language. In their provinces of northern Spain they clamor fiercely for more regional autonomy, as do their Catalan neighbors. The Celtic minorities in Wales, Scotland and Brittany have similarly resisted cultural absorption by the English and French majorities; each region has a small but vociferous "nationalist" movement.

We hear frequent complaints of discrimination against French-speaking Canadians (a minority) and Flemish-speaking Belgians (a majority). A number of multiethnic nations—Canada, Czechoslovakia, Yugoslavia and, not least, the Soviet Union—have sought harmony through a loose federal association of ethnic regions, with uneven results. Tiny, trilingual Switzerland probably offers the most successful example to date.

Elsewhere, as between Greek Cypriote and Turkish Cypriote, we see uneasy coexistence punctuated by bloody communal clashes. And, while memories of the murderous Congo struggles are still fresh, we watch Nigeria being devastated by tribal war.

The Glandular Element

Clearly, no color barrier is necessary to segregate one group of men from another and to poison their minds with resentment, suspicion, contempt or lethal rivalry. Yet there is near-unanimous agreement among scientists and other scholars that color—or other visible marks of genetic "race"—adds a special, sinister poison. To quote Professor Harold R. Isaacs of MIT, "Wherever the racial element is added to national, class, religious, ethnic and tribal lines of cleavage, it brings its own peculiar accretion of greater glandular involvement and emotional violence to all the other elements of conflict . . ."

How great is this glandular involvement? How much emotional violence is sparked by racial difference? The answers vary tremendously from country to country, depending on the historical patterns and current problems of each society.

COLOR AS A SIGN OF CLASS

Of Malaysia's 10 million citizens, slightly over half are Malays and more than a third are Chinese. The former have been indigenous to the Malay peninsula for some 2,000 years. Most of the latter are descended from the 19th-century immigrants who arrived during the British colonial period. Malays tend to live modestly as small farmers, fishermen, rural schoolteachers and civil servants. Chinese tend to cluster in cities and towns where they prosper as merchants, rice millers and businessmen. The Malays are Muslim, while the Chinese adhere to the Buddhist, Confucian and Taoist traditions of their ancestors—accounting in part for the low intermarriage rate.

Added to all their other differences is a racial one. Members of the Malay majority and the Chinese minority look conspicuously unlike. In Malay slang the Chinese are "slit-eyes." A common Chinese term for Malays is "prawn paste" (suggesting an unappetizing brown color) or the traditional epithet for all non-Chinese: *kwai* (devils).

Normally, the two communities are not given to calling each other rude names. Nor, although they coexist uncomfortably, have displays of open antagonism been frequent. But the bloody communal rioting that erupted last May was a shocking reminder of the depth of the Malay-Chinese rift. And it reopened painful questions about Malaysia's ability to survive as a political union of disparate peoples. (The communal problem is compounded by smaller Indian and Ceylonese minorities and by the primitive inhabitants of the country's two Borneo states.) But observers agree that Malaysia offers a prime illustration of race as an aggravating factor—*but by no means the only factor*—in ethnic dissension.

This qualification is important, insist experts, if we are to see many of the world's "racial" situations in proper perspective.

(1) Split societies

Basically, *Malaysia* typifies a society split into distinct ethnic groups or classes, in which color—in the sense of physical appearance—is added to the many other symbols that define class status: language, religion, educational and cultural level, economic standing, profession, political philosophy, dress, social customs and so on.

Color may be a sharp or a mild irritant between groups; in Malasia it is judged to be far less significant than economic friction. But color in a *class* structure—unlike the *caste** structures discussed in the next section—is *never* the sole determinant of status.

Sometimes color consciousness is no more than an aesthetic attitude, a traditional standard of what looks beautiful and what looks ugly. For centuries the Chinese and Japanese placed a high artistic premium on smooth white skin and straight black hair. They regarded alien features, including Westerners' longer noses, rounder eyes and heavier beards, as coarse and grotesque.

Sometimes color accents a class division amounting to a vast gulf between civilizations, as with the brown-skinned Indonesians and the black Papuan natives under their administration in West Iran.

But color prejudice may be most "glandular" of all when a nation's ethnic factions are engaged in head-on competition for economic survival or political supremacy, or both.

Sudan. For eight years a sporadic but bloody civil war has been raging in the Sudan. A guerrilla insurgency among southern tribesmen, including a number of Christians, is fighting to liberate three provinces from political domination by northern, predominantly Muslim Arabs. The southern minority is black-skinned; the northern majority is lighter-skinned (although centuries of intermarriage have produced many dark-skinned Sudanese Arabs).

East Africa. South of the Sudan three black African nations—Kenya, Uganda and Zambia—are expelling thousands of Asian residents. Most of them are Indian merchants whose families have lived in East Africa for generations but who did not accept African citizenship when the countries gained independence from Britain.

The chief reason they are being forced to emigrate (by being denied government trading licenses) is their economic dominance: Kenya's Indians represent less than 2 percent of the population but control 80 percent of the commerce. But observers maintain that the race factor plays no small part in their eviction—as it does in Britain's reluctance to grant unlimited entry to the many who hold British passports.

The Guyana pattern. In three small Western Hemisphere countries the confrontation is between two *non*-indigenous populations. The ancestors of most citizens of Guyana and Trinidad-Tobago were imported by the British from either Africa (as slaves) or India (as indentured laborers); those of Surinam were brought by the Dutch from Africa and Java. Today economic and political rivalry is aggravated in each country by racial tension between those of African and those of Asian descent.

Haiti. Estrangement between a black class and a mulatto* (mixed African-European) class is nowhere more evident than in Haiti. All whites were expelled or killed by the time that the Caribbean country won independence from France in 1804. The tiny mulatto class (roughly 5 percent), which had enjoyed special economic and educational privileges in the colonial period, promptly re-

placed the French as the ruling elite. The mulattoes were toppled from political power in the 1950's. But they still assert the superiority of their French culture, polished French speech and traditional Catholicism, in contrast to the black majority's "folk" culture, Creole* dialect and Catholicism mixed with voodoo.

(2) *Mixed societies*

Haiti's color-class barrier is breached by only a few blacks who marry and live among the lighter-skinned elite. The gulf between the two classes is exceptional among the mixed societies of the Western Hemisphere. Elsewhere we see less of a color barrier than a color *scale*.

Latin America and the West Indies. In all of Latin America only three nations—Argentina, Uruguay and Costa Rica—are overwhelmingly "European." Two others, Chile and Cuba, have majority white populations. Everywhere else "pure" whites are in the minority. In Bolivia, American Indians predominate; in Jamaica, Africans; in Mexico, *mestizos** (mixed American Indian-European); in the Dominican Republic, mulattoes.

The mixtures are repeated throughout the region. They vary according to how many Europeans settled in each place in colonial times and how extensively they employed and interbred with native Indians (largely in the Central and South American interior) or imported African slaves (largely on the eastern coast and in the West Indies).

To this multicolored melting pot, immigrants from various parts of Europe, Asia and the Middle East were later added.

Within such hybrid societies, say experts, "race" categories are meaningless. Distinctions between *ethnic* classes are blurred at best. Instead, most Latin American countries have preserved a rigid *socioeconomic* class structure from the colonial era. It is not how you look but how you live that decides your status:

"When an Indian can talk Spanish reasonably well, wears store-bought clothes and has *n* number of pesos, he ceases to be an Indian," explains a Mexican. Conversely, the fair-skinned *indio gringo* of northern Peru is considered no less Indian because of his light color, as long as he remains attached to his Indian community, language and customs.

Perhaps not surprisingly, however, the social scale *usually* corresponds to the skin-color scale. Lighter means higher (more affluent, cultivated, "European"). Darker means lower (poorer, less educated, "native").

But the scale can be manipulated. As proof of the relative absence of color prejudice in their countries. Latin Americans often cite their very Indian- or African-looking compatriots who have earned places of highest distinction in society—and are thereby considered "European." "A rich Negro is a white man, and a poor white man is a Negro" goes a Brazilian adage. Put another way, whether a man is classed as white or black or Indian, mestizo or mulatto, may depend less on his actual ancestry than on his house, job, income, speech and clothes—viewed through the subjective eye of the local census taker.

Yet some social snobbery along the color scale does persist. It has been observed even among people as fiercely proud of their "native" heritage as the Mexicans. "National unity demands that to be truly Mexican they must have some Indian blood," comments anthropologist Julian Pitt-Rivers, "but social aspirations require that they should not have too much."

Hawaii. Latin America's melting pot resulted from over 400 years of interbreeding. In Hawaii—the one outstanding U.S. showcase of multiracial harmony—the process took barely a century. By the time the U.S. annexed the islands in 1898 they were already peopled by a mixture of indigenous Polynesians with immigrant Americans, Chinese, Portuguese, Japanese, Puerto Ricans, Germans and others. Then, Filipinos and Koreans and more Americans and Europeans were added to what a United Nations Educational, Scientific and Cultural Organization (UNESCO) study calls "a bewildering array of hybrids."

By 1950 nearly a third of all children born in the islands were racially mixed and the rate has been increasing. Despite some social segregation, particularly among new immigrants, most observers would agree with UNESCO's conclusion that Hawaii "represents an unusually benign resolution of a complex racial situation."

Portuguese Africa. In other mixed societies the color scale may be more sharply stratified by political and other divisions. The Portuguese, in their three African territories, are fairly relaxed about race relations *per se*. But their tough colonial regime tends to reinforce the separate status of the white rulers and entrepreneurs, the mulatto middle class and the impoverished mass of black Africans—only a handful of whom have a chance to qualify as "civilized" or "assimilated" enough for the legal rights of Portuguese citizens.

India. In multihued India, the critical divisions are between the Hindu and Muslim communities, the dozen or so regional language groups, and the inflexible, hereditary social castes within the Hindu community. Even so, the original Sanskrit word for caste, *varna*, means color, and it may be no accident that members of the highest (Brahman) caste tend to be light-skinned and those of the lowest (Sudra) caste, very dark-skinned.

Yet color cuts across the caste lines of Hindu India—chiefly geographically, from lighter north to darker south. Never *by itself* does it stamp a man as a member of a caste: an irrevocable social status fixed by birth alone.

In most societies of the world, in fact, skin shade and other "racial" features play a limited role in the class structure. As seen from the above examples, to which others could be added, the role varies from negligible (Mexico, Hawaii) to a conspicuous element in class conflict (Guyana, Malaysia). But most experts agree that there are only two parts of the world—the U.S. and southern Africa—in which skin color is the *sole* mark of caste.

COLOR AS A MARK OF CASTE

We are all black, different shades of black, and not one of us means any more to a white cracker than any other one.

Malcolm X, the late Black Muslim leader, was himself a mulatto whose light brown skin could be traced to his white maternal grandfather. But there is a recognized logic in his remark. In the U.S., *any* visible African ancestry tends to consign its bearer to a caste—the same caste, regardless of how African he looks, how well he lives, or whether he calls himself black, Negro, colored, Afro-American or simply American. (If his African ancestry is *not* clearly visible he may, of course, choose to "pass" as white, which thousands of mulattoes do each year. One sociologist has estimated that about one-fifth of all "Caucasian" Americans have some Negro background.)

The American color caste system, unlike South Africa's, is not illegal in most states but repugnant to most citizens. To the extent that it persists in economic and social practice, many analysts feel that today it is mainly the largest nonwhite minority—over 22 million Negroes, one-ninth of the population—who are still victimized by it.

Chinese and Japanese, who were once the targets of crudely racist immigration laws and attitudes, now move nearer the affluent mainstream of American society. The lot of the reservation Indian is by no means a happy one, but official concern with the welfare has soared while personal prejudice against his race has all but vanished, as he himself has, cynics are quick to point out. When a minority is out of sight and out of mind, prejudice is no problem. A number of observers regard the discrimination against the Puerto Rican and Mexican minorities as closer to the patterns of ethnic *class* prejudice, discussed above, than to the Negro caste's "second-class citizenship."

AS OTHERS SEE US

While America's race problem is a critical issue of domestic policy, it has at least two notable international aspects. One is its impact on foreign opinion—and, by implication, on the effectiveness of U.S. foreign policy.

The cliché that bad news is big news holds true for the foreign press as much as for our own. American race riots get loud and lurid headlines abroad, while evidence of progress in solving our racial problems tends to be buried in the back pages. Thoughtful foreigners who look beyond these lopsided accounts see a more complicated ledger:

On the plus side, they take note of the massive body of U.S. civil rights legislation enacted in recent years; the unspectacular but steady opening of economic and educational opportunities for Negroes; the partial relaxation of barriers against immigrants from nonwhite countries; the full integration of the U.S. military forces (particularly noticeable overseas); the endorsement of the principle of equal human rights, at home and abroad, by every Administration in Washington.

On the minus side, the world observes the upheavals in America's urban ghettoes; the confrontation of black militancy and white backlash; the shift from the goal of integration to one of separation (black power) adopted by some of the most articulate Negro leaders; the inconsistency in American denunciations of South Africa's white supremacists, while American business with them flourishes.

How does the balance sheet add up?

Many of our friends abroad, particularly in Western Europe, more often than not sympathize with America's sincere—if sometimes clumsy and frustrated—efforts to redress three centuries of injustice. But our critics, including many politically "uncommitted" nonwhites in the "third world," often sneer at the seeming hypocrisy of the world's richest and mightiest nation which fails to practice the brotherhood it preaches.

Negritude

"Black is Beautiful." The slogan and the exaltation of Negro identity and Negro culture implied by it also have an international dimension. Its origins go back to medieval Africa, to empires rich in gold and the arts of civilization which thrived on the Dark Continent as Europe was barely emerging from its Dark Ages.

One by one, the early West and Equatorial African kingdoms—Ghana, Mali, Yoruba, Ashanti, Baule—were overpowered by black neighbors or by Arab invaders from the north. But their cultural legacy was not lost. It is celebrated by most of Africa's present-day leaders, as well as by many descendants of the 10 to 15 million African slaves who were shipped to the plantations and mines of the Americas between the 16th and the 19th centuries.

The poet Aimé Césaire, a "black Frenchman" from Martinique, formalized the concept of *négritude* in his writings. This literary, philosophic and artistic glorification of "Negro-ness" has won a fairly sophisticated following among intellectuals. (It was, however, denounced as an outmoded and sentimental "anesthetic" by many left-wing delegates to a Pan-African Cultural Festival held in Algiers last summer.) But the more violent doctrine of "black power"—eloquently set forth by Césaire's countryman, the psychiatrist-revolutionary Frantz Fa-

non—has had far stronger political and social impact. The theme of proud, aggressive "blackness" has characterized all the Negro militant movements of this country, from Marcus Garvey's back-to-Africa association and the Ras Tafari cult of Jamaica to the Black Muslims and the Student Nonviolent Coordinating Committee.

The reason, according to sociologist C. Eric Lincoln, is that "nowhere but in America was . . . [slavery] accompanied by such devastation of personality . . . the pitless obliteration of the history and the culture of a people." The descendants of those slaves, he maintains, suffer from "a mass social neurosis." They feel lost between an African society from which their forebears were cruelly uprooted centuries ago and an American society which refuses to assimilate them.

Thus many of the more militant among them are attracted to negritude. By adopting "Afro" dress and customs, by stressing African studies in school, they seek to assert an identity of which they can be proud by strengthening their cultural links to a proud African past.

Some of the strongest champions of Negro rights have questioned whether the problems of Negro identity and self-respect can be solved by black ethnocentrism, which they consider only a step removed from black racism. Said the late Adlai Stevenson: "I make no defense of the sins of the white race. . . . But the antidote for white racism is not black racism."

One of the most provocative commentaries on the dilemma of the black American citizen comes from one who emigrated to Africa: "I came to Africa feeling like a brother, but there I was, I was not a brother, I was not Senegalese or Nigerian or Ghanaian, I was American, an American Negro from an Anglo-Saxon culture, or as much of it as filtered down to me, determining what I am, what I think, what I feel."

"Brits," "Nats," Bantu, colored

No comparable dilemma of identity afflicts the 18.7 million citizens of the Republic of South Africa, four-fifths of whom are nonwhite. By law as well as by rigid custom they are stratified into four racial castes:

(1) Whites, or "Europeans" (3.6 million). Virtually all enjoy—exclusively—the rights and opportunities typical of any wealthy industrial society with a parliamentary system; in fact, white South Africa is one of the four richest societies on earth, with a level of university attendance surpassed only by North America.

Within the elite white caste are two distinct communities: the majority (60 percent) Afrikaners, formerly called Boers, whose origins are a mixture of Dutch and French Huguenot and whose Afrikaans language resembles Flemish; and a large English-speaking minority of preponderantly British origin. Colloquially, the two groups are known as Brits and Nats—the latter short for the ruling Nationalist party which is dominated by Afrikaners.

(2) Asians (600,000), mostly Indians living in Natal province. While inhibited by many official restrictions on their residence and business activity, a number of Indians have managed to prosper.

(3) Coloreds (1.8 million). This mixed-blood caste (mulatto and Eurasian) is predominantly urban, living in and near Capetown. It comprises a wide range of incomes and skills, from day laborers and domestics to university graduates qualified for—but barred from—white executive jobs. Some observers see the Coloreds as the most rootless and frustrated group in South Africa, so near and yet so far from the white society most would like to be part of. One symptom of their malaise is an exceptionally high rate of alcoholism. Their former voting rights have been swept away by the Nationalists and they are frequently forced to move away from their neighborhoods when these are reclassified "whites only."

(4) Africans, or Bantu, or "natives" (12.7 million, two-thirds of the entire population). Roughly one-third of the Bantu work in South Africa's urban industrial sector, with jobs in mining, manufacturing, construction and domestic service. They must live in segregated black townships, often split off from their families in rural areas, and are subjected to a huge, humiliating array of segregation laws: where they may and may not work, shop, eat, worship, attend school, use parks and other public facilities, and even appear in white neighborhoods.

Another third of the Africans are employed on white-owned farms. The remaining third live in Bantustans. These are the tribal reserves designated as autonomous "separate homelands" for blacks—the ultimate fulfillment of the Nationalists' policy of *apartheid* (separate development of the races).

Of the 275 Bantustans, many are only dots on the map. One, Transkei, which is as large as Denmark and has close to 1.5 million inhabitants, is sometimes held up as a showcase by the Nationalsts. But the very limited self-government allowed to its Xhosa tribesmen and the even lower level of economic self-sufficiency rarely escape the notice of foreign visitors.

The very strange society

Few foreigners, in fact, are able to view with equanimity what the American author Allen Drury has labeled *A Very Strange Society*. To British commentator Norman Macrae, South Africa is "a bewildering, infuriating, evil, oppressive but not hopeless country" where man's inhumanity to man is "in many respects growing worse. Only the economics and the education are growing better; but they are the seed of hope."

Most bewildering to visitors are statistics such as these:

Economically and educationally, black South Africans are much worse off than their white compatriots, with less than one-eighth the whites' per capita income and half their adult literacy rate. Yet the urban Bantu are so much better off than other black Africans on the continent that, by conservative estimate, some 1 million of the latter have voluntarily come to work in South Africa's gold mines and factories. And perhaps half of them have entered the country illegally with every intention of staying if they can.

Between 1960 and 1967 the Bantu's average manufacturing wage rose by 57 percent, his cost of living by less than 20 percent. His consumption of tobacco and ownership of automobiles and other amenities has increased and his children's schooling has improved: about 80 percent of teenage Africans are now literate (on a par with adult Coloreds and Asians). But African educational facilities above the primary level remain shamefully inadequate, as do health and welfare services.

Moreover, Bantu labor is badly undertrained and underemployed for its potential value to the country's economy. The Nationalists are afraid that a "black industrial tide" will engulf the cities (exactly what is needed, say economists, to sustain the current boom). They are trying to stanch the urban inflow with a tough new Physical Planning Act which, together with the laws classifying jobs by race, is often as frustrating to white entrepreneurs as to nonwhite job-seekers. In practice, observes one reporter, "employers who are more interested in efficiency and profits than in the spirit of the law have found ways of getting around the letter of it."

Openings to the north

Not the least strange feature of this strange society is its relations with the independent black states of Africa. Prime Minister John Vorster's new policy of seeking closer commercial and diplomatic ties with the rest of the continent might seem, on the face of it, highly implausible. With few exceptions, South Africa's northern neighbors have been vitriolic in their denunciations of Pretoria's racist policies. Several of them harbor secret training camps for "freedom fighters" who plan one day to "liberate" the southern Bantu from their white oppressors. (That day looks distant to many observers. The Pretoria government not only maintains a superbly trained and equipped military force, but has a network of police informers in most of the freedom camps to trap potential infiltrators. Within South Africa all African political organizations have been outlawed; their former leaders have been expelled or executed or are languishing in jail.)

Nevertheless, Vorster has cast his bait among the black republics—trade, possible economic and even military aid—and has felt a surprising number of nibbles. His country's exports to developing Africa rose 20 percent from 1967 to 1968. Malawi, Lesotho, Zambia, Botswana and Swaziland, all former British protectorates, are all cooperating with South Africa in various economic ventures. A few of their high-ranking visitors have recently been extended courtesies which are normally reserved for white dignitaries only. A number of French-speaking nations—Gabon, Chad, Upper Volta, the Malagasy Republic—have opened contacts looking toward formal diplomatic relations, while commercial links with the Congo and the Ivory Coast continue to expand. Kenya and Uganda censure South Africa loudly but, according to some reports, trade with it secretly; only Tanzania seems to remain implacably hostile.

Where can all this lead? To what Vorster hopes for: a peaceful association of friendly African nations, with white South Africa as the supplier of industrial and consumer goods to its less-developed black neighbors (including its own Bantustans)?

Or, as some fear, will there be an inevitable explosion of the South African powder keg—a cataclysmic eruption of black against white?

Or, as others suggest, will the Nationalists' newly flexible foreign policies, combined with continuing prosperity at home, help to bring about a slow, pragmatic evolution in South Africa toward a fairer society for all citizens?

Polecat of the world

Another debate turns on relations between the leading Western nations and South Africa. One Afrikaner editor has portrayed his country as "the polecat of the world" without a single ally or real friend anywhere. Yet its major trading partners—British, American, Western European, Japanese (who are expediently accorded the status of 'Europeans" when they visit the country)—do a brisk and growing business with the racist society they deplore.

Should South Africa be frozen completely out of the community of civilized nations? According to one argument, only by cutting it off from its most valued commercial contacts abroad can we hope to coerce the Nationalists into mending their evil apartheid ways. (One partial boycott, however, apparently failed: In the four years following the bloody Sharpeville massacre of 1960, South Africa was hit by a severe slump in foreign investment and trade, but this had no perceptible effect on its racial policies.)

A contrary argument maintains that internal liberalization can best be encouraged by greater *exposure* of South Africa to the world's liberal societies. Writer Norman Macrae, among others, finds some hope in the (again strange) fact that it is probably "the only country in the world today where the big business community is visibly to the left of the government"—where "richer is lefter."

The tiny Progressive party, the only effective legal party advocating political rights for nonwhites, draws much of its support (for its lone representative in Parliament, Mrs. Helen Suzman) from the Jewish community of Johannesburg, probably the wealthiest constituency in the country. Today, Mr. Macrae points out, the "able, educated, progressive, pragmatic reformer," both Afrikans- and English-speaking, tends to eschew politics for a business career. And he believes that "it is economic forces . . . that are going to have the major influence, for the rest of this century, on the great majority of people living within . . . South Africa."

One of the most outspoken progressives in South Africa is Laurence Gandar, editor-in-chief of the influential *Rand Daily Mail*, who sees no simple way out of "a desperately difficult problem. It isn't just a gap of color; it's culture and economics and education, too. For us to integrate would be superhuman. . . . [but] the separation policy we have, such as it is, doesn't stand up to ten minutes' serious investigation. Our solution has to be either integration or genuine partition, like that of India and Pakistan, and South Africa isn't moving seriously in either direction."

The Republic of Rhodesia

Movement, or the lack of it, in South Africa's caste-conscious society will almost surely have repercussions on neighboring Rhodesia. Here, a quarter of a million settlers of British stock are bent on preserving their political monopoly amid 4.8 million Africans.

In November 1965 Prime Minister Ian Smith's government, provoked by British insistence on political rights for Africans, proclaimed a "unilateral declaration of independence" from Britain. Yet the country's political status remained problematical until last June. Then, the Smith regime won a resounding "yes" (from its white constituents) in a referendum providing for (a) a republic of Rhodesia, and (b) a constitution under which there is virtually no hope for Africans ever to attain political parity with whites (much less proportional representation) in Parliament.

Economically, the country has suffered from an embargo on exports to it (mainly oil) and imports from it (mainly tobacco), but has survived thanks to massive aid from South Africa and some help from the Portuguese in Mozambique.

Racially, Rhodesia is not quite another South Africa—yet. So far there is no elaborate panoply of apartheid laws, nor the practice of daily, degrading little human cruelties which accompany them. But many observers are convinced that the white Rhodesians will follow the same racist route as their next-door cousins in South Africa—unless something happens to provoke a profound change in the world's last, stubborn bastion of official white supremacy.

To some observers, the "white redoubt" of southern Africa is already an anachronism. They see it as the doomed relic of a bygone age, which has given way in our generation to what has been called "the revolution of color."

RACIAL CONFLICT: THE INTERNATIONAL DIMENSION

"The world's colored races," writes Morris B. Abram, former U.S. representative to the UN Commission on Human Rights, "have become increasingly aware of their numerical majority and increasingly bitter at their continued status of social, economic and political inferiority."

In this awareness, and its implications for world race relations, some analysts see a famous prophecy coming true. Nearly 70 years ago the Negro scholar W. E. B. DuBois predicted that the problem of the 20th century would be "the problem of the color line—the relation of the darker to the lighter races of men in Asia and Africa, in America and the islands of the sea."

Haves versus have-nots

Today's color line, according to these analysts, roughly divides the world's 3.5 billion people into

One-third white haves: the industrially advanced, affluent societies of the temperate, or northern, latitudes; and

Two-third nonwhite have-nots: the underdeveloped agricultural societies of the tropical, or southern, latitudes—plus the nonwhite minorities *within* the wealthy white nations.

It is easy to criticize this global portrait as a gross oversimplification. In effect, it aligns the populations of North America, Europe and the Soviet Union against those of Asia and Africa. It is racially ambiguous: the quarter of a billion Latin Americans are sometimes all added to the white world, sometimes vaguely prorated the half a billion Caucasoids of India are classified "nonwhite." It is geographically inaccurate: most of underdeveloped China, with nearly a quarter of the world's population, lies in the northern temperate zone.

Economically, moreover, the rich-white-versus-poor-colored picture is riddled with inconsistencies. The most impressive exception of all is Japan—the sole nonwhite member of the rich man's club and the world's third biggest industrial power. Some experts claim that certain nonwhite minorities (the Javanese in Holland, the Maori of New Zealand) are approaching economic parity with the white majorities; that others (the Eskimos of Canada, some Soviet Asians) remain unassimilated and thus comparatively "backward" by choice; that still others, such as Negroes in the U.S. and Britain, enjoy a standard of living so much higher than the African or Asian average as to make equations of their condition senseless. If we survey the world in terms of per capita gross national product (GNP), we see pockets of relative white poverty (Turkey) and nonwhite prosperity (Hong Kong).

Is race, then, irrelevant to the problems of economic and social inequality which beset the world today? Unfortunately No, say most experts. If the color of want and the color of wealth are not perfectly uniform, the former is still overwhelmingly nonwhite.

The colonial pattern

The two great heartlands of the have-nots, Asia and Africa, were for most of the past century subordinate to the white haves of Europe and the U.S., through outright imperial rule or (as in China) quasi-imperial economic exploitation. Nearly all of the 70-odd new nations carved out of Western empires since 1945 represent transfers of political power from whites to nonwhites. Yet the colonial pattern persists in the division of economic power among the races.

One striking illustration is the British Commonwealth of Nations, a multi-racial microcosm of the world. Of the 28 member nations, 22 are nonwhite. On a scale of per capital GNP used by economist Barbara Ward, not one of the 22 qualifies as a "rich" country ($750 or more). Only seven have attained "middle-income" status ($250-$749). The remaining 15 are "poor" ($100-249) or "very poor" (under $100). But of the six white Commonwealth members, only the two smallest—Cyprus and Malta—are as badly off as the middle-income bracket.

How has the world's numerical majority reacted to its persistent sense of material inferiority?

The Bandung bloc

"This is the first intercontinental conference of colored peoples in this history of mankind," boasted former President Sukarno of Indonesia at Bandung in April 1955. He was playing host at a symposium of 29 nonwhite nations—more or less synonymous with the Afro-Asian voting bloc which had already emerged in the UN.

The Bandung participants had plenty of issues among themselves to discuss and sometimes disagree on. But to the watching white nations, the conference seemed to speak with one voice—serving notice that the era of worldwide white supremacy had ended, that the world's long-subjugated colored majority was now a solid force to be reckoned with.

The "revolution of color" proclaimed at Bandung has raised some troubling questions. Are the white and nonwhite worlds drifting irrevocably apart? Are they alienated by an unbridgeable gulf in living standards, culture, temperament and racial prejudices implanted by the colonial past? Are they even, perhaps, on a collision course toward global race war?

Race war?

Pessimists view this nightmarish prospect as not so farfetched. Race antagonism by itself might not cause a collision, they admit—but it could well serve as a catalyst to the seething discontent among nonwhites over their economic and political inferiority. (Latin Americans have, so far, been excluded from most forecasts of eruption among the have-nots. They are considered to be more advanced eocnomically than the African and Asian nations, as well as aligned politically and culturally with the white West.) What Sukarno anticipated as a confrontation of OLDEFO (old established forces, led by the two white giants, the U.S. and Russia) and NEFO (new emerging forces, led by the nonwhite giant, China) could, in the pessimistic view, become a deadly reality before the end of this century.

They point in evidence to the deepening hostility between Russians and Chinese. The former, having failed to cultivate much influence among the African and Asian nations, are turning more and more to the Europe they feel historically a part of. The latter, though having made less headway in the third world than they hoped, are still preaching militant revolution to its rural masses and may yet grow stable and strong enough—as they build up their nuclear arsenal—to win its allegiance.

Meanwhile, the African and Asian masses remain sunk in poverty as their numbers soar. Their leaders, as seen by pessimistic observers, are neurotically sensitive to Europeans and Americans—whose "white, Western, Christian" values they associate with imperialism and enslavement, whose cultural and political arrogance they despise, and whose economic subsidies they bitterly resent having to depend on.

Abrasion without explosion?

Other, less pessimistic observers hold a less alarmist view. They point out that 15 years have passed since Bandung without a cohesive union of the "new emerging forces." In fact, the rhetorical solidarity of the Afro-Asian bloc has been increasingly splintered by internal squabbles, including racial ones.

China is seen as having disqualified itself from any leadership role among nonwhites. Its chaotic domestic affairs, its ill-concealed great-power ambitions and its traditional quasi-racial contempt for all non-Chinese have disenchanted many Africans and Asians, even some who exchange ambassadors with it and accept aid from it.

Most of the African and Asian countries are far more preoccupied with thorny domestic and regional problems than with theoretical crusades across color lines. A number of them—Malaysia, the Philippines, many French-speaking African states—enjoy generally good relations (including military alliances) with their former colonial rulers. Others, such as India and Tanzania, pursue a policy of color-blind neutralism.

Does this mean that issues of race and color have diminished as a source of conflict

among men? Not at all, maintains Professor Isaac; they have "only shifted to new places on the crowded stage of current affairs." His forecast: "Neither homogenization nor the brotherhood of men being in near view, the minimum conclusion is that racial and color differences will continue to figure, more often abrasively than not, in the reshaping of political and social patterns and relationships that will go on during the remaining years of this century and beyond it into the next."

A third outlook on international race relations calls for qualified optimism. Its adherents admit that the short term may be stormy. Pressures may build up in southern Africa; new color-class divisions may be aggravated in other parts of Africa and Asia. But they see hope for the longer term.

Universalism?

To the Ghanaian diplomat Robert K. A. Gardiner, the world is now approaching a stage where the rapid social and intellectual assimilation of all its inhabitants will be possible. How? Through their growing economic interdependence and community of cultural interests, facilitated by the modern-day ease of global communications.

There is no question that the nonwhite nations are acutely sensitive to the habits of predominance and prejudice in the white world. But they have not yet rejected a dialogue with that world, nor the incorporation of some of its values in their own evolving institutions. The late Albert John Luthuli of South Africa, Zulu chief and Nobel Peace Prize winner, believed that his continent should aspire to building "a nonracial democracy that shall be a monumental brotherhood." And one of today's most respected African statesmen, President Leopold Sedar Senghor of Senegal, is convinced that "we are now all of us, of different features, color, languages, customs . . . on our way toward the world of tomorrow, the world of the civilizattion of the universal."

THE AMERICAN EXAMPLE—AT HOME AND ABROAD

Racial strife is an old and familiar problem to much of the world, and the indications are that it will continue as a source of friction among men in the years to come. But for the American people, the problem of race relations has in recent years become a matter of acute concern and, in some respects, of outright dread. The U.S. is the richest, most powerful nation in the world. It is the free world's leading force for democracy, individual expression and human rights. Yet the U.S. is torn by a racial crisis of its own that has caught the attention of men everywhere.

Will the manner in which we resolve this crisis make any difference in the racial conduct of the world at large? Will it affect the image and behavior of our own diplomacy abroad? Of what relevance is America's racial crisis to our international relation or to relations among nations of the world in general?

America: A hated nation?

There are some who would argue that our domestic problems are not the business of other peoples and that the way we handle the race issue at home will have little bearing on the future course of international events. If even today certain Black African governments can deal amicably with the apartheid regime of South Africa, of what importance can our domestic racial antagonisms really be in the great tide of international events?

On the other hand, however, it is apparent that a wide range of U.S. political opinion recognizes a connection of one sort or another. Take for example the view of Daniel Patrick Moynihan, President Nixon's assistant for urban affairs. He has stated that "what happens in America is being taken as a sign of what can, or must, happen in the world at large. The course of world events will be profoundly affected by the success or failure of the Negro American revolution in seeking the peaceful assimilation of the races in the U.S."

Or take the following statement by Franklin H. Williams, director of the Urban Center at Columbia University: "If our country . . . is to alter its image as one of the most hated nations in the world by nonwhite peoples, nothing short of a major transformation in our racial posture and priorities domestically and internationally will suffice."

Such sentiments are being widely echoed. Linking U.S. policies at home to those of South Africa, for example, Norman Macrae doubts whether South Africa will ever "become a full and decent democracy . . . before America lights the torch by solving its main racial problems . . ."

Exploiter or victim?

Most Americans would agree that our "main racial problems" must be solved, not primarily because they affect our image abroad but because they affect the quality and tranquillity of our society at home. But Americans divide sharply over the type of solutions needed and, in fact, over the very nature of the problems themselves.

At one extreme are the black militants who charge that racism and its international handmaiden, imperialism, are part and parcel of the American way of life. In the words of Stokely Carmichael: "For a century, this nation has been like an octopus of exploitation, its tentacles stretching from Mississippi and Harlem to South America, the Middle East, southern Africa and Vietnam; the form of exploitation varies from area to area, but the essential result has been the same—a powerful few have been maintained and enriched at the expense of the poor and voiceless colored masses."

At another extreme are those who believe that America's black revolution is being promoted and financed by Communist elements bent on the destruction of American society. An article on "Black Power and Red Cuba" in the *National Review*, for example, makes the following charge: "Evidence has been accumulating over the past several years that some leaders of the U.S. civil rights movement are responding to directives coming out of Havana [Cuba], rather than to any real desire to raise the economic and social status of the American Negroes." The article links urban riots in the U.S. to the guerrilla warfare tactics espoused by Fidel Castro and charges that opposition to the Vietnam war among civil rights leaders is Communist-inspired.

Image and policy

Though poles apart, both these views share a common concern with the international implications of America's racial crisis. If, in fact, America is a "racist society," as Mr. Carmichael contends, (and, indeed, as the 1968 Report of the National Advisory Commission on Civil Disorders concluded), then it stands to reason that racism not only tarnishes the American image abroad but infects U.S. foreign policies as well.

"Ralph Ellison [the American Negro novelist] has characterized the plight of the black man in America as that of the 'invisible man,'" Franklin Williams has observed. "He is simply ignored as a living, breathing, sentient person. This tendency to treat black people as if they weren't there also seems to apply to Africa, and to the problems of race in international affairs generally."

Williams notes that though black Americans constitute over one-ninth of our total population, they are woefully underrepresented in our foreign policy councils. "A new Administration has recently assumed leadership without a single black person in a key State Department post," he writes. "On the international scene, we have dropped from seven black ambassadors, including two in Europe, one in the Middle East, three in Africa and one at the United Nations, to a total of four; one in Malta and three in Africa. Though there has been a small increase in the number of nonwhites in the Foreign Service at the junior level, the number of senior grade black officers is at a standstill, with less than a dozen based in Washington or abroad."

There are those who argue, however, that "black racism" is a poor substitute for "white racism," and that paying unwarranted attention to the problems of Africa or appointing black men as ambassadors solely because they are black amounts to racism in reverse. It is true that the U.S. gives less foreign aid to Africa than to other underdeveloped regions of the world, but is this because the U.S. is "racist" or because Europe bears the major burden of aid for the African continent while the U.S. bears the major burden for Asia and Latin America? It is also true that blacks are underrepresented in the State Department, but is this because of racial prejudice or because the number of blacks interested and able to do well in the competitive Foreign Service exams is low?

Moreover, if it is true that black militants in the U.S. are gaining support and encouragement from Maoist and Castroite forces abroad, is it not time for American society as a whole to call a halt to the "black revolution" in the interests of self-preservation?

Such a question raises the fearful specter of internal political suppression and all its consequences. At home such suppression could fundamentally alter the open character of American life and introduce those police-state trappings so common in the regimes of the Communists we profess to oppose. Abroad it could transform the image of America into a racist reality, consigning the U.S. to a position similar to South Africa's.

On the other hand, is it literally true that nothing short of violent revolution can purge racism and imperialism from American life, as some black militants (and white sympathizers) now claim? Or is there an alternative?

Spotlight on domestic policy

We have seen that racial problems are by no means confined to the U.S., and that many nations closely watch the U.S. for signs of a solution to their own difficulties. Could it be that the U.S. might profit from the policies practiced elsewhere, however? Is there perhaps a foreign model we might try to emulate?

In *the Malaysian model* of not-always-peaceful coexistence between two culturally and racially distinct groups, each group retains its own identity and respects the other's. Though black Americans do not have as distinct a cultural identity as the Chinese minority in Malaysia, they are beginning to work toward such an identity through "black studies" programs, etc. On the other hand, however, American society has never been a mosaic of disparate peoples; it resembles more nearly a melting pot.

The South African model of official separation of the races might satisfy both our black militant separatists and our white segregationists, but surveys reveal that an overwhelming majority of American blacks still favors the goal of racial integration. A vast majority of whites also appears to find apartheid morally and politically repugnant.

In *the Brazilian or Hawaiian model* of race mixtures, it is almost impossible to categorize citizens by race, and color consciousness is reduced to a mild form of social snobbery. However, a high percentage of racially mixed marriages is the starting points for the construction of this model. Since a homogenized society takes several generations, at least, to create, it is questionable, whether black demands for "equality now" can wait upon nature's taking its somewhat leisurely course. Moreover, marriage is a highly personal matter of individual choice.

From aspiration to reality

To an extent, of course, America's racial patterns have no parallel anywhere in the world, and to that extent a unique model of

our own design, based upon our own society's collective aspirations may be in order.

One unprecedented formula is "neuter-raciality," a term coined by the Negro writer Robert Browne: "It means that the racial composition in a country is so varied, and the country's social and economic organization, its attitudes and its power relationships so structured, that the racial origins of its citizens are of no consequence." As seen by the rest of the world, such a country "carries no racial stigma and can be identified with no racial bloc. It is genuinely above race."

How can we rise above race? By transforming our institutions *and* our individual attitudes, says Mr. Browne. We must demolish all public barriers—legal, economic, educational—to a genuinely casteless society. And each of us must learn to eradicate all private notions of "race" from his mind.

Given our knowledge of human nature, is such a formula either desirable or possible? Could it be achieved within our existing institutional framework, or is the revolutionary change of that framework a precondition? Moreover, even if the U.S. should ascend to the heights of neuter-raciality, what chance is there that other nations would follow suit?

What policies abroad?

In the meantime, however, are there any specific foreign policies we might adopt to mitigate the effects of racial tensions on international affairs?

Some critics of U.S. policy believe we could start by taking a tougher stand against the apartheid regime in South Africa. The U.S. has signed (although the Senate has not ratified) the UN's Universal Declaration of Human Rights, which condemns discrimination "of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." We have refrained, however, from supporting Afro-Asian resolutions in the UN which call for international punitive action against South Africa and Rhodesia. We have curtailed American trade with Rhodesia (never very large), embargoed American arms sales to South Africa and denounced Portugal's unrelenting stand against self-determination for its African colonies.

Some critics feel we should back our righteous words with tougher deeds. They suggest we use our trade with South Africa (currently over $700 million a year) as a lever to prod it toward liberalization. By the same token they say, we should reconsider our military aid program to Portugal (our NATO ally), which indirectly subsidizes Portuguese efforts to crush rebel movements in Angola, Mozambique and Guinea.

Others, however, question the extent to which trade or the NATO alliance should be dragged into issues of race, particularly when the racial policies practiced by South Africa, Rhodesia and Portugal are internal matters that do not apply to their international conduct and when our own racial policies at home are being criticized around the world. Just as we might resent Portuguese or South African interference in our domestic affairs, would not these countries be justified in resenting our interference in theirs?

Beyond our policies toward the white redoubt of southern Africa, there is the issue of our attitudes and policies toward the nonwhite peoples of the third world generally. American diplomats may no longer speak patronizingly about "our little brown brothers" (once a popular term for Filipinos), but some critics still detect an occasional attitude of condescension toward the recipients of U.S. foreign aid, most of whom are nonwhite.

In terms of concrete policies, the U.S. might better demonstrate its concern for the fate of the third world by an increased program of foreign aid. At present we are allocating little more than three-quarters of 1 percent of our national income to foreign assistance efforts, although the grinding poverty and despair afflicting the low-income countries is a fact that stares us in the face. If our professed ideals of freedom and equality mean anything at all, are we not bound to a greater effort to free mankind from its current state of misery and want? And if we are serious about eliminating all traces of racism from our foreign affairs, is it not time for us to train and recruit more black Americans for service in our embassies abroad? One may argue that few are qualified, but is this the fault of our black citizens or of their limited educational opportunities in a white-dominated society?

A matter of priorities

Whatever our policies abroad, it seems clear that the U.S. would gain more confidence and respect among nations everywhere by improving the lot of minority groups here at home. For many black Americans, the issue is one of priorities. If we can spend $30 billion a year to combat communism in South Vietnam, if we can spend over $20 billion to send men to the moon, can we not afford a concerted attack on racial discrimination and inequality within our own society?

Which of our goals should take priority? Or can we serve them all, simulaneously? Is the struggle for racial equality indeed "the overriding issue of our time," as Morris Abram claims? If so, what steps should we take at home and abroad to resolve it? If not, can we afford to ignore it?

OUR NATION IS MOVING TOWARD TWO SOCIETIES

(The following are excerpts from the 1968 Report of the National Advisory Commission on Civil Disorders, headed by Gov. Otto Kerner of Illinois, unofficially known as the Kerner Report:)

This is our basic conclusion: Our nation is moving toward two societies, one black, one white—separate and unequal. . . . This deepening racial division is not inevitable. The movement apart can be reversed. Choice is still possible. Our principal task is to define that choice and to press for a national resolution.

What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it and white society condones it.

Race prejudice has shaped our history decisively in the past; it now threatens to do so again. White racism is essentially responsible for the explosive mixture which has been accumulating in our cities since the end of World War II.

It is not surprising that some black power advocates are denouncing integration and claiming that, given the hypocrisy and racism that pervade white society, life in a black society is, in fact, morally superior. This argument is understandable, but there is a great deal of evidence that it is unrealistic.

Violence cannot build a better society. Disruption and disorder nourish repression, not justice. They strike at the freedom of every citizen. The community cannot—it will not—tolerate coercion and mob rule.

GLOSSARY

Bantu. A linguistic clasification for the family of Negroid tribes of central and southern Africa; a member of this family.

caste. A system of rigid social stratification based on heredity.

Creole. (Fr.) A person of French or Spanish descent born in the American colonies. Also used for mixed-bloods and for a West Indian dialect comprising French, Spanish, English, Dutch and African words.

ethnic. Designates a group of mankind distinguished by cultural and/or physical, geographic, other traits.

ethnocentrism. The emotional attitude that one's own ethnic group is special or superior to others.

mestizo. (Sp.) Literally, any racially mixed person; in common usage, a Latin American of combined European and American Indian ancestry.

mulatto. A person of mixed European and black African ancestry.

race. A major biological division of mankind, distinguished by hereditary physical features such as skin color, stature, face shape, hair color and texture, shape of nose and eyes, etc.

third world. A term coined by political analyst Mario Rossi for the developing countries which are ideologically aligned neither with the Communist East nor with the non-Communist West; commonly used as a synonym for the Afro-Asian bloc.

ONE RESULT OF OUR HOUSING CHAOS: ABANDONED DWELLINGS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. HALPERN. Mr. Speaker, the common assumption is that money for constructing new housing for low- and middle-income families is the major cause of our present housing crisis. I do not question its significance, or the drain on the housing market created by inflated interest rates on mortgage borrowing charged by banks.

But for too long we have ignored the critical loss of housing units destroyed by decay, neglect, and abandonment. Indeed, Dr. Frank S. Kristof has concluded in a study for the Institute of Public Administration that New York City is throwing away housing units at the rate of 33,000 annually.

Such alarming statistics raise some basic questions which our housing experts and urban renewal planners better examine, for in a tight-money situation with dozens of high-priority social needs demanding a share of the Federal dollar, I do not think we can afford to abandon scores of apartment units throughout the Nation.

A nationwide overview of this problem was published the other day in the New York Times. I call my colleagues attention to this critical article:

[From the New York Times, Feb. 9, 1970]

URBAN PARADOX: DWELLINGS ABANDONED DESPITE HOUSING SHORTAGE

(By John Herbers)

WASHINGTON, February 8.—In the District of Columbia, three miles southeast of the Capitol, there is a cluster of two and three-story apartment buildings set on rolling hills and separated by tree-lined streets, lawns, sidewalks and play areas.

The buildings, erected in the nineteen-forties, are made of clean brick, and the design is not unattractive. Yet entire blocks of them are vacant, their windows and doors covered with plywood. In the few that are occupied, people live only on the upper floors because the ground level is considered too vulnerable to burglars, who roam the neighborhood.

On a winter afternoon, the area seems to be a ghost town occupied by children at play. This scene of premature decay and abandonment provides visual evidence of a trend that is evident in large cities across the country:

While the nation is undergoing the most critical housing shortage since World War II, structurally sound dwellings in the inner

cities are being abandoned in increasing numbers to vandalism and demolition.

In Detroit, where there are 3,000 empty buildings—1,300 of them abandoned by their owners—Jack Kelley, Deputy Commissioner of the Department of Buildings and Safety Engineering, said:

"People are looking all over for good homes and we have thousands of these empty ones around."

CAUSES TERMED COMPLEX

The causes are complex and are intertwined with all the other factors of urban distress, especially the troubles of poor minorities. A survey of 14 major cities showed that the abandonment of housing that could be rehabilitated at a reasonable cost is occurring almost exclusively in poor minority neighborhoods.

The acceleration of this process, however, seems to be caused chiefly by these developments:

The landlord, who has been accused for years of overcharging and underservicing low income families, now finds the slum unprofitable and is withdrawing as fast as possible. "The buildings become harder to rent, and the owners find it more economical simply to walk away," said Albert Nerviani, chief of the St. Louis housing code enforcement office. Tenant strikes and urban violence of recent years also have discouraged investors.

Economic conditions that are holding down construction of new housing—high costs and interest rates and scarcity of capital—are also hampering rehabilitation and simple repairs.

Whites, and to some extent blacks, when they have the means and opportunity, are migrating to the suburbs or outer areas of the city to escape blighted neighborhoods. For example, Negroes are moving from Anacostia, the southeastern section of Washington, into Prince Georges County, Md., leaving behind vacant units that would be snapped up if they were not in a distressed area.

Federal and local programs of rehabilitation, housing subsidies and demolition programs are barely making a dent in the abandonment process. In the Roxbury section of Boston, 2,700 apartments have been rehabilitated recently under Federal and local effort, but the number of abandoned or vacant buildings in the city has increased from 450 to 800 in the last two years.

In Philadelphia, where at last count there were 24,000 vacant residential structures, Ivan B. Bluckman, assistant housing director, said, "There are thousands of abandoned properties in Philadelphia that are not the responsibility of anyone."

TWO POLICY APPROACHES

This raises the question of national policy. The previous Administration had planned on expanded urban renewal, Model Cities and other Federal programs to help to arrest inner city decay. The Nixon Administration, however, is taking a different approach. For example, the Democrats had projected Model Cities appropriations at about $1 billion for the next fiscal year. Mr. Nixon's new budget calls for half of that, which is the current expenditure.

What the Nixon Administration is promising instead is action and programs that will help the minority poor to acquire more personal wealth and earning capability and opportunity to move into better neighborhoods, as whites have done.

Some local officials say this does not answer what will happen to the inner cities, and they fear that abandonment and blight will spread to stable neighborhoods if left unchecked. For example, fairly new apartments in the Anacostia section of Washington are vacant and boarded up because they are close to distressed areas.

According to the survey, the problem of abandonment is worst in the large cities of the industrial East and Middle West. In New York, officials estimate that 114,000 apartments have been lost since 1965 because of the abandonment of the buildings.

The trend is found also, however, in Southern and Western cities where there is a large minority population. In Houston, officials estimate there are 7,500 abandoned dwellings, and New Orleans recently closed part of a five-block area near the center of town because of decay.

In Chicago, where 1,400 buildings were demolished by court order last year, John Hight, chief of the city's building demolition, said that most of the cases fell into a pattern.

THIEVES MOVE IN

"The neighborhood deteriorates, crime increases," he said. "Tenants damage the buildings and may balk at paying their rents. The landlord is hailed into housing court for violations. If he tries to comply, he finds it difficult to get a good contractor to go into the area. He just quits trying.

"Eventually, it gets so bad people move out. Thieves and vandals come in. Plumbing, heating and electrical services are stripped and sold for salvage. Eventually the thieves go through the floor and dig up the lead pipes and sell them.

"A building, which not long before could have been, repaired, is wrecked beyond repair. And then it ends up under the ball at the court's direction."

One building in Chicago provides a case study of some of the conflict, sociology and economics involved. The building, at 5801–09 Calumet Avenue on the South Side, was erected in 1901 and contained 24 apartments.

To make more money by packing in more families, the owners converted it some years later to 95 units, in violation of the building codes. The courts in 1962, after a complaint had been filed, ordered it deconverted to 24 units.

Last June, an inspection showed the building to be largely occupied but in a state of neglect and infested with rats and roaches. The authorities said that the building could have been put into shape without major work.

The owners, Cheers Enterprises, Inc., did not follow the orders of the court in correcting code violations, and on Oct. 24 city inspectors found the building vacant and stripped of plumbing and heating facilities. The case was moved to demolition court.

PANTHERS OCCUPIED BUILDING

Subsequently, members of the Black Panther party occupied the building, and it was there on Nov. 13 that the shooting occurred in which two policemen and a Panther were killed and several policemen and Panthers wounded.

On Dec. 1, the building was ordered demolished, and last week, after several delays caused by cold weather, the structure was gone.

One hopeful sign, housing officials say, is the tax reform enacted last year, which cuts the amount of depreciation an owner can claim during his first few years of ownership. The previous depreciation table encouraged a rapid turnover of buildings and thus their deterioration.

LITHUANIAN INDEPENDENCE DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. RODINO. Mr. Speaker, man's most basic quest is freedom—freedom from those forces which threaten both individual and collective independence.

The people of Lithuania, oppressed by totalitarian rule, suffer such a plight. They have made relentless and resolute efforts to regain their identity and their existence as a free people—to enjoy the independence which is rightfully theirs.

I am honored to be associated with their cause as a Knight of Lithuania, for I share the goals and ideals of the Lithuanian people—their commitment to self-determination and justice and to human dignity for all men. For so long as one man remains unliberated, no man can be entirely free.

Those who believe in the dignity of life, who strive for the ideal of individual self-realization, who fortunately experience the precious essence of liberty, cannot ignore the plight of those who still strive for such fundamentals of existence.

The free spirit of a people is the essence of its very life. The Lithuanian people ask no more; they deserve no less.

Mr. Speaker, once again I am proud to rise on this day in paying tribute to a brave and undaunted people.

DEMOCRATIC POLICY COUNCIL—III: ECONOMIC AFFAIRS DURING THE 1970'S

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. FRASER. Mr. Speaker, inflation and recession threaten the American people as we move into the 1970's, despite a gross national product that approaches the $1 trillion mark. Definite measures, not fancy rhetoric, are needed to halt this critical problem. I introduce into the RECORD a statement by the Democratic Policy Council, which Monday adopted a series of measures which we feel will combat this problem if they are swiftly and decisively put into use. Gardner Ackley is chairman of the council's economic affairs committee, and I am a council member.

The statement follows:

DEMOCRATIC POLICY COUNCIL—III: ECONOMIC AFFAIRS DURING THE 1970'S

The success of our efforts in the 1970's to use the resources of America wisely for the benefit of all depends on maintaining a strong and sound economy. Today, this goal is threatened by the cruel reality of inflation and the growing threat of recession.

Most Americans, particularly those of modest or fixed incomes, have suffered under the 6.1 percent rise of consumer prices which occurred in 1969. Sky-rocketing grocery bills and an enormous increase in the cost of basic health services bring home the fact that inflation has been more rapid in the last year than in any since 1951.

Interest rates, meanwhile, have soared to the highest levels in over a century, small business has been denied fair access to credit, and the housing industry has entered a full-fledged recession. The economy's expansion has come to a halt, and unemployment is a reality for a rising number of workers in major industries.

While some have benefited from skyrocketing interest rates, strategic control of sources of credit, or the ability to push prices or income up faster than costs, most Americans have been caught up in a fruitless attempt to keep up with a spiraling cost of living or of doing business, and many have suffered severe economic disability.

ECONOMIC CRISIS

How has the Republican Administration brought us to this state of economic crisis?

The Republican Administration has failed to give us strong, balanced and affirmative leadership to deal effectively with our developing economic crisis. It has rejected a policy to give leadership to private price and wage decisions, and has even repeatedly advertised that it had no concern with such decisions. This announced renunciation of Presidential leadership told the responsible and the irresponsible that the sky was the limit. And the results were predictable: prices in those industries previously responsive to Democratic wage-price leadership rose an average of 6 percent in 1969, compared to the 1.7 percent annual increase that occurred in these industries from 1966–68.

However, the Administration has shown no interest in considering the use of credit control authority granted it by the Congress.

We can expect little relief until the Administration decides to stop fighting inflation with one hand tied behind its back.

There have been other failures. A year ago the Administration was unable for months to decide whether or not it favored extension of the income tax surcharge, or whether it wanted tax reform and, if so, what kind. More recently, it has been unable to make up its mind about monetary policy, standing helplessly by, alternatively wringing and clapping its hands while interest rates have soared.

REPEATED HOPES

We have heard nothing more effective than a series of repeated hopes by the Administration—repeatedly disappointed—that its policies would soon bring a slowing down of inflation. Now we are told that this is all the fault of the Democrats and that the projected budgetary surplus for fiscal year 1971 will do the job. But the Administration forgets to tell the American people that this budget—if it does turn out to be balanced—will not be the *first* balanced budget in recent years, but the *third* in a row; and it is only the first for which the Republicans are fully responsible.

If a balanced budget, therefore, was the solution for all economic ills, then surely the inflation both of the cost of living and of interest rates, like the drying up of credit for housing and small business, would have long since begun to ease, and American workers would not now be fearing the loss of several million jobs from a potential recession.

We learned long ago that a balanced federal budget in itself is no panacea for a sound and balanced economy—yet this is all the Republicans have offered in the past year. A sophisticated economic policy adequate to the needs of the 1970's must have many concerns: among them, stable prices, jobs for all, reasonable interest rates, the fair availability of credit, adequate economic growth, and a sound dollar internationally. It must seek equity for all sectors of society—producers and consumers; small businessmen, farmers, homebuilders and homebuyers; workers, the self-employed, the unemployed, the unemployable and the retired; as well as big business and the banks. All these concerns cannot be met by the simple prescription of a balanced budget.

We are forced to this conclusion: the rhetoric of the Republican Administration's concern about inflation is directed at the so-called silent majority. But the reality is that the Republican economic policy has endangered the economic welfare of the great majority of the American people. The history of Republican economics supports the fear that—as in 1954, 1957, and 1960—a Republican Administration may once more plunge us into recession. The American people are entitled to something better.

In the coming months, the Committee on Economic Affairs will release policy studies in the following areas and possibly others: economic goals for America; fiscal and monetary policies, and tools for their execution; inflation; tax structure; federal-state-local fiscal relationships; the concentration of economic power; and interational trade and the balance of payments.

NEW FEDERAL RESERVE CHAIRMAN DESCRIBES STANDBY SELECTIVE CREDIT CONTROL POWERS AS "HELPFUL, DESIRABLE"

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mrs. SULLIVAN. Mr. Speaker, every issue we confront, and every vote we cast, force us to search our hearts and consciences to try to make decisions which are the proper ones for our country. This is particularly true on very controversial legislation on which the two major parties have taken generally opposite positions. We have party loyalties which most of us respect, but we also have a deeper loyalty to the good of the country, and I think most of us try to put that one foremost.

Thus, it was reassuring to me on Saturday morning to have the new Chairman of the Board of Governors of the Federal Reserve System, the Honorable Arthur F. Burns, former counselor to President Nixon, find merit in—and welcome—a provision of law which was pushed through the House on December 17 by Democratic votes, and which was reluctantly signed into law 6 days later only because the President saw overwhelming urgency in the enactment of something else he wanted in the same legislation.

The controversial provision I am referring to is title II of Public Law 91–151. The public law, to lower interest rates and fight inflation, to help housing, small business and employment, and for other purposes, was an omnibus bill put together and jointly sponsored by the Democratic members of the House Committee on Banking and Currency in an effort to rescue the housing market from stagnation caused by excessively high interest rates and tight money. Title II—authority for credit controls—gives the President the power to authorize the Federal Reserve Board to regulate and control any or all extensions of credit when he, the President, determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume. Title II was originally introduced by me on November 24 as H.R. 14954, and was incorporated into H.R. 15091, the omnibus measure which provoked one of the bitterest House battles during the entire first session of this Congress.

THE FIGHT OVER TITLE II

I believe every member of the minority on the Committee on Banking and Currency joined in signing minority views on H.R. 15091 contained in House Report 91–755. While critical of nearly everything in H.R. 15091 except a noncontroversial provision earlier passed by the Senate, the minority views were particularly vigorous in opposition to title II. At one point the minority views referred to title II in these words:

This goes even further than a scattergun approach—this is blindly pulling the trigger and swinging the barrel and the victim would be our whole economy, which means all of us.

Elsewhere in the minority views in House Report 91–755, the following statement is made:

Specifically, the idea of standby credit controls has some appeal. Existence of the authority might have some deterrent effect on excessive use of credit even if the authority was not actually invoked. But providing such standby authority is not without its dangers. It could trigger a violent psychological reaction that would have a devastating impact on the economy and blow inflation through the roof.

Nevertheless, the House agreed 259 to 136 to pass H.R. 15091 on December 17, after rejecting, 193 to 206, a recommit motion which would have deleted title II and other controversial provisions from it. The following day, on December 18, House and Senate conferees agreed on the final version of the bill, including title II intact as it passed by the House. A Senate provision to amend the Defense Production Act to permit voluntary agreements to regulate credit was also agreed to in conference. Both Houses then passed the bill on December 19 almost unanimously—the House by a vote of 358 to 4, the Senate by a voice vote.

PRESIDENT DEPLORES INCLUSION OF TITLE II

In signing the bill into law on December 23, 1969, President Nixon stressed the importance of the one provision of the bill which he wanted—the continuation of then-expiring authority by Federal supervisory agencies to regulate rates of interest paid on bank deposits and savings and loan share accounts. But he deplored the inclusion in the legislation of other provisions which he said "the administration did not request and does not desire" and, in effect, accused us of not having acted "responsibly."

In particular, he said:

Two provisions of the bill would authorize voluntary and mandatory credit controls, which, if invoked, would take the Nation a long step toward directly controlled economy and would weaken the will for needed fiscal and financial discipline. These aspects of the bill made the decision to sign it a very difficult one, but the need to prevent chaos in our interest rate situation has made my approval imperative.

FORMER FEDERAL RESERVE CHAIRMAN'S VIEWS

Mr. Speaker, the idea of standby consumer credit controls had long been endorsed by the former Chairman of the Board of Governors of the Federal Reserve System, the Honorable William McChesney Martin, during hearings over a period of years before the Committee on Banking and Currency or before its Subcommittee on Consumer Affairs. Last year, under my questioning, Mr. Martin went further and suggested a good hard look at the need for authority to control business credit, including commercial paper.

Commercial paper outstanding has soared in volume in recent years. It is a form of I O U issued sometimes by banks

but more often by big business firms to raise large amounts of cash, usually for short periods, at whatever interest rate the market will bear. After Chairman Martin discussed with our committee the inflationary potential of commercial paper in raising interest rates all along the line, the Federal Reserve moved to regulate commercial paper issued by national banks, which would be within its jurisdiction. However, this left 90 percent of the commercial paper issued in this country still outside any regulation at all.

WHICH SIDE WOULD CHAIRMAN BURNS SUPPORT?

Mr. Speaker, with this background in mind, some of us on the Committee on Banking and Currency were most curious Saturday morning about the views of the new Chairman of the Board of Governors of the Federal Reserve System on the desirability of having standby credit controls. The Honorable Arthur F. Burns, Chairman of the Council of Economic Advisers under President Eisenhower, and counselor to President Nixon at the time Public Law 91–151 was signed, came before our committee Saturday morning, a week after assuming his new position, to discuss the present crisis in mortgage financing in connection with bills now pending before us to open up new sources of mortgage money for home ownership.

In his new position, independent of the President, would he reflect the thinking of his predecessor as Chairman of the Federal Reserve on the question of standby credit controls, or would he reflect the thinking of the President who had nominated him to the Fed?

The following exchange took place in the committee hearing Saturday morning:

Mrs. SULLIVAN. In a measure which originated with this Committee last year and which was signed into law on December 23, the President now has the authority to ask the Federal Reserve to regulate and control "any or all extensions of credit when he"—the President—"determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume." I am quoting the exact language of the statute.

Your predecessor as Chairman of the Federal Reserve has said to this Committee that he thought it would be helpful and useful to have such authority in the government for standby selective credit controls. President Nixon, in signing the bill, indicated, however, that he had no intention of using these powers and did not want them. But what do you think about the usefulness of this power? Do you think we are better off having it than not having it?

And this leads me, before you answer that, to the next question: Do you think there are any types of credit now being extended in "an excessive volume" which perhaps should be limited or controlled under this law?

Mr. BURNS. My answer to your first question is an unqualified affirmative. I think standby authority is helpful, desirable, and I have been for it for many years.

Now, your second question is more difficult, and the second question is one on which I have an open mind and will continue to have an open mind every day as we move forward.

My present tentative opinion is that markets are adjusting, the economy is undergoing a process of change, and my tentative opinion is that these controls should not be imposed at the present time.

But that is an opinion that I am ready to change as the evidence comes in.

Mr. Speaker, speaking on behalf of the 206 Members of the House who voted not to recommit H.R. 15091 and thus not to delete title II last December 17, when 193 Members attempted to kill chiefly that portion through the recommit motion, I am glad to see that the new Chairman of the Federal Reserve, despite his longtime political closeness to President Nixon and despite the President's opposition to title II, thinks we did the right thing. Whether or not the credit controls are ever used, it is good to know the Government has a powerful instrument which it could employ if necessary, in curbing credit inflation.

PARALLEL GOVERNMENT—TECHNIQUE OF SUBVERSION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. RARICK. Mr. Speaker, the professional revolutionary is taught that there are many skirmishes to be fought to overcome constituted authority but that armed open warfare must come only in the final battle.

Revolutions, because they are unpopular and unwanted by the vast majority of the people, are instigated among the people by a hard-core few.

In their buildup for the final bloodbaths of takeover, it becomes necessary to work for popular support and a base of safe operations. Their known leaders being unpopular and their ideas contrary to the wishes of the majority—public opinion can only be reached by the use of half-truths and disguised objectives.

Usually, these are aimed at select minorities—with the intention of portraying a united front—and affecting the emotions of the masses. Thereby, some converts are gained to their hazy thinking, or at least opposition and resistance from well-meaning people is neutralized.

Not desiring to stand public scrutiny in an election, the leaders and sympathizers enter the field of government as appointed specialists and advisers. In this position they dedicate themselves to the stealing of power from the elected representatives of the voters.

Such infiltration is not new and must be studied and understood by all who believe in a form of government where the elected popular leaders are responsible to the people.

We find this pattern in far too many instances—when the cooperating elected official is defeated by the voters, the superexpert appointee remains, as does his web of power and influence. This hide-and-seek type of revolution is called parallel government by some revolutionists. Far more treacherous than the fifth column—and more effective by the softening-up process than open pitched battle—it exists in many forms and is never identified by its true name.

For example, examine the parallel government in the current appeal for civil rights. An emotional appeal is made to selected minorities. Pressures are used to mold popular opinion. Guided objectives are achieved through fear, always just short of open insurrection. Two steps forward and one step backward. Negotiated peace, but always unilaterally. The majority of our people and constitutional government lose on each so-called compromise.

Albert Krebs, of the New York Herald Tribune-Post Dispatch, was granted a lengthy feature interview in Atlanta with one Martin Luther King. In this interview, King, the son of a Christian minister, related how he had no interest in religion until, as a student at Atlanta's Morehouse College, he read Thoreau's "Civil Disobedience."

He then "decided that the ministry could be best used for social protest," and said that he had studied and had become a follower of Mohandas K. Gandhi, the Hindu nationalist, whose suicide scheme for other people was successful in destroying the control of Christian England over India.

A workable knowledge of Gandhi's operational techniques calls for a reading of the books "War Without Violence," by Krishnalal Shridharani, and "The Power of Nonviolence," by Richard Gregg. Both are readily available and can be obtained through almost any library.

These authors detail the teaching and philosophy of Gandhi for a planned demoralization and overthrow—from within—of organized existing government. Both books are prepared with simplicity. obviously with purpose in mind of reaching the unlearned. They outline the scheme for using riots, boycotts, and demonstrations to accomplish one goal—the collapse of the government. The entire technique is made so plain that following chapter 1 of the Shridharani book will be found a diagram or blueprint which outlines the entire revolutionary technique.

Gandhi terms the last stage before collapse and takeover "a parallel government." The sinister theory of "parallel government" is simple. Infiltrate the duly elected authority, subvert their actions, and neutralize the powers of constituted government so that uninformed or misinformed people will come to distrust or lack confidence in their elected officials. In actuality it is the formation of a nonelected government operating under or within an existing government.

Thereafter, the people will be given reason to look to the unelected members of the parallel government machinery as the true leadership because they alone will be able to exercise the control to maintain law and order or insure peace.

However, the revolutionary peacemakers' success is not the result of intelligence or leadership, but rather because they of the parallel government movement are a part of the same conspiracy as the revolutionary mob they alone can control.

Presently there exist, in this country, thousands of parallel governments that daily influence the lives, thoughts, and liberties of our people, and gain prestige

through the use of such sugar-coated appeals as "progress," "social action," "brotherhood," and even "peace."

The most readily recognized characteristic of the parallel government is that the ruling membership is never voted on by the people. I can even sport the name "democratic" without granting a vote—a controlled democracy.

The aim of these retrogressive groups is unswerving—slavery of the individual by overthrow of his established government. Covering every facet of human endeavor, a myriad of names and objects, they eventually all interlock for self-supporting interdependence. Many, even now, reveal identical leadership overlaps which best reveals their interlocking connections for unified control of purpose. But all carry an image of supporting an emotional moral cause—well financed and publicized out of proportion.

As you read your daily paper or watch television, think beyond the catchy slogan and title of these groups. An "organization" of unelected folks working with what may seem to be a worthwhile project or to correct a promoted inequity—but where the policies and directives are dictated from the controlling head officials down, in lieu of coming from the people up—may well be a parallel government.

Ask yourself, "Do these groups come within due bounds of your elected constitutional government? Do they also work to construct worthy images to influence officials? Do they, in any way, have some influence on public opinion?" If so, you may find a portion of your government has been usurped by unelected leaders—many duped to the goals of the parallel government.

Thomas Jefferson has said:

> Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the form of kings to govern him?

Once entrenched, the parallel government constantly strives to enlarge its base of popularity by delusion among the masses.

New Federal programs only create an additional financial source for parallel government growth.

We the people, more so in a few States than in others, have now been granted a theoretical guaranteed right to vote. For every one person, one vote. But what are we to vote for, when the government is influenced—if not run—by appointed, unelected men who, through the use of parallel governments, seek and in many instances have abolished the power of votes? Where the parallel government has stripped elected officials of authority or so influenced public opinion against their responsibility, far too many representatives suffer from inadequacy or lack courage to regain their proper constitutional powers. Why? Because of the fear of the parallel government.

Mr. Speaker, chapter 1 of Krishnalal Jethalal Shridharani's book, "War Without Violence," sets forth in detail the 13 steps of the revolution leading up to the parallel government under the Gandhi theory.

Because the Gandhi movement is being taught and used against our Government and people daily, I feel our colleagues will find peculiar interest in a résumé of Gandhi's technique of Satyagraha and I include the condensation as follows:

1. NEGOTIATIONS AND ARBITRATION

The search for a peaceful solution as the indispensable first step in the strategy of Satyagraha has a twofold significance. In the first place, it emphasizes the fact that, though unfortunately disrupted for the time being, the disputants have a fundamental unity. It also emphasizes that if the unemotional attitude of give-and-take as the ideal condition is not obtainable at the critical moment, the Satyagrahis hope to create it as a result of their non-violent direct action.

Over and above utilizing such legislative channels as are open to them, the Satyagrahis may enter into direct negotiations with the responsible party on the opposite side. Sending a deputation composed of influential and notable citizens to the proper authorities. Failing in either action, the Satyagrahis may seek arbitration by a third party . . .

When even arbitration fails to satisfy the demands of the Satyagrahis, the time is ripe for them to take the second step in the programme of non-violent direct action.

2. AGITATION

Generating "cause-consciousness" becomes the supreme aim of Satyagraha leaders at this stage of the movement.

Issuing pamphlets . . . , circulating books and papers . . . are . . . activities of the agitators. Catchy songs and slogans upholding the "Cause," personal contacts, speeches, group meetings, debates and discussions also form a vital part of the propaganda activity. The use of modern means of communication such as the radio and the cinema is also included as an integral part of the machine of mass propaganda.

In case there is even an infinitesimal conflict in anti-Satyagraha ranks with regard to what stand their body should take, that conflict is now increasingly aggravated by the constant activity of the Satyagrahis. And at this stage . . . the Satyagrahic assignment is to disrupt the balance of personal and group loyalties in the opponent by psychological suggestions.

3. DEMONSTRATIONS AND THE ULTIMATUM

"Cause-consciousness" now seeks expression. Public meetings grow larger and larger. Schools and colleges, though under the control of the government, become undercover centres of Satyagrahic thinking and planning.

Satyagraha at this point is colorful, and "colour" leads to good publicity. Thereupon this publicity draws in more people. Party songs and party slogans are directed toward individuals who have not as yet been swayed. Uniforms are paraded and the youth of the community finds a new outlet for its energies.

Included in this stage of Satyagraha is the precipitous step of issuing an ultimatum. . . . A specific time limit is set for the government's fulfilment of these minimum demands. If the government does not change its position after the ultimatum the people, confident that they can make government impossible, embark upon direct action. Thus the ultimatum amounts to a "conditional declaration of war."

If this decisive phase of Satyagraha also fails to bring about a just settlement, the populace is then called upon to plunge into the more militant programme of direct action.

4. SELF-PURIFICATION

By taking upon themselves a part of the responsibility for "the wrong" they are fighting against, the Satyagrahis undertake a different line of attack from that of the revolutionists. Contending that the wrong might not have materialized but for their own submission, the Satyagrahis begin to change their own behavior and thought patterns.

5. STRIKE AND GENERAL STRIKE

From this point on, it is hard to present a progressive, step-by-step development of Satyagraha. Many of the phases of Satyagraha that are to follow are not the direct outgrowth of one from the other, but are, on the contrary, distinct instruments to be utilized either simultaneously or separately.

The strike as such is labour's instrument for the acquisition of a desired standard of treatment and living from the employer. Its place, therefore, in a political movement directed toward either amending or toward ending the government is not so obvious. But a closer scrutiny of our complex economic life will uncover a few places where modern forms of government are extremely vulnerable to the weapon of the strike. Attacking these vantage points through the instrument of the strike, consequently, becomes a part of Satyagraha strategy.

6. PICKETING

Picketing is the natural consequence of a strike. In the programme of the Indian Satyagraha, however, a strike is not the only signal for picketing. The latter has been evident many times in India independent of any strike. In most cases, picketing as a phase of Satyagraha has followed the boycott.

7. DHURNA—SIT-DOWN STRIKE

The success of the sit-down is due to the fact that no industry which sells its products directly to the public can afford to alienate public opinion. The general public is always opposed to violence and bloodshed in suppressing strikes, and unless these methods are utilized, it is almost impossible to break a sit-down strike. Dhurna, therefore, is the most dramatic way of influencing public opinion both when the effort is successful and when it is crushed.

8. ECONOMIC BOYCOTT

Boycott, as an organized programme of withdrawing and of inducing others to withdraw, from business relations with the opponent, is too well-known a weapon in the Western world to warrant a detailed analysis here.

9. NONPAYMENT OF TAXES

The call for non-payment of taxes ushers in non-violent direct action in its purely illegal, unlawful and seditious stage.

When a "no-tax" is attempted, the reactions of the state can easily be imagined. It strikes back at the Satyagrahis with arrest, confiscation of land plots and leases, confiscation of property, bank accounts and cattle.

10. NONCOOPERATION

The withdrawal of public support must mean an end of a political system. The community, as distinguished from the state, can render the latter powerless by not cooperating with it. Thus, noncooperation constitutes a potent weapon in the hands of the people in order to end an oppressive rule.

1. Surrender of all titles of honor and the voluntary giving up of all honorary offices.

2. Nonparticipation in government loans.

3. Boycotting of law courts by litigants. It would amount to the suspension of legal practice by lawyers and the settlement of civil disputes by private arbitration. It is conceived as a weapon for further lowering the prestige of the government as well as a starting point for a new authority.

4. Boycott of government, schools and colleges. This step would provide the movement with a crop of youthful recruits and at the same time check the influence of academicians.

5. Boycott of the legislative councils. Outstanding and able politicians would, as a consequence, come out to work among the people instead of wasting their time in impotent debates. By withdrawing from the

legislatures, the leaders are likely to rob the government of such status as is bestowed by their participation.

6. Withdrawal from government service.

7. Withdrawal of men from the Army and the police. The state, without the indispensable assistance of coercion would be virtually emasculated. Anti-militarism would further threaten the existence of the state should a coup d'etat be attempted.

10A. OSTRACISM

Ostracism, or social boycott, is a weapon of the community against its members who refuse to join in the general programme of noncooperation with the opponent. Thus he who refuses to non-cooperate is non-cooperated in turn. It is generally justified on the ground that by siding with the community's enemy he has forfeited all the privileges that are the result of community life.

11. CIVIL DISOBEDIENCE

By refusing to obey the statutes of the state, the Satyagrahis deny the existence of the established order. One by one, or simultaneously, the important laws and decrees of the state are broken, so that eventually the entire "rule" is uprooted. It is important, Gandhi has insisted time and again, that only unpopular and obnoxious laws be broken at the beginning of a Satyagraha. Only the breaking of unjust statutes attracts the sympathy of the general public and favorable world opinion.

No government is likely to allow a deliberate breach of any of its laws, much less a programme of disobedience. It will fight for its very existence. It will strike with all the coercive measures at its command.

A government faced with civil disobedience would arrest and imprison all lawbreaking individuals and groups. The Satyagrahis, in that eventuality, have pledged not to defend themselves but are expected to accept the punishment willingly. But how many people can a state arrest?

12. ASSERTIVE SATYAGRAHA

During the operation of this measure, the Satyagrahis begin to discharge, partially at least, certain of the activities and functions of the state made stagnant by their own previous action.

13. PARALLEL GOVERNMENT

Parallel government is the full materialization of the programme of its immediately previous stage, viz assertive Satyagraha. Herein the Satyagrahis establish a new sovereignty by replacing the established order. Parallel government is the community act of taking over all the functions of the tottering government, thus squeezing the established order out of existence.

NO-NONSENSE APPROACH TO SLUM SCHOOLS

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. BLACKBURN. Mr. Speaker, recently there has been a great deal of discussion over the Court rulings requiring racial balance in southern schools. In a recent interview published in the Wall Street Journal with Dr. Kenneth B. Clark, a noted black educator, he voices his opposition to the proposed shifting of Negro and white students in order to achieve racial balance. Instead, he feels that concentration should be placed upon teaching the basic fundamentals of education such as reading, writing, and arithmetic rather than undertaking dubious social experiments within our schools. For the information of my colleagues, I hereby insert the interview in the Wall Street Journal into the RECORD:

[From the Wall Street Journal, Dec. 26, 1969]

NO-NONSENSE APPROACH TO SLUM SCHOOLS

(NOTE.—This interview with Kenneth B. Clark was excerpted from the November bulletin of the Council for Basic Education, with the council's permission. Dr. Clark, an educator and psychologist, is president of Metropolitan Applied Research Center, New York.)

Q. Dr. Clark, in a speech two years ago you called for a "reading and arithmetic mobilization year" in which all other activities in ghetto schools would give way to the goal of bringing every normal child up to at least his present grade level in those subjects. What was the reasoning behind that proposal?

A. The reasoning would seem to me to be embarrassingly simple. The major deficiency in the ghetto schools is in the basic academic subjects of reading and arithmetic. This deficiency is observable from the third grade on and becomes progressively worse through the elementary and secondary grades. It seems to me that if one is confronted with a problem, one tries to solve it. So, as I said, the basis for my suggestion is embarrassingly simple. We can solve our problems by taking a year, or the necessary time, and by concentrating all the educational resources and personnel in a program designed to raise the reading level and the computational skills of ghetto school children up to the norm for their grades. It can be done. What disturbs me is that people consider this a radical proposal. If we were confronted with a medical problem, a disease of epidemic proportions, we would address ourselves to curing that disease. We wouldn't temporize and engage in long theoretical discussions about whether disease is or is not desirable, or things of that sort. We would address ourselves to accomplishing whatever was necessary to control it.

A RELUCTANCE TO ACT

Q. What kind of reception did your proposal get?

A. Politely indifferent. The educational establishment, it seems to me, is content to continue to discuss interminably the problems of the "disadvantaged." It is willing to consider theory after theory, but seems very reluctant to act.

Q. If I have correctly understood your writings and speeches, you would not go along with the Coleman Report in its insistence that the problems of ghetto education are more socio-economic than educational.

A. I must say, in all candor, that I do not go along with most of the highfalutin, theoretical research approach to the problems of the education of the disadvantaged. Rightly or wrongly, I am addicted to the law of parsimony. I believe that one does not seek more complex explanations of a situation before one has been able to rule out simple and obvious explanations. The Coleman Report, like other reports from our prestigious institutions and individuals in the files of education, for some peculiar reason ignores the basic variable in the academic performance of low income and minority group children and that of more privileged children. Are those in the minority group being taught as efficiently, as effectively, as those other children? It is only when we have completely ruled out that variable as the determinant for the lower level of performance that we then can look for more complex determinants. I do not know of a single situation in which minority group children have been taught efficiently, effectively and with compassion and understanding and skill, in which their performance has not been at or close to the norm of the performance of other children equally well taught.

Q. Do you believe education needs to be significantly different for whites, blacks, Indians or Mexican-Americans?

A. I certainly do not. I think that the people who propose special education, special this, special that, for minority group children are violating the law of parsimony. When equal conditions have been established and it is found that the children do not respond, then and only then are we justified in looking for special methods, special techniques.

Q. Again, by implication, you have indicated your position on compensatory education—if children are taught well, they don't need it.

A. That's right. Every compensatory education program that I know of is merely a program in which these children are being taught. The critical variable is that children who previously have not been well taught are now, under the guise of some special program, being taught well.

Q. I am particularly interested in your position, as a Negro, regarding the place of black dialects in the schools. Robert F. Hogan, Executive Secretary of the National Council of Teachers of English, in our recent interview with him, implied that dialects should have equal acceptance with standard English in the schools.

A. I am unalterably opposed to such an acceptance. I believe that the purpose of a school is to teach the standards of a society in language, arithmetic, social studies. I do not believe that you can make the deviations and the variants the standards. I am also opposed to what I understand is the new style among grammarians, that anything goes as long as it is used. If one were to translate that permissiveness into arithmetic, for instance, you would have chaos. I'm not talking about theory, I'm talking about the basic, essential communication among members of a society. A word has to be spelled so that you know what it is. Otherwise, again, chaos. As I understand it, and I am obviously very old-fashioned, a school's primary function is to communicate to young people what the standards are. Certainly a good teacher will not only present the standards but will also strive for an understanding of the rationale for those standards and an understanding of the function of standards in a culture.

Therefore, I do not believe in the second-language approach. I do not believe in the dialect approach. I do not believe it serves any useful function to elevate sub-cultures to the point where they are given the same value as the standard in the training and discipline of young minds. I just don't see it.

INSIDIOUS AND RACIST

If there were no standards, then I could see no particular reason for schools. One could just permit young people to absorb as they would the variety of norms and patterns that exist in a varied community, communities of diversity. What is more to the point, I think this permissiveness is in itself a very insidious, racist approach to the problems of education.

Q. Because it provides for shifting standards?

A. Certainly! What it is doing, in effect, is giving up on certain youngsters, considering them expendable. It is insidious because it seeks to institutionalize the very inequities and manifestations of inequities that a democratic society and a democratic education in that society should attempt to neutralize.

And it certainly is insidious that once this institutionalization has been effected, it is not the end. What has to be taken into account is that the dialect and the other subculture norms are not salable in the larger society. They might have some value as exotic primitives, but they have no value in meeting the demands and requirements of the efficient functioning of a democratic capitalist economy.

Q. Arthur Jensen engendered a debate by his claim that the reason for the failures of compensatory education can be found in the lower I.Q.'s of minority group children. You have already indicated your displeasure with the Jensen thesis. Certainly the article has been more attacked than praised, hasn't it?

A. It hasn't been attacked enough. It is an insidious article; that is, it is an insidious approach. Scientifically, it's preposterous. Dr. Jensen doesn't know what he's talking about when he talks about genes, about genetic determination. The whole area of genetics is so complex, so unexamined. In this complicated and mysterious area of biology, geneticists are only beginning to understand the relationship between gene partners and *physical* characteristics. They are a long way from understanding the relationship between genetic determiners and psychological characteristics. I don't think Dr. Jensen is a racist, he's just naive. Apparently, he has never understood the work of Franz Boas or Otto Klineberg and the cultural anthropologists, who, as early as the 1930s, were presenting evidence to show that the significant variable in understanding differences among human beings was not, as far as we know, inherent biological determinants, but the complexity of social and environmental forces that interact with whatever biological potential exists in particular individuals.

Q. Along these lines, some time ago, you remarked upon the wastefulnes of attempting to create a culture-free I.Q. test. Have you had any second thoughts on that subject?

A. No, I haven't. I.Q. tests are what they are. They have their uses. Their results reflect the complexity of those forces I was speaking of. They attempt to measure the individual potential, a capacity not too well understood, and I don't expect that it will be during my lifetime, as it interacts with the complexity of social and environment influences to which the individual has been subjected since birth and before birth. And they are further complicated by the complexity of the forces involved in the construction and validation and administration of these tests. They leave much to be desired, but they are the best we have. It is preposterous to talk about their being culture-free. They exist in a culture. A culture-free test would be useless. No individual functions outside of a culture.

Q. Most of the books and articles that have been appearing about the education of black children, at least those that have sold widely, seem to me to have been basically personal success stories. The I'm-the-only-one-who-really-understands sort of thing—such books as "Death At An Early Age," "The Way It Spozed to Be," "Thirty-Six Children." What do you think of the effects and values of this particular school of writers?

A. Well, I would certainly be more inclined to accept their frailties before I would accept the Jensen-type frailties. It's true that you see in many of these personal reports a kind of self-righteous, positive sentimentalism. This may be necessary. This kind of approach might be much more effective in stimulating change than the rational, matter-of-fact mathematical approach that I have. But I'm inclined to say, "Look. If you teach these children, you don't have to love them. You don't have to be sentimental."

I recall my own history in the schools as I was growing up in Harlem. I don't remember some of my better teachers loving me as such. The thing that stands out in my mind is that these good teachers held me to standards. In this regard, I sensed, maybe not at the time but looking back on it, that in holding me to the same standards they would hold everoyne else to they were conveying to me a respect and an acceptance of me as a person, which I then responded to positively. I don't remember love as such. In fact, some of the teachers who seemed to be emotional and positive in their affection for me were not particularly good teachers, if I remember them correctly. They were too easy, too accepting of shoddy performance on my part. I remember the man who introduced me to algebra in the junior high. He was a German by the name of Ruprecht. He was tough, hard. But somehow or other, at the end of my contact with Ruprecht I recognized that there had been real warmth there. He manifested it by his insistence that I do my homework and go up to the board to solve problems. These were manifestations of his respect for me as a human being.

And I think this is what is at the heart of what is needed now. The ghetto child needs to sense from his teachers that they respect him as a person. And the only way he can sense it is through his accomplishments and through teachers providing the parameters for accomplishment. This is where the whole thing about pride comes in. I am convinced that black children or any other group of children can't develop pride by just saying they have it, by singing a song about it, or by saying I'm black and beautiful or I'm white and superior. These approaches are senseless. Pride comes through demonstrable achievement. The people who know this best are the people in the ghettos. The children know when they are able to accomplish something and when they are failing. They know when they are being relegated to the dung heap of academia. They know when they can't read as well as others or when they can't do arithmetic. To set them apart and give their groups the names of birds or animals doesn't fool them a bit. I don't know a single child who is so unintelligent as not to know when his school has given up on him. I don't know of a single child who can be fooled by being told that it doesn't matter whether he knows how to read or write or do arithmetic because he has a glorious culture or because of his great color. They don't buy it. That's why they become junkies, to escape from themselves, to escape from that second-class kind of reality. If you want to change that reality, you've got to change it in the schools.

THE DOCTRINE OF "DIFFERENCE"

Q. Do you see any hopeful trends in ghetto education? Are the established school systems getting anywhere, or are they all capitulating to this easy doctrine of "difference"?

A. Frankly, I think there is too much capitulation to this "difference." It's the fad now, and this fad is being reinforced by the black separatists, black nationalists, white sentimentalists and white segregationists. I'll have none of it. It must be counteracted. I think we are going to have to get school districts with tough-minded leadership that will reject this kind of nonsense and demonstrate what can be done with top level education. We are going to have to get competitive educational systems, private, pseudo-private, semi-private, quasi-private—what you will. We are going to have to have schools for the employes of big industries, subsidized by these big industries—AT&T, Western Electric, banks. And we'll have to use these new forms of semi-public systems, subsidized school systems, to do today what the private school systems did 30 or 40 years ago.

Q. Before they joined the group? Many private school educators, as you know, also subscribed to the doctrine of "difference."

A. But they haven't joined on the whole quality-of-education issue, as they apparently have on the jargon level. My son went to a private New England school, and in the fourth and fifth forms (tenth and eleventh grades) he was reading books and being held to standards of writing and criticism more rigid than we find set for some college freshmen. American education is most undemocratic when it accepts ideas of inferiority. The independent schools never really succumbed to the dilution of standards that seem to prevail in the public schools. Furthermore, many of the schools in suburbia never really succumbed to it, either. The chief victims of the dilution of educational standards have been the lower-income white and minority-group youngsters in the inner city.

HOUSE OF REPRESENTATIVES—*Monday, February 16, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Teach me to do Thy will; for Thou art my God; Thy spirit is good; lead me into the land of uprightness.—Psalm 143: 10.

O God, our Father, whose will is peace, whose nature is love, and whose desire is that we live in peace with Thee and in love with one another grant unto us a vision of Thy purpose for mankind as we lean on the windowsill of heaven and look up to Thee in prayer.

Deliver us from antagonisms that annoy us, from trifles that try us, from disagreements that make us disagreeable, and by Thy spirit make us great in goodness, good in our greatness, and genuine in all our endeavors on behalf of our beloved country.

Amid the problems that perplex us and the difficulties that dismay us do Thou strengthen and sustain our spirits and lead us in the paths of righteousness for Thy name's sake. Amen.

THE JOURNAL

The Journal of the proceedings of Tuesday, February 10, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on February 11, 1970, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 888. Joint resolution to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 8020. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the naval service on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port; and

H.R. 14464. An act to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2595. An act to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

FEBRUARY 11, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on February 10, 1970, the Clerk received from the Secretary of the Senate today the following messages which passed the Senate without amendment:

H.R. 8664, to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9485, to remove the $10,000 limit on deposits under Section 1035 of Title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9564, to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band;

H.R. 11548, to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes; and

H. Con. Res. 207, General Omar N. Bradley.

Respectfully yours,
W. PAT JENNINGS, *Clerk.*
By W. RAYMOND COLLEY.

JUDGE HOFFMAN COMMENDED

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. SIKES. Mr. Speaker, those who believe in government by law and who seek to uphold the courts will take heart from the strong and courageous action of Judge Hoffman in Chicago. During the 5-month-long trial of those charged with conspiracy to disrupt the Democratic National Convention in Chicago, he was subjected to a series of calculated indignities the like of which had never been heard in an American court. The stiff sentences which he handed out for contempt were deserved.

The amazing thing was the patience which he exhibited time after time when he was subjected to insult by defense attorneys and defendants alike. They sought to make a mockery of the trial and to destroy the prestige of the court, just as the demonstrators destroyed the prestige of the Democratic Convention.

Judge Hoffman has distinguished himself by his action, and he has taken a bold step to strengthen the reputation of American judicial processes.

LET US NOT CONFUSE LEADERSHIP FIGHTS WITH INSTITUTIONAL REFORM

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, there has been a good deal of notice in the press and over TV lately about members of the Democrat Party who, because of their dedication to the goal of congressional reorganization, are pressing an assault on the leadership and the seniority system. These releases have been good personal publicity, but I question whether they represent a responsible step in the battle for institutional reform.

If the Democrat Party has its leadership problems, they should not be confused with congressional reorganization. A power struggle will bring only harm to the organization effort. The Rules Committee has been working on a reorganization bill and allegedly it will soon be ready to send to the floor. We do not know the form of this bill yet, although in its initial stages, when many of us testified in hearings on it, it constituted a step in the right direction. But, in the light of the history of the reorganization bill of 1968, does anyone seriously think we will be permitted to consider any degree of congressional reorganization on the floor if that issue is tangled with the leadership issue? Leadership fights are only symptomatic. What this institution needs is basic reorganization. If, because of lack of discipline, Democratic intraparty personality struggles, or the insecurity of majority party leadership in the face of repeated press assaults, this body fails this year to make any substantial progress toward more responsive processes, this will be a major political issue in the fall's congressional election campaign. The fault will lie not just with the apostles of the status quo in both parties; it will lie also with those young liberal Democrats who confuse leadership fights or their natural desire for personal publicity with the more serious business of institutional reform.

A VERMONTER HAS DONE IT AGAIN

(Mr. STAFFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAFFORD. Mr. Speaker, it is without the slightest bit of humility and indeed with overflowing pride that I take this opportunity to advise my colleagues that a Vermonter has done it again.

As reported in this morning's papers, Billy Kidd of Stowe, Vt., became the first U.S. male skier to win a world or Olympic gold medal when he won the alpine combined at the International Ski Federation championships in Val Gardena, Italy, yesterday.

I say a Vermonter has done it again because the only other gold medal ever captured in world ski competition by an American skier went to Andrea Mead Lawrence in the 1952 Olympics and Andrea is from my own hometown of Rutland, Vt.

Just as I watched Andrea develop into a world-famous skier on the slopes near Rutland, I have witnessed the tremendous tenacity and courage which led to Billy Kidd's victory yesterday. Although he has suffered injuries which have sidelined him some part of every year since 1962, he kept trying and won his gold medal yesterday after skiing in a corset to support his weakened back.

I would be remiss also if I did not pay tribute to Billy Kidd's teammates from Vermont who were responsible for such an outstanding showing by the U.S. team. In addition to the gold medal for ranking highest in the combined alpine events, Billy also captured a bronze medal in the slalom, while Barbara Cochran of Richmond, Vt., captured a silver medal in the women's slalom, and her sister, Marilyn Cochran, won a bronze medal in the women's combined. They and all the rest of the U.S. skiers deserve the greatest recognition and honor.

For those of you who love to ski, I can only say as one who has skied the Vermont mountains since childhood, come to Vermont and ski. It is the land of Billy Kidd and the country's other top ski champions.

TRIBUTE TO JUDGE HOFFMAN

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, I am not acquainted with Judge Julius Hoffman, who has presided over the conspiracy trials in Chicago. Undoubtedly he must be one of the most patient men in this country. During the last few months he and his Illinois court authorities have been compelled to endure the most ruthless and ugliest conduct ever to be witnessed in a trial court of our country.

There is no doubt that the contempt citations and the sentences which the judge handed out were necessary and proper. There is no doubt that these people had coming to them that which the judge gave to them, and possibly more.

In the meantime I noticed some criticism in some of the press of the manner in which Judge Hoffman conducted his court. Evidently the press and editorial writers, who made the criticism, did not realize the difficult circumstances under which the judge was attempting to conduct the trial. He was compelled to be patient and careful in order not to include a reversible error in the record. It was incumbent upon him that he be very careful. The defendants and their attorneys were doing their best to provoke Judge Hoffman into making some statement or some improper ruling that would give them grounds for reversal in an appellate court. Although taking much abuse, the judge was too smart and too cool for them. He maintained his balance until the trial was concluded; then he

moved against the defendants and their counsel on charges of contempt, as he should have done. He is, indeed, a wise judge. He knew what he was doing and he did it right.

I predict, Mr. Speaker, that Judge Hoffman will go down in the history of this country and of the great State of Illinois as one of the great jurists of our time. He certainly has proven himself to be an able, learned, and fair man.

I might also say, Mr. Speaker, that Judge Hoffman was dealing with one of the most ruthless lawyers ever admitted to the bar in this country; that is, this man by the name of Kunstler.

Most of the Members here do not know him. I know him. I have felt his slashes and unscrupulous tactics.

He prepared a complaint to this Congress a few years ago, with no client, with no one having complained to him. He prepared a trumped up complaint regarding my election and that of my other colleagues from Mississippi. Then he went down to my State searching for clients. The original complaint left blank the names of those complaining because no one had complained. But after tramping over my State he came up with some so-called clients and imaginary complainants. He and his northeastern compatriots opened an office in New York City and disseminated literature around the country for the purpose of collecting funds to support the "challenge" of our delegation. No one outside of the Kunstler clique knows or will ever know just how many thousands upon thousands of dollars they raked off the public with this so-called challenge.

Regrettably he persuaded about 80 percent of enough Members of this House to vote to unseat us and to leave my State without representation in this body. This challenge was a fraud and Kunstler knew it was a fraud.

But this is not the purpose of my rising, Mr. Speaker. I mentioned this only to let this House know something of the kind of man Kunstler happens to be.

He has lived his life representing leftist clients, furthering leftist movements, and feathering his nest with leftist dollars.

He made every attempt, in the defense of his Chicago clients, to make a riot of the courtroom. He exhibited no respect for either the court or the law. His conduct was a horrible reflection on the ancient, learned, and respected profession of that of the practice of law.

He attempted to trample on the administration of justice, but Judge Hoffman did not let him get away with it. He is on the way to just what he deserves, a long rest in the Cook County jail.

My hat is off to Judge Hoffman, who serves his court and his people so well.

PERMISSION FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA TO SIT DURING GENERAL DEBATE TODAY AND TOMORROW

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may be permitted to sit during general debate this afternoon and tomorrow afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

ELECTION TO COMMITTEE ON PUBLIC WORKS

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 834) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 834

Resolved, That Robert A. Roe, of New Jersey, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Public Works.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–257)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

The activities of the National Science Foundation are essential in increasing the nation's fund of scientific knowledge, providing science training for our youth, and harnessing the forces of science for the good of our citizens. I am today submitting to the Congress the Nineteenth Annual Report of the Foundation, which tells of significant accomplishments in fiscal year 1969.

In that 12-month period, the Foundation provided $225 million to support scientific research in every State of the Union; it invested more than $106 million to improve science education at every level from elementary school through the university; and it supported the improvement of our institutions of higher education through development-related grants totaling more than $50 million.

All of these investments will, I am confident, produce important benefits for our society. I am pleased to note that a number of such benefits were realized in fiscal year 1969 as a direct result of Foundation programs. As we go forward into the decade of the 70s, the role of science will surely become more and more important in the search for solutions to our problems and in the effort to enhance our environment.

RICHARD NIXON.

THE WHITE HOUSE, *February 16, 1970.*

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR ADMISSION TO UNITED STATES OF CERTAIN INHABITANTS OF BONIN ISLANDS

The Clerk called the bill (H.R. 4574) to provide for the admission to the United States of certain inhabitants of the Bonin Islands.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REMOVING CLOUD ON TITLES OF PROPERTY LOCATED IN MALIN, OREG.

The Clerk called the bill (H.R. 2036) to remove a cloud on the titles of certain property all located in Malin, Oreg., and owned by the city of Malin; Marian H. Peck, Merrill, Oreg.; Marion R. Rupert, Malin, Oreg.; and Blanche Fields, Malin, Oreg.

There being no objection, the Clerk read the bill as follows:

H.R. 2036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby releases and quitclaims those interests reserved pursuant to the Act of August 30, 1890 (26 Stat. 371, 391), relating to the right of the United States to construct ditches and canals upon and through certain lands all as shown on that certain supplemental plat of Malin (Klamath County), Oregon, filed July 5, 1939, as follows:

(1) To the city of Malin, Oregon, its successors and assigns, that certain interest reserved by the United States in lots 1, 2, and 3, in block 29;

(2) To Marian H. Peck, a widow, her heirs and assigns, Box 255, Merrill, Oregon, that certain interest reserved by the United States in lots 8, 9, and 10, in block 29;

(3) To Marion R. Rupert, unmarried, his successors and assigns, Malin, Oregon, that certain interest reserved by the United States in lots 1 and 2, in block 30; and

(4) To Blanche Fields, a widow, her heirs and assigns, Box 208, Malin, Oregon, that certain interest reserved by the United States in lots 3, 4, and 6 in block 30.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"That the United States hereby releases and quitclaims to the owners of record of the lots hereinafter named those interests reserved pursuant to the Act of August 30, 1890 (26 Stat. 371, 391), relating to the right of the United States to construct ditches and canals upon and through Lots 1, 2, 3, 8, 9, and 10 in Block 29, and Lots 1, 2, 3, 4, 5, and 6 in Block 30 in Malin, Oregon, all as shown on that certain supplemental plat of Malin (Klamath County) Oregon, filed July 5, 1939."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to remove a cloud on the titles of certain property located in Malin, Oregon."

A motion to reconsider was laid on the table.

HEALTH CARE COST-SHARING ARRANGEMENTS FOR CERTAIN SURVIVING DEPENDENTS

The Clerk called the bill (H.R. 8413) to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire as to why this bill is not on the Consent Calendar as printed and circulated today and whether or not the others so listed, Nos. 115, 116, and 117, are to be called?

Mr. McFALL. Mr. Speaker, will the gentleman yield for an explanation?

Mr. HALL. I will be glad to yield.

Mr. McFALL. I am informed that this was a clerical error by the tally clerk. It is eligible and it was filed, but it is a mere error by the clerk.

Mr. HALL. And the reports, Mr. Speaker, are available. Is that correct?

Mr. McFALL. I am so advised.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I am very familiar with the bill. It comes out of a committee on which I have served, and it has passed previously.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 8413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 55 of title 10, United States Code, is amended as follows: (1) by adding the following new subsection at the end of section 1079:

"(g) When a member dies while he is eligible for receipt of hostile fire pay under section 310 of title 37, United States Code, or from illness or injury incurred while eligible for such pay, his dependents who are receiving benefits under a plan covered by subsection (d) of this section shall continue to be eligible for such benefits until their eligibility is otherwise terminated."

(2) by adding the following new section at the end thereof:

"§ 1088. Cost sharing for certain dependents

"Notwithstanding any other provisions of this chapter, when a member dies while he is eligible for the receipt of hostile fire pay under section 310 of title 37, United States Code, or from illness or injury incurred while eligible for such pay, his dependents shall, for a period of one year following the date of his death, pay for benefits under this chapter on the same basis prescribed for the dependents of members of the uniform services who are on active duty."

(3) the analysis is amended by inserting the following item:

"1088. Cost sharing for certain dependents."

SEC. 2. The amendments made by this Act shall be effective as of January 1, 1967.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That chapter 55 of title 10, United States Code, is amended as follows: (1) by adding the following flush sentence at the end of section 1079(d):

" 'However, notwithstanding clause (4) of this subsection, the plan covered by subsection (a) may include institutional care in other than private nonprofit institutions and facilities and transportation to and from such institutions and facilities if such care is determined to be necessary to carry out the purpose of this chapter.'

and (2) by adding the following new subsection at the end of section 1079:

" '(g) When a member dies while he is eligible for receipt of hostile-fire pay under section 310 of title 37, United States Code, or from illness or injury incurred while eligible for such pay, his dependents who are receiving benefits under a plan covered by subsection (d) of this section shall continue to be eligible for such benefits until their eligibility is otherwise terminated.'

"(3) by adding the following new section at the end thereof:

" '§ 1088. Cost-sharing for certain dependents.

" 'Notwithstanding any other provisions of this chapter, when a member dies while he is eligible for the receipt of hostile fire pay under section 310 of title 37, United States Code, or from illness or injury incurred while eligible for such pay, his dependents shall, for a period of one year following the date of his death, pay for benefits under this chapter on the same basis prescribed for the dependents of members of the uniform services who are on active duty.'

"(4) the analysis is amended by inserting the following item: '1088. Cost-sharing for certain dependents.'

"Sec. 2. The amendments made by this Act, except for clause (1) of section 1, shall be effective as of January 1, 1967."

The committee amendment was agreed to.

(Mr. HÉBERT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HÉBERT. Mr. Speaker, I rise in support of this legislation.

In the second session of the 90th Congress, the House passed H.R. 18673, a bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents of members of the uniformed services who die while eligible for hostile-fire pay—or from illness or injury incurred while eligible for such pay—to continue for varying periods to receive benefits under the civilian health and medical programs of the uniformed services in the same manner as though the members were still alive.

The bill, H.R. 8413, before us today is practically identical to the bill passed by the House at that time.

In the case of regular health care, the bill provides that dependents shall, for a period of 1 year following the date of the member's death, pay for cost-sharing medical care benefits on the same basis prescribed for dependents of military personnel.

Traditionally, families of deceased service personnel are provided medical care on the same basis as retirees and their dependents. Retirees and their dependents and dependents of deceased personnel are eligible for care in military facilities on a space-available basis. The law also provides for care of dependents of active duty personnel and retirees and their dependents and dependents of deceased personnel at civilian sources. But the law provides a higher level of charges for retirees and their dependents and dependents of deceased personnel than for dependents of active duty personnel for care from civilian sources.

For care in civilian hospitals the dependents of active duty personnel pay the first $25 of charges, or $1.75 a day, whichever amount is the greater. Dependents of deceased personnel pay 25 percent of the charges for inpatient care from civilian hospitals. Similarly, for outpatient care from civilian sources, dependents of deceased personnel pay the first $50 of charges for all types of care authorized in each fiscal year plus 25 percent of all additional charges during the year; dependents of active duty personnel pay the first $50 each fiscal year plus 20 percent of remaining charges.

There have come to the attention of the Committee on Armed Services cases of service wives who were pregnant at the time their husbands died in Vietnam. Under present law, if they subsequently receive their maternity care at civilian hospitals they would be charged as a dependent of a deceased person. Instead of $25 or $1.75 a day, whichever is greater, the cost would be 25 percent of all charges. Thus, a dependent wife could find herself paying several times more than she expected to pay for maternity care because her husband was killed in combat.

For dependents who are receiving benefits under section 1079(d) of title 10, United States Code, the bill provides they shall continue to be eligible for such benefits until their eligibility is otherwise terminated. Section 1079(d) is a program that provides support for the care of mentally retarded or physically handicapped dependents of active duty military personnel.

Although the committee recommends that the eligibility for care under the mentally retarded or physically handicapped program be enacted identical to the one passed in the 90th Congress which was totally supported at that time by the Department of Defense, this year it was recommended by the Department of Defense that benefits be limited to 1 year following the death of the serviceman. The committee action in rejecting the 1-year limitation suggested by the Department of Defense is predicated on the basis that a special duty is owed by the Government to those dependents of servicemen who are killed or died while receiving hostile-fire pay.

We also added an amendment which would permit care for mentally retarded children or physically handicapped children in other than private nonprofit institutions.

Experience has shown that during the almost 3 years the program for the handicapped has been in effect, there are some places within the United States where the only suitable facility offering the type of service which the mentally retarded or physically handicapped child needs are in profit institutions. In other instances, experience has shown that although there may be both types of institutions in a particular area, in some instances the so-called profit institution is offering better services at a lower cost to the Government than a nonprofit institution. The committee feels that the prohibition on the use of profit insti-

tutions should be removed from the law so that in a given instance, the best available and reasonably priced facility could be utilized.

Except for the benefits to be conferred under clause (1), the amendments to title 10, United States Code, made by the bill would be effective as of January 1, 1967, the date when the program for care of mentally retarded and physically handicapped dependents went into effect.

While it is not possible to precisely determine the cost of the bill, the Department of Defense's best estimate is that the cost for a 12-month period will not exceed $255,000. The cost can be absorbed within the present appropriations.

I urge each of you to support this important bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 11]

Adair	Ford, William D.	Moss
Adams	Fraser	Myers
Albert	Frelinghuysen	Nichols
Anderson, Tenn.	Fulton, Tenn.	O'Konski
Ashbrook	Gallagher	Ottinger
Ashley	Gray	Patman
Aspinall	Griffiths	Pelly
Barrett	Gubser	Pepper
Betts	Hagan	Pettis
Bevill	Halpern	Powell
Blanton	Hamilton	Quie
Blatnik	Hanna	Railsback
Brock	Harrington	Reid, N.Y.
Brotzman	Hathaway	Rodino
Brown, Calif.	Helstoski	Roudebush
Brown, Ohio	Henderson	Ruppe
Buchanan	Jones, Ala.	St Germain
Burton, Calif.	Kastenmeier	St. Onge
Burton, Utah	King	Scheuer
Button	Kirwan	Springer
Cabell	Kleppe	Stokes
Chisholm	Landgrebe	Stubblefield
Clark	Landrum	Symington
Clawson, Del	Lennon	Taft
Clay	Long, La.	Taylor
Conyers	Long, Md.	Teague, Calif.
Cramer	Lujan	Teague, Tex.
Culver	Lukens	Tunney
Dawson	McCarthy	Udall
Delaney	McCloskey	Van Deerlin
Devine	McKneally	Watkins
Dickinson	Mahon	Watson
Diggs	Mathias	Weicker
Dwyer	May	Wiggins
Eckhardt	Mink	Wilson, Charles H.
Eshleman	Monagan	Yates
Fallon	Moorhead	Zablocki
Findley	Morse	
Fisher	Morton	

The SPEAKER. On this rollcall 316 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TAMPA BAY DISASTER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, on last Friday a Greek tanker ran aground in the Tampa Harbor. As a result of this grounding, many thousands of gallons of heavy oil, destined for a powerplant in Pinellas County, were dumped into Tampa Bay.

Although the Tampa Port Authority had made an effort to be prepared for such a disaster, this accident occurred outside of their jurisdiction. However, they rendered whatever assistance they had available.

Unfortunately, there was no emergency type of equipment or agency available to clean up this mess, and the damage to the bay is difficult to estimate, but there is no doubt that it will be substantial.

What makes this occurrence doubly unfortunate, Mr. Speaker, is that legislation to clean up this kind of mess has been pending in the Congress for a long, long time. I hope that those responsible for this unconscionable delay will move rapidly to get the necessary legislation on the books, so that communities hit by such a disaster, will be able to have the necessary Federal authority available to aid them in their cleanup job.

The delay on legislation to cope with this growing pollution problem reaches back into 1968. A similar bill in that year was finally killed through prolonged haggling over a point similar to one now keeping conferees apart. The conferees are now meeting on H.R. 4148, and have been for several months.

In 1968, they could not agree to including offshore and onshore installations as well as ships in the statute and it was the House side who balked on these provisions. These installations are in H.R. 4148, however.

However, the type and degree of liability on the part of the accused polluter is now holding up and has held up the bill since last October. The House passed its version in April of 1969 and the Senate in October, and they have met off and on ever since.

The Senate conferees seek a provision which would make the alleged polluter liable for costs except where the oil or other pollutant spillage was caused by an act of God, or war.

The House conferees seek to limit liability to only those situations where blame can be clearly and unequivocably proved.

This protracted delay should continue no longer. The conferees should agree on a reasonable bill and thereby empower the Federal Government to promptly clean up such spillage and other pollution and to equally promptly assess costs against offenders.

We have waited too long already in enacting such a law.

PRESIDENT BANS TOXIN WEAPONS

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, on Saturday, the President took firm action to ban production and use of toxins for germ warfare purposes, regardless of whether these poisons emanate from biological or chemical sources. This action clears up any confusion about the scope of his decision to renounce the use of biological weapons and to pledge that the United States will never be the first to resort to lethal chemical weapons. In deciding to extend his ban on biological weapons to toxins regardless of their origin, the President chose the most restrictive alternative open to him, and rejected the recommendation of the Defense Department that part of the toxin program be continued. In so doing, he has advanced the cause of peace with no sacrifice to our national security.

As a member of the Conservation and Natural Resources Subcommittee of the House Government Operations Committee, I participated in the subcommittee's investigation of the Dugway nerve gas testing incident, and have given considerable thought to the advantages and disadvantages of these dreadful weapons. There is a serious question whether chemical and biological weapons, attended by such great hazards to our own health and environment, contribute in any way to our national security. I think they do not.

The same conclusion was reached in a study on CBW and national security sponsored by Congressmen JOHN DELLENBACK, of Oregon, CHARLES MOSHER, of Ohio, HOWARD ROBISON, of New York, and FRED SCHWENGEL, of Iowa, and joined in by 12 other Republican Congressmen, including myself. The study concluded with this proposal:

> Consideration of applying the breaks in our headlong rush toward developing chemical and biological killers should be a matter of the greatest urgency. These weapons seem ill-suited to today's military strategies. At best, they might be characterized as unacceptable substitutes for weapons already in use. Their abandonment could provide a greater atmosphere of rationality in military calculations and a more secure state of mind for modern day man by removing one horrifying threat to his existence.

To his great credit, the President has recognized the urgency of restricting chemical and biological weapons and has placed the United States squarely on the side of rationality in controlling the arms race and increasing the prospects for peace.

THE PROBLEM OF OIL SPILLS

(Mr. KEITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEITH. Mr. Speaker, it is just 1 week since I made my last statement about oil spills, and here we are faced with another major disaster, this time in Tampa, Fla. More oil, more dead marine life, more ruined beaches, and yet we still await results from our colleagues who are working on the conference version of the Water Quality Improvement Act.

In March of 1967 the tanker *Torrey Canyon* went aground off the coast of England, a disaster which brought the dangers of oil pollution to the world's attention. Since then the toll has been staggering—hardly a coastline exists which has not suffered from oil spillage. In the United States alone, 714 major spills were reported by the Coast Guard last year. And 3 years after the *Torrey Canyon*, we in Congress have still not enacted meaningful legislation aimed at controlling the problem.

The most disturbing aspect of all this is that the dangers of oil spillage threaten to get worse rather than better. The damage done in England 3 years ago might be considered minimal in comparison to what the large supertankers—nearly twice the size of the *Torrey Canyon*—could inflict on a shoreline. And as we discover and tap more oil fields throughout the world, the probability of accident during transport of the oil becomes greater all the time.

The possible—no, probable—effect on our environment is awesome if we fail to act and act promptly, Mr. Speaker. I urge the conferees to hasten consideration of this necessary legislation and return it to the Congress for final consideration at the earliest possible moment. And I hope that we, here in the House, will be able to approve the conclusions of the conferees.

Only by acting positively and quickly can we convince the country of the reality of our concern for the preservation of our shorelines and our whole environment.

ANADROMOUS FISH CONSERVATION ACT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1049) to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first proviso contained in the second sentence of subsection (a) of the first section of the Act of October 30, 1965 (16 U.S.C. 757a(a)), is amended by inserting ", except as provided in subsection (c) of this section," immediately before "the Federal share".

(b) The first section of such Act of October 30, 1965 (16 U.S.C. 757a), is further amended by adding at the end thereof the following new subsection:

"(c) Whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement with the Secretary under subsection (a) of this section to carry out a research and development program to conserve, develop, and enhance anadromous fishery resources of the Nation, or fish in the Great Lakes that ascend streams to spawn, the Federal share of the program costs shall be increased to a maximum of 60 per centum. Structures, devices, or other facilities, including fish hatcheries, constructed by such States under a cooperative agreement described in this subsection shall be operated and maintained without cost to the Federal Government. For the purpose of this subsection, the term 'basin' includes rivers and their tributaries, lakes, and other bodies of water or portions thereof."

SEC. 2. Subsection (a) of section 4 of such Act of October 30, 1965 (16 U.S.C. 757d(a)), is amended by adding at the end thereof the following new sentences: "There is authorized to be appropriated to carry out this Act, not to exceed $6,000,000 for the fiscal year ending June 30, 1971, not to exceed $7,500,000 for the fiscal year ending June 30, 1972, not to exceed $8,500,000 for the fiscal year ending June 30, 1973, and not to exceed $10,000,000 for the fiscal year ending June 30, 1974. Sums appropriated under this subsection are authorized to remain available until expended.".

SEC. 3. Such Act of October 30, 1965 (16 U.S.C. 757a–757f), is amended by adding at the end thereof the following new section:

"SEC. 7. This Act may be cited as the 'Anadromous Fish Conservation Act'."

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

(Mr. JOHNSON of California (at the request of Mr. DINGELL) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, I rise today to voice my full support of H.R. 1049, a bill to amend the Anadromous Fish Conservation Act.

I have long been associated with the development of the Anadromous Fish program of this country. Many here today will recall the efforts that were made back in the 86th Congress by our late colleague, Clem Miller, and myself to encourage the development of salmon, steelhead, and other fishery resources in northern California.

In 1965, the Merchant Marine and Fisheries Committee spearheaded the enactment of the basic Anadromous Fish Conservation Act and I was delighted to join in supporting a nationwide program which I felt not only beneficial to northern California fisheries, but to those throughout the country. The success of this outstanding program has been tremendous.

I want to commend the Merchant Marine and Fisheries Committee for its vision in recommending the establishment of the program in the first place, and for the proposal now before us to extend and expand this very fine program. I am pleased that the recommendations of the committee will solve a technical problem which we in California have faced in the administration of this program and which I sought to correct in the introduction of H.R. 9546.

In California and in many other States, State matching funds for each specific project must be budgeted as much as 18 months in advance of the Federal appropriation. The legislature is usually most reluctant to appropriate State matching funds when there is no assurance that the Federal Government will approve the specific project when submitted. Under California law, obligating the State by agreement with the Federal Government is not possible unless the State matching funds have been appropriated. As a result, on those projects which have to be specifically budgeted, the current Federal appropriations cannot be obtained.

Accordingly, Mr. Speaker, I urge my colleagues to lend their support to H.R. 1049 which will not only solve this technical problem but will also permit the continuation of an outstanding fisheries effort.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 1049 is to extend and expand the program for the conservation, development, and enhancement of our Nation's anadromous fish and the fish in the Great Lakes that ascend streams to spawn.

Mr. Speaker, briefly explained, anadromous fish are those species of fish that begin their life in fresh water, where they live for varying periods, then migrate to salt water where they usually spend most of their adult lives and finally return to fresh water—usually to the stream of their birth—to spawn, after which many die, having completed their life span. There are many species of fish in the Great Lakes similar to anadromous fish; however, they are not considered anadromous because they do not migrate to salt water. Some examples of the species of fish with which this program is concerned are the Atlantic salmon, five species of the Pacific salmon, shad, striped bass, steelhead, arctic char, sheefish, and the Dolly Varden trout.

As the Members will recall, in 1965 the Anadromous Fish Conservation Act was enacted in response to an urgent need for a comprehensive national program designed to benefit the anadromous fishery resources of our Nation. The 1965 act authorized the Secretary of the Interior to enter into cooperative agreements with the States, either separately or jointly, for the conservation, development, and enhancement of anadromous fish and those stocks of fish in the Great Lakes that ascend streams to spawn. The Federal share of the total cost of any project approved by the Secretary of the Interior is limited to an amount not to exceed 50 percent of such costs, with the remaining cost to be paid for by the States.

Since the enactment of the act the program has met with enthusiastic response from all of the eligible States. For instance, through research significant progress has been made in the development of techniques for fish disease detection, development of accurate forecasts of life and timing of salmon runs, and the use of artificial spawning and incubation channels for steelhead trout. Other accomplishments have included the construction of fishways in dams and rivers in Rhode Island, Connecticut, Delaware, Massachusetts, and many other New England States, and the construction of fish hatcheries in Oregon, Washington, California, and Alaska. Resource inventories are being conducted in Alaska; the Atlantic, Pacific, and Gulf Coastal States; and in the Great Lakes.

With respect to the Great Lakes, the anadromous fish program has played a prominent role in the development of a completely new fishery. This program began in 1965 with the transplanting of

the west coast coho salmon into the Great Lakes. Not only has this program produced a new fishery, but it has had a tremendous effect on the economy of the area. It is estimated that each coho salmon in the sport fishery is worth about $50 to the economy. In fact, the Department of the Interior has estimated that each million dollars of Federal funds expended under the Anadromous Fish Conservation Act generates approximately $9 million of benefits to the States.

Mr. Speaker, briefly explained, section 1 of the bill would add a new subsection (c) to section 1 of the act to provide that whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement with the Secretary of the Interior, the Federal share of the program costs would be increased to 60 percent with the remaining costs to be borne by the States. Operation and management of facilities constructed under this section would be operated and maintained exclusively by the States. The term "basin" as defined in the act would include "rivers and their tributaries, lakes, and other bodies of water."

The reason for this section of the bill stems from the fact that many States have indicated an interest to participate in the program provided multistate projects were funded at a higher level than 50 percent. The bill as introduced would have authorized up to 75 percent of Federal funding for multistate projects, however, after considering all of the testimony presented at the hearings on the legislation, the Committee on Merchant Marine and Fisheries felt—and I think wisely—that 60 percent would be sufficient to encourage such joint participation on the part of the States and thusly amended bill to provide accordingly.

With respect to section 2 of the bill, under present law there is authorized to be appropriated for the 5-year period ending June 30, 1970, not to exceed $25 million to carry out the act. Since its enactment and through fiscal year 1970, $16,389,000 of the $25 million authorization has been appropriated. However, during that same period there were additional requests from the States amounting to over $6 million that could not be funded because of inadequate appropriations; of this amount over $4 million was applicable to 1970 requests.

In view of the foregoing, the Committee on Merchant Marine and Fisheries amended section 2 of the bill to be more in accordance with anticipated State needs. As amended, section 2 would extend the program for an additional 4 years and at the following level of funding: not to exceed $6 million for fiscal year 1971, $7.5 million for 1972, $8.5 million for 1973, and $10 million for 1974.

Section 3 of the bill would add a new section 7 to the act to officially cite the act as the "Anadromous Fish Conservation Act."

Mr. Speaker, there have been tremendous accomplishments under this act since its inception in 1965. Not only has it provided valuable assistance to the conservation and development of anadromous fish but the program has been most beneficial to other species of fish. The need for continuation of this program becomes more apparent when the anticipated tremendous increase in sport and commercial fishing over the next decade is considered.

Mr. Speaker, H.R. 1049 was unanimously reported by the Committee on Merchant Marine and Fisheries and I urge its prompt passage.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I will be happy to yield to my friend, the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me, and I appreciate the opening statement made by the gentleman about the Anadromous Fish Conservation Act, and its extension.

I have only two questions to ask:

The first question is on the statement made by the gentleman about the 9-to-1 feasibility payback. In one place in the report it says that on the basis of the one-for-one matching funds of the Federal Government with the various States——

Mr. DINGELL. The Federal Government matches one for one under the old program, but this refers to where one State or one or more States get together to develop their fishery resources on a particular river or body of water within their boundaries. These programs are on a 50–50 matching fund basis and will continue to be on a 50–50 basis under H.R. 1049. However, there is a section in the bill which would authorize up to 60 percent of Federal funds whenever two or more States enter into a cooperative agreement with the Secretary to carry out a joint program in a basin, lake, or other body of water. What I refer to is the fact that for each dollar spent under this program there has been a $9 return in terms of improved fisheries and fishery income.

Mr. HALL. That would not ordinarily, Mr. Speaker, be on the same basis, would the gentleman say, as to the feasibility of an impoundment, if that is needed, for this legislation to support the anadromous fisheries; is that correct?

Mr. DINGELL. I cannot answer the gentleman's question in precisely that fashion, because this legislation does not provide for the construction of impoundments and things of that kind.

Mr. HALL. I understand that. In fact, it was to overcome the results of impoundment; but, Mr. Speaker, if the gentleman would advise us how do we get this 9 for 1 elsewhere in the report wherein it says:

> Following is a table prepared by the Department of the Interior which indicates that each million dollars of Federal funds expended under this program generates approximately $9 million of benefits to the States.

I have studied that table, and I cannot understand where we get the 9-to-1 ratio instead of the 1-to-1 ratio that is referred to on page 3.

Mr. DINGELL. Mr. Speaker, I would refer my good friend to pages 18 and 19 of the hearings of the Subcommittee on Fisheries and Wildlife Conservation, a copy of which I will be more than willing to make available to the gentleman from Missouri. It states—and I am reading from the report:

> The objectives and accomplishments have been carefully reviewed, and the value of the resources affected has been appraised. This appraisal basically involves three elements as appropriate—(1) the dockside value of commercial fish, (2) the value of a day of sport fishing as determined by the survey, and (3) an estimate of economic benefits to the area involved as a result of sport-fishing expenditures as based on survey information.

And it was on the basis of these three criteria that for each dollar spent $9 came back to the States and benefited the economy in the area.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement, and I appreciate the gentleman yielding to me, and I am sorry that I did not have the hearings available. They have now been made available to me at the minority desk.

Mr. Speaker, let me ask the gentleman the other question I had in mind.

What in the wisdom of the committee is the justification for the substitution or amendment of section 2, and extending this act for a 4- or 5-year period, rather than as in the amendment recommended by the Department, and originally by the committee itself, so as to bring this before the House from time to time, every year or 2 years, or at least on a Congress-to-Congress basis so that we might review the program as needed, and indeed which has proved most successful, instead of over a 4- or a 5-year period?

Mr. DINGELL. The gentleman, I am sure, is aware that the committee does follow a policy of reviewing these kinds of programs periodically, and it has been our attempt to have programs last long enough so that they could be efficient, and so that the expenditures would not go on a particular crash basis. Therefore, as a result of that feeling we have extended the program for 4 additional years.

The figures furnished are those that, as nearly as the committee could possibly ascertain, approximate the amounts that could actually be spent in the program.

They fall rather less than the demands that are available, including the carry-over demands from the States and the anticipated new demands based upon estimates by the Department of the Interior and other agencies.

It was the opinion of the subcommittee and of the full committee that to extend the proposal for 1 year would be a waste of money because States would either fail to come in at all or States would come in with unwise programs. We were not satisfied to give the programs a 1-year extension. States must plan their programs 2 or 3 or 4 years in advance because of the way legislation and appropriations are and to extend the program for 1 year would constitute a waste of money.

We have disregarded the advice of the Interior Department and the Bureau of the Budget and continued the program which provides for orderly programs and funding and in which economies and orderly funding can be obtained and the

States can proceed with an intelligent and effective program.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, all these beautiful words and rhetoric amount to an "educated guess" as to the built-in escalating of costs; is that not right?

Mr. DINGELL. No, I would state to my good friend, the gentleman from Missouri, that the estimates we have at this time are that we can spend significantly more than this efficiently and effectively.

For example, right now there are those who think for this fiscal year the expenditure could be about $5 million more. We have carryover requests of about $4 million, which is a total of $9 million. For fiscal year 1971, we have only authorized an expenditure of $6 million, which is about two-thirds of the amount, which our best intelligence indicates is necessary.

Mr. HALL. I thank the gentleman.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, I thank the gentleman from Iowa for his generous dispensation of the time.

It has always seemed to me that the unique spawning habits of these anadromous fish make them potentially one of the most important sources of food from the sea. With amazing regularity, anadromous fish—salmon, striped bass, sturgeon, alewives, and certain species of trout—return through fishruns to the waters of their birth.

In the very near future, as we are all well aware, we are going to have acute problems associated with population growth and urbanization. One of the biggest problems will be assuring an adequate food supply for this vastly expanded population. With careful planning and development now, our anadromous fisheries can contribute greatly to our food resources—and our economy—in the future.

In the 5 years it has existed, this program has proven to be a beneficial one, to the New England States in particular and to the Nation as a whole, through a more bountiful supply of fish resources. The costs are not great, and the potential gains are enormous.

Anadromous fish respect no State boundaries, and Congress clearly has a significant role to play in their enhancement and propagation. The current act has proven to be a sound and workable one, and I strongly urge its continuance in the form the committee has presented.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. KEITH. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of H.R. 1049, the Anadromous Fish Conservation Act.

If the Nation is to enhance its supply of anadromous fishes, then it is absolutely essential that the provisions of this Act be extended beyond the present expiration date. The legislation now before us does just that by extending the appropriation authority until June 30, 1974.

Representing, as I do, a district which is recognized as one of the prime commercial fishing areas of California, and is one of the greatest sport fishing regions in the country, I am fully cognizant of the need to enhance the supply of salmon and steelhead. This legislation is designed to provide that enhancement.

The extension of the act will allow the States to plan and budget for future projects to assist in their overall programs which are designed to maximize the potential of our fresh-water resources for both commercial and recreational purposes.

We can and must meet our responsibility to insure the long-term yield of these valuable fishery resources. In addition, we must meet our moral obligation to the future and fulfill our economic obligation to the present.

It is extremely difficult to measure such a program in terms of dollars because of the long-range effects of such programs as spawning channels, fish ladders, hatcheries, and rejuvenating stream beds to promote increased populations of anadromous fish and because, in the case of the sportsman, the benefit is difficult to calculate and is not always definable in terms of dollars and cents.

In my judgment, the extension of this measure will promote and facilitate systematic exploration, enlightened development, and responsible exploitation of one of our greatest natural resources and food providers—the sea.

It is our responsibility to make adequate provisions to accommodate our ever-increasing population—by intensifying our fishery conservation programs.

A recent statistical release from the fish and game department of the State of California indicates an alarming decline in the numbers of steelhead and salmon available in the California streams. This comes at a time when more and more people are seeking access to the great outdoors and relief from the pressures of urban life.

Therefore, we must encourage and maximize fish conservation in the rivers and streams of America.

In closing, I urge my colleagues to consider very carefully the legislation before us with the previous comments in mind and act favorably on this legislation.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I listened with interest to the gentleman from Michigan (Mr. DINGELL), and I would agree with my good friend, the gentleman from Missouri (Mr. HALL), that we did hear a good deal of rhetoric, and not too much light on this subject.

May I ask the gentleman what kind of information was fed into the computer that brought out the answer of a 9-to-1 ratio of so-called benefits?

Mr. DINGELL. Mr. Speaker, I have referred the gentleman to the pages in the hearings—pages 18 and 19 in the hearings—and I would also refer the gentleman to the top of page 19 and also to the estimated returns from the State and Federal dollars invested under the Anadromous Fish Act and Public Law 89–304, fiscal years 1969–70 inclusive, which appears on page 19.

There the gentleman will find that $14,962,915 in Federal investment generated a return of $146,594,387.

Mr. GROSS. Well, what kind of wonderful material was fed into the computer to get this kind of answer?

Mr. DINGELL. Let me read to my good friend from the record of the hearing on page 18:

> This appraisal basically involves three elements as appropriate—(1) the dockside value of commercial fish, (2) the value of a day of sport fishing as determined by survey, and (3) an estimate of economic benefits to the area involved as a result of sport-fishing expenditures as based on survey information.

For example, in the Great Lakes—let me just tell my good friend that we have used this program on the coho salmon in the Great Lakes.

Each coho salmon, not according to Federal figures, although Federal figures corroborate what I shall state, but according to the figures used by the Michigan Chamber of Commerce and the Michigan Findings on Natural Resources indicate that one of those coho salmon is worth $50 to the area in terms of various expenditures. So you can see that a program of this kind, wisely and well used, will result in an enormous return.

Mr. GROSS. I would suggest that if there is that kind of return to that area of the country, and there are many States around the Great Lakes, why do they not take this program over?

Am I reading the report correctly that you want to go to a 4-year program with more than $32 million of Federal funds instead of a 1-year program and $5 million?

Mr. DINGELL. The gentleman is aware of that. He was on this committee, I believe, when the original anadromous fish bill was considered. At that time the committee decided that we would go to a program which would give the States time enough to work out the program. I point out to the gentleman that the program would benefit not only Michigan but also Ohio, Illinois, Indiana, Wisconsin, Minnesota, Pennsylvania, and New York—all of the lake-facing States.

Mr. GROSS. Since the return from the expenditure of this Federal money would particularly benefit the Great Lakes area, why do you not take over the brunt of carrying this program?

The next question that occurs to me is, where is it proposed to get the $32 million? I might go along with a 1-year $5 million program, but now you are asking for a 4-year $32 million program, plus what is in the pipeline for 1970. Where do you propose to get that kind of money?

Mr. DINGELL. The gentleman has raised a question that I am sure will plague us many times this year. I would expect the funding for this program would come from the same place that money comes from for all the other desirable programs we have.

I would like to say to my good friend that this program is now available to 31 States in this country. Every single coastal State has an application pending and intends to spend money under it because they see the enormous benefits

that will result from the building of fisheries.

Mr. GROSS. I do not blame the States for having their hands out. As long as we continue to provide it, you can be sure their hands will be outstretched to take the money for this and a lot of other purposes.

The question is, When do you expect to make a contribution to what this country has got to do, and that is to slow down spending in order to stop inflation? When is it expected to make that kind of contribution? That is the issue before the House.

I would go along with you on a 1-year, $5 million continuation of the present program under the circumstances that confront the country, but I cannot go along with you on 4 years and $32 million-plus. This is too rich for my blood. That is the point I am trying to make.

Mr. DINGELL. I am sorry to hear my good friend is distressed over this. I do want to point out again to the gentleman that to curtail the expenditure of $4 or $5 or $10 million for commercial fisheries and facilities for sports fishing that have the kind of payout I have described in terms of return to the Nation, in terms of new resources, new opportunity, new recreation, and new food sources is, I believe, very unwise. We have given you an extremely wise program which I think in terms of cost benefits has been successful. If the gentleman wants to cut the budget, I am sure that he with his experience in this area can find many instances in which he can cut programs which confer much less benefit to the Nation than this would.

Mr. GROSS. You are spending now at the rate of $5 million a year, is that correct?

Mr. DINGELL. $5 million is the presently allocated amount.

Mr. GROSS. And you are getting returns of $50 in the Great Lakes region?

Mr. DINGELL. For each fish.

Mr. GROSS. What more do you want?

Mr. DINGELL. For each fish we get that amount. What I am saying to my good friend is that this is money that generates new revenue, new opportunity, and it does it for the people. It creates new income tax receipts. It creates new business opportunity. I believe this is the kind of program we should be spending money on rather than cutting back. I agree with the gentleman that we have to do some cutting back, but I would say let us find for that purpose programs that do not have the payout that this one has. Let us not cut a program that brings in $9 for each dollar spent. To me that is a foolish kind of practice. It is like a businessman who, when he sees his business turn down, cuts out his profitable lines. I am saying that this is one of the profitable lines of business that the Federal Government is engaged in.

I would say on the basis of that accomplishment, which is significant and which is carefully detailed in the hearings, that we ought to continue it.

Mr. GROSS. The next time I have an opportunity to do a little extra reading, I want to look over the information that was fed into the computers to get a 9 to 1 ratio. This I want to learn more about at some other time.

Obviously when a bill is brought in as this one is under a suspension of the rules, we cannot amend it so as to bring us back to some sense of fiscal responsibility. There is not much we can do about it, those of us who feel this program should make a contribution to economy, as well as all the other legislation that is to come before us. I am willing to go to $5 million for another year and then take a look at it. I do not know whether this Government will be busted or just badly bent next year, so let us take another look at it next year.

Mr. DINGELL. The gentleman from Iowa, I would like to say, was a very valuable member of the subcommittee when he served on it. He contributed to the legislation. We recognize our responsibility to the House. I extend an invitation to the gentleman to sit with us the next time we have the Department of the Interior before us, and we will extend him a full opportunity and full courtesy to question them about these and other matters.

I also assure my good friend, the gentleman from Iowa, that when this matter comes before the House, it will have the most careful scrutiny.

I promise one other thing, that the Subcommittee on Fisheries and Wildlife Conservation will continue its careful scrutiny of the programs, and one of the programs we will be watching with great care is the program which we are now extending.

Mr. GROSS. I have no desire to take any more time on this bill, except to note that the Department which is most directly interested in this bill, the Department of the Interior, is opposed to it and asks that Congress enact a 1-year program at a cost of $5 million.

Mr. DINGELL. I would just assure my friend, the gentleman from Iowa, that it was the judgment of the subcommittee and the judgment of the full committee that if we enact a 1-year extension, we might as well kill the bill, because very few of the States will be able to take advantage of it, which means the termination of many of the programs.

Mr. GROSS. This is the kind of program we have had in the past?

Mr. DINGELL. No; we have not. We have given aid to 2-, 3-, or even 4- or 5-year programs. Our committee does not believe in having 1-year programs, because it does not afford an adequate level of flexibility and opportunity to plan efficiently to make wise expenditures.

Mr. GROSS. The gentleman does not even give us an opportunity to make it a 2-year program at $5 million a year.

Mr. DINGELL. I would be happy to have my good friend, the gentleman from Iowa sit with us, and if he has amendments to offer, I would be glad to have him visit with us and offer them.

Mr. GROSS. That would be after the fact, would it not?

Mr. DINGELL. That is the best offer I can make.

Mr. GROSS. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Speaker, a vote to extend the Anadromous Fish Conservation Act is a vote for conservation. I hope every Member of the House understands that and appreciates the fact that this act is essential to the preservation of much of our Nation's valuable fishery resources. Unless the act is extended, and unless these funds are made available, then certain species of fish will forever disappear from the waters of our world. It is unthinkable that this would be allowed to happen.

Some of the funds which the extension of this act will make available will be used to protect the anadromous fish from the ravages of pollution, land filling, construction projects and other man-made hazards.

But this legislation will do more than simply provide money. It is designed to provide an incentive for States to join together in cooperative ventures to attack fishery problems that are common to large regional areas—instead of to limited State areas. In this way, larger, more effective programs, involving multistate participation, can be successfully implemented.

The multistate venture is an activity that needs encouragement; it is an extremely important and essential requirement, if our national effort to save invaluable fisheries resources is to be successful. In the past, there has been a lack of coordination and a lack of motivation to share responsibility. This is both unfortunate and inequitable. Because of the nature of the anadromous fish—which lead migratory lives—many other areas besides those in which spawning occurs benefit from the anadromous fish program.

As I said earlier, the legislation before us today is designed to stimulate multistate ventures. When two or more States agree to share the expenses of any given program, the Federal Government will contribute 60 percent of the total program cost—instead of the normal 50 percent, as in most matching fund programs. Also, the total cost to the States is reduced as more States join the project. This 60–40 arrangement will, of course, only apply to so-called basin areas, such as the Great Lakes, the Chesapeake Bay, and other similar bodies of water; the term "basin" would include rivers and their tributaries, lakes and other bodies of water as defined in the legislation.

I might also mention that the anadromous fish program already has been met with gratifying response from 31 States. Every coastal area of our Nation has participated in this program, including the Great Lakes, the gulf, and east and west coasts, Hawaii, and Alaska.

Mr. Speaker, this is a most important bill, and I urge its rapid passage. I am also hopeful that the Senate will follow our example, so that the very worthy proposals this legislation contains can be implemented as soon as possible.

Mrs. GREEN of Oregon. Mr. Speaker, I would like to express my wholehearted support for extension and expansion of the Anadromous Fish Conservation Act.

There is no question in my mind that this act should be extended for it is one of the most successful pieces of legislation of its kind that has passed the Congress in recent years. Tremendous benefits have come from the relatively small amount of funds that have been put into the act since it first became law in 1965. Depleted fish stocks have been replenished as literally millions of anadromous fish have been added to the Nation's waters. Thousands upon thousands of sports fishermen are once again returning to our rivers and streams to fish—with some reasonable expectation of catching something. Commercial fishing has been enhanced and millions more additional pounds of salmon and other anadromous fish are available for the tables of America.

The economic impact of this legislation in the 4 years it has been funded has been unexpectedly good. The $15 million in Federal grants, together with matching State funds, have returned close to $150 million to the economy. Oregon and the other west coast States receive a sizable portion of the allocations but the benefits are certainly not limited to that area. In fact. I am a little envious of the return other regions are getting. A $6 million total investment in the Great Lakes region, for example, has generated returns of over $62 million to that region's economy. In all, 29 States have participated in this program with an average return of almost $5 for every $1 invested.

Artificial propagation as well as research and conservation projects are essential to the survival and growth of the delicate anadromous fish for we have so disrupted and dirtied our waters that nature's methods no longer work. As we continue to clean up our rivers, streams and lakes in the years ahead, let us continue to replace the fish we have driven out. Continuation of this act will help.

Mr. VANDER JAGT. Mr. Speaker, I am in strong support of this legislation to amend the Anadromous Fish Conservation Act of 1965. The program has been of great value to my district in western Michigan. Its assistance to recreation fishing in the Midwest alone would make the program worthwhile and I am certain that its benefits are of equal value to our States with salt water anadromous fisheries.

Not too many years ago, following the catastrophic decline in predator fish species in the Great Lakes brought about by the ravages of the sea lamprey, those lakes, particularly Lakes Michigan, Huron, and Superior were a tragically wasted recreation resource. Low quality forage fish; namely alewives, took over Lakes Michigan and Huron in population explosions. The imbalance they brought resulted in massive die-offs in 1967 with the resultant severe contamination of water supplies and otherwise beautiful beaches. 1967 was a year of deep pessimism in the tourist industry of that area.

But, an answer to this disastrous problem appeared in the new predator fish program developed by the far-sighted and imaginative efforts of the Michigan Department of Natural Resources. Coho and Chinook salmon were imported from Alaska and the State of Washington. Steelhead trout were raised in State hatcheries.

The salmon have proved an enormous success as have the trout programs. To provide a local and continuing source of salmon new hatcheries have been required because natural reproduction in spawning streams is insufficient for the carrying capacity of the Great Lakes. The Anadromous Fish Conservation Act has provided substantial assistance for the constuction of those hatcheries.

This reintroduction of predator fish species has helped bring the alewife population under control. Both the salmon and the trout consume prodigious quantities of alewives.

At the same time these anadromous sport fish have provided a recreation program in the Great Lakes of unprecedented proportions. Fishermen have come from all parts of the Nation to catch coho salmon up to 22 pounds, Chinooks up to 35 pounds—some still have a year to go to reach full maturity—and steelhead in the 20- to 25-pound range. These fish are caught in Illinois and Indiana waters of Lake Michigan early in the spring and migrate through the summer to Michigan and Wisconsin waters, then concentrate at spawning streams in the fall. Upward of $25 million a year in new tourist and recreation business has been brought to Michigan alone.

Mr. Speaker, the facts speak for themselves. The Anadromous Fish Conservation Act should be extended in the form proposed here today for the long-term benefits of conservation and recreation in this Nation.

Mr. DINGELL. Mr. Speaker, I have no further requests for time.

Mr. GROSS. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan that the House suspend the rules and pass the bill H.R. 1049, as amended.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 301, nays 19, not voting 111, as follows:

[Roll No. 12]

YEAS—301

Abbitt	Betts	Broyhill, N.C.
Abernethy	Biaggi	Broyhill, Va.
Addabbo	Biester	Burke, Fla.
Alexander	Bingham	Burke, Mass.
Anderson, Calif.	Blackburn	Burleson, Tex.
Anderson, Ill.	Boggs	Burlison, Mo.
Andrews, Ala.	Boland	Bush
Andrews, N. Dak.	Bolling	Byrne, Pa.
Annunzio	Bow	Byrnes, Wis.
Arends	Brademas	Cabell
Ayres	Brasco	Caffery
Baring	Bray	Camp
Beall, Md.	Brinkley	Carey
Bennett	Brooks	Carter
	Broomfield	Casey
	Brown, Mich.	Cederberg
Celler	Hogan	Podell
Chamberlain	Holifield	Poff
Chappell	Horton	Pollock
Clancy	Hosmer	Preyer, N.C.
Clark	Howard	Price, Ill.
Clausen, Don H.	Hull	Price, Tex.
Cleveland	Hungate	Pryor, Ark.
Cohelan	Hunt	Pucinski
Collier	Hutchinson	Purcell
Collins	Ichord	Quillen
Colmer	Jacobs	Randall
Conable	Jarman	Reid, Ill.
Conte	Johnson, Calif.	Reid, N.Y.
Corbett	Johnson, Pa.	Reifel
Corman	Jonas	Reuss
Coughlin	Jones, N.C.	Rhodes
Crane	Jones, Tenn.	Roberts
Cunningham	Karth	Robison
Daddario	Kazen	Roe
Daniel, Va.	Kee	Rogers, Colo.
Daniels, N.J.	Keith	Rogers, Fla.
Davis, Ga.	Kluczynski	Rooney, N.Y.
Davis, Wis.	Koch	Rooney, Pa.
de la Garza	Kuykendall	Rosenthal
Dellenback	Kyl	Rostenkowski
Dent	Kyros	Roth
Derwinski	Langen	Roybal
Dingell	Latta	Ruth
Donohue	Lloyd	Ryan
Dorn	Lowenstein	Sandman
Dowdy	McClory	Satterfield
Downing	McClure	Saylor
Dulski	McDade	Schadeberg
Duncan	McDonald, Mich.	Scheuer
Edmondson	McEwen	Schneebeli
Edwards, Ala.	McFall	Schwengel
Edwards, Calif.	McMillan	Scott
Edwards, La.	Macdonald, Mass.	Shipley
Eilberg	MacGregor	Sikes
Erlenborn	Madden	Sisk
Esch	Mahon	Slack
Evans, Colo.	Mailliard	Smith, Iowa
Evins, Tenn.	Mann	Stafford
Farbstein	Marsh	Staggers
Fascell	Martin	Stanton
Feighan	Matsunaga	Steed
Fish	Mayne	Steiger, Wis.
Flood	Meeds	Stephens
Flowers	Melcher	Stratton
Flynt	Meskill	Stuckey
Foley	Michel	Sullivan
Ford, Gerald R.	Mikva	Talcott
Fountain	Miller, Calif.	Taylor
Frey	Miller, Ohio	Thompson, Ga.
Friedel	Mills	Thompson, N.J.
Fulton, Pa.	Minish	Thomson, Wis.
Fulton, Tenn.	Mink	Tiernan
Fuqua	Minshall	Udall
Galifianakis	Mizell	Ullman
Garmatz	Mollohan	Van Deerlin
Gaydos	Montgomery	Vander Jagt
Gettys	Moorhead	Vanik
Giaimo	Morgan	Vigorito
Gibbons	Mosher	Waggonner
Gilbert	Murphy, Ill.	Waldie
Goldwater	Murphy, N.Y.	Wampler
Gonzalez	Natcher	Watts
Goodling	Nedzi	Weicker
Green, Oreg.	Nelsen	Whalen
Green, Pa.	Nix	Whalley
Griffin	Obey	White
Grover	O'Hara	Whitehurst
Gude	Olsen	Whitten
Haley	O'Neal, Ga.	Widnall
Hanley	O'Neill, Mass.	Williams
Hansen, Idaho	Passman	Wilson, Bob
Harsha	Patman	Wold
Harvey	Patten	Wolff
Hastings	Perkins	Wright
Hathaway	Philbin	Wyatt
Hawkins	Pickle	Wylie
Hébert	Pike	Wyman
Hechler, W. Va.	Pirnie	Yatron
Heckler, Mass.	Poage	Young
Hicks		Zion
		Zwach

NAYS—19

Belcher	Hammer-schmidt	Skubitz
Cowger	Mize	Smith, N.Y.
Denney	Rarick	Snyder
Dennis	Scherle	Steiger, Ariz.
Foreman	Sebelius	Utt
Gross	Shriver	Winn
Hall		

NOT VOTING—111

Adair	Bell, Calif.	Buchanan
Adams	Berry	Burton, Calif.
Albert	Bevill	Burton, Utah
Anderson, Tenn.	Blanton	Button
Ashbrook	Blatnik	Chisholm
Ashley	Brock	Clawson, Del
Aspinall	Brotzman	Clay
Barrett	Brown, Calif.	Conyers
	Brown, Ohio	Cramer

Culver	Jones, Ala.	Pettis
Dawson	Kastenmeier	Powell
Delaney	King	Quie
Devine	Kirwan	Railsback
Dickinson	Kleppe	Rees
Diggs	Landgrebe	Riegle
Dwyer	Landrum	Rivers
Eckhardt	Leggett	Rodino
Eshleman	Lennon	Roudebush
Fallon	Long, La.	Ruppe
Findley	Long, Md.	St Germain
Fisher	Lujan	St. Onge
Ford,	Lukens	Smith, Calif.
William D.	McCarthy	Springer
Fraser	McCloskey	Stokes
Frelinghuysen	McCulloch	Stubblefield
Gallagher	McKneally	Symington
Gray	Mathias	Taft
Griffiths	May	Teague, Calif.
Gubser	Monagan	Teague, Tex.
Hagan	Morse	Tunney
Halpern	Morton	Watkins
Hamilton	Moss	Watson
Hanna	Myers	Wiggins
Hansen, Wash.	Nichols	Wilson,
Harrington	O'Konski	Charles H.
Hays	Ottinger	Wydler
Helstoski	Pelly	Yates
Henderson	Pepper	Zablocki

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Albert with Mr. Adair.
Mrs. Griffiths with Mrs. Dwyer.
Mr. Teague of Texas with Mr. Smith of California.
Mr. Rodino with Mr. Morse.
Mr. Delaney with Mr. Morton
Mr. Ashley with Mr. Ashbrook.
Mr. Charles H. Wilson with Mr. Roudebush.
Mr. Fallon with Mr. McKneally.
Mr. St. Onge with Mr. Del Clawson.
Mr. Gallagher with Mr. Button.
Mr. Hays with Mr Brotzman.
Mr. St Germain with Mr. Kleppe.
Mr. Gray with Mr. Landgrebe.
Mr. Long of Maryland with Mr. Berry.
Mr. Leggett with Mr. Brown of Ohio.
Mr. Blatnik with Mr. Lukens.
Mr. Aspinall with Mr. Gubser.
Mr. Adams with Mr. Burton of Utah.
Mr. Henderson with Mr. Brock.
Mr. Zablocki with Mr. Wydler.
Mr. Yates with Mr. McCloskey.
Mr. Kirwan with Mr. Lujan.
Mr. Jones of Alabama with Mr. Watson.
Mr. Burton of California with Mr. Wiggins.
Mr. Culver with Mr. Buchanan.
Mr. Fisher with Mr. Cramer.
Mr. Hamilton with Mr. McCulloch.
Mr. Stubblefield with Mr. Findley.
Mr. Rivers with Mr. King.
Mr. Pepper with Mr Watkins.
Mr. Ottinger with Mr. Bell of California.
Mr. Nichols with Mrs. May.
Mr. Moss with Mr. Mathias.
Mr. Monagan with Mr. Frelinghuysen.
Mr. Anderson of Tennessee with Mr. Quie.
Mr. Barrett with Mr. Myers.
Mr. Helstoski with Mr. Eshleman.
Mr. Blanton with Railsback.
Mr. Kastenmeier with Mr. O'Konski.
Mr. Hanna with Mr. Devine.
Mr. William D. Ford with Mr. Taft.
Mr. Long of Louisiana with Mr. Dickinson.
Mr. Rees with Mr. Pelly.
Mrs. Hansen of Washington with Mr. Teague of California.
Mr. Fraser with Mr. Conyers.
Mr. Stokes with Mr. Brown of California.
Mr. Tunney with Mr. Ruppe.
Mr. Clay with Mr. McCarthy.
Mr. Eckhardt with Mr. Pettis.
Mr. Harrington with Mr. Springer.
Mr. Hagan with Mr. Riegle.
Mrs. Chisholm with Mr. Powell.
Mr. Diggs with Mr. Symington.
Mr. Bevill with Mr. Landrum.

Mr. DUNCAN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 1049.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDING TITLE 44, UNITED STATES CODE, TO FACILITATE THE DISPOSAL OF GOVERNMENT RECORDS AND TO ABOLISH THE JOINT COMMITTEE ON THE DISPOSITION OF EXECUTIVE PAPERS

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14300) to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 14300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 33 (relating to disposal of records) of title 44, United States Code, is amended by inserting immediately after section 3303 thereof the following new section:

"§ 3303a. Examination by Administrator of General Services of lists and schedules of records lacking preservation value; disposal of records

"(a) The Administrator of General Services shall examine the lists and schedules submitted to him under section 3303 of this title. If the Administrator determines that any of the records listed in a list or schedule submitted to him do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, he may—

"(1) notify the agency to that effect; and

"(2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title.

"(b) Authorizations granted under schedules submitted to the Administrator under section 3303(3) of this title shall be permissive and not mandatory.

"(c) The Administrator may request advice and counsel from the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives with respect to the disposal of any particular records under this chapter whenever he considers that—

"(1) those particular records may be of special interest to the Congress; or

"(2) consultation with the Congress regarding the disposal of those particular records is in the public interest.

However, this subsection does not require the Administrator to request such advice and counsel as a regular procedure in the general disposal of records under this chapter.

"(d) The Administrator shall make an annual report to the Congress concerning the disposal of records under this chapter, including general descriptions of the types of records disposed of and such other information as he considers appropriate to keep the Congress fully informed regarding the disposal of records under this chapter.".

SEC. 2. (a) Section 3308 (relating to disposal of similar records where prior disposal was authorized) of title 44, United States Code, is amended by striking out "by Congress".

(b) Section 3309 (relating to preservation of claims of Government until settled in General Accounting Office) of title 44, United States Code, is amended by striking out "under sections 3306–3308 of this title" and inserting in lieu thereof "under this chapter".

(c) The following sections of chapter 33 of title 44, United States Code, are hereby repealed:

(1) section 3304 (relating to lists and schedules of records lacking preservation value and their submission to Congress by the Administrator of General Services);

(2) section 3305 (relating to examination of lists and schedules by the joint congressional committee for the disposition of certain records of the United States Government and the report of that joint committee to the Congress);

(3) section 3306 (relating to disposal of records by agency heads upon notification by the Administrator of General Services of the action of the joint congressional committee); and

(4) section 3307 (relating to disposal of records upon failure of the joint congressional committee to act).

SEC. 3. The table of sections of chapter 33 of title 44, United States Code, is amended by striking out—

"3304. Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services.
"3305. Examination of lists and schedules by joint congressional committee and report to Congress.
"3306. Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee.
"3307. Disposal of records upon failure of joint congressional committee to act."

and inserting in lieu thereof—

"3303a. Examination by Administrator of General Services of lists and schedules of records lacking preservation value; disposal of records.".

SEC. 4. Section 2909 (relating to retention of records) of title 44, United States Code, is amended by striking out "approved by Congress" wherever occurring therein.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Is a second demanded?

Mr. HANSEN of Idaho. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 14300, cosponsored by the gentleman from Michigan (Mr. NEDZI) and the gentleman from California (Mr. PETTIS), Democratic and Republican members of the Joint Committee on the Disposition of Executive Papers, would amend various sections of title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

This bill is designed to vest full authority in the General Services Administration for the disposal of useless executive papers, a function which has been within the jurisdiction of the Joint Committee of the Disposition of Executive Papers since the Reorganization Act of 1946. The joint committee would be abolished under this act.

Under existing law various departments and agencies submit disposal recommendations to the General Services Administration. These are reviewed in GSA and in the National Archives where they are subject to adjustment. When agreement at the agency level is reached on disposal requests, the material to be disposed of is catalogued and assigned a disposal schedule. This schedule in the form of a coded reference list of numbers is referred to the joint committee for appropriate attention. Members of the joint committee are called upon to approve this disposal schedule.

Briefly, the basis for this proposal lies in the fact that there are numerous Federal departments and agencies throughout the United States and, in fact, the world which are involved in varying degrees. It is virtually impossible for a congressional committee to maintain a realistic oversight over the disposal of executive papers because of the complexity, volume, and location of the various agencies and material concerned.

The bill proposes to authorize the General Services Administration in conjunction with the National Archives, to handle the matter at that level. The bill would retain a certain congressional oversight in that General Services Administration would be able to refer controversial matters to the House Administration Committee and to the Senate Rules and Administration Committee for mediation or settlement.

The joint committee, as authorized in the Reorganization Act and under the rules of the House is comprised of two House Members and two Senators. There is no chairman, no separate staff, and the committee has not formally met at least in the past 14 years. The paperwork involved in congressional authorization for the disposal of executive papers has always been handled by the staff of the Committee on House Administration. Under the existing arrangement, members of the joint committee are called upon to approve disposal lists and schedules about which they have no knowledge beyond the recommendation of the General Services Administration. Further, as pointed out earlier, it is impractical to attempt to develop a system which would give the joint committee members full background information on the disposal requests.

Both General Services Administration and the National Archives are in full support and recommend passage of H.R. 14300.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DENT. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what executive papers are covered? Does this cover the papers of a former President?

Mr. DENT. As long as they are executive records, it is my understanding they would come under that disposal plan.

Mr. GROSS. So it covers Presidential papers as well as papers of other executive officers, Cabinet officers of the Government?

Mr. DENT. When that particular agency which has jurisdiction over the papers requests that the material be disposed of, then the GSA makes its study and decides on the time for disposal of such papers. The move to dispose of the papers must originate within the department or agency that has jurisdiction.

Mr. GROSS. I did not suppose there were any Presidential papers left, for any former President to dispose of. They all have libraries, and I understand they take everything that is loose and perhaps some of the stuff that is not loose when they leave office.

Will this have anything to do with a tax exemption or the appraisal of papers? Let me put the question this way: Do Presidents take a tax exemption on papers they turn over to libraries, either the library that bears their name or a university library?

Mr. DENT. I will yield to the chairman of the subcommittee to tell the gentleman what he thinks about that.

Mr. NEDZI. I thank the gentleman for yielding.

This is really irrelevant to the issue. The point is that this subcommittee did not have anything to say about disposing of the papers anyway. We did not know what they were. I, as a member of that subcommittee, received a list of numbers from the executive department. When I made some inquiry as to what I was signing to be disposed of, nobody knew. It was at that point I decided that the subcommittee was performing an absolutely useless function.

It was the General Services Administration which reviews reports from the various departments, and that is not just Presidential papers but other papers, such as Defense Department papers. The Agricultural Department and all the executive departments submit lists of documents they feel should be disposed of to the General Services Administrator, who then authorizes their disposition subject to the signatures of the members of the Joint Committee on the Disposition of Executive Papers.

I felt that was a totally useless function.

Mr. GROSS. I would have to say, in view of the explanation given by the gentleman from Pennsylvania and the gentleman from Michigan, that it must be more than an exercise in futility to be confronted with a situation of this kind.

I can understand the reason for the legislation, but I am still curious about these Presidential papers and the papers of certain other executives of the Government.

Will this cover the papers of Members of Congress?

Mr. NEDZI. Congress is not an executive agency; not yet.

Mr. GROSS. The gentleman is right. I thank the gentleman for yielding.

Mr. HANSEN of Idaho. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. We are indebted to the distinguished gentleman from Michigan (Mr. NEDZI) and the distinguished gentleman from California (Mr. PETTIS) for calling the attention of the Congress to the necessity for this bill.

I believe it is a rather unusual but a very encouraging sign, when we see Members appointed to a committee who can bring back to us the information that the committee serves no useful purpose and the recommendation that it be abolished. I hope this bill will set some kind of a precedent. Its passage will streamline operations and save tax dollars.

Mr. Speaker, this bill—H.R. 14300—provides the House of Representatives with an opportunity to help streamline the procedures to handle the job of evaluating and disposing of useless executive papers and at the same time eliminate a nonessential committee of Congress.

Creation of the Joint Committee on Disposition of Executive Papers undoubtedly was based on sound enough reasoning originally. It was established to provide the machinery to make the final decisions as to the disposition of papers of the executive agencies and, by agreement, of the courts.

Under the present system the heads of the agencies of Government submit to the General Services Administration lists and schedules of records which they believe do not have sufficient value to warrant their retention. The Administrator of the General Services Administration reviews the proposals and forwards to Congress the lists of records when he agrees that they are not of sufficient value to retain. The lists come to the joint committee for final approval authorizing disposal of the records.

As a practical matter, however, approval by the joint committee of proposals to dispose of records can be nothing more than perfunctory since it is impossible to review and evaluate even the smallest portion of the many hundreds and thousands of documents and records involved.

In essence, members of the joint committee are expected to sign lists authorizing the disposal of records when they have no information as to their content and as a practical matter no way to find out.

This bill would eliminate the Joint Committee on Disposition of Executive Papers and provide that the Administrator of General Services could empower the various agencies to dispose of the records in line with the regulations promulgated by GSA covering disposal of records.

To assist the Administrator in carrying out this authority, the bill provides that if it is considered that any particular records may be of special interest to Congress or consultation with Congress about the disposal of any particular records is in the public interest, he may request advice and counsel of the Senate Committee on Rules and Administration and the Committee on House Administration of the House of Representatives.

Congressional oversight is also maintained under the bill in that it provides that the Administrator of the General Services Administration would be required to make an annual report to Congress concerning the disposal of records

under this bill, to include such information as the description of the type of records to be disposed of and other information deemed appropriate to keep Congress fully informed.

Mr. Speaker, I believe the approach embodied in H.R. 14300 is reasonable and sound. It would eliminate a nonessential committee here in the Congress and would provide more efficient machinery within the executive branch to deal with the problem of disposing of records, documents, and other materials which are determined to be no longer needed. I urge the House to support H.R. 14300.

Mr. DENT. Mr. Speaker, I yield such time as he may require to the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to thank the gentleman from Idaho for his support. In behalf of myself and the gentleman from California (Mr. PETTIS) I would like to express our deep appreciation to the chairman of the subcommittee (Mr. DENT) for cooperating and sharing the same kinds of concerns that we had about this joint committee. Without his help this bill would not be on the floor today. I think all of us in the Congress should be grateful for his assistance.

Mr. Speaker, H.R. 14300 was introduced by the gentleman from California (Mr. PETTIS) and myself and has as its purpose the abolition of the Joint Committee on the Disposition of Executive Papers.

The bill would vest authority in the General Services Administration for the disposal of useless executive papers, a function under the nominal jurisdiction of the aforementioned joint committee since the Reorganization Act of 1946.

When Congressman PETTIS and I were assigned as the House Members on this four-man joint committee we soon discovered that we had no meaningful role to play in the disposition of the mountains of executive papers which had been selected for elimination.

The established procedure calls for the head of each agency of the U.S. Government to submit to the Administrator of General Services a list of papers for disposition. The Administrator of General Services, in turn, forwards the list to Congress where it is passed on to the joint committee for perfunctory approval.

Each member of the joint committee merely affixes his signature to a sheet listing numbers and the names of departments with no other description. There is no chairman, no separate staff, and no meetings. Indeed, I am told that the committee has not met in at least the past 14 years.

I believe that the General Services Administration can handle the matter in its entirety. However, our bill would retain some congressional oversight in that GSA would refer any controversial matters to the House Administration Committee and to the Senate Rules and Administration Committee for meditation or settlement.

The need to dispose of useless papers, film, X-rays, and so forth, is unquestioned. Disposal saves money and space. I do not think that it is practical to try to develop a system where the joint committee would get more deeply involved. The General Services Administration should be able to handle the job.

The history of Congress indicates a proliferation of committees, subcommittees, and joint committees, a proliferation that is rarely checked.

This is one small case where abolition of one small committee will be utterly painless.

I can assure you that this committee will never be missed.

Mr. DENT. Mr. Speaker, I have no further requests for time.

Mr. HANSEN of Idaho. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania, that the House suspend the rules and pass the bill H.R. 14300, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TO INCREASE CRIMINAL PENALTIES UNDER SHERMAN ANTITRUST ACT

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14116) to increase criminal penalties under the Sherman Antitrust Act.

The Clerk read as follows:

H.R. 14116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1, 2, and 3 of the Act of July 2, 1890 (26 Stat. 209), as amended, are hereby further amended by striking out, in each section where it appears, the phrase "fine not exceeding fifty thousand dollars" and in each instance substituting in lieu thereof the phrase "fine not exceeding five hundred thousand dollars if a corporation or fifty thousand dollars if any other person."

The SPEAKER pro tempore. Is a second demanded?

Mr. POFF. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CELLER asked and was given permission to revise and extend his remarks and to include a letter from the Attorney General.)

Mr. CELLER. Mr. Speaker, H.R. 14116 increases from $50,000 to $500,000 the maximum fine which may be imposed upon a corporation in a criminal suit for violation of the Sherman Antitrust Act—15 United States Code 1, 2, and 3. At the present time the maximum penalty which may be imposed upon conviction for each count of an indictment under the Sherman Act is a fine not exceeding $50,000, imprisonment not exceeding 1 year, or both, at the discretion of the court. H.R. 14116 makes no change in the penalties applicable to natural persons. The court will continue to exercise discretion in the imposition of punishment after consideration of the gravity and duration of the offense, its consequences upon the national economy, and the need to deter future practices of comparable nature.

When the Sherman Act was enacted in 1890, it provided for a fine of not more than $5,000 or imprisonment for not more than 1 year, or both. Shortly thereafter there were complaints that the fine, the penalty applicable to corporate violators, was inadequate and that effective antitrust enforcement required sanctions that would have more significance in corporate financial operations.

Notwithstanding these complaints and the manifest inadequacy of the fine as a deterrent when compared to profits realizable to a corporation from illegal practices, no change was made in the penalty for 65 years. In 1955, the only time the penalty provision had been amended, the maximum fines for both individuals and corporations were increased to $50,000.

The inadequacy that was corrected in 1955 is once again apparent. The amount of the maximum fine available to deter criminal activities is paltry when compared to the additional profits that may flow from the violation. The fine is so low that it may be regarded by some corporate executives as a good business risk.

The Attorney General urges prompt enactment of this legislation. The Attorney General in his letter stated:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 29, 1969.

The SPEAKER,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is enclosed for your consideration and appropriate reference a legislative proposal "To increase criminal penalties under the Sherman Antitrust Act."

This proposal would increase from $50,000 to $500,000 the maximum fine which may be imposed upon a corporation for a criminal violation of the Sherman Act. (15 U.S.C. 1 *et seq.*) These violations involve principally price-fixing, boycotting, allocation of customers, and allocation of territories. It would effect no change in the fine with respect to natural persons.

The maximum fine for violations of the Sherman Antitrust Act was increased to $50,000 in 1955. Since that time the assets and profits of corporations have increased dramatically, while the purchasing power of the dollar has decreased greatly. Consequently, the basic purpose of such a fine—to punish offenders and to deter potential offenders—are frustrated because the additional profits available through prolonged violation of the law can far exceed the penalty which may be imposed. The $50,000 statutory maximum makes fines in criminal antitrust cases trivial for major corporate defendants.

To maintain the intended effect of the maximum fine established in the 1955 amendment to the Sherman Act, which is related to corporate profits of fourteen years ago, the increase is obviously needed.

It is also needed as an additional tool with which to combat organized crime. The increased penalty will constitute a more effective deterrent against the invasion or conduct of legitimate business by criminal organizations in ways which violate the antitrust laws.

This proposed increase would be of valuable assistance in the effective enforcement of the Sherman Act in regard to large corporations without placing an undue hardship upon small business enterprises. There is no minimum fine provision and the courts and

this Department would continue to exercise discretion in the imposition and the recommendation of fines.

The Department of Justice urges the prompt enactment of this important measure.

The Bureau of the Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

———— ————,
Attorney General.

Mr. POFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to join with the distinguished chairman of the Committee on the Judiciary in urging the enactment of the Nixon administration's bill to increase certain criminal penalties under the Sherman Act.

The Sherman Act's strictures against contracts, combinations or conspiracies in restraint of trade and against monopolization seek to guarantee a vital economy in which free competition can assure consumers the best possible product at the lowest possible price. Of such fundamental importance is the Sherman Act in the attainment of this goal that its violation is deemed criminal conduct.

As originally enacted in 1890, the act provided for a maximum fine of $5,000. Hopelessly inadequate to provide an effective deterrent to violations of the Sherman Act by large wealthy corporations, nevertheless, the penalty was not increased until 1955, when, at the conclusion of the work of Attorney General Brownell's National Committee To Study the Antitrust Laws, a maximum fine of $50,000 was enacted.

Even if the 1955 increase was adequate then to prevent price fixing, division of markets, and monopolization, such deterrence has been dramatically undercut by greatly increased corporate profits and by inflation-caused devaluation of the dollar. Today, most corporations can, in cynical, calculated disrespect for the law and for the vitally important interests the law seeks to protect, shrug off the minimal penalties as a minor irritant, slightly increasing their cost of doing business. Such arrogant defiance of the law cannot be tolerated. While preserving the current maximum fine under the act with respect to natural persons, this bill will help restore respect for law by insuring a strong contemporary deterrent for corporate violators of the Sherman Act.

Mr. Speaker, I am proud to say that the Nixon administration will not countenance disrespect for laws, whether on the streets or in corporate board rooms. I urge prompt enactment of this important measure.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I rise in support of this legislation. However, I wonder if the distinguished chairman of the Committee on the Judiciary could give use some idea as to how well the Sherman Antitrust Act is working, in his opinion.

It seems to me one of the reasons for this continuing inflation is the fact that we have had a great deal of competitive enterprise being eliminated in this country, particularly in the new or so-called new phenomena of conglomerates, where under the guise of diversification they go in and buy up a company and then quietly put it out of business or close it down as being inefficient and unprofitable.

Mr. Speaker, in the field of competition I have had many small businessmen, particularly in the distributive industry, complain to me that the opportunities for them to compete are becoming ever and ever smaller, whereas the large corporations such as those engaged in the hardware business and the various other enterprises, that the small businessman today has practically no chance to survive and, in my opinion, it is safe to assume that probably within the next one-half decade there will not be any small businessmen left in America because they are being swallowed up every day by the mergers and the monopolistic activities of our large corporations.

So, it would seem to me that by making the penalties larger without actually improving the machinery for the alleviation of the ills of the aggrieved small business concerns whereby they could get some assistance is very meaningless.

I do not have the immediate statistics before me, but I got the feeling in talking to my business people in my district——

Mr. CELLER. Mr. Speaker, if the gentleman will yield, is the gentleman asking me a question or making a speech?

Mr. PUCINSKI. I am asking the chairman to say whether or not the statements made to me by small businessmen in my district to the effect that it is becoming increasingly more difficult for small businesses to stay afloat, especially in view of the monopolistic practices which are being carried on by the large corporations, if there is any merit to these claims that what is being done is within the framework of this act.

Mr. CELLER. It might interest the gentleman to know that the House Committee on the Judiciary has appointed the Antitrust Subcommittee, Subcommittee No. 5, to make an inquiry in depth into the growth of conglomerate corporations. These conglomerates, they alleged, barge in on small industries, and even large industries, and take them over without the consent of their managers. Sometimes there are rather unusual methods and means used to gain control through devious methods.

We have been conducting these hearings for several months, and we will continue these hearings. Quite hopefully we will bring forth some constructive legislation that will prevent some of the evil activities of these so-called conglomerates.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. CELLER. I yield further to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would ask the gentleman if there is any hope of seeing that legislation reported out by the Committee on the Judiciary in this session of the Congress, this year?

Mr. CELLER. I am of the opinion that we may be able to get something in this session of the Congress. The hearings will go on for about 2 more months. Then we will deliberate and hopefully come up with some solution by way of changes in legislation.

Mr. PUCINSKI. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. CELLER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CELLER) that the House suspend the rules and pass the bill H.R. 14116.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE UNITED STATES CODE TO AUTHORIZE WAIVER OF CLAIMS OF UNITED STATES ARISING OUT OF CERTAIN ERRONEOUS PAYMENTS

Mr. DONOHUE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13582) to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 13582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 165 of title 10, United States Code, is amended—

(1) by adding the following new section:

"§ 2774. Claims for overpayment of pay and allowances, other than travel and transportation allowances

"(a) A claim of the United States against a person arising out of an erroneous payment of any pay and allowances, other than travel and transportation allowances, made before or after the effective date of this section, to or on behalf of a member or former member of the uniformed services, as defined in section 101(3) of title 37, the collection of which would be against equity and good conscience and not in the best interest of the United States, may be waived in whole or in part by—

"(1) the Comptroller General; or

"(2) the Secretary concerned, as defined in section 101(5) of title 37, when—

"(A) the claim is in an amount aggregating not more than $500;

"(B) the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official; and

"(C) the waiver is made in accordance with standards which the Comptroller General shall prescribe.

"(b) The Comptroller General or the Secretary concerned, as the case may be, may not exercise his authority under this section to waive any claim—

"(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim; or

"(2) after the expiration of three years immediately following the date on which the erroneous payment of pay and allowances, other than travel and transportation allowances, was discovered.

"(c) A person who has repaid to the United States all or part of the amount of a claim, with respect to which a waiver is granted under this section, is entitled, to the extent of the waiver, to refund, by the department concerned at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that department for that refund within two years following the effective date of the waiver. The Secretary concerned shall pay from current applicable appropriations that refund in accordance with this section.

"(d) In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

"(e) An erroneous payment, the collection of which is waived under this section, is considered a valid payment for all purposes.

"(f) This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States."; and

(2) by adding the following new item at the end of the analysis:

"2774. Claims for overpayment of pay and allowances, other than travel and transportation allowances."

SEC. 2. Chapter 7 of title 32, United States Code, is amended—

(1) by adding the following new section:

"716. Claims for overpayment of pay and allowances, other than travel and transportation allowances

"(a) A claim of the United States against a person arising out of an erroneous payment of any pay and allowances, other than travel and transportation allowances, made before or after the effective date of this section, to or on behalf of a member or former member of the National Guard, the collection of which would be against equity and good conscience and not in the best interest of the United States, may be waived in whole or in part by—

"(1) the Comptroller General; or

"(2) the Secretary concerned, as defined in section 101(5) of title 37, when—

"(A) the claim is in an amount aggregating not more than $500;

"(B) the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official; and

"(C) the waiver is made in accordance with standards which the Comptroller General shall prescribe.

"(b) The Comptroller General or the Secretary concerned, as the case may be, may not exercise his authority under this section to waive any claim—

"(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim; or

"(2) after the expiration of three years immediately following the date on which the erroneous payment of pay and allowances, other than travel and transportation allowances, was discovered.

"(c) A person who has repaid to the United States all or part of the amount of a claim, with respect to which a waiver is granted under this section, is entitled, to the extent of the waiver, to refund, by the department concerned at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that department for that refund within two years following the effective date of the waiver. The Secretary concerned shall pay from current applicable appropriations that refund in accordance with this section.

"(d) In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

"(e) An erroneous payment, the collection of which is waived, under this section, is considered a valid payment for all purposes.

"(f) This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States."; and

(2) by adding the following new item at the end of the analysis:

"716. Claims for overpayment of pay and allowances, other than travel and transportation allowances."

SEC. 3. Chapter 55 of title 5, United States Code, is amended as follows:

(1) Section 5584 is amended by—

(A) adding at the end of the catchline "and allowances, other than travel and transportation allowances and relocation expenses";

(B) inserting after "pay" in subsection (a) "and allowances, other than travel and transportation allowances and relocation expenses payable under section 5724a of this title";

(C) striking out "or" at the end of subsection (b)(1);

(D) striking out from subsection (b)(2) "the effective date of this section" and inserting "October 21, 1968" in place thereof; and

(E) substituting "; or" for the period at the end of subsection (b)(2) and adding a new paragraph (3) to subsection (b) to read as follows:

"(3) after the expiration of three years immediately following the date on which the erroneous payment of allowances was discovered or three years immediately following the effective date of the amendment authorizing the waiver of allowances, whichever is later."

(2) The analyses is amended by adding "and allowances, other than travel and transportation allowances and relocation expenses" after "pay" in item 5584.

The SPEAKER pro tempore. Is a second demanded?

Mr. SMITH of New York. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts will be recognized for 20 minutes, and the gentleman from New York will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. DONOHUE. Mr. Speaker, I yield myself such time as I may consume.

Mr. PHILBIN. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. PHILBIN).

Mr. PHILBIN. Mr. Speaker, the purpose of the bill as reported is to amend titles 5, 10, and 32 of the United States Code to provide uniform statutory authority to relieve members of the uniformed services and the National Guard of erroneous payments of pay and allowances, other than travel and transportation allowances, under certain conditions.

The proposed statutory language would provide the same general authority for the waiver of claims, now contained in section 5584 of title 5, United States Code, applying to civilian employees of the Federal Government for erroneous payment of pay.

In short, existing law contains adequate authority to permit the waiver of claims for overpayments of pay for civilian employees of the Federal Government—5584 of title 5. This authority would now be extended to include members and former members of the uniformed services.

BACKGROUND

Existing law does not provide adequate authority to the Secretaries of the military departments to remit or cancel indebtedness of uniformed services personnel in all cases in which equity and good conscience suggest that such action would be in the best interests of the U.S. Government.

As a consequence of this deficiency, the House Armed Services Committee favorably reported, during the 90th Congress, H.R. 2629, House Report No. 1304, a bill which would have satisfied this deficiency in the statutes. This legislation was passed by the House unanimously on May 6, 1968. Unfortunately, the Senate failed to act on the legislation and it died with the termination of the 90th Congress.

The proposal before the House today is one reported favorably by the Judiciary Committee and would have a similar objective to that contained in H.R. 2629, previously passed by the House.

FEATURES OF THE BILL

1. WAIVER AUTHORITY

The authority to waive overpayments, and so forth, will be vested in the Secretary of the service concerned, when the amount does not exceed $500.

If the amount exceeds $500, the remission authority will be vested in the Comptroller General.

2. CRITERIA FOR WAIVER

Waivers would be authorized in instances where an erroneous payment was received in good faith and without any wrongdoing on the part of the person involved.

3. RETROACTIVITY

Action to obtain a cancellation or remission of indebtedness must be made within 3 years of the discovery of the overpayment. This relatively short retroactive feature was established by the committee to preclude an avalanche of claims previously denied.

4. FREQUENCY OF USE

It is impossible to predict with any certainty the number of cases which might arise under this authority. However, based upon current departmental experience, it is believed that the occasion for use of this authority would be relatively small in number. See page 4 of House Report No. 1304 on H.R. 2629.

5. FISCAL ASPECTS

Enactment of the legislation will not result in any requirement for increased appropriations for the Department of Defense.

6. DEPARTMENTAL POSITION

The executive branch supports enactment of the legislation.

SUMMARY

This bill, H.R. 13582, will, if enacted, provide members and former members of the uniformed services with the same opportunity to obtain waiver or remission of indebtedness now provided civilian employees of the Federal Government.

In the absence of this legislative enactment, there will be no adequate relief available to provide for meritorious cases other than through private relief legislation.

In view of these circumstances, and since the Committee on Armed Services and the House of Representatives has previously acted favorably on legislation which has this objective, I urge its approval by the House of Representatives.

Mr. DONOHUE. Mr. Speaker, the purpose of H.R. 13582, as amended, is to amend titles 10 and 32 of the United States Code, to provide uniform authority to relieve members of the uniformed services and the National Guard of erroneous payments of pay and allowances, other than travel and transportation allowances, under certain conditions. The provisions concerning the uniformed services and the National Guard follow closely the language of section 5584 of title 5 of the United States Code which presently provides such authority for the waiver of claims against civilian employees for erroneous payments of pay. The bill would also amend section 5584 to provide authority to waive overpayments of allowances other than travel and transportation allowances and relocation expenses of civilian employees.

The bill H.R. 13582 is a revised bill which contains the changes suggested in the reports and in the course of a hearing on the earlier bill, H.R. 7363, of the present Congress. The bill now being considered includes language suggested by the interested departments and the Comptroller General. The language of the two sections this bill would add to titles 10 and 32 closely follows the language now found in section 5584 of title 5 of the United States Code. This section was added to title 5 by Public Law 90–616 in 1968 and authorizes the waiver of overpayments of pay of civilian employees of an executive agency when collection would be against equity and good conscience and not in the best interest of the United States. However, since the law did not refer to military personnel or personnel of the uniformed services the same relief cannot be granted them. Therefore, the basic purpose of this bill is to correct this inequity and provide the same type of waiver authority to uniformed services personnel as is now available to civilian employees.

As I have stated, this bill provides waiver authority for pay and allowances other than travel and transportation allowances. The reference to such allowances was necessary in order to place uniformed services personnel on a par with civilian employees. The reason for this is that in addition to basic pay, personnel of the uniformed services receive regular nontravel allowances which actually form a part of the regular military compensation received by them. Still, there are instances where civilian personnel are paid a similar type of allowance so it is proper that the waiver authority of title 5 extend to this type of allowance. For this reason, the bill provides for the necessary amendment of section 5584 of title 5.

The allowances included within the waiver authority provided in this bill do not include travel and transportation allowances of military personnel. Similarly, the waiver will not extend to travel and transportation allowances and relocation expenses of civilian personnel. The committee concluded that the allowances of this category are not regular payments received by the individual but rather are allowances paid in connection with a single move. They therefore partake of a special allowance rather than a regular payment which is more in the nature of pay. On the advice of the General Accounting Office, the committee limited the waiver authority defined in the bill in this manner.

I feel that the considerations which prompted the enactment of Public Law 90–616 which added section 5584 concerning waiver of civilian pay to title 5 are clearly relevant to the bill now being considered. The legislative history of that law reflects an awareness of the need for this waiver authority under present day conditions. The Senate report on the bill observed that employees who received payments in good faith are unaware of any error when such administrative errors are made in interpreting those laws, and that waiver authority provides a practical and just solution in many instances. That report pointed out that a general policy should be established to waive such claims rather than limiting relief to the ofttimes uncertain remedy of private legislation. That policy has been established by the Congress in the enactment of waiver authority for overpayments to civilian employees. It is only right and equitable that equivalent authority be granted concerning overpayments to members of the uniformed services. H.R. 13582 has been carefully drafted to accomplish this result. I urge that the bill with the committee amendments be favorably considered.

ANALYSIS OF THE BILL

Sections 1 and 2: Section 1 would add a new section 2774 to chapter 165 of title 10 of the United States Code to provide authority for a waiver of a claim of the United States against a person arising out of an erroneous payment of pay and allowances, other than transportation allowances, to or on behalf of a member or former member of the uniformed services when the collection of the amount claimed would be against equity and good conscience and not in the best interest of the United States. Section 2 would add a new section 716 to chapter 7 of title 32 of the United States Code to provide similar authority for the waiver of a claim of the United States against a person arising out of an erroneous payment of pay and allowances other than transportation allowances, to or on behalf of a member or former member of the National Guard when the collection of the amount claimed would be against equity and good conscience and not in the best interest of the United States. The provisions of both section 2774 and section 716 as to the official authorized to grant the waiver of the restrictions and statutory limitations as to that authority, parallel those of section 5584 of title 5 of the United States Code providing similar waiver authority as to erroneous payment of pay to civilian employees of the Government. However, while section 5584 of title 5 permits the waiver of erroneous payments dating back to July 1, 1960, this bill in the sections to be added to titles 10 and 32 would only authorize consideration of claims for waiver "after the expiration of 3 years immediately following the date on which the erroneous payment of pay and allowances, other than travel and transportation allowances, was discovered." Again, as provided in section 5534 of title 5, a person granted a waiver of an erroneous payment is given a 2-year period from the effective date of the waiver to apply for a refund. That refund is limited by the extent of the waiver. The committee feels that this is an important point for a partial waiver can be made in light of all of the circumstances in a case in order to accomplish justice and equity in a given situation. The bill recognizes this fact by providing that any refund will be limited by the amount waived.

The presently effective language of section 5584 of title 5 provides that claims arising out of erroneous payments to civilian employees of executive agencies may be waived in whole or in part where the collection would be against equity and good conscience and not in the best interest of the United States. The new sections to be added to titles 10 and 32 differ in that section 2774 refers to payments to "members or former members of the uniformed services" and section 716 refers to "member or former member of the National Guard." As has been noted, the waiver authority, in addition to applying to "pay" would also extend to "allowances, other than travel and transportation allowances." The experience of the committee has been that the term "pay" is too restrictive and the present waiver authority has been held not to apply to certain payments of allowances to civilian personnel. This would be even more true in the case of military personnel who receive regular allowances which are very similar to payments of compensation but technically would not qualify as "pay." This bill is intended to correct the present inequity in the law which makes it possible to waive overpayments made to civilian employees but provides no such authority for military personnel. In line with this principle of equal consideration, section 3 of the bill provides for amendments to section 5584 of title 5 so that that section will also contain parallel provisions authority to waive erroneous payment of similar allowances to civilian personnel to that provided in the new sections in titles 10 and 32.

Both sections provide that the authority to waive claims is vested in the Comptroller General in the first instance. Second, such authority is vested in the Secretary concerned "as defined in section 101(5) of title 37" to

waive claims of not more than $500 in accordance with standards prescribed by the Comptroller General. A claim which is the subject of an exception made by the Comptroller General in the account of any accountable officer or official cannot be waived by the Secretary under either section 2774 of title 10 or section 716 of title 32. The purpose of the reference to section 101(5) of title 37 in defining "the Secretary concerned" is to refer to the Secretary who has authority over each of the uniformed services as would be covered by section 2774 of title 10, and the National Guard as would be provided in section 716 of title 32. Since title 37 of the United States Code concerns pay and allowances of the uniformed services, this use of common terminology is particularly appropriate for legislation of this type having to do with waiver of claims for erroneous payments of pay and allowances. Again as is the case under the present law applicable and to civilian employees, a claim may not be waived by the Comptroller General or the Secretary concerned under either new section 2774 of title 10 or new section 716 of title 32 when, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim. This language is found in subsection (b) of each of the new sections. The committee feels that these restrictions are clearly required to protect the United States. They also serve to emphasize the essentially equitable nature of the relief contemplated under this legislation. The bill would authorize a waiver only in instances where an erroneous payment was received in good faith and without any wrongdoing on the part of the person involved.

In order to provide for an orderly settlement of the accounts in instances where waiver is granted, both new sections provide that in the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived. Similarly, it is provided that when the collection of an erroneous payment is waived under either section, it is to be considered a valid payment for all purposes. Both of these provisions are identical to the language now contained in subsections (d) and (e) of section 5584 of title 5.

The enactment of these two sections is not intended to affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States. Subsection (f) in both sections contains this language. It is therefore clear that the remedy provided under either section is in addition to any other remedies or procedures, and will not be interpreted as affecting or preempting the authority provided in other laws. This language in subsection (f) of both of the new sections is identical to that found in subsection (f) of section 5584 of title 5 of the United States Code.

Section 3: As amended, section 3 of the bill provides for the amendment of section 5584 of title 5 so that the waiver authority now provided in that section will extend to claims for payments of allowances, other than travel and transportation allowances and relocation expenses payable under section 5724(a) of title 5. As has been previously noted, these amendments are intended to provide parallel authority for the waiver of claims in the sections relating to the uniformed services, the National Guard, and civilian employees of the executive agencies. As will be discussed further in this report, the Comptroller General originally suggested that the authority to waive erroneous payments of allowances to members of the Armed Forces be modified by excluding travel and transportation allowances. H.R. 13582 was drafted to include such language.

However, after its introduction, the General Accounting Office after reviewing its provisions informally advised the committee that it was concerned with the intended scope of the term "travel and allowances" as originally included in section 3 of the bill as a proposed amendment to section 5584 of title 5. It was pointed out that the various allowances payable under section 5724(a) of title 5 are of a transitory nature since they are payable only as incident to a permanent change of station. The General Accounting Office pointed out that even those allowances under section 5724(a) which might not be strictly classified as travel allowances are similar in nature to travel allowances. It, therefore, suggested that the committee consider the exclusion of the allowances set forth in section 5724(a). After a review of these provisions the committee agreed that this limitation should be included as to the waiver authority applicable to civilian employees. Accordingly, the language of section 3 of the bill, as amended by the committee, is to provide waiver authority for "allowances, other than travel and transportation allowances and relocation expenses payable under section 5724(a) of this title." "This title" refers, of course, to title 5.

The amended section permits a period of 3 years from discovery of the erroneous payment or 3 years from the date of enactment of the amendment authorizing the waiver of allowances during which the Comptroller General or the head of the executive agency would be authorized to grant a waiver as to allowances as provided in the amendments of section 3. This would grant persons who receive erroneous payments of allowances, other than travel and transportation allowances and relocation expenses payable under 5 U.S.C. 5724(a), a similar time period within which to file claims covering retroactive periods as was granted employees receiving erroneous payments of pay under Public Law 90-616 adding section 5584 to title 5.

In addition to the amendment of section 5584 of title 5, the catch line of the section and the corresponding item in the chapter analysis of chapter 55 of title 5 is amended by adding "and allowances, other than travel and transportation allowances and relocation expenses." A clarifying amendment has been recommended substituting the date of the enactment of Public Law 90-616, October 21, 1968, for the words "the effective date of this section" in subsection (b)(2) of section 5584.

Mr. SMITH of New York. Mr. Speaker, this bill, H.R. 13582, is somewhat in the nature of a housekeeping measure in that it does allow waivers of claims for overpayments and some allowances by the Comptroller General and by the Secretary involved up to $500—the same rights of waiver as are now allowed for Secertaries for overpayments to civilian employees.

Its function is to make the law uniform for both civilian employees who are now coverd and for the uniformed services and for the National Guard.

Mr. Speaker, I trust the House will pass the bill, H.R. 13582.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New York. Yes, I am delighted to yield to my colleague, the gentleman from Iowa.

Mr. GROSS. Do I understand that the bill, as I believe the gentleman from Massachusetts (Mr. DONOHUE) said, is retroactive; or is it prospective?

Mr. SMITH of New York. If the gentleman will bear with me here for just a moment, this bill will permit a period in which a waiver may be made of 3 years from the discovery of the erroneous payment or 3 years from the date of enactment of the amendment authorizing the waiver. So it will be retroactive only to the extent that any overpayment which has been made prior to 3 years from the enactment of the statute may be treated under the statute.

Mr. GROSS. Yes, so it is retroactive for a period of 3 years; is that correct? I am wondering why the bill was not made prospective instead of retroactive. I wonder if the records in some cases are available on a retroactive basis?

Mr. SMITH of New York. If the gentleman will bear with me, I understand that the purpose was to make it parallel with the present waiver of the statute covering civilian employees.

Mr. GROSS. And retroactivity is to be found in the statute covering civilian employees?

Mr. SMITH of New York. That is the present law covering civilian employees.

Mr. GROSS. Now did the committee incorporate the language that was suggested by the General Accounting Office; and if not, why not?

Mr. SMITH of New York. Mr. Speaker, it is my understanding that the committee did use the language suggested by the General Accounting Office. The General Accounting Office wanted to except allowances for travel and transportation, for the reason that these were in the nature of a one-shot allowance, and the person who was overpaid on a travel or transportation allowance should know that he was overpaid at that time. Therefore, a requirement to have him pay it back has not been waived. So the committee did adopt the language requested by the General Accounting Office.

Mr. GROSS. I believe that there is justification for this legislation since

legislation has been enacted with respect to civilian employees. But will the gentleman not agree with me that even with the adoption of this legislation, which only supplements that which was previously passed, that we are still not getting at the root of the evil of overpayment, and frankly, I do not know how can we get at it—to hold someone responsible for the altogether too many costly mistakes that are being made throughout the Government.

Mr. SMITH of New York. I will agree with the gentleman that perhaps there are too many such errors made. It would seem to me, however, that if the authority for waiver up to $500 is given to the Secretary concerned in these cases then, as an administrative matter, it would seem the Secretary concerned would be able to tighten up the operation in his department if there were too many of these overpayments.

Mr. GROSS. Let us hope that will be the result, but I do not see much of a diminution in number of claims bills as a result of the administrative settlement that has been provided the civilian branch of the Government.

Mr. SMITH of New York. I would thank the gentleman for helping to make the legislative record in this regard, because I think all of us here in the House are interested in having this sort of thing tightened up.

Mr. GROSS. That is exactly right. I hope it has the effect of tightening up the administrative procedure so that we will see fewer and fewer of these overpayments showing up on the Private Calendar. I think the gentleman will agree with me that it is an event when an adjustment for an underpayment is sought. They are all overpayments, or practically all of them. I cannot recall in many, many months, if not years, where a mistake was made in underpaying an employee. The mistakes are overpayments.

Mr. SMITH of New York. Those are probably self-correcting. The employee who is underpaid knows very quickly when he is underpaid.

Mr. GROSS. Yes. I thank the gentleman for yielding.

Mr. SMITH of New York. I thank the gentleman.

Mr. DONOHUE. Mr. Speaker, I have no further requests for time.

Mr. SMITH of New York. I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Massachusetts that the House suspend the rules and pass the bill H.R. 13582, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

A motion to reconsider was laid on the table.

JOB EVALUATION POLICY ACT OF 1970

Mr. HANLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13008) to improve position classification systems within the executive branch, and for other purposes, as amended.

The Clerk read as follows:

H.R. 13008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Job Evaluation Policy Act of 1970".

TITLE I—CONGRESSIONAL FINDINGS WITH RESPECT TO JOB EVALUATION AND RANKING IN THE EXECUTIVE BRANCH

SEC. 101. The Congress hereby finds that—

(1) the tremendous growth required in the activities of the Federal Government in order to meet the country's needs during the past several decades has led to the need for employees in an ever-increasing and changing variety of occupations and professions, many of which did not exist when the basic principles of job evaluation and ranking were established by the Classification Act of 1923. The diverse and constantly changing nature of these occupations and professions requires that the Federal Government reassess its approach to job evaluation and ranking better to fulfill its role as an employer and assure efficient and economical administration;

(2) the large number and variety of job evaluation and ranking systems in the executive branch have resulted in significant inequities in selection, promotion, and pay of employees in comparable positions among these systems;

(3) little effort has been made by Congress or the executive branch to consolidate or coordinate the various job evaluation and ranking systems, and there has been no progress toward the establishment of a coordinated system in which job evaluation and ranking, regardless of the methods used, is related to a unified set of principles providing coherence and equity throughout the executive branch;

(4) within the executive branch, there has been no significant study of, or experimentation with, the several recognized methods of job evaluation and ranking to determine which of those methods are most appropriate for use and application to meet the present and future needs of the Federal Government; and

(5) notwithstanding the recommendations resulting from the various studies conducted during the last twenty years, the Federal Government has not taken the initiative to implement those recommendations with respect to the job evaluation and ranking systems within the executive branch, with the result that such systems have not, in many cases, been adapted or administered to meet the rapidly changing needs of the Federal Government.

TITLE II—STATEMENT OF POLICY

SEC. 201. It is the sense of Congress that—

(1) the executive branch shall, in the interest of equity, efficiency, and good administration, operate under a coordinated job evaluation and ranking system for all civilian positions, to the greatest extent practicable;

(2) the system shall be designed so as to utilize such methods of job evaluation and ranking as are appropriate for use in the executive branch, taking into account the various occupational categories of positions therein; and

(3) the United States Civil Service Commission shall be authorized to exercise general supervision and control over such a system.

TITLE III—PREPARATION OF A JOB EVALUATION AND RANKING PLAN BY THE CIVIL SERVICE COMMISSION AND REPORTS AND RECOMMENDATIONS TO CONGRESS

SEC. 301. The Civil Service Commission, through such organizational unit which it shall establish within the Commission and wihch shall report directly to the Commission, shall prepare a comprehensive plan for the establisment of a coordinated system of job evaluation and ranking for civilian positions in the executive branch. The plan shall include, among other things—

(1) provision for the establishment of a method or methods for evaluating jobs and alining them by level;

(2) a time schedule for the conversion of existing job evaluation and ranking systems into the coordinated system;

(3) provision that the Civil Service Commission shall have general supervision of and control over the coordinated job evaluation and ranking system, including, if the Commission deems it appropriate, the authority to approve or disapprove the adoption, use and administration in the executive branch of the method or methods established under that system;

(4) provision for the establishment of procedures for the periodic review by the Civil Service Commission of the effectiveness of the method or methods adopted for use under the system; and

(5) provision for maintenance of the system to meet the changing needs of the executive branch in the future.

SEC. 302. In carrying out its functions under section 301 of this Act, the Commission shall consider all recognized methods of job evaluation and ranking.

SEC. 303. The Civil Service Commission is authorized to secure directly from any executive agency, as defined by section 105 of title 5, United States Code, or any bureau, office, or part thereof, information, suggestions, estimates, statistics, and technical assistance for the purposes of this Act; and each such executive agency or bureau, office, or part thereof is authorized and directed to furnish such information, suggestions, estimates, statistics, and technical assistance directly to the Civil Service Commission upon request by the Commission.

SEC. 304. (a) Within one year after the date of enactment of this Act, the Commission shall submit to the President and the Congress an interim progress report on the current status and results of its activities under this Act, together with its current findings.

(b) Within two years after the date of enactment of this Act—

(1) the Civil Service Commission shall complete its functions under this Act and shall transmit to the President a comprehensive report of the results of its activities, together with its recommendations (including its draft of proposed legislation to carry out such recommendations), and

(2) the President shall transmit that report (including the recommendations and draft of proposed legislation of the Commission) to the Congress, together with such recommendations as the President deems appropriate.

(c) The Commission shall submit to the Committees on Post Office and Civil Service of the Senate and House of Representatives once each calendar month, or at such other intervals as may be directed by those committes, or either of them, an interim progress report on the then current status and results of the activities of the Commission under this Act, together with the then current findings of the Commission.

(d) The Commission shall periodically consult with, and solicit the views of, appropriate employee and professional organizations.

(e) The organizational unit established under section 301 of this Act shall cease to exist upon the submission of the report to the Congress under subsection (b) of this section.

The SPEAKER pro tempore. Is a second demanded?

Mr. CUNNINGHAM. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without

objection, a second will be considered as ordered.

There was no objection.

Mr. HANLEY. Mr. Speaker, H.R. 13008 states that it is the sense of Congress that, to the greatest extent practicable, the executive branch shall operate under a coordinated classification plan, utilizing several methods of classification. The coordinated plan would be under the general supervision of the Civil Service Commission.

The bill establishes a separate unit within the Commission responsible only to the Commissioners. This unit will be responsible for developing the Commission's recommendations, and will cease to exist upon submission of these recommendations.

The independence of this unit from any other bureau within the Commission is considered essential to the objectivity required by this project.

Other mechanisms have been built into H.R. 13008 to assure that all relevant points of view are given due weight. The Commission is required to consult frequently with employee and professional organizations whose members may be affected by the new system.

We feel that this is extremely important, because no good classification program can be fully effective without the support and understanding of the employees under that program.

The bill also requires that the Commission provide the House and Senate Post Office and Civil Service Committees with monthly progress reports. We on the House side intend to use these reports in a continuing program of legislative oversight, including hearings, if necessary.

Finally, the bill requires that the Commission submit its final report along with legislative recommendations to the President and to the Congress within 2 years after enactment.

Mr. Speaker, this legislation makes no change in existing law. It abolishes no classification system currently exempt from the provisions of the Classification Act. Therefore, the bill exempts no executive branch agency from its provisions. Over the years more than 50 classification systems have been exempted from the provisions of that act. Some of these exemptions may still be justified, but many of them could be profitably brought under a coordinated plan. We have taken no stand on which exemptions should be allowed to stand, but we do feel that the Commission should have complete latitude to study all systems in preparation of its recommendations.

The support which H.R. 13008 has received has certainly been most gratifying. It was sponsored by all the members of the Subcommittee on Position Classification; it has been endorsed by the Civil Service Commission as well as the Bureau of the Budget, and it was ordered reported unanimously by the Post Office and Civil Service Committee. During our extensive hearings on the bill, all witnesses endorsed its underlying concepts.

Position classification is a highly complex matter which is little understood outside the personnel management fraternity. Yet the methods by which jobs are evaluated and ranked can have an enormous impact on the expenditures of our tax dollars. Poor or inconsistent classification administration is wasteful, not only because some jobs may be paid more or less than they are worth, but also because it can lead to the improper allocation of manpower.

Because of the extreme complexity of the subject matter, Congress has generally been reluctant to become deeply involved in studies and investigations of classification systems. For the past 47 years, we have been content to establish some broad guidelines, and leave the administration of the systems, thus established, to the executive branch. The original Classification Act, enacted in 1923, was the result of the studies conducted by the Congressional Joint Committee on Reclassification of Salaries. From that time until 1968, Congress conducted no full-scale study of the administration of or the principles underlying position classification as it is practiced in the Federal Government.

In 1968, the Subcommittee on Position Classification embarked on a major study of position classification systems. The results of this study were printed early in 1969 in the House report entitled "Report on Job Evaluation and Ranking in the Federal Government." This report is, to my knowledge, the most extensive investigation of Federal position classification systems ever published.

The report presented 31 major findings and made 11 specific recommendations. The findings pinpointed major problems in three basic areas:

First. The lack of flexibility in the general schedule system which made that system inadequate to meet the needs of modern personnel management;

Second. The existence of a multitude of relatively unrelated classification systems leading to a number of unwarranted inconsistencies among those systems; and

Third. Unevenness in the administration of classification systems throughout the Federal Government.

Further, interestingly enough, the findings and recommendations of this report closely paralleled less comprehensive studies conducted years ago by the two Hoover Commissions and the Interdepartmental Committee on Civilian Compensation. The recommendations on classification reform of these eminent groups, however, were never acted upon.

The subcommittee wanted to make sure that this experience was not duplicated. Therefore, we drafted H.R. 13008, which requires the Civil Service Commission to submit to Congress in legislative form a complete plan for reform of executive branch classification systems.

Mr. Speaker, I earnestly hope that the House will see fit to approve this legislation.

Mr. CUNNINGHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 13008, to improve position classification systems within the executive branch, and for other purposes, is a good and important piece of legislation. It should be approved.

The reasons for its adoption are many, but I would like for my colleagues to consider just a few.

First. Today, the Federal Government operates under an estimated 50 different classification systems.

Second. There is no consistency under the present systems because all departments and agencies in the executive branch administer their own system, with no review by the Civil Service Commission.

Third. The structure of the General Schedule system is lacking in flexibility to meet needs of a modern government.

This results in an inconsistent and unfair way to treat our most important resource; our Federal employees.

So, we propose in this legislation that the Civil Service Commission, with advice from labor and professional organizations, and appropriate agencies and departments, conduct a thorough study into this subject and report back to the Congress in 2 years with a legislative proposal.

During the study, the Commission will be required to issue monthly reports on its progress. Our Post Office and Civil Service Committee expects to hold public hearings on the development of this report and invite all interested parties to testify.

That is all this bill does. It gives us a chance to have a fair classification system developed to meet our present and future needs. A system that affords equal pay for equal work throughout the Federal Government.

I am hopeful my colleagues will approve this legislation, for I believe, a sound classification system is as fundamental to our Federal Government structure as railroad tracks are to a railroad company.

Mr. MESKILL. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Connecticut.

Mr. MESKILL. Mr. Speaker, I am pleased to rise in support of H.R. 13008, to improve position classification systems within the executive branch and for other purposes.

This is good, sound legislation which provides a first necessary step to modernize our Federal job evaluation system. A step we cannot afford not to take.

This legislation proposes to mandate the Civil Service Commission to develop a fair and uniform classification system. In other words, a coordinated plan to award equal pay for equal work regardless of location or agency. The Commission in preparing its report should consult with labor unions, professional organizations, and other parties of interest.

During the preparation of this study, the Commission will submit monthly progress reports to the House and Senate Post Office and Civil Service Committees. This provision will allow our committee an opportunity to review the recommendations in public hearings.

The Commission will then submit a final legislative proposal to the Congress, within 2 years.

In closing, let me repeat, this is a good bill. It should be approved.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Speaker, I rise in support of H.R. 13008, which I cosponsored, to improve position classification systems within the executive branch and for other purposes.

It is a good piece of legislation and deserves our approval.

For nearly 3 long years now, the Subcommittee on Position Classification has been considering this subject. This bill has now been unanimously reported from our subcommittee and full Post Office and Civil Service Committee. I am hopeful my colleagues will do likewise today.

This legislation proposes to do one important thing; that is, to reform our Federal classification systems. It intends to do this by authorizing the Civil Service Commission to conduct a thorough review and study of this subject. In all phases of this program, the Commission should consult and involve employee unions, professional organizations, all departments and agencies of the Government, and other interested parties.

Also, the Commission will report monthly to the House and Senate Post Office and Civil Service Committees on its progress. Our committee intends to take this opportunity to hold public hearings and invite all interested parties to testify.

At the conclusion of this study, and within 2 years, the Commission will submit a final legislative proposal to the Congress.

Since the Congress is already on record in support of a comparable wage for our Federal employees, I ask you to consider the words of the Chairman of the Civil Service Commission, Bob Hampton, who testified before our subcommittee:

> We need to look for a better job evaluation system, because if we're going to pay a comparable wage then it should truly be comparable.

In closing, I strongly urge support of this needed legislation.

Mr. HANLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. I thank the gentleman for yielding to me.

Mr. Speaker, H.R. 13008 is an important bill which could ultimately have a great impact on personnel management throughout the Federal Government. The recommendations which will come to us as a result of this legislation will represent the first major overhaul of our classification systems since the passage of the Classification Act of 1949. H.R. 13008 is the necessary first step in this important job of reform.

As pointed out in our "Report on Job Evaluation and Ranking in the Federal Government," a major problem in consistency across agency lines has arisen because of the existence of a multitude of unrelated classification systems which are exempt from the provisions of the Classification Act. To put it bluntly, we have not always lived up to the ideal of "equal pay for equal work."

An important provision of H.R. 13008 grants the Civil Service Commission the authority to study and make recommendations concerning those classification systems which are not under its jurisdiction. We anticipate that many of these systems can be consolidated under a flexible, coordinated plan. Even should the Civil Service Commission recommend the continuation of some exemptions, H.R. 13008 will have performed a valuable service by having fostered a fresh and independent review of all classification systems in the executive branch.

To cite just one example, I have long been interested in the personnel management program of the Foreign Service. Every indication points to the great need for a serious and objective reappraisal of all of the concepts underlying the personnel system of the Foreign Service.

We are told that a rank-in-the-man system is essential for flexibility in assignment. Yet the Department of Defense has many more positions abroad than the Foreign Service, and these positions are classified under the general schedule. The Department of Defense has no complaints, why should the Foreign Service?

We are told that selection-out is necessary for orderly promotions. Yet, this mechanism has caused the dismissal of countless qualified and useful specialists because it was claimed they did not have the "potential" to rise to the Olympian heights of career minister or ambassador.

We have been assured that evaluation of an officer's performance is completely objective. Yet, no position description exists against which an officer's performance can be measured.

We have been supplied with information attesting to the "objectivity" of the Foreign Service selection process. Yet, there is still a notable lack of minority group representation within its ranks.

In short, there appears to be a notable gap between what we are told and reality.

Many of the personnel problems in the Foreign Service cannot be attributed to its classification program or, more accurately, its lack of a classification program. To the extent that they are, however, H.R. 13008 will perform a valuable function.

I look forward with anticipation to the results of the intensive investigation of classification and ranking within the Foreign Service, as well as the other systems within the executive branch which are exempt from the Classification Act. If we can take one step toward order out of the relative chaos which now exists, our efforts here will be rewarded.

Therefore, Mr. Speaker, I shrongly recommend that the House pass H.R. 13008.

Mr. DULSKI. Mr. Speaker, H.R. 13008 was developed in our Subcommittee on Position Classification. It is part of that subcommittee's efforts to foster reform and modernization of the position classification systems used throughout the executive branch.

During the 3 years of its existence, the subcommittee has performed a great service to the Congress and the public. Its "Report on Job Evaluation and Ranking in the Federal Government," issued last year, is the result of more than a year of intensive study. It is considered one of the best reports on the subject ever published.

The subcommittee held extensive hearings on H.R. 13008. All told, there were 58 witnesses representing 34 employee organizations, departments, and agencies. All of these witnesses agreed on the general purpose of the bill. H.R. 13008 has also been endorsed by the administration.

Mr. Speaker, the Subcommittee on Position Classification and its chairman, JIM HANLEY, are to be highly commended. They have worked hard and well on a difficult subject. We are all very hopeful that H.R. 13008 will be the means by which much-needed reforms are eventually put into effect. I, therefore, heartily endorse the bill and urge all of my colleagues to give it favorable consideration.

Mr. WILLIAM D. FORD. Mr. Speaker, position classification is one of the keystones of modern personnel management. The process by which we describe the duties and responsibilities of a job and determine its relative value has important implications in such diverse areas as budgeting, manpower allocation, recruitment, training, organizational structure, and pay.

One of the major findings of our subcommittee's report on job evaluation and ranking was that classification in most departments and agencies was not being utilized fully as a management tool. The reasons for this failure are many and complex, and we need not go into them today. Our study made it clear, however, that the time has come to insist on a rethinking of the concepts underlying our Federal classification systems.

Mr. Speaker, we are all aware that the tenor and tempo of Government are quite different today than they were in 1923 when the first Classification Act was passed. In 1923, the functions of Government were limited and Government jobs, on the while, were relatively easy to categorize.

Today, the Federal Government is intimately involved in all aspects of the social, economic, and scientific life of this country. We now hire countless thousands of specialists whose occupations did not even exist in 1923. It is relatively easy to rank a clerk-typist's position according to duties and responsibilities, but how can we use these same principles to classify a microbiologist, a specialist in high-energy physics, or a teacher whose duties and responsibilities do not fit into neat little cubbyholes.

Although the function of Government has changed radically in the past four decades, it is surprising that no full-scale effort has been made to revise the fundamental concepts of position classification. We are still, to a great extent, operating within the framework established by the 1923 act. And we are still laboring under the assumption that exemptions from the act which were approved 20, 30, or 40 years ago are still justified today.

It is high time that we require a complete reassessment. In 1968, the subcommittee conducted a far-ranging study which pinpointed the major deficiencies. In H.R. 13008 we are taking another step by requiring that the experts take a good, searching look at all of the systems and make specific recommendations. The administration agrees with us, as both the Civil Service Commission and the Bureau of the Budget have endorsed the bill.

Mr. Speaker, H.R. 13008 is a good bill, and I am confident that the House and Senate will approve it.

Mr. HANLEY. Mr. Speaker, I have no further requests for time.

Mr. CUNNINGHAM. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill H.R. 13008, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HANLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 13008.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ELECTION TO COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 835) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 835

Resolved, That Wiley Mayne of Iowa be, and he is hereby, elected a member of the standing committee of the House of Representatives on Judiciary.

The resolution was agreed to.

A motion to reconsider was laid on the table.

UNTIL YABLONSKI MURDERS ARE SOLVED, THERE WILL BE NO PEACE IN THE COAL FIELDS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, 6 weeks have passed since Joseph A. Yablonski, his wife, and his daughter were brutally murdered as they peacefully slept in their Clarksville, Pa., home. It was a crime which shocked the Nation. The Federal Bureau of Investigation has done a remarkable preliminary job in tracking down the criminals and a grand jury in Cleveland has returned four murder indictments, yet those who paid for and contracted for this dastardly crime still remain at large.

I have contended from the start that UMWA President W. A. Boyle and the top officials of the United Mine Workers Union neither directed nor condoned these murders even though the indictments themselves charge a conspiracy to prevent Mr. Yablonski from testifying before a grand jury concerning illegal activities within the union. When the murders were discovered, I telegraphed Mr. Boyle urging that UMWA offer a $100,000 reward to find the killers. A few days later, the union put up $50,000, but beyond that has done little or nothing to help solve this crime.

If this terrible crime had resulted in the deaths of Mr. Titler, Mr. Carey, or any of the top officers of the UMWA, there would have been a relentless manhunt directed throughout all the districts and locals of the United Mine Workers. Mr. Boyle should immediately order every district and local UMWA official to put top priority on running down every possible lead which may help to solve this crime which has rocked the union and the Nation.

Mr. Boyle need have no fear, if indeed he is correct that the crime is not union connected. Those who now contend that Mr. Yablonski had many enemies should immediately mobilize every man in the union to find out which enemy is responsible for this dastardly crime.

But instead Mr. Boyle has spent more time and effort impugning the character of a dead man who cannot respond than he has in helping to solve the crime.

Last Thursday Mr. Boyle issued a press release which contended:

> There has been no press investigation of significance regarding the background of Joseph Yablonski. Yet Yablonski had questionable associations and political connections which merit journalistic investigation.

If Mr. Boyle has any specific information, let him now come forward with it on this point instead of maligning the character of a dead man.

There will be no peace in the coal fields, and the coal miners will not rest, until those who paid for and contracted for this crime are brought to justice.

ROGERS INTRODUCES COMPREHENSIVE HEALTH PLANNING AND SERVICES ACT OF 1970

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing the Comprehensive Health Planning and Services Act of 1970 which would amend and extend for 3 years the present partnership for health law which began with Public Law 89–749 and was amended by Public Law 90–174. The present law expires on June 30, 1970.

The bill that I am introducing would authorize a total of $787.5 million over a 3-year period, ending June 30, 1973. This money would provide for the continuation of grants to the States for comprehensive State Health planning; project grants for areawide health planning and for training, studies, and demonstrations. In addition, the grant programs for comprehensive public health services and project grants for health services development would be continued.

This bill would provide for a closer coordination between the 314(a) State planning agencies and the regional medical programs which are operating in many of the States by providing that the regional medical program representatives will be members of the State health planning councils. There will be no change in present law which requires that at least 50 percent of the membership of such State planning councils be composed of consumers of health servvices.

This legislation that I am introducing would also provide for the establishment of an areawide health planning council which would include representatives of public, voluntary, and nonprofit private agencies, institutions, and organizations concerned with health, including representatives of the interests of local government, of the regional medical program and consumers of health services. At least 50 percent of the membership of the areawide health planning council would be composed of consumers of health services.

I believe that by creating this areawide council under section 314(b) of the law we will make more progress in bringing the necessary care, skills, treatment, and technology of medical servvices to the community level.

This areawide health planning council will provide for assisting health care facilities in its area to develop a program for capital expenditures for replacement, modernization, and expansion which is consistent with an overall State plan. The State agency established under section 314(a) of the law would continue to give its approval to any grant made by the Secretary.

Mr. Speaker, I do not intend to dwell at this time on the progress that we are making under the Partnership for Health Act.

I am concerned that many of the States are not moving as rapidly as the Congress envisioned they would when this law was first enacted. Perhaps some of this delay has been administrative in nature and perhaps in part the existing legislation or the subsequent guidelines from HEW have been the cause.

In any event, I am sure that the Subcommittee on Public Health and Welfare will want to look closely into these problems when hearings are held within the next month or so.

DISCLOSURE OF FINANCIAL INVESTMENTS

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I was privileged to be one of the Members who helped establish a system of financial disclosure by the Members of their financial investments.

Recent events have led me to believe that there is also a need for disclosure of financial interests by those members of the press who are privileged to use the Senate and House galleries as well as to cover the White House.

The specific item which has prompted me in this matter is the unexplained interest of Jack Anderson—who writes "The Washington Merry-Go Round"—in certain legislation before the Subcommittee on Commerce and Finance. Mr. Anderson has several times attempted to convey the false impression that those who do not support the passage of a certain bill are swindling the public when, in fact, Mr. Speaker, it is very evident that were this bill to be passed, the large banks would be able to enter into the mutual fund business and competition to the multibillion-dollar mutual funds from the smaller funds would be lessened. The smaller funds and certainly the individual salesmen who are out trying to make a living selling mutual funds would be hurt.

Mr. Speaker, such activity as Mr. Anderson has engaged in leads one to question whether or not he may have a financial involvement with a bank or a multibillion-dollar mutual fund management company. Obviously, should Mr. Anderson have such a financial involvement this should be known to the public in order that they may be able to put his remarks in proper perspective just as the public now has a means of knowing of the financial involvement of the Members of Congress.

Mr. Speaker, I will shortly introduce legislation which will have as its purpose assuring the public that they have a means of knowing the financial involvement of the members of the Capitol Hill press. The public may then relate any financial involvement of a member of the Capitol Hill press to legislation being formulated and decide for themselves whether a conflict of interest exists.

With this information, Mr. Speaker, the public should be in a better position to recognize whether a columnist is attempting to use the news media for his own private gain or not. Of course, Mr. Speaker, one must always recognize that in reporting news, and particularly by the political columnists, opinions may be inserted even inadvertently which are not, in fact, correct. However, when a columnist or news reporter seems to be attempting to bring pressure on Members of Congress, through their method of reporting, to pass or defeat certain legislation, the public has a right to know whether there is any possibility of personal gain or benefit to the columnist or newsman.

POLLUTION ABATEMENT ACT OF 1970

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, I have today submitted a bill that will create a single agency to manage and conduct the war on pollution, the National Environment Control Commission. My bill is the Pollution Abatement Act of 1970.

There is no doubt that pollution control is needed. The natural wealth and beauty of this great land has been squandered by past generations, and the burgeoning growth of our cities and industrial plants have forced us to finally direct our attention to the need to control our wastes. Congress and the public are primed for action. The President's special message on pollution is an outstanding program and gets the attack moving.

We all know the end result we want: clean air, clean water, clean landscape, control of our wastes, and a substantial reduction of all pollutants. The main thing lacking in the pollution abatement effort is the machinery to direct the attack. Currently the agencies responsible for pollution control are scattered across the Government departments. Under present conditions it is too easy for the left hand to not know what the right hand is doing. It may be one more reason why the pollution control has not been effective so far. If we are to meet the President's concern and call for action in this field, an orderly system of doing business must be established. The funds proposed for the war on pollution may be unnecessarily wasted unless proper management is given to aim the attack.

The National Environment Control Commission established by my bill, the Pollution Abatement Act of 1970, would be given full enforcement powers to coordinate and promulgate all actions involved in the attack on pollution, and incorporate all future programs dealing with pollution. The Commission would have full powers to fund research, in the form of grants, loans, and pilot projects, to approve and inspect pollution abatement equipment, and to establish standards.

Concentrating the pollution control effort in one agency will enable more efficient use of the tax dollars being spent to restore, renew and reform. Central management in one agency to solve problems and work with the States and public will speed the effort to eliminate this blight over our Nation. We have been warned over and over by conservationists that time is getting short to clean up many areas of pollution, and in fact may already be too late. In our desire for quick action we must not waste the funds expended. A single agency could oversee the operation to eliminate duplicated effort, and insure the largest return for the dollars spent.

The National Environment Control Commission would be made up of seven commissioners, appointed by the President with the advice and consent of the Senate, and serve 6-year terms. No more than four could be named from the same political party. The President would designate the chairman of the Commission.

The Pollution Abatement Act of 1970 would also combine the scattered programs now carried on by several branches of Government. Currently such programs are vested in the Secretary of the Interior, the Federal Water Pollution Control Administration, and the Secretary of Health, Education, and Welfare. Personnel also operate under the Federal Water Pollution Control Act, the Oil Pollution Act, the Solid Waste Disposal Act, and the National Emission Standards Act. All these functions would be transferred to the Commission. The Pollution Abatement Act of 1970 would authorize the President to transfer to the Commission any other function relating to the prevention, control, or abatement of environmental pollution presently vested in any other branch of Government. Any legal action currently underway by the various departments regarding pollution control would be transferred to the Commission.

President Nixon stated in his Midwest meeting with several Governors investigating pollution that a "total mobilization" of the Nation's resources is necessary to fight pollution. In that meeting he announced the three new "R's," reform, restoration, and renewal. At that meeting the President called for reform of our Government institutions, bringing them up to date into the 20th century so that we can deal with our problems. I believe the Pollution Abatement Act of 1970 is in that spirit. This return will clear the way for the other two "R's," restoration and renewal, in an orderly, efficient fashion.

SPEECH BY SECRETARY OF AGRICULTURE BEFORE NATIONAL FARM INSTITUTE IN DES MOINES

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, last Thursday evening I had the privilege of hearing Secretary of Agriculture Clifford Hardin address the National Farm Institute in Des Moines. Appearing before a distinguished audience of rural Americans, the Secretary gave a most impressive forecast of the ways in which the Department of Agriculture will play an important part in helping to wage the Nixon administration's war on pollution. He cited six major policy objectives toward which the Department will strive in improving the environmental quality of all Americans:

First, programs affecting land resources will foster environmental improvement and sustain productivity;

Second, our forests will be managed to provide habitat for wildlife, access for recreation, water harvest, and grass for livestock as well as better timber;

Third, pollutants originating in agriculture will be reduced and where possible eliminated. Nonchemical methods of pest control will be used and recommended when available and effective;

Fourth, a greater attempt will be made to reverse rural-to-urban migration by improving opportunity in rural America for all Americans;

Fifth, ways must be found to bring farmers a fairer and more adequate income so that they too many benefit from the environmental improvement they will be helping to foster; and

Sixth, the President has ordered a study of all public lands to insure that all of them serve the highest public good. The Department will cooperate fully

with local communities in adapting Federal programs and facilities to community development.

I commend Secretary Hardin's excellent speech to my colleagues and to the American people as a whole, and include it in the RECORD, following my remarks:

ADDRESS BY SECRETARY OF AGRICULTURE CLIFFORD M. HARDIN AT THE NATIONAL FARM INSTITUTE, DES MOINES, IOWA, FEBRUARY 12, 1970

It may be coincidence that we are meeting on Abraham Lincoln's birthday—but it is altogether fitting and proper. The Administration of our sixteenth President left significant marks on agriculture—for it was during those years that three lasting pieces of legislation came into being—the Morrill Act providing for the Land-Grant Colleges and Universities, the Act creating the United States Department of Agriculture, and the Homestead Act. Together they set the pattern for American agriculture. The Homestead Act resulted in the settling of half a continent and placed the management of our basic soil and water resources in the hands of independent free-hold farmers.

The 19th century brought progress and it brought exploitation. The century began with a patent for the first cast iron plow; it ended with the invention of the gasoline engine and the automobile.

Today we are very much aware that our technological advances which have done so much for us and for the world also are seriously offending and polluting our environment. The alarm has been sounded, and just the day before yesterday, President Nixon sent to the Congress a comprehensive 37-point program, embracing 23 major legislative proposals and 14 new measures taken by the administrative action or Executive Order.

In view of the rising public concern and against the backdrop of the President's new initiatives, it is imperative that those of us with agricultural responsibilities re-think and re-assess the special role of agriculture.

As the President said in his message, "The fight against pollution, however, is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable by-product either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected; not from malign intention, but from failure to take into account the full consequences of our actions."

Too often we have responded only to crisis. But when we have responded, sometimes the results have had far-reaching impact.

The Dust Bowl of the 1930's brought more progress into range management and dryland conservation than the preceding 50 years of Great Plains farming.

Widespread flooding in the Mississippi Basin in 1951 and 1952 brought more support for watershed protection than did a generation of campaigning by conservationists.

A 5-year drought in the Northeast in the 1960's focused more public attention on urban water needs than did decades of talk about possible shortages.

A smog crisis in a few major cities has had a greater impact on public thinking than 50 years of steadily worsening air pollution.

A few seashore accidents have directed more attention to wildlife ecology than all the voices of all the naturalists since Audubon.

Urban congestion and related problems of squalor and crime have brought new interest in the need of people for recreation and open space.

When the first English settlers arrived in America, nature was the enemy. The forests seemed endless and foreboding. Winters were severe. Crops were uncertain.

At the same time, bird and animal life appeared infinite. Streams ran free of human waste, and certainly there was no thought of contamination of such great waters as the Hudson River and some of our Great Lakes.

We are no longer a few million people living a comparatively simple life. We are 204 million people living on a major scale. We must plan for another 100 million Americans and the pressures they will create at the same time as we attempt to deal with our existing environmental crises.

Our responsibility, as I conceive it, is to manage the environment for the widest range of beneficial uses, without degrading it, without risk to health or safety, without loss of future productivity, and without being tyrannized by pests.

Nature itself, without man's stewardship, has rarely been productive enough to meet man's needs—certainly not in the numbers in which we exist today and will exist in the future. Yet our resources must serve every economic and social need of mankind. The challenge is to maximize the productivity of the environment for both necessities and amenities and assure continued use into the very long future.

This requires an integrated approach to assure:

1. The necessities of life: Adequate food, fiber, shelter, and raw materials for industry.

2. The safety of man: Safe and adequate water, clean air, productive and safe soil held in place, sanitation, disease and pest control, the perpetuation of basic life processes.

3. A quality of life: Space to live, attractive surroundings, suitable habitat for plants and animals, outdoor recreation, and esthetic satisfaction.

The farmer, the rancher, and the forester are managers of an important share of these environmental values.

Nearly three-fifths of the Nation's land area is used to produce crops and livestock. More than one-fifth is ungrazed forest land. Thus the watersheds that sustain urban America are largely in farms and forests. And the Nation must look to the managers of these lands for most of its land treatment as well as management of its water supplies.

The fact that the President in his special message made only limited reference to agriculture does not mean that he is unaware of the role of agricultural interests or of the great value of the on-going programs in agriculture and forestry. Quite the contrary: He was recommending new initiatives and new programs to deal with problems which urgently demand new approaches. While the agricultural work is far from complete, the record is impressive.

Since the Dust Bowl days of the 30's, more than 2 million individual farmers, ranchers, communities, and other land users have voluntarily signed cooperative agreements to put conservation plans into effect. The land involved runs to three-quarters of a billion acres—all enrolled in conservation programs without the need for regulation or coercion.

At the same time, farmers have performed their primary production job so well that Americans take for granted the constant availability of food, its wholesomeness, its variety and quality. Even more fundamentally, U.S. agriculture has freed Americans from what otherwise might be a total preoccupation with getting enough to eat.

Farmers have freed *manpower*. At the time of the American Revolution, this was a nation of farmers. Even 50 years ago, over a fourth of all Americans were farmers. If our agriculture had remained at the 1920 level of efficiency we would today have some 20 million workers in agriculture, instead of fewer than 5 million.

Farmers have freed *income*. Fifty years ago, the basic requirements of life—food, clothing, and shelter—required about 80 percent of all consumer spending. Today these essentials take less than 65 percent. So the average family can spend over 35 percent of its take home pay—instead of 20—for health, education, travel, recreation, and the other considerations that add to life's quality. A major part of this gain derives from a decline in the relative cost of food.

Farmers have also freed *time*. Fifty years ago, the average work week in manufacturing was 51 hours, and paid vacations were few. Many things have helped, but you can be sure that if food and fiber production still required a fourth of the work force, industrial workers would not now have a work week averaging below 41 hours.

Farmers have freed *space*. Fifty years ago, it required 350 million acres of crops to provide for a nation of 107 million. In recent years we have harvested fewer than 300 million acres. If farmers had remained at the 1920 level of efficiency, we would now need to harvest 500 to 550 million acres—even if we stopped exporting. The acres spared by farm efficiency add hugely to soil and water protection, wildlife, and recreation; these afford land for new towns and open space.

These benefits—income, time, space, and the better use of manpower—are enormously important when you think about improving the quality of life. Yet, in accomplishing these things, we have manipulated the environment—no question about it. And we must manipulate it more in the future.

This involves a whole complex of considerations—natural, technical, economic, social, legal and political. It involves a recognition that, in agriculture as in industry, new technology has presented new problems in environmental quality. And it will require great wisdom to correct these problems, while retaining the gains that have come to us through science and technology.

EXAMPLES

Use of synthetic fertilizers has decreased the demand for manure. At the same time, new farming systems have concentrated animals and poultry in feedlots and other enclosures—creating a problem of odors and waste and in some instances, contamination of underground waters.

Chemical fertilizers themselves are adding to the nutrients in streams and reservoirs, contributing to plant and bacterial growth.

Some of the persistent pesticides, which over the years have saved many thousands of lives, are now found guilty of air and water pollution and appear to adversely affect certain species of wildlife.

Siltation is still the largest single pollutant of water. In the past third of a century, the silt that has been kept out of streams by the establishment of permanent cover alone would displace a volume of water equal to a 10-year supply for all U.S. households.

Because agriculture is both user and custodian of most of the Nation's soil and water, the Department of Agriculture recognizes a major responsibility for protecting and enhancing the quality of the environment. In line with this, we have within the past year taken a number of actions to reduce the use of persistent pesticides—and to strengthen Department programs in the interest of the total environment:

Many DDT uses were cancelled last fall, and we intend to phase out other non-essential uses by the end of 1970. We will be taking similar action toward other pesticides that persist in the environment. A determined effort is being made to insure that decisions and judgments concerning pesticides be made in an atmosphere of scientific detachment and be based on scientific data.

Increased research is being applied to biological control of pests—offering much long-term promise in reducing the need for chemical pesticides. Genetic resistance, parasites,

predators, and insect disease organisms all have been used with success.

Last June, all heads of USDA agencies were instructed to lead a nationwide effort to improve water quality through prevention of pollution from Federal activities. The order also provided for periodic reports which amount to a "monitoring" system throughout the farm and forested areas of the Nation.

In the past year, 130 small watershed projects have been approved for Department help—nearly one-seventh of all the projects approved in the 15-year history of the program.

In 1969, the Great Plains Conservation Program was extended for another 10 years, and its provisions were broadened to do a better job in pollution control, fish and wildlife improvement, and recreation.

Already this year, we have approved USDA planning help to 12 new Resource Conservation and Development projects—for a total of 68 now underway. Most of these projects include accelerated soil and water conservation, development of water resources, social and economic development.

The proposed Agricultural Act of 1970 would include three long-term crop retirement programs for pilot operation, including an "open spaces" program to help communities acquire land for conservation and recreation.

As we look to the future, the Department has before it six major policy objectives relative to environmental quality:

1. Department programs affect at least three-fourths of the nation's land resources. These programs will be administered in such a way as to foster environmental improvement and sustain productivity. For example, all USDA programs will recognize the relationship between soil erosion and water quality.

2. The Department will manage our National Forests and help private owners to manage their forests in such a way as to provide habitat for birds and wildlife, access for recreation, water harvest, and grass for livestock. These purposes will be integrated in well-managed ecosystems that will produce increased kinds and qualities of timber.

3. The Department will strive to reduce pollutants originating in agriculture and to ameliorate the effects on agriculture of those originating from other sources. It will practice and encourage the use of those past control methods which provide the least potential hazard. Non-chemical methods, biological or cultural, will be used and recommended whenever such mehtods are available and effective.

4. The Department will strive for a reversal in the rural-to-urban migration that has been taking place since World War II. It will seek to improve opportunity in rural America for all Americans by encouraging community development, productive employment, the enhancement of scenic and recreation opportunities, improved housing, adequate water and sewer systems.

5. The Department will strive to help farmers gain a fair income from their enterprises—so that they too may benefit from the environmental improvement that they help to foster.

6. The President has issued an executive order directing that a study be made of all public lands to insure that all of them serve the highest public good. Additionally, I have directed Department of Agriculture agencies to cooperate to the fullest possible extent with local communities in adapting Federal programs and facilities to the enhancement of community development.

The environmental job cannot and should not be done alone by one agency or even by the entire Federal Goverment. It requires cooperation with State and local agencies and private organizations.

Above all, this is a challenge to individual citizens—those who live in rural America and manage its agricultural lands but also those of all ages and origins who stand to benefit from measures taken there in the interest of the total environment.

Particularly heartening is the interest that young Americans are taking in conservation and environmental questions. We must be eager to accept this energy and enthusiasm and to recognize this cause as one "of particular concern to young Americans," as President Nixon put it.

To some of us who have been concerned with conservation for a long time, it may be startling to find that environmental quality is now a new cause—a new crusade.

The challenge to the young people of America is to join with people of all ages in what President Nixon has called "a common cause of all the people in America." This means commitment to a lifelong involvement in the quality of environment.

The challenge to farmers, to conservationists, to scientists and educators, and writers is to join in a "new conservation" movement that reflects the energy and enthusiasm of the young and the young at heart.

Abraham Lincoln, speaking before the Wisconsin Agricultural Society in 1859, said it this way:

"Let's us hope . . . that by the best cultivation of the physical world beneath and around us, and the best intellectual and moral world within us, we shall secure an individual, social, and political prosperity and happiness, whose course shall be onward and upward, and which, while the earth endures, shall not pass away."

REPLY TO UNWARRANTED CRITICISM OF SUGAR BEET DEVELOPMENT IN MAINE

(Mr. KYROS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYROS. Mr. Speaker, remarks were recently made on the floor of this House regarding the Maine sugar industries which I believe to be distorted, inaccurate, and a disservice to the individuals who have been involved in this project.

It is all too easy to criticize the Economic Development Administration when certain projects come into difficulty. The proposal of Maine sugar industries to construct a beet sugar processing plant in northern Maine was recognized at the very beginning to involve certain risks. If it were a no-risk situation, there would be no need for the Economic Development Administration and the State of Maine to have become involved; private entrepeneurs would have undertaken the project on their own.

Unfortunately, however, the economically depressed areas of our Nation do not lend themselves to no-risk projects. If this were the case, these areas would not be economically depressed. In establishing the Economic Development Administration, the Congress specifically recognized the fact that it would be necessary for Federal and State authorities to assist in ventures in which success was not guaranteed at the outset. Those who oppose this concept of course have every right to criticize projects which subsequently are found to be in difficulty. I would hope, however, that such criticism could be free from attempts at politically partisan recrimination. When such attempts are made, they should at least be accurate.

The recent criticism of the sugar beet refining project in Maine implies criticism of the "sponsors" of this project, and states that the president of Vahlsing, Inc., was "persuaded" to undertake the venture. Who were these sponsors? They included the farmers of Aroostook County. They included a politically bipartisan group, counting not only the junior Senator in the other body, but also the senior Senator, the Republican-controlled State Legislature of Maine, and Republican Members of this body representing the State of Maine, including my own predecessor.

And they certainly did not "persuade" Vahlsing, Inc., to undertake the beet refining venture. This firm had taken close note of Great Western Sugar's interest in such venture, and moved forward on its own when the latter withdrew. It is, of course, correct that the classification of the Prestile Stream was downgraded in connection with the establishment of the sugar beet refinery. This was not done because the sugar beet refinery intended to pollute the Prestile Stream. The sponsors of the project certainly had no desire to see this stream polluted, and Vahlsing Inc., promised that the refinery would be bulit to assure that there would be no water pollution. This promise has been kept. At the time of the refinery's construction, closed-cycle water treatment facilities were installed which are as modern and effective as exists anywhere in this country today. Water from the beet-processing facility does not go into the Prestile Stream, and this stream has not been polluted by the beet refinery.

At the time of planning for construction of the refinery, however, it was not possible to legally guarantee that the proposed refinery would not pollute the Prestile Stream. It was, however, legally required that financing proposals not be advanced in support of a project which could conceivably violate Maine's pollution classification status. As Maine's then Gov. John H. Reed stated in a personal appearance before the State legislature on March 5, 1965:

> The financing . . . proposal that is being prepared by the corporation that is proceeding with the plans now, will not receive favorable approval unless some modification in this stream classification is forthcoming.

This reclassification was designated as temporary. It was not criticized by any member of Maine's congressional delegation. It proved, as all had hoped and trusted, to be unnecessary with regard to the establishment of the beet refinery.

It has been alleged that the reclassication was in fact only a subterfuge to permit the existing potato plant of Vahlsing, Inc., to pollute the Prestile Stream. This allegation may be appealing to some. In fact, however, it is untrue. Rather than go into the detailed history of the matter, I would point to the concluding paragraph of an article which appeared in the Portland Press Herald of February 5, 1970. The author of this article, Mr. Donald C. Hansen, has a thorough knowledge of events in Maine's

State Legislature. His concluding sentence reads:

> But one thing appears likely: the downgrading of the Prestile was not an attempt at subterfuge in order to allow Vahlsing's potato plant to legally pollute the Prestile.

I will certainly not deny that the Maine sugar industries project is in trouble. I would hope, however, that our efforts could be directed at putting together a program which will succeed. Such efforts are in the best interest of the State of Maine. They are in the best interest of the farmers of Aroostook County. They are in the best interest of creditors. The people of Maine have a substantial amount of money invested in this project, and I assure you that they are just as interested as the gentleman from Iowa (Mr. GROSS) in fiscal integrity.

TO INSURE DOMESTIC TRANQUILLITY

(Mr. MIKVA asked and was given permission to address the House for 1 minute and extend his remarks.)

Mr. MIKVA. Mr. Speaker, we have been hearing much lately from the administration about how to fight crime. The Attorney General assures us that preventive detention is constitutional and the Justice Department appears urging no-knock warrants. But while the administration has been spending its time figuring out how to circumvent the Bill of Rights, some of us have been working on anticrime legislation which will be effective, which will treat the causes as well as the symptoms of violent crime in America, and which is clearly constitutional.

Today, with my colleagues from California (Mr. WALDIE) and Indiana (Mr. JACOBS), I am introducing three bills which I believe will take us a long way toward law enforcement which is both effective and decent. Two things should be clear from the beginning. First, as the distinguished chairman of the Judiciary Committee has wisely pointed out, the amount that the Federal Government can do in the area of crime reduction is limited. We do not want a national police force. Law enforcement always has been, and should remain, primarily the responsibility of State and local authorities in America. Washington can help; it can provide loans and grants; it can help provide training and modern crime fighting techniques; and it can set an example to be emulated by the States. But the problem of crime is essentially a local problem and if it is to be solved it must be solved in the cities of our Nation where it is occurring.

Second, the feeling among many members that America's increasing fear of crime in the streets is merely a coverup for racism will no longer hold water. Anticrime proposals need not be antiliberal or unconstitutional, as I hope my proposals will show. In fact, if we really care about the poor and the deprived in this country, we are dutybound to act to reduce crime, for the poor and the deprived are—as they always have been—the primary victims of crime. It may be the middle class neighborhoods and the white suburbs which are afraid, but it is for the most part the poor neighborhoods and inner-city blacks who are being mugged, robbed, assaulted, and murdered. Crime hits the poor hardest. One of the best things we can do for them is to improve the administration of criminal justice in their cities to make it swift and certain. Those of us who reject fearmongering appeals to "law and order" and embrace "law with justice" instead need to remember that justice requires that the guilty be caught and punished as well as that the rights of the innocent be protected. I believe that my bills can help us establish both order and justice—to insure domestic tranquillity.

OMNIBUS CRIME CONTROL ACT AMENDMENTS

In 1968 the Congress enacted what it intended to be an effective crime control measure. The Omnibus Crime Control and Safe Streets Act provided many weapons in the war on crime which hard-line law enforcers had argued for years were necessary. Some of the act's provisions—like wiretapping authorizations and repeal of Supreme Court decisions on criminal procedure—are as inappropriate now as when the act was passed. But even the "money" provisions of the Law Enforcement Assistance Administration are not working. The money is not getting to where it is needed most—the cities and high crime urban areas. Moreover, even when the money does get to cities, the limited jurisdiction of mayors and city councils limits the use which they are able to make of the funds they receive. Normally, city governments control only their own police; the criminal courts and the corrections system—integral parts of the criminal justice system—are State agencies. Finally, the Omnibus Crime Act's LEA provisions are inadequate because the act views law enforcement as consisting entirely of police work—almost totally ignoring the enormous importance of criminal courts and corrections.

The amendments to the Omnibus Crime Act which I introduce today will meet these objections. First, the definition of "law enforcement," and thus of all the Law Enforcement Assistance Administration's—LEAA—activities, is broadened to include all agencies involved in administration of the criminal law. Thus not only police, who deter crime and apprehend violators, but the criminal courts, who try and sentence them, and the corrections system, which is supposed to rehabilitate them, may be assisted by Federal money.

COORDINATION OF CRIMINAL JUSTICE ACTIVITIES REQUIRED

Another feature of the bill is that it requires, both in the statewide law enforcement plan and in allocation of resources by State planning agencies, coordination of all elements of the criminal justice system. Where appropriate, the LEAA may require a State, a county, or a city to form a criminal justice coordinating council to oversee the smooth functioning of the entire system in an integrated way. This is the kind of council suggested by the National Violence Commission as essential to more effective administration of criminal justice.

MORE MONEY FOR CITIES

Not only does the bill change the percentage of money which LEAA is authorized to grant directly to cities, but it provides incentives to States and statewide planning agencies to use their own money to support law enforcement in high crime, urban areas. Thus a State can increase its overall grants from LEAA if it shows that it is putting its effort where the problems really are.

Another limitation on the grants which can be made under the act requires that no more than one-half of the money appropriated can be used to support police or police-related activities. The other half must be divided between improving criminal court procedures and upgrading the corrections system. Neither of these two latter activities could get less than one-sixth of the total amount of grants. All elements of the criminal justice system would be assured of at least some attention.

Finally, the Omnibus Crime Act amendment increases by five times the amount of money authorized to be appropriated for law enforcement assistance. Last year less than $300 million was appropriated for this activity. Although the Johnson administration had talked of seeking $1 billion for fiscal 1971, the Nixon administration has recently indicated that it will seek less than half that amount—only $480 million. My amendments would authorize $750 million for fiscal 1971, $1.25 billion for fiscal 1972, and $1.5 billion for fiscal 1973. If we are really serious about improving the administration of criminal justice in America, this is the kind of money we have to talk about. The Nixon administration is concentrating on quick and easy solutions: preventive detention, wiretapping, no-knock warrants. My belief is that the criminal justice system we have will work if we give it the resources it needs. This is what the battle of priorities between Congress and the administration is all about.

IMPROVED PRETRIAL CRIME REDUCTION ACT

The second bill in the package I am introducing today is a revised and improved version of the Pretrial Crime Reduction Act which I introduced earlier this year. The new bill still places its primary emphasis where it should be in order to reduce pretrial crime by defendants released on bail—on speedy trials. It would establish a congressionally mandated set of time limits for the completion of criminal trials. For crimes of violence, the limit would be 60 days. For other crimes—except unusually complicated criminal trials like those under the tax laws, the securities laws, and the antitrust laws—the limit would be 120 days. These limits are phased in over a long enough period of time that the courts involved will have time—and will be required—to formulate their own plans for meeting the time limits. Part of this planning will require an assessment of what additional resources are needed to meet the deadlines Congress imposes. This bill will establish the machinery for collating these assessments and sending them to Congress. Thus, by the time 60- and 120-day limits become effective, Congress will have in hand a

comprehensive report from the front lines—from the judges, the prosecutors, the defense counsel, marshals, bailiffs, court management personnel, probations officers, and others—on what these officials need to do their jobs within the time limits we impose. Having established our speedy trial mandate, the burden will then be on Congress to give the courts and related agencies what they need to carry out this speedy trial policy.

PRETRIAL SERVICES AGENCIES

Another approach to reducing crime committed by persons released prior to trial is contained in the bill: pretrial services agencies. The bill establishes such agencies in five judicial districts and the District of Columbia on a demonstration basis. These agencies would assist judges in enforcing the conditions which they impose on pretrial release. Thus the conditions which judges are now authorized to impose on the release of defendants prior to trial—conditions which are now ineffective to stop commission of another crime—will have some real meaning. They will have meaning because a pretrial service agency will have the personnel to supervise such pretrial releases, as well as the resources to provide necessary medical services, job counseling, and other care. The ability to provide medical care is especially important in light of the high rate of drug addiction among defendants released prior to trial. To release a man while he is still addicted, without providing some means for him to deal with his dependency on narcotic drugs, is simply to invite him to commit another crime in order to help feed his habit. Pretrial services agencies could provide the treatment necessary to keep the addict—the potential violent offender—out of trouble.

BAIL REFORM ACT AMENDMENTS

One of the criticisms which has been made of the 1966 Bail Reform Act is that in its attempt to make the right to pretrial release in noncapital cases a reality, it has exposed society to the danger of many "dangerous" defendants who are released on their own recognizance without sufficient supervision and during too long a period of time. The administration's response to this criticism has been to propose preventive detention, which would place the decision about whether to release a defendant whom a judge considered "dangerous" almost entirely within the discretion of that single judicial officer. As indicated above, my approach is speedy trials to reduce the time during which such defendants are released, and to provide adequate supervisory personnel and facilities through pretrial services agencies. There are, however, three additional changes in present bail procedures which I believe can contribute significantly to reducing pretrial crime.

First, this bill would amend the Bail Reform Act to make clear that a judge can consider dangerousness in making a bail determination to the extent that such consideration overlaps, or involves factors common to, the likelihood of the defendant's appearance at trial. As every judge knows, the same factors which make a man a bad risk of flight may also make him dangerous. The language added to the Bail Reform Act by this bill would make clear to the courts Congress' feeling that "dangerousness" need not be consciously ignored. It could be considered when it overlapped with determinations of risk of flight.

Second, the bill would provide additional penalties for crimes committed by defendants released on bail prior to trial. Thus, in addition to the basic penalty for the crime committed, a defendant convicted of a crime committed while out on bail could receive a sentence of up to an additional 3 years. This would provide a deterrent to the commission of crimes while a person is released on bail and might, along with speedy trials, take us back to the days when we looked to the criminal law to deter crimes—not to preventive detention to make them impossible.

Finally, the revised Pretrial Crime Reduction Act provides a new approach to the problem of crime committed by persons who are probationers or parolees from State or Federal courts or corrections agencies. For these persons, over whom State and Federal court jurisdiction is already clear, the bill provides means for immediate revocation of probation or parole in the case of probationers and parolees arrested for crimes of violence. The bill does not require immediate revocation, but it does require immediate consideration of revocation. In the case of Federal probationers and parolees, the bill provides a means whereby the jurisdiction over a probationer or parolee who is outside the area in which he is being supervised can be immediately transferred to a court in the area where the man is charged. After this automatic, but temporary, transfer of jurisdiction takes place, the court which exercises jurisdiction makes a decision whether to terminate the man's probation or parole exactly as it would in the case of any person on probation or parole. In the case of State probationers or parolees charged with Federal crimes of violence or with crimes of violence in another State, the Federal court for the district in which the person is charged is authorized to temporarily detain the person and to act in accordance with the instructions of the court or parole agency which is supervising the probationer or parolee.

In sum, what these new provisions do is to authorize a limited form of pretrial detention as to a small and select group of persons—probationers and parolees—who are already subject to the supervision of some criminal justice agency.

REVISED CORRECTIONAL SERVICES IMPROVEMENT ACT

The third bill in this crime reduction package is a revision and improvement of the Correctional Services Improvement Act which was introduced last year. Most of the act's important provisions remain unchanged. The Attorney General is still authorized to build, staff, and then turn over to the States model correctional centers. The provisions for greater flexibility in parole determinations and for civil commitment of offenders found not guilty by reason of insanity in Federal courts remain unchanged. Federal probation and parole authorities are encouraged to use halfway houses to increase the flexibility of their treatment of convicted offenders. In addition to these provisions, however, several notable improvements have been made in the revised proposal.

First, in place of the unified U.S. Corrections Service which was proposed in title III of the original Correctional Services Improvement Act, this new bill provides for a Federal Corrections Coordinating Council. This Council would allow the Federal probation service to remain under the control of the U.S. courts, as it now is, but would encourage greater coordination and interchange of experience and techniques among Federal corrections agencies. The Coordinating Council would have power to issue guidelines to insure greater coordination of Federal corrections activities and high personnel and training standards. The Federal corrections agencies represented on the Council—the Bureau of Prisons, the Board of Parole, the U.S. courts, and the Division of Probation of the Administrative Office of the U.S. courts—are directed to comply with the Council's guidelines.

Second, the bill broadens the Attorney General's power to enter contracts with the States for minimum standards for corrections and to make grants to help maintain those standards. In the previous Correctional Services Improvement Act, the standard setting and grant power was limited only to local prisons and jails. This limitation focused the standard setting and grant power on an aspect of corrections which many experts believe already receives too much emphasis—incarceration—as opposed to non-institutional corrections activities, like probation adn parole. Thus the new revision broadens the Attorney General's standard setting and grant powers to cover correctional services as well as correctional facilities. The kinds of services for which standards could be set and grants awarded are "probation, parole, counseling, medical, psychiatric, and vocational rehabilitation services."

Finally, in order to make available to hard pressed State and local corrections agencies the expertise and training which is now available in the Federal system, the revised Correctional Services Improvement Act established a Federal Corrections Academy which would be both a study and evaluation center for new correctional techniques and a training facility for Federal, State and local corrections specialists. Modeled on the FBI law enforcement academy, this Federal Corrections Academy would help to develop the kind of professionalism and pride which is so necessary in the corrections field. It would also help to bring to State and local corrections personnel a level of specialized training which would probably be otherwise completely unavailable.

A CONSTITUTIONAL ANTICRIME PACKAGE

Mr. Speaker, I believe that the three bills which the gentleman from Indiana (Mr. JACOBS), the gentleman from California (Mr. WALDIE), and I are introducing today will be effective weapons in the fight against violent crime. I also be-

lieve that unlike many of the proposals the administration is pushing they are constitutional and show a concern for the rights of all our citizens. I commend them to the attention of my colleagues. I believe that they are the kind of anti-crime bills which Congress can enact without constitutional doubts and with confidence that they will help control and reduce crime.

CAMBRIDGE CENTER TO CLOSE

(Mr. O'NEILL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, on December 29, Dr. Thomas O. Paine announced the closing of the Electronics Research Center in Cambridge. I, of course, am initially and most directly concerned for the people of my area whose very livelihood depends upon that Center and related research and development in industries in the Boston area. This Center has meant a great deal to the economy of Cambridge and surrounding cities through jobs and spin-off and because industry has been attracted to the area.

But since this action was forced upon us, we have been given an opportunity to once again seek the reordering of the priorities of our Nation. Two and one-half weeks ago, I called a meeting of the entire Massachusetts delegation to meet with representatives of Cambridge, Boston, the legislature, and the Governor's office to discuss the future of the NASA site. We wanted to explore all possibilities so that the vast funds that have been put into the NASA site would not go to waste and so that an equally large and important program could be found to replace the work that has been done there. This has opened up several possibilities in various fields of the Federal Government. But I think perhaps what is most important is that we, in the Congress, and the entire Nation in fact, have an opportunity to begin something new that will benefit the entire Nation and generations to come.

For several years many of us have been talking about reordering our priorities. We have tried to put weight behind these words through votes on appropriation measures, by attempting to emphasize the various domestic needs of our Nation and the importance of cutting back on defense spending, now, before it is too late, and before our domestic problems overwhelm us.

The President's reorganization of Federal departments will take effect soon. Regional offices of the Departments of Transportation: Health, Education, and Welfare; and of Housing and Urban Development will be located in Boston. This action, coupled with the closing of the NASA site, gives us a great opportunity to begin to seek the deevlopment of human potential and the exploration of human resources. I do not want to be vague or philosophical about this, but it seems to me that in the past we have let serious social problems and economic inequities come upon us when we were unprepared and unable to meet the challenge of those problems. We have not sufficiently foreseen major upheavals in our society or major changes that might affect the quality of our lives.

We must begin now to plan for changes that will inevitably occur because of the degree of technology, the concentration of our population, and the increasingly higher education of the majority of our people. If we do not make plans and allowances for these major changes, we will be unable to cope with them.

For instance, automation, and cybernation are facts. The extension of their use and the growth of their influence are inevitable. We have to make plans for changes in our society that will come because of the growth of automation, that is, we can foresee that there will be a time in the not too distant future when machines will be doing much of the work that men now do—in the fields of construction, industry, and many of the sciences. A 20- or 30-hour workweek will be possible and may even be mandatory in order to give everyone an opportunity to work. We will have twice as much leisure time as we have now, and because we will have so much leisure time, there will be a need to use that time constructively. There will not be enough games and hobbies to fill the day. But we will have a great opportunity, if we use our funds and knowledge in the right way, to educate fully every American, to provide each child with more than just a basic education, but rather to educate him in all fields that now are available only to a minority. We may see a growth in culture, in the arts and sciences, in literature and the humanities that was never thought possible.

Modern technology makes much of this possible, but most of these changes can only be brought about by directing man's will and energy toward creating a better society. If we begin now to establish programs, seeking the total development of mankind as a unique and complex being, we may be able to see the realization of man's great potential. We must now begin to truly educate our children and ourselves. We must make a commitment to eradicate disease from our midst. No longer can we allow individuals to languish in the darkness of poverty, discrimination, ill health or isolation. It is to the detriment of the Nation when a single individual is not allowed to develop to his fullest capacity.

We have all been told that a chain is as strong as its weakest link. This is true and our Nation cannot be strong, truly great or really good until every individual has sufficient resources to be able to become himself. The resources of which I am speaking are not only financial, but include opportunity of every type—a good education, the availability of interesting work, health care so that he is not hampered by illness, and political freedom so that he may pursue his interests without fear of reprisal and condemnation, so long as he does not infringe upon another man's rights.

Much of this can be done through developing and utilizing our technology. We can clean up the environment, we can develop high-speed, clean, silent transportation, we can build beautiful and inexpensive homes, create new cities, and search for the end to disease. I think this must be the first part of the battle. But beyond that, we must prepare for certain changes that are bound to come when a man no longer needs to work half of his life at a dull job just to support his family, when an individual's opportunities are no longer restricted by poor health, insufficient education, or the circumstances of his birth.

We cannot be satisfied with remedial programs. We must not be content to relieve the congestion of the cities by building new cities; we cannot look only to a minimum income to compensate for a lifetime of discrimination or an unequal share of the good this Nation has to offer. We must pursue these programs now as an interim measure, but we should be working for the day when we will not have to compensate for poor education, lack of health care, or discrimination.

It is not just the quantity of American life that will change, as hopefully the abundance of a nation will be more equally shared and the power of the political process will be available to everyone, but it is also the quality that will change. It will be possible, and I am sure of this, for every American to develop his potential to its fullest capacity, to pursue his interest, to work, and to play as he chooses, to be knowledgeable and to enjoy life and to be free from the anxieties of poverty, discrimination, and dependence, that we now see about us.

This is possible if we work toward that goal and if we begin now. I mention this program that I have thought and talked about for many years because the closing of the NASA site, an action that was not hoped for, gives us an opportunity to begin something. If we choose to utilize the expertise that is in the Cambridge area—in the great universities, in the abundance of talent and knowledge of the people, in the skilled workmen, and the strong industries—we can begin a program of the greatest magnitude and of the greatest importance for our Nation. We will have in the Boston area regional headquarters for those departments of Government that will have the greatest impact on the future. The problems we now face are great, and I believe we must seek to solve those problems immediately.

But we must also plan for a future that is farther distant and for changes that are less immediate. And it is to this end that I ask my colleagues to consider very deeply what I have discussed here today. We cannot allow problems to creep upon us, we cannot allow ourselves to be caught unprepared for major changes.

We are the richest Nation on the face of the earth—rich in many ways, but we could be something much greater and much more significant. The people of America, and indeed of the world, have the potential to be truly free and to be that which mankind was meant to be. In order to accomplish this, we must allow each man to develop his own resources and to be as great as he, as an individual, can be. I think this should be the utmost priority. Present problems demand immediate solutions but we must look to the future, beyond those problems, when we will have the ability to allow mankind to truly develop, if we only have the will.

CHICAGO'S CONSPIRACY TRIAL

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, this Nation should be grateful to a brave judge who yesterday had the courage to restore dignity and decorum to the American judiciary by imposing a total of more than 15 years in jail sentences for contempt on the seven defendants in the conspiracy trial in Chicago and on their two attorneys.

Federal Judge Julius J. Hoffman has earned his rightful place in American judicial history as a defender of the very institutions which offer the greatest degree of hope and protection for those who preach the doctrine of dissent.

No judge in modern history has taken as much abuse and filth from the seven defendants, who are now properly ensconced in the county jail of Cook County, and the complete lack of judicial respect by their two defense attorneys, as has Judge Hoffman.

I believe Judge Hoffman deserves special commendation for the severe penalty of 4 years in prison for contempt of court that he imposed on Chief Defense Counsel William M. Kunstler.

Throughout this trial, Mr. Kunstler's conduct as an officer of the court has been contemptuous of the very system that he as an attorney has a duty to respect, if not defend.

Mr. Speaker, the final outcome of the jury, which is still deliberating this case, is really anticlimactic.

By his bold and heroic action, Judge Hoffman has served the ends of justice. In sentencing these contemptuous defendants and lawyers to jail not for conspiracy—this is a matter for the jury to decide—but for contempt, Judge Hoffman restores respect for our entire judiciary.

It is my hope that Judge Hoffman's action will now restore decorum to other similar cases pending in other courts around the country.

Judge Hoffman made it crystal clear that any shortcomings the defendants or their counsels want to attribute to the trial court could find ample expression and redress in our appellate procedures.

At the conclusion of my remarks I shall place in the RECORD today the list of contemptuous actions for which these seven defendants and their two attorneys have been jailed.

I believe we also owe a debt of eternal gratitude to Chief Prosecutor Thomas Foran who with his highly dedicated staff of associates brought this action against the defenders and in a brilliant manner presented to the jury a chronological order of the evidence on which he hopes to win his conviction.

The final judgment of this case belongs to the jury, but I believe that Mr. Foran and his associates have performed an exemplary public service by letting the Nation see during the past 4½ months of this trial the full ugliness of those who, under the guise of dissent, would destroy the very fabric of this Republic and its free institutions.

I believe we also owe a debt of gratitude to U.S. Marshal John Meizner and his very loyal and dedicated assistants who throughout this very difficult trial maintained order and preserved under great difficulty a semblance of decorum both in and around the courtroom. They have performed a public service of enormous quality.

Finally, Mr. Speaker, this Nation can never forget the huge contribution made by Chief Judge William Campbell who in the first instance ordered a grand jury investigation of the rioting which sparked the Chicago convention and which ultimately led to these indictments and to this trial.

Judge Campbell is preparing to retire shortly, but his brilliant record of many years of service to this country will be capped with his bold and brave decision to set the parameters on dissent in this country.

Judge Campbell and Judge Hoffman have earned an eternal place in the annals of American jurisprudence as two outstanding examples of the high degree of perfection that we Americans seek and expect from our judiciary.

The chronology of contemptuous actions by those sentenced by Judge Hoffman follows:

[From the Chicago Tribune, Feb. 16, 1970]

RECORD OF CONTEMPT, WHAT IT COST THEM

Following is a resume of the contempt findings by Judge Julius Hoffman against each defendant, and the sentences.

David Dellinger, 54, cited 32 times, sentenced to 30 months and 16 days.

Oct. 15—argued with Judge Hoffman, called him "Mr." 6 months.

Oct. 16—Made sarcastic remarks to witness. 1 month.

Oct. 25—Shouting support of Bobby Seale. 7 days.

Oct. 27—Yelling at a witness, "Do you believe a word of that?" 3 months.

Oct. 28—Complaining about a ruling againt defense lawyer William M. Kunstler. 7 days.

Oct. 29—Voicing support of Bobby Seale. 7 days.

Oct. 30—Making loud remarks in court. 7 days.

Nov. 12—Laughing in court. 2 days.

Nov. 19—Exchanging words with prosecutor Richard Schultz. 4 days.

Nov. 20—Commenting "Ah, Jesus." Remarking to Judge Hoffman, "You're acting like a fascist court." 4 days.

Nov. 26—Complaining because Judge would not excuse the jury for Thanksgiving, 3 days.

Nov. 26—Exchanging comments with the judge, saying "If you call me a liar you are liar." 6 days.

Dec. 11—Exchanging comments with prosecutor Schultz and the judge. 2 days.

Dec. 15—Starting argument as Stuart Ball Jr., a member of the defense team, is removed from court. 6 days.

Dec. 30—Exchanging comments with Schultz. 4 days.

Jan. 9—Arguing over use of a bathroom in the lockup instead of the hallway. 3 days. Laughing. 3 days. Calling evidence "ridiculous" and calling judge's ruling "hypocritical." 5 days. Laughing and telling the judge he will "go down in infamy." 6 months.

Jan. 17—Exchanging remarks with prosecutor Foran. 7 days.

Jan. 23—Exchanging remarks with the judge. 4 months.

Jan. 24—Saying, "Oh, my God," when Foran said he knew Robert F. Kennedy better than the defendants.

Jan. 24—Using the word "pig" at the end of a session. 2 days.

Jan. 30—Exchanging words with the court. 7 days.

Jan. 30—Use the word "bull . . ." 5 months.

Feb. 6—Exchanging words with the judge. 7 days.

Feb. 7—Making sarcastic remarks. 7 days.

On 4 days he refused to rise for the judge and got 1 day for each charge.

Rennard (Rennie) Davis, 25 months and 14 days on 23 counts:

Oct. 1—Arrived 20 minutes late, presented a birthday cake to Seale. 2 days.

Nov. 26—Said, "Why don't you gag all of us?" to the judge. 14 days.

Dec. 15—Laughing. 7 days.

Jan. 9—Telling the judge, "We are guilty until proven innocent." 7 days.

Jan. 12—Making statements in court. I day.

Jan. 13—Making statements in court. 7 days.

Jan. 23—Accusing the judge of not reading a document in evidence. 2 months.

Jan. 23—Accusing the judge of sleeping on the bench. 2 months.

Jan. 23—Disregarding a warning by the judge about keeping testimony within the scope of the questions. 6 months.

Jan. 25—Criticizing Foran. 3 months.

Feb. 2—Applauding. 14 days.

Feb. 2—Making statements in court. 7 days.

Feb. 4—Making remarks in support of Dellinger. 2 months.

Feb. 4—Making remarks to the judge after he revoked Dellinger's bond. 2 months.

Feb. 5—Making remarks to the judge. 14 days.

Feb. 7—Making remarks to the judge. 1 day.

Davis on 6 days refused to rise for the judge and got 1 day for each charge. He also received 2 months for telling the jury that the marshals had "tortured Seale" on Oct. 30.

Thomas Hayden, 14 months and 14 days on 11 counts:

Oct. 29—Making remarks. 1 month.

Oct. 30—Making speech in behalf of Seale. 3 months.

Oct. 30—Yelling on behalf of Seale. 4 months.

Jan. 9—Laughing while the judge was making a ruling. 1 day.

Jan. 28—Telling Asst. U.S. Atty. Schultz, "That is not true." 7 days.

Jan. 28—Telling the jury that the former Atty. Gen. Ramsey Clark was not allowed to testify for the defense. 6 months.

Hayden shook his fist and got 2 days and refused to rise for the judge five times and got 5 days for that.

Abbie Hoffman, eight months on 23 counts:

Sept. 26—Blowing a kiss to the jurors, 1 day.

Oct. 23—Exchanging words with the judge. 7 days.

Oct. 30—Rising to Seale's defense and saying, "You might as well kill him as gag him." 2 months.

Nov. 12—Laughing. 7 days.

Nov. 26—Telling Judge Hoffman, "I lost my last name," and other comments. 1 month.

Dec. 15—Laughing. 14 days.

Dec. 30—While testifying, speaking out of turn. 14 days.

Jan. 9—Laughing. 7 days.

Jan. 14—Laughing. 1 day.

Jan. 15—Making a joke to the judge after being told not to assist marshals in moving the lectern. Judge Hoffman later dropped this count, at the urging of defense lawyer Leonard Weinglass.

Jan. 21—Making a series of remarks to the judge. 42 days.

Jan. 23—Making remarks to the judge. 14 days.

Jan. 23—Making remarks to the judge. 7 days.

Feb. 2—Making comments, making "sarcastic" remarks. 2 days.

Feb. 4—Lifting shirt—thereby "baring body" to jury—and dancing around, showing what hippies do. 4 days.

Feb. 4—Telling judge he's "a disgrace to the Jews." 5 days.

Feb. 4—Makes an unflattering reference to the judge in Yiddish, and makes other comments. 6 days.

Feb. 6—Enters court in judicial robes. 7 days.

Five times Abbie Hoffman refused to rise for the judge and received 1 day for each charge.

Jerry Rubin, 2 years, 1 month, and 23 days, on 15 counts:

Oct. 30—Protesting binding and gagging of defendant Bobby Seale, 4 months.

Jan. 15—Outbursts during examination of a witness. 1 month.

Jan. 23—Shouted "they're dragging out my wife," as marshals removed his friend, Nancy Kersham, from the courtroom. 6 months.

Feb. 3—Mockingly attempted to shake hands with government rebuttal witness. 2 months.

Feb. 4—Cried out, "everything in this court is bull . . .". 6 months.

Feb. 5—Called Judge Hoffman a "disgrace" and compared him to Adolf Hitler. 6 months.

Feb. 6—Wears black robes to court and tells Judge Hoffman they are judicial robes. 7 days.

Feb. 6—Tells government witness Irwin Bock after testimony, "tough luck, Irv." 7 days.

Feb. 7—Shouts in court, "we refuse to rest." 3 days.

Refuses to rise for judge on six occasions. 6 days.

John Froines, 5 months and 15 days on 10 counts:

Oct. 28—Laughed at witness. 1 month.

Dec. 6—Outbursts in court. 1 month.

Dec. 17—Outbursts in court. 1 month.

Feb. 2—Makes an outburst to the jury. 14 days.

Feb. 2—Makes another outburst to the jury. 14 days.

Feb. 2—Cries out as witness leaves the stand, "That man is trying to put us away for 10 years by lying." 2 months.

Feb. 5—Cries out in court. 14 days.

Refuses to rise three times. 3 days.

Lee Weiner, 2 months and 18 days on seven counts:

Oct. 28, Oct. 29, and Oct. 30—Refusing to rise. 4 days.

Dec. 1—Shouts while government witness James Rochford is testifying, "The executioner is mumbling and I can't hear him." 1 month.

Jan. 14—Applauds a speech made by defendant David Dellinger in courtroom. 14 days.

Jan. 28—Insults prosecutor, Richard Schultz. 1 month.

William Kunstler, 4 years, 13 days on 24 counts:

Oct. 9—Attempts to cross-examine witness about a document not in evidence. 1 month.

Oct. 15—Participates with the defendants in efforts to observe the Viet Nam moratorium in courtroom, 14 days.

Oct. 30—Describes Judge Hoffman's courtroom as a "medieval torture chamber." 3 months.

Oct. 30—Refuses to sit down when ordered to do so. 14 days.

Dec. 9—Leaves the courtroom during proceedings and accuses the court of interfering with the defense case. 14 days.

Dec. 12—Accuses court of treating the government differently than the defense. 3 months.

Dec. 23—Charges that the government is about to launch an attack on the jury. 3 months.

Jan. 6—Defies court order not to move in the presence of the jury that Mayor Daley be declared a hostile witness. 6 months.

Jan. 12—Refuses to sit down when ordered to do so. 21 days.

Jan. 13—Refuses to sit down when ordered to do so. 14 days.

Jan. 14—Refuses to sit down. 7 days.

Jan. 16—Deliberately asks a question of a witness when ordered not to. 14 days.

Jan. 20—Refuses to sit down. 14 days.

Jan. 22—Refuses to sit down. 21 days.

Jan. 22—Tells court that he sanctions moaning and groaning from defense table. 21 days.

Jan. 22—Continues argument after ordered not to. 2 months.

Jan. 23—Argues a motion after court has ruled and encouraged disorders in the courtroom. 4 months.

Jan. 23—Compares Judge Hoffman to a child before the jury. 1 month.

Jan. 28—Disrespectful to prosecutor. 1 month.

Feb. 2—Defies Judge Hoffman's order not to tell the jury that the Rev. Ralph David Abernathy would not testify that day, and launches into a tirade against the court. 6 months.

Feb. 2—Brings Rev. Abernathy into the courtroom and openly embraces him being ordered not to discuss him, and tells the jury, "This is the ultimate outrage." 6 months.

Feb. 4—Accuses Judge Hoffman of causing the disturbances in the courtroom. 4 months.

Feb. 5—Refuses to sit down when ordered to do so. 1 month.

Feb. 5—Accuses the court of being wrong when it wasn't. 2 months.

Leonard Weinglass, 1 year, 8 months, 1 week, and 2 days on 14 counts:

Sept. 24—Disregards court order to discontinue argument. 2 days.

Oct. 1—Repeatedly asks questions on cross-examination which are beyond the scope of direct examination. 4 months.

Oct. 30—Criticizes judge and accuses him of being unethical. 14 days.

Nov. 26—Criticizes Judge Hoffman for not recognizing him. 14 days.

Jan. 13—Criticizes judge for not hearing a defense motion. 1 month.

Jan. 13—Makes sarcastic comments regarding judge's ruling on a defense motion. 14 days.

Jan. 13—Criticizes judge's handling of motions. 1 month.

Jan. 16—Continues argument after ordered to stop. 1 month.

Jan. 17—Continues argument after judge has ruled. 1 month.

Jan. 20—Refers to a document after objection to its introduction has been sustained. 3 months.

Jan. 22—Makes statement in open court during examination of a witness after being ordered to stop commenting. 1 month.

Jan. 24—Insults judge and continues to argue after a ruling. 5 months.

Jan. 26—Argues motion after it had been overruled. 1 month.

Feb. 5—Defies court order to discontinue argument. 21 days.

THE CIVIL RIGHTS ACT OF 1964

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Under a previous order of the House the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 60 minutes.

Mr. WAGGONNER. I rise, Mr. Speaker, as I have on almost uncountable occasions, to address myself to a subject, to a problem, to a crisis, that engulfs this land and I respectfully urge your patient attention to my words.

Six years ago, on almost this very day of February, I stood here in the well and presumed to speak as the conscience of this country. I look back over a transcript of my words on that 10th day of February in 1964 and there is not much I would change. I would have, had I the oratorical wit or wisdom to do so, spoken with more fervor than even these words which I used to express my opposition to the Civil Rights Act of 1964:

We have come now to the end of a long, long trail in the consideration of this bill, the likes of which I doubt we will ever see again. Those of us who have been privileged to serve here in this House in these last few days have been a part of history. It is a part of history that I predict some of you are going to live to see the day you will regret. Mr. Chairman, this is a sad day. Not sad because we have been a part of history, but sad because of the now uncertain future. Some of you have young children at home. Some of you, a little older, have grandchildren. How in God's name could you do this to them? Some of you who vote for this bill have sold your birthright and the freedom of future generations for a mess of political votes. Man after man has told me, "I wish I had the guts to vote against this legislation; it is no good." I wish you did, too, and only for the sake of this country and its welfare.

That was, my colleagues, an admittedly impassioned plea, but, again I say, I would not today alter or diminish the fervor of it.

Time after time, in the days the House considered that bill, I rose to urge, to cajole, to wheedle, even to beg for temperance in what this body was about to do; to urge caution and above all commonsense. But that rare commodity was not to prevail.

Nor did it prevail when this body, on the following year, rushed headlong through the brief consideration we gave the Voting Rights Act.

Nor did it prevail in 1968 when this body was swept up by the beguiling emotional arguments that supported the so-called fair housing legislation, arguments so slender, so tenuous, so nebulous that they must haunt the consciences of those who offered them up.

In each of these instances, this body bowed to the will of a militant few of the minority and stripped the majority of almost every vestige of their freedom to choose between legal alternatives. And, so doing, this body set the peaceful majorities of two races down upon a collision course of violence, distrust, and hatred that will, as inevitably as the coming of tomorrow's dawn, end only when race warfare tears this country apart, unless we undo in some measure the mischief which previous Congresses did.

The unctuous, the hypocrite, the demagog will continue to look the other way and pretend this crisis is not upon us, just as he looked the other way in 1964, in 1965, and 1968. The selfish whose only interest is his own perpetuation in office will continue to peddle his soul for votes, just as he did in 1964, 1965, and 1968.

But from the others, the majority, those who made an error of the heart and mind, the Nation now demands, not an apology, but simply the necessary action to set right these wrongs. It is this challenge I am today placing before you.

The press has marveled in recent days

over the New England Senator who admits that "the North is guilty of monumental hypocrisy" in its treatment of the minority. Of course this is true. What a travesty on commonsense it is that his admission should make the front page of a newspaper. What a biting commentary it is that it is front-page news when a Senator takes the position that the laws of the Nation should apply to all its people and not one section of the Nation chosen to be the whipping boy of the other. How ironic it is that it should be front-page news that a Senator has said, "Perhaps we in the North need the mirror held up to us." And, "If Senator STENNIS wants to make honest men of us Northern liberals, I think we should help him."

I thank the Senator for his candor. I welcome him to the thin ranks of those who have the courage to confess their errors of judgment and want to correct them at any hour of the struggle.

I congratulate President Nixon, too, for the candor of his statement issued at a press conference last Thursday in which he spelled out again the administration's position on recent Court decisions and actions of his own Department of Health, Education, and Welfare which have, in effect, taken the administration of our schools out of the hands of professional educators and elected local officials and put it in the hands of a group of unqualified judges and unqualified employees of HEW.

In his statement, the President said:

The President has consistently opposed, and still opposes, compulsory busing of school children to achieve racial balance. This practice is prohibited by the Civil Rights Act of 1964. The Administration is in full accord with the provisions of the statute.

School desegregation plans prepared by the Department of Health, Education and Welfare on request by school boards or pursuant to court order will be directed to the greatest possible extent toward preserving rather than destroying the neighborhood school concept. It is the President's firm judgment that in carrying out the law and court decisions in respect to desegregation of schools, the primary objective must always be the preservation of quality education for the school children of America.

It is the view of this Administration that every law of the United States should apply equally in all parts of the country. To the extent that the "uniform application" amendment offered by Senator John Stennis would advance equal application of law, it has the full support of this Administration. Just as this Administration is opposed to a dual system of education in any part of the United States, so also is the Administration opposed to a dual system of justice or a dual system of voting rights.

Am I an alarmist, a pessimist, when I speak of what is thundering down on us as a crisis, as a threat to our very survival as a Nation? Experience born of reason and commonsense tells me no, that I am neither alarmist nor pessimist. I am a realist.

I say with all modesty that I have some experience in the field of education. In 1954, before coming to the Congress, I was elected to the Bossier Parish School Board, which is the county governing board in my home county, or parish as they are called in Louisiana. I was elected president of this board in 1956 and re-elected without opposition in 1960. I was, in that same year, elected to the Louisiana State Board of Education and, the following year, elected president of the United Schools Committee of Louisiana and elected president of the Louisiana School Boards Association.

I add this to my remarks, not to show that I am endowed with any special profundity in school matters, but to state my qualifications to discuss the problems of education. The field is, at least, my second love and my second interest, behind only my interest and concern invested in my position as a Member of Congress.

I look at the state of the Nation's schools today and it is clear that education as we have known it in the past, in our colleges, in high schools, and in intermediate schools, has collapsed. It is not threatened with collapse; it has collapsed. The racial conflict that seethes or rages in our schools has brought education to a halt. I am not talking about the District of Columbia where armed police patrol the halls, where a majority of the student body is armed with knives and guns, I am talking about Phoenix, Ariz., Los Angeles, San Francisco, Oakland, Riverside, and San Bernardino, Calif.; Chicago, Blue Island, and Harvey, Ill.; Muncie, Ind.; Kansas City, Kans.; Springfield, Mass.; Detroit and Pontiac, Mich.; St. Paul, Minn.; Las Vegas, Nev.; Atlantic City, N.J.; New York City; Pittsburgh, and Philadelphia, Pa.; and Charleston, W. Va., to name but a few cities.

All these cities have been the scene of confrontations and racial violence in recent months, according to the Urban Research Corp. of Chicago as reported in the New York Times of February 9. The Times also reports that student truancy in New York City high schools is now running from 40 to more than 50 percent. This, gentlemen, is what prompts me to say that education is not threatened with collapse. It has, as a matter of fact, collapsed, if 40 or 50 percent of the students are absent because of racial violence or the threat of it. These institutions are no longer schools in any sense that I understand the word.

You gentlemen read the Washington newspapers every day as I do and you know what the situation is here in the Nation's Capital. You know that forced integration in the schools here was supposed to have been a very model for all the country to admire and emulate. You know, too, what happened. The whites fled to the suburbs of Maryland and Virginia and today, except for a few whites scattered here and there, the school system in the District of Columbia is entirely black. The blacks now make up almost 95 percent of the school population.

These are not schools being operated here; they are armed camps with students living in fear of their lives every hour they are within the walls. Teaching and learning are sidelines. The major interest in District of Columbia schools is survival.

Last Friday's Washington Post gives in graphic, horrifying detail the highlights of a typical day in the District of Columbia school system in these random stories:

STUDENTS FORCED SCHOOL CLOSINGS: COOLIDGE WALKOUT LEADS TO SHUTDOWN HOUR EARLY

(By Lawrence Feinberg)

Militant members of the Black Student Union led a walkout yesterday at Washington's Coolidge High School that disrupted classes so severely authorities closed the school one hour early.

During the disorder, groups of students in army jackets and black berets went from room to room, shouting "school is out." In one case they pulled several reluctant girls up from their seats.

The walkout made Coolidge, at 5th and Tuckerman Streets NW, the fourth Washington high school this week at which militant black students disrupted normal activities.

Student protest leaders from two of the other schools affected, Western and Roosevelt, were at Coolidge yesterday, and spoke at the end of the assembly at which the walkout was called.

On Monday, Michael Blakey, 17, president of the Coolidge Black Student Union spoke to an assembly at Western High at the start of a widespread two-day boycott there.

On Tuesday, about 70 Western students went to Roosevelt to try to start a walkout, but police were massed on the school steps, and only about 30 students left class.

On Wednesday, a false fire alarm emptied Wilson High School, and a group of black students—several from other schools—ran up a black, red, and green Black Liberation flag, on the flag pole. Nearly all students returned to class.

The same liberation flag was raised at Coolidge yesterday, as television film crews, who had been alerted by tipsters, recorded the scene. Nearby the American flag was being folded into a neat triangle by the black students who had just taken it down.

Blakey, who is called the "Ghana" or president of the 35-member Black Student Union, was allowed to speak at the end of an assembly by Coolidge's principal, William Rountree.

Although the principal did not expect it, Blakey introduced Tyrone Atkins, 19, the "minister of education" of Western High's Organization of Afro-American Students. Atkins who was introduced as Lumumba, listed his group's demands, which already have led to the departure of Western principal Sidney Zevin. He said that if the rest of the demands for more black studies and student power were not met by Tuesday, the Western boycott would resume.

Blakey, who is the son of a dentist, then said that Coolidge was "surrounded by pigs (police)," and that a police helicopter was overhead. He said students who "don't want to be treated like niggers" should walk out of school for a rally at the flag pole.

About a third of the 1,000 students in the auditorium cheered and raised the clenched-fist black power salute.

At the time, Rountree said, there was only one policeman in the school building. When several squad cars rushed up a few minutes later, along with Deputy Police Chief Tilmon O'Bryant, Rountree said he asked the police to leave.

Few classes were able to resume after the assembly. Teachers said it was impossible to determine how many of the school's 1,700 students left as part of the boycott, how many were intimidated into leaving, and how many took the rest of the day off as a lark.

Coolidge has an enrollment of 1,743, with 1,709 Negro and 34 white students.

Carl Boykins, president of the Coolidge Student Council, said the majority of students opposed the boycott.

The teacher who is the adviser to the Black

Student Union, Samuel Taylor, 26, said the group that led the walkout had "double-crossed me." At the same time as they were secretly planning the walkout, he said, they were taking an active part in school reform committees, which also include parents. The committees are making specific criticisms of teaching and are working to bring about change, Taylor said.

Blakey, in an interview later, said the walkout would speed the reform effort because "it is a show of our power to them (the teachers.)"

"If they (the teachers) do not do what we want," Blakey said, "we will eliminate their jobs because students will take themselves out of the school rather than listening to all the bull . . ."

In the afternoon, Blakey said, "several hundred" Coolidge students went to the Center for Black Education, 14th and Fairmont Streets NW., and to the Black Panther office on 18th Street NW.

"That's where we can get some real education," Blakey said.

The Black Education Center is headed by James Garrett, former head of the black studies program at Federal City College who is an outspoken advocate of "black revolution."

SCHOOL PATROL CUTS PLANNED

(By Herbert H. Denton)

Washington's Acting School Superintendent Benjamin Henley said yesterday he plans to cut back sharply some of the pending proposals for combating school violence because their cost could take money from educational programs.

School officials, parents and a safety committee of the school board have been discussing school safety proposals since last month's fatal shooting of a student at Hine Junior High School. Concern has been intensified by boycotts and demonstrations recently at city high schools.

The school board is due to adopt measures dealing with violence at a special meeting Saturday.

Late last month, the board's safety committee proposed hiring 350 community aides to patrol school halls, but Henley said yesterday he would recommend only 80 "because I can't afford any more.

"We ought to use what funds we have to get at the real root problem of inadequate education," Henley told reporters yesterday.

School officials are considering the possibility of trying to get more money from the mayor's anticrime programs to hire more aides, Henley said.

The superintendent said he also planned to ask for "less than a million dollars" in next year's school construction budget to hire night watchmen and to install alarm systems in the schools.

Earlier, at a hearing on that budget, City Councilman Joseph Yeldell urged Henley and other school officials to go to Congress with a one-shot request for the amount of money needed to get alarm systems and plastic windows in all schools.

School officials had testified that losses from theft, vandalism and window breakage totaled about $700,000 last year. They estimated that it would cost about $5 million to equip all schools with the plastic breakage-resistant windows and the alarm systems.

YOUTHS ROB STUDENT AT GUNPOINT

Six youths robbed an 18-year-old Anacostia High School student of $250 at gunpoint inside the school yesterday.

After the robbery, the victim became hysterical and broke several windows with his fists, according to vice principal Arthur Jenkins. The student, Dwight Wimbush, was treated for hand cuts at D.C. General Hospital and released.

According to Jenkins, the robbery was committed by "outsiders" who came into the school when they learned Wimbush was carrying $250.

The student intended after classes yesterday to pay the rent and utilities on an apartment where he lives alone, Jenkins said, and had mentioned it to several students.

Although Anacostia has a full-time policeman assigned to the school, neither the policeman nor faculty members saw the non-students come inside. Jenkins said the intruders waited for Wimbush to leave a classroom and then surrounded him.

STUDENT RAPED BY 6 YOUTHS AT TAFT JUNIOR HIGH

A 14-year-old student at Taft Junior High School was raped by six youths yesterday in a backstage area of the school auditorium, police reported.

Sex squad detectives said the girl had entered a small room behind the stage shortly after 1 p.m. The school is at 18th and Perry Streets NE.

Several minutes after the girl went into the room, six youths arrived.

She was immediately grabbed and beaten as she struggled with members of the group, each of whom forced the girl to have sexual relations, police said.

The girl was treated and released at D.C. General Hospital.

Police have notified the parents of six juveniles allegedly involved in the incident to appear with their sons for a police interview today.

Prompted first by the Supreme Court's decision reversing the traditional separate but equal school system, the Congress expanded on that philosophy in the three legislative acts I have mentioned. As bad as this was, that was only the beginning. From this takeoff point, the Federal bureaucracy, principally the Department of Health, Education, and Welfare, and the courts have gone insane in their demands for forced mixing of the races, demands that go far beyond any idea ever conceived by the Congress.

We have come to a point now when courts are handing down with feverish regularity "laws of the land" which cannot be implemented by anyone. Yet they demand that their directives be carried out.

In Los Angeles, a county superior court judge has said that the minority cannot exceed 49 percent in any school, no matter what has to be done to prohibit it. Now, if this is "the law of the land," it should, in all commonsense, be applicable here in Washington, and New York City and Detroit, and every other city in the Nation. Yet you know and I know that here in Washington, for instance, it is physically impossible to put 50 percent white children into these schools because they do not live here and cannot be kidnaped from neighboring States. At least, not yet.

Last Friday's Washington Post headlined a story which said that Federal officials here in Washington were "stunned" by this decision. These same officials say if it is carried out it could produce a new "national crisis in education." Well, Federal officials, whoever you are, welcome to the fold. I am only sorry that commonsense did not tell you of this impending crisis in 1954 when the Supreme Court overstepped the Constitution with its first major decision in the area of education, or in 1964 when the civil rights bill was forced on the people. But, as I have said, you are welcome to join those of us who have been trying to tell you this all these years, even though you are many years late in arriving.

The Post story is worth reading in its entirety:

LOS ANGELES DECISION ON SCHOOLS STUNS OFFICIALS

(By Robert J. Donovan)

Federal authorities were stunned yesterday by what they understood to be the scope of the Los Angeles school desegregation decision. They feared that, if eventually upheld by the Supreme Court, it could produce a new national crisis in education.

As viewed here, Los Angeles County Superior Court Judge Alfred Gitelson's decision on Wednesday went well beyond existing federal law and beyond Supreme Court rulings in the matter of school desegregation.

Officials maintained—with considerable dismay—that the decision complicated the law on the subject by obliterating the distinction between de jure segregation (segregation imposed by law, as in some southern states) and de facto segregation (segregation caused by neighborhood racial patterns).

The Gitelson decision, of course, took the opposite position. The judge held that the Los Angeles case was an instance of de jure segregation, and he ruled on that premise.

The immediate shock here was occasioned by visions of untold sums that would be needed for thousands upon thousands of school buses throughout the United States if the decision became applicable nationally.

Officials here were at a loss to know where large new sums for buses would come from in the prevailing budgetary squeeze at all levels of government. Certainly they were not optimistic that voters would approve bond issues for buses in the circumstances.

Furthermore, education officials were worried that classrooms would be further starved of funds as school districts scrounged for money for buses.

"Is this the right way to allocate resources," a high official asked, "when we have so many hard-core poverty area schools that are desperate for money?"

The cost of busing is already becoming a problem. The Charlotte-Mecklenburg district of North Carolina, for example, has suddenly been confronted, because of a court decision, by the need for at least 200 new buses, the bulk of them by April 1.

To complicate matters North Carolina has passed a law prohibiting the spending of state funds for transporting school children for the purpose of achieving a racial balance in schools.

Automobile manufacturers' representatives here say that on an average school buses cost about $8,000 each.

In Los Angeles Robert Kelly, acting superintendent of schools, said that the Gitelson decision would cost the city about $180 million over the next eight years. In his decision the judge had ridiculed any such estimate.

This is the ridiculous extent to which the mischief of that Pandora's box has spread. There are as many orders to our schools as there are courts and there is no uniformity of any kind. Today's schools are not being operated by uniform laws or regulations, they are being operated by the whim and caprice of judges who are totally without qualification to run school systems.

It has been said that, in forced integration, the wealthier who can afford to do so, vote with their feet; they pack up and move out. As long as they have money, power, and ingenuity, they will avoid this conflict. But what about the average income earner? What can he do? Where is his freedom? He does not have it because he can not buy it and that is a shameful condition to put a free man in.

At every point along the way in your consideration of what is being done to this Nation, beginning with the Civil

Rights Act of 1964, I ask you to keep in mind one central fact that the courts, HEW, and others refuse to acknowledge, and that is that, as bad as this legislation was, it addressed itself only to "discrimination." That is the key word: Discrimination. Discrimination was outlawed, as it should be. But, and here I quote section 401 of title IV, "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Yet, time and time again, HEW and the courts fly in the face of this specific declaration. The whole thrust is not "discrimination" but forcing mixing of the races by percentages, down to infinity. This is not only illegal, it is immoral to deprive citizens of the United States of their freedom of choice.

In the President's statement last Thursday, which I quoted earlier, paragraph 2 states:

> The President has consistently opposed, and still opposes, compulsory busing of school children to achieve racial balance.

Yet, the Los Angeles school decision requires an absolute, mathematical balance down to the last Negro, oriental, Puerto Rican, white, Indian, or other ethnic being. Who will prevail? Will it be the President of the United States or this California court? Will it be the President of the United States or Secretary Finch of the Department of Health, Education, and Welfare, who has consistently violated this policy? I, for one, have long since abandoned the idea that the courts or HEW will reform themselves and adhere to the laws as we in the Congress have made them. More is required of us; more in the way of specific prohibitions as to what the courts and HEW can and cannot do in stretching, torturing, and warping the explicit laws we make here in the Congress.

The New York Times is the bible of the liberal-to-radical element of political thought in this country. If there is any limit to which it will not go to promote the actions of the left, it is a narrow one. Yet, even the Times has surveyed and been forced to report the truth of the Nation's education crisis. This crisis must be dire if even the Times admits it.

In the Feburary 9 issue, two stories were carried on the front page and continued for a full page inside. It is chapter and verse of what has been done to the children of this country by this suicidal drive for forced integration of the races in every facet of their lives despite the repeated and continuing determination of both races to resist it.

No parent, indeed, no decent American, can read these two stories without a feeling of horror at what is being done to the youth in an effort to assuage the appetites of the equalitarians. These stories follow:

[From the New York Times, Feb. 9, 1970]

RACIAL STRIFE UNDERMINES SCHOOLS IN CITY AND NATION; CITY HIGH SCHOOLS AFFECTED

(By Joseph Lelyveld)

Racial fears and resentment are steadily eroding relations between white teachers and administrators and black students in many, possibly most, high schools here.

In a few schools, this erosion has gone so far as to create conditions of paralyzing anarchy in which large police detachments have been deemed necessary to keep classrooms functioning and put down sporadic outbursts of violence by rebellious students.

More generally, the widening gulf between white adults and black youths in the schools convinces increasing numbers of blacks and whites that the fading promise of school integration can never be more than a hollow piety.

A two-month survey by The New York Times of a cross-section of the city's 62 academic high schools—some predominantly black, others mostly white, some troubled and others ostensibly calm—indicated that racial misunderstanding appears in some schools not just as a fever that flares now and then but as a malignant growth.

In such schools adults and youths seize on narrow one-dimensional views of each other.

In the eyes of many teachers, students who express feelings of racial pride by donning the African shirts called dashikis and wearing talismans, or by sewing the emblems of various black power movements to Army combat jackets, surrender the status of children for that of "hard-core militants."

"We are faced with a very, very specific political movement," charged James Baumann, a co-chairman of the United Federation of Teachers chapter at Franklin K. Lane High School, a neocolonial fortress on the Brooklyn-Queens border where a force of 100 policemen was stationed last October after an outbreak of racial violence. "A small, dedicated group of militants is trying to polarize the student body and establish a totally black school."

A respected Brooklyn principal, who didn't want to be quoted by name, talked not of small minorities but uncontrollable masses. "What can you do," he asked, "when you have 1,000 blacks in your school, all programed for special behavior and violence?"

In the eyes of many black students, teachers given to such interpretations lose their identity and vocation and merge into that monolith of rigid, hostile authority known collectively as "the Man."

"A FALLEN HOUSE"

"As soon as they get the cops behind them, they show how racist they are," said a Lane student regarded by teachers as a "militant" leader. "We're trying to get ourselves together but they don't like that. They want to get us out. That's boss [great]! Black people shouldn't go to that school."

A black senior at George W. Wingate High School put his disaffection more broadly: "The school system? Like man, it's a fallen house."

Often under pressure the two sides conform precisely to each other's expectations with results that are mutually disastrous. Then teachers are openly taunted and abused, firebombs and Chemical Mace are discovered in stairwells, and racial clashes erupt between black and white youths who normally keep a safe, formal distance between them.

In 1969 incidents of this type were reported in more than 20 high schools here.

"The youngsters are militant—everyone's militant," said Murray Bromberg, principal of Andrew Jackson High School in Queens.

Much of the anger of teachers and students can be traced to the frustrations both suffer in classrooms.

"WE AIM HIGHER"

In the furor over whether it is the schools that are failing to teach blacks and other nonwhites or the students themselves who are failing to learn there is one undisputed fact—that the results are catastrophic.

The level of educational achievement accepted as a norm in many schools was indicated last month by a letter sent to the parents of all students at Lane. "We are not satisfied just to bring every senior up to the eighth-grade level of reading," it said. "We aim higher."

Many black students are registered in watered-down "modified" courses that lead nowhere. Even in schools that boast of being integrated, these classes are often all-black.

But the small minority of students labeled "militants" are almost never drawn from the mass of undisciplined students, semiliterate dropouts, truants or drug users. Frequently they are among the most aware and ambitious black students in the school—the very students, teachers commonly say, who should concentrate on their studies and "make something of themselves."

IRONIC SITUATION

Some observers regard it as ironic, even tragic, that these students and their capacity for commitment should be seen as a threat. "The fact is that they are an articulate and committed group of youngsters looking for change and reform," says Murray Polner, assistant to Dr. Seymour P. Lachman of the Board of Education.

But that has been distinctly the minority view, especially since the three teacher strikes over the community control issue in Ocean Hill-Brownsville late in 1968.

"That was the precipice," said Paul Becker, a Wingate teacher who broke with the union after the second strike and now is active in the Teachers Action Committee, which favors community control. "After that it was downhill all the way. It was 'us' against 'them.'"

Many black students are still outraged by the memory of epithets and abuse from U.F.T. picket lines. "There were teachers shouting, 'Nigger!'" recalled Billy Pointer, a Wingate senior, in the course of a recent group discussion on human relations.

"No, Billy, that's not right," said Martin Goldberg, a social studies teacher. "I have to admit that some teachers used unprofessional language but I'm almost sure that none of them used the word 'nigger.' That must have been parents."

Later, the teacher commented: "I hate it when people who aren't racists say 'nigger.'"

That the clash of values has not been exclusively racial was demonstrated at Jackson where black students last year agitated successfully for the appointment of a black assistant principal.

This fall the new man, Robert Couche, was stunned to find himself denounced as a "house nigger" after having been regarded himself, he says, as an "extremist" at his previous school.

More recently, these same black students threatened demonstrations to block the transfer of young white teachers whom they considered sympathetic.

Negro school administrators like Mr. Couche find themselves in a lonely, uncomfortable position where their motives are often over-interpreted or misinterpreted by both their white colleagues and black students. Nevertheless there are many who believe that the advancement of more blacks to positions of real authority in the system offers one of the few possibilities of blunting the racial confrontation.

At present few high schools have faculties that are less than 90 per cent white; only three have Negro principals. White teachers often complain that Negroes are being favored for promotion, while many blacks say that the system advances only the "safest" Negroes.

"Now if you don't bite your tongue, you're a 'militant,' said Charles Scott, a former head of the U.F.T. chapter at Jackson who is a leader of a faculty Black Caucus there that sees itself as a counterpoise to the union.

STUDENT "WILLING TO DIE"

Many white teachers are convinced that there is a carefully plotted conspiracy for a black "takeover" of the high schools—those of North Brooklyn and South Queens, in par-

ticular—by the same forces that were active in Ocean Hill-Brownsville. The evidence they most often cite is the words and rhetoric of black student activists and adults who influence them.

A newsletter of the African-American Teachers Association calls for support of black students who "seek 'through any means necessary' to make these educational institutions relevant to their needs."

At Lane, a student sent tremors through the faculty by proclaiming his willigness "to die for the cause."

What do such declarations mean? John Marson, the self-possessed chairman of the African-American Students Association, replied that violence was the only power students had to "back up what they say," comparing it to the power of the U.F.T. to strike.

But he scoffed at the ideas many teachers hold about a conspiracy. No one can tell the students in the various schools what to do, he said.

That wasn't the way it seemed last semester to Max Bromer, the beleaguered Wingate principal. "It's all planned, it's all planned," he insisted when he was visited one day in his office, which looked like a station-house annex with four or five police officers lounging at a conference table and a police radio crackling in the background.

Pressure was building up in the school, he said, and he had reliable intelligence warning him of a likely cafeteria riot in the sixth period.

A white teacher came into the office and reported that the cafeteria was quieter than it had been in weeks. "They're massing," the principal surmised.

When the sixth period passed without incident, his anxiety shifted to the eighth. Finally the school emptied. Was it all a false alarm? "No," he said, "it was psychological warfare."

Mr. Bromer's responses can't simply be written off as jitters, for he had seen his school brought to the edge of a breakdown by racial hysteria and violence, despite what he thought had been a successful effort the previous semester to negotiate an "understanding" with the "militants."

As regularly happens, he has also seen many of his most experienced white teachers flee the school as the proportion of nonwhite students shot past the 50 percent mark.

Wingate's troubles last term boiled out of a controversy over where to draw the line on expression by black students—the starting point of most racial explosions in the high schools. That line had been clearly transgressed, most teachers felt, in an assembly program staged by the school's Afro-American club.

Two passages were seen as particularly offensive—a recitation of an old Calypso ballad popular among Black Muslims ("A White Man's Heaven is a Black Man's Hell") and a line from a skit ("Brothers and sisters, we can't live if we continue to support the pigs by buying their dope and kissing their —— and letting them label us.")

BLACKS AROUSED

White students weren't shocked by these lines but by the angry pitch to which black students in the audience seemed to have been aroused. "I was actually embarrassed to be white," one girl said, "because I thought they hated me for something I didn't do."

Teachers saw the program as a deliberate provocation. "The nerve! The nerve! The nerve!" one fumed.

A week later racial clashes broke out in which many more white students than blacks were injured. In fact, many teachers had assumed that a racial confrontation had been in progress ever since the assembly. Black students identified as "militants" complained that they immediately became objects of suspicion.

Many Wingate teachers assumed the students were being manipulated by "outside influences." They singled out Leslie Campbell and Sonny Carson, two fiery figures in the Ocean Hill-Brownsville dispute.

"I WAS WHITELISTED"

Mr. Campbell, a 29-year-old Lane alumnus who is softspoken in conversation and anything but that in confrontation, lost his teaching post in the demonstration project last fall—"I was whitelisted," he says—and has just started a "liberated" high school, in Brooklyn for black students with the backing of the African-American Students Association.

Called the Uhuru Sasa (Freedom Now) School, its curriculum will include courses in martial arts, Swahili and astrology.

Asked to describe his relation to the students, Mr. Campbell didactically sketched a diagram on a pad before him.

"This is the soil," he said, pointing with a pencil. "The minds of these kids is fertile soil but it just lays there in the schools. We supply the seed—an understanding of black nationalism and the political situation."

Mr. Campbell said he was out of "the demonstrations bag." Mr. Carson, a onetime leader of Brooklyn CORE, is still in it. He likes working with students, he said, because they haven't been compromised by "the system."

Black students here reflect a mood of self-awareness that can be found at almost any high school or college in the country with a significant black enrollment. Some are imbued with sloganistic fervor. Some want an outlet for anger. Others are tentatively working out a life style. Many are just happy to "belong."

A few imagine romantic futures for themselves as black revolutionaries. But most think in conventional terms of gaining skills that will make them useful to their people.

"Most of them seem more indifferent than hostile to whites. "I can only care about the people I relate to and the people I relate to are all black," said a youth in Panther garb at Jackson.

Linda Jacobs, a black senior at Thomas Jefferson High School in Brooklyn, was similarly casual when asked about her reaction to the flight of whites from her school, which has gone from 80 per cent white to 80 per cent nonwhite in only five years. "It doesn't bother me, not one bit," she said.

FAKE ADDRESSES USED

Many whites from the Jefferson district have used fake addresses to send their children across the racial boundary formed by Linden Boulevard to Canarsie High School, which is about 75 per cent white—"a nice, solid ethnic balance," according to its principal, Isadore S. Rosenman.

But Canarsie has had its troubles. After rioting last year it found it expedient to eliminate the lunch period, as a way of preventing racial clashes in the lunch room.

Canarsie has also tried positive measures to overcome the disinclination of black students to become involved in the school's extracurricular life. For instance, it is now routine to have two bands at all dances, one black, the other white.

Teachers use words like "magnificent" and "beautiful" to describe relations at Canarsie. But most black students appeared to agree with Vernon Lewis, a senior, who said, "Here you always have the feeling there is someone behind you, looking at you."

A SHARP CONTRAST

They contended that they would have more freedom of expression at a predominantly black school like Jefferson. The contrast between the bulletin boards of the Afro-American clubs at the two schools indicated the range. The Canarsie board told of scholarships available to blacks; the one at Jefferson carried the Black Panther newspaper.

Despite the publication of a code of students' rights by the Board of Education last October, there remain extraordinary variations in the degree of expression on controversial issues—racial issues, especially—permitted to students.

At Brooklyn Tech—a "special" school for bright students that is more than 80 per cent white—a dean last year ordered the removal of a picture of Eldridge Cleaver from the cafeteria on the ground that the author and Black Panther spokesman was a "fugitive from justice."

This year the principal, Isador Auerbach, summoned a police escort to remove a black "liberation flag" on the ground that state law forbade any banner but the American flag in the schools.

Ira Glasser, associate director of the New York Civil Liberties Union, termed this a typical case of "the lawlessness of principals." There is no such provision, he said.

ANOTHER VIEW

By contrast, Bernard Weiss, principal of Evander Childs High School in the Bronx, saw no need to react to the posting of a picture of Huey Newton, the Black Panther Minister of Defense, on a bulletin board in his school.

"We want kids to read, we want kids to discuss," he explained. "We don't teach revolution. But if that's what they want to discuss, at least we can make sure they hear both sides."

Evander is about 50 per cent white, and most of its white students are from predominantly Italian, deeply conservative neighborhoods of the Upper Bronx—the perfect ethnic mix, it is sometimes said, for an explosion. But though the school has had some close calls and thorny issues, it has had no major eruptions of racial violence.

The school that has come closest to a breakdown—and has thereby raised the specter of ultimate disaster for the whole system—is Franklin K. Lane, which is set next to the mausoleums of the Cyprus Hills Cemetery.

On one recent afternoon, chemical Mace was released on a staircase, a fire was started in a refuse can in the lunchroom, and a tearful white girl, reporting that a gang of blacks was waiting to ambush her, demanded a police escort to her bus stop.

"Just a normal afternoon," said Benjamin Rosenwald, a dean.

Normality at Lane also included an ominous stand-off in the cafeteria between white policemen with little metal American flags stuck in their caps and black students standing guard beside a "liberation flag." Routinely, the students taunted "the pigs." The officers masked their reactions behind stiff smiles, but not one of them had his nightstick pocketed.

Many white students are afraid even to set foot in the cafeteria, known to them as "the pit." A handful have been kept out of school altogether by their parents for the last three months.

There are those who find a simple explanation for Lane's woes—the racial incongruity between the school and its locale.

Lane is about 70 per cent black and Puerto Rican but stands in a neighborhood that is entirely white and aroused on racial issues. Mainly Italian and German by ethnic background, the district sends Vito P. Batista, the Conservative, to Albany as its Assemblyman.

But, in fact, the residents were not the first group to become militant over the racial situation at Lane. Neither were the black students. Militancy began with the local chapter of the United Federation of Teachers, whose leaders complained five years ago that Lane was becoming "a dumping ground."

THE U.F.T. POSITION

The U.F.T. demanded that the Board of Education hold the blacks to under 50 per cent and, when that point was passed, they demanded that a racial balance be restored.

The teachers insist that their only interest has been "quality integrated education." But the U.F.T. has never proposed that black students cut from Lane's register be sent to schools now predominantly white.

George Altomare, a union vice president and a social studies teacher at Lane, was asked recently if he thought a black-white balance would also be a good idea for a predominantly white school like Canarsie. "Ideally yes," he replied slowly, adding the proviso that more high schools would first have to be built to relieve overcrowding.

But Mr. Altomare believes there must be no delay in implementing a union proposal to make Lane a "prototype" of effective integrated education—to be accomplished by cutting its register by one-third and introducing special training in job skills for students not continuing to college.

It is only on paper that Lane is now overcrowded, for its average daily attendance is under 60 per cent.

Black students find a simple explanation for the faculty's insistence on reducing the student body. "Lane doesn't like us and we don't like Lane," one declared.

Since the strikes in 1968, Lane has gone from crisis to crisis. Last year a shop teacher, identified in the minds of some students as a supporter of George C. Wallace, was assaulted by young blacks who squirted his coat with lighter fluid and set it on fire.

ACTION OVERRULED

The assault, which was followed by the threat of a teacher walkout, led to the placing of a strong police detachment in the school and the dropping of 678 students—mostly blacks—from its register, an action later declared illegal by a Federal judge.

Even before the assault, the union chapter had placed a special assessment on its members for "a public relations and publicity campaign" aimed at winning the support of "business, civic, political and parent groups" for its position.

This effort helped arouse the surrounding white community, which formed an organization called the Cypress Hills-Woodhaven Improvement Association specifically to protest disorders at Lane.

Michael Long, chairman of the group, said the union had hoped to use it as the "battering ram," then disowned it when it demonstrated for the removal of the school's principal, Morton Selub.

Now Mr. Long worries that he may not be able to control vigilante sentiment in the community if there are further disorders at Lane.

A FAMILIAR DISPUTE

The breakdown at Lane last October had a familiar genesis—a dispute over whether black students had the right to fly the "liberation flag" in place of the American flag in a classroom where they studied African culture.

After the flag had been removed from the room two days running, the students staged a sit-in to protect it, setting off the cycle of confrontation, suspensions and riots.

Black student activists at Lane don't deny that they have resorted to violence to press their demands, or "raise tensions to help a brother," or to "keep things out in the open."

They also acknowledge that they have not tried to discourage assaults on whites by younger black students outside their own group who want, as one activist put it, "to express their anger and let the white students know how it feels."

What they do deny is that their insistence on the "liberation flag" was an attempt to do anything but stake out a single classroom where they would be able to express themselves freely.

"Students want to relate to what's happening in their school," said Eugene Youell who prefers the adopted name of Malik Mbulu to his "slave name" and now has enrolled in Leslie Campbell's new school.

FOCUS OF PRESSURES

Some schools see a point in struggling to prove to themselves and their most aroused black students that there is a place for them in the schools and an incentive to study.

At Jackson, a school that appears to be on its way to becoming all-black, the principal has become the focus of a wide range of pressures—from white teachers, black teachers, middle-class Negro parents who want their sons and daughters protected from radical influences, and some black students who believe they have the right to conduct public readings of the thoughts of Mao Tse-tung or anyone else.

Recently the principal, Murray Bromberg, went before a history class devoted to "the evolution of today's African-American experience" and boasted, "This is the school of the future."

He said it was time for white school administrators and teachers to revise their assumption that standards must inevitably be lower in an all-black school.

His audience seemed to be itching to provide the principal with a list of assumptions about black youths that white adults could revise. But if they were "militants," they were also very obviously teen-agers who found no incongruity in wearing a big "I Support Jackson Basketball" pin next to a "Free Huey" button.

In fact, the African-American Club at Jackson has discovered it cannot hold meetings on the same day as a basketball game. Too many of its members are boosters.

INTEGRATION GOAL PROVING ELUSIVE—SURVEY OF 62 SITES SHOWS WIDE PATTERN OF MALIGNANT RACIAL MISUNDERSTANDING—NATIONAL TRENDS FOUND

(By Wayne King)

Racial polarization disruptions and growing racial tensions that sometimes explode into violence are plaguing school administrators in virtually every part of the country where schools have substantial Negro enrollments.

The degree of racial unrest was detailed in reports from a number of cities and in studies conducted by Government and private sources. They pointed to the following trends:

While there are indications that the dramatic increase in "issue-oriented" disruptions in the major urban areas last year may have leveled off, primarily as a result of some apparent accommodation by school officials, racial tensions continue at a high level and appear to be increasing.

The same kinds of disruptions and clashes that have occurred in major cities, particularly in the North, are cropping up increasingly in medium-size cities.

The pattern of school-oriented racial protest and tension is becoming more apparent in the border states and the South as schools there become more integrated.

Racial tensions seem to be moving downward in grade levels, with problems becoming more apparent at lower secondary levels and below.

Many of those studying or involved directly in school racial problems are outspoken in the attitude that an evenhanded, "colorblind" approach will not work. Instead, administrators are increasingly being urged to become "color-conscious," to meet problems head-on and stringently to avoid apparently repressive measures, such as calling in the police.

No section of the country appears to be free of serious racial problems in schools.

THE 39 RACIAL INCIDENTS

In a study of "confrontation and racial violence," the Urban Research Corporation in Chicago collected newspaper accounts of racial incidents that occurred at schools in 39 cities, towns or counties, from the beginning of the school year, last September into January. The private research corporation monitors national trends and prepares reports for various subscriber groups and organizations, including governments.

The incidents occurred in the following places:

Phoenix, Ariz.; Little Rock, Ark.; Los Angeles, Oakland, Riverside, San Bernardino and San Francisco, Calif.

Also Chicago, Blue Island and Harvey, Ill.; Muncie, Ind.; Kansas City, Kan.; New Iberia, La.; Springfield, Mass.; Pomfret and Prince Georges County, Md.

Also, Detroit and Pontiac, Mich.; St. Paul, Minn.; St. Louis, Mo.; Las Vegas, Nev.; Asheville, Chaptel Hill, Lexington and Sanford, N.C.

Also, Atlantic City and New Brunswick, N.J.; Albany, Belport and Middle Island, N.Y.; Cleveland, Ohio; Portland, Ore.

Also Philadelphia and Pittsburgh, Pa.; Greenville and Ridgeville, S.C.; Crystal City, Tex.; Arlington, Va., and Charleston, W. Va.

John Naisbitt, president of the research corporation, noted that the study included only those incidents reported by the press and that some communities had had a series of incidents. Eleven reports, for instances, were gathered in Chicago alone.

"A UNIVERSAL TOOL"

Many of the incidents, Mr. Naisbitt continued, involved boycotts or closings of the schools. In Portland, Ore., for example, students at Roosevelt High School reportedly walked out over grievances, gained adult support and turned the protest into a citywide issue. "The school boycott," Mr. Naisbitt said, "is almost a universal tool."

He also noted rising black-white tensions. "In some cities like Chicago," he said, "biogotry is gaining respectability in the face of increased black awareness and black pride."

"These two social forces are on a collision course," Mr. Naisbitt added, "and one of the places it's finding its focus is in our integrated schools."

But the prevailing opinion of human relations directors and others involved with school racial problems was that polarization was traceable more to the quest for "black identity" and unity, and the reaction to it, rather than to racial animosities.

RAPID INTEGRATION

In some cases the two seem to overlap as blacks and whites come under the stresses of rapid integration.

In Detroit's Cooley High School, where fist fights between blacks and whites broke out last fall, black and white students tend to sit on opposite sides of the school cafeteria.

Other Detroit schools have had relative peace, however, and the difficulties at Cooley may be explained with some statistics. In 1964, more than 90 per cent of the students at Cooley were white. Today, more than 50 per cent are black.

White resistance to school integration has also generated some problems.

Gage High School in southwestern Chicago, for example, was integrated in 1965 and now has 400 Negroes in its enrollment of 2,600. The school has had a number of racial student disorders.

About 120 arrests were reported in and near the school last fall, including 92 during the week of Oct. 28.

BLACK REACTION

Explaining the clashes, a 16-year-old Negro student Columbus Tapps, Jr., said: "Black students are going to react to insults. A month ago somebody hung a dummy on a rope from a tree with a sign, "Niggers Die."

A white student, Terry Conwell, also 16, said: "Only a few cause the trouble. Most of the whites [living in this area] want to keep this community white and resent integration of our school. But most of the kids have sense enough to know the fighting isn't worth it."

In Philadelphia, a spokesman for the school system's Office of Inter-group Education observed that "social separation [between races] has been total and complete."

The office operates in part on a principle it calls "conflict utilization." Once a conflict occurs, the office attempts to capitalize on the focus it creates to investigate and dramatize the underlying causes—community attitudes, conscious and unconscious discrimination, teacher attitudes, etc.—that often have little to do with the immediate cause of the incident.

"FANTASTIC" GAP

"The understanding gap," the Philadelphia spokesman said, "is fantastic."

A similar view was expressed by Dr. Alan F. Westin, a political science professor and director of the Center for Research and Education in American Liberties at Columbia University.

Dr. Westin, who was cochairman of a panel that investigated the causes of the Columbia disruptions in 1968, has been monitoring 1,800 daily newspapers to gather data on student disruptions in secondary schools across the country.

"The color-blind approach although it works in some areas such as treating everyone alike in restaurants and in public transportations, won't work in education," he said. "If there is a sudden influx of blacks into a school and school authorities take the attitude that they're color-blind, it's guaranteed to create disruption because of the special needs of blacks."

Dr. Westin found that, of 675 secondary school protests reported in the newspapers he monitored last year, 46 per cent were caused by racial problems. The study included only demonstration, sit-ins, fighting or other disruptions. And nearly one out of every five incidents—18.5 per cent whites and blacks.

Although a detailed analysis of the protests in the current school year has not been completed, Dr. Westin said there were preliminary indications that the "big city problems" of protest were occurring more frequently in medium-size cities.

"PATTERN OF PROTEST"

"There is also a distinct pattern of protest developing in the border states and the South," Dr. Westin said, with Negro student demands centering on the hiring of more black school personnel, the revamping of school curriculums, and similar issues.

He also said there were indications that, in many big cities, the number of serious disruptions growing out of black demands for change had declined.

At the same time, Dr. Westin continued, there is no evidence that racial tensions have diminished. He noted, for instance, "a steady drumfire of fights in cafeterias and out of school, between blacks and whites."

Dr. Westin agreed with authorities who maintained that racial conflicts reflected the black students' striving for identity.

For example, he noted that a major issue last year was the lack of black cheerleaders. Other demands included the serving of "soul food" in school cafeterias and the placing of portraits of black heroes, such as Malcolm X, in school buildings.

Such demands were "symbolic of a need to imprint a sense of blackness on the schools," he said. "The black kids wanted to feel their heritage was as valid as the whites."

These stories correctly state that racial fears and resentment have created conditions of paralyzing anarchy. They point out that this kind of forced integration of the races against their wills can never be more than a hollow piety. This racial strife is not just a fever that flares now and then but is a malignant growth and on the increase.

In a desperate effort to accommodate the minority militants, the schools have watered down the courses offered them. The emphasis has been shifted from training students to cope with the world in which they will live as adults, to an emphasis on getting along, accommodating the unruly and praying for graduation day. Courses in Swahili and astrology have taken the place of English grammar and mathematics. I know of no demand for Swahili-speaking astrologers in today's real world, but a man who has been trained to think and speak can always find a job. It is lunacy to allow the minority militants to dictate the courses they will take, the behavioral patterns they will abide by, the regulations they will obey, yet this is becoming the pattern of the Nation's schools. The generation it will produce will be incapable of living in a structured, orderly society.

What can this Congress do to forestall the crisis? Many things, most of them absurdly simple.

First of all, abandon the unreasonable, unworkable philosophy that heterogeneity is a dirty word. Heterogeneity has been a working force in man's life for a half million years since Peking man, Sinanthropus Pekingensis, walked, heavy-jawed but upright on the vast plain of North Cathay.

Man has always sought to differentiate himself and it is as natural for him to do so as for a horse to walk on four legs. Certainly a horse can be made to walk on his hind legs, but it is unnatural and cruel to force him to do so for long periods of time.

In his schools as in all other things, man has always supported various forms of heterogeneity, in girls' schools and boys' schools, in Catholic schools, military academies, business colleges, art schools, and innumerable other examples. This was freedom of choice and it is as it should be. But in an effort to satisfy the equalitarian ideology that all men must be like all other men, man, God or nature notwithstanding, this freedom of choice has been destroyed and a false condition set up which neither man, God nor nature intended.

What else can this Congress do? Second, it can pass in forceful, unequivocal language a freedom of choice law. As a beginning point for consideration, I can suggest a resolution which I have cosponsored with six other Members of the Louisiana delegation. It is a simple statement framed as a constitutional amendment and one any reasonable man should support. It says:

The Congress shall make no law restricting freedom of choice in any area of human discretion wherein a person has a lawful right to choose between two legal alternatives; in particular, all persons shall have freedom of choice in selecting schools, domicile, marital status, employment and the ownership, use and disposal of property.

Now, you and I know that all of this is guaranteed by the Constitution of the United States already. It would be idiocy to say that the framers of the Constitution did not mean for us to have at least these basic rights. Yet, you and I know as well, too, that we do not have these rights today, thanks, in part to the Congress and thanks in part to the Supreme Court and other courts. They must then, be specifically stated.

For instance, we cannot select the schools our children will go to. We cannot select the employees we want to hire and we cannot dispose of our property as we see fit. We have to meet whatever standards the courts and the bureaucracy set up, unreasonable, unworkable standards which effectively strip us of these rights.

I mention this particular resolution, House Joint Resolution 846, as an example of what this Congress must do. There are dozens of others in the dead files of the Judiciary Committee. I, myself, have submitted one or two on this subject in each of the 9 years I have been here. It makes no difference to me and it makes no difference to the people which one is passed. My abiding interest and theirs is that something be done by the Congress to curb the courts and the zealots of HEW and other agencies.

If the Congress turns its back on the people in this crisis, I do not dare contemplate what the people will do. It may be the revolution which the militant minority is promoting. It may be a civil war with whites pitted against blacks. It may take the form of an acceleration in the present trend away from accepted moral standards, respect for authority, religious faith and ethics. Regardless of which, this Nation cannot continue on this path and this Congress cannot continue to allow, even, condone it.

This is not the hour for any man to play the demagog. The hope this Nation has held out to mankind is the only hope of the world today. This legacy carries the obligation to preserve that hope and pass it on to future generations. We are not doing so by participating in this destruction of our educational system.

In all solemnity, I tell you gentlemen we are either at midnight on the clock or zero-zero-zero one. It may be that it is already too late. We must pray it is not. We must work as if it is not.

I guarantee you I will leave no stone unturned, no idea untried, to save education in Louisiana and the rest of the Nation. I owe it to the people I represent and you do too.

"DE FACTO" OR "DE JURE—A MEANINGLESS DISTINCTION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 30 minutes.

Mr. RARICK. Mr. Speaker, the time has come to attempt to shed a little light on a question which has been deliberately and, in my judgment, dishonestly clouded for the sole purpose of partisan political advantage. I refer to the entirely artificial distinction invented by the technicrats as a shallow justification for their treatment of the South on an entirely different basis than the rest of the country—for the revival of the shameful "conquered province" doctrine of the racial Republicans of the last century.

While there is a genuine legal difference between the existence of a situation

"de jure" or by law, and its existence "de facto" or only in actuality, the difference has no real meaning whatsoever when either the constiutional, the statutory or the procedural aspects of school segregation are involved. It is patently dishonest to differentiate between the present racial separation in our schools, throughout the Nation, on the artificial theory that in the Southern States the segregation occurred pursuant to law while elsewhere it arose from custom.

Let us candidly examine the facts as to racial separation in our land.

As a beginning we must concede that from the very first settlement racial differences were recognized. They were recognized by the English, the French, the Dutch, the Swedes, the Spanish—by all of the peoples who settled our land.

Slavery was recognized—and not just in the cotton-producing sections of the land. Indentured service for a term was common, and for life well known, even in Massachusetts. Legal distinctions between the races were general, as they were everywhere in the civilzed world.

We came of age as a nation and adopted our Constitution with full understanding that legislation was quite proper when based on race—the constitutional command being against an arbitrary distinction, not against discrimination. Discrimination was common, accepted, and entirely unquestioned.

Slavery was never a real issue in the War Between the States. Among the States remaining in the Union were the "slave" States of Delaware and Maryland. When the Emancipation Proclamation was signed as a war measure by Abraham Lincoln, it took care to exclude from emancipation the slaves held in those States and in the District of Columbia. In fact, by its own terms, it did not apply to one slave under Union control.

The 13th amendment abolished slavery throughout the land—and then came the 14th amendment.

Unquestionably the 14th amendment, if it indeed be a part of our Constitution, made the Negro a citizen, whether or not he was a former slave. But it did not pretend to make a distinction based on race—so long as it is not arbitrary—forbidden. The only positive command of the 14th amendment is that classification by State legislatures not be an arbitrary classification.

That this was the understanding of the Congress which proposed the 14th amendment is underscored by creation of the public school system of the District of Columbia—racially segregated. That this was the understanding of the States ratifying the amendment of their own free will is made plain by the existence at the time of ratification or by the creation subsequent to ratification of segregated public school systems in such States.

Such an understanding is underscored by the enactment and enforcement without qualm of a whole series of racially discriminatory laws, both in the States and in the Nation, for nearly a century after the adoption of the 14th amendment. If there is a hidden imperative in the amendment it was so well hidden that those who constructed the amendment itself did not recognize it, nor did their successors in State legislatures, in the Congress, or on the Supreme Court, until the clairvoyant Warren court discovered the secret formula, with the assistance of a very odd company of special interest promoters in 1954.

The Brown case, in which the Warren court demonstrated its superior knowledge of the Constitution did not even arise in a Southern State. It came from Kansas, which had school segregation as a matter of law—"de jure" segregation, if you please. To this case were joined the arguments in other cases arising from Delaware, Virginia, and South Carolina.

It was in these cases that the Warren court discovered the miracle of the secret imperative of the 14th amendment, and overturned the prior decisions of more than a half century.

But this did not solve the problem entirely. There remained another troublesome point. The segregated schools of the District of Columbia, to which the 14th amendment obviously did not apply. There was another case pending on appeal, arising from the District. Plainly some legal acrobatics were going to be required.

The Supreme Court rose to the occasion. It concluded that the "equal protection" clause of the 14th amendment, in other words, an amendment to the Constitution adopted as part of the Bill of Rights, and which certainly did not outlaw slavery, was suddenly discovered by the legal technicrats to forbid school segregation in the District of Columbia. This bald perversion of the Constitution is worth reading in *Bolling* v. *Sharpe,* at 347 U.S. 497, the initial step to the creation of the present school mess in the Nation's Capital.

But, back to the States, and to the theory that where segregation of the schools was de jure it must and can be wiped out, regardless of the wishes of the people of either race, pursuant to some mystical command of the Constitution.

In 1950, as a part of the assault which had been very painstakingly laid on the Constitution, there was published under the auspices of the Woman's Division of Christian Service of the Methodist Church, a volume entitled "States' Laws on Race and Color." This is not necessarily the most accurate compilation on the subject, but it can scarcely be said to favor in any way racial separation. Indeed, the foreword recites that the woman's division:

> Has long recognized the need for a compilation of the state laws that have in some measure determined the racial patterns and practices throughout the nation. The recognition . . . grew out of . . . an attempt to answer the recurring question as to whether a "practice" was based on "law" or "custom and tradition."

The foreword continues:

> The pattern of discrimination and segregation is in evidence to a greater or lesser degree throughout the nation.

At the time of publication of this volume, some several years prior to the decision in Brown, school segregation was authorized or required by State law in 21 States, and by Federal law in the District of Columbia. The States with segregated schools de jure at that time included Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wyoming.

At the same time, 15 additional States, which had no laws requiring school segregation, imposed legal sanctions based on race—that is racial restrictions by law—under a variety of circumstances. These States were California, Colorado, Idaho, Indiana, Iowa, Minnesota, Montana, Nebraska, Nevada, New York, North Dakota, Oregon, South Dakota, Utah, and Washington.

Only 12 States, according to this study, were without racial discrimination by law. The balance of the 48—or 36 States—were in violation of the Constitution.

One or two of the most interesting discriminations include the almost universal prohibition of miscegenation, and the frequent prohibition of sale of either firearms or liquor to persons, the prohibition being based solely on their race—the Indians.

Now it is quite simple to follow this theory of racial discrimination imposed "de jure" to its logical conclusion, and it is high time that it was done. The theory is to the effect that since the Constitution, unknown to any but the Warren savants, expressly forbade such discrimination it now expressly commands federally imposed corrective action where it had existed under the authority of law, but not where it had existed only pursuant to local custom. This is the heart and sole of the so-called de jure or de facto distinction in the application of such things as racial assignment or busing to the school problems of the North on the one hand and of the South on the other.

The difficulty with this theory is that the same constitutional command, if it exists at all, exists with regard to the miscegenation prohibition and the firearms and liquor prohibition. If the schools must be integrated by the forced application of a quota system, so then must the bedrooms, and the labor force, and the houses, and the liquor consumers, and the firearm users, and so on ad infinitum.

And this is a course which is so patently foolish that even the most ardent integrationist must recognize that the fiction simply will not hold water.

IMPROVING THE NATION'S MANPOWER EFFORTS—A POSITION PAPER BY THE NATIONAL MANPOWER POLICY TASK FORCE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, as most of my colleagues know, the National Manpower Policy Task Force is a private nonprofit organization

of academic manpower experts devoted to the promotion of research in manpower policy.

A year ago the task force produced a document advocating a comprehensive manpower policy approach. While several Members of Congress had been thinking along these lines, this document provided a large part of the foundation on which the manpower bills of the gentleman from Michigan (Mr. O'HARA), the Nixon administration, and myself are based.

The task force has now prepared an analysis of the Nixon, O'Hara, and Steiger proposals.

I urge my colleagues to carefully read the report which follows:

IMPROVING THE NATION'S MANPOWER EFFORTS

During the sixties the federal government launched a series of manpower programs. The over-all direction and thrust of these efforts was salutary; they emphasized the needs of millions of citizens who could not compete successfully in the labor market because of a lack of skills or motivation, deficient education, or discrimination. The execution of these programs, however, left much to be desired. The multiplicity of program sponsors at the local level made the delivery of effective manpower services very difficult. The programs were characterized by varying eligibility criteria, overlapping services, and conflicting regulations. After seven years of expanding the manpower programs, there is a pressing need to overhaul these categorical and disjointed efforts.

As we enter a new decade, we should take advantage of the lessons that have been learned from the vast experimentation of the sixties. Improving the administration of manpower programs and related services to maximize their impact is just as important at this moment as adding funds, and as the administration of manpower programs is improved, it is essential that funds be further expanded. Considering the extent of need, the additional funds become even more justifiable as the effectiveness of programs is enhanced.

The Administration and Congress have recognized the pressing need for a comprehensive manpower effort building on the experience of the sixties. Three major proposals are now pending before Congress, and we believe that the enactment of new legislation will provide, in the words of Secretary of Labor George P. Shultz, "more effective services to the individuals and communities that need them . . . and at the same time invigorate established institutions of government . . . and our manpower programs." Enactment of the best provisions in each of the three bills would be an achievement comparable to the initiation and expansion of the manpower programs of the last seven years.

THE PROPOSALS

The major proposals for overhauling existing manpower programs enjoy bipartisan support. Sponsors of the bills are Representative William A. Steiger (HR 10908), Representative James G. O'Hara (HR 11620), and Senator Jacob K. Javits (S 2838, proposed by the Administration). All have a common objective and approach, though they differ in respect to the responsibilities assigned to federal, state, and local levels. All can be appropriately described as comprehensive remedial manpower legislation insofar as they embrace services aimed at the employment of disadvantaged persons. The bills contemplate the consolidation of several discrete pieces of manpower legislation and list a broad range of services that can be provided, leaving the mix of services offered to individuals in any particular state or community to administrative discretion.

All three bills seek some form of state and local planning to adapt the use of funds to area needs, and all seek flexibility in working out specific programs. The Administration and Steiger bills would shift the locus of state and local authority from professional or community-based administrators to elected officials.

Both the O'Hara and the Administration bills contain specific features which go beyond the issues of consolidating comprehensive remedial services and of shifting state and local responsibility. The O'Hara bill places no restrictions upon eligibility for services except that only unemployed workers can qualify for public service employment. The Steiger and Administration bills emphasize the training and employment of the unemployed and the poor, and the O'Hara bill also provides for the upgrading of trainees after they are employed.

The scope of all three bills is limited to the consolidation of the Manpower Development and Training Act, the manpower programs of the Economic Opportunity Act (the Job Corps retains its separate identity in the Administration bill), and the Employment Service insofar as it is involved in such programs. The Work Incentive program (WIN), unemployment insurance, and the administrative funds for the Employment Service would remain unaffected because they are currently funded under the Social Security Act. The Vocational Rehabilitation and Vocational Education Acts are also untouched by the proposed legislation, except that the Administration bill promises closer coordination with existing manpower programs. The decision to consolidate only the manpower programs currently administered by the Labor Department, and to execute related programs administered by other agencies, probably reflects the sponsors' belief that more ambitious efforts would kill the chances of the proposed legislation.

The Steiger bill anticipates agreements between the Secretary of Labor and the governor of each state which would provide for manpower services based upon plans drawn up by the state education agency and the employment service as well as representatives of labor, management, and public and private manpower agencies. Institutional training (with preference for skill centers) would be provided by state education agencies with HEW approval; state employment agencies would offer placement services. Seventy percent of the available federal funds would be allocated among the states according to the size of their labor force, number of unemployed, and number of youths aged 14 to 17. The other 30 percent is for use by the Secretary of Labor for national, experimental, and demonstration projects. Where states proved to be unresponsive to the needs of their disadvantaged populations, the Secretaries of Labor and HEW are authorized to mount direct federal programs. On the other hand, incentive grants could be made to the "resourceful and imaginative" states. Only the Steiger bill carries a specified expenditure authorization, which would rise to $3 billion annually by 1974.

The O'Hara bill places responsibility upon the Secretary of Labor to provide "comprehensive manpower services," either directly or through contracts with state and local public agencies or private organizations. It does not contain the specific allocation provisions to states and cities found in the other bills. The O'Hara bill also includes a provision for upgrading employed workers, a public-service job-creation program, and an allocation of 2 percent of appropriated funds to research.

The Administration bill authorizes the governor of each state to appoint state "prime sponsors" for manpower programs. For metropolitan areas, the governor would appoint a prime sponsor from units of local government, unless the highest elected officials representing 75 percent of the population of the metropolitan area agree upon a public or private agency to serve as prime sponsor. The prime sponsor at the state level would be a comprehensive manpower agency composed of the state public employment service, the unemployment compensation agency, and state-funded manpower agencies. Other agencies could be included at the discretion of the governor. The Administration bill would also create state manpower planning agencies with representation from state agencies, private groups, and potenial clients. The governor of the state would be required to obtain federal approval for a three- to five-year comprehensive plan to be updated annually. Parallel plans would be prepared at local levels. Seventy-five percent of available federal funds would be allocated to the states. Each state would initially receive 25 percent of its total allocation after a plan is developed and approved, 67 percent upon designation and approval of its state and local prime sponsors, and the balance upon evidence of "exemplary performance." An additional 5 percent of total federal funds would support supplementary efforts, with the states and localities adding $1 for every $2 contributed by the federal government. A "pass through" of funds to the local prime sponsor would be guaranteed. The remaining twenty percent of federal funds would be retained for use at the discretion of the Secretary of Labor who would also develop federal standards and priorities for state and local planning.

The Administration bill also calls for an independent Job Corps, provides for the establishment of national, regional, and local computer-based job banks, and authorizes a 10 percent increase in manpower expenditures whenever unemployment rises above 4.5 percent for three consecutive months.

CENTRAL QUESTIONS

1. "Creative federalism"

Existing manpower programs stimulate competition but also promote confusion. Tidier administration of manpower programs stimulate competition but also promote confusion. Tidier administration of manpower programs is to be encouraged, and the present bills contribute to this by moving in the direction of consolidated funding of manpower programs. Accompanying every federally-sponsored program is the issue concerning the proper roles of state and local governments. This problem is compounded because political and economic boundaries are not identical. Although most metropolitan areas are subdivided into autonomous local government jurisdictions, the contiguous communities form cohesive labor markets and economic units.

Proposed shifts in governmental roles must take into account the inherent limits of the federal government to plan and operate programs and the increasing steps taken by state and local governments to improve their capabilities in administering manpower programs. At the same time, we must face the fact that even where states and localities are desirous of taking over manpower programs, they often lack the capacity to do so. While some are now capable of assuming such planning and operational responsibilities, others will require time, perhaps several years before they can do so effectively.

The three bills deal differently with these problems. The O'Hara bill would retain the Secretary of Labor's authority to contract for agreed services with state and local governments as he sees fit. The Steiger bill would transfer authority to state governors. The Administration bill also bolsters the governors' authority, though it includes a mandatory "pass through" of funds to the local governments which would have the right to choose their own prime sponsor for metropolitan manpower programs. For this provision to become operative, the Administration

bill requires, as we have noted, that the chief executives representing 75 percent of the metropolitan population must agree on a prime sponsor. Otherwise the authority to select the prime sponsor belongs to the governor, and in most cases he would be obliged to select the mayor of the central city to act as prime sponsor of metropolitan manpower programs.

Although there are some differences in details, the Administration bill includes much that we proposed in our January 1969 position paper on this question. It seeks to design a balanced system of shared power. It retains federal control, guidance, and appraisal, while providing state or local initiative in ways calculated to enhance political accountability, energize local talent, and improve administrative performance. Preserving this delicate balance is essential, but there is the real danger that a restrictive interpretation of the Administration's bill could tilt the balance too heavily toward the states. If this effort to devise a fruitful compromise results in unlimited state control, then it would be preferable to continue our present system.

We agree with the Administration approach which vests in the Secretary of Labor over-all responsibility for manpower programs. We also believe that the detailed planning and organizing of services are best performed at levels that are in immediate contact with the beneficiaries of the services. The Secretary should therefore be charged with systematically turning over responsibility for these tasks to state and local governments wherever he finds the capability, and he should be charged with encouraging and supporting the development of the capability. In the meantime, he must have the flexibility to organize the highest quality manpower services within the resources allotted to him. The Administration bill retains for the Secretary of Labor discretionary power over at least one-fourth of the manpower funds, and we believe that should permit him the necessary flexibility to meet his responsibilities.

2. Incentives and planning

Even if the best proposals of all bills were adopted, basic problems associated with planning and delivery of manpower services would remain. The incentives offered by the Administration and Steiger bills for exemplary performance requiring state and local matching of funds are not likely to encourage special efforts. And past experience with state or local "planning" by federal edict, usually performed to qualify for federal largesse, does not justify excessive optimism. Nonetheless, the current proposals offer an orderly mechanism for disbursing federal funds and provide for project monitoring to assure that federal objectives are pursued. We believe that the Administration bill's provision empowering the Secretary of Labor to "item veto" specific proposals without invalidating an entire state or local manpower plan is a potentially effective way of preserving his over-all responsibility for the administration of manpower policy. There is also provision for review of state plans in the light of national objectives.

3. Scope

Consolidation of most of the programs currently administered by the Labor Department is an important step in improving the effectiveness of federally-funded manpower programs, primarily for the disadvantaged. We look forward to the time when the proposed consolidation will be broadened to include such major related programs as the Work Incentive program. Vocational Rehabilitation and Vocational Education should be planned jointly with the remedial manpower program. We attach great importance to the fact that the pending legislation would permit, and even encourage, governors to exercise wide discretion in bringing all manpower and manpower-related programs under the purview of manpower planning agencies. The potentialities can be gleaned from efforts in California, Michigan, Oregon, Utah, and other states that are experimenting with comprehensive manpower planning agencies. These new developments should be carefully monitored so that successful patterns can be quickly disseminated for the guidance of other states.

A truly comprehensive manpower policy, however, would be concerned with economic, educational, welfare, and labor market measures. The development and effective utilization of high-level talent and skills are also important components of manpower policy with federal responsibility.

4. Preventive and remedial training

Fears have been expressed that consolidated manpower programs would establish a dual educational system. We believe that such fears are unfounded. The expansion of manpower programs during the past seven years has left vocational educators in control of institutional training. Out of the experience of the sixties have emerged multiple tracks for getting the disadvantaged into jobs—institutional skill training, on-the-job training, work experience, and subsidized private employment. It is at least seven years too late to be fearful of a dual system.

We also believe that there is little basis for the criticism that the proposed bills will shift funds from preventive vocational education to remedial manpower programs. Vocational education has unquestionably been underfunded. But this has occurred because prevention has been underemphasized, not because remedial programs have been overfinanced. Only the Steiger bill specifically authorizes increases in remedial funds and none of the bills recommend that any increases come as a result of diversion from elsewhere. The emphasis in all three bills is upon consolidating present remedial funds. The proposed legislation would not mute the legitimate differences between preventive and remedial education. Consolidation of manpower programs for the disadvantaged is not likely to infringe upon the educator's domain in offering vocational training. If both vocational and general education programs were more effective, there would be less need for remedial manpower programs. Fears that manpower programs will encroach upon vocational education are therefore unwarranted.

At the same time, the absence of cooperation in planning and operating training programs under traditional vocational and manpower programs leaves a notable gap in the move toward a comprehensive manpower policy. This void will become even more detrimental as vocational schools place increased emphasis on programs for the disadvantaged, as specified in the Vocational Education Act of 1968. One way of fostering closer working arrangements between officials of manpower programs and vocational educators is to encourage the former to purchase services offered by vocational schools. Vocational educators should be encouraged, through appropriate funding arrangements, to make greater use of the Employment Service in determining labor market needs and in placing graduates of vocational schools. Vocational educators and the administrators of manpower programs should also intensify their efforts by utilizing their resources to accommodate the varied needs of institutional and on-the-job trainees as well as enrollees in other manpower programs.

5. Political responsibility

Another issue raised by the Administration bill, and to a lesser extent by the Steiger bill, is whether authority over manpower programs should rest with elected officials of general government or with the relatively permanent and autonomous civil servants administering functional agencies. The trend for many years has been to remove public service functions from political pressures by placing responsibility in the hands of permanent civil servants. State and local governments have tended to insulate selected governmental functions. By protecting these activities from immediate political pressures, it was assumed, their quality and effectiveness would be enhanced. Until the past decade, federal legislation generally supported this practice.

But the charge has been repeatedly voiced that long-established public agencies dominated by entrenched professionals tend to lose touch with the changing interests and needs of program beneficiaries. The proposed solution is to shift responsibility to elected officials who are presumably more responsive to the wishes of the electorate. Political officials, it is argued, are not committed to the *status quo* in particular agencies and programs and are therefore more likely to respond positively to the expressed interests of participants and to proposed innovations.

More recently, therefore, such diverse legislation as model cities, health, and law enforcement has emphasized the role of elected state and local officials. This new tendency, of which the manpower bill is perhaps the most far-reaching example, reflects impatience with the sluggishness of financial agencies in meeting the problems generated by rapid social change.

Vesting ultimate responsibility for performance with elected officials does not negate the need for professional competence. The trend toward professionalization of personnel involved in delivering manpower training and related services is likely to act as a brake on impetuous changes in policy and approach. But it can also be argued that the shift in authority and funds to elected officials requires alternatives to traditional agencies. Community action developed as a federally supported effort has involved program beneficiaries in planning; it has challenged traditional agencies with innovative programs, and it has provided alternative routes to surface talented individuals who would not have made it through customary channels of civil service and professional requirements in the ordinary course of events.

It would be most unfortunate if these benefits were lost. The best of the community action agencies can continue to perform these functions to some degree and serve as an additional watchdog on political performance. Legislation or regulations should stress the importance of their involvement in the planning process and, where past performance warrants, their potential use as prime sponsors for manpower progress.

We are convinced, however, that it is time to place responsibility for performance in the hands of elected officials who must answer to the voters they serve. We share the concern over the competence and commitment of many state and local governments and agencies. On the other hand, we are not persuaded of the all-sufficiency of the federal government's wisdom. Projects must, in the final analysis, be implemented by local talent. Experience has clearly demonstrated that there are definite limits to the number of grants and contracts the Department of Labor can negotiate, fund, monitor, and evaluate. Relying primarily upon governors, with "pass through" to the mayors, requiring accountability for decisions at both levels, is in keeping with democratic concepts. Smaller communities and rural areas have much to gain by improving the capability of state governments.

6. Job creation in the public sector

All three bills under consideration provide for public service employment. In the Administration and Steiger bills, such employment is merely one among the many enumerated "eligible activities." Thus a substantial public service employment program could be developed only at the expense of other program components that are already under-

financed, and only at the initiative of state and local authorities who have had little or no experience in designing and administering this kind of program.

In the O'Hara bill, however, public service employment is an essential component, expressed in a new concept: guaranteed work or training for every employable individual. The emphasis is upon providing income for needy persons. "The need of the community for the services . . ." is only one of six criteria to be considered in evaluating proposals, and eligibility is limited to unemployed or part-time workers who have been unable to find other employment or to qualify for a training program. If employment in such projects is indeed "guaranteed," it will be essential to develop solutions for the problems of motivation and supervision that are likely to arise; and it may be difficult to identify jobs that are within the capabilities of a work force composed exclusively of the hard-to-employ. Moreover, the "guarantee" concept implies an open-ended commitment of funds, with expenditures determined by the number of eligible applicants. It would be desirable to develop some basis for a reasonably firm estimate of costs in order to avoid the possibility of a repudiation or limitation of the employment "guarantee."

There are compelling reasons for a substantial federal initiative in this area while new and unanticipated problems are being met and solved. We believe that the federal government, without precluding programs of this kind by state and local governments, should undertake the development of viable approaches to public sector job creation. Since it is likely that more than one pattern will be needed, a reasonable amount of experimentation, closely monitored and thoroughly analyzed, is essential to design a large-scale program of public service employment. We surely know enough to move well beyond the pilot program stage; but we would be taking unknown and possibly large risks by launching an open-ended program of guaranteed employment.

The O'Hara bill sets forth a highly desirable and perhaps essential goal for our affluent society by giving a guarantee of work or training to everyone who is willing and able to work but who is excluded from or unable to compete in conventional labor markets. We accept that goal. We recognize, however, the lack of necessary experience to achieve it and urge active experimentation with projects to help determine the most efficient means of guaranteeing work to all who seek employment.

SUMMARY: TOWARD A COMPREHENSIVE MANPOWER POLICY

The manpower programs affected by the three bills have been chiefly remedial, focusing upon reducing the employment disadvantages of individuals who have difficulty competing in local labor markets. This is an essential aspect of any manpower policy. All three bills continue this remedial emphasis insofar as priorities in authorized services are concerned, and all contain provisions that will strengthen the foundations of a national manpower policy more comprehensively than one which is primarily remedial in character.

The Administration bill, in particular, mandates important practical steps in this direction. Noteworthy are the provisions for a computerized job bank program, for automatic increases in appropriations when the level of economic activity deteriorates, and for research concerning labor market resources and processes and their relation to the over-all operation of the economy, both nationally and locally. Such mechanisms are necessary ingredients of a manpower program which seeks to maximize productive employment and the economic welfare of *all* members of the labor force as well as to satisfy the total manpower needs of private and public employers. Implementation of these provisions is essential for preventive and remedial action, and for making it possible to synchronize manpower policy with other over-all economic policies in simultaneously achieving stability and growth in a high employment economy.

For maximum effectiveness, manpower policy must differ significantly in recession and inflationary periods. One of the dangers in shifting operating responsibilities to state and local levels may be the creation of a rigid system unable to adjust rapidly to changing economic environments affecting the nation as well as particular localities. This danger can be avoided if the federal government is responsible for ensuring the counter-cyclical contributions of the system.

All three bills endorse the concept of a single comprehensive manpower package for the disadvantaged, embracing the combined services and at least the budgets of the present programs. They also uniformly provide for flexible adaptation to community and individual needs. The differences in the bills are chiefly matters of implementation, plus the addition of peripheral proposals.

As we did in our January 1969 report, prior to the introduction of these bills, we endorse without reservation the comprehensive concept. The Steiger bill is commendable for its forthright budget authorization, the O'Hara bill for its upgrading and public service employment provisions, and the Administration bill for its commitment to the needs of the disadvantaged, its efforts to develop state and local responsibilities while retaining a strong federal role, and its provisions for job banks and an automatic economic stabilizer.

We urge Congress to enact this year manpower legislation which embodies the best of the three bills. This action would not only strengthen state and local manpower planning and operating responsibilities under federal support and guidance, but would also be a significant step toward the development of a national manpower policy.

TAKE PRIDE IN AMERICA—NO. 27

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Proper dental care is an important health care need in our society today. The United States with a population of 200 million has more dentists—93,400—than any other nation. India with a population of 511 million was next with a total of 74,567.

COGENT ADDRESS BY REPRESENTATIVE GERALD R. FORD ON THE MIDDLE EAST

(Mr. CELLER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CELLER. Mr. Speaker, on Sunday, February 15, Representative GERALD R. FORD, minority leader, House of Representatives, delivered before the 62d B'nai Zion America-Israel Friendship Award dinner a statement which must be characterized as cogent, forceful, and penetrating. I commend the attention of all the Members of the House to the remarks. The text of that statement follows:

ADDRESS BY REPRESENTATIVE GERALD R. FORD

This is an audience that is well-informed on the recent history of the Middle Eastern situation. You have a sophisticated knowledge of Israel's problems. You have also heard a great deal of rhetoric. Since you are devoted to Israeli-American friendship, you have carefully followed and analyzed every development, every reality, and are not misled by verbiage and high-sounding formulations. You retain faith in your nation, the United States, to do justice in its relations with the embattled democracy of Israel. But you want to know the score.

The situation is too tense and explosive to confuse the issue. We must mean what we say and say what we mean. There have been all too many wild rumors and exaggerations. There have been charges that Israel is being sold out to Russian and Arab pressures. There are fears that Israel is being undermined, cut-off, rejected, and neglected. There are fears that Israel is becoming increasingly isolated.

Ladies and gentlemen, I want to tell you that I have been reassured on the highest levels in Washington that the United States Government stands by its friends. Israel is one of its friends.

The friendship of our two countries is an article of faith. President Nixon has very recently reaffirmed Israeli-American friendship. Mrs. Golda Meir, Prime Minister of Israel, stated that she "noted with gratification" the clear expression by President Nixon on the issue of Israel's security and integrity.

Also, Israeli Ambassador Rabin stated in Washington that he was encouraged by the President's statement. As a friend of Israel, I might add that I, too, found great reassurance in the message of the President. I refer, of course, to the message he sent through my good friend, Max Fisher, to the emergency conference of Jewish leaders in Washington last month.

The Soviet Union has denounced the President's message. Moscow's Arab friends had some very unkind things to say about Richard M. Nixon. Communist China has blamed the President for supporting Israel and pledged Chinese support to the Arab cause.

The President told the Congress in his State of the Union remarks that we are moving from an era of international confrontation to an era of negotiation. This is true in the Middle East, as it is elsewhere. We are deeply engaged in trying to help the people of the Middle East find peace. But we will not do this at the expense of Israel. Indeed, we will not do this at the expense of any nation's legitimate interests.

No peace agreement will be worth the paper it's written on if either side ends up cheated and bent on violent redress as soon as it has adequate power.

This Administration is not going to negotiate the peace in the Middle East. There is no question of our negotiating away the basic rights and interests of the nations now at war. They must negotiate the peace themselves.

The United States is convinced that peace can be based only on agreement between the parties directly involved. As the President has said, There is no substitute for negotiations. Peace and security can only emerge from the mutual agreement of the two sides immediately concerned.

Much work has been done through diplomatic channels under this and the previous Administration. You are a very sophisticated group and realize that the art of diplomacy is complex and that words and versions that

appear in the press are often confusing and misleading. I have looked carefully behind the diplomatic situation and assured myself that this Administration, alone or in concert with any other power, cannot and will not dictate the terms of peace or seek to impose a settlement.

I advocate a genuine peace, a real peace, a durable peace. Only a peace based upon agreement that is not one-sided is a peace that all sides will have a vested interest in maintaining.

President Nixon stated on September 8, 1968, that "it is not realistic to expect Israel to surrender vital bargaining counters in the absence of genuine peace and effective guarantees." This Administration continues to recognize that fact.

The Soviet Union or Egypt or anyone else would be badly misguided to conclude that the United States is going to high-pressure Israel into unilateral withdrawal.

The State Department people have reassured me that their real aim in the Four Power talks is to prevent a spread of the conflict and, if possible, to find some formula under which the Arabs and Israelis could meet and resolve their differences. There must be some "give and take" in any international diplomacy. But this does not mean that the United States will "give" at the expense of Israel while the Soviet Union "takes" for the Arabs.

I can understand how Israel feels. Israel is surrounded, besieged, subjected to vilification and hatred, to guerrilla attacks and sabotage. The Israelis may point out that while the United States is the advocate of peace, the Soviet Union is the advocate only of the Arabs. The Israelis may also raise a very legitimate question as to whether a rollback from occupied territory and even one-sided concessions to the Arab states will really satisfy the extremists of the so-called "national liberation front" of the Arabs. It has not in the past, and inscribed on the Archives is "What is Past is Prologue."

It is perfectly understandable that Israel would scrutinize everything our government says and does. Israel's very survival is at stake. The Israelis remember very well the liquidation of the Jews in the Warsaw Ghetto during World War II. They remember the Nazi genocide. And they are well aware of the anti-Jewish persecution now practiced in Syria, Iraq, and some other Arab States.

It is vital that Israel correctly assess American intentions. If Israel reached a conclusion that it were isolated or sold-out, it could be a grave threat to world peace. Improved communications between Israel and America are essential.

I am therefore moved to propose the establishment of a telephone "hot-line" between Washington and Jerusalem. Such a means of instantaneous contact would enable either President Nixon or Prime Minister Meir to clarify any misunderstanding. It would also be very useful if new factors developed that threatened a dangerous escalation or spreading of the conflict. Israel would have the reassurance of instantaneous communication with the President. The President could act instantly, in some unforeseen crisis, by contacting Mrs. Meir.

Recent events have caused me great concern. The fighting has steadily increased. Israelis and Arabs are dying every day on both sides of the Suez Canal. The young and the brave are giving their lives. Humanity and compassion rebel against the rising level of violence. The new shipments of arms to Libya by France and to Egypt by the Russians are escalating the arms race in a manner that concerns me intensely.

A new factor has been introduced in the massive French transaction with Libya. I cannot imagine why Libya, with an army far smaller than the New York City Police Department, needs over 100 of the latest French Mirage jet fighter-bombers—or hundreds of British Chieftain tanks, considered the world's most powerful tank.

President Nixon is absolutely right in urging that arms suppliers find a way to limit the arms race. I have urged that our Government seize on the fortuitous and very timely occasion of President Pompidou's visit next week to discuss this new French policy. The huge new infusion of arms into a hotbed of contention does not help reduce violence or fatalities.

There are some very serious matters that obviously will develop in the agenda of talks in Washington with President Pompidou, matters that involve the interests of the whole world. It has been a basic tenet of our Government that while we may be divided at home on foreign policy matters we are nevertheless substantially united when our Government deals with other nations.

The coming negotiations in Washington between our Government and President Pompidou are of such importance that we cannot permit an impression that the Congress is no longer prepared to accord the Republic of France the traditional courtesies. We seek negotiation, not confrontation. The violence and killing in the Middle East are very, very serious. The situation is growing worse.

It seems to me that we must strengthen the hand of the President when he speaks for all of us to President Pompidou. This is the way to impress upon the French President the great conviction and unity of the American people on the matters we have discussed.

We shall do everything we can in the interest of peace and stability in the Middle East. But we will do more than talk. The United States will not and cannot stand by and watch the military balance turn against its friends.

We would, of course, prefer that President Nixon's statesmanlike effort to limit the arms race would generate a positive response from France, from Great Britain, and, of course, from the Soviet Union.

A balance is essentially to deter aggression and to keep the conflict under control. The United States is prepared to supply the military equipment necessary for friendly governments, such as Israel, to defend themselves. We would, of course, prefer restraint in the shipment of arms into this troubled area. But we are aware of what other major powers are doing. We are maintaining a very careful vigilance. We will not hesitate to take the steps required.

The 1968 Republican Platform pledged that Israeli military supplies "must be kept at a commensurate strength both for her protection and to help keep the peace of the area." We promised countervailing help, including supersonic aircraft, if needed. We will keep this pledge. I might add that deliveries of Phantom and Skyhawk jets are going forward on schedule under existing contracts.

It is understandable that Israel, cut off from traditional sources of arms in France, is seeking a sense of continuity in aircraft procurement here. I deeply regret that lives are lost daily in the Middle East. But as long as there is no peace and no agreement on arms limitation, we will keep a very close eye on the power balance.

I can also reveal that we are looking into the broader question of the Mediterranean, the mission of the U.S. 6th Fleet, and related factors. We do not want a confrontation with the Soviet Union or anyone else. But we have commitments in the Mediterranean and the right to maintain military forces there. Our ships and our flag will remain in that area. We will not flee because of pressures and threats. The 6th Fleet will continue serving the cause of freedom.

We have no warlike motives in the Middle East. The American people desire only the friendship of all the various nations of that region. It is our fervent prayer that nations accord others the right to exist. Perhaps realization will come that true liberation can be found in development of one's own country, raising of one's own living standard, and the development of one's own social justice. Aggression will not succeed no matter the grandiose phrases invoked to justify the unrelating warfare by regular and guerrilla forces. All parties are obviously better served by peace negotiations and the acceptance of the facts of life. The real interests of both Arab and Israelis require peaceful coexistence.

In that land where the Prophets dreamed that nation should not lift up sword against nation, let there be peace. For Israel, a nation of people whose suffering merits a life more creative than perpetual service in an armed camp, let there be peace. For the Arabs, whose property and frustration requires schools and hospitals and a decent life rather than the endless purchase of jets and guns, let there be peace.

Israel could be a light unto the nations of that region if the Arabs would accept fellow human beings of the Jewish faith as entitled to nationhood as any other people. The genius and productivity of the Israelis could help others make their deserts blossom. Instead of the cradle of civilization becoming its grave, let the cradle of civilization give rise to two peoples, Arab and Jewish, each in their own countries, with commerce and travel flowing across peaceful borders, and with a new sense of mutual respect in keeping with our dream of the brotherhood of man under the fatherhood of God.

I want to add a special and very personal word to this audience. Many of you have devoted your lives to the Zionist cause. You have seen in Zionism a redemption of freedom and human dignity, the rebirth of a nation, and the rebirth of a people. But we are now witnessing painful days, tragic days, in which the powers and political trends and pressures of the world appear to be converging on the Middle East.

Israel was reborn in blood and fire. Israel is today struggling in an ordeal of blood and fire. But this time it is different. The State of Israel has proved its mettle. Israel is a nation among the nations.

You can take pride, as dedicated supporters of Israel, as Zionists, in the nation you have helped build. But the watchman of Israel does not sleep and does not slumber. Trying days lie ahead. Yet, in your heart of hearts, you can draw faith and sustenance and reassurance from one fact. It is that this is the United States of America. This is our country and we, Jews and non-Jews, peoples of all parts of this country, the silent Americans and the articulate Americans, will not let Israel down.

I thank you.

AEC DRIVE FOR EXTRA $130 MILLION IS FIRST STEP IN FEDERAL SUBSIDY PROGRAM FOR UTILITY INDUSTRY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, during hearings of the Joint Committee on Atomic Energy on February 3, Chairman HOLIFIELD indicated he would request an additional $130 million for the Atomic Energy Commission for fiscal year 1971 in order to lock the Federal Government into the business of providing enriched uranium to the utility industry. The $130

million, denied by the Congress last year, is again intended as the first step in a $600 million plant construction program that the U.S. Government had no business beginning or continuing.

To increase the already swollen AEC budget request of $2.36 billion by $130 million appears aimed as a directed slap at the President's program to combat inflation. To make matters worse, the proposal is directed at enriching a relatively few utility companies at the expense of all the American taxpayers.

In his message to Congress on the HEW appropriations veto, in his economic message, and in the documents which accompanied the presentation of the new budget, the President made it abundantly clear that this administration will fight the "cruelest tax of all—inflation" with every means at its disposal. But the control of inflation is more than a responsibility of the executive department, it is an equal responsibility of the Congress.

The anti-inflation drive is reason enough to reject the AEC's request but there is an equally compelling reason. On November 10, 1969, President Nixon stated his intention to phase the Government out of the business of supplying private industry with uranium-enriched material. There is no valid reason for the continuation of this program and in a letter to the President earlier this year, I commended his statement on this matter, saying in part:

> It seems rather ridiculous to use taxpayer funds for the improvement of property which is already "surplus" to government needs.

Irrespective of the President's announced policy, and the decision of the Bureau of the Budget to force the AEC to begin the phase-out process in this fiscal year by providing planning funds in the amount of $5 million, Commission lobbyists in Congress, along with those of the utilities, are trying to build an economic case before the Joint Committee on Atomic Energy for the retention and expansion of the capacity of the uranium-enrichment plants. The long and short of their "justifications" is that they expect the American taxpayer to subsidize the utility industry as the demand for nuclear energy increases. Of all the economic institutions in the American economy, the utility industry is the one least in need of Federal subsidies of any type. Congress must reject this subsidization proposal and I trust that Republicans and Democrats, liberals and conservatives, will band together to block this unjustified power play on the part of the AEC and the utility companies.

I have attached below a copy of my letter of January 20 to the President on the subject of the phase-out plans and I call your attention especially to the attachment to that letter which adds yet another reason for rejecting the AEC's request:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 20, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I was delighted with your announcement of November 10, 1969, that you believe the Federal Government's responsibility for uranium enrichment (for nuclear power plants) should be ended. It seems clear to me that the taxpayers should be relieved of the burden of expanding existing plant capacity (involving nearly one billion dollars) and, even more important, of the burden of constructing additional plants in the future (running into many billions of dollars).

On the same day, Chet Holifield, Chairman of the Joint Committee on Atomic Energy, expressed the view that the next budget should include at least $130 million to begin the program for expanding capacity of these existing plants.

In the first place, it seems rather ridiculous to use taxpayer funds for the improvement of property which is already "surplus" to government needs.

In the second place, subsidies which encourage the proliferation of light water reactors will have the effect of risking a national calamity—because the proliferation of light water reactors increases the risk that we will exhaust our low-cost fissile material before a reliable, competitive and fast-doubling breeder reactor is developed.

Such a development would indeed be a disaster. In the words of M. King Hubbert, Geological Survey, U.S. Department of the Interior, "these light-water reactors will effect a heavy drain on the lower-cost resources of uranium-235 if not soon supplanted by high-ratio converter or breeder reactors . . . With the growth rates now being experienced, the inexpensive sources of uranium would probably be exhausted within a fraction of a century, and the contained uranium-235 irretrievably lost . . . It is clear, therefore, that by the transition to a complete breeder-reactor program before the initial supply of uranium-235 is exhausted, very much larger supplies of energy can be made available than now exist. *Failure to make this transition would constitute one of the major disasters in human history.*"

Mr. Hubbert's remarks were contained in a recent book entitled "Resources and Man," published by the National Academy of Sciences and National Research Council. For your convenience, excerpts of Mr. Hubbert's remarks are attached.

It is clear that a slowing down in the construction of light water plants will give the Nation additional time to avert disaster by developing the breeder reactor. I pledge my help in opposing attempts to increase the rate of construction of these wasteful reactors through the use of additional taxpayer funds for expansion of capacity of the "surplus" enrichment plants.

Respectfully,

JOHN P. SAYLOR,
Member of Congress.

REPORT OF SCIENTIFIC GROUP WARNS OF "MAJOR DISASTER" IF FISSILE MATERIAL IS USED UP BY NONBREEDERS BEFORE THE BREEDER REACTOR IS DEVELOPED, DECEMBER 31, 1969

(NOTE.—Recently a report entitled "Resources and Man" was published by the Committee on Resources and Man, Division of Earth Sciences, National Academy of Sciences and National Research Council. The entire report can be purchased from W. H. Freeman and Company, San Francisco, California.

(A portion of the report deals with "Nuclear Energy." The author of that portion was M. King Hubbert, Geological Survey, U.S. Department of the Interior. Excerpts follow:)

ENERGY FROM ATOMIC FISSION

In its initial stages, the fission reaction is dependent solely upon the isotope uranium–235. Uranium, as it occurs naturally, consists of three isotopes, uranium–234, uranium–235, and uranium–238, with abundances of 0.006, 0.711, and 99.283 percent respectively. Of these, uranium–234 may be regarded as negligible. Natural uranium would then consist of uranium–235 and uranium–238, with the former constituting only one part in 141 of the whole.

The significance of uranium–235 lies in the fact that of the several hundred naturally occurring atomic isotopes, it is the only one that is spontaneously fissionable by the capture of slow or thermal neutrons. This isotope is accordingly, of necessity, the initial fuel for all subsequent power development based on the fission reaction.

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A physical assembly in which a controlled chain reaction occurs is known as a nuclear reactor. For fission reactions, these reactors are divided into three principal types, burners, converters, and breeders.

A burner reactor is one that consumes the naturally occurring fissile isotope, uranium–235 . . . However, despite the enormous amount of thermal energy per gram released by the fissioning of uranium–235, a severe limitation is imposed upon the amount of energy obtainable from this source by the facts that uranium is a comparatively rare chemical element, and that uranium–235 represents only 1/141 of natural uranium. A way out of this difficulty, however, is afforded by the fact that is it possible to convert both nonfissionable uranium–238, comprising 99.28 percent of natural uranium, and thorium–232, comprising essentially the whole of natural thorium, into isotopes which are fissionable.

* * * * *

Uranium-238 and thorium-232, on the other hand, which are not themselves fissionable, but are capable of being converted into previously nonexistent isotopes which are fissionable, are known as *fertile* materials. The process of converting fertile into fissile materials is known as *conversion*, or, in special cases, as *breeding*.

* * * * *

However, according to the AEC Annual Report for 1967 (U.S. AEC, 1968, p. 93, with the exception of two gas-cooled reactors, all of the central-station nuclear power plants ordered by utilities since 1958 are light-water reactors . . . For present purposes, the distinctive characteristic of these reactors is that they consume uranium-235 as fuel, having such low conversion ratios that they are essentially burners.

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The significance of this is that these light-water reactors will effect a heavy drain on the lower-cost resources of uranium-235 if not soon supplanted by high-ratio converter or breeder reactors.

* * * * *

. . . it is apparent that a very tight situation in uranium supply at anywhere near current prices is likely to develop within the next two decades. This surmise is confirmed by the U.S. Atomic Energy Commission in its report on civilian nuclear power (1967a), wherein, on page 14, the statement is made:

With reactors of current technology, the known and estimated domestic resources of uranium at prices less than $10 per pound of uranium oxide (U_3O_8) are adequate to meet the requirements of the projected growth of nuclear electric plant capacity in the U.S. for about the next 25 years.

However, since that report was issued the estimate of nuclear power-plant capacity for 1980 has been increased from 95,000 to 145,000 electrical megawatts without a corresponding increase in the estimates of uranium reserves.

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This situation has forced the breeder-reactor program out of a state of lethargy into something more nearly resembling a crash program.

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With the belated realization of the possibility of a crisis in the fuel supply, the breeder-reactor program is now being pushed with great vigor.

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Taking a view of not less than a century, were electrical power to continue to be produced solely by the present type of light-water reactors, the entire episode of nuclear energy would probably be short-lived. With the growth rates now being experienced, the inexpensive sources of uranium would probably be exhausted within a fraction of a century, and the contained uranium-235 irretrievably lost. With the use of more costly uranium, the cost of power would increase until nuclear power would no longer be economically competitive with that from fuels and water.

* * * * *

It is clear, therefore, that by the transition to a complete breeder-reactor program before the initial supply of uranium-235 is exhausted, very much larger supplies of energy can be made available than now exist. Failure to make this transition would constitute one of the major disasters in human history.

LEGISLATION TO REGULATE ONE-BANK HOLDING COMPANIES

(Mr. CRANE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRANE. Mr. Speaker, the House has recently passed legislation to regulate one-bank holding companies, the provisions of which run directly contrary to the recommendations of both the Banking and Currency Committee and the Nixon administration. It is now in the hands of the Senate to determine whether the heavy-handed approach to the problem of regulating these financial institutions adopted by the House will prevail.

As a member of the Banking and Currency Committee I am much concerned by the destructive potential of over-regulation, a potential I hope the Senate will recognize. I would like to insert in the RECORD at this point the text of an article by Louis Dombrowski, from the February 8, 1970, edition of the Chicago Tribune, which I believe outlines very well the position being taken by the American Bankers' Association with regard to this matter. The article follows:

AMERICAN BANKERS ASSOCIATION AIMS TO KILL HOUSE BILL IN SENATE

(By Louis Dombrowski)

WASHINGTON, February 8.—The American Bankers association, long considered by its chief congressional critic, Rep. Wright Patman [D., Tex.], to be one of the most powerful lobbies in Washington, is out to prove Patman right.

The bankers, who were totally ineffective in preventing Patman from railroading thru the House a one-bank holding company bill that would limit the business of banking as well as competition among financial institutions, intend to oppose the House bill when it comes before the Senate banking committee.

INDUSTRY IS POLARIZED

One-bank holding company legislation, designed to extend federal regulation to companies which own only one bank—companies with two or more banks already fall under federal control—polarized the banking industry far beyond the differences one would expect among 14,000 institutions making up the whole.

The bill that emerged from the House floor was 180 degrees different from the compromise bill reported by Patman's banking and currency committee and indorsed by the Nixon administration.

Under Patman's leadership, the bill was completely rewritten on the floor to such an extent that in some cases banks would be prohibited from providing services they have performed for years.

Under the threat of such legislation, a majority of the nation's banks have united to fight a common enemy thru the medium of the A.B.A. Meeting here last week, the A.B.A.'s federal legislative committee approved a policy statement urging the Senate to kill the house-passed bill.

OPPOSE RIGID LIMITS

"The association is strongly opposed to any measure which would place rigid limits on the banking business," the statement read, "Moreover, we are convinced that the rapidly changing economic environment within which banks operate makes it unrealistic and even dangerous to attempt to define such limits by statute."

Altho the A.B.A. is not opposed to some form or regulation of one-bank holding companies, the committee recommended that such legislation be deferred until President Nixon's proposed commission on the financial system has an opportunity to make its study and recommendations.

"We believe that such a study should recognize that it is in the public interest to have access to broad competition in financial and functionally related services," the policy statement said.

"It should also recognize the demands which will be made on the banking system in the future and the extent to which banks will require broader access to funds to meet these demands."

GIVES INDUSTRY'S VIEW

Nat S. Rogers, president of the A.B.A., told newsmen that the banking industry without question is "willing to abide by the distinction between finance and commerce."

He referred to the fear expressed in some quarters that banks, thru the holding company vehicle, would eventually dominate the private economy thru ownership of factories and other businesses totally or functionally unrelated to the business of banking.

The A.B.A. legislative committee indorsed the principle that banks and bank holding companies "should be permitted to engage in any activities which are financial in nature, or are functionally related to banking and finance, and that they should be limited to such activities."

Asked by a reporter if the banks were "running scared," Rogers replied: "Sure we're running scared. Anyone would be if they thought their business would be liquidated over the next 20 years."

WILL YOUTH AID NIXON'S ANTI-POLLUTION DRIVE?

(Mr. CRANE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRANE. Mr. Speaker, there has recently been much in the news on the subject of our environment, and on the desperate need for immediate action by Government to halt the destruction of our natural resources and the contamination of our air and water. The first of the President's messages to Congress on this vital subject has been received. There are some who feel that, substantial though the 1971 budget request for environmental programs may be, it is not enough.

I do not wish to comment at this time on the adequacy of the President's environmental program, nor on the sufficiency of the appropriation requested. I do want to point out to my distinguished colleagues, however, that there is much that can be done to improve our environment that does not involve the expenditure of tax dollars. Every American concerned with the quality of life in this Nation can help: Indeed, if the cooperation of the American public is not enlisted, no amount of Federal funds, no Government program however well designed, can succeed.

Mr. Speaker, the noted columnist John Chamberlain recently called upon the public, particularly the youth of America, to enlist in the battle against the pollution and destruction of our resources. I should like to call attention to his column, "What Voluntarism Can Do: Will Youth Aid Nixon's Anti-Pollution Drive?" which appeared in the February 7, 1970, issue of Human Events:

WHAT VOLUNTARISM CAN DO: WILL YOUTH AID NIXON'S ANTI-POLLUTION DRIVE?

(By John Chamberlain)

President Richard Nixon certainly flummoxed the opposition in his State of the Union speech. The most impressive thing he did was to throw more bridges over the generation gap. He had already managed, by his November "Vietnamization formula," to split the ranks of the young on the war issue. Since he is manifestly sincere about wanting to get the bigger part of our fighting forces out of Southeast Asia before the year is out, and seems eager to move toward a voluntary army, there isn't much point in calling for new marches on Washington to protest against "imperialism."

Realizing that they had been outflanked, at least for the moment, on Viet Nam, the young had begun to issue pronunciamentos about cleaning up the home environment, stopping pollution, etc. But this was not an issue which Nixon was disposed to let anyone take away from him, not even Gov. Ronald Reagan of California. He set himself up in the State of the Union talk as the most devout conservationist of them all, asking for $10 billion just to stop water pollution.

This, to my mind, is great stuff; after all, conservation and conservation come from the same root. What I want to see, however, is how the young propose to work with Nixon in cleaning up the landscape.

The issues, here, are largely technical but not wholly. For one thing, there is litter. A former college classmate of mine, Allen Seed, has been running an organization for years called Keep America Beautiful. He has school programs in 20 states, providing material for teachers to hand out to the young; and, with the sudden growth of interest in his subject, he has high hopes of enlisting the college students in his crusade.

One of the things he advocates is "litter walking," which combines healthful exercise with cleaning up the sidewalks in your home neighborhood. Al Seed practices what he preaches on his way from his home in the East 60s in New York City, to his office at 99 Park Avenue, bending neatly from the waist and ridding himself of his paunch as he goes.

It is hardly to be expected that busy adults will hurry to imitate Mr. Seed. But the college kids, if they really mean business, could clean up whole areas of our cities if they organized "litterwalking" on a grand scale.

The Berkeley, Calif., contingent, for example, has the whole Bay Area in which to operate. The Columbia University students in New York could make Harlem, which is

just down the hill from their campus on Morningside Heights, spotless by devoting three or four weekends to the task. The Harvard and Massachusetts Institute of Technology students surely could find plenty of dirty streets in Cambridge and Boston to rid of the winter's debris, and the Yale boys could clean up that section of New Haven known as "the Hill." The students have manpower to put behind Nixon's "environmentalism," and the only question is their sincerity in proclaiming the antipollution campaign as their special 1970 project.

For the longer term, there is the matter of careers. Since the control of pollution is largely an engineering matter, we obviously need a whole new breed of dedicated scientists to take hold here. The study of "recycling" waste materials so that they can be used over again in industry, or sold at a profit for scrap or fertilizer, is in its infancy.

Instead of yelling at capitalists to "do something" before next Monday about pollution, our prospective scientists should be studying such subjects as the control of fluoride emissions, the use of scrubbing tanks, the development of "soft" detergents, the drainage of dirty lakes, and the problems of making a good carburetor. There are fortunes to be made in the "recycling" business, and the young have an opportunity to get in here on the ground floor.

Money is needed for the control of pollution, but even without money a "voluntarist" approach to keeping the landscape clean can go a very long way. No one has to wait for a political appropriation to throw autumn leaves on a compost heap instead of burning them, or to add a coat of paint to a fence, or to pick up around the public library during the noon hour.

If 200 million people would only "vote" President Nixon a little personal responsibility he would be well on his way toward reaching some of the goals set forth in the State of the Union message.

"THE CHICAGO 7," "THE D.C. 9" COMMUNIST AGITATION AND PROPAGANDA

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, we are hearing a lot these days about "the D.C. 9" and "the Chicago 7," and I think we are about to witness a classic example of the agitation technique of the Communist movement. It behooves us to understand what is going on in Washington, in Chicago, and in New York, and it is timely to recall FBI Director J. Edgar Hoover's classic work, "Masters of Deceit," and, in particular, his outline on the standard agitation and propaganda technique of the conspiracy.

Communist agitation agents are schooled and directed to take advantage of every opportunity to attract attention and provide raw material for the party's propaganda mill. At the instant of arrest, the cry of "police brutality" is to be raised. The next scream of anguish is to be at "high bail" or "no bail" and "inhuman confinement conditions."

Then comes the trial—a superb platform for concerted agitation activities. Defendants are expected by the apparatus to conduct themselves in a boisterous manner—to do everything possible to disrupt the operation of the court, to give counsel ammunition for a protracted technical appeal, and thus to provide grist for the waiting propaganda mill.

An important part of this operation, not discussed by Mr. Hoover in his book, is the more sophisticated strategy of using every opportunity to paralyze the administration of justice. This Satyagraha technique is well known in revolutionary movements. See my remarks February 10, page 3295. Noisy resistance to arrest, false accusations against the police, misbehavoir in confinement and allied activities are designed to tie down the police operations, bring discomfort to individual police officers, and make confinement administration nearly impossible.

Similarly, noisy and disorderly demonstrations in the courtroom, a proliferation of technical objections and argument, the proffer of masses of irrelevant so-called evidence which is in reality nothing but propaganda or agitation material, is designed to provoke the court into error, and thus give ground for appeal—one of the finest agitation fields available to the conspiracy.

In short, arrest, trial, and conviction are all recognized by the Communists as being one of the finest agitation and propaganda theaters available to them—and the more personal liberty is guaranteed, the more it may be misused for these purposes.

Looking at the other side of the problem, courts have long understood that to administer justice—to truly try and determine controverted issues of fact and law—it is necessary that an orderly and decorous procedure be maintained. One of the powers of a court which has been held from the very beginning to be truly inherent is its power to control its proceedings for this very purpose. Hence, a deliberate effort to prevent the court from operating is totally unacceptable.

Direct contempt of court is the name which has been given to this device—that is, actions which take place in the court itself, in the sight and hearing of the judge, and which are of such a nature as to make the operation of the court impossible. Such misconduct is held to be direct contempt and is punishable immediately by the judge who witnessed the misconduct. This is nothing more than a direct power in the court to protect its own existence, its own operation, from destruction by those seeking to make its functions impossible.

Attorneys who are officers of the court under our system of justice are expected to protect the dignity—the very life—of the court, and are doubly reprehensible when they pervert their knowledge and their privilege to the destruction of that very system of justice of which they are officers. Attorneys are not immune to punishment as contemnors, nor should they be. Indeed, an attorney disciplined by the court for a flagrant direct contempt should be immediately considered by the appropirate agency for licensure, with a view to determining whether or not he should continue to be licensed to practice law. This is called disbarment.

One other piece of background is indicated in order that we may understand what is going on in our country today. As an agitation device, names are of little value; hence, the apparatus long ago adopted the policy of using eye-catching numbers. The criminals who entered an office and destroyed private property in Washington—and whose names no one remembers—became "The D.C. 9" while the alleged riot planners of Chicago became "The Chicago 7" for agitation and propaganda purposes.

As Mr. Hoover points out, this labeling is frequently the key to an agitation and propaganda operation. We should remember that whenever the news madia, whenever a speaker or a writer, depersonalizes the defendants in such trials or appeals to a catchy number, then the purposes of Communist agitation and propaganda operation are being served.

We can expect an immediate deluge of sensational stories about "the Chicago 7" or whatever number it is, and about "the D.C. 9" or whatever number it is.

Some of these stories have already broken.

We can expect the formation overnight of committees with high-sounding titles, good public relations talent, and abundant funding—all for the purported purpose of "obtaining justice" for the "7" or the "9" or what have you.

We can expect well-publicized appeals to the appropriate circuit courts of appeal, and thence to the Supreme Court, accompanied by the agitation and propaganda operations all along the way.

It is worth noting right now that in Washington such an appeal will be immediately met by such judges as Bazelon, Wright, and Robinson, while the Chicago appeal will go to the court where sits Kerner, in a seat given him for his infamous Kerner Commission Report based on the original Chicago rioting.

On the Supreme Court awaits Douglas, whose new book advocating the violent overthrow of the Government will be released shortly.

I include pertinent portions of the Hoover work, together with pertinent newsclippings and editorials in my remarks, as follows:

MASTERS OF DECEIT: THE STORY OF COMMUNISM IN AMERICA AND HOW TO FIGHT IT

(By J. Edgar Hoover, Director, Federal Bureau of Investigation)

CHAPTER 15. MASS AGITATION

As stated in Chapter 10, the Party's attack is geared to the wide variety of American life. Communism has something to sell to everybody. And, following this principle, it is the function of mass agitation to exploit all the grievances, hopes, aspirations, prejudicies, fears, and ideals of all the special groups that make up our society, social, religious, economic, racial, political. Stir them up. Set one against the other. Divide and conquer. That's the way to soften up a democracy.

Here is the advice of a top leader giving instruction on how to spread the Party's influence:

Study your friends. See what they spontaneously talk about. What problems interest them?

Is he an unemployed worker, skilled in his craft but without work?; a storekeeper?

Maybe business isn't so good; a trade-union man or a dairy farmer? What are their problems?; a young man just out of school? Looking for a job?; a member of a minority group?; a young mother worrying about sending her child to kindergarten?

". . . unless each one of us grasps the meaning of this individual approach to every one of our friends and acquaintances, we are in danger" of being ineffective.

Agitation must be carried on in specialized fields: among women, among youth, among veterans, among racial and nationality groups, farmers, trade unions. That's the responsibility of the Party commissions.

Consider youth, a prime target of communist attack. Communists start out with this major premise: American imperialism aims to create a corrupt, completely militarized youth—a "gagged," "scared" generation. This theme is expounded by word of mouth, in forums, in literature, in cartoons, hoping to exploit the lofty dreams of youth.

The approach always has two sides: (1) *the deceptive line designed for public consumption, and* (2) *the real Party line designed to advance communism.* Consider this *deceptive line* for youth:

1. Increase trade with all countries, including the communist bloc, to provide "hundreds of thousands of new jobs for young people."
2. Outlaw all mass destruction weapons (atomic bomb).
3. Promote universal disarmament and peace.
4. Reduce military expenditures and repeal the draft.
5. Repeal all "repressive legislation" and "restore the Bill of Rights."
6. "Restore full academic freedom for students and faculties."
7. Promote world-wide "youth friendship for peace and democracy," drop all bars to the travel of youth.
8. Appropriate more money for schools, community centers, etc.

That is the line designed for public consumption. Sounds acceptable, doesn't it? But the communists are not genuinely interested in improving the status of American youth.

For window-dressing, they always support items desired by most of the people: lower taxes, higher wages, better housing, old-age security, higher farm income. These are thoroughly legitimate interests. To support these aims, and many others, is not to be a communist. The party is simply attempting to exploit such interests for its own selfish aims. They become Party "talking points."

Behind this front, as in the call for world-wide youth friendship, more education, academic freedom, and so on, lurks the ulterior motive, the real Party line. The attractive "come along" points are merely bait. Look closely to see how the adoption of these demands, *as conceived by the Party,* would distort their true meanings and aid the communistic cause:

"Restore the Bill of Rights," in communist language, means eliminating of legal opposition to communism, stopping all prosecution of communists, and granting amnesty to those presently in jail. *"Repeal the draft law"* and *"peace"* mean curtailing our national defense effort and allowing Russia to become militarily stronger than the United States. *"Increase trade with the Soviet Bloc"* means selling materials that could be used by the communist nations for armaments. *"Restore academic freedom"* means to communists that we should permit the official teaching of communist doctrine in all schools and that we should allow communists to infiltrate teaching staffs. If the communists had their way, America would be rendered helpless to protect herself. Incidentally, notice the communist use of the word "restore," indicating that freedom is already gone and that the Party stands for its return.

Now substitute "veterans" for "youth." The approach is the same: Increased trade with all countries, including the communist bloc, would mean thousands of new jobs for *veterans.* "Restore" academic freedom so *veterans* can think as they want. Promote world-wide *veteran* friendship. Drop all bars to the travel of *veterans.* Also, it is good propaganda policy to add a few "come along" points appealing specifically to veterans. The technique continues: substitute "women," "trade union members," "nationality groups," etc.

The propaganda platform contains a combination of immediate "come along" demands, designed for deceptive and specialized appeal, and basic policy aimed to advance the communist cause.

Thus the Party, through its specialized and immediate demands, is able to gain entree into various groups and create favorable working conditions for future revolutionary action. Very quickly, for example:

A veterans' meeting endorses "peace."

A nationality festival passes a resolution for "peace."

A youth affair favors "peace."

A neighborhood group comes out for "peace."

A women's rally fights for "peace."

Whatever its composition, the group, once under communist control, is switched to the Party line. The feigned interest in legitimate demands is merely a trap.

Even holidays are used to enhance the Party's aims. For example, the *Daily Worker* once headlined a story "Mother's Day to Be Marked by Peace Tables . . ." Postcards should be distributed on Mother's Day, the story continued, "'declaring the deepest need of all American mothers to be a ban on A- and H-bombs . . ."

Also planned, according to the story, were special Mother's Day leaflets and placards as well as balloons for the children reading "World-Wide Ban of A- and H-bombs."

Many people sincerely believe, for many reasons, that these bombs should be banned. However, to communists, the true meaning of peace and banning the A- and H-bombs is weakening the United States and advancing Russian aggressive aims.

And so it goes. A discussion may start about the low price of oats, better working conditions on the second shift, equal pay for women, the death rate among Eskimos, but it will end with the endorsement of "peace"; "amnesty for the Smith Act victims"; "repeal of the Internal Security Act of 1950 and the McCarran-Walter Immigration and Nationality Act."

Scattered, variegated, and inarticulate interest, under Party guidance, are brought into a common denominator: support for the Party line.

The Party line, in fact, is the sum total of all Party demands at any given time. You must learn to see it as a whole. Some demands are always present and seem innocent enough, such as those for higher wages, lower taxes, and better housing. But, remember, communists don't really care about genuine social reforms. These immediate demands are strictly for agitational purposes. They serve to arouse people and to cause tension. William Z. Foster says very candidly: "Our Party is a revolutionary Party. It aims not simply to ease conditions a bit under capitalism for the workers but to abolish capitalism altogether."

If ever achieved, these demands will be restated in more extreme form.

Other demands in the Party line are short-term; that is, they may quickly change, depending, on the current national and international situation. Consider the Party's stand that Formosa should be returned to China proper. Suppose the present communist regime in China were overthrown and a government hostile to Soviet Russia gained power. This demand would be quickly abandoned. On the other hand, certain demands never change, such as support of the Soviet Union.

The attack is primarily agitational. Propaganda, although valuable, is a long-range softener, to be handled chiefly on an intellectual level by the educational department; agitation is immediate, inflammatory, conducive to acute discontent, the specialty of the field organizer.

Lenin's distinction is decisive. A propagandist, he says, to explain unemployment must talk about the capitalist nature of the crisis, the need for building a socialist society, etc. " 'Many ideas' " must be expounded "so many indeed that they will be understood as a whole only by a (comparatively) few persons."

But the agitator, on the other hand, selects one well-known aspect of the problem, such as "the death from starvation of the family of an unemployed worker." He will concentrate on imparting a single idea to the masses: why this family died. Or, in Lenin's words, he will show "the senseless contradiction between the increase of wealth and increase of poverty." Evoke discontent and revolt *now.* "Leave a more complete explanation . . . to the propagandist." Here is an example of how agitation works:

The communists publish a story: John Doe has been arrested, the charge is murder. Of course it is a tragic event. Crime always brings sorrow. It reflects maladjustment in society and points up abuses that genuinely need correction. But the communists aren't interested in John Doe. They do not try to discover the true facts in his case, study his background, or improve his condition. Here in the day's news is a human tragedy that can be exploited for propaganda purposes. That is enough.

The Party machinery springs into action, typical of thousands of mass-agitation campaigns.

The communist press publicizes the case with pictures, an interview with the wrongdoer, stories about his family. It carries heartrending and sentimental accounts, without regard to truth or the suffering of the victim of the crime or the sorrow of his loved ones.

If the arrested person is a member of a minority group, or a veteran, the father of ten children, a union member or unemployed, the agitational appeal is broadened. "Union Member Framed on Murder Charge." Unemployed Veteran Railroaded to Jail." Father of 10 Arrested on False Charges." Almost always the charge of "police brutality" is thrown in too.

In a few days a decision must be made. Should the campaign continue? Maybe the case is quickly over, no special interest having been aroused. Or the "victim" himself announces that he's been treated fairly and has no personal ill feelings. That's the end. The Party drops it.

Such campaigns are sometimes carried on for months or years, with varying degrees of intensity. The Party is a self-appointed collector of "victims" of "framed evidence," "lynch justice," "Gestapo brutality," academic witchhunts." These "martyrs of injustice" include old-timers like Sacco and Vanzetti and the Scottsboro Case, now remembered only in "memorials"; and recent ones, such as the "Martinsville Seven," the "Trenton Six" or the Rosenbergs; or hot-off-the-griddle varieties, such as those appearing in the current Party press. All are trotted out at the slightest twist of tongue or pencil as

exhibits of capitalist "terror" and communist "benevolence."

Certain exploitation standards determine whether the campaign is to continue: Can large numbers of people be influenced? Is a public official involved—the more prominent the better—who can be undermined and smeared? Will other communist ventures be aided? Can the Party gain recruits? (Mass agitation is always linked to Party building.) Can financial gains be secured for the Party?

The Party searches American life for agitational points: the eviction of a family, the arrest of a Negro, a proposed rise in transit fares, a bill to increase taxes, a miscarriage of justice, the underpayment of a worker, the dismissal of a teacher, a shooting by law-enforcement officers. Some of the cases, unfortunately, do reflect mistakes or blemishes in American society. Others are twisted by the Party into agitational items.

Once the decision has been made to continue the campaign, the next step is probably the formation of the XYZ Committee to Save John Doe: a communist front, born at 9:00 a.m., full grown by 10:30 a.m, mailing out letters by noon. This gives the illusion of organized interest, focuses attention, and masks communist participation. Purpose (deceptive) is to gain "justice" for the defendant; purpose (real): to advance communism.

Attract attention by building up a bonfire of agitation. Suddenly, almost like magic, a "women's" group in Oregon, a "farmers'" meeting in Oklahoma, a "consumers'" conference in West Virginia pass resolutions: "Save John Doe!" Literature is scattered, other groups contacted. The Party becomes the agitational base. Who is John Doe? The members don't know, except that he's the newest twist in the Party line. That's enough!

The Party has now started a mass-agitation campaign. Its success depends on securing noncommunist support. Members contact community leaders, such as judges, members of the city council, doctors, lawyers, clergymen, educators, social workers, trying to obtain statements or testimonials.

The commuinst is no longer a shadowy figure deep underground or meeting secretly at night. He is knocking on doors, seeing prominent people, attending city council meetings.

"I feel that John Doe has been wrongly arrested [or convicted, as the case may be]. I am compelled in the interests of justice to demand that he be released."

That is a typical testimonial to be sent to authorities and the press.

The technique of obtaining testimonials is always to start with a sympathizer, the kind who will authorize his name for any communist campaign. Some are so "controlled" that headquarters uses their names without consultation, even preparing their statements. Others are contacted on each occasion.

They next reach out for other prominent sympathizers. Officers of communist fronts make good signers. They usually have imposing "titles." Next, branch out to the lukewarm, those who are on the fence; sometimes they will sign, other times they will not. If not, they must be sold. Finally come the unsuspecting noncommunists, with contact being made either in person or on the telephone.

"Mr. X, I'm So-and-So from the XYZ Committee to Save John Doe. I was just over at Mr. Y's office. You know him, don't you?"

"Yes," will come the reply. That gets the interview off to a good start.

"This is a case I am sure will interest you. You are a lawyer and here is an individual who is the victim of injustice. . . . Have you heard about it?"

"No." That's good, the field is clear.

On and on. "Dr. F, Rev. O, etc., have given statements . . ."

The man signs. Another "innocent victim." Did he know the communist identity of the solicitor? No. Did he know that the XYZ Committee to Save John Doe was a communist front? No. Did he realize that by making the statement he was aiding the communist movement? No.

For sincere, honest reasons of their own, entirely unrelated to communism, many individuals may support John Doe. This, of course, does not make them communists. To call them communists is an injustice, but it is not unjust to point out that the Party always seeks to exploit such personal convictions for partisan propaganda.

The cause of communism must be linked with as many elements in society as possible. Our fight for John Doe is your fight, the communists say to labor unions, Negro, professional, cultural, and nationality groups. Today he's being "persecuted." Tomorrow it'll be your turn. Join with us and we'll fight together.

We Communists join with every other democratic-minded American, irrespective of views, in the common fight to preserve a common democratic heritage.

Deceptive: the communists are fighting for our "common democractic heritage"; *real:* to gain the support of noncommunist groups (even ". . . those who do not accept Socialism as a final aim"). As Lenin instructed, seize allies everywhere. Use them for the advantage of furthering communism.

Mass agitation is most effective in capturing the support of noncommunists. By securing even the temporary allegiance of an individual, as in a testimonial, the Party gains. In this way communist propaganda enters the orbit of that individual's personal influence. "Why," a friend will say after reading the testimonial, "if So-and-So endorses that organization [or issue], it must be OK." The dupe becomes a communist thought-control relay station. That's why communists are always eager to secure the support of doctors, clergymen, teachers, and other persons highly respected in their communities. The more widely known the person, the better.

Circulating petitions is another favorite communist technique for capturing noncommunist support.

A young woman stands on the sidewalk. A housewife, carrying a package, comes out of the grocery store.

"Pardon me," the young woman says, approaching her. "Wouldn't you like to help a young man win his freedom?"

The appeal is attractive. The housewife stops. "We have a petition to the governor asking for the release of John Doe. He's sentenced to die. . . ." The housewife looks at the petition. It contains nothing communist. There is no hammer or sickle or mention of Russia. It is just a statement that we the undersigned believe that John Doe should be released. "You can help a lot by signing. . . ."

She signs and so do thousands of others. Party teams are everywhere, on street corners, at factory gates, in bus terminals. Sign here, please. Won't you send a telegram or write a letter? Here's a sample all fixed up. Just sign it. Would you like a leaflet? Won't you call the governor's office? Come to our rally tonight. Write a letter to the newspaper. Is your club meeting soon? Have it pass a resolution. Your pastor can help. Have him call a protest meeting.

The pressure is tabulated in thousands of letters, resolutions, and telegrams, ten, a hundred times the number of all Party members in the United States.

Agitation campaigns are of all types, local, state, and national:

Dealing with the high cost of living;

Against a rise in transit fares;

Opposing a bill in Congress or a state legislature;

Protesting the showing of a "Fascist" movie;

Urging amnesty for convicted Smith Act "victims";

Demanding "peace"; "repeal the draft"; "more aid to schools";

Protesting the arrival in town of some celebrity not liked by the Party.

Campaigns involving court cases as a general rule provide the most sustained agitation. These can be divided into various exploitation stages.

1. *The arrest stage:* the "victim" has been illegally arrested. The charges are "trumped up."

2. *The trial stage:* "false evidence" is being used, the jury is "packed," a fair trial is "impossible."

3. *The appeal stage* (assuming the defendant is found guilty): in most instances a guilty verdict serves the communist purpose best. Otherwise, little propaganda is left, except for a few self-congratulatory articles. The communists use every device, inside and outside the courtroom, to break down the American judicial system.

4. *The clemency stage:* this is probably best suited to agitation. The Party operates a whole series of tactics. Here are a few:

Mass meetings. Rallies. Demonstrations. Picket lines. These, also used in other exploitation stages, now become imbued with "gravity." "John Doe Will Die in 2 Weeks. Wire the Governor. Demand His Release." "Save My Boy, Please. He's Innocent." "Where's America's Conscience? This Man Has Been Framed."

Sojourns. Treks. Pilgrimages. Motorcades. Encampments. The convergence on a selected spot, the state capital or Washington, D.C., of members and sympathizers from all over the country.

They arrive by train, battered old trucks, rented buses, hitchhiking. Get your tickets, meet at the station, don't miss the Clemency Train. Day after day the *Daily Worker* pounds this theme. An operational headquarters is set up, usually under a fancy Aesopian name such as "Liberty House" or "Inspiration Center."

This tactic—concentrated pressure—is reserved only for special occasions. Teams visit offices of legislators, officials of the government, and demand to see the governor or President. Make everyone think that "millions" are demanding clemency. A cascade of telegrams, letters, petitions, resolutions pours in, promoted by comrades back home. "The city was stirred today by the *nation's* demand for clemency for John Doe. . . ." writes the Party's press agent. Probably 250 communists and their sympathizers were in town.

The hour of judicial decision or execution nears. The drama is heightened. "Prayer meetings" are held by communists, who do not believe in prayer. Then the super climax: a "vigil." The comrades start a marching line, twenty-four hours around the clock, demanding "mercy," "clemency." One day, two days, five days, twelve days, the line moves back and forth in front of the governor's mansion, or more dramatic, the White House. Placards read. "Mercy for John Doe." "Mr. Governor, Don't You Have a Heart?" Any testimonials secured from prominent individuals bob and weave in the marching line. Leaflets are handed out.

In two hours comes a new shift. Paraders walk silently, sometimes in single file, at other times two abreast, usually six to eight feet apart. This isn't supposed to be a flamboyant affair, but sad and mournful, designed to capture the emotions. Death is near! "Clemency *Now*—Only 12 Hours Left." "Can America Allow an Innocent Man to Die?"

The shift is over. The members whisk back to "Liberty House," grab a bite to eat, hear a pep talk, then return for another "tour of

duty." Cots are available for sleep. In this way a few financial comrades can attract the attention of thousands. Over the week end other comrades, off from work, "flood" into a city and, in the flaming words of the Party press, march by the "thousands"—meaning probably 250 to 300. "There's Still Time to Act. Send Telegrams, Letters to the Governor." Mount the pressure. So long as John Doe is alive he must be exploited.

5. *The imprisonment stage:* the defendant becomes a showpiece. He is visited by his wife (called a "prison wife") and his family, and delegations go to see him. Sentimental and heart-tearing accounts are written: ". . . as the train sped me northward, my eyes ached with the unwept tears of loneliness." "I heard [his] quiet voice. I looked into his calm eyes. But I noted too the tight lines of controlled grimness about his mouth and the narrowed tightness about his eyes."

Birthday-card campaigns are initiated. Send John Doe a Christmas greeting. His picture is published. His "speeches" become "quotable scripture." A nine-year-old son visits him . . . the child is shocked by the "watchtowers," "gigantic searchlights," "locked iron doors" . . . the visit is over . . . the little boy tells his mother, "After all, if Daddy didn't have such good political ideas he wouldn't be there in the first place." (He is a Smith Act "victim.")

The communist press will invariably superimpose its judgment on that of a jury and judge with a trumped-up charge that the homicide was justifiable, the evidence framed, or the witness had committed perjury. It will have a defense for the crime that would cause the person not familiar with the facts or the record of the trial to wonder. And the longer the lapse of time, the more real the trumped-up defense will sound to the uninformed. This might go on for years. For example, the Women's Committee for Equal Justice was not disbanded until seven years after Rosa Lee Ingram and her two sons had been convicted and sentenced in a Georgia court for the slaying of a neighbor.

6. *The post-imprisonment stage:* most of the propaganda value is generally gone when this stage is reached. If the "victim" is dead, "memorial" services may occasionally be held or articles writen.

The cycle has run. The campaign may be dropped at any moment, shifted to a new tack, used to buttress another approach. Another purpose, especially in espionage cases, is to make the "victim" think he is a "martyr" and believe that any cooperation with the American government, such as implicating others or giving vital information, would be a betrayal. Better to have him executed by the government for his crimes than to expose other communists.

These campaigns are designed to dramatize communists and their front representatives as "champions" of the masses. They foster the illusion that these individuals are progressive, enlightened, and humanitarian, acting in the best interests of the American people. "We stand for freedom when everybody else is not interested." That is the illusion.

The real motive is to prepare both the Party and noncommunist society for revolutionary action. Members gain experience in mass work: the art of propaganda and agitation, organizing social discontent, guiding large numbers. Leadership, discipline, and organizational structure can be tested. Moreover, communists hope to make workers and the masses class-conscious, accepting the Party as their leader (in Party terms called *radicalizing* the masses). Sow seeds of discontent; weaken, divide, and neutralize anticommunist opposition; above all, undermine the American judicial process.

Law enforcement has long been a target of communist attack. As legal opposition crystallized, these Party attacks, especially on the FBI, prosecutive officials, and police, have mounted in intensity.

Lenin taught that it was essential for every "real people's revolution" to destroy the "ready-made state machinery." Wherever communists have been able to exercise any measure of control, their first step has been to hamstring and incapacitate law enforcement.

The communist performance in the Indian state of Kerala is a good illustration. Within a few months after a procommunist government came into control, "peoples' action committees" were formed which began to usurp the functions of the law courts. Then the state police were handcuffed by orders to stand on the sidelines except when crimes such as murder, rape, arson, and assault occurred. Many communists were freed from jail, and public statements were issued that many penal institutions would be closed and their grounds turned into flower gardens. A noncommunist official of the Indian government reportd a "complete breakdown of law and order."

Experience over the years has demonstrated that every time communists are able to avert justice through technicalities, there is not only jubilation in Party circles but also increased urgings for more brazen Party action.

Day-to-day struggles are battle-hardening dress rehearsals for revolution. William Z. Foster boasted, ". . . capitalism will die sword in hand, fighting in vain to beat back the oncoming revolutionary proletariat."

Often communists find it effective to carry out their agitation campaigns through organizations not generally recognized as procommunist. These can be either (1) old-time organizations which have been "infiltrated," or (2) newly established communist fronts. The next two chapters will discuss these forms of communist campaigning.

[From the Washington (D.C.) Post, Feb. 15, 1970]

TUMULT ERUPTS AS "7" TRIAL JUDGE JAILS FOUR DEFENDANTS FOR CONTEMPT

(By William Chapman)

CHICAGO, February 14.—The most emotional scene of the riot conspiracy trial took place today as Judge Julius J. Hoffman began handing out contempt of court sentences to the defendants and their lawyers.

At one point in the tumult, spectators were dragged from the room, a defendant saluted the judge with "Heil Hitler" and defense lawyer William M. Kunstler broke into uncontrollable sobbing.

Marshals forcibly restrained several defendants and their sympathizers after the judge had cited defendant David T. Dellinger for 32 separate points of contempt of court during the long trial.

The judge sentenced Dellinger to 29 months and 16 days in prison, Rennie Davis to 25 months and 5 days, Abbie Hoffman to eight months and Tom Hayden to 14 months and 14 days. All were jailed immediately.

Judge Hoffman said he would dispose of contempt citations Sunday morning against Kunstler, defense lawyer Leonard I. Weinglass and the other three defendants—Lee Weiner, John Froines, and Jerry Rubin.

The jury had retired earlier to begin deliberating on a verdict for the seven men accused of conspiring to cross state lines with the intent of inciting violence at the Democratic National Convention in 1968. The jurors recessed at 10 p.m. without reaching a verdict.

Dellinger, the 54-year-old pacifist, was given a chance to comment on the contempt charges and he launched into a condemnation of racism and the war in Vietnam.

"I don't want to talk politics with you," Judge Hoffman said, ordering marshals to put Dellinger in his chair.

"You wanted us to be good Germans and go along," Dellinger shouted at the judge.

"Now you want us to be like the good Jews who went quietly to concentration camps," he added. "I don't propose to do that."

Cheers, applause and shouts of "right on" erupted from the spectators' benches.

Marshals dragged out several persons who refused to leave when told to. One of them was Dellinger's daughter.

"Leave my daughter alone," Dellinger yelled, and another girl screamed, "Oh, my God."

During the shouting and confusion, Kunstler leaned on the attorneys lectern sobbing. He looked up at Judge Hoffman and screamed, "My life has come to nothing. You've destroyed it. Please put me in jail now."

Defendant Jerry Rubin strode to the center of the courtroom, raised his right hand in a Nazi salute and shouted directly at the judge, "Heil Hitler—that's what you ought to be called."

When the courtroom finally was silent, Hoffman began reading off the days and months of sentence for each of Dellinger's contempt citations.

As Dellinger was led away, Davis said to the judge, "You have just jailed one of the most beautiful people in the United States."

"All right, we'll begin to talk about you now, Mr. Davis," said Judge Hoffman, who promptly read off the 29-year-old Davis' 23 separate citations.

The counts against Davis included laughing in the courtroom, not rising when the judge entered, accusing the judge of sleeping during the trial and exclaiming that the defendants were being considered "guilty until proven innocent."

Dellinger's contempt citations were for such behavior as calling it a "fascist court," calling Hoffman a "liar" and a "hypocrite" and telling the judge at one point, "You'll go down in infamy for your obvious lies in this courtroom."

Some of the citations dated back to the early days of the trial, which began on Sept. 24. In October, Hoffman sentenced another defendant, Bobby G. Seale, to an unprecedented four years in prison for 16 citations of contempt.

The judge today took up the contempt issue shortly after noon when the jury began its deliberations.

The defendants' frequent interruptions and comments on his rulings, he said, had "impeded and obstructed the administration of justice.

"Particularly reprehensible," said Hoffman, "is the conduct of the counsel who . . . participated with their clients in making a mockery of orderly procedure."

Despite his warnings, he said, Kunstler and the other defense lawyer, Leonard I. Weinglass, made "repeated insults" to the bench.

He said the defendants engaged in "direct and defiant contempt of this court . . . aimed at baiting the judge and harassing the United States attorneys in an attempt to stop the trial."

Kunstler argued that the judge lacked authority to try for summary contempt after a trial persons who allegedly had insulted him personally. Another judge and a jury should be called in to try the contempt charges, he argued.

Hoffman said he disagreed and he also refused to consider motions for bail for those cited for contempt.

Judge Hoffman said that the "impudent

repetition" of interruptions by defendants made it necessary to impose consecutive sentences. The terms for the citations ranged in length from one day to six months.

Hoffman observed that the jury was just beginning to deliberate on the conspiracy charges against the defendants.

[From the Washington (D.C.) Post, Feb. 16, 1970]

"CHICAGO 7" LAWYERS FACE JAIL—KUNSTLER GETS 4-YEAR TERM FOR CONTEMPT

(By William Chapman)

CHICAGO, Feb. 15.—A defense lawyer in the Chicago conspiracy trial was sentenced to more than four years in prison today for contempt of court.

Judge Julius J. Hoffman cited William M. Kunstler for 24 different items of contempt during the long trial and said, "I have never heard a lawyer say to a judge the things you have said to me."

Another defense lawyer, Leonard Weinglass, was sentenced to more than 20 months for contempt. The sentences for both attorneys were stayed by the judge until May so they will be free to defend the seven men whom they represent in the case.

But three more defendants were sentenced for contempt and taken promptly to jail today. The four others were sentenced and jailed yesterday.

The jury, meanwhile, finished its second day of deliberation at 9 p.m. CST without a verdict. Deliberations will continue Monday morning.

Tonight, Weinglass offered the defense's first words of optimism about the possible verdict. He observed that the jury had been out some time and said that indicated to him a growing possibility of acquittal or a hung jury.

He said he originally had been "very pessimistic" because "they were being tried under a difficult law . . . by a judge who gave us no latitude."

The sentence against Kunstler, a veteran of many civil rights suits, was the longest one imposed during the trial and may set a precedent. The total time was four years and 13 days.

In a highly unusual statement from the bench, Hoffman declared that behavior such as Kunstler's encourages crime in the United States.

Hoffman acknowledged that he was about to make an "unorthodox" comment and then said:

"We hear lots about crime in this country. There is a lot of crime . . . I am one of those who believes that the fact crime is on the increase is due in large part to the fact that waiting in the wings are lawyers willing to go beyond their professional responsibilities in the defense of clients."

He added, "The fact that such a defendant knows that such a lawyer is waiting in the wings has a stimulating effect on the increase in crime."

A battery of lawyers began assembling today to fight the contempt sentences on appeal. Their main argument will be that a trial judge lacks authority to sentence defendants or lawyers for contempt summarily after a trial is over.

They contend that summary contempt—without a jury—can be imposed only during a trial for purposes of keeping the procedure orderly.

Kunstler told the judge his behavior in court was a reaction to what he considered "repressive" actions by the court.

He said he was not ashamed of his conduct. "I have tried with all of my heart faithfully to represent my clients in the face of what I considered and still consider repressive and unjust conduct toward them," Kunstler said.

The attorney, speaking slowly in an unemotional tone, said, "I can only hope that my fate does not deter other lawyers throughout the country who, in the difficult days that lie ahead, will be asked to defend clients against a steadily increasing governmental encroachment upon their most fundamental liberties."

He added, "If they are so deterred, then my punishment will have effects of such terrifying consequences that I dread to contemplate the future domestic and foreign course of this country."

Saturday, Kunstler had burst into uncontrollable sobbing during a wild courtroom scene in which defendant David Dellinger's daughter was ejected by federal marshals.

Today, he said of that incident, "I felt such a deep sense of utter futility that I could not keep from crying, something I had not done publicly since childhood.

"I am sorry if I disturbed the decorum of the courtroom, but I am not ashamed of my tears."

Many of the citations against Kunstler and Weinglass were for their refusal to cease arguing motions after Hoffman ruled against them.

Others were for what the judge called "insults" to the court, such as when Kunstler protested that the binding and gagging of a former defendant, Bobby G. Seale, amounted to "medieval torture." Kunstler drew three months for that outburst.

He drew a six-month sentence for persisting in asking what Hoffman called "objectionable, leading questions" of Mayor Richard J. Daley.

Virtually all of Weinglass' citations were for pressing legal points after the judge had ruled against him.

Speaking to the judge today, Weinglass admitted error on some points but insisted that in most instances he had been forced to argue after the judge's ruling because he had not been given an opportunity to discuss his motions or objections fully.

Hoffman accused him of lack of respect for the court. Weinglass responded, "In this matter of respect, I might say I had hoped that after 20 weeks of this trial the court would know my name."

Judge Hoffman repeatedly has called him "Weintraub" or other names having similar sounds. Even as the argument went on today, the judge referred to him again as "Weintraub."

The three defendants sentenced for contempt today were Jerry Rubin, for 25 months and 23 days; Lee Weiner, for two months and 18 days, and John Froines, for five months and 45 days.

Rubin, the bearded Yippie leader, explained he had yelled such words as "Gestapo" and "Hitler" during the trial because "everything that happened in Hitler's Germany was done by judges who wore robes and quoted the law."

Weiner sarcastically thanked the judge for wiping out his own last notions that "the courts are a forum in which justice is available."

In each case, Judge Hoffman found the men behaved in a manner designed to "sabotage the functioning of the judicial system."

Judge Hoffman sentenced the other four defendants on Saturday. They were Dellinger, two years, five months and 16 days; Rennard C. (Rennie) Davis, two years, one month and 18 days; Thomas E. Hayden, one year, two months and 14 days, and Abbott (Abbie) Hoffman, eight months.

[From the Washington Post, Feb. 16, 1970]

ACLU CRITICIZES JUDGE AS OVERSTEPPING POWER

NEW YORK, February 15.—The American Civil Liberties Union today criticized summary contempt citations against defense attorneys and defendants in the Chicago riot conspiracy trial as an "unconstitutional use of judicial power."

"The National Board of Directors of the American Civil Liberties Union views with gravest concern the extraordinary and unconstitutional use of summary contempt power at the end of a trial," an ACLU statement read.

Board chairman Edward J. Ennis said at a news conference the ACLU expected to "take a very substantial role" in expected appeals.

An ACLU statement distributed at the news conference said the procedure for summary contempt "applies only to those unusual situations where instant action is necessary to protect the judicial institution itself and when there is such an open, serious threat to orderly procedure that instant and summary punishment, as distinguished from due and deliberate procedure, is required."

In Chicago meanwhile, seven lawyers and law professors said they were volunteering their services to help appeal the contempt sentences.

Martin Stavis, director of the Law Center for Constitutional Rights in New York City, said the group would ask the U.S. 7th Circuit Court of Appeals to set bond for the seven defendants.

Other members of the appeal group are Thomas Sullivan, an attorney with the prestigious Chicago firm of Jenner & Block; Arthur Kinoy, Rutgers University Law School; Allan Dershowitz, Harvard Law School; Anthony Amsterdam, Stanford Law School; Herbert Reid, Howard University, and Michael Tigar, of the University of California at Los Angeles Law School.

[From the Washington Post, Feb. 16, 1970]

DISSIDENT DEMOCRATS SUPPORT "7"

CHICAGO, February 15.— The New Democratic Coalition ended its national convention today, resolved to work within the Democratic Party but to press elected officials hard on issues such as Vietnam, welfare and the anti-ballistic missile.

But before the delegates wrapped up their business, the Chicago conspiracy trial diverted their attention and some 200 NDC members marched one-half mile through the downtown district for a demonstration at the federal courthouse.

The delegates joined marchers in the plaza outside the courthouse and read a resolution passed in the morning session condemning the trial.

The resolution pledged "vigorous opposition to the growing repression of dissent in America represented by the intimidation of the news media, stifling of student and minority political organizations, attacks upon peace groups and most recently the Chicago conspiracy trial."

Because of the march, a handful of resolutions on women's rights, the role of students and other issues never came up and the election of national officers was cut short.

The two national officers elected were Marvin Madison of St. Louis, chairman of the Missouri NDC, president, and Joyce Harrell of Vermillion, S.D., chairman of the state's NDC affiliate, secretary. Eleven vice chairmen will be picked later by the executive committee.

[From the Washington Star, Feb. 15, 1970]

PHIL HIRSCHKOP, THE DEFENDER OF THE RADICAL

(By Barry Kalb)

Washington's radicals don't rank with those from cities like New York or Chicago or San Francisco—no local Abbie Hoffmans or Mark Rudds or Eldridge Cleavers. But the big-timers occasionally pass through town, and before they leave, they often need a lawyer.

Whom do they go to? Ask any radical. "Phil Hirschkop."

They may not pronounce it correctly—but the Movement knows: If you come to Washington to stop the war or something like that, and you get caught at it, get Philip J. Hirschkop to be your lawyer.

Now Hirschkop needs a lawyer. As the raucaus six-day trial of the "D.C. Nine" came to a close Tuesday, Hirschkop, who had defended the anti-war activists who broke into the Dow Chemical offices here last March was told he was being held in contempt.

Hirschkop, who is a national officer of the American Civil Liberties Union, doesn't think his actions in court warrant a contempt citation. He simply thinks U.S. District Court Judge John H. Pratt was prejudiced against his clients, and told him so. Pratt obviously thinks differently, and sentenced Hirschkop to 30 days in jail. Hirschkop is appealing.

NO RADICAL IMAGE

What kind of man is Philip Hirschkop, who has defended the likes of H. Rap Brown, Jerry Rubin, Norman Mailer, Benjamin Spock, George Lincoln Rockwell's body, and three long-haired young men who gave the police information on the murder of District official Richard L. Mattingly and ended up in jail?

He doesn't seem to be a radical. Real radicals don't normally ride around in police cars communicating with the mayor and the chief of police during anti-war demonstrations, as Hirshkop did during the weekend of Nov. 15 while representing the New Mobilization Committee to End the War in Vietnam.

He has been called a Communist, but when the American Nazi party wasn't allowed to bury its slain leader, Rockwell, in a U.S. military cemetery while wearing swastikas, Hirshkop took their case. (His parents, who live in Miami Beach, wouldn't talk to him for a year after that one.)

"I guess I'm a liberal," Hirshkop said last week, seated in his upper middleclass home in the Hollin Hills area near Alexandria.

He wasn't always. After graduating high school in Hightstown, N.J., in 1954, he joined the Special Forces, later the elite Green Berets who have come to symbolize, to the kind of people Hirshkop defends, all that is bad about the Vietnam war.

He said he thought doing Green Beret-type things, such as making 22 parachute jumps, would cure him of his fear of heights. "Jumping out of airplanes did nothing to alleviate that," he said. "I just scared the hell out of myself 22 times."

He went through college, then began law school at Georgetown University. During his final year, in the spring of 1964, he worked as a legislative aide to Rep. Richard Ichord, D–Mo.—current chairman of House Internal Security Committee (then the House Un-American Activities Committee).

"I found out he was on the committee and he found out I was pro-civil rights about the same time," Hirschkop recalls.

After leaving Ichord's employ and graduating from Georgetown, Hirschkop went south, working in civil rights cases under the tutelage of William H. Kunstler, whose list of anti-establishment clients outstrips Hirschkops's, and who headed the defense of the seven men accused of inciting riots during the 1968 Democratic convention in Chicago.

Since then, Hirschkop has been in the news a lot. With one of his partners, Bernard Cohen—their firm is Cohen, Hirschkop, Hall and Jackson—he pleaded the 1967 Loving vs. Virginia case, in which the Supreme Court banned antimiscegenation laws; defended H. Rap Brown, then head of the Student Nonviolent Coordinating Committee, against extradition from Virginia to Maryland the same year; and acted as chief counsel for the New (formerly National) Mobe during three of Washington's more hectic demonstrations—the Pentagon march in 1967, the counter-inaugural activities in January of last year, and the anti-war demonstrations last Nov. 13–15.

Along the way, he married and he and his wife, Phyllis, have a daughter, Jacqueline, 4, and a son, David, 2. At 33, he has a shock of curly black hair with long sideburns, and although Norman Mailer, in his book on the Pentagon demonstration entitled "Armies of the Night," spoke of Hirschkop's "powerful short body," it appears that "well-fed" would be as apt a description now.

[From the Washington Post, Feb. 15, 1970]

DISORDER IN THE COURTROOM

The various committees of lawyers, judges and architects who are studying the recent outbursts of violence and disorder in the courtroom have certainly not begun too soon. Disruption of court proceedings appears to have become a fixed policy of groups determined to frustrate the judicial process. In Chicago, New York and to a lesser extent in Washington, the question has been raised as to whether, in certain very highly controversial cases, the machinery of justice can operate in the traditional manner.

Much depends, of course, upon the individual judge. The contrast between the court management techniques of Judge Hoffman in Chicago and Justice Murtagh in New York illustrates the great value of cool objectivity on the bench. There is much wisdom in the comment of Judge Medina, who handled the rowdy Communist conspiracy trial 20 years ago, that "self-control and a sense of humor" are the most important weapons in a judge's arsenal in such trying circumstances. Yet it was impossible for Justice Murtagh to maintain the proper atmosphere for a trial when he was reviled as a "racist hanging judge" and the proceedings were repeatedly interrupted by shouts of "Power to the people" and "Fascist pig." At one point a defendant, asked to identify a pistol, pointed it at the judge and pulled the trigger, and a woman shouted "That's one dead pig."

If disorder or violence deliberately provoked by the defendants should succeed in preventing trials from being held, they would doubtless become standard practice for murderers and lesser criminals choosing not to be tried. Some means of coping with these tactics must be found. A committee of lawyers and architects is studying the possibility of keeping unruly defendants behind soundproof plastic shields except when they are testifying. Others have suggested that the defendants be held in jail with the right to watch the trial on television, but no ideal solution has emerged.

Some judges believe that most of the shenanigans will soon be dropped if a few defense lawyers go to jail for contempt. Some of the disorder in the courtroom undoubtedly stems from the disrespectful and obstreperous conduct of defense lawyers and there seems to be no alternative to punishment of them for contempt or seeking their disbarment in the most flagrant cases. But punishment for contempt, however essential it may be in the worst cases, is itself a dangerous weapon. In the case of attorney Philip J. Hirschkop, who was sentenced to 30 days for his conduct in the trial of the so-called "D.C. Nine" the other day, for example, Judge Pratt would have been on sounder ground if he had made his charges against the lawyer and left it to another judge to decide the issue and impose the penalty, if any.

While the search for better remedies goes on, the importance of judicial detachment, imperturbability and a sense of humor, along with firmness and adherence to sound rules of procedure, can scarcely be overestimated. Courts must remain courts, and not contestants in the exchange of insults or emotional reactions, regardless of what the provocation may be. If some defendants make it impossible to try their cases in a judicial atmosphere, it may be necessary to let them cool off in jail until a due process trial can be held.

[From the Washington Post, Feb. 16, 1970]

"JUDICIOUS" JUSTIFICATION

(By Nicholas von Hoffman)

CHICAGO.—It was the worst moment for the trial, the worst for the dignity of the court, for the federal judiciary. The chief counsel for the defense was leaning over a desk weeping and imploring the judge to throw him in jail; Jerry Rubin, one of the most lively of the famous seven Chicago conspirators, was standing behind the broken lawyer, clicking his heels together, shouting, "Heil Hitler," and giving Judge Hoffman the Nazi salute; his co-defendant, Dave Dellinger, was calling out "Leave my daughter alone! They're hurting my daughter!" His daughter Natasha and three or four of her friends were fighting off a pack of Federal marshals, others were flying onto the pile like red-dogging linebackers, the Federal prosecutors were grinning and the rest of the spectators stood appalled.

The ferocious wee judge had precipitated this latest and most complete destruction of his courtroom. He had begun reading his contempt citations against Dellinger before the jury settled in its place of deliberation, so eager was he to vindicate his dignity against the months that Dellinger had fought him in open court in a manner forbidden to defendants. The judge has a grinding, pedantic voice that makes words by extruding them out from behind locked molars. It frightened people who hoped to escape him and infuriated others who know they are doomed to going to jail whatever they do.

He used the voice to read the citation, particularizing each affront inflicted on his dignity by Dellinger during the nearly five months of the trial. He quoted Dellinger as saying at one point, "You don't want us to have a defense. You're a hypocrite. What Mayor Daley and the police did for the electoral process, you are doing for the judicial process." He rehearsed the number of times Dellinger had refused to rise to his feet when he came into the room, how many times Dellinger had burst out with remarks of protestation and then he sentenced the man to almost two and a half years in jail.

On the defendants, the net effect was to make them pass through the whole trial experience again, in one compact recapitulation, and they exploded. For other people in the courtroom, it set off the renewed recognition of how different we think our rights are from what we can expect from judges.

Trial by a jury of peers in this case has meant a jury of old people with different backgrounds and beliefs trying young people; it has meant that, before a verdict has been given, the defendants have already been sentenced to a total of 13 years, three months and one day in jail for contempt of court. The right to defend oneself has been interpreted to mean sitting gagged and chained to a chair. The right to call witnesses in one's behalf has not been extended to the former Attorney General of the United States, Ramsey Clark, who was sitting and waiting to testify.

All this is legal. All such decisions are discretionary with the judge, the little man who seeks stature through the strength of his marshals. It is they whom he uses to enforce his dignity against the laughter while he sits on his bench explaining how he isn't a racist, but a just, kind and joking fellow.

He tries to justify himself to a wider audience than his court, but he feels abused in the greater world also. "I have literally thousands of editorials back there in my chamber. I just don't have the time to write letters saying 'You lied about me . . . that's the sort of thing that men in public life have to put up with.'"

The little things are as arbitrary as the big ones. The young people sleeping on the sidewalks in the freezing weather outside the building wait to get seats in the courtroom, but they are excluded while the judge

lets his friends in. When the defense calls him on it, he replies with petulant, over enunciated diction that, "I don't have anything to do with the spectators outside. I have great confidence in the Marshal for the Northern District of Illinois, appointed by the President of the United States. It's his responsibility. We have a system of justice here that takes care of everything."

The courtroom is operated as a system to exact the forms of dignity by a judge who does not return respect with justice. The trial is full of little exchanges like the following.

Mr. Weinglass (defense lawyer): It was my face that Your Honor was reading. I want the record to indicate I was not smiling or laughing.

Judge: The record may show that you are puzzled.

The judge demands not only respect, but love and understanding. "Those who feel ill of me might have a little compassion," he said to Lee Weiner just before sentencing him to jail for contempt. But the defendant replied by telling him that the plaque outside the room at Northwestern University's Law School bearing Julius Hoffman's name had been ripped off the wall by the students there. Did they leave the nameplate on the door? the judge asked.

In such a place, real issues, legal and political never get debated. These seven men were indicted for conspiring and the evidence certainly shows they were, but all politics is a conspiracy. What makes this one illegal? Why should it be illegal to do certain things you know your political enemy will overreact to and thereby discredit himself? That is what the defendants did with Mayor Daley. Anyone interested in any kind of political activity in this country needs an answer to that question.

It won't come out of this trial, where the district attorney ends his summation by calling the accused, "evil— . . . sophisticated, sociology majors," and promises with a conviction that "the lights in that Camelot never go out."

The lamp may be burning in Camelot, but sanity is extinguished here. No one knows what to say to this judge. Since the larger questions have disappeared, Tom Hayden, the cerebral radical, tells Hoffman he'd prefer to stay out of jail because, "I would like to have a child." One of Abbie Hoffman's last quips is: "The big issue now is prison reform."

THIS IS WASHINGTON, D.C.

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. GROSS. Mr. Speaker, on February 11, during the recess of Congress, the Wall Street Journal published an article outlining in some detail the frightening and frightful crime situation in the Nation's Capital.

In order that as many people as possible may read the facts of what is going on in Washington, I submit the article for printing at this point in the RECORD:

SURGING CRIME FORCES WASHINGTON RESIDENTS TO CHANGE WAY OF LIFE; CABBIES, MERCHANTS STRIVE TO FOIL ROBBERS; SECURITY BOLSTERED FOR APARTMENTS

(By Monroe W. Karmin)

WASHINGTON.—John D. Holland is afraid.

For 40 years he has been selling packaged liquor at his Maryland Beverage Mart in this city's southeast sector. Four years ago he installed a burglar alarm system. Three years ago he put iron bars on his windows. Two years ago he began arming. Now on his desk on a platform overlooking the sales floor are a black Italian-made pistol, a silver German-made pistol, a Winchester rifle and an L. C. Smith shotgun. "I've never been held up," Mr. Holland declares, "and I don't intend to be." Since mid-1967, intruders have murdered seven local liquor dealers in the course of an estimated 700 robberies of such stores.

Leroy R. Bailey Jr. is afraid.

He drives a taxi. Last year he paid $20 to install an emergency flasher in his cab. If he's threatened, Mr. Bailey steps on a button that set off a flashing signal for police aid in his front grille and rear bumper. At night, he says, "nine out 10 cabs won't pick up a man alone." The number of Washington cab drivers has dropped to about 11,000 from 13,000 two years ago. Says James E. Jewell, president of Independent Taxi Owners Association: "This is a very dangerous town to drive in. Many men won't work after the sun goes down."

The people at the Mexican embassy are afraid.

Last September, during an independence day celebration, two guests were robbed. Female employes have been accosted. Vandals have struck repeatedly. Now all embassy doors are kept locked. A fence has been erected around the property, located two miles north of the White House. "We live in fear," says a spokesman. So does much of the crime-plagued diplomatic community. President Nixon is asking Congress to expand the 250-man White House police force to offer additional protection for Embassy Row.

THE NO. 1 ISSUE

Most of Washington is afraid of crime.

Fear has changed the way of life of residents of the nation's capital and its environs, affecting everyone from cab-driver to Senator. It has also changed the way institutions, from schools to embassies, operate. While race relations continue to be a major problem for this city, whose 850,000 residents are more than 70% black, there is no doubt that today's No. 1 public concern is personal safety.

"A couple of years ago the city's tension was seen in terms of white police versus the natives," says an aide to Mayor Walter Washington. "Now it's seen as criminals versus victims. It's more crime and less racial."

Mayor Washington, himself a Negro, says that black as well as white neighborhoods are demanding more foot patrolmen, even though the cop on the beat was viewed as "a Gestapo agent" by many blacks not long ago. The mayor finds ground for optimism in the change. "Never before have I seen such an attitude on the part of the people of the city, both black and white, to work together on a problem," he says.

A "TRAGIC EXAMPLE"

The nation's capital is by no means alone in its fear of crime; rather, as Mr. Nixon pointed out in his State of the Union Message, it is a "tragic example" of the way crime and violence "increasingly threaten our cities, our homes and our lives." But Washington is suffering more than most cities. In the nine months through September, according to District of Columbia Police Chief Jerry Wilson, reported crime in Washington jumped 26% over a year earlier, compared with an average national increase of 11%. Cleveland, San Francisco and Baltimore also topped the national average.

Chief Wilson who was appointed last summer, hopes to come to grips with the rising crime rate here this year, if he gets enough help. President Nixon has proposed a new $12.4 million crime-fighting package for the district to supplement the city's regular budget, which emphasizes public safety measures. And Congress is at work on other anticrime legislation for Washington.

This war on crime focuses on several trouble spots. It aims to break the local court bottleneck (it now takes an average of nine months for a criminal case to go to trial and some wait as long as 20 months); to curb the freedom of those awaiting trial through a controversial preventive detention measure (an estimated 35% of those arrested for armed robbery and released on bail commit another crime before they come to trial); and to crack down on drug traffic and use (50% of those arrested here are drug addicts).

EXPANDING THE POLICE FORCE

But this year's main thrust, Mayor Washington says, is to put more policemen on the streets. The mayor hopes to beef up the force to 5,100 men by June 30 from 3,868 on Jan. 1. Also planned are expanded criminal rehabilitation and social-welfare programs that the mayor hopes can be meshed into a comprehensive criminal justice system.

Because Washington is the seat of the Federal Government, the crime surge here is an important stimulus to action on both district and national anticrime legislation. Among the victims of local crime have been Sen. Frank Church of Idaho, White House Press Secretary Ronald Ziegler, Mr. Nixon's personal secretary, Rose Mary Woods and Deputy Defense Secretary David Packard, to name just a few. Political partisanship is diminishing as liberal Democrats feel the impact of crime and join the President in his anticrime crusade.

Senate Majority Leader Mike Mansfield recently expressed outrage over the "senseless" slaying of a fellow-Montanan and friend in the streets of Washington. He took the Senate floor to demand "new and better ways to fight crime, to cut down the inordinate rate of violence." Another liberal Democrat, Rep. Frank Thompson Jr. of New Jersey, warned the other day that "things may get worse if the Administration and Congress do not put crime control on the front burner."

But until this campaign begins to make headway, life in the District of Columbia will reflect fear, especially after dark.

Cruise through downtown Washington in a police car on a Saturday night and the mood can be felt. On F Street, the main downtown shopping street, merchants lock their doors at 6 p.m. Many put up iron grillwork nightly to protect their windows. Shoppers and employees hurry to the bus stops. Many employees who fear the lonely walk at the end of the bus ride wait in the stores until their spouses drive by to take them home. At 7 p.m. F street is almost deserted.

The relatively small number of people out for an evening of entertainment arrive a bit later. Some go to the National Theater, which now raises its curtain at 7:30 instead of 8:30 so patrons can get home early. Some head for downtown movie theaters. The servicemen's crowd patronizes the rock joints along 14th Street. Fashionable Georgetown, more than a mile from downtown, is still lively, as are some of the posh restaurants and clubs. But that's about it. Much of Washington is dark, and scared.

"Watch the people," advises a seasoned policeman. "See how they walk quickly and with a purpose. There's no casual strolling. People don't come into this town at night unless they have a specific destination in mind. They go straight to it and then go home as fast as possible."

RESTAURANTS CLOSE

The effects are evident. The Ceres restaurant next to the National Theater is closed, nearby Caruso's restaurant is gone and neighboring Bassin's has lost 50% of its night business. The Commerce Department, a block away, was robbed recently. Fumes Bassin's angry manager, Ed Hodges:

"There isn't a waitress, cashier, busboy or anyone who works here who hasn't been robbed, mugged or attacked in some way. And there isn't a place in this block that hasn't been robbed, and most have been hit more than once."

A few blocks away, on 9th Street, the Gayety Theater is showing "Man and Wife," an intimate film "for adults over 21." Even an attraction of this nature fails to draw the audience it once did. "Business is very bad, way off," says Robert Morris, the ticket seller. "People are afraid to come downtown. We've had lots of purse-snatchings, pockets cut out and all sorts of other things."

Fear inhibits daytime activity as well. A survey taken last summer by the Metropolitan Washington Council of Governments discovered that 65% of the city's largely white suburban residents visit the downtown area less than once a month, and 15% come downtown less than once a year. Asked their chief worry, the large majority of those surveyed responded: "Crime."

Actually, crime is spreading in the suburbs as well as in the city. Three brutal slayings of young women, one in Alexandria, Va., and two in Bethesda, Md., have occurred within the past few weeks. While these crimes remain unsolved, many suburbanites tend to view crime in their neighborhoods as a spillover from the city, and they still feel downtown is more dangerous.

Crime continues to speed the flight of Washingtonians to the suburbs. Though many single people and childless couples remain in the city, Joseph Murray of the big Shannon & Luchs real estate firm reports: "Families are leaving at an accelerated rate; this includes both black and white." (In neighboring Prince Georges County, Md., Negro arrivals have recently outnumbered white newcomers.)

"NO CASH"

Sales of downtown department stores dropped by 4% in the first 11 months of last year from a year earlier, while sales throughout the metropolitan area, including those of suburban stores, were rising 8%. A recent Commerce Department survey of 10 central-city areas showed that the District of Columbia suffered the steepest loss of business of all. Shoppers who do venture downtown are continually reminded of the risk. D.C. Transit bus drivers use scrip instead of cash to make change. Delivery trucks bear signs proclaiming, "This Vehicle Carries No Cash."

There are bright spots. New office buildings are sprouting in some parts of town. Convention business continues to grow and tourists arrive in record throngs. Lane Bryant has opened a new store on F Street, and the downtown Woodward & Lothrop department store is remodeling. But the merchants know safety must be assured before enough suburban shoppers will come downtown again to make business snap back.

The big department stores are bolstering their protection. Harold Melnicove, an executive of Hecht's, says his organization now has a security force "big enough to protect some small cities"; he won't give details.

Smaller stores do the best they can. Frank Rich, president of both Rich's shoe stores and the D.C. Urban Coalition, is a downtown optimist. But in his F Street store he no longer displays shoes in pairs, just singles; all display cases are locked; key employees carry electronic devices in their pockets to summon help in the event of danger.

High's dairy stores, which stay open nights and Sundays, have been robbed so many times, says General Manager William Darnell, "we don't like to talk about it." The chain's 37 D.C. stores were held up "hundreds of times" last year, Mr. Darnell sighs, and several had to be closed. Money in all stores is kept to a minimum by frequent armored car pickups.

GETTING OUT

A survey by the mayor's Economic Development Committee of small businessmen found that one out of seven contacted "wanted to close down, relocate or simply stop doing business in the city."

One who wants to get out is E. N. Hampton, president of the Hampton Maintenance Engineering Co. His firm has been robbed, his trucks have been vandalized and his employees have been threatened. "It's disgusting," Mr. Hampton snarls. "Now we ride armed guard in the trucks with shotguns. As soon as I can find somebody to buy this I'm getting out."

Nor is black business immune. Berkeley Burrell's four dry cleaning stores have suffered 17 holdups in 10 months. Now the front door of each is locked; a customer can't get in "without a ticket or pair of pants in his hand," says Mr. Burrell. Employes are armed, and the proprietor is trying to replace females with males. "I may sound like Barry Goldwater," he says, "but we've got to get the community back to where it's safe to live in."

Banks have been a favorite target for bandits, though these attacks have slackened lately. Francis Addison, president of the D.C. Bankers Association, says a "very high percentage" of local banks are robbed every year. The National Bank of Washington recently closed one branch because of the danger. All banks have tightened security, but the most extreme case is a Security Bank branch in the northeast section.

In 1968 the branch was held up three times within 55 days. Now the bank has put all employees behind plexiglas.

Tellers receive any payout money through scoops beneath the plexiglas. "The personnel were all shook up and couldn't work," President Frank A. Gunther says, "so we bullet-proofed the whole place." The bank has not been held up since.

INSURANCE HARD TO GET

Faced with the cost of crime in Washington, insurance companies have turned cautious. "Lots of companies have stopped writing fire and casualty insurance," says Thornton W. Owen, president of the Perpetual Building Association, the city's biggest savings and loan outfit. "And lots of investors will abandon properties rather than maintain them." Hilliard Schulberg of the local liquor dealers association says that for his members "the cost of crime insurance is extremely high, and many companies won't write it." Proposed legislation would permit the Government to offer crime insurance where private insurers won't.

Office building managers, both Government and private, are attempting to cope with the danger. James Sykes, manager of the William J. Burns Detective Agency here, reports many buildings have posted guards at their front doors and says, "We're providing lots more escort service for female employes working late at night." The local chapter of the American Federation of Government Employes has advised its members to buy, at $5 apiece, antimugger aerosol spray devices.

Security is a prime concern of apartment dwellers. The 670-unit Marberry Plaza, open three years ago in southeast Washington, exemplifies what a new building must offer to reassure nervous tenants. On weekends the project is patroled by four armed guards with two dogs. All exterior doors are locked. A tenant who has invited a guest for dinner must present an "admit slip" with the guest's name to the desk clerk during the day. When the guest arrives, he must identify himself to the clerk and sign the register. "All of this is at the request of the tenants," says Sidney Glassman of the Charles E. Smith Property management company.

SCHOOL VIOLENCE

In some neighborhoods, newsboys no longer collect for their papers for fear of being robbed; subscribers must mail in payments. One cabbie drives with self-addressed envelopes; whenever he accumulates $10 he mails it home. Some maids require their employers to drive them home. An outbreak of violence including the shooting of a junior high school student has prompted Mayor Washington to post policemen throughout the city school system. Many schools have stopped dealing in cash, requiring students to pay for supplies and other items costing more than a dollar by check or money order.

"It used to be that holdup students would use their fists; then came knives; now it's guns," said George Rhodes, a member of the D.C. school board. "Not that there have been that many incidents, but it's the fear that parents and teachers must live under that is most troublesome."

School principals, anxious to protect the reputations of their institutions, tend to minimize the problem. William J. Saunders, principal at Eastern High School (2,400 students including just three whites), says violence is not a major problem" in the school. Yet several thousands dollars worth of football equipment has been stolen, and police officer Sherman Smart says there have been three alleged rapes in and around the school since September. As Officer Smart talks to a reporter, a photographer's agent joins in to complain that he has visited the school twice to take orders for class pictures and has been robbed of his receipts both times.

Not even the churches are spared. At the Vermont Avenue Baptist Church, the collection plate was stolen by intruders in full view of the parishioners. Says Charles Warren, executive director of the Greater Washington Council of Churches:

"Some churches have begun to lock their doors at 11 a.m. on Sunday for the worship service. Some have policemen at the service during the offering. Some have canceled evening activities or rescheduled them for the afternoons."

The National Presbyterian Church has moved from its 60-year location about half a mile from the White House to a new site three miles farther out. The Rev. Edward L. R. Elson calls the new location "the quietest zone in Washington," but vandalism is as bad at the new church as at the old one. According to Mr. Elson, the vandalism has included "obscenity on chapel pillars, destruction in the church hall and lights pilfered and broken."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CHARLES H. WILSON (at the request of Mr. EDMONDSON), for today, on account of official business.

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for today through this week, on account of illness.

Mr. WATKINS (at the request of Mr. GERALD R. FORD), for today through February 17, on the account of death in family.

Mr. KLEPPE (at the request of Mr. GERALD R. FORD), for the week of February 16, on account of illness in the family.

Mr. PEPPER (at the request of Mr. FUQUA), for today, on account of official business.

Mr. YATES (at the request of Mr. KLUCZYNSKI), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAFFERY) to revise and extend their remarks and include extraneous material:)

Mr. WAGGONNER, for 60 minutes, today.
Mr. RARICK, for 30 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. FLOOD, for 60 minutes on February 19.
Mr. ROSENTHAL, for 30 minutes, on February 24.
Mr. PRYOR of Arkansas, for 60 minutes, on February 24.
(The following Members (at the request of Mr. DENNIS) to revise and extend their remarks and include extraneous material:)
Mr. HALPERN, for 60 minutes, on Thursday, February 26.
Mr. STEIGER of Wisconsin, for 15 minutes, today.
Mr. MILLER of Ohio, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
Mr. SIKES in five instances.
Mr. EDMONDSON in four instances and to include extraneous matter.
Mr. MADDEN and to include extraneous matter.
(The following Members (at the request of Mr. DENNIS) and to include extraneous matter:)
Mr. CONTE.
Mr. BROOMFIELD.
Mr. HALPERN.
Mr. HASTINGS.
Mr. VANDER JAGT.
Mr. CARTER.
Mr. BUTTON.
Mr. ROBISON.
Mr. SCHERLE.
Mr. SMITH of California.
Mr. DERWINSKI in two instances.
Mr. SCHWENGEL.
Mr. JOHNSON of Pennsylvania.
Mr. CONABLE.
Mr. HOGAN in two instances.
Mr. HOSMER in two instances.
Mr. BROYHILL of Virginia in four instances.
Mr. WYMAN in two instances.
Mr. MCCLORY.
Mr. BUSH.
Mr. WIDNALL.
Mr. QUIE.
Mr. COUGHLIN.
Mr. MCCLURE.
(The following Members (at the request of Mr. CAFFERY) and to include extraneous matter:)
Mr. JACOBS.
Mr. LONG of Maryland.
Mr. WILLIAM D. FORD in two instances.
Mr. CORMAN.
Mr. SCHEUER in four instances.
Mr. MURPHY of New York in two instances.
Mr. EILBERG.
Mr. BOLLING.
Mr. OTTINGER in two instances.
Mr. BOLAND in three instances.
Mr. BRASCO in two instances.
Mr. ST. ONGE in three instances.
Mr. HOWARD in two instances.
Mr. MONAGAN in two instances.
Mr. VANIK.
Mr. BURKE of Massachusetts in two instances.
Mr. MINISH in three instances.
Mr. ROGERS of Florida in five instances.
Mr. RARICK in two instances.
Mr. ABERNETHY.
Mr. FOUNTAIN in two instances.
Mr. GALLAGHER in three instances.
Mr. ANDERSON of California in three instances.
Mr. O'HARA.
Mr. EVINS of Tennessee in two instances.
Mr. SHIPLEY.
Mr. MATSUNAGA.
Mr. DULSKI in four instances.
Mr. SATTERFIELD.
Mr. CHAPPELL in two instances.
Mr. ANNUNZIO.
Mr. WOLFF in three instances.
Mr. LEGGETT in four instances.
Mr. CLARK.
Mr. DINGELL.
Mr. FASCELL in two instances.
Mr. GONZALEZ in two instances.
Mr. HÉBERT.
Mr. RYAN in three instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9485. An act, to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band; and

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes.

ADJOURNMENT

Mr. CAFFERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 17, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1638. A letter from the Assistant Secretary of Defense, transmitting a report of the estimated value of support furnished from military functions appropriations for certain countries, for the second quarter of fiscal year 1970, pursuant to the provisions of section 638 of Public Law 91–171; to the Committee on Appropriations.

1639. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on December 31, 1969, pursuant to the provisions of 10 U.S.C. 3031(c); to the Committee on Armed Services.

1640. A letter from the Deputy Assistant Secretary of the Army (R. & D.), transmitting a report on research and development contracts for $50,000 or more awarded during the period July 1, 1969–December 31, 1969, pursuant to the provisions of section 4 of Public Law 557, 82d Congress; to the Committee on Armed Services.

1641. A letter from the Comptroller General of the United States, transmitting a report on questionable aspects concerning information presented to the Congress on the construction and operation of the San Luis unit, Central Valley project, Bureau of Reclamation, Department of the Interior; to the Committee on Government Operations.

1642. A letter from the Chairman of the Advisory Commission on Intergovernmental Relations, transmitting the 11th annual report of the Commission, pursuant to the provisions of Public Law 86–380; to the Committee on Government Operations.

1643. A letter from the national director, Boys' Clubs of America, transmitting the audited financial statement for the period January–September 1969, pursuant to the provisions of Public Law 988, approved August 6, 1956; to the Committee on the Judiciary.

1644. A letter from the Secretary of the Interior, transmitting the 1970 annual report of the Office of Coal Research, pursuant to the provisions of Public Law 86–599; to the Committee on Interior and Insular Affairs.

1645. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet licensing requirements of this section; to the Committee on Interstate and Foreign Commerce.

1646. A letter from the Chairman, Federal Trade Commission, transmitting a report on activities under the Fair Packaging and Labeling Act during fiscal year 1969, pursuant to the provisions of section 8 of Public Law 89–755; to the Committee on Interstate and Foreign Commerce.

1647. A letter from the president and chairman, Little League Baseball, Inc., transmitting the annual report for the year 1969, including the audit for the fiscal year ending September 30, 1969, pursuant to the provisions of section 14(b) of Public Law 88–378; to the Committee on the Judiciary.

1648. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

1649. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

1650. A letter from the Secretary, Health, Education, and Welfare, transmitting a draft of proposed legislation to amend and improve the Public Health Service Act to aid in the development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and area-wide level, promoting research and demonstrations relating to health care delivery, encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems, enlarging the scope of the national health survey, facili-

tating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1651. A letter from the Secretary of the Interior, Secretary of Agriculture, and Secretary of the Army, transmitting a report on possible alternative uses of the resources of the Big South Fork of the Cumberland River, Ky. and Tenn., pursuant to the provisions of section 218, Public Law 90-483; to the Committee on Public Works.

1652. A letter from the Chairman, U.S. Tariff Commission, transmitting the 53d annual report of the Commission, pursuant to the provisions of section 332 of the Tariff Act of 1930; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOOD: Committee on Appropriations. H.R. 15931. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91-840). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALBERT (for himself, Mr. STEED, Mr. JARMAN, Mr. BELCHER, Mr. EMONDSON, and Mr. CAMP):

H.R. 15866. A bill to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; to the Committee on Interior and Insular Affairs.

By Mr. ADDABBO:

H.R. 15867. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER:

H.R. 15868. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. ANNUNZIO:

H.R. 15869. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT:

H.R. 15870. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 15871. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulations of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15872. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 15873. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works

By Mr. BIESTER:

H.R. 15874. A bill to incorporate College Benefit System of America; to the Committee on the Judiciary.

By Mr. BROWN of California (for himself, Mr. BUTTON, and Mr. BINGHAM):

H.R. 15875. A bill to provide for the establishment of not less than seven regional law enforcement academies, and for other purposes; to the Committee on the Judiciary.

By Mr. BUTTON:

H.R. 15876. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 15877. A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to prescribe regulations under which air carriers will be required to reserve a section of each passenger-carrying aircraft for passengers who desire to smoke; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN (for himself and Mr. GILBERT):

H.R. 15878. A bill to amend the Social Security Act to provide for a national program of basic income benefits to individuals and families in need thereof; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 15879. A bill to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. DULSKI:

H.R. 15880. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG (for himself and Mr. COUGHLIN):

H.R. 15881. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. FOREMAN:

H.R. 15882. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 15883. A bill to require the Secretary of Agriculture to make advance payments to producers under the feed grain program; to the Committee on Agriculture.

By Mr. HELSTOSKI:

H.R. 15884. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 15885. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.R. 15886. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

H.R. 15887. A bill to provide for the mailing of absentee voting matter free of postage; to the Committee on Post Office and Civil Service.

By Mr. MIKVA (for himself, Mr. JACOBS, and Mr. WALDIE):

H.R. 15888. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

H.R. 15889. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 15890. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. O'NEILL of Massachusetts:

H.R. 15891. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 15892. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. PRICE of Illinois:

H.R. 15893. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES:

H.R. 15894. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

By Mr. ROGERS of Florida:

H.R. 15895. A bill to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHWENGEL:

H.R. 15896. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. SHIPLEY:

H.R. 15897. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 15898. A bill to amend title 10, United States Code, to provide the grade of lieutenant general for an officer serving as the Chief of the Army Reserve, and for other purposes; to the Committee on Armed Services.

H.R. 15899. A bill to amend title 10, United States Code, to provide the grade of lieutenant general for an officer serving as the Chief of the Air Force Reserve, and for other purposes; to the Committee on Armed Services.

By Mr. WYATT (for himself and Mr FOLEY):

H.R. 15900. A bill to establish a Commis-

sion on Population Growth and the American Future; to the Committee on Government Operations.

By Mr. YATRON:

H.R. 15901. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 15902. A bill to amend title 38 of the United States Code to entitle widows of persons who die of service-connected disabilities incurred in Vietnam to educational assistance for courses pursued by correspondence; to the Committee on Veterans' Affairs.

By Mr. FALLON (by request) (for himself and Mr. BLATNIK (by request)):

H.R. 15903. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 15904. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 15905. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 15906. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. MIKVA (for himself, Mr. JACOBS, and Mr. WALDIE):

H.R. 15907. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on Judiciary.

By Mr. RARICK:

H.R. 15908. A bill to amend title 13 of the United States Code; to the Committee on Post Office and Civil Service.

By Mr. RYAN:

H.R. 15909. A bill to amend title 5, United States Code, to provide for the establishment of a Public Counsel Corporation to insure full participation by and on behalf of unrepresented citizens in administrative rulemaking proceedings; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 15910. A bill to amend the act of July 2, 1948, to modify the navigation easement reserved by the United States with respect to certain land on Santa Rosa Island, Fla.; to the Committee on Armed Services.

By Mr. TEAGUE of Texas (for himself, Mr. ADAIR, Mr. AYRES, Mr. BARING, Mr. BROWN of California, Mrs. CHISHOLM, Mr. DENNEY, Mr. DORN, Mr. DULSKI, Mr. DUNCAN, Mr. FASCELL, Mr. HALEY, Mr. HALPERN, Mr. HAMMERSCHMIDT, Mr. HELSTOSKI, Mr. KEE, Mr. MONTGOMERY, Mr. ROBERTS, Mr. ROUDEBUSH, Mr. ROYBAL, Mr. SATTERFIELD, Mr. SAYLOR, Mr. SCOTT, Mr. TEAGUE of California, and Mr. ZWACH):

H.R. 15911. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITTEN:

H.R. 15912. A bill to restore the right and freedom of choice; to the Committee on Education and Labor.

By Mr. ASPINALL (by request):

H.R. 15913. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GIBBONS:

H.R. 15914. A bill to amend title 39, United States Code, to permit the mailing by supervisors of elections and other election authorities of county and city governments in the several States, without cost to those governments, of official election notices and information and inquiries designed to facilitate voting registration and the maintenance of current voter registration lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOWARD:

H.R. 15915. A bill to amend the act of June 29, 1888, relating to the prevention of obstructive and injurious deposits in the harbor of New York, to provide for the termination of certain licenses and permits; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 15916. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYLIE:

H.R. 15917. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. FLOOD:

H.R. 15931. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. COWGER:

H.J. Res. 1082. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H. Con. Res. 506. Concurrent resolution expressing the sense of Congress that the United States should sell Israel aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas:

H. Res. 836. Resloution to provide additional funds for the expenses of the investigation and study authorized by House Resolution 47; to the Committee on House Administration.

By Mr. FRIEDEL:

H. Res. 837. Resolution authorizes transfer of $20,000 from the contingent fund of the House for payment of mileage for Members; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 15918. A bill for the relief of certain Armed Forces personnel and U.S. civilian employees; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 15919. A bill for the relief of Dr. Gunvantray Kirchnad Doshi; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 15920. A bill for the relief of John L. Doyle; to the Committee on the Judiciary.

By Mr. FOREMAN:

H.R. 15921. A bill to reimburse certain persons for amounts contributed to the Department of the Interior; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 15922. A bill for the relief of Leela Meesin Bell; to the Committee on the Judiciary.

By Mr. HASTINGS:

H.R. 15923. A bill for the relief of Dale William Swain; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 15924. A bill for the relief of Bruno Gaglioti; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 15925. A bill for the relief of Dr. Ming Derek Chan, his wife, Belle Chan, and their two daughters, Evelyn and Jeannie; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.R. 15926. A bill for the relief of Kim Sun-Cho; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 15927. A bill for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 15928. A bill for the relief of Dewey R. Hicks; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.R. 15929. A bill to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting American heroes of the past; to the Committee on Banking and Currency.

By Mr. STEPHENS:

H.R. 15930. A bill to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting American heroes of the past; to the Committee on Banking & Currency.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

296. By the SPEAKER: A memorial of the Congress of Micronesia, relative to extending the services of the Farm Credit Administration to the farmers of the Trust Territory of the Pacific Islands; to the Committee on Agriculture.

297. Also, a memorial of the Legislature of the State of Washington, relative to issuing a postage stamp commemorating the 50th anniversary of the Peace Arch; to the Committee on Post Office and Civil Service.

298. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to increasing the pensions of the Veterans of World War I; to the Committee on Veterans' Affairs.

299. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to simplifying the retirement income sections of the individual income tax returns; to the Committee on Ways and Means.

300. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to a Federal-State tax sharing program; to the Committee on Ways and Means.

301. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to increasing the exemption for dependents on the personal income tax; to the Committee on Ways and Means.

302. Also, a memorial of the Legislature of the State of Hawaii, relative to assisting the Congress of Micronesia and Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

391. By the SPEAKER: Petition of the New England AFL–CIO Council, Bangor, Maine, relative to providing funds for the construction of a dam and power generating system; to the Committee on Appropriations.

392. Also, petition of the Righetti High

Chapter of the Junior Statesmen of America, Santa Maria, Calif., relative to lowering the eligibility age for Members of Congress; to the Committee on the Judiciary.

393. Also, petition of Henry Stoner, York, Pa., relative to citizenship qualifications of Members of Congress; to the Committee on the Judiciary.

394. Also, petition of Daniel J. Condon, Phoenix, Ariz., relative to redress of grievances; to the Committee on Ways and Means.

SENATE—*Monday, February 16, 1970*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, ancient of days, yet ever new; to whose mind the past and the future meet in the eternal now, we creatures of time and space, to whom the past is soon forgotten and from whom the future is veiled, pause once more for light upon our pilgrim way. Thou art infinite and we are finite. Yet Thou art nearer than we know or even dream, for Thy light has ever been upon the pathway of man, from womb to tomb, from the cradle to the grave.

God our Father give us strength for each hour, wisdom for the next step, faith to live 1 day at a time, endurance to persevere for the coming kingdom. Make us heirs of the spirit of Him who came not to be ministered unto but to minister. Keep this Nation Thou hast given us under Thy protection and this Senate under the guidance of Thy spirit.

Through Jesus Christ our Lord. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 10, 1970, Mr. FULBRIGHT, from the Committee on Foreign Relations, reported favorably, without amendment, on February 13, 1970, the bill (S. 3274) to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, and submitted a report (No. 91–702) thereon, which bill was placed on the calendar and the report was printed.

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 10, 1970, Mr. FULBRIGHT, from the Committee on Foreign Relations, reported favorably, without reservation, on February 13, 1970, Executive A, 91st Congress, first session, the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and the Paris Convention for the Protection of Industrial Property, as revised at Stockholm on July 14, 1967, and submitted a report (No. 91–13) thereon, which convention was placed on the Executive Calendar, and the report was printed.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 10, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on February 11, 1970, the President had approved and signed the act (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

REPORT OF NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

The activities of the National Science Foundation are essential in increasing the nation's fund of scientific knowledge, providing science training for our youth, and harnessing the forces of science for the good of our citizens. I am today submitting to the Congress the Nineteenth Annual Report of the Foundation, which tells of significant accomplishments in Fiscal Year 1969.

In that twelve-month period, the Foundation provided $225 million to support scientific research in every State of the Union; it invested more than $106 million to improve science education at every level from elementary school through the university; and it supported the improvement of our institutions of higher education through development-related grants totaling more than $50 million.

All of these investments will, I am confident, produce important benefits for our society. I am pleased to note that a number of such benefits were realized in Fiscal Year 1969 as a direct result of Foundation programs. As we go forward into the decade of the 70s, the role of science will surely become more and more important in the search for solutions to our problems and in the effort to enhance our environment.

RICHARD NIXON.

THE WHITE HOUSE, *February 16, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9485. An act to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band; and

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

DESIGNATION OF SENATOR BURDICK TO READ WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. On behalf of the Vice President, and pursuant to the order of the Senate of January 24, 1901, the Chair appoints the distinguished Senator from North Dakota (Mr. BURDICK) to read Washington's Farewell Address on February 23, 1970.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SIX CHILDREN, SAME FAMILY, ASSIGNED TO FIVE DIFFERENT SCHOOLS

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, the Senate is presently engaged in debate over the uniform application of Federal laws and court decrees relating to desegregation of public schools.

We have seen in the South, and in the South alone, students assigned to schools they do not want to attend and should not have to attend because of the great distance of the schools from their homes. We have had faculty members assigned to schools against their will on the basis of arbitrary ratios that, in some instances, have had to be met by establishing some sort of a lottery system.

All this is being done in accordance with the notion of some Federal bureaucrat or some Federal court that racial imbalance must be overcome at all costs. I submit that all this is being done in the name of a constitutional requirement that does not exist, and in the name of laws that do not exist. In fact, it is contrary to the law. Section IV of the Civil Rights Act of 1964, in two particular instances, section 401(b) and section 407(a)(2), specifically prohibits the assignment or transportation of students from one school to another to overcome racial imbalance.

Moreover, the Supreme Court decision of 1954 was eminently clear in its prohibition against the assignment to schools on the basis of race.

The Court said we had to be colorblind. Now, school systems in the South are told they must be color conscious. They are required to do exactly what the Supreme Court said they could not do 15 years ago—that is, assign students to certain schools because they happen to be white or they happen to be black.

Mr. President, I had a letter the other day from a mother in LaGrange, Ga., which I desire to bring to the attention of the Senate. Her case graphically illustrates the chaos and confusion that is being wrought in Georgia and throughout all the South. It is an outstanding example of how absurd the desegregation issue has become.

It also shows how schools are being made instruments of somebody's idea of social reform, at the expense of education. I present it to the Senate today as an appalling but true example of what many of us have been talking about in the Senate, not only in recent days, but for several years.

This LaGrange mother has six children. When school begins next fall, three of them will be in grammar school. Three of them will be in junior high school.

The grammar school closest to her home is seven-tenths of a mile away. In fact, the children can see that school from their front porch. The closest junior high school is 1.2 miles from home. These then are their neighborhood schools.

Under a plan for overcoming racial imbalance in the LaGrange school system, to be implemented in September 1970, in keeping with high and mighty orders from the Department of Health, Education, and Welfare, a most ridiculous situation will come to pass.

This lady's six children will be assigned to attend five different schools.

The grammar school assignments for the three younger children are as follows: A girl, age 7, will be sent to a school 2.7 miles away; a boy, age 9, will be sent to a school 1.2 miles away; and a boy, age 11, will be sent to a school seven-tenths of a mile away.

Thus, the three grammar school children, who ought to be attending the same school in their own neighborhood will be split up. The school they should go to is only seven-tenths of a mile away. Only the 11-year-old boy will be fortunate enough to attend that school. His brother and sister will be going to two other different schools.

The youngest girl, who is only 7 and who is accustomed to attending school with her older brothers, will be sent to a school almost 3 miles away.

The junior high school assignments for the other three children are as follows: A girl, age 13, will be sent to a school 1.3 miles away and two boys, ages 14 and 15, will be sent to a school 4.7 miles away.

Thus, only one of the three junior high school children will be going to their own neighborhood school. The other two will be sent almost 5 miles away.

This mother is not yet certain whether her children will be bused, whether she will have to send them to school by taxi cab, or whether she will have to drive all over the city herself. The city of LaGrange has neither school bus service nor a city transit system. Local school authorities are not certain whether school buses will be provided next September.

Thus, as if the situation were not bad enough, this mother is also confronted with the problem of how to get her children to school.

Under local cab rates, it would cost her $12 to $16 a week for her four children who will be assigned to schools away from their neighborhood. This lady works as a nurse in a doctor's officer. Her husband serves with the U.S. Air Force in Taiwan. Cab fares plus lunch money would take a sizable chunk out of her modest weekly salary.

If she elected to take the children to school herself in her automobile—which would interfere with her regular working hours, both morning and afternoon, she would have to log in a total of 22 miles a day.

I want to reiterate. This is no hypothetical case. This is an actual example of how plans are being made to dispatch six children from the same family to five different schools.

I ask, what in the name of commonsense does all this have to do with education or the constitutional prohibition, which we all understand, against segregation of the races?

LAOS—THE GROWING U.S. PARTICIPATION

Mr. SYMINGTON. Mr. President, the news media this morning announced that "400 U.S. planes yesterday attacked in Laos," emphasizing that the primary targets of these attacks were far away from the Ho Chi Minh Trail; and over recent days the news media have been carrying reports of U.S. fighter-bombers taking part in the fighting around the Plain of Jars.

I ask unanimous consent that an article entitled "U.S. Jets Join Laos Battle," written by George Esper and published in the New York Post on Saturday, February 14, 1970, be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit A.)

Mr. SYMINGTON. Mr. President, nearly a month ago, January 20 to be exact, the State Department spokesman, Mr. McCloskey, stated:

> There has been some increase in fighting (in Laos) and in the level of activity initiated by the North Vietnamese and Pathet Lao forces, particularly in the Plaine des Jarres area. But one could say generally in Laos. And we are concerned about it.

If we are to believe these stories, the secret war in Laos and our role in it are growing. But, in an issue that involves both the lives of our men and our treasure, should we be limited to spoon-fed unofficial reports?

Nearly 4 months ago, October 22, the Subcommittee on U.S. Security Agreements and Commitments Abroad finished its hearings on Laos; but the publication of these hearings has been held up in effort to obtain enough of this information released to the public so to make said release a meaningful report of our diplomatic, military, and economic activities with respect to that country; and on Wednesday of this week, in a meeting with State Department officials, we will make another effort to that end.

Only with that information can the public discuss, judge, and then support administration policy.

To continue to veil American activities in Laos behind an official cloak of secrecy, while permitting unofficial leaks to

the news media, can only lead to problems comparable to those which developed during the past administration.

President Nixon focused with perception on that problem last November when he told a nationwide audience:

I believe that one of the reasons for the deep division in this nation about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

EXHIBIT A

U.S. JETS JOIN LAOS BATTLE

(By George Esper)

SAIGON.—Scores of American fighter-bombers are flying direct combat support for Laotian government troops under attack by North Vietnamese forces around the Plain of Jars, informed sources in Saigon said today.

They said the missions originate from half a dozen bases in Thailand, and implied that some may be using the Da Nang Air Base in South Vietnam and U.S. Seventh Fleet carriers in the Tonkin Gulf.

The stepped-up air effort in support of Laotian ground troops will not detract from the 300 to 400 sorties a day being flown against the Ho Chi Minh trail, the sources said. Bombing sorties are being flown around the clock to meet the requirements of both missions.

Although President Nixon said last fall that American bombers are attempting to "interdict" the movement of North Vietnamese troops and supplies down the Ho Chi Minh trail, the U.S. has never publicly admitted that its planes fly direct combat support for Laotian forces.

Sources said North Vietnamese troops had captured at least eight outposts around the junction of Route 7 and Route 71 near Nong Pet at the northeastern edge of the Plain of Jars.

"These are strong points on the hills that overlook the roads," said one source. "They are the controlling elements for getting onto the plain by road. The North Vietnamese have captured most of them, but they still do not have unrestricted access."

Most of the American bombing raids were concentrated near the junction of highways 7 and 71, the two major North Vietnamese infiltration routes.

Sources said North Vietnamese had suffered "heavy casualties, including 76 troops killed in one battle." These sources, sympathetic to the Laotian government, described the losses of Lao government forces as "light."

"There is no single action I know of where there has been a significant number of Laotian casualties," said one source.

Most of the outposts overrun by the North Vietnamese were manned by squad and platoon-sized Laotian government units.

OFFENSIVE LAUNCHED

The U.S. Embassy in Laos reported that the long-expected North Vietnamese offensive in the Plain of Jars area had begun.

"I think the enemy will put on more pressure," said one source. "This looks like a three-month operation."

The source indicated that government forces would not attempt to hold the Plain of Jars, but would fight delaying actions and try to inflict heavy casualties on the North Vietnamese.

THE NUCLEAR VEIL AND THE RIGHT OF THE SENATE TO KNOW

Mr. SYMINGTON. Mr. President, recently I received some extraordinarily disturbing information, which to the best of my knowledge, was not known to any Member of the Senate; and which could have major impact, not only on our future relationship with various countries—including the other superpower—but also on our national security.

I thereupon asked the able counsel of the Senate Subcommittee on U.S. Security Agreements and Commitments Abroad, Mr. Roland Paul, to examine in depth, the extent of any knowledge on the part of the Senate Foreign Relations Committee as to where, and on what terms, various nuclear agreements with various countries were known to the Senate Foreign Relations Committee.

After a thorough investigation on his part, Mr. Paul wrote me re same; and I ask unanimous consent that his letter to me be inserted at the end of these remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit A.)

Mr. SYMINGTON. Mr. President, upon receipt of this letter I wrote Chairman FULBRIGHT in part as follows:

The attached letter from the Counsel of the Commitments Subcommittee re the rights of the Foreign Relations Committee with respect to information incident to the deployment of nuclear weapons in foreign countries, as well as other information in this field, speaks for itself.

It is my considered opinion that the veil of secrecy drawn over the nuclear picture since its inception—probably unnecessary since the Smythe Report of the late 1940s and certainly unnecessary now—is one of the primary reasons why we have over the past 20 years expended so much unnecessary money in various military and diplomatic activities.

As is the case with certain other problems which have emerged in recent months, again it would seem to come down to what the Senate Foreign Relations Committee has the right to know about our foreign relations, and the commitments incident thereto; and also, after proper sanitization for security, what the people have the right to know.

A thought-provoking editorial on this subject from the St. Louis Post Dispatch of last Saturday, February 14, reads in part as follows:

It is quite possible that . . . we have undertaken heavy commitments in order to base nuclear weapons abroad. If so, the Senate Foreign Relations Committee is entitled to know what they are.

I ask unanimous consent that this editorial, "Piercing the Nuclear Veil," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PIERCING THE NUCLEAR VEIL

In the interest of broader Senate awareness of what our military leaders are doing and why, we hope the Foreign Relations Committee will press its inquiry into overseas deployment of nuclear weapons and the agreements under which they have been deployed.

Senator Symington, whose subcommittee is doing such valuable work in surveying U.S. security agreements and foreign commitments, has posed a series of questions about nuclear weapons which the Executive branch is sure to resist answering if it can. An attorney for his subcommittee has concluded that the questions are constitutionally proper and should be answered. The committee ought to force a showdown to see that they are.

Is there any good reason why Senators charged with responsibility in foreign policy should not know in what countries the U.S. has deployed nuclear weapons? And why it is considered necessary to deploy them there? And what agreements or commitments we have made in order to get them so deployed? And what security arrangements for the weapons are in effect?

These are the questions Senator Symington proposes to ask, and we think they deserve answers. His subcommittee contributed much to an understanding of our foreign policy by discovering how our leaders had persuaded the Philippines and Korea to make token contributions to the war in Vietnam. It is quite possible that * * * we have undertaken heavy commitments in order to base nuclear weapons abroad. If so, the Senate Foreign Relations Committee is entitled to know what they are.

We cannot imagine that the Soviets or even the Chinese are ignorant of these matters. Undoubtedly they have every nuclear missile pinpointed and know all about every agreement connected with them. Secrecy is not necessary for security; it serves only to conceal from the American people and their Senators the full knowledge about our foreign commitments they ought to have.

EXHIBIT A

U.S. SENATE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., January 23, 1970.

Hon. STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You have asked me, as Counsel to the Subcommittee on United States Security Agreements and Commitments Abroad of the Senate Committee on Foreign Relations, to give the Subcommittee my opinion whether the Executive Branch is legally obligated to answer the following questions posed by the Subcommittee with respect to the deployment by the United States of nuclear weapons abroad:

1. In what countries has the United States deployed nuclear weapons abroad?

2. In each case why is it considered necessary to have these nuclear weapons deployed in the respective countries in question?

3. What agreements or understandings, written or oral, have been entered into with the countries where these weapons are or have been deployed?

4. What are the arrangements that exist for maintaining the security of these weapons?

I am of the opinion that basic Constitutional principles require the Executive Branch to answer such questions.

This issue goes to the fundamental relationship between the Legislative and Executive Branches. Congress, through its committees, has the Constitutional authority to investigate any matter within its legislative competence.[1] The concepts of both Separation of Powers and Checks and Balances are implicit in the Constitution. This means that, unlike in the British system, the continuation of the Executive Branch as an effective separate organ of our Government is Constitutionally protected, but its functions are only those explicitly or implicitly entrusted to it by the Constitution,[2] and the exercise of its powers are necessarily limited by the legislative, treaty and appropriation powers of the Congress.[3] It should be self-evident that prompt, full and forthright disclosure to the Congress, through the proper committees, must be presumed under these Constitutional prin-

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Footnotes at end of article.

ciples, especially where the information sought, relating as it does to agreements and understandings with foreign countries, is clearly of the sort which the Executive Branch has a basic obligation to reveal to the Senate Committee on Foreign Relations.[4]

It is not discretionary with the Executive Branch to determine what will be given to the Congress and what will not; otherwise the Congress would be at the mercy of the Executive Branch, which was not intended by the framers of the Constitution.[5] This point is supported by holdings of the Supreme Court refusing to recognize such a discretion on the part of the Executive Branch to withhold information from the courts.[6]

Although not themselves constituting what the law is, the cases in American history in which the Executive Branch has refused information to the Congress and explained in detail its reasons for doing so give some indication of the types of situations in which the foregoing principles have been applied. Whether these principles were correctly applied in such instances or not, this request for information by your Subcommittee is not such as to raise the issues which entitled the Executive Branch, in its view, to withhold information in those earlier cases. The historical cases usually cited in a discussion of executive privilege have been (a) when such disclosure was to be made in public session and such public disclosure would endanger military security or the operation of foreign policy,[7] (b) when the information sought might incriminate individuals without due process of law,[8] (c) when the matter involved was thought to be beyond a proper legislative purpose,[9] (d) when such disclosure would disrupt the integrity of the functioning of the Executive Branch,[10] and (e) when the information was originally received by the Executive Branch on the understanding it would be kept within the Executive Branch.[11]

In the well-known case of *United States* v. *Curtiss-Wright Export Corporation* the Court quoted President Washington, in the first instance of a Presidential exercise of executive privilege in the field of foreign affairs—his refusal to provide the House of Representatives with the negotiating documents in connection with the Jay Treaty—as stating:

"The necessity of such caution and secrecy [in the field of foreign negotiations] was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate, the principle on which that body was formed confining it to a small number of members." [12]

Thus the need-for-secrecy argument, usually assumed to be the primary basis for most claims of executive privilege in the matters involving foreign affairs, is inconsistent with this Constitutional interpretation given by the first Chief Executive. Washington was evidently of the view that the Constitution intended the Senate to be included within, not excluded from, the circle of secrecy surrounding foreign affairs.

Inasmuch as the information sought by your Subcommittee is to be received in executive session, and assuming reasonable safeguards are taken to protect the security of the information revealed, I see no basis for concluding that the Constitutional principle of Separation of Powers, upon which any claim of executive privilege must rest, would be jeopardized by the disclosure of such information to the Subcommittee. None of the questions go to the internal workings of the Executive Branch nor even to negotiations with foreign powers now in progress. The security of the information is protected by its reception in executive session with all reasonable safeguards.[13] The incrimination of individuals is not involved as might be the case where FBI files or Loyalty Review Board files were sought. Consummated intergovernmental agreements on important matters are not the type of understanding which the Executive Branch is entitled to enter into on a promise not to reveal them to the Senate.

The subject matter of the question is well within the competence of the Congress under its law-making, treaty-approving, war-declaring and appropriation powers. Central among the questions on which your Subcommittee is anxious to have information is the matter of agreements reached with foreign governments. This area is one in which the Constitution gives the Senate a definite role. Even if the agreement is not submitted as a treaty, the Senate is entitled to knowledge of it to protect its rights in the treaty making and agreement making process.[14]

Relevant, although not conclusive, is the Atomic Energy Act of 1946, as amended. That statute and its legislative history reflect a Congressional intention for full Congressional coordination in the vital field of atomic energy. For instance, Section 202 provides as follows:

"The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of atomic energy." [15]

Although the right of the Executive to withhold information is Constitutional in nature rather than statutory, where there is a statute requiring such information, the case is even clearer for disclosure.[16] First, the statute, if signed by the President, reflects Executive acquiescence in the right of Congress to the information.[17] Second, the President's Constitutional prerogatives are based upon his Constitutional obligations, including the obligation faithfully to execute the laws [18] and, when disclosure is prescribed by law, that becomes one of the statutes he is required to carry out.[19] Thus, there can be little doubt but that the Joint Committee on Atomic Energy is entitled to the information sought.

With respect to the right of the subcommittee of the Committee on Foreign Relations to receive such information, I have concluded that such a committee is entitled to the information on the basis of fundamental Constitutional principles. The Atomic Energy Act further strengthens that conclusion in evidencing Congressional intention, and Presidential acceptance by signing the Act, of full Congressional coordination in the field of atomic energy.

Section 202 of the Act states:

"All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the Joint Committee." [20]

There is nothing in the legislative history of the Act, however, indicating a Congressional intention to restrict inquiries by the other proper Committees of the Congress into matters involving atomic energy which were within their sphere of responsibility, and there have been frequent inquiries by other committees thereafter into matters which relate to atomic energy. The Armed Services Committee received testimony this year identifying the location of certain nuclear weapons in connection with the authorization of related construction funding; therefore the Administration has already revealed a portion of the information you are seeking to another Committee other than the Joint Committee on Atomic Energy. In 1963 the Committee on Foreign Relations conducted the hearings on the Limited Nuclear Test Ban Treaty inasmuch as it was a treaty that was involved. That same year the Preparedness Investigating Subcommittee of the Armed Services Committee held hearings on the Military Aspects and Implications of Nuclear Test Ban Proposals and Related Matters. In 1969 the Foreign Relations Subcommittee on International Organization and Disarmament Affairs conducted a series of hearings on the Strategic and Foreign Policy Implications of ABM Systems.

The questions which your Subcommittee proposes to raise with respect to the deployment of nuclear weapons abroad relate to understandings reached with, and commitments made to, foreign countries, the prospects for inadvertent or intentional warfare, and the fulfillment of treaty commitments, and could possibly lead to legislation governing the arrangements and conditions under which such weapons are retained abroad. Therefore, the questions are well within the purview of a subcommittee of the Foreign Relations Committee.[21]

Sincerely,

ROLAND A. PAUL,
Counsel, Subcommittee on U.S. Security Agreements and Commitments Abroad.

FOOTNOTES

[1] *McGrain v. Daughtery*, 273 U.S. 135, 174 (1927); see Berger, "Executive Privilege v. Congressional Inquiry" 12 U.C.L.A. L., Rev. 1044, 1095 (1965) (quoting President Jackson).

[2] These include powers of the President in the field of foreign affairs stemming directly from the inherent sovereignty of our Government. See *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936).

[3] See *e.g.*, Public Papers of the Presidents of the United States, Dwight D. Eisenhower, 1958, 601; Kramer and Marcuse, "Executive Privilege—A Study of the Period 1953–1960" 29 Geo. Wash. L. Rev. Pt. II 827, 899 (1961).

[4] See Hurst, Justice Holmes on Legal History, 98–99 (1964); Berger *supra* note 1 at 1312 (quoting Hand, J.); Hearings Before a Subcommittee of the House Committee on Government Operations on Availability of Information From Federal Departments and Agencies, 84th Cong., 2d sess., Pt. 3 at 461, 465 (1956) (statement of Prof. Schwartz).

[5] See Corwin, the President: Office and Powers 1787–1957 at 116–18 (1957); Younger, "Congressional Investigations and Executive Secrecy: A Study in the Separation of Powers," 20 U. Pitt. L. Rev. 755, 775, 780 (1959); Berger, *supra* note 1 at 1044, 1052, 1088, 1099, 1312 (quoting Holmes, J. and Hand, J.).

In memoranda transmitted by the Attorney General to the Subcommittee on Constitutional Rights of the Committee on the Judiciary in 1957 and 1958, the Justice Department maintained that the Executive Branch had it within its own discretion to determine what information and documents may be provided to Congressional committees, basing this contention on instances in our history in which the President has successfully refused to divulge information to the Congress. These instances only evidence the practicalities of the respective situations which allowed the Executive Branch, being the party in possession of the information, to avoid revealing the relevant information. They in no way constitute binding precedents. See Schwartz, "A Reply to Mr. Rogers: The Papers of the Executive Branch," 45 A.B.A.J. 467 (1959); *cf.* Bishop, "The Executive's Right of Privacy: An Unresolved Constitutional Question," 66 Yale L. J. 477, 485 (1957). Other situations can be cited, including the recent disclosure to the Senate Committee on Foreign Relations of the United States contingency plan with Thailand, as instances in which the Executive Branch, although initially reluctant to provide information demanded by a Congressional committee, did so thereafter. See also note 11 infra, para. 4. The above-mentioned memoranda from the Attorney General are published in Subcommittee on Constitutional Rights, Committee on the Judiciary, "The

Power of the President to Withhold Information from the Congress: Memorandums of the Attorney General," Committee Print, 85th Cong., 2d sess. (1958). They are hereinafter respectively cited as 1957 and 1958 Attorney General's Memorandum.

[6] *United States* v. *Reynolds*, 345 U.S. 1 (1953); 1 Robertson, Trial of Aaron Burr, 177, 180, 185–86 (1875); see Bishop, *supra* note 5 at 481–83 (1957).

[7] *E.g.*, President Tyler's refusal in 1843 to reveal to the House of Representatives certain proposals in connection with pending negotiations with the Cherokee Indians, see 1957 Attorney General's Memorandum at 9; President Hoover's refusal in 1930 to give the Senate certain documents in connection with the negotiation of the London Naval Treaty, see 1957 Attorney General's Memorandum at 20–21.

[8] President Jefferson's refusal in 1807 to furnish certain documents relating to the Aaron Burr conspiracy, see 1 Richardson, Messages and Papers of the Presidents 412 (1898) [hereinafter cited as Richardson]; President Jackson's refusal in 1835 to furnish documents bearing on an alleged fraud in the sale of public lands involving the former Surveyor-General of the United States whom the President had removed from office, see 1957 Attorney General's Memorandum at 7; President Tyler's refusal in 1843 to divulge information with respect to alleged frauds perpetrated upon the Cherokee Indians, 3 Hinds, Precedents of the House of Representatives 181–82 (1907); President Franklin Roosevelt's refusal in 1941 to turn over certain FBI investigative reports on labor disturbances, see 40 Op. Att. Gen. 45 (1941); President Truman's directive to Government officials in 1948 not to reveal Employee Loyalty Program records or reports outside of the Executive Branch, see 1957 Attorney General's Memorandum at 66–67.

[9] President Washington's refusal in 1796 to provide the House of Representatives with a copy of the negotiating instructions for the Jay Treaty, see 1 Richardson at 194; President Jackson's refusal mentioned in note 8 above; President Grant's refusal in 1876 to disclose the activities of the Executive Branch performed away from Washington, see 7 Richardson at 361; President Cleveland's refusal in 1886 to provide documents to the Senate relating to the removal of George Duskin from his office as a district attorney, see 8 Richardson at 875; President Coolidge's refusal in 1924 to provide the Senate with a list of the companies in which Secretary of the Treasury Mellon had an interest, see 65 Cong. Rec. 6087 (1924).

[10] President Tyler's refusal in 1842 to furnish the House of Representatives with the names of certain applicants for federal offices, and the details of their applications, see 4 Richardson at 105–06; President Tyler's refusals in 1843 mentioned in notes 7 and 8 above; President Polk's refusal in 1846 to provide the House of Representatives with certain confidential vouchers for expenses incurred by his predecessor, see 4 Richardson at 433; President Buchanan's refusal in 1860 to provide information concerning the possibility of Executive Branch officials attempting to influence the passage of legislation, 5 Richardson at 614; President Cleveland's refusal mentioned in note 9 above; President Theodore Roosevelt's refusal in 1909 to allow his Attorney General to reveal the reasons why he did not institute certain legal proceedings against the United States Steel Corporation, see 43 Cong. Rec. 527–28 (1909); President Franklin Roosevelt's refusal to turn over investigative reports mentioned in note 8 above; President Franklin Roosevelt's instruction in 1943 to the Director of the Federal Bureau of Investigation with respect to his testifying on certain activities at Pearl Harbor, see 1957 Attorney General's Memorandum at 23; President Truman's directive mentioned in note 8 above; President Eisenhower's directive in 1954 precluding Executive Branch employees from disclosing internal communications to the Senate Committee on Government Operations, reproduced in 1957 Attorney General's Memorandum at 73.

[11] See President Jefferson's refusal mentioned in note 8 above; President Cleveland's refusal mentioned in note 9 above; President Hoover's refusal mentioned in note 7 above; Kramer and Marcuse, *supra* note 3 at 666.

See also cases during the period 1948–53 collected in 1958 Attorney General's Memorandum at 91–121, and cases during the period 1953–60 collected in Kramer and Marcuse, *supra* note 3, Pts. I, II at 623, 827.

Compare Younger, *supra* note 5 at 769–73. See also Collins, "The Power of Congressional Committees of Investigation To Obtain Information From the Executive Branch: The Argument for the Legislative Branch," 39 Geo. L. Rev. 563 (1951); Berger *supra* note 1 at 1289.

The Congress has not always willingly deferred in the instances cited above of Presidential refusal to divulge information, see 7 S. Misc. Docs., 52d Cong., 2d sess. 232 (1893); Collins *supra* at 566; Kramer and Marcuse *supra* note 3 at 623–24.

[12] 299 U.S. 304, 321 (1936).

[13] A relevant precedent was President Hoover's statement to the Senate Committee on Foreign Relations in connection with a request by it for certain confidential material relating to the negotiation of the London Naval Treaty in 1930:

"No Senator has been refused an opportunity to see the confidential material referred to, provided only he will agree to receive and hold the same in the confidence in which it has been received and held by the Executive." (S. Doc. No. 216, 71st Cong., special sess. 2 (1930).)

This is not intended to imply an answer to the further question of what is properly to be withheld from the public.

[14] During the hearings on the U–2 incident in 1960, the Secretary of State and the Director of the Central Intelligence Agency refused to disclose to the Senate Committee on Foreign Relations, even in executive session, the information which the flight was intended to discover, and the Committee acknowledged that the Administration had the legal right to refuse to reveal this information under the doctrine of executive privilege. S. Rep. No. 1761, 86th Cong. 2d sess., 7, 22 (1960). Since Congressional committees, including the Committee on Foreign Relations, have in other cases, received information at least as sensitive as the information solicited by the questions stated at the beginning of this opinion, the concession by the Foreign Relations Committee in its report on the U–2 incident was unnecessary, or at least irrelevant to the type of information under consideration here. There have also been other instances when the Executive Branch has refused to disclose information in executive session. See 1957 Attorney General's Memorandum at 25.

[15] 68 Stat. 956 (1954), 42 U.S.C. sec. 2252 (1964); see also Atomic Energy Act of 1946, sec. 3(f), as added 68 Stat. 922 (1954); 42 U.S.C. sec. 2013(f) (1964).

The Senate Report on the original act stated: "It is recognized that many unforeseeable developments may arise in this field requiring changes in the legislation from time to time." S. Rep. No. 1211, 79th Cong. 2d sess. 10 (1946).

[16] See 6 Op. Att. Gen. 680–83 (1845).

[17] In signing the Mutual Security Act of 1959, President Eisenhower specifically stated that he was not waiving any Constitutional right to withhold information, Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1959, 549.

[18] U.S. Const. Art. II, sec. 3.

[19] Berger *supra* note 1 at 1114–15. *But see* Bishop *supra* note 5 at 491.

[20] 68 Stat. 956 (1954), 42 U.S.C. sec. 2252 (1964). See also 68 Stat. 957 (1954), 42 U.S.C. sec. 2254 (1964).

[21] See Standing Rule of the Senate 25.11, Senate Manual, S. Doc. No. 91–1, 91st Cong. 1st sess. 32 (1969). See also Legislative Reorganization Act of 1946 sec. 136, 60 Stat. 832, 2 U.S.C. sec. 190d (1964).

The absence of judicial determination of the legal relations between organs of government, especially where the rights of private parties are not involved, does not negate such obligations. See Chayes, "A Common Lawyer Looks at International Law," 78 Harv. L. Rev. 1396, 1400–03 (1965) (with specific reference to the matter of executive privilege).

FREEDOM OF CHOICE

Mr. BYRD of West Virginia. Mr. President, I am for the so-called freedom-of-choice amendment to prohibit forced integration in the schools.

The U.S. Supreme Court, in 1954, in the Brown case outlawed State segregation laws, saying that the equal protection clause of the 14th amendment prohibited the States from assigning children in the public schools on the basis of race or color. How can the Constitution of the United States today require what it so clearly prohibited 16 years ago in the Brown case, namely, State dictation of school assignment on the basis of race or color?

Yet, Federal courts and Federal bureaucrats in HEW are requiring, in effect, that students be bused from one school to another and assigned to this school or to that school on the basis of color or race, the purpose being to overcome racial imbalance.

HEW is acting in open violation of the 1964 Civil Rights Act, which clearly provided that students were not to be bused from one school to another or assigned on the basis of color or race just to overcome racial imbalance.

Negro and white students are being bused away from their own neighborhoods, and forced to attend schools miles away, against their will, just to bring about racial balance in the schools. This is a waste of the taxpayers' money, which could be better spent on educating blacks and whites and preparing them to earn a living.

Politicians and Federal judges and Federal bureaucrats can afford to send their own children to private schools or live in white suburbia, but in order to make political hay they vote for forced integration for everybody else's children. This is pure hypocrisy. They think they are pleasing Negro voters. But, as a matter of fact, many Negro and white parents resent this. After all, why should not the people who pay the taxes have some say in where their children will attend school?

How many Senators and Members of Congress, how many Federal judges, and HEW bureaucrats send their children to school in the District of Columbia where the school population is 95 percent Negro? How many Senators and Representatives, Federal judges, and HEW bureaucrats would be willing to move out of white suburbia and into the District of Columbia in order to integrate both

the city and the public schools of the District? To ask the question is to answer it.

Mr. President, it is time that Negro parents and white parents all over this country take a stand against forced integration, and speak out against politicians, Federal judges, and HEW bureaucrats who insist on pursuing this unwise, unworkable, foolhardy social experiment. People like to choose their own associates, and they have a right to choose their own associates. I am against forced segregation. But I am also against forced integration. Neither can be supported by the Constitution.

A policy of forced integration cannot be supported by the Constitution or any Federal statute, and its enforcement will bankrupt and destroy the public school system in this country.

Mr. President, I do not speak for the South. I do not speak for the North. I represent a border State. I think I speak in the national interest and in the interest of the public schools of the Nation.

I am opposed to busing children around like cattle and treating them like guinea pigs in an utterly foolish social experiment which, in the long run, will not only create more racial unrest, but will also greatly impair the public school system and destroy quality education in this country.

Mr. President, I hope the Senate will agree to the freedom of choice amendment on tomorrow.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—SUBMISSION OF AMENDMENTS

AMENDMENTS NOS. 491, 492, AND 493

Mr. ERVIN. Mr. President, on behalf of Senators ALLEN, EASTLAND, GURNEY, HOLLAND, JORDAN of North Carolina, RUSSELL, SPARKMAN, STENNIS, TALMADGE, and THURMOND I send to the desk three amendments to H.R. 514, the Elementary and Secondary Education Amendments of 1969.

These amendments are written in simple and plain English so that even bureaucrats in the Department of Health, Education, and Welfare can understand what they say.

The first amendment provides that no court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability.

The second amendment provides that no court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

The third amendment provides that no court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any State or local public school board to assign any member of a public school faculty to any public school other than the school in which such member contracts to serve.

Mr. President, these amendments, if agreed to by the Senate, would restore freedom to the schoolchildren of this country and prohibit them from being made hapless and helpless subjects of bureaucratic oligarchs. They would restore to school administrators and teachers their freedom to contract in schools in which they are to serve.

Mr. President, I ask unanimous consent that the three amendments be deemed to be germane to H.R. 514, within the purview of the unanimous-consent agreement.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that these amendments be received and printed, and that they lie on the table, to be called up.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BYRD of Virginia. Mr. President, will the Senator from North Carolina add my name to the list of cosponsors?

Mr. ERVIN. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Virginia (Mr. BYRD) be added to the list of cosponsors of these amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

GI DEAFNESS ENTIRELY UNNECESSARY

Mr. YOUNG of Ohio. Mr. President, it is appalling to learn that the U.S. Army still has not adopted a standard policy for protecting a soldier's hearing. More than half of the 500,000 American soldiers who undergo combat training each year suffer hearing losses.

So serious has this problem become that a recent study by two physicians at the Army's Walter Reed Hospital revealed that 76 percent of the troops permanently assigned to Fort Jackson, S.C., experienced hearing impairment.

Indeed partial deafness is now matter of factly accepted at Army bases across the country. Dr. Thomas Nilges, Director of the Walter Reed Audiology and Speech Center states:

> I estimate the chances that a soldier will need a hearing aid after 20 years are 10 times greater than for a civilian.

The Veterans' Administration reports that presently it pays approximately 60,000 veterans about $3,300,000 per month in disability payments for hearing impairments. This amounts to $40 million a year for compensation for hearing impairment.

It is sad and a tragic irony of these hearing injuries that in many cases an investment of $6 a soldier for a pair of earmuffs such as are worn by ground crews at commercial airports to protect against noise, would have prevented both the soldier's loss of hearing and the taxpayer's burden of reimbursing servicemen for their injuries by monthly disability payments as long as each former soldier lives.

In 1963, the Surgeon General's Office recommended that each Army recruit be given an individually fitted pair of earplugs. That recommendation was never implemented, notwithstanding it is the only humanitarian thing to do and in the end would save our Government many millions of dollars. At present the Army issues a small pair of earplugs to all recruits but their wearing them is not enforced and they have not been fitted by trained technicians or doctors and are frequently uncomfortable for the soldier and therefore discarded. Indeed, many of the troops complain that the earplugs hurt them. In some cases, the soldiers have been substituted cigarette filters for the inadequate earplugs assigned them.

Even more shocking, at some bases officers discourage recruits from wearing earplugs during noisy exercises and artillery firing. For example, at Fort Dix, N.J., firing range officers refused to allow the troops to wear earplugs during marksmanship exercises despite the fact that four shots from an M–16 rifle are sufficient to cause serious hearing loss to an unprotected ear.

Some Pentagon officials assert that the earmuffs, which are $6 a pair, cost too much.

Mr. President, deafness in the name of economy when the welfare of our country's young men is at stake is intolerable. Indeed, the entire Army argument of economy in this connection is nonsense. All of the half million GI's who undergo combat training each year could be provided with earmuffs for $3 million or less. This is $300,000 less than the Veterans' Administration pays to veterans each month for service-connected hearing defects, deafness and partial deafness.

The past negligence and inattention on the part of the Army that has resulted in the present claims by former GI's for hearing loss has no justification. All thoughtful Americans, I feel certain, join me in demanding an end to this wasteful brutality. There is no excuse for perpetuating a policy or even permitting a policy which results in hearing losses for the enlisted soldiers and draftees. How could this be justified in the name of economy when billions of dollars are spent annually on wasteful Pentagon projects and on boondoggles to add to the comfort of army officers?

Mr. President, I have been a private in our Army in time of combat. I have also been an officer. I know what I am talking about and I am talking about facts.

DESEGREGATION POLICIES

Mr. THURMOND. Mr. President, an article appeared in the February 7 New Republic by Alexander Bickel which is attracting considerable attention. The New Republic is a very liberal magazine which makes no pretense that its place on the ideological spectrum is anywhere but on the left. The writer of this particular article entitled "Desegregation—Where Do We Go From Here?" is a pro-

fessor of law and legal history at Yale and has been a contributing editor to the New Republic for the last 13 years. It seems unlikely that Mr. Bickel could rightly be called a racist, or a segregationist, or, for that matter, even a conservative.

In spite of the liberal credentials of both Mr. Bickel and the New Republic, this article is a strong indictment of current desegregation policies as practiced by the Supreme Court and the Department of Health, Education, and Welfare. The article persuasively points out that current methods of desegregation are not promoting healthy race relations in public schools. Instead, in conformity with sociological data available on the subject, these policies are creating resegregation. This occurs through massive flight of innercity whites to the suburbs in urban areas. It occurs through large-scale withdrawals of students from public schools into private and parochial schools in other areas. But it occurs.

Mr. President, Mr. Bickel poses the question as to whether this flight of whites from massive integration can be stopped. He answers his question by suggesting that such a solution would be so costly—in both human and financial resources—as not to be worth trying. This article, while written from a point of view I do not share, is worth the attention of this body. It states clearly, concisely, and convincingly the reasons why a reappraisal of school desegregation policy is so vitally necessary. While I think it unlikely it was intended as an argument for the pending amendment, it is just that. I should like to quote several passages from Mr. Bickel's article which are particularly relevant:

In brief, the failure is this: To dismantle the official structure of segregation, even with the cooperation in good faith of local authorities, is not to create integrated schools, anymore than integrated schools are produced by the absence of an official structure of school segregation in the North and West. The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly it creates as many problems as it purports to solve, and no one can be sure that even if accomplished, it would yield an educational return.

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HEW and some lower federal courts first raised the ante on tokenism, requiring stated percentages of black children in school with whites. Finally they demanded that no school in a given system be allowed to retain its previous character as a white or black school. Faculties and administrators had to be shuffled about so that an entirely or almost entirely black or white faculty would no longer characterize a school as black or white. If a formerly all-Negro school was badly substandard, it had to be closed. For the rest, residential zoning, pairing of schools by grades, some busing and majority-to-minority transfers were employed to ensure distribution of both races through the school system. In areas where blacks were in a majority, whites were necessarily assigned to schools in which they would form a minority. All this has by no means happened in every school district in the South, but it constitutes the current practice of desegregation. Thus among the decrees recently enforced in Mississippi, the one applicable in Canton called for drawing an East-West attendance line through the city so that each school became about 70 percent black and 30 percent white. Elsewhere schools were paired to the same end.

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What is the use of a process of racial integration in the schools that very often produces, in absolute numbers, more black and white children attending segregated schools than before the process was put into motion? The credible disestablishment of a legally enforced system of segregation is essential, but it ought to be possible to achieve it without driving school systems past the tipping point of resegregation—and perhaps this, without coming right out and saying so, is what the Nixon Administration has been trying to tell us. Thus in Canton, Mississippi, a different zoning scheme would apparently have left some all-black and all-white schools, but still put about thirty-five percent of black pupils in school with whites.

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It is relatively simple to make flight so difficult as to be just about impossible for relatively poor whites in rural areas in the South. There is little residential segregation in these areas, and there is no place to move to except private schools. State and local governments can be forbidden to aid such private schools with tuition grants paid to individual pupils, and the Supreme Court has so forbidden them. Private schools can also be deprived of federal tax exemption unless they are integrated, and a federal court in the District of Columbia has at least temporarily so deprived them. They can be deprived of state and local tax aid as well. Lacking any state support, however indirect, for private schools, all but well-to-do or Catholic whites in the rural and small-town South will be forced back into the public schools, although in the longer run, we may possibly find that what we have really done is to build in an incentive to residential segregation, and even perhaps to substantial population movement into cities.

On a normative level, is it right to require a small, rural and relatively poor segment of the national population to submit to a kind of schooling that is disagreeable to them (for whatever reasons, more or less unworthy), when we do not impose such schooling on people, in cities and in other regions, who would also dislike it (for not dissimilar reasons, more or less equally worthy or unworthy?)[1] This normative issue arises because the feasibility question takes on a very different aspect in the cities. Here movement to residentially segregated neighborhoods or suburbs is possible for all but the poorest whites, and is proceeding at a rapid pace. Pursuit of a policy of integration would require, therefore, pursuit of the whites with busloads of inner-city Negro children, or even perhaps with trainloads or helicopter-loads, as distances lengthen. Very substantial resources would be needed. They have so far nowhere been committed, in any city.

One reason they have not is that no one knows whether the enterprise would be educationally useful or harmful to the children, black and white. Even aside from the politics of the matter, which is quite a problem in itself, there is a natural hesitancy, therefore, to gamble major resources on a chase after integration, when it is more than possible that the resources would in every sense be better spent in trying to teach children how to read in place. Moreover, and in the long view most importantly, large-scale efforts at integration would almost certainly be opposed by leading elements in urban Negro communities.

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And so, while the courts and HEW are rezoning and pairing Southern schools in the effort to integrate them, Negro leaders in Northern cities are trying to decentralize them, accepting their racial character and attempting to bring them under community control. While the courts and HEW are reassigning faculties in Atlanta to reflect the racial composition of the schools and to bring white teachers to black pupils and black teachers to white ones, Negro leaders in the North are asking for black principals and black teachers for black schools.

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There must be a better way to employ the material and political resources of the federal government. The process of disestablishing segregation is not quite finished, and both HEW and the courts must drive it to completion, as they must also continually police the disestablishment. But nothing seems to be gained, and much is risked or lost, by driving the process to the tipping point of resegregation. A prudent judgment can distinguish between the requirements of disestablishment and plans that cannot work, or can work only, if at all, in special areas that inevitably feel victimized.

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The involvement of cohesive communities of parents with the schools is obviously desired by many leaders of Negro opinion. It may bear educational fruit, and is arguably an inalienable right of parenthood anyway. Even the growth of varieties of private schools, hardly integrated, but also not segregated, and enjoying state support through tuition grants for blacks and whites alike, should not be stifled, but encouraged in the spirit of an unlimited experimental search for more effective education. Massive school integration is not going to be attained in this country very soon, in good part because no one is certain that it is worth the cost. Let us, therefore, try to proceed with education.

Mr. President, I was born and educated in Edgefield County, S.C., which is a rural southern county much like those described in the New Republic article. I taught school there and coached athletics, and served as county superintendent of education for Edgefield County. I am very proud of the fact that Edgefield County has a high school named Strom Thurmond High School. The school population of Edgefield County consists of 4,382 students, 1,416 white and 2,966 black. It is uncertain at this time what the desegregation plan finally approved for the county will be. It is certain, however, that it will be unpopular. A number of citizens have already begun preparations for a private school. Edgefield County is very much like other small rural counties with large Negro populations. The pending changes in the public schools are received with sadness and with bitterness. The towns are small and historic. When the changes come, there will be no Montgomery County to move to.

Mr. President, it is strange in a way that the southerners in the Senate, my-

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[1] For instance a UPI dispatch from Oklahoma City dated January 20 as follows:

"Mrs. Yvonne York, mother of a 14-year-old boy taken into custody for defying a federal desegregation order, said today she will take the case to the Supreme Court. US District Judge Luther Bohanon last week ordered the Yorks to enroll their son Raymond at Harding Junior High in compliance with desegregation rulings. The boy had been enrolled at Taft Junior High a few blocks from his home. Harding is four miles from his home. Raymond was taken into custody yesterday by federal marshals when Mrs. York tried to enroll him at Taft. He was detained for a few hours." A city councilman is quoted as saying, "The people of Oklahoma are fed up with forced busing and federal court orders running our schools. We demand an end to this madness."

self among them, find it necessary to quote a liberal writer in a liberal magazine on this subject. Undoubtedly, both Alexander Bickel and the New Republic will be beseiged with angry protests that they have aided and abetted the reactionary, segregationist southern bloc in a Senate civil rights debate. We have, of course, pointed out many of the things this article points out. Considering the reputation of southern rhetoric, I am sure we have done so as articulately. Further, I have no doubts that those of us from the South know far more about this subject—in spite of Mr. Bickel's credentials. It is strange, and a little sad, that we who are so directly familiar with what is happening and what is going to happen to education in the South find it necessary to quote a Yale professor of left wing persuasion to substantiate our views. Yet the truth is that the state of politics in this Nation—and indeed in this Senate—is such that we are not believed. Our motives are suspect—not because of our arguments but because of our accents.

Mr. President, I ask unanimous consent for 12 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I am willing to admit—begrudgingly—that the motives of many who will oppose this amendment are theoretically pure. Many of my colleagues are convinced that current policies are desirable for the well-being of Negroes in the South and see no counterbalancing harm resulting from these policies. But I hope that those of you who fall in this category and cannot be persuaded by southern rhetoric will take another look at this issue. Let us hope that the northern liberal reasoning of Mr. Bickel will succeed where we have not been listened to as we should have been.

Mr. President, the New Republic is not the only magazine which has discussed this subject cogently in a recent issue. National Review, which I must admit makes for a more reliable steady diet than the New Republic, published an editorial in its February 10 issue on this subject. Entitled "The Fruits of Integration," the editorial points out the failure of the present course. For those of my colleagues who are more comfortable with Buckley than Bickel, I should like to read this thought-provoking editorial:

THE FRUITS OF INTEGRATION

Recent surveys by the Department of Health, Education, and Welfare point to the conclusion that systematic federal attempts to integrate the nation's public schools have resulted in social and educational deterioration. In the years since the *Brown* decision (1954), federal authority has moved beyond the striking down of segregationist state laws and sought to mix the races through various kinds of positive measures: redistricting, enforcing guidelines, insisting on racial balance and so forth. This great enterprise in social engineering has produced predictable results.

A spot-check survey just completed by the Office of Education failed to find a single integrated high school—anywhere—that was free from racial conflict. In such urban centers as New York City and Chicago, racial animosity in the high schools is so intense that only the presence of large numbers of police can assure even a precarious order. Needless to say, such an atmosphere is not conducive to learning.

But though some of the schools that have been integrated are in a state of incipient race war, the integrationist drive has in fact produced relatively few integrated schools. A pattern of "resegregation" exists all across the nation: as a local public school becomes integrated, the whites move elsewhere, and the school then becomes resegregated. This year, public schools in Washington, D.C., are 95 per cent Negro, the whites having departed for the surrounding suburbs: a pattern that is a product of class as well as of racial differences—Negroes who have become middle-class are also leaving the central city, for they too find its social conditions intolerable. Elsewhere the tendency is the same, though the process of resegregation is not so far advanced as in Washington. More than half the Negro pupils in the North attend schools that are 95 to 100 per cent Negro.

The results of fifteen years of the integrationist drive are now in. The federally inspired attempt to mix the races has had three spectacular results: 1) It did integrate some schools, a minority, but succeeded thereby in turning many of them into racial battlegrounds and crippling others for purposes of education; but 2) viewed nationwide it largely failed, since whites faced with integration either moved out or switched to private schools; and 3) it made a vast contribution to urban decay by driving middle-class, taxpaying whites out of the central cities and into the suburbs.

And yet despite the almost uniformly disheartening results, the integrationist drive persists because it is so intimately a part of liberal ideology, which, in its various forms, characteristically hates, fears and strives to transcend "irrational" differences of culture, race, sex and so on. As the "irrational" differences fade away, so runs the odd liberal amalgam of hope and assumption, "humanity" will find its common denominators and become homogeneous—"mankind," forever more, amen.

Only in the real world it doesn't seem to work out that way. People in fact perceive the "irrational" differences as real, and even as definitive, and they vote with their feet. The word "integration," therefore, should now receive a new definition, one more in harmony with the historic American social reality; it should be redefined as "integration into the American social system"—which has by no means really produced a melting-pot homogeneity. As Nathan Glazer and Daniel P. Moynihan have shown in *Beyond the Melting Pot*, the melting pot did not in fact melt very much, and we remain a nation of many distinctive groups. Hanson's so-called "law" in sociology, indeed, holds that the third generation of an American ethnic group is likely to insist upon its ethnic particularity with a special intensity. And everywhere, the desire for differentiation seems powerful; endogamy remains the norm, exogamy, the aberration; ethnic neighborhood and locality and attitude persist from generation to generation; people naturally—if, from a liberal standpoint, irrationally—prefer the company of those similar in manner and mode, and resist random association.

By 1970, the entire process of forced integration, fueled as it is by abstract ideology and a priori theories about human nature, has brought racial relations to a point of exacerbation unknown since Reconstruction, and the messages from reality have begun to shake the faith of even such professional federal integrationists as Leon Panetta, HEW's civil rights chief. "We need a congressional investigation of this whole question of the results of integration," he declares—but, meanwhile, we will get more of the same: "In the meantime, we do what the law says we should do." A fanatic, as George Santayana once said, is a man who redoubles his efforts after he has lost sight of his goals.

Mr. President, the disenchantment of many liberals and conservatives in the North with current methods of integration is the result of the experience of large metropolitan areas outside of the South. I should like to review briefly the situation which now exists in the Nation's five largest school districts. These districts—all outside the South—have met the problem of desegregation with resegregation. These figures are from the report of the Department of Health, Education, and Welfare of January 2, 1970.

FIVE LARGEST SCHOOL DISTRICTS IN THE UNITED STATES

New York City—80 percent of Negroes are in schools over half Negro; 44 percent in schools over 85 percent Negro; 10 percent in 100 percent Negro schools.

Los Angeles—95 percent of Negroes are in schools over half Negro; 79 percent in schools over 95 percent Negro.

Chicago—97 percent of Negroes are in schools over half Negro; 85 percent in schools over 95 percent Negro; 47 percent in 100 percent Negro schools.

Detroit—91 percent of Negroes are in schools over half Negro; 59 percent in schools over 95 percent Negro.

Philadelphia—90 percent of Negroes are in schools over half Negro; 60 percent in schools over 95 percent Negro.

Mr. President, we can see from these figures that this problem is a national one—not a southern one. We can also see that the much-heralded solution of ill-considered mass mixing has not produced racial harmony—it has produced migration and disruption. It is rather tragic that a policy which has failed so miserably in the North is now being urged upon the South. Those in the Department of Health, Education, and Welfare and on the Supreme Court should have studied these figures and the factors which created them. Rather than reapplying unworkable solutions with even more energy, they should have attempted to create new solutions.

The failure of massive integration is discussed in another editorial which appears in the February 16 U.S. News & World Report. The distinguished editor David Lawrence points out the pressing need for a clear and reasonable standard for what constitutes desegregation:

One of the principal difficulties is the vagueness with which the courts have handled the whole problem of integration. Since the first important decision was rendered in 1954 requiring desegregation, there has been no clear definition of what course the schools should take to attain this.

It is no answer to issue a court order and fix a date by which a certain quota of each race shall attend a public school. It is no answer to assign a proportionate number of teachers of each race to all schools in a district. Teachers themselves are today unhappy and dissatisfied. Some of the best teachers are resigning their jobs and seeking other forms of employment. They do not want to become involved in the controversies.

First of all, it is necessary to proclaim definitions of what is meant by "integration." If segregated schools have arisen because of State laws in certain localities and neighborhood patterns have been formed, it will take some time to alter such situations. In the North these are described as "natural patterns." But the people in the South see little difference because both have become established facts. The worst thing that could happen would be to have one set of rules applying in some States and another system in other States.

Mr. President, this editorial, entitled "Reason—Not 'Rulings'—Can Bring Racial Peace" is an excellent argument for passage of the pending amendment. It sets as the standard for the Nation a statute passed for New York, hardly a Southern State. Further, the statute provides for the maximum of freedom for students and parents, without the stresses, strains, and failures of forced integration.

In closing I should like to discuss one unsettling issue which has occurred in this debate. The discrepancy in national policy on school desegregation toward the South and the rest of the Nation is said to rest on a judicial distinction between de jure and de facto segregation. While certain legal problems may present themselves in attempting to deal with de facto segregation, I am convinced that the social planners in HEW would have tackled these problems with energy and enthusiasm if they had wished to. The fact of the matter is that almost total concentration of efforts has been placed on southern school districts for a different reason. The ardent integrationists know the senseless integration plans being forced on southtern school districts would create just as serious reaction in the North as they have in the South. Because the South has traditionally been the whipping boy for the Nation on civil rights issues, little political consequences occur outside of the South when radical solutions are forced upon the South. When they have completed their destruction of public education in the South, then they will turn North with the same fury and fanaticism they have displayed toward us. Even if political pressures prevent their success in the North, they will have finished their disruptive policies in the South.

This is discrimination with a vengeance, and this body should be aware of it and reject it. If a policy is unwise for the Nation, it is certainly unwise for one section of the Nation. We are all familiar with the special educational problems which exist for the disadvantaged. Educators conduct studies in solving these problems, recognizing they are difficult and not common to all children. People whose children do not have these problems understandably do not wish their children placed in such a difficult environment. This is true nationwide. This is true for Members of Congress who have school age children.

Must we in the South be subjected to conditions considered unacceptable to the rest of the Nation?

Mr. President, this amendment would set aside a reasonable standard for desegregation for the Nation—a standard that refuses to override the parents' right to choose their child's educational environment. It has never been more necessary.

I urge the Senate to accept it.

AMERICANS SHOULD KNOW THIS

Mr. YOUNG of Ohio. Mr. President, American taxpayers are not only spending billions of dollars a year waging an undeclared war in Vietnam and Laos, in addition they are required to pay foreign taxes to these often corrupt regimes. The General Accounting Office reported that the United States is paying more than $1 million each month in taxes to Saigon over and above the $25 billion a year we pay out for the privilege of fighting there to save the Saigon militarist regime and keep it in power. The GAO has termed this tax expenditure "inappropriate." They could have termed it monstrous and outrageous.

In a sample audit covering 24 months, the GAO found $28 million was paid in property taxes by the Defense Department and other agencies to South Vietnamese landlords. These landlords deviously included their taxes in rental charges for leasing facilities to the U.S. Government, undoubtedly to conceal the facts and the extent of this unjust taxation. The GAO's Vietnam review revealed that during this 2-year period defense agencies paid $55,600,000 in rent. Property, licenses, and income taxes included in the rent ranged up to 62 percent of the total leases.

Mr. President, this provides but another example of our subservience to the Thieu-Ky militarist regime in Saigon. Tens of thousands of young Americans have lost their lives to keep that regime in power. Hundreds of billions of American tax dollars have been wasted to cater to the needs of the Saigon militarists. The Saigon government itself has been the major stumbling block to an armistice and cease-fire in Paris. Many of its generals were sergeants or air cadets who fought with the French against the Vietnamese forces of national liberation during the fighting that continued from 1946 to May 1954. Vice President Ky proudly displays French decorations which he was awarded for his fighting against his own people seeking national liberation in 1954. These guerrillas were termed Vietminh then; now VC. Both Ky and Thieu were born in North Vietnam. Their regime lacks support of the people of South Vietnam. It has no political base whatever.

When our American ground troops leave Vietnam for home President Thieu's departure to join his wife in her recently purchased and very lavish villa in Switzerland and Vice President Ky's departure to rendezvous with his unlisted bank accounts in Hong Kong and Switzerland will not be long delayed. Yet, we are now paying taxes to that government on the property we are using to maintain the regime. It is as if the Thieu-Ky government had been doing us a big favor in allowing us to waste our money and sacrifice the lives of our young men in their behalf.

Mr. President, this preposterous situation violates all logic and reason. It is also in clear violation of congressional policy. The Congress, in enacting the Mutual Security Act of 1951, precluded the use of funds authorized for the European program for the payment of taxes. This prohibition has been adopted by the Defense Department as applicable to all parts of the world. It had always been viewed as an expression of congressional policy that U.S. contributions to common defense must not be subject to foreign taxation. In the Mutual Security Act Congress recognized the absurdity of paying a country for the privilege of protecting it. There is no legal basis and certainly no moral justification for the financial burden of a foreign tax being passed on to the United States. The continuing payment of taxes to the Saigon militarist regime must end.

The General Accounting Office review shows clearly that bungling administration and pure lack of concern on the part of high officials of the U.S. Government and the Military Establishment have been the prime reasons that foreign taxation has been allowed to continue. The GAO report reveals that no central authority or command exercised any degree of meaningful control over the administration of tax matters in South Vietnam. In addition no policy or procedural guidelines had been promulgated to assist these officials in fulfilling their responsibilities. Instead of acting to protect the interests of the United States, officials of the major service commands used every available means of passing the buck and avoiding responsibility.

Much has been made of U.S. "commitments" around the world. American citizens have every right to expect that the countries we have helped protect with American arms and dollars and the blood of our finest young men will honor their commitments to us under tax-relief agreements and understandings. However, the nonpartisan, nonpolitical General Accounting Office has reported significant "resistance" by the governments of South Vietnam and other nations in honoring its commitments. The outflow of taxpayers' dollars at the rate of $1 million a month is proof of the GAO conclusion that our tax arrangements with South Vietnam are "not within the spirit of U.S. tax-exemption policy."

Mr. President, I call upon the President and Secretary of State to develop a new tax-relief agreement with Saigon to protect the taxpayers' money and the wishes of the American people as expressed by Congress 19 years ago. Moreover, those military officials charged with carrying out the foreign tax policy must end the negligence and inefficiency which has helped perpetuate this huge waste. We have already gone much too far in supporting the corrupt militarist regime in Saigon.

IMMUNITY LEGISLATION AND THE ORGANIZED CRIME CONTROL ACT OF 1969

Mr. McCLELLAN. Mr. President, in the weeks following passage by this body of S. 30, the Organized Crime Control Act of 1970, I have noted several articles condemning certain provisions of the act. It is not pleasant to read hastily written, undocumented, and inaccurate criticisms of work that was carefully conceived and meticulously reviewed for 12 months before submission to and approval by this body. Indeed, it is apparent to the most casual reader that the vast majority of articles critical of S. 30 have been

written without regard to or knowledge of the content of the act. Organizations have misrepresented the content of S. 30 and then proceeded to demonstrate how their misrepresented version of S. 30 would be bad law. In many instances, were S. 30 to have the effect claimed by its opponents, I might also oppose those provisions. The fact is, however, that S. 30 as passed by this body is constitutional and does not unnecessarily impinge on the individual rights of our citizenry.

Mr. President, on Sunday, February 15, 1970, I had the pleasure of discovering a well-written and thoroughly researched article entitled "The Fifth: Key Target in Nixon's Fight on Crime," on page C2 of the Sunday Star, written by Mr. Eugene Methvin. Title II of S. 30, concerning immunity, was a major topic of this article which dealt, in general, with the fifth amendment. I ask unanimous consent that at the conclusion of my remarks the full text of this article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. In order that the Members of this body might remove any lingering doubts as to the wisdom of their vote for title II of S. 30, I suggest that those having doubts read this article. But more importantly, I am hopeful that the Members of the House of Representatives will compare this calm and well-documented article with the hysterical and vague allegations of other articles which have appeared recently. I am confident that those in the House who examine title II and the other provisions of S. 30 will conclude, as did the Members of this body, that they are necessary aids to effective law enforcement. We are all aware that there are some members of the House Judiciary Committee who have in the past expressed opposition to immunity legislation. I particularly hope that all members of the House Judiciary Committee will read this article. I believe it is a most persuasive review of the fifth amendment as written and as interpreted over the years, and it makes a sound case for enactment of title II of S. 30.

I congratulate Mr. Eugene Methvin, the author of the article, for the calm, diligent, and time-consuming work that went into its preparation. Such work is a tribute to the journalist's profession. It is even more impressive when compared with some of the work of his colleagues in the press.

EXHIBIT 1

[From the Washington Sunday Star, Feb. 15, 1970]

THE "FIFTH": KEY TARGET IN NIXON'S FIGHT ON CRIME

(By Eugene H. Methvin)

President Nixon, in a special message to Congress, has declared unconditional war on organized crime, the 5,000 members of 24 gangs who suck an estimated $50 billion a year from the bloodstream of America and leave behind a wake of corruption, violence, dope addiction and street crime.

To wage this war, the President asked for a new and vital weapon for law enforcement: a new statute redefining and carefully limiting the constitutional Fifth Amendment privilege against self-incrimination.

His proposal is included in the omnibus "Organized Crime Control Act" already approved by the Senate, 73 to 1. House prospects, however, are cloudier. There, the Judiciary Committee has not yet considered the proposal.

Regardless of what the House does, President Nixon's approach to limiting the Fifth amendment has already been adopted in state statutes and approved by the California, New York and New Jersey supreme courts, so the issue is headed directly for an early U.S. Supreme Court test.

In tackling head-on the problem of restoring the dangerously tilted balance in our criminal procedures, the President will have the help of a new chief justice, Warren E. Burger, who has warned: "Our system of criminal justice was based on striking a fair balance between the needs of society and the rights of the individual. To maintain this ordered liberty requires a periodic examination of the balancing process, as an engineer checks the pressure gauges of his boilers."

And the gauges read trouble. Crime in America is growing six times as fast as population, and public surveys reveal that nearly half the people living in our cities are afraid to venture outside their homes at night. From the halls of Congress to state legislatures and corner drugstores across the nation, Americans are protesting that expanded rights for persons accused of crime are destroying everyone's right to security and public safety.

15 WORDS

The Nixon Administration proposal goes to the heart of one of the most bitter and far-reaching constitutional controversies in the nation's history: the scope and nature of the Fifth Amendment privilege against self-incrimination, 15 words that have been used, abused and misunderstood more than any other single provision the Founding Fathers wrote. It says simply: "No person shall be compelled in any criminal case to be a witness against himself."

Here is how it is being interpreted:

Item: In Chicago Mafia boss "Teetz" Bataglia, free on bond, goes home every night during his extortion trial. His blackmail victims go to jail—for their own safety, since they have been threatened with baseball bats because they refuse to "take the Fifth" to avoid testifying about Mafia operations.

Item: In Washington the Secretary of the U.S. Senate, Bobby Baker, dodges behind the Fifth scores of times when his Senate superiors ask questions about payoffs for political favors, hidden ties with underworld figures, even prostitution and abortion procurement under the very Capitol dome.

Such cases would have been unthinkable to the framers of our Constitution. They arise because in recent years Supreme Court justices by narrow majorities have allowed these few words in our Bill of Rights to become a fetish.

Says Professor Robert G. Dixon of the George Washington University Law School: "In charting wise legislative reforms that preserve the essence of the privilege for its truly vital purposes, we must understand how judicial elaboration has stretched the Fifth Amendment and created new hurdles in criminal investigations."

COMPROMISE

As adopted, the Fifth Amendment privilege represented a practical compromise between an accused individual's need for protection against overzealous interrogators and the public's equally vital need for effective law enforcement. But through the years U.S. Supreme Court interpretations have destroyed this balance and bloated the Fifth far beyond its intended constitutional limits. Indeed, in 1966 as five justices extended it to still new extremes, Justices Byron White and John Harlan declared that the new rulings have "no significant support in the history or language of the Fifth Amendment."

The privilege against self-incrimination arose in English common law in the 1640s from Puritan protests against King Charles I's Star Chamber inquisitorial prosecutions for political and religious crimes. The landmark cases establishing the privilege had nothing to do with common crime. They concerned the religious heretic, the nonconformist or the critic who irritated royal ministers, not the murderer, rapist or bagman Even in Puritan Massachusetts, whose citizens fled England to escape the hated interrogations, a magistrate investigating ordinary crime was expected to "sifte ye accused and by force of argument to draw him to an acknowledgemente of ye truth." The interrogator might be "provoking and forcing to wrath," but he might not so much as tweak the suspect's nose—that was all the privilege meant.

This was precisely the commonsense, balanced compromise Congress adopted when in 1789 it wrote the Bill of Rights—the first ten amendments—for our Constitution. To its framers the Fifth Amendment's 15 words meant only what they clearly say; that a man on trial for a crime could not be called to the stand and compelled—that is, by threat of punishment—to testify to his own guilt. They clearly did not mean an accused should escape all pressure and inducement to tell the truth. Magistrates were expected to question promptly to take advantage of the impulse to confess that frequently fades after an accused wrongdoer has opportunity to invent false defenses. If he refused to answer questions, the jurors at his trial could be told so and draw their own conclusions.

The framers went to extraordinary lengths to so limit the self-incrimination privilege. Rep. James Madison proposed in his Bill of Rights an unlimited version extending not only to defendants on trial but witnesses in any proceeding. Rep. Lawrence of New York objected that this was too broad. Thereupon Congress on Aug. 17, 1789, inserted the words "in any criminal case," making this crucial limitation to an accused at his trial an integral part of the Fifth Amendment privilege.

LIMITED IMMUNITY

Lawrence's restriction of the scope of the absolute constitutional privilege had these crucial consequences: A man accused of receiving stolen goods, for example, had a clear constitutional right to refuse to testify at his own trial. He could not be jailed for his silence. But neither could he prevent the prosecutor from arguing and the jury from concluding that his refusal to answer questions, plus other evidence, adds up to "guilty." Nor, if called as a witness at the thief's trial, could he claim a constitutional privilege. He shared the centuries-old duty, accepted without question by the Fifth Amendment's framers, of all citizens to give evidence. Congress and state legislators were free to decide—by simple statute in the light of experience—how much privilege he should have in grand jury proceedings, legislative investigations or other proceedings beyond his own trial.

Legislators in the 19th century generally exercised this authority wisely to maintain a balance. They extended a limited testimonial immunity to persons not actually on trial, permitting compelled testimony of witnesses but restricting the use to which that testimony could be put. Under such a rule any criminal who seeks to increase his effectiveness in any criminal enterprise by taking in a confederate also increases his risk of exposure and conviction before the bar of justice because he risks that his accomplice may be compelled to testify against him.

Organized criminal conspiracies become risky, indeed. A government purchasing agent accused of taking kickbacks might be haled before a grand jury or legislative body and compelled to answer all questions. But if he incriminated himself, his testimony could not be introduced against him in any later

prosecution. However, if his testimony led to a secret bank account or witness who had conspired with him, prosecutors could present such independent evidence against him. "That," said one senator, "is all that a rascal ought to have at the hands of justice—even more than he ought to have."

This compromise worked fairly for decades. Grand juries and prosecutors were able to call implicated persons as witnesses and pry open conspiracies involving corrupt public officials, racketeers or corporate robber barons scheming to cheat the public.

For over a hundred years the Supreme Court made no rulings on the taut line the Founding Fathers drew on the Fifth Amendment. Then in 1892 the justices struck the first blow. A federal grand jury investigating Interstate Commerce Act violations asked a Chicago grain dealer named Counselman what he knew about secret monopolistic railroad offers of freight rates below their published tariffs. He refused to answer, citing the Fifth.

The Court thereupon created the Counselman rule extending the Fifth to witnesses in the face of overwhelming legal authority to the contrary. It was, says Lewis Mayers, a foremost historian of the privilege, a classic case of judicial law-making in clear defiance of the Constitution and legislative prerogative: The justices simply repealed the clause limiting the Fifth to "any criminal case." Today's "constitutional" privilege for witnesses thus comes not from those who wrote the Bill of Rights.

APPLIED TO STATES

It is the legacy of corporate lawyers who sat on the high bench in the gaslight era and waged war against the common citizen's right to curb industrial robber barons cheating the public. And it vastly aided the mammoth 20th century growth of "The Syndicate" whose bosses are beyond reach of criminal prosecution, thanks largely to the extension of the privilege to witnesses.

Ironically, that very year Canada's parliament adopted the discarded American rule of limiting the witness's immunity to preventing his compelled testimony from being used against him later. Today, after 78 years of experience, the Canadian bar and bench accept this rule as operating with complete fairness. Canadians may thus compel testimony from implicated witnesses to convict racketeers, conspirators and corrupt officals who in the United States are untouchable.

Meanwhile, Supreme Court interpretations not only continued but sharply accelerated their expansion of the Fifth. Since 1950 the justices added destructive new privileges that were never even remotely a part of the very limited rule the framers elevated to constitutional status.

Moreover, not until a scant five years ago did the Court apply its new and expanded federal rules to the states, which have the vastly more difficult task of enforcing fundamental criminal laws such as robbery, murder and rape that have never concerned federal enforcers because they are not federal crimes. By this extension the justices in Washington smashed with a stroke the delicate balances worked out over generations by state legislatures, trial judges and supreme courts. Among the new privileges smuggled in on the coattails of the old:

1. Witnesses may falsely claim fear of self-incrimination. When a Philadelphia grand jury asked a witness, "What is your occupation?" the man took the Fifth. Ordered to answer, he refused—and the U.S. Supreme Court upheld him: The interrogators "should have considered that the chief occupation of some persons involves evasion of federal criminal laws," said the justices.

Originally witnesses could stay silent only if their answer would establish some element of a crime that the prosecution would have to prove to convict. They also had to show, in addition, that the danger of self-incrimination was "real and substantial." In recent years a majority of justices developed a new rule that a witness must be permitted to refuse information unless it is "perfectly clear" he is mistaken and his answer "cannot possibly" tend to incriminate him. This, Justices Harlan and Clark protested, converts the privilege into "a general one against answering distasteful questions," really a privilege of alleging fear of self-incrimination to dodge a duty of citizenship.

Adds Judge Edward Lumbard of the U.S. Court of Appeals for the Second Circuit, "Court decisions have made it virtually impossible to secure testimony before grand juries and government bodies where there is any claim of Fifth Amendment privilege, no matter how far-fetched."

PROTECTION DESTROYED

Moreover, such rulings effectively destroy another vital constitutional protection: an accused person's Sixth Amendment right to have compulsory process for obtaining favorable witnesses. An Illinois man was convicted of a rape-murder even though his landlady knew he was in his room asleep at the time of the crime. The prosecutor told her she had "a constitutional right to silence," and so she refused to testify. Convicted, the defendant came within six hours of being electrocuted before a crusading radio station discovered the truth.

2. A judge or prosecutor cannot comment on a defendant's silence, and a jury cannot consider it as an indication of guilt. In a California murder case witnesses testified they saw the defendant and his date go into an alley, and later the woman's battered body was found there. "She can't tell you her side of the story," the prosecutor told the jury. "The Defendant won't." That, the Supreme Court decided in 1965, amounted to "compulsion" to testify forbidden by the Fifth Amendment!

Philosopher and social critic Sidney Hook brilliantly illustrates the folly of such a rule in his book "Common Sense and the Fifth Amendment." Innocent men are usually very quick to proclaim their innocence, while silence creates a legitimate presumption of guilt, he declares: "If a child left alone with the cat refuses to reply to the question whether he locked it in the refrigerator, the refusal certainly has some evidential weight that he did.

"In any case, it is not likely that in the future we would leave him alone with a cat and a refrigerator." That giant of the federal bench, Judge Learned Hand, growled, "The law rises to a supreme height of foolishness when it compels a judge in all solemnity to instruct a jury it should indulge in no unfavorable inferences" against a silent defendant.

Six states adopted a more logical rule. California's constitution was typical: the judge and prosecutor could comment on the defendant's "failure to explain or deny by his testimony any evidence or facts in the case against him." The American Bar Association endorsed such comment, and the respected American Law Institute's proposed Model Code of Evidence authorized it.

SAD SPECTACLE

But the Court's 1965 edict forbade all such common-sense compromise. Justices Stewart and White protested that the ruling "stretches the concept of compulsion beyond all reasonable bounds. No constitution can prevent the operation of the human mind." The sad spectacle moved Justice Harlan to despair: "I hope the Court will eventually return to constitutional paths which, until, recently, it has followed throughout its history."

3. Witnesses may claim the Fifth Amendment privilege in legislative hearings. Americans were shocked in the late 1950s at the long parade of union officials, empowered by Congress with monopoly bargaining powers over thousands of workers, defiantly dodging behind the Fifth to avoid accounting to Senate investigators. Of one, Chairman John L. McClellan asked: "Are you married?" Answer: "I decline to answer under the Fifth Amendment." "Do you have any children—legitimate children, I mean?" Same answer. "Do you know anything that you can tell us about that might not tend to incriminate you? Same answer.

Sen. McClellan's efforts to gather sufficient evidence to convince Congress to pass tough legislation protecting rank-and-file union members against exploitation by labor racketeers largely hit this Fifth Amendment curtain. "Had we been able to present the whole lurid story, we could have marshaled the votes to pass our safeguards undiluted," Sen. McClellan told me. "Instead, the opposition by a narrow vote knocked the teeth right out."

Ironically, the Constitution itself so clearly exempts legislative hearings from the Fifth Amendment's application that no case of a congressional witness invoking it reached the courts in its first 159 years. Then in 1955 Chief Justice Warren upheld such a claim with glittering words that the privilege was so much a "part of our legal heritage" that it "soon made its way into various state constitutions."

The most extensive expansion of those 15 words in the Bill of Rights occurred in 1966. Five justices in the Court's Miranda ruling read them to mean: Policemen cannot even ask an unwilling suspect in custody questions in a criminal investigation. If they do so, announced Chief Justice Warren, the justices will consider police custody "so inherently compulsive" that any answer falls automatically within the Fifth Amendment prohibition against "compelled" testimony. Police must tell the suspect he can remain silent, warn him anything he says can be used against him, offer to get him a lawyer if he cannot afford one himself, and let the lawyer sit in on any interrogation. If the suspect "indicates in any manner" that he does not want to answer questions, "interrogation must cease."

Prophetically Justice Harlan warned: "This court is forever adding new stories to the temples of constitutional law, and temples have a way of collapsing when one story too many is added." And indeed, today this and other Supreme Court "interpretations" are collapsing justice and crippling law enforcement all across America.

ONE SENTENCE

In Seattle, Harry Van De Venter went free because police omitted one sentence before he confessed a robbery-murder: "If you can't afford a lawyer, we will get you one." The officers had carefully warned him he had a right to a lawyer and to refuse to answer their questions. Van De Venter willingly admitted killing an elderly hotel night clerk, Paul Wightman, and taking $30 from his cash register. He even led police to the two guns he had thrown into Puget Sound, and ballistics tests verified that they were indeed the lethal weapons. Stormed the Seattle Post-Intelligencer: "Harry Van De Venter is a free man because no attorney was present when he confessed a killing. Paul Wightman is a dead man, robbed and shot without benefit of legal counsel. Whose rights were violated?"

In Maryland, Judge Joseph L. Carter was compelled to free George McChan from the state penitentiary. McChan had 10 convictions in 18 years for serious crimes, the latest in 1965 based on a confession of three shotgun robberies of liquor stores drawing a 40-year sentence. Judge Carter protested bitterly that Supreme Court rulings were forcing him to "foist a professional holdup man on the public." Five days after McChan walked free, two gunmen held up a Baltimore restaurant, killed the 70-year-old owner as he knelt in front of his safe after handing over its cash, and shot a waitress twice. Though critically wounded, she provided a

description matching McChan's, and next day police stopped the getaway car. They found McChan inside. He was convicted of first-degree murder and sent back to prison for life.

After Los Angeles police read a robbery-murder suspect his Miranda rights, the man said, "I want to tell you about it, but I would like to have an attorney present." The officers called in a Legal Aid Society lawyer and let the two talk alone. Invited back in, the officers asked their first question. The suspect started to answer. The lawyer interrupted, ordered the officers out, and after another conference invited them back in. Again the suspect started to answer. Again the lawyer interrupted. "I'm tired, and I don't want your help," the suspect objected. Again the lawyer ordered the officers out. The third time they started to question, the lawyer curtly told them his client would have "nothing to say." That ended the case since police could not obtain sufficient evidence to prosecute.

One despairing lawman asked me: "Chief Justice Warren said if the suspect 'indicates in any manner' he doesn't want us to question him, we must stop. But if he 'indicates in any manner' he wants to confess, shouldn't our system of justice let him? Does the Constitution require us to provide a lawyer to clamp a hand over a suspect's mouth at the moment he's most willing and talkative?"

All across America police are so powerless criminals are thumbing their noses at the law. In Philadelphia, two-thirds of the suspects read the Miranda rule and refuse to answer questions. Amid growing homicides, Chicago's police have experienced a 50 per cent drop in the number of confessions and statements they obtain from arrested suspects. New York's police, unable to question suspects, have seen unsolved murders climb to a record high.

COURTS BURDENED

Two University of Pittsburgh law professors found that the proportion of robberies the Pittsburgh detective bureau was able to solve fell by almost a third in the first 13 months after Miranda. The proportion of suspects making statements in homicides, robberies, burglaries and rapes dropped by almost half; the two researchers estimated that confessions would be necessary for conviction in about a fifth of such cases. Nationally, the FBI reports that in 1968 the police rate of solving the seven most serious felonies fell a shocking 15.8 percent below the 1964–5 (pre-Miranda) clearance rate, while their rate of solving robberies plunged 26.8 percent.

Worse, Miranda has thrown a catastrophic burden on our already clogged courts, as judges must spend days listening to lawyers wrangle and "trying the police" over proffered confessions. The Massachusetts Supreme Court protested in March 1969 that a single 10-day trial spent half the time, occupying 500 of the 1004 transcript pages, taking evidence on the Miranda warnings. Such cases amply demonstrate "why there is heavy and constantly increasing congestion in the jury trials of criminal cases," the Massachusetts judges complained. With trials growing longer and rates of appeal climbing toward 100 percent, orderly administration of criminal justice is becoming impossible because memories fade, witnesses die or move away, and criminals roam free on appeal bonds.

Congress already has moved timidly and ineptly to dilute the Supreme Court's absolutist interpretation in the Miranda case. As part of the 1968 Omnibus Crime Bill Congress ordered that no federal judge shall exclude a confession deemed otherwise voluntary solely because police interrogators fail to give the full warning commanded by the Supreme Court. Attorney General John Mitchell has announced that federal policy will continue to be to give the full Miranda warning, but if officers inadvertently fail to do so and confessions are otherwise "voluntary" federal prosecutors will attempt to introduce them in evidence.

Declares the Justice Department policy memorandum: "Congress has reasonably directed that an inflexible exclusionary rule be applied only where the constitutional privilege itself has been violated, but not where a protective safeguard system suggested by the court has been violated in a particular case without affecting the privilege itself."

But the 1968 Congressional act applied only to federal courts. Congress did nothing to relieve state courts of the worst effects of the Supreme Court's inflexible exclusionary rule. And yet it is the states that must deal with violent street crimes where police interrogations are frequently essential, a type seldom seen in federal courts. It is also in the area of state criminal proceedings that the Congress has the clearest constitutional mandate to prescribe procedural rules and require the Supreme Court to respect them. The Fourteenth Amendment, from whose due process clause the court claimed power to apply its Miranda rule to the states, clearly declares: "The Congress shall have power to enforce by appropriate legislation the provisions of this article."

Responsible voices across the nation have called for amending the Fifth Amendment to undo the damage done by absolutist Supreme Court interpretations. In November 1968, Judge Henry Friendly of the U.S. Court of Appeals for the Second Circuit, one of the nation's most scholarly jurists, declared that the court under Chief Justice Warren "has pressed the amendment far beyond anything that went before" so that it "seriously impedes the state in the most basic of all tasks, to provide for the security of the individual and his property. It is necessary to vindicate the rights of society against what has become an obsession with the privilege."

"MUSCLE OR BOOT"

Attorney Percy Foreman, renowned defender of 750 murder defendants, startled a Senate Constitutional Amendments Subcommittee by proposing such a change. Too many criminals would go free unless judges or magistrates could question them under non-coercive circumstances, say Foreman: "Justice does not mean that every defendant should be acquitted. It means nobody should be coerced to testify against himself by the muscle or boot of the constabulary."

Says Chairman Birch Bayh of the Senate Subcommittee on Constitutional Amendments: "It's inconvenient to sit in the police station and answer questions. It's also inconvenient to sit on a jury, to register and vote, to pay taxes or serve in the Army. If you are a suspect in a police case, interrogation is an inconvenience that is the price of citizenship and civilization."

Seven members of President Johnson's National Crime Commission, including three past presidents of the American Bar Association, declaring that Supreme Court decisions have drastically tilted the scales of justice "in favor of the accused and against law enforcement and the public," have recommended amending the Fifth if necessary to restore the balance. So have House Minority Leader Gerald Ford and former Republican presidential nominee Thomas E. Dewey, who launched his career as as an outstanding pioneer prosecutor of organized crime.

But we do not need to amend the Fifth Amendment. We need only restore it—to the balanced, very limited common-sense rule the framers actually elevated into our Constitution. President Nixon's recommendation that Congress pass a new general testimonial immunity statute (S. 2122, introduced by Senators Hruska, McClellan and Ervin) is a fair-minded and courageous beginning, and our elected representatives have ample constitutional authority to act without resort to the cumbersome amending process.

Article I emphatically empowers Congress "to make all laws which shall be necessary and proper for carrying into execution all powers vested by this Constitution in the government of the United States." Article III further empowers Congress to make "exceptions and regulations" to the Supreme Court's appellate jurisdiction. And finally the 14th Amendment specifically names Congress the guardian of the constitutional rights it creates.

NO "IMMUNITY BATH"

S. 2122 would limit the privilege of silence to criminal suspects at their own trial, as was clearly the purpose of the Fifth Amendment's authors. As proposed originally last March by the National Commission on Reform of Federal Criminal Laws, appointed during the Johnson Administration and chaired by former California Gov. Pat Brown, the new statute would apply to congressional hearings and to all cases involving violations of federal law.

A witness not on trial himself for a crime would be compelled to testify even after claiming his testimony might incriminate him, but he would be granted immunity from having his compelled testimony or other proof it revealed used as evidence of his offense in any later prosecution. But he would not, as under present laws, receive an "immunity bath" against prosecution on the basis of other independent evidence.

Once investigators identified individuals involved in any criminal conspiracy, prosecutors could hale them before a grand jury or judge, grant testimonial immunity, and force them to choose between going to jail for criminal contempt of court and identifying and testifying against other partners-in-crime. Thus prosecutors could pry apart conspiracies and use the small fry to convict the big fish. As Attorney General Nicholas Katzenbach in 1966 told Congress in pleading for a broader immunity statute, "we cannot make progress in fighting organized crime other than by getting the testimony of people involved." By protecting the silence of subordinates as investigators try to trace organized crime to the men who direct it, "we are authorizing protection of the people within the organization."

One thing is clear: Congress must act, and soon. "It is one of the misfortunes of the law," said Justice Oliver Wendell Holmes, "that ideas become encysted in phrases and thereby for a long time cease to provoke further analysis." But today evidence is inescapably mounting that we have indeed added too many stories to the temple of justice and that millions of innocent citizens are suffering as respect for law crumbles under the weight. The beauty and simplicity of those 15 words of the Fifth Amendment is that they said what they meant. President Nixon's proposal gives Congress an unprecedented opportunity to move toward restoring that meaning.

SECRETARY PACKARD IS NOT A PROFITEER

Mr. BYRD of Virginia. Mr. President, news dispatches published February 7 disclosed that the value of stock placed in trust by Deputy Defense Secretary David Packard increased in value by 20 percent during the past year.

The article stated that the value of Mr. Packard's holdings increased $62 million, from $301 to $363 million.

I believe it is important to point out that Mr. Packard will not realize a cent

of profit—not 1 cent of profit—from the increased value of his stock.

Under the agreement which he worked out at the time of his confirmation hearings before the Senate Committee on Armed Services, increases in the value of the stock will accrue to a charitable trust and not to Mr. Packard.

Mr. Packard made a considerable sacrifice to qualify for the high office he holds. It is important that we be vigilant about the finances of public officials. But it is only fair that we should give credit to those who have made sacrifices to free themselves of possible conflict of interest.

The Nation is fortunate to have a man of Mr. Packard's exceptional ability and high integrity in the very difficult position of Deputy Secretary of Defense.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. BYRD of Virginia. Mr. President, I strongly support the amendment offered by the Senator from Mississippi (Mr. STENNIS). It asserts two principles that I think are sound and eminently fair; namely, that there shall be no compulsory busing to achieve racial balance, and that parents shall have the ultimate right to determine where their children go to school.

I wish to commend President Nixon for the administration statement of last week declaring that the President "has consistently opposed, and still opposes, compulsory busing of children to achieve racial balance."

The President is also to be commended on his statement that the law should be applied equally in all the States of the Nation.

If busing children to achieve racial balance is wrong in the North, it is also wrong in the South. And it is wrong, because it is harmful to schoolchildren and their parents.

I hope that President Nixon will take the next logical step and order the Department of Health, Education, and Welfare to stop insisting on busing southern students across cities and counties.

In recent years, the courts have accepted an unsound and legalistic theory which maintains that southern segregation is somehow different from northern segregation. This theory is based on a strained reading of history, and in my view, it is false and pernicious.

U.S. District Judge Walter E. Hoffman, of Norfolk, Va., succinctly put the matter in focus when he said in a recent case involving the schools of that city:

> We cannot believe that the Constitution may be interpreted one way for a group of states, and still another for the remaining states . . . . The same Constitution must apply to all 50 states.

At this time, I also wish to pay tribute to the Senator from Connecticut (Mr. RIBICOFF) for his courageous speech of last week. Senator RIBICOFF rightly denounced busing as cruel and harmful to young schoolchildren and their parents. He is the first northern liberal to make so forthright a statement, and he deserves praise for so doing.

For too long now, the public schools of this Nation have been laboratories for misguided sociologists.

It is time that the public schools be permitted to get away from sociological theory and back to education. That is what the schools are all about.

Mr. President, I ask unanimous consent that an editorial from the Norfolk, Va., Ledger-Star of February 13, 1970, entitled, "Applying the Law Evenly," be printed in the RECORD at the conclusion of my remarks. Mr. William H. Fitzpatrick is the editor of the Norfolk Ledger-Star.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

APPLYING THE LAW EVENLY

The effect of a long series of court decisions, in the period of national trauma which began with the school ruling of 1954, has been to sweep away the web of Southern laws prescribing racial separation.

Yet while this has put the remaining segregation in the South on the same basis by which it is supported elsewhere in the country—by residential patterns, social custom and individual attitudes—the courts and the federal government have continued to proceed as though the problem were exclusively Southern.

Until now voices from the South, raised in criticism of the policies and legislation which single out this region, have been discredited. Persisting in their hypocrisy, Northern politicians, who for years have made easy capital of their remote victim, have consistently brushed-aside any reminders of the situation in their home constituencies. They have scoffed at any attempts to make them deal with their own problems as mere diversionary strategy by the South.

Now, within the space of a few days, have come two non-Southern statements, each carrying a special weight of its own, calling for a more equitable federal approach to the whole question.

The most recent was the White House memorandum of yesterday, in which President Nixon opposed the busing of students away from their neighborhood schools, and in which he advocated the same school desegregation rules for the North as for the South.

This followed a surprising bit of candor only a few days earlier from the Northern sector itself, a statement by Senator Ribicoff which similarly declared that other regions of the country should be treated no differently from the South in the matter of racial desegregation.

The Connecticut liberal's call for the North to abandon its two-facedness on the race question was an act of political courage. And while the even-handed application of court rulings, the law, and federal executive orders which he called for may have been put in some practical jeopardy by the effusive praise from the South, he may well have jolted some consciences and some minds.

There is hope also that this exposure of the North's self-serving righteousness, along with Mr. Nixon's prodding, may have started the country edging back toward Constitutional sanity. That is, back toward the only position this nation can ultimately tolerate: the adoption and enforcement of federal policies—good, bad, indifferent—which deal with all parts of the United States in exactly the same way.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with Calendar No. 10.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated, as requested by the Senator from West Virginia.

AMBASSADORS

The bill clerk read the nomination of Jerome H. Holland, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Mr. BYRD of Virginia. Mr. President, I rise to urge the confirmation of the nomination of Dr. Jerome H. Holland to be Ambassador to Sweden.

Dr. Holland is a citizen of Virginia. He has served a good many years as president of Hampton Institute at Hampton, Va. He is highly regarded by his associates in the field of education. He is highly regarded by the people of the community in which he has been living, on the peninsula of Virginia, Hampton and Newport News.

Dr. Holland is a man of ability. He is a tolerant man. He is one who, although not a professional diplomat, is likely to bring high achievement to the office to which the President has nominated him.

I am pleased today, on the floor of the Senate, to commend Dr. Jerome H. Holland and urge the Senate to confirm his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jerome H. Holland, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden. [Putting the question.]

The nomination was confirmed.

The assistant legislative clerk read the nomination of Robert Strausz-Hupé, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States to Ceylon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President of the United States be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

NOMINATION OF JUDGE G. HARROLD CARSWELL TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. THURMOND. Mr. President, I would like to call the attention of the Senate to a recent letter to the editor of the Washington Post concerning the nomination of Judge Carswell for Associate Justice of the Supreme Court. It reads in part:

> In a decade when substantial numbers of cases before the Supreme Court will involve civil rights, school desegregation and the like, it seems to me to be sheer insanity to place on the bench a man who in a normal trial situation would be subject to disqualification from hearing a case because of his partiality.

Mr. President, unfortunately the position taken in this paragraph is typical of that currently being adopted by many opponents of the President's nominee. Judge Carswell has repudiated without qualification his campaign rhetoric of 28 years ago and most fairminded persons are convinced of his sincerity.

What bothers the professional liberals is not that they think the judge may be biased or prejudiced against the case of forced integration in the South, Mr. President; nor are they content with mere impartiality on that issue. Rather, they will apparently be satisfied with no less than a man whose record and background assures them that he will be 100 percent committed to their philosophy and their own views of what the Constitution means when the issue is brought before the Court.

In this country we have a right to insist that our judges be absolutely fair in the disposition of cases before them. They should be in a position to hear a case with an open mind and to render a decision on the basis of their interpretation of the applicable law, unswayed by effects of background or personal prejudice.

Mr. President, Judge Carswell has shown a large majority of the members of the Judiciary Committee that he possesses these qualifications. He was approved today by the Judiciary Committee by a 12 to 4 vote with one abstention. Moreover, he has convinced the President and the American Bar Association that he is a man of integrity and professional competence, and this should not be taken lightly.

The writer alleges, as do many others, that Judge Carswell "would be subject to disqualification—because of his partiality." Mr. President, I have never heard any of these same people contend that Mr. Justice Marshall should disqualify himself in cases involving Negro rights. As we know, he was for many years the chief advocate for the NAACP. Indeed, he argued the original 1954 desegregation case before the U.S. Supreme Court on their behalf.

What about Mr. Justice Douglas on cases involving antiwar protests or draft resisters? His views on this subject are well known and widely publicized. Former Justice Goldberg was a prominent and successful labor lawyer before his elevation to the Court. Were there any claims from these people that this should prevent him from being confirmed? I did not hear any.

Mr. President, just as we expect our judges to be fairminded and reasonable, so should we likewise be fair with them. Let us give Judge Carswell a resounding vote of confidence when we confirm him within several weeks. We will be rendering a great service to our Court and to the country as well.

PRIVILEGE OF THE FLOOR DURING THE CONSIDERATION OF CERTAIN RESOLUTIONS TODAY

Mr. BYRD of West Virginia. Mr. President, during the afternoon the Senate will be considering various money resolutions on the calendar.

I would ask the Chair to instruct the Sergeant at Arms to require staff members who are on the floor to stay in their seats at the rear of the Chamber.

I recognize that when the various money resolutions come before the Senate, a great number of technical personnel and staff members will be required to assist their Senators at the time their respective resolutions are being considered.

I would suggest that the Sergeant at Arms—and I would hope that the Chair would so instruct him—keep off the floor staff members who are not at the particular time needed by their Senator to discuss the specific funding item for their committee. They may stay away from the lobby and may sit in the staff gallery until the resolution is before the Senate in which their Senator is interested and concerned, and when the Senator needs their help, they can then come to the floor.

I believe it would be deleterious to the decorum of the Senate if all staff members involved in the consideration of all the resolutions which will come before the Senate were to be permitted to come to the floor or remain in the lobby at one and the same time.

The PRESIDING OFFICER. The point is well taken and the Chair so instructs the Sergeant at Arms, in accordance with the request of the distinguished Senator from West Virginia.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

ORDER FOR CALL OF THE CALENDAR AT CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business today, the Senate proceed to the call of the calendar under rule VIII, beginning with Calendar No. 659.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF DIRECTOR OF THE BUREAU OF THE BUDGET

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that a detailed discussion of the limitation on budget outlays in fiscal year 1970 is found in the 1971 Budget of the United States (pages 46–50); to the Committee on Appropriations.

REPORT ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY AND DETAILED TO THE ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF ARMY RESEARCH AND DEVELOPMENT CONTRACTS

A letter from the Deputy Assistant Secretary of the Army (R. & D.) transmitting, pursuant to law, a report on Department of Army Research and Development contracts, for $50,000 or more, which were awarded during the period July 1, 1969, through December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

PROPOSED APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for certain maritime programs of the Department of Commerce (with accompanying papers); to the Committee on Commerce.

REPORT OF DISTRICT OF COLUMBIA ARMORY BOARD

A letter from the Chairman, District of Columbia Armory Board, transmitting, pursuant to law, a report covering the operation of the District of Columbia National Guard Armory and the Robert F. Kennedy Memorial Stadium, for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF UNITED STATES TARIFF COMMISSION

A letter from the Chairman, United States Tariff Commission, transmitting, pursuant to law, a report of the Commission for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Finance.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on questionable aspects concerning information presented to the Congress on construction and operation of the San Luis Unit, Central Valley project, Bureau

of Reclamation, Department of the Interior, dated February 12, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE OFFICE OF COAL RESEARCH

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Office of Coal Research covering activities undertaken during the first full year of this administration, dated 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF BOYS' CLUBS OF AMERICA

A letter from the National Director, Boys' Clubs of America, transmitting, pursuant to law, an audited financial report of the Boys' Clubs of America, for the 9 months ended September 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO AMEND THE PUBLIC HEALTH SERVICE ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet licensing requirements of this section (with an accompanying paper); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION TO AMEND THE PUBLIC HEALTH SERVICE ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend and improve the Public Health Service Act to aid in the Development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and area-wide level, promoting research and demonstrations relating to health care delivery, encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems, enlarging the scope of the National Health Survey, facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORT ON BIG SOUTH FORK CUMBERLAND RIVER

A letter from the Secretaries of Interior, Agriculture, and Army, transmitting, pursuant to law, a report on possible alternative uses of the resources of the Big South Fork of the Cumberland River, Kentucky and Tennessee, dated December 1969 (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Five resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING THE EXEMPTION FOR DEPENDENTS ON THE PERSONAL INCOME TAX

Whereas, The cost of the necessities of life in this country has risen to an all-time high; and

Whereas, The current tax structure of this nation requires substantial deductions from the earnings of the people of this nation; and

Whereas, An increase of the exemption for each dependent on the personal income tax to one thousand dollars would tend to relieve such conditions; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing the exemption for a dependent on the personal income tax to one thousand dollars; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

House of Representatives, adopted, January 28, 1970.

WALLACE C. MILLS, *Clerk.*

Senate, adopted in concurrence, February 2, 1970.

NORMAN L. PIDGEON. *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION WHEREBY SOCIAL SECURITY BENEFITS SHALL BE COMPUTED ON THE BASIS OF THE 10 HIGHEST YEARS OF THE WORKER'S EARNINGS

Whereas, a substantial portion of the people of this nation depend to a large extent upon the monthly payments received by them under the social security program; now, therefore, be it

Resolved, that the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation whereby social security benefits shall be computed on the basis of the ten highest years of the worker's earnings; and be it further

Resolved, that copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 21, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 26, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING THE AMOUNTS OF MINIMUM MONTHLY PAYMENTS UNDER THE SOCIAL SECURITY ACT

Whereas, the cost of the necessities of life in this country has risen to an all time high; and

Whereas, a substantial portion of the people of this nation depend to a large extent if not entirely upon the monthly payments received by them under the Social Security Act; and

Whereas, the current minimum monthly payments under said program have now become grossly inadequate for their needs; and

Whereas, an increase of such minimum payments to one hundred and fifty dollars per month per person and two hundred and fifty dollars per month per married couple would tend to relieve such conditions; now, therefore, be it

Resolved, that the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing the minimum monthly payments under the Social Security Act to one hundred and fifty dollars per month per person and two hundred and fifty dollars per month per married couple; and be it further

Resolved, that copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 22, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 27, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO INCREASE THE PENSIONS OF THE VETERANS OF WORLD WAR I

Resolved, That the General Court of Massachusetts hereby urges Congress to enact legislation to increase the pensions of the Veterans of World War I; and be it further

Resolved, That copies of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

Senate, adopted, January 26, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 28, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION REMOVING THE RESTRICTION ON THE AMOUNT OF INCOME A PERSON MAY EARN WHILE RECEIVING SOCIAL SECURITY BENEFITS

Whereas, Under present law persons receiving social security benefits are not permitted to earn more than sixteen hundred and eighty dollars in any one year without a decrease in their social security payments; and

Whereas, Many persons receiving such payments are totally dependent upon them for their living expenses; and

Whereas, The cost of living has increased substantially so that said social security benefits are totally inadequate; and

Whereas, The removal of the restriction on the amount of income a person may earn while receiving social security benefits will enable such persons to retain their self-respect; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation removing the restrictions on the amount of income a person may earn while receiving social security benefits; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 22, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 27, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

The petition of Woodrow W. Bussey, of Oklahoma City, Okla., praying for a redress of grievances; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN (for Mr. FULBRIGHT), from the Committee on Foreign Relations, without amendment:

S.J. Res. 127. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 15, 1971, through May 23, 1971 (Rept. No. 91–704); and

H. Con. Res. 454. Conccurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front (Rept. No. 91–705).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 172. Joint resolution to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week" (Rept. No. 91–703).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TALMADGE (for himself and Mr. RUSSELL):

S. 3435. A bill to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy; to the Committee on Banking and Currency.

By Mr. TYDINGS:

S. 3436. A bill for the relief of Mrs. Raffaelina Stinga Miramare; and

S. 3437. A bill for the relief of Mrs. Iris C. Nash; to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself and Mr. TYDINGS):

S. 3438. A bill to authorize the Commissioner of the District of Columbia to enter into agreements for the construction on real property belonging to the government of the District of Columbia of buildings for combined District government and private uses, and for other purposes; to the Committee on the District of Columbia.

By Mr. JAVITS:

S. 3439. A bill for the relief of Miss Paola Modotti; to the Committee on the Judiciary.

By Mr. BAYH:

S. 3440. A bill for the relief of Fernando de la Rama and Carmen de la Rama; to the Committee on the Judiciary.

By Mr. McGEE:

S. 3441. A bill to establish the Bridger National Recreation Area in the State of Wyoming; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. McGEE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SPARKMAN:

S. 3442. A bill to increase the availability of funds for the financing of urgently needed housing, to authorize the establishment of standards governing the amount of settlement costs allowable in the financing of federally assisted housing, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. PROUTY, Mr. MURPHY, Mr. SAXBE, Mr. BROOKE, Mr. GOODELL, Mr. DOMINICK, Mr. SCOTT, and Mr. SCHWEIKER):

S. 3443. A bill to amend and improve the Public Health Service Act to aid in the development of integrated, effective, consumer-oriented health-care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and areawide level, promoting research and demonstrations relating to health-care delivery, encouraging experimentation in the development of cooperative local, State or regional health-care delivery systems, enlarging the scope of the National Health Survey, facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON:

S. 3444. A bill to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a national lake areas system and authorizing programs of lake and lake areas research, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. NELSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3441—INTRODUCTION OF A BILL TO ESTABLISH THE BRIDGER NATIONAL RECREATION AREA IN THE STATE OF WYOMING

Mr. McGEE. Mr. President, I introduce for appropriate reference a bill to establish the Bridger National Recreation Area in the State of Wyoming, and for other purposes.

Tourism and recreation constitutes one of the most rapidly growing industries in America. In Wyoming and the Rocky Mountain West, the approach of a new age of tourism is far more explosive even than the national trends. The lure of the mountains and the majesty of the big sky are bringing everyone to our part of the world and yet even now we are way behind in our facilities and abilities to accommodate this new wave of tourism and recreation.

Partly with that in mind, I am today introducing a bill that would create the Bridger National Recreation Area in Wyoming. This area contains approximately 200,000 acres and lies in the upper reaches of the scenic Green River. It borders on the Bridger Wilderness Area, and is entirely within the Bridger National Forest.

The formal designation of this area as a national recreation area, under the administration of the Secretary of Agriculture and the Forest Service, would make many facilities and many recreational opportunities available to all of the people who come west to see the great sights of nature.

In taking this important step we think that this conforms with President Nixon's request for another look at quality living and quality environmental control. For in this very area we have problems of pollution and devastation of mountainsides of timber, already in jeopardy because of some of the current policies of the Forest Service.

And so this combination of factors makes it wise in my judgment to recommend the creation of the Bridger National Recreation Area with a view toward the conservation of scenic, scientific, historic and other values contributing to public enjoyment of the lands, waters and resources to be found in this area presently and for future generations.

My bill would direct the Secretary of Agriculture to administer this area in such a manner as to best provide for: First, public outdoor recreation; second, conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and third, the management, utilization, and disposal of natural resources in such a way that will promote or be compatible with the primary purposes for which the recreation area is established.

I want to especially emphasize that my bill specifically provides for the multiple use concept for the utilization of the natural resources to be found there, including pastoral and grazing uses and other vested rights. Likewise, consistent with recent legislation that passed the Senate, this bill specifically preserves to the State of Wyoming the jurisdiction and responsibility of administering activities under State laws with respect to hunting and fishing.

The Secretary of Agriculture will manage, utilize, and dispose of natural resources as long as this does not significantly impair the purposes for which the recreation area is established. Hunting, fishing, and trapping will be permitted within the recreation area in accordance with applicable Federal and State laws. However, the Secretary will be able to designate areas where and establish periods when no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or public use or enjoyment.

The lands within the recreation area will be withdrawn from location, entry, and patent under the U.S. mining laws. However, minerals may be leased by the Secretary of the Interior, provided the Secretary of Agriculture finds it would not adversely affect administration of the recreation area. All leases would be subject to the consent of the Secretary of Agriculture and to such conditions as he may prescribe.

The rights of Wyoming to exercise civil and criminal jurisdiction within the recreation area, and the right to tax, would not be affected by this bill.

Mr. President, thousands of people have already been attracted to this scenic wonderland. In the very near future we anticipate overflowing crowds at nearby Yellowstone and Grand Teton National Parks, especially during the 100th anniversary of Yellowstone National Park in 1972. This bill will aid in the timely development of this area to meet the pressing demands of the American public for superior recreational opportunities. I urge its prompt enactment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3441) to establish the Bridger National Recreation Area in the State of Wyoming, introduced by Mr. McGEE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3442—INTRODUCTION OF A BILL ENTITLED "MORTGAGE CREDIT ACT OF 1970"—NOTICE OF HEARINGS

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Banking and Currency Committee

will hold hearings on S. 2958 and S. 3442, commencing on March 2.

Testimony will be heard on my bill, S. 2958, which would authorize the Federal National Mortgage Association to purchase conventional mortgages, and also on my bill, S. 3442, which I introduced today to carry out the recommendations in the report of the Commission on Mortgage Interest Rates to the President of the United States and to the Congress in August 1969. In introducing this bill, I am acting to carry out the recommendations of the Commission. Although I was a member of the Commission, I did not agree with all of the Commission's recommendations, nevertheless, I believe it important that the full Commission's recommendations be submitted to the Congress for appropriate consideration.

The hearings will be held in room 5302, New Senate Office Building, March 2 through March 6, 1970, beginning at 10 a.m. each day. Persons wishing to testify should contact Miss Doris Thomas, room 5226, New Senate Office Building, telephone 225–6348.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3442) to increase the availability of funds for the financing of urgently needed housing, to authorize the establishment of standards governing the amount of settlement costs allowable in the financing of federally assisted housing, and for other purposes, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3444—INTRODUCTION OF NATIONAL LAKES PRESERVATION ACT OF 1970

Mr. NELSON. Mr. President, I am introducing today the National Lakes Preservation Act which would establish a national lake areas system to preserve the major U.S. lakes for future generations.

The precedent for this legislation has been established many times. We have established the Redwoods National Park and other national parks, created national seashores on Cape Hatteras and Cape Cod, established the national wilderness system and taken measures to protect primitive or little developed rivers as part of a national wild and scenic rivers system.

With these measures we recognize the principle that there are certain natural resources whose value must be protected and carefully managed for future generations. We have acknowledged this principle with our protection of mountain areas, seashores, rivers, and other unique features of our country.

It is more than time we afforded this same protection to such bodies of water as Lake Superior whose purity, scenic beauty, geology, history, and potential usefulness qualify them as resources well worth preserving.

The Great Lakes chain, of which about 60 percent lies in the United States, covers an area of over 95,000 square miles, holds 5,500 cubic miles of water, and includes 10,333 miles of shoreline.

In addition to the Great Lakes, there are in the United States 250 natural lakes with a surface area of 10 square miles or more, 20 major saline lakes, and many large reservoirs.

The estimates of population growth and industrial expansion insure that demands on these lake areas will increase dramatically. Our lakes must be protected and must remain accessible to the public.

Yet, present trends reveal that shore property is less and less open to the public. Former Secretary of Interior Udall reported that only about 5 percent of the total shoreline of the Nation's largest 250 lakes is government property. The remaining 95 percent is privately owned.

Public ownership of the United States shoreline of the Great Lakes is somewhat higher. Federal, State, and local governments own 19 percent of the shoreline. But much of this land has been engulfed by the large cities and is not available for recreational purposes.

Private ownership is directly related to the problems of lake deterioration. Certainly there are notable exceptions to this formula. In general, however, the greater the private ownership along the frontage of a lake, the more likely it is that the lake will have deterioration problems.

Tragically our lakes are in every bit as great a danger as any other of this Nation's once magnificent and seemingly limitless resources. Pollution from all directions threatens our lakes with high-speed deterioration. A process which naturally would take centuries, perhaps even milleniums, is being sandwiched into the short period of a few years as pollution by pesticides, oil, detergents, industrial waste, sewage, silt, agricultural fertilizers, and probably by sources we have yet to recognize exacts its toll.

Lake Erie is dying. Lake Michigan is seriously polluted. Thousands of smaller lakes across the country become so thick and murky with algae each summer that they resemble pea soup. And now, even Lake Superior is threatened.

Everything that these lakes are and could be will face almost certain destruction unless we act to halt the present trends.

The Great Lakes represent the greatest fresh water resource in the world. Farsighted people speculate that some time in the future, the Great Lakes may be used as a tremendous fresh water reservoir for the Eastern United States. Another proposal suggests that water might be diverted from James Bay into the Great Lakes where it would be stored and ultimately distributed across the country. Farfetched speculation? Possibly. Nevertheless these suggestions indicate a future dependency on the continuing usefulness of the Great Lakes.

It goes without saying that the Great Lakes and the smaller inland lakes represent tremendous resources in terms of recreational facilities and sport and commercial fishing. They also breed and support a wide variety of plant, animal, fish, and bird life.

Their functions are multiple; to list their usefulness in any form of completeness is both impossible and unnecessary. Suffice it to say that if these lakes are not given the proper care and attention, they will become little more than stinking cesspools, devoid of animal and plantlife and of little use to man.

Pollution is a key problem. But the setting of strict water quality standards and the elimination of present sources of pollution are only part of the task before us.

Standards for land quality are as essential as the standards for water quality which our pollution control program is establishing. A comprehensive shoreline and lake use management policy is imperative.

This bill would establish such a policy by providing for action at the Federal, State, and local levels to protect such lakes as Lake Superior, Lake Tahoe in Nevada and California, Lake-of-the-Woods in Minnesota, Great Salt Lake in Utah, Lake Winnebago in Wisconsin, and Lake Champlain in New York and Vermont.

The Secretary of the Interior would be directed to conduct a nationwide study to determine what areas should be included in the national lake areas system which this bill would establish. He would also appoint an advisory commission to make recommendations to him regarding inclusion of areas in this system.

Particular attention would be given to the role of State and local governments in this system. The Secretary is directed to encourage State and local governments to adopt master plans and zoning ordinances consistent with the purposes of this legislation and is authorized to provide technical and financial assistance to State and local governmental units for such plans in cooperation with other Federal departments such as the Department of Housing and Urban Development.

The bill also directs the Secretary to support, assist, and encourage programs in lake area research. This would not be limited to scientific studies but would include economic, legal and social studies. The Secretary is also instructed to work with colleges and universities to train undergraduate and graduate students in fields related to problems in lake preservation and development.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3444), to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a national lake areas system and authorizing programs of lake and lake areas research, and for other purposes; introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Lakes Preservation Act of 1970".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that the Great Lakes and other lakes of the United States are rich in a variety of natural, commercial, recreational, and esthetic resources of incalculable value to the present and future development of the Nation; that the resources of these lakes are being damaged by pollution from commercial, urban, and agriculture installations and developments along their shores, and from vessels plying their waters; that the damage being inflicted on these lakes is rapidly becoming worse and may soon be permanent and irreversible in some cases; that there is a serious lack of knowledge regarding many aspects of natural phenomena in lakes and lake areas; and that the purposes of this Act therefore are to preserve, protect, develop, and restore the Great Lakes and other lakes of the United States; make accessible for the benefit of all the people selected parts of the Nation's lakes which are valuable for fishing, hunting, conservation, recreation, and scenic beauty; and establish, support, and encourage programs of lake and lake area research, and for the training of scientists in fields relating to such research.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) the term "lake" means an inland manmade or natural body of fresh water and its sources which is standing and surrounded by land, flowing and occupying a substantial widening in the course of a river, or standing or flowing in a reservoir or impoundment in at natural or artificial basin; and

(b) the term "lake area" means an environmental system consisting of a lake and those transitional areas which are constantly influenced or affected by water from a lake such as, but not limited to, marshes, embayments, lagoons, inshore waters, channels, and stream and river estuaries.

TITLE I—NATIONAL LAKE AREAS SYSTEM

ESTABLISHMENT OF SYSTEM

SEC. 101. There is hereby established a National Lake Areas System (hereinafter referred to as the "System") composed of both federally administered lake areas established in accordance with law enacted after the enactment of this Act, and lake areas administered by the States or their political subdivisions and designated as part of the system pursuant to section 106 with the approval of the Secretary of the Interior (hereinafter referred to as the "Secretary"). The System shall include lake areas so established or designated on the Great Lakes, and on other lakes of substantial size and national importance, which are (1) relatively unspoiled or undisturbed by the technological advances of man, including, but not limited to, pollutants, and (2) areas that are partially spoiled or disturbed by such advances but should be protected from further adverse effects.

STUDY OF LAKE AREAS

SEC. 102. (a) The Secretary, in consultation with the States and other Federal agencies, shall conduct a nationwide study of lake areas for the purpose of identifying areas which should, in the national interest, be included in the System. The Secretary shall in making such study consider, among other things, all the resource and scenic values of such areas, their economic and recreational potential, their ecology, navigation, flood, and erosion control, the present and future urban, agricultural, and industrial effects on such areas, other uses of the lakes, and the most appropriate means or methods of preserving or protecting such areas. Particular attention shall be given to whether such areas should be acquired by the Secretary because of their national significance, or by the States or by local subdivisions thereof, and whether such areas may be protected adequately through local zoning laws or other methods without Federal land acquisition. Such study shall be coordinated with the nationwide outdoor recreation plan formulated or in preparation pursuant to the Act of May 28, 1963 (77 Stat. 49), with any plan prepared and developed or in preparation pursuant to the Water Resources Planning Act (79 Stat. 244), and with statewide plans prepared or in preparation and found adequate pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897). The Secretary shall from time to time submit recommendations to the President for inclusion in the System as a Federal lake area of any lake area he deems appropriate pursuant to this Act, and the President shall submit to the Congress such recommendations together with his recommendations with respect thereto. Recommendations made by the Secretary shall be developed in consultation with the States and other interested Federal agencies. Each such recommendation shall be accompanied by (1) expressions of any views which the States and agencies may submit within ninety days after having been notified of the proposed recommendation, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal programs in the basin wherein each lake area is located, and (3) in the absence of such a plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of such lake area.

(b) In making the study provided for in this section, the Secretary shall give consideration to, among others, the lake areas including the following lakes: the Great Lakes; Lake Iliamna in Alaska; Lake Tahoe in California and Nevada; Lake Okeechobee in Florida; Kealepulu Lake in Hawaii; Bear Lake in Idaho and Utah; Lake Pontchartrain in Louisiana; Moosehead Lake in Maine; Lake Gogebic in Michigan; Lake-of-the-Woods in Minnesota; Flathead Lake in Montana; Lake Champlain in New York and Vermont; Lakes Oneida, Seneca, and Cayuga in New York; Upper Klamath Lake in Oregon; Reelfoot Lake in Tennessee; Great Salt Lake in Utah; Lake Washington in Washington; Lake Winnebago in Wisconsin; Yellowstone Lake in Wyoming; and the San Angelo and Twin Buttes Reservoirs in Texas.

(c)(1) There is hereby established a National Lake Area Advisory Commission, which shall, subject to the provisions of paragraph (3) of this subsection, be composed of nine members appointed by the Secretary.

(2) The members of the Commission appointed pursuant to paragraph (1) of this subsection shall serve for terms of three years, except that of the members first appointed three shall serve for terms of one year, three for terms of two years, and three for terms of three years, as designated by the Secretary at the time of appointment. The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(3) In addition to the other members of the Commission appointed by the Secretary pursuant to paragraph (1) of this subsection, there shall be on such Commission at the time action is taken with respect to any area at least two persons appointed by the Secretary to represent the State wherein such area is located pending final disposition of such action.

(4) Members of the Commission shall serve without compensation, but the Secretary may pay the expenses reasonably incurred by such members in carrying out their responsibilities under this subsection upon presentation of vouchers signed by the Chairman.

(5) It shall be the function of the Commission to consider each lake area proposed to be included in the System pursuant to this section and section 106, and to make recommendations thereon to the Secretary. The Secretary or his designee shall, from time to time, consult with the Commission with respect to the development and administration of the System.

LAND ACQUISITION

SEC. 103. (a) The Secretary may acquire lands and waters or interests therein within any Federal lake area authorized by Act of Congress to be included within the System by purchase with appropriated or donated funds or by lease, donation, or exchange, except that he shall not so acquire with appropriated funds any lands and waters or interests therein owned by a State or by any political subdivision thereof. The Secretary may also accept title to any non-Federal property in such an area and in exchange therefor may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(b) Any lands, waters, or interests therein which are acquired pursuant to this section shall be administered, managed, and developed primarily for the purposes of sport and commercial fishing, wildlife conservation, outdoor recreation, and scenic beauty, and for such other purposes as the Secretary determines are compatible with the purposes of this Act.

(c) Any Federal land located within a Federal lake area in the System may, with the consent of the head of the agency having jurisdiction thereof, be transferred to the Secretary for administration as part of said area.

(d)(1) The Secretary shall encourage the several States and their political subdivisions to plan, acquire, develop, and manage lands within or adjacent to the System for recreation, fish and wildlife conservation, or other similar public purposes. Funds allocated to the States under the Land and Water Conservation Fund Act of 1965 shall be available for such planning, acquisition, and development.

(2) The Secretary shall encourage the several States and their political subdivisions to adopt and enforce adequate master plans and zoning ordinances which will promote the use and development of private property within or adjacent to the System in a manner consistent with the purposes of this Act, and he is authorized to provide technical assistance to such States and subdivisions in the development and adoption of such plans and ordinances.

(3) The Secretary may refrain or agree to refrain from exercising his authority under this Act to acquire private property so long as he finds that with respect to such property there is in effect such a plan or ordinance which promotes the use and development of such property in a manner consistent with the purposes of this Act.

REGULATIONS GOVERNING USE OF FEDERAL AREAS

SEC. 104. (a) The Secretary is authorized to issue regulations governing the public use of Federal lake areas in the System administered by him. Such regulations shall be in accordance with the purposes of this Act.

(b) Any person who violates or fails to comply with any regulation issued pursuant to this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

OTHER FEDERAL AGENCIES

SEC. 105. In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to lake areas which

should be included in the System, and all project plan reports submitted to the Congress shall discuss any such potential and make recommendations thereon. The Secretary shall make specific studies and investigations to determine which lake areas within the United States shall be evaluated for such purpose in planning reports by all Federal agencies on potential alternative uses of the water and related land resources involved.

STATE DESIGNATED LAKE AREAS

SEC. 106. (a) The Secretary in cooperation with other Federal agencies shall encourage States and local subdivisions thereof to consider, in their comprehensive planning and proposals for financial assistance under the Act of September 2, 1937 (50 Stat. 917; 16 U.S.C. 669 et seq.), relating to Federal aid in wildlife restoration, the Act of August 9, 1950 (64 Stat. 430; 16 U.S.C. 777 et seq.), relating to Federal aid in fish restoration, the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–4 et seq.), the Commercial Fisheries Research and Development Act of 1964 (78 Stat. 197; 16 U.S.C. 779 et seq.), and under title VII of the Housing Act of 1961 (75 Stat. 183; 42 U.S.C. 1500 et seq.), the need for and possibility of establishing lake areas on lands and waters owned or acquired and administered by them as part of the System. Any such area may be designated as a part of the System by the State in which such area is located, with the approval of the Secretary after determining that such designation is within the purposes of this Act. When approving such areas to be included in the System, the Secretary shall establish such terms and conditions as he deems desirable to insure the permanent protection of such designated areas. The lands or interests therein of any lake area included in the System by a State shall not be disposed of by sale, lease, donation, or exchange without the prior approval of the Secretary.

(b) There is authorized to be appropriated not to exceed $50,000,000 in any fiscal year to the Secretary for the purpose of transferring such amounts as he deems appropriate to Federal departments and agencies administering the laws cited in subsection (a) in order that additional grants pursuant to such laws may be made for the purposes of this section.

STATE JURISDICTION

SEC. 107. (a) Nothing in this Act shall restrict or extend such jurisdiction as the States now have with respect to water rights and laws, nor be construed as an express or implied claim or denial on the part of the United States as to exemption from State water rights or laws.

(b) Nothing in this Act shall affect the jurisdiction or responsibilities of the States under other provisions of law with respect to fish and wildlife.

(c) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the System in accordance with the appropriate Federal and State laws, to the extent applicable, except that he may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities.

AUTHORIZATION

SEC. 108. For the purposes of this title, other than section 106(b), there are hereby authorized to be appropriated $15,000,000 for the fiscal year beginning July 1, 1970; $30,000,000 for the fiscal year beginning July 1, 1971; $60,000,000 for the fiscal year beginning July 1, 1972; and thereafter such sums as are necessary for the implementation of the program herein authorized.

TITLE II—LAKE AND LAKE AREAS RESEARCH

SEC. 201. (a) The Secretary shall support, assist, nad encourage programs, including grants and contracts, of lake and lake area research, investigation, and experiments of both a basic and practical nature by Federal, State, interstate, and local government agencies; by universities, colleges, and research institutes; and by private organizations. Such research, investigation, and experiments may include, without being limited to, aspects of the hydrologic cycle; supply and demand for water; conservation and best use of available supplies of water; methods of increasing such supplies; preservation and restoration of the quality of water supplies; and economic, legal, social, engineering, recreational, biological, geographical, ecological, and other aspects of lake and lake area problems, having due regard to the varying conditions and needs of the respective States, and to water research projects being conducted by agencies of the Federal and State Governments.

(b) The Secretary, in conjunction with the programs authorized by the preceding section, shall encourage, assist, and establish programs, including grants and contracts, for research, investigations, and experiments with respect to fertilization, eutrophication, and related processes in lakes. Such research, investigations, and experiments shall extend not only to basic causes, processes, and effects, but shall include in addition methods and processes for reducing and eliminating algal growths from lakes, and for removing nutrients of various kinds from effluents, runoff water, ground water, and receiving waters.

(c) There are hereby authorized to be appropriated for the purposes of this section $75,000,000 for the fiscal year beginning July 1, 1970; and for each succeeding fiscal year.

RESEARCH AND TRAINING

SEC. 202. (a) The Secretary is authorized to arrange, through grants or contracts, with institutions of higher education for—

(1) fellowships or other training to provide graduate study for individuals in such fields as are appropriate and necessary for the purposes of this Act, including appropriate stipends and allowances for travel, subsistence, and other expenses such individuals and their dependents; and

(2) establishing or improving programs for advanced education and research in such fields, including costs of construction or alteration of necessary facilities for such programs and necessary equipment.

(b) There is authorized to be appropriated $35,000,000 for the fiscal year beginning July 1, 1970; and for each succeeding fiscal year for the purpose of this section.

ADMINISTRATION

SEC. 203. (a) The Secretary shall, after consultation with other Federal departments and agencies administering laws affecting the provisions of this Act, establish such rules and regulations as may be necessary to (1) carry out the provisions of this Act, and (2) coordinate programs pursuant to this Act with the provisions of such laws. The Secretary shall also make recommendations to such other Federal departments and agencies for any such coordinating action by them which will promote the purposes of this Act.

(b) For the purpose of carrying out the provisions of this Act the Secretary may acquire, establish, or construct such laboratories, field stations, monitoring stations, property (including land), equipment, and other facilities as may be necessary.

(c) In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution, in accordance with agreements between the Secretary and the head thereof.

(d) There is authorized to be appropriated for administering the provisions of this Act, in addition to other amounts authorized in this Act, $10,000,000 for the fiscal year beginning July 1, 1970; $15,000,000 for the fiscal year beginning July 1, 1971; $25,000,000 for the fiscal year beginning July 1, 1972, and for each succeeding fiscal year such amounts as may be necessary.

ADDITIONAL COSPONSOR OF A BILL

S. 1466

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from New York (Mr. GOODELL) be added as a cosponsor of S. 1466, to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and hold licenses for their stations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 41

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of my resolution, Senate Concurrent Resolution 41, urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—AMENDMENTS

AMENDMENTS NOS. 491 THROUGH 493

Mr. ERVIN (for himself, Mr. ALLEN, Mr. EASTLAND, Mr. GURNEY, Mr. HOLLAND, Mr. JORDAN of North Carolina, Mr. RUSSELL, Mr. SPARKMAN, Mr. STENNIS, Mr. TALMADGE, Mr. THURMOND, and Mr. BYRD of Virginia) submitted three amendments, intended to be proposed by them, jointly, to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. ERVIN when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

REVISION OF DEFINITION OF THE TERM "CHILD" FOR PURPOSES OF VETERANS BENEFITS UNDER TITLE 38, UNITED STATES CODE—SUBMISSION OF AMENDMENT TO INCREASE PAYMENTS TO ORPHANS OF VETERANS WHOSE DEATH WAS SERVICE CONNECTED

AMENDMENT NO. 494

Mr. TALMADGE. Mr. President, today I am submitting for myself and for the distinguished chairman of the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare (Mr. CRANSTON) an amendment to modify two provisions of the dependency and indem-

nity compensation program. This program provides monthly benefits to widows and orphans of servicemen and veterans whose death was related to a military service.

The first provision of my amendment, Mr. President, would increase by 10 percent the monthly dependency and indemnity compensation payments to the children of deceased veterans when there is no widow entitled to benefits. The increase is identical to that approved by the Senate last year.

The second provision of my amendment involves certain widows who are denied dependency and indemnity compensation benefits under present law because their deceased husbands were insured under national service life insurance on a premium-free basis. My amendment would permit them to become eligible for dependency and indemnity compensation under certain specified circumstances.

Both of the provisions in my amendment passed the Senate last year when we acted on S. 1471, a bill I introduced to make major needed improvements in the dependency and indemnity compensation program. The House acted on S. 1471 at a time when we were deeply involved in the Tax Reform Act. Two provisions were dropped by the House in its action on the bill. In order not to delay increasing benefits to widows, we acceded to the House amendments and sent the bill on to the President.

I feel that both of these provisions deserve further consideration, and it is for this reason that I am introducing them as an amendment to H.R. 10106, a noncontroversial bill to modify the definition of "child" for veterans benefit purposes in cases involving adoption. It is my hope that the Subcommittee on Veterans' Legislation will again act on these provisions at an early moment.

I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 494) was referred to the Committee on Finance, as follows:

AMENDMENT No. 494

At the end of the bill add the following:

"SEC. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"'§ 413. Dependency and indemnity compensation to children

"'Wherever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"'(1) One child, $88.

"'(2) Two children, $127.

"'(3) Three children, $164.

"'(4) More than three children, $164, plus $32 for each child in excess of three.'

"SEC. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out '$29' and inserting in lieu thereof '$32'.

"(b) Subsection (b) of section 414 of such title is amended by striking out '$80' and inserting in lieu thereof '$88'.

"(c) Subsection (c) of section 414 of such title is amended by striking out '$41' and inserting in lieu thereof '$45'.

"SEC. 4. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting '(1)' immediately after 'unless', and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: 'or (2) the total amount paid to the widow, children, or parents of such veterans under any such policy is equal to or exceeds the face value of the policy and such amount paid when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran if such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final.'

"(b) The last sentence of section 417(a) of such title is amended by striking out 'preceding sentence' and inserting in lieu thereof 'first sentence'.

"(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any person prior to the effective date of this Act.

"SEC. 5. The amendments made by sections 2 and 3 of this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted.

"Amend the title so as to read: 'An Act to amend title 38, United States Code, to revise the definition of the term "child" to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes.'"

AMENDMENT OF NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES ACT OF 1965, AS AMENDED—AMENDMENTS

AMENDMENTS NOS. 495 AND 496

TO PRESERVE AMERICA'S CULTURAL TREASURES

Mr. GOLDWATER. Mr. President, last week the House Select Subcommittee on Education concluded its hearings on legislation to extend the life of the National Foundation on the Arts and Humanities. The Senate's Special Subcommittee on the Arts and Humanities had completed its own series of joint sessions with the House group a week before.

This swift action and cooperative spirit by the respective committees bodes well for President Nixon's request that Congress renew the charter under which the National Foundation functions. I have been privileged to join as a sponsor of S. 3238, which would carry out the President's request, and I wish to announce my complete endorsement of both his proposals for an extension of the Foundation's term and an increase of the funds authorized for its programs.

In reviewing the arts scene in America and the Foundation's role in our cultural life, I must say that I have been impressed by the tangible, down-to-earth contributions that can be traced directly to the Foundation. The hallmark of this body has been its ability to foster the development of artistic activities naturally and freely across the United States without in any way dampening local initiative or private participation in the arts.

Historically, Americans have supported the arts by private, voluntary assistance coupled with help from local sponsoring agencies or groups. And, clearly, this source must continue to be the primary base on which the arts will stand.

Without an interest in and desire for exposure to the arts on the part of private citizens at the village, town, and regional level, the arts will be alienated from the very people whose lives they are intended to enrich. Without support from the private sector—without money from individuals, merchants, and manufacturers in the community at large; without private donations of time and efforts; and without the exploration, experimentation, and spontaneity that occur at the community level—the arts would become a stagnant, noncreative victim of cultural welfare.

But it is here, where the dangers of outside interference are greatest, that the National Foundation has performed with the highest distinction. Far from imposing a meddlesome, heavy hand over the arts scene, the Foundation has achieved a remarkable record of arousing, inspiring, and sustaining local activity and involvement in the arts.

The greatest achievement and strength of the National Foundation has been its ability to cultivate action in the arts by private individuals and groups and local governments to the highest point in American history.

The mere existence of the Foundation is directly responsible for an amazing growth in the number of State agencies devoted to the arts. In 1965, before the Foundation was established, there were only 15 statewide bodies concerned with the arts. Today, commissions or councils on the arts exist in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

Before the Foundation was created, the amount of funds budgeted for support of cultural programs in most States was practically nil. Today every State appropriates sizable sums at least for the administration of a program in the arts.

These steps, in turn, have had a mushrooming effect. Community sponsoring groups and fundraising bodies have sprouted up all over the country in small towns and villages where live concerts, live art shows, and live theater have never been held before.

Larger areas have caught the spirit, too. Funds contributed, performances and exhibitions presented, and audiences reached have doubled and tripled in these areas as well.

Perhaps the best way I can bring home the immense improvement in the cultural climate that has occurred since the Foundation began its operations is to relate what has happened in Arizona.

By the time the new Arizona Commission on the Arts and Humanities was organized in mid-1966, 49 other States

and three territories had already established their own agencies devoted to the arts. But even during its initial year, the State commission showed promise of the surprising accomplishments which would follow.

In its formative months, covering the 1966–67 program year, the commission aided 32 events in 13 Arizona communities. For every $1 of assistance from the commission, nearly $3 extra was contributed by local sponsors and audiences. Thus, with an investment of $12,053 in Federal assistance, the Arizona commission was able to carry out a program of activities costing $44,149. This far exceeded the matching fund requirement which is called for by the Federal arts law.

Arizona's 1967–68 cultural program built upon this well conceived plan with a further expansion of efforts to bring the performing arts to people and places where there had been little or no opportunity to enjoy "live" events. It also tackled head on one of the most severe problems threatening the status and fate of live art by seeking to provide for year-round employment for persons engaged in the musical, theatrical, and dance professions.

Once more the results were nothing short of remarkable. The Federal grant for the 1967–68 season was raised to $39,383. The total local contributions more than doubled this sum, again far surpassing the required matching amounts.

The 1967–68 figures look like this: total cost of Arizona State commission programs rose from $44,000 to $124,000; total number of communities participating increased from 13 to 14; total number of events held jumped from 32 to 85; and total audience attendance went up from 17,000 to 46,000.

This growth pattern continued during the 1968–69 program year, with further strong emphasis on the establishment of new community projects and the development of self-sustaining local programs.

The Arizona commission has been particularly successful in fostering the growth of cultural activity where there was none before. For example, the commission can take credit for initiating the organization of new community symphony sponsoring groups in Casa Grande, Prescott, and Safford.

Also, the commission has aided sponsoring organizations in Glendale, Globe, and Yuma, making it possible for the Phoenix Symphony Orchestra to present concerts in each of these three communities, as well as the above-named ones. Since the Commission instituted its symphony program in 1967, two seasons of three concerts each have been held in Glendale and Prescott with over 5,500 people attending the performances.

The successful organization and strengthening of local organizations of this kind, which are working to bring concerts to their communities, is tangible proof that the National Foundation and State agencies are on the right track.

The Arizona commission has geared its program to the people. It seeks to engage the whole community in cultural activities. It strives to encourage the localities to increase their own patronage of the arts. And it is meeting these goals.

In other areas commission funds have helped the semiprofessional Arizona Civic Theater of Tucson to be able to employ a professional staff. Recently ACT presented eight plays, running from five to 10 performances of each. The company's 1969 season's attendance was in excess of 4,500.

In Phoenix, Actors Inner Circle is another semiprofessional resident company which receives partial support from the commission. It presents approximately 40 performances annually and joins in audience development projects by appearing before high school students.

One of the larger projects aided by the commission is the Flagstaff Summer Festival, which seeks to bring Arizonans outstanding national and international performers and artists and to use Arizona talent whenever possible. A typical festival schedule might offer 3 weeks of events, including a series of symphony concerts under Izler Solomon, a stand by the Ballet West, major art shows of works by Arizona artists and galleries, an exhibit of books relating to or printed in the Southwest, a program of film classics, and a Navajo craftsman show.

In short, the Arizona Commission on the Arts and Humanities, under the leadership of Lewis Ruskin, chairman, has proven its worth both to Arizona and to the communities to organize their own local arts councils and in seeding cultural activities across the State, both in communities where there was no institutional framework and in those where the resources were already present. The commission has acted as promoter, organizer, fundraiser, researcher, catalyst, clearinghouse, adviser, booking agent, and whatever else the occasion called for. It has done its work well with a very small budget and has proven its capacity to handle the job of administering a serious arts program.

Mr. President, I believe the Arizona commission's record is representative of the achievements of the other State bodies as well, and for this reason I want to give my full endorsement to the request adopted by the respective State art agencies for an appropriation to each State of not less than $100,000 per program year.

The vote taken in Washington at last summer's Federal-State conference held by the National Endowment for the Arts has not received much play in the news. But the States passed the resolution almost unanimously, with only four nays, and their proposal warrants our closest consideration.

A minimum allotment of $100,000 per State would add up to a Federal investment of slightly over $5 million instead of the currently proposed $4.125 million for State art grants. The excellence of State agency operations, backed up in every State by almost 1,000 experienced persons who donate their efforts, funds, and time, is solidly established. The record of a tremendous rate of return for each dollar spent by the States is also clearly made.

Therefore, as one of two amendments which I submit today, I ask that the Senate consider inserting new language in section 11(a) of the 1965 arts and humanities law to provide a minimum arts program grant to each State of $100,000.

The change will necessarily mean either a corresponding drop in the total funds allotted for grants to groups or a corresponding increase in the overall amount appropriated to the Foundation. I wish to make it clear that I support the latter course.

Since many of the general grants are made to assist regional programs which are administered in cooperation with State agencies, such as the coordinating dance residency program for one and the music and dance programs of the Federation of Rocky Mountain States for another, I feel that it is appropriate to preserve the current balance between grants to groups and grants to States. If we reduce the sums programed for general grants, we will be cutting off funds that now benefit the States just as directly as if their own State agencies had spent them.

But in addition to the many worthwhile regional programs, which I hope the newly appointed Chairman of the National Arts Council will promote most vigorously, I recognize that there are also some instances where large scale projects of national importance exist that are beyond the capabilities of a single State agency to finance. A major symphony orchestra or museum fall into this category. Thus, in order to allow the National Foundation to retain an ability to finance occasional large scale projects and to continue with its aid to regional programs, I suggest that Congress keep this portion of the Foundation's program intact, rather than reducing it, should the $100,000 minimum for State grants be adopted.

Mr. President, no résumé of the arts picture in Arizona—or of any other State—would be complete without specific examples of the fired-up spirit of cultural awareness and enthusiasm which is sweeping the villages and localities in the State.

One place where very special things are happening is Tucson, which has made tremendous strides forward in only the last 3 years. Much of the success story in Tucson can be traced to the origin of the Tucson Council of the Arts, Inc. in 1966. Although the council does not present productions or projects, it serves as a dynamic central force for promoting cultural activities in the Tucson area.

Another important, practical function handled by the Tucson council is the provision of office space for the 36-member organizations who are affiliated with the council. Also, it serves as the central box office, mailing address, and meeting place for many of its member groups.

In 1969, the Tucson council scored a tremendous success when it acted as the central organization to carry out fundraising activities on behalf of its member units. The council sponsored a communitywide auction, titled "Focus, 1969" which grossed an astounding $109,126. The items sold at auction were contributed in great measure by local citizens and local businesses. The first stage of Focus was an auction-dinner party held

on March 7, 1969, and the second stage was a television auction conducted on March 8, 1969. Out of the proceeds raised by this 2-day event, over $81,000 has been distributed to the 13 member agencies which applied for funds.

Not being content to rest on its laurels, the Tucson Arts Council sponsored a second major fundraising effort on September 6, 1969. This time the occasion was a preview opening of the new Levy's department store in Tucson. Again the results were amazing. This single event, occurring merely 6 months after a previous local campaign, grossed nearly $6,000.

The council now is looking toward the spring of 1971 when it plans to promote "Focus II."

This display of broad support, loyalty across the community, and foresighted planning by the local council is a striking achievement. It owes its success solely to local initiative and local enthusiasm. And it should be noted that these events transpired after the National Foundation was created.

This is not to say that the Foundation deserves credit for what Tucson most certainly achieved on its own. But it plainly puts to lie the blind fears raised by some that the presence of a Federal arts body would dampen the development of activities at the local level or replace private contributions. The point is that community interest and private involvement have grown to ever-higher peaks notwithstanding—and perhaps to some extent on account of—the existence of the National Foundation.

The arts endowment has been a helpful partner where needed to encourage new programs or sustain existing ones. It has kept its nose out of places where it was not needed or wanted. It has unobtrusively contributed to uplifting the Nation's cultural climate, to increasing the national awareness of the importance of arts, and to sowing the kind of conditions in which the arts can flourish naturally and freely.

Mr. President, to continue my rundown on the development of cultural resources and programs in Arizona, I would like to call attention to the Heard Museum of Anthropology and Primitive Arts, which is located in Phoenix. Heard is one of the older established cultural facilities in Arizona and it just completed a general expansion in late 1968.

A part of the new facilities houses the Kachina doll collection which Rink Kibbey and I built up to about 437 artifacts. These doll-god figures made by Hopi Indian artists represent a unique American primitive art that one day may be lost and I am pleased that the collection will be on permanent exhibition in the museum.

Arizona is blessed with many fine museums, both of an artistic and historical nature. When speaking of the leading art museums one has to include the Phoenix Art Museum which has a collection valued at $7 million. The Museum of Northern Arizona should be mentioned, too, because it maintains a truly great permanent collection of Indian and Western art and is recognized as a major research center.

Also, the State universities are moving into leadership in the quality of their museums. The University of Arizona Art Gallery at Tucson has recently finished an extensive remodeling program and it exhibits collections valued at over $2 million.

Arizona State University's Matthews Center opened at Tempe in 1968 as a permanent art gallery and it, too, is growing with each new year.

Mr. President, this leads to the second area where I am offering an amendment for consideration by the Senate. For I do not think that sufficient recognition has been given by the Government to the cultural resources existing, and the energetic activities stirring, on the American campus.

Again I can point to Tucson for an excellent example of what I have in mind. Here, at the University of Arizona, we have a College of Fine Arts which has been responsible for concerts, dramatic productions, and art exhibitions numbering over 125 during fiscal year 1969. These events were heard or seen by audiences of 130,000 in Tucson and other places in Arizona.

In addition the University of Arizona sponsored an artist series of 31 concerts during 1969 which were given before audiences of over 40,000 persons. This means that concerts, plays, and exhibitions sponsored by one university alone reached audiences of 170,000 Arizonians or fully 10 percent of our total population.

The overall cost of cultural events sponsored by the College of Fine Arts is estimated by Dean Robert L. Hull to be "in excess of one-quarter of a million dollars." To this should be added the value of instruction which the college provides for over 1,500 undergraduate and graduate majors in the fine arts fields.

Also, this is a good place in my remarks to tell about the achievement of KUAT–TV, the educational television station at the University of Arizona, which received the high honor of being presented with the Broadcast Media Award at the annual broadcast industry conference on April 18, 1969. The award was given for KUAT–TV's television production of the Tucson Civic Ballet's "Alice in Wonderland."

Mr. President, with progress and contributions of this magnitude occurring on the campus in America, I believe that the National Foundation should devote more of its attention to the needs of colleges and universities which are operating fine arts productions and projects.

As Dean Hull has expressed to me in writing about the situation:

> It may be that the National Foundation felt that such support was covered adequately under the Office of Health, Education, and Welfare. The latter office, however, has concentrated most of its activities on problems relating to instruction or performances in the public schools rather than in the universities.

Mr. President, I join with Dean Hull in announcing our hope that the National Foundation "might restudy the current situation of the arts in America" and "reflect in future support programs the fact that some of the most important artistic activities in America now are being generated by the universities."

In order to prod the Foundation a little on this point and to assure that colleges and universities will receive the equal recognition that they in fact deserve, I suggest the adoption of an amendment requiring the National Endowment for the Arts to specifically consider the needs of institutions of higher learning when deciding to whom its general grants shall be awarded.

Mr. President, there are many other outstanding cultural projects underway in Arizona than the ones that I have already described. There is the Phoenix Youth Ballet, which is being incorporated into the Scottsdale Civic Ballet, under the very competent artistic guidance of Ruth Sussman. There is the Kadimah Dancers of Tucson. There are several fine choral groups, such as the Phoenix Symphony Chorale, the Tucson Boys' Chorus, the 60-man Orpheus Male Chorus of Phoenix, and the Tucson Civic Chorus. Also, there is an interesting artistic program that is conducted annually by the Orme School near Mayer. Orme is a private school operated for youngsters from the eighth grade through their senior year. Currently it is holding its second annual fine arts festival with 14 workshops taught by visiting professional artists. The students attend the workshops instead of going to their regular classes.

Mr. President, I could go on with this list, but the names which I have mentioned are enough to indicate the strength, diversity, and vitality of the cultural scene in Arizona. These examples offer sufficient proof that the general public wants and will support the arts.

In summary, Mr. President, I must conclude that there is no longer any question that the arts constitute an important dimension of American life and represent a legitimate subject for governmental concern and interest. So long as the Government's role is limited to providing a climate in which the arts can grow, to engaging each local community in the cultural currents flowing across the Nation, and to bringing the arts to the people, I intend to support the program and commend it. I cannot see anything wrong with preserving our cultural treasures. Cultural resources need to be protected and nurtured fully as much as other national resources.

Mr. President, I ask unanimous consent that the text of the two amendments that I have submitted be printed in the RECORD at this point.

The PRESIDING OFFICER. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 495 and 496) were referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT No. 495 TO S. 3238

On page 6, line 24, immediately preceding the double quotation marks, insert the following new sentence:

"In the event the sum otherwise authorized to be appropriated to the National Endowment for the Arts for the purposes of section 5(h) shall be less than the total amount required to provide an allotment of at least $100,000 to each State pursuant to such section, there is hereby authorized to be appropriated to the Endowment such

additional sum as may be needed to provide such a minimum allotment to each State."

AMENDMENT NO. 496 TO S. 3238

On page 1, strike out line 5, and insert in lieu thereof the following: "amended by—

"(a) inserting a new sentence at the end of subsection (c) to read as follows: 'In acting on applications for financial assistance under this subsection, the Chairman shall give due consideration to the needs of qualified institutions of higher education for assistance which will enable them to develop and provide within the United States productions and projects in the arts organized or sponsored by such institutions.'

"(b) amending subsection (d)(2)(A) to read as".

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 440

Mr. BOGGS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor to amendment No. 440 to S. 2838, to establish a comprehensive manpower development program to assist persons to overcome obstacles to suitable employment, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1969, vice Leonard v. B. Sutton, term expired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, February 23, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

INGREDIENTS EXIST FOR STATE ADVANCES

Mr. BYRD of West Virginia. Mr. President, the State of West Virginia, for years, has been pictured widely as a poor relative of the other members of the Union. I am grateful to say, and I think others will be pleased to know, that we seem to have turned a corner and that the coming decade can be faced with confidence. Our problems are still with us, but the future is brighter.

Mr. President, I ask unanimous consent that a projection by me of my State's economy as we enter the 1970's published by the Sunday Gazette-Mail, Charleston, W. Va., on January 25, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INGREDIENTS EXIST FOR STATE ADVANCES

(By Senator ROBERT C. BYRD)

The dawn of the 1970s finds West Virginia's economy ending two sharply contracting decades.

The 1950s, with the coal industry buffeted by technological and marketing changes, brought a series of serious declines in the state that left it economically groggy and described as "dying" by some doomsday voices.

The 1960s reversed this trend. Slow—and sometimes painful—progress has carried West Virginia to a plateau of recovery in which West Virginians justifiably can take pride. While we have not yet diversified our economy fully enough, while we still lag behind national norms in many statistical areas, this turnabout is very real and very significant.

The 1970s, it seems to me, offer the challenge and the opportunity to create an economy comparable to any area in the nation by building on the lessons learned, both bitter and inspiring.

Many of the ingredients for such further development already exist.

Our assets include very significant existing industry and business; availability of natural resources and raw materials; a ready, hard-working and trainable labor force; an unusually favorable geographic location with proximity to the nation's major markets; and the existence of a variety of programs, federal, state and local, to assist new or expanding industry in both technical and financial aspects of growth.

Our problems are equally manifest: a still uncompleted and inadequate highway system; mountainous terrain which makes prudent use of available land a critical factor in all economic decisions; the need for a more equitable and stable tax structure to encourage long-range business planning; the need for a higher educational attainment among our adult population; a national reputation—largely undeserved—for a "bad" labor climate; and a somewhat negative attitude on the part of some powerful image-makers and opinion-molders within the state.

In my judgment, two or three items suggested by our assets and our problems deserve priority attention from West Virginians who want to see our state advance steadily through the 1970s.

First is access. Virtually every facet of the heralded study of the President's Appalachian Regional Commission—which led to passage of the Appalachian Regional Development Act in 1965—pinpointed the insularity of Appalachian communities and difficulty in reaching major market centers as a root cause of the region's problems. Wisely, this legislation permits the construction of a network of excellent highways to eliminate this problem, at least in part.

Accelerated construction of our entire expressway system must be the first, sine qua non priority of West Virginia in the 1970s.

As we move, as the nation is moving, from a production to a distribution economy, the ability to reach these tantalizing-close urban centers quickly from West Virginia becomes even more critical. On a more local level, a trunk highway system could also relieve the sectionalism which plagues our state.

Our tourist industry—already growing with great promise—cannot reach its fullest fruition until our majestic mountains can be reached easily by travelers from the megalopolis developing between Boston and Norfolk on the Eastern Seaboard, and from the growing population centers of the Great Lakes and Midwest.

Completion of all the interstate highways, the Appalachian network, and other needed highway construction is basic and essential for the economic development of West Virginia in the 1970s.

Continuing development of better, more adequate facilities for general and commercial aviation is also a must. And the modernization and upgrading of our waterway transportation system is also of great importance.

The second major area of emphasis, I believe, should be an intensified effort to bring about the further development of what West Virginia already has in its natural resources and industries such as coal, chemicals, and electric power generation.

I am afraid that we have sometimes been carried away by campaigns to attract new industry as opposed to strengthening and assisting business and industry already in the state.

A really bright spot in the West Virginia investment picture in the last year or so has been the capital outlay of electric power companies for generating plants.

Included are such facilities as the John Amos plant of Appalachian Power now under construction in the Kanawha Valley, the Fort Martin plant of Monongahela Power in Monongalia County, the Mitchell plant of American Electric near Moundsville, and the Mount Storm plant of Virginia Electric and Power in Grant County.

The opening of new coal mines in Monongalia and Marion counties is significant, too. This will develop a new field and represent approximately a billion dollar investment by the railroads and coal companies involved.

The action of the West Virginia Legislature in enacting a business tax credit for expansion of new facilities by existing industry, and for capital outlay for new plants in the state, is another good step in the right direction.

A monograph on economic development prepared by Carl W. Hale for the Bureau of Business Research at West Virginia University points out, however, that taxes are not often the primary determining factor in the location of new industry.

But most certainly a more predictable tax climate for business and industry would be helpful. The impression must be dispelled by public officials and state leaders that West Virginia will continually impose a greater tax burden on the business and industry presently in the state. Business and industry must and should pay for its fair share, but our state tax revenues must continue to be drawn from a structure that is broadly based.

And, finally, I would say that West Virginia's future prospects can be enhanced by intensifying the effort to end the pollution of our air and water resources.

I was pleased to note that the John Amos power plant, to which I have referred, has been designed so that it will not contaminate the air or water. I believe that this kind of development points the way to the future.

The need for an adequate and constant supply of quality water for industry will increase as industrialization grows. Installations such as the Summersville, Sutton, Bluestone, and R. D. Bailey Reservoirs can help to meet this need.

And surely both the increasing number of tourists whom we hope to attract, and our own citizens, should have pure air to breathe.

By intelligently building upon our God-given natural greatness, West Virginians, I am sure, can make our state what we want it to be.

A CONCERNED CITIZEN SPEAKS OUT AGAINST FALSE ECONOMY

Mr. YARBOROUGH. Mr. President, one of the wisest political observers in Texas is Mrs. Margaret Carter of Fort Worth, Tex. This intelligent and observant lady has an ability to look through the smokescreens that politicians often erect and lay bare the hard facts of a matter. In a penetrating and thoughtful letter to the editor of the Fort Worth

Star Telegram, Mrs. Carter points out clearly the false economy in the administration's desire to cut aid to impacted areas. She also exposes the weaknesses in the administration's pollution program.

So that all my colleagues can have the benefit of Mrs. Carter's observations, I ask unanimous consent that this ably written letter to the editor which was published in the Fort Worth Star Telegram of February 1, 1970, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXPENSIVE ECONOMY

Another economy that might appeal to President Nixon is quartering soldiers in the homes of the people. That practice made a little trouble for George III, who would have understood Nixon's impulse to dump the educational burden for federal installations on the nearest school board.

Educational aid to federally impacted areas simply saves local school districts from being swamped by the influx of children whose parents must live and work where the federal installations are. The local school district may not tax federal property, yet it must educate the children of the military. Few Americans would favor taking from these children—and their rich and poor neighbors in the affected communities—to give to the children of the poor in other places.

Having arranged to educate the children of the poor at the expense of the children of the military, the President moves on to another basic problem: pollution. He appears to propose a five-year expenditure of $10 billion. Closer scrutiny reveals a $4 billion federal carrot dangled before the noses of harassed local officials, who can't raise the required $6 billion in local matching money because President Nixon insists on keeping interest rates high.

From the President's point of view, the pollution cloud has a silver lining. The program fails, the $10 billion is "saved." Of course the environment is still polluted.

But don't accuse the President of making no contribution to the quality of American life. He has added to our political experience a new definition of economy.

MARGARET CARTER.

THE GROWTH OF DELTA, UTAH

Mr. BENNETT. Mr. President, recently Mr. Arnold Irvine, Deseret News business writer, presented an excellent feature on the growth of Delta, Utah. The article pointed out that Delta is undergoing some very exciting growth because of new job opportunities presented by the beryllium boom in that area.

Since in 1965 I sponsored the legislation providing beryllium with a depletion allowance, I was particularly happy to see this action bearing such fine fruit.

I was also happy to note from the article that the beryllium firms have discovered the high caliber of those who live in and around Delta. It is interesting to note that industry representatives have praised local individual's ability to learn.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Deseret News, Jan. 31, 1970]

SPACE AGE METAL DRAWS MONEY. PEOPLE TO DELTA

(By Arnold Irvine)

DELTA.—With the more industralized Wasatch Front drawing people with the strong magnetic power of money, the smaller rural Utah towns have been on the decline for years.

Not Delta. Over the past four years, this quiet town on the edge of a rich Pavant Valley farming area has been undergoing a reversal of the state-wide pattern, thanks to the "space age" metal beryllium.

Brush Beryllium has just started up its new plant, and Anaconda has said it will build a similar facility.

Like other rural communities in Utah, Delta was declining in population for many years. It is one of the state's newer towns, founded in 1906 as Melville, by a group of farmers who drew lots for several 40-acre farms then available.

Livestock and alfalfa became the backbone of the area economy and still are.

Over the years the 40-acre farm has become uneconomical and many of the farmers have sold out. Farm size had increased and population has decreased. This was the trend until 1966, when Delta started on the comeback trail, thanks to the discovery by Brush Beryllium of the largest known beryllium-containing deposits in the world. It's 40 miles west of Delta in the Topaz-Spor Mountains.

There was a minerals explosion frenzy in Millard County at that time and there were some fancy attempts at claim-jumping in which some large corporations were involved. Rival outfits hired local farmers to guard their claims amid some shooting and threats of violence a la Wild West. Fortunately, no one was hurt but a couple of truck radiators were mangled.

Since then, Delta has settled down to a steady roar.

The first beryllium plant in the area, Brush's spanking new $12 million facility just north of town, took its first steps last year and now is about ready to run.

"We have made some shipments of concentrate to the company plant in Elmore, Ohio," said Jack Valiquette, plant manager.

He said that formal dedication of the plant will take place within the next two months after the start-up kinks have been eliminated from the operation.

Valiquette was reluctant to discuss details of the plant prior to the formal opening, but a Blyth and Co., Inc., report on Brush says that the design capacity of the Delta plant is 450,000 to 500,000 pounds of contained beryllium per year, roughly equal to the total industry demand in 1969. That's a lot of metal, taking into consideration the fact that beryllium is the third lightest metal. (Lithium and magnesium are lighter.) Its high melting point and hardness in addition to lightness make beryllium valuable in space vehicle building.

Nearly all of the 70 employes at the plant were recruited in the local area, Valiquette said. "Mostly farmers." He added, "We have an above average group in ability to learn."

With the Brush operation well under way, everyone in town—except the Anaconda Co. people—is talking about the recent announcement by Topax Beryllium Co., an Anaconda subsidiary, that another beryllium ore concentration plant will be built in the area.

The January issue of "Intermountain Industry" in which the announcement appeared, states that exploration work by this firm is continuing "on the company claims just south of Brush Beryllium's open pit mine."

The fact that a well has been sunk on a possible plant site at Lynndyl, 10 miles northeast of here is common knowledge. Drilling was completed at 1,200 feet and the well has produced "good, clean water" at the rate of 1,500 gallons a minute, according to Ben. B. Gardner, Magna well driller at the site.

He said he thought the well met the company's requirements for its plant site and that another well is to be drilled nearby.

Asked about the project in Salt Lake City, a company official declined to comment.

With a population of about 2,000 can Delta furnish a labor force for more industry?

"There were more than 300 applicants for work at the Brush plant," answered Ned M. Church, Millard County Resource Development director.

"We graduate over 100 kids a year from the high school. I doubt that more than 15 or 20 per cent of them stay here. A lot of those that go away would like to come back," he said.

Ferrin A. Lovell, manager of the First Security Bank in Delta, one of the few who have come back, agreed that many other former residents of the area would be happy to return if they could find work here.

Last year, about 200 persons were added to the Millard County total, most of the increase coming in the Delta area. Some 38 new homes were built in Delta to house the added population.

"Land values are holding up quite well," Lovell said. "There is a lot of interest shown by people coming in from California."

Ambitious developers have cleared sagebrush from tracts of outlying land, put up street signs and are advertising lots for sale.

He and Church both noted that the town would have to upgrade its sewer system.

Building lots in town average about $1,500 and farm land is being priced at from $100 to $400 an acre, according to Lovell.

The expansion of dairy herds in the area is bringing pressure for the establishment of another cheese factory in Delta. Brooklawn Creamery has been making cheese there for years. Other developments that have boosted the economy have been the establishment of the American Telephone and Telegraph microwave station, which employs 18 persons, and the Automatic Electric Co. Autovon installation—also employing 18.

Other organizations are looking at Delta, and townspeople are optimistic. "There's good land; the water supply is good, and there are all kinds of minerals in the mountains," Lovell said.

PRESCRIBING FOR THE PRESS—ADDRESS BY SENATOR THOMAS J. McINTYRE

Mr. HART. Mr. President, as I indicated in the debate on the Newspaper Preservation Act, the dramatic increase in concentration of ownership of communications media has become a serious national problem.

In a speech Saturday in Chicago before the Association for Hospital Medical Education, the able junior Senator from New Hampshire (Mr. McINTYRE) drew our attention to it once again.

He has responded by introducing S. 3305, the Independent Media Preservation Act, and it is my hope that the Antitrust and Monopoly Subcommittee, to which the bill has been referred, will be able to schedule hearings shortly.

Mr. President, I ask unanimous consent that the text of Senator McINTYRE's

remarks be printed in the RECORD. I feel they will be a valuable addition to the growing debate on this issue.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PRESCRIBING FOR THE PRESS

Mr. Chairman, honored guests, members of the Association for Hospital Medical Education:

Though I have a deep and abiding interest in the subjects that concern this convention, I have decided to talk to you today about something that should concern *every* American citizen—the health of that part of the First Amendment that guarantees freedom of expression and the current debate over news media performance.

I have come here to discuss what I consider is a grave threat to an often ignored dimension of the First Amendment—the implicit guarantee of freedom of the press for the public as a whole, not just for those who have acquired the instruments of the press.

I also intend to distinguish between the dimensions of my concern over the threat and the concern recently expressed by Vice President Agnew, and to prescribe some radical therapy—therapy that I sincerely believe is the *only* remedy for what would otherwise be a grim prognosis for one of our most important Constitutional guarantees.

The current furor over the press was touched off on the night of November 14 when the man who had embarrassed the Nixon campaign by saying "If you've seen one slum you've seen them all," suddenly become a folk hero by saying, in effect, if you've seen one network TV commentator you've seen them all—and they're *all* prejudiced.

In this talk, the Vice President charged that TV can create issues overnight and make celebreties out of unknowns. He was right . . . at least on the last.

For by the time he turned his guns loose on certain East Coast newspapers a week later, the name Spiro Agnew had, at long last, become a household word.

In most newsmen's homes, of course, it was uttered like a word you'd hesitate to use in mixed company.

None of this should have surprised anyone. The press is notoriously thin-skinned—nearly as thin-skinned as politicians—with just as healthy an ego.

I'm sure it was a newspaperman who snidely observed that whereas editors must print a retraction when they make a mistake—doctors can bury theirs.

I'm just as sure it was a newsman who noted that when we die and all reach heaven there'll be no need for doctors, because we'll all have perfect health; no need for lawyers, because there'll be no disputes; no need for politicians, because there'll be no public offices; but still a need for journalists—because we'll all still want to know what the other fellow's doing.

But historically, there's also been the other side of the coin.

George Washington declared that it was scurrilous abuse by the press which drove him into retirement at the end of his second term.

And Thomas Jefferson, who at one time said that if he had to choose between having a government without newspapers or newspapers without a government he'd choose the latter, on another occasion bitterly attacked the Fourth Estate with these words:

"Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious of being put into that polluted vehicle."

And so it has been for lo these many years.

Nevertheless, both the press and the politicians have survived in robust health, and I like to think all that jawboning exercise about each other has contributed to their mutual well-being.

But each can overstep the bounds, and now both have.

In my view the Vice President went too far in his attack on the television news media and missed the mark—deliberately or otherwise—in his attack on media ownership concentration.

In the former, Mr. Agnew talked of, quote: "no more than a dozen men . . . (settling) upon the film and commentary that is to reach the public, and (deciding) what 40 to 50 million Americans will learn of the day's events in the nation and the world."

In the latter, he complained of the power of the combines owned by the Washington Post and the New York Times.

But examine his remarks, if you will. Is Mr. Agnew *really* that much concerned about ownership concentration? Or is he merely complaining that the networks and the combines he attacked don't reflect the "majoritarian" viewpoint which he feels would favor the Administration he serves?

If Mr. Agnew were truly concerned about the dangers of media ownership concentration and the need to preserve a multiplicity of voices, why didn't he attack the monopoly stranglehold that exists around the very state in which he spoke—Alabama? There the huge Newhouse chain shares ownership of the two Birmingham dailies with Scripps-Howard, and itself owns newspapers in Huntsville and Mobile, TV, AM and FM stations in Birmingham, and a CATV network in nearby Anniston. In Montgomery, where the speech was delivered, Cormage Wallace controls both papers.

Senator Philip Hart pointed out that Mr. Agnew's going to Montgomery to attack the New York Times and the Washington Post was "like going to Cairo to attack Arthur Goldberg."

And, if Mr. Agnew were truly concerned, he could have referred, too, to the Chicago Tribune Company, that unyielding bulwark of American conservatism. Here in Chicago, the Tribune controls two newspapers and interests in television and radio. In New York it owns additional broadcast interests and the New York Daily News—the largest circulation paper in the country. Broadcast interests in Minnesota, Colorado and Connecticut, CATV systems in Michigan and California, and additional newspapers in Florida—all these constitute the Trib's outer barricades.

Finally, if Mr. Agnew were truly concerned, he would have raised his voice loud and clear against a bill that poses a greater danger to freedom of the press and diversity of opinion than any bill in recent memory. Instead, this bill was supported by the Nixon Administration and was passed by the Senate in what I consider a tragically lop-sided vote just one week ago.

I speak now of the Newspaper Preservation Act, a bill which permits the publishers of 44 newspapers in 22 cities to continue engaging in price fixing, profit pooling and market sharing practices forbidden by the antitrust laws.

The premise underlying this bill, also known as the Failing Newspaper Act, is that the newspaper industry is in serious financial trouble.

In order to save independent editorial voices, the supporters of the bill argued, it was crucial that joint operating agreements involving price fixing, profit pooling and market sharing be allowed.

This argument is shot through with fallacies.

First, the newspaper industry is not in financial straits. It is experiencing unprecedented prosperity. Moreover, this is true of the very papers whose supposedly "dying" voices this bill is designed to save.

Let me give you an example: The before-tax return on invested capital for all of the drug industry in 1968, you may know, was 35 percent, a rate of return some Senators called a public outrage. Yet the before-tax return on invested capital for the two joint-agreement papers in Madison, Wisconsin in 1968 was 46 percent! I didn't hear many cries of outrage over this.

Second, joint operating agreements will, in the long run, kill off far more independent media voices than they could possibly save.

Let me explain: Supposing you were interested in getting into the newspaper business. Would you be more likely to begin your operation in a one newspaper market that was the result of an outright merger of two newspapers, or in a market with two ostensibly independent papers—even though these two papers were, in truth, not so independent because they were linked together by a joint operating agreement?

For sound business reasons, you'd probably enter the one newspaper market. And in doing so, you'd be benefitting the public by creating a truly competitive situation and, just as truly, adding an independent editorial voice to the market instead of subtracting one.

It is important to realize that because they are so intensely profitable, joint agreements generate excess cash which is almost always used to gobble up other media voices.

Example: St. Louis, where the Post-Dispatch and the Newhouse chain of papers have entered a joint agreement.

In 1968, the Post-Dispatch had enough excess funds to buy two TV stations—KVOA-TV in Tucson, Arizona, and KOAT-TV in Albuquerque, New Mexico—for a combined price of $18 million.

Just one year before, Newhouse, the other partner in the joint agreement, paid a then-record price for a single newspaper property—$53.4 million for the Cleveland Plain Dealer.

A third argument against the bill is this: If newspapers are granted antitrust exemptions because they are purveyors of expression and disseminators of ideas essential to the national welfare, then we can expect book and magazine publishers, the broadacst industry and motion picture producers to argue for the same exemptions for the same reasons.

Fourth, the very fact that the newspapers' role is to disseminate information is the strongest reason to withhold antitrust exemptions from them. Why? Because other industries which have been granted antitrust immunity—transportation and insurance, for example—have in time been subjected to detailed government regulation.

I don't think any of us would like to see the press hobbled by such regulations—not if we have any respect for the values protected by the First Amendment.

These, then, are the arguments against the Newspaper Preservation Act.

Bolstering these arguments was the fact that the bill was opposed by almost everybody in the industry *except* those companies with a money interest in its passage.

It was opposed by the National Newspaper Association, a group of 7,000 small and medium sized newspapers located throughout the nation.

Editorials attacking the bill also appeared in such giants of the industry as the New York Times, the Washington Post, the Wall Street Journal, the Louisville Courier-Journal and the New York Post.

And the publishers and editors of these and many other newspapers were joined in their opposition by the printing trade unions, the American Newspaper Guild, the International Typographical Union, and the Amalgamated Lithographers.

Yet despite all this, the bill passed the Senate with only a thin scattering of opposing voices. It did so for one reason and

one reason only—the tremendous political clout of the media barons whose profits would be fattened by it.

At last count, these companies owned 127 daily newspapers in 86 cities in 34 states, 109 broadcasting stations in these and an additional three states, one of the two major world news services—United Press International—and 22 national magazines. These are the total holdings of the men whose supposedly dying voices this bill was designed to save.

The figures are so impressively high because three of the giant chains are involved, Scripps-Howard in 7 of the 22 joint agreements and Newhouse and Hearst in two each.

Again, this is an awful lot of concentrated political clout—and it was felt.

Mr. Agnew, of course, was anxious not to offend these companies by opposing their bill as he was earlier to avoid mentioning their stranglehold on the media around Montgomery.

More important, more significant, and in a sense vastly more disturbing than the inconsistencies of Mr. Agnew's position, however, are the lessons to be drawn from Senate action on this bill.

Lesson number one is the power of the media over legislators against whom they wish to use it.

Imagine two scenes:

In the first, an elected representative is seated in his office. A visitor is announced. He is a private citizen—let's say a journalism professor from a college back home.

His visit is brief, his request directly put. He would like the representative to oppose the Newspaper Preservation Act because he feels the measure would "restrict" rather than "broaden" freedom of the press.

The representative promises to consider his views and ushers his guest out the door.

A second visitor is announced. This time he is an internationally known columnist for a large newspaper syndicate. He chats with the representative, casually bringing up the possibility of mentioning him in an upcoming column, and then he prepares to leave.

Almost as an afterthought, however, he asks if the representative has had a chance to study the Newspaper Preservation Act. Told that the man has taken more than a casual look at it, the visitor slides away from the topic but in doing so mentions how much the home office hopes the bill will be enacted since they feel it means survival for many of their newspapers.

Now both of these visitors, we are asked to believe, are equal under the Constitution. But facts being facts, the tough question is whether the second man was not "more equal" than the first.

Let's not kid ourselves. These are *not* imaginary scenes. The lobbying which went on for this bill may well have set new records. I tried, without any luck, to get some idea of when the bill would come to the floor. Then, two days before it did come up, representatives from all the large newspaper chains in the country descended on Washington. Just as they departed, the bill came to the floor, brought up so suddenly I had to cancel several events I'd planned in New Hampshire.

The tactics worked. Sixty four senators voted with the big chain newspapers. Only 13 bucked the tide.

Now let me be perfectly candid.

I voted against the Newspaper Preservation Act. I did so out of conviction. But I was not one of the heroes among the 13 who bucked the tide.

The real heroes were those Senators who had big chain newspapers in their state and would not knuckle under to the pressure. I was fortunate in not having that situation in New Hampshire.

So this is the first lesson we have learned about the power of the media when it is unleashed in its own behalf.

Lesson number two is the power of the media to ignore an issue they see fit to ignore and not be challenged about it. When Mr. Agnew took to the airwaves to attack media performance, his words got wide attention.

Yet the Newspaper Preservation Act, a bill affecting the financial interests of the media, was virtually ignored by the press during the three years it was pending before the Senate—except on those occasions when publishers testified in support of it.

But let me be fair. Up to now the media have seldom used their power either to control legislative votes or to ignore issues except in matters, which like this bill, have directly affected their pocketbooks.

Indeed, my regard for the general performance of the media in recent years is very high. For Mr. Agnew notwithstanding, it has been my conviction that when the press has abused the public trust, it has been rarely, if ever, deliberate.

More often than not, what abuse there has been has occurred when the press forgot that news is not only that which is unusual, it is also that which is significant.

And though the significant may not be as interesting as the unusual, the public relies on the press to tell them what is significant. And most of the time it has.

But those past high standards of media performance may not prevail much longer. The vast power which many media barons are accumulating may be increasingly abused. We are well aware of how often big chains buy up independents, lay off reporters and increase the advertising to news space ratio in order to boost profits. And the quality of the final product inevitably suffers as a result.

Further concentration of media ownership constitutes one of the gravest dangers a democracy could face. It is also, I fear, a danger which our democracy already faces, and a danger which the Newspaper Preservation Act can only serve to heighten.

Consider the startling growth of newspaper chains for a moment. Chain controlled dailies increased by 56 percent in the seven years between 1960 and 1967.

In the latter year, the nation's 871 chain dailies represented 49.3 percent of all the dailies in the country. They had amassed 61.8 percent of all dailies' circulation, and 19 of the 25 largest dailies were included in that number.

My friends, at the present rate of expansion, all of the daily newspapers in the country—I said all of them—will be owned by chains in less than 20 years.

Beyond that, many newspaper publishers have found out how profitable it is to acquire broadcast facilities. Already 25 percent of the TV stations are newspaper owned, and in the 25 largest TV markets it is 35 percent. The figures are even higher for VHF stations alone.

While these developments have not greatly affected media competition on the national level, they have had a real impact on many local communities.

Today there are 1,500 American towns in which daily newspapers are published. Of that number, only 59 towns have competing papers. In all others, a single owner controls either the only paper in town, or he owns the morning and afternoon combination.

And in many communities the great bulk of the media have been gathered into a single hand. Today there are 76 communities where the one newspaper and the one radio station are under common control, and an additional 23 which put up with joint ownership of their only television station and only newspaper.

But whatever statistics we use to illustrate the trend toward chain ownership, monopoly situations, and multi-media baronies, the real irony is that all this is occurring at the very time when government itself is moving in the direction of more public participation.

While our legislative bodies have been redistricting and we are on the verge of abolishing the electoral college, the Fourth Estate continues to close in upon itself.

There are many causes for this trend, of course, but one of the most important surely is the attraction of the profits available through monopoly. William Randolph Hearst Jr., let that cat out of the bag when he observed that two competing dailies making $100,000 each can increase their profit to $500,000 by agreeing to a merger.

Some monopolies have come about through mergers, when such mergers are permitted by the antitrust laws. Others have been achieved by driving competitors out of business. Selling advertising or subscriptions below cost and refusing to accept ads from those who also patronize competing papers are just two of the tactics that have been used.

Chains and multi-media baronies have distinct advantages over single-unit competitors when they resort to such practices. For one thing, they're able to subsidize any losses thus incurred with profits earned from other operations. They've also been able to offer low combination rates for two of their media properties which give efficiencies per advertising dollar no smaller competitors can match.

Yet with this disturbing trend well underway, and the Newspaper Preservation Act threatening to speed up the trend, the Vice President of our country seems far less concerned about preserving a multplicity of diverse and antagonistic media voices than he is shaping the content of the single voice through which he would like to hear and see the media speak.

These, then, are the many reasons for my concern over media concentration and for my introduction of a bill designed to prevent it.

There are two provisions in my Independent Media Preservation Act:

The first would prohibit any owner of five or more daily newspapers from henceforth acquiring any additional such papers, thus halting further growth of larger newspaper chains.

The second would bar joint ownership of press and broadcast facilities in the same metropolitan area. Any existing combinations in a given area would be given three years in which to sell off one of their properties.

I am not wedded to the particular terms of the proposal. I only know that unless some such law is passed we may soon be embarked on a trek toward monopoly in the most precious commodity known to man.

Yet I cannot help wondering, after the Senate vote on the Newspaper Preservation Act, if it is not already too late to avert such a monopoly.

In any event, I have introduced this measure, certain in my own heart that it does not contravene the first Amendment, but instead would protect and enchance its values.

I say this because the Supreme Court has made it very clear that the intended beneficiaries of freedom of the press are the news consumers—you and I—and not the news purveyors.

The Court has said: "It would be strange indeed . . . if the grave concern for freedom of the press which promoted adoption of the First Amendment should be read as a command that the Government was without power to protect that freedom."

My bill is directed toward protecting that freedom by encouraging a multiplicity and discouraging a further concentration of media voices.

Let me repeat once again—if some such restraints are not introduced, all of the daily newspapers in this nation will be chain-owned in less than 20 years.

I view this prospect as nothing less than tragic, for it is my deep conviction that the causes of truth and freedom are best served when as many as possible are pursuing both.

NAACP LEADER SUPPORTS CARSWELL NOMINATION

Mr. GRIFFIN. Mr. President, an effort is underway to discredit Judge Carswell by charging—and continually repeating the charge—that he was biased in deciding civil rights cases. The record of the committee hearings does not support such a charge.

Among those who believe this nomination should be confirmed is Chester K. Gillespie, a leader, and former president, of the Cleveland, Ohio, chapter of the National Association for the Advancement of Colored People. Recently, in a letter to the Cleveland Plain Dealer, Mr. Gillespie explained his position and why he believes the NAACP should support the nomination, too.

I ask unanimous consent that Mr. Gillespie's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the (Cleveland) Plain Dealer, Jan. 26, 1970]

GILLESPIE UPHOLDS CARSWELL

I am a member of the Cleveland NAACP executive committee and am a lawyer for the NAACP national office in New York. I am also a former president of the Cleveland branch.

I firmly believe the NAACP should go slow and be very careful about its opposition to Senate confirmation of Judge George Carswell to be a member of the Supreme Court.

He has made some mistakes in his several rulings, but he ruled a Negro must be served in a barber shop and that Negroes must be served in public restaurants, both in the state of Florida, and his white friends were unhappy about these two rulings and the barber closed his shop.

Unless the association has very strong evidence against Judge Carswell, I think the association should compromise and support President Nixon in this instance. By opposing the confirmation we might embarrass some of our real friends in the Senate, including Sen. Hugh Scott, the minority leader.

And then, without a doubt Carswell is going to be confirmed and, therefore, we could show some weakness in national affairs.

We were wrong when we opposed the confirmation of Justice Hugo Black to the Supreme Court. He is now one of the best friends the Negro ever had.

Judge Carswell should be promptly confirmed so the court can function as the law requires and for the good and welfare of America. We cannot always get everything we desire.

CHESTER K. GILLESPIE.

DALLAS GARDEN CLUB SUPPORTS A 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Dallas Garden Club of Dallas, Tex., recently adopted a resolution endorsing my bill, S. 4, which would create a 100,000-acre Big Thicket National Park. In adopting this resolution, this respected organization has joined with many other civic and conservation groups who are concerned about the fate of the Big Thicket.

The Big Thicket area of southeast Texas is one of this country's last true wilderness areas. It is known throughout the world as the home of many rare forms of plant and animal life. It is probably most famous for being the last known refuge of the legendary ivory billed woodpecker, long thought to be extinct.

Once the Big Thicket covered over 3 million acres. Now, as a result of the harmful and careless practices of spoliation the area consists of less than 300,000 acres. If the Big Thicket is to be saved for our children, it is imperative that Congress act now.

Mr. President, I ask unanimous consent that this resolution and a policy statement be printed in the RECORD.

There being no objection, the resolution and statement were ordered to be printed in the RECORD, as follows:

RESOLUTION OF DALLAS GARDEN CLUB ON THE BIG THICKET NATIONAL AREA

The Dallas Garden Club does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

THE DALLAS GARDEN CLUB,
MRS. MAURICE E. MOORE,
President.

CARROLLTON, TEX.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet, wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Where ever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

THE SILENT MAJORITY SPEAKS

Mr. GOLDWATER. Mr. President, today the news media keeps us so annoyingly aware of the critics of our society that we can too easily forget that there are millions of Americans who value their citizenship and take pride in America's heritage.

Unfortunately, these Americans are not interesting news copy by today's standards. They lack drama for they do not demonstrate, riot, or call attentions to themselves. Yet, their contribution to our society is more permanent and runs deeper than those who loudly voice the emotions of the moment. Today, Mr. President, I ask unanimous consent to have printed in the RECORD a letter from two such Americans, Mr. and Mrs. Lester R. Arie of Phoenix, Ariz.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ.,
November 27, 1969.

HON. PAUL N. FANNIN,
Senator, Arizona.
HON. BARRY GOLDWATER,
Senator, Arizona.
HON. JOHN J. RHODES,
Representative, Arizona.
HON. SAM STEIGER,
Representative, Arizona.

DEAR SENATORS AND CONGRESSMEN: We are doing today what too few of us do: taking time to express an opinion; also making sure that it reaches our elected representatives in Washington. We of the "Silent Majority" have too long been silent, taking things for granted, neglecting our civil duties, failing to get involved in the democratic process. We now realize that the time is here to break that silence, speak out, stand up and be counted. This being Thanksgiving we believe it is appropriate to first count our blessings. So we shall enumerate some of the things for which we are thankful.

1. We give thanks to God that by His Grace and the circumstance of birth we are Americans.

2. We give thanks that we are privileged to live under a government that is the best yet devised by the inspired, composite mind of man. On this point we are adamant—after visiting and breaking bread with the peoples of 67 nations during the past half dozen years. Many of these people would realize their fondest dream if they and their children could live in the United States.

3. We give thanks that though Americans first and Arizonans second we call Arizona "Home". We are thankful that we live among people imbued with traditional concepts and values of Americanism.

4. We give thanks for abundant good health and good friends; sufficient worldly

goods to live graciously (but not extravagantly) and the knowledge that the latter was earned by the sweat of our brow under a "system" that grants the same privilege and opportunity to others.

5. We give thanks for the high moral character, the ethical and spiritual stature, the clear, unmuddled, unbefuddled thinking of the men we have elected to represent us on a national and state level; men of integrity who dare speak their minds. For these and many other blessings we give both humble and proud thanks.

Now, to the true purpose of this letter. We fervently believe that President Nixon's conduct of the Vietnam war which he inherited is the right course to pursue. It is not only the *right* but the *only* course to pursue to achieve a just and honorable peace. We know that you support the President. We want you to know that we support *you* and the *President*. And also, the *Vice President*.

We believe that Vice President Agnew rendered an inestimable and historic service to his fellow Americans in voicing what most of us of the "Silent Majority" have been thinking and saying privately. We are tired, nauseated, even sick, seeing and hearing self-appointed or corporation-boss-appointed omnipotents play God. An internationally known commentator who reports that the November 15 marches constituted less than one-half of one per cent of our population and in the next breath comments (quote) "Of course there is no way of knowing if this constitutes a majority" (unquote) is the kind of slanted reporting and comment we reference. Certainly this commentator needs to examine his arithmetic. And while he is examining his arithmetic, his background and that of his bosses should be investigated.

When we elect a President by the will of the majority, then a very few, but a very powerful and dangerous few, by virtue of controlling the news media, with particular emphasis on television, subvert or try to subvert the will of the majority, something should be done. If this is not done from the inside, most assuredly it will be done from the outside. John Q. American will take just about so much and he has just about had it. The "Silent majority" is beginning to reach the boiling-over point. Uncle Sam (that composite of John Q. citizen), the benign, sleeping giant, is awakening. While he slept the lilliputians (intentionally spelled with a small "L") were getting in their subtle licks and dirty work. Aided and abetted by mini-mini-lilliput politicos, at least some of whom thought they saw political advantage in aligning with the lilliputs, they staged their marches which gave the enemy encouragement. Does anyone doubt that the war would be settled if the lilliputs had first been settled? Now the mini-mini-lilliput politicos are scampering for cover; trying to disassociate themselves from a bad dream. They have realized that they made a bad guess. They have seen the handwriting on the wall. And it is inevitable that the rest of the motley crew will wither away in front of a united America. When Sam starts swinging the lilliputs disappear. Only when he sleeps do they try to bind and enslave him.

It is the eleventh or twenty-third hour and the fifty-ninth minute. It is high time for those who are not *against* America to be *for* her—and evidence it by cutting their hair, chopping their whiskers, taking a bath, sweeping the cobwebs out of their attic, rolling up their sleeves and going to work. I see more work that needs to be done than at any time in history. And there are too few ready, willing and competent to pitch in and do it.

We are very, very tired of seeing 15 year olds interviewed on television and asked about their views on the Vietnam war. Americans as a nation have the least sense of history, the least perspective on the past of any nation on earth—any modern nation. This comparative lack of perspective on history came as a shock in my exchange of ideas with people in West Germany, Poland, Czechoslovakia, Hungary, Rumania, Yugoslavia, Finland, Turkey, Greece, Japan and the Soviet Union. Many of these people told me things about my own country that I did not know. So, what deep, sophisticated, mature knowledge is such a youngster supposed to dispense? All of us deplore war. All of us would like to live in a world that is all sweetness and light; milk and honey; all play and no work; all good and no bad. But I have sad news: there just ain't no such animal. There never was and there never will be such a world. And the lilliputs are not bettering the world they and we live in by vulgarity of every sort, degrading themselves and the human race and attempting to destroy the best of everything we have.

It is so easy for lilliputs to berate and tear down, with nothing in mind to replace what is destroyed. It is difficult to build for the present and future generations and requires sacrifice now. If you want to see a really confused lilliput just ask him (or her) "What is your alternative? What do *you* suggest? What do you have to offer to replace what you would destroy? What is the other side of the coin?" While the lilliput imitates a guppie and gasps for words which don't seem to be available, is a good time to supply the answer yourself. "The worst, the most horrible, the most complete and total, the most controlled, the most brutal and abject slavery the world has ever seen—enslavement not only of body but of mind and spirit".

Why, under the guise of Freedom of the Press, Freedom of Speech, Freedom of Assembly and "Academic" Freedom are a small handful of misguided (or guided) sick-of-the-world, prophets-of-doom permitted to destroy all freedom? By virtue of what do they possess esoteric and God-like knowledge? And how did they acquire a license to play God? To project their cob-web thinking just one notch further means freedom (license) to riot, freedom to burn, destroy, steal, rape, plunder and kill. The ultimate freedom the lilliputs are bellowing and clamoring for is "Freedom of the Law of the Jungle"—anarchy and chaos. When a university hires an avowed communist to teach and invites a rapist to lecture, something should be done about it. And, it better be soon. The "hirers" should be given a lesson in ditch-digging freedom, under competent supervision.

Why has not more coverage been given to the established-beyond-a-doubt, thousands of heads severed by the VC from peaceable South Vietnamese, impaled on stakes and exhibited in isolated South Vietnamese villages? I asked an Air Force Colonel that question in Saigon on Easter Sunday, 1966. This was the morning after a good South Vietnamese, by day, was shot during the night while attempting to blow up military aircraft—with enough explosives on his person to do a bang-up job. He had been employed at the airport for some time. The Colonel's mouth tightened to a straight line and he shook his head negatively. "How the devil do you know who is and who isn't a VC?" I asked. He shook his head again and replied "Buddy, from here in, whoever sticks his head up out there is a VC. It is that kind of war".

Herein may lie the cause of the alleged massacre by American soldiers of South Vietnamese civilians—by a company that had lost half its men to snipers. Remember, those boys lives were at stake. But why does the news media latch on to heresay by someone that was not there, take the word of communists and pictures provided from communist sources as the Gospel truth, try, condemn and hang the Americans without a trial and before the world? Again, why not publicize the fact that the VC and Hanoi's invaders killed thousands and thousands of South Vietnamese in cold blood and inflicted worse than death on thousands more. It is a sad commentary that but for the fact that this horrible, messy war is undeclared, many of our omniscients, including university professors, columnists, commentators and corporate bosses, misguided politicians and others would be behind bars charged with such crimes as sedition, subversion, giving aid and comfort to the enemy and yes, even treason. The marchers would be marching to the sound of other drums and Moscow, Hanoi and Peking would be looking elsewhere for their belly-laughs.

We, the silent majority do not want censored news. We merely want ALL the news; unbiased, fair reporting. All the news—not just one side. The worst possible censorship is to just ignore; to be given the silent treatment of ostracism. Give us the news and spare the comment and interpretation—comment and interpretation that insults the intelligence of a ten year old child! Comment that exposes the commentator's inexperience, lack of maturity, knowledge of the world and more particularly knowledge of America as well as lack of judgment and good taste; comment that by the manner and the inflections and nuances of speech in which it is delivered, belittles America and degrades her institutions and traditions. We deplore and resent this sneaky, sneering pomposity being carried over and projected into network shows—propagandizing entertainment.

Give us the news and we'll take ours straight. No chasers, please. And no embellished Hors d'oeuvres. If we are so stupid we can't add 2 and 2, we'll ask somebody. No network boss nor all combined has a license to try to brainwash John Q.

In conclusion, no person or entity, corporate or otherwise, is bigger that the United States government and should not be permitted to operate on the assumption that he or it is. In the end, *if* news *is* controlled, you can bet that it will not be by somebody or a handful of somebodies, elected to nothing by nobody, but rather by Uncle Sam, the embodiment of the majority American Will; that composite of John Q. Citizen, U. S. A. That is the American Spirit and the American Way.

Just two voices from the great silent majority of your constituency,

Respectfully yours,

LESTER R. ARIE.
SALLY E. ARIE.

HEARINGS ON PESTICIDE 2,4,5-T

Mr. HART. Mr. President, I would like to apprise the Senate of some decisions reached during the recess which may have implications for the health of all of us.

Last week a rather frightening article by Thomas Whiteside appeared in New Yorker magazine which discussed the potentially disastrous consequences to the environment and to man himself which may result from the use of a pesticide known as 2,4,5-T. The chemical has been used quite extensively both in Vietnam, as a defoliant, and at home, as an herbicide. Yet, according to the Whiteside article, as well as several other sources which have recently reported on the pesticide, it may produce seriously disruptive ecological effects on fish and plant communities. Even more important, it may constitute a direct threat to human life.

This last conclusion stems from the results of a study conducted last year by Bionetics Research Laboratories, Inc., under contract with the National Cancer Institute. The study, the Whiteside article reports, revealed that even small

dosages of 2,4,5-T will produce fetal deformities in both mice and rats.

It was in response to the findings of the Bionetics study that Dr. Lee DuBridge, President Nixon's scientific adviser, announced last October that a series of coordinated measures would be undertaken by the Government to restrict use of 2,4,5-T. Mr. Whiteside's account of that statement includes an assurance that the Department of Agriculture would deregister the pesticide for food use, effective at the beginning of 1970, unless the Food and Drug Administration could find a basis for establishing safe residue tolerance levels in food.

Mr. President, despite the absence of any such determination by FDA, this pesticide continues to be sprayed at home and abroad on food crops which are ultimately used for human consumption.

So that we may seek an explanation for this disturbing state of affairs, Senator MAGNUSON, the distinguished chairman of the Commerce Committee, last week agreed to my request that a 1-day hearing on the matter be scheduled by the Energy, Natural Resources, and the Environment Subcommittee on the 11th of March. The Senator from Washington and I last week also sent the following letter to Dr. Lee DuBridge, Director, Office of Science and Technology; Hon. Robert H. Finch, Secretary of Health, Education, and Welfare; Hon. Clifford M. Hardin, Secretary of Agriculture; Mr. Charles Meacham, Commission, U.S. Fish and Wildlife Service, Department of the Interior; and Mr. James Nance, president, Bionetics Research Laboratories, Inc., people whom we would like either to appear as witnesses at the hearing or to submit a report to the Committee on matters relating to 2,4,5-T:

FEBRUARY 12, 1970.

DEAR ———: In the past weeks, questions have been raised by several sources concerning the dangers which may be posed by use of the herbicide known as 2,4,5-T. We at the Senate Commerce Committee were especially disturbed by Thomas Whiteside's discussion in this week's New Yorker of the possible effects of this compound on plant communities, on certain shell-fish and migratory fish, and on man himself.

In order to explore the questions raised by Whiteside and others, the Energy, Natural Resources and Environment Subcommittee of the Committee has scheduled a one-day hearing for March 11 at which we would like you to appear as a witness. Our purpose is essentially to attempt to acquire some understanding of the current state of knowledge concerning 2,4,5-T and to keep abreast of Administration decisions and other developments regarding the herbicide.

If you have any difficulty with our proposed date, please do not hesitate to let us or the staff man, Leonard Bickwit (225–6627), know. We look forward to seeing you and to hearing your views on matters which are of great concern to all of us.

Sincerely yours,

PHILIP A. HART,
Chairman, Subcommittee on Energy, Natural Resources and the Environment.

WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee.

Senator MAGNUSON's decision to schedule this hearing is another instance of the Commerce Committee's concern for the effects of pesticides on man and his environment. In 1958, the committee reported the Pesticides Research Act, which authorizes the Secretary of the Interior to investigate the impact of pesticides on fish and wildlife resources. The committee has also been responsible for several amendments to that act, the latest of which extended authorization for research through fiscal 1971.

Last year the Subcommittee on Energy, Natural Resources, and the Environment held two sets of hearings which explored the effects of pesticides on commercial and sports fisheries. Our hearing next month is an extension of that effort to find a governmental policy or procedure which will protect man and the environment from the use of harmful pesticides.

EDITORIALS SUPPORT NEED FOR IMPROVED SOCIAL POLICYMAKING

Mr. MONDALE. Mr. President, during 1969 the Special Subcommittee on Social Program Planning and Evaluation, of the Senate Labor and Public Welfare Committee, devoted careful study to S. 5, the proposed Full Opportunity Act. Hearings on the bill and on the HEW study of knowledge about current social conditions, "Toward a Social Report," were held during July and again in December. The testimony received during those hearings underscored a point I have made repeatedly in this Chamber: Towering ignorance of real social conditions too often supplants data and fact when we attempt to legislate in the human programs area.

No testimony received by the subcommittee during 1969 documented that premise so pointedly as did that provided by former Presidential Assistant Joseph A. Califano, Jr. Mr. Califano's remarks provided a shocking indictment of our good-intentioned but hopelessly irrational approach to social policymaking. Recently, both Tom Wicker, of the New York Times, and Laurence Stern and Richard Harwood, of the Washington Post, judged Mr. Califano's remarks to be of sufficient importance to be discussed in their widely-read columns. I ask unanimous consent that these columns be printed at the conclusion of my remarks.

In addition, the same testimony prompted the St. Paul Pioneer Press to editorialize in favor of the structural mechanisms for social monitoring and reporting which are proposed by the Full Opportunity Act. I ask unanimous consent that an editorial entitled "Council of Social Advisers" also be printed in the RECORD.

There being no objection, the columns and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 25, 1969]

IN THE NATION: THE MISSING INGREDIENTS

(By Tom Wicker)

WASHINGTON, December 24.—Ringing through the rampant materialism of Christmas is one clear note of concern and generosity, sounded by a small group of servicemen stationed at Monterey, Calif. Appalled at the "social crisis" as well as the "feeling of hopelessness about America's ability to deal with its own problems," they have contributed a tithe of their monthly earnings to the Urban Coalition.

With this small beginning, the group writes, "If one-tenth of the people in the country could be persuaded to tithe ten per cent of their income after taxes for a period of ten years, then $50 billion could be raised." That may well be so, and no one should spurn either the efficacy of that much money or the spirit that would produce it; unfortunately, both are only a part of the social dilemma in America.

CALIFANO'S TESTIMONY

Another major problem is that we do not know enough about what we are doing, hence about what we ought to be doing, in the social services. This point was graphically made in recent testimony to a Senate Labor Subcommittee by Joseph A. Califano, who was former President Johnson's right-hand man in domestic affairs.

Mr. Califano said that it had taken the Johnson Administration almost two years merely to find out who were the seven million people then receiving about $4 billion annually in welfare payments; it was not known until then, for instance, that there were only about 50,000 welfare recipients who were actually employable, despite all the loud political charges about bums and freeloaders. No real study of welfare recipients had ever been made.

DIGGING FOR DATA

Similarly, Mr. Califano said, it took almost two years to make the kind of study of housing needs in America that enabled Mr. Johnson to state in 1967 that 26 million new housing units would be needed in the next ten years—an estimate the Department of Housing and Urban Development recently confirmed on the basis of additional data.

When Watts blew up in 1965, Mr. Califano said, a Federal team of about twenty people had to go there just to find out who lived in Watts, and in what conditions. "We know how many children get a piece of paper that says they graduated from elementary school," he went on, "but we don't know what a first-grade education is. . . . In the transportation area, just the Northeast Corridor, while studies have been done of do you want trains, highways, planes . . . I think you will find they are still relatively primitive. . . ."

Yet, he said, if a President asked the Defense Department "how fast and how efficiently can you transport so many troops from A to a variety of countries around the world," he would get an answer of extreme sophistication, with a wealth of detail on all contingencies, close cost estimates for every possible variation, and calculations of expected political effects.

FACTS ARE LACKING

That kind of information is sadly lacking for domestic problems, and the lack all too often paralyzes action, leads to the wrong action, or prevents the right course being found. The subcommittee chairman, Walter Mondale, of Minnesota, concluded that for all the "cold facts" at the Government's disposal, it still was not very good at answering "the strategic questions of how we improve American society."

Or, as Mr. Califano put it: "The disturbing truth is that the basis of recommendations by an American Cabinet officer on whether to begin, eliminate or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate sophisticated data with which the Secretary of Defense supports a major new weapons system."

SOCIAL ADVISERS

Senator Mondale is proposing the establishment in the White House of a Council of Social Advisers, and in Congress a Joint Committee on Social Affairs—both on the model of important existing bodies devoted to eco-

nomic matters. Their task would be to develop the social information needed, to speak for social needs in America, to provide for human problems the same background of detailed knowledge we already have on defense and economic questions.

It should be no discouragement to the Monterey servicemen to say that their spirit and dollars, however widely duplicated, will not prevail unless soundly directed. As will be discussed in another article, the sense of urgency they feel is the other ingredient generally missing from a mix that might lead to advancement.

[From the Washington Post, Jan. 7, 1970]

FEDERAL AGENCIES LACK PROPER DATA ON WHICH TO BASE SOCIAL POLICIES

(By Richard Harwood and Laurence Stern)

Joseph A. Califano Jr., once described by someone with a fine metaphorical sense as the Assistant President for Domestic Affairs in the Latter Johnson Era, related a minor irony of his White House days to a Senate subcommittee last month.

As the story went, one day at the White House former Secretary of Health, Education and Welfare John Gardner was asked what kind of Americans were on the receiving end of the $4 billion national welfare roll. Were they blind? Were they children? Were they alcoholics?

The nonplused Gardner confessed that neither he nor anyone else at HEW seemed to have any conception of what the breakdown looked like. Strange to say, it took two years to find out—from the summer of 1965 to 1967.

Of the 7.3 million people then on welfare, Califano told the Senators, "we found out to our amazement that we were dealing only with about 150,000 fathers, so to speak, adult males in the working level age, and of them about 100,000 were so incapacitated that they were beyond the ability to work or be trained."

This left a suspect population of 50,000 able-bodied males on the welfare lists—less than a tenth of one per cent of the total welfare population.

Of the remaining number 2.1 million were women over 65 (with a median age of 72); 700,000 were either blind or so severely handicapped that they couldn't work; 3.5 million were children not supported by their parents; 900,000 were mothers.

Sen. Walter F. Mondale (D-Minn.) reacted with what passes in the Senate for incredulity. Citing President Nixon's espousal of "workfare" as a sine qua non of his welfare program, Mondale observed: ". . . based on these statistics, conservatively 90 per cent of the people on welfare are not employable. They are senior citizens, disabled or they are mothers with large families."

"I assume," he continued, "this mythical, able but unwilling adult male free-loading on welfare is just that, a myth."

As with most friendly colloquies in Senate hearings, this was all aimed at proving a point: there is a towering ignorance in our national information centers of the facts upon which intelligent social policy can be based.

By illustrating, we know how many divorces there are each year. But what kind of marriages are there? We know how much we spend on elementary schools but what is a good second-grade program—and what kind of second grades, or 12th grades, do we have?

Why is it that hunger is suddenly discovered not as an aberration but as a widespread affliction in certain regions and classes of Americans? How can something as massive as an urban riot happen without depositing advance hints of the rising level of social combustion?

As Califano put it, "the disturbing truth is that the basis of recommendations by an American Cabinet officer on whether to begin, eliminate or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa . . ."

Mondale has been conducting a personal crusade for a Council of Social Advisers which would have the ear of the President, like the Council of Economic Advisers and like the National Security Council. His bill would set up a national system of social accounts that would calculate, among other things, the effects of such vast federal programs as the Interstate Highway Act on metropolitan areas; the impact of federal mortgage policies favoring the segregated suburbs on the inner city; the degree of achievement in the classrooms.

Califano speaks admiringly of the Pentagon and its sophisticated information systems, its rational decision-making processes. Yet even these systems have brought us such things as the F-111, which loses wings in flight; the C-5A, which does its most spectacular soaring on the cost ledgers, and the war in Vietnam, which refuses persistently to end in victory.

There certainly can be little arguing with the case made by Mondale and Califano for a federal social accounting system—a way of measuring the quality of our institutions and lives.

But there is something a bit scary about the notion, too, a trifle Orwellian. Implicit in the measurement of quality is someone's determination of what is good. Each time the government learns something about our social condition it subtracts from our personal privacy.

The preservation of the village idiot is as much a mark of our freedom as the eradication of the empty belly.

[From the St. Paul Pioneer Press, Jan. 8, 1970]

COUNCIL OF SOCIAL ADVISERS

When the President and members of his Cabinet discuss fiscal and monetary matters, they have the advice of a prestigious group of experts who make up the Council of Economic Advisers.

There is no comparable body to advise on social problems. Senator Walter Mondale of Minnesota, and others in Congress, believe there should be. A Mondale bill calls for a National Council of Social Advisers to keep up a constant study of the total impact on society of various government programs, established to serve a real or imagined need, but often having unforeseen side effects.

Such a council might delve into the social effects of federal highway programs which disrupt urban neighborhoods and shake up development patterns in whole metropolitan areas. It might study the relation of federal mortgage insurance to inner city decay. It might help separate myth from fact in planning reforms of the welfare system. It could try to get an overall view of what is wrong with school systems in the racial ghettos.

There is a towering ignorance in government information centers of the facts upon which intelligent social policy can be based, says Mondale. Joseph Califano, an adviser to President Lyndon Johnson on many domestic matters, put it this way: "The disturbing truth is that the basis of recommendations by the Cabinet officer on whether to begin, eliminate or expand vast social programs resembles the intuitive judgment of a benevolent tribal chief in remote parts of Africa."

This situation exists partly because of an exaggerated national fear of "government planning," not entirely unjustified, of course. States rights philosophy also has retarded better national approaches to social problems such as welfare and the base migration of minority groups into big city concentrations in the past quarter century.

Not many years ago the Mondale proposal would have drawn only skepticism and sarcasm from the public and Congress. But in today's conditions it is at least getting sober consideration, although still considered by some as unnecessary or unrealistic.

Establishment of a Council of Social Advisers of course would not guarantee solutions of complex social problems, any more than the Council of Economic Advisers has completely solved fiscal and monetary problems. But in the latter case, Presidents, Cabinet members and Congress have had the benefit of intelligent, competent advice based on the most authoritative and reliable fact sources. No one would propose abolishing the Economic Council. It has proved its usefulness.

This experience suggests that the Mondale proposal is worth trying. Social problems are infinitely complex and still only vaguely understood. But on their solution or amelioration depends the future stability of America's democratic system of government. The very difficulties of the challenge call for new and special efforts to guide public policies intelligently. A National Council of Social Advisers would be a worthwhile experiment.

THE CASE AGAINST JUDGE CARSWELL

Mr. TYDINGS. I think it important for the average interested American citizen to know some of the reasons why a number of Senators, including myself, are opposing Carswell.

My opposition is not based on any speech or political views he may have had 22 years ago. Most men in public life change in 22 years. My opposition is based on Mr. Carswell's record as a trial judge—and a number of critical questions raised in the hearings which he has left unanswered. This record shows clearly that Mr. Carswell cannot separate his personal views and political prejudices from his conduct and decisions in court where civil rights and minority rights issues are concerned. Time after time where minority rights were concerned, he refused to uphold the laws of Congress, the rulings of his circuit, or the Supreme Court of the United States when the governing principles collided with his own basic prejudices.

He stalled school desegregation cases for years in his court.

He did not believe that black sharecroppers should be registered to vote so he aided and abetted local officials in their harassment of voting rights workers.

He was reversed by the court of appeals on minority rights cases time and again.

He deliberately set $15 filing fees in civil rights removal cases to his court ignoring a decision on the fifth circuit forbidding these filing fees.

He advised local officials of how to avoid and circumvent a decision of the fifth circuit, thus preventing nine ministers from having a hearing and guaranteeing them permanent criminal records.

He stalled and delayed hearings to release students improperly jailed in voting rights drive. And when he finally signed a writ of habeas corpus he cleverly signed a second order remanding the case so the local sheriff could rearrest them the moment they stepped out of jail.

There are many great southern judges and lawyers who are just as "strict a constructionist" as Mr. Carswell but whose records are clear and who are eminent constitutional lawyers and who have demonstrated that they are judi-

cious men able to give any man a fair and impartial hearing. Men like Judge Bryan Simpson of Florida, Judge Braxton Craven of North Carolina, Judge John D. Butzner and Judge Walter E. Hoffman of Virginia, Judge Frank Johnson of Alabama, Judge William E. Miller of Tennessee, Judge Robert A. Ainsworth and Judge John Minor Wisdom of Louisiana—lawyers like Lewis Powell of Richmond, Sam Ervin of North Carolina, L. Richardson Preyer of North Carolina, Ed Wright of Arkansas, and Stephen O'Connell, of Florida, former State Supreme Court judge and now president of the University of Florida.

These are men whose political philosophy you can differ with but whose nomination a fairminded Senator would support because you know above all else they possess judicial temperament—they are fair.

My feeling about Judge Carswell is supported by the testimony of great southern legal scholars like Prof. Von Alstyne of Duke who supported Judge Haynsworth but who said that in Judge Carswell's work "there is simply a lack of reasoning, care or judicial sensitivity overall," or Dean Pollak of Yale who said that in his judgment Carswell is the most undistinguished nominee for the Supreme Court in this century. The Supreme Court has enough problems today.

It is imperative that the man we confirm for life on our highest court is a man whose background and record is of the highest quality—not the most mediocre the President can get away with and still force his confirmation.

Mr. President, I ask unanimous consent that a memorandum of the Leadership Conference on Civil Rights relating to the Carswell nomination be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE CASE AGAINST JUDGE CARSWELL

After fifteen years on the Court, Mr. Justice Frankfurter summarized his view of the qualifications for a Supreme Court Justice:

"Human society keeps changing. Needs emerge, first vaguely felt and unexpressed, imperceptibly gathering strength, steadily becoming more and more exigent generating a force which, if left unheeded and denied response so as to satisfy the impulse behind it at least in part, may burst forth with an intensity that exacts more than reasonable satisfaction . . . A judge whose preoccupation is with such matters should be compounded of the faculties that are demanded of the historian and the philosopher and the prophet. The last demand upon him—to make some forecast of the consequences of his action—is perhaps the heaviest. To pierce the curtain of the future, to give shape and visage to mysteries still in the womb of time is the gift of imagination . . . [Judges] must have antennae registering feeling and judgment beyond logic let alone quantitative proof."

The record made before the Senate Judiciary Committee demonstrates that Judge Carswell has not grasped the lessons of history, does not comprehend the philosophy that underlies the Bill of Rights, and is insensitive to the demands that the future makes upon those shaping the present.

The inescapable truth is that Judge Carswell has no claim to distinction in any field. He was not a preeminent figure at the Bar in the mold of Brandeis, he has not been a major political figure in the mold of Hughes, he is not a scholar in the mold of Holmes, and he it not a great judge in the mold of Cardozo. He is instead, in the words of the deans of our two most respected law schools, a man who ". . . has not demonstrated the professional skills and the larger constitutional wisdom which fits a lawyer for elevation to our highest court. I am impelled to conclude, with all deference, I am impelled to conclude that the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century, and this century began as I reminded this committee with the elevation to the Supreme Court of the United States of the Chief Justice of Massachusetts, Oliver Wendell Holmes" (Dean Pollak of Yale), and a man with "a level of competence well below the high standards that one would presumably consider appropriate and necessary for service on the Court" (Dean Bok of Harvard).

Equally significant is the testimony of Professor William Van Alstyne of the Duke University Law School, a recognized authority on constitutional law. Professor Van Alstyne had testified before the Senate Judiciary Committee in support of Judge Haynsworth, finding him "an able and conscientious judge . . . [whose decisions] even in instances where I could not personally find agreement private or professional with a particular result . . . had been arrived at with reassuring care and reason." But, testifying in opposition to Judge Carswell, he stated that the latter's decisions reflected "a lack of reasoning, care, or judicial sensitivity overall . . . There is, in candor, nothing in the quality of the nominee's work to warrant any expectation whatever that he could serve with distinction in the Supreme Court of the United States."

Since the hearings on Judge Carswell, the faculty of a number of our leading law schools—Stanford, Harvard, Pennsylvania, and others—have opposed his nomination. Twenty Pennsylvania law school professors put their opposition in the following terms:

"Our examination of his opinions in various areas of the law compels the conclusion that he is an undistinguished member of his profession, lacking claim to intellectual stature . . . We submit that Judge Carswell has failed to exhibit those qualifications which the American people are entitled to expect of a Justice."

Even more compelling than the testimony of these distinguished scholars is the silence of Judge Carswell's supporters. Both supporters and opponents have searched Judge Carswell's decisions with diligence to find an opinion that improved or clarified the law in a significant way. Neither has found a single example worthy of mention to the Judiciary Committee. Even Professor James Moore of Yale, who keeps his treatise on Federal Practice up-to-date by following federal decisions with meticulous care, did not cite a single opinion of Judge Carswell as being particularly noteworthy.

Judge Carswell's utter lack of distinction is sufficient to require defeat of his nomination. The Court is not a training ground for the unproven. It is rather, in Chief Justice Taney's phrase, "Equal in origin and equal in title to the Legislative and Executive Branches of the Government." To such an exalted post Judge Carswell can lay no claim.

Judge Carswell's failure to meet the necessary professional attainments does not exhaust the case against him; it is only the beginning. There is much else in his record which disqualifies. As the Leadership Conference on Civil Rights told the Senate Judiciary Committee when the Judge was nominated for the Court of Appeals last year, "Judge Carswell has evidenced a strong bias against Negroes asserting civil rights claims and has been more hostile to civil rights cases than any other federal judge in Florida during his tenure as a district judge." That assessment was fully justified at the time it was made. Now additional evidence has come to light which makes Judge Carswell's hostility to civil rights incontrovertible—as we shall now demonstrate.

JUDGE CARSWELL'S DECISIONS IN THE AREA OF CIVIL AND INDIVIDUAL RIGHTS

The Leadership Conference on Civil Rights presented testimony to the Senate Judiciary Committee that Judge Carswell had been unanimously reversed fifteen times in civil rights and individual rights cases.[1] Far from negating this testimony, Senator Hruska's "Analysis and Comment," prepared in cooperation with the Justice Department, actually reveals that *there were seventeen cases in this category rather than fifteen.*

The Leadership Conference testimony made clear that the Court of Appeals for the Fifth Circuit had unanimously reversed eight of Judge Carswell's decisions in civil rights cases. Senator Hruska's attempt to answer this testimony by citing "Pro Civil Rights" and "neutral" cases cannot withstand analysis. We so demonstrate beyond peradventure of doubt in Appendix A hereto.

The Leadership Conference testimony also set forth seven habeas corpus and Section 2255 cases in which Judge Carswell had been unanimously reversed for refusing even to hear petitions clearly valid on their face. Senator Hruska's "Analysis and Comment" indicates that we missed two such cases, making a total of nine. Senator Hruska's reliance, to offset these nine reversals, on cases in which Judge Carswell was affirmed is wholly misplaced. Appendix B demonstrates that the law in this area was clear throughout the entire period of Judge Carswell's decisions, and that his reversal record which was in excess of 50%, demonstrates not only incompetence but a total lack of sensitivity to the rights of the individual.

JUDGE CARSWELL'S LACK OF JUDICIAL TEMPERAMENT

Judge Carswell's lack of judicial temperament is vividly shown by his hostile treatment of civil rights attorneys when they appeared in his court.

Norman Knopf, a young Justice Department attorney, who had worked in Florida as a volunteer in 1964, found "extreme hostility" between the judge and northern volunteers. He "lectured a civil rights attorney in a high voice a long time," Mr. Knopf said, denouncing lawyers who come down South to "rouse" the local people.

Professor Leroy Clark of New York University, who supervised the NAACP Legal Defense Fund litigation in Florida between 1962 and 1968, said of Judge Carswell, "he was probably the most hostile judge I've ever appeared before; he would rarely let me finish a sentence." He was "insulting" and "hostile" and even turned his back on Professor Clark when he was arguing a case. "It was not unusual for Judge Carswell to shout at a black lawyer who appeared before him while using a civil tone to opposing counsel." Professor Clark prepared new lawyers for appearances before Judge Carswell by having them

[1] This compilation of 15 cases does not, of course, include *Gaines* v. *Dougherty Co. Board of Education*, 334 F. 2d 983 (1964), where Judge Carswell, sitting on the Court of Appeals by designation, dissented from the decision of Judges Tuttle and Wisdom ordering that the first, second, and twelfth grades be desegregated; *Martin-Marietta*, where Judge Carswell joined in refusing the grant of a rehearing *en banc* to consider the vital issue of discrimination on account of sex; and *Edwards* v. *State of Florida*, C.A. 1271 (N.D. Fla.), where, almost incredibly, he ignored a habeas corpus allegation that a guilty plea had been coerced.

go through their arguments the night before while he harassed them.

Professor John Lowenthal of Rutgers University testified that when he appeared before Judge Carswell to seek habeas corpus for civil rights workers, the Judge "expressed dislike at northern lawyers such as myself appearing in Florida, because we were not members of the Florida Bar." Members of the Florida bar were, however, unwilling to represent civil rights workers—nor, of course, did Judge Carswell offer to appoint local counsel, as he would have been empowered to do. Finally, attorney Ernst Rosenberger also described various measures taken by Judge Carswell without legal basis to obstruct civil rights workers and their counsel.

Judge Carswell's anti-civil rights bias is evidenced not only by the decisions to which we have already referred and by his hostility to civil rights lawyers, but also by his affirmative efforts to nullify the very rights which it was his sworn duty to uphold.

One such incident involved nine clergymen freedom riders arrested in the Tallahassee airport restaurant. Judge Carswell denied their petition for habeas corpus. The ministers appealed and the Fifth Circuit ordered the Judge to hold an immediate hearing if the State court did not do so. Judge Carswell told Mr. Rhodes, the city attorney, that "if you go ahead and reduce these sentences, then there will be no hearing, there will not be anything. It will be moot." The result was exactly what Judge Carswell sought: the sentences were reduced to the time already served and the clergymen were denied an opportunity to vindicate themselves by a State court judge who told them, "Now you have got what you came for. You have got a permanent criminal record."

The length to which Judge Carswell was willing to go to frustrate the invocation of civil rights may be best illustrated by *Wechsler* v. *County of Gadsden:*

An illegal filing fee was demanded before the petition for habeas corpus by a group of voting registration volunteers was accepted, contrary to *Lefton* v. *Hattiesburg,* 333 F. 2d 380 (C.A. 5).

The proceeding was delayed because the Judge required the petition to be resubmitted on a special form which had been designed for a different class of cases.

The proceeding was delayed further to secure the signatures of the prisoners although the attorney's signature was all that could be required under Rule 11 of the Federal Rules of Civil Procedure.

Judge Carswell told the attorneys representing the civil rights workers that he would try, if at all possible, to deny the petition.

When he finally granted the petition, as the law explicitly required, he violated 28 U.S.C. 1446(f) by refusing to have his marshal serve the writ.

Despite the complexity of the questions posed, without any request from the state and without affording the civil rights workers any hearing whatever, he remanded the case to the state court and made possible their immediate re-arrest.

Notwithstanding the congressional grant of a special right of appeal from civil rights remands, he even refused to stay his remand order, a decision promptly reversed by a single judge of the Fifth Circuit, which subsequently reversed him on the merits.

JUDGE CARSWELL'S PUBLIC STATEMENTS

In his fifty years only two public statements of Judge Carswell have come to public note. The first was in 1948.

"I am a Southerner by ancestry, birth, training, inclination, belief and practice. I believe that segregation of the races is proper and the only and correct way of life in our State. I have always so believed and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people. If my own brother were to advocate such a program, I would be compelled to take issue with and to oppose him to the limit of my ability. I yield to no man as a fellow candidate or as a fellow citizen in the firm vigorous belief in the principles of white supremacy and I shall always be so governed."

This speech cannot be dismissed as youthful folly. Judge Carswell was not a callow youth at the time he spoke those words; he was 28 years old. This speech cannot be dismissed, as Judge Carswell attempted to do, on the ground that it was composed prior to *Brown* v. *Board of Education.* It was not simply an endorsement of the separate but equal doctrine of *Plessy* v. *Ferguson,* which would perhaps be understandable in light of the accepted legal doctrine of the day; rather it was an endorsement of "white supremacy," a legal doctrine that had been repudiated in 1868 with the adoption of the Fourteenth Amendment. The objection to Judge Carswell's speech is not that it failed to anticipate the *Brown* decision six years hence, but that he repudiated the principle of racial equality which had been part of the Constitution for sixty years. Nor can it be dismissed on the ground of necessity; the implication that a candidate could compete for public office only by race-baiting insults the intelligence and decency of millions of white Southern voters, and conveniently forgets the many honorable men who succeeded in Southern politics without descending to the depths reached by the 1948 Carswell speech. Finally, this speech cannot be dismissed on the strength of the Judge's recent repudiation of "racism." That repudiation came 22 years late and was not a voluntary action but rather was compelled by the fact that his statement had been exposed in the press and threatened his promotion to the Supreme Court.

The second Carswell statement is equally revealing. Two months ago, while addressing the Georgia State Bar Association, he told the following story: "I was out in the Far East a little while ago, and I ran into a dark-skinned fella. I asked him if he was from Indo-China, and he said, 'Naw, suh, I'se from Outdo' Gawgee.' " This is a crude play on the dialect attributed to Negroes with the purpose of designating them as inferior persons. It is not the humor of a man who has repudiated racism. It is not the humor of a man whose appointment will bring reassurance to those who hope for a peaceful reconciliation of the races based on trust in the law. Possibly Charles L. Black, Jr., Luce Professor of Jurisprudence at Yale Law School, best explained the significance of this Carswell story in his letter of February 10, 1970, to Senator Eastland:

"The 'darkie story' reported by Newsweek Magazine, evidence coming from only a few months ago, is the act of a man callous as if by instinct to the claims of Negroes to dignity; it brings to mind Plutarch's insight that one can often tell more about a man from some playful action of his than from his great public deeds."

JUDGE CARSWELL'S EVASIVENESS BEFORE THE SENATE JUDICIARY COMMITTEE

In 1956 Judge Carswell, then the United States Attorney in Northern Florida, participated as an incorporator and director in a project to change a municipal golf course into a private segregated golf course as a response to the decision of the United States Supreme Court in *Holmes* v. *Atlanta,* 350 U.S. 879 (1955), holding that a municipal golf course must desegregate, and to a pending case in the United States District Court for the Northern District of Florida, *August* v. *Pensacola* (1956), seeking the same relief. Newspaper accounts, affidavits presented to the Judiciary Committee, and the very timing of the action all make out a *prima facie* case of a conspiracy to violate 28 U.S.C. 241 or 242, see *United States* v. *Price,* 383 U.S. 787 (1966), and *United States* v. *Guest,* 383 U.S. 745 (1966). Thus, either Judge Carswell took part in the commission of a serious wrong, or at the least his lack of awareness of developments around him led him to place himself in a situation of conflict of interest relating to his ability to enforce the law. Neither speaks well of his allegiance to civil rights.

Judge Carswell's involvement in the golf course episode is serious in and of itself; his lack of candor in testifying on his role before the Senate Judiciary Committee is totally disqualifying.[2] There were seven discrepancies and misstatements in his testimony on this episode alone. Judge Carswell first denied and then admitted he was an incorporator of the golf course. Judge Carswell denied he was a director in the face of unanswerable documentary evidence to the contrary. He first denied familiarity with the articles of incorporation and then admitted he had read them before he signed them. He first said the venture involved "repairing the little wooden country club" and then admitted that "there would be things going on around the clubhouse." He denied "racial discrimination among the guests" although affidavits make the contrary wholly clear. He referred to the group he helped incorporate as a "defunct outfit that went out of business," when in reality it simply shifted from a profit to a non-profit corporation. He even said that he "read the story [of the golf course episode] very hurriedly," a wholly unbelievable statement in view of the fact that this episode threatened his nomination to the nation's highest legal office.

It is not only these discrepancies on the golf course episode that remain unanswered on the present record; there is also the testimony of the four responsible and well motivated lawyers who testified before the Senate Judiciary Committee as to Judge Carswell's hostility to civil rights lawyers and his extrajudicial anti-civil rights activities. Judge Carswell's letter concerning the testimony of these four lawyers is a model of evasion:

"Lawyers from all parts of the nation have practiced before me over the years without any suggestion of any act or word of discourtesy or hostility on my part notwithstanding assertions to the contrary. I emphatically deny such episodes on my part to those in civil rights litigation or any other, and this is fully supported by statements in the record by counsel in such cases."

Although Judge Carswell might wish to banish the testimony of these lawyers with the wand of these weasel words, he cannot do so. As one commentator put it, his carefully composed reply comes down to the point that there were no complaints against Judge Carswell except for the complaints.

CONCLUSION

We conclude, as we began, with the words of Justice Frankfurter: "Corruption from venality is hardly more damaging than a widespread belief of corrosion through partisanship. Our judicial system is absolutely dependent upon a popular belief that it is as untainted in its workings as the finite limitations of disciplined human minds and feelings make possible." Just three months ago, the Senate fulfilled its constitutional role as the defender of the integrity of the Supreme Court by rejecting Judge Haynsworth because his conduct gave the appearance of "corruption from venality." The record here demonstrates that Judge Carswell has been

[2] Judge Carswell has demonstrated an equal lack of candor in explaining his actions to the public through the press. Only last Friday, February 13, he "remained unavailable for comment" concerning the racial covenant on the land he joined in selling. Ever since the conclusion of his testimony on January 28, he has refused to explain not only his actions in the golf course episode, but also such other items as his large borrowings and his mistreatment of Civil Rights lawyers.

an undisciplined and injudicious judge who has championed the cause of those who still say "never" to equal rights for Negro Americans and who has been the antagonist of those who ask nothing more than a fair hearing, and a decision responsive to the ideal of equal justice under law.

As to civil rights, Judge Carswell is Judge Haynsworth with a cutting edge. Thus, this nomination threatens the Court with "corrosion through partisanship." At this critical juncture in our history, the threat posed by the nomination of Judge Carswell is even more serious than that posed by Judge Haynsworth's nomination. As Professor Black put it:

"The appointment of such a man would be a wrong to the Court, a wrong to the American people, and a bitter wrong indeed to the blacks of America. Like many others, I have publicly and privately exhorted them to trust to the law for redress of the horrible injustice they have suffered and still suffer. I will continue so to exhort them, whatever the event as to this nomination. But if this sort of judge is to be the sort of judge they will have to rely on in the last resort, I shall have some difficulty looking them straight in the eye as I speak."

APPENDIX A: JUDGE CARSWELL'S CIVIL RIGHTS DECISIONS

Senator Hruska's "Analysis and Comment" makes three points concerning the Leadership Conference's testimony on Judge Carswell's civil rights decisions: First, that the Leadership Conference did not adequately consider what he calls "Pro-Civil Rights" decisions; second, that the Leadership Conference did not adequately consider what he calls "neutral" civil rights decisions; and third, that the Leadership Conference included opinions as "Anti-Civil Rights" which should have been treated as "neutral." None of these points is well taken.

A. *Alleged Pro-Civil Rights Decisions.* At the time of the Leadership Conference testimony, the only case upon which Judge Carswell's supporters appeared to rely was the so-called "barber case," *Pinkney* v. *Meloy*, 241 F. Supp. 943 (1965). The Leadership Conference testimony made clear that this was not a "case" in any true sense, for both sides stipulated the two facts which demonstrated that the barber was covered by the Civil Rights Act of 1964. Senator Hruska's "Analysis and Comment" does not even attempt to answer the fact that the case was stipulated rather than decided.

The other seven cases relied upon by Senator Hruska can give him no greater comfort. We consider them one by one.

Brooks v. *City of Tallahassee*, 202 F. Supp. 56 (1961), is actually an anti-civil rights decision. There Judge Carswell refused to issue an injunction against a restaurant operator admittedly guilty of segregation in the operation of his restaurant at the City of Tallahassee Airport. As Professor Orfield indicated in his testimony to the Senate Judiciary Committee, "A violation of the Constitution apparently demanded more gentle treatment than a violation of a criminal statute."

But this was not the worst aspect of Judge Carswell's handling of *Brooks*. In the last paragraph of his opinion, Judge Carswell suggested that the city could legally avoid integration of the airport restaurant by closing it down. This paragraph of Judge Carswell's opinion in *Brooks* has been removed from the official report of his decision appearing in Volume 202 of the *Federal Supplement*. It does appear, however, in the original, unsanitized opinion reprinted in volume 6 of the *Race Relations Law Reporter*, a publication prepared under the auspices of the Vanderbilt University Law School, at pp. 1099 to 1101. The last paragraph reads in its entirety:

"Nothing contained in this order shall be construed as requiring the City of Tallahassee to operate under lease or otherwise restaurant facilities at the Tallahassee Municipal Airport. See *Boynton* v. *Virginia*, 364 U.S. 454 at 460.

"Done and Ordered in Chambers at Tallahassee this 17th day of October 1961."

Judge Carswell's gratuitous suggestion in *Brooks* is reminiscent of his proposal to City Attorney Rhodes in the clergymen case and his unsolicited remand in *Wechsler*.

Youngblood v. *Board of Public Instruction of Bay County, Florida*, 260 F. Supp. 74 (1964) is also an anti-civil rights decision. Judge Carswell allowed Bay County to use a pupil assignment system which was clearly unconstitutional and violated controlling precedents at the time it was given. The Fifth Circuit held in 1959 that a school board could not assign pupils to segregated schools and make them go through cumbersome reassignment procedures in order to transfer. *Gibson* v. *Board of Public Instruction of Dade County, Florida*, 272 F. 2d 763. The Fifth Circuit reaffirmed this position in 1960. *Mannings* v. *Hillsborough County, Florida*, 277 F. 2d 370, 372. In the face of these appellate decisions, Judge Carswell's decision in *Youngblood* clearly violated the law of his Circuit.

The Memorandum's praise of Judge Carswell, because he refused to adopt *Stell* v. *Savannah Chatham County Board of Education*, 220 F. Supp. 667, is relevant only for what it reveals of the views of the authors of the Hruska memorandum. Judge Scarlett in *Stell* permitted proof that black children were inherently inferior to white children in an effort, nine years after *Brown*, to persuade the Supreme Court to reverse itself. The suggestion that Judge Carswell should be praised for rejecting that decision and that the fact that he approved an illegal plan should be ignored shows how low the standard for appointment to the Supreme Court must be set to accommodate Judge Carswell.

Lance v. *Plummer*, 353 F. 2d 585 (1965), where Judge Carswell sat on the Court of Appeals by designation, simply highlights his own failure as a District Judge in *Due* v. *Tallahassee Theaters, Inc.* In the *Due* case, the Judge dismissed a civil rights complaint against two theater corporations, their managers, various city officials, and the City of Tallahassee, and granted summary judgment to the sheriff, all of whom the complaint alleged had conspired together to keep the movie theaters segregated. Judge Carswell was unanimously reversed by the Court of Appeals, 333 F. 2d 630 (1964). In the *Lance* case, on a similar complaint, Judge Bryan Simpson of the Middle District of Florida, after a full hearing, enjoined a group of sixteen restaurants and motels in St. Augustine, Florida, from refusing to serve blacks and further enjoined a local group from intimidating blacks attempting to utilize these facilities, as well as others with knowledge of his order. When the attorneys for the plaintiffs notified Judge Simpson that a local unsalaried deputy sheriff, Charles Lance, Jr., was continuing to intimidate blacks seeking service, Judge Simpson held he had actual knowledge of the injunction and found him guilty of contempt. The Court of Appeals, in an opinion by Chief Judge Tuttle, upheld Judge Simpson's action with a minor modification. Judge Carswell's failure to dissent can hardly reflect much credit on him when he had been reversed by the Court of Appeals for dismissing an almost identical complaint only a year before. What the *Lance* case really highlights is the difference in loyalty to the Fourteenth Amendment between Judge Carswell and his neighbor, Judge Simpson.

The Hruska memorandum then proclaims the existence of two more pro-civil rights decisions in the following cryptic sentence:

"In two unreported decisions, Judge Carswell enjoined restaurants from discriminating against Negroes. *Lamb* v. *Betts Big T* (1966); *Russell* v. *Ski Line Truck Center* (1969)."

One immediately wonders, since no details or language are given, whether parts of these decisions might reflect adversely on Judge Carswell. But even more significant is the fact that the Memorandum fails to deal in any way with, or even mention, Judge Carswell's other unreported decisions and actions. The Leadership Conference testimony made specific reference to these other unreported opinions in the following terms:

"It is an open secret in this town that there are unreported opinions and actions in the Department of Justice's files of the Civil Rights Division. Those files have never been made available to this committee. I suggest that every case which the Civil Rights Division had in front of Judge Carswell be read by some representative of this committee and be made available to the Civil Rights groups."

In the face of this, the Memorandum's utilization of two of these hidden cases without giving any details and without opening the full files on the other unreported cases can only be treated as an admission that the unreported decisions and actions add further to the anti-Carswell case.

The Hruska memorandum next refers to *Baxter* v. *Parker*, 281 F. Supp. 115 (1968), where a Negro plaintiff brought a civil rights action against the sheriff and deputy sheriff of Dixie County and the County Government alleging that the sheriff assaulted him. Judge Carswell denied the sheriff's motion to dismiss and directed the sheriff to file an answer. But what else could he do? There was no question whatever that the complaint was valid, *Monroe* v. *Pape*, 365 U.S. 167, and Judge Carswell's only alternative would have been to grant the motion to dismiss and invite the same summary reversal that occurred in *Due* v. *Tallahassee Theaters, Inc.*, 333 F. 2d 630 (1964). Only when one contemplates the twenty-two years of Judge Carswell's anti-civil rights speeches, activities, and decisions can it even begin to be comprehended how anyone could feel that this case reflected favorably upon him.

The last "Pro-Civil Rights" decision relied upon by Senator Hruska is *Robinson* v. *Coopwood*, 415 F. 2d 1377 (1969). But it is a clear case of grasping at straws to rely on Judge Carswell's failure to dissent from the following three-sentence per curiam:

"Per Curiam:

"The facts giving rise to this controversy and the reasons given by the district court for its decision are to be found in its published opinion in *Robinson* v. *Coopwood*, 292 F. Supp. 926. Under the particular facts and circumstances of this case, this Court has reached the conclusion that the judgment of the district court should not be reversed. It is, therefore,

Affirmed."

In summary, the so-called eight "Pro-Civil Rights" decisions break down as follows: two are actually anti-civil rights, two are unreported and nowhere explained, two could not be decided any other way, and two were simply failures to dissent on the appellate level where the trial judge had reached the obviously proper result.

B. *Ten Neutral Civil Rights Decisions.* Of the ten cases included in this category by the Hruska memorandum, four (*Wechsler, Steele* (*Leon County*), *Youngblood*, and *Wright*) are, as we shall show in the next section, clearly anti-civil rights decisions. The other six are cases in which Judge Carswell's rulings as a District Judge *against* the civil rights complainants were affirmed by the Court of Appeals, or cases in which Judge Carswell, while sitting on the Court of Appeals, joined in a unanimous decision with "liberal" circuit judges holding *against* a civil rights claim.

The Leadership Conference had not relied upon these six cases and could simply pass them by now. Since they have been put in issue by the Hruska memorandum, we desire to make one point about these cases, especially those where Judge Carswell, as a District Judge, ruled for the defendants in civil rights litigation. There is not the slightest evidence that his rulings would not also have been affirmed if he had ruled for the plaintiffs. In civil rights cases, as elsewhere, the District Judge has a large area of discretion in which either result reached would be affirmed by the Court of Appeals. In these so-called "neutral" cases, Judge Carswell used his discretion against the civil rights claims. Despite that fact, we have not included these cases in the anti-civil rights category, for there is a plethora of material without them.

It might be worth noting at this point, as the Leadership Conference testimony noted, that there is not a single case in which Judge Carswell went beyond the views of his fellow Southerners on the Court of Appeals in upholding a civil rights claim. One will look in vain in the Hruska memorandum or elsewhere for a single sentence or a single word in a Court of Appeals decision suggesting that Judge Carswell might have gone an inch too far in this area. On the contrary, all Judge Carswell's cases are ones in which he was reversed for not going far enough, or in which his decision against civil rights claims was upheld. In this context, affirmances of these additional anti-civil rights decisions can hardly be said to make them "neutral."

C. *Five Anti-Civil Rights Decisions.* The Hruska memorandum concedes five anti-civil rights decisions, four unanimous reversals in the Court of Appeals and a dissent by Judge Carswell sitting by designation on the Court of Appeals. The Hruska memorandum argues, however, that four cases of unanimous reversals by the Court of Appeals relied upon by the Leadership Conference are neutral rather than anti-civil rights because they were reversed on the ground of intervening decisions. As we shall show, however, Judge Carswell's decisions in these four cases were reversible on principles announced by the Court of Appeals *prior* to his decisions, and the Court of Appeals simply referred to the latest decision in the area as the one he was to follow in further consideration of the case.

Little further time need to be spent on *Wechsler* v. *County of Gadsden*, 351 F. 2d 311 (1965). We show in the body of this memorandum, "The Case Against Judge Carswell," the legion of errors made in this case. The complexities in this area reflected in the Supreme Court's opinions in *Rachel* and *Peacock* cannot obscure Judge Carswell's several plainly unlawful and erroneous actions, and indeed he was reversed on his refusals to grant a stay as well as on the merits.

In *Steele* v. *Board of Public Instruction of Leon County*, 371 F. 2d 395, the Hruska memorandum relies upon the fact that the intervening *Jefferson* case is referred to in the Court of Appeals' unanimous reversal of Judge Carswell. But Judge Carswell's 1963 order in *Steele* violated the controlling precedents in *Gibson* and *Mannings* just as much as it violated *Jefferson*. Furthermore, as pointed out in the Leadership Conference's testimony, when the Negro plaintiffs sought to reopen the Leon County plan on April 19, 1965, Judge Carswell refused to hear the motion on the ground that "it would just be an idle gesture *regardless of the nature of the testimony.*" It is difficult to think of more obvious reversible error.

Finally, the Hruska memorandum argues that *Youngblood* and *Wright* should not be held against Judge Carswell because the Court of Appeals unanimous reversal referred to the intervening decision of the Supreme Court in *Alexander* v. *Holmes County Board of Education*. But in both cases, like the previous two, Judge Carswell had failed to follow the law as it stood at the time he acted. The *Washington Post* put it well in its editorial on Judge Carswell's three major school cases:

"Eventually, of course, Judge Carswell was reversed in all three cases. It is true, as Senator Hruska's memo argues, that these reversals referred the judge for instructions to an opinion actually written after he had made these decisions. But it is also true that he had available to him earlier instructions in the form of decisions by the Supreme Court and the Fifth Circuit Court taken before he acted, which had made it crystal clear that his orders in all three cases did not meet the test the higher courts were then requiring.

CONCLUSION

Nothing in the Hruska memorandum in any way detracts from the Leadership Conference position that Judge Carswell was unanimously reversed eight times in civil rights cases and indeed the Hruska memorandum admits that this was "technically true." Nothing in the Hruska memorandum sets forth any true "Pro-Civil Rights" action. And the "neutral" cases to which the Memorandum refers, are, as we have shown, actually *neutral against civil rights.* If anything, the Hruska memorandum has buttressed the case that the Leadership Conference made before the Committee on Judge Carswell's civil rights decisions.

APPENDIX B: JUDGE CARSWELL'S HABEAS CORPUS AND SECTION 2255 CASES

The basic case against Judge Carswell in his handling of habeas corpus and 28 U.S.C. 2255 cases—that he ran roughshod over the rights of persons seeking a hearing—was made in the testimony of the Leadership Conference to the Senate Judiciary Committee. Far from rebutting this charge, the Hruska memorandum, prepared in cooperation with the Justice Department, confirms it.

The Leadership Conference set out seven of these cases in which Judge Carswell had been unanimously reversed. The Hruska memorandum points out two more, which we had overlooked because of lack of time to research the subject fully:

Rowe v. *U.S.*, 345 F. 2d 795 (1965) and *Cole* v. *Wainwright*, 397 F. 2d 810 (1968).

Thus there are nine, not seven, unanimous reversals in this area.

The Hruska memorandum attempts to excuse Judge Carswell's failure in this important area of law on two grounds: 1) the law was unclear; 2) he was also affirmed in a number of these cases.

The first attempted defense is specious. The only confusion in the law, as it relates to these cases, is that created by the Hruska memorandum in an attempt to cover up Judge Carswell's record.

The treatment of the case of *Townsend* v. *Sain*, 372 U.S. 293, 1963), on which the Hruska memorandum relies to explain Judge Carswell's poor performance, proceeds from a misinterpretation of the opinion and decision.

The Hruska memorandum takes the view that *Townsend* set new standards for habeas corpus hearings. Whether it set them or clarified them is open to debate, but irrelevant to the issue here. One of these "new" standards, according to the memorandum, is supposed to be that quoted in the memorandum, as follows:

"Where the facts are in dispute, the federal court on habeas corpus must hold an evidentiary hearing if the habeas applicant did not receive a full and fair evidentiary hearing in a state court, either at the time of trial or in a collateral proceeding." *Townsend* at p. 312.

The foregoing is presented as a holding adopted 5 to 4. This is pure fabrication. The principle set out in the quoted language was accepted by Justice Stewart and the other dissenters. Thus as to this, the Court was unanimous. The Stewart opinion (joined by the other three Justices in dissent) says:

"I have no quarrel with the Court's statement of the basic governing principle which should determine whether a hearing is to be had in a federal habeas corpus proceeding: 'Where the facts are in dispute, the federal court on habeas corpus must hold an evidentiary hearing if the habeas applicant did not receive a full and fair evidentiary hearing in a state court, either at the time of trial or in a collateral proceeding.' " *Townsend, supra,* 326–7.

In reality the dissenters' exceptions to the majority opinion were on two grounds: 1) the court should not have spelled out in detail all the standards to guide the lower courts in habeas cases. 2) The state courts had given the petitioner a fair and full hearing on the issues he raised, in accordance with the principle enunciated in *Townsend.* These exceptions are, of course, irrelevant here.

In the light of the clear state of the law, as enunciated by a unanimous Supreme Court (it must be noted that eight of the nine reversals of Judge Carswell came after the *Townsend* decision), one could expect a high percentage of affirmances in the routine handling of such cases. Yet the maximum claim for Judge Carswell, as arbitrarily inflated by the Hruska memorandum, is nine such affirmances as against the nine reversals set out in the record.

While it is true that the nine cases the Hruska memorandum relies on were affirmances of Judge Carswell's decisions, it is plain that the total was arrived at by "padding" the record:

The language of *Batson,* 304 F. 2d 459, indicates the petitioner waived the rights he relied on in open court. Thus he in effect stipulated his case away. Therefore, it should be disregarded.

The *Gant* case, 308 F. 2d 728, was not treated under Section 2255, but as a motion for correction of sentence. Unless we want to open up a new area of inquiry, this too has to be disregarded.

The *Young* case, 337 F. 2d 753, was decided by the Court of Appeals on an entirely different basis than that of Judge Carswell's decision—on the issue of jurisdiction, which the Judge apparently did not even recognize as being presented when he had the case. It is quite clear from the issues raised, and from the Rives' dissent, that Judge Carswell would have been reversed had the court reached the merits, on which the Judge's decision was rendered.

This leaves six affirmances with any substance whatever. A quick look at them reveals that none presented any substantial legal issues—that the records on their faces required dismissals of the petitions. This is accentuated by the opinions in the Court of Appeals, generally short per curiams. They were the type of cases in which no judge much less a judge inclined to deny individual rights, could err.

This record—six affirmances against nine reversals—is on the surface a shockingly poor one. It becomes even more alarming when one considers the origin of most of the cases.

It is well known that one of the chief activities of some prisoners is the preparation of petitions for writs of habeas corpus for themselves or fellow inmates—the so-called "jail house lawyers."

A study of the Carswell cases listed by the Leadership Conference and by the Hruska memorandum in the habeas corpus-Section 2255 area shows that most were presented *pro se.* Four of the Memorandum's six actual affirmances were ones in which the petitioner was unrepresented. And of the nine reversals, seven listed by the Leadership Conference and two by the Memorandum, in only two (*Cole* and *Dawkins*) were the litigants represented by counsel. Thus, in seven out of eleven "pro se" cases, the "jail house lawyers" prevailed over Judge Carswell in their legal arguments. To us this means one of two things:

either Judge Carswell is remarkably weak in his legal judgment in this phase of law or he is so callous to the rights of prisoners that he allows his legal judgment to be overpowered by his prejudices.

In the effort to justify Judge Carswell, the Memorandum notes that a fellow judge, Judge Simpson, was reversed four times in habeas cases. But, as the Memorandum is free to concede, two of these reversals were because he granted hearings where he should not have and two were for not having granted them. As compared to the record of Judge Carswell—all reversals for denials of rights—this is certainly more balanced, indicating a judge with an open, rather than closed, mind on the subject.

With respect to Judge Carswell's "liberal" ruling in the *McCullough* case, the only comment necessary is that in the absence of a Supreme Court or Fifth Circuit precedent on the subject, he had little choice but to follow the available appellate precedent—that of the Fourth Circuit.

The Hruska reference to Judge Carswell's record over eleven years is misleading. Eight of his nine reversals were in the period 1965–1968. Their frequency in this period of time appears to indicate a defiance of the appellate court, in that each was reversed on the same ground—a ground on which the higher court had given Judge Carswell ample notice of its attitude.

The conclusion is plain—that the further one searches into Judge Carswell's record, the more convincing is the case against him.

ANNIVERSARY OF LITHUANIAN INDEPENDENCE—ADDRESS BY SENATOR RALPH T. SMITH

Mr. MURPHY. Mr. President, last night my distinguished colleague, the Senator from Illinois (Mr. SMITH), was privileged to be guest speaker at the 52d anniversary celebration of Lithuanian independence.

Senator SMITH has, I believe, expressed the continuing support of this body for the restoration of freedom to Lithuania and her sister captive nations.

Mr. President, I ask unanimous consent that Senator SMITH's remarks and the text of House Concurrent Resolution 416, to which he referred, be printed in the RECORD.

There being no objection, the address and concurrent resolution were ordered to be printed in the RECORD, as follows:

LITHUANIAN DAY SPEECH OF SENATOR RALPH TYLER SMITH

It is an honor for me to be included in your anniversary program and salute gallant Lithuanians everywhere, as well as the peoples of other Soviet Russian captive countries who are continuously fighting for freedom, self government, and independence.

As your Senator I have urged that the Voice of America beef up its broadcasts to Lithuania, Latvia and Estonia. I believe that the United States Information Agency must effectively counterattack Soviet Russian propaganda throughout the world. You, my fellow citizen, know from personal experiences Soviet Russian betrayal. I believe that only by maintaining superiority in economic, political, and military fields can we protect our freedom and produce the restoration of freedom for the Lithuanian and the other captive nations of Communism.

Through diligence the United States must work for the restoration of freedom to the people of Lithuania.

This anniversary occupies a special place in the minds of men to whom the pursuit of personal freedom and national independence is a noble and continuing purpose.

Despite the Soviet Russian oppression the light of liberty still flickers strongly in Lithuania and in the other Baltic nations throughout Eastern Europe, as was shown in Czechoslovakia just over a year ago.

So I call on Americans of all nationalities to join with American Lithuanians today in recognition of the anniversary of their independence. It was just 52 years ago that the courageous people of Lithuania won back their freedom and established the independent Republic of Lithuania.

The Declaration of Lithuanian Independence on February 16, 1918 was the culmination of many years of struggle and planning—hope and frustration.

Lithuania has had a glorious history as a citadel of Christianity, but almost continually the Lithuanian people have been dominated by larger powers from all sides, the Polish, the Germans and the Russians. Then it wasn't until the first World War defeat of Germany coupled with the internal revolution in Russia that the time seemed favorable for the Lithuanians to retake their place as the free and independent people they had so long dreamed of being.

The period of independence, during which the nation thrived, saw progress in many areas. The Lithuanian people instituted land reform, reestablished industry, set up transportation facilities, enacted social legislation, and expanded their educational institutions. Lithuania was finally free after all these years and her hardy people could select their own leaders, speak openly on the issues without sinister reprisals by the secret police, and worship in their own Christian tradition.

In short, Lithuania was established and functioned along the lines of the American system—she grew close to America—many people called Lithuania "little America." Lithuania's people lived happily and were content with their freedom—they wished evil to no one and committed no wrong against others. Lithuania was determined and wanted to live as a good neighbor and adopt a "mind your own business" policy.

But this new independence was to last only 22 years until the life of this proud nation was snuffed out in 1940 as Lithuania was declared constituent republic of the USSR by the Russian dictators in Moscow.

I will not repeat the sordid history of Soviet duplicity, infiltration and aggression which against brought slavery, but I must mention that Soviet Russia has deported or killed over 25 percent of the Lithuanian population since their 1940 invasion.

Though their freedom was destroyed and their independence denied when the Soviet Russians moved troops into Lithuania and the neighboring republics of Latvia and Estonia, the Lithuanian people at home and abroad, supported by freedom loving friends throughout the world, have never surrendered their commitment to freedom.

On this 52nd anniversary the most fitting commemoration we can offer to the brave citizens of Lithuania, the heroes who have died in the quest of Lithuanian liberty, and the countless relatives and friends of Lithuania in the United States, is the reaffirmation that the cause of freedom has not been forgotten and the struggle for freedom will continue until won.

You will recall that it was the government of the United States that was the first in line, in 1940, with a strong and unequivocal denunciation of the Soviet seizure of the Baltic states. Our government's statement of July 23, 1940, has become known among the Baltic people as the Freedom Charter of the Baltic States. It states:

"The political independence and territorial integrity of the Baltic Republics, Lithuania, Latvia and Estonia, were to be deliberately annihilated by one of their more powerful neighbors.

The government and the people of the United States are opposed to predatory activities, no matter whether they are carried on by those who use force or the threat of force.

They are likewise opposed to any form of intervention on the part of any state however powerful in the domestic concerns of any other sovereign state however weak.

The United States will continue to stand by these principles because of the conviction of the American people that unless the doctrine in which these principles are inherent once again governs the relations between nations, the rule of reason, of justice, and of law, in other words, the basis of modern civilization itself cannot be preserved."

This doctrine of 1940 has been echoed many times by the United States government. I remind you of the statement made by President Nixon and I quote:

"In committing aggression against the Baltic countries, the Soviet Union violated not only the spirit and letter of international law but offended the standards of common human decency."

The original United States doctrine of the non-recognition of the fruits of the crime to the culprit has since been amended to even stronger policy of liberation or the doctrine of restoration of stolen goods to the lawful owners which hopefully will speed the return of freedom to countries forcibly deprived of it.

As you know, American Independence Day which we celebrate on July 4th, commemorates the signing of our Declaration of Independence in 1776. We are fortunate because we are still free. We are fortunate because we have the opportunities offered only in America to be anything we want to be. We are fortunate because we can cast a secret vote for our leaders without anyone looking over our shoulders. We are fortunate because our nation remains free and unswervingly dedicated to the defense of freedom everywhere.

Certainly all Americans believe in freedom, and the struggles endured by our forefathers. Self determination, freedom, and the desire for independence, won for us in these United States, by great sacrifice, and sustained by a determined vigilance and a dedication to these principles for which men continue to give their lives and their fortunes, must not be denied to any nation whose spirit is bolstered by the hope that the United States will advance their case.

To retreat from this challenge is to diminish our own security as a free nation.

We can be proud as a nation that we have never recognized the Soviet Russian grab of the Baltic states. We can be proud that we continue to accredit the governments-in-exile as the official representatives of the Lithuanian, Estonian and Latvian people. We must on every possible occasion join you in dramatically reminding lovers of liberty and freedom throughout the world that slavery dominates many smaller nations in central Europe enslaved by the International Communist conspiracy. The United States must continue to lead the fight to restore freedom to these liberty loving nations.

Only the people of Lithuania know the burdens, the heartbreaks and the sufferings which have been endured since Soviet Russia lowered the yoke of oppression on her shoulders. Let us hope that soon the great Lithuanian nation can again be restored to her rightful heritage of liberty and independence. Much can be accomplished by supporting the programs of Lithuanian American organizations and the Assembly of Captive Nations, just as we are doing today in commemorating this anniversary.

I shall dedicate my own efforts to obtaining positive action wherever possible to once again permit the sons and daughters of Lithuanians to regain their long sought independence, and to have the rights and blessings of a sovereign nation restored to them.

HOUSE CONCURRENT RESOLUTION 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination, by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspiration of the Baltic peoples of self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

CANCER VACCINE IS A HOPE BY 1973

Mr. YARBOROUGH. Mr. President, I doubt that anyone will dispute that cancer is one of man's most dreaded diseases. Indeed, I can think of no other disease that produces as much fear and terror when it strikes our loved ones as does cancer. Statistically, it is second only to heart disease as the leading cause of death among Americans.

Thus, I was very pleased to read in the January issue of Family Health that scientists may be on the verge of discovering a cancer vaccine. There is hope that preliminary human tests of such a vaccine could be conducted within 3 years. I sincerely hope that it will prove so.

At the present time, all that can be done about cancer is to find it as soon as possible and treat it with drugs, radiation, and surgery. Early detection is the key to survival. While in the early 1940's, only one cancer patient in five lived 5 years or more after diagnosis, today, one in three survives for at least 5 years.

The key to a cancer cure seems to rest in the determination of its cause. And, there is a growing body of opinion that viruses do cause at least some types of human cancer. If this be so, a cancer vaccine seems definitely possible.

Mr. President, because I know that we are all so vitally interested in the battle against cancer, I ask unanimous consent that an article entitled "A Cancer Vaccine by 1973?" written by Edward Edelson, and published in the January issue of Family Health, be printed in at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CANCER VACCINE BY 1973?

(By Edward Edelson)

Scientists may be on the verge of attaining one of the most sought-after goals in medicine—control of cancer.

It could take the form of vaccines to prevent specific malignant diseases, such as leukemia and cervical cancer. The first steps toward an experimental vaccine are being taken, and human testing on a small scale could start as early as 1973, if everything goes perfectly.

Or cancer control could come from a single injection designed to prevent all forms of the disease. This approach is considerably more controversial than the specific vaccines, but in the opinion of some cancer researchers, it is the real solution to the problem.

The key to both possibilities is the link between viruses and human cancer. For years, almost no one accepted the idea that there was any association. But a little more than five years ago, the evidence became so convincing that the federal government launched an unusual two-stage research program; its aim was to prove whether viruses do cause human cancer, and if this was proved, then to do something about it.

This Special Virus Cancer Program is being handled in much the same way as the project that, in less than a decade, enabled the United States to land men on the moon. Instead of testing one component at a time and waiting to see if it worked before going on to the next, Project Apollo engineers saved years by testing them all together in a single rocket launch. In the same way, the virus cancer program is proceeding on a dozen different fronts at once—and if one approach begins to show promise, resources are promptly shifted into it from less hopeful areas.

By this technique, program officials say they've achieved in two years what might have taken 10 or 15. Some large questions remain to be answered, but most scientists are convinced, first of all, that viruses do cause at least some human cancers. And effective ways to stop these viruses are within sight.

Right now, all that can be done about cancer is to find it as soon as possible and treat it with drugs, radiation, and surgery. Early detection has paid large dividends. In the 1940s, only one cancer patient in five lived five years or more after diagnosis. Today, one in three survives for at least five years.

But there is a narrow limit to what can be done after cancer strikes, and it appears that we are now close to the wall. The cancer survival rate, after moving up steadily for two decades, has not changed since 1956. The new frontier in research is prevention, not treatment.

After a long, slow, agonizing start, the push toward prevention is now in high gear. One thing that held it back for so long was the difficulty in determining the cause of cancer—or, rather, in wading through a confusing abundance of suspected causes. Radiation, sunlight, dyes, any number of chemicals—dozens in cigarette smoke alone—have been shown to cause cancer in humans or animals. In some animal experiments, even simple irritation of the skin can start a wild, relentless growth of malignant cells.

And then there are the viruses. These exceedingly small particles, which straddle the border between living and nonliving things, are actually parasites. They can reproduce only in living tissue, and are found in almost every living being, plant, and animal. Until very recently, viruses were difficult to detect and hard to cultivate in the laboratory.

For a long time, there seemed to be no reason for suspecting them as a cause of cancer; in fact, there were ample reasons against it. For example, most known viral diseases come in epidemics—they are obviously "catching." Nobody had even seen any hint that cancer is contagious. Furthermore, cancer is predominantly a disease of old age, while the known viral diseases have no age boundaries (although many of them tend to be less common with increasing age simply because people develop immunity by having them in childhood).

For these and many other reasons, scientists rejected the idea of a cancer-virus link even when suspicious evidence did begin to appear. In 1911, Dr. Francis Peyton Rous of the Rockefeller Institute reported that he had transmitted cancer from one chicken to another by injection. The key had to be a virus, because the fluid he injected had been strained so that everything larger than a virus had been removed. Yet Dr. Rous' report was greeted with hostile silence. Physicians then were convinced that cancer was not contagious, and they were simply not persuaded that Dr. Rous' finding were significant enough to divert research from its traditional channels. Eventually, Dr. Rous was to get the Nobel Prize for his work—but not until 1966, more than half a century after his initial report on transmitting cancer.

In the years between, scientists began finding literally dozens of cases of virus-caused cancer in animals. Viruses were isolated from diseased animals, grown in the laboratory, and injected into other animals to produce cancer. Viruses were shown to be responsible not only for "solid" tumors but also for leukemias—the uncontrollable fatal disorders of the white blood cells—in rats, rabbits, frogs, hamsters, and other species. But for years, try as they would, scientists couldn't add people to the list. They simply could not detect any cancer-type viruses in human cancer patients. Some researchers began to speculate that if viruses caused cancer, they must do it in hit-and run fashion, so that by the time a person had cancer and someone tried to find the virus, it had done its work and fled. Others believed their failure to find viruses was a simple matter of imperfect detection methods. Finally, in 1957, Dr. Leon Dmochowski of the University of Texas M. D. Anderson Hospital and Tumor Institure at Houston turned his powerful electron microscope on the tissue of human leukemia patients—and found viruslike particles. Other scientists immediately began looking for and finding such particles.

This became an important turning point; evidence implicating viruses in human leukemia piled up. By 1964, the National Cancer Institute became so convinced that it asked Congress for a special research appropriation. It got $10 million for the first year, and the Special Virus Cancer Program was under way.

It's now a major international effort. In addition to hundreds of researchers at the National Cancer Institute, the work is being done in nearly 100 U.S. laboratories under contract to NCI. And dozens of other laboratories in the United States and abroad are handling special aspects of the problem.

Time is of the essence. Dr. Frank J. Rauscher, Jr., the scientist-administrator who heads the program, says, "The measure of success here is: can you do it quickly? It sounds cornball, but this is a people program, and people are dying of these diseases while we're working."

The time element is not just a matter of days or years but, in many aspects of the work, hours. For example, one evening recently, scientists at the Maywood, N.J., laboratory of Chas. Pfizer & Co., a major NCI contractor, received a call from a Salt Lake City physician who is one of many cooperating in the work. The physician had just

diagnosed leukemia in one of his patients and was about to start drug treatment. For cancer virus research, it is important to get cell samples from the patient before he gets any drugs. So by 5 a.m. the next day, a Pfizer representative was on his way to Salt Lake City for the samples.

Such samples become the raw material for research all across the country. At the Maywood lab, they are spun in an ultra-high-speed centrifuge developed at the Atomic Energy Commission's Oak Ridge (Tenn.) National Laboratory. This forces out all material except the crucial viruses themselves. This provides "starter material" to be put in special solutions that allow them to reproduce and multiply. Samples of these viruses then can be sent to researchers in other labs who will use them for a variety of different studies. This is one of the ways researchers in unrelated institutions are working as a single team to achieve the goal of a cancer vaccine.

In their efforts, the vaccine researchers are concentrating on three viruses as the source of potential vaccines. No one knows how many viruses there are, but the number must be huge. For instance, more than 100 are known to be involved in the common cold alone. Quite a few viruses are known to be associated with animal cancers; three are suspect in human cancers.

But the three viruses on which the vaccine research is now focused have one important thing in common: they have actually been found in human cancer tissue or in the blood of large numbers of people with cancer.

The first of the three is called the Epstein-Barr virus, after the two scientists who discovered it. It apparently causes a peculiar tumorous disease that accounts for half the cancer deaths among African children. It's also been found in people with Hodgkin's disease and one form of childhood leukemia. In these diseases, which are usually fatal, the white blood cells proliferate wildly and uncontrollably unless slowed down by drugs and radiation.

Scientists are also fairly sure that the Epstein-Barr virus (or EBV) also is the cause of infectious mononucleosis. "Mono" is a distressing—but definitely noncancerous—disease in which the white blood cell count increases slightly and briefly. Otherwise, mononucleosis and cancer are quite unrelated.

The EBV is now the prime candidate for a cancer vaccine. Researchers are working on ways to produce a killed-virus vaccine, similar to the Salk polio vaccine. The virus for such vaccines is killed so that it doesn't infect anybody. But the dead virus still retains the ability to awaken the body's defenses and trigger the production of antibodies, which fight off live viruses if the vaccinated person is exposed to them.

If all goes well, a vaccine that hopefully would protect against Hodgkin's disease and certain forms of leukemia could be available for testing in animals by next year. And if those trials succeed, human testing could start in as little as three years from now. It would take about five years of human testing for scientists to be sure of the results of the tests, so that they could proceed with widespread immunization among the general public.

The second virus involved in cancer vaccine research is called herpes type 2 (for lack of a better name). This virus (and the EBV) happen to resemble the herpesviruses, which cause cold sores, shingles, skin eruptions, and a variety of noncancerous illnesses. The two cancer viruses are not really related to the common herpesvirus.

Herpes type 2 has been found in a high percentage of women with cervical cancer. Some scientists believe that the virus is passed during intercourse, one reason being that nuns hardly ever get cervical cancer but prostitutes often do. A vaccine made from this virus could become the first preventive measure against a solid cancerous growth—as distinct from the leukemias or blood cancers.

The third and final virus undergoing concentrated research is quite different from the first two. It's "the C particle," and it's a viruslike organism, one of three similar ones originally obtained from animal cancers.

The C particle is, for several reasons, the most interesting—and frustrating—of the organisms under study. It doesn't act quite like an ordinary virus, which usually invades a cell, takes over the cell's production facilities in order to make more viruses, then bursts and spills out its offspring viruses when the cell's manufacturing capacity is exhausted. Instead, the C particle often enters a cell and just disappears. It doesn't even seem to be able to reproduce without the aid of "helper viruses." And it spreads in an unusual way. Most viruses move horizontally from person to person, by coughs, sneezes, or in water and food. The C particle appears to travel vertically, from mother to unborn child. The particle has been found to cause a number of different kinds of cancers in animals, and recently investgators have found human cancer cells with C virus in them.

Some cancer vaccine experts believe the C particle holds the ultimate answer to preventing all forms of cancer. One of the leading supporters of this view is Dr. Robert J. Huebner, who heads the solid tumor section of the government's Special Virus Cancer Program.

Dr. Huebner's approach is quite different from that of the other vaccine researchers. He believes that all animals and all humans are born with the C particle. Ordinarily, it doesn't do much. Something keeps the lid on it. But this something—which scientists call a repressor—sometimes stops working, and the C virus becomes active. The result is cancer.

To support his view, Dr. Huebner points out that cancer is primarily a disease of old age. Apparently, the repressor wears down or somehow stops doing its job as the years go by. In animal experiments, the government scientist has been able to find out how much repressor there is, and in animals that are specially bred to be prone to cancer, he finds little or no repressor.

But other things besides old age could release the C particle—such as radiation, sunlight, chemicals—which would account for cancers among the young. In Dr. Huebner's view, this means that there is no such thing as a bewildering variety of cancer causes. The C particle is the only cause; other things merely "switch it on."

There would be little point in producing a vaccine against the C particle, if everybody does indeed have it, as Dr. Huebner believes.

Scientists debate whether an ordinary type of vaccine would work if the C particle is at the root of all cancers. Dr. Huebner, for example, says that if people are born with a C particle, they must be born with some tolerance to it and would merely reject the vaccine. Instead, he would like to start a program to find out what represses the C particle. Then an injection of the repressor could be used to control cancer.

"I feel we should do a moon-shot kind of effort on this to see if we're right," he says. "It wouldn't have to take very long."

Whether the repressor approach or the vaccine technique turns out to be the "right" one is indeed important. But what matters even more is that some cancers and perhaps all cancer may be preventable in this decade, by one means or another. Says Dr. Rauscher, who is in charge of the government's all-out cancer virus effort, "That's what this program is all about."

PROBLEMS OF THE ELDERLY

Mr. MONDALE. Mr. President, it is distressing to note that the administration's priorities give insufficient attention to the problems of the elderly. Last year, for example, the budget request for the Administration on Aging was down about $3 million from the fiscal 1969 level. And the fiscal 1971 budget request is still about $2 million below the 1969 level for the same programs. So we are not keeping pace with inflation and indeed, are falling behind on these important programs.

One important feature of the Older Americans Act is the support of volunteer programs providing assistance and just plain companionship to the elderly. The Minneapolis Tribune recently published an excellent series of articles by Jack Miller telling what it is like to be old in Minneapolis. These articles show how inflation, which hurts everyone, is a particularly cruel problem for the elderly on fixed incomes. They also emphasize that one of the leading problems for the elderly is loneliness. This underscores the need for generous support of programs to meet this need.

As dramatized in these articles, housing and medical care are also prominent concerns of the elderly. The administration's tight money policy has been drying up housing programs, which are so badly needed for the elderly. And the rising costs of medical care, much of which is not covered by medicare, are proving too much for those on fixed incomes. The administration's decision to increase medicare premiums can only make matters worse if it is not stopped by the Congress, as I have proposed.

Mr. President, I ask unanimous consent that the series of articles on "The Elderly" be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

I. THE ELDERLY: INFLATION ADDS TO THEIR WOES—AT 79, HER COMPANION IS FEAR—LIKE MANY OF THE AGED, CITY WOMAN IS POOR AND LONELY

(By Jack Miller)

In the dark, musty hallway of an old brick apartment house in south Minneapolis, the door of Apt. 4 opened just wide enough for Mrs. S to peek out.

She was expecting a visitor, but she still was cautious.

"You daresn't open the door to just anyone, you know," she said with a smile.

Mrs. S, a 79-year-old great-grandmother with white hair who smiles a lot, lives alone and in fear.

She told how an elderly woman friend recently got knocked down, beaten and robbed nearby. Young toughs, in the area, she said, "are always after the old people, you know. I guess it's because we're so helpless."

In the days when she had a family and friends and lived in northeast Minneapolis, Mrs. S used to be an avid card player. Now she plays solitaire.

And she sits, sewing, for hours in front of an old console TV with a snowy picture. "I don't know what I'd do without that TV," she remarked.

As supposedly simple a task as taking out the trash and going to the laundry room is an ordeal for Mrs. S. The reason: She must navigate two flights of outside cellar steps coated with ice.

And even small trips are a major undertaking because, though her health is good, she lives in dread of a fall.

In the summer, she is able to take her little car a few blocks to the supermarket. Now, with the snow and ice, she doesn't dare. She must wait for help from some relative or friend. Sometimes she waits a long time.

During the bus strike, she fell and cracked her wrist. She waited weeks before going to the doctor because his office is in her old neighborhood in northeast Minneapolis.

Like many of the elderly, she lives on an income so low that the 30 cents for bus fare is a major expenditure. She gets $111 a month from Social Security. The housing authority supplements this with $32 a month in rent aid (she pays another $43) and she gets $18 a month in food stamps worth $24.

Yet she doesn't complain. "I manage to get enough to eat," she said with a smile, as the delicious smell of homemade pea soup wafted from the stove.

What she does miss is the companionship of people—someone to play cards, someone to talk.

She'd love to get into one of the high-rise buildings for the elderly. But she said with resignation, "I've had my name on the list it'll be six years next September."

A recent report by a committee of the Hennepin County Health and Welfare Council concluded that lack of adequate housing is the No. 1 problem of this area's elderly even for those who have the money.

Despite the 2,800 units of elderly housing built in the last 10 years, there are still 3,000 individuals or couples on the waiting lists for elderly housing.

But if an older person has an income of more than $2,400 ($3,200 for a couple), he isn't eligible.

"It's a sad commentary," said the Health and Welfare Council report, "when persons whose incomes put them just beyond eligibility for public housing request that their company pensions be lowered so that they may become eligible. . ."

In general, the report says, housing "choices tailored to the needs and desires of individual older persons do not exist" in the county.

From findings of the council committee, of the Minneapolis Age and Opportunity Center and various public bodies, it is clear that in addition to problems of income and housing, if you're elderly and living in the Minneapolis area, the chances are that:

You have serious transportation problems. You find bus service inadequate. Taxicabs, when you can get them, strain your budget.

You have difficulty getting adequate health care, in spite of medicare and Medicaid, because of the fragmented medical-care system. And you may well be strained with medical bills not paid for under medicare.

If you are ill, you don't have the option of being cared for at home, and you face the prospect of a hospital and nursing home.

You live in dread of having to go into a nursing home, where, critics have charged, the care is sometimes substandard and where you'll probably have to receive welfare aid.

You may not be getting good, nutritious meals.

You are cut off from the mainstream of community life, from friends, from employment and from previous associations.

You sometimes feel, as Minneapolis senior-citizen leader Daphne Krause has put it, that society has given you "a dying role instead of a living one."

II. The Elderly: Inflation Adds to Their Woes—Man Conceals Age To Work At 72—Medical Costs Tarnish Golden Years

(By Jack Miller)

When he reached retirement age, Bill K didn't quit.

"I don't believe in retirement," he said emphasizing the point with his pipe. "As soon as the average person retires, he stops abruptly—he has nothing to live for."

So at 72, Bill keeps on working. For years a newspaperman for two of the biggest chains in the country, Hearst and Gannett, he's now employed as a buyer in Downtown Minneapolis.

But to keep his job, he has to conceal his age. ("If they knew I'm over 65, I'd be out on my ear.")

And though he works a full 40-hour week, he brings home only $112 every two weeks.

For Bill and his wife, the older years have been more grim than golden.

Their apartment is on the third story of a roach-ridden old building where the police are always having to come to quiet the drunks.

Mrs. K, who is recovering from major cancer surgery, can barely make it up and down the stairs.

The rent is $89 a month, "which is really more than we can afford to pay," says Mrs. K, "and I hear they're going to raise it. I don't know what we'll do then. We don't have the money to move."

Nor are they eligible for public housing. With the $102 monthly Social Security check of Mrs. K, 67, their annual income is about $4,256—well above the $3,200 limit for public housing.

What has broken their budget is the medical expenses of Mrs. K that weren't covered by medicare: drug, cobalt and deep x-ray treatments and lots of taxi fare.

To cover the costs, she and her husband had to take out a $1,000 loan.

Bill walks about a mile to and from work to save the bus fare. He tells you proudly that he can work full time because his health is good.

(His wife confided, however, "He gets awfully tired, you know. He shouldn't have to work so much.")

As he talked, Bill was interrupted by a hacking cough. "Had a little bronchitis," he says, "and it costs me three days pay."

Bill is proud that he's been able to keep up membership in the Moose and Eagles clubs.

"We might have to drop that, though," his wife said. "We just don't have the money."

"Oh, I don't know . . . " Bill protested.

Despite her weak condition, Mrs. K, who worked for years as a quilter—a designer and embroiderer of quilts and furniture upholstery—manages to make a few goods she offers for sale at a senior citizens center.

Her intricate, multicolored work, all of her own design, adorns the otherwise meager apartment.

She hopes eventually to be able to return to work for an upholstery company, but in the meantime she continues to knit and sew and embroider—mainly quilts.

The work doesn't sell for much.

She held up a satin-backed knitted baby quilt. "I'll try to get $10 for this but it'll probably go for five. That hardly pays for the yarn," she said.

Not to mention a week's work.

The Ks are proud people. They're old and poor and in trouble. But they're not quitters.

Mrs. K works out every day on an exercise bicycle in the living room in the hope that "maybe some day I'll be able to walk well again."

III. The Elderly: Inflation Adds to Their Woes—72, Poor, Alone in Suburbia

(By Jack Miller)

Mrs. R. is an articulate grandmother of 72 who loves good music and good conversation, who enjoys entertaining, who likes to be a part of the action.

She lives in a friendly, prosperous Minneapolis suburb.

But amid affluence, Mrs. R. is locked in an old age of isolation and poverty.

Confined to a tiny, drafty home, she has sustained herself for days at a time on bread and butter. She said she had no way to get groceries.

Until someone gave her a stove recently, she cooked on a cracked, single-burner hot plate.

Even now, she keeps bread and cereal on hand for times when she can't get—or can't afford—any other food.

Though she once was proud of her cooking (Swedish meatballs was a specialty), with her husband and family gone she now has no incentive to make full meals.

"You tend to eat whatever's handy," she says. "I don't think I could make a decent meal now if I had to."

Her only regular contact with anyone comes every couple of weeks or months when her son or daughter-in-law, who live in the community, bring groceries. Sometimes they take her to their home for a brief visit.

But she hates to impose on her family, explaining: "They have problems of their own."

Though she has lived in her home for five years (four years since her husband died), she has never become well acquainted with the neighbors.

"They're mainly younger people," she says, "and they have their own groups. There aren't many poor people around here."

She yearns for contact with people, perhaps a senior citizens group, but she admits, finally, that she's ashamed of her clothes.

As for entertaining, "You can't have anybody in here. Look at the way it looks."

The living room has only two worn old chairs. On of them has some green plastic taped over the arms. The floor is bare.

But the place is kept impeccably clean. And for Mrs. R. who has a broken hip that has never healed properly, cleaning is a great effort. "I was down scrubbing the floor the other day, and you should have seen me trying to get up; I must have really looked silly."

Mrs. R's home is more than she can maintain—or wants to.

The welfare department pays her $80 a month for rent, but she has to pay an averag of $33 a month in utility bills out of a total monthly income of $94 (including Social Security and Old Age Assistance).

When her septic tank backed up recently, filing the house with the stench of sewage, the welfare people allowed her $25 to get it fixed. She had to spend the money for necessities, though, before she could pay the bill.

While the house is warm for a visitor, Mrs. R. is wearing high wool socks and a heavy sweater. She confesses that she often turns the heat down to save money.

She'd like to move back to the city, where she spent most of her life, and live in one of the high-rise buildings for the elderly. But like thousands of other older people in the suburbs, she would have to establish a year's residency to qualify to have her name put on a long waiting list.

Music has been a life-long interest, and she wishes she could afford a phonograph and a few favorite records like Mantovani and Rubenstein. Instead, she listens to an old radio.

Though her formal education "ended after high school ("I fell in love at 18"), she has always been a reader. Now, she can't afford books or magazines.

She barely has enough for food. While prices have risen rapidly, her income has stayed the same.

"I eat a lot of starchy things," she says, "because they're cheaper."

Nor can she afford to belong to a church or to any group. There is no nearby bus transportation, and taxicabs are too expensive for her.

The worst thing for her, however, is the loneliness.

"When you're alone like this, you spend a lot of time thinking about your past, about all the things you've done wrong and about how things *could* have been," she confided, near tears. "I know it isn't good to do this, but you can't help it . . .

"I want to be alert. I want to keep up on things. I want to learn."

She paused, then added:

"I want to wear out, I don't want to rust out."

IV. THE ELDERLY: INFLATION ADDS TO THEIR WOES—COLD APARTMENT IN LIFE'S WINTER

(By Jack Miller)

The temperature starts dropping about 5 p.m. in the Minneapolis apartment house where Mr. and Mrs. N live.

After supper, the cold sets in. By about 9 o'clock, the Ns bundle themselves in bed beneath a pile of quilts and blankets.

It doesn't start warming up until about 7 in the morning.

Mr. N, a 71-year-old former logger, has an advanced case of arthritis that's aggravated by the cold. It is a painful trip, when, in the middle of the night, he has to go down the hall to the bathroom.

The Ns have stuffed newspapers in the cracks in the floor and around the windows of the building's brick outer wall. But when the winter wind blows from certain directions, the cold comes in anyway.

"This used to be a nice building," says Mr. N, who has lived in the area for years: "They used to have flowers out front. And a furnace man used to be on the job all the time. Now, they've got one man for so many buildings . . ."

On her own and without compensation, Mrs. N cleans their entire second-floor section of the building. She keeps it as presentable as the dilapidation of the place permits.

They keep the hallway door locked. "If we didn't," explains Mr. N, "the drunks would be coming in here all the time. They're always looking for a warm place to lie down."

But keeping the hall door locked increases the danger in case of fire—and fire is a real danger.

A year ago, fire destroyed an adjoining unit in the building.

"Everyone got out, thank God," recalls Mr. N, "and it never got into our part. But it could have been here just as well. You never know when some drunk might come in downstairs and fall asleep with a cigarette."

No one in the building has a phone. In case of fire, someone would have to go to a firebox across the street.

With little money or mobility, the Ns spend nearly all their time in their single room. The place is perhaps 12 by 15 feet, and the double bed takes up about a fourth of the space.

Housing may be the single largest need of the elderly in Minneapolis.

"I think it's obvious from the waiting list for elderly housing (about 3,000 individuals and couples) that there's a tremendous need," said Charles Krusell, executive director of the Minneapolis Housing and Redevelopment Authority. "We're attempting to meet it as fast as federal funds become available."

During the coming year, Krusell predicted, about 630 new units will become available. Turnover will open nearly 500 more.

About 2,900 new elderly units are now occupied, and Krusell said the total should swell to about 6,000 in two more years.

In addition, a limited number of existing apartments are available to low-income older people. Occupants pay 25 percent of their income in rent, and the housing authority pays the rest of the rent.

But eligibility for these programs is limited to older people with incomes not more than $2,400 for a single person, $3,200 for a couple.

For senior citizens with slightly higher incomes, there isn't much housing help.

A moderate-income housing program for people of all ages has provided only about 450 units in Minneapolis. For these units, income may not exceed $3,240 for a single person, $5,400 for a couple. Rents run from about $85 to $120 a month.

In the Twin Cities suburbs, there is practically no low-income public housing or moderate-income housing for older people, said Joseph F. Gabler, Minnesota director of the Federal Housing Administration.

Gabler explained, "The reason such housing has not developed here in any numbers is that construction costs, maintenance, and taxes are so high." And negligible low-to-moderate housing has been built in the suburbs, he added, "because they just haven't shown any interest in it. They want the $50,000 homes for the tax base."

But much more could be done, Gabler said, if businessmen and private, non-profit groups such as churches and other organizations would provide sponsorship and some of the needed money. Meanwhile, Mr. and Mrs. N cope with housing that is barely adequate.

The Ns' income is $161.20 a month, which Mr. N gets from the Veterans Administration (his arthritis began in France during World War I) and Social Security.

Rent takes $45. Their grocery charge-account usually has reached $65 by the end of the month.

"We know he (the grocer) charges too much," says Mr. N, but he's just two blocks away. We can't make it any further. And we have ace-high credit. That's worth something. We pay up at the end of every month."

They try (often unsuccessfully) to save up a few dollars for taxicab fare for the periodic trips Mrs. N has to make to General Hospital for treatment of her diabetes. When there's no taxi money, Mrs. N walks six blocks to the bus or walks the whole mile and a half to the hospital.

The Ns have no social contacts with family or friends.

Mr. N's son used to visit once in a while when he lived in Minneapolis, but he has moved west. Mrs. N's five children by a previous marriage all have moved away.

"We'd like to get out of here," said Mr. N, looking at a hand-rolled cigarette he was holding. "Maybe into one of the high-rises."

They hope to go soon to seek help at a nearby Citizens Community Center (an anti-poverty project), "if it ever warms up."

"They're going to tear this place down, you know," explains Mr. N, "and we want to get out before we get thrown out in the snow."

But they have no money to move. And their chance of getting into one of the high-rises isn't good—unless the couple is actually forced out by the clearance project, which has been pending for years.

V. THE ELDERLY: INFLATION ADDS TO THEIR WOES—OLDSTER HAS APARTMENT IN HIGH-RISE, BUT LITTLE MONEY

(By Jack Miller)

By one of the most important measures of a pleasant old age—decent housing—John Stenen has got it made: He lives in one of Minneapolis's new high-rise apartment buildings for the elderly.

But, he says, "Just having a bite to eat, a warm place to sleep and a few rags to wear—that isn't enough in this life. You have to be out and around and meet people, and that costs money."

Like many older people, Stenen lives in poverty. He receives $110 a month, $55 from Social Security, $55 from Old Age Assistance.

And Stenen, more than most older people, needs to get around.

He's a member of the Minneapolis Model City policy-making board and is on the board of the Minneapolis Age and Opportunity Center, Inc. (MAO), a new and aggressive citywide senior citizens organization.

Often, he doesn't have money for bus fare to go to meetings.

In addition, the 83-year-old carpenter and jack-of-all-trades lacks the travel money to do much groundwork for a special project he's organizing: an older people's work center.

The idea is to gather together senior citizens who can build, repair or make craft items and to coordinate the assignment, production and sale of their work.

"A lot of people need someone to do a little plastering, little painting, a little cement work, things like that," he explains, "and we'd like to round up older people who can do this—to give them some work and a few dollars . . . The idea is (for the workers) to come together with other people."

The work would be directed to such needy people as the elderly, welfare mothers and the poor—but also to anyone who needs a small job done or who wants to buy craft work.

Stenen already does some of this kind of work, operating out of his crowded efficiency apartment.

He repairs everything from watches to irons, builds furniture, does wood carvings and paintings. He makes only an occasional dollar or two for the repair work and gives away his art and craft work.

His apartment bulges with the tools and materials: a power saw rig he built himself, an electric sander, paints and brushes and a typewriter.

What he needs is a workshop, and the high-rise building doesn't have one.

But Stenen isn't trying to organize the work project for his own benefit.

"I'm not going to be around long," he says, without self-pity. "I just want to have the thing organized, so others can run it."

Stenen works so hard at his crafts, his community activities and his project he sometimes "can't find time to eat." But without transportation, he's having a hard time launching the older workers center.

MAO is helping. Mrs. Daphne Krause, executive director of MAO, said the independent project will receive aid from MAO's program for older people in the Model City area of South Minneapolis. Funds to begin those efforts are expected in the spring.

In the drive to improve conditions for older people in Minneapolis, MAO is playing a leading role.

Organized 18 months go, the group already has led the campaign that has resulted in an investigation, and crackdown, on allegedly substandard nursing-home conditions.

In the Model City plan, MAO is to attempt a wide range of new services, including an experimental "meals on wheels" project to provide balanced means at home for older people who now aren't getting enough good food. The effort is to serve about 50 persons. If successful, MAO hopes it can be expanded to run citywide.

The food is to be transported by minibuses, which MAO also plans to use for special transportation needs of the elderly—trips to the grocery store, the doctor, the hospital and to group meetings and activities.

In addition, MAO plans to provide a wide range of services for the elderly, including friendly visiting (by trained volunteers), counseling and a telephone reassurance system.

The phone arrangement will provide a chain of older people who will call each other. If a person fails to answer, the caller will dial a 24-hour emergency number and someone will go find out what's wrong.

"We've especially got to reach those older people who are in isolation," said Mrs. Krause, "the seniors who haven't been found by any of the public or private efforts and who are facing their problems alone."

MAO now claims the active involvement

of about 200 older people in Minneapolis and hopes, said Mrs. Krause, "to continue serving as a catalyst for action on all the problems of the seniors."

Minneapolis, with one of the largest over-65 percentages of any urban area in the nation (about 14 percent, or more than 60,000), has just begun to deal with the problems of this group, according to those who work with senior citizens.

A new, neighborhood-based program already under way is operating in north side Minneapolis as part of the Pilot City Regional Center effort.

With a federally funded budget of $150,000 for this year, the program operates out of a store-front and is run in cooperation with the Hennepin County Welfare Department.

The program helps older people with any problems they have—housing, transportation, medical care, need for contact with others. But much of its efforts so far have been focused on transportation (program aides have cars) and social activities.

Richard Storla, program director, admits that perhaps too much of the emphasis so far has been on the elderly in the high-rises (who comprise about 1,000 of the North Side's 6,000 elderly residents) and not enough on old people living in homes and apartments.

Also, he said, there is need for a full-time day center to supplement the project's once-a-week get-togethers.

"This is the first time Hennepin County Welfare has gone outside the Downtown office," said Storla, who had worked in Welfare's Downtown office for years. "The difference in being right out here on the scene is impossible to describe.

"Downtown, you have to tell somebody, 'I'm sorry, our policies don't cover that. Here, you know you just better find an answer."

Health care is a major need for many older people, according to Dr. Charles McCreary, a health planner for the Minneapolis Health Department.

"The worst problem," said Dr. McCreary, "is when older people need medical attention, but they aren't at the point of being an 'emergency.' Some of these people have to wait until they're almost dead before they can get help."

Dr. McCreary said a number of hospitals in Minneapolis are improving their emergency services and abolishing the old policy under which a patient had to have a doctor before he could be admitted to a hospital. This is expected to take some of the load off the overburdened facilities at Hennepin County General Hospital, he said.

But those who work with the elderly said much remains to be done in improving health care. Many doctors show little interest in treating the elderly, officials say, and this is especially true of patients in nursing homes. And officials said more home nursing care is a desperate need.

REDUCTION OF AMERICAN FORCES IN EUROPE—SENATE RESOLUTION 292

Mr. HARRIS. Mr. President, on December 1, 1969, the majority leader introduced Senate Resolution 292, which if passed would state that the sense of the Senate was "that a substantial reduction of the U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." I have previously indicated my strong support for this resolution by becoming a cosponsor, but I would like to reemphasize and explain my support at this time.

While it is clear that we should retain a strong commitment to the support of NATO, it is equally important that we realize that our resources are limited, and that reassessment of the kind and amount of American NATO contributions is long overdue. We need to continually study the level and composition of U.S. forces in Europe, and make changes when and where appropriate, after consultation with our allies.

When NATO was formed, it was manifest that a substantial or even dominant role for the United States was essential, if the strength of the alliance was to be credible. In times of stress, during the Korean war and again during the Berlin crisis of 1961, we gladly increased American troop levels to help insure the security of the free world. In the years since then, our troop levels have remained very high, even when subsequent reductions and redeployments are taken into account.

In recent years, circumstances have changed considerably—but our force levels have not adequately reflected those changes.

European economies have boomed, while we have been beset with chronic and serious balance-of-payments deficits, in large measure because of military expenditures abroad—but we continue to bear a disproportionate share of the common burden.

We have vastly increased our capacities to move military forces and equipment by air, and will increase this capacity still further when all the C–5A aircraft become operational—yet, we have made only the barest beginnings toward redeploying our troops to domestic bases, which would greatly reduce the balance-of-payments outflow without impairing our ability to meet our commitments in time of need.

The likelihood of a Soviet conventional attack on Western Europe has greatly decreased in the eyes of most experts—but our troop strength has remained nearly the same as at the height of the cold war.

We have all agreed on the need to reduce defense spending to the minimum level consistent with our security—yet we have ignored savings which would accrue from righting the imbalance in the proportion of the NATO defense costs we bear.

No one can seriously argue that all American troops in Europe should be brought home in the foreseeable future, for that would cast doubt on our intentions to share in the common defense, and create an inequality as great as that the sponsors of this resolution seek to redress. Yet, the facts are incontestible: we continue to pay a disproportionate share of the military costs of the alliance. The Institute for Strategic Studies, a highly regarded and authoritative research organization based in London, has recently published figures which indicate the magnitude of the difference between the share of the defense load we carry, and that undertaken by our allies. According to their research, the per capita defense expenditure by the United States in 1968 was $396—while our major allies spent much less: West Germany, $101; Britain, $98; and Italy, $37. Even as a percentage of gross national product the U.S. share was significantly larger: We spent 9.2 percent of our GNP in 1968 on defenses; while the percentage for West Germany was 4.5; for Britain, 5.3; and for Italy, 2.7.

At a time when we face ever-increasing demands on our national resources, so much of which are needed to help solve the great domestic problems of our time, we must seek to shift a fair share of the defense of the Atlantic community to those who share equally in the protection provided.

Unfortunately, the administration has refused even to consider a reduction or redeployment until at least the end of fiscal 1971, a year and one-half from now. Even more surprising, an ideal opportunity to discuss this problem with our allies at the NATO Minister's meeting in Brussels in December was ignored, and the notice of the intention not to press for a change was given by the Secretary of Defense before that meeting began. In mid-January, the Secretary of State reiterated this position, and said that any contemplated reductions after mid-1971 would be "slight" in magnitude.

We all know that the necessary arrangements for redressing the balance would be complex, and would take some time to complete. It is therefore imperative that no additional time should be lost in beginning discussions on this topic. Opponents of these troop reductions often state that they are a good idea, but that the time is not ripe. One can suspect that the time will never be ripe for some of them. To show good faith, the time to begin to work on this problem is now, at a time when tensions have been reduced and improvements in technology and weaponry render such heavy troop commitments on our part obsolete.

I ask my colleagues to join in support of this important resolution and by doing so to encourage the administration to reconsider carefully the inflexible position it has taken.

GENERAL ASSEMBLY OF SOUTH CAROLINA URGING CONGRESS TO OVERRIDE PRESIDENT'S VETO OF H.R. 13111—HEW APPROPRIATION BILL

Mr. HOLLINGS. Mr. President, I recently received a concurrent resolution from the General Assembly of South Carolina, which was adopted by both houses, urging the Congress of the United States to override the President's veto of H.R. 13111—the HEW appropriation.

While, unfortunately, the Senate was not given an opportunity to vote on this issue, I would have voted to override the veto, and I agree with the thoughts expressed in this concurrent resolution.

I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY GENERAL ASSEMBLY OF SOUTH CAROLINA

A concurrent resolution memorializing the Congress of the United States to override the President's veto of H.R. 13111, relating to an appropriation for Health, Education, and Welfare moneys and if the veto is not overriden to do all within its power to make sure that funds for education in impacted areas will be appropriated in another manner and the formula for such moneys shall not be changed

Whereas, the President of the United States has vetoed H.R. 13111, an appropriation for Health, Education, and Welfare, which included funds for education in impacted areas; and

Whereas, if these funds are not appropriated in the amount as provided in this bill, it will have a serious effect upon the public schools of this State and it is entirely possible that several of the school districts will be forced to close their schools due to lack of funds before the end of the present school year, or at the very least substantial local tax increases will be required. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the Congress of the United States is urged to override the President's veto of H.R. 13111, which appropriates moneys for Health, Education and Welfare, including moneys for education in impacted areas.

In the event the President's veto is not overridden, it is urgently requested that Congress do all within its power to make sure that these funds will be appropriated in another manner and in no less amount than that which has already been allocated this year and that the formula for moneys to be used for education in impacted areas shall not be changed.

Be it further resolved that copies of this resolution be forwarded to the Clerk of the United States Senate, the Clerk of the United States House of Representatives and each Senator and Congressman from South Carolina.

MEETING OF THE NATIONAL COUNCIL ON INDIAN OPPORTUNITY

Mr. HARRIS. Mr. President, the National Council on Indian Opportunity recently met, for the first time under this administration, on January 26, 1970, here in Washington. At that time, the six Indian members of the Council made a presentation which I think is a very important document, entitled to the full attention of the Government and the Congress.

The National Council on Indian Opportunity was originally established by President Lyndon B. Johnson, and, fortunately, has been continued by President Nixon and by action of the Congress. The function of the Council is to focus Government-wide attention—and secure action—on the urgent needs and problems of American Indians.

The proclamation established a Council which is chaired by the Vice President of the United States and its membership includes the Director of the U.S. Office of Economic Opportunity, and the Secretaries of Commerce, Labor, Interior, Agriculture, Housing and Urban Development, and Health, Education, and Welfare, as well as six Indian members.

The Indian members of the Council are Roger Jourdain, of Minnesota; Cato W. Valandra, of South Dakota; Raymond Nakai, of Arizona; Wendell Chino, of New Mexico; Willie Hensley, of Alaska; and my wife, Mrs. LaDonna Harris, a member of the Comanche Tribe, of Oklahoma.

Prior to the January 26, 1970, meeting of the full Council, the Indian members of the Council met separately for 2 days to hear recommendations and suggestions from various Indian tribes and individuals. Thereafter, the Indian members met and drew up a statement of recommendations which Mrs. Harris then presented to the full Council.

This statement is an effort to carry out the basic mandate of the council; that is, to incorporate into the programs and plans of the Federal Government the views of American Indians themselves.

I believe this statement is one which should be of interest to Members of the Senate.

If these recommendations are followed by the administration and the Congress, we would, at long last, begin making real progress toward what I, personally, feel must be the twin goals of a new and enlightened Federal policy in regard to American Indians: compensatory attention to the needs of the American Indian; and self-determination for American Indians.

The time is late. As the statement points out so forcefully:

The Indian problem has been studied and restudied, stated and restated. There is little need for more study in 1970. The Indian people are entitled to some action, some program, and some results. To that end we are setting forth a series of specific goals. These goals can and must be met. Such positive Federal action will create Indian confidence in the sincerity and capability of the Federal Government.

In the hope that a wider knowledge and circulation of the recommendations contained in this statement may help them more rapidly to become reality, I ask unanimous consent that the statement be printed in full at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE INDIAN MEMBERS OF THE NATIONAL COUNCIL ON INDIAN OPPORTUNITY TO THE CHAIRMAN AND FEDERAL MEMBERS

In 1970, when men have landed on the moon, many American Indians still do not have adequate roads to the nearest market.

In 1970, when almost every American baby can look forward to a life expectancy of 70 years, the Indian infant mortality rate is three times higher than the national average after the first month of life.

In 1970, when personal income in America is at an unprecedented level, unemployment among American Indians runs as high as 60%.

These are reasons why the National Council on Indian Opportunity—the first agency of the Federal Government where Indian leaders sit as equals with members of the President's Cabinet in overseeing Federal Indian programs and in recommending Federal Indian policy—is of the most vital importance to Indians all across the Nation. Because the essential requirement of any Indian policy must be active and prior Indian consultation and input before major decisions are taken which affect Indian lives, Indian membership on the Council is not only of symbolic importance, but is insurance that such consultation will be sought.

We wonder if the Vice President and the Cabinet Officers fully appreciate the fact of their physical presence here today—the meaning that it has for Indian people? We realize that every group in America would like to have you arrayed before them, commanding your attention.

For the Indian people across the nation to know that at this moment the Vice President and Cabinet Officers are sitting in a working session with Indian leaders is to alleviate some of the cynicism and despair rife among them.

Thus, the Council and the visability of its Federal members is of great symbolic importance to the Indian people. However, symbolism is not enough. We must be able to report that we have come away from this meeting with commitments on the part of the Federal members that Indian people and their problems will be considered even out of proportion to their numbers or political impact. Otherwise the distrust, the suspicion on the part of the Indians, which has dogged the Federal Government and has defeated its meager attempts to help the Indian people, will continue.

The National Council has a concern with the well being of all Indians everywhere—whether they live on the Reservations or off; in cities or rural areas; on Federal Indian Reservations or on those established by particular states.

Indian tribes have had a very long relationship with the Federal Government. However, in the last decade and a half, long-standing latent suspicion and fear brought about by broken promises, humiliation, and defeat have sharpened into an almost psychological dread of the termination of Federal responsibility. This fear permeates every negotiation, every meeting, every encounter with Indian tribes. Whether this fear can be overcome is debatable, but Federal agencies—especially those Departments represented on this Council—must understand it and be aware of its strangling implications.

The long Federal-Indian relationship was until recent years almost exclusively between the Tribes and the Bureau of Indian Affairs. The provision of services by the Bureau in the past has at times been seriously deficient and its attitude paternalistic, leading to a long series of criticisms of the BIA. More than 150 years of dependency on the Federal government is not easy to overcome. A paradox—fear of termination on one hand, and on the other the realization that federal services are grossly inadequate. This must be understood before any real progress can be made. This also makes it imperative that other Departments and Agencies of the Federal Government take a more active role in Indian Affairs. In this way progress can be made in breaking Indian dependency on the Bureau of Indian Affairs. Progress can be made in building Indian confidence in themselves and in their ability to deal with a wider range of society—hopefully—help to overcome the termination psychology.

The Indian problem has been studied and re-studied, stated and re-stated. There is little need for more study. In 1970, the Indian people are entitled to some action, some programs, and some results. To that end we are setting forth a series of specific goals. These goals can and must be met. Such positive federal action will create Indian confidence in the sincerity and capability of the Federal Government.

RECOMMENDATIONS

Administration

Special Assistant to the Secretary

In order to insure parity of opportunity for Indians in all Federal programs, we recommend that a position in the immediate office of each Departmental Secretary be established—which hopefully can be filled by an Indian. He will deal with policy and planning for Indian programs at the central, regional, and local levels; assure Indian input into legislative proposals, policy formula-

tion, and program planning; and report accomplishments on a quarterly basis to the National Council on Indian Opportunity.

Indian Desks

We recommend that departments establish Indian desks at the program level.

Assistant Secretary for Indian Affairs

We recommend, that the Bureau of Indian Affairs have its own Assistant Secretary of the Interior, or that the Commissioner of Indian Affairs be given Assistant Secretary status.

Budget

Because no one person knows or is in a position to know what the various federal departments are planning for Indian expenditures, we have advised the Executive Director of the National Council to assign a staff member to acquaint himself with the Indian component in the budget proposals of the several departments and to follow the budget planning process through all decision-making levels in the Bureau of the Budget up to, but not including, the final director's review.

National Council Field Offices

To insure that the coordinative, evaluative and innovative responsibilities given to the National Council by the President are carried out; to maximize delivery of programs at the lowest local level; and to receive recommendations regarding policy and programs from local tribes, Indian organizations and individuals, we submit that Council field offices composed of a Director, Assistant Director, and Administrative Assistant are essential and must be established in each of the ten Human Resource Regions.

Demonstration Projects

In order to show that the Government is sincere in its commitments, and to assure greater opportunities available to Indians, we suggest that a demonstration project representing all services available to Indians in each department, be established in order that Indians may observe them and utilize them in their own communities.

BIA In-Service Training

We recommend that the Bureau of Indian Affairs effect as quicky as possible comprehensive in-service training programs to (1) expose all of its employees to the cultural heritages and the value systems of the Indian people they serve and (2) to increase and guarantee the upward mobility of its Indian employees.

Evaluation of BIA Staffing

We recommend that the administrative structure of the BIA be analyzed to determine areas of over-staffing and duplication—with a view toward elimination of "dead wood".

Indian Service on Federal Committees

We recommend that there be equal opportunity for Indians to serve on all appropriate Federal boards, councils, commissions, etc. (e.g., Equal Employment Opportunity, the President's Council on Youth Opportunity, the Civil Rights Commission, etc.).

Indian Youth

The Indian members of the Council recognize the value of having the input of young Indians at policy making levels and in the operation of programs. We recommend that each department give specific attention to the establishment of a federal intern program for young Indians at the local, regional and national levels.

Education

It is an appalling fact that between 50 and 60% of all Indian children drop out of school. In some areas the figure is as high as 75%. This stands in sharp contrast to the national average of 23%. The suicide rate among all young Indians is over three times the national average. Estimates place it at five to seven times the national average for boarding school students.

A full generation of Indian adults have been severely damaged by an unresponsive and destructive educational system. At a time when economic survival in society requires increasing comprehension of both general knowledge and technical skills, Indians are lost at the lowest level of achievement of any group within our society. We must not lose this generation of Indian children as well. There is a desperate need for both a massive infusion of funds and complete restructuring of basic educational concepts. Therefore, the Indian members of this Council strongly recommend the following major policy initiatives:

1. That a Comprehensive Indian Education Act be submitted to Congress to meet the special education needs of Indians in both Federal and public schools in an effective and coordinated manner. This act will pull together all Indian education programs incuding set-aside programs. Provision would be made for Indian input, contracting authority with tribes and communities, submission of plans, accountability and evaluation procedures in the hope of correcting the glaring inadequacies and misdirections that exist in present programs such as the Johnson O'Malley Act. The Indian members of this Council wish to express our strong support for the HEW appropriation bill. In particular, we want to make it known that a number of public schools with large percentages of Indian students will be forced to close if this bill is vetoed and the impacted aid funds are thereby imperiled.

2. That the Civil Rights Enforcement Office of HEW investigate discrimination against Indians in schools receiving federal funds.

3. That a permanent Indian education subcommittee be established in each house of the Congress.

4. That funding for Indian education be substantially increased. Funds at present are not adequate for even basic rudimentary requirements such as reasonable teacher-student and dormitory counselor-student ratios. It is a fact today that the average student-counselor ratio in BIA boarding schools is one to 60 during the day and one to 150 at night. Innovative program planning and implementation cannot be successfully carried out without the support of basic operational facilities and staff.

5. That the present reorganization of the BIA assign to the assistant commissioner for education the responsibilities of a superintendent of federal schools, having direct line control over the operation of the schools, including budgets, personnel systems and supporting services.

6. That the Bilingual Education Act receive sufficient funding so that an expanded program would be available for Indian and Eskimo children, including those at schools operated for Indians by non-profit institutions, and that the BIA undertake an expanded bilingual program of its own. This program can and should include the hiring of a greatly increased number of Indian teacher aides.

7. That courses in Indian languages, history and culture be established in all Indian schools including those slated for transfer to state control, and that a revision of textbooks be undertaken to make them relevant to an Indian child's experience and to eliminate derogatory references to his heritage.

8. That phasing out of BIA boarding schools become a policy goal. At present approximately 40,000 Indian children attend BIA boarding schools; 9,000 of these children are nine years of age or under. Additional students are housed in BIA bordertown dormitories while they attend off-reservation public schools. These children are often sent several hundred miles from home (in case of Alaskan children, thousands of miles) due to the lack of facilities in their area. The schools which they attend are often emotionally disturbing and culturally destructive to some children and their families are educationally deficient as well. In order to eliminate boarding schools, roads must be constructed in rural areas; without sufficient road appropriations there cannot be realistic access to schools for these children on a daily attendance basis. A plan must be developed for the construction of a vast network of community schools and the present allocation of money for construction at existing boarding schools must be reallocated to the construction of community based schools.

9. The tribal control of schools with the continuation of federal funding be implemented upon the request of Indian communities. In conjunction with this, a report should be submitted by the BIA on the progress that has been made in the establishment of local Indian school boards and the powers which have been granted to these boards. The time has come for an end to the solely advisory role that has been played by the majority of these boards. The OEO–BIA joint experiment at the Rough Rock School on the Navajo reservation has shown that Indian control is both a feasible and desirable means of operation. Community located and controlled schools could also serve as adult education centers and would help to acquaint Indian parents with the importance of their involvement in the education of their children in a setting with which they can identify.

10. That training programs in Indian cultures and value systems be provided to teachers, administrators and dormitory counselors—be they Anglo or Indian. There is no excuse for a quiet, shy Indian child being labeled and treated as dumb and unresponsive by an uncomprehending teacher.

11. That the need for a far greater number of Indian teachers must be recognized. At present, there are far too few Indians graduating from college to meet this need. Increased availability of scholarships to Indian students would enable a greater number to attend institutions of higher education. We support the establishment of a national scholarship clearinghouse for Indian students which would include the contracting of the BIA scholarship program. In order to obtain the highest quality teachers we recommend the elimination of the Civil Service Regulation that protects by tenure incompetent and prejudiced teachers from dismissal.

12. That Federal funds be provided for the establishment of tribal community colleges.

13. Recognizing the first five years of life as being of great importance in proper child development, that we request the expansion of Headstart and kindergarten programs for Indian schools rather than reduction. We also stress the necessity for a continuous process of Indian input into their organization and operation.

14. That modern educational communication techniques be utilized to enhance the educational opportunities for all Indian people.

Health

It is a recognized fact that despite considerable improvement the health status of the American Indian is far below that of the general population of the United States. Indian infant mortality after the first month of life is three times the national average. This means, in plain language, that children are dying needlessly. The average life span of Indians is 44 years, one third short of the national average of 64 years; in Alaska it is only 36 years. In light of the dire need for all health facilities and health needs, it is criminal to impose a personnel and budget freeze on Indian health programs. Even without a freeze, Indian hospitals are woefully understaffed and under supplied, even to the extent of lacking basic equipment and medicine. We deplore the budget decisions that have caused this state of inadequacy.

There are a number of specific actions that

can be taken now to improve Indian health services:

1. An Indian health aide program has been established. A review should be undertaken of its recruitment, training and assignment policies.

2. The Division of Indian Health and the regular U.S. Public Health Service should establish communication for ascertaining their respective areas of responsibility. There is no excuse for the plight of a sick individual, who also happens to be Indian, to be denied access to health facilities due to jurisdictional conflicts.

3. The establishment of Indian advisory boards at hospitals should be continued and expanded. However, to be meaningful, these boards must be given actual authority in the administrative areas of patient care.

4. The establishment of a program to bring Indian health services into communities rather than simply at the central office location, e.g., traveling clinics.

5. Lastly, the Council goes on record in support of a national health insurance system.

Welfare

President Nixon's proposal for a Family Assistance Program is a major step toward restoring dignity to the individuals involved. We support the concept of this program and urge its enactment and adequate funding. We also request Indian input into its planning and delivery, for without a mutual exchange this new, innovating program will not satisfy the unique needs of the Indian people.

We specifically recommend today the following:

1. That an immediate investigation be undertaken of the system whereby many welfare recipients are exploited by trading post and grocery store owners. These trading post and grocery stores are the mailing addresses for large numbers of Indian welfare recipients in the surrounding areas. By isolated location, over-charging and credit, the custom of dependency, the traders and store owners have complete control over the disbursement of the welfare checks;

2. That training programs in the culture and value systems of the Indian populations be required for social workers serving Indian people;

3. That Indian tribes be given the option of contracting with the Federal government for the administration of their own welfare programs.

Urban

A National Council on Indian Opportunity study conducted in 1968–69 has found that one-half of the Indian population in the United States is located in urban areas. Yet none of the programs of the Federal government are aimed with any meaningful impact on the special problems which Indians in these urban environments face.

A majority of the urban Indians have arrived at their present location through the Federal government's relocation program. This program is seriously deficient in funds and in professional direction for economic, social and psychological adjustment to an environment that is almost totally strange, impersonal and alien. Aside from budgetary consideration, this raises the fundamental question of whether relocation is a proper policy or goal. In the study group's hearings, those Indians who testified expressed deep hostility for the program, its administrators, and its fallacious inducements. After serious analysis based on the hearings, the Indian Council members have concluded that viable economic development on or near present Indian communities is a goal much preferable to the artificial movement of individuals or families.

Immediate action must be taken to re-evaluate the entire justification of this relocation policy. In addition, the needed services for these people presently situated in these urban societies must be created and it is therefore recommended that the following actions be taken:

1. The Departments of Commerce, HEW, HUD, and OEO must educate themselves to the location of urban Indian concentrations with the purpose of bringing their present services directly and effectively into these areas. In addition, they must develop new programs and initiatives to answer the special needs of Indians in an urban environment.

2. Reinforcement of existing urban Indian centers and active support for the development of new centers located in neighborhood Indian areas which would serve the two-fold purpose of community centers and programmatic referral agencies.

3. Establishment of legal aid offices in Indian ghetto areas.

Economic development

Indian people in general have been deprived of the opportunity of obtaining business acumen and have not participated in the benefits of the American free enterprise system. This fact has led to the present economic plight of the first Americans and has been an embarrassment to principles upon which this country was founded. But in recent years, because of a cooperative effort involving government agencies and of the private groups industrial development on Indian reservations is starting to become a reality. This development is greatly desired by most tribes to improve the economics of the communities and to provide jobs for the individuals of those communities.

However, where large industries have located in Indian communities, the inadequacies of the reservations to accommodate the sudden concentration of employee populations have created serious problems. In most of these new industrial communities there are inadequate schools, too few hours, insufficient hospital and medical capability and generally inadequate community facilities for the population. While Indians desire and deserve job opportunities near their homes, most of the industry thus far attracted to reservations have chiefly employed women. This leaves the male head of the family still unemployed and disrupts the family. Attention of these federal agencies concerned with industrial development should be directed to this problem and they should maximize employment for Indian men.

Most of the industries which locate in Indian country are subsidized by the government because they are to provide jobs for Indians. The government should make employment of a high percentage of Indians a condition of the Federal subsidy to ensure increased Indian employment. High on the list of impediments to industrialization on Indian reservations is the lack of hard surfaced roads. Roads will have to be developed to handle the traffic of the work force and to provide a way to market goods produced and to procure necessary supplies.

A curious ruling of the Federal Aviation Agency is that Indian tribes are not public bodies. The legislation authorizing federal assistance in construction of airports limits that assistance to public bodies thereby excluding Indian tribes who wish to construct airports.

Finally, we wish to go on record supporting proposed legislation which would provide tax incentives to industry locating on Indian reservations. An exemption of industry from federal taxation for a period of years would provide much needed inducement to industry to come to Indian reservations. With regard to helping individual Indians into business for themselves, programs providing the necessary capital through loans at low interest rates and continuing technical assistance are essential to success.

Work must be done to create a climate and receptivity among Indian individuals to go into business and there must be a sustained vehicle to accomplish this if Indians are to overcome their lack of experience in business management. To complement this effort there is a need for developing a greater number of business opportunities. A program of sustained management and technical assistance as well as adequate financing is needed. A talent search is needed to locate and identify the potential Indian entrepreneur.

Therefore we recommend:

1. That there be developed a program of a 100 percent secured loan program for five years for Indians.

2. That there be attempts with the American Bankers Association with Federal program linkage to develop training to familiarize bankers with special and unique needs of the Indian communities and to involve selected Indians in banking training programs.

3. That a consumer education program be developed and implemented for all Indians.

4. That an Indian program to establish Indian credit unions and to implement credit union management training for Indians be organized and funded.

Legal

Independent Indian Legal Agency

Government lawyers in the Interior and Justice Departments handling Indian legal rights are caught in a conflict because they also represent government agencies in litigation affecting Indian rights. In many cases government lawyers have failed to pursue untested legal claims of the tribes that would yield substantial water rights.

Because of this conflict, we recommend the establishment of an agency independent from both the Interior and Justice Departments to represent the tribes in all legal services required in connection with all Indian rights to lands, water, and natural resources.

Jurisdiction

At the present time, Indian tribal courts do not have jurisdiction over non-Indian offenders on their reservations. In order to adequately control and develop these reservations such jurisdiction must be extended to them, where such an extension is desired by the tribe. Further research and study of this problem is needed. A further report suggesting how this study might be conducted will be forthcoming from the National Council on Indian Opportunity to the Interior and Justice Departments.

Alaska Native Land Rights

The enactment by Congress, in its current session, of legislation for the equitable settlement of the land rights of the Natives of Alaska—the Eskimos, Indians and Aleuts—is of highest priority. Justice requires that the settlement embrace the proposals set forth by the Alaska Federation of Natives which contemplates:

1. That fee simple title be confirmed in the Alaska Natives to a fair part of their ancestral lands.

2. That just compensation for the lands taken from the Natives include not only cash but also a continuing royalty share in the revenues derived from the resources of such lands.

We urge that the several departments of the government, and in particular the Secretaries of Interior and Agriculture, and the Bureau of the Budget, reassess their position and give their full support to the proposal of the Alaska Federation of Natives.

Agriculture

Indian members of the National Council on Indian Opportunity strongly urge the Farmers Home Administration to reemphasize its efforts to make economic opportunity and low-income housing loans available to Indians in rural areas. This effort can be aided a great deal by employing Indians as field workers in areas with high Indian concentration.

FHA should work closely with the Bureau of Indian Affairs to find a way to adjust its security requirements to the unique Indian situation. This will ensure that more loans will be made to Indians residing on trust land.

We commend the Extension Service for providing 60 professional extension workers in 17 states and 90 Indian aides on reservations and in Indian communities to explain and demonstrate nutrition programs and better use of resources to attain a better quality of living. (Expanded assistance to urban Indians should be emphasized in the future). Plans should proceed for conducting seminars and short courses for Indians on household management, budgeting and credit, and improved methods of breeding, feeding, and marketing of livestock.

The Farmer Coöperative Service assistance to Alaskan Native cooperatives and Indian cooperatives in Oklahoma seek out opportunities for the use of cooperatives among Indian farmers and provide the technical assistance to keep the cooperatives afloat.

The Soil Conservation Service can provide an important service for Indians because land is their most valuable remaining resource. Wherever the Soil Conservation Service can cooperate with the Interior Department in preserving Indian land from erosion and flood it should actively offer to do so. Interior Department resources for soil and water conservation do not appear to be adequate to meet the total Indian need.

The Agricultural Stabilization and Conservation Service also provides an important service in encouraging soil and water conservation practices. This technical assistance should be made available to all Indian farmers. The federal payments for wool produced and marketed by Indians especially in Arizona and New Mexico, is a beneficial program and efforts should be made to assure that all Indians eligible for these payments are made aware of the program.

The Donation Feed Program in Agriculture had no authority to purchase hay for starving Papago cattle in 1968, and as a result the tribal herd was devastated. If the weakened cattle had been able to consume Departmentally owned feed grain they would have been saved. The Department should not allow such a disaster to be repeated.

The Department of Agriculture has several other programs which can assist Indian progress. Without going into detail, the Consumer and Marketing Service, the Economic Research Service, Agricultural Research Service, Rural Electrification Administration, Food and Nutrition Service, and the Forest Service are useful to Indians, but special efforts should be made to improve the availability of services to Indians.

Housing

Housing among American Indians and Eskimos is deplorable. It is worse than that found in Appalachia or any slum. That this situation should exist in America in 1970, when many Americans are becoming two-home owner families, is a cruel paradox. Immediate action must be given by Federal departments to relieve this blight.

Even though some small breakthrough has been made in Indian housing, the need remaining is tremendous. There needs to be a review of financing to provide increased Indian participation in all housing programs. During the past year a tri-agency agreement involving the Departments of Interior, HEW, and HUD was effected to provide for coordination of expanded housing and expanded Indian water and sanitation facilities programs. This represents an effort to seek a better way of dealing with difficult problems by a joint effort. However, these efforts need to be reviewed to increase production and emphasis and to maintain action.

We recommend, in order to put the Indian housing problem into clearer focus, that regional conferences be held with a cross-section of Indian representatives and appropriate Federal regional administrators, to determine what can practically and effectively be done with support of tribes and Indian organizations. These conferences should touch on the following needs: greater flexibility in determining types of housing programs appropriate to a situation; a review of the effectiveness and status of housing authorities; in cooperation with lending agencies, an analysis of the default rate and the causes for it.

We also point out that a solution to the Indian housing problem will help to solve corollary problems—family instability, health and sanitation problems, poor school attendance or even dropouts, juvenile delinquency, and others.

Blue Lake

For more than 60 years the Taos Pueblo Indans have been seeking—by peaceful and legal means—the return of their religious sanctuary—Blue Lake. Because the problem is unique and because it has persisted over so many decades, we feel that the Taos struggle merits the special attention of the Council.

In 1965 the Indian Claims Commission ruled that the Blue Lake area and an additional 130,000 acres were seized legally.

However, the Taos Indians are seeking the return of only the area containing the ancient shrine and holy places of their religion. Once again, a bill introduced in Congress which would right this injustice has passed the House of Representatives and is pending in the Senate. We recommend that the full Council support this legislation and hope that Council members, individually will support the Taos Pueblo at every opportunity.

Just as Alcatraz stands as a symbol of the frustration and despair long felt by Indian people, let the positive actions of this government insure that such a symbol is never needed again.

LITHUANIAN INDEPENDENCE DAY

Mr. BAYH. Mr. President, today I am pleased to join with other Members in observing the 52d anniversary of Lithuanian Independence Day. On February 16, 1918, the Lithuanian people declared their independence from foreign rule and established a separate Lithuanian state, thereby achieving a goal for which they had been striving for centuries. After two decades of independence, however, Lithuania again fell under foreign rule when it was overrun by armed forces during the Second World War and was declared a constituent republic of the Soviet Union on August 3, 1940. This annexation has never been officially recognized by the United States.

Lithuania has been known to history since early in the 11th century when it was a nation divided into numerous principalities. Foreign threats were instrumental in bringing these principalities together into a unified state. Throughout their long history the Lithuanian people established themselves as a viable and constructive force in Europe. During their period of freedom they made significant contributions to the establishment of education, peace, toleration, and human freedom. This great Lithuanian spirit was documented in the following words by Clarence Manning in the History of the Lithuanian Nation:

The Lithuanians had established a powerful and independent state in Europe during the Middle Ages. They were able to check the German drive to the East for centuries. They protected Europe against the Mongols and the Tartars. They furnished a power and a government behind which the Eastern Slavs could live in peace and safety with a freedom that was unknown in Moscovite Russia. They blessed their subjects with more human freedoms than in the neighboring countries. They encouraged education and toleration, and they played their part in the general development of European civilization.

Today it is estimated that there are some one million persons of Lithuanian descent living in the United States. Of this we are proud. These American Lithuanians, like other American citizens, enjoy freedom and independence, and they share the American dream of human dignity and freedom for all peoples on earth. The Lithuanian people know what it means to struggle for freedom and independence. It is because of people of similar ideals and goals, who love and cherish freedom and independence, that the United States is free today.

The history of their native country is rich in the spirit and drive for independence. They have every right to be proud of their background and heritage. The United States, which is a melting pot of racial and ethnic backgrounds, welcomes and is thankful for the contributions which have been made by Lithuanians. Many of them dream of the time when their mother country and the inhabitants of the other Baltic nations once again can achieve true freedom and independence.

This is a most appropriate time to reaffirm our faith in the Lithuanian people, who have continually worked toward our common goal of self-determination and human dignity. Let us extend our very best wishes to all Lithuanians on this day of celebration.

SENATOR AIKEN—FATHER OF THE WATERSHED ACT

Mr. GRIFFIN. Mr. President, recently I received a beautifully prepared brochure from the Agriculture Department, entitled "Let's Grow!" It was a pictorial sampling of the variety of benefits resulting from Public Law 566, the famous Watershed Protection and Flood Prevention Act of 1954.

There, in glorious color, are the visible proofs of what this program means to communities in every State of the Union. The stabilizing of small river systems has resulted not just in flood and erosion control, but also cropland restoration, economic growth, and the creation of recreational areas.

And all of this recalls, as well, that this is one of two outstanding contributions in water conservation and water use by the senior Republican Senator, our beloved GEORGE D. AIKEN of Vermont.

These programs are what might be termed the quiet but practical kind. They combine competence with good, hard common sense, both hallmarks of their author.

In 1954, Senator AIKEN, then chairman of the Senate Agriculture and Forestry Committee, introduced and successfully piloted through Congress the Watershed Protection and Flood Prevention Act.

A good Republican program, requiring local initiative—introduced under a Republican President, in a Republican Congress by a Republican Senator—it is now

acclaimed and claimed by many, regardless of party.

The sampling in the Agriculture brochure of the small river systems restored under the Watershed Act provides a refreshing slice of Americana: The Oliverian River, N.H.; Mud Creek, Ky.; Brush Creek, W. Va.; Hazel Creek, Ga.; Cypress Black Bayou, La.; Middle Fork Anderson, Ind.; Fall River, Kans.; Shoal Creek, Ill.; Mountain Run, Va.; Upper Nanticoke, Del.; High Pine Creek, Ala.; Buena Vista Creek, Calif.; Four Mile Creek, Okla.; Oak Middle, Nebr.; Upper East Forks, Tex.; Thompson Creek, Tenn.; Waianae Nui, Hawaii; Upper Rock Creek, Md.; Duncan Creek, S.C.; Flat Creek, Ark.; Wolf Run, Ohio; Twin Parks, Wis.; Booze Hill Lake, Pelucia Creek, Miss.; Paulins Kill, N.J.; Geneganstlet, N.Y.; Sutherlin Creek, Oreg.; and in my own State, South Branch Cass River, Mich.

These are not the type that get headlines—they do not involve the harnessing of some enormous river that drains half a continent. They do not require hundreds of millions of dollars. And they are just as feasible in a densely populated area as in completely rural countryside.

Later, Senator AIKEN became concerned that lack of dependable water supplies was hindering a potential for growth in thousands of small communities in America.

Therefore, in 1965, he introduced S. 1766, proposing a grant program to stimulate construction of water and storage facilities in rural communities of up to 5,000 population.

At that time, there were but 32 Republicans in the Senate. And the bill was opposed by the Johnson administration. Nevertheless, Senator AIKEN's bill was cosponsored by 92 other Senators, and passed the Senate by unanimous vote. Provision of aid for rural sewage systems was added in the House, and the final version of the bill passed by voice vote in both Houses, becoming Public Law 240, the Rural Water and Sewage Systems Act.

President Johnson became so enthusiastic about the program that thereafter, as was his wont, he listed it as one of the major accomplishments of his "Great Society."

The rural water systems program could be considered a fitting and practical complement to the watershed program of 1954. And both are examples of the keen eye for realistic approaches to problem-solving by Vermont's GEORGE AIKEN.

I would like to add one more comment. We have heard much talk about preserving the small town rural communities, and encouraging the dispersal of population to diminish the enormous overcrowding in metropolitan areas. Certainly, Senator GEORGE AIKEN's ideas have been, and will continue to be prime examples of how to provide the proper physical environment for such an effort.

INTERVIEW OF SENATE REPUBLICAN LEADER HUGH SCOTT

Mr. SCHWEIKER. Mr. President, a recent issue of the Christian Science Monitor contained an interesting interview by Godfrey Sperling, Jr., with the distinguished Senate Republican Leader HUGH SCOTT.

Senator SCOTT has shown outstanding qualities of leadership in the brief time he has served as Republican leader, and has been a great asset to the Republican Party. This article should be of interest to all of us, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCOTT'S SENATE STYLE—"THE PRESIDENT AND I MEET AS FORMER EQUALS

(By Godfrey Sperling, Jr.)

WASHINGTON.—It was inevitable that the successor to Everett McKinley Dirksen would be looked at with more than the usual amount of curiosity: How would his style as Senate minority leader compare with that of the colorful Senator from Illinois?

Now, in his own words, Sen. Hugh Scott (R) of Pennsylvania details his approach to the job. He says that the President regards him as a "phrasemaker" and a "strategist." Mr. Nixon, who served with Senator Scott in both House and Senate, calls Senator Scott the "old political master."

As the new session of the 91st Congress begins, Senator Scott, in a taped interview with this Monitor reporter:

Details his concept of "shared leadership" and says he will soon institute a "system of regional whips" within his leadership organization.

Says he sees no upcoming battle over the ABM and forecasts a Carswell confirmation to the Supreme Court.

The interview follows:

You have opposed the President on a few major issues. What would you say your relationship with Mr. Nixon is today?

I would say first that generally it is really excellent. The President has shown a very lively interest in my reelection as a Senator, for example. He's indicated this by doing a number of things privately which are helpful to me.

Moreover, to show his appreciation he's been good enough to call me when we've mopped up some victories.

I would say, too, that he has insisted that all of his staff give me the maximum support in my leadership responsibilities. And specifically, wherever we have a bill pending, members of the administration agency involved will be in my outer office, available to all Senators.

If it's a budget matter, the Budget Bureau people are here. If it's HEW, the HEW people are outside.

So the President, has insisted that we be given the best immediate technical advice possible.

Where else has the President been helpful to you?

He has been helpful in making some suggestions as to tactics. Also, I think that the Republican Senators are closer together today because they feel the President is exhibiting confidence in the Senate Republican leadership.

Then again, to be specific, I've had a number of meetings with the President. They occur several times a week during some weeks—and at least once every week.

Do you count yourself a close adviser to the President?

I would think it would be fair to say that I am, yes.

How would you compare your relationship with the President to that of your predecessor in this job—Senator Dirksen—with Mr. Nixon?

I think there are some inevitable differences to be noted. First, Senator Dirksen had his own style of operation. He got along extremely well with Democratic Presidents—and with this Republican President there was sort of uncle-nephew relationship.

The President and I meet not as equals but as former equals, as practitioners of the same trade over the same period in both houses of Congress. I was his personal adviser in the '60 campaign and supported him, as you know, in the '68 campaign.

He has a phrase for me. He calls me "the old political master" because he thinks I am a strategist. He also thinks I am a phrasemaker. He gives me credit there beyond my desserts. But he does make the point.

How do you feel your style of operation in this leadership job differs from that of Senator Dirksen?

My own feeling is that Dirksen handled any differences with the President with a very light touch—and that where I felt I could not fully or conscientiously support a presidential wish, I met it, I suppose, on a great level of earnestness and concern.

It's not a reflection on Senator Dirksen, because he handled his job with the greatest skill.

I suppose your style will emerge after you have been in the leadership job a little longer?

I think my style will probably emerge in the way I have begun—with my concept of shared leadership.

With Senators Taft, Knowland, and Dirksen, it was a one-man leadership. And it was not really shared. There was no confiding. With me it is shared.

For example, following the Tuesday policy luncheon it is Sen. Gordon Allott, chairman of the Policy Committee, who goes to the Senate press gallery to do the job that Senator Dirksen used to do with the press, rather than Senator Scott.

When conferences [Senate Republican caucuses] are called, it's Sen. Margaret Smith who is in full charge and who handles the press afterward. With regard to the whip count and the floor operations, it is often the GOP whip, Senator Griffin, who backstops me and whose job includes ascertaining what absentees we have and how our senators are going to vote.

Senator Griffin's daily advice is of the utmost value to me. Now, I found I didn't offer that advice to Senator Dirksen because he felt that he alone had to be the sole decisionmaker. And that was his way of leadership.

I feel that the way of leadership is to share it with the other party leaders and with the rank and file. And, therefore, I'm instituting a system of regional whips. I won't go into any details now except to say that it will involve a better and more constant monitoring of the floor, of the Senate, and of the debates.

I would judge from what you say that even if you become majority leader you will not be noticed as much by the public as was Senator Dirksen?

I think that the job involves a visibility that you can't avoid. But I am by no means the thespian that Dirksen was.

You have been in your new leadership position for four months now. Where have you found your biggest challenge?

The most difficult task has been to deal with the reality of being a minority. There are 43 Republicans and 57 Democrats. And one of our Republicans is out ill. Therefore it's the nature of things that the Democrats would expect to prevail unless we are, through leadership, sufficiently persuasive. Therefore we have to hold as large a percentage of our forces as we can and persuade some Democrats.

Specifically, what have been your accomplishments?

We have won some important rounds that were hard to win. We sustained a $200 million appropriation in the aid bill. We took out the objectionable Whitten segregation amendments. We won the Philadelphia plan.

And in my judgment we will sustain the President's veto of the HEW-Labor bill. Outnumbered as we are, I think the new leadership has a record it can point to with some modest pride.

In view of the upcoming elections, do you expect to see more of a challenge from the Democrats in Congress in this session and more of a Democratic movement toward alternative programs?

I think so. I think this session will be shorter and harder working and more infused with political fireworks. You can also see the smoke rising now from the scattered campfires on each party's hills. And the big fight I think will be to put the blame for inflation on the other party.

In this area the Democratic Party has already opened the session by trying to have it both ways—by asserting that it has actually cut the President's budget and then by seeking credit for having done more in the spending field for more people than anybody else had ever conceived of. They can't have it both ways.

What else do you see coming out of this session in the way of legislation?

A whole new package of crime bills: The criminal justice reform bill and the organized-crime bill now pending in the Senate. Bills on pornography and obscenity. A reform of the District of Columbia's judicial system. And perhaps one of the most important, the quite progressive and advanced drug-abuse bill.

In addition, I would hope that the House of Representatives will act on the family-assistance bill which I introduced in the Senate. I plan to introduce an environmental-quality bill to establish an agency to have control over all matters pertaining to the environment.

I would expect to see more antipollution legislation on a broader base, lasting for a longer time and involving more expenditures than presently existing.

We have airports and airways legislation coming up. We have consideration of various mass-transit measures. We have not finished acting on the cigarette-advertising bill. And, of course, Senator Mansfield and I are meeting with other Democratic and Republican leaders to discuss ways and means of expediting the appropriations process in Congress.

VICE PRESIDENT AGNEW'S LINCOLN DAY SPEECH IN CHICAGO

Mr. GRIFFIN. Mr. President, on Thursday, February 12, the Vice President of the United States made an important and perceptive speech at Chicago.

Mr. President, I ask unanimous consent that the address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

We are met to commemorate the birthday of Abraham Lincoln, sixteenth President of the United States. The man whom we honor is remembered and revered as no other American has been—indeed, as few statesmen in the history of the world have been. He became the central figure in the most tragic drama of our national life; yet he came to be regarded with affection by the best of those who had fought against him, and by their posterity. Because of what he was able to do, we are able to celebrate his birthday as one nation. Yet the wisdom of his political acts has been fiercely disputed, and the justice of them has been denied by historians as much as by the hot-blooded political partisans of his lifetime. No one, least of all Abraham Lincoln himself, ever thought him infallible. In a curious way, Lincoln has become a symbol of human imperfection, struggling to do right as God gave him to see it and as he felt it within his own heart.

It is a melancholy fact that more Americans died as a result of the commands issued by Lincoln, as Commander-In-Chief of the armed forces of the United States, than by any other President. But Lincoln could in truth say that he never placed a thorn in any man's bosom. Lincoln was of that rare breed of extraordinary men who make ordinary men like ourselves feel kin to him and to each other. In his struggle with poverty, with business failure, with political defeat, with the death of his mother in early childhood, of his children in their youth, of his friends in their prime, he knew the sorrow that is closest to the heart and which, more than anything, links us all in a common humanity.

But Lincoln was not only a man of sorrow. He was also a man of indefatigable jest. During his presidency he was probably criticized more for his jokes than for any other single thing. Not, I should add, because the jokes were not funny, but because it seemed to his critics that the President should never be anything but solemn. Actually, it was only by his sense of humor that Lincon found relief from the terrible burdens that otherwise would have crushed him. As in the great Shakespearian tragedies he loved, the comic interlude was needed to relieve the desolation of the catastrophe that surrounded him and to prevent his sensitivity from becoming cynicism, a change that happens too easily to men at the summit of power.

It is always instructive to seek parallels between the times of great men and our own times—and between their difficulties and ours. Lincoln's political life was dominated by the evils of Negro slavery, sectional antagonism and, finally, political disunion and civil war. Ours has been dominated by international conflict, by world wars, and by racial and social turmoil. The Civil War ended chattel slavery and the threat to the Union, but it accelerated the industrial revolution that ushered into being the urban America whose problems beset us now.

In 1838—in what now appears as an idyllic era of the American past—Lincoln said that the American people lived under a government "conducive more essentially to the ends of civil and religious liberty than any of which the history of former times tells us." That these same American people imperfectly appreciated the blessings of their government was the theme of his speech. I think we can say the same today. Ours is still the freest government on earth; and we are still a restless people, dissatisfied with and unappreciative of our freedom. Perhaps it is the nature of a free people to noisily exploit their freedom rather than quietly count their blessings. We hear little of the discontent that lies, we know, behind the Iron Curtain. When voices do rise there, as they did such a short time ago in Czechoslovakia, they are soon silenced. Much of our dissatisfaction is the effect of our freedom; dissatisfaction breeds progress no less than protest, and we would not have it any other way. Nevertheless, we may declare with confidence that if ours is not a perfect form of government, it is the best there is; and we challenge critics not merely to point to its flaws, but to tell us what they would put in its place.

No one long in this world who is not a natural tyrant expects to have his own way in everything, or even to have it altogether in anything. A free society is one which is more or less successful in equalizing the limitations on us all in the interests of a civilized existence. The only worthwhile freedom is freedom under the law, because freedom without law results either in anarchy or despotism. The principal source of law under our form of government is majority rule. But to arrive at a majority, many compromises must be made among many opposing points of view; and minority rights must be respected. No one is, or ever should be, perfectly satisfied with the results of law in a free government because such law by its very nature embodies concessions to opinions with which we differ. But this does not give anyone the right to flout the law.

In 1861, a dissatisfied minority attempted to secede; that is, it attempted to withdraw from the rest of the American government of which it was a part, because it had failed to gain the majority in a free election. Civil disobedience in a free government—except for the non-disruptive testing of the legality of the law itself—whether that disobedience takes the form o secession, trespassing upon private or public property, the disruption of a college campus, the refusal to pay taxes, or the refusal to obey the order of a court—is a placing of oneself above the law and implies a superiority to the law-abiding. This is not only arrogance, but constitutes a denial of the equality pronounced in the Declaration of Independence, to which equality Lincoln rededicated the nation in the Gettysburg Address.

The limits upon free action in a free society are well expressed by the saying that one man's right to swing his fist ends where another man's nose begins. And the limits upon free speech are equally well expressed by the saying that no man has the right to falsely shout "Fire" in a crowded theater. In despotic governments, some men swing their fists as far as they wish; and they shout what they will without contradiction. But the price, let us remember, is that others have their faces smashed and their voices silenced. Those who denounce without self-restraint the limitations upon complete personal freedom in our form of government are more likely to curtail than to perfect that freedom.

Nowhere in today's United States is freedom more actively under discussion than on our campuses. This is as it shoud be. One could wish that the discussion would be somewhat more acute and dialectical; that more of men's minds, and less of their passions, were involved. A university is a community with its roots in two essentially different worlds, and the many paradoxes and tensions in higher education arise from this fact. Every university, every academic community, has its existence in a time and a place, in a nation, and a specific part of a nation. But, as it name suggests, it also belongs to a universe that is larger and different from any political community. A university is cosmopolitan, and its members are fellow citizens of the republic of arts, sciences, and letters that is beyond all nationality. When physicist meets physicist, mathematician, mathematician, classicist, classicist, they are joined with each other by a common good which is their vocation. And that vocation knows no boundaries of political geography, of civil law, of religion, or ideology. It is essential to the scientist and scholar that his work be restricted by nothing that might impede the discovery or recovery of truth in his field. But this does not prevent the free scholar or scientist from recognizing his indebtedness to the free government which appreciates and protects his independence. The free university should be loyal to the free society, while carefully protecting and preserving its autonomy.

As imperfect as any institution of this world, the university is nonetheless governed by the ancient and reasonable principle that the doctors, or qualified teachers of each discipline, lay down the rules for admitting people to study in their field; and they decide what courses should be pursued by apprentices and journeymen in order that these in their turn become masters and doctors. Where methodical instruction and extended training are needed to become qualified, it

is right and proper that men should be treated as unequal. For example, it is not right that the unqualified should sit on boards of admission to decide who is qualified to receive instruction in institutions of higher and professional learning. Neither a university, a business firm, nor a labor union should ever discriminate among applicants for membership upon any basis other than aptitude for learning and practicing its craft. But it should discriminate upon this basis. Among the applicants to a medical school, those best able to become medical doctors, in the opinion of experienced medical doctors, should be chosen in preference to any others. Everyone can see why this is true, because everyone knows that when he is sick, or his loved ones are sick, he wants the best possible medical assistance and nothing else.

But we should remember that it is no less important for society that all the other vocations, in the professions and the liberal arts have the same guidance of the untrained by the trained minds. For those who think that there should be ethnic quotas, or race quotas, or socio-economic class quotas in the admissions to colleges or universities I would address this question: When next you are sick, do you wish to be attended by a physician who entered medical school to fill a quota or because of his medical aptitude? When next you travel by jet airplane, do you want to go in a plane designed by engineers selected to fill a quota or by aptitude? When next you build a house, do you want an architect selected for architectural school by aptitude or by quota?

By some strange madness, we find the thought seriously entertained among men in responsible positions in the academy itself that the exigencies of society are such that the untrained should help choose those to be trained and that membership, whether as students or teachers, in institutions of higher learning should be determined fundamentally by considerations other than aptitude either for teaching or learning. Of course, the criterion of competence has in the past sometimes been honored more in the breach than the observance. But surely that is no reason to abandon it, as happens when the concept of what is erroneously called "open admissions" makes its way among some of our supercilious sophisticates.

Another less apparent but entirely pernicious and debilitating result of the use of quotas or "open admissions" is the automatic creation of a vested interest in making such selections reasonably successful. The same pressures which operated to bring about the favored admission status to those admitted because of race, socio-economic class or ethnic background continue to operate in favor of their successful completion of studies undertaken. Given an equal number of enrollees of each type, should the ratio of "quota" graduates to "aptitude" graduates be unfavorable, a strong presumption is created that the average "quota" enrollee is intellectually less suited to the skill sought than the average "aptitude" enrollee. This conclusion is repulsive to the liberal philosophy even though it may be true.

The first and highest obligation of a university is to perform its own functions well, according to the laws of learning itself. For it is in the institutions of higher learning that the arts of civilization in their highest reaches must be preserved, enhanced, and transmited. All that we in the political community hope to achieve must find its justification in the flowering of the human spirit as it confronts the mysteries of existence—of the universe—in those activities that transcend the political life. And our best political leaders, like Abraham Lincoln, are those who, amidst turbulent change, not only preserve us from destruction but remind us of the need we have for a saving wisdom of the permanent things.

ACTION, NOT RHETORIC, NEEDED IN THE FIGHT AGAINST POLLUTION

Mr. PROXMIRE. Mr. President, a recent editorial from the New York Times takes the Nixon administration to task for throwing up a smokescreen of rhetoric about the pollution question while doing little in the way of concrete action. As the Times puts it, it is becoming "harder and harder for the public to tell whether the environment is being saved or only revered."

No one could have been more pleased than I was by the emphasis on environmental problems in the President's state of the Union message. I agree completely that we must "act on programs which are needed now if we are to prevent disaster later." As the President observed:

> Clean air, clean water, open spaces—these should once again be the birthright of every American. If we act now, they can be.

But where is the action to back up this lofty rhetoric? I question whether the President's actions to date support his rhetoric of urgency. For example, the President's Environmental Quality Council has met only three times since its inception, or an average of a little more than one meeting every 3 months. This record does not compare very favorably with that of the National Security Council—39 meetings, or an average of once every week and a half—or the Urban Affairs Council—20 meetings, or an average of once every 3 weeks. Clearly the infrequency of the Environmental Quality Council meetings suggests something less than a great sense of urgency to get on with the job of cleaning up our Nation's rapidly deteriorating environment.

In addition, I am concerned about placing exclusive reliance upon the Federal grant and cost-sharing approach to water pollution. The effectiveness of this approach was recently questioned by the General Accounting Office.

The GAO, in a study released last November, found that the more than $5 billion that has been spent by Federal, State, and local governments on water pollution in the last 12 years has not made our water any cleaner. If anything, we are worse off than before. It is clear that another approach is needed—either to supplement, or to suppiant, the grant approach.

The water pollution bill which I introduced in the Senate in November can do the job. My bill, S. 3181, would set up a schedule of effluent charges, and thereby provide industry with an incentive to control its own waste at the source. The cost of pollution control would be borne by those responsible, and the cleanup could be achieved without imposing a tremendous new burden on an already heavily overburdened Federal budget.

Perhaps the most important of all, the effluent charge idea is effective. We know it works. It has been tried in several communities in the United States, as well as abroad, and in each instance the quality of the water improved dramatically.

Today President Nixon is sending to Congress a special message outlining his fight to control pollution. I have already written to the President to infrom him of my effluent charge proposal, and I hope he will embrace this approach in his new program.

Mr. President, rhetoric will no longer suffice. The public expects action. It deserves no less.

I ask unanimous consent that my letter to President Nixon, and the editorial from the New York Times for February 7, 1970, be printed in the RECORD.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

DEAR MR. PRESIDENT: I have been greatly impressed by the increasing attention that your Administration is giving to problems of the environment. As we enter the Seventies, the issue of environmental pollution is as serious as any that we face. A major commitment in this area by the Federal Government is absolutely essential.

At the same time, I applaud your efforts to reduce the Federal budget.

Existing pollution control programs, which over the past 13 years have cost federal, state and local governments over $5 billion, have been ineffective. An effort to make them effective would be enormously expensive. And the chances are good the effort would prove futile.

You may be interested, therefore, in a proposal I have introduced in the Senate which promises clean water in a comparatively short time without any significant budget burden. This proposal offers a way to launch an effective assault on the desperate problem of water pollution while at the same time permitting your Administration to hold the line on expenditures, to fight inflation and to balance the budget.

Essentially, my proposal, which is embodied in a bill (S. 3181) I introduced last November entitled the Regional Water Quality Act of 1970, would require those who pollute the water to pay for it. It would establish a system of national effluent charges. The charges would be imposed upon industries that pollute the water, in proportion to the amount of waste they discharge. The object is to make waste disposal a legitimate cost of production rather than a free service provided to industry at public expense.

Imposing effluent charges will give industry an economic incentive to cut down on the waste it discharges. The desire to keep the cost of doing business to a minimum will encourage industry to keep its waste to a minimum. And there is a very important corollary benefit: the money collected by the federal government will be available to help municipalities build more adequate waste treatment facilities.

Of course, the effluent charges would have to be set high enough to create an economic incentive. Otherwise, a danger exists that industry would regard the effluent charge as a license to pollute.

Fifty percent of the money generated by the effluent charge would be allocated to regional water management associations for the construction of waste treatment facilities. The remaining fifty percent would be made available to municipalities for municipal waste treatment works, on a priority basis determined by the Secretary of the Interior.

The effluent charge idea is simple, and it has been proven effective. We know it works. It has been tried in several communities in the United States, as well as abroad, and in each instance the quality of the water improved dramatically.

I believe the Federal Government must move aggressively in the fight against pollution and with the same urgency and ingenuity with which it pursued the race to the Moon. We are polluting our waters faster

than we are cleaning them up despite the expenditure of $5.4 billion between 1957 and 1969 by federal, state and local governments.

The strategy for fighting pollution proposed in my bill offers, in my view, the best hope of effectively reversing the trend toward increasing contamination of our Nation's waters. It promises to be more comprehensive and far more effective than present programs. Yet it is a program that would not further upset the delicate condition of our economy with major new federal spending. And, unlike the Hickel Plan which press reports indicate you have under consideration as an alternative to present pollution control programs, my proposal would not add further to the already back-breaking burden on the property tax.

I therefore urge that you give serious consideration to endorsing in your State of the Union Message this year, or in any subsequent special message to Congress you may plan on environmental problems, the approach to water pollution control that I have proposed. I would welcome an opportunity to discuss my proposal with you in person.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

POLLUTION BY GOVERNMENT

Hardly a week goes by that someone high in the Nixon Administration fails to pay his respects to the environment, which for political purposes is beginning to take on the combined attributes of flag and motherhood. The trouble with this admission of pure air and water into the pantheon of national symbols is that it becomes harder and harder for the public to tell whether the environment is being saved or only revered.

A case in point is the President's order to Federal agencies to move toward elimination of all polluting activity by the end of 1972. On the face of it, the directive is welcome. But if the public imagines that it heralds the end, or even a great reduction, of such activity by the very Government which is preaching a pure environment, the public is sadly misled.

The order is a clarification of President Johnson's on the same subject, and it proposes to spend more for the purpose. But the deadline for compliance with air and water pollution standards is farther off, by six months, than that set by the Johnson Administration, and requires not completion but only the beginnings of a corrective program.

More important is the question of how effective any such directive can be which expressly exempts all those agencies that can plead "national security." Chairman Russell E. Train of the new Council on Environmental Quality observed that the Department of Defense would be the largest single agency affected by the order, and certainly it has been by far the greatest violator.

No doubt something can be done to reduce pollution of various sorts in army camps and air bases. But does anyone seriously imagine that the Navy will rebuild its ships, that atomic installations will be redesigned, that chemical warfare plants will be dismantled—and all on a three-year budget of $359 million? Will ammunition plants be shut down until anti-pollution improvements are made?

Presumably not, in the name of "national security." What would be left of the program is still worth doing—for the example it might set if for no other reason. But what is essentially the renewal of an established and highly limited policy hardly warrants the fanfare with which it was announced. How will the country know when something really big and significant is in the (polluted) air?

ST. LAWRENCE SEAWAY

Mr. MONDALE. Mr. President, a Special Subcommittee on Great Lakes-St. Lawrence Transportation of the Commerce Committee is opening a series of hearings on problems confronting the transportation system on the Great Lakes. A number of these problems were recently reviewed at the 33d annual joint conference of the Dominion Marine Association and Lake Carriers Association last month. Mr. John J. Dwyer, executive vice president of the Aglebay Norton Co., gave a very perceptive address to the conference on "Improving Productivity of Industry in the Great Lakes-St. Lawrence Region." He pointed out how the shrinking Great Lakes fleet and discriminatory railroad rates to lake ports are frustrating the great potential for industrial development in the Great Lakes area.

I believe Mr. Dwyer's remarks deserve the attention of the Senate. Accordingly, I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

IMPROVING PRODUCTIVITY IN THE GREAT LAKES-ST. LAWRENCE REGION

It is a pleasure to be here to meet with old friends of the U.S. and Canadian lake shipping industry. Talking shop as we have a chance to do in these pleasant surroundings has always led to helpful suggestions for solving our mutual problems and furthering the tremendous opportunities we both see ahead for the Great Lakes, St. Lawrence Seaway region.

Long before the older countries of Europe developed the idea of the common market, the U.S. and Canada had in effect developed a sort of North American common market and if you judge the success of such an arrangement by the growth rate in gross national product and in the standard of living of the populations on both sides of the border then you have to say the common working arrangements have been successful. In the future, they can be even more successful in realizing for the people of both our countries the bright promise of the resources, the capital, the energies we are enjoying.

We come together in this meeting in part at least to talk about how this long-standing and mutually beneficial partnership can be improved.

I would like to suggest that we give consideration today to the potential role lake transportation can play in the fight against inflation, one of the principal problems worrying the leaders of both our countries.

While naturally most of our attention is focussed on government actions in this area, too little attention, in my view, is being given to another way to break the cost-price spiral. It isn't the total answer of course. But it is an essential part of the answer, perhaps the most essential part of the answer in the long run.

There is an increasingly pressing need to increase the productivity of our use of labor, capital, and our resources.

In the U.S. as in Canada there have been vast increases in productivity since World War II. Everybody is aware of the great impact of the computer in improving productivity. Automation, often linked to the computer, has given us a vast boost in productivity. Unprecedented economies of scale, particularly in materials handling, have cut down unit costs. Miniaturization and printed circuits in the electronics field and the reduction of paperwork in all fields have provided substantial benefits. One can scan the entire panorama of agriculture, the extractive industries and manufacturing and see major advances on every hand.

We think of ourselves as caught up in an age of tremendous technological advance and yet—and this is a sobering statistic—in the United States the average advance in productivity, despite all our new technology, has, since the war, been less than 3 per cent a year. We have been running faster and faster to stay barely ahead of the rapid increases in labor and material costs. And now we are falling behind. In the early 1960's wages and productivity increases almost kept pace. Last year the average wage increase was about 6 per cent and the current demands will average out at much more than that if they prevail.

While we are hopeful that the governments of both our countries will be successful in curbing inflation, labor and management cannot escape the fact that real wages and real standards of living cannot rise unless output per unit of input, which after all is what we mean by productivity, goes up too.

Putting aside for a moment the thought of what sort of trouble we would be in if there had been less improvement in productivity over the past 20 years, it is surely obvious that we must all redouble our efforts to improve productivity.

I suggest that the states and provinces bordering the Great Lakes and the St. Lawrence River have an opportunity to make breakthroughs in productivity not as readily available to other parts of our North American common market area.

I refer specifically to promoting much more intensive use of the Great Lakes water highways both for interlake service and for export and import service.

We have been studying recently a most interesting analysis of the potential of the Great Lakes-St. Lawrence region prepared for the Detroit Edison Company by Constantin A. Doxiadis. Doxiadis has done useful work for the United Nations, the International Bank for Reconstruction and many other similar public and private organizations around the world. His study is not limited to Detroit, but takes into account the growth potential of the Canadian provinces and all the U.S. states bordering the Great Lakes and the St. Lawrence River.

The study was published in 1966 based on 1963 and earlier data and the estimate of the future growth of Great Lakes transportation was quite optimistic.

The study assumed that capital would flow freely into modernizing Great Lakes shipping and that the modernization of the Great Lakes-St. Lawrence system would continue on a reasonable schedule after the opening of the Poe Lock at Sault St. Marie.

On that basis, the study said that the ports of the Urban Detroit Area, including Toledo, Detroit and other ports as well as a greatly expanded Port Huron industrial area, would be handling 225 to 300 million tons of freight a year in the year 2000 compared to 77 million tons per year in the 1958–63 period. The Doxiadis staff is bringing their estimates up-to-date and hopes to publish soon a new volume on transportation in the Great Lakes region. We can expect it to be far less optimistic about lake shipping. Modernization of the balance of the Seaway system is not in sight and new capital is not flowing into improving the productivity of Great Lakes shipping in anything like the required volume. Indeed, except for two ships being built for private use, no new investment is going into U.S. lake shipping at all. A pessimistic forecast on lake shipping inevitably means a pessimistic forecast for industrial growth in the region.

The reason for the adverse effect on the economy of a decline in lake shipping is clearly indicated in Professor John L. Hazard's study of the Problems and Potential of the Great Lakes-St. Lawrence Transportation System, submitted to the Upper Great Lakes Regional Commission last month. He says bulk lakers and ocean-lake vessels lift 4 to 5 times the tonnage of the average bulk hauling trains and convey it at almost the same through speeds at line haul costs one-fourth to one-fifth of railroads.

A substantial decline in lake shipping therefore destroys one of the principal economic advantages of the lake region, very low cost transportation by water.

In recent papers I have given before the Toledo Chamber of Commerce and the Council of Lower Lake Erie Ports, I have pointed out that there is beginning to be a perceptible drift of industry away from the lake region. Economic growth is less than the national average for the states bordering the lakes on the U.S. side. I would except the area around Detroit from this decline in growth rates. And, although I do not have the figures, the strip of industry from Windsor to Hamilton, Ontario is probably growing at a very fast rate. But compared to Southeastern U.S., the states bordering on the Gulf of Mexico and California, the economic growth of the Great Lakes states can only be described as lagging seriously.

We should know why this is so and what can be done to reverse the trend, because such a trend makes no sense at all. Our region, as all of us here know, is richly endowed with raw materials, it is closest of all to the important markets of both our countries, it has a work-minded and highly skilled labor force, we have vast resources of capital and we have, on both sides of the border, management know-how capable of out-producing and out-competing other regions of the U.S. and also other countries.

I don't pretend to know all the answers to this problem, but one of the most glaring difficulties is the fact that both railroad and lake transportation are in trouble. Too little investment is going into either U.S. railroads or U.S. lake transportation to keep up with the present growth of the region, much less help stimulate a faster growth rate.

From the Illinois Central in the West to the Penn Central in the East has come testimony complaining that the revenues and earnings of the carriers are not sufficient to pay for new and more productive equipment in the volume necessary. Even the past three rate increases will not provide the earnings required for the very heavy new investment urgently needed.

The causes of the decline of the U.S. lake fleet are different, but the results no less alarming. The "for hire" segment of lake transportation has been under severe pressure. There are serious threats to its ability to perform efficiently, and perhaps even to survive on a significant scale. The fleet has been steadily shrinking as more and more vessels reach the end of their economic life and are scrapped and retired rather than replaced. The number of ship operators has declined. Obsolescene is a growing problem, and, except for private use, no new vessel has been built in 10 years. Adverse regulatory actions have resulted in a progressive narrowing of the traffic base. It is becoming increasingly difficult to serve smaller shippers and receivers economically. And costs are rising ominously.

What is the significance of a decline in transport efficiency? Nationwide, transportation accounts for 10 cents of every dollar of gross national product. For the low-valued products like coal and ore, transport costs can be double and triple that amount. Since the Great Lakes economy is made up of heavy industry and heavy industry in turn depends on the cheap movement of millions of tons of raw materials and semi-finished products, inefficiencies and inadequacies in transportation can be an all-pervasive and highly significant factor in slowing down a region's growth rate.

The inability of the business leadership of the region to develop a program to reverse the present deterioration of low cost water and rail service and the failure of the various agencies charged with responsibility for the health of the transport agencies to act in a coordinated fashion have been disappointing.

The approach has been fragmented, uncoordinated and short term. The railroads, the coal companies, the auto manufacturers, the electric utilities, the producers of ore and limestone, the ports and the steamship lines have not yet learned to work together to make the most out of the advantages the region has, and the most significant difference between our region and other regions is the broad low cost water highway of the Great Lakes-St. Lawrence system itself. More intensive use of this water highway could produce a major increase in productivity for the region.

One of the most notable failures of economic policy in the region is the failure to make a breakthrough in improving the coordination of rail and water service. Potential savings in transportation costs of 10 to 30 per cent can be achieved by joining the best efficiencies of rail and water. The recent study by the Bureau of Mines of the potential market for U.S. coal in Canada put the problem more politely than I have ever seen it put before. "Modern self-unloaders are in use and larger ones are planned. New coal cars and locomotives are in use in various parts of the country. Unit trains are no longer a novelty. What remains is to pull the techniques together, to bring the general level of practice up to the best."

Others have put it less politely. The railroads, because of their ability to manipulate the rates to the Great Lakes Ports, are in a position to stand on the oxygen hose of the lake shipping industry and thus have the power to smother most of it. They can triumph not because they are more efficient, but because they can decide the level of rates for the port and thus have the leverage to control whether or not the lake shipping industry lives or dies. Professor Hazard points out in his recent study: "What the railroads would do with rates after extinguishing much of the competitive carrier service has not been properly visualized." That is certainly a considerable understatement.

The Port of Toledo has been a leader in the fight to improve coordination of rail-water service at the lake ports and has experienced several years of frustration as a result. W. W. Knight, Chairman of its Board of Directors, has minced no words in assessing the situation. "The greatest concern since the opening of the Seaway is the apparent determination of the railroads to handicap Great Lakes ports by absolutely refusing to provide fair and equal rates from and to the lake ports' hinterlands. The railroads' action is not passive. Rather, it takes the form of aggressive rate cuts from Great Lakes hinterlands states to North Atlantic ports, accompanied by a bland refusal to accord proportional adjustments to the geographically closer lake ports."

The plain fact is that the failure of rail-water coordination is not only costing the region heavily today, but, in the future, if it is allowed to continue, it could be a major factor in the decline of the region as the U.S.–Canadian industrial heartland. Whatever seriously hurts the U.S. side of the border will, in the end, adversely affect the Canadian side.

The problems of reviving Great Lakes transportation may sound overwhelming, but actually we have within our grasp a relatively simple remedy which will unlock tens of millions in new investment for more productive U.S. lake shipping. It is to end the active and calculated rate discrimination against Great Lakes ports by the railroad industry.

Until reasonable rules of inland access to traffic are developed and equitable rates are provided to the lake ports, Great Lakes-St. Lawrence shipping—and the economic advantage of low cost water transport to the region—will be severely handicapped.

What is the real economic penalty to the region of a declining lake shipping industry? We can get a glimpse of the potential for greater efficiency in some of the proposals that have been made for improved water-rail coordination. The lake ports, for example, will give you chapter and verse on what a tremendous handicap it is to industries within range of the Great Lakes-St. Lawrence system to have to ship their products via east coast ports for export instead of directly via the Seaway. Rail rates are so designed that traffic has to make the long rail haul to the east coast and is burdened by that extra cost, instead of making the relatively short haul to the lake port and maximizing the economic contribution of cheap water transport. How much the manufacturers in Mid-America suffer from the special local transportation burdens they are forced to bear, no one knows. But it is certainly a heavy burden. The practice has chased all U.S. flag international shipping off the Seaway. American steamship lines can't afford to service the Seaway ports when they are subject to the disability of discriminatory rail rates to the ports.

The principle that needs establishing is that the transport resources of the region be used in the most efficient and effective way possible. As the situation is today, industry is foregoing multi-million dollar benefits in increased productivity which would certainly result from improved water-rail coordination.

We have pointed out that only the construction of vessels embodying the most advanced technologies can produce the operating efficiencies and economies which alone hold out a substantial promise of reversing these adverse trends. For example, the most efficient self-unloader today puts 3,000 to 5,000 tons of coal an hour on the shore. New equipment already designed could unload 10,000 to 15,000 tons hourly, drastically shortening vessel time in port, and greatly improving turn-around time and vessel productivity. Such a leap forward in basic efficiency, together with more automated engine rooms, better designed hulls, and many other refinements could, on a new Great Lakes self-unloader built today, make possible a piece of floating machinery at least twice as efficient as the most modern U.S. self-unloader now operating on the Lakes, with concomitant savings of great consequence to shippers and carriers alike. But it is clear that revenues and earnings now in prospect are not sufficient to justify the heavy investment of private-risk capital which is needed for such construction.

The problem of Great Lakes shipping has been studied to death. What is needed is action along relatively simple lines. There is, I believe, a growing realization among the major industries of the Great Lakes-St. Lawrence system that all is not well with the rail and lake services on which they depend. When these industries come to understand the implications of the decline in transport efficiency for future regional growth and development, lake shipping may get some crucial support.

On the key issue of improving productivity by joining the best efficiencies of rail and water, the U.S. lake carriers are engaged in expensive litigation before the ICC to establish the necessary legal framework for non-discriminatory treatment of the lake ports. We expect to win that case. In the meantime we are urging on the ICC specific ideas for savings in transportation costs

through improved coordination. For example, the railroads have so far refused to supply their most efficient unit train service to the lake ports. One of the Great Lakes shipping lines has offered to invest in a unit train for the transportation of coal from the mines to Ashtabula for transshipment beyond by lake vessel. The estimated overall saving in transport costs for the rail-lake service is between 21 and 30 per cent over the present all-rail. We are hopeful that the railroads, the ICC and the State authorities involved will help make their type of money savings improved coordination a pattern for the 1970's.

Our basic approach is that providing transportation in the most efficient manner possible is good for everybody, including the railroads. If, as seems to be the case, growth is slipping away to other parts of the continent, then the railroads are losers along with all the rest of us. It has recently been suggested that the ICC take the leadership in improving coordination of rail and lake service through a process of knocking heads together.

Unquestionably there is a tremendous growth potential for the established Great Lakes-St. Lawrence industrial heartland on both sides of the border. The industries in this region in both our countries are interrelated. Transport efficiency can stimulate or retard every aspect of the regional economy. Without the influence of a revived and expanding lake service it will be impossible to catch up with rising costs of labor and materials and reverse the economic slippage in regional growth.

With revived lake vessel industry, I have no doubt that the continental industrial heartland represented by the States and Provinces surrounding the Great Lakes and the St. Lawrence will develop a surge of dynamism appropriate to its traditional leadership role.

LITHUANIAN INDEPENDENCE

Mr. PROXMIRE. Mr. President, discussing the subject of human rights, I have maintained that the most basic and fundamental human right is the right to life. And it is almost axiomatic to state that the right to liberty, freedom, and happiness is a vital part of the right to life. In the American Declaration of Independence our Founding Fathers declared that the right to life, liberty, and pursuit of happiness was inalienable and the colonists went to war with England to secure it.

Today, February 16, is the 52d anniversary of Lithuanian independence. It is fitting that we in this body remember and pay tribute today to the Lithuanian people whose struggle for freedom has been warmly supported by Americans.

In 1795 Lithuania was annexed by Russia and was dominated by czarist regimes for over 100 years. During this time Russia embarked on a deliberate policy of attempting to obliterate the Lithuanian language and culture and replace it with Russian. The attempt failed. The Lithuanian people resisted Russian cultural genocide. Then in 1915, German occupation replaced Russian domination.

But with the growing European chaos that accompanied the end of the First World War came Lithuania's moment for independence. On February 16, 1918, an elected council proclaimed an independent Lithuanian state based on democratic principles. A brief Russian occupation was followed by a period of full Lithuanian independence during which time Lithuania joined the League of Nations.

In the Second World War Lithuania was occupied by both Germany and Russia. During the war almost all Lithuanian Jews were executed by the Nazis. Though a puppet government declared Lithuania a constituent republic of the Soviet Union in 1940, total Soviet control did not come until the Soviet armies occupied Lithuania in 1944.

In spite of the fact that Lithuania has effectively been raped by the Soviet Union, and though its sovereignty has vanished, we in the United States have never recognized the incorporation of Lithuania into the Soviet Union. We still recognize an independent Lithuania and maintain diplomatic relations with the independent Lithuania State which has a legation in Washington. As Secretary of State Rusk wrote in 1967 to the Lithuanian chargé d'affaires ad interim:

> United States support of the Lithuanian people's just aspirations for freedom and independence is reflected clearly in our refusal to recognize the forcible incorporation of your country into the Soviet Union and in the warm sympathy manifested by the American people in the Lithuanian cause.
>
> In continuing to look resolutely toward a free and independent existence, the Lithuanian people both here and abroad have established a firm foundation for the hope of free men everywhere that the goal of Lithuanian national self-determination will ultimately be realized.

I can but echo the Secretary's sentiments and reaffirm my belief in the basic principles of life, freedom, and dignity for all human beings.

FIFTH ANNIVERSARY OF THE MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Mr. MILLER. Mr. President, in the relatively short time since its establishment on February 15, 1965, the Military Traffic Management and Terminal Service has improved the effectiveness and efficiency of traffic management support of the Nation's Armed Forces through the elimination of duplication. As the newest of the single manager transportation agencies in the Department of Defense, it has brought together functions and resources formerly lodged in a number of agencies.

U.S. Army Maj. Gen. Clarence J. Lang, formerly of Iowa City, Iowa, present commander of MTMTS, has had a varied and distinguished career in the logistics and transportation field. No stranger to Washington, General Lang first served in the Nation's Capital with the Transportation Division, J–4 in the office of the Joint Chiefs of Staff. Two years later, he served as special assistant to the Army's Chief of Transportation and in 1961 became deputy of the Military Traffic Management Agency. A Transportation Corps officer since 1950, he is acknowledged throughout the Military Establishment and industry as one of the country's foremost experts on transportation and traffic management matters. The Nation is indeed fortunate in having in its service Major General Lang.

The fifth anniversary marks a special milestone in the history of the Military Traffic Management and Terminal Service. In this period of trial, the validity of the original concept for MTMTS has been thoroughly tested and proved sound. The experience gained has opened up new vistas and new opportunities for improvements in military transportation service, as well as opportunities for the avoidance of unnecessary cost through skillful management.

It is particularly fitting that we salute the fine record of achievement established by MTMTS personnel during these past 5 years in meeting all Defense transportation requirements thrust upon them.

On February 15, 1965, the Honorable Stephen Ailes, then Secretary of the Army, marked the activation of the Military Traffic Management and Terminal Service, by presenting the agency's charter to its first commander, Maj. Gen. John J. Lane.

The new organization was charged by the Department of Defense with providing "effective, responsive and economical support to the military department, the Joint Chiefs of Staff, the unified and specified commands and other DOD agencies in the areas of military traffic management, land transportation and common-user ocean terminals." Considerable history and a good deal of frenetic planning lay behind that imposing mission statement.

MTMTS was the product of a growing trend toward unification of those functions within the Department of Defense which could be shared in common by the several services. In the years immediately following World War II, a curtailment of wartime defense budgets lent urgent emphasis to intensified management of the resources of the military departments. The duplication and overlapping in the field of transportation were natural candidates for reform. The more idealistic—and simplistic—defense planners envisioned the assignment of the various types of transportation activities—air, sea, and land—to the military departments best qualified to handle them.

The rationale worked well with the assignment of the air transport mission to the Air Force, which gave the responsibility to the Military Air Transport Service, established in June 1948. The following year the Navy's Military Sea Transportation Service assumed the sealift chores for DOD, taking over the world's largest fleet of cargo ships from the Army.

The task of delegating the responsibility for land transportation was not so easily accomplished. To begin with, there was the matter of semantics. "Land transportation" is a misnomer. The definition of the function does not parallel that of air or sea transportation, which are operationally oriented. The term "land transportation," as used by the planners, meant "transportation management within the continental United States," and it was not limited to the earthbound modes of transportation. Moreover the CONUS land transportation manager would not have his own assets, but would rely on commercial carriers for support.

Finally—and most important—the services strongly resisted any plan to divest them of responsibility for managing their own traffic. This resistance was predicated on the concept that traffic

management was inseparable from—and subordinate to—the supply system, and since each service managed its own supply, it followed that each would manage its own traffic.

Although the need for centralized traffic management operations for the Armed Forces was recognized, and strongly recommended, by many prestigious studies, the military departments fought the Korean war without the services of a central traffic manager. Not until the mid-1950's, under the impetus of a "single manager" approach to the consolidated and integrated handling of common military supply and service operations, did the plan to centralize traffic management make significant headway.

On the first of May 1956, the Secretary of Defense designated the Secretary of the Army the single manager for traffic management within the continental United States. Two months later, the Military Traffic Management Agency—MTMA—was established.

MTMA, the first of the MTMTS forebears, was a field activity of the Army's Chief of Transportation. During its 5½ years of operation, the agency not only saved money for the military departments, but went a long way toward overcoming the traditional resistance to the unification of military traffic management.

On January 1, 1962, MTMA became the Defense Traffic Management Service—DTMS—a field agency of the recently formed Defense Supply Agency. MTMA's reassignment stemmed from a move to bring under one organization all of the operating agencies designated as commodity single managers, as well as the various common services directly associated with supply management. CONUS traffic management was one of these services. The mission of the organization remained essentially unchanged, but the Director of DSA replaced the Secretary of the Army as single manager for traffic management.

The transformation of DTMS to MTMTS came about as a result of an interservice study of the CONUS air and ocean terminal system, performed in 1964 at the behest of the Deputy Secretary of Defense. The study team recommended that the traffic management and terminal management functions be lumped under one manager. The concept was approved, and the Secretary of the Army was given the mission. The functions of DTMS reverted to the Army, and a new agency was organized. The terminal management mission was formally recognized by adding two letters to the acronym. MTMTS was born.

The birth was not without its attendant pangs. The intensive planning effort that heralded the acouchement began late in November 1964, under the aegis of the Army's Chief of Transportation. In mid-December the DTMS commander, Maj. Gen. Rush B. Lincoln, Jr., who had been named commander-designate of the new agency, took charge of the planning effort. Upon his retirement at the year's end, he was succeeded as chief planner by General Lane.

The planning group concerned itself with identifying the functions that MTMTS would undertake, and the organization that would best fit its needs.

General Lane had succinct guidance for his task force:

> We'll be living with the products we're producing today, so we'll have a good yardstick to see how well we do. Do your job well and do it simply.

The measure of the degree to which the planners heeded General Lane's instructions can be found in the record of accomplishments compiled by MTMTS in its first 5 years of existence.

By coincidence, MTMTS' formative years paralleled those of the intensification of the war in Vietnam. The MTMTS staff was denied the luxury of leisurely trial and error as they honed the command's capabilities. The necessities of supporting the burgeoning war machine in Southeast Asia were superimposed on the task of refining the structure and performance of the agency.

A glance at some of the salient statistics is enough to illustrate the quantum jump in the MTMTS workload due to the Vietnam conflict:

CONUS passenger travel, which had stabilized at 4½ million military travelers in the 2 prewar years—fiscal years 1964 and 1965—climbed to 7.2 million passengers in fiscal year 1967, before beginning a gradual reduction.

The number of passengers moving overseas jumped from less than 200,000 in fiscal year 1965 to well over 800,000 in fiscal year 1969.

From fiscal year 1965 through fiscal year 1968, the number of military freight shipments increased 15 percent, vehicle tonnage increased 47 percent. The percentage of shipments directly controlled by MTMTS during the 4-year period increased from 16 to 22.5 percent, while MTMTS control of costs climbed from 75 to 84 percent. Throughout the period MTMTS controlled tonnage amounted to more than 96 percent of defense shipments.

The ocean terminal workload in fiscal year 1968 approached 22 million tons, more than 2½ times the fiscal year 1965 figure.

Statistics like these, in and of themselves, mean little. Stack them against the economies achieved and the management practices instituted by the MTMTS staff, and an impressive picture results.

Freight traffic management savings for fiscal year 1968 totaled more than $138 million. For fiscal year 1969 the figure jumped to $184 million, an all-time high.

Passenger traffic management improvements produced cost avoidances of $13 million in fiscal year 1968; over $12.5 million in fiscal year 1969.

Defense shipper services realized more than $2 million in cost avoidances in fiscal year 1969, thanks to MTMTS customer assistance efforts. That figure seems slight in comparison with the $2 billion expenditure that MTMTS influences annually, but the share of those savings that accrued to each of the individual shipper's transportation budget was highly significant.

Increased use of containers, including participation in a successful test of the use of containers to transport ammunition; development of a program to consolidate small freight shipments and establishment of consolidation centers; negotiation of a rail tariff to move unit impedimenta at a single rate; sponsorship of a program to move household goods by air to oversea destinations at less than surface costs—these are a few of the management techniques that have highlighted MTMTS' first half decade.

The initial 5 years also witnessed important developments in internal resource management. Nonessential subordinate elements or staff agencies were eliminated or consolidated. Operating procedures were streamlined. Great strides were made toward development of an automated data processing system—acronymed AUTOSTRAD—to support the various phases of MTMTS operations.

General Lane retired from the Army in April 1969, passing the MTMTS helm to Maj. Gen. Clarence J. Lang. General Lang, who had been a charter member of the initial MTMTS study group, immediately made it clear that he would expand upon the initial gains made by MTMTS.

In his first public appearance after taking command, General Lang spoke of his intent to establish better dialog between and among MTMTS, the Nation's transportation industry, and the other defense single managers:

> I intend to do everything in my power to strengthen the kind of teamwork which improves our defense transportation capabilities and posture.

With those words, General Lang established the tenor of his command philosophy. In subsequent discussions with his commanders and directors, he elaborated upon his blueprint for the future: Better management of military transportation operations; reduction of the transportation cost component of the total delivered costs of commodities; in cooperation with the other transportation single managers to upgrade the defense transportation system; strengthening the technical base of the installation transportation officer operations; improving the quality of personal property moving and storage services—an objective of primary concern to all military service members—making MTMTS pay its way in the Defense Establishment.

These goals will guide MTMTS in the 1970's, as it builds on the firm foundation of the first 5 years.

INVESTIGATION OF UMW ELECTION BY SUBCOMMITTEE ON LABOR

Mr. JAVITS. Mr. President, an editorial in the February 9, 1970, issue of the New York Times calls attention to the investigation of the recent United Mine Workers election already commenced by the Subcommittee on Labor under the chairmanship of the Senator from New Jersey. While I have previously voiced my concern that the investigation be conducted without prejudicing any possible future litigation, either in connection with the election or the tragic murder of Joseph Yablonski, I have no doubt that a properly conducted investigation is warranted, among other things to ascertain if there are weaknesses in present

law, particularly the Labor-Management Reporting and Disclosure Act, which need correction. I also call the Senate's attention to the part that the Subcommittee on Labor also intends to investigate thoroughly the abuses which have been claimed to exist in the UMW and other pension and welfare funds. This is a subject in which I have long been interested and concerning which I have authorized comprehensive legislation; namely, S. 2167.

Mr. President, I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROTECTING UNION DEMOCRACY

The Democratic leadership in the Senate has wisely decided to authorize a broad inquiry into legislative questions raised by the murder of Joseph Yablonski. The mine union insurgent died believing that his challenge of abuses in the United Mine Workers had been frustrated by the Labor Department's highly legalistic interpretation of its obligations under the union democracy provisions of the Landrum-Griffin Act.

More than a decade has passed since the law was put on the books, and the country will benefit from an open appraisal of its strengths and weaknesses.

The inquiry will be conducted by a Senate Labor subcommittee headed by Harrison A. Williams Jr. of New Jersey, whose thorough investigation into the condition of migrant farm laborers indicates that the Yablonski study will be at once rigorous and constructive.

THE CHOCTAW INDIAN TRIBE

Mr. HARRIS. Mr. President, I shall introduce, for appropriate reference, a bill to repeal the act of August 25, 1959 (73 Stat. 420), as amended. This act, as originally passed, provided for the termination of the Choctaw Tribe, one of the five civilized tribes, over a 6-year period and set forth the manner in which disposition of the property belonging to the tribe was to be made. The termination has, by subsequent legislation, been extended to August 25, 1970.

Termination of the Indian tribes became popular during the 1950's and became the policy of the Federal Government. Fortunately the desire to see such a policy implemented weakened during the 1960's, although from time to time mention is made of terminating the Indian tribes. We have begun to realize, and hopefully this realization will be stronger in the 1970's, that our efforts should be directed at affording Indians in all respects of their lives a greater degree of self-determination. Not only is this the right thing to do, it is by reason of treaties our responsibility to not terminate the Indian tribes but to assist them by providing educational and health assistance that will enable them to decide their own future.

Although the Choctaw Tribe is one of the five civilized tribes, it is the only tribe that faces termination. There is nothing in the historical background, nor do present circumstances dictate, that the Choctaw Tribe be treated differently and be terminated. The principal officer of both the Choctaw and the Chickasaw Tribes—the Chickasaws are affected by the required sale of jointly owned property—members of the tribes, and the Oklahoma congressional delegation, support this legislation and strongly oppose termination of the Choctaw Tribe.

If termination occurs, there are those who interpret the 1959 act as completely eliminating the rights of the individual members of the Choctaw Tribe to health, educational, and other benefits they have been receiving and which members of other tribes will continue to receive. While I do not agree with this legal interpretation, the threatened loss of these much needed services is causing great concern.

There is nothing to be gained by terminating the Choctaw Tribe. Confusion and suffering will be the result. I, therefore, urge prompt action on this bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

CALL OF THE CALENDAR

The PRESIDING OFFICER. Under the previous order, the clerk will report the first resolution.

AERONAUTICAL AND SPACE SCIENCES COMMITTEE

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 659, Senate Resolution 332, to authorize additional expenditures to the Aeronautical and Space Sciences Committee for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Aeronautical and Space Sciences to expend not to exceed $40,600 during the current investigative year for inquiries and investigations.

During the last session of Congress $40,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $26,074. The pending request represents an increase of $600 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 332 with an amendment which would revise the title only.

Senator ANDERSON is chairman of the committee, and Senator SMITH of Maine is the ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to as follows:

S. RES. 332

Resolved, That the Committee on Aeronautical and Space Sciences, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the aeronautical and space activities of departments and agencies of the United States, including such activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. (a) For the purposes of this resolution the committee is authorized, from February 1, 1970, through January 31, 1971, inclusive, to (1) make such expenditures as it deems advisable, (2) employ upon a temporary basis and fix the compensation of technical, clerical, and other assistants and consultants, and (3) with the prior consent of the head of the department or agency of the Government concerned and the Committee on Rules and Administration, utilize the reimbursable services, information, facilities, and personnel of any department or agency of the Government.

(b) The minority is authorized to select one person for appointment as an assistant or consultant, and the person so selected shall be appointed. No assistant or consultant may receive compensation at an annual gross rate which exceeds by more than $2,700 the annual gross rate of compensation of any person so selected by the minority.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $40,600, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on Aeronautical and Space Sciences for inquiries and investigations."

COMMITTEE ON ARMED SERVICES

The resolution (S. Res. 331) authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations was announced as next in order.

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 39 Leg.]

Allen	Griffin	Saxbe
Allott	Holland	Schweiker
Bellmon	Inouye	Scott
Boggs	Jordan, N.C.	Sparkman
Byrd, W. Va.	Jordan, Idaho	Stennis
Church	Mathias	Talmadge
Cotton	McClellan	Thurmond
Ellender	McIntyre	Williams, Del.
Ervin	Pastore	Young, Ohio
Goldwater	Prouty	

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from

New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. SPONG), and the Senator from Montana (Mr. MANSFIELD) are necessarily absent.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Anderson	Hatfield	Nelson
Baker	Hollings	Packwood
Bayh	Hruska	Pell
Bennett	Hughes	Proxmire
Byrd, Va.	Javits	Randolph
Cannon	Long	Russell
Cook	McCarthy	Symington
Cooper	McGee	Tower
Eagleton	Miller	Tydings
Eastland	Mondale	Williams, N.J.
Harris	Moss	Yarborough
Hart	Murphy	
Hartke	Muskie	

The PRESIDING OFFICER. A quorum is present.

WAIVER OF 5-MINUTE LIMITATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the consideration of the various money resolutions today, the 5-minute limitation under rule VIII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Chair recognizes the Senator from North Carolina.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. Mr. President, I yield to the Senator from Delaware.

SENATE RESOLUTION 332

Mr. WILLIAMS of Delaware. Mr. President, I notice in calling attention to Calendar No. 659, Senate Resolution 332, that last year this committee expended $26,074. This year they are asking for $40,600, which is an increase over their expenditures last year of $13,926. I wonder why this additional amount of approximately 40 percent more than they spent last year is requested.

Mr. JORDAN of North Carolina. They have asked for two additional employees this year. They asked for only $600 more. They turned back part of their money last year.

Mr. WILLIAMS of Delaware. That is correct; last year they requested $40,000 and spent $26,074. This year they have asked for $40,600. Why is this increase needed?

Mr. JORDAN of North Carolina. They appeared before the committee and requested two additional staff members. That was the reason for that.

Mr. WILLIAMS of Delaware. I notice, with respect to the next resolution listed, No. 331, Calendar No. 660——

Mr. JORDAN of North Carolina. Would the Senator mind taking these in order?

Mr. WILLIAMS of Delaware. That is the next one.

Mr. JORDAN of North Carolina. Which number was that?

Mr. WILLIAMS of Delaware. Senate Resolution 331.

Mr. JORDAN of North Carolina. Would the Senator mind if I made my general statement before we get into these individual items?

Mr. WILLIAMS of Delaware. Surely.

Mr. JORDAN of North Carolina. Some Senators may not know why we are here. I think all Senators are interested in these items.

Mr. President, for the information of the Senate, 35 resolutions providing funds for various committees and subcommittees of the Senate to conduct inquiries and investigations for the coming year were referred to the Committee on Rules and Administration. That committee held 3 days of hearings at which representatives of the committees and subcommittees involved testified in support of the funds requested. In addition, the Senate Committee on Rules and Administration required written justification and budgets on each proposal.

More often than not in the past, the Rules Committee has amended many of the so-called money resolutions to reduce the amounts requested. This year, all 35 resolutions have been reported unanimously without reduction. The total amount involved in the pending resolutions is $8,414,300, which represents an increase over the total authorization for similar purposes last year of $974,300.

The reasons for the increase or decrease in the amounts requested by specific committees and subcommittees will become apparent as each resolution is considered, but I feel that a few general observations would be appropriate at the outset.

The largest single factor contributing to the higher amount requested this year is the significant increase in staff salaries granted by Congress last year, and the concomitant increases in contributions required for various employee benefit programs, plus the larger per diem allowance recently enacted for official travel.

As Senators know, that allowance was increased from $16 a day to $25 a day, which was in line with what they were doing in the House of Representatives.

The Rules Committee understands that the sums asked for had the complete approval of both the majority and minority members of the committees involved. In one instance, the Committee on Government Operations combined two subcommittees, resulting in a substantial savings of funds. In another instance, involving the Committee on Labor and Public Welfare, a subcommittee which was separately funded last year has been discontinued.

Admittedly, there are instances of new or expanded proposals requiring funding on a higher level than during the previous year. I have in mind the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare, which seeks $135,000 of that committee's total budget. That is a new committee which was formed this year, and which I think can justify the amount asked, because it deals with very important questions of public concern today. The Subcommittee on Air and Water Pollution of the Committee on Public Works seeks $163,500. This is another new subcommittee.

The interest of the public, the administration, and Congress in these vital and timely subjects convinces the Rules Committee that the funds sought should be allowed.

In keeping with long-established practice, the Subcommittee on Privileges and Elections has requested $150,000 for potential election year needs. Past experience has demonstrated the wisdom of having this money available during election years to enable its minimal staff to be expanded, as and if need arises, to investigate election complaints, or election contests which might include frauds. In the absence of such eventualities, it is anticipated that at least one-half of the requested sums will be returned to the Treasury. Over half of it was returned last year.

At this point, Mr. President, I would like to invite the attention of the Members of the Senate to the large committee-print table dated February 9, 1970, and entitled "Senate Inquiries and Investigations," a copy of which has been placed on each desk in the Chamber. In concise but complete form, this table gives all of the essential financial information concerning the 35 resolutions pending before the Senate.

As each individual resolution is called in calendar order, I plan to make a brief statement and then yield temporarily to the chairman of the particular committee concerned, if debate is desired, or if Senators desire to ask questions.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield.

Mr. WILLIAMS of Delaware. I am raising the questions on these resolutions because while the Senator has pointed out that the salary increases would justify a part of these increases they would not explain all. I invite attention to the fact that these salary increases went into effect for most of last year, so the committees are operating on pretty much of a comparable basis.

Taking these committees as a whole, I note that Senators are asking for $1,594,370 more to run these same committees this year, 1970, than was spent last year. Can the excuse be that this is an election year? Congress will not be in session as long as it was last year. Most of the Members will be back home campaigning, and certainly none of this committee money should be used for campaign purposes. Therefore, I am wondering how these increases can be justified when this year they will only be operating for about 9 months.

As I mentioned earlier, the resolution that was reported previously calls for a 40-percent increase over last year's expenditures. With respect to the pending resolution, Senate Resolution 331, $225,000 was requested for 1969. The committee spent $223,303, and this year they are asking for $300,000, a 33⅓-percent increase.

Could we have an explanation as to why this increase will be needed?

COMMITTEE ON ARMED SERVICES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of Calendar No. 660. Senate Resolution No. 331, authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations.

Mr. JORDAN of North Carolina. The Senator from Mississippi (Mr. STENNIS) is in the Chamber, and he will speak to this matter, because he is chairman of the subcommittee.

I wish to point out one thing. The Senator from Delaware has stated correctly the situation as to the staff salary increases. However, that was up to July 1 of last year. This increase will be for a full year.

Mr. STENNIS. That is correct.

Mr. JORDAN of North Carolina. It will be for a full year, and it includes insurance and retirement fund payments. The other was for a half year.

I ask Senator STENNIS to explain that.

Mr. STENNIS. In the first place, this is an additional staff that the Committee on Armed Services has to have in order to carry out its functions. Instead of being overstaffed, we are still understaffed by ordinary standards. Some changes have been made in the staff, which required higher salaries. We had to direct more attention to what I call the budget items, more attention to in-depth probing of a great many of these funds.

Senators will recall that last year the matter of the authorization bill for military hardware was debated on the floor of the Senate for 8 weeks, lacking 1 day—8 weeks of active debate. That does not include the 3 weeks during which the Senate was in recess. A very serious challenge was made to a great many of the weapons, in addition to the ABM, which was a new system, to a degree. That bill went to conference, and we did not complete action on it until approximately the first of October. We had an item in there for $8 billion for the broad category of research and development, and we went into it in depth, as much as time would permit.

We started immediately then to get ready for this year. I was not satisfied with the lack of some information. We employed a man who is greatly experienced in this field.

With reference to the items, there is some difference of time. This budget covers a greater period of time. Some of the salaries are higher, and I am totally responsible for that. As a matter of judgment, we do not have more employees—that is, we will not have, when we make this adjustment.

With respect to it being a campaign year, no one has been put on here with reference to an election year. We have a vacancy on the staff. It is not budgeted here. We are not trying to add.

I think an examination will show that there has been rather frugal application of these expenditures. We have held them down all year, as heretofore, as much as we could. There is no rubber in it. We have always turned back an appreciable sum of money, until this year, and we barely had enough.

I promise a continuation of the frugal administration of the expenditure of this money. I believe it is the minimum we could ask for and have enough with which to do the job assigned.

I did notify the Rules Committee that we might have to ask for more, because extraordinary things come up. This year we are handling the Selective Service Act, which does not come up every year. We are going to have the matter with reference to the carrier. We are going to have the usual inquiries, very valid inquiries, and a contest on the floor about some of these items. I think it is a very restricted and Spartan type budget.

Mr. JORDAN of North Carolina. I might add to what the Senator has said that his request came to our committee unanimously approved by his committee, which included the distinguished Senator from Maine, the ranking minority member. We thoroughly went over the testimony, oral and written, and reported the matter, and I move the adoption of the resolution.

Mr. ELLENDER. Mr. President, I should like to say a few words before any of these resolutions are agreed to.

As Senators well know, I have been interested in these increases from year to year for quite some time. Back in 1946, as some will remember—and others will read about it—Congress saw fit to reorganize the Senate committees. At that time, we had, as I recall, 37 standing committees. The number of employees at that time, according to Dr. George Galloway in his book entitled "Congress at the Crossroads"——

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, H.R. 514.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the further consideration of the money resolutions on the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

COMMITTEE ON ARMED SERVICES

The PRESIDING OFFICER. Without objection the Senate will resume the consideration of the resolution (S. Res. 331) authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations.

Mr. ELLENDER. Mr. President, as I was saying, according to Dr. Galloway, the number of employees for all the 37 committees amounted to 259. At that time, it was thought that we could save money by reorganizing the Senate committees. As the Reorganization Act of 1946 indicates, we reduced the number of committees from 37 to 15. The Reorganization Act provided for 10 employees for each committee, or a total of 150 employees. Each committee was allowed four specialists and six clericals.

It was thought at that time that the number provided was sufficient; but, Mr. President, following adoption of the Organization Act, subcommittees were formed of the standing committees so that today we are spending many more millions of dollars than we spent prior to the Reorganization Act of 1946.

The number of legislative employees has increased from 259, prior to the Reorganization Act, to over 700 employees at this time.

Mr. President, no wonder we had to build a new Senate Office Building at great cost. No wonder we had to make use of every nook and corner in the Old Senate Office Building in order to provide space for the numerous committees.

Mr. President, the personnel and expenditure figures have been on the rise since the new act went into effect. For instance, it will be found that in the past few years the number of regular employees for the standing committees has increased from 150 to 234, and that the number of employees for "Special Inquiries and Investigations" has increased from zero to 446, up to now.

This year alone, we are increasing the number of employees by 22, according to the information that was handed to me by one of my assistants. So that, Mr. President, we have now a complement of 234 employees for the standing committees instead of the 150 which the Reorganization Act provided when it passed the Senate.

(At this point Mr. INOUYE took the chair as Presiding Officer.)

Mr. ELLENDER. Mr. President, the amount of funds appropriated for these

purposes has grown enormously. During the 89th Congress, we spent over $12 million in order to provide for the operations of all the committees. Last year, we authorized in excess of $7 million for the first session of the 91st Congress. This year, for the second session, we are authorizing in excess of $9 million. So that for the total Congress, that is the 91st Congress, the authorization is in excess of 40 percent over and above what was provided during the 89th Congress.

It strikes me that something should be done about that. We cannot continue to increase the number of employees unless we make up our minds to provide more space for them; and that, Mr. President, will be most expensive.

I objected strenuously for quite some time—I believe 7 years—against the construction of a new Senate Office Building. I proposed at the time that we make use of all space available in the Old Senate Office Building in order to provide for many offices. Then, since it was the intention of Congress to extend the east side of the Capitol, we were able to provide for some 50-odd additional offices to meet future demands.

But, Mr. President, because of the vast increase of employees on Capitol Hill we not only have used up every nook and corner in the Old Senate Office Building but we have also provided for a New Senate Office Building which is fully occupied, and on top of that we have added the extension of the east front of the Capitol.

Now there is a move on to add on to the New Senate Office Building. We are now in the process of buying more property in order to expand construction in that area so as to take care of many of the employees we now have on hand.

Mr. President, as I have often stated on this floor, all of the subcommittees or most of them, were more or less created on a temporary basis. Now they have become permanent, in fact, if not in legislative authority.

It will be recalled that last year we created the Select Committee on Nutrition and Human Needs. The Committee on Rules and Administration provided $150,000, as I recall, to pay for the expenditures of that committee. The proponents of this select committee came on the floor and said:

> We do not have enough funds. But if you give us $250,000, we will have enough to complete this work by December of 1969.

I am sure that few Senators are surprised that this committee desires to renew its mandate. It wants to delve into the work of many other committees, particularly welfare. And it is asking, as I recall, for $246,000 additional to maintain the work of the committee.

Mr. President, I could cite the creation of many other committees that were organized to sit for a year or two to complete some very important work that was suggested by their proponents. We could take the Juvenile Delinquency Subcommittee which I have so often mentioned here. The original proponent of that committee, the former Senator from New Jersey, stated in the 1950's:

> Give us $150,000 to $200,000 and we will get enough information to justify the Judiciary Committee enacting laws that will help in solving the problems of juvenile delinquency.

Mr. President, that committee has been going on and on, and we have spent in excess of $2 million for that committee. And it is still going on and on. I presume that unless the Senate puts its foot down, the Select Committee on Nutrition and Human Needs will barge into the business of every committee on the Hill, except perhaps for the Committee on Agriculture and Forestry.

I am the first to admit that I serve on that select committee. It did a good job, not in providing new legislation, but in awakening the people as to the need for more food and fiber to help the poor. Because of the action of that select committee, other committees got busy. We have now provided more and more funds to help provide food for the poor. I refer especially to the food stamp program. That program was enacted by the Senate last year.

I thought that the Committee on Agriculture and Forestry had done a good job in tripling and quadrupling many of the amounts provided heretofore. But lo and behold, when that committee came before the Senate, although the report on the bill that came from the Committee on Agriculture and Forestry was voted unanimously, except for the vote of the chairman of the Select Committee on Nutrition and Human Needs, the Senate went off the track and provided about twice as much money as could be spent by the Department. We did this notwithstanding the fact that we had before us many witnesses to testify that the amount provided in the original bill by the committee was sufficient and was all that could be spent by the Department.

When the bill was considered in the Senate, the amounts were raised considerably, and the bill is now before the House. I doubt that it will be enacted. In fact, I am sure that it will not be enacted in its present form. As a result, we still have no adequate bill.

If the Senate had acted more in accord with what the Committee on Agriculture and Forestry had suggested, it is my belief that in all probability the bill would have been enacted in the House. But it is lingering there, and it will stay there.

Mr. President, I wonder what will happen to our housing and welfare programs if the Select Committee on Nutrition and Human Needs goes into those areas. I know that much attention has been given to the housing proposals by the Committee on Banking and Currency. I am also aware of the fact that the Labor and Welfare Committee has done good work in that direction. But now that another committee imposes itself on what the standing committees are doing with respect to housing, welfare, and many other programs it strikes me that the continuation of this good work will be hindered, rather than aided.

Mr. President, at the proper time, I am very hopeful that the Senate will refuse to extend the select committee. I think its job of looking after nutrition and human needs—for which it was originally created—has been accomplished. However, I assume that we have quite a few eager beavers who are most anxious to see that the program continues. I think it employs 18 people, who are, of course, anxious to retain their jobs.

The Senate will have a chance today to see whether we should vote this committee out.

I repeat what I said a while ago. I am going to read from the RECORD wherein it was stated "Give us the amount of money we are asking for today, and we expect to complete the job in 1969." I think the Senator from Illinois (Mr. PERCY), is the one who led the fight on that matter.

As in the case of many other committees, they are back for more money and hope to expand their work and extend into the jurisdiction of almost every committee on the Hill.

I do not know of any more work that could have been done on housing than has been done by the distinguished Senator from Alabama (Mr. SPARKMAN). He heads a special committee and is getting money for that special committee to study further the matter of housing. Yet, the special committee that was organized for the purpose of studying nutrition and human needs now barges into that field.

I presume they will go in and take pictures showing the houses in which these poor people are living and make headlines. That is a great story and it places a lot of fine people on the front pages of our newspapers, and on the television sets of the Nation.

As I pointed out before when the committee was first organized, the Committee on Agriculture and Forestry was holding hearings on the food stamp program. We intended to hold hearings on the school lunch program which is now before the Senate. A good, responsible bill has now been reported. Many Senators are complaining about the work they have. Of course, it continues to multiply and if they continue to form these various committees the work will continue to increase. I know that. As chairman of the Committee on Agriculture and Forestry and a member of the Committee on Appropriations I have almost all the work I can do. But I have found time to be active on the committee which is headed by the Senator from South Dakota (Mr. MCGOVERN). I think I have attended more hearings than any other member of the committee in order to find out what could be done in assist the poor.

Mr. President, when the resolution for that particular committee is called up I hope to present more facts on its operation. I want to give notice that I hope to have a rollcall on that measure. I want to see how Senators stand on this proposal, particularly in light of the fact that the proponents of this resolution said solemnly to us last year, "We can get through this year."

Mr. President, I repeat that the number of people employed has been increasing from year to year. According to the budgets I have before me and the analysis made by one of my assistants we are adding 22 people more than we now have on the payroll. The amount of money that is being asked for those special committees for the second session of the 91st Congress is over $2 million more than during the first session.

I am sure that it will be said that much of this money we are authorizing will be turned back to the Treasury. That may be true and I know some committees do that. The fact is that if we desire to economize and make the Senate a more effective, better organized body, this is the place to start.

Mr. President, I do not want to talk too much about the operation of the Committee on Agriculture and Forestry, of which I am the chairman. I simply want to refer to it as an example of what might be done by other standing committees. I have been chairman of the Committee on Agriculture and Forestry longer than any other man in history. I am entitled to select four specialists. I have fewer than that. I believe sincerely I get more work out of the specialists on hand than I would if I employed the limit. I have learned since I have been on the Hill that if you employ two lawyers on a committee and two economists on a committee they will be passing the buck to each other. Neither group will do any work; but if the work is centered on one group and they are told what is to be done, it will be done.

Aside from that, in the Reorganization Act of 1946 we provided for a special section to be created in the Congressional Library to serve all Senators and all Members of the House of Representatives. We started out, I believe, with 235 members in the Legislative Reference Service to get information for all committees and for all Members of Congress. Today that section has increased to about 350 people. That is where the information can and should be obtained. I know that is what I do as chairman of the Committee on Agriculture and Forestry.

The Senator from North Carolina knows we have four subcommittees. I compliment him because he is a chairman of one of the subcommittees. We do not have other people coming there to work; Senators do the work. Senators who are chairmen of subcommittees do the work. They get the information through the staff of the Committee on Agriculture and Forestry. I think a good job is done. It is my sincere belief that if more Senators did their work on committees we would need fewer subcommittees.

I do not want to take a dig at the Committee on the Judiciary, as I have in the past, but that committee provides a subcommittee for every member of the committee, Republicans and Democrats. Their budget is about one-third of the amount that is being asked for here today.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BYRD of West Virginia. What does the Senator mean when he says that the Judiciary Committee provides a subcommittee for every member of the committee?

Mr. ELLENDER. A subcommittee.

Mr. BYRD of West Virginia. What does the Senator mean by that?

Mr. ELLENDER. Well, each committee has a staff. I know that was the case up until last year; I do not know what it is today.

Mr. BYRD of West Virginia. But the Senator said the Committee on the Judiciary provided a subcommittee for every member of the committee.

Mr. ELLENDER. Each member of the committee is the head of some subcommittee.

Mr. BYRD of West Virginia. The Senator is in error.

Mr. ELLENDER. How many are there?

Mr. BYRD of West Virginia. I am a member of the Committee on the Judiciary, and I have no subcommittee.

Mr. ELLENDER. The Senator must be low in committee seniority.

Mr. BYRD of West Virginia. I may be, but I am a member of the Committee on the Judiciary.

Mr. ELLENDER. I know, but up until last year all the members headed some subcommittee of that committee. I hope there has been a change of heart. I will correct the RECORD if I am wrong, but I was informed to that effect.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McCLELLAN. There are only 15 subcommittees; there are 17 members. Some of the members of the committee are chairmen of two or more subcommittees so each member is not in charge of a subcommittee. That is what I wanted to correct.

Mr. ELLENDER. But that committee has various subcommittees and each has a staff of its own.

Mr. McCLELLAN. But the record should show that the committee processes about one-half of the legislation that comes to the floor of this body.

Mr. ELLENDER. I have to say that as chairman of the Claims Committee before reorganization I handled most of that work, because most of it is claims. Now they have added other duties to the committee, such as immigration. If the Senator considers all this casework, I agree with him, but as chairman of the Claims Committee of the Senate, back in 1946, I handled about 52 percent of all the claims that came before the Senate, and I had one clerk. That clerk and I did all the work. I assigned to each Senator so many cases to handle. They obtained reports from the department affected. They received reports from the Post Office Department, or perhaps the Commerce Department, or wherever any claims originated. We were able to get those departments to furnish us the bases for the claims proposed.

But what is the case today? A special subcommittee handles all of that here. I think there are four lawyers on it, if I am not mistaken. There are several clerks on it. The same thing occurs with respect to the Immigration Subcommittee. There are three or four lawyers attending to that work. I understand a special division has been created in the Department of Justice to handle a good many of the claims against the Government, as well as the immigration cases.

It is true that the work has increased greatly. I am not taking issue with that statement, but my good friend from Arkansas has raised the point that the Judiciary Committee handles over 50 percent of the bills handled in this body. I agree, but many of those bills involve small claims and cases involving the immigration of Tom Jones or Bill Smith who wants to come into this country. If a proper showing is made, he is admitted. Those are Senate bills, of course, but they are minor bills.

When I consider the number of personnel now employed to do the work that I or my committee did prior to 1946, there is a big difference. That is what I am complaining about. It strikes me that too much of the work is being done by employees rather than by Senators.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McCLELLAN. The Senator emphasizes that half the bills—and I am not sure it is that many—are private claim bills. It is true that they do not necessarily take as much time as other bills, but processed through the Judiciary Committee are some of the most important and most highly controversial pieces of legislation handled by this body. We handled two crime bills this year and two last year that were very complicated. Besides that, we have to consider all the constitutional amendments. We have one before us now that is highly controversial, and much work has been done on it.

I am not the chairman of the Committee on the Judiciary, but, as a result of my work on it, I know the workload has increased considerably since my friend from Louisiana was a member of it prior to 1946.

Mr. ELLENDER. I never was a member of the Judiciary Committee.

Mr. McCLELLAN. I may have misunderstood the Senator.

Mr. ELLENDER. No; the Claims Committee. That was a separate committee.

Mr. McCLELLAN. I think I can assure the Senator that the number of claims has increased greatly as our Government has grown. Our Government is two or three times as large as it was. With the growth of government, the workload grows.

I do not have to defend the work of the Judiciary Committee, but I think we should keep some of these questions in perspective. I think I shall be able to show that in our subcommittees we have reduced not only the amounts of money requested, but the personnel, by consolidating the workload of the subcommittees, which has been increasing.

If just the staff of the full committee were assigned to do the work of the committee, it would be a task that would be humanly impossible. It could not possibly be done.

Mr. ELLENDER. I realize that, I may say to my friend from Arkansas. I know the workload has increased considerably. But the force necessary to take care of the increased load has, in my opinion, grown out of all proportion compared to what it was in 1946.

I have no doubt that more claims have been presented to the Senate because of our growth. What I am saying is that the growth of the claims has not been in proportion to the number of people hired to do the work. There is a special department in the Judiciary Committee to handle all of this. I did not have that. We had to depend on people in the various departments to furnish us with

information. But here we have all of these subcommittees, who are provided all of the facts. They are staffed by competent lawyers. I do now know how many there are, but there are quite a few. Most of the work is done by those lawyers. It is my belief that we simply have too many subcommittees. If we continue increasing them and keep them going, we are going to have to build another Senate Office Building in the next few years. There is a cry for space now. There is a move on to add to the New Senate Office Building. I am sure my good friend from North Carolina knows about that. It has been requested of him. I would not be a bit surprised if, within the next couple of years, we have another addition made in order to take care of the new employees we are providing for each year.

All I am asking is that if we are going to talk about practicing a little economy, we ought to set a good example here in the Senate. The President is urging economy to fight inflation. We ought to set an example in the Senate and try to do our work within reason.

When the number of our employees have almost doubled within the last 4, 5, or 6 years, I think it is something that we ought to look into before we keep on increasing them.

As time goes on, I hope we can find from the chairman of the committee why we have had this increase in new employees. Why was it necessary? I hope the Rules Committee has gone into that question in order to justify the amount requested.

The PRESIDING OFFICER. The question is on agreeing to Senate resolution No. 331.

Mr. PELL. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I will yield in just a moment. Just before the Senator makes his remarks, we had up for consideration the resolution relating to the Armed Services Committee, Senate Resolution 331. I move that it be adopted. The Senator from Mississippi (Mr. STENNIS) has a committee meeting. I move the adoption of Senate Resolution No. 331, relating to the Committee on Armed Services. It is Calendar No. 660.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. ELLENDER. Just a moment, Mr. President.

Mr. JORDAN of North Carolina. It is Calendar No. 660, Senate Resolution 331. The Senator from Mississippi (Mr. STENNIS) spoke on that.

Mr. ELLENDER. I was here when the Senator spoke a while ago. I just want to ask a question or two.

Mr. JORDAN of North Carolina. Very well.

Mr. ELLENDER. I understand the number of employees now requested is 20 or 21.

Mr. JORDAN of North Carolina. Eleven. This is for the subcommittees.

Mr. ELLENDER. Is that one more employee?

Mr. JORDAN of North Carolina. That is correct.

Mr. ELLENDER. The budget last year was $225,000.

Mr. JORDAN of North Carolina. That is correct.

Mr. ELLENDER. And it is now $300,000.

Mr. JORDAN of North Carolina. Yes.

Mr. ELLENDER. Is that necessary for one employee, or why do we have a request for $75,000 more?

Mr. JORDAN of North Carolina. I will let the Senator who made the request reply to the Senator's question.

Mr. ELLENDER. All right.

Mr. STENNIS. Mr. President, if the Senator will yield to me, all of the facts in connection with this matter are fully set forth in a statement before the Rules Committee. I have a condensed statement here with reference to the amount of the increase.

For salaries we have an increase, in round figures at this time, of $66,000 above last year. However, the salaries for last year ran somewhat over the estimate. We took care of a 6-month salary increase in last year's budget. We have to take care of a 12-month increase in this year's budget.

Even though there are no changes in the total number of the staff except this one secretary, the men who are being taken on command a larger salary than heretofore. They are experts in their fields. They both came out of an experience and background of budget preparation.

This resolution we are discussing now took 8 weeks of hearings, as I have said, less actual debate—a great deal of time in conference, a great deal of time in hearings, and intensive preparation.

Since there is $8 billion budgeted for research and development, we regarded the specialist on that program as a seriously important man; and he began work on it soon after the bill was finished last year.

We had two men carried over for 2 additional months in this transition period. That also makes up a part of this $66,000. We have two men for the entire year this year, who, one might say, oversee staff members and have oversight of these items on the budget.

These are large contracts. These men are with us on a reimbursable basis from the General Accounting Office. They are some of their very top men, and have to know what they are doing.

Mr. ELLENDER. Mr. President——

Mr. STENNIS. I am accounting for the increase that was the subject of the Senator's question.

Mr. ELLENDER. The question was, they had 10 employees last year, and they have 11 now. They are asking for 11?

Mr. STENNIS. Yes.

Mr. ELLENDER. How many of the 10 are part of the 11 now on the payroll?

Mr. STENNIS. There is one increase, and that is all. I have just been explaining that two of those are not going to be with us any more, but are carried over for 2 months.

Mr. ELLENDER. Are they included in the 10 that they already have?

Mr. STENNIS. I do not know just where the Senator got the 10, but there are two more who are not going to be with us any more, carried for 2 months in this budget, and that accounts for part of the difference. They have already been replaced; the new members are already on the staff. So that makes it two additional staff members for these 2 months. Then we have this extra secretary.

Then we have to take care of this increased pay. The general increase we took care of for only 6 months last year; we will have to take care of it for 12 months of this year.

We have included $5,000 extra for the contribution to the civil service retirement fund. That is in the increase also. Last year we had personnel detailed from the Library of Congress, in addition to this General Accounting Office detail. We have an estimate on that for this year. That group was doing special work. We had a contingency fund for such purposes last year of $10,000, and this year it is increased to $15,000.

We are determined to do the work assigned to us. It takes some highly competent men. Talk about Senators working; the Senator need not doubt that a great number of these members of the Senate Armed Services Committee staff put in many, many hours a week, day and night, weekends, and all the rest of their time. A tremendous volume of work is involved for Senators and staff. So I have outlined those increases.

Here is a decrease. We think that this time we will not have to spend as much for consultants and special advisers on special items, and we have reduced that amount from $19,500 to $7,700.

More than anyone else, I am responsible for these increases. The Senate committee voted unanimously for them, but they are based on personal knowledge of mine, and I assume full responsibility for asking for the money and spending the money as well. And I will guarantee, there are no drones on these staffs.

I am glad to answer the Senator's inquiry, but I wanted to make that general statement.

Mr. ELLENDER. I am not being unduly critical.

Mr. STENNIS. I understand.

Mr. ELLENDER. I simply asked for information. According to the Senator's own statement here, on page 4 of the report, they have 11 employees, and that is why I was asking.

Mr. STENNIS. Yes.

Mr. ELLENDER. They increase by only one employee, and they are asking for $75,000 more than they had last year.

The Senator says the subcommittee is putting people on who are more expert. The question I asked a while ago was: How many of the people in these 11 that are requested here were on last year? Are the same people involved?

Mr. STENNIS. No; we have two employees who are still there, but are to be there for only 2 months of this calendar year.

Mr. ELLENDER. Are those some of the 11 referred to?

Mr. STENNIS. Those we have here came on all during the last year, so I cannot remember exactly when. One came on after we finished the debate here last September. One came on, I think, the first day of January. One of the secretaries left, and we were without

one for a while, but then we got another one. So we have a gross increase here of only one staff member, except for that 2 months I have mentioned, where two of them are duplicated.

Mr. ELLENDER. The Senator stated that he had to pay for work done by additional Library of Congress employees; is that correct?

Mr. STENNIS. Yes; that is correct.

Mr. ELLENDER. The Senator is aware of the fact that we have a staff there of more than 300 people. Does the committee have to pay for that assistance?

Mr. STENNIS. We had the use, full time, of a research analyst, who rendered some very fine work for us in some special fields, and we reimbursed the Library of Congress for that month, for her salary. We had two men, as I have stated, from the General Accounting Office. We had another consultant, as I remember, with reference to the Selective Service Act. I had the application here last year. There were some very far-reaching amendments offered, one of which was passed.

These are matters where you cannot just go down to 12th and Pennsylvania Avenue and pick up unskilled help to get this kind of work done.

Mr. ELLENDER. I realize that, but I wonder if this special group must be reimbursed by the Congress without their being reimbursed.

Mr. STENNIS. Not under the circumstances we have. While the Senate is paying the salary, the Library of Congress does not have to pay the salary. It is all the same so far as the Government is concerned. But it was paid out of our budget, rather than the Library of Congress budget.

If the committee is agreeable, I am going to use more and more of that kind of help. As far as the research analyst I have mentioned, for example, was concerned, we had control of her, we directed her, we controlled her hours, and she worked exclusively for us during that time.

Mr. President, I have notified the Rules Committee that we might have to ask for more money during this year with reference to some consultants we may want to employ.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JORDAN of North Carolina. As a matter of information, any time a committee asks for outside Government employees—from the Library of Congress, General Services, and so forth—they come on a reimbursable basis. If the Library of Congress can furnish somebody for 2 weeks, it is done without consent of the Rules Committee. If it is for more than 2 weeks, they have to come before the Rules Committee and ask for them and justify it, and we have to justify the payment.

Mr. ELLENDER. I realize that. But my point is this: We are paying out of Senate funds, provided, for expert reference employees to furnish data to all Senators, all committees—to all Members of Congress, as a matter of fact.

Mr. JORDAN of North Carolina. If the time they are required is not over 2 weeks, we do not have to pay them.

Mr. ELLENDER. Why should they be paid by Congress separately, when they are already working for Congress?

Mr. JORDAN of North Carolina. If Congress pays them, the Library of Congress does not pay them. It is the same amount of money in both instances. We pay only the salary they would be paid over there.

Mr. ELLENDER. Is that amount deducted from the money that is asked for by the Library of Congress?

Mr. JORDAN of North Carolina. Yes; that is correct.

Mr. McCLELLAN. It is reimbursable.

Mr. ELLENDER. I understand that. If it is reimbursed, is their budget decreased?

Mr. JORDAN of North Carolina. Their budget would be decreased by the amount we put on the payroll over here.

In the case of Senator STENNIS, he has asked for $38,000 for reimbursable funds this year, assuming that he will need these outside people. If he does not use them, it will not be spent.

Mr. ELLENDER. Perhaps I do not understand. When we reorganized in 1946, we provided a special fund of quite a few thousands of dollars to employ as many as 234 people to do special work in all lines of Government. That included Agriculture, Commerce, Armed Services, everybody. We have increased that fund quite a bit, and today we have many more employees in the LRS who are supposed to work for the committees and Members of Congress.

The question I would like answered is this: If that is true, why should people who are employed for that purpose and who are paid for that purpose have to be reimbursed by a committee of the Senate?

Mr. JORDAN of North Carolina. The answer to that is very simple. If the Senator sends a question over there that requires a week or 10 days, they send the answer back, and that does not cost the Senator anything. But if the Senator takes them off their work there and puts them to work here on a full-time basis, they are paid their salary here and they are not paid over there.

Mr. ELLENDER. I have received all the information I need for the Committee on Agriculture and Forestry, and up to now I have never paid a nickel.

Mr. JORDAN of North Carolina. The Senator did not bring them here and put them on his staff on a full-time basis.

Mr. ELLENDER. Why should I? Why should they not stay where they work and do that work?

Mr. JORDAN of North Carolina. I cannot answer for what Senator STENNIS needs.

Mr. ELLENDER. We ought to look into that. If we increase the number of people from 234 to 375, experts in their respective fields, it strikes me that, whatever work they do, they ought to do it for the money we appropriate each year in order to sustain them.

Mr. JORDAN of North Carolina. Most of the time they do. Personally, I have never had anybody on my staff to do that kind of work whom I had to pay.

Mr. ELLENDER. I have not, either, and I have been using them for 20 years.

Mr. JORDAN of North Carolina. Before the resolution is adopted I should like to make the following statement, which I have prepared, setting out the purpose of the resolution.

It would authorize the Committee on Armed Services to expend not to exceed $300,000 during the current investigative year for the continued operation of its Preparedness Investigating Subcommittee.

During the last session of Congress $225,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $223,303. The pending request includes an increase of $75,000 over last year's authorization. These additional funds are requested by the committee for the salary increases, for an additional staff member, and for increased use of other Government personnel on a reimbursable basis.

The Committee on Rules and Administration has reported Senate Resolution 331 without amendment.

Senator STENNIS is chairman of the Preparedness Investigating Subcommittee, and Senator THURMOND is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 331) was agreed to, as follows:

S. RES. 331

Resolved, That the Committee on Armed Services, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service;

(6) size and composition of the Army, Navy, and Air Force;

(7) forts, arsenals, military reservations, and navy yards;

(8) ammunition depots;

(9) maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;

(10) conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical materials necessary for the common defense; and

(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. For the purpose of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so

fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The expenses of the committee under this resolution, which shall not exceed $300,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON BANKING AND CURRENCY

The PRESIDING OFFICER. The clerk will state the next resolution.

The LEGISLATIVE CLERK. A resolution (S. Res. 329) to authorize additional expenditures to the Committee on Banking and Currency for inquiries and investigations.

The PRESIDING OFFICER. Without objection the Senate will proceed to the consideration of the resolution.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Banking and Currency to expend not to exceed $150,000 during the current investigative year for inquiries and investigations.

During the last session of Congress $110,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $109,392. The pending request includes an increase of $40,000 over last year's authorization. These additional funds are requested by the committee in order that, despite rising costs in general, its activities may continue at the same rate and level as in previous years.

The Committee on Rules and Administration has reported Senate Resolution 329 with an amendment which would revise the title only.

Senator SPARKMAN is chairman of the committee, and Senator BENNETT is ranking minority member.

Mr. PELL. Mr. President, as a member of the committee, I rise to pay tribute to the chairman of the Committee on Rules and Administration, who has sought to be as fair as he could be in making these decisions, and who, with his staff, is being meticulous in supporting each one of these demands. I believe that he deserves every kind of commendation for the work he has put into this matter.

Mr. JORDAN of North Carolina. I appreciate the Senator's remarks.

I say to the Senator from Louisiana that when I became chairman of the Committee on Rules and Administration, there were 22 people on the staff, and we now have 12. So I practice what the Senator preaches. I do not say that everyone else can do the same thing. I do not know.

Mr. ELLENDER. With respect to Senate Resolution 329, I note that it provides an increase of $40,000 and one person is added.

Mr. JORDAN of North Carolina. Will the Senator from Alabama answer that?

Mr. SPARKMAN. That is correct.

The Senator will note that last year we returned $608. That is with the oversight responsibility we have. That is not a sufficient margin on which to operate. The committee voted unanimously to employ one additional person. When we pay the added amount that was voted last year for 12 months and the benefits that have to be added, in order to give us a little more flexibility above the $608, that accounts for the $40,000.

Mr. ELLENDER. Is this subcommittee engaged in studying housing?

Mr. SPARKMAN. No; it studies everything.

Mr. ELLENDER. Is there such a subcommittee?

Mr. SPARKMAN. Yes; we have one for housing. With respect to the Subcommittee on Housing, if I may mention that now to the Senator from Louisiana, we are only asking for $5,000 additional, and that is all taken up in paying the additional salaries and the benefits.

Mr. ELLENDER. To what extent will the new committee that is proposed, the nutrition committee——

Mr. SPARKMAN. This is the first I have heard any mention of that. Under the rules, we have complete jurisdiction over that.

Mr. ELLENDER. I understand that.

Mr. SPARKMAN. We certainly shall insist on it.

Mr. ELLENDER. I am glad the Senator will, and I hope the Senator votes against the extension of that committee because it involves him and I would say almost every other committee on the Hill.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 329) was agreed to, as follows:

S. RES. 329

Resolved, That the Committee on Banking and Currency, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) banking and currency generally;

(2) financial aid to commerce and industry;

(3) deposit insurance;

(4) the Federal Reserve System, including monetary and credit policies;

(5) economic stabilization, production, and mobilization;

(6) valuation and revaluation of the dollar;

(7) prices of commodities, rents, and services;

(8) securities and exchange regulations;

(9) credit problems of small business; and

(10) international finance through agencies within the legislative jurisdiction of the committee.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so elected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $150,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on Banking and Currency for inquiries and investigations".

COMMITTEE ON BANKING AND CURRENCY

The PRESIDING OFFICER. The clerk will state the next resolution.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 330) to authorize additional expenditures to the Committee on Banking and Currency for inquiries and investigations.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Banking and Currency to expend not to exceed $160,000 during the current investigative year for an investigation of housing and urban affairs.

During the last session of Congress $155,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $151,058. The pending request includes an increase of $5,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 330 with an amendment which would revise the title only.

Senator SPARKMAN is chairman of the Subcommittee on Housing and Urban Affairs, and Senator BENNETT is ranking minority member.

The resolution (S. Res. 330) was considered and agreed to, as follows:

S. RES. 330

Resolved, That the Committee on Banking and Currency, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to public and private housing and urban affairs, including urban mass transportation.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $160,-

000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on Banking and Currency for a study of housing and urban affairs".

COMMITTEE ON COMMERCE

The PRESIDING OFFICER. The clerk will state the next resolution.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 324) authorizing additional expenditures by the Committee on Commerce for inquiries and investigations.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Commerce to expend not to exceed $759,000 during the current investigative year for inquiries and investigations.

During the last session of Congress $625,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $614,083. The pending request includes an increase of $134,000 over last year's authorization. These additional funds are requested by the committee for the statutory salary increases, and to enable it to employ necessary additional staff.

The Committee on Rules and Administration has reported Senate Resolution 324 without amendment.

Senator MAGNUSON is chairman of the committee, and Senator COTTON is ranking minority member.

Mr. ELLENDER. Mr. President, I note that four employees are added to this committee, and the budget for this year is $134,000 more than last year.

Mr. JORDAN of North Carolina. The Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) appeared before the committee and justified the increase in employees due to the fact that the work load has increased to the extent that they needed four additional employees. They presented 62 pages of testimony, and the committee unanimously approved it.

Mr. ELLENDER. Do they do a lot of study on pollution?

Mr. JORDAN of North Carolina. Some; yes. It includes oceanography and other new subjects they have taken on.

The resolution (S. Res. 324) was considered and agreed to, as follows:

S. RES. 324

Resolved, That the Committee on Commerce, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) interstate commerce generally, including consumer and environmental protection;
(2) foreign commerce generally;
(3) transportation generally;
(4) maritime matters;
(5) interoceanic canals;
(6) domestic surface transportation, including pipe lines and highway safety;
(7) communications, including a complete review of national and international telecommunications and the use of communications satellites;
(8) Federal power matters;
(9) civil aeronautics;
(10) fisheries and wildlife;
(11) marine sciences; and
(12) weather services and modifications, including the use of weather satellites.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more that $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $759,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The resolution (S. Res. 325) authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the District of Columbia to expend not to exceed $133,100 during the current investigative year for inquiries and investigations.

During the last session of Congress, $59,400 was authorized by the Senate for that purpose, of which the committee has expended approximately $53,822. The pending request includes an increase of $73,700 over last year's authorization. These additional funds are requested by the committee to meet what its members believe is the minimum required to handle its increasing workload. One-third of the increase would be used to employ additional minority staff.

The Committee on Rules and Administration has reported Senate Resolution 325 without amendment.

Senator TYDINGS is chairman of the committee, and Senator PROUTY is ranking minority member.

Mr. ELLENDER. Mr. President, I notice here that the budget has been almost doubled. I would ask for an explanation.

Mr. TYDINGS. Three of the eight employees are part time. I might add, except for the special resolution granted by the Rules Committee to the committee during the past year and a half, that the staff has not expanded in 24 years. The District of Columbia budget in the past 5 years has doubled. We are responsible for oversight on a budget of $861 million in Federal funds for the first year of the 91st Congress. We held double the number of hearings in the 2 preceding years. But the reason for the discrepancy pointed out by the distinguished Senator is that we did not have enough money to hire three of the eight on full time. This additional money will enable us to hire them full time, plus two additional employees.

The resolution was considered and agreed to, as follows:

S. RES. 325

Resolved, That the Committee on the District of Columbia, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the District of Columbia.

SEC. 2. For the purpose of this resolution the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $133,100 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON FOREIGN RELATIONS

The resolution (S. Res. 318) to provide for a study of matters pertaining to foreign policy of the United States by the Committee on Foreign Relations was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Foreign Relations to expend not to exceed $300,000 during the current investigative year for a study of matters pertaining to the foreign policies of the United States.

During the last session of Congress, $260,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $248,385. The pending request includes an increase of $40,000 over last year's authorization. This increase is requested by the committee so that it may have adequate funds to carry out its responsibilities during the present year.

The Committee on Rules and Administration has reported Senate Resolution 318 with an amendment which would revise the title only.

Senator FULBRIGHT is chairman of the committee, and Senator AIKEN is ranking minority member.

Mr. ELLENDER. Mr. President, how many additional permanent employees

has the Committee on Foreign Relations?

Mr. JORDAN of North Carolina. Six.

Mr. ELLENDER. Six additional, which makes 16 over and above the 1946 act?

Mr. JORDAN of North Carolina. No. Ten plus six.

Mr. SPARKMAN. It includes those 10.

Mr. ELLENDER. All right. How many does this add?

Mr. JORDAN of North Carolina. It adds one.

Mr. ELLENDER. I see.

Mr. SPARKMAN. That is right. One employee.

Mr. JORDAN of North Carolina. The Senator from Alabama appeared before our committee on this matter.

Mr. SPARKMAN. Ten are regular. Six have been made permanent and one makes the total of 16. This adds one additional.

The resolution was considered and agreed to, as follows:

S. RES. 318

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make complete studies of any and all matters pertaining to the foreign policies of the United States and their administration.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; (3) to hold such hearings, to take such testimony, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, and to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; and (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government, as the committee deems advisable.

SEC. 3. In the conduct of its studies the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and it is authorized to divide the work of the studies among such individuals, groups, and institutions as it may deem appropriate, and may enter into contracts for this purpose

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $300,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Foreign Relations for a study of matters pertaining to foreign policy of the United States".

Mr. McCLELLAN. Mr. President, I ask unanimous consent that Calendar Order Nos. 666, 667, 668, and 669 be considered en bloc because they all pertain to the Committee on Government Operations. We can move more swiftly this way.

Mr. JORDAN of North Carolina. I concur with the statement of the Senator from Arkansas.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. ELLENDER. I observe that the amount asked in one of the resolutions is less than last year. The second one is less than last year and the third one is $15,000 more than last year. Can the Senator offer any explanation?

Mr. McCLELLAN. We have been trying to follow the suggestion of the Senator from Louisiana in reducing wherever we could. We have consolidated and reduced staffs. We are asking for less money. I point out, also, that we never can be sure as to some of the costs, particularly concerning investigations, as to how much money will be needed.

I remember that last year, the Committee on Rules and Administration cut us down some; notwithstanding that, I believe that this year we were able to return some money to the committee. I think we returned about $98,000. I point out that we are asking for less money this year on these committees, but we did have to come back on one committee and get a little more money—I believe it was on the Judiciary—from the Committee on Rules and Administration. I can say that these committees are working committees. We may have a drone here and there—I do not know—but I can speak for those under my supervision as chairman, that they are working committees and they are producing committees. I hope that the funds will be allowed for them.

Mr. ELLENDER. I wish to compliment the distinguished Senator from Arkansas for having consolidated these matters. I am hopeful that other chairmen can do the same.

Mr. JORDAN of North Carolina. Mr. President, let me state that what may not be thoroughly understood is that when a Senator says he is returning an amount of money, he means really, that the money is not a total amount of money to start with but is paid out as the payroll makes it necessary. Thus, they do not always use all the money. They say return but they do not use the total amount of money authorized. It is just not used.

COMMITTEE ON GOVERNMENT OPERATIONS

The resolution (S. Res. 308) authorizing the Committee on Government Operations to make investigations into the efficiency and economy of operations of all branches of Government was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $688,000 during the current investigative year for the continued operation of its permanent Subcommittee on Investigations.

During the last session of Congress, $698,500 was authorized by the Senate for that purpose, of which the committee has expended approximately $640,499. The pending request represents a decrease of $10,500 from last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 308 with an amendment which would revise the title only.

Senator McCLELLAN is chairman of the permanent Subcommittee on Investigations and Senator MUNDT is ranking minority member.

The resolution was considered and agreed to, as follows:

S. RES. 308

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946 and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations or any subcommittee thereof is authorized from February 1, 1970 through January 31, 1971, to make investigations into the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government.

SEC. 2. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized from February 1, 1970, to January 31, 1971, inclusive, to conduct an investigation and study to the extent to which criminal or other improper practices or activities are, or have been, engaged in in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on Labor and Public Welfare of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

SEC. 3. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized and directed from February 1, 1970, to January 31, 1971, inclusive, to make a full and complete study and investigation of syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized

crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State and, further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on the Judiciary or by the Committee on Commerce of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

SEC. 4. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1971, to make a full and complete study and investigation of all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety.

SEC. 5. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1971, to make a full and complete study and investigation of riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States.

SEC. 6. The Committee on Government Operations or any of its duly authorized subcommittees shall report to the Senate by January 31, 1971, and shall, if deemed appropriate, include in its report specific legislative recommendations.

Sec. 7. (a) For the purposes of this resolution, the Committee on Government Operations or any of its duly authorized subcommittees, from February 1, 1970, to January 31, 1971, inclusive, is authorized, as it deems necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) administer such oaths; (5) take such testimony, either orally or by sworn statement; (6) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (7) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and, further, with the consent of other committees or subcommittees to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee or subcommittee: *Provided further*, That the minority is authorized to select one person for appointment and the person selected shall be appointed and his compensation shall be fixed so that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee.

(b) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from February 1, 1970, to January 31, 1971, inclusive, is authorized, in its or his or their discretion, as may be deemed advisable, to require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents.

SEC. 8. Expenses of the committee under this resolution, which shall not exceed $688,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Government Operations for investigations into the efficiency and economy of operations of all branches of Government".

STUDY OF EXECUTIVE REORGANIZATIONS AND GOVERNMENT RESEARCH

The resolution (S. Res. 320) authorizing additional expenditures by the Committee on Government Operations for a study of executive reorganizations and Government research was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $150,000 during the current investigative year for a study of executive reorganizations and Government research.

During the last session of Congress, $127,000 was authorized by the Senate for use by the Subcommittee on Executive Reorganization, of which the Subcommittee has expended approximately $126,288. The pending request includes an increase of $23,000 over last year's authorization. These additional funds are requested by the committee this session to enable the Subcommittee on Executive Reorganization to absorb the functions and responsibilities of the discontinued Subcommittee on Government Research, which was funded with $63,800 during 1969. The current request, in Senate Resolution 320, for $150,000 for the combined subcommittee operations is thus $40,800 less than the total amount authorized for the two individual subcommittee operations during the last session of Congress.

The Committee on Rules and Administration has reported Senate Resolution 320 without amendment.

Senator RIBICOFF is chairman of the Subcommittee on Executive Reorganization and Government Research and Senator JAVITS is ranking minority member.

The resolution was considered and agreed to, as follows:

S. RES. 320

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make studies as to the efficiency and economy of operations of all branches and functions of the Government with particular reference to:

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein; and

(2) the operations of research and development programs financed by departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, through January 31, 1971, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings upon the study and investigation authorized by this resolution, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $150,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF INTERGOVERMENTAL RELATIONSHIPS BETWEEN THE UNITED STATES AND THE STATES AND MUNICIPALITIES

The resolution (S. Res. 310) authorizing additional expenditures by the Committee on Government Operations for a study of intergovernmental relationships between the United States and the States and municipalities was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $155,000 during the current investigative year for a study of intergovernmental relationships between the United States and the States and municipalities.

During the last session of Congress, $140,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $135,331. The pending request includes an increase of $15,000 over last year's authorization. These additional funds are requested by the committee to meet the cost of the statutory pay increase and to engage in an enlarged program of hearings.

The Committee on Rules and Administration has reported Senate Resolution 310 without amendment.

Senator MUSKIE is chairman of the Subcommittee on Intergovernmental Relations, and Senator MUNDT is ranking minority member.

The resolution was considered and agreed to, as follows:

S. RES. 310

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and

in accordance with its jurisdiction specified by subsection 1(j)(2)(D) of rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86–380, approved by the President on September 24, 1959, as amended by Public Law 89–733, approved by the President on November 2, 1966.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $155,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF CERTAIN ASPECTS OF NATIONAL SECURITY AND INTERNATIONAL OPERATIONS

The resolution (S. Res. 311) authorizing additional expenditures by the Committee on Government Operations for a study of certain aspects of national security and international operations was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $105,000 during the current investigative year for a study of certain aspects of national security and international operations.

During the last session of Congress, the same amount, $105,000, was authorized by the Senate for that purpose, of which the committee has expended approximately $71,952.

The Committee on Rules and Administration has reported Senate Resolution 311 without amendment.

Senator JACKSON is chairman of the Subcommittee on National Security and International Operations, and Senator MUNDT is ranking minority member.

The resolution was considered and agreed to, as follows:

S. RES. 311

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized, from February 1, 1970, through January 31, 1971, to make studies as to the efficiency and economy of operations of all branches and functions of the Government with particular reference to:

(1) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(2) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(3) the adequacy of present intergovernmental relationships between the United States and international organizations of which the United States is a member; and

(4) legislative and other proposals or means to improve these methods, processes, and relationships.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized—

(1) to make such expenditures as it deems advisable;

(2) to employ, upon a temporary basis, and fix the compensation of technical, clerical, and other assistants and consultants: *Provided,* That the minority of the committee is authorized at its discretion to select one employee for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and

(3) with the prior consent of the head of the department or agency concerned, and the Committee on Rules and Administration, to utilize on a reimbursable basis the services, information, facilities, and personnel of any department or agency of the Government.

SEC. 3. Expenses of the committee under this resolution, which shall not exceed $105,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The resolution (S. Res. 309) authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Interior and Insular Affairs to expend not to exceed $160,000 during the current investigative year for inquiries and investigations.

During the last session of Congress, the same amount, $160,000, was authorized by the Senate for that purpose, of which the committee has expended approximately $134,313.

The Committee on Rules and Administration has reported Senate Resolution 309 without amendment.

Senator JACKSON is chairman of the committee, and Senator ALLOTT is ranking minority member.

The resolution was considered and agreed to, as follows:

S. RES. 309

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Interior and Insular Affairs, including national parks and recreation areas; Indian affairs; irrigation and reclamation; water and power resources; minerals, materials, and fuels; public lands; environmental studies; and territories and insular affairs.

SEC. 2. Pursuant to its authority under section 134(a) of the Legislative Reorganization Act of 1946, as amended, the committee is authorized to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, documents, and to take such testimony on matters within its jurisdiction as it deems advisable.

SEC. 3. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $160,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF ADMINISTRATIVE PRACTICE AND PROCEDURE

The resolution (S. Res. 333) authorizing additional expenditures by the Committee on the Judiciary for a study of administrative practice and procedure was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $246,000 during the current investigative year for a study of administrative practice and procedure.

During the last session of Congress, $210,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $184,965. The pending request includes an increase of $36,000 over last year's authorization. These additional funds are requested by the committee to meet the increased cost of the statutory salary increases and to enable it to employ one additional staff member.

The Committee on Rules and Administration has reported Senate Resolution 333 without amendment.

Senator KENNEDY is chairman of the Subcommittee on Administrative Practice and Procedure, and Senator THURMOND is ranking minority member.

Mr. ELLENDER. Mr. President, I notice an increase here of $36,000 for one employee. Can the Senator explain that?

Mr. JORDAN of North Carolina. I can answer that. There is one employee there—but the insurance, retirement, and everything, is for a full year, whereas last year it was for 6 months.

Mr. ELLENDER. These are for all employees?

Mr. JORDAN of North Carolina. For all employees. That is what this is in there.

Mr. ELLENDAR. I thank the Senator.

The resolution was considered and agreed to, as follows:

S. RES. 333

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study and investigation of administrative practices and procedures within the departments and agencies of the United States in the exercise of their rule-making, licensing, investigatory, law enforcement, and adjudicatory functions, including a study of the effectiveness of the Administrative Procedure Act and the study of the recommendations of the Administrative Conference of the United States, with a view to determining whether additional legislation is required to provide for the fair, impartial, and effective performance of such functions.

SEC. 2. For the purpose of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $246,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF ANTITRUST AND MONOPOLY LAWS

The resolution (S. Res. 334) authorizing additional expenditures by the Committee on the Judiciary for an investigation of antitrust and monopoly laws was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $643,500 during the current investigative year for an investigation of antitrust and monopoly laws.

During the last session of Congress, $606,300 was authorized by the Senate for that purpose, of which the committee has expended approximately $586,637. The pending request includes an increase of $37,200 over last year's authorization. These additional funds are requested by the committee to enable it, despite increased salary and other costs, to continue its operation at the 1969 level.

The Committee on Rules and Administration has reported Senate Resolution 334 without amendment.

Senator HART is chairman of the Subcommittee on Antitrust Monopoly, and Senator HRUSKA is ranking minority member.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the resolution.

Mr. WILLIAMS of Delaware. Mr. President, may I have the attention of the distinguished Senator from North Carolina? I notice there is an increase of one employee while they raise the amount by $75,000.

Mr. JORDAN of North Carolina. Which one is the Senator referring to?

Mr. WILLIAMS of Delaware. Senate Resolution 334. The resolution before, Senate Resolution 333 had an increase of $36,000 for one employee. This one has an increase for $75,000 for one employee. I wonder if the Senator can explain the difference?

Mr. JORDAN of North Carolina. $37,200.

Mr. WILLIAMS of Delaware. This is an increase of around $75,000 over what was spent last year. Last year $606,300 was authorized, and $586,637 was spent. This year they ask for $643,500. I would ask, how did this employee cost so much more?

Mr. JORDAN of North Carolina. The distinguished Senator from Michigan (Mr. HART) can speak to that, as he is chairman of the committee.

Mr. HART. Mr. President, I apologize to the Senator from Delaware. I was not aware that he was talking to this particular resolution. Is the question why the committee returned about $70,000 last year and now asks a sum in addition to the amount over last year?

Mr. WILLIAMS of Delaware. I am asking why the committee needs $57,000 for one additional employee.

Mr. HART. Mr. President, I was not aware that we are asking for an increase in personnel. We are not asking for an increase in personnel. The committee considers no increase in personnel. The additional money represents the amount of the pay raise in July and the 1-percent increase in civil service contributions and the per diem increase. The personnel remains the same.

Mr. WILLIAMS of Delaware. The Committee chart shows that under Senate Resolution 334 the committee had 30 employees and is asking for 31 in fiscal year 1970. That is an increase of one. I do not know whether that is correct.

Mr. JORDAN of North Carolina. The budget does not show.

Mr. HART. Mr. President, let me state again the testimony I gave before the Committee on Rules and Administration. It is my understanding from a memorandum given me that the recommendation is that the staff remains at the 1969 level.

There were two minority positions which, during the large part of last year, were not filled. This permitted the return of about $20,000. The ranking minority Member, the Senator from Nebraska (Mr. HRUSKA), advises us that it is their intention to fill these positions this year.

Mr. WILLIAMS of Delaware. But the report shows that the number of employees on the staff is to be increased by one.

Mr. HART. Mr. President, the chairman of the committee is reluctant to concur in what may amount to a reduction of staff. But I assure the Senator from Delaware that the understanding of the majority and minority members of the committee is that we maintained the authorized staff level. We do ask for the amount I referred to for these persons.

Mr. JORDAN of North Carolina. Mr. President, I think there is a typographical error there. My recollection is that when the Senator from Michigan appeared before the Committee on Rules and Administration and testified, the Senator from Nebraska (Mr. HRUSKA) also testified. There were two minority staff positions unfilled last year. The committee put on one or two employees and will add another one if he is needed. However, if that is not done, the money will be returned.

Mr. HART. The Senator is correct. That was the case this year. It is my understanding that the additional position was not suggested. I thought we were going to operate with the existing personnel ceiling.

Mr. JORDAN of North Carolina. The Senator is correct. But there is a typographical error here. The main thing the committee asked for was for the pay raise for the full year, instead of the 7 months, I believe it was, last year.

Mr. HART. Mr. President, I indicate to the Senator from Delaware and the Senator from North Carolina that while it is possible there is a typographical error, the representation that I make to the Senate on behalf of the subcommittee is that we do not intend, nor do we request, a numerical increase in staff.

We testified to that effect before the Committee on Rules and Administration, and I reaffirm here that our intention is to maintain the existing personnel level.

Mr. JORDAN of North Carolina. The Senator is correct.

Mr. WILLIAMS of Delaware. Then can we have an understanding that there will be no addition to the staff provided in this authorization?

Mr. ELLENDER. It will be 30, instead of 31.

Mr. WILLIAMS of Delaware. It will be a maximum of 30.

Mr. ELLENDER. The Senator is correct.

Mr. HART. Mr. President, the staff, as the subcommittee memorandum indicates, is at the current level of 31. On page 6 of the report, the number of personnel is reflected as 31.

Mr. WILLIAMS of Delaware. Perhaps the chairman should count the staff members and see how many he has, and I think we can then straighten this matter out.

Mr. HART. I understand the number of employees is 31. Two positions were not filled. They were both minority positions. But it is intended that both positions will be filled this year. A personnel authorization of 31 was obtained. And it is that figure that is shown on page 6 of the report that the subcommittee chairman is representing to the Senator as the maximum intended to be sought by this authorization.

Mr. WILLIAMS of Delaware. This committee chart shows that the committee had a ceiling of 30 last year. That could be a typrographical error, but if so it should be corrected.

Mr. ELLENDER. Mr. President, I

understand, though the committee employed only 30 last year, that the authorization is for 31.

Mr. HART. I am referring to page 6 of report No. 91–675. That figure is 31. And as the language in the middle of page 6 indicates:

Therefore, this year it is recommended that the staff be maintained at the 1969 level.

The only explanation I can suggest, not having been aware of any possible conflict, is that there is a typographical error in the case of the 30, because we have had continued authorization for 31.

Mr. JORDAN of North Carolina. Mr. President, I move the adoption of the resolution, with that explanation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 334) was agreed to, as follows:

S. RES. 334

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a complete, comprehensive, and continuing study and investigation of unlawful restraints and monopolies, and of the antitrust and monopoly laws of the United States, their administration, interpretation, operation, enforcement, and effect, and to determine and from time to time redetermine the nature and extent of any legislation which may be necessary or desirable for—

(1) clarification of existing law to eliminate conflicts and uncertainties where necessary;

(2) improvement of the administration and enforcement of existing laws; and

(3) supplementation of existing law to provide any additional substantive, procedural, or organizational legislation which may be needed for the attainment of the fundamental objects of the laws and the efficient administration and enforcement thereof.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be so appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $643,500, shall be paid from the contingent fund for the Senate upon vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL AMENDMENTS

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 673 (S. Res. 335) a resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional amendments.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the resolution.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 673, Senate Resolution 335.

This resolution would authorize the Committee on the Judiciary to expend not to exceed $173,700 during the current investigative year for a study of matters relating to constitutional amendments.

During the last session of Congress $124,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $104,841. The pending request includes an increase of $49,700 over last year's authorization. These additional funds are requested by the committee to meet its increased workload and to enable it to carry out its planned investigations and studies during 1970.

The Committee on Rules and Administration has reported Senate Resolution 335 without amendment.

Senator BAYH is chairman of the Subcommittee on Constitutional Amendments, and Senator HRUSKA is ranking minority member.

Mr. WILLIAMS of Delaware. Mr. President, as I understand, under this resolution there is to be no request for additional staff members on this committee. The amount authorized last year was $124,000. The committee only expended $104,841 last year, and this year the Senate is being asked to authorize $173,700, I wonder how this large increase can be justified.

Mr. JORDAN of North Carolina. Mr. President, the chairman of the subcommittee can answer that question.

Mr. BAYH. Mr. President, it is our intention to ask for two additional staff members. I do not know what the Senator has reference to concerning last year. We have eight employees now and we have asked for two additional employees because of the tremendously heavy workload involved in the electoral reform matter. We have law students and the League of Women Voters helping. There is no need to take any time of the Senate to name the people involved in this matter. However, it has deluged the committee. We have asked for one additional majority and one additional minority staff member.

This is the first time since I have been the chairman, for 8 years now, that we have been confronted with the situation. It was imposing such a tremendous drain on the normal staff that we did ask the committee for this additional help. The committee was kind enough to grant the additional request.

Mr. WILLIAMS of Delaware. The committee had nine employees last year according to the chart. The committee is now asking to make it 10 employees. They are asking for an increase of $69,000 or about 40 percent in the operating cost.

As the Senator from Louisiana pointed out Congress is talking about a reduction of Government expenditures. I wonder how we can reduce expenditures and have an increase of 40 to 50 percent in each standing committee.

Mr. BAYH. Mr. President, this year we returned in the neighborhood of $19,000. We did not expend the $19,000. It has been the pattern of the committee ever since I have been a chairman to return the unused funds. We have had significant amounts to return. We have returned the funds when we did not use them.

I can just see this additional burden coming; it has been shown to us. One of the nine members, I am advised by the chief counsel of the committee, is no longer employed by the committee. We have eight employees now. We are asking for two additional employees. Looking at the figures the Senator from Delaware is looking at, we are asking to go from eight to 10 employees, so as to have one majority employee and one minority employee. The Senator from Nebraska supports this request. If there are unexpended funds, we will be happy to return them.

Mr. WILLIAMS of Delaware. Last year the committee expended $104,841 and returned $19,159. They are asking for $173,700 this year. Frankly, I do not think this is the way to reduce the cost of Government.

Mr. BAYH. I share the Senator's concern for wanting to reduce the cost of Government. I can say for the record that since I have been the chairman, if there are unexpended funds, they have been returned and they will be returned. That is a pledge I will continue to keep.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 335) was agreed to, as follows:

S. RES. 335

Resolved, That the Committee on the Judiciary or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional amendments.

SEC. 2. For the purposes of this resolution the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its activities and findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $173,700, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL RIGHTS

The Senate proceeded to consider the resolution (S. Res. 336) authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional rights.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $230,000 during the current investigative year for a study of matters pertaining to constitutional rights.

During the last session of Congress $215,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $197,150. The pending request includes an increase of $15,000 over last year's authorization. These additional funds are requested by the committee to enable it to carry out its projected activities during this session of Congress.

The Committee on Rules and Administration has reported Senate Resolution 336 without amendment.

The Senator from North Carolina (Mr. ERVIN) is chairman of the Subcommittee on Constitutional Rights, and the Senator from Nebraska (Mr. HRUSKA) is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 336) was agreed to as follows:

S. RES. 336

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional rights.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $230,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF CRIMINAL LAWS AND PROCEDURES

The Senate proceeded to consider the resolution (S. Res. 337) authorizing additional expenditures by the Committee on the Judiciary for an investigation of criminal laws and procedures.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $152,000 during the current investigative year for an investigation of criminal laws and procedures.

During the last session of Congress $145,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $133,333. The pending request includes an increase of $7,000 over last year's authorization. These additional funds are requested by the committee primarily to accommodate the statutory salary increases effective July 1, 1969.

The Committee on Rules and Administration has reported Senate Resolution 337 without amendment.

Senator MCCLELLAN is chairman of the Subcommittee on Criminal Laws and Procedures, and Senator HRUSKA is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 337) was agreed to, as follows:

S. RES. 337

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of criminal laws and procedures.

SEC. 2. For the purpose of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $152,000, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

CONSIDERATION OF MATTERS PERTAINING TO FEDERAL CHARTERS, HOLIDAYS, AND CELEBRATIONS

The Senate proceeded to consider the resolution (S. Res. 338) authorizing additional expenditures by the Committee on the Judiciary for the consideration of matters pertaining to Federal charters, holidays, and celebrations.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $9,500 during the current investigative year for the consideration of matters pertaining to Federal charters, holidays, and celebrations.

During the last session of Congress the same amount was authorized by the Senate for that purpose.

The Committee on Rules and Administration has reported Senate Resolution 338 without amendment.

Senator HRUSKA is chairman of the Subcommittee on Federal Charters, Holidays, and Celebrations, and Senator MCCLELLAN is ranking majority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 338) was agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate to consider all matters pertaining to Federal charters, holidays, and celebrations.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $9,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ORDER OF BUSINESS

Mr. MCCLELLAN. Mr. President, I wish to ask the chairman of the committee if we may next consider Calendar No. 681. I make that request because I must leave the Chamber at this time. If at all possible I would like to have the measure disposed of now.

Mr. JORDAN of North Carolina. That is agreeable with me.

EXAMINATION AND REVIEW OF THE STATUTES RELATING TO PATENTS, TRADEMARKS, AND COPYRIGHTS

The Senate proceeded to consider the resolution (S. Res. 343) authorizing additional expenditures by the Committee on the Judiciary for an examination and review of the statutes relating to patents, trademarks, and copyrights.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $132,000 during

the current investigative year for an examination and review of the statutes relating to patents, trademarks, and copyrights.

During the last session of Congress $105,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $103,889. The pending request includes an increase of $27,000 over last year's authorization. These additional funds are requested by the committee primarily to accommodate the statutory salary increases effective July 1, 1969.

The Committee on Rules and Administration has reported Senate Resolution 343 without amendment.

Senator McCLELLAN is chairman of the Subcommittee on Patents, Trademarks, and Copyrights, and Senator SCOTT is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 343) was agreed to as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to conduct a full and complete examination and review of the statutes relating to patents, trademarks, and copyrights.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnnel of any of the the departments of agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at its earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $132,000, shall be paid from the contingent fund of the Senate upon vouchers aproved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO IMMIGRATION AND NATURALIZATION

The Senate proceeded to consider the resolution (S. Res. 339) authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to immigration and naturalization.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $213,500 during the current investigative year for a study of matters pertaining to immigration and naturalization.

During the last session of Congress $200,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $185,199. The pending request includes an increase of $13,500 over last year's authorization. These additional funds are requested by the committee to enable it to meet its present and anticipated workload.

The Committee on Rules and Administration has reported Senate Resolution 339 without amendment.

Senator EASTLAND is chairman of the Subcommittee on Immigration and Naturalization, and Senator FONG is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 339) was agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to immigration and naturalization.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $213,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY AND EXAMINATION OF THE FEDERAL JUDICIAL SYSTEM

The Senate proceeded to consider the resolution (S. Res. 340) authorizing additional expenditures by the Committee on the Judiciary for a study and examination of the Federal judicial system.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $220,200 during the current investigative year for a study and examination of the Federal judicial system.

During the last session of Congress $209,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $200,788. The pending request includes an increase of $11,200 over last year's authorization. These additional funds are requested by the committee to meet the increased costs resulting from the recent statutory salary increases and to enable it to acquire the services of a trained investigator.

The Committee on Rules and Administration has reported Senate Resolution 340 without amendment.

Senator TYDINGS is chairman of the Subcommittee on Improvements in Judicial Machinery, and Senator HRUSKA is ranking minority member.

Mr. ELLENDER. Mr. President, I notice that the amount of money is increased from $209,000 which was authorized last year to $220,000 for this year, and the number of employees is increased by one.

Mr. TYDINGS. Mr. President, here again, last year we were forced to use a number of part-time employees. The reasons we are increasing the number by only one is that we hope to make several of them full-time employees.

This subcommittee passed on more substantive legislation than any other subcommittee of the Committee on the Judiciary. Among other things there was the complete reorganization of the Customs Court. We handled the omnibus judgeship bill and several other bills relating to the judicial system, and the bill dealing with oversight of Federal judges.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 340) was agreed to, as follows:

S. RES. 340

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to conduct a study and examination of the administration, practice, and procedures of the Federal judicial system with a view to determining the legislation, if any, which may be necessary or desirable in order to improve the operations of the Federal courts in the just and expeditious adjudication of the cases, controversies, and other matters which may be brought before them.

SEC. 2. For the purpose of this resolution, the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis professional, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of departments and agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $220,200, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF THE ADMINISTRATION, OPERATION, AND ENFORCEMENT OF THE INTERNAL SECURITY ACT

The Senate proceeded to consider the resolution (S. Res. 341) authorizing ad-

ditional expenditures by the Committee on the Judiciary for an investigation of the administration, operation, and enforcement of the Internal Security Act.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $555,000 during the current investigative year for an investigation of the administration, operation, and enforcement of the Internal Security Act.

During the last session of Congress $515,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $456,156. The pending request includes an increase of $40,000 over last year's authorization. These additional funds are requested by the committee to meet the statutory increases in salary and other expenses and to enable it to utilize additional General Accounting Office investigators on a reimbursable basis.

The Committee on Rules and Administration has reported Senate Resolution 341 without amendment.

Senator EASTLAND is chairman of the Subcommittee on Internal Security, and Senator SCOTT is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 341) was agreed to, as follows:

S. RES. 341

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate insofar as they relate to the authority of the committee, to make a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended; (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States; and (3) the extent, nature, and effect of subversive activities in the United States, its territories and possessions, including, but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organizations controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force or violence.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $555,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF JUVENILE DELINQUENCY

The Senate proceeded to consider the resolution (S. Res. 342) authorizing additional expenditures by the Committee on the Judiciary for investigation of juvenile delinquency.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $257,500 during the current investigative year for an investigation of juvenile delinquency in the United States.

During the last session of Congress $250,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $246,441. The pending request includes an increase of $7,500 over last year's authorization. These additional funds are requested by the committee to enable it to carry out its projected program for 1970.

The Committee on Rules and Administration has reported Senate Resolution 342 without amendment.

Senator DODD is chairman of the Subcommittee on Juvenile Delinquency, and Senator HRUSKA is ranking minority member.

Mr. WILLIAMS of Delaware. Mr. President, can the Senator tell us when this so-called temporary Committee on Juvenile Delinquency was first started? At the time we were told that this was to be a temporary committee which would last for 2 years and possibly 3 years; that was about 20 years ago, as I recall. The Senator from Tennessee, Mr. Kefauver, was the chairman.

Mr. JORDAN of North Carolina. I cannot go back as far as that, but I do understand the juvenile problem has not left us.

Mr. WILLIAMS of Delaware. It can truly be said that there is nothing more permanent than a temporary Senate committee. I am wondering if this does not prove it. This committee started as a temporary committee under the jurisdiction of the then Senator from Tennessee, Mr. Kefauver, yet the committee continuously goes on and on, studying juvenile delinquency.

Perhaps there is some useful purpose, but I cannot see that it is accomplishing very much based on what is happening in the country. Today they are asking for another $250,000. With all of these subcommittees of the Committee on the Judiciary I sometimes wonder what the full committee does. I do not think we should overlook the fact that each full committee gets about $225,000. On top of this they then established eight or 10 subcommittees, some getting as much as $250,000. I wonder if we do not need a committee to find out what all these subcommittees are doing.

Mr. BAYH. Mr. President, I have been asked by the distinguished Senator from Connecticut (Mr. DODD) to present the case for the Subcommittee on Juvenile Delinquency. I am sure I cannot do it as eloquently or as accurately as he would, inasmuch as he is the chairman of that committee. However, I must say that we have these subcommittees to deal with the problems that face the Committee on the Judiciary. If the record is examined with a great deal of care, as I am sure the Senator from Delaware has done, it would be found that I was not privy in connection with the establishment of this subcommittee. Perhaps it should have been established as a permanent committee. I imagine the Senator from Connecticut would be willing to support such a move.

I have here a résumé of the workload which the Senator from Connecticut has planned for the committee. I am sure all of us are concerned about problems of juvenile delinquency, and inasmuch as Senator DODD is unable to be here today because of a longstanding speaking engagement he is making in Connecticut this afternoon, he has asked me to present the Juvenile Delinquency Subcommittee resolution for consideration on the floor and to put into the RECORD his statement outlining the subcommittee program for the coming year.

The total requested this year is $7,500 more than last year when the subcommittee received a total of $250,000. The subcommittee has absorbed the last two Federal pay raises granted by Congress without requesting additional funds for these raises. Because of the increased schedule of hearings and investigations, however, the chairman is now forced to ask for the additional $7,500 to cover its extended legislative program.

With the permission of the Senator from Delaware I shall take a moment to enumerate some fields of endeavor which show this may be a temporary committee but it has a permanent workload. The committee already has plans underway to investigate drug use in the Armed Forces in the United States in general and in Vietnam, in particular. This has been a matter frequently mentioned in newspapers lately. We have hearings scheduled on traffic in pornography and obscene literature. I do not know about other Senators but few subjects fan the emotions of my constituents as much as the trash mail that keeps appearing in our mailboxes and over which to date we have not had effective control.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. WILLIAMS of Delaware. I concur in the statement the Senator just made, but it is my understanding that the Committee on Post Office and Civil Service has held hearings on that same subject and has promised to report a bill. Is it not about time we get legislation instead of continued grandstand hearings and a television show? I think what we need to correct these problems is legislation. Let us get some action.

Mr. BAYH. As the Senator from Delaware has pointed out, the Committee on Post Office and Civil Service is looking into the problem, but I wonder if he has had an opportunity to consider the problem of pornographic motion pictures, pamphlets, books and all sorts of materials that are sold in bookstores and in a variety of ways across State lines other than through the mails. They are problems that are not going to be handled by the Committee on Post Office and Civil Service. This is an important problem that will have its resolution in the

criminal statutes and that is why the Judiciary Committee, through its Subcommittee on Juvenile Delinquency, is going to look into it.

I am sure my colleague noted in the newspapers that the Juvenile Delinquency Committee started to look into the problem last year of delinquent and criminal first offenders, as far as law and order is concerned. Right now those first offenders are thrown into snakepits, with hardened criminals. They do not get rehabilitation; they simply get training to be hardened criminals. The records show that 70 percent of those who are incarcerated will be back in jail in a year or two.

If we are to do something about law and order, we must deal with the problem of doing a better job with juvenile offenders. This is another important matter that the committee is looking into.

I will not proceed further, unless Senators want me to.

Mr. ERVIN. Mr. President, if the Senator will yield, I am not a member of the Juvenile Delinquency Subcommittee, but as a member of the Judiciary Committee I know it did one of the finest of jobs last year in reporting to the Senate a bill we passed just after we returned from adjournment, which was virtually a complete rewriting of the narcotics laws of the country, and a bill of such importance that it required 8 or 10 days for the Senate to consider it.

I also happen to know that my Subcommittee on Constitutional Rights has scheduled joint hearings with the Juvenile Delinquency Subcommittee to pass on bills dealing with pornography. Hearings have been scheduled for early March. I think the subcommittee is doing very important work.

Mr. HUGHES. Mr. President, I would like to ask the Senator a question on the jurisdiction of the Juvenile Delinquency Subcommittee to hold hearings on narcotics and drug abuse by members of the Armed Forces and the reason why that particular Subcommittee on Juvenile Delinquency is holding hearings or considering an investigation of the use of narcotics and drug abuse in Vietnam by members of the Armed Forces.

Mr. BAYH. As I understand the original jurisdiction given the committee, it was criminal activity of persons up to the age of 21. One of the significant problems brought to the committee's attention, after talking with the Senator from Connecticut (Mr. DODD) and his staff, is the large amount of narcotics used by members of the Armed Forces who are 18, 19, and 20 years of age.

Mr. HUGHES. We consider our soldiers in Vietnam juvenile delinquents, then?

Mr. BAYH. No, let us put it this way: To the extent that there is a drug problem with soldiers who are under the age of 21 not only in Vietnam but in the continental United States, I think I would have to suggest that perhaps this is a proper area for the subcommittee to investigate. Hopefully, we will find that it is not too common among our troops.

Mr. HUGHES. Does that subcommittee have jurisdiction to prescribe laws that affect the military? Are they not under the jurisdiction of the military tribunal?

Mr. BAYH. What the committee is trying to do is look at the broad sweep of the impact that a habit started in Vietnam would have on society when those men, many of whom will still be teenagers, come back home. These are teenagers and persons under 21 who are released back into the civilian community who became drug users while in the service. The committee's resolution gives it specific jurisdiction over this problem which has to do with the criminal traffic in drugs.

Mr. HUGHES. Is not the bill we passed 2 weeks ago supposed to take care of that, as far as law enforcement is concerned, after they are discharged into the normal social structure of this country?

Mr. BAYH. I would rather try to get at the source of the problem where it starts than deal with it later when it is necessary to apprehend someone under the law.

Mr. HUGHES. Is it the opinion of the Senator that that is a matter within the legal jurisdiction of that subcommittee?

Mr. BAYH. It is my opinion that it is within the jurisdiction of the subcommittee, yes. The resolution specifically states that the subcommittee shall make a complete study of any and all matters pertaining to juvenile delinquency including: "The extent to which juveniles are violating Federal laws relating to the sale or use of narcotics."

Mr. HUGHES. It is the opinion of the Senator from Iowa that it is not. The Senator from Iowa also has a subcommittee handling narcotic addiction and drug abuse under the Committee on Labor and Public Welfare, which also has jurisdiction of veterans affairs as well as the treatment, prevention, rehabilitation, education, and so on, in those areas. I did not fight a jurisdictional battle on the narcotics bill that was brought to the floor, but I did offer amendments. I think now the danger of extending the authority of the Juvenile Delinquency Subcommittee into other areas is a very real danger. I do not know what is asked for in the way of appropriations to do this, but I know my own subcommittee has appealed for funds, and we certainly have an interest in this area, ourselves.

Mr. BAYH. May I ask the Senator from Iowa to discuss the question of jurisdiction with the Senator from Connecticut when he returns from official business in Connecticut? I am sure they can resolve this question.

Mr. HUGHES. Everything I have resolved so far has been a net loss to me, 100 percent, to the Senator from Connecticut.

Mr. BAYH. I know of no discussions gone into between the Senator from Iowa and the Senator from Connecticut. I think I supported the amendments he offered, so I find myself in concurrence with much that he has discussed in this important area; but I do not think this is the proper place to do it. Let us get the budget nailed down, and then resolve the question of jurisdiction.

Mr. ELLENDER. Mr. President, the amount asked for is $257,000. This is how the subcommittee is perpetuating itself. It is just adding more and more work for itself within this field. After awhile, I am going to bring out how the Nutrition Committee started investigating problems of nutrition, and now it is going into the question of welfare and covering the work of many other subcommittees. That is how committees perpetuate themselves.

Mr. HUGHES. Mr. President, may I say to the chairman of the Committee on Rules and Administration and also the Senator from Indiana that it is not my intention to oppose the appropriation, but I do intend to show to the Senator from Connecticut, chairman of the Juvenile Delinquency Subcommittee, that the authority and jurisdiction for conducting this type of investigation, in my opinion of what the Juvenile Delinquency Subcommittee's authority is, is clearly out of of bounds with what the jurisdiction of our own committee is in these investigations. I just want to make my case on that point, and I think I have done it.

Mr. BAYH. I am sure the Senator from Connecticut will be glad to discuss that question with the Senator from Iowa.

I ask unanimous consent to insert in the RECORD at this point the statement of the Senator from Connecticut, Mr. DODD, and a list of legislation processed by the Juvenile Delinquency Subcommittee.

There being no objection, the statement and list were ordered to be printed in the RECORD, as follows:

Mr. DODD. Mr. President, I urge the Senate to adopt the Senate Resolution 342 which will assure the continuation of the Juvenile Delinquency Subcommittee.

There are obvious and persuasive reasons why this step should be taken. In the past few years juvenile delinquency has risen dramatically in every community throughout the country. To some extent, the statistics on juvenile crime, of course, stem from the fact that the number and proportion of people under the age of 18 has increased in recent years.

But it is significant that the increase in arrests of juveniles has substantially outstripped the growth of the general child population, aged 10 through 17 by a ratio of 4 to 1. I can foresee in the near future that one out of every five American teenage boys will end up in court for other than a traffic offense before his eighteenth birthday.

In recent years, increasing numbers of young people are alienating themselves from society and government; instead of constructive work and the expression of constructive opinions from which society could benefit, they are engaged in campus demonstrations, in militant gang activities, in drug abuse and in active warfare with the police.

Even our grade and high schools have been deeply affected by violence. I directed the Subcommittee to survey the crime situation in 155 major school systems in the United States last year.

The first 36 cities reporting showed that vandalism in schools, including arson, cost more than $6.3 million in a single year.

In four years, the number of assaults on teachers rose 43 percent, forcible rape went up 58.8 percent, homicide climbed 73 percent, robbery soared 280 percent, and narcotic offenses soared 1068 percent. In fact, all categories of crime were up significantly.

Because many school crimes go unreported, these and other statistics are obviously on the conservative side; they certainly are not exaggerated.

All of these observations, of course, are generalities; indeed, even the statistics may well be generalities which tell us little of the causes, the prevention, and most important, of the cure of juvenile crimes.

The investigations of the Juvenile Delinquency Subcommittee consequently have ranged over a wide area, attempting to come to grips with the realities of the situation, to find an answer to the puzzling and increasingly urgent question why crime occurs, what are the conditions under which it thrives, and what legislative answers can be found for its prevention and cure.

We thus have addressed ourselves to specific questions applicable to specific situations for which specific programs could be devised.

NARCOTICS

In the area of narcotics, the Subcommittee held nine days of hearings during which 30 witnesses appeared to comment on the most comprehensive Federal narcotics legislation in history. The narcotics bill, S. 3246, was speedily reported out by the Subcommittee and the Full Committee and passed the Senate last January 28th, after five days of debate. However, because this legislation is so controversial it faces long debate in the House and in the Senate-House Conference for which careful preparations must be made by the Subcommittee staff.

The narcotics hearings bring to mind that over the years the Subcommittee has had a continuing interest in the drug problem which is so crucial to the nation's, and particularly our young people's, health. Thus, we are now proceeding with an investigation of drug abuse by our troops in Vietnam in general, and specifically in the case of the alleged massacre in Mylai. The Committee staff already has talked to many witnesses and we plan to hold hearings on the drug abuse problem among servicemen early in the year.

PORNOGRAPHY

Few problems have been as difficult and pervasive as pornography which through mailing lists invades millions of American families who have not asked for, nor would tolerate, such material in their homes.

Yet, millions are made the unwilling victims of the smut peddlers every year.

Because of the importance of the subject and its many constitutional ramifications, I have decided to combine our efforts with those of the Constitutional Rights Subcommittee in an attempt to develop comprehensive Federal legislation that can cope effectively with the problem while withstanding the test of its constitutionality. This is a joint venture between the two Subcommitees and will involve exensive public hearings beginning in March.

INSTITUTIONS

Last Spring, the Subcommittee held explosive hearings on prison conditions throughout the nation. During the 13 days of these hearings, the 35 witnesses who appeared before the Committee gave a shocking picture of prison conditions throughout the country. We were told of systematic brutality, of beatings, torture, even murder used to establish what the jailers are pleased to call "discipline."

Young people who are either first offenders or who are guilty of nothing more than being homeless, frequently are imprisoned with hardened criminals.

The results are sexual assaults, more brutality, and a thorough schooling in crime. Indeed, the Subcommittee found that there are very few prison systems in this country where rehabilitation is a major part of the program.

The hearings on American penal institutions resulted in a comprehensive corrections bill, S. 2905, the "Correctional Facilities Improvement Assistance Act of 1969." Together with a bill introduced by Senator Goodell, these bills have been referred to the Subcommittee and will be the subject of legislative hearings early in the spring.

SCHOOL VIOLENCE

The social unrest and violence which we have come to associate with college campuses have increasingly spilled over into our public schools, as proved by our 1968 surveys.

Violence in our public schools is almost taken for granted these days.

The fact that:

Teachers come to school armed with pistols and knives to protect themselves;

That in San Francisco, between November 1968 and May 1969 there were 76 cases of extortion; 460 thefts, 440 acts of vandalism, 269 cases of drug abuse and 3,317 cases of defiance of authority;

That in 1966, there were only 3 narcotics violations in the Seattle schools which within a year had increased to 268;

That in San Antonio, assaults by students on students grew 195 percent from 1964 to 1968;

That in New York City, vandalism in high schools rose 254 percent from 1964 to 1968, all this tells us that our public school system is getting deeper and deeper in trouble unless we give some very serious thought to the degree of violence the American people, and particularly our young people, have arrived at.

In the firm belief that this is an area which should be fully explored, the Committee will hold hearings on violence in our schools sometime early in the year.

These hearings are aimed at amending the Juvenile Delinquency Prevention and Control Act to cope with this growing problem.

FIREARMS

I was pleased to see the National Commission on the Causes and Prevention of Violence confirm the earlier findings of the Subcommittee that the availability of guns contributes substantially to violence in American society. Firearms, particularly handguns, facilitate the commission and increase the danger of the most violent crimes, such as assassination, murder, robbery and assault.

The Gun Control Act of 1968, which represents the most thorough and far-reaching Federal gun legislation ever passed in this country, already has brought some solid achievements.

The Internal Revenue Service, which is charged with the responsibility of enforcing the act, undertook 986 prosecutions between July and October, 1969, as compared with 197 cases in the same period in 1968, under the old law.

However, despite this most comprehensive gun legislation ever written, a great deal of work still must be done to deal with a half a dozen "fast buck" artists who have devised a way around the intent of that law.

They are presently tooling up to mass produce the cheap "Saturday Night Special," the handgun used for the bulk of our holdups and other crimes. Some of their components are now being manufactured in this country and they are assembled with parts that are allowed to be imported under the 1968 Act. Among the many firearms bills before the Subcommittee, I have proposed one that will deal with these cheap, domestically produced crime guns. Six domestic firms are under subpoena and the Subcommittee staff is presently reviewing their production records and methods with the view to public hearings later this year.

S. 849, a bill proposed by Senator Mansfield to toughen the penalties for those who use guns in the commission of crimes, was reported out of the Subcommittee this past year, passed the Senate and will, no doubt, be of considerable benefit in the nation's fight against armed violenee.

The National Commission on Violence unequivocally stated that:

"This nation is entering a period in which our people need to be as concerned by the internal dangers to our free society as by any probable combination of external threats."

It is impossible to foresee the end of violent upheavals, of violent crimes, indeed of violent changes which will be attempted in our society. The Juvenile Delinquency Subcommittee has consistently taken the pulse of the country; it has made many constructive suggestions for the prevention and cure of juvenile crimes; it has been responsible for a great deal of positive legislation and has and will continue to ameliorate the situation.

Mr. President, it is for these reasons that Senate Resolution 342 must be adopted to allow the work of the Subcommittee to go on.

I ask that a list of the legislation processed by the juvenile delinquency subcommittee be printed at the end of my statement.

LEGISLATION PROCESSED BY THE SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY IN 1969

Pornography

1. S. 2929 introduced by Senator Robert C. Byrd: To prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors.

2. S. 2930 introduced by Senator Robert C. Byrd: To prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising.

3. S. 2073 introduced by Senator Everett Dirksen (including 9 amendments) : To prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors.

4. S. 2074 introduced by Senator Everett Dirksen: To prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising.

5. S. 2676 introduced by Senator Joseph Tydings: To prohibit the sale to minors of certain obscene materials transported in interstate commerce or by the United States mails, and for other purposes.

Drugs

1. S. 1895 introduced by Senator Thomas Dodd: "The Omnibus Narcotic and Dangerous Drug Control and Addict Rehabilitation Act of 1969," to reorganize and coordinate control of the narcotic and drug abuse laws under the Bureau of Narcotics and Dangerous Drugs, Department of Justice.

2. S. 2950 introduced by Senator Frank Moss: To provide for the establishment of a Commission on Marihuana.

3. S. 2637 introduced by Senator Everett Dirksen: "The Controlled Dangerous Substances Act of 1969," to the protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

4. S. 3246 introduced by Senator Thomas Dodd: "The Controlled Dangerous Substances Act of 1969," to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes. (Passed in the Senate January 28, 1970.)

Firearms

1. S. 100 introduced by Senator Edward Brooke: "The National Firearms Information Act," to provide for the establishment of a National Firearms Information Center.

2. S. 845 introduced by Senator Wallace F. Bennett: To change the definition of ammunition for purposes of Chapter 44 of title 18 of the United States Code.

3. S. 849 introduced by Senator Mike Mansfield: To strengthen the penalty provisions of the Gun Control Act of 1968. (Passed in the Senate November 18, 1969.)

4. S. 977 introduced by Senator Joseph Tydings: "The Firearms Registration and Licensing Act of 1969," to provide for better control of the interstate traffic in firearms, and for other purposes.

5. S. 1432 introduced by Senator Robert C. Byrd: To change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code.

6. S. 2433 introduced by Senator Thomas Dodd: "The Federal Gun Certification Act of 1969," to amend title 18 of the United States Code.

7. S. 2932 introduced by Senator Thomas Dodd: To amend the Gun Control Act of 1968.

8. S. 2667 introduced by Senator Peter Dominick: To provide additional penalties for the use of firearms in the commission of certain crimes of violence.

Institutions

1. S. 2905 introduced by Senator Thomas Dodd: "The Correctional Facilities Improvement Assistance Act of 1969," to authorize the Attorney General to provide financial assistance to States and localities for the construction and modernization of correctional institutions, and for other purposes.

2. S. 2919 introduced by Senator Charles E. Goodell: "The Criminal Offender Rehabilitation and Crime Prevention Act of 1969," to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 342), was agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to juvenile delinquency in the United States, including (a) the extent and character of juvenile delinquency in the United States and its causes and contributing factors; (b) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code, in dealing with youthful offenders of Federal laws; (c) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal courts, and (d) the extent to which juveniles are violating Federal laws relating to the sale or use of narcotics.

SEC. 2 For the purposes of this resolution, the committee, from February 1, 1970 to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation, as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $257,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF NATIONAL PENITENTIARIES

The PRESIDING OFFICER. The next resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 344) authorizing additional expenditures by the Committee on the Judiciary for an investigation of national penitentiaries.

The Senate proceeded to consider the resolution.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $35,000 during the current investigative year for an investigation of national penitentiaries.

During the past several sessions of Congress $5,000 has been authorized by the Senate for that purpose, primarily to pay travel expenses of subcommittee members who visited certain of our national penitentiaries. The pending request includes an increase of $30,000 over last year's authorization. These additional funds are requested by the committee to enable the subcommittee to employ a small but much needed staff.

The Committee on Rules and Administration has reported Senate Resolution 344 without amendment.

Senator BURDICK is chairman of the Subcommittee on National Penitentiaries, and Senator HRUSKA is ranking minority member.

Mr. ELLENDER. Mr. President, I notice that the number of employees for this subcommittee has been increased from zero to three. As I recall, the late Senator from North Dakota, Bill Langer, was provided $5,000 to make trips to various penitentiaries. I understand there is an increase in the request from $5,000 to $35,000. Why the increase?

Mr. JORDAN of North Carolina. Mr. President, I think I can answer that question very satisfactorily. In the past most of the time the subcommittee did not spend that $5,000 because nothing was done.

We are getting a great many complaints about our Federal institutions all over the country, how they are operated and so on. This committee has decided to do some work, hire one employee full time, and put two people on part time who are experts on penal institutions, to actually get out and visit some of these institutions and see if the complaints coming in are justified, and what should be done about it.

I believe this is a justifiable increase, because they have not spent anything at all in the past, and should be doing something about it.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and inspect national penitentiaries.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $35,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF THE PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES

The Senate proceeded to consider the resolution (S. Res. 345) authorizing additional expenditures by the Committee on the Judiciary for a study of the problems created by the flow of refugees and escapees.

Mr. JORDAN of North Carolina. This resolution would authorize the Committee on the Judiciary to expend not to exceed $128,900 during the current investigative year for a study of the problems created by the flow of refugees and escapees.

During the last session of Congress $109,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $95,861. The pending request includes an increase of $19,900 over last year's authorization. These additional funds are requested by the committee for the salary increases authorized last year and for the addition of a minority staff member.

The Committee on Rules and Administration has reported Senate Resolution 345 without amendment.

Senator KENNEDY is chairman of the Subcommittee on Refugees and Escapees, and Senator FONG is ranking minority member.

Mr. ELLENDER. Mr. President, I notice here a request for an increase, and I wonder if this problem is not being studied to death. This committee has been in operation now for many years. I wonder where the refugees are coming from, and what is behind these studies.

Mr. JORDAN of North Carolina. I can answer that question from the testimony given before the Committee on Rules. There is quite a large number of refugees coming into Florida from Cuba, as well as some from Poland and Czechoslovakia. There are refugees, I am told by the committee, in Vietnam, who seem to be a problem of ours, which this committee has studied.

That is the information we got for justification that this committee continue, and that its activities be increased.

Mr. ELLENDER. I can understand the problem about Florida. We spend quite a bit of money to educate the Cubans who come into Florida. But I wonder if the committee has ever come to any conclusion as to what to do. Whenever there are any refugees in question, we jump in and take more than our share. In the case of the Cubans, we have taken all the

responsibility. The vast continent of South America exists nearby, but they will not take them unless we assist in full. I just wonder if the studies indicate the extent to which we should continue taking these refugees into our own country, and not permit other countries to share with us in the expense.

Mr. JORDAN of North Carolina. That is one of the things this committee is supposed to be doing.

Mr. ELLENDER. But it is not.

Mr. JORDAN of North Carolina. I concur in what the Senator says about our bearing all the expense, not just a major part of it, but all. But I move the adoption of the resolution, because I think they are working on it.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

S. RES. 345

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the problems created by the flow of refugees and escapees.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $128,900, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO REVISION AND CODIFICATION OF THE STATUTES OF THE UNITED STATES

The Senate proceeded to consider the resolution (S. Res. 346) authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to revision and codification of the statutes of the United States.

Mr. JORDAN of North Carolina. This resolution would authorize the Committee on the Judiciary to expend not to exceed $55,800 during the current investigative year for a study of matters pertaining to revision and codification of the statutes of the United States.

During the last session of Congress $52,900 was authorized by the Senate for that purpose, of which the committee has expended approximately $49,595. The pending request includes an increase of $2,900 over last year's authorization. These additional funds are requested by the committee for the statutory salary increases effective July 1, 1969.

The Committee on Rules and Administration has reported Senate Resolution 346 without amendment.

Senator ERVIN is chairman of the Subcommittee on Revision and Codification, and Senator SCOTT is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to revision and codification of the statutes of the United States.

SEC. 2. For the purpose of this resolution the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That if more than one counsel is employed, the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agenices of the Government.

SEC. 3. The committee shall report its findings, together with it recommendations, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $55,800, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF SEPARATION OF POWERS

The Senate proceeded to consider the resolution (S. Res. 347) authorizing additional expenditures by the Committee on the Judiciary for a study of separation of powers.

Mr. JORDAN of North Carolina. This resolution would authorize the Committee on the Judiciary to expend not to exceed $130,000 during the current investigative year for a study of constitutional separation of powers.

During the last session of Congress $105,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $87,087. The pending request includes an increase of $25,000 over last year's authorization. These additional funds are requested by the committee to accommodate the statutory salary increase, to add an additional staff member, and to contract for special studies.

The Committee on Rules and Administration has reported Senate Resolution 347 without amendment.

Senator ERVIN is chairman of the Subcommittee on Separation of Powers, and Senator HRUSKA is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution, the manner in which power has been exercised by each branch and the extent, if any, to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested in any other branch by the Constitution of the United States.

SEC. 2. For the purposes of this resolution the committee, From February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4 Expenses of the committee, under this resolution, which shall not exceed $130,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON LABOR AND PUBLIC WELFARE

The Senate proceeded to consider the resolution (S. Res. 312) authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Labor and Public Welfare to expend not to exceed $695,000 during the current investigative year for inquiries and investigations.

During the last session of Congress $550,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $453,282. The pending request includes an increase of $145,000 over last year's authorization. Approximately $10.000 of these additional funds are requested by the committee for the statutory salary increases. The balance—approximately $135,000—is requested for staffing and expenses of a new Subcommittee on Alcoholism and Narcotics.

The Committee on Rules and Admin-

istration has reported Senate Resolution 312 without amendment.

Senator YARBOROUGH is chairman of the committee, and Senator JAVITS is ranking minority member. Senator HUGHES is chairman of the new Subcommittee on Alcoholism and Narcotics, and Senator JAVITS is ranking minority member.

Mr. WILLIAMS of Delaware. Mr. Mr. President, under this resolution they are asking for nearly $250,000 more than the same committee spent last year. I wonder how that increase can be justified.

Mr. JORDAN of North Carolina. Mr. President, I would like the Senator from Texas (Mr. YARBOROUGH), the chairman of the committee, to respond to that question.

Mr. YARBOROUGH. Mr. President, the amount requested this year is $145,000 more than was allowed last year; $10,000 of that is in salary increase adjustments. The other $135,000 is for the expenses of the new Subcommittee on Alcoholism and Narcotics, under the jurisdiction of the Senator from Iowa (Mr. HUGHES). We created that subcommittee this year.

Beginning last year, our committee held hearings, at the request of many interested people, on the seriousness of the problem of narcotics and dangerous drug addiction. We held hearings in Washington, Texas, and some other places. It soon became obvious that it was a full-time subcommittee job. As chairman of the Subcommittee on Health, I could not hold them all up here. So the distinguished Senator from Iowa agreed to serve as chairman, and pursued it diligently.

We had no funds for a staff for that subcommittee, and the Senator from Iowa was forced to use members of his own staff to do the work. The majority leader (Mr. MANSFIELD) has repeatedly urged that we get funds to furnish a staff for that subcommittee. So the $135,000 add-on is for that Subcommittee on Alcoholism and Narcotics,, which, from the preliminary work it did and the hearings it held, I think will be one of the most important subcommittees of our entire Committee on Labor and Public Welfare.

Mr. WILLIAMS of Delaware. The Senator mentioned that this is only a $145,000 increase. I call attention to the fact that last year, while there was authorized $550,000, there was spent only $453,282, or approximately $250,000 less than they are now asking for. This year $695,000 is requested as compared with the $550,000 requested last year. That is $145,000 more than what they asked for last year, but it is around $250,000 more than was spent last year. I wonder if they need that additional quarter of a million dollars.

Mr. YARBOROUGH. Yes. I point out to the Senator that last year, following the election, every single subcommittee chairman of that committee was changed. We did not have the membership on the subcommittees worked out, with all the requests of Senators on both sides settled, until about Easter. The distinguished ranking minority member, the Senator from New York (Mr. JAVITS), and I worked diligently to try to accommodate the members of the respective parties insofar as we could, with their wishes, and very often most of the committee members wanted to be on one particular subcommittee.

By the time we had worked that out and had the members of the subcommittees named, and had employed personnel, about $66,500 of the amount unexpended was due to the failure of the committee to hire staff members immediately. We did not just go out and hire staff because there was a vacancy. Two of the staff members we added and I have worked for 12 months—the staff director, Mr. Harris, and the general counsel, Mr. Forsythe, who has spent first in the House of Representatives, and then here, some 16 years—screening people, trying to get the best people we could find.

That $66,500 is due to that delay in completing the staff, and it will be used. There was another $20,000 not expended because we tried to keep salaries in line with individual abilities. We did not just blindly follow a salary scale and raise everybody to the maximum immediately. We started with salaries we thought were reasonable, promoting people and raising their salaries gradually.

Some of the moneys we had for investigations, I feel, will be used this year. The subcommittees were new. Every single chairman was new. Many of the staff members were new. Now they are in the swing, they are moving, they are working, and the money is needed.

We turned back all we could, not because we could not have used it and did not need it, but it took months to get all the subcommittees working efficiently. I believe the distinguished ranking minority member, the Senator from New York (Mr. JAVITS) will agree with me that we now have a smooth-running, hardworking committee, and I believe that we will need all this money this year.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I can well recall that when former Senator Hill was the chairman of this committee, he asked that many of the people employed on these subcommittees be made permanent. The idea was that if we made those employees permanent, there would be no need to increase the number of subcommittee personnel.

But here we find ourselves with 28 more employees that are permanent. In other words, what Senator Hill did was to add to the 10 employees that were provided for under the Reorganization Act 18 more, making 28 altogether. Now, instead of following the plan that he had for decreasing the number of subcommittees, or making it so that these 18 would work for the full committee, we find ourselves in a position wherein this committee will have a total of 64 employees.

In other words, they have 10 employees under the Reorganization Act of 1946; they have 18 that were made permanent 2 or 3 years ago; and now they are asking for 36 more, which would give that committee 64 employees. What will they do with them?

Mr. YARBOROUGH. Why, year before last, when we were down there signing the bill, President Johnson turned to me and said, "80 percent of the legislation that directly affects the welfare of the people, in the Senate, goes through your committee."

Mr. ELLENDER. Eighty percent?

Mr. YARBOROUGH. That is what he said.

Mr. ELLENDER. Other committees must be drones.

Mr. YARBOROUGH. Let me point this out. If the Senator will look at the next to the right-hand column, there are two less employees, than former Senator Hill had. If we get the three new employees, they will be allocated to the subcommittee of the distinguished Senator from Iowa. The number went down by two this year.

I should also like to point out that we have a respectable number of minority members on this committee. We do not try to keep them out of staff. I have followed the practice of former Senator Hill. Each subcommittee chairman picks his staff. They are not all mine. I do not have that patronage of people. In some committees, the chairman insists on it. I do not criticize them. Each committee has its own custom. He appoints all the staff. I have followed the custom of Senator Hill. Each subcommittee chairman picks the staff for his subcommittee.

These will not be a gain for me. The three new staff men will be selected by Senator HUGHES. The total we now have amounts to two less than Senator Hill had.

Mr. ELLENDER. My point is this: I can well remember and I think the RECORD will bear me out—it just came to my attention a few minutes ago—that Senator Hill was desirous of ridding himself of so many subcommittees. The additional employees would be assigned to various Senators to do special work. In that way, he could get rid of special subcommittees. Now we are having increases on both ends of the scale.

Mr. YARBOROUGH. Mr. President, the rules prescribe what our jurisdiction is, and our jurisdiction is public health and a number of other things that we are not exercising. If we look back at 1946 and look at the present situation with respect to dangerous drugs and marihuana and narcotics in this country, we cannot judge the needs of 1970 by 1946. Twenty-four years have rolled by. The number fixed in the 1946 law is wholly inapplicable in America today, with the vast changes in this country in 24 years.

Mr. ELLENDER. I agree with that. But what has happened is that, in addition to the 10 permanent employees, the Senator has added 18, for a total of 28, and then he is adding 36 more.

Mr. YARBOROUGH. This has been inherited from Senator Hill; and, with all his thriftiness, I pointed out that it is two less than he had in his last year; and we plan to add three for the new

Subcommittee on Alcoholism and Narcotics.

A person need not wonder what is happening with respect to narcotics and other dangerous drugs. Just look about. In the last 15 years the situation has changed. Fifteen years ago, the average heroin addict was over 30 years of age, and now the average is under 21. Look at dangerous drugs, with the youth of the country spread out from the ghettos to every level of society, every class of society. It is one of the biggest problems in the country. That is the only subcommittee I have created.

Mr. ELLENDER. I understood that Senator DODD was doing all of that.

Mr. YARBOROUGH. It is within the jurisdiction of this committee and we are entitled to it. We have the duty to do this, under the rules, and the distinguished Senator from Iowa has the capability to do it.

Mr. WILLIAMS of Delaware. In his attempt to justify the request for $695,000 the Senator from Texas keeps talking about the great problem his subcommittee has with respect to drugs and the use of narcotics, but I invite attention to the fact that an almost identical argument was made earlier by the Senator from Indiana on behalf of the Committee on Juvenile Delinquency, which is asking for $257,000 to do this same work.

With such overlapping we almost need a committee to determine the duties of the various committees and to find out the size of their staffs. I wonder if we have not become lost in a maze created by the building up of a series of bureaucracies over which the Senate has lost control. Perhaps any one of these subcommittees considered alone can be justified, but collectively we are becoming a Government of staffs. The Senate now has over 700 committee employees. I think it has gone far beyond reason both as to cost as well as being really effective.

The cost of these subcommittees now is around $8 million annually while the cost of the full committees is another $5 million. Each year we get another 20- or 25-percent increase.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield.

Mr. JAVITS. If I may reply to that, I think the disquiet which Senator WILLIAMS has voiced is one that is in the mind of every Senator. I think we are all indebted to men such as Senator ELLENDER and Senator WILLIAMS who take their time, on an off day, when so many others are not here to watch the dollars and to hold us—I am the ranking minority member of this committee—to account for every dollar we seek.

I join with Senator YARBOROUGH in this matter. I should like to answer, if I may, because I think we must take it on a finite basis.

I would be the first to affirm that one cannot avoid some overlapping. You might as well muzzle every witness, if you would avoid overlapping. I think the line of distinction is clear.

In the Subcommittee on Juvenile Delinquency, Senator DODD is really after the user, the recipient, the influence of television, which he has gone into, on the cult of violence and the cult of drugs. These are critically important things.

On the other hand, in the Committee on Labor and Public Welfare we are concerned with treatment, with cure, with research, with sources of supply. I think these are jurisdictions appropriately apposite to the work of each committee.

The Committee on the Judiciary is concerned with the courts; it is concerned with juvenile delinquency laws; it is concerned with truancy laws; it is concerned with the crime that narcotics addicts commit in order to meet their need, in the area of illegality in which they operate.

Senator HUGHES' subcommittee is concerned with rehabilitation, with things like the methadone treatment, the halfway houses such as we have in New York, and in dealing with alcoholics.

I might point out that alcoholism is a terribly neglected area in our country. We are talking about something that costs American business alone, for sheer absenteeism, an estimated at least two billion dollars a year and probably much more; $2 billion is the lowest possible figure you can pick. That is in addition to a much higher accident rate.

We know, for example, that the fourth most important health problem in the country is alcoholism. I think we all owe a very deep debt of gratitude to Senator HUGHES. For the first time, with the coming of his subcommittee, we have begun to seize hold of this problem in our committee. Senator Moss and I never got very far with our bill until this subcommittee came along, to make it a living matter of interest to the whole country.

So I do think, without in any way trying to gild the lily and say there is no duplication, that in substance there is ample jurisdiction for both, and the job that needs to be done is critically important in both.

Finally, Mr. President, we are dealing with a $20 billion budget for health, education, and welfare. That was very vividly and dramatically illustrated to the country by the President's veto of that budget recently. It seems to me that legislative oversight in these fantastically ramified areas, in which you have buildings upon buildings, thousands upon thousands of Federal employees, must be understood to cost us a little money. I think it is only fair to lay that beside the $3 million which is being appropriated for Judiciary.

Concern about crime is on the mind and in the heart of every American. But, I respectfully submit, so is health, education, welfare, and the aged. They are enormous problems which the Committee on Labor and Public Welfare handles, let alone American labor itself. Thus, I, too, believe—and I am not trying to be doctrinaire about it—that there may be duplication and we can do many things better but, on the whole, this budget is designed to do the job that needs to be done. It is not extravagant. I hope very much that the Senate will approve.

Mr. GRIFFIN. Mr. President, may I speak to the resolution dealing with the Committee on Labor and Public Welfare? I just came into the Chamber and did not have the benefit of discussion up until now.

May I inquire whether there are any funds in the resolution for the investigation of the recent United Mine Workers' election, as to certain charges that came out of that, and other irregularities or charges of improper activities in the labor-management field?

Mr. JAVITS. I am the ranking member of the Labor Subcommittee. The Senator from New Jersey (Mr. WILLIAMS) is the chairman. He has actually undertaken a set of hearings with respect to the problems which arise and could affect labor law in this situation which is so tragic, including, as the Senator knows, the brutal killing of the opponent of the winner in that particular race.

There has been some concern on my part, which I express as to the quasi-judicial activities of the Secretary of Labor, who has a limited time in which to report in respect to complaints made to him about that election, and even the danger of prejudice to a murder indictment in respect of the terrible thing which was the sequel to the election; but I felt, as obviously the Senator from Michigan implies, that bearing in mind the needed taste and discretion which these injunctions that I gave of record require, the overriding public interest was, nonetheless, for the most complete, possible scrutiny.

The Senator from New Jersey (Mr. WILLIAMS) shows every intention of doing that. I join him in it. I feel that we will push along on that line. Should we run into any problem, I assure the Senator, I would urge the Senator from New Jersey (Mr. WILLIAMS) not to be stopped by the absence of necessary resources or of personnel. We will honestly, if we feel we must, come back to the Senate, through the Rules Committee, to lay our case before it. But, as the matter stands now, that has actually been done. There have been two hearings and the committee shows every sign of going forward with it.

Mr. GRIFFIN. May I ask of the chairman or the ranking member how much, if any, additional funds were put into the resolution for that purpose?

Mr. JAVITS. So far as I know, the budget of the Committee on Labor and Public Welfare included this as a very important aspect of its work. There was not set up a specific fund for this one purpose.

Mr. GRIFFIN. Would the chairman be able to add anything to this colloquy?

Mr. YARBOROUGH. Let me say to the Senator from Michigan that there are no additional funds in this request for the investigation. The Senator from New Jersey (Mr. WILLIAMS), in the full committee, had passed its budget and was submitting it to the Committee on Rules and Administration before the other affair arose. The Senator from New Jersey (Mr. WILLIAMS) is preparing a budget for the funds for the investigation. We have called an executive session of the full Committee on Labor and Public Welfare for Wednesday to pass on that budget,

prefatory to submitting whatever request the full committee decides on to the Committee on Rules and Administration, because that came up after the regular budget came up. That would be a special item and whatever investigation has been done up to now has been done under the regular budget of the Labor Subcommittee or the full committee.

Mr. GRIFFIN. Then, as I understand it, this contemplates that there will be another request and another resolution made. At least, there is a possibility that there will be one this week for additional funds for that particular subcommittee for that purpose.

Mr. YARBOROUGH. Solely. For that one purpose.

Mr. GRIFFIN. Mr. President, I have no objection to the resolution as it is presented today.

I want to express, however, to the Senator, my concern about the need for a comprehensive and thorough investigation, one which does not unduly interfere with the investigation now going on by the Labor Department and which will shortly be concluded; and also my concern that a committee of the Senate, which is properly staffed and properly financed, shall have the responsibility to undertake this very difficult challenge.

I invite attention to the fact that I have introduced a resolution which was referred to the Committee on Labor and Public Welfare. I think it should have gone to the Committee on Rules and Administration, but my resolution would have reactivated—I guess the word might be—a committee which was, in effect, in the 1950's known as the Select Committee on Improper Activities in the Labor Management Field. That committee was a bipartisan committee made up of four Democrats and four Republicans—recognizing the difficult and politically sensitive area that this involved. It was chaired by the Senator from Arkansas (Mr. MCCLELLAN). The committee did an excellent and thorough job in the 1957, 1958, and 1959 period. Then it went out of existence.

It is my strong feeling, frankly, that we need that kind of committee again. This is a situation which can be handled by a legislative committee, but I am very much aware of the fact, having served on that legislative committee, that they do not have the staff or the experience of the kind and depth needed for this kind of investigation.

I speak out now, in advance of the time when that resolution may be considered, with the hope that perhaps the Senate will give consideration to the kind of select committee which my resolution seeks to establish.

Mr. YARBOROUGH. Mr. President, I am advised that the Senator from New Jersey (Mr. WILLIAMS) has already been in touch with the General Accounting Office, and with some of the people on the staff of the committee that was headed by the Senator from Arkansas (Mr. MCCLELLAN). The budget request is for $265,000, to staff the investigation fully, and that it will be separate for the regular budget of the Committee on Labor and Public Welfare which is submitted here. That would be special.

I have called an executive session of the Committee on Labor and Public Welfare for Wednesday of this week to pass on the request of the chairman of the Labor Subcommittee, so that whatever action is taken can be submitted to the Committee on Rules and Administration at an early date.

The resolution was agreed to, as follows:

S. RES. 312

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommitte thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Labor and Public Welfare including all matters relating to education; health, labor relations, labor safety, wages and hours, and migratory labor conditions; manpower training and utilization; poverty, railroad retirement; and veterans education, health, and readjustment to civilian life.

SEC. 2. For the purpose of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee under this resolution, which shall not exceed $695,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

The Senate proceeded to consider the resolution (S. Res. 317) authorizing the Committee on Post Office and Civil Service to make certain investigations.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Post Office and Civil Service to expend not to exceed $275,000 during the current investigative year for inquiries and investigations.

During the last session of Congress, $200,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $177,537. The pending request includes an increase of $75,000 over last year's authorization. These additional funds are requested by the committee primarily to meet its additional urgent responsibilities in connection with postal modernization legislation.

The Committee on Rules and Administration has reported Senate Resolution 317 with an amendment which would revise the title only.

Senator MCGEE is chairman of the committee, and Senator FONG is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 317) was agreed to, as follows:

Resolved, That the Committee on Post Office and Civil Service, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and conduct such studies as may be deemed necessary with respect to any and all aspects of—

(1) the postal service, with particualr emphasis upon inquiries into the desirability of major organizational restructuring and modernization. Included in these investigations, directed toward improving postal service in the United States, are mechanization, labor-management relations, ratemaking, capital funding, wages, hours, work schedules, management techniques, and utilization of manpower;

(2) the Federal civil service, including retirement, life and health insurance, and general consideration of legislation to improve the quality of Federal employment and Federal personnel policies and practices; and

(3) committee jurisdiction concerning the census and the collection of statistics.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, until January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments and agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation at it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $275,000, shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Post Office and Civil Service for inquiries and investigations."

ORDER OF BUSINESS

Mr. SPARKMAN. Mr. President, will the distinguished chairman yield to me for a brief statement?

Mr. JORDAN of North Carolina. I yield.

PROPOSED LEGISLATION TO ESTABLISH AN ENVIRONMENTAL FINANCING AUTHORITY—CHANGE OF REFERENCE

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the letter from the Secretary of the Treasury to establish an Environmental Financing Authority to assist in the financing of waste

treatment facilities, which, on February 10, 1970, was referred to the Committee on Public Works, be referred jointly to the Committees on Public Works and Banking and Currency.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. RANDOLPH. While the distinguished chairman of the Committee on Banking and Currency is making this request, let me say that we have discussed this matter. There is no conflict of jurisdiction involved. It is work that the two committee must share. It is our understanding that the bill will come to us for a full consideration. When we have completed our part of the job it will be sent to the Committee on Banking and Currency.

Mr. SPARKMAN. That is correct.

Mr. RANDOLPH. I am glad to hear that is the Senator's understanding.

Mr. SPARKMAN. Further, I understand that when the bill is introduced, which I understand will be on Wednesday, it will be explained and acted on in accordance with the wishes of the chairman.

Mr. RANDOLPH. That will be satisfactory to the chairman of the Committee on Public Works, and I am sure to the ranking minority member of the Committee on Public Works, Senator JOHN SHERMAN COOPER, who is in the Chamber with us.

In a measure of this kind with problems that concern two committees, we want to make sure that responsibility is shared and that their jurisdictions are preserved.

COMMITTEE ON PUBLIC WORKS

The BILL CLERK. Calendar No. 688 (S. Res. 326), authorizing additional expenditures by the Committee on Public Works for inquiries and investigations.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the resolution.

Mr. JORDAN of North Carolina. This resolution would authorize the Committee on Public Works to expend not to exceed $211,500 during the current investigative year for inquiries and investigations.

During the last session of Congress $240,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $234,264. The pending request represents a reduction of $28,500 from last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 326 without amendment.

Senator RANDOLPH is chairman of the committee, and Senator COOPER is ranking minority member.

Mr. RANDOLPH. Mr. President, during the year 1969, the Committee on Public Works considered and reported 11 bills. In consideration of these measures, among others, the committee conducted 45 days of hearings, including 21 days of hearings in the field, and met in executive session 13 times.

During the second session of the 91st Congress, the Public Works Committee—exclusive of the agenda of the Subcommittee on Air and Water Pollution, for which funds are requested under a separate resolution—must complete action on major legislative measures in the fields of rivers and harbors and flood control, highways, economic development, disaster relief, and public buildings and grounds.

Flood control and rivers and harbor development will entail monetary authorizations for continuation of 13 major river basin plans, which authorizations amount to $830 million through fiscal year 1971.

The omnibus rivers and harbors bill for 1970 will involve consideration of some 60 favorable reports now in various stages of approval in the executive branch, which recommend improvements costing an aggregate of some $1.4 billion.

The committee also anticipates oversight hearings on the cost-benefit ratio method of justifying water resources projects by the Corps of Engineers and the feasibility of developing a programmatic rather than a project-by-project approach.

This year, Congress must authorize funds for the orderly continuation of the Interstate System. A final revised estimate of the cost of the completion of the system will be submitted to the Congress by April 15, 1970. Current information indicates that the authorization will have to be increased to $63 billion, to extend through fiscal year 1977. As part of the biennial authorization for Federal-aid highways, the Congress must also authorize the primary and secondary systems for fiscal years 1972 and 1973.

The Subcommittee on Roads will also examine in depth the working of the highway program, review the provisions of existing law, and proceed with the development of national highway needs and a balanced transportation system for the decade of 1975–85.

As a corollary to this work we will review the Highway Safety Act of 1966 and consider the related problems of bridge safety and railroad-highway grade crossings.

The Subcommittee on Economic Development must consider extension and amendment of various authorities under the Public Works and Economic Development Act of 1965 to make this program more effective in relieving area unemployment and underemployment.

Late in 1969, following Hurricane Camille, the Committee on Public Works created a Special Subcommittee on Disaster Relief, which has already undertaken the first of a series of hearings to investigate all aspects of the Federal response to natural disasters. During the last 2 years, there has been 48 presidentially declared disaster areas. The new subcommittee must be prepared for on-the-spot investigations of major disasters such as was required in connection with Hurricane Camille in Mississippi and Virginia during late 1969 and early this year.

It is expected that legislation will be reported during this session growing out of the activities of this subcommittee which will set forth programs and guidelines for action in meeting Federal responsibilities in this field and in assisting the States to develop more effective planning and programs of their own.

It is anticipated that the administration, in its legislative program, will propose amending the Public Buildings Act of 1959 to provide a different method of financing the construction and operation of Federal buildings. Development of a new program will require extensive hearings and study by the Subcommittee on Public Buildings and Grounds.

In summary, to fulfill the responsibilities of this committee, exclusive of the activities of the Air and Water Pollution Subcommittee, the Committee on Public Works and its other subcommittees must conduct approximately 57 days of hearings, both in Washington and in the field.

Early this year the committee announced the formation of a scientific advisory panel on the environment, comprised of nationally recognized experts in many areas of scientific discipline. Because of the impact on the environment of programs authorized by the Committee on Public Works, such as highways and water resources development, this panel will serve the committee in other areas than those of just air and water pollution. The proposed budget of the Committee on Public Works, therefore, includes travel expenses for the panelists who will come to Washington in the service of the committee.

There is also reflected in the proposed budget the addition of two minority staff members to rectify the imbalance which now exists between the majority and minority staff positions.

Mr. President, I urge the Senate to act favorably on Senate Resolution 326.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 326) was agreed to, as follows:

Resolved, That the Committee on Public Works, or any duly authorized subcommittee thereof, is authorized, under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to flood control, navigation, rivers and harbors, roads and highways, public buildings, regional economic development, disaster relief, environmental quality, and all features of water resource development and economic growth.

SEC. 2. For the purposes of this resolution, the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Sen-

ate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $211,500, shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the committee.

COMMITTEE ON PUBLIC WORKS

The PRESIDING OFFICER. The next resolution will be stated.

The BILL CLERK. Calendar No. 689 (S. Res. 327), authorizing additional expenditures by the Committee on Public Works for investigations of air, water, and environmental matters, and such other related matters.

The Senate proceeded to consider the resolution, which was reported from the Committee on Rules and Administration with an amendment on page 2, line 11, after the word "from", strike out "February 1, 1970," and insert "the date of approval of this resolution"; so as to make the resolution read:

Resolved, That the Committee on Public Works, and its duly authorized Subcommittee on Air and Water Pollution, is authorized, under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of the financing of waste treatment facilities, extension and amendment to the Clean Air Act, including creation of an Office of Noise Pollution Abatement; extension and expansion of the Solid Waste Disposal Act; completion of action on the Water Quality Improvement Act and the Office of Environmental Water Quality; limitation of underground uses of nuclear energy; potential administration proposals on amendments to the Clean Air Act and the Federal Water Pollution Control Act, the recovery and recycling of waste materials and assessment of waste disposal technology, the establishment of National Environmental Laboratories, and such other matters as may be referred to the subcommittee during this session.

SEC. 2. For the purposes of this resolution, the committee from the date of approval of this resolution to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $163,500, shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. JORDAN of North Carolina. This resolution would authorize the Committee on Public Works to expend not to exceed $163,500 during the current investigative year for investigations of air, water, and environmental matters.

These additional funds are requested by the committee in order that for the first time it may provide staff and funds for its Subcommittee on Air and Water Pollution. This action is being initiated by the committee because of the major emphasis which the administration is placing on environmental matters, and because of the increasing popular and congressional concern in this vital area.

The Committee on Rules and Administration has reported Senate Resolution 327 with an amendment which would change the starting date from February 1, 1970, to the date of approval of the resolution.

Senator MUSKIE is chairman of the Subcommittee on Air and Water Pollution, and Senator BOGGS is ranking minority member.

Mr. ELLENDER. Mr. President, apparently this is a new subcommittee. We would like to find out something about it. As I understand it, the Labor and Public Welfare Committee is involved.

Mr. RANDOLPH. Mr. President, I point out to the distinguished Senator from Louisiana that no new subcommittee or committee is involved. It is the Subcommittee on Air and Water Pollution of the Public Works Committee. This was the subcommittee established in 1963.

Mr. ELLENDER. Mr. President, what name did it go by at that time?

Mr. RANDOLPH. The name it bears at this time, the Air and Water Pollution Subcommittee.

Mr. ELLENDER. According to the resolution, the committee is asking for $163,500.

Mr. RANDOLPH. The Senator is correct.

Mr. ELLENDER. Was there a subcommittee in existence that did this work?

Mr. RANDOLPH. We had the subcommittee in existence. And we dealt with air, water, and environmental matters, and all other aspects.

We could not do the job with the money provided for the full committee.

I should like to make a statement as to exactly why the request is made.

Mr. ELLENDER. Mr. President, are any other committees engaged in studies of this kind? I understand there are.

Mr. RANDOLPH. Mr. President, there are perhaps several committees. We had the Banking and Currency Committee involved in the financing of a water pollution program that will be introduced on Wednesday. I am not the one to say that all of the legislation is in public works. But I will say that since 1963, the major task involved in pollution and its abatement and control has been within the jurisdiction of the Public Works Committee.

It is our understanding—and the ranking minority member of the Committee on Public Works, Senator COOPER, I am sure, will bear me out—that during the coming months we will have an exceedingly heavy load. I have tried to document very earnestly and very factually before the Committee on Rules and Administration the reasons why the subcommittee must have funds with which to carry on its work.

I say to the very able Senator from Louisiana that we are now receiving 500 letters a week from all over the United States on the subject of environmental programs that are being proposed.

We will be introducing many bills in the Senate in a day or so, measures that have come from our subcommittee.

The amount of money requested is a very modest amount. We need it in order to do the job for the Senate that is necessary in response to the thinking of the American people at the present time.

Mr. ELLENDER. As I recall it, the distinguished Senator from Maine (Mr. MUSKIE) did some work on this matter.

Mr. RANDOLPH. He is the chairman of the subcommittee.

Mr. ELLENDER. Is that the same committee?

Mr. RANDOLPH. The Senator is correct.

Mr. ELLENDER. How has that subcommittee been financed heretofore?

Mr. RANDOLPH. It has been financed from the appropriations made to the Committee on Public Works.

Mr. ELLENDER. It has been financed through the regular appropriations?

Mr. RANDOLPH. The Senator is correct.

Mr. ELLENDER. Does the Senator mean it has been done with 10 employees?

Mr. RANDOLPH. We have had professional staff members of the Public Works Committee that have been assigned to roads, economic development, and air and water pollution.

Mr. ELLENDER. Mr. President, can the Senator tell us how many staff members—that is, specialists—the committee now has in addition to the four provided under the act of 1946? The committee had four assigned to it—on the standing committee.

Mr. RANDOLPH. Mr. President, I will supply that information in a moment. The Public Works Committee is the committee that has jurisdiction over roads and the construction of dams and reservoirs.

The very knowledgeable Senator knows of the work of the authorizing committee, with the Public Works Appropriations Subcommittee, in the field of rivers and harbors. Into the framework of the committee has come economic development, the Appalachian Regional Development Act and five regional programs established under the Public Works and Economic Development Act of 1965. The Appalachian program was the forerunner of these five other regional development programs.

The committee must also make additional efforts in the field of highway legislation. It is work created by the passage of the Highway Safety Act and other new highway measures.

The impact falls on our committee. It has heavy responsibility to develop this matter because of the air and water pollution and solid waste disposal legislation

proposed by the administration, and amendments to the presents acts are being considered by the subcommittee chaired by the able Senator from Maine (Mr. MUSKIE).

The need is very great. We have five professional staff members in addition to the statutory resolution. We would provide for two additional persons, one minority and one majority. I refer to Senate Resolution 327.

Mr. ELLENDER. According to the resolution, it provides for eight new employees.

Mr. RANDOLPH. Not in Senate Resolution 327. They are for the full committee.

Mr. ELLENDER. The Senator is asking for $163,500 for eight new employees, according to the presentation to the committee.

Mr. RANDOLPH. That work has been carried on by the full committee in the past—by some of them, not all of them.

Mr. WILLIAMS of Delaware. Mr. President, would the full committee reduce its staff by these eight employees? Are they to be taken over by the subcommittee, or will the committee still keep 16?

Mr. RANDOLPH. I repeat the response I made to the Senator from Louisiana, that in the past some of these workers have been carried on the full committee staff.

Now, with the increased environmental emphasis, we are asking for a minority staff member and a majority staff member, in addition to those that have been carried regularly.

Mr. ELLENDER. As I understand it under this resolution funds would be provided to employ seven additional members of the staff. That is what the clerk tells me and it is in the justification. That is what I am trying to have clarified. I wish the Senator would place in the RECORD the number of staff members he now has in addition to the regular members and then add these to them to indicate the full number.

I do not want to be misunderstood. I am referring to these studies. However, the Committee on Commerce is given a lot of money to do the same thing and I understand the Committee on Labor and Public Welfare is given a lot of money to do the same thing. I wonder whether there is duplication.

Mr. RANDOLPH. I know of no Labor Committee jurisdiction.

Mr. ELLENDER. I have been handed a note to the effect that the Labor Committee does some environmental work. Whether it is true I do not know but I am told that.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, I address myself to the question raised by the Senator from Louisiana. It is true the Committee on Commerce has some jurisdiction. For example, there is the matter of automotive engines.

Mr. RANDOLPH. And jet aircraft.

Mr. COOPER. And jet aircraft. That is included because they deal with transportation. The Committee on the Interior has some jurisdiction. However, the Committee on Public Works has absolute jurisdiction—at least we think so—over the question of water pollution control, air pollution control, solid waste disposal, the millions of junked automobiles all around the country, bottles, containers, and garbage.

We have the question of water pollution control, which also deals with the unusual problem of oil spills. A year ago we began hearings on oil spills after the incident at Santa Barbara. There have been other oil spills all over the world, but this particular one made a tremendous impact in this country.

Mr. RANDOLPH. The most recent one was in Florida.

Mr. COOPER. I am not an engineer nor am I an expert in this field, but to show the problems that arise, there is the problem of working out a formula of negligence; that is, whether to make it a public burden or the sole burden of the carriers. We had testimony from insurance carriers from all over the world. Some of them came from England. The question dealt with on-shore facilities as well as off-shore facilities and the liability for spills on the great Mississippi River and the Ohio River. We worked for 1 year on it and we have not yet reached a solution. Our committee met day after day and we had good attendance on both sides.

On the question of solid waste, air pollution, water pollution, and so forth, there were two or three members from the full committee to study this problem. We had three minority staff members.

Now, the President is calling for a more comprehensive program in the next 4 or 5 years with the construction of municipal sewage plants with $4 billion to be authorized by the Federal Government and $6 billion from the States for financing the program. This is the reason, in my judgment, we had to have seven staff members. This matter deals with billions of dollars.

Mr. RANDOLPH. Mr. President, I would like to supplement what the able Senator from Kentucky has said.

Mr. President, the greatly increased national understanding of the need for major emphasis on environmental matters makes it imperative that the Committee on Public Works expand its agenda in the field of pollution control legislation in which the committee has pioneered. In order to respond to popular concern and facilitate congressional initiative, the Committee on Public Works is, for the first time, requesting separate funding of the Subcommittee on Air and Water Pollution.

As indicators of public and congressional interest in this field, the subcommittee is receiving approximately 600 letters a week, at least three-fourths of which require individual responses and there are pending in the subcommittee 13 major bills on pollution and environmental matters introduced in the first session of the 91st Congress.

The 1970 legislative agenda of the Subcommittee on Air and Water Pollution will include consideration of major amendments to the Federal Water Pollution Control Act. As proposed by Senator EDMUND S. MUSKIE, chairman of the subcommittee and other Members of the Senate, this program envisages the authorization of $2.5 billion per year in Federal construction grants for the next 5 years, the Federal share for $25 billion worth of facilities; incentives to encourage river basin development and financing of treatment systems for all sources of waste within the basin; the extension of the water quality standards program to all navigable waters; a minimum requirement that all new industrial facilities which use the navigable waters of the United States incorporate the best available pollution control technology as a condition of such use; a requirement that enforceable effluent standards and compliance schedules be specifically included in any water quality standards implemenation plans; tightened up Federal enforcement procedures on a uniform, effective basis; greater public participation in standards development and extension of public participation to enforcement by permitting class suits against alleged violators of standards; and a requirement that Federal water quality criteria for all pollutants be published and revised as appropriate as a sound basis for effective standards development.

It is also essential that we give full attention to the extension and amendment of the Clean Air Act. Proposed legislation on this subject encompasses recommendations for the creation of an Office of Noise Pollution Abatement; national emission standards for all moving sources of pollution; accelerated research efforts to develop emission-free motor vehicles, for compliance with low-emission standards; the requirement that all new industries subject to the provisions of this act be required to install the best available pollution control technology at the time of construction; the early designation of all anticipated air quality control regions; the extension of Federal enforcement authority to project the public health and welfare against intrastate violations of air quality standards; and a substantial increase in the manpower available for the National Air Pollution Control Administration for the development and enforcement of air quality standards.

In addition to the foregoing, we must complete action on S. 2005, the Resource Recovery Act of 1969. Consideration must be given to the development of new methods to reduce, reuse, and recycle wastes; testing and demonstration of these new methods; the recommendation of standards for solid waste disposal and collection systems, grants for construction of local and regional resource recovery and solid waste disposal facilities; and a substantial increase in the Federal financial commitment to the solution of these problems at a level of some $800 million over a 5-year period.

Legislation covering all of the above items in water pollution, air pollution, and solid waste management is pending before the subcommittee, and new proposals are expected from individual Members of the Senate. The administration has already forwarded to the Congress its proposals for action on these vital subjects.

In accordance with the request of the

majority and minority leaderships and the existing practice of the committee, extensive oversight on agency administration of these programs will be conducted. Such review will substantially assist the subcommittee in its deliberations on the proposed new programs.

It is anticipated that the subcommittee consideration of these and other matters will require approximately 45 days of hearings in Washington and in the field. In order to fulfill these demands it is essential that the subcommittee staff for both the majority and the minority be increased, and the proposed budget anticipates the addition of one professional and one clerical staff member for the majority staff and one professional and one clerical staff member for the minority.

Mr. President, the need for effective action on these problem-solving programs is essential to our national well-being. I urge Members of the Senate to respond by approving Senate Resolution 327.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 327) was agreed to.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS

The PRESIDING OFFICER. The next resolution will be stated by title.

The BILL CLERK. A resolution (S. Res. 307) to authorize expenditures for salaries and other purposes for the Subcommittee on Privileges and Elections.

The Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 22, after "January 31," strike out "1969." and insert "1971."; so as to make the resolution read:

Resolved, That the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) the election of the President, Vice President, or Members of Congress;

(2) corrupt practices;

(3) contested elections;

(4) credentials and qualifications;

(5) Federal elections generally; and

(6) presidential succession.

SEC. 2. For the purpose of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and the personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $150,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Rules and Administration to expend not to exceed $150,000 during the current investigative year for continuing studies of Federal election laws and related matters.

During the last session of Congress $105,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $61,993. The pending request includes an increase of $45,000 over last year's authorization. These additional funds are customarily requested by the committee each congressional election year to assure that sufficient funds are available to investigate election complaints and to handle any election contests which may arise.

The Committee on Rules and Administration has reported Senate Resolution 307 with minor amendments which would revise the title of resolution and rectify a clerical error.

Senator CANNON is chairman of the Subcommittee on Privileges and Elections, and Senator CURTIS is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Rules and Administration for continuing studies of Federal election laws and related matters."

SELECT COMMITTEE ON SMALL BUSINESS

The PRESIDING OFFICER. The next resolution will be stated by title.

The BILL CLERK. A resolution (S. Res. 322) authorizing additional expenditures by the Select Committee on Small Business.

The Senate proceeded to consider the resolution.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Select Committee on Small Business to expend not to exceed $175,000 during the current investigative year for a study of the problems of American small and independent business.

During the last session of Congress $155,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $149,141. The pending request includes an increase of $20,000 over last year's authorization. These additional funds are requested by the committee to meet its increased responsibilities and its need for more investigations and hearings. No additional personnel are requested.

The Committee on Rules and Administration has reported Senate Resolution 322 without amendment.

Senator BIBLE is chairman of the select committee, and Senator JAVITS is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 322) was agreed to, as follows:

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $175,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SPECIAL COMMITTEE ON AGING

The Senate proceeded to consider the resolution (S. Res. 316) continuing and authorizing additional expenditures by the Special Committee on Aging, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 25, after the word "than", strike out "$2,400" and insert "$2,700"; so as to make the resolution read:

S. RES. 316

Resolved, That the Special Committee on Aging, established by S. Res. 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through January 31, 1971.

SEC. 2. It shall be the duty of such committee to make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

SEC. 3. The said committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

SEC. 4. A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be

fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 5. For purposes of this resolution, the committee is authorized (1) to employ on a temporary basis from February 1, 1970, through January 31, 1971, such technical, clerical, or other assistants, experts, and consultants as it deems advisable: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (2) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, to employ on a reimbursable basis such executive branch personnel as it deems advisable.

SEC. 6. The expenses of the committee, which shall not exceed $215,000 from February 1, 1970, through January 31, 1971, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 7. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971. The committee shall cease to exist at the close of business on January 31, 1971.

Mr. JORDAN of North Carolina. Mr. President, this resolution will continue the authority of the Special Committee on Aging and authorize it to expend not to exceed $215,000 during the current investigative year for a study of all matters pertaining to problems and opportunities of older people.

During the last session of Congress $230,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $214,662. The pending request is $15,000 less than last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 316 with a minor amendment which would correct a clerical oversight.

Senator WILLIAMS of New Jersey is chairman of the special committee, and Senator PROUTY is ranking minority member.

Mr. ELLENDER. Mr. President, I wonder if we can find out what this committee is doing. What results are coming forth? It has been in existence quite a while.

Mr. JORDAN of North Carolina. Mr. President, I wonder if the Senator from West Virginia (Mr. RANDOLPH) will explain. Incidentally, the committee asked for $15,000 less than last year.

Mr. RANDOLPH. Mr. President, the Senator from New Jersey (Mr. WILLIAMS) had to leave the floor. I am a member of the Special Committee on Aging. In response to the question of the Senator from Louisiana with reference to the work being carried forth by the committee, let me say that 1969 was one of the busiest and most productive years for the committee. Hearings covering 22 days were carried on in Washington, D.C., with supplemental hearings of 12 days in the field. The subjects ranged from "Older Americans in Rural Areas," and efforts to help them, to "Trends in Long-Term Care," and other subjects. The major subject was that of the economics of aging. This subject was suggested by the minority in its 1968 report.

Four task forces were involved preparing working papers in advance of hearings held. These working papers documented the need, and were very useful in our deliberations both at hearings and with relation to the social security legislation in 1969.

The Special Committee on Aging works with other congressional units. We have conducted hearings with the Select Committee on Nutrition and Human Needs. Our Special Committee on Aging, with the Committee on Labor and Public Welfare, has held hearings on the Older American Act amendments.

We have investigated the usefulness and availability of Federal services and programs to elderly Mexican-Americans, which is outlined in the report, and the usefulness of the model cities program to the elderly. These are the types of programs that have been carried forward: "Trends in Long-Term Care," under the guidance of the Senator from Utah (Mr. Moss); "The Federal Role in Encouraging Preretirement Counseling," under the guidance of the Senator from Minnesota (Mr. MONDALE); and other subjects. I chair a Subcommittee on Employment and Retirement Incomes.

This year we have 15 staff personnel. It is the same number as last year. It includes two part-time employees.

We have had the volunteer services of a number of experts who have worked on several task forces. They prepared working papers for our help, in advance of hearings. This has been done without cost to the committee, with the exception of some travel expenses incident to individuals who came to Washington, D.C.

Mr. ELLENDER. The subcommittee has been in existence quite a while, and I am just wondering if there is any end to it. The Senator mentioned nutrition. We had a committee working on that subject all last year. I am wondering the extent to which these committees will keep on going. Here we are spending a quarter of a million dollars a year for that purpose. It has been going on for probably 10 years or more. I am wondering if we can get to an end of some of these committees.

Mr. JORDAN of North Carolina. Mr. President, I am not on this committee, but I do know that a considerable amount of work is being done by that committee, because the aging problem is an increasing problem in this country and is of great concern.

Mr. RANDOLPH. When the Special Committee on Aging was brought into being, we did not have the medicare program. That is one of the many developments that have come about in recent years.

The PRESIDING OFFICER. The question is on agreeing to the amendments to the resolution.

The amendment was agreed to.

The resolution, as amended, was agreed to.

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

The Senate proceeded to consider the resolution (S. Res. 323) relative to extending the Select Committee on Nutrition and Human Needs through January 31, 1971.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays on the pending resolution.

The yeas and nays were ordered.

Mr. JORDAN of North Carolina. This resolution would continue the authority of the Select Committee on Nutrition and Human Needs and authorize it to expend not to exceed $246,000 during the current investigative year for a study of matters pertaining to the lack of food, medical assistance, and other related necessities of life and health.

During the last session of Congress $250,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $237,390. The pending request is $4,000 less than last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 323 with an amendment which would revise the title only.

Senator MCGOVERN is chairman of the select committee, and Senator JAVITS is ranking minority member.

Mr. ELLENDER. Mr. President, as I stated in my opening statement earlier in the day, here is a committee that was created in 1968, in the latter part of the year, and last year, it was renewed. The Senate was asked to increase the $150,000 appropriation suggested by the Committee on Rules to $250,000, and we had quite a discussion as to the matter. As I understand it, if the amount that we provided were increased from $150,000 to $250,000, it was stated that it would be sufficient, not only to hold extensive hearings and study the problem, but to make a final report, and thereby end the work of the committee.

It is my recollection that there was a specific statement made, as I recall by the distinguished Senator from Illinois (Mr. PERCY), who led the fight to increase the appropriation from $150,000 to $250,000. I have a quotation here from the CONGRESSIONAL RECORD, volume 115, part, 3, page 3673. This is in response to a question by the Senator from Nebraska (Mr. CURTIS) as to how long the committee would last. The Senator from Illinois stated:

> As we analyzed the budget, we decided this committee should not be a continuing committee.

I was there when all this was done. The Senator continued:

> The continuing function should be carried on by the agencies.

In other words, the idea was for us to start hearings on this program, and indicate what the problems were.

We did just that, and now we are told that this committee needs to be broadened. In other words, they are moving to a new field.

Mr. President, that is how these subcommittees have thrived and expanded,

and have been renewed and extended from year to year. I was handed some time ago a list of what is proposed to be accomplished by this extension. The committee staff seems to feel that the committee has jurisdiction over virtually all activites of Government with possibly the exception of the Department of Defense. For instance, I read from the memorandum prepared for consideration during the committee's executive session of January 20:

It is proposed that in 1970 in addition to completing its studies directly related to nutrition, *the Committee turn its attention particularly to the areas of health, income maintenance and welfare reform.* It is suggested that the long-term solution to the hunger problem, as was clearly the conclusion of the White House Conference on Nutrition, is *adequate income.* Food stamps and commodities, which the Committee focused upon last year, are essential interim solutions, but the long-term solution is an adequate *income maintenance* program. Furthermore, in 1969, the Committee did not have time to look at nutrition problems in the context of medical care and health.

It would go into the purposes for which many of the subcommittees have asked for funds today, and into many of the problems that have already been studied by various executive committees as well as our standing committees. The quotation continues:

It has not had time to examine the role of private medicine, the role of medical education or the role of public health in meeting nutrition and other needs.

I am reading from the conclusions reached by this special committee on January 20.

I point out, Mr. President, that these matters are the direct responsibilities of the regular standing committees, namely, the Committee on Labor and Public Welfare and the Committee on Finance which has jurisdiction over the income maintenance proposals now before the Congress. There are voluminous studies underway within the executive branch on the problem of nutrition and health and income needs. As the recently published study by the President's Commission on Income Maintenance Programs pointed out, "Thousands of pages of statistics about the poor have been labeled and published, the poor have been measured, surveyed, and sorted into numerous categories . . ." And so forth.

I am as concerned about those in need as any man in this Senate but it seems to me that we are quickly reaching a point of diminishing returns in piling studies on top of tabulations. This, in effect, is what the Select Committee proposes to do. There are a few of us on it who object to this but so far we are in the minority. In this connection, Mr. President, it always seemed to this Senator, as chairman of the Committee on Agriculture and Forestry, that what we needed was to get some more action in this field by improving the existing programs and by educating the people as to what constituted a proper diet in their areas.

And may I say, Mr. President, as shown by the hearings that we had, the Department of Agriculture has provided in excess of $10 million, in order to obtain people to teach housewives how to balance their meals. All of this has been done. All of the programs that were suggested by the committee, I think, have been put into effect. Now that we have done all of that, the committee wants to sustain itself, wants to continue itself by going into other matters, far removed from the original purpose of the resolution.

Mr. President, I do not want to read all of the reasons given for the continuation of this committee, but I ask unanimous consent to have printed in the RECORD at this point the various proposals that the committee intends to look into, in addition to nutrition, which, as I recall, was the main purpose for the creation of the committee.

There being no objection, the proposals were ordered to be printed in the RECORD, as follows:

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

AGENDA

1. Extension of the committee and budget for 1970

A proposed resolution, budget and accompanying memorandum to the Rules Committee are attached. The resolution would extend the Committee through January 31, 1971, and authorize expenditures from the contingent fund of the Senate not to exceed $246,000. The Committee budget for 1969 was $250,000. The proposed 1970 budget would maintain the Committee staff at its present level but with the addition of one more minority professional staff member. Upon approval of a resolution and budget, it is anticipated that the resolution will be referred to the Committee on Rules and Administration.

2. Committee activities during 1970

The Committee's activities in 1969 focused largely, if not almost exclusively, upon the extent and effect of hunger and malnutrition, the effectiveness and need for reform of federal food assistance programs administered by the Department of Agriculture and on the role of private industry in meeting the nutritional needs of the American people.

It is proposed that in 1970 the Committee turn its attentions to a broader spectrum of human needs, placing the problems of hunger and malnutrition in the perspective of the other related basic needs of poor people and other Americans.

The Committee mandate under the resolution which established the Committee in the 90th Congress directs the Committee "to study the food, medical and other related basic needs among the people of the United States."

It is proposed that in 1970 in addition to completing its studies directly related to nutrition, the Committee turn its attention particularly to the areas of health, income maintenance and welfare reform. It is suggested that the long-term solution to the hunger problem, as was clearly the conclusion of the White House Conference on Nutrition, is adequate income. Food stamps and commodities, which the Committee focused upon last year, are essential interim solutions, but the long-term solution is an adequate income maintenance program. Furthermore, in 1969, the Committee did not have time to look at nutrition problems in the context of medical care and health. It has not had time to examine the role of private medicine, the role of medical education or the role of public health in meeting nutrition and other needs.

It is suggested, therefore, that the Committee begin a series of hearings in Washington on health and income maintenance—perhaps two days on each subject primarily directed toward problems in urban areas. These hearings would be followed by a field trip to Chicago and a second field trip to New York City. The Chicago hearing might emphasize health problems, the New York City hearing welfare reform. Further Washington hearings would be held on each of these subjects as they relate to rural areas, followed by one or two field trips to rural areas.

In addition, it is suggested that the Committee also follow up last year's activities with hearings on the following subjects:

a. *Child nutrition and school lunch:* The Committee began a series of hearings last year but did not complete its activities on this subject.

b. *White House Conference on Nutrition:* As suggested by Dr. Jean Mayer, it is proposed that the Committee hold a series of hearings on the results of the White House Conference and on the implementation of its recommendations by state, local and private groups as well as by the federal government.

c. *National Nutrition Survey:* An up-to-date report on the results of the complete 10-state survey by Dr. Arnold Schaefer should be ready to be presented to the Committee in the near future.

Mr. ELLENDER. The staff has worked up many different programs for the committee to look into. There are approximately 30 subcommittees, as I recall, and many of them are concerned with the very matters that this committee wants to look into. I think the select committee should make its report—I believe it has been prepared—and the funds should be denied for the continuation of this committee.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. AIKEN. I had not read this resolution until a few minutes ago. I intended to return to Washington yesterday, but the airport was closed and I could not make it.

I do not think I have ever read a resolution proposed to the Senate that goes to the extent that this one does. It appears to me as if it is instructing this committee to study ways and means of completely changing our Government over and setting up a complete Federal welfare state which would be responsible not only for food but also for clothing, shelter, recreation, education, and everything else that families in all walks of life like to have.

I am very much disturbed in reading this, because during the last few months I have run across plenty of evidence that there are those who are trying to destroy the Department of Agriculture and its work. I actually had a request to see what I could do toward getting money away from the Extension Service and handing it over to one of the OEO agencies. I want to say for the OEO that the administrative personnel there is considerably different from what it was a year ago, and they have some very capable people.

I well recall the food stamp bill which this body passed and which the House apparently will not pass, under which people—I do not know how many people qualify for food stamps—could use food stamps for practically anything necessary to make them happy besides food.

I do not like these attacks on the Department of Agriculture and the efforts that are being made to destroy it. I do

not blame Secretary Finch for this. There is an organization around the country that certainly thinks the U.S. Government is set up all wrong and has to be made over.

I am going to vote with the chairman of the Committee on Agriculture and Forestry. I agree that we must not let people suffer from hardship, from disease, or from hunger, but I do not think it is necessary to change the Government of the United States as radically as this proposes to do in order to do so.

Mr. ELLENDER. Mr. President, I wish to repeat that this resolution takes the same course as other resolutions in the past. They organized for a specific purpose. They said, "We can conclude this work in a year or two." As I have pointed out, we have had one going on for 20 years, and the work has not been completed. This resolution had for its purpose, as I stated earlier, the study of malnutrition, and I think the committee did a fine job in the investigation it conducted. But now that that work has more or less been completed and Congress has acted, the committee now desires to go into other phases of our every day life and take jurisdiction of many of the problems that are now being studied by the Government itself and by many subcommittees as well as standing committees.

Mr. President, I hope that the resolution will not be adopted and that the moneys requested will be denied.

Mr. JORDAN of North Carolina. Mr. President, the Senator from South Dakota (Mr. McGOVERN), who is the chairman of this committee, is out of town, and he has asked the Senator from Minnesota (Mr. MONDALE) to speak in reference to this matter.

Mr. MONDALE. I thank the Senator. I understand that the Senator from New York, the ranking minority member of the Select Committee on Nutrition, has a statement to make, and I yield the floor to him.

Mr. AIKEN. Mr. President, I should like to ask one question of someone who understands the bill thoroughly.

Mr. JORDAN of North Carolina. I suggest that the Senator ask the Senator from New York (Mr. JAVITS).

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. AIKEN. I am not designating anyone in particular to answer.

I read from page 2 of the resolution:

> For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment.

If I recall correctly, there is a Senate rule which prohibits the dismissing of staff members as the control of Congress changes from one party to the other. We do not know what the minority party will be next January. It looks as though it will be different from what it was in times past. I think if the majority keeps proposing the remaking of our Government, there might be a change in the majority party. I do not know about that for sure, and I would not make any wagers.

Mr. JAVITS. Mr. President, I think this is standard boilerplate.

Mr. AIKEN. Under this resolution all but one staff member must be of the party that has a majority in Congress, and that is not right, if you have any intention of doing good work.

Mr. JAVITS. I think the Senator's concern is proper, but I believe this is the standard boilerplate of such resolutions, just to assure the minority of exactly that situation. There shall be at least one professional staff member who is selected by them and to whom they can look.

Mr. JORDAN of North Carolina. That is correct.

Mr. AIKEN. Is that requirement in all these resolutions?

Mr. JORDAN of North Carolina. It is, where a staff is set up and new members of a staff are added. It is to protect the minority group.

Is that not correct?

Mr. JAVITS. That is my understanding.

Mr. JORDAN of North Carolina. That is known as the Curtis amendment.

Mr. JAVITS. Mr. President, if I may have the attention of the Senate, I promise not to speak for more than 3 minutes.

Mr. President, as the ranking Republican on the Select Committee on Nutrition and Human Needs, I support Senate Resolution 323 which would allow the Select Committee to continue its activities for an additional year through January 1971.

I supported extension of the Select Committee in executive sessions of the Select Committee and the Committee on Labor and Public Welfare, on which I am also the ranking minority member, and appeared before the Rules Committee with Senator McGOVERN in support of Senate Resolution 323.

The Select Committee has shown a good record over the past year. The committee has played a major role in arousing the conscience of this Nation to the intolerable conditions of hunger and malnutrition amidst affluence. Furthermore, I believe that this committee is regarded by the millions of the poor in this country as their advocate in alleviating such conditions.

The Select Committee's historic hearings helped to spur the passage of an expanded food stamp program and produced thousands of pages of testimony which made crystal clear this Nation's failure to meet its food and nutritional obligations to millions of hungry Americans.

Senate Resolution 281, under which the committee was established, clearly mandates the comimttee to study the food, medical and other nutrition-related basic needs among the American people. Thus far, the committee has dealt quite extensively with problems related to food and nutrition but has not yet had the opportunity to study fully health, welfare, and other basic needs as they relate to nutrition pursuant to its Senate mandate. Previously, I stated that I expected the committee would terminate this year. However, because of the developments I have just related, I support the committee's extension.

The committee has held many hearings, conducted staff research and studies relating to the operation and implementation of the food stamp commodity distribution, school lunch, supplemental food, nutrition aides, and other Federal food and nutrition assistance programs. It has published an interim report, "The Food Gap: Poverty and Malnutrition in the United States," and has gathered data on child development and its relationship to malnutrition, and on the economic and social consequences of malnutrition.

But there is much left for the committee to do, including its follow-up on the recommendations of the recent White House Conference on Food Nutrition and Health. For this reason, Dr. Jean Mayer, who served as the President's Consultant on Nutrition and who coordinated the White House Conference, has publicly stated that the committee should be continued.

Mr. President, I have worked closely with Senator McGOVERN, the committee's chairman, and am very pleased with the close working relationship which has existed between Republican and Democratic members of the committee. Also, the administration has demonstrated its desire to cooperate and provide leadership in the development of programs and legislation to eliminate hunger and related problems. Secretary Hardin and Secretary Finch have been before our committee, demonstrating the spirit of cooperation which the administration has exhibited.

Mr. President, I am confident that my colleagues will agree that we cannot now tell the malnourished of this nation that we are going to discontinue that committee which they have come to regard as their spokesman. We cannot and should not tell them that we are going to stop before the job is completed. Hence I urge continuance of the committee for another year. Within that time I feel the necessary factual basis can be established and recommendations made to the appropriate legislative committees.

As I have stated, I had, myself, given assurance to the Rules Committee that we would treat the Select Committee as a temporary operation and that we would end it at the end of the first year. I will not go into the history of the formation of this committee, however, I will state that it came about because, in a sense, hunger was discovered in the United States. In fact, there was much opposition to the fact that there was any hunger in this country and there was much argument that it did not exist. I think some Members may recall a somewhat violent confrontation between former Secretary of Agriculture Orville Freeman and a number of us, Democrats and Republicans alike—the late, lamented Senator Robert Kennedy of New York; Senator GEORGE MURPHY of California; former Senator Joseph Clark of Pennsylvania; myself and other members of the Subcommittee on Employment, Manpower, and Poverty.

The Senate established the Select Committee based upon a resolution sub-

mitted by Senator McGOVERN as sort of an act of conscience, and I think it was very proper.

There has been much evidence indicating that hunger and malnutrition affects millions of Americans. Senator ELLENDER has heard this evidence, and though I respect completely his view as to the fact that the standing committees should handle it, I do not think there is any controversy about the fact that all of us—he and I and everybody else—have learned new things about the problem of hunger in the country which has appalled the conscience of America.

During our year of operation, the White House Conference on Food, Nutrition, and Health, was convened. Literally hundreds of recommendations resulted from that conference. For the Select Committee to quit, just at the moment when the country, Congress, and the administration are beginning to deal with the recommendations which have resulted from, as it were, this "people's conference," would really be aborting the work for which the Senate established the committee. As I stated above, this is one of the main reasons for continuing.

Now I should like to speak to what the Senator from Vermont (Mr. AIKEN)—whose judgment I always respect—pointed out as rather broad areas which the committee might look into.

I should like to tell him this: I give him my personal pledge, whatever may be my views—and he knows I hold views that most people consider liberal on many subjects—he knows I am a careful lawyer and that I do not make wild promises—that I can assure him we will certainly keep the committee, so far as I can humanly do it—and I think I can—faithful to its mandate. That mandate is hunger, the strict question of its impact upon our people, what can be done about it, and includes a deep understanding that it is the legislative committees that must be relied upon to take action.

As I have already stated, I made this pledge to the Committee on Rules and Administration. The Senator from South Dakota (Mr. McGOVERN) was before the Rules Committee also and I think he feels as keenly as I do about the scope of the select committee's jurisdiction.

Mr. President, I will be through in a minute but I should like to give my colleague an example. When we say that we will be concerned with the welfare payment, that sounds like, "What are we doing with that? There is the Finance Committee and the Committee on Labor and Public Welfare, and so forth, to handle that."

But, we have discovered as a technique that the inclusion of an allowance for food, or a plan for food, may have a lot to do with whether we can handle the welfare load without breaking the back of the country.

The wisdom, the art, in which that can be done is properly something which the committee can look into. It is still a recommendation. It is still a legislative committee, however, that will have to do what has to be done.

Thus, coupling the two points, one, that we found the ramifications of malnutrition; and second, the deep feeling I have as ranking minority member, in which the Senator from South Dakota (Mr. McGOVERN) joined, that the committee must be kept catholic to its purpose, are an assurance to the Senate that we will not wander all over the lot. I have been here long enough to know that if we did wander, we would be speedily corrected by the Senate in ways which it knows expertly how to do.

Mr. AIKEN. Mr. President, the Senator from New York knows that I have great confidence in his purpose and his ability. I would like to remind him, however, that for at least 10 months he will be a minority member on that committee. What happens beyond that, I do not know, and I am not ready to predict at this time.

But the question I want to ask is: Is this resolution identical with the resolution or the authority under which the Committee on Nutrition is now operating? Is it identical?

Mr. JAVITS. It is not identical.

Mr. AIKEN. It has been broadened?

Mr. JAVITS. It has not been broadened. On the contrary, it has been contracted. The original resolution was broader than this one. This resolution zeros in, in my judgment, on——

Mr. AIKEN. I do not see how it could be much more.

Mr. JAVITS. I should like to be constructive as to the temper of the Senate at this particular time. I asked a constructive question as to the resolution, because I wanted to see for myself exactly what the Senator refers to. Senate Resolution 281, adopted April 26, 1968—the operative part of it reads, "to study the food, medical, and other related basic needs among the people of the United States."

Those are the only operative words, "to study the food, medical, and other related basic needs among the people of the United States."

The key words which appear on page 1, line 7, of the pending resolution are: "All matters pertaining to the lack of."

It seems to me that that is a channeling of the committee into a narrower path than even the original resolution.

I should like to make the legislative history clear on that to the Senator from Vermont, because I think the Senate should have that from me, and I hope from the majority as well, that we will concentrate in every aspect—even as it is named here: "pertaining to the lack of."

I should like to point out that that is the deficiency, what is regarded as the purpose of the Committee on Hunger and Malnutrition. I should also like to point out that that does represent a limitation from the previous words which were general and had no such limitation, "to study food, medical, and other related basic needs among the people of the United States."

Mr. AIKEN. Mr. President, we all lack some of the basic necessities or desires of life, but what I want to say is that apparently this has been broadened so much now that it does authorize a committee to study the feasibility or the possibility of setting up a complete, Federal welfare state.

I cannot vote for it, as it is written now. If the Senate sees fit to defeat it, and the committee sees fit to bring it in under the same authority under which the Committee on Nutrition is now operating, I shall be very glad to take another look at it.

I have talked to the Senator from New York. I have talked with others, too, and it is entirely possible that the time has come when the food stamp program should be transferred from the Department of Agriculture, although it has done as good a job as could possibly be done. It has been kept out of politics to the fullest extent. But I am afraid that if it gets into another agency of government, as is apparently desired by many, that we would become more seriously involved in politics and other things.

May I point out one thing that was done in Vermont a year ago. One of the Federal agencies used Government car pools to bring old people, from wherever they could get them, into a community where only a few old people reside. There they held a meeting to castigate and initiate a general attack against the present administration.

As I have said previously today, the OEO administration personnel have shown a great improvement in the past few months. I hope they continue to do so.

Of course, I am not opposed to giving food to anyone who needs it. If 10 percent of the people of this country are in need, that would be 20 million people. That is a lot of people. I am in favor of taking care of them. But we should not give a committee the authority to undertake to remake our Government in that manner.

Mr. JAVITS. I have already dealt with that question.

Mr. AIKEN. I know that the Senator from New York is sincere. He is a neighbor of mine. He has a lot of people affected by this who are in need, more perhaps than in almost any other State. We want to help them. In fact, I would like to get them out of the slums in New York and take them somewhere else, if I had my way. But I do not think that I will have my way—not this year.

Mr. JAVITS. I wish the Senator could help them in some way.

Mr. President, I ask unanimous consent that a statement by the Senator from Kansas (Mr. DOLE) on the subject of continuation of the Select Committee on Nutrition and Human Needs be printed in the RECORD; and also state to the Senate, on request of the Senator from Illinois (Mr. PERCY), that he supports both the extension and the appropriations for this committee.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DOLE OF KANSAS

The Select Committee on Nutrition and Human Needs was established in 1968 to study the full dimensions of hunger, nutritional deficiencies and related aspects of American life. In its few months of operation the Committee has performed a valuable service in investigating, highlighting and clarifying many of the problems and issues in this field.

Although the Committee was established for only one year, a majority of the members have come to feel an additional year's operation is necessary to follow up on the work so far undertaken and to fully explore the areas of its responsibilities.

Both minority and majority members have conducted a thorough review of the Committee's performance and promise and have consulted on the specific activities which might be undertaken over another year.

A sound understanding of our nation's problems and shortcomings is the first step toward effective solution. The Nutrition Committee, working within its jurisdiction on a non-partisan basis, can help provide such understanding.

I join the distinguished Senior Senator from New York in urging support for the continuation of the Select Committee on Nutrition and Human Needs.

Mr. JAVITS. Mr. President, I should like now to yield, if the chairman will permit me, to the Senator from Kentucky (Mr. COOK), then to the Senator from South Carolina (Mr. HOLLINGS).

Mr. COOK. Mr. President, I would first like to say to the distinguished senior Senator from Vermont that as a member of the committee, I at no time felt, nor do I feel now, that a sufficient case has been made to take the food stamp program out of the Department of Agriculture and switch it to any other department. I think that if there are any real basic fears that this is the goal to which this committee is destined, I would like to let the Senator know that I doubt very seriously that that is the case.

I say with all fairness that I have been a member of the U.S. Senate for a little more than a year, and most of that time I was not only a member of the Special Committee on Nutrition and Human Needs, but also a member of the Committee on Agriculture and Forestry. I left that committee to go to the Commerce Committee.

While I was a member of the Select Committee on Nutrition and Human Needs, it held over 44 days of hearings and listened to more than 300 witnesses. We went all over the United States and found what we were looking for, although we wish that we had not found it to the extent that we did.

At no time when I was a member of the Committee on Agriculture and Forestry was there an effort to hold hearings or find out whether this situation existed.

This is the one committee that I have worked the hardest on and been made to work the hardest on. And in all fairness to the Senate and to those who oppose this, and to the Senator from Louisiana and the Senator from Vermont, the Senate did pass a food stamp program. However, it has been bogged down in the House ever since. Neither of the two Senators can say that the bill, as it would have come from the Committee on Agriculture and Forestry and gone to the House, would have been brought from the House committee and brought before the House.

If this were true, all the House had to do was to take the Senate bill as originally proposed and brought it before the House and passed it. So we are arguing about apples and peaches.

Mr. AIKEN. What bill is the House committee reporting? They do not meet on it until tomorrow.

Mr. COOK. The bill the House will come out with will look very little like the one that came from the Senate committee or from the Senate itself.

Mr. AIKEN. That would be helpful.

Mr. COOK. I can only say that by reason of the committee action a bill was passed that the House will not pass. The House committee was not willing to pass the bill as it came to them.

I want to make it very clear that I doubt seriously that the Committee on Agriculture and Forestry of the Senate has studied the report of the White House Conference on Nutrition. And yet no committee in the House or Senate wants to make use of the report of the White House Conference on Nutrition and the detailed studies made by this Committee on Nutrition.

I think that to end the committee now is to say that after the committee has held national hearings and gotten to the point of understanding the matter and has brought industry in to testify and industry has proceeded to do various research work on the matters of nutrition, the committee that is more responsible for the White House Study on Nutrition and Human Needs than any other body of Congress should be terminated and that by reason of the fact that we have had a White House conference and we have gotten a report, the committee work is finished and now is the time to call the committee work to an end.

I might suggest that this is the time the committee should be in existence. I think that for this committee to go out of existence because some Member of the Senate feels it might destroy another committee does not really make sense to me.

Mr. AIKEN. Mr. President, I did not say it would destroy another committee. I said they were attempting to destroy the Department of Agriculture and good programs which have been handled by the Department over the years. The committee will take care of itself under the Senator from Louisiana.

Mr. COOK. Mr. President, as a member of the committee, I would say that it would not be destroyed.

Mr. AIKEN. Mr. President, I think we have some members of the minority on that committee. And that is fortunate.

Mr. JAVITS. Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair.) The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, two things have been brought to our attention in this colloquy. One is the concern that we may develop into a welfare State. The other is the concern that we might destroy the Department of Agriculture.

The suggestion is made that somehow we have solved the hunger problem in America.

With respect to the matter of destroying the Department of Agriculture, I point out that I have no greater respect for any Senator than I have for the distinguished Senator from Louisiana, the chairman of that committee, under whom I had the pleasure of working.

I come from an agricultural State. I am interested in the agricultural programs. I voted for the subsidies. I worked with the Senator from Vermont on these programs. I am certainly not going to recommend anything that will destroy the Department of Agriculture through a study committee.

I think there is a slight exaggeration in judgment. I think it is a slight exaggeration in judgment also to say that we will do away with the other systems and start a welfare State, simply because the Select Committee on Nutrition and Human Needs crosses the spectrum of all endeavors; especially, when the administration comes out with a basic family wage and a minimum family allowance.

I feel that we are making tremendous progress in the area of nutrition and human needs. I know that I differ with the views of some of the members of the Select Committee on Nutrition and Human Needs but I believe that we are making real progress. It is like Bossy, the cow, kicking over the pail of milk, when we are getting the program started, Mr. Moynihan starts across his street and kicks it over.

Congress will argue for the next 10 years before it ever adopts such a program. And the problem is that during that 10 years of debate—whether it finally be $1,600 or $3,600—we still will not have the hunger problem solved. The President has not adopted one. We passed a food stamp bill.

As the Senator from Louisiana knows, he started the commodity feeding program. That is one of the best programs we have to work in conjunction with the local administration with local participation. And the hungry and those crying for this particular program have had one particular committee to come to in Congress.

But this great country does not have a program that would solve their plight. Pollution, yes. We provide $11 billion for that. We could not have passed a bill to provide even $1 billion before. But now we get an $11 billion program because everybody can smell it.

They still do not realize the great need involved in this program. We need to have the Senator from Louisiana work with the special committee for at least 1 more year to get the hunger program really established.

This would be the worst time of all to assume that we have a solution.

We still have hunger existing in South Carolina. We are still working on it. I am still trying to use the Beaufort experiment and extend it.

We have the advantage of having the background work and the experience that started first with the late Senator Robert Kennedy and the Senator from South Dakota (Mr. MCGOVERN), the Senator from Louisiana (Mr. ELLENDER), and the Senator from New York (Mr. JAVITS)—all working on that committee, with the committee staff member, Bill Smith. All of us have come to understand the situation. To cut it off now would be an outright tragedy.

Mr. JAVITS. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, the distinguished chairman of the committee, the Senator from South Dakota (Mr. McGOVERN), could not be present today. I do not propose to deliver a speech on this matter. However, I think the work of the Select Committee on Nutrition and Human Needs, on which I am privileged to serve, has been one of the truly remarkable achievements of the last Congress.

We have, I think, developed more information about hunger in a year than has been developed by all Federal and private agencies in the history of this country.

What we found has shocked this Nation and persuaded President Nixon to declare that hunger is a great national scandal which challenges the basic decency of American society.

Out of the work of this committee was proposed what is known as the McGovern-Javits nutrition bill—a bill which was passed by the Senate overwhelmingly and which is now in the Agricultural Committee of the other body.

In this way and in many other ways, the committee has exposed the disgrace of hunger in our land and has developed data and information necessary to prepare legislation to deal with it. In addition, the committee has shown the broad scope of problems which bear upon the issue of hunger.

I think now is the time to extend this committee along the lines presented so that the committee may have an opportunity to continue its vitally important work.

Mr. President, I urge that the Senate agree to the resolution.

Mr. COOK. Mr. President, I rise in support of Senate Resolution 323 extending the Select Committee on Nutrition and Human Needs for an additional year. The select committee was established in order to study and recommend "coordinated program or programs which would assure every U.S. resident adequate food, medical assistance, and other related basic necessities of life and health." The committee has not had sufficient time to complete its studies or make its recommendations.

As a member of the select committee, I participated in most of its hearings on hunger and malnutrition during the past year. During that year the committee held 44 days of hearings and heard testimony from more than 300 witnesses. It examined the extent and effects of hunger and malnutrition and studied in some detail the operation and administration of our principle Federal food assistance programs—the food stamp program, the commodity distribution program, and the school lunch program. Largely, as a result of the select committee's exposure of the hunger problem and the shortcomings of our past food assistance efforts, the Senate last September passed the most far reaching food reform bill in our history.

Last year at this time, the committee believed that it could complete its mandate in 1 year. It is clear, however, that the committee must have another year's lease on life. Thus far it has focused almost exclusively on problems relating directly to hunger, malnutrition, and the foods processed by private industry. It has not had time to examine nutrition problems as they relate to other basic human needs. It has not completed its study in the field of child nutrition or child feeding programs. It has not had a chance to review the results of the White House Conference on Nutrition which presented to the President and the country more than 500 recommendations relating to food, nutrition, and nutritional health. It is absolutely essential that there be a congressional mechanism to review these recommendations to oversee their implementation and to suggest new programs and legislation.

While other committees have legislative responsibility for various aspects of the hunger and malnutrition problem, only the select committee has a mandate which is broad enough to put these problems in perspective. The select committee is particularly suited to perform the kind of oversight of Federal food assistance programs which the Congress must exercise to assure the end to hunger in America.

The extension of the select committee for an additional year is supported by every member of the minority on the committee. I join with my colleagues, Senator JAVITS, Senator PERCY, Senator DOLE, and Senator DOMINICK in full support of Senate Resolution 323.

Mr. SCOTT. Mr. President, the Select Committee on Nutrition and Human Needs was established to conduct a 1-year investigation of hunger and to recommend some solutions. The committee has been working toward those ends for 13 months and is now requesting an additional year to complete the penetrating investigation it has begun. I cosponsored and strongly supported the original legislation creating this committee and now strongly endorse its extension for 1 year.

The hearings held by the Select Committee on Nutrition and Human Needs focus public attention on this great problem and the data already gathered has influenced such legislation as the Food Stamp Amendments of 1969 and the welfare reform legislation and others.

However, the select committee has not had enough time to complete its work. In its interim report of last August, the select committee indicated plans to examine, evaluate, and make recommendations in the areas of family food assistance, child nutrition, nutrition education, nutrition-related research, nutrition and the delivery of health care, nutrition and farm policy, and much more.

Equally important, however, is the committee's desire to review the recommendations of the White House Conference on Food, Nutrition, and Health held just 2 months ago, December 2–4, 1969. There has not been enough time for the select committee to study the many recommendations which this conference produced.

As a member of the Committee on Rules and Administration, which is at present considering Senate Resolution 323, to extend the select committee for an additional year, I state my wholehearted support of this legislation and extension.

Mr. JAVITS. Mr. President, I think we are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the resolution (S. Res. 323). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. McCARTHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), the Senator from Georgia (Mr. TALMADGE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from California (Mr. CRANSTON) and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. SPONG), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii, (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from

South Dakota (Mr. MUNDT), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from New York would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Wyoming (Mr. HANSEN). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Wyoming would vote "nay."

The result was announced—yeas 47, nays 12, as follows:

[No. 40 Leg.]

YEAS—47

Baker	Hartke	Packwood
Bayh	Hatfield	Pastore
Bellmon	Hollings	Pell
Bennett	Hruska	Prouty
Boggs	Inouye	Proxmire
Byrd, Va.	Jackson	Randolph
Byrd, W. Va.	Javits	Saxbe
Cannon	Jordan, N.C.	Schweiker
Case	Jordan, Idaho	Scott
Church	Mathias	Sparkman
Cook	McGee	Symington
Cooper	McIntyre	Thurmond
Cotton	Mondale	Tydings
Eagleton	Moss	Yarborough
Griffin	Murphy	Young, Ohio
Hart	Nelson	

NAYS—12

Aiken	Ellender	Long
Allen	Ervin	Miller
Allott	Goldwater	Stennis
Eastland	Holland	Williams, Del.

NOT VOTING—41

Anderson	Gravel	Muskie
Bible	Gurney	Pearson
Brooke	Hansen	Percy
Burdick	Harris	Ribicoff
Cranston	Hughes	Russell
Curtis	Kennedy	Smith, Ill.
Dodd	Magnuson	Smith, Maine
Dole	Mansfield	Spong
Dominick	McCarthy	Stevens
Fannin	McClellan	Talmadge
Fong	McGovern	Tower
Fulbright	Metcalf	Williams, N.J.
Goodell	Montoya	Young, N. Dak.
Gore	Mundt	

So the resolution (S. Res. 323) was agreed to, as follows:

S. RES. 323

Resolved, That the Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through January 31, 1971.

SEC. 2. It shall be the duty of such committee to examine, investigate, and make a complete study of any and all matters pertaining to the lack of food, medical assistance, and other related necessities of life and health including, but not limited to, such matters as (a) the extent and cause of hunger and malnutrition in the United States, including educational, health, welfare, and other matters related to malnutrition, (b) the failure of food programs to reach many citizens who lack adequate quantity or quality of food, (c) the means by which this Nation can bring an adequate supply of nutritious food and other related necessities to every American, (d) the divisions of responsibility and authority within Congress and the executive branch, including appropriate procedures for congressional consideration and oversight of coordinated programs to assure that every resident of the United States has adequate food, medical assistance, and other basic related necessities of life and health; and (e) the degree of additional Federal action desirable in these areas.

SEC. 3. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses and documents; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) contract with private organizational and individual consultants; (6) interview employees of the Federal, State, and local governments and other individuals; and (7) take depositions and other testimony.

SEC. 4. The expenses of the committee, which shall not exceed $246,000 from February 1, 1970, through January 31, 1971, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended so as to read: "Resolution continuing, and authorizing additional expenditures by, the Select Committee on Nutrition and Human Needs."

Mr. BYRD of West Virginia. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. 3443—INTRODUCTION OF THE HEALTH SERVICES IMPROVEMENT ACT OF 1970

Mr. JAVITS. Mr. President, I am pleased to introduce today on behalf of myself and Senators PROUTY, MURPHY, DOMINICK, SCOTT, SAXBE, BROOKE, GOODELL, and SCHWEIKER, the administration's bill entitled the "Health Services Improvement Act of 1970."

We face a burgeoning health crisis which threatens to deny adequate care to growing numbers of Americans and to obstruct the progress of plans of expanding medical services to the disadvantaged in urban and rural areas. I view this legislation as an essential initiative for improving the Department of Health, Education, and Welfare's health programs to meet the urgent need for improved health care for the Nation and for improvements in the coordination of health programs.

The legislation would aid in the development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and areawide level; promoting research and demonstrations relating to health care delivery; encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems; enlarging the scope of the national health survey; facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes.

It is the purpose of this bill to assist us in our efforts to improve the systems through which health care is provided in our Nation. In keeping with the developing health strategy of the Department of Health, Education, and Welfare, existing resources and programs would be focused more intensively on the building of functioning, effective, consumer-oriented health care systems.

To make it possible for the Federal Government to step up the pace of action—in concert with the States and local public and private agencies—toward functioning, effective consumer-oriented health care delivery systems, this bill would:

First, extend, improve, and integrate three key programs aimed at improving the organization and delivery of health services—the comprehensive health planning and services program, the regional medical programs, and the national center for health services research and development—by placing them in a single title in the Public Health Service Act, giving them a common statement of purpose, a single advisory council, and a single annual report on their progress toward health care system building.

Second, promote the establishment of more efficient and effective health service systems, and promote the coordination of programs under this and other titles of this act with related activities authorized under the Social Security Act and other Federal and federally-assisted health and health-related programs, with particular attention to the relationship between the organization and delivery of health services and the financing thereof.

Third, provide authority for intensive experiments and demonstrations in selected States, regions, and localities which are to be designed to stimulate and assist the development of health care systems which might be used elsewhere in the Nation. These experiments and demonstrations, to be conducted jointly by State, regional, and local regional medical programs, and comprehensive health planning agencies will also be designed to develop the best methods for coordinating and interrelating these and related programs toward improved systems of health services at the local level, which give a greater return on our health dollars.

Fourth, provide new authority for the initial steps in the development of a Federal-State-local system of health information and statistics which is a necessary resource for effective planning and operation of improved health systems.

I am convinced that this legislative proposal is an important first step in the establishment of an organized, coordinated, and total health care system—a system which emphasizes delivery and accessibility to every person in need.

The Health Subcommittee, of the Committee on Labor and Public Welfare, of which I am ranking minority member, will begin hearings tomorrow on regional medical program legislation, authored by the Senator from Texas (Mr. YARBOROUGH), chairman of the Health Subcom-

mittee and of the full committee. I am hopeful that under the chairman's able leadership, the committee will seek to conserve and protect the gains made toward the goal of improved organization and delivery of health care by the regional medical program, the comprehensive health planning and services program, and other health programs. I am confident that the Committee on Labor and Public Welfare—as always—will work together in a bipartisan effort to provide constructive, meaningful, comprehensive health legislation, and under our chairman's guidance, focus our resources so that they complement and support one another in developing, through the regional medical program and comprehensive health planning, more effective health care systems.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3443) to amend and improve the Public Health Service Act to aid in the development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and areawide level, promoting research and demonstrations relating to health care delivery, encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems, enlarging the scope of the National Health Survey, facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The PRESIDING OFFICER. The Chair now lays before the Senate the unfinished business, which the clerk will state.

The ASSISTANT LEGISLATURE CLERK. A bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

WITHDRAWAL OF AMENDMENT

Mr. BYRD of West Virginia. Mr. President, on Friday, February 6, I called up, in behalf of the Senator from Mississippi (Mr. STENNIS) his amendment No. 481. I now withdraw that amendment.

Mr. STENNIS. Mr. President, what is the pending matter now before the Senate?

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 463

Mr. STENNIS. Mr. President, I call up my amendment No. 463.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Mississippi (Mr. STENNIS) proposes an amendment (No. 463) as follows:

On page 45, between lines 4 and 5, insert the following new section:

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation."

Mr. STENNIS. Mr. President, I understand a substitute will be offered by the Senator from Minnesota (Mr. MONDALE). I call this amendment up now, though, as a matter of getting it before the Senate, so that it will be noted.

The Senator from West Virginia is correct in stating that he had called up amendment No. 481 last week, but that was with my knowledge and consent. Amendment No. 463 is the amendment I now wish to offer, and it is the one to which the Senator from Minnesota has an amendment in the nature of a substitute, as I understand. The Senator has a question about its germaneness.

I do not care to debate the matter tonight, but I did want to get it set.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. STENNIS. I yield to the Senator from New York.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. JAVITS. As I understand, the unanimous-consent agreement applies beginning tomorrow?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. So the 2-hour limitation would apply to this amendment, but not until tomorrow?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Therefore, time used tonight will not be charged?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. That is a good point. I am glad the Senator brought it up.

Mr. President, to this amendment (No. 463) which I have called up, I ask unanimous consent to have added as cosponsors the names of the Senators who cosponsored my amendment No. 481; namely, Mr. RUSSELL, Mr. HOLLINGS, Mr. TALMADGE, Mr. EASTLAND, Mr. ERVIN, Mr. HOLLAND, Mr. ELLENDER, Mr. JORDAN of North Carolina, Mr. THURMOND, Mr. ALLEN, Mr. TOWER, Mr. SPARKMAN, Mr. GURNEY, Mr. MCCLELLAN, and Mr. LONG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I ask that amendment No. 463, with the additional names thereon, be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 463

(Amendment intended to be proposed by Mr. STENNIS (for himself, Mr. HOLLINGS, Mr. RUSSELL, Mr. TALMADGE, Mr. EASTLAND, Mr. ERVIN, Mr. HOLLAND, Mr. ELLENDER, Mr. JORDAN of North Carolina, Mr. THURMOND, Mr. ALLEN, Mr. TOWER, Mr. SPARKMAN, Mr. GURNEY, Mr. MCCLELLAN, and Mr. LONG) to H.R. 514, an Act to extend programs of assistance for elementary and secondary education, and for other purposes.)

On page 45, between lines 4 and 5, insert the following new section:

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation."

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Mississippi yield the floor?

Mr. STENNIS. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from South Carolina had previously requested recognition.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request only, with the understanding that the Senator will not lose his right to the floor?

Mr. THURMOND. Mr. President, I am pleased to yield.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that, immediately following the prayer and the disposition of the reading of the Journal tomorrow, there be a period for the transaction of routine morning business not to exceed 30 minutes, immediately prior to the further consideration of H.R. 514.

Mr. JAVITS. Mr. President, will the Senator limit, within the 30 minutes, how many minutes any Senator may have?

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that during the transaction of routine morning business tomorrow, statements made therein be limited to 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (House Resolution 514)

to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. HOLLAND. Mr. President. will the Senator yield for a parliamentary inquiry?

Mr. THURMOND. Mr. President, I am pleased to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, not understanding completely what is intended by the unanimous-consent agreement that goes into effect tomorrow morning, I address this inquiry to the distinguished Presiding Officer: When the substitute amendment is called up, as I understand it will be called up, to the amendment offered by the Senator from Mississippi, does the time on the substitute come out of the time for the debate on the amendment of the Senator from Mississippi, or does it have time of its own?

The PRESIDING OFFICER. It would not be in order to offer the substitute until the time on the amendment offered by the Senator from Mississippi has expired.

Mr. HOLLAND. I thank the Presiding Officer.

The PRESIDING OFFICER. The substitute will be debatable for 2 hours.

Mr. STENNIS. Mr. President, while we are on this matter——

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. THURMOND. I am glad to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I note that the printed form of the unanimous-consent agreement said 5 hours of debate on the bill. I distinctly recall that when we covered the matters of substitutes and amendments to amendments, it was said that we would have 6 hours on the bill. Does the Senator from New York recall that?

Mr. JAVITS. I think it was I who mentioned it.

Mr. STENNIS. The Senator from New York did bring it up.

Mr. JAVITS. As a matter of fact, we did not do it. I see no reason why not.

I would suggest to the Senator, in view of the majority leader's absence—and it was sort of his baby—that we wait until he arrives tomorrow. Then, if the Senator feels he wants another hour, I will not object.

Mr. PELL. My recollection is very much along the same line.

Mr. STENNIS. I thank the Senator for yielding, and I will wait until tomorrow to put that before the Senate.

Mr. THURMOND. Mr. President, I yield to the distinguished Senator from Minnesota for an insertion in the RECORD.

AMENDMENT NO. 497

Mr. MONDALE. I thank the Senator for yielding.

Mr. President, last Tuesday I submitted an amendment to H.R. 514, the Elementary and Secondary Education Amendments of 1969, along with the distinguished Senator from New York (Mr. JAVITS). The amendment, No. 490, was printed. I have since modified the amendment and send it now to the desk so that it may be reprinted as modified.

I ask unanimous content that the amendment be considered germane, notwithstanding the order of February 10, 1970. I have discussed this matter with the Senator from Mississippi, and I understand that he has no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment, No. 497, is as follows:

In lieu of the language proposed (in amendment No. 463) to be inserted by the Senator from Mississippi (Mr. STENNIS), and others on page 45, between lines 4 and 5, insert the following:

"EQUALITY OF EDUCATIONAL OPPORTUNITY

"There is hereby established a select committee of the Senate (to be known as the Select Committee on Equal Educational Opportunity) composed of three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, to study the effectiveness of existing laws and policies in assuring equality of educational opportunity, including policies of the United States with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States. Such select committee shall make an interim report to the appropriate committees of the Senate not later than August 1, 1970, and shall make a final report not later than January 31, 1971. Such reports shall contain such recommendations as the committee finds necessary with respect to the rights guaranteed under the Constitution and other laws of the United States, including recommendations with regard to proposed new legislation, relating to segregation on the ground of race, color, or national origin, whatever the cause or origin of such segregation."

"(b) For the purposes of this section the committee, from the date of enactment of this legislation to January 31, 1971, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) to contract with private organizational and individual consultants; (6) to interview employees of the Federal, State, and local governments and other individuals; and (7) to take depositions and other testimony.

"(c) Expenses of the committee in carrying out its functions shall not exceed $200,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

"(d) the matter set forth in subsections (a), (b), and (c) of this section is enacted by the Senate as an exercise of its rulemaking power, and with full recognition of the right of the Senate to change such matter at any time."

THE SAVANNAH RIVER PROJECT AND CALIFORNIUM-252

Mr. THURMOND. Mr. President, it is with a great deal of pride that I rise to inform the Senate of an exciting development in the area of isotope research and the part being played by the Savannah River project in my home county of Aiken, S.C.

The element Californium was first produced and identified by Dr. Glen Seaborg and others in February 1950 at the University of California at Berkeley. On November 1, 1952, a thermonuclear test explosion in the Pacific produced minute amounts of an isotope known as Californium-252, and during the years 1952–58 scientists of the Berkeley Radiation Laboratory were able to produce weighable amounts of this isotope. Initial efforts to produce substantial amounts of Californium-252 began on October 24, 1957, when Dr. Seaborg, then chancellor of the University of California at Berkeley, wrote the Chairman of the Atomic Energy Commission about the need and means to continue such a program.

Mr. President, the adjective I have heard and read most often in connection with this chemical element is "unique." Since an explanation of the scientific characteristics and properties of this amazing material is necessarily somewhat esoteric and highly technical, I will not go into it here except to say this: Californium is the only known radioisotope which gives off an intense stream of neutrons for a reasonable period of time from small sources. While this alone means very little to most of us, Mr. President, a brief look at only a few of the many possibilities being considered for this isotope will be illuminating.

In the general area of medicine and medical research, the uses of Californium-252 seem practically boundless, but I am particularly excited about its potential in the fight against cancer. Because of the unique properties of Californium, it promises to be a much more efficient method of radiotherapy. The radiologists could implant this tiny but intense source of neutrons in the cancerous area and thus a highly localized dose of radiation could be provided. Even for the layman, it is easy to see that this would be far more effective than the present method of exposing a patient to an external flood of neutrons from a reactor.

Californium should also be an excellent tool for the diagnostician. Particularly gratifying in this area is the possibility of vastly improved tests for suspected cases of cystic fibrosis.

Mr. President, industry is also toying with the potentialities presented by Californium-252. Ideas being considered and tested include: Continuous, on-line testing of bulk material in industrial processes, techniques of determining moisture in wood and concrete, mineral exploration, petroleum exploration, and calibration of instruments.

Mr. President, the projected uses of this new isotope are virtually limitless. It has further possibilities in the areas of

space exploration, scientific research, engineering, and agriculture, and these are only the beginning.

Mr. President, the method by which the market potential of Californium-252 is being evaluated and developed should be mentioned here. The Federal Government is working hand-in-hand with private enterprise on this project, and the result is a program which promises eventually to be self-supporting and nondependent on the Federal budget for its operation. This is where the Savannah River project comes in. This atomic energy facility just outside of Aiken, S.C., produces Californium in quantities sufficient to provide samples to qualified private and corporate researchers for evaluation as to applicability to their particular fields.

Savannah River project plays an important role in the future of Californium, since it is only there that this material can be mass produced. There is no other atomic facility anywhere in this country, Mr. President, that has the equipment necessary to turn out this new isotope in the quantities which, it is anticipated, will be needed and can be utilized.

The AEC market evaluation program has been very successful thus far in determining generally how much Californium will be needed in future years. The samples are provided by the Savannah River plant to potential consumers free of charge. They in turn bear all costs of research and evaluation. In addition, they must file regular reports with AEC as to their findings. These reports are published in trade journals and periodical progress reports by the AEC, thus stimulating further interest in Californium.

When one group is through working with its sample, the material is returned to the Atomic Energy Commission for redistribution to other interested parties. We can see, therefore, that cooperation on the part of private groups has relieved the Federal Government of the prohibitive costs which both development and research would entail.

Mr. President, I would like to commend the various officials of the AEC who conceived of this efficient and economical method of developing the market potential of Californium-252, as well as the many private groups cooperating in the program. I would particularly like to mention Mr. Nathaniel Stetson, manager of the operations office, Savannah River project, for his efforts in this program; and, of course, Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission, whose technical and administrative talents have been so vital to its success.

Once again, I am proud of the important part being played by the Savannah River project in the development of this exciting discovery. It appears that Californium will have a beneficial impact on many facets of our lives, and its uses will be limited only by the bounds of man's imagination.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, may I ask the distinguished Presiding Officer, for the information of the Senate, just what the pending business is before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 514, the Elementary and Secondary Education Act and the pending question is on the amendment No. 463 offered by the junior Senator from Mississippi (Mr. STENNIS).

Mr. BYRD of West Virginia. I thank the Chair.

ADJOURNMENT UNTIL 10:30 A.M., TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, under the order previously entered, that the Senate stand in adjournment until 10:30 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, February 17, 1970, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 16, 1970:

AMBASSADOR

Stuart W. Rockwell, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

CIRCUIT JUDGE

Malcolm R. Wilkey, of New York, to be a U.S. circuit judge for the District of Columbia Circuit, vice Warren E. Burger, elevated.

U.S. MARSHAL

John A. Birknes, Jr., of Massachusetts to be U.S. marshal for the district of Massachusetts for the term of 4 years, vice Albert A. Gammal, resigned.

DEPUTY ASSISTANT SECRETARY OF DEFENSE

Theodore C. Marrs, of Alabama, to be Deputy Assistant Secretary of Defense for Reserve Affairs, vice Ernest Louis Massad, resigned.

U.S. ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3384:

Te be brigadier general

Col. Charles P. Deane, SSAN [redacted], Infantry.

Col. Herbert M. Martin, Jr., SSAN [redacted] Artillery.

Col. John A. Spencer, Jr., SSAN [redacted] Quartermaster Corps.

Col. Donald W. Stout, SSAN [redacted], Quartermaster Corps.

The Army National Guard of the U.S. officer named herein for promotion as a Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Keith E. McWilliams, SSAN [redacted] Infantry.

The Army National Guard of the U.S. officers named herein for appointment as Reserved commissioned officers of the Army under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. James J. Lison, Jr., SSAN [redacted] Adjutant General's Corps.

Brig. Gen. Harold R. Patton, SSAN [redacted] Adjutant General's Corps.

To be brigadier general

Col. Howard V. Elliott, SSAN [redacted] Corps of Engineers.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonel

Abbott, Arlo E., [redacted]
Achee, Fernand M., Jr., [redacted]
Adams, Carroll E., Jr., [redacted]
Adkins, Walter R., Jr., [redacted]
Adkisson, George O., [redacted]
Allen, George R., Jr., [redacted]
Allen, Norman F. J., [redacted]
Allen, Walter G., [redacted]
Amos, Harry O., Jr., [redacted]
Argo, Reamer W., Jr., [redacted]
Armstrong, David U., [redacted]
Arnold, Archibald V., [redacted]
Baer, Malcolm R., [redacted]
Bagot, Alfred W., [redacted]
Bahr, Herman J., [redacted]
Baker, Claude W., [redacted]
Barnes, William L., [redacted]
Barrett, James E., [redacted]
Baughman, Claude G., [redacted]
Belmont, Alexander, [redacted]
Benner, John S., Jr., [redacted]
Bennet, John B., Jr., [redacted]
Bennett, John C., [redacted]
Benson, George C., [redacted]
Berry, George A., Jr., [redacted]
Bezich, Vincent W., [redacted]
Biersack, Christian, [redacted]
Bingham, Robert H., [redacted]
Blair, Wayne A., [redacted]
Boberg, Richard W. P., [redacted]
Boiler, William F., [redacted]
Boughn, Robert E., [redacted]
Bowles, Alvin H., [redacted]
Boyles, Wilson N., Jr., [redacted]
Branham, Milton G., [redacted]
Braucher, Ernest P., [redacted]
Braun, William F., [redacted]
Brigandi, Joseph, [redacted]
Brigham, Erwin R., [redacted]
Briscoe, John J., [redacted]
Broughton, Levin B., [redacted]
Brouse, Marion D., [redacted]
Brown, John W., Jr., [redacted]
Brownell, James R. J., [redacted]
Bugg, George G., [redacted]
Burke, John H., [redacted]
Burke, John T., [redacted]
Burnell, Bates C., [redacted]
Bush, George M., [redacted]
Butler, Olva B., [redacted]
Caffey, Lochlin W., [redacted]
Calhoun, James R., [redacted]
Callahan, Patrick O., [redacted]
Carley, John T., Jr., [redacted]
Carpenter, Jay D., [redacted]
Carrington, George, [redacted]
Carter, Charles F. J., [redacted]
Carter, Colin M., Jr., [redacted]
Carter, Douglas H., [redacted]
Case, Francis R., [redacted]
Casey, George W., [redacted]
Cavanna, Augustus R., [redacted]
Chalupsky, Fred A., [redacted]
Chapman, Curtis W. J., [redacted]
Chessnoe, Michael, [redacted]
Chidlaw, Richard A., [redacted]
Christiansen, James, [redacted]
Clark, Clyde O., [redacted]
Clark, John L., Jr., [redacted]
Clark, William K., [redacted]
Cloutier, Francis M., [redacted]
Coady, Gerald G., [redacted]
Cole, Philip J., [redacted]
Compton, Jack E., [redacted]
Connell, George W. J., [redacted]
Conyne, Albert H., [redacted]
Cook, Bruce K., [redacted]
Corcoran, Edward W., [redacted]
Crane, Richard C., [redacted]
Cross, Richard E., [redacted]
Cumming, James L., [redacted]

Cunningham, James E. xxx-xx-xxxx
Curry, Jack A., xxx-xx-xxxx
Curtis, Charles H., xxx-xx-xxxx
Dalton, Joseph R., xxx-xx-xxxx
Daskevich, Anthony, xxx-xx-xxxx
Day, Stephen A., xxx-xx-xxxx
Delaney, Edward J., xxx-xx-xxxx
Denz, Ernest John xxx-xx-xxxx
Dexter, George E., xxx-xx-xxxx
Dieleman, William K., xxx-xx-xxxx
Dingeman, Robert E. xxx-xx-xxxx
Dolson, Richard H. S., xxx-xx-xxxx
Dort, Dean R. xxx-xx-xxxx
Dover, Donovan C., xxx-xx-xxxx
Downing, John P., Jr. xxx-xx-xxxx
Drake, Oscar, xxx-xx-xxxx
Drake, Thomas D., II xxx-xx-xxxx
Driscoll, James A., xxx-xx-xxxx
Drozd, Walter M., xxx-xx-xxxx
Drumright, William xxx-xx-xxxx
Dubois, Keith F. xxx-xx-xxxx
Ducote, Richard J. J. xxx-xx-xxxx
Dunbar, Philip H., Jr. xxx-xx-xxxx
Dunn, John F. xxx-xx-xxxx
Duvall, Duncan E. xxx-xx-xxxx
Eggleston, Edmond O. xxx-xx-xxxx
Eliasson, Arne H., xxx-xx-xxxx
Evans, Vaughn G. xxx-xx-xxxx
Fair, Leland B. xxx-xx-xxxx
Farley, Roy W., xxx-xx-xxxx
Farrell, William J. xxx-xx-xxxx
Feild, Terry T., xxx-xx-xxxx
Ferguson, Ernest S. xxx-xx-xxxx
Fields, Hampson H. xxx-xx-xxxx
Fink, David, xxx-xx-xxxx
Fischer, Kenneth P. xxx-xx-xxxx
Fish, Charles R. xxx-xx-xxxx
Fitzpatrick, Thomas xxx-xx-xxxx
Fletcher, Earl W., xxx-xx-xxxx
Flint, Glenwood W. xxx-xx-xxxx
Forbes, John M., xxx-xx-xxxx
Fowler, Delbert M., xxx-xx-xxxx
Fowler, Donald E., xxx-xx-xxxx
Franks, Glenn E. xxx-xx-xxxx
Friar, Clyde L., xxx-xx-xxxx
Frock, Charles F., xxx-xx-xxxx
Furth, Norman J. xxx-xx-xxxx
Fye, Robert W., xxx-xx-xxxx
Gaddis, Hubert D. xxx-xx-xxxx
Gatsis, Andrew J., xxx-xx-xxxx
Gaunt, John M. xxx-xx-xxxx
Geer, John C., xxx-xx-xxxx
Gelini, Walter C. xxx-xx-xxxx
Giaccio, Albert P., xxx-xx-xxxx
Gilland, James W. xxx-xx-xxxx
Gilligan, John M. xxx-xx-xxxx
Gioe, Joseph F. xxx-xx-xxxx
Goldes, Joseph A., xxx-xx-xxxx
Gollston, Lawrence L., xxx-xx-xxxx
Goodwin, Guy R., Jr. xxx-xx-xxxx
Gorder, Charles R. xxx-xx-xxxx
Gorler, Howard W., xxx-xx-xxxx
Greer, Charles F., xxx-xx-xxxx
Greer, Henry B., xxx-xx-xxxx
Gregg, George F., xxx-xx-xxxx
Gregorie James B. J. xxx-xx-xxxx
Grimm, Charles C., xxx-xx-xxxx
Gritz, Sidney, xxx-xx-xxxx
Groves, Richard H., xxx-xx-xxxx
Gudgel, Edward F., Jr. xxx-xx-xxxx
Gustafson, Carl W. xxx-xx-xxxx
Gustafson, Melvin E. xxx-xx-xxxx
Guthrie, William R. xxx-xx-xxxx
Hagopian, Jacob, xxx-xx-xxxx
Hales, William M., Jr., xxx-xx-xxxx
Hall, Robert M., xxx-xx-xxxx
Hamilton, Claud S. xxx-xx-xxxx
Hamilton, Joseph, Jr. xxx-xx-xxxx
Hamilton, William H. xxx-xx-xxxx
Hanket, Arthur P. xxx-xx-xxxx
Hankins, William B. xxx-xx-xxxx
Hardin, Ernest L., Jr. xxx-xx-xxxx
Harris, Charles E., xxx-xx-xxxx
Hartline, Richard S. xxx-xx-xxxx
Hayden, James L. xxx-xx-xxxx
Hayes, Robert E., xxx-xx-xxxx
Haymaker, Gerald L., xxx-xx-xxxx
Healey, William R., xxx-xx-xxxx
Heilbronner, Edmund xxx-xx-xxxx
Heimerl, Laurence L., xxx-xx-xxxx
Helterbran, David J. xxx-xx-xxxx
Herbert, James A., xxx-xx-xxxx
Hermann, Richard M. xxx-xx-xxxx
Herring, William A., xxx-xx-xxxx
Hesse, Richard J., xxx-xx-xxxx
Heyman, James J. xxx-xx-xxxx
Hillman, Rolfe L. Jr. xxx-xx-xxxx
Hinrichs, Frank A. xxx-xx-xxxx
Hoffman, Joseph H. J. xxx-xx-xxxx
Hoge, George F. xxx-xx-xxxx
Holcombe, William H., xxx-xx-xxxx
Holland Paul R., Jr. xxx-xx-xxxx
Home, William M., xxx-xx-xxxx
Hopkins, Paul E., xxx-xx-xxxx
Hughes, Joseph D. xxx-xx-xxxx
Hunsaker, James D xxx-xx-xxxx
Hunt, Ira A., Jr. xxx-xx-xxxx
Hunt, Wheeler H. xxx-xx-xxxx
Hutcheson, Henry E. xxx-xx-xxxx
Hutson, Lowell R., xxx-xx-xxxx
Imobersteg, Neil, xxx-xx-xxxx
Isenson, Raymond S. xxx-xx-xxxx
Ives, Robert N., xxx-xx-xxxx
Jackson, Charles A., xxx-xx-xxxx
Jacobs, Harold J. xxx-xx-xxxx
James, William H., xxx-xx-xxxx
Jeffries, John H. xxx-xx-xxxx
Jensen, Alvin C., xxx-xx-xxxx
Johnson, Charles S. xxx-xx-xxxx
Johnson, Elliott M. xxx-xx-xxxx
Johnson, Richard H. xxx-xx-xxxx
Johnson, Woodbury xxx-xx-xxxx
Jones, George S., III xxx-xx-xxxx
Jones, James B. xxx-xx-xxxx
Jones, Lawrence M. J., xxx-xx-xxxx
Jones, William C., xxx-xx-xxxx
Kane, Francis B., Jr. xxx-xx-xxxx
Karhohs, Fred E. xxx-xx-xxxx
Kearins, Patrick F. xxx-xx-xxxx
Kearns, Thomas C. xxx-xx-xxxx
Kelley, Peter Ed. xxx-xx-xxxx
Kelly, Henry E., Jr. xxx-xx-xxxx
Kennedy, John L., Jr. xxx-xx-xxxx
Kent, Irvin M. xxx-xx-xxxx
Kerker, Edward L., xxx-xx-xxxx
Knight, Albion W., Jr. xxx-xx-xxxx
Kochel, Kenneth G. xxx-xx-xxxx
Koehl, Leonard H., xxx-xx-xxxx
Kovar, Wilbert J. xxx-xx-xxxx
Kramer, William W. xxx-xx-xxxx
Kratz, William G., xxx-xx-xxxx
Krebs, Robert G., xxx-xx-xxxx
Kristoferson, Ralph xxx-xx-xxxx
Kunkel, Laurence J. xxx-xx-xxxx
La Boon, Frank A., xxx-xx-xxxx
Lathrop, Robert M. xxx-xx-xxxx
Lehman, Raimon W. xxx-xx-xxxx
Lehman, Raymond G. J., xxx-xx-xxxx
Lester, Loren R., xxx-xx-xxxx
Lewis, Robert W., xxx-xx-xxxx
Lindell, Kermit O. xxx-xx-xxxx
Lockhart, Albert E. xxx-xx-xxxx
Lohn, Houghton, xxx-xx-xxxx
Long, William F., Jr. xxx-xx-xxxx
Love, William J., xxx-xx-xxxx
Lovell, William F., xxx-xx-xxxx
MacFarlane, Jack, xxx-xx-xxxx
MacPherson, Willia, xxx-xx-xxxx
MacKinnon, Robert N., xxx-xx-xxxx
Maeder, Richard H., xxx-xx-xxxx
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Maier, Harold E., xxx-xx-xxxx
Manitsas, Nikitas C., xxx-xx-xxxx
Marriott, Thomas E. xxx-xx-xxxx
Marsett, Robert C., xxx-xx-xxxx
Martin, Orville W. J., xxx-xx-xxxx
Mathews, Charles B., xxx-xx-xxxx
McAlister, Robert, xxx-xx-xxxx
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McCain, John W., xxx-xx-xxxx
McCarthy, Joseph E., xxx-xx-xxxx
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McCulloch, John J. xxx-xx-xxxx
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McDaniel, Robert L., xxx-xx-xxxx
McDonald, Joy A., xxx-xx-xxxx
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Michau, Herbert J. xxx-xx-xxxx
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Miles, Richard C., xxx-xx-xxxx
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Miller, Francis D., xxx-xx-xxxx
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Monaghan, John T. xxx-xx-xxxx
Monroe, Ernest M., Jr., xxx-xx-xxxx
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Prater, Robert M., xxx-xx-xxxx
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Prescott, Daniel C., xxx-xx-xxxx
Price, James F., xxx-xx-xxxx
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Rakas, Albert S., xxx-xx-xxxx
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Rheuark, George D., xxx-xx-xxxx
Richter, Arley C., xxx-xx-xxxx
Riddler, Garth A., Jr., xxx-xx-xxxx
Rieger, Gordon J., xxx-xx-xxxx
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Ringler, Arthur H., xxx-xx-xxxx
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Robinson, Gerald E., xxx-xx-xxxx
Rochefort, Joseph J. xxx-xx-xxxx
Rock, Warren V., xxx-xx-xxxx
Rogers, Wilfred L., xxx-xx-xxxx
Root, James T., xxx-xx-xxxx
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Sadler, John F., Jr. xxx-xx-xxxx
Salter, Sylvan E. xxx-xx-xxxx
Samuell, Edward W. J. xxx-xx-xxxx
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Sawyer, Bickford E. xxx-xx-xxxx
Saxby, Edward S. xxx-xx-xxxx
Scales, Robert H. xxx-xx-xxxx
Schalbrack, Andrew xxx-xx-xxxx
Schelter, Louis J. J. xxx-xx-xxxx
Sheppard, Albert D. xxx-xx-xxxx
Siegrist, Robert H. xxx-xx-xxxx
Simmet, Kenneth D. xxx-xx-xxxx
Skelley, James L. xxx-xx-xxxx
Skidmore, William F. xxx-xx-xxxx
Smith, Erskine xxx-xx-xxxx
Smith, Gerald A. xxx-xx-xxxx
Smith, Robert S., Jr. xxx-xx-xxxx
Sniffin, Charles R. xxx-xx-xxxx
Snyder, Harry A. xxx-xx-xxxx
Spragins, Charles E. xxx-xx-xxxx
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Starke, William S. J. xxx-xx-xxxx
Stewart, William G. xxx-xx-xxxx
Stovall, Thomas L. xxx-xx-xxxx
Strelecki, Joseph L. xxx-xx-xxxx
Strever, John E., Jr. xxx-xx-xxxx
Sullivan, Sardis M. xxx-xx-xxxx
Sumner, Gordon, Jr. xxx-xx-xxxx
Sundby, Selmer A. xxx-xx-xxxx
Swanson, Arthur V. xxx-xx-xxxx
Tasker, Clayton B. xxx-xx-xxxx
Tassey, George, xxx-xx-xxxx
Taylor, William W. xxx-xx-xxxx
Thomas, David H. xxx-xx-xxxx
Tierno, Ralph T., Jr. xxx-xx-xxxx
Trefz, William C. xxx-xx-xxxx
Truby, John O. xxx-xx-xxxx
Trumps, Shirly R. xxx-xx-xxxx
Truscott, Lucian K. xxx-xx-xxxx
Tuttle, William B. J. xxx-xx-xxxx
Uhland, Herbert W. xxx-xx-xxxx
Van Buskirk, Lawren xxx-xx-xxxx
Van Cleve, Joseph C. xxx-xx-xxxx
Van Hout, Harold A. xxx-xx-xxxx
Vance, Daniel, Jr. xxx-xx-xxxx
Vinet, William C., Jr. xxx-xx-xxxx
Viney, George C. xxx-xx-xxxx
Vinson, Wilbur H., Jr. xxx-xx-xxxx
Vitullo, Anthony J. xxx-xx-xxxx
Walker, Joseph, Jr. xxx-xx-xxxx
Walker,William A. J. xxx-xx-xxxx
Wallace, George M. I. xxx-xx-xxxx
Walace, James L. xxx-xx-xxxx
Walsh, Owen J. xxx-xx-xxxx
Warner, Virgil L., Jr. xxx-xx-xxxx
Wary, William D. xxx-xx-xxxx
Weaver, Lamar, Jr. xxx-xx-xxxx
Wesson, Thomas E. xxx-xx-xxxx
West, Richard L. xxx-xx-xxxx
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White, Clifford M. J. xxx-xx-xxxx
White, James T., Jr. xxx-xx-xxxx
Wichlep, Bernard, Jr. xxx-xx-xxxx
Wier, William B. Jr. xxx-xx-xxxx
Williams, David H. J. xxx-xx-xxxx
Williams, Jay B. xxx-xx-xxxx
Williams, Lawrence, xxx-xx-xxxx
Williams, Richard C. xxx-xx-xxxx
Winstead, Richard S. xxx-xx-xxxx
Wittwer, Wallace K. xxx-xx-xxxx
Wolaver, Harold D. xxx-xx-xxxx
Wolfe, William R. Jr. xxx-xx-xxxx
Wood, William C. Jr. xxx-xx-xxxx
Worley, Marvin L. Jr. xxx-xx-xxxx
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Wright, Amos L. xxx-xx-xxxx
Yowell, Robert C. xxx-xx-xxxx
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Zook, William E. xxx-xx-xxxx

CHAPLAIN

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Gefell, Gerard J. xxx-xx-xxxx
Gefell, Joseph G. xxx-xx-xxxx
Helt, James W. xxx-xx-xxxx
Hope, Holland, xxx-xx-xxxx
Hyatt, Gerhardt W. xxx-xx-xxxx
Kapusta, Emil F. xxx-xx-xxxx
Lawson, Harold B. xxx-xx-xxxx
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McLeod, Walter G. xxx-xx-xxxx
Messing, Joseph B. xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be colonel

Carlson, Lane, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Arney, Glen K. xxx-xx-xxxx
Barquist, Richard F. xxx-xx-xxxx
Berrey, Bedford H. xxx-xx-xxxx
Blemly, Nelson R. xxx-xx-xxxx
Brune, Warren H. xxx-xx-xxxx
Canham, John E. xxx-xx-xxxx
Clearkin, Kevin P. xxx-xx-xxxx
Deutsch, David L. xxx-xx-xxxx
Giffin, Robert B., Jr. xxx-xx-xxxx
Hackett Louis, J., Jr. xxx-xx-xxxx
Hansen, Herman R. xxx-xx-xxxx
Hansen, James E. xxx-xx-xxxx
Harman, Louis E., Jr. xxx-xx-xxxx
Hawkins, Joseph A. xxx-xx-xxxx
Highsmith, Roy A. xxx-xx-xxxx
Irvin, Robert W., Jr. xxx-xx-xxxx
Johnson, Arnold W. J. xxx-xx-xxxx
Keim, Robert R., Jr. xxx-xx-xxxx
Kempe, Ludwig G. xxx-xx-xxxx
Lopez, Cesar A., xxx-xx-xxxx
McCabe, Marshall E., xxx-xx-xxxx
Mott, Loran E. xxx-xx-xxxx
Quinn, Robert H. xxx-xx-xxxx
Raymond, Bruce A. xxx-xx-xxxx
Reisner, John E. xxx-xx-xxxx
Rodriguez, Samuel, xxx-xx-xxxx
Rose, Lawrence R., xxx-xx-xxxx
Roth, Joel L., xxx-xx-xxxx
Santos, George C. xxx-xx-xxxx
Sholk, Alvin, xxx-xx-xxxx
Singer, Ralph C., xxx-xx-xxxx
Stratton, Albert W. xxx-xx-xxxx
Thomas, Merle Dean, xxx-xx-xxxx
Throne, Elias M. xxx-xx-xxxx
Turan, Ekrem S. xxx-xx-xxxx
Wells, Charles H., xxx-xx-xxxx
Woodard, George S. J., xxx-xx-xxxx

DENTAL CORPS

To be Colonel

Amaral, William J., xxx-xx-xxxx
Bell, Wilfred B. xxx-xx-xxxx
Benson, Walter E. xxx-xx-xxxx
Brown, Walter Z., xxx-xx-xxxx
Campagna, Sebastian xxx-xx-xxxx
Christopher, Andrew xxx-xx-xxxx
Clark, Raymond C. xxx-xx-xxxx
De Young, Millard E., xxx-xx-xxxx
Doane, Richard A., xxx-xx-xxxx
Foxx, Fred F., xxx-xx-xxxx
Gowan, Paul M., xxx-xx-xxxx
Helig, Frederick A., xxx-xx-xxxx
Howard, Richard L., xxx-xx-xxxx
Hughes, Kenneth W. xxx-xx-xxxx
Kruszewski, Edward, xxx-xx-xxxx
Lancaster, Wallace, xxx-xx-xxxx
Marlette, Robert H. xxx-xx-xxxx
Meikle, Wendell A., xxx-xx-xxxx
Parker, James F. xxx-xx-xxxx
Sauser, Clare W., xxx-xx-xxxx
Wakeham, Richard D. xxx-xx-xxxx

VETERINARY CORPS

To be colonel

Beuschel, Lorenz L. xxx-xx-xxxx
Bridenstine, Willia, xxx-xx-xxxx
Brooks, William G., xxx-xx-xxxx
Castleberry, Merida, xxx-xx-xxxx
Elia, Charles V. L., xxx-xx-xxxx
Greiner, Robert B. xxx-xx-xxxx
Ott, Bruce S., xxx-xx-xxxx
Prather, Elwin R. xxx-xx-xxxx
Ritter, George E., xxx-xx-xxxx
Vacura, Gordon W., xxx-xx-xxxx
Young, James B., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Adams, Raymond E., xxx-xx-xxxx
Akers, Stephen E., xxx-xx-xxxx
Beakes, Francis C., xxx-xx-xxxx
Cevey, Paul E., xxx-xx-xxxx
Gilliam, Robert N. xxx-xx-xxxx
Holtwick, Philip B., xxx-xx-xxxx
Lapiana, Joseph A., xxx-xx-xxxx
Northing, John W., Jr. xxx-xx-xxxx
Ostrom, Thomas R., xxx-xx-xxxx
Shepard, Leonard G., xxx-xx-xxxx
Tsakonas, Charles T., xxx-xx-xxxx
Weatherall, Richard xxx-xx-xxxx
Williams, John O. xxx-xx-xxxx
Winkler, Harry T., xxx-xx-xxxx

ARMY NURSE CORPS

To be Colonel

Allen, Mayna, R., xxx-xx-xxxx
Bailey, Margaret E., xxx-xx-xxxx
Bender, Alice J., xxx-xx-xxxx
Bitter, Louise F., xxx-xx-xxxx
Browning, Ann C., xxx-xx-xxxx
Cleveland, Rita A., xxx-xx-xxxx
Crowley, Julia G., xxx-xx-xxxx
Earle, Barbara E., xxx-xx-xxxx
Fowler, Mary M., xxx-xx-xxxx
Freese, Thelma U., xxx-xx-xxxx
Fusselman, Gladys L. xxx-xx-xxxx
Geis, Rita M., xxx-xx-xxxx
Hawkins, Dale A., xxx-xx-xxxx
Jarma, Luciana, xxx-xx-xxxx
Maher, Margaret L., xxx-xx-xxxx
Mahn, Gertrude I. xxx-xx-xxxx
McNeil, Esther J., xxx-xx-xxxx
Metzger, Alice M., xxx-xx-xxxx
Murphy, Patricia T. xxx-xx-xxxx
Osterman, Lydia D. xxx-xx-xxxx
Paulson, Isabel S., xxx-xx-xxxx
Rose, Anne, xxx-xx-xxxx
Sodt, Marjorie E., xxx-xx-xxxx
Stafford, Margaret, xxx-xx-xxxx
Stevens, Marilynn C. xxx-xx-xxxx
Waterhouse, Marian, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Brice, Virginia N., xxx-xx-xxxx
Evans, Nannie R., xxx-xx-xxxx
Kemske, Dorothy L., xxx-xx-xxxx

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be major

Benton, William B., Jr., xxx-xx-xxxx
French, Forrest J. xxx-xx-xxxx
Mial, Robert P., xxx-xx-xxxx
Proscott, Donald P., Jr. xxx-xx-xxxx
Saffold, Albert T., xxx-xx-xxxx
Shipman, Wayne T., xxx-xx-xxxx
Watson, Dwane C., xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be major

Dohnal, June P. xxx-xx-xxxx

DENTAL CORPS

To be major

Plank, Harold E., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

Wood, Theodore D., xxx-xx-xxxx

ARMY NURSE CORPS

To be major

Wells, Lyndoll L., xxx-xx-xxxx

To be captain

Brown, James R., xxx-xx-xxxx
Carothers, Joe D., xxx-xx-xxxx
Cole, Robert A., xxx-xx-xxxx
Erkins, Moses, xxx-xx-xxxx
Gaskins, Philip W., xxx-xx-xxxx
Ingalsbe, Duane G., xxx-xx-xxxx
Kent, Charles E., xxx-xx-xxxx
McFeely, George D., xxx-xx-xxxx
Rea, Billy C., xxx-xx-xxxx
Reeves, Jerry F., xxx-xx-xxxx
Stotzinger, John E. xxx-xx-xxxx
Telfair, William D., xxx-xx-xxxx
Thomas, Joseph J. xxx-xx-xxxx

CHAPLAIN

To be captain

McKinney, James H., xxx-xx-xxxx
Nebergall, Allen V., xxx-xx-xxxx
Wolcott, Charles H., xxx-xx-xxxx

MEDICAL CORPS

To be captain

Keeney, Glenward T., xxx-xx-xxxx
Kiley, Richard J., xxx-xx-xxxx

DENTAL CORPS

To be captain

Brown, Alan R., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be captain

Walsh, James A., xxx-xx-xxxx

ARMY NURSE CORPS

To be captain

Jones, Marsha M., xxx-xx-xxxx

IN THE NAVY

The following named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualication therefor as provided by law:

William K. Adkins
Louis E. Arcuri
James L. Bauman
Michael R. Beard
Lawrence A. Belli
John F. Bender
James S. Brian
David R. Burgess
Craig H. Canaday
Ronald G. Carpenter
Patrick W. Carroll
Rodney L. Casey
John D. Casko
Thomas H. Christensen
Larry R. Christenson
Duane L. Colburn
Richard B. Colquhoun
Charles F. Dameron
Douglas H. Davey
Mark E. Davis
William D. Emery
Robert E. Felle
Chris A. Ferrill
Christopher G. Foe
John L. Geb
Paul L. Grace
Thomas Y. Hall II
Robert L. Harmon
Edwin J. Harris
Jan E. Hart
Jerry J. Heinen
John F. Howard
Walter S. Howdyshell
Robert W. Jackson
Gary L. Johnson
William R. Johnson
Robert J. Joyce
George H. Kain III
James D. Keen
Nicholas W. Kontras
Jack W. Love
John S. Luzier
Joseph H. Magruder, Jr.
David P. Maguire
John F. Mahan
William T. Manierre
Michael A. Marini
Rex C. McCoy
William J. McEntee
Joseph G. Miller
Tom E. Mitchell
Steven R. Morgan
George H. Morton
Douglas C. Neilsson
William M. Peterson
James R. Pilcher
Raymond Porzio
Richard E. Prell
Robert D. Rish
William B. Stephens, Jr.
James S. Thompson
Thomas R. Urbanek
John W. Venes, Jr.
George J. Waicker
Thomas M. Walsh
John B. Whitworth III
Charles L. Williams
Roger A. Willis
Kerry A. Young
Peter A. Banta
Walter A. Brzezinski
*William A. Cain
*John B. Carter, Jr.
Robert L. Cotton
John C. Davis
Patrick C. Davis
Harry E. Deitch, Jr.
Paul DeWitt
*Thomas C. Dozier, Jr.
Lance D. Ehmcke
Joseph W. Gavin
Richard J. Gray
Charles T. Hagan, III
Stephen L. Heller
Anthony A. Horvath
John G. Hughes
*John F. Jacobson
Robert A. James
Jonathan L. Kaplan
Robert W. Kopprasch
Brian J. Lampert
Steven W. McNeeley
William J. McSorley
John A. MacEvoy
John B. Miller
Ian J. Molineaux
*George E. Moore
*Steven Muhlhauser
Mark R. Noble
Kenneth L. Olson
Craig E. Pairan
James R. Rinker
Donald J. Robertson
Henry M. Rowett
Roy C. Siple
Leonard D. Sprinkles
William B. Stevens
Charles G. Stroud
Herbert D. Teel, Jr.
Paul H. Vogel
Robert A. Walsh, II
Bruce H. Winston

The following-named (Naval Reserve Officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefore as provided by law:

Patrick J. Haney

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Edward L. Ashwood
Robert P. Caudill, Jr.
Frank E. Ehrlich
Douglas W. Peterson

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefore as provided by law:

William Andrake
Hugh T. Beatty
Lawrence R. Crane
Bruce G. Edwards
Leslie C. Ellwood
Michael C. Flanagan
Thomas W. Forbes
Richard A. Golden
Mark N. Goldschmidt
Michael J. Gregson
Robert F. Hall, II
Jon R. Hammersberg
David J. Harter
Clarence M. Harris III
Richard E. Harris
Cecil J. Hash, Jr.
Robert M. Hassan
Michael L. Hawkins
Phillip D. Hunt
Joseph L. Izzo
Paul M. Jacobsen
Dennis W. Kean
John G. Knepper
Jerry O. Lenington
William R. Lomax
Edgar G. McKee
Patrick T. Malone
Daniel D. Muther
Dale W. Oller
Michael W. Pekas
Stephen E. Pohl
Leonard G. Prutsok
Donald E. Pryor
Dennis A. Rhyne
Charles L. Rice
Donald E. Rodgers
Ralph A. Sawyer
Harvey W. Schefsky
Jerrold H. Seckler
Charles E. Sparks
Charles W. Spenler
Bruce L. Stevens
Steven M. Steinberg
Guillermo A. Vasquez
Arthur F. Wells, Jr.
Paul A. Whitlock, Jr.

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

*Martin E. Zadigian

Lt. William W. Miller, MC, U.S. Navy; to be a permanent lieutenant and temporary lieutenant commander in the Medical Corps of the Navy in lieu of permanent lieutenant (junior grade) and temporary lieutenant as previously nominated and confirmed to correct grade, subject to the qualification therefor as provided by law.

Lt. Comdr. William M. Asher, MC, U.S. Navy Reserve; to be a permanent lieutenant and temporary lieutenant commander in the Medical Corps of the Navy in lieu of permanent lieutenant (junior grade) and temporary lieutenant as previously nominated and confirmed to correct grade, subject to the qualification therefor as provided by law.

The following-named warrant officers to be permanent chief warrant officers W–3 and temporary chief warrant officers W–4 in the classification indicated, subject to the qualification therefor as provided by law:

Boatswain

Ray H. Mullins

Machinist

John Dobranski
Jack M. Howard

Electrican

Joseph H. Williams

Electronics technician

Lloyd L. Malloy, Jr.

Ship repair technician

John D. Jones

Ship's clerk

Julian P. Corvin

Supply clerk

John Mekula

The following-named warrant officers to be permanent chief warrant officers W–2, in the classifications indicated, subject to the qualification therefor as provided by law:

Boatswain

Floyd Akers, Jr.
Reymond E. Alcorn
Ira H. Beaver
Thomas J. Dougherty
Kevin A. Flynn
Gus E. Haynes
Willie Hollins, Jr.
Otto J. Little
Charles I. O'Donald
Paul H. Rizek
Richard Stafford
Earl L. Steger
Jeder P. Waddell

Operations technician

Harold F. Brooks

Explosive ordnance disposal technician

Robert L. Harrison

Aviation ordnance technician

George M. Adams
George B. Anderson, Jr.

Surface ordnance technician

James G. Hambley
Henry C. McElvogue
Thomas L. Ratliff
Louis L. Reid

Ordnance control technician

Ray C. Barrows
Bennie W. Gaddis
Gordon F. Hill

Aviation Maintenance Technician

James D. Black
Ralph E. Drysdale
William J. Gregory
Gilbert W. Howell
Douglas H. Ohlman
Charles F. Ragghianti
Marshall B. Read
John C. Seymour
Gerald C. Slayton
Walter J. Smith

Machinist

Arlen E. Arnold
Anthony J. Aversano
Douglass R. Beebee
William C. Boulay
Roger W. Dionne
William F. Holzendorf
David J. Little
Roland W. Nelson
Gerald N. Nicholson
Ronald R. Perry
Robert G. Petrick
Lawrence F. Wippel

Aviation control technician

Louis E. Scott

Electrician

Robert E. Barhite
Harold L. Drurey
Thomas M. Fitzgerald
Otis K. Franks
John F. Gardiner
Douglas A. Hale
Leon M. McSwain, Jr.
Duane A. Offe

Naval communicator

Charles E. Chenoweth

Aviation boatswain

Robert E. Parsons
Joseph D. Pochkowski

Aviation electronics technician

Arthur E. Carter
Leroy E. Engle
Frank D. Harper
Richard F. Schontag
Robert E. Smith
Dewey H. Walker

Communications technician

Maurice D. Cook
William A. Heidecker
Joseph E. Henry
Arling G. Stout, Jr.

Electronics technician

Ronald N. Bowen
James T. Campbell
Norman L. Carlton
Glenn G. Crouch, Sr.
Neilson E. Eney, Jr.
Caleb R. Fulgham
Harry S. Gault
Phillip E. Miller
Leon T. Piper
Calvin P. Rogers, Jr.
Thomas E. Rogers

Ship repair technician

Augustine G. Carella
Paul A. Evans
Walter R. Lowe
William R. Robbins

Ship's clerk

Francis E. Barnett
Gerald D. Bitzel
Leonard H. Brown, Jr.
Jimmy Clark
Robert L. Davis
Andres Duran, Jr.
Charles F. Bayres
William R. Floyd
Charles J. Germany
Millard C. Hardin
Frederick W. Jacobi
James Jones
Sammy C. Nixon
Herman W. Schmidt, Jr.
Robert L. Sharp
Willard R. Skelley, Jr.
Rufus W. Webb
Robert W. Wells

Supply clerk

William R. Barger
Daryll K. Bourret
Donald A. Digiovanni
John R. Ford
William K. Hathaway
William B. Keith
Wilfred J. Preti
Rosendo T. Santonil
Charles T. Scaringella
Claude T. Tucker, Jr.

Aerographer

Joe E. McKinzie

Photographer

Kenneth R. Kimball
Donald F. Sheehan

Civil Engineer Corps

Jerry G. Havner
Cecil W. Lovette, Jr.

Warrant Officer Edward G. Torres to be a permanent chief warrant officer W–3 in the Navy in the classification of electrician, subject to the qualification therefor as provided by law.

Warrant Officer Charles L. Boland, Jr., to be a permanent chief warrant officer W–4 in the Navy in the classification of supply clerk, subject to the qualification therefor as provided by law.

The following-named (Naval Enlisted Scientific Education Program candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Michael P. Bahnmiller Terrel D. Buck
Orville K. Brown, Jr. Michael W. Dent
Charles J. Bruerton Alan P. Derry
James R. Dunlap George E. Meacham
Morris E. Elsen Charles G. Morgan
Clifford A. Froelich James D. Palmer
John W. Gebhart John W. Pounds, Jr.
William C. Griggs Ronald W. Robillard
Oran L. Houck Allen R. Shuff
Joseph A. Hughes Kenneth M. St. Clair, Jr.
Paul B. Jacovelli
David H. Kellner Gerard R. Steiner
Marlene Marlitt Harold B. St. Peter
*Michael T. Marsh Ronald J. Uzenoff
John A. Mattox Jerry E. Walton
Joseph E. McClanahan Ervin B. Whitt, Jr.
James W. McHale William J. York
Charles A. McPherron John A. Zetes

*John A. Balikowski (civilian college graduate) to be a permanent Lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16, 1970:

* Ad Interim appointment issued.

AMBASSADORS

Jerome H. Holland, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Robert Strausz-Hupé, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ceylon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

IN THE DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Keith E. Adamson, to be a Foreign Service information officer of class 1, and ending Harvey M. Wandler, to be a Foreign Service information officer of class 6, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 1970; and

The nominations beginning Harry G. Barnes, Jr., to be a Foreign Service officer of class 1, and ending J. Guy Gwynne, to be a Foreign Service officer of class 6 and a consular officer of the United States of America, which nominations were received by the Senate and appeared in the Congressional Record on January 29, 1970.

EXTENSIONS OF REMARKS

BLIND STUDENTS AT THE UNIVERSITY OF TEXAS IN AUSTIN

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, February 16, 1970

Mr. YARBOROUGH. Mr. President, it is always good to see, in a fast moving society such as ours, that we can still find time to assist those less fortunate than we, and in so doing, help society in general. I was very pleased, therefore, when I read in the January–February 1970 issue of Rehabilitation Record, a publication of the U.S. Department of Health, Education, and Welfare, an article about a real success story at the University of Texas in Austin.

In 1965 there were only six blind students at the university. As a result of a special project, in which the Texas Commission for the Blind and the university are cooperating, there are now 59 visually disabled students in the university. The event that gave impetus to this project was, much to the credit of my State legislature, the enactment of a State law exempting the blind from payment of tuition and fees required at State-supported institutions of higher learning.

Space for project activities was made available by the university administration. Two student groups provide such volunteer services as reading and transportation. And the student government provides funds for the purchase of additional equipment and supplies needed for the project.

The basic premise of the project is to free the blind from continued assistance from social and rehabilitation agencies; that is, to give them the independence and pride that comes from earning one's way in society.

Mr. President, I was so impressed with this project, that I ask unanimous consent that the article entitled "Blind Students," written by Mr. Charles W. Hoehne, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLIND STUDENTS AT TEXAS UNIVERSITY

(By Charles W. Hoehne)

In 1965 there were only six blind students on the campus of the University of Texas at Austin. As of September 1969, there were 59 visually disabled students at UT Austin, thanks to a special project in which the Texas Commission for the Blind and the university are cooperating.

The project includes an office on campus for a full-time rehabilitation counselor and secretary, five special reading rooms for blind students, a braille library of basic reference works, taping and duplicating equipment, braillewriters, and related types of equipment available at a central location on the campus.

"The project at UT Austin represents the drawing together and utilization of a variety of resources," according to Burt L. Risley, executive director of our Commission for the Blind. "There has been tremendous support from the University community. Without this support, I doubt that the project would have succeeded."

The event that really triggered this project was the enactment of a State law exempting the Commission's blind clients from payment of tuition and required fees at Texas State-supported institutions of higher learning.

Space for project activities is made available by the University's administration. Two student groups provide such volunteer services as reading, transportation, and assistance with registration. They are Alpha Phi Omega, the men's service organization at the University, and Gamma Delta Epsilon, the women's service organization. Volunteer services also are provided by a number of individuals who are not associated with either of these two organizations. The student government of the University annually makes an appropriation to the Commission for the purchase of additional equipment and supplies needed for the project.

The clients attending UT Austin are preparing for a variety of vocations. Several are presently candidates for doctoral degrees. A blind law student is serving as a law review editor.

"The curriculum at UT Austin is generally recognized as excellent, but rigorous," Risley points out. "While the attrition rate for the student body in general is rather high, the rate of failure among our clients has become exceptionally low. We do not expect that more than two blind students a year will leave UT Austin for academic reasons."

Except for special equipment and facilities required because of visual loss, blind students at the University receive the same treatment as their sighted classmates. "A very deliberate and calculated effort not to 'baby' these blind students is made," according to Charles Raeke, a rehabilitation counselor from the Commission for the Blind who is serving as coordinator of the project.

"This comes as a shock to clients who have been overly protected and pampered at home because of their blindness, but it's a valuable experience for them. They won't be babied when they get out and compete for jobs."

The success of the UT Austin project has caused us to consider establishing similar projects at other State-supported institutions of higher learning. The Commission estimates that a college or university would have to have an enrollment of at least 50 blind students before full-time staff could be justified for a project of this type. Volunteer groups at Texas Technological College at Lubbock presently are cooperating in the establishment of a program for blind students at that institution, and we hope to provide a similar service to the high concentration of college students in the North Texas area.

"The number of blind students enrolled in institutions of higher education is going to continue to rise," Risley said recently. "This is only one facet of the increased sophistication and relevance which agencies for the blind are attempting to give their vocational rehabilitation programs."

"Our project at UT Austin stems from the conviction that one of the purposes of rehabilitation is to help handicapped individuals to get free of the need for continued assistance from agencies providing social or rehabilitation services. If a handi-

capped individual has the capacity for attaining this type of independence, it is administratively unsound to provide only limited services which may in fact increase the individual's dependence upon the rehabilitation agency."

FRANCE, AMERICA'S ALLY: PERHAPS THE OLDEST, BUT NOT THE MOST TRIED AND TRUE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 15 minutes.

Mr. PODELL. Mr. Speaker, "La Marseillaise," the French national anthem, speaks of the "bloody standard being raised." That was in 1789, and France was fighting for her liberation from tyranny. Today France has again raised a bloody banner, but this time it is not on the side of liberty, equality, and fraternity. Rather, it is on the side of injustice and tyranny.

France has become the most dangerous actor to come center stage in the Middle East conflict. With callous disregard for the chances of achieving peace in that area, France is playing the role of antagonist. Her irresponsible sale of arms to the belligerent Arab nations is in opposition to her original declaration against such sale. Instead she has guaranteed that there will be a still bloodier confrontation in the war that is presently raging.

France has claimed that her present policies of arm sales coincide with her national interest. I regret to say then that our "stanch ally" and "lover of peace and justice" has interests that coincide with increased tensions in the Middle East. Indeed, one wonders whether France has international interests or merely international investments.

Anti-Americanism has been a persistent and unifying theme in the internal politics of France. To cite a case from the 1950's, vociferous popular approval of the French landing in Suez stemmed from the knowledge that the actions had been taken against the expressed wishes of the United States.

Paradoxically, after the French Governments have deliberately raised the bloody banner and stirred up international tensions, they have repeatedly looked to the United States to rescue France from the consequences of her actions. What would the French troops have done if they had been permitted to occupy the area of Suez in 1956? What if the United States had not been willing to sacrifice a substantial amount for the increased protective trade barriers that insulated France from competition from the outside so that her economy could prosper?

I am not saying that the United States should not have taken these actions toward France. What I am saying is that France, in the past, has depended on the United States both for a large part of her well-being and to rescue her from some of her own actions.

I am afraid that France 's present policy in the Middle East will have similar unfortunate consequences and that the United States will then be asked to bail the French out. Even if that were not the case, the security and well-being of the state of Israel hangs in the balance. The French are sacrificing the freedom and liberty of Israel in order to gain transitory influence in the area. And I might add at the expense of the United States.

French sale of Mirage jets to Libya and the proposed sale to Iraq threaten to set off a new and spiraling phase of the conflict in the Middle East. France has assured her opponents that these arms will remain in the hands of the countries to which they are headed—what France terms nonbelligerents. Yet, the dividing line between belligerency and nonbelligerency is often very narrow—if not nonexistent.

Libya's pronouncements have made her one of the most outspoken, anti-Israel nations in the Middle East. The large shipment of French arms may allow her to cross the line and turn belligerent words into belligerent actions. If that became reality, one more armed Arab nation would join the conflict against Israel.

Evidence has shown that French Mirages are in fact finding their way into the hands of those engaged in armed attack in that area. It was reported yesterday that the Mirage jets have found their way into the hands of the Egyptians. Even French imagination cannot manufacture a story that would place Egypt on the side of the nonbelligerents.

France, then, is trading responsible action in international affairs for transitory influence. What France does not seem to realize is that she will be making a bad bargain in the long run; these nations are not going to trade their right to independent action for French bombers.

Why then have I asked the Members of this House to refrain from attending a joint session of this Congress at which Mr. Pompidou was asked to speak? I believe that the French sale of arms to the Arabs threatens to turn any hopes for peace in that area into a still bloodier confrontation.

President Pompidou will be visiting our country in 2 weeks and he has been told that there will be only a minor protest by a few Congressmen. This is not the case. While we well understand the desire and the need of our President to extend a courtesy toward a visiting dignitary, I believe it is up to this Congress to place American opinion toward France's action in a more accurate light. Let this Congress strengthen Mr. Nixon's hand so that he might set forth an unambiguous policy toward French initiatives in the Middle East. Mr. Pompidou must be made aware of the American public's opposition to French actions, and this Congress, as the necessary representative body, must act as its due spokesman. By refraining from attending this joint session that Mr. Pompidou will be attending we will be expressing our unqualified opposition to France's irresponsibility generally and more particularly lately in the Middle East. This is the one way that Mr. Pompidou will come to know America's views. Otherwise by attending the session and affording Mr. Pompidou this great accolade, we will be condoning his actions when we actually oppose them.

The bloody banner has been waving over the Middle East too long. Too many thousands have shed blood and given their lives. Yet the avowed Arab claim remains the destruction of our one great democratic nation in the Middle East—Israel. France's actions have provided a gathering place for the forces of injustice and tyranny. Let us voice our opposition to such irresponsibility and let us try to bring peace into that area.

In effect, Congress would be bestowing one of the highest honors we can on a visiting dignitary, the first since 1967, since we gave the same honor to the President of Mexico. Yet when President Nixon went to France last year he was not invited to address the French Parliament. He was not invited to be given this great honor of addressing the joint session of the Parliament of France.

I received a letter from one of my colleagues in which he said that France is one of our great trusted and longtime allies. Let us look at the facts. I have made a thorough analysis of the United Nations in the years 1960 to 1969. Let me give you some facts of the United Nations votes from the period 1960 to 1963. France voted less times with the United States in the United Nations than any other country in the Atlantic Alliance with the exception of Portugal.

Let me give you some more startling facts. On those items affecting the security of the United States, France voted less times with the United States in the United Nations than any other country in the Atlantic Alliance, including Portugal. Between 1964 and 1969, the evidence is even more startling and even more revealing. I will make this information available next week.

I only bring to the attention of the Members of the House the fact that we should not accord this great honor. Our President must receive the President of France. This does not mean that this Congress must give him that honor that in turn he did not bestow on the President of the United States when he visited them. I shall not be here. I urge my colleagues not to attend the session at which this man will be honored.

LITHUANIAN INDEPENDENCE DAY

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 16, 1970

Mr. SCOTT. Mr. President, Americans, secure in their own independence, should take a few moments to ponder the plight of the little country of Lithuania, whose 52d anniversary it is today. I ask unanimous consent that an editorial that was

published in the Philadelphia Inquirer be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LITHUANIANS CONTINUE THE STRUGGLE

For more than a quarter of a century, Lithuanians both at home and abroad have resisted Soviet rule of their nation. Perhaps one unfamiliar with the history of the Lithuanian people may wonder why, after all these years, they refuse to quit. A look into the history of Lithuania will explain why.

This isn't the first time that the Baltic nation has had to suffer under foreign domination. It is by far not the longest period that Lithuanians have had to endure alien oppression. And it is not the first time that the Russians were the antagonists. Russia once controlled Lithuania for 120 years, but the Lithuanians never lost their desire and determination for independence.

After more than a century under Russian rule, the Lithuanians gained their freedom on February 16, 1918. The next 22 years were golden years in the history of Lithuania, surpassed perhaps only by the 38 years when Vytautas the Great ruled Lithuania 500 years earlier and the nation's borders extended from the Baltic Sea all the way to the shores of the Black Sea.

The golden years of this century ended abruptly for Lithuanians in 1940 when Hitler and Stalin divided up the Baltic states, and the Russians once again took over Lithuania. Nazi armies chased the Reds out. Then later the Soviets chased the Nazis out. Lithuanians fought the Russians for the next eight years, and it has been estimated that 30,000 of Lithuanian resistance group lost their lives in the struggle.

But the struggle is not over yet. A nation that would not be subdued in 120 years will not die in a quarter of a century. People with a language and a heritage that is over 700 years old, and who have great pride in that language and heritage, will not let it be crushed by the Communist oppressor so easily. Lithuanians will survive the Soviets just as they survived the Czars. This determination will be evident throughout this nation as Lithuanian-Americans gather to mark their Independence Day on February 16 and as they work and hope for a new day of independence.

ENVIRONMENTAL POLLUTION

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. MOLLOHAN. Mr. Speaker, the concern over ecology and its relation to the pollution of our air, water, and land is predicted by many to be the issue of the 1970's.

But we realize that it must become more than merely an issue. It must produce action—positive action—and soon. It must not be lost once elections are over.

Lest one attempts to place all the blame for past mistakes on government or industry, I refer you to the following editorial from Mary Ann Barrows' the Calhoun Chronicle.

As Mrs. Barrows correctly explains it:

You're going to hear a lot about it (ecology), and you're going to have to do your share to stop pollution of that environment.

She concludes her editorial with some sound advice:

Too little, and too late, may become a danger of a pinch-penny administration, relying heavily on tax or other incentives to private business to do what is everybody's business. This calls for some bold new steps to be taken before it's too late.

Pollution is not merely a problem of the great urban areas. It has reached into the green mountains of West Virginia, up the Little Kanawha River to Grantsville where Mrs. Barrows lives.

I now refer you to Mrs. Barrows' editorial. I heartily urge you to read this most provocative article:

WATER POLLUTION

The decade of the 70's is supposed to be years devoted to improving our environment, before it's too late, before we are ruined by pollution of our water, air and soil. President Nixon has set the tone. Attention of young people is expected to turn from civil rights to ecology, and we are prepared to see a campaign against those who foul the air and contaminate the soil and water. Who in his right mind can oppose such a worthy cause?

Civil rights may not have had much relevancy in Calhoun county but water pollution is going to be right at home. The Little Kanawha river and its tributaries are polluted. There's no doubt about it. One good sniff is enough to confirm that fact. We hope the Town of Grantsville can get along with their sewage system this summer, so that at least one section can stop polluting the river.

But it isn't just the Town of Grantsville that is doing all this pollution. There are lots of homes where raw sewage goes directly into a nearby stream. Even garbage is dumped into streams and no thought given to what this is doing to the river. One thing very noticeable in the latest bit of high water here: lots of floating debris in the river, not a pretty sight, and not very healthy either.

Eventually, we see tighter regulations on pollution involving almost everyone in a campaign to clean up our environment. The world's population is growing much too fast to ignore the problem any longer. Get used to that word "ecology." The dictionary says it is "the science which treats of the relations between organisms and their environment." The "organism" in this sense is most usually man; in other words, the study of man and his environment. You're going to hear a lot about it, and you're going to have to do your share to stop pollution of that environment.

"Too little, and too late," may become a danger of a pinch-penny administration, relying heavily on tax or other incentives to private business to do what is everybody's business. This calls for some bold new steps to be taken before it's too late.

FEBRUARY 16—LITHUANIAN INDEPENDENCE DAY

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 16, 1970

Mr. SCHWEIKER. Mr. President, this week Americans of Lithuanian origin mark the anniversary of the establishment of the modern Republic of Lithuania, which took place February 16, 1918. Unfortunately, the occasion is a sad one for those who cherished Lithuania's independence, for that land is today occupied by the U.S.S.R.

This country and its brave people had only 22 years of freedom before their land was dominated by a foreign power, and all cultural and political progress was halted.

Today, friends of Lithuania are hoping that the plight of that country will be brought before the United Nations, and the Congress of the United States has adopted a resolution calling for such action. I support this resolution, which also asks the U.S.S.R. for the freedom of Latvia and Estonia in addition to Lithuania, and I ask unanimous consent that it be printed in the RECORD at this time.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS,
Clerk.

THE LADY OF THE HOUSE

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. SMITH of California. Mr. Speaker, Mr. Carroll W. Parcher, a longtime, close, personal friend of mine, wrote an article entitled "The Lady of the House" which sets forth his opinion regarding his wonderful and beloved wife, Frances, who recently passed away. I would like to bring this to the attention of the Members.

The article follows:

[From the Glendale News-Press, Feb. 6, 1970]

"THE LADY OF THE HOUSE" LEAVES HAPPY MEMORIES

(By Carroll W. Parcher)

The Star that swung low in the early hours just before the Wednesday morning dawn to lift The Lady of the House from a life which pain finally had made intolerable, took on its beams a lovely and a remarkable woman.

Those are words used too often to describe those to whom they apply only in the barest outline. But for Frances they had meaning far beyond the ordinary.

Thomas Brown said: "Life is a pure flame, and we live by an invisible sun within us."

But for Frances the sun within did not remain invisible. It shone through. And those with whom she came in contact, in whatever frame of life, were warmed and comforted by its radiance.

Anna Mae, the colored lady who had been "looking after" the family for a good many years put it this way: "I'd work for Mrs. Parcher iffen she couldn't pay me a cent. It would be wuth it just to be around her."

And Dick Nixon, before he became President, told me one time: "Your wife always makes me feel better. She has something good to say about everyone."

Perhaps that was the reason, or one of the reasons, why the invisible sun glowed so brightly. Frances had that innate goodness about her which let her see whatever good there was to be seen in her fellows (a good which I sometimes could not discern) and to filter out the bad.

When even she couldn't find something good to say about a person, she said nothing. And when I, not so charitable, or perhaps just more obtuse, pointed out what I thought were fairly obvious faults in someone of our mutual acquaintance she almost always countered by pointing out a fairly admirable quality which I hadn't noticed.

I suppose no one goes through life without making some enemies—even inadvertently. But I can think of no one who was her enemy. Or who even disliked her. Except, perhaps, those to whom she was pretty sharp when they criticized something I had written, or said publicly, or some stand the paper had taken.

Not that she always agreed. Her opinions were as strong as her character. But she thought that "for better or for worse" meant standing up for your husband in public.

Sometimes she would say: "I wish you didn't have to be so vehement about freedom of speech. Some of my friends think you like dirty books." But I doubt if any of those friends got anything but an argument when they voiced that opinion to her.

Her greatest joy always was in her family—in the three children she guided, more by example than by duress, toward assuming their adult responsibilities with courage and determination. And in the grandchildren to whom she gave the same love and devotion their parents had enjoyed.

By the greatest possible good fortune all three children were able to be with her during the last days of her illness—a circumstance for which I shall forever be grateful.

Her greatest pleasure was in her friends—not great armies of them (she liked better the small dinner party or the intimate luncheon than the overpowering cocktail party) but the compartively small circle who shared her interest in music and books and ballet and flowers and the theatre. To those she was devoted, and she received their devotion in full return.

To Frances her home was her comfort and her satisfaction. We had only three during the 45 years of marriage, but she made each one distinctively her own, unmistakably a place in which living was to be enjoyed.

If I piled books and magazines high on the tables around my chair she fretted a little, I'm sure, but seldom complained until the floor threatened to cave in under the extra weight.

She disclaimed being a "good housekeeper," of which there are perhaps too many, but without doubt was a good home maker, of whom there are far too few.

The house high on the Verdugos with the sweeping view and the aroma of faintly aromatic woods to which we came a dozen years ago, was her favorite. But it was followed closely by the vacation cabin in the high mountains by the big blue lake, where she reveled in the beauty and the clean, fresh air, and the solitude.

Like most people with inner strengths Frances enjoyed being alone. When she came home after the first three-month stay in the hospital I suggested a "live in" housekeeper. "But with somebody in the house all the time, when would I ever be alone?"

I thought of these things, and many more, as I sat at her bedside during the long night, after consciousness as we know it had gone but before "God's finger touched her, and she slept."

Nearly a half century of going to school together, starting a little newspaper together, raising a family together and traveling to far places together provides a broad field for remembrance.

And after the last tortured breath was drawn and the tight features relaxed in that peace which comes only after the gentle touch of death's broad wings I thought of the joy there would be that night in whatever Heaven there is. Because Frances was there.

SUSAN B. ANTHONY—A PIONEER AMONG WOMEN

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 16, 1970

Mr. SCOTT. Mr. President, Sunday, February 15, marked the 150th anniversary of the birth of Susan B. Anthony, founder of the women's suffrage movement. Miss Anthony's statue stands in this Capitol as a monument to her work for the equality of rights for women.

Believing that the 14th amendment to the Constitution guaranteed women the right to vote, Susan B. Anthony cast her ballot for President on November 5, 1872, in Rochester, N.Y. Seven months later she was convicted in a U.S. court of voting illegally.

Despite this setback, Miss Anthony continued her efforts to enfranchise women. She drafted and, in 1878, succeeded in achieving the introduction in the U.S. Senate of a constitutional amendment guaranteeing women the right to vote. Through her 80th year she continued to travel across the United States lecturing and organizing support for this amendment. At the age of 83, she went to Berlin to help organize the International Woman Suffrage Alliance.

Although she did not attain her goal during her lifetime, Miss Anthony's courage and determination lived on in the suffragists who carried on her work after her death in 1906. These women—founders of the National Woman's Party—waged the battle that Susan B. Anthony had begun.

In 1919 their campaign reached its mark as the Republican-controlled 66th Congress passed the Susan B. Anthony amendment. I take special pride in the fact that on June 24, 1919—less than a month after congressional approval—the Commonwealth of Pennsylvania became the seventh State to ratify what was to become the 19th amendment to the Constitution. The 36th, and last needed, ratification came on August 20, 1920, establishing the right of American women to vote.

This year marks the 50th anniversary of the adoption of the 19th amendment. How fitting it would be for this year to also mark the passage of the equal rights amendment. I am proud to be a sponsor of this proposed amendment to the Constitution which provides a constitutional guarantee of equal rights under the law for men and women. The adoption of this amendment, Senate Joint Resolution 61, would be but a small payment from a Nation whose women citizens have done so much to contribute to its greatness.

FEDERAL AID TO HELP BOOST SUPPLY OF FAMILY DOCTORS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. DULSKI. Mr. Speaker, I am introducing legislation today aimed at helping medical schools and hospitals educate larger numbers of doctors to practice family medicine.

Forty years ago, three-fourths of all practicing physicians were general practitioners.

Today only one in five—20 percent—of practicing physicians are general practitioners. The rest are specialists in surgery, pathology, radiology, internal medicine, psychiatry, pediatrics, and so forth.

In today's sophisticated and rapidly growing field of medicine, it is quite true that we need specialists. But the need is no less for family doctors—physicians who can provide general medical care for the entire family, from childhood to old age.

It is true that some medical schools are finally beginning to recognize the need for training family doctors. But the supply is only a drop in the bucket as compared with the need.

The family doctor needs to be trained in particular in preventive medicine, taking into account the family makeup and surroundings.

A second function is to advise families whom to consult when it is apparent the illness requires the counsel of a specialist—the average family does not understand the medical specialist and needs the advice of a close family friend, the family doctor, to counsel him.

The bill I introduced today would authorize the appropriation of $50 million for the fiscal year beginning next July 1, another $75 million for the following fiscal year, and then $100 million for each of the next 3 fiscal years.

These appropriations would be for the

purpose of making grants to medical schools and hospitals to establish departments and programs in the field of family practice and to encourage the training of medical and paramedical personnel in the field of family medicine.

A CRISIS IN AMERICAN HIGHER EDUCATION

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, on Saturday, February 7, 1970, the All Pennsylvania College Alumni Association of Washington, D.C., at a citation luncheon held in the Marriott Twin Bridges Motel, honored Dr. Eric A. Walker, president of the Pennsylvania State University, by awarding him their 1970 citation in recognition of his outstanding contrbution to the advancement and extension of the American ideals of education.

Subsequent to the receipt of the 1970 citation, Dr. Walker, who will retire in June 1970, delivered the following address on the subject of "A Crisis in American Higher Education":

A CRISIS IN AMERICAN HIGHER EDUCATION

If you asked people today if there is a crisis in American higher education, I'm sure you would find that most people would say, "Yes."

And if you asked them what they considered the crisis to be, I believe most people would tell you that the crisis involves student demonstrations, student demands and general unrest.

These are big problems to be sure, and on some campuses they have reached crisis proportions. But there is an even bigger crisis looming on the horizon for every college—big or small. The new crisis is one that has been creeping up for a long time without a lot of fanfare, without coverage from the news media, and without the knowledge of the general public.

The major crisis coming that will affect virtually every school in America is the crisis in financing higher education.

Colleges today are really faced with two types of troubles—the surface crisis and the hidden crisis.

First, let me talk about some of the surface problems colleges have today, and then I'll talk about the financial crisis.

Centuries ago, the main purpose of universities was to teach. In fact, universities then had no buildings, no libraries and no set classrooms. Universities then consisted only of students and teachers.

Gradually, universities acquired land and buildings and then research was introduced as a function of the university. But during World War II the colleges were called upon not only to do research, but to serve as social instruments for accomplishing all sorts of new things—the development of weapons, the training of workmen for defense jobs, the indoctrination of military personnel and so on.

We've never quite gotten over this and now we find that many colleges are trying to serve as instruments for social reform, and on this score, I for one have very grave doubts.

The basic functions of a university are the dissemination of truth and knowledge and the search for new truth and knowledge—in other words, teaching and research. This is then transmitted to students and to the general public.

Generally, however, the implementation of knowledge is the function of other structures of our society—such as the political structure, the industrial structure, the business structure, the community structure.

There are too many people today who want the university to devote its entire time and resources to following one path or another—to ending poverty, fighting racism, stopping crime in the streets, ending the war in Vietnam. Everyone seems to want the university to do everything—and all at once.

But the question is, should universities stand at the beck and call of every politician or special interest group? Should the universities become action outfits? Should they become forums for various political movements? It seems to me that for universities to go out and attempt to change the world is to make it very difficult for them to serve as repositories of knowledge and as unbiased critics of the passing scene. An actor is not in a position to critically analyze the play in which he is engaged. And no man should be able to serve in the dual capacity as judge and jury.

It is my feeling that many colleges and universities are now devoting so much time to trying to change the world that they have forgotten not only their research functions, but their teaching functions also. And as they fail in their primary function, it is inevitable that eventually a reassessment will come and people will ask why do they exist at all.

Now most of the problems that you have been reading about on college campuses over the past few years, have been student-versus-administration problems. I think this is changing. I think the emphasis now will be student-versus-faculty. Students are gradually coming to realize that if their courses lack relevancy, it is many times because of the faculty member teaching it.

All of these are surface problems and, I believe, are second to the major problem of financing in higher education. As I watch the financial progress of American education, I become more apprehensive that the whole system is heading for a terrible fall. We are in danger of pricing ourselves out of business if the cost of higher education continues to increase.

Public spending on each college student is expected to climb almost 19 per cent to $1,805 in the next few years. At private institutions the projection is higher. The question is, who is going to pay for this? Already local taxing bodies are beginning to say that they have reached their limit in taxing property and wages. The states find themselves caught in an almost unstoppable treadmill of higher costs with few, if any, new tax sources. And although the Federal Government is considered by many people to be an inexhaustible source of money, it cannot and will not prove to be so.

Tied in with this problem of financing is a general unwillingness among many sectors of our population to support higher education as it has been supported in the past. I believe that there is gradually accruing among the taxpayers the feeling that perhaps we are paying too much for higher education. This rising wave of disaffection for our nation's colleges, results in part, I believe, from the poor image that has been created by a majority of students.

Indeed a Gallup survey last fall showed that the major worry of America's adults as far as their schools are concerned is discipline, or rather the lack of it.

Part of the blame for this is that we have impressed on our youth that college is the thing to do. We have implied that if you don't go to college there are no other avenues open. And so we have many students today who are really not interested in college as such. They are more interested in getting a degree than they are in getting an education.

And if taxpayers feel that perhaps they are paying too much for higher education, they may have a point. University facilities everywhere have not been as productive as they should be and one cannot expect to go on increasing salaries while productivity decreases. We are still teaching at the ratio of about 15 students for each faculty member and using many methods that have long since been outmoded.

Indeed, in its report last year, the Committee on Economic Development composed of 200 leading businessmen and educators, said that the money expended on education produced less in the way of improvements in the scope and quality of services than was true of other services generally.

Behind this inefficiency, I believe, is the fact that we are still using many methods that have long since been outmoded. We continue to do this because we have failed to question the fundamental validity of many of our basic concepts of teaching.

For example, in spite of our growing recognition of individual differences among human beings, not only in talent, ability and interest, but in rate of learning, we continue to force our students into a pattern designed for a mythical average student.

We take four nine-month years to accomplish our purpose. Is there anything sacrosanct in this? How can we really justify it? In England they use three years, and shorter years at that. Other countries use five years. But students learn at different rates and they come to college in different stages of advancement. Isn't it time we ask ourselves very seriously whether we are right in trying to tie everybody to a standard four-year curriculum?

Another albatross we have around our necks is the credit system. We seem to think that a student should pass 124 credits of work in one curriculum—say Liberal Arts—and 154 credits in engineering to get a degree. The trouble is that the digits we are trying to use for measurement of credits are not the same size—and even if they were, we don't seem to try to equate them anyway. But we think that every course has to be measured in numbers of credit hours or courses, or half-courses or units, or quarter hours. And we slave to change our courses, stretch out the material, contract it, add irrelevant material, or leave out important material in order to fit a calendar which demands a three-credit, four-credit, or two-credit course.

It seems to me that all too often such a system restrains us from doing what we really ought to do.

Then somehow or other we feel that every course ought to consist of fifty minute lectures. Some brave souls have experimented with thirty-minute lectures and some with seventy-five minute lectures. But no one has ever demonstrated that a lecture of some particular length is necessary or the best, or even better than any other length of lecture. With modern teaching aids such as film strips, television, and audiovisual aids, which can be used or not used as a teacher sees fit, should be force ourselves to stick to lectures of one particular length?

And what about the lecture itself?

Too often, it seems to me, lectures are pretty wasteful devices by which symbols are transferred from the notebook of the lecturer to the notebook of the student without leaving much impression in the heads of either one. Since all kinds of copying machines are now generally available, I see no reason why students shouldn't be given copies of the professor's notes and thus avoid the distracting and useless work of writing by longhand a set of symbols which because of their brevity are often meaningless anyway.

As a matter of fact, I have always been

suspicious of lectures, especially if the lecturer has already written a book on the subject. For what can he say that is not already in the book. And if it is worth saying, why is it not in the book?

The answer often is that the student must be offered a chance to ask questions. But if the question is important it should have been answered in the lecture, and if it is not important, then obviously answering it is a waste of the time of both the professor and all the other students in the class. Why should an entire class be held up because one student is not bright enough, or attentive enough, to get the point? We excuse this sort of thing on the basis that it maintains a dialogue, a human relationship, and we insist that human relationships are essential in the learning process. We seek to avoid regimentation. Yet what can regiment students more than forcing them to attend class with 100 or 25 or even 10 other students, listening to lectures in exactly the same detail. Taking exams in unison, and marching on to the final day when each will be given a grade. There is no freedom for the learning process here, and neither freedom nor efficiency can be attained by having the professor devote time enough to the individual students for him to keep his place in rank and column, and march on at the prescribed pace.

Another problem is that we are constrained by schedules. Increasing numbers of students and professors must be fitted into a schedule which will provide each of them with a classroom at the proper place and the proper time. Now many professors like to do their teaching Monday, Wednesday, and Friday between ten and twelve. But many students like to do their learning at odd hours, when they are in the mood, or when they are thinking about the particular topic they would like to discuss. Is our insistence that the student fit his program into someone else's schedule or following the convenience of a professor really necessary or even desirable? Moreover, this scheduling of classes and pacing the rate at which the material is presented is designed for the average or somewhat better-than-average student. But students do not progress at the same rate. And the pace of any individual student varies in different courses. Yet the schedule is there and it must be followed: There can be no deviation from it.

The classroom problem is an onerous one too. Classrooms must be provided of the right size at the right time, and in the right place; and, the result is that very few colleges and universities are utilizing their classroom space more than 30 per cent of the time. Yet many colleges find themselves space-limited and the investment in classroom space, in spite of the fact that it largely stands idle, is horrendous.

And we can look at the economics of teaching. Faculty salaries have approximately doubled over the past decade. In 1958 the National Education Association reported that the average salary for full professors was just over $8,000. With the beginning of the 1968–69 school year, the American Association of University Professors reported that the average salary for full professors was $16,312. Yet while faculty salaries have increased tremendously, productivity that is commensurate with what is found in industry, has not increased to any great degree.

And these are some of the reasons why I believe that the big crisis looming on the horizon for every college is the crisis in financing higher education.

The American people expect much from their schools and from the investment they put into them. And American colleges—whether they want to or not—will be forced to find ways to change to meet the student's and the taxpayer's expectations.

I think it's about time we began experimenting on new methods of teaching and learning.

UNITED MINE WORKERS UNDER ATTACK

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. CLARK. Mr. Speaker, over the past several months the officers of the United Mine Workers of America have been subjected to increasing attack in the Nation's press and television. Much of the news carried about the union has been in the nature of charges which have been made to appear as fact, even though supporting evidence was lacking.

Last week, the president of the United Mine Workers of America, W. A. (Tony) Boyle, spoke out against such biased and subjective reporting. I believe that the Members of the Congress should read Mr. Boyle's remarks and that his statement should be given the widest possible distribution. It is time, Mr. Speaker, for objectivity to return to the Nation's news media, and Mr. Boyle's remarks underscore the urgency of the problem.

The remarks follow:

W. A. (TONY) BOYLE'S REMARKS

The United Mine Workers of America today charged that it has been the victim of a journalistic lynching bee, aided and abetted by the "totalitarian liberal" establishment.

Speaking for the union, W. A. (Tony) Boyle stated that the media in general has "deliberately" substituted "subjective bias" for objective reporting and investigation.

"I do not like to be critical of the press since this nation desperately needs an unbiased and objective media. But the press has done little in our case except to reiterate in screaming headlines wild charges without foundation. There has been an attempt to build a lynch atmosphere against our union, to utilize that atmosphere for a full-fledged attack upon all labor," Boyle said.

The UMW president added that while the tragic slaughter of Joseph Yablonski and his family has made it extremely difficult for the union to speak out, the UMW can no longer remain silent.

"It is extremely difficult for us to raise questions concerning the character of the dead, but the interests of the UMW's 200,000 active and retired members compel us to speak out," Boyle said.

"There has been no press investigation of significance regarding the background of Joseph Yablonski. Yet, Yablonski had questionable associations and political connections that merit journalistic investigation. We simply are unable to understand why the press headlines unfounded charges, but refuses to undertake investigative reporting into the Yablonski background.

"The press has sought, at least by implication, to associate me and our international union with the three men who now stand indicted. Neither my associate officers nor I know any of these men, nor have we had any association, however remote, with them. I deny categorically that the UMW has ever knowingly had any contact with these individuals.

"The attempt to elevate Silous Huddleston, a local union president in Tennessee, to the status of a top UMW official would be comical, if the implications were not so grim. There are more than 5,000 local union officers in our union, all elected by the rank-and-file membership. We have checked our records on Mr. Huddleston and we find only that he was an organizer for District 50, which is no longer affiliated with our union, between 1943 and 1946. During that period, I was a UMW district president in Montana," Boyle pointed out.

The UMW president said the time has come to put the record straight, so that the rantings of Yablonski's lawyer and his sons, however understandable as an emotional reaction, will not pass as fact.

Charges that there are 600 allegedly bogus locals in the UMWA were dismissed by the federal district court in Washington, D.C. during the election campaign.

Charges that the union has employed a blacklist to deny jobs to top Yablonski supporters are "hogwash." The UMW has no hiring halls and the employers do the hiring. The law makes blacklists illegal.

Charges of intimidation during the voting are even more absurd. On the eve of the election, Yablonski's lawyer claimed that 2,500 poll watchers, mostly outsiders and including members of the American Civil Liberties Union, had been recruited by the Yablonski slate. The ACLU made no claims of irregularity following the election. The charges filed by the Yablonski lawyer with the Labor Department are largely trivialities and technicalities, although the press has attempted to sensationalize them into grounds for a new election. The election in the UMW was more peaceful than most major union elections and was entirely democratic; there was no violence despite obvious attempts by the Yablonski faction to incite it.

"There is an obvious attempt to induce hysteria, and to force the Labor Department to overturn the election despite a 2–1 verdict by the UMW membership in favor of the incumbent leadership. The UMW will not stand idly by and permit this to transpire," Boyle said.

W. A. (Tony) Boyle, president of the United Mine Workers of America, today hailed the passage of a strengthened black lung compensation bill in West Virginia.

"This bill greatly improves and strengthens the present compensation statute in West Virginia. It contains many of the amendments requested by our organization in my letter to Governor Arch Moore last summer and which were contained in the legislation introduced at the request of the United Mine Workers of America at the beginning of the session," Boyle said.

Boyle alluded to the key feature of the bill, the so-called "presumption clause" when he stated: "The new presumption clause is a significant improvement over the existing law. It shifts the burden of proof to the coal operator when a man becomes disabled and when such disability logically can be expected to arise out of his occupation."

The UMW president hailed the victory as one for the UMWA saying: "This is a victory for all of the officers and members of the United Mine Workers of America. It was achieved because of the unity of coal miners in West Virginia. When I went to West Virginia, I saw firsthand that the membership of our union was determined to stand together in this battle. More than 600 members of the UMWA Committee for Coal Mine Health and Safety played a major role in our legislative efforts. To these coal miners and to their UMWA brothers in the state go my heartfelt congratulations."

Boyle contrasted the situation now with that of last year. He said: "A year ago coal miners struck for three weeks in West Virginia in an effort to pass a black lung law. That strike cost more than $20 million in lost wages and almost $4 million in payments to the UMWA Welfare and Retirement Fund.

The ranks of coal miners were split asunder during that struggle and the legislation that finally passed reflected the weakness caused by our division. This year our union went to the legislature in Charleston as a united and overwhelming force. This year the coal miners followed the union leadership and worked in close harmony. Our membership did not lose one day's work, nor did our Welfare Fund lose royalties. Most importantly, the bill which passed both houses is strong and we believe an effective piece of legislation."

Boyle thanked the leaders of both the House and Senate for their support of this legislation. "Our legislative efforts would not have been possible without the support we received from the top leadership in both the House and the Senate. On behalf of all miners in West Virginia I want to thank these legislators and express to them the gratitude of coal miners throughout the state for their willingness to support a far-reaching and progressive compensation bill," said Boyle.

"We also must express our appreciation to Governor Arch Moore for his support of the black lung legislation and his efforts to help in its passage," Boyle added and called upon the Governor to sign the bill into law. He said: "We hope that Governor Moore will immediately sign this legislation into law. In doing this he will make possible a fuller protection of the well-being of coal miners in West Virginia, protection which is warranted by the contribution that coal miners have made to that state over the years."

LITHUANIAN INDEPENDENCE DAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. ANDERSON of California. Mr. Speaker, 52 years ago today, on February 16, 1918, Lithuania became a free and independent country. She became a member of the international community of sovereign nations in 1921 when Lithuania was received as a bona fide member of the League of Nations. In 1922, the United States granted full diplomatic recognition to this nation, whose peoples have resisted foreign subjugation for so long.

During the Second World War, the Republic of Lithuania was invaded and she lost her independence on June 15, 1940. Nonetheless, the United States has continued to recognize the right of these people to seek a free and independent existence and we continue to maintain diplomatic accreditation with the last legitimately constituted representatives of Lithuania.

I have known many people whose roots are in Lithuania. A good number of them were born there, a larger number had parents or grandparents born there and many of them have relatives there now. We in the United States know national pride, independence, liberty and justice. However, for the many thousands of oppressed people in Lithuania, these are only cherished, hoped for, but unconsummated ideals.

I salute these people and recommit myself to supporting their just aspirations for recovery of their liberty, independence, and self-determination.

PRIZE-WINNING ESSAYS BY NEW JERSEY YOUTHS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. HOWARD. Mr. Speaker, recently the Greater Keansburg Jaycees of Keansburg, N.J., sponsored an essay writing contest, under the chairmanship of Mr. E. Gary Stover. The winners of the contest were Joseph Westerfield of St. Ann's School and Jan Flood of the Keansburg Public School.

As you know, Mr. Speaker, I have long been an advocate of lowering the voting age to 18 and for that reason I have sponsored House Joint Resolution 18 for the past two Congresses. The subject of the winning essays was "What I Think the Minimum Voting Age Should Be."

Becaue I was so impressed with the two winning essays I am placing them in the CONGRESSIONAL RECORD in order to give my colleagues an opportunity to review these essays. I think the young people themselves are the best argument in favor of lowering the voting age and I think a review of the two winning essays will show why.

The essays follow:

WHAT I THINK THE MINIMUM VOTING AGE SHOULD BE

(By Jan Flood, Winner—Keansburg Public School)

I think that the minimum voting age should be eighteen. If the voting age was eighteen I believe that the United States of America might have a better government. I say this because maybe if eighteen year olds had their chance to vote, maybe better men would be picked for the different government jobs. Not to say that the men who are in aren't any good, but some could be better.

Some people think that eighteen year olds are not mature enough but, these people don't care if an eighteen year old boy is mature or not to send him to Vietnam to die. I guess they don"t think about that. Was it these eighteen year olds that got us into this war? *No.* It was these people who think eighteen year olds shouldn't have the right to vote.

Don't people realize that nine out of ten eighteen year olds are mature enough to have the right to vote. The main reason these people think that eighteen year olds shouldn't vote is because of hippies. They act as though all eighteen year olds are hippies. This is just not true. Anyway just because you have long hair, wear mod clothes and use such words as groovey, rap, and out-a-site does not mean you're a hippie. Besides why should hippies be deprived of the right to vote at eighteen? Because they wear their hair long, wear mod clothes and say groovey, rap and out-of-site. If that is true why, are they still American citizens. No one ever realized that maybe the reason there are so many hippies is because they are rebelling against not being able to vote at the age of eighteen.

People say that eighteen year olds are not mature enough, they haven't lived long enough. How long do you have to live in this country to realize that this great nation of ours is in great need of better politicians. Maybe if the people who are ruining this country looked around and saw what they are doing, they would give in to the country and let the eighteen year olds get a chance to live. Let them have the rights that everyone else has. I know that if the eighteen year old had a chance to vote, then he would respect the United States in a tremendous way.

Well all this means that the eighteen year old should have the right to vote.

WHAT THE MINIMUM VOTING AGE SHOULD BE

(By Joseph Westfield, Winner—St. Ann's School)

In this world of communication, we can not say that the eighteen year old of today and the eighteen year old of seventeen eighty-nine are equally well informed. I direct this statement mainly toward the fact that a newspaper informs the public of the political candidate's position on a certain subject faster and cheaper than in colonial times. This certainly proves and best exemplifies the fact that the Constitution is outdated and is in dire need of reform. It is mandatory that the citizens unite in passing the eighteen year old vote.

In a survey about knowledge of the government, adults were found to know less about this subject than an average group of teen-agers. Facts from this survey prove you are not necessarily smarter nor more well informed than a person if you are older than that person. Indirectly it proves that you need not have the best officials qualified for any particular government office.

Young people are always out to make an impression on older people. Therefore, they would not let an ill-equipped man go into office. In a way it is showing off. Yet, in a more important way, it is doing your job to the best of your ability. That is the most important thing about it.

Another phase is, it is extremely unfair that these boys who fight for us—who die for us—can not freely choose whether they must go and fight. I am simply stating that they can not vote on whether they should be drafted or not. He is trusted with a rifle, a hand grenade, and a knife, but, he is not trusted to pull a small lever in a voting booth. It just does not make sense. He fights a war in which he probably does not believe in, and a war in which the country he is fighting for would rather sell out to the Communists than fight for themselves.

When it comes to voting however it is, "No, he is too inexperienced," or "Him? I doubt it. He would not even know what lever to pull." These ignorant comments incriminate the speaker as prejudiced against younger would-be voters. It is a problem that must be eliminated in the first years of the seventies.

The power of voting would help eliminate another "problem"—demonstrations. To older people these are a disgrace, but, to younger people merely a way of expressing themselves. Voters must realize that aside from writing their congressman a letter, these eighteen year olds have no other way of expressing themselves. "The Moratorium" was said to have been the main reason why the eighteen year old vote did not pass in New Jersey. To the ones who voted "no," I say, "There would have been no need to have a Moratorium had they the right to vote."

These problems are the main ingredients of the "generation gap." The "generation gap" leads us into hippies and yippies who in turn lead us into crime. With the solution to crime at our fingertips, it is our duty to carry it out. This is a crime of negligence—in a complex way, true—but, it is still negligence. They are the negligent ones—the voters who are too blind to see the solution to the most taxing problem that is facing our nation. It is the duty of every man or woman who can vote to see that this problem is demolished fast. You must extend the power of voting to another group who cares. The "young militants," as they are called, do care what happens to this country.

This is my stand. To most people it is an impudent, brassy, outgoing statement. This is not the way I feel now. It is the way you probably felt after reading it. Though it obviously was not edited, it is believed that added spice to it. I wrote it to get a point across to you. I feel that undertaking was successful. What was done by Upton Sinclair with "The Jungle" it is felt will be done with this. I hope I have opened your eyes to the problems that branch out from the "eighteen year old vote."

LITHUANIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. ANNUNZIO. Mr. Speaker, today—February 16, 1970—marks a special day in man's historic struggle for freedom and self-determination, for it was on this day 52 years ago that the Lithuanians established their own Government and proclaimed their independence.

Subsequently, on September 22, 1921, Lithuania was admitted to the League of Nations. Then, on July 27, 1922, the United States officially recognized the independent state of Lithuania. A permanent Constitution was adopted, the Lithuanian economy was stabilized, and a renaissance of national culture ensued.

But in 1939, the Soviet Union began an unwarranted assault on this tiny country, and by June 1940, the Soviet Army actually occupied Lithuania. The valiant Lithuanians had no alternative but to concede to Soviet demands.

Despite condemnation by the free world of this unlawful aggression against the sovereign rights of a free people, the Soviet Union to this day still occupies Lithuania and maintains troops within her borders. The national culture is gradually being destroyed, and the Lithuanians are forced to suffer under the yoke of Soviet oppression.

During the 89th Congress, a concurrent resolution was adopted by both the House and Senate recognizing the right of self-determination for Lithuania and the other Baltic States and urging the restoration of these rights to the Baltic peoples. I cosponsored and supported this legislation, and today on the occasion of this anniversary, I want to reiterate the sense of that resolution which urged the restoration of sovereign rights and self-government to Lithuania as well as to the other Baltic States.

America has never recognized the forced incorporation of Lithuania into the Union of Soviet Socialist Republics and has always condemned this flagrant denial of fundamental human rights. The time is long overdue for Soviet withdrawal from the Baltic States and for the Baltic States question to be resolved before the United Nations.

It is a privilege today to join my colleagues in the Congress in observing this anniversary and in saluting Lithuanian-Americans in my Seventh Illinois Congressional District as well as all over the United States for their outstanding contributions to our cultural traditions and for the credit and honor they have brought our country.

As a Member of Congress, I want to assure the courageous Lithuanians that our Nation continues to support their just aspiration for freedom, and I want to express the fervent hope that the goal of Lithuanian self-determination shall soon be realized.

EFFECTIVE CONSUMER PROTECTION

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. BRASCO. Mr. Speaker, never before has there been such a widespread concern over the need for effective consumer protection programs and more ethical practices in industry.

Of course, Government has a responsibility to the consumer to make certain that he receives full value in the purchase of goods and services. But it is equally important that the private sector exercise leadership in behalf of the consumer; organizations in every field of endeavor that relates directly to the consumer must play a role in this regard.

It is gratifying to note, therefore, that in the field of live music an organization that is acknowledged leader has displayed commendable initiative by developing several important guidelines to assist those planning to engage live music for a social event.

The organization is Steven Scott Enterprises, Inc., the world's largest provider of live music for all types of social and business functions. The "checklist" developed by Steven Scott is particularly noteworthy when we consider that quality of the music at a social function is vital to its success.

These are some of the guidelines developed by Steven Scott Enterprises for the benefit of consumers planning to engage a band or an orchestra:

First. Consumers should seek references from any group they plan to hire, they should ascertain where and for whom the group has played.

Second. For best results, a reliable, established group should be selected. So-called pickup musicians rarely have played together and often will sound like it.

Third. A reputable orchestra will have a standard rate for similar events, whether the setting is a small, suburban house of worship or large, fashionable hotel. Consumers should be on guard against a group that will attempt to vary prices according to locations.

Fourth. Make sure that special ceremonies are thoroughly understood by the leader and his orchestra well in advance of the event. Guests can be embarrassed or offended by carelessly planned music.

Fifth. Arrangements should be made well in advance of the event. Otherwise, the group you prefer may have a previous commitment.

I believe that in setting up these valuable guidelines, Steven Scott Enterprises is performing an important service to the community.

FEDERALIZATION OF SCHOOLS

HON. THOMAS G. ABERNETHY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. ABERNETHY. Mr. Speaker, an editorial entitled, "And It Came to Pass," which appeared in the Jackson Daily News of Jackson, Miss., on January 14, 1970, was brought to my attention by my constituent, Dr. James C. Pegues of Greenwood, Miss.

In view of the rapid federalization of the schools of this Nation, I believe this editorial should be seen and read by Members of the Congress. It follows:

AND IT CAME TO PASS

Thirty-seven years ago an unbelieving editor sat down and wrote an editorial for his paper, The Monroe Evening News, of Monroe, Michigan, U.S.A. The date was Wednesday, Sept. 13, 1933.

Under the Lead Line, "Not That!", that incredulous American newspaper editor went on to ask his readers of three decades ago, "Are the schools of America to be used as a propaganda agency to mould public opinion into conformity with the policies of the administration?"

Still in a tone of utter disbelief that editor went on to quote from an interview with one Louis P. Alber, Chief of the Speakers' division of the NRA (National Recovery Act). "Just read these astounding utterances by Mr. Alber," the editor challenged his subscribers.

"The rugged individualism of Americanism must go, because it is contrary to the purpose of the New Deal and the NRA, which is remaking America.

"Russia and Germany are attempting to compel a new order by means typical of their nationalism—compulsion. The United States will do it by moral persuasion. Of course we expect some opposition, but the principles of the New Deal must be carried to the youth of the nation. We expect to accomplish by education what dictators in Europe are seeking to do by compulsion and force."

Mr. Alber went on to explain that a "primer" outlining methods of teaching to be used, along with motion pictures on the subject were being prepared for distribution to all public and parochial schools in the country, and commented: "The NRA is the outstanding part of the President's program, but in fact it is only a fragment. The general public is not informed on the other parts of the program, and the schools are the places to reach the future builders of the nation." . . .

From our vantage point in history we know that the notorious NRA was laid to rest early in its incubation period by the United States Supreme Court. What is important to each and all of us today is what has transpired in the intervening years since 1933. That editor of long ago remarked, "So, according to Mr. Alber, NRA—sweeping and revolutionary as it is—is only a fragment of a greater program of which the public knows nothing, and this unknown program is to be inculcated into the minds of pupils in the schools everywhere, by official efforts and at government expense . . . now our schools are to become—like those of Germany and Russia—an agency for the promotion of whatever political, social, and economic policies the administration may desire to carry out. And the taxpayers, whether they like it or not, are to pay for having their children converted to those policies. The editor closed by stating: "The whole proposition is so amazing, and so alarming in its implications, that we refuse to take it seriously."

Take a look about you today with the Washington-directed school policies. Is the Health, Education and Welfare Department doing exactly what the defunct NRA started out to do?

POLLUTION AND 1970

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. SHIPLEY. Mr. Speaker, much has been said recently about pollution and conservation. Some may assume that the Republican Party created the concern. Dr. and Mrs. George S. Reuter, Jr., recently spoke at a conference at Sikeston, Mo., on the subject. It is very evident that the issue of pollution and conservation, based on research, is old and that many congressional leaders of the Democratic Party have played key roles in the last 30 years. I thus insert in the RECORD with my remarks on the important issue of pollution and conservation the addresses of Dr. and Mrs. Reuter:

POLLUTION AND 1970

(By Mrs. Helen H. Reuter, L.H.D.)

INTRODUCTION

We are immersed in the stream of time. As history bears us onward over its cataracts of change, we cannot be certain of all facts in life. One thing is certain, however, the problem of our physical environment is beginning to catch up with modern man. All of us today are charged with the grave responsibility to see to it that our children and grandchildren do not inherit a sunless, smoke-filled world of pollution. The air around us belongs to everyone—to the future as much as to the present—and everyone has a deep obligation to help restore a wholesome atmosphere to the globe we live on. It is too late for apathy, for excuses or recriminations. It is high time to clear the air, high time for all of us to let mankind know what we are doing. Air pollution control is no longer something for health officials only to worry about. Atmospheric conditions over the last couple of years have clearly shown it to be a problem of concern to every citizen.

Physicians have delved into the physical effects of air pollution. Our elderly, our youth, individuals suffering from respiratory and pulmonary diseases have become the helpless victims of our negligence in the area. Repeated exposures to contaminated air have been known to wear down the body's defense mechanisms against respiratory disease. An association between high density living, air pollution and respiratory illness has been found by researchers. Indeed, urban living may impair health!

Evidence indicates that Alaska is on the threshold of economic expansion. The magnitude of the expansion is unknown, but any expansion is certain to increase pollution pressures. Because Alaskan waters are, for the most part, still clean, a unique opportunity exists to apply a preventive program based on ecosystem dynamics, instead of the classical practice of cleanup after deterioration has set in.

When the Mormon pioneers arrived in Salt Lake valley in 1847, it was barren and dry. But the air was clean and the streams from the mountains ran clean and sparkling. Today smoke and smog choke the skies of the magnificent Utah land of Zion, and the sparkling streams empty into the river Jordan and into the Great Salt Lake grimy and laden with refuse. Environmental contamination is growing worse all the time. Our cities are becoming more smog-filled. Our streams are becoming more ridden with pollutants. Our air carries ever increasing amounts of chemical and industrial waste.

Not long ago oceanographers aboard the research vessel Chain were collecting surface samples from a lonely expanse of the Atlantic south of Bermuda known as the Sargasso Sea. Instead, the scientists made a disturbing discovery. Their nets quickly became fouled with oil and tar—thick sticky globs up to three inches in diameter. Day after day along a 630-mile stretch they cleaned the nets with solvent only to see them gum up again a few hours later.

Dr. E. D. Goldberg, an oceanography chemist, told a meeting of the American Geophysical Union that man is changing his environment almost as much as nature itself. Dr. Goldberg, of the Scripps Institution of Oceanography, La Jolla, Calif., said the effects of pollution although they were not known, posed some haunting questions. Also, Dr. J. O. Fletcher, a physical scientist for the Rand Corp. in Santa Monica, Calif., believes man has only a few decades to solve the problem caused by pollution.

DEFINITION AND INSIGHT

I define pollution as man's seemingly incessant drive to diminish or even destroy the natural elements which sustain life and make it pleasurable. It is an old problem but it now shrieks with new urgency. The urgency we felt in 1969 will be nothing like what we are going to feel in 1970. Pollution of our environment is the result of the interaction of man and his technologies to the earth and its resources. As long as populations were small in relation to the earth's resources, man could move on to other areas when he had produced conditions that were unbearable, or unsafe, or unproductive. In the past century, his ability to move on to new resource frontiers became increasingly limited. The scientific and industrial revolution, though its productivity was a boon to man, began to exact a terrible toll on the polluting of the environment it affected.

Now we know that air pollution can cause buildings to fall apart or be washed away by rain, according to Dr. Erhard Winkler, a University of Notre Dame geologist. Sulphate, a pollutant released by burning coal and fuel oil can combine with the calcium carbonate of marble, limestone or dolomite to form calcium, or gypsum, which is 32 times more soluble than limestone and is easily dissolved in rain. If the gypsum remains, it absorbs water. Swelling or shrinking depend upon the humidity, and eventually cracks the stone. Pollutants also can form weak acids when the gases become dissolved in rain and fog.

A national publication recently quoted the prophetic words of the 19th century Scottish essayist Thomas Carlyle. Upon viewing a young America with a population of about 25 million, Carlyle predicted: "You won't have any trouble in your country as long as you have a few people and much land, but when you have many people and little land your trials will begin."

CURRENT STATUS

The history of our Nation has been one of growing concern. From Gifford Pinchot and Theodore Roosevelt to our conservation leaders in the Congress, we have grown in concern. The Congress has passed meaningful legislation. On May 29, 1969, President Richard Nixon set up a new Environmental Quality Council. At the same time, he established a Citizen's Advisory Committee on Environmental Quality, headed by Laurance Rockefeller, President Nixon has begun to move the country into a new era of effective action in its fight to maintain a clean environment.

Current issues are still critical, however. Dumping of oil in the sea may also be creating a new risk of cancer in man. Some crude oils contain compounds that tend to produce cancer in animals. Researchers, for example, have already found a high incidence of cancerous tissues in certain types of fish taken from the oily waters of Los Angeles Harbor. Fish and shellfish that are eaten by man can ingest these oils. The chronic oil pollution may be leading to accumulation of cancer-causing agents in human food.

There are 13,000 tons of air pollutants that descend daily on Los Angeles County. We can take some comfort in the fact that the tonnage of filth in the air is declining as smog devices come into more common use. But the decline remains negligible compared to the problem. This past year some nine billion pounds of smog hovered over Los Angeles. That's about a ton of pollutant for every Los Angeles man, woman and child. Biologists say that thousands may actually choke to death in the Long Beach area by the middle of 1970's if drastic steps are not taken. Smog is rapidly killing trees in a 100,000 acre area of the San Gabriel and San Bernardino Mountains.

REALIZATION AND NEEDS

The Air Quality Act of 1967 is a far-reaching and critically important measure authorizing major Federal support for a national program of air quality enhancement. Substantial progress is being made toward the implementation of this program. Our capacity, however, to pollute exceeds our capacity to control pollution. For example, in the absence of control, sulfur oxide air pollution levels will continue to increase for the next ten years.

There is a growing realization of dangers to environment. The UNESCO conference in 1969 in San Francisco seriously considered the issues. Prince Phillip's observation on the "Today Show" indicated that the environmental problems were of major concern to the British people. The National Association of Educational Broadcasters, in annual convention, stated that environment and air pollution are number one national priorities, worthy of the greatest attention.

There is also a move afoot to strengthen an existing international convention designed to limit oil pollution on the high seas. Currently, the convention allows ships to discharge oil wastes when more than 100 miles from land. Proposed amendments, which require ratification by member nations, would prohibit dumping of oil anywhere in amounts greater than 16 gallons per nautical mile. It is, however, recognized that enforcing the convention is practically an impossible task.

The Commonwealth Edison Company recently reported to the press what it is doing to help reduce air pollution in the Chicago area. Their plan of action for their company includes the following:

1. To cut in half, within the near future, the amount of coal burned in and around Chicago, and then to reduce it still more.

2. To increase as rapidly as possible the share of nuclear power in their total production.

3. To continue to install and improve electrostatic precipitators at their stations. The goal is to try to have every precipitator prevent 98 percent or more of waste particles from the coal they burn from getting into the air.

4. To use all the natural gas they can get. To introduce new low-sulfur oil. And to continue their efforts to burn low-sulfur coal successfully.

It was Chicago that helped to move Commonwealth Edison Company ahead. The city fathers passed the Chicago Air Pollution Control Ordinance. This ordinance becomes effective in July of 1970. It requires that sulfur emissions be lowered in progressive steps through 1974. The ordinance can be complied with either by burning less coal or lower sulfur cola.

FUTURE STATUS

We must establish as a goal clean air—air which will not cause disease and suffering, air which will not carry needless dirt and waste and contamination. But we must develop a better understanding of the air we breathe, the air which supports the food we grow, the air which helps to warm the earth and protect us from space-born radiation.

I believe it is better to pay a small amount more for a car today knowing that in so doing a Lake Erie can be saved. Or, it is better to pay a few cents more for a dress or a suit knowing that in so doing a Grand River can be saved.

Finally, I envision an America and a world where mankind and earth are in basic harmony. We have seen enough in our triumphs in space to know that there is great hostility to the existence of life on other planets in our solar system. It is time to give up ideas of escape from this planet which God has created for us. It is time to use our God-given abilities and create a world of harmony.

POLLUTIONS AND OUR REFLECTIONS

(By George S. Reuter, Jr. (Ed. D))

INTRODUCTION

The sources of air pollution are essentially two: automobiles and industry. More than half of the contamination in the air over the United States consists of carbon monoxide, most of it issuing from cars, trucks, and buses. More than a tenth of air pollution is hydrocarbons, most of which emanate from auto exhausts as partially burned gaseous compounds. The second most plentiful gas pollutant is composed of oxides of sulfur, produced by home and factory combustion of sulfur-containing coal and oil.

In 1967, these and other sources hurled 133 million tons of contaminates into the atmosphere. In 1969, the annual rate is 142 million tons—more than our annual production of steel. The increase comes from more people, more autos, more industry, more refuse disposal and largely inadequate control activities. This pollution is the direct result of affluence.

Water pollution is serious too. First, municipal sewage: One third of the 19,200 communities with municipal water systems fail to meet existing Public Health Service standards, which generally are not stringent enough and, in some cases, meaningless from the standpoint of pollution-control. Second, industrial pollution is twice as big a problem as municipal sewage. The treated and untreated industrial wastes discharged into our waters are equal to the untreated sewage of 165 million people. Industrial effluents are not now effectively regulated, and industry itself has not responded adequately to the needs of pollution control. A major steel manufacturing complex, supposedly a showcase for control efforts, still contributes 10 percent of the total wastes flowing into Lake Erie. Also, there are septic tanks overflowing into natural watercourses, the discharge of ships and marine terminals, the influence of pesticides, silt washes into waters from land erosion and runoff, detergents and fertilizers often pass through treatment but remain a major source of phosphate pollution, atomic reactors have immensely detrimental environmental effects, etc.

Yes, many water pollution abatement efforts simply transfer pollutants to another location or another media, e.g., from water to the air or the land. If phosphorus is precipitated out into the sludge of a sewage treatment plant and the sludge is then incinerated, it is likely that some of the phosphorus will be discharged into the atmosphere and will be brought back to the land and water with the rain. The concentration of phosphorus in rain is estimated to be from two to seventeen million pounds per year—without the removal of phosphorus. If phosphorus is removed at sewage treatment plants and the sludge incinerated, the amount of phosphorus in rainfall will greatly increase.

Art Buchwald may be correct, therefore, when he indicates that the big protest movement of the 1970's will concern itself with pollution. He believes that students, teachers, conservation groups and public-spirited citizens are ready to wage war to improve the environment, and if he is correct, we can expect to see some tense scenes between the antipollutors and those forces which are suspected of pollution.

CONSERVATION STATESMEN OF YESTERDAY

The list is too long to mention those Americans who have helped to guide us by critical problems in the area of conservation so all mankind was aided. It is appropriate, however, to mention a few.

1. James Hamilton Lewis of Illinois. Senator Lewis was born in Danville, Virginia, May 18, 1863. After attending Houghton College in Augusta, Ga. and the University of Virginia, he studied law at Savannah, Ga., and attended Ohio Northern University in 1885 and practiced law in Seattle. While in the West, he served in Congress from Washington in the Fifty-fifth (1897–99) and then served in the Spanish-American War. He moved to Chicago in 1903 and was elected to the U.S. Senate three times—1912, 1930, and 1936. He died in Washington, D.C. on April 9, 1939, and is buried in Abbey Mausoleum, adjoining Arlington National Cemetery, Fort Myer, Va.

2. Thomas James Walsh of Montana. Senator Walsh was born in Two Rivers, Wisc., June 12, 1859. He taught school and was graduated in law from the University of Wisconsin in 1884. He was admitted to the bar the same year and started practice in Redfield, S. D., but he moved to Helena, Montana in 1890. He was Permanent Chairman of the Democratic National Convention in 1908, 1912, 1916, 1920, 1924, and 1932. He was U.S. Senator from Montana from 1913 to 1933. He had just been married and was returning via train to Washington to become Attorney-General. He died March 2, 1933. He is buried at Resurrection Cemetery at Helena.

3. Frank Murphy of Michigan. Mr. Justice Murphy was born in Harbor Beach, Michigan, April 13, 1890, the son of John T. and Mary (Brennan) Murphy. He was educated at the University of Michigan (A. B., 1912 and LL. B., 1914), and he did graduate study at Lincoln's Inn, London and Trinity College, Dublin, and held many honorary degrees: LL.D., University of Santa Tomas, Manila, 1934; Fordham, 1935; University of Philippines and Loyola University 1936; University of Detroit, Duquesne University, 1937, St. John's University, Brooklyn, 1938; New Mexico State College, La. State College, St. Bonaventure College, University of Michigan, John Marshall College, St. Joseph's College, and Tulane, 1941; and Creighton and Wayne University, 1942.

He was admitted to the bar of Michigan in 1914. He served as Mayor of Detroit from 1930 to 1933, Governor General and First U.S. High Commissioner to the Philippines from 1935 to 1936, Governor of Michigan from 1937 to 1939, Attorney-General of the U.S. from 1939 to 1940, and Associate Justice of the U.S. Supreme Court from 1940 to 1949. He died in Washington on July 19, 1949.

4. Joseph Taylor Robinson of Arkansas. Senator Robinson was born on a farm near Lonoke, Arkansas, August 26, 1872. He was educated at the University of Arkansas and studied law at the University of Virginia. He was admitted to the bar in 1895 and commenced the practice of law in Lonoke. He was elected to the Fifty-eighth and the four succeeding congresses (1903–1913). He was Governor from January 16, 1913 to March 8, 1913. He was elected to the U.S. Senate and served from 1913 to 1937. Little Rock was his home from 1913 until his death. He was Chairman of the Democratic National Convention in 1920, 1928, and 1936. He was Minority Leader of the Senate from 1923 to 1933 and Majority Leader from 1933 to 1937. He was the Democratic nominee for Vice President in 1928. He died in Washington, D.C., July 14, 1937, and is buried at Roselawn Memorial Park, Little Rock. He was scheduled to be President Franklin D. Roosevelt's first nominee to the United States Supreme Court but his death prevented this. Mrs. Robinson later served as Postmaster of Little Rock.

5. Henry Agard Wallace of Iowa. Vice President Wallace was born in Adair County, Iowa, October 7, 1888, the son of Henry C. and May (Brodhead) Wallace. He was educated at Iowa State (B.S., 1910 and M.S. in Agri (hon), 1920). He married Ilo Browne on May 20, 1914, and their children are: Henry B., Robert B., and Jean B. He was Associate Editor of the *Wallace's Farmer* (1910–24), Editor (1924–29), and Editor, Wallace's Farmer and Iowa Homestead (1929–33). He served America as Secretary of Agriculture from 1933 to 1940, Vice President from 1941 to 1945, and Secretary of Commerce from 1945 to 1946. Also, he served as Editor of the *New Republic*. His sixteen books have often been quoted. They go from *Agricultural Prices* (1920) to *The Long Look Ahead* (1960) and include *Statesmanship and Religion* (1936), *The Century of the Common Man* (1943), and *Sixty Million Jobs* (1945). He died in South Salem, New York, November 18, 1965, and was buried in Des Moines, Iowa.

6. Alben William Barkley of Kentucky. Vice President Barkley was born in Graves County, Ky., November 24, 1877, the son of John Wilson and Electra (Smith) Barkley. He was educated at Marvin College, Clinton, Ky. (A. B.) a student at Emory College, and the University of Virginia Law School. At least eleven institutions of higher learning awarded him honorary degrees, including the LL. D. from the University of Kentucky. He married Dorothy Brower on June 23, 1903, and she passed away on March 10, 1947. Their children are well known: David Murrell, Marian Frances (Mrs. Max O'Rell Truitt), and Lauro Louise (Mrs. Douglas MacArthur III). Mrs. Truitt's husband, who was born in Millersburg, Missouri, on January 25, 1904, died on February 2, 1956, and is buried at Oak Hill Cemetery, Washington, D.C. Their children are: Max O'Rell, Jr.; A. W. Barkley; Thomas Hulen; and Stephen McKenzie.

Vice President Barkley married Jane (Mrs. Carleton S. Hadley), November 18, 1949. Mr. Barkley held many important offices, which included: Congressman (1913–27), U.S. Senator (1927–49 and 1955–56) and Vice President (1949–53). He was Majority Leader from 1937–47 and a part of 1949, and Minority Leader of the Senate from 1947–49. He was Temporary Chairman of the Democratic National Convention in 1932, 1936, and 1948 and Permanent Chairman in 1940. He received many awards including the Collier's Award for Distinguished Service in Congress in 1947, the FDR Four Freedoms Award in 1949, and a gold medal by Act of Congress on August 12, 1949. He was author of *That Reminds Me* (1954). He passed away on April 30, 1956, and is buried at Mount Kenton Cemetery in Paducah, Ky. Mrs. Jane Rucker Barkley, who was born in Ketesville, Mo., September 23, 1911, died on September 6, 1964, and is buried in St. Louis. She was the mother of Anne C. and Jane E.

Really, the work of several others must be mentioned by name only because of lack of time today. They are: Frederick (Fred) Moore Vinson of Louisa, Ky. (January 22, 1890–September 8, 1953), Joseph Christopher O'Mahoney of Cheyenne, Wyoming (November 5, 1884–December 1, 1962), Clyde LaVerne Herring of Des Moines, Iowa (May 3, 1879–September 15, 1945), Dr. Lester Callaway Hunt of Cheyenne, Wyoming (July 8, 1892–June 19, 1954), Joseph F. Guffey of Pennsylvania (December 29, 1870–March 6,

1959), Key Pittman of Nevada (September 19, 1872–November 10, 1940), Vail Montgomery Pittman of Nevada (September 17, 1883–January 29, 1964), Charles Martin Hay of St. Louis, Mo. (November 10, 1879–January 16, 1945), Dr. Elbert Duncan Thomas of Salt Lake City, Utah (June 17, 1883–February 11, 1953), and Morris Sheppard of Texas (May 28, 1875–April 9, 1941).

CURRENT CONSERVATION STATESMEN AT WORK

Pages could be written about each of the statesmen mentioned above and their many contributions in this area, but we are concerned about the future now. Yes, the public—in this case the choking, soot-covered and increasingly sickened public—has finally become aware that thousands of industries have been blatantly polluting the once-pure American air, land and water. Becoming aware, also, are a few legal agencies who are taking seriously their responsibility for the public's interest, if not protection.

In California, Governor Ronald Reagan, a conservative Republican, is grappling with liberal Democrats for primacy in the battle there against pollution. Once again this year, California legislators will consider a bill that would ban the internal-combustion engine from California's busy highways. Senator Gaylord Nelson of Wisconsin has proposed far-reaching legislative goals to cure the ailments of the natural environment in the 1970's. For immediate action, Senator Nelson suggests stiff government regulation in five areas of pollution—phase out the automobile's internal combustion engine during 1970 unless manufacturers develop pollution-free exhausts, eliminate by 1972 all use of the "hard" pesticides, restrict the ingredients of household detergents, set a deadline of December, 1972, for the airlines to install smokeless combustors on jet aircraft, and outlaw the "no return" bottle and other disposable containers which have become commonplace in American marketing.

Welfare Secretary Robert H. Finch and Transportation Secretary John A. Volpe conducted a meeting with 31 major airlines. Under the threat of corrective legislation, virtually all the nation's airlines agreed to speed up steps to eliminate air pollution caused by jet engines. Mayor Richard J. Daley named H. Wallace Poston to head the Chicago agency to protect the environment. Poston has been regional director of water pollution control for the federal government. He will head the Chicago Department of Environmental Control, budgeted at $1,927,940 this year and expected to spend another $1,000,000 in federal funds. Also, a new pollution control facility became operational in Lincoln, N.H. This project is a substantial step in cleaning up the waters of the Pemigewasset River, one of the most scenic and polluted rivers in New Hampshire. The University of North Carolina, Duke University, and North Carolina State University have entered into a pact with the federal government for a joint attack on air pollution. Finally, President Richard M. Nixon has proposed the most comprehensive and costly program in the nation's history, including a $10-billion clean-waters program.

THE FUTURE

The United States is on a suicide course and has only one generation in which to save itself. According to Dr. Barry Commoner, Director of the Center for the Biology of Natural Systems in St. Louis, the weapons of self-destruction are air pollution, insecticides and fertilizers. On the other side of the coin, President Nixon, industrial leaders, housewives and students want to clean up the environment. But it will cost billions of dollars, and thus far no one appears ready to pay for it. And the price will go beyond dollars. Yes, some of America's traditional values will be called to account.

The Environmental Studies Board of the National Academy of Sciences urges the creation of a brigade of researchers who "could function like a fire department" in quickly exploring potential environmental crises such as suspicious rises in water or air pollution. The board asks for the establishment of a "National Laboratory for the Environmental Sciences" similar to such other contractor-operated national laboratories as those of the Atomic Energy Commission.

John L. Gillis has suggested 1980 as a target year to bring water pollution under control. Americans have achieved great progress in the conquest of outer space in ten years, hence a ten-year program to cleanse inner space seems an altogether reasonable proposition. Edward N. Cole believes that General Motors can produce an "essentially pollution-free" auto by 1980 and retain the internal combustion engine.

Leaders like Smith Griswold and Harry Lion Boren are at work seeking answers for mankind. Mr. Griswold, who drives a non-polluting car that runs on natural gas, does not expect much from the Nixon administrations on environmental problems. "Some good minds are working, and solutions aren't hard to find. But in government, the squeakiest wheel gets the grease." Dr. Boren is hard at work for the State of Illinois as Assistant Attorney General in charge of pollution control. Finally, there is the wise statesman from Maine, Senator Edmund S. Muskie, who says that "rhetoric is not enough" to clean up the nation's environment and estimated that the task will cost hundreds of billions of dollars by the year 2000.

Certainly there is no escape. Traces of the toxic gas, for example, have turned up in the Alaskan tundra, off the coast of Hawaii, in the middle of the California desert and at the top of the Colorado Rockie. The best evidence that small doses of monoxide can make trouble comes from a series of recent studies of the effects of carbon monoxide on heart patients and pregnant women.

The answer lies in all mankind joining hands in solving this problem. This is possible.

BISHOP PAPKEN

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1970

Mr. OLSEN. Mr. Speaker, Bishop Papken is one of the outstanding churchmen in the Washington, D.C., area who has, since coming here, contributed to the ecumenical movement by his many activities involving churchmen of differing faiths. He has welcomed visiting clergy to his church, the St. Mary's Armenian Church on Fessenden Street, on several occasions in the past year and has himself gone to other churches to represent the Armenian Church and has participated in community activities. Bishop Papken, wherever he has served in the country, has always been in the forefront of the interfaith movement.

Bishop Papken is a worker for the ancient and venerable Armenian Church which, although it traces its origin back to the Apostles of Christ who traveled to Armenia, is one of the most democratic churches of the world.

I wish Bishop Papken success in carrying the message of Christian fellowship and brotherhood from his church to his fellow Americans.

COMMENDING THE FRANKLIN K. HOWARD COLLEGE BOARDS INSTITUTE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. BRASCO. Mr. Speaker, the dimensions of the problems that will confront our Nation in the decade ahead demand that our colleges and universities produce men and women with the skill and the knowledge that will enable them to assume positions of leadership in all fields.

Yet, never before in our history has there been such a tremendous gap between the number of students seeking admission to college and the number of seats that are available to them.

The magnitude of this problem is reflected in the fact that more than 50 percent of all college applications are denied admission to the college of their first choice. Just as alarming are reports that half of all those who do enter college never graduate.

Because of the vast numbers of high school students seeking admission to college, a stricter process of selection has evolved; this takes the form of the college board examinations. Indeed, the scores made by students on these examinations are among the primary criteria for admission to virtually all colleges and universities of our Nation.

The growing emphasis on success in the college board examinations underscores the immense contribution that is being made in the academic field by the Franklin K. Howard College Boards Institute in Garden City, N.Y.

Established in 1959, the institute, a subsidiary of Programmed Proprietary Systems, Inc., a publicly held corporation, spent 5 years in research and development before accepting the first student for its college boards study skills course.

The course, which this year will have an enrollment of nearly 5,000, 10 times the number of only 5 years ago, is an intensive review of the basic verbal and mathematical concepts of 4 years of high school. Students attend a 4-hour session once a week for 8 weeks. All instructors are specialists in the areas of mathematics and English and all are certified and licensed in their specialty field.

I believe that the Franklin K. Howard College Boards Institute is performing an exemplary service to the community for more than one reason.

First, of course, the institute, by helping high school seniors to attain higher scores on their college boards examination, is opening the door to a higher education for qualified young men and women who might otherwise be denied this opportunity.

Second, in emphasizing also the development of the student's study skills the institute is helping to reduce the college dropout rate.

The president of the institute, A. Robert Lieberman, and H. B. Wexler, the

board chairman, both have had considerable experience in education, and their efforts in developing this admirable program merit the highest praise.

In the 1970's we will need more doctors, more engineers, more teachers, more technicians—more professionals in every field of endeavor. I would like to commend the Franklin K. Howard College Boards Institute for its contributions in helping this Nation to achieve this important goal.

IN SUPPORT OF S. 2214

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. LEGGETT. Mr. Speaker, I rise in support of the passage of S. 2214. We have heard here today, from Congressmen who are interested in potato growers, from Congressmen who are interested in potato processors, and I think it is about time that we heard from a Congressman who is interested primarily in potato eaters. Therefore, I want to speak today on behalf of the potato consumer; and I have lots of them in my congressional district.

Let me make myself clear that I am in favor of every producer of an agricultural commodity receiving a return for his commodity, that will enable him to make a good living. I support a program that will return to our farmers a fair price for what they produce. However, I know it to be the goal of certain advocates of potato marketing orders to greatly increase the price that they receive for their potatoes by withholding from the market potatoes that are edible and of good quality for processing or eating. These potatoes would then be diverted into livestock feed or other nonfood uses.

It is hoped by the advocates of such a program that they would then be able to sell the remaining portion of their crop for greatly increased prices to the consumers and to the processors. To many, this is wasteful and unfair to the consumer.

I believe that growers should be free to produce as many potatoes as they are able to grow and then to market them in the most effective way possible. I want the grower to have complete freedom to sell his crop on a fresh market, to a potato freezer, to a potato chipper, to a potato canner, to a potato dehydrator, or to any other potential buyer of potatoes. By the same token, I want the processor to be free to buy all good and edible potatoes in a market that is controlled by competition. I am convinced that this will then result in my potato consumers receiving the best possible potatoes and potato products at the lowest possible price.

I know that the passage of S. 2214 is necessary if this condition is to prevail. That is why I am fully in support of this legislation.

GLIBNESS IN THE CAMPAIGN AGAINST CRIME

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. BOLLING. Mr. Speaker, the following editorial by Anthony Lewis of the London bureau of the New York Times puts the crime problem in perspective in terms of warning against progressively harsher police and Government measures as the solution. In view of the Senate-passed crime legislation, I recommend the editorial to my colleagues in the House who will be considering crime legislation:

[From the New York Times, Monday, Feb. 9, 1970]

GLIBNESS IN THE CAMPAIGN AGAINST CRIME

(By Anthony Lewis)

LONDON.—One of the attractions of Britain for Americans these days is the simple feeling that it is safe. A person can walk through a park or down the street at night, without giving a thought to the possibility of robbery or assault. By American standards the level of crime in general is low.

Why? Ask anyone who has thought seriously about it, and he will mention that this is a relatively homogeneous country, a tolerant and a contented one, without the extremes of wealth and poverty that breed resentment. One of the strong traditions is community respect and even affection for the police.

In short, the reasons go deep into the character of this society and the economic and political direction given by its leaders since the age of reform began in the nineteenth century. The explanation does not lie in the way suspects are questioned or criminal trials conducted.

Americans might think about that. For the premise of the Nixon Administration and the overwhelming Congressional majority now pushing through harsh crime legislation is that "unshackling" the police and prosecutors will substantially alleviate the appalling American crime problem. That is the justification for cutting so hard into the established rights of defendants, as detailed by Tom Wicker in this space.

THE CONFESSION ISSUE

One does not have to admire everything the Supreme Court has done by way of judicializing the criminal law to see that undoing the Court's decisions will not solve the crime problem. Take the restraints on confessions, which are most bitterly attacked by the police and prosecutors. Prof. James Vorenberg of the Harvard Law School, whom some liberals consider a hardliner, has shown how little relevance the confession issue has.

The President's Crime Commission, of which Professor Vorenberg was Director, reported in 1967 that only one-tenth to one-third of all crimes committed are actually reported to the police. There are arrests in only a quarter of those reported, and confessions are essential to resolution of only a small proportion of those. Professor Vorenberg concluded that judicial restrictions on the confession process could affect only a fraction of 1 per cent of crimes.

Or think about some of the methods now described as vital to law enforcement—wiretapping, breaking into homes without knocking, limiting the right of defendants at trial to know the sources of prosecution evidence. What will they do, what can they do, to reduce the volume of street crimes that rightly disturb Americans most of all? How can wiretapping stop a rapist or mugger?

Within the legal system, we must urgently try to develop a penology with some hope of rehabilitating prisoners. It should surely not be beyond us to try criminal cases and resolve the appeals swiftly enough to make conviction a present threat.

A more fundamental requirement is for the police to regain the confidence of the ghetto. The poor and the black are by far the most frequent victims of violent crimes. So long as they consider the police prejudiced or hostile, so long as they refuse to cooperate with law enforcement or even to report crimes, there can be no effective system of deterrence.

But that raises the whole question of relations between the black and white communities—of welfare reform, of education, of employment, of housing. It is infinitely more difficult for a Senator to face up to these dilemmas and vote with any confidence for a solution than it is to vote for an anticrime bill. But in the long run a bitter divided society is not likely to be lawabiding.

Pretending that there are easy ways to solve the American crime problem is not only foolish but dangerous. When the public is told that all will be well if only the police and the Government get tough and push aside the obstacles made by judges, and then all is not well, what will the reaction be?

It could be to demand ever harsher police measures, in the belief that at some point dealing with the external manifestations of social illness will work. At some point, of course, repression would inhibit crime—with ten of thousands of suspects held in detention without trial, say, and the Supreme Court swept aside if it found preventive detention unconstitutional.

That prospect is not in view, hopefully. John Mitchell and Richard Nixon surely do not want to arrive at that point or anywhere near it. But then it would be wise to tell the American people the truth about the money and time and leadership it will take to make life in their country safe again.

BEST RADIO PUBLIC SERVICE PROGRAM—WJDA, QUINCY, MASS.—1969

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I desire to compliment my able and distinguished friend, Mr. Herb Fontaine of the WJDA radio station, Quincy, Mass., on his being recently awarded the United Press International Tom Phillips Award for 1969's best radio public service program in New England.

I am confident that my colleagues share my acclaim for Herb's winning series, "The Drug Menace—1969" and join me in expressing admiration and gratitude for the service he has performed in bringing to his listeners' attention the critical problem of drug abuse.

Mr. Speaker at this point I would like to submit a news item announcing Mr. Fontaine's achievements:

[From the Patriot Ledger, Feb. 3, 1970]

RADIO STATION WJDA WINS UPI PUBLIC SERVICE AWARD

QUINCY.—Radio Station WJDA has been awarded United Press International's Tom Phillips Award for the past year's best radio public service program in New England.

The winning entry was a production of "The Drug Menace—1969" a 24-week series,

produced and moderated by news editor-director, Herb Fontaine, assisted by the WJDA news staff.

Panelists taking part during the series included school officials, police chiefs, physicians, former and present drug addicts, psychiatrists, district attorneys and high school students.

Mr. Fontaine worked at Radio Stations WCOU AM–FM in Lewiston, Maine, prior to joining WJDA in 1955. A veteran of World War II, he served with the 1st Cavalry Division in the Pacific theater.

He is a graduate of Medford High School and attended Boston University, and Emerson College. Mr. Fontaine lives at 30 Squanto Road with his wife, the former Barbara Jaspon of Quincy, and three sons.

The award was presented at a dinner last Friday night of some 170 broadcasters at the Marriot Hotel in Newton. James D. Asher, owner of WJDA and WESX in Salem, and Program Director Win Bettinson, were present for award ceremonies.

BOTH THE CIVIL RIGHTS ACT OF 1964 AND APPROPRIATIONS ACTS OF 1969 AND 1970 CONTAIN PROHIBITIONS AGAINST BUSING STUDENTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the intent of the Congress in laws and statutes is clear with respect to the busing of students to achieve "racial balance." However, the administration of the laws by the Department of Health, Education, and Welfare is fuzzy.

In this connection I include in the RECORD a column by the noted columnist, David Lawrence, from the Nashville Banner, which will be of interest to my colleagues and the American people.

The column follows:

"LAW OF THE LAND" PROHIBITS FORCED SCHOOL BUSING

(By David Lawrence)

WASHINGTON.—The Constitution of the United States specifically says that Congress may by law limit the jurisdiction of the Supreme Court. Congress recently has passed such a law, forbidding the courts to issue any order to achieve "racial balance" in the schools by busing. The Civil Rights Act of 1964 says:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the courts to insure compliance with constitutional standards."

In another section of the same act is the following provision:

" 'Desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

In the 1969 appropriations act of the Department of Health, Education, and Welfare, there were two sections that dealt with the forced busing of students. These provide:

"Section 409. No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

"Section 410. No part of the funds contained in this act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

In the 1970 appropriations act for the Department of Health, Education, and Welfare, which has been vetoed by President Nixon, these sections were revised to read:

"Section 407. Except as required by the Constitution, no part of the funds contained in this act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

"Section 408. Except as required by the Constitution, no part of the funds contained in this act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

After President Nixon's veto of the bill, it went back to a House Appropriations subcommittee. The phrase "except as required by the Constitution" makes the two provisions valueless because there is nothing in the Constitution that directly or indirectly deals with the compulsory busing of school children. The Civil Rights Act of 1964 states broadly the power of Congress to forbid the use of public funds to correct "racial imbalance," of a state law or deliberate discrimination locally.

What the people everywhere are insisting upon is "freedom of choice" insofar as the districts in which they reside are concerned. They want to be able to send their children to any school within a school district, but they cannot, under court orders, object to children or other races attending the same schools. The parents, however, do not feel their own children should be required to go to a distant school to correct "racial imbalance." Congress has specifically ruled against this remedy and has, in effect, prohibited not only the courts from issuing such an order but also the Department of Health, Education, and Welfare from carrying out any such instructions of the courts.

The administration has appointed a special Cabinet committee under Vice President Agnew to try to solve the problem. It certainly needs further study, particularly by legal experts, so that some solution in conformity with "the law of the land" may be found.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

VIETNAM

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. HÉBERT. Mr. Speaker, much has been said and written about the Vietnam war by individuals who have never visited or served in that country.

For that reason I want to insert in the RECORD a letter from a first lieutenant who is currently serving with the Marine Corps in Vietnam.

The letter was written by 1st Lt. Darrell H. Richards in response to antiwar demonstrations. It was brought to my attention by his mother, Mrs. John R. Richards, who resides in my congressional district in New Orleans.

Mrs. Richards, in her letter to me, says she is very proud of her son, and I can certainly see why. You will, too, after you read his letter.

I was deeply impressed with the thoughts conveyed by this young officer, and I insert them at this point in the RECORD so every Member of Congress may have the opportunity to read them:

JANUARY 15, 1970.

DEAR SIR: I am a 1st Lt. in the United States Marine Corps in Vietnam. I have been here for 7 months and have been on several operations. I had a friend who asked how I felt about the war at this stage. Knowing this person, as I feel I do, and sensing her non-support of the present administrations policy over here, I wrote back the following, hoping to enlighten her as to what is indeed happening.

Just as I hope she may discover the real truth. I hope that you will print the following for those of the public who are in the same classification.

"I don't like war," this war or any other! Yet sometimes they are necessary. If a man strikes at me or actively threatens me, or those of my own I have but two courses of action to take.

Firstly, I can make no overt responsive action, but instead try to settle the dispute in a nonviolent, peaceful manner. The alternative is to strike back as an act of self-defense! Comparatively, the communists threatened me and those of my own.

Russia, Red China, North Vietnam, as well as the other communistic satellite nations are not satisfied with our existence. Their doctrine calls for us to change or be destroyed!

Here in Vietnam, their oppressive doctrine is being forced upon the people. Thousands upon thousands of innocent civilians, who seek freedom in a democratic society, are being killed, tortured, and wounded by the enemy. In many cases their brutal acts are carried out only as a deterrence to the people's goals.

I, as most men over here, see these people fighting for their freedom, just as we did, when we were a striving nation.

The people of South Vietnam extended their desire for us to come to their assistance in their struggle for freedom. We must be realistic. We are not only coming to their aid as an act which is totally and unselfishly for their benefit alone. But entered this war for our own preservation as well. In an indirect way we are fighting now to prevent a future conflict that might even bring the battlefield to our own homeland, if communism's surge was to continue without confrontation.

Yes, there are those fatalists who say com-

munism will conquer all! But there are the multitudes of those Americans, who feel just as John Paul Jones did in the 1770's.

We realize that the war could have been ended earlier with an unlimited military effort. It was not done, and it is too late! The war has now evolved to a political war.

The enemy has been defeated militarily. His strike now is like that of a dying snake. He may still be a threat, but only until the sun goes down. Come nightfall, he is dead. Thus we find the enemy! The dust of his war has come. Infiltration has been down 60% and over, the percentage of the past year. Defections are on the ever rise. Large numbers are dying from malaria, hunger, and lack of medical attention. Their moral, endurance, and hopes have come near their end.

They endure with one remaining hope. That hope is their only chance of victory. They await a large scale withdrawal of American forces.

I detest those people back home who actively protest the war and the policies of this administration. I can speak for most men fighting over here when I say we have great contempt for them.

The only reason the enemy has held on so long, is because he thinks the American people's demand for an immediate large-scale pullout will be met.

The South Vietnamese Government forces are nearing the level of capability needed to maintain the war themselves. They are making great progress in achieving this position. However, at the present stage, the war cannot be won by their effort alone.

The enemy fully realizes the gravity of the situation. He knows a total pullout would be premature at this point. Should this happen, a communist takeover would possibly be inevitable for the people of South Vietnam.

The ability of the North Vietnamese Army and the Viet Cong to sustain themselves against overwhelming odds, has been based on one main hope; that of an immediate withdrawal of all U.S. troops.

If the American people were united in cause, this one remaining hope for victory would be destroyed. But instead, the enemy's hope is being nourished by the active protesters and demonstrators. As a result, a greater price is being paid with each passing day. Each day that the enemy has his one last hope to cling to, more American blood is spilled upon the battlefield, and there are more aluminum caskets and amputees. These protesters are killing us. Although their blows are indirect, they are killing us just as much as the bullets made in Russia and Red China. This is why we detest the protesters and their demonstrations.

Yes, many of them may sincerely believe in their cause. But regardless of their ignorance, I have seen the price paid by American fighting men, due to the unawareness to the truth of the protester. If they were over here, then they might see what it is really like, and what it is all about.

I respect a person's right to voice his opinion, but when American men bleed and die as a result, it no longer should be a right, we therefore object.

1ST. LT. DARRELL H. RICHARDS.

A DEDICATED CITIZEN

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. CHAPPELL. Mr. Speaker, last month Ocala and the State of Florida lost one of its most dedicated citizens. James Albert Fleming, most properly referred to as the "Father of the State Fire College" has long served the people of our State in a most needed capacity.

Jim Fleming worked tirelessly to educate and train Florida firemen. He began his association with the Fire College as an instructor and coordinator and rose to become chief of the college through his hard work, devotion, and skill.

His work will live on as a monument to him—for the hundreds of men who attended Florida State Fire College will carry on the great traditions of devotion and duty which Jim so aptly taught them. Those of us who knew him personally were doubly blessed—in having known him as a friend.

The Florida State Fire College, the Ocala community, and all the State of Florida are better places today because of Jim Fleming.

ABM, MIRV, AND STICKING TO THE FACTS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. LEGGETT. Mr. Speaker, the columnists Rowland Evans and Robert Novak are known for the thoroughness with which they check out information before printing it. However, it was disappointing to read their column of January 21, which was inaccurate on several counts. These inaccuracies were pointed out by former Senator Joseph S. Clark, of Pennsylvania, in a letter of rebuttal published in the Washington Post on February 3, 1970.

Under leave granted, I include the Evans and Novak column entitled "ABM Is Best U.S. Bargaining Card in Arms Talks With the Russians," followed by Senator Clark's letter, at this point in the RECORD:

ABM IS BEST U.S. BARGAINING CARD IN ARMS TALKS WITH THE RUSSIANS

(By Rowland Evans and Robert Novak)

U.S. development of the antiballistic missile (ABM), approved by a one-vote margin in the Senate last year after a convulsive battle, is proving to be the best card in the U.S. hand in strategic arms limitation talks with the Soviet Union.

"Without the ABM, we would have been dead at Helsinki," one top presidential arms-control adviser said privately in assessing the first stage of the arms talks in Finland.

Although U.S. experts learned long ago to be triply cautious in appraising Soviet negotiating objectives—real objectives, as opposed to propaganda objectives—the Helsinki talks, now in recess, left the following impression on the American negotiating team:

U.S. development of the ABM has become almost an obsession with Moscow. However, U.S. development of MIRVs—multiple, independently targeted re-entry vehicles—is almost beneath Soviet attention.

If this genuinely reflects Soviet thinking, it means that the ABM, not the MIRV, is the best U.S. bargaining counter in trying to convince Moscow that the time has come to ease off the dangerous nuclear arms race. The Nixon administration definitely thinks so. Thus, Secretary of Defense Melvin Laird, who led the 1969 battle for Phase 1 of President Nixon's Safeguard ABM plan, is just as anxious for congressional approval of Phase 2 (the precise extent of which is still secret).

At Helsinki, Soviet negotiators were not openly confessing any apprehension about the U.S. ABM program but, reading between the lines, diplomatic experts detected a deep and underlying concern over the rapidly growing U.S. ABM technology. That Soviet view of the ABM, moreover, is significantly different from two years ago and reflects a basic change in Soviet thinking on strategic weapons.

When Premier Alexei Kosygin came and met President Johnson at Glassboro, N.J., in 1967, he defended the Soviet beginning of an ABM system as a humanitarian insurance policy—a defense measure for civilians against possible nuclear attack.

This appraisal had undergone conceptual transformation at Helsinki. Instead of being a humanitarian Soviet development, it had become a wicked multiplying factor in U.S. escalation of the arms race, in other words, rapid technological advances by the U.S. in ABM development had obliterated the Soviet rationale about ABMs.

Indeed, the Soviets now seem to be duplicating Mr. Johnson's position at Glassboro when he argued that neither nation should start building the ABM. Mr. Johnson's view was that, once either side began development of the ABM, the other side would have to develop a new offensive capability to offset the added protection of the ABM.

This made little or no impression on the Russians. Now, however, as they face a more advanced ABM technology in the U.S. than they themselves possess, they regard the U.S. system as one that carries the gravest long-range threat to the Soviet Union.

There was no similar Soviet concern at Helsinki over U.S. development of MIRVs. Here, the technological advantage is strongly with the Russians, for one major reason: the thrust or "throw-weight" of the standard Soviet long-range missile, the SS-9, is incomparably greater than the thrust of the Minuteman, the standard U.S. long-range missile.

Boiled down, this means that when the SS-9 is "Mirved"—that is, when its up-to-25-megaton warhead is split into three parts and three separate weapons are dropped from a single carrier—each of the three parts could be a death threat to a hardened U.S. Minuteman site not protected by ABM.

But when the Minuteman is "Mirved," the result is three weapons of only fractional megatonnage—useful as a counterforce against Soviet industrial targets and population centers in response to a Soviet first-strike, but not as destroyers of SS-9 missile sites.

Thus President Nixon's one-vote victory margin in the Senate battle over the ABM last year, widely described then as a pyrrhic victory, may prove the seed of eventual success in negotiating a serious defensive and offensive arms-control agreement with the Soviets when the talks resume at Vienna in April. That agreement will not come soon. But without last year's decision to move ahead with the ABM, it might not have come at all.

THE ABM, THE MIRV AND THE SALT TALKS

I feel obligated to comment on the recent Washington Post column by my longtime friends Rowland Evans and Robert Novak. Their piece "ABM Is Best U.S. Bargaining Card in Arms Talks With the Russians" relayed (I would be interested in knowing from whom) so many incorrect facts and false assumptions regarding so critical an issue—that could be man's last hopeful chance for peace—that it must be challenged and examined in depth.

We are assured right off that "U.S. experts learned long ago to be triply cautious in appraising Soviet objectives . . ." I would imagine the Soviets also are somewhat

cautious; maybe even more so considering the United States, which proposed the SALT talks some two years ago, entered the negotiations which it had requested with no definite proposals or objectives.

It seems unlikely that the "ABM has become almost an obsession with Moscow." After beginning deployment of the ABMs around Moscow, the Soviets soon discontinued deployment. It would not seem to follow that they would have an "obsessive" fear of a weapons system that they themselves have abandoned. Perhaps the Soviets realized, as I hope the United States soon will, that the ABM can easily be neutralized with increased and less expensive offensive strategies, and that, because we are in the initial phase of ABM research and development, the present state of ABM technology makes today's system already obsolete.

Secretary of Defense Laird is said to be "anxious for congressional approval of Phase 2 (ABM)" so as "to convince Moscow that the time has come to ease off the dangerous nuclear arms race." It is a unique twist of logic that seeks a reduction of arms by proposing an increase. If we were to grant the earlier contention of deep Soviet apprehension of the ABM, it would be even more ridiculous to expect that an expanded ABM would convince the Soviets "to ease off."

MIRV was of no concern to the Soviets, we are told, because "here, the technological advantages is strongly with the Russians," because "the thrust or 'throw-weight' of the standard Soviet long-range missile, the SS–9, is comparably greater than the thrust of the Minuteman, the standard U.S. long-range missile." This conclusion is based on both incomplete analysis and incorrect facts. First, "throw-weight" is only one, and the least significant, fact in measuring the effectiveness of MIRV; the vital element being accuracy, and the United States is way out ahead in this regard. Second, "the standard Soviet long-range missile" is not the SS–9, but rather the smaller "throw-weight" SS–11.

It is correctly stated that a Mirved SS–9 "could be a death threat to a hardened U.S. Minuteman site not protected by ABM." But the claim that a Mirved U.S. Minuteman, yielding three smaller weapons, is not effective against SS–9 missile sites is not correct. Again, only one factor relating to the effectiveness of MIRV—size of the warhead—was given consideration; while accuracy, at which the United States excels, is critical (even indirect or near hits, by silo dislocation and disruption, can knock out a missile site).

The ABM is *not* "the best card in the U.S. hand in strategic arms limitation talks with the Soviet Union." In fact, continued deployment of ABM and development of MIRV jeopardize the SALT talks by adding uncertainty, instability, and probable escalation up the arms ladder at what could be an ideal time for productive arms limitation agreements, with both the Soviet Union and the United States at approximate equality in strategic nuclear weaponry. What is more, should talks continue and an agreement be reached in spite of continued deployment of ABM and MIRV, we may find ourselves with an agreement that exists on paper but that finds us little or no farther away from the brink of nuclear war than before SALT; the means having eaten up the ends.

Finally, I would like to leave a thought with the "top presidential arms control adviser" (I wonder who he was) who said, I would imagine with a deep sigh of relief and inexpressible affection for the man-made monster, "Without the ABM, we would have been dead at Helinski." With the ABM and MIRV, we will be dead in April in Vienna, and we soon could be dead in New York, in Moscow, in Washington, in Leningrad, in San Francisco, in . . .

JOSEPH S. CLARK,
President, World Federalists, USA.
WASHINGTON.

TRIBUTE TO DR. THOMAS H. HENDERSON

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. SATTERFIELD. Mr. Speaker, the Commonwealth of Virginia recently lost an outstanding citizen, Dr. Thomas Howard Henderson, president of Virginia Union University, who died at the age of 59. Dr. Henderson, a native Virginian, who rose to a position of eminence in the field of education, devoted his entire life to the service of others.

Born in Mecklenburg County, Va., in 1910, he came to Richmond and Virginia Union University where he earned his B.S. degree in 1928. Subsequently he pursued his education at the University of Chicago where he received his master's and Ph. D. degrees.

His career in education began at the age of 18 at Armstrong High School in the city of Richmond where he taught chemistry. Thirteen years later he became the Dean of the College of Arts and Sciences at Virginia Union University, a position which he held until his appointment in 1960 as president of that university.

It was a tribute to his ability that he was selected to be the first layman ever to serve as president of this Baptist-related university. The wisdom of that selection became more than apparent during the next 9 years when his administrative ability succeeded in producing an extensive building program at the university, including the addition of a science building, two dormitories and a student union building, in doubling the size of the faculty; in increasing student enrollment by 28 percent; in initiating a student faculty exchange with Concordia College in Moorhead, Minn., and in effecting a merger with Storer College in the Shenandoah Valley.

In 1940 Dr. Henderson led the fight for equal pay for teachers in Virginia and later during the decade of the fifties served as an expert witness on matters involving school segregation.

He served as a member of Richmond's school board, was a former president of the Central Intercollegiate Athletic Association, served as chairman of the Richmond Urban League and as vice chairman of the Virginia Council on Human Relations. He also served as a member of the Governor's commission on the problems of children born out of wedlock, worked for the United Givers Fund and served on the Richmond Area Community Council.

Dr. Henderson possessed a keen mind acutely attuned to the times in which he lived. He gave unselfishly of his time and unstintingly of his talents in the service of all of the people of the community in which he lived. His loss through death to Virginia and the Richmond community is well expressed in a recent editorial which appeared in the Richmond Times-Dispatch which I take pleasure in inserting at this point in the RECORD:

DR. THOMAS H. HENDERSON

The death of Dr. Thomas Howard Henderson, president of Virginia Union University, has ended the remarkable career of the grandson of a slave whose connection with the Baptist-related university spanned more than 40 years.

A decade ago when Dr. Henderson became the president of the 105-year-old institution, he vowed that "the pursuit of academic excellence will be our ceaseless and most engaging challenge." He kept his word. Under his leadership VUU has climbed to new heights of achievement.

Never one to accentuate the negative, Dr. Henderson saw problems as challenges that could lead to greater opportunities. He firmly believed that education was the key to a better future, not only for his race, but for all men.

Dr. Henderson's contributions to education and to society were not limited to VUU. He had served as a member of the Richmond School Board since 1965 and had been active in many education and civic organizations on the local, state and national levels.

His firm commitment to education was exceeded only by his deep faith in God and brotherhood.

He summed up his personal faith in an article written for a Times-Dispatch Lenten season series in 1953, when as VUU dean, he wrote: "The belief in the brotherhood of man challenges me to live by a positive Golden Rule; to go out of my way to do for others what I would like them to do for me; to examine every impulse in dealing with others . . . the idea of brotherhood leads me away from an easy, self-righteous condemnation of errant behavior in others into hard efforts to understand the causes of human mistakes and to work toward their prevention. Under the influence of this idea, self-respect becomes blended with humility in the realization that all brothers are equal in certain rights, especially to the right to be repected and the right to opportunity."

Dr. Henderson's all too-brief career spanned an important era for his race, an era in which he played a leading role.

NAVY CROSS AWARD TO MASSACHUSETTS MARINE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I can think of few circumstances which moved me so profoundly as the occasion I had recently to meet with Mr. Thomas Casey of Milton, Mass.

Mr. Casey and his wife not long ago accepted in behalf of their son, Marine L.Cpl. Thomas M. Casey, Jr., 23, the Navy Cross which was awarded posthumously for extraordinary heroism in Vietnam.

As I read the citation which follows, I am struck by the tragedy of all war. We have lost one of Milton's finest young men in Thomas Casey, Jr. His friends, his family, and his community are diminished by his loss. His valor, and that of his comrades in Southeast Asia have insured for us the preservation of the American democratic ideal.

I know I express the feeling of the entire membership of the U.S. Congress in extending our sympathy to the father and mother and family of this fine young

man who gave his full measure of devotion for his fellow man.

Our prayers are with his family in this period of great sorrow.

I insert the article, as follows:

[From the Milton (Mass.) Record Transcript, Jan. 22, 1970]

POSTHUMOUS PRESENTATION TO VIETNAM HERO: NAVY CROSS AWARD TO MARINE CASEY—NATION'S SECOND HIGHEST MEDAL

The Navy Cross was awarded posthumously to Marine Lance Corporal Thomas M. Casey Jr., 23, for extraordinary heroism in Vietnam. The medal, the nation's second highest award, was presented to his parents, Mr. and Mrs. Thomas M. Casey Sr. of 19 Winthrop street, at a ceremony at the Boston Naval Base.

The citation reads as follows:

"For extraordinary heroism while serving as a Fire Team Leader with Company D, First Battalion, Seventh Marines, First Marine Division, in connection with operations against the enemy in the Republic of Vietnam. On the afternoon of February 16, 1969, Company D was assaulting a large North Vietnamese Army force occupying a well-entrenched position in Quang Nam Province. Alertly observing an enemy fortification, Lance Corporal Casey launched a determined assault upon the hostile position, delivering accurate fire as he fearlessly maneuvered across fifty meters of fire-swept terrain. Upon reaching the hostile bunker, he boldly hurled grenades into it, destroying the North Vietnamese emplacements and killing an enemy soldier. Disregarding his own safety, he went to several casualties, and ignoring the hostile rounds impacting near him, skillfully administered first aid to his wounded comrades. Realizing the need for an M-79 grenade launcher, he again rushed across the hazardous area and, obtaining the weapon, returned to the point of heaviest contact. When two additional Marines were wounded, he unhesitatingly commenced maneuvering through a hail of fire to assist the injured men, but as he approached the casualties he was mortally wounded. His heroic actions and aggressive fighting spirit inspired all who observed him and were instrumental in saving the lives of several Marines. By his courage, sincere concern for the welfare of his comrades, and selfless devotion to duty, Lance Corporal Casey upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

"JOHN H. CHAFEE,
"Secretary of the Navy,
"(For the President)."

Besides the Navy Cross, which stands for extraordinary heroism in connection with military operations against an opposing armed force, Corporal Casey received the Navy Commendation Medal twice, the Purple Heart and a Medal from the South Vietnam Government.

IN DEFENSE OF RESEARCH AND GRADUATE EDUCATION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. SCHWENGEL. Mr. Speaker, the October-November 1969 issue of the Iowa Alumni Review contains an excellent article by Dr. Duane C. Spriestersbach. Dr. Spriestersbach is dean of the Graduate College at the University of Iowa. Dr. Spriestersbach sets forth an eloquent defense of the need for and value of graduate education and research. I highly recommend the article to my colleagues:

U OF I'S GRADUATE COLLEGE DEAN DEFENDS RESEARCH AND GRADUATE EDUCATION, THEREBY DOING BATTLE WITH THOSE WHO CAST—"A CURSE ON BOTH YOUR HOUSES"

(By Duane Spriestersbach)

What can we do about graduate education and research? The costs of graduate education are too high compared with those of undergraduate education. For example, here at Iowa the per student costs during the 1966-67 academic year (the latest available data) for masters-level training was $3,172, for doctoral-level training $5,770, compared with $873 for the first two undergraduate years and $1,276 for the last two undergraduate years. (The biennially computed cost analysis which will be available later this year will undoubtedly show an even greater difference.)

Over 50 percent of our graduate student body of 5,000 are nonresidents, many of whom are trouble makers. Not every student with a baccalaureate degree from an Iowa college, including the undergraduate colleges here at the University, is admitted to the Graduate College upon application.

Our professors, when they teach at all, prefer to teach graduate level courses, ignoring their obligations to undergraduate instruction. And, to top it all off, the graduate students who do get degrees are all too often poorly trained for teaching and other professional work. To make matters worse, most of the best graduates leave the State for greener pastures.

And then there's research. The great bulk of the professors do their thing by spending time in their laboratories, or writing books, or consulting at some other institution or business about doing their things. The reward system is all wrong. It really is publish or perish. Good teaching is ignored and most professors do little of any kind, good or bad. Things would be a lot better if the professor would worry less about his list of publications and spend more time teaching students. A curse on both your houses!

Forgive me if I sound bitter, though I'm really not. But I do get more discouraged some days than others when almost every newspaper and many periodicals carry stories about higher education which make some of the assertions which I have just recounted.

It's discouraging because almost all of them reflect so little understanding of the place of graduate education and research in today's programs of higher education, and so little appreciation of the stake that the average citizen has in them. I despair because it's so hard to know where to begin and how to tell the story in a meaningful and convincing fashion. But let me try.

First, some orientation. We have 101 masters-level programs and 56 doctoral level programs in the Graduate College. These programs are superimposed on those of the other nine undergraduate and professional colleges of the University.

In other words, we have a unified Graduate College since none of the other colleges offers graduate programs on its own. We hold steadfast to this arrangement because it capitalizes on a long tradition of real interdisciplinary and intercollegiate interaction of our faculties encouraged by geographical proximity. We are convinced that this interaction has a stimulating and strengthening effect on all of our graduate programs. And Iowa has a record in graduate education of which it can be justly proud. Despite its relatively small size, it has consistently been among the top 25 universities in the production of persons with doctoral degrees, the great majority of whom have gone into college and university teaching, and have held major administrative positions in higher education.

Iowa was one of the first universities to recognize creative work as the equivalent of research in the fine arts. We have developed interdisciplinary programs such as Comparative Literature, American Civilization, Urban and Regional Planning, and Anthropology and Linguistics in recognition of meaningful (and relevant?) combinations of related subject matters. It is increasingly clear that, for the dollars invested, Iowa has been one of the most effective producers of the holders of advanced degrees in the country.

And what about research? I know of no responsible University official who has argued that The University of Iowa should give precedence to research over teaching. Quite the contrary is the case. It's true, however, that some of us have argued for a balance between teaching and research, believing that only through balance will we be providing our students with the attitudes, perspectives, and motivations which will enable them to become disciplined and creative members of a constantly developing society, equipped with the skills which will give them the options for adapting to changing social conditions and, thus, protection from becoming obsolete.

Perhaps the most important statement that I might make concerning research at Iowa is that we have consistently opposed engaging in research which does not have possible benefits to our educational programs, either through the new insights acquired by the professor/researcher or through the involvement of the students in the research itself. We have not spawned research centers filled with skilled manpower who do not teach and who are engaged in research that more logically could be done by industry or by governmental agencies.

There is a distinct, even dramatic, trend in several states to raise increasingly sharp questions about the financing of graduate education in the state universities. There is mounting pressure to establish state curtains around our educational programs by dramatic increases in out-of-state tuition fees for graduate students and through special consideration of resident students even though they may not be scholastically competitive with other applicants.

We will do great damage to the quality of both our undergraduate and graduate programs if we succumb to these pressures. And the State will be the loser. For example, we work assiduously to recruit the finest teachers from wherever we can find them in the United States, and even in foreign countries.

We would have great difficulty in interesting these men and women if we could interest them at all, in coming to the University unless we could assure them that we attract a high caliber of graduate student. Why? Certainly not because the faculties are lazy and looking for cheap substitutes to do their work. On the contrary, they know that they will develop into exciting teachers and will maintain their excellence only through constant study and research. Bright graduate students provide one of the major mechanisms for the stimulation the professors need to keep them on their academic toes.

So far as I know, no one has proposed that we should forego quality faculty when less well qualified persons are available locally. Should we do less in the case of potential graduate students? If we do, (and I repeat myself) our undergraduate programs will suffer just as much as our graduate programs will.

Critics of graduate education forget that the modern world is calling for more and more highly trained persons. In fact, our continued affluence depends on them. We simply can't stand still, joining the mythical ostrich with our heads in the sand by assuming that we have the right to the best of all possible worlds unless we are willing,

as any prosperous businessman knows full well, to anticipate and invest in future growth and development.

For example, I am impressed with the overwhelming need for persons trained at the very highest levels in sizable numbers and in many areas of knowledge if the State of Iowa and the nation are to fulfill the destiny now to be anticipated even during the next 25 years. That destiny includes the redesign and rebuilding of our great cities.

To do this requires men in key places able to handle the complexities of modern planning and design, the subtle and explosive relations between ethnic groups, and the clumsy but essential forms of large-scale government. Where are such leaders to be trained but in the nation's universities?

That destiny includes the development and application of the most complex technologies—such as those required to mount successfully our recent adventure in space. To press forward with these technological developments requires long years of devoted and painstaking training. Where is this training to take place if not in our universities?

The United States has reached a point where its health programs, its national defense, its agriculture, its industry, and its business are dependent on the personnel being trained in the advanced programs of our universities. This kind of training is expensive—very expensive—involving rare machines of measurement and other laboratory equipment, and including the personal supervision of the highest level of faculty. Though the costs are high, would anyone argue that the nation should turn back?

And what about the specific needs of Iowa for specialists? When there is talk about socking it to the out-of-state graduate students with higher tuition charges, I want to remonstrate that the socking is a two-way street. Our State economy, as well as that of the entire country, depends on a wide range of specialists, many of whom we don't train in Iowa because we haven't the training resources required.

If we were really close to the Iowa curtain, preventing students from elsewhere to come to our universities, other states would also draw their curtains. The resulting cost in special fellowships or out-of-state fellowships for training our required specialists or for mounting our own training programs in relatively esoteric fields has never been calculated but the cost would be staggering.

It is of interest to note, furthermore, that over 50 percent of those with doctorates accepting their first position of employment in Iowa have been trained outside of the State. To maintain this important out-of-state resource for creative and highly trained men and women, Iowa must continue to do its part.

And now let me comment on some issues related to research. The popular cry is to get the professors out of the libraries and the laboratories and into the classrooms. In fact, several states are making moves to legislate the number of hours that the professors must appear there. The assumption seems to be that, since the professor has completed his own training, he has been taught all he needs to know and now his function until retirement is to say what he knows at his graduation forevermore. What could be more stultifying to the academic climate of our universities! What could lead to more boring, dull, mundane teaching to say nothing about relevance! Every experienced and successful teacher will testify that he had only begun to know his field of specialization when he had completed his formal academic training.

There is no dichotomy between teaching and research. This is especially clear in graduate education where research is teaching, or at least a form of teaching activity. Consider how difficult it would be for a faculty member to advise a student on the selection of a problem for investigation if he had not conducted investigations in related areas.

How would he estimate the chances for success? How would he be able to discuss the relation of the problem to others in the area? (And this ability doesn't just apply to the needs of graduate students. As undergraduate students come to us with better basic training, they, too, are being increasingly encouraged to move into programs of independent study requiring the same type of counsel.)

In education some of the most important teaching is the advising and guidance which the faculty member gives the student on the selection and conduct of a research problem. Thus, the professor's research activity must be viewed as a teaching activity just as his preparation for a lecture.

Unfortunately, we have not developed a system of accounting for the effort of our faculty which allows us to give credit for this activity as simply as we can by counting the number of hours that they appear in the lecture hall.

We say that universities are devoted to three functions: teaching, research, and service. (President Boyd has recently said that teaching and research are the services which the University performs.) In any event universities are committed to the creation of new knowledge and its integration with existing knowledge.

This function does not, of course, distinguish them from large corporations and some branches of government which also engage in research. However, the latter engage in a relatively more applied research to improve the quality or effectiveness of a product or to solve some urgent social need. Universities, on the other hand, devote themselves more to basic research and creative work. Well?

We can't put a hold on research and creativity, as state and federal governments presently seem to be proposing, by drying up financial support for research. New products, new processes, new opportunities depend—require—a broad base of basic research. A study recently reported by the Illinois Institute of Technology traces some of today's key innovations from basic research which was originally done with no thought of future utility.

For example, the IIT group notes that the videotape recorder can be traced to Weber's 1852 ferromagnetic theory and Edison's 1883 discovery of current flow in a vacuum tube. The oral contraceptive pill can be traced from Berthold's 1949 discovery of male sex hormone. And the electron microscope can be traced to Plucker's discovery of cathode rays in vacuum discharge tubes and Clausius' theory of the kinetic mixing of gases—both in 1858, Kirchoff's improved mathematical basis for the wave theory of light in 1960, and Lorene's 1880 postulate of the electron's existence.

So we must continually press for understanding of the need to support fundamental research which most likely will one day provide the undergirding for greater things.

We need your understanding and support if we are to remove the curse from these two houses lest it fall also on yours and mine.

ANNIVERSARY OF LITHUANIA'S INDEPENDENCE

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. COLLIER. Mr. Speaker, today, February 16, 1970, is the 52d anniversary of the independence of the Republic of Lithuania, which secured its freedom soon after the overthrow of Czarist Russia. Lithuania's history antidated this historic event by almost 700 years, for it was in 1251 that a number of principalities united to form the Lithuanian monarchy.

At its greatest extent this kingdom stretched from the Baltic Sea to the Black Sea and almost to Moscow. Over the years its sway gradually declined until it was taken over by Russia in 1795.

The switch from the czars to the commissars brought lasting freedom to neither the Russians nor their neighbors. The restoration of independence to Lithuania on February 16, 1918, ended as a result of the alliance entered into on the eve of World War II by the Communists and their ideological bedfellows the National Socialists. In June 1940 not long after Poland had been divided between Germany and the Soviet Union, the latter occupied Lithuania, Latvia, and Estonia.

National socialism is now dead, but communism is more powerful than ever. Almost 30 years have gone by since the Soviets annexed Lithuania and its two sister republics. Those who rejoiced the loudest whenever a new nation arises from the ashes of former empires in Africa, Asia, South America, and the islands of the sea stand mute whenever the subjugation of Lithuania, Latvia, and Estonia is mentioned. Surely the Lithuanians are as deserving of freedom as the peoples of the more than 60 nations that have emerged from colonialism since the dark days of 1940.

I can testify to the character, the loyalty, and the accomplishments of the Lithuanian people. Our Nation is the richer because more than a million of our fellow Americans are of Lithuanian blood, including over 100,000 in the Chicago area, Many of them live in the district which I am privileged to represent in this great body.

Mr. Speaker, the United States of America has been independent for two centuries, but the independence of modern Lithuania was ephemeral by comparison. Even as we thank the Almighty for the numerous blessings that He has showered upon America, let us offer prayers for the restoration of freedom to Lithuania and the other Baltic republics.

NEXT YEAR IN ATHENS?

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. MADDEN. Mr. Speaker, Prof. George Anastaplo, lecturer in the liberal arts at the University of Chicago and chairman of the Political Science Department at Rosary College in River Forest, Ill., was interviewed by his brother, John Anastaplo, radio commentator, station WJOB, Hammond, Ind., on his recent visit to Greece.

Professor Anastaplo is one of the outstanding authorities on Greek history and government and is chairman of the Political Science Department at Rosary

College. He has been making annual visits to Greece in order to get information and facts concerning the government and economic conditions and other information which will be used in his writings and communications to the American and Greek people on the true facts pertaining to the stability and future welfare of liberty and freedom in the Greek nation.

The radio interview, which was conducted by John Anastaplo, his brother, is set out in the following question-and-answer period:

Commentator JOHN ANASTAPLO. Good evening, ladies and gentlemen. We have as our guest this evening my brother, Professor George Anastaplo, Lecturer in the Liberal Arts at the University of Chicago and Chairman of the Political Science Department at Rosary College in River Forest, Illinois. He also holds an appointment as Professor of Politics and Literature at the University of Dallas. Our guest is knowledgeable in contemporary Greek affairs and has published several articles on that subject.

Dr. Anastaplo has recently returned to his home in Chicago from his annual visit to Greece, after which he conferred with interested parties at the Pentagon and the State Department in Washington. While in Greece he was accredited as a foreign correspondent for the *Southwest Review*.

Welcome back to the show. How was Greece?

Prof. GEORGE ANASTAPLO. About the same.

Question. I don't know what that means.

Answer. Bad.

Question. Was it any better this time than it was when you last visited Greece, in the summer of 1968?

Answer. Not really, even though there was some hope this time because of a statement issued by a former prime minister, Mr. Karamanlis—some hope that the present government might be replaced. But prior to that statement being issued—a masterful statement issued by him in Paris the 30th of September—, one found in Greece a sense of desperation and depression, a realization that indeed the usurping colonels intend to stay for a long time as the Government of Greece and that they don't have much to offer except repression, torture and false promises. In that sense, things were worse: it's the kind of worsening that comes when you realize that something which is bad simply is not going to go away but is going to stay for a very long time. I suspect that by this time the encouraging effect of Mr. Karamanlis's statement has begun to wear thin.

Question. You don't see any change, then?

Answer. I don't see any prospect of change, unless the United States does something to support Mr. Karamanlis in his effort to replace the people now in power by a moderate government which would begin to repair the damage that has been done by these two and a half years of tyranny.

Question. It is reported in the November 10th issue of the Chicago *Sun-Times* that Christopher Janus, a Chicago investment broker who is president of the Greek Heritage Foundation, talked to Mr. Karamanlis, apparently in Paris, and also to King Constantine, the self-exiled—can I say "self-exiled" or did he have to go?

Answer. He virtually had to go—although it may have been better for everyone if he had not gone.

Question.—he talked to exiled King Constantine in Rome. Janus is quoted as saying that Karamanlis let Janus know that he consulted with people in our State Department before he issued his September 30th statement and that it was made with their knowledge. Now what do you see in this report that quotes Karamanlis as saying that he conferred with the State Department before making his statement about the military junta and about what should be done? Do you see in this that the United States is going to give some assistance should Karamanlis attempt to go back?

Answer. No, I don't see that. It still seems to me an open question whether the United States government is going to do anything serious to help friends of the United States in Greece replace the army officers who have seized the government and who are ruining their country. That the United States government is aware of the deterioration in Greece cannot be denied—it is aware of what everyone knows—but that it will do anything to change the situation there remains to be seen. There is no indication that the United States is, at this moment, prepared to take the strong measures necessary to help the Greeks rid themselves of their tyrants.

Question. How long were you there this time?

Answer. I was there only a couple of weeks this time: a very intensive two weeks.

Question. Were you followed?

Answer. I'm told I was. I didn't see anybody following me, but several people I talked with thought I was being followed. Many were afraid I was being followed.

One conducts oneself in such circumstances as if one is being followed. In these situations one simply has to take all kinds of precautions, not to protect oneself so much as to protect one's friends and the people one interviews. You have to be careful whom you talk with, because if you are not careful they will get into trouble. Government officials were very unhappy about my presence; they were unhappy about the people I was talking with; they were unhappy about the things I was asking about and saying to the people I was talking with. It's a very unpleasant situation, in many ways, for the visitor who knows what is going on.

Question. What did Greek officials do to indicate they were unhappy about your presence.

Answer. They let other foreign correspondents there know how unhappy they were about inquiries I had been making and comments I had made to people I had been talkwith. They had heard of some of the things I had said and, of course, they knew about the things I had published before I got there.

Question. Did they have your articles?

Answer. Oh, sure, they have them all.

Question. Did they let you know directly, or only through a third party, that they were displeased with you?

Answer. A couple of times officials in the Foreign Press Ministry let me know personally. I was let known both directly and indirectly.

Question. Did they ask you to leave the country?

Answer No. But I did wonder whether I would get in.

Question. They welcomed you?

Answer. They accepted me.

Question. Reluctantly?

Answer. Reluctantly. They were not sorry to see me go.

Question. How about on the way back. You stopped in Paris?

Answer. I stopped in Rome, I stopped in Paris, and I stopped in London.

Question. Do you want to tak about those stops?

Answer. Well, those are lovely places.

Question. How about Mr. Karamanlis. Is he a lovely man?

Answer. Mr. Karamanlis is a very important man for the prudent liberation of Greece.

Question. Had you met him before?

Answer. Yes, I had met him before. He is a man who is a good friend of the United States and who has great support among the Greek people. He is a man the United States should be doing something to help get back into power before it is too late. It's hard to know how long we have before time runs out, completely runs out on us, and takes away from us all our opportunities to help our Greek allies. We are still able to influence events there to a considerable extent. Once the Karamanlis effort has run its course, however, there will no longer be much we or our friends in Greece can do to control events.

Question. Do we still have friends in Greece?

Answer. We have people there who are eager to be our friends.

Question. But are they our friends now?

Answer. That is one of the sad things about Greece today, that there should be many influential people—intelligent, educated and even conservative people—who have long been friends of the United States but who are now bitterly anti-American, people who have always been regarded as close to the Americans. They seem to believe that although the United States may not have put in these dictators, it has supported them, has been too glad to go along with them, and has thus abandoned friends of the United States to tyranny. We act as if it does not matter what the Greek people think of us.

Question. What does the King in Rome think? Does he want to go back to Greece?

Answer. Everybody wants to go back to Greece.

Question. Does he think he is going back soon?

Answer. I don't know. I guess he is also waiting on the United States to do something. Everybody is waiting now. The Karamanlis statement has been issued: everybody knows what his position is. Now it's up to the only power that has any ability to change events peacefully, the United States. Only if the United States does something decisive is there going to be a movement in the Greek army to replace the present leaders of Greece by a decent regime.

Question. The *Sun-Times* article I quoted from earlier reports King Constantine in Rome as saying to Mr. Janus, "Well, next year, I'll see you in Athens." He seemed to think the situation in Greece would be changed by next Spring. Do you go along with that?

Answer. For almost two thousand years, the Jews would always close their annual Seder with the hope, "Next year in Jerusalem!" Whether the King's observation to Mr. Janus means much more than that, I don't know.

Question. Do you see substance in the King's observation?

Answer. I see in it a hope, certainly a hope. It is not an unrealistic hope: it could happen. But it will take more than a hope to do it: it depends upon us, on this side of the ocean, to some extent.

Question. You feel then that the King is dreaming quite a bit on this point? You don't feel he will be back in Athens in the Spring?

Answer. In the Spring?

Question. Yes, as it says in the article. Let's say, by Easter?

Answer. I am afraid he will probably celebrate Easter in Rome. I hope I'm wrong, because Greece would be a far more pleasant place to live in and to visit if the King should be back, if Mr. Karamanlis should be back, if Mr. Papandreou should be back, if they should all be back—it would be far more pleasant if the Greeks do get back to the kind of life that doesn't require constant surveillance, constant repression, repeated court martial proceedings, torture and suppression of serious dissent. What there is in Greece today is no life for a civilized people.

Question. Do you gather from your conversations with the King that he is happy living in Rome or is he anxious to return to his throne in Greece?

Answer. There is no responsible Greek who

is happy out of Greece in these circumstances, when he is out of Greece because of a tyranny which is suppressing all men of stature who have any serious influence. This goes for the King, this goes for Mr. Karamanlis, this goes for Mr. Papandreou, this goes for Mrs. Vlachou in London. Everyone who is anyone has been put down. I am sure that when such people are outside of Greece they all long for the day when they can get back and once again help their country return to some kind of steady progress. It is safe to say that they are all hoping to go back home. They are all unhappy with being out of Greece and, depending on their temperament, I guess, they have different notions of how long it will take before they can return home.

Question. Is King Constantine making any efforts on his own to hasten the day of his return home?

Answer. He has, as you can see in the papers, a public position. His position is that he will return when there are free elections internationally supervised, with a free press and with the release of political prisoners. All those conditions mean that the present government would be going or gone.

Question. He's not going to take the initiative?

Answer. Well, I suppose if he had something to take the initiative with, he'd take it. But there is relatively little he can do. You see, there is relatively little anybody can do. There is relatively little that Mr. Papandreou can now do, for instance. There is relatively little that Mr. Karamanlis can do.

Question. Who is going to do the doing, then? The lower echelon officers?

Answer. That *is* the question, I suppose. The lower echelon officers will be the ones to make the move, eventually, but the problem is: How can they be *induced* to move? They can be induced to move by public opinion in Greece, insofar as that can be known by them, by the realization on their part that things are not going well and that the honor of the Army is at stake, by becoming aware of Mr. Karamanlis's statement (which has never been published, legally, in Greece), and, perhaps most important, by the direct and indirect influence of the United States. Once most officers know that the United States has serious reservations about the present Greek government and is taking serious measures to help the Greek people get rid of that government, then conscientious officers in the Army will likely move. If that does not happen, then the only other alternative that people can count upon and will resort to, will be terror, sabotage and general deterioration in law and order.

Question. The Greek government relaxed the censorship since you were there in the summer of 1968. Was that evident during your visit last month?

Answer. The Prime Minister announced this relaxation at a press conference that I attended. My own prediction at the time was that it would not mean much, that this is not a regime that can afford to relax censorship very much, that although the requirement that the text be passed on before printing might be suspended— that is, publishers may no longer have to submit their text to a censor—the effect will be virtually the same because of the powers the government retains and will be able to exercise without any judicial restraint. It looked for awhile, however, that I was wrong in my opinion that the relaxation would not make any serious difference. Thus, I got, a couple weeks ago, a letter from a foreign correspondent in Athens who informed me that I had simply guessed wrong about what would happen: publishers, he reported, were being allowed to express some criticisms of the regime. But his letter happened to be delivered here the very day that the Chicago papers reported that two Athenian newspapers had been closed down altogether for what they had said about the government.

Question. The curtain has been dropped again?

Answer. Yes, but at a different stage. They don't require you to bring your copy in every night to be read and to be approved, but if you don't "behave yourself"—

Question. —they'll close you down. So, it is the same as before?

Answer. It's even worse in some ways, because if you're closed down for two or three days, or have all your run confiscated a few times, you are in serious trouble financially.

Question. Are you closed down two or three days, or permanently?

Answer. I haven't gotten the details yet. Government officials seem to have been closing down newspapers for a few days or they have been confiscating a day's run or they have been going to news vendors and saying, "Don't sell any of the next edition of such-and-such newspaper." The result is that a publisher can take very serious financial losses that way.

Question. But they are not closed permanently?

Answer. Not so far as I know. But you can figure out for yourself what the effect is going to be on publishers of the sanctions that are now being used.

Question. You have been urging, both here in Chicago and in Washington, that the United States take strong measures with respect to Greece. Just what do you mean by that?

Answer. I think there are various measures we can take to show the Greek army, primarily the Greek army but also the Greek people, what our opinion is of this government. That's very important. We should make it very clear that we recognize the serious damage this government is doing both to Greece and to legitimate American interests in Greece. I think we ought to take other measures as well, such as the stopping of all military aid to Greece and the cutting off of all military relations with that country. (I am not talking now about cutting diplomatic relations they should be maintained with every country that has an effective government.) I also think we should cooperate with those allies of ours in Europe who are so unhappy with the Greek government and who are trying to do something about it and about its corrupting influence in the European community of free nations.

Question. What about the argument that since we are trying to get out of Viet Nam, it is not wise to intervene in Greece?

Answer. I'm not talking about getting *in* there with an army. I'm talking about getting *out* of there if the present Greek government is not replaced by a government that is responsive to the needs and wishes of the Greek people. If we do our duty on behalf of freedom and constitutional government in Greece, the large majority of conscientious Greek army officers will do theirs; if they see the threatened loss of the American alliance as the price Greece has to pay to retain the tyrants who now rule Greece, those officers will move to set things right. All this can still be done peacefully and sensibly. If, on the other hand, civil war begins in Greece—*if* it does (I am not saying it is going to begin)—if the present government of incompetent men stays long enough, and if (as is possible) conditions develop which lead to civil war, will we be content to sit back and watch as we are doing now? Will we not be "compelled" to intervene if that should happen? I don't want such a situation to develop. I don't want the destruction of Greece that would come in the process of liberating her again from possible takeover by some of the elements which would be engaged in such a civil war. We will then realize that it *does* matter to us what happens in Greece. But if then, why not now? This is the time for us to move, when we can still act without hurting either ourselves or the Greeks.

Question. When you say, "getting out," you mean economically and militarily?

Answer. We have available to us measures, some of which it would serve no useful purpose to describe at this time, which could bring down the present Greek government within a few months, if we would use them intelligently. I know no informed man in Athens or in Washington who doubts this. Such measures, properly employed, would permit our friends in Greece—our long-time friends in Greece—to recover the power that the Greek people want them to have. But I must confess that it does not now appear that we Americans are going to use responsibly and intelligently, and thereby retain, the great influence we have earned in Greece since the Second World War.

POINT REYES EARLY DEVELOPMENT ESSENTIAL

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. LEGGETT. Mr. Speaker, today this Nation is faced with the challenge of preserving its environment. It is a challenge to clean up the air, water, and land we have despoiled by our thoughtless acts as individuals believing in the American myth of our infinite frontiers.

Slowly we have come to realize that there are indeed finite limits to the accessibility of clean air and water and unspoiled land. We have also come to realize that many of the natural grandeurs this country has been blessed with cannot be replaced by man once he has destroyed them.

There are few areas of this country left in which the natural splendor of nature has been left untouched and unruined by man. One of these areas that somehow has remained untouched is the Point Reyes area of California.

However, if this Congress does not act today, this area may also be lost to this generation and future generations of Americans. This Congress must decide whether it is more important to have a properly developed natural seashore to be enjoyed by all Americans, or 30,940 acres of subdivided real estate for a few Americans.

Whatever decision is made at Point Reyes will affect the opportunity of future generations to enjoy the sea, sand, scenery, wildlife, forests, and a feeling of tranquility that now exists there.

In 1962 President John F. Kennedy set aside Point Reyes as a national seashore. At that time a portion of the land was purchased for $20 million. It was estimated that an additional $14 million would be needed to complete the necessary land acquisition. However, no further action was taken.

The lack of action by Congress and the Department of the Interior has been costly. It will now cost the American public $38 million to purchase the remaining land. But if we wait longer, the price tag will be even more costly. It will be a cost measured by the realization that the land needed for the completion

of this national seashore has been subdivided for commercial development and is no longer filled with acres of trees and streams but with acres of homes and shopping centers.

The slow action by the Federal Government has caused land valuation to rise sharply with a proportionate increase in property taxes. This has created a situation where present land owners must either sell to the land developer to build houses or to the Federal Government to preserve the area intact. The choice is up to us who will vote today on this issue.

This vote is the key indicator of how this Congress will respond to the urgent need to deal with our rapidly deteriorating environment. I urge the immediate and overwhelming passage of this legislation.

DANBURY'S PAUL E. WARD WINS JAMES V. BENNETT AWARD

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. MONAGAN. Mr. Speaker, a signal honor has come to the Federal Correctional Institution in Danbury, Conn., which is in my district and which has come through the efforts and accomplishments of Mr. Paul E. Ward, superintendent of industries at that institution.

I take this opportunity to congratulate Mr. Ward as I call to the attention of my colleagues the announcement by Attorney General John N. Mitchell that Mr. Ward has received the James V. Bennett Award named for the second Director of the Bureau of Prisons and awarded annually to an outstanding supervisory employee. The announcement came through present Director of the Bureau, Myrl E. Alexander, just prior to his retirement. In addition to the Bennett award and the honor it represents, Mr. Ward will also receive $500 in cash.

It was for his creative management, expert knowledge of the electronics field, and exceptional ability to train and encourage inmates to reach peak goals of performance that Mr. Ward was honored by the Federal Bureau of Prisons. He was one of nine employees selected to receive the Bureau's top incentive award for 1969 and it was gratifying to note that Mr. Ward's name was at the top of the list. He began his Bureau of Prisons service as an electronics instructor at the U.S. Penitentiary, McNeil Island, Wash. Named supervisor of a new electronics production shop, under his leadership, the operation grew to a $4 million industry. Transferring to the Federal Correctional Institution at Danbury, Conn., Mr. Ward repeated his McNeil performance, establishing and expanding the institution's electronics and electrical cable industry, increasing the industrial employment and sales of the organization and establishing a successful vocational training program for inmate workers.

I am pleased to note that dedicated men are continuing to improve the Federal prison service and particularly that strong emphasis is being given to the rehabilitation of prisoners. I am also gratified to observe that these dedicated personnel and their achievements are being given proper recognition to inspire and encourage others in the same fields.

A BRITISH JUDGE ASKS: WHAT GOOD IS FREEDOM WITHOUT LAW AND ORDER?

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. HOGAN. Mr. Speaker, from the Mother Country of the Common Law a distinguished jurist brings us some cogent thoughts on this great problem of law and order which is facing us today. Lord Denning, master of the rolls of London's Royal Court of Justice, in a speech before the California Bar Association, candidly discussed the British versus the American point of view on these legal problems. Unfortunately, I do not have the entire address, but I insert in the RECORD a brief summary of his talk which appeared in this year's February edition of Nation's Business. I urge my colleagues to read this intelligent appraisal of how two related legal systems handle identical problems. Here is the article:

A BRITISH JUDGE ASKS: WHAT GOOD IS FREEDOM WITHOUT LAW AND ORDER?

The United States and Great Britain are vastly different but also greatly alike.

So when an astute Englishman, the most important civil judge in a judicial system which has common roots with ours, talks about how best to administer the law, he's worth listening to.

Lord Denning, master of the rolls of London's Royal Court of Justice, spoke a while back to the California Bar Association in San Francisco about such things as delays in American courts in bringing cases to trial, about striving for perfection in protecting defendants, and about striking a balance between the rights of individuals and of civilized society.

He touched a nerve end of America when he asked: "Have the rules for the protection of the innocent been extended so far that the door is opened to many guilty men? . . . And freedom, what good is freedom if we do not have law and order?"

Here are other excerpts from Lord Denning's speech:

"Freedom, we have stressed through the centuries. But we are coming to think that equally important is the security of decent, right-thinking people.

"Freedom, we know, means the freedom of every man to think what he will, to say what he will, to go where he will, on all his lawful occasions without . . . hindrance (from) anyone, save as prevented by law.

"Yes, but what good is any man's freedom to him if his home is invaded by thieves and robbers who are not caught; if his womenfolk are to be assaulted; if his security is in jeopardy?

"What good is freedom to us unless . . . our state . . . is secure?

"We must maintain the freedom—or rather, the right—of society to arrest those who commit crimes, to search them, to detain them, for the protection of the community at large. . . . If conspirators are conspiring against our state or our security, there should, under proper safeguards, be a right in society even to tap wires.

"But here is a problem. The power to arrest can be abused. The power to detain can be violated. The power to wiretap can lead to tyranny and oppression. All these safeguards of society, once abused, can lead to the police state in a tyranny worse than we've ever known.

"The problem is to find the balance, the balance between the freedom of the individual on the one hand, and the security of a civilized society on the other."

Lord Denning then turned to comparing the speed of trials in England with those in the United States.

In England, he said, everyone arrested is tried within eight weeks—"the greatest length between arrest and trial."

Some American defendants are not tried for two or three years—or even longer.

British courts do not necessarily grant a defendant bail. Lord Denning defended this controversial practice.

"When a man is arrested for a serious offense—let it be murder, rape, bank raid or the like—in England we do not allow this man out on bail," he said. "We keep him in prison pending his trial. It isn't necessary to show that he may abscond. If there's reason to think that he may commit another offense, we do not let him out so that he may do it pending trial."

On the matter of leaning over backward to achieve the perfect trial, Lord Denning said, "I often think that whilst we've been busy clearing the innocent, our rules have let the neck get too wide, and the guilty are only too often not convicted and punished, but they escape through the door which the law has opened.

"Just think of the next step. In the United States you have a fundamental principle that if evidence is unlawfully obtained, nothing which results from it can be given in evidence in the courts. In England we don't go as far as that.

"Supposing a man makes a confession, in the course of which he says where he hid the stolen goods, and a police officer goes and finds those stolen goods. That evidence as to those stolen goods is admissible before the jury, even though there may be something wrong in the way the confession was taken."

Lord Denning advocated the hard line in sentencing the guilty, sometimes, as a means of teaching a lesson. He cited the case several years ago of white hooligans who had beaten up Negroes in London's Notting Hill section. It was feared there would be more beatings.

When the whites came to trial they were given not the six months in prison that might have been expected, but five to seven years.

The beatings immediately stopped. Lord Denning told the California lawyers and jurists: "A sentence such as that did a world of good."

COMMISSION ON POPULATION GROWTH

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. ROSENTHAL. Mr. Speaker, the public's sudden recognition of the environmental crisis has focused attention on such evils as air and water pollution. Congress has been propelled into action at a time when further delay could play havoc with the human race's chances for survival.

Yet with all this newfound awareness,

we have tended to skirt the crux of the problem: expanding population dependent upon limited resources.

Modern technology may perfect devices which eliminate air and water pollution. The prospects exist that extensive, new sources of food will be developed. Sensitivity toward man's interdependency with nature is growing sufficiently to justify hope that he will learn to enhance rather than desolate his environment.

But all these developments are for nought if man reproduces himself to the point where the earth's resources, no matter how shrewdly maximized, cannot support the planet's population.

To help assure a decent, fulfilling life for the generations to come, we must face up to the question of population control and the danger of the human race disappearing in a malthusian apocalypse.

This Commission on Population Growth should provide the vital information on how to perpetuate a healthy, viable society in the midst of formidable challenges created by modern technology, waning natural resources, and the advent of the nuclear age.

I urge the passage of this bill.

THE 52D ANNIVERSARY OF DECLARATION OF LITHUANIAN INDEPENDENCE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. BROOMFIELD. Mr. Speaker, I am happy to join my colleagues in the Congress in commemorating today, February 16, 1670, the 52d anniversary of the Declaration of Lithuanian Independence.

It is with sadness that we observe this occasion while the valiant people of this great nation are still oppressed by the yoke of Russian imperialism. However, no nation can be denied its sovereignty and freedom forever, and no people will long tolerate the rejection of their right to self-determination. The events of the past year in Czechoslovakia demonstrate that the Soviets continue to employ authoritarian repression whenever the spirit of freedom arises.

Fifty-two years ago today, the people of Lithuania proclaimed the restoration of their independence after centuries of Russian rule. A free, and democratic way of life was enjoyed by these people until June 15, 1940, when again a ruthless and aggressive Communist Russian Army conquered Lithuania and other small Baltic nations and incorporated them as provinces. Nevertheless, the United States continues to recognize her sovereignty and her sister Baltic states and looks forward to the day when these nations will again be free from Russian oppression and domination.

Freedom-loving Americans everywhere admire the spirit of these great people and it is the hope and prayer of all of us that Lithuania may soon again take its place among the free nations of the world.

THE BEST WAY TO ELIMINATE WASTE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. VANDER JAGT. Mr. Speaker, it is a pleasure for me to bring to the attention of the House the address made by Dan E. Reed, secretary-manager, Michigan Farm Bureau at the Governor's Conference on Solid Waste Management held in Lansing, Mich.

His address follows as it was reported in the Michigan Farm News of February 1, 1970:

GOVERNOR'S CONFERENCE ON SOLID WASTE MANAGEMENT

"The best way to eliminate waste is to find something it's good for, and that means research—a crying need for agriculture!" Dan E. Reed, Secretary-Manager, Michigan Farm Bureau, told those attending the Governor's Conference on Solid Waste Management held recently in Lansing.

Mr. Reed continued, "We have always had wastes. We used to call many of them 'riches'—the manure pile; ashes used for fertilizer and also soap making; old bottles (not antique collectors' items) provided a major source of income for small boys some years ago; old paper; old iron.

"Much of the material in the loads of urban wastes now going to the dumps—before we became an affluent society—would have been worked over for many kinds of salvage.

"On the farm, with a small, diversified farm operation, we sometimes had a crop failure or a crop for which there was no local market. The pain of the valueless crop was often lessened by the fact that while we hadn't made any money, at least we had the manure left.

"Agricultural solid wastes include sediment flowing into our streams and airborne field dust. Tremendous improvements have been made in limiting agriculture's contribution of both of these wastes. Sediment in our streams is now often found to be more the results of runoff from subdivisions, construction work and road building than from farm fields.

"A respected spokesman for the Department of Natural Resources has said that the Red Cedar River carried more sediment from the building of I-96 Expressway than resulted from all of the farm operations in its watershed since the Indians roamed Michigan.

"Much has been done through the work of Soil Conservation Districts and by individual farm operators in controlling soil run-off and blow-off. Since this represents lost plant food, agriculture's attention to this problem is understandable.

"As is true in both consideration of urban problems and industrial problems of solid wastes, agriculture suffers from the results of the affluent society and from concentration of activities. Labor costs have become so high that animal manure (formerly one of the backbone ingredients of a successful farmer's operation) now becomes so costly to handle that it is cheaper to buy and apply chemical nutrients.

"Assembly-line cattle and hog feeding operations and egg factories have developed concentrations of animals above the capacity of nearby land to accept and purify the wastes even if the labor were available to handle the tremendous job. A cow generates as much waste as about 16½ Humans; one hog produces as much waste as two people; and seven chickens are equal to the disposal problem created by one person. The result is that, in total, farm animals in the United States produce ten times as much waste as the human population.

"This means that a feedlot with 1,000 head of cattle has approximately the same disposal problem that a city of 16,500 people might have. We have egg factories in Michigan with 30,000–40,000, or 50,000 bird capacity.

"When the village blacksmith was a major industrial producer in our nation, he posed little in the way of pollution problems that were of concern to his neighbors. Henry Ford's production line and $5 per day provided a magnet which drew people into a concentrated area and helped to speed the development of urban problems. He also provided something we all wanted—transportation at prices within reach of many people—not just the wealthy.

"Even though smoke hung heavy over the cities, the pictures that really struck fear into the hearts of people were those run by the newspapers in the early thirties, showing rows of stacks with no smoke coming out of them.

"The production-line development in agriculture has reduced the status of chicken from 'only on Sunday' or 'when the preacher called' to the condition where it now receives only half the consideration, moneywise, as does the lowly hot dog.

"Chicken and egg production in my mother's time consisted of farm flocks of 50–100 chickens, with the eggs being gathered regularly—most every day, except when the nest of some sly hen might be found and perhaps ten or a dozen eggs added all in one day (not quite 'strictly fresh'). The chicken manure really posed no solid waste problem on our farm. It was a byproduct of considerable value and somebody always had a pet idea as to what particular garden spot might receive the current production.

"The changes from the one-sow/hog farm to today's scientifically managed operation producing 1,000–5,000 market hogs per year; the broiler factory, the egg factory; the beef feeding operations—have all worked together to provide the American consumer with better, more uniform products of high quality and at prices lower than any other spot in the world . . . in many cases lower than they were 25–50 years ago. It has also created many of the problems which are causing producers of these agricultural products serious difficulties, to the point where waste management is now the largest single problem in assembly-line animal production.

"We have spent most of our scientific efforts on one end of the animals—worrying about the best and most efficient feeds, and have neglected the other end product.

"In these days of specialization, the livestock specialist depends upon the crop specialist for his feed. The livestock producer reduces his investment in land, perhaps to small acreage and sheds only, and thus has a waste disposal problem instead of having a valuable byproduct in the manure from his operation.

"There is an effect from taxation on waste problems. The desire to minimize the necessary capitalization of a feeding operation sometimes encourages higher concentrations of animal pollution.

"Not all the solid waste problems of agriculture result from livestock operations. Up to 70% of the agricultural products delivered to canners and freezers ends up as waste. In the days of coal-fired boilers, canning plants in the areas where pit fruits are processed piled their cherry, peach and plum pits and used them as fuel. Today, with gas or oil-fired boilers, used to reduce labor needs, the pits become a problem waste.

"When mother canned her tomatoes, apples, peaches, pears, cherries, etc., at home, the waste was really no problem. It went to the pig pen, or the compost pile.

"While, of course, we have other problems of solid waste in agriculture, let's look for a

moment at progress in the solution of some of these problems. Animal and vegetable wastes have value as potential heat producers. One of the early efforts along this line was the use of the buffalo chip as a source of fuel in the West. In India and other countries where fuels are scarce, patties are made of the animal manure which then are used as domestic fuel. Hundreds of years ago, the Chinese developed procedures for additional utilization of agricultural wastes. The peasants diligently collected all wastes—human, animal and plant—and made them into cakes and allowed them to dry in the sun. These were then stacked and later distributed to the fields and used as organic fertilizers.

"Currently, there is a great deal of interest in the recycling of nutrients. Processed poultry wastes are being successfully used as part of the feed formula for livestock. Other possibilities include—digesters, to use the potential of wastes for gas manufacture; the direct incineration of wastes, either to provide heat for their own destruction or to provide usable heat for other purposes.

"Gerber Products at Fremont has for years used that great purifier, the soil, as a disposal method. Wastes from the processing of baby foods are piped distances from the plant and spread on fields where the soil filters the water and the solids are disposed of naturally.

"In summary, contributing to agriculture's problems have been the limited supply of labor available, the high cost of such labor, the recognition of economies of concentration, improved transportation, and the tremendous need for efficiency to compete in the world markets of today.

"Few farm operations today have the balance of farms of 50 years ago, where the crops were rotated and the plant and animal wastes were reincorporated to improve the soil. Perhaps we should go back to such an agricultural pattern but, if so, we would also go back to a pattern of spending increased proportions of our income for food. Today food is the American housewife's best buy. The average American family spends about 16½% of its spendable income on food. A generation or two ago this figure would have been more than 30–40%.

"In our affluent society, we really can't afford to do many of the things that we know we should do—at least we think we can't afford to.

"Perhaps we should look at our monuments to waste . . . our junk piles, our dumps. Destruction of usable and repairable facilities . . . Is it really cheaper to throw it away than it is to repair it? Or are we simply drawing checks that will have to be made good by succeeding generations?"

THE 52D ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. VANIK. Mr. Speaker, on February 16, 1918, the Lithuanian National Council at Vilnius declared Lithuania a free and independent nation and provided for free elections for the first time in centuries. This day, therefore, has been a day of celebration and remembrance for Lithuanians and American-Lithuanians in this country.

The history of the independent and free Republic of Lithuania was a glorious one—but tragically short. Twenty-two years after its creation, the Soviet Union entered this brave Baltic state and extinguished the forms of liberty, but they can never extinguish the spirit of liberty which dwells in the hearts and souls of Lithuanians everywhere.

Lithuanian-Americans have contributed much to the progress and freedom of the land to which they and their forefathers came to. In the Cleveland area community, which I represent, they have long been community and civic leaders who have added immeasureably to the cultural, economic, and political life of northeast Ohio.

As the recent spectacular photographs of the earth from space so dramatically show, we are all riders on one small planet; we are all brothers in the human race on this small globe. The loss of liberty and freedom by any man or nation diminishes us all. Let us pause and remember today the freedom that came to Lithuania 52 years ago today and rededicate ourselves today to the cause of freedom for all men everywhere.

LITHUANIAN INDEPENDENCE DAY—1970

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. CAREY. Mr. Speaker, today is the 52d anniversary of Lithuanian independence. As has been our custom for more than a half century, we pause at this time to honor the determination of the people of Lithuania to regain the independence and freedom that were declared on this date in 1918.

The Republic of Lithuania was established as a direct result of President Woodrow Wilson's Declaration of 14 Points, which marked the end of 123 years of imperial czarist rule. Lithuania was admitted to membership in the League of Nations in 1921. The following year a provisional constitution was adopted which guaranteed freedom of speech, assembly, religion, and communication. The Republic, however, was destined to enjoy only 22 years of freedom before falling victim to a new form of Russian tyranny—godless communism.

Following its independence in 1918, Lithuania proceeded rapidly to embark on a course of progressive and modern statehood, becoming the first country in Europe to adopt a land reform program. A compulsory education program, started in 1930, reduced illiteracy from 65 to 15 percent. The number of grammar schools doubled from 1930 to 1939. The country's transformation into a modern nation was well underway when it became a battleground for Russian and German forces in 1941.

Although nearly 30 years have now passed since Lithuania was reduced in status to that of a slave state in a Communist empire, we nevertheless look forward at this time to a day when the nation will once again take its place among the free peoples of the earth. There is, of course, a tie between these events—for the spirit which prompted the proclamation of freedom a half century ago today chafes under the yoke of the Soviet Union. Sooner or later that spirit will prevail and the Lithuanian people will again know the blessing of freedom.

It is to the credit of the United States that we have never recognized the Soviet seizure of the Baltic States. Let us remind ourselves, and the world today, that this great Nation continues to recognize Lithuania and her Baltic neighbors as independent sovereign nations.

As our late President John F. Kennedy so eloquently stated on the 40th anniversary of Lithuanian independence in 1958—

> The vital spark of freedom has not been extinguished among Lithuanians. Their cause remains our cause and their hopes more than ever remain our responsibility.

A VOICE FOR THE PEOPLE—THE PEOPLE'S COUNSEL

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. RYAN. Mr. Speaker, I, today, have introduced a bill to establish the Public Counsel Corporation, an instrument which would enable the poor effectively to articulate their views, and to exert their influence upon Government agencies whose programs significantly affect their lives. Unlike the more affluent members of our society, the poor—a term which grossly and unfairly obscures the individuality of more than 25 million Americans, white, black, aged, disabled—are not effectively organized so as to be able to make known adequately and persuasively their needs, their criticisms, and their contributions.

This bill adopts the recommendation of the Administrative Conference of the United States that a people's counsel be created. Full explication of the need for the people's counsel is provided by the report of Prof. Arthur Earl Bonfield in support of the Conference's Rulemaking Committee, entitled "Representation for the Poor in Federal Rulemaking: A Report in Support of the Recommendations of the Rulemaking Committee."

The Rulemaking Committee queried some 40 Federal agencies in regard to the agencies' rulemaking procedure. In Professor Bonfield's report, which has been accepted and approved by that committee, it is stated that about one-third of the responding agencies which claimed to administer programs substantially affecting the poor had not previously attempted to ascertain their views with respect to rules and policies. For example, one agency's response was:

> We do not now attempt to ascertain the views of the poor and economically underprivileged, as such.

The efforts of the agencies which did attempt to obtain the views of the disadvantaged people affected by the agencies' programs are characterized, in Professor Bonfield's report, as "frequently haphazard, unsystematic, and sporadic." And the report further states:

Furthermore, agencies seem to have frequently sought information with respect to the views of the poor from persons who are neither poor, nor spokesmen for the mass of the poor people affected by the agencies' actions.

Another query addressed to the agencies by the Conference's Rulemaking Committee asked whether they planned any changes to insure that the views of the poor would be adequately ascertained prior to the promulgation of rules implementing or affecting those programs particularly relevant to the poor. Again, the responses indicated the agencies' insensitivity to these views—"most agency respondents," Professor Bonfield's report states, "indicated that they had no such plans, and that they were satisfied with their present efforts in this regard."

The bill creating the people's counsel is based on three premises:

First, large segments of the American public are not adequately represented in the Federal rulemaking process;

Second, the sound administration of the administrative rulemaking process demands that all relevant interests and viewpoints be considered prior to the formulation and promulgation of an administrative rule or regulation; and

Third, to assure that the interests of the public are fully considered, means must be established to provide the unrepresented public with competent, consistent, and aggressive advocates in Federal rulemaking.

In introducing this bill, I am particularly mindful of the opinion expressed in the Administrative Conference's 1969 Annual Report by Malcolm S. Mason, Assistant General Counsel of the Office of Economic Opportunity, who accurately notes that "the poor are many and different and must be able to speak with many voices." My bill provides that these voices will be heard. And I deem it essential that Professor Bonfield's report be heeded in its reference to the establishment of "official advisory committees to the poor people's counsel in each area of major concern, such as welfare programs, housing, employment, education, and so forth." Thereby, numerous interests will be represented. In the same regard, there should be, as Professor Bonfield states, "informal hearings among the poor" by the people's counsel to achieve the end of allowing many views to be heard.

Establishment of a people's counsel is a major step in the right direction. The OEO community action programs have shown the vital role the disadvantaged can—and must—play.

I would call attention to an article appearing in the Washington Evening Star on January 22, 1970, by Robert Walters, entitled "Court Rebuffs HEW, Justice on Role of Poor in Hearings." The article points to the unjustifiable resistance of our governmental institutions to meaningful participation by the poor, as shown by the reluctance of the Justice Department and the Department of Health, Education, and Welfare to let poor people participate fully in hearings on State welfare reforms. Mr. Walters reports the Justice Department's being "concerned about a precedent that might substantially expand citizen participation in the Federal policymaking process"—an end eminently to be desired, to my mind. The article follows:

COURT REBUFFS HEW, JUSTICE ON ROLE OF POOR IN HEARINGS

(By Robert Walters)

For the second time this month, the Department of Health, Education and Welfare—and the Justice Department—have been rebuffed by the U.S. Circuit Court of Appeals here for refusing to let poor people participate fully in hearings on state welfare reform.

The circuit court ruled yesterday that HEW cannot proceed with administrative hearings on state welfare programs unless it gives poor people the status of full participants.

Acting at the request of the National Welfare Rights Organization, the court in a Nevada case had issued an injunction Jan. 2 ordering that welfare recipients be granted "whatever procedural rights are exercised by the other parties thereto."

The Justice Department, concerned about a precedent that might substantially expand citizen participation in the federal policymaking process, had overruled HEW on yesterday's case.

HEW officials were unwilling to postpone an administrative hearing on Connecticut rules compliance until the appeals court could consider the government's ban on full participation in the hearing by welfare recipients.

At the Justice Department's insistence, however, the hearing was convened as scheduled on Tuesday morning. But no testimony was taken because about 40 persons staged a demonstration and a legal complaint was hastily filed.

After two days of legal skirmishing, the court yesterday extended the Nevada order to the hearings on Connecticut welfare revisions, with two minor exceptions, both of which turned out to be impractical to implement.

In an apparent gesture of courtesy to the Connecticut officials already here—and in an apparent slap on the wrist to NWRO for waiting until the last minute to file its legal protest—the court said the welfare recipients' right to full participation would not extend to testimony offered by Connecticut witnesses or their cross-examination by HEW officials.

Signing that order were Judges J. Skelly Wright, Carl McGowan and Spottswood W. Robinson III, the same panel which approved the injunction in the Nevada case and will hear further arguments on the issue next month before rendering a final decision.

The latest court order was handed down shortly after the Connecticut HEW hearing was reconvened yesterday afternoon. When Edward K. Adelsheim, HEW hearing examiner, asked the state officials if they wanted to testify under the conditions outlined by the judges, they declined on grounds it might prejudice their case.

Adelsheim then ordered an "indefinite recess" of the proceeding, and HEW officials later said no further state compliance hearings will be scheduled until the appeals court issues a final ruling.

Under the current court restrictions, HEW has the choice of either holding no hearings, or granting the welfare recipients full participatory status—including the right to call their own witnesses, cross-examine other parties' witnesses and examine all pertinent documents in the cases.

When the Connecticut hearing opened on Tuesday, Adelsheim proposed a compromise—"amicus curae" or friend-of-the-court status, which would give the poor people the right only to make one oral statement during the hearing and file a written brief for the record. That suggestion was promptly and noisily rejected.

SOUGHT DELAY EARLIER

Officials at both HEW and Justice confirmed yesterday that HEW had sought to postpone the Connecticut hearing long before the NWRO attorneys filed their court complaint.

HEW officials were reported to believe that because the issues in the Nevada and Connecticut hearings were similar, because the court had already issued an injunction in the Nevada cases and because the question of citizen participation is expected to be settled within the next few months by the court, it would be improper to proceed with a new hearing.

But the Justice Department officials were described as believing that any sign of acquiescence to the concept of citizen participation could have government-wide implications.

HON. ANCHER NELSEN SPEAKS BEFORE LINCOLN REPUBLICAN CLUB, FIFTH CONGRESSIONAL DISTRICT OF KENTUCKY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. CARTER. Mr. Speaker, on the 7th of February, the Lincoln Republican Club of the Fifth Congressional District of Kentucky was honored to have as its guest speaker Congressman ANCHER NELSEN.

His remarks were interesting and thought provoking.

I commend to you this résumé for your attention:

REMARKS BY MR. NELSEN

DUPONT LODGE, CORBIN, KY., February 7.—"The only thing liberal about many liberals today is their name," Congressman Ancher Nelsen (R-Minn.) told a Lincoln Day Republican crowd here tonight. "Their party seems seized by a faction that has little interest in preserving freedom, and their principles appear cast aside for a psychedelic joy ride to nowhere. In abandoning the national interest to a narrow-minded political spectrum, in tossing aside the people for a political bullhorn, they have harvested political ruin."

The Minnesota Republican said "Their decline into know-nothingism presents our party with great new opportunities to expand our membership among black and white Americans and to build up our country." He urged the Kentuckians to join in welcoming into Republican ranks all the millions of Jeffersonian Democrats who have been driven out of their own party. "Ours is a national party working to correct every injustice, every problem that troubles this nation. Our mission must be to invite everyone to pitch in with us and help," Nelsen declared.

"Among the great ironies," according to the farmer-lawmaker, "is the unreasonable liberal-led attack on Vice President Agnew for daring to disagree in public." As one example, he said, such leading liberals as President Franklin D. Roosevelt, Adlai Stevenson and Hubert Humphrey all, at one time or another, expressed differences with the press. In a 1941 speech, President Roosevelt accused newspaper owners of printing "pure bunk—B-U-N-K—bunk . . ." In 1942, Stevenson observed that "The failure of the

commercial press, with few exceptions, to honestly report the news and be fair in their editorial columns, has served to retard the war effort . . ." In 1968, Humphrey said "I am convinced that just as the media can tell the facts to the people, they can also exaggerate and inflame the situation."

Party fund-raising is another area which indicates the liberals' abandonment of the people, Nelsen asserted. "When liberals controlled the White House, they turned their backs on rank-and-file party members to butter up a small coterie of big money boys. These heavy donors got all the plums—special dinners at the White House, favoritism of many kinds—but the rank-and-file was ignored. As a consequence, while the Republican party wisely has been building its base upon the small donations of millions of ordinary citizens, the other party so disastrously narrowed its base of support, it has wound up $8 million in debt."

LITHUANIAN INDEPENDENCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. DINGELL. Mr. Speaker, communism has been the curse of freedom-loving peoples for more than half a century. Its baleful influence and impact has been felt nearly everywhere. And its enslavement of the human being, of both body and soul, is known to all of us. Millions of people live in fear of Communist aggression but fortunately are still free to enjoy the elemental human rights. That is not true, however, in many countries where peoples have been overpowered by the Soviet steamroller. Lithuania, in northeastern Europe—a land of valiant people—is one of those countries.

Lithuanian independence was born after the untiring and persistent struggle for the liberty-loving Lithuanians against the czarist autocracy. When the dreaded regime collapsed in 1917, Lithuanians were fully prepared to proclaim their national independence, as they did on February 16, 1918. The independence they thus regained was well earned and richly deserved. After suffering for more than 100 years under the oppressive Russian yoke, they felt that they were entitled to freedom and national independence. Thenceforth for two decades they enjoyed freedom and happiness in their rebuilt homeland. And they were perfectly content with their lot. But the course of world events turned against them; and the last war brought tragedy to them. They lost their freedom, most of their worldly possessions, and Lithuanians by the tens of thousands lost their lives.

But wartime suffering did not bring to an end the misery and misfortune of the Lithuanian people. Since the end of the war they have been saddled with a Communist regime, imposed upon them by the Kremlin, and they have been suffering under Communist totalitarian tyranny. On the 52d anniversary observance of their independence day, let us all hope that soon these people regain their freedom and live in peace in their homeland.

A BLOW AT OUR SCHOOLS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. VAN DEERLIN. Mr. Speaker, much has been said within these halls about the ramifications in local school systems of President Nixon's veto of the $19.7 billion Labor-HEW appropriation bill.

With consideration of a new version of this legislation scheduled in just 2 days, this seems an appropriate time to examine how people back home, those most directly affected, regard the consequences of our failure to provide fully for authorized education programs.

The reaction understandably is sharp in my own county, San Diego, where hard-pressed school systems can ill afford the loss of any of their current total impact aid entitlement of $15 million. San Diego's school administrators and other concerned citizens find little logic in the oft-repeated argument that the impact aid program awards disproportionately high benefits to wealthy school systems; most San Diego school districts begin with a thin tax base, and problems are compounded by the presence of numerous tax-exempt installations.

Editorials summing up community views of the Federal education programs were presented recently in two of San Diego's suburban newspapers, the El Cajon Daily Californian and the Chula Vista Star-News.

Under unanimous consent, I will include the editorials at this point with my own remarks:

PRESIDENT'S VETO HURTS EDUCATION

Some school districts in the Inland Empire are going to encounter rough sledding if President Nixon's veto of the $19 billion appropriation for the Department of Health, Education and Welfare is sustained and there is no subsequent compromise enacted.

Grossmont Union High School District will lose $500,000; La Mesa-Spring Valley Elementary, $280,000; Cajon Valley Elementary, $189,000; Santee, $131,000.

There will in all likelihood be a compromise to ease the effects of this threatened dissolution of the federal impact aid program. This is, after all, an election year and the President would like nothing more than to elect enough Republicans to control the House and the Senate. He can't do it by sabotaging education.

So it may be a bit premature to hoist the distress flags and flash the S.O.S. signal. School districts have weathered more crises than the French government before De Gaulle and doubtless will be able to survive another.

Nevertheless, the President's veto of the HEW measure raises some disturbing questions.

One of the reasons Mr. Nixon vetoed the measure was because he considered it inflationary. Congress added $1.2 billion more to HEW's budget than the President requested.

If this were the action of a spendthrift Congress which had been trying deliberately to embarrass the President, the case for vetoing the measure might have been more plausible.

The truth of the matter is that Congress trimmed $7 billion from the budget, mainly in the area of defense spending. If Congress had not done that, the federal government would have been spending $7 billion more. Wouldn't that have been inflationary?

Unless it acted from motives other than those that are apparent, Congress appears to have been doing precisely what needs to be done: Giving health and education a higher priority than they have had in the past.

Mr. Nixon singled out the federal impact aid program for special criticism. He described it as "unfair."

This is the program whereby school districts educating children of federal employes get some financial assistance because government property is not subject to property tax levies.

The President exaggerated the alleged "unfairness" by citing the amount received by "the richest county" in the United States and comparing it with what the 100 "poorest counties" get.

We would agree that the allocations for education in the "poorest counties" need to be drastically increased. But the picture is grossly distorted by citing only the extremes. By comparing impacted and unimpacted areas the President is, in effect, comparing apples and oranges.

Federal installations, such as the Navy and Marine Corps facilities in San Diego, add nothing to the local property tax base upon which we rely for a large portion of our education funds.

Many of the people who work at those installations live in Inland Empire communities—El Cajon, La Mesa, Santee, Lakeside. They may own houses and pay property taxes, but the amount of tax collected by a school district on a home is insufficient to pay the cost of educating one child, let alone two or three. The per-pupil cost in Grossmont Union High School District, for example, is estimated for 1969–70 to be $861, only half of which is paid by local property taxes.

It is an error to judge all impact aid recipients by that "richest county" which the President said receives $6 million. None of the Inland Empire school districts are wealthy in terms of assessed valuation. Presumably most heavily impacted school districts are in the same category precisely because *tax-exempt* federal installations take up property which otherwise could be used for *taxpaying* private industry.

Fighting inflation is a good cause but so is quality education. By his veto the President has tipped the scales in favor of one at the expense of the other.

MR. NIXON'S VETO

President Nixon's veto of Congress' $19.7 billion appropriation for Health, Education, and Welfare (and the sustaining of that veto yesterday by a coalition of House Republicans and Dixiecrats) was appalling and shocking.

It was appalling because it hits directly at those Americans who need help most—the school children, the ill, the diseased, the poor.

It was shocking because it is a clear demonstration that the Nixon administration, in choosing its priorities, has decided that guns are more important than human welfare.

The President vetoed the bill on grounds that it would be inflationary. To an extent this is true, but only to a very small extent.

For the fact is that, while the President is quibbling about $1.26 billion that he feels Congress over-appropriated for Americans' education and health, he is spending $69.3 billion for the military, almost half of it in Vietnam. Actually, were it up to him alone, he would be spending $75.2 billion for the military (the amount he asked from Congress), but Congress cut his request.

This gigantic spending for military purposes is the real reason for inflation, and the real reason why, in the first year of Mr. Nixon's administration, prices have risen at

a greater rate than in any year since the end of World War II.

The ineffectual, half-way measures the Nixon administration has taken to try to halt inflation have brought only rising unemployment, reduced profits, a tumbling stock market, and interest rates so stratospheric that millions of Americans no longer can afford to buy a home.

The only real way to end inflation is to end the war. Short-changing of education and health won't do it.

Mr. Nixon, in his glib television address, did not mention this, of course. He would have Americans believe that the cause of inflation is congressional over-spending for human needs, rather than foreign military adventures. The President also told Americans some half-truths and outright falsehoods.

He gave as one reason for the veto, for example, that the bill would require the government to spend all the school-aid money by June 30. This statement, made on television by the President to 100 million Americans, is absolutely untrue.

Nobody knows this better than the superintendents and business managers of our own South Bay school districts. In fact, the school-aid money that Congress appropriated last year was received locally only last month.

Mr. Nixon also claimed that the impact aid program (extra aid to pupils from tax-exempt federal installations) is unfair, and cited an isolated example whereby a rich county received more in impact aid than a poor one.

However, federal installations do not normally locate in Beverly Hills-type communities, and most impact aid recipients are poor school districts.

For example, our own South Bay districts, which stand to lose up to $3 million because of Mr. Nixon's veto, are all below-average in wealth-per-pupil, and South Bay taxpayers next year face substantial local tax increases to make up for loss of impact aid unless an adequate compromise is reached.

If a few rich school districts are profiting inequitably from the impact aid program, let the program be revised. But you don't throw out the baby with the bathwater.

If, as the President stated, his administration plans to propose "urgent new reforms" in health and education, rather than "the same old programs," why didn't he propose them at the start of the fiscal year, instead of trying to chop down present programs in mid-year? These are programs which school districts and other public agencies undertook last fall in good faith because there was no indication they would not be continued at present levels.

By substituting rhetoric about unspecified "new programs" for money for present programs, Mr. Nixon gets away with a year of underfunding. The vetoed bill, for instance, appropriated $300 million for compensatory education, school libraries and innovative programs. This is $50 million less than appropriated last year, but Mr. Nixon wanted that chopped further to $190 million.

The bill also appropriated $25 million for bilingual education, much of it to help Mexican-Americans improve their English; Mr. Nixon wanted that chopped to $10 million.

Probably the most distressing half-truth told by Mr. Nixon was his statement that, "We spend more for health and education than any nation in the world." While this is true in strictly dollar terms (because American doctors charge such outlandish fees and costs in general here are higher), many other nations spend a much higher percentage of their national income in these fields. Americans actually spend more on whiskey than on education.

In health, the United States ranks 14th in the number of hospital beds per person (88 per 10,000 people, compared to front-ranking Sweden's 148). In infant mortality, the richest nation in the world ranks 17th. In life expectancy, we rank 12th for females and 21st for males.

Yet Richard Nixon cut the funds for health care and research.

His veto, and the sustaining of it, is one more example that the people in control of our nation have mixed-up priorities—that they think it is more important to spend our billions on guns and bombs than health and education.

No amount of slippery television rhetoric can obscure the fact that this is what Richard Nixon has chosen to do.

SEVENTY-FIFTH ANNIVERSARY OF THE SONS OF NORWAY FRATERNAL ORGANIZATION

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. ROONEY of New York. Mr. Speaker, many of our loyal Americans of Norwegian ancestry have begun the observance of the 75th anniversary of the founding of the Sons of Norway. This fine fraternal organization, which commenced business in Minneapolis, Minn., January 16, 1895, has long been a vital and dynamic force in the lives of our people who pride themselves on their Norwegian heritage.

Not only has the organization provided its widespread membership with the security of a well-established life insurance program as well as retirement homes for the elderly, but it has promoted significant social and cultural activities.

Junior members and the women's group, known as the Daughters of Norway, are given special attention in the broad civic and educational programs.

It is only natural that this patriotic segment of our population which has distinguished itself in the furtherance of America's farm and dairy industries should emphasize agricultural interests such as the organization's fine farm youth exchange program for providing Norwegian youth a practical farm experience and study at the Minnesota College of Agriculture.

The organization is deserving of commendation also for its program for providing scholarships to American students for study at the University of Oslo, Norway.

But the contribution made by the membership of this organization and their sturdy forebears has not been limited to agriculture. They have done much to enhance our shipping and maritime industry and they have been a significant factor in many fields of U.S. commerce and trade.

Mr. Speaker, I am particularly proud of the lodges of the Sons of Norway located in Brooklyn. I am grateful for the cooperation and help I have received from their leaders and membership in bringing greater benefits to our friends and neighbors in Brooklyn. I have always enjoyed their colorful celebration of the 17th of May.

To all the members of the Sons of Norway, I extend my congratulations for achieving 75 years of growth and accomplishments. I extend my warmest best wishes for their fullest enjoyment of this important anniversary year.

OIL IMPORT PROGRAM

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. BUSH. Mr. Speaker, recent statements concerning the oil import program have been made concluding there is no relationship between the oil import program and domestic natural gas reserves. This statement is in error, I feel, and the following remarks by J. W. Heiney, president of the American Gas Association should help set the record straight:

Senator William Proxmire "has again misinterpreted the facts on gas supply," said J. W. Heiney, President of American Gas Association.

Heiney said that in a statement yesterday in the Senate, the Wisconsin Democrat "was in error in stating that 'there's almost no relationship between the oil import control program and natural gas reserves.' The senator also overlooked information in his possession," Heiney continued "when he stated that 'no one in the Federal government apparently felt the need to check the data from the industry on gas reserves.'

"On October 20," the A.G.A. president said, "we found it necessary publicly to call attention to misinterpretations by Senator Proxmire on the gas supply situation. Yesterday he again distorted fact in a manner calculated to mislead his colleagues and the public on the important question of natural gas reserves.

"Senator Proxmire, in a letter dated December 31, 1969, posed four specific questions to Chairman John N. Nassikas of the Federal Power Commission. The first was: '(1) the amount of natural gas that comes from high cost and stripper wells?' In responding," Heiney added, "Chairman Nassikas noted that indeed a small proportion of natural gas came from stripper wells—actually less than 2 percent of the total associated dissolved gas which is produced in conjunction with oil. Senator Proxmire seizes on this statistic to support his contention that there is 'no relationship between the oil import control program and natural gas reserves.' The senator," declared Heiney, "ignores the more complete data submitted by Chairman Nassikas in the same letter to the effect that some 25 percent of total proved gas reserves are produced in association with oil—a fact which A.G.A. pointed out in its statement submitted to the President's oil import task force on July 14, 1969, along with other reasons why drastic changes in the import program could have an adverse effect on domestic natural gas reserves at a particularly critical time.

"A second major point made by Senator Proxmire questions the validity of reserve data. The senator says, 'We really do not have any hard information about our natural gas reserves. No one in the Federal government apparently felt the need to check the data from the industry.' Again, the senator ignores a description in the Chairman's

letter of extensive tests conducted by the staff of the Federal Power Commission through comprehensive and long-standing procedures to weigh the validity of reserve information submitted by interstate pipeline companies which account for some 70 percent of the domestic total." Heiney stated, "These are the companies which are subject to the jurisdiction of the Federal Power Commission. For example, the Chairman states 'Our staff does have access to detailed work papers in support of these interstate supply statistics and examines such supporting data frequently . . . Over the years these estimates as submitted by the pipeline companies have generally been considered by our staff to be reasonably accurate.'"

Heiney noted, "One of the senator's conclusions was that he hoped the President will not confuse the natural gas issue with the oil import program. The A.G.A., which represents some 370 gas companies serving 41 million meters amounting to some 140 million consumers is vitally concerned with the ability to render this service. We feel there is indeed a direct relationship between the natural gas supply question and the oil import program and this relationship is borne out by the facts which we have submitted in the record.

"We earnestly hope the President will heed these facts," stressed Heiney.

CRIME IN THE DISTRICT OF COLUMBIA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. HOGAN. Mr. Speaker, I have frequently called the attention of my colleagues to crime statistics for the District of Columbia to emphasize the immediate need to solve this problem. In addition, I have mentioned personal accounts of crime which are hidden behind impersonal statistical reports.

A friend associated with Thompson Honor Dairy sent me a note regarding the effect that crime in the District of Columbia has had upon their business operation.

I quote verbatim from the letter I received:

To add to your library of crime statistics, our dairy had 49 holdups of routemen in 1969 and our store here at the dairy was held up three times. We spend $2,000 a month for guards and dogs to try to prevent burglary of our trucks parked here at night and of our buildings. Just last week, four months after police were successful in catching two burglars entering our lots, the judge put them on a year's probation even though two days after these men were arrested here, they were arrested for another attempt elsewhere. I guess our experience is typical. Businessmen and others in Washington are getting pretty fed up with it though and I expect you'll see more activity in the business community this year. The President's program needs all our help I guess.

The letter was signed by Mr. Jack Ferguson, president.

I think that the contents of Mr. Ferguson's letter make the point quite forcefully. I can only add that the plight of businessmen who must finance protection which is supposed to be afforded by public agencies—for which they pay taxes—the police department and the courts—have every right to urge the Congress to action. When one reads letters such as this, it leaves the impression that runaway crime has created a state of anarchy, now. I urge that my colleagues think very carefully about this problem and move with the rapidity the citizens expect.

IMMEDIATE ACTION MUST BE TAKEN TO ASSIST BEEKEEPERS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. RHODES. Mr. Speaker, the State of Arizona is on the threshold of a severe agricultural crisis due to the loss of large numbers of honey bees from the use of agricultural insecticides.

In 1960, there were 108,000 colonies of bees on record in Arizona. By 1969, it was estimated that there were less than 40,000 colonies. The State bee inspector has recently estimated that less than half of these hives are alive today.

Most people think of beekeeping in terms similar to those of birdwatching or hamster raising. The fact remains that the honey bee is of utmost importance to Arizona agriculture for crop pollination purposes. Without bees and, therefore, beekeepers, the large number of crops that are dependent on pollinating insects—alfalfa, mellons, citrus—are in serious jeopardy.

A number of worthy long-range proposals have been put forward to deal with the problem. However, it is clear to me that immediate action must be taken to assist beekeepers and, hence, to insure the continued existence of honey bees essential to the agricultural economy of our State.

Accordingly, I cosponsored a bill, H.R. 10749, with the Honorable CATHERINE MAY, and other Members of this House, on April 30, 1969, which would authorize the Secretary of Agriculture to make indemnity payments to certain beekeepers for losses due to bees killed by insecticides which have been registered and approved for use by the Department of Agriculture.

On August 27, 1969, the Department recommended against the enactment of this legislation. However, it soon became apparent that the problem could not be ignored any longer.

As a result, the Department established an Ad Hoc Committee on Bee Losses which was named to study and report on the matter. On January 15, 1970, the committee issued its report which follows at the conclusion of my remarks. Among the numerous recommendations made was the following:

Because losses are sustained by the beekeeper under situations beyond his control, the Committee feels that some financial assistance to maintain this industry is necessary.

In view of the committee's conclusion, based upon a review of the situation with representatives of the Agriculture Stabilization and Conservation Service, the Federal Crop Insurance Corporation and the Office of General Counsel, it would appear that the Department would be prepared to withdraw its previous objections to H.R. 10749.

I am now informed that while the recommendations of the committee are receiving every consideration, the Department reaffirms its opposition to the bill.

Mr. Speaker, I am strongly critical of the Department's position on this matter and hope that it will see fit to address itself to this serious agriculture crisis in the Southwest.

To be sure, the problem cries out for long-range solutions, but neither can we afford to ignore the short-range implications. Until more favorable pest control practices can be established it is essential that some form of indemnification be made available to beekeepers for the loss of their bees due to the use of insecticides. This will help to insure that beekeepers remain in business and provide a necessary pollination service to the agricultural community until the very complex problems of pest control can be solved.

For the benefit of my colleagues who would like to know more about this matter, I am including an outline of a speech recently given by Dr. George W. Ware of the University of Arizona as well as a letter which I recently received from Dr. George E. Hull of the same faculty.

The material follows:

OUTLINE OF TALK GIVEN TO THE AMERICAN HONEY PRODUCERS' ASSOCIATION, JANUARY 26, 1970, OKLAHOMA CITY, OKLA., BY GEORGE W. WARE, HEAD, DEPARTMENT OF ENTOMOLOGY, UNIVERSITY OF ARIZONA, TUCSON

On November 18, I appeared at the Hearing on Bee Losses in the USDA Administration Bldg., Washington, D.C. I stated that the administration of the College of Agriculture strongly favor a direct form of indemnification to professional beekeepers for income losses due to bee kill by pesticides.

Arizona is in a particularly acute situation regarding honey bees. There were on record in 1960, 108,000 colonies of bees in Arizona, managed by 443 beekeepers. Now, in 1969, there are estimated to be less than 40,000 colonies managed by 228 beekeepers. Mr. Lyman Coe, our State Bee Inspector, has given me the following apiary inspection results:

	September	October	November	December
Apiaries inspected	92	66	57	89
Colonies of bees inspected	6,030	5,841	6,504	6,055
Colonies burned, American foulbrood	108	107	47	35
Number colonies found dead	3,541	3,390	4,215	4,347
Percent colonies found dead	59	58	65	7

Prior to 1967, the number of dead colonies in the fall has been 5%.

Several reasons can be cited for this decline, but the one outstanding factor is the great increase in the use of organophosphate and carbamate insecticides on cotton during this interval, especially in 1969.

Arizona has a mixed form of Agriculture, many crops of which are dependent on pollinating insects. Of greatest importance are alfalfa and onion seed production, all melon and cucumber crops, and tangerines, tangelos and mandarin oranges. Not well known is long-staple cotton's increased production from the pollinating activity by bees.

As an example of recent losses, from 1961 to 1965 the alfalfa seed acreage in Arizona

was 20,000 acres, yielding 190 pounds of seed per acre. In 1967 and 1968 the acreage dropped to 15,000 acres, yielding 110 pounds of seed per acre. In 1969 the yield per acre was down to 100 pounds, when the national average is more than double that. In Yuma this year, our major seed area, seed production was extremely low and in several fields none was harvested.

Arizona is faced with a dilemma. In 1968 DDT was removed from the University insect control recommendations. One year ago, 1969, our pesticide regulating body, the Board of Pesticide Control, placed a one-year moratorium on the agricultural use of DDT. That Board is to be commended for its timely action, particularly in view of the events that have occurred on a Federal level since their decision. The replacement for DDT, because of its low cost, became methyl parathion. The other materials of choice were carbaryl, azinphosmethyl, and Azodrin, all of which are, for general purposes, equitoxic to bees.

Because of Arizona's success in lowering DDT residues in selected agricultural commodities and the present attitude of the Food and Drug Administration as well as the general public, the Board of Pesticide Control continued the moratorium on DDT use for the 1970 growing season and will probably continue it thereafter. Consequently the same general insecticide use pattern on cotton will emerge for 1970, and the continued consequences will be experienced in the honey bee and pollinating bee industries.

Let me read to you a part of a talk entitled, "Unexpected Effects from Substitute Pest Control Methods" presented Aug. 18–20, 1969, by Dr. John E. Swift, Calif. Extension Entomologist, to the symposium on the Biological Impact of Pesticides in the Environment, Oregon State University, Corvallis.

"In areas where DDT could not be used, the farmers had to rely upon either organophosphorous compounds, a carbamate or various combinations including one or both of these types of chemicals. The most frequently used materials were Azodrin, Bidrin, Dylox, malathion, methyl parathion, parathion, Phosdrin, phosphamidon, Sevin, Thiodan, and toxaphene. Except for Dylox, toxaphene and Thiodan, all of these chemicals are classified as highly toxic to bees. Thiodan is moderately toxic to bees, and toxaphene and Dylox are considered relatively nontoxic to bees," (Anderson, 1967).

The impact of these chemicals on the beekeeping industry has been disastrous. In analyzing this, we should look at colony losses from 1963 through 1968, (Foote, 1969). 1963 has been chosen as the starting point, because it was during this year that DDT was placed on the injurious materials list and that permits were first required for its use. This brought about a reduction of DDT use and an increase in the use of phosphate and carbamate insecticides. The colony losses attributed to pesticides for this period are: 1963, 41,000; 1964, 41,000; 1965, 49,000; 1966, 55,000; 1967, 76,000; 1968, 83,000 colonies. These data point up the apparent effect of certain pesticides on honeybees. In 1963, (Foote, 1963) the almond growers experienced, for the first time, difficulty in obtaining and maintaining enough colonies of bees for pollination. This situation has become progressively worse, until in 1968 it was estimated that we were short at least 26,000 colonies for pollination of almonds, (Stanger, 1969). This is not only true for almonds, but we believe it is also one of the factors that has contributed to the decline of alfalfa seed yields, (Stanger, 1969).

Honeybee colony losses are not only due to the direct impact of the pesticides, but also many colonies go into the winter in a weakened condition because of exposure to pesticides, and are not able to recover sufficiently by spring and summer to do an efficient job of pollination, (Stanger, 1969; Foote, 1969).

California crops valued at more than 300 million dollars depend almost completely on honeybees for pollination. Among the major crops in this category are: almonds, alfalfa seed, apples, cherries, cucumbers, clover seed, melons, pears, plums, prunes and vegetable and flower seeds, (Foote, 1969). If the demand for honeybees as pollinators is not met, a number of agricultural enterprises in this state are going to be seriously hurt.

The beekeeping industry is depressed and a number of beekeepers are on the verge of bankruptcy. Decreasing income from honey and beeswax is not being offset by increasing income from rental of colonies for pollination, even though this practice accounted for 50% of the beekeepers' gross return for 1968. Honey production is down; prices are depressed by foreign competition; production costs have increased; and an average loss of colonies to pesticide of 15% is taking its toll, (Foote, 1969). The annual gross income of the beekeeping industry in 1965 was 8.5 million dollars; in 1966 it was 7.5 million; in 1967, 8.2 million; and in 1968, 6.7 million. This industry cannot survive at this level of economic return, (Foote, 1969)."

At present Arizona may have reached the threshold ratio for bees to bee-dependent crops. In some areas such as Yuma County and certain areas of Maricopa Co., the third largest in crop value in the nation, the bee population has fallen below the desirable level for pollination efficiency for citrus alone.

The honey bee has a rank of importance in Arizona for crop pollination purposes. We need honey bees, thus we need their keepers. There is no second generation of beekeepers to back up the existing one. When this generation goes, the domestic pollinating bee is gone. Personally, I fear that the situation may have deteriorated more than realized: Carl Benson, President of our Arizona Beekeepers Assn., is working full time for a public utilities company; Jim Smith, the largest beekeeper in the state, and his wife are both working full time for another business concern. These people, and others, have been forced to this action due to losses of colonies.

Cotton, vegetables, melons, citrus, alfalfa, grain and safflower are all vital to agriculture in Arizona. But the pollinating honey bee is also vital to a great portion of this very same and growing agriculture. These pollinating insects are domesticated animals and require the attention and care of their professional keepers. Without beekeepers we will, for all practical purposes, have no pollinating bees.

Now, to complete this three-legged stool, we find that insecticides are also essential in the production of practically every Arizona crop. But because pollinating honeybees are insects, they are killed just as easily and at the same time as the economic pest insects. And this is the cause of our dilemma: Arizona agriculture needs pollinating honeybees and insecticides. Unfortunately, and with no immediate solution on the horizon, the bee and our current selection of insecticides are, for all practical purposes, incompatible.

How do you solve this problem? We don't have the answers. We do know that agricultural practices and insecticide use patterns are not likely to change sufficiently in the immediate future to alleviate the present critical problem. There appears to be no choice but to establish some form of reimbursement to beekeepers when they are caught in today's complexity of agricultural production.

Because pollinating bees are essential to Arizona's agriculture, and as a result of the intersection of these circumstances resulting in a heavy decline of bees, we strongly favor federal indemnity to professional beekeepers for losses sustained from the agricultural use of insecticides.

What is actually being done by the University of Arizona's Department of Entomology to alleviate the bee kill situation on a local basis?

The entomologists are reviewing our four pollination information folders—citrus, alfalfa, melons and cotton. We are dropping the word "insecticides" from titles, and taking the positive approach of the value of honeybee pollination to all crops. In conjunction with this we plan to make several news releases timed to correspond with insecticide applications.

Meetings of our own department have been held with personnel from the U.S.D.A. Bee Research Laboratory in Tucson for brainstorming the bee problem. Many ideas have generated from these sessions, several of which have strong possibilities of aiding the beekeeper in the future.

The bulk of our cotton insect research is directed at cultural control of the pink bollworm, that is, by carefully timed crop plowunder during the diapausing period of the larvae. Other aspects involve the search for biological agents (bacterial and viral diseases), and parasites to control lepidopterous cotton insects.

We have also begun experimenting with the planting of alfalfa strips in cotton fields to harbor lygus bugs which move in after alfalfa hay cutting from nearby fields. Too, we started endorsing the strip-cutting of alfalfa fields to prevent the entire fields from being cut at one time and forcing lygus into cotton, which by the way, is not the preferred host of lygus. Alfalfa is indeed the preferred host, and we prefer to keep them in the alfalfa, thus avoiding their control with insecticides in cotton.

And finally, we are examining the biological clocks of insects to determine the time of day or night when they are most susceptible to insecticides. For example, we have just learned from carefully controlled laboratory experiments that pink bollworm moths are twice as sensitive to Guthion at sunrise as they are in late evening when they are most active. Actually this is exactly opposite of what we had expected and hoped. We knew that with respect to bee visitation, late afternoon and evening insecticide applications would result in the least loss.

Now let me tell you about the use of integrated control, illustrated by a most successful example conducted in Arizona last summer.

In 1968 the cotton growers of Graham County, Arizona through their pink bollworm committee, decided upon a cotton insect control program which called for scheduled weekly insecticide applications to the entire acreage involved. About 13,000 of the 17,000 acres of cotton in the county were in the program and treated for six consecutive weeks beginning in early August. The entire acreage was treated each week without regard to the insect populations present, and the cost of the six week program was about $198,000. Some growers put on additional applications after the program ended because of a late build-up of pink bollworms.

Dissatisfaction was expressed on the part of several growers with the 1968 program, and the pink bollworm committee asked the University of Arizona for assistance in improving their program for 1969. The College of Agriculture assisted the committee in organizing and conducting a program in which cotton insect control was based strictly on need.

Thorough and regular field sampling is required in order to treat based on need, and to accomplish this, the growers hired a supervisor and 8 young men as field scouts. Cotton scouts were given 2 days of intensive training on cotton insect identification and techniques of field sampling at the University. A third day of training was given in the field in Graham County by University entomologists and weekly meetings were held there to discuss problems and situations as the season progressed.

Eighty two growers with 12,750 acres and 652 separate cotton fields participated in the 1969 program. The Safford Valley was divided into 4 areas of about 3200 acres in each area,

with a pair of scouts assigned to check all the fields in each area on a weekly basis.

They recorded information on damaging and beneficial insects in each field and made this information available to the grower through the supervisor.

When a field was infested with a pest at or near the economic level the scout supervisor contacted the grower and re-checked the field. The grower then decided whether he wanted to apply chemical control. Extension Service publications containing information on economic levels and suggested insecticides helped him in making his decisions. Resource people such as the county agent were also available for consultation when questions arose.

The pink bollworm committee decided that treatment for the pink bollworm should begin when 15% of the bolls became infested. They also contracted on a bid basis for the chemicals and application to be used when necessary. These committee actions reduced the number of decisions made by individual growers as the season progressed.

Results of the 1969 program were that one field required treatment for stink bugs, 18 fields for lygus bugs and about 65 fields for pink bollworm. Considering multiple applications on most of the pink bollworm fields a total of 5500 acre treatments were made. This compares to 13,000 acres treated 6 times or 78,000 acre treatments in 1968 under the automatic program.

In 1969, 4,700 pounds of technical insecticides were applied, compared to 363,000 pounds in 1968.

Cost of insecticides and applications in 1969 were about $17,000 while the scouting service cost another $19,000. This amounted to $36,000 total cost in 1969, against $198,000 for 1968, or $162,000 less. Agricultural officials in the county believe insect infestations and cotton yields were roughly comparable in 1968 and 1969. Thus the program apparently reduced the production costs of the 82 growers involved by $162,000. This, of course, takes into account only the 1968 and 1969 seasons and it should be considered that the 1968 program was not a common practice for the area. Increased pink bollworm damage in 1967 as compared to previous years was largely responsible for the committee decision to adopt the massive or district control program of 1968.

Benefits from the "control based on need" type of program used in 1969 are far greater than the reduced cost and reduced environmental contamination as related in the figures previously given. This type program permits more effective use of the pest population management concept in cotton insect control which requires consideration of the entire agro-ecosystem. Proper population assessment permits treating when pests reach the established economic threshold or breaking point. In this way beneficial insects are given a chance to maintain a natural pest-beneficial insect balance which often prevents the need for insecticide control. Programs such as the one in 1968 destroy this balance and often result in minor pests becoming major pests. Insecticide resistance is also more likely to develop in the large scale scheduled program. Another major benefit of the 1969 program over the one used in 1968 is the much less harmful effect on honey bees and wildlife. You, of course, are vitally interested in the beneficial effect on the bee industry. Honey bees simply cannot survive in an area where large acreages are repeatedly treated with phosphate and carbamate insecticides as in the 1968 Graham County program. The quantity and quality of colonies in the county were both severely affected during that year, but are now back to original strength. This offers some hope for recovery by beekeepers in the bee disaster areas of central and western Arizona.

The University entomologists intend to pursue the effort to establish the concept of integrated insect control or pest population management in Arizona. This concept simply puts to use the best combinations of cultural, biological and chemical methods of insect control and proper field sampling is the key to making the approach work. Certain changes in cotton production practices, which we believe will effectively control the pink bollworm, along with insecticide treatment based on need during the growing season should put the Arizona cotton grower in a much more favorable position regarding pest control than he is in today. At the same time it should allow maintenance of an environment in which you beekeepers can survive and provide the vital pollination service for other segments of the agricultural community.

The problems facing agriculture with reference to pest control and the effects of pesticides on the total environment are many. However, we believe that the techniques described here can be applied to other crops and other areas much more intensively than they have in the past, resulting in benefits to all segments of agriculture.

UNIVERSITY OF ARIZONA,
COLLEGE OF AGRICULTURE,
Tucson, Ariz., February 3, 1970.

Hon. JOHN J. RHODES,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. RHODES: I have recently learned of your interest in the Arizona bee losses as they relate to the use of agricultural insecticides. This is a problem that our Department of Entomology and the Extension Entomologists have been working on for some time.

As you know, maintaining effective pest control while at the same time minimizing environmental contamination by pesticides and reducing adverse effects on beneficial insects, including especially the honey bee, is a complex problem facing those involved in Arizona agriculture. Growers simply could not produce certain crops, including cotton and lettuce, without insecticides to control the economic pests of these crops. It must be conceded, however, that loss of honey bee colonies to pesticide poisoning has severely damaged that industry in most of the state's agricultural area.

The problem, as it now exists, has been accentuated in recent years because of an increased pink bollworm problem in cotton. Growers have been uncertain regarding their ability to control this pest. As a result, a general trend has developed toward scheduled insecticide applications which begin at the first sign of pink bollworm in an area and continue until the cotton is ready for harvest. Vast areas are often involved in these scheduled spray programs and the secondary effects on the biota of these areas is sometimes severe. Honey bees, for example, simply cannot survive in an area where large acreages are repeatedly treated with insecticides, especially certain organo-phosphates and carbamates.

Another important factor has been the necessity to substitute highly toxic, broad spectrum insecticides with short residual activity for the more persistent chlorinated insecticides such as DDT. Although these substitute materials prevent a chronic hazard from remaining residues, they cause a much greater adverse effect within the ecosystem to which they are applied. Honey bee losses, for example, were much less of a problem when cotton growers used mostly DDT or the combination of Toxaphene and DDT than they are now as a result of the substitute used. It is ironic that the successful action to restrict the use of DDT to protect forage producers and dairymen has at the same time brought hardship upon another segment of the agricultural community, the beekeeping industry.

The University of Arizona is making every effort to assist in alleviating the problem of pest control and the effects of pesticides upon the total environment. Early termination of the cotton crops, along with certain fall and winter cultural practices, are being demonstrated to growers as preferable means of controlling the pink bollworm. Growers are encouraged to check fields during the growing season and to apply insecticides only when infestations reach an economic level in each field.

The practice of strip-cutting or strip-planting alfalfa in conjunction with cotton is being demonstrated as a means of avoiding the necessity of early and mid-season lygus bug treatment. Lygus bugs can be trapped in the alfalfa since they prefer this host to cotton and thus treatments which might accentuate other pest problems can be avoided.

Research Entomologists are looking for biological agents which can be used to control specific pests. A new strain of *Bacillus thuringiensis*, for example, shows promise for control of bollworms with little or no effect on other organisms in the treated area.

All of these methods can be classed as part of the concept of integrated insect control. This concept simply puts to use the best combinations of biological, cultural, and chemical methods of control. Minimum use of chemicals is assured when this type of pest control program is adopted.

The University assisted Graham County cotton growers, at their request, in establishing and conducting an insect control program in 1969 by which pests were controlled on an individual field basis as field sampling showed a definite necessity. In 1968 these growers had treated the entire area each week during a six week period without regard to the insects present. Results showed the 1969 program reduced the growers production costs and required only 5500 acre treatments with insecticides as compared to 78,000 acre treatments in 1968. Honey bee colonies were severely affected in both quantity and quality in 1968, but were back to original strength at the end of 1969, with the exception of some lingering 1968 damage. Although dramatic results such as this cannot be expected under other circumstances, it does offer hope for recovery by beekeepers in other areas of Arizona.

Until more favorable pest control practices can be established in Arizona, it has been suggested by University Entomologists that some form of direct indemnification be made available to professional beekeepers for income loss due to bee kill by pesticides. This would encourage beekeepers to stay in their profession and provide the vitally needed pollination service to the agricultural community until the complex problems of pest control can be more satisfactorily solved.

If members of our Extension faculty can be of assistance to you, please let us know.

Sincerely,

GEORGE E. HULL,
Director.

REPORT OF AD HOC COMMITTEE ON BEE LOSSES

(Committee members: Leo G. K. Iverson, Chairman; Stan Cath, NASDA; H. C. Cox, Entomology Research Div., ARS; Marshall Levin, Entomology Research Div., ARS; Paul W. Bergman, Federal Extension Service.)

The Ad Hoc Committee on Bee Losses has considered the information and views presented at the November 19, 1969, meeting in Room 218–A, Administration Building, USDA, and the information submitted in writing from those invited but who would not attend the conference. Several general conclusions have been drawn from the information presented. They are:

1. The beekeepers and their associations are not a closely-knit, well-organized group.

As such, they are in no position to bargain from strength, but they do need assistance to protect their bees from certain pesticides.

2. Consistent and heavy losses in recent years have put the individual beekeeper in serious financial straits.

3. The supply of pollinating bees has reached a critical level and continued losses would seriously threaten the capability of producers of specialty crops such as melons, alfalfa seed, etc., to continue those operations. Furthermore, the fruit industry will in a short time be faced with a critical shortage of domestic and wild pollinators.

4. The beekeepers themselves have a responsibility to avoid hazardous areas when this information is available.

The task force has considered the suggested solutions extracted from those recorded at the conference on November 18 and submitted in written statements. Particular note was made of the beekeepers' concern about further restrictions on the uses of DDT. As a result of this review, the task force is recommending the following course of action to be pursued by the several agencies within USDA and the National Association of State Departments of Agriculture. It is recognized that the following recommendations will not fully resolve the plight of the beekeeper, but are measures the Committee feels will provide some relief and protection to the beekeeping industry.

NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE

1. Take the lead and develop a uniform model State law designed to protect the beekeeping industry against excessive losses from pesticides. An amendment to the model State pesticide law may be possible. This law, among other things, would prohibit the use of hazardous materials on crops where bees are working during the pollinating season, set certain restrictions with respect to time of application, wind conditions, selection of control materials, etc., in areas of highly diversified agriculture. The Department of Agriculture should provide the technical assistance in drafting suggested uniform State legislation.

2. Assume a lead role in exploring the possibilities of establishing bee sanctuaries on State and Federal land. Further efforts should be made to reduce, or eliminate, the present fee system. USDA is to lend assistance in this effort.

3. Explore the possibility at the local level of establishing bee dependent specialty crop zones apart from those crops requiring the use of insecticides known to be hazardous to bees.

FEDERAL EXTENSION SERVICE

1. To take the lead role in developing a comprehensive information program aimed at the fruit industry and producers of specialty crops to create an awareness of the critical shortage of domestic pollinating bees and the need to protect the bee industry. To accomplish, the Federal Extension Service should:

a. Encourage the State Cooperative Extension Service to sponsor meetings and programs between crop producers and beekeepers which will stress the importance of bees, the critical situation and the need to protect the bee industry. Efforts should be directed toward solution at local levels.

b. Disseminate available information with repect to insect populations throughout the country which may require control that would be pertinent as potential hazards to beekeepers.

c. Reemphasize the importance of bees and their protection in 4–H and other youth organizations.

2. Develop a staffing pattern at the national level of the Federal Extension Service necessary to implement a national bee safety program and the ongoing pesticides safety program with special emphasis added to include programs to protect bees and other beneficial insects such as parasites and predators that contribute to the biological control of serious agricultural pests.

AGRICULTURAL RESEARCH SERVICE

Entomology Research Division—The Entomology Research Division should assemble a package of information on various subjects to support the Federal Extension Service program designed to protect the bee industry.

The Division also should review its pest control recommendations to determine those which constitute a hazard to bees and highlight those with a warning or caution statement.

ARS Information Division—This Division should plan timely news releases containing information on insect outbreaks and cooperative State programs which will be pertinent to beekeepers. Feature stories about value of bees as pollinators should be prepared.

Plant Protection Division—1. It is recommended that this Division in its cooperative State-Federal programs where materials known to be hazardous to bees are required should plan its programs well in advance of the control season. This information should be disseminated through the ARS Information Division and State Departments of Agriculture in time for the migrant beekeeper to avoid such areas in his search for summer range.

2. Where bees are working and there is a choice of control material available to control those pests involved in Cooperative Federal-State programs, the one least hazardous to bees should be selected. Further, it should be applied during the time of day or season when minimal numbers of bees are in the field.

3. The Plant Protection Division conducts an economic insect survey and publishes a comprehensive weekly report on insect conditions. This information is provided under contract or through the voluntary submission of insert notes gathered at the State level. The Division should insist that State cooperators assembling this information use it at the local level promptly to notify beekeepers of insect conditions that will require control programs.

4. The Plant Protection Division should explore the possibilities or working out arrangements with its cooperators to move bees from those areas where emergency outbreaks preclude the opportunity to provide beekeepers adequate notice of control operations.

5. *Pesticides Regulation Division.*—A conference between the bee-keepers and the Pesticides Regulation Division last year has resulted in suitable precautionary labeling.

ALTERNATIVE CHEMICALS

One of the critical problems clearly identified at the November conference involved the use of carbaryl for corn earworm control. The need for alternate materials to prevent serious bee losses in those areas of the country where sweet corn is grown was clearly established. Inquiries were made with respect to the registration status of Gardona, Lannate and Thiodan.

The Committee contacted the Pesticides Regulation Division to determine the current status of these materials.

Lannate (Methomyl) has been registered for corn earworm control. Its only restriction cautions against grazing or feeding treated plants to livestock within 3 days after the last application. This material appears to have real promise as an alternate for corn earworm control.

Thiodan (endosulfan) has been registered for corn earworm control for fresh corn only. It was learned that the company restricted the use of this material to fresh corn. It has a further restriction in that the label cautions against feeding treated foliage, or ensilage to livestock and against grazing treated fields. These restrictions severely limit the use of this material as an alternate to carbaryl, except under limited circumstances.

Gardona has been registered for use against the corn earworm on corn grown for seed. The company has applied for a registration that will permit its use on sweet corn. This application with data to support the petition for tolerances on forage and grain was filed in February 1969. The Department certified the usefulness of this material for this purpose and forwarded the application to the Food and Drug Administration in April. We expect a tolerance decision early in 1970.

If a tolerance is approved, this material should be an excellent replacement or carbary'. The label states that it may be applied up to the date for harvest on fresh corn for human consumption and a 5-day interval between the last application and feeding forage to cattle.

USDA POLICY

The Committee recognizes specific agencies have been selected to initiate certain activities oriented toward the protection of the bee industry against the losses associated with the need for pesticides. The committee does not intend to limit concern for bees to the agencies and organizations named.

Indemnity payments are not necessarily the answer to the beekeeper's financial situation. There are those on the Committee who feel that pollination of specialty crops should rightfully be a production cost paid by the grower. Because losses are sustained by the beekeeper under situations beyond his control, the Committee feels that some financial assistance to maintain this industry is necessary.

This matter was reviewed with representatives of the Agricultural Stabilization and Conservation Service, the Federal Crop Insurance Corporation and the Office of the General Counsel. These discussions were conducted in terms of existing legislative authority as the basis for some form of direct compensation or payment by USDA to beekeepers for loss of their colonies resulting from the use of pesticides. In the opinion of the Committee, there is no present legal authority for direct payments to beekeepers.

There was considerable discussion as to the basis and substance of a proposed program to provide financial assistance to beekeepers. The loan-type program of Farmers Home Administration, for example, does not appear appropriate since these must be repaid, and it is our opinion that this would not satisfy the needs of beekeepers. There were indications that some form of "insurance program" probably would be the most practical approach, especially in line with the other actions recommended in this report.

The Committee recommends that the basis and substance of an "insurance program" be developed and necessary legislative authority be proposed to implement such a program of financial assistance by USDA to the Nation's beekeepers.

UNITED STATES ASKED TO PAY $28 MILLION TO WEALTHY SOUTH VIETNAMESE LANDLORDS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. JACOBS. Mr. Speaker, I commend to the attention of this body the recent remarks of Mr. Joseph McCaffrey, distinguished Capitol Hill commentator, concerning the shamelessness of certain allies:

[Broadcast from WMAL–TV, Washington, D.C., Jan. 27, 1970]

COMMENTARY OF JOSEPH MCCAFFREY

President Nixon is waging his own war on inflation, in his own way, but it doesn't seem to be paying off.

The real root cause of most of the inflationary pressure in this country is coming from that war in Vietnam. It is impossible—and the war itself proves this—to sustain such an effort over a period of more than eighteen months or two years without setting off an inflationary spiral.

We survived fairly well with minimal inflation during the early years of the war in 1964 and 1965 and part of 1966, and then the lid began to bubble off the pot as it boiled over.

Now along comes the General Accounting Office to tell the hard pressed American taxpayer that he is paying through the nose for that war in more ways than one. In addition to Uncle Sam paying some twenty-five billion dollars a year to fight in South Vietnam, he has also shelled out more than twenty-eight million dollars in taxes to wealthy South Vietnamese landlords.

The General Accounting Office says that it is inappropriate for the United States to pay South Vietnam taxes, directly or indirectly, while spending billions of dollars annually in defense efforts there and elsewhere.

And yesterday South Vietnam President Thieu said the allies weren't doing enough to help his government.

There is some difference of opinion on that, here in this country.

EUGENE C. PULLIAM RECEIVES WILLIAM ALLEN WHITE JOURNALISM AWARD FOR 1970

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. BRAY. Mr. Speaker, on February 10, 1970, Mr. Eugene C. Pulliam, publisher of the Indianapolis News, Indianapolis Star, Arizona Republic, and Phoenix Gazette, received the William Allen White Award for journalistic merit for 1970 and delivered the 21st annual William Allen White lecture at the University of Kansas School of Journalism.

In his lecture, Mr. Pulliam recalled his personal acquaintance with White and related White's journalistic principles to today. The text of Mr. Pulliam's speech follows:

TEXT OF PULLIAM AWARD LECTURE

LAWRENCE, KANS.—This is the text of the 21st annual William Allen White memorial lecture given yesterday at the University of Kansas by Eugene C. Pulliam, publisher of the Indianapolis News and The Indianapolis Star.

Pulliam's talk, "The Unchanging Responsibility of the American Newspaper In a Changing Society," was made as he accepted the William Allen White award for journalistic merit.

This is one of the happiest days of my newspaper career . . . to come back home to my native state of Kansas—home, where I was born, where my son was born, and where I began my newspaper work—to meet so many of my newspaper friends and to be reminded of so many friends who came out of K.U. to become nationally-known newspapermen.

Oscar Stauffer and Roy Roberts were among my fellow reporters when I was breaking in on the Kansas City Star—Marvin Creager, Courtney Riley Cooper, George Longden, John Lovett, Jerome Beatty and so many other great ones.

We all had tremendous respect—almost an awe—of William Rockhill Nelson, then publisher of the Kansas City Star. He was one of the three or four great newspapermen of his time and we all knew it.

WHITE—GREAT INSPIRATION

But even then it was William Allen White who was really the great inspiration to those of us who aspired to greatness.

Most of us had the privilege to know him personally, for he was never too busy nor too bored to have a chat—to offer a word of advice or a paragraph of encouragement to his still-unknown young colleagues.

More than any other man, William Allen White embodied the tradition and the spirit of independence for which Kansas was renowned; more than any other man he encouraged and expanded that spirit across the country.

More than any other man of his generation he inspired newspapermen—of all ages—to strive for steadfast adherence to the highest ideals of journalism. In our hearts we revered and cherished him. He was the reporter, the editor, the newspaperman we most wanted to be like.

The annual award of the William Allen White Foundation gives continuing recognition to the great man himself and this is as it should be—for no American more truly embodied the noblest ideals of American journalism in his life and in his work.

It's now more than a quarter of a century since he left the scene, but the "words of his mouth and the mediations of his heart" are still an undiminished inspiration to all newspapermen who want to become great newspapermen.

"SENTIMENTAL JOURNEY"

And so you can surely understand why this is a sentimental journey for me—to come back to the University of Kansas to be recognized by my own colleagues in the field of journalism . . . and you must know I am honored and humbled to accept the William Allen White Award for Journalistic Merit.

And now—today—how can we best express our love and esteem for William Allen White? How can we translate it into practical service? What must we do to reaffirm and strengthen the determination of American newspapermen to protect and perpetuate, as a basic right of the free press, the inviolable right to know and to print the truth? Let us examine our situation.

We have crossed the threshold and have stepped into the 70s. Once again the American press faces a great challenge. We commence this new decade as the strongest, freest, most compassionate and humane nation on earth; yet from all sides we daily hear intemperate criticism and ridicule of our way of life, of our cherished values, of our inspired traditions and of our national character.

And millions of us, in what President Nixon has called the "silent majority," are silent, doing nothing to challenge and to disprove these criticisms.

For more than 10 years a hodgepodge of downgraders of America has tried to convince us that everything we believe in, everything we have done in the past and everything we plan to do in the future is wrong.

Their violent actions on college campuses, their desecration of public buildings, their despoliation in our cities—mostly unhindered and unchecked—are paraded before us in newspapers and magazines and on TV as though these people actually were the prophets of some glorious future instead of the destroyers of both our necessary public institutions and our private property.

BOMBARDED BY DOWNGRADERS

We are bombarded by these downgraders of America with their claim that our system is oppressive of freedom. Can they name any country that really permits more personal freedom? That willingly extends more private charity—more than $6 billion of it per year?

That guarantees more civil rights, has more democratic institutions, more freedom of speech, more freedom to travel—in short, more of everything that makes life promising and good and rewarding?

To be sure I am shocked and ashamed and often angered by some of the things these people have said and by most of the things they have done. But they have a right to say what they believe. No good will come from silencing them. We have to listen—and, in fact, we need to listen. But we do not have to follow—nor do we have to stand by in silence and inaction.

Let us look ourselves straight in the face. As newspaper people—who always have insisted on objectivity and still do—we have got to ask ourselves whether we honestly have been objective in our coverage of the violent words and actions of the dissenters.

Have we really printed both sides—or have we succumbed to the lure of printing essentially the sensational? What have we done to awaken Mr. Nixon's silent majority? What have we done to make it a vocal majority—with a voice powerful enough to be heard at least as clearly as the voice of the dissenters?

In this troubled era, have we given all the facts—or have we allowed the self-appointed leaders, the noisy publicity seekers, the quasi-righters-of-all-wrongs—to make the news by over-coverage of their criticisms and condemnations?

In short, have we honestly served our country and our consciences by reminding our readers again and still again that in spite of our weaknesses, and they are plenty, there is, nevertheless, much that is right with America?—and that this and this and this is what it is?

CAUTIONED BY LINCOLN

More than 100 years ago Abraham Lincoln cautioned us thus—"never to violate the laws of the country and never to tolerate their violence by others" . . . to "let reverence for the law . . . be taught in the schools, seminaries and colleges, let it be written in primers, spelling books and almanacs, let it be preached from the pulpit and proclaimed in the legislative halls, and enforced in the courts of justice" . . . in short, to "let it become the political religion of the nation."

That was Lincoln's reaction to the murder of Elijah Lovejoy. But long before that he had recognized the danger of unrestrained and unpunished violence. He was castigated far more bitterly then than any of us who today, insist that there must be respect for the law or the country is doomed.

If we object to the law, let us amend it or modify it or repeal it. But while it is the law, let us obey it.

Violence in expressing opposition to the law has become a way of life with far too many among us today. The health—and in fact the survival—of this country demand that this be stopped; and as the freest voice on earth, the American press must face the hard fact that this job is squarely on our shoulders.

It is on our shoulders because we elected to become newspapermen. As newspapermen, we rely upon constitutional guarantees of our right to know—and to tell—the truth; and we are charged with the responsibility to arouse the people of this country to the danger of their silence and their inaction; for they, in turn, must arouse their elected officials, including the Congress of the United States, to the fact that the American people

demand action; that they will no longer stand silent, lulled by the affluence of this era or spoiled by the permissiveness and indulgence which seem typical of the century.

AGNEW'S BLUNT CRITICISMS

Now about Mr. Agnew and his blunt criticisms of the network newscasters and commentators and of those newspapers which follow a policy of sensational instant-presentation of the news and their interpretations of it.

If this were a one-time shot, a one-time complaint, we wouldn't need to be too disturbed about what the vice-president said. All of us know that much of what he said is true.

Despite all the disclaimers to the contrary, however, there was at least an implied threat of a crackdown on network licenses in the vice-president's remarks. The public, more wide awake than usual, I think, felt he was sounding a warning to the networks to behave—or else. And we have been told and told again that the vice-president spoke with the President's advice and consent.

If Mr. Agnew's remarks had gone unchallenged it is quite possible that the Federal Communications Commission would—before long—have taken some restrictive or even punitive action against the networks; if not now, then at some later date when some other government official lashes out at TV and the press.

Of course government officials have a right to complain, as often and as loudly as they wish, about how bad they think the press and TV are. But if newspapers and TV did not answer these complaints with the truth, and with a reaffirmation of their right to know the truth and to give free expression to it, it wouldn't be long until network news would be regulated outright.

After that, there would most certainly be an all-out effort by the Federal bureaucracy to license and regulate the press.

COMPELLING RESPONSIBILITY

Right here I want to emphasize the compelling responsibility which newspapers have to defend the networks and TV in their program of covering the news.

We may not agree with everything they say and we may not agree with how or when they say it.

Granted they have hardly over-exerted themselves to defend the newspapers when we instead of they have been under attack, nevertheless the fact remains—their fight is our fight, just as ours is theirs.

We must remember that when the First Amendment to the Constitution was adopted there were no such things as radio and TV.

From their beginnings, radio and TV were obliged to get their license to live from the Federal government . . . and they still are even today, when radio is more than 40 years old and TV has come of age.

Even today neither is permitted to run its own affairs without having the Federal government looking over its shoulder and so, at best, radio and TV remain only half-free, subject to the caprice of the Federal government.

I would remind you that in January of this year the task force of Dr. Milton Eisenhower's Commission on Crime and Violence dared to suggest, in all seriousness, that the government set up a review commission to pass upon the performance of TV and newspapers.

It was a definite and direct call for positive censorship of the press. It was done in the guise of trying to show the press how it could solve all the problems of violence on the campus, in the streets, et cetera, et cetera, for which Dr. Eisenhower's task force charged that TV and newspapers are largely responsible. That charge, of course, is ignorant and mischievous nonsense.

Newspapers are a unique sort of institution. They have been set apart for the protection and the promotion of the public welfare. They have been set apart as the guardians of the peoples' freedoms, individually and as a people. They have a continuing and constant responsibility to present not only both sides but all rational viewpoints.

LEADERS SUPPORT PRESS FREEDOM

One of the most interesting and significant things in the history of the free press in America—far too often overlooked—is that almost without exception every great leader in American history has spoken out emphatically in support of freedom of the press.

In 1786 Thomas Jefferson, who often criticized the press, said: "Our liberty depends on the freedom of the press—and that cannot be limited without being lost."

Recall a few more of our great own men and those in other parts of the world who agreed with Jefferson. Immediately, of course, we think of George Washington and Abraham Lincoln; of Madison and Adams; of Emerson and Dickens and Henry Ward Beecher; we think of Disraeli and Churchill and Justice Hand; of Joseph Pulitzer; of Sen. Borah and Justices Brandeis and Frankfurter . . . it is a long an an illustrious list.

These men were not theorists. They were men in posititions of great responsibiilty and their experience told them that only with a free press could any government endure.

In the knowledge of such overwhelming support and appreciation of a free press by so many great world leaders, we can reassure ourselves that it is ridiculous and irresponsible for Dr. Eisenhower's committee—or any other—to charge that newspapres and TV are to blame for the crime and violence in this country and that the government should establish a commission to review their performance.

Today, on this occasion of again recalling the greatnes of William Allen White, I want to come very close to home now—and call to mind the American Society of Newspaper Editors, of which I have long been a member.

I am shocked and nearly incredulous that any member of that society should be influenced by demands such as those made by the Dr. Eisenhower task force.

I am appalled that a handful of the members of that society have seriously proposed the establishment of a so-called "grievance committee" of the society to review the performance of its members.

CENSORING MOST DANGEROUS THING

Whether it is by the government, by the American Society of Newspaper Editors or by any other group—no matter who it is—I say with all the strength at my command that any organization set up for the purpose of censoring the press of this country—and succeeding in doing so—would be the most dangerous thing the people of this country could possibly face.

I have sufficient respect for the membership of the American Society of Newspaper Editors to predict that any real attempt to establish a "grievance committee" to review the performance of its members would be overwhelmingly defeated.

Let me recall once again the words of Jefferson which I quoted earlier in this speech: "Our liberty depends on the freedom of the press, and that cannot be limited without being lost."

William Allen White and all his peers in the roster of great American newspapermen committed themselves to a lifelong fight against censorship. They committed themselves to the proposition that the American press has the right to know the truth and freely to report it to the American people.

Any curtailment of that right by any committee or bureau or official of the government is undisguised censorship; and, as of today, thank God, our Constitution forbids it.

The world has changed dramatically since William Allen White lived in it, but the things he believed in are timeless and unchanging. And so I have spoken today, as he so often did, with emphasis on the preservation of freedom of the press and, through it, the protection and perpetuation of the peoples' right to know.

Without a free press, who can truly speak for man? Who can present to him the truths he must have in order to develop enduring solutions to the agonizing problems which plague the world today—the problem of finding the means for stopping war; for ending real poverty and ignorance and racial stress with their concomitants of crime and violence and disregard of the law; the problem of rescuing man's environment from further corrosion before our air and water and food sources are permanently poisoned and our invaluable treasury of wildlife totally wiped out.

WITHOUT A FREE PRESS

These are only a part of the problems which man faces. But make no mistake about it, without a free press he faces these and all others practically without a prayer.

Only the newspapers have the peculiar resources to arouse the American people to the part they can and must play in demanding the solutions to their problems—and to back them up in their demands until they have been met.

I urge all who are newspapermen, and all who would be, to face up to the awesome challenge of today. Unless we do, we are not fit to be newspapermen and our newspapers are not deserving of the singular safeguards given us by the First Amendment.

In closing, I want to salute the William Allen White Foundation, the University of Kansas and its great school of journalism.

It is an admirable service to America to have accorded this continuing recognition of the splendid contribution William Allen White made to freedom of speech and of the press during his lifetime.

We can be everlastingly grateful that his example continues to be the inspiration of America's greatest reporters and editors and publishers; that his goal is their goal.

Again, my most grateful thanks for this award. You have been a wonderfully gracious audience and I have been happy beyond words to be here today.

Good luck—and God bless all of you.

SILVER COINS

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. McCLURE. Mr. Speaker, among the nations currently issuing silver coins is Haiti. That country is minting three of them at the present time—in denominations of 25, 10, and 5 gourdes.

The number of coins minted is not known, but it is believed that they have been put in circulation principally for sale to coin collectors.

Also, the Communist country of Albania issued three silver coins last year, in denominations of 5, 10, and 25 leks. The coins have been minted in pure silver.

Throughout the world, governments continue to issue coins of intrinsic value. Some are obviously issued to satisfy the demands of coin collectors alone. Others are minted in sufficient numbers so as to meet the needs of commerce. It is regret-

table that the leading country in the world is phasing out silver coins and replacing them with relatively worthless tokens.

YOUTH GROUP FOR TITLE II REPEAL

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. MATSUNAGA. Mr. Speaker, refreshing evidence that a large segment of our youth today possesses conscientious concern and a sense of personal responsbility for the larger society is shown by the unanimous adoption by the California YMCA Model Legislature of a resolution calling for the repeal of the Emergency Detention Act.

The model legislature is an annual event held in Sacramento and sponsored by the Young Men's Christian Association. This significant program, now in its 22d year, provides high school youth from all over California with an opportunity to involve themselves in a 4-day study of the legislative process. Each branch brings with it to the model legislature a specific piece of legislation which it feels is important to the people of California. The delegation from the Crenshaw branch of the Los Angeles YMCA was one of the 73 branches to participate this year, and it spearheaded the unanimous adoption of the joint resolution calling for the repeal of title II of the Internal Security Act of 1950.

This indication of support from a broad cross section of our Nation's youth for the removal of the concentration camp authorization law from our statute books is indeed noteworthy. I congratulate the participants in the model legislature, especially members of the Crenshaw branch of the Los Angeles YMCA.

Those deserving special commendation for the leadership they displayed in adoption of the resolution are: Norman Senzaki, 16; Timmie Manaka, 16; and Wayne Shimoguchi, 16; all of the Mercuries Hi-Y Club; Kendric Kapikawa, 17; of the Comets Hi-Y Club; and Peter Hubbard, 17; of the Leaders Hi-Y Club.

In order that the Members of Congress may have the opportunity to read the recently adopted resolution of California's YMCA Model Legislation, I submit it for inclusion in the CONGRESSIONAL RECORD at this point:

ASSEMBLY JOINT RESOLUTION No. 123

(Introduced by members representing the Crenshaw branch of the Los Angeles YMCA, Jan. 29, 1970)

A joint resolution relating to the repeal of title II of the Internal Security of Act of 1950

Whereas, the Congress of the United States has heretofore adopted Subtitle II of the Internal Security Act of 1950, commonly known as the Emergency Detention Act; and

Whereas, the Emergency Detention Act authorized detention of any person on the mere probability that he will engage in acts of espionage or of sabotage during proclaimed periods of "Internal Security Emergency"; and

Whereas, a person detained under the Emergency Detention Act will not be brought to trial under law, but instead will be judged by a Preliminary Hearing Officer and a Detention Review Board, wherein the detainee must prove his innocence, but the government is not required to disclose evidence or produce witnesses to justify the detention; and

Whereas, in 1942, 70,000 Americans of Japanese ancestry were removed to detention camps, and their loyalty to this nation's government was challenged without protection of the civil rights and liberties guaranteed to them under the Constitution;

Now, therefore, be it resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California strongly urges the Congress of the United States to repeal Subtitle II of the Internal Security Act of 1950; and

Be it further resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Honorable Richard M. Nixon, President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; and the Honorable Ronald Reagan, Governor of the State of California.

NO ROOM FOR SLOBS

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. QUIE. Mr. Speaker, I wish to draw an article by Dr. K. Ross Toole entitled "No Room For Slobs" to the attention of my colleagues.

This article appeared in the February 8, 1970, issue of the Billings Gazette. Dr. Toole addresses himself to the problem of the "anti-establishment" youth of America and suggests some actions which the older generation might take to alleviate this discontent.

The article follows:

NO ROOM FOR SLOBS

(By Dr. K. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of anyplace except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I have had one coronary, I am a "liberal," square and I am a professor. I am sick of the "younger generation," hippies, yippies, militants and nonsense.

I am a professor of history at the University of Montana, and I am supposed to have "liaison" with the young. Worse still, I am father of seven children. They range in age from seven to 23—and I am fed up with nonsense. I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards—usually accompanied by a gift in cash or kind.

TIME TO CALL A HALT

Its time to call a halt; time to live in an adult world where we belong and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point, and respect when they deserve it. We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled, head-on, a racial problem which no nation on earth in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history. It has begun these things, not finished them. It has declared itself, and committed itself, and taxed itself, and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's, or his. Its greatest mistake is not Viet Nam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth, and its sick preoccupation with the problems, the mind, psyche, the raison d'etre of the young.

Since when have children ruled this country? By virtue of what right, by what accomplishment should thousands of teenagers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archiac mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash!

YOUTH THE PRODUCT OF 3,000 YEARS OF DEVELOPMENT

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years: he is the product of 3,000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that minority threatens to tyrannize the majority and take over. I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the minority and the majority. I speak partly as a historian, partly as a father and partly as one fed up, middle-aged and angry member of the so-called "establishment"—which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society, it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen, they will only shout down. They will not discuss but, like four year olds, they throw rocks and shout.

ARROGANCE IS OBNOXIOUS

Arrogance is obnoxious; it is also destructive. Society has classically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises? It is not the police we need, (our generation and theirs) it is an expression of our disgust and disdain. Yet we

do more than permit it, we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors. Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

Today's young people did not invent it; they do not own it. And what they seek to attain, all mankind has sought to attain throughout the ages. Shall we, therefore, approve the presumed attainment of it through heroin, speed, LSD and other drugs? And shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into this world? Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain, in our potty, middle-aged way, that what they seek, we sought; that it is somewhere but not here and sure as hell not in drugs; that, in the meanwhile, they will cease and desist the poison game. And this we must explain early and hard—and then police it ourselves.

ESTABLISHMENT MALLEABLE

Society, "The Establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations—as it will be the story of the generation coming up. Yet we have worked a number of wonders. We have changed it. We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about unjustices, inequities, the military-industrial complex and bureaucracy. But we have attacked these things. We have, all our lives, taken arms against our sea of troubles—and fought effectively. But we also have fought with a rational knowledge of the strength of our adversary; and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of the forces of evil is not about to occur. We win, if we win at all, slowly and painfully. That is the kind of war society has always fought—because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance, and instant gratification. That is not idealism; it is childish tyranny. The worst of it is that we (professors and faculties in particular) in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor I meet the activists and revolutionaries every day. They are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not! Che Guevarra becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake. Mao Tse Tung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. They are the pattern-makers for the SDS and the student militants. I have yet to talk to an "activist" who has read Crane Brinton's, "The Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engles. And I have yet to talk to a student militant who has read about racism elsewhere and/or who understands, even primitively, the long, and wondrous struggle of the NAACP and the genius of Martin Luther King—whose name they invariably take in vain.

An old and scarred member of the wars of organized labor in the U.S. in the 1930's recently remarked to me: "these 'radicals' couldn't organize well enough to produce a sensible platform let alone revolt their way out of a paper bag." But they can, because we let them destroy our universities, make our parks untenable, make a shambles of our streets, and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are antideluvian, not because we are middle-class materialists—but simply because we have failed to keep that generation in its place and we have not because we are middle-class materialists—but simply because we have failed to keep that generation in its place and we have failed to put them back there when they got out of it. We have the power; we do not have the will. We have the right, we have not exercised it.

NEED REAPPRAISAL

To the extent that we now rely on the police, mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middle-class selves, our worth and our hard-won progress. We need to use disdain, not mace; we need to reassess a weapon we came by the hard way, by travail and labor, firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from one to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves. Enough of apology, enough of analysis, enough of our abdication of responsibility, enough of the denial of our own maturity and good sense.

The best place to start is at home. But, the most practical and effective place, right now, is our campuses. This does not mean a flood of angry edicts, a sudden clamp-down, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsions. The power to expel (strangely unused) has been the legitimate recourse of universities since 1209.

More importantly it means that at freshman orientation, whatever form it takes, the administration should set forth the ground rules—not beligerently but forthrightly.

A university is the microcosm of society itself. It cannot function without rules for conduct. It cannot, as society cannot, legislate morals. It is dealing with young men and women, 18 to 22. But it can, and must, promulgate rules. It cannot function without order—and, therefore, who disrupts order must leave. It cannot permit students to determine when, what and where they shall be taught; it cannot permit the occupation of its premises, in violation both of the law and its regulations, by "militants."

STUDENT PARTICIPATION

There is room within the university complex for basic student participation but there is no room for slobs, disruption and violence. The first obligation of the administration is to lay down the rules early, clearly and positively, and to attach to this statement the penalty for violation. It is profoundly simple—and the failure to state it—in advance—is the salient failure of university administrators in this age.

Expulsion is a dreaded verdict. The administration merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequence of violation of the rules. Among the rules, even though it seems gratuitous, should be these: 1. Violence, armed or otherwise, the forceful occupation of buildings, the intimidation by covert or overt act of any student or faculty member or administrative personnel, the occupation of any university property, field, park, building, lot or other place, shall be cause for expulsion.

2. The disruption of any class, directly or indirectly, by voice or presence or the destruction of any university property, shall be cause for expulsion.

RECLAIM OUR COUNTRY

This is neither new nor revolutionary. It is merely the reassertion of an old, accepted and necessary right of the administration of any such institution. And the faculty should be informed, firmly, of this reassertion, before trouble starts. This does not constitute provocation. It is one of the oldest rights and necessities of the university community. The failure of university administrators to use it is one of the mysteries of our permissive age—and the blame must fall largely on faculties because they have consistently pressured administrators not to act.

Suppose the students refuse to recognize expulsions, suppose they march, riot, strike. The police? No. The matter, by prearrangement, publicly stated, should then pass to the courts. If buildings are occupied, the court enjoins the participating students. It has the lawful power to declare them in contempt. If violence ensues, it is in violation of the court's order. Courts are not subject to fears, not part of the action. And what militant will shout obscenities in court with contempt hanging over his head?

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Fruedian analysis, too positive for "academic senates" who long for philosophical debate and too prosaic for those who seek orgastic self condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed-up with nonsense. We need (those of us over 30) tax ridden, harried, confused, weary and beat-up, to reassert our hard won prerogatives. It is our country too. We have fought for it, bled for it, dreamed for it, and we love it. It is time to reclaim it.

AMERICAN LITHUANIANS

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. CUNNINGHAM. Mr. Speaker, Americans of Lithuanian origin and their friends in my hometown of Omaha and throughout this great Nation commemorate two very important anniversaries this month.

On February 14, they observed the 719th anniversary of the formation of the Lithuanian State. This came when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

Today marks the 52d anniversary of the establishment of the Republic of

Lithuania on February 16, 1918. For the past 29 years, this nation has been occupied and exploited by the Soviet Union.

Mr. Speaker, I am certain it is the fervent hope of all Americans that one day this nation, which has suffered so very much, will again be free of Communist bonds.

PREDATORY MAMMAL CONTROL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. CONTE. Mr. Speaker, on May 19, 1969, I introduced H.R. 11405, which would establish a national policy and program with respect to wild predatory mammals. This is not the first time I have called for such a policy. In the first session of the 90th Congress, I introduced a substantially similar bill.

H.R. 11405 differs from my preceding bill in that it specifically prohibits the use of poison in any such national program on predatory mammals. I believe the use of poison is not only cruel, but also self-defeating.

I have argued against poison many times in the past. On February 13, 1970, Haynes Johnson, of the Washington Post, eloquently set forth in great detail what is wrong with the infamous "1080 program" in Arizona. The 1080 compound, as the article indicates, kills directly and indirectly, without discrimination and without regard to the delicate balance of nature that must be preserved.

I would like at this time to include Mr. Johnson's article in the RECORD. I hope that it will stimulate a vigorous debate among my colleagues and among the American people, and that as a result the necessary legislation will be enacted to control this so-called control program. The article follows:

[From the Washington Post, Feb. 13, 1970]

POISON RAVAGES DESERT'S LIFE CYCLE

(By Haynes Johnson)

PHOENIX.—Coyotes are predators. They prey on rodents, game and, when they can find them, sheep and cattle. For years the federal government has been "controlling"—that is, killing—them by an extensive poison program.

Across the Arizona desert, and in other western states, hundreds of bait stations are put out each year. In each station, treated meat is set out alongside government signs announcing that poison is being used "to kill predatory animals which would harm your livestock and game animals."

Inside the meat is implanted Compound 1080, a highly toxic chemical capable of killing at very low concentrations. A single pound is enough to kill 1.8 million squirrels. It is an odorless, colorless poison that does not decompose in bait or poisoned carcasses. It attacks the central nervous system, affecting the brain, heart, liver, and kidney. There is no known antidote for it.

It can be fatal to man. There have been at least 13 proven fatal cases and five suspected deaths from 1080 poison.

The 1080 poison has another quality that is a key part of this story: Its ability to kill continues beyond the first animal to eat it.

It has the potential, as one government paper describes the process, of acting as "a biological high explosive. Cats, dogs, and other carnivorous animals feed on dead rodents and may be poisoned by the 1080 in the carcasses."

The coyote (being a member of the dog family, is killed by 1080, with a special reaction. After eating the poison, he may run as far as 20 miles before dying. As he runs, he vomits as many as five times. Each time, he spews poison out onto the grasses and desert soil. Birds, and even cattle, who might eat the affected grass are liable to the poison themselves.

Rodents and carrion-eating birds such as eagles, buzzards, hawks and ravens that might feed on the carcass of the coyote become poisoned also.

Beyond that, conservationists and ecologists say the killing of coyotes sets off a biological chain reaction with devastating effect.

The coyote-rodent cycle is a prime example.

FEED ON RODENTS

Coyotes normally feed on rodents—prairie dogs, ground squirrels, rats, gophers and other pests, including rabbits. When the coyote population is "controlled," the rodent population springs up in greater number, posing another kind of agricultural threat: rodents damage the crops.

So a second "control" program is then utilized. Grain mixed with 1080 poison is seeded across the landscape to control the rodents. Some of the grain is scattered by helicopters. It becomes a deadly bait for the prairie dogs, squirells, gophers and others. As they are killed, their death leads to still another round in the cycle.

Many of the dead rodents end up on the surface of the ground. There, they are readily available to be consumed by carnivores and scavengers of all kinds. That leads to the secondary poisoning of yet another class of animals.

Badgers, bears, foxes, raccoons, skunks, opossums, eagles, hawks, owls, vultures—all are exposed to possible secondary poisoning.

FERRET NEARLY EXTINCT

The black-footed ferret, one of the rare species of North America, is nearing extinction. The primary cause, that same government study says, "is almost certainly poisoning campaigns among the prairie dogs which are the main prey of the ferret."

To such arguments, the Wildlife Service maintains that it employs the poison because it kills "selectively" and efficiently.

Yet there is an even more serious question involved: Whether, in fact, the control program is necessary at all. Figures about losses to livestock are hard to come by, but two estimates, one private, the other governmental, show that the cost of the poison program actually exceeds the livestock losses. In addition, the number of sheep raised in the country has been declining in recent years.

The 1080 poison is not the only part of the government's "predator control program." Implanted in the desert are thousands of what are called "coyote getters." They are guns that shoot cyanide in the coyote's mouth when he tugs at the scented trap. In addition, some 20,900 strychnine tablets are being used this year in Arizona.

"You go back and sit in a restaurant in Washington, D.C., or New York and tell people what's happening out here in Arizona and I'd bet that half of the people wouldn't believe you," said Max Finch, general manager of the Arizona Humane Society.

Finch was expressing part of the intense controversy the poison program has generated here and in other western states. For years, conservation groups have been attacking the program with little effect. Yet for all the emotion and bitterness it has aroused, only now is it beginning to surface as a national concern.

PART OF WIDER ISSUE

The current focus on evironmental problems is taking in more than air and water pollution. Pesticides and herbicides and their impact on the environment are also at the center of attention. The position control program is a part of this.

As only one indication of the deep feelings—and the new interest—aroused, consider the letter written by Dr. Raymond F. Bock Jr. of the Pima County Medical Society in Tucson to the director of the U.S. Wildlife Services Division in charge of the poison program in Arizona

"The Pima County Medical Society is becoming increasingly concerned with our environmental problems," Dr. Bock wrote. "The Society realizes that poisons of various kinds have an adverse effect on this environment, to the ultimate detriment of many species, including homo sapiens.

"This letter was triggered by your Department's map of proposed poison (1080) sites for 1970 and your admission of about a 40 per cent increase in this poison program. When one considers that each dot on that map represents 40 pounds of sodiummonofluoracetate-treated meat, dosage enough to kill some 1,500 animals each dot, one wonders whether someone in your department has gone mad from a personal hatred of predators.

"In this regard, consultation with trained biologists, ecologists and mammalogists has indicated some starting inconsistencies.

"Concerning your division of Wildlife Services, we have found consistent objection to your methods by trained biologists. Further investigation into the entire animal control program seems to indicate widespread senseless killing of largely beneficial animals.

"Since we have been unable to find any conservation organizations that favor your methods, or for that matter, any trained biologists that favor them, we wonder what kind of misfits may be perpetrating this poison campaign?"

OFFICIALS DEFENSIVE

Perhaps because of such criticism, the government agents react extremely defensively to questions about the poison program. In an interview with Robert Shiver, director of the Wildlife Services Division here, virtually every point advanced by the critics was dismissed.

"There are ecologists and ecologists," he said. "I try to keep emotion out of this."

He was striving, he said, for a "practical approach" to a practical problem, and spoke of weighing the interests of wool growers, cattlemen's associations and sportsmen against those of conservationists. Once, while referring to livestock losses, he remarked that there "is a constitutional right for someone to protect himself."

As for the larger questions of environmental degradation: "There's a whole lot of things disturbing the balance of nature. When man set foot on this planet he upset the balance."

The 1080 poison, he said, "is recognized as the most effective, efficient and selective method of controlling predators."

Shriver also said there is no evidence that the poison does impair other wildlife. On that point, at least, there seems no doubt that he is wrong.

Four years ago, in a congressional hearing about the predator control program, the following exchange took place between Rep. John D. Dingell of Michigan and Stanley A. Cain, assistant secretary of interior for fish, wildlife and parks:

Dingell: . . . "If I remember you folks in the Interior Department have had some instances where you cleaned out your coyotes very thoroughly in the area and followed up the next year by being overrun with rodents and then had to conduct a fairly extensive

rodent program to bring the population back into balance."

Cain: "I think that is a general fact of federal history in control of these large predators. This is what produced, at least this is partly what produced, the control problems for deer and elk in national parks, the reduction in predators."

That, it would seem, is reason enough to question whether such a program should continue.

There are other serious objections.

"An ecological system that is less stable is more liable to collapse," says Dr. Gerald A. Cole, a professor of zoology at Arizona State University. "This is an ecological principle that seems to hold true down the line. Why are the deer in trouble? We don't know. Have we done something we don't even know about?

"When you start managing the species you're creating strange fluctuations. A lot of things die, and what, precisely, does happen? Are soil and vegetation affected? At this point, there is no way of any honest appraisal."

As one vivid example, Dr. Cole pointed to a problem involving the famous saguaro cactus, the giant cactus that is so identified with the Arizona desert. Today, he says, they do not seem to be reproducing and are in danger of extinction.

One reason, he suggests, is that an increase in the rodent population causes them to become increasingly destructive in eating the roots and seeds of the cactus.

Other critics of the poison program make these points: that it is bound to damage the entire wildlife system, and eventually man will be affected; that it makes better sense to upgrade the environment instead of degrading it; that the day of the frontier long has passed, and with it comes a recognition that wildlife should be preserved on esthetic grounds alone.

Finally, they say, the government itself in a study report submitted to the then Interior Secretary Stewart Udall in 1964 recommended against the use of 1080 poison. More hostile critics charge the government bureaucracy with continuing to use it for a baser reason—to perpetuate their own jobs.

No one placed the problem in better perspective than Joseph Wood Krutch, who retired after a distinguished career as a New York critic and nature writer to live in the Arizona desert. Krutch, a mild and thoughtful man, sat in the living room of his ranch-house style home in Tucson, looking out across the desert toward the distant mountains, and said quietly, "I'm one who believes in catastrophe."

About wildlife problems, he said, "it's a fairly bad problem everywhere, but Arizona is especially bad. One reason why it's so difficult to do anything about it is people are so naive. They think if the state or federal government spend so much money employing so many people it must be important.

"But lots of time it's really a case of vested interests, people protecting their own jobs. The same thing is true throughout our society.

"What it comes down to is this: Science and technology are creating more problems than they're solving—and yet we go right on with it."

Krutch reflected on the changes he has witnessed since coming to the desert. "Twenty years ago in Tucson those mountains would have stood out as if they were only two blocks away, and the sky was brilliant and clear. Now its beginning to look like Los Angeles."

He ended on a gloomy note.

"This may be the end of our civilization. It's going to be either catastrophe or a new civilization, either collapse or change."

He might have added that when it comes to a question of predators, one familiar figure still stands at the head of the list. Man.

TRIBUTE TO BRAVE PEOPLE OF LITHUANIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. DERWINSKI. Mr. Speaker, I join other Members of the House today in paying tribute to the brave people of Lithuania on the 52d anniversary of their declaration of independence. Unfortunately, the Lithuanian people are now captives of communism, and this great holiday is forbidden by their present Red tyrants.

Therefore, on this great historic day for Lithuanians, we must rededicate ourselves to efforts to see that freedom is restored to these brave people and all the other captives of communism.

After 123 years of czarist Russian occupation, the Lithuanians declared their independence on February 16, 1918, and instituted a democratic republic. This government flourished for 22 years, but Lithuania was forcibly seized by the Soviet Union in 1940 and has been under Communist rule since that time.

As we know, Mr. Speaker, in recent years numerous documents of protest against the suppression of basic human rights by the Soviet regime have reached the Western World. The courage of those who openly defy the Soviet police for national, political, and religious causes, as well as the breadth of such protests, indicate the existence of important subterranean processes of erosion and ferment in contemporary Soviet society. Significantly such protests are not restricted to the liberal intelligentsia in Moscow, but have appeared in the periphery among the nations incorporated into the Soviet empire.

A few weeks ago another significant evidence of protest was received in the form of an appeal of 40 priests of the Vilnius diocese to the Soviet Premier Kosygin against the deliberate persecution and destruction of the Catholic Church in Lithuania. The document is the most authentic evidence of the real status of religious rights in Lithuania, which are formally guaranteed by the Soviet Constitution, but which are openly violated by the Soviet authorities. But perhaps even more important, this document shows the continuing viability of the struggle for basic human rights despite more than a quarter of a century of efforts to eradicate national and religious consciousness in Lithuania.

Therefore, Mr. Speaker, I insert with my remarks the translation of the declaration by the Priests of the Catholic Church in Lithuania to the chairman of the U.S.S.R. Council of Ministers which is an extremely eloquent document meriting our review:

DECLARATION

(By the Priests of the Catholic Church in Lithuania)

In his article 'To the Country Poor", Lenin, generalizing the tasks of the social democratic party, wrote: "Social democrats demand that every person must have full liberty to freely profess any religion" (*Writings*, vol. 6, Vilnius, 1961, p. 364).

By criticizing the government of the czar and the means it used against those who had different beliefs, Lenin wrote: "Every person must have full freedom not only to profess any religion he wants, but also to publicize and change his faith . . . this is a matter of conscience and let no one dare to interfere in these matters" (*Writings of Lenin*, vol. 6, Moscow, 1946).

The USSR Constitution guarantees to its citizens freedom to practice any religion. The laws of the Soviet Union will defend the rights of the faithful to practice their religious rites. Article 143 of the Penal Law speaks about the penalties, if anyone interferes in the exercise of these rights. But in reality it is not so. The laws which protect the rights of the faithful are broken without any consideration. The Catholic Church in Lithuania is condemned to die. The facts speak about this. If in 1940 there were four seminaries for priests in Lithuania and about 1,500 priests, then after 1944 there was only one seminary left, in Kaunas. About 400 seminarians used to flock to it from all the dioceses. In 1946, in the very midst of the school year, only 150 seminarians were permitted to stay. During the last few years, in all the five courses in the seminary, the limit is 30 seminarians. If a seminarian leaves or gets sick, no one is allowed to take his place. About 30 priests die in Lithuania every year, but only 5–6 are ordained. This year (1969) only three new priests were ordained. Already, at this time, many priests have to serve in two parishes. There is a good number of parishes where the pastor is 70 years old. Even invalids have to serve as pastors, for instance, in Turmantai.

Young people who want to enter the seminary meet many more difficulties than those who intend to go to other schools of higher education. The candidates are not chosen by the representatives of the Church, but by the officials of the government. This is not normal. What would we say if candidates for music would be selected by veterinarians or other specialists?

In January of 1969 the priests of the diocese of Vilkaviskis addressed themselves to the Chairman of the USSR Council of Ministers concerning this abnormal situation in the interdiocesan seminary in Kaunas. During the month of February of the same year they contacted the still active bishops and administrators of the dioceses about this same matter. Because of these moves, two priests, Rev. S. Tamkevicius and Rev. J. Sdepskis, lost their work certificates. They had to seek other work, they cannot perform their priestly duties.

In 1940 there were 12 bishops in Lithuania, today there are only two left: bishop Matulaitis-Labukas, born in 1894, and bishop J. Pletkus, born in 1895. Two still effective and able bishops: J. Steponavicius (for 9 years) and V. Sladkevicius (more than 10 years) have been deported to far away parishes (house arrest, tr.). Although according to Articles 62–69 of the Penal Code deportation is foreseen only for five years and that for grave offenses, but what have our shepherds done, without any court action or proven guilt, to be punished for an indeterminate time?

From time immemorial Vilnius is the center of religious life, but today this city is not allowed to have its bishop, even though other smaller religious communities, for instance, the Orthodox, have their bishop, and others some equivalent religious leader.

According to the Church Canon Law, the capitular vicars are only temporary administrators who are chosen when a bishop dies or leaves the office. The archdiocese of Vilnius and the diocese of Panevezys now have been administered by capitular vicars for 9 years, and that of Kaisiadoriai for 23 years.

It is not always, even for those who have official authorization, that the bishops and administrators are permitted to visit the par-

ishes and confer the Sacrament of Confirmation according to the canons of the Church. In the dioceses of Panevezys this sacrament has been conferred only once since 1961. In other dioceses it is permitted to be conferred only in the centers, for instance in Vilnius, Kaunas, but very rarely in the regional cities. Those who want to receive the Sacrament of Confirmation have to travel from distant places, endure all the hardships with their small children. Thus great pressures and difficulties are created.

The pastoral work of the priests is being hindered in a number of ways: one is not allowed to help the neighboring parishes in religious services nor to invite the necessary number of priests on special occasions of devotion. The faithful who want to confess have to wait for a long time, suffer inconvenience and lose much of their precious time. On special days of devotion in some churches about 1000 people come for confession. If only three minutes would be given to each penitent, one priest would have to hear confessions for 50 hours, and this is impossible.

Specialists in all fields come together for conferences to perfect themselves and learn from the experiences of others. The Church Canon Law also requires that the priests should make a three day retreat at least every three years. Such retreats at this time are forbidden not only at the diocesan centers, but also in the deaneries: even priests of one deanery are not permitted to get together.

Official representatives of the government (delegate of the government for religious affairs, leaders of the regions and districts) give various directives to the priests only by word of mouth. It happens that these orders contradict one another. For instance, a representative of the executive committee's chairman of the Varena region forbade the pastor of Valkininkai to accompany the burial procession to the cemetery, while an agent for religious affairs instructed that the priest can go to the cemetery, but he cannot do the same from the home to the church. On April 15, 1969 an agent for religious affairs in Svencioneliai, in the presence of government officials and the members of the church committee, told the pastor that when there is a priest in the procession of the deceased no hymns are allowed, but this can be done without the priests. If a person is buried with religious rites, an orchestra is not permitted; collective farms and organizations cannot help materially.

Catholics in Lithuania cannot avail themselves of the freedom of the press for their religious needs. They cannot make use of the radio and television, of movie theaters, schools, lectures. We do not possess even the most elementary religious textbook, prayerbook or other religious writings. During the Russian occupation not even one catechism was printed. Only in 1955 and 1958 a Catholic prayerbook was printed and in 1968 a liturgical prayerbook. But both of the editions had a very limited number of copies so that only a few families could acquire them. Besides, the liturgical prayerbook was supposed to include a short explanation of the truths of the faith, but the delegate for religious affairs would not allow this to be printed. The priests and the churches received only one copy of the Roman Catholic Ritual and documents of Vatican II were available only for the priests, one copy each. The faithful did not even have a chance to see these books.

Although the USSR Constitution guarantees freedom of conscience, and parents do want and request that their children would be educated in a religious spirit, the priests and the catechists, however, are forbidden to prepare children for their First Communion. The delegate for religious affairs allows the children to be examined only singly. Those who do not follow this unwritten law are severely punished. For instance, the government officials have fined Rev. J. Fabijanskas for catechization; Rev. M. Gylys and Rev. J. Sdepskis were sent to a forced labor camp. In Anykscial Miss O. Paskeviciute prepared children for their first confession. For this she was deported to a forced labor camp, where there followed her overexhaustion, sickness and death. Parents themselves have the right to prepare their children, but they have no means: they are not prepared for this job, have no time for religious books. In like manner, during the czar's reign, workers and serfs could not make use of the right: to give their children higher education.

Children who frequent the church experience much abuse. They are made fun of, wall bulletins write about them. In schools, children are constantly being taught that religious parents are backward, have no knowledge and can give them no directives. Thus the authority of the parents is destroyed. When children cease to respect their parents, it is difficult to control them both in the school and outside its walls. Besides, religiously minded children are not allowed to take active part in the liturgy, sing in the choir, participate in processions, serve Mass. Thus the rights of the faithful children and parents are severely violated. They are harshly discriminated, coerced and forced to compromise others. For instance, on the 26th of December, 1967, the secondary school Director Baranauskas and other teachers in Svencioneliai kept the II–VI class students for two hours and a half until they forced them to write letters against the local pastor Rev. Laurinavicius. For one of those youngsters, J. Gaila, an ambulance had to be called because of the threats. Second class student K. Jermalis was sick for a couple of months because of fear. The pastor, who allowed the children to serve Mass and participate in a procession, was removed from Svencioneliai. The offended parents of those children turned to Moscow. How much time was lost, expenses incurred, health impaired? Just recently Rev. A. Deltuva was fined 50 rubles because he allowed the children to serve Mass.

According to the law, the convictions of one who believes and one who does not should equally be respected, but the practice goes its own way. In many hospitals, for instance, in Vilnius, Utena, Pasvalys, Anykscial, even when sick people ask to receive the sacraments, their request is refused. In 1965 a driver, K. Semenas, and Miss B. Sudeikyte married in the Church. By this act they lost their previous grant of a piece of land where they were going to build a house. Notwithstanding the fact that all the material was bought for the construction, they were told: "Let the priest give you land."

In Pasvalys, Anykscial and other places, even taxicabs, cannot bring the witnesses of the marrying couple to the church. There is much suffering for the intellectuals who secretly baptize their children, marry or attend Mass in the church. These facts are brought up at their work, often they are reprimanded or even lose their jobs. For instance, in 1965 Miss P. Cicenaite, a school teacher in Daugeliskis, was released from her work by the school director because she would not forsake the church. When the school officials told her to leave, she, wishing to have her book "clean", wrote a request to be released from work. Often the faithful are released from work or are punished because of their convictions, covering this fact with some other motives.

In 1956 the Pension Act bypassed the servants of the church. Organists and sacristans can only dream about pensions. For instance, Mr. P. Pagalskas joined a collective farm when the soviets came to Lithuania. As all other citizens, he delivered his horse and farming tools to the authorities. He was working in the office of a collective farm as an accountant, on Sundays he used to play the organ in the church. When he had the misfortune to get sick and became an invalid and could not work in the office, he night-watched the animals on a collective farm. When he reached old age (b. in 1889), he applied to the Social Welfare Office of the Ignalina Region. An answer came back from his office that organists do not receive any pension.

Many of the churches are not allowed to ring bells, use loudspeakers or any other technical means. Materials are not allotted for the upkeep of the churches. The cities are growing, but since 1945 only two churches have been built in Lithuania (one of which, in Klaipeda, has been turned into a music hall), many older churches are serving as storage places, museums and so forth.

These and many other painful facts which we have mentioned here show that the priests and the faithful are discriminated against and they cannot fully use those rights which the USSR Constitution guarantees them.

Consequently, we have dared to address ourselves to you, Mr. Chairman of the USSR Ministers, hoping that you will correct this unnatural situation of the Catholic Church in the Lithuanian SSR and see to it that we, the Lithuanian priests and faithful, as all other citizens do, will be able to exercise the rights as they are foreseen in the Constitution.

Signed by the Priests from the archdiocese of Vilnius: 40 signatures, August, 1969.

Mr. Speaker, to conclude my remarks I would like to add a memorandum which was prepared by the Lithuanian American Community of the U.S.A. which spells out in a very effective manner the present day circumstances in Lithuania and very properly points out the positive steps that can be taken on behalf of the suffering people of the brave country of Lithuania:

The memorandum follows:

A SEVEN-CENTURY QUEST FOR FREEDOM

(Brave Lithuania)

CHICAGO, ILL., FEBRUARY 1970.

During the month of February, Lithuanian-Americans will be commemorating the 719th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 52nd anniversary of the establishment of the Republic of Lithuania which took place on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Communist regime did not come to power in Lithuania and other Baltic States by legal or democratic processes. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms in June of 1940. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction.

The Lithuanians are a proud people who have lived peacefully on the shores of the Baltic from time immemorial. Their language is the oldest in Europe today. They were united into a State more than 700 years ago, and by the 15th century their nation extended from the Baltic to the Black Sea and almost to the gates of Moscow. Their fortunes gradually declined and the nation was completely taken over by Russia in 1795.

The intensive and determined struggle for freedom and independence from Czaristic Russia was climaxed on February 16, 1918, by the Declaration of the Lithuanian National

Council, proclaiming the restoration of the Independence of Lithuania.

The February Sixteenth Declaration was unanimously approved by the freely elected Constituent Assembly in 1920. Thus, following the will of the Lithuanian people, the re-establishment of an Independent State of Lithuania, with its capitol in the city of Vilnius was accomplished. A diplomatic recognition by many free countries followed. On September 22, 1921, Lithuania was received as a bona fide member of the League of Nations, thereby Lithuania became a member of the international community of sovereign nations. A full diplomatic recognition by the United States of America on July 28, 1922, was followed soon, also with de jure recognition, by other world powers—Great Britain, France, Italy and Japan.

Soviet Russia recognized de jure the Independence of Lithuania in 1920, and on July 12th of the same year signed a peace treaty with Lithuania which stated that:

"The Soviet Union recognizes the sovereignty and independence of the Lithuanian State with all the juridical rights associated with such a declaration, and forever renounces, in good faith, all Russian sovereign rights, which it previously had in regards to Lithuanian Nation and its territory."

The re-establishment of an Independent State of Lithuania and her return to the self-governing community of nations is the most significant historical event of the Twentieth Century for the Lithuanian Nation, whose political maturity, economic achievements and cultural creativity were manifested during the period of restored Independence (1918–1940).

During the Second World War, the Republic of Lithuania became a victim of Soviet Russia's and Nazi Germany's conspiracy and aggression, and as a result of secret agreements between those two powers of August 23rd and September 28th, 1939, became invaded and occupied by Soviet Russian armed forces on June 15, 1940.

Since the days of Soviet Russian occupation, however, the Lithuanian people have waged an intensive fight for freedom. During the period between 1944 and 1952 alone, some 30,000 freedom fighters lost their lives in an organized resistance movement against the invaders. Hundreds of thousands of others were imprisoned or driven to Siberia. Though that resistance movement was weakened and finally subdued due to a failure to get any material aid from the West, nevertheless, the Lithuanian people are continuing their passive resistance against Soviet Russian genocidal aggression to this very day.

The United States of America, mindful of its own struggle for freedom and independence, has remained sensitive to the aspirations of other people for self-determination. For this reason, Americans of Lithuanian descent are grateful to the Government of the United States for denouncing the Soviet Russian aggression in Lithuania and for refusal to recognize the alien subjugation of Lithuania since 1940. The United States continues recognizing the sovereignty of Lithuania. The Lithuanian Legation at Washington, D.C., Consulates General in New York, Los Angeles, Chicago and a Consulate in Boston are recognized and are functioning.

Recently the United States Congress passed H. Con. Res. 416 that calls for freedom for the Baltic States. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing up the question of the liberation of the Baltic States in the United Nations and urging the Soviets to withdraw from Lithuania, Latvia and Estonia.

Thus, on the occasion of the 719th anniversary of the formation of the Lithuanian state, and the 52nd anniversary of the establishment of the Republic of Lithuania, the Lithuanian-American Community of the USA, Inc., representing all Lithuanian-Americans throughout the nation, most fervently appeals to the representatives of the Federal, State and local governments, religious leaders, labor unions, civil, political and professional organizations, academic and cultural institutions, news media and to the people of good will, to support the aspirations of the Lithuanian people for self-determination and to national independence in their own country.

The free world can never rest in peace, knowing that in Lithuania under Soviet Russia rule, genocide and Russification are common place, religious persecution is prevalent, and basic human freedoms and rights are denied to the Lithuanian people.

LITHUANIAN-AMERICAN COMMUNITY OF THE UNITED STATES OF AMERICA, INC.

CHICAGO'S PROPOSED LAKE AIRPORT—II

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. MIKVA. Mr. Speaker, on February 10, 1970, I made some remarks concerning the proposal to build in Lake Michigan Chicago's third major airport.

Last winter, Prof. Stanley Berge and his graduate students in transportation management at Northwestern University's Graduate School of Business Administration studied the problems of the location, access, and financing of Chicago's third major airport. The report's general conclusion was that Chicago's next major airport should not be constructed in Lake Michigan but should be located 35 to 45 miles south of Chicago's "Loop" on what is now relatively flat farmland.

Since several of my colleagues have indicated an interest in the problems surrounding the location of Chicago's next airport, I commend to their attention the report's abstract of findings and conclusions. The abstract follows:

[Northwestern University Graduate School of Business Administration, transportation management research project, winter, 1968–69]

AIRPORT LOCATION, ACCESS, AND FINANCING—WITH SPECIAL REFERENCE TO THE CHICAGO REGION: ABSTRACT OF FINDINGS AND CONCLUSIONS

(By Prof. Stanley Berge)

LOCATION

1. The general consensus at the conclusion of the 10-week study was that Chicago's next major regional airport should be located 35 to 45 miles south of the "loop" on what is now relatively flat farmland in eastern Will County or partially in Will and Kankakee Counties.

2. The most important factor influencing the choice of this south suburban area for a major airport is the provision of adequate airspace separation to facilitate safety and efficiency in air traffic control for the new airport in conjunction with the continued operation of O'Hare International Airport.

3. Representatives of the class were advised by FAA air traffic controllers at O'Hara that to establish desired separation between major airports in a common terminal area (for holding areas, vectoring and final ILS approach patterns) a new major Chicago regional airport should not be located closer than 40 miles from O'Hara and preferably not closer than 50 miles. While a dynamic simulation study is being conducted by the Federal Aviation Administration which should shed further light on the question of air traffic separation in the Chicago region, the class, for the present, is impressed that the airport separation standards suggested by the O'Hare traffic controllers should be taken seriously.

4. Atmospheric conditions, such as relative freedom from fog, smoke and heavy snowfall, favor the choice of the south suburban area over an airport site located in Lake Michigan. Maximum visibility during final IFR approaches to runways is still considered to be a vital requirement of aviation safety by airline pilots consulted by the class during the study. While concerted efforts are being made to permit automated all-weather commercial aircraft landings in the 1970's, the present state of instrumentation suggests that we are still uncertain with respect to the achievement of this goal by 1975—the date by which it is believed that a new major airport for this region will be greatly needed.

5. Since the flow of air traffic into and out of the Chicago terminal area is essentially East-West, it is desirable that the new airport, Midway Airport and O'Hare Field should be oriented roughly North-South to minimize conflicting approach and takeoff patterns for the three airports.

6. Since the advent of jet aircraft, noise abatement procedures have been widely employed at major airports. For the sake of maximum flight safety and optimum use of airspace it is desirable to minimize noise abatement procedures. This can be done only if the airport is well removed from built-up residential areas and if surrounding lands are carefully zoned against incompatible uses—possibilities which still exist in portions of Will and Kankakee Counties which are nevertheless relatively close to the Chicago "loop" in terms of travel time.

7. Population growth trends as well as prospective industrial and commercial development south and southwest of Chicago projected by the Northwestern Illinois Planning Commission favor the location of a new regional airport south or southwest of the city to balance and to relieve the pressure on O'Hare. NIPC expects Will County to grow more rapidly in the future than any other part of the six-county metropolitan area.

8. Present Illinois statutes permit a major city, such as Chicago, to acquire non-contiguous land for an airport. Existing Illinois laws also permit political subdivisions owning or controlling airports to prevent the creation of airport hazards by adopting zoning regulations within an area not exceeding two miles from the airport boundary. These provisions should facilitate acquisition of open land and appropriate zoning to insure compatible surrounding land uses for Chicago's third major regional airport.

9. To provide room for expansion to accommodate projected growth of air passenger and cargo traffic and to develop compatible surrounding land uses as income sources an airport having an area of approximately 25 square miles would appear necessary to meet only minimal needs (more than twice the area of O'Hare). Such a large area would be difficult and very costly to create as an island airport in Lake Michigan but is still available in the open lands south which are within approximately one hour's driving time from the "loop."

10. With the continuing outward march of suburban growth the "open lands" south of Chicago in Will and Kankakee Counties will not long remain unobstructed and available at low cost for a major regional airport. Studies leading to public acquisition of a desirable land site should not be put off pending continuing studies of the feasibility of a site in Lake Michigan.

11. The time required to construct a major regional airport on an open land site in the south suburban area would appear to permit it to be operational within five years, or by 1975, assuming a beginning is made without delay. It is highly improbable that a lake site and suitable access facilities could be made operational in time to accommodate the expected heavy aeronautical demands of the mid-1970's.

12. Growing general aviation requirements make it highly desirable to maintain both Meigs Field and Midway Airport as conveniently located general aviation facilities. This would be difficult if not impossible if a major regional airport were to be located with its center 8½ miles off 55th Street in Lake Michigan.

ACCESS

1. Because of the wide dispersion of air traveler origins and destinations in the Chicago region, the private automobile is likely to continue to be the dominant mode of access to airports. It will nevertheless be desirable to develop auxiliary access services by helicopter, V/STOL and high-speed rail to accommodate major corridor movements such as between distant high capacity airports and the Chicago central business district.

2. A major airport in the south suburban area would be conveniently served by four existing interstate expressway routes (I 57, I 80, I 294 and I 94). Additional highway access may be provided by the planned Will-Cook Freeway extending west from I 65 in Indiana to Frankfort and north to the Tri-State Tollway at Burr Ridge.

3. From the standpoint of surface access, the proposed lake site poses a serious congestion problem. Not only would highway and rail access be expensive and difficult to achieve but they would create additional rush hour congestion in or near the central business district where rush hour congestion is already critical.

4. Congestion could be reduced and portal-to-portal time improved for air travelers, airport employees and air cargo by "remoting" many of the time-consuming, space-consuming functions of the airport along a high-speed rail line. Parking, ticketing, baggage check-in and many air cargo functions could be removed at least to some extent from the airport and performed at one or more transportation centers or transfer points located on a high-speed rail line.

5. While to date rail access experience in England, Belgium and Japan has been only moderately successful, reported results of the new Cleveland Rapid Transit airport connection opened in November 1968 have been encouraging.

6. A high-speed rail access line should be as direct a route as possible, have no grade crossings and have an alignment as free as possible from grades and curvature. The Illinois Central right-of-way closely approaches these criteria between downtown Chicago and a potential airport site 35 to 45 miles south. In addition to electrified suburban service tracks, the railroad has two slightly used "passenger mains" (not presently electrified) extending southward almost 30 miles from Central Station. These tracks could be dedicated to high-speed airport access use, employing specially equipped multiple-unit electric cars.

7. Air shuttle to and from major regional airports will become more attractive as improvements in helicopter and V/STOL craft reduce seat-mile costs, which are still relatively high. Heliport and V/STOL port sites at convenient locations will be needed.

8. Because of its geographical location Chicago has always been and probably will continue to be a major point of air transportation interchange. O'Hare International Airport is rather unusual among major U.S. airports in having nearly half of its passengers transferring or continuing their journey by air. Assuming a wide choice of connecting carriers, it would appear possible to relieve O'Hare's air traffic congestion to a considerable extent by providing attractive interchange services at a south suburban airport. Interchange passengers are not concerned with proximity to the "loop."

FINANCING

1. Estimates by Harza Engineering Company and Real Estate Research Corporation suggest that a 12,000-acre airport site with its center 8½ miles out in Lake Michigan would involve an investment cost of more than $500 million, inclusive of access roadway and shoreline interconnections.[1] This represents an estimated cost of nearly $42,000 per acre.

2. Open farm land sufficiently extensive and with suitable characteristics for a major regional airport development is currently available in eastern Will County at prices ranging from $800 to $1000 per acre. Even after considering appreciation, demolition and grading, relocation of existing roads and utilities, etc. It appears that the cost of a 16,000-acre site in Green Garden Township or in the Peotone area would be less than one-fourth as much as the cost of a 12,000-acre site in Lake Michigan.

3. The principal costs (site plus improvements) for a lake airport of 12,000 acres are estimated to be approximately at least $900 million. Assuming it could be financed by 40-year tax-free revenue bonds, as in the case of O'Hare, the annual debt repayment, assuming an interest rate of 6 percent and a requirement of 125 percent coverage of annual interest and principle requirements, would be approximately $75 million per year. Thus over a 30-year period the total investment cost of a lake airport could amount to $2,244,000,000.[2]

4. A land site in the south suburban area of 16,000 acres (or 25 square miles) plus airport improvements should not involve principal costs in excess of $500 million. This plus debt service at 6 percent ($24 million per year) would bring the total investment to $1,260,000,000. Thus it appears that a land airport of considerably larger size can be developed for nearly a billion dollars less than the total investment cost over 30 years involved in the development of an airport in Lake Michigan.

5. Currently the financial burden of initial airport financing in the United States is being borne primarily by local governments, who are in turn being underwritten by the airlines (and to some extent by general aviation). The Federal government contributes about 20 percent of initial cost, and the local governments about 80 percent.

6. The Office of the Comptroller, City of Chicago reports that for the year ending Dec. 31, 1967 O'Hare International Airport collected $27.6 million in total revenues ($18.5 million in rentals, concession income and utility sales, $7.6 million in flight fees less ramp rental credits and $1.5 million from interest on investments). Variable expenses amounted to $10.1 million, leaving $17.5 million available for fixed charges. Since fixed charges (interest, principal and reserve requirements) for the year amounted to only $12.5 million, they were well covered in 1967.

7. With O'Hare now operating at virtually full capacity and having less than $18 million available for fixed charges in 1967, it is evident that financing a lake airport calling for $75 million in annual debt service will present a major financial problem. Such considerations greatly enhance the advantages of a south suburban land site where annual fixed charges should not exceed $42 million.

8. The U.S. scheduled airlines, with a total net worth of $3.1 billion, have ordered $10 billion in flight and ground equipment up to 1975 and have indicated that they will spend nearly $2 billion more for their own facility improvements at airports prior to 1975. The airline industry's rate of return on investment fell from 9½ percent in 1967 to 6 percent in 1968. In the face of their own financial problems, it is not surprising that the airlines, speaking through the Air Transport Association, feel that they cannot continue to guarantee local airport bonds to the extent necessary to meet future airport needs. They are therefore urging the passage of Federal legislation to create an aviation trust fund financed by a 2 percent tax on domestic airline tickets and a $2.00 tax on every enplaning international passenger.

9. The trend is clearly away from general fund or general obligation bond financing of major airports. In the future it appears that airport development will be financed by taxes levied on airport users—either directly or indirectly. Airport users therefore have a major interest in airport financing and in the comparative investment costs involved in alternative development projects.

10. Any proposal for a third Chicago airport site should consider the requirements for future expansion. Excess acquisition at the outset can provide for future expansion without having to pay the price of the increased value of the land after the airport is constructed. After providing for expansion of such facilities as new runways and hangars, passenger and freight terminals, fueling facilities, parking needs, etc., planning should include in the excess acquisition project the areas which will be most adversely affected by aircraft noise. Areas of excess "noise pollution" may be profitably set aside for the development of compatible commercial and industrial uses. Such development could become an important source of funds for the agency developing the airport. Land in the vicinity of O'Hare has been developed and sold with improvements (streets, sewers and water) for from 90c to $1.50 per square foot, representing a net return of more than $40,000 per acre, for industrial development, after estimated development costs. Thus the initial acquisition of a large area of open land offers an opportunity to provide for expansion, insure compatible surrounding land uses and at the same time provide substantial funds for payment of the costs of acquiring the site and constructing Chicago's next major airport.

[1] This estimate includes only $75 million for "access highway system improvements which would be required to serve the lake site" which may be inadequate to cover the cost of such facilities.

[2] Current rates for tax-exempt airport revenue bonds are approximately 6 percent. O'Hare Airport revenue bond covenants now call for 125 percent annual coverage of interest and principal requirements.

LITHUANIAN INDEPENDENCE ANNIVERSARY

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. COUGHLIN. Mr. Speaker, Lithuanians throughout the world are observing today the 52d anniversary of the declaration of independence of Lithuania.

Although their homeland has been subjugated since 1940 by Communist rule, Lithuanians cherish the memory of freedom and nurture the hope for eventual liberation.

As a free man who was profoundly shaken upon visiting the Berlin Wall, and dismayed by the wanton invasion of Czechoslovakia by the Soviet Union in 1968, I share the hopes of the free world that liberty will thrive again in Lithu-

ania and the other captive nations. I sincerely hope for the restoration of their national identity and their right to achieve their own destiny.

The Lithuanian American Council is an American civic organization dedicated to the ideal of peaceful restoration of freedom to these nations. I want to take this opportunity to extend to the council and to all Lithuanians my best wishes for success in their difficult and sometimes heartbreaking task.

Their unbroken spirit is a spark of light in the darkness of tyranny.

YOUNG WORLD DEVELOPMENT GROUPS—THEY WALK FOR A BETTER WORLD

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. ROBISON. Mr. Speaker, I have only lately become aware of the activities and ambitions of the Young World Development groups—the youth arm of the American Freedom From Hunger Foundation.

These are the young people of whom Mr. SCHWENGEL and other Members spoke, here in this Chamber, on January 28th of this year, and I regret that it happened to be impossible for me to participate in the discussion of their efforts that day that Mr. SCHWENGEL led during the special order hour that he had obtained for that purpose.

In any event, Mr. Speaker, I wish now to also take formal note of the highly commendable work of the American Freedom From Hunger Foundation in furtherance of a goal we all share in common—to eliminate hunger and malnutrition in this country, and abroad.

As I understand it, the purpose of this nonprofit, nonsectarian organization that is supported wholly through contributions is to work to develop public awareness and greater understanding of the existence and causes of hunger and malnutrition not only here in the United States—a paradox in view of our affluence—but also elsewhere in the world. One way it has sought to accomplish this—and a dramatic way it is, indeed—is through sponsoring so-called "Walks for Development," in which by now over 10,000 persons, many of them enthusiastic young people, have participated in numerous areas around the Nation, including the Washington area last year.

But, spreading out from this sort of a beginning, has been an awakening of a desire on the part of some of our finest young people to go on further, in constructive ways, to involve themselves in the great search for solutions to other challenges we face—to the development of action programs aimed at such other problems as those posed by our abuse of the environment around us, a topic of growing concern to us all, the causes and cures for conditions of poverty, in general, and, of especial significance for it bears heavily on our ability to truly solve any of these other problems, the question of overpopulation.

These young people can, through channeling their enthusiasm, their sense of dedication to a better America and a better world, and, yes, even their obvious impatience, into constructive efforts utilizing the orderly processes of our governmental and political system—which, despite all its obvious failings, is still the best such system ever devised—become a great force for good.

I am particularly pleased to note that this movement is now reaching into the congressional district I serve. I have, for instance, been recently informed by letter from Mr. Tracy N. Price, of 12 Division St., Binghamton, N.Y., that a "Walk for Development" is being planned in the Whitney Point, N.Y., Central School District area, the event now scheduled to take place on Sunday, April 26, 1970. I commend Mr. Price and his coworkers for having undertaken such a project and I hope it will be successful.

Similarly, I have had letters from both Mr. William F. West and Mr. Scott D. Kantor, both students at Cornell University at Ithaca, N.Y., in my district, advising me that they attended the second national conference of the Young World Development organization at Chicago last month, had listened there to Mr. SCHWENGEL and others who spoke to them and then, later, discussed with them some of the great issues that concern them—not always, of course, finding consensus about the details of the kind of new and better programs the people of this Nation must undertake in these areas for action, but finding that there is little, if any, disagreement among any of us as to the goals to be served.

I anticipate hearing further from these two Cornell students concerning what they might endeavor to do in the Ithaca area—and I am pleased to tell them, in advance, that I will be glad to do all I properly can to be of assistance to them.

In closing these remarks, let me take note, Mr. Speaker, as did Mr. SCHWENGEL several weeks ago here, that one of the major ambitions of this group of young people is to help in, the creation of a world free from hunger, environmental abuse and overpopulation, the fight for which—they demand—must be fought and won."

None of us, here, would disagree with that purpose, nor take issue with their sense of determination; and most of us here, I am sure, will understand and welcome the demands they may now make upon us, in our positions of collective responsibility, for new and more effective Federal programs, adequately funded, and zeroing in on hunger, malnutrition, poverty, environmental abuse and overpopulation. We, in and out of government, must now undertake to make sure that government does its full share in encouraging solutions and in providing the leadership that has so largely hitherto been absent in these crucial areas. But these young people should, I think, not make the mistake of concentrating solely on Federal solutions to the problems that concern them so seriously. For there is much they, themselves, can do in their own separate communities—through their enthusiasm, their impatience with the innate slowness of government, and yes, through their own physical labors.

As an example of what I have in mind, let me just tell my colleagues, Mr. Speaker, that not long ago I received a series of letters from, I would judge, members of a junior high school class in one of the cities of my district. The students had evidently been encouraged by their teacher to write to me, in their own way, to express their concern about the various forms of pollution they saw around them. In any event, a fair number of them—living as they do, and as I do, along the banks of the once beautiful Susquehanna River—expressed their disgust at the amount of debris and trash that now litters its banks in too many areas. They asked me what I was going to do about it—and in some cases with some rather obvious displeasure with me over the fact that I had, somehow personally, allowed such an unsightly and unhealthy condition to develop. I answered as best I could—and, believe me, I did not mind at all their taking their collective frustrations out on me. In part I suppose that is what I am here for. But the thing that did disturb me, Mr. Speaker, is that none of them—despite their high motivation, their obvious concern, and their desire for somebody to do something—recognized the fact that here was a perfect place for them to begin, personally, to apply their youthful vigor and determination for a better world, by organizing a volunteer brigade of young people to clean up their own river banks in their own community.

Mr. Speaker, obviously there is much to be done—the problems we face, together, are difficult but not, one has to believe, insurmountable. By working together—young and old—they can and will be solved.

LITHUANIAN INDEPENDENCE DAY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. OTTINGER. Mr. Speaker, I rise today to observe the 52d anniversary of the independence of Lithuania. It was on this date in 1918 that the declaration of independence of Lithuania was proclaimed in Vilnus, its capital.

Unfortunately, independence was short lived as this valiant nation was overrun by the Nazi hordes early in World War II and remained under such rule for 2 years when the German reign of terror was replaced by Soviet domination, which has remained until today.

Although the U.S.S.R. has unilaterally proclaimed Lithuania as a component Soviet republic, the free world knows full well that the Lithuanians have not been bowed in spirit. While they suffer under Russian tryranny, the spirit of independence and liberty beats strong among these courageous and industrious people.

I join with men of good will throughout the world in commemorating Lithu-

ania's declaration of independence and in reaffirming our desire to see it free once again as a full, sovereign member of the family of nations.

DENTAL CARE FUNDS FOR ILLINOIS VETERANS SHORT NEARLY $500,000—VETERANS' HOSPITALS UNDERSTAFFED AND UNDERFUNDED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the Veterans' Administration is not receiving enough funds to operate a first-class medical program in its 166-hospital system. There are serious staffing deficiencies at many of these hospitals and a number of Vietnam veterans are having to wait for months after they are discharged from the Armed Forces to have their teeth fixed. Based on projected case loads, it is estimated that in Illinois alone almost $500,000 is currently needed in additional funds to clear up dental treatment backlogs and authorize timely dental care mostly for Vietnam veterans. Some of these ex-servicemen are paying for dental care out of their own pockets rather than wait for the VA.

Mr. Speaker, other day-to-day funding shortages in the VA hospital system are forcing hospital directors to divert funds from maintenance and equipment budgets to pay higher costs of food, drugs, and other medical supplies, and this delays purchase of new equipment to provide up-to-date treatment for our veterans and delays maintenance of hospital facilities. The VA hospital system has an average national staffing ratio of about 1.5 staff for each patient in general medical and surgical hospitals as compared to a 2.72 ratio in general medical community hospitals and State and local hospitals. I believe the ratio in most VA general medical hospitals should be increased to at least two employees for each patient and at least one-for-one ratio in psychiatric hospitals.

The Veterans' Affairs Committee investigation of six Illinois Veterans' Administration hospitals revealed funding deficiencies in fiscal year 1970 of over $4 million to operate about 6,700 hospital beds serving approximately 1½ million Illinois veterans.

In Illinois, there are two hospitals in the city of Chicago, Research Hospital and West Side Hospital. Hospitals are also located at Danville, Downey, Hines, and Marion.

The investigation being conducted by the House Veterans' Affairs Committee reveals that under the hospital staffing formula which I advocated, Illinois VA hospitals are approximately 1,300 positions short of needed staff. These extra positions would cost about $12.5 million annually. A few of these positions, particularly physicians and some nursing personnel, would be difficult to recruit at current VA salary rates, but most are recruitable. Illinois VA hospital directors also reported that community nursing-care programs at their hospitals were underfunded in fiscal year 1970 by over $1 million, and that more funds were needed for increased dental workloads created primarily by returning Vietnam veterans.

The Illinois VA hospital directors subsequently reported to the congressional committee that supplemental funds in the amount of $391,422 had been received following review and consideration of their funding deficiencies by VA's Central Office. The community nursing home-care program was allotted $124,922 to apply against the reported $1,000,000 deficiency. Supplemental funds totaling $66,500 were received to alleviate the backlog of free dental authorizations for Vietnam veterans. The balance of the supplemental funding, $200,000, was to be used to reduce the amount of the fund deficiency for salaries of employees.

Hospital Director Charles M. Turner at VA's Chicago research 500-bed hospital reported that funding was insufficient to fill all of the additional full-time positions that he had been authorized for fiscal year 1970. Approximately $266,000 more was needed for 28 positions. Turner reported to the Veterans' Affairs Committee that his personnel employment in 1970 would exceed his fiscal year 1969 level as additional positions had been provided for activation of a hemodialysis unit, an intensive-care and a cardiac catherization laboratory during the second half of fiscal year 1970.

To achieve a minimal staffing ratio of two employees per inpatient at the Research Hospital, Turner reported that 143 additional positions would be needed at an annual cost of almost $1.4 million. He conceded that a radiologist and pathologist that were needed were probably not recruitable at present VA salary rates, but that most of the positions would be recruitable.

Turner also reported that support personnel such as file clerks, librarians, medical illustrators, supply and housekeeping personnel were presently funded, from the medical care appropriation rather than the medical research budget. A total of eight positions at an annual cost of in excess of $70,000 were being diverted from patient care activities.

Director Turner reported a shortage of space within the Research Hospital facility. He stated:

> Construction of facilities for special medical programs, such as medical, surgical and coronary intensive care units, required diversion of classroom, locker room, patient day rooms, and a portion of the medical library.

He reported the clinical laboratory requires at least 6,000 more square feet of additional space to accommodate the current workload and staff, broaden the laboratory test armamentarium, and to support the school of medical technology. The Chicago Research Hospital subsequently was advised by VA's central office that no additional funds would be received. Accordingly, Director Turner stated they would be unable to fill the 28 positions in the hospital's authorized ceilings.

At Chicago's 500-bed West Side Hospital, Director Dr. Joseph J. Frankel reported funding deficiencies of more than $1½ million for fiscal year 1970. Most of this was needed to cover approximately 84 on duty staff positions. Dr. Frankel stated that he would divert approximately $70,000 in equipment and maintenance and repair funds to help meet the deficiencies, and that he had already initiated action beginning July 1, 1969, to defer filling 40 positions which included six doctors, 10 nurses, 15 technicians, three guards, and six others. Dr. Frankel stated he was prepared to fill these vacancies when and if he received supplemental funds during the fiscal year. Dr. Frankel reported to the House Veterans Affairs' Committee that the hospital had received funds for and opened a three-bed intensive coronary care unit. However, he stated they could use at least five additional beds which are specially monitored so that the patient is electronically under the watchful eye of a physician or nurse at all times. The electronic equipment would note any change in vital signs and would immediately notify such personnel to take necessary action. The intensive-care unit would require about eight more personnel at a cost of about $80,000 to operate the remaining five beds.

Dr. Frankel also stated the hospital could outplace more patients to community nursing homes than was funded by VA central office. He stated with an additional $96,000 he could maintain an average of 46 patients in community nursing homes rather than the 40 that had been funded. Dr. Frankel also indicated that the hospital's medical care budget was supporting two positions in medical research at a cost of about $16,000. He stated that 10 more positions were needed at a cost of about $61,000.

Dr. Frankel also stated:

> Because of the increasing demand and cost along with the fact that the Red Cross cannot supply our total needs, we anticipate a deficit of $15,000 based upon the current rate of spending for blood and blood products.

Dr. Frankel reported that to achieve a minimal 2.0 ratio of staff for each inpatient at the VA's West Side Hospital would require more than 200 more employees at a cost in excess of $2.5 million. He stated that physicians and surgeons, registered nurses, some technicians and some administrative personnel were not recruitable at VA's present salary scales.

Dr. Frankel later advised the committee that:

> No additional funds were received to correct any funding or staffing mentioned previously.

He reported that increasing demands for fee basis dental treatments made it necessary to request supplemental funds and that $66,500 had been received for the balance of fiscal year 1970.

The hospital director at VA's huge Danville VA Psychiatric Hospital reported a deficiency of about $1 million. Most of this, about $725,000, was required to maintain 85 onduty employees.

Director Marvin A. Chapman of the 1,500-bed hospital at Danville reported that he has "markedly reduced level of

maintenance, diverted equipment funds, enforced reduced expenditures for supplies and services, halted nonrecurring projects, and has established a month-by-month descending level of employment." Chapman said that unless additional funding support was received it may be necessary to request a reduction of 77 beds to improve space and staff utilization. He stated there was "insufficient funds to staff what we consider to be an adequate level of employment to meet the needs of our patients."

Director Chapman reported to the committee that he began the fiscal year 1970 with 41 patients in community nursing care facilities. Based on the funding received to support this patient load it would be necessary to reduce his assigned average number maintained daily in community nursing homes. He stated $158,000 "is the amount that would have been required to meet the estimated average daily nursing load for fiscal year 1970."

The Danville VA hospital received a supplemental allotment of funds in January 1970 in the amount of $170,000 for salaries and $18,689 for the community nursing care program. Director Chapman advised that the $170,000 would "sustain current year employment levels." He further stated, however, that:

> The accomplishment of non-recurring maintenance and repair projects, purchase of equipment replacements, and additional equipment will not be possible.

Chapman said the $18,689 for the community nursing care program would permit placement of 10 more veterans during the remainder of the fiscal year.

Dr. William W. Bourke, Director of the Veterans' Administration's largest psychiatric hospital, the 2,487-bed facility at Downey, Ill., reported a funding deficiency of more than $217,000. All of this amount was needed to cover 26 on duty positions. Dr. Bourke also disclosed in his report to the Committee on Veterans' Affairs that an additional $40,000 was needed to fund five full-time positions in his ceiling for fiscal year 1970.

Dr. Bourke stated that he had deferred filling 25 positions since July 1, 1969, because of lack of funding. These positions included three social workers, one dental hygienist, three therapists, one chemist, nine nursing assistants, seven food service workers, and one pharmacy assistant. Dr. Bourke said:

> All of the above positions were eliminated due to funding limitations. While we would like to fill each of these positions, we do not believe that funding during Fiscal Year 1970 will permit filling all of them.

Dr. Bourke stated there were two specialized medical programs that were inadequate in scope or could not be implemented during fiscal year 1970. These were the alcoholic treatment unit which Dr. Bourke said required two more employees, one physician and one social worker, at an annual cost of $35,000. The other specialized activity was the electron microscopy program which Dr. Bourke reported required eight more positions at an annual cost of $100,000.

Dr. Bourke reported that he began the fiscal year with 39 patients in community nursing homes and that funding support would provide for an average of only 15 during the year. Dr. Bourke stated:

> Because of budgetary limitations it will not be possible to place any additional patients in the community nursing homes for the remainder of fiscal year 1970.

He estimated that an average daily community nursing home load of 58 could have been maintained which would have cost an additional $254,000 during the fiscal year.

The Downey VA hospital is understaffed according to the minimal standard for a psychiatric hospital which I advocate. Dr. Bourke reported that 325 more positions at an annual cost of $2.6 million would be required to meet the standard. Bourke said that physicians and surgeons and registered nurses would not be recruitable at present VA salary scales and that licensed practical nurses and some physical medicine therapists would be difficult to recruit. Dr. Bourke subsequently advised the congressional committee that the Downey Hospital had received supplemental funding of $17,043 for the community nursing care program. Dr. Bourke said:

> This additional money will enable us to place eight patients for the months of April, May and June. No other funding was received.

Dr. Lee H. Schlesinger, director of the Hines VA hospital, reported a fund deficiency in excess of $900,000 to operate his 1,500-bed hospital. Over $600,000 of this fund deficiency was needed to cover 56 full-time positions to avoid staff reductions. Schlesinger stated he had deferred filling 14 positions which were essential since July 1, 1969. Included were one dental assistant, two dietitians, one accountant, two medical technologists, two blind rehabilitation specialists, two clinical psychologists, two medical radiology technicians, one general supply specialist, and one warehouseman. In addition, he anticipated the use of special funding support for equipment additions and replacements and the maintenance and repair of facilities totaling $195,000 to offset the cost of personnel salaries, the cardiac catheterization laboratory, and the blind rehabilitation center.

Dr. Schlesinger reported to the Committee on Veterans' Affairs that he began the fiscal year with 153 patients in the community nursing home care program, and that it would be necessary to reduce the average number of patients maintained to 99 to stay within the funding allotment received. Dr. Schlesinger stated:

> Decrease in average daily nursing load is due to lack of funds. Demand for placements increased in fiscal year 1970.

He reported that the hospital could outplace an average of 145 patients in community nursing homes during fiscal year 1970 if sufficient funds were provided.

Dr. Schlesinger also reported to the committee that there were five personnel presently funded from medical care appropriated funds which are being diverted from patient care activities. These were support personnel such as medical illustration, housekeeping aid, maintenance and repair, and engineering operations. The annual cost of these positions was in excess of $40,000. He reported six additional support personnel were needed and the fiscal year 1970 cost was about $20,000.

The Hines VA hospital subsequently received $60,000 in January 1970 for the community nursing care program according to Dr. Schlesinger. He said this would permit an average daily nursing home care load of 107 for the fiscal year, an increase of eight over the originally planned 99. No other funds were received to alleviate other reported deficiencies.

The director at VA's 176 bed hospital at Marion, Ill., reported a funding deficiency in fiscal year 1970 of more than $370,000. L. M. Frazier, Jr., hospital director, reported:

> During the last 6 months of fiscal year 1970 we may have to reduce: pathologist, nurse-anesthetist, a dietitian, clerk, and not fill a position of chief of staff in order to remain within the present target allowance.

He stated he was short $133,000 to cover 13 on duty positions and that funding support for the fiscal year did not include $64,000 for five assigned full time positions in his personnel ceilings.

Frazier said he would divert approximately $32,000 of additional equipment and maintenance and repair funds to cover unfunded deficiencies of $22,000 for drugs and about $10,000 for beneficiary travel.

Frazier also reported to the committee that there were 75 patients in community nursing care facilities on July 1, 1969, but that funding support provided would permit an average load of only 43. He stated the hospital could have made additional outplacements during the fiscal year with additional funding support; an average load of 82 patients could have been maintained with an additional $238,000.

In order to achieve a minimal staffing ratio of two employees per patient in this general hospital, Frazier reported that 90 additional positions would be needed at an average annual cost of approximately $850,000. He stated all of the positions necessary, including six physicians and six registered nurses were recruitable.

The Marion VA hospital received supplemental funding support in the amount of $59,190 in January 1970. Director Frazier stated $30,000 of the total would be used to cover salaries and other personnel services costs. He said the positions previously reported for abolishment would be funded through the end of the fiscal year "except for the nurse-anesthetist whose position has been declared surplus as of April 15, 1970." Frazier reported the additional $29,190 for community nursing home care would permit 20 more placements during the year.

Mr. Speaker, there is an urgent need to correct these deficiencies in Illinois VA hospitals. Many of these have been building up for years and cannot be corrected immediately; however, a higher priority must be placed on the VA medical program in the future so as to assure first-class medical care for our veterans.

ARCHITECTS AND ENGINEERS CHALLENGING NEW PROBLEMS FACING AMERICA

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. SCHEUER. Mr. Speaker, as an honorary member of the American Institute of Architects, I am honored to announce that architects and engineers from the 50 States and Puerto Rico are in the Nation's Capital today to probe some of the most vexing and challenging problems facing the American people—how to plan the approaching wave of urban growth and at the same time restore clean air, water, and land damaged during the Nation's quick economic advance.

There are numerous signs that protection and enhancement of our environment have become paramount concerns of the public.

A Gallup public opinion poll taken last year showed 73 percent of those questioned as willing to pay additional taxes in order to improve their environment and public pollution.

President Nixon and the Democratic Party, although differing in details and emphasis, are united on the priority status of antipollution measures and the need for a national policy on urbanization.

Today's Public Affairs Conference of the Consulting Engineers Council, with its 2,336 firms, and the American Institute of Architects, with 24,200 members, will focus on these issues.

A successful campaign against pollution and new devices and policies to better control urbanization will depend in large measure on how well architects and engineers can work with citizens, government, private owners, and industry. No campaign can be a success without this necessary teamwork.

Already, architects and engineers are displaying evidence of this teamwork in cities across the Nation.

Design concept team have made significant improvement in planning freeways in Baltimore and Chicago, reducing citizen opposition, avoiding wasteful use of land, and coordinating transportation with housing, schools, commerce, and industry. The teams were composed of engineers, architects, landscape architects, and other professionals plus social scientists and neighborhood organization leaders. They were successful because they had backing from city hall.

As Margaret Mead told a House Ad Hoc Subcommittee on Urban Growth recently:

> We are having at every point a demand that the people . . . have the opportunity to say something about the good that is being done them.

Professional teams in heavy consultation with citizens can produce projects that build the social environment and protect the natural habitat.

"We cannot wantonly build new and abandon the old," Rex Whitaker Allen, FAIA, of San Francisco, president of the AIA, told fellow architects last month at three regional meetings. "Preservation, reconstruction, and rehabilitation must become accepted procedures."

Armed with this new appreciation of the need for renewal and the necessity for community consultation, the professional designers ask the opportunity to help cities, States, and the Federal Government.

A survey by the CEC showed private consulting engineers already have the capability of designing pollution abatement facilities far in excess of the amount budgeted or planned in the next 5 years by the administration.

Both CEC and AIA are stepping up efforts to increase the supply of design professionals and assisting technicians.

The CEC's Colorado plan already has enrolled around 250 engineering and technician trainees around the Nation.

AIA's national organization and chapters, such as the New York component, have announced 5-year drives to add to architectural manpower. AIA is also pledged to gain full academic accreditation for six mostly black schools of architecture to help increase manpower in southern States.

AIA members are helping finance and staff around 20 community design centers in cities as varied as Philadelphia, Cleveland, Nashville, Albuquerque, San Francisco, and Chicago. Donating time, and in some cases equipment, the professionals are working with neighborhood groups on parks, housing, stores, and factory development. The design centers are also offering important alternatives to city plans for highways and other buildings.

In New Mexico, the CEC chapter has voted to support the design center already underway with AIA help, a move the organizations hope will foster similar joint ventures in other cities.

The public education role of the professionals is also receiving new emphasis, an interesting parallel effort to that of congressional committees and the national environment teach-in April 22.

In Seattle, CEC on February 24 will sponsor a public hearing to air facts and recommendations regarding the Interstate 90 link between Mercer Island and Seattle.

In Miami last year the South Florida AIA chapter chartered a boat to invite leading local financiers to consider better planning methods to preserve the fragile ecology of the beautiful region.

On the national level, AIA has established committees of architects, engineers, and planners to help advise school districts on installing environmental awareness courses and to bring alternative environmental protection policies to the political parties in time for their inclusion as national issues in the 1972 presidential campaign.

Meanwhile, Mr. Allen has urged citizens to consider local and State lawsuits to stop pollution. He also suggested to Congress on February 3 the establishment of a joint congressional Committee on the Environment, and a National Pollution Abatement Authority with regulatory powers perhaps comparable to those granted the Federal Trade Commission.

Mr. Allen said:

> Americans have been careless with their environment.

The concerns of the speakers and the participants in this Public Affairs Conference will demonstrate that architects and engineers want to join with the Government and the public in an urgent redress of that past carelessness.

FREE KNOWLEDGE PROVES TOO COSTLY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. WOLFF. Mr. Speaker, as a member of the Foreign Affairs Committee I am acutely aware of what a significant factor world illiteracy is in the perpetuation of misunderstandings among nations. If we could educate all men we would not only promote brotherhood, but we would firmly establish the foundations for world peace.

One man who shares this philosophy is Mr. Walter Sysak, a constituent of mine from Mineola, N.Y., who has done more than just think about the matter. He has undertaken, for the past 4 years, a one-man crusade to supply underdeveloped nations with used textbooks. Unfortunately, however, this dedicated gentleman has met with frustration which threatens to halt his mission. What is worse, moreover, is the fact that the frustration stems not from foreign nations but from our own Government.

Mr. Speaker, since his story is one from which we all can learn, and one in which we may be able to supply a happy ending, I would like to take this opportunity to extend my remarks to include a recent article from Newsday, a well-known Long Island newspaper, on Mr. Sysak and his attempt to provide free access to knowledge for those who are in need:

FREE KNOWLEDGE PROVES TOO COSTLY

(By Martin Buskin)

After four years and the shipment of 215,000 books to all parts of the world, Walter Sysak is giving up his one-man campaign to send used and outmoded textbooks to poverty-stricken schools. The project, he says, needs more than just one man.

Sysak, a Mineola surveyor who has also raised funds to help the Peace Corps build schools in underdeveloped countries, said that he has appealed in vain to scores of government and private agencies for assistance with his campaign, which involves only textbooks which would ordinarily be burned by school districts. As of yesterday, the net result of all his pleading was 15,000 books still waiting to be shipped, $200 for shipping expenses and 75 letters from Africa and Asia pleading for books.

"This is the cheapest way to project good will for this country," he said. "When a kid from Kenya reads a book from Hicksville, what better good will is there? It seems that we concentrate on big things, but we can't do the little things that count . . ."

Sysak has conducted a private war with a sympathetic bureaucracy that praises him

for his efforts but cites many reasons why it cannot help. His biggest problems are finding storage space for the unwanted textbooks and raising funds to pay for their shipment.

When he wrote to the U.S. Embassy in Kenya last year asking help in shipping books to that country, the embassy referred him to a special U.S. Navy project designed to help schools, orphanges and hospitals. The Navy told Sysak that its help, if any, would be small-scale and slow.

When he wrote to President Nixon in October asking for help, it took almost two months before he received a letter from James A. Donovan Jr. of the State Department. Donovan told Sysak that "your letter has finally arrived at the right place" but said, "I must say I am not sanguine about financial assistance from any part of the Government for your idea . . ." No action followed.

Sysak said that he has received financial aid from the Kiwanis Club of the Willistons, Smith College, private donations and that he has spent a "substantial amount" of his own funds to ship books. He estimated that he has shipped 200,000 books overseas and 15,000 books throughout the U.S. since 1965. The Town of North Hempstead provides free storage space for 15,000 textbooks, but Sysak said that he knew of "thousands of books" in various Long Island schools he could collect if he had storage space.

But Sysak has a file of other letters telling of the impact of his program. A Peace Corps volunteer in India wrote, "I guess I could best express our appreciation with the words of one of our students—'first class books with colored pictures from America . . .'" An African teacher in Tanzania wrote, "This war you have undertaken to fight is a silent one, but has far-reaching end results . . ."

But Sysak said that he needs more than letters. He said that he would need a minimum of $25,000 a year to continue the operation. "I'm giving up the entire project," he said. "Everyone talks about lack of communication, but who really does anything?"

LITHUANIAN INDEPENDENCE DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. MINISH. Mr. Speaker, it is my honor to remind this Chamber that on February 16, 1918, Lithuania was declared an independent state, based on independent principles, with its capital to be at Vilnius.

Since 1785, Lithuania had been annexed by Russia. During almost the entire 19th century it was subject to a repressive policy, wherein Russia attempted to replace the language and culture of the Lithuanians. The Lithuanian people resisted, remaining faithful to their religion, language, and traditions.

In 1914, when Lithuania was overrun by the German Army, Russian domination came to an end. Although the retreating Russians and the invading Germans sacked whatever portions of this country they could, the German defeat in the First World War together with the Russian Revolution made possible a claim for Lithuanian independence. The German Government authorized the gathering of a congress of Lithuanian delegates, which in turn proposed an independent Lithuanian state. Although the Red army entered Vilnius and installed a Communist government on January 15, 1919, the Polish Army combined with Lithuanian fighting forces drove out the invaders the following year. This forced Russia to sign a peace treaty with Lithuania on July 12, 1920, which recognized the independence of this hardy nation. The League of Nations admitted Lithuania to its membership on September 22, 1921.

During the time of Lithuanian independence, agriculture techniques improved, land reform programs were instituted, and Lithuania became a nation of small farmers. Industrialization also made great headway. Labor control laws were enacted, and other significant social measures were introduced. In addition, Lithuanian literature, opera, and music abounded.

Following the loss of Memel to Germany in March of 1939, the Soviet Union forced a mutual assistance treaty upon this small nation. A questionable election held in July 1940 produced a congress that asked that Lithuania be incorporated into the Soviet Union. On August 3, 1940, Lithuania was declared a constituent republic of the U.S.S.R. by the Supreme Soviet in Moscow.

Then followed the German attack on the Soviet Union on June 22, 1941, with Nazi forces overruning Lithuania only a few days thereafter. When the tide of battle turned against Germany, Lithuania returned to Soviet domination, having been retaken by the Soviet Army on July 13, 1944.

The United States has never recognized the incorporation of Lithuania into the Soviet Union, and maintains diplomatic relations with the representative of the former independent government. It is my hope that someday this stalwart nation may regain the freedom it so valiantly sought.

CLEVELAND ORCHESTRA

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. VANIK. Mr. Speaker, yesterday afternoon, at Constitution Hall, it was my privilege to attend the remarkable performance of the world-renowned Cleveland Orchestra under the baton of its eminent conductor, George Szell.

As a Clevelander, I was thrilled and proud of the enthusiastic and warm reception provided by the Washington audience.

Great orchestras and great museums must be encouraged and perpetuated by private philanthropy as well as public endowments. Every Member of this Congress must be mindful of our obligation to develop and sustain the humanities, which also suffer the problem of inflation and cost escalation. Future historians will judge today's generations by our response to the arts which are the hallmarks of purposeful survival.

Following are today's glowing reviews in the Washington Post and the Washington Evening Star on the Cleveland Orchestra's performance:

[From the Washington Post, Feb. 16, 1970]

INCREDIBLE ENSEMBLE

(By Alan M. Kriegsman)

The Spoilers blew into Constitution Hall yesterday afternoon—who else but conductor George Szell and that incredible assemblage of virtuosos he calls an orchestra. The part about the spoilers is more than a joke. After a couple of hours with the Cleveland ensemble, you're liable to feel discouraged about attending any other symphonic concerts for months.

The program wasn't especially adventurous, but that didn't prevent Szell from turning it into an exalted experience. Things began with one of the Clevelanders' "specialites de la maison," Smetana's "Bartered Bride" Overture.

From those first uncannily buzzing string unisons to the thrilling trumpet staccatos toward the close that cut like scalpels through the whole orchestral fabric, it was a performance that has my spine tingling again just in memory of it.

What followed—William Walton's Variations on a Theme by Hindemith—showed that Szell and the Cleveland can triumph even over mediocrity. Like some other oldtimers steeped in classical tradition, Szell can go only so far with 20th-century iconoclasm, and no further. This occasionally leaves him clinging to works like the Walton—tasteful and technically facile, but essentially bland and uninventive.

Hindemith almost drowns out Walton entirely in these Variations. Not only the theme, taken from the 1940 Cello Concerto, but also the instrumental coloring, the harmonies and the contrapuntal leanings are drawn from the model. Unfortunately, Walton's inspiration is also secondhand.

Even so, any piece of music that allows us to hear, for example, the Cleveland strings rustling like a curtain of translucent silk, has a lot going for it—in Szell's hands, at least.

The pinnacle, however, was Beethoven's "Pastoral" Symphony. Szell's performance reminded us of something we are in danger of forgetting in the misguided orgy of celebration this bicentennial year will bring—namely, that Beethoven was one of the great creative souls of the ages. By hewing strictly to the letter of the composer's intentions, while never for a second ignoring his spirit, Szell once again permitted us to recognize and revel in the sublimity of the Sixth Symphony, freed from the accrued dross and distortion of so many other interpreters.

In desperation, and for lack of specific flaws, some critics have taken to accusing Szell of being "too perfect." If this "Pastoral" was a sample of what they meant, then I'll opt for perfection-in-excess—what a way to go!

[From the Washington Evening Star, Feb. 16, 1970]

SZELL, ORCHESTRA AT THEIR FINEST

(By Irving Lowens, music critic of the Star)

The Cleveland Orchestra was in excellent form yesterday afternoon in Constitution Hall, and that means that George Szell and his men sounded like one of the best ensembles in the world, if not the very best. It is really a magnificent musical instrument that Szell has fashioned in the 24 years he has been in Cleveland.

The concert got under way with a sizzling performance of the Overture to the Bartered Bride, continued with a supple reading of Sir William Walton's 1963 Variations on a theme by Paul Hindemith, and came to a close with a characteristic Szell interpretation of the Beethoven 6th Symphony.

Szell is essentially a classicist on the podium—brisk tempos, transparent texture, marked precision, no liberties with the score. But he is not entirely a classicist, and that is part of the secret of his success, I believe.

He knows how to stretch a phrase when he wants to, how to instill the breath of life, and the fact that he utilizes romantic techniques so rarely makes them all the more effective when he does.

Still, he is a musician one admires rather than loves. Walton's conservative complexity is extremely congenial to his temperament (as is the contrapuntal web of the Hindemith variations), but it didn't rouse the audience to shouts of approval.

The bravos were reserved for the Pastorale, and to my ears, the audience's evaluation was quite accurate.

In this, the most naive of all Beethoven symphonies, Szell unbent enough to allow his listeners to savor its sweetness. An unusually lovely touch was the breathtaking allargando in the last movement, just before the final cadences.

It was Szell at his best, and that's worth more than walking a mile for.

ANOTHER HONOR FOR PHILADELPHIA'S FIRE DEPARTMENT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. EILBERG. Mr. Speaker, Philadelphia's distinguished fire department has been honored once again.

Philadelphia's outstanding fire commissioner, James J. McCarey, a man who rose from the ranks, knows from tough experience more than half his battle is in preventing fires rather than putting them out.

The image of the gallant fireman desperately battling roaring flames is a familiar and dramatic one. But equally heroic and certainly more effective are those firemen who discourage these calls to danger by effectively campaigning to prevent fires.

Chief McCarey's Philadelphia Fire Department knows this and its vigorous programs on fire prevention once again have been cited as the best among major American cities.

With the unanimous consent of my colleagues, I place in the RECORD an account of the Philadelphia Fire Department's most recent distinction:

Philadelphia's award-winning Fire Department has added another citation to its long and distinguished list of honors by again winning first place for major cities with a population exceeding 500,000 in the Annual National Fire Prevention Association's fire prevention contest.

Fire Commissioner James J. McCarey received a telegram from Charles S. Morgan, General Manager of N.F.P.A., notifying him of the award for 1969. Nearly 17,000 entrants from the United States and Canada vied in various classes with the awards based on year-round community efforts to reduce fire and to educate the public on fire safety practices.

Philadelphia's entry, entitled "Our Great Heritage," illustrated in three large display books through text and color photographs, the numerous and different methods the Fire Department used last year to maintain and expand the City's progress in reducing fires, casualties and property loss.

In 1968, the City also led the nation's municipalities in reducing building fires. The national average of building fires per thousand population was 4.1 while Philadelphia's was 3.3.

The nation's number one Fire Department has now won first prize in this competition for the last 13 years and has won the N.F.P.A.'s Grand Award four times in the same period. To be eligible for the Grand Award, the entrant must initially capture first prize in their specific category. Philadelphia placed second in the Grand Award running in 1969.

Commissioner McCarey commended the officers and men of the Fire Department, the public and parochial school systems, and Mayor James H. J. Tate's Fire Prevention Committees, representing all segments of the community, for making Philadelphia number one in fire safety for large cities once again.

The N.F.P.A. is the only world-wide organization with the expressed purpose of advancing, through science and education, the protection of lives and property from fire. The non-profit organization founded in 1896 with headquarters in Boston, Mass., seeks to stimulate universal fire safety consciousness and encourage wider use of modern techniques in fire prevention efforts.

GALLAGHER CALLS FOR NATIONAL COMMITMENT TO CURE CANCER WITHIN THIS DECADE

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. GALLAGHER. Mr. Speaker, I speak on a matter of pressing concern to all Americans, and, indeed, to all peoples of the world.

There is a killer loose among us. It is a killer which systematically takes the lives of countless millions of persons each year. It diabolically stalks the earth, with virtually no restraint.

That killer is cancer.

Can there be any doubt but that if this killer were human in form we would marshal the full extent of our resources to capture, convict, and drive him forever from the earth?

Yet cancer is more deadly than the most monstrous criminal, and it proceeds along its savage path while we watch, and wait.

So, the ghost of cancer hangs over all mankind. It is estimated that 33 million Americans alone are afflicted with the dread disease; and cancer has tragically touched the lives of countless others, including those who are not as yet diagnosed.

However, Mr. Speaker, we have a weapon—a weapon that might, if developed and employed, enable us to stop cancer for once and for all.

That weapon is medical science.

Our physicians and research personnel have clearly indicated that they can cure cancer with the proper financial support. Professionals in the field believe that we today stand on the brink of discovery. It is no longer a question of "can we do it"; it is only a question of "when."

It is a devastating fact to note that the central obstacle to stopping cancer is merely money.

Somehow, Mr. Speaker, we find the money to spend on development of a supersonic transport of dubious value at best—one wonders where this plane will ever find room to land if it ever finds room to take off. While we might escape problems of the moment on a crash through the sound barrier, we cannot escape cancer that easily.

Somehow, we locate the funds for countless weapons that become obsolete as they are manufactured. But while we already possess sufficient armaments to destroy the world six times over, our arsenal in the war against cancer is badly depleted.

To be sure, it seem that we are never at a loss to find money for those projects we decide to fund. Can it be, then, that we have become so immune to human tragedy that our decision on cancer is to continue to watch, to wait, and to suffer?

For such a decision, we all bear the consequences.

Mr. Speaker, with these thoughts in mind, I am today proposing that this Nation immediately undertake a firm financial and moral commitment to curing cancer within this decade.

I am further proposing that our representatives to the United Nations be authorized to work toward a binding international agreement for the pooling of financial and medical resources in a global effort against this common enemy of mankind.

Mr. Speaker, I have embodied these proposals in a letter to President Nixon, and respectfully submit them today for the consideration of this body.

Mr. Speaker, it seems to me that if this country could successfully organize a manned landing on the moon, and return to earth, within a short span of 10 years, then we could surely conquer cancer in at least a similar period of time.

In fact, we are today closer to a cure for cancer than we were to a moon landing when that national commitment was first ordered. Surely, a mission against this great scourge of cancer is at least as integral to our survival as a mission to the moon; it demands no less dedication.

Today, we are considering a manned space flight to the planet Mars. It would seem highly repugnant to any decent ordering of priorities that we could embark upon such a venture before taking care of our earth. Though man's destiny might be in the stars, he must first be alive and strong in order to meet that destiny.

Surely, Mr. Speaker, the voices of the American people have been raised in unison upon this issue. No one is immune to cancer; this disease knows no racial, national, religious, or class boundaries. It strikes with equal ferocity at the old and young, rich and poor. Thus, a government which resolved to destroy cancer within this decade would be a government which had the full support of its people in this resolution.

Questions of expense may be relevant here, but they should not, and must not become determinative. We pay greater costs in terms of lost lives and human suffering by permitting cancer to continue its killing pace than we could ever pay in terms of dollars. The equities do not even approach a balance.

Nobody will ever forget the day upon which a preventive vaccine for polio was announced to the world. Similarly, who would ever cease to remember the day upon which we can state that the ghost of cancer has at last been exorcised from the earth? Is there any price not worth paying in order for us to reach that day?

Mr. Speaker, I am, frankly, not certain as to how we can most effectively translate national concern into national action in order to cure cancer by 1980. I am certain, however that this is something which we must do.

Accordingly, I am hopeful that the American people will continue to bring the full weight of their opinion to bear on this issue. I am also hopeful that the administration will decide to undertake the commitment I have proposed today.

However, let us not be remiss in our own responsibility as the National Legislature. I plan to introduce legislation in the next weeks aimed at creating a cancer cure program to defeat this disease by the close of the decade. And I urge my colleagues in both this House and the other body to join me in this effort.

Let us provide our doctors with the weapons they require to drive cancer forever from the earth.

COMMUNISM'S DOUBLE STANDARD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. RARICK. Mr. Speaker, typical of the double standard of conduct in a Socialist operation is that reported from the Communist emerging nation of Tanzania which has now decreed a hard labor penalty for any man proved to be the father of an unmarried woman's child.

In free societies, agents of the same Communist conspiracy constantly erode the laws of decency to promote immorality and illegitimacy and then demand welfare benefits for the unmarried mothers to permit them to live as well, or better, than normal working families.

Perhaps as President Nixon and his HEW crony, Mr. Finch, contemplate their new revision of the welfare subsidy, they would do well to heed the tightening up of the existing loopholes in our own illegitimacy laws. Every State in the Union has bastardy laws but their operation to protect decent society is hindered or prevented by HEW guidelines written and enforced by tear jerking and hand wringing domestic Socialists.

Yet history reflects time and time again, when the free society is destroyed and the Socialists take over the helm, the permissive immorality ends abruptly.

Mr. Speaker, I insert a Reuters report of February 14, 1970, from Zanzibar, Tanzania, following my remarks:

ZANZIBAR TOUGHENS ILLEGITIMACY LAWS

ZANZIBAR, TANZANIA, February 14.—Any man proved to be the father of an unmarried woman's child is liable to not less than five years at hard labor under a decree issued by the Zanzibar island government today.

If an unmarried woman refuses to disclose the name of the father of her child, she will be detained until she does disclose it, the decree said.

If she gives false information she is liable to be imprisoned for not less than a year.

Any unmarried girl found to be pregnant while still at school must be expelled.

The decree does not apply to widows and divorcees.

INFLATION

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. MINISH. Mr. Speaker, on January 27, 1970, our distinguished New Jersey colleague, Mr. HENRY HELSTOSKI, placed before the Lyndhurst Industrial Association at a luncheon meeting in Passaic, N.J., a presentation on the ravages of inflation.

Because this deals with a problem of major concern to all of us, I hereby place in the RECORD the text of Mr. HELSTOSKI's address:

I appreciate this opportunity of appearing before the members of the Lyndhurst Industrial Association. I cannot address you as fellow businessmen for I am an educator and public officeholder.

Yet I expect that many things occurring today trouble you as much as they trouble me for we all are citizens, serving in our assigned niches in life, seeking to build a better and more stable United States of America.

One of the things troubling me is inflation. I see no signs on the horizon that the fast-moving spiral of inflation is going to be halted or even braked. Administration steps directed at braking inflation do not appear to be working even to a minor degree. In fact, inflation grows worse week by week.

What is inflation doing to us?

It is making the Social Security System inadequate.

It is making your company retirement plans inadequate.

It is making your life insurance policies inadequate.

It is driving up the costs of your insurance coverage for hospitalization, medical care, automobiles and trucks, and disaster and theft policies on your homes and businesses.

It is pushing up, up and up the costs of food and services. The costs of everything you need to exist and enjoy life.

It is costing you more and more for your raw materials and equipment with a resulting higher selling price for your products.

It is devaluating your savings for retirement and the education of your children.

It is making it impossible for the average person to buy a home, which is the dream of most young people.

It is driving neighborhood retailers to the wall because of the high interest rates they must pay on bank loans made to replenish their stocks.

It is sending higher and higher the costs of your local government, with resulting heavier property taxes, because your local officials must pay more for the services they render to you, for equipment they must purchase and construction costs they must meet.

We could go on and on giving examples of what is happening to our people in this wild period of inflation much of which I believe has been primarily induced by the costs of the war in Vietnam.

Inflation might or might not die overnight if we ended the war, but the end of the military action would effectively put the brakes on it.

But from where I sit, I see no signs from our national administration that we are anywhere near ending the Vietnam War. On the other hand, I see definite indications that the Administration is preparing us for a prolonged war, which incidentally, is not strange for the Far East.

It is all to the good that we are cutting down on our troop commitments in Vietnam, but the indication is that the President plans to keep 200,000 of our military men a year in the area. This means 1,000,000 men and boys if the war goes on for five years, and 2,000,000 if it goes on for ten years.

I believe you all know my views on Vietnam. We should not have become involved. We should be making far greater effort to become uninvolved. If Congress had the say-so on ending the war, I am sure more rapid progress would be made in that direction, but under our Constitution the President holds all of the cards and makes the decisions and many times by consulting with only his own appointed, not elected, advisers.

We could go on discussing the war, but my subject today is inflation and I have brought up Vietnam because in my opinion, it is the key cause of inflation.

What do we do about inflation?

Up to now, our President, under the duties of his office, has taken steps he says are designed to brake inflation. What are the results? Let me read to you a column by Mr. Clayton Fritchey, a well-known national writer. Mr. Fritchey wrote in December:

"This is a report on the progress of the Nixon Administration's fight against inflation during his first year in office.

"The President's intention to halt and roll back inflation was made clear in a campaign statement last year (Labor Day of 1968) in which he condemned Lyndon Johnson for practicing the 'politics of inflation—the curse of the working man.' At that time inflation was running at an annual rate of four percent. Now, 16 months later, the rate has climbed to almost six percent, highest since the Korean War.

"Since the inauguration of the new Administration, it has repeatedly assured the public that its anti-inflation program was working and that relief was just around the corner. As far back as April, Treasury Secretary David Kennedy was saying: 'In the next few months we will be seeing clear signs of a turn.'

"In August, this refrain was echoed by Paul McCracken, chairman of the President's Council of Economic Advisers, Federal Reserve Board Chairman William Martin, and Ronald Ziegler, Mr. Nixon's press secretary. The indicators, Ziegler summed up, 'are beginning to look encouraging.'

"The Consumer Price Index (the nation's best barometer on the cost of living) told a different story. In August it shot up another 0.4 percent. In September, when McCracken found new 'evidence of cooling off', the index again climbed, this time by 0.5 percent. Also on September 11, General Motors announced the steepest price rise for its cars in a decade. And on September 17, the interest rate on United States notes shot up to 8 percent, the highest in 110 years.

"On October 14, President Nixon told Republican Congressional leaders that 'we have turned the corner on inflation', and on October 17 in a national radio address, he told the public that 'we are on the road to recovery from the disease of runaway prices'. On October 20, the Consumer Price Index again went up 0.4 percent. Worse, the wholesale price index climbed an ominous 0.4 percent, or double the 0.2 percent for September.

"In November, it was the same story. The President told 2,000 businessmen that 'we

see the first signs that our policies are working'. But the cost of living still went up, especially for food and housing, and, it will go higher and higher unless the Administration has the courage to do more than it has done so far.

"The Administration has been saying all year (and is still saying) that its tight money policy would do the trick. But it hasn't. Noting that interest rates have risen this year to the highest point in history, Hubert Humphrey said: 'I don't think the Nixon Administration would go back that far for its standards'.

"The predictions on money rates have been no better than those on prices. Months ago, Arthur Burns, presidential adviser and newly-appointed chairman of the Federal Reserve, said: 'I expect interest rates to move down sometime soon.' Yet, the rates still are climbing to record heights".

At this point I would like to place before you an example of what is happening. Very recently the Veterans Administration and the Federal Housing Administration increased to 8½ percent the mortgage interest rate for insured loans under their widely-used programs. They are the highest interest rates in the history of the programs.

Now I resume with Mr. Fritchey's column:

"Experience shows that virulent, wartime inflation can be curbed only by stabilizing wages and prices, which means mandatory controls, or voluntary guidelines, or both. President Nixon is against government controls 'on principle' and upon taking office, he said he was not going to 'jawbone' labor and management to exercise restraint.

"So, as 1969 comes to an end, the Administration still is pinning its hopes on hope. Sometime ago Burns was asked if the present rate of inflation could be cut to 3 percent by the end of the year and he said: 'I hope that we can do better than that.' It was, at best, a forlon hope, and now it is palpably an unreal one, on a par with predictions of imminent victory in Vietnam."

That is the end of Mr. Fritchey's column and it brings us to the subject of price and wage controls. Should we have them in this war period? They worked in World War II and the Korean War when the leaders of the eras got around to imposing them. I might say they did not move with any great speed. In fact, they only moved when inflation became utterly unbearable.

I fully realize that mandatory controls are repugnant to our free enterprise system, but at certain times in our history we must take hard steps if we are to preserve our Nation, its economy and destiny.

Is now the time to impose wage and price controls? We in Congress would like to hear from the people we represent. Thus, I ask you for your opinion, either now or in letters sent to my Washington office. I assure that your views will be imparted to my Colleagues in Congress.

I leave you with this thought: If we do not halt inflation, we are courting economic disaster and the very existence of our present form of government. Read your history books about the fall of other nations if you doubt this.

COSTA RICA: WHERE WERE THE TROOPS?

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. LEGGETT. Mr. Speaker, the recent presidential elections in the Central American Republic of Costa Rica provide food for thought.

Jose Figueres Ferrer was elected President over former President Mario Enchandi Jiminez. The election was orderly, honest, free, and thoroughly democratic. This is somewhat unusual in Latin America these days.

Costa Rica is also remarkable in that it has the highest per capita income and the highest literacy rate in that part of the world.

But what makes Costa Rica unique is that it receives not 1 cent of military aid from the United States. In fact, it has—hold on to your hats—no armed forces at all. It has no army, no navy, no air force. We have come to accept the cold war concept that military strength is the only bulwark against Communist takeover from within or without. Yet there sits little Costa Rica: Free, happy, relatively prosperous, demilitarized, and unmolested by Castro or anyone else.

Finally, American travelers report that the people of Costa Rica are overwhelmingly pro-United States. As Mr. Rockefeller discovered, this too is unusual, if not unique, in Latin America these days.

Mr. Speaker, it is long past time we reexamined our obsession with security through militarism. Throughout Latin America we have supported rightist military regimes in the name of anticommunism. Now we find, almost without exception, that these countries' economies are in chaos, their governments corrupt, their desperate social ills virtually untouched, their "freedom" a travesty. And all this has not bought security. Revolutions are frequent, anti-Americanism is the order of the day, and indigenous Communist movements thrive.

Our policies seem determined to insure that when the popular revolutions come, as they certainly will, they will be violent and anti-American.

Have we learned nothing from the Vietnam disaster? Why do we not recognize that a representative and responsive government need have no fear of subversion, while a repressive and reactionary regime is always sitting on a powder keg? Why do we not copy our successes instead of our failures?

NEW LEFT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. DERWINSKI. Mr. Speaker, the self-styled new left, a conglomeration of anarchists and radicals, are a present-day phenomena but unfortunately, this breed has obtained an obvious degree of leverage within local, State, and even the national Democrat Party groups.

For that reason thoughtful commentary on the new left by Copley News Service Washington Correspondent, Dumitru Danielopol, in the Sacramento, Calif., Union on Sunday, January 25, is worth pondering.

The article is as follows:

THE UNEDUCATED "NEW LEFT"

WASHINGTON.—Why do the students of the New Left ignore the fate of democracy behind the Iron Curtain?

Dr. Stefan Possony, a foreign affairs scholar and director of international studies for the Hoover Institution on War, Revolution and Peace at Stanford University, says there is an answer: "faulty education."

"The education failed," he says in a recent article in the magazine "Twin Circle," because their educators did not recognize the conflict between totalitarianism and democracy as the foremost reality of our time."

Since students must take sides, Possony says, they deserve to be thoroughly instructed about this conflict.

Those "idealistic Communists" of the New Left are often critical of the Soviet Union on the grounds that it has become too bureaucratic, but they hold Mao and Che Guevara as idols.

"They obviously haven't studied Red China or Cuba," says Possony.

Communism has failed in those countries too and there is little chance for the New Left to succeed where Lenin, Stalin, Khrushchev, Mao and Castro failed.

The Communist economic system has never worked and can only be maintained by police terror and, as Possony says, "the New Left has not invented any new economic technique that would promise a better performance."

Not even Dr. Herbert Marcuse.

The New Left has proved void of constructive ideas. It wants to smash and destroy what exists, but offers nothing in its place.

These are not revolutionaries but merely rebels, Possony says.

Because the students have not been properly educated they have not been given a chance to find out the truth about the failings and crimes of totalitarianism and therefore they cannot judge the issue objectively.

For instance, says Possony, "the student rebels oppose hunger and misery, yet they sympathize with communism which produces famine and perpetuates misery."

They oppose inequality, yet they espouse communism which has built the most stratified class society in modern history.

They hate Nazism, yet they have never been taught that Stalin and Mao were far more monstrous than Hitler.

They reject war, but they accept preparations for war in Moscow, Peking and Hanoi.

But Possony doesn't believe these young people of the New Left will determine the future.

They may belong to the next generation, he says, but they do not represent it.

The future belongs to those students who are educated properly and who "are true idealists," he says, "those who learn there are higher laws of ethics which cannot be violated without causing catastrophe."

Let's hope he is right.

SEX EDUCATION—THE WAR TO WHICH NOBODY CAME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. RARICK. Mr. Speaker, whenever the SEICUS crowd has succeeded in sneaking their educational racket into a school through the back door, their standard line is that the program is in response to popular demand and that

decent parents who object are some kind of nuts, probably wearing tennis shoes.

In neighboring Montgomery County last week we saw a new twist to the popular leftist line about calling a war to which nobody comes. In Gaithersburg High School plans were made to handle an overflow crowd for an adult sex education show entitled "The Psycho-Social Aspect of Human Sexuality"—supposedly in response to popular demand.

Nobody came—nobody, that is except the school psychologist, three school administrators and one married couple who came to monitor the proceedings as part of their program of opposition to the sex education program which has caused controversy in the county.

The article is, as follows:

[From the Washington Post, Feb. 13, 1970]

CROWD EXPECTED, BUT ONLY TWO ATTEND SEX EDUCATION TALK

(By Richard M. Cohen)

The topic Wednesday night was "The Psycho-Social Aspect of Human Sexuality," and announcement of the lecture was mailed to every home in Montgomery County, to every PTA, to all radio and television stations and to all newspapers.

Gaithersburg High School's cafeteria had been reserved for the crowd. Plans were made to handle the overflow. A psychologist was to speak.

Two persons showed up.

Thus ended Montgomery County's attempt at sex education for adults. Its two lectures, Wednesday night and Feb. 4, played to a grand total of eight persons, two of whom attended twice.

School officials had been certain that huge crowds would be drawn to the lecture series because of the publicity the sex education controversy has generated in the last year.

"Most of the people who go on the PTA circuit have been asked time and time again. 'Why don't the schools help the parents become better sex educators?' " said Joel Crausman, a school system psychologist and Wednesday night's speaker.

"I don't know where they are now," he added. "Maybe they're enrolled in knitting."

Not exactly. There were 29 women that night studying sewing at the high school and another 15 attending a class on antiques. Welding attracted 18.

But in the cafeteria there were only Mr. and Mrs. George Robinson of Colesville, opponents of sex education in the schools and the parents of five children. They came for a lecture. Instead, they stumbled into what amounted to a private session with Crausman, the school psychologist and three school administrators.

Crausman gamely launched into his prepared lecture—"What we are here to talk about tonight is psycho-sexual relationships"—but soon abandoned his format and his suit jacket to conform to the occasion.

"In a little group like this," he said, "this is a rare opportunity to answer your questions."

"Well, I don't have any questions," Mrs. Robinson said. "I'm just here to keep an eye on the program."

The program, which was to have been a three-lecture series, was the county's response to a strong recommendation made by the State Department of Education, itself a target of sex education critics.

"A course covering family life and human development shall be offered if funds are available by local school systems as part of an adult education program," the state said.

In addition, opponents of sex education in the schools have frequently charged that it violates the sanctity of the home and maintained that if there was any educating to be done it should be at the parental level.

Moreover, school officials said yesterday, there was a substantial number of requests for the program from parents who supported sex education in the schools. These parents wanted a refresher course for themselves so that children wouldn't catch them ill-prepared to supplement what they had learned in school.

For these reasons, school officials said, they thought the sex education seminar might enjoy a longer run than "The Sound of Music," not to mention welding.

"I'm at a loss to understand the small attendance," said Dr. Robert Schneider, an assistant superintendent for health education and services. "In view of the fact that more than a few parents requested it, we offered it. They were saying you ought to educate the parents and not the children."

"I'll tell you," said Mrs. Robinson. "I have a friend and she has three boys. She says, 'Why should I come? They can't get hurt.'

"Well, I have three girls and I don't feel that way."

For just a moment Wednesday night it appeared that a third person had come to the lecture. A man walked into the cafeteria and asked:

"Is this driver education?"

"Sex," replied one of the administrators.

"Sex!" the man exclaimed.

"Sex education," he was informed.

"That's not for me," he said as he left.

GALLAGHER CALLS FOR NEW ARMS AID TO ISRAEL

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. GALLAGHER. Mr. Speaker, on Sunday, February 15, I had the high honor and privilege to address a meeting of the Zionist District, of Bayonne, N.J.

At this meeting, I was presented with the Golden Scroll Certificate of the Jewish National Fund. To say that I was humbled by this award would not be sufficient—I was indeed overwhelmed.

Mr. Speaker, the Zionist groups in the United States do not stand alone in their grave concern over the current situation in the Middle East. Israel is locked in a struggle for its very survival; it is the victim of constant aggression and terrorist attacks.

Now, as in 1967, it is our duty to offer firm support to the State of Israel. In short, it is at least our responsibility to furnish arms to Israel to counter those arms being furnished to the Arabs by the Soviet Union, France, and others.

Mr. Speaker, I am sponsoring a resolution which calls upon the administration to immediately enter into negotiations with Israel for the sale of Skyhawk fighters, Phantom jets, and other necessary arms. There is war in the Middle East, and we must leave no doubt as to where our interests are alined.

I set forth in detail my position in my speech to the Bayonne Zionist District. Under unanimous consent, the full text of my remarks follows:

SPEECH OF CONGRESSMAN CORNELIUS E. GALLAGHER

As I was sitting here this morning, in this wonderful community center, I began to think of the often repeated phrase, that the age of miracles came to an end long ago. The giants who walked the earth in ages past have, it is said, disappeared and left us with nothing but overwhelming memories. And as I considered these statements, I began to realize how untrue they really are.

So, I stand before you today as one who believes he has seen a miracle occur, and as one who believes he has seen giants among men make that miracle a continuing, everyday reality.

For who among us who has seen the State of Israel can deny that he has observed a true miracle?

And who among us who has watched Israel grow and prosper amidst natural and nationalist enemies can deny that he has seen anything but giants control the destiny of the Israeli State?

I am really not the one to speak to you people about Israel; for you, far more than I, know its true significance for the world, and for the Jewish people.

But I have had the privilege and good fortune to visit Israel several times; and, if you will, I would just offer a few observations. Because I have come to see Israel in so many different ways.

I have seen it spiritually as a long-awaited and richly-deserved Jewish homeland, a land which fulfills the covenant of the Bible to the people of Israel. A land, indeed, which stands as a strong and symbolic witness to the triumph of the Jewish people over the countless adversaries they have faced throughout history. The promise of Zion reached through fruition in the State of Israel. Indeed, never before have the words uttered at the conclusion of the Passover seder had such true significance: for when the words of "next year in Jerusalem" ring out on Passover, we feel how truly possible that impossible deram has become.

And, I have seen Israel as a sparkling oasis in the midst of the vast, dry deserts of the Middle East. Here, from the cradle of civilization, has indeed sprung forth a new breed of men—men who have taken water from the dry lands, men who have constructed cities from barren hollows, and villages from uninhabitated plains. As Jacob wrestled with his God, so have the people of Israel wrestled with their environment and reaped a harvest of milk and honey, both bountiful and blessed.

The Jewish refugee who stood in the ashes of the Nazi holocaust, homeless and despairing, has found home, and hope, and, indeed, a touch of heaven in the land so long promised to his fathers.

The world can only marvel at what has occurred in Israel. Hardly twenty young years old, and Israel has already assumed her place in the ranks of the most developed, most modern, and most progressive states of the world. Who can look upon what has happened in Israel and not see more than the work of mere Man?

I have also seen Israel as the last best hope of democracy in the Middle East, as a partner for all times in progress with those peoples of the world who cherish peace, liberty, and justice above all other considerations.

In a world gone seemingly mad, we find two strongholds of sanity: the United States and the State of Israel. And that is why, among many other reasons, that—as your slogan goes—you don't have to be Jewish to love Israel; you need only be American.

Wherever the forces of freedom stand defiant against the challenge of aggression,

there the United States has a natural alliance. And so, in Israel the United States has a natural ally and a friend. It is not a father-son or a big brother-little relationship; but it is, and must continue to be, one of equals, of partners.

Thus, I fought for the inclusion of money for a joint American-Israeli prototype desalinization plant, to be built in Israel, in last year's Foreign Aid Bill. Some Members of the Congress desired to delete these funds; indeed, the Administration did not include them at all, nor did it include funds for the Hadassah hospital on Mount Scopus, nor did it include funds for the Weizmann Graduate School in the initial Foreign Aid request which it sent to Capitol Hill. But, as I said on the Floor of Congress when managing the amendments, this appropriation was vitally necessary for the United States as well as for Israel. Because this is the type of Foreign Aid in which we ought to always be involved; money to promote the implements of peace in order to avoid future wars.

Israel has turned every cent of its aid money from the United States into a dollar's worth of value: it has paid us dividends beyond comprehension on the relatively small amounts of capital we have invested. In fact, our investments in Israel have turned out to be the best foreign investments since the French put their money in thirteen British colonies back in 1776. If we care about the best interests of the United States of America, then we automatically care about the best interests of Israel, for they have become near-to identical.

But let us be perfectly frank: wish as we may, money for economic development and for scientific progress is not the stopping point and must not become the stopping point of American friendship to Israel. Because, Israel is today at war, and none can be blind to that grim reality. Israel is faced by a multitude of enemies which surround its borders; it is confronted by utterly terrifying odds; it is locked in a struggle for survival.

It is not enough to sit back satisfied and point out that Israel has conquered these odds before, and so can be expected to do so again with or without our assistance. That really misses the point. Nobody will deny that one of Israel's miracles is its' continued success against Arab aggression. But, the vital point here is that while the Arabs can afford to lose several wars. Israel cannot afford to lose even one.

And so, I have been greatly disturbed by the current tenor of American Foreign Policy towards Israel.

I am disturbed by a policy that smacks of appeasement: appeasement was not right for Hitler in 1939, and it is no more correct for Nasser in 1970.

I am disturbed by a policy that threatens to draw us into a tragic morass of missed intentions such as developed in Vietnam. For, unless American policy is clear, convincing, and coolly demonstrated in the Middle East, we may be tempting the Arabs, and their Soviet advisors, to think the unthinkable and move where no free state could ever let them go.

I am disturbed by a policy that threatens to cancel twenty years of friendship, support, and progress between the United States and Israel. What better friend have we had than Israel? What other nation has made it relatively easy for us to be its friend by standing self-reliant, proud, and always successful in defense of its own liberties? No American troops have ever fought in Israel; and none will ever need to do so if we but maintain our traditional policy.

And, what is this policy? It is nothing more than a realistic assessment of the Middle East; it is a policy which faces the facts and acknowledges the true enemy of peace in the Middle East; it is a policy that brooks no compromise with wanton aggression; it is a policy which proclaims to the world the integrity of Israel's borders and the sovereignty of her government.

In sum, it is a policy which leaves no doubt as to where America's interests are aligned in the Middle East.

And how is this policy administered? It is administered by sending arms to Israel when arms are required to counter the arms sent to the Arabs by the Soviet Union. Accordingly, I sponsored the resolution which sent Phantom Jets to Israel in 1968, and I am announcing here today that I will sponsor the resolution which will send Skyhawk Jets to Israel today, not next year, but in 1970! I will introduce this resolution in Washington this week.

This policy is administered by supporting direct, face-to-face negotiations between Israel and the Arabs. Accordingly, I co-signed the National Declaration in support of such talks in 1969, and I have sponsored the Congressional resolution calling upon our President to support such talks today, not next year, but in 1970! Israel must be the master of her own destiny. It is always appropriate for the so-called Big Four powers to talk about world problems; but, it is never appropriate for these powers to grossly impose their will on an independent state.

To those who shout that Israel must give back the Golan Heights; let them remember the deadly Syrian artillery which rained terror on peaceful Israeli villages before 1967. Those guns are quiet today. To those who proclaim that Israel must move out of Jerusalem; let them recall how Jerusalem's Arab Guardians denied Jews entry to the sacred shrines and to the holy Wailing Wall. And, to those who see no need for Israel to stand guard over Sharm El Sheik; let them remember the pounding guns of Islam which destroyed Israeli shipping before 1967, and closed the Suez Canal to the world. Those guns are silent now.

My friends, if I have spoken more than is appropriate, you have my apologies. But, I can think of no subject more vital to the peoples of the world than peace in the Middle East.

And so, I want to promise you, and to give you my pledge, that I will continue with renewed vigor, my struggle to maintain a policy of strong friendship and firm support between the United States and the State of Israel.

I will speak with any persons, appear before any forum, and stand firm against any challenge in what I believe to be freedom's first test in this decade.

With your hearts, and your hands, and your voices, we will help America to help preserve a land where milk and honey, and above all, peace, flow with abundance for all.

THE GOLDEN STATE COMMUNITY MENTAL HEALTH CENTER

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. CORMAN. Mr. Speaker, very often I find myself amazed at what can be achieved by the cooperative efforts of the Federal Government and concerned citizens who have initiative and determination to work in the public interest.

In 1963, Congress enacted long-needed legislation to provide a comprehensive program for mental health and mental retardation. President Kennedy signed the Community Mental Health Centers Act into law less than a month before his tragic death. President Johnson, in 1964, reaffirmed his commitment to the objectives of the program and asked for congressional support to extend and improve it. The Congress gave it to him.

A group of San Fernando Valley community leaders and mental health professions, in the fall of 1964, undertook the task of studying the surrounding community to determine the feasibility of developing a mental health facility, under the provisions of the Federal act, to provide financial assistance for building and staffing such a facility. Prominent among the group was the Reverend John G. Simmons, long an innovator of plans and programs to serve community needs. As an outgrowth of the survey, a pilot program was initiated on January 1, 1966, at the Pacoima Memorial Lutheran Hospital, which I am proud to say is located in my congressional district.

In the spring of 1966, a grant application was submitted to the Federal Government to establish a comprehensive community mental health center with Pacoima Memorial Lutheran Hospital as the sponsoring agency. The grant was approved, and on September 1 of that year, the Golden State Community Mental Health Center was established, with Reverend Simmons as the center's administrator.

In the beginning, the center provided services consisting of hospitalization, outpatient, day care, 24-hour emergency and community consultation services, with an inpatient six-bed unit located in the hospital. It was just a beginning, and the community profited well from it.

The need to grow and expand was evident, and the same constellation of forces set to work. Early in 1967, plans for a new facility, to include a 26-bed unit, consultation offices, a day-care center and a group therapy facility, got underway.

The hospital complex was approved for a combined Hill-Harris and State of California grant of $704,000. An additional $796,000 was secured from gifts, pledges, and financing, with another $100,000 to be solicited during the construction period.

On December 18, 1969, the site for the new facility was dedicated with an impressive ceremony. Reverend Simmons' remarks in his dedication address are a testament to what can be accomplished by community efforts, and I include his address in the RECORD. The achievements and expectations of the Golden State Community Mental Health Center are, I am sure, of interest to every Member of the House for they attest to the promise we hoped would be realized when the Community Mental Health Centers Act became public law.

DEDICATION ADDRESS

(By John G. Simmons)

This is the event, among many events, for many, many people. Especially, for me. This Event embraces a never to be repeated Experience of Joy and Satisfaction. This Event is the Birth of Expectations.

Events decide the direction of our lives. Twenty years ago I watched Luther Youngdahl, Governor of Minnesota, light the torch to hundreds of strait jackets and leather

wristlets while over a thousand patients in the Anoka State Hospital cheered themselves hoarse. That event, in retrospect, inspired me to devote myself to the humane treatment and prevention of Mental Illness. That event led to a succession of events and experiences and expectations too numerous and too unimportant for this day and this event.

This event, today, is the result of numerous experiences, of expectations and frustrations, of starts, spurts and stops; of defeats and victories; of tragedies and triumphs; of successes and failures; of dreams and smashed dreams. Therefore, this event is a joy filled to overflowing. It is more than a passing, transient, shadow happiness. It is a Joyful Event of the Spirit with enduring Substance.

The experiences that produced today's event are many and varied, individual and familial, institutional and community. Life's seemingly insignificant experiences, like the finger of the Dutch lad in the Dike, are meaningful. For instance, last week a poster was prepared announcing today's event. The painter was apologetic, "I omitted the word 'mental' before Health Center." "I'm pleased you did—that highlights a significant truth of my experience."

Health is Wholeness. Health is Organic. Health is Salvation. Salvation is Health. When we are healthy all of the physical, mental, spiritual, political, economical, and social parts of our lives are functioning as one . . . as a Whole. We have too long experienced what the fragmented, isolated, piecemeal, separated, segmented Health Care System has done to undermine and destroy the ecological nature of man's health. Our experiences have been that we have not been able to keep up with the health needs of people, nor have we been successful in preventing the increase of illness in our society because of this anachronistic approach to health.

Our experience at P.M.L.H. indicates that health care for all illnesses and diseases that afflict people can be treated more adequately in a community general hospital. We have experienced that going to where the people live in the community is a healthier approach than merely confining them in large impersonal institutions away from their loved ones and their community.

Our experience has taught us that a healthy person must have the continuing opportunity to participate in decisions affecting his life; that a healthy person must have the opportunity to learn from his experiences, including his mistakes and failures and must have the opportunity to develop his own resources and skills to deal with his problems. We have experienced the truth that every person has problems but that at certain times they cannot solve them by themselves. They need help. We must be prepared to make help available.

We have had a very small inadequate inpatient facility, but this has been helpful to us. The presence of a Mental Health staff improves the patient care of all of the patients in the hospital. For instance, the obstetrical patient who develops a psychotic reaction following the birth of a child can be helped. Or the surgical patient who becomes depressed following surgery can be helped. We have provided consultation in the innumerable psycho-physiological diseases discovered in many patients. We have discovered that follow up care can be most helpful to patients not specifically admitted as "Mental Health Patients".

We have also experienced that we can provide consultation for patients who come to P.M.L.H. through an emergency, suffering from different traumas as a result of accidents, alcoholism, drugs or attempted suicide. We have experienced the need for rehabilitation with patients who show no apparent visible scars.

This event today is filled with expectations. There has been a rising tide of expectations within the P.M.L.H. family and within our community. They are typical of nearly all human expectations. Many of them may fall when we are frustrated by the resistance of other people or by the happenings of life. We are people of hopes. Our hopes move us today for creating a more meaningful tomorrow.

We expect that during the months of the building of this facility that more and more persons within our family and within our service community will become aware and informed and educated concerning Mental Health, as well as the relationship of Mental Health to Health.

We hope to create a healthier environment for all the people of our community, rather than molding people to fit into their unhealthy environment. We too often send people back into the same environment that forced them into the hospital in the first place. We usually behave as our 'environment' tells us. We must seek to prevent Mental Illness and to teach Mental Health. This means meaningful work is needed for all persons. This means adequate housing, adequate diet, adequate space for the recreation of our lives. Poverty follows the diseases of the Heart and Cancer as the third major cause of death.

We have environmental pollution which makes a livable environment for healthy living difficult and death premature. The pollution of air and water, the atmospere, the misuse of land, the lack of adequate public transportation, the noise which destroys our environment must be attacked vigorously if we are to effectively use the facility we construct here. This facility is important, but more important is the program of services that are rendered to people, where they live and work, to prevent illness and disease. We must avoid the Edifice Complex as well as avoiding institutional multiple sclerosis.

We need to spend the next twelve to fifteen months in educating every member of our community, including the Personnel, the Medical Staff and the Board of Directors within the P.M.L.H. Family. We need to involve every person in our community of service in the program of our Mental Health Center. The building will reflect the attitude, the philosophy and the expectations of all who build it, serve, or are served by it.

Disease and sickness affect both the rich and the poor. Prosperity and Poverty both produce their own diseases and illnesses. Health is now a promised right for all our people and not merely the privilege of the favored few. We expect that all of us working together will make it possible for the promised right of health care to be the realized right of all people in our community.

I invite you to give your hands and hearts and minds and all your resources to the achievement of our expectations for this Community Mental Health Center.

The earth moves in its orbit around the sun through the seasons, through night and day, according to God's plan. We, the people of the earth move, but not always according to God's plan. We laugh, we weep, we fight and we forgive, we hate and we love, we suffer and we die, we reach out and we reach in, we hurt and we heal, but always we must work through and with others. P.M.L.H. seeks to serve and to be served to make healthy and whole all God's children.

QUEST FOR FREEDOM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. LONG of Maryland. Mr. Speaker, Americans of Lithuanian descent observe two important anniversaries in February. During this month in 1251, Mindaugas the Great unified all the Lithuanian principalities into one kingdom. On February 16, 1918, 52 years ago, the Republic of Lithuania was established. I should like to commemorate these anniversaries by inserting the following statement and resolution in the RECORD:

A SEVEN-CENTURY QUEST FOR FREEDOM

During the month of February, Lithuanian-Americans will be commemorating the 719th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 52nd anniversary of the establishment of the Republic of Lithuania which took place on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Communist regime did not come to power in Lithuania and other Baltic States by legal or democratic processes. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms in June of 1940. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction.

The Lithuanians are a proud people who have lived peacefully on the shores of the Baltic from time immemorial. Their language is the oldest in Europe today. They were united into a State more than 700 years ago, and by the 15th century their nation extended from the Baltic to the Black Sea and almost to the gates of Moscow. Their fortunes gradually declined and the nation was completely taken over by Russia in 1795.

The intensive and determined struggle for freedom and independence from Czaristic Russia was climaxed on Fe' ruary 16, 1918, by the Declaration of the Lithuanian National Council, proclaiming the restoration of the Independence to Lithuania.

The February Sixteenth Declaration was unanimously approved by the freely elected Constituent Assembly in 1920. Thus, following the will of the Lithuanian people, the re-establishment of an Independent State of Lithuania, with its capitol in the city of Vilnius was accomplished. A diplomatic recognition by many free countries followed. On September 22, 1921, Lithuania was received as a *bona fide* member of the League of Nations, thereby Lithuania became a member of the international community of sovereign nations. A full diplomatic recognition by the United States of America on July 28, 1922, was followed soon, also with *de jure* recognition, by other world powers—Great Britain, France, Italy and Japan.

Soviet Russia recognized *de jure* the Independence of Lithuania in 1920, and on July 12th of the same year signed a peace treaty with Lithuania which stated that:

"The Soviet Union recognizes the sovereignty and independence of the Lithuanian State with all the juridical rights associated with such a declaration, and forever renounces, in good faith, all Russian sovereign rights, which it previously had in regards to Lithuanian Nation and its territory."

The re-establishment of an Independent State of Lithuania and her return to the self-governing community of nations is the most significant historical event of the Twentieth Century for the Lithuanian Nation, whose political maturity, economic achievements and cultural creativity were

manifested during the period of restored Independence (1918–1940).

During the Second World War, the Republic of Lithuania became a victim of Soviet Russia's and Nazi Germany's conspiracy and aggression, and as a result of secret agreements between those two powers of August 23rd and September 28th, 1939, became invaded and occupied by Soviet Russian armed forces on June 15, 1940.

Since the days of Soviet Russian occupation, however, the Lithuanian people have waged an intensive fight for freedom. During the period between 1944 and 1952 alone, some 30,000 freedom fighters lost their lives in an organized resistance movement against the invaders. Hundreds of thousands of others were imprisoned or driven to Siberia. Though that resistance movement was weakened and finally subdued due to a failure to get any material aid from the West, nevertheless, the Lithuanian people are continuing their passive resistance against Soviet Russian genocidal aggression to this very day.

The United States of America, mindful of its own struggle for freedom and independence, has remained sensitive to the aspirations of other people for self-determination. For this reason, Americans of Lithuanian descent are grateful to the Government of the United States for denouncing the Soviet Russian aggression in Lithuania and for refusal to recognize the alien subjugation of Lithuania since 1940. The United States continues recognizing the sovereignty of Lithuania. The Lithuanian Legation at Washington, D.C., Consulates General in New York, Los Angeles, Chicago and a Consulate in Boston are recognized and are functioning.

Recently the United States Congress passed *H. Con. Res. 416* that calls for freedom for the Baltic States. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing up the question of the liberation of the Baltic States in the United Nations and urging the Soviets to withdraw from Lithuania, Latvia and Estonia.

Thus, on the occasion of the 719th anniversary of the formation of the Lithuanian state, and the 52nd anniversary of the establishment of the Republic of Lithuania, the Lithuanian-American Community of the USA, Inc., representing all Lithuanian-Americans throughout the nation, most fervently appeals to the representatives of the Federal, State and local governments, religious leaders, labor unions, civil, political and professional organizations, academic and cultural institutions, news media and to the people of good will, to support the aspirations of the Lithuanian people for self-determination and to national independence in their own country.

The free world can never rest in peace, knowing that in Lithuania under Soviet Russian rule, genocide and Russification are common place, religious persecution is prevalent, and basic human freedoms and rights are denied to the Lithuanian people.

[89th Congress, 2d session, Calendar No. 1573]

H. CON. RES. 416

[Report No. 1606]

In the Senate of the United States, June 23, 1966, referred to the Committee on Foreign Relations, September 19 (legislative day, September 7), 1966. Reported by Mr. FULBRIGHT (without amendment.)

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS,
Clerk.

LITHUANIAN ANNIVERSARY

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. ST. ONGE. Mr. Speaker, two significant events in the history of the Lithuanian people occur this month. February 14 marks the 719th anniversary of the unification of all the Lithuanian principalities into one kingdom by Mindaugas the Great in 1251, while February 16 is the 52d anniversary of the restoration of the Republic of Lithuania. In commemorating these events we should also take time to consider what has happened to Lithuanian sovereignty since the Communist domination of that valiant nation.

From the very beginning of the Soviet takeover, Lithuania has been subject to the extreme cruelties of Russian colonialism, including mass arrests, arbitrary imprisonment, suspension of civil liberties, deportations, and the systematic suppression of organized religion. Likewise, Soviet imperialism has developed economic policies designed to enhance the welfare of the Russian State at the expense of the interests of the Lithuanian people.

Communist totalitarian planning has sought to eliminate Lithuanian cultural values and religious traditions. Some of the calculated schemes used have included large-scale Russian immigration, the rewriting of Baltic history to show an alleged cultural and political affinity with the Soviet Union, and an ever-increasing enforcement of the use of the Russian language in public life.

In spite of the ruthless methods employed and the complete disregard for Lithuanian rights and liberties, the Soviets have been unable to weaken the ethnic and cultural identity of the Lithuanian people, and have been unsuccessful in wresting their loyalty to the Lithuanian Nation. It is my sincere desire that in observing these important events in Lithuanian history, and by recognizing the current plight of the Lithuanian people, we may encourage them in the maintenance of their unfailing spirit through the darkness of tyranny until the inevitable day when they will again join the company of free nations.

PLANNING THE EARTH'S SURFACE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. SCHEUER. Mr. Speaker, since the turn of the century this country has made some admirable moves to preserve some of our environmental resources. Our national parks and the recent widespread legislative and administrative action at all levels of government illustrate the concern we have had for sections of our environment.

Yet, our entire environment has become endangered by our lack of foresight and planning. Indeed, our ignorance in matters of population control, ecology, and the unexpected environmental effects of our ever-expanding material production prevent us from embarking on any immediate efforts to preserve and restore our environment.

Prof. Henry P. Caulfield, of Colorado State University, has written a paper with suggestions for government action on these matters which I believe my colleagues will benefit from.

PLANNING THE EARTH'S SURFACE

(By Henry P. Caulfield, Jr., professor of political science, Colorado State University)

The 1960's will become known to history, I suspect, as the decade in which popular awareness of environmental degradation in the United States and recognition of the need for common action to achieve liveable environments began to take hold.

Insight and concern with respect to natural environments and the need to maintain compatibility between man and nature has long been a part of our intellectual heritage in the works of Emerson, Thoreau, Marsh, Powell, Muir and others. The great city parks created in the last century, the unique areas of natural beauty and scientific and historic interest set aside as national parks, the spread of the national park idea abroad, the Adirondack Preserve and other State park action, setting aside of wilderness areas in national forests, management programs to preserve fish and wildlife and the city planning movement of this century all attest to the heroic efforts of dedicated individuals and small groups of the past. We, and those who come after us, should be forever grateful for their work. But clearly, their successes in preserving natural areas and in giving some degree of architectural form to man-made communities were only piecemeal within an over-all context of rampant industrial development, increasing production of material wealth, and the development of large urbanized areas.

Within the decade of the sixties intellectual awareness of our environmental plight has achieved new dimensions of concern.

Ecology is becoming a part of the general vocabulary. Popular reaction is manifest to manifold environmental pollutants, to depredation of specific areas of wild and scenic beauty, and to the claustrophobia of urban areas without open space. A New Conservation, as a public philosophy and guide to political life, is in the beginning stages of development. *Silent Spring* by Rachel Carson, the report of Lawrence Rockefeller's Outdoor Recreation Resources Review Commission, *The Quiet Crisis* by Stewart L. Udall, his vigorous and fruitful political leadership for eight years as Secretary of the Interior, the White House Conference on National Beauty in 1965, Mrs. Lyndon Johnson's beautification projects, the report on environmental pollution of the President's Science Advisory Committee, the many good works of private organizations constituting the Natural Resources Council of America, the many proposed Environmental Quality Acts now before Congress, President Nixon's creation of a Cabinet-level Council on Environmental Quality, and Secretary of the Interior Hickel's recent Conference on Water Pollution with the nation's leading industrialists—all of these are but a few of the many signs of a major concern of our times. That we as a Nation should be concerned with our total environment, not just with the quantity of our material production but also with the quality of our environment, is the main policy thrust of the New Conservation. Its widespread and general acceptance in principle would seem to have been achieved.

But more than this has been achieved. Too few, but still many, specific advances have been made.

City governments increasingly are taking steps to abate water and air pollution, improve solid waste disposal, provide open space, lessen congestion by improved mass transit, renew central cities and control development with urban plans.

State governments are increasing their aid to city governments focusing upon abatement of water and air pollution more generally, fostering flood plain management and rural zoning, and providing State recreation and fish and wildlife areas. Moreover, some states are taking the lead in the prohibition of certain long-life pesticides that are becoming pervasive in the environment and dangerous to man and other life.

The *Federal* government through the Land and Water Conservation Fund and other means has provided substantial financial assistance to States and local governments with respect to: purchase and development of natural, recreation and open space areas; abatement of air and water pollution; solid waste disposal; development of "model cities" and other types of urban renewal; and undertaking of comprehensive and functional planning. Additions to the National Park and National Forest Systems, improved recreational and environmental measures in Federal water and related land resource projects, establishment of the National Wilderness System, National Wild and Scenic River System, and National Trails System constitute direct Federal forward moves. Some of these advances will require many specific implementing actions before they will achieve their full impact. Establishment of a National Offshore Island Preservation System and a National Scenic Road System are possibilities for action in the near future. Improved environmental consideration in the development of the interstate road system and more thoroughgoing action with respect to environmental pollution from pesticides, fungicides, fertilizers, automotive combustion including lead are also on the agenda, hopefully, for early national action.

International activity includes such multilateral developments as the nuclear test ban treaty, the treaty on the peaceful use of outerspace, treaties with respect to conservation of fishes, use of the sea bed, and migratory waterfowl. Bilateral activity too is significant, such as our joint efforts with Canada to abate pollution of the Great Lakes. International concern for environmental quality has been expressed in several conference in the last twenty years sponsored by the United Nations, the International Union for the Conservation of Nature and National Resources and other international groups. The UNESCO Intergovernmental Conference of Experts in 1968 on the Scientific Basis for Rational Use of the Biosphere is a particularly important forerunner of the United Nations Conference on the Environment scheduled for 1972.

Most, but not all, action to date at local, state, national and international levels has been a reaction to clear and present dangers—pollution of air, water and the whole biological environment by atomic wastes, pesticides and other contaminants; loss to development of specific natural areas; historic sites or areas, or a beautiful vista; and extinction of specific species of fish or wildlife. Public reaction to the prospect of population explosion, on the other hand, involves more a public vision of long-term future consequences. This is also true of support, generally, of all antipollution activities, of a system of wild and scenic rivers, and of other major strategic actions.

Only in the most inchoate form, however, would it appear that this public vision reflects knowledge of the basic insight of scientific ecology. Thus ecological policy concern (i.e., sustainable accommodation of mankind within his natural environment on this earth) is not yet the foundation, clearly, of a new sense of community of man in which the enhancement of environment quality pervades all decisions.

Hence, planning comprehensively the environment of, say, 1967, 2000, 2050, and 2100 is not undertaken anywhere in the world. Comprehensive multiplepurpose river basins planning, as conducted today in the United States by Federal, State and local agencies under the Water Resources Planning Act of 1965, comes as close to comprehensive environmental planning as there is today. Moreover, *The Nation's Water Resources*, the first national assessment of the Water Resources Council, published in November 1968, comes as close to a national environmental assessment as there is today.[1] But support for both of these efforts is found today more among those concerned with adequate resource development than with environmental quality.

The several Environmental Quality Acts now under consideration by the Congress provide for periodic national environmental assessments. But none of them come to grips with the organizational problems of planning all public-sector activities, including environmental quality planning, and of the relative roles therein of Federal, State and local governments. The plethora of uncoordinated "Councils" now surrounding the President is not considered either.[2]

A much more fundamental problem, with which an environmental quality act now could not hope to cope, are the implicit policies of the United States and most countries in favor of ever increasing population and per capita national income. President Nixon has followed up on the proposal of former Secretary of the Interior Udall with respect to the establishment of a Population Policy Commission.[3] Presumably the Commission will consider the need for stability of population some time in the future and the means that might be viewed as appropriate to achieve it. The Nation passed the 200 million mark in late 1967 and, on the basis of a 1.6 percent annual increase compounded, the United States will have a population of 468 million, more than double our present number, by 2020. Clearly, official national consideration of this matter is long overdue.

But so is our policy of ever increasing per capita real income, which largely reflects material well being. The Nation experienced a remarkable rate of growth of gross national product (GNP) of 4.7 percent per year for the period 1960–1965. From 1910 to 1965 the rate was less, 3 percent per year. An annual rate of growth of 4 percent, probably a sustainable rate under full employment conditions, indicates a GNP of about 4,686 billion (1954 dollars) in 2020 compared with 550 billion (1954 dollars) in 1965. This development by 2020 would represent roughly, a threefold increase in per capita national income. On the basis of their records to date, many countries of the world would not achieve such an increase in the level of their material living, but some countries might do even better.

Man's environment on this earth involves finite, space composed of finite environmental areas of differing natural capability in support of man and other life. Thus, clearly, infinite expansion of population and material production is incompatible with man's situation here. At some point growth in population and material production are going to have to stop. This may not be done to "an early running out of resources" in the way leaders of our Traditional Conservation Movement and Malthus feared. Scientific and technologic advance may continue for many years to enable use of lower quality resources and substitute materials without increasing real cost, as the work of Resources for the Future, Inc., suggests.[4] But what of the quality of life, the livability of the earth?

The President's new Council on Environmental Quality, logically, cannot avoid these issues. Hopefully, it will not try to do so indefinitely. Without policies calling for stabilization of population and per capita national income some time in the next century, detailed efforts to plan now and in the future for environmental quality at Federal, State, and local levels of government with the help of an alert and informed citizenry will be, in my judgment, to no avail. The first national environmental assessment should recognize these fundamental issues and begin to discuss them. Incidentally, the President's Council of Economic Advisers—on the basis present theory and methods of managing our economic life at full employment and with large areas of freedom of private decision making—may have more difficulty confronting these issues than his Council on Environmental Quality.

The Council on Environmental Quality is plagued by another problem which it will find difficult to solve but which it must solve as soon as possible. It will find, however, that it will only be able to lend its support to a solution which will take others many years to realize. In the meantime, its work will suffer greatly. I have reference to our poverty, and the world's poverty, of solid scientific detailed knowledge of ecological relationships and their tolerances to external intrusions. Ecology today, as many ecologists will admit, is strong on concept but weak on solid knowledge. This knowledge is basic to the preparation of practical plans for environmental quality. A very substantial national and worldwide program of ecological research and survey involving universities, other research institutions and government is vitally needed.[5]

"Planning the Earth's Surface" with "A View Toward Survival of Man and His Environment," as a first step as I see it, involves facing up to these three major issues: population growth, ever expanding material production, and the present poverty of solid scientific detailed ecological knowledge both in the United States and in the rest of the world. In addition, I need hardly add, a cul-

Footnotes at end of article.

tural revolution, worldwide, is implicit in all of this.

The U.N. Conference on Environment scheduled for 1972 will need to confront these issues, as will the nations of the earth besides the United States. A periodic World Environmental Assessment prepared under the aegis of the United Nations for consideration within its framework, I should think, is a most useful recommendation which might come out of the deliberations of the Conference in 1972. Continuation of present specific efforts at international environmental planning and action, as well as new specific initiatives, should be encouraged. But a more elaborate approach to comprehensive environmental planning on a worldwide basis appears to me to be premature at this time.

FOOTNOTES

[1] "The Nation's Water Resources, the First National Assessment of the Water Resources Council," for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; full report, $4.25; summary, 65 cents. Library of Congress Catalog Card Number: 68–62779.

[2] See "Environmental Management: Water and Related Land" by the author when Executive Director of the Water Resources Council, Washington, D.C., *Public* Administrative Review, Vol. XXVIII, No. 4, July-August 1968, pp. 306–311.

[3] Stewart L. Udall, "1976—Agenda for Tomorrow," Harcourt, Brace and World, New York, 1968; p. 124. Library of Congress Card Number: 68–28819.

[4] Han H. Landsberg, Leonard L. Fischman and Joseph L. Fisher, Editors, "Resources in America's Future—Patterns of Requirements and Availabilities, 1960–2000"; published for Resources for the Future, Inc., by The Johns Hopkins Press, Baltimore; 1963. Library of Congress Catalog Card Number: 63–7233.

[5] F. Fraser Darling and John Milton, Editors, "Future Environments of North America—Being the record of a Conference convened by the Conservation Foundation in April 1965, at Airlie House, Warrenton, Virginia: The Natural History Press, Garden City, 1966, pp. 704–716. Library of Congress Catalog Card Number: 66–20989.

LITHUANIAN INDEPENDENCE DAY

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. BUTTON. Mr. Speaker, throughout our Nation and elsewhere in the free world people of Lithuanian descent are celebrating the 52d anniversary of the Republic of Lithuania, which declared its sovereignty on February 16, 1918. It is my privilege to join the observance of this anniversary along with all freedom-loving Americans. The gallant efforts of the Lithuanian people as they fought for independence under czarist rule in Russia and later under Communist oppression serves as a stirring example of freedom's preciousness. Though the Lithuanian Republic suffered dearly under Stalin's purges—even when 6 million Ukrainian farmers were starved to death during collectivization moves by Russia in 1932—they did not give up the fight for freedom. Active guerrilla warfare against the Red Army was waged by Lithuanian nationals until 1952, testimony to freedom's great cause. Now Lithuania lies a captive nation. We can but hope for the day when freedom will once again reach her people.

In this observance of the 52d anniversary of the birth of the Lithuanian Republic, let us reaffirm our belief in the right of self-determination for all people everywhere. The United States recognized Lithuania as a sovereign nation in 1922 and has continued to recognize that sovereignty despite Russian claims to all the Baltic States—Lithuania, Latvia, and Estonia. Congress, fully committed to the principles of self-determination, has authored a resolution urging the President to direct the attention of the United Nations to Russia's subjugation of the Baltic States and to bring the force of world opinion to bear on behalf of freedom for all Ukrainian people. In the spirit of this commitment, I take pride in recognizing Lithuania's independence day, the 52d anniversary of the birth of the Lithuanian Republic.

E. CLINTON TOWL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. WOLFF. Mr. Speaker, part of the greatness of this country is the opportunity our citizens have to begin with little more than an idea and some aspiration and to eventually rise to be a leader among men.

E. Clinton Towl, a resident of Syosset, which is part of the Third Congressional District which I am proud to represent, is one man who typifies the opportunities we provide hard-working, creative persons.

This outstanding citizen, whom I have had the good fortune of knowing for a number of years, in the thirties, nursed a small garage-based engineering firm into a giant industry—a giant which helped us land on the moon. E. Clinton Towl helped raise Grumman Aircraft Engineering into the highly laudable Grumman Aerospace Corp. and her subsidiaries all of which hold records for a vast range of records and achievements.

The success of this engineering firm, is not too difficult to understand if one knows Clinton Towl. A native of Brooklyn, and a graduate of St. Paul's in Garden City, N.J., and Cornell University, he is a man of intelligence, courage, sensitivity, business acumen, and charm. All of these qualities have helped to make Grumman what it is today.

Now serving as chairman of the board and chief executive officer of both Grumman Corp. and Grumman Aerospace, as well as being chairman of several Grumman subsidiaries, Clinton Towl, I am proud to say, is entering his 40th year in service to Grumman. In light of his contributions to industry and technological development, I would like to take this opportunity to extend my remarks to include excerpts from a recent newspaper article on this fine gentleman:

E. CLINTON TOWL

When the Grumman Company was getting started, it was not in the least unusual to see Clint Towl with paint brush or hammer in hand, doing whatever needed to be done. He was Grumman's first paymaster, and the first to have an inspector's stamp. He became assistant treasurer of the company in 1937, and in 1940 he was elected Vice President and Assistant Corporate Secretary. In 1954, he was elected Administrative Vice President.

From 1960 to 1966 Clint Towl was President of Grumman Aircraft, and since that time has been Chairman of the Board and Chief Executive Officer.

Adelphi University conferred on him a Doctor of Laws degree in 1967 for playing "so vital a role in the progress of Long Island and the University." For the United Fund of Long Island he has served successfully as the first Campaign Fund chairman, President, Chairman of the Board of Trustees, and, at present, Trustee and member of the Executive Committee. He also is active on behalf of the Boy Scouts, having served as Leadership Gifts Chairman for the Nassau Council and was Chairman of the Century Club.

In 1966 Mr. Towl received the Adelphi Suffolk (now Dowling) College Distinguished Citizen Award, the Long Island Press Distinguished Service Award, and the annual Award of the Society for the Advancement of Management, Long Island University.

He is a member of the Board of Governors of the Aerospace Industries Association, and for some years has been a director of Bankers Trust and of the Long Island Lighting Company. He is also an honorary trustee of Adelphi University.

Clint Towl is a native of Brooklyn and attended St. Paul's School, Garden City, and Cornell University. He and his wife, Christine, live in Syosset. They have a married daughter and son.

As Grumman saluted members of the "Quarter Century Club" last month at the annual luncheon honoring all who have had 25 years of association with the Company, he received a special gem-studded Grumman insignia pin in recognition of his 40 years of service.

LITHUANIAN RECOGNITION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. WOLFF. Mr. Speaker, among the important dates which deserve recognition this month are February 14th and today, February 16. These are days which no Lithuanian will ever forget. For on these 2 days important tenets, which maintain this captive nation's free spirit, were established.

On February 14, we observed the 719th anniversary of the formation of the Lithuanian state which unified all Lithuanian principalities, and on February 16, we mark the 52d anniversary of the restoration of the Republic of Lithuania.

Yet, celebrating great events in this courageous nation's past is certainly not enough. Each one of us here, Mr. Speaker, has an obligation to insure that Lithuania and other captive nations will be able to celebrate a free and independent tomorrow; a future marked with the riches of accomplishments and successes that only a democracy can foster. For this reason, I would like to take leave to extend my remarks to call on all of us here and the entire administration to implement House Concurrent Resolution 416, which calls for freedom for Lithuania, Latvia, and Estonia. If we are committed to freedom of thought and being for all mankind, we should

support every possible effort for self-determination for these valiant lands and people, who live under Communist aggression. If we join together and actively reaffirm this commitment, we will be able to maintain the fires of hope and spirit which will insure a brighter future for all persons who live under the shadows of intimidation.

THADDEUS KOSCIUSZKO—A WORTHY EXAMPLE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. MINISH. Mr. Speaker, on the 224th anniversary of Thaddeus Kosciuszko's birth, it is most fitting that we remember this great Polish patriot. Kosciuszko was born on February 12, 1746, in the Polish village of Mereczowszczyzna. After being exiled from his native land for his valor and fortitude in behalf of his countrymen, he came to the United States.

Kosciuszko offered to fight for the American cause in the Revolutionary War, and was appointed the colonel of engineers. His engineering skill in erecting the fortifications at West Point was memorable, and he is noted for having recommended the present location of the U.S. Military Academy. At West Point Academy today there is a commemorative statue in Kosciuszko's honor, inscribed to a "hero of two worlds." This talented young man also published the first effective system for the organization of the American artillery. He was friendly with such American notables as George Washington and Thomas Jefferson.

After the Revolutionary cause was won Kosciuszko was awarded a pension with land in Ohio, received American citizenship and the rank of brigadier general from the Continental Congress. He later returned to his native Poland, where he was captured and imprisoned in Russia for his involvement with the Polish insurrection of 1794. He was freed after the death of Catherine the Great.

Kosciuszko died in Switzerland in 1817, whereupon his body was laid to rest among Poland's outstanding men in Wawel Cathedral in Krakow.

His strict adherence to high principle makes him a worthy hero in the true sense; a man honored after death because of exceptional service to mankind. He set a worthy example.

SENATE—*Tuesday, February 17, 1970*

The Senate met at 10:30 o'clock a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, the source of our being and the goal of all our striving, as we assemble to seek Thee afresh may all our doubts be banished. In this hushed moment may we find Thee moving upon the higher ranges of our minds, intruding upon our noblest thoughts, moving in the depths of our inmost being, satisfying the hunger for the truth which sets us free and gives us power. Behind the tangle of human affairs, beyond our clouded vision, and despite our groping ways may we behold some mighty purpose at work in our times and beyond. Work Thy holy will in us and through us, O God, our life, our hope, and our strength.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C, February 17, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 16, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of measures on the calendar beginning with Calendar No. 694.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJUSTMENTS IN FOREIGN SERVICE RETIREMENT SYSTEM

The bill (H.R. 14789) to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the foreign service retirement and disability system, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

The bill (S. 3274) to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 9, United States Code, is amended by adding:

"Chapter 2.—CONVENTION ON RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

"Sec.
"201. Enforcement of Convention.
"202. Agreement or award falling under the Convention.
"203. Jurisdiction; amount in controversy.
"204. Venue.
"205. Removal of cases from State courts.
"206. Order to compel arbitration; appointment of arbitrators.
"207. Award of arbitrators; confirmation; jurisdiction; proceeding.
"208. Chapter 1; residual application.

"§ 201. ENFORCEMENT OF CONVENTION

"The Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall be enforced in United States courts in accordance with this chapter.

"§ 202. AGREEMENT OR AWARD FALLING UNDER THE CONVENTION

"An arbitration agreement or arbitral award arising out of a legal relationship, whether contractual or not, which is considered as commercial, including a transaction, contract, or agreement described in section 2 of this title, falls under the Convention. An agreement or award arising out of such a relationship which is entirely between citizens of the United States shall be deemed not to fall under the Convention unless that relationship involves property located abroad, envisages performance or enforcement abroad, or has some other reasonable relation with one or more foreign states. For the purpose of this section a corporation is a citizen of the United States if it is incorporated or has its principal place of business in the United States.

"§ 203. JURISDICTION; AMOUNT IN CONTROVERSY

"An action or proceeding falling under the Convention shall be deemed to arise under the laws and treaties of the United States. The district courts of the United States (including the courts enumerated in section 460 of title 28) shall have original jurisdiction over such an action or proceeding, regardless of the amount in controversy.

"§ 204. VENUE

"An action or proceeding over which the district courts have jurisdiction pursuant to section 203 of this title may be brought in any such court in which save for the arbitration agreement an action or proceeding with respect to the controversy between the parties could be brought, or in such court for the district and division which embraces the place designated in the agreement as the place of arbitration if such place is within the United States.

"§ 205. REMOVAL OF CASES FROM STATE COURTS

"Where the subject matter of an action or proceeding pending in a State court relates to an arbitration agreement or award falling under the Convention, the defendant or the defendants may, at any time before the trial thereof, remove such action or proceeding to the district court of the United States for the district and division embracing the place where the action or proceeding is pending. The procedure for removal of causes otherwise provided by law shall apply, except that the ground for removal provided in this section need not appear on the face of the complaint but may be shown in the petition for removal. For the purposes of Chapter 1 of this title any action or proceeding removed under this section shall be deemed to have been brought in the district court to which it is removed.

"§ 206. ORDER TO COMPEL ARBITRATION; APPOINTMENT OF ARBITRATORS

"A court having jurisdiction under this chapter may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States. Such court may also appoint arbitrators in accordance with the provisions of the agreement.

"§ 207. AWARD OF ARBITRATOR; CONFIRMATION; JURISDICTION; PROCEEDING

"Within three years after an arbitral award falling under the Convention is made, any party to the arbitration may apply to any court having jurisdiction under this chapter for an order confirming the award as against any other party to the arbitration. The court shall confirm the award unless it finds one of the grounds for refusal or deferral of recognition or enforcement of the award specified in the said Convention.

"§ 208. CHAPTER 1; RESIDUAL APPLICATION

"Chapter 1 applies to actions and proceedings brought under this chapter to the extent that chapter is not in conflict with this chapter or the Convention as ratified by the United States."

SEC. 2. Title 9, United States Code, is further amended by inserting at the beginning:

"Chapter	Sec.
1. General provisions	1
2. Convention on the Recognition and Enforcement of Foreign Arbitral Awards	201"

SEC. 3. Sections 1 through 14 of title 9, United States Code, are designated "Chapter 1" and the following heading is added immediately preceding the analysis of sections 1 through 14:

"CHAPTER 1.—GENERAL PROVISIONS"

SEC. 4. This Act shall be effective upon the entry into force of the Convention on Recognition and Enforcement of Foreign Arbitral Awards with respect to the United States.

INTERNATIONAL PETROLEUM EXPOSITION

The joint resolution (S.J. Res. 127) authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 15, 1971, through May 23, 1971, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 127

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to invite by proclamation, or in such other manner as he may deem proper, the States of the Union and foreign nations to participate in the International Petroleum Exposition, to be held at Tulsa, Oklahoma, from May 15, 1971, through May 23, 1971, for the purposes of exhibiting machinery, equipment, supplies, and other products used in the production and marketing of oil and gas, and bringing together buyers and sellers for promotion of foreign and domestic trade and commerce in such products.

CLEAN WATERS FOR AMERICA WEEK

The joint resolution (S.J. Res. 172) to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 172

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to emphasize the need for a continuous program for the control and elimination of water pollution and related problems, and to call the attention of the American people to such need, the President is authorized and requested to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

PRESIDENT NIXON'S ENVIRONMENTAL MESSAGE

Mr. MOSS. Mr. President, in his environmental message to Congress, President Nixon left the impression, perhaps unintentionally, that he was advocating a bold, innovative program in a field where little had been done.

This, of course, is not exactly true, as those of us who have been sponsoring and working for environmental quality bills for many years well know. But there is still much to be done, and we appreciate the recognition by the President of the urgency of the environmental crisis, and we welcome the leadership he offers from the spotlighted platform of the White House—leadership which we hope can and will inspire a rescue mission for this Nation.

In this respect, we applaud the staking of the Presidential claim to the environmental issue and we will, of course, give careful attention to the drafts of legislation he has sent to us.

But it must be pointed out that there are already on the books a solid brickwork of laws needed to clean up the environment, and that the President can make a very substantial contribution to pollution and environmental control by assuring that the programs already established are adequately financed and strictly enforced.

This point was very well made in an editorial which appeared in the Washington Post on February 11, and I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ENVIRONMENT: CLEAN UP OR PATCH UP?

In his detailed message yesterday on the environment, President Nixon has taken the country a long way from the famous statement of Rep. Joe Cannon in the early part of this century when a conservation bill came before Congress: "Not a cent for scenery." The country clearly sees that not only is considerably more than a cent now needed for scenery, but that billions are now needed for survival. Our land, air, water and food are so poisoned that no longer is progress our most important product, no longer is better living to be found through chemistry, no longer are the skies friendly, no longer are lead fuel cars the mark of excellence.

The President's message is a 37-point program, with 23 major legislative proposals and 14 new measures by Executive Order or administrative action. Five categories are covered: water pollution, air pollution, solid waste management, parklands and public recreation, organizing for action.

The unintended illusion created by the President's message is that he is venturing into uncharted seas. But in only the last few years Congress has put on the books enough legislation to presumably clean a dozen befouled societies: the Water Resources Act of 1964, the Water Resoruces Planning Act of 1965, the Highway Beautification Act of 1965, the Clean Air Act of 1965, the Air Quality Act of 1967, the Clean Water Restoration Act of 1966, the Solid Wastes Act of 1965, to name a few. It's impressive enough to induce a man to go swimming in the Potomac and sunbathing atop his apartment house—until he learns that Washington's once-pure river is a septic tank lined with 14 feet of sewage sludge and the air in Washington is so befouled that he will get a sootbath, long before he gets a sunbath.

What was mainly lacking in all these acts and laws was strict enforcement, and Mr. Nixon seems aware of this. In the section on water pollution, for example he says that industrial and municipal violators will be severely fined by the courts if they fail to meet the new standards. This is strong language. But sadly it is also old language; the government likes to boast that it is like a mad bulldog in protecting the public through such agencies as the Food and Drug Administration, the Federal Trade Commission, the Office of Consumer Affairs. But as many industries and their loopholing lobbyists well know, and the public well suffers, the standards are often jokingly weak and the enforcement is pitifully lax. Even in his message yesterday, the President trapped himself; he said, "we have taken action to phase out the use of DDT and other hard pesticides." What wasn't said is that many of the major manufacturers of DDT have filed suit against the Agriculture Department to halt this phaseout. Thus, while the suit makes its slow way through the appeals court, the DDT manufacturers slip away through one more loophole.

Because he is the President, Mr. Nixon has the right to put in his message and under his name many ideas that have been floated around, hashed out and dreamed of for years by others. The notion of municipal bonds to cities for waste treatment is not new, but the expected impact the proposed Environment Financing Authority will have as it buys bonds from local communities will be new. As expected, the President wants new emission standards for automobiles, the lead out of gasoline and work to start on non-polluting cars. All this is good and we should have a national holiday when it happens. But meanwhile, the President said nothing on how to protect our lungs from the some 70 million smoke wagons currently on the road. He could have discussed, for example, the notion of free public transportation so cities would not be jammed every day with commuters' cars and the resulting fumes and fury. Or the idea of a tax

on cars commensurate with how much pollution is caused in a year's time, or how much fossil fuel it wastes. The implication is that we are helpless and must wait three, five or ten years for real relief.

In dealing with solid waste management, Mr. Nixon rightly urges re-using and recycling many of the items we now use once and discard. He proposes a "bounty payment" to promote the prompt scrapping of all junk cars, instead of abandoning them on side streets and country roads. The new Council on Environmental Quality is called on to devise incentives and laws for recycling. One project the Council can get started on today is the problem of one-way, no-return bottles. The Glass Container Manufacturers Institute and its ad agency, Benton & Bowles, are currently—and brazenly—on a $7.5 million campaign to promote among teenagers use of no-return soft drink bottles. No return is right—no return from the enormous mess and the cost of hauling off the bottles to who knows where.

Mr. Nixon was forward-minded in proposing ideas and legislation for parks and public recreation. Unless the federal government—the nation's largest landholder—reexamines the way it is using currently owned property and wards off commercialists from grabbing up what open spaces are left, then the public will have even fewer places to go than now for enjoyment of what Thoreau called "the wild places."

The deep horror concerning the environment is not that we have ravaged and poisoned our section of the planet—but that we live with the horror so calmly. Great stories of man's courage in the midst of cruelty and chaos have been told since the time of Moses; but the courage was in the resistance. Today America is under siege from its own waste, blind technology and arrogant abuse of Nature; instead of resisting these horrors, we have adjusted—like mule-beasts with a heavier and heavier load.

By now, the public is not so naive as to think a presidential message is the final word in a matter like this. Congress will now have its say on Mr. Nixon's proposals. The great fear among those who do not take survival for granted is that the environment will now become just one more political hassle, making pollution literally a black comedy, an ecologic parody of Sartre's "No Exit." To keep the politicians from stalling to keep them from wasting money on military nonsense and to apply it to the environment, to get them to see pollution not as a "social problem" but as a survival problem—that is the challenge the public must now take up. Not with calmness, but with democratic outrage.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Moss in the chair). Without objection, it is so ordered.

DULLES INTERNATIONAL AIRPORT COMPLETES ITS FIRST 2-MILLION-PASSENGER YEAR

Mr. BYRD of Virginia. Mr. President, Dulles International Airport has completed its first 2-million-passenger year. A new report from the Federal Aviation Administration shows that in 1969, Dulles handled 2,176,202 passengers.

That is an important landmark—or perhaps one should say airmark. The figure for 1969 represents an increase of 22.7 percent in passenger volume over 1968, and it means that Dulles, at long last, is beginning to come of age.

Other figures compiled by the FAA for Dulles also are encouraging. Air Carrier operations were up 7.7 percent in 1969; general aviation was up 17.8 percent; and air cargo was up 13.5 percent.

Clearly, acceptance and use of this magnificent airport are gaining.

At the same time, however, Dulles has a long road to travel before it reaches full partnership in the air terminal complex around Washington.

FAA figures show that while Dulles was handling its 2 million passengers, Washington National Airport served more than 10 million. The gross imbalance between these facilities remains, despite the growth of Dulles.

Washington National was designed to accommodate only 4 million passengers. It is obviously overcrowded. At the same time, Dulles is operating well below capacity.

Furthermore, analysis of the FAA figures shows that National is still growing. In terms of passengers, the growth was not impressive—only a 2.8 percent gain in passenger volume.

But percentages do not tell the whole story. In hard numbers, National gained 342,000 in passenger traffic while Dulles gained 413,000.

Thus, it can be seen that 45 percent—nearly half—of the increase in passenger traffic at the two airports took place at National.

This is not the pattern that we need for balanced development. Air traffic growth should be focused at Dulles, if that $110 million facility is to reach its potential and if the enormous congestion at National is to be relieved.

The ground transportation facilities—road and rail—needed to improve Dulles access should be hastened. At the same time, there should be an active effort to divert some of the National overload to the newer airport.

After all, a major reason for building Dulles was to provide a means of relieving overcrowding at National. With National handling more than twice its designed capacity, the need for prompt action is clear.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 14465. An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes (Rept. No. 91–706).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 3445. A bill to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; to the Committee on Interior and Insular Affairs.

By Mr. CANNON:

S. 3446. A bill to authorize the disposal of refractory grade chromite, from the national stockpile and the supplemental stockpile;

S. 3447. A bill to authorize the disposal of lead from the national stockpile and the supplemental stockpile;

S. 3448. A bill to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

S. 3449. A bill to authorize the disposal of mercury from the national stockpile and the supplemental stockpile;

S. 3450. A bill to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 3451. A bill to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

S. 3452. A bill to authorize the disposal of molybdenum from the national stockpile;

S. 3453. A bill to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

S. 3454. A bill to authorize the disposal of magnesium from the national stockpile;

S. 3455. A bill to authorize the disposal of zinc from the national stockpile and the supplemental stockpile;

S. 3456. A bill to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; and

S. 3457. A bill to authorize the disposal of Surinam type metallurgical grade bauxite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. TYDINGS:

S. 3458. A bill for the relief of Miss Julita Santos; to the Committee on the Judiciary.

By Mr. SCOTT (for himself, Mr. ANDERSON, and Mr. FULBRIGHT):

S. 3459. A bill to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. TYDINGS (for himself, Mr. BROOKE, Mr. DODD, Mr. GRAVEL, Mr. HATFIELD, Mr. INOUYE, Mr. MCINTYRE, Mr. NELSON, Mr. PACKWOOD, Mr. WILLIAMS of New Jersey, and Mr. PERCY):

S. 3460. A bill to establish a national policy for the coastal zone resource, to encourage a systematic approach to coastal zone planning and development, and to assist the States in establishing coastal zone management programs; to the Committee on Commerce.

(The remarks of Mr. TYDINGS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. YOUNG of North Dakota:

S. 3461. A bill for the relief of Dr. Amado G. Chanco, Jr.; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 3462. A bill to amend title 5, United States Code, to restrict contracts for services relating to the positions of guards, elevator operators, messengers, and custodians; to the Committee on Post Office and Civil Service.

(The remarks of Mr. STEVENS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. INOUYE:

S. 3463. A bill to amend the Automobile

Information Disclosure Act to make its provisions applicable to the possessions of the United States; to the Committee on Commerce.

(The remarks of Mr. INOUYE when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3460—INTRODUCTION OF THE COASTAL ZONE MANAGEMENT ACT OF 1970

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, a bill designed to provide Federal grants to designated State coastal zone authorities which develop and implement master plans for the State's coastal zone resource. To finance the grants the bill establishes a special marine resources fund. Beginning in fiscal year 1971, the fund will receive annually revenues up to $125 million from the oil and gas leases of the Outer Continental Shelf.

Entitled "The Coastal Zone Management Act of 1970," the legislation, if enacted, would establish a national policy for the coastal zone, encourage a systematic approach to coastal zone planning and development, and assist the States in establishing coastal zone management programs.

The bill is based upon the recommendations of the prestigious report of the Commission on Marine Science, Engineering, and Resources as well as the Interior Department's 3-year comprehensive analysis of the Nation's estuarine systems. Both of these reports call for a Federal grant program to provide State coastal zone planning. As the sponsor of the 1966 bill authorizing the Interior Department's report, I am pleased to introduce legislation that carries out its principal recommendation.

The legislation states that "there is a national interest in the effective management, beneficial use, proper protection, and balanced development" of the coastal zone resource. It finds the coastal zone to be "rich in a variety of natural, commercial, recreational, industrial, and esthetic resources." It declares that the concept of multipurpose use of the resource shall be the guiding principle of planning and development. And while stating that the States have the primary role in coastal zone management yet granting the Federal Government a major role, the legislation declares as policy that governments are "trustees" of the environment and thus have "the responsibility to protect the coastal zone and insure multipurpose use of the resource."

The coastal zone can be defined as the margin where land and water meet and interact. It is not just the sea itself nor the land either, but rather the broad area where they join together and directly influence each other. The coastal zone includes bays, wetlands, harbors, beaches, estuaries, and even parts of the Continental Shelf. In the bill, however, the definition of the coastal zone is a limited one. The landward penetration of the zone cannot exceed 20 miles. It is important to recognize that the coastal zone does extend inland, but it has been difficult to define precisely how far. Most definitions have included the phrase "landward extent of maritime influences" as describing the distance inland the coastal zone extends. But this is too broad a definition. It is too open ended and raises more problems than it solves. The difficulty in defining the coastal zone has been recognized by many people, including those who use the imprecise phrase. My bill attempts to resolve the problem by placing a specific geographic limit upon the inland extent of the coastal zone. The bill limits the distance to 20 miles. The number is not sacred, however. It could be a little more or a little less. What is important is the concept of limiting the inland extent by a specific distance. I believe 20 miles to be a reasonable length.

On January 20, I addressed the Senate at some length on the subject of coastal zones. I discussed their importance and their problems. There is no need now to repeat what I said then. Suffice it to say that as a center of trade, industry, recreation, fish and wildlife the coastal zone is a crucial natural resource that is deteriorating rapidly.

The bill I am introducing today is designed to provide both a policy and program to stop this deterioration.

Under the provisions of the bill the Marine Science Council will make available up to 50 percent of cost grants to State coastal authorities, "designated by the Governor of a coastal State through legislative or other processes," for the development and implementation of coastal zone master plans. Similar grants are also available to cover administrative expenses for the first 3 years of the designated authority's existence.

In order to qualify for funds, the coastal authority's master plan must include policy statements, land use reviews, population projections, and provisions for public participation. The authority itself, moreover, must be given the power to implement the plan. This includes zoning regulations, land acquisition, and borrowing authority. These are, of course, strong powers and the designated authority will be a powerful agency. But only a powerful agency will get the job done. We have had enough plans, master or otherwise, that have gone unfulfilled. If we are to draw up coastal zone master plans, let us implement them as well. It is the conclusion of the Commission on Marine Science, Engineering, and Resources that the coastal zone authority must be given these powers if it is to carry out the master plan. They have therefore been stipulated in the legislation.

The bill also creates advisory committees on coastal zone management. It authorizes estuarine sanctuaries for ecological analysis. It calls for consultations with the State coastal authorities by Federal agencies when the latter undertake development projects within the State's zone. It also extends the life of the Marine Science Council for 5 years.

Mr. President, I wish to emphasize that the type of planning encouraged by this legislation is now an absolute necessity. In the next three decades the population of the United States will increase by 90 million people. Much of this will take place in the coastal zone. Without the master plans envisioned by this legislation, chaos could easily result.

The simple fact is that in the next 30 years we have to duplicate the transportation, dwelling, food producing, communication, and other facilities we now possess. In short, we shall have to build a new America. This bill is a modest effort to begin part of the planning necessary for this herculean task.

Coastal zone management legislation comes within the jurisdiction of the Commerce Committee. This committee has recently established a Special Subcommittee on Oceanography chaired by the distinguished and able junior Senator from South Carolina. As a member of the subcommittee, I look forward to working with him on this legislation and hope that the subcommittee shall be able to report out a bill this summer.

At the present time there is coastal zone legislation pending before the subcommittee. My legislation is based upon this bill but with what I believe to be several significant additions. My bill contains a section on findings of fact as well as a redrafted declaration of policy. It more tightly defines the term "coastal zone" and directs Federal agencies to consult with State coastal authorities when planning activity within the State's coastal zone. It provides for advisory committees to review the Marine Science Council's policies relating to the coastal zone. This is particularly desirable since the Commission on Marine Science, Engineering, and Resources has expired and an out-of-Government input into Federal activity is useful.

The bill also authorizes estuarine sanctuaries, a specific recommendation of the Commission's report. Finally, and perhaps most importantly, my bill makes certain that the grant program is extended to the administration of the designated coastal authorities. This, too, is a specific recommendation of the Commission's report. It is highly desirable in order to insure a steady start for the new and, no doubt, controversial agency.

Mr. President, I am pleased that Senators BROOKE, DODD, GRAVEL, HATFIELD, INOUYE, MCINTYRE, NELSON, PACKWOOD, PERCY, and WILLIAMS of New Jersey have joined in cosponsoring this legislation and I now ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3460), to establish a national policy for the coastal zone resource, to encourage a systematic approach to coastal zone planning and development, and to assist the States in establishing coastal zone management programs, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as a result of the Report of the Commission on Marine Science, Engineering and Resources carried out pursuant to section 5(a) of the Marine Resources and Engineering Develop-

ment Act of 1966, as amended, and the information derived therefrom, the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources, Engineering, and Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes," approved October 15, 1966, as amended (16 U.S.C. 1121 et seq.), is amended by adding at the end thereof the following new titles:

"TITLE III—PLANNING FOR MULTIPLE USE OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Coastal Zone Management Act of 1970'.

"FINDINGS OF FACT

"SEC. 302. The Congress finds—

"(a) That the welfare of American society now demands that manmade laws be extended to regulate the impact of man on the biophysical environment.

"(b) That there is a national interest in the effective management, beneficial use, proper protection, and balanced development of the air, land, and marine resources of the Nation's coastal zone.

"(c) That the coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future development of our nation.

"(d) That the increasing and conflicting demands, particularly those occasioned by the rise in population, on the finite resources of the Coastal Zone have resulted in the loss of fish, wildlife and nutrient rich areas, permanent and adverse ecological changes, decreasing open space for public use, and shoreline erosion.

"(e) That the coastal zone, particularly the estuaries and the fish and wildlife therein, is ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

"(f) That present land-use patterns in the more populated coastal areas cannot accommodate the diverse requirements of the coastal zone resource.

"(g) That in light of conflicting demands and the need to protect our coastal zone, the institutional framework responsible is currently diffuse in focus, neglected in importance, and inadequate in regulatory authority.

"(h) That economic development has usually taken precedence over other equally desirable uses of the coastal zone.

"(i) That the key to more effective use of the coastal zone is the introduction of a management system permitting conscious and informed choices among development alternatives.

"(j) That the absence of a national policy and planning mechanism for the coastal zone resource has contributed to the impairment of the Nation's environmental quality.

"DECLARATION OF POLICY

"SEC. 303. The Congress declares that planning and development of the coastal zone should be carried out on the principle of multipurpose use of the resource and preservation of the natural environment; that priority should be given to preserving nonrenewable resources; that Federal, State, and local governments as trustees of the natural and human environment have the responsibility to protect the coastal zone and ensure multipurpose use of the resource; that the States have the primary role in planning and developing the coastal zone resource; that the Federal government has a major role in protecting the coastal zone and in cooperating with the States in developing an effective coastal zone management system; that all Federal agencies shall seek to coordinate their activities in the coastal zone with the coastal States; and that planning and developing a coastal zone management system requires public participation and the greater use of the hearing mechanism.

"DEFINITIONS

"SEC. 304. For the purposes of this title—

"(a) The term 'coastal zone' means lands, bays, estuaries, and waters within the territorial sea or the seaward boundary, whichever is the farther offshore, of the various coastal States and States bordering the Great Lakes and extending inland, up to a distance not to exceed twenty miles, where maritime influences exercise a direct effect upon the land.

"(b) The term 'territorial sea' means a belt of sea adjacent to the coast of the United States and extending three geographic miles offshore from the baseline and within which the United States exercises sovereign rights, subject to the right of innocent passage.

"(c) The term 'baseline' means the reference line from which the outer limits of the territorial sea and other offshore zones are measured by the United States Government.

"(d) The term 'seaward boundary of the various coastal States' means a line drawn three geographic miles offshore the baseline or nine geographical miles offshore the baseline in the cases of Texas and Florida in the Gulf of Mexico, or such other seaward boundaries as may be recognized by the United States government.

"(e) The term 'coastal State' means any State bordering on the Atlantic, Pacific, or Gulf Coast or the Great Lakes, and includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(f) The term 'Council' means the National Council on Marine Resources and Engineering Development.

"(g) The term 'coastal authority' means a commission, council, center, agency or other governmental entity, broadly representative of coastal needs, problems, and uses, designated by the Governor of a coastal State through legislative or other procesess. Coastal States may jointly designate an interstate agency of which they are a member, including a river basin commission, to serve as a coastal authority, in which case such an authority shall be subject to the provisions as a State agency for the purposes of this title, and shall be entitled to funding equivalent to the sums of the allotments of its member States.

"(h) The term 'estuarine sanctuary' is an area, not to exceed ten square miles, within the coastal zone and unhampered by the mounting pressures thereon, set aside to provide scientists the opportunity to examine over a period of time the ecological relationships within estuaries.

"APPROVAL OF STATE PROGRAMS

"SEC. 305. (a) In recognition of the need for increasing participation by the States in the comprehensive planning and development of the coastal zone, the Council shall review any planning, development, and operating program submitted by a coastal authority and may, in accordance with the provisions of this title, make grants to such authorities in order to assist them in developing a long-range master plan for the coastal zone and implementing a development program based upon such master plan.

"(b) The Council shall approve any planning and development program for the coastal zone which is submitted by a coastal authority, if such program—

"(1) provides for the formulation of a master plan for the coastal zone over which such authority has jurisdiction as follows:

"(A) such master plan shall include general planning principles and provide a statement of desired goals and standards to help shape and direct future development of the coastal zone, and such standards shall be based on a study of current population and development trends and existing or potential problems within the coastal zone, and be designed to promote the balanced development of natural, commercial, industrial, recreational, and esthetic resources and to accommodate a wide variety of beneficial uses;

"(B) in preparing such master plan, the coastal authority shall examine the land use regulations and plans of the various governmental bodies whose jurisdiction extends over territory located in the coastal zone; shall consult with inferested parties, including local governmental bodies, regional development agencies, port authorities, and other intrastate agencies, the various Federal agencies affected by the development of the coastal zone, adjacent coastal States or authorities, and private groups concerned with the commercial, industrial, recreational, and esthetic development of the coastal zone; shall examine to the extent possible land use plans and regulations of any adjacent foreign countries; and shall conduct or support such research, studies, surveys, and interviews as are necessary to assist it in making informed decisions on the most beneficial allocation of uses of coastal waters and lands;

"(C) such master plan shall include studies, conclusions, and explanatory diagrams with respect to (i) the estimated future population growth within and adjacent to the coastal zone, including an indication of those areas which may anticipate the greatest future growth; (ii) a description of the location and characteristics of water currents and tidal movements in the coastal zone, and an analysis, including diagrams, of the probable effect of such currents and tides on the interrelationship of various types of uses; (iii) an estimate of the future need for use of the coastal zone for commercial, industrial, residential, conservation, and esthetic purposes, including diagrams for the most efficient, beneficial, and livable interrelationship of these various uses, so that the plan may serve to direct the course of future development in a manner which promotes economic efficiency and the general welfare; and (iv) such additional information as the Council deems necessary to promote the orderly and beneficial development of the coastal zone.

"(D) in formulating such master plan, the coastal authority shall hold public hearings on the proposed master plan or on various alternative master plans in order to obtain all points of view in the final preparation of the master plan;

"(E) the coastal authority shall be authorized to amend such master plan at any time that it determines the conditions which existed or were foreseen at the time of the formulation of such master plan have changed to such a degree as to justify modification of such plan, and authority for such modification shall provide for adoption of amendments only after a full opportunity for comment, including hearings at the affected areas, have been afforded to interested parties; and

"(F) at the discretion of the coastal authority and with the approval of the Council, a master plan may be developed and adopted in segments so that concerted and early attention may be devoted to those areas of the coastal zone which most urgently need comprehensive planning and development: *Provided,* That each such segment does not exclude any portion of the coastal zone which is substantially interrelated economically, socially, or by peculiar geographic configuration or movement of ocean tides or currents with the area which is included within such planning segment: *And provided further,* That the coastal authority adequately allows for the ultimate coordination of the various segments of the master plan into a single unified plan and that such

unified plan will be completed as soon as is reasonably practicable;

"(2) provides authority for the development of the coastal zone in accordance with such master plan, and such authority shall include power—

"(A) to draw up land use and zoning regulations which shall control public and private development of the coastal zone in order to assure compliance with the master plan and to resolve conflicts among competing uses;

"(B) to acquire lands within the coastal zone through condemnation or other means when necessary to achieve conformance with the master plan;

"(C) to develop land and facilities and to operate such public facilities as beaches, marinas, and other waterfront developments, as may be required to carry out such master plan;

"(D) to borrow money and issue bonds for the purpose of land acquisition or land and water development and restoration projects; and

"(E) to exercise such other functions as the Council determines are necessary to enable the orderly development of the coastal zone in accordance with such master plan; and

"(3) provides authority for the coastal authority to review all development projects or regulations proposed by any State or local authority or private developer to determine whether such project or regulation is consistent with the principles and standards set forth in the master plan and to reject a development plan which fails to comply with such principles and standards: *Provided*, That such determination shall be made only after there has been a full opportunity for hearings: *And provided further*, That such determination shall be subject to judicial review.

"ALLOTMENTS

"SEC. 306. (a). In making the grants pursuant to section 305, the Council may make available to a coastal authority up to 50 per centum of the costs of developing a long-range master plan and implementing a developing program, and, for a period of up to three years, up to 50 per centum of administering such a program, pursuant to such section. The actual amount of the allotment to each coastal authority shall be determined, in accordance with the Council's regulations, on the basis of (1) the population of the State, (2) the area of public water within the State's coastal zone, and (3) the need for comprehensive planning and development of such coastal zone.

"(b) In addition to grants-in-aid, the Council is authorized, under such terms and conditions as the Council may prescribe, to enter into agreements with coastal authorities to underwrite by guaranty thereof bond issues or loans for the purpose of land acquisition or land and water development and restoration projects.

"PAYMENTS

"SEC. 307. The method of computing and paying amounts pursuant to this title shall be as follows:

"(1) The Council shall, prior to the beginning of each calendar quarter or other period prescribed by it, estimate the amount to be paid to each coastal authority under the provisions of this title for such period, such estimate to be based on such records of the coastal authority and information furnished by it, and such other investigation, as the Council may find necessary.

"(2) The Council shall pay to the coastal authority from the allotment available therefor, the amount so estimated by it for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which it finds that its estimate of the amount to be paid such coastal authority for any prior period under this title was greater or less than the amount which should have been paid to such coastal authority for such prior period under this title. Such payments shall be made through the disbursing facilities of the Treasury Department, at such times and in such installments as the Council may determine.

"REVIEW

"SEC. 308. Whenever the Council after reasonable notice and opportunity for hearing to a coastal authority find that—

"(a) the program submitted by such coastal authority and approved under section 305 has been so changed that it no longer complies with a requirement of such section; or

"(b) in the administration of the program there is a failure to comply substantially with such a requirement, the Council shall notify such coastal authority that no further payments will be made under this title until it is satisfied that there will no longer be any such failure. Until the Council is so satisfied, it shall make no further payments to such coastal authority under this title.

"RECORDS

"SEC. 309. (a) Each recipient of a grant under this Act shall keep such records as the Chairman of the Council shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, and the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Chairman of the Council and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"ADVISORY COMMITTEES

"SEC. 310. (a) The Chairman of the Council is authorized and directed to establish coastal zone management advisory committees to advise, consult with, and make recommendations to the Council on matters of policy concerning the coastal zone resource. Any such committee shall be composed of persons designated by the Chairman and shall perform such functions and operate in such a manner as the Chairman may direct.

"(b) Members of such advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including travel time, may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"ESTUARINE SANCTUARIES

"SEC. 311. The Council, in accordance with its regulations, is authorized to make available to a coastal authority grants up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make long-term studies of the natural and human processes occurring within the estuaries of the coastal zone: *Provided*, That no State funds received pursuant to section 306 shall be used for this purpose.

"FEDERAL PROJECTS

"SEC. 312. (a) All Federal agencies conducting or supporting research or other activities in a coastal zone shall seek to make such activities support and be consistent with the program of the appropriate coastal authority and shall consult with such authority prior to such activity.

"(b) Federal agencies shall not undertake any development project in a coastal zone which, in the opinion of the appropriate coastal authority, are inconsistent with the master plan of such coastal authority unless the Council, after receiving detailed comments from both the Federal agency and the coastal authority and investigating the proposed development project, finds that such project is, on balance, consistent with the general objectives of this title.

"(c) When the appropriate coastal authority approves a development project of any Federal agency in the coastal zone as consistent with its master plan, the Council may, upon petition of at least six of its members, review such development project, and after receiving detailed comments from both the Federal agency and the coastal authority and investigating the proposed development project, reject such development project if it finds that such project is, on balance, inconsistent with the general objectives of this title.

"(d) All Federal agencies shall include in any request for authorization or funding of Federal projects in a coastal zone a statement of their relevance to the plan of the appropriate coastal authority.

"REGULATIONS

"SEC. 313. In carrying out the provisions of this title, the Council may issue such regulations as may be appropriate.

"VOTING

"SEC. 314. All Council actions taken under this title shall be by majority vote of its members. In the event of a tie vote, the Chairman is authorized to cast an additional vote.

"ANNUAL REPORT

"SEC. 315. (a) The Council shall prepare and submit to the President for transmittal to the Congress not later than January 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include but not be restricted to (1) an identification of the State programs approved pursuant to this title during the preceding calendar year and a description of these programs; (2) a listing of the States participating in the provisions of this title and a description of the status of each State's programs and its accomplishments during the preceding calendar year; (3) an itemization of the allotment of funds to the various coastal authorities and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any State programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of the Federal development projects which the Council has reviewed under section 309 of this title and a summary of the final action taken by the Council with respect to each such project; (6) a summary of the regulations issued by the Council or in effect during the preceding calendar year; and (7) a summary of outstanding problems arising in the administration of this title in order of priority.

"(b) the report required by subsection (a) shall contain such recommendations for additional legislation as the Council deems necessary to achieve the objectives of this title and enhance its effective operation.

"TITLE IV—MISCELLANEOUS

"MARINE RESOURCES FUND

"SEC. 401. The sum of $125,000,000 of all revenues received in each fiscal year beginning after June 30, 1970, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1337 et seq.), including the funds held in escrow

under the interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow fund, shall be placed in a special fund in the Treasury to be known as the 'Marine Resources Fund'. Money in such fund shall be used only for the purposes of (1) assistance to States qualifying under the provisions of title III of this Act, and (2) funding of programs authorized under title II of this act, and are hereby authorized for such use to the extent made available in appropriation Acts."

"SEC. 3. Section 3(a) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102(z)) is amended by adding at the end thereof the following: '(10) The Secretary of the Army.'

"SEC. 4. Section 3(f) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102(f)) is amended by striking out 'June 30, 1970' and inserting in lieu thereof 'June 30, 1975'.

"SEC. 5. Section 9 of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1108) is amended by striking out '$1,200,000' and inserting in lieu thereof '$3,000,000'.

S. 3462—INTRODUCTION OF A BILL ON VETERAN JOB PREFERENCE

Mr. STEVENS. Mr. President, as the troop withdrawals from Vietnam continue, we can expect to see an increasing number of veterans looking for civilian jobs. Veterans are entitled to certain preferences for civil service jobs, and today I am introducing a bill that will give our Armed Forces veterans an increased opportunity for and a wider choice of employment within the Federal Government by requiring executive agencies to hire first from the civil service registers before contracting for guard, elevator operator, messenger, and custodial services.

In many instances the Federal Government contracts with an outside agency to perform guard, elevator operator, messenger, or custodial services. The bill I am introducing would require that the Federal Government hire from the civil service registers unless the Civil Service Commission certifies that there are no qualified applicants available for the position in question. The Government is presently paying the high cost of negotiating contracts for the services of employees who are in turn paid the Federal minimum wage by the contractor. The higher wages that would be paid to civil service employees for these services would be offset by the savings of the contracting expense and the additional tax revenues realized from higher paid employees. In addition, by having control and command of its employees exercised directly by the agency for which the services are to be performed, the quality of work done on its behalf can be expected to improve. Employees owe job loyalty, first, to their employer. When employed directly by the Government rather than through an agent, an employee has a vested interest in the goal for which he is employed.

Under the legislation I propose, more jobs will be available for which veterans may receive a preference. Not only will veterans benefit from this bill, but also all civil service applicants will have an increased opportunity for employment. As our troops return from overseas, this is one small thing we can do at little cost to help them readjust to civilian life.

I ask unanimous consent to have the text of the bill printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3462) to amend title 5, United States Code, to restrict contracts for services relating to the positions of guards, elevator operators, messengers, and custodians, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 3462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 31 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 3111. Contracts to perform services relating to positions of guards, elevator operators, messengers, and custodians.

"An Executive agency may not enter into any contract to provide services to that agency relating to a position of guard, elevator operator, messenger, or custodian unless the Civil Service Commission certifies that there are no qualified applicants available for appointment to that position."

(b) The analysis of such chapter, preceding section 3101, is amended by adding at the end thereof the following new item:

"3111. Contracts to perform services relating to positions of guards, elevator operators, messengers, and custodians."

S. 3463—INTRODUCTION OF A BILL TO AMEND THE AUTOMOBILE INFORMATION DISCLOSURE ACT TO MAKE ITS PROVISIONS APPLICABLE TO U.S. POSSESSIONS

Mr. INOUYE. Mr. President, I am today introducing a bill to extend the provisions of the Automobile Disclosure Act for the territories and possessions of the United States; the Trust Territory of the Pacific Islands, American Samoa, Guam, Virgin Islands, and Puerto Rico.

The Automobile Disclosure Act which passed the Congress in 1958 requires the manufacturer of new automobiles, prior to the delivery of any new automobile, to attach a label to the windshield of the automobile with certain price data concerning the particular automobile. For example the information on the label is to include the retail price of such automobile suggested by manufacturer; suggested retail price for each accessory or item of optional equipment; the amount charged to ship the automobile to the location where it is delivered to the dealer; plus other data. This law has been in effect since 1958 for all 50 States of the United States along with the District of Columbia.

The measure I am introducing today would extend this labeling requirement to those cars sold in the United States territories or possessions.

Many residents of these offshore territories have contacted me urging that such legislation be introduced. In fact, the Legislature of Guam has adopted a resolution requesting the Congress to extend the provisions of this Automobile Disclosure Act to Guam.

I believe that the citizens of these areas have the right to the same protection and information as do their counterparts in the 50 States.

I am therefore, introducing this legislation and hope that it will receive speedy consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3463), to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States, introduced by Mr. INOUYE, was received, read twice by its title, and referred to the Committee on Commerce.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—AMENDMENTS

AMENDMENT NO. 498

Mr. THURMOND. Mr. President, I submit an amendment intended to be proposed by me to H.R. 514, the Elementary and Secondary Education Amendments of 1969. The purpose of this amendment is to prevent the Department of Health, Education, and Welfare from cutting off Federal aid to school districts during the school year. This amendment would also prevent HEW from requiring changes in school districts in midyear.

Mr. President, we have recently witnessed the ultimate in judicial folly in a number of southern school districts. These districts, including Greenville and Darlington Counties in South Carolina, are having to undergo massive changes in student and teacher assignment in the middle of an academic semester. As a result of these rulings, the Office of Civil Rights in the Department of HEW is refusing to approve any desegregation plans which do not implement total integration immediately. My amendment would prevent HEW from attempting to create in many districts the problems the courts have caused in a few.

This amendment would provide that, if a school district submits a desegregation plan intended for implementation next September, HEW would have no authority to withhold funds before next September.

Mr. President, I ask unanimous consent that this amendment be deemed to be germane to H.R. 514, within the purview of the unanimous-consent agreement.

Mr. President, I ask unanimous consent that this amendment be received and printed and that it lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 499

Mr. MONDALE (for himself and Mr. JAVITS) submitted an amendment, intended to be proposed by them, jointly, to House bill H.R. 514, supra, which was

ordered to lie on the table and to be printed.

AMENDMENT NO. 500

Mr. SCOTT proposed an amendment, in the nature of a substitute for amendment No. 463, an amendment intended to be proposed by Mr. STENNIS, to House bill H.R. 514, supra, which was ordered to be printed.

(The remarks of Mr. SCOTT when he proposed the amendment appear later in the RECORD under the appropriate heading.)

NOTICE OF HEARING ON NOMINATION OF MALCOLM R. WILKEY, OF NEW YORK

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, February 24, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Malcolm R. Wilkey, of New York, to be a U.S. circuit judge for the District of Columbia circuit, vice Warren E. Burger, elevated.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

NOTICE OF HEARING ON THE NATIONAL COURT ASSISTANCE ACT

Mr. TYDINGS. Mr. President, on February 27, 1970, at 10:00 a.m. in room 6226, the Subcommittee on Improvements in Judicial Machinery will hold hearings on S. 3289, a bill to encourage and help implement improvements in the judicial machinery of our State and local courts.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building, Washington, D.C.

DEVELOPMENT OF AN ADEQUATE SUPPLY OF ELECTRIC ENERGY

Mr. GORE. Mr. President, we must plan now, we must act now, to have an adequate supply of nuclear fuel for safe and efficient generation of electric energy—if a crisis in energy is to be avoided.

Decisions taken in the month ahead may well determine this issue. We must face realistically the environmental problems associated with power generation, both from nuclear and conventional fuels. The Government, as the agent of society, should assure that there will be an adequate supply of energy at reasonable costs. This requires intensified research and development in reactor improvement. It requires, too, economical operation, in other words, a mass-produced product at a reasonable price.

The demand for electricity is doubling every 10 years. It is estimated that most of the additional electric generating capacity will be from nuclear fuels. Herein hangs a problem—monopoly of supply.

President Nixon has proposed the sale of our only nuclear fuel plants to private interests.

The sole source of nuclear fuel—enriched uranium—is our three Government-owned enrichment plants—the gaseous diffusion plants at Oak Ridge, Tenn.; Portsmouth, Ohio; and Paducah, Ky. Indeed, these plants process the entire supply of enriched uranium fuel, not only for the United States but for the free world. They were constructed to manufacture enriched uranium for use in nuclear weapons. Fortunately, they have been used, and are available effectively and economically, for enriched uranium for nuclear fuel electric generation.

Increased supply of nuclear fuel is urgent; time is of the essence. And an enormous capital outlay—too large for any existing private utility company—for new uranium enrichment plants or for a modernization and improvement of the existing plants is needed.

Fortunately, the existing Government plants can be modernized and can solve the supply problem, perhaps for a decade. These plants were constructed at a cost of $2,300,000,000. Their cost now, of course, would be much more. The industrial and technical skills developed and gathered together at these plants may well be of much greater value. It is now known that shortly after President Nixon's inauguration, and without any public notice, a White House committee was established to examine the possible sale of these plants to private interests.

As far as I have been able to learn, the idea of selling these costly diffusion plants was first publicly suggested back in 1968 by Atomic Industrial Forum, Inc. This organization, composed of companies with a major interest in the nuclear field, recommended that these plants be sold to private interests "at the earliest feasible date."

Sale of these plants to private interests would pose serious problems. National security questions are involved as well as the adequacy and economy of supplies. It would put in jeopardy the development of nuclear power upon which we must largely rely if we are to meet the projected power needs of this country in the 1970's and 1980's.

The secrecy and inner White House character of the White House committee to look into the proposal by the Atomic Industrial Forum, Inc., is reminiscent of the genesis of the infamous Dixon-Yates contract in the Eisenhower administration.

Initially this committee did not even include a representative of the Atomic Energy Commission. The Joint Committee on Atomic Energy, required by law to be currently and fully informed by administration officials on nuclear matters, was not informed about the establishment of the committee. Indeed, the committee learned about it almost by accident much later. Months after the establishment of the committee, on November 10, 1969, a press release was issued by the White House. According to this press release, President Nixon proposed that our country's only uranium enrichment facilities—facilities that are absolutely essential for weapons production as well as for the production of fuel for nuclear reactors used for electric power generation—"should be transferred to the private sector, by sale, at such time as various national interests will best be served."

Apparently a firm decision has been made to sell the plants—significantly, I think it has been postponed until after the election in 1970—at a time to be determined later.

The President has directed the Atomic Energy Commission to establish an enrichment directorate as a separate organizational entity within the AEC as perhaps a preparatory step of a process leading to possible transfer of the plants to private ownership.

Whatever may be the timetable of planning, it is important that the American people fully understand the serious implications of what is cooking. The impact of such a sale upon the national security of this country and upon the economic welfare of our people would, in my opinion, be very adverse to the public interest. There are many reasons why. Foremost among them is the question of national security.

As I have already indicated, the product of these plants is used for weapons as well as for power. I earnestly hope that the nuclear arms race can be brought under control, but until this has become a fact rather than merely a hope I do not see how our national security could possibly be served by transferring to private ownership the source of materials which are essential to the manufacture of nuclear weapons.

Moreover, certain aspects of the technology employed in the enrichment process are classified. Although I do not assert that our country alone has the technical know-how to construct a gaseous diffusion plant, certain portions of the technology, particularly as related to barrier construction, are closely guarded secrets. Private ownership of both the technology and the facilities might well jeopardize our security from this standpoint. For one thing, the plants could not even be offered for sale without providing access to this technology to those who might reasonably be in a position to bid.

The transfer of these facilities to private ownership would most probably encourage other nations to set up their own uranium enrichment plants. In addition to the economic results of such a development, this would pose further hazards with respect to the proliferation of nuclear weapons.

The United States has entered into solemn agreements with 33 foreign governments and international bodies under which our Government made a commitment that it will provide enriched uranium to countries throughout the free world to fuel the nuclear powerplants which they have installed or which they plan to install. These countries entered into these agreements with the understanding that the enriched uranium

would be supplied from manufacturing facilities owned and operated by the U.S. Government. There were a number of reasons why we entered into these agreements, but a major reason was to assure our friends abroad that there would be no need for them to set up their own facilities. We recognized then, as I state now, that uranium enrichment is a first and essential step in the production of nuclear weapons. It is our solemn policy to discourage other nations from seeking to become nuclear powers and we have negotiated a nuclear nonproliferation treaty to achieve this objective. The transfer of our facilities to private interests, which would necessarily be motivated by profit, might well cause doubts about the assurances we have given and such doubts might well lead to the very proliferation we are seeking to avoid.

Mr. President, wholly aside from questions of national security, the sale to private interests of our gaseous diffusion plants would pose serious consequences to the Nation. As I have previously indicated, demand for electricity is doubling about every 10 years and if this demand is to be met a major portion of it will have to be supplied by nuclear power. This means that we simply must be assured of an adequate supply of nuclear fuel at reasonable cost.

I have great faith in our private enterprise system. Through it we have achieved the highest standard of living ever experienced by any people anywhere. But, Mr. President, the benefits of private enterprise flow in full measure to the people only when there is free and fair competition. Thus, it is crucial to examine the proposed sale of these plants from the standpoint of who would control them and thus control a major source of energy upon which the Nation must rely.

The Nixon administration has not indicated the basis upon which it proposes to sell the plants. Originally they cost $2,300,000,000 and in addition to the bricks and mortar there is, of course, the value of the technology that has been acquired at taxpayers' expense. It may well be that it will be proposed that these plants be sold for far less than their value and all kinds of rhetoric may be invoked to explain this to the American people. Some may find it hard to believe that the Government might propose such a giveaway, but I remind them that it has been done before. I need only recall that several years ago we gave away to a company called Comsat the technology relating to the communication by satellite which had been developed at a cost to the taxpayers of millions of dollars. I suggest that if such a giveaway is proposed here, those who advocate it had best be prepared for a long battle.

If the plants are offered for sale at their fair value, or even at less than fair value, any purchaser would have to have very large capital resources to undertake the acquisition and the extensive capital requirements for the expansion that would be needed and for operating capital. Only our largest corporations, or perhaps a consortium of several of them would have the resources to acquire the plants. Under the circumstances, it is important that we consider who might be interested and how the transfer to various industrial groups would affect the public interest.

There are currently about one-half dozen companies that are seriously involved in the nuclear reactor business. Some of them such as GE and Westinghouse are giants. It is possible that they might be interested in acquiring control of the fuel supply that would be used in the reactors they would build. If this occurred, this would give these companies through the process of vertical integration a degree of control over nuclear power that would be of grave concern to the utility industry and to the general public. If one or more of the companies engaged in building reactors should acquire the plants, they would be in a position surely to freeze out their competitors in the reactor construction business.

It is possible that a group of utility companies might get together and raise sufficient resources to acquire the plants. Here, the antitrust and monopoly implications are clear. Control of the fuel supply by one utility would obviously have an impact upon others throughout the country.

When one searches for an industry that includes corporations that have the capital assets and which may have the desire to get into the uranium enrichment business, he will eventually, if not immediately, come to oil. The giant oil companies are already in the energy business in a big way and they have not limited their interest to oil and gas. For many uses, including electric power generation, oil is in direct competition with coal. Already these giants have begun the acquisition of many of our larger coal-producing operations. Between 1966 and 1968, through a series of mergers, oil companies have acquired control over approximately 20 percent of the Nation's bituminous coal production.

Already coal producers are losing their identity as an independent industry. As of 1968 more than 36 percent of our coal production was controlled by nine corporations, none of which is primarily engaged in the production of coal. Seven of them are oil companies. If this process is continued, it will not be long before competition between oil and coal will be effectively eliminated.

Mr. President, an effective monoply on sources of energy by any one industry, or by any corporate combine, would imperil the economic life of the Nation. If the oil industry, flushed as it is with cash accumulated in large part from depletion allowances, is allowed to gain control over the sole supply of nuclear fuel, it would be in a position to dictate what form of energy would be used and at what price.

Thus, the identity of the proposed purchaser is of great importance. There is cause for concern, however, regardless of the identity of the purchaser. Enriched uranium is a unique product and product competition, normally an element of our free enterprise economy, would not be present in the marketing of enriched uranium. Whoever owns these plants would control the sole source of supply.

Officials of at least one of the Nation's largest utilities have already expressed their concern about the transfer to private ownership of control over the supply of nuclear fuel. The chairman of the board of Consolidated Edison has warned against "precipitous action" by the Government. He has pointed out that even if the three plants were transferred to three separate owners, this would lead to the kind of "homogeneous oligopoly" that would make meaningful competition questionable.

Mr. President, I repeat that in the years ahead one-half of our electric energy will be generated with nuclear fuel. It is essential that Government retain control over the supply in order to assure its availability at reasonable cost.

Another important element of the question of adequacy of the fuel supply is that of the capacity of the existing plants. With nuclear power still in its infancy, the current demand for enriched uranium is less than plant capacity. But this will not be true by the mid-1970's. On the basis of current projections, demand will exceed capacity of the existing plants sometime during this decade. This means that we shall either have to increase the capacity of the existing plants, build a new one, or both. The leadtime for either approach is measured in years.

A new plant would cost more than $1 billion. The AEC has proposed a program to upgrade existing capacity. Under the AEC's cascade improvement program, at a cost of from $600 million to $800 million, the capacity of the existing plants can be increased by more than 50 percent. This is a lot of money, but the cost would be far less than would be required to obtain equivalent capacity by building a new enrichment plant.

In order for the improvement program to be accomplished in an orderly manner and completed by the time the additional capacity is needed it should have been started this year. The Commission requested $138 million to begin the work in fiscal 1970. There was not one dollar for the program in the budget. This shortsighted action invites a crisis in energy.

The 1971 budget just submitted to the Congress allocates only $5 million to begin the design work and certain support services for the cascade improvement program. By such a meager allocation to initiate a project of this magnitude the administration has, in effect, deferred it for still another year. By deferring the project, the administration may be buying political time, but it is surely doing so at the expense of an energy crisis.

The President should withdraw his sale proposition. It is a stumbling block to progress toward pollution free, economic nuclear power.

Whatever may be the form of ownership of our enriched uranium capacity, someone is going to have to spend the money to enlarge existing plants or to build new ones. Delays mean only that the work will have to be done on a crash basis at greater cost, or else that we will

face a shortage of nuclear fuel and thus a shortage of energy in this decade.

Mr. President, we can avoid an energy crisis in the years ahead only by moving now.

The public interest and safety require development of nuclear reactors that are safer and more efficient and that we resolve the questions that have been raised by those who are concerned about the construction of generating plants in their neighborhoods.

Such a program will require the allocation of substantial resources at a time when other problems may appear more immediate, but it is the only sensible course to follow.

THOMAS A. ROTHWELL'S TESTIMONY ON WARRANTY REGULATIONS

Mr. GRIFFIN. Mr. President, Mr. Thomas A. Rothwell, special consultant to the National Small Business Association, recently testified before the Consumer Subcommittee of the Commerce Committee on the Consumer Products Guarantee Act, S. 3074. His testimony raises a number of the underlying questions on the causes of product quality deterioration.

Mr. Rothwell's testimony has been described by columnist Earl Lifshey of Home Furnishings Daily as "by far the most significant and constructive declaration on the subject I have yet seen."

Mr. President, I ask unanimous consent that the thoughtful statement of Mr. Rothwell be printed in the RECORD, followed by an article from the Wall Street Journal on this subject.

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

STATEMENT OF NATIONAL SMALL BUSINESS ASSOCIATION BEFORE COMMERCE COMMITTEE

My name is Thomas A. Rothwell of New York City. I am a special consultant to the National Small Business Association. I wish to thank the Committee for the opportunity to appear on the subject of warranty and guarantee regulation.

The National Small Business Association is gratified and reassured that serious legislative attention is being directed to this area of warranty-guarantee regulation as embodied in the Consumer Products Guarantee Act, S. 3074. There can be no dispute but that the problem to which this bill addresses itself is both real and significant and that abuses do exist. As to the structuring and publication of guarantees, and as to manufacturer performance thereunder, the subject matter is unfortunately complex and it will require a full measure of legislative wisdom and resourcefulness to enact a measure that will be both fair and effective.

The problems of deteriorating quality and the consumer's frustrations in seeking a remedy were set out in a brief but comprehensive article appearing in the Wall Street Journal of June 26, 1969, under the title "Caveat Emptor: Many People Complain the Quality of Products Is Deteriorating Rapidly." A copy of this article is annexed to this statement for easy reference.

One of the distinguished jurists on the Supreme Court pointed out some years ago that, "It makes a difference whether you start with a question, or with an answer." If one approaches this problem of performance guarantees with the prejudice and conviction that producers are at best a greedy lot, seeking to palm off inferior and shoddy products on an unsuspecting public for outrageously high prices, then broad gauge and punitive legislation would seem to be in order. Perhaps this always has been and must be the popular view, attributing a selfish if not sinister character to the producing class generally. Serious students as well as the objective observer must of necessity view this approach as unrealistic, superficial and, most importantly, unworkable. The producers of goods are no different as a class than any other economic group. They respond to the same motivational prods, and are subject to identical social and economic influences. Thus we suggest as an assumption that no one or no class is at fault, and that this Bill, S. 3074, is not an attempt to fix fault on any element in the economic community, but instead is an attempt to define and provide a remedy for a specific problem. Add to this assumption the truism that an effective remedy results only from a proper diagnosis—until the doctor knows what's wrong with the patient and why, his prescriptions are guesses.

Thus, the most pertinent inquiry is, "Why is there such uneven performance on the part of the producer relating to guarantee policies?" Another form of the same question would be, "What has caused the noticeable deterioration in product quality?"

The technical director of Consumers' Union, Mr. Morris Kaplan, is quoted in the Wall Street Journal article already described as pointing out that, "Makers try to reduce quality as much as possible to reduce price." Tough price competition provides part of the answer for the down-grading of quality, according to Mr. Kaplan. It seems that this provides both a clue and an insight into the basic causative factors involved in the problem of product quality and the associated problems of product guarantees. The overall thrust of both economic regulation and business evolution since the 1920's has been "more and cheaper," rather than "more and better."

As to the business evolution aspect of the matter, the widely acclaimed retail revolution, of which the emergence of mass merchandisers has been the most significant aspect, has created something akin to a business "ecology," similar to the ecological cause and effect processes in the natural science of which we have heard so much about of late.

In substance, the retail revolution, accompanied by the phenomenal growth of discounters and mass merchandisers, has sponsored and encouraged a situation where the producer is favored who makes a product cheaper, more superficially stylish, and who engages in the most massive or flamboyant advertising endeavors. Business prizes of success in the marketing complex that has evolved in the last twenty years have not gone to those that build for quality and long-lasting durability, generally speaking.

Let us make no mistake about it. The critical factor from the producer's point of view is marketing. Production, financing, physical distribution, administration, employee relations, and other aspects of the business processes are important, of course. But the critical life-or-death difference in our time is marketing, and the producer does *not create* or *shape* marketing values so much as he *responds* to them.

A well known business columnist wrote last week about the Houseware Show in Chicago, that the number of new products offered was overwhelming and staggering and that there would be no room on the shelves or floors of retailers for a very large proportion of these new products of 20th Century technology. Obviously, if the maker of any product, new or old, cannot have adequate access to the market through the stores that sell the majority of consumer goods, such a producer cannot succeed; and producers find that the large-scale retailers are interested primarily in number of turns, consumer appeal from the point of view of high styling, and profitability—most of all, profitability. The major thrust of the consumer advertising of the large-scale retailer to the consumer is that, "You can buy it cheaper at my store; we sell at rock-bottom prices." Thus the producer, marketing through large-scale retailers, must strive always to make a product at a price that will permit the retailer to give the consumer the illusion of a bargain and at the same time permit the retailer to make a profit. Does such a retailer stand behind or in any way guarantee consumer satisfaction? The prevalent answer is, "No, this is the manufacturer's responsibility."

In reviewing the substance of S. 3074, it is clear that this measure confirms the "unsatisfactory performance is not our responsibility" attitude of the large-scale retailer. Among other things, S. 3074 has the effect of removing the responsibility from the retail level, freeing retailers from the most minimal responsibilities to the consumer, even a consumer who has been improperly advised by the retailer concerning product performance.

Of even more importance to an understanding of the "whys" of the problem, is the matter of economic regulation, and more specifically, anti-trust policy. The producer has been systematically deprived of any means of control, or the option to give any direction to the marketing of his products. In the last fifteen years, a philosophy has emerged that postulates that, "Once a producer has sold a product he loses all further right to control its use or disposition." This applies as to price, channels in which it is sold, territories or classes of customers to be served by various elements in the distribution system. The law has gone even further in that fifteen-year period, by making it mandatory, in effect, for a given maker's product to *compete with itself*, especially on a price basis.

There is a great body of economic thought and common law that recognizes that for a product to be compelled to compete with itself is destructive and perverse, a morbid form of competition that is not in the public interest. This point of view has not prevailed in recent years; price-cutting, diversion of products, territorial raiding has been encouraged and protected by law. In short, anarchy in distribution has been the ideal of the anti-trust authorities, enforced by ever more severe judicial restrictions. In this process the discounters and mass merchandisers, whose business methodology is generally inimical and hostile to the maintenance of product quality, have been lionized and made heroes by the government agencies, consumer groups, and large segments of the press.

Having thus loaded the dice, both from the viewpoint of business evolution and affirmative anti-trust policy, in favor of the cheap, gaudy, hit-and-run elements in our business complex, it is understandable that the opposite values of quality, dependability, and durability have become downgraded by a hostile environment.

To the extent that this measure S. 3074 is an attempt to legislate quality and minimum warranty protection for consumer products, it will be foredoomed to failure unless the underlying conditions that have encouraged and rewarded cheapness and superficial fashion appeals are also changed. In substance, the legislative situation is the familiar one of King Canute ordering the waves to retreat from his domain.

We would like to make the following specific points about S. 3074 in the hopes that the Committee in its wisdom can devise appropriate legislation that has some degree

of relationship to the causes of the current situation as it relates both to product quality and guarantee performance standards.

1. Let us recognize that this measure would give legislative approval to the irresponsible retailer who characteristically meets consumer complaints with a shrug of the shoulders and vague advice to "complain to the manufacturer." This, despite the fact that the sales clerk may have recommended and sold an inappropriate product for the purpose intended.

2. It is urged that self interest is superior motivation in an economic sense to the fear of punishment. Section 16 of the proposed measure, although incomplete in form, does represent such a beginning. Congress should encourage the promulgation and enforcement by industry of industry-wide standards relating to product quality as well as guarantee performances. Producers adhering to the industry standards could be rewarded by being permitted to use a symbol indicating their compliance with and adherence to such industry standards. Such a symbol might be the letter "W" in a circle. This by analogy to the Lanham Trademark Registration Act, wherein the symbol "R" in a circle is reserved to those trademarks that are registered under federal statutes.

Such an appeal to the self interest of producers would require a re-definition of prevailing antitrust standards.

3. It is recommended that the Committee initiate a study and investigation as to the relationship of producer control of marketing patterns to the preservation of product quality, and a formulation of sound public policy in respect thereto. Among other things this would require a modification of some judicially developed absolutes that have been appended to our anti-trust laws.

4. In reference to certain products, such as television, warranty policies today are described as inboarded when they are included in the sales price, and outboarded when a service contract is offered at an extra charge as an ancillary aspect of the purchase and sale transaction. This legislation pre-empts the field in favor of inboarded warranties.

Perhaps this is an appropriate decision, or it may be otherwise. Do consumers get better service and better quality products with inboarded warranties rather than outboarded warranties? This requires a factual determination. In theory, a rather strong case can be made for encouragement of outboarded warranties, as embodied in a continuing service contract.

The definition of express guarantee under Section 2, sub-section 9, is sufficiently comprehensive so that any product advertised for sale in an effective manner would be accompanied by an express guarantee, even though the words were not used and there was no intent to extend a guarantee. Although Section 9 seems to preserve the "outboarded" guarantee, why should anyone purchase a service contract in the light of the present scope of Section 3?

5. This legislation in its present form seems adverse to the interests of small-scale enterprise for several reasons:

(a) The duties imposed by Section 3 raise additional barriers to market entry as they build in an additional cost of doing business. In the case of a regional producer, whose products may be distributed nationally, the potential exposure to the absolute liability provisions of Section 3 may constitute an insuperable burden.

(b) Section 3 obliges a producer to underwrite labor costs. This presumes the existence of a large number of skilled mechanics and service people available on a standby basis. The plain fact is that, as a result of our overall cultural environment, there is no such pool of service people available for a producer to call upon to discharge his obligations under this bill.

It is indisputable that service people are difficult to obtain, train and keep. If the maintenance of a service staff becomes a condition precedent to a promise of product quality, only large-scale enterprise, and perhaps even well-established enterprise, can successfully undertake such an investment in people.

(c) A single class action, prosecuted successfully, could put a smaller economic unit out of business. This is unlikely in the case of large-scale enterprise.

6. The coverage of the measure seems extraordinarily broad being extended to any product that has thermal, electrical, or mechanical components. This would include automobiles and trucks as well as wind-up toys such as the midget racer frequently purchased for children. It would extend to utility components such as oil burners, water heaters, and pumps, to doorbells and even to old-fashioned spring operated alarm clocks.

These seem to be strange and incongruous categories for consumer goods. It is suggested that the composition of trade associations already provide a rational and working set of categories, and the legislation would be much improved if it were directed to these pre-existing functional categories.

7. Conversely, although the measure seems to have astonishing breadth on the one hand, on the other hand there is no means provided to cover foreign manufacturers that utilize an independent importer for their products.

8. Section 6 of the measure would remove the word "guarantee" from general usage. Pursuant to Section 6 the maker of a refrigerator may (and perhaps must) guarantee the motor and compressor. Can such maker also guarantee the porcelain finish? More importantly, the maker of shirts will no longer be able to "guarantee" against shrinkage. If the committee should respond favorably to the suggestion made pertaining to the employment of industry standards for warranties and performance thereunder, accompanied by the exclusive right to use an arbitrary symbol as suggested, Section 6 would then be unnecessary.

9. This measure as presently written may have the effect of compelling producers, especially the small-scale producers, to make an affirmative disclaimer of express guarantees or peformance guarantees. This, despite the fact that such a course could sharply limit the producers' opportunities to market their products. The net result in such case would be to diminish the availability of product guarantees to consumers as well as opportunity for small-scale enterprise. If such occurs, surely the legislation will have missed its mark.

10. S. 3074 will increase prices for many categories of consumer products.

[From the Wall Street Journal, June 26, 1969]

CAVEAT EMPTOR: MANY PEOPLE COMPLAIN THE QUALITY OF PRODUCTS IS DETERIORATING RAPIDLY—FREQUENT CHANGES IN DESIGN, PRICE RIVALRY ARE FACTORS—KITES, SHOES, TVS CRITICIZED—PEOPLE EXPECT TOO MUCH

Roofs leak. Shirts shrink. Toys maim. Toasters don't toast. Mowers don't mow. Kites don't fly. Radios emit no sounds, and television sets and cameras yield no pictures.

Isn't *anything* well made these days?

Yes, some things are. A man at Consumers Union, the publisher of Consumer Reports magazine, says that refrigerators are better than ever, for, instance, and that wringer washing machines are becoming much safer. But he agrees that shoddy goods abound, and Wall Street Journal reporters' talks with Americans from coast to coast indicate that quality of merchandise is worse than ever.

Price is no factor. Expensive goods fall apart or fail to work or have missing parts with the same regularity as cheap goods, buyers say. What's more, they complain that it's often a long, hard fight—sometimes a long, hard, costly fight—to get the merchandise repaired or replaced. They say salesmen and factory representatives have become masters of doubletalk and artists of the runaround.

For their part, sellers and manufacturers see things differently. Most companies contacted say their complaints are actually declining (though, most Better Business Bureaus report the opposite), and they say that many of the complaints they do get are due to stupid customers. "Customer knowledge isn't as good as it should be. People don't read instructions. They just try to plug things in and make them work," maintains L. G. Borgeson, a vice president of RCA Service Co.

A BUZZ, A BLUR AND A HISS

But Mr. and Mrs. Howard C. Tillman of Memphis aren't dumb, and they say it isn't their fault that their Magnavox television set hasn't worked right since they bought it three years ago. They paid $1,200 for their console, but Mrs. Tillman says the world of color hasn't been so wonderful for them.

"The longest we've gone without a service call is three months," she says. The problem: "When you turned the set on, it sounded like a buzzer at a basketball game. You could see the picture, but it was like the times in a movie when the picture just flips up and down. We had to keep it unplugged, because it hissed whenever it was plugged in, even if it was off."

The people at Scott Appliances Inc., where the Tillmans bought the set, refused to replace it, Mrs. Tillman says, and so finally the Tillmans hired a lawyer this spring. No suit was filed, but the lawyer did get some action. Three weeks ago Magnavox replaced everything in the set except the speakers. Mrs. Tillman isn't completely happy—she says the speakers were a major problem—but so far she has no more complaints "So far, it's been working fine," she says. "But I haven't really played it much. We've been out of town."

A spokesman at Scott Appliances won't comment on Mrs. Tillman's case, except to say that Scott stands behind its products even though "it's a headache and a cost to us." A spokesman at Magnavox in Skokie, Ill., says he is aware of the Tillman case. He doesn't explain the Tillman's long wait for replacement parts, but he says, "We try to show interest in a customer's inquiry."

WHY ARE THINGS SO SHODDY?

It isn't difficult to find people like the Tillmans who have complaints. Not so long ago, eight employes in a small Chicago office of CNA Financial Corp. were comparing notes on new purchases they had recently made. The most common thread: Six of them had bought defective goods. The Consumer Reports man to the contrary, the finish on a $425 GE refrigerator was peeling. A $400 Admiral color TV set required a two-week factory overhaul. A $20 pair of women's shoes ripped at the seam during the first wearing. The chain fell off a $32 training bike. A Roper dishwasher was installed incorrectly and had a defective timer. And a Roper gas range had a defective pilot light.

Why does this happen? Morris Kaplan, technical director of Consumers Union, says there are a couple of reasons for quality deterioration. First of all, he says, there is simply less quality control at many factories. He blames this in part on the annual "model change" in appliances and other goods. The drive to get the new model out will frequently make it impossible for the manufacturer to do anything in the way of "quality control," he says.

A second reason for poor quality is tough price competition, Mr. Kaplan says. "Makers try to reduce quality as much as possible to reduce price," he says. As an example, he cites black-and-white television sets, which

recently have come down in price but "precious few" of which now have horizontal control knobs or knobs to adjust brightness levels.

Mr. Kaplan, a 58-year-old man who has been at Consumers Union for 23 years, says it is very difficult to generalize and say that products are shoddier now than in the past. In some areas, quality has improved, he asserts. But he maintains that those products that are bad seem worse than ever, and he says that among bad products a greater percentage of the output is faulty now than in the past.

A NEW PHENOMENON

He says, for instance, that Consumers Union bought 25 or so instant-load, automatic-exposure cameras not so long ago. They cost $30 to $70, he says, and they included brands made by 15 to 20 manufacturers. "One half of them as received were not operable or became inoperable shortly after we got them," he says. Similarly, he says, the organization recently bought 15 or so hi-fi tape recorders costing several hundred dollars each, and discovered that one third of them were faulty.

"This is a new phenomenon so many bad items," says Mr. Kaplan.

Mr. Kaplan will reel off a list of products that he says are better than ever. Clothes washers have improved, he says, and he maintains that the durable press innovation has made clothing better. But he also will list what he considers bad products. "Frozen fish has been lousy for a long time and is still lousy," he says, "the quality is abominable."

Mrs. Michael J. Espok of Irwin, Pa., isn't too concerned about frozen fish, but you won't find her singing the praises of GE irons or K-Mart discount stores. Last Feb. 13, Mr. Espok bought his wife a GE steam iron, which K-Mart had marked down to $8.97 from its regular price of $11.97. After a week of use, says Mrs. Espok, "all the water ran out the bottom and spotted my clothes."

She called a local GE service center, where a "very nice" man told her to take it back to K-Mart. She did. But K-Mart refused to take it back, since it had been sold more than 10 days before. "He told us to take it back to GE," says Mrs. Espok. Mrs. Espok finally did mail it to GE, and four weeks later she received a replacement, which she says is working fine. But she still isn't happy. She was without an iron for a month, and she had to make a special trip to the K-Mart.

The manager of the K-Mart store now says the store should have taken back the iron. "There was a slight misunderstanding," he says. "If she had come to me, we would have exchanged it. GE probably should have taken it, too." Mrs. Espok says the man she talked to at K-Mart had a bad attitude. "My husband never swears," she says, but he said, "We'll never buy another ——— thing at K-Mart again."

Though General Electric replaced the iron, a GE service representative can't get too excited about Mrs. Espok's complaint. "It's a cheap iron. People expect too much from them," he says.

ONE IN A MILLION? OR 74 OUT OF 100?

But expensive things aren't faultless. A Boston salesman says his Brooks Brothers suit began to deteriorate two weeks after he bought it. The store took it back and gave him credit. Similarly a woman says that she bought a skirt at posh I. Magnin in Los Angeles and that after two hours it became completely wrinkled. "It looked like I'd slept in it. The belt became completely shriveled," she said. The store returned her money.

Another Los Angeles store, when asked about a customer's complaint about a bedspread, confirms the problem but says "this kind of thing is really one in a million." Perhaps, but other statistics indicate the ratio is a bit different. In the May issue of Consumer Reports, for example, the magazine discloses results of a survey of 90,000 owners of color TV sets. Seventy-four per cent of the color sets reported on "had required repairs of some sort," the magazine says. Most of the sets were three years old or less. The article also says that 6% of the sets bought in 1968 had to have their picture tubes replaced before the year was out.

If the magazine "had a dime for every complaint we've received about color TV . . . well, we could afford another color set. But we wouldn't be anxious to take on the headaches that seem to come with color," the article states.

TV sets have lots of parts, and it's possible to understand how they can break down. You'd think kites would be different, but William Ryder of Findlay, Ohio, says that isn't the case. He plunked down a dollar not so long ago for a plastic kite shaped like a bat. The first time he and his five-year-old son tried the kite, the keel, to which the string is attached, tore off and the kite plummeted earthward.

Back to the toy store, where he got another one free. Another try, another torn-off keel, and another kite crash. Back to the toy store for a third one, which he tried in gentler breezes. When the keel began to tear away, he patched it with plastic tape—and it's been flying great ever since.

A spokesman for the kite maker, Gayla Industries of Houston, says Mr. Ryder probably didn't read the directions, which admonish users not to fly the kite in high winds or cold weather, both common to Ohio. And he adds, "You expect kites to break up sometimes." He says, however, that complaints have declined while sales have quadrupled.

PROBLEMS WITH A PACEMAKER

A much more serious complaint comes from some doctors who implant pacemakers in patients to regulate their heartbeats. For a while, some pacemakers made by the Electrodyne subsidiary of Becton, Dickinson & Co. were inferior, some doctors allege.

"The problem was that the pacemaker, which was supposed to operate for 18 to 24 months, would stop in three or four months," says a Texas doctor. "The patient would then have to undergo surgery for us to replace the defective instrument, and sometimes the new one we put in would stop after two or three days." The new operation would cost the patient $3,000 to $4,000, this doctor says, not to mention the pain and suffering.

An official of Electrodyne concedes the company had trouble with its pacemakers, but he says that that is "ancient history" now and that it's been "well over a year" since the company received complaints about the instruments. The Texas doctor says he and his colleagues complained repeatedly before anything was done. The Electrodyne official replies: "If something is wrong with a piece of equipment, that does not mean we can immediately correct it. We took immediate action to find what was causing the problem. We found it and corrected it."

There was little the heart patients could do, of course, but submit to a new operation. In other areas, though, consumers have found ways to get back at the manufacturers or sellers. Many, like Mr. Espok, the dissatisfied K-Mart shopper, simply refuse to shop any more at the store where they bought the faulty merchandise. Many complain to Consumers Union or to Better Business Bureaus in hopes of giving the offender a bad name. And many just start word-of-mouth campaigns against the stores or products.

An Iowa grandfather, for instance, who has been arguing for years with Sears-Roebuck about what he says is a leaky roof the retailer put on his house, signs all of his frequent letters to his children this way:

"Love, and don't buy anything at Sears."

IS LAOS TO BECOME ANOTHER VIETNAM?

Mr. SYMINGTON. Mr. President, a thought-provoking editorial appeared in the Philadelphia Inquirer of February 8, "Is Laos To Become Another Vietnam?"

This editorial begins:

It would be the worst of ironies, and the grimmest of tragedies, if the United States were to stumble blindly into a new war in Southeast Asia while still trying desperately and unsuccessfully to get out of an old one.

The point is then made that "the similarities between American involvement in Laos today and in Vietnam a decade ago are too striking to be brushed aside."

I ask unanimous consent that the editorial in question be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Feb. 8, 1970]

IS LAOS TO BECOME ANOTHER VIETNAM?

It would be the worst of ironies, and the grimmest of tragedies, if the United States were to stumble blindly into a new war in Southeast Asia while still trying desperately and unsuccessfully to get out of an old one.

The similarities between American involvement in Laos today and in Vietnam a decade ago are too striking to be brushed aside. Despite the cloak of secrecy that the Pentagon has wrapped around U.S. military activity in Laos, and despite President Nixon's adroit sidestepping of questions on the subject at recent news conferences, enough information has come to light to raise warning signals.

Official silence notwithstanding, it is common knowledge that thousands of Americans are in Laos, that many of them are serving as "military advisers" to the Laotian army, and that U.S. military aircraft are flying combat missions against Communist forces in Laos.

American involvement in Vietnam followed a similar pattern and gradually escalated until, finally, it had to be admitted that U.S. "advisers" were doing more fighting than advising—and also were doing more and more of the dying.

The White House and the Defense Department could inform the American people fully on the essential facts of American involvement in Laos without jeopardizing the security of our servicemen or our allies. Indeed, it is very likely that Hanoi already knows the precise number and whereabouts of U.S. personnel and planes committed to Laos.

If President Nixon believes it is in America's interest to be actively engaged in the fight against Communism in Laos, he should take his case to the American people in a television speech—telling what the involvement entails and what the objectives are. If there are good reasons for American servicemen to be in Laos, let the American people be told forthrightly what those reasons are so they may judge for themselves the validity of arguments pro and con.

The most tragic aspect of the war in Vietnam—aside from the human suffering—is the way the United States blundered haphazardly into it without really knowing what was going on. Even the most vociferous of hawks are likely to admit that America has made a lot of mistakes in Vietnam—mistakes that, in some cases at least, might have been avoided if Congress and the people had known what they know now.

Whatever happens in Laos, and whatever the U.S. role may be, let the American peo-

ple have the information necessary to make an intelligent judgment. Whatever we do, let's do it with our eyes wide open this time.

SEGREGATION IN AREAS OTHER THAN THE SOUTH

Mr. TALMADGE. Mr. President, debate in the Senate for the past several days has focused attention on the fact that, in a great many areas, there is more school desegregation in the South than in the North. Yet, in what I regard as an outstanding example of rank hypocrisy, Federal courts and bureaucrats have singled out the States of the South for sweeping rulings and edicts that have brought confusion and near chaos to many school systems.

There appeared in the February 12 issue of the Atlanta Constitution an excellent editorial column by Hal Gulliver, which describes the situation North and South and which especially calls attention to the extent of segregation in areas other than the South.

I bring this column to the attention of the Senate and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

SCHOOLS AGAIN

(By Hal Gulliver)

The process of school integration in this nation's cities—including Atlanta—has simply broken down.

It isn't working. Curiously, school desegregation is a good deal more complete in many of Georgia's smaller communities. This is partly because of the logistics of it. In many school systems, there used to be one all-white high school and one all-Negro high school. When the "dual" system was eliminated under court order or HEW guidelines, this often meant simply consolidating so that there would be only *one* high school, attended by all white and black pupils in the system.

Sometimes, the grades are grouped a little differently. In one medium-sized town, all white and black pupils in the 10th, 11th and 12th grades now attend what used to be the white high school. All 9th graders, black and white, attend what used to be the black high school.

But it isn't working in cities.

Atlanta is a good example. There are now 26 schools which formerly were all-white. Each school was integrated. In each case, as the number of black pupils attending the school rose, white parents simply moved away. The 26 schools—which were all-white a few years ago—are now all-black. They're just as segregated as ever.

The pattern of residential segregation is an old one in Northern cities, cities *not* so far covered by federal court decisions or school desegregation guidelines.

And cities like Atlanta have reached a point in school desegregation at which the situation is almost identical with de facto segregation of major Northern cities.

Sen. Abraham Ribicoff of Connecticut, in a remarkable speech on the Senate floor this week, blasted the "monumental hypocrisy" of Northern liberals . . . the pretense that segregated schools in New York or Chicago are any *less* segregated simply because you call it "de facto segregation."

The state of Georgia recently filed suit in federal court against U.S. Attorney General John N. Mitchell, on the basis that the federal government has attempted to "impose racial quota systems respecting public education in Georgia and certain other states generally described as 'The South' or 'Southern States,' while at the same time eschewing completely any attempt to terminate far more blatant conditions of almost complete racial segregation, separation and isolation which permeate public education in States outside the geographic area . . ."

Judging by the past history of such matters, the Georgia suit has about as much chance in federal court as, say, Rep. Julian Bond has of being elected governor of Georgia this year.

But the figures on the school systems in "15 selected Northern city school systems" are interesting. According to a survey, 84 per cent of the *increase* in Negro pupils in the period from 1950 to 1965 were by 1965 attending schools which had become 90 to 100 per cent black.

In other words, phrased simply, most black students in these 15 cities are attending either all-black or almost all-black schools. Segregation? Sure. Take a look at Cincinnati or Buffalo or Oakland or Milwaukee. There's a good deal more school *integration* in Valdosta or Gainesville or Macon.

One day, the U.S. Supreme Court and the U.S. Congress will have to face up to the question of de facto school segregation. It'll be interesting.

"LET US STAND TOGETHER"—MAGNIFICENT ADDRESS OF SENATOR BIRCH BAYH IN COLUMBUS, OHIO

Mr. YOUNG of Ohio. Mr. President, during the past year there has been what appears to be a systematic attempt by top administration officials to discredit and stifle free and open coverage of the news and analyses of news events. There must be and there is room in our democracy for legitimate criticism of the press and radio and television reporting. However, far from being mere criticism, speeches made by the Vice President and actions of other top administration officials appear to indicate that there is a conscious effort to suppress criticism.

During the past few weeks a number of news gathering organizations and respected journalists have expressed concern at being ordered to turn over their notes, unpublished files and film to Government investigators. The suspicion that there exists in the highest councils of government a lack of sensitivity to the fragile nature of our concept of freedom is growing.

The distinguished junior Senator from Indiana (Mr. BAYH) recently made an excellent speech regarding the attitudes of this administration toward dissent in the beautiful Capitol at Columbus. I commend his speech to my colleagues and ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

LET US STAND TOGETHER

(By Senator BIRCH BAYH)

More than a year ago, during the closing days of the Nixon Presidential Campaign here in Ohio 13-year-old Vickie Cole raised a sign that expressed the hopes not only of her hometown of Deshler, not only of the state of Ohio, but the entire country.

The message on Vickie Cole's sign was simple, but it was a message that America wanted to hear. "Bring us Together."

On November 6, 1968 the new President Elect who had seen Vickie's sign and commented on it told Americans that this would be the goal of his administration. And on January 20, 1969, he reasserted this pledge in his inaugural address with these words:

"In these difficult years, America has suffered from a fever of words; from used rhetoric that promises more than it can deliver; from angry rhetoric that fans discontents into hatreds; from bombastic rhetoric that postures instead of persuading . . . No man can be fully free while his neighbor is not. To go forward at all is to go forward together."

But tonight, unfortunately, as we look back on the first year of the Nixon Administration we detect not a movement toward unity, but a pulling apart, not words to inspire, but phrases to inflame the passions of discontent. It is now clear from the record of its first year that this administration has embraced the politics of polarization.

On October 30 Vice President Agnew said, "It is time to rip away the rhetoric and to divide on authentic lines. If in challenging we polarize the American people, I say it is time for a positive polarization."

Let us examine just a few of the more disturbing elements in the emerging pattern of this administration—a pattern that I, for one, find rather ominous.

There is the dangerously authoritarian desire to muzzle, belittle and intimidate all those who disagree with the administration. Those who agree with the Nixon Administration are portrayed as patriotic and loyal Americans. Those who disagree are portrayed as disloyal and un-American.

There are the indirect threats of censorship aimed at the news media. It is clear that the Nixon Administration is incapable of recognizing the distinction between respect for a President's views and slavish, unquestioning acceptance of the rightness of those views.

There is the calculated campaign to bring about a polarization of the American people by playing on their frustrations, prejudices and fears. The rhetoric of the Vice President and the policies of the Nixon Administration are aimed at pitting one race against another, one economic class against another, one age group against another, and even one region of this country against another region. For political gain this administration seeks to callously exploit the worst in man rather than appeal to the best in man to build a better nation and a better world.

It is now clear that the Nixon Administration has subscribed to the scapegoat theory of politics in an effort to blame others for its own inability to solve the country's problems. Unlike Harry S. Truman, President Nixon has not realized that as president, "the buck stops here."

This administration attempts to divide the American people into two categories—a silent majority which supports the president, and radical liberals who are a menace to the country's security. This effort is intentionally inaccurate in its assessment of the real situation and dangerous in its implications. It is an exercise in political expediency akin to playing with matches in a fireworks factory.

We need only look back to the first half of this century to see what serious problems can arise as a result. The red scare of the 1920's, the detention of American citizens of Japanese descent during World War II and the McCarthy purge of the 1950's spring quickly to mind as shameful examples of how Americans have been incited to over reaction in the past.

In 1920 Attorney General Palmer, armed

with three thousand deportation warrants, ordered simultaneous raids on "radical" meetings in all parts of the country resulting in the arrest of 4,000 persons. Everyone found on the premises was arrested whether or not the agents actually had warrants for them, whether or not they were members of the Communist Party, whether or not they were aliens or citizens. Others were apprehended in their homes. Even persons attempting to visit jailed members of their own families were arrested on suspicion of affiliation with the proscribed groups. Deportation hearings were conducted without benefit of lawyers for the accused or other judicial safeguards. This was a black day for justice in the United States.

But the significant thing is that such high handed procedure was enthusiastically applauded by a substantial portion of the American public. This was a politically popular thing to do. Fortunately even in the emotional climate of that time a few Americans had the courage to speak out. Charles Evans Hughes, who later became Chief Justice of the U.S. Supreme Court, was one who spoke out forthrightly against "violations of personal rights which savor of the worst practices of tyranny."

The late Senator Joe McCarthy rose to prominence on the American scene at a time when this country was involved in the Korean War. That period in the 1950's was similar, in some ways, to the present. The war had been frustrating and long. Victory was nowhere in sight and the people were weary of the fight. McCarthy had a simple answer to the question of why the most powerful nation in history was mired in a seemingly endless struggle on a remote corner of Asia—American traitors, members of the Communist Party and their "fellow travelers" had betrayed us. Most of us are familiar with the insinuation, innuendo and character assassination which was the trademark of that era. General Marshall, Dwight Eisenhower—no one was secure.

I do not want to be an alarmist, but now, on the eve of the 1970's there is disturbing evidence that the old familiar pattern is beginning to emerge once again.

As we listen to the rhetoric of the Vice President those of us who are students of American history can almost see and hear the late Senator McCarthy standing on the floor of the Senate. For it was Vice President Agnew who set the tone of this administration as early as last October when he said: "Today, we see those among us who prefer to side with an enemy aggressor rather than stand by this free nation. . . . At this moment totalitarianism's threat does not necessarily have a foreign accent. Because we have a home grown menace, made and manufactured in the U.S.A."

Make no mistake, when the Vice President speaks not only for himself, but for the President. Indeed the President clearly indicated before the entire cabinet last November his approval of what the Vice President had said.

The Nixon Administration is using the age-old political ploy of the leader faced with difficulties he cannot handle—it is the ploy of blaming others, of setting up straw men, of finding internal enemies of the people. Authorities on autocracy and totalitarianism as Friedrich and Brzezinski point out that one of the most prominent characteristics of totalitarian systems is the seeking out of the enemies of the people. Who are the people's enemies? They are those vaguely defined scapegoats, those groups of individuals who appear and disappear from the scene depending on the political climate of the moment.

In the United States today, the enemies of the people are *they*—the source of all our troubles, the focus of statement after statement by the President, the Vice President and other prominent members of the administration.

To Vice President Agnew *they* is an "effete corps of impudent snobs who characterize themselves as intellectuals."

They "mock the common man's pride in his work, his family and his country."

They are the "tiny and closed fraternity of privileged men, elected by one," who package and present the news on network television, "raising doubts about the wisdom of government policy in the minds of millions with a raised eyebrow, an inflection of the voice."

They are "vultures who sit in trees and watch lions battle, knowing that win, lose or draw, they will be fed."

To the wife of Attorney General Mitchell *they* are the "liberals" who should be exchanged for Russian Communists.

To the Attorney General himself *they* are "violence prone militant radicals" whom he would be delighted to exchange for academically inclined Marxists.

According to President Nixon, *they* were guilty of "vicious political attack" and "character assassination" in opposing the nomination of Judge Haynsworth and causing his rejection in the Senate.

As long ago as last June in a speech at the Air Force Academy, President Nixon identified *they* as those advocating "unilateral" disarmament.

The list of *theys* is constantly changing, but it continues from speech to speech, from President to Vice President to Cabinet members depending upon the emotional issue of the day. This strategy continues and the polarization of American society continues apace.

Rest assured that if you have problems the administration has a ready diagnosis. If you are a concerned white man, your problem is the result of the black man. If you are black your problem rests on the shoulders of the intellectual who may be either black or white. If you are a high school graduate working to pay off the mortgage on your house, then your problem is that the nation has too many college graduates. If you live in the South, the Midwest or the West and you are worried about the continuation of the Vietnam War or pollution the culprit is the establishment in the Northeast—The New York Times, the Washington Post. If you are concerned about the dramatic increase in crime this last year, you should blame the TV networks. Yes, just like the traveling medicine man of old, this administration has a patent medicine for every complaint.

Perhaps the most dangerous part of this strategy is its design to muzzle free dissemination of the news. No one in public life is unfamiliar with criticism in the public news media. But I wonder if any responsible citizen would tolerate a controlled news system. Some of us may take for granted the value of free speech, freedom of the press and the right to peaceful dissent.

The International Press Institute, representing some 1,600 publishers and editors in non-communist countries, has had considerable experience with the fragile nature of the concept of freedom of speech. It is perhaps worth noting here that the institute, in its annual review of press freedom around the world, has said Vice President Agnew presented "the most serious threat to the freedom of information in the Western World" last year.

The intimidation inherent in the Vice President's attack on the news media is reinforced by the actions of other members of the Nixon Administration. Members of the White House staff, Ronald Ziegler and Herbert G. Klein have routinely called television stations in advance of presidential speeches to ask about plans to comment on the speech and inquire about what any planned editorial commentary is likely to be.

When Eric Sevareid gave an interview to a station in Phoenix, Ariz., following the Agnew speech attacking the networks, a member of the Federal Communications Commission, Leonard Weinless, called the station personally to ask for an audio tape of the interview.

Just three days after he took office on October 31, Dean Burch, Chairman of the FCC, telephoned TV network executives personally to ask for transcripts of their commentaries on President Nixon's Nov. 3 Vietnam speech.

In view of all this it is easy to understand why newsmen everywhere might feel intimidated—despite denials by the administration that any intimidation was intended.

Certainly there is much room for improvement on the part of those who report and analyze the news. But if some of our commentators need improving, so do some of our vice presidents.

We are living in a great nation. Our responsibility is to make it even greater. We cannot accomplish this goal if we are divided. America cries out for love, not hate, for compassion, not selfishness. The 1970's demand individual dedication of purpose, not polarization for political expediency.

Some are timid when faced by the onslaught. Some remain mute fearing that they might become the subject of infinite scrutiny by "Big Brother" in Washington. True, the price of leadership is at times high. But history has dealt harshly with those who abdicated their responsibilities of leadership in the hopes they might continue to lead.

Each of us should remember the comment by Pastor Niemoller a quarter of a century ago in Nazi Germany.

"They came after the Jews. And I was not a Jew. So I did not object.

"Then they came after the Catholics. And I was not a Catholic. So I did not object.

"Then they came after the trade unionists. I was not a trade unionist. So I did not object.

"Then they came after me. And there was no one left to object."

To borrow a phrase from President Nixon, let me make it "perfectly clear" that I object to the demagogic, divisive and dangerous tactics of this administration.

I object to the effort to pit one American against another, black against white, young against old, poor against affluent. I object to the calculated effort to mute those who disagree. I object not as a Democrat or as a member of the U.S. Senate, but as a citizen of this country. I object not only to the administration's sins of commission, but to the sins of omission. I object to anything less than an all out effort to finish the unfinished business of America. I object to an administration which suggests spending unlimited billions on an Anti-Ballistic Missile System which will be obsolete before it is built while eight million American children go to bed hungry at night. I object to a President who promises a crusade to improve an environment, but who refuses to spend more than one half of the funds Congress has appropriated to halt pollution. I object to a President who threatens to veto the Health, Education and Welfare appropriations bill when the nation desperately needs more doctors, nurses and trained technicians to protect the public health. I object to an administration which slashes funds for medical research in a nation where last year 325,000 American lives were lost to cancer. And I object to an administration which refuses to provide vigorous leadership for fear it might incur the opposition.

Adequate government for 200 million Americans will not be produced by a policy of polling and pondering which course of action will produce the least resistance or controversy. The average American does not need to be spoon fed, but he admires and appreciates those who "tell it like it is."

The silent majority may be silent, but they are not blind nor deaf and they are concerned with America's problems. They are searching for the leadership and the inspiration this administration has dismally failed to provide. Taking public opinion polls and then directing national policy at the results obtained is not leadership. The American people expect their national leaders to do not what seems politically expedient on the basis of public opinion polls, but to do what is right, not to follow, but to lead. They are white, black, brown. They work, they play. They know sorrow and joy. They have mortgages, frustrations, ambitions, and dreams. They have courage and determination, and the will to do what is right for their country and mankind. I am convinced the Democratic Party can and will provide the leadership to show them the way. In the words of John Fitzgerald Kennedy:

". . . This is a time for courage and a time for challenge. Neither conformity nor complacency will do. Neither the fanatics nor the faint hearted are needed. And our duty as a party is not to our party alone, but to the Nation, and indeed, to all mankind . . .

"So let us not be petty when our cause is so great. Let us not quarrel amongst ourselves when our Nation's future is at stake. Let us stand together with renewed confidence in our cause—united in our heritage of the past and our hopes for the future—and determined that this land we love shall lead all mankind into new frontiers of peace and abundance."

SUPPORT FOR JUDGE CARSWELL

Mr. GURNEY. Mr. President, I would ask unanimous consent to have printed in the RECORD an article from the January 31 edition of the Sacramento Bee, entitled "Negro Attorney Backs Nixon Carswell Choice."

Mr. Flournoy is a distinguished Los Angeles attorney, who served as executive director of the Black Americans for Nixon and Agnew. I ask unanimous consent to insert an article about Mr. Flournoy in the RECORD—a piece written by Morrie Ryskind in his nationally syndicated column last month.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Jan. 31, 1970]

NEGRO ATTORNEY BACKS NIXON CARSWELL CHOICE

James L. Flournoy, a Los Angeles Negro and a possible candidate for secretary of state, has defended President Richard M. Nixon's nomination of Florida Judge G. Harrold Carswell to the U.S. Supreme Court.

Flournoy, an attorney, said he is not familiar with court judgements which some critics use as a basis for opposing Carswell. But he said he sees no reason to oppose the judge on a basis of a white supremacy speech he made in 1948.

"I do not hold it against him," Flournoy said. "And most everybody I have talked with also said they do not consider him anti-Negro. If he came from any other part of the country, this wouldn't have ever been brought up.

"If we believe what he said 20 years ago, then we have to believe him now when he repudiates it."

The judge has said he made the comments in 1948 during the heat of a political battle.

Flournoy has been active in California Republican politics for a number of years.

It all depends, he said, upon "the mother's milk of politics"—that is, whether he receives enough pledges of financial support to run a successful campaign.

[From Human Events, Jan. 31, 1970]

SELECTING THE NEWS

(By Morrie Ryskind)

All the communication media face the problem of what news to use, and it often comes down to a matter of judgment. Still, a suspicious mind—like mine—occasionally wonders whether the cards aren't stacked by those liberals Mr. Agnew has made mention of?

E.g., two press conferences took place at the Beverly Hilton recently at about the same time. One was graced by a band, free drinks, a friendly large crowd and a kindly press as Congressman John Tunney, son of the famous, Gene, announced he would seek the Democratic senatorial nomination to run against the incumbent Republican George Murphy.

I stopped in only for a look-see, since the news was hardly exciting. Tunney had been a de facto candidate for at least a year, covering almost every inch of the state in that time.

The other conference, right around the corner, had neither music nor liquor and but a few newsmen as James L. Flournoy read from a prepared statement. The occasion was the result of State Sen. Mervin Dymally, a colored Democrat, having made local headlines by branding Gov. Reagan and the Nixon Administration—not to say the entire GOP—as insensitive to Negro needs.

Flournoy, a colored attorney long active in California Republican circles, rebutted the charges. He noted various Nixon measures he thought exceedingly promising, and cited figures to show that Reagan had in his uncompleted term appointed more Negroes to responsible positions than had former Gov. Brown in his two full terms.

And he warned against the liberal syndrome of condoning the violence of black militants who took the law into their own hands. It was these "activists" who were polarizing the races and undoing the work of the vast silent majority of Negroes, who had the same aspirations and the same respect for law as the vast white majority.

After his statement, the reporters questioned him—but not with the politeness they gave John Tunney. Three black journalists went after Flournoy hammer and tongs.

And then a white, Tom Brokaw, chief newscaster for the Los Angeles NBC station, got in his licks. Sen. Dymally was, he said, an elected official and so could speak for his constituents—whom did Flournoy represent?

When Flournoy said he believed he spoke for a good many Negroes, Brokaw would have none of it.

I rarely get into these acts, but it was too one-sided. So I noted that after a recent Black Panther confrontation here—in which three policemen were shot—TV had shown a number of militants screaming against "the pigs" but also a colored pastor who said 85 per cent of his people opposed the Panthers and were grateful for the police. Was that statement valid?

Jim Flournoy thought so, but he was shouted down by the black reporters who said the minister had no followers at all and was only a "police lackey." Things were somewhat hectic for a while.

Naturally, at 11 that night I turned to NBC for the news: Mr. Brokaw was there, and so was considerable friendly footage on John Tunney—but there was nothing of Republican Flournoy's answer to Democrat Dymally, not a cotton pickin' word, though some other TV stations carried it.

For Jim held no elective office, you see. Yet, curiously, I have seen NBC show and quote militant blacks who never held office and probably never will. But then, of course, they weren't Republicans.

Early the next morning, Jim Flournoy's house had a Molotov cocktail hurled at it. The bomb smashed the big plate glass window, but luckily didn't penetrate inside. But in its rebound it was powerful enough to burn all the shrubbery in front of the house.

If you're interested, Mr. Flournoy tells me even that didn't make the NBC news at 11 the next night. Jim may have served on Republican boards for 15 years and his wife may be a vice-principal in the L.A. school system—but whom do they represent?

Still, if a Molotov cocktail is thrown at the house of a militant black, the odds are it will make the 11 o'clock NBC news. One must be flexible in these matters, *nicht wahr?*

THE POINT REYES NATIONAL SEASHORE

Mr. CRANSTON. Mr. President, yesterday H.R. 3786, which passed the House on February 10, was referred to the Senate Committee on Interior and Insular Affairs. This bill is identical with my S. 1530 with the exception of one House amendment. The Parks and Recreation Subcommittee chaired by the distinguished Senator from Nevada (Mr. BIBLE) will hold hearings on S. 1530 on February 26.

I am delighted that this legislation is now moving through the legislative process, and I hope that it will be affirmatively acted upon by the Senate and signed into law so that we may finish the acquisition of privately held land and thus complete the seashore. During the recess, two newspapers on opposite coasts commended editorially on Point Reyes, the New York Times and the San Francisco Chronicle. Mr. President, I ask unanimous consent that both editorials be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the San Francisco Chronicle, Feb. 12, 1970]

BREAKTHROUGH ON POINT REYES

There is both local relief and national significance in the House passage of a $38.3 million authorization for the completion of the Point Reyes National Seashore. As chairman Wayne Aspinal of the Interior and Insular Affairs Committee said, the vote "could mark the beginning of a new decade of constructive achievement" in which "the objectives of the past could become the realities of the present."

Representative Aspinall was commenting upon a new alliance that seems to have been created in the long, not yet completed, Point Reyes struggle. Both the House and the Administration are aligned in assigning higher national priorities to the acquisiton of new park lands. Many other areas of the country may now benefit because of this new mood, brought about by the great public concern that was shown as Point Reyes seemed to be slipping away.

Congress failed last year to pass a single piece of park acquisition legislation. The Budget Bureau had adopted the position in 1969 that no new parks could be created during the next three fiscal years. Now inaction and pinch-penny budgeting have been succeeded by a new sense of urgency about the Nation's park needs.

The Sierra Club and Save Our Seashore played important roles in creating this change of mood. Chairman Aspinall, Northern California Congressmen, and Representatives Taylor of North Carolina and Saylor of Pennsylvania worked to convince their colleagues that a new set of national conservation priorities was needed; they argued that

the issue was not merely a new Northern California park.

The next step toward completion of Point Reyes will occur February 26 when hearings are held before Senator Alan Bible of Nevada, chairman of the Senate Interior Committee's Parks and Recreation Subcommittee. As we have observed, the new mood was the product of great public interest brought effectively to the attention of the House and the Administration. That public concern must be sustained until the bill has been passed and signed by the President and the authorized money appropriated.

[From the New York Times, Feb. 10, 1970]

POINT REYES, THE BIG MOMENT

The House of Representatives has a chance today to do more for the improvement of the American environment than deplore its deterioration. By passing H.R. 3786, favorably reported out by its Committee on the Interior, the House can make certain that Point Reyes National Seashore, north of San Francisco, becomes a reality. At the moment that potentially rich and rewarding project is a patchwork of acquired acreage threatened by the ever-present possibility that the remaining land required for the park will be sold to commercial interests.

The one serious question raised in committee about Point Reyes was that the $57 million involved would prejudice the chances of other parkland acquisitions planned from Fire Island to the Cascades. In a large measure that question has been happily resolved by President Nixon's announced intention to ask for full appropriation of the approximately $200 million already accumulated in the Land and Water Conservation Fund from park entrance fees, taxes on motor boat fuel, the sale of surplus land and other sources.

The House can therefore afford to pass the Point Reyes appropriation in good conscience—the first of its kind by the 91st Congress. In view of steeply rising land prices, the danger of losing the land and the crying need for a more beautiful America it cannot afford to do otherwise.

GUIDELINES FOR ENVIRONMENTAL QUALITY CONTROL

Mr. HATFIELD. Mr. President, in the January 27 issue of the Washington Post there appeared an excellent article by Joseph Kraft concerning the need for establishing responsible guidelines in the national effort to preserve and rehabilitate our environment.

There has been a great deal of rhetoric surrounding the environmental problems of our Nation, but little careful thought given to the full dimension of these issues. In President Nixon's recent statement to Congress on his administrative program for environmental equality, concrete proposals were set forth in the areas of water pollution control, solid waste management, air pollution control, development of parklands and public recreation, and a general plan of organization for a national effort at environmental protection.

I applaud the thoughtfulness and scope of this message and regard the President's statement as one of the most important documents in the fight to save our environment. Before our Nation can hope to make its peace with nature however, there must be established national standards and guidelines by which to judge the problem.

There can be no cure for ecological imbalance until the disease is defined, the carrier isolated, and the cure for the disease established. As there appears to be no section of the United States immune from the threat of environmental disease, it is my contention and that of Mr. Kraft's that the responsibility for setting minimum standards for environmental protection lies with the Federal Government. President Nixon's message to Congress begins to outline this need for uniform standards and penalities in environmental quality. It is my hope that we will see implementation of this aspect of the problem in the immediate future in order that our Nation can begin its efforts toward curbing environmental destruction in a coherent and effective manner.

I highly recommend Mr. Kraft's article to my colleagues and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 27, 1970]

GUIDELINES ARE FIRST NECESSITY IN FIGHT TO SAVE ENVIRONMENT

(By Joseph Kraft)

A hollow ring struck the tinniest ear the other day when the President of Atlantic Richfield said that "the people who love the sky, the mountains and the sea and want to keep them unspoiled are people who love painting and music and theater and the good things of the mind and spirit." And sure enough, it turns out that Atlantic Richfield is pushing to build a pipeline across Alaska that the government fears may spoil the natural beauty of that last frontier.

But few businessmen, and fewer politicos, are so artless. Most know how to come out on the side of nature's angels without leaving footprints that show the cloven hoof of the polluter. So when it comes to preserving the environment a first requirement is a set of guidelines—a means for separating out the real articles from the phonies, the good guys from the bad.

Government control, horrid as it may sound, is one touchstone. The claims, by auto companies and oil companies, that private enterprise can do the job are not persuasive. The most casual look around shows that profits are still more the name of the game for corporations than clear air and water. Somebody will have to set minimum standards—for water and air and noise and the location of facilities. That somebody will have to be the government, and anybody who suggests that it will be possible to improve the environment without a major role for government is—to put it mildly—kidding.

Penalties are a second, important guideline. There obviously are white hats all over the private sector. The United States Steel Company, for instance, has made a noble effort to reduce the pollution caused by its activities. Competing companies are not nearly as sensitive on the issue as Big Steel. And unless penalties—and stiff penalties—are visited upon violators of anti-pollution codes, then the profit incentive will be favorable to the black hats. The white hats will, in effect, be penalized for being responsible.

Not that penalties alone will do the job. Since all of us, in one way or another, are polluters, the sudden application of stiff regulations would probably be no more effective than Prohibition was. The penalties have to be applied with discrimination over a period of time, and against the background of a market strategy that enables companies to stop pollution and still stay in business. And anybody who emphasizes punishment, and punishment only, is looking for political issues, not to clean up the environment.

Then there is the matter of cost. As the President candidly pointed out in his State of the Union message, a cleaner environment is not cheap. But who shall pay? Only those who ask and answer that question deserve serious consideration as parties interested in improving the environment.

Without being dogmatic, however, there is a preferred answer. In principle, the right way to finance the cost of repairing the environment is to charge those who do the damage. Thus the cost of easing up on noise at the airports should not be borne by all of us through direct outlays from the Treasury out of general tax revenues. On the contrary, the cost should be borne by the airlines, who should then pass the burden on to their passengers in higher fares. Similarly with automobiles and power plants. Unless some overriding consideration asserts itself, the cost should be paid by user fees.

Finally, and most important, there is the test of population strategy. The ultimate source of most dirt and noise—not to mention crime, drugs, poor transportation and race tension—is the progressive concentration of more and more and more Americans in metropolitan strips along the two oceans, the Great Lakes and the Gulf of Mexico. As James Sundquist writes in the current issue of the quarterly The Public Interest: "The degree to which population is massed determines the amenability and congenialty of the whole environment."

Any serious environment program, in other words, will have to include some means for promoting dispersal of the population. Perhaps the most encouraging feature of President Nixon's approach is that it takes account, however dimly, of the need to develop for the cities "a national growth policy." Without such a population strategy, improving the environment is apt to end up as just another middle-class enthusiasm—an effort to provide parks and fishing to people for whom life is already agreeable.

To be sure, this check list on the environment issue is not exhaustive. Other people will have other senses of what is most and what is least important. But that is not the point.

The point is that the environment issue does not have to be a politicians' plaything, a mere matter of mouthing mushy words. With a little trouble, discriminating citizens can make the issue come alive, can make the political and business leaders of the country match performance to promise.

CONTROVERSIAL CIRCUMSTANCES SURROUNDING THE ADOPTION OF THE 14TH AMENDMENT

Mr. TALMADGE. Mr. President, there appeared in the January 26 issue of U.S. News & World Report an excellent column by that magazine's distinguished editor, David Lawrence, on the controversial circumstances surrounding the adoption of the 14th amendment to the U.S. Constitution.

In his column entitled, "The Worst Scandal in Our History," Mr. Lawrence details events occurring in 1867 and 1868, leading up to the controversial adoption of this amendment. This column was first published by Mr. Lawrence on September 27, 1957, and it is worthy of repeating today.

I bring it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Jan. 26, 1970]

THE WORST SCANDAL IN OUR HISTORY

(By David Lawrence)

A mistaken belief—that there is a valid article in the Constitution known as the "Fourteenth Amendment"—is responsible for the Supreme Court decision of 1954 and the ensuing controversy over desegregation in the public schools of America.

No such amendment was ever legally ratified by three fourths of the States of the Union as required by the Constitution itself.

The so-called "Fourteenth Amendment" was dubiously proclaimed by the Secretary of State on July 20, 1868. President Andrew Johnson shared that doubt.

There was 37 States in the Union at the time, so ratification by at least 28 was necessary to make the amendment an integral part of the Constitution. Actually, only 21 States legally ratified it. So it failed of ratification.

The undisputed record, attested by official journals and the unanimous writings of historians, establishes these events as occurring in 1867 and 1868:

1. Outside the South, six States—New Jersey, Ohio, Kentucky, California, Delaware and Maryland—failed to ratify the proposed amendment.

2. In the South, ten States—Texas, Arkansas, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi and Louisiana—by formal action of their legislatures, rejected it under the normal processes of civil law.

3. A total of 16 legislatures out of 37 failed legally to ratify the "Fourteenth Amendment."

4. Congress—which had deprived the Southern States of their seats in both houses—did not lawfully pass the resolution of submission in the first instance.

5. The Southern States which had rejected the amendment were coerced by a federal statute passed in 1867 that took away the right to vote or hold office from all citizens who had served in the Confederate Army. Military governors were appointed and instructed to prepare the roll of voters. All this happened in spite of the presidential proclamation of amnesty previously issued by the President. New legislatures were thereupon chosen and forced to "ratify" under penalty of continued exile from the Union. In Louisiana, a General sent down from the North presided over the State legislature.

6. Abraham Lincoln had declared many times that the Union was "inseparable" and "indivisible." After his death, and when the war was over, the ratification in 1865 by the Southern States of the Thirteenth Amendment, abolishing slavery, had been accepted as legal. Yet Congress by law in 1867 imposed the specific conditions under which the Southern States would thereafter be "entitled to representation in Congress.

7. Congress, in passing the 1867 law that declared the Southern States could not have their seats in either the Senate or House in the next session unless they ratified the "Fourteenth Amendment," took an unprecedented step. No such right—to compel a State by an act of Congress to ratify a constitutional amendment—is to be found anywhere in the Constitution. Nor has this procedure ever been sanctioned by the Supreme Court of the United States. President Andrew Johnson publicly denounced this law as unconstitutional. But it was passed over his veto.

8. Secretary of State Seward was on the spot in July 1868 when the various "ratifications" of the spurious nature were placed before him. The legislatures of Ohio and New Jersey had notified him that they rescinded their earlier action of ratification. He said in his official proclamation that he was not authorized as Secretary of State "to determine and decide doubtful questions as to the authenticity of the organization of State legislatures or as to the power of any State legislature to recall a previous act or resolution of ratification." He added that the amendment was valid "if the resolutions of the legislatures of Ohio and New Jersey, ratifying the aforesaid amendment, are to be deemed as remaining of full force and effect, notwithstanding the subsequent resolutions of the legislatures of these States." This was a very big "if."

9. It will be noted that the real issue, therefore, is not only whether the forced "ratification" by the ten Southern States was lawful, but whether the withdrawal by the legislatures of Ohio and New Jersey—two Northern States—was legal. The right of a State, by action of its legislature, to change its mind at any time before the final proclamation of ratification is issued by the Secretary of State has been confirmed in connection with other constitutional amendments.

10. The Oregon Legislature in October 1868—three months after the Secretary's proclamation was issued—passed a rescinding resolution, which argued that the "Fourteenth Amendment" had not been ratified by three fourths of the States and that the "ratifications" in the Southern States were "usurpations, unconstitutional, revolutionary and void" and that, "until such ratification is completed, any State has a right to withdraw its assent to any proposed amendment."

What do the historians say about all this? W. E. Woodward, in his famous work, "A New American History," published in 1936, wrote:

"To get a clear idea of the succession of events let us review [President Andrew] Johnson's actions in respect to the ex-Confederate States.

"In May, 1865, he issued a Proclamation of Amnesty to former rebels. Then he established provisional governments in all the Southern States. They were instructed to call Constitutional Conventions. They did. New State governments were elected. White men only had the suffrage [the Fifteenth Amendment establishing equal voting rights had not yet been passed]. Senators and Representatives were chosen, but when they appeared at the opening of Congress they were refused admission. The State governments, however, continued to function during 1866.

"Now we are in 1867. In the early days of that year [Thaddeus] Stevens brought in, as chairman of the House Reconstruction Committee, a bill that proposed to sweep all the Southern State governments into the wastebasket. The South was to be put under military rule.

"The bill passed. It was vetoed by Johnson and passed again over his veto. In the Senate it was amended in such fashion that any State could escape from military rule and be restored to its full rights by ratifying the Fourteenth Amendment and admitting black as well as white men to the polls."

In challenging its constitutionality, President Andrew Johnson declared in his veto message:

"I submit to Congress whether this measure is not in its whole character, scope and object without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive of those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood and expended so much treasure."

Many historians have applauded Andrew Johnson's words. Samuel Eliot Morison and Henry Steele Commager, known today as "liberals," said in their book, "The Growth of the American Republic":

"Johnson returned the bill with a scorching message arguing the unconstitutionality of the whole thing, and most impartial students have agreed with his reasoning.

James Truslow Adams, another noted historian, wrote in his "History of the United States":

"The Supreme Court had decided three months earlier, in the Milligan case, . . . that military courts were unconstitutional except under such war conditions as might make the operation of civil courts impossible, but the President pointed out in vain that practically the whole of the new legislation was unconstitutional. . . . There was even talk in Congress of impeaching the Supreme Court for its decisions! The legislature had run amok and was threatening both the Executive and the Judiciary."

Andrew C. McLaughlin, whose "Constitutional History of the United States" is a standard work, asked:

"Can a State which is not a State and not recognized as such by Congress, perform the supreme duty of ratifying an amendment to the fundamental law? Or does a State—by congressional thinking—cease to be a State for some purposes but not for others?"

The Supreme Court, in case after case, refused to rule on the illegal procedures involved in the alleged "ratification." It said simply that they were acts of the "political departments of the Government." This, of course, was a convenient device of avoidance. The Court has adhered to that position ever since Reconstruction Days.

This is the tragic history of the so-called "Fourteenth Amendment"—a record that is a disgrace to free government and a "government of law."

It is never too late to correct injustice. The people of America should have an opportunity to pass on an amendment to the Constitution that defines, for instance, the respective rights of the Federal Government and the States to regulate public schools.

The basic principles of the "Fourteenth Amendment" could well be reaffirmed. The mandate that a State shall not pass any law which denies the citizen "due process" or "the equal protection of the laws" is a necessary restriction.

Many important decisions have been rendered by our courts on the assumption that the "Fourteenth Amendment" is valid, but the Supreme Court could create a grave crisis someday if it finally decided to pass upon the legality of the so-called "ratification," and did formally declare the amendment dead. It is desirable, therefore, promptly to clarify the situation, and this can best be done by letting the people themselves express their will under the procedures provided in the Constitution itself.

It is the only effective way to undo the wrong committed 100 years ago.

FEDERAL REASSESSMENT OF NATION'S PRIORITIES

Mr. PELL. Mr. President, the American Council on Education speaks with the voice of hundreds of colleges and universities throughout the country.

Recently, its Federal relations commission issued a statement succinctly delineating the contradiction of today when Government is lessening its support toward the higher education of our young people at the very same time that more young people seek and need higher education. It described the problems faced by the colleges and the need for Federal action to assist in meeting these problems. The commission has laid out a general program which I think it wise for the Senate to consider. I ask unanimous consent to have printed in the

RECORD the text of the statement, which calls for the Congress and the administration to reassess our current order or priorities.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COUNCIL COMMISSION ASKS FEDERAL REASSESSMENT OF NATION'S PRIORITIES

The document *Federal Programs for Higher Education: Needed Next Steps,* to which this statement is appended, was prepared in November 1968, and formally issued by the Board of Directors of the American Council on Education in January 1969. At the time, it represented the views not only of the American Council on Education but also of virtually every other major association of higher education. The assessment of the strengths and weaknesses of existing programs and recommendations for needed next steps were remarkably similar to those independently issued by several Presidentially-appointed task forces, made up of some of the nation's most distinguished educators.

The tone of the document was one of qualified confidence. Despite some obvious and remediable shortcomings, the Federal support of higher education was being established on a firm base as every administration in the last two decades, the Congress, and the educational community carefully drafted a series of acts designed to strengthen higher education at every point. We were within sight of achieving goals long proclaimed, but never realized:

Removal of financial and racial barriers to an appropriate post-high school education for all who aspired to it.

Ready access to higher education through the construction of facilities in two-year, four-year, and post-graduate institutions in every section of the country.

Development of high quality graduate institutions in every region, in recognition that such institutions represent a national resource.

Firm and predictable support of basic scientific research with obviously needed expansion into the social sciences, the humanities, and the arts.

A marshaling of higher education resources to attack the many social and physical problems created by an increasingly urban society.

The confidence with which the Council assessed the 1968 climate and presented its programs for future action was qualified largely by the financial strains under which all institutions were then laboring. Many of our private institutions, even the strongest ones, were operating with deficits and eating into their endowment fund capital. Many public institutions, even in our wealthiest states, were having to turn away qualified students because of lack of space and inadequate state appropriations. The clear need was for the Federal Government to assume responsibility for a larger share in the support of the entire system of higher education.

In the fifteen months that have elapsed since the preparation of the basic Council document the climate has changed rapidly and for the worse. Far from building on the foundations already laid, there appears to be a move to dismantle the structure. In the face of rapidly rising enrollments and costs, funding in many cases has been reduced or even eliminated. Support of fundamental research, upon which all applied sciences and the training of the next generation of scientists must rest, is withering under the blight of leveling appropriations and increasing costs. Among the changes already proposed or seriously being considered are the following:

Further reduction of an already inadequate program of direct student loans and insufficient support for other student aid programs.

Elimination of all grants for the construction of needed academic facilities.

Further moves to get all loan programs "off the budget" and into the private market, even though such a shift can in no way alter the inflationary impact inherent in all large loan programs.

Elimination of graduate fellowship programs in some agencies and drastic reductions of similar programs in others. This reversal of direction will have the dual impact of reducing sharply the number of students supported and the cost-of-education funds upon which the graduate schools have relied.

Reduced funds for college libraries, the training of librarians, and the cataloging services of the Library of Congress.

Elimination of all support for foreign area studies and language centers.

Elimination of payments to the land-grant colleges for broad instructional purposes.

The abandonment of many programs, authorized but unfunded, that promised to strengthen the entire system of higher education.

Looking ahead, we see a body of opinion advocating that higher education be increasingly "transferred to the market place." The argument seems to imply that the recipients of higher education are the only persons benefited and that they should be expected to pay its full costs. There is an inclination to downgrade the benefits that society reaps, to ignore the future tax revenue to be derived from those who *do* increase their earning capacity, and to overlook the countless thousands whose education will pay off in service to society rather than in personal monetary rewards.

Thus the trend is toward reduced societal support for education at both the state and the Federal level. In its place would come sole reliance on a policy of allowing charges for higher education to rise to their full costs. The gap between costs of education and student resources would be met by loans that would burden a student for life. This burden would remain, even if there were some subsidized assistance for the most impoverished citizens and for those whose prospects for high earnings are never realized.

Although we strongly support loans as a *part* of student assistance, we find excessive reliance on loans deeply disturbing on two counts. In terms of history, no nation has ever before achieved the level of education made possible by our local, state, Federal, and private investment. We believe that our nation's unmatched level of productivity and well-being is largely a result of that investment. Ironically, however, no other nations—including the most impoverished—are now giving serious thought to reducing their public investments in higher education in the face of increasing demand. The world trend is in the other direction. For example, England and many continental countries are just now beginning to realize the economic and social handicaps they have imposed on themselves by their failure to invest more in higher education. We believe that the nation must renew its determination to strike a balance between public and individual investment in paying the costs of higher education.

We reiterate the proposals and programs called for in *Needed Next Steps.* They are sober statements of what we believe the most affluent nation can afford and must invest, if that affluence is to be continued. We reject the notion that the burden can and should be shifted mainly to the next generation. Specifically we believe that there must be:

1. A *sustained* commitment by the Government to the financing of existing federally supported higher education programs. There is still no way that institutions can be sure that apparent commitments made in one year will be honored by the Government in a succeeding year. Instability is increasing rather than decreasing.

2. A continuation of the existing combination of opportunity grants, payments for work-study and loans. All three elements are needed. The economic and social doctrines under which the student would pay for the greater part of the entire cost of his education through loans are unacceptable.

3. If higher education is to meet the demands placed upon it by society, a substantial construction program will be required, and it can not be financed unless large grants, as well as loans, are made available to institutions by the Federal Government.

4. Beyond adequate funding for existing programs, the principal unfinished business of the Federal Government in the field of higher education is to provide support for general institutional purposes.

In this spirit the American Council on Education calls for a reassessment by the Congress and by the Administration of our current order of priorities. If the aspirations held by the nation outstrip its revenues, they do not outstrip its resources. We believe the nation should tax itself to the extent necessary to meet the needs of its youth.

Commission chairman is Howard R. Bowen, professor of economics, Claremont Graduate School and University Center. Members are: Jerome H. Holland, president of Hampton Institute; Peter Masiko, Jr., president of Miami-Dade Junior College; Pauline Tompkins, president of Cedar Crest College; David B. Truman, president of Mount Holyoke College; Sanford S. Atwood, president of Emory University; Robert R. Martin, president of Eastern Kentucky University; Gregory Nugent, F.S.C., president of Manhattan (N.Y.) College; Lewis C. Dowdy, president of Agricultural and Technical College of North Carolina; Ferrel Heady, president of University of New Mexico; Gilbert Lee, vice-president for business and finance, University of Chicago; Donald R. McNeil, chancellor of University of Maine; Robert R. Huntley, president of Washington and Lee University; Robert W. Morse, president of Case Western Reserve University; David W. Mullins, president of University of Arkansas; and Arthur M. Ross, vice-president of state relations and planning, University of Michigan.

Members of the Council's board of directors who are ex officio members of the commission are Norman P. Auburn, president of University of Akron; Kingman Brewster, Jr., president of Yale University; Theodore M. Hesburgh, C.S.C., president of University of Notre Dame; and Keith Spalding, president of Franklin and Marshall College.

John F. Morse of the Council staff is director of the commission.

FAILURE IN HOME CONSTRUCTION

Mr. PERCY. Mr. President, the housing crisis has reached disastrous proportions. In 1968, Congress established the goal of creating 26 million new or rehabilitated housing units in the next decade, a sizable proportion of which were to help house lower income persons. Yet, a review of this goal today shows that it is merely a show and delusion unless drastic steps are taken soon by Congress and the administration.

Look magazine published a most informative survey of the housing scene on February 10 which deserves careful reading by all of us. In it is spotlighted the burdens the potential homeowners are facing—constantly rising costs as a result of inflationary pressures from land, labor, and material costs. Archaic zoning laws and building codes contribute to the problem.

As the population expands and as existing housing deteriorates, millions of new units are going to be required in the decade of the 1970's. Lower income fam-

ilies in particular need and deserve better housing. At the rate we are going, however, housing is going from bad to worse. The United States prides itself on its production and technological ability. Yet, in this area, the Soviet Union and nations of Europe are outbuilding us.

Improvements can be made through increased reliance upon new towns, mass production methods, and mobile homes. But, this will not strike at the heart of the problem. Money and organization are the key roadblocks. Until they are overcome, all other efforts will prove less than adequate.

Congress has failed to provide the necessary money to fund the housing programs. It and the executive branch have performed inadequately in stopping inflation and in providing necessary financial assistance to the housing industry so that it is not always the scapegoat to hard times. And HUD, in spite of the praiseworthy innovative efforts of Secretary Romney, has yet to effectively turn around its orientation and efforts to meet the threatening disaster.

The troubles facing the housing industry were also well documented in the Sunday, February 8, 1970, issue of the Washington Post in an article by Leonard Downie.

Mr. Downie also points out how money and organization are the root failure. HUD has given little direction to private investors, churches, labor unions, and other nonprofit organizations to assist them in building homes for lower-income groups. Even experienced housing groups have met interminable delays. A major impediment has been the FHA who, as in the case of so many established organizations, has become philosophically encrusted and is finding it exceedingly difficult to change direction away from almost total concentration on middle-income homeowners.

In the 90th Congress, we enacted the National Homeownership Foundation. This new organizational concept was created to provide a new orientation and direction in attacking the housing needs of lower-income persons. Up to now, however, Congress has failed to fund this program. The consequence has been predictable—failure.

It is to be hoped that we will soon wake-up and begin to take the necessary actions to breathe new life in the housing field.

In that line, another innovative housing program got underway recently, as reported in the New York Times by Jack Rosenthal. This is the National Housing Partnership program which, under the able direction of Mr. Carter L. Burgess, intends to turn $50 million of investment into nearly $2 billion in low-income housing. The investment, to be obtained from private sources, will be raised to provide a quarter of local capital needed to meet the 10 percent downpayment requirement for private mortgage assistance. The remainder of the necessary capital will come from local private sources. As an added inducement for attracting needed capital, tax benefits are available through accelerated deductions for depreciation.

This program deserves the support of all of us as we struggle with measures to circumvent the organizational hangups, misdirections, and Federal financial starvation that presently exists.

A good example of these problems was documented in a recently issued General Accounting Office report relating to HUD's administration of the leased-housing program.

In this report, the GAO found that HUD, in operating this program, had provided inadequate assistance and guidance to local housing authorities needed to stimulate greater and more effective efforts to locate and lease suitable vacant housing. It was also found that only somewhat more than half of the units authorized to be leased had, in fact, been leased. All regions were behind in their program schedule and some were 11 to 17 months behind. In addition, through lack of direction and guidance, many local housing authorities had not put forth sufficient efforts to locate and lease available dwelling units that were suitable or could be made suitable. More serious in nature, local housing authorities under HUD's approval and encouragement, had first, frequently made leased housing available to persons already occupying standard housing while thousands of other persons continued to live in substandard housing; second, negotiated higher lease rates for such housing than charged to occupants prior to their coming under the program; and third, made lower-income leased housing available to persons having large asset holdings.

The GAO indicates in its report that HUD and the local housing authorities have made substantial improvement since 1968 in managing this program. But, the evidence also shows that far more creative and constructive effort is still required. I know Secretary Romney is working hard to reorganize HUD's housing operations. He should be applauded and encouraged in this effort. The process will at best be slow, however. A need definitely exists to place greater orientation on innovative and private efforts as exemplified in the national homeownership foundation program.

I ask unanimous consent that the Look magazine, Washington Post, and New York Times articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Look magazine, Feb. 10, 1970]

HOUSING—FROM CRISIS TO DISASTER?

(By John Peter)

If you are worried about the high cost of housing, here's some bad news for you. It's going to get worse and worse.

The average American knows more facts about living on the moon than about housing here on earth. We have beaten the Russians to the moon twice, but in housing, they are beating us badly. They are now putting up more than two times as many dwelling units a year as we are. Their apartments may be Spartan by our fanciest standards, but they certainly look good to a lot of underdeveloped nations and to many of our rat-plagued ghetto dwellers.

Even if we discount Soviet housing, the blunt fact is that nearly every country in Western Europe now outproduces us. And nobody ever accused the Swedes of Spartan living.

Meanwhile, in the U.S., that alarm signal, the vacancy rate for all types of housing, is flashing a dangerously low 2.4 percent—New York City is running a nightmarish one percent. In 1961, in New York City, about 60,000 apartment units were produced. In 1968, only 15,000 were completed—a 75 percent drop in just seven years.

One of the city's largest builders explains, "If we put up a luxury apartment building on a site in Manhattan, the best we can get is $4 a square foot in rent. If we build an office building on the same site, the least we will get is $10 a square foot, and no headaches from the tenants either. Need I say more?"

New construction in New York is so down that it is not even keeping up with abandonment. "We're losing good buildings at a faster rate than we can replace them," says Morton Isler, program manager for housing at the Urban Institute. "Landlords and public-housing authorities are running in the red and can't provide proper maintenance."

Housing is by no means a crisis confined to the big cities. About half the substandard housing in the U.S. is in rural areas.

Housing takes the biggest single bite—some 26.3 percent after taxes—out of the average family's living everywhere. "For the poor, it often reduces living to mere existence," says real estate agent Fifi Nicholas of Manhattan's Gotham Realty Company. "They often spend almost all their income just for shelter." Housing costs have been zooming twice as fast as other costs of living. If you haven't been hit hard yet, you and your children soon will be. Almost one-half of American society is now being priced out of new housing. Our national goal, established by congressional law in 1968, is 26 million houses and apartments in the next ten years. We are failing to meet that goal by nearly half. With the booming post-World War II baby crop moving out of school systems and breeding babies of their own, estimates are that over the next 30 years, we will have to build nearly as many units as now exist in the entire United States.

We are in a crisis condition because we have been misled by myths. Housing myths, like most myths, may have some basis in fact, but they are not really true.

LABOR

We have seen construction-industry labor go from underdog hero to a special-privileged heel. House-hungry Americans find it pretty difficult to sympathize with make-work locals that restrict the width of a paintbrush. It appears downright punitive that a Los Angeles builder had to pay an operating engineer $5.59 an hour to do nothing but turn an air compressor on and off.

Negroes are developing a black rage at lily-white apprenticeship policies. There are no exact statistics on the numbers of blacks now in the building-trade unions, but a 1967 survey by the Federal Equal Employment Opportunity Commission reported that nearly all worked as laborers or at other relatively low-paying trades. The percentage of Negroes in higher paying categories was infinitesimal. For example, only 0.2 percent were plumbers. In the Massachusetts building trades, there are 3,134 white apprentices and 58 black. The unions maintain that few "qualified" Negroes apply, but the unions, of course, control the "qualifications."

Labor leaders' big cop-out is the "skills" required in the building industry. At a time when we can train a man to be a soldier in a high mechanized army in a matter of weeks, we ought to be able to teach that man to be a carpenter, plumber or truck driver.

Labor-contract settlements this year have set records across the country. Construction unions have been getting contracts calling

for raises in wages and benefits adding up to 15 percent. Carpenters in Connecticut signed a contract with a 20 percent increase in the first year, and a 55 percent one by the third. Though less than half of housing labor is organized, the boosts spill over.

Yet when we narrow the blame for the high cost of housing on the high cost of labor, we are wrapping ourselves in a most popular myth. Despite skyrocketing wages, on-site labor's percentage of the cost of homes has actually been decreasing over the years. According to the National Association of Home Builders, on-site labor, which constituted 29 percent of the housing sales price in 1944, was only 18 percent in 1964. The relative decline is attributed partly to labor productivity, but the big reason for the relative reduction is that other costs have risen even faster.

MATERIALS

Building materials are a much more substantial cost item in a home than on-site labor. They run from two to three times as much. Material prices have been going through the roof, partly because we have been using increasingly sophisticated and prefinished materials and partly because our limited supply of lumber is in high demand as the basic ingredient of our outmodel handicraft method of building homes. Fir plywood, for instance, costs almost twice as much today as it did a year ago.

Yet we would be deluding ourselves with still another housing myth if we put the big blame for the high cost of homes on materials. Both on-site labor and materials together represent only about half of an average house.

LAND

The costs of labor and materials are outpaced by the price of land—up 300 percent since 1950. The price per acre in metropolitan areas jumped 10 to 25 percent last year alone. Total site costs range from an average low of $1,684 in Maine to a high of $5,890 in California—excepting that paradise-island state of Hawaii, where they run an out-of-this-world $11,259.

Land prices also have an important indirect effect on the price of housing. Builders inevitably put more expensive and larger houses on higher priced land. Over 30 percent of the single-family dwellings built in 1968 were in the $30,000 bracket.

The only myth about land prices is that we are ready to do anything about them.

MONEY

It is not the root of all housing evils, but the terms of the loan are the biggest single factor determining occupancy costs. With the prime interest rate up to a record high of 7.5 percent, FHA 30-year mortgages come to a staggering 8.57 percent—a rate bumping up against the legal usury ceiling in many states. Homeowners are paying the equivalent of ten percent in some instances. Where statutory ceilings of 7.5 percent are in effect, as in New York and New Jersey, borrowers pay as much as eight "points" to lenders for securing the loan. This effectively raises the interest rate one percent or two percent over the life of the loan.

To make monthly home payments even tougher, many lenders, wary of future inflation, want their money back sooner. Mortgage amortization periods are being shortened from 30 to 25 years, it also takes more cold cash to get in line for a mortgage. Last year, down payments had gone up as much as $2,000 on medium-priced homes—they've bounced higher in some sections where the market is extra tight. To put the cost of money in proper relation to other housing costs, a builder of a $20,000 house, for example, would have to cut development and construction costs a whopping $1,600 to offset a one percent rise in mortgage rates.

Yet, despite record rates, there is a desperate shortage of mortgage dollars. Young Paula and Robert Weil of Savannah, Ga., with one daughter, said to me, "For two years steadily, we have been looking at houses. Every week we come back to our apartment more discouraged. We realize now we may have to wait five years to get enough income to afford present interest rates."

MASS PRODUCTION

One of the fondest myths about housing is mass production. On the face of it, there seems no sensible reason whatsoever that the world's most industrialized nation cannot produce houses like automobiles. Yet countless corporations since Lustron, which moved 1,443 parts down an automated assembly line with eight miles of conveyor at Willow Run 20 years ago, have lost their shirts trying just that. Industrialization is the hot word in housing today. There is no doubt that increasingly large and complex factory-built components will speed construction and cut on-site labor costs. Any illusion that such developments will halve costs is rapidly dispelled by realities. The unvarnished truth is, we will have to speed up our industrialization just to stay ahead of costs if they continue on their present climb.

Enthusiasm for the many advanced prefabrication methods of Europe must be dampened by the fact that over 400 of these industrialized systems are available for licensing here with almost no takers. Inventories, warehousing and transportation as well as the more expensive materials-handling equipment that these require tend to offset savings. More than anything, prefabrication's European success is built on the availability of single big purchasers—usually, the central government. Incidentally, this is the same customer appreciated by our remarkably successful space industries.

At this point, no one foresees the Federal Government, state or city in a major purchasing role, save in some subsidized housing for the lowest income group. Today, the worst is happening. Escalating costs have caused a stop on all New York City U.S. financed low-income projects since July. The Government puts a construction-money limit of $3,120 a room on units built with its aid. On its last proposal, the lowest bid the city received was $4,200.

Former auto man and now energetic head of HUD—Department of Housing and Urban Development—George Romney told me, "There isn't any undeveloped market bigger than the housing market." But in his "Operation Breakthrough" program, he is putting emphasis on financing, land and planning instead of relying on unassisted technology.

Hustling mobile-home manufacturers now supply over 25 percent of our single-family dwellings. Parlaying standardization with more favorable factory wage rates and smart merchandising, they have been the pressure tank that has kept our housing crisis from exploding long before now.

Yet it would be a mistake to overestimate their present mass-production capabilities. The housing that moves down their assembly lines is put together by hand labor using conventional craft skills. Even the wildest mobile-home enthusiasts admit that the industry is inadequately capitalized to seize upon its many expansion opportunities.

Our problem is not primarily technology. Any number of industrialized building systems can give us high production if not immediately lower prices.

NEW TOWNS

Europe's most appealing answer to its housing needs is satellite cities started from scratch. There is nothing new about the idea, but the post-World War II new towns like Scotland's Cumbernauld, Finland's Tapiola, Sweden's Farsta and Vallingby have sent sampling Americans home in raves. However, they were quick to discover that European successes rest on governmental activity that is unprecedented in the United States. For example, the city of Stockholm has built its own satellite towns on land in the surrounding countryside that it acquired more than a half century ago.

There are new towns in the U.S., but few of them are really "towns." Most are emerging, in the words of Robert C. Weaver, former Secretary of Housing and Urban Development, as "country club communities for the well-to-do."

City building is simply much more expensive than almost any private developer can afford. It demands enormous investments, "front money" in land, streets, lights, sewers, planning construction, etc. "You have to build the city before you can sell it. Even if you can get that much money, the interest alone will kill you," explained one half-dead urban developer. Even Robert E. Simon ran out of money with his attractive new town, Reston, Va.

The shining exception is James Rouse's Columbia, between Baltimore and Washington. Just about all U.S. new-town hopes are riding on Rouse, but Columbia's success may only prove he is an absolutely remarkable and unique entrepreneur.

New-town building is proving about as difficult as a privately financed trip to the moon. Almost the only institution with money enough to finance packaged cities with the social objectives and scale required is the Government. Despite the loan guarantees of the helpful 1968 Housing Act, big Federal funds will not come easy.

Hard-pressed big-city mayors, for instance, see new towns as diverting national resources from central-city needs. They also view them as just one more middle-class escape hatch.

It's easier for any developer to build the million-dollar golf course, which pays off quickly, than it is to persuade a frequently resentful rural county to spend for new policemen, firemen, schools, libraries, hospitals, etc., vital to any new city. It's easier to build the shopping center than it is to lure private industries that will create the jobs essential to any self-sustaining town. New towns, in real numbers, should and likely will be built, but they won't be quick enough to soften this housing crunch.

There is no one solution to housing costs, as there is no one cause. Countless investigating committees have recognized this. The Douglas Commission on Urban Problems offered 149 recommendations, and the Kaiser Committee on Urban Housing, 119. "There is," said Connecticut's Sen. Abraham Ribicoff, with some feeling, "no shortage of solutions. There is a shortage of commitment."

CODES

We have perverted building codes, which were ostensibly established to provide buyers with a safe house and honest value into a device to make work for outdated union skills and to protect markets for outmoded materials.

There are over 5,000 different local building codes in the U.S.—85 in the Chicago area alone. Imagine mass producing autos or anything else to conform to standards varying from one city to another. True mass-produced housing by private industry is wishful thinking without a national building code or Federal standards.

ZONING

We have twisted zoning, which can legitimately protect residential environment from the intrusion of industry, into a discriminatory device to exclude citizens of lower income or different color. Polite zoning talk of setbacks, density and preserving the amenities of the neighborhood is often double-talk for, "Let's keep out those young development families who will load our school system with all their kids." There is simply no answer to wild land prices except sensible regional planning with authority. The real road block is that such reform means giving up some of the beloved localism that is a fundamental article of American faith. Futurist Buckminster Fuller, whose factory-built Dymax-

ion house died in the web of local codes and zoning, pedicted when I first met him decades ago, "Man's first modern house will be built on the moon." Bucky may be right, if a subdivider doesn't get their first.

FEDERAL GOVERNMENT

Another non-mythical cause of high housing costs is our two-faced attitude toward the Federal Government in this field. We voted FHA funds to underwrite middle-class homebuilding in the suburbs but think it sinful to spend adequate sums for the poverty-stricken in the city or on the farms. We tolerate the standard practice of Congress which amounts to passing housing bills with tub-thumping applause but quietly cutting the heart out of them when it comes to funding.

Everyone, for instance, agrees on the need for Federal research in housing. Yet when it comes to the budget, defense research gets $7 billion per year; space research, $4 billion; agricultural research, $600 million—30 times as much as the approximately $20 million allotted to HUD.

It is no fiscal accident that the most promising experimental project in low-cost component construction is being undertaken by the well-budgeted Defense Department for families at California's George Air Force Base.

Federal funds allocated on a year-to-year basis make long-range planning highly hazardous. What is needed, before any sizable corporation or consortium can seriously invest money to produce shelter, is, not programs, but public policy with a semblance of continuity. Housing will continue to be "the industry capitalism forgot" until we remove the bulk of the constraints and create a sane market. The most laudable objectives of thinly financed Operation Breakthrough is to do just that.

ATTITUDES

The biggest barrier to such a market is our own attitudes of what a house should be. We still dream the impossible dream of an English manor house on a green estate and settle for ticky-tacky houses all in a row. Put bluntly, there will be approximately another 100 million of us in the next 30 years without any increase in land around employment centers. We simply have to learn to live closer together. Part of the difficulty is that our prejudices against mixing racially and economically hide behind our white picket fences.

Because it is not our tradition, we tend to forget that remarkable civilizations flourished in the attached dwellings of Greek and Roman towns. We should discover the rewards of planned clustering instead of suburban sprawl; the advantages of density to save common land for leisure and recreation. We have to build privacy and quiet into the structure of our homes and not hope that a slim strip of grass will create them.

Put frankly, if we look fondly to the economics of mass production, we have to recognize the values and beauty of houses made of steel, glass, aluminum and plastic. Natural materials like wood and brick, with their unmatched human appeal, will hold a place as veneers and finishes to bring warmth to interiors, but inorganic materials are the requisite basis of precision-machine fabrication. In the future, wooden houses will be as hard to come by as wooden automobiles, and equally difficult to finance.

One of the dreadful problems that plague housing solutions is that genuine citizen concern is short lived. "I got mine" usually signals the end of active interest.

It is a safe bet if you have read this far, you are more concerned than the average American. As a nation and as individuals, we have to disabuse ourselves of myths and totally change our minds about housing—or else housing costs will continue to go higher and higher. They may get so high in the '70's that we will finally do something about them.

This man is betting $2 billion he has the answer.

Jim Rouse's satellite city is the odds-on favorite to be the first successful new town in the U.S.A. It is, in fact, almost the only one still in the running. Columbia, Md. 21043, is located on 15,000 acres of what was, a few years ago, rolling Howard County countryside between Baltimore, Md., and Washington, D.C. While Columbia is the product of many minds, the driving spirit behind it is James W. Rouse, whose appearance suggests minister more than mortgage banker. Combining the qualities of both, Rouse is determined to make a financial success as well as a sociological breakthrough. After acquiring his acreage in top-security piecemeal style, he enlisted planners, sociologists, educators, religious, cultural and medical leaders to blueprint "how people ought to live if you could do it all over again." Columbia's seven villages group around an urban downtown, with 3,200 acres set aside as parks, lakes, woodlands and golf courses. Today, 6,000 of Columbia's future total of 110,000 residents already live there, with amenities characteristic of many new communities. But they also share highly unusual ones, like the Merriweather Post Pavilion of Music, summer home of Washington's National Symphony Orchestra. Rouse's high aims and solid performance have lured companies to create all-important jobs. General Electric will build a $350,000,000 "appliance park." Johns Hopkins has even been persuaded to staff a "satellite" hospital with an experiment in community health. "It is easier," says Rouse, "to do the big job that provides real answers than to undertake timid projects that provide only partial ones."

[From the Washington Post, Feb. 8, 1970]

U.S. EFFORT TO HOUSE POOR HELD FAILURE

(By Leonard Downie, Jr.)

Washington Post Staff Writer

For a decade, the federal government has experimented with subsidizing private business and "nonprofit groups" to build housing for the poor. Congress has provided during the 1960's what everyone believes is the most imaginative legislation possible.

But many congressmen, top Nixon administration housing officials, and an emerging cadre of professionals and volunteers trying to build the housing for the poor agree the job simply is not being done.

For less housing than Congress planned for "low" and "moderate" income families has been built under the once promising new programs.

The little housing that has been built has not been available to most of those families statistics show need it most. It has gone mostly to the richest of families eligible under government regulations.

Optimistic plans for renovating many of the basically sturdy but rundown houses and apartment buildings of city slums for low-income families have failed to achieve significant results.

This is the case despite the fact the government has a supermarket of subsidies to offer builders of housing for the poor through the Housing Act of 1968, which President Johnson called a "Magna Carta to liberate our cities."

The reasons the experts give for the failure are varied.

Although Congress has passed bold legislation for housing the poor, it has failed to appropriate the money that the Department of Housing and Urban Development says it needs to carry the laws out.

The nationwide credit squeeze and rising mortgage interest rates also have hurt, because most of the government subsidies go to insuring and paying part of the interest on mortgage loans made by private sources for construction or renovation of the housing.

The most costly item, however, the one that keeps rents in the subsidized projects so high that low-income families can't get into them, is land.

"Land control"—the ability to get the land needed for subsidized housing programs at a much lower cost, or with a further federal subsidy—is listed as a "must" need by every expert in housing for the poor, in and out of government.

There has been little over all direction from HUD for private investors and the churches, labor unions and civic asociations that form nonprofit or limited profit groups and corporations to build low income housing.

They usually know little about construction, mortgage financing, or the red tape of HUD's Federal Housing Administration. An Urban America, Inc., book of instructions and official forms for such a group to use to process a housing application contains 280 pages and 70 forms.

Even experienced groups with housing experts on their staffs, like Washington's Housing Development Corporation, have run into interminable delays in the FHA process. Delays of one and two years between initial application and the beginning of construction are common.

Part of the delay comes from still another problem plaguing efforts to build housing for the poor: rising construction costs.

They are going up fast, especially for renovation of existing slum buildings, that FHA, which requests to a data bank of costs for past projects, often refuses to approve construction cost estimates or even the most experienced nonprofit housing groups.

FHA has also had difficulty changing from an agency that primarily insured mortgages on safe middle class home investments to one that many expect to take the leadership in the risky redevelopment of the slums.

HUD Secretary George Romney says he knows about all this and wants to do something about it.

He is reorganizing HUD to separate the insurance and housing production functions and to give priority to providing housing for the poor, with emphasis on finding new technology for the task.

A top aide to Romney says HUD is preparing "'dramatic and possibly controversial" proposals for still more legislation and changes within HUD designed to refine and operationally improve the pioneering housing laws of the '60s.

Experts like Channing Phillips of Washington's Development Corporation, who work with HUD every day in trying to get the housing built, say they like what they have seen so far of the new direction there.

They fear, however, that the nation lacks the strong commitment to provide decent housing that is necessary to get enough money spent and enough of the old rigid rules made more flexible.

The nation had already made a formal commitment in the 1930s, reinforced by the Housing Act of 1949, to provide "a decent home . . . for every American."

For millions of upward bound white Americans, the promise came true as FHA and its predecessor and sister agencies provided the insurance and other backing for their migration to comfortable homes in the suburbs.

After World War II, to provide a way station for poorer people not yet ready to rent or buy a decent home, the government embarked on building public housing projects. Many have become government-built ghettos for very poor, mostly black tenants. Many units suffer from disrepair and run up losses for the local governments that own them.

The housing laws of the 1960s constitute an entirely new approach. The government would finance indirectly, through FHA mortgage insurance and the paying of interest on mortgages from private investors, the efforts of private businesses and groups to build housing for those too poor for regular FHA

programs and not poor enough to qualify for public housing.

The laws were designed to help build and renovate housing for both sale and rental to poor families. The government also was authorized to pay much of the mortgage interest for low-income home buyers and pay part of the monthly rent for low-income tenants.

A nonprofit group or limited dividend corporation can go to HUD with plans to build or refurbish an apartment building or home for a low-income family. If the plans are approved the group can get an FHA guarantee to insure the mortgage and pay some of the interest. The applicant must find a bank or other investor to make the mortgage loan, and get the architect, builder and the rest to get the job done.

If the apartment building or house is being rented, the group or corporation keeps ownership of it and is responsible for its maintenance.

Nonprofit groups are expected to break even. And, at the end of the 40-year mortgage, the church or union or neighborhood group would own a building free and clear.

A limited dividend corporation—usually an established builder or a syndicate of investors put together by a builder—is allowed to make a 6 per cent return on its investment. What makes it more attractive is that investors can deduct depreciation of the finished building from their income at tax time.

Speculative home builders who put up houses that are inexpensive enough can sell them to low-income buyers with the mortgage guaranteed and much of the interest on it paid by the federal government.

Finally, nonprofit groups like Washington's Urban Rehabilitation Corporation (financed by the Catholic arch-diocese and overseen up to now by the Rev. Geno Baroni) can take old, rundown houses and get FHA-insured loans to rehabilitate and sell them to low-income buyers.

All of these opportunities, however, have been encumbered by a meager supply of money from Congress and severe restrictions in both the legislation and FHA procedures on how the programs could be carried out.

Donald Reape, a Philadelphia mortgage expert who helps get investors, mortgage money, builders and FHA officials together for subsidized housing projects (in the trade he is called a "packager") says that investors in limited profit corporations are "lined up" waiting for federal funds to get to work.

But so little money has been appropriated for the programs so far that the HUD funds are usually used up within months of becoming available. Disappointed investors are being turned away.

The one problem many of the limited profit companies usually can handle is FHA red tape. The reason is that the builder or real estate expert who puts a limited profit company together has had this experience.

But FHA red tape, lack of technical expertise and scarcity of venture capital all combine to hamper severely what Congress expected to be the other primary source of subsidized housing: nonprofit groups.

"Generally," says Don Reape in Philadelphia, "the nonprofit sponsor has not gotten the job done."

Reape acts as the paid adviser for churches, unions or civic groups that try to build big subsidized apartment buildings. He is paid out of the proceeds of the mortgage loan for the building.

He knows what they don't know about how to find a mortgage lender, a builder and subcontractors; about how to deal with FHA, local officials, zoning boards, and the like.

He places little importance on the Nixon administration's Operation Breakthrough project to find ways to massproduce housing.

"What we need are more funds now," he says, "We must face that."

Small nonprofit groups that want to redo a house or two, or build a very small apartment building, cannot pay a consultant, Reape says, yet they must go through the same complicated, time consuming processing required for big projects that pay consultants' fees.

The usual result, Reape said, is that the small nonprofit group gives up. Or, they proceed naively through projects that wind up in financial disarray when they are finished.

Another arm of the government, the Office of Economic Opportunity, tried to attack the nonprofit problem by funding larger nonprofit groups called "housing development corporations." Washington's HDC, which is now renovating Clifton Terrace, is one of these.

The OEO grants pay for large staffs of experts for these groups, and, along with grants from other sources, provide working capital with which they can acquire property to build in and prepare good initial development plans for FHA.

But even for these groups, the red tape tangle, rising construction costs and shortages of federal subsidies have made the hope of large-scale housing production "a hoax," according to an official of Philadelphia's HDC.

Philadelphia contains more than 15,000 abandoned brick rowhouses, according to official city estimates, an ideal resource for renovation of housing for the poor.

But Philadelphia's HDC has been able to renovate only 30 for sale to low or moderate income families.

The Philadelphia Public Housing Authority, however, was able to bypass FHA red tape and restrictions and, through the offices of HUD that provide public housing assistance, renovate nearly 5,000 of the same "used houses" for rental to public housing tenants.

Washington's HDC has tied up $400,000 in capital in contracting for buildings for construction and renovation, but thus far has gotten FHA approval for just four of 10 pending projects. Four of those not approved have been pending for more than a year.

Frank DiStephano, an Urban America, Inc., employee who watches the nation's 12 HDCs for OEO, says they still are not being provided with enough operating funds from the government, enough capital from private sources (who would be repaid when a job was finished), or enough expert advice and help from HUD.

Their production of housing has gone "only from nothing to a little," DiStephano says.

He also wants to see construction costs and the prices for acquiring land drop so that the rents charged the tenants can be dropped. These programs are still serving "moderate" income families, and not really "low" income persons, DiStephano complains.

And he joins with several others in the field, including top HUD officials, in calling for a concerted national commitment to provide housing for the poor, a commitment like that which put men on the moon.

"We kept hearing about the promise of these new housing laws," Reape says. "But these people can't live on promises."

[From the New York Times, Jan. 2, 1970]

PRIVATE HOUSING PARTNERSHIP IS TRYING TO TURN $50 MILLION INTO $2 BILLION

(By Jack Rosenthal)

WASHINGTON, Jan. 1.—How to turn $50-million into almost $2-billion. It sounds like something dreamed up by boilerroom salesmen or, at a minimum by harebrained optimists.

It is not. Its supporters include Edgar F. Kaiser, David Rockefeller, George Meany and the Congress of the United States.

They and other respected men and organizations are banding together into an ingenious new group that could produce the biggest private-sector response yet to national urban problems.

It is called the National Housing Partnership and it seeks to link big business, local business, nonprofit groups and government. The goal is not $2-billion in cash but in 120,000 units of badly needed low-income housing built not out of charity but at a reasonable profit.

How does an organization, even one with such blue-chip support, turn $50-million of investment into nearly $2-billion in low-income housing—and at a profit at that?

There are two keys. One lies in the partnership concept. The other lies in a provision of the Federal tax law, a provision that Congress took pains to preserve when it enacted the new tax reform act.

FIGURES OUTLINED

The partnership's preliminary prospectus, recently filed with the Securities and Exchange Commission, outlines the arithmetic.

First, assuming that the commission permits the sale of stock, the national partnership would collect the $50-million in investment. No individuals would be permitted to buy—only large organizations with substantial assets, like banks, corporations and unions. Even they would have to invest in minimum amounts of $50,000.

The partnership then would seek local partners in communities across the country. The national partnership would put up a quarter of the capital. The local partners—private as well as nonprofit organizations—would put up the remaining three-fourths.

Since the national partnership will have nearly $50-million to invest (less organizational costs), this would bring total capital to almost $200-million. That capital would be used for 10 per cent down payments on mortgage loans.

That is, nearly $200-million would create 120,000 units (nearly $2-billion worth) of new housing.

TAX ADVANTAGE

The second key to the partnership idea is a "pass-through" provision of tax law. Building owners are permitted to take accelerated deductions for depreciation, often creating a tax loss that can be used to reduce the amount of taxable income from other sources.

This tax advantage is not limited to the partnership as an organization, but may be "passed through" to the partners, to their individual benefit. Thus the amount of profit obtainable would vary, depending on the other interests of each partner.

"Businessmen have learned," says Robert C. Wood, former Under Secretary of Housing and Urban Development. "They have learned not to respond to the urban crisis out of charity, out of despair, or for the advertising value.

"The partnership finally has provided a way for businesses to get involved with something equivalent to the profit they could make elsewhere."

Housing department officials believe partners could achieve returns of from 17 to 20 per cent.

STARTED LAST YEAR

The partnership idea was hatched in 1968 by the President's Committee on Urban Housing, whose chairman is Mr. Kaiser, chairman of Kaiser Industries Corp. The plan was endorsed by the housing department and was adopted by Congress in the Housing Act of 1968.

A corporation was established to initiate the national partnership. Among those named incorporators by President Johnson were: Mr. Kaiser, Mr. Rockefeller, chairman of the Chase Manhattan Bank; Mr. Meany, president of the A.F.L.–C.I.O.; Edwin D. Etherington, president of Wesleyan Univer-

sity; Andre Meyer, senior partner of Lazard Freres, New York investment banking firm, and Stuart T. Saunders, chairman of the Penn Central Company.

The chief executive officer is Carter L. Burgess, once president of Trans World Airlines and former Ambassador to Argentina.

"It's a very good idea," says Richard C. Van Dusen, Mr. Wood's successor as Under Secretary of the housing department. "They have excellent underwriting advice. Their incorporators are very distinguished members of the business community. I hope it will be a resounding success."

Like other sponsors of housing for low and moderate-income families, the national partnership intends to focus on federally subsidized programs.

Housing experts foresee the partnership providing several kinds of stimuli under such Federal programs. The most important is that it can serve as "a suction pump for change," says Mr. Wood, now director of the Havard-Massachusetts Institute of Technology Joint Center for Urban Studies.

"That's even more important than simply getting quick construction this year," he says. "It is a device that begins to accelerate change in what has been a highly localized, highly fragmented housing industry."

A second advantage mentioned by experts is that it is a catalyst to action by national and local businesses interested in social action, but scared off by the present complexity and risk of low-income housing.

"The partnership," says a housing department official, "provides centralized expertise at dealing with complexity and spreads the risk of an individual project among many projects."

The partnership also could act, in effect, as a lobby with double impact on Congress. The simple showing of important business interests in housing subsidies, authorities say, could have had beneficial results.

Another impact would lie in the demonstration that a substantial organization was both willing and able to make maximum use of such subsidies as were available.

"Many present sponsors are one-shot," says Mr. Van Dusen. "There is advantage in having continuing expertise."

Referring to the national housing goal of 6,000,000 units in the next decade, he says, "The more expert sponsors we can develop, the sooner we will reach our housing goal."

The partnership idea now must await S.E.C. action on its preliminary filing. Stock sales could begin by Feb. 1. In the meantime, the organization is already at work, reviewing about 40 prospective projects in different parts of the country.

Mr. Burgess, the chief executive officer, notes that Congress provided for more than one such organization.

"What we're doing is working out a blueprint for other sectors of society to form other partnerships," he says.

Mr. Wood sees this first partnership as a meaningful bellwether.

"The Detroit riot of 1967 was the Pearl Harbor of the housing emergency," he says. "We have tooled up two years earlier than we would have. If industry and business pull back now, it would be critical."

THE CLOCK RUNS OUT ON THE ERA OF WORLD POWER MONOPOLIES

Mr. SYMINGTON. Mr. President, I have read and reread an editorial in the Kansas City Star last month "The Clock Runs Out on the Era of World Power Monopolies."

Considering all that is going on around this country as well as the world, the basic sound thinking behind the editorial is such that I believe Members of the Senate would be interested.

Accordingly, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CLOCK RUNS OUT ON THE ERA OF WORLD POWER MONOPOLIES

The day approaches when men may look back on this era since the last World War—dangerous and bitterly trying though it has been—as a time when the international distribution of power was an arrangement of almost charming simplicity.

The world of the 1950s and 1960s has been, beyond any argument, a 2-power world. On the one hand has stood the Soviet Union, groping ponderously upward from economic backwardness, girded by a captive claque of allies assembled mainly by conquest or political subversion.

On the other hand was the United States, then and still the economic giant, the first among theoretical equals in a so-called Western "community"—really a congerie of lesser alliances, based variously on common cause in war, common fears in peace, self-interested trade or mere geographic proximity.

These lesser nations were suffered to play at their games of sovereignty—have their kings and prime ministers and dictators as they liked. But no one was deceived by these trappings of state, either in the East, where the relationship was a product of coercion, or in the West, where it derived from the strength of the U.S. economy, the pervasiveness of U.S. business influence and the security blanket of the U.S. defense capability.

From the late 1940s until the latter part of the decade that has just ended, a common definition of national greatness was not the ability to build magnificent cities or just societies but the ability to wage a terminal nuclear war. Over a period of years, it gradually became evident that the advantage conferred by a nuclear arsenal was in large part illusory, that the burdens were considerable, and that it was entirely possible that neither of the superpowers might elect to use the weapons even in its friends' defense.

At this point it was perceived that, except for a stabilizing effect on the conduct of the United States and Soviet Union themselves, the presence of these nuclear arsenals had little bearing at all on the immediate interests of the lesser nations. And might, for that matter, actually work to their advantage in playing one giant off against the other.

The Africans, it seems to us, may have been the first to make this discovery. The parties in the Middle East have traded on it to great advantage, as have the Indians, the Pakistanis, the Greeks, the present-day rulers of what used to be called Indo-China and, nearer home, Cuba's Fidel Castro.

Oddly enough, Charles de Gaulle, for all his grasp of the sweep of history, did not perceive this new truth, and so plunged ahead with his obsession to make France a nuclear power—an endeavor that was not only expensive but irrelevant.

Now the new decade is upon us, and even as nations and leaders seek uncertainly to come to terms with today's world, the outlines of tomorrow's enormously more complex world begin to suggest themselves. It is by now a commonplace to say that it will be, at very least, a 3-power world. Red China will claim her place among the giants, and the flowering of her nuclear strike capability will be only a symptom, not the cause, of her arrival at superpower status.

The coming decade could also, if Europe's leaders have the vision and the will, see the emergence of a continental economic and political bloc of formidable influence—perhaps not a fourth power in the classical sense, which was De Gaulle's hope, but certainly more than the bickering assemblage of supplicants and protectorates that Europe has so recently been.

We speak here of Western Europe, but there have long been signs that the captive East, as well, is restlessly eager to be a **part** of the process. Yugosalvia and Romania, **each** in its limited way, have taken initial **steps**. The Czechs tried to, and were slapped down rudely for their insolence. But Soviet policy, which is the final determinant, is not immutable. Moscow's recent overtures to the West Europeans, however trady or self-interested, suggest that Soviet leaders, too, may see in the outlines of the '70s a drift of forces beyond their control.

Finally, still on the periphery of world affairs but with a growing power to influence them, will be the legion of the deprived and disaffected—the peoples of Africa, Asia and Latin America. Set apart by their color, their poverty and their political immaturity, they are the potential flash points of future crises. Already, through frequent marriages of convenience on specific issues, they have served notice that the United Nations and other international forums are no longer platforms for the rich and the mighty.

The ability of these have-nots to claim more lasting attention will depend on their willingness to transcend mutual jealousies and contention, develop something like a coherent strategy on major issues and give real substance to regional associations that in many cases are empty showpieces. Dealing singly, they are doomed to impotence with the possible exceptions of India and one or two of the larger Latin states.

This, then, is the probable power distribution of the future. A 3-power, 4-power or even 5-power world, depending on circumstances and definition. The fate of men, and the policies by which they order their affairs, will no longer be decided in conference rooms in Washington and Moscow. The circle of equals and near-equals will be greatly widened, and to pretend that this will not substantially complicate international relations is to command time to stand still.

It need not inevitably increase the danger. The U.S. and Soviet Union let the opportunity of their long monopoly on ultimate weaponry slip away before taking steps to check the spread of the nuclear virus or, currently, to attempt to end the madness of overkill heaped upon overkill.

It remains, however, that they *have* moved—that the terror of human beings who have lived 20 years under a deferred sentence of death has finally begun to be translated into the policies of governments. On the premise that sudden incineration is not a pleasant experience for anyone, even Chinese Communists, it seems at least reasonable to hope that the men who succeed Mao will in time enter into the framework of nuclear control.

With all its complexity, the new power arrangement also will present opportunities. The lesson of history is that monopolies of influence are neither just nor safe. The attempt to create a world community through the United Nations has so far failed, simply because the necessary preconditions for community—mutual interest and true parity among the members—were not present. Nothing guarantees that they will be present 10 years hence. But the odds are more favorable than many might have dreamed when the last decade began.

THE NEED FOR AN AIR AND SPACE MUSEUM

Mr. GOLDWATER. Mr. President, way back in 1966 enabling legislation was passed which called for the eventual construction of a museum at the Smithsonian Institution to house aeronautical

and astronautical items. In 1963 $2 million was appropriated for the planning and architectural design, but the original legislation restrained the Smithsonian from asking Congress for money to construct this building.

If we put the construction of this needed museum off year after year, the costs keep mounting and I am afraid that when we finally get ready to build it, the cost could have doubled for what we could have constructed it for 4 years ago.

There is an excellent article appearing in Astronautics and Aeronautics which explains in a little more detail the dilemma faced by both the Smithsonian and those who feel that this addition to that Institution is a needed and valid item.

I ask unanimous consent that this article be placed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AEROSPACE VALHALLA SEEKS SUPPORT

Engineers, design now for the Air and Space Museum! Some day five to ten years from now, the Smithsonian's elegant new Air and Space Museum will rise in the shadow of Capitol Hill.

"We have the blueprints, the authorization, but no appropriation and no hope for appropriation until the Vietnam war is over," said Charles Blitzer, Assistant Secretary for History and Art. During hearings on the enabling (H.R. 6125 passed and signed by President Johnson in July, 1966), the Smithsonian was specifically enjoined from coming to Congress for construction funding until after the settlement of the Vietnamese War. $2 million was appropriated in 1963–64 for the planning and architectural design.

Last fall, administrative responsibility for the Air and Space Museum shifted from Blitzer to Sidney R. Galler, Assistant Secretary for Science.

"What was a $40-million museum is probably now over $50 million. By the time we get around to asking for the money, one might guess it will be $60 million," opined Blitzer. The increased costs are attributable to inflation.

Galler is requesting FY 71 funds of $2 million to reappraise the architectural plans. By taking advantage of improvements in construction technology and other design changes, he hopes to reduce the projected cost back down to $40 million.

Before Galler asks for construction funds, he is listening for "a signal from Congress." The Smithsonian has been patient during the Vietnam war-years. But Galler recalls that the "understanding with Congress was arrived at before we had any clear notion that the U.S. would be on the Moon. Well, we have been on the Moon twice. Public interest is disproportionately large compared to public understanding. We need to give John Q. Taxpayer a better understanding of where his investments have gone and what the dividends have been."

With the nation celebrating its bicentennial in 1976, Galler sees it as the appropriate time to unveil the Smithsonian's "national window" on the last 50 years of air and space technology. Given construction estimates of three to five years, Congress will have to respond soon if Galler is to meet his goal.

In the interim, before the new museum is built, a small display is housed in the Arts and Industries Building and in a small temporary Air and Space Building. The bulk of the 200 plus airframes and the 300–400 engines is stored at the Silver Hill (Maryland) Navy facility. About 80% of the stored collection is either in sheds or crates.

"There's been a tendency to keep the vision of that great museum so close before our eyes that we probably pay too little attention to the day-by-day or, now, year-by-year activities," says Blitzer. One idea he has is to conduct guided bus trips through Silver Hill. "The place is filled with wonderful things that people would love to see." Although Silver Hill once looked like the nation's attic, Blitzer believes that it could accommodate tours without much preparation or disruption of the restoration activities. "There's no better argument for having the real museum than seeing what we have and are not able to show."

Museum plans are periodically reviewed so that they will reflect the latest in design. Until the 747 and Apollo came along, the museum was capable of housing the "real thing" of anything from aerospace history.

New display concepts are being examined both for the new museum and existing facilities. "We are thinking of doing more with models, films, slides, and other techniques." Although the real aircraft and spacecraft will still play a major role, Blitzer sees the role of museums changing. They will increasingly communicate ideas rather than just display objects. By taking lessons from someone like Stanley Kubrick of Space Odyssey fame, the museum could be "more than just a hangar for a lot of old airplanes and missiles."

Faced with the prospect of a delay in construction appropriations, Blitzer hopes that the aerospace industry might show some interest. Citing the industry stake in a "public understanding," of aerospace activities, Blitzer sees the museum as an opportunity for the industry to "tell their story" to some 15 million people a year.

Unlike the Park Service or other government agencies, the Smithsonian does not charge admission to its exhibits. One income-producing possibility would be to construct a garage for the new museum and charge for parking. A planned 12000-car capacity would exceed the 1100 parking spaces in the entire mall area.

The total Smithsonian annual budget runs about $30 million. The Air and Space portion amounted to $538,000 in 1969 or about 2% of the total. In July, 1969, the House Appropriations Subcommittee on Interior and Related Agencies reduced the Air and Space request of $588,000 for 1970 funds by $45,000. With passage of the appropriations bill at year's end, part of the cut was restored and the museum received $564,000 for salaries and expenses.

S. Paul Johnston retired in September as Director of the National Air and Space Museum. Galler is still looking for a replacement.

NATIONAL ENGINEERS WEEK

Mr. TALMADGE. Mr. President, the Nation's registered engineers will focus national attention on the profession's work in providing viable solutions to pollution, waste disposal, and other environmental problems with the launching of National Engineers Week, February 22–28, sponsored by the National Society of Professional Engineers.

This 20th annual observance will involve 150,000 members of the engineering profession participating in scores of activities focusing on the theme, "Engineering—Environmental Design for the 1970's."

This particular week is traditionally chosen each year as it includes the observance of Washington's birth date, our first President himself having been a trained surveyor and builder.

Since the time of Washington's active engineering accomplishments, engineers have continually played a major role in shaping and reshaping our country's face and its fortune, and paved our way into the vast reaches of outer space to the moon.

National Engineers Week is a particularly good time to call to the attention of our young people the opportunities which exist for a career in engineering—opportunity for participation in a vital professional activity with unlimited applications for talent, ingenuity, imagination, and personal satisfaction. Active American leadership in tomorrow's world will in part come from the engineering community. A partnership share in this leadership is open to today's young people.

As problem solvers, the profession and NSPE will call for a total national commitment to bring to a halt the deterioration of our environment and the disappearance of open spaces and recreational areas.

NSPE's 535 local chapters are spearheading the national observance which will feature career conferences in thousands of junior and senior high schools, exhibits on engineering achievements, university seminars and open house tours through the Nation's engineering schools, talks by engineers before civic and student groups, dinners honoring math and science teachers, engineer-for-a-day activities at high schools, and numerous other projects calling attention to the urgent need for improving our environment in the 1970's.

National chairman of National Engineers Week is Lee R. McClure, P.E., Atlanta, Ga. Commenting on the theme, Mr. McClure said:

The beginning of a new decade is a good time to call attention to what the 1970's will mean for man, his technology, and his environment. This decade will see a major turning point in how we use technology to help protect and conserve our environment. Professional engineers in the 1970's are going to design machines and systems in which people and their human needs are part of the equation. We have the technical ability to bear on this problem and I believe we will eventually reverse the processes which are degrading our environment.

THE 52D ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. DODD. Mr. President, yesterday, February 16, marked the 52d anniversary of the reestablishment of an independent Lithuanian state. The numerous Lithuanian communities in our own country marked this anniversary, as they have done since the close of World War II, with national meetings and prayer and with the expression of their renewed determination to continue the struggle for the liberation of their own people and the other captive nations from the merciless yoke of Communist rule.

The Lithuation people have a proud and ancient history. Indeed, there was a time in the Middle Ages when the kingdom of Lithuania was one of the foremost powers in Europe.

But then the wheels of history turned; and in 1795 Lithuania fell under the cruel and primitive rule of czarist Russia. It was not until 1918 that the Lithuanian

people were able to reestablish themselves as an independent nation.

For the next 23 years the Lithuanian people knew the joys of freedom. Their government enacted land reform and other progressive measures; the economy continued to expand and the people prospered; and there was a tremendous flowering of all the arts, as well as of free expression.

Then came World War II and the Hitler-Stalin pact.

Lithuania and its two Baltic sister states were invaded and occupied by the Red army.

Sham elections were held, and quisling governments were installed in power. Mass executions and deportations took place, involving scores of thousands of the intellectual and political elite.

So great was the terror that for years after the end of World War II, Lithuania and the other Baltic States remained forbidden territory for visitors to the Soviet Union.

Today, there has been some small abatement of the terror, and foreigners are once again permitted to visit Lithuania, Latvia, and Estonia.

There are many in the free world who believe that the Soviet Union is rapidly moving toward democracy because of the reduction in mass terror since the death of Stalin. The fact is, however, that on all essential points the Communist dictatorship of today is as doctrinaire and inflexible and merciless as was the Stalin regime.

Eloquent confirmation of this has recently become available in the form of a declaration to the chairman of the U.S.S.R. Council of Ministers signed by 40 priests of the Catholic Church in Lithuania. Here are some of the points they make:

First. Despite the fact that the U.S.S.R. constitution guarantees freedom of religion, religion is ruthlessly persecuted.

Second. Whereas in 1940 there were 1,500 seminarians in Lithuania, in recent years the number of seminarians has been limited to 30. About 30 priests die in Lithuania every year, but only five or six are ordained.

Third. Candidates for the seminary are chosen not by the church but by representatives of the government.

Fourth. Children who go to church are ridiculed in their school wall bulletins. Some of them have been so terrorized that they have been taken seriously ill.

Fifth. Many of the churches are not allowed to ring bells or use amplifiers.

Sixth. Whereas in 1940 there were 12 bishops in Lithuania, today there are only two functioning bishops. Two other bishops have been deported for approximately 10 years each to faraway parishes, where they live under house arrest.

Summing up the situation, the declaration signed by the 40 Catholic priests say that "the Catholic Church in Lithuania is condemned to die."

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the complete text of the declaration by the priests of the Catholic Church in Lithuania.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Communism, of course, is committed to the total eradication of religion and for this reason it persecutes all religions in a manner carefully calculated to bring about their total demise over a period of years.

I believe that we can all take pride in the fact that our Government has to this day refused to recognize the illegal annexation of the Baltic States by the Soviet Union.

As we observe the anniversay of Lithuanian independence today, we shall all be praying for the restoration of her lost independence in the not very distant future.

There are some who may say that such prayers are pious and meaningless, and to that extent, hypocritical.

I disagree with them.

I believe that the growing intellectual and nationalist ferment in the Soviet Union makes the liberation of the captive people a realistic goal. Indeed, more than one top-ranking Sovietologist, in this country and abroad, has expressed the belief that the Soviet prison house of nations will fall apart perhaps sometimes in the seventies.

In closing my remarks today I believe that particular tribute is due to the Lithuanian community in this country for the energy and dedication with which it has kept alive the issue of Lithuanian freedom.

In serving the cause of their subjugated motherland, they have also served the cause of free America and of the free world.

EXHIBIT 1

DECLARATION BY THE PRIESTS OF THE CATHOLIC CHURCH IN LITHUANIA

(This translation was made from the authentic text which reached the U.S.A. from the USSR toward the end of December 1969.—V. BRIZGYS, Tit. Bishop of Bosana, exiled from Lithuania, Chicago, Ill.)

In his article "To the Country Poor," Lenin generalizing the tasks of the social democratic party, wrote: "Social democrats demand that every person must have full liberty to freely profess any religion" (*Writings*, vol. 6, Vilnius, 1961, p. 364).

By criticizing the government of the czar and the means it used against those who had different beliefs, Lenin wrote: "Every person must have full freedom not only to profess any religion he wants, but also to publicize and change his faith . . . this is a matter of conscience and let no one dare to interfere in these matters" (*Writings of Lenin*, vol. 6, Moscow, 1946).

The USSR Constitution guarantees to its citizens freedom to practice any religion. The laws of the Soviet Union will defend the rights of the faithful to practice their religious rites. Article 143 of the Penal Law speaks about the penalties, if anyone interferes in the exercise of these rights. But in reality it is not so. The laws which protect the rights of the faithful are broken without any consideration. The Catholic Church in Lithuania is condemned to die. The facts speak about this. If in 1940 there were four seminaries for priests in Lithuania and about 1,500 priests, then after 1944 there was only one seminary left, in Kaunas. About 400 seminarians used to flock to it from all the dioceses. In 1946, in the very midst of the school year, only 150 seminarians were permitted to stay. During the last few years, in all the five courses in the seminary, the limit is 30 seminarians. If a seminarian leaves or gets sick, no one is allowed to take his place. About 30 priests die in Lithuania every year, but only 5–6 are ordained. This year (1969) only three new priests were ordained. Already, at this time, many priests have to serve in two parishes. There is a good number of parishes where the pastor is 70 years old. Even invalids have to serve as pastors, for instance, in Turmantai.

Young people who want to enter the seminary meet many more difficulties than those who intend to go to other schools of higher education. The candidates are not chosen by the representatives of the Church, but by the officials of the government. This is not normal. What would we say if candidates for music would be selected by veterinarians or other specialists?

In January of 1969 the priests of the diocese of Vilkaviškis addressed themselves to the Chairman of the USSR Council of Ministers concerning this abnormal situation in the interdiocesan seminary in Kaunas. During the month of February of the same year they contacted the still active bishops and administrators of the dioceses about this same matter. Because of these moves, two priests, Rev. S. Tamkevicius and Rev. J. Sdepskis, lost their work certificates. They had to seek other work, they cannot perform their priestly duties.

In 1940 there were 12 bishops in Lithuania, today there are only two left: bishop Matulaitis-Labukas, born in 1894, and bishop J. Pletkus, born in 1895. Two still effective and able bishops: J. Steponavicius (for 9 years) and V. Sladkevicius (more than 10 years) have been deported to far away parishes (house arrest, tr.). Although according to Article 62–69 of the Penal Code deportation is foreseen only for five years and that for grave offenses, but what have our shepherds done, without any court action or proven guilt, to be punished for an indeterminate time?

From time immemorial Vilnius is the center of religious life, but today this city is not allowed to have its bishop, even though other smaller religious communities, for instance, the Orthodox, have their bishop, and others some equivalent religious leader.

According to the Church Canon Law, the capitular vicars are only temporary administrators who are chosen when a bishop dies or leaves the office. The archdiocese of Vilnius and the diocese of Panevezys now have been administered by capitular vicars for 9 years, and that of Kaisiadoriai for 23 years.

It is not always, even for those who have official authorization, that the bishops and administrators are permitted to visit the parishes and confer the Sacrament of Confirmation according to the canons of the Church. In the dioceses of Panevezys this sacrament has been conferred only once since 1961. In other dioceses it is permitted to be conferred only in the centers, for instance in Vilnius, Kaunas, but very rarely in the regional cities. Those who want to receive the Sacrament of Confirmation have to travel from distant places, endure all the hardships with their small children. Thus great pressures and difficulties are created.

The pastoral work of the priests is being hindered in a number of ways: one is not allowed to help the neighboring parishes in religious services nor to invite the necessary number of priests on special occasions of devotion. The faithful who want to confess have to wait for a long time, suffer inconvenience and lose much of their precious time. On special days of devotion in some churches about 1000 people come for confession. If only three minutes would be given to each penitent, one priest would have to hear confessions for 50 hours, and this is impossible.

Specialists in all fields come together for conferences to perfect themselves and learn from the experiences of others. The Church

Canon Law also requires that the priests should make a three day retreat at least every three years. Such retreats at this time are forbidden not only at the diocesan centers, but also in the deaneries: even priests of one deanery are not permitted to get together.

Official representatives of the government (delegate of the government for religious affairs, leaders of the regions and districts) give various directives to the priests only by word of mouth. It happens that these orders contradict one another. For instance, a representative of the executive committee's chairman of the Varena region forbade the pastor of Valkininkai to accompany the burial procession to the cemetery, while an agent for religious affairs instructed that the priest can go to the cemetery, but he cannot do the same from the home to the church. On April 15, 1969 an agent for religious affairs in Svencioneliai, in the presence of government officials and the members of the church committee, told the pastor that when there is a priest in the procession of the deceased no hymns are allowed, but this can be done without the priests. If a person is buried with religious rites, an orchestra is not permitted; collective farms and organizations cannot help materially.

Catholics in Lithuania cannot avail themselves of the freedom of the press for their religious needs. They cannot make use of the radio and television, of movie theaters, schools, lectures. We do not possess even the most elementary religious textbook, prayerbook or other religious writings. During the Russian occupation not even one catechism was printed. Only in 1955 and 1958 a Catholic prayerbook was printed and in 1968 a liturgical prayerbook. But both of the editions had a very limited number of copies so that only a few families could acquire them. Besides, the liturgical prayerbook was supposed to include a short explanation of the truths of the faith, but the delegate for religious affairs would not allow this to be printed. The priests and the churches received only one copy of the Roman Catholic Ritual and documents of Vatican II were available only for the priests, one copy each. The faithful did not even have a chance to see these books.

Although the USSR Constitution guarantees freedom of conscience, and parents do want and request that their children would be educated in a religious spirit, the priests and the catechists, however, are forbidden to prepare children for their First Communion. The delegate for religious affairs allows the children to be examined only singly. Those who do not follow this unwritten law are severely punished. For instance, the government officials have fined Rev. J. Fabijanskas for catechization; Rev. M. Gylys and Rev. J. Sdepskis were sent to a forced labor camp. Anyksciai Miss O. Paskeviciute prepared children for their first confession. For this she was deported to a forced labor camp, where there followed her overexhaustion, sickness and death. Parents themselves have the right to prepare their children, but they have no means: they are not prepared for this job, have no time for religious books. In like manner, during the czar's reign, workers and serfs could not make use of the right: to give their children higher education.

Children who frequent the church experience much abuse. They are made fun of, wall bulletins write about them. In schools, children are constantly being taught that religious parents are backward, have no knowledge and can give them no directives. Thus the authority of the parents is destroyed. When children cease to respect their parents, it is difficult to control them both in the school and outside its walls. Besides, religiously minded children are not allowed to take active part in the liturgy, sing in the choir, participate in processions, serve Mass. Thus the rights of the faithful children and parents are severely violated. They are harshly discriminated, coerced and forced to compromise others. For instance, on the 26th of December, 1967, the secondary school Director Baranauskas and other teachers in Svencioneliai kept the II–VI class students for two hours and a half until they forced them to write letters against the local pastor Rev. Laurinavicius. For one of those youngsters, J. Gaila, an ambulance had to be called because of the threats. Second class student K. Jermalis was sick for a couple of months because of fear. The pastor, who allowed the children to serve Mass and participate in a procession, was removed from Svencioneliai. The offended parents of those children turned to Moscow. How much time was lost, expenses incurred, health impaired? Just recently Rev. A. Deltuva was fined 50 rubles because he allowed the children to serve Mass.

According to the law, the convictions of one who believes and one who does not should equally be respected, but the practice goes its own way. In many hospitals, for instance, in Vilnius, Utena, Pasvalys, Anyksciai, even when sick people ask to receive the sacraments, their request is refused. In 1965 a driver, K. Semenas, and Miss B. Sudeikyte married in the Church. By this act they lost their previous grant of a piece of land where they were going to build a house. Notwithstanding the fact that all the material was bought for the construction, they were told: "Let the priest give you land."

In Pasvalys, Anyksciai and other places, even taxicabs, cannot bring the witnesses of the marrying couple to the church. There is much suffering for the intellectuals who secretly baptize their children, marry or attend Mass in the church. These facts are brought up at their work, often they are reprimanded or even lose their jobs. For instance, in 1965 Miss P. Cicenaite, a schoolteacher in Daugeliskis, was released from her work by the school director because she would not forsake the church. When the school officials told her to leave, she, wishing to have her book "clean," wrote a request to be released from work. Often the faithful are released from work or are punished because of their convictions, covering this fact with some other motives.

In 1956 the Pension Act bypassed the servants of the church. Organists and sacristans can only dream about pensions. For instance, Mr. P. Pagalskas joined a collective farm when the soviets came to Lithuania. As all other citizens, he delivered his horse and farming tools to the authorities. He was working in the office of a collective farm as an accountant, on Sundays he used to play the organ in the church. When he had the misfortune to get sick and became an invalid and could not work in the office, he night-watched the animals on a collective farm. When he reached old age (b. in 1889), he applied to the Social Welfare Office of the Ignalina Region. An answer came back from this office that organists do not receive any pension.

Many of the churches are not allowed to ring bells, use loudspeakers or any other technical means. Materials are not allotted for the upkeep of the churches. The cities are growing, but since 1945 only two churches have been built in Lithuania (one of which, in Klaipeda, has been turned into a music hall), many older churches are serving as storage places, museums and so forth.

These and many other painful facts which we have mentioned here show that the priests and the faithful are discriminated against and they cannot fully use those rights which the USSR Constitution guarantees them.

Consequently, we have dared to address ourselves to you, Mr. Chairman of the USSR Ministers, hoping that you will correct this unnatural situation of the Catholic Church in the Lithuanian SSR and see to it that we, the Lithuanian priests and faithful, as all other citizens do, will be able to exercise the rights as they are foreseen in the Constitution.

(Signed by the Priests from the archidiocese of Vilnius: 40 signatures).

AUGUST, 1969.

THE FACE OF MARYLAND

Mr. TYDINGS. Mr. President, it is a pleasure to invite the attention of the Senators to a photographic exhibit in the main lobby of the Federal Office Building in Baltimore, Md.

The pictures were taken by residents of Maryland—all students of the Famous Photographers School of Westport, Conn.

These works, 13 in all, reflect the color, depth, and diversity of Maryland life. I extend a warm welcome to all Senators and their staffs to see these photographs should they be able.

The photographers and the titles of their works featured in "the Face of Maryland" exhibit are:

Theodore J. Angil, of Baltimore, "Relaxing at the Breakwater." Allen L. Barker, of Annapolis, "U.S. Naval Academy Sailboat." Miss Deri Barringer, of Rockville, "Assateague Flyway." Charles M. Carr, of Cockeysville, "Mount Vernon Place." George C. Davis, of Kensington, "Oyster Boat, St. Tilgman Island." Louis T. Ewen, of Easton, "Contributor to our great Dairy Industry." Sp4c David J. Fraker, of Rockville, "Fox Hunt." Wayne K. Hill, Jr., of Brookville, "A Lazy Afternoon." Charles E. Hundertmark, of Baltimore, "Roller Skating on the Streets." Michael Keyser, of Towson, "Steeplechase Rider." Miss Elizabeth Kunz, of Baltimore, "Downtown Baltimore." Francis J. Lemmon, of Baltimore, "Blessing of the Hounds." Gordon E. D. Snyder, of Baltimore, "Down to the Finish." John H. Sullivan, Jr., of Potomac, "Katie."

WATER RESOURCES ASSOCIATED

Mr. DOLE. Mr. President, on February 1, I had the pleasure of attending the 51st annual meeting of the Mississippi Valley Association, in St. Louis, Mo. This organization has just begun its second half century of dedication to the development of one of the great watershed areas of the world. It has, over the years, expanded its realm of activity, and in recognition of its broadening national interests, the association has changed its name to Water Resources Associated.

Two addresses were given to the association's meeting which I feel would be of interest to the Senate. On February 1, the Honorable Jack Edwards of the First District of Alabama presented a most informed and highly thought-provoking discussion of water resource development. The next day, Grant Barcus, president of the association, reviewed its activities during his presidency and looked ahead to the role the association can be expected to play in the coming years.

Mr. President, these two addresses give a revealing view of water resource development in the Nation today. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. JACK EDWARDS

As I was flying out here this morning, I looked over the countryside. I could see some of the great river systems of this country—the Tennessee, the Ohio, the Mississippi—river systems that bring goods and services to and from the areas they serve, and provide thousands of jobs for the people in the numerous communities that dot the riverbanks.

These river systems were developed as avenues of commerce and industry through the untiring efforts of men such as yourselves, who in earlier times, had the wisdom and the foresight to plan for the needs of future generations.

These systems have served us well, and they will continue to do so as long as associations, such as the Mississippi Valley Association, keep up the efforts needed to promote wise development of these vital natural resources.

I am aware that you are considering changing the name of your association which has been so active during the last 50 years. You are no longer regional and I agree that you need a name to reflect your national interest and scope.

Regional groups are now working together and therein lies your strength in developing an entire national waterway system. Working together to further develop our inland waterways is the surest key to success.

But over the years there have been some questions raised. Do these massive public works projects have any real place in the public budget?

Can these expenditures be justified, when people are starving in the Appalachian mountains and the rural areas of our country?

How can the government spend money to build locks and dams to help the wealthy industrialists sell their goods, when our inner cities are rotting?

And the ultimate question! Why should the American taxpayer continue to help some congressman provide "pork barrel" public works projects for his district or state?

Well, I say to you, the United States of America would not be the great country that it is today if our forefathers had not seen the wisdom of developing our national resources. But today, even more than before, we see the need for an orderly development which will have benefits far beyond the immediate area, and which will serve far more than just the shipping public.

Let's take a look at just what America's waterways do, and why it is so vitally important to expand public and private support for their construction and maintenance.

One of the most serious threats to our country is the rising crime rate, brought on in great part by poverty and unemployment. Past massive welfare and poverty programs have spent billions of dollars to no avail. Only the pockets of a new crop of bureaucrats were lined with the taxpayers' dollars.

We are now considering new methods of curing the cancer of poverty and unemployment in our country. These new proposals are based on the fundamental idea that a man must have honest work to maintain his sense of pride and accomplishment.

There is no substitute for a good job!

The President very properly has placed a high priority on a search for new ways to move people from the welfare rolls onto the payrolls.

Well, I believe new and improved waterways may be the answer. Both through the construction and through the stimulus provided for industrial development, waterways return numerous new job opportunities for every dollar invested.

Another major problem this country faces today is the overpopulation of our cities. More and more people are leaving the rural areas of our country to come to the city. They hope that new jobs and new opportunities will be theirs.

But disillusionment and defeat is all most of these migrants to the cities will find. They will end up in some tenament, dependent on welfare for their existence, and from there crime is just around the corner.

The government, in the past, has tried to encourage new industry to move into the cities so that jobs will be available for these people. But the rising cost of real estate, the problems with crime and the tangled traffic arteries, these and other problems, are discouraging industrial expansion in the cities.

Rather, the Nation's businesses are fleeing to the suburbs, and the result is that the situation in the inner-city is becoming even worse.

There is a great need to provide jobs for the people in the rural areas of the country. But the answer is not to bring the people to the already over-populated cities. Rather, legitimate jobs must be brought to the rural areas.

President Nixon is developing effective plans to provide employment for every American whether he is living in the cities or the rural area of the country. Toward this end, he has established the Urban Affairs Council and the Rural Affairs Council.

The Rural Affairs Council, composed of top level cabinet members and other government officers, is urgently trying to find ways of opening up vast tracts of rural lands to industrial development without destroying needed crops or recreational lands.

So here is where you come in—One of the best ways of opening up rural areas to new industry is through construction of waterways to provide low-cost transportation for raw materials and manufactured products. A recent economic survey, comparing counties bordering on improved waterways or water routes with inland counties, showed the effects a water route has on the economy.

Of the Nation's 3103 counties, 633 or 20 percent are waterfront counties. However, they are responsible for 58 percent of the Nation's productivity, 55 percent of the Nation's manufacturing jobs, and 57 percent of all new investments in manufacturing facilities.

Obviously, then, the land along the waterways of America is where the action is. By extending a piece of the action to those counties now inland, we can expand their productivity and job potential sufficiently to attract new industry and income to their areas.

A recent example of just how a waterway increases industrial activity in an area is the tremendous increase in commerce along the Arkansas River. Following completion of improvements on the river up to Little Rock, barge traffic expanded greatly.

In fact, by the end of the third quarter of 1969, the movement of one million tons of cargo in both directions on the newly opened section had far surpassed the Corps of Engineers estimate for the full river opening to Tulsa.

Waterways open up economically depressed areas to great industrial potential. Besides providing more goods and services for the country at large, the new plants increase the purchasing power of the new workers employed, and thus open new markets to other goods and services. And waterways will be providing the means to serve these new markets and bear the newly manufactured goods to distant markets.

The proposed Tennessee-Tombigbee Waterway, the newest infant in the growing waterway system, will have just such an economic impact on the primary area through which it will travel. Many of the counties affected by the Tenn-Tom are net receivers of federal dollars. That is, they receive more federal funds in the form of welfare, food stamps and other economic aid than they pay in taxes.

The Corps of Engineers recently presented a report showing the economic impact the Tenn-Tom will have on the Southern Appalachian poverty region and other primary areas. The results are very revealing:

1. Industrial growth should be stimulated to the extent of about $2.6 billion by the year 2020. This includes $1.4 billion in water-related industries such as food, textiles, paper, chemicals, petroleum and primary metals; and $1.2 billion in non-water related industries, such as apparel, fabricated metals, transportation of equipment, electrical and non-electrical machinery.

2. Manufacturing employment should also be stimulated, and should show an increase to about 28,000 jobs for an annual payroll gain of about $394 million by the year 2020.

3. In addition, goods and services needed by these new industrial employees will stimulate a second round of employment income, and a third and so on.

And this is only in the primarily affected area: The project, when completed will have an impact on the economy of 23 states in the Central and Southern regions of the country.

The Tenn-Tom has been of primary concern to me since I was first elected to congress over five years ago.

A few days ago, on January 21, along with my colleage BILL BROCK of Tennessee, I made public the President's intention to recommend one million dollars for the start of construction in his next budget.

Men have literally dreamed of the Tenn-Tom since colonial days. It was first officially authorized by Congress in 1946. Since then, numerous men who envisioned the great prosperity this project could bring to the Southern region, have worked untiringly to keep the project alive. If all goes well, we will put our first shovel in the ground in the Spring of 1971. This will be a great day! This will supply the missing link to a great waterway system.

As you know, this project required the commitment and determination of countless thousands over the years. But, as you also know, this is the only way to get a national waterway project off the ground.

But if you examine the trend in overall waterway improvements during the last decade, you see a grim picture of declining expenditures. This has occurred despite the fact that the gross National Product increased 88 percent during the same period, and despite the fact that the ever-expanding federal budget increased a whopping 140 percent.

In 1964, $1.19 billion was appropriated for water resource improvements. This represented a meager 1.09 percent of the federal budget for that fiscal year. In the 1970 fiscal year budget there was a slight decline of expenditures to just over one billion dollars. But in a period of expanding federal expenditures this now represents only one-half of one percent of the overall national budget.

In his State of the Union address, President Nixon announced a national commitment to clean up our polluted air and water. Last year he announced a national commitment to revitalize our Merchant Marine.

And he has further indicated that the decade of the Seventies must have a national commitment to peace and true prosperity for all citizens.

In keeping with these objectives, it is time to announce a national commitment for the improvement of our water resources. We must have an expressed government policy pronouncement in this area.

Such a long range commitment would provide a sound working basis for the Corps of Engineers, as well as industries involved in the construction of such projects to adequately plan for the future. It would also permit full utilization of the technical manpower resources in this field.

Fortunately, as the Arkansas River project is completed, the skilled technicians and other specialists will be able to begin work on the Tennessee-Tombigbee project. But we must depend more on adequate planning

instead of happenstance for development of our water resources.

New standards for benefits evaluation must be devised in determining which projects should be included in such a national water resource development program. The intangible as well as the tangible benefits should be considered; the indirect as well as the direct effects must be taken into account; and the impact of a project on other aspects of national policy in addition to transportation benefits should be weighed.

A start has been made. Senator Jennings Randolph, as Chairman of the Senate Public Works Committee, has asked the Corps of Engineers to adopt new interim guidelines for criteria determination pending a complete overhaul of the present system.

The Pittsburg flood of 1967 is just one example of the narrow view of benefits that the present criteria considers. Currently, only property damage may be considered in a flood control project. But in the Pittsburg area, damage in the form of loss of productivity, including loss of manufacturing output and income, was four to five times greater than direct property damage.

And even at this we are not considering the heavy toll of human lives that floods frequently claim. Witness the over 200 lives lost in the James River, Va., flood last summer.

Perhaps the most significant aspect of any water resource development program is its effect on our environment. The President's commitment to clean up our water during the decade ahead calls for spending at least $10 billion dollars. Some say that isn't enough, but at least we are certainly headed in the right direction with effective leadership from the White House.

In the construction of our waterway projects we must be ever mindful of the effect such projects will have on our environment. Now this is not to say we must become preservationists and freeze our national assets as they stand today. Rather, we must be conservationists. The effects of the waterways must be to enhance the environment, not destroy it. Industries locating on a newly developed waterway must be committed to refrain from polluting the waters along the new route. Pollution of the streams must stop, period.

No long range commitment to anything will be worthwhile unless we have a clean environment in which to enjoy the fruits of that commitment.

Yes, water resource development does have a place in the public budget. Moreover, it should be high on the list of national priorities. Although it is not a glamour item like space, it has an impact on all aspects of our country's goals.

Its outstanding benefits in fighting poverty and hunger, in helping with the population distribution, in aiding in the stimulus of industry, and providing a better life for all Americans, makes water resource development an item of essential national concern for the Seventies.

Will we have a wise development of our water resources? That depends in large part on you. If you have the personal determination to work for proper development then I think we can have it.

Don't ever lose sight of that vision.

SPEECH BY GRANT BARCUS, PRESIDENT, MISSISSIPPI VALLEY ASSOCIATION

Good morning Ladies and Gentlemen, and welcome to the General Membership Meeting of the Mississippi Valley Association's 51st Annual Meeting. I consider myself most fortunate to stand before you today as our organization begins its second half-century.

As we gather here today we can look back on many successes of which we all can be justifiably proud. I will not attempt to trace 50 years of history, but I do want to briefly mention some of the activities in which the Association has been engaged during my term as President.

One of the most far-reaching decisions made during the Association's first half-century was to relocate the headquarters office in Washington, D.C. While it is true that the physical move was made during 1968, the impact of this change was only beginning to make itself felt last year. Besides achieving the obvious—placing us near the highest levels of government where we have been better able to make ourselves heard—the move has affected every other aspect of our Association activities.

Many of us felt like commuters last year, traveling from our homes to appear before one or another Congressional Committee or Agency on behalf of our programs. Other than providing us with a firm legislative base, the move to the Nation's capital has immensely broadened our outlook concerning the role of this Association in future years.

We have already discovered that we are able to offer more information and services faster than ever before; a factor which has helped the Association to realize its largest membership increase in any one-year period in its history. The Exposition this year is the largest ever presented, requiring more space and having more exhibitors than in any previous year.

We enjoyed a most successful year in terms of prosecuting the Association's program but it was a year which presented more than the usual number of problems. Several staff personnel changes, both voluntary and involuntary, added to the problems and contributed to the economic strain which resulted in an operating deficit of about $5,000. The situation has been corrected in large measure and the Board of Directors will be asked this afternoon to approve a budget which would permit the addition of a new staff member. Your Association must develop staff personnel capable of helping the Association to meet successfully the challenges of the next half century. No new staff positions were created in the decade from 1959 to 1969, and, during this period, the Chicago office was closed. In spite of the opening of the Washington office, the taking over of the Exposition and the employment of a Convention Director as well as the addition of a Director of Information, your Association has 1½ fewer employees than were on the payroll at the 1960 Annual Meeting here 10 years ago. During this same period the Association's program and its budget have doubled and its effectiveness increased many fold. This is a real testimonial to the leaders who preceded me and a challenge to those who will follow.

While I am in the area of finances, let me say a word about the Annual Meeting and the "Package" plan which has apparently caused some irritation this year. The Association has met in this hotel in 15 of the last 19 years. Those of you who have partaken of the food, beverages, and room rates in the past few days realize that "things ain't what they used to be." These cost increases affect the Association even more profoundly as attendance at the meetings continues to increase. Exhibit hall rental rates have risen tremendously and the numbers and costs of the extra personnel required to put on a successful meeting have gone out of sight. The part-time stenographers in the Washington office these last weeks each cost $4.78 per hour and the guards patrolling the exhibit hall on a 24-hour basis for nearly a week do so at the rate of $4.50 per hour per man.

The *net* cost of the food functions is more than $7.00 for the luncheons and $9.00 for the banquet. The expense of the entertainment, travel, and honorariums runs into many thousands of dollars. The cost of tickets for our guests from various federal, state, and local agencies was $2,180 at the close of business last night.

We were required to guarantee numbers for the various meals last Friday morning and the registration and tickets sales did not even start for another 24 hours. Trying to provide a place at the table for late arrivals is an impossible and expensive task which can be avoided with your help.

The prices established for the various functions are designed to permit each to break even. We do not believe it is either fair or sound business practice to permit income from dues paid to further the Association's program—your program—to be used to help defray the cost of the events staged exclusively for those members who are able to attend this meeting. Any other attitude would be a breach of faith with our membership.

Institution of the "Package" program reduced the actual cost of processing your advance registration by an estimated 65 percent. The alternative is paying for uneaten meals and increasing prices for tickets. The program was designed to save money for both you and the Association, not to increase costs. Virtually every group in the country has been forced to do the same thing or to stop holding meetings where food is served. Your understanding and cooperation are imperative if we are to continue with a balanced meeting program.

All indicators point to an Association in future years with a vastly increased role, one that will encompass not only a wider diversity of people and interests but also represent a greater geographic area. The Association has grown from a relatively small interest group with a limited area of concern to be the Nation's largest organization devoted to sound and proper development and management of America's water and related land resources. We are now a national organization in fact, if not in name. Without going into great detail about the issues and activities our Association has involved itself in during the past year, I do want to touch on a few in order to give you an indication of the diversity this organization has assumed and the effective way in which your program has been prosecuted.

We have been foremost among those assisting the Water Resources Council in the formulation of guidelines for use by all Federal agencies in evaluating proposed water and related land resource projects. We either appeared presonally or were represented in each of the eight cities in which the Council heard testimony.

Until such time as the Water Resources Council issues its own, the Corps of Engineers will issue interim guidelines which will include consideration of intangible and indirect benefits.

Consideration of secondary benefits is imperative if the Nation's water resource program is to move forward. The interest/discount rate has been increased 50 percent in the last year and a half. On July 1 it will increase another ¼ percent to a new rate of 5⅛ percent. Such an increase in the interest rates without a corresponding re-evaluation of all benefits has completely distorted the benefit-cost ratio.

On this subject I would like to remind you what Senator Karl E. Mundt told last year's Annual Meeting. He said that the advocates for higher interest rates have presented their case for rates in the range of 10 percent to 15 percent. When proponents of water resource projects have expressed the fear that the implementation of such rates would kill water resource projects, some of the more ardent opponents have admitted that that is exactly what they want to do.

"Preservationist"—a term used advisably and with some contempt—but not to be confused with the conservationist who is honestly concerned with providing a clean and healthy environment for this and future

generations. Make no mistake about it, this is going to be the "Decade of the Environment". Unless this Association aggressively continues to pursue a course that involves it in proving our blighted water and air, we are going to wake up one morning to find ourselves out of the mainstream of American concern. This Association has for many years taken an anti-pollution position—long before it became a popular national concern. But we must continue to pursue this issue. Until very recently, who had heard the phrases "ecological balance" or "environmental quality"? Today, however, we find hoards of people writing letters to Congressmen, picketing construction projects, and even filing lawsuits to prevent the building of certain facilities. For the most part these people are grossly misinformed about the effects of construction on the general environment.

I think we would do well to heed the advice which former staff and executive committee member and Assistant Secretary of the Interior James R. Smith gave us at a recent meeting of the Association's Advisory Board, Executive Committee, and District Chairmen and Directors in New Orleans. He pointed out that: "We are living in and participating in the most rapidly evolving social change in the history of the world . . . there has been fantastic progress and a strange mix, with a man on the moon while we are concerned with poverty in the ghettoes". He also told us that our national goal of sustaining our Nation's economy must be closely aligned to the preservation of our natural resources base. "You must answer the preservationist arguments," he said, "with unassailable facts or you're going to lose the ball game." I believe his statement very well sets forth one of the many goals that we as an Association must move toward, that of attempting to close the wide void that presently exists between the radical preservationist and indiscretionate developer.

Jim is gracing us with his presence here this morning and may well want to refer to this in his comments to you.

There were a number of natural disasters which occurred during the past year, such as the devastation Hurricane Camille wrought on the Gulf Coast and Virginia and the floods which inundated large portions of the Mid-west. Another tragedy was the East and Gulf Coast dock strike which cost Mid-west shippers more than $270 million in unrecoverable losses. We could do nothing to prevent these events.

Then there are issues that we can, and are, influencing in the best interests of the American people. These deal mostly with legislation, and I believe they, too, point up the value of the relocation of our headquarters office in Washington, especially its ability to coordinate statements and other types of testimony of our other offices and the member organizations. A complete status report on all legislation affecting the various programs of the Association is not necessary but some of them should be mentioned. One is the on-again off-again "Mixing Rule Bill," which declares the number of regulated commodities and drybulk exempt commodities which can be carried in the same tow without subjecting all commodities to regulation. This will be with us for a while longer. An extension from compliance with the law has been granted by the Interstate Commerce Commission until June 30. This was intended to give Congress an opportunity to take a better look at the complicated transportation situation in this country.

Bills calling for the licensing of certain towboat personnel have been introduced in both houses of Congress. The Association, as well as many of its members, testified on this legislation and we are hopeful that when a compromise finally becomes law it will closely reflect the viewpoint contained in our Platform position on the subject.

Outside Washington there has also been legislation proposed which would adversely affect the interests of our members, and we have been successful in preventing final action on all of them. One in particular which has been of concern to us occurred here in St. Louis. I am referring to the Omnibus Harbor Bill that was recently vetoed by Mayor Cervantes, but which if enacted would have placed tremendous and undue hardship on the river transportation industry. Recently President Nixon has announced a new program which would add 30 ocean-going vessels to the American Merchant Marine fleet annually until 1980. While it is true that most of us live in cities far removed from international seaports we can foresee the potential of this program in assisting our national economy through increased exports and an improvement in our balance of trade.

The largest in land waterway improvement to date, the Arkansas River project, has taken a major step forward during the past year. (This project, larger than the St. Lawrence Seaway and the Panama Canal, is now making world seaports out of Arkansas and Oklahoma cities previously landlocked. By the end of this year, barge traffic will be extended on this waterway from the Mississippi River to near Tulsa, Oklahoma, thereby providing industry and agriculture with access to an interconnected waterway system reaching over 14,000 miles.) Not only are its navigation aspects important; it has provided multiple benefits which include reduction of flood damages, generation of hydroelectric power, water supply, recreation, and enhancement of fish and wildlife.

As we have all known, limited available federal funds have placed a tremendous crimp on many of the water projects supported by the Association. In many instances the Congress has readily recognized the value of these projects, but its actions have been thwarted by the unelected bureaucrats in the Bureau of the Budget. Typical of these are Lock 26 on the upper Mississippi and Lock 52 on the lower Ohio. Another is the Cross-Florida Barge Canal, and this particular project is also being confronted with a lawsuit to halt construction. These problems are serious ones which will probably be with use for some time, considering the current spending moratorium. Again this year we are sponsoring trips by winners from four states to the Soil Conservation District Commissioner's short course at Iowa State University. This is a most gratifying program and I heartily endorse the Association's participation and congratulate the most recent winners.

Last April, I was honored to be invited to New Orleans to accept an award on behalf of the Association. This was the New Orleans Board of Trade's award given annually to the organization "deemed to have performed outstanding service in the development and promotion of world trade through the Mississippi Valley area." On this occasion, Kent Satterlee, President of the New Orleans Board of Trade, had some kind words to say about the Association, and I quote, "During its 50 years of existence, the Mississippi Valley Association has done much to sustain the greatest of our natural resources—the Mississippi River and its tributaries. Through its active and energetic work in Washington, it has promoted the passage of much legislation which has been helpful to the Valley and insisted on the defeat of other bills which would have had a harmful effect." This is quite an endorsement of the effectiveness of our programs—one in which we all can take pride.

Before the meeting is adjourned I would like to remind you that among the items of business which still remains for your consideration this morning is a vote to determine whether the Association shall retain its present name or change it to "Water Resources Associated". I know most of you are well aware of the reasons why the proposal has been made to change the name. I will not outline them now, but I do want to say that since we have truly become a national Association both in terms of activities and membership, a name having no regional or membership limitations is highly desirable. We must even more deeply entrench ourselves as the Nation's leading spokesman for wise and enlightened utilization of America's natural resources.

In conclusion, I am reminding the officers and staff that the powerful voice that they use in carrying forward the program, goals and ideals of the Association is not their voice but the combined voice of the thousands of members of this Association.

SCHOOL PRESS: A LOOK AT THE SEVENTIES—19TH ANNUAL SAVANNAH STATE COLLEGE NATIONAL SCHOOL PRESS INSTITUTE AND COLLEGE COMMUNICATIONS WORKSHOP

Mr. TALMADGE. Mr. President, the 19th Annual Savannah State College National School Press Institute and College Communications Workshop will be held in Savannah, Ga., February 19–21. Its theme for this year is, "School Press: A Look at the Seventies."

This institute, which is affiliated with the Columbia Scholastic Press Association and numerous school-press agencies, is one of the most outstanding of its kind in the country. For almost two decades, it has compiled a fine record of journalistic contributions in school-press affairs. Each year, the institute brings young people together and underscores the importance of a strong and free press in a democratic society, and I know that these meetings have been very meaningful to all those who have participated.

I wish the college a most successful institute this year, and I particularly want to salute the president of Savannah State College, Dr. Howard Jordan, Jr., and Wilton C. Scott, who organized the institute 19 years ago.

ALCOHOLISM IN THE SOVIET UNION

Mr. HUGHES. Mr. President, I have frequently called the attention of my esteemed colleagues to the fact that alcoholism is one of the prodigious health problems in our country, exacting a staggering nationwide toll each year, in terms of human life, heartache, and economic waste. It is interesting to note that this is also a critical national problem in the Soviet Union, as is shown in a news article in the Washington Post of January 31, 1970.

This article states that "the Kremlin blames alcohol for most of the millions of man-hours lost in industry and farmwork each year and for much of Soviet crime."

It could be, Mr. President, that the United States and the Soviet Union may eventually be competing in alcoholism control programs, as well as missile production, in the interests of national security.

Mr. President, I ask unanimous consent that this news article about Moscow's problem with the overconsumption of alcohol be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOSCOW PUTS STIFF CURBS ON LIQUOR IN DRIVE TO REDUCE DRUNKENNESS

(By Anthony Astrachan)

Moscow, January 30.—City authorities moved today to restrict liquor sales in the Soviet capital.

It was the toughest step so far in a nationwide campaign to curb the drunkenness that is a fact of life in the Soviet Union. The Kremlin blames alcohol for most of the millions of man-hours lost in industry and farm work each year and for much of Soviet crime.

A senior Soviet official recommended national restrictions, starting like Moscow's but going further, last week. Yesterday, the trade unions promised their own measures against "violations of labor discipline."

Moscow Pravda, the city's Communist Party newspaper, announced today that local trade officials were restricting liquor sales to shorter hours and special stores.

Muscovites will be able to buy wines and spirits from 11 a.m. to 8 p.m. The previous rules allowed liquor sales from 10 a.m. to 10 p.m., and were often ignored.

Liquor will be sold only in special stores or in special sections of ordinary stores. Sales will be banned at stores near factories, educational institutions, recreational centers and parks.

Trade officials will start a new system of checking to make sure these rules are obeyed. They will also try to enforce the frequently ignored rule barring the sale of drinks to teenagers.

Last Saturday Boris Shumilin, deputy minister of internal affairs, recommended similar measures in an article in the Central Committee newspaper Sovetskaya Rossiya.

He called for restriction of liquor sales to special shops and even shorter hours—11 a.m. to 7 p.m. on work days, with a total ban on sales on weekends and national holidays. He added main highways to the list of locations near which sales should be prohibited.

Shumilin also recommended compulsory treatment of alcoholics at their own expense, without sick pay or other benefits. The Russian Federation and the Ukraine, the two largest of the republics that make up the Soviet Union, already have such laws. He suggested fines, imprisonment and a ban on trade for liquor sellers who violate the laws.

Shumilin said he would not advocate total prohibition because "as the experience of other countries has shown, this does not solve the problem."

The trade unions pledged yesterday to punish "violators of labor discipline, rolling stones, slackers and drunkards who cause damage to the national economy."

The Central Council of Trade Unions called for a range of penalties, from criticism at workers' meetings to deprivation of bonuses and loss of cheap vacation and health benefits.

Old Moscow hands do not expect the new rules to be easy to enforce.

Vodka, the main Soviet drink, brings in billions of rubles in state revenue from sales at three rubles a pint. That is $3.30 at the official rate, but the average wage for roughly four hours' work.

Many Russians consider it a bargain. When the Soviet Union switched from a six-day to a five-day work week in 1967, sales of spirits in the Moscow district rose 24.6 per cent in a year; food sales rose only 6.8 per cent.

People breakfasting in the window of a second-story Moscow apartment see men weaving drunkenly down the street several days a week. Some teenagers in Kimri, a small town in Central Asia, have been brought to the local sobering-up station more than 10 times a year, Komsomolskaya Pravda reported. A military doctor reported that soldiers were drinking anti-freeze fluids intended for military vehicles (thereby poisoning themselves).

Soviet sales of alcoholic beverages in 1966 were three times those in 1940. Western analysts calculated from Soviet figures that Russians drink 10 liters of spirits per head each year against 5.7 liters for West Germany and about 5 liters in the Tsarist Russia of 1900.

As for the connection of liquor and crime, a 1965 legal survey showed that in the Soviet Union, intoxicated persons accounted for 57 per cent of convictions for the infliction of bodily injury. Drunks also accounted for 67 per cent of convictions for rape, 90 per cent of those for manslaughter induced by hooliganism and 96 per cent of those for hooliganism.

LITHUANIAN INDEPENDENCE

Mr. RIBICOFF. Mr. President, during the month of February, Lithuanian Americans are commemorating the 52d anniversary of the establishment of the modern Republic of Lithuania. On February 16, 1918, an intensive and determined struggle for freedom from czarist Russia was achieved with the restoration of independence to Lithuania.

We join our Lithuanian friends in commemorating this occasion, and in also celebrating with them the 719th anniversary of the formation of the Lithuanian State by Mindaugas the Great.

But our joy is lessened by our memories of a tragic moment in history. Just 2 short years later, in 1920, this vital nation lost its precious freedom when once again the Soviet Union occupied the Baltic States. Although the Lithuanians have not yet regained their freedom, their hopes and dreams for independence have not withered. Still fervent in their hearts lies the aspiration for the right of self-determination and national independence.

Recently, both the Senate and the House of Representatives passed House Concurrent Resolution 416 calling for freedom in the Baltic States. I pledged my support of this resolution then, and I pledge my support of it now.

I urge the President of the United States to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations.

Let us declare once again our hope for a future of liberty and self-government for the nations of Lithuania, Latvia, and Estonia, and for all the peoples of the world.

SHOE IMPORTS UP—AMERICAN JOBS DOWN

Mr. McINTYRE. Mr. President, there are increasingly disturbing figures regarding the imports of shoes into this country.

The American Footwear Manufacturers Association has just published the shoe import figures for 1969 and they show that for the first time in history the imports of leather and vinyl types of footwear has reached nearly 200 million pairs. This is more than double the 96.1 million pairs imported just 3 years ago.

At the same time these figures become public the newspapers in the Northeast are carrying stories telling of new shoe plant closings and reductions in the shoe industry work force.

Mr. President, I urge my colleagues to note these facts with great seriousness. One of America's great industries is being sorely hurt. There are several proposals to cut back this expanding river of imports. If we do not move soon the dam will break and the shoe industry may well be drowned.

I ask unanimous consent at this point to insert the February 13 report of the American Footwear Manufacturers Association, which tells this story I have been recounting.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. FOOTWEAR IMPORTS, JANUARY–DECEMBER 1969

The year 1969 was the first in which imports of leather and vinyl types of footwear reached nearly 200 million pairs, more than doubling the 96.1 million pairs of three years ago, according to latest U.S. Department of Commerce figures.

JANUARY THROUGH DECEMBER OF 1969 AND 1968

Total 1969 leather and vinyl footwear imports reached 195.7 million pairs. The total is 11.5% greater than imports of 175.4 million pairs in 1968.

The 1969 imports amounted to 33.8% of an estimated 12 month domestic production of 579.0 million pairs. For the same period last year, the ratio of imports to production was 27.3% of a production estimate of 642.4 million pairs (this is a newly revised production figure from Census). Therefore, 1969 import penetration to date exceeds last year's penetration by almost 7 percentage points, a significant rise. Also leather and vinyl footwear imports have risen to a total f.o.b. value of $429.5 million against $328.5 million in 1968. In terms of f.o.b. value per pair, imported leather and vinyl footwear has climbed to $2.20 per pair against $1.87 a year earlier, or an 18% rise in one year.

DECEMBER 1969 VERSUS DECEMBER 1968

For the month of December, 1969, leather and vinyl footwear totaled 15.8 million pairs, 3.4% less than the 16.4 million of a year ago. Despite this slight drop, December imports were about 37% of an estimated domestic production of 42.6 million pairs, or 3 percentage points about the December ratio a year ago.

Shoes and slippers (leather and vinyl)	1969 pairs (thousands)	1968 pairs (thousands)	Percent change pairs 1969–68	Percent share of total 1969	Percent share of total 1968
From:					
Japan	63,655	65,146	−2.3	32.6	37.2
Italy	60,535	58,996	+2.6	30.9	33.6
Spain	20,690	14,249	+45.2	10.6	8.1
France	2,508	2,622	−4.3	1.3	1.5
China T. (Taiwan)	24,320	15,316	+58.9	12.4	8.7
Other countries	23,965	19,107	+25.4	12.2	10.9
Total pairs	195,673	175,436	+11.5	100.0	100.0

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[Pairs in thousands. Dollars in thousands]

Type of footwear	Dec. 1969 pairs	Percent change 1969-68	12 months 1969			Percent change 1969-68	
			Pairs	Dollar value	Average value per pair	Pairs	Dollar value
Leather and vinyl, total	14,942.2	−6.3	187,393.1	419,841.0	$2.24	+10.0	+29.4
Leather excluding slippers	7,389.0	−5.2	96,493.9	344,272.2	3.57	+12.4	+30.3
Men's, youths', boys'	2,201.2	+20.5	28,938.1	127,223.9	4.40	+24.7	+37.3
Women's, misses'	4,634.0	−15.5	59,657.5	195,133.7	3.27	+4.9	+26.8
Children's, infants'	395.0	+23.6	5,151.3	8,199.6	1.59	+73.4	+88.8
Moccasins	34.5	+71.6	624.0	752.6	1.21	+5.8	+15.3
Other leather (including work and athletic)	124.3	−12.5	2,123.0	12,962.4	6.11	−5.8	+1.2
Slippers	16.4	−54.2	357.1	767.6	2.15	−22.7	−16.1
Vinyl supported uppers	7,536.8	−7.2	90,542.1	74,801.2	.83	+7.7	+26.5
Men's and boys'	855.1	+77.4	9,744.2	12,293.9	1.26	+26.6	+60.1
Women's and misses'	5,935.8	−14.3	70,969.7	55,840.2	.79	+3.5	+19.8
Children's and infants'	671.6	+10 2	8,111.2	5,752.8	.71	+29.7	+40.8
Soft soles	74.2	−27.4	1,717.0	914.3	.53	+13.3	+18.0
OTHER NONRUBBER TYPES, TOTAL	882 4	+106.7	8,280.0	9,685.7	1.17	+64.0	+132.2
Wood	320.2	+2,482.3	1,524.3	3,791.3	2.49	+558.7	+676.6
Fabric uppers	525.2	+42.2	5,887.0	4,715.4	.80	+36.2	+49.6
Other, n.e.s.	37.0	−18.1	868.7	1,179.0	1.36	+74.5	+122.0
NONRUBBER FOOTWEAR, TOTAL	15,824.5	−3.4	195,673.1	429,526.7	2.20	+11.5	+30.7
Rubber soled Fabric Uppers	3,326.8	16.7	44,512.7	33,203.5	.75	−9.5	+5.9
Grand total, all types	19,151.3	−6.0	240,185.8	462,730.2	1.93	+6.9	+28.6

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories and slipper socks. Rubber soled fabric upper footwear includes non-American Selling Price types.

Source: National Footwear Manufacturers Association estimates from Census raw data.

THE LATE BEN F. JENSEN—CONGRESSMAN 26 YEARS

Mr. CURTIS. Mr. President, on the 3d day of January 1939, I was sworn in as a Member of the House of Representatives. On that same day a Congressman from the neighboring State of Iowa was likewise sworn in. His name was Ben F. Jensen. From that day on, Ben Jensen was my friend. I admired and respected him.

Congressman Jensen served his Iowa district from January 1939 to January 1965. His record will stand out for all time to come. He was a man of high integrity. He was honest in all things. He was a patriot and he loved his country. Congressman Jensen died in Washington on February 5, 1970.

Congressman Ben Jensen rose to a place of prominence and leadership in the House of Representatives. He was the ranking minority member on the Appropriations Committee. He was interested in every good cause that benefited the country that he loved so much. He served his country in World War I and was a leader in the American Legion.

I wish to extend to Mrs. Jensen, to their daughter, and the grandchildren the sincere sympathy of Mrs. Curtis and myself. I am sure that they are comforted by the good life that he lived and the Christian faith that he exemplified.

Mr. President, our colleague, the distinguished senior Senator from Iowa, delivered a eulogy at the funeral services held for Congressman Jensen in Exira, Iowa, on February 10. I ask unanimous consent that the eulogy of Senator MILLER be printed in the RECORD at this point, and that it be followed by the article concerning the death of Congressman Jensen that was published in the Nishna Valley Tribune.

There being no objection, the eulogy and article were ordered to be printed in the RECORD, as follows:

TEXT OF EULOGY BY SENATOR MILLER

A great Iowan and a great American will be buried on a gentle slope above this little town this morning.

Ben Jensen, whose formal schooling ended with the ninth grade, but whose practical education in business and human relations was the equal of many college degrees, was a powerful and effective voice for the people he represented for so many years in Washington.

Now he has returned to the place he held so close to his heart after losing a patient and dignified battle with cancer.

It's a popular cliche to describe a man as "one of a mold," "unique," "a giant among his peers." Take your pick. Ben was all of these—and a warm-hearted, likeable, eminently human person besides.

He met folks equally and on the typically Mid-Western basis that everyone was a friend and neighbor until he proved himself otherwise.

He was a hard fighter, but, at the same time, tolerant and understanding of those who held contrary views.

He deeply believed in the causes for which he fought, because they were his people's causes, and he loved his people.

It was a great partnership—between Congressman Jensen and the people of the Seventh Congressional District of Iowa—and one that endured for twenty-six years!

Ben was truly a man from the good soil of Iowa, and he never hesitated to let it be known that he was proud of it.

He was a strong partisan, but he never questioned the Americanism of his political rivals—merely holding that they were espousing the wrong philosophy and approaches to the problems of our state and our country.

He genuinely liked people, and this showed through in his manner and, even more important, in his deeds. Few Members of Congress had as many real friends—on both sides of the aisle.

He took gracefully his only defeat at the polls in 1964 and continued his keen interest in the problems of the Seventh District. Instead of being bitter over a heart-rending loss, his attitude was one of thankfulness for the honor to have served his people for so many years.

When the doctors reported to him last month that he had a tumor which could not be removed by surgery, his reaction was remarkable—but it was so like him. He conveyed the sad news to a longtime associate with the comment: "Well, if that's the way it had to be, it's OK with me. Life doesn't owe me a thing. It's been plenty good to me!"

The philosophy expressed in those words should be comforting to all of us, who deeply grieve his loss, for we know that God must have smiled on this good man—one who loved life as much as anyone, but who did not fear death—because he believed.

DEATH STILLS THE VOICE OF EXIRA'S BEN F. JENSEN; CONGRESSMAN 26 YEARS

Death claimed one of Audubon county's most prominent citizens last Thursday.

Former Congressman Ben F. Jensen, 77, died in a Washington, D.C., hospital about 5:30 p.m. (eastern time). He had been ill with cancer for about a year, and underwent surgery in Washington last spring.

Since leaving Congress at the end of December, 1964, Jensen and his wife had spent each winter at an apartment in the Capital city.

Ben Jensen was born Dec. 16, 1892 on a farm near Marion, but lived most of his life at Exira where he managed the Green Bay Lumber yard until he went to Congress. He served in the Army in World War I and became active later in the American Legion. In 1937 he was elected seventh district Legion commander. The following year he sought the Republican nomination to Congress and since there were many candidates a district convention was needed to select the GOP nominee. Jensen was picked after more than 30 ballots.

Jensen went to Congress and served 26 years before losing in the landslide of 1964. He was a member of the Appropriations committee, and earned a reputation as a watch-

dog for the taxpayer. He was instrumental in saving America's taxpayers countless millions of dollars.

He always maintained his home on Kilworth street in Exira, and fondly called it "Home, Sweet Home." He retired there after the 1964 election except for the winters which he and Mrs. Jensen spent in Washington. Mrs. Jensen became known throughout the district at "Lottie." Even after he left Congress Ben was active in politics.

Survivors, besides his wife, include a daughter, Mrs. Betty Fitzpatrick of Marblehead, Mass.; five grandchildren; two sisters, Mrs. Mary Christoffersen of Cedar Falls, and Mrs. Julia Workman of Colorado Springs, Colo., and a brother, Oscar, of San Diego, Calif.

Final rites were held Tuesday at 10 a.m. in the Exira Lutheran church, with the Rev. Stanley Larsen officiating. U.S. Senator Jack Miller delivered the eulogy (text of which appears below). Norman Kirk sang, "How Great Thou Art," and "Ave Maria." He was accompanied by Mrs. Fred Nelsen at the organ. Casket bearers were Marion Jensen, Sam Jensen, Robert R. Jensen, Alfred Sorensen, Bob B. Jensen, Neal Jensen, Charles Powers, and Iver Christoffersen. Burial was in the Exira cemetery under direction of the Corl Funeral home.

Members of the Exira American Legion provided an honor guard, and graveside military honors were provided by the Exira Legion post.

Many state officials attended the service. They included State Auditor Lloyd Smith, Secretary of Agriculture L. B. Liddy, Rep. William Harbor, speaker of the Iowa House of Representatives, along with six other state representatives; State GOP Chairman John McDonald of Dallas Center; former Democratic State Chairman Jake More of Harlan, and many others.

Jack Watson, onetime Council Bluffs resident who was Jensen's longtime trusted administrative assistant, attended the service from Washington. He now is assistant to Congressman Wiley Mayne.

SLICK OF THE MONTH CLUB

Mr. BOGGS. Mr. President, during the past weekend all America was shocked to see photographs of yet another major oil spill. This time, the oil-stained birds and shoreline were found near Tampa, Fla., after a tanker ran aground.

Since the *Torrey Canyon* broke up at sea nearly 3 years ago, we have had numerous incidents of damage to our environment as a result of the transportation of oil on the seas, as well as drilling for oil beneath the sea. It has been less than 7 weeks since New Year's Day, yet major oil spills have already occurred off Louisiana, Massachusetts, and the Canadian Province of Nova Scotia, in addition to Florida. It has reached the point where there is too much truth in the ironical reference made in the Wilmington Evening Journal to the "Slick of the Month Club."

Conferees from the Senate and the House have met periodically since before Christmas to resolve differences on legislation that would meet this problem of oil spills. The Senate version, introduced as S. 7, achieves the necessary goal of settling on any shipper or driller the legal and financial responsibility for any oil he discharges onto the seas. In the conference, we have settled many of the differences. It is my hope that these recent oil spills will give to the conferees encouragement to resolve rapidly the remaining points at issue. We may then achieve that time when the public interest stands fully protected should another "slick of the month" occur.

Mr. President, to enable my colleagues to read about this latest spill in the perspective of the growing problem of spills, I ask unanimous consent that the editorial I mentioned from the Wilmington Evening Journal be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY NOT START A CLUB?

Habitues of America's beaches and shorelines were not unfamiliar with the occasional blackening of these favorite haunts by accidental escape or deliberate discard of oil. The incidents were disturbing but infrequent enough so that it was possible to deplore them and forget them.

The horrifying potential of oil spillage was not brutally evident until March of 1967. 35 million gallons of oil spilled from the tanker Torrey Canyon, stranded off Land's End, England. That oil coated the sandy beaches of Cornwall and Brittany, fouled boats and harbors, and wiped out birds by the flocks.

When the incident's impact was finally established, Torrey Canyon's owners paid damages of $7.2 million.

Things haven't been quite the same since. Even the lesser damage of beaches by oil pumped from bilges or spilled by passing vessels is no longer taken philosophically. Delaware communities from Rehoboth Beach to New Castle have known the offensiveness of oil-coated shores.

There have been similar incidents at Fire Island, N.Y., Ocean City, N.J., on the Mississippi River and at Falmouth, Mass., since Torrey Canyon. Each stirred public indignation but none was great enough to generate remedial or preventive action.

That was not the case with the oil well leak in the channel off Santa Barbara, Calif., just over a year ago. The magnitude of blight by oil began to approach that of the Torrey Canyon; boats and harbors, beaches and wildlife again sustained uncounted losses.

The cry from aggrieved residents, businessmen and conservationists hasn't stopped. More than a year later, oil continues to seep from the floor of the channel, keeping the conservationists alert for new devastation of shorelines and decimation of wildlife.

Since the start of 1970, beaches and wildlife have been despoiled in disastrous volume at Grand Isle, La., and Martha's Vineyard, Mass. Last Thursday, the stern of the tanker Arrow sank off Nova Scotia, still leaking the million gallons of oil it contains. Extensive damage to beaches and marine life had only begun but was conceded to be inevitable by marine biologists.

The weekend brought news of a new threat, this time to the west coast of Florida. A tanker spilled oil for the second time in a week in Florida waters and the toll of shore and wildlife damage has just begun to be counted.

Sen. J. Caleb Boggs, R-Del., and fellow supporters seek final passage of a bill to provide stronger oil pollution controls. The House and Senate are preparing to compromise separate bills they approved to impose penalties on oil drillers or ships that damage coasts and waterways with spills or leaks.

Meanwhile, the hazard of oil spillage has reached the proportions where emergency restoration and conservation organization are so busy they ought to form a "Slick of the Month Club."

RED ATROCITIES NEAR MYLAI

Mr. CURTIS. Mr. President, from time to time some of us, even as the Vice President, have reason to question the news judgment of those who have accepted the responsibility and, in fact, have insisted on the right to keep us informed—as they see fit.

Without questioning the motives of the men who decide which news will run where, if at all, let me say some of their decisions, regardless of motivation, are most frustrating. Especially they are frustrating to those of us who are old fashioned enough to want at least to judge Americans by the same standards as the rest of the world is judged.

Today I have in mind particularly the Post of Thursday, February 12, Lincoln's birthday.

On page 1 of that edition of the Post is the story of Lieutenant Calley.

Those of us who read the Washington Post have noticed the very prominent display given to the Mylai massacre story. It is usually on page 1. As a result of the Mylai story other charges and rumors of atrocities and murders by Americans, whether justified or not, also have received prominent play.

Now I am not here to question that news judgment.

But I am here to ask why stories of Communist atrocities do not receive equal play?

The other side of the coin, however, is back on page A33, hardly a likely place for the hurried reader to find important news. The side of the coin I refer to is a story entitled, "Red Atrocities Near Mylai Revealed."

Mr. President, while not in any way justifying any atrocities Americans may have committed, it is well to know that the other side is also guilty.

American atrocities are isolated incidents of war. They are not a general practice of American military men. I do not think the North Vietnamese can make that same statement.

Mr. President, following is the atrocity story from page A33 of the Washington Post. On the assumption some of my colleagues might have missed it, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RED ATROCITIES NEAR MYLAI REVEALED

(By Arthur J. Dommen)

SAIGON, February 11.—A rare admission of atrocities by the Communists in South Vietnam has come to light—in the same province, Quangngai, where American troops are alleged to have massacred civilians at Mylai.

A document in the hands of allied analysts authenticates the enemy's responsibility for "the killings of 12-year-old children, their parents and relatives."

Frameups of personal enemies, summary executions and beatings of prisoners were also admitted, and the document complained that these actions reveal a breakdown of discipline.

The document, addressed to a "Comrade To," identified only as belonging to a "Quangngai city action unit," was signed by the single name "Hong" and the words "By order of NV71."

"In some areas, the hamlet secretary usually accused those who opposed him as being dangerous tyrants or spies," the document said. "Then the hamlet unit secretly arrested and executed these people without bringing them to trial . . .

"The killing of 12-year-old children, their parents and relatives occurred in some areas. The most serious thing was the secret execution of people which was carried out by a number of individuals of party committee echelons in hamlets, districts and villages," the document stated.

With the customary attention to detail shown by the Vietnamese Communists, the document urged "all comrades responsible for various areas" to ensure proper observance of regulations and to report all violations to higher echelons.

The Communist infrastructure in Quangngai Province, on the coast of central Vietnam, has been in operation for a generation now, and its members are regarded by their fellow Vietnamese as among the most hard-line Communists in the country.

American analysts said the document was captured near Quangngai city by troops of the Americal Division, the unit involved in the alleged Mylai massacre of March 1968. The date of capture was Dec. 13, 1969 and the document itself was dated Oct. 21, 1969.

The document was translated in full and distributed by the Captured Documents Evaluation Center, a branch of the U.S. Military Assistance Command in Vietnam.

Analysts have long known that the Communists followed a deliberate policy of eliminating persons they regarded as "reactionaries," but this is one of the rare instances of Communists admitting that the execution of such persons had gotten out of hand, even in one small area.

The document noted that "security sections will be in charge of making out rosters and will determine the people who deserve to be killed or warned."

COMMITMENT—NOT RHETORIC—NEEDED TO IMPROVE THE ENVIRONMENT SAYS SENATOR MUSKIE

Mr. EAGLETON. Mr. President, the task before us as we seek to control the forces that degrade our environment is becoming increasingly clear. Support for efforts to improve the quality of life in our cities and in our rural areas has begun to come from heretofore uninterested individuals and organizations. The public demand for increased action to deal with the problems of air and water pollution, disposal of agricultural and solid waste, and adequate recreational areas and living space is beginning to have an effect.

The Senator from Maine (Mr. MUSKIE) perceived the necessity for action to meet these needs long ago. As chairman of the Subcommittee on Air and Water Pollution of the Committee on Public Works since 1963, he has worked to develop effective programs for the control of air and water pollution and the disposal of solid wastes.

Last month, in Chicago, Ill., Senator MUSKIE provided a lucid exposition of the threat posed to our environment and the requirements needed for effective action. His message is especially significant in light of the rhetorical shroud which has begun to engulf public demands for action. I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ENVIRONMENT: CAN MAN PROSPER AND SURVIVE?

Adlai Stevenson once said: "It is the urgent duty of a political leader to lead, to touch if he can the potentials of reason, decency, and humanism in man, and not only the strivings that are easier to mobilize."

Today is the anniversary of Martin Luther King's birth. His death was a setback for the forces of reason, decency and humanism. It came at a time—still with us—when men tended to yield to "strivings that are easier to mobilize"—fear, suspicion, prejudice, hatred.

It would be well to pause a moment to consider a thought expressed by Einstein: "Many times a day I realize how much my own outer and inner life is built upon the labors of my fellow men, both living and dead, and how earnestly I must exert myself in order to give in return as much as I have received."

It is a thought which has its application as well to the question of man's relationship to his environment.

At least since Franklin's time, men have debated the blessings and the dangers of technological progress.

In 1843 Thoreau said of machines: "They insult nature. Every machine, or particular application, seems a slight outrage against universal laws. How many fine inventions are there which do not clutter the ground?"

Unhappily, perhaps, a different thought prevailed—one expressed in 1909 by city planners Daniel Burnham and Edward H. Bennett in these words: "The rapidly increasing use of the automobile" would promote "good roads and (revive) the roadside inn as a place of rest and refreshment. With the perfection of this machine and the extension of its use, out of door life is promoted, and the pleasures of suburban life are brought within reach of multitudes of people who formerly were condemned to pass their entire time in the city."

With the benefit of hindsight, which view would we say was nearer the truth?

This much—surely—we know: that material affluence exacts a price of the natural environment man needs to survive.

This much more we should know: that unless we change our ways, the price is one that threatens man's survival.

This, I believe, is the reason environmental protection has become such an important social and political issue.

It is important because the threat is real and present. It is important because it strikes at some cherished illusions about our society and about ourselves. It is important because the world which our children will inherit is in serious trouble.

The pollution problem is not new. Ancient societies sensed it. The Romans grappled with it. The British were plagued with it when they tried to use sea coral. Well over a century ago Henry Thoreau was warning us against damage to the natural resources of New England.

But until very recently, man has been willing to accept pollution as "the price of progress." Now he is not certain that "progress" is worth the price.

Lord Ritchie-Calder observed recently that "the great achievements of *Homo Sapiens* become the disaster-ridden blunders of unthinking man—poisoned rivers and dead lakes, polluted with the effluents of industries which give something called 'prosperity' at the expense of posterity."

Americans, today, young and old, are putting more stock in posterity than in the general dream of prosperity. They have been frightened by the prospect of nuclear war and appalled by the destruction of conventional war. Their confidence has been undermined by the findings about cigarettes and health, the side-effects of certain drugs, the long-term damage of pesticides and insecticides, and the potential hazards of diet-sweeteners which are supposed to keep you slim and trim.

They have learned a great deal about these threats through the media from television specials and newspaper and magazine articles, and even from advertisements placed by companies eager to prove how concerned they are about the environment.

As always, men and women will lash out against the obvious threats to their health and well-being. They will attack nuclear power plants and oil refineries, paper mills and automobile factories, tanneries and steel mills. At the same time, unfortunately, very few will ask questions about their own demand for electrical energy, for fuel, for paper, for automobiles, shoes and steel products. Very few will question the damage they are causing as part of a consumption-oriented society.

We must understand that we cannot afford everything under the sun. Since our technology has reached a point in its development where it is producing more kinds of things than we really want, more kinds of things than we really need, and more kinds of things than we can really live with; the time has come to face the realities of difficult choices.

The time has come when we must say no to technological whims which pose a greater threat to the environment than we can control.

We have come a long way in alerting the public to the danger of pollution. We still have a long way to go in getting individuals to accept their own responsibility for improving the environment—whether they are industrialists, developers, public officials, or private citizens.

In 1963 the Congress enacted the Clean Air Act over complaints that 'there is no need for the Federal government to become involved in air pollution."

In 1965 we moved to establish Federal control over automobile emissions while the Department of Health, Education and Welfare argued that a mandatory program was premature.

In 1967 we enacted the Air Quality Act establishing a regional approach to air quality improvement and were told by private industry that there is not sufficient evidence to demonstrate a relationship between health and air pollution.

Much the same legislative history accompanies enactment of Federal water pollution control legislation. Even though 15 million fish died last year from water pollution, even though water supplies are increasingly threatened, and even though demands for water recreation increasingly go unmet, industry leaders have resisted a minimal requirement to apply economic and technically feasible control technology for pollution abatement.

Very recently the soap and detergent industry contended that because it is not the only cause of lake eutrophication, it should not be asked to find substitutes for phosphates in its detergents.

The public is not prepared to accept such arguments any more. Neither is it prepared to accept empty political promises on environmental quality. And the public is right.

Too often our environmental quality legislation reminds us of unkept promises and unmet needs. We talked about $6 billion of Federal funds for community water pollution facilities and in 1966 the Senate voted that amount. The Congress finally agreed to $3.25 billion. But two Administrations have asked for only $620 million of the first $2 billion.

As the author of most of this legislation, I hope that new programs will be requested, that the Congress will respond, and that new commitments will be made. But I am concerned that new promises will be broken, because we are not prepared to back up those promises with the commitment of resources to the fight against pollution.

To those newly aroused about the dangers, let us make clear that the mere rhetoric of alarm is not enough.

To put it bluntly talk will not be cheap if its objective is further delay.

We cannot expect to whip the public into a fervor of anticipation and not deliver the environmental improvement our words promise.

Statements of national policy, appointment of advisory councils, reorganization of Congress or the Federal bureaucracy, and talk of incentives are cake when the people of the United States, especially the young people, would like to see some bread.

ABC's William Lawrence put it this way in summing up the nation's domestic needs: It is time to "put our purse where we put our promises."

This is the critical issue on which the success or failure of an effort to control and improve environmental quality will be devised. There is a tendency to assume that programs to attack existing pollution problems do not exist. They do—but they have not been funded.

To date no substantive environmental program has received meaningful support from President Nixon or his Cabinet. The Administration's effort has been slogan-rich and action-poor. Rhetoric has taken us in one direction, while inaction has taken us in the other.

Let's look at the record.

Water pollution control demands are high. The Federal government owes communities and States more than $760 million in due bills for projects now being built or completed, and new projects will need $2.3 billion Federal dollars this year. But this past year the Administration requested only $214 million of an authorized $1 billion. $800 million was voted by the Congress but indications are that nearly $600 million of these funds will be impounded.

Solid waste, responsible for numerous health and aesthetic problems, threatens to engulf us. Secretary of Health, Education, and Welfare, Robert Finch testified to the critical nature of the nation's solid waste problem during hearings on pending bi-partisan legislation—legislation which would move toward recovery, recycling and reuse of the vital resources which today the nation burns, buries or dumps. After providing an excellent critique of the immensity of the problems, he flatly opposed making available the funds required to fund and implement solutions.

A stirring State of the Union speech, based on thousands of man-hours of research on the problems of the environment will be just another *contribution* to environmental pollution if it does not include a firm commitment of manpower, money and back-up authority to attack the backlog of pollution problems and give us the capacity to prevent a greater disaster.

I want to underscore the importance of dealing with today's problems while we attempt to head off the threats of tomorrow. Because of the romantic appeal of combatting tomorrow's problems in their infancy, there will be a temptation to focus attention on the projected dangers at the expense of today's needs.

Romance is a necessary ingredient in motivating people to act, but it can turn to disillusionment if we find that we have protected ourselves against the dangers of DDT while our rivers and lakes have turned into cesspools.

We need an environmental policy which is designed to correct the abuses of the past, to eliminate such abuses in the future, to reduce unnecessary risks to man and other forms of life, and to improve the quality of our design and development of communities, industrial units, transportation systems and recreational areas. Such a policy must be carried out in the context of an increasing population which, because of the leisure and affluence available to it, will make greater demands on resources and the natural environment.

As a step toward implementing such a policy I have recommended the creation of a watch-dog agency responsible for Federal environmental protection activities. Such an agency must be independent of Federal operating programs and it must have authority to develop and implement environmental quality standards.

There are those who favor the creation of a Department of Natural Resources or a Department of Conservation to handle such functions. Whatever the merits of such a department to serve *other* purposes, such a move for these purposes would be a mistake, because it would ignore the fact that our environmental protection problem involves competition in the use of resources—a competition which exists today in the Department of the Interior and would exist in any department which must develop resources for public use.

The Department of Transportation is not the agency to determine air pollution control requirements for the transportation industry. The Atomic Energy Commission is not the agency to establish water pollution control requirements for nuclear power plants. The agency which sets environmental quality standards must have only one goal: protection of this and future generations against changes in the natural environment which adversely affect the quality of life.

The problems of environmental pollution will not be solved by picking up the rhetoric of anti-pollution concerns and then assigning the control of pollution to those responsible for the support or promotion of pollution activities.

The focus of our environmental protection effort must be man—man today, man tomorrow, and man in relation to all the other forms of life which share our biosphere. And man's environment includes the shape of the communities in which he lives, his home, his schools, his places of work, his modes of transportation and his society.

Our environmental concern must be for the whole man and the whole society, or else we shall find that the issue of environmental protection is another one of Don Quixote's windmills.

Last week I participated in hearings on our disaster relief program as it related to Hurricane Camille. Of all the lessons I learned from those hearings, one of the most important was the need to build better than we have when we have encountered a natural or man-made disaster.

The disaster of environmental destruction, which is all around us, should be turned into an opportunity to rebuild our society. We can make that opportunity if we reorder our priorities.

The economic imbalance which has caused the population shifts which now so deeply trouble our American cities.

The adequacy of housing and services both in urban and rural America.

The availability of health services.

The conservation of natural resources.

The availability of recreational opportunities in and around our cities.

All of these are high on the list of domestic priorities and none of these can be said to be any less important or basically more important than the crisis of the environment. They are, indeed, a part of the environment.

If we see man as a part of his entire environment, and if we see more clearly our relationship to each other, we may be able to make America whole again.

It is the crisis of division and distrust in our society which, left unresolved, will make achievement of our other priorities meaningless.

We cannot live as two societies or four societies: and government, State, local or Federal, cannot bring us together. Today is the anniversary of the birth of Dr. Martin Luther King, who spent a lifetime trying to weld black and white together and who was lost before he won. He gave his life to avoid this deep division and to eliminate hatred of man against his fellow man.

I think it is well to recommit ourselves today to the goals set forth by Martin Luther King, and to make that commitment in the spirit of the American dream, which is not simply affluence and physical comfort, but a society of healthy men and women free to achieve their own potential.

A STUDY IN MARXIST REVOLUTIONARY VIOLENCE: STUDENTS FOR A DEMOCRATIC SOCIETY

Mr. CURTIS. Mr. President, an astute and penetrating analysis of the revolutionary violence which is being conducted by the Students for a Democratic Society has been made by Mr. John Edgar Hoover, the Director of the Federal Bureau of Investigation.

This analysis was published in the December 1969 issue of the Fordham Law Review. Because many Members of the Senate did not have an opportunity to read it there, and should be aware of the contents of this excellent article, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A STUDY IN MARXIST REVOLUTIONARY VIOLENCE: STUDENTS FOR A DEMOCRATIC SOCIETY, 1962–1969

(By John Edgar Hoover, Director, Federal Bureau of Investigation, U.S. Department of Justice)

People ask, what is the nature of the revolution that we talk about? Who will it be made by, and for, and what are its goals and strategy?

The goal is the destruction of US imperialism and the achievement of a classless world: world communism.

The most important task for us toward making the revolution . . . is the creation of a mass revolutionary movement . . . A revolutionary mass movement is different from the traditional revisionist mass base of "sympathizers," *Rather it is akin to the Red Guard in China*, based on the full participation and involvement of masses of people in the practice of making revolution; *a movement with a full willingness to participate in the violent and illegal struggle.*

The RYM [Revolutionary Youth Movement] must . . . lead to the effective organization needed to survive and to create another battlefield of the revolution.

A revolution is a war . . .This will require a cadre organization, effective secrecy, self-reliance among the cadres . . . Therefore the centralized organization of revolutionaries *must be a political organization as well as military, what is generally called a "Marxist-Leninist" party.*[1]

We must take every opportunity to explain that the state cannot be challenged except through revolutionary violence. This is its nature.

We must study revolutionary principles of organization as Lenin, Mao, and others have written about them, develop collective methods of work and decision-making, and fight anti-communism. . . .

It is part of our function as a revolutionary youth movement. . . .[2]

We're not communist inspired. We're communists. Corrupt, evil and it [our system of government] should be destroyed, in fact smashed.[3]

A disease afflicts America today—the disease of extremism. We see extremism of sev-

Footnotes at end of article.

eral varieties: left wing extremism (Old Left and New Left); right wing extremism (Minutemen); black extremism (Black Panther Party); white extremism (Ku Klux Klan and anti-Negro hate groups).[4] The mass media each day is filled with charges and countercharges, with accusations and counteraccusations, with one group bitterly assailing and denouncing another group. All too frequently these verbal assaults are reinforced with violent acts: murder, assault, arson, bombings.

Extremism poses a dangerous threat to the integrity of democratic institutions. Every American should be concerned. When individuals or organizations take the law into their own hands, they render a grave disservice to the concepts of civility and legality which hold our society together. The Greek historian Thucydides many years ago wrote about Athens:

"Trust, the main element in high character, disappeared, laughed to scorn, and a convinced, suspicious hostility between man and man everywhere took its place."[5]

Our democratic society is held together by the law—that body of precedents, interpretations, statutes and pragmatic applicants which theoretically provides balance, fair play and, to the best of human judgment, justice and dignity to the individual. The democratic process provides for change—but change within the framework of law. "The life of the law," said Justice Oliver Wendell Holmes, "has not been logic: it has been experience."[6] The law is a constantly evolving process which allows errors to be corrected, judgments to be reversed, and new knowledge to be incorporated.

Our society allows and encourages protest and dissent,[7] the opinions of the minority as well as the majority. Every citizen and group has the right (and duty) to point out the many imperfections in society and to take steps to have them corrected. But these steps must be within the democratic process—not in opposition to the law. Civil disobedience, violence and flouting of the law have no place in a democratic society. Free government is tragically weakened when individuals show disrespect for the law, engage in vigilante actions or endeavor to set one element of society against the other. When any group openly proclaims that our government should be overthrown by violence, the time has come to be concerned—and we as a nation have reached that point!

The quotations above[8] reflect the existence in America today of a small group of individuals, primarily college students, who are working for the overthrow of our democratic institutions. A scant two years ago, few Americans had heard of the Students for a Democratic Society (SDS). Today these initials are the trademarks of a movement whose members have developed into embittered, vociferous revolutionaries who have ignited many campus insurrections. They have nothing but contempt for this country's laws.

Here is a new type of extremism, an extremism all the more dangerous because it emanates from a group of young people (many of whom are highly trained academically) whose bitterness against their country is so intense that many of them want blindly to destroy without much (if any) thought as to what is to emerge from this destruction. Their ill will is guided more by whim than plan, more by cynical pessimism than hope for a better future, more by the spiteful revenge of the frustrated than by dedication to a noble cause. A type of youthful barbarism[9] seems to have taken hold of this minority (SDS being an extremely small minority of our college generation). Danger arises from the fact that these people, in their hatred and anti-intellectualism, will cause great damage not only in the academic community but also in society as a whole.

Let us look briefly at the history and development of the SDS from a relatively obscure and mild campus group to an organization advocating Marxist revolutionary violence. Then let us discuss some of the controlling processes and techniques of the SDS mentality, *i.e.*, the processes which have severed allegiance to this country and to democratic principles.

The history of SDS is brief—spanning a scant seven years. Actually, SDS as we know it today was born at a convention of a mere handful of students meeting at Port Huron, Michigan, in June, 1962.[10] These were the days of the civil rights struggles in the South. Many SDS members and sympathizers had been active in voter registration drives and freedom demonstrations and rallies. Their enthusiasm ran high and it seemed that SDS was to be a militant protest group bent on achieving reforms.

The original ideological framework of the SDS was proclaimed in the so-called Port Huron Statement adopted at the founding convention. Though the statement dealt with many issues of the day, it was characterized by two key words—"participatory democracy"—meaning, among other things, that the institutions of American society should be more open for individual participation and citizens should be encouraged to develop a sense of personal responsibility and concern.

"As a *social system* we seek the establishment of a democracy of individual participation, governed by two central aims: that the individual share in those social decisions determining the quality and direction of his life; that society be organized to encourage independence in men and provide the media for their common participation"[11]

The preamble of SDS's constitution[12] contains this sentence:

"It [SDS] maintains a vision of a democratic society, where at all levels the people have control of the decisions which affect them and the resources on which they are dependent."

Following the Port Huron convention, SDS leaders returned to their respective campuses and embarked on an ambitious organizing campaign with the primary objective of "radicalizing" the students.[13] In 1964, the Free Speech Movement erupted at the University of California at Berkeley. Also, there were the Gulf of Tonkin incident (August, 1964) and the escalation of the Vietnam War. New Left leaders began channeling the movement into anti-war activities. The SDS actively participated in the growing student unrest and the demonstrations against the Vietnam War. However, SDS was not yet regarded as a revolutionary, violence-prone group.

In fact, SDS involved itself in community action projects. In the autumn of 1964, SDS reportedly was active in seven such projects.[14] The theory of these projects was to organize the residents of communities around the immediate issues which affected their lives, such as housing, jobs, education, voting rights, and opposition to the war in Vietnam.

The "participatory democracy" theme propounded by SDS brought many enthusiastic responses. "What is the strategy of social change implicit in the concept of participatory democracy?"[15] asks one commentator. He went on to say:

"The concept has become important this past winter [1964–1965] . . . [A] number of SDS leaders have left college and are seeking to apply the idea in Northern ghettos. . . .

"The SNCC [Student Nonviolent Coordinating Committee] or SDS worker does not build a parallel institution to impose an ideology on it. He views himself as a catalyst, helping to create an environment which will help the local people to decide what they want."[16]

Enthusiastically, this commentator could say: "A new style of work, fusing politics and direct action into radical community organization, is emerging in both SDS and SNCC."[17]

But the whole concept of "participatory democracy"—meaning a sincere effort to strengthen democratic processes by increased citizen responsibility—was a mere shibboleth. The seeds of anti-democratic thought contained in the original Port Huron Statement began to sprout, and the SDS (starting around 1966–1967) changed rapidly and perceptibly. It became more militant, more hostile, more anti-everything.

A close observer noted the process:

"A year ago SDS was discussing the possibility of a move "from protest to politics." Today the discussion, and perhaps the decision, is "from protest to resistance." The distinction between politics and resistance is so great as to imply a qualitative change."[18]

This "qualitative change" was fundamental and foreboding: *The SDS had rejected the role of working as a left wing force within the traditional political structure of society.* "Most people in SDS," said one of its national leaders, "are not even vaguely sympathetic to the parliamentary game."[19] Instead, it had cast its lot on a policy of resistance.

"No matter what America demands, it does not possess us. Whenever that demand comes—we resist.[20]

"A resistance movement, based on the slogan, 'Not with my life, you don't' is basic to helping people break out of their own prisons.

"Many of us in SDS share a conviction that this is what has to happen. That we must resist, and that people must break free. None of us is sure we can win. All we can say is that there are other ways to lead our lives in the face of the obscenity of what American life is—and that we intend to live them that way."[21]

The dangerous Rubicon of violence had been crossed! Since 1967 the SDS has been involved in an ever escalating tempo of radical activity. In the spring of 1968, SDS was a spearhead in the violent student demonstration at Columbia University. The 1968–1969 academic year saw SDS violence on many campuses, including the conviction of an SDS member at a Midwestern university under the federal sabotage statute[22] for attempting to bomb a Reserve Officers' Training Corps (ROTC) building on campus. In April, 1969, Cameron David Bishop, an SDS member, was placed on the Federal Bureau of Investigation's (FBI) "Ten Most Wanted" list of criminal fugitives. Bishop was charged with sabotage in the dynamiting of power transmission towers in Colorado.

The primary responsibility for handling violations of the law in connection with student disruptions rests with local law enforcement. The FBI, as a federal investigative agency, does not possess police powers including guarding buildings and grounds or providing personal protection. The FBI's responsibility is primarily twofold: (1) collection of intelligence data for immediate dissemination to authorized individuals in the executive branch of the government; and (2) securing evidence of any violation of federal laws within its jurisdiction.

Reported incidents attributed to the New Left suggest a few of the most serious federal crimes which some extremists may be disposed to commit. One group of offenses would be directed toward crippling military programs, including such acts as (1) sabotage to ROTC facilities on campus, recruiting stations, and other military installations, or war material (18 U.S.C. §§ 2151–56 (1964)); (2) destruction, theft, or alteration of any Selective Service document or record (50 U.S.C. App. § 462 (Supp. IV, 1969); 18 U.S.C. § 1361 (1964)); (3) counseling evasion of the Selective Service Act (50 U.S.C. App. § 462 (Supp. IV, 1969)); (4) counseling insubordination or disloyalty of troops (18 U.S.C. § 2387(a)(1) (1964)); (5) harboring deserters from the Armed Forces (18 U.S.C.

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§ 1381 (1964)); and (6) interference with government communications (18 U.S.C. § 1362 (1964)).

Another group of offenses would involve riot and civil disorder such as (1) traveling in interstate or foreign commerce to incite a riot or otherwise encourage, participate in, or commit any act of violence in a riot (18 U.S.C. § 2101(a)(1) (Supp. IV, 1969)); (2) interfering with any fireman or law enforcement officer on official duty during a civil disorder in any way that obstructs or adversely affects interstate commerce (18 U.S.C. § 231(a)(3) 1964)); or (3) interferes with the exercise of federally protected rights (18 U.S.C. § 245(b) (Supp. IV, 1969)).

There are many other possibilities, of course. Among these are (1) advocating overthrow of government (18 U.S.C. § 2385 (1964)); (2) desecration of the flag of the United States (18 U.S.C. § 700 (1964)); (3) assaulting, resisting, or impeding certain officers of the federal government (18 U.S.C. § 111 (1964)); (4) assaulting certain foreign diplomatic and other official personnel (18 U.S.C. § 112 (1964)); and (5) threats against the President (18 U.S.C. § 871 (1964)).

At the SDS's 1968 national convention in Michigan, a workshop on sabotage and explosives was held. Here participants were told not only how to manufacture Molotov cocktails and incendiary devices but also how they could best be used against the "Establishment."

In December, 1968, the SDS's National Council approved a resolution entitled "Towards a Revolutionary Youth Movement." This resolution stated flatly:

"The main task now is to begin moving beyond the limitations of struggle placed upon a student movement. We must realize our potential to reach out to new constituencies both on and off campus and build SDS into a youth movement that is revolutionary.[23]"

This is where SDS is today [24]—a youth movement dedicated to a revolution of violence.

The SDS, however, is merely one group in the so-called New Left movement. This movement consists of many elements, for example, anarchists, communists (of various types), hippies, pacifists, and idealists. We must be extremely careful in differentiating and not lump all protesters into the extremist SDS category. Protest is a legitimate function of the university and society as a whole. This nation was built on protest. Many students and adults, for sincere reasons of their own, oppose the war in Vietnam, the draft, and university policies. They have a right to protest within the structure of free government. Great damage can be done by labeling these individuals as SDS members or guilty of advocating revolution. These non-SDSers are frequently manipulated by the extremist minorities, but they should not be summarily categorized as members or sympathizers of SDS.

Just what processes caused these tragic developments in the SDS? What factors molded the thinking and actions of this extremist minority of young people?

1) *A basic and fundamental rejection of democratic institutions and values as archaic, irrelevant and meaningless.*

SDS literature is filled with comments contemptuous of democratic institutions and processes. "I don't plan to vote," said an SDSer. "It's no choice—there are three pigs running for president. [W]e denounce the electoral process, it's senseless." [25] "Vote Where Power Is. Our Power Is in the Street." [26] proclaimed an SDS publication. "While courts are still available to us as a means of defense, we should use them to the fullest extent, using the opportunity each time we appear in court to make clear the political nature of the police, courts, and attacks on individuals," [27] proclaims the Revolutionary Youth Movement II. The law enforcement officer is called a "pig." SDS members taunt, and hurl bitter obscenities against the police officer. In a recent interview SDS leaders were asked:

Question: "How would you describe the government and the structure of this country?"

Answer: "Capitalist, pig, power structure. That's what it is."

Question: "Would you call it democracy at all?"

Answer: "No." [28]

The whole history of Judaic-Christian culture is ridiculed, mocked and scorned. Out of this rejection of a belief in democratic values, grow dangerous processes.

2) *Violence as the type of leadership required to effect change in the United States.*

If an individual rejects democratic values, then violence becomes an acceptable means of action. The hatred of the "Establishment" (meaning the government, the military, private industry, and the educational system) is so intense that *any* means of attack is justified.

"Until the student is willing to destroy TOTALLY and JOYFULLY those repressive structures—to attack and destroy the bourgeois social order—his student movement will always be just that—never truly revolutionary. There can be no liberated university in a dead society. All or nothing. The buildings are yours for the burning, for until they are destroyed, along with civilization and its DEATH, YOU will not live.

"The revolutionary project should be clear to the student—destruction of the university . . . unless the student is capable of destruction as creation, there will be no revolutionary transformation." [29]

To the SDS member, a key feature of this violence is guerrilla warfare. "We are working to build a guerrilla force in an urban environment." [30] He looks upon himself as an extremely small minority in a vast sea of hostile "imperialism," impotent, inconsequential and weak. Revolutionary power can be generated in his eyes, therefore, only through guerrilla tactics.[31] No wonder the guerrilla, the individual who defied the Establishment and fought to overthrow existing society, is a New Left and SDS hero.[32] Very revealing, guerrilla warfare is a topic of study in the so-called free universities.[33] Here is a description of one course from a free university catalogue:

"URBAN GUERRILLA WARFARE

"We will study the aims and techniques of guerrilla warfare in an urban setting: organization, training, propaganda, intelligence and counterintelligence, sabotage, and civilian resistance. We will do this through the use of theory texts, practical manuals, and war games." [34]

The whole concept of violence was tragically emphasized in a recent issue of SDS's *New Left Notes*. Under the caption, "Bring the War Home!," page one carried a full page photograph of a little boy with a big smile placing an object on a railroad track. The description read: "With a defiant smile, a 5-year-old . . . shows how he placed a 25-pound concrete slab on the tracks and wrecked a passenger train." [35]

3) *This violence is justified as moral, honorable, the thing to do. This gives SDS violence and potential violence a pseudo-religious fervor, a seeming moral imperative leading to the danger that the uncritical observer may consider the perpetrator as a martyr rather than a criminal.*

In one attempted bombing by an SDSer, the culprit, who was apprehended and convicted, said he did not really want to injure any person. He wanted to destroy this ROTC building, he said, as a symbolic act, as his personal protest against the Establishment.

This SDS attitude is reminiscent of previous anarchist criminal activities in this country. Emma Goldman, the well known anarchist leader, has told how she and Alexander Berkman, another anarchist, plotted the murder of a key American industrial leader who, in their eyes, was symbolic of the hated Establishment. Berkman would personally attempt to kill him—not that Berkman had a personal grievance against this man, but that this individual was a "symbol of wealth and power." Berkman would gain nothing personally—nor did he expect anything.[36] To these anarchists, the deed was justified because it would not only shock the Establishment but also would propagate their message to the whole nation. The "message" was as important as the deed. It was for the cause! Goodman adds:

"Our end was the sacred cause of the oppressed and exploited people. It was for them that we were going to give our lives. What if a few should have to perish?—the many would be made free and could live in beauty and in comfort. Yes, the end in this case justified the means." [37]

Some SDS leaders have talked about "the politics of guilt"—meaning that, in their opinion, Americans have troubled and guilty consciences about injustices and inequities in their society. To the hard core SDS members, a policy of violent confrontation (including campus insurrections, bombings and arson) hopefully will bring public sympathy and approval (even if silent).[38] Moreover, it may stir up interest in their cause and even prevent their prosecution later on criminal charges!

As a nation, we must recognize that this style of anarchist violence is a violation of our laws and should be treated accordingly.

4) *Disaffection from democratic values and a growing tendency toward violence have led to an increasing SDS emphasis on revolution, meaning a qualitative and fundamental change in the economic, political, social and cultural system of this country.*

Not long ago an observer of SDS activities commented that the SDS's attitude toward specific issues, such as opposition to the ROTC, the war in Vietnam and the university system, had become secondary to a bigger, broader, more important goal, namely, revolution.

Today, the SDS is calling into question the entire structure of American society and pronouncing it unfit for survival. The system as a whole, it says, is the enemy, not specific injustices and weaknesses. Accordingly, what is needed is a total purging of what is regarded as "evil," "corrupt," and "degenerate." Apparently, there is to be no compromise, no selection of what is good or bad. The entire apparatus is to be discarded.

"Ideologically we began to grasp the idea that the system as a whole was the enemy; tactically we began to try to attack the system as a whole system. We gradually abandoned the notion that if we fought and fought for reforms we might succeed in reforming the system away or that consciousness would somehow arise out of enough local fights so eventually the local rent-strike group would spring into action as a guerrilla force." [39]

Gone are the days of "sewer socialism," [40] a term used by the SDS to mean reformist efforts on a local basis to improve society. The anti-war demonstrations changed this attitude.

"Here in the United States those demonstrations set the terms for the struggle and gave the movement a push in gutsiness and in the targets it chose to attack. Remember the Pentagon and the nearly simultaneous West Coast Oakland Induction Center demonstrations. The slogans, targets, and militancy were almost totally new. We moved from individual acts of moral protest—remember the spring before the draft card burning had been considered the very limit of the movement—to massive attacks on the centers of military power in this country." [41]

The march on the Pentagon (October,

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1967), according to the SDS, enabled the Movement to reach out "to millions where our organizing in the past could only reach thousands. . . . The demonstrations had a double effect: They spread the word that it was legitimate to fight and helped create a culture of resistance in which GIs revolted, white working-class gangs turned political. . . ." [42]

The outcome is the current effort by the SDS to develop what is called a revolutionary youth movement (RYM). An SDS faction, Weatherman, issued a position paper which talks about a cadre-type, clandestine organization of revolutionaries under the discipline of centralized leadership. This organization would be buttressed by a revolutionary mass movement. "The most important task for us toward making the revolution . . . is the creation of a mass revolutionary movement, without which a clandestine revolutionary party will be impossible." [43]

Can SDS, with its factionalism and hatred of discipline, create a revolutionary organization? Without it, the revolution cannot be brought about. The SDS militants know that discipline, organization and trained leadership are needed. The very fact that so many SDSers are talking seriously about revolution makes the future one to watch closely.

5) *"The new left as it has been known during this decade disappeared during the Chicago SDS convention. It is being replaced by Marxism Leninism."* [44]

This diagnosis by the *Guardian*, the "independent radical newsweekly" which reports New Left activities, identifies a process inherent in SDS even from its early days. SDS (including its many factions) is today Marxist-Leninist oriented.

A loosely structured group, SDS has always been an ideological potpourri, including several varieties of Marxist positions: Trotskyites (Socialist Workers Party and its youth group, the Young Socialist Alliance), pro-Moscow communists of the Communist Party, USA, and its youth affiliate, the W.E.B. DuBois Clubs, and the pro-Red Chinese Progressive Labor Party. As time progressed, the Progressive Labor Party (PLP) became extremely strong in the SDS, resulting in a massive factional struggle at the June, 1969, national convention. The PLP faction was expelled and exists today as a rival group claiming that it is the true SDS.[45]

The two National Office factions (Weatherman and RYM II) and the Progressive Labor Party group have both similarities and differences. Because of conflicting claims the task of distinguishing their positions becomes difficult. The *Guardian* of June 28, 1969, however, reporting on SDS's National Convention, sets forth a brief summary of the various viewpoints.

"RYM, as the concept is known, seeks to convert SDS into a mass revolutionary organization of youth grounded in Marxism-Leninism and Mao Tse-tung's thought. . . . [T]he RYM group split into two factions known as "weatherman" and RYM 2, based on names of papers submitted to the convention by the two groups.

"Both factions agreed on many points, but came to a parting of ways due to different ideas on such questions as black liberation, women's liberation, nationalism, the white working class and action tactics.

"Weatherman . . . tends to deny the leading role of the working class in revolutionary struggle. It has been charged with adventurism both for its seeming indifference to white workers and for a shock-brigade action strategy . . . .

"Blacks in the U.S. are viewed [by] weatherman as a separate colonized nation within the oppressor country. National liberation for blacks in the oppressor country, it is maintained, cannot be accomplished until capitalism is overthrown. On women's liberation, the weatherman tendency holds that women should be organized around anti-imperialism, antiracist struggles.

"RYM 2 . . . sees the proletariat as being the main force in the revolution, while at this stage, revolutionary blacks at home and liberation struggles abroad play the leading role. Blacks, women and students, RYM 2 holds, play a key role in raising the consciousness of the working class by struggling for their own liberation.

"Blacks in the U.S. are seen by RYM 2 as a separate nation, but because of the dual position of black workers—oppressed as blacks, super exploited as workers—'their fight for the right of self-determination is a precondition for any kind of socialism in this country.' This struggle for liberation, along with women's struggle for liberation from male supremacy and the struggles of youth, is seen as a means of developing proletarian unity and revolution." [46]

As to the PLP (here called PL) the *Guardian* states:

"PL, which considers itself the vanguard of the proletarian struggle, sees the working class as the key to revolution. While supporting self-determination, PL insists that national liberation struggles, including the black struggle in the U.S. must have a class character. Juxtaposed to the Black Panther Party slogan, "Power to the people," PL demands 'Power to the workers.' PL says student actions must be in the objective interest of the working class. . . . Women are seen as superexploited workers, victims of the ruling class—not as being oppressed by men as well.' " [47]

These groups differ also on tactics (how to bring about the revolution as well as on overall strategy, the revolution itself). The Weatherman faction is the most militant, believing that direct, forcible, in-the-street guerrilla incidents must be pursued. RYM II, though not disavowing violence, is less militant. Guerrilla-violent tactics, RYM II leaders feel, are self-defeating and will probably alienate both potential recruits and public opinion. RYM II stresses study and education with an emphasis on the classical definition of the working class as the correct means to attain revolution. The PLP follows more RYM's tactics than those of Weatherman. The PLP, basing its position on the historic teachings of Marxism-Leninism, is not opposed in principle to the use of force. However, tactically speaking, it feels such extremist tactics at the present time would do the movement more harm than good.

Perhaps the SDS is the victim of history—that in attempting to bring about a revolution against "capitalist" society, it has partially succumbed to the Marxist-Leninist analysis of "imperialist" society.[48] Marxist terminology, concepts and thought processes permeate SDS revolutionary literature. In fact, the SDS, despite the purported intellectual prowess of its leadership, has not developed on its own an original self-thought-out revolutionary analysis of capitalist society which would be independent of the historic Marxist viewpoint! Rather, the SDS and other New Leftists, who consider themselves "youthful" and "modern," have become prisoners of a nineteenth century doctrine!

A key issue pertaining to Marxist doctrine is SDS's efforts to make contact with the "working class," the "industrial proletariat" whom Marx considered as the class destined to carry out the revolution. Can students alone bring about a revolution? Most SDS thinking (especially the PLP faction) says "no." Students must combine with "workers." In the summer of 1969, the SDS instituted a highly publicized "Work In" program [49] whereby SDS members were encouraged to secure jobs in private industry for the purpose of making personal contact with workers. In these contacts they were to attempt to "radicalize" the workers, that is, to convince them of SDS's position on current issues.

There is an abhorrence in the SDS to the Communist Party, USA, which is considered "bureaucratic," "old-fashioned" and "irrelevant." Communist Party, USA, leaders and members have been active in SDS activities, but its leadership is skeptical and critical of many SDS policies.[50] For that reason, some top SDS leaders [51] have publicly identified themselves as revolutionary communists with a small "c", that is, they claim they owe allegiance to the principles of Marxism-Leninism but not to either the Communist Party, USA, or its mentor, the Soviet Union.[52]

Actually, however, all SDS factions are Marxist—with the Marxist contempt for law, the dignity of the individual, and the rights of others. The tragedy of the SDS is that a group of young people, some with personal idealism and sincerity, have "jumped the tracks." They have left the mainstream of the democratic processes which have given life and meaning to the American experiment of government.

These students, many from economically effluent and well-educated families, have actually corrupted idealism and sullied the historic academic search for the truth. Many of their errors come from a shallow intellectualism, a lack of knowledge of history, and an arrogant self-righteousness which leads them to believe they alone know the truth. Dialogue, reason and understanding are scorned as contemptuous bourgeois values. "Non-negotiable demands," pompous generalizations, the simplification of complex issues into irrelevant and pious slogans—all these have propelled the SDS into the wasteland of nihilism, revolution and destruction.

Moreover, in the process they have lost their independence as either thinkers or custodians of the hopes of the future. Why? Because they have been captured by an antiquated totalitarian system known as Marxism-Leninism. In all their talk about being avant-garde, advanced thinkers, the bringers of a "new day," SDS leaders are voices from the past who talk in terms of violence, brute power and destruction. These are the age-old techniques of the conqueror and the criminal. In the name of dissent, SDS attempts to stifle dissent. In the name of an alleged pursuit of "justice," SDS is willing to jeopardize and undermine the accomplishments, values and welfare of a society which today is providing a higher standard of living and greater personal freedoms to its citizens than any society in history.

Our society has an obligation to face up to the realities of SDS extremism.

First, we must remember that SDS tactics represent a minority sentiment on our college campuses. The 1960's have been an age of protest, of questioning, of asking vital questions about our society. Our colleges have produced an inquiring generation, young people who are sincerely and deeply concerned about problems which arise from a complex, industrialized, urban society. We want this questioning process to continue. We should be thankful for the sophisticated, intelligent, poised generation of young people now coming of age.

Second, adults have a special obligation to establish and maintain a dialogue with the rising generation. All too frequently we in the FBI find a complete lack of communication between parents and young people about the really serious issues of life. Yes, there is talk about a new car or a vacation trip, but amazingly little about some of the basic problems which concern young people today (the war in Vietnam, the draft, race relations, poverty). Often a parent and a child violently disagree—and each goes his own way, preventing the mutual interchange of opinions. The generation gap is, to a large extent, a communication gap.

Footnotes at end of article.

Third, in discussing the SDS (or any other type of extremism) we must be careful of our facts and not indiscriminately label those whom we do not personally like or whose opinions are unpopular as extremists. We must remember that many non-SDS, moderate students are also protesting about key issues of the day. We should not label these legitimate protests as "SDS extremism" and therefore dismiss them from consideration. The genuine, hard core radical on campus must be distinguished from the legitimate protester.

Fourth, we must remember that the way to combat extremism is not by counterextremism. In other words, one of the dangers of SDS extremism on campuses is that it will engender antidemocratic vigilante and illegal actions against this minority. These extremists can and must be handled under due process of law. There is no room either on or off campus for an antidemocratic backlash.

Fifth, society must take seriously its own weaknesses and work to remedy them, promptly, effectively and fairly. Young people very rightfully hate hypocrisy and sham. The best way to counteract extremism of any kind is through a healthy society with self-creative energies working for constant improvement.

Sixth, the legal profession has a special obligation. It simply cannot remain quiescent about the SDS's stance toward our laws and democratic society. Students in law school, in particular, have an excellent opportunity, through campus media and discussions, to emphasize the sanctity of the law and to explain that violence ultimately is self-defeating. If lawyers do not protest extremist violations of the law, who else is there to defend the law?

Theodore Roosevelt said: "Much has been given us, and much will rightfully be expected from us. We have duties to others and duties to ourselves; and we can shirk neither." [53]

America must face up to the challenge of extremism—lest, step by step, the foundations of law are eroded to the detriment of all of us. No cement more durable to hold together a free society has ever been found than the law and all the majesty it represents.

FOOTNOTES

[1] You Don't Need a Weatherman to Know Which Way the Wind Blows, New Left Notes, June 18, 1969, at 3, col. 1 (emphasis added).

[2] Revolutionary Youth Movement II, New Left Notes, July 8, 1969, at 5, col. 1. The Students for a Democratic Society (SDS) met in national convention in June, 1969, in Chicago, Illinois. Intense factionalism erupted, and the organization split into two major groups each claiming to be the true SDS. One group is generally known as the National Office faction, the other the Progressive Labor Party. The National Office group, in turn is beset by factionalism and differing viewpoints. One such subgroup is known as the Weatherman group, the other the Revolutionary Youth Movement II, based on the two position papers issued.

[3] Interview with Mark Rudd, SDS National Secretary, on Television Station WJW, Cleveland, Ohio, Aug. 30, 1969.

[4] The Ku Klux Klan has frequently abused the rights of others through extremist and terrorist violence. The brutal murders of Lt. Col. Lemuel A. Penn in Georgia (July, 1964) and of three civil rights workers in Mississippi (June, 1964) are flagrant examples of Klan violence. Extremism denies the legal rights of others (such as the right of assembly, free speech, travel, vote, and the press). On May 2, 1967, a group of Black Panther Party members armed with rifles, shotguns, and handguns invaded the chamber of the California State Assembly while that body was in session to protest pending gun legislation. Obviously, here was an attempt to intimidate the legislative process. In October, 1969, groups of SDS members descended on Chicago, engaging in an orgy of vandalism. These types of hooliganism are a threat to the operation of democratic institutions.

[5] J. Finley, Thucydides 210 (1963).

[6] O. W. Holmes, The Common Law 1 (1881).

[7] Legitimate protest encompasses a wide variety of choices and techniques, such as writing or visiting your congressman or other elected officials, letters to the editors of newspapers, petitions to legislative or executive bodies, and peaceful rallies and demonstrations. Legitimate protest means, basically, citizens expressing their opinions and views within the framework of the law. Our news media reflect constantly instances of how legitimate protest brings changes in society—ranging all the way from obtaining new traffic signs and playgrounds to changes in national policy. A great strength of our society is its ability to adjust to new problems, issues, and challenges through orderly and lawful change.

[8] See text accompanying notes 1 & 2 supra.

[9] A vivid contrast to SDS extremism is shown by the many examples of student groups which have peacefully sought the correction of alleged wrongs in society and achieved results. Sometimes these groups are interested in strictly local problems (traffic control, local elections, housing). Other times, the campus group is part of a larger off-campus organization (political, economic, cultural).

[10] SDS was originally the youth affiliate of the League for Industrial Democracy. The two organizations, however, parted in 1965.

[11] Port Huron Statement, SDS Convention, Port Huron, Mich., Aug., 1962, at 7.

[12] The full text of SDS's constitution can be found in New Left Notes, June 18, 1969, at 2.

[13] SDS is the most militant of New Left groups. From its early days, SDS was basically an unstructured type of organization with little internal discipline (though this is now changing with some elements in SDS trying to develop a more disciplined cadre type of organization). SDS is held together primarily by national secretaries who travel extensively. There are an estimated 200 to 250 chapters, varying in size. These chapters are autonomous, doing "their own thing." Very little, if any, control can be exercised by the national headquarters (in Chicago) over these chapters. Membership is difficult to determine because of the loosely knit structure. SDS claims some 40,000 members. In addition, on key issues SDS is able to mobilize the sympathetic support of a large number of none-SDS members, especially on anti-Vietnam and anti-draft issues. The moderate students, however, almost invariably drop away when SDS engages in confrontation and violent tactics. Since the June, 1969, national convention, SDS has become factionalized, so it it difficult to speak of unitary and national policies.

[14] Smith, Report on SDS: Students now stressing 'resistance', National Guardian, April 8, 1967, at 1, col. 3.

[15] Lynd, The New Radicals and "Participatory Democracy," 12 Dissent 324, 327 (1965).

[16] Id. at 324, 328.

[17] Id. at 324.

[18] Smith, Report on SDS: Students now stressing 'resistance', National Guardian, April 8, 1967, at 1, col. 1 (became known as Guardian (Independent Radical Newsweekly) in the issue of Feb. 10, 1968).

[19] Id. at 8, col. 2 quoting G. Calvert.

[20] Id. at 1, col. 2.

[21] Id. at 8, col. 3.

[22] 18 U.S.C. § 2155 (1964).

[23] SDS National Council, Towards a Revolutionary Youth Movement (Dec. 1968), in Guardian (Independent Radical Newsweekly), Jan. 18, 1969, at 7, col. 1.

[24] In October, 1969, the Weatherman faction of the SDS staged a series of violent street demonstrations in Chicago. "Radical members of Students for a Democratic Society," read a news account, "wearing helmets and carrying clubs, ran through this city's near North Side last night, breaking windows, damaging cars and intermittently battling with the police." Chicago Police Battle Radicals, Washington Evening Star, Oct. 9, 1969, at 1, col. 8. The young people used clubs, chains, and pipes and as a tactic would suddenly break out of a peaceful march into small groups, yelling and throwing stones at anything in sight (so-called "guerrilla tactics").

These demonstrations were the result of careful advance planning by Weatherman. Members were encouraged to come to Chicago for violent confrontations. For example, in the September 20, 1969, issue of New Left Notes, an article was carried entitled: "The Time is Right . . . For Fighting in the Street." This article stated: "It is a war in which we must fight. We must open up another front against US imperialism by waging a thousand struggles in the schools, the streets, the army, and on the job, and in Chicago: October 8–11." New Left Notes, Sept. 20, 1969, at 6, col. 2. Another heading read, "The Time is Right . . . For Violent Revolution." Id. at 10–11. Still another article dealt with how to dress for the violent confrontation ("Wear a motorcycle helmet or surplus army helmet." "Wear protective clothing. Wear hard shoes, never wear sandals! Wear shirts and jackets with tight cuffs and high collars for protection against gas." Id. at 14) and how to behave medically ("Don't panic if you see someone with blood streaming from the head." "Never try to remove a bullet that is still in the body." "Get a tetanus shot." "If you do go to a hospital, treat the doctors and nurses there as if they were pigs." id.).

[25] Daily World, Oct. 19, 1968 (Magazine), at M–4, col. 3 quoting Jerry Selinger.

[26] New Left Notes, Oct. 25, 1968, at 12.

[27] New Left Notes, July 8, 1969, at 9, col. 3.

[28] Interview with Mark Rudd, SDS National Secretary, and two other SDS leaders, on Television Station WJW, Cleveland, Ohio, Aug. 30, 1969.

The transformation of SDS into a more violent posture has caused many moderates and genuine liberals to drop out of the movement. A New Leftist paper comments: "Middleclass liberals, who once predominated in the organized antiwar movement by sheer numbers and political influence, are now a minority, though the decline in influence has taken overlong. The 'hard-core' radicals of last August in Chicago and January in Washington are now ascendant, not simply relative to the liberal shambles but absolutely, in terms of numbers and influence." Viewpoint, Guardian (Independent Radical Newsweekly), April 12, 1969, at 12, col. 1.

[29] Destructuring of SDS 7 (1968) (Leaflet distributed at SDS National Convention, June 9–15, 1968, East Lansing, Mich.).

[30] Hofmann, The New Left Turns to Mood of Violence in Place of Protest, N.Y. Times, May 7, 1967, § 1, at 1, col. 3 quoting G. Calvert.

[31] Here are the tactics of Weatherman as personified in the violent confrontations which took place in Chicago in October, 1969. Weatherman is gambling that guerrilla tactics, on the street violence (as in Chicago), will pay it high dividends in the radical left extremist movement: (1) by attracting recruits and validating militant street warfare as the best means of revolutionary action, and (2) by providing on the spot training for the building of a cadre revolutionary organization. Will it succeed? Hopefully, this militant Weatherman approach will be self-defeating, that more moderate student groups will arise, and that democratic methods of protest will prevail. Much will depend on the students on campus themselves.

[32] Fidel Castro, Ché Guevara, Ho Chi Minh, Mao Tse-tung are the tactical-ideological

heroes of the New Left. SDS and other New Left literature carries extensive and favorable comments about them (including quotes from their writings and speeches). The Guardian, for example, devoted considerable space to what were reported to be unpublished documents from the Bolivian notebooks of Ché Guevara. These dealt with Ché's plan for guerrilla warfare. Urban Guerrilla Warfare: Ché's Plan, Guardian (Independent Radical Newsweekly), July 20, 1968, at 13.

[33] These are a haphazard assortment of classes on a variety of topics relating to the radical movement open to students (and others). Instructors may be faculty members, students or off campus personalities. Classes are largely freewheeling discussions and have no official connection with the university.

[34] Midpeninsula Free University (Menlo Park, Cal.), Catalogue 37 (Fall 1968).

[35] New Left Notes, Aug. 29, 1969, at 1.

[36] 1 E. Goldman, Living My Life 87 (1931).

[37] Id. at 88.

[38] SDS has had both successes and failures. At some campuses during the 1968–1969 academic year, SDS was able to mobilize successfully a large number of students on certain issues. Sometimes SDS exploited sensitive issues on the campus, as dormitory regulations, the unpopularity of some administrative decisions on personnel, a failure of communications between the administration and students) of deep concern to many students. In such instances, SDS was able to gain the support temporarily of moderate students, students who were interested exclusively in campus reform, not disruption or revolution. Failures of SDS have been a growing extremism, an inability to maintain moderate support, and difficulty in attracting non-college (working) youth.

[39] Look At It: America 1969, New Left Notes, Aug. 15, 1969, at 9, col. 3.

[40] SDS's exact words in speaking about "sewer socialism" are: "We had, in fact, overcome localism, provincialism, and tendency for 'sewer socialism'—the term for those in the era of Socialist organizing before the First World War who wanted to concentrate on local issues, prove that socialists could deliver street lights faster than the bosses could, and to build socialism in one city." Id. at 12, col. 2.

[41] Id.

[42] Id.

[43] You Don't Need a Weatherman to Know Which Way the Wind Blows, New Left Notes, June 18, 1969, at 8, col. 3.

[44] Viewpoint, Guardian (Independent Radical Newsweekly), July 5, 1969, at 12, col. 2.

[45] The "PLP problem" had been brewing for a considerable period inside SDS. In a pamphlet on why SDS expelled PLP, published by the National Office of SDS, these comments are found: "SDS's differences with PLP were not differences 'within the movement' or 'within SDS.' They are principled differences on what the movement is about, where and what the international struggle is about, and who the sides of it are. Since the PLP opposes revolutionary nationalism on the part of the colonized peoples; opposes the self-determination of black people within the United States . . . then they are in no sense a part of the people's movement, but in fact serve the enemy of the people." New Left Notes, Sept. 12, 1969, at 2, col. 3. In this connection, the Guardian, reporting on the 1969 national convention, talks about a "virtual ultimatum" from the Black Panther Party (and some other groups) demanding "that SDS purge itself of tendencies opposing their line on self-determination of oppressed peoples (including the right to secession). While insisting that it supports self-determination, PL[P] has stated that 'all nationalism is reactionary,' including the nationalism of oppressed minorities within the oppressor nation." SDS ousts PLP, Guardian (Independent Radical Newsweekly), June 28, 1969, at 3, col. 3.

In addition to these differences, there were problems of personal power (i.e., which leaders were to dominate). Actually, the voting strength of PLP was strong, and anti-PLP elements feared that PLP might even take over.

[46] SDS ousts PLP, Guardian (Independent Radical Newsweekly), June 28, 1969, at 3, col. 3, 11, col. 1.

[47] Id. at 11, col. 1.

[48] SDS's Marxism is not yet an exact replica of the historic doctrines of communism. Marxism-Leninism, for example, does vaguely paint a future society after the revolution which, it is claimed, will bring a more abundant, just and harmonious life. The SDS, however, reflects little interest or concern about any society which would come after the revolution it proposes to bring about. Its main purpose is to destroy what now exists. In this aspect, SDS is closer to anarchism than Marxism. SDS, as an activist group, appears to have adopted those concepts, principles, and slogans of Marxism-Leninism which can best be used as destructive weapons against the "Establishment"—as "class struggle," "dictatorship of the proletariat," "imperialism." "[W]e live in a period when capitalism has developed into its highest stage—worldwide imperialism—and that because of this development the class struggle has become a worldwide struggle often manifesting itself in people's wars." Education Secretary's Report, The Boston Strangler: A Paper Tiger, New Left Notes, July 8, 1969, at 3, col. 1.

SDS talks about the need to wage armed struggles for liberation and overthrowing the capitalist order. The RYM II statement says: "In order for the U.S. proletariat to play its historic role, it must be led by a party of revolutionaries, organized on the basis of democratic centralism, guided by the science of the proletariat, the teachings of Marx, Engels, Lenin, Stalin and Mao. The party must be able to apply these teachings to the specific conditions of the U.S., in order to import class consciousness into the spontaneous struggles of the proletariat." Revolutionary Youth Movement II, New Left Notes, July 8, 1969, at 5, col. 4.

[49] The SDS circulated a "Work-In Organizers Manual" designed to aid SDSers in obtaining jobs. The Manual sets forth data on how to find a job, how to dress, what to say and not to say, and how to behave. "Try to make a few friends among the workers that might last beyond the summer. Two or three—or even one. And try to get their addresses and phone numbers before you leave the job. . . . Join the bowling league or the baseball team. Avoid running home at the end of the day to the 'safe' company of your old friends and political buddies. . . . Go to the bar or whatever hang-out they go to after work. . . . If you can't hold your liquor, don't make a fool of yourself trying to be what you think is 'one of the boys.' Get to work early—sit around and talk. This is very much worth the extra effort." Students for a Democratic Society, Work-In Organizers Manual 4 (1969). Actually, this Manual was originally prepared (1967) by the Progressive Labor Party and distributed as "The Vietnam Work-In Organizer's Manual." PLP elements in SDS took the original manual, put on a new cover, and introduced it as an SDS Work-In guide.

[50] See the articles by Bettina Aptheker, well-known leader of the Communist Party, USA, in the Party's theoretical journal, for an analysis of the Communist Party's view of the SDS and the New Left. Aptheker, The Student Rebellion, Part I, 48 Pol. Aff., Mar. 1969, at 15; Aptheker, The Student Rebellion, Part II, 48 Pol. Aff., April, 1969, at 12. Aptheker welcomes the "student rebellion," but deplores what she calls "petty-bourgeois radicalism" in the movement. She feels the New Left does not have a correct analysis of Marxism-Leninism and in reality is merely "playing" with revolution. In the Party's eyes, revolution is a "serious business" and must be prepared for through careful study and planning. Aptheker's conclusion is that there "is an urgent need for ideological and political leadership from the Communist Party and from a Marxist-Leninist youth organization." Aptheker, The Student Rebellion, Part II, 48 Pol. Aff., April, 1969, at 12, 59.

[51] Bernardine Dohrn and Mike Klonsky, SDS leaders, were quoted as calling themselves "revolutionary communists" in Guardian (Independent Radical Newsweekly), June 22, 1968, at 4, col. 1.

[52] Bettina Aptheker in her articles in Political Affairs is worried about the anti-Communist Party and anti-Soviet sentiment in the New Left. See note 50 supra.

[53] Roosevelt, Inaugural Address, in The Inaugural Addresses of the American Presidents 185 (D. Lott ed. 1961).

OIL DISCOVERIES IN ALASKA—SENATOR GRAVEL'S ADDRESS BEFORE ALASKA STATE LEGISLATURE

Mr. HARRIS. Mr. President, we have all read of the new oil discoveries in Alaska. For the State of Alaska this represents an opportunity such as no State has ever had. The State will reap the benefits of this development. Already it has received a $900 million downpayment from the oil companies as lease bonuses.

On January 29, Alaska's distinguished junior Senator, MIKE GRAVEL, spoke before a joint session of the Alaska State Legislature and outlined his ideas utilizing Alaska's new-found wealth.

This was a landmark address. Alaska has what few States have ever had—enough wealth to permit wide discretion in selecting priorities for its use. Elsewhere, State and local governments are struggling just to make ends meet. But Alaska has the opportunity to do more than handle the problems of today. It can plan ahead with assurance that the money will be in the bank to carry forward ambitious programs.

Senator GRAVEL sees this problem clearly and has stated his views eloquently. I ask unanimous consent that his speech be reprinted at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR GRAVEL

Mr. President, Mr. Speaker, members of the Alaska State Legislature: Most Americans know that something big is happening in Alaska. Much has been said in recent months about our new wealth.

On paper, Alaska is the richest State in the United States. Alaskans are the richest people in the world. Our bank statement, with its huge balance, looks spectacular.

But figures can be made to lie. Bank statements are not the only indicators of economic well being.

Look around.

You will see that Alaska's unemployment rate is one of the highest in the Nation. Many people who want to work, can't find work. Many can't qualify for a good job.

Check this winter's statistics on welfare and unemployment and food stamps.

Look around.

You will see that nearly every community in Alaska has a housing crisis.

Our communities do not have enough pow-

er, or water, or sewers, fire and police protection, or other basic services, and the way things are today, they are hard-pressed to buy those services. And so power runs out, and water is marginal, and sewage gets dumped raw into our waterways.

Our health situation, in many areas, is constantly on the brink of danger.

Alaska does not have even the basic rudiments of an adequate communications system. We do not have sufficient circuitry. We do not have direct television. We have a poor excuse for an educational television system.

Vast areas of Alaska have no reliable transportation system, the types of goods and supplies to many communities are determined by the cube of a Cessna L80. Inventories are built up every summer by boat and stored at exorbitant cost. This is what contributes to the high cost of living. This is one price Alaskans pay for their remoteness. In our urban areas, the existing system doesn't begin to meet traffic needs, much less satisfy potential demand.

Despite the advances in education since statehood, we still have monumental problems, high dropout rates, illiteracy, minimum attention to pre-school education and vocational education.

We still have a chicken and feathers economy in our fisheries—a good year now and then sandwiched between many lean years.

The list goes on and on.

Look around.

Everyone who lives in Alaska knows the problems—or ought to know them.

Our bank statement looks great. But that bank statement will not provide a Fairbanks family a house to buy, or the Wrangell homeowner reliable electric power, or a telephone for Tuntatuliak.

The problems today are greater than they will ever be. The challenge today is as great as it will ever be. We must begin attacking these problems today, not tomorrow.

Ladies and gentlemen, the present generation of Alaskans is the poorest generation that will ever live in Alaska. Every succeeding generation will have more wealth. To deny this generation of Alaskans the right to share in the blessings of our legacy, is to discriminate against the poorest generation of Alaskans who will ever live.

We have the opportunity. We have an unprecedented opportunity. Alaska isn't the only state with problems. But it's the only state with money in the bank to solve those problems.

Even more, the projections show that in the years immediately ahead, our annual revenue will increase by tens of millions of dollars. The $900 million dollar oil lease sale wasn't a once in a lifetime windfall. It was a downpayment. We have every reason to raise our sights. To build better lives for ourselves and our children.

To make investments in ourselves.

Our biggest problem is not whether to keep $900 million dollars in the bank, or $800 million or $500 million dollars. Our biggest problem is not whether we get six per cent interest on our money, or eight per cent interest.

Our biggest job, as elected leaders, is to develop the programs necessary to help people solve their individual and community problems as rapidly as possible.

Most people don't want give-aways. They don't want hand-outs. Nor do they want our wealth spent haphazardly. But they do want government to do its job. To develop responsible programs. And to get them in motion.

Nearly every problem we have can be solved. The information and expertise exists. What is needed is a high degree of responsible leadership.

In the absence of such leadership, it is reasonable that people would prefer a safe investment of their money rather than its uncertain use for questionable purposes.

Let's talk about investments. But let's talk about investments in ourselves. I can't judge the return on our investment in our educational system, but I promise you it is higher than any other investment we can make. My parents gave me no money. But they gave me an education. And because of it I am better able to build a worthwhile life for my family.

I don't know how to gauge the return on an investment in fresh drinking water for Petersburg. But I suspect that in importance to that community's way of life, and its ability to expand its fisheries industry, that investment would pay off handsomely.

What is it worth to install educational television in a village where the problem is as basic as developing the use of the English language? What is it worth to open a new residential area of Fairbanks or the Kenai Peninsula with water and sewer installations? What is the return on investment when a child of a working mother can go to an excellent day care center in Anchorage or any other community?

Money won't solve all our problems. It has to be matched in equal parts by leadership and commitment.

Leadership that can spend the money wisely. To get the programs moving quickly. To get a dollar's worth for a dollar spent.

And commitment to a cause, to a purpose.

Today I would like to suggest a purpose.

A ten-year program to make Alaska a model society, to eliminate the problems of poverty. To extend opportunity. To permit people to build better lives for themselves. To help communities solve urgent problems now and to plan realistically for the future.

Most States and cities in America are plagued with problems of traffic and smog and substandard housing. Most are confronted with enormous costs to restore their streams and seashores. I see these problems everyday in Washington. They affect the way tens of millions of people live—the quality of life they enjoy.

We can do more than others have done. Our bank statement is the best there is.

With the proper investments, it can produce more. Alaska has a bountiful environment, most of it unspoiled. We have the obligation and the opportunity to protect this environment and enjoy it.

Furthermore, we have a small population, and it will likely remain small.

And so, in this rich bountiful, unspoiled land, we can build a society others dream about. If that is what we choose to do.

That's what I am suggesting today. A ten-year program. A program for the seventies. To make of Alaska, in this decade, the model State.

Let me propose a three-phase effort, all of which we can launch concurrently:

One, we must zero in on the causes of poverty. The depressing factors that keep incomes low. We must vastly expand vocational education, and job placement and retraining efforts. We must help small business expand. We must give necessary support to industries such as fishing, tourism, mining, forestry and agriculture. To help those who depend upon them to prosper.

Two, we must rapidly build basic community facilities. Facilities so many Alaskans have for so long gone without. Good water. Sewage systems. Reliable power supplies. Fire and police protection. Sufficient housing.

Three, we must build these facilities and programs that can best be handled through direct attention by the State government. Every community, including every village, must have a complete, modern communications system. We must have a rapid, low cost, reliable transportation system. We must have the finest educational system money can buy. We must have the best medical and health facilities in the Nation. We must have parks and wilderness areas and a wide variety of recreational and cultural opportunities.

Now I would like to offer some specific proposals for legislation. Some I will describe in detail. Others I will merely mention, because time does not permit me to go into all recommendations at length in this address. But I will make them available to your appropriate committees.

EDUCATION

First off, let me say a few words on the field of education. Conventional wisdom notwithstanding, Alaska gives education the lowest priority of all other States.

Recent figures indicate that in Alaska, local and State governments spend only twenty-seven per cent of their budget on education. In the Nation as a whole more than forty per cent of combined State and local spending is for schools, and in some States the figure reaches above fifty per cent.

Every other State does better than we do. Achievement figures reflect the problem.

Thirty-five States have a lower illiteracy rate than we do. Over ten per cent of Alaskans fail their selective service mental tests. Our non-white adult Alaskans have less schooling than non-white citizens in all but six States.

Alaska's elementary school dropout rate is shocking. Our twenty-one per cent high school dropout rate is simply unacceptable. Forty-three States spend more per student in vocational-technical programs than we do.

During the last decade, almost half the States increased teachers' salaries more adequately than did Alaska.

Alaska's school population is exploding at a rate five times the national average.

The dangerous incongruity between Alaska's effort and its need is the hidden time bomb that we must defuse.

One would have thought that with a nine hundred million dollar windfall the State would at least begin moving toward upgrading our educational system. But despite the barrage of press releases proudly announcing that the State is assuming ninety per cent of school costs, nothing of the sort seems to be happening. As a matter of fact, long overdue salary increases to teachers should absorb more than the entire proposed State increase in funding, leaving not a penny for other improvements in our educational system.

The proposed increase in State funding is not half enough to begin doing the job so urgently needed to upgrade Alaskan schools.

If we are serious about building a model society in Alaska, the salaries of teachers and all public employees must be dramatically raised to attract and to retain top people. Retirement benefits for teachers and other public employees must be upgraded.

Preschool and vocational education need special emphasis in Alaska. We are way behind in these areas. The transfer to the State of BIA schools must be accelerated.

A classic example of leadership would be the State takeover of Mt. Edgecumbe. The native students should be absorbed into a regional high school though contracted, with the Sitka School District.

What a wonderful opportunity would then present itself for the State. With the facilities at Mt. Edgecumbe, to create a marine research facility or a training and placement center for all southeast Alaska.

This same opportunity presents itself in another part of Alaska. We could establish an expanded marine research facility utilizing a portion of the Naval Base at Kodiak.

The key to a good educational system is teachers.

Teachers are not hired hands performing chores. They must become involved in the full spectrum of educational decision-making. As all other professionals, they should be given every opportunity to bring their expertise to bear on all school issues, not just on matters of teachers salaries or welfare. This is the only avenue that will lead to staffing all our schools with true professionals.

The State of Alaska must assume its proper share of the responsibility in the field of

school construction. The State should bear at least fifty per cent of the cost of all new school buildings throughout Alaska and, on the basis of an equitable equalization formula, up to ninety per cent where necessary.

The State should absorb a portion of all outstanding school indebtedness on a realistic declining formula basis. Such a program would achieve the twin goals of stimulating needed school construction in communities which otherwise would not be able to build necessary schools, while sharing the existing debt burden in instances where communities have met school construction needs in the past.

The time is here to guarantee every Alaskan high school graduate two years of free post-high school education as close to his home as possible. This can be academic, or vocational, or technical. It should be available at a university campus or at one of the campuses of a much expanded and strengthened community college system. This needs to be coupled with a comprehensive scholarship-loan program that would have a ten per cent forgiveness feature for every year a student becomes a full-time wage earner and taxpayer in our State.

Qualified students should be given scholarship-loans to attend professional and graduate schools in other States, if they cannot pursue their studies in Alaska. These students should also have a ten per cent annual loan cancellation for each year they practice their profession in Alaska. But they should repay the loan if they settle elsewhere.

Alaska can have a model school system. To get it we will need to make teaching in Alaska more attractive than anywhere in the country. This will take ideal working conditions, good salaries, modern equipment and up-to-date schools. It will take the finest educational television system in the Nation. But most of all, it will take creative and innovative leadership in State government.

How important is this effort? Just ask yourself, what do you have when an undereducated child comes to maturity in an inadequate environment, but with a legacy that earns him lots of money he is ill-equipped to handle? Think of the waste in not giving every child the opportunity to develop to his fullest potential.

COMMUNICATIONS

Now let us look at communications. And when we do we find ourselves on the threshold of an exciting new era.

The technology exists today to provide every community in Alaska with a complete range of communications services—telephone, television, bio-medical information, high speed data movement, ecological measuring devices, marine navigational aids, forest fire detection, fishery run patterns.

This technology is available today at a price we can afford.

All that is required is a government decision to move into such a program. Within three years, ninety per cent of those living in Alaska can have the finest communication system available anywhere in the world.

This legislature can make the necessary decision to launch us on such a program.

I propose that you make $650,000 available this year to finance the Nation's first satellite public broadcasting system.

That money would fund a pilot program that would bring services to Kodiak, Fairbanks, Fort Yukon and Nome—the communities selected for this initial experiment. Ground stations in each community would be connected with one another and with a satellite now in orbit.

The system would carry educational and cultural broadcasts, most of which would be originated at the Fairbanks station. Utilizing facilities and talents available at the University of Alaska, educators could transmit experimental programs and sample their impact on youngsters in a wide variety of situations. Our educators would learn how educational TV operates. Then they will be able to tailor it for the Alaska situation.

One added ingredient to this program, would be the establishment of an Earth station at Juneau. This can be acquired for $165,000, and is included in the $650,000 budget.

With the Juneau station, all Alaska would have a direct window on the seat of State government. Legislative hearings, and perhaps legislative sessions themselves could be televised statewide. So could other important events in the capital.

I proposed this pilot program in July, 1969, and have been working diligently on it ever since. I am distressed that the State administration has not more aggressively pursued this program.

It's unfortunate because RCA thinks this system will work. It has donated a ground station free of charge, and that station is on its way to Alaska.

COMSAT thinks the system will work. It likewise has donated a ground station. The Federal Government apparently is satisfied that it will work. The U.S. Navy is transporting the RCA station from Guam and the Air Force has agreed to transport the COMSAT station from the Philippines.

Furthermore, the kind of system I proposed last July now fits into the proposal made by President Nixon last week for domestic satellite policy. He said that no one entity has a monopoly on domestic satellites and that any Government entity, such as Alaska, can own earth stations and participate in domestic satellite services.

The President is doing administratively what I proposed in my legislation last July. That is, permitting those who want to apply satellite technology to do so.

Beyond the pilot program, I recommend that we move into a two-year lease program for channels from the Canadian satellite which will be launched into orbit in 1971. Canada's satellite will have channels for educational and cultural television. Programming will be especially designed to serve remote communities in the Canadian North, many of which have problems identical to our own.

I have discussed with the Canadians a joint arrangement and the prospects are favorable for a lease at relatively low cost. With such a program, I anticipate a budget of about $1.4 million in fiscal year 1972, and leveling out at $1.9 million thereafter.

An agreement with Canada would give us more time to study our options for a permanent system to serve Alaska.

Imagine the impact on our educational system. It would be like adding an army of new teachers to our teaching rosters.

Imagine the impact on our way of life, having low-cost telephone service to anywhere in Alaska as well as anywhere in the Nation.

When a signal is beamed to a satellite, it may travel 40,000 miles on the up-leg, and then another 40,000 back to the ground. Whether the reception point is five miles from the point of transmission or 2,000 miles from the point of transmission, makes little difference.

There is no additional cost. And so, as far as satellite communications is concerned, Alaska no longer needs to be remote within its own vastness or needs to be remote from the rest of the United States. The costs should be relatively equal whether one is in Alaska, or California or New York. Ground distance ceases to be a factor.

This system can provide direct, regular television service between Alaska and the rest of the world. The Comsat station now under construction at Talkeetna won't provide such service except for monumental events that merit exceptional treatment.

The program I propose will bring in the game of the week, each and every week, before anyone in Alaska knows the final score.

And consider the other services the program will make available: high speed data transmission for business, newspapers and radio and TV stations. Imagine the impact of instant, reliable bio-medical communications to doctors working in all areas of Alaska.

There is no existing agency of government to administer what I have proposed. And so I suggest the establishment of an Alaska public broadcasting authority. Its budget is included in the $650,000 suggested earlier. It would be structured like the Alaska State Housing Authority, with the ability to issue bonds and be self-financing.

Also included in my recommended budget is $45,000 to buy the necessary television retransmission equipment at Naknek and Dillingham, which would beam throughout the Bristol Bay area, Armed Forces television programs now restricted to the King Salmon Air Force Base. In so doing, at least some people in Alaska would receive direct television this year.

Finally, I was successful in securing a donation of $10,000 from a private foundation to buy a ground station at Bethel. The budget I submit would pay the cost of operating a radio network between the University of Alaska at Fairbanks and Bethel, utilizing an ATS Satellite now in orbit.

When discussing communications it is easy to get lost in the terminology. And to expect equipment this sophisticated and revolutionary to be also high-priced equipment. That is not necessarily so. The last few years have produced dramatic breakthroughs.

Alaska can afford complete satellite communications. There are few decisions we can make that would have more impact on more people for so few dollars, than to move strongly into the communications system of the 21st century, I am proposing.

Before leaving the subject of communications, I want to say just a word about a study in which the State is participating. This study, on Alaska communications, will cost $365,000 dollars. The State is paying $100,000 dollars of that amount. The U.S. Department of Commerce, which is conducting the study, pays the reamining cost.

The Department of Commerce has never before conducted a study on satellite communications. The agency will be starting from scratch. It will have to hire personnel and learn the business as it is studying Alaska.

I am concerned about the expenditure of money for this study. Many of us are working on detailed plans, detailed budgets. We are working on ways to apply existing technology in Alaska as soon as possible. The cost of this study is more than half the amount necessary to fund the whole first year's effort that will bring direct television and better communications to tens of thousands of Alaskans.

Personally, as an Alaskan, I feel quite studied out. We have seen so many studies that were nothing more than substitutes for action. The State of Alaska would be better advised to save that one hundred thousand dollars.

The Department of Commerce could observe our plans and our actions and then make their own report available to other States who wish to follow our example.

URBAN AND RURAL PROBLEMS

Now let me turn to the problems of our urban and rural communities.

State support of local communities must be dramatically increased. Most of our communities today face crisis problems of housing and community development.

Rising prices, heavy local tax burdens, rapid expansion, expensive technological developments—these have all taken their toll. It is increasingly difficult if not impossible, for local governments, to cope with present circumstances.

In 1968 in Anchorage a family of four with a $10,000 dollar income paid $459 in property

taxes. In 1968 in Seattle that same family would have paid $288 dollars. In Honolulu, $150 dollars, and in the face of this intolerable disparity, the city of Anchorage will experience a fifty per cent increase in property taxes within the next five years.

The urgent need in almost every Alaska community is for basic utilities and housing.

First, let's deal with housing.

Some 8,000 housing units must be built or replaced in Alaska annually over the next five years. This will not happen unless the State moves on a massive scale and without further delay to provide incentives and assistance to all segments of the home building industry—conventional, manufactured and modular.

In spite of this crying need, Alaska is participating in only 18 of the 73 programs available through HUD.

Programs are available to provide interest free loans to non-profit corporations interested in building low and middle income housing, rent and mortgage supplements, rent subsidies and credit assistance are also available.

The communities cannot do it themselves. The State, through the Alaska State Housing Authority, has pre-empted the field.

There is no way our communities can solve their urgent need for housing without some kind of immediate, aggressive planning and assistance from the State government. This does not necessarily mean a larger burden in administrative overhead. It means redirecting the agency's efforts to available Federal programs that meet our immediate needs.

But, housing is not a problem unto itself. Basic utility problems are directly related.

Nearly every community in Alaska has a water or sewer or power problem that can be classified as "urgent."

And today, with bond interest rates high and loan money scarce, few Alaska communities can raise the funds necessary to deal with their problems. Those that can, pay an outrageous price.

Recognizing this problem, the Alaska Municipal League asks for the establishment of a State agency to handle the sale of local bonds.

I think this is a reasonable approach and should be enacted. But it is not enough. I don't think we will really solve our urgent utility problems until we move into a grant program.

Years ago, recognizing a similar problem, the Federal Government launched the Alaska public works program. Generally, this program provided fifty per cent Federal matching money, and offered low interest loans for the local matching portion.

I suggest that it is time for another program of this nature, this time sponsored by the State.

Such a program would permit our communities to build sewage treatment plants before drinking water is polluted. To buy the necessary power generating equipment before the first brown-out, to recognize the needs and the opportunities for future growth. To plan ahead in an orderly manner.

A water and sewer system expansion for Fairbanks would return far more to Alaska than Alaska's dollars invested in San Diego water and sewer bonds. Alaska will benefit more from the installation of new power generators at Wrangell and Hoonah than it will from the interest it earns on Little Rock, Arkansas utility bonds.

I have no quarrel with those who say invest our money. But I say let's invest it right here in Alaska. In ourselves. In our own communities.

Now let me speak for a moment about our rural areas.

You are all familiar with the statistics. Rural problems in Alaska are as great or greater than anywhere else in the nation.

Efforts at improvement now underway by State and local agencies hardly begin to match the task. The native land claims settlement, if it is generous, will be of considerable help. But the problems of rural Alaska will be solved with nothing short of an all-out commitment by the State to solve those problems.

The rural community action agency, representing virtually every governmental group at work in rural Alaska today has a proposal that would establish areawide rural government, directed by elected representatives of the people served. The proposal would establish a special development fund and the money would be directed toward development projects.

I endorse both of these concepts and hope that they will be enacted.

TRANSPORTATION

Now let's turn to transportation and its impact on our cost of living.

Changing transportation technology was one of the principal reasons for the wasteful, inefficient, overlapping transportation development in much of the United States. Heavy investments in turnpikes and canals were made obsolete by the coming of the railroad. Airports throughout the country have been in a near-constant pattern of rebuilding to adapt to unexpected traffic growth and bigger aircraft. The lack of adequate mass urban transit systems is a national fiasco.

Here in Alaska we now have the chance of a lifetime to develop an integrated statewide transportation system predicated upon uniform criteria for both capital investment and operations.

The haphazard, uncoordinated and often counterproductive transportation gestures of the recent past must come to an end. We may have some money in the bank but we have no money in the bank to waste on Swedish-built, Panamanian registered white elephants.

A key component of our long-overdue statewide integrated transportation masterplan must be a workable marine transportation system that would finally meet both the individual and business requirements of all Alaskans.

While traveling through many southeastern communities this past week, I was shocked to learn that school officials are considering chartering jet planes to transport hundreds of youngsters to Ketchikan for the southeast high school basketball tournament. The prime function of our ferry system must be to enable people to travel on a regular, convenient schedule.

Yet today, seven years after the inauguration of ferry service, high school students still cannot depend upon the ferry to take them to another community for a basketball tournament.

This mess must be straightened out.

For all Alaska, the economics of transportation point to a dramatic upsurge in the development of air travel. Given Alaska's demographic and topographic realties, we must develop a comprehensive statewide air highway system.

There is both the need and the opportunity for improving uneconomical load factors through creative state-private cooperation.

The southeast and Kodiak ferry systems were launched to provide those areas with a reliable, acceptable substitute for an ordinary road system. Both investments have paid off.

That same approach will work in the rest of Alaska utilizing the right kind of aircraft.

Communities such as Bethel and Unalakleet, Kotzebue, Nome and Barrow would reap enormous benefits. No longer would merchants be required to anticipate needs a year ahead of time and then carry the cost of large inventories over long periods. As a result of regular and frequent supply patterns, the costs of living would be dramatically lowered in all communities served.

A dramatic application of this concept is demonstrated by the benefits that will accrue to the citizens of Ketchikan with the completion of their airport.

I hope the state will show imaginative leadership through advance funding, so that the hiatus created by the delay in Federal funding will not cause us to lose the upcoming construction season.

The most dramatic growth in the air transportation field will be in the cargo segment.

What signaled to the nation the dawn of this new era in air cargo potential was the monumental utilization of cargo aircraft required to sustain the developing north slope oil activity.

More cargo was transported to the arctic shore last year than was transported in the Berlin airlift.

The aerospace industry has noted this event and has a new perspective of its opportunity.

We can capitalize on these developments.

Earlier in this address I mentioned a communications study. I want now to point out that Alaska also is participating in a transportation study. The cost is about $3 million dollars. $2 million dollars of that amount comes from the State of Alaska's highway maintenance fund. The study is being conducted by the Department of Transportation at the request of the Secretary of the Interior. The study will only concern itself with a rail and highway corridor to the North Slope.

Mind you, a $3 million dollar study, to and in an area that is presently served only by air and water. This study only concerns itself with a road and a possible railroad.

I would hope that this legislature would see that the study is unduly narrow in scope. And pass a resolution requesting that the Department of Transportation use this money to study not only a highway and a transportation corridor to the North Slope, but a transportation study of all Alaska.

To include a look at our existing highways and the turnagain and Krick Arm crossings, our ferry system, our air passenger system, our air cargo system, our water-borne freight system and a railroad link between Seward, Kenai, Homer and Soldotna.

$3 million dollars will produce the most comprehensive transportation study in the history of Alaska.

It's not too late to correct the scope of this study which could only become an embarrassment to its sponsors.

JOBS

Now let's talk about jobs.

If we are serious about building a model school system, our unemployment problem is a one-generation problem. If we provide every school child in Alaska with the skills, the education, the motivation and the opportunity to become self-sufficient, self-supporting, self-respecting members of our society, unemployment as an extraordinary problem will disappear from the Alaska landscape.

There will be some seasonal and cyclical problems of unemployment from time to time, but they will be kept within manageable bounds and will be of a different order of magnitude than the disgracefully high level of unemployment we are experiencing at present.

Unemployment and underemployment is not only expensive economically, but it is debilitating socially and psychologically. Investing a small fraction of our new-found wealth in manpower training and development will yield not only measurable economic returns but a fundamental strengthening of our entire social structure. The State must step up its manpower training and development efforts in all areas: planning, information, recruiting, counseling, placement and follow-up work. Lack of skills, lack of information, lack of follow-up, lack of preparation for culture shock, lack of motivation techniques that are sensitive cross-culturally, lack of adequate provisions to enhance geographic mobility, these all hang together.

State initiative, planning and coordination in orchestrating all available manpower training and development opportunities and facilitating their fullest utilization need much strengthening.

American enterprise has performed superbly in manpower training and development programs throughout the world, under far less favorable circumstances than the ones prevailing in Alaska.

State government must recognize that many Alaskans in key industries, such as fisheries, face this clear-cut alternative: Welfare or a carefully structured opportunity for adequate gainful employment. State policy must be consciously geared towards providing incentives and aid to activities with a high resident labor component, highly automated extractive industries by themselves will not solve Alaska's unemployment problem. Advance planning and training in high labor activities in service fields, such as tourism, will do much to reduce chronic unemployment patterns.

Here I specifically recommend the use of tax incentives and tax penalties geared to the employment of resident Alaskans. Enterprises operating in Alaska should train and employ resident Alaskans in all capacities.

The need is evident, and the State has the capacity to set up this year, in-residence type job centers in all four judicial districts.

CRIME

If what I have said concerning unemployment will not increase the thrust of our efforts, perhaps the following figures will truly bring home the full dimension of this social problem.

For the last year that comparative figures are available, Alaska had 1,970 major known crimes for 100,000 population. Among other sparsely populated States, the comparable figures are 1,304 for Montana and 1,269 for Wyoming.

The most distressing single aspect of Alaska's crime picture is the growing number of young people committing major crimes. It is particularly disturbing to note that much more heavily urbanized States have lower crime rates than Alaska.

Connecticut, Ohio, Pennsylvania, Minnesota, Washington are among the many States with lower crime rates than ours.

Thirty-eight States have a lower crime rate than we do. Alaska's crime rate is unacceptably high.

A modern statewide system of training, research and information is needed to cope with our growing crime problem. Alaska can be transformed from a high-crime to a minimum-crime society with the technology and resources at our command.

Our State trooper force should be increased by at least 100 additional uniformed troopers and necessary support personnel. State and local law enforcement officers must be equipped with modern crime-fighting tools.

This State simply will not tolerate being engulfed by a crime wave that has crippled the ordinary processes of life in many communities, including the Nation's Capital. We have the means, we have the technology, and we'd better have the will to reverse the trend of criminality in Alaska.

Now I would like to turn to a subject that is certainly the most important matter concerning Alaska in Congress, the native land claims.

On many occasions I have stated my support for the position adopted by the Alaska Federation of Natives. I want to reaffirm that support here today. There is legal justice to the claims, legality recognized by our Federal Government and our State government.

There is moral justice to the claims. For centuries the Alaska Native has occupied and used the land of Alaska. If his traditions had been different, if our non-Native law had not imposed restrictions, the Alaska Native today would own outright much of Alaska and be the undisputed inheritor of much of its wealth.

It is time to correct the wrongs of the past, and in so doing help a people who need more opportunity than our non-Native culture has ever afforded them.

I support the bill proposed by the Alaska Federation of Natives. I sponsored its introduction in the Senate. But realistically, I know, and the AFN knows, and the other members of the Alaska delegation in Congress know, that that bill will not pass in its present form. To gain the approval of Congress, many changes will have to be made.

I cannot tell you what the final product will include. Many variations have been discussed. I hope that the Senate Interior Committee, of which Senator Stevens and I sit as members, will report out a bill during the next month to six weeks. If that occurs, and we have reason to be optimistic about the chances for such prompt action, then we will have the broad guidelines of the final settlement.

As you know, one committee report, or action by one legislative body, does not always indicate the final terms of the legislation. And that's where we find ourselves today on the land claims question. We are in the preliminary negotiating stage.

The most controversial of the settlement proposals has been the question of the two per cent royalty. Much anxiety has resulted from a misunderstanding of this issue.

The two per cent is not an over-ride. It is part of the State and Federal shares. There would be no additional cost to the companies or businesses concerned.

Only through the use of the two per cent provision do I see any hope for salvaging Alaska's favorable 90–10 sharing arrangement with the Federal Government on revenue from Federal mineral leasing.

Alaska is the only State that receives 90 per cent. All other States receive thirty-seven and one-half percent. The Bureau of the Budget in Washington wants to change the formula to bring Alaska in line with other States.

The Department of Interior estimates that over the next ten years, rent, royalty and bonus income from Federal lands in Alaska will produce $4.2 billion dollars. If Alaska's share were changed from 90 per cent to thirty-seven and one-half per cent, Alaska would lose, during this period, an estimated $2.2 billion dollars.

If the Federal Administration attempts to change the formula, the only countering argument the Alaska delegation now has is that we need the money. I don't think that will be good enough. In the face of the fact that Alaska's continuing revenue will be dramatically increased and not with Alaska standing alone among all the States in the 90–10 bracket.

However, if the two percent in the land claims legislation is tied to the 90–10 formula, I doubt seriously whether the formula would be changed during the life of the native land claims settlement.

This would give us a logical argument and I think our view would prevail.

I urge the legislature to pass a resolution, recognizing the participation of the State of Alaska in a land claims settlement, and specifically endorsing the two per cent revenue-sharing concept on both State and Federal lands.

The projected cost to the State would be about $177 million dollars. This is readily offset by $200 million of Federal revenue, while still leaving the State of Alaska and all of its citizens the happy recipients of two billion dollars.

We should have some indication of the framework of the settlement while this legislature is still in session. At that time we may have to call upon you to consider State legislation that would implement or be compatible with the terms of the Federal settlement. I will stay in close touch with your leadership as we move toward a decision on this extremely vital question.

Now let me come directly to the issue facing all Alaskans. What to do with $900 million dollars? I have just sketched some programs that should be undertaken now, and can only be undertaken if we begin to use wealth that is at our disposal.

Is it a mere coincidence that at the end of fiscal year 1971, the present State administration will have $900 million dollars of uncommitted and unappropriated wealth in the bank?

Or is it the fear of this administration based upon a lack of imaginative leadership or an insensitivity to the pressing problems of the people of Alaska?

For certainly, great problems exist and opportunities are at hand. I am flabbergasted at what the recently submitted budget does and does not do.

Let me cover some of the illustrative items which I feel reflect the twisted priorities and unimaginative bureaucratic increases proposed by this administration.

The budget in the Governor's office for contractual service was increased from last year's $42,000 to next year's $190,000. The budget for Alaska native housing for a comparable period shows a cut of thirty-five percent. There is not one additional dime in the budget for the mentally retarded.

In this election year the travel budget in the Governor's office will rise to $46,000 dollars, compared to last year's budget of $19,000. It appears that the Governor's office needs one hundred and forty per cent more travel this year.

Meanwhile, the Rural Development Agency takes a cut of $37,000 dollars. And the extreme problem of alcoholism is attacked with a ministaff of two, to cover the whole State of Alaska.

Apart from the details of the budget, a cruel hoax is in the making. There is either colossal ignorance or deliberate distortion in the claim that the $900 million will be worth $900 million dollars a year after the lease sale.

At the current rate of inflation of over six percent, the $900 million received in the fall of 1969 will be worth $846 million dollars in the fall of 1970.

Assuming the same rate of inflation, by the end of the budget year you are presently considering, the $900 million will be worth $803 million.

At this point all I can do is admonish this administration to go to the Bible and re-read the lesson and moral of the buried talents.

I'm astounded that the State's high-priced outside financial advisers have not advised this administration concerning a practice employed in most financial institutions in this country as a hedge against inflation. That practice is to demand a piece of the action in order to provide the debt capital needed to undertake any enterprise.

Ladies and gentlemen, may I suggest that the only way Alaska can acquire a hedge against eroding inflation is for the State of Alaska to acquire a piece of the action. Yes, a piece of the action on Fourth Avenue in Anchorage. A piece of the action on Franklin Street in Juneau. A piece of the action on Cushman Street in Fairbanks. A piece of the action on Main Street of every community in Alaska.

I am sure you all realize that our nine hundred million dollars was only a down payment, not a final settlement. Oil royalties will jump from less than twenty million dollars this year to an annual rate of over one-quarter billion dollars before the end of this decade. With proper leadership, our mineral industry faces a future no less promising than oil. Fisheries, forestry, agriculture, tourism—all have a secure and bright tomorrow within the framework of bold and creative State leadership.

In the past, the Federal Government held the key to Alaska's welfare. This was not because of any particular wisdom that Washington possessed. Far from it. Alaska's fate was determined by Washington because Washington had money and we did not.

We now have wealth. We can now determine and guide our own destiny. We will no longer be at the mercy of distant decision-makers. We can be finally masters in our own house.

I predict that as we demonstrate our ability to build the model society in this decade, the response from Washington will be supportive and positive beyond our expectations. The more effectively we succeed here in Alaska the more responsive the Federal Government is likely to be in expanding its cooperation with us.

Alaska is at a hinge of history. We are connected to the past but we are swinging in new directions, neither old cliches, nor new overtures will supply us with thrust or direction. A bold willingness to grasp our unprecedented opportunities will.

The years ahead are turbulent with the excitement of rapid and complex change. Anyone can hold the helm when the sea is calm. But our ship of state is headed for the stormy weather of unknown horizons. With leadership that cares about people and leadership that understands the complexity of issues, we shall reach our goal.

A model society in Alaska in this decade!

REPORT TO THE PRESIDENT BY DR. KENNETH WELLS AND CIVIC LEADERS

Mr. THURMOND. Mr. President, today a group of national leaders representing 18 voluntary organizations made a report to the President. These leaders represented civic, health, fraternal, service, veterans, and educational organizations and, in my judgment, they are truly representative of a cross-section of the American people.

This group, led by my good friend Dr. Kenneth D. Wells, president of the Freedoms Foundation of Valley Forge, has just made a factfinding tour to Vietnam. As expressed by Dr. Wells for the group, the trip uncovered four facts: Dr. Wells says that the South Vietnamese are invaded by the Communists, that the leadership structure has been systematically assassinated by the Communists, and that the American people have not realized the brilliance of our Government's civic action organizations. Finally, Dr. Wells points out, and I quote:

The parroting by dissident students, political leaders, organization leaders or any other American, of Hanoi propaganda eases the way for acceptance and justification of North Vietnam aggression This endangers and undercuts every man in the honored uniform of our country.

I would like to congratulate Dr. Wells on this trip and I know that the President was pleased to find such a worthwhile activity being conducted by the citizens of our Nation.

I ask unanimous consent that the press release about the report to the President be printed in the RECORD at the conclusion of my remarks.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

National leaders representing eighteen voluntary organizations reported today to President Richard M. Nixon on their recent survey visit to Viet Nam.

They expressed individual high approval of President Nixon's Vietnamization program and its progress, and in the ability of the democratic coalition government of South Viet Nam and the Armed Forces of the Republic of South Viet Nam in repelling the Communist aggressors from the north and continuing the building of their Republic as they constantly accept increasing military and political responsibility. The withdrawal of American troops should be accompanied by an accelerated people-to-people program to enable the Vietnamese people to achieve a true freedom, a goal all Americans should seek and in which historically our nation will take pride.

Numerous members of this volunteer group emphasized this represents a valuable alternative in Viet Nam to military action of the U.S. Government. It is the alternative of the voluntary Vietnamization activity by American civic, health, fraternal, service, veteran and educational organizations. Dr. Kenneth D. Wells, President of Freedoms Foundation at Valley Forge, who sponsored this factfinding trip said:

"It is high time for the American people to increase their help of this new struggling constitutional country, by rebuilding hamlets and houses, by providing medical supplies, by establishing schools, and by organizing training clinics, and voluntary clubs and societies, thus advancing the opportunity to bring our troops home at an earlier date, something which cannot be done by partisan complaints or echoing the Hanoi propaganda line."

Dr. Wells said for the group: "There are four indisputable facts:

"1. The South Vietnamese *are* invaded *by* the Communists.

"2. Over 50,000 of South Viet Nam's government, business, educational, scientific, health and agricultural leaders have been selectively assassinated in the last decade. They must be replaced; they can be replaced. Training conducted by voluntary workers of the American civic, service, veteran, medical associations and clubs can, if massively organized, bring it about assuring the growth of a solid middle class.

"3. The American people have not been given an understanding of the brilliance, extensiveness and successful human values of our government's civic action operations and the even larger help of all kinds, individually given by our GIs—Army, Marines, Navy and Air Force in Viet Nam. The total Civic Action story is beautiful. The American people do not know it.

"4. The parroting by dissident students, political leaders, organization leaders or any other American, of Hanoi propaganda eases the way for acceptance and justification of North Viet Nam aggression. This endangers and undercuts every man in the honored uniform of our country. It is obvious from being on the ground of Viet Nam and studying VC and North Vietnamese Communist propaganda in depth that the Viet Cong, North Vietnamese and Communist world are holding onto and increasing their propaganda aims in the United States as the primary plan for an ultimate favorable political settlement—the opposite of the military victory the Army of the Republic of Viet Nam and the USA team have denied them.

"We are convinced that the constructive constitutional government under President Thieu is growing stronger every day. Americans must not let the world Communist propaganda mechanism use its aggression in the Viet Nam war to be turned around and used as a fulcrum to unsettle and destroy the United States of America by propaganda and organized insurrection from within."

CHANGING PATTERNS OF HEALTH CARE SERVICES, FROM TEXAS TIMES, A PUBLICATION OF THE UNIVERSITY OF TEXAS

Mr. YARBOROUGH. Mr. President, the January issue of the Texas Times, a publication of the University of Texas system, Austin, Tex., includes an article on the "Changing Patterns of Health Care Services" which I would like to share with my Senate colleagues. The article was adopted from a speech given by Arthur H. Dilly, assistant to the deputy chancellor for the University of Texas system, at a recent meeting of the American Occupational Therapy Association in Dallas. Among other duties Mr. Dilly assists in the administrative operations of the university's academic and health units.

Mr. Dilly believes that responding in a significant way for a new social consciousness and health care delivery system is the greatest challenge facing medical professionals in the 1970's. He touches on the increasing cost of medical care and the shortcomings of the American medical delivery system. He states, for instance that "the health of the American population is no better, and probably worse, than the health of populations in countries with considerably lower standard of living in economic terms and with more limited affluence."

He backs up this statement by pointing out that life expectancy at birth is lower in the United States than in many other countries, and that our position in this regard is becoming less favorable. He pointed out that between 1959 and 1965, the United States standing in life expectancy among males declined from 13th place to 22d among the nations of the world.

After discussing the shortcomings of medical care in our country, Mr. Dilly points out what he believes is necessary to improve our health status. I think his suggestions for a better health delivery system merit the serious attention of anyone concerned with the current status of health care in the United States.

Mr. President, I ask unanimous consent that the article I have just discussed be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Texas Times, January 1970]

CHANGING PATTERNS OF HEALTH CARE SERVICES

(Note.—The report which follows is adapted from a speech given by Arthur H. Dilly, assistant to the deputy chancellor for The University of Texas System, at a recent meeting of the American Occupational Therapy Association in Dallas. Mr. Dilly assists the deputy chancellor, Dr. Charles A. LeMaistre, in administrative operations of the UT System's academic and health units.)

No one who has paid doctors' and hospital bills will be surprised to find that medical care costs are rising rapidly: Doctors' fees are up seven per cent a year, and hospital charges 16 per cent a year. Nor does the immediate future hold much hope of betterment.

On a national scale, health care accounts for about six per cent of the Gross National Product. In 1967, the total health bill was $54 billion, of which the Government paid about

$11 billion. The total for 1968 has not yet been computed, but the Government contributed about $19 billion during fiscal 1968. It is predicted that by 1975 the total health bill will reach $100 billion, which will be eight per cent of the GNP.

Despite this vast investment, which constitutes by far the largest per capita expenditure for medical care in the world, the health status of the American population is less than enviable.

An inspection of data used to assess the health status of populations will reveal that the health of the American population is no better, and probably worse, than the health of populations in countries with a considerably lower standard of living in economic terms and with more limited affluence. Expectation of life (at birth) is lower in the United States than in Sweden, Iceland, the Netherlands, Switzerland and many other countries. Moreover, the position of the United States in expectation of life is becoming less favorable. Between 1959 and 1965, expectation of life for males has moved from 13th rank to position 22, and among females from seventh rank to 10th position. A similar situation exists in the case of infant mortality. In recent years the United States has varied between the seventh and 18th position in its rate of infant mortality. It is frequently assumed that the difference between the United States and other countries may be explained in terms of the excess infant mortality among nonwhites. This conclusion has no basis in fact. The white rate of infant mortality still exceeds 20 deaths per 1,000 life births, while lower rates are experienced by many countries including Sweden, the Netherlands, Australia and New Zealand.

If one inspects comparative morbidity data, one can find no real evidence that Americans are healthier than their counterparts in other countries. Despite our vast expenditures for medical care services, we appear to have no greater return than other countries that invest far less for such services. This dismaying fact suggests that we can organize and distribute medical services in the United States more effectively and in a manner which will have greater impact on the health of the community.

In short, there are significant indications that what is generally called the "health care system" has great need for an organizational and administrative overhaul.

Among the social scientists—and the delivery of health care services is now correctly regarded as a social problem—the economists probably have the greatest insight into the operational and functional aspects of systems for the delivery of services. Among other economists, Victor R. Fuchs, vice president of the National Bureau of Economic Research and professor of community medicine at the Mount Sinai School of Medicine, has used this discipline to look at the health care delivery system.

My primary academic and professional orientation has been in the health services area, and I suspect, as I know is true in my case, we in the health professions tend to become rather introspective professionally. While we speak with great favor of the multidisciplinary approach, we probably do not include some disciplines that could help in the solution to some of our problems.

Instead of presenting a rehash of problems, criticisms and proposed solutions to recognized problems of the health care system, I will present a framework within which individuals in the health professions might conduct their own analysis, and perhaps come to some conclusions, as I have done.

Since the framework is essentially an economic one, I will make some general comments regarding the economist's basic frame of reference.

For the economist, the need for a system arises from the fact that resources are scarce relative to human wants.

Everyone cannot get everything that he wants; there must be some basis for distributing what is produced. When an economist talks about an economic system, he is talking about the network of institutions, laws, regulations and patterns of behavior that society has created in order to answer basic economic questions.

Every society has evolved its own system for making these decisions. But if we try to classify them, economists find that there are really only three types of systems for economic decisionmaking.

The first is based on custom, tradition and religious ritual. This is a system in which the economic decision-making is not readily apparent because it is embedded in the total culture of the society. Most primitive and peasant societies operate on this system, and elements of it persist in even the most advanced nations.

A second type of system we can characterize as centrally directed. This is a system in which the basic decisions are made by one man or a small group of men who are situated at the center of the power structure. In ancient time, some of the larger and more important empires were run to some degree by central direction. In modern time, the Soviet Union provides the usual example.

The third basic kind of system is called a competitive market system, or free enterprise system; the system which we all endorse. In our society there are, and there always have been, elements of custom and tradition and elements of central direction, but most decisions are made in the framework of the competitive market.

The interaction between demand and supply determines the quantities and the prices of the various goods and services. It is this interaction that answers the basic questions of what goods will be produced, how they will be produced, and for whom they will be produced.

In observing the free enterprise system in practice, this system has tended to use resources efficiently, and to produce products and services wanted by society.

This system has great incentives to use resources efficiently—in ways consistent with changes in technology, attitudes, location and consumer demand. Economic studies of the free enterprise system have revealed certain conditions that are necessary for the system to function well.

First of all, in each market there should be many buyers and sellers. The prices and quantities will be determined by the impersonal workings of the market and by competition, and will not be controlled by one buyer or one seller or by a small group.

The exception to this requirement is only in the case of the so-called natural monopoly. It is clearly more efficient to have a single seller for telephone service, and we cannot expect, nor do we want, a competitive market system.

A second requirement is that there must not be any collusion among the buyers or sellers. If there is collusion, we may be no better off than if there was only a single seller. We need the advantages that come from competition.

A third important condition is that there must not be any barriers to entry. If it is always possible for new people to come into a market, the threat of this potential competition acts as a strong disciplinary influence on those who are already in the market.

A fourth condition is that there should be good information. If there is a market where the buyers or the sellers do not understand the technology of the market, or are not familiar with prices, quantities, or the availability of alternatives, it is likely that the favorable consequences expected from competition will not be realized.

In applying the free enterprise approach to medical care, two problems seem paramount. One has to do with the "for whom" question, the problem of the distribution of income. Many people feel that given the present distribution of income, a system which allocates medical care in accordance with that distribution is unjust, and indeed intolerable. The belief is that it is appropriate to apply this system to a man's ability to obtain a car, but it is unjust to apply it to his ability to obtain medical care.

The other big problem concerns the market imperfections. To what degree and in what ways does the medical care industry in the United States conform to the particular conditions that are needed for the free enterprise system to work well? As we consider the circumstances surrounding the production and distribution of medical care, many difficulties are apparent.

The first relates to an information lack. We all know that the consumer is often not a good judge of what he is selecting or what he should select in the field of medical care. This is true for many reasons—the complexity of the technology, the infrequency with which certain kinds of medical selections are made, the fact that the consumer may be under emotional strain at the time of purchase, and so on.

Another difficulty is that many aspects of medical care come close to those of a natural monopoly. Take the situation with respect to short-term general hospitals in a town of 50,000 people. How many should there be, taking efficiency into account? The answer is probably only one or perhaps two. This applies equally to many medical specialties. One or two specialists of several types can serve a town of quite good size.

Another problem arises because the dynamic tension found in most competitive markets is detrimental to the production of good medical care. This tension, that usually exists between buyer and seller and among sellers, can be harmful to medical care. There should be a feeling of complete trust between the buyer and the seller rather than one of tension.

Finally, some economists have been very critical of what they regard as collusive behavior among physicians, and critical of the barriers to entry that have been erected. It can be argued, however, that these interferences with normal competition serve socially useful purposes, and should not be viewed simply as attempts by physicians to enhance their own incomes.

As I look at our present system of health care, I classify its weaknesses into three categories: the weaknesses of effectiveness, of efficiency and of equity.

The effectiveness of our system of health care becomes suspect when we look at the various indices of health status in this country and compare them with those of other countries. This comparison, upon which I commented earlier, is unfavorable to the United States, and raises questions about the effectiveness of our system of health care. I emphasize health care, as opposed to medical care, because it may be that the lack of effectiveness does not reflect on the quality of our physicians and health team as much as the more fundamental question of what is it that the health care system is trying to produce.

The question of efficiency comes to mind when we see the high cost of our present system of health care. Ours is by far the most expensive health care system in the world. In most other industries the high wage level, which is characteristic of our system, is offset by higher productivity, and by more efficiency. That is precisely what seems to be lacking in our system of health care. More specifically, it is easy to find

important instances of inefficiency such as duplication of facilities, the use of highly skilled personnel for tasks that less skilled people could do, overutilization of facilities, and so on. "How should we produce health care?" is a very important question.

Finally, as I look at our present system, I see some important deficiencies in the area of equity.

The first problem, and probably the overwhelming one, is that there are millions of people in this country who receive either no medical care at all, or very little, or who receive it under conditions that are demeaning and not conducive to the production of quality medical care.

The second is that there are people in this country who can afford to pay for their own medical care on an insurance or prepayment basis, but who choose not to do so. When they become seriously ill, the cost of caring for them falls on other people, either in the form of higher prices for medical care or in the form of taxes. According to my personal value judgment, this also is an element of inequity.

How can the weaknesses of our present system be remedied, and under what kind of system? I will concentrate on a few areas that seem to me of prime importance.

First and foremost, I see a need for reforms and changes in the area of medical education and medical practice.

I believe that impartial observers would agree that American medical schools educate their students to practice a high level of medical skill. Indeed, within the complexity of the modern teaching hospital and medical center, the prospective physician is not only taught a high level of technical medical work, but he also learns how to work with other physicians and various allied health personnel in the delivery of medical services. He learns that much of medical care requires team effort and a variety of diagnostic, treatment and rehabilitation aids.

There are several factors that are now producing great pressure for changes in the community organization of medicine and in the direction of medical education. First, government is increasingly contributing a larger share of the medical care bill. There is a growing concern among government officials that medical care must be a more efficient product, and that the gains obtained from public programs must be more consonant with the large investments involved.

Government concern is linked with concern among other groups, such as insurance companies and labor unions, who are troubled by the growing costs of medical care. As medical care becomes more sophisticated, and as it involves larger teams of professional workers and more elaborate and expensive technology, expenses mount. There is tremendous concern about controlling additional costs attributable to inefficient and uneconomic forms of medical practice. The total costs of medical care are also rising because, as medicine demonstrates that it has something to offer the consumer, there is a growing per capita demand for medical services. Growing demand increases the burden on manpower and facilities, producing even further pressures for efficiency and higher productivity among doctors and other health professionals.

The demand for medical services is not only growing in amount but also in kind. The average consumer is more sophisticated about medical practice than in the past, and he wants not only more technical services but also a more personalized, integrated and coordinated pattern of medical care. To meet these increasing demands for a new continuum of health care services is the primary challenge facing medical educators today.

With respect to hospitals, I have two thoughts. First, we must get away from the notion that hospitals should be reimbursed on the basis of their costs, whatever those costs might be. If ever there was a system built to produce inefficiency, it is reimbursement according to costs.

My other thought for hospitals is that we begin to think in terms of hospital systems. There are two reasons for this. First, I believe the number of really skilled administrators available is far too small to manage effectively the 7,000-odd hospitals we now have. In most other industries a solution is found in permitting the more efficient and skilled administrators to spread their wings and exercise control over a larger range of resources. For example, we do not limit a good steel executive to managing one steel plant. My other reason for advocating hospital systems is that I think such systems can be made to work more efficiently. A good manager will be able to use the various elements in his system more effectively than when they were under separate control and separate management.

I also see a need for reform and change with regard to the distribution of medical facilities and medical manpower.

A major problem in the United States, as in other countries, is the uneven distribution of medical facilities and medical manpower. Basically, two major areas of need exist, but their problems are different and require somewhat different approaches. On the one hand, with the developing suburbs there is a tendency for medical facilities and manpower to move into such areas, leaving tremendous gaps in medical services for lower income groups in large urban areas. On the other hand, medical facilities tend to develop in areas of urban concentration, leaving many rural areas without an adequate system of medical services. Doctors, like other professionals, respond to opportunities in the environment to have good contexts to practice medicine, to have good educational and cultural facilities for their families, and to have generally the advantages of urban life. Both urban slums and isolated rural areas present difficult problems for this point of view.

It is interesting to note in this regard that many rural communities have offered American doctors subsidies such as free office facilities, a guaranteed income and so on, but this has not been adequate incentive for relocation or establishment of practices.

Some countries require medical students to practice in rural areas for a particular period of time following graduation. Although such coercion would not be acceptable in the United States, similar goals can be advanced through economic incentives, and these have been used for several years in particular specialties. Some states, for example, have subsidized psychiatric residents on condition that they serve after the completion of their training for a specified period of time in state mental hospitals. This plan has worked to some extent, and some of the doctors who undertake such commitments decided subsequently to make a career of such practice. It would not be difficult to establish a similar plan for medical schools, providing complete subsidy for the student's medical education on condition that he agrees to practice for a specified time in some area of the country designated as "medically needy."

It is very unlikely that any such changes would radically alter the problems of rural areas in attracting adequate medical manpower. There are, however, a variety of possible solutions. One possibility is a regional health center-hospital complex organized particularly with rural problems in mind. Such a health center may have a traveling health team that supervises public health nurses or some other new health professional such as a physician's assistant who works in each community. Such a person might provide the day-to-day care in the community, referring any complex case to the regional health clinic. The clinic may have its own transportation system bringing persons from outlying areas to the clinic. Clearly, there are many problems that will have to be worked out, but it is unlikely that the difficulties faced by rural areas can be solved through traditional patterns of medical service.

The problem of providing medical care to urban core areas is somewhat different because of the heavy concentration of population. Health services within such areas should be easily accessible to the population and structured to take into account their special problems. The possible alternatives for making medical services more acceptable socially to low-income groups are numerous and not sufficiently studied. However, the basic principle that such services should be organized with the special needs of the population served is one likely to pay handsome dividends.

The development of alternative forms of medical facilities should be considered. Proposed "health centers" will pose problems as well as bring about improvements. As medical care moves from a very personalized tradition to a more organized form, many failures will occur in responding to the personal needs of patients from a psychological and social standpoint. We have a good analogy in the educational field where schools and universities have undergone tremendous growth. The growth of such institutions has provided substantial advantages in resource acquisition and potentialities for service, but it has also resulted in depersonalized relationships between teacher and student, and a failure to respond to the special needs of particular kinds of students.

It would be wise for developing health centers to meet these problems before they become widespread and undermine the concept of the health center itself. Another alternative being considered presently is the training of physician's assistants who take on more limited technical functions of the physician, leaving him more time for dealing with more comprehensive needs of patients. It is not clear, however, that this type of separation of tasks will be particularly pleasing to physicians. The particular solutions most appropriate are unclear, and many different types of approaches must be tried. At this point it is more important that we ask the appropriate questions than to settle on any particular answer.

The health center concept appeals to some because it may be a solution to the continuing spiral in medical care costs. It is assumed that the capacity to treat more patients in better organized settings will reduce the cost of individual units of service. The health center concept, however, involves a much more sophisticated pattern of service and consideration of a wide variety of problems now neglected in community general practice. Thus the assumption of economy is one which is probably incorrect. One can conceive of health centers as being little more than general practice factories, but this is not the current concept. If the health center is to provide comprehensive services, if it is to give emphasis to human problems, if it is to provide the physician with the technology and help suggested, and if physicians and other health professional are to receive reasonable remuneration for services provided, then health centers will be expensive. Perhaps we must compromise the ideal, but we should be clear as to the relative costs, and not make claims that cannot be realized.

It seems to me that in the decade ahead there must be a reassessment of the role that third party—essentially insurance—will play in the health care system. Basically, of course, this relates to financing health care costs, and I would like to suggest four principles upon which any realistic reassessment of the insurance system must be based.

The first principle is universal coverage under some plan or group that at least meets minimum nationally established levels for health and hospital care.

The second principle is that the premiums should be paid for by consumers themselves, or should be paid for by employer-employee contracts. The federal government's role should be limited to subsidizing the premiums for low-income persons and perhaps subsidizing certain recognized high-risk groups.

The third principle is that there should be a free choice of plan or group wherever practicable, including the right to buy more than the minimum coverage. I assume that over the years, as the nation becomes more affluent, the required minimum will be raised. But whatever it is at any given time, there should be an opportunity to purchase more.

My fourth principle is that the plans and the groups ought to be consumer-oriented. They should employ knowledgeable people who will then contract with producers, singly, in groups, or in systems, for health care to the people in that group. This seems to be the only way to obtain informed competition. Uniformed competition in the medical care field does not produce desirable results, but it seems to me that informed competition certainly might do so.

I would suggest further, with regard to insurance, that there should be an overriding premise related to the four principles that I have already mentioned. This premise is that these programs should focus upon the aspect of "keeping well" and not "getting well." Current programs emphasize the treatment of the episodic illness, and future programs should recognize the desirability and economy of preventive measures to illness. To do otherwise places emphasis on the most expensive aspect of health care—the in-patient care of the episodic illness.

With the increased role of the federal government in the health care system, there is a need to study the nature and scope of the role which the federal government can and should play. Some economists say that if the distribution of income is unfair or the imperfections in the market are too great for the free enterprise system to work well in providing health care, then the tendency will be to turn to central direction, that is, the government. To all of us this would be undesirable. Unquestionably, however, there are legitimate functions for government which fall far short of taking over medical care completely.

First of all, it can be a source of information. The government can try to remedy those aspects of the problem that have to do with the fact that consumers are poorly informed. The government can also be a regulator of standards and qualities, and, where necessary, an enforcer of the public interest. It can influence the supply of resources going into medical care by subsidizing medical education, research and the like.

The government clearly has a role to play in making the system more equitable. It also should subsidize those health-related activities that have substantial external effects such as public health and environmental controls. And it can help physicians and medical schools move toward greater efficiency. Finally, the government could be a producer of health services. It could hire physicians, build hospitals and actually produce medical care for those outside the scope of the free enterprise system.

In summary, I would suggest that to evaluate our system of delivery of medical services, it is necessary to specify some criteria by which it may be judged. As a first criteria, I would contend that an effective system of health services distributes care to those who are most in need. Secondly, I assume that an effective health care system distributes its manpower and facilities effectively among various localities and geographic areas, and provides and coordinates services so as to meet evident community needs.

A third assumption, on which there is pervasive agreement, is that good medical care involves not only the development of technical skills and scientific knowledge, but also the ability to use these in a manner that leads to an effective and coordinated pattern of care. Although the United States has medical technical capabilities as well developed as any in the world, there is no clear responsibility for the integration and coordination of health care.

The organizational apparatus that typifies the community practice of medicine is one more fitted to the 19th Century than the present day. Although medicine in recent decades has developed in its scientific base and its technical capabilities, the basic structure through which such care is provided to the community is one which was developed when medicine was a primitive art and technology a new word in the medical vocabulary.

Much is unclear about the future, but it is evident that we are in a period of transition in our modes of delivery of health care. These changes are, in part, adaptations to rapidly changing technology, but they also are responses to a new social consciousness and new definitions of health needs. To respond in a significant and meaningful manner to this demand for a new social consciousness and a new health care delivery system is the greatest challenge facing medical professionals in the decade of the 1970's. Get aboard now—it's going to be an exciting trip.

THE BEST—ABOVE THE BEST

Mr. MONTOYA. Mr. President, much has been written in the news media of late about the conduct of our combat soldiers in the Vietnam conflict. I, for one, am convinced, that on the whole, all aspects of their performance of duty have been exemplary, even though conducted under the most difficult conditions and constraints ever faced by the American fighting man.

My purpose here is to shed some light on the activities of an unheralded band of unsung, determined, and seemingly tireless corps of sky soldiers—the Army's combat helicopter crew chiefs.

In Vietnam, the helicopter has proven to be one of the most versatile and combat-effective tools in the arsenal of the military field commander. Few in that wartorn country would choose any other mode of transport—even into the most hostile area. From the standpoint of medical evacuation alone, helicopters have carried over 300,000 casualties, military and civilian, thus saving countless lives and much suffering. The real backbone of this fleet of lifesaving and combat supporting vehicles is the crew chief, mechanic, and door gunner. Yes, this combat tested GI is a veritable jack-of-all-trades. He maintains, services, and keeps combat ready his aircraft; he flys along on all missions performing as a door gunner/observer—truly an extension of the pilots eyes and ears; and he is always ready to fight—as the infantry soldier—when necessary, to defend a downed aircraft, wounded comrade, or a heliport under attack.

The 18- to 20-hour day is not uncommon and the 7-day week is routine for these dedicated men. Their daily routine consists of flying all day in a relatively exposed position to enemy ground fire; then working most of the night to maintain these complex machines; all supplemented by guarding their airstrips, KP duty, sandbag filling details; and many of other activities necessary for survival in a hostile environment.

The Vietnam conflict has shown that helicopters and their crews are susceptable to enemy ground fire; however, a very interesting fact has surfaced—that is, that although many helicopters have been "shotdown" by enemy fire, a relatively small number by comparison have actually resulted in a total loss to the Army inventory. Due to the nature the helicopter and its ability to be autorotated to a relatively soft landing if there is an inadvertent loss of power; or in an emergency; many ships which have been brought down by enemy ground fire were hastily repaired in the rice paddy, or have been "sling-loaded" under larger helicopters and flown to a field or general support helicopter maintenance facility where repair was effected. The point is that many choppers, which were hit by enemy fire, have been repaired to fly and fight another day. It stands to reason that when the high performance jet aircraft gets "shotdown," there is usually very little left to salvage from the wreckage, whereas the Army's slower flying and maneuverable chopper is usually salvageable after being brought down by similar enemy action. One of the keys to this high recovery rate is, of course, none other than the aircraft chiefs. They effect the hasty rice paddy repairs, they attach the slings and signal hoisting of the downed machine; and also they work to return a ship to flyable status after it has been lifted into a secure area.

There seems to be no question in the minds of many, that the helicopter is more vulnerable than the conventional fixed-wing aircraft or the high performance, fast flying jet. But as one knowledgeable proponent of the Army's airmobile helicopter operations concept points out: "When they've shot down one of those red hot jets; what type of craft is sent into the same hostile environment to recover the downed crew?" Of course, it is the helicopter, manned by the dependable men in green.

In the final analysis, I find that our young sky-soldiers—the men behind the guns, tools, and machines—are a credit to their generation, their families, and their Nation. They have demonstrated once again that they can rise above any exigent situation, as our youth have done so many times in the past, to get done the job at hand, no matter how demanding, complex, or dangerous. And mindful of the social unrest which is apparent in their generation at large, and reflected to a limited degree within the Army itself, they continue to work and fight wholeheartedly for their country.

I salute the Army's brave corps of heliborne crew chiefs—may they continue to fly with pride above our Nation's best.

ON PREVENTING INFLATION

Mr. HARTKE. Mr. President, Leon Keyserling, a former Chairman of the Council of Economic Advisers and one of the most stimulating economic analysts of our time, has recently written a letter

to the editor of the Washington Post in which he challenges some of the basic assumptions of present fiscal and monetary policy.

One of his most interesting conclusions is that the rate of price inflation increases during periods of economic stagnation and decreases during periods of optimum economic growth. This fact leads inevitably to the realization that "a program for sustained and optimum economic growth would yield the least price inflation in the long run."

Mr. President, so that my colleagues may have the benefit of Mr. Keyserling's letter, I ask unanimous consent that it be inserted in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INFLATION AND THE COST OF MONEY

(By Leon H. Keyserling)

The Jan. 29 press told us that wholesale prices increased at an annual rate of 8.4 per cent in that month, following the 6.1 per cent increase in consumer prices in December; that AT&T stocks reached the lowest level in almost 10 years, and the stock market the lowest level in 3 years, in recognition of the recession now upon us; and that the Treasury is making an offering at an 8.25 per cent interest rate, the highest for comparable securities since 1959. The proponents of current policies to stop inflation assure us that they will "take effect in time," and that the divergent trends just mentioned reflect only the "lag" between effort and results. But let us look at the record more realistically.

During the periods set forth, the average annual rates of real economic growth and of consumer price advance have been as follows: 1952–55, 3.5 per cent and 0.3 per cent; 1955–58, 0.8 per cent and 2.6 per cent; 1956–58, including the largest recession since before the Korean war, 0.2 per cent and 3.1 per cent; 1958–60, 4.3 per cent and 1.2 per cent; 1960–66, 5.1 per cent and 1.6 per cent; 1966–69, 3.4 per cent and 4.1 per cent. Within this latest period, generally speaking, the rate of price inflation increased as the economic stagnation intensified, and has become most rapid when growth was reduced to zero or minus. Attempted time-lag explanation of this long and consistent record become ridiculous.

The real explanations are clear. In the bellwether sectors of the economy sparking and leading the inflation, disappointing volume of activity and increasing idle capacity lead to administered price increases, in the effort to support profit and investment targets nonetheless. Productivity, tremendously repressed by economic stagnation, fell in the private economy from an average annual advance of 3.7 per cent during 1960–66 to only 0.6 per cent from third quarter 1968 to third quarter 1969; this increases labor costs and causes allegedly compensatory price increases. An endless succession of ups and downs in the economy, accompanied by wayward shifts in policies to apply the remedy of "fine-tuning," increase uncertainties everywhere. Some prices rise to make hay before bad times, others rise because of excessively bunched investment programs to get ahead of more inflation. Some of the biggest rises in the consumer price index have been in the costs of home occupancy; this has been due to shortages due to tight money and rising interest rates, and by deficient public spending for housing, both part of the crusade against inflation. The same is true substantially of the spiraling costs of medical care. More generally, as cost of the money enters into the cost of almost everything, nothing is more inflationary than rising money costs. The utilities are seeking and need rate increases almost everywhere, because they finance primarily with borrowed money. The workingman whose cost of living enters his wage demands finds that if he buys a new house now, he will pay out during the period of amortization, due to the rising interest rates alone, the equivalent of one year of his wages.

It follows that the concentration of fiscal and monetary policy, and many other national policies, upon a program for sustained and optimum economic growth would yield the least price inflation in the long run. Besides, over the next 10 years, it would give us an average of $100 billion a year more in real national product, which we sorely need for domestic and international reasons. Yet even today, the economists, inside and outside of government, remain blind to empirical observation, hostile to the few who forecast what would happen from 1952 forward, and determined to stick by their guns aimed in the wrong direction.

JOHNSON RAISES PERTINENT QUESTIONS ON ALLIANCE

Mr. McGEE. Mr. President, our former Chief Executive, Lyndon B. Johnson, has called attention to the choice facing this country in the realinement of its foreign policy. We have more than 40 alliances which represent the word of honor of the United States, he said, and we face the choice of living up to them or not.

Recently, Richard Wilson, writing in the Evening Star, called the former President's comments "extremely pertinent" and observed that the Senate can play a significant part in the process of realining our commitments by "constructive study and analysis of the treaty commitments it has helped to make and of our present ability and purpose in fulfilling those commitments."

Mr. President, I could not agree more. And I ask unanimous consent that Mr. Wilson's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

JOHNSON RAISES PERTINENT QUESTION ON ALLIANCE

(By Richard Wilson)

Lyndon B. Johnson has raised an extremely pertinent question in his television memoirs. We have more than 40 alliances "which represent the word of honor of the United States." We either ought to get out of those alliances—"Tear them up"—or we ought to carry them out, according to the former President.

In fact, some such reexamination is going on in various branches of the Defense and State departments involving eight formal defense treaties, 21 defense agreements and other arrangements.

Johnson leaves little doubt where he stands. He would be on the side of honoring our word. But it is far from that simple, and Johnson, of course, knows that very well.

What Johnson is reflecting is the sense of uneasiness and uncertainty which pervades all public life on the credibility of American defense arrangements with 42 allies of one kind and another.

It cannot be said, with any enthusiasm at least, that the Nixon doctrine of a lowered American posture and profile while living up to our treaty commitments clarifies very much.

The country and the world are slowly beginning to feel, after an initial sense of relief, the long range effects of the failure in, and withdrawal from, Vietnam. The Western Europeans are weighing and trying to judge what this kind of policy extended to the whole world will mean to them, and this possibly accounts for Harold Wilson's rather surly silence after the British prime minister's recent visit with President Nixon.

Nixon is trying to find some way, short of shattering all credibility in American protection, to shift a larger part of the costs and responsibilities of mutual defense to our allies. The process is a delicate one. It arouses uneasiness in small and relatively defenseless nations in Europe and Asia—most of these countries, by the way, have been of very little help to the United States in Vietnam and have difficulty in living up to their major treaty commitments.

More than this, however, the Nixon policy, whatever it precisely is, arouses intimations of a new American isolationism. This is reason enough for an examination of just what American defense commitments amount to and how they would be carried out in the modern world.

This doesn't necessarily mean that we should join former President Johnson in absolute alternatives of tearing up our treaties or carrying them out. It probably does mean a long and painstaking readjustment of treaty obligations beginning with the NATO agreement in line with our own capabilities and the capabilities of our allies.

This apparently is what President Nixon is doing, or if he is not doing it then the basis of his low-profile policy will not have the orderly form he usually likes. He has decided that the postwar policies are obsolete, but those policies are based on treaties and either the treaties will have to be revised or he will have to amend them unilaterally through public announcements and communication with heads of state.

The Senate Foreign Relations Committee would be better employed studying these treaties and commitments than in trying to repeal the Gulf of Tonkin Resolution authorizing the Vietnam intervention. The Senate cannot call off a war by repealing a resolution.

But the Senate can play a significant and desirable part by constructive study and analysis of the treaty commitments it has helped to make and of our present ability and purpose in fulfilling those commitments. The treaties were entered into with the concurrence of the Senate, and the Senate has every right to judge their applicability to present conditions.

It is regrettable that this has to be done in the atmosphere of hostility and recrimination adopted as an expedient political attitude by certain members of the Committee on Foreign Relations.

This atmosphere compares unfavorably with the kind of bipartisanship which created the postwar policy. The observer searches in vain for the statesmanship of an Arthur H. Vandenberg, the Republican who recognized the error of his isolationism and did something about it.

The present crop of neo-statesmen resorts to the language of street protests, adding "hoax" to the four-letter category in attacking a president who is trying to change American foreign policy. Such protest tactics will not get us far along on the road of a revised policy based on present realities and capabilities.

DISTRICT OF COLUMBIA HEARINGS HELD ON PROBLEMS OF CITY SPANISH-SPEAKING RESIDENTS

Mr. MONTOYA. Mr. President, the District of Columbia City Council recently held 2 days of hearings on the problems of the District's 50,000 or more Spanish-speaking residents. In the past few months I have become increasingly

distressed, through correspondence with Mayor Walter Washington and other representatives of the District of Columbia City Government, that little or nothing is known about the extent of these problems, which include inadequate health care, poor housing conditions, undereducation, and unemployment. Indeed, we do not even have a realistic estimate of the number of Americans comprising the District Spanish-speaking population, although estimates range from 30,000 to 75,000.

This group's special problems, arising from poor living conditions, discrimination, and language barriers, have finally been aired publicly before the members of the District of Columbia City Council, and I am hopeful that now some effort will be made to learn more about this particular community and what can be done to assist its residents.

I have stated my hope on more than one occasion that the District Government would create a unit within the Office of the Mayor designed specifically to represent the Spanish-speaking Americans of the District and to help them obtain information and aid available from the city. I understand that a number of other major cities have established similar offices. I was disappointed to learn that no funds have been proposed for this purpose in the recently released fiscal year 1971 budget for the District of Columbia. I am hopeful, however, that the need for such an office will be made clear during the forthcoming hearings before the District of Columbia Appropriations Subcommittees. As a member of the Senate Subcommittee on the District of Columbia, I look forward to hearing testimony on this proposal in the months to come.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD several recent newspaper articles from the Washington press about the city council hearings on the problems of the District Spanish-American community.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 15, 1969]

D.C. SPANISH MINORITY FINDS ALLY IN MONTOYA

(By Richard E. Prince)

Washington's Spanish-speaking residents, who recently have been stepping up their efforts to receive more attention from the District Building, have found a powerful ally in Joseph M. Montoya, a New Mexico Democrat and the only U.S. senator of Spanish descent.

Montoya took the opportunity Thursday, during the floor debate on the city's budget, to berate the city government for its failure to "do something about the reported disgraceful conditions which Spanish-speaking citizens face in this city."

He noted that he was a member of the Senate body that controls the city's purse strings, the Appropriations Subcommittee on the District.

Spanish-speaking residents came to Montoya's office after becoming dissatisfied with what their leader, Carlos Rosario, called "lip service" from the District Building.

Montoya, who successfully sponsored a Senate bill creating a "cabinet committee on opportunities for Spanish-speaking people" made up of cabinet members and federal officials concerned with reaching the poor, wrote Mayor Walter E. Washington to request a meeting with him.

"Until my testimony (on the Senate bill)," Montoya wrote, "the Congress appeared to be completely ignorant of the fact that the Spanish-speaking people of this country ranked at the bottom of the totem pole on education, employment, housing, poverty and all the other segments of our society.

"From what I have seen and from what I have been told, conditions for the Spanish-speaking in Washington, D.C., are no exception," he said.

The city is now drafting its reply to Montoya's questions.

The reply points to the mayor's proposal for seven neighborhood city halls, passed by the Senate Thursday, as "a positive first step in the direction of needed services," that would help "develop some effective machinery to give to neighborhoods direct contact with municipal affairs."

The city also notes that Rosario, who is chairman of the Committee for the Aid and Development of Latin Americans in the Nation's Capital (CADOLANCA), is on the Human Relations Commission.

The mayor also is trying to recruit a Vietnam veteran of Spanish descent to serve on the new mayor's committee on veterans affairs, the city says.

Montoya also backed the request of local Latins that the City Council hold hearings on Spanish problems as soon as possible.

A group of Spanish-speaking residents had met with Council Chairman Gilbert Hahn Jr., who scheduled hearings in March. That is too late, the residents say, for any money to be appropriated for them in the 1971 budget.

They and Montoya are asking that the hearings be held in January.

Montoya also told the Senate Thursday that the mayor should establish an investigating committee to report to the mayor and Congress on the problems of hunger, poverty, and unemployment among the local Latin population.

"Virtually no funds are being used by the District of Columbia government to aid Spanish-speaking citizens," Montoya said, "and yet, as we look to Arlington County, we find that an office has been specifically established to deal with the problems confronting the Spanish-speaking community."

Montoya said it was estimated that more than 50,000 to 70,000 Spanish-speaking residents live in Washington, 10 times more than are in Arlington County.

Rosario said the neglect of the needs of Spanish-speaking persons by the city has been long-standing. He said he approached the mayor two years about creating a liaison office between the city government and the Spanish community. The person assigned provided "zero service," Rosario said, and quit without being replaced. The request for the office is still under consideration.

The source of much of the Latins' discontent stems from a difference of philosophy on how to serve the Spanish citizens' needs.

The city apparently feels that the Spanish population can be served the same as other disadvantaged groups, while the Spanish feel they have special needs.

Rosario asked the mayor two years ago for a "concerted action program" for educating the Spanish residents about "how the government functions, where you can go, what you can do; something that will pay off."

Another part of the problem, from the city's point of view, is simply that there is a lack of information about Spanish people in Washington.

Montoya asked the city, in his Nov. 6 letter, for information about the size of the Spanish-speaking population, where they live, how many are in substandard housing, if most were citizens, their rate of unemployment, and educational attainment.

But the response from the District Building, and in part the reason for the delay, was that "we have tried to obtain some hard data on the questions you raised. . . . There is none available at this time. We do know that the unemployment rate is high; underemployment is also a serious problem."

Philip J. Rutledge, the mayor's assistant for human resource programs, noted that even the 1970 census, which asked people to designate whether they are Korean, Filippino or Indian, has no provisions for Spanish Americans.

He said, however, that he will be talking to various city department heads to determine what steps they can take to remedy their problems.

[From the Washington Post, Jan. 30, 1970]

COUNCIL LEARNS WHAT IT'S LIKE TO BELONG TO LATIN MINORITY

(By William Raspberry)

Members of the City Council had, like the rest of us, been vaguely aware that Washington has a substantial, and growing Latin American community.

But the reality of that community's existence, its problems and frustrations hadn't sunk in until Tuesday night's hearing, a hearing prompted more by the efforts of leaders of the Spanish-speaking community than by the City Council.

For four hours, council members heard a score of witnesses (fewer than half of those who had signed up to testify) tell what it's like to be a member of the city's newest major minority.

There were the obvious problems, of course; the difficulty of getting information or dealing with public agencies or getting along in school or with the police when you speak only Spanish and everyone else speaks only English.

Housing, as expected, was a frequently mentioned concern: how to find it when you don't know the city and don't speak its language; how to pay for it when you can't find work, and who to turn to for help.

But they also talked about the less obvious problems—employers who won't hire you if your English isn't good (no matter if the job doesn't require it); landlords who overcharge you because they know you can't do anything about it; native Americans who insult you by calling you by your first name, a privilege you prefer to reserve for those close to you.

Council members were puzzled when some of the young people complained that they didn't have their own playgrounds. Why not just use the playgrounds in the neighborhood?

"The other kids don't like us because they don't understand what we're saying," one youth explained. "This makes problems—you know, fights."

Others told of how the schools keep wasting their time making them study a foreign language when English itself is foreign for many of the Latinos.

There are few opportunities for Latin adults to learn English, and virtually no way to spread the word on what opportunities do exist.

While some of the problems came as a surprise to the council, there was no lack of understanding. The six Negro members of the nine-member council recognized most of the complaints as the same ones that Negroes had been forced to deal with in earlier days.

But if the problems are the same, the solutions are greatly complicated because of the language barrier.

Thus even those agencies, public and private, that are willing to help find it difficult to do so. There aren't many public-service lawyers who are fluent in Spanish; few public school teachers, even at Lincoln Junior High which serves the city's largest concentration of Latinos, are bilingual. The Human Relations Commission, which handles a variety

of discrimination complaints, has one staffer (Martin Norpell) who speaks Spanish "pretty well," but not even his co-workers are aware of it.

More to the point, the Latin community doesn't know about him.

Norpell remembers getting only one complaint from a Spanish-speaking caller, and that was pretty much by accident.

Pamphlets of public interest—job opportunities, meetings, health and legal services, bus schedules—are all in English and therefore meaningless to a large number of the estimated 35,000 to 75,000 Latin Americans. The police department, which has started to print some of its pamphlets in both languages, and the Red Cross, which has furnished some emergency help, are among the few agencies that have done anything at all.

Carlos Rosario, who has become the Latin community's chief spokesman, offered a broad proposal that included the establishment of a special bureau to handle the problems of the Spanish-speaking community.

One council member wondered if that would be a good idea. "You remember what the Bureau of Indian Affairs has done for the Indian," he said.

But specific proposals aside, Tuesday night's meeting made clear that the city has neglected its Spanish-speaking residents. There is a very good chance that something will be done about it.

And now that the City Council has discovered the Latin community, perhaps someone should pass the word along to the rest of us—particularly the schools and the press.

That might come up Saturday morning at 8 o'clock when the hearings resume.

[From the Evening Star, Jan. 28, 1970]

LATIN RESIDENTS TELL CITY COUNCIL OF TROUBLES

(By Constance Holden)

Spanish-speaking residents of Washington got their first hearing before the City Council last night, a confrontation which, judging from the size of the response, may have been long overdue.

The meeting, attended by more than 200 persons, was adjourned near midnight after fewer than half of the 50 persons who had signed up to testify had held the floor.

The problems they described were not new for an urban minority group—inadequate health care, housing, education and employment opportunities. But, as witness after witness testified, the keystone of their difficulties was the language barrier.

The hearing was called by Councilman Jerry R. Moore, who made a Jan. 16 tour of the Spanish-speaking area of Mount Pleasant. Estimates of the Latin community here vary from 35,000 to 75,000.

MAYOR'S UNIT URGED

Carlos Rosario, chairman of the Committee for Aid and Development of Latin American Nations in the Nation's Capital, presented the most detailed proposal of the evening, which involved setting up a Spanish-speaking affairs unit in the mayor's office.

The purpose of the committee, he said, would be to supply direct liaison between the mayor and the Spanish community, to design programs for it, and to inform residents of government aid and programs available to them.

Some members of the City Council objected to the idea of a separate agency on the ground that language was the only difficulty unique to Spanish residents.

Other speakers disagreed, saying the Spanish family- and religion-oriented culture made integration into U.S. society difficult.

For example, a teen-ager, Jose Cruz, said foreign-born students would have more successful school careers if they were treated to a bilingual orientation period before the school year began.

The Rev. Antonio Welty, a native of Colombia, painted in dismal terms the plight of a non-English-speaking person trying to deal with a government agency. He added that Spanish-speaking persons were particularly victimized in the area of housing, "like the black community of a generation ago," and recommended that housing aides and inspectors be bilingual.

"MOST NEGLECTED"

Many witnesses reflected the sentiment of the Rev. Jose Tuarbe, who called his people "the most neglected minority group in the District of Columbia."

Suggestions to bridge the language gap included the hiring of bilingual teachers in schools, an expanded drive to make English courses available to all who needed them, printing of notices and pamphlets of public interest in two languages, and the establishment of a central location to provide Spanish speakers with a wide scope of legal aid.

Hearings will continue at 8 a.m. Saturday in the council chambers.

[From the Evening Star, Jan. 28, 1970]

SPANISH-SPEAKING WASHINGTONIANS

SIR: I write to commend The Star for its January 12 article, "75,000 Spanish-speaking in D.C. Will Get a Hearing," which reports on the D.C. City Council hearings on the problems of these fine, hard-working, relatively crime-free people—a majority of whom are our friends and neighbors in this part of the city.

The Star's report on "Adelante" took us behind the scene to see how well one program aimed at underemployed professional Spanish-speaking citizens is working and found it working extremely well. We hope The Star will give us more such in-depth reports. Programs are being carried on, for instance, at the Spanish Catholic Center, the National Baptist Memorial Church and the Good Shepherd United Presbyterian Church, which would be of interest to your readers. All are located in this section of Washington.

Arlington, Va., New York City and Miami have established permanent offices to serve their large numbers of Spanish-speaking citizens, and these offices are staffed and directed by Spanish-speaking people. Such an office is needed in the District. Leaders in the Spanish community have said it should be set up in the Office of the Mayor. This seems to be an entirely reasonable request, and one which would be of great benefit and value at this juncture. If other cities have such offices why shouldn't this city?

In the 1970 census we will learn—for the first time—exactly what portion of District citizens is made up of Spanish-speaking and Spanish-surname Americans. President Nixon recently signed a bill, S. 740, into law which would establish a statutory "Cabinet Committee on Opportunities for Spanish-speaking People." Upon doing so he reaffirmed the concern of this government for providing equal opportunity to all Spanish-speaking Americans and the need to open doors to better jobs and the ownership and management of businesses to them, and to ensure that all government programs reach them.

I feel all Americans wholeheartedly support President Nixon in this regardless of party and will join together to provide to these recent and newest immigrants to our shores as much help as was given to those peoples who came here in earlier years.

JOHN JARBOE,
18th and Columbia Road Business Association.

[From the Washington Daily News, Jan. 28, 1970]

HELP URGED FOR LATINS HERE

(By Ronald Taylor)

The City Council last night was urged to form a special committee to work with the mayor on the problems of a Spanish-speaking community which "falls at the very bottom running of the priority scale."

Most of the witnesses told the council the problems of the estimated 50,000 Spanish-speaking residents here were similar to problems facing inner city residents.

"There is a wide gap between the council's reputation for compassionate leadership and the condition of the Spanish-speaking residents in the District," said Martin G. Castillo, chairman of the Cabinet Committee on Opportunity for the Spanish-speaking.

"The Spanish-speaking community falls at the very bottom rung of the priority scale when compared to other disadvantaged people in the city," Hector Rodriguez, of the Committee for Aid and Development of the Latin Americans in the Nation's Capital said before an overflow crowd of 450 jammed into council chambers.

Out of the 40,000 people hired last year by the city's 10 largest employers, Mr. Rodriguez said, only 0.6 per cent were Spanish surnamed Americans and only 1.3 per cent of the 5,325 professionals hired by those employers were Spanish-surnamed.

BI-LINGUAL TEACHERS

Mr. Rodriguez urged the council to "begin tomorrow" recruiting bi-lingual teachers for schools attended with large numbers of Spanish-speaking students.

His request was echoed by George Frain, administrative secretary of the 18th and Columbia Road Business Association, who said there has never been a Spanish-speaking teacher in that heavily Spanish-speaking area.

When the teachers see the students don't understand them "they speak louder. Speaking English isn't the answer," he said.

Arture Griffith, a young resident of the upper Columbia Road area, told the council, "There should be English taught as a second language. Learning a third language would be of no use to us."

INTERPRETER NEEDED

A State Department interpreter, on loan to the council, was needed when Mr. Griffith and his friend, Jose Cruz, testified. Mr. Cruz spoke only Spanish and Mr. Griffith lapsed into Spanish when he had trouble expressing himself in English.

Sen. Edward M. Kennedy, D–Mass., in a letter read by one of his staff aides, Mark Schneider, said he was "shocked to learn that very little information had been gathered by District government agencies on the size of the Spanish-speaking community or its needs.

"We will not benefit from their (Spanish-speaking immigrants) if the children stagnate in the school system because they cannot understand their teachers . . . nor when the women lack essential health services nor when the men are denied access to job opportunities," he said.

[From the Washington Post, Jan. 28, 1970]

D.C. COUNCIL HEARING AIRS ILLS OF SPANISH COMMUNITY

(By Paul Hodge)

Washington's 50,000 to 75,000 Spanish-speaking residents have the highest unemployment rate, lowest median income, worst housing and highest school dropout rate of any group in the city, the City Council was told last night.

These facts were brought out at a special hearing on the problems of Spanish speaking residents in the city.

More than 50 percent of the adult Spanish-speaking population cannot speak English and, therefore, lives in virtual "isolation" in the city, the Rev. Rutilie Riege, director of the Spanish Catholic Center at 16th Street and Park Road NW told the council.

He called on the city government to sponsor English language classes for both adults and school children. This city has failed to do

this on any significant level up to this time, Father Riego said.

The hearing followed requests by Spanish-speaking residents and Sen. Joseph M. Montoya (D-N.M.) to "do something about the reported disgraceful conditions that Spanish face in the city."

A member of the Senate District Committee, Sen. Montoya is the only Senate member of Spanish descent.

Speakers last night called upon the Council to establish a Spanish-speaking affairs unit under the mayor, hire bilingual school teachers and place bilingual employees in every department. They also called for English language classes on a large scale for adults and children.

Martin G. Castille, chairman of President Nixon's Cabinet Committee on Opportunity for the Spanish Speaking, questioned whether a largely black City Council will do as much for the Spanish minority as for the black majority.

"What's at stake here is whether opportunity for some will be achieved at the expense of others . . . whether we will prove wrong what the historians said, that there is no greater oppression than that practiced by a recently oppressed minority."

Castillo said there is a wide gap between the City Council's "reputation for compassion" and the conditions of Spanish-speaking residents in the District of Columbia. Spanish-speaking residents "need the reassurance of action," he said.

[From the Washington Post, Dec. 27, 1969]

OUR LATIN QUARTER

The cry for help from the city's growing Spanish-speaking population is being answered but quite evidently more needs to be done. Exactly how many Spanish-speaking persons live in the Washington area is not known. Unofficial and admittedly inaccurate estimates range from 30,000 to 70,000, with perhaps half the number lacking fluency in English. Most of them live in what is fast becoming a Latin Quarter with ethnic restaurants, food stores and even a motion picture theater offering Spanish language films. This "Spanish" community is concentrated in three adjacent neighborhoods, Adams-Morgan, Columbia Heights and Mount Pleasant, although there is also a small Spanish-speaking enclave in Arlington as well. Because of differences in language and culture, our Spanish-speaking neighbors feel isolated and confused, and a long way from what was home—Puerto Rico, or Cuba or elsewhere in Latin America as well as our own Southwest. Life here is hard for these transplanted people; many live in rundown housing, and suffer from a shortage of community facilities; the level of unemployment is believed high. These conditions are not unique for Washington, but the situation is aggravated by the language problem. Senator Montoya of New Mexico, the only member of the upper house of Spanish descent, has made the cause of the Spanish-speaking community his own and has pressed the city to identify the group's needs as a step toward meeting them. A hearing before the city council is scheduled for next month.

Meanwhile, the city has moved to improve communication between the Spanish-speaking group and the city government by adding a Spanish-speaking person to the city's Information and Complaint Center, by beginning a program to train 23 policemen in Spanish, and by adding Spanish community representatives to the Human Relations Commission, the Recreation Advisory Board and the Committee on Veterans Affairs. Pilot projects are being conducted at two public schools to help Spanish-speaking students and their parents adjust to the Washington environment. A request for funds for a bilingual teaching program in the so-called model schools division was rejected by HEW last year, but will be resubmitted and, we hope, approved this time.

The city lacks information on the community's exact population, its citizenship status, level of education, unemployment rate and housing conditions: a prompt effort should be made by the city's Human Relations Commission to find public or private funds to secure the data. It would help also if one person were assigned, either by the commission or the mayor's office, to serve as a primary point of contact for the Spanish community. New York City and Miami with large Spanish-speaking populations have provided such a resource and so has Arlington, and we would do well to follow their lead.

THE GI BILL—A SOUND INVESTMENT IN AMERICA'S FUTURE

Mr. YARBOROUGH. Mr. President, the soundest investment in America today is education. Every dollar our Government invests in educational programs comes back many times over in the form of taxes on the increased earnings of the people who receive advanced education.

One of the most important education programs we have is the cold war GI bill. This important legislation offers the over 6 million veterans of the cold war era and the Vietnam war the chance to obtain the education and training they need to compete in our complex society.

Unfortunately, participation in the GI bill education programs is far too low. The reason for this poor rate of participation is the low allowance rates that are paid veterans under this bill. To cure this problem, the Senate in October of 1969 passed H.R. 11959, which would increase these rates by 46 percent. This bill is presently in conference between the House and the Senate.

For those who think that this bill is inflationary and an unnecessary drain on the country's finances, I wish to direct their attention to a short item that appeared in the February issue of Government Executive magazine in which it is pointed out that the Government realizes a return on money it pays out under the GI bill of eight times the cost of the veterans education.

Mr. President, I ask unanimous consent that this statement entitled "GI Bill Pays for Itself," from the February issue of Government Executive, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

GI BILL PAYS FOR ITSELF

The Veterans Administration spends $4,680 for 36 months of college for an ex-GI. With a college degree, Labor Department statistics indicate, a man will earn $541,000 in his lifetime, or $201,000 more than a high school graduate. He'll pay about $38,000 in income taxes on that extra $201,000—about eight times the cost of his education.

THE FLIMSY CASE AGAINST CARSWELL

Mr. GURNEY. Mr. President, on Monday, February 16, 1970, the Tampa Tribune ran a lead editorial by editor James A. Clendinen dealing with Judge Carswell. The editorial, entitled "The Flimsy Case Against Carswell," highlights some of the petty and frankly silly efforts that have been made to discredit Judge Carswell in recent weeks. Editor Clendinen, in his usual perceptive fashion, demolishes some of these futile muckraking excursions. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FLIMSY CASE AGAINST CARSWELL

Because of the importance of the office it is essential that nominees to the U.S. Supreme Court be thoroughly investigated by responsible agencies. This is true in the case of Judge G. Harrold Carswell of Tallahassee or any other nominee.

We cannot recall, however, that the background of any appointee to the Supreme Court or other high office has been so minutely sifted in a search for faults as has Carswell's.

Civil rights and labor forces have been the most energetic sifters. They have had help from liberal Senators and newspapers.

Since the most exhaustive probing of Carswell's finances turned up no suggestion of impropriety—but mainly the fact that he has to live on his salary—opponents had to look elsewhere for stones.

One rather desperate tactic has been to tie him to Ed Ball, the Florida financier, in hope of whipping up stronger opposition by organized labor. The hard-fisted Ball is toxic to labor unions because the Florida East Coast Railroad of which he is the largest stockholder has been on strike since 1963 and is running profitably.

Critics triumphantly produced an old newspaper clipping reporting that Ball, who also lives in Tallahassee, had attended a party at the Carswell home. They also made an attempt to read significance into Carswell rulings in an anti-trust case against a Ball company, but the record showed the litigants did not appeal the verdict in Ball's favor.

The latest move to discredit Carswell was a newspaper's "discovery" that Carswell's wife in 1963 acquired from her brother some waterfront property in Wakulla County which carried a whites-only ownership restriction. She sold the property three years later, with this and other restrictions remaining in the deed.

Anyone familiar with Southern land transactions knows that a similar restriction is to be found in the deeds of almost all subdivision properties, and that it is meaningless because the Supreme Court some years ago held such clauses unconstitutional. Despite that decision, many deeds still carry the restriction because of the legal complications of formally removing it. Long after the Supreme Court outlawed school segregation, for example, Florida's Constitution and laws still contained old segregation requirements. They were simply dead limbs, awaiting convenient pruning.

These wispy implications of bias, strung on a white supremacy speech which Carswell made as a political candidate 20 years ago and has repudiated, constitute the main case against him.

It is a case so flimsy that the Senate ought to brush it aside and confirm Judge Carswell with little debate.

NOMINATION OF JUDGE CARSWELL TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. HARRIS. Mr. President, yesterday the Senate Judiciary Committee finished its consideration of the nomination of the Honorable G. Harrold Carswell to be Associate Justice of the U.S. Supreme Court and recommended approval of this

nomination. A minority of the membership of the Judiciary Committee voted against this recommendation and were given time to file a minority report.

Having considered this matter carefully, I must state that I do not agree with the action of the committee. I cannot vote to confirm this nomination.

In reaching this decision, I have been particularly impressed by the testimony of Prof. William Van Alstyne, of the Duke Law School, and by Dean Louis H. Pollak, of the Yale Law School. These men have carefully studied the judicial decisions rendered by Judge Carswell since he has been a member of the Federal judiciary. Based upon the record, Professor Alstyne, who, incidentally, supported the nomination of Judge Clement F. Haynsworth to be Associate Justice of the Supreme Court, has recommended against the confirmation of Judge Carswell, and Dean Pollak has said that his analysis led him to conclude that Judge Carswell "presents more slender credentials" than those of any other nominee for the Supreme Court in this century.

Based upon the testimony before the Senate Judiciary Committee, I do not feel that Judge Carswell has the kind of distinguished judicial record which is required for this important position, and I am concerned, on the record of his judicial decisions in such matters, about his judicial sensitivity in the basic and fundamental field of human rights.

As others have pointed out, President Nixon could easily find among the outstanding lawyers and jurists of America a good many men who are both residents of the South and strict constructionists of the Constitution who would not be subject to the objections which I and others have raised concerning Judge Carswell. That has not been done in this instance.

Appointments to the U.S. Supreme Court, unlike appointments to the President's Cabinet, for example, are for life. It is, therefore, essential and in the public interest that such appointments meet an exceptionally high test. This appointment does not do so and, accordingly, should not be confirmed by the Senate.

LITHUANIAN INDEPENDENCE

Mr. HARTKE. Mr. President, February 16 marks the 52d anniversary of the Lithuanian Declaration of Independence. It is particularly appropriate, in view of the dedication of the United States to the principles of freedom and self-determination, that we stand together with free Lithuanians all over the world, to commemorate the day when Lithuania was made an independent nation.

An ancient civilization, whose rich political, economic, and cultural heritage extends over nearly a millenium, Lithuania was established as a free republic on February 16, 1918, and recognized by the United States in 1922. For 22 years thereafter, the people of Lithuania enjoyed the blessings of liberty and domestic security under a democratic form of government. In 1940, despite the fierce resistance and resolute courage of its patriotic citizens, this small but proud nation was invaded and occupied by armies of the Soviet Union. Forced to surrender their traditional values and robbed of their basic freedoms, the Lithuanian people were subjected to a policy of systematic terror and political persecution that characterizes Communist rule wherever it is instituted. Following a period of brutal Nazi tyranny, during which the Jewish population of Lithuania was virtually exterminated, the Russian military forces returned in 1944 to reoccupy the war-torn nation. Since that time, in violation of international law and against the will of its people, Lithuania has remained incorporated into the Soviet state.

In the face of this oppression, the Lithuanians courageously continue the struggle for restoration of their fundamental human rights. The United States has consistently refused to recognize the illegal incorporation of Lithuania into the Soviet Union, and over the years has manifested warm sympathy for the Lithuanian cause of once again achieving freedom and self-determination.

On this occasion, I want to assure the people of Lithuania that America continues to support their just aspirations for liberty and independence, and I want to express my personal hope that the goal of Lithuanian self-determination will soon be realized.

"WILD RIVER"—A TELEVISION DOCUMENTARY PRESENTED BY THE NATIONAL GEOGRAPHIC SOCIETY

Mr. McGEE. Mr. President, I hope that many of the Members of this body had the opportunity recently to take in the television documentary "Wild River" presented by the National Geographic Society.

The film presented two notable ecologists, Drs. Frank and John Craighead, residents of Moose, Wyo., and their children. Washington Post critic Lawrence Laurent wrote of it in words that do justice to the film and to the subject, which is much more than the joys of riding white water, but the study of the ecology of the river and the creatures who depend on it.

I ask unanimous consent that Mr. Laurent's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TRULY FINE FILM

(By Lawrence Laurent)

School children all over the United States will be sitting in front of television sets tonight doing homework. They will be watching "Wild River," a one-hour documentary from the National Geographic Society (7:30 p.m., CBS, Channel 9).

Only four such specials are telecast each season. Tonight's is this season's third, and the 19th documentary since the National Geographic Society entered TV in 1965. By all odds, executive producer Robert Carr Doyle is entitled to make at least one program that is dull and disappointing. "Wild River," however, isn't that one.

This hour brings back to television the zestful, purposeful Craighead family. They were seen two years ago when the Geographic televised a study of their work on the grizzly bear of the American West.

Doctors Frank and John Craighead are twins who grew up in Chevy Chase, and were graduated from Western High School. Both earned doctorates in ecology. Each has three children, two boys and a girl.

Their association with the National Geographic began when they were 17 and had begun to study the hawks that nested in the cliffs at Great Falls on the Potomac.

That association with the Potomac is part of the story of "Wild River." Thirty-three years ago the Craigheads swam in the Potomac and drank from it. The present pollution of the Potomac and the Hudson River in New York is used as contrast for the clear, swift beauty of the Salmon River in Idaho.

Throughout the hour, narrator Joseph Campanella speaks writer Ed Spiegel's carefully documented words about the horrors of air and water pollution. The lesson, however is subtle, and it is overpowered by the fine color photography and the obvious joy that the Craighead family finds in the unspoiled wilderness.

The Craighead family sets out to tour the "Wild River" in kayaks and rubber rafts. John Jr., 14, has even mastered the Eskimo trick of flipping a kayak underwater and causing it to right itself.

For this energetic and handsome family, however, the trip is much more than just shooting rapids. Along the way they check the effect of pesticides on the endangered golden eagle, inspect the remains of a once lively mining town, study the life cycle of the salmon fly and forage for a meal of yampa plant, camas plant, fish, mussels, fresh water clams and rattlesnake.

Rattlesnake? Narrator Campanella says: "To the Craigheads, the rattlesnake is a prized catch to be added to the evening meal. It's a delicacy with the flavor of chicken."

After the month-long trip up the Salmon River, the Craighead family is seen in the Florida Everglades, visiting 80-year-old Dr. Frank Craighead Sr. He is trying to protect the wildlife in that threatened area.

"Three generations of Craigheads have fought for the wilderness," Campanella says. "They see it threatened and they wonder what will be left for those who follow?"

One thing that will be left is a spectacularly lovely film called "Wild River" that will be useful for years to come.

PRESERVE BIG THICKET'S ARTERIAL SYSTEMS BY CREATING A NATIONAL PARK

Mr. YARBOROUGH. Mr. President, one of the most pressing issues of our time is that of protecting our natural heritage from despoilation and destruction. Growing numbers of individual citizens and groups are becoming aware of this threat to the delicate ecological balance in our dwindling areas of natural beauty and wonder, and are demanding action to preserve the remnants of our once unspoiled natural wonders. Support for the effort to establish the Big Thicket National Park in Texas is growing daily and I have received numerous letters of endorsement for my bill, S. 4, from these concerned individuals and groups.

Many articles about the Big Thicket have appeared in conservation and nature periodicals published throughout the Nation. One of the most thoughtful and pertinent articles published to date is one authored by my fellow Texan and fellow conservationist, Mr. Edward C. Fritz. Mr. Fritz proposes a plan whereby the lifeblood of the Big Thicket—its beautiful waterways—should be included in any plan for preservation of the Big Thicket for posterity. Mr. Fritz quotes the Izaak Walton League of America, which sup-

ports a Big Thicket National Park of 100,000 acres.

Mr. President, I ask unanimous consent that the article written by Edward C. Fritz, which appeared in volume 33 of the Izaak Walton magazine, Outdoor America, October 1968, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG THICKET NATIONAL RIVERWAYS

(At the Denver Convention a resolution was adopted as follows:

(Be is resolved, by the Izaak Walton League of America in convention assembled at Denver, Colorado, this 12th day of July, 1968, that support is hereby expressed for establishment of a Big Thicket national preserve of approximately 100,000 acres, based upon a plan which will preserve the most ecologically significant natural areas; create public riverway and recreational interconnecting corridors between the nature preserves along the Neches River, Village Creek and Pine Island Bayou; and which would establish a national wildlife refuge in a selected area of the Big Thicket now operated by the Army Corps of Engineers.—ED.)

(By Edward C. Fritz)

Three streams and their tributaries comprise the arterial systems of the Big Thicket, frame the local culture, and provide environmental corridors which, interconnected, can survive centuries of surrounding urbanization. The Big Thicket federal plan should utilize these streams as the basis for a riverways preserve, elaborating upon the Ozark National Scenic Riverways. Such a plan would provide a string for the ecological pearls which the National Park Service study team wisely suggests for preservation, but unwisely leaves scattered and unbuffered against urban sprawl and rural blight. By utilizing the distances up and down these unspoiled streams, the planners of the Big Thicket preserve can provide a true wilderness experience which will otherwise be severely restricted.

The clean, iron-colored waters of the Neches River, Village Creek, and Pine Island Bayou have penetrated the sandy loams of the Pliocene Age, have shaped up a rich base for the tall forests of the Big Thicket, and have continued to soak and to drain these forests for thousands of years.

Ducks, geese, hawks, wading birds, and exotic anhingas use the Neches as a flyway during migration. Herons abound here. Prothonotary warblers dart along the brushy banks, flashing brilliant yellow-orange. The endangered ivory-billed woodpecker courses the river bottoms. and occasional bear, panther and red wolves follow the streams because dreaded man seldom resides near the flood-prone and mosquito-infested sloughs along these streams.

These three watersheds have also nurtured the development of a special brand of human society—as proud and unconforming breed of men and women who boated up the Neches and San Jacinto and adapted the hill-folk culture of Kentucky and Tennessee to the lower, flatter, and more slough-riddled river bottoms. Some of these people along these Thicket streams still live in the old clapboard houses and wear sunbonnets and Mother Hubbard dresses as they weed their tomato patches.

Just as early settlers used the Neches and Village Creek for transportation, modern adventurers choose these seldom-bridged, smoothly-sliding currents for float trips, camping overnight on broad, clean sandbars far from civilization.

As a unique natural region, the Big Thicket has been reduced by development and timber-harvesting from three million acres to perhaps 100,000 acres of climax forest and two million acres of transition forest growth, owned mainly by lumber companies. The region still contains samples of the four main climax vegetative combinations: closed-canopy lob-lolly-pine-beech-oak-magnolia forest; longleaf pine savannas; sphagnum and pitcher-plant bogs; and gun-oak-cypress swamps. There is also a unique giant palmetto flat. To preserve these types, a National Park Service study team in 1967 recommended nine areas for a 35,500 acre National Monument. True to National Park and Monument standards, none of these areas includes any of the numerous pipelines, oil fields, highways or towns which spot the region. The areas are scattered around a huge circle seventy-two miles in diameter. By driving two hundred miles along existing roads, through towns and past lumber mills and junk yards, a tourist could get a glimpse of each of the nine areas. Only one elongated unit, labeled the Profile Unit, reflects the modern environmental-corridor concept of land-use planning.

In nature, the Big Thicket ecosystem is not that disconnected. All four main vegetative combinations occur on each of the major watercourses, in some instances along a twenty-mile transept. In selecting prime areas, the National Park Service study team sacrifices contiguity. And in selecting scattered areas, the study team substantially over-looks the potentiality which exists for long float trips and long scenic trails, as well as for comprehensive environmental planning.

In a better plan we can follow the study-team recommendations for prime areas, can add scenic trails and float trips, and can achieve contiguity of area, with the great advantages flowing therefrom. This will require use of more land and water than the study team has proposed. But not all this land and water need be purchased by the federal government.

The Neches River, Village Creek and the lower part of Pine Island Bayou are navigable and thus the riverbeds already belong to the public, and could be utilized in a Riverways plan without acquisition cost. Major lumber companies own a great deal of the land alongside these streams and might agree to federally-constructed hiking trails, under appropriate regulations as to fire-building. Even the Parks and Wildlife Commission of Texas, which thus far has shown little interest in state parks for the Big Thicket, might be influenced to participate in a comprehensive plan.

As a recreational area, the Big Thicket would afford a distinct supplement to other areas under National Park Service jurisdiction, in that the hiking, canoeing and camping would be comfortable in the winter, except during rainy days and rare cold snaps. In water, the bottomland forests, carpeted with oak and magnolia leaves, have a special beauty—the logs and soil abound in a tremendous variety of color-patterned fungi, mosses and Christmas ferns, while resurrection ferns and Spanish moss decorate many limbs. There are lilies which bloom in December. Wintering birds are numerous.

Spring comes earlier than in any national park except Everglades, bringing trillium, azaleas, dogwood and some orchids in March and early April.

During floods, which generally occur in the spring, substantial areas along the streams are inundated. Roads become impassable to ordinary passenger automobiles, but hiking trails could be routed, by use of alternates, to remain traversable at virtually all times.

Thus a Big Thicket proposal which features recreation, as well as preservation, would draw out-of-state nature lovers during a season when northern parks are seldom visited, spreading time-wise our national recreation supply.

An area much larger than 35,500 acres will be necessary to service the winter rush to the Big Thicket. Such a plan has been proposed by more than ten conservation organizations in Texas, and nationally by the Citizens Committee on Natural Resources. Note that this plan does not cover the western extension of what was once the Big Thicket. The U.S. Forest Service runs some of this, and is preserving a Big Thicket Scenic Area in Sam Houston National Forest, about thirty miles west of the westernmost unit proposed below. The forest products industry has suggested that the federal government trade national forest lands for any lumber company lands to be taken for a Big Thicket preserve. Conservationists are agreed that such a trade would have no merit, and would merely be robbing Peter to pay Peter.

Here is the proposal of conservationists for a Big Thicket National Riverways:

1. Neches River (from Dam B in Tyler and Jasper Counties to the confluence of Pine Island Bayou at the Jefferson County Line): Prohibit further construction, farming, grazing or timber-harvesting within a zone about 400 feet wide on each side of the river. Limit to highly selective forestry and to repair of existing structures all use and development in a zone up to three miles on each side of the river. Construct a foot-trail down one side of the river, with rest stops about every five miles along the trail, accessible also to boaters. Prohibit the use of motors on boats.

This unit would include for total preservation the Neches Bottom Unit and Beaumont Unit proposed by the National Park Service Study Team.

2. Village Creek (from headwaters, also known as Big Sandy Creek, in Polk County, to the Neches River in Hardin County): Prohibit further construction, farming, grazing or timber-harvesting within a zone about 400 feet wide on each side of creek. Erect campsites about every ten miles. Prohibit the use of motors on boats.

This unit would include the upper part of the NPS-proposed Profile Unit.

3. Pine Island Bayou (from headwaters in northwest Hardin County to confluence with Neches at Jefferson County line): Prohibit further construction, farming, grazing or timber-cutting within a zone about ¼ mile wide on each side. Construct a foot trail the entire length of stream.

This unit would include the lower part of the NPS-proposed Profile Unit, and would connect with the initially-proposed Lob-lolly Unit by the dirt road through that unit, and a half-mile of forest on both sides of such road.

5. Connecting Units (Prohibit cutting or development for ¼ mile on each side of each trail):

a. Menard Creek: Construct a trail from upper end of Pine Island Bayou to Menard Creek, up Menard Creek, and across to Big Sandy-Village Creek at closest point.

b. Little Cypress Creek: Construct a trail from upper end of Village Creek Unit to Little Cypress Creek Unit, down Little Cypress and then Big Cypress Creek to a point nearest Theuvenin's Creek, and thence overland to Theuvenin's Creek. This unit includes NPS-proposed Little Cypress Creek longleaf pine forest.

c. Theuvenin's Creek: Construct a trail up Theuvenin's Creek and then overland to Beech Creek.

d. Beech Creek: Construct a trail down Beech Creek through NPS-proposed Beech Creek Unit, thence overland eastward to the Neches.

6. Little Pine Island Bayou Unit: In entire triangle between Roads 770, 105 and 326 in Hardin County north of Sour Lake, manage the 50,000 acres for preservation of all indigenous plant and animal species, through rigid selectivity of timber and game harvesting. Reintroduce panther, black bear and red wolf.

This plan would utilize more than 100,000 acres. Much of this acreage should be kept in private ownership under easement to the federal government for trail and scenic purposes. Hunting could be permitted on all areas except those set aside for ecological preservation such as the NPS-proposed units.

In addition, other units should be considered for the Big Thicket plan:

7. Other areas recommended by NPS study team: The Riverways approach would not connect Clear Fork Bog, Hickory Creek Savanna, and Tanner Bayou. These should be preserved even though unconnected.

8. Dam B.: Transfer all U.S. Corps of Engineer lands to the U.S. Division of Wildlife Refuges. (Ivory-billed woodpeckers have repeatedly been sighted here).

9. Pioneer Community Historic Area (between Beech and Theuvenin's Creek off Road 1943 in Tyler County): Establish a state historic area encompassing communities of pioneer farms, dwellings, mills, adjoining the Beech Creek trail.

Any lesser program, although temporarily helpful, would fail to fulfill the long-range National Park Service objectives of resource management, including not only natural areas but also recreational and historical. Likewise, any program which fails to provide economic and political protection to long stretches of streams would result in deterioration of the ecosystem through pollution, manipulation, erosion, drainage, and silting.

Human pressure on the Big Thicket is escalating. Timber is being harvested at an ever-increasing rate, particularly for pulp. Local small businessmen are clear-cutting stand after stand of forest to construct commercial buildings with sprawling parking areas. Rice farmers are responding to U.S. Soil Conservation offers of vast drainage projects, including the Pine Island Bayou watershed. River authorities are proposing more dams. Week-enders from burgeoning Houston and Beaumont are pouring into the woods and buying the cabin sites which developers are pushing for homes away from home. There is no zoning, no plan. The backward local communities do not even have adequate city parks for their own populations, nor adequate pollution control programs to protect areas downstream.

Unless the federal government enters this area with a plan which is comprehensive enough to protect upstream and downstream areas, even the ecological pearls will be isolated from their sources of clean water or even any water, and their channels of roving animal life.

Since the NPS study team advanced report came out in May of 1967, the major lumber companies have admirably refrained from cutting into the NPS-proposed units. However, they have cut right up to the edges in some places. And they have cut some stands along the Neches River where the conservationist-proposed trailway would now have to pass through dead logs and stacks of dried-up slash.

In May of 1968 I inspected areas where lumber companies had almost clear-cut the timber as close as twenty feet from the west bank of the Neches. In at least one place, a major company had felled all the cypress along the shores of a once-beautiful ox-bow lake about a hundred yards from the Neches and had left large logs and piles of limbs and timber-tops stacked helter-skelter across the lake where hikers could have enjoyed a scenic view.

Even the areas which lumber companies have long preserved for hunting by guests and lessees are in danger. At least one lessee of a hundred thousand acres is advertising plans for housing developments on wild areas along the Neches.

Congress should move immediately toward enactment of a Big Thicket bill. A National Riverways plan is the best approach, but if the disconnected pearls can be authorized before the Riverways can be planned, Congress should proceed with the pearls immediately, while continuing to develop the Riverways plan.

PRESIDENT NIXON TAKES ANOTHER HISTORIC STEP IN ARMS CONTROL: BANS TOXIN WEAPONS

Mr. GOODELL. Mr. President, in banning toxin weapons from this country's weapons arsenal, President Nixon has moved to eliminate a terrifying possibility that this country would ever resort to spreading disease for military advantage.

This step in unilateral arms control is more than significant, it is historic for it in effect eliminates a danger to civilization and a horror against humanity.

The President's decision to ban the production and use of toxins for military purposes—regardless of toxin origin; that is, regardless of whether toxins are biologically produced or produced by direct chemical synthesis—has further served to unravel the hodgepodge in toxin weapon classification which has developed over the years in the U.S. military establishment.

In 1964 the Joint Manual of the Departments of the Army and Air Force on Military Biology and Biological Agents listed "toxins" under the heading "Microbiology Applied to Biological Agents." Toxins were so listed, according to the manual, as indicated below, "as a matter of convenience":

MILITARY BIOLOGY AND BIOLOGICAL AGENTS

MICROBIOLOGY APPLIED TO BIOLOGICAL AGENTS

The military application of microbiology concerns only those microorganisms which may be deliberately employed in weapon systems to cause disease or death to man, animals, or plants, or to cause deterioration of materiel. Certain chemical compounds that affect plant life, as well as toxins, may be used in chemical weapon systems and are included as a matter of convenience. These are grouped as shown below for discussion purposes, and they will be considered in this manual along with vectors of disease.

a. Microorganisms. Bacteria, viruses, rickettsiae, fungi, and protozoa. Throughout this discussion, emphasis will be placed on certain groups of microorganisms which might be used as potential antipersonnel, antiplant, and antianimal agents. Although protozoa and other groups such as algae commonly occur, they presently have little military significance for use in weapon systems. Characteristics and properties mentioned under the general term "microorganisms" will refer to bacteria, rickettsiae, fungi, and viruses unless otherwise indicated.

b. Toxins. Poisonous products of microorganisms, animals, and plants. Toxins that may be used in a weapon system are considered to be chemical agents.

c. Vectors of Disease. Arthropods (insects and acarids) and other animals.

d. Chemical Antiplant Compounds. Plant growth regulators, herbicides, weed killers, defoliants, and desiccants.

SOURCE.—Department of the Army Technical Manual/Department of the Air Force Manual TM 3-216/AFM 355-6 (Departments of the Army and the Air Force, March 1964).

In 1965, the joint manual omitted "toxins" from the biological agent classification.

In 1968, however, the Joint Chiefs of Staff recognized that for certain regional organizations, such as SEATO and CENTO of which the United States is a member, "biological warfare" included the employment of "toxic biological products."

For the United States, then, in 1968, "toxins" for military purposes were not considered "biological agents," but they were considered as weapons in "biological warfare."

In 1969, the United Nations Report on CBW added another dimension to the classification of "toxins." The report stated:

Because they themselves do not multiply, toxins, which are produced by living organisms, are treated in this report as chemical substances.

Now, with President Nixon's February 14 decision to outlaw toxin weapons—regardless of biological or chemical classification—this country's policy on disease-producing weapons has been moved from a confused, inconsistent policy to a clear, concise policy.

Today, the policy of this country is a total renunciation of disease-producing weapons. The United States will confine future research on toxins to defensive purposes only, such as, immunization and medical therapy.

Mr. President, last summer when Congress succeeded in placing a number of restrictions on chemical and biological weapons, I urged a total ban on disease-producing weapons. I said then:

I look forward to the day, when the United States will eliminate the means by which civilizations of the world could plunge into the abyss of epidemic and mass death. I urge today, that we fight germs with medicine; not with germ weapons. Medical protection against germs is reasonable, it is sane. To protect against germs with germ weapons is folly; it is madness.

Deterrence with defensive equipment, such as gas masks and vaccines, is more reasonable than the deterrence offered by military science and by hardware which places gas and germs in grenades and in nuclear warheads. Deterrence with defensive equipment has the added advantage of beneficial "spin-offs" for peacetime medical applications gained by gas and germ research. It is still unclear to me *why* medical research of this kind is done by the Defense Department when such research can be done by the Public Health Service.

Deterrence with weapons has the negative side effect of arms race competition with other nations or indeed, with our own self. Unilateral armament may be the net effect, or perhaps is the goal of our CBW program. Still, we cannot ignore our contributions to proliferation of CBW throughout the world.

With President Nixon's February 14 decision, the day for dismantling all our disease-producing weapons has come and this day is welcome.

I ask unanimous consent that the statement from the White House announcing the ban on toxin weapons be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT FROM THE WHITE HOUSE

On November 25, 1969, the President renounced all offensive preparations for and any use by the United States of biological or bacteriological agents and weapons in war. Since that decision, at the direction of the President, a comprehensive review of United States policy and military programs concerning toxins has been in progress.

Toxins are chemical substances, not living organisms, and are so regarded by the U.N. Secretary General and the World Health Organization. Although the effects of some toxins are commonly described as disease, they are not capable of reproducing themselves and are not transmissible from one person to another.

However, the production of toxins in any significant quantity would require facilities similar to those needed for the production of biological agents. If the United States continued to operate such facilities, it would be difficult for others to know whether they were being used to produce only toxins but not biological agents. Moreover, though toxins of the type useful for military purposes could conceivably be produced by chemical synthesis in the future, the end products would be the same and their effects would be indistinguishable from toxins produced by bacteriological or other biological processes. Accordingly, the President has decided that:

The United States renounces offensive preparations for and the use of toxins as a method of warfare;

The United States will confine its military programs for toxins, whether produced by bacteriological or any other biological method or by chemical synthesis, to research for defensive purposes only, such as to improve techniques of immunization and medical therapy.

The President has further directed the destruction of all existing toxin weapons and of all existing stocks of toxins which are not required for a research program for defensive purposes only.

The United States will have no need to operate any facilities capable of producing toxins either bacteriologically or biologically in large quantities and therefore also capable of producing biological agents.

These decisions have been taken with full confidence that they are in accord with the overall security requirements of the United States. These decisions also underline the United States support for the principles and objectives of the United Kingdom Draft Convention for the Prohibition of Biological Methods of Warfare.

The United States hopes that other nations will follow our example with respect to both biological and toxin weapons.

The renunciation of toxin weapons is another significant step, which we are willing to take unilaterally, to bring about arms control and to increase the prospects of peace.

CRIME FIGHTING FUNDS MISUSED

Mr. HARTKE. Mr. President, I wish to bring to the attention of the Senate a report released today which deals with a problem of the utmost concern to all of us—the problem of crime. Prepared by the National League of Cities and the U.S. Conference of Mayors, this report is entitled, "An Examination of State Planning and Dollar Distribution Practices under the Omnibus Crime Control and Safe Streets Act of 1968." As the title of the analysis indicates, it constitues an examination of the procedures used by the various States in distributing funds received by them from the Law Enforcement Assistance Administration—LEAA—of the Justice Department under title I of the Omnibus Act.

The manner in which these funds are distributed has been a matter of long-standing concern to me and I have introduced legislation—S. 3171—which would alter the distribution formula in the case of those States which do not pay especial attention to the needs of their urban centers where the incidence of crime is the highest.

I am pleased to report that the conclusions of this study would appear to support the thesis that title I of the Omnibus Act, as it is presently written, does not guarantee that an appropriate percentage of Federal crime fighting funds will find its way to those metropolitan areas where the rate of crime is the highest.

I ask unanimous consent that the full text of this study be printed in the RECORD following my remarks.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

STREET CRIME AND THE SAFE STREETS ACT—WHAT IS THE IMPACT?

(An Examination of State Planning and Dollar Distribution Practices under the Omnibus Crime Control and Safe Streets Act of 1968)

Crime has always been a subject of public concern, but in recent years this concern has risen in some areas to a state of alarm with demands for action by all levels of government to restore a general feeling of safety to America's streets. In the past three years three separate Presidential Commissions have studied problems relating to crime and issued reports recommending substantial, and costly, courses of action to deal with crime and the social conditions which create it. Such close and continued coverage of a subject by Presidential Commissions is unprecedented in the history of America.

The most recent of these Presidential Commissions, the National Commissions on the Causes and Prevention of Violence, reported in December of 1969:

Violence in the United States has risen to alarmingly high levels. Whether one considers assassination, group violence or individual acts of violence, the decade of the 1960's was considerably more violent than the several decades preceding it and ranked among the most violent in our history.

Crime is primarily an urban problem. In 1968 approximately 3.8 million index crimes—85% of the national total—were committed within the nation's metropolitan area. There are over 2,800 crimes per hundred thousand population in metropolitan areas compared to less than 800 per hundred thousand population in rural areas. City officials are particularly concerned about crime problems, for it is upon them that prime responsibility for crime prevention and control rests and it is they from whom the people are demanding most immediate action to improve safety on the streets.

Enactment of the Omnibus Crime Control and Safe Streets Act of 1968 signalled the beginning of a major new federal grant effort to aid in solution of the urban crime problem. Local officials particularly welcomed this development as a valuable source of support for improvement in their law enforcement systems above the improvements already being supported from heavily strained local revenue bases. Local officials were concerned at the time of the enactment of this legislation, however, with amendments to channel all funds through state agencies. While they were encouraged by assurances that states would use funds responsibly to deal with the most urgent crime problems, they were concerned that traditional state dollar distribution patterns would reappear in this program with the result that substantial portions of funds would be channeled away from the most urgent crime problems in the urban areas.

The Safe Streets Act establishes a program of planning and action grants to state and local governments for improvement of their criminal justice systems. All of the planning grants and 85% of the action grants must be channeled through states according to a formula established in the Act. Fifteen percent of the action grants may be allocated directly to state or local governments as determined by the Law Enforcement Assistance Administration.

Several provisions of the Act seek to assure that local government will have a definitive role in planning and funding of the programs. Most important of these protections are sections which require that 40% of each state's planning funds and 75% of the state block grant of action funds be available to units of general local government or combination of such units for local planning and action programs. The percentage for allocations of action funds between state and local governments was drawn from the breakdown of expenditures for the criminal justice system cited in the 1967 report of the President's Crime Commission. The Act also requires that local officials be represented on the state planning agencies and specifically directs the states to take into account "the needs and requests of the units of general local government" and to "encourage local initiative. . . ."

Because of the great needs of urban governments for assistance in upgrading their criminal justice systems and the concern of many city officials that funds appropriated under the Safe Streets Act be spent effectively, the National League of Cities and the U.S. Conference of Mayors have followed closely the progress of this program.

In March of 1969 the National League of Cities completed a preliminary examination of the program and issued a report which raised some very serious questions about the early directions the program appeared to be taking. In the fall of 1969, as the state allocation of action funds to local governments are getting under way, Patrick Healy, Executive Vice President of the National League of Cities and John Gunther, Executive Director of the U.S. Conference of Mayors directed three staff members of NLC and USCM to undertake a substantial review of the first year fund allocation processes developed by the states. This report is the product of that study. The findings are a matter of concern because, essentially, they confirm the patterns identified as developing a year ago.

The program, as presently administered by most states, will not have the necessary impact vitally needed to secure improvements in the criminal justice system. The states in distributing funds entrusted to them under the block grant formula of the Safe Streets Act have failed to focus these vital resources on the most critical urban crime problems. Instead, funds are being dissipated broadly across the states in many grants too small to have any significant impact to improve the criminal justice system and are being used in disproportionate amounts to support marginal improvements in low crime areas.

A few states are operating programs which give promise of success, among these are Arizona, Illinois, New York, North Carolina, Washington and Wisconsin. But generally despite the great urgency of the crime problem, states are not acting responsibly to allocate Federal resources, or their own, in a manner which will be most productive in preventing and controlling the urban crime which was the target of the Act. In light of the findings, the Safe Streets Act must be amended to insure effective use of funds in areas of greatest need by giving its dollar distribution pattern greater flexibility, permitting full support of state programs where state and local governments have formed a cooperative and effective partnership to fight crime, but preserving the option of dealing directly with the Federal government to those cities within states which have neither demonstrated a clear commitment to improve

the criminal justice system nor used Federal funds entrusted to them most productively.

Specifically, the intensive analysis of state programs under the Omnibus Crime Control and Safe Streets Act concludes:

1. The planning process has not been effective in creating real, substantive state plans. Generally the state plans have focused on individual problems and solutions of varied and often unrelated impact without providing the guidance for coordinated improvements to the criminal justice system which is the most appropriate role of a state planning operation. Further, in many states there appears little relation between plans and actual distribution of funds for projects. The final result is that local governments are presented with generalized statements of problems and solutions which create only confusion among localities as to their immediate role in the program and give no indication of the future impact of system improvements at the local level. In addition to confusing statements of generalized goals, many state plans produced shopping lists of specific projects which frustrated any local attempts at comprehensive criminal justice improvements. Localities in such states were forced to split their programs into separate project categories fixed by the state and hope for funding of those parts of their program which related to the state lists on a hit-or-miss, project by project basis.

This conclusion of confusion in state planning processes is not held by NLC and USCM alone. Mr. James A. Spady, Executive Director of the New Jersey State Law Enforcement Planning Agency and President of the American Society of Criminal Justice Planners, in explaining the need for a good state plan, told a meeting of the New Jersey State League of Municipalities about some of the other state action plans:

If you had seen some of the confused, contradictory, and unimaginative plans of some other states that I have seen you would know what I mean. You would know how difficult it must be for local officials in those states to decide just what is available under the plan, just what has to be done to get it, and just where is the whole thing headed.

2. The states in their planning processes, have generally failed to take into account the specialized and critical crime problems of their major urban areas. This failure goes to the very heart of the state programs—a crime planning process which neglects to take special notice of problems in those areas where 85% of the crime is committed can be judged by no other mark than failure. Significantly, this is a general defect in the plans recognized by LEAA itself whose Police Operations Division, after reviewing the state plans, noted with concern: . . . "the failure of those states having large metropolitan areas where from 25% to 60% of the state's crime is committed, to give separate treatment to the law enforcement situation in those areas."

3. Despite general statements in plans advocating improvements, most states in the allocation of action dollars have neither demonstrated any real commitment to improve the criminal justice system, nor have they concentrated funds on programs in most critical need areas. Instead of need and seriousness of crime problems, emphasis in dollar allocation appears to have been placed on broad geographic distribution of funds. Some states have established formulas for distribution of planning and action funds among local units or through regional units established for fund distribution purposes. Others have simply allocated funds in many small grants to local units. Few, if any, states have attempted to make difficult decisions which would enable them to allocate sufficient amounts of dollars to have any impact on the most urgent problems. Though LEAA guidelines are reasonably explicit in urging concentration of funds on crime problem areas and in requiring local consent if the local share of funds allocated under the Act is to be used by other than local governments, LEAA has not been very active in enforcing these requirements. Nor does it appear that LEAA has been very demanding in requiring a certain level of quality in state plans.

4. Though better coordination and program comprehensiveness is a stated goal in most plans, and was a goal of Congress in enactment of the legislation, in practice state dollar distributions have frustrated chances for coordination. The many grants to low crime areas, often served by small departments may preserve the fragmentation of the criminal justice system and frustrate efforts to improve coordination. Some small departments which would otherwise be forced to consider coordination or even consolidation because of local financing constraints are now able to continue maintaining an independence existence because of the subsidy provided from Safe Streets funds. Also state programs often support separate regional training academies and development of new independent communications systems when these facilities could be operated more economically and improve coordination if they were tied into the existing training or communications facilities of major cties in the area. In some states which allocate dollars to regional units, coordination is also frustrated because jurisdictional lines for law enforcement planning regions have been drawn differently from jurisdictional lines for other existing multi-jurisdictional planning efforts.

5. Assignment of planning responsibility to regional planning units has often frustrated the capacity of individual cities and counties to gain expression of critical needs in the state plan and action program. These regions have been established, in most cases, at the direction of the state planning agency, often without the consent of and sometimes with the actual opposition of the local units assigned to the regions. In most cases these state established regions are supported from the 40% local share of planning funds. Allocations to such regions have resulted in no Federal aid being available for necessary planning in individual localities. The regions impair the ability of LEAA to oversee the fairness of dollar distribution at the local level. In addition they increase administrative costs and often times result in several duplicative studies of similar problems in different areas of the state. Regional units also restrict the ability of local governments to gain expression in the state level plans of their particular local needs and ideas for improvement of the criminal justice system, thus restricting local control over local programs. In many cases representation on the governing boards of regional planning units is not fairly apportioned among participating local units.

6. Finally, the values of the block grant approach stated at the time of enactment of the Safe Streets Act have generally not been realized in application.

(a) Instead of avoiding a proliferation of paperwork and bureaucracy the block grant approach has interposed 2 new and costly layers of bureaucracy between federal crime funds and their local application in most states, with a resulting confusion of planning boards, staffs, application timetables, guidelines, plan priorities, etc.

(b) The states have not filled their proposed role as agencies to coordinate programs and assure that funds are spent most effectively, rather state program directions have created much confusion for localities trying to define a role for themselves in the program and state dollar allocations have spread funds broadly across the state without regard to need.

(c) Delay in getting funds to local projects has increased, not reduced. A year and a half after the fiscal 1969 appropriation was approved, many states are still in the process of, or have just completed, allocation of fiscal 1969 action funds to their local governments. Regional and state approval must precede Federal program approvals and regional and state decisions to release funds must follow Federal decisions to release funds—compounding delay local governments face in filing applications and receiving determination on the funds they will receive.

(d) Though dispersal of program responsibility down through the levels of government was a stated goal of the block grant approach, the direction of the program has been toward increased concentration of power at the state level at the expense of cities and counties—the levels of government closest to the people and the problem. Many state programs are tending to limit the capacity of the local government and local citizens to affect their law enforcement systems, and the local say in state planning for local programs can often be best described as tokenism.

During the NLC and USCM examination of the Safe Streets program, LEAA officials have always been willing to discuss the issues of the Safe Streets program—its successes and failures—with an openness and candor which is refreshing. Though we have not always agreed with decisions made by LEAA, we believe that LEAA under the leadership of Administrator Charles H. Rogovin has been among the best of the Federal agencies administering grant-in-aid programs. The difficulties LEAA faces are primarily created by the restrictions imposed in the statute which limit LEAA's capacity to further stimulate expansion and improvement of programs in those states making a determined effort to upgrade state and local criminal justice programs, and deprive LEAA of sufficient flexibility to provide urgently needed assistance to cities in states which are failing to use Safe Streets funds responsibly to deal with their major crime problems.

Though review of the Safe Streets program indicates that serious problems exist in many states, several states appear to be acting responsibly in partnership with their local governments to improve their criminal justice systems. Programs in these states stood certain key tests in the NLC and USCM review of the Safe Streets program: (1) NLC and USCM staff identified no major flaws in the state's action plan; (2) No criticism of the state program was received from the largest cities in the state or from the State municipal league; and (3) No major criticisms of the state program were received from small and medium sized cities in the state. The states identified as a result of these tests were: Arizona, Illinois, New York, North Carolina, Washington and Wisconsin.

Generally, however, the picture has not been good. The necessary change in legislation should not, however, reject a major role in the Safe Streets program for those few states which are administering the program responsibly.

Cities are ready, willing and able to work closely with state government where state government demonstrates that it is willing to seriously commit itself to aid in solution to urban problems. Most states have not demonstrated that commitment today. Some have, and the Safe Streets Act should be restructured and program administration practices changed to recognize these differences among states, giving incentives for greater state involvement while at the same time guaranteeing that the urgent needs of all urban governments will be met by direct Federal aid in those many states which have

little demonstrated commitment to aiding the solution of urban problems.

The following specific program modification are suggested:

1. In order that cities with serious crime problems will receive urgently needed assistance, the Safe Streets Act must be amended to assure that an adequate share of funds can be distributed directly to cities.

2. Concurrent with amendments allowing adequate amounts of grants to cities, the Safe Streets Act should be amended to give states incentives to deal responsibly with the crime problems of the major urban areas.

3. The LEAA must take a much more active role in overseeing state programs: to demand that states give proper recognition to needs and priorities of urban governments in development of state plans; to prevent states from using the local share of planning funds for what are essentially state purposes without first obtaining the consent of affected local governments; to assure that states and their regional planning agencies in allocating planning and action funds concentrate support on improvement programs for areas with the most serious crime problems.

4. Once these basic substantive changes are made to assure more effective use of funds, the level of assistance available under the Safe Streets Act should be substantially increased and the program matching ratios reduced to allow comprehensive criminal justice improvement programs in all urban areas.

Study background

The NLC and USCM study of the first year state action plans covered a period of five months with a primary time commitment in January and February of 1970. The study included:

(a) A comprehensive analysis of 33 state action plans filed with LEAA and approved for funding during the summer of 1969. Action plans studied included those of: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, Wisconsin.

(b) Communications in person, over the telephone or by mail with local officials or state municipal leagues executives in 45 states. In this regard NLC and USCM wish to express particular appreciation to the city officials who composed two task force groups who met in Washington during January of 1970 to share their experiences and ideas relating to the Safe Streets program with NLC and USCM staff. A list of these officials is included in Appendix A.

(c) Discussions of problems relating to the Safe Streets Act with officials of the Law Enforcement Assistance Administration and several directors of state law enforcement planning agencies.

(d) A review of other studies of administration of the Safe Streets Act published during the last five months of 1969.

THE PLANNING PROCESS

Congress, in writing the statute, clearly expressed its intent that there be substantial local involvement in planning by requiring that 40% of the planning funds be available to local governments, that the state planning agency be representative of local governments and that the state plan "adequately take into account the needs and requests of the units of local government." Many states had promised this participation in grant applications filed with LEAA. Despite general statements in grant applications about the high degree of local government involvement in the planning effort, examination of the 1969 plan development processes indicated that in many states the actual degree of local involvement in the planning process can best be described as tokenism.

Local representation

Mayors, county commissioners, and other local elected officials with general policy responsibilities have not been deeply involved in the planning process which is dominated by functional specialists in the various fields in criminal justice.

In September of 1969 the International City Management Association published a survey which showed that only 13% of the members of all state planning bodies were local policy making officials, that 15% were classed as "citizens" and the rest were either state officials or functional specialists in the various fields of law enforcement. At the regional planning level, functional specialists predominate to an even greater degree, with some states including Florida and Louisiana having regional boards made up almost entirely of local law enforcement officials. California has recently added several local policy making officials to its state board, and Pennsylvania has made a major effort to broaden the local policy making representation on regional boards. There has also been some expansion of local officials representation in other states, but generally representation of local policy making officials on state and regional planning boards remains inadequate.

Adequate representation of local policy making officials on state and regional boards is an absolute necessity as these officials provide an overall view of the problems and priority decisions facing local governments which can aid in structuring state and regional planning to assure that the programs developed from these planning efforts can be easily integrated into the overall local governmental processes. Adequate citizen representation on state and regional boards is also necessary to give state and local planning processes and resulting efforts to implement law enforcement plans a degree of legitimacy among those elements of the community who believe they will be most affected by improved law enforcement activity.

Funds for local planning

As NLC's 1969 study indicated, state practices in allocation of the 1969 planning funds severely limited local participation in the planning effort. The local share of planning funds was distributed in a manner which emphasized broad geographic coverage rather than the seriousness of local crime problems or the degree of need for planning assistance.

As a result, in many states a disproportionate share of the planning funds was allocated to benefit rural areas. Further, broad geographic distribution of funds resulted in many planning grants which were too small to have any significant impact in establishing and maintaining a competent local planning process. According to the ICMA survey, 24 states distributed the local share of their planning funds among local governments and regional planning units solely according to population while another 10 states made minimum allocations to regional planning units and then distributed the remainder of available funds to a formula basis.

Minimum allocations discriminate against heavily populated areas in distribution of funds. Superficially, such allocations can be justified as necessary to support a minimum planning competence. However, the manner in which most states drew the planning regions to receive the funds indicate that the regional dollar allocation structure may have been established to benefit the low density areas. Kentucky's plan notes that it has three major urban areas which account for 70% of the crime problems in the state, yet the state designated 16 law enforcement planning regions and allocated a $5,000 base grant to each region. The result: rural regions received twice as much per capita in planning funds as the Louisville area. Oregon has over half its population concentrated in two of its 14 law enforcement planning regions, yet each region received a base grant for both planning and action purposes. Colorado divided planning funds in $2,000 base grants among 14 regions, though more than half the state's population and 70% of its index crime is concentrated in the one region including Denver. As law enforcement systems are similar in many rural regions of individual states, it would appear that these rural regions could have been combined with no significant reduction in effectiveness of the basic planning effort, freeing a substantial amount of the funds to concentrate on planning for solution of crime problems in areas of greater need.

The impact of regionalization

Involvement of individual cities and counties in the planning process has also been severely limited by state imposition of regional planning units to take charge of the local planning effort. In addition to the 50 state planning agencies required under the Safe Streets Act, approximately 40 states have designated regional planning agencies as a third level of bureaucratic activity for planning and the processing of local grant applications. There are currently between 350–400 of these regional law enforcement planning units in operation across the nation. Generally states have made the decision to establish these regional units, but most are supported by the 40% share of the planning funds which the Act requires be "available" to local units for their planning efforts.

Many of these state planning sub-units were developed specifically for the Safe Streets program, others had existed on paper without any source of support until Safe Streets funds were made available, and some of the regional planning agencies were already in operation when aid for the Safe Streets program became available. The ICMA survey indicated local councils of government were used in only 12 states as the agency for regional law enforcement planning. State planning districts were used in 7 states, and economic development districts in 11 states, with the remainder emphasizing mainly regional planning districts which may or may not represent the interest of their local government.

Where they exist, states place primary reliance on regional planning units for direction on what the needs and priorities of local government should be. This saves the state planning agency the trouble of dealing with many local units having differing needs and complicated law enforcement problems. However, it makes it very difficult for individual local problems to gain expression at the state level. The City of Norfolk, Virginia noted the problem it faced in this regard:

Localities cannot report to the state planning agencies, instead they must refer all priorities to a regional planning commission for approval and new priorities formed, which will then be forwarded to the state planning commission.

Though regions are theoretically established to represent local interests, the ICMA survey indicated that 45% of its 637 reporting cities did not believe that regional planning oeprations would take city needs into account. The regional arrangements are particularly amicable and convenient for those states which control the staff and/or appointments to the regional boards. There the regional units first loyalty is to the state and not to the local governments it is designated to serve. Among the states in which local officials noted problems because the governor or another state agency controlled appointments to regional boards and staff were Alabama, Arkansas, Colorado, Georgia, Indiana, Kentucky, Oklahoma and South

Carolina. One comment from South Carolina noted:

The state of South Carolina has been divided up into so called planning districts by the governor. The local legislative delegation from each county has appointed people to a "planning commission" to plan under this Act.

A Georgia official noted that regional boards are picked by "political philosophy rather than competence." In Florida regional board members are chosen by the police chiefs and sheriffs of the particular regions. The governor then selects a board member as chairman. However, broadening of board membership to include local policy officials, private citizens, etc., has been foreclosed by the state decision that regions should be controlled by law enforcement professionals.

As a result of this emphasis on sub-state regions in planning dollar allocations, local governments have been unable to obtain their fair share of planning dollars for necessary local level planning. Cities in those states where all of the local planning funds are retained at the regional level have a much more difficult time to gaining adequate expression of their needs, particularly since there is no assurance that a commitment of substantial local resources to a locally funded planning effort will result in an action grant from the state agency. St. Paul, Minnesota, pinpointed these problems in its comments about the Safe Streets program:

Under the Minnesota plan no monies are forwarded to the cities of St. Paul or Minneapolis for planning purposes. In lieu of that the state has designated a Metropolitan Planning Council as the recipient of the funds. We recognize that there is a need for area-wide planning. However, the development of a data base suggests the need for input of the local units of government. Yet, these local units of government will be required to donate time to the state agency which is fully funded. In view of the financial distress of the cities it seems somewhat unrealistic.

Pennsylvania controls the regional boards but pays the board from state funds, freeing the local share of planning funds or expenditures in developing plans or individual local units. All local applications must filter through the regional planning boards, but the availability of planning funds to local units allows them to better analyze their needs and develop a more comprehensive case for assistance to submit to the regional board.

Some states have recognized the problems regional units create and are backing away from them. Kansas abandoned a regional structure which relied on state Congressional districts because of difficulties in establishing the regions and the projected inconsistency of the regional effort with local planning goals. New Jersey modified an initial planning program which emphasized regions to allow direct grants to aid local planning efforts in major cities of the state.

There has been some confusion over the role of LEAA in supporting regional planning structures. In discussion with NLC and USCM staff, several state planning directors have indicated much the same view as expressed by the Utah State Planning Director when he told a January 1970 meeting of executive directors of western leagues of municipalities that LEAA is urging states to establish regional structures for local planning. A publication of the Indiana Criminal Justice Planning Agency indicated regions were established "as requested by LEAA."

The Act says that state plans should: "encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment." When complaints about regional structures are presented to LEAA, it takes the position, consistent with the statute, that while multi-jurisdictional arrangements should be encouraged, LEAA is not urging regionalization upon state law enforcement planning systems."

NLC and USCM agree that multi-jurisdictional arrangements would be of great benefit to many areas to secure improvements in the criminal justice system, provided means are preserved for expression of individual local needs and problems. However, review of the Safe Streets program operations indicates that regional planning structures are essentially grant review and approval mechanisms which provide little positive leadership in efforts to secure coordination of law enforcement and criminal justice systems.

In a number of cases imposition of region is actually frustrating local coordination efforts already in effect. The cities which are the focus of the three leading city-county consolidation efforts, Indianapolis, Indiana; Jacksonville, Florida; and Nashville, Tennessee were placed in regions with a number of independent local jurisdictions. The planner in charge of the law enforcement planning region including Jacksonville, Florida did not know of the existence of the Jacksonville-Duval County Planning Board in the early stages of the development of the Jacksonville region law enforcement council. Further, officials in Jacksonville are concerned that the law enforcement planning council is proceeding completley independently of all other planning activities done in the community and acting without regard to capital budgets, community improvement schedules and other factors essential to successful operation of local government.

Limited local participation

The final result of these difficulties in the state planning process is that local governments are effectively excluded from any meaningful participation in the planning process for their state. An NLC and USCM official attending a February, 1970 meeting with mayors, managers and selectmen from 40 communities in Vermont discovered with surprise that none of the attending officials had been contacted by the state regarding the Safe Streets program. Officials of the cities of Savannah, Georgia and Dallas, Texas indicated that their cities were not consulted in the development of the 1970 action plan which their regional planning agencies were submitting to the state. In Dallas' case the officials stated that this lack of consultation really made no difference since the plan was so general it could accommodate anything Dallas wished to do within the program. (This being the case, the question arises: If the plan was so general that it could accommodate anything proposed by a city what was the purpose of the whole regional and state planning process?). North Carolina designated 22 units to do criminal justice planning, but 14 of them had not received any funding when the state plan was submitted to LEAA. Likewise in Pennsylvania, funds were not distributed to regional planning agencies until June, 1969, after the state plan had been filed. The Alabama state plan was submitted to LEAA before the regional committees ever approved the regional plans which were to provide the local element of the state plan. Kansas used the questionnaire approach in developing information of the needs and priorities questionnaires had been returned.

Besides Kansas, Idaho, Illinois, Indiana, Montana and Ohio placed some reliance on questionnaires in developing fiscal 1969 needs and priorities. Questionnaires are valuable to gain data, but the danger of the questionnaire approach is that in adding up all of the votes, general needs, particularly needs of more numerous low crime communities, tend to be emphasized while specialized problems and situations peculiar to one or a few communities are relegated to positions of lesser importance. For example, in March 1969, Ohio requested a letter from each community stating its needs and made a compilation of those letters the basis of the local element of its first year plan. In response to a complaint that major city problems had been overlooked in the Ohio plan, the Ohio planning director justified placing primary emphasis in allocation of action funds on basic training because "the vast majority" of localities had expressed a need for training and that, "one of the basic lessons we learned . . . is that there is a great need for funds to support a minimum standard of law enforcement in the state."

In some states, the time constraints imposed on the local planning process belied the possibility of development of any real local input. The sub-regional board to take responsibility for planning in the Los Angeles area was not established until two weeks before the March 15, 1969 deadline when the comprehensive criminal justice plan for the Los Angeles area was to be filed with the state for inclusion of the state plan. One local official from North Carolina made this observation regarding the time constraints faced in his state: "We are rushing too fast to take advantage of the funds available—for fear they will be lost—without adequate planning and without establishment of proper priorities." Rockville, Maryland was given only two days from original notice to filing deadline to prepare a project application for submission to its regional planning body. Grand Rapids, Michigan had three days to prepare and file its application, then waited nine months for a response from the state.

PLAN RESULTS

Priority structure and program impact

The allocation of action funds resulting from the first year planning process has created much dissatisfaction among the nation's cities. Even those few major cities relatively satisfied with their first year allocation are concerned at the structure of the program for they recognize that next year their particular projects aimed at satisfying most urgent needs may be sacrificed to appease some of the more strident critics in other cities. These conflicts have developed because of a difference between needs and priorities perceived by cities and state governments. In a paper presented to the annual convention of the American Political Science Association, Douglas Harman, Professor of Urban Affairs at American University pinpointed the basic problem of the Safe Streets Act: "There is a significant conflict between the goals of fighting immediate urban crime problems and a grant-in-aid system dominated by state governments."

Few of the city officials with whom NLC and USCM have discussed the Safe Streets program believe that the needs and priorities identified in the plans of their states adequately deal with the most urgent law enforcement needs of the major urban areas. One Texas official noted bluntly his belief that, "the state plan mainly aimed at solving problems in rural and suburban areas," while he recognized that there were needs in these areas, he said that the program emphasis was misdirected. He noted further that to get what they wanted most under the need categories set out in their state plan, cities had to play "phony games with words."

Often the plan results reflected state dominance and limited recognition of local needs in the planning process by emphasizing programs which created much concern among local officials. The Tennessee plan placed major emphasis on programs to establish general minimum standards for personnel, and uniform statewide systems in personnel, crime reporting and computer information, though local officials expressed concern at cost implications and other aspects of these programs and urged greater allocation of resources to deal with critical problems in in-

dividual jurisdictions. Local officials in Vermont believe that their greatest needs are for improved training and equipment. The Verment League of Cities and Towns, reflecting these views, protested a proposal to put major emphasis on a statewide communications system and were told in defense of the communications system: "But, that's what the governor wants." Kansas planned to retain $30,000 from the local share of action funds to establish a training academy though the League of Kansas Municipalities objected that localities had not been consulted about the projected use of local funds.

The city of Toledo, Ohio had four top priority needs in fiscal 1969: (1) modernization of its communications systems, (2) laboratory equipment to handle drug addiction, (3) improvement of a police training facility, and (4) an improved detention facility including a rehabilitation program. None of these were included in the priorities of the State plan. The only projects for which Toledo could apply for assistance under the fiscal 1969 plan were a closed circuit TV system, a mobile riot unit, or portable TV sets. Because the city had made complaints about the state planning process, it was encouraged to file an application. It did so, but the application was turned down because it was not in one of the three project areas set for assistance. Thus, Toledo did not receive a dime under the regular allocation of 1969 action monies, though it had received $21,000 for a community relations unit as part of the allocation of riot funds made available in August of 1968.

Another city noting problems with the state priority determination was Norfolk, Virginia:

The state's number one priority deals with law enforcement training, which we feel is not a critical priority in the larger metropolitan areas.

Denver, Colorado relating their dissatisfaction with program allocations stated:

The action program of Colorado reflected emphasis on the Colorado Law Enforcement Training Academy over the Denver Police Academy, riot equipment funds for the State Police and the State Penitentiary over the Denver Police Department needs, funds for numerous state juvenile facilities and none for Denver, funds for community relations for cities other than Denver, etc.

Boulder, Colorado—the fifth largest city in the state—did not fare much better:

Boulder's program request centered around crucial police-community relations and organized crime particularly in drug traffic . . . these program requests were rewarded with evaluations of priority 5 and priority 6. From a rating scale that ranges from 1 to 6, it is obvious that our program requests did very poorly . . . in view of this determination, the city of Boulder, is likely to receive no funding under the Omnibus Crime Control Bill in 1970.

Where did all the money go?

Difficulties a city faces in getting needs recognized at state level are compounded when it is placed under a regional planning structure with many other units of government with widely differing levels of needs and varying law enforcement capabilities. Los Angeles, California has been placed in a subregion of a region which extends all the way to the Nevada border and includes part of the Mojave Desert. Grand Rapids, Michigan, a city of 200,000 population, placed in a rurally dominated law enforcement planning region has received only $188 of over $54,000 allocated to its region under the program. Grand Rapids city officials contributed time worth substantially more than the grant received to developing local action program applications and participating in the regional planning body.

Two of the nation's largest cities have been placed in regions with vote allocation patterns designed to shift power away from them. Cleveland, Ohio was placed in a seven county region in which the two urban counties get five votes each, and five rural counties get three votes each, result: urban interests and urban priorities outvoted 15 to 10. To avoid this structure Cleveland is attempting to establish a direct relationship with the state through a cooperative planning venture with Cuyahoga County. Houston, Texas contains two-thirds of the population in the council of governments which was responsible for developing its law enforcement plan, but it has only one-twelfth of the vote on the COG board. When time came for allocation of action dollars, Houston received a grant for $126,000 to tie in all suburban jurisdictions to Houston's computer. Superficially, this was a grant to Houston, but the suburban communities were the principal beneficiaries. Houston's operating costs may be increased because of the expanded maintenance requirements on its computer operations.

Though the plans generally did not deal adequately with the special crime problems of major urban areas, almost all plans reviewed by NLC and USCM placed major emphasis on providing basic training and equipment. Such programs will primarily benefit low crime areas serviced by small departments. In addition, many plans stressed broad geographic coverage as a goal to be achieved in allocating funds.

The Kentucky plan, for example, emphasizes that 75.65% of the state's action funds will be distributed among local governments on a "balanced geographical basis."

The Indiana plan often used the phrase: "appropriate geographic coverage will be stressed" in explaining how dollars would be distributed, and the Washington plan in aiming for broad geographic distribution stated: "certain other programs were chosen partly because of their suitability to rural areas."

States which have allocated funds among regions on a formula basis to assure that each region gets something and broad geographic coverage is achieved include: Colorado, Florida, Georgia, Michigan, Oregon, Pennsylvania, and Texas. California has taken a more hard-nosed approach at the state level, judging each local application on its merits with the result that, as of January 30, 1970 no projects in three of its predominantly rural regions had been funded.

The net effect of these two policies, emphasizing geographic coverage and basic standards, has been dissipation of millions of Safe Streets dollars in small grants to provide basic training and equipment for police operations in low crime areas. While the need for upgrading such police services cannot be questioned, its priority in most state Safe Streets plans, in face of the urgency of the urban crime crisis, pinpoints again the basic conflict between urban needs and traditional state dollar allocation practices.

State programs which emphasize improvement of basic services discriminate against communities which, because they face major crime problems, already have committed resources to acquire basic equipment but badly need more sophisticated equipment and training techniques to deal with their crime problems.

As a Lancaster, Pennsylvania official noted:

Under the present system, dominated by rural interests, those of us in the cities who have made substantial financial commitments on our own in the fight against crime will be subverted to the interests of those who have made little or no commitment and are using Safe Streets money as a substitute for local funds.

Essentially the same problem was recognized by Boulder, Colorado:

Those agencies who do nothing to improve the most basic enforcement tools seem inevitably to benefit most by grant programs.

Spreading funds around the state in many small grants prevents concentration of a sufficient amount of funds in any one area to have any significant impact in improving the criminal justice system.

A communication from San Jose, California stated:

Money allocated to the states for local use is being spread so thin as to make its effectiveness useless. This action ignores the mandate of the Act that priority should go to high crime areas: urban centers.

A representative of another California city asked: "What can you do with four or six thousand dollar grants?" And the City of Minneapolis indicated that though in total it has received a fairly substantial share of funds, the separate programs to which these funds were assigned by the state chopped them up into so many small pieces that their potential impact was minimized.

Commitment of large sums of money to support basic law enforcement services in low crime areas also contributes to continued fragmentation of the criminal justice system by providing a Federal subsidy for the continued independent operation of smaller agencies, which, without Federal support, would be forced by the economic pressures of rising costs to consider coordination or consolidation with agencies in neighboring jurisdictions. One Pennsylvania official stated that in several instances in his state grants had been made to establish independent county communication networks when combination with the communications system of the central city of the county would have been more economical and promoted coordination of law enforcement efforts.

Opportunities to foster interjurisdictional cooperation have also overlooked in establishment of many basic training programs. Funds have been allocated in 26 of the 50 states for regional training facilities to provide basic training for law enforcement officers. A large number of these regional facilities will be established for the first time under the Safe Streets Act. Local officials from Alabama, Georgia, Ohio and Texas noted that in their states it would have been much more economical if the state, instead of using the local share of action funds to establish new regional training facilities, had supported expansion of existing training facilities operated by the central city of the region.

Local efforts to coordinate criminal justice systems were also frustrated in many states by the structuring of state plans which presented localities long shopping lists of projects from which the localities had to pick and choose without any particular relation to the priorities at the local level. While these shopping lists often gave the state plans a superficial appearance of comprehensiveness, their net effect was to frustrate comprehensive planning and structure local programs and application processes on an individual project by project basis. A city must split its project applications into the separate categories suggested in the state plan and file separate applications for each with the state. Some of these projects may then receive funds, others may not. The final result is approval of bits and pieces of the local program with each separate part approved having various degrees of relevance to the needs of the local government. The city only knows what it will receive at the end of a long process of formal and informal negotiations.

As noted before, Toledo, Ohio's inability to reconcile its locally developed priorities with the list of projects presented by the state prevented that city from receiving any assistance under Ohio's regular allocation of action funds. The Massachusetts plan presented localities a list of 27 projects for which they could apply to receive federal assistance. The list of projects covered the whole field of criminal justice and gave the Massachusetts plan an aura of comprehensiveness. However, the city of Boston noted that any development of comprehensive local programs was

frustrated because separate applications were required for each of the separate items listed in the plan, and the application process was further complicated because different deadlines were assigned for applying for various items on the state list. The 1969 Colorado plan presented a list of 31 projects. Of these, only 6 were to provide more than $10,000 in federal assistance, and 16 provided under $4,000 with one providing $450 and another $555 in federal aid. Eighteen of the twenty-nine projects listed in the Maryland plan called for federal aid of less than $10,000. The Maryland plan particularly gave the appearance that federal aid fund allocations had been spread around among many projects to give the appearance of comprehensiveness. In a number of cases the share of project costs provided from the federal assistance was well below the level required by the Act. The total Maryland plan called for expenditures of $1,321,348 of which only $457,528 was to come from the federal government. Considerable bookkeeping costs may have been saved without any reduction in the effectiveness of Maryland's plan if the federal assistance could have been concentrated on a few projects rather than spread over many to comply with the comprehensiveness requirement.

Fund allocation patterns

Following are some examples of state priority systems and grant allocations patterns illustrating the defects discussed above:

Major goals stated in the Arkansas plan were:

Improving patrol equipment by replacing obsolete and private vehicles presently in use (The vehicles were mainly in smaller communities).

Improving training through use of mobile equipment and regional training centers.

Development of a system of minimum standards for jails.

The Kentucky plan noted that there were 90 police and sheriff's vehicles in Kentucky without radios and consigned up to $25,000 in federal aid for use in providing basic equipment such as car radios and teletype hookups. The Kentucky plan also noted that ten smaller agencies would receive grants from $500 to $1000 to procure services of management consultants.

The Massachusetts and Nebraska plans both indicated a major effort would be made to expand coverage of state teletype networks by installing teletype terminals in many smaller communities.

Idaho planned to split $28,635 in federal aid into 32 subgrants ranging from $395 to $2,500 to provide basic communications equipment.

Alabama planned to use $64,167 to establish seven regional training centers to provide basic training and proposed to divide another $94,000 among 60 to 80 communities for police operations improvements.

Pennsylvania allocated at least 8 grants totaling $186,611 for broadening the basic coverage of several local communications systems.

Michigan placed 23 grants in 22 communities to provide radio equipment. Of these grants, 8 were in amounts of less than $750.

In Michigan, the city of Grand Rapids, with 200,000 population, and annual police expenditures of over $2,900,000, received $188 for a 75% share of two Polaroid cameras and a fingerprint kit while one community of 7,500 population received $1,650 for an infra-red Varoscanner with accessories, $1,275 for a surveillance camera, and $2,400 for basic radio equipment. A rural county with a population of 38,600 and total police expenditure of $197,000 was granted $18,000 for basic radio equipment, and another rural county of 33,300 population won $15,100 for a probation services program.

In Oregon, $45,000 was allocated in $5,000 base grants to 9 rural regions. A two county rural area with 31,800 population and an annual police budget of $213,000 received a base grant of $5,000 in action funds, while the four county region including Portland, with 833,500 population and combined annual police expenditures of well over $13,000,000 received only $89,358.

In Pennsylvania, the city of Scranton with 111,143 population and annual police expenditures of approximately $1,000,000 received $5,000 while a rural county with 16,483 population and annual police expenditures of $12,000 received $22,236 for a basic communications system. The city of Philadelphia was allocated $207,536. To receive a comparable per capita allocation to that of the rural county, Philadelphia would have had to receive approximately $2,800,000. To receive a comparable share of its annual police budget, Philadelphia would have had to receive approximately $120,000,000.

There is every indication that allocation patterns which do not focus on areas of greatest need will continue in 1970. Pennsylvania has developed a complicated allocation formula involving crime index, defendants processed, incarcerated inmates and probationers, all related to population. Philadelphia is a region within itself and is assured of receiving one-third of the local share of action funds, or about $2.6 million in fiscal 1970. However, as the allocations across the state are still directed to regions there is no guarantee that regional boards will divide funds to focus on the most pressing crime problems.

Florida and Georgia are planning to allocate fiscal 1970 funds among regions on a population formula as they did in fiscal 1969. Within its region Savannah, Georgia with 150,000 population and an annual police budget of $1,500,000 will receive $132,000 while a rural community of 7,000 population and annual police expenditures of $24,000 will receive $8,400 for basic communications equipment and an additional $5,000 for hire a juvenile officer.

For fiscal 1970, Denver, Colorado has been told it will receive $350,000 out of the state's total allocation of $1,800,000. This is about 20% of the funds though the city contains 30% of the population and must deal with 70% of the crime in the state. In fiscal 1969, Denver and the 8 counties in its state designated region received 23.6% of the state crime funds.

Red tape and delay

The state and regional bureaucracies imposed between federal dollars and their application at the local level have also added a substantial element of delay and costly confusion in distribution of funds. Though all the states had received their action grants by June 30, 1969, funds did not begin to filter down to the local level until late fall. As 1970 began a substantial portion of the 1969 action funds remained to be distributed. Alabama did not begin allocating its fiscal 1969 action funds until the end of January 1969. Over $500,000 remained to be allocated in sub-grants from the local share of the state of California's $2.35 million action grant as of January 27, 1970. As of January 12, 1970 the state law enforcement planning region including Jacksonville, Florida had received only $13,500 out of its $34,500 allocation of fiscal 1969 action monies. Pennsylvania did not announce grant awards from its allocation of action funds until December 19, 1969.

The city of Boston has indicated that they expect the following schedule to apply with respect to allocation of the 1970 action funds: (a) The state plan is submitted to LEAA in April; (b) Money is expected to be received from LEAA around the first of June. Until the state receives money from LEAA, cities will get no comprehensive guidelines on how to go about getting federal funds; (c) After the money is received and cities get the guidelines, they will have approximately two months to develop project applications which will have to be filed with the state sometime in early August; (d) The state will then approve local project application by comparing it with the programs listed in the state plan. Grant awards to cities are expected to be announced sometime in September.

Much confusion and delay has been added to state programs because of a high rate of staff turnover and uncertainties of funding for necessary state staff services. In the nine months from November 1968 when planning processes began in earnest in most states to August of 1969 when allocation of fiscal 1969 funds was completed, responsibility for program direction changed hands in 30 of the 50 states. Between August 1969 and January 1970 as states were gearing up for the second year planning process, responsibility for program direction changed hands in 18 states. One observer in New Mexico noted: "In thirteen months we have had three state directors of the program and we are working with an acting director at the present. All of this, plus insufficient staff, has put the entire state process way behind."

A number of states including Indiana, Maine, Nebraska and Nevada faced major difficulties because state legislatures were slow to authorize funds for staff to perform even the most essential state planning functions. In Indiana, the first planning agency director quit in frustration after eight months because of continuing inability to get staff under state cutback orders.

Several cities noted that difficulties attendant to direct federal-local financing were compounded when localities had to try to develop programs with regard not only to federal appropriations, application deadlines, and approval processes but also to these processes duplicated, often in a different time frame, at the state level. Following a request for assistance through the many levels involved in a block grant program can be an arduous task. One Southern California city in a sub-regional and regionl structure noted:

A unit of government interested in applying for an action grant must submit a request at the local level, and the request must receive approval from a regional task force, the sub-regional advisory board, a regional advisory board, a state task force operations committee, and finally, by the California Council on Criminal Justice before it may receive the money. I each case there is a possibility the action grants will be denied.

In addition to possibilities of denial, at each level the risk increases that the priority attached to a city's specific problem will become lost in more general consideration and that the end result will be grant allocations which favor only generally appreciated needs.

Administrative costs

Some has to pay for all the checkpoints in the grant process. To the extent that Safe Streets funds are being used to pay for program administration they cannot be used in action programs to combat crime.

Bookkeeping costs for this program appear to be substantially higher than in programs involving a direct relationship between the federal government and localities. Houston, Texas indicated there were four separate levels of paperwork in administration of its grant program: program substance and financial reporting requirements required by LEAA; another, and different set of requirements imposed by the state; paperwork involved with the regional planning unit, and entirely separate accounting requirements in effect at the local levels. Another Texas city noted that it did not believe that any grant under the Safe Streets program in an amount of less than $15,000 which was worth the effort. The city of Boston decided to turn down one grant of nearly $10,000 which had been offered to it because of heavy bookkeeping and reporting requirement attached by the state. In addition, the state of Massachusetts has been withholding $21,830 out of the city

of Boston's $31,830 allocation from under the special civil disorders program announced in August of 1968 because of the city has been unable to comply with reporting requirements imposed by the state. The following quotation from a letter sent to the city of Boston by the state indicates the information required:

The following information is needed before further funds can be released. When are the police-school seminars to be held, who is to be involved, what is the program format to be, and what expenditures are to be involved? With respect to the tactical patrol force training program we require:

1. A schedule of classes to be conducted including time, place and subject;

2. Lesson plan outlines for all classes to be conducted; and

3. Qualifications summaries of all instructors to be utilized.

With respect to the equipment purchases, we need to know what equipment has been ordered, when, from whom, and when delivery is expected.

Many of the reporting requirements imposed by the state appear to be almost impossible to comply with before Boston received funds and began implementation of the project.

The question of bookkeeping costs is of particular concern with respect to the myriad of very small grants being given out by state agencies. If a locality must prepare an application and follow it through the approval processes of the region and the state, and then prepare reports satisfactory to LEAA, the state and regional agency and the regular accounting and reporting procedures at the local level, it does not appear that grants of only a few hundred can add much value to a city's operation. Many state plans indicated small grants were planned. The Idaho plan noted that grants as small as $75 were contemplated. The state of Indiana allocated the city of Evansville two very small grants, one of $112 for drug abuse education and another $89 for drug detection kits. While many small grants such as these may satisfy the state goal of broad geographic distribution of funds, it is unlikely that such grants can be of any significant impact on the criminal justice system, and in many cases the heavy cost of bookkeeping may more than outweigh the value of the grant to the community.

Duplication of effort

Several consultants retained by LEAA noted with concern that a substantial amount of federal funds were being committed toward repetitive studies because of lack of coordination among the individual states.

Professor Harry I. Subin, of the New York University School of Law, after reviewing the state plans at the request of LEAA noted with concern: ". . . the heavy emphasis in many of the state 'action' grant proposals on 'study' ". Professor Subin continued ". . . It would appear that, in view of the urgency—and age—of many of the problems facing the criminal justice system, the emphasis upon "comprehensive studies" contained in the plans is misplaced."

A review for LEAA by the National Council on Crime and Delinquency noted that regarding state training programs:

Unless national direction and leadership is given to all these training activities, there may be needless duplication of effort, substandard instruction and a training in self-defeating setting.

Loss of local control

Over the past year there has been developing a new protocol of federalism, strongly supported by many governors, which rests on a theory that direct federal-local contacts should be minimized and that all expressions of local needs and all federal actions to meet these needs should be channeled through the middle man in the state house. Mayors and other local officials are concerned at the growing acceptance of this protocol in the Administration because many believe, as this and other recent studies point out, that generally state government is not willing to respond to the most crucial urban problems and that lines of communication to Washington must be preserved as the only channel through which vital assistance can be gained. Reduced contacts between federal and local officials will make it more difficult for federal officials to understand local problems and gear federal programs to aid in solving these problems in a manner which makes most productive use of the taxpayers' dollar.

Attempts to limit the lines of access between the federal government and cities reached what the *New York Times* described as an "almost comic peak" in April of 1969 after President Nixon invited eleven mayors to the White House to discuss urban problems. Within a week a meeting of governors passed a resolution criticizing this meeting and urging the President to do his talking with governors, not mayors, when he wanted to learn about urban problems.

State House sensitivity to direct federal contacts has been particularly marked in the Safe Streets program. After LEAA announced grants from its 15% discretionary funds to eleven major cities in May of 1969, a strong criticism of these direct grants was filed by the National Governors Conference through their designated spokesman on urban crime matters, Utah Governor Calvin Rampton. Governor Rampton's telegram to LEAA asserted that governors, "expressed concern about your proposal to grant discretionary funds directly to the nation's ten largest cities. We questioned the wisdom of population as sole criteria of need and confinement of funds to artificial city boundaries. Of greater importance is the departure from your commitment to deal through the state agency."

The point about population allocation of funds according to artificial boundaries is particularly interesting as this is precisely the allocation method which governors supported in amending the Act to provide a block grant approach, and it is an allocation method adopted by many states, including Utah, for allocation or part or all of the Safe Streets funds. In closing, Governor Rampton urged that all future discretionary funds be granted through state agencies, despite the legislative history of the discretionary grant section recently confirmed by a ruling of the General Accounting Office which clearly establishes that discretionary grants may be made directly to units of local government.

Although their authority to make discretionary grants directly to local governments is clear, LEAA is requiring that local applications to receive discretionary grants from fiscal 1970 appropriations receive a state certification of approval before the application is filed and that funds for the local governments under the discretionary grant program be channelled from LEAA through the state agencies to local governments.

This new attitude of federalism has created particular problems for some cities which have tried to communicate with the federal government about problems they saw developing with the program in their state. Mayor George Seibels of Birmingham, Alabama was severely criticized by Alabama state officials after he attempted to gain information about the program by meeting with LEAA officials in Washington. Mayor Seibels had previously been unsuccessful in attempts to obtain adequate information from state officials about ways Birmingham could participate in the program and had appealed to Washington because Birmingham, in the midst of a major effort to upgrade its law enforcement systems, needed indications of the type and level of federal assistance that could be expected. Because of his initiative, Mayor Seibels, in addition to being criticized, was excluded from membership on the regional board assigned to do local planning for the Birmingham area although Birmingham comprises two-thirds of the population of the region.

In Maine, the Director of the State Law Enforcement Planning and Assistance Agency, facing numerous complaints from local officials about a new plan for allocating the local share of planning funds, sent a strongly worded letter to directors of regional planning agencies claiming for the state ultimate and complete decision making authority on matters relating to interpretation and administration of the Safe Streets Act as it applies to local governments. The letter noted: "I cannot emphasize enough to you regional planners that it is the state agency that is administering this Act and it is the state agency that interprets whether there is need for waivers and everything else having to do with this particular legislation."

This trend for the state to assume for itself a greater share of power over planning and operation of criminal justice programs at the expense of local government is surfacing in many states. The Tennessee plan called for the state to establish mandatory minimum standards for the qualifications and training of police officers and proposed that the state set a basic scale for police salaries and benefits for all local governments. But the plan contemplated no state support for the substantial costs which would be required of local governments to meet the standards. The Tennessee Municipal League indicated that implementation of the plan would mean almost complete transfer of local police personnel administration authority to the state while cost responsibility would have been left with the local governments. The result of such transfer would be severe limitations of local government capacity to control its police and growth of police forces unresponsive to the needs and problems of local citizens. Observing the standards proposed for state imposition, the Executive Director of the Tennessee Municipal League warned:

Once an assumption is made that municipal governments do not have self-governing capabilities in such areas as personnel administration, then there is really no stopping point except a complete transfer of authority to the state.

In addition to Tennessee, plans of at least four other states, Delaware, Mississippi, Missouri and Wisconsin proposed that substantial new mandatory standards be imposed on local police departments, and several other states suggested that existing controls be broadened.

States also assumed substantial direct and indirect control over local criminal justice planning operations in a number of instances. A Boston, Massachusetts official noted that the state kept the city planning process "off balance" through use of guidelines, grant conditions, deadlines, reporting requirements and heavy demands for detail. The end result for Boston was that, "at every level of the program the state is putting on so many conditions that it is becoming more their program than ours."

The potential for over-concentration of power at the state level was noted with concern in a review of the state plans conducted for LEAA under sponsorship of the National Sheriffs Association.

There seems to be a distinct trend to a centralized rather than a local approach to most of the programs in the studied categories. Without adequate justification, study and careful planning for this approach, it might be claimed that a number of state "monuments" were being built.

The centralization of power at the state level under the Safe Streets program at the

expense of local governments is at cross purposes with goals recently stated by the President and Congressional leaders to establish a flow of power and responsibility back to citizens at the local level. If the trend established by the Safe Streets program toward concentration of power at the state level continues, the capacity of local citizens to control those government operations which most directly affect their daily lives may be seriously compromised.

The role of LEAA

The Law Enforcement Assistance Administration, to date, has not assumed any major responsibility to require that states deal fairly with local governments and concentrate crime control dollars in a manner which will be most effective. In large part, this is due to the mandate of the Safe Streets Act itself which directs that LEAA have only limited oversight functions regarding state use of funds. As Mr. James Spady, Executive Director of the State Law Enforcement Planning Agency in New Jersey related to a meeting of the New Jersey State League of Municipalities: "No matter how good or how bad your plan is (as long as it gets a "passing" grade) you get your population percentage share." In the first year plans, the passing grade required by LEAA was not very high. Further, LEAA has not been very forceful in following up on those actions it did initiate to protect the interests of local government and assure more effective use of crime control funds.

On April 5, 1969, soon after the National League of Cities had issued its critical report on allocation of planning funds under the Safe Streets Act, LEAA sent a directive to the state planning agencies urging that local governments be allowed greater involvement in decision making regarding law enforcement planning effecting them and that major urban areas receive a greater priority in allocation of funds. In June of 1969, LEAA administrator Charles H. Rogovin, told the annual meeting of the U.S. Conference of Mayors: "We have made it clear—and will continue to do so—that special attention must be given by the states to areas with high crime incidence." Apparently the states did not listen to LEAA's directives. By August of 1969, LEAA in reviewing the state plan was forced to conclude that most of the plans had not taken into account the special conditions and problems of the major urban high crime areas. More recently, local officials meeting with NLC and USCM staff in Washington generally agreed that the memo of April 5, 1969, has been completely ignored by the state planning agencies. And there has been some indication that the memo is even being ignored by LEAA itself. At one point in discussing regional planning units, the memo states "It is particularly important, where new regions have been established by states or where pre-existing regions constituted for federal aid programs not directly related to crime control have been used as local grantees, that efforts be made to obtain and document acceptability by the local governments concerned." Despite this statement, LEAA on January 15, 1970, approved a regional planning structure established by the state of Maine in disregard of the stated preference of many localities and the state organizations representing mayors, town and city managers, police chiefs and county sheriffs for an alternative planning structure and the strong opposition of many municipalities and the Maine Municipal Association to the planning structure being imposed by the state.

It is also a matter of concern to NLC and USCM that despite LEAA's recognition that the 1969 state plans generally did not take into account the special problems of major urban high crime areas, LEAA, on February 2, 1970, approved allocation to the states of ½ of their share of fiscal 1970 funds to be spent according to the 1969 plans deemed inadequate by LEAA.

Funding problems

In addition to difficulties created by state administration, problems incident to raising the local share of program costs were also noted at a number of points. The Arkansas plan stated that local government capacity to put up necessary matching funds for the program was a "bold presumption."

Some cities lost funds because they were unable to provide the local matching share from their budgets at the time that state funds were made available. The city of Salisbury, Maryland noted:

"Our only offer was received in June just prior to the end of the fiscal year and, therefore, we were unable to consider the offer as the city funds had already been obligated for fiscal year 69 and it was impossible to purchase capital equipment."

The city of Arvada, Colorado noted a similar problem:

"Many of the cities and counties can take advantage of the planning funds whereas the action funds generally require a higher percentage of funds which have not been available to the jurisdictions under the present budget."

A predicament faced by many communities was cited by Indianapolis, Indiana, where the city council makes appropriations for each year in August, but the city was unable to determine the funds it would receive and thus the matching share required at that time. With the small amount of money available from fiscal 1969 funds, Indianapolis was able to scrape together sufficient dollars to provide its share of matching costs. However, problems were anticipated for fiscal 1970 and future years when a larger amount of dollars will be available and a larger matching contribution required.

Many local officials have expressed concern that some localities will face great difficulties in providing the 40% matching funds required by the Act as larger amounts of assistance become available. This concern is particularly marked among officials of larger cities which have placed severe strains on local resources to substantially increase police budgets in recent years. The Philadelphia police budget, for example, jumped from $30 million in 1960 to $70 million in 1970. The cities over 100,000 population are currently paying nearly $1.5 million for police services, better than 55% of the costs of police protection paid by all local governments. These cities hope to receive substantial assistance under the Safe Streets Act, but may have difficulty participating if they must come up with 40% of project costs in addition to maintaining the heavy expenditure increases for police services they have budgeted in recent years.

Several city officials noted that because salaries comprise from 80% to 90% of local law enforcement budgets, the provisions in the Act which limit the amount of assistance that may be provided for salaries impede local capacity to plan realistic improvements and result in overemphasis on equipment in law enforcement plans.

Kansas City, Kansas stated:

"While we agree that the program must encourage new approaches and cannot be merely a means by which cities increase salaries of their existing force, we have found in attempting to develop applications that the one-third limitation is completely unrealistic."

APPENDIX A

(Participants in NLC and USCM task force reviews of the Safe Streets Act January 20 and 22, 1970)

John Craig, Inspector, Philadelphia Police Department, Philadelphia, Pa.

E. H. Denton, Assistant City Manager, Dallas, Tex.

Richard Devine, Administrative Assistant to the Mayor, Chicago, Ill.

Raymond Duncan, Administrative Assistant to the Mayor, Jacksonville, Fla.

W. F. Dyson, Chief of Police, Dallas, Tex.

Richard E. Eckfield, Washington Assistant to the City Manager, Dayton, Ohio.

Winston E. Folkers, Director of Community Development, Toledo, Ohio.

Picot Floyd, City Manager, Savannah, Ga.

Ken Gregor, Assistant to the Mayor, Atlanta, Ga.

Thom Hargedon, Assistant to the Mayor, Boston, Mass.

William B. Harral, Assistant Director, Pennsylvania League of Cities.

Mark Helper, Administrative Assistant to the Mayor, Houston, Tex.

James C. Herron, Inspector, Philadelphia Police Department, Philadelphia, Pa.

Louis A. Heyd, Criminal Sheriff, New Orleans, La.

Robert M. Igleburger, Chief of Police, Dayton, Ohio.

Alan Kimball, Director, Department of Public Safety, Indianapolis, Ind.

John C. Martin, Assistant to the City Manager, Rockville, Md.

Richard G. McKean, Acting Public Safety Director, Cleveland, Ohio.

Frank E. Nolan, Chief Inspector, Philadelphia Police Department, Philadelphia, Pa.

James C. Parsons, Captain, Birmingham Police Department, Birmingham, Ala.

Frank J. Vaccarella, Federal Programs Coordinator, New Orleans, La.

David Wallerstein, Federal Legislative Representative, Los Angeles, Calif.

Herbert C. Yost, Director of Public Safety, Lancaster, Pa.

PRIDE IN OKLAHOMA

Mr. HARRIS. Mr. President, my home State of Oklahoma is a young, vibrant, growing State, blessed with an abundance of natural resources and progressive, forward-looking people who in many ways are the real pioneers of the 20th century.

A national magazine recently carried a lengthy article on Oklahoma, calling it "wild and beautiful," and on the move. Other publications also have noted the progress that Oklahoma is making in many fronts, and the pride that Oklahomans have in their home State.

I am glad the world is becoming more aware of our achievements—of our tremendous water development program, our fine, rapidly improving educational system, our expanding industrial plants, our bustling young cities and our fertile farmlands.

I am proud of my fellow Oklahomans, and of their own feeling of pride. Probably no one can express this feeling of pride in a young State as well as can the youth of Oklahoma.

Recently, I received a letter from Mrs. Leatha Shockley, an Oklahoma history teacher in the Enid public school system, telling me of the excellent papers on "Pride in Oklahoma" written by her junior high school students and enclosing a number of these papers.

I ask unanimous consent that Mrs. Shockley's letter and the papers written by her students be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENID PUBLIC SCHOOLS,
Enid, Okla., February 4, 1970.

Hon. FRED HARRIS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARRIS: In our Oklahoma History course, we learn the fundamental issues contained in our text, but we go farther than this.

It is my belief that our Oklahoma youth, if they are to develop a keen sense of pride in their state, should be informed in outstanding issues and accomplishments that are not often mentioned in a textbook. To be the most effective, however, this should be coordinated efforts in grades one through nine. If we sell our youth on Pride in Oklahoma, they in turn will sell the idea to their parents and to others. Ideas gather momentum and can have far reaching effects. This could be a definite asset to the potential growth of Oklahoma.

To develop this sense of pride, my classes do research projects and I use the lecture method to add to their gathered information.

The enclosed papers are papers done in the closing class session of Oklahoma History. After taking up their textbooks, the slogan "Pride in Oklahoma" was written on the board. The students were told to "have fun" with this, to write in any style they chose and on one area or many. They had had no previous warning as to what we were going to do. Too, there was to be no grade.

These papers are a few of many excellent papers, and I might add some of the papers are those of students who work very hard for passing marks.

The papers do justice to the Oklahoma youth with whom we, as teachers, have the privilege to work.

Sincerely,

LEATHA SHOCKLEY,
Oklahoma History Teacher,
Waller Junior High School.

PRIDE IN OKLAHOMA

(By David Moser)

Oklahoma is a growing state,
It's really on the move.
It's out to make the best of things
And see what it can prove.

We grow a multitude of crops,
Our wheat is very nice.
Jobs are always waiting here,
Opportunity knocks twice.

Museums, arts and industry;
We have them all and more.
Grassy plains, and mirrored lakes,
And colorful Indian lore.

Despite our noble heritage,
We dwell not in the past.
Our eyes are to the future,
It's coming up so fast.

We're proud of Oklahoma
It's come a long, long way.
We want to grow along with it
Tomorrow and today.

PRIDE IN OKLAHOMA

(By Joe Lenz)

I am proud to be an Okie. There are many, many reasons why I am so proud to be a part of this wonderful and beautiful state. I love the clean air and the deep blue sky. I love the sun shining down upon my back in the summer and the cold, crisp air of winter. I love the smell of outdoors after a light shower that just seems to wash everything clean. I love the green forests and the rolling plains and the clear blue lakes. And I love to wander through a golden wheat field as it sways gently in the breeze. But most of all I love the warm, friendly people of Oklahoma. There seems to be a mutual feeling of friendship and understanding in our state. The people of Oklahoma are tough on the outside but on the inside there is a gentleness and kindness that cannot be expressed by words. I am truly proud to be an Okie.

"MY" OKLAHOMA

(By Andy Ferguson)

Oklahoma is a great state
Oklahoma, she is mine.
We are not being graded
So this isn't just a line.

I'm proud to be an "Okie"
And I have an "Okie" pin.
But any person who insults it
To me will be no friend.

I've sat and pondered quite awhile
And still don't understand it.
Why other states think of us all
As backward or as bandits!

We're quite advanced in many fields
Such as science, highways and the arts.
And *our* crops give the greatest yields
With thick forests in some parts.

So why do those from out-of-state
Think we are all so dumb?
We've had some Miss "A" candidates
And I might add, two have won!

Our state's turned out a number of
Important men and women.
Such as Rogers, Choteau, Thorpe and Ross
Who had the "Okie" in 'em.

Oklahoma is where I began
And that is why I love her.
Here is my home, my church, my life.
I put no place above her.

HOW WE CAN SHOW PRIDE IN OKLAHOMA

(By Paul Reinstein)

Oklahoma has been my adopted State for about three years. I feel pride in the fact that I have the opportunity to obtain my education here.

Keeping alert to opportunities available to me in my school, church and community to become a good citizen makes me proud.

Learning the history of the State is helping me to understand the people and their culture.

Abounding in our State are many beauties of nature, we all need to help take care of them.

Homes are the foundation of our society and by preparing myself properly I hope to some day be able to add to this strength.

Our State is growing and by doing my best during my school years, I can show my pride and belief in the future of my State.

Most boys and girls in school today are anxious to become good citizens and take pride in trying.

Alert is the key word in every effort we put forth today to learn and in turn help Oklahoma.

WHY?

(By Elaine Seymour)

Is it the famous Will Rogers, Jim Thorpe, artists, actors, writers;
Or is it the advancement made in these short years?
Maybe the beauty and fertility of our land,
Possibly the museums, resorts, and entertainment planned.
Could it be the natural friendliness of Indian, Negro, and White Man,
Or because we know not many understand?
If it be none or all of these reasons or only a few, I know I have "Pride in Oklahoma."

PRIDE IN OKLAHOMA

(By Gayla Blubaugh)

Who should take pride in Oklahoma? Not just people high in office or people that are rich or people that are important, but every Oklahoman has an obligation to be proud to live in Oklahoma.

What is meant by "Pride in Oklahoma"? It means to be grateful for the beautiful job that the people before our time did in forming our state and what the people are doing now. Our generation is going to try just as hard if not harder.

Why should we take pride in Oklahoma? If we, the people who own, operate, and populate Oklahoma, do not take pride, then who is going to do so? A state needs people, and the people need their state.

YOU CAN IN OKLAHOMA

(By Shelley Malicote)

Have you ever breathed in sweet smelling air? You can in Oklahoma. Have you ever watched the furry rabbits play in a wheat field? You can in Oklahoma. Have you ever seen an oil well, lit up like a circus? You can in Oklahoma. Have you ever seen petals rise, butterfly petals? You can in Oklahoma. Have you ever seen barley reaching for heaven? You can in Oklahoma. Have you ever met beautiful "Okies"? You find them in Oklahoma.

PRIDE IN OKLAHOMA

(By Earline Wheelahan)

Are you proud of Oklahoma? Proud of her achievements in the many fields of the arts, sciences, and industry? We should all be proud of Oklahoma! But, did she become what she is today all by herself? One day was she a brand-new state with little law and order, the next day a mighty state, famous for its people and traditions? Of course not! It took time, and people, like you and me, helping her along, to become what she is today, and to keep her that way.

We, ourselves, are preparing for that time when we will help Oklahoma to keep up her standards. How? By getting an education, and learning when and why some men failed and others succeeded in helping Oklahoma to her feet.

Our parents, too, are helping Oklahoma maintain herself, by electing officials for city, county, and state governments, whom they think are best qualified for their job. If they prove themselves uncapable of holding their office in a way that best benefits Oklahoma, then our parents can play a part in removing them from office, and putting in others.

Oklahoma today has many things to be proud of. We also have problems, as every state does, which we are not proud of. We are working on these problems, and one day, will shed light on the solutions. Maybe not in the near future, but somewhere along the line, we will find answers to these problems and many more. When our generation leads the state, it will be up to us to uphold Oklahoma's high standards, and keep her as a symbol of what can be achieved when everyone in our state has "Pride in Oklahoma."

PRIDE IN OKLAHOMA

(By Bruce Tagge)

"How can I show pride in Oklahoma?" you ask.

I'll tell you. You can show pride in Oklahoma in every place in every way.

You can be proud of the many many great people born and raised in the state. Be proud of the industries, the diversity of farm products and the vast mineral wealth. Be proud of the unique Oklahoma culture. Be proud of the educational opportunities. Take pride in the many rivers, streams, lakes, mountains, plains, and forests of Oklahoma. Take pride in the abundant game of quail, dove, turkeys, rabbits, and countless other animals. Be proud of a free home with safety provided. Take pride in the cities and modern developments.

Take pride in Oklahoma and . . . thank God for it.

OKLAHOMA PEOPLE

(By Jeff Book)

Oklahoma is the Sooner State.
Oklahoma people are really great.
From bustling cities to fertile farms,
They greet all strangers with open arms.

Oklahoma people are pioneers.
They've fought for our country down through the years
Oklahoma people are strong and smart;
They are scholars, athletes, and collectors of art.

Oklahoma people are known world-wide
For their heritage, hard work, and pride.
Oklahoma is the Sooner State.
Oklahoma people are really great.

PRIDE IN OKLAHOMA

(By Dana Dillingham)

What do you think of when you hear the word: Oklahoma? I think of a state, a great state. Oklahoma is a rich and wonderful state. There are many opportunities offered to one in Oklahoma. When you stand up on a hill and look out over a beautiful land that nature has blessed abundantly, you can't help but feel a great amount of pride. Oklahoma has a beautiful landscape, many good industries and many opportunities, and above all great people who are working hard to keep Oklahoma a great state in a great nation.

PRIDE IN OKLAHOMA

(By Robert Smith)

There are many ways we as Oklahomans can show pride in our great state. For, indeed, we have much to be proud of. We can be proud of our background. The Indians, proud and everlasting, through years of toil and trouble, never gave up. The settlers, who came to Oklahoma, endured many hardships. We should be proud of so many different job opportunities that our state offers. It also offers recreation for our spare time. In Oklahoma, if you are a sports fan, you can see great teams take part in football, baseball, basketball, and wrestling. We can be proud of a good, fair government that will let the people, young and old, speak their minds and do something about it. As the song goes, Oklahoma is OK.

PRIDE IN OKLAHOMA

(By Mark H. Mullican)

Oklahoma is a place of beauty and contrast not just a contrast within its boundaries, but she stands by herself among the other states. She has a unique and colorful heritage due to the contributions of the Indians and the rugged settlers who worked to have a good state. As we can see they did not work in vain.

Oklahoma's diversified economy comes from a wide range of work such as mining, industry, agriculture, and glass making, plus many more.

Our magnificent state, Oklahoma, covers 70,000 square miles of prairies, mountains, plains and forests under which nature has bestowed a generous and bountiful supply of minerals.

The air we breath is not filled with layers of soot and grime. Our rivers, lakes, and streams are not polluted but are filled with clean, fresh water.

We are one of the newest states and should be proud of this because we have come so far in such a short time. Our people are the best. They are ambitious, young, and not afraid to labor for the betterment of this state. These are some of the reasons why I am proud to be an Okie.

PRIDE IN OKLAHOMA

(By Patty Strange)

Oklahomans show great pride in their state.

Some people complain about Oklahoma's climate. They gripe about it being too hot, too cold, the wind blows too much, etc. How many people sit down and think about the weather conditions in the states north of us? Wouldn't you rather it be too cold in the winter with occasional snow than having snow three or four feet deep? Or how about it being too hot? Don't we have a cool breeze and rain now and then?

Too many people outside our state think Oklahoma is not much to see. It is not like Los Angeles, San Francisco, New York, Chicago, or Miami. It does not have many big cities with the bright lights and neon signs. So very often you hear people say "Oklahoma, what is there to see"? Even people in Oklahoma say this, but I wonder if they have ever thought what is in Oklahoma.

For just a second let us look inside a great state and find out what Oklahoma really has in it. First of all Oklahoma has the most wonderful people you could ever find. They always have a warm welcome waiting for newcomers. Oklahoma has beautiful parks and lakes. Oklahoma has museums which you can find very interesting to tour. Oklahoma has some of the best schools in the country which have produced great personalities. One of the outstanding things the people of Oklahoma should be proud of is the small amount of violance in the state. You hardly ever hear of riots, demonstrations, or snipers picking off people with guns. You hear people say how much they would like to move to the east or west coast. Have they ever thought about the violence? Have they ever stopped to ask themselves "would I want to live where it is going on"? "Would I want to take the chance of my life when walking or driving down the street"? "Would I want to be caught in it"? The next time you think you would like to leave Oklahoma think about its people, parks and lakes, and how much more peaceful it is than Chicago, Los Angeles, or New York!

PRIDE IN OKLAHOMA

(By Keith Thomas)

Some people have lived in Oklahoma since before statehood. These people believed that Oklahoma would someday be the greatest state in the union. To me Oklahoma has accomplished this task.

Think back to the year 1889. Why did people come to Oklahoma? Because they had confidence that someday Oklahoma would be a productive state. When these people came to Oklahoma they found many Indians, some friendly . . . some not so friendly. These people were taking chances, chances that have reaped benefits.

Now that we have briefly reviewed the past, let us see what the present day Oklahoma has to offer. Oklahoma has some of the finest schools and teachers in the United States. Oklahoma has a lot to offer in jobs. Oklahoma is known for its oil industry, and for its large production of wheat. Oklahoma has a diversified economy.

We know what the present day Oklahoma has to offer, now let us see what it has to look forward to. In the future it will expand, not only in population but in industry and agriculture as well. In the future Oklahoma will have water transportation.

I take pride in being part of the "Growing Oklahoma."

LITHUANIAN INDEPENDENCE DAY

Mr. WILLIAMS of New Jersey. Mr. President, Monday, February 16, marked the 52d anniversary of Lithuanian independence, celebrating that country's liberation in 1918 from 200 years of Russian suppression.

During the ensuing 22 years following 1918, the people of Lithuania proved to the world their energetic capacity for self-government. They joined the League of Nations in 1921, and the next year they adopted a permanent constitution, thus providing an appropriate example of their vigorous belief in democratic ideals. Within a few years of her liberation, the independent and free nation of Lithuania was diplomatically recognized by many world powers, including the United States.

In addition to political growth, great improvements were accomplished in education, literature, and transportation, as well as the institution of far-reaching social reforms and cultural advancements. Lithuania represented to the world a determination for nationwide improvement through the democratic process.

However, despite their most dauntless efforts to remain free, Lithuanian independence ended on June 15, 1940, with the invasion of their nation by Russian forces.

Although Lithuanians have been unable to restore to the Republic of Lithuania her independence, we in the United States acknowledge "Lithuanian Independence Day" and thereby recognize the undying efforts of these patriots in their continuous struggle to be free.

SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES URGES ABA TO SUPPORT RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the section of individual rights and responsibilities of the American Bar Association is asking the association's house of delegates to support ratification of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

Section Chairman Jerome Shestack said in support of his group's stand:

> The need for the convention is as great or greater than it was twenty years ago. It is past time for action. The Senate has traditionally looked to the ABA for guidance in the treaty area. I hope our Association will firm its commitment to celebrate human rights by deciding to seek ratification of this convention.

Rita E. Hauser, U.S. representative to the U.N. Commission on Human Rights with the rank of Ambassador, was chairman of the committee that drafted the report supporting Senate ratification of the Genocide Convention.

The section report stated:

> In practical political terms, not to sign the Genocide Convention is to dissipate one's influence and to supply fuel for those who characterize the U.S. as the great hyprocrite.

Discussing the possibility of Senate ratification of the convention, the section report noted that the distinguished chairman of the Senate Foreign Relations Committee indicated his committee "would be prepared to take up the Genocide Convention again, and that in any consideration the views of the American Bar Association would be highly influential."

As one who has long urged Senate ratification of the genocide as well as other human rights conventions, I can but reiterate my hope that the ABA will give full and strong support to the Genocide Convention; and I earnestly urge my

Senate colleagues to seize the earliest possible opportunity to ratify this convention.

GEN. THADDEUS KOSCIUSZKO DAY

Mr. WILLIAMS of New Jersey. Mr. President, during the American Revolution a Polish soldier volunteered to fight with the American patriots against British forces. Although he was not an American colonist, Gen. Thaddeus Kosciuszko offered his services in the cause for American freedom. February 10 is celebrated as Gen. Thaddeus Kosciuszko Day.

Fighting in many battles, General Kosciuszko served with special distinction in the conflict of Yorktown and New York. His participation in and loyalty to our struggle for independence earned him a congressional grant of American citizenship and, appropriately, honored recognition in our American history.

Since that time successive generations of Polish-Americans have demonstrated their support of the ideals of this Nation and have contributed greatly to our cultural and economic development.

Gen. Thaddeus Kosciuszko Day appropriately recognizes the major Polish contribution to the American way of life.

DEATH OF FORMER REPRESENTATIVE MACHROWICZ

Mr. GRIFFIN. Mr. President, the Federal judiciary lost one of its most able and devoted servants today in the death of Judge Thaddeus M. Machrowicz. His former colleagues in Congress, with whom he served for six terms, will be saddened to learn of his passing.

Although there was never any doubt as to which party Judge Machrowicz belonged, he played a key role in many bipartisan efforts of the Michigan congressional delegation, such as helping to develop the St. Lawrence Seaway. I had the honor of serving in the 86th and 87th Congresses with Congressman Machrowicz, and I was impressed then, as I was during his service on the Federal bench, with his tireless efforts on behalf of his fellow man.

His career in the House ended abruptly when the late John F. Kennedy became President, because one of Mr. Kennedy's first judicial appointments was that of Thaddeus M. Machrowicz to the Federal bench for the eastern district of Michigan, a position the judge filled with distinction.

Born in Poland in 1899, the future Congressman came to the United States as a youngster. He was a student at the University of Chicago when World War I erupted, and he dropped out of school to serve as a lieutenant in the Polish Army of American Volunteers.

A strong patriot with stanchly anti-Communist views, Judge Machrowicz decided early that he would devote his life to public service. He was appointed attorney for the city of Hamtramck in 1934, and in 1942 he was named municipal judge of the city. On November 7, 1960, he was elected to Congress.

Mr. President, all who knew Judge Machrowicz will miss him.

I ask unanimous consent that the text of an article that appeared in today's Detroit News be printed at this point in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

DEATH TAKES U.S. JUDGE MACHROWICZ

Federal Judge Thadius M. Machrowicz, a Polish immigrant who was one of the late President Kennedy's first judicial appointees, died today in his Bloomfield Township home.

He was 70 years old.

Judge Machrowicz died in his sleep, apparently of a heart attack.

His death ended a career in which he held political offices ranging from Hamtramck Justice of the Peace to six term Democratic Congressman from Detroit's east side. He built his reputation partly upon staunch anti-communist stands as a congressman, consistent with active service with the Polish Army in fighting the Bolshevik Army in 1920.

Funeral arrangements are incomplete.

Judge Machrowiczs' clerk, Walter Bielski said the judge was taken to Beaumont Hospital, Royal Oak, by ambulance this morning after his wife, Sophia, was unable to awaken him.

Dr. Thomas McInerney said the judge died of a coronary thrombosis at 8:05 a.m. Bielski said Judge Machrowicz had suffered several heart attacks in past years.

The Judge was born August 21, 1899, the son of B. Majihrowicz and his wife Francis.

He was brought to the U.S. as a child, attended the University of Chicago and DePaul University, and obtained his law degree from the Detroit College of Law in 1924.

His college career was interrupted by military service.

He practiced law in Detroit, becoming Hamtramck Justice of the Peace in 1942, a position he held until his election to Congress in 1950.

As a congressman representing the former first district in Detroit and Hamtramck, he was known mainly for his work on behalf of the St. Lawrence Seaway legislation and his anti-communist efforts.

He was named to the federal district court in Detroit in May, 1961, a few months after President Kennedy assumed office.

The judge is survived by his wife and two children, sons Tod and Don.

ENVIRONMENTAL QUALITY MEASURES COSPONSORED BY SENATOR RANDOLPH IN INTEREST OF BIPARTISANSHIP

Mr. RANDOLPH. Mr. President, another period of intense activity in the Congress on legislation to improve the quality of the environment impends. As always, it is one of our most challenging areas of legislative endeavor. The need for quality improvement—vast improvement—is as vital as any requirement confronting society. The environment in which we live has become so complex that the really effective solutions to problems created by man's befoulment of it are elusive because the environmental problems generally are complex, too.

Our proven leader in this body in the pollution control effort, Senator EDMUND S. MUSKIE, of Maine, is developing again a broad agenda for the Public Works Subcommittee on Air and Water Pollution, which he chairs so ably and vigorously. As chairman of the full Public Works Committee, I am coordinating the committee's agenda with that of the subcommittee headed by the Senator from Maine, who is preparing to introduce broad legislative measures to expand and improve upon the antipollution laws heretofore enacted under his leadership.

President Nixon indicated clearly in his state of the Union message the emphasis his administration places on the need to upgrade the quality of the environment. And his special message to the Congress on the environment, delivered February 10, spells out the administration's understanding of the problems and pronounces the points and methods of attack on those problems. The Nixon administration's versions of legislative remedies have been prepared and made available to us and will be introduced formally as legislative measures by the minority leader, the senior Senator from Pennsylvania (Mr. SCOTT), who has invited cosponsorship.

In a letter today to the minority leader, I wrote that Senator MUSKIE invited me to cosponsor the bills he will introduce, and I have accepted. And I asked Senator SCOTT to list me as a cosponsor of the legislation he will introduce to implement the President's proposals.

As I noted earlier in a communication to Senator MUSKIE, I also informed Senator SCOTT that I agree in principle on the objectives espoused by the Senator from Maine and those espoused in the Nixon administration measures. I expressed the belief that we will be able to negotiate solutions where we may have some differences on methods of reaching the environmental goals to which I ascribe the same high priority expressed by the President, by Majority Leader MANSFIELD, by Minority Leader SCOTT, and by Senator MUSKIE.

In communicating my desire to cosponsor the Muskie bills and the Nixon administration proposals, I called attention to the fact that in our Public Works Committee and in our Subcommittee on Air and Water Pollution, legislation to improve the quality of the environment never has been considered on partisan political lines. I reiterate the belief that the same conditions will prevail in this session of the Congress and that vital questions relating to upgrading the quality of our environment will have bipartisan consideration.

It is in this tradition that I am gratified to cosponsor in principle and purpose the bills of the Nixon administration and those which Senator MUSKIE will introduce, based on his lengthy and comprehensive experience with environmental legislation.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. All time is now under control, with a 2-hour limitation on each amendment.

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 41 Leg.]

Allen	Hatfield	Ribicoff
Bennett	Jordan, Idaho	Spong
Byrd, Va.	Mansfield	Stennis
Byrd, W. Va.	Moss	Talmadge
Cotton	Pell	Williams, Del.
Griffin	Prouty	

Mr. BYRD of West Virginia. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. SPONG in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Goldwater	Montoya
Alliott	Goodell	Murphy
Anderson	Gore	Muskie
Baker	Gurney	Packwood
Bayh	Hansen	Pastore
Bellmon	Harris	Pearson
Bible	Hart	Percy
Boggs	Hartke	Proxmire
Burdick	Holland	Randolph
Cannon	Hollings	Russell
Case	Hruska	Saxbe
Cook	Hughes	Schweiker
Cooper	Inouye	Scott
Cranston	Jackson	Smith, Maine
Curtis	Javits	Sparkman
Dodd	Jordan, N.C.	Stevens
Dole	Long	Symington
Eagleton	Magnuson	Thurmond
Eastland	Mathias	Tower
Ellender	McCarthy	Tydings
Ervin	McGee	Yarborough
Fannin	McIntyre	Young, N. Dak.
Fong	Miller	Young, Ohio
Fulbright	Mondale	

The PRESIDING OFFICER. A quorum is present.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The pending question is on the amendment (No. 463) of the Senator from Mississippi. There is a time limitation of 2 hours, to be divided equally between the Senator from Mississippi (Mr. STENNIS) and the Senator from Rhode Island (Mr. PELL). Who yields time?

Mr. PELL. Mr. President, as the manager of the bill I have thought earnestly about this amendment over the last few days. It is a difficult amendment. We are faced with an anomaly here—really a contradiction. We all wish to achieve integration in schooling, opportunity, and life. We realize that the segregation that exists in our schools, as the Senator from Connecticut stated, is a reflection of the dual systems in our life pattern.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Rhode Island will suspend. This time will not be charged against him. Senators will please be seated. The Senate will be in order. Aides will retire to the rear of the Chamber.

Mr. PELL. One of the these reflections of our dual-life pattern is that of education. Then we have the problem of how to resolve it. One of the methods of doing it, the most obvious one, is movement of children back and forth from different segregated areas to common schools. Yet our people as a whole are very opposed to this method. This problem was given expression by Gov. Winthrop Rockefeller, of Arkansas, when, as I recall, he said, in effect, that busing, if used judiciously, selectively, and carefully was an instrument for good, but if it was used with indiscrimination and with an iron hand, then it was a horse of a very different color.

On balance, I believe that the bill would be better off, without this amendment, and for that reason I have taken the position at this time of opposing it, or in lieu of that, accepting some compromise language or modification.

I realize that the Senator from Mississippi feels intensely on this question, and it is his amendment, so I yield to him to present his case.

Mr. JAVITS. Mr. President, will the Senator momentarily yield to me?

Mr. PELL. Yes.

Mr. JAVITS. I have a rather considerable speech on this matter, which will direct itself to the observations of the Senator from Connecticut (Mr. RIBICOFF) and to the substitute to be offered by the Senator from Minnesota (Mr. MONDALE), which I have the honor to cosponsor. So I shall not address myself to the question at this moment, until we have heard from the sponsor of the amendment, but I did want to emphasize what the Senator from Rhode Island (Mr. PELL) just told us in terms of the seriousness of this matter.

I hope Senators will realize that we are dealing with one of the most fundamental questions facing our Nation morally and in terms of what has been so widely discussed, the divisiveness of the Nation. I have great faith in the crucible which is the Senate. I hope very much that Senators will give this question the depth of attention, notwithstanding the time limitation, which it deserves.

We often debate questions like this for days and weeks, but we have concentrated the debate into a very short period of time because of the willingness of both sides to pass an aid to education bill. However, that fact should not lessen the deliberation with which we consider this question, because I consider it to be—and I think most Senators will, if they search their hearts—one of the most troublesome questions facing our Nation since I have been a party to the civil rights fight, ever since I got into public life 22 years ago, and ever since I came into the Senate, beginning with the first day I arrived, when we tested rule XXII. So I would like to join with my colleague in approaching this question with a certain sense of solemnity.

I think this problem is approaching a climax. This vote may very well be a watershed for deciding the whole question of which way the country will go. I only suggest, recognizing the spirit of consciousness of each Member of this body, whatever may be his view, that we take seriously what the Senator from Rhode Island (Mr. PELL) has said, and I would like to join him in it.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 20 minutes, or such part thereof as I may use.

Mr. President, I have an emergency situation. I ask unanimous consent that I may suggest the absence of a quorum, not to last over 3 to 5 minutes, without the time for it being taken out of the time of either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I call the attention of the Senate to the wording of the very simple amendment which is now the order of business, amendment No. 463, a copy of which I assume is on each Senator's desk. The amendment reads very simply as follows:

It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

Mr. President, as Secretary Finch stated over the weekend, segregation is segregation, period. But we are faced with the fact here that for years now there has been a very vigorous prosecution of the school authorities in the southern part of the United States, by administrative action, by HEW, and by the Department of Justice—so much so that it has reached the point where the

public schools in many areas of the South are literally being destroyed. There is no doubt about that, and no contradiction of it. Whereas, at the same time—and, I submit, through a legal fiction only—there is virtually nothing, by comparison, being done in the other States of this Nation outside the South, in spite of the uncontradicted fact, proven by the record, that hundreds of thousands of black students there are going to schools which are from 95 to 100 percent black students, while on the other side of the city, or somewhere nearby, the white schools have similar percentages of white students.

That situation exists in many States outside of the South which have antecedent laws, some of which were in effect as late as 1949—in New York State, for example, as late as 1938—which permitted separate schools for the races, and where segregation was largely practiced. Certainly those laws greatly contributed to the foundation stones of the segregation which exists today. Still, with the two exceptions I have mentioned, they are not touched.

All the figures have been put in the RECORD, beginning last October—figures for Illinois, Indiana, Ohio, Pennsylvania, New Jersey, New York—and all those figures stand uncontradicted today. They are official HEW figures. They are correct. They show more segregation in those areas than there was in 1954. They show absolutely no effort by any Governor, as far as I have been able to find, of any of those States, to do anything to remedy the situation. I do not know of any Member of this body who has proposed that his State should come to the lick log and integrate its schools. I do not know of any Member of the House of Representatives who has done so.

I know of one State that has not only failed to do or say anything affirmative, but its legislature passed a law—now the law in that State—saying that these things shall not be done. That is the great State of New York; and when I say great, I mean great. That is what the other amendment we had before us was based on, as is well known; we just took the main provisions of that State law of New York, and had them prepared as an amendment to this measure. That amendment has been argued to some extent, but with the exception of the fine senior Senator from New York (Mr. JAVITS) no Senator that the Senator from Mississippi has heard has come to the rescue of his own State, or attempted to make any explanation of these conditions, or to suggest there is any prospect of doing anything about it.

It has been said here many times in the last 5 or 6 years, and I am only repeating it, that those at the head of HEW have promised to move in, in a large way, in those areas. They have not done it. They made such a promise to the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. HILL), and I was the third member of the group. And at the same time, we now find opposition to this amendment.

What is the matter with the amendment? What is wrong with it? Just to get right down to hard facts, what is the matter with it? Why not have the rule that applies across the board? What objection can Senators give, what reason for not saying, "Yes, I join in an amendment for a policy of integration or desegregation throughout the country"?

Why not? I do not know of any reason. I know of none that has been stated.

I say the people in those areas of the country do not know whether they want integration or not. They have never had it applied to them.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. STENNIS. I do not like to decline to yield to the Senator, but I should like to finish laying before the Senate what I think are the main issues.

I yield briefly to the Senator from Rhode Island for a question.

Mr. PASTORE. The Senator from Mississippi asks the rhetorical question, What is wrong with it?

I think there is nothing wrong with a policy that is nationwide. I have always maintained that position. The words in the amendment that I object to are the words "without regard to the origin or cause of such segregation." If those words were deleted, I could vote for the Senator's amendment; but with those words in it, I could not. I do not think the Senate ought to apologize to anyone or any section of the country in instituting a national constitutional policy.

Mr. STENNIS. I thank the Senator. We will come to that proposition in a few minutes.

I remember, during the debate on the Civil Rights Act of 1964, that the Senator from Rhode Island, in his fine way, gave assurances that there would be a rule that would apply uniformly.

Mr. PASTORE. That is right.

Mr. STENNIS. In Mississippi and Rhode Island, and some other State he named.

But now we find there is a rule that applies just to the South, and is ruining our public schools.

I do not want to ruin the schools of the North, but I want them to find out whether or not they want this massive, immediate integration. I do not believe they do. So I put it up to the Senate now, in its very broadest terms: What ground, after all, can Senators honestly find to stand on in saying, "We are going to have this dictum applied throughout the South, to the extent of tearing up the schools, carting the teachers around who are under contract, making them teach somewhere they did not promise to teach, on the opposite side of the county, and carting little children, from 6 years old on up, around like cattle, in order to achieve racial balance"? How can Senators stomach that, when they say, "Nay, don't you touch us." I mean by "us" those beyond the South.

Mr. SPARKMAN. Mr. President, will the Senator yield briefly?

Mr. STENNIS. I am glad to yield briefly to the Senator from Alabama, for a question.

Mr. SPARKMAN. In connection with what the Senator has just said, it is not only unjust treatment of the white children, but equally so of children of every color.

Mr. STENNIS. Oh, yes, of course.

Mr. SPARKMAN. That was brought out quite clearly in the speech by the able Senator from Connecticut (Mr. RIBICOFF).

Mr. STENNIS. Yes.

Mr. SPARKMAN. Did the Senator from Mississippi see this Associated Press report of last Saturday? It is very brief:

Robert H. Finch, secretary of health, education and welfare, says he supports a single national standard for school integration.

There is a "kind of hypocrisy" in the North's attitude toward segregated education, he said at a news conference Friday.

Asked about a proposed amendment to an education bill by Sen. John C. Stennis, D-Miss., to require that desegregation efforts be applied equally in the North and the South, Finch said:

I quote his words:

There is need to extend the provisions of integration nationally. I think the North has been guilty of a certain amount of hypocrisy. Senator Stennis was perfectly in order in making his amendment.

Mr. STENNIS. I thank the Senator. It certainly is relevant.

This is what the President of the United States said as late as last Thursday, through his press secretary. I have in my hand a copy as sent out from the White House. The third paragraph reads:

School desegregation plans prepared by the Department of HEW on request of school boards or pursuant to court order will be directed to the greatest possible extent toward preserving rather than destroying the neighborhood school concept.

That is what we are fighting for. We have intergration in the South. There is no doubt about that. We know it is there to stay. We are fighting for the neighborhood school, and that is what you people in the North and the East are going to fight for when this matter really gets to your door.

I quote further:

It is the view of this Administration that every law of the United States should apply equally in all parts of the country. To the extent that the "uniform application" amendment offered by Senator John Stennis would advance equal application of law, it has the full support of this Administration. Just as this Administration is opposed to a dual system of education in any part of the United States, so also is the Administration opposed to a dual system of justice or a dual system of voting rights.

That is the President of the United States speaking.

That thought was reiterated in an additional statement, a broader subject, including other matters, that came from the White House yesterday. I have that, and I am sure everyone is familiar with it. The President said:

I have directed that these principles should be followed in providing such assistance.

1. Desegregation plans should involve minimum possible disruption—whether by busing or otherwise—of the educational routines of children.

2. To the extent possible, the neighborhood school concept should be the rule.

3. Within the framework of law, school desegregation problems should be dealt with uniformly throughout the land.

Is there any doubt about what that means? "Uniformity throughout the land." That little qualification deals solely with the great diversity of school districts that range with a student body all the way from 10, 15, and 20 on up to several thousand.

Can there be any doubt about what the President meant when he said it should be dealt with uniformly throughout the land?

Someone has said, "Well, you know, we had an amendment here in December that said something about unconstitutional." We are already integrated; but if it is unconstitutional in the South to have anything less than total integration and it is not unconstitutional outside the South, the quicker you can tell us that, the better. We want to know from you, and we want to know from the Supreme Court, which has the last say, of course. But under the practical application of this doctrine, it is being held unconstitutional in the South and constitutional in the North. That is exactly what it amounts to. I believe that is what the President is hitting at here. I know it is.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I should like to finish this statement.

I warned, at the beginning of this debate, that if anyone is going to come here and intimate through the use of the term "administration" that the administration is against the amendments, he should bring the quotation of the President with him, and that I was going to challenge it. This is what the President says, and he means what he says.

Mr. President, I ask unanimous consent to have these statements printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

NIXON ADMINISTRATION STATEMENT, FEBRUARY 12, 1970

1. The Administration's position on the voting rights legislation now pending before the United States Senate is one of full support for all the provisions of the measure passed by the House of Representatives.

2. The President has consistently opposed, and still opposes, compulsory bussing of school children to achieve racial balance. This practice is prohibited by the Civil Rights Act of 1964. The Administration is in full accord with the provisions of the statute.

3. School desegregation plans prepared by the Department of Health, Education and Welfare on request by school boards or pursuant to court order will be directed to the greatest possible extent toward preserving rather than destroying the neighborhood school concept. It is the President's firm judgment that in carrying out the law and court decisions in respect to desegregation of schools, the primary objective must always be the preservation of quality education for the school children of America.

4. It is the view of this Administration that every law of the United States should apply equally in all parts of the country. To the extent that the "uniform application" amendment offered by Senator John Stennis would advance equal application of law, it has the full support of this Administration. Just as this Administration is opposed to a dual system of education in any part of the United States, so also is the Administration opposed to a dual system of justice or a dual system of voting rights.

STATEMENT BY THE PRESIDENT, FEBRUARY 16, 1970

The Supreme Court has ordered that where any school district in the nation is maintaining a dual school system based on race, it shall be changed to a unitary system.

Recognizing local differences, the Courts have not defined what is meant by a "unitary system" but have left to local school boards the task of designing appropriate changes in assignments and facilities to bring their districts into compliance with the Courts' general requirements. These changes are embodied in desegregation plans, some of which are prepared, on request, with federal assistance.

As a matter of general policy this Administration will respond affirmatively to requests for assistance in the formulation and presentation to the Courts of desegregation plans designed to comply with the law.

I have directed that these principles should be followed in providing such assistance.

1. Desegregation plans should involve minimum possible disruption—whether by busing or otherwise—of the educational routines of children.

2. To the extent possible, the neighborhood school concept should be the rule.

3. Within the framework of law, school desegregation problems should be dealt with uniformly throughout the land.

I realize that in the school districts affected by the Court's mandates, putting even the most carefully-considered desegregation plans into effect is going to cause controversy. Required changes will inevitably be accompanied by apprehension and concern at the time of their implementation.

On one point there should be no argument: the hundreds of thousands of children in the affected districts deserve what every other child in America deserves: a sound education in an atmosphere conducive to learning. This is my paramount interest, and in this regard I am sure I speak for the nation.

America's public schools are our principal investment in our own future. In every State the public schools are literally the guarantee of that State's life and growth and health. Any community which permits its public school system to deteriorate condemns itself to economic and social stagnation; nobody knows this fact more surely than the business, labor, education and religious leaders who serve their communities with dedication and pride.

In many States community leaders are making themselves heard, counselling respect for law and development of public education of the highest attainable quality. I wish to associate myself with such counsel—to lend the weight of this Office and the available resources of the Federal Executive to the constructive work which is being carried on in community after community, and especially in those facing what for them are far-reaching and extremely difficult educational and social changes.

In order to explore what kinds of additional assistance the President and the Federal Departments could usefully render to these communities, I have asked the Vice President to chair an informal cabinet level working group with Secretary of Labor George Shultz as Vice Chairman. Its members include Attorney General Mitchell, Postmaster General Blount, Secretary Finch, Assistant to the President Donald Rumsfeld, and Counsellors Moynihan and Harlow. I have instructed them to review in detail the efforts of the Executive Branch which are now or could be dedicated to helping school districts in complying with the Court's requirements and to preserving the continuity of public education for thousands of school children.

The Courts have spoken; many schools throughout the country need help. The nation urgently needs the civic statesmanship and levelheadedness of thousands of private citizens and public officials who must work together in their towns and cities to carry out the law and at the same time preserve educational opportunity. This Administration will work with them.

Mr. STENNIS. I yield to the Senator from Georgia.

Mr. TALMADGE. We have heard Senators on this floor refer to de facto segregation and de jure segregation. Is it not a fact that the Supreme Court, in the Brown decision, in 1954, held segregation unconstitutional, period?

Mr. STENNIS. That is exactly my understanding of that—no limitation, no exception, no geography.

Mr. TALMADGE. Did that end de jure segregation—north, south, east, and west, throughout the length and breadth of our country?

Mr. STENNIS. The Senator is correct.

Mr. TALMADGE. And for 16 years, since 1954, there has been no such thing as de jure segregation anywhere in the United States of America.

Mr. STENNIS. It is a misnomer, a total misnomer. It is a term used for administrative purposes, and a fictitious line has been drawn. I do not know what the Supreme Court is going to hold finally. I do not believe it will ever hold that it is unconstitutional in one area of the country and not unconstitutional in another. But they have backed off from going that far, so far. They have never said that it would be legal in the North to have all the segregation that exists there.

Mr. TALMADGE. I thank the Senator.

Mr. STENNIS. I do not believe they will. I do not see how they can.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia, Mr. President, the Senator from Mississippi knows that I am opposed to forced segregation. He also knows that I am unalterably opposed to forced integration.

The Senator's amendment, which I would like to support, reads as follows, and I will paraphrase it. It states that in dealing with conditions of segregation by race in schools, guidelines and criteria shall be applied uniformly in all regions of the United States. The Senator knows and I know that under the guidelines that have been applied in some States of the United States up to this moment, in effect, forced integration has ensued and has been required. I do not want to vote for an amendment that will require forced integration anywhere in this country—North, East, South, or West.

If this amendment is adopted, which says that the regulations established pursuant to title VI, and so forth, shall be applied uniformly in all regions of the United States, does this mean that those who support this amendment will be voting for forced integration anywhere in the country? That is what is happening in the South now. And if the regulations are applied uniformly, does

this mean that forced integration will be the law in the North as well as in the South?

Mr. STENNIS. Certainly, it does not mean that there has to be massive, total forced integration as to every school. Certainly, it does not mean that they have to integrate to the extent of a quota basis or anything like that.

The amendment says on its face, though, that no child shall be turned away from a school because of race, color, or national origin. So it would prohibit discrimination against the child, the individual, or numbers of them, having the right to enter a school; and therefore you would have integration.

I do not know how far the courts would go in interpreting this matter. I could not speak on that point.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Mr. President, it is our responsibility as Senators to interpret as well as we can the constitutionality of the laws we pass. The 1954 decision of the Supreme Court ruled that children could not be assigned to public schools on the basis of race or color. It did not require forced integration, massive or otherwise. The 1964 Civil Rights Act did not require forced integration, but, as a matter of fact, regulations are being promulgated by the Department of HEW——

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The 20 minutes of the Senator from Mississippi have expired.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes and ask the Senator from West Virginia if he could be brief.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 additional minutes.

Mr. BYRD of West Virginia. The regulations being promulgated by the Department of HEW will, in effect, require forced integration in some States in this country. I want to know whether, by voting for this amendment, we will be voting for forced integration in any part of the country. I am against forced integration.

Mr. STENNIS. I have gone about as far as I can go on this. I believe that every Senator will have to judge for himself how far this thing may wind up. They would certainly have integration. We already have it. I do not think the amendment could be used as a vehicle for any more enforcement than letting the children in. The Supreme Court has always bottomed its decision on the 14th amendment, so I could not speak beyond that.

Mr. BYRD of West Virginia. Integration is one thing. We can have voluntary integration or freedom of choice. I am not opposed to that. I am for that. But forced integration in the schools is something else. In the Senator's opinion, does this amendment require forced integration?

Mr. STENNIS. It does not require it, in my judgment. It may happen. I think we will have integration, of course. But it does not make it mandatory. What policy may develop is beyond this amendment.

Now, Mr. President, I have been asked, what do I think of the result of my amendment.

The amendment, if honestly applied, will increase integration some beyond the South. I do not think there is any doubt about that, beyond what it is now. In some of these areas there would be some increase in it. It is not demanded by it. But I think there would be some. I want to be frank about it.

I think, though, that if we apply a uniform policy to the people in areas outside the South, they will find, for the first time, whether they do or do not want to have this integration, desegregation, massive and otherwise, at the expense of destroying their schools, running the faculties off, and driving parents to send their children to private schools. They will find out soon enough, for the first time, whether they want it. They do not know what it will be like yet, just as Members of this body, they do not know whether they favor it or not, because they have not sent their children to the highly integrated schools such as we have in the District of Columbia.

Mr. President, this is a practical question. I speak with all deference here, but the people in States like Michigan, Ohio, Indiana, Illinois, Pennsylvania, New York, and others, will find out whether they really favor it.

The Negroes in the North will also find out whether they really want this total policy of integration. I have a responsibility to the black students and their parents in my area of the country. I know how they feel. I have talked to them. I have lived with them. They come to me wringing their hands, thinking that I should be able to do something about this.

This process, whatever happens, will finally wind up—if we have any public schools left—with some kind of modified program more acceptable to both races which will be, in some measure, a freedom of choice. I am just as sure of that as I am that I live today. I do not know how long it will take.

Mr. President, the teacher, the student, the schoolroom, the class—education itself, are something far more than chairs, desks, blackboards, human bodies.

The teacher and the student are like a musical instrument, which must be kept in tune, so that impressionable minds can develop and grow. There is something intangible about it. We cannot create it on the Senate floor, and neither can the Supreme Court. They cannot create it over there in that fine marble building, because time will have passed on.

Gentlemen, I put it up to you. What are we going to do about it? Let us meet this issue squarely.

We shall soon hear the argument, let us send it to a committee. God have mercy on us if we do not know enough about this subject now to do that.

If we think we do not have enough knowledge now, I suggest that Senators spend a day visiting the integrated schools of the District of Columbia, and let them see what they are like. I speak with all deference to them. If they do not know it now, they will soon find out.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield me 10 minutes?

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 10 minutes.

Mr. TALMADGE. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Mississippi (Mr. STENNIS).

Let us look at the amendment and see what it does.

I read the amendment:

SEC. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

Mr. President, in 1954, the Supreme Court handed down its decision on Brown against Board of Education. In that decision, the Supreme Court held that children could not be classified by race for assignment to public school. They based the decision on the 14th amendment, from which I read a portion thereof:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

We shall hear from time to time in this Chamber about "de jure" segregation. At one time, we had de jure seggregation in every State in the United States. Some States ended de jure segregation earlier than others. But in 1954, by the Brown decision, the Supreme Court ended, for all time and forever, de jure segregation in every State in the land.

Thus, if any Senator rises from time to time now, on this floor, and tries to distinguish between de jure and de facto segregation, there is no such thing and there has not been any such thing for 16 long years.

Mr. President, in enforcing the Civil Rights Act of 1964, the U.S. Department of Health, Education, and Welfare unfortunately has attempted to place into effect one rule in the Southern States and a different rule in the other States of the Union.

I thought that this Union since 1865 was one Nation, indivisible, inseparable, with equal justice for all. I thought there was equal application of the law in every part of our 50 States.

Congress has affirmed that in its views. But unfortunately some decisions of the courts and some decisions of the execu-

tive branch of Government seem to indicate that the War Between the States that ended in 1865 is not yet over, and that one section of the country must be treated as a conquered province to the exclusion of all other sections of the country.

These bureaucrats are going throughout the South. They go to the county health department, the school boards, the superintendents of schools, the county boards of education, the State boards, and even to the Governors, and they say, "You have got such and such a school. We counted the number of black students and found that you do not have a large enough percentage of blacks."

They go to other schools and count the number of black students and find that in their opinion the schools do not have enough blacks. And they then cut off Federal assistance. Some of that money is title I funds that were being used to feed hungry children.

In the State of Georgia, they have deprived 10,000 unfortunate students, white and black, of lunch program funds that Congress appropriated for nutrition of needy children.

Is that equal protection of the laws? Is that equal justice under the law? They have not cut off one thin dime of any funds appropriated for any State outside of the South, despite the fact that the Senator from Mississippi (Mr. STENNIS) and other Senators have stood on this floor day after day and pointed out the fact that there is twice as much segregation in many areas of our country than there is in the South. In fact, we are meeting in the Senate Chamber today, and we have located here in Washington, D.C., the most segregated public school system of the United States. I think the facts show that 85 percent of the students in the public school system in Washington, D.C., is black.

Mr. BYRD of West Virginia. Mr. President will the Senator yield for correction?

Mr. TALMADGE. I yield.

Mr. BYRD of West Virginia. The figure is 95 percent rather than 85 percent.

Mr. TALMADGE. Mr. President, the percentage is 95 percent. I appreciate the correction by the Senator from West Virginia, who was chairman of the Appropriations Subcommittee of the District of Columbia. I appreciate his clarification of the RECORD on that point.

What did Congress say about it? Congress passed Public Law 88–352 on July 2, 1964. That was when it was signed by the President. A provision of title IV of that statute states:

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

We have desegregated public schools throughout the South. But these bureaucrats and, in some instances, some of our more zealous courts have found that the ratio of black and white does not suit their notion of what it ought to be.

Their theory is that discrimination does not mean a school open to all, black and white, without reference to race, creed, or color. They think that discrimination means that one has to go out and have an homogenized society, that he has to run down enough children, black and white, and enough members of the faculty, black and white, and drag them in by their heels, kicking and screaming against their will, and assign them to a certain school against their will.

It is a ridiculous situation we face in this country.

The only people that I know today who are deprived of their freedom of action are prisoners that society has put in prison. Another class consists of draftees who have been called to serve their country and defend our flag. They may be sent to a foreign battlefield to fight and die.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 3 additional minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 3 additional minutes.

Mr. TALMADGE. Mr. President, the third group deprived of their freedom consists of little schoolchildren who are assigned to public schools against their will by the notion of some bureaucrat. That is not liberty and it is not freedom of action.

It is not confined to the white children alone. I hold an article in my hand that I had printed in the RECORD the other day. It reads in part:

A boycott by the 1,600 pupils at all-black Spalding School in Lamar, S.C., was virtually 100 per cent effective. They are protesting a court-ordered desegregation plan that would move about 500 Negro pupils to a predominantly white school.

In my State of Georgia, at College Park, HEW officials wanted a school abolished and it was closed. It was a Negro neighborhood school. Students protested. The principal protested. Parents protested. Teachers protested. Such pressure was brought that the school was allowed to reopen.

I want to read to the Senate the saddest letter I have ever received. It is dated February 1, 1970, and is from La Grange, Ga. This lady is the wife of a serviceman in the Air Force, presently assigned to Taiwan. She has six children. The oldest child is 15 years of age, and the youngest child is 7 years of age.

She is working as a nurse to try to support her family and to help her husband, who is in the Air Force, support that family.

She writes:

DEAR SIR: In reference to our telephone conversation of the night of Jan. 29, 1970, I am replying in writing to our conversation that night.

(1) Due to the fact I have six children of Elementary & Junior High school age.

(2) In Sept. 1970 I will have my six children attending five different schools in our school zone.

(3) Enclosed is a copy of the schools and the distances from my home to each school. Plus the total number of miles I would have to travel before going to my job at 9:00 a.m.

(4) Due to my income, I could not pay anyone to provide transportation to five different schools.

(5) By local cab the rate is $3.00 per child round trip, this would be $18.00 per week. Plus $8.50 for lunch money. This would be at the present rate $26.50 for cab fare and lunch money. The cab co. doesn't know if this will still be the rate per child in Sept.

(6) My present wage is $67.39 per week. This would leave me $40.89 per week to feed, clothe, and buy gas for the week in question.

(7) I have no one to take my children to school but myself as I could not afford for the children to go hungry while I paid for their transportation. This would mean that I would have to take them to school myself, a distance of 10½ miles before going to work, plus leaving my job in the afternoon and going 10½ miles again to pick them up.

(8) As the wife of a member of the U.S. Air Force, serving in the Far East, living by myself with my children and trying to keep our family together, I have to work to help provide for the bare necessities of life. We bought our home on Park Ave. so our children in the elementary school could go to South West School which is in walking distance of our home.

(9) I must strongly protest to the extra hardships these changes in school will place on my children and myself.

(10) My youngest child, age seven (girl), will have to attend Kelly which is in one of the worst parts of the city. She is very small for her age, weighs only 33 lbs. and is a very nervous child. I fear for her safety and health in attending a school so far from her older brothers and sister who has seen to her safety since she started to school.

Any help you can give me in this matter would be greatly appreciated.

Mr. President, I never thought I would live to see the day in this land of the free and the home of the brave when I would receive such a letter from the wife of a serviceman who is fighting for his country. She has been ordered to send her children to five different schools that she cannot afford and against her will, and I hope Congress will come to her aid, just as her husband is fighting for this country.

Mr. PELL. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PELL. Mr. President, the question has been raised as to the position of the administration. The Senator from Mississippi said that the administration is not opposed to these amendments. Far be it from me as a Democratic Senator to compliment the political agility of the administration, but I do because they have come down foursquare on both sides of the issue.

I would like to read for the record the concluding paragraph of a letter from James E. Allen, Jr., the Assistant Secretary for Education, and U.S. Commissioner of Education speaking for the Department of Health, Education, and Welfare, in which he stated:

In summary, the Department's position is that (1) the elimination of racial segregation in education is essential wherever it exists in our Nation; (2) Amendments 462, 469, and 481 are opposed by the Department; and (3) Amendment 463 should be more thoroughly considered by the appropriate committees of the Congress so that the nature and consequences of any legislative action of this kind may be more accurately defined and understood.

Mr. STENNIS. Mr. President, will the Senator yield to me on his time?

Mr. PELL. I yield.

Mr. STENNIS. What is the date of the letter from Mr. Allen, Commissioner of Education?

Mr. PELL. The letter is dated February 6, 1970.

Mr. STENNIS. That is 6 days prior to the statement by the President of the United States. Does not the Senator from Rhode Island think that the President's statement supersedes and cancels to a large degree what the Commissioner of Education said?

Mr. PELL. I would think it certainly supersedes but does not necessarily cancel, because the President did not specifically deny or disclaim the letter of the Commissioner. I am citing this as an example of the great political agility of the administration.

Mr. STENNIS. Mr. President, if the Senator will yield further, the Senator would agree that the President's statement, not only by virtue of being made last but because of his position, would certainly be the controlling position of the administration. Is that correct?

Mr. PELL. That is correct.

Mr. STENNIS. I do not have the communication before me, but according to press reports Secretary Finch made a speech in Boston Saturday. He said that this amendment, referring to these amendments, certainly was in order and had a place, and that this so-called northern segregation was obnoxious. I do not know that he used that word. Maybe he used the word hypocritical. Did the Senator see that article?

Mr. PELL. I am sure, if the Senator from Mississippi recalls having seen the article, it was published, but I did not see it myself.

Mr. STENNIS. I will get it and refer to it.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. MURPHY. Mr. President, will the Senator yield to me for 4 minutes?

Mr. STENNIS. Mr. President, I yield to the Senator from California for 5 minutes.

Mr. MURPHY. Mr. President, I have listened with great interest to this debate and discussion. I do not think it is really the fact that the President by means of political agility has been trying to avoid facing the issues. I think the statement read by the Senator from Mississippi is clear and I think it is understandable. Then, we have listened at great length to what members of the departments have said.

As representatives of the people we are charged with the responsibility for writing the law, not someone down the line in a department and not someone whose name is not known by the people. Sometimes they say, "This is not the law." I ask, "Then, what is the law?" I had this occur with the former Secretary of Labor. I discussed in the press what I meant by an amendment. I know what I meant. I am not trained in the law, but I am trained in communicating with people, and I believe when I speak to people they understand what I mean.

I have read with great interest the amendment proposed by the distinguished Senator from Mississippi. I cannot understand why there should be the slightest discussion. The amendment merely provides that the law shall apply equally to everyone. It says that we should not have one law for New York, another law for California, and another law for Washington. It provides that the Federal law shall apply equally to all the people. There can be no question about it.

Then, the matter of civil rights is discussed. I have been in favor of civil rights; I voted for civil rights. I went to an integrated school when I was a youngster where 75 percent, maybe 80 percent, of the students were Negro. We did not think anything about it. That school was at 36th and Chestnut Streets in West Philadelphia. It did not hurt my education. We got along. I think I have had a fairly successful life.

But we are talking about double standards, and there are far too many standards in this world today; one set of standards for one place and another set of rules for another place. We cannot have this. It is not honest, it is not moral, it is not decent.

With regard to the application, I wish to say that this entire matter has come home to Californians within the last few days as a result of the recent court decision in Los Angeles. Suddenly the people of California who had been talking about this matter abstractly and about someone in another State, are now faced with the problem.

I wish to bring up the practical side of the matter. Busing is going to cost the city of Los Angeles $40 million. The school system there is already without sufficient money to operate properly. It is going to cost the State of California $140 million, which it can ill afford. These are the conditions that now have come home in California and Californians understand at long last what we have been talking about here.

What about the rights of the people involved? What about the rights of families who say, "I do not want my child sent 22 miles to another school?" They are certainly entitled to consideration.

In our enthusiasm for ideas, in our emotionalism to do things that should have been done years ago to right some laws that had existed, let us not let emotions and enthusiasm overcome wisdom.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURPHY. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. STENNIS. I yield 2 minutes to the Senator from California.

Mr. MURPHY. Mr. President, let us understand that what we do here today should be designed for application to the people in all 50 States. It should be designed to last for all time and to truly accomplish the things that need to be done. Let us not sacrifice the excellence and quality of education in order to prove some numerical formula that someone may have figured out without really understanding what he was doing.

Mr. President, I think the amendment should be agreed to. I think it is necessary and I think the amendment exemplifies the basis of our entire system of government: One set of laws for all the people, no more and no less, with no complications.

I thank the Senator for yielding.

Mr. STENNIS. Mr. President, to sum up, amendment No. 463 simply provides that it shall be the policy of the United States that guidelines and criteria established pursuant to title 6 of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Act shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local agencies of any State without regard to the origin or cause of such segregation.

The question to be decided is simple. It is "yes" or "no," do you believe that the policies of the U.S. Government should be uniform in all the States? Do you believe, "yes" or "no," that Federal laws should be applied equally throughout the Nation?

However, there is another underlying question that will also be answered "yes" or "no" when that proposition is rejected or accepted.

That is the real question and issue the proponents of the substitute seek to avoid. That question is simple, "Is segregation right or wrong?"

Let us not be diverted from the central issue involved here. If segregation is wrong in the South, it is wrong in the North.

No study is necessary for a Senator to determine if he believes in that principle.

What more information is required, or would be helpful to a Senator to help him decide whether he would support that principle?

Do we not know what the facts are about segregation or integration in both the North and the South? Are those who propose further study suggesting that they do not know what the facts are about segregation or integration in the North—or the South?

If these facts are not available, and if they have not been available over the years, how then can it be said with conviction, as it has been said on the floor of the Senate, that the Supreme Court was right in 1954 when separate but equal facilities were struck down?

If a study is needed now to determine what the facts are about segregation, or integration in the North—or the South—on what grounds did those who proposed and those who now support the Civil Rights Act of 1964 base their arguments that the civil rights law was and is needed?

The cold, hard facts are: The proponents of this amendment do not really want a full study. They already know the facts. The record is full of facts. They want to avoid coming face to face on the floor of the Senate with the simple question: Is segregation wrong and, if so, what are those who believe it is wrong willing to do about it in their own home town, in their own home county, in their own home State?

This call for a study simply provides a way to avoid answering the question: Are we willing to do to all sections of the Nation what we have done to the South?

In short, this proposal for a study is a smokescreen, a maneuver, which the proponents are using to avoid taking their own medicine. I do not challenge their good faith. I challenge their judgment.

Moreover, there is nothing in this

amendment that authorizes one single investigation, or extends one iota of authority that does not now exist in both the Judiciary Committee and the Committee on Labor and Public Welfare. Either one of these committees can do everything that is authorized in this amendment.

Are the proponents of this study saying the Committee on the Judiciary and the Committee on Labor and Public Welfare have not sufficiently studied matters under their jurisdiction—specifically the matter of segregation in schools?

The proponents of this substitute argue that not enough facts are available on which to determine whether our present course is proper or improper.

They say in effect we do not know enough about the situation to say whether the present policy and practice regarding desegregation is right or wrong—good or bad.

They admit there is sufficient doubt to require a study.

That being true they should then be willing to cease and desist or at least suspend present disastrous practices until the facts are known.

The PRESIDING OFFICER. Who yields time?

REVISION OF UNANIMOUS-CONSENT AGREEMET

Mr. PELL. Mr. President, I ask unanimous consent that the time on the bill be extended from 5 hours to 6 hours, the reason being that there was some confusion last week when the decision was made. On both sides of the issue, we thought that 6 hours would be more desirable.

The PRESIDING OFFICER. Is there objection? Without objection, it so ordered.

Who yields time?

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, I rise in support of amendment No. 463, the uniformity of application amendment. Frankly, I much prefer amendment No. 481, which embodies the New York statute, and which in effect would grant freedom of choice to parents and schoolchildren, which would prevent mass busing of students, which would prevent the change or alteration of school district lines in order to change the racial composition of schools.

Amendment No. 463 should be adopted. It is fair. It is just. It provides equal opportunity. It provides equal protection of the law. Lack of this is what we resent in Alabama.

We are not willing to accept as final a Federal public school policy which permits segregation in the North and which requires, by punitive measures, desegregation now in the South. We do not believe that this policy of denying equal protection of the laws to citizens of this country who reside in the South can long stand.

We resent very much that the Supreme Court of the United States, without so much as granting a hearing to the Governor of Alabama, acting on behalf of the people of Alabama, in presenting a petition to the Supreme Court raising the point that the people of Alabama are being denied equal protection of the law, threw out that petition.

Similar action was accorded a petition by the Governor of Florida, Gov. Claude Kirk, prompting the Governor of Florida to say that a convict, a convicted felon, could get the attention and the ear of the Supreme Court by writing some memorandum on the back of an envelope, but that the people of Florida could not get its attention; and causing the Governor of Alabama to say that a single Communist could get the ear of the Supreme Court, but that the people of Alabama, 4 million strong, could not.

The Governor of Alabama is in town today, along with several other southern Governors. They are here seeking to save the public school systems of their respective States.

I was interested in hearing the remarks of the distinguished Senator from California in behalf of the amendment. I believe that if the amendment should be adopted and the desegregation policies of the Federal Government were applied equally throughout the United States, we would find more support than is needed in behalf of freedom of choice, in behalf of the neighborhood school concept in our schools.

I resent the fact that in States outside the South segregation is growing, rising dramatically, whereas in the South desegregation is taking place. It will continue to take place, in an orderly fashion, if we are not required to have desegregation now through busing, through change of school districts, through mass transfer of students.

I have excerpts here from a study made by the regents of the University of the State of New York, the first one being dated January 1968, entitled "Integration and the Schools." I would like to read an except from that study, page 9:

PROBLEM GROWS

Despite the determination and significant accomplishments of many in education, the growth of the problem has outstripped the efforts to deal with it:

Racial imbalance *within* school districts is increasing in both suburban and urban communities.

This is in the great State of New York, demanding desegregation now in the South with segregation growing in both suburban and urban communities there—

racial census reports show that between 1961 and 1966, in the 41 school districts with the highest percentage of Negro pupils (exclusive of New York City).

Where the situation is weighted much more in favor of segregation—

the number of elementary schools with more than 50 percent Negro pupils increased from 60 to 72; the number with more than 90 percent Negro pupils increased from 25 to 33.

Racial isolation *among* school districts is also increasing. In this same period, the percentage of Negro pupils in one suburban district rose to 82 and in another, to 71. In three other districts, the percentage surpassed 50.

Then in December 1969, there was a review of the revised studies of the one taken some 2 years before, a restatement of policy, in which it is stated:

The efforts of the State of New York to eliminate segregation and to speed integration must be increased.

I believe the adoption of amendment No. 463 might give the State of New York some help in that regard. It might help them with the desegregation they say they want but are not getting—

Racial and social class isolation in the public schools has increased substantially during the past two years despite efforts to eliminate it.

That study was dated December 1969.

Then again, according to figures of HEW, 91.7 percent of the Negroes in Alabama attend schools that are majority black. The same figures show that in the city of Los Angeles, 95.3 percent of the Negroes attend majority black schools. In New York, 97.9 percent of Negroes attend schools that are majority black. In Gary, Ind., 96.9 percent of Negroes attend majority black schools.

In other words, there is a higher percentage of segregation in Los Angeles, Newark, N.J., and Gary, Ind., than there is in the State of Alabama. So I would like to know why it is the policy of the Federal Government to push desegregation on a crash basis in Alabama and throughout the South, but to completely ignore the situations in Los Angeles, Newark, N.J., and Gary, Ind., which are worse than that in Alabama.

Mr. President, as I understand it, amendment No. 463 would apply to the Northern States, States outside the South, the same desegregation policies that are now being applied in the South, whereas amendment No. 481 would allow us in the South——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. I ask for 2 additional minutes.

Mr. PELL. I am sure the Senator from Mississippi would not object.

Mr. BYRD of West Virginia. Mr. President, has the time of the Senator from Alabama expired?

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. BYRD of West Virginia. Mr. President, on behalf of the able junior Senator from Mississippi, I yield the Senator from Alabama 2 additional minutes.

Mr. ALLEN. I thank the Senator very much.

Mr. President, by way of seeking to clarify the parliamentary situation and the effect of the amendment under consideration, which is amendment No. 463, the uniformity amendment, I understand, that it would apply to sections outside the South the same desegregation policies that are now being applied by the Federal Government in the South, whereas amendment No. 481, which I understand will be voted on after the pending amendment, would allow us in the South to enjoy the same freedom of choice that is now permitted the people of the Northern States. But I believe that the adoption of amendment No. 463 would make the Senators and the Representatives from sections outside the South more conscious of the need for adopting a policy of freedom of choice.

In my judgment, freedom of choice is the only answer to our chaotic school situation in Alabama and the South. With freedom of choice applied in a bona fide effort——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield the Senator 1 additional minute.

Mr. ALLEN. Bona fide freedom of choice in the South would be the complete answer to our chaotic school problem in Alabama and the South, and I believe that through the adoption of amendment No. 463 we would check up to Senators outside the South the question as to whether they really want desegregation applied throughout the country, or only to the South.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from New Jersey.

Mr. CASE. Mr. President, the question just asked by the Senator from Alabama, who has just finished speaking, is a very good question, and a very fair one, and it deserves to be asked and deserves to be answered.

I suggest that the proper answer is not the answer of the amendment of the Senator from Mississippi. I should like, for the senior Senator from New Jersey and I am sure many other Senators who are strongly opposed to the Stennis amendment, to present the case of those who want uniform desegregation of our schools throughout the country in an affirmative fashion, and not a negative one. Our effort is not to slow down desegregation all over the country, but rather to bring it about as quickly, as fairly, and as effectively as possible.

The issue we are facing today is marked by unnecessary confusion.

There is confusion over the various interpretations of the effects of the Stennis amendment.

There is confusion, I must say in all honesty, over the position the administration has taken in regard to this issue.

There surely is confusion, among the public at least, over differences between school segregation in the South and racial isolation in the North.

And there is confusion about the alternatives available to men and women of conscience in the Senate.

Some of this confusion is understandable.

I think it is difficult for any American who senses the grave injustice that racial isolation inflicts in minorities in the North to understand how that injustice differs from that suffered by those who are segregated as a result of State-fostered policies in the South. Discrimination is repugnant to Americans whether it flows from racist policy, personal insensitivity, neglect, or the heritage of generations of deprivation.

But no one should let his concern over the injustice of racial isolation in other sections of the country obscure the fact that our race relations have been—and continue to be—most scarred by the maintenance of dual school systems in the South.

Anyone who doubts that statement need only look at the figures I placed in the CONGRESSIONAL RECORD on December 8 last year. Those figures, which come from a study by the Department of Health, Education, and Welfare, show that 87.4 percent of the black students in Mississippi are enrolled in all-black schools while less than 1 percent of the black students in New Jersey are similarly enrolled.

As I said then, these figures do not—and should not—suggest that we ignore the problems outside the South. But they do demonstrate that the problem in the North should not be used as an excuse to dilute or destroy our efforts to obtain justice for all in the South.

I agree with President Nixon's statement that our school desegregation laws, and indeed all our laws, should be enforced uniformly in all parts of the country.

Nevertheless I am distressed, as I wrote the President during the weekend, that there is confusion about his statement in that it might be interpreted by some as support of the Stennis amendment, as support for the belief that we should ease our enforcement of the law in the South in order to bring about uniform enforcement throughout the country.

I do not believe the President's statement should be interpreted that way.

But, as far as the Senate is concerned, there should be no confusion about the alternatives available to us.

I have submitted to the President during the weekend, and to the Senate previously, a responsible plan to get at de facto segregation in the North without diminishing the efforts to eliminate de jure segregation in the South.

On February 4, I introduced legislation (S. 3378) which deals directly with the basic problem of improving educational opportunities for educationally deprived children wherever they live.

My bill would add to title I of the Elementary and Secondary Education Act a requirement that applicants submit plans to substantially reduce or eliminate racial, social, or linguistic isolation. This bill would be consistent with the views expressed by Dr. James Allen, U.S. Commissioner of Education.

My bill borrows from the principle established by Congress in adopting title VI of the Civil Rights Act of 1964 to deal with segregation stemming from State-fostered dual school systems. Just as the Civil Rights Act required illegally segregated school districts to submit desegregation plans in order to obtain Federal assistance, my bill requires them to submit plans to obtain Federal assistance, my bill requires them to submit plans to ending racial isolation in order to obtain aid under title I of the Elementary and Secondary Education Act.

This legislation, in my view, represents an affirmative approach to the problem which the Stennis amendment ostensibly is designed to meet.

I have not offered my bill as an amendment to the pending measure because I believe there should be consideration of this whole matter in a comprehensive way.

For example, we should consider the provision of special assistance to school districts to help them overcome racial isolation, just as title IV of the Civil Rights Act offers such aid to eliminate dual school districts.

It is my belief that consideration of the issues raised by my bill should not be forced to compete for the attention of the Senate with the many other important issues contained in the pending bill and the pending Stennis amendment.

We cannot develop responsible, considered legislation by merely patching faulty proposals. We can develop such legislation in appropriate hearings in the Labor and Public Welfare Committee or by a select committee established for that purpose, for that matter, as has been suggested informally and may be suggested formally before we are finished with this matter. In any event, I have had assurance that the subcommittee and the full committee will give consideration to my proposal and other proposals dealing with the whole subject, at the earliest possible date.

Mr. President, it is not necessary to adopt the Stennis amendment in order to make uniform our efforts over the country for the elimination of segregation in our public schools. Whatever its intention—and I leave that for the conscience of the individual Senators involved—the effect of the Stennis amendment would be to slow down the enforcement of the Supreme Court's decisions in school desegregation cases. To my mind, this would be a tragedy twice compounded—many times compounded.

Already, as the Supreme Court has lately said, the time for deliberation and deliberate action is gone. The time for consummation of this objective is at hand.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. JAVITS. Mr. President, the Senator has been one of the most diligent and one of the Senators with the greatest conscience on this issue for years. I must say that I derive great comfort from his view, because I know him to be a good enough lawyer to take precisely the opposite position if he felt that was justified.

As I understand his position—and I identify myself with it—you should not slow down desegregation in place A, which has such a centuries-old history of injustice, because you cannot go as fast as you ought to go—not like to, but ought to go—in place B; but the thing to do is to do our utmost to catch up in place B—to wit, the North.

Mr. CASE. The Senator is correct. I am grateful to him for the support of my position and for his speaking at this time. I do believe this. We should not slow down anywhere where special efforts are necessary in order to accomplish desegregation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. I ask for 1 additional minute.

Mr. PELL. I yield 1 additional minute to the Senator from New Jersey.

Mr. CASE. In addition, as the Senator has recognized and has been so kind as to indicate his approval, I suggest a specific way in which our education laws can be amended to bring about the most rapid possible desegregation everywhere

by requiring that applications for title I assistance contain provisions for the elimination of racial, social, and linguistic isolation.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1969. During that year, retirement and survivor benefit payments totaled $1.5 billion and were paid to some 1.5 million beneficiaries. Unemployment Insurance Act payments amounted to $97,000,000 and were paid to about 178,000 beneficiaries.

RICHARD NIXON.

THE WHITE HOUSE, *February 17, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator yield me 30 seconds?

Mr. PELL. Yes.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. What is the time situation?

The PRESIDING OFFICER. The 40 minutes remain on this amendment.

Mr. JAVITS. Divided how?

The PRESIDING OFFICER. One minute remains to the Senator from Mississippi, and 39 minutes to the Senator from Rhode Island.

Mr. JAVITS. Of course, the Senator from Mississippi has 2½ hours on the bill, has he not?

Mr. PELL. Three hours on the bill.

Mr. JAVITS. Three hours on the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. JAVITS. I just wanted to ask a question.

Mr. BYRD of West Virginia. In regard to the last question, the time on the bill is allotted to the majority leader and the minority leader.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Shall we take a recess now? By agreement of the Senate, it would not count against either side.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the time would not be charged to either side.

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 minute on the bill.

Does any Senator wish to speak at the moment?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. I am ready to speak. I have a speech which has been published and distributed. Senator RIBICOFF was very kind to stay here for a little while. But I have just checked it out, and the luncheon of the Republican Party is in process. It would be very inconvenient and quite unfair to try to do very much in the next hour. I am considering the interest of Members in this matter and their desire to hear the debate.

So I hope very much that the Senate will concur in what I believe will be the Senator's suggestion.

Mr. STENNIS. Mr. President, is the unanimous-consent request to recess until 2 p.m.?

Mr. BYRD of West Virginia. No unanimous-consent request has yet been made.

Mr. STENNIS. I concur in the idea that the object of speaking is that Senators hear the speaker. Very few Senators are in the Chamber. Many staff members are present. But I think a conference of the party could not be asked to adjourn, and I think we should recess.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask Senators if any Senator wishes to speak now. Hearing no Senator and seeing no indication that any Senator wishes now to speak, I ask unanimous consent that the Senate stand in recess until 2 p.m. today, and that the time consumed by the recess not be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 12 o'clock and 57 minutes p.m.) the Senate took a recess until 2 p.m.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. ALLEN in the chair.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1049. An act to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes;

H.R. 2036. An act to remove a cloud on the titles of certain property located in Malin, Oreg.

H.R. 8413. An act to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes;

H.R. 13008. An act to improve position classification systems within the executive branch, and for other purposes;

H.R. 13582. An act to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes;

H.R. 14116. An act to increase criminal penalties under the Sherman Antitrust Act; and

H.R. 14300. An act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1049. An act to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes; to the Committee on Commerce.

H.R. 2036. An act to remove a cloud on the titles of certain property located in Malin, Oreg.; to the Committee on Interior and Insular Affairs.

H.R. 8413. An act to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

H.R. 13008. An act to improve position classification systems within the executive branch, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13582. An act to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes; and

H.R. 14116. An act to increase criminal penalties under the Sherman Antitrust Act; to the Committee on the Judiciary.

H.R. 14300. An act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes; to the Committee on Post Office and Civil Service.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum

and ask unanimous consent that the time not be charged to either side, with the understanding that I intend to call off the quorum in 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair would inform the Senate that 39 minutes of time remain; 1 minute controlled by the Senator from Mississippi (Mr. STENNIS) and 38 minutes controlled by the Senator from Rhode Island (Mr. PELL).

Who yields time?

Mr. PELL. Mr. President, I yield 20 minutes to the distinguished senior Senator from New York (Mr. JAVITS), the ranking minority member of the committee and my partner, in pushing ahead on this bill.

The PRESIDING OFFICER. The Senator from New York is recognized for 20 minutes.

Mr. JAVITS. Mr. President, I am a little bit concerned about the fact that the Senator from Connecticut (Mr. RIBICOFF) is not in the Chamber. I have sent word to him. Can we have some idea as to his presence or absence? I should like very much to have the Senator in the Chamber before I go ahead and speak.

With the consent of all present, I ask unanimous consent to suggest the absence of a quorum for a short period, to give the Senator time to come into the Chamber, and ask that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I do this in respect to the desire of the leadership.

I am sorry that the Senator from Connecticut (Mr. RIBICOFF) is not present. But my remarks have been issued in writing, and I hope he will arrive in the Chamber before I finish, in the event there is anything I say that he wishes to challenge.

Mr. President, I would like to address myself to the Stennis amendment, No. 463, now pending before the Senate, with respect to the arguments made last week by the Senator from Connecticut (Mr. RIBICOFF) in favor of the Stennis amendment. The Stennis amendment provides that Federal desegregation laws "shall be applied uniformly throughout the Nation without regard to the origin or cause of such segregation."

Mr. President, the reason for my speech is that I am concerned that other pro civil rights Senators who would ordinarily vote against such an amendment may have been convinced by the charges made by the Senator from Connecticut, perhaps even misled by his contention that the Stennis amendment is the cure for "monumental hypocrisy in the North."

I make these arguments particularly in fairness to those who have worked with me for over two decades on civil rights laws. I make these arguments because I believe the debate needs to be placed on the level it deserves—the moral level—a level even higher than the Constitution itself for civilized men and women. Indeed, every American ought to face it and ask himself, whatever the law may be—what do I really believe in?

So in that respect I would like to say what I believe. I believe in quality desegregated education and I oppose the Stennis amendment because it will accomplish neither de jure nor de facto desegregation, and because I believe it will hinder both.

My position is as follows:

First, there is indeed separation of the races in too many of the schools of the North, but its cause, quality, and remedy differ markedly from the segregation in a State like Mississippi; and even to this day the extent of segregation is much more widespread, and resistance to desegregation much greater and more strongly entrenched—premised as it is in a "social order"—in the South than in the North.

Second, the Stennis amendment, far from remedying the problem in the North, will aggravate the situation in the South by delaying or aborting action already well underway there, will play into the hands of the opponents of ending separate school systems for blacks, and is both inadequate to, and inappropriate for, dealing with de facto segregation.

Third, the amendment itself will complicate enforcement of the Federal law against school segregation. And that I attribute to the clause reading, "Without regard to the origin or cause of such segregation."

Fourth. The Mondale-Javits substitute for the Stennis amendment is the best way to approach this highly emotional and controversial subject, and will provide a well-reasoned and effective answer to the problem in the North in a short period of time. The committee is to report by January 1, 1971, with an interim report in August.

DE FACTO AND DE JURE SEGREGATION

In the course of the last 6 years, we have been over this ground time and again. But it is crucial to an understanding of this whole problem that we are clear on the distinction between de facto and de jure segregation.

De jure segregation has been caused by State action of some kind, whether it has been a statutorily created dual school system in the South, or gerrymandered districts in the North. Let us remember that separate but equal was the social order in the South for nearly a hundred years before 1954. De jure segregation is forbidden by law and the Constitution and where it occurs—North or South—it is illegal and must be remedied.

We have had relatively few prosecutions in the North, because de jure segregation was never the social order in the North. We have had some where the Federal courts have found that there is de jure segregation and the interposition of governmental actions to secure segregation.

De facto segregation has been caused, not established, by factors other than State action—residential patterns, for example—and it cannot be reached by any Federal law now on the books. Because separation of the races in the North is primarily a de facto situation, the Federal Government has not been able to correct de facto segregation in the North with the effectiveness used to correct de jure segregation in the South.

We talk about gerrymandering in the North by a governmental authority for the purpose of having a separate school district for the white children or for the black children. That is reachable by the Civil Rights Act of 1964. And we have a right to beat the Department of Justice over the head if they have not prosecuted such a case. There is no dearth of law on that subject.

Mr. President, racial imbalance is de facto segregation, and let us be very clear that it has a grave and serious bearing on what we must do as honorable men of conscience and Senators of the United States.

I am the first to say that the end result of de facto segregation may indeed be as harmful as de jure segregation and that de facto segregation exists in the North. I am the first to say that, I, and I think every other civil rights Senator must ask himself whether that is equating the two different situations or whether it makes a difference in the way we legislate.

The Senator from Connecticut saw fit to charge that there are schools within "12 blocks" of my own home which are just as bad in New York de facto as they are in Mississippi de jure. One of the New York papers said its staff felt I was "put down" by this argument. I did not feel at all put down, but the situation in the schools to which the Senator from Connecticut referred leaves me with a feeling of sadness and dismay—of determination to face the very real moral issue raised by this debate.

That moral issue was covered this morning in the fine presentation of the Senator from New Jersey (Mr. CASE). It is simply this. Do we slow down desegregation in the South because of residential patterns and any other factors that exist in the North, or do we proceed wherever we can with the utmost diligence to bring about justice in this country with respect to the minority groups?

I feel that any kind of segregation should be eliminated at the earliest possible moment. I do not believe that we should slow down in any respect because we cannot go fast as we would like in some parts of the country because of the Federal Constitution or because of Federal law or some other respects.

In the course of my discourse, which I hope will not be too long, I would like to disclose to the Senate that we ourselves have slowed down the process of correcting racial imbalance or de facto segregation in the North, and that we had better look to ourselves before we complain about the inadequacy of State action. But any assertion that New York and Mississippi have identical situations and identical attitudes is patently invalid on its face. New York has never mandated separation of the races in the

schools, and New York has not permitted separation by law in this century.

The Senator from Mississippi (Mr. STENNIS) has pointed out that we had a vestigial law that remained on the books until 1938. It was no credit to my State at all that it was permitted to remain on the books. The fact is, however, that separate school systems have not been operated in New York in this century.

We apologize to the country, and I say so as a New York Senator, to have had such a vestigial law on our books as long as we did.

New York has been in the forefront in passing legislation designed to correct conditions which cause de facto segregation. We had the very first fair employment law in the country in 1945. The beloved Senator Irvin Ives, who sat in this Chamber, was one of the authors. We have a fair housing law since 1959 in New York. There have been many prosecutions under it and there has been much honest effort to correct the situation of discrimination which results from living patterns. New York has in many cases ordered busing to counter de facto segregation which was considered by educational authorities to be harmful to education and our State is now locked in a great controversy over how far to go.

Mr. President, this brings me to the New York statute to which the Senator from Mississippi quite properly referred. We had better be careful in defining our terms. That New York statute provides that only an elected school board, and not an appointed school board, may order busing in order to correct racial imbalance wherever educational authorities feel it interferes with the best education of the child. That is a far cry from a bar against all busing for whatever reason.

New York is currently having its elections. The only areas which have appointed school boards are Yonkers, Buffalo, New York City and Albany. They are the only ones that have appointed schools boards. New York City will elect its school board next year and Albany, after the 1970 census, will also be required to elect its board.

Dr. James Allen, who was the New York State Commissioner of Education, fought a long struggle along exactly this line. The best education of children sometimes requires busing.

Finally, the board of regents of the State of New York—our highest educational authority—has made a declaration which is strongly against the bill which the legislature passed and which the Governor signed which enables busing to be ordered by elected school districts but not by appointed school districts.

Mr. President, that is a far cry from the broad-gage charge made here that the amendment which the Senator from Mississippi (Mr. STENNIS) has introduced—his second amendment; or the order was switched—represents the New York law and that that eliminates any busing. I do not plead for busing. I know it is very difficult for many parents and I know there have been excesses. I am sure of that. There have been unduly long distances ordered, and so forth.

In the enforcement of what law are there not excesses, just as there are often underremedies granted? Somehow or other the courts have corrected the situation. Sometimes there are injustices, but one has to look at the forest and not at the trees in order to appraise a broad national situation like this, and one in which our Nation suffered for so long. That is what I ask in this situation. This is a matter of the strictest necessity. I agree it should be applied equally where the criterion is education, as it is where there is equal opportunity under the Constitution. That does not mean we should slow up on one because we cannot move as fast on the other.

Mr. President, I think the RECORD should show that the Senator from Connecticut is now in the Chamber. I am glad he is.

I must also disagree with the contention that all our efforts to bring equality to all citizens, and specifically the Federal fair housing law, have been "a sham and a failure." They are, to the contrary, good faith efforts which already have had an appreciable impact on the North. I was pleased to note one suggestion made by the Senator from Connecticut that suburban communities which take steps to provide public housing receive a Federal education subsidy similar to the impacted areas aid, because, as the Senator undoubtedly knows, I introduced that very proposal 4 months ago on October 14, 1969, and it is known as S. 3025. I feel that way very strongly.

I wholly deplore the restrictions we put on the North to desegregate their schools where there is de facto segregation.

Finally, if we consider only the school situation, and look at the exhibit of segregation in States like New York as opposed to Mississippi, we see how very much more serious is the situation in the South. I do not pick Mississippi for any particular reason. One can pick any one of a number of States. However, those have been the two States juxtaposed in the entire discussion. I ask unanimous consent to have printed in the RECORD pertinent excerpts from a table prepared by the Department of Health, Education, and Welfare showing racial separation by States.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1–A.—NEGROES BY STATE

[Number and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

State	Total number of students	Total number of Negro students	Percent of total students	Negroes attending: 0–49.9 percent minority schools		50–100 percent minority schools		95–100 percent minority schools		99–100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,567	6,262,173	14.5	1,467,291	23.4	4,814,881	76.6	3,832,843	61.0	3,331,404	53.0	2,493,398	39.7
Alabama	770,523	269,248	34.9	22,308	8.3	246,940	91.7	244,693	90.9	243,269	90.4	230,448	85.6
Alaska	71,797	2,119	3.0	2,119	100.0	0	.0	0	.0	0	.0	0	.0
Arizona	366,459	15,783	4.3	5,272	33.4	10,511	66.6	4,349	27.6	3,344	21.2	790	5.0
Arkansas	414,613	106,533	25.6	24,091	22.6	82,442	77.4	78,901	74.1	77,703	72.9	75,797	71.1
California	4,477,381	387,978	8.7	87,255	22.5	300,723	77.5	185,562	47.8	115,890	29.9	27,986	7.2
Colorado	519,092	17,797	3.4	5,432	30.5	12,365	69.5	8,017	45.0	2,862	16.1	0	.0
Connecticut	632,361	52,550	8.3	22,768	43.3	29,782	56.7	9,601	18.3	2,254	4.3	328	.6
Delaware	123,863	24,016	19.4	13,025	54.2	10,991	45.8	5,177	21.6	593	4.0	0	.0
District of Columbia	148,725	139,006	93.5	1,253	.9	137,753	99.1	123,939	89.2	95,608	68.8	38,701	27.8
Florida	1,340,665	311,491	23.2	72,333	23.2	239,158	76.8	224,729	72.1	215,824	69.3	184,074	59.1
Georgia	1,001,245	314,918	31.5	44,201	14.0	270,717	86.0	262,689	83.4	259,891	82.5	240,532	76.4
Idaho	174,472	415	.2	415	100.0	0	.0	0	.0	0	.0	0	.0
Illinois	2,252,321	406,351	18.0	55,367	13.6	350,984	86.4	294,066	72.4	252,225	61.1	156,869	38.6
Indiana	1,210,539	106,178	8.8	31,833	30.0	74,345	70.0	46,208	43.5	37,664	35.5	13,597	12.8
Iowa	651,705	9,567	1.5	6,994	73.1	2,573	26.9	340	3.6	340	3.6	0	.0
Kansas	518,733	30,834	5.9	16,479	53.4	14,355	46.6	9,820	31.8	6,264	20.3	2,327	7.5
Kentucky	695,611	63,996	9.2	34,389	53.7	29,606	46.3	17,025	26.6	9,021	14.1	3,342	5.2
Louisiana	817,000	317,268	38.8	28,177	8.9	289,091	19.1	279,614	88.1	278,260	87.8	259,897	81.0
Maine	220,336	1,429	.6	389	27.2	1,040	72.8	0	.0	0	.0	0	.9
Maryland	859,440	201,435	23.4	62,670	31.1	138,765	68.9	105,886	52.5	92,030	45.7	62,898	31.2
Massachusetts	1,097,221	46,675	4.3	23,916	51.2	22,759	48.8	8,558	18.3	4,936	10.6	79	.2
Michigan	2,073,369	275,878	13.3	56,840	20.6	219,038	79.4	128,116	46.4	78,319	28.4	24,720	9.0
Minnesota	856,506	9,010	1.1	7,116	79.0	1,894	21.0	361	4.0	0	.0	0	.0
Mississippi	456,532	223,784	49.0	15,000	6.7	208,784	93.2	207,515	92.7	206,736	92.4	197,447	88.2
Missouri	954,596	138,412	14.5	33,996	24.6	104,416	75.4	9,355	66.0	77,676	56.1	46,285	33.4
Montana	127,059	102	.1	102	100.0	0	.0	0	.0	0	.0	0	.0
Nebraska	266,342	12,340	4.6	3,364	27.3	8,976	72.7	4,321	35.0	674	5.5	0	.0
Nevada	119,180	9,189	7.7	4,883	53.1	4,306	46.9	3,626	39.5	699	7.6	0	.0
New Hampshire	132,212	537	.4	537	100.0	0	.0	0	.0	0	.0	0	.0
New Jersey	1,401,925	208,481	14.9	70,628	33.9	137,853	66.1	68,434	32.8	37,827	18.1	15,245	7.3
New Mexico	271,040	5,658	2.1	2,712	47.9	2,946	52.1	901	15.9	574	10.1	394	7.0
New York	3,364,090	473,253	14.1	152,868	32.3	320,385	67.7	169,401	35.8	100,899	21.3	35,637	7.5
North Carolina	1,199,481	352,151	29.4	99,679	28.3	252,472	71.7	229.393	65.1	227,057	64.5	207,742	59.0

TABLE 1–A.—NEGROES BY STATE—Continued

[Number and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

State	Total number of students	Total number of Negro students	Percent of total students	Negroes attending 0–49.9 percent minority schools		50–100 percent minority schools		95–100 percent minority schools		99–100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
North Dakota	115,995	458	.4	458	100.0	0	.0	0	.0	0	.0	0	.0
Ohio	2,400,296	287,440	12.0	79,762	27.7	207,678	72.3	123,127	42.8	93,775	32.6	37,861	13.2
Oklahoma	543,501	48,861	9.0	18,472	37.8	30,389	62.2	23,610	48.3	18,715	38.3	8,437	17.3
Oregon	455,141	7,413	1.6	4,689	63.3	2,724	36.7	0	.0	0	.0	0	.0
Pennsylvania	2,296,011	268,514	11.7	73,901	27.5	194,614	72.5	118,449	44.1	87,064	32.4	11,756	4.4
Rhode Island	172,264	8,047	4.7	7,196	89.4	851	10.6	0	.0	0	.0	0	.0
South Carolina	603,542	238,036	39.4	33,811	14.2	204,225	85.8	200,188	84.1	199,752	83.9	188,666	79.3
South Dakota	146,407	384	.3	360	93.7	24	6.3	12	3.1	0	.0	0	.0
Tennessee	887,469	184,692	20.8	39,240	21.2	145,453	78.8	132,208	71.6	123,468	66.9	108,425	58.7
Texas	2,510,358	379,813	15.1	95,931	25.3	283,882	74.7	239,540	63.1	208,021	54.8	165,249	43.5
Utah	303,152	1,486	.5	1,098	73.9	388	26.1	0	.0	0	.0	0	.0
Vermont	73,570	90	.1	90	100.0	0	.0	0	.0	0	.0	0	.0
Virginia	1,041,057	245,026	23.5	65,922	26.9	179,104	73.1	167,172	68.2	161,321	65.8	142,209	58.0
Washington	791,260	19,145	2.4	12,299	64.2	6,846	35.8	0	.0	0	.0	0	.0
West Virginia	404,582	20,431	5.0	16,763	82.0	3,668	18.0	1,157	5.7	841	4.1	841	4.1
Wisconsin	942,441	37,289	4.0	8,406	22.5	28,883	77.5	14,783	39.6	9,288	24.9	4,819	12.9
Wyoming	79,091	665	.8	482	72.5	183	27.5	0	.0	0	.0	0	.0

Note: Minute difference between sum of numbers and totals are due to computer rounding.

Mr. JAVITS. Mr. President, in every category, no matter what State one looks at it will be found that the proportions in the South are inordinately greater for Negro children attending 95- to 100-percent minority schools.

In Mississippi that percentage is 92.7 percent of the Negro children. These are the best figures we have for 1968. In New York that figure is 35.8 percent. I am not proud of the New York State figure. I do not like it but I think we should have a realistic view of the problem which exists here.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. JAVITS. I would like to continue. Even in a State like North Carolina the figure is 65.1 percent as compared with the New York State figure of 35.8 percent.

Mr. STENNIS. Mr. President, will the Senator yield for a brief question?

Mr. JAVITS. If the Senator will permit me to finish it will make my argument hang together and then I will yield to the Senator from Mississippi to his heart's content.

Mr. STENNIS. I thank the Senator.

Mr. JAVITS. Mr. President, now I come to the argument of "monumental hypocrisy." Naturally, this is a very serious charge to make against anyone without "monumental proof." What about the "monumental hypocrisy" charge? Could it also be levied against those who have fought enforcement of the constitutional guarantees of equal opportunity every step of the way for the last 16 years in every court and legislative body and now appear as the champions of equal educational opportunity, asking only that it be vigorously enforced everywhere?

I might note in that connection that the attorneys general of these three States which have attempted to forestall desegregation of education for years now come before a Federal judge in California urging a faster pace of desegregation there.

I ask unanimous consent that a report of this proceeding in the New York Times of February 14, 1970, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SOUTHERNERS ACT IN PASADENA CASE—AIDES ASK COURT TO FORCE IMMEDIATE DESEGREGATION

(By Steven V. Roberts)

PASADENA, CALIF., February 13.—The Attorneys General of Mississippi, Alabama and Louisiana asked to intervene today in the historic Pasadena school integration case in an attempt to force the district to desegregate its schools immediately.

The three officials contended that since school districts in their states had been ordered to desegregate "at once," the same rules should apply across the country.

However, the Southern lawyers conceded that their real reason for intervening was to provoke a public outcry and "to get the Federal courts out of the operation of our schools."

Legal observers here said the intervention by the three states in the case appeared to be unprecedented. The three lawyers are A. F. Summer of Mississippi, Jack P. F. Gremillion of Louisiana and MacDonald Gallion of Alabama.

On Jan. 20, Federal District Judge Manual Real ordered the Pasadena school system to present an integration plan for its 30,000 students by Feb. 16, next Monday. The plan would not go into effect until September, however.

PERMISSION TO INTERVENE

In court this morning, Judge Real allowed the Southern lawyers to file a motion to intervene in the case as friends of the court. It will be heard on March 4, when the Pasadena integration plan is to be discussed in open court.

The judge also granted Pasadena a 48-hour extension, until next Wednesday, to present its plan.

In another action, the Pasadena School Board voted to approve the broad outlines of the integregation plan prepared by its professional staff.

The Pasadena case, which the Justice Department joined as a plaintiff last fall, is the first one in which a Northern school district was ordered to relieve racial imbalance caused mainly by residential patterns, rather than by legal discrimination.

Last Wednesday, Superior Court Judge Alfred Gitelson ordered the huge Los Angeles school district, the nation's second-largest, to submit an integration plan by June 1. The judge said the plan should be implemented no later than September, 1971.

In their brief, the Southern lawyers argued today that the plaintiffs in the case, three Pasadena school children, were not getting their full constitutional rights, since integration would not be mandatory here until next September.

"We do so with regret because we believe forced mixing of the races to bring about a ratio of the races in each schoolhouse in proportion to the ratio of the races in the school district is wrong, and contrary to previous court rulings, we do not believe it is required by the Constitution," they said. "However, we recognize that the Supreme Court has determined otherwise."

The brief continued:

"We realize that the ultimate goal of this honorable court and the Movants herein are perhaps not the same. The ultimate goal of the Movants is to get the Federal Courts out of the operation of our schools, and, within the limits of 'freedom of choice' plans where no child can be excluded from going to the school of his choice, regardless of his race or color, Brown v. Board of Education, 347 U.S. 483, the operation of schools be returned to the hands of local people."

Mr. JAVITS. Mr. President, further, in connection with the charge of monumental hypocrisy, what about the contemporaneous efforts to gain further delay, on the application of States themselves and not individuals, just at the same moment that better enforcement is sought? What about the monumental hypocrisy of trying to find some way to develop private schools, or to close the public schools, made by Governors of States, somehow to avoid the constitutional mandate of equal educational opportunity?

What about the unremitting attacks on the Supreme Court for its equal educational opportunity decisions, mostly unanimous decisions? What about the continuing efforts to evade the constitutional mandate with "freedom of choice," and similar plans?

Who is charging monumental hypocrisy to whom? We have a right to be saddened by these charges applying to anyone, anywhere. I reject any implication of insincerity to any responsible concerned American on either side of the issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield to me for 10 additional minutes?

Mr. PELL. I yield.

Mr. JAVITS. Mr. President, I have deeply searched my conscience on the subject. I reject any implication of insincerity of any concerned American on either side of the issue, but let us at least be made wiser by these charges. Let us remember two things. We are dealing with one of the most profound questions in American life. One-tenth of our population is the black minority to which we refer and there are other minorities as well such as Mexican Americans, Japanese Americans. We are also dealing with the final act of the Civil War. We are dealing with a deep and very important historic question: how to get over a deeply established social order which existed in the South for so very long.

These are the most profound questions which our country faces, and the most dangerous, because we must ourselves do justice under the Constitution and also satisfy the minorities who are so irked by what has occurred, to see that reasonable justice is being done. We all know that one-tenth of the population is a population which, like that of other Americans, needs to be persuaded that the Government is just, and should not be allowed to suffer under the feeling that the Government is unjust.

These are the issues. I do not claim to have the answers. I am only advancing my honest and sincere opinion as to the answers. But I sincerely submit that the charge of "monumental hypocrisy" to any person, North or South, as to how to deal with this problem is not advancing toward a solution.

I come now to the Stennis amendment itself. Let us consider the effect of the proposed amendment on existing conditions.

My colleague from Connecticut contends that the amendment, by providing that the guidelines apply equally in all parts of the country, will result in strong Federal action against de facto segregation in the North. As I have indicated, action against de facto segregation is specifically prohibited in the Civil Rights Act of 1964, in the Elementary and Secondary Education Act of 1965, in the last two appropriation bills covering the Department of Health, Education, and Welfare, and in this very bill, where my own committee had to include the inhibition against any busing to correct racial imbalance, because, without any question, that is the overwhelming sentiment in this Chamber, and no bill could be passed unless it contained that prohibition.

The pending amendment does not seek to repeal these provisions of the law; therefore I cannot believe that it is really a serious attempt to combat de facto segregation. The only way we are going to combat de facto segregation is by redistricting or busing. It is the only recourse where there are residential patterns fixed as deeply as they are in many places, and where it will take much longer to dissolve the residential patterns.

Even the President of the United States, in what I think was an admirable message, in an effort to bring us to the point where we would be talking about education instead of civil rights—which is desirable—himself said, and I quote from his message of yesterday:

"Desegregation plans should involve the minimum possible disruption, whether by busing or otherwise"—of the educational routines of children.

I do not think anybody differs with that statement, but it is a fact that every day 18 million children in the United States travel by bus to school, on 200,000 schoolbuses, and they travel 2 billion miles a year, and that is not a small percentage of the approximately 50 million children who go to public elementary and secondary schools—two-fifths of them.

If we do want desegregation of school districts which are in fact de facto segregated, let us understand first that racial imbalance and racial segregation mean exactly the same thing, and let us ourselves strike the shackles that would prohibit the Federal Establishment from enabling Northern States to deal with their problem.

One other question which we must ask ourselves is: What about the affected minorities? Are they not likely to believe, as they have right along, that justice deferred is justice denied? Let us remember that if we pass the Stennis amendment, it has, in its last clause, as the Senator from Rhode Island (Mr. PASTORE), with his customary astuteness picked up, language which will certainly be very material in interfering with our present activity with respect to bringing about compliance with the Constitution and the laws. That phrase "without regard to the origin or cause of such segregation"—and I am quoting from the Stennis amendment—would result in damming up the present presumption in the courts that where State action created the existing segregated condition, the constitutional mandate applies without further proof that State action was involved. That presumption exists. It would take a tremendous number of additional lawyers in the Department of Justice and an enormous amount of time if that presumption were overturned, if every case had to be treated as a case of first impression and had to be proved because of this amendment.

The Senator from Minnesota (Mr. MONDALE) and I have submitted a proposal to the Senate which I very much hope the Senate will look upon with favor. It is that a special committee composed of members of the Committee on Labor and Public Welfare, the Committee on the Judiciary, and the Senate at large will go into the question of de facto segregation—which I welcome—and, by January 31, with an interim report on August 1, provide us with recommendations as to what we can do about it here in the Federal Establishment.

I think that is an eminently practical suggestion. As I say, I welcome it. I believe most northern Senators will welcome it, to do what we can to help in a situation which is properly complained of, but which I can only see as an unreasonable slowing down in an area where we can act because we cannot move as fast as we should in another area.

Mr. President, we have a complex problem, for which the Senator from Mississippi has proposed a solution which is subject to a number of conflicting interpretations. They are: Are the guidelines in fact now applied equally, although to different conditions? Should there be a distinction between de facto and de jure segregation? Would the Stennis amendment strengthen enforcement in the North or weaken it in the South? Can the Congress do anything about de facto segregation without repealing a number of existing statutes? Indeed, can the Federal Government constitutionally act against racial separation where there is no hint of State action? Will the Stennis amendment, which applies only to the guidelines of the Department of Health, Education, and Welfare, have any adverse effect on Justice Department suits or private suits?

Finally—and perhaps most crucial of all—has Congress been circumscribed by the Green decision, which eliminated freedom of choice plans and mandated affirmative action in de jure situations? Even if we wanted to return to freedom of choice in the South, can we constitutionally do so? It is obvious that not one of these questions can be answered easily or immediately, and that floor debate will not clarify the situation easily. The problem is critical, not only to ourselves, but to our children and grandchildren, not only in the South but throughout the country.

I think the Senator from Minnesota (Mr. MONDALE) has offered an opportunity—in which effort I have joined—to give the problem the study and consideration which it deserves, and that we ought to accept that opportunity.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GORE. I have examined the pending amendment, and I am at a loss to find that its passage would really change anything. What is a policy? Congress can properly enact a law, or Congress can adopt a resolution expressing the will of the Senate or the sense of the Senate; and, of course, it can declare a policy. But suppose a policy is declared, what is a policy? What effect in law does a policy have? Would the Senator mind responding to that question?

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, could I have 5 additional minutes?

Mr. PELL. I yield 5 additional minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I think the Senator raises a very pertinent point. It is a sense of Congress resolution. It may have the force of law because the courts, in making the presumption that they do with respect to these cases in States where State action has brought about separate school systems, are also following, one might say, a policy.

The courts could take the Senator's line, and reject this provision, and say, "It is nothing but a statement of policy, of the sense of Congress; it is not binding upon us as the law. We still indulge in this presumption because that is the law."

Mr. GORE. Will the Senator yield further?

Mr. JAVITS. I yield.

Mr. GORE. If it is not binding upon Congress or the people, it is not binding upon the courts. I can agree with the Senator that a sense of the Senate resolution, or a resolution, or a bill declaring it to be the will of the Senate, the sense of the Senate, or the policy of the Senate, may contribute to the political climate. But I find no operative clause in the pending amendment that would substantially and fundamentally change any law whatsoever. It might show a change in the political climate which the court could take into consideration if it so desired, but there is no necessity that it so do.

Mr. JAVITS. As I say, it is susceptible of that interpretation, but I think the best answer to the Senator's inquiry is to say if that is the case, why have it at all?

The bill provides, on page 151—and I invite the Senator's attention to it—for uniform application of all rules, regulations, and guidelines in all the 50 States. The bill now contains the prohibition against busing to correct racial imbalance, which is what we have always provided in these bills, for a number of years.

Therefore, if it is only a sense of Congress resolution, and can be disregarded at all levels, why pass it and raise the issue, so that it may be used by courts which choose to do so, until it gets to the Supreme Court, to bedevil the efforts which are now going on?

That would be a legitimate argument.

Mr. GORE. A law enacted by Congress obviously applies to every State and every citizen of every State. I do not know that that is changed by a declaration of the Senate, whether we call it a political statement, a sense of the Senate resolution, or a sense of Congress resolution, or a declaration of policy.

Mr. JAVITS. Would the Senator allow me to state one point of fact?

Mr. GORE. I yield.

Mr. JAVITS. When I served on the Appropriations Committee, we provided that the same number of staff personnel in the Department of Health, Education, and Welfare should operate everywhere else in the country as operate in the South on this issue. As a matter of fact, that has been accomplished. I have some figures which indicate that.

But, Mr. President, obviously the greater bulk, by far, of the litigation has come about in places where the segregated school system was basic and inherent in the law and in the social order of the communities, so that, up to now, though there has been an assignment of personnel which is equal in both places, that fact has not yet been manifested in litigation.

In addition, there is probably not as much ground for litigation in other areas because they do not have this heritage. But, as I say, the reason that I must oppose the amendment is that I feel that it will only bedevil the situation; and if it adds nothing, so much the more reason for rejecting it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 3 additional minutes.

Mr. PELL. I yield 2 minutes to the Senator from New York.

Mr. CASE. Mr. President, would the Senator reserve one-quarter of a minute for me?

Mr. JAVITS. We have time on the bill.

Mr. GORE. Will the Senator from New York yield further?

Mr. JAVITS. I yield.

Mr. GORE. The effective way to deal with the subject, of course, is a prohibition on the use of appropriated funds. This Congress considered late last year, I believe in December. I voted for the proposed provision. It lost.

I am in a quandary about the pending resolution, and the quandary is whether it does something or whether it does not, which seems to be entirely problematical.

Mr. JAVITS. I thank my colleague.

Mr. President, I have given about as much enlightenment as I could. I ask the Senator from Michigan (Mr. GRIFFIN) if I may have 2 minutes on the bill.

Mr. GRIFFIN. I yield the Senator 2 minutes on the bill.

Mr. JAVITS. I yield to the Senator from New Jersey.

Mr. CASE. Will the Senator just permit me to say it is a very great comfort to have his statement on this proposition, because not only is he right in fact, but he has made it very clear that there is an intellectual correctness about his position in opposition to this amendment that, to me, is unassailable, and it is important that we understand this, because the amendment has a surface appeal that has, I am afraid, taken some of our colleagues into camp. The Senator's stringent, clear, and pertinent answers, purely on the intellectual side, to say nothing of the practical side and the side of human compassion, has been one of the great contributions to this discussion.

Mr. JAVITS. I am very grateful to my colleague from New Jersey. I do not know of any Senator whose opinion I more greatly revere.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, will the majority leader yield me 10 minutes on the bill?

Mr. MANSFIELD. Mr. President, I shall be happy to yield time to the Senator, but I would like to get a few things straightened out before I do so; so at this time I yield myself such time on the bill as I may require.

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield to me?

Mr. MANSFIELD. I am delighted to yield.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, I wonder if the majority leader would indicate to us what he anticipates, in his schedule of activities for the rest of the day, or the rest of the week, perhaps.

Mr. MANSFIELD. Mr. President, we have all returned from a 3- or 4-day recess, and I anticipate that the Senate will be in rather late this evening and that it will be actively engaged.

I might say there was a mixup concerning the recess until 2 o'clock this afternoon. We lost an hour and 5 minutes. Rather than operate on that basis in the future, I think we ought to just not meet on Tuesdays. We are paid to do the work of the people. I think we ought to stay in session and make every effort to perform that task. If need be we will stay late and work Saturdays as well.

I would also like to state to the Senate, after discussing the matter with the distinguished acting minority leader, that it would be our intention to come in early tomorrow, so that we can get on with this bill, to be followed by a labor and management bill, a school lunch bill, an airport bill, a voting rights bill, and a Supreme Court nomination. We would like to cooperate with the administration to get the legislation which it desires brought up, debated, considered, and disposed of. We would like to get out at a reasonable time; but if we are going to achieve the objectives which the joint leadership set out—we thought with the full approval of the Senate—we will have to work a little harder and pay a little more attention to the issues which come before us.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. At this time, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. MANSFIELD. I hope that I have answered the questions of the distinguished acting minority leader. I now yield 15 minutes to the distinguished Senator from Mississippi, and the remainder of the time will be under the control of the manager of the bill.

Mr. STENNIS. Mr. President, will the Senator enlarge on that? By "the remainder of the time" does he mean the time on the bill?

Mr. MANSFIELD. On the bill, yes.

Mr. STENNIS. I thank the Senator.

Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, it has been over 6 years since I have addressed myself on this floor to the subject under discussion today. I do it today as reluctantly as I did it 6 years ago.

I, as an American, have always deplored segregation or discrimination. I have always doubted that legislation would fully answer the problem. I still

have those doubts, after watching the laws operate for the last 6 years. I think they have helped, but I do not think they have solved the problem, nor do I think they are really getting at the problem.

I have seen segregation practiced in Africa. I have seen segregation practiced in Asia. I have seen it practiced all over the world. I have seen it in the United States—in the North, in the South, in the East, and in the West, between black and black, white and white, white and black, and black and white. I have seen it practiced between religions. Mr. President, it is an ugly thing.

I say today what I have said before: I do not think the evils of the world are ever going to be solved until man, himself, makes up his mind to end discrimination, regardless of what form it fits in.

Mr. President, so that I might have my Republican position clear, I look back at the platform of 1964, in which it is stated:

> Full implementation and faithful execution of the Civil Rights Act of 1964, and all other civil rights statutes, to assure equal rights and opportunities guaranteed by the Constitution to every citizen;
>
> Improvements of civil rights statutes adequate to changing needs of our times;
>
> Such additional administrative or legislative actions as may be required to end the denial, for whatever unlawful reason, of the right to vote.

I quote that from the Republican platform of 1964.

I look at the Republican platform of 1968, and this is what President Nixon ran on and we Republicans stood for and stand for today:

> We call on public officials at the federal, state and local levels to enforce our laws with firmness and fairness. We recognize that respect for law and order flows naturally from a just society; while demanding protection of the public peace and safety, we pledge a relentless attack on economic and social injustice in every form.

I think that the President has made it adequately clear that the continuing policy of the Republican Party is as it has been ever since its inception, to attack segregation in any way we can; but I think it is going to be attacked successfully, regardless of how much study we do in this body, by a man making up his mind to end it himself.

I would like to see if I am correct with respect to the President's position. He says:

> 1. The Administration's position on the voting rights legislation now pending before the United States Senate is one of full support for all the provisions of the measure passed by the House of Representatives.
>
> 2. The President has consistently opposed and still opposes, compulsory bussing of school children to achieve racial balance. This practice is prohibited by the Civil Rights Act of 1964. The Administration is in full accord with the provisions of the statute.
>
> 3. School desegregation plans prepared by the Department of Health, Education and Welfare on request by school boards or pursuant to court order will be directed to the greatest possible extent toward preserving rather than destroying the neighborhood school concept. It is the President's firm judgment that in carrying out the law and court decisions in respect to desegregation of schools, the primary objective must always be the preservation of quality education for the school children of America.
>
> 4. It is the view of this Administration that every law of the United States should apply equally in all parts of the country. To the extent that the "uniform application" amendment offered by Senator John Stennis would advance equal application of law, it has the full support of his Administration. Just as this Administration is opposed to a dual system of education in any part of the United States, so also is the Administration opposed to a dual system of justice or a dual system of voting rights.

Mr. President, I am addressing myself to the original Stennis amendment. I am not addressing myself to what may or may not happen to the Mondale-Javits amendment or any amendments Senator STENNIS or others might call up. But it is impossible for me, as a U.S. Senator, to understand how any Senator or other Member of Congress can oppose the clear application of the law.

If these laws are good for the South, they are good for the West, for the North, and for the East. It is as simple as that. It amazes me to hear some of my colleagues argue that we should have a certain standard of law for the West and another standard of law for the South.

I happen to live in a section of our country that is not plagued tremendously by this problem, and I deem myself to be most fortunate in that respect. I am not as intimately acquainted, therefore, with all the problems that exist in the North or in the South relative to segregation or integration. But I do say—and I say this with all the firmness at my command—that we are not gathered here to see how we can apply law in a different way to one State or to another State. We are gathered here, in my opinion, to see what laws can be passed to do the most good for the most Americans, and that is our only function.

I think we are serving only one purpose here: We are serving to divide these United States of ours at a time when they do not need dividing. We need unity in this country more than we have needed it at any time in our history. When we get into these little divisive things, when we decide that the North is guilty of this, the South is guilty of this, the West is guilty of this, and the central part of our country is doing something else, we are dividing the American people.

I think the time has come—and I will conclude with this—that we, as Senators and Members of Congress, and that we, as American citizens, make up our minds to start living the life we should live relative to our brothers.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 6 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I shall vote for the amendment offered by the Senator from Mississippi because I believe it is a correct statement of principle—first, as it supports the equal application of the laws and, second, as I believe I can demonstrate, that it is a correct statement of constitutional development of the law in school desegregation since the Brown case decided in 1954.

Mr. BYRD of West Virginia. Mr. President, will the Chair ask the staff members and Senators to take their seats?

The PRESIDING OFFICER. Staff members will be seated, and Senators will take their seats.

Mr. COOPER. I listened with great interest to the speech of my friend and colleague, the Senator from New York, because it is not often that we have disagreed upon matters of civil rights, and I always have great respect for what he says for his legal ability and the conscience which directs him. He has enumerated the great difficulties—and they are many—which attach to the interpretation of the Stennis amendment. Many of us may have different reasons for our interpretation, but because it may present great practical problems in the future, I do not think we can be asked not to vote directly upon nor to express our views.

I said a moment ago that I believe that the Stennis amendment expresses a correct interpretation of the law of desegregation in the schools since the Brown decision.

The Brown decision, it will be recalled, held that black schoolchildren in segregated schools were denied the equal treatment of the law and that they must be desegregated. It was based upon the 14th amendment—that they had been segregated by State law and thus were denied equal protection of the law.

I agree with the Senator from New York that, so far as de jure situations are concerned, de jure situations in the North, in the South, in the East, in the West, or anyplace else in this country, are within the jurisdiction of the courts, that the courts will act—HEW can act—to insure that action of the State or its agent, the school board, which establishes or continues segregation must be removed, that desegregation must be ordered. But when we come to the question de facto; this issue is where I believe we have gotten ourselves into trouble and, if I may say, where some of the lower courts of this land have gotten into trouble.

I have read the HEW guidelines. If one reads the guidelines, he will find nothing which states that the HEW shall move into a de facto situation.

There is no holding by the Supreme Court yet, whether de facto situations fall under the 14th amendment and come under the jurisdiction of the courts. There is no holding yet on busing by the Supreme Court. There is no holding yet as to the constitutionality of freedom of choice. But there is a difference in the application of guidelines by HEW. In the North, several courts have held—at least in some district and circuit courts—notably in the case of Deal against School board of Cincinnati—that they will not take jurisdiction in a de facto situation in that circuit and in other circuits. But in the South it has been argued in the lower courts, that because Southern States had before the Brown decision, from the Civil War enforced segregation by law, such States and school districts have an affirmative duty to act in situations, which would certainly be de facto districts in the North.

I would say that the correct interpretation of the amendment, and it should

be of the courts, that if they are to move into a de facto situation in the South, the courts and the country must move that way all over the land. If the court holds that a de facto situation is outside the 14th amendment in the North, then the holding should apply to North and South as well.

My judgment is that by coming to this point in debate, making our views known, we may cause the courts and HEW to develop lines which are applicable to de facto situations in all parts of the country and at least to see that the holdings of the courts are applicable throughout the country. I know that they will be complex to deal with. I agree with the Senator from New York that if the courts require desegregation in de facto areas, it will probably compel busing.

I oppose another amendment of my good friend from Mississippi dealing with freedom of choice. Freedom of choice as a sole criterion would enable a student or his parent to bus to get out of desegregated schools in order to get into segregated schools. It could preserve segregation. I emphasize that the application of the law as to de jure situations throughout the whole Nation is the same, but it is not the same as it relates to de facto situations. This the Stennis amendment will correct, but it will not reduce or inhibit enforcement against de jure situations in the South as has been alleged.

For the following reasons I shall vote for the amendment: First, because I believe it is a statement of principle supporting the equal application of laws; second, because I think it represents a proper interpretation of the Brown case; and third, because I believe it may lead, and I hope that it will lead, to further studies and work in this body, in HEW, as well as in the courts, to find a remedy for the problem of de facto segregation.

I need not say that I have supported civil rights legislation during my service in the Senate, by my vote, by submission of amendments long before 1969—whose substance are found in the Civil Rights Act of 1964.

Mr. GURNEY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield 6 minutes to the Senator from Florida.

Mr. GURNEY. I do not think that I will take that long.

The PRESIDING OFFICER (Mr. BELLMON in the chair). The Senator from Mississippi has 5 minutes remaining.

Mr. STENNIS. I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. GURNEY. Mr. President, as the Senator from Mississippi so well knows, I wholeheartedly support the pending amendment which would apply equally throughout the land in the Civil Rights Act of 1964, and the Elementary and Secondary Education Act of 1966.

Mr. President, I spent the past weekend in my home State, traveling around a great deal. I found that the issue uppermost in the minds of most of my constituents is this very amendment and the issues we are debating in the Chamber today.

At the time that I was holding a news conference and discussing these matters in Miami, President Nixon released a statement in the neighboring town of Key Biscayne on this very matter. I think it is well to develop this here. That is what I want to bring out at this time. In regard to President Nixon's position and the administration on this very matter, I quote the President's release:

> It is the view of this administration that every law of the United States should apply equally to all parts of the country.

Of course, in making that statement, he was making it specifically as to school desegregation policies.

In the same statement, it reads that it is the President's desire also "to preserving rather than destroying the neighborhood school concept."

And also:

> The President has consistently opposed, and still opposes, compulsory busing of schoolchildren to achieve racial balance.

Then finally, the statement reads—Ronald Ziegler speaking for the President:

> The President maintains his view that it is well to have children go to schools as near as possible to their homes.

Of course, in an integrated system.

They are speaking to this whole subject and the President reiterates what he said in his 1968 campaign, that it is his view and the administration position, as he understood that language, that the desegregation laws should apply all over the United States.

Mr. President, I do not rise here to attempt to speak for the administration. I do rise because of what the President said at a press conference a few miles away, at the same time I was in Miami, a few days ago.

If I can understand the English language at all, that language says to me that the President is supporting, and the policy of the administration is certainly in favor of the language of the pending amendment.

I certainly hope that those on this side of the aisle will vote for it, as I intend to do.

Mr. BAKER. Mr. President, will the Senator from Mississippi yield me 2 minutes?

The PRESIDING OFFICER. The Chair would advise the Senator from Mississippi that he has 1 minute remaining.

Mr. STENNIS. Mr. President, will the Senator from Rhode Island yield me 10 minutes on the bill?

Mr. PELL. I am happy to yield 10 minutes to the Senator from Mississippi on the bill.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 additional minutes.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. BAKER. Mr. President, I thank the Senator from Mississippi for yielding this time so that I may pay tribute to an important statement on an important issue just made by the senior Senator from Kentucky (Mr. COOPER).

Mr. President, those of us who live in Southern border States, States of the upper South, are extraordinarily careful to make sure that our positions on civil rights are carefully scrutinized, not only as to the merits and the equity of a particular situation but also because, unfortunately, in some quarters, statements made by those of us in this body who come from the South and near South are interpreted differently from the statements of those representing other parts of the country.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber? Would the Chair enforce the rules of the Senate with respect to order and decorum in this Chamber?

The PRESIDING OFFICER. The Sergeant at Arms is instructed to ask all unauthorized persons to take their seats.

The Senator from Tennessee may continue.

Mr. BAKER. I thank the Chair. I reiterate, for the sake of continuity, that those of us from the South, the near South, and border States sometimes must examine our utterances on civil rights issues more carefully than some of our colleagues who are not from the South, the near South, or border States. Especially is this true, I think, as to the statement made by the distinguished senior Senator from Kentucky (Mr. COOPER) and its importance to this debate.

It is important because as a southerner, as a Member of this body from a border State, the State of Kentucky, no one, I believe, can cast any aspersions on his record in the field of civil rights.

Mr. President, I make no bones of the fact that since I came to the Senate I have tried carefully to follow and carefully to analyze the positions taken by the distinguished senior Senator from Kentucky (Mr. COOPER), because I believe they have been judicious positions, carefully taken to advance the cause of total equality, without making any part of the country subservient to challenge or criticism by any other. Therefore, I think the scholarly, lawyerlike, and judicious utterances of the distinguished Senator from Kentucky are especially appropriate to this debate.

I wish to add my voice to his and state that, whether we like it or not, there is an appeal in de facto segregation to nonuniformity in the application of the judicial laws of this country.

This amendment, as supported by the distinguished senior Senator from Kentucky, and by many colleagues on both sides of the aisle, will do much to make sure that there is no discrimination between sections of this country in the matter of the universal goal, which I support, and I believe most colleagues here support; namely, that of absolute equality.

Mr. PELL. Mr. President, I yield 2 minutes to the distinguished Senator from Pennsylvania, the minority leader.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCOTT. Mr. President, I send to the desk an amendment in the nature of

a substitute for amendment No. 463 and ask that it be stated.

The PRESIDING OFFICER. The Chair would inform the Senator from Pennsylvania that the amendment is not in order at this time.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Do I correctly understand that no substitute is in order to a pending amendment until all time has been exhausted on the original amendment?

The PRESIDING OFFICER. The Senator is correct. The Senator from Rhode Island has 2 minutes remaining.

Mr. STENNIS. Mr. President, if the Senator from Rhode Island would yield, I had promised the senior Senator from Tennessee that I would yield him some time.

Mr. PELL. Perhaps we could yield the Senator 3 minutes.

Mr. STENNIS. Mr. President, I yield 5 minutes to the senior Senator from Tennessee.

The PRESIDING OFFICER. The senior Senator from Tennessee is recognized for 5 minutes.

Mr. GORE. Mr. President, it is my view that the amendment would be greatly improved if the first nine words of the amendment were stricken. The amendment would then have an operative clause and would not then be burdened with language which renders the amendment a policy statement.

Mr. President, I think it is unconscionable that any law of the United States of America is unevenly applied. We are one country. I find the distinction between de jure and de facto segregation tenuous and the splitting of legal hairs.

I would like to see the amendment altered. I call this to the attention of the author.

I cannot find myself voting against the amendment, even if it be nothing more than a policy statement. I must say that I do not know what effect in law a policy statement has, if any. But the fact that it proclaims the policy of Congress, which I understand is the policy of the Constitution, that all laws apply to all citizens of the United States and all States and all communities thereof.

I shall therefore support the amendment. But I suggest to the distinguished author of the amendment that in my opinion if following the last word of line 3, he would put a capital "G" and start the amendment there, he would then have an operative amendment unburdened with the limitation of being a policy statement.

I agree with the statement of the distinguished senior Senator from Kentucky and my colleague, the senior Senator from Tennessee. This may contribute to the political climate. It is not binding on the court or on a Federal officer. But it could be taken into consideration if agreed to in its present form. But I respectfully suggest that it would become operative and effective if amended as I have suggested.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. All the time allotted to the Senator has expired. The Senator has 3 minutes remaining of the time allocated to the bill.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

Mr. STENNIS. Mr. President, I have the floor.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. STENNIS. I yield.

Mr. JAVITS. Mr. President, to be sure that the time does not go by for offering a substitute, at what point can a substitute be offered?

The PRESIDING OFFICER. It is in order now, at any time the Senator can be recognized.

Mr. STENNIS. That has already been covered. A point has been made that I want a chance to answer. I ask for time, which I am sure will be granted. I understand that a substitute will be offered. The parliamentary situation would be, if we close the time on the amendment, that the time would start running anew, as I understand it, with an hour on each side on the substitute.

The PRESIDING OFFICER. The Senator is not exactly correct. If an amendment is offered which the manager of the bill does not accept, then each side would have an hour, one for the manager of the bill and the other for the proponent of the amendment.

Mr. STENNIS. In the event a substitute is offered which the manager of the bill does not accept, or the proponent of the amendment does not accept?

The PRESIDING OFFICER. Which the manager of the bill does not accept.

Mr. STENNIS. If the Senator would yield further, does the manager of the bill have the authority to accept or reject a substitute over the protest of the author of the amendment?

The PRESIDING OFFICER. The Chair will read from the unanimous-consent agreement printed on the calendar:

> Debate on any amendment, motion, or appeal except a motion to lay on the table, shall be limited to 2 hours, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill or their designees.

Mr. BYRD of West Virginia. Mr. President, which side is being charged with time?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I will object unless the distinguished manager of the bill wishes to have a quorum call with the time to be equally divided between both sides, in which case I would not object.

Mr. SCOTT. Mr. President, if I may, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided and taken out of the 6 hours allotted to the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I send to the desk an amendment in the nature of a substitute and ask that the amendment be stated.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Pennsylvania (Mr. SCOTT) proposes an amendment as follows:

On page 45, between lines 4 and 5, insert the following:

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

SEC. 2. It is the policy of the United States (1) that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race . . .

Mr. BYRD of West Virginia. Mr. President, we cannot hear the clerk read the amendment.

The PRESIDING OFFICER. The Senate will be in order. The clerk will restate the amendment.

The assistant legislative clerk read as follows:

SEC. 2. It is the policy of the United States (1) that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race in the schools of the local educational agencies of any State; and (2) that on local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance.

Mr. SCOTT. Mr. President, I wish to ask that there be a restatement of the allocation of time.

The PRESIDING OFFICER. The Chair will again read the unanimous-consent agreement:

> Debate on any amendment, motion, or appeal except a motion to lay on the table shall be limited to 2 hours, to be equally divided and controller by the mover of any such amendment or motion and the manager of the bill or their designees; *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Minority Leader or some Senator designated by him.

Since the minority leader has proposed the amendment and since the Senator from Rhode Island (Mr. PELL) is in agreement with the amendment, the Senator from Pennsylvania, under the agreement, would have the authority to designate someone to control time in opposition to the amendment.

Mr. SCOTT. Mr. President, as I understand it, if I may put it a little more equitably, the Senator from Pennsylvania

reserves 1 hour as the sponsor of the amendment and suggests respectively to the Senator from Rhode Island that he yield 1 hour on the other side to the author of the original amendment.

The PRESIDING OFFICER. That would accomplish the same end.

Mr. JAVITS. Mr. President, I have one other point. I do not think a designation of time can be yielded out unless it is unobjected to. Therefore, in order to give the Senator from Mississippi (Mr. STENNIS) flexibility, I ask if he may yield time to others.

Mr. SCOTT. I do not think the Senator from Mississippi will object to that. Does the Senator from Mississippi have any objection with regard to the 1 hour yielded to him that he reserves the right to yield from that time such amount as he may desire to other Senators?

Mr. STENNIS. Oh, yes. That is why I wanted the time yielded.

Mr. SCOTT. That is what I thought.

Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, the purpose of the amendment is to secure equal application of the laws. The amendment is in two parts. The first part states that "guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race in the schools of the local education agencies of any State." The second part states that "no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance."

There is so much interest in this matter and there has been so much controversy about it that the purpose of the amendment is to seek the widest possible area of support for the propositions involved in the two parts of the amendment. This amendment, I am authorized to say, has the approval of the Secretary of Health, Education, and Welfare, Mr. Finch. Therefore, I think quite justly, as well, that he feels it is the position of a just and fair administration.

I may wish some time at a later period but at this point I am glad to yield to the Senator from Minnesota.

Mr. STENNIS. Mr. President, will the Senator yield to me for a question first?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. Mr. President, I yield myself 1 additional minute so that I may reply to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. STENNIS. Mr. President, the Senator said that Secretary Finch supports the amendment. I wish to quote from Mr. Finch's speech of last Saturday in Boston:

> There is need to extend the provisions of integration, nationally. I think the North has been guilty of a certain amount of hypocrisy. Senator Stennis was perfectly in order in making his amendment.

If Mr. Finch is correctly quoted he was certainly pleading and warning that provisions of integration be extended nationally. Where does this amendment which the Senator offers extend to anything nationally? I submit it covers de jure, so-called, and that is all.

Mr. SCOTT. The amendment clearly states that it shall be applied uniformly in all regions of the United States.

Mr. MONDALE. Mr. President, will the Senator yield to me for 10 minutes?

Mr. SCOTT. I yield 10 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I am pleased to rise in support of the amendment offered by the Senator from Pennsylvania. Earlier the Senator from New York (Mr. JAVITS) and I had proposed creation of a Select Senate Committee on Equal Educational Opportunity as a substitute for the pending Stennis amendment. I will offer this amendment later, not as a substitute to the Stennis amendment—which I hope will be substituted by the Scott amendment—but on its own merits, I will do so because I do believe that even with the adoption of the Scott amendment the profound national problems relating to de facto segregation will have been dealt with effectively by the Congress and the country.

The Stennis amendment, in my opinion, is not designed to establish a national policy on de facto segregation. It does not remove existing prohibitions against the transportation of students to overcome racial imbalance.

Thus, the amendment, if it were agreed to, would appear to establish a uniform national policy concerning de facto segregation but provide no remedy. It utterly defies the imagination how one would enforce it. It is a declaration without a remedy, so why offer the amendment? It is an amendment which does nothing at all about the national de facto segregation problem of which the Senator from Mississippi and other Senators speak.

The answer is that this amendment is designed principally to stall elimination of dual school systems in the South. That is why it has been introduced. That is why, if it is agreed to, the national program to eliminate the disgrace of separated school systems will be imperiled. Why do I say this? I quote from a typical story published in the Atlanta Constitution last Saturday:

> A source close to Senate strategists said the Dixie bloc hope the amendment—
>
> The Stennis amendment—
>
> might help Southern school districts facing said desegregation plans. Armed with the amendment a Southern school board might contest an integration order on the grounds it should not have to desegregate until Chicago, Detroit, or New York did.

In other words, the distinction between de facto segregation and de jure segregation would be eliminated if the Stennis amendment were successful. Yet, no remedy would be provided to eliminate de facto segregation and dual school systems would resist anything being done with respect to de jure segregation until similar—yet prohibited—actions with respect to de facto segregation were taken.

This defense would be raised in courts throughout the South, and it would be raised by powerful political leaders to resist efforts by the Department of Health, Education, and Welfare and the Department of Justice to eliminate the dual school system in the South.

That is the mischief, and that is the purpose, of the amendment offered by the Senator from Mississippi. It has nothing at all to do with de facto segregation. If it were passed, there would be nothing that could be done about de facto segregation. All it would do would be to put a new weapon in the hands of those who have spent their careers fighting to preserve the dual school system in this country.

That is why I believe the amendment offered by the Senator from Pennsylvania deserves the support of the Senate. It would continue to make clear the distinction between the two types of segregation, one which is officially declared and supported by government—de jure segregation—and the other which arises by virtue of adventitious events such as segregated patterns of living, but not official policy—so-called de facto segregation. So I strongly and enthusiastically support the amendment offered by the Senator from Pennsylvania.

Having said that, however, I believe we must honestly admit that the Senator from Mississippi, and the Senator from Connecticut, and others are on very strong ground when they say this is a national problem; that de facto segregation is a major national problem which requires an adequate response.

We do not know what that response should be. We have not adequately focused on this issue; there have been no adequate hearings; there has been no effort to grapple with this problem to the extent that this profound issue requires.

Therefore, after the substitute amendment offered by the Senator from Pennsylvania is adopted, I will propose an amendment, with the sponsorship of the Senator from New York, to create a select Senate Committee on Equal Educational Opportunity, to focus on the problem—and it is a national problem, found in the South as well as the North—of de facto segregation, and to see what kinds of Federal policies should be applied to deal with this problem. To what extent can racial imbalance be dealt with? What is the relationship between this issue and fair housing? What is the relationship between this issue and equal employment opportunities? What is the relationship between this and the location of low-income housing in places other than the core parts of American cities? What is the relationship between this issue and the quality schools in the American ghetto?

There is no question that most schools in the ghettos are an utter disgrace. In addition, many children who go to ghetto schools have been ruined by hunger and deprivation before they enter school. This problem is compounded by utterly overcrowded and inadequate school systems in most ghettos. So we cripple these children, we deny them the tools to get out of their circumstances, and then we condemn them because they appear to be inferior.

I think the fundamental answer to de

facto segregation is a national policy coupled with real efforts to make those schools among the most excellent schools in the country, so these children can be given the kind of tools and the kind of motivational force that will enable them to break out of this disgraceful condition in our American cities.

We do not have the answer to that problem. All of us stand condemned for not properly focusing on the problem.

I believe we should defeat the Stennis amendment, and then accept the challenge of the Senator from Connecticut to deal justly and adequately with the problem of de facto segregation in our country.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MONDALE. The Senator from Pennsylvania (Mr. SCOTT) has the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, acting on behalf of the Senator from Mississippi, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. ALLEN. Mr. President, this amendment is much worse than no provision at all. It freezes into the law the present distinction between de jure and de facto segregation. It perpetuates in the law a Federal school policy that permits segregation in the North and demands immediate desegregation in the South.

Mr. President, I do not distrust Greeks bringing gifts, but I must say I would certainly not look with a great deal of enthusiasm and favor on an amendment offered by my good friend, the distinguished Senator from Pennsylvania, with respect to the segregation question. This amendment smacks all too much of the amendment offered to the language of the Whitten amendment in the HEW appropriation bill. It uses the words "unconstitutional conditions."

There are two phases to the amendment. It establishes uniformity in all regions of the United States in dealing with unconstitutional conditions of segregation by race.

The only section of the country in which the Supreme Court has found unconstitutional conditions having to do with segregation by race is in the South. It has not ruled that de facto segregation is unconstitutional. Therefore, this amendment says that the United States will uniformly enforce in the South the same regulations, the same guidelines, throughout the entire South. It leaves absolutely unscathed and untouched and untreated the conditions caused by de facto segregation in the North. And I challenge my good friends to dispute the accuracy of that statement.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. ALLEN. When I get through. I am operating on limited time.

Mr. GRIFFIN. I will be glad to give the Senator time. I just want to challenge the statement that there are no cases of de jure segregation in the North. I am willing to concede that there have not been as many cases——

Mr. ALLEN. I do not believe the Senator understood me. I think, if the Senator will refer to the RECORD, he will find I said there has been no case in which the Supreme Court has ruled that de facto segregation in the North is unconstitutional.

Mr. GRIFFIN. That is true, but courts of appeals have ruled that there have been de jure cases in the North.

Mr. ALLEN. If the Senator will examine the RECORD at the end of today's proceedings, the Senator will find I had reference to and spoke with reference to the Supreme Court.

The other facet of the amendment has to do with overcoming racial imbalance. We heard this very afternoon on the floor of the Senate the statement made time and time again that racial imbalance is de facto segregation.

In the light of that definition, let us see what phase 2 of the amendment says, "that no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance."

In other words, they should not be authorized to bus students to overcome de facto segregation. But it does not forbid them to use busing to overcome de jure segregation. So the effect of this amendment is to freeze into the law the present distinction between de jure and de facto segregation, whereas the purpose of the amendment of the Senator from Mississippi is to abolish the distinction between those two types of segregation.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. LONG. If I understand it, the purpose of this amendment is to continue racial segregation in the North.

Mr. ALLEN. It continues racial segregation in the North, and freezes the present law, and gives it the backing and prestige of enactment of a statute.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. ERVIN. I ask the Senator from Alabama if this last clause is not to continue the present condition, because we passed the Civil Rights Act of 1964 prohibiting busing to overcome racial imbalance. They are ordering busing today, and they claim they are not doing it in trying to overcome racial imbalance, but to establish a unitary school system, which is an exercise in semantics; is that not correct?

Mr. ALLEN. Yes.

Mr. ERVIN. Does the Senator agree that the purpose of this amendment is to continue a situation where they can treat the South in one way and the North in another, and just keep going on in the same fashion?

Mr. ALLEN. That is correct; and the Secretary of Department of Health, Education, and Welfare has used this phrase "to overcome racial imbalance" as his excuse for applying a dual rule, one in the North and another in the South, one allowing segregation in the North and the other insisting on immediate desegregation in the South.

The language of the Whitten amendment protects the Northern States from busing, from the closing of schools, and from denial of the right of a parent to send his child to a school of his choice. The language of the Whitten amendment, as amended in the legislative process, protects the North at that point, and denies protection to the South.

So the effect of this amendment is to freeze the existing conditions regarding de jure segregation and de facto segregation, continuing to require the South to desegregate now, and allowing the North to continue with de facto segregation and, in fact, legalizing de facto segregation, under the wording of this proposal.

Mr. STENNIS. I yield myself 6 minutes.

Mr. President, let me say to the Senate that in my humble opinion, the amendment of the Senator from Pennsylvania that is offered now does not add one iota of meaning—not one iota—to the present law, the present practice, and the present method of what is actually a discrimination against the South.

It is stated here that these amendments, and so forth "shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race."

The way this thing is patterned now, there is no section treated as if segregation were unconstitutional except the South. The Supreme Court has never ruled on any other kind of case except one involving the South, and that is the practice that HEW has uniformly followed all these years, with a few scattered exceptions. That is what the Department of Justice has done, with a few scattered exceptions.

That word "unconstitutional" does not add or detract one iota of meaning, but it confirms the practice that is going on now.

This amendment abandons the President of the United States. It turns its back on him, and says, in effect, "His recommendations were spurious; we will have none of it. We are in a tight place, but we are going to try to get something here that just confirms what we are doing now." And that means getting by this area outside the South.

That brings us to the second clause, "that no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance."

They are not required to do that now outside the South. This could not possibly apply to the South; it is already in the law. HEW says the prohibition on busing does not apply to the South. The Supreme Court says, in effect, that it does not apply to the South, because it ignored it. But all the decisions of the Supreme Court have been based by the Court solely on the 14th amendment, and the Court has never referred to this prohibition about busing.

I do not see why the Senator wants to put in the provision about busing, unless to reiterate and reaffirm the present policy and practice of HEW because this is becoming a problem outside the South.

It bypasses the President, and it bypasses what Mr. Finch said on Saturday afternoon in his speech at Boston. Then the Senator turns around and quotes Secretary Finch, and says he supported this amendment. I would not challenge

the Senator from Pennsylvania as to what he says, but I served notice at the beginning that I would challenge anything said by someone stating that the President is opposed to my amendment, unless they bring in something in writing. The President said something in writing. He himself is supporting my amendment.

I hope that my amendment will finally be agreed to. This amendment, with great deference to its author, does not add one iota in law, policy, or practice, to what HEW is doing now, and I know that is one reason why they want it. It cancels out the terms "shall be applied uniformly," and this amendment will not apply, in effect, anywhere except in the South. I hope the Senate will turn its back on it, and follow the reasoning of the other amendment, as offered here and supported by the President of the United States, as well as by Mr. Finch in his Boston speech.

This matter is getting whittled down to a mighty narrow meaning now. It is just yes or no as to whether this amendment has any added, new meaning. I respectfully submit that it does not.

Here is this law that I referred to a minute ago. I refer to Public Law 88–352, the Civil Rights Act, which states: "provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance."

HEW says:

> That does not apply in the South, because we are not trying to achieve racial balance, we are trying to destroy the so-called de jure system.

So why put anything in this bill that has no meaning? It is just a reiteration of the present HEW policy that they are getting by with, if I may use that term. They want to get by with it as long as they can, that is, keep this pattern of eradication of segregation in the South, and not let it apply in the North.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, if I have sufficient time. Does the Senator want time for a speech, or for a question?

Mr. RIBICOFF. Just a comment.

Mr. STENNIS. Three minutes?

Mr. RIBICOFF. Five minutes will do.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I am sorry to see the distinguished minority leader offer his amendment. I am sure it was not so intended, but this amendment is misleading and a sham. If we believe that de facto segregation is wrong, and I personally believe it is wrong, what the amendment of the Senator from Pennsylvania would accomplish and achieve is a continuation of de facto segregation throughout the North, with the approval of the Senate of the United States.

In the distinguished Senator's own city of Philadelphia, there are 57 schools with 68,000 children, and those schools are 99 to 100 percent black. If the amendment of the Senator from Pennsylvania is agreed to by the Senate, it will be perfectly proper, and approved by the Senate of the United States, that those 68,000 black children in 57 schools of Philadelphia will continue in schools 99 to 100 percent black. Again may I say, if it is wrong to have this imbalance in Mississippi, it is just as wrong to have it in Philadelphia.

Mr. SCOTT. Mr. President, will the Senator yield, since he referred to me?

Mr. RIBICOFF. I am pleased to yield.

Mr. SCOTT. I would not want the distinguished Senator from Connecticut to feel that I was supporting de facto segregation. It is wrong. I would not want the distinguished Senator from Connecticut to feel that I was not in sympathy with what is being sought to be achieved here in the Stennis amendment. The thrust of that amendment is largely supported. About 99 out of 100 words of the Stennis amendment are included.

I cannot understand how the distinguished Senator from Connecticut, who was a Governor of his State and charged with the enforcement of its laws, can find any objection to my requiring that the laws apply in dealing with unconstitutional conditions of segregation by race. Is he asking that the laws apply in dealing with constitutional conditions of segregation by race or that the laws should not apply equally, or with what is he finding fault? Wherever segregation is unconstitutional, the laws will be uniformly applied; and if in any area any form of segregation is forbidden, as de facto segregation has been forbidden in certain areas by the courts, it has to be uniformly applied.

Mr. RIBICOFF. May I say to the distinguished Senator that I believe that the Senator from Pennsylvania is very well aware of the thrust of his entire amendment. I agree with the interpretation of the Senator from Mississippi and the Senator from Alabama. When the Senator from Pennsylvania talks about unconstitutional conditions, he is talking only about the conditions declared unconstitutional by the Supreme Court of the United States, and that is de jure segregation. What the Senator from Mississippi seeks to achieve in his amendment, which would be completely frustrated and eliminated by the substitute, is to call attention to the fact that we have de facto segregation in the North and that we should treat everybody accordingly.

Let me say this to the distinguished Senator from Pennsylvania, and I include the distinguished Senator from New York, also, and his remarks about monumental hypocrisy. We are now engaging on the floor of the Senate, in a special type of monumental hypocrisy. It makes no difference to me what the motive of the Senator from Mississippi is or what the motive of the Senators from the Southern States is in their amendment. The great issue facing the United States today is the intentions and the bona fides of those of us in the North.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. May I have 10 additional minutes?

Mr. STENNIS. I yield 10 additional minutes to the Senator from Connecticut.

Mr. RIBICOFF. Let us be candid with one another. What is the condition prevailing in the United States today? The South hates the North; the North hates the South. What is their motive? The blacks hate the whites; the whites hate the blacks. What is their motive? The poor hate the rich; the rich hate the poor. What is their motive? The intellectuals hate the silent majority; the silent majority hates the intellectuals. What is their motive?

Now, we have reached the tragic circumstances where children hate one another. And what is their motive—what is the motive of children in our schools hating one another?

I am not interested in the reasons of the distinguished Senators from the South or their respective Governors, as to what their motives are. Let us look at our own individual motives.

What I sought to achieve in my speech on Monday was to put across to this Nation an element of fair play. If we ever are going to correct the conditions that prevail in America which have divided our Nation, we must find the element of fair play.

Where do we start in America? Not by questioning the other man's motives, but by searching our own hearts for our own motives. I want to start with children, the innocent pawns of what we are doing in the destruction of our country. Whether North or South, rich or poor, the intellectual or the silent majority, basically, all people in their country want to see their children with equal opportunities and with a future. A nation that pays no attention to its children will be a nation that lives to suffer degradation and deterioration.

The point we were trying to make, and the reason why I supported the original amendment of the Senator from Mississippi, was that he was focusing finally on the great problem: to make us look at that moment of truth. What were we going to do in New York? What were we going to do in Philadelphia? What were we going to do in Cleveland? Is there a Member of the Senate from a Northern State who will say that his school system today is better than the school system prevailing in 1954? What has happened in America? Here we are on the floor of the Senate today, mouthing the old cliches of liberal doctrine—liberal doctrine that has gone by the board.

We made these arguments in the forties, the fifties, and the sixties, and what have we achieved? We have achieved a breakdown of the American educational system.

Again may I say that the wording of the amendment of the Senator from Mississippi is as unimportant as any proposal could be. His objective and my objective are different. I support him because I see an opportunity for this country to face up to its obligations, to recognize that our children have been the innocent pawns of the weakness of American society, a racist, segregated society. This is the problem that exists in America today. Unless we face up to it,

we will not solve it. And we are not going to solve it by cute phrases.

With all due respect to the Senator from Pennsylvania, the phrase used in his amendment is a cute one. He is freezing de facto segregation into the law. He is making it possible for those in the North to feel smug and complacent by saying, "We are going to treat you all the same," when we know—every Member of this body knows—that we are really only talking about the South. And you wonder why the South has hatred in its heart? Because there is no fair play when they look at de facto segregation in the North.

I know there are those who want desegregation to go slowly. I do not want desegregation to go slowly. But I want all America to look at this problem.

In my opinion—and I say this respectfully to the Senator, who is the minority leader—this amendment has done a basic disservice to the President of the United States, and this is why.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. RIBICOFF. I should like to finish this thought, and then I will yield.

At the end of last week, a statement was given out by the President of the United States. The President said he understood the objective of the amendment offered by the Senator from Mississippi and he was in agreement with it. The President agreed that basically everybody in this country should be treated the same. The Secretary of Health, Education, and Welfare made a speech in Boston in which he reaffirmed the philosophy in the policy of the Senator from Mississippi.

When the President of the United States and the Secretary of Health, Education, and Welfare made those statements, I took those statements at face value. I did not think that the Secretary of Health, Education, and Welfare or the President of the United States were being cute. I acknowledged their deep concern with the problems of education in America and the problems of fairness across this entire land. I thought that now the President of the United States, some Senators from the North, and the Senators from the South were facing up to the basic crisis in America, the crisis involving our children.

Mr. SCOTT. Mr. President, will the Senator yield at that point, since I think it is proper to offer a correction?

Mr. RIBICOFF. I yield.

Mr. SCOTT. The Senator from Connecticut has said that the President made a statement that he agreed with the Stennis amendment. It is my recollection of the public print that the President said he agreed with the concept involved, or a statement on his behalf was made by his press secretary. I do not think the Secretary of Health, Education, and Welfare has been quoted as saying anything beyond that.

I would like to ask the Senator from Connecticut what he finds wrong with an amendment which says that the laws shall be applied equally against all those who break them, because the phrase is, "in dealing with unconstitutional conditions."

Now the Senator was Governor of Connecticut and it was his job to apply all laws equally in Connecticut against anyone who broke a law. What is wrong with it here?

Mr. RIBICOFF. I would say this: Would the Senator from Pennsylvania allow a substitution of the words "de jure or de facto conditions" for the word "unconstitutional"? Will the Senator accept that?

Mr. SCOTT. I am sorry, the Senator from Mississippi was talking to me. Would the Senator kindly repeat his question, for which I yield him 2 minutes of my time?

Mr. RIBICOFF. The Senator talks about uniformity. Would he accept the substitution of "de jure or de facto conditions" instead of the word "unconstitutional"?

Mr. SCOTT. The Senator's amendment, in this Senator's opinion, speaks for itself. It is quite clear to this Senator, although the Senator from Connecticut is obviously encountering some difficulty in accepting or understanding that it says the law shall be applied equally in any case where the law is being broken. I cannot think of any way that could make the amendment any clearer than that. It is inconformity with the Stennis amendment in its substance and in its thrust. It would eliminate the words which I think most people would agree are not of great meaning at the end—a single sentence—and it adds only one word, "unconstitutional."

Mr. RIBICOFF. May I say to the distinguished Senator from Pennsylvania (Mr. SCOTT), the use of the word "unconstitutional," would emphasize to every legal scholar, to the Senate of the United States, and to all the people of this Nation, that this amendment is applying to the States in the South, and the States in the North will be home free.

Thus, if the Senator from Pennsylvania wants to treat the North and the South in the same way, I would suggest substituting the phrase "de jure or de facto conditions." Then we will get someplace.

Several Senators addressed the Chair.

Mr. RIBICOFF. I yield to the Senator from Florida (Mr. GURNEY).

Mr. GURNEY. I should like to shed a little light on this debate as to what the attitude of the administration and the President is, because I think it is very important, and the explanation of the Senator from Connecticut is correct.

Here was a statement made by President Nixon's press secretary, Ronald Ziegler in Florida, the same day I was there, stating in part:

> To the extent that the uniform application amendment offered by Senator Stennis would advance equal application of the law, the administration would be in full support of this concept.

Mr. President, to me, there is nothing unclear about that language.

Mr. RIBICOFF. It was not to me, either, when I read it, let me say to the distinguished Senator from Florida. I was thrilled when I read that statement. I did not know what would be the impact of my statement last Monday, but it is apparent that there was an interest in it. When the President of the United States issued that statement, to me, it meant that he was saying to the people of this country: "The time has come to rid ourselves of hypocrisy and to treat everyone fairly. Let bygones be bygones. We are not going to fight the Civil War all over again, and we are not going to fight 1954 all over again. Conditions do prevail in this country of ours, however, so that as President of the United States, I am going to do everything I can, as President, in my administration, to see that every child all over the country is treated on the same basis."

Mr. President, would it not be wonderful if we could achieve justice, involving everyone? But we know that is a tough goal to achieve.

I suppose, when we talk about justice, we are talking about treating equals equally. In a democracy, everyone is supposed to be equal—we hope; whether black or white, whether living in the North or the South.

I know the thinking of many people in the South. I am familiar with editorials and statements made on this floor by our colleagues, that this is a game being played by the South. Maybe it is a game being played by the South. But, somewhere, sometime, we will have to recognize in this country that the time has come to stop playing games, that the time has come to look at the facts of life in America today squarely in the eye, to determine what the problems are and what we are going to do about them.

Mr. President, the one man who can do that better than anyone else in this country is the President of the United States.

When I first read about the President's statement in the press, and then heard it announced on radio and television, I suddenly saw a great opportunity for Congress and the President uniformly to say, "We will now treat equally and fairly all the people in this country."

What a great opportunity it would be to stop fighting the Civil War all over again, to stop playing up the differences among people of different races, classes, and colors, and to recognize that we are now living in 1970 and that some of the issues and some of the decisions that were made in the past, although made with the best intentions in the world, are not working.

Why can we not say, as Senators who go out among the people and are intelligent men, that when conditions need changing, or laws do not work, or when they compound our problems, or injure the country and its people, that we will change them in the interest of the people.

Therefore, let us, for heaven's sake, find a new set of laws.

Let us find new solutions, if we can.

Mr. President, this is what I was trying to achieve in supporting the amendment of the Senator from Mississippi—not that I always agree with him. I would suppose if we took our voting records, we could not find any voting records more dissimilar than the voting records of the Senator from Mississippi and the Senator from Connecticut.

But that is not the thrust of the problem. The thrust of the problem is to look

at our intentions and our motives individually, rather than focusing on the other man's. That is why, to me, the substitute amendment put in by the distinguished Senator from Pennsylvania, while he may not so intend it, is a matter of great mischief. It is an amendment that would undercut completely the President of the United States.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I should like to yield to everyone and give them ample time to speak, especially to the Senator from Connecticut (Mr. RIBICOFF) to speak further; but there is a limitation of time, which I cannot avoid. There are quite a few Senators who still wish to speak.

Mr. MONDALE. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, I am glad that the Senator from Connecticut made his statement because I think it helps us understand the nature of the issue with which we are confronted.

One thing is very clear. If the amendment of the Senator from Mississippi passes, it will give those who oppose the elimination of the dual school system throughout this country, primarily in the South, a powerful new weapon to resist the elimination of de jure segregation.

We know that they will say, "Before you can eliminate our dual school system in Mississippi, which sorts children out on the basis of color, you must go to Chicago and first do something about de facto segregation and racial imbalance that arises from living patterns."

Thus, we know what the amendment does. It will grant the South an important new weapon to slow down the process, to frustrate the Supreme Court. It will give those who have political influence in Washington or elsewhere powerful leverage to appeal to HEW and elsewhere to say, "Stop enforcing title VI strongly, because it is now the new policy of the American Government not to do anything in the South until you can deal with de facto segregation elsewhere."

Mr. LONG. Mr. President, will the Senator from Minnesota yield at that point?

Mr. MONDALE. I shall be glad to yield in a few minutes.

Mr. President, this brings up a second question: What do we do about de facto segregation?

The Senator from Connecticut says that we have to have courage in dealing with de facto segregation. I agree. But I asked the Senator from Connecticut the other day to tell me one thing that would follow from the adoption of the amendment of the Senator from Mississippi which would allow us to deal with de facto segregation.

There was no answer. There is not any answer. This amendment does not absolve us of northern hypocrisy. It does not do one thing about desegregation. It does not affect Pennsylvania or Minneapolis or New York one bit.

All it does is to give those who oppose the elimination of the dual school system another weapon to fight the efforts being made by the Department of Justice and the Department of Health, Education, and Welfare.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. I will be glad to yield in a minute. I want to get this point home, because I would rather lose my public career than give up on civil rights.

For 10 years as attorney general of my State and as a U.S. Senator, I have regarded it as a religious responsibility to treat every man as an equal. And I am offended by racial segregation, wherever it exists.

I know an amendment that does not do anything when I see it. No one has told us what the amendment of the Senator from Mississippi would do.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. The question is whether after we take out that part of the amendment of the Senator from Mississippi that would slow down the elimination of the dual school system, are we willing to move beyond that and establish a committee that would really do a job? That is the question we have before us today.

Mr. LONG. Mr. President, will the Senator yield?

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, I yield first to the Senator from Louisiana.

Mr. LONG. Mr. President, permit me to say to the Senator that I do not view the Stennis amendment as slowing anything down in the South.

I view it as making the Department of Health, Education, and Welfare bring the same pressure to bear on Minneapolis that they have brought to bear in Louisiana. If that is the case, I would assume that the Senator from Minnesota would be willing to defend the Department of Health, Education, and Welfare when they do to his State what they have done to our State. And if he would defend it in that case, we would defend it there.

Mr. MONDALE. Mr. President, the Senator must be aware of the powerful influence that those who oppose the dual school system in this country have in a case of this sort.

A Mr. Panetta used to be head of the Office of Civil Rights in the Department of Health, Education, and Welfare. He has lost his job under very strange circumstances. He had been a strong supporter of title VI.

If the Stennis amendment is agreed to, those who oppose the dual school system can call the Department of Health, Education, and Welfare and say, "We demand a delay in school desegregation deadlines."

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. RIBICOFF. Mr. President, may I say to the distinguished Senator that, if the Stennis amendment were agreed to, I do not see how it would affect the situation in the United States whatsoever, because the problems of segregation in the southern region are under the jurisdiction of the Federal courts of this Nation. Whatever we do in agreeing to or failing to agree to the Stennis amendment will not affect the decisions of the Supreme Court, or the circuit courts, or the trial courts. They will continue to hand down their orders in accordance with the 14th amendment.

I have looked upon the amendment of the Senator from Mississippi as trying to make us all realize the element of fair play that should be practiced.

Mr. President, concerning the substitute amendment, may I ask the Senator what data or recommendation he thinks it would adduce different than the following: the Kerner Commission, the Douglas Commission, the Kaiser Commission on Urban Housing, the civil rights study on the effect of the isolation in the public schools, the Coleman report, and the Civil Commission on Equal Rights.

How long must we adduce and readduct the same facts?

Is it not a fact that in New York City 43.9 percent of the blacks attend 100-percent minority schools; in Chicago, 85.4 percent are black 100 percent minority; Baltimore, 79.8 percent; Cleveland, 79.9 percent; the District of Columbia, 89.2 percent; and Gary, Ind., 80.8 percent.

This is what we are dealing with.

Mr. MONDALE. Mr. President, I yielded for a question. I would be glad to hear the question.

Mr. RIBICOFF. The question is, What would the proposed commission adduce?

Mr. MONDALE. Mr. President, I thank the Senator from Connecticut. I asked the Senator from Connecticut what would happen in the very communities he has just mentioned if the Stennis amendment were to pass.

We have yet to receive an answer, because there is not any real answer.

The amendment offered by the Senator from Mississippi would do nothing about de facto segregation. Its sole and obvious and clear purpose is to paralyze and hamper the efforts to eliminate the dual school systems wherever they exist.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. We have yet to receive an answer from the Senator from Connecticut. I have asked three or four times about this matter.

I have analyzed it carefully. The amendment, I think, unless there are some additional arguments that we have not heard, stands condemned as being a hoax insofar as it hampers the elimination of de jure segregation.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. RIBICOFF. Mr. President, the difference in approach is that of a technician and that of a person recognizing what is important in this country.

Mr. MONDALE. Mr. President, would the Senator say what will happen?

Mr. RIBICOFF. I will tell the Senator what will happen. What has been happening——

Mr. MONDALE. I asked what will happen.

Mr. RIBICOFF. The public opinion that has been brought to focus on this problem during the past week is what is right with the Stennis proposal. That

is what is right with the Stennis proposal—public opinion. It is waking up America to the hypocrisy in the North and to the fact we should stop kidding ourselves. That is much more important than the passage of myriad laws day in and day out which yield nothing in the final analysis.

Mr. MONDALE. Mr. President, I ask my colleagues in the Senate to observe that the Senator from Connecticut had three separate occasions to tell us what the Stennis amendment would do to affect segregation if it were adopted.

I asked him the question on last Friday. I asked him the question twice today. There is no answer and has been no answer. It is a hoax.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, will the Senator yield to me.

Mr. MONDALE. My time has expired.

Mr. STENNIS. Mr. President, I ask the Senator from Pennsylvania to yield the Senator some time so that he can yield to me.

Mr. SCOTT. Mr. President, I yield 1 additional minute to the Senator from Minnesota.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator from Minnesota stands here and condemns my amendment as a hoax.

Mr. MONDALE. Insofar as it affects de jure segregation.

Mr. STENNIS. I will explain to the Senator what I think will happen under the amendment if it passes and is given an honest application.

It will increase integration of the schools beyond the South.

Mr. MONDALE. How would it do that?

Mr. STENNIS. Let me answer, please. It will increase integration beyond the South if applied rigidly and honestly and with determination, as it has been applied against the South.

It can be proven that these matters are deliberate efforts to discriminate. I am speaking now as an informed man.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I speak as an informed man. It can be proven that there is deliberate discrimination in a great number of these districts beyond the South and that it has not been followed up.

Mr. President, I state that as a fact from my information.

I further state that when my amendment is honestly applied the people beyond the South will find out whether they want this system of integration. They do not know. The people of Minnesota do not know.

According to the latest statistics I have, 0.7 of 1 percent of the population of Minnesota are colored.

They have a small chance of really knowing by experience as far as this matter is concerned.

Many areas will find out they do not know as yet. They are beginning to suspect they do not want it, and I think that would be a very salutary influence, if the people of the Nation, black and white, can find an adjustment for this thing that does not destroy the schools, as they are doing down South. They will be glad to find out. And in the process, the colored people of this Nation in the North, as well as in the South, will find out that they do not want it and that they are not benefiting as they thought they would by this massive total integration.

We have had evidence during this debate. I covered these points this morning. The Senator from Minnesota could not be in the Chamber at that time.

I ask him to be careful in his words. Do not accuse a man of putting something in here that is a pure hoax unless you listen to the debate and make as many inquiries as the author of the amendment about the conditions in the South, where I doubt you know very much about it firsthand, or in the North, outside of your own region.

These are some of the conditions and motives behind this amendment. It is no hoax. The President of the United States is troubled about this. Others are troubled about this situation and that is why it has raised support beyond the South. Do not condemn us just because the Senator does not understand it. I know he meant nothing personally.

Mr. MONDALE. Mr. President, I appreciate the flattering remarks of the Senator from Mississippi.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. Mr. President, I yield 1 additional minute.

Mr. MONDALE. But I say once again we have not heard one whit as to how the Stennis amendment would affect de facto segregation, because it does not. All it will do is impede efforts to eliminate segregation in the South where they have dual school systems.

If we heard from the Senator from Mississippi or others who cosponsor the amendment that they want to eliminate section 401 which prohibits busing to eliminate de facto segregation, it would have an element of validity—but they are opposed to that.

I ask, What will happen? Nothing will happen. This amendment has been offered to delay the elimination of dual school systems, and that is all there is to it.

Several Senators addressed the Chair.

Mr. SCOTT. Mr. President, I yield 5 minutes to the Senator from New York. I have kept him waiting for 30 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, first I would like to say that I join the Senator from Minnesota (Mr. MONDALE) completely in the statement he made. I tried to make the same statement earlier in the day that there is nothing in the Stennis amendment which will forward the struggle against de facto segregation unless it repealed the provision in the bill which prohibits the thing he says he wants to accomplish—busing.

I do not wish to repeat the arguments made by the Senator from Minnesota but I do wish to make this point. I am for the Scott substitute. It is very meaningful, even on de facto segregation, for this reason. It uses the word "unconstitutional." That is the critical word in the amendment; otherwise it would mean nothing. We have no right to deal with anything that does not break a law.

The Stennis amendment and the Scott substitute start with reference to the Civil Rights Act of 1964 and the HEW guidelines issued under it.

This is the first time this has been said in this debate, but it should be said. The Supreme Court may very well decide that de facto segregation is unconstitutional and is reachable by law and, if it is, that standards should be rigorously and uniformly applied under the Scott amendment, which covers it. Then, heavy prosecutions will be seen in the North. That is fine. I am all for it. It is interesting because those who are for the Stennis amendment—except the Senator from Connecticut—are ardent advocates of States' rights. I had to battle in my State in connection with de facto segregation. The argument to slow down what you can reach because you cannot reach everywhere is not valid. It is very much like the follow charged with robbery who says, "Do not prosecute me but wait until you catch others. Then, you can send me to jail."

The Senator from Connecticut raises an important question. Why is the country divided on this question? Let us unite. How do we unite? Do we do it by relaxing the law? What is the reason for this frustration if it is not that our young people feel that our Government does not do justice or really bring peace, that we have fallen down. That is why they feel as they do. They feel that we have fallen down in the promise of America. Are we going to redeem that promise by slowing up desegregation in a place where we can do something about it? That is not the answer. The answer is to be moral wherever we can and do our utmost to extend the area of morality.

I think the Scott amendment does something important. The Supreme Court may extend this doctrine. I hope it does. When it does, the Scott amendment will see that it is uniformly applied throughout the United States.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, statements have been made that those of us who support the Stennis amendment cannot give a reason why it might help reach the situation of de facto segregation. I will give that reason. Others have said that those who support the Stennis amendment are activated by their love of State's rights, and what I assume is meant as an anti-civil-rights position. I modestly say I cannot be placed in that category. I have supported civil rights since I have been in the Senate beginning in 1948. I had the opportunity to vote on civil rights issues in 1948, and I voted for equality in education. I submitted to the Senate in 1960 an amendment which is in substance title IV of the Civil Rights Act of 1964. Again in 1961, 1962, and 1963 I introduced similar amendments. The former Senator Douglas and I managed

title IV on the floor of the Senate in 1964 when it was approved.

I have noted my record to supply some background for my answer to those who have suggested we have no reason to support the Stennis amendment. I have studied the amendment offered by the leader of my party on this side of the aisle. I wish it had been offered earlier. But with whatever knowledge of the law I have, I consider that it does nothing except to repeat and freeze into law present applications of the law. It uses the words "racial imbalance" which, of course, means de facto segregation. It maintains the language found in the Civil Rights Act of 1964. It does not deal with de facto segregation at all.

In answer to the Senator from Minnesota I believe the Stennis amendment does deal with de facto segregation. I do not know if it is intended or what the interpretation of other Senators may be.

The language of the amendment of the Senator from Mississippi "without regard to the origin or cause of such segregation" intends that if the courts of HEW deal with de facto situations in the South—then they must deal with de facto situations in the North. That is an advance toward "equal protection."

I do not know what the motivation or intention of the Senator from Mississippi is, except I know that he is an honorable man of great integrity and has been in all the years I have served with him. But the language is clear. If the Executive and the Courts deal with de facto segregation in the South where it exists for the same reasons that it exists in the North, then the law must be extended to other States.

In the rural section such as mine, we do not have much de facto segregation. Years ago, there was the saying in Kentucky that the whites did not go to school with blacks, but they lived on the same streets with them. But in the North, whites would not want to live with them, but they would go to school with them. Under the Stennis amendment all would be treated the same way under the law.

Mr. PELL. Mr. President, I yield 5 minutes on the bill to the Senator from Tennessee (Mr. GORE).

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. GORE. Mr. President, I do not believe that in my time in the Senate I have seen so much political apple polishing on any subject as I have witnessed on this subject.

The President's press secretary, though not quoting the President directly, reports to the country that the President is opposed to precisely what his Secretary of Health, Education, and Welfare is doing. We have an amendment pending and a substitute amendment, neither of which would have any effect in law upon either de jure or de facto segregation.

The adoption of the amendment offered by the senior Senator from Pennsylvania would be a psychological, and perhaps a political, victory or endorsement for the present performance, the present uneven, inequitable application of the 1964 Civil Rights Act. The adoption of the Stennis amendment, on the other hand, would be a psychological victory, and perhaps a political victory, against the unequal administration of law that now prevails. But neither, in my studied opinion, would have the effect of law, if passed.

What is a "policy?" Something less, surely, than law. What is the difference between a declaration of policy and a sense-of-the-Senate resolution? The Senate, it is proposed, declares a policy. It is not proposed by either of these amendments to write a provision that operates as law. If so, why does the amendment and the substitute begin with the words, "It is the policy?"

If the Senate really wants to provide that the law shall operate uniformly in all the States, then such a provision is in the bill. I direct attention to page 150, subsection (c) of the bill, referring to rules, regulations, and guidelines of the Department of Health, Education, and Welfare:

> All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

That is in the bill, and no one is trying to take it out. Indeed, even this provision adds nothing to the law. All laws constitutionally apply uniformly in the United States. It is the responsibility of the executive branch of the Government so to do.

There is a provision in the 1964 Civil Rights Act which prohibits the withholding of funds, or the threat to withhold funds, to force transportation of public school students to achieve racial balance. The President says, that, or rather his press secretary says this is what he is for. What is new about that? That is the law, and has been since 1964.

We are shadowboxing here over whether the present practices will be approved by the adoption of the Scott amendment or whether they will be frowned upon by the adoption of the Stennis amendment. This is as frankly as I know how to state it.

Though I do not consider the choice very meaningful, as between the alternatives I choose to frown upon the legalistic hairsplitting and the resultant uneven application of the 1964 Civil Rights Act.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. TOWER. Mr. President, I must say I share my colleague's reservations about the Scott amendment. I speak, not as one who is trying consciously to perpetrate a hoax on the Senate, as the Senator from Minnesota seems to imply with respect to what the Senator from Mississippi has offered, but I speak as one who taught school for 6 years in my community. In Wichita Falls we have complete integration of our high schools. We even resort to busing to achieve it. So I think I can speak with some degree of objectivity.

I would like to ask the Senator from Pennsylvania if it is not his intent, in his amendment, that we should have a uniform pursuit of the abolition of dual school systems whether they exist in the North or in the South?

Mr. SCOTT. It is the intent of the Senator from Pennsylvania that the laws, as provided in the Constitution, the Bill of Rights, and the precedents of the courts, shall be applied equally and uniformly.

Mr. TOWER. Is it not true that in some northern areas, even though there is no de jure segregation—that is to say, segregation achieved by law—de facto segregation is indeed maintained consciously in some areas?

Mr. SCOTT. It is indeed true that in all parts of this country de facto segregation exists. Whether it is consciously maintained or not enters into the minds of the people involved, and I could not answer that.

Mr. TOWER. A moment ago the Senator from Pennsylvania said his mind was clear as to what he meant by the term "unconstitutional," and I think I understand what the Senator from Pennsylvania means, too. I think there is some concern that perhaps the courts might not understand the Senator's intent and might so interpret it as to mean that the present distinction between de jure and de facto be maintained and that the law operate only in the South. Therefore, I wonder if the Senator would give consideration to eliminating the term "unconstitutional" and inserting instead, after the word "uniformly," the words "as required by the Constitution," so it would read, "shall be applied uniformly as required by the Constitution in all regions of the United States," and so forth.

Mr. SCOTT. The Senator from Pennsylvania has, as a matter of fact, given some serious consideration to that phraseology, has discussed it with various supporters of the Scott amendment, and there is an overall consensus that the word "unconstitutional" more effectively states what is the intent of the amendment and of its supporters.

The PRESIDING OFFICER. All time of the Senator from Mississippi has expired.

Mr. SCOTT. Mr. President, I yield 1 minute to the Senator from Texas, or to myself, to answer the Senator from Texas.

The word "unconstitutional" is preferable in that it is recognized that in some courts de facto segregation has been interpreted to have the effect of de jure segregation; that some courts have ruled on de facto segregation, in busing matters, for example, to permit busing; that the Supreme Court has not yet ruled at all on de facto segregation; but that if and when the Supreme Court does decide that de facto segregation is unconstitutional—as indeed, that is the way my surmise is it would go—then, by virtue of that interpretation of the Supreme Court, presumably in upholding a lower court, at that point the uniform application of the laws would apply to de jure segregation and to de facto segregation because the courts had found an equality of injustice in both areas.

So that is the best way I can answer the Senator.

Mr. STENNIS. Mr. President, I yield the Senator from Texas 1 minute.

Mr. TOWER. I thank the Senator from Pennsylvania. I regret his reluctance to accept my proposed language.

Mr. SCOTT. I wish that I could.

Mr. TOWER. I do understand the sense of what the Senator is trying to say in his amendment, and I understand what he means by this term, but I have no such confidence that the courts or the Department of Health, Education, and Welfare will have the same construction of the term as the Senator from Pennsylvania; and therefore, I regret that I will have to oppose the amendment offered by the Senator from Pennsylvania.

Mr. SCOTT. I thank the Senator.

Mr. President, I first yield myself 1 minute, to state that I cannot accept the implication that the amendment I have offered is not supported by the Secretary of Health, Education, and Welfare, and that it is not an administration-sponsored amendment.

I do not wish to engage in any colloquy or controversy as to what meaning is to be read into statements made by someone else. The statement is made by me that in my judgment, this amendment is within the same concept that the Senator from Mississippi is seeking and I am seeking—which is equal application of the laws, but equal application of the laws, as far as my amendment is concerned, to those areas where the law applies, and future application to additional areas such as de facto segregation, at the point when the Supreme Court so broadens its interpretation of these laws, as indeed I think it will.

At this time, I yield 5 minutes to the distinguished assistant minority leader, the Senator from Michigan.

Mr. GRIFFIN. Mr. President, 3 minutes will be sufficient.

I take this time because several references have been made to statements by the President of the United States, and I think it is appropriate at some point in this debate that the statements attributed to the President be printed in the RECORD.

On February 12, a statement read by Mr. Ron Ziegler, to which reference has been made, included this language:

It is the view of the Administration that every law of the United States should apply equally to all parts of the country. To the extent that the "uniform application" amendment offered by Senator Stennis would advance equal application of law, it has the full support of this Administration.

I suppose the question, if we are talking about the meaning of what the President said, is what has been the law? The law has been that under the Civil Rights Act and under amendments imposed by the Senate and the House of Representatives on appropriation bills, funds may not be used for the busing of students to achieve racial balance.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. If the Senator will just let me finish this thought, I shall be glad to yield to the distinguished Senator from North Carolina.

As enunciated by the Supreme Court, the law also is that under the 14th amendment, which says that no State shall deny any person the equal protection of the law, any State or subdivision thereof which, as a matter of policy, maintains a segregated school system, is in violation of the law and is in violation of the Constitution; and this, it is the view of the President, should be applied equally to all regions of the United States.

Now, then, if it has been the case—and I do not concede it——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. I yield the Senator 2 additional minutes, Mr. President.

Mr. GRIFFIN. That some bureau or some agency of the executive branch of Government has not been applying the law equally throughout the United States, it is certainly not in keeping with the view of the President as he has enunciated it, because the law, as the Supreme Court has stated it, should be applied throughout the United States.

Mr. President, I ask unanimous consent that the statement read by Mr. Ziegler on February 12, and the statement by the President of the United States dated February 16, 1970, be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT

The President has consistently opposed, and still opposes, compulsory bussing of school children to achieve racial balance.

This practice is prohibited by the Civil Rights Act of 1964. The Administration is in full accord with the provisions of the statute.

School desegregation plans prepared by the Department of HEW on request by school boards, or pursuant to court order, will be directed to the greatest possible extent toward preserving rather than destroying the neighborhood school concept. It is the President's firm judgment that in carrying out the law and court decisions in respect to desegregation of schools, the primary objective must always be the preservation of quality education for the school children of America.

It is the view of this Administration that every law of the United States should apply equally to all parts of the country. To the extent that the "uniform application" amendment offered by Senator Stennis would advance equal application of law, it has the full support of this Administration. Just as the Administration is opposed to a dual system of education in any part of the United States, so also is the Administration opposed to a dual system of justice or a dual system of voting rights.

STATEMENT BY THE PRESIDENT

The Supreme Court has ordered that where any school district in the nation in maintaining a dual school system based on race, it shall be changed to a unitary system.

Recognizing local differences, the Courts have not defined what is meant by a "unitary system" but have left to local school boards the task of designing appropriate changes in assignments and facilities to bring their districts into compliance with the Courts' general requirements. These changes are embodied in desegregation plans, some of which are prepared, on request, with federal assistance.

As a matter of general policy this Administration will respond affirmatively to requests for assistance in the formulation and presentation to the Courts of desegregation plans designed to comply with the law.

I have directed that these principles should be followed in providing such assistance.

1. Desegregation plans should involve minimum possible disruption—whether by busing or otherwise—of the educational routines of children.

2. To the extent possible, the neighborhood school concept should be the rule.

3. Within the framework of law, school desegregation problems should be dealt with uniformly throughout the land.

I realize that in the school districts affected by the Courts' mandates, putting even the most carefully-considered desegregation plans into effect is going to cause controversy. Required changes will inevitably be accompanied by apprehension and concern at the time of their implementation.

On one point there should be no argument: the hundred of thousands of children in the affected districts deserve what every other child in America deserves: a sound education in an atmosphere conducive to learning. This is my paramount interest, and in this regard I am sure I speak for the nation.

America's public schools are our principal investment in our own future. In every State the public schools are literally the guarantee of that State's life and growth and health. Any community which permits its public school system to deteriorate condemns itself to economic and social stagnation; nobody knows this fact more surely than the business, labor, education and religious leaders who serve their communities with dedication and pride.

In many States community leaders are making themselves heard, counselling respect for law and development of public education of the highest attainable quality. I wish to associate myself with such counsel—to lend the weight of this Office and the available resources of the Federal Executive to the constructive work which is being carried on in community after community, and especially in those facing what for them are far-reaching and extremely difficult educational and social changes.

In order to explore what kinds of additional assistance the President and the Federal Departments could usefully render to these communities, I have asked the Vice President to chair an informal cabinet level working group with Secretary of Labor George Shultz as Vice Chairman. Its members include Attorney General Mitchell, Postmaster General Blount, Secretary Finch, Assistant to the President Donald Rumsfeld, and Counselors Moynihan and Harlow. I have instructed them to review in detail the efforts of the Executive Branch which are now or could be dedicated to helping school districts in complying with the Courts' requirements and to preserving the continuity of public education for thousands of school children.

The Courts have spoken; many schools throughout the country need help. The nation urgently needs the civic statesmanship and levelheadedness of thousands of private citizens and public officials who must work together in their towns and cities to carry out the law and at the same time preserve educational opportunity. This Administration will work with them.

Mr. GRIFFIN. I yield to the distinguished Senator from North Carolina.

Mr. ERVIN. My question is this: Is the Department of Health, Education, and Welfare now a part of the administration?

Mr. GRIFFIN. Yes, it is.

Mr. ERVIN. I ask the Senator from Michigan if he does not know that the Department of Health, Education, and Welfare requires the busing of children,

and when their attention is called to the provisions of the Civil Rights Act of 1964 that no officer or court of the United States shall order the transportation of children to achieve a racial balance, that they say that does not apply to the South, that they are not seeking to achieve racial balance, but that they are seeking to achieve a unitary school system, and therefore this provision about forbidding busing of children is a dead letter in the Southern States.

Mr. GRIFFIN. Mr. President, if the Senator will permit me to respond, to the extent that the 14th amendment requires desegregation of school systems maintained by States or subdivisions thereof, to the extent that it must be enforced, it would override any provision that this Congress might pass if it be in conflict therewith.

Now, if it should be charged that the Department of Health, Education, and Welfare, in enforcing the 14th amendment, is applying a different standard with regard to busing in the North than it is in the South, then the Department of Health, Education, and Welfare is wrong, and it should be stopped from doing so; and it is absolutely not following the views our President has enunciated.

Mr. ERVIN. That is one reason why I would suggest to the distinguished Senator from Pennsylvania that in his amendment he strike out the words "to overcome racial imbalance" and substitute the words "to alter the racial composition of the student body of any public school," and thus get away from this problem.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. I yield the Senator 2 additional minutes.

Mr. GRIFFIN. The point made by the Senator from North Carolina, of course, does not go to the Stennis amendment, because, as I have pointed out, the 14th amendment, under the declarations of the Supreme Court, reaches segregation which is maintained as the result of State action or actions of governments that are subdivisions of States, and the Court has not ruled on the de facto situation, which is regrettable. If and when those situations should be reached, if the Supreme Court should go so far as to say that racial imbalance, which is unrelated to policies of local government but is the result of private decisions only, if the Supreme Court should go that far and say that there must be desegregation of schools for that reason alone, then, of course, that decision should be applied in the North, in the South, and in all regions of the country; and it would be under the amendment of the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I do not rise under any illusion of being able to bring to light any new facets on the legal argument that has been developed here today, but I think that, because I have no legal training, I may be able to interpret the President's clear, unequivocal statement just as the average American, the overwhelming majority of Americans, understand it.

I think when the President of the United States spoke as he did in clear-cut, precise language, to a majority of Americans it meant one thing: It meant that this administration stood for the uniform application of all of the laws, and that if the laws are good in the South, they are good in the North, and it does not have to go into the rhetoric of all of the fine delineations of specific statutes and court decisions to spell out clearly to the American people what we are talking about.

It simply means that if there is segregation in the South, and the U.S. Government proposes to do something about that, that it shall do the same as to segregation in the North or anywhere else, and it does not matter whether it is de facto or de jure. As far as the average person in this country is concerned, he believes and I think he appreciates the stand that the President of the United States has taken in saying that the laws of this country are going to be applied uniformly. The Senate of the United States today is going to be judged upon its willingness to accept the fact, as the distinguished Senator from Connecticut has already called to our attention, that we are applying one set of standards to the South and ignoring them in the North.

I do not want to hold back any step we can take which will unite this country; and the step we can take today, it seems to me, is to support the amendment of the Senator from Mississippi, because it will spell out clearly to everybody—it will spell out to the black child in the North just as it will in the South—that he is going to be treated as impartially and fairly in the North as in the South.

I intend to support the amendment of the Senator from Mississippi because I think that in so doing I will help implement what the President of the United States was trying to say to the American people, and I want to do that because I think it is fair.

I think it has been made abundantly clear that there is no reason at all longer to ignore the logic in the very honest and forthright statement that was made by the distinguished Senator from Connecticut.

I shall support the amendment of the Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank my colleague, the distinguished Senator from Mississippi, for again yielding to me so that I may make additional remarks that I hope are pertinent to this rather extended inquiry on the state of equal opportunity in the United States.

I have sat here and listened to the charge—and I am afraid a valid one—by the distinguished Senator from Connecticut that the North hates the South, the South hates the North, the young hate the old, and the old hate the young. I hope that is not literally true, but I am afraid there is a modicum of truth in it and that our hearts are filled with intense emotion which may not be otherwise characterized than as hate. It is unfortunate, and I hope it soon expires, but it may be true at this moment.

I have heard the allegation that the purpose of the Stennis amendment is to permit foot dragging in desegregation in the South, and that the arguments in favor of the Stennis amendment are the classical States' rights arguments of those who are advocates of the traditional concept of State sovereignty in derogation of Federal authority.

I have heard the argument that if the Stennis amendment is adopted, it will not make any difference because it is already the law; or, conversely, that if the Scott substitute is adopted, it will not make any difference because de facto segregation has not been dealt with at the judicial level.

My reply to all these statements is, first, that I hope they are not true; and, second, if they are true, what does it matter? If adoption of the Stennis amendment or the Scott substitute will not affect anybody, what difference does it make?

As the senior Senator from Tennessee pointed out, the statutes now provide and the bill itself provides, on page 150, subparagraph (c), precisely, as I see it, what the Stennis amendment wishes; that is, equal application of the law around the country.

I am a southerner, I am from a border State, and I am a Republican. I am not a State's righter, and I have never been. I do not believe in institutional confrontation of the States versus the Federal Government, and I believe, to the contrary, that it is destructive of our partnership concept of Government.

Second, I have supported every major civil rights measure that has come before this body, to my knowledge, since I have been a Member of the Senate, including one over which I was roundly criticized by my constituency, the open housing bill. But I believe it is essential, if we are to have real equality, that a man and his family have the right to live where they wish. I hope we are not so filled with hate that we fall to the business of characterizing the gestures, the movements, the amendments, or the proposals of one colleague or another as a hoax or the product of States rights or as useless. Rather, let us lay aside those things and get to the merits of this controversy, which, simply stated, are these:

First, how shall we proceed to assure equal opportunity for every human being in the United States?

Second, how shall we insure that the Civil War century is over and that the South is not the whipping boy of the North and the North is not the scapegoat of the South, and that we consider these questions on some basis other than States rights or foot dragging or on the basis that it does not make any difference?

We should get to the matter of deciding whether we want equal application of the statutes, the judgments, the decisions, the regulations, and the guidelines of the Government of the United States to every citizen of the United States, throughout its length and breadth.

If we do, let us adopt one of these amendments. I favor the Stennis amendment. If we do not, if we want the existing order, let us hide our heads in the sand and continue to think of each other as hostile southerners or northerners, as the case may be, and perpetuate another century of antagonism between sections of this country and the races of this country.

We are making no contribution to the welfare of this Nation unless we get to the real issue at hand, and that is how to assure evenhanded opportunity throughout the Nation and how to speed and enhance the opportunity to destroy every vestige of institutional segregation and de facto segregation across this land, north and south. And we are not now serving that purpose.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 1 additional minute to the Senator from Tennessee.

Mr. COTTON. I have been listening to this debate, and I am impelled to inquire of the distinguished Senator from Tennessee, just because he is a Senator who happens to be speaking at this time: I suppose that as a lawyer and as a Senator, the Senator from Tennessee has been engaged in the Supreme Court Building and has noted the motto over the door: "Equal justice under the law." Has he noted that?

Mr. BAKER. My colleague knows that I have. I have been there with him. I must say that I have always felt, and I now feel, that that is the motto and doctrine of the judiciary in this country, and I wish to uphold their hand in that respect.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield 1 additional minute.

Mr. COTTON. I sometimes wonder whether the members of the Supreme Court have been out and looked at it lately. [Laughter.]

However, does not this proposition boil down exactly to that? Whatever may be the sins of one part of the country or another part of the country, is there any way that a Senator can justify a vote for anything but equal justice under the law throughout this broad land—North, South, East, and West?

Mr. BAKER. No.

Mr. COTTON. I thank the Senator.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Florida.

Mr. GURNEY. Mr. President, there has been a great deal of discussion about the Stennis amendment and the substitute offered by the minority leader, as to the motives of the people backing the Stennis amendment, and also what that will do and what the substitute will do.

As a strong backer of the Stennis amendment, I would like to state what I think the Stennis amendment may do and why I am backing it.

Leaving de facto, de jure, unitary, and dual aside, the fact is that there is one set of rules for the South and another set of rules for the North. The fact is that certain events are taking place in the South in the desegregation of schools, and certain events are not taking place in the North.

I back the Stennis amendment because I think it says, in very clear language, that equal standards shall be put into practice which shall apply to the North and to the South and all over the land. Quite apart from de facto and de jure, it seems to me that if we do put this language on the statute books, as backed up by the President the other day, HEW and the Justice Department are going to be given the green light to move around in other parts of the country and see, indeed, that the business of desegregation and integration of schools is carried on uniformly.

One reason why this is most important to me is not that I oppose desegregation. I am for integration—long overdue—should be here—but I see things going on in my part of the country which are destroying the public school system because standards and rules and decrees of courts and Federal bureaucracies have come down to our part of the country and laid a heavy, arbitrary hand that has no reason and no soundness and is destroying the public schools.

When I think the rules will be applied in the North, under the Stennis amendment, the whole country will wake up to the fact that we are not desegregating in a fashion which will preserve education in this country, which will preserve the public schools. When we do recognize that, on a nationwide scale, then I am sure that we will come to grips with this problem, North, South, East, and West and, finally, apply sound reasons, sound rules and guidelines, and tackle the problem and see that we do get integration and a decent education for our children and preserve the public schools.

That is why this Senator wants to say that the Stennis amendment will apply the standards fairly and then, I think, we will be able to get on with the job of integration in a way that we can live in decency in this country, and preserve the schools as they should be preserved.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Florida (Mr. HOLLAND).

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. HOLLAND. Mr. President, first, I thank my distinguished colleague (Mr. GURNEY) for his contribution to this debate.

He is a son of Maine and of Colby College. He is a son of Harvard. He speaks with a voice which cannot ever be said to be the voice of the traditional southerner.

Second, I want to speak with the voice of a traditional southerner who is also an American. I am probably the only Member of this body who is the son of a Confederate veteran. But I am, and I am proud of it.

I am proud to say that my father, when his two sons volunteered for service early in World War I, was happy to tell his friends, as he did repeatedly, that his two sons did not wait for the draft, and that he was glad his sons did not preserve any of the feeling which might have developed from the great Civil War but, instead, were willing to fight for their country, our country.

Now, Mr. President, let me say to my good friend from Connecticut that my brother happened to serve in the 102d Infantry Regiment, which was a Connecticut regiment, as a replacement in the fine Yankee Division. However, that did not make him any less or more an American than he was before he went there.

That is the way it is with us. We Senators come from everywhere. We stand for our country.

I want to say why I oppose so vigorously the substitute amendment.

In the first place, the use of the word "unconstitutional" suggests that someone has ruled that some kind of segregation is constitutional.

I suggest that no court has so ruled. I suggest that no court may so rule. I suggest that if the Stennis amendment is agreed to and the Supreme Court should later rule that it is constitutional because of residential patterns to have de facto segregation, that our passage of this amendment will do no harm.

But I want to say that adoption of the amendment will call to the attention of the people of this country—particularly the minorities—that we intend to have equal justice done insofar as the law will permit.

The second reason why I object to the substitute amendment is that it opens the door as we did when we emasculated the Whitten amendment a year or two ago. The solicitor of HEW promptly ruled that that amendment made it clear it did not apply anywhere but in the South. It was so applied. I think that ruling was completely wrong. I do not want to open the door again to such a one-sided ruling. I do not believe that any Member of the Senate who has thought the matter through wants to open the door to such a ruling or a one-sided performance by the Department of Health, Education, and Welfare.

The third thing I want to mention, which was brought up by the Senator from Kentucky, has to do with residential patterns in large cities in the South, just as the same exist in the North.

I invite the attention of the Senator from Minnesota to the fact that I advised him of this fact the other day in colloquy, that in such cities as Louisville, Memphis, New Orleans, Atlanta—and in my own State, Miami and Jacksonville—there are residential patterns which bring about something that could be called de facto segregation, because we are trying to preserve the community schools.

Jacksonville alone, which is not a large city, has 120,000 Negro citizens living in one part of the city, on one side of the river, away from the main residential area where most of the white citizens live.

I invite attention to the fact that we are being called upon in our part of the Nation to desegregate even in those areas which are de facto in the nature of their segregation. Perhaps that is right. Perhaps de facto segregation will be held to be unconstitutional. If so, we want to be ready to meet it elsewhere also.

I am just inviting attention to the fact that the South has, just as the North has, large cities with residential patterns,

with many thousands of minority citizens living in one part of these cities. When we talk about de facto segregation, we are talking about North, South, East, and West alike.

Mr. RIBICOFF. Mr. President, I offer a perfecting amendment to the amendment of the Senator from Mississippi, and I ask——

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Senator's perfecting amendment is not in order until all time is yielded back or used.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Minnesota will state it.

Mr. MONDALE. Would the amendment then be in order?

The PRESIDING OFFICER. The perfecting amendment to the Stennis amendment would then be in order and take precedence over the pending amendment.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. SCOTT. As I understand it, a perfecting amendment to the Stennis amendment would be in order but would not be in order until the Stennis amendment becomes the pending business and, at the moment, the pending business is the substitute to the Stennis amendment; is that not correct?

The PRESIDING OFFICER. A perfecting amendment is not in order until all time has been used up or yielded back on the substitute. The Chair has so ruled. Then it would be in order and take precedence over the substitute.

Mr. SCOTT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, first, I think at this point that I should like to ask for the yeas and nays.

Several Senators addressed the Chair.

Mr. ALLOTT. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. SCOTT. Mr. President, I withdraw that request.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. ALLOTT. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. SCOTT. I am happy to yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I address myself to the minority leader and his amendment, which provides in the last sentence,

> (2) that no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance.

I invite his attention particularly to title IV of the Civil Rights Act which states in part,

> Desegregation shall not mean assignment of students to public schools in order to overcome racial imbalance.

I ask the Senator from Pennsylvania if he would be of a mind, and I think it would be beneficial, to insert after the word "transport"—"on his own behalf or assignment . . ."—which I think brings it completely, then, within the context of title IV of the Civil Rights Act of 1964.

Mr. SCOTT. In reply to the distinguished Senator from Colorado, I have discussed this with him and I do accept his amendment so that the last line of my amendment shall read, "transport or assign students in order to overcome racial imbalance."

The PRESIDING OFFICER. The Chair would advise the Senator from Pennsylvania that his substitute is not open to amendment but he can modify his own amendment.

Mr. SCOTT. Mr. President, I undertake to so modify it.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MONDALE. Mr. President, there has been some discussion concerning whether the amendment proposed by the distinguished Senator from Pennsylvania enjoys the support of the administration or does not.

Mr. SCOTT. Mr. President, may we have order in the Senate. This question is very important.

The PRESIDING OFFICER. The Senate will please be in order. Senators will take their seats and attachés will be seated.

Mr. SCOTT. Mr. President, will the Senator please repeat the question?

Mr. MONDALE. There has been some question raised as to whether the substitute amendment of the Senator from Pennsylvania is supported by the administration.

Mr. SCOTT. Mr. President, I will be very glad to respond to the question that has been raised and to the implications to the contrary that have been implied and mentioned at different times.

The substitute amendment has the recommendations of the administration. And these are the reasons why.

Mr. STENNIS. Mr. President, will the Senator yield at that point?

Mr. SCOTT. Mr. President, will the Senator please excuse me? The entire purport of what I have to say would be destroyed unless I were to finish this sentence.

This is the reason why, aside from the language at the end—which I have understood from some of the supporters of the amendment is not the gravamen of the amendment—my amendment represents a one-word change in the Stennis amendment, which is intended to be ameliorative of the entire situation. And the purpose is to avoid the disruptive effect which could well result from the amendment without the addition of this word "unconstitutional," and be disruptive in all regions of the country where a result might be achieved which the distinguished Senator from Mississippi himself would deplore.

In order to avoid this disruptive effect, in order to have an ameliorative purpose in mind, the one word change has been offered. And I repeat it has been at the recommendation of the administration.

I now yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator for yielding. When the Senator uses the word "administration," what does he mean specifically? Does he mean that the President of the United States, Mr. Nixon, recommends this amendment? And, if so, I would not doubt the word of the Senator, but I would like him to produce a statement in writing from the President saying that he favors the amendment. We had one in writing from him in the campaign.

Does the Senator have something in writing from the President, if he intends to include the name of the President?

Mr. SCOTT. Mr. President, I will answer the Senator from Mississippi in this way. My statement was made carefully and with full awareness of the import. The statement means exactly what it says, that the administration stands behind it; the Secretary of Health, Education, and Welfare has approved the amendment. And if the Senator wishes to disturb the balance existing between the three branches of the Government and wishes the President to come up here, I would suggest that he be invited. It is not my prerogative to do so.

I am not undertaking to say more than I have said. I said it with full awareness of my responsibility, that the amendment has the support of the administration. It is only for the purpose of accomplishing what the Senator from Mississippi is trying to accomplish—the equal application of the laws and to avoid disruptive effects in all parts of the country. Therefore, it is consistent with the thrust of the Senator's amendment.

Mr. STENNIS. If the Senator will yield further, when the word "administration" is used, that leaves a doubt as to whether it means the President of the United States. It does with me, because the President has said in his campaign that he favors certain things and has said it through his representative on certain matters. He issued a statement on yesterday.

I do not think that can be offset by any Senator coming here and saying that the administration is behind the amendment.

I do not believe the President, if he wants to correct something he said in February and on yesterday, would have any trouble doing so. I believe that he could say it in writing.

I do not doubt the Senator's representation. But I question the interpretation of the word "administration."

Mr. SCOTT. Perhaps the Senator could point out what is inconsistent between my amendment and his amendment, in which there is a one-word change, and why he believes that other people to whom he makes reference would favor one word over another.

I simply assert that the administration favors my amendment. And I stand on that, and I stand on it with right and with reason to do so. That is as far as I can go.

Mr. STENNIS. That does not cover the question I raised.

Mr. SCOTT. I will tell the Senator privately if he wants me to do so.

Mr. ERVIN. Does the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SCOTT. Mr. President, I yield the floor for the time being.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. Mr. President, I yield to the Senator from North Carolina. I have very little time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 3 minutes remaining.

Mr. ERVIN. Mr. President, I ask the Senator whether the President of the United States can speak for himself.

Mr. STENNIS. That is my point. I think he would if he wanted to amend his former statement.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from Mississippi has 2 minutes remaining.

Mr. HOLLINGS. Will the Senator yield to me on the bill?

Mr. STENNIS. Mr. President, I yield to the Senator 5 minutes on the bill.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, no one doubts the integrity of the Senator from Pennsylvania when he says that the administration stands behind his amendment, which is undoubtedly intended to kill the Stennis amendment.

All I can say is that I told the Senators so. I was in a meeting this morning with my brethren from the South. They were all smiling about the President being for the amendment. I said, "He is not. Read what he says."

That is the "rot" that the Senator from Rhode Island has been talking about in this country. It is the double-talk in this Government.

I said, "Read what he had to say in his speeches, Senator. Wait until we get on the Senate floor, and I will bet you all the tea in China that the administration will be opposing the amendment."

I appreciate the clarification of the matter by the Senator from Pennsylvania. I appreciate the placing of the President's statement into the RECORD by the Senator from Michigan. He sees no inconsistency in this statement and the defeating amendment of the Senator from Pennsylvania. And let me say that this has been a sham.

Mr. SCOTT. Mr. President, I changed one word.

Mr. HOLLINGS. Mr. President, all support for the Scott amendment has been prefaced with these self-serving declarations of "support for civil rights," "20 years dedication to human rights." On the contrary, let me preface with the statement, "I was a segregationist, but I learned better. I do not believe in second-class citizenship." Perhaps that qualifies me for the Supreme Court, because I changed my mind.

I learned better. But I also learned after working 20 years with segregationists to know one when I see one. And I must say that I have never seen a bigger bunch of segregationists than I have seen on the Senate floor this afternoon—the Senator from Pennsylvania, the Senator from Michigan, the Senator from Minnesota, and the Senator from New York all dancing around in the name of "equal rights."

Where is the sham? Where is the hoax? Who is using the tricky language?

We used the language, "uniform in all regions of the United States." They come back with the language and interpretations of Supreme Court decisions inserting the Court employment of "unconstitutional" and the Court "de facto" interpretation for "racial imbalance" in the amendment of the Senator from Pennsylvania. In the beginning he talks like he speaks. The amendment reads "applied uniformly in all sections of the United States. But he goes on. Why does he not stop there? Why does he put in the tricky language?

Who has described de facto segregation? Everyone knows "racial imbalance" means "de facto." The Senator from Minnesota talks about racial imbalance. It is in the amendment of the Senator from Pennsylvania. They are the ones inserting "de facto" or the unequal treatment. It is not in the Stennis amendment or in my amendment.

I do not insert language for either de jure or de facto segregation. Where does the Senator get his construction that the Stennis amendment does not hit de facto segregation. He knows well that it does hit it, and that is why he is squealing. That is why they are all dancing around opposing the uniformity of the Stennis amendment. It hits geographical segregation. It hits racial segregation in the North. But they say there is not one iota of evidence. I have limited time, but here is an entire package of it. The title is "Survey of HEW National School Desegregation Program—Preliminary Report by Paul J. Cotter, Appropriations Committee, October 13."

Here is what he said on page 8 of section 10. It is a very extensive report—they tell of 336 plans implemented in the South, but Senator from Pennsylvania, here is what is grabbing you: On page 8, and I quote:

> So far we have taken one district into administrative proceedings in the North, Ferndale, Mich.

That is the evidence. That is what this amendment is about. We are trying to eliminate geographical discrimination.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. MONDALE. I have waited breathlessly. I thought after 4 days of debate, someone would tell us how it applies to de facto segregation, but I guess we will have to vote without knowing.

Mr. HOLLINGS. You say you never know; you know too well. Do not give me that argument. I have been here before. You know what is biting at you. The administration has double-teamed us in the South. And you are conspiring to continue two discriminations. The de facto discrimination that exists in your schools and the geographical discrimination that is employed by HEW against us. I want them in the North also, and not just the South.

I wish to ask the Senator from Pennsylvania or the Senator from Michigan: When is SPIRO AGNEW going into that 8-block by 44-block area in New York and therein enforce the unitary school? When is he going up there? If southern strategy is what we are receiving, give me northern strategy. We do not want any more Washington committees down South. Is the Vice President going up to Pennsylvania with his great Cabinet committee to get unitary schools started? Never in your life. That is what we are talking about.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator on the bill.

Mr. HOLLINGS. We had a little contest to pick a slogan for an insurance company at one time. The winning slogan was, "Capital Life will surely pay if the small print on the back does not take it away."

The substitute states:

> It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States.

Now comes the tricky language that takes it away on the back of the page. An insurance lawyer wrote this.

Mr. ERVIN. A Philadelphia lawyer.

Mr. HOLLINGS. A Philadelphia lawyer. [Laughter.]

Then, it states, "In dealing with unconstitutional conditions—"

Now that is the tricky language. That is the hoax.

The PRESIDING OFFICER. The Senate will be in order. The Senator has 4 minutes remaining.

Mr. HOLLINGS. That is all right. I made my point. I appreciate the Senate's attention. I have watched them around here. I ask the Senator from Mississippi if it is not true that all he wants is uniform application.

Mr. STENNIS. The Senator is correct.

Mr. HOLLINGS. The Senator from Pennsylvania used that old phraseology "racial imbalance." He injected it here. It is not in the amendment of the Senator from Mississippi. The amendment does not say de facto or de jure. The Senator from Minnesota asked, "How does it affect de facto segregation?" He knows. Answer your own question.

Mr. STENNIS. Mr. President, I yield 3 minutes on the bill to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is yielded 3 minutes on the bill.

Mr. SCOTT. Mr. President, will the Senator yield so that I may ask for the yeas and nays? The time will not be taken out of his time.

Mr. STENNIS. May we have order?

Mr. CURTIS. It is my understanding there may be an amendment accepted.

The PRESIDING OFFICER. The Senator from Nebraska has 3 minutes on the bill.

Mr. CURTIS. Mr. President, I support the Stennis amendment. It is clear, it is understandable, it is right. It deals with one idea in reference to this subject and it does not intermingle other ideas. I say

it is understandable. I also support it because it is in accord with everything that I have ever heard the President of the United States say on this subject or about this subject.

I believe that it will be a step in the wrong direction if we turn down a clearly stated principle that any law on any subject should not be uniformly applied throughout the country. There are other ideas and proposals in connection with this legislation that should be dealt with in separate amendments.

This deals with one proposition. It states that proposition clearly. I support it. I believe that it represents what I understand to be the belief and the position of the President of the United States.

Mr. STENNIS. I thank the Senator.

Mr. President, I yield 2 minutes to the Senator from Texas on the bill.

The PRESIDING OFFICER. The Senator from Texas is yielded 2 minutes on the bill.

Mr. TOWER. Mr. President, I know that the administration is interested in this matter. I think to clear up any doubt I must say that I do not believe that this amendment as presently constituted, which has been offered by the Senator from Pennsylvania, has the imprimatur of the administration. The administration has not put its stamp of approval on the amendment as presently constituted. The administration did approve an earlier compromise measure which is not in this debate.

Mr. SCOTT. Mr. President, I rise with all due respect to say the administration approved three separate sections, two of which are in this measure, and the third is being withheld as a possible amendment to the second Stennis amendment.

This amendment was approved in the form I read it with the exception that the words "or assign" have been added at the suggestion of the Senator from Colorado.

At this time, before I use up the remainder of my time, I ask for the yeas and nays on the substitute.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, with respect to the yeas and nays, I addressed the Chair as quickly as I could when the yeas and nays were requested. I understood the Senator from Connecticut had an amendment he wishes to offer to the original amendment. Would that be cut off by the yeas and nays in any way?

The PRESIDING OFFICER. The yeas and nays would have no effect.

Mr. SCOTT. I understand the Chair ruled that the yeas and nays had been ordered. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. HATFIELD. I wish to ask a question of the distinguished minority leader.

Mr. SCOTT. Mr. President, if we may have order, I yield 2 minutes to the Senator from Oregon.

Mr. HATFIELD. I would like to ask the distinguished minority leader a question. I have listened to the discussion today and I would like to pose the question on the basis of what appears to be some confusion. For those of us who want to support the President, Mr. Richard Nixon, and support the administration position on this question, may I ask the question simply: Do we support the Scott amendment by a vote of aye?

Mr. SCOTT. I would say to the Senator the answer is yes; that the amendment, as I have answered the Senator from Texas, is in three parts, two parts of which are before us.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. TOWER. And that in the original proposal that the White House approved there was a third section added and they approve of the word "unconstitutional" being stricken and a substitution after the word "uniformly" of "as required by the Constitution."

At the request of some of my colleagues I spoke to Mr. Harlow at the White House. He informs there is not authority to give the imprimatur of the administration on the amendment at the present time.

Mr. SCOTT. I have the original notes from the White House on the amendment. Does the Senator dispute the fact that this amendment, referring to the use of the word "unconstitutional" in the original notes, appears here?

Mr. TOWER. That is correct, but I had referred to whether they were amenable.

Mr. SCOTT. Will not the Senator from Texas agree that this is the paper which was handed to me at the time he was present?

Mr. TOWER. I think the last word is the important one, and that was that the administration does not approve of the amendment as presently constituted.

Mr. SCOTT. Mr. President, I stand on my original statement.

Mr. PELL. Mr. President, I yield myself 1 minute merely to reiterate that the administration, to my mind, has displayed tremendous political agility in coming out foursquare on both sides of the issue now twice.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, will the Senator yield me 3 minutes?

Mr. PELL. Mr. President, I cannot yield more time on the bill.

Mr. THURMOND. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. SCOTT. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes on the amendment.

Mr. SCOTT. I yield the Senator from South Carolina 3 minutes.

Mr. THURMOND. I thank the Senator.

Mr. President, I hope the Stennis amendment will be adopted. It is a very brief and concise amendment. It states very clearly what it means. It merely states that the guidelines and criteria established under the 1964 Civil Rights Act and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools.

I do not see how anyone could object to that amendment. The wording of it is clear. The amendment is fair. It is just. It is equitable.

I would remind the Senate of the figures in the five largest school districts in the United States to show that is not the case now; to show that in those five large districts there is segregation, and integration has been pushed in the South but not in the North in some of the large cities.

For example, in New York City, 80 percent of the blacks are in schools over half black; 44 percent in schools over 85 percent black; 10 percent in 100 percent black schools.

In Los Angeles, another large city, 95 percent of the blacks are in schools over half black; 79 percent in schools over 95 percent black.

In Chicago, 97 percent of blacks are in schools over half black; 85 percent in schools over 95 percent black; 47 percent in 100 percent black schools.

Mr. President, the city of Chicago has more segregation than the entire State of South Carolina. I want to repeat that figure; 47 percent of the blacks are in 100 percent black schools.

In Detroit, 91 percent of the blacks are in schools over half black; 59 percent in schools over 95 percent black.

In Philadelphia, 90 percent of the blacks are in schools over half black; 60 percent in schools over 95 percent black.

Mr. President, we from the South want to be fair. We want to be just. All we are asking for is what I told Mr. Nixon when he was running for President. I said, "Mr. Nixon, we are not asking for any favoritism for the South. We just ask to be treated on the same basis as other States of the Nation, because we have not enjoyed that treatment all these years."

That is what we are asking for in the Stennis amendment, to apply the law uniformly to all the States of the Nation, and not punish the South.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield 3 minutes to the Senator from Ohio (Mr. SAXBE).

The PRESIDING OFFICER. The Senator from Ohio.

Mr. SAXBE. Mr. President, we heard the senior Senator from Tennessee (Mr. GORE) talk about political apple polishing here today. I might say I have never heard more talk while really avoiding the issue in what we are doing. So I would agree with the Senator on that point.

In this country since 1954 we have witnessed very little effort on the part of Southern States to comply with the case of Brown against Board of Education. We have had tokenism and massive migration to the North. We have 1 million blacks in Ohio. From the standpoint of political advantage, JOHN STENNIS or JIMMY EASTLAND or FRITZ HOLLINGS could get more votes in black precincts than I could, either before or after this vote,

simply because the word "Democrat" appears behind their names. But we have seen only in the last year an effort to hold their feet to the fire to try to do something to bring about an improvement in the system.

I will be the first to admit that we have schools that are 90 or 95 percent black, and that is true of all the big cities. It has come about by geographical concentration. It is to be deplored, and we should work on it, and I am sure we will.

The essence of the Scott amendment is that it should be applied generally and we will not go into the ridiculous busing which I know the South has been subjected to as a last effort to try to get something done. But I submit once we turn our back on the Scott amendment, once we go to the Stennis amendment, with all its good words and good intentions that we can see through, we will have taken a step backward in the struggle for integration. I still believe that integration is the only hope of solving our problem. I know it is not a popular view in many areas, but I know 90 percent of the blacks feel it is and 90 percent of the whites feel it is. We have militants on both sides trying to destroy it. I think the symbolism of it to our courts and to our people will be that it is a step backward, and I do not think we can afford it in this time of trial in this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield 1 additional minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is yielded 1 additional minute.

Mr. SAXBE. Mr. President, I feel if we do not live up to what we said in the original Civil Rights Act, if we do not live up to our good intentions, our Constitution, our Bill of Rights, and if we do not live up to the campaign promises of our respective platforms, both Democratic and Republican, then we have tried to pull a fraud on the public, but we are not going to get away with it because the people know what is happening here today. We can have all the fancy rhetoric and all the fancy language we want to use to say we are really trying to solve this problem and spread this good work throughout the country, but we can look through it and we will see that we would be taking a step backward in our determination to make integration work.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, it is amazing, with as many lawyers as there are in this body, that we have legislated in effect that there are now in this country two constitutions, one for one section, and another for another section.

All States are equal under the Constitution. The Congress has no power to pass laws applicable to only one section of the country, as the present law has been construed, interpreted, and enforced. The Federal school integration law has been interpreted and interpreted by the Executive and the courts to apply to only a few Southern States, while the rest of the country sits back and glibly talks about how they favor integration of the schools, but they do not integrate. They interpret the law to apply only to Southern States, and they integrate schools only in Southern States.

I voted for the law not knowing it was to be applied to only one section of the country. I voted for all the civil rights bills since I have been in the Senate. I voted for the school bills. I voted for one set of laws for all the 50 States; not two sets of laws for two different sets of States. But now we have seen a hypocritical application of this law to only a handful of States.

It is degrading to those States that they are singled out and treated differently from other States, as though they were conquered provinces, not entitled to equal treatment under the Constitution. This is a Union of equal States, each State having the same rights as any other State, and I do not see how we can vote for an amendment such as that offered by the Senator from Pennsylvania, that is designed to carry forward a distinction between States, the present actions that enforce school integration laws in some few Southern States, but not in all of the States. That is what the Scott amendment means, stripped of all the verbiage. It provides for inequality of States. This the Constitution does not permit.

Mr. President, I have voted for and supported all the laws for equal rights for all citizens, but now I am shocked to see that concept warped into unequal rights; unequal rights dependent upon geographical area. I think equal rights for all citizens mean equal treatment for every area, wherever that area is in this country, and that all are to be treated alike. That is not being done now. Every Member of this body knows it is not being done. I say it is time we have equal treatment of all people in this country. I am voting for and supporting equal rights for all our citizens, and equal rights for all States and areas of the country, and equal application of the laws in all the 50 States.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Pennsylvania has 3 minutes remaining.

Mr. SCOTT. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I rise only to ask Senators to visualize what will happen if the Stennis amendment passes. Does any Senator doubt that every State in the South, almost without exception, will move to delay almost any desegregation plan, as they have done heretofore? Or does any Senator doubt the fact that in any new lawsuit, this will be the first measure interposed as a defense, on the grounds that it is not being carried out in terms of going after de facto segregation in the North, which the courts cannot reach anyway?

It seems to me that if Senators will just visualize that situation in terms of the history of litigation in this field, they will have a better understanding of what it would mean to agree to the Stennis amendment.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Do I have any time remaining on the substitute?

The PRESIDING OFFICER. The Senator's time on the substitute has expired.

Mr. SCOTT. I have 2 minutes. I am happy to yield 1 to the Senator from Mississippi.

Mr. STENNIS. No; I was merely inquiring. That is all right.

Mr. SCOTT. Does the Senator yield back his time?

Mr. STENNIS. I yield back my time.

Mr. RIBICOFF. Mr. President, I send to the desk an amendment in the nature of a perfecting amendment to amendment No. 463.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Connecticut (Mr. RIBICOFF) proposes an amendment as follows:

On page 45, between line 4 and 5, insert the following new section:

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation."

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is this a perfecting amendment?

The PRESIDING OFFICER. The amendment is in order as a perfecting amendment if it is adding a new paragraph to amendment No. 463.

Mr. JAVITS. Mr. President, may we know from the Chair, because it is very difficult to tell from the reading, what does it perfect?

Mr. RIBICOFF. Mr. President, I shall be delighted to explain it.

Mr. HOLLAND. Mr. President, may I ask a question of the Senator from Connecticut?

Mr. RIBICOFF. Mr. President, first let me explain my amendment in a few simple words. In line 8——

Mr. BYRD of West Virginia. Mr. President, before the Senator proceeds, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. RIBICOFF. Mr. President, all this amendment does is take the original Stennis amendment and, on line 8, after the word "race", add the following clause: "whether de jure or de facto."

Mr. JAVITS. Mr. President, that was not the amendment read to the Senate.

Mr. STENNIS. In effect, it would add those words.

Mr. BYRD of West Virginia. Mr. President, I ask that the clerk reread the amendment.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the

way this amendment is drafted, it would not be in order if it is proposing to insert "whether de jure or de facto."

Mr. RIBICOFF. All I want to do is add "de jure or de facto" in the Stennis amendment.

Mr. SCOTT. Mr. President, I ask for the regular order.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. Take 5 minutes on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will restate the amendment.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Connecticut (Mr. RIBICOFF) proposes, in line 8 of the Stennis amendment, after the word "race," to insert the words "whether de jure or de facto."

Mr. RIBICOFF. Mr. President, we have debated this issue now for over a week. This is an opportunity to state, as clearly as possible, that what we seek to do in the United States of America is treat all children and all schools exactly the same, whether the segregation is on a de jure or a de facto basis.

Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCOTT. The amendment of the Senator from Mississippi having been modified by the amendment of the Senator from Connecticut, does the substitute of the Senator from Pennsylvania for the amendment still lie, or must the substitute be resubmitted?

The PRESIDING OFFICER. After this perfecting amendment is disposed of, if agreed to, the question would recur on the Senator's substitute amendment to the amendment as amended.

Mr. SCOTT. So that the first vote occurs, then, on the amendment offered by the Senator from Connecticut?

The PRESIDING OFFICER. The perfecting amendment, that is correct.

Mr. SCOTT. The perfecting amendment.

The PRESIDING OFFICER. That is correct.

Mr. SCOTT. The yeas and nays have been ordered on the perfecting amendment of the Senator from Connecticut?

The PRESIDING OFFICER. That is correct.

Mr. SCOTT. And that will be the first vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Connecticut has the floor, and it is on his time.

Mr. RIBICOFF. Mr. President, I am pleased to yield to the Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. President, I make the following inquiry: Assuming that the perfecting amendment of the Senator from Connecticut is disposed of, voted up or down, and the substitute of the Senator from Pennsylvania is disposed of, and the Stennis amendment, in whatever form it is, still survives, would that amendment be open to amendment thereafter, before it is actually voted upon?

The PRESIDING OFFICER. It would be open for amendment in proper form.

Mr. JAVITS. With a limitation of time as agreed to?

The PRESIDING OFFICER. Under the unanimous-consent agreement, that is correct.

Mr. JAVITS. I thank the Chair.

Mr. RIBICOFF. Mr. President, my position is very clear. I do not care to take any more time. I am pleased to yield to the Senator from Mississippi.

Mr. STENNIS. I ask the Senator to yield me 3 minutes.

Mr. President, this amendment is proposed, as I understand it, to make certain and to clarify and to expressly cover the concept of de jure and de facto segregation. I support the amendment. The better and clearer it is spelled out, then the intentions are well known. I am for the amendment. I think it adds word strength, and I am glad to have the suggestion of the Senator?

I hope the amendment will be adopted.

Mr. SCOTT. I yield 5 minutes on the bill.

The PRESIDING OFFICER. The Senator from Rhode Island has time on the amendment.

Mr. PELL. Mr. President, how much time do I have on the amendment?

The PRESIDING OFFICER. The Senator from Rhode Island has 1 hour.

Mr. PELL. Who has the other hour?

The PRESIDING OFFICER. The Senator from Connecticut (Mr. RIBICOFF).

Mr. PELL. I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senate will be in order. The Senator is entitled to be heard. Senators will please take their seats. Aides will be seated in the proper area.

Mr. SCOTT. Mr. President, the amendment offered by the distinguished Senator from Connecticut neither adds to nor detracts from the original amendment offered by the Senator from Mississippi, in the opinion of this Senator.

All along, the effort here has been to delay or prevent the application of the desegregation laws and precedents to an existing situation by diluting the enforcement capacity to apply enforcement procedures to situations where courts have not yet acted, to declare that relief is needed or remedies must be applied. In other words, with a few exceptions, the courts have not yet acted upon de facto segregation.

What we have heard today are a great many people, including this speaker, say that they are against de facto segregation. We have heard a great many people say that they are for civil rights. But what is happening here is that this is one further amendment which, in my judgment, would add to the disruptive forces in the Nation, would so dilute the activities of the Department of Justice as to render it impossible to enforce the existing laws, and would anticipate what the Supreme Court may or may not do when the issue of de facto segregation reaches that Court.

I do not want to delay the Senate beyond saying that this is further delaying action; that there is implicit in this amendment the same defects that exist in the original Stennis amendment; that if you are for the Stennis amendment, you would be for the perfecting amendment; that if you are for the Scott substitute, you would be against the perfecting amendment.

Therefore, I respectfully indicate my opinion that nothing has been gained or added, except the passage of time, by the addition of these words. I hope that the amenment as perfected will be rejected, so that we can proceed to the merits on the substitute I have offered.

Mr. GRIFFIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield time?

Mr. MANSFIELD. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan has 5 minutes.

Mr. GRIFFIN. Mr. President, I take this time to direct some inquiries to the author of the perfecting amendment.

I am inclined to agree with the distinguished minority leader that the amendment does not really change what the Senate understood to have been the meaning of the Stennis amendment as originally offered—that it was intended, whether or not those words are there, to apply to de facto as well as de jure segregation.

My questions have to do with what is de facto segregation. We have had no hearings whatever on this very important question, as the Senator from Minnesota has pointed out. So I think that, as long as we are very seriously considering taking this action in the Senate, which is interpreted by some as going to be meaningful, I want to know what de facto segregation is in the eyes of the Senator from Connecticut.

Mr. RIBICOFF. I am delighted to reply. The best way for me to reply is to read the Senator some statistics.

In Ohio, 105 schools are 98 to 100 percent black. That is de facto segregation.

In Philadelphia, 57 schools with 68,000 children are 99 to 100 percent black. That is de facto segregation.

In Illinois, 72 percent of the black students attend schools that are 95 to 100 percent black. That is de facto segregation.

In New York City, out of a total enrollment of 1,360,000 students, whites are 44 percent, 467,000; black, 31 percent, 335,000; Spanish-speaking, 23 percent, 244,000. The 90,000 blacks are in 119 schools that are 99 to 100 percent minority group. That is de facto segregation.

A similar situation exists in Buffalo and Rochester, N.Y.

De facto segregation, to me, is very clear. When you have thousands upon

thousands of students going to schools in the North where the whites constitute only a minute portion and the school is overwhelmingly black, that is de facto segregation.

Mr. GRIFFIN. If I may ask further of the distinguished Senator from Connecticut, is he saying, then, that racial imbalance alone, without other factors of any kind—whether or not there is discrimination in fact, either by Government or otherwise—is de facto segregation as contemplated by his amendment?

Mr. RIBICOFF. I would say that that is de facto segregation.

Mr. GRIFFIN. Racial imbalance alone?

Mr. RIBICOFF. That does not mean under guidelines.

Mr. GRIFFIN. If I may ask the Senator further, what percentage of racial imbalance does he contemplate by his amendment in order to constitute de facto segregation? Is he talking about 90 percent black, 80 percent, 70 percent, 50 percent, 52 percent? What is he contemplating? What racial imbalance and to what degree?

Mr. RIBICOFF. I am contemplating this: That by the adoption of this amendment, the Government of the United States, the Federal Government, is going to have to face the facts of life.

Mr. GRIFFIN. I am trying to find out in what situations we face the facts of life.

Mr. RIBICOFF. The Senator asked me a question. Let me answer it. Let me explain what we seek to accomplish. We should not have a meat ax approach, or a blanket approach. It is obvious that if we are in a town with 10 percent black and 90 percent white students, the 10 percent black students are in schools all black, so that we can write guidelines that will be easy, to take the 20 percent of those students and scatter them and put them into white schools where we will have a racial mix.

But in Washington, D.C., with 94 percent blacks and 6 percent whites, there is not a guideline that anyone can write that can desegregate the schools in Washington.

The United States of America will have to face up to the situation we have now reached, that is a position in the country where it is impossible to desegregate. So, let us find out how we can give those children an education.

Mr. President, let me give you a few examples of one of the gravest problems in America, the problem of resegregation.

A Cleveland high school was built with originally 60 percent white and 40 percent black students. This was a Cleveland high school. They wanted to build a new high school to encourage integration, so they built a new high school in an area where they had figured out it would solve the problem.

Today, that high school is 95 percent black.

In Baltimore, in 1957, a new high school was built. It started out with 80 percent white students and 20 percent black students.

At present, out of 2,700 students in that school, there are only 25 whites.

Mr. President, what we are going to have to do in America is look at the entire problem of education and at the entire problem of our segregated society.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. RIBICOFF. Mr. President, I yield myself 5 minutes on my own time.

Mr. SCOTT. The Senator from Connecticut has yielded himself his own time.

Mr. RIBICOFF. Mr. President, I yield to the Senator from Michigan 5 minutes of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 additional minutes.

Mr. RIBICOFF. Mr. President, what we must do, whether in the North, South, East, or West is to look at the problem of education, to look at the children of America and make the determination as to what is best for them. Perhaps we will have to admit that the policies and formulas we have adopted, out of good intentions but out of ignorance of the consequences, are not working.

We are going to have to look at America with a sense of reality and make that determination.

This morning, I read in the newspaper that the President has appointed the Vice President, and a distinguished number of members of his Cabinet, together with Mr. Moynihan and others, to look into the entire problem of desegregating our schools.

I would hope that this group of men will now look North, South, East, and West and make the determination as to what is best for the children of America, black and white, and not on some theory that is not working.

I think the time has come for us to admit that our desegregation policies are not working in America.

I cannot give the exact solution as to what will take place, but this is a responsibility that the President of the United States will have to face. This is what I thought the President was saying in his statement of February 12.

I have confidence that if this becomes the policy of the United States, the President, and those working with him, will look at America and the problem of education and will come up with the determination as to what is in the best interests of the children of this land.

Mr. GRIFFIN. Mr. President, if I still have the floor, I should still like to ask the Senator from Connecticut, What is meant by de facto segregation? I think this is a very important question, one dealing with the equal and uniform application of the Supreme Court decision which related to the 14th amendment guarantee that no State shall deny equal protection, and no State shall discriminate, nor any subdivision thereof. I think we knew what we were talking about, because if there is a Government policy discriminating on the basis of race, it is wrong, whether it is 15 percent, 20 percent, or 50 percent, or 90 percent—whatever it is—it is wrong.

No State can discriminate among its citizens on the basis of race regardless of the percentage or whether there is a balance of the races. I think we are, by definition of the Senator, considering the very difficult question of whether racial balance in any particular situation is, in and of itself, necessarily to be guaranteed by law.

Let me give the Senator from Connecticut a hypothetical situation. I will concede that it is hypothetical in many situations.

Conceive of a situation in either the South or the North where we do have equal employment opportunities, the laws are meaningful to the blacks and they are not discriminated against in employment opportunities.

Conceive of a situation either in the North or South where housing laws do provide equal opportunity for living in the neighborhood of their choice, without discrimination.

Suppose, further, that, exercising that right, Negroes move into an area which previously may have been 75 percent white. They move in and later it turns out to be 75 percent black.

In and of itself, without any discrimination, either by government or otherwise, is the Senator saying, then, that there is created a right, or some demand that, then, those students must be transported to the other end of town because there is a racial imbalance?

Mr. RIBICOFF. Let me say to the Senator that, under those circumstances, if I were still Secretary of Health, Education, and Welfare, I would not order busing, because I am now dealing with——

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. RIBICOFF. Mr. President, I yield 5 more minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 additional minutes.

Mr. RIBICOFF. Mr. President, I am now dealing with reality. I would look at the problem that was facing me and consider the children in that area.

It is amazing, the attitude of white people. Many liberal whites assume that every black wants to be with whites.

Well, if we study writings and the workings of the black militants——

Mr. GRIFFIN. Absolutely.

Mr. RIBICOFF. They do not like the whites any more than the whites like the blacks. They are anxious for schools that work.

This past week, I read an editorial in the Detroit Free Press pointing out that the city of Dearborn is almost lily white and yet, in the Detroit area, 40,000 blacks find it difficult to move in and work in Dearborn because the zoning laws which have been put into effect by the white middle class have frozen out the Negro.

How do we work that out, as a practical problem?

Mr. President, let me give you some examples of how I think it can be done.

Let us take a manufacturing company—let us call it X—I do not want to name it—it is going to build a new plant in a town and will have 10,000 jobs available. The town wants that new industry. The people building the factory are going to provide for 10,000 new jobs—1,000 of those jobs going to blacks. They should go to the town officials and insist that if

they are coming into that town, and they build new housing, the town must build the new housing to support 1,000 blacks, as well as to support the whites because they do not wish to place 1,000 black families into a ghetto. The 1,000 people will be scattered through the town and there will be a racial mix of 90 to 10. Ten percent of the pupils will go to the neighborhood schools where they live and play, with white students, and there will be no difficulty at all.

It is tough to consider the reality of the situation, but I think that America will have to reach the stage where it will have to eliminate theories and come to grips with the problem of the social and economic racial realities, of how blacks and whites can live together.

We are going to have to take every city by itself. And that does not worry me.

It has been said on the floor that this is a terrible thing we are going to do. We are going to have segregation in the South because we would water down the enforcement provisions.

My understanding is that for another $3 million in the budget, the Office of Civil Rights can conduct the supervision of the North as well as of the South without affecting desegregation in the Southern States.

The Senator from Minnesota and the Senator from New York have proposed an amendment that I was against, standing by itself as an amendment to the Stennis amendment. But if the Stennis amendment is agreed to, and we say to the United States that we are going to treat everyone the same, North, South, East, and West, I would then support the Mondale-Javits substitute of a special select committee of the Senate to go into the basic problems of education, job opportunities, and housing.

I would make a change in the proposal of the Senator from Minnesota and the Senator from New York. I would add to the members they suggest, members from the Committee on Banking and Currency, because basically the whole problem of a segregated society involves housing—where people live. If we are to have housing programs and have a subsidized program that has meaning, I believe the wisdom and experience of the Banking and Currency Committee Committee should be added to that of the other committees so that we might have the Banking and Currency Committee address themselves to the multiple programs.

The reason I have been fighting for the Stennis amendment is that this is the first opportunity I have found that we in the Senate can be constructive. Let the President, with his Agnew Commission, work from the executive branch.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. RIBICOFF. Mr. President, let the U.S. Senate using a select committee go into hearings in depth on the entire problem. Let us eliminate the hatred of one group for another and try to find out how people in America can live together, work together, and go to school together.

It is not easy, but it will never be solved as long as we have a different system in the North and South. That is why I am for the Stennis amendment. I do not have any pat answer, and I think the beginning of wisdom on the part of the U.S. Senate would be the wisdom to realize that we do not have pat answers.

Mr. GRIFFIN. Mr. President, I commend the Senator from Connecticut in many respects for what he has said, for his courage and for the way he has put his finger on the hyprocisy in the North. And there is hypocrisy in the North.

I respectfully suggest, however, that he has the cart before the horse in trying to legislate in the area of de facto segregation when we do not know what it means.

The Senator from Minnesota has a much more meaningful approach, and that is to study the problem first and try to find the limitations.

It is common knowledge that other minority groups sometimes live together and choose to go to school together out of choice. People of Polish descent and people of the Jewish faith often do so. Perhaps in some instances it is because of discrimination. If there is discrimination, that is wrong and we should do something about that.

If it is by choice, then are we going to say that because there is an imbalance in a particular school that, ipso facto, we have de facto segregated schools and we must bus these people across town?

That is what the Senator has said with respect to the Negroes.

Mr. RIBICOFF. That is not what I had to say. What I am saying is that if the Negro wants to live in a community by himself and control his own school with a meaningful educational program, I am not going to scatter any group of people who want to be by themselves to the four winds in the county or city. Those of us who follow the problems of education realize that today the black leadership is worried, the black leadership is concerned.

The black leader is not confident that the laws we pass will work. And I think the beginning of wisdom in the United States will come when we realize a law is not working. Let us find out what works. All we know is that the school system in the United States is in disarray and decay.

As I mentioned the other day, in every large city in the United States, we have reached a stage where schoolchildren are at war with one another. And this is a condition that no sane society can allow to endure and to continue.

I do not have the pat answers, but I know that we have to pull the sting from the venom of hatred that has been scattered so deeply into the American psyche. And it is there.

We talk about the black and whites. In the Southwest we have the Choctaw. His problem is deeper and worse than that of the black. In sections of the West, we have the Indians. We have the Puerto Rican situation.

We have a great social problem in this country. And if nothing else happens, if the debate that has been held here for the past few weeks leads to a call for reappraisal of the situation for the benefit of our Nation, the debate has been worthwhile.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, it seems to me that every once in a while we all go back to our professions. In this case, I go back to being a lawyer. I would like to point out to the Senate what it would do if we were to agree to the amendment.

Others have said, of course, that there is no moral justification for what happened. We then point to a Negro or Puerto Rican child who has been educated in a school which is very heavily of that group.

The question we are wrestling with today is what to do about it. The whole concept of the law we have passed, the entire discussion and decisions of the Supreme Court have been in an effort to deal with de jure segregation.

That is all that has been done now for over 16 years. We all understood that. We thought that was as far as we ought to go with a problem as tough as this one is.

The Senator from Connecticut, with his magic, would give us a load to carry that would break our backs. Talk about kidding each other. Watch this one work. We are being asked to take over the Federal control of education.

I have reread the laws because I do not trust my memory. There is nothing in the Civil Rights Act of 1964 or in section 182 of the Elementary and Secondary Education Amendments of 1966 which says anything about de jure or de facto segregation.

I would like to read section 601 of the Civil Rights Act of 1964.

It reads:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

It then goes on to say what shall be done about that.

Similarly, the Elementary and Secondary Education Act, concerned with the Civil Rights Act of 1964, says that the Commissioner of Education shall not defer action or order action served or any application for Federal funds—until 60 days after notice is given, unless a hearing has been held.

Again, no mention of de jure or de facto segregation.

There is not a word about de jure or de facto segregation.

The Stennis amendment says that it is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments

of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race.

And the Senator from Connecticut would add, "whether de jure or de facto."

What are we asking HEW to do? HEW now has the right to set guidelines and to set rules which will apply to de facto segregation.

They are going to take all of these definitions about which the Senator from Michigan asked the Senator from Connecticut. The Senator from Connecticut was Secretary of Health, Education, and Welfare. They are going to make the definitions. They are going to say 20 percent is good in Cleveland, 32 percent is bad in New York, or whatever the case may be.

As I understand it, and I have been the ranking member of the Committee on Labor and Public Welfare for some years, one of the sacred cows, or the most sacred cow, even more sacred than this one, is, "Do not interfere with education." Let the Federal Government contribute money but let there be no interference with educational policy or matters involved in the dynamics of education.

If it stands up I cannot think of anything to put the courts and HEW in this business more. The first question will be whether the United States has any jurisdiction; then, whether it can reach de facto segregation. I have an idea that when some of my friends see the extension of Federal power over matters which have heretofore been beyond Federal power, they are going to be appalled by the witch's caldron into which we look.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield to me for 3 additional minutes?

Mr. PELL. I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, if I wanted to be cute, I would say that this measure is great and that I am all for it. That indicates the ridiculousness of the entire proposition. One of two things will happen. All efforts to desegregate will stop, and it will be impossible to go on; or there will be Federal interference of such size, magnitude, and depth that the country will be appalled if this measure becomes law. Frankly I do not know which is best for my argument but I think that I do see the situation clearly because I have been so immersed in this matter for so long.

Here we would be delivering the entire matter to the Federal courts by the amendment and for the first time Congress would say, "It is the policy of the United States that HEW guidelines shall regulate de facto segregation."

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. Mr. President, I have a great deal of respect for Secretary Finch and Commissioner of Education Allen. As a matter of fact, when President Kennedy asked me to be Secretary of Health, Education, and Welfare I had asked Commissioner Allen, then State commisisoner of New York, to be my Commisioner of Education.

These two men today are going through the tortures of hell. The Senator talks about a cauldron. They know. They are in a witch's cauldron. All one has to do is read the newspapers day by day and he will see that the Secretary of Health, Education, and Welfare and the Commissioner of Education change their minds constantly. They do not know where they are going. The reason is that America does not know where it is going in the field of education.

The Senator from New York is concerned with the problems of the North and that it is going to cause a lot of problems. Surely, it is going to cause a lot of problems, but the people in the South are concerned because it is causing problems there. It does not make a difference whether it is de jure or de facto when 99 percent of the students in a school are white and in New York City it is called de facto, while in the South there are 99 percent white students in a school and it is called de jure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. I ask for 3 additional minutes.

Mr. STENNIS. I yield 3 minutes to the Senator.

Mr. RIBICOFF. The adoption of this amendment would cause all of us to back up and take a look. It is not Federal control of education. We are all against that. But you have given HEW the authority to do certain things with education in the South. Now the question comes, we who are so anxious and call into question the integrity of the South, what sincerity and integrity do we have in the North? As the Senator from Michigan pointed out, there is no pat answer. Anybody who works in this field is going to have to admit to himself that there are no pat answers. But what is going to happen as the result of this debate is that the President of the United States, the Secretary of Health, Education, and Welfare, the Commissioner of Education, and the Congress are going to take a good hard look at the whole field of education.

I am not impressed with the fact that all these years we have passed these laws. When we passed them we did it with the best of intentions. But they are not working at the present time and since when should we be stuck with laws that do not work? The whole purpose of Congress, when a law does not work, is to amend it or repeal it.

I am concerned about a $35 billion education bill at this time. We have a $35 billion education program and we do not know the results of many of these programs. Many of them are out-and-out failures. We are throwing billions of dollars down the drain. I want more to go into education—but into education that produces meaningful results for blacks and whites, for the North, South, East, and West. But it is not going to be one rule because there cannot be one rule. You are going to have a situation, where it is easy, to bus a dozen kids a few blocks, and where it is not easy to bus them 10 or 15 miles. That does not make sense for blacks or whites. You have to take America for what it is and you try to work out an educational program for the entire Nation.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. SCOTT. The Senator from California asked to be recognized.

Mr. PELL. I yield 2 minutes to the Senator from California.

Mr. GURNEY. Mr. President, who has the floor?

Mr. RIBICOFF. The Senator from Rhode Island yielded to the Senator from California.

Mr. GURNEY. I thought the Senator from Connecticut yielded to me.

The PRESIDING OFFICER. The Senator from Connecticut has the floor and he yielded to the Senator from Florida. However, the time of the Senator has now expired.

Mr. RIBICOFF. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Thirty-seven minutes.

Mr. RIBICOFF. I yield 1 minute to the Senator from Florida.

Mr. GURNEY. Mr. President, I commend the Senator from Connecticut on his argument. In answer to the argument of the Senator from New York I was astounded as I listened to the argument of the Senator from New York in the field of education.

As I understood his argument it was: Do not vote for the Stennis amendment; it will cause disruption and chaos in the whole public school system of the North; leave it in the South. We know it is there. We have been trying to deal with it month after month. It is said to leave the disruption and chaos there but do not bring it to the North.

Mr. RIBICOFF. Mr. President, I do not want chaos in the North or in the South. I want the commonsense of the people of this country and the commonsense of this group of men and women for whom I have more respect than I do for any other group of people in the country, to take their hearts, minds, and experience, North, South, East, and West and work out a program that has meaning for the entire United States.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. PELL. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I think we have the issue posed here very clearly. One Senator said within my hearing when the Ribicoff amendment was read, "We know what this is all about." I think we do. I do not think we are bedazzled by generalizations which are beautiful and which we can agree on; but they do not answer the words in the statute. The issue is simply this and it is very clear. The Senator from Connecticut is frank about it. He said that you have to stop everything until you get a plan which will deal with the North and the South. I think we say—at least I say—I believe it represents the view of those on the other side, "Go on with what you can go on, and do your utmost to make it more just; improve it and do what you can to reach everything else."

I respectfully submit——

Mr. RIBICOFF. Mr. President, I yield to the Senator from Vermont——

Mr. JAVITS. Mr. President, I am not finished. My time has not run out.

If I may say so, in terms of governance, it is my deep conviction that if we go along as we have and at the same time try to increase our efforts, that is more calculated to bring about a Government of justice and tranquillity than would be so if we stopped everything and allowed us to receive the full accumulation of the deep grievances of injustice which are so rank in this country.

Mr. RIBICOFF. Mr. President, before I yield to the Senator from Vermont, may I say it is ironic how well the Senator from New York can put the thoughts of other people in words. Talk about tranquillity. New York City today is the greatest jungle in the world. That jungle is the school system of New York. When the Senator from New York talks about chaos, could there be any greater chaos anyplace? Senators all read the newspapers. We see that plastered all over the newspapers day in and day out. Talk about chaos. There is no tranquillity. If any corrections are needed in the United States of America, it is in the city of New York.

I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I resent the statement that none of the States of the North want to come under the same law. It is not the North. It is seven or eight of the biggest cities that want to be exempted from the law, if I have understood the debate correctly. I would say that most of the North, including northern New England, almost all of New England, would be delighted to come under the same laws applied to the entire 50 States.

Mr. RIBICOFF. May I reply by saying that I am not concerned that we are going to have chaos or that integration is going or is not going to stop. It is going to continue, under the Supreme Court decisions, because men of good will are going to help to bring it about in the North and those who love education are going to try to work it out. I do not think we could be worse off in education than we are today.

I yield to the Senator from California.

Mr. MURPHY. I thank the Senator. I would like to point out once again that in this great Chamber we get twisted in legalistic positions, and the practical positions get lost.

In California it is not a question of black and white. In the chief city in my State 22 percent of the schoolchildren have Spanish surnames. What about them? Are they to be neglected in this?

In San Francisco there is one whole area of Chinese, and that area is increasing. They are fine citizens and they are entitled to the same consideration for their children and their education.

In one area of Los Angeles there is an entire area—de facto, if you will—of Japanese.

Many times we rush in to try to accomplish something that is right and proper, but it is approached with emotionalism rather than from a workable and practical and conscientious consideration, which finally, at long last, we must face here and now.

I would like to bring to the attention of my colleagues that it is not just a question of black and white. It is a question of basic principles of civil rights, if you please, for people of all colors and the application of Federal law in all areas, not just one or two or three areas or States or large cities.

Mr. RIBICOFF. Mr. President, I yield 1 minute to the Senator from Tennessee.

Mr. BAKER. Mr. President, I do not wish to detain the Senate. We have heard, in the debate on the Stennis amendment and the perfecting amendments, that the Stennis amendment would have the effect of delaying school desegregation in the South; that it would be the first defense interposed by southern school districts.

I submit there is no such language in the amendment or perfections to it. There is not a single syllable relating to the inapplicability of the rules or standards that can serve as a defense on behalf of any school district.

I would like to point out, second, as I have previously pointed out, that the essence of the Scott substitute for the Stennis amendment is contained on page 150 of the bill before the Senate, at lines 12 through 14, subsection (c), which reads—this is not the amendment; this is the bill—"All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States."

Mr. President, I believe that we are all dedicated to equality of enforcement of statutes, rules, and regulations, and I believe we are going to have it. The real question is whether we face reality.

Mr. RIBICOFF. Mr. President, I am ready to yield back my time.

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Michigan.

Mr. HART. Mr. President, I am not a member of the Committee on Labor and Public Welfare, but it seems to me we should remind ourselves as we approach this vote that, not by any action of the Senate, but by action of the Supreme Court, the Senate is on notice that in one chunk of the country, as a result of unconstitutional conduct by governmental authorities, there is a pattern with respect to the school systems that ought to be corrected, and that we want to bring it in conformity with constitutional obligation; that the remainder of the regions of the country have a pattern, not as a consequence of action by public officials, and not now labeled unconstitutional by the Supreme Court, that we ought to correct.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. May I have a half a minute?

Mr. PELL. I yield to the Senator from Michigan.

Mr. HART. As we approach this vote, let us be on notice that de jure segregation is unconstitutional—not de facto yet, but de jure. Let us not inhibit our effort to correct an unconstitutional pattern by diluting our energies with respect to the de facto pattern. Let us realize that what we are seeking to correct is what we have long been on notice is the result of unconstitutional action.

Mr. RIBICOFF. Mr. President, I yield back my time.

Mr. PELL. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the perfecting amendment of the Senator from Connecticut has been yielded back. The question is on agreeing to the perfecting amendment of the Senator from Connecticut to the amendment of the Senator from Mississippi. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK) and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The pair of the Senator from Massachusetts (Mr. BROOKE) has been previously announced.

Mr. NELSON (after having voted in the negative). On this vote, I have a pair with the Senator from Arkansas (Mr. MCCLELLAN). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BENNETT (after having voted in the affirmative). On this vote, I have a pair with the Senator from Massachusetts (Mr. BROOKE). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

The result was announced—yeas 63, nays 24, as follows:

[No. 42 Leg.]

YEAS—63

Aiken	Fong	Moss
Allen	Fulbright	Murphy
Allott	Goldwater	Pearson
Anderson	Gore	Prouty
Baker	Gravel	Randolph
Bellmon	Gurney	Ribicoff
Bible	Hansen	Russell
Byrd, Va.	Holland	Smith, Maine
Byrd, W. Va.	Hollings	Sparkman
Cannon	Hruska	Spong
Church	Hughes	Stennis
Cooper	Inouye	Stevens
Cotton	Jackson	Symington
Cranston	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dole	Long	Tower
Eagleton	Magnuson	Tydings
Eastland	Mansfield	Williams, Del.
Ellender	McGee	Yarborough
Ervin	McIntyre	Young, N. Dak.
Fannin	Montoya	Young, Ohio

NAYS—24

Bayh	Hart	Pastore
Boggs	Hatfield	Pell
Burdick	Javits	Percy
Case	Mathias	Proxmire
Cook	Miller	Saxbe
Goodell	Mondale	Schweiker
Griffin	Muskie	Scott
Harris	Packwood	Williams, N.J.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Bennett, for.
Nelson, against.

NOT VOTING—11

Brooke	Kennedy	Metcalf
Dodd	McCarthy	Mundt
Dominick	McClellan	Smith, Ill.
Hartke	McGovern	

So Mr. RIBICOFF's perfecting amendment was agreed to.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I have a perfecting amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment, as follows:

On page 1, line 9, of the Stennis amendment strike all after the word "State" and insert a period.

Mr. JAVITS. I yield myself 15 minutes.

Mr. JORDAN of North Carolina. Mr. President, will the clerk please repeat the amendment?

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read as follows:

On page 1, line 9, of the Stennis amendment strike all after the word "State" and insert a period.

Mr. JAVITS. Mr. President, it seems to me that now that we have acted as we have, it very materially broadens the amendment which was interposed by the Senator from Mississippi; because we have added now, in my judgment, a very broad additional area of jurisdiction—indeed, an area of jurisdiction very much broader than the area of jurisdiction which was originally encompassed in the Supreme Court decision and, therefore, in the Civil Rights Act of 1964 and in section 182 of the amendments to the Elementary and Secondary Education Act.

It is very essential for us now to reconsider a question which has been raised in this debate time and again as to the real implications and meanings of the words "without regard to the origin or cause of such segregation." If this reference is now going to be applied to the concept of de jure or de facto segregation, without any regard to the origin or cause of such segregation, it is going to be extremely difficult for the courts or the Secretary of Health, Education, and Welfare, to really administer it. It seems to me that we have pretty well explored the fact that in respect of de jure segregation we have had the interposition of State action or of some kind of governmental action. This generally had a history rooted in the separate-but-equal school system; and various presumptions, and so forth, arose in that regard. We argued that at great length. I shall refer to it again in the course of my presentation of this amendment.

With regard to de facto segregation, we have not dealt with this subject at all. If we are going to go into de facto segregation in the courts and in the Department of Health, Education, and Welfare, it becomes critically important whether it is based upon housing patterns, whether it is based upon educational concepts, whether it is based upon the particular way in which a school system has been organized, and so forth.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senate is not in order.

Mr. JAVITS. There are a number of additional considerations not relevant to de jure segregation which are now introduced into this equation. Therefore, it seems to me that the idea that we will suddenly strip both the issue of de jure segregation and the issue of de facto segregation of any concept of origin or cause in the eyes of both the HEW and the courts is untenable. It becomes even more untenable now—though it has been picked up time and again by Members on both sides of the aisle—than it was before. It is a fact that in given cases, the court has engaged in a presumption, with regard to de jure segregation, that if there has been a segregated school system based upon governmental action, that continues, and that there must be proof that it is being desegregated or that it has been desegregated.

It seems to me, therefore, that in the case of de facto segregation, you would also have similar presumptions with respect to patterns of housing, with respect, as I have said, to the organization of given departments of education, with respect to the pedagogical and educational practices of given school districts which affect the question of origin or cause of such segregation.

So I believe that there is much more reason for dealing with this subject and striking out this particular part of the Stennis amendment now, so long as we are engaged in perfecting it, than there was before.

Much has been made here of the fact that we wish to apply in an evenhanded way, all across the country, the same law. But I respectfully submit that now that we have made a new law, for the very reasons that the Senator from Tennessee (Mr. GORE) argued that this was a statement of policy and, therefore, could conceivably be rejected by the administration or be rejected by the courts.

Precisely because it is a statement of policy of the United States, it seems that the good faith of the United States is at stake; or it is being accepted rather than rejected by governmental agencies and courts. Certainly, that is true of a governmental agency like the Department of Health, Education, and Welfare which is required to make orders, rules and regulations, and guidelines, in respect of this particular matter.

Now, Mr. President, I point out again, by way of supporting the argument that there has been considerable expansion, by adoption of this amendment, of the responsibility of the United States and the policy of the United States, that title VI, section 601, of the Civil Rights Act of 1964 does not in any way refer to de jure or de facto segregation. The same is true of the amendments to the Elementary and Secondary Education Act of 1965, adopted in 1967, that they do not deal with de facto or de jure segregation.

Mr. SCOTT. Mr. President, will the Senator from New York yield right there, so that I may address an inquiry to the distinguished majority leader?

Mr. STENNIS. Mr. President, will the Senator from New York yield?

Mr. SCOTT. I wish to address an inquiry to the distinguished majority leader. It was my understanding that there will be some time consumed on this amendment, and if we are not going to vote tonight, I wonder whether we could not have an agreement that we would vote tomorrow, and as to what time we will be coming in.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. JAVITS. Mr. President, I have the floor. May I ask for what purpose the Senator from Mississippi wishes me to yield to him?

Mr. STENNIS. I want to make a comment on the statement just made by the Senator from Pennsylvania.

Mr. JAVITS. I yield for that purpose.

Mr. STENNIS. Mr. President, the language proposed to be stricken out is similar to what has just been inserted—to wit, de jure or de facto; but on the matter of procedure, I would like first to dispose of this amendment tonight if we could, and then vote on the Scott proposal in the nature of a substitute and, if that is defeated, then vote on the amendment itself. Let us dispose of this matter. I think we have had good and full debate.

I just want to state my position before anything more is said about what should be done tonight.

Mr. SCOTT. Mr. President, will the Senator from New York yield to me further?

Mr. JAVITS. I yield.

Mr. SCOTT. I should like to query the distinguished majority leader, since the information is that there will be some more time consumed on this amendment, whether the majority leader would be ready to suggest an adjournment now, and an hour for meeting on tomorrow?

Mr. MANSFIELD. As the distinguished minority leader will recall, we did agree on coming in tomorrow at 11 o'clock, and that order has been granted.

The PRESIDING OFFICER (Mr. CANNON in the chair). Will the Senate please be in order.

Mr. MANSFIELD. Mr. President, it appears to me that this has been a long, a hard, and an arduous day. From the tone of the present speaker, it looks to me as though he has good leverage to talk for a considerable length of time further tonight.

In view of the present circumstances, I would suggest that there be no further debate tonight on the pending amend-

ment; that if there are other Members who wish to speak on some other amendment, that we adjourn very shortly, and that there be no further votes tonight.

Mr. JAVITS. The Senator is right. This amendment can come before or after. I believe it will facilitate the vote on the amendment of the Senator from Pennsylvania tomorrow. I would assume I could withdraw my amendment now and let us go ahead with the Scott amendment on tomorrow.

Mr. President, I withdraw my amendment, clearing the way for a vote on the modified Scott amendment tomorrow. With that understanding, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

(The pending Scott amendment (No. 500), as modified, is as follows:)

On page 45, between lines 4 and 5, insert the following:

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 2. It is the policy of the United States (1) that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race in the schools of the local educational agencies of any State; and (2) that no local educational agency shall be forced or required to bus or otherwise transport or assign students in order to overcome racial imbalance."

Mr. AIKEN. Mr. President, do I correctly understand that we vote on the Scott amendment tonight?

Mr. MANSFIELD. No. We shall vote on the Scott amendment tomorrow.

Mr. AIKEN. I thank the Senator.

Mr. MURPHY. Mr. President, first, I want to congratulate Senator PELL for his work in bringing this comprehensive education bill to the Senate. This bill, H.R. 514, the Elementary and Secondary Education Act of 1969, is a complex bill with the report accompanying the measure running over 400 pages in length. The measure is a product of extensive hearings and long executive sessions where many amendments were considered. The result, I believe, is a bill that should be supported by the full Senate. I strongly urge its enactment.

There are many provisions of the bill in which I am interested and which I strongly support, such as adult education, the new gifted and talented children program, which I cosponsored, the extension of the Teacher Corps program, the codification and extension of the handicapped programs, the supplemental centers, improvements in the migrant education program, the provisions strengthening State and local education agencies, vocational education, the new authority for evaluation of education efforts, and, of course, the extension of the impacted-aid program. I am particularly pleased with the extension of two programs, which are very dear to my heart, and which I believe are so promising. I am referring to the dropout prevention and bilingual programs. Only recently I wrote the conferees of the Labor-HEW appropriations bill urging that the $25 million level for the bilingual program be retained and that dropout prevention program funds be increased. I was greatly honored that the President of the United States did see fit to single out my program, the dropout prevention program, by requesting that an additional $10 million be provided for this high priority effort.

Today, Mr. President, I will limit my discussion to what I regard the most significant amendment or new program in the bill. I am referring to the incorporation by the committee of the Urban and Rural Education Act, S. 2625, which I introduced on July 15, 1969, as a new part C of title I of the Elementary and Secondary Education Act. I drafted S. 2625 in response to the educational crisis which I believe exists in certain urban and rural school districts across the country. S. 2625 provides a 30 percent add on for the first year and a 40 percent add on for second and subsequent years to school districts in both urban and rural America having large numbers or high percentages of children from low-income families. In an accompanying floor statement, I documented how these districts reached the educational and fiscal crisis that they face today. I traced the changes that have taken place across the country in the past two decades, changes I believe we must understand, if we are to adequately deal with the education problems that are confronting our country.

I ask unanimous consent that my full statement of July 15, 1969, be printed in full in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, as initially introduced, S. 2625 would have provided additional assistance to school districts where—

The number of disadvantaged title I children was double the national rate of low-income children; or

The number of title I children was 5,000 or more.

These tests were modified in committee so that to the urban test of 5,000 or more title I youngsters was added the requirement that the number had to constitute at least 5 percent of the total children in the school district.

The rural test—double the national average of title I youngsters—which would have been 31 percent, was changed so as to now require that the number of title I children is at least 20 percent of the total children in the school district. To take care of those cases where local educational agencies miss qualifying under the formula by a relatively small number of children, a total of 3 percent for the first year and 5 percent for the second and succeeding years of all sums made available under this program is set aside. The initial bill provided for 3 percent initially and 4 percent for succeeding years. An amendment by Senator PROUTY raises the 4 percent to 5 percent. Under this relief provision, a local educational agency which narrowly misses qualifying under the above formula may receive a grant under this part if the State educational agency determines in accordance with the standards and criteria established by the Commissioner of Education, that such local educational agency has an urgent need for financial assistance to meet the special educational needs of educationally deprived children.

I have written various requirements into this part C program; namely, that funds under this part will be used solely in preschool programs or elementary schools serving the highest concentration of children from low-income families. The rationale for this requirement was adopted by the committee as noted in the committee's discussion of this requirement:

The Committee believes that Title I funds should be focused on the early years of education. This requirement in Part C was adopted by the Committee on the basis of growing evidence which indicates that the early years of education are of paramount importance in a child's development. Reports based on the experience of classroom teachers and other observers indicate that in general it is extremely difficult to reach the level of achievement at the secondary level if the quality of education at the elementary level has been poor.

Experience under other federal programs, such as the Job Corps, attest to the difficulty and the great expense of remedial education compared to the expense of education to prevent the need for remedial education. The committee believes that a focus on educational deficiencies at the pre-school and elementary years, the preventive approach, is more likely to be effective and less expensive than expenditures for compensatory education at the secondary level.

In addition, local educational agencies are required to use these additional funds in schools within the district having the greatest need. That is, in those schools having the highest concentration of children from low-income famiiles. One of the criticisms voiced frequently regarding title I funds is that the district is spreading such funds too thinly to get maximum results. Commenting on the need for concentration of title I funds, the fourth annual report of the National Advisory Council of the Education of Disadvantaged Children concluded:

Success with these children (Title I), in sum, requires a concentration of services on a liimted number of children.

The Council urged the "adherence to the principles of concentrating funds where the need is the greatest so that a limited number of dollars can have a genuine impact rather than being dissipated in laudable but inconclusive evidence."

Similarly, Mr. President, California's title I evaluation report for 1967–68 says:

Characteristic of the most successful programs was their concentration of services on a limited number of objectives and a limited number of specifically identified children.

The recent California title I evaluation report for 1968–69 says that the importance of concentrating services comes out louder and clearer from an examination of the individual school districts' reports. I quote:

The most successful programs are those that concentrated services on a limited number of objectives and a limited number of specifically identified children. These projects focused on a few activities, adequately

funded. However, there are still widespread cases of ineffective projects which attempted to carry out too many, often unrelated, activities with insufficient funds and scattered the activities over too many children so that the concentration of services was inadequate to improve student achievement level significantly.

I also believe it is important to point out the important requirements spelled out in section 141(a)(12). This requires school districts desiring to take advantage of the part C add-on to—after the first year—develop a comprehensive plan for meeting the specific educational needs of educationally deprived children. Included within the comprehensive plan must be provisions spelling out the specific objectives of the program, provisions assuring the effective use of all funds under title I, and provisions setting forth the criteria and procedures, including objective measures of educational achievements, that will be used to evaluate at least annually the extent to which the objectives of the plan are met.

Mr. President, these are similar to the requirements that are demanded of all dropout prevention programs in this country. I believe the dropout prevention program is demonstrating to the country that it is possible to have accountability in education. Each of the dropout projects must spell out its objectives. Each of the dropout projects is required to have an intensive inhouse evaluation. Each of the dropout projects is subjected to an "educational audit" by an outside organization to make certain that it achieves the objectives that it has established. It is this kind of practical hard-headed, no-nonsense approach that I hope will be employed in the new part C program.

While the new part C program as reported is not precisely as I would like, I do believe that it is a most significant new program which will bring additional and needed assistance to certain districts in dire need of assistance. While I believe that the formula as originally introduced was probably as good as any formula can be, a compromise was necessary if the Urban and Rural Education Act were to be enacted. I was disappointed particularly with the 15-percent limitation adopted by the committee. When the committee enlarged the number of eligible districts by using the 20-percent rural test rather than double the national average, or 31 percent, as in the original measure, the effect was to expand the program. Thus, the adoption of the 15-percent limitation will probably preclude the funding of the full entitlement of eligible districts. This runs contrary to the thrust of the program.

That a crisis exists and that the Urban and Rural Education Act is needed can be seen by the fact that some school districts have been forced to consider closing school or reducing programs.

S. 2625 has been endorsed by educators and education organizations all over the country. Among the groups endorsing it were the National Education Association, the American Federation of Teachers, the National School Board Association, and the Research Council on the Great Cities Program for School Improvement.

In addition, Mr. President, letters urging enactment of the proposal were received from superintendents of schools from all across the country. I am particularly grateful for the strong support given the measure by educators and others from California, including Dr. Max Rafferty, superintendent of public instruction and director of education, Dr. Wilson Riles, director of California's Department of Compensatory Education, Superintendent Jack P. Crowther of Los Angeles, Superintendent Robert E. Jenkins of San Francisco, Acting Superintendent Spencer D. Benbow of Oakland, Assistant Superintendent Bluford F. Minor of San Diego, and Superintendent Ralph W. Hornbeck of Pasadena, and others.

Also, Mr. President, Secretary of Health, Education, and Welfare Robert Finch and Commissioner of Education Allen both eloquently pointed out the importance of dealing with the educational crisis. Secretary Finch told the Education Subcommittee:

> One of our greatest concerns is to find better ways to meet the educational crisis in the cities. School people and board members across the country are frightened by what they are calling the "Youngstown's phenomenon"—the complete shutdown of their schools for lack of funds. Cities like Philadelphia, Chicago, Baltimore, Los Angeles and Detroit, to name a few, are facing severe financial crises. Some, like Baltimore, have made most strenuous efforts to obtain additional resources, and still finding their needs to be far beyond their capabilities. . . .
>
> The core cities contain the highest concentration of the poor and educationally deprived and are experiencing mounting difficulties in finding adequate resources to support their school system. Providing quality education for the disadvantaged children in our cities and in rural areas is apparent not only for the sake of poverty's children but also for the sake of all children of increasingly urbanized America. This problem is among the most important priorities in our search for improved ways to respond to the need of America's schools and school children.

Similar notes of urgency were sounded over and over again in testimony. I believe that a two-pronged attack on the educational deficiencies in both urban and rural America of the new part C program is most desirable. The chamber of commerce in a study, entitled, "Rural Poverty and Regional Progress in Urban Society," also advocated a twin approach. The report said:

> Better education for potential or incoming migrants both at the place of origin—the rural south—and the place of destination—the central city—is necessary to maximize human resources and reduce poverty nationally. An inferior education for impoverished children in rural and urban areas is economically costly to the nation. Education expands life's opportunities. In today's economy, education, jobs and material well-being are inextricably related. The better a man's education, the better his pay and the better his standard of living. To maximize productive human resources, this nation must offer full and fair educational opportunities to all its residents.

The Nation is a mobile one. One-half of our population changes and one million youngsters cross State lines yearly. Educational deficiencies in one area, in one State, are not only a handicap for that particular State community, but they also produce problems for other areas. Our cities today offer ample evidence of this truth. I believe it is imperative that additional resources be provided to these urban and rural districts having large numbers or a high concentration of low-income children. The tax bases of all too many of our core cities and rural areas simply do not have the resources to launch the required effort to eliminate or reduce the gross educational inequities between regions and between impoverished urban and rural areas and affluent suburban communities.

Mr. President, I believe that the new part C program is a needed response to the education crisis that exists in school districts having large numbers or high percentages of educationally disadvantaged children, and I believe that the program is essential to the Nation's efforts to provide equal educational opportunities to all citizens. This will not be an easy job, but I am convinced that we can do it.

Mr. President, there has been great discussion in our newspapers and magazies, over our radio and television networks, on the educational crisis that exists. I believe that the Urban and Rural Education Act, which has been incorporated as a new part C to title I, is a needed response to these educational distress signals.

Mr. President, I would like to ask unanimous consent that the letters which I have received from educators and educational organizations supporting this measure be printed in the RECORD. This, of course, is in addition to the text of my statement of July 15, 1969, when I introduced S. 2625, the Urban and Rural Education Act of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

S. 2625—INTRODUCTION OF THE URBAN AND RURAL EDUCATION ACT OF 1969

Mr. MURPHY. Mr. President, I send to the desk a bill, the Urban and Rural Education Act of 1969. The measure would amend title I of the Elementary and Secondary Education Act of 1965 in order to alleviate and help with some of the critical problems that are besetting the field of education.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2625) to amend title I of the Elementary and Secondary Education Act of 1965 in order to provide for a program of urban and rural education grants to local educational agencies, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. MURPHY. Mr. President, today I address the Senate and introduce a bill on a most important and vital subject. I am speaking of the educational crisis that exists today in the Nation's big cities and depressed rural areas, where so very many disadvantaged youngsters are concentrated.

Almost daily, from these troubled schools, we pick up educational distress signals—bond issues defeated, cutbacks in educational programs, teacher shortages, classroom vio-

lence, dropouts, lack of discipline, drug problems, and an endless number of concerns that beset our educational system. While there is general agreement that these signals are both real and serious, little response has been made to them. The measure I introduce today, Mr. President, is a sorely needed reply to these insistent educational "S O S" signals. It would amend title I of the Elementary and Secondary Education Act to provide additional assistance to these schools in an effort to rescue them from the fiscal straits they are in and to enable them to compensate for the educational deficiencies of the disadvantaged youngsters found in disproportionate numbers and percentages in these areas.

My bill, the Urban and Rural Education Act of 1969, would authorize a 30-percent addition or "add-on" to regular title I funds for the first year and a 40-percent addition or "add-on" for the second and succeeding years to local education agencies with approval by the State education departments in which:

First, the number of disadvantaged, title I children, is double the national rate of low-income children; or

Second, the number of title I children is 5,000 or more.

Because we are in the midst of an educational crisis, first-year funds will go to local educational agencies without any preconditions. For second and succeeding years, however, my bill requires that the local educational agency develop and secure approval of a plan before receiving funds.

I have written into the amendment some requirements, which I am convinced are necessary. These requirements were framed after discussions with both classroom teachers and educational leaders. I believe they are essential to get maximum use out of limited resources and attain maximum results. First, my amendment requires that these add-on funds be used only at the elementary level. Classroom teachers, who daily struggle with this crisis, tell me that it is difficult at best to rescue youngsters who reach the secondary grades trailing their contemporaries by a number of grades. I do provide, however, for an escape clause which would allow funds to be used at the secondary level, with the approval of the local and State educational agencies, if the problems are equally urgent at the secondary level and if it can be shown that such expenditures are effective at the higher level.

Another important reason for emphasizing the elementary school years is the growing realization of their importance to a child's early development. A recent State of California evaluation of the Headstart program demonstrated that this program in California is producing "Dramatic and positive results." This study found that the children participating in the Headstart program made twice the normal gains in language tests. The report also indicated that IQ scores were raised an average of 17 points over a 17-month period. With this program providing youngsters an equal start, it is important that the elementary grades continue this progress.

Mr. President, I ask unanimous consent that a June 13 article from the Los Angeles Times on the Headstart program be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, a second requirement is that preference must be given to schools having the greatest need within a qualifying district. Scattering of funds too thinly within a district has been a criticism voiced frequently to the use of the title I funds. It is my hope and intent that the elementary level requirement not only will help prevent the necessity for difficult remedial work at the secondary level, but also, when coupled with the preference provision, will result in the concentration of resources so as to achieve a substantial and a maximum impact.

My bill also would provide an additional 3 percent for the first year and 4 percent for subsequent years, to be used at the discretion of the Commissioner of Education. This is to avoid any inequities in the operation of the formula. While I am convinced that my formula is a fair one and will reach the most troubled schools in the country, I have added this amendment so that the Commissioner will have the needed flexibility to respond to schools in districts, not qualifying under my amendment, but nevertheless having similar needs. Mr. President, this bill will provide substantial new resources to school districts. Had my amendment been on the books in the last fiscal year, for example, it would have meant, based on the appropriations for title I, approximately $200 million, and for this fiscal year, based on the administration's title I request, it would mean an additional $220 million, which is badly needed.

In 1961, Dr. James Conant, the noted educator, warned:

"We are allowing social dynamite to accumulate in our large cities."

The accuracy of his warning, the explosiveness of the "social dynamite" has been brought home to all Americans. Much of this "social dynamite" results from those who have dropped out of school. The Commission on Civil Disorders reported that the "typical riot participant was a high school dropout." The fact that 1 million youngsters drop out of school yearly, ill-prepared to find employment and a useful place in our competitive society which demands highly trained and educated citizens has greatly alarmed me and I know this is true of all Senators. As a result, I authored in 1967 a dropout prevention program to the Elementary and Secondary Education Act. This program, which was adopted by the Congress and is now part of our education laws, seeks to concentrate resources in an effort to find approaches that will prevent dropouts. Strongly supported by both the Johnson and the Nixon administrations, this program has great promise and potential in finding long-term solutions to the dropout problem. However, it is just getting underway and only $5 million of the $30 million authorized was appropriated. The administration has requested $23 million for the program for this new fiscal year, and I certainly hope the Congress will fully fund it, because I can think of no area where an expenditure could do a better job in connection with the future of our country.

I am convinced, however, that existing problems of our cities and depressed rural areas are too urgent to await these results. Our 50 large cities alone enroll one out of every four disadvantaged youngsters in the United States. What we have, Mr. President, is an intolerable situation where large numbers of students with significant education handicaps are found in school districts with resources unequal to the challenge of educating them. These youngsters are harder to educate and we simply must provide additional resources if we are to give them an equal educational opportunity. The following facts clearly reveal not only the enormity, but the severity of the educational problems in both our troubled urban and rural schools.

In our urban areas, Mr. President, youngsters from low-income families begin school with a handicap. Standardized test scores given to first graders indicate that minority children, many of whom are in the low-income group, on the average, rank 15 percent lower than other children. Quite obviously they have a much harder job to get started.

Starting behind, these children fall even further behind. The average minority group student is roughly two grades behind other students at grade 6, three grades behind at grade 9 and four grades behind at grade 12.

In our Nation's 15 largest cities, the school dropout rate varies from a high of 46.6 percent to a low of 21.4 percent. As bad as these statistics are, focusing on poverty area schools within our large cities, it is shocking that 70 percent of the youngsters drop out before completing high school. In California the McCone Commission, established in the wake of the 1965 Watts rioting, found that in three schools in a predominately Negro area of Los Angeles, two-thirds of the students drop out before completing high school.

And in our rural areas:

Youngsters receive less education than their comunterparts in other sections of the country. Children in urban centers average 11 years of school whereas rural regions average about 9 years.

Approximately half of the 415,000 children of migrant parents have been estimated not to attend school on a regular basis.

In 1960 nearly twice as many urban as rural youngsters were enrolled in college.

Rural isolation and inadequate salaries make it difficult to secure trained teachers. As a result, twice as many rural teachers as urban teachers lack proper certification.

A September 1967, Presidential Advisory Commission on Rural Poverty reported:

"There are still about 10,000 one-room schools in this country—mostly in rural America."

Mr. President, nearly two decades ago, the late, esteemed Senator Robert Taft, saw inequities in educational opportunities throughout the country, and reversed his earlier opposition to Federal aid to education and became its strong advocate. Senator Taft then eloquently explained this shift:

"Two years ago I opposed very strongly the proposal which then was made for a general passing out of Federal funds in aid for education; but, in the course of that investigation and that debate, one fact became apparent, namely, that in many States the children were not receiving a basic education; and that some of the states although spending on education as much of a proportion of their income as the larger wealthier States, were not able to provide such basic education . . . It has always seemed to me that education is primarily a state function. I have not changed my views on that subject; but I believe that in the field of education the Federal Government, as in the fields of health, relief, and medical care, has a secondary interest or obligation to see that there is a basic floor under those essential services for all adults and children in the United States. I have particularly felt that the entire basis of American life is opportunity, and that no child can have an equal opportunity unless he has a basic minimum education."

Mr. President, as a nation, we have made substantial educational advances in the past two decades, both qualitatively and quantitatively Sputnik jolted the Nation into enacting the National Defense Education Act of 1958. This was followed by the Elementary and Secondary Education Act, the vocational education amendments, as well as other Federal legislation which, along with a tremendous effort on the part of State governments and local communities, has resulted in more and more people receiving increased and better education.

Yet, education inequities, which so concerned and moved Senator Taft in the late forties, exist today and should, I believe, move Congress to adopt my proposal. Today, the inequities in education are both similar and drastically different than those of

Taft's time. They reflect those very changes that have taken place across our country.

These changes have developed from perhaps one of the greatest internal migrations of people in history. Since World War II, a great exodus of Americans from rural to urban America has occurred. Over 20 million Americans have made that march until now, 70 percent of our citizens live in urban areas containing less than 2 percent of our land.

To produce such a dramatic population shift, obviously many factors were at work. Poor conditions and limited opportunities in rural America sent people to the cities, seeking greater opportunities and better conditions. This push-pull phenomenon often resulted in bringing both the best and the worst of rural America to the city. And, rural America, by this process, was stripped of needed educated and trained manpower and the arrival of the worst into the cities substantially magnified the serious situation that cities find themselves in today. The poorest of the migrants, in tems of training, education, and financial resources, and because of discrimination, have tended to stay in the cities while the best trained and educated, making up a rising middle class, joined in another significant internal migration—the movement of 33 percent of these cities' inhabitants to the suburbs. Today more than half of our metropolitan population lives outside the central city. During the period of 1966–68, an average of 486,000 white Americans left cities. This was almost four times as many as the 141,000 whites who left the cities during the previous 6-year period. Sylvia Porter, the widely syndicated financial columnist commented recently on the consequences to the big cities of this outward migration. She wrote:

"For a high proportion of those moving out of the cities are those in their young to middle financially able and independent years. A high proportion remaining in the cities are the poorer households—households headed by women or older citizens, households with a lot of children, broken families. There are the people most dependent on welfare, the people who can least afford to pay the taxes to finance the cost of essential public services. No sign of reversal in these new population trends is in sight. The financial outlook for our cities has never been bleaker."

In addition to the migration from cities of such citizens, industry, with its tax base and jobs, both of which are desperately needed by core city citizens, has also been moving out. Mr. Alan K. Campbell, in the January 11, 1969, edition of Saturday Review traced this industry decentralization trend, saying:

"An examination of the central cities of twelve large metropolitan areas demonstrates that the proportion of manufacturing compared to that of suburban areas has clearly declined over the past three decades, especially in the post-World War II period. In 1929, these twelve cities accounted, on the average, for 66 per cent of manufacturing employment. This percentage decreased to 61 per cent by 1947, dropped to 49 per cent by 1958, and has since declined even further."

New jobs being created in the suburban areas, because of transportation problems, are often out of reach of the poor people from the central city.

Mr. President, it is not that our troubled cities and impoverished rural areas have not been trying. Although running as fast as they can, they slip farther and farther behind. With its financially better-off individuals and industry moving to the suburban areas, the tax base of the cities has seriously eroded. Mr. Alan K. Campbell described the meaning of this tax base loss to city education programs, and I quote:

"Translated into education terms, the tax base in large cities has not kept pace with the most recent growth and changing nature of the school population in the cities. Indeed, an examination of the per pupil taxable assessed evaluation over a five-year period shows that ten large cities out of fourteen experienced a decrease in this source of revenue. Since local property taxes are the major source of local education revenues, large cities can barely meet ordinary education needs, let alone resolve problems, resulting from shifting their population patterns."

The tax base of impoverished rural areas is equally distressing.

Mr. President, the population pattern shifts which we have been discussing have produced great changes in our society, changes we must appreciate, changes we must understand, if we are to deal with the crisis confronting us.

It is useful to recall that there was not always such a dilemma in our cities. On the contrary, from almost the beginning of the free public school education, cities with their concentration of wealth and talents were in the forefront of the Nation in education. The large cities had higher per pupil expenditures than outlying school districts. Their better education programs were an additional attraction to the cities. Around 1949, which is about the period Senator Taft was urging financial assistance to remove educational inequities, many large cities began to show a decline in the educational expenditures relative to their previous levels and with few exceptions relative to the national norm.

By 1965–66, only New York City of the top 36 cities in the Nation could boast of a per pupil expenditure significantly higher than the national norm. Economist Seymour Sacks, professor of economics at Syracuse University, traces the deterioration of the central city's favored financial position as follows:

"It would not be amiss, however, to state that the period from about 1957 to the present witnessed the most fundamental shift in the fiscal position of large city educational systems in U.S. history. For as late as 1957 central cities were still able to spend slightly more than their own outside central city areas. Based on a representative cross-sectional study of 36 Standard Metropolitan Statistical Areas in the year 1957, the comparable current expenditures per pupil for the two areas were $312 in the central cities and $303 in the outside central city areas. In a short five-year period, that is by 1962, a gap of $64 had opened up between the current expenditures per pupil in the outside central city area and the central city areas, $438 compared to $376. In this short period the historic preeminence of central city education had vanished. And within three more years the gap had widened to $124 per pupil, $573 per pupil as compared to $449 per pupil. With only two exceptions, whatever per pupil expenditures in a given central city area were, those of its outlying areas were higher. In only two areas, Denver and Providence, R.I., were central city expenditures higher than those of their outlying areas, and they were nominal amounts. In two areas the same school districts provided public school education to both the central city and outside central city areas. In the remaining 32 areas the outside areas had higher levels than those of their central city areas. A clear pattern of dominance had been established."

Thus, from 1957, when the central city enjoyed a slight edge in per pupil expenditures, its educational system, compared to the school system outside the city, steadily deteriorated. By 1965, in the 37 largest metropolitan areas, the average per pupil expenditure was $449 for the central city but $573 for the suburbs—a gap of $124. All indications are that this expenditure gap, already wide, is growing dramatically.

Mr. President, also entering the picture and compounding the fiscal crisis of our cities are the noneducation services and demands which confront them. Our cities have monumental problems beside education. Air and water pollution, rising crime rates, transportation snarls, and housing are just a few. That noneducation costs are a greater burden to the city is demonstrated by the fact that noneducational expenditures make up 68 percent of the total public expenditures in the Nation's 37 largest central cities, as compared to only 47 percent in the suburban districts. This excessive demand for services, or what one author has called municipal overburden, on education in our cities has been described by the Fels Institute as follows:

"The high cost of municipal services which produce much higher total tax burden on the urban districts significantly reduces the ability of the urban districts to provide fiscal support for education services."

In addition, Mr. President, State equalization formulas have not kept pace with the population movements and financial needs of the various districts within the States. Earlier in our history, the city's wealth was tapped to equalize educational opportunities in less affluent areas. Now that the situation is reversed and the cities are in desperate need of financial help, States must reexamine their allocation formulas in light of these changing circumstances. Mr. Alan Campbell describes the State equalization formulas, saying:

"The shocker, however, is that state aid to schools, which one might think would be designed to redress the imbalance somewhat, discriminates against the cities. On the average, the suburbs receive $40 more in state aid than the cities."

Governor Reagan, of California, is well aware of the failure to properly match resources and need. In a May 11, 1969, report to the people of the State, he said:

"There is widespread agreement that we must overhaul the tax structure used to finance our public school system. The existing financing program for elementary and secondary schools in California does not provide equal education opportunities for all children in the state. Elementary school district expenditures, for example, range from as little as $289 per ADA—this means per average daily attendance, or $289 per student—all the way up to $2,662 per student per ADA in some school districts. Some low-wealth districts struggle under intolerable property tax burden, while some high-wealth districts are not so heavily burdened."

There is definitely an imbalance there that needs attention.

My good friend, Governor Reagan also made an innovative proposal to correct these traditions. Certainly he is to be commended for his efforts to right this mismatch of need and resources.

The picture that has emerged from the discussion so far is not a pleasant nor a pretty one. We have traced the great migrations that have taken place in our country. We saw that both the best and the worst of the rural areas poured into the cities. We examined a subsequent exodus from the city to the suburban community by a growing middle class with its higher income and by industry with its important tax base. This has left a high concentration of disadvantaged children with pressing educational needs in our core cities and rural areas which simply do not have adequate resources to cope with the situation.

Mr. President, inadequate fiscal resources are a chronic complaint and concern at all levels of government. But in the case of our central cities their fiscal condition is acute. It is a tribute to our cities, given so many priorities, that they have been able to keep fiscally afloat. But tribute is not enough. We must provide help.

Mr. President, the urgency of responding to the education crisis can be shown by the fact that during an April meeting of the National School Board Associations, as many as

30 of the largest cities indicated they may not have enough money to begin school this coming fall year. I understand, however, that this is unlikely and that they will all open, but what will happen is what is happening in my city of Los Angeles, where needed programs will have to be curtailed or reduced. In a June 19 letter, Dr. Jack Crowther, superintendent of schools, Los Angeles, described the Los Angeles situation to me.

May I say I have had the privilege of knowing Dr. Crowther for a long time. I do not think there is a finer educator or superintendent of schools in this great land of ours. He said:

"The financial crisis of education in large cities has received national attention this past year. The situation in Los Angeles is particularly acute as we find ourselves $27 million short for the fiscal year 1969–70. The resulting cuts have seriously affected the quality of our educational program."

Secretary Finch, in testimony before the Senate Education Subcommittee, discussed this problem as follows:

"One of our greatest concerns is to find better ways to meet the educational crisis in the cities. School people and board members across the country are frightened by what they are calling the 'Youngstown's phenomenon'—the complete shutdown of their schools for lack of funds. Cities like Philadelphia, Chicago, Baltimore, Los Angeles, and Detroit, to name a few, are facing severe financial crises. Some, like Baltimore, have made the most strenuous efforts to attain additional resources, and still finding their needs to be far beyond their capabilities."

The Secretary went on to discuss the educational crisis in the cities, saying:

"The core cities contain the highest concentration of the poor and educationally deprived, and are experiencing mounting difficulties in finding adequate resources to support their school system. Providing quality education for the disadvantaged children in our cities, and in rural areas is apparent not only for the sake of poverty's children, but also for the sake of all children of increasingly urbanized America. This problem is among the most important priorities in our search for improved ways to respond to the need of America's schools and school children."

Thus, Mr. President, one of the greatest concerns and priorities of our most capable Secretary of Health, Education, and Welfare is a search for programs to meet the rural-urban educational crisis.

Commissioner of Education, James Allen, in discussing this school crisis said:

"The urban crises in education . . . has shaken society at its very roots. The situation is one which emphasizes a need for bold action at the federal level and there is no problem of higher priority or greater urgency and importance in determining what direction and form this action shall take."

Commissioner Allen has therefore echoed the deep concern of Secretary Finch for help to our troubled cities.

Dr. George Fisher of the National Education Association, in testimony before the Education Committee, emphasized the urban crisis and suggested an approach similar to that which I am making today. He said:

"The major problem facing America's public schools today lies in our inner-city areas . . . We suggest a 30 percent override on the appropriation proposed by the Administration with such funds to go to those cities with large centers. . . ."

A similar plea was sounded by Boardman Moore, a Californian and president of the National School Board Association, who told the committee:

"Core cities contain the highest concentration of the poor and educationally deprived. There is a dire necessity for providing compensatory education for the children from these backgrounds. Programs aimed at upgrading these educational opportunities are both expensive and are in addition to the regular educational system. At the same time, the tax base of these cities has been eroded. Medium and high-income families have moved from the cities, more and more industry is decentralizing its operation. On top of this, the cost of providing necessary city services, often called municipal overburden, is rising."

So, Mr. President, over and over again in testimony before the Senate Education Subcommittee, and in our communications media, the crisis in the cities and rural areas has been retold. Time is running out, however, and I agree with Secretary Finch, Commissioner Allen, the NEA, the National School Board, Governor Reagan, and so many others that we must indeed take "bold action." It is for that reason that I am proposing this bill today.

Mr. President, I am convinced that a new effort is needed to deal with the massive, critical educational problems. Why did I elect a two-prong attack targeted where the need is the greatest—in our core cities and our depressed rural areas? It is no secret that much of the educational problems in our cities today had their roots in rural America. With the mobility of our present population, which sees one-fifth of our citizens change their homes and approximately one million youngsters cross State lines annually, educational deficiencies in one area of the country produce problems in another area. We truly are a mobile people—a nation on the move. My State of California is aware of this mobility as much as any State, for enough people enter California each month to create a town of 30,000 citizens. Mr. President, the Chamber of Commerce of the United States, in a study entitled, "Rural Poverty and Regional Progress in Urban Society," urged a twin approach to eradicate "gross educational inequities between regions and between impoverished rural and urban areas and affluent suburban communities," emphasizing:

"It is unrealistic to expect the eroding tax base of many of our core cities and rural areas to supply the additional money."

Continuing, the chamber's report reasoned:

"Better education for potential or incoming migrants both at the place of origin—the rural south—and the place of destination—the central city—is necessary to maximize human resources and reduce poverty nationally. An inferior education for impoverished children in rural and urban areas is economically costly to the nation. Education expands life's opportunities. In today's economy, education, jobs and material well-being are inextricably related. The better a man's education the better his pay and the better his standard of living. To maximize productive human resources, this nation must offer full and fair educational opportunities to all its residents."

Mr. President, in 7 short years, this Nation will commemorate its 200th birthday. I know of no greater way of honoring this anniversary of the signing of our Declaration of Independence than by an effort to equal what Dr. Wilson Riles of the California State Department of Education, called "American education's most challenging problem in the latter half of the 20th century."

He said:

"The top priority issue facing the city schools and in fact facing all education is how to improve the school achievement of the children of the poor, disadvantaged groups that have in the past failed to receive the full benefits of American education."

Let us recognize that this has not always been the case. In the fifties, we were concerned over how many made it to college, and following sputnik, over the quality and quantity of our engineering and scientific talent. Our school systems served the country well during this period.

It was not until the sixties that we began to really concern ourselves with the challenge of adequately educating youngsters coming from disadvantaged backgrounds. Many forces converged to bring their education problems to the forefront. Education, always important because of the technical nature of our society which needed skilled and educated manpower, became a necessity. A high school diploma became a passport to employment. In addition, the country set out to reduce poverty and the country was determined to move more minority citizens into society's mainstream.

Providing equal education opportunities to all children, regardless of their background and place of birth, is a necessary challenge to a Nation whose very history is one challenging chapter after another. Those who doubt we will be equal to this challenge might reread the history of the signers of the Declaration of Independence and those who followed them through the pages of history. For those who doubt we can do it, they had better reexamine the fact that our national response to sputnik will place a man—two men, really—on the moon ahead of our competitors. My amendment is in response to the city and rural school crisis—a challenge more difficult and as exciting as the moon race, and there are some who think it may be even more productive. My amendment will help us meet the challenge of providing truly equal educational opportunities to all disadvantaged citizens. As a member of the Education Subcommittee of the Senate, I will do everything I can to see that this program, which I consider to be most worthy and most vital, is enacted this year.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the bill follows:

"S. 2625

"A bill to amend title I of the Elementary and Secondary Education Act of 1965 in order to provide for a program of urban and rural education grants to local educational agencies

"Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the 'Urban and Rural Education Act of 1969'.

"SEC. 2. Title I of the Elementary and Secondary Education Act of 1965 is amended (1) by redesignating part C, and all references thereto, as part D, (2) by redesignating sections 131 through 136, and all references thereto, as sections 141 through 146, and (3) by inserting before such part a new part as follows:

"'PART C—URBAN AND RURAL EDUCATION GRANTS

"'SEC. 131. (a)(1) For each fiscal year beginning after June 30, 1969, for which payments are made pursuant to part A, a payment shall be made to each State educational agency for a grant to each local educational agency in such State in which—

"'(A) the per centum which the total number of children described in clause (A), (B), or (C), of section 103(a)(2) of this title in the school district of such agency for such year bears to the total enrollment in the schools of such agency for such year is greater than the two times the average such per centum for all local educational agencies in all the States; or

"'(B) the total number of such children in the school district of such agency in such year is five thousand or more.

"'For the fiscal year ending June 30, 1970,

such grant shall be in the amount of 30 per centum of the amount which such local educational agency is eligible to receive for such year pursuant to part A of this title, and for each succeeding fiscal year such grant shall be in the amount of 40 per centum of the amount which such agency is eligible to receive pursuant to part A.

"'(2) For each such fiscal year the Commissioner may also make payments to State educational agencies for grants to loacl educational agencies which do not qualify pursuant to paragraph (1) but notwithstanding have an urgent need for grants pursuant to this part. The total such payments for the fiscal year ending June 30, 1970, may be in an amount not in excess of 3 per centum of the total authorized payments for such year under paragraph (1), and for each succeeding fiscal year, the total such payments may be in an amount not in excess of 4 per centum of the total authorized payments for such year under paragraph (1).

"'(b) Grants pursuant to this section shall be used for the same purposes as grants pursuant to part A, but for elementary education only, unless the local educational agency and its State educational agency determine—

"'(1) that the need for financial assistance for such purposes is as urgent in the secondary schools of the area; and

"'(2) that the use of financial assistance pursuant to this part for secondary education will be as effective for the purposes of this title as the use of such assistance for elementary education;

and in such event such grants may also be used for secondary education. Preference in the use of such grants shall be given to schools with the greatest number of children described in clause (A), (B), or (C) of section 103(a)(2) of this title and to schools with the greatest percentage of such children in the enrollment.

"'(c)(1) The provisions of sections 105, 106, and 107 (except subsection (b)) with respect to applications, assurances from States, and payments for the purposes of part A shall apply to applications, assurances from States, and payments for the purposes of this part, and the Commissioner may establish such additional requirements as may be necessary for the purposes of this part.

"'(2) In addition to the requirements of paragraph (1), for the fiscal year ending June 30, 1971, and each succeeding fiscal year, each local educational agency applying for a grant pursuant to this part shall submit with the application for such grant a plan, approved by the State educational agency, for the use of such grant.

"'(d) There are authorized to be appropriated such amounts as are necessary to carry out the provisions of this section.'

"SEC. 3. Section 107(b) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out 'under this part' and inserting in lieu thereof 'under this title.'

"SEC. 4. Sections 132 and 133(a) of title I of the Elementary and Secondary Education Act of 1965 are each amended by striking out 'or 121(b)' and inserting in lieu thereof '121(b) or 131(c)'.

"EXHIBIT 2

"[From the Los Angeles (Calif.) Times, June 13, 1969]

"STATE'S VERSION 'OF PROGRAM: CHILDREN MAKE STRONG GAINS IN HEADSTART, STUDY CLAIMS

"(By Jack McCurdy)

"SACRAMENTO.—Children in California's version of the Head Start program made twice the normal gains on language tests after almost a year in the classes, the first evaluation of the project showed Thursday.

"They averaged a growth of 14 months in reading ability over a seven-month period, the study indicated.

"The evaluation, presented to the State Board of Education, reflects the most dramatic improvement in pupils' achievement of any state program in the nation, state officials said.

"The findings are in sharp contrast with conclusions from a widely publicized study of the National Head Start program reported several months ago by Westinghouse Learning Corp.

"It indicated that children involved in Head Start summer classes in 1966 had received little benefit from the instruction.

"However, California's program is producing 'dramatic and positive results,' Mrs. Jeanada Nolan, head of the state's preschool program, told the board.

"The study of California's preschool classes, she said, is the first since the program began in 1965. It was recommended by the Legislature two years ago and launched last fall.

"About 1,550 children, representing approximately 10% of the youngsters enrolled in the state program, were tested last October and last May in an attempt to measure any changes in their achievement level over the seven-month span.

"The pupils were located in Los Angeles, the San Francisco Bay area, other parts of Northern California and the San Joaquin Valley. All major racial and ethnic groups were included, she added.

"The Peabody Picture Vocabulary test, a widely used test to assess the intellectual status of very young children, was used.

"The test is reliable, and the children involved were carefully drawn to fairly represent a cross section of the preschool pupils, the report said.

"As a result, it added, 'it can be safely concluded that the increase (in achievement) can be attributed to the effects of the preschool educational program.'

"The report also indicated that the children who were tested raised their IQs (intelligence quotients) an average of 17 points over the seven-month period.

"On the first test, their average IQ was 88. By the May test, it had risen to 105.

"In another analysis of the test scores, the study showed that the average growth in 'mental age' of the pupils totaled 16 months over the seven-month period.

"This was arrived at by averaging the tested mental age of the pupils in October and May and then comparing them.

"They averaged three years, nine months in October when their actual age averaged 4 years, three months.

"In May, they averaged 5 years, 1 month in mental age, and in actual age they had remained an average of 4 years, 10 months.

"This analysis showed that after seven months in the classes, their mental age as reflected on the test had exceeded their actual age by three months—making them above-average age in language ability.

"Max Rafferty, state superintendent of public instruction, told the board that despite what the Westinghouse study showed, 'Head Start did make a difference in California.'

"Mrs. Nolan challenged the validity of the Westinghouse study, pointing out that the children who were tested only were involved in about eight weeks of Head Start classes.

"She said no pretests were used and that when the children were tested, about two years had elapsed since they had been in Head Start classes.

"The study was based on a comparison of their test scores with those of children who had not been in the program, showing little difference."

OAKLAND PUBLIC SCHOOLS,
Oakland, Calif., August 13, 1969.

Hon. GEORGE MURPHY,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR MURPHY: I have read with much interest and appreciation your address to the Senate on July 15, 1969, on the occasion of the introduction of the Urban and Rural Education Act of 1969.

You have most ably described the background and the urgency of the need and there is little that I can add except to say that your description of the nation's troubled urban school systems is a very exact description of Oakland's school system.

Superficially, one might say that a city such as Oakland should be able to help itself more effectively, but that time has passed. The very same conditions which have brought the schools to crisis have pretty well paralyzed the will of the community to help.

The citizens of Oakland are deeply divided in many ways and much of this seems to be centered on what to do with the schools. This situation has effectively defeated all efforts to raise locally the money that is necessary to rehabilitate the school program and to provide the highly specialized and expensive help needed for our very large number of disadvantaged children.

The state legislature has been unable to provide the help for the urban areas which almost everyone admits is needed.

I think I am not exaggerating when I say that the situation in Oakland is ominous and that the schools in their present weakened condition offer but little hope for improvement.

Please be assured that we deeply appreciate your efforts on our behalf and will do all we can in support.

Respectfully yours,

SPENCER D. BENBOW,
Acting Superintendent.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT, OFFICE OF THE SUPERINTENDENT,
San Francisco, Calif., September 10, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: I have just completed reading the text of the Congressional Record for Tuesday, July 15, 1969. It was very interesting to see how closely our thinking is related to the whole matter of urban education and possible solutions.

I am in complete agreement with the suggestions which are made by you in your introduction to the Urban and Rural Education Act of 1969.

I am sure that you are aware that not only in our city, but throughout the State of California, the present Title I ESEA funds are being used as suggested in your Bill. The major problem, however, is that adequate funds have not been provided by Congress to follow through on the fine suggestions which have been made.

I hope that you will seek the support of other Congressional members so that your ideas can become reality. I shall call this to the attention of other school people to encourage their support of your action.

Sincerely,

ROBERT E. JENKINS,
Superintendent of Schools.

LOS ANGELES CITY BOARD OF EDUCATION,
Los Angeles, Calif., August 15, 1969.

Hon. GEORGE MURPHY,
Senator, State of California, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR GEORGE: Thank you for your letter of July 22, 1969 and the accompanying material on your Urban and Rural Education

Act of 1969. You may count on our enthusiastic support of this measure.

If it should be your desire to have us appear to testify in support of the bill, we would appreciate it if your office could inform us as early as possible in advance so that we can be adequately prepared both in terms of available staff and supportive materials.

In light of the fact that the California Legislature apparently intends not only to limit additional state school aid to what approximates a cost-of-living adjustment and to restore the ceilings on local property taxes for school support, your bill offers the only hope we have at this time of obtaining additional funds to enable this school district to deal with the mounting educational problems that are so well described in your excellent statement.

Please accept my sincere thanks and appreciation for sponsoring this much needed legislation. We stand ready to assist you in any way we can to obtain congressional approval.

With best wishes, I am,

Sincerely,

JACK P. CROWTHER,
Superintendent of Schools.

SAN DIEGO CITY SCHOOLS,
San Diego, Calif., September 10, 1969.

Hon. GEORGE MURPHY,
Old Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MURPHY: This is a delayed response to your request for reactions to your proposed Urban and Rural Education Act of 1969.

Dr. Jack Hornback, superintendent, and appropriate staff members have carefully reviewed the proposal. The significant result is quoted, as follows: "There was general consensus that we should lend full support to this Act, but that whenever appropriate, emphasize that we hope the escape clause would be retained to allow local educational agencies discretion in making adjustments in secondary programs as appropriate to local needs."

Thank you for the opportunity to review this important proposal.

Sincerely,

BLUFORD F. MINOR,
Assistant Superintendent.

PASADENA UNIFIED SCHOOL DISTRICT,
Pasadena, Calif., August 8, 1969.

Mr. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR MR. MURPHY: I want to congratulate you and express the deep gratitude of one of the school districts in your home state for introducing the Urban and Rural Education Act of 1969. I have perused this act carefully, and find it a strong positive measure to deal with the educational crisis in urban and rural America.

Our school district has had to cut drastically into its educational program because of inadequate funding. An example was the recent reluctant but necessary move of our Board of Education to reduce the number of periods available to students in our senior high schools from six to five.

I find in the Urban and Rural Education Act of 1969, a strong base for financial support, and an emphasis in concentrating funds at the elementary level and in schools having the greatest need.

I wish you success in your endeavor to see that this important piece of legislation is enacted into law.

Sincerely,

RALPH W. HORNBECK,
Superintendent of Schools.

STATE OF CALIFORNIA,
DEPARTMENT OF EDUCATION,
Sacramento, Calif., August 4, 1969.

Hon. GEORGE MURPHY,
Washington, D.C.

DEAR SENATOR MURPHY: Thank you very much for sending me the Congressional Record of Tuesday, July 15, with the text of your Urban and Rural Education Act of 1969.

You have certainly identified the urgent needs of our urban school districts and made it clear that we cannot afford further delay in meeting them. I hope that the Senate will support your bill, and I will certainly do all that I possibly can to urge prompt and favorable action on it.

Sincerely,

MAX RAFFERTY.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be a brief morning hour tomorrow.

AUTHORIZATION FOR COMMITTEES TO MEET DURING SESSION OF THE SENATE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry may be permitted to meet on tomorrow during the session of the Senate, because they have witnesses coming in from all over the country; and also that the Subcommittee on Tactical Air Power of the Armed Services Committee be authorized to meet during the session of the Senate on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, February 18, 1970, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate February 17, 1970:

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. John W. Carpenter III, [redacted]FR (major general, Regular Air Force) U.S. Air Force

IN THE NAVY

Having designated Rear Adm. Frederick H. Schneider, Jr., U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of vice admiral while so serving.

HOUSE OF REPRESENTATIVES—*Tuesday, February 17, 1970*

The House met at 12 o'clock noon.

Rabbi Robert S. Widom, Temple Emanuel, Great Neck, N.Y., offered the following prayer:

Lord of the universe, we ask Thee this day for fresh inspiration and new perspective.

In a world haunted by the skeletons and ghosts of a shattering war past and present, and in the throes of fear of massive destructive forces held back only by a thin leash, we ask Thee for wisdom and knowledge that we may learn somehow to construct the essential foundation for an enduring peace. Make us to realize that lasting world peace requires the implementation of such positive elements as equality, security, and justice for every man everywhere. Bless our country that it may become more and more a stronghold of equality, security, and justice.

Enlighten with Thy wisdom the President of our land, his counselors, advisers, and lawmakers, and all those who have accepted the trust and accompanying burdens of high office in order to make and keep our country secure and sound.

Bless, O Lord, their efforts and the efforts of all who labor to advance the frontiers of mutual understanding here in our land and everywhere, who strive to push the walls of darkness back in the faith that it is Thou who art the giver of light. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THE LATE HONORABLE THADDEUS MICHAEL MACHROWICZ

(Mr. NEDZI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEDZI. Mr. Speaker, I take this time for the purpose of announcing to the House, with great sadness, the passing of a dear friend, a wise counselor and a former colleague of many of the Members of the House of Representatives, Federal District Justice Thaddeus Machrowicz, previously Congressman Machrowicz.

Judge Machrowicz was my predecessor in office, and I would like to take this opportunity to extend my condolences and those of my wife, Peggy, to his wife, Sophie, and their two fine sons.

Mr. Speaker, in the very near future I will ask for a special order in order that Members may appropriately memorialize Judge Machrowicz.

PASSAGE OF CONGRESSIONAL REFORM LEGISLATION ESSENTIAL

(Mr. STEIGER of Wisconsin asked and was given permission to address the

House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, the problems of congressional reform and reorganization are much too important to be sacrificed in an intraparty struggle for leadership.

For the other party to simply change horses in midstream would do nothing to accomplish the goals of congressional reform. We would get the appearance of reform, perhaps, but without the substance. More would be done to hinder the congressional reform movement than to help it.

Simply selecting new leaders will do nothing to modernize the practices and procedures of Congress. It will not open up committee business meetings. It will not establish a Joint Committee on the Organization of the Congress. It will not make the Congress as an institution one bit more responsive, nor will it do anything at all to bring us closer to a resolution of the unwritten rule on seniority.

The only real way to reform the Congress is to pass a meaningful and productive congressional reform bill. That being the case, we could all serve the cause better if we would join together to urge the Rules Committee to report promptly a constructive reform bill.

AN INVITATION TO REBELLION

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, I have just read a New York Times review of a new book entitled "Points of Rebellion" by a member of the highest judicial tribunal of the United States of America.

Some of the statements that the reviewer has quoted from that "tome" have left me with the fear that the author, while taking one of his well-known hikes in the woods, might have been attacked by a flock of "coo-coo" birds and pecked into mental incompetence.

I was appalled at the statement, "violence may be the only effective response," in dealing with the so-called establishment. This quote is worse than the "shoot from the hip" words of a former Vice President, uttered a few years ago while speaking in the New Orleans, La., area, when he said that he still had enough spark left in him to lead a good sized rebellion himself.

I shudder at the thought of the Justice comparing the leadership of our Federal Government with Adolf Hitler.

I sorrow in the knowledge that this member of the Highest Court in the land has apparently exhausted himself mentally by his constant, and controversial search for the physical "fountain of youth."

Mr. Speaker, it is quite clear, at least to this Member of Congress, that that person has once again brought discredit to the U.S. Supreme Court. His latest irrational ramblings can only be construed as "rabble rousing" of the worse kind.

I submit, that if the Justice wants to ally himself with the likes of Eldridge Cleaver, Stokely Carmichael, and others of their kind, it is up to him. They are all obviously of like mind.

However, I further submit that if he does, then he should step down from the bench and join with them in the role of a private citizen, not as a Justice of the Supreme Court, in whose tainted robes he slouches and languishes.

"INVITATION"

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include an "invitation.")

Mr. ROONEY of New York. Mr. Speaker, much has been written and spoken of late about the expanding powers of the executive branch of Government but until very recently I had no idea that such powers extended even to my own staff. In the not too distant pleasant past an invitation to the White House usually was an event of some note and came replete with a formal, engraved invitation very much appreciated by our staffs. It now comes on mimeographed paper and invites congressional staff personnel to come to welcome the President of France, or whoever, on the White House lawn at 9:45 a.m.—an hour when even the most privileged congressional staffer is supposed to be busy at work for one's constituents. At the rate the invitations have come in of late—2 weeks ago a similar one for Prime Minister Wilson—perhaps we shall have to add a new clerk to our payrolls and assign him the specific duty of answering the call to arms at 1600 Pennsylvania Avenue. Or perhaps, we should encourage the chef d'protocol to arrange all visits for Saturdays, Sundays, or holidays or, better still, mayhap we should inform someone that the whereabouts of a Member's staff is of some concern to the Member and his constitutents.

The text of the invitation follows:

THE WHITE HOUSE,
Washington, February 13, 1970.

To All Congressional Staff Personnel:

President Pompidou of France will arrive at the White House on Tuesday, February 24, at 10 AM. You are invited to the arrival ceremony on the south lawn of the White House. The southwest gates will open at 9 AM.

In order to gain entrance to the grounds you will be required to have a ticket. Tickets may be obtained from Miss Sara Van Osterhout, Room 134 Cannon House Office Building.

You must be in place by not later than 9:45 AM.

DISRUPTION OF PUBLIC SCHOOL SYSTEMS TO ACHIEVE RACIAL BALANCE

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, there is no situation more serious and no problem that plagues the minds of the people of my State of Alabama more than the wholesale disruption of the public school systems for the sake of achieving a racial balance. On Sunday, February 8, I attended a meeting of about 10,000 concerned parents in Birmingham. Representatives from parents organizations in five States attended this meeting along with many officials of Alabama and other Southern States.

Today, Alabama Gov. Albert Brewer and his fellow Governors have come here to Washington to meet with the congressional delegations of those States whose schools have been severely affected. I welcome Governor Brewer and the other Governors here and pledge to them and to the people of my State of Alabama my wholehearted efforts toward reversing the trend toward destruction of our public schools.

U.S. AID TO NIGERIA

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNT. Mr. Speaker, it is rather strange that we should read in the inner pages of the newspapers that the Nigerian Government is allowing millions of dollars worth of U.S. relief supplies to go to waste while untold thousands of Biafrans continue to die of starvation and disease. At the same time, it is noted, British aid has been accepted and distributed with open arms.

However suspect our intentions may be, it will certainly be of little consolation to those who will die in the absence of these relief supplies. If this is in fact the case, it suggests that a reevaluation of our policy with respect to Nigeria is well in order as well as, perhaps, with other foreign nations which habitually thumb their noses at this country while holding out both hands to see whether the United States or Russia will be the first to come rushing in to cross their palm with hard, cold cash.

The attitude of the Nigerian Government should also be an awakening to the bleeding hearts among our own people who vilified the alleged "inadequate" efforts of the United States to aid the Biafran people as being an inhumane gesture. It does seem that man's inhumanity to man assumes many different forms and it is not, as some proclaim, a peculiarly American characteristic.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

FEBRUARY 17, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: My resignation from the House Committee on Banking and Currency is hereby submitted with the request that it be recorded as effective immediately.

Respectfully,

DEL CLAWSON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 838) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 838

Resolved, That Del Clawson of California be, and he is hereby, elected a member of the standing committee of the House of Representatives on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE ON FEBRUARY 18 AND 19

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may sit during general debate on February 18 and February 19.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, is it not true that, according to the program, we shall be considering at that time the very important appropriation bill for the Departments of Labor, Health, Education, and Welfare?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the distinguished majority leader.

Mr. ALBERT. It is quite possible that the House will be considering the appropriation bill at that time but the request is limited to general debate only. And may I make two observations. First, the committee is trying to consider the crime bill, and both Mr. CELLER and Mr. MCCULLOCH have cleared this request.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. The ranking Republican on the committee, Mr. MCCULLOCH, specifically asked if I would seek to get this permission. They do want to proceed with hearings on the omnibus crime bill. They have witnesses scheduled, and I am sure the gentleman is as strong as I am in wanting this legislation on the floor, and I hope he can help them expedite it. This would be helpful in that regard.

Mr. HALL. Mr. Speaker, I am not sure how strong the gentleman is, but I am strong for anticrime legislation, as it is obvious that is what this country needs. But even more convincing is the fact that after waiting all these months we are finally having hearings, and if witnesses from across the country have been scheduled, I will withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 13]

Adair	Fisher	Morse
Arends	Ford,	Morton
Ashbrook	William D.	Moss
Ashley	Gettys	Myers
Aspinall	Gray	Ottinger
Blanton	Gubser	Pelly
Bow	Harrington	Pettis
Brasco	Hébert	Pike
Brock	Henderson	Pollock
Brown, Calif.	Jonas	Powell
Burton, Calif.	Kirwan	Rodino
Burton, Utah	Kleppe	Rosenthal
Celler	Landgrebe	Roudebush
Chisholm	Long, Md.	Ruppe
Clark	Lowenstein	Sandman
Clay	McCarthy	Scheuer
Conyers	McCloskey	Springer
Cramer	McDade	Stubblefield
Culver	McEwen	Teague, Calif.
Davis, Wis.	McKneally	Teague, Tex.
Dawson	McMillan	Tunney
Dent	Mailliard	Watkins
Diggs	Mann	Wilson,
Dingell	Mathias	Charles H.
Dorn	May	Yates
Edwards, Calif.	Monagan	
Evins, Tenn.	Moorhead	

The SPEAKER. On this rollcall 354 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

ROGERS URGES FINCH TO CALL MEETING WITH PETROLEUM AND AUTOMOTIVE INDUSTRIES

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, less than a month ago, I spoke of a "Get the Lead Out" campaign and said at that time it was necessary for petroleum companies to convert to unleaded gasoline to help fight air pollution.

I must admit that I am encouraged by the amazing response which has been forthcoming from the petroleum companies and also the automobile manufacturers. Both have, in essence, admitted that lead is a factor in eliminating air pollution from automobiles.

General Motors said yesterday that all its 1971 models could use unleaded gasoline. Prior to this, Ford Motor Co. announced that the majority of its products would be able to run on unleaded gasoline by 1972 and many in 1971. Chrsyler Corp.'s statement on this issue is similar.

It now appears that the majority of the parties involved are willing to convert to promote cleaner air, and indeed the "Get the Lead Out" campaign is rolling.

All we need now is a catalyst to bring all the parties together to begin the program. When the Public Health Subcommittee resumes hearings on the Clean Air Act, we hope to bring forth the legislation necessary to accomplish this.

In the meantime, I have wired the Secretary of Health, Education, and Welfare asking him to set a meeting for the major manufacturers of petroleum and automobiles to discuss this problem to set a time schedule. We have a general agreement to move against this phase of air pollution. It can be accomplished within a year or two, and we should not waste time now.

I hope the Secretary will initiate this discussion at the soonest possible time.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–252)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1969. During that year, retirement and survivor benefit payments totaled $1.5 billion and were paid to some 1.5 million beneficiaries. Unemployment Insurance Act payments amounted to $97,000,000 and were paid to about 178,000 beneficiaries.

RICHARD NIXON.

THE WHITE HOUSE, *February 17, 1970.*

PRIVATE CALENDAR

The SPEAKER. This is Private Calenday day. The Clerk will call the first omnibus bill on the Private Calendar.

OMNIBUS PRIVATE CLAIMS BILL

The Clerk called the bill (H.R. 15062) for the relief of sundry claimants and for other purposes.

The Clerk read as follows:

H.R. 15062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Title I—(H.R. 3723. For the relief of Robert G. Smith.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert G. Smith of Annandale Virginia, the sum of $1,440, in full settlement of all his claims against the United States for compensation for work he performed for the Office of Economic Opportu-

nity from June 7, 1965, through July 16, 1965, inclusive.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 1, strike "in excess of 10 per centum thereof."

The committee amendment was agreed to.

MOTION OFFERED BY MR. HALL

Mr. HALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HALL moves to strike title I of the bill H.R. 15062, including all of lines 3 through 11 on page 1 and all of lines 1 through 7 on page 2.

Mr. HALL. Mr. Speaker, for the second time since 1953 this House of Representatives is again confronted with an omnibus private bill.

This bill before us today is a conglomeration of four private bills of prior recommital. These four bills have been given the most careful scrutiny by the officially elected objectors for the Private Calendar. They have not performed their responsibility in a frivolous manner. They have studied each bill in great detail and have attempted to give the sponsoring Member every benefit of the doubt. All have been accessible to the proponents and open to information in addition to the report.

Based on the facts and the equities in each of these four private bills, one could not in good faith allow their passage by unanimous consent.

In short, these are studied objectors, not obstructionists or partisans.

I think historically it would be interesting to know about the action on private claim bills in the 90th Congress—referred to the subcommittee were 779. Reported therefrom to the House were 207. Of these private bills, 178 did pass the House by unanimous consent; 116 became enacted laws; three were vetoed.

Mr. Speaker, to circumvent the judgment and the responsibilities of the official objectors, an omnibus private bill is presented. If this procedure is to continue, why, Mr. Speaker, do we even have "objectors" to the Private Calendar? Why try to protect the Treasury and the taxpayers' hard-earned dollars? Why not allow all claims regardless of merit or equity?

Remember, this is established in our rules of procedure as a unanimous-consent procedure for expediting the business of the House of Representatives.

What will be the situation if we continue to allow the use of an omnibus private bill as a device for thwarting the judgment and the decisions of the objectors?

For these reasons, Mr. Speaker, I strongly urge the defeat of this title of the omnibus private bill.

Now, specifically as to striking title No. 1, the salient fact concerning H.R. 3723, a private source bill for the relief of Mr. Robert G. Smith, of Annandale, Va., is that he was given no assurance that he would receive compensation for the period in which he worked prior to his official appointment to the OEO agency.

Second, no OEO officer or official could give Mr. Smith, or was legally empowered to authorize, compensation for the period set forth in the bill.

Third, the Director of OEO has statutory authority to accept voluntary and uncompensated services. And we recall when this bill was before the House what a point was made of the voluntary services.

Fourth, the OEO states in its report:

We do not believe that Mr. Smith is lawfully entitled to compensation for the period in which he worked prior to official appointment as an OEO employee.

Thus, it does not meet the criteria agreed to by the entire House at the convening of the 91st Congress for consideration on the Private Calendar.

I do not believe this gentleman is entitled to dip into the taxpayer's pocket.

I should like to know why the report says nothing, except for the fact that the agency itself does not believe he has entitlement, about the rest of his employment. What is his record? What were his efficiency reports? Is he still with the agency? If not, was he fired or terminated? Was he promoted? Has he been reassigned?

This is not equitable. It is a bill that properly should have been recommitted, though it was not recommitted but simply put over without objection until the omnibus technique was invoked.

I submit that as the first consideration of an omnibus bill this title should be stricken. I ask the indulgence and yea vote of the Members of the House in so doing.

Mr. DONOHUE. Mr. Speaker, I rise in opposition to the motion.

May I first state that these matters are before the House today for consideration under the procedure known as the omnibus bill of procedure. This is the procedure provided under a rule adopted by the House to take care of situations involving bills objected to when these matters have previously been on the Private Calendar.

I submit again that we are here today in accordance with the rules of the House. Insofar as these bills are concerned, they have been before the subcommittee of the Committee on the Judiciary for almost a year. Initially they were fully considered by members of a subcomimttee whose members are all experienced and trained lawyers. They were submitted by that subcommittee to the full Committee on the Judiciary, also all well-trained, experienced lawyers. They have been favorably approved by both the subcommittee and by the full committee on their merits.

I submit further, Mr. Speaker, that this is the procedure and the only procedure available to the Members and particularly to the sponsoring Members to bring their case before the full membership of this House for consideration.

When a private bill is reported and placed on the Private Calendar, as a practical matter, on the call of that calendar it can only be passed by unanimous consent. The rules permit no debate, discussion, or explanation of an individual private bill. Should a bill be objected to by two or more Members it must be recommitted to the committee. The omnibus bill procedure then provides an opportunity for an explanation and discussion of the bill in the House. After the issues and merits of the bill, and most importantly, the questions concerning the granting of relief are discussed, the Members of the House have the right to express their views on the measure by a vote under the rules. Actually, this is the only way the Members of the House may vote on such a bill.

When the bill H.R. 15062 was reported to the House the committee report stated:

The committee feels that the bills included as titles in H.R. 15062 merit consideration under the omnibus bill procedure which permits debate and discussion as limited by the rule at the time that the omnibus bill is read for amendment.

My view is that this quotation reflects the basic purpose of the committee in reporting this bill which is to provide the opportunity for a free and open consideration of these bills by the House in accordance with its rules.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield to me?

Mr. DONOHUE. I will be pleased to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise as the sponsor of title I, H.R. 15062, formerly my bill H.R. 3723, for the relief of Mr. Robert G. Smith, one of my constituents. There is a simple question here for the Congress. Is the Government of the United States liable for the fully authorized act of its officials? It can be stated another way, can an official of the U.S. Government hire an employee and then not pay him for his work because some subordinate personnel officer delayed the paperwork for over a month?

These are the uncontested facts: Mr. Smith reported to work at the urgent request of duly authorized officials of the Job Corps, an integral part of the Office of Economic Opportunity, to perform in an official capacity on June 7, 1965. Because of a delay in paper work by the personnel officer of OEO he was not put on the official payroll until July 16, 1965. Every official of OEO admits that Mr. Smith should have been paid for his work. OEO does not suggest that Mr. Smith volunteered to work for less pay or for nothing; they admit they goofed. Which, aside, I might add is just another goof for that organization. Nonetheless, the fact exists that an offer of employment was made for a specific job at a specific time and there was an accept-

ance. There was no failure to perform by Mr. Smith. The only failure to perform was by the officials of OEO, an official Government agency. A contract was made and breached. Compensatory damages are due to Mr. Smith. The executive branch has refused Mr. Smith's efforts to collect the salary due him for the period of employment June 7 through July 16, 1965, agreed to be $1,440, because the personnel officer of OEO failed to keep or make the proper documentation verifying employment. Federal regulations prohibit the backdating of personnel actions.

Mr. Speaker, it is now up to this Congress to right this wrong. The Committee on the Judiciary recommends this bill be considered favorably. I urge this Congress to pass title I to H.R. 15062 as I firmly believe the Congress should not permit the Government to perpetrate an injustice by avoiding an apparent obligation. The honoring of obligations is a tradition of the American people; now is not the time to break this tradition.

Mr. DAVIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I would like to inquire of the gentleman from Virginia if he introduced this bill by request?

Mr. BROYHILL of Virginia. Yes; I did.

Mr. DAVIS of Georgia. Well, I would think in view of your rather wholehearted support of the bill that you ought to have omitted those two words.

Mr. BROYHILL of Virginia. I did not hear the gentleman.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 7, noes 15.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 59, nays 288, not voting 84, as follows:

[Roll No. 14]

YEAS—59

Ayres	Duncan	Kuykendall
Bennett	Erlenborn	Langen
Bray	Eshleman	Lennon
Brinkley	Evins, Tenn.	Lujan
Broomfield	Foreman	McClure
Brown, Mich.	Fountain	McMillan
Brown, Ohio	Goodling	Miller, Ohio
Bush	Gross	Mizell
Button	Haley	O'Konski
Camp	Hall	Poff
Chappell	Hammer-schmidt	Price, Tex.
Clawson, Del	Harsha	Satterfield
Collins	Hunt	Scherle
Colmer	Hutchinson	Schwengel
Crane	Jarman	Snyder
Cunningham	Johnson, Pa.	Steiger, Wis.
Denney	Jonas	Talcott
Derwinski	Kyl	Thomson, Wis.
Utt	Wold	Wyman
Winn	Wylie	Zwach

NAYS—288

Abbitt	Frey	Olsen
Adair	Friedel	O'Neal, Ga.
Adams	Fulton, Pa.	O'Neill, Mass.
Addabbo	Fulton, Tenn.	Passman
Albert	Fuqua	Patten
Alexander	Galifianakis	Pepper
Anderson, Calif.	Gallagher	Perkins
Anderson, Ill.	Garmatz	Philbin
Anderson, Tenn.	Gaydos	Pickle
Andrews, N. Dak.	Giaimo	Pike
Annunzio	Gibbons	Pirnie
Arends	Gilbert	Poage
Barrett	Goldwater	Podell
Beall, Md.	Gonzalez	Preyer, N.C.
Belcher	Green, Oreg.	Price, Ill.
Bell, Calif.	Green, Pa.	Pryor, Ark.
Berry	Griffiths	Pucinski
Betts	Grover	Purcell
Bevill	Gude	Quie
Biaggi	Halpern	Quillen
Biester	Hamilton	Railsback
Bingham	Hanley	Randall
Blatnik	Hanna	Reid, Ill.
Boland	Hansen, Idaho	Reid, N.Y.
Bolling	Harrington	Reifel
Bow	Harvey	Reuss
Brademas	Hastings	Rhodes
Brooks	Hathaway	Riegle
Brotzman	Hawkins	Rivers
Broyhill, N.C.	Hechler, W. Va.	Roberts
Broyhill, Va.	Heckler, Mass.	Robison
Buchanan	Helstoski	Roe
Burke, Fla.	Hicks	Rogers, Colo.
Burke, Mass.	Hogan	Rogers, Fla.
Burleson, Tex.	Holifield	Rooney, N.Y.
Burlison, Mo.	Horton	Rooney, Pa.
Byrne, Pa.	Hosmer	Rosenthal
Byrnes, Wis.	Howard	Rostenkowski
Cabell	Hull	Roth
Caffery	Hungate	Roybal
Carter	Ichord	Ruth
Casey	Jacobs	Ryan
Cederberg	Johnson, Calif.	St Germain
Celler	Jones, N.C.	St. Onge
Chamberlain	Jones, Tenn.	Sandman
Clancy	Karth	Saylor
Clausen, Don H.	Kastenmeier	Schadeberg
Cleveland	Kazen	Schneebeli
Cohelan	Kee	Scott
Collier	Keith	Sebelius
Conable	King	Shipley
Conte	Kluczynski	Shriver
Conyers	Koch	Sikes
Corbett	Kyros	Sisk
Corman	Latta	Smith, Calif.
Coughlin	Leggett	Smith, Iowa
Cowger	Lloyd	Smith, N.Y.
Daddario	Lukens	Stafford
Daniel, Va.	McCarthy	Staggers
Daniels, N.J.	McClory	Stanton
Davis, Ga.	McCulloch	Steed
Davis, Wis.	McDonald, Mich.	Steiger, Ariz.
de la Garza	McEwen	Stephens
Delaney	McFall	Stokes
Dellenback	MacGregor	Stratton
Dennis	Madden	Stuckey
Devine	Mahon	Sullivan
Dickinson	Mann	Symington
Donohue	Marsh	Taft
Dowdy	Martin	Taylor
Downing	Matsunaga	Teague, Tex.
Dulski	Mayne	Thompson, N.J.
Dwyer	Meeds	Tiernan
Eckhardt	Melcher	Udall
Edmondson	Meskill	Ullman
Edwards, Ala.	Michel	Van Deerlin
Edwards, La.	Mikva	Vander Jagt
Eilberg	Miller, Calif.	Vanik
Esch	Mills	Vigorito
Evans, Colo.	Minish	Waldie
Fallon	Mink	Wampler
Farbstein	Minshall	Watts
Fascell	Mize	Weicker
Feighan	Mollohan	Whalen
Findley	Moorhead	Whalley
Fish	Morgan	White
Flood	Mosher	Whitehurst
Flowers	Murphy, Ill.	Widnall
Foley	Murphy, N.Y.	Williams
Ford, Gerald R.	Natcher	Wilson, Bob
Ford, William D.	Nedzi	Wolff
Fraser	Nelsen	Wright
Frelinghuysen	Nichols	Wyatt
	Nix	Wydler
	Obey	Yatron
	O'Hara	Young
		Zablocki
		Zion

NOT VOTING—84

Abernethy	Gray	Myers
Andrews, Ala.	Griffin	Ottinger
Ashbrook	Gubser	Patman
Ashley	Hagan	Pelly
Aspinall	Hansen, Wash.	Pettis
Baring	Hays	Pollock
Blackburn	Hébert	Powell
Blanton	Henderson	Rarick
Boggs	Jones, Ala.	Rees
Brasco	Kirwan	Rodino
Brock	Kleppe	Roudebush
Brown, Calif.	Landgrebe	Ruppe
Burton, Calif.	Landrum	Scheuer
Burton, Utah	Long, La.	Skubitz
Carey	Long, Md.	Slack
Chisholm	Lowenstein	Springer
Clark	McCloskey	Stubblefield
Clay	McDade	Teague, Calif.
Cramer	McKneally	Thompson, Ga.
Culver	Macdonald, Mass.	Tunney
Dawson	Mailliard	Waggonner
Dent	Mathias	Watkins
Diggs	May	Watson
Dingell	Monagan	Whitten
Dorn	Montgomery	Wiggins
Edwards, Calif.	Morse	Wilson, Charles H.
Fisher	Morton	Yates
Flynt	Moss	
Gettys		

So the motion was rejected.

Messrs. BARRETT, THOMPSON of New Jersey, BIAGGI, and BEALL of Maryland changed their votes from "yea" to "nay."

Mr. UTT changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will proceed with the reading of title II of the bill.

The Clerk read as follows:

Title II—(H.R. 5000. For the relief of Pedro Irizarry Guido.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Pedro Irizarry Guido, of San Juan, Puerto Rico, the sum of $3,581.05 in full settlement of all his claims against the United States for additional compensation for overtime and night work during the period of July 10, 1946, to March 24, 1952, as an employee of the Department of the Army, Quartermaster Supply Office, Fort Buchanan, Puerto Rico. No part of the amount appropriated in this Act thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GROSS moves to strike title II of the bill H.R. 15062, including all of lines 8 through 25 on page 2.

Mr. GROSS. Mr. Speaker, this might be termed the claims bill for the sleeping night watchman, Pedro Irizarry Guido, who was a night checker and watchman for the Quartermaster Corps at Fort Buchanan, P.R. He worked in this job for approximately 6 years, from 1946 to 1952. Three years later—3 years after leaving that job—he submitted a bill for $24,784.32 for overtime.

The Members should understand Mr.

Guido was paid a night differential during the time he worked.

Guido began his work in the late afternoon or early evening, and was furnished, from midnight until 6:30 in the morning, or approximately that time, with sleeping quarters and food. At 3 a.m. and 6 a.m. he accompanied another employee for the purpose of unlocking two cold-storage warehouses. That seemed to be the extent of his back-breaking labor from midnight, or approximately that time, until 6 in the morning when his slumber apparently ended.

As I say, the original bill that was introduced carried a price tag of nearly $25,000. Apparently the Army, to get rid of this claim agreed to pay approximately $3,500 for overtime, despite the fact that Guido was paid a night differential and his claim to overtime is completely unsubstantiated by any records.

The General Accounting Office disagrees with this claim and opposes it.

The Civil Service Commission is opposed to this claim.

The Department of the Army says it is willing to hand over $3,500, despite the fact that it appears from the records that all overtime reported as worked by him during the period covered was duly certified and actually paid for in full, as evidenced by the photostats of individual earning records and records attached.

The Department of the Army also says that several of the employees mentioned by Guido in his correspondence in behalf of his claim were contacted in an effort to secure further information which might be used in the development of his claim. All of the employees—all of the employees interviewed—stated that although they were aware of the fact that the claimant was assigned duties as a night duty checker at the Quartermaster Supply Office during the period covered by the claim, they had no knowledge that he ever was required to work in excess of his regularly scheduled workweek of 40 hours.

Mr. Speaker, the Civil Service Commission in recommending against favorable consideration, says that there is no indication that any question about payment was made until 3 years later. In other words, this man never raised the slightest protest, according to the record before the committee, and now the House. There is not the slightest evidence that he ever sought overtime during the 6 years that he worked. After the lapse of 3 years, official time and attendance records for the period had been routinely destroyed, therefore the lack of substantiating evidence.

Mr. Macy, Chairman of the Civil Service Commission at this time this claim arose, goes on to say that this type of private relief measure would establish a most undesirable precedent by, in effect, placing the burden of proof in most cases on the Federal agency rather than on the claimant.

Mr. Speaker, it seems to me that this comes under the plain heading of a phoney claim in that this man contended he was owed some $24,784.82 and, apparently, now he is willing to accept $3,500, although the records indicate he is entitled to nothing.

This also raises the question, Mr. Speaker, what the Judiciary Committee's subcommittee, which handled this bill, is prepared to do about the claims that will probably come in seeking overtime for those who substituted for this man during the 6 years that he was employed—for those who substituted for him on Saturdays and Sundays and holidays and on his annual leave time. Is it proposed, on the basis of no records whatsoever, to pay them overtime as well? How is it proposed to deny them?

I urge adoption of my amendment to stop this handout.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. DONOHUE. Mr. Speaker, I rise in opposition to the motion.

Mr. CÓRDOVA. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. DONOHUE. I yield to the gentleman.

Mr. CÓRDOVA. Mr. Speaker, this so-called phony claim—this so-called unsubstantiated claim which the Committee on the Judiciary has seen fit to report favorably—this case of the sleeping night watchman, is perhaps one of the most meritorious cases that has ever come before the Committee on the Judiciary on a private bill.

Mr. Speaker, I regret that the gentleman from Iowa has not appreciated the burden that was placed on this sleeping watchman who worked from 4 o'clock to 12 o'clock every night and was paid for that—and only for that.

But he was required thereafter to stay on the job. This man who had his own home and who had a wife and five kids, could not go home after that because he had to stay on the base for 7½ hours additional. He was provided sleeping quarters. Of course, he could sleep—he only had to get up twice between 12 o'clock and 7:30 o'clock. He had to get up at 3 o'clock in the morning to go to a refrigerated warehouse and open it up for inspection by the engineers. After that was done, he would go back. Then he had to reopen the warehouse again at 6 o'clock in the morning. Twice during the night, he had to open and close that warehouse and he had to stay there during the inspection. He was not paid one cent for this.

The gentleman from Iowa has stated that he was paid for overtime. During the 6-year period, the records show he was paid $39.89 for overtime.

The Army estimates that the very least he could have worked in opening and closing that warehouse was 1½ hours per night and he was paid $39.89. The Army fought this thing for many years and finally became convinced that there was justice to the claim, and that is the only reason the Army withdrew the claim.

Due and timely protests were made. There is a showing in the record of a letter addressed by this man on January 22, 1952. Let me say here that the gentleman from Iowa is mistaken in his belief that this man's claim was filed after he left his employment—because it was not so.

Mr. GROSS. Mr. Speaker, will the gentleman yield? I submit that the record clearly shows the claim for overtime was filed 3 years after he left the job.

The SPEAKER. Does the gentleman from Massachusetts (Mr. DONOHUE) yield to the gentleman from Iowa (Mr. GROSS)?

Mr. DONOHUE. Yes, Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GROSS. But what I want to correct is this. I did not say he had been paid overtime. That is what this claim is all about. I said he was paid a night differential and the gentleman surely does not dispute that?

Mr. CÓRDOVA. That is not disputed. The statement that is disputed is the gentleman's quotation from some record, I think, to the effect that he was fully paid for this overtime work. He was paid $39.89 for some sort of overtime, but not this overtime—for that he was paid nothing.

Before he left, on January 22, 1952, long before he left, he wrote a letter to the executive officer, a copy of which is in the record, to Maj. James Mitchell, complaining about his 15½-hour stint for which he received compensation that would be proper for only 8 hours, asking that he be relieved of the extra 7½ hours of duty, and asking that he be paid for the time for which he had not been paid during the past 6 years. Two months later he was relieved of his 7½-hour additional stint, showing that he was correct in protesting that he was not paid for that time.

Thereafter he worked for years just 8 hours and was paid for the 8 hours. In the meantime, he was claiming that he wanted the overtime for which he had not been paid. He was claiming overtime for the entire 7½ hours to which he was entitled under Puerto Rican law. The Army was not bound by that law, but he was claiming the entire 7½ hours for which he would have received pay from any private employer in Puerto Rico.

I submit that this is an exceedingly meritorious claim, that an injustice has been done this man for too many years, and it should be redressed. I ask my colleagues to vote "no" on the motion to strike.

The SPEAKER. The question is on the motion offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 17, noes 67.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 56, nays 289, not voting 87, as follows:

[Roll No. 15]

YEAS—56

Berry	Esch	O'Konski
Brinkley	Evins, Tenn.	Pirnie
Broomfield	Foreman	Poff
Brown, Mich.	Gettys	Price, Tex.
Brown, Ohio	Goodling	Pryor, Ark.
Burke, Fla.	Gross	Quie
Chamberlain	Hall	Quillen
Clawson, Del	Hammer-schmidt	Schadeberg
Collins		Scherle
Colmer	Hutchinson	Schneebeli
Cowger	Ichord	Schwengel
Crane	Jonas	Snyder
Davis, Ga.	Kyl	Steiger, Wis.
Davis, Wis.	Lujan	Talcott
Denney	Lukens	Utt
Dennis	McClure	Winn
Derwinski	McCulloch	Wylie
Devine	Mize	Wyman
Dowdy	Mizell	Zion

NAYS—289

Abbitt	Eshleman	Lloyd
Adair	Evans, Colo.	Lowenstein
Adams	Fallon	McCarthy
Addabbo	Farbstein	McClory
Alexander	Fascell	McDonald, Mich.
Anderson, Calif.	Feighan	McEwen
Anderson, Ill.	Findley	McFall
Anderson, Tenn.	Fish	McKneally
Andrews, N. Dak.	Flood	Macdonald, Mass.
Annunzio	Foley	MacGregor
Arends	Ford, Gerald R.	Madden
Ayres	Ford, William D.	Mahon
Barrett	Fountain	Mailliard
Beall, Md.	Fraser	Mann
Belcher	Frelinghuysen	Marsh
Bell, Calif.	Frey	Martin
Bennett	Friedel	Matsunaga
Betts	Fulton, Pa.	Mayne
Biaggi	Fulton, Tenn.	Meeds
Biester	Fuqua	Meskill
Bingham	Galifianakis	Michel
Blatnik	Gallagher	Mikva
Boland	Garmatz	Miller, Calif.
Bolling	Gaydos	Miller, Ohio
Bow	Giaimo	Mills
Brademas	Gibbons	Minish
Bray	Gilbert	Mink
Brooks	Goldwater	Minshall
Brotzman	Gonzalez	Moorhead
Broyhill, N.C.	Green, Oreg.	Morgan
Broyhill, Va.	Green, Pa.	Morton
Burke, Mass.	Griffiths	Mosher
Burleson, Tex.	Grover	Murphy, Ill.
Burlison, Mo.	Gude	Murphy, N.Y.
Bush	Haley	Natcher
Button	Halpern	Nedzi
Byrne, Pa.	Hamilton	Nelsen
Byrnes, Wis.	Hanley	Nix
Cabell	Hanna	Obey
Camp	Hansen, Idaho	O'Hara
Carter	Hansen, Wash.	Olsen
Casey	Harrington	O'Neill, Mass.
Cederberg	Harsha	Patten
Celler	Harvey	Pepper
Chappell	Hastings	Perkins
Clancy	Hathaway	Philbin
Clark	Hays	Pickle
Clausen, Don H.	Hechler, W. Va.	Pike
Cleveland	Heckler, Mass.	Poage
Cohelan	Helstoski	Podell
Collier	Hicks	Pollock
Conable	Hogan	Preyer, N.C.
Conte	Holifield	Price, Ill.
Conyers	Horton	Pucinski
Corbett	Howard	Purcell
Corman	Hull	Railsback
Coughlin	Hungate	Randall
Cunningham	Hunt	Rees
Daddario	Jacobs	Reid, Ill.
Daniel, Va.	Jarman	Reid, N.Y.
Daniels, N.J.	Johnson, Calif.	Reifel
de la Garza	Johnson, Pa.	Reuss
Delaney	Jones, N.C.	Rhodes
Dellenback	Jones, Tenn.	Riegle
Dent	Karth	Rivers
Donohue	Kastenmeier	Roberts
Downing	Kazen	Robison
Dulski	Kee	Rodino
Duncan	Keith	Roe
Dwyer	King	Rogers, Colo.
Eckhardt	Kluczynski	Rogers, Fla.
Edmondson	Koch	Rooney, N.Y.
Edwards, Ala.	Kuykendall	Rooney, Pa.
Eilberg	Kyros	Rosenthal
Erlenborn	Langen	Rostenkowski
	Latta	Roth
	Leggett	Roybal
	Lennon	Ruth
	Long, Md.	Ryan
	Lujan	St Germain
	Lukens	St. Onge
	McClure	Sandman
	McCulloch	Satterfield
	Mize	Saylor
	Mizell	Scott
	Moss	Sebelius
	Murphy, Ill.	Shipley
	Murphy, N.Y.	Shriver
	Natcher	Sikes
	Nedzi	Sisk
	Nelsen	Skubitz
	Nix	Slack
	Obey	Smith, Calif.
	O'Hara	Smith, Iowa
	Olsen	Smith, N.Y.
	O'Neill, Mass.	Stafford
	Patten	Staggers
	Pepper	Stanton
	Perkins	Steed
	Philbin	Steiger, Ariz.
	Pickle	Stokes
	Pike	Stratton
	Poage	Stuckey
	Podell	Sullivan
	Pollock	Symington
	Preyer, N.C.	Taft
	Price, Ill.	Taylor
	Pucinski	Teague, Tex.
	Purcell	Thompson, N.J.
	Railsback	Thomson, Wis.
	Randall	Tiernan
	Rees	Udall
	Reid, Ill.	Van Deerlin
	Reid, N.Y.	Vander Jagt
	Reifel	Vanik
	Reuss	Vigorito
	Rhodes	Waldie
	Riegle	Wampler
	Rivers	Watts
	Roberts	Weicker
	Robison	Whalen
	Rodino	Whalley
	Roe	White
	Rogers, Colo.	Whitehurst
	Rogers, Fla.	Widnall
	Rooney, N.Y.	Wiggins
	Rooney, Pa.	Williams
	Rosenthal	Wilson, Bob
	Rostenkowski	Wold
	Roth	Wolff
	Roybal	Wright
	Ruppe	Wyatt
	Scheuer	Wydler
	Springer	Yatron
	Stephens	Zablocki
	Stubblefield	Zwach
	Teague, Calif.	
	Thompson, Ga.	
	Tunney	
	Ullman	
	Waggonner	
	Watkins	
	Watson	
	Whitten	
	Wilson, Charles H.	
	Yates	
	Young	

NOT VOTING—87

Abernethy	Edwards, La.	Moss
Albert	Fisher	Myers
Andrews, Ala.	Flowers	Nichols
Ashbrook	Flynt	O'Neal, Ga.
Ashley	Gray	Ottinger
Aspinall	Griffin	Passman
Baring	Gubser	Patman
Bevill	Hagan	Pelly
Blackburn	Hawkins	Pettis
Blanton	Hébert	Powell
Boggs	Henderson	Rarick
Brasco	Hosmer	Roudebush
Brock	Jones, Ala.	Ruppe
Brown, Calif.	Kirwan	Scheuer
Buchanan	Kleppe	Springer
Burton, Calif.	Landgrebe	Stephens
Burton, Utah	Landrum	Stubblefield
Caffery	Long, La.	Teague, Calif.
Carey	Long, Md.	Thompson, Ga.
Chisholm	McCloskey	Tunney
Clay	McDade	Ullman
Cramer	McMillan	Waggonner
Culver	Mathias	Watkins
Dawson	May	Watson
Dickinson	Melcher	Whitten
Diggs	Mollohan	Wilson, Charles H.
Dingell	Monagan	Yates
Dorn	Montgomery	Young
Edwards, Calif.	Morse	

So the motion was rejected.

Mr. McCULLOCH changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Title III—(H.R. 6378. For the relief of Noel S. Marston)

That Noel S. Marston, master sergeant E–7, United States Army, retired (RA20147630), of York County, Virginia is hereby relieved of all liability for repayment to the United States of the sum of $3,251.69 representing the amount of a gross overpayment of his pay and allowances for periods between November 28, 1942, and February 28, 1965, as a result of administrative errors, without fault or knowledge on his part, in adjusting his longevity pay status. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be allowed for the amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Noel S. Marston, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MOTION OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROWN of Ohio moves to strike title III of the bill H.R. 15062, including lines 1 through 25 on page 3 and all of lines 1 and 2 on page 4.

Mr. BROWN of Ohio. Mr. Speaker, this motion affects only title III of this omnibus bill, which would grant relief to Noel Marston.

The case involves $3,251.69 in funds which the Army overpaid Army M. Sgt. Noel S. Marston of York County, Va. The bill would require payment by the Army to Marston of approximately one-third of that amount which the Army withheld to reduce the overpayment and it would cancel Marston's liability to return the remaining amount of the total overpayment.

The objectors submit that Sergeant Marston's case is not one in which the Congress should enact special legislative relief because "equity and justice" for Marston demand it. "Equity and justice" for the taxpayers who would foot the whole bill demand title III be stricken.

In our view, the facts of the case support the conclusion that Marston is seeking payments for service he admits he did not perform and for some service he claims he performed but that no records substantiate, and such records that do exist cast doubt on even this claim.

According to both Marston's statement and records of the Army and the State of Maine, Noel Marston enlisted in the Maine National Guard on March 2, 1936. Drill meetings were held weekly and Marston received payment for attending these, according to him and the records.

Shortly thereafter Marston says he went to New Jersey to work in a gas station and attended no further meetings of his Guard unit. Records of the adjutant general of Maine confirm that the National Guard unit discharged Marston on September 25, 1936, because of change of residence to another State.

Marston claims—and the records seem to substantiate—that he did not receive any notification of this discharge. The fact that he did not receive any further pay is not disputed. But there the facts substantiated by records, and the story as Marston tells it, begin to vary considerably.

According to Marston, he returned to the State of Maine in April 1938, and resumed attending drill meetings for which he says he received pay of $1 a week but attendance and pay records do not support this. He further states that in early 1939 he was offered a promotion to sergeant if he resigned from the National Guard unit and enlisted for active duty. His own statement, before the subcommittee on page 5 of the report, states that his battery commander "offered to make me a supply sergeant, which at that time carried three stripes in the Regular Army and allowed me benefits—for example, quarters—and seemed quite de-

sirable in comparison with my depression days."

He continued:

Captain Spencer told me that I would have to get a discharge from the Guard and reenlist. This happened on the night of March 1, 1939, in the supply room of the 240th Coast Artillery, Regimental Armory, Portland, Maine, and I received a discharge certificate * * * I was then sworn in and stayed in the regiment as a supply sergeant, advancing in rank to first sergeant, until commissioned Nov. 28, 1942.

I must say that all of that testimony brings Marston's claim under suspicion of the objectors. There is absolutely no evidence to support any of his story, and considerable evidence to question it. The Guard unit had no record that Marston attended any meetings after September 1936, and prior to December 15, 1939; the unit and the State of Maine have no evidence that Marston was paid anything after September 1936 and prior to December 15, 1939. December 15, 1939, is the undisputed date—although it conflicts with Marston's statement about March 1, 1939—that he reenlisted then for active duty. More significant is the fact that the reenlistment paper, dated December 15, 1939, lists Mr. Marston's prior service as March 2, 1936, to September 25, 1936. I cannot help but wonder why Mr. Marston reenlisted on December 15, 1939, if, as his statement before the subcommittee claims, he was discharged and reenlisted on active duty on March 1, 1939. His service record for the period prior to November 27, 1942, when he applied for officer candidate school, lists prior service to March 1, 1939, but that date is scratched out, and September 25, 1938, entered.

It is often difficult to decide cases based upon a legal report because such reports often tend to pick and choose facts and state the situation in terms of conclusions of law. In such situations I try to imagine "what really happened?" What was going on? The time of these occurrences was the depression. Times were rough and any income—even that small weekly allotment from a Guard unit looked good. Marsten enlisted in 1936, but shortly thereafer he heard of better job opportunities in New Jersey and left Maine despite his 3-year enlistment in the Guard. He did not receive any release papers. Apparently this did not worry him then and apparently the Maine National Guard authorities did not know where to send them to him. But New Jersey did not prove to be the pot of gold at the end of the rainbow either. Marston worked there as long as work lasted—but when he was unemployed again, he came back home to Maine. We do not know when he came home. He claims April 1938; but there is nothing to document it. Again that drill money looked good. So he reenlisted on December 15, 1939. He does not dispute the fact that he was actually gone from Maine 2 years—from late 1936 to early 1939, yet he boldly contends he had prior service from March 1936 to March 1939.

Mr. Speaker, regardless of what really happened, the undisputed facts show, by his own admission, that Marston was out of the State of Maine for 2 years during which he claimed prior service in the National Guard there. Is that the good faith, the "clean hands" that equity requires?

If there was an administrative error on the part of the Army—which undoubtedly there was—it was an error caused by later claims by Marston himself that he had drill service from March 1, 1936, to March 1 of 1939.

Furthermore, are we to believe that not only the Department of the Army erred but that the State of Maine erred several times. The Guard unit would have had to err continually for months to support Marston—and that still would not explain why he would allow his records to show he reenlisted in December of 1939 if he had actually reenlisted right after discharge in March of 1939.

The objectors do not believe Marston's case is an example necessitating special equity or justice; nor do we believe Marston deserves any better than to be required to repay the overpayment he received.

By confusing the facts purposely or accidently, he used the Army to earn more money than he deserved. Mr. Marston was overpaid. I think that he should be required to follow the statutes we have previously enacted and repay this money. In my opinion, the Army has been charitable to attribute any of this problem to its own administrative error. To grant Mr. Marston relief will invite others in the military to be casual with the facts of their service and then to claim overpayment beyond their due and to seek relief from Congress for their own errors. Do we seek that? I think not.

I urge this section be stricken from the omnibus bill.

The SPEAKER. The time of the gentleman has expired. The Chair recognizes the gentleman from Massachusetts.

Mr. DONOHUE. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER. The gentleman is recognized for 5 minutes.

Mr. DOWNING. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I am pleased to yield to the gentleman from Virginia.

Mr. DOWNING. I thank the gentleman.

Mr. Speaker, sometimes the rights and equities of the individual get immersed and mired in the vastness of our great Federal Government. Such is the case in the petition of Mr. Marston. I am convinced of that, and so is the Judiciary Committee. As the gentleman from Ohio (Mr. BROWN) has stated, the problem faced by this retired sergeant is whether he was overpaid for his service in the National Guard. The Government claims that Mr. Marston owes the sum of $3,251.69, representing alleged overpayments, because they claim he did not serve his full time in the National Guard of Maine from 1936 to 1939. That is the term of years we are concerned about.

The facts are simple, and yet they are in dispute. Mr. Marston claims that he enlisted in the Maine National Guard on March 2, 1936, and that he was formally discharged on March 1, 1939. That is a full term in the National Guard.

What does he have to prove that? I have in my hand a certified copy of the original discharge that was given to this man. The discharge states that he was discharged on the 1st day of March 1939 and that he enlisted on the 2d day of March 1936.

The notation at the bottom is that the man is recommended for reenlistment.

What does the Government say? The Government does not dispute this, it does not contend this is false at all. In fact, one of the Government's witnesses claimed the signatures were legal and similar. There is no question about this discharge.

But the Government says, oh, no, he was discharged on September 5, 1936, by special order 97, dated September 25, 1936.

Mr. Marston claims he received no notice of this, and the Government cannot say he got any notice.

Those are the basic facts. Marston has his discharge; the Army does not dispute it. The Army says they have their special order; Mr. Marston cannot dispute that, because he never received it.

The facts further disclose this man reenlisted in the National Guard in December of 1939 and served in various capacities in the Army until he retired in 1965, after serving almost 30 years on behalf of his country.

The Department of the Army admits they goofed in this case. They goofed three times in not correcting this if they thought it was wrong. The first time was when Marston reenlisted, after his National Guard term, and they did not compile his record then. That would have been the obvious time to straighten all this out—in 1939. Second, they were remiss when in 1957 someone got the question up and they investigated it. They did not question Marston about it, however, and eventually they dropped it and continued paying Marston, who was then in the active service. The third time the Army goofed—and they admit this—was when he retired in 1965, and they gave him full pay and allowances computed on the 3 years that was in dispute when he served in the National Guard from 1936 to 1939—and everything was fine, Mr. Marston thought.

Then, in 1966, nearly 30 years after this original goof, the Army came back and said, "No, Marston, you owe us $3,000 and some, and we will dock it from your retired pay," and that is exactly what they have been doing.

Mr. Speaker, I hope my colleagues will vote no on this motion. I have deep feelings about it. I introduced this in 1967, and I have introduced it each time since then, and I will introduce it again if it does not pass today.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman does not dispute the fact that the Army objects to this individual's claim or that the Army indicates that there is no proof of service that Marston claims.

Mr. DOWNING. Yes, and I will say that Marston disputes the Army's claim.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the motion offered by the gentleman from Ohio (Mr. BROWN).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 19, noes 51.

Mr. BROWN of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 67, nays 288, not voting 76, as follows:

[Roll No. 16]

YEAS—67

Berry	Duncan	Morton
Betts	Edwards, Ala.	O'Konski
Blackburn	Erlenborn	Poff
Brinkley	Foreman	Price, Tex.
Brown, Ohio	Goodling	Quillen
Buchanan	Gross	Robison
Burke, Fla.	Haley	Ruth
Byrnes, Wis.	Hall	Schadeberg
Camp	Hammer-	Scherle
Carter	schmidt	Schwengel
Clancy	Hunt	Sebelius
Clawson, Del	Hutchinson	Snyder
Collins	Jonas	Steiger, Wis.
Conable	Kyl	Talcott
Conte	Lujan	Thomson, Wis.
Cowger	Lukens	Watson
Crane	McClure	Wilson, Bob
Davis, Wis.	McEwen	Winn
Dellenback	McKneally	Wyatt
Denney	Miller, Ohio	Wylie
Derwinski	Minshall	Zion
Devine	Mize	Zwach
Dowdy	Mizell	

NAYS—288

Abbitt	Burke, Mass.	Dulski
Abernethy	Burleson, Tex.	Dwyer
Adair	Burlison, Mo.	Edmondson
Adams	Bush	Edwards, La.
Addabbo	Button	Eilberg
Albert	Byrne, Pa.	Esch
Alexander	Caffery	Eshleman
Anderson,	Casey	Evans, Colo.
Calif.	Cederberg	Fallon
Andrews, Ala.	Celler	Farbstein
Andrews,	Chamberlain	Fascell
N. Dak.	Chappell	Feighan
Annunzio	Clark	Findley
Arends	Clausen,	Fish
Ayres	Don H.	Flood
Barrett	Cleveland	Flowers
Beall, Md.	Cohelan	Flynt
Belcher	Collier	Foley
Bell, Calif.	Conyers	Ford, Gerald R.
Bennett	Corbett	Ford,
Bevill	Corman	William D.
Biaggi	Coughlin	Fountain
Biester	Cunningham	Frelinghuysen
Bingham	Daddario	Frey
Blatnik	Daniel, Va.	Friedel
Boggs	Daniels, N.J.	Fulton, Pa.
Boland	Davis, Ga.	Fulton, Tenn.
Bow	de la Garza	Fuqua
Brademas	Delaney	Galifianakis
Bray	Dennis	Gallagher
Brooks	Dent	Garmatz
Broomfield	Dickinson	Gaydos
Brotzman	Donohue	Gettys
Broyhill, N.C.	Dorn	Giaimo
Broyhill, Va.	Downing	Gibbons
Gilbert	Mailliard	Rooney, Pa.
Goldwater	Mann	Rosenthal
Gonzalez	Marsh	Rostenkowski
Green, Oreg.	Martin	Roth
Green, Pa.	Matsunaga	Roybal
Griffin	Mayne	Ryan
Griffiths	Meeds	St Germain
Grover	Melcher	St. Onge
Gude	Meskill	Sandman
Hagan	Mikva	Satterfield
Halpern	Miller, Calif.	Saylor
Hamilton	Mills	Scheuer
Hanley	Minish	Schneebeli
Hanna	Mink	Scott
Hansen, Idaho	Mollohan	Shipley
Hansen, Wash.	Montgomery	Shriver
Harrington	Moorhead	Sikes
Harsha	Morgan	Sisk
Harvey	Mosher	Skubitz
Hastings	Murphy, Ill.	Slack
Hathaway	Murphy, N.Y.	Smith, Iowa
Hawkins	Natcher	Smith, N.Y.
Hays	Nedzi	Stafford
Hechler, W. Va.	Nelsen	Staggers
Helstoski	Nichols	Stanton
Hicks	Nix	Steiger, Ariz.
Hogan	Obey	Stokes
Holifield	O'Hara	Stratton
Horton	Olsen	Stuckey
Howard	O'Neal, Ga.	Sullivan
Hull	O'Neill, Mass.	Symington
Hungate	Passman	Taft
Ichord	Patman	Taylor
Jacobs	Patten	Teague, Tex.
Jarman	Perkins	Thompson, Ga.
Johnson, Calif.	Philbin	Thompson, N.J.
Johnson, Pa.	Pickle	Tiernan
Jones, N.C.	Pike	Udall
Jones, Tenn.	Pirnie	Ullman
Karth	Poage	Utt
Kastenmeier	Podell	Van Deerlin
Kazen	Pollock	Vander Jagt
Kee	Preyer, N.C.	Vanik
Keith	Price, Ill.	Vigorito
King	Pucinski	Waldie
Kluczynski	Purcell	Wampler
Koch	Quie	Watts
Kuykendall	Railsback	Weicker
Kyros	Randall	Whalen
Langen	Rees	Whalley
Latta	Reid, Ill.	White
Leggett	Reid, N.Y.	Whitehurst
Lloyd	Reifel	Widnall
Lowenstein	Reuss	Wiggins
McCarthy	Rhodes	Williams
McClory	Riegle	Wold
McCulloch	Rivers	Wolff
McDonald,	Roberts	Wright
Mich.	Rodino	Wydler
McFall	Roe	Wyman
MacGregor	Rogers, Colo.	Yatron
Madden	Rogers, Fla.	Zablocki
Mahon	Rooney, N.Y.	

NOT VOTING—76

Anderson, Ill.	Evins, Tenn.	Moss
Anderson,	Fisher	Myers
Tenn.	Fraser	Ottinger
Ashbrook	Gray	Pelly
Ashley	Gubser	Pepper
Aspinall	Hébert	Pettis
Baring	Heckler, Mass.	Powell
Blanton	Henderson	Pryor, Ark.
Bolling	Hosmer	Rarick
Brasco	Jones, Ala.	Roudebush
Brock	Kirwan	Ruppe
Brown, Calif.	Kleppe	Smith, Calif.
Brown, Mich.	Landgrebe	Springer
Burton, Calif.	Landrum	Steed
Burton, Utah	Lennon	Stephens
Cabell	Long, La.	Stubblefield
Carey	Long, Md.	Teague, Calif.
Chisholm	McCloskey	Tunney
Clay	McDade	Waggonner
Colmer	McMillan	Watkins
Cramer	Macdonald,	Whitten
Culver	Mass.	Wilson,
Dawson	Mathias	Charles H.
Diggs	May	Yates
Dingell	Michel	Young
Eckhardt	Monagan	
Edwards, Calif.	Morse	

So the motion was rejected.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Title IV—(H.R. 2214. For the relief of the Mutual Benefit Foundation.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Mutual Benefit Foundation, a charitable corporation, the sum of $7,500 in full settlement of its claims against the United States for the value of the private yacht Southern Breeze which was requisitioned by the United States in 1941 and delivered to the District Manager, United States Maritime Commission, New Orleans, Louisiana, on December 17, 1941, at Galveston, Texas, which claim was assigned by the owner of the vessel, Leslie A. Layne, to the said Mutual Benefit Foundation: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MOTION OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DUNCAN moves to strike title IV of the bill H.R. 15062, including all of lines 4 through 24 on page 4.

Mr. DUNCAN. Mr. Speaker, this is a bill to pay $7,500 to the Mutual Benefit Foundation, a charitable corporation for the use of a yacht requisitioned in 1941 by the Maritime Commission. At the time the vessel was taken, it was owned by one Leslie A. Layne. After the claim was disputed, Layne transferred his claim to the Mutual Benefit Foundation.

Mr. Speaker, the Department of Commerce opposes the claim, and the Navy Department defers to the Commerce Department. We have endeavored to secure the answer to several questions which the Judiciary Committee apparently failed to secure. We have tried to learn whether or not Layne received a tax credit for the conveyance of his claim to the charitable foundation.

From records available, it appears that the Mutual Benefit Foundation is a family foundation of the Layne family.

Mrs. Leslie A. Layne, wife of the original owner of the claim, is a director of the foundation, and his daughter, Dale Layne Parks, is president of the foundation.

The foundation apparently makes few gifts or bequeaths to organizations for charitable purposes, because the last report available shows that the foundation had expenditures of $6,699 in 1 year.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I am glad to yield to the gentleman from New Jersey.

Mr. HUNT. Did I correctly understand the gentleman to say that the beneficiary transferred his rights to a foundation, and the officers are members of his immediate family?

Mr. DUNCAN. That is right. His wife and daughter are a part of the foundation.

Mr. HUNT. Why did not he do this in the proper way?

Mr. DUNCAN. We have tried to get information in the Judiciary Committee. The records do not show they were interested enough to ask the question whether or not he had received a tax credit. Apparently he did, for transferring his claim to the charitable foundation. In other words, he is getting double benefits, apparently.

Mr. HUNT. Nowhere in this report do I find that the Judiciary Committee made any requests on this. There is nothing in the report to indicate that this was merely a transfer to a fund that is totally staffed and where all the officers are in his immediate family.

Mr. DUNCAN. We made the request of the Judiciary Committee, but they did not go into that.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I am glad to yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Is the gentleman in the well suggesting that the Judiciary Committee did not do a thorough study on this and somebody else should have done that?

Mr. DUNCAN. I believe we can come to our own conclusion. If they did not secure the information, I would say they did not.

Mr. BROWN of Ohio. Whose role is it to do that?

Mr. DUNCAN. It is the role of the Judiciary Committee, but we had to do it on our own.

Mr. BROWN of Ohio. As objectors?

Mr. DUNCAN. As objectors, yes. They had nothing in the file to show this was a family foundation. It just went in the front door and out the back, or stayed in the kitchen.

Mr. BROWN of Ohio. So in this case it is a clear-cut decision on the part of the Members of Congress whether they want to support a sloppy job done by the Judiciary Committee or a diligent job done by the gentleman in the well.

Mr. DUNCAN. I thank the gentleman.

Mr. DONOHUE. Mr. Speaker, I rise in opposition to the motion.

Mr. CASEY. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I am pleased to yield to the gentleman from Texas.

Mr. CASEY. I am glad the gentleman from Ohio (Mr. BROWN) made his remarks with reference to the subcommittee.

I have had a few bills before this committee, and they have thrown some of them out. When they did I thought they were justified in doing it. I have found this committee to be pretty tough, but fair.

Frankly, this particular claim was introduced by me in the 88th Congress, in the 89th Congress, in the 90th Congress and in this one. It passed in the 90th Congress on the regular Private Calendar, near the end of the second session, and the Senate never had time to act on it. I did not know we were going to have trouble in the 91st Congress.

Here is the thing. The opponents have said, "Well, he got a tax credit." Of course, the man is dead. He got his tax credit, but no one has benefited from the Government's use of this vessel, for which he was given the credit.

It was a 91-foot teakwood vessel with mahogany paneling.

Perhaps the gentleman does not remember, but on December 7, 1941, we had a little action around here. Ten days later, due to Executive orders, the Government took this vessel. They just requisitioned it. They made a hasty appraisal. They said, "$7,500; that will put you in court, so to speak."

Mr. Layne was just about as put out by redtape, and just about as hardheaded as I am, and some of those over on the other side of the aisle. He said, "This is ridiculous." He had a separate appraisal. The separate appraisal was $49,000. That was the amount I sought in my original bill.

This very tough Judiciary Subcommittee says, "We cannot do that, Mr. CASEY. Why, look. All the participants are dead, and the Navy sunk the boat in 1943."

I do not know what they used it for. I do not imagine it was used for a torpedo boat or anything like that, but it was a twin-motor, twin-screw fancy boat that the Navy took over.

Not a dime has been paid for it. The chairman and members said the only thing this committee can do is this: We cannot come in here and give you any more, because all you have is pictures of the boat. The boat is gone. You cannot make appraisals of that. So we think the Government in all fairness should pay something for the boat that they took and used and sank. The best we can do without looking like we are trying to play favorites or do you any special favors or the foundation any special favors is $7,500. That was the original appraisal without any interest or anything else.

Opponents say the foundation is headed by Mrs. Layne. I will tell you Mrs. Layne does not need to live off of any foundation. I know that family pretty well. Furthermore, if it is illegal, go down to the U.S. attorney's office and file charges against them. I never heard that it was illegal to have somebody on a foundation board just because their family started the foundation. You had better get busy on some of these others if you are going to pick on this little one here. You know, it is a small foundation. All it does is small charitable operations. One thing they do is give a few scholarships to Texas A. & M.

Frankly, this is a case of equity. Not one thin dime has been paid for this boat. This is not an overpayment or anything of that nature. If you think the Federal Government, in this case, right after Pearl Harbor, when it grabbed that boat and took it and used it and sank it, still does not owe a dime for it, then go ahead and vote for the gentleman's motion. I think that you, like I, think that something ought to be paid for this boat. For a 91-foot teakwood boat, twin screw, boy, they got a bargain for $7,500.

Mr. DONOHUE. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. DUNCAN) there were—ayes 10, noes 78.

Mr. DUNCAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 52, nays 306, not voting 73, as follows:

[Roll No. 17]

YEAS—52

Betts	Goodling	O'Konski
Brinkley	Gross	Poff
Brock	Grover	Quillen
Brown, Ohio	Hall	Ruth
Buchanan	Hammer-schmidt	Schadeberg
Camp	Harsha	Sebelius
Carter	Hunt	Skubitz
Clawson, Del	Hutchinson	Snyder
Conable	Jonas	Sullivan
Conte	Kuykendall	Talcott
Davis, Wis.	Lujan	Thompson, Ga.
Denney	McEwen	Utt
Derwinski	Michel	Wilson, Bob
Duncan	Miller, Ohio	Winn
Edwards, Ala.	Minshall	Wylie
Evins, Tenn.	Mize	Zion
Foreman	Mizell	Zwach
Fulton, Tenn.		

NAYS—306

Abbitt	Crane	Hamilton
Abernethy	Cunningham	Hanley
Adair	Daddario	Hanna
Adams	Daniel, Va.	Hansen, Idaho
Addabbo	Daniels, N.J.	Hansen, Wash.
Albert	Davis, Ga.	Harrington
Alexander	de la Garza	Harvey
Anderson, Calif.	Delaney	Hastings
Anderson, Ill.	Dellenback	Hathaway
Andrews, Ala.	Dennis	Hawkins
Andrews, N. Dak.	Dent	Hays
Annunzio	Devine	Hechler, W. Va.
Arends	Dickinson	Heckler, Mass.
Aspinall	Donohue	Helstoski
Ayres	Dorn	Hicks
Beall, Md.	Dowdy	Hogan
Belcher	Downing	Holifield
Bell, Calif.	Dulski	Horton
Bennett	Dwyer	Howard
Berry	Edmondson	Hull
Bevill	Edwards, Calif.	Hungate
Biaggi	Eilberg	Ichord
Biester	Erlenborn	Jacobs
Bingham	Esch	Jarman
Blackburn	Eshleman	Johnson, Calif.
Blatnik	Evans, Colo.	Johnson, Pa.
Boland	Fallon	Jones, Ala.
Bow	Farbstein	Jones, N.C.
Brademas	Fascell	Jones, Tenn.
Bray	Feighan	Karth
Brooks	Findley	Kastenmeier
Broomfield	Fish	Kazen
Brotzman	Flood	Kee
Broyhill, N.C.	Flowers	Keith
Broyhill, Va.	Flynt	Kluczynski
Burke, Fla.	Foley	Koch
Burke, Mass.	Ford, Gerald R.	Kyl
Burleson, Tex.	Ford, William D.	Kyros
Burlison, Mo.	Fountain	Landrum
Bush	Frelinghuysen	Langen
Button	Frey	Latta
Byrne, Pa.	Friedel	Leggett
Byrnes, Wis.	Fulton, Pa.	Lloyd
Cabell	Fuqua	Lukens
Casey	Galifianakis	McCarthy
Cederberg	Gallagher	McClory
Celler	Garmatz	McClure
Chamberlain	Gaydos	McCulloch
Chappell	Gettys	McDonald, Mich.
Clancy	Giaimo	McFall
Clausen, Don H.	Gibbons	McKneally
Cleveland	Gilbert	McMillan
Cohelan	Goldwater	Macdonald, Mass.
Collier	Gonzalez	MacGregor
Collins	Green, Oreg.	Madden
Conyers	Green, Pa.	Mahon
Corbett	Griffin	Mailliard
Corman	Griffiths	Mann
Coughlin	Gude	Marsh
Cowger	Hagan	Martin
	Haley	Matsunaga
	Halpern	

Mayne	Quie	Stafford
Meeds	Railsback	Staggers
Melcher	Randall	Stanton
Meskill	Rees	Steiger, Ariz.
Mikva	Reid, Ill.	Steiger, Wis.
Mills	Reid, N.Y.	Stephens
Minish	Reifel	Stokes
Mink	Reuss	Stratton
Mollohan	Rhodes	Symington
Montgomery	Riegle	Taft
Moorhead	Rivers	Taylor
Morgan	Roberts	Teague, Tex.
Morton	Robison	Thompson, N.J.
Mosher	Rodino	Thomson, Wis.
Murphy, Ill.	Roe	Tiernan
Murphy, N.Y.	Rogers, Colo.	Udall
Natcher	Rogers, Fla.	Ullman
Nedzi	Rooney, N.Y.	Van Deerlin
Nelsen	Rooney, Pa.	Vander Jagt
Nichols	Rosenthal	Vanik
Nix	Rostenkowski	Vigorito
Obey	Roth	Waldie
O'Hara	Roybal	Wampler
Olsen	Ruppe	Watts
O'Neal, Ga.	Ryan	Weicker
O'Neill, Mass.	St Germain	Whalen
Patten	St. Onge	Whalley
Perkins	Sandman	White
Philbin	Satterfield	Whitehurst
Pickle	Saylor	Whitten
Pike	Scherle	Widnall
Pirnie	Scheuer	Wiggins
Poage	Schneebeli	Williams
Podell	Schwengel	Wold
Pollock	Scott	Wolff
Preyer, N.C.	Shipley	Wright
Price, Ill.	Shriver	Wyatt
Price, Tex.	Sikes	Wydler
Pryor, Ark.	Slack	Wyman
Pucinski	Smith, Iowa	Yatron
Purcell	Smith, N.Y.	Zablocki

NOT VOTING—73

Anderson, Tenn.	Eckhardt	Myers
Ashbrook	Edwards, La.	Ottinger
Ashley	Fisher	Passman
Baring	Fraser	Patman
Barrett	Gray	Pelly
Blanton	Gubser	Pepper
Boggs	Hébert	Pettis
Bolling	Henderson	Powell
Brasco	Hosmer	Rarick
Brown, Calif.	King	Roudebush
Brown, Mich.	Kirwan	Sisk
Burton, Calif.	Kleppe	Smith, Calif.
Burton, Utah	Landgrebe	Springer
Caffery	Lennon	Steed
Carey	Long, La.	Stubblefield
Chisholm	Long, Md.	Stuckey
Clark	Lowenstein	Teague, Calif.
Clay	McCloskey	Tunney
Colmer	McDade	Waggonner
Cramer	Mathias	Watkins
Culver	May	Watson
Dawson	Miller, Calif.	Wilson, Charles H.
Diggs	Monagan	Yates
Dingell	Morse	Young
	Moss	

So the motion was rejected.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 318, nays 51, not voting 62, as follows:

[Roll No. 18]

YEAS—318

Abbitt	Flood	Mink
Abernethy	Flowers	Minshall
Adams	Flynt	Mollohan
Addabbo	Foley	Montgomery
Albert	Ford, Gerald R.	Moorhead
Alexander	Ford, William D.	Morton
Anderson, Calif.	Fountain	Mosher
Anderson, Ill.	Frelinghuysen	Murphy, Ill.
Anderson, Tenn.	Frey	Murphy, N.Y.
Andrews, Ala.	Friedel	Natcher
Andrews, N. Dak.	Fulton, Pa.	Nedzi
Annunzio	Fulton, Tenn.	Nelsen
Arends	Galifianakis	Nichols
Aspinall	Gallagher	Nix
Ayres	Garmatz	Obey
Barrett	Gaydos	O'Hara
Beall, Md.	Gettys	Olsen
Belcher	Giaimo	O'Neal, Ga.
Bell, Calif.	Gibbons	O'Neill, Mass.
Bennett	Gilbert	Passman
Betts	Goldwater	Patman
Bevill	Gonzalez	Patten
Biaggi	Green, Oreg.	Pepper
Biester	Green, Pa.	Perkins
Bingham	Griffin	Philbin
Blackburn	Griffiths	Pickle
Blatnik	Gude	Pike
Boggs	Haley	Pirnie
Boland	Halpern	Poage
Bow	Hamilton	Podell
Brademas	Hanley	Preyer, N.C.
Bray	Hanna	Price, Ill.
Brooks	Hansen, Idaho	Pryor, Ark.
Brotzman	Hansen, Wash.	Pucinski
Broyhill, N.C.	Harrington	Purcell
Broyhill, Va.	Harsha	Quie
Buchanan	Harvey	Railsback
Burke, Fla.	Hastings	Randall
Burke, Mass.	Hathaway	Rarick
Burleson, Tex.	Hechler, W. Va.	Rees
Burlison, Mo.	Heckler, Mass.	Reid, Ill.
Bush	Helstoski	Reid, N.Y.
Button	Hicks	Reifel
Byrne, Pa.	Hogan	Reuss
Byrnes, Wis.	Holifield	Rhodes
Cabell	Horton	Riegle
Caffery	Howard	Rivers
Carey	Hull	Roberts
Casey	Hungate	Robison
Cederberg	Ichord	Rodino
Celler	Jacobs	Roe
Chamberlain	Jarman	Rogers, Colo.
Chappell	Johnson, Calif.	Rogers, Fla.
Clancy	Johnson, Pa.	Rooney, N.Y.
Clausen, Don H.	Jones, Ala.	Rooney, Pa.
Cleveland	Jones, N.C.	Rosenthal
Cohelan	Jones, Tenn.	Rostenkowski
Collier	Karth	Roth
Colmer	Kastenmeier	Roybal
Conable	Kazen	Ruppe
Conte	Kee	Ruth
Conyers	Keith	Ryan
Corbett	Kluczynski	St Germain
Corman	Koch	St. Onge
Coughlin	Kyl	Sandman
Cowger	Kyros	Saylor
Cunningham	Landrum	Scheuer
Daddario	Langen	Schneebeli
Daniels, N.J.	Latta	Schwengel
Davis, Ga.	Leggett	Scott
de la Garza	Lloyd	Shipley
Delaney	Long, La.	Shriver
Dellenback	Lowenstein	Sikes
Dennis	Lujan	Sisk
Dent	Lukens	Slack
Donohue	McCarthy	Smith, Calif.
Dorn	McClory	Smith, Iowa
Dowdy	McCulloch	Smith, N.Y.
Downing	McDonald, Mich.	Stafford
Dulski	McEwen	Staggers
Dwyer	McFall	Stanton
Eckhardt	McKneally	Steiger, Ariz.
Edmondson	McMillan	Stephens
Edwards, Calif.	Macdonald, Mass.	Stokes
Edwards, La.	MacGregor	Stratton
Eilberg	Madden	Stuckey
Erlenborn	Mahon	Sullivan
Esch	Mailliard	Symington
Eshleman	Martin	Taft
Evans, Colo.	Matsunaga	Taylor
Evins, Tenn.	Mayne	Teague, Tex.
Fallon	Meeds	Thompson, Ga.
Farbstein	Melcher	Thompson, N.J.
Fascell	Meskill	Thomson, Wis.
Feighan	Mikva	Tiernan
Findley	Miller, Calif.	Udall
Fish	Mills	Ullman
	Minish	Van Deerlin
		Vander Jagt
		Vanik
		Vigorito
		Waggonner
		Waldie
		Wampler
		Watts
		Weicker
		Whalen
		Whalley
		White
		Whitehurst
		Whitten
		Widnall
		Wiggins
		Williams
		Wold
		Wolff
		Wright
		Wyatt
		Wyman
		Yatron
		Young
		Zablocki
		Zwach

NAYS—51

Berry	Foreman	Price, Tex.
Brinkley	Goodling	Quillen
Brock	Gross	Satterfield
Broomfield	Grover	Schadeberg
Brown, Ohio	Hall	Scherle
Camp	Hammer-schmidt	Sebelius
Carter	Hunt	Skubitz
Clawson, Del	Hutchinson	Snyder
Collins	Jonas	Steiger, Wis.
Crane	Kuykendall	Talcott
Daniel, Va.	McClure	Utt
Davis, Wis.	Marsh	Wilson, Bob
Denney	Michel	Winn
Derwinski	Miller, Ohio	Wydler
Devine	Mize	Wylie
Dickinson	O'Konski	Zion
Duncan	Poff	
Edwards, Ala.		

NOT VOTING—62

Adair	Fuqua	Monagan
Ashbrook	Gray	Morgan
Ashley	Gubser	Morse
Baring	Hagan	Moss
Blanton	Hawkins	Myers
Bolling	Hays	Ottinger
Brasco	Hébert	Pelly
Brown, Calif.	Henderson	Pettis
Brown, Mich.	Hosmer	Pollock
Burton, Calif.	King	Powell
Burton, Utah	Kirwan	Roudebush
Chisholm	Kleppe	Springer
Clark	Landgrebe	Steed
Clay	Lennon	Stubblefield
Cramer	Long, Md.	Teague, Calif.
Culver	McCloskey	Tunney
Dawson	McDade	Watkins
Diggs	Mann	Watson
Dingell	Mathias	Wilson, Charles H.
Fisher	May	Yates
Fraser	Mizell	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Morgan with Mr. Adair.
Mr. Hébert with Mr. Watson.
Mr. Hays with Mr. Gubser.
Mr. Charles H. Wilson with Mr. Teague of California.
Mr. Yates with Mr. Diggs.
Mr. Henderson with Mr. Ashbrook.
Mr. Long of Maryland with Mr. King.
Mr. Brasco with Mr. Brown of Michigan.
Mr. Gray with Mr. Kleppe.
Mr. Steed with Mr. McCloskey.
Mr. Lennon with Mr. Watkins.
Mr. Kirwan with Mr. Foreman.
Mr. Brown of California with Mr. Clay.
Mr. Culver with Mr. Burton of Utah.
Mr. Fisher with Mr. Mathias.
Mr. Fuqua with Mr. Springer.
Mr. Ottinger with Mr. Mizell.
Mr. Monagan with Mr. McDade.
Mr. Moss with Mrs. May.
Mr. Burton of California with Mrs. Chisholm.
Mr. Blanton with Mr. Roudebush.
Mr. Baring with Mr. Pollock.
Mr. Tunney with Mr. Morse.
Mr. Dingell with Mr. Pettis.
Mr. Fraser with Mr. Dawson.
Mr. Hagan with Mr. Mizell.
Mr. Stubblefield with Mr. Pelly.
Mr. Ashley with Mr. Hawkins.
Mr. Mann with Mr. Clark.

Mr. REES changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PRIVATE CALENDAR

The SPEAKER pro tempore. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

There being no objection, the Clerk read the bill, as follows:

H.R. 2552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, John Vincent Amirault shall be held and considered to have been lawfully admitted to the United States for permanent residence as the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, notwithstanding the provision of section 212(a)(9) of the Immigration and Nationality Act, John Vincent Amirault may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

There being no objection, the Clerk read the bill, as follows:

H.R. 6375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Amalia P. Montero, Joint United States Military Group—Military Assistance Advisory Group, Spain, is relieved of liability to the United States in the amount of $1,395.84, representing the total amount of living quarters allowance paid to her by the Department of the Air Force during the period of October 13, 1963, through April 9, 1965, as a result of erroneous payment without fault on her part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Amalia P. Montero, an amount equal to the aggregate of the amounts paid by her, or withheld from sums otherwise due her, on account of the liability to the United States referred to in the first section of this Act. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

There being no objection, the Clerk read the bill as follows:

H.R. 6389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Visitacion Enriquez Maypa shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

With the following committee amendment.

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, the provisions of section 204(c) of that Act shall be inapplicable in the case of Visitacion Enriquez Maypa."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

There being no objection, the Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

A-13388850, Berger, Harry.
A-14605579, Ma, Yiu Kay.
A-11598081, Pung Wone.
A-5145324, Alcala-Salcedo, Apolinario.
A-6815221, Bader, Louis, William.
A-4324674, Barrera-Cabrera, Jesus.
A-4973740, Bergh, Christian Herman.
A-1975504, Abrams, Samuel S.
A-3212791, Candanoza-Leza, Rogelio.
A-4858345, Kalogres, Atanasios.
A-2843283, Klingbeil, Bernard Michael.
A-5121888, Lum, Mee.
A-5987386, Martinez-Venegas, Pedro.
A-3173420, Rojo-Estrada, Ramon.
A-2628682, Tercero-Flores, Manuel.
A-9836945, Lai, Sung Wong.
A-12649506, Wong, Kim Taw.
A-14585059, Chin, Goon You.
A-5433208, Papuzynski, Walter John.
A-1050706, Tahir, Ahmed.
A-17878251, Rodriguez, Jose Roman.
A-5665371, Soares, Jacintho Perreira.
A-17185939, Wong, Harry.

With the following committee amendment:

On page 2, strike out all of line 17.

The committee amendment was agreed to.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

FAVORING SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution (S. Con. Res. 33) be recommitted to the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I inquire why the gentleman asks that this concurrent resolution be recommitted to the Committee on the Judiciary?

Mr. FEIGHAN. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. FEIGHAN. Because under the law when this bill is presented it must be acted upon within two sessions of Congress. It was first introduced 2 years ago, and two sessions have passed, that is, the last session and the previous session. So, if it is to be acted on properly, it must go back to the committee and come back again, and then it would be eligible for action within two sessions of the House.

Mr. GROSS. May I ask the gentleman this question: Is this the resolution that would suspend the deportation of 22 aliens who are, or nearly all of them, convicted dope peddlers or narcotic users, rapists, and other assorted characters?

This bill would suspend the deportation of them?

Mr. FEIGHAN. They are persons who have been recommended for suspension of deportation by the Department of Justice on the basis of at least 10 years of moral behavior.

Mr. GROSS. And this would be so that they may be kept in this country?

Mr. FEIGHAN. That is correct, so that they may have the proper status.

Mr. GROSS. And the Judiciary Committee decided that these dope peddlers, dope users and pushers, rapists and what have you——

Mr. FEIGHAN. Some of them——

Mr. GROSS. Just 1 minute.

The Judiciary Committee decided that they ought to be kept in this country. Is that correct?

Mr. FEIGHAN. Well, we should start from the beginning.

The statutory requirement is that these persons who are listed within the bill must have proven 10 years of good moral character after their offense. The Department of Justice and the Attorney General have recommended that they be given an opportunity to cancel their deportation so that they would become eligible to apply for permanent residence.

Mr. GROSS. And if there had not been objections to this resolution in the last session of Congress, it would have been passed and we would have been saddled with these 22 assorted characters in this country. Is that not true?

Mr. FEIGHAN. Well, your choice of words I will not agree with.

Mr. GROSS. I do not care whether you agree with them or not, but the fact is that if this resolution had not been objected to last year, the Committee on the Judiciary would cause to be approved by the House, by unanimous consent, legislation keeping these 22 characters in this country. Is that correct?

Mr. FEIGHAN. That is correct.

Mr. GROSS. Yet a great hue and cry has been made here today because there has been objection to bills on the Private Calendar. I might wish this resolution had been approved so that the Committee on the Judiciary could have been saddled with the responsibility for having made it possible for aliens with criminal records to continue to live here. We do not need these people in this country, but I guess I should not be surprised that the Committee on the Judiciary, in view of some of the other legislation it brings to the House floor would seek to suspend the deportation of these aliens. However, it is no credit to the Committee on the Judiciary or to the procedures on that committee.

Mr. FEIGHAN. If you studied each individual case more thoroughly, you might very well change your mind, at least in several of the instances among the 22 since the offenses were committed long years ago and the individuals have lived in this country for many years with records of good conduct.

Mr. GROSS. Mr. Speaker, I invite the Members to read the record of these individuals. That is all you have to do.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill on the calendar.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

There being no objection, the Clerk read the bill, as follows:

H.R. 3629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Sabina Riggi Farina shall be deemed to have a priority date of June 1, 1954, on the fifth preference foreign state limitation for Italy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

There being no objection, the Clerk read the bill, as follows:

H.R. 3955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(9) of the Immigration and Nationality Act, Placido Viterbo may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act. This exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 3530) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

There being no objection, the Clerk read the bill as follows:

H.R. 3530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Office of the Alien Property Custodian having erroneously seized in 1942 the property of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders, then citizens and residents of Latvia, and friendly to the United States, on the mistaken belief that they were nationals of an enemy country, Germany, and having subsequently returned their seized property to them in 1952, and the Internal Revenue Service having erroneously levied and collected taxes upon the vested assets then held by the Alien Property Custodian, in 1946 and having subsequently refunded said taxes in 1955, but without the 6 per centum interest specified by section 3771 of the Internal Revenue Code of 1939, on the mistaken belief that the taxpayers were enemy nationals who were not entitled to interest by reason of section 36(c) of the Trading With the Enemy Act, and as all of said persons are now permanent residents of the United States and all except Gertrude Jansons are now citizens of the United States: Be it

Resolved, That, notwithstanding the provisions of section 36(c) of the Trading With the Enemy Act, as amended, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Janis Zalcmanis the sum of $108,023.83, to Gertrude Jansons the sum of $36,007.94, to Lorena Jansons Murphy the sum of $36,007.94, and to Asja Jansons Liders the sum of $36,007.94, in full satisfaction to their claims to statutory interest at the rate of 6 per centum, as provided by section 3771 of the Internal Revenue Code of 1939, on taxes erroneously paid to the Internal Revenue Service from their vested property by the Office of Alien Property on March 15, 1946, and later refunded to them, without interest, on March 29, 1955.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That, notwithstanding the provisions of section 36(c) of the Trading With the Enemy Act, as amended, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Janis Zalcmanis the sum of $28,624.31, to Gertrude Jansons the sum of $9,541.44, to Lorena Jansons Murphy the sum of $9,541.44, and to Asja Jansons Liders the sum of $9,541.44, in full satisfaction of their claims to statutory interest at the rate of 6 per centum, as provided by section 3771 of the Internal Revenue Code of 1939, on taxes erroneously paid to the Internal Revenue Service from their vested property by the Office of Alien Property on March 15, 1946, and later refunded to them, without interest, on March 29, 1955.

No part of each amount appropriated in this act in excess of 20 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

QUITCLAIMS TO QUIET TITLE, ARIZONA

The Clerk called the bill (S. 55) for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee.

There being no objection, the Clerk read the bill, as follows:

S. 55

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to quiet title in certain real property in Apache National Forest, Arizona, held and claimed by the following-named persons under a chain of title dating from December 4, 1903, the Secretary of Agriculture is authorized and directed to convey by quitclaim

deed to such persons all right, title, and interest of the United States in and to certain real property situated in section 5, township 6 north, range 30 east, Gila and Salt River base and meridian, as follows:

(1) to Leonard N. Rogers all right, title, and interest of the United States in and to the real property more particularly described as the west half northwest quarter southwest quarter;

(2) to John P. Corcoran all right, title, and interest of the United States in and to the real property more particularly described as the east half northwest quarter southwest quarter;

(3) to Mrs. Charles W. (Ethel J.) Pensinger all right, title, and interest of the United States in and to the real property more particularly described as the southwest quarter southwest quarter; and

(4) to Marion M. Lee and Arthur N. Lee all right, title, and interest of the United States in and to the real property more particularly described as the southwest quarter of the northwest quarter.

SEC. 2. The conveyances authorized by the first section of this Act shall be made by the Secretary of Agriculture without consideration, but the persons to whom the conveyances are made shall bear any expenses incident to the preparation of the legal documents necessary or appropriate to carry out the first section of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIE-LOUISE (MARY LOUISE) PIERCE

The Clerk called the bill (S. 495) for the relief of Marie-Louise (Mary Louise) Pierce.

There being no objection, the Clerk read the bill, as follows:

S. 495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Marie Louise (Mary Louise) Pierce shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

With the following committee amendments:

On page 1, strike out all of lines 3, 4, 5, 6, and 7, and substitute in lieu thereof the following:

"That, notwithstanding the provisions of section 212(a) (3) and (4) of the Immigration and Nationality Act, Marie-Louise (Mary Louise) Pierce may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act:".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALI SOMAY

The Clerk called the bill (H.R. 12037) for the relief of Ali Somay.

There being no objection, the Clerk read the bill, as follows:

H.R. 12037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ali Somay shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available. No fee, service, or other remuneration of any sort other than the visa fee described above shall be paid or rendered to any person in connection with the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Ali Somay may be classified as a child within the meaning of section 101(b) (1) (F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Murat Somay, a citizen of the United States, and a lawfully resident alien, respectively, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNE REALE PIETRANDREA

The Clerk called the bill (H.R. 6125) for the relief of Anne Reale Pietrandrea.

There being no objection, the Clerk read the bill, as follows:

H.R. 6125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Anne Reale Pietrandrea may be classified as a child within the meaning of section 101(b) (1) (F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Mark Pietrandrea, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the last word "Act." and substitute in lieu thereof the following: "Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROSEANNE JONES

The Clerk called the bill (H.R. 2047) for the relief of Roseanne Jones.

There being no objection, the Clerk read the bill, as follows:

H.R. 2047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations of section 2401 of title 28, United States Code, or of any other statute of limitations, laches, or lapse of time, jurisdiction is hereby conferred upon the United States District Court for the Southern District of California, Southern Division, to hear, determine, and render judgment upon any claims of Roseanne Jones, a minor, of San Diego, California, against the United States based on injuries and disabilities suffered as the result of an operation performed upon her at the United States Naval Hospital in San Diego in 1959.

SEC. 2. Suit upon any such claims may be instituted at any time within one year after the date of the enactment of this Act. Proceedings for the determination of such claims and review thereof and payment of any judgment thereon, shall be in accordance with the provisions of law applicable to cases over which the court has jurisdiction under section 1346(b) of title 28 of the United States Code. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWIN E. FULK

The Clerk called the bill (H.R. 2950) for the relief of Edwin E. Fulk.

There being no objection, the Clerk read the bill, as follows:

H.R. 2950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Edwin E. Fulk of Davis, California, is relieved of liability to the United States in the amount of $4,963.46, representing the total amount of overpayments of retired pay paid to him during the period from December 15, 1959, through March 31, 1968, by the Department of the Army as a result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Edwin E. Fulk an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THOMAS A. SMITH

The Clerk called the bill (H.R. 3558) for the relief of Thomas A. Smith.

There being no objection, the Clerk read the bill, as follows:

H.R. 3558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas A. Smith, of Newark, New Jersey, the sum of $2,500 in full settlement of all his claims against the United States for the displacement of his business on July 6, 1966, from 45 Clinton Street, Newark, New Jersey, as a result of real estate project numbered N.J. R–58. The said Thomas A. Smith is ineligible for a small business displacement payment under section 114 of the Housing Act of 1949 as a result of the failure of the local housing authority to inform him, in a timely manner, of revised Federal regulations, effective June 15, 1966, relating to earnings requirements for displaced businesses.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 6, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN W. WATSON, A MINOR

The Clerk called the bill (H.R. 4480) for the relief of John W. Watson, a minor.

There being no objection, the Clerk read the bill, as follows:

H.R. 4480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of John W. Watson, a minor, of Camp Hill, Pennsylvania, the sum of $250,000 in full settlement of all claims against the United States for the injury of said John W. Watson and his parents, Mr. and Mrs. William Watson, for permanent brain damage with epileptic manifestations suffered by said John W. Watson while under the care of United States Army medical personnel in Germany in or about December 1952, and for special education and medical expenses necessitated as a result of such brain damage, and for compensation for lost earning power resulting from said injury, and for being completely deprived of the opportunity to live a normal life: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by an agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That notwithstanding the limitations of section 2733(b)(1) of title 10 of the United States Code, or any other statute of limitations, laches, or lapse of time, the Secretary of the Army is authorized, in accordance with the otherwise applicable provisions of section 2733 of title 10 of the United States Code, to consider, settle, and, if found meritorious, to pay a claim filed by or on behalf of John W. Watson, a minor, within one year of the date of approval of this Act, against the United States, for the injury of said John W. Watson and his parents for permanent brain damage with epileptic manifestations suffered by said John W. Watson while under the care of the United States Army medical personnel in Germany in or about December 1952, and for special educational and medical expenses necessitated as a result of such brain damage, and for compensation for lost earning power resulting from said injury, and for being completely deprived of the opportunity to live a normal life."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. JACKIE D. BURGESS

The Clerk called the bill (H.R. 8470) for the relief of 1st Lt. Jackie D. Burgess.

There being no objection, the Clerk read the bill, as follows:

H.R. 8470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That First Lieutenant Jackie D. Burgess, United States Air Force, is relieved of liability to the United States in the amount of $1,085.78, representing overpayment (made as a result of administrative error) of his pay as a member of the United States Air Force for the period beginning September 24, 1963, and ending January 31, 1966. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jackie D. Burgess an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subscription shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 3, strike "First Lieutenant" and insert "Captain".

Page 1, line 5, strike "$1,085.78" and insert "$620.".

Page 2, line 5, after "respect to the" insert "amount of".

Page 2, line 9, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Capt. Jackie D. Burgess."

A motion to reconsider was laid on the table.

BLY D. DICKSON, JR.

The Clerk called the bill (H.R. 12176) for the relief of Bly D. Dickson, Jr.

There being no objection, the Clerk read the bill as follows:

H.R. 12176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Secretary of the Treasury is authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Bly D. Dickson, Junior, of Seattle, Washington, the sum of $2,231.75 in full settlement of all his claims against the United States for reimbursement of expenses arising in connection with the sale of his Billings, Montana, residence pursuant to his 1967 transfer of official station (from Billings, Montana, to Seattle, Washington) as an employee of the Post Office Department.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$2,231.75" and insert "$1,034.50".

Page 2, line 2, strike out "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN A. AVDEEF

The Clerk called the bill (H.R. 12887) for the relief of John A. Avdeef.

There being no objection, the Clerk read the bill, as follows:

H.R. 12887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John A. Avdeef, of Mineral Wells, Texas, the sum of $76.32 in full settlement of all his claims against the United States for the storage of his household furniture while he was assigned by the United States Army to active duty at Fort Wolters, Texas, and Fort Rucker, Alabama, during the period November 1964 to August 1965.

With the following committee amendment:

Page 1, line 10, after "August 1965.", add the following: "No part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANTHONY P. MILLER, INC.

The Clerk called the bill (H.R. 15354) for the relief of Anthony P. Miller, Inc.

H.R. 15354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of Anthony P. Miller, Incorporated, for installation of fire resistant wallboard in the ceilings of forty-one garages located in an Air Force Capehart housing project at Niagara Falls Municipal Airport, Niagara Falls, New York, and to allow in full and final settlement of such claim the sum of $2,135.28. There is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $2,135.28 for payment of said claim.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PATRICIA HIRO WILLIAMS

The Clerk called the bill (H.R. 11578) for the relief of Patricia Hiro Williams.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present to hear these bills considered.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BOLAND. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 19]

Abbitt	Clark	Gibbons
Adair	Clausen,	Goldwater
Adams	Don H.	Gray
Addabbo	Clay	Grover
Ashbrook	Corbett	Gubser
Ashley	Corman	Hanna
Baring	Cramer	Hansen, Wash.
Beall, Md.	Culver	Harsha
Blackburn	Dawson	Hastings
Blanton	Diggs	Hathaway
Brademas	Dingell	Hawkins
Brasco	Dulski	Hays
Brown, Calif.	Eckhardt	Hébert
Brown, Mich.	Evans, Colo.	Henderson
Broyhill, N.C.	Evins, Tenn.	Horton
Burton, Calif.	Fallon	Hosmer
Burton, Utah	Findley	Howard
Button	Fisher	Jarman
Byrnes, Wis.	Ford,	Jones, Ala.
Celler	William D.	Karth
Chisholm	Fraser	Keith
King	Morse	Scheuer
Kirwan	Moss	Springer
Kleppe	Murphy, N.Y.	Stubblefield
Landgrebe	Myers	Sullivan
Long, Md.	Nix	Teague, Calif.
McCloskey	O'Hara	Teague, Tex.
McDade	Ottinger	Thompson, N.J.
McDonald,	Patman	Tunney
Mich.	Pelly	Udall
McMillan	Pettis	Utt
Mailliard	Powell	Waldie
Mann	Price, Tex.	Watkins
Mathias	Rees	Weicker
May	Reid, N.Y.	Widnall
Mink	Reifel	Wilson,
Monagan	Rivers	Charles H.
Moorhead	Rosenthal	Wright
Morgan	Roudebush	Yates

The SPEAKER pro tempore. On this rollcall 318 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PRIVATE CALENDAR

The SPEAKER pro tempore. The Clerk will continue the call of the Private Calendar.

PATRICIA HIRO WILLIAMS

The Clerk called the bill (H.R. 11578) for the relief of Patricia Hiro Williams.

There being no objection, the Clerk read the bill, as follows:

H.R. 11578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Patricia Hiro Williams may be classified as a child within the meaning of section 101 (b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Technical Sergeant and Mrs. Wayne V. Williams, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "and a petition filed in her behalf by Technical Sergeant Wayne V. Williams, a citizen of the United States, may be approved pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REFERENCE OF H.R. 8568 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

The Clerk called House Resolution 324, to provide for sending the bill H.R. 8568, with accompanying papers, to the Chief Commissioner of the Court of Claims.

There being no objection, the Clerk read the resolution, as follows:

H. RES. 324

Resolved, That H.R. 8568, entitled "A bill for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu," together with all accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ROBERT C. SZABO

The Clerk called the bill (S. 1678) for the relief of Robert C. Szabo.

There being no objection, the Clerk read the bill, as follows:

S. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert C. Szabo of Riverdale, Maryland, a retired supply clerk at the wholesale stamp window in the Washington, District of Columbia, post office, is hereby relieved of all liability for repayment to the United States of the sum of $4,326.16, representing the amount of a postage deficiency in his fixed credit account, the deficiency having been incurred in making exchanges of postage stamps following enactment of the Postal Revenue and Federal Salary Act of 1967, which provided for increased postal rates.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Robert C. Szabo the sum of any amounts received or withheld from him on account of the deficiency referred to in the first section of this Act.

(b) No part of any amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JIMMIE R. POPE

The Clerk called the bill (S. 2566) for the relief of Jimmie R. Pope.

There being no objection, the Clerk read the bill, as follows:

S. 2566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jimmie R. Pope, of Goldsboro, North Carolina, the sum of $1,758.14, representing reimbursement for relocation expenses incurred by him in 1967 in moving from Hixon, Tennessee, to Goldsboro, North Carolina, for the purpose of accepting civilian employment at Seymour Johnson Air Force Base, North Carolina, Air Force personnel having erroneously informed the said Jimmie R. Pope that such expenses were reimbursable: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIM OF JULIUS DEUTSCH AGAINST THE GOVERNMENT OF POLAND

The Clerk called the bill (H.R. 7267) to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 7267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any prior decision of the Foreign Claims Settlement Commission, the Commission is authorized and directed to reopen and redetermine, after hearing, the claim of Julius Deutsch against the Government of Poland based upon the claim of said Julius Deutsch of a 50 per centum interest in the Polish corporation, "Lenko" S.A. Any award made by the Commission after said redetermination shall be paid by the Secretary of the Treasury from the Polish Claims Fund to the same extent as if said award had been made prior to March 31, 1966.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. BROWN of Ohio. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 20]

Anderson, Ill.	Corbett	Kirwan
Anderson, Tenn.	Corman	Kleppe
Ashbrook	Cramer	Koch
Ashley	Culver	Kuykendall
Aspinall	Dawson	Landgrebe
Baring	Diggs	Landrum
Berry	Dulski	Leggett
Bingham	Dwyer	Long, La.
Blackburn	Eckhardt	Long, Md.
Blanton	Eilberg	McCarthy
Blatnik	Erlenborn	McCloskey
Bolling	Evans, Colo.	McDade
Brademas	Fallon	McDonald, Mich.
Brasco	Fisher	Mailliard
Broomfield	Ford, William D.	Mann
Brown, Calif.	Fraser	Martin
Brown, Mich.	Fulton, Tenn.	Mathias
Burton, Calif.	Gibbons	May
Burton, Utah	Goldwater	Meeds
Button	Green, Pa.	Mikva
Byrnes, Wis.	Gubser	Miller, Calif.
Carey	Hanna	Mink
Cederberg	Harsha	Minshall
Celler	Hawkins	Monagan
Chisholm	Hébert	Moorhead
Clark	Henderson	Morse
Clausen, Don H.	Howard	Moss
Clay	Jacobs	Myers
Conyers	Keith	Nichols
	King	Nix
Obey	Riegle	Ullman
O'Hara	Rivers	Utt
O'Neill, Mass.	Rosenthal	Waldie
Ottinger	Roudebush	Watkins
Passman	St Germain	Whitten
Patman	Scheuer	Widnall
Pelly	Smith, Calif.	Wiggins
Pepper	Springer	Wilson, Bob
Pettis	Steiger, Ariz.	Wilson, Charles H.
Pike	Stubblefield	Wydler
Powell	Teague, Calif.	Yates
Price, Tex.	Teague, Tex.	Young
Rees	Thompson, N.J.	
Reid, N.Y.	Tunney	
Rhodes	Udall	

The SPEAKER pro tempore (Mr. PRICE of Illinois). On this rollcall, 299 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1970

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, I think it might be helpful to call to the attention of Members our plans and our hopes with respect to consideration of the new Labor-HEW appropriation bill for the current fiscal year, which was reported yesterday.

The Committee on Appropriations is planning, in cooperation with the leadership, to bring up the Labor-HEW appropriation bill in the House on Thursday of this week. I do not know how long it will take to conclude consideration and pass the bill, but with 7½ months of the fiscal year already gone by, we just must get this bill behind us as promptly as possible. If it requires more than 1 day, we would hope and expect to continue on Friday and, if necessary, Saturday of this week.

That is the desire of the Committee on Appropriations and, I believe, of the distinguished Speaker and the distinguished majority leader. We want to finish consideration of the bill this week, and if our plans meet with the approval of the leadership, which I think they do, that would be what we will undertake to do.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, the gentleman from Texas is correct. As everyone knows we have finished the legislative business which we will undertake today. Tomorrow we will continue with the two bills that we had scheduled following the call of the Private Calendar. We will begin, as the distinguished chairman of the Committee on Appropriations said, consideration of the Departments of Labor and Health, Education, and Welfare appropriation bill for 1970 on Thursday and proceed with the consideration of that bill hopefully until we finish it as soon as possible this week. It could be Friday or Saturday.

I thank the gentleman from Texas for yielding.

SOME PROBLEMS CREATED BY URBANIZATION

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, I include as part of my remarks the address I made at the national convention of the National Limestone Institute:

SOME PROBLEMS CREATED BY URBANIZATION

This subject, of course, is as broad as the number of our population is large, which naturally leads to some selectivity in the points I hope to make.

To begin with, I want to say that I appreciate this organization. I know of no other organization that could have more people come out on a night such as tonight than the Limestone Institute. I do not know anyone who can organize public sentiment, including the Congress, any better than Bob Koch who has done such a wonderful job for your organization. Consequently, I appreciate the opportunity to speak to members of your fine organization and to your many guests, including many of our colleagues—particularly those from urban areas, for with only 47 Members out of 435 having as many as 20 percent of their people engaged in agriculture, now and in future years agricultural legislation must of necessity have the approval of urban Members. This I believe we will have, if we can get the issues understood. So, I welcome the opportunity tonight to speak to so many of my colleagues, and I am happy so many of them are here. Because of your organization, and other things, colleagues of mine who are here tonight are interested in all America and in all of our well being and in our standard of living and in agriculture.

I appreciate the signal honor you have given me on this occasion; but most of all, I appreciate the opportunity granted me through the years to present annually to the Congress and to the people the case for protecting the source of our well-being, the necessities of life, the biggest market for the products of industry and labor, the biggest bargain of the consumer and above all the key to our prosperity, American agriculture, where 5.6 percent of our people provide food, clothing and shelter, leaving the remaining 94.4 percent free to provide all the things which make for our high standard of living.

Today that high standard of living is in jeopardy because the public is not told that farm programs are not welfare programs but are necessary to keep a balance with industry and labor; to keep up farm purchasing power.

Some way we must get the public to realize that such farm purchasing power is essential to the whole economy; for history shows that a drastic break in farm prices and income, with the resulting drop in farm purchasing power, caused the panic of the 1920's, just as it brought on other depressions. When 453,000 farms were foreclosed, thousands of banks failed. The Dow-Jones Stock Price averages dropped from 381.2 in September to 41.2 in July of 1932. Suicides among nonfarmers for financial reasons reached an all-time high.

Following these conditions farm programs were initiated not as relief programs but to restore and protect purchasing power so essential to the whole economy, while making certain we had adequate supplies of food and fiber.

If we do not continue to make it worthwhile to produce food and fiber, which means see that income—which consists of units, times price, less cost—is sufficient to interest the individual in continuing agricultural pro-

duction, we will not have the food; and when that time comes, all the food stamps and all the money in the world will be of no avail, because the food simply will not be here.

POLLUTION, A MAJOR PROBLEM AND LIVE SUBJECT

There was a time when the "open sesame" to Federal money was research. Even today some of the projects under the Atomic Energy Commission and the Defense Department are rather farfetched. Today, with real cause, the subject that has real appeal and which everybody goes for—including the President—is pollution, man's injury to his environment. This I recognize fully. But here, too, we are finding that seven different agencies and departments have plans for laboratories for research on pollution.

While I have been a supporter of efforts by the Government, and support such efforts now, it is hard to understand why while these tremendous amounts of money—in excess of $2 billion for the current year, and probably twice that amount for the next year—are recommended by the Bureau of the Budget, on the President's recommendation—yesterday $10 billion over a 5-year period was recommended—at the same time the Bureau of the Budget recommends, as it has for 14 years, a drastic reduction in or elimination of the agricultural conservation program, wherein 1 million Americans put up their time and their money—two thirds of the cost—not only to save the lands for future generations but to help to preserve our water as we protect man from the pollution of our streams.

While we read about what there is to be done and how much money is to be allocated to the States and to the cities and to various and sundry organizations in the antipollution fight, the same Bureau of the Budget recommends and gets the Executive Department to cut the watershed program of the Soil Conservation Service in half and to seriously cut back provisions which the Congress has made to help preserve land for the present and for the future.

The former Chief Justice of the Supreme Court, Mr. Warren, in the redistricting cases went so far as to say that Members of Congress did not represent acres and trees, but represented people.

My friends, if somebody does not represent the land and the trees and the natural resources and see that those who produce food for the rest of us get a fair shake, there will not be any people to represent.

And when it came to representing the land and the trees and the natural resources, I do not know of any organization that has thrown its shoulder to the wheel any more than yours has. You have not limited yourselves to your own vested interests, because through Bob Koch you have worked for the good of America and many causes which all help not only the man in rural areas but the man in the city as well.

MAN'S WASTE OF HIS NATURAL RESOURCES

Perhaps the greatest single fault of mankind through the annals of recorded history has been his failure to preserve and protect the natural resources which provide him with his basic necessities of life—food, clothing, and shelter. History indicates that each civilization developed by mankind through the course of the centuries, regardless of the degree of sophistication and advancement attained, has disappeared from the earth because of man's abuse of the soil, water, forests, and other basic resources passed on to him for his use and custodianship.

One of the most serious questions facing our highly developed civilization of the 20th century is whether or not, through more intelligent use of our natural resources and more advanced agricultural technology, we can meet the ever-increasing demands of rapidly expanding populations for food, clothing, and shelter.

A review of the earlier civilizations of the wornout and food-deficient areas of the world indicates what has resulted from the failure of man through the ages to apply an adequate portion of his wealth to the protection of the soil, the forests, the rivers and lakes, and other resources as he used them to feed and clothe himself.

In 3500 B.C. the valleys of the Tigris and Euphrates Rivers supported a large and prosperous civilization. By the year 2000 B.C., great irrigation developments had turned this part of the Middle East into the granary of the great Babylonian Empire. Today, however, less than 20 percent of this area is cultivated because, as they became urbanized, the people of that civilization failed to continue to preserve the productive capacity of the land, according to LaMont C. Cole of Cornell University:

The landscape is dotted with mounds, the remains of forgotten towns; the ancient irrigation works are filled with silt, the end product of soil erosion; and the ancient seaport of Ur is now 150 miles from the sea, its buildings buried under as much as 35 feet of silt.

Extensive irrigation systems were established in the Valley of the Nile before 2000 B.C. to create the granary for the Roman Empire. This land, which is made fertile by the annual overflowing of the Nile, continued to be productive for many centuries. However, in recent years, as the result of more intensive use of the land and inadequate attention to conservation measures, the soils have deteriorated and salinization has decreased the productivity in the valley to the point where this area is now largely dependent on food shipments from other parts of the world to feed its people.

Ancient Greece had forested hills, ample water supplies, and productive soil. In parts of this area today, the old erosion-proof Roman roads stand several feet above a barren desert. Ancient irrigation systems in many parts of China and India are abandoned today and filled with silt. Most of India's present land problems are due to excessive deforestation, erosion, and siltation made necessary by tremendous population growth during the past two centuries.

The highly developed civilizations of ancient Guatemala and Yucatan are merely history today. Archeologists believe that they exploited their land as intensively as possible until its fertility was gone and their prosperous civilizations vanished.

The city-States throughout history have failed to realize that the cost of food, clothing, and shelter is going to be paid, either by the consumer or by the land from which they come. They have ignored the fact that soil cannot be cultivated year after year unless as much fertility is put back each year as is taken out.

WASTE OF NATURAL RESOURCES IN THE UNITED STATES

The United States is still a young country in relation to the ancient civilizations referred to above. During our short history, however, we have used up and destroyed vast amounts of the plentiful supply of natural resources which were here when the Pilgrims landed at Plymouth Rock. The continuation of such abuse could eventually reduce this country to a barren wasteland with the low standard of living found in much of Asia and the Middle East.

This country had 8,000 billion board feet of timber about 150 years ago. Today we have around 1,600 billion board feet left—only 20 percent of the original stand. This terrible waste of timber resources points up the extent to which our highly competitive economy can deplete a national asset in the generation of new wealth. It points up the need for continuing and expanding conservation efforts on a national basis.

Only 175 years ago we had 500 million acres of fertile soil in this Nation. We have already wasted 200 million acres—40 percent—and another 100 million acres—20 percent—is washing away today. It has been estimated that an average of 40 acres of top soil flows down the Mississippi River each day of the year. Also, estimates are that more than 1 million acres of arable land are lost to residential areas, highways, and other urban developments each year.

OUR CITIES

Let us look at our older American cities. In our appropriations for agriculture we provide funds for studies and planning of wholesale market facilities in our cities. I have visited the 14th Street Market in New York City and the run-down areas of many of our major cities. As you stand in some areas with narrow streets, high buildings with panes broken out; as you travel through these areas and see the woeful, pitiful conditions which exist, so far as property is concerned, so far as public service is concerned, so far as sewerage is concerned; when you get down on the waterfront, which is referred to as an open sewer, you can clearly see that someway, somehow, we must help to restore these areas—knowing full well if they are to stay in good shape we must see that the landowners, the property owners or those who use the property, spend a reasonable amount regularly in maintenance and modernization, just as we must do with the caretakers of farm lands.

SOIL AND WATER CONSERVATION

Remarkable progress has been made in soil and water conservation in the United States in the last 25 years. The major part of the soil conservation job still lies ahead, however. The United States continues to suffer heavy soil erosion losses. Some 120 million acres are endangered seriously, and only about a third of our land is safeguarded adequately. More than half the estimated $1.2 billion average annual flood water and sediment damage in the United States occurs on the headwater streams and small tributaries. And sediment causes costly damage to the Nation's 10,000 major water storage reservoirs. The amount of erosion-produced sediment dredged annually from our rivers and harbors exceeds the volume of earth dug for the Panama Canal.

Increased farm production resulting from tremendous advances in science and technology tends to obscure the fact that, to meet food and fiber needs of a few years hence, this country will need the production equivalent of around 200 million more acres, based on current yields. Since we do not have additional acres of cropland available in the United States, this production must come largely from increased yields on existing cropland. This is in the face of continuing annual losses of some 400,000 acres of cropland because of erosion, and three times that amount each year through conversion of good farming land to urban and industrial uses.

FUTURE WATER SUPPLIES

Nearly one-fourth of the people of the Nation face problems of water shortage, poor water, or both. The rate of water use predicted for 1980 is nearly twice what it was in 1955. In some areas of this country we are already finding that expansion of population and industry is limited by the lack of adequate sources of water.

An official of the Department of Agriculture recently described one of the Nation's major problems of water conservation as follows:

"The Nation is concerned about its water problems but it seems that very few people are aware that 70 percent of the Nation's

water budget that comes as rain or snow is lost by evapotranspiration from vegetated lands. Only 30 percent of our water budget becomes massed flow into streams and reservoirs.

"For example, during the average growing season in New York State a half million gallons of water will evaporate from an acre of potatoes, regardless of the kind of crop produced, since the evaporation is largely determined by solar radiation. The farmer who produces 500 bushels of potatoes per acre is producing 1 bushel of potatoes for every thousand gallons of water evaporated. If his yield is only 50 bushels of potatoes per acre, he will use 10,000 gallons of water for each bushel of potatoes produced. . . ."

Today's 200 million Americans are figuratively and literally "abusing the privilege" where the use and handling of water is concerned. Our lakes and rivers have become catch basins for the residues of our factories, automobiles, household and agricultural chemicals, for human wastes from thousands of villages, towns, and cities. How well we clean up this situation and learn to handle it without restricting man's means of providing our high standard of living may well determine the future of our Nation.

As we approach this problem, we must keep in mind that the power to control water quality or quantity is not only the power to make or break business, but is a power over the life of the Nation itself. We must also keep in mind that agriculture's claims and responsibilities for the use of water are second to none, for agriculture provides our food, clothing and shelter, the basic necessities for life.

If we leave to future generations a fertile land, this country will be able to meet its future domestic and international problems. After all, our children and our children's children could establish their own financial system; but if we leave them a wornout country, they will have nothing on which to build and our country could go the way of India, China, and the Valley of the Tigris and Euphrates—a nation of mounds, remains of forgotten towns and cities.

Thank you for inviting me to be with you. And thank you too for the efforts you made through the years in helping us with our fight in Congress.

CONSERVATION OF OUR NATURAL RESOURCES

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEBELIUS. Mr. Speaker, conservation of our natural resources has recently become a most popular national cause. It is because of our Nation's recent "environmental reawakening" that I should like to comment on a recent award presentation to one of our Nation's most distinguished and respected leaders.

As many Members of Congress know, Clifford R. Hope is one of our Nation's foremost authorities on agriculture. As many of his friends in this body will recall, Congressman Hope served his State of Kansas for 30 years and was the chairman of the House Agriculture Committee.

On February 4, the National Association of Conservation Districts recently presented Cliff with its Distinguished Service Award in honor of his great and many contributions to conservation. In effect, this award not only speaks for the National Association of Conservation Districts, but also for the people of Kansas and the people of this Nation who owe much to the direction and leadership which Cliff Hope gave to this Nation's efforts to conserve and improve our natural resources.

Mr. Speaker, to judge by today's headlines one would think concern and interest regarding our environment were limited to today's contemporary political scene. Yet, as often is the case, upon investigation of the RECORD, we find many of our former colleagues were concerned with conserving our Nation's resources long before it became politically profitable to do so.

What a wonderful tribute to such a man. When Clifford Hope left office, he left our great land a better place than when he first took on the responsibility of public trust in the days before conservation, reclamation, and water resources became common terms. And, what a fitting challenge to us all to follow Clifford Hope's example as we join together in a bipartisan effort to conserve and protect our great land.

It is with great pride that I submit the following remarks honoring Cliff Hope for inclusion in the RECORD:

CITATION TO CLIFFORD R. HOPE

The National Association of Conservation Districts paid tribute Wednesday, February 4, to former U.S. Congressman Clifford R. Hope, who served in Congress for 30 years, longer than any other Kansan, with its highest award for service in resource conservation.

The award was presented by NACD outgoing president Sam S. Studebaker of Tipp City, Ohio, as a highlight of the association's 24th annual meeting in San Francisco. The citation:

For his sustained efforts over a period of more than 40 years to increase public understanding of the urgency and value of soil and water conservation;

For his initiative and leadership—as a member and as chairman of the committee on agriculture of the U.S. House of Representatives—in fostering the enactment of laws establishing the Soil Conservation Service and the nationwide program of soil and water conservation in 1935, the pilot watershed program 1953, the watershed protection and flood prevention program in 1954, and the Great Plains Conservation Program in 1956;

For his unfailing support and invaluable encouragement to soil and water conservation districts in making their contribution to erosion control, flood control, watershed development, and environmental quality; and

For his continuing recognition that local people and local institutions are the ultimate source of strength in the long campaign to protect and develop the Nation's natural resources—

We, the officers and directors of the National Association of Soil and Water Conservation Districts, are honored to present to Clifford R. Hope, of Garden City, Kansas, the Distinguished Service Award of this Association.

Given in San Francisco, California, on the fourth day of February, 1970.

SAM S. STUDEBAKER,
President.

BALANCED TRANSPORTATION

(Mr. VIGORITO asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. VIGORITO. Mr. Speaker, there is great national concern about the future of our transportation systems. I feel that my colleagues might be interested to read excerpts of an excellent talk delivered before the National Transportation Institute, Transportation Association of America, at New York on January 28, by Mr. Bryce W. Wyman, vice president and general manager of General Electric's Transportation Systems Division of Erie, Pa.:

BALANCED TRANSPORTATION—FACT OR FICTION IN THE 1970's

Getting there *used to be* half the fun.

But, today each one of us here experiences daily many agonizing situations as we travel to and from work and from city to city.

In the most *advanced technical nation* of the world, why are we willing to put up with such frustration—such loss in time—such inefficiency—such loss in national productivity—such loss in population mobility—such loss in employment accessibility? . . . Why are we willing to contaminate our atmosphere with so much noise and pollution—170 million tons of smog annually? A prominent biologist says, "Automobile smog hangs like a pall over even Denver and Phoenix . . . we are approaching the point of no return . . . our survival is at stake."

Remember when our cities used to be beautiful places to live—characterized by both economic and cultural vitality? Why are we converting 60 to 70 percent of so many of their centers into parking lots, expressways, support facilities and airports—allowing center city blight, ghettoes, unemployment and crime to drive new home construction, and commerce to the suburbs? . . .

Our foremost national planners predicted today's situation as far back as two decades ago.

Sowing the wind, we are now reaping the whirlwind. Two decades from *now*, 85 percent of our population will live in urban areas. Our highways will be clogged with 150 million autos travelling bumper to bumper. Giant jets will be dumping 500 or more people per plane from our skyways into our already crowded airports. . . .

What has prevented us from keeping up with our growing transportation problem? Have we been unwilling to commit enough of our national resources to finding a better solution? Hardly!!! We have been spending the dollars—20 percent of our Gross National Product—190 billions of dollars each year just to transport our people and their needs. . ,

No, it's not a case of the dollars. It is a case of the lack of balance and the lack of integration between modes that has generated the transportation gap with which we enter the 70's. We have been unwilling to look at passenger transportation as a total system from point of departure to point of destination.

Each transportation mode has looked on every other mode as its mortal enemy that it must fight to the death. . .

To date, the senseless in-fighting between modes has prevented any semblance of broad scale systems planning. Herein lies the major problem.

We can never optimize the balance between modes, unless we simultaneously optimize the funding available for each mode—a chain is no stronger than its weakest link.

Trade-offs will, of course, be necessary. But, the day is gone when we can afford to throw efficiency to the wind in the use of any of our natural resources—land, fuel, or most importantly, time. . .

Time has run out when as a nation we can continue to neglect the social, aesthetic, health, natural resource preservation, noise, pollution, passenger frustration, national death toll and all the rest. . .

But transit systems, like a highway network, require years to plan and construct. Like highway systems, they require similar

long term financing commitments—not on-again, off-again yearly appropriation battles.

Many legislators and municipal officials have, therefore, urged "Transit Trust Fund" similar to the Highway Trust Fund as the only way to adequately fund the long lead times for transit systems. . .

A balanced transportation system can only come about when all modes of transport are treated alike. The serious deterioration brought about by insufficient funding of present metropolitan transportation systems and the steadily increasing traffic congestion, are evidences of the fact that we badly need an all-encompassing total "Transportation Trust Fund".

Such a program would provide "balanced financing" and permit the tailoring of transportation facilities to meet local problems. There has already been some important progress in balanced financing at the state level. . .

Rapid transit lines increase the capacity of an average freeway five fold. Unless we want to convert our inner cities into concrete landscapes, we must convert our freeways into coordinated transportation corridors, combining auto and transit—and quickly—if we hope to take care of our future travel requirements without fantastic sacrifices in land and cost . . .

Though needed progress is being planned and implemented in many U.S. cities, many more are allowing the situation to steadily deteriorate by inaction. European cities are moving faster. Since World War II, 19 cities in Europe have built or are building new, efficient rapid transit systems . . .

What lies ahead for the 70's?

All new transit lines will be automated to provide the maximum in safety, efficiency, and passenger comfort . . .

To eliminate the smog and congestion of short distance, cross-town traffic, or between shopping centers, or around airports or student movement around university campuses, small electric automobiles or small electric dial-a-buses will likely find wide application with automatic computer control of both battery powered vehicles and roadways.

As our cities spread and overlap one into another, giant corridors are forming, such as the Northeast Corridor between New York and Washington, or New York and Boston—too short for efficient air travel, but too far for 80 to 100 mile per hour transit.

Dramatic progress in such intercity transportation has been made in the past year, when the first of the new, individually powered Metroliners capable of 160 miles per hour were first put into revenue service on the Penn Central Railroad.

These safe, all-electric, smog-free, quiet Metroliners with 2500-HP per car, have rolled up millions of miles of service in the past year, spanning the distance between New York and Washington in 2 hours and 30 minutes nonstop . . .

Many other "population corridors" are developing in the U.S., which are too close for efficient air travel, and must develop similar high-speed corridor transportation.

Here again, revision of our outmoded competitive, privately funded transportation policies is mandatory if these regions are to have the kind of passenger transportation they so desperately need . . .

During the 70's also, development and demonstration projects will be pushed rapidly for wheel-less, air cushion trains supported on thin films of air capable of 200 to 500 miles per hour.

Speeds such as this will completely alter real estate values and living patterns when people can work in New York and commute from New Hampshire or Virginia. Powered by electric linear induction motors, these trains will require no physical contact between vehicle and guideway.

In revenue service by the end of the decade, these trains will be as smooth and as quiet as sitting in your own living room easy chair. Such trains will also be required to link future airports which, of necessity, will be located many miles from the center of most cities.

Visionary or blue sky? Not at all.

Such passenger transportation is completely consistent with our technological capabilities. The bold innovative research and development is already underway. As a people who can deliver a passenger non-stop to the moon, we have proved we can do what we want to do—if we want to do it badly enough—and are willing to devote the balanced funding that will be necessary.

The priorities will vary from area to area, but balanced transportation, cutting across the broad spectrum of our social development, will have to provide the foundation and the catalyst for America to maintain its role of world leadership.

TO PRESERVE PUBLIC SCHOOL SYSTEM

(Mr. BENNETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BENNETT. Mr. Speaker, recent decisions by the courts have caused great concern and difficulty in the Third Congressional District of Florida, which I represent. The public school system, which includes over 122,000 students in 135 schools in Duval County, is threatened by compulsory involuntary busing for racial ratios.

I have introduced several pieces of legislation which I believe would correct the injustice by these court decisions.

One, House Joint Resolution 1045, is a constitutional amendment to prohibit the involuntary busing of students from their own neighborhood school to another area.

Another bill, H.R. 15437, would relieve pressure for school integration in each school once the national average for a minority is reached in the school.

A third bill, House Joint Resolution 1047, would amend the Constitution to require that Federal judges be reconfirmed every 6 years, to require 5 years' prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of judges at the age of 70.

Mr. Speaker, the Florida congressional delegation has had several meetings on the problem of forced busing, because it is a critical problem in our State. The delegation has requested a meeting with the President or Vice President Agnew's new school committee. We hope to present Florida's position and that of our own districts to the administration as soon as possible. On January 14, 1970, I also asked the Supreme Court to allow me to intervene in cases to make a plea before the Court against involuntary busing for racial ratios.

I include in the CONGRESSIONAL RECORD the three bills which I have introduced:

H.J. RES. 1045

Proposing an amendment to the Constitution to provide that no child shall be deprived of education or otherwise be forced to attend a school not chosen by such child when such child is not in the school nearest the area of residence of such child

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"SECTION 1. No child shall be deprived of education or otherwise be forced to attend a school not chosen by such child when such child is not in the school nearest the area of residence of such child."

H.R. 15437

A bill to require that public schools throughout the United States achieve equality of integration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, when the national average of our greatest minority racial group is reached as a percentage of the total population in any particular public school, such school shall not be required to take further steps toward integration, providing that it is open for attendance by all those who seek such attendance.

H.J. RES. 1047

Proposing an amendment to the Constitution of the United States to provide that appointments of Supreme Court and other Federal judges be required to be reconfirmed every six years, to require five years' prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of Federal judges at the age of seventy years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid only if ratified by the legislatures of three-fourths of the several States within seven years from the date of final passage by the Congress:

"ARTICLE

"SEC. 1. No person may serve as a judge of the Supreme Court or of any court ordained and established under section 1 of article III unless the Senate reconfirms his appointment to that office during the last year of each period of six calendar years beginning after the year of his initial appointment, except that for the purposes of this article a judge holding office on the date of the ratification of this article by a sufficient number of States shall be deemed to have been initially appointed as such on the date of ratification.

"SEC. 2. No person may be appointed as a judge of the Supreme Court who, at the time of his appointment, has not served for at least five years as a judge of a court of record of a State or of a court provided for in section 1 of article III.

"SEC. 3. No person who has attained the age of seventy years may serve as a judge of any court of the United States but any person who ceases to serve as a judge of such a court because he has attained the age of seventy years shall continue to receive the compensation to which he was entitled as a judge."

GEN. LEWIS B. HERSHEY STEPS DOWN

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, yesterday Gen. Lewis B. Hershey stepped down as the Director of the Selective Service, a post he has held for

28 years. During that time critics have lambasted him; friends have praised him. And he himself has waxed and waned between witty, lighthearted humor, and stern disciplinary grumblings. Yet one thing that never wavered was his devotion to his duty and his service to his country.

The job of Draft Director is certainly not an enviable one, as the recent difficulties in finding a successor to General Hershey have proved. Some would suggest that the job rests somewhere beween the task of lord of the heavens and master of hell. On one hand it has been argued that the Director has complete control over life and death; and on the other it is said that he seems to exercise satanic whims to try men's souls.

Yet neither of these is a true picture. The task is an administrative one. It is made difficult through the multitude of conflicting rules and regulations built up over the years by Executive order, congressional laws, and Selective Service directives. No doubt very few people, if any, know exactly how all the rules apply.

General Hershey, however, continued in this task for the last 28 years, knowing it to be unglamorous in almost every respect. In recent years, I am sure he foresaw the difficulties of conducting the draft during a war that was growing unpopular among those being drafted. Yet, true to his principles of service to his country, he continued in his work as long as his country called. Never once did he publicly waver in answering that call.

His rewards over the past years have been a series of attacks by radical groups, hangings in effigy, ridicule by some members of the press and accusations of incompetence, senility, and ineptitude by numerous others. Yet true to his sense of devotion to his duty, he ignored these insults and continued in his task.

For his years of undying service, for his trials of times past, for his unmatched devotion to his country let me add my personal note of praise and thanks. He has answered the call of his country and for that his country owes him much.

Soon we in this body will turn to the task of correcting some of the conflicting rules, laws, and regulations that made his job so difficult. Let us remember as we get into this work the trials and tribulations of this man. There are few men left today who would answer the call from his country to perform such a monumentally difficult and oftentimes inglorious job. That General Hershey has been willing to labor so diligently for all these years is to his everlasting credit.

DEATH OF DELAWARE GOV. CHARLES L. TERRY, JR.

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, February 6 was a sad day for Delaware. On that day we lost Gov. Charles L. Terry, Jr., the only man in the history of the First State to serve as secretary of state, chief justice, and then chief executive. Governor Terry was a remarkable person, loved by people from all walks of life and all political backgrounds.

As Governor, he was often fiercely partisan. He loved his Democratic Party and in the final days of his life won his last political battle. At the same time, he did not let politics interfere with the common good. Although I am a Republican, he gave strong support to my legislative proposals to improve Government services. At a 1968 Governors' Conference, Governor Terry obtained the unanimous consent of the conference for two of my bills.

Governor Terry lived the full life. He was a counselor to Presidents, a great sportsman, as well as a fine raconteur of stories. He loved to hunt and play golf, and he was an outstanding athlete at Washington and Lee University. His imposing presence—reminiscent of our earlier Colonial Governors—commanded attention wherever he went.

Governor Terry's unfailing kindness to great and small alike won him friends everywhere. I remember well my first meeting with him at an American Bar convention. Despite the fact that I was a young, unknown attorney, when the then chief justice met me as a fellow Delawarean, he included me in many events that would have otherwise been unavailable to me.

I would be remiss in not mentioning his good and gracious lady, Jessica Terry, who as first lady presided with grace and dignity at Woodburn, the Governor's mansion, and like the wives of yore, she led the battle when the Governor was struck down by a heart attack during his last political campaign for office.

Governor Terry made his fellow men and this Nation richer. Delaware shall be poorer without him.

Mr. Speaker, I include a series of editorials memorializing the life of this fine citizen and public servant:

[From the Delaware State News, Feb. 9, 1970]

AN AFFECTIONATE FAREWELL

(By Jack Smyth)

It is difficult to write about the passing of former Governor Charles L. Terry Jr.

This is because his memory deserves more than the commonplace expressions of regret. It just wouldn't be right to be trite about Gov. Terry, because he was not a conventional person.

There was greatness in Charles L. Terry Jr. It was in his proud bearing, the steadfast look in his eyes, his strong features. It was in his quick, wide and wonderful smile. But it became most evident when you got to know him and realized how much love he had in his heart for his fellow human beings.

There was nothing simple about this 56th governor of the "First State." Although a man with a strong, even stubborn, will—he had a difficult time giving up basic pleasures of life—eating, drinking and smoking. He chaffed when doctor's orders forced him on a restrictive regime.

"Charley" Terry seemed to love everything about his life. He relished good companionship—the kind he found at the card table, out on the field and stream, at sporting events. He enjoyed the game of politics, too, and was a loyal ally and a tough enemy.

When I first became good friends with the late governor, he was a judge. It was shortly after I had arrived in Delaware, a native of Pennsylvania who had been a small town editor. The small daily I had launched, the first in Dover's history, was struggling. We met on an Air Force junket to Florida—to see an exhibit of fire-power at Eglin AFB. Judge Terry and I sat together on the plane. We exchanged our life histories and points of views as new-found friends often do. And our relationship remained constant until 12:45 last Friday afternoon.

Those in public life and people who write and edit the news make a quiet sacrifice if they properly do their respective jobs. It is the giving up of any real intimacy which is found in truly close friendship.

A newspaper editor can never be in the confidence of a public servant. Many have, of course, but when they make this choice they no longer can properly strive for the objectivity their readers have the right to expect.

Gov. Terry had a great insight into this delicate relationship. And he respected the need for an arms-length association that allowed for mutual friendship but with no strings attached.

The functioning of our democracy becomes especially fascinating if you observe how our leaders evolve. I'm always intrigued by the process—on all levels, national, state, county and local. And, while you learn to expect the unexpected, Terry's greatness as governor gave me a thrilling surprise.

Attorneys who become judges are usually happy with the security provided by the bench. When Charles L. Terry Jr. became chief justice of the State Supreme Court, this was a distinction that would have satisfied most men. But here we had a most extraordinary individual.

So when Terry plunged into the stormy sea of active politics at his age, I had my doubts. Not that I had any misgivings about his intellectual capacity and deep integrity. But I figured, if elected to the state's highest office, we would have a calm, judicial and complacent Governor Terry.

I've been wrong often before—but seldom so completely. Within the first few months of 1965 the people of Delaware realized they had elected a competent, effective, hard-hitting executive who was his own man, bent on nailing down his pledged platform to the smallest plank.

So today we are placing in his final resting place a truly remarkable man, a good and faithful public servant. Every Delawarean, native or adpoted, bids Charles Laymen Terry Jr. an affectionate farewell. We are all better citizens for his full and wonderful life. He will be greatly missed and long remembered.

[From the Wilmington (Del.) Morning News, Feb. 9, 1970]

LARGE TERRY LEGACY

This afternoon, sometime after 2, a minister will meet the body of Charles L. Terry Jr. in Christ Episcopal Church in Dover and recite the phrase ". . . We brought nothing into this world, and it is certain we can carry nothing out."

The words are included in the opening paragraphs of the order for the burial of the dead in The Book of Common Prayer. They are good and sensible words. And there is no desire here to dispute them. But a word or two is called for this morning on those things Gov. Terry has left behind now that he had departed this earth.

The most obvious and oft-cited of his legacies is his record of public service: Attorney for the Kent County Levy Court and General Assembly, secretary of state, Superior Court judge, Supreme Court justice,

chief judge of both those courts, governor. Charles Terry had about done it all, when it came to public office. The judicial efficiencies, the governmental reforms, the new state programs effected under his leadership are also numerous and well-known.

Equally formidible is the list of friends and supporters who respected, admired and, yes, loved Charles Terry. That is something else left behind, for this was strong man who inspired strong emotions. And while it is true that sometimes those emotions were violently negative, by our observation, most people, even the governor's staunchest political enemies, conceded that they were impressed and touched in some way by the man.

Armies of friends and admirers, a record of over 40 years of public service; who could hope to leave more behind? Some might ask you, "Well, what about a firm place in history? That is something more." And so it is. But there doesn't seem to be any doubt, that Gov. Terry's place in Delaware history is already secure. It is true that we are all too close to the events of his four-year term in office to assess them with any perspective. Such evaluations will have to come later. But such was the force and energy of Charles Laymen Terry's Jr.'s personality that both he and his term in office will be remembered, long after other men who have served the state in similar capacities will have been forgotten.

[From the Wilmington (Del.) Evening Journal, Feb. 7, 1970]

A DELAWARE NATIVE SON

Death always comes too soon. And so it was with Charles Laymen Terry Jr.

This realization obscured all else when the news came from Dover yesterday shortly after 1 p.m.; "Governor Terry is dead!"

It was too soon—too soon into his well-deserved retirement and chance to enjoy the pleasures of private life; too soon for political wounds to have healed, for emotions to have been dissipated, for perspective to have returned. It was too soon for a man with Charles Terry's zest for life and living.

But there it was. It had happened. What was one to say?

Well, first of all, let's kid no one, least of all ourselves. We had our differences with the former governor, particularly during his last two years in office. No amount of sentimentality can, or should, obscure that fact. And sometimes those differences were as basic as differences between civilized men can be, as in the case of our persistent and outspoken opposition to Gov. Terry's election to a second term. This newspaper tried its damnedest to help elect Russel W. Peterson.

Was it right? Was it wrong? Who knows? Let's say it was politics, and take comfort in the fact that Gov. Terry was able to tell the General Assembly that he left office "with the absolute knowledge that (I have) done (my) very best in the service of (my) fellow men."

There is no denying the truth of that statement or the conviction with which it was given. And there is no denying, either, the fact that in terms of Delaware history few men of recent times have served the public as long or in as many capacities as did Gov. Terry. He began as an attorney for the Kent County Levy Court in 1926 and filled public offices without interruption thereafter until Jan. 23, 1969. During those years he accomplished a great many notable things which are chronicled elsewhere in this newspaper.

We do not dwell on them, as significant as some of them are—like the establishment of the technical and community colleges and the new magistrate system. This is because even more impressive for us was Gov. Terry, the man, the individual, the entire package. We liked him. He was a personage, as well as a person; he was a paradox, a good guy, happy talking baseball and bird shooting, and one of the most leonine of judges. He was loyal to his friends and they were loyal to him—just talk to anyone who ever worked closely with him. Such devotion is as much testimonial as any man could ever wish.

But, perhaps, most of all Charles Terry was for and of Delaware. From the tip of his toes to the top of his head, in dialect, heritage, reaction, pride and heart he was that all too rare breed, the native son. And if not an atavist, he somehow was able to radiate a strong sense of Delaware's past, as well as her present. Jamie Wyeth's portrait of him on the second floor of Legislative Hall captures this aspect of his character. As some have remarked, it might well be a John Trumbull impression of an 18th Century Federalist judge.

It was this deep rootedness that for us most typified Gov. Terry. It was also his greatest strength as a leader. It is not too fashionable right now to look beyond today. Tomorrow? Yesterday? Who cares?

Charles Laymen Terry Jr. did. And, as we said, death came too soon for him.

AMENDMENTS TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. McCULLOCH. Mr. Speaker, it gives me great pleasure to introduce, today, the administration's amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968. Title I established a Federal program of block grants to the States to encourage and aid them in their fight against crime.

On October 9, 1969, I introduced H.R. 14296, which would authorize an appropriation of $650 million for fiscal year 1971. The administration bill provides an open-ended authorization for the next 3 fiscal years. The President's budget allows for an appropriation of $480 million for the next fiscal year. It is my sincere hope that in the course of the legislative process a reasonable accommodation can be reached between the disparate but competing demands of inflation and public safety.

The administration bill provides for 13 additional amendments to title I of the act. None of them would alter the basic block-grant approach to the crime problem. Rather, they are designed to perfect the administration of the block-grant program.

The forgotten front in the war on crime is that of corrections. Frankly, rehabilitating criminals is not very popular in a day when dollars are scarce and criminals stalk the streets with increasing impunity. But such an attitude is shortsighted. It is the crime against the stranger that strikes fear in our hearts. Such a crime is likely to have been committed by a recidivist, a person who has failed rehabilitation at a correctional institution.

The administration bill would require that funds be earmarked for State and local correctional programs. This would prevent State and local governments from indulging in the temptation to utilize all their anticrime grants to catch criminals and then send them to institutions which educate them and encourage them to commit crime again. In all too many parts of the country, so-called correctional institutions serve the very opposite purpose.

The administration bill would also relieve States with no large cities of the requirement of passing on to local government 40 percent of the "planning" grants and 75 percent of the "action" grants. Such States typically make their major anticrime effort at the State, not the local, level of government. It is thus inappropriate to force money in such States down to the local level where there is no significant anticrime effort. In Alaska last year, the local governments waived their rights to a share in the State's grant because they do not typically undertake such efforts. A more flexible provision must be written—one that permits the large cities to receive substantial aid in their anticrime efforts but does not hamper the anticrime efforts in some of our States with small populations.

Furthermore, the administration bill would make clear that 15 percent of the total funds, which may be allocated at the discretion of the Law Enforcement Assistance Administration, could be given without regard to any population standard and would not be subject to the matching-grant requirements applicable to the formula grants. Rather, they would be subject to a much more lenient matching-grant requirement. This is in contrast to my bill which would completely eliminate matching-grant requirements for discretionary grants.

The administration bill also limits the provision that no more than one-third of police salaries may be paid by Federal grants in two ways:

First, by making the limitation applicable only to formula grants and not to discretionary grants; and

Second, by making the limitation applicable only to the traditional law enforcement officer and not to "personnel engaged in research, development, demonstration or other short-term programs."

These limitations will allow more Federal money to be spent directly on police.

Moreover, the administration bill would make clear that LEAA may develop and support regional and national programs to instruct State and local law-enforcement officials in improved approaches to the administration of criminal justice. The bill also amends LEAA's educational program to authorize persons employed or preparing for employment as full-time teachers of courses related to law enforcement to participate in the program. Another amendment would authorize grants for the purpose of developing new and improved programs of law enforcement education and curriculum materials.

Since the amendments are technical in nature, I offer the following section-by-section analysis to aid in the study of this legislation:

SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND TITLE I OF THE OMNIBUS CRIME AND SAFE STREETS ACT OF 1968, AND FOR OTHER PURPOSES

Section 1: Enacting and title clause.

Section 2: Amendments to the Omnibus Crime Control and Safe Streets Act:

(1) *Amendment to section 203(c).* This amendment would permit LEAA, in its discretion, to waive the requirement in section 203(c) that each State planning agency assure that at least 40 per centum of all planning funds granted to it by LEAA for any fiscal year will be made available to local governmental units within the State to permit such units to participate in the formulation of the State's comprehensive law enforcement plan.

(2) *Amendment to section 301(c).* This amendment recasts the language of subsection (c) of section 301 to make it clear that the various percentage limitations on Federal expenditures set forth in the subsection apply only to block grants to State planning agencies made under section 301, and not to discretionary grants made under section 306.

(3) *Amendment to section 301(d).* This amendment complements amendment (2) by changing the word "part" in the first sentence of section 301(d) to "section" so that the limitations on the use of block grant funds under that section to compensate law enforcement personnel will not apply to discretionary grants under section 306. The remaining changes made by the amendment are intended to make it clear that the personnel compensation restrictions set out in the section are limited. The amendment would provide that the use of grant funds for the salaries of personnel engaged in research, development, demonstration projects, or short-term programs would not be subject to the limitations set forth in section 301(d). They would, however, remain subject to the State and local matching fund requirements set forth in section 301(c).

(4) *Amendment to section 303(2).* This amendment is a companion to amendment (1). It would permit LEAA to waive, in appropriate cases, the requirement that 75 per centum of the action funds granted to a State for a fiscal year be made available to local units of government to permit them to participate in the implementation of criminal justice reform programs.

(5) *Amendment to section 306.* This amendment would modify the present language of section 306 and designate it as subsection (a), and would add a new subsection (b). The modifications in the present language would make it clear that LEAA may utilize the 15 per centum discretionary funds for direct grants to local governmental units or for grants or contracts to other grantees appropriate to the purposes of title I. Of the discretionary funds, 20 per centum may be utilized to finance programs or projects in their entirety. No other grant may be for more than 75 per centum of the cost of the program or project.

The new subsection (b) would authorize LEAA to reallocate funds allocated to a State for any fiscal year but not utilized by that State during the year. LEAA would be permitted to use such unclaimed funds for grants under part C to other State planning agencies, local units or other appropriate grantees, thus assuring utilization of all funds appropriated by Congress for the purposes of the Act.

(6) *Amendment to section 406.* This amendment would make a number of changes and additions to the provisions under which LEAA makes grants to colleges and universities for loans and grants to persons enrolled in law enforcement studies who are either employed in law enforcement or are students desiring to pursue law enforcement careers.

Amendment (a) would conform the language in subsection (b), describing the types of degree and certificate programs that qualify under the loan provisions, with the language of subsection (c), describing the programs that qualify under the grant provisions. It would then be clear that the applicable standards are the same in both cases, as they should be.

Amendment (b) would amend the grant subsection to permit grant funds to be used for the purchase of books as well as for tuition and fees.

Amendment (c) would add three new subsections to section 406:

New subsection (d) would incorporate language, which is standard in Federal student aid legislation, to permit persons receiving Veterans Administration or Social Security assistance to receive LEAA funds concurrently without endangering their VA or Social Security benefits.

New subsection (e) would authorize LEAA to authorize loans and grants (and forgiveness and cancellation benefits) for persons employed or preparing for employment as full-time teachers of courses relating to law enforcement.

New subsection (f) would authorize LEAA to make grants for the development and revision of programs of law enforcement education and for the development of curriculum materials.

(7) *Addition of a new section 407.* This amendment would add a new section authorizing LEAA to develop and support regional and national training programs and training teams to instruct State and local law enforcement personnel in improving methods of law enforcement. The section would provide explicitly that LEAA's training activities would not duplicate those of the Federal Bureau of Investigation under section 404.

(8) *Addition of new Part E concerning correctional institutions and facilities.* This amendment would add a new part to title I to establish a specific program of grants to States for the purpose of the construction, acquisition and renovation of correctional institutions and facilities and the improvement of correctional programs. State applications for such funds would be incorporated in the comprehensive plans now required to be filed under the Act and grants would be made to the State planning agencies now administering the block grants made under part C of the Act.

(9) *Amendment to section 508.* This section is redesignated section 608, and is amended to authorize LEAA to receive and utilize funds or other property transferred by other Federal agencies or donated from outside sources.

(10) *Amendments to section 517.* This section is redesignated section 617, and is revised to authorize LEAA to appoint individual consultants as well as technical advisory committees, and to provide that the technical consultants and committees may be appointed without regard to the civil service and classification laws. The amendment would also provide a maximum daily rate of compensation for consultants and technical committee members not to exceed the daily equivalent of the rate for GS–18.

(11) *Amendment to section 519.* This section is redesignated section 619, and as amended would change the deadline for submission of LEAA's annual report to the President and the Congress from August 31 to December 31.

(12) *Amendment to section 520.* This section is redesignated section 620, and would authorize the appropriation of funds for fiscal year 1971 and beyond. It is proposed that the Act be amended to authorize the appropriation for those fiscal years of such sums as Congress might deem to be necessary for the purposes of title I. The amendment would also add a provision permitting funds appropriated for LEAA to remain available until expended.

(13) *Amendment to section 601.* This section is redesignated section 701, and the amendment would add a definition of "correctional institution".

Sec. 3. This section would amend 5 U.S.C. 5108 to authorize LEAA to place a total of 25 positions in GS–16, 17, and 18.

PRESIDENTIAL PRAYER BREAKFAST REMARKS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, recently, many of us had the opportunity to attend the Presidential prayer breakfast. This was a significant occasion and one which had great meaning for this Congress and for this country.

It is a measure of the strength and greatness of the United States when the leaders of this country gather to demonstrate our reliance upon God in our private lives and in our public deliberations. Some of the most pertinent and meaningful comments delivered at the Presidential prayer breakfast came from one of our distinguished colleagues, the Honorable BURT L. TALCOTT, of California. I would like to share those comments with our colleagues who perhaps were unable to attend this important meeting:

PRESIDENTIAL PRAYER BREAKFAST REMARKS BY CONGRESSMAN BURT L. TALCOTT, FEBRUARY 5, 1970

Good morning Mr. President, my colleagues, and friends: With personal humility, but great representative pride, I bring warm greetings from the House Prayer Group.

Some Americans would probably consider a hotel ballroom in Washington, on a Thursday morning, with no clergyman on the platform, and with a quorum of the House and Senate present, to be the least likely situation for a meeting at which prayer is the principal attraction.

For those I have a message that I invite you to convey to your associates in your home communities: Among your elected representatives there is a growing conviction that universal understanding, domestic tranquility and peace can be greatly advanced by a fellowship based upon a belief in God and sustained by prayer.

The most venerable of all traditions of the House of Representatives is that every daily session, from the first session in Philadelphia until today, has been opened with prayer.

Mr. President, we are especially grateful to you for your contribution, by personal example, to the spiritual renaissance so needed by our society today. Your presence here, your innovation of holding Sunday religious services in the East Room, and your prayer breakfast in the White House gave tremendous impetus to the concept of men meeting together on a spiritual basis.

The meetings of our House prayer group are informal, with minimal organization—there are no dues or "membership lists." Only members, and elected members of foreign Parliaments, attend our meetings. All discussions are "off the record"—this prece-

dent enhances the candor of our discussions and the intimacy of our fellowship.

Capitol Hill is one of the most avidly political and keenly partisan places on Earth; but our group is strictly non-political and non-partisan.

Upstairs, on the House floor, we are fiercely adversary—disputation is the vogue; but downstairs at breakfast we are friends, the mode is to listen, exchange ideas and to discuss points of view.

Our group does not profess any particular theology—there is little religiosity and no liturgical trappings; we are ecumenical—and we were long before ecumenism became popular. Men of all religious persuasions attend our Thursday breakfasts. Ours is a simple fellowship of communication, of conciliation and concern.

Each of us is different—from widely different districts, with quite different backgrounds, training and religious experiences.

But, like mankind everywhere, it is essential that we retain a bond of friendship in spite of our extraordinary differences.

We open and close each meeting with prayer—some say "grace," some ask a "blessing," some give an "invocation" or "benediction." Sometimes we pray silently, each in his own way. But prayer is central to our meetings—it gives us a feeling of renewal, a spirit of unity with God, and a sense of oneness that is somehow above partisanship and politics—and somehow, almost mysteriously, inclusive of all our denominational, ethnic and national differences.

We Legislators deal with the future—the laws we enact are all prospective. So in our search for solutions, we are naturally attracted to the hope, the optimism, and the love of Christ.

We are living in a developing world, where people are continually changing and nothing is finished, but we find certitude in Christ, the eternal contemporary.

We believe that a network of private prayer meetings—whether at breakfast or lunch (or even without food)—whether in the Capitol, a church, an office or your home—whether you tackle hard political issues, difficult social concerns or nagging personal problems—is compatible with the teachings of Christ and the Kingdom of God.

If Members of the Congress—with all of our diversity and adversariness—can meet weekly in spiritual fellowship—certainly every other vocational group could do better.

So with our greetings this morning, the House Prayer Breakfast Group earnestly invites you to join and support the prayer group movement where you live or work. You will be promoting a growing, worldwide fellowship which we are convinced is the best hope for mutual understanding among men, tranquility within communities, and Peace with Freedom among Nations.

SOME QUESTIONS ABOUT H.R. 12025

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GOLDWATER. Mr. Speaker, the House votes soon on H.R. 12025, the National Forest Timber Conservation and Management Act of 1969. The alleged purpose of this measure is to meet increasing national demands for lumber and other wood products, especially for home construction, by significantly increasing the timber yield from the commercial forest land of the national forests. The funds to be realized from higher timber sales can then be appropriated by Congress for improvement and better production methods on the commercial areas of the National Forest.

Proponents of this act argue that it will enable demands for future construction supplies to be met from existing national forest inventories. They cite the tremendous backlog of forest management activities which would be fulfilled utilizing the funds gained from high timber yields.

Let us take a closer look at this measure, and at the issues involved. First of all, the President has created an ad hoc task force on lumber to study the supply-demand relationship in the lumber and plywood industry. Their study has been completed, and a draft of their findings is in circulation among top-level officials. It is not premature on our part to push through legislation without having recourse to the findings of experts on this subject? Why are the lumber lobbyists so anxious for action now, rather than waiting to hear what their own experts have to say?

Even more important, the legislation itself is questionable on two counts: First, it is poorly and ambiguously worded; and, second, the same purposes should be accomplished by more direct means, without threat to the conservation and recreational purposes which have become central national priorities within the recent past.

Let me make it clear at this point that I am fully in accord with the stated purpose of the bill to "provide for the more efficient development and improved management of national forest commercial land." Forest Service experts have testified that there is a $900 million backlog of work which must be accomplished in order to bring our national forests to maximum condition and productivity. This work includes thinning, replanting, fire protection, insect control, and watershed development.

Some funds are already available for this work, but they are basically inadequate. Timber receipts from national forests averaged $233 million in 1968–69. Of that sum, 25 percent reverted immediately to counties within which the national forests lie, for use on schools and roads. Another 10 percent of these receipts went for road construction within the national forests. This left 65 percent, or $151 million, which reverted to the General Treasury revenues.

As of now, funds for necessary reforestation activities come from two sources. The Knutsen-Vanderberg Act of 1930 provides that the Secretary of Agriculture may require any purchaser of national forest timber to make deposits of money, in addition to payment for the timber, to cover the cost to the United States of replanting and otherwise improving the stand which has been cut over by the purchaser. The second source is annual budgetary appropriations.

The 1970 budget for the U.S. Forest Service is very interesting. Selecting out that category which deals with forest land management and research, we find the following figures:

FOREST PROTECTION AND UTILIZATION

Program and Financing (in thousands of dollars)

Identification code 05-96-1100-0-1-402	1969 actual	1970 estimate	1971 estimate
Program by activities:			
1. Forest land management:			
(a) National Forest protection and management	163,029	181,910	189,681
(b) Water resource development related activities	9,254	7,339	5,109
(c) Fighting forest fires	25,697	4,275	4,410
(d) Insect and disease control	5,813	9,843	11,346
(e) Acquisition of lands	3,148	1,298	1,300
Total, forest land management	206,941	204,665	211,846
2. Forest research:			
(a) Forest and range management	16,841	18,028	18,297
(b) Forest protection	10,306	11,414	11,414
(c) Forest products and engineering	7,953	8,966	9,307
(d) Forest resource economics	5,067	5,441	6,048
(e) Forest research construction	1,565	567	36
Total, forest research	41,732	44,416	45,102
3. State and private forestry cooperation:			
(a) Forest fire control	13,901	16,469	14,469
(b) Forest tree planting	250	313	313
(c) Forest management and processing	3,556	4,130	4,950
(d) General forestry assistance	1,685	2,027	2,207
Total, State and private forestry cooperation	19,392	22,939	21,939
Total program costs, funded	268,065	272,020	278,887
Changes in selected resources	−2,206	−3,213	379
Total obligations	265,859	268,807	279,266

It is obvious from the foregoing figures that the $151 million from timber receipts left over after county and road payments are made is inadequate for current forest development needs. Forestry experts believe an additional $200 million per year would be required to bring our forests up to maximum yield.

The proponents of H.R. 12025 argue that it is the provision of these extra funds which is the main purpose of this measure. But where are these funds to come from? Even current receipts are inadequate. How are they to be appropriated?

Current logging procedures, compatible with the "sustained yield" principles of the Multiple-Use Sustained Yield Act of 1960, produce the foregoing revenues. Investment of additional funds can produce more harvestable timber, and thereby, more revenues for better forest management—a highly desirable economic circle, were it to occur.

However, the initial question remains—where are the funds to come from to generate this process? Proponents of H.R. 12025, including members of the Forest Service, assure us that the bill will not lead to an immediate increase in the amount of logging undertaken. The increased yields, they say, will be possi-

ble only after several years of intensified forest management techniques. Where, then, are the additional funds for this management to come from unless, in fact, the high-yield logging will start immediately.

The bill itself states:

Increased annual harvests from national forest commercial land may be permitted under sound conservation principles *on the basis of short-range accomplishments* so long as long-range goals are assured; and that to *accomplish an increased annual harvest is necessary* to provide a reliable and adequate source of funds. (Italics mine.)

Note that there are no time limits or cautions contained here. This wording can be construed as a go-ahead for immediate, high-yield logging. Indeed, to provide the funds, it is almost necessary to do this, unless Congress is willing to appropirate funds now for a result which will not be seen for years.

Even more inauspicious is the procedure by which the high timber yield fund will be administered. There is no guarantee contained in H.R. 12025 that these funds will go for improved forest management. The bill states that Congress must appropriate the moneys contained in the fund within 2 years, or it will revert to the Treasury as general revenues. This makes of the timber fund a political football, subject to the whims of a Congress whose record on appropriations measures has been rather economy oriented of late. There is no guarantee that all of the timber funds will go for forest management—only that amount which Congress chooses to appropriate. In an economy year, the temptation would be great to utilize these moneys as general revenues instead.

Finally, let me point out that the net result of this act would be to emphasize timber production at the expense of other national forest uses. In the light of President Nixon's recent pronouncements on the preservation of our environment, it seems to me that it is time we take a long, long look at our priorities in this area. The shortest possible rotation cycle for most timber is 60 years; during that period of time it is entirely possible that our advanced technology could product more economic substitutes for wood products, thus leaving us with a heritage for our grandchildren unspoiled by immediate needs of the urban 1970's.

Lest these recreational considerations be casually sloughed aside, let me point out some figures for the State of California. California contains 20,040,241 acres of national forest, only 10.7 percent of the total in the United States. Yet the total number of visitor-days in California national forests in 1968 was 46.184 million, or 30 percent of the total visitor-days all over the country. Perhaps it is time we reorient our thinking about the use priorities of our national forests, a reorientation geared directly to people and their love of our wilderness heritage.

WOLD TELLS CONGRESS IMPORT QUOTA VITAL TO AMERICA'S ECONOMIC AND NATIONAL SECURITY

(Mr. WOLD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WOLD. Mr. Speaker, the oil industry has taken its lumps in this Congress. It has seen the very important oil depletion allowance cut in the name of equity. It has been attacked as never before by those whose image of the industry is that of well-heeled, Cadillac-transported millionaires taking a joy ride at the taxpayer's expense. As a geologist with some experience in the finding and production of oil, I can assure the Congress that this image is not appropriate for an industry with a high risk factor and a very small percentage of truly successful participants.

The most important problem relating to the oil industry and affecting all Americans is the rumor of a capricious suggestion by the Cabinet-level Task Force on Oil Imports that the quota system of oil imports be changed to a more liberal system of tariffs.

The recommendation has never been officially announced but the thrust of the report has been carried in a myriad of journals and in the CONGRESSIONAL RECORD itself. As well intentioned as the report may be, it does in my opinion, ignore some very important questions which relate directly to the security of the United States and the general health of one of America's most fundamental industries.

One of the most persistent reports in Washington is that the task force has recommended to President Nixon substantial revision of the import system.

In 1959, President Eisenhower established the current oil import quota system. His action followed 3 years of unsatisfactory attempts to control foreign petroleum imports on a voluntary basis after the Suez crisis of 1956. The system has been in operation for over a decade now. With few exceptions it has been an unqualified success in insuring an adequate and nationally secure supply of petroleum at reasonable rates.

The reasons for the imposition of the quota system were sound. I believe they are equally sound today and are, in fact, reinforced by other criteria.

The reports which we have been hearing indicate the task force has recommended that the quota system be replaced by a preferential tariff system designed to reduce the price of domestic crude by between 30 and 80 cents per barrel at the wellhead.

Such an action would, in my judgment, jeopardize the Nation's security and it would deal a striking blow to the petroleum industry—particularly, to the small operator.

At first glance, importing low-cost petroleum may appear to be attractive, but over the long haul it would put our Nation in a vulnerable position. The experience of 1967 and of 1956 is that foreign oil will be inexpensive only as long as we are not dependent upon it for our needs and security.

Indeed, there are strong grounds to believe our reliance on foreign oil is already too great. Imports of crude oil and refined products now equal more than one-third of total U.S. production. Seventeen Eastern States are now dependent on foreign petroleum sources for 40 percent of their requirements. A loss of this supply would result in critical shortages in a vital, national, industrial area.

We also need to survey our balance-of-trade position before making any changes which would increase the importation of foreign oil. Already oil imports constitute the largest commodity deficit item in our balance of trade, totaling $2.6 billion annually. To increase the import level would only aggravate our balance-of-payments difficulties.

I believe it cannot be emphasized too strongly that the Nation's security will be dangerously impaired if the level of imports is increased. The present uncertain conditions in Libya and the Middle East should remind us today of this sword hanging over our heads.

In addition, increased imports would bring about serious economic problems for the areas in which petroleum production plays a significant role. The consequences of a 30- to 80-cent-per-barrel enforced cut in the price of domestic crude would be debilitating in many areas and disastrous in others.

A field study by the Oil and Gas Journal showed such a step would likely result in the eventual monopolization of the industry by squeezing out independent producers. Two hundred and thirty thousand stripper wells producing 1.3 million barrels per day would have to be plugged in the States of Texas, Louisiana, California, Oklahoma, and Kansas. Exploration for oil and natural gas would be cut by as much as 50 percent as risk capital leaves the oil industry for other areas paying greater rates of return.

Furthermore, the study showed that the greatest impact of an enforced price cut would be borne by the producing and exploration segments of the industry. As you know, these are generally the small operators and independents. Small refiners will find their positions jeopardized as their sources of crude shut down and they are put at a disadvantage with large coastal refiners.

The consequences would be worse if the cut were greater. The Independent Petroleum Association of America estimates that a 50-cent reduction in crude oil prices per barrel would result in a loss of income on U.S. production of $1.68 billion per year. This would be two-thirds of the $2.5 billion spent on U.S. exploration in 1968.

I am especially concerned about the impact an enforced cut in petroleum prices would have upon my district, the great State of Wyoming. Twenty-one of the 23 counties in Wyoming have oil or gas production. Six thousand, seven hundred eighty-eight persons are directly engaged in crude oil and natural gas production and additional thousands have related jobs. Petroleum accounts for 75.5 percent of the mineral industry's output which is the largest industry in Wyoming. Alone, the petroleum industry is the biggest in the State.

At the present time 37 percent of the State's total taxable valuation is dependent upon oil and gas production—one-third of Wyoming's total income for education and other government services.

In light of the above figures, I cannot overemphasize the disastrous effect enforced price cuts would have on the economy of Wyoming. Cuts in explora-

tion and production would severely cripple producers. Thousands of petroleum employes would face the threat of losing their jobs.

The corresponding decrease in tax revenues would cause havoc in our State's educational system. The decrease would probably result in increased levies on the balance of our economic base—something other industries and our citizens can ill afford. It is doubtful that tax increases in other areas could even begin to compensate for such a loss. Our citizens would be forced to face a reduction in the basic services that State and local governments provide.

These, then, are the reasons for my concern. To remain idle would be a dereliction of my duty. Therefore, I have long pleaded the case for continuance of the quota system. In December 1969, I joined with some 100 Members of this body in sending a letter to President Nixon expressing our feelings and convictions. I have also joined with a colleague from Oklahoma on the other side of the aisle in proposing that the Subcommittee on Mines and Mining of the Committee on Interior and Insular Affairs hold public hearings on the recommendations of the task force.

In my judgment, the reasons for continuation of the quota system are compelling. I hope that President Nixon shares these views and that his decision will be in the best interests of this vital industry and the Nation.

LOWER TELEVISION RATES FOR POLITICAL BROADCASTS

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of New York. Mr. Speaker, I think everyone here will agree that it is vitally important that the cost of campaigning be reduced. Nothing is more important, in these vital times, than making sure that the general public has every opportunity to know and understand the positions of the various candidates before an election. That is why television has become one of the most effective—and expensive—mediums for presenting a candidate and his views.

Television time has driven campaign costs to all-time highs. The cost of appearing "live and in color" has dominated political fundraising and spending—and even the selection of candidates. Anyone should be able to run for public office, but how many able men never get out of the starting gate because they cannot afford the prohibitive price of prime time.

This problem is particularly acute in the larger metropolitan areas such as New York, Los Angeles, San Francisco, Detroit, and Chicago, where the rates are exorbitant. In my area alone, more than 20 Congressmen are forced to buy substantial amounts of television time. This is a matter which has greatly concerned me for some time, and I know most of my colleagues share that concern.

Recently, there has been a trend by some stations to cut political advertising rates. I would commend WPIX—channel 11—in New York and its president, Fred M. Thrower, for its new policy of selling time for political spots at a 50 percent discount from normal commercial rates. Such policies make it feasible for candidates to use various stations, in this case WPIX, for their campaigns at more reasonable costs.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from New York for calling this to the attention of the House. There are several TV stations that are facing up to this serious problem and trying to meet their public responsibilities with respect to increasingly prohibitive costs of television advertising for candidates.

Mr. Speaker, I join the gentleman in commending the New York station to which he refers, station WPIX.

Mr. MURPHY of New York. Mr. Speaker, my colleague, the gentleman from Oklahoma (Mr. EDMONDSON) has informed me that Leake Television, Inc., with stations in Tulsa, Okla., and Little Rock, Ark., has cut its political advertising rate by one-third.

But while I commend these actions, I strongly feel that cost-free time should be made available to all candidates running for public office. The television licensees are using for their own profit a public communications channel. Therefore, public-interest time should include the availability of free time for public servants and for candidates for Federal offices to come before the public.

THE LATE HONORABLE BEN FRANKLIN JENSEN

The SPEAKER pro tempore (Mr. PRICE of Illinois). Under a previous order of the House the gentleman from Iowa (Mr. SCHERLE) is recognized for 1 hour.

Mr. SCHERLE. Mr. Speaker, I have requested this special order to provide everyone an opportunity to honor the memory of our distinguished departed colleague, the Honorable Ben Franklin Jensen.

After other Members who wish to participate have delivered their eulogies, then I shall offer a tribute of my own.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, I would like to join my friend from Iowa in paying a tribute of respect to the memory of our former colleague, the Honorable Ben F. Jensen, of Iowa.

Ben Jensen was a member of the Committee on Appropriations, and a senior member thereof, when I came to Congress, and was assigned to serve on that committee. I served with him throughout his period of service here in the House.

During the time when he was the ranking minority member I found him to be a courageous, hard-fighting, and dedicated American. He had the courage of his convictions, and always took advantage of every opportunity to speak up for our country and in an effort to promote the cause that would maintain its strength.

Mr. Speaker, I regretted it when Ben Jensen ended his service in the House of Representatives because I felt that I was losing touch with a warm personal friend as well as a colleague, and one whose leadership I was privileged to follow as a young member of the Committee on Appropriations while he served as ranking minority member.

I saw him in Washington and on the floor of the House just a few weeks ago, and I thought to myself that, unfortunately, he did not look well. I am sure he was ill at the time, but of course I had no intimation that the end was so near.

I shall miss him in the years ahead, miss his leadership, his counsel, his guidance, and his friendship.

I extend to all of the members of his family my deep sympathy over his passing.

Mr. SCHERLE. Mr. Speaker, I thank the gentleman from North Carolina for his remarks concerning our distinguished late colleague.

I now yield, Mr. Speaker, to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I am grateful for this opportunity to join in paying tribute to the memory of the late Ben F. Jensen.

We developed a warm friendship over the years. I was honored and pleased to know Ben Jensen and to be associated with him in our national legislative responsibilities. He was a good man.

Ben Jensen served 22 of his 26 years in the House as a member of the Committee on Appropriations, rising to the top ranking position on his side of the aisle.

Membership on the committee affords a unique opportunity for firsthand exposure to the operations of our National Government. Ben Jensen served on a number of important subcommittees handling the budgets of several major departments and related agencies. As the top ranking minority member and as a member of the old subcommittee on deficiencies, his influence on appropriations encompassed the whole range of governmental activities.

Ben Jensen was a self-made man. Born of hardy stock in the rural heartland of America, he deeply loved his country. He loved the soil, and was a champion of efforts to conserve our soil and other natural resources.

He sought to promote economy in Government and authored the so-called Jensen amendment to restrict the number of Federal employees.

He carried the best interests of America in his heart.

Mr. Speaker, may the Lord bless his memory and give comfort to his loved ones.

Mr. SCHERLE. Mr. Speaker, I thank the distinguished Chairman of the Committee on Appropriations for his remarks.

Mr. Speaker, I now yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I join with my colleagues in the Iowa delegation and the House in expressing deep regret with respect to the death of the Honorable Benjamin Franklin Jensen.

It was my privilege to become acquainted with Ben when he became Seventh District commander of the American Legion in Iowa and active in the statewide affairs of that organization. In 1938, he was one of six Republican candidates for Congress from the Seventh Iowa Congressional District and in one of the State's longest and hardest fought district political conventions he won the nomination on the 37th ballot. Thereafter, he served for 26 years in the House of Representatives.

Ben Jensen was an unswerving conservative. Of Danish origin and a member of a large family which was compelled to work hard to obtain a living, he early learned the lessons of frugality and through his long and public career he was an ardent foe of governmental extravagance. He was a veteran member of the House Appropriations Committee and, as such, he spoke out often against waste and other forms of improvident spending.

Only the day before his death he was visited by a member of the House Appropriations Committee staff. Although in severe pain, he discussed the proposed budget of President Nixon and dwelled at length upon his deep concern for the fiscal affairs of the Nation.

Ben Jensen was a good public servant who served well and with distinction his congressional district, the State of Iowa, and his Nation.

Mrs. Gross joins me in extending our deepest sympathy to his widow, Charlotte, and the members of their family.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from Iowa yield?

Mr. SCHERLE. I yield to my colleague.

Mr. ROONEY of New York. Mr. Speaker, I should like to add a word to these eulogies of my friend, the late Ben Jensen of Iowa.

When I was first assigned to the House Committee on Appropriations in January 1945, I was assigned to the Interior Department Subcommittee on Appropriations chaired then by the late Jed Johnson of Oklahoma. It was there I learned something about appropriations work, as had Ben Jensen, for a number of years before me.

Ben Jensen and I served for quite a while together on that subcommittee, and as a matter of fact with the other members of the subcommittee, we made a trip all through the then Territory of Alaska just before the end of World War II. I learned from my long association with Ben Jensen that I was fortunate in having made the acquaintance of a great American, a highly capable legislator, and a fine man. His loss is a great loss not only to the people of his part of Iowa, but to the entire State of Iowa and to this Nation as well.

At the time he left Congress Ben was ranking minority member of the House Committee on Appropriations. Ben was a rugged man, but a man, too, of compassion. For instance, Ben and four other Members of this House were wounded by a group of terrorists in 1954 who considered themselves to be acting in the cause of Puerto Rican independence. When he returned to our midst Ben stated simply that no one "can blame the people of Puerto Rico" for the act of a fistful of extremists.

Mr. Speaker, the House of Representatives has been a better place for the long and brilliant presence of Ben Jensen. To his lovely wife and daughter and family I express the Rooney's deepest sympathy in this time of grief.

Mr. SCHERLE. I thank my colleague for his remarks.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. SCHERLE. I yield to my colleague.

Mr. CUNNINGHAM. Mr. Speaker, I join in paying tribute to a dear friend of mine, the late Ben Jensen. His congressional district was separated from mine only by the Missouri River. We worked on many projects together. He was devoted, hard working, honest, and sincere. We shall always miss his good counsel and advice.

I join, as Mrs. Cunningham does, in paying our respects to him and in extending our deepest sympathy to his family.

Mr. SCHERLE. I thank my colleague for his kind remarks.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman.

Mr. SMITH of Iowa. Mr. Speaker, it was with deep sorrow that I recently learned that my friend and former colleague, Ben Jensen, was in the hospital and that it was expected to be his last illness. I had visited with him a few weeks ago but did not realize that he was that near to his passing. As might be expected, of those who knew him, he did not make reference to the seriousness of his condition.

I had known Ben, and very fondly, since 1958. We served together as Iowans on the Appropriations Committee and cooperated in several matters of interest to both Iowa and the Nation. He was a man of deep and unshakable convictions. While he was characterized as a conservative, he was certainly not a conservative when it came to supporting whatever he believed to be right and he held the respect and won the admiration of those of widely divergent political viewpoints.

Ben Jensen's word was good. If he said he was for or against something or that he would help someone on a particular legislative matter, no one could shake him from that position.

Ben served in the House of Representatives for 26 years and became the ranking minority member on the Appropriations Committee. In such a position, he became one of the most distinguished members of the House and used that power and position to promote his deep convictions in the field of conservation and water resources. It was my privilege, as a junior member of the committee, but from the majority party and from the same State, to work with him on appropriation bills. In conferences between the House and Senate, he expressed his view strongly but also fully understood the art of compromise and of government by majority rule.

Mr. Speaker, this man loved his country, loved his State, loved his family, and was dedicated as a public servant. He will always be remembered in Iowa as a man who served his State and country unselfishly and in his passing I, as many others, have suffered a deep personal loss. I join with the multitude of friends in extending to the members of his family deep and heartfelt sympathy.

Mr. SCHERLE. I thank my colleague for his generous remarks.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from South Carolina.

Mr. McMILLAN. Mr. Speaker, we were all deeply saddened when we learned of Mr. Jensen's passing. We came to Congress together in the 76th Congress. I have always considered him one of my close personal friends. He and Mrs. Jensen were real good friends of Mrs. McMillan and myself, and we shall certainly miss seeing him, as he usually came to visit with us on trips to Washington after he failed to return to Congress. I was always guided by his counsel on appropriation matters when they came to the floor of the House. I remember on numerous occasions pieces of legislation would come to the floor and he being very much against them, would talk and talk against those pieces of legislation. Once in awhile they would pass, and in the following years I found out that Mr. Jensen was correct in his statements while trying to defeat those pieces of legislation.

I considered him one of my best friends and one of the greatest men I have had the pleasure of knowing since I have been a Member of Congress. My deepest sympathy goes out to his family, and I hope that he knows that Mrs. McMillan and I think about him.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. SCHERLE. I yield to my colleague from Iowa.

Mr. MAYNE. I am grateful for this opportunity to join in the tribute to one of the most distinguished men who have ever represented the State of Iowa in this body. While Ben Jensen is principally known for his great work on the Appropriations Committee, where he was the ranking minority member for many years, he is also very warmly remembered in our State as a tremendous battler for the American farmer. He was deeply interested in the problems of agriculture and made a significant and effective contribution toward legislation coping with the farm problem throughout his long service in the Congress.

As the gentleman from Iowa (Mr. SMITH) has already remarked, Ben Jensen was a leader in the great movement for soil and water conservation. A man of great physical stature, he was literally a tower of strength in this body and a very familiar figure going throughout his district in southwestern Iowa, where he had a tremendous personal acquaintance and commanded the affection and re-

spect of his constituents of all ages. He was a tremendous campaigner, who thoroughly enjoyed the personal contacts and excitement of moving from town to town in search of votes, a man loved by his people, and one who made tremendous sacrifices to represent them effectively and well here in the Congress.

There is another aspect of this great American which I do not believe any of my colleagues have heretofore mentioned, and that is Ben's great pride in his Danish ancestry. He always remembered that he came from Danish stock and frequently made prominent mention of this fact in his public utterances. While I am not privileged to be of Danish or for that matter of any Scandinavian ancestry, I know how revered Ben Jensen was and still is revered by his fellow Danes throughout the Midwest. He was an Iowan, a Dane, and an American of whom all who knew him can be very proud, and who served his beloved country with the greatest ability and dedication.

Mr. MILLS. Mr. Speaker, it is with deep sadness that we note in the House today the passing of our dear friend and distinguished former colleague, Ben Jensen.

It was my good fortune to come to Congress at the same time as Ben Jensen. We were sworn in on the same date, January 3, 1939, and it was my privilege to serve with him in this House from the 76th through the 88th Congresses, some 26 years.

Ben Jensen was a dedicated public servant, devoted to his constituency and the House of Representatives.

He served with great distinction for many years on the Commitee on Appropriations and was one of the acknowledged pioneers and early leaders in the field of resource development and conservation, a subject that is much in the public mind today with the intensified interest in proposals relating to water and air pollution control. We shall miss Ben Jensen's strong leadership in this important area.

We shall also miss Ben Jensen as a close friend and warm human being, Mr. Speaker. His primary concern was always with the people of his district, his State and the Nation. Our country has benefited greatly by the long and outstanding service of this good man and distinguished legislator.

Our heartfelt sympathy is extended at this time to his widow, Mrs. Charlotte Hadden Jensen, his daughter, Mrs. Donald Fitzpatrick and the other members of his family.

Mr. WHITTEN. Mr. Speaker, I join with his many friends in expressing deep sorrow at the passing of our late colleague and dear friend, Ben Jensen, member of the House of Representatives for many years from Iowa.

Ben Jensen was a loyal American, a party man, but not a partisan, a man with a big heart who never lost sight of the need to be fair and just to all with whom he dealt. Ben was possessed of a strong character and firm convictions; however, he never let these prevent him from appreciating the fact that others might have a different viewpoint.

Through the years it was my privilege to serve on the Appropriations Committee with Ben and for many years on the same subcommittees. In this capacity I came to fully appreciate his many contributions to his district, to his State and to his Nation. Ben was one of my closest friends.

His years of service have come to an end but the good works he did in the Congress will continue on in the years ahead. It is my privilege to know Mrs. Jensen and his daughter, as well as some of his fine grandchildren. To them and to other members of the family we express our deepest sympathy with the full knowledge that Ben's fine record, his many friends, his great contributions will be a comfort to them in this time of sorrow.

Mr. LANGEN. Mr. Speaker, I wish to join with the gentleman from Iowa (Mr. SCHERLE) in expressing my sorrow at the death of former Congressman Ben Franklin Jensen.

As did many of my colleagues here today, I knew Ben Jensen very well. I admired him not only as a distinguished Member of this House, but also as a personal friend. I had many occasions to meet with him and share his perceptive views on matters that came before the Committee on Appropriations on which he had served. His knowledge of matters affecting the committee and the Nation was immense.

Mr. Jensen served his country well during his 26 years with us in Congress. He continued to serve his community and his State and, therefore, his country during the years following his congressional service. Even in his later years, he was a frequent visitor to the Capitol where he made his knowledge and his thoughts available to many of us.

Those Members of the House who were given the opportunity to serve with Congressman Jensen will not soon forget his direct, candid approach to debate. His fresh, clear statement of opinion and fact made him a uniquely able Member.

I extend sincere sympathy on behalf of Lillian and myself to Mrs. Jensen and her family. I know that our pride in the memory of Ben Jensen is surpassed only by the pride in his record of accomplishment and service held by the people of the State of Iowa which he helped to represent.

Mr. REIFEL. Mr. Speaker, in the death of Ben Jensen I lost one of the closest and finest friends I have had in Congress. When I came to this House 9 years ago Ben Jensen was then ranking member of the Committee on Appropriations. He along with another dear friend, MIKE KIRWAN, was on the Subcommittee on Interior and Related Agencies, MIKE as chairman and Ben as ranking Republican. In addition to their wide interests in the betterment of our country they had a consuming and special concern for the welfare of the Indian Americans. Ben felt I could be of assistance to the committee in this regard and told me that as soon as there was a vacancy on it from our side he was going to do everything he could to get me assigned. He did just this and I have been ever grateful.

Ben Jensen has been a great public servant. Our Nation is better and stronger because of his dedication and untiring efforts.

Mrs. Reifel joins me in extending our deepest sympathies to his family.

Mr. BOW. Mr. Speaker, it was my great good fortune to serve with Ben F. Jensen on the Committee on Appropriations during the years when he served as ranking minority member of the committee, the position to which I succeeded when he left the House. He was an able and aggressive leader and a gentle and compassionate friend. All who served with him will recall his kindness and consideration for his colleagues. I feel a deep personal loss today.

The Nation knew him better as a champion of economy in the operation of the Federal Government and as a man whose innovative and original ideas brought about significant reductions in Federal spending without inflicting hardship upon essential Government programs. The Jensen amendment was one of these. Another was the Task Force on Budget Reduction which he established and which I had the honor to chair. For this work Mr. Jensen was able to recruit the expert assistance of the Honorable Maurice Stans, now Secretary of Commerce, Dr. Raymond Saulnier, Ralph W. E. Reid, Robert Merriam, and others who worked closely with us to analyze the budgets of the Kennedy and Johnson administrations and recommend economies.

Ben Jensen's steadfast devotion to his comrades in arms of World War I made him a leader in the development over the years of programs for the disabled veteran, the veterans' widows and orphans.

His devotion to his native State was another facet of his personality well known to all. Ben Jensen disproved the old canard which says "They never go back to Pocatello." Ben Jensen did go back to Exira and established in his home there, among his friends and neighbors, an historical collection of government materials which will remain a significant contribution to the community.

My friendship with Ben Jensen will always be one of the great privileges of my career in the Congress.

To Mrs. Jensen and her family, Mrs. Bow and I extend our deepest sympathy.

Mr. BELCHER. Mr. Speaker, I knew Ben Jensen for 30 years and we were great friends throughout that entire 30 years. His passing is a great personal loss to me, as I know it is to each and every one who knew him as a friend, for to have Ben Jensen as a friend was to know the true meaning of friendship.

Ben had such a wonderful spirit and a zest for living that was truly infectious. Here was a man with strong and deep convictions and always the courage to defend those convictions. Yet he was never arrogant or disputatious about his views. He had humility, and great wisdom rooted in human goodness.

Ben Jensen was a very dedicated Congressman—his family and this House were, indeed, his life—and he carved an enviable record of hard work, legislative skill, and dedication to the service of

all the people and the solving of their problems.

To his wife Charlotte, their daughter, and to all his family, Mrs. Belcher and I extend our deepest sympathy and pray God's peace and blessing may be with them.

Mr. SIKES. Mr. Speaker, I am honored to join with my colleagues in paying special tribute to our esteemed friend and distinguished former colleague, the late Benjamin F. Jensen, who passed away on February 4. For many years I knew him very well and I counted him a close friend. For over 25 years, Congressman Jensen represented the people of Iowa's Seventh District in this body. He was a dedicated public servant. Prior to entering Congress, Mr. Jensen served as a second lieutenant in World War I and, after the war, became commander of the seventh district of the American Legion.

At the time of his defeat in 1964, he was the ranking minority member of the Appropriations Committee. I had the privilege of working very closely with Ben on the committee for a number of years. I know the quality of his work and the importance of his services to the Congress. His contribution to his committee work was outstanding and of a quality which will not be forgotten.

Throughout his tenure in the House of Representatives, he was a champion of the veteran. He was one of those instrumental in the passage of legislation giving thousands of World War II veterans the opportunity for an education—the GI bill of rights.

Ben Jensen received many awards and commendations. The Social Conservation Society of America made him an honorary member in 1954. He received a Presidential commendation from Mr. Hoover for his efforts against governmental regulation of the electrical power industry. All of these were typical of a big man who served well and who stood by his convictions.

My sympathy and my prayers are with the family during this difficult time.

Mr. ANDREWS of North Dakota. Mr. Speaker, like all of the Members who were privileged to serve with the Honorable Ben Franklin Jensen of Iowa's Seventh District, I was deeply saddened to learn of his death. Those of us who are particularly concerned with the orderly development and the conservation of this Nation's natural resources recognize the great leadership he provided in this area. He was a dedicated servant to the people he was privileged to represent, and he earned the respect and admiration of all of his colleagues on both sides of the political aisle.

Mrs. Andrews joins with me in extending our deepest sympathy to Mrs. Jensen and to the members of their family.

Mr. FISHER. Mr. Speaker, the late Ben Jensen was one of the finest men and one of the most dedicated men with whom I have ever served in this body. He was a man of deep honor and profound integrity and he was fiercely devoted to the good of the country.

The late Ben Jensen was universally respected by all who knew him. He probably had as many or more personal friends during the time he was a member of this body as any other member who has served here.

A review of the record of this distinguished American will reveal that he always put the welfare of the country ahead of partisan politics. He fought hard for his beliefs and has left a record of which his descendants can be justly proud.

Mr. Speaker, Ben Jensen was a personal friend of mine. I knew him very well personally. I always admired his courage, his forthrightness, and the soundness of his judgment. During his service in this body he made a great contribution.

To Mrs. Jensen and other members of the family, I extend my deepest sympathy in their bereavement.

Mr. SCHERLE. Mr. Speaker, when my friend the Honorable Ben Franklin Jensen passed away 2 weeks ago, he left a heritage that will be difficult to fill, both among his friends in Iowa and his former colleagues here in Congress. Ben was a man of modest origins who, through the strength of his character and the force of his personality, came to occupy an important position in Government and an affectionate place in our hearts.

He was born of Danish parents on a farm near Marion, Iowa, in 1892, one of 13 children. He was educated in Exira, Iowa, and worked as a farmhand and grocery clerk before serving his country in the First World War. After the war he worked at the Green Bay Lumber Co. and rose to become its manager, a position he held until he ran for Congress in 1938. He emerged as the dark horse candidate from a field of six primary contenders, and proved so popular in his first term that he was reelected a dozen times to serve a straight 26 years in Congress.

He went to Congress, he stated, as a "Bull Moose Liberal," but confronted by the alarming increase in the rate of Government spending, he resorted to more conservative positions. His conservatism was most influential in fiscal matters, for he served on the House Appropriations Committee. By the time he left Congress in 1964, he had attained the zenith of his career as the ranking Republican member of the committee. In this position, and during the preceding years of his service on the committee, Ben stanchly defended his conservative principles by voting his convictions while others only talked about economy. It is not an overstatement to say that Ben singlehandedly saved the American taxpayer billions of dollars over the course of his career.

Despite the strength of his convictions and the power of his position, Ben always remained a good-natured, pleasant man, tolerant of those who disagreed with him and friendly with many on both sides of the aisle. He had the true midwesterner's neighborliness toward everyone, and was never too busy to extend a warm welcome to any visitor to Washington.

Ben was a thoughtful and considerate man. In 1962, when our family visited the Capitol, he gave us a personal guided tour—even to lunch in the Members' dining room, which was the highlight of our trip east. Ben circulated a menu for various Members of the House to autograph. Many of you here today signed it. It is one of my most cherished possessions.

However involved he became in the greater affairs of the Nation, Ben never forgot that he had come to Washington to represent the people of Iowa and that his first loyalty was to them. He had great regard for his constituents, and maintained his close rapport with them throughout his entire term of office. In order to be responsive to their needs and desires, he made it a point to touch home base as often as possible. Representing the citizens of Iowa in Congress was his whole life, and his interest in their welfare continued unabated even after he retired.

His death had deprived us all of a strong principled but generous man, a good conservative, a patriot, and a great American.

Mr. Speaker I include at this point many tributes which have been paid to our late colleague:

[From the Omaha (Nebr.) World-Herald, Feb. 6, 1970]

IOWA'S BEN JENSEN DIES; WAS IN HOUSE 26 YEARS

EXIRA, IOWA.—Ben F. Jensen, U.S. Congressman for Iowa's 7th District for 26 years and one of Iowa's most colorful political figures, died Thursday afternoon in a Washington, D.C., hospital.

Jensen, who died of cancer, had been hospitalized since Jan. 19.

He was 77. Services are tentatively scheduled for Tuesday in Exira with the Corl Funeral Home in charge.

Jensen, who maintained a home in Exira after his defeat in the 1964 congressional election, lived in Washington during the winter months.

Jensen began his 13-term career as a representative in 1938 and was ranking Republican on the Appropriations Committee when he was defeated by John R. Hansen, Manning Democrat, in 1964.

The staunch conservative was first elected on a platform firmly opposed to heavy federal spending and he carried the theme into retirement.

His strong opposition to foreign aid made him harsh critic of the Vietnam war. He said in 1969, "The money we spend there is a disgraceful thing."

In a book titled "Get Out and Stay Out," Jensen wrote, "The irony of it all is that today Uncle Sam has less friends abroad than he had in 1948 . . ."

Of the five presidents Jensen served under, his ideal was Eisenhower, whom he considered a great president and a general.

"I loved Ike," he said in 1969, but I only voted with him on budgets 64 per cent of the time."

Jensen was among five congressmen wounded March 1, 1954, when shots were fired from the congressional gallery. Four Puerto Ricans were convicted for the shooting.

Jensen, who was born on a farm near Marion, Ia., and attended rural schools and high school at Exira, retired to a busy life in his home town.

During World War I he was commissioned a second lieutenant.

Following his 1964 defeat, he wrote two books and spent much of his time on a home museum, which he expanded to include separate rooms on George Washington and Abraham Lincoln.

He maintained a keen interest in the

Audubon County Museum on Exira's main street, which he helped organize.

A retail lumberman by trade, he kept up and added to his large home.

His widow, the former Charlotte E. Hadden of Clearfield, Ia., and a daughter, Mrs. Donald G. (Betty) Fitzpatrick of Marblehead, Mass., are among survivors.

Other survivors: Two sisters, Mrs. Mary Christoffersen of Cedar Falls, Ia., and Mrs. Julia Workman of Colorado Springs, Colo.; a brother, Oscar Jensen of San Diego, Calif.; five grandchildren and one great-grandchild.

[From the Omaha (Nebr.) World-Herald, Feb. 9, 1970]

BEN F. JENSEN

Ben F. Jensen, who is to be buried at Exira, Ia., Tuesday, represented his Seventh Iowa District in Congress for 26 years until he was defeated in 1964. He was a Republican fiscal conservative who voted his convictions while many others in Congress only talked about economy.

He was the kind of man his constituents wanted, and he had 13 consecutive election victories to prove it. He couldn't stand to be idle either in Congress or out of it, and after retirement he wrote two books, one of them a condemnation of involvement in Vietnam. At 77, death from cancer came to him last Thursday in Washington where he and Mrs. Jensen spent the winters. He will be remembered as an honorable man with a remarkable record of constancy and political longevity.

[From the Clarinda (Iowa) Herald-Journal]

BEN JENSEN

Ben Jensen of Exira, for 26 years Representative of our district in Congress, died in George Washington University hospital in Washington Thursday, of cancer. Ben retained his long tenure of office by virtue of his honesty and hard work in the interests of the district and the whole country. He recognized and fought sham in government at all times.

[From the Red Oak Express, Feb. 9, 1970]

CAS LOG

Few politicians served their constituents so long and with such devotion to duty as did Exira Republican Ben Jensen, who died last Thursday in Washington, D.C. He was Iowa's Seventh District Representative in Congress for 26 years. Nishnabotna River flood control was one of the many projects he initiated and he was highly instrumental in seeing Red Oak's flood control levee established.

[From the Audubon (Iowa) News-Advocate, Feb. 12, 1970]

BEN F. JENSEN: INDEED A MAN OF DEEDS

(By Mrs. Henry Petersen)

Ben Jensen, 77, of Exira, long time Iowa Congressman, died of cancer Thursday night, Feb. 5, in Washington, D.C. He had entered the George Washington University hospital two weeks previously.

Funeral services for Mr. Jensen were held in the Exira Lutheran Church Tuesday with the Rev. Stanley Hansen, pastor of the church, officiating.

Senator Jack Miller, Sioux City, gave the eulogy.

Interment was in the Exira cemetery. Graveside rites were in charge of the Exira American Legion.

Mr. Jensen was elected to Congress in 1938 as a Republican and served 26 years until his defeat in the Democratic landslide of 1964.

Mr. Jensen was born Ben The Tenth Jensen in Marion county on Dec. 16, 1892, 1 of 13 children. His parents were Martin and Gertrude Andersen Jensen. His father was a Danish tiler, farmer and man-of-all works.

He received an education through the ninth grade and began his career as a farm hand and grocery clerk in Exira.

He was christened Ben The Tenth Jensen, a name that caused him trouble with the country school teachers because none would believe him.

On his own, he made his name over to Benton Jensen and later adopted Franklin as a middle name because he liked it when he found it in his history books.

He married Charlotte E. Hadden, Clearfield, in Taylor county, part of the Seventh district, when she was teaching school in Exira.

They have one daughter, Mrs. Donald G. (Betty) Fitzpatrick, Marblehead, Mass.

He is survived by his wife, daughter, five grandchildren and one great-grandchild.

During World War I, he attended officers training school. After his discharge he went to work for the Green Bay Lumber company, Exira.

After the American Legion was organized, he became a faithful worker in that organization. In 1936, he was elected to the office of the Seventh District Commander of the American Legion.

In 1938, at the age of 45, and while manager of the Green Bay Lumber company, he decided to seek the Republican Congressional nomination as his first political effort.

Five other candidates entered the primary, which went to Republican District Congressional convention for decision. Mr. Jensen, who ran second in the field of six, won the nomination on the 37th ballot.

Two Legionnaires, who didn't like some of his policies—as an example his vote against the Selective Service Act—ran against him in the 1942 Republican primary. Mr. Jensen won with 4,000 more votes than that of his opponents combined.

He once put through a requirement, as an amendment to several departmental appropriations bills, for a 10 percent reduction in replacement of employees leaving the government service.

Another time he succeeded in cutting $202 million from the Interior Department's appropriations bill.

Mr. Jensen acquired a national reputation as a Treasury watchdog.

As the long-time representative of Iowa's Seventh District, Southwest Iowa, Mr. Jensen rose to become the ranking Republican on the House Appropriations committee.

In 1954 he was one of five Congressmen wounded by a Puerto Rican terrorist during a House debate. He suffered serious wounds in his back.

"I didn't hear the shot until something hit me in the back," he said later. He often mentioned the incident during his campaign stumping through the state.

Mr. Jensen rarely minced his words. He once told a reporter, "I like to talk to school groups even though they can't vote. The kids spread the word at home. You can make a lot of political hay that way."

Mr. Jensen spoke Danish. He cooperated with the Office of War Information in World War II in writing shortwave broadcasts translated into Danish, Norwegian and Swedish.

Mr. and Mrs. Jensen returned to Exira after he left Congress, but spent the winter months in an apartment in Washington, D.C.

An hour of mourning was asked for Tuesday, Feb. 17, in the House of Representatives by Seventh District Congressman Bill Scherle.

The Speaker of the House, John McCormack, remarked to his colleagues that he was sorry to learn of the death of a "dear and valued friend."

"He was a hard worker, decisive and colorful and attacked issues in a direct manner. Ben had the rich quality of being a real friend. Not one who wavered, but one who willingly gave help when it was needed."

Speaker McCormick described Ben Jensen as a dedicated great American and legislator. "He had a great love for his fellow human beings. Myself and Mrs. McCormack extend our deepest sympathy to his survivors."

Minority Floor Leader Gerald R. Ford termed Ben Jensen a dear friend and expressed his condolences to the family, from Mrs. Ford and himself.

Mr. Ford remarked that he served on the Appropriations committee with Ben Jensen. "He was a strong man and truly devoted to his work with the committee. He had conviction and compassion and did what was right if he had to fight for it."

The Minority Leader said Ben Jensen was a delightful person who "enjoyed discussing the business at hand during social occasions."

"I had nothing but the deepest admiration and respect for Ben Jensen and this feeling came from both sides of the aisles of the House."

Congressman Ford pointed out that Ben Jensen maintained a deep interest after he vacated his seat in the House and was always welcomed in that Chamber.

Floor Majority Leader Carl Albert said Ben Jensen was a true friend of his country and the ruggedness symbolic of Iowa soil from where he came, showed through his work as a legislator.

"I considered him to be strong and able and will long remember that 'Old Ben Jensen Spirit'. He was a great American and a real friend."

[From the Audubon (Iowa) News-Advocate, Feb. 12, 1970]

"SPIRIT" OF BEN JENSEN

The Chamber of the House of Representatives of the United States still echoes with the "Spirit of Ben Jensen" according to one of his colleagues who served with him during Ben's 26 years representing Southwest Iowa.

Ben was a colorful character by his own admission. But he was a fighter for the things he thought were right . . . and most of the time he got what he wanted.

We were handed a note about Ben Jensen who died of cancer recently in George Washington hospital, Washington, D.C.

He was described as a quiet man. "He loved the peace and tranquility of simple living. He cherished his stays and short visits in Exira, his beloved little town.

"He would spend hours visiting friends, farmers, businessmen and just plain citizens. He had an acute interest in all local events, both good and bad.

"Ben spent hours with his flowers and the museum he so diligently worked with after serving his country for 26 years as representative of Southwest Iowa."

Ben Jensen became aware of his illness this last fall. He wanted to get his business in order in Washington, D.C. He enjoyed the past Christmas with his family.

But his one last desire was denied—that he would have enough strength to return to Exira for his "last days."—CHB

[From the Des Moines (Iowa) Register, Feb. 6, 1970]

JENSEN DIES—IOWAN LONG IN CONGRESS

WASHINGTON, D.C.—Ben Jensen, 77, of Exira, long-time Iowa congressman, died of cancer Thursday night.

Mr. Jensen was elected to Congress in 1938 as a Republican and served 26 years until his defeat in the 1964 Democratic landslide.

He entered George Washington University Hospital here two weeks ago.

RITES IN IOWA

Services and burial will be in Exira. Arrangements were being made Thursday night.

Mr. and Mrs. Jensen returned to Iowa after he left Congress, but spent the winter months in an apartment in Washington.

As the long time representative of Iowa's

Seventh District (Southwest Iowa), Mr. Jensen rose to become the ranking Republican on the House Appropriations Committee.

He is survived by his wife, a daughter, Mrs. Donald Fitzpatrick of Marblehead, Mass., and five grandchildren.

In 1954, he was one of five congressmen wounded by Puerto Rican terrorists during a House debate. He suffered flesh wounds in his back.

"I didn't hear the shot until something hit me in the back," he said later, and often mentioned the incident during his campaign stumping through the state.

BEN THE TENTH

Born Ben The Tenth Jensen in Marion on December 16, 1892, the ruddy rawboned congressman (he was 6 feet 2, 200 pounds) began his career as a farm hand and grocery clerk.

In World War I, he attended Officers' Training School and after his discharge went to work for a lumber company in Exira.

He rarely minced his words.

"I like to talk to school groups even though they can't vote," he once told a reporter. "The kids spread the word at home. You can make a lot of political hay that way."

Mr. Jensen acquired a national reputation as a Treasury watchdog.

He once put through a requirement, as an amendment to several departmental appropriations bills, for a 10 per cent reduction in replacement of employees leaving the government service.

BUDGET SLASH

Another time he succeeded in cutting $202 million from the Interior Department appropriations bill.

In 1938, at age 45 and manager of an Exira lumber yard, he decided to seek the Republican congressional nomination as his first political effort.

Five other candidates entered the primary, which went to Republican district congressional convention for decision. Mr. Jensen, who ran second in the field of six, won the nomination on the thirty-seventh ballot.

He had been Seventh District commander of the American Legion before he was elected to Congress. Two Legionnaires, who didn't like some of his votes—like his vote against the Selective Service Act—ran against him in the 1942 Republican primary.

Mr. Jensen won with 4,000 more votes than that for his opponents combined.

ONE OF 13 CHILDREN

He was one of 13 children of a Danish tiler, farmer and man-of-all-work. He was christened Ben The Tenth, a name that caused him trouble with a new country school teacher each year, because none would believe it.

On his own, he made his name over into Benton Jensen, and later adopted Franklin as a middle name because he liked it when he found it in his history books. To everybody who knew him, he was Ben.

He married Charlotte E. Hadden, of Clearfield in Taylor County—part of the Seventh District—when she was teaching school in Exira. They have one daughter, Mrs. Donald G. Fitzpatrick, of Marblehead, Mass.

Mr. Jensen spoke Danish. He co-operated with the Office of War Information in World War II in writing shortwave broadcasts translated into Danish, Norwegian and Swedish.

[From the Washington (D.C.) Post, Feb. 5, 1970]

EX-REPRESENTATIVE BEN F. JENSEN OF IOWA

Former Rep. Ben F. Jensen (R-Iowa), who served in the House of Representatives for 26 years, died of cancer yesterday in George Washington University Hospital at the age of 77. He had been in the hospital since Jan. 19.

He was among the five House members who were shot several years ago when four flag-waving Puerto Rican terrorists shouting "freedom for Puerto Rico" leaped from their seats in the House gallery and fired several volleys of bullets at members seated on the House floor beneath the gallery. The House was debating a Mexican labor bill at the time.

Mr. Jensen was shot in the shoulder. All four of the assailants were captured quickly and were convicted in a federal court on assault charges.

Mr. Jensen was born Dec. 16, 1892, on a farm near Marion, Iowa. He became a retail lumberman and during World War I was commissioned a second lieutenant. He began his service in Congress from the Seventh Iowa district in 1939 and served 13 consecutive two-year terms.

He had served at one point as chairman of the House Appropriations committee. Since his retirement from Congress he had divided his time between Iowa and Washington.

[From the Council Bluffs (Iowa) Nonpareil, Feb. 12, 1970]

BEN F. JENSEN—A GREAT AMERICAN

(EDITOR'S NOTE.—U.S. Sen. Jack Miller of Sioux City delivered the following eulogy at funeral services Tuesday at Exira for former Congressman Ben F. Jensen.

(The senator visited Mr. Jensen at 11 a.m. Feb. 5 at George Washington University Hospital in Washington, D.C. He may have been the last person recognized by Mr. Jensen, who went into a coma about two hours later. Death, from cancer, came at 5:45 p.m.)

Mrs. Jensen, Betty,* and friends of Ben Jensen:

A great Iowan and a great American will be buried on a gentle slope above this little town this morning.

Ben Jensen, whose formal schooling ended with the ninth grade, but whose practical education in business and human relations was the equal of many college degrees, was a powerful and effective voice for the people he represented for so many years in Washington.

Now he has returned to the place he held so close to his heart after losing a patient and dignified battle with cancer.

It's a popular cliche to describe a man as "one of a mold", "unique", "a giant among his peers", Take your pick. Ben was all of these—and a warmhearted, likable, eminently human person besides.

He met folks equally and on the typically Midwestern basis that everyone was a friend and neighbor until he proved himself otherwise.

He was a hard fighter, but, at the same time, tolerant and understanding of those who held contrary views.

He deeply believed in the causes for which he fought, because they were his people's causes, and he loved his people.

It was a great partnership—between Congressman Jensen and the people of the 7th Congressional District of Iowa—and one that endured for 26 years;

Ben was truly a man from the good soil of Iowa, and he never hesitated to let it be known that he was proud of it.

He was a strong partisan, but never questioned the Americanism of his political rivals—merely holding that they were espousing the wrong philosophy and approaches to the problems of our state and our country.

He genuinely liked people, and this showed through in his manner and, even more important, in his deeds. Few members of Congress had as many real friends—on both sides of the aisle.

He took gracefully his only defeat at the polls in 1964 and continued his keen interest in the problems of the 7th District. Instead of being bitter over a heart-rending loss, his attitude was one of thankfulness for the honor to have served his people for so many years.

When the doctors reported to him last month that he had a tumor which could not be removed by surgery, his reaction was remarkable—but it was so like him. He conveyed the sad news to a long-time associate with the comment: "Well, if that's the way it has to be, it's OK with me. Life doesn't owe me a thing. It's been plenty good to me!"

The philosophy expressed in those words should be comforting to all of us, who deeply grieve his loss, for we know that God must have smiled on this good man—one who loved life as much as anyone, but who did not fear death—because he believed.

*Betty is Mr. Jensen's daughter.

[From the Council Bluffs (Iowa) Nonpareil, Feb. 6, 1970]

IOWA'S BEN JENSEN DIES IN WASHINGTON

WASHINGTON.—Ben F. Jensen, a former Republican representative from Iowa who served in the U.S. House of Representatives for 26 years, died of cancer Thursday in George Washington University Hospital here. He was 77.

Jensen, who had been hospitalized since Jan. 19, began his service in Congress from the 7th Iowa District in 1939, serving 13 consecutive two-year terms, including a stint as chairman of the House Appropriations Committee.

Funeral services will be at 10 a.m. Tuesday at the Exira Lutheran Church, with the Rev. Stanley Hansen officiating. Burial is to be at the Exira cemetery. The Corl Funeral Home in Exira is in charge.

Jensen was among the five House members who were shot in 1954 when four flag-waving Puerto Rican terrorists shouting "Freedom for Puerto Rico" leaped from their seats in the House gallery and fired several volleys of bullets at members seated on the House floor.

The House was debating a Mexican labor bill at the time.

Jensen was wounded in the shoulder.

SHOULDER WOUND

All four assailants were captured quickly and were convicted in a federal court on assault charges.

Jensen was born Dec. 16, 1892 on a farm near Marion, Iowa.

He was christened Ben The Tenth Jensen, a name he changed to Benton Jensen. Later in life he added Franklin as his middle name.

In World War I, the husky former farm hand and grocery clerk attended Officer's Training School and after his discharge went to work for a lumber company in Exira.

During his career as a congressman he acquired the reputation as a Treasury watchdog, at one time succeeding in slashing $202 million from an Interior Department appropriations bill.

Since his retirement from Congress he has divided his time between Iowa and Washington, D.C.

He is survived by his wife, the former Charlotte E. Hadden of Clearfield in Taylor County; a daughter, Mrs. Donald Fitzpatrick of Marblehead, Mass.; and five grandchildren.

Other survivors include two sisters, Mrs. Mary Christoffersen of Cedar Falls and Mrs. Julia Workman of Colorado Springs, Colo., and a brother Oscar Jensen of San Diego, Calif.

[From the Missouri Valley (Iowa) Times, Feb. 10, 1970]

BEN F. JENSEN, BACKER OF DESOTO BEND REFUGE LEGISLATION, DIES AT 77

The man who steered the appropriations bills through Congress in the 1950s that made possible the establishment of DeSoto Bend National Wildlife Refuge southwest of Missouri Valley died Thursday afternoon of cancer in George Washington University hospital, Washington, D.C.

He was Ben F. Jensen, 77, of Exira, Ia., a Republican who served 26 years as congressman from this (the Seventh Iowa) District until his defeat in 1964 by John F. Hansen, Democrat, who came from Manning.

He entered the hospital two weeks ago.

Mr. and Mrs. Jensen returned to Exira after he left Congress but spent the winter months in an apartment in Washington.

Services will be held at 10 a.m. Tuesday, Feb. 10 in the Exira Lutheran Church, with burial in the Exira Cemetery. The Corl Funeral Home is in charge of arrangements.

As a longtime representative he rose to become the ranking Republican on the House Appropriations committee.

WORKED FOR REFUGE

He held that important committee post in the 1950s when the movement was started (mainly by outdoor sports enthusiasts in Missouri Valley and various wildlife organizations) to have DeSoto Bend National Wildlife Refuge and Recreation Area established and have a curve in the river converted into an oxbow lake on the sanctuary. Congressman Jensen gave his full support.

He worked long and hard for the plan and he pushed through the legislation making the project possible. In 1957 the legislation was enacted which established DeSoto Wildlife Refuge and Recreation Area. The refuge and pleasure spot was established in 1959. As long as he was in Congress, Mr. Jensen continued his support for the DeSoto Bend project and its improvement and development.

SIOUX RIVER PROJECT

As a congressman, Mr. Jensen also gave very valuable assistance to the people of Harrison county in such matters as the Little Sioux River flood control and drainage project, Missouri river erosion control and stabilization of the channel and many other projects.

He was born on a farm near Marion, Ia., on Dec. 16, 1892.

His parents were Martin and Gertrude Andersen Jensen natives of Denmark and he was the tenth child of a family of 13. He was born as "Ben the Tenth". In 1900 he moved with his parents to Audubon county, Iowa and he was reared on a farm. He attended country school and Exira high school.

His parents moved to Exira when Ben was 16. He worked as a farm hand, pearl-button cutter and grocery clerk before becoming yardman for Green Bay Lumber company in Exira in 1914. He was advanced to auditor and extra manager of the lumber firm before joining the Army during World War I in 1917 as a private. After the war, he was honorably discharged from the Army as a lieutenant.

LUMBER YARD MANAGER

In 1917 he was married to Charlotte El Hadden of Clearfield, Ia. They have one daughter, Mrs. Donald G. Fitzpatrick of Marblehead, Mass. Ben is also survived by five grandchildren; one great-grandchild; two sisters; and one brother.

After World War I, Mr. Jensen resumed employment with the lumber company as manager of the Exira yard.

He was active in fraternal work as a member of Masons (32nd degree), Elks, Eagles, Moose, Knights of Pythias, Eastern Star and American Legion of which he was Seventh District commander in 1936–37.

ELECTED IN 1938

He was elected to Congress in 1938, recapturing the Seventh District congressional seat for Republicans after it had been held for six years by Otha D. Wearin, Hastings Democrat.

In early congressional years he served on the Post Office Committee, having jurisdiction over the complex U.S. postal system.

In 1942 he was named to the Committee on Appropriations, most powerful in Congress, and in which all bills supplying money must originate.

He had served as chairman of Interior and Government Corporations sub-committees and was top Republican on four important sub-committees: Interior, deficiencies, atomic energy and public works, the latter which deals with all flood control.

ACHIEVEMENTS

His legislative achievements include the following:

1. Amended GI Bill of Rights to permit poor man's son to obtain benefits.

2. Imposed proviso on appropriations bills to prohibit payment of treasury funds to Communists and subversives. This is now permanent law.

3. Imposed famed Jensen rider to appropriations bills calling for reduction in government personnel by the attrition method of hiring only one new employee for every four routine vacancies, saving hundreds of millions to taxpayers.

4. Opposed all unnecessary federal spending and centralized power.

5. Opposed waste in foreign aid giveaway programs.

6. Supported Landrum-Griffin Bill to curb labor boss excesses.

7. Known as "Watchdog of the Treasury" by his fellow Congressmen.

WOUNDED BY TERRORISTS

In 1954, Jensen was one of five congressmen wounded by Puerto Rican terrorists during a House debate. He suffered flesh wounds in his back.

"I didn't hear the shot until something hit me in the back," he said later, and often mentioned the incident during his campaign stumping through the state.

Following his 1964 defeat, he wrote two books and spent much of his time on a home museum, which he expanded to include separate rooms on George Washington and Abraham Lincoln.

[From the Shenandoah (Iowa) Sentinel, Feb. 6, 1970]

BEN F. JENSEN DIES—SEVENTH DISTRICT CONGRESSMAN 26 YEARS

WASHINGTON.—Ben F. Jensen, a former Republican representative from Iowa who served in the U.S. House of Representatives for 26 years, died of cancer Thursday in George Washington University Hospital here. He was 77.

Jensen, who had been hospitalized since Jan. 19, began his service in Congress from the 7th Iowa District in 1939, serving 13 consecutive two-year terms, including a stint as chairman of the House Appropriations Committee.

Jensen was among the five House members who were shot in 1954 when four flag-waving Puerto Rican terrorists shouting "Freedom for Puerto Rico" leaped from their seats in the House gallery and fired several volleys of bullets at members seated on the House floor.

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Since his retirement from Congress he has divided his time between Iowa and Washington, D.C.

He is survived by his wife, the former Charlotte E. Hadden of Clearfield in Taylor County; a daughter, Mrs. Donald Fitzpatrick of Marblehead, Mass.; and five grandchildren.

Services for Ben Jensen will be held at 10 a.m. Tuesday from the Exira Lutheran church with burial in Exira cemetery.

It was to Exira Jensen returned when he finished his long years of political service some six years ago. It was there that he began in his later years to savor the fruits of his achievements and to take the time to do all the things he had wanted to do but never had time for in an active career.

In his office there he was surrounded by remembrances of things past—souvenirs from trips all over the world amid other memorabilia. But he was not content to live in the past.

First he expanded his home museum, devoting separate rooms to George Washington, Abraham Lincoln and Thomas Jefferson, The Audubon County Museum on Exira's main thoroughfare, which he helped organize, was the subject of his continuing interest.

He worked on his memoirs and completed two books which he had hoped to see published. One, "A Ditchdigger's Son Goes to Congress," tells of his experiences as a youth when he was variously occupied as a ditchdigger, farm hand and grocery clerk. He later went to work for an Exira lumber company and became manager there. At the age of 45, he sought the Republican congressional nomination and won in a field of six candidates.

Another book, "Get Out and Stay Out" reveals his opposition to foreign aid. In it, he writes, "The irony of it all is that today Uncle Sam has less friends abroad than he had in 1948." He continues, saying, "At least 95 per cent of the nations to whom these billions have been given are giving us no help in money or men in the Vietnam war; many of these nations are selling the Communists shiploads of commodities of most every nature, including materials of war."

A participant in both major wars of this century, Jensen attended Officers Training School during World War I. His ability to speak Danish was made good use of in World War II when he worked in cooperation with the Office of War Information, writing short-wave broadcasts translated into Danish, Norwegian and Swedish.

On the lighter side, Ben Jensen showed a keen interest in his home and his vegetable garden. He did a bit of tinkering too and invented a golf-type game for senior citizens.

As far as he was concerned, his retirement was "in name only" and he insisted he would never actually withdraw from an active interest in the nation's affairs.

It was during the past year that he spoke out strongly once more concerning his opposition to heavy federal spending. He felt that the country was on the edge of runaway inflation and cited world history as revealing that "any nation which spends more than 35 per cent of its total income in federal, state and local taxes is bound to go under."

Strongly adhering to the Monroe Doctrine, he believed that, with the exception of the Spanish-American War, that policy kept America at peace from 1823 until 1917.

"It should be reaffirmed," he commented. "Money spent for Vietnam is a disgrace. When that war is ended, Chinese Communists will gather themselves to hit again somewhere else on the globe. South America is a very likely spot."

Serving under five presidents, he gave Dwight D. Eisenhower the number one spot in his regard.

"A great president and a great general," he would say, adding cautiously, "of course I only voted with him on the budgets 64 per cent of the time."

John F. Kennedy he considered a hard worker and Harry Truman was a "nice guy" in Jensen's book. On the subject of the other two presidents, Franklin D. Roosevelt and Lyndon Johnson, he was less enthusiastic. They were men who simply would not listen to advice, he felt.

Criticizing FDR on his court-packing proclivities, Jensen felt that the legislative and judicial branches of the government had been weakened with the result that presidents since 1933 had dictatorial powers "never intended by our founding fathers."

Jensen believed that well planned schemes to change our system of government began after World War I and were planned by a world-wide conspiracy of Communists with socialist planners here.

His highly conservative approach to federal spending was demonstrated many times. He amended a number of departmental appropriations bills to require they reduce replacement of employes leaving government service by ten per cent and, more notably, was responsible for subtracting $202 million from an appropriations bill for the Interior Department.

In addition to his wife, formerly Charlotte E. Hadden of Clearfield, whom he wed when she was teaching school in Exira, his daughter, grandchildren, and other relatives, a host of national figures will pay tribute to him Tuesday whether in Exira or at a distance.

[From the Audubon (Iowa) Nishua Valley Tribune, Feb. 12, 1970]

SOME THOUGHTS ABOUT AN OLD SOLDIER

For nearly the past quarter of a century politics has been this writer's hobby and so it was natural that we should become acquainted with Ben Jensen shortly after we became a resident of Audubon county. Ben was one of those individuals in politics you like—a winner. He won 13 straight elections before a loss; and 13–1 odds are mighty attractive in any race.

There are many things we remember about Ben. He certainly was a thoroughly common individual even though he occupied a position of high power in the Congress of the United States.

Whether Ben was here at home or in Washington he never forgot his friends—his people, if you wish to call them that. Their individual politics made no difference when they came to Ben Jensen for help.

Ben had already served 10 years in Congress when we first met him. But in the ensuing 16 years we worked for him and supported his candidacy and learned much about the game of politics. We often were frightened in those campaigns that Ben was too "easy" a campaigner; but, obviously he knew what he was doing. Ben's opponents, aware that they had an almost hopeless task, would blast Ben, quoting out of context, or clearly distorting his record in office. But Ben always ignored them, and stuck by one of his campaign rules: he never mentioned his opponent.

In his slow, steady, firm manner Ben Jensen traveled the Seventh District meeting the voters and he was an impressive campaigner in appearance.

From the job of a small town lumber yard manager Ben moved to the Congress of the U.S., and became the No. 1 Republican on the powerful Appropriations committee before he left Congress. Appropriations probably is the most vital and powerful committee in the House of Representatives. All bills to appropriate money originate in the House, and Ben's committee held sway on much of the Federal government's spending.

It can honestly be said that Ben Jensen personally saved billions of dollars for the American taxpayer. He was a conservative Republican who, the Omaha World-Herald said this week, "voted his convictions while many others in Congress only talked about economy."

If the United States Congress had more like Ben Jensen the nation wouldn't be in such financial trouble.

Back in July, 1964, this writer and Dave Lansman—who was then president of the Chamber of Commerce—went to Washington and, in a joint venture with Congressman Jensen, put on a steak feed for leaders of Congress and the Government. We brought several dozen T-Bone steaks from Audubon, and Ben made all the other arrangements (and he picked up the tab for the balance of the dinner outside of the steaks). He reserved the Speaker's Dining Room in the Capitol, and sent out invitations to prominent leaders in both political parties. They were there, too.

After we had returned from Washington, Congressman Jensen sent me a thick file of letters he had received from the various congressional leaders and members who had been at the Audubon T-Bone Steak feed. Here is a paragraph from one of those letters sent to Ben by Congressman Jamie L. Whitten, a Mississippi Democrat:

"Of course, those of us who serve on the Appropriations Committee with you were going to be there; but, I do not know any other member who could have gotten the Speaker, the Majority Leader, the Minority Leader and so many other high ranking House members, as well as Senators, to come out. It was a real tribute to you and your standing."

Because of his long service in Washington Ben has close friends with many men whose names are household words . . . Eisenhower . . . Nixon, . . . J. Edgar Hoover . . . and many others.

Ben F. Jensen epitomized the American Dream. Like so many others, he came from a family of modest means, but was willing to get out and campaign for public office. Once elected, he earned the confidence and trust of the people of Southwest Iowa to the end that they reelected him to Congress 12 times. And during those years he became one of the influential political leaders of his day.

Like many, we have lost a good friend and a great American.

[From the Washington (D.C.) Evening Star]

EX-REPRESENTATIVE JENSEN DIES—SHOT BY FANATIC IN 1954

(By Richard Slusser)

Former Rep. Ben F. Jensen, R-Iowa, who was one of the five congressmen wounded in the House by fanatic Puerto Rican nationalists in 1954, died of cancer yesterday in George Washington University Hospital.

Since his defeat in the 1964 election he had lived in both Exira, Iowa, and at 3636 16th St. NW. The 77-year-old ex-congressman had been hospitalized since Jan. 19.

Mr. Jensen, a conservative, was the top-ranking Republican on the Appropriations Committee when he was defeated by Democrat John R. Hansen in the Democratic landslide in the 1964 election. Hansen was defeated after one term.

SERVED 13 TERMS

Born on a farm near Marion, Iowa, of Danish parentage, Mr. Jensen is said to have earned his first dollar after working on a farm for three months when he was 14. His work was so satisfactory that he received a hog as a bonus.

He began working for a lumber company in 1914 as a yard man and assistant auditor. After serving as an Army lieutenant in World War I he became manager of the lumber yard in Exira, a position he held until he was elected in 1939 to the first of his 13 consecutive terms in the House.

SPONSORED ECONOMY RIDER

Mr. Jensen was the only Republican congressman wounded by the few flag-waving Puerto Rican terrorists on March 1, 1954, in the House, which at the time was debating a Mexican labor bill. He was shot in the shoulder and was a patient in Bethesda Naval Hospital until March 17. Another of the congressmen, former Rep. Alvin M. Bentley, died last year. Rep. George H. Fallon of Maryland is the only one still in the House.

He was the sponsor of the old "Jensen rider," which was voted into most appropriations bills in the early 1950s. The rider was designed to cut the government payroll by forbidding the filling of job vacancies.

Mr. Jensen listed himself in the Congressional Directory as "student of government science who has devoted much of his life to the problems of the people."

After his defeat he set up a library and museum in a two-room cabin behind his Exira home.

He leaves his wife, the former Charlotte E. Hadden, whom he married in 1917; a daughter, Mrs. Donald G. Fitzpatrick of Marblehead, Mass.; two sisters, Mrs. Mary Christoffersen of Cedar Falls, Iowa, and Mrs. Julia Workman of Colorado Springs, Colo.; a brother, Oscar, of San Diego, Calif.; five grandchildren and a great-grandchild.

Services and burial will be Tuesday in Exira.

[From the Audubon (Iowa) News-Advocate, Feb. 12, 1970]

Seventh District Congressman Bill Scherle Monday morning announced the death of former Congressman Ben F. Jensen, Exira, on the floor of the House of Representatives.

"Mr. Speaker, it is my sad duty to inform the Speaker and the members of the House of Representatives of the death of a former colleague, the Honorable Ben F. Jensen. Ben, who represented the Seventh District for Iowa for 13 consecutive terms from 1939 to 1964, was stricken by cancer at the age of 77 and passed away at Washington at the George Washington hospital Feb. 4.

"Ben was the mentor and guide of my political life and I looked up to him as a second father. I worked with him as county chairman when he served in Congress and it was with his blessing that I ran for a seat in the House of Representatives in 1966. His wise council and unfailing support will be sorely missed.

"On behalf of the Speaker and the members of the House of Representatives I extend to them (the family) our deepest regrets and sympathy.

"Mr. Speaker, I ask unanimous consent for a special order to be held at the close of business Tuesday, Feb. 17, for the purpose of eulogizing our former colleague. During that hour all those who wish to join in paying tribute to Ben F. Jensen may do so."

Sincerely,

WILLIAM J. SCHERLE,
Member of Congress.

[From the Audubon (Iowa) News-Advocate, Feb. 12, 1970]

THE WHITE HOUSE,
Washington.

DEAR CHARLOTTE: Ben will be missed by all who knew him but affectionately remembered for his special human compassion in love of country which made him so fine a legislator and so great an American.

Pat joins me in the hope that you may derive strength as you look back on your long happy life together in comfort from the memory of Ben's unfailing dedication to our party and to the people of Iowa.

President RICHARD NIXON and Mrs. NIXON.

GENERAL LEAVE TO EXTEND

Mr. SCHERLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today, and to include extraneous matter.

The SPEAKER pro tempore (Mr. PATTEN). Is there objection to the request of the gentleman from Iowa?

There was no objection.

U.S. COURT OF LABOR-MANAGEMENT RELATIONS

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Arizona (Mr. RHODES) for 10 minutes.

(Mr. RHODES asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. RHODES. Mr. Speaker, our present institutional machinery is inadequate for purposes of settling protracted labor disputes.

This past year was not a particularly heavy one in terms of large collective bargaining agreements subject to renegotiation. Nevertheless, according to the Bureau of Labor Statistics, the number of work stoppages reached a record high in 1969. The 45 million man-days of idleness resulting from these work stoppages was exceeded only by the 1968 decade high of 49 million.

To complete the statistical picture, the Bureau noted that 26 stoppages beginning in 1969 involved 10,000 workers or more each, accounting for approximately one-quarter of the workers and almost two-fifths of the total idleness reported.

Today, I am introducing a bill which would expand our machinery for dealing with such crippling work stoppages. This bill would establish a U.S. Court of Labor-Management Relations which would preserve the basic processes of collective bargaining and, at the same time, protect the public interest against the devastating consequences of protracted work stoppages in industries affecting the general welfare, health or safety.

Briefly, this measure would establish a five-man court consisting of judges trained and experienced in the fields of law, economics, and industrial relations. The jurisdiction of the court would be invoked upon application of the Attorney General, on behalf of the President, only after all other procedures for resolving the dispute had been exhausted, or upon application of either party to the dispute.

In other words, the court would become involved in a particular dispute only after the parties themselves had exhausted all avenues for voluntary settlement, had failed to come to an agreement and, as a result, a work stoppage appeared imminent.

Once the jurisdiction of the court had been invoked, it would be empowered to enjoin any actual or threatened work stoppage for a period of 80 days. During this time, collective bargaining between the employer and the employee would continue under the supervision of the court, which would be authorized to issue whatever orders necessary, including the appointment of standing or special masters, to induce the parties to make every effort to settle their differences through collective bargaining.

If, at the conclusion of this 80-day period, the parties advise the court that a negotiated settlement is impossible, the court will continue the injunction and set the case down for immediate hearing and final determination. All due processes of law will be guaranteed and the parties will be given every reasonable opportunity to present arguments in support of their positions.

Finally, a binding judgment will be handed down, covering all matters of dispute including rates of pay, hours, and conditions of work, and any other matters necessary to the dispute.

Mr. Speaker, this country does not find itself in the same economic position today as it did in 1933. At that time, the problem was not the existence of strikes but the existence of jobs. The employer clearly predominated over the employee in terms of bargaining power.

Today, the power of the labor unions is certainly equal to, if not in excess of, the power of management.

Ours is a complex and interdependent economy in which work stoppages in certain industries can seriously affect the health, safety, and welfare of millions of innocent Americans. Congress, of course, has recognized this fact in the case of railroad strikes. Many persons close to a railroad dispute may speak of the absolute necessity of the right to strike or the absolute devastation caused by compulsory arbitration.

The fact remains that every threatened railroad strike since the enactment of the Railway Labor Act has been prevented by some form of Government action. For example, in 1963 Congress required arbitration of the dispute over the removal of fireman from diesel locomotives, and in 1967 we stopped the strike of railroad shop employees and provided for the compulsory settlement of the issues by an independent tribunal.

It is inherently imprecise to settle such disputes on the basis of special, ad hoc, and generally hasty legislation by the Congress. It is irresponsible to allow these and other disputes to produce protracted work stoppages and economic chaos throughout the country.

What is needed is a separate and permanent procedure for the determination of disputes which the parties themselves, after a reasonable period of time, are unable to resolve. In my opinion, the best procedure for doing this would be a separate court and labor judiciary with the sole and exclusive function of deciding labor disputes under such circumstances.

Mr. Speaker, I believe that this court would build upon rather than supplant the process of collective bargaining. The parties are not prevented from making any agreement they see fit to make. But the court would serve as a backstop in this process in order to protect the public interest.

Those who would attack this system on the grounds that first, such a measure would destroy the collective bargaining procedures or, second, that the courts are not equipped to make these kind of economic determinations should examine the record.

Jurisdictional disputes between unions, for example, were formerly a real issue in strikes and the source of many. Today, these issues are administratively determined by the National Labor Relations Board.

Unfair labor practices, and grievances were also a source for strikes but they too, for over 30 years, have been the subject of compulsory arbitration before the NLRB.

As to the second ground of objection, courts and administrative bodies have long settled difficult economic issues in the fixing of utility rates and in the determination of antitrust cases.

In conclusion, Mr. Speaker, I feel that a labor court system is not only feasible, but is also necessary in order to meet the responsibility of insuring that the confrontation of labor-management economic giants in the future will not jeopardize the welfare of hundreds of millions of Americans.

H.R. 15956

A bill to provide for the establishment of a United States Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 1. This Act may be cited as the "United States Court of Labor-Management Relations".

DECLARATION OF PURPOSE AND POLICY

SEC. 2. The Congress finds, and hereby declares it to be the policy of the United States—

(a) that sound and stable industrial peace and advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues and disputes between employers and employees through the processes of conference and collective bargaining between employers and the representatives of their employees;

(b) that the settlement of issues and disputes between employers and employees through collective bargaining should continue to be advanced by and through full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining, or by such methods as may be provided for in any applicable agreement for the settlement of such disputes; and

(c) that when such differences or disputes cannot be settled and resolved and when such differences or disputes result in a threatened or actual strike or lockout in an industry or industries substantially affecting commerce, or engaged in the production of goods for commerce, and when such threatened or actual strike or lockout, if permitted to occur or to continue, will adversely affect the general welfare, health, or safety of the Nation, then the same must be expeditiously

enjoined and finally settled, on the basis of law, equity, and justice, in a duly established and impartial court, consisting of judges trained and experienced in law and in the fields of economics, industrial relations and the peaceful settlement of disputes.

CREATION AND ORGANIZATION OF THE COURT

SEC. 3. (a) The President shall appoint, by and with the advice and consent of the Senate, a chief judge and four associate judges who shall constitute a court to be known as the United States Court of Labor-Management Relations (hereafter referred to in this Act as the "court"). Such judges shall be appointed solely on the grounds of fitness to perform the duties of the office and shall hold office for a term of 12 years (except that of the judges first appointed one judge as designated by the President shall hold office for a term of 4 years, one judge as designated by the President shall hold office for a term of 8 years, and the chief judge as designated by the President shall hold office for a term of 12 years, from the date of the appointment of the first judge under this Act).

(b) The chief judge of the court shall receive the same compensation (including retirement) as is received by the chief judge of a United States district court and each of the associate judges of the court shall receive the same compensation (including retirement) as is received by judges of a United States district court.

(c) The principal seat of the court shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place.

(d) The court may appoint and fix the compensation of such officers and employees, and may incur such other expenses, as may be necessary to enable it to carry out its functions.

(e) The court with the concurrence of a majority of all the judges thereof may appoint one or more standing or special masters to which the court may refer actions pending before it under such terms and conditions as the court may fix by rule. The order of reference to the master may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearings and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order.

JURISDICTION OF THE COURT

SEC. 4. (a) The court shall have jurisdiction only over labor disputes in industries substantially affecting commerce that have resulted in, or threaten to result in, a strike, lockout, or other concerted work stoppage which adversely affects, or if permitted to occur or to continue, will adversely affect the general welfare, health, or safety of the Nation.

(b) The jurisdiction of the court may be invoked—

(1) upon application of the Attorney General of the United States, on behalf of the President, only after all other procedures for enjoining such strike, lockout, or other concerted work stoppage under the Labor Management Relations Act of 1947, and the Railway Labor Act have been exhausted; or

(2) upon application of any party to such labor dispute, regardless of the availability of alternate procedures for settling such dispute.

POWERS AND DUTIES OF THE COURT

SEC. 5. (a) Whenever the jurisdiction of the court is invoked the court may, pending final resolution of such dispute, enjoin such strike, lockout, or other concerted work stoppage, or other continuance thereof, and make such other orders, including orders affecting rates of pay and working condtions, as may be necessary or appropriate.

(b) Whenever the court has issued an order, as provided by subsection (a), it shall be the duty of the parties to the labor dispute giving rise to such order, in addition to any other duties imposed upon them by law or by their collective bargaining agreements, to make every effort, under the supervision and direction of the court (which shall have continuing jurisdiction over the dispute and the parties thereto) to adjust and settle their differences.

(c) During the period commencing on the date of the order issued by the court under subsection (a), with respect to any labor dispute and ending not more than eighty days after such date, the court may require the parties to attend hearings and produce testimony and documentary evidence with respect to the causes and circumstances of the dispute, and to attend conferences or sessions of the court in order to consider and discuss the positions of the parties and possibilities or proposals for settlement; and the court may make such orders as are necessary or appropriate to require the parties, or any of them, to make every effort in good faith voluntarily to adjust and settle their differences.

(d) If, at the conclusion of the period referred to in subsection (c), the parties have not voluntarily adjusted and settled all of the disputes, issues, or differences which resulted in the granting of the injunction of the court, or if the parties fail or refuse voluntarily to agree to continue to attempt to adjust and settle such disputes, issues, or differences subject to the continued effectiveness of the injunction issued by the court and to the court's continuing supervision over such settlement attempts, the court shall thereupon, on its own motion, continue such injunction in full force and effect and set the matter down for immediate hearings and final determination by the court on the merits of the dispute or controversy. If the parties agree to continue, after the expiration of such period, to attempt to negotiate a settlement, subject to the court's continuing supervision, and thereafter advise the court that a negotiated settlement is impossible, then the court shall, at the time it is so advised, continue the injunction in effect and set the case down for immediate hearing and determination by the court.

(e) Whenever the court sets a case down for final determination it shall afford the parties a reasonable opportunity to present all facts and arguments in support of their respective positions regarding the issues in the case. After hearing all such facts and arguments, the court shall make a final determination of all issues in the case and shall enter a final judgment which will settle all such issues. The court shall have the power to settle and establish in such judgments, among other things, rates of pay, hours and conditions of work, and any other matters proper and necessary to a determination of the dispute or controversy.

(f) Any final judgment, order, or decree of the court shall be the subject of a full written opinion in each case, containing a statement of the facts which the court finds and the legal principles and standards which the court uses as a basis for such judgment, order, or decree.

(g) In making a final determination of any case with respect to which there is in effect a valid collective bargaining agreement or other valid contract defining the rights, duties, and obligations of the parties to the case, the power of the court, with respect to any matter in dispute which is governed by any such agreement or contract, shall be limited to applying or interpreting such agreement or contract, and the application or interpretation of such agreement or contract by the court shall be final and binding on the parties. In any case wherein the court is required to fix rates of pay or other conditions of employment in order to resolve the disputes or controversies between the parties, the court shall have the power to fix only such rates or conditions as, on the basis of the evidence submitted, are fair and equitable to both employers and employees taking into consideration, among other things, the financial condition of the employer, the wages and other conditions of employment in comparable enterprises, and changes in labor productivity. In all cases, the court must consider, as a primary factor, the national and public interest involved in a fair and just settlement which will promote, to the greatest extent possible, fair, equitable, and workable industrial relations between the parties in the future.

(h) No decree of the court relating to rates of pay or conditions of employment shall be retroactive to a date prior to the date that such rates of pay or conditions of employment ceased to be governed by a valid collective bargaining agreement or other valid contract between the parties; and, in any case, the question of retroactivity shall rest in the sound discretion of the court.

(i) Any judgment, order, or decree of the court shall be effective for such period as may be specified in such judgment, order, or decree or until such time as the court shall thereafter vacate or discharge the same, whichever first occurs. The court shall forthwith vacate any judgment, order, or decree entered by it whenever (1) it shall determine that any work stoppage which might occur as the result of the vacation of same will not adversely affect the general welfare, health, or safety of the Nation, (2) it shall determine that, by reason of a collective bargaining or other agreement, the parties have voluntarily settled the issues in dispute between them to such an extent that the vacation of any such judgment, order, or decree would not result in a work stoppage which would adversely affect the general welfare, health, or safety of the Nation, or (3) the Attorney General of the United States makes a motion for the vacation of such judgment, order, or decree, which motion is supported by a certification of all the parties to the dispute or controversy that the granting of the motion will not result in a work stoppage which will adversely affect the general welfare, health, or safety of the Nation.

(j) The decisions of the court shall be final, unless they are arbitrary and capricious or are violative of a right conferred by the Constitution of the United States, in which case the Supreme Court shall have exclusive jurisdiction upon petition for a writ of certiorari.

(k) The court and each judge thereof shall possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence, and the provisions of section 401 of title 18, United States Code (relating to authority to punish for contempt) and section 1651 of title 28 of such Code (relating to the issuance of writs) shall be applicable to the court. Process of the court may be served within the territorial jurisdictional of any court of the United States.

(l) The proceedings of the court shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the court may prescribe and, so far as practicable, in accordance with the rules of evidence applicable in the district courts of the United States under the rules of procedure for such district courts.

SUSPENSION OF ADMINISTRATIVE PROCEEDINGS

SEC. 6. Whenever a matter before any agency or board established by the United States is the subject of a proceeding in the

court, the agency or board, if so ordered by the court, shall suspend all proceedings in such matter pending further action by the court. If proceedings in a matter are so suspended they may be resumed by the agency or board only if (and to the extent that) an order of the court so provides.

DEFINITIONS

SEC. 7. When used in this Act—

(a) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between the District of Columbia or any possession of the United States and any State or other possession, or between any foreign country and any State, possession, or the District of Columbia, or within the District of Columbia or any possession or between points in the same State but through any other State or any possession or the District of Columbia or any foreign country.

(b) The term "industry substantially affecting commerce" means any industry or activity in commerce or any industry or activity in which a labor dispute would substantially burden or obstruct commerce or substantially tend to burden or obstruct commerce, or the free flow of commerce.

(c) The term "labor dispute" means any dispute, concerning terms, tenure, or conditions of employment between an employer and his employees or their duly designated representatives.

(d) The term "party" means (A) the employer, or (B) any labor organization the representatives of which are designated or selected for the purpose of collective bargaining by the majority of the employees in a unit appropriate for such purposes.

(e) The term "employer" includes any person acting as an agent of an employer, but shall not include the United States, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(f) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, and shall include any individual whose work has ceased because of any labor dispute, and who has not obtained any other regular or substantially equivalent employment.

TECHNICAL AMENDMENTS

SEC. 8. (a) Sections 206, 207, 208, 209, and 210 of the Labor Management Relations Act of 1947 (relating to national emergencies occasioned by strikes or lockouts), are hereby repealed.

THE AMERICAN SUGARCANE COMMUNISTS: KEEP THEM IN SIGHT

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Pennsylvania (Mr. SAYLOR) for 10 minutes.

Mr. SAYLOR. Mr. Speaker, is there nothing this country can do to prevent the starry-eyed, bleeding-heart American revolutionaries from helping to rectify the disaster of communism in Cuba by harvesting that dictatorship's sugarcane crop? Because we are a free nation, because we have maintained an open border with the Canadian nation, these modern-day Marxists have been given, for all intent and purposes, a green light to traffic with the enemy of freedom closest to our shores. While this is allowed, the true American heroes of democracy are fighting, bleeding, and dying in South Vietnam.

I am informed that our State Department is "powerless" to act to prevent the exodus of the "harvesters of revolution." In the first place, passports are probably not used and in the second place, the Government's hands have been tied in regard to prosecuting illegal travel by U.S. citizens in "restricted areas" by the infamous Aptheker, Laub, and Travis decisions of the Supreme Court.

We have often been told that freedom has its price. Surely part of the price of freedom is the restriction against aiding and abetting enemies of freedom. However, I am well aware that the Department of State does not have the stomach to press upon the administration anything that would appear to oppose the Marxist principles of the New Left, or go against the New MOBE's apologists in the Nation's press, so one has to look elsewhere to help.

In this regard, I trust that the Justice Department and the Federal Bureau of Investigation have a complete record of the "American Sugarcane Communists" and will keep their activities in sight when they return to the United States as they inevitably will—to foment disruption, revolution, and chaos in our land of freedom.

I am sure, Mr. Speaker, that if these young people were seriously interested in finding hard work they could find it here in the United States. In fact, if they really want hard work, they could come to my district to help mine the coal which is necessary to keep the arsenal of democracy viable or they could help bring in the American harvest anyplace in the country—a harvest which helps to feed the nations of the world. Unfortunately, these young leftist sympathizes are more interested in ruining freedom than sustaining it.

There is one saving grace to this youthful tragedy; unlike previous decades, our internal enemies are now working in the open. We are warned.

GRANTS FOR CORRECTIONAL FACILITIES

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Virginia (Mr. POFF) for 5 minutes.

Mr. POFF. Mr. Speaker, the Federal anticrime program, created by the Omnibus Crime Control and Safe Streets Act, is providing important information about the condition of State and local corrections systems throughout the country. As the States have drawn up plans for improving criminal justice, they have described some shocking facts about corrections:

For example: one State says even minimum sanitary conditions do not exist in some local jails.

Another says that all counties but one use jails to house juveniles and says children are placed in situations which have resulted in suicides and injuries.

Another notes that boys as young as 14 are confined to adult prisons where there is little or no separation of the mentally ill, the criminally sophisticated, or homosexuals.

In one badly crowded county jail, prisoners sleep on mats atop welded cages that serve as cells; in another, heating is so inadequate that a teenager burned his shoes to keep warm.

In the United States today, there are some 400 adult prisons, ranging from maximum security facilities to forest camps. Taking only the State institu- opened before 1900. Of these antiques, 25 are over 100 years old. They are not preserved in the way that our historic buildings and homes are preserved. Too often, they are rotting, decaying, unsanitary.

Staffs in nearly every prison are too small, and in many instances hardly trained at all. Many States hire guards who do not even have high school diplomas; three States use convicts as guards. Only 3 percent of prison guards have college degrees; some can hardly read and write. Vocational and self-help programs for inmates are minimal or nonexistent.

These are the conditions that have prompted the proposed amendment, part E, to the Omnibus Crime Control and Safe Streets Act of 1968.

This new part would require each State to develop a comprehensive plan for improving correctional facilities throughout the State and would earmark grant funds specifically for such purposes.

It would establish a program of grants to States for the acquisition, construction, or renovation of correctional institutions and facilities and for the improvement of programs and personnel standards of these institutions.

States would incorporate their applications for such funds in their comprehensive plans which must be filed with the Law Enforcement Assistance Administration. Grants for these purposes would be made to the State planning agencies now administering the block grants under the act.

Mr. Speaker, there is a desperate need to improve jails, prisons, correctional facilities everywhere, if offenders are to be rehabilitated. That is the objective of this amendment.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from New York (Mr. ROONEY) for 15 minutes.

Mr. ROONEY of New York. Mr. Speaker, for those of us who love freedom and prize our independence, Lithuanian Independence Day brings pangs of regret and a deep feeling of sadness. To our good friends and neighbors of Lithuanian heritage this day has even deeper meaning. Normally, people of all nationalities celebrate their independence days with joy and thanksgiving but such has not been fully possible for the observance of Lithuanian independence during past years.

Fifty-two years ago yesterday, free men the world around rejoiced with the proud citizens of Lithuania in their gaining of independence after long years of imposed slavery. Americans were proud of the role which this country and her President, Woodrow Wilson, played in restoring sovereignty to Lithuania and to her sister Baltic States.

Americans felt a particularly close bond to the happy people of Lithuania

as they charted their new course as a free and independent state. America watched with affection and pride as these sturdy people recovered swiftly to reestablish their sovereignty and to create a sound and respected position among the nations of the world.

So close were our ties and so deep was our affection with these stalwart friends, we suffered almost as deeply as did they when the Soviets committed their dastardly act of illegal annexation of Lithuania and the other Baltic States in the chaos attendant to the Axis surrender. As Americans we can be proud that our Government, beginning with President Truman, has never recognized their forcibly imposed and illegal annexation. Never again can we engage in real rejoicing on the day commemorating Lithuanian independence unless the same unfettered freedom which they enjoyed for a limited time is fully restored.

Mr. Speaker, no one in this body or elsewhere is more anxious than I to see our relationships with the Soviet Union undergo a marked improvement. No one is more desirous than I to see a quick and sure development of relationships which will substitute mutual trust for martial strength—which will recognize the brotherhood of men rather than forced enslavement of mankind. So it is that I commend any sincere overtures being made by anyone to lessen world tensions and which can lead to world peace—a peace with honor and justice for all.

Such a peace must provide for the full restoration of sovereign rights to the defenseless people from whom they were so blatantly and brazenly wrested. Such a peace must provide for retribution as well as restoration of freedom. Redress for the damages incurred and the suffering inflicted is essential not so much as an atonement for sins committed or as punishment for criminal acts performed but as a positive manifestation of good will and a pledge of truly peaceful intention on the part of the Kremlin.

On this 52d anniversary of Lithuanian independence may all of us assure our Lithuanian friends and make clear to the world—friend and foe alike—that the restoration of sovereignty and the return of the independence which this day commemorates are primary elements of world peace provisions for which no compromise will be considered and no barter will be tolerated. Perhaps with such assurance as this our Lithuanian-American friends and their relatives at home can find some aspect of their independence day to give them hope and satisfaction.

TO ELIMINATE AUTOMOTIVE AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from New York (Mr. FARBSTEIN) for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, on December 8, 1969, 20 other Members of Congress joined me in sponsoring ad hoc hearings in New York at which Ralph Nader, the vice presidents of General Motors and Ford, and experts on health and pollution-free engines testified on automotive air pollution.

We today released a report based on these hearings that comes to two major conclusions: First, that automotive air pollution can be eliminated by the mid-1970's and, second, that a radical reduction in automotive air pollution can be achieved almost immediately.

We believe automotive air pollution can be eliminated by the mid-1970's by adoption of pollution-free alternatives to the internal combustion engine. Steam or gas turbine engines appear to be the most feasible. It is our belief that such alternatives are not only technologically and economically feasible and capable of being mass produced in the next few years, but may well be less expensive to manufacture and operate.

The automobile today is responsible for up to 92 percent of the air pollution in urban areas. The only way that we will be able to eliminate automobile air pollution in this country is by setting pollution standards not based upon what the inherently dirty internal combustion engine can achieve, but on the basis of the cleanest propulsion systems, steam and gas turbine engines. Such standards would be several times cleaner than those recently set by the administration for 1975.

Just as the recent Federal antitrust suit against the auto industry documented the strong opposition of the industry to the development of antipollution devices, so we believe the December hearing demonstrated the industry's strong opposition to the development of pollution-free alternatives to the internal combustion engine.

The industry's opposition comes as a result of its desire to avoid the retooling expense and preserve the current market status quo.

It is trying to meet the administration's 1975 standards to save the internal combustion engine despite the fact that they admit this would increase the cost of automobiles to the consumer 10 percent, result in a less efficient engine operation, require costly maintenance, and possibly not work at all. By so doing, the industry hopes to put off until 1980 taking the steps that will eliminate the automotive air pollution problem once and for all.

The focus of automotive company opposition comes in the industry's insistence that alternatives to the internal combustion engine are not feasible and in its public relations oriented research and development program which produces steam engines so obviously unappealing to the public to show the "infeasibility and undesirability" of alternatives.

Outside of Detroit, there is general agreement, however, that alternative propulsion systems are technologically and economically feasible and may be cheaper to produce and operate.

We believe automotive air pollution can be eliminated by the mid-1970's by first, setting auto emission standards on the basis of the cleanest feasible propulsion system, and second, beginning to phase out in 1975 large horsepower internal combustion engines that cannot meet the standards.

We further believe a radical reduction in automotive air pollution can be achieved almost immediately if interim auto emission standards similar to those for California for 1971, 1972, and 1974 are established nationwide.

The text of the report follows:

TO ELIMINATE AUTOMOTIVE AIR POLLUTION

Representative Leonard Farbstein submitted the following report on behalf of himself and Representatives Benjamin S. Rosenthal, Shirley Chisholm, Bertram L. Podell, William F. Ryan, Joseph P. Addabbo, Edward I. Koch, James J. Delaney, Peter Rodino, Jr., Seymour Halpern, Adam C. Powell, Richard Ottinger, Allard K. Lowenstein, Joseph G. Minish, Mario Biaggi, Frank J. Brasco, and Edward J. Patten to the Congress and the American public. The report is based upon information collected as a result of an ad hoc hearing on automotive air pollution held on December 8, 1969 in New York City.

American technology has finally caught up with American air. The result is that our air has become visible, potentially lethal and—if we continue to pollute at the rate we are—unbreathable. Our polluted air is costing the economy $20 billion annually in cleanup and material repair costs; and has been medically linked to cancer, emphysema, heart disease, bronchitis, the common cold, and high death rates, especially among the very young and the very old. If doctors and scientists are right, within 10 to 15 years, we are going to have to wear masks to protect ourselves from the air.

One source is predominantly responsible for air pollution: the automobile. The automobile's internal combustion engine stands as the logical target of those who want to improve the quality of the environment. According to the Public Health Service, the auto is responsible for 60 percent of the Air pollution in this country; and up to 92 percent in urban areas. If the auto can be eliminated as a source of air pollution, much of the present crisis will have been alleviated. *We believe this goal can be achieved by the mid-1970's if the Federal government is willing to undertake the commitment. In addition a radical reduction in air pollution from the automobile can be achieved almost immediately.*

THE INTERNAL COMBUSTION ENGINE

The internal combustion engine (IC engine) is inherently a polluter. Since it cannot produce uniform or complete combustion, pollutants must be spewed into the air. The IC engine must use the air as a sewer. Aside from engine adjustments which can achieve minor reductions in emission levels, and changing the composition of the fuel, the only method of reducing the level of pollutants emitted into the air is to install devices which chemically convert the pollutants the engine produces. However, this method of pollution reduction has a limited potential. It cannot lower emission levels sufficiently to give us the clean air we require.

There is a question concerning how far technology can bring about a reduction in pollutants emitted by the IC engine. The report of the Panel on Electrically Powered Vehicles, U.S. Department of Commerce in October, 1967 declared that it was not technologically possible in the foreseeable future for an internal combustion engine to emit much less than 1 gram/mile of hydrocarbons and 1 gram/mile of nitrogen oxides. The Technical Advisory Committee of the California Air Resources Board in November, 1969 suggested hydrocarbons could be brought somewhat lower. *In either case, one thing is certain, more stringent standards will quite substantially increase the cost of antipollution devices for the internal combustion engine.*

The deterioration of devices must also be considered. Since they are external to the engine, they deteriorate with age. The extent of that deterioration is suggested by a yet-to-be-released Federal study of devices in rental cars which according to one of our witnesses, Ralph Nader, disclosed a 57 percent defect rate. Emission control devices must be able to last for the life of a car if any significant inroads into the pollution problem are to be made. To prevent deterioration requires that a car owner maintain the devices. This means the owner must undertake the $35–$50 a year expense and inconvenience of periodic servicing. From the evidence available, few have been willing to undertake this. If an inspection program for all cars were set up to force maintenance, the cost would run several billion dollars a year.

Finally, there is the adverse effect the air pollution devices have on gas economy and performance. The control system impedes the efficiency of the engine. As a result many drivers and mechanics may be prone to disconnect the emission device entirely. An unconnected device is going to provide no control over air pollution emission. If on the other hand the device is placed within the engine so it cannot be disconnected, it becomes difficult to service and to prevent deterioration.

THE FEASIBILITY OF ALTERNATIVES TO THE IC ENGINE—THE AUTO INDUSTRY VIEW

In contrast to the IC engine, alternative propulsion systems like steam and gas turbines are recognized as inherently cleaner engines. And aside from Detroit, there is general agreement among studies conducted that they are technologically and economically feasible and could be produced in the next few years.

Studies conducted both on the Old Stanley steamer and more modern stream cars have found steam propulsion produces one-sixtieth the level of hydrocarbons of the unregulated IC engine, one eighty-third the carbon monoxide and one-tenth the oxides of Nitrogen. These levels are far lower than those the IC engine is believed capable of achieving. Similar results have also been found for the gas turbine engine. *If either of these alternatives were in operation, the air pollution problem would be virtually eliminated.*

The auto industry claims that these cleaner alternatives are not technologically and economically feasible; and that the IC engine has at least another 20 years of life. But the industry has a huge financial stake in the IC engine, the components on which it relies, and in the current market status quo. It is interesting that only the American Motors Corporation which has little stake in the current market, it is at all interested in alternatives. So, too, any conversion would involve a significant new capital investment and thus reduce profits for a short period. And it is profits, not clean air which are the rewards of the auto industry and its top executives.

The result is that the industry is doing everything it can to maintain the IC engine. With strong public pressure, they have been willing to antagonize their once close allies, the oil industry, by advocating the elimination of lead from fuel. This would bring about a moderate reduction in pollution from the IC engine and thus possibly divert the public's attention from banning the engine, buying time until around 1990.

But the auto industry has traditionally placed its primary reliance for combating alternatives to the IC engine on its research and development programs. With its almost total monopoly on technology and research facilities, it has been difficult for the public to do other than accept the industry's assessments. There was no other source of comparable resources or capital to dispute them. Traditionally, the industry's research and development program has thus been primarily oriented toward public relations. The experimental vehicles developed through the program give the industry something to show the American public when they start "getting hot under the collar" about alternatives. More importantly, the monstrous characteristics of these experimental vehicles designed to be unattractive to the consumer serve to play down the feasibility for alternative propulsion systems.

For example, one of the major auto companies spent over $4 million to develop a car powered by liquid hydrogen and oxygen, which required a 17 foot tank, and which was so inherently dangerous that it could not be driven through tunnels or over most bridges. It was useful, however, in making news before a Congressional Committee by demonstrating that the company was, indeed, working on alternatives. It is estimated that the industry spends the equivalent of less than one one-hundredth of its styling budget on anti-pollution research. Even this figure is deceptive, however, when the money is being spent on projects like the liquid hydrogen-oxygen car.

The same company last summer demonstrated before the President's Environmental Council a car with a ludicrously huge steam engine, which made wild noises and—in spite of the fact that steam is generally conceded to be inherently low polluting—spewed forth great clouds of smoke and soot. According to industry spokesmen, the walls of the engine were made to meet regulations for building boilers, or at least that was their excuse for the size. Independent experts have indicated as well that the engine did not even apply the modern "closed circuit" steam technology developed in the late 1920's, which eliminated vapor loss. But according to industry spokesmen, it was the "most advanced engine" around; for their company had the most money and man-hours to spend on it. But "wasn't it terrible, and shouldn't we go back to the internal combustion engine?"

Almost in spite of itself, the industry has come up with at least one alternative, that even it has to admit works well. This is the gas turbine car. Chrysler has had one that has gone through more than a decade of development, with 50 produced in the mid-1960's for testing by ordinary drivers. Almost all of the participants, Chrysler's spokesmen at the environment council, admitted they liked them and would be the first ones to line up to purchase them if they were ever mass produced. But Chrysler was not going to mass produce them, since they argue the cost of converting the entire industry to gas turbine would be $5 billion.

Forgotton is the fact that each year the industry spends approximately $2 billion to just convert from old models to new, and that it spends billions more to add new lines. A turbine or steam car is not going to be produced by a total conversion. What would happen is that, for example, instead of Ford introducing a 1969 Maverick with an IC engine, one with a gas turbine or steam engine would be introduced and the volume expanded the following year. Other models would gradually be introduced and those with IC engines phased out. Complete conversion of all cars would extend over a period of years.

THE FEASIBILITY OF ALTERNATIVES TO THE INTERNAL COMBUSTION ENGINE—NON-INDUSTRY VIEW

Outside of Detroit, there is general agreement that alternative propulsions systems are technologically and economically feasible and may be cheaper to produce and operate. In recent years there have been several Federal studies that have reached this conclusion. Among them are the Panel on Electrically Powered Vehicles (the so-called Morse Panel) which did not limit itself just to electric cars and was chaired by one of our witnesses, the Batelle Memorial Institute, and North American Rockwell. In addition there were the reports of the U.S. Senate Commerce Committee, the California State Assembly and the County of Los Angeles. All of them came to the opposite conclusion from the auto industry with respect to the feasibility of alternatives. Each was done by men from widely differing backgrounds who used different sources of information. The only characteristic each shared in common was independence from Detroit.

Characteristic of the conclusions reached by those outside of Detroit is the testimony of Dr. Robert Ayres of International Research and Technology Corporation before our committee. He indicated that steam propulsion when compared under actual testing conditions to the IC engine was found to be

(1) mechanically simpler (no clutch, transmission, starter, distributor, carburetor, fuel induction system, muffler, etc.;
(2) longer lived and more reliable;
(3) more powerful for the size and weight;
(4) cheaper to operate;
(5) virtually pollution free;
(6) quiet;
(7) safe and quick to start up; and
(8) as efficient under normal driving conditions.

The Morse Panel concluded "that compact and low maintenance reciprocating (steam) engines are feasible. . . . The reciprocating steam engine power plant may be a reasonable alternative to the IC engine, in terms of meeting both performance and emission requirements."

The Research Report of the Battelle Memorial Institute declared that a steam engine would probably cost "about the same as an equivalent V–8 engine with automatic transmission . . . and recommended the development of a Rankin-Cycle (steam engine)."

STEPS TO ELIMINATE AUTO POLLUTION

Despite all this—much of which has been financed by the Federal Government—the Federal Government is still setting automotive air quality standards based on what the IC engine is capable of achieving. We do not believe we can afford to let the machine continue to control the quality of our environment. Emission standards must be based on man's needs, not those of the machine's he creates. In the case of the automobile, this means setting standards which will effectively eliminate automotive air pollution. This can be achieved by basing emission standards not on what the IC engine is capable of achieving, but on the emission level produced by the lowest polluting of all feasible propulsion systems. Such standards would first apply to the high horsepower, more polluting "high performance" internal combustion engines, and be progressively extended to engines of all horsepower. It would then be left up to the auto industry to achieve these standards by whatever means it could, including the IC engine if that were possible.

The auto industry will not voluntarily meet such standards and abandon the IC engine if it cannot meet them. This is why the industry is talking about putting a catalytic muffler together with other devices in an attempt to meet the Administration's announced standards for 1975. *In this way the industry hopes to put off the capital investment necessary to eliminate auto pollution once and for all by converting to an alternative propulsion system.*

Specific experiences with the auto industry suggest the need for legislation; for it took legislation to force the industry to come up with technology it already possessed with respect to anti-pollution devices and utilize it to reduce air pollution. The efforts of the industry beginning in 1953 to fight installation of anti-pollution devices, we believe, are well documented by the evidence of the Federal suit against the auto indus-

try (United States v. Automobile Manufacturer Association, et al.). The technology, according to the suit, was available in 1953. But because the industry was successful in preventing legislation for over 15 years by denying the existence of the technology, we are today 15 years behind in auto pollution control and therefore face the present crisis.

That the auto industry is following the same tactics with respect to alternatives to the IC engine is suggested by the following statements of an industry repersentative to a California Assembly Committee considering legislation to ban the IC engine; and to a press conference less than a week after, when the legislation had been safely defeated.

"The know-how isn't there to do the job by 1976." Testimony of auto industry spokesman before California Assembly Committee considering legislation to ban the IC engine (Los Angeles Times, August 1, 1969).

"We would have complied, and of course . . . would have remained in the business of producing automobiles." Statement of the same industry spokesman to a reporter's question *after* the California Assembly had defeated legislation to ban the internal combustion engine (San Fernando Valley News, August 7, 1969).

SUMMARY OF LEGISLATIVE RECOMMENDATIONS

A. Automotive air pollution can be eliminated by the mid-1970's if the Federal Government is willing to undertake the commitment now. What is needed is to (1) set auto emission standards on the basis of the cleanest feasible propulsion system; (2) begin phasing out larger horsepower IC engines which cannot meet the standards in 1975; (3) undertake a large-scale Federal prototype development program for a pollution-free vehicle; (4) utilize part of the auto excise tax to provide earmarked funding for the air pollution program; (5) establish a Federal program to purchase pollution-free vehicles even if they are more costly; and (6) authorize the states to utilize highway trust funds to establish pollution-free vehicles purchase programs of their own.

(1) Set auto emission standards on the basis of the cleanest feasible propulsion system

There is agreement among many recent studies conducted for government that at least two inherently cleaner alternative propulsion systems, steam and gas turbine, are technologically and economically feasible and possibly cheaper to produce and operate. Current auto emission standards are based on what the inherently polluting IC engine can achieve. Standards should be set on the basis of the cleanest feasible propulsion system and responsibility to carry out the standards left to the auto industry.

(2) Large IC engines which cannot meet the standards should be phased out beginning 1975

It must be recognized that conversion to a new propulsion system cannot be completed in one year, but must be done on a gradual basis, beginning with a limited number of lines. Large horsepower IC engines which *cannot* meet the standards should be phased out first based on the following time-table:

Based on sales of 1969 American cars, the phasing out would have the following effect:

(a) 375 horsepower in 1975—Less than 5 percent of new car sales.

(b) 275 horsepower in 1976—35 percent of new car sales.

(c) 175 horsepower in 1977—All but 10 percent of new car sales.

(d) All internal combustion engines in 1978.

Phasing out large horsepower engines first has the advantage of eliminating the highest pollutant first. Large engines burn more fuel and thus produce higher levels of pollution. It also has the following additional advantages:

(a) It is easier to develop a new propulsion system in a large engine.

(b) Fewer people buy automobiles with large engines for personal use, therefore, any recalls that might be necessary to perfect a system would affect fewer people. The industry follows a practice now of putting experimental systems, which may need recalling to perfect them, on "odd-ball lines" that attract fewer customers and inconveniences fewer customers. This would follow that practice.

(3) A large scale Federal prototype development program for pollution free vehicles should be undertaken

Currently, the Federal Government is developing one prototype rankine (steam) propulsion system. A more extensive program is needed. Such a program would not need to test all forms of propulsion, since steam and gas turbines are generally conceded to be the most feasible and the most developed. Nor would such a program have to undertake initial development. While the spokesmen for the major auto companies were telling a Senate Committee that steam autos were not feasible, members of the committee were driving a modern steam car in the Senate basement. Similarly, at least one small company is now producing inexpensive gas turbine engines. What remains to be developed is the mass production capability and not the engine itself. Such a program would also provide a source of technological and cost information independent of the auto industry.

(4) Part of the Federal automobile excise tax should be utilized to provide the necessary financing for the air pollution program

A federal commitment to eliminating automotive air pollution will require a guaranteed source of funding for the next 4 to 5 years. The mechanism of the automotive excise tax offers a logical source of such funding.

The tax should be recalculated on the basis of the amount of engine horsepower and the amount of pollution produced. This would be in line with the philosophy that the polluter should pay for cleaning up his pollution. It would also reflect a recognition that in addition to producing more pollution, large engines—and this generally means large cars—occupy more parking and road space in our crowded central cities, a privilege for which they should pay.

The revenue collected in excess of the current 7 percent tax level should then be set aside to finance the prototype development and federal purchase of pollution free automobiles.

(5) The Federal Government should purchase pollution free vehicles even if they are more costly

To create a significant market for low pollution vehicles now and thus stimulate earlier production, the Federal Government should purchase entirely pollution-free vehicles even if they are more costly than currently available high polluting vehicles.

(6) The states should be encouraged to purchase pollution free vehicles by authorizing the use of the highway trust fund to compensate for any added cost

The states and local governments, like the Federal Government, are major purchasers of new cars, trucks and buses. To stimulate them to purchase pollution-free vehicles, highway trust fund money should be authorized to be used for added cost involved in purchasing them.

B. A radical reduction in automotive air pollution can be achieved almost immediately. What is needed is (7) an increase in interim auto emission standards to those already established for California; (8) the establishment by 1972 to auto emission standards for used cars; (9) the establishment by 1972 of rigorous emission standards for fleet owned vehicles; (10) ban leaded gasoline and regulate the composition of fuel; and (11) regulate rubber and asbestos emissions.

(7) Increase interim auto emission standards to those already established for California and strengthen enforcement procedures

According to Federal law, California is the only state that can set its own auto emission standards. It can set standards so long as they are more rigorous than Federal standards and are approved by the Federal Government as "technologically feasible." Standards for 1971, 1972 and 1974 have been approved, which began to regulate oxides of nitrogen in 1971.

We applaud the Administration's announced auto emission standards for 1975, but believe standards more stringent than those for 1970 models are necessary in the interim. We also are pleased that oxides of nitrogen will be regulated, but do not believe we should wait to 1973 to do so. As an interim step, the California standards, which have been approved by the Federal Government as "technologically feasible," should be required of all new cars. There is no reason standards demonstrated to be feasible should be applied just in California.

However, such standards are meaningless if large numbers of devices are found to be defective. The Federal Government should be empowered to conduct assembly line inspections of air pollution devices in place of its present testing of prototype devices, which may or may not be the same as those mass produced. It should also be given the power to inspect devices after 6,000 miles of operation and require recalling of lines found to have defective devices, with the auto company picking up the cost of correction.

(8) Auto emission standards should be established for used cars by 1972

To achieve clean air now, air pollution standards should be established for all used cars to go into effect after January 1, 1972. Such standards should apply to all cars sold or licensed after that date.

Even if a pollution free auto could be marketed today, it must be remembered that over 90 percent of the cars on the road are more than one year old, and these cars account for far more than 90 percent of the pollution that comes from the auto. Approximately 10 million new cars are sold annually, and these have an average life of ten years. It would be almost a decade before today's high polluting used cars would be retired.

One of the major auto manufacturers recently announced development of an air pollution device for used cars. An independent firm has also developed and tested such a device. We believe they are now technologically feasible and should be required.

According to evidence presented in connection with the recent Federal suit against the auto industry, United States v. Automotive Manufacturers Association, et al., the auto industry has been conspiring since 1953 to prevent the development or manufacture of anti-pollution devices. If they had not acted in this way, pollution devices might well have been on cars 15 years ago. As the polluter, we do not believe the auto manufacturer should make a profit in selling pollution control devices to owners of autos without devices that they manufactured. It would seem to us that the industry has the obligation to sell and install these devices at cost.

(9) Rigorous emission standards should be established by 1072 for fleet owned vehicles

Fleet owned trucks, buses and taxis make up only 10 percent of vehicular traffic in urban areas, yet account for over 30 percent of the air pollution that comes from vehicles. Fuels, like compressed natural gas, which can operate in current internal combustion engines, can dramatically reduce these pollution levels, and are readily accessible to a fleet operation. The Florida telephone company, for example, has been operating its trucks on one form of natural gas for the past ten years. Rigorous emissions standards for fleet operations should, therefore, be established by 1972. Such standards should be similar to those tentatively established by the State of California for 1975.

(10) Ban leaded gasoline and regulate the composition of fuel

Leaded gasoline should be banned and the Federal Government empowered to regulate the composition of fuel. Current engines need no modification to use unleaded gasoline. One oil company has been marketing a premium brand non-leaded gasoline for many years.

There is currently a "gentlemen's agreement" in the oil industry limiting to 4 grams per gallon the lead content of gasoline. This should be phased out in accordance with the following time table:

(a) 3 grams per gallon after January 1, 1971.

(b) 2 grams per gallon after June 30, 1971.

(c) 1 gram per gallon after January 1, 1972.

(d) 0 gram per gallon after June 30, 1972.

Gasoline is the largest unregulated source of lead in the atmosphere—98 percent—and can be directly correlated with the level of lead in the air. Forty-five percent by volume of lead in gasoline ends up in the air. We do not believe this uncontrolled experiment can be permitted to go on any longer. Leaded gas must be totally banned by mid-1972.

Elimination of lead from gasoline would not only remove the major source of unregulated lead in the atmosphere, but would reduce emission from hydrocarbons and carbon monoxides as well which are increased as a result of the presence of lead. Except for the oil and lead industries, there was unanimous support in recent California legislative hearings on the banning of lead. The auto industry, we believe, is supporting a ban because it sees the result of pollution reduction as one way of taking the pressure off the move to ban the IC engine, and to buy time until approximately 1980.

Many of the additives and other components of fuel also contribute hazardous emission to the atmosphere. The Federal Government should have the power to regulate the composition of fuel to reduce this hazard.

(11) Federal auto emission standards should be established for rubber and asbestos

Federal auto emission standards should be established for rubber and asbestos as well as for carbon monoxide, hydrocarbons and oxides of nitrogen. Testimony at our hearing revealed the health hazards of these previously little noticed pollutants. Rubber emission comes primarily from auto tires and can be reduced. Asbestos in the air comes primarily from automotive brake systems and can also be reduced.

APPENDIX

TABLE 1.—POLLUTION CHARACTERISTICS OF VARIOUS PROPULSION SYSTEMS

[In grams per mile]

	Internal combustion engine (unregulated)	Internal combustion engine on natural gas	Gas turbine [1]	Steam engines [2]
Hydrocarbons	11.0	[3] 1.5	0.32	0.2
Carbon monoxide	80.0	6.0	3.5	1.0
Oxides of nitrogen	4.0	1.5	1.9	.4

[1] Based on the Chrysler Corp. experimental gas turbine car.
[2] Based on Williams steamcar tested by Mobil Oil Corp. in December 1966.
[3] Mostly nonreactive hydrocarbons.

TABLE 2.—COMPARISON OF EMISSION RECOMMENDATIONS

[In grams per mile]

	Current 1970 model	California			Nixon		This report, 1975–78
		1971	1972	1974	1973	1975	
Hydrocarbons	2.2	2.2	1.5	1.5	1.5	0.5	0.2
Carbon monoxide	23.0	23.0	23.0	23.0	23.0	11.0	1.0
Oxides of nitrogen		[1] 4.0	3.0	1.3	3.0	.75	.4

[1] The regulation of hydrocarbons and carbon monoxide has increased the emission of oxides of nitrogen beyond the level of the unregulated internal combustion engine. The chemical conditions relied upon in antipollution devices to date have increased the emission of oxides of nitrogen.

DISSENT IN THE AMERICAN BANKERS ASSOCIATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on February 6, the American Bankers Association conducted a big press conference here in Washington to once again announce its opposition to the one-bank holding company bill passed by the House of Representatives last November.

Through its president, Mr. Nat S. Rogers, the ABA attempted to lead the national press corps to believe that the bankers everywhere were up in arms about the House-passed bill.

The truth is that Mr. Rogers and the American Bankers Association are speaking only for a handful of large financial conglomerates which stand to benefit the most from no regulation of one-bank holding companies. Thousands of banks across this land are being endangered by the boardinghouse reach of the large banks which the ABA so faithfully represents.

Mr. Speaker, I have received many communications—some of them confidential—from bankers who are opposed to the ABA position and who want public interest regulation of one-bank holding companies. These bankers do not favor delay; they favor action now which will lead to final enactment of a law in the 91st Congress.

Today, I will place in the RECORD samples of this correspondence which illustrate the position of many bankers who are in opposition to the ABA's stand. I hope the national press as well as the Congress and the administration will realize that the ABA does not speak for the bankers throughout the Nation on this issue. I hope Mr. Rogers will call another press conference in the very near future to state the position of the members of his association who are in favor of prompt regulation of one-bank holding companies.

Surely Mr. Rogers owes this much to these dues-paying members of his associatior who are getting no representation whatsoever.

Mr. Speaker, I place in the RECORD copies of letters from several banks opposed to the ABA position on the holding company legislation:

WAYNE HUMMER & CO.,
Chicago, Ill., February 12, 1970.

Mr. WILLIS W. ALEXANDER,
Executive Vice President, American Bankers Association, New York, N.Y.

DEAR MR. ALEXANDER: In reference to the enclosed clipping regarding one bank holding companies, the directors of our bank are in favor of strict regulations. We can see no reason for banks to operate travel agencies and other types of business. Just running a bank is a full time job which requires a lot of training and experience. In fact, we are convinced that for a banker to engage in a number of different types of business may lead to problems not unlike those that most conglomerates are having today.

The old files of the National City Bank of New York could tell some interesting and sad stories of what happened to their investment affiliate, the National City Company in the thirties and the losses sustained by the shareholders of their bank. The rush to organize one bank holding companies last year is reminiscent of those days when nearly every big bank and many small ones organized affiliate institutions, later outlawed.

There are indications that Congressman Patman may be right in his statement that the American Bankers Association is working primarily for the big banks. Please remember that our bank is also a member of the American Bankers Association.

Sincerely yours,

WAYNE HUMMER.

[From the Chicago Sun-Times, Feb. 7, 1970]

ABA OPPOSES BILL CURBING ONE-BANK HOLDING COMPANIES

WASHINGTON.—The American Bankers Assn. said Friday it opposes the House-passed bill imposing strict regulations on holding companies that include only one bank.

ABA President Nat S. Rogers of Houston, Tex., told a news conference the organization's Federal Legislative Committee has decided that "A serious and thoughtful study of the nation's financial system" is essential before any such regulation is written into law.

The House-passed bill sets out activities which one-bank holding companies would be forbidden to enter, such as equipment

leasing and travel agencies. The bill has been cleared for the Senate, but no action has been taken there.

UNDER FED CONTROL

Multibank holding companies already come under federal regulations through the Federal Reserve Board's restrictions.

Rogers said his organization, even though it is split into differing camps on the issue, is "willing to abide by the distinction between finance and commerce."

However, he said, "we are not willing to take a big step back and repress ourselves," which he said the House bill would require. He denied that the ABA's opposition to the bill was an effort to delay enacting any legislation, but he contended that more facts are needed before laws can be written.

He said he would be willing for the matter to be put high on the agenda of a study proposed by President Nixon. The study, proposed in the President's economic report, should cover the type of regulation necessary and the proper activities for various segments of the financial industries. He specifically rejected the current bill's method of setting up forbidden areas, saying the association would prefer all the guidelines instead of a "laundry list."

TELLS PRINCIPLE

"We endorse the principle that banks and bank holding companies should be permitted to engage in any activities which are financial in nature, or are functionally related to banking or finance, and that they should be limited to such activities," an association statement said.

Pressed to give examples of what would be "functionally related" to banking, he listed travel agencies, leasing, insurance, factories, data processing and the operation of "pooled investment funds."

STATE SAVINGS BANK OF CARO,
Caro, Mich., December 16, 1969.

Hon. WRIGHT PATMAN,
Chairman, House Banking Committee,
Washington, D.C.

DEAR SIR: Since passage of H.R. 6778 about a month ago, there has been a flood of outcries from bankers all over the country and from their national voice, the American Bankers Association.

To listen to and read some of the correspondence that has come to me in the interim, one would think that the banking industry was not long for this world.

Now I have not always agreed with you in some of your thoughts and actions toward our industry, but in the case in point, I am more in favor of what you have accomplished than against this legislation.

I am the executive officer of a relatively small independent bank in rural Michigan. For years I could foresee that the bigs were ganging up on the smalls and if left unchecked, banks like ours would be gobbled up by the large, greedy city bankers, be they OBHC's, BHC's or just plain merger-minded conglomerates who would like to remove the competition from the scene.

I think you will find that among us small, independents, there is a lot of support for the cause for which you seem to be dedicated and about which I say, "More power to you!"

It will be a sad day for the American people when our great nation is served by only a few giant banks who can call the shots as they see them. If this is to come about, believe me, today's prime rate of 8.5% will seem like a bargain to the poor borrower of the future.

Anything you can do to further the cause of independent banks in the nation will be greatly appreciated by me and by many others who truly are independent bankers and by the American consumer as well.

Yours very truly,

F. DOUGLAS CAMPBELL.

FIRST NATIONAL BANK,
Mexico, Mo., November 10, 1969.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Please accept my warm congratulations and gratitude for the great victory in the House on the One Bank Holding Company Bill.

I know that you and certain other members of the House are responsible for the passage of the Bill. You have done a great service to our country and to banking.

With warm best wishes.

Sincerely,

———.

COMMUNITY STATE BANK OF FOWLERVILLE,
Fowlerville, Mich., November 25, 1969.

Representative WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: Please accept our plaudits for your stand on the One Bank Holding Company Bill now before the Congress.

While we do not subscribe to many of your philosophies pertaining to the banking business we cannot help but think you are on the right track.

We think the small Independent Bank has a definite place in our economy and nation and the "big boys" are trying to take it away by the One Bank Holding route and other conglomerates.

Sincerely,

GEORGE R. TAIT, Jr.,
Executive Vice President.

EAST LANSING STATE BANK,
East Lansing, Mich., November 26, 1969.

Representative WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: Our sincerest congratulations for your stand on the One Bank Holding Company Bill now before Congress.

We agree with our Independent Bankers Association First Vice-President, Mr. Rod Parsch, that "Being by nature ambitious and hungry for power, man and his corporate creations strive to attain recognition and stature, to grow for the sake of growth." This kind of power when concentrated as unit bank holding companies in combination with monetary bank holding companies could eventually strangle the economic life blood of this nation and thwart both fiscal and monetary policy.

We hope that you will continue your efforts to keep the banks in the banking business and to avoid concentrations that would destroy the competitive nature of our economic society.

Yours sincerely,

E. A. TRAUTZ,
Executive Vice President.

FLORIDA NEWSPAPER DETAILS HOUSING WOES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Banking and Currency Committee is currently conducting hearings in an attempt to find alternative means of financing for the millions who have been priced out of the housing market.

This is a desperate situation. Nearly half of America's families are unable to qualify for housing mortgages under the present high interest, tight money policies existing in the Nixon administration.

Mr. Speaker, on February 7, the Miami Herald carried a lengthy story about the difficulties of families in Broward County, Fla., in purchasing homes because of high interest rates.

Mr. Speaker, I place in the RECORD a copy of this detailed article which also contains a great deal of information about the effort of the Banking and Currency Committee to correct this economic injustice:

[From the Miami Herald, Feb. 7, 1970]

MOST BROWARD RESIDENTS CANNOT AFFORD AVERAGE HOME

(By Fred Tasker)

FORT LAUDERDALE.—Most Broward residents could not afford to buy a $20,000 house, even though the average price of homes sold here is closer to $30,000.

A study by the U.S. House Banking and Currency Committee staff showed that 28.4 million households—101.1 million people—cannot afford payments on a $20,000 mortgage.

"Virtually all moderate income families have been priced out of the housing market," said Committee Chairman Wright Patman (D., Tex.) at the opening hearing on legislation to help home buyers.

Broward County is in far worse straits. The House study referred to the average U.S. household, which has a considerably higher income than the average Broward household.

Per capita income in the U.S. in 1968 was $3,421. In Florida, it was only $3,191. And Broward County in 1967—most recent year for which county figures are available—lagged nearly $400 behind Florida in per capita income.

Ironically, those who make less must pay more for a home. According to the bulletin of the Fort Lauderdale Board of Realtors. "The average residential sale (homes only) for 1969 was $29,048, compared with $24,855 in 1968. The number of sales in 1969 did not increase by the same percentage as dollar volume, which means the average unit sale was higher, which means the general value of homes increased."

If the average Broward County home costs nearly $30,000, a local family could move into that home with a conventional 8.5 per cent mortgage for about $7,800 down and $200 per month for 20 years.

At the end of 20 years, the family would own the house, but would have paid better than $55,700 for it—$30,000 in principle and $25,700 in interest.

But many—probably most—new families cannot afford to plunk down $7,800 to move into a house. So they turn to the FHA.

With an FHA mortgage—also at the going 8.5 per cent—the down payment on that $30,000 home would be only about $2,300, including closing costs. But monthly payments would be $241 over a period of 30 years.

At the end of 30 years, the family would own the house, but would have paid $89,000, of which $30,000 would be principal and a whopping $59,000 would be interest.

"This is simply the price you must pay for the use of someone else's money," a mortgage banker said.

And the mortgage story actually isn't that simple. To most buyers, a realtor said, the total price isn't nearly as important as the size of the monthly payment. U.S. families move on an average of once every five years, he said, and Florida families move once every three years.

So in a manner of speaking, he continued, those mortgage payments have been just like paying rent, except that some equity has been built up during that time.

And he pointed out that a family could easily pay $89,000 in rent during 30 years, and end up with nothing at all to show for it.

Still, in the words of Rep. Patman, "today's ruinous high interest" is the chief factor driving moderate income families out of the housing market. Two measures are before the committee:

A homeowners Mortgage Loan Corporation, in effect a federal bank to make direct loans to moderate income home buyers at interest rates not to exceed 6.5 per cent.

A National Development Bank to make direct loans or to guarantee loans from conventional lenders for a low and moderate income housing at a rate no higher than 6 per cent.

THIOKOL CHEMICAL CORP. OFFICIAL HONORED BY ARMY FOR COST REDUCTIONS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the U.S. Army early this month honored Mr. C. E. Baldwin, components engineer for Thiokol Chemical Corp., operating contractor of the Longhorn Army Ammunition Plant in Marshall, Tex., in recognition of his outstanding contributions to the Army cost reduction program. Mr. Baldwin's interest in reducing governmental costs reflects great credit upon the Thiokol organization and is a splendid example of what motivated employees can do to save tax dollars. Army Chief of Staff, Gen. William A. Westmoreland, personally presented the Army Certificate of Merit to Mr. Baldwin in appropriate ceremonies at the Pentagon.

The specific development which won Mr. Baldwin this award was the replacement of brass thimbles of 105 mm. artillery illuminating ammunition with aluminum thimbles. This has saved an estimated $360,700 during the 1969 and 1970 fiscal years alone.

Mr. Speaker, cost reduction is a continuing effort at the Army's Longhorn Army ammunition plant. Since 1960, Thiokol Chemical Corp., operating contractor of this Government facility, has been credited with saving a total of $32.8 million. It is I think important to realize that many Government contractors are working imaginatively and energetically to save money for the taxpayer and to produce with maximum efficiency. Both Thiokol and Mr. Baldwin deserve our sincere thanks and recognition for a splendid job.

THE ISSUE IS PRESERVATION OF HELL'S CANYON—"MORATORIUM" HEARINGS EVADING THE ISSUE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the Senate Interior and Insular Affairs Committee is presently discussing S. 940, which calls for a "moratorium" on the building of more dams on the Snake River which runs through the States of Idaho, Oregon, and Washington. Although hearings on the subject of dam building are necessary and in fact, overdue, the current Senate hearings evade the real issue. The question is not on the construction of more engineering monuments in the next 5, 10, or even 20 years, but rather, whether or not Hell's Canyon should be preserved. Very frankly, if we are going to preserve Hell's Canyon, the decision should be made now.

I do not in the least doubt the sincerity of the position of the Senators supporting the moratorium concept, but in all fairness, it should be pointed out that there has been a surfeit of time for "study of the situation." In one respect, study has produced thirty dams on the Snake River already. Enough is enough.

In my opinion, the correct approach to the preservation is embodied in S. 3329, which was introduced by Senator ROBERT PACKWOOD, and in H.R. 15455, introduced by myself in the House. These two bills would establish the Hell's Canyon-Snake River National Park, thus providing for present and future generations to enjoy this area in its natural state of beauty. Justification for the preservation approach, in this, the beginning of the environmental decade, should be obvious to all, however, the forces at work to save Hell's Canyon from the engineers are fighting decades of "developmentosis." As I have pointed out above, development on the Snake River has produced an unparalleled growth of man-made structures with little or no concern for the ecology of the area. One assumes that now, with the new emphasis on environmental problems, a newer, more sophisticated and balanced atmosphere may prevail with regard to either the protection and/or development of any great national or natural treasure such as Hell's Canyon. It is my hope that such will be the case with regard to the current debate over the dam-building "moratorium."

One who shares my philosophy about the preservation of the canyon and the river but is not as optimistic as I am about the timetable for the establishment of a park, is Mr. Boyd Norton. Writing in the January 1970 issue of Audubon he makes a beautiful case for preservation and succinctly explains the years of study, debate, litigation, and construction along the Snake River. His article should be read by all those concerned with the environmental decade and one of the benchmark fights which will determine how that decade is to be remembered by the American people.

The article follows:

[From Audubon, January 1970]

THE LAST GREAT DAM

(By Boyd Norton)

Hells Canyon is the scenic climax of a river that Washington Irving once called "one of the most remarkable for varied and striking scenery of all the rivers on this continent."

The river is the Snake, a thousand miles of splendor stretching from Yellowstone to the Columbia. For almost two hundred miles along the border of Idaho and Oregon it has carved this gorge, the deepest in North America. Hells Canyon is nearly 8,000 feet in total depth, 6,600 feet at one point from rim to river. And if numbers alone are meaningless, consider this: you could take the whole Teton Range, its length, breadth, and height, and drop it into this gorge with room to spare.

But Hells Canyon is more than a mere statistic or freak of geology. It is a continuum of life and land forms unique on this continent and perhaps on any other. Compressed within it, from the alpine tundra of the Seven Devils Mountains to the desert environment at river level, are all the life zones of North America. In wildlife alone, Hells Canyon possesses an amazing variety and quantity: elk, deer, black bear, otter, mink, raccoon, bobcat, cougar, coyote, many others. The variety isn't just limited to terrestrial habitats. Peregrines and prairie falcons soar in the heights along with golden eagles, ospreys, sparrow hawks, kingfishers, and cliff swallows. Some 150 species of birds are found in the canyon, though the precise number doesn't seem to be known. Canada geese and other waterfowl nest along the river in many places, and even wild turkey are seen here.

Twenty-five species of fish inhabit this section of the Snake River. There are steelheads, Dolly Varden, chinook salmon, and catfish among them. And this is the last stronghold of the ancient white sturgeon, which thrives in the swift-flowing Snake and grows to lengths in excess of ten feet.

As one of the nation's outstanding wildlife biologists, Dr. Frank Craighead, said in a hearing last year. "It is especially desirable to have an ecological bench mark in the Hells Canyon area because it contains aquatic, terrestrial, and atmospheric habitats that are biologically unique. Nowhere else in the nation are all these species found together in such collective abundance."

And yet Hells Canyon is also more than a catalog of plants and animals. It is a strange and beautiful place where ebony walls rise from the river, a place of steep grassy hillsides that lie brilliantly on the somber undertone of rock. The sheen of river-polished boulders is a part of it and so is the glare of sandy beaches, the green of fern, or the brightness of cactus blossoms. Hells Canyon is a color and a quality of light that changes with the day. It is a blue gash of sky caught between steep walls. It is a wild river living its early name, "Accursed Mad River." It is a quiet and reassuring place, and at the same time awesome and frightening.

Hells Canyon is a living page in history, both near and distant. It is a place visited early in the exploration of the West, then nearly forgotten. In 1811, only five years after the return of Lewis and Clark, Wilson Price Hunt explored and described its depths, nearly perishing in them on his journey to map a route from Missouri to the mouth of the Columbia for John Jacob Astor. Then came Robert Stuart in 1812, retracing Hunt's route but avoiding his near-tragic mistakes. And sometime later came the great influx of fur-trappers, with Captain Benjamin L. E. Bonneville writing in 1833: "The grandeur and originality of the views presented on every side beggar both the pencil and the pen. Nothing we had ever gazed upon in any other region could for a moment compare in wild majesty and impressive sternness with the series of scenes which here at every turn astonished our senses and filled us with awe and delight."

Greed for fur later gave way to the lure of gold and silver, but these too were elusive and the canyon resisted any large or permanent developments.

Before the explorers and the fur-trappers and prospectors were the Indians—northern Shoshoni in part, but mainly the Nez Percé. They knew the canyon well and it was useful to them not only for its bountiful game, but for defenses as well. In 1877 Chief Joseph, leader of the peaceful Nez Percé, rebelled against the treaty-breaking United States

Government. Leading his people safely across the treacherous Snake River in Hells Canyon, Joseph outwitted and outfought a "superior" U.S. Army across a thousand miles of Rocky Mountain terrain before he was trapped thirty miles short of refuge in Canada.

The earliest of men lived in the canyon and left their strange petroglyphs on dark and hidden places throughout its depths. To archeologists, Hells Canyon is an untapped treasure of early history. Only a handful of the estimated 200 archeological sites have been investigated. Lying at the juncture of two early cultures—the Columbia Plateau and the Great Basin—the canyon may hold answers to the puzzle of man's arrival and migration in North America.

Hells Canyon is all of these things, seen and unseen. It is a place that defies a complete description. And the cold eye of the camera does little better, for it captures only those small finite slices in time while the total flow of life and land continues on here as it always has.

And I would like to say "always will."

But Hells Canyon is also doomed.

Twentieth-century man, with his appetite for kilowatts and obsession for taming wild places, has already destroyed the upstream reaches of Hells Canyon with the Oxbow, Brownlee, and Low Hells Canyon dams. Now, the deepest and wildest part of the canyon that remains is threatened by what has been called "the last storage project on the Columbia River system."

The story has become all too familiar. A canyon, a wild river, the land and wildlife contained within—all threatend with extinction. Hells Canyon, like too many other places before it, may die before many ever discover it. And like the others, its death is unnecessary.

The name of the dam is High Mountain Sheep. Or Nez Percé. Or perhaps Appaloosa or Pleasant Valley. It all depends on whom you talk to, and when. For the brief history of dam proposals in this part of Hells Canyon is probably the most confusing in conservation annals.

The complicated story begins around 1954. At first it was a two-dam complex consisting of Low Mountain Sheep (located just above the Imnaha River confluence) and Pleasant Valley (twenty miles farther upstream). Pacific Northwest Power Company was the applicant, a combine of four private power companies in the Northwest. A license was first granted, but later denied by the Federal Power Commission on the grounds that the best hydroelectric potential of the river would not be utilized.

Pacific Northwest Power reapplied, this time for High Mountain Sheep, located just a half-mile above the confluence of the Salmon River. An engineer's delight, this 670-foot-high dam would create a 58-mile reservoir in the heart of Hells Canyon, flooding twelve miles of the spectacular Imnaha Gorge as well.

By 1960 others had their eye on the hydroelectric potential of the canyon. Washington Public Power Supply System, a joint operating agency composed of eighteen public utility districts in the state of Washington, filed application with the Federal Power Commission for a license to build the Nez Percé Dam. The application touched off the first real controversy, for Nez Percé, located a mile *below* the Salmon-Snake confluence, would not only finish off the Snake, but threatened to flood the lower Salmon River, destroying the anadromous fish runs in this "River of No Return" of Lewis and Clark fame. Killing two great rivers for the price of one, Nez Percé promised to become one of the most destructive dams ever built. Washington Public Power later amended their application to substitute High Mountain Sheep for Nez Percé.

In 1962 the Federal Power Commission granted a license to Pacific Northwest Power Company to build High Mountain Sheep. The Department of the Interior, entering the case as an intervenor, filed suit claiming that a federally built dam would best serve the public interest. And Washington Public Power still maintained that it had a claim.

The battle went through the U.S. Court of Appeals, which upheld the Federal Power Commission decision, finally reaching the U.S. Supreme Court. In June of 1967 the High Court handed down a decision that may well represent a landmark in conservation history. Disregarding entirely the question of who might build the dam, the court directed the Federal Power Commission to re-examine more carefully all the arguments, *including the case for no dam at all.* Justice William O. Douglas wrote, "The test is whether the project will be in the public interest, and that determination can be made only after an exploration of all issues relevant to the public interest. These include future power demand and supply in the area, alternate sources of power, and the public interest in preserving reaches of wild rivers in wilderness areas, and the preservation of anadromous fish for commercial and recreational purposes, and the protection of wildlife."

During the years of legal battle, conservationists had nearly given up hope of preventing construction of High Mountain Sheep Dam. Some had even endorsed it, fearing the more destructive Nez Percé. The Supreme Court decision offered renewed hope, and a few months later an alliance comprised of the Idaho Alpine Club, the Sierra Club, and the Federation of Western Outdoor Clubs filed a petition of intervention with the Federal Power Commission to represent the public interest in preserving Hells Canyon.

In the fall of that same year a small group of Idaho conservationists formed the Hell's Canyon Preservation Council (P.O. Box 691, Idaho Falls, Idaho 83401) for the purpose of rallying public opinion for this little-known place and helping prepare for the FPC hearings the next year. Working closely with the other groups, the council has compiled an impressive amount of evidence against the dam, evidence provided by interviews and correspondence with fish and wildlife biologists, recreation experts, ecologists, and archeologists. In addition, the council drew upon several nuclear scientists in its ranks and found that nuclear power could provide an economical alternative to the dam (assuming that the increased power production were *really* needed).

The cost of the electricity produced by High Mountain Sheep has been its biggest selling point. Traditionally, electrical power has always been cheap in the Northwest by virtue of abundant hydroelectric sites. But over the years the cost of hydroelectricity has been rising due to higher construction costs, increasing transmission costs, and gradual depletion of the "best" dam sites. This, coupled with technical developments, has allowed other types of energy generation to compete with hydropower. In 1967, a report was published by Battelle Northwest Laboratories, a prime contractor for the Atomic Energy Commission. Done under contract for the Bonneville Power Administration, the report summarizes a detailed study of potential nuclear power in the Pacific Northwest. It projected an average cost of about 3.2 mills per kilowatt-hour for the eighteen potential nuclear plants studied. And this cost included installation of cooling towers on the plants to minimize thermal pollution. (It should be emphasized that conservationists are not necessarily endorsing nuclear power as a desirable alternative. It appears to be an economical alternative *if* indeed more power is needed in the Northwest. But we are faced with a whole new set of environmental damage problems from the use of nuclear power—a fact which power companies also fail to recognize.)

Interestingly, recent figures by the dam-builders place the cost of electricity from High Mountain Sheep at 3.2 mills, though no explanation is offered as to why this figure differs from early Bonneville Power Administration estimates which ran as high as 6 mills per kilowatt-hour (depending on which combination of power dam and reregulatory dam was chosen). To cloud the issue even further, Pacific Northwest Power Company claims that its own economic study of nuclear power showed it to be 60 percent more expensive than High Mountain Sheep. But this study appears to have been heavily biased in favor of the dam by assuming unrealistic load factors for the nuclear plants, and when pinned down on comparative costs the power companies refer vaguely to the peaking power advantages of the dam. And yet even the peaking power arguments are disputed. Interior Department sources assert that there is no shortage of projects that can be converted for peaking loads, such as the additional generators being added to Grand Coulee.

Because of the attitudes and conflicting information concerning costs, there seems to be some doubt as to whether this is a prime factor in the case. The power is fed into the vast network of the Bonneville Power Administration in the Northwest and minor differences in cost probably result in relatively small perturbations in the complicated pricing and payment schedules. The main driving force behind the dam-builders seems to be a "this-is-the-way-we've-always-done-things" philosophy.

Some interesting questions arise concerning power "needs." Do power companies provide the electricity to meet a real growth pattern? Or do they create most of the needs by their own advertising? (*Live better electrically.*) Power companies and utilities claim their expansions are based on projected or extrapolated curves of increased power consumption. And yet these curves were shaped by the efforts of the companies to sell their product—electricity. Furthermore, these companies, like other businesses, are in competition, albeit on a regional basis. To lure more customers—industries—to their region, they engage in large-scale advertising. There will probably never be a time when there is a large surplus of electricity, for the power companies will seek out new markets or convince old customers to use more electrical products. And then they'll build more power plants justified by these increased markets in order to sell even more electricity to newer markets—ad infinitum.

In the case of High Mountain Sheep, the power companies and utilities claim that further delays of their expansion plans may retard the industrial growth of the Northwest. No one has asked whether more industrial growth for the Northwest is desirable.

One begins to suspect that if the power companies were *really* concerned about meeting future power "demands," they might begin by firing their public relations and advertising staffs.

(*Question: What is the* real *cost for such things as electric can openers and two television sets? Answer: Hells Canyon, Grand Canyon, Storm King . . .*)

After recovering from the shock of the Supreme Court decision, and sensing the rising tide of opposition, the two applicants sought safety in unification. By early 1968 Pacific Northwest Power and Washington Public Power had resolved their differences and filed jointly to build and share in the spoils of High Mountain Sheep Dam.

Throughout 1968 the battle increased in intensity with several new complexities added. The Department of the Interior announced that its studies showed the Appa-

loosa site, twelve miles upstream, to be superior. High Mountain Sheep, the department contended, would still be detrimental to the fish runs up the Salmon River. Its proximity to the confluence could create confusing turbulence and the dissolved nitrogen formed in large quantities in the reservoir would add to the problems. (Recent biological studies have indicated that increased river temperatures and dissolved nitrogen content from all the existing dams on the Snake-Columbia system have contributed largely to the impairment of anadromous fish runs in the last several years.)

Also, the China Gardens reregulatory dam, an integral—and often hushed-up—part of the total High Mountain Sheep development, located about twenty miles downstream, would still create slack water partway up the lower Salmon River, forming an additional barrier to the salmon and steelhead migrations. Therefore, Interior's plans called for building the Appaloosa Dam with a reregulatory dam at the Low Mountain Sheep site just above the Imnaha River confluence. But this combination, though somewhat better than the High Mountain Sheep complex from the standpoint of minimizing impact on fish, would still destroy the heart of Hells Canyon.

The Idaho Water Resources Board, a junior-sized Bureau of Reclamation created in fear and haste several years ago, has also intervened in the case to build High Mountain Sheep itself. Inflated by its own self-importance in the case, the board seeks to use revenues derived from the sale of this electricity to "develop" other water resources in Idaho, resources that include the most magnificent remaining wild rivers in the nation. The board has rallied much support in the state by promoting the philosophy that Idaho must "use" its water resources before they are "stolen," and that Idaho is somehow destined to become an industrial power by virtue of its water resources. And too many people believe that it is an unholy sin to allow water to leak out of the state unused.

The Nez Percé Dam, presumed dead a few years ago, has now been revived. Idaho's Senator Len Jordan, long a proponent of pork-barrel reclamation projects, has proposed Nez Percé for an incredible scheme to make water flow uphill. Using the power generated, he suggests pumping the water from the reservoirs in the Salmon River Canyon and Hells Canyon back upstream to irrigate desert lands in southern Idaho in order to grow more subsidized crops. He argues that the anadromous fish may already be doomed because of impaired water quality from existing dams. So why not put the Snake and Salmon Rivers to use?

In September of 1968, the Federal Power Commission held public hearings in Lewiston, Idaho, and Portland, Oregon, where scores of people testified against the dams. The Hells Canyon Preservation Council presented petitions of opposition totaling 6,000 signatures to the FPC (the number has now grown to more than 10,000) and hundreds of letters poured in from across the nation.

For the legal hearings with the FPC, the conservation groups rounded up their numerous experts to testify, including economists and a psychiatrist. In total, an impressive amount of evidence was compiled against any dams.

Again sensing the rising tide of opposition, the dam-builders once more sought to strengthen their position. In November 1968 an announcement was made of a unique three-way coalition between Interior, Pacific Northwest Power, and Washington Public Power Supply System. According to this plan, the utilities were to prepay Interior for fifty years worth of power and, using these funds plus a Congressional appropriation, Interior would build the Appaloosa Dam. With great fanfare this trio announced that the long-standing dispute over Hells Canyon had finally been "solved." The dam-builders hoped to ram through Congress a bill authorizing Appaloosa Dam. But fearing to burn their bridges after them, the power combines left open the option of renewing their license application for High Mountain Sheep from the Federal Power Commission by asking for a six-month postponenment of the case.

The plan failed. Congress was apparently in no mood to fund another costly project—however inexpensively it may have been disguised. After several extensions, the postponement of the FPC case expired in September of 1969. And at that time Secretary of Interior Walter J. Hickel announced that his department was dropping its plans for Appaloosa Dam in favor of a three- to five-year moratorium. Subsequently, sources from within revealed that Interior would argue strongly against any dams before the Federal Power Commission. But how strongly remains to be seen.

If indeed the Department of Interior now feels it will assume a no-dam stance, why propose merely a moratorium? Will time somehow make Hells Canyon more deserving of protection? It won't. But time, with the liberal help of man, will destroy it unless permanent protection is sought.

An earlier proposal for a moratorium, this time for ten years, has already been introduced in the Senate by Idaho's Senators Frank Church and Len Jordan, and a similar bill was introduced in the House. Senator Jordan seems to be using the moratorium as a scheme to deter the hydroelectric interests so that his grandiose reclamation plans may be realized with the Nez Percé Dam.

But a moratorium, whether it be for five, ten, or one hundred years, only delays the inevitable facing-up. Even if alternate sources of power do not prove economically feasible, the ecological price of Hells Canyon is too much to pay.

The Hells Canyon Preservation Council, together with the Sierra Club and Wilderness Society, has formulted a plan calling for the establishment of a 714,000-acre Hells Canyon-Snake National River to permanently preserve not only the 120 miles of the Middle Snake, but the adjacent Seven Devils Mountains in Idaho and the rugged plateau and mountains on the Oregon side of the canyon. It would also include preservation of the lower 85 miles of the Salmon River, a section already mapped for damming by the Corps of Engineers. The Hells Canyon-Snake National River would protect the total unity of three major rivers—the Snake, Salmon, and Imnaha—three great canyons, and two superb mountain ranges with a total of 395,000 acres to be added to the National Wilderness Preservation System.

Efforts to introduce the Hells Canyon-Snake National River in Congress have met with indifference and strong opposition. The indifference can be understood in light of the relative obscurity of Hells Canyon. But the opposition has risen from unexpected sources. Senator Frank Church of Idaho, a logical sponsor for the bill in view of his excellent conservation record, not only refuses to introduce it, but has been opposed to its introduction by anyone else. He staunchly defends the moratorium as a means of providing more time to study the situation, despite pleas from conservationists that enough is already known about Hells Canyon to declare it worthy of protection. His opposition to the bill is puzzling and may reflect some of the subtle and intricate forces at work on various water development schemes.

(*Question: How long must we study this place? Answer: Until a dam is built.*)

But fresh hope has come from outside Idaho. After careful study, Representative John Saylor, Pennsylvania's conservationist Congressman, has agreed to introduce the Hells Canyon-Snake National River bill in the House. And a Senate version is being prepared by Oregon Senator Robert Packwood, a young freshman senator who declines to follow the path of the old-style power-and-reclamation advocates who still dominate our lawmakers from the West.

Despite this encouraging news, however, the prospect for protecting Hells Canyon in the near future remains rather grim. Hearings must be scheduled and strong leadership will be needed to move the bill through the long legislative mill—over the objections of Idaho's Congressmen and senators, who are aligned with the reclamation forces.

In the meantime, the Federal Power Commission case resumes in January with Pacific Northwest Power and Washington Public Power Supply System jointly applying for a license to build High Mountain Sheep Dam or Appaloosa Dam or even Pleasant Valley Dam. They're not fussy. Arguing against, as intervenors, will be the trio of conservation groups. Also arguing against, presumably, will be the Department of the Interior.

While the canyon awaits its fate there will be more hearings, cross-examinations, witnesses, and more pages for the record. In the end the FPC will grant the license because it understands nothing else. There will be appeals, then, and more court cases, all costing conservationists heavily.

And yet, through it all the basic question will remain unanswered: Why build this dam, whether it be High Mountain Sheep, Nez Percé, Appaloosa, or Pleasant Valley? The real answer has been lost among years of fighting, pages of testimony, hours of hearings, and thousands of printed words.

It isn't the electricity, for we can produce it by alternate means. The power companies agree that High Mountain Sheep or Appaloosa is the last major hydroelectric development in the Northwest—if not the nation—and most power companies already have plans for thermal plants in the future. This one dam will ultimately contribute little to the long-range needs, and the Bonneville Power Administration has admitted in hearings that it is not essential.

Flood control? The Snake River has become an engineer's dream. Nearly thirty dams impound the flow of the Snake and its tributaries in a thousand-mile staircase of slack-water reservoirs. Any flood control claims for the dam, in light of all these other concrete plugs, are absurd.

A newer rationale was developed for the Appaloosa Dam—water quality control. The proliferation of dams on the Snake-Columbia system has altered temperatures and dissolved gas content with detrimental impact on migratory fish. In its conceptual design, Appaloosa would theoretically allow oxygen to maintain optimum environment for migrating fish. But the concept is unproven, and a number of biologists doubt that it would be effective. Besides, they argue, why not modify one of the existing dams, such as Low Hells Canyon Dam, to try this out? One Idaho conservationist summed it up well: "Building another dam on the Snake-Columbia system to help the fish is like taking another drink of whiskey to sober-up."

The *real* reason for the continued push to build this "last great dam" is much more obscure. Perhaps it is a mixture of professional pride, technological arrogance, and bureaucratic inertia. There is undoubtedly a reluctance to give up a project that has already cost several millions of dollars in engineering design and planning, legal costs, and just plain propaganda efforts.

But whatever the reason, the building of any dam here would mean another tragedy on the order of Glen Canyon. And how many such tragedies can we afford as a nation? Unlike Glen Canyon, however, we have the time and the experience to know what the loss will be and the time to prevent it.

WHERE IS U.S. FOREIGN ECONOMIC POLICY GOING IN THE 1970'S?

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include an address by the Honorable HALE BOGGS before Business Council.)

Mr. ALBERT. Mr. Speaker, last week, our distinguished colleague from Louisiana, HALE BOGGS, our majority whip, addressed the Business Council, an organization of the chief executives of the leading corporations in our country, on the topic of American foreign economic policy for the 1970's.

HALE BOGGS is unusually qualified to speak on the subject of foreign economic policy. As chairman of the Joint Economic Subcommitee on Foreign Economic Policy, he chaired its hearings in the early 1960's, which laid the groundwork for the Trade Expansion Act of 1962 and the landmark Kennedy round of trade negotiations which followed.

Because of the importance of developing a foreign economic policy for the 1970's, I am including the text of HALE BOGGS' speech in the RECORD for the benefit of the Members:

WHERE IS UNITED STATES FOREIGN ECONOMIC POLICY GOING IN THE 1970'S

(Address by Hon. HALE BOGGS, chairman, Subcommittee on Foreign Economic Policy, Joint Economic Committee, to the Business Council Feb. 12, 1970, Washington, D.C.)

The subject I am to talk about today is broad and complicated and certainly not one that anyone can do justice to in thirty minutes. Nor can I pretend to deal with it adequately today even if more time were available and your patience unlimited.

What I would like to do then is to make some general comments and observations about the future of foreign economic policy and then discuss two specific policy issues that will come under discussion in the coming months.

The subject is one which, as you may know, has engaged my interest for some time. From 1956 to 1960 I was Chairman of the Subcommittee on Foreign Trade Policy of the Committee on Ways and Means which, I think it is fair to say, did some probing and pioneering work on the subject of foreign trade policy. In 1961, I became Chairman of the Subcommittee on Foreign Economic Policy of the Joint Economic Committee. In that year, this Subcommittee undertook a series of studies and hearings on the future of the United States foreign trade policy which helped prepare the ground for the Trade Expansion Act of 1962 and the Kennedy Round of Trade Negotiations which followed.

My Subcommittee is now engaged in a year-long study of the whole spectrum of issues that go to make up our international economic policy. We opened with an introductory set of hearings in December in which various aspects of foreign economic policy were explored by 15 experts representing diverse interests and perspectives, including six who came from abroad.

We have a rather ambitious program of work for the balance of the year. On March 16 we will open four days of hearings in which we will discuss trade policy towards developed countries including such subjects as the evolution of the European Common Market and its implications for the United States, the agenda for future trade negotiations and the roll of agriculture in world trade. In May, we plan to hold several days of hearings on policy towards less developed countries. At that time we expect that the report of the Presidential Commission on this subject, under the Chairmanship of Rudolph Peterson of the Bank of America, will have been made public, and that we can contribute to a review of the report and of the issues involved in this important subject. In July, we are tentatively planning to hold hearings on United States foreign investment, its relationship to international trade and the role of the multi-national corporation. Other subjects will be covered in subsequent hearings including the very timely question of the international adjustment process; that is to say, how deficits and surpluses in the balance of payments of various countries can be adjusted with a minimum of disturbance to the normal processes of international trade, finance and investment.

On the whole, the record of performance in the field of international economic policy, both on or part as well as on that of the other free world nations, is one which can give us some satisfaction. This is certainly true when you compare what has happened in the post-war period with the dreadful experience which the world went through in the 1930's. The post-war period has seen remarkable progress. We have all learned a lot from the lessons of the 1930's. Also, the advanced countries of the world have managed their internal economies with a great deal more skill and good sense than ever before. Beyond that, we have developed international institutions and rules as well as techniques of cooperation and coordination among countries which have been invaluable.

In the field of foreign trade, for example, we have made remarkable progress in the removal of restrictions on world trade and in the establishment of rules for the conduct of world trade under the aegis of the General Agreement on Tariffs and Trade (GATT). The recently concluded Kennedy Round of Trade Negotiations, which was conducted under GATT, represented the greatest step in trade liberalization ever. Similarly, in the field of international exchange and payments, remarkable progress has been made with the March 1968 decision on gold, and more recently, the agreement on SDR's—the Special Drawing Rights under the International Monetary Fund. We have, I think, in this field been able to bring a degree of rationality and sensible management to international financial arrangements that we can all take satisfaction in. I sometimes wonder whether we have made such good progress precisely because this subject is so arcane and complicated that most politicians had no option but to leave the matter in the hands of experts.

But as much progress as we record, there still remain many issues to be dealt with. We live in a dynamic world; everything changes and new policies and actions have to be continually taken. We can't say, "Stop the World, I want to get Off!" In fact, we have to continually press forward in order to secure the progress that has been achieved and to make further progress. This is what I call the bicycle principle of political kinetics: If you don't move forward at an adequate rate of speed, you fall down on your tail.

The subject of foreign economic policy is not the highest priority on the country's agenda. I don't have to tell you what the pressing issues are; but, I would only observe that we cannot afford to neglect this subject except at our peril. If we do, we will risk losing the considerable investment of twenty-five years of great effort and progress in building a more viable economic system. The interesting thing about foreign economic policy, unlike some of the other public policy issues that stand higher in our priorities, is that we are not talking about funding large programs which involve considerable budgetary and resource cost to the economy. On the contrary, when we talk about foreign economic policy we are really talking about operating in the world economy so that we can increase the benefits that we enjoy. Our objective is greater real income brought about through a better use of resources on a worldwide scale. And we want improved international relations—and this is an important objective of foreign economic policy—because we want increasingly to improve the prospects for international order, stability, and peace.

Despite our accomplishments, there are many things that remain to be done and many threats that have to be averted. In the field of foreign trade, we have to learn how to deal with the problem of world agriculture which has become a separate and unique issue both in domestic as well as international policy forums. Similiarly, we have to address ourselves to the whole range of non-tariff barriers to trade which have assumed more importance as tariffs have progressively been reduced. In both instances, that is both agriculture and non-tariff barriers, we are going to have to devise new methods of negotiation which will inevitably have to deal to some extent with the domestic policies that give rise to the import restrictions under negotiation. Similiarly, the subject of international investment has come to enjoy a great deal of attention and is one of the more delicate issues that has arisen in this respect is the potential conflict of national jurisdictions. In addition, the great growth of the investment accounts in the balance of payments has resulted in the movement of large masses of capital that can sometimes be highly volatile and we will have to learn to live with these. As to policy toward the less developed countries, the most recent foreign aid appropriations bill spells out more clearly than anything else the need to take a whole new look at our policy in this vital area. In the field of monetary policy, among the issues that have to be discussed will be the question of how national balances of payments can be adjusted without doing violence to the business of trade and investment. There is a great deal of interest in greater flexibility in foreign exchange rates and, related to that, is the subject of greater coordination of national policies to minimize maladjustments in balances of payments.

This is just a partial listing and it would be premature for me to discuss these matters in any detail because we have just begun our studies. I will be better able to discuss these and other issues and have concrete recommendations after we have finished our work. And, indeed, we plan to issue a detailed report with recommendations.

I want to make some observations today on the two issues that are enjoying little attention currently, but that are likely to engage considerable interest in the months and perhaps years ahead. Neither of these two questions has had much discussion either publicly or in the Congress, even though one of them would require legislation.

The two issues that I have in mind are:

First, the question of providing tariff preferences for less developed countries as a means of promoting their exports to the developed countries and increasing their foreign exchange earnings. The second is the issue of the evolution of the European Economic Community (the European Common Market) and its enlargement through negotiations with the United Kingdom and other countries. It seems to me that both these questions deserve more attention and, particularly, more critical evaluation than they have enjoyed until now.

TARIFF PREFERENCES FOR LDC'S

A policy of tariff preferences means applying lower tariffs or no tariffs at all on imports from LDC's, even while the same im-

ports from developed countries are subject to import duties. The purpose is to promote exports from LDC's, increase their foreign exchange earnings, and stimulate their industrial development.

Some background on this subject is in order. The European Economic Community (EEC) has for a number of years, been giving tariff preferences to a number of African states and has been receiving tariff preferences in return from these countries. Commonwealth countries also maintain preference arrangements amongst themselves. The United States has been critical of these arrangements and has sought to diminish their effect.

The idea that the LDCs should be accorded tariff preferences by all developed countries—an idea which the Latin American countries have been pushing because they were excluded from both the EEC and the Commonwealth arrangements—gained status at the United Nations Conference on Trade and Development which began in March, 1964. The preference idea was only one of many proposals designed to assist the trade and development of LDCs, and it was one which the developed countries, as it turned out, focused their attention on perhaps because the other ideas seemed to be even more difficult to achieve. The United States, making what it believed to be virtue out of necessity, finally came around to a reluctant support of the preference idea; the U.S. came to see it as an opportunity to try and break down the discriminatory preference schemes of the EEC and of the Commonwealth. Without going into the further history of this idea, it is sufficient to point out that a series of proposals advanced by the developed countries are now under consideration by them in the OECD (the Organization for Economic Cooperation and Development) which is providing the forum in which the developed countries hope to arrive at a uniform policy on tariff preferences for LDC's.

The United States proposal, for example, which was submitted on November 3, 1969, provided the following:

1) Complete elimination of all tariffs on imports from LDC's except for those on textiles, shoes and petroleum. Agricultural products would be treated selectively.

2) The duty-free treatment would last for ten years.

3) The scheme would be applied by all developed countries to all LDC's without discrimination.

4) Any LDC's that get or give special preferences would be excluded from the scheme.

As might be expected, the proposals of other countries submitted at the OECD differ significantly from that of the United States in that they are more restrictive and more conditional in nature, with a number of them, for example, proposing quota limitations on the amount of imports from LDC's that would enjoy tariff preferences. It is going to be very difficult indeed to negotiate out these differences and to reconcile them and one might realistically expect that the end process of such a negotiation will produce a proposal which reflects the lowest common denominator.

The question I would like to ask is whether this whole approach makes any sense. I have serious doubts. It appears to me that we may well end up with little of real substantive value to the LDC's and with inevitable disappointment on their part, accompanied by bad consequences for the world trading system resulting from the introduction of further discriminatory arrangements. The latter would result if the U.S. were to give special preferential treatment to Latin America only, as the President indicated on November 11, in the event we have had no success in getting agreement in OECD on a universal, nondiscriminatory, tariff preference arrangement. The pity of it all is that we made our OECD proposal as a tactical move to try and break up the EEC preferential system which is discriminatory. But we could end up increasing the extent of discrimination instead of providing Latin American with special preferences. This would be politically as well as economically unfortunate.

Without going into any elaborate discussion, let me make four points that are relevant to an appreciation of the tariff preference issue—a subject that will be enjoying increasing attention over the months ahead:

1) Most economists who have studied the subject have come to the conclusion that a tariff preference scheme would bring little benefit to the LDC's as a whole. Only the very few LDC's that already have manufacturing capability would be able to take advantage of the scheme to increase their foreign exchange earnings, but even these are most proficient in the manufacture of such products as textiles, shoes and processed agricultural products, which, at the very minimum, will be excluded from the scheme. It should be remembered that eighty to ninety percent of the exports of the LDC's are in bulk, unprocessed commodities, that face zero or very low tariffs already. Furthermore, a tariff preference scheme that lasts ten years is not likely to provide a sufficient incentive for foreign investors to develop manufacturing capability in the LDC's designed to produce goods for export.

2) Preferences, and in particular discriminatory ones, involve complex problems of administration. When such preferences are given by developed countries as a unilateral act of charity, they invite what can euphemistically be called "flexible" administration by the developed countries which can generate a good deal of friction. We may not be doing either the LDC's or ourselves a favor.

3) There is a danger that if we do provide preferences, we may conclude that we have discharged our responsibilities to the LDC's and that we can cut foreign assistance and other programs. The net result would be that the few, relatively developed, LDC's which would gain benefits from a preference scheme would do so at the expense of the least-developed LDC's which are most in need of help.

4) Any preference scheme will require implementing legislation. I suspect that it would have hard sledding in the Congress for a variety of reasons, not the least of which being that, as I have tried to suggest, the proposal is not well thought out.

The preference idea is one of those political initiatives that seems to have come into being not because it is inherently sensible and constructive, but rather because the developed countries, faced with the pressures generated by the UN Conference on Trade and Development (UNCTAD), felt that they had to do something.

Actually, the United States proposal submitted in OECD, which I outlined earlier, would, if accepted, be an improvement over the existing arrangements of the EEC and the Commonwealth, particularly if it were just an interim phase followed by generalized tariff reductions. But the prospects of the United States proposal being accepted are virtually nil. Furthermore, if we revert to a discriminatory preferential arrangement with Latin America, we would be compounding the felony.

The lesson I take from all of this is that what is needed in our policy toward LDC's are not contrivances, but well thought-out and meaningful programs and proposals—including policies that offer a real promise of increasing the export earnings of the LDC's on a durable and permanent basis. I trust that such a serious policy review has been going on in the Peterson Commission, and I hope that our Subcommittee can make its own contribution as well.

The United States and the European Economic Community

The agenda for trade negotiations was not completed for all time with the close of the Kennedy Round. There is much yet to be done that can only be accomplished through multilateral negotiations under the GATT and I have in mind here negotiations that would produce lasting and genuine benefits for the trade of LDC's as well. But in order to negotiate, one has to have negotiating partners. Here the question is what the disposition of the EEC will be. The EEC is now, and may very well be for many years to come, occupied with the question of whether it should become enlarged by membership of the U.K., Denmark and Ireland and where and how it should develop relations with the European neutrals such as Sweden, Switzerland and Austria.

There is, to put it briefly, the danger that Europe will be so involved over the next few years in working out its own internal trade and economic relationships that it will completely neglect its relationships with the outside world. This I think would be very dangerous and to my mind, unnecessary.

Yet it is a prospect that is realistic enough so that we should be facing up to it. What concerns me here is the following possibility: It has now been agreed that the EEC will begin negotiations with the U.K. in July. Considering the complicated nature of these negotiations, most observers think that they would require a minimum of two to three years and a maximum of four to five years to complete. At the same time, negotiations will be going forward with other European countries interested in joining the Common Market. Still other negotiations may be going forward with other European countries not able to join the Common Market, but interested in developing some sort of tariff and trade arrangement with it. Because of the complex character of the problems involved, the negotiations are likely to be complex, and what results the product of considerable compromise. The field of agriculture is only one, but a very important, example of an area where bargaining will be intense and difficult. The results of these negotiations will be of great interest and consequence for the United States as well as for the rest of the Free World. There is a danger that we will be faced with a *fait accompli* which we will not be able to influence and which will be very difficult to change through multilateral negotiations, after the process of internal European negotiations have been completed. This could breed frustration and retaliation, which should clearly be avoided.

I, therefore, would enter a plea that the United States, as well as other interested countries, because they have direct interest in the outcome of these negotiations between the EEC and others, ought to have a look in on the negotiations while they proceed, and be able to influence the course of these negotiations in the interests of the world trading community.

There are large issues that hang on the outcome of the European negotiations. They will have a profound influence on the kind of trading world we will have in the 1970's and beyond. Will it be the open, nondiscriminatory world that we have taken such pains to construct since the initiation of the trade agreements program, or will it be a trading world marked by regionalism, discrimination and preferential arrangements? We have to know, it seems to me, fairly soon whether the EEC and the other European countries involved intend to channel their energies and interests into their own negotiations or whether they are prepared to undertake multi-lateral negotiations on a world-wide basis.

This is not a question of whether one is hostile or favorable to the process of the European political integration. The United

States has traditionally supported the integration of Europe as a noble and inspiring idea. Which way Europe proceeds on this course is a decision for the European countries to take. Of course, we have an interest as do other countries in where Europe will be going and what policies it will pursue. But the point I want to emphasize here is that, as far as trade policy is concerned—and that is what is at issue here—tariff discrimination and protectionism are not necessary to protect the sovereignty of Europe and to generate political integration in Europe. If tariff and trade discrimination were the mortar of political unity in Europe, then it is a very fragile edifice indeed.

In his message to the Congress introducing the Trade Expansion Act of 1962, President Kennedy observed that "The two great Atlantic markets will either grow together or they will grow apart." To avoid this, we have to begin to think now about the next new initiative in trade policy. Concentrating on its own concerns, Europe may not be in a position to offer such an initiative at this time. The task, as it has in the past, falls on the shoulders of the United States.

The United States Government and the United States economy are strong and powerful influences in the world. We have no option but to continue to exercise our power and influence. We can best do this if we develop policies that are responsible and intelligent.

I am concerned about the neo-isolationism that is dotting the American landscape, for those voices offer the council of passivity and withdrawal that are unbecoming and indeed dangerous to a great country.

There are too many people who have read the wrong lesson from the Vietnam war and and who have concluded that the use of American power and influence is inherently immoral. On the contrary, the intelligent use of American power is, I believe, essential for stability and progress in this world.

I have been talking about only one, and perhaps a small, aspect of America's role in the world, but what we do in our international economic relations will have a bearing on the totality of our policies in the 1970's.

LITHUANIAN INDEPENDENCE

(Mr. VIGORITO asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. VIGORITO. Mr. Speaker, the month of February is a time of great importance for Lithuanians and Americans of Lithuanian descent. Not only is February 14 the 719th anniversary of the formation of the Lithuanian state, but 2 days later, Lithuanians celebrate the 52d anniversary of the restoration of the Republic of Lithuania.

Lithuania has been under the rule of the Soviet Union since 1940—a rule that was forced on the people in direct contradiction to the principles of international and moral law. This formation of a Socialist republic came about as a result of a pact between Hitler and Stalin—a pact that still today imposes unwanted, and even hated, government on the unfortunate people of Lithuania and other neighbor countries.

The brave people of Lithuania deserve our support and the choice of free government given through democratic channels. I therefore salute the Lithuanian peoples, on this, the 52d anniversary of their fight for a free and democratic nation.

THE 719TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Illinois. Mr. Speaker, today marks the 52d anniversary of the founding of the modern Republic of Lithuania and the month of February is the 719th anniversary of the founding of the Lithuanian state.

These two events are historic milestones in the development of free government and serve to remind us of the constant struggle and sacrifice made to maintain and protect national sovereignty and individual liberty. Lithuania's seven-century quest for freedom is an epic story of dignity and hope which truly deserves congressional recognition.

Some may ask why we pause to honor a nation no longer independent or a people no longer possessing a sovereign homeland. The answer lies in the fact that the Congress is a forum of hope to which beleaguered people turn. As the most representative institution of free government on the face of the earth, the Congress has a willing obligation to commemorate the plight of courageous people whose modern history of freedom, while short lived, symbolizes the endless search for liberty. Because of our own struggle for freedom we remain sensitive to the hopes and aspirations of others.

To bring the point even closer to home, we might remind ourselves that during this month we, too, observe two anniversaries important in the history of the American people: the birthdays of George Washington, the father of our Nation, and Abraham Lincoln, who held the Union together. These two men personalize much of our feelings about our own history and help us to appreciate how other people feel about their own nations' histories. As a freedom-loving people steeped in the history of hope and promise, sorrow, and despair, we should have a special feeling for others who have joined in the struggle for freedom.

It behooves us to speak out for the people of Lithuania and others whose contributions to the free world help sustain it in these trying times.

LITHUANIAN INDEPENDENCE DAY FEBRUARY 16

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, recently I was invited by the Lithuanian Council of New Jersey to attend and address a celebration of February 16 of the 52d anniversary of the declaration of Lithuanian independence.

Unfortunately, because of illness, I was unable to attend.

Because my colleagues have always exhibited an interest and great concern for the peoples of all the captive nations, I am inserting my speech in the RECORD along with a resolution adopted by the Lithuanian Council of New Jersey.

My speech and the resolution follow:

LITHUANIAN INDEPENDENCE—FEBRUARY 16TH

(Speech to the Lithuanian Council of New Jersey)

The twentieth century has seen the rise of the United States as a major power protecting within its shores as well as in other lands the principle that all men ought to have the right to choose, free from restraints, the men and institutions who rule them.

In Europe we fought two wars which enveloped the entire world in order to protect this principle. We have fought two other major wars in Asia as well as having been engaged for 25 years in a so-called cold war involving hundreds of skirmishes—publicized and secret—throughout the world. There is no question that the American people are committed to the principle of self determination for all peoples of the world.

Thus, February 16th is a special day, not only for Lithuanian-Americans, but for all Americans. It represents a day no less significant than our own Independence day for on February 16, 1918 in the city of Vilnius the Lithuanian people broke the oppressive yoke of Czarist Russia and reestablished themselves as the independent nation which had first been formed some 667 years earlier by Mindaugas the Great.

For 22 years, the Lithuanian people enjoyed a prosperous and promising freedom. But in 1940, the Soviets, wanting a Baltic port, took it by occupying and incorporating by force and violence the Baltic Countries of Lithuania, Estonia and Latvia. Since 1940 the Lithuanian people have thus lived as prisoners in their own homeland, imprisoned by a Communist dictatorship.

The freedom which so many Eastern Europeans have been cruelly deprived must live with all of us. Lithuanians came to America that they might somehow carry on the traditions of a once free Lithuania and remain the living repository of the short-lived Lithuanian independence, holding it for future generations.

Your duty is a special one. You have taken on the burden of protecting freedom, not only for future Americans, but for generations of Lithuanians yet to come, holding the freedom you now enjoy as a sacred trust to be devolved upon the sons and daughters of a people now imprisoned.

All of us in America who love freedom, join you in your prayers that Lithuania and all the captive nations of the world will once again enjoy their rightful independence.

Even as we owe allegiance to America, as long as any people suffer under a totalitarian regime, the freedom you and I now enjoy is threatened. To remain free in this country, we must continually work to prevent incursions on that freedom by those who would allow it to dwindle for reasons of mere profit or expediency.

No one can guarantee to you that the freedom you enjoy will be passed to your sons and daughters. You alone must guarantee that trust by your involvement and your continued interest in your Government.

RESOLUTION OF THE LITHUANIAN COUNCIL OF NEW JERSEY

On the occasion of the 52nd anniversary of the Restoration of Lithuania's Independence we, the members and friends of the Lithuanian ethnic community of New Jersey, assembled here on the 15th day of February, 1970, in Kearny, New Jersey:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16, 1918, in Vilnius, whereby a sovereign Lithuanian State was restored which had antecedents in the Lithuanian Kingdom established in 1251;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign function as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940;

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members and friends of the Lithuanian ethnic community of New Jersey,

Do hereby protest Soviet Russia's aggression and the following crimes perpetrated by the Soviets in occupied Lithuania: (1) murder and deportation of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor; (2) colonization of Lithuania by importation of Russians, most of whom are Communists or undesirables; (3) persecution of the faithful, restriction of religious practices, closing of houses of worship; (4) distortion of Lithuanian culture by efforts to transform into a Soviet-Russian culture and continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw from Lithuania and its sister states of Estonia and Latvia, its armed forces, administrative apparatus, and the imported Communist "colons", letting the Baltic States of Estonia, Latvia, and Lithuania freely exercise their sovereign rights to self-determination.

We request the Government of the United States to raise the issue of the Baltic States of Estonia, Latvia, and Lithuania in the United Nations and in international conferences as well as to support our just requests for the condemnation of Soviet aggression against Estonia, Latvia, and Lithuania, and for the abolishion of Soviet colonial rule in these countries.

VALENTINAS MELINIS,
President.
ALBIN S. TRECIOKAS,
Secretary.

THE STRAPHANGER'S LAMENT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, it is time to remember a breed of hearty and yet truly forgotten Americans—the urban transit rider. He is the new American pioneer who braves stampedes, panics, and elbows with silence and resignation. He is the man who has proven by empirical research and daily travels that the fastest distance between two points is not necessarily a straight line—if you are riding a train or a bus.

The problem can have amusing pictures painted about it—riding the subway as a new American folk custom. It is something to tell your grandchildren about—but only after you have retired. But for millions of Americans who have to brave the system daily—it can be a sad matter indeed.

Is there any wonder that the urban commuter looks as bedraggled as he does when he gets home at night? Each day he is forced to expend two levels of energy—one to fight his way to work and the second to do the work for which he was employed in the first place. As we all know, "on time" has become a relative term.

The population of urban America will double in the next 40 years. Over a hundred million additional people will be living in our metropolitan areas. Presently, 34 percent of all mass transit riders in this country live and work in the New York metropolitan area. The mere logistics of carrying all these bodies is staggering.

While conditions have deteriorated, costs for the individual have increased. The average commuter spends $1.20 a day in a two-fare zone in New York City; that is $24 per month and almost $300 per year for mass transit fares. He is thus spending approximately 2 weeks' salary for the privilege of being crushed and crowded.

I believe that the simple dichotomy between riding either the subway or the private automobile is too simple. Some think that the commuter has the option of either using his automobile to ride some of the largest parking lots in the world, or cramming headlong into the inadequate facilities that comprise the mass transit systems of our cities. This would mean that there are only two sorry alternatives—death from carbon monoxide asphyxiation or suffocation from too many people crowded into a small subway car.

The transportation system of a city is not merely those vehicles which convey the people to and from their work or recreation. Its effect is not a neutral one. It can be an independent as well as a dependent force in the shaping of our cities. It is because of its potential that I am asking for more careful forethought and more comprehensive planning on the matter of urban transportation.

Are the problems then insoluble? Must we wring our hands and look around in despair? Instead, why do we not look at the old roadbeds and outmoded trains? Why do we not look at the research and development aspect of urban mass transportation? Some technological breakthroughs and their application could go a long way toward alleviating some of the problems that plague our cities. Perhaps business would then halt its exodus into the more spacious suburbs. Perhaps then a shopping trip into the center city would not take on the characteristics of a hardship journey.

Improved transportation might open up many of the ghetto areas of our cities. It is a well-established fact that the poor people are more dependent on public transportation. If a man cannot afford a car, and public transit is both inadequate and expensive, and his job has shifted to a suburb, the individual will have a difficult, if not impossible time, earning a living.

The needs of our cities should not be the afterthoughts of our national goals and priorities. The problems of urban mass transit represent the problems of our cities. We must take up the challenge to meet these problems before our cities choke in their own transportation maze.

TAKE PRIDE IN AMERICA—NO. 28

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1969, the United States had a total installed capacity of 7,028 megawatts of electricity generated by nuclear power. It is estimated that by 1974 the United States will have 89 power reactors generating 62,028 megawatts of electricity—more than half of the world's total.

ADVISORY COMMITTEE ON INTERGOVERNMENTAL RELATIONS

(Mr. FOUNTAIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FOUNTAIN. Mr. Speaker, 2 years ago I had the pleasure of bringing to the attention of my colleagues a status report on the recommendations addressed to the Federal Government by the Advisory Commission on Intergovernmental Relations. Today, I would like to present a further progress report which lists the action taken on each of 131 recommendations submitted by the Commission to the Congress, the President, or to agencies of the executive branch.

As many of my colleagues know, the ACIR was established by an act of Congress in 1959 to provide a much-needed permanent center in our federal system for bringing the viewpoints of Federal, State, and local officials, and of the general public, to bear on the problems affecting all levels of government. Efforts to implement the Commission's recommendations are focused as much on the State and local levels as on the National. Just this year ACIR's State legislative program was distributed to nearly 10,000 State and local officials and leaders of public opinion throughout the Nation.

I had the honor of introducing the legislation that established this Commission a little over 10 years ago, and I have been privileged to serve on the Commission since its inception. The gentlewoman from New Jersey (Mrs. DWYER) and the gentleman from Oregon (Mr. ULLMAN) also represent the House on the Commission. The other body is represented by the junior Senator from Maine, Mr. MUSKIE, the senior Senator from North Carolina, Mr. ERVIN, and the senior Senator from South Dakota, Mr. MUNDT.

Although I have disagreed with certain ACIR recommendations, I believe the Commission's reports are all valuable studies of intergovernmental programs and problems, and that the recommendations in those reports deserve very careful consideration.

As I pointed out 2 years ago, while the Commission's efforts to help strengthen our State and local governments have been quite widely reported, its recommendations directed to the Federal Government are less well known. As shown in the table prepared by the Commission staff, 44 of the 131 federally addressed recommendations made to date have been enacted into law or implemented through directives of the Office of the President. Twelve have been partially carried out. Eleven have been unfavorably received—nine by the Congress

and two by the executive branch. No implementing steps have been taken as yet on 28 recommendations, and 31 recommendations are awaiting congressional action on bills or amedments introduced.

The status of the Commission's recommendations at the national level may be summarized as follows:

	For administrative action	For Congressional action	Total
Recommendations enacted or otherwise carried out	10	34	44
Recommendations partially but not completely implemented	9	3	12
Recommendations included in bills or amendments introduced or executive orders prepared	2	31	33
No implementing action as yet	17	11	28
Recommendations in other stages of implementation	3	0	3
Recommendations rejected	2	9	11
Total	43	88	13.

The status of individual ACIR recommendations follows:

STATUS OF ACIR RECOMMENDATIONS TO THE FEDERAL GOVERNMENT [1]

I. Public assistance

1. Amendment of Social Security Act to provide for judicial review of decisions of HEW Secretary concerning conformity of State plans. Implemented by PL 89–97.

2. To give HEW Secretary discretionary authority to declare parts rather than whole of State plans out of conformity. Amendment submitted to Ways and Means Committee in 1965; not adopted.

3. To establish a permanent Public Assistance Advisory Council. Objectives of recommendation achieved by issuance of Presidential Memorandum of November 11, 1966, regarding agency consultation with State and local officials upon contemplated changes in grant-in-aid regulations.

4. Removal of prohibition in Social Security Act against OAA payments to patients in mental and tubercular institutions. Implemented by PL 89–97.

5. Liberalize single State agency requirement of Social Security Act. Implemented by the Intergovernmental Cooperation Act of 1968. PL 90–577.

II. Metropolitan area coordination

1. Federal financial support on a continuing—in contrast to a project—basis to metropolitan planning agencies. Implemented by administrative action of the Commissioner, Urban Renewal Administration, August 1963.

2. Expanded Federal technical assistance to State and metropolitan planning agencies. Implemented by the Housing Act of 1961, PL 87–60, and the Demonstration Cities and Metropolitan Development Act of 1966, PL 89–754.

3. Congressional consent in advance to interstate compacts created by planning agencies in those metropolitan areas crossing State lines. Implemented by the Housing Act of 1961, PL 87–60.

4. Review by a metropolitan planning agency of applications for Federal grants-in-aid within the area with respect to airport, highway, waste treatment, hospital construction and certain other urban development projects. Implemented by Demonstration Cities and Metropolitan Development Act of 1966, PL 89–754.

III. Mass transportation

Provision of Federal financial assistance in the form of loans and demonstration and planning grants to metropolitan areas for mass transportation facilities and services. Implemented by the Housing Act of 1961. PL 87–60.

IV. Metropolitan water supply and sewage treatment

1. Recommends against Federal grant assistance for local water works comparable to Federal grants for sewage treatment construction. Rejected by Congress; water system grants available from four separate agencies, in fact.

2. Amendment of Water Pollution Control Act of 1956 to provide matching incentives for regional facilities and an increased dollar ceiling for projects in larger cities. Implemented by Water Quality Act of 1965, PL 89–234.

3. Amendment of Housing statute to permit communities of 50,000 or more to qualify for water and sewer loans. Implemented by the Housing Act of 1965, PL 89–117.

4. Amendment of Housing statute to permit joining together of communities with an aggregate population of over 50,000 for purposes of sewer and water loan assistance. Implemented by the Housing Act of 1964, PL 88–560.

5. Amendment of Housing Act to tighten FHA and VA mortgage insurance requirements regarding well and septic tank installations. Implemented by the Housing Act of 1965, PL 89–117.

6. Amendment of Housing Act to include water and sewer utilities as insurable site preparation and development costs. Implemented by Housing Act of 1965, PL 89–117.

7. Evaluation by Federal Executive Branch of Federal enforcement powers and financial incentives relative to industrial pollution. Implemented by Act of Surgeon General in chartering study of "Industrial Incentives for Water Pollution Abatement." Report rendered in February, 1965.

8. Consideration of urban needs in future Federal water resources planning equivalent to consideration given navigation, power, and agriculture. Implemented by the Water Resources Planning Act of 1965 and Senate Document No. 97, 87th Congress, 2nd Session.

V. Federal grants for urban development

1. Favoring of general purpose units of governments as Federal aid recipients, other factors being equal. Implemented by Intergovernmental Cooperation Act of 1968, PL 90–577.

2. Congressional action to require special purpose units of government to coordinate their Federal aid activities with general purpose units of government. Implemented by Demonstration Cities and Metropolitan Development Act of 1966, PL 89–754.

3. Authorization and encouragement by Congress and executive agencies for joint participation by local governmental units having common program objectives affecting development of urban areas overlapping existing political boundaries. Implemented by the Intergovernmental Cooperation Act of 1968, PL 90–577.

4. Congressional requirement that Federal aid for urban development purposes be consistent with and promote effective planning at local level—Implemented by the Intergovernmental Cooperation Act of 1968, PL 90–577.

5. Broadening of section 701 assistance to include municipalities and counties over 50,000 population. Implemented in part (for counties) by Housing Act of 1964, PL 88–560.

6. Enactment of legislation to establish principle of Federal interagency coordination and declaration of a unified urban development policy. Implemented by the Intergovernmental Cooperation Act of 1968, PL 90–577.

VI. Metropolitan social and economic disparities

1. Authorization of economic and social planning assistance by Federal Government on same basis as physical planning. Policy has been generally accepted, but not yet enunciated on a government-wide basis.

2. Amendment of Federal housing legislation to facilitate use of Federal private housing, authorize rent subsidies and permit financial assistance to private nonprofit housing organizations. Implemented by the Housing Act of 1965, PL 89–117.

3. Federal and State agencies adopt cooperative agreements for enforcment of Federal and State laws and regulations forbidding discrimination in housing. No action taken as yet to follow up on this recommendation.

4. Removal by the Congress of existing limitations on nonresidential renewal from the Federal urban renewal programs. Amendment proposed to the Congress in 1966. Rejected.

5. Provision for interstate agreements between Secretary of Labor and governors to provide public employment services on an areawide basis in metropolitan areas regardless of State lines. Implemented by Administrative Order of the Secretary of Labor, February 1967.

6. Development by Federal Government of standards of measurement of costs and benefits for areawide services being supported by grant and loan programs in metropolitan areas. No significant implementation action as yet.

VII. Relocation of persons and businesses displaced by Federal or federally aided programs

1. Establishment by Congress of a uniform relocation policy. Contained in Uniform Assistance and Land Acquisition Policies Act of 1969 (S. 1, Muskie, et al.), passed by the Senate and now pending in the House. Companion bills have been introduced in the House (H.R. 4578, Fulton, H.R. 6053, Teague of Texas, and H.R. 12902, Thompson, New Jersey).

2. Congressional requirement to assure supply of housing prior to displacement in federally aided programs. Contained in Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 (S. 1) passed by the Senate and now pending in the House.

3. Provision of uniform and equitable Federal payment of relocation expenses for families and businesses under Federal and federally aided programs. Contained in Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 (S. 1) passed by the Senate and now pending in the House.

4. Broadening of Small Business Act to authorize disaster loans to small business concerns adversely affected (whether or not displaced) by Federal or federally aided Federal works programs. Implemented in part by PL 90–495.

5. Amendment of Manpower Development and Training Act to permit widow and widower owners of displaced firms to be eligible for manpower retraining allowances. Implemented by PL 89–15.

6. Provision for centralized relocation services and programs in a single agency at the metropolitan or urban level—Contained in Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 (S. 1) passed by the Senate and now pending in the House.

7. Requirement for advance notice by Federal agencies to local units of government of construction program which will displace persons and businesses—Contained in Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 (S. 1) passed by the Senate and now pending in the House.

[1] In all cases the legislative or administrative action taken was subsequent to the submission of the recommendation. However, this summary is not intended to imply that in all cases the ACIR recommendation was the sole motivating force for the later action.

VIII. Building codes

1. Authorization and financing by the Congress of a public-private program to develop national performance criteria for building construction. No implementation action as yet.

2. Establishment of a continuing national program of building research. Implemented by section 1010 of Demonstration Cities and Metropolitan Development Act of 1966, PL 89–754.

3. Designation by President of a drafting group representing all levels of government to develop a national voluntary model building code. No implementation action as yet.

4. Development and use of a common set of standards by all Federal departments and agencies with responsibility for building construction. Study conducted under aegis of Bureau of Budget but no government-wide action taken as yet.

IX. Administration of poverty program

1. Preference by OEO to units of general government rather than private groups in establishment of CAAs. Implemented by P.L. 90–222.

2. Continuation of maximum feasible participation of poor in the community action program. 1966 amendments strengthened provision by specifying criteria as to percentage of representation, residence, selection and approval.

3. Requirement that CAAs initiate comprehensive plans as a basis for local antipoverty programs. 1967 amendments proposed by OEO give more emphasis to community action agencies' planning function, but still do not make planning a requirement—P.L. 90–222.

4. Increased encouragement by OEO of cooperation among separate CAAs in metropolitan areas. Concept is not working well in a number of metropolitan areas, and recommendation should be considered as having been rejected through experience.

5. Use by federal agencies of geographic bases for multi-county planning as established by State law or regulation. Implemented by Presidential Memorandum, September 1966.

6. Acceleration of efforts by OEO Director to implement Section 612 "preference provision." Recommendation now moot; preference provision itself dropped by the Congress.

7. Establishment of machinery by Economic Opportunity Council to insure integrated planning for job creation and job training programs. No specific recommendation as yet.

8. Acceleration by OEO of collection of data on incidence of poverty and application of anti-poverty resources. General agreement in OEO; implemented in effect through OEO publication of catalog of assistance programs by county in human resources field.

9. Retention of gubernatorial veto regarding certain OEO programs. Rejected; OEO director given power by Congress to override Governor's veto.

10. Establishment of uniform procedures for informing governors of status of applications in connection with exercise of veto. No specific implementation progress as yet.

11. Acceleration of efforts by OEO to interest States in acting as contractors for Job Corps facilities. Recommendation now moot; Job Corps discontinued.

12. Continuation of 10 percent non-Federal matching provision for community action, Neighborhood Youth Corps and adult basic education programs. This recommendation rejected by the Congress. Legislation in 1966 increased non-federal share to 20 percent for the community action program and Neighborhood Youth Corps, and to 50 percent for adult basic education, all effective July 1, 1967.

X. Estate and gift taxes

Amendment of Internal Revenue Code to increase the credit against the Federal estate tax for inheritance and estate taxes paid to the States. Contained in the Intergovernmental Revenue Act of 1969 (S. 2483, Muskie and Goodell, and H.R. 13353, Roth) now pending in Congress.

XI. Investment of idle cash balance

Cooperative action by the U.S. Treasury Department and State and local finance officers designed to provide full and current information regarding investment opportunities in short-term Treasury obligations. Implemented by action of the U.S. Treasury Department in issuing brochure entitled "Interest Bearing U.S. Government Securities Available for Investment of Short-Term Cash Balances of Local and State Government," September 1963.

XII. Public health grants

1. Provision of transferability of the funds among public health categorical grants. Implemented by P.L. 89–749.

2. Standardization of matching ratios among public health categorical grants. Implemented by P.L. 89–749.

XIII. Congressional review of Federal grants-in-aid

1. Provisions by the Congress for periodic review of future grants-in-aid. Implemented by Intergovernmental Cooperation Act of 1968, P.L. 90–577.

2. Periodic review by Congressional committees and executive agencies of the status of federal grants-in-aid now in existence. Implemented by Intergovernmental Cooperation Act of 1968, P.L. 90–577.

XIV. Taxation of private property on Federal areas

1. Federal legislation to grant Congressional consent to the imposition of taxes on privately owned real and personal property in federal areas, provided certain conditions regarding rights and privileges to federal employees are granted by the State or local government. Contained in Intergovernmental Revenue Act of 1969 (S. 2483, Muskie and Goodell, and H.R. 13353, Roth).

2. The Commission recommended that the President and Governors support implementation of the legislation. Action cannot be taken on this recommendation pending the outcome of efforts in the Congress.

XV. Cooperative tax administration

1. Joint action by the Treasury Department and States to identify State and local records and types of information that are potentially useful for the administration of Federal income and other taxes. Largely completed by administrative action at Federal and State levels.

2. Authorization to Internal Revenue Service to admit State and local tax personnel to IRS training programs on a reimbursable basis. Implemented by P.L. 87–70.

3. Authorization to Internal Revenue Service to perform statistical and related services for State tax agencies on a reimbursable basis. Implemented by P.L. 87–870.

XVI. Industrial development bonds

Amendment of the Internal Revenue Code to deny rental reduction to business renting publicly constructed industrial plants where the corporation itself has bought up the issue of tax-exempt securities involved. Implemented by the Revenue and Expenditure Control Act of 1968, P.L. 90–364.

XVII. Role of equalization in Federal grants

1. Enunciation of national policy. This has been discussed with Bureau of the Budget and other Federal officials; no specific progress as yet.

2. Limitation of equalization to functions and services specifically related to national objectives. This recommendation has been discussed; no Executive Order or Budget circular drafted as yet.

3. Removal of equalization factors from certain categories of Federal grants (e.g., planning and demonstration). No specific implementation as yet.

4. Provision for uniformity in the mechanism of equalization provision in Federal grants. No specification implementation as yet.

5. Requirement by the President that Federal agencies review adequacy of need indexes and appropriateness of equalization provisions in their grant programs. No specific implementation steps as yet.

6. Presidential requirement for the development of plans and procedures to improve measures of State fiscal capacity and tax effort for use in grant administration. No specific implementation as yet.

XVIII. Cigarette taxes

Joint exploration by the Treasury Department and States for placing of cigarette taxes at the manufacturers' level rather than retail level—Proposal submitted to the Governors' Conference and the Internal Revenue Service. No specific implementation results as yet.

XIX. Documentary stamp taxes

Repeal of Federal stamp taxes on conveyances, such repeal to be effective 3 years after enactment. Implemented by P.L. 89–44.

XX. Income tax credit

1. Amendment of Internal Revenue Code to provide a Federal tax credit against State and local income taxes paid. Contained in the Intergovernmental Revenue Act of 1969 (S. 2483, Muskie and Goodell, and H.R. 13353, Roth) now pending in Congress.

2. Authorization to the Internal Revenue Service to enter into agreements with States for Federal collection of State income taxes. Contained in the Intergovernmental Revenue Act of 1969 (S. 2483, Muskie and Goodell, and H.R. 13353, Roth) now pending in Congress.

XXI. National time conformity

Enactment by the Congress of a uniform time bill. Implemented by P.L. 89–387.

XXII. State taxation of interstate commerce

1. Enactment of legislation by the Congress to clarify jurisdictional areas regarding sales and use taxes. Contained in Interstate Taxation Act of 1969 (S. 2804, Magnuson, et al.) now pending in Congress.

2. Enactment of legislation by the Congress to govern apportionment of income of multi-State businesses for purposes of State corporate incomes taxes. Contained in Interstate Taxation Act of 1969 (S. 2804, Magnuson, et al.) now pending in Congress.

XXIII. Urban and rural America: Policies for future growth

1. Development of a national policy to guide decisions at the national level which affect the patterns of urban growth. Contained in Balanced Urbanization Policy and Planning Act (H.R. 13217, Dwyer and Fountain, and S. 3228, Muskie) now pending in Congress.

2. Reassessment of the policies and structure of multi-State economic planning and development agencies and that such agencies take national policies into account in the formulation of their regional programs, and develop regional components for national policies dealing with urban growth. No action feasible on this recommendation until national urbanization policy adopted.

3. Congressional authorization of incentives for business and industrial location pursuant to national urbanization policy. Contained in draft bill ready for Congressional introduction.

4. Federal legislation providing a preference, in the award of public contracts, to labor-surplus and certain other areas, pursuant to national urbanization policy. Contained in draft bill ready for Congressional introduction.

5. Promulgation, by the President, of criteria for location of Federal buildings and facilities so as to accord with national urbanization policy. No specific implementation as yet.

6. Establishment of Federal-State matching program involving resettlement allowances for low-income persons migrating from labor-surplus areas. Contained in draft bill ready for Congressional introduction.

7. Provision of additional Federal funds for on-the-job training allowances for employers in labor-surplus areas. Contained in draft bill ready for Congressional introduction.

8. Expansion of the Federal-State employment service program. Partially implemented through reorganization of manpower training programs.

9. Establishment of a nationwide computerized job information center. Partial implementation under way in Department of Labor.

10. Federal legislation that eliminates or reduces the migrational influence of interstate variations in public assistance standards and benefits. Contained in Administration's welfare reform legislation pending in the Congress.

11. Expansion and adequate funding of voluntary programs of family planning for low-income persons. Contained in draft legislation ready for Congressional introduction.

12. Additional Federal assistance for new large-scale urban development through low interest loans and capital grants for land acquisitions. Contained in draft legislation ready for Congressional introduction.

13. Federal aid for new community development, under certain conditions, through Federal low-interest loans and tax incentives. Contained in draft legislation ready for Congressional introduction.

14. Federal legislation providing for experimental new community building on federally-owned lands. Contained in draft legislation ready for Congressional introduction.

XXIV. Intergovernmental Problems in Medicaid

1. The Federal Government adhere to the 1975 legislative goal of comprehensive care for the needy and medically needy; but that it study the feasibility of broadening the financial base of Medicaid through more involvement of the private sector. Rejected by Congress in 1969 by postponing the 1975 goal by two years.

2. Congress amend Medicaid to extend from 1970 to 1972 the States' adoption of a Medicaid program provided that they submit a proposed State plan by 1971. Rejected by Congress.

3. Congress freeze the income limit for the medically needy at 150 percent of the AFDC level rather than letting it fall to 133⅓ percent as scheduled. Rejected by Congress.

4. Congress continue to appropriate to Medicaid on an "open-end" basis; that is, without limits on the amount that may go to any single State. This policy is still being followed.

5. The Federal Government study the present allocation of fiscal responsibility for Medicaid among the levels of government, with special reference to the more limited resources of States and localities. Recommendation moot because of later Commission recommendation for Federal assumption of total financial responsibility for welfare and Medicaid.

6. The Federal Government provide matching funds for the noncategorically related needy and medically needy. No implementing action taken as yet.

7. Congress amend Medicaid legislation to give States greater latitude in setting lien and recovery provisions. No implementing as yet.

8. Congress amend Medicaid legislation to establish criteria for evaluating those parts of State plans governing limits on financial resources that medically needy recipients may retain. No implementing action as yet.

9. Congress amend Medicaid legislation to give States full discretion in determining whether and how the non-Federal cost shall be borne by localities. No implementing action as yet.

10. The Secretary of HEW rescind regulations requiring hospital reimbursements under Medicaid to be the same as under Medicare. No implementing action as yet.

11. Congress modify Medicaid legislation to allow States to depart from the "comparability of services" requirement, subject to approval of the Secretary of HEW. No implementing action as yet.

12. The President direct the Secretaries of Interior and HEW to clarify the relationship between Medicaid and medical services provided Indians and Eskimos by HEW. No implementing action as yet.

13. States be allowed to experiment with simplified methods for establishing financial eligibility, but Federal government should not mandate specific methods. Rejected by HEW regulation requiring States to adopt a simple declaration of eligibility.

XXV. Industrial location and State and local taxes

The President direct the appropriate Federal agencies to give early and favorable consideration to assembling on a continuing basis more timely and detailed geographical information on industrial location trends, including a breakdown among central city, suburban, and rural portions of Standard Metropolitan Statistical Areas. Census Bureau has agreed to publish this type of information in the Census of Manufacturers.

XXVI. Basic structure of fiscal federalism

1. Congress and the Administration adopt a flexible combination of Federal financial assistance to States and localities. The Federal support payments, adjusted for variations in tax effort, could be made to either State or major local units of government; they should not conflict with any existing comprehensive State plan. Contained in the Intergovernmental Revenue Act of 1969 (S. 2483 Muskie and Goodell, and H.R. 13353 Roth) now pending in Congress.

2. Congress authorize the President to submit grant consolidation plans subject to veto by either House within a period of 90 days. Contained in Intergovernmental Cooperation Act of 1969 (H.R. 7366 Fountain, et al., and S. 2479 Muskie) now pending in Congress.

3. Congress and the President reduce the number of separate authorizations for Federal grants—as a general goal a reduction by at least half the number, starting with consolidation in the fields of vocational education and water and sewer facilities. A draft bill has been prepared and is ready for Congressional introduction.

4. Congress enact legislation, proposed by the Administration, to authorize a single grant application by State and local governments for interrelated projects. Contained in Intergovernmental Cooperation Act of 1969 (H.R. 7366, Fountain, et al., and S. 2479, Muskie).

5. Joint funding of projects containing components deriving funds from several Federal sources. Contained in Intergovernmental Cooperation Act of 1969 (H.R. 7366, Fountain, et al., and S. 2479, Muskie).

6. The Bureau of the Budget simplify and systematize the varied matching and apportionment formulas governing existing grant programs. No specific implementation action as yet.

XXVII. Metropolitan fiscal disparity

1. Congress expand, to include all communities regardless of population, the current program of financial assistance for State establishment of urban information and technical assistance to small communities. Rejected repeatedly by the Congress.

2. Federal, state and local financing of neighborhood information centers and referral services be authorized to orient immigrants and others to the demands of urban society. Partially implemented by intergovernmental funding of such centers under the poverty and model cities programs.

3. Elementary and Secondary Education Act be amended to authorize use of available grant funds in support of amended State school aid formulas which reflect higher per pupil costs for disadvantaged children, especially in densely populated areas. No implementation action as yet.

4. Federal Government encourage and provide financial assistance for multidistrict educational arrangements. No implementation action as yet.

5. A national system of social accounts be established, with special emphasis on the development of such data for individual cities, counties and Standard Metropolitan Statistical Areas, as well as State and national aggregates. Implementation begun through Task Force on Social Accounts set up in 1968 in HEW. Report under consideration by Executive Office of the President.

6. Internal Revenue Service expand its statistical reports on income to provide data on individual units of local government within Standard Metropolitan Statistical Areas. Implemented by administrative action of the Internal Revenue Service, by tabulating adjusted gross income of individuals by postal zip code.

XXVIII. Administration of Federal categorical aids

1. Coordination of Federal grant programs being administered by a variety of Federal departments and agencies be strengthened through the Executive Office of the President. Partially implemented by various presidential directives and by Budget Bureau Circular A–95.

2. The authority to review and approve plans developed as a condition of Federal formula-type grants to State and local governments be decentralized to Federal regional offices and the wide variations in boundaries of Federal administrative regions be reduced. Partially implemented by directive of President Nixon, March 27, 1969.

3. Federal Executive Boards be brought under Bureau of the Budget supervision and at least one full-time staff member be provided for each major Board. Partially implemented by Presidential Memorandum, August 13, 1969.

4. The President establish a computerized information system for grant administration, formulation of intergovernmental fiscal policy and for other management purposes. Steps being taken by Budget Bureau to implement partially this recommendation.

5. Establishment by Congress of a computerized information system for review of grant programs and for other legislative purposes. Contained in draft legislation now pending in the House Rules Committee.

6. Tapes and other data produced by Federal computerized information systems be made available to State and local governments. Implemented by Budget Bureau Circular A–97.

7. Congress authorized the Comptroller General of the U.S. to certify State auditing systems and those systems of local governments receiving sizable grants directly from Federal agencies, in lieu of fiscal audits by Federal agency personnel. Contained in Intergovernmental Cooperation Act of 1969 (H.R. 7366 Fountain, et al., and S. 2479, Muskie) now pending in Congress.

8. Congress enact legislation, to modify the single State agency requirement associated with Federal grants-in-aid to State governments. Implemented by the Intergovernmental Cooperation Act of 1968, P.L. 90–577.

9. Congress enact general legislation, consolidating insofar as possible into a single enactment those planning requirements to be applicable to existing and future grant programs. Contained in Balanced Urbanization Policy and Planning Act of 1969 (H.R. 13217 Dwyer and Fountain) now pending in Congress.

10. Congress revise Section 701 of the Housing Act of 1954, to strengthen comprehensive planning at State, regional, metropolitan and local levels, and to require review and comment by State planning agencies of project proposals impinging upon State or local comprehensive plans. The Commission took no position on assignment of responsibility within the Federal Government for financial assistance to State and local planning activities. Contained in Balanced Urbanization Policy and Planning Act of 1969 (H.R. 13217, Dwyer and Foundation).

XXIX State aid to local governments

1. The Federal Government assume complete financial responsibility for all public assistance programs, including Medicaid, with State and local governments continuing to administer programs. Contained in bill to nationalize the welfare system (S. 1806, Goodell).

2. The Federal-Aid Highway Act be revised to provide a financial incentive to encourage greater State development of a coordinated urban and rural highway system, with special recognition of the needs for mass transportation facilities in urban areas. No specific implementation action as yet.

XXX. Eligibility of State legislative agencies for Federal research grants

Recommends the issuance of an appropriate communication from the President to departments and agencies setting forth criteria under which State legislative committees and agencies should and should not be admitted as eligible competitors for Federal research grants. Implemented by Bureau of the Budget memorandum dated December 22, 1969.

PENDING FEDERAL LEGISLATION

The thirty-one Advisory Commission recommendations now pending before Congress are contained in the following bills:

The Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 (S. 1, Muskie et al.; and H.R. 4578, Fulton; H.R. 6053, Teague of Texas; and H.R. 12902, Thompson, New Jersey). This measure would provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs and establish uniform and equitable Federal land acquisition policies. These provisions would carry out the major recommendations for a uniform relocation policy for all Federal programs in *Relocation: Unequal Treatment of People and Businesses Displaced by Government*, January 1965. (Passed by the Senate; hearings held by House Committee on Public Works.)

The Intergovernmental Cooperation Act of 1969 (S. 2470, Muskie) has been reported favorably by the Senate Subcommittee on Intergovernmental Relations. Hearings have been completed on a companion bill in the House (H.R. 7366, Fountain, et al.). These measures are designed to build on the Intergovernmental Cooperation Act of 1968 by providing for joint funding; simplification of accounting, auditing and reporting procedures; consolidation of Federal aid programs; and strengthened Congressional oversight of Federal aid. The Senate Subcommittee deleted the grant consolidation title in S. 2479, and approved the Administration's grant consolidation measure (S. 2035) which closely parallels the ACIR proposal. The bill authorizes the President to propose consolidation of Federal grant programs which would go into effect unless vetoed by Congress. These measures implement several of the Commission's recommendations in *Fiscal Balance in the American Federal System*, October 1967, and one basic proposal advanced in the earlier ACIR report on *Periodic Congressional Reassessment of Grants-in-Aid to State and Local Governments* (June 1961).

The Intergovernmental Revenue Act of 1969 (S. 2483, Muskie and Goodell and H.R. 13353, Roth). This measure is designed to permit State and local governments greater fiscal flexibility and to enhance fiscal cooperation between the Federal government and States and localities. Senate hearings on this bill have been completed. The bill would give States access to a prime revenue source—the Federal income tax—and encourage States to make more intensive use of State personal income taxes. A specified amount of Federal revenue would be diverted annually into a trust fund for subsequent redistribution to State and local governments on a per capita basis adjusted for tax effort. Also, the bill provides that taxpayers would be allowed a partial credit against their Federal income tax liability for any State and local income taxes they have paid in order to offset the deterrent effect of heavy federal income taxes upon State and local use of this tax.

Other provisions would (1) authorize the U.S. Treasury to collect State personal income taxes under mutually agreeable terms; (2) enlarge and restructure the Federal tax credit for State death tax payments, provided a State adopts an "estate-type" tax—thereby simplifying taxpayer compliance—and increases its death tax rates so as to capture an amount equivalent to the enlarged Federal tax credit; and (3) permit States and their localities to tax the personal property of private individuals located in enclaves under exclusive Federal jurisdictions, provided a designated Federal agency certified that all persons residing in such Federal enclaves enjoy the same rights and privileges accorded other residents of the State.

Title I of this bill would implement a major recommendation made by the Commission in *Fiscal Balance in the American Federal System*, October 1967. Title II incorporates the partial tax credit proposal advanced in *Federal-State Coordination of Personal Income Taxes*, October 1965. Title III, which authorizes Treasury collection of State income taxes, implements another recommendation advanced in the same report. The restructuring of Federal credits for State death tax payments, proposed in Title IV, would carry out a recommendation made in the Commission's report, *Coordination of State and Federal Inheritance, Estate, and Gift Taxes*, January 1961. The proposed amendment to the Buck Act, found in Title V, seeks to implement a policy objective advanced in *State and Local Taxation of Privately Owned Property Located on Federal Areas*, June 1961, and reaffirmed in 1965 by the Commission.

The Balanced Urbanization Policy and Planning Act of 1969 (H.R. 13217, Dwyer and Fountain). This measure incorporates certain recommendations contained in *Urban and Rural America: Policies for Future Growth*, April 1968, and *Fiscal Balance in the American Federal System*, October 1967. The four-title bill would (1) provide for the development of a national policy on urban growth; (2) establish a system for Federal financial support of comprehensive planning, replacing section 701 of the Housing Act of 1954, as amended; and (3) apply a uniform definition of comprehensive planning and a coordinated approach to functional planning conforming requirements for grant programs.

The proposed legislation cleans up and consolidates into a single bill all of the comprehensive planning requirements now attached to many of the Federal aid programs as well as several functional planning provisions. Responsibility for developing a national urbanization policy would be assigned to the Executive Office of the President and an annual urbanization report to the Congress and the country would be required. A companion bill was included in the Senate (S. 3228, Muskie).

The Interstate Taxation Act (S. 2804, Magnuson et al.) deals with State business taxes as they apply to interstate firms. This bill grants Congressional consent to the "Multistate Tax Compact" which is designed to facilitate consistency in State tax treatment of such firms. Eighteen States have already enacted the compact. Interstate firms doing business in these States now have the option of using the three-factor formula proposed by the National Commission on Uniform State Laws (property, payroll and sales) for apportioning multistate corporate income for State tax purposes.

Under the terms of the bill, all States would be required to offer the same option beginning July 1, 1971, whether or not the State has joined the compact. This bill is a counter-proposal to the House-passed bill (H.R. 7906) that would define State taxing jurisdictions with respect to interstate firms and set an upper limit on the amount of income attributable to business done in the States on the basis of a two-factor (property and payroll) formula. In many other major respects S. 2804 and H.R. 7906 are similar. S. 2804 seeks to carry out proposals adopted by the Advisory Commission in 1966 to reconcile two competing national objectives—the need to minimize State impediments to the free flow of interstate commerce while maximizing State discretion in tax policy matters.

Amendment to the *Elementary and Secondary Education Act* (H.R. 514, Perkins; and S. 2451, Pell). The legislation contemplates consolidation of several separate Federal categorical aids for education. The consolidations would implement a recommendation in *Fiscal Balance in the American Federal System*, October 1967, which noted that the rapid expansion in a number of grants has contributed to functional fragmentation of State and local governments.

The pooling of separate grants for the administration of two or more educational programs into a consolidated grant, as proposed in E. 2451, represents a constructive extension of the consolidation idea into the field of grant program administration. By allowing the States greater flexibility and simplicity in administering education grants, the bill would permit State educational agencies to attune their efforts more fully to the pursuit of educational objectives.

The Urban and Rural Development Act—in draft form ready for Congressional introduction. This measure would provide assistance and incentives for urban growth and economic development in conformance with national urbanization policy through:

Incentives for business or industrial location;

Assistance for low-income persons in labor-surplus areas seeking to find employment in designated urban growth areas;

Additional loan and grant assistance to public agencies and loan and tax assistance to private developers to facilitate the assembly and improvement of land for large-scale urban and new community development; and

A Federal urban land acquisition and improvement program to encourage the building of new communities.

The recommendations embodied in this bill come largely from *Urban and Rural America: Policies for Future Growth* (April 1968).

Water and Sewer Facilities Grant and Loan Consolidation Act—in draft form ready for Congressional introduction. This measure would provide for concentrating all direct grant and loan programs for water and sewer facilities and treatment works in two agen-

cies—HUD and Interior (Federal Water Pollution Control Administration). The approach taken is to assign HUD the responsibility for administering grants and loans for basic public water and sewer facilities. FWPCA would be given responsibility for all waste treatment works (including intercepting and outfall sewers). Authorizations for the Department of Agriculture and Economic Development Administration would be repealed or amended to ensure that they will have no grant and loan authority in these areas.

THE NATIONAL TIMBER CONSERVATION AND MANAGEMENT ACT

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include a letter.)

Mr. BARRETT. Mr. Speaker, the timber conservation and management bill, which I hope will be before the House very soon, is urgently needed for the achievement of our housing goals and the improvement of our urban environment. Today, as never before, there is concern and support for planning ahead for the things that affect our everyday life. The kind of environment that our people need and deserve includes many things—air and water pollution control, the elimination of slums, an urban policy including the development of new communities, and the provision of the public and private services needed in everyday life. One of the most basic elements in this drive was stated in the Housing Act of 1949 as the achievement, as soon as feasible, of a decent home and a suitable environment for every American family. The Housing Act of 1968 sharpened our focus by setting a goal of 26 million new units over the next 10 years. To accomplish this, we must double the current output of housing as soon as possible and maintain that accelerated rate for a full decade. To do this will mean a greatly increased consumption of lumber. This will have a tremendous impact on lumber demand, since homebuilding is the largest single user of lumber. Conversely, lumber is the most important single item used in housing and its price and availability will have much to do with the housing volume we can achieve and the price at which new homes can be offered.

The national timber conservation and management bill is one of the most important housing bills that we will have before us this year.

We have clear warning of the vital role which lumber plays in homebuilding from the shortage-plagued years following World War II and, more recently, the sharp increase in lumber prices last year when the annual rate of homebuilding briefly approached 2 million. The Congress and the administration are both committed to the achievement of an even higher rate of homebuilding—2.6 million—and the maintenance of that rate for many years. It is obvious that present practices will not provide that supply of lumber in spite of our ample timber supply, because we are using only part of those resources and we are not devoting sufficient effort to modern forest management techniques.

Mr. Speaker, if we are to improve the urban environment in which the great majority of our citizens live and in which decent housing is a basic element, it is essential that we enact the national timber management and conservation bill. If we fail to do this, we will find that when the stranglehold of tight money on homebuilding is relieved and housing starts increase, that we will be confronted with another serious problem—that of sharply inflated lumber prices and a shortage of timber management that will cripple our efforts to achieve our national housing goals.

Mr. Speaker, this bill has the thoughtful endorsement of the National Association of Housing and Redevelopment Officials which speaks for over 1,700 local public agencies dealing with housing and urban renewal. I am including at this point in the RECORD a letter in support of this bill from their president, Mr. Eneas J. Kane:

NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS,
February, 12, 1970.

Hon. WILLIAM L. BARRETT,
Chairman, Subcommittee on Housing, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. BARRETT: On June 4, our President William L. Rafsky submitted a statement in support of the National Timber Conservation and Management Act of 1969, now HR 12025. As the new President of NAHRO, I have today reaffirmed support of this legislation to John L. McMillan, Chairman of the Subcommittee on Forests. I bring this matter to your attention because of the relationship of this legislation to the achievement of national housing goals.

The National Association of Housing and Redevelopment Officials is composed of over 1700 local public agencies and 7000 individuals administering public housing, urban renewal and housing codes throughout the United States. Our particular interest in the pending legislation is that we recognize that it is integrally related to the achievement of the 10-year housing goals, particularly those for low and moderate income families, adopted by the Congress in 1968. The HUD Secretary has testified that the annual production of timber must be expanded by about 50 percent if the 10-year production goals are to be met.

We recognize that there is honest concern about the impact of using the national forests for increased timber yield. We know that the Subcommittee on Forests has given extensive attention to this question, and we are convinced by the testimony of the Secretary of Agriculture and the Chief Forester of the United States that adequate safeguards and an effective management system are now contained in the bill.

If the 10-year housing goals for the nation are to become a reality, there are a number of important elements that must be provided—an adequate timber supply is one of them. Adequate housing for low and moderate income families can no longer be delayed. We urge the approval of H.R. 12025.

Sincerely yours,

ENEAS J. KANE,
President.

METRO, FREEWAY ROUTES COMPARED

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, I would like to call to the attention of my colleagues the following item from the Washington Post, of February 15, 1970, concerning the displacement of businesses and homes by freeway and subway developments in the District of Columbia:

[From the Washington Post, Feb. 15, 1970]

METRO, FREEWAY ROUTES COMPARED

(By Jack Eisen)

WARRENTON, VA., February 14—The Metro subway line between Washington's Union Station and the Glenmont area north of Silver Spring will displace about the same number of businesses as the proposed North Central Freeway through part of the same corridor, participants in a Metro conference were told here today.

Disclosure of the figures provided a new ingredient in the Washington City Council deliberations over what route it will recommend to Congress for a road between the downtown area and suburban Maryland. Its action, required by the Highway Act of 1968, is scheduled for Tuesday night.

One of many objections raised by foes of the North Central route at a recent series of Council hearings was the extent of displacement. Many urged total dependence upon rail transit.

The D.C. highway department has estimated that the road within Washington would displace 223 housing units including 32 already acquired, plus 121 businesses.

At today's meeting, the Washington Metropolitan Area Transit Authority's real estate department reported that the entire Glenmont route—not just the section parallel to the freeway alignment—would displace about 56 dwelling units and 214 businesses.

Of these businesses, however, about 55 in downtown Washington already have been acquired and relocated, leaving about 159, the bulk of them apparently along the North Central corridor in both Washington and Montgomery County.

Directly comparable figures were not available here today.

The Glenmont route will begin at 12th and G Streets NW and will follow the Baltimore & Ohio Railroad tracks as far as Silver Spring.

R. Dana Wallace, deputy director of the highway department, said the road figure on displacements, includes a substantial number that overlap those in the Metro estimate and apparently would have to be removed even if the road were not built.

Washington City Councilwoman Margaret A. Haywood, an alternate Metro director, and Councilman Joseph P. Yeldell, the Metro board chairman, both said they would ask for clear figures before making their final decisions on the road.

Mr. Speaker, as the city of Washington embarks upon a program of monumental expansion of its transportation facilities, there is much discussion concerning the dislocation of housing, businesses, and public buildings by freeway and transit construction.

To alleviate some of this dislocation affected by freeway construction I am today reintroducing legislation, with cosponsorship of my colleagues, Mr. HOGAN of Maryland and Mr. BROYHILL of Virginia, which will authorize the District of Columbia to lease airspace above and below freeways within the District. I previously introduced this legislation in the 90th Congress in June 1967.

In a strictly limited sense, air rights legislation will merely promote public and private construction in airspace over, under, and adjacent to highways. In total impact, however, it represents a powerful tool for achieving a balanced accommodation of the city's transportation

and redevelopment needs. It can add, in effect, prime land to the city's tax base, increase space available for a wide range of facilities, particularly housing and enhance the appearance of many areas of Washington in keeping with its role as the Federal city.

It can be justified, of course, as a means of reducing the disruptive effects of freeway construction on the city and its residents. Though criticism of freeways is often greatly exaggerated, I recognize that much of the concern—shared by my constituents—has some basis in fact. To say so does no disservice to the District of Columbia Department of Highways, which is in the forefront in advocating air rights development. Indeed, if air rights construction served solely to make freeways compatible with a healthy urban environment—and I am convinced that it will—it will be fully justified on that basis alone. But I prefer, Mr. Speaker, to view air rights development in a positive light in that it represents a constructive realignment of our thinking in the direction of multiple use of what has become an increasingly costly and scarce resource—urban land.

The problems of cost and land scarcity are peculiarly aggravated, of course, in the District where Federal holdings limit usable and taxable space, and building restrictions further limit use of the space available. This is painfully true now and will become more so in the years ahead as increases in population and employment generate greater demand for new public and private construction, not to mention replacement of obsolete facilities.

Air rights construction can play an integral role, not as frosting on the cake but as part of the cake. Such multiple use can lower the cost of public facilities built in leased air space. Use of air space for commercial, industrial or residential purposes would help achieve the goal of greater private investment in our downtown areas.

New and more productive facilities, perhaps made more accessible by adjacent highway connections, could well go on the tax rolls at a rate much higher than that of what they replaced. Leasing to private interests would also represent another source of revenue to balance against higher costs involved in foundation and deck work over freeways. In sum, the result would be to recapture—for the public benefit—some of the immense amount of public investment in public facilities.

A more direct impact, of course, is on the lives of people. Air rights housing can relocate families displaced for freeway construction. We can legitimately hope that no family would be uprooted before replacement facilities were available. If this were the only result, this legislation would be fully justified. But this badly understates the potential of this bill. Air rights housing can accommodate more than the number displaced, besides furnishing open space and other amenities. The key again is multiple use of land. Whatever advances have and will be made in the construction industry, with new materials, greater prefabrication and improved on-site building techniques, the cost of urban land will remain the single major deterrent to large-scale economies. And with air rights on multiple use we have the opportunity to reduce what had been the irreducible minimum element of cost. How widely we can apply this approach in future years will depend on economics and new technology. Uses appropriate for one piece of airspace might be totally unsuited to another, for cost, planning, esthetic, or other reasons. What might be uneconomic today might be justified tomorrow by increased demand for space. Soils engineers are making progress in devising new ways to make possible construction of foundations on what was once considered marginally useful land.

A vital consideration in this legislation, in my judgment, is the potential for providing parking so as to combat the blighting effect of surface street congestion. Location of planned parking at strategic locations will mean that many cars entering the city will—in effect—never leave the freeway. This will hold most promise if the freeways and parking are viewed as coordinated elements of a transportation system including buses and rail rapid transit. Experience in other cities has shown that rail rapid transit, by attracting riders to public transportation creates increased demand for bus service. Thus we can expect the auto commuter to be served by bus or rail for downtown mobility provided he has a place to park.

In another vein, Mr. Speaker, cities indeed must be for people. They are works of man, and man has made much ugliness. But while I am an accredited, card-carrying conservationist with years of work in the field, I grow impatient with those who suggest that the works of man—his streets and his buildings—are inherently incapable of beauty and utility. I am convinced that multiple use of our city landscape can pay economic dividends, improve the lot of people, and create a vitality and diversity that will make the city a more satisfying place in which to live and work.

ROGERS URGES ADOPTION OF ANTIFORCED BUSING AMENDMENTS TO HEW APPROPRIATION BILL

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROGERS of Florida. Mr. Speaker, I urge my colleagues to approve the two amendments adopted by the Appropriations Committee in its consideration of the revised Labor–HEW appropriation bill which would prohibit the Department of Health, Education, and Welfare from withholding Federal funds from school districts to force busing and the closing of schools, and which would prohibit the use of Federal moneys to formulate or carry out any effort to abolish freedom-of-choice plans.

My colleagues will recall that in 1968 and again in 1969 this body adopted language in HEW appropriation bills which would prohibit the use of Federal funds for the forced busing of students, for the closing of schools or in opposition to the freedom of choice approach. Each time the other body succeeded in weakening the language of the House-passed bill.

The recent decision of the U.S. Supreme Court has caused turmoil and confusion in many of the schools in my State of Florida. Both black and white students alike are having to bear the burden of forced busing and the closing of schools.

I believe that these two amendments adopted by the Appropriations Committee provide a sensible approach to solving the problems that face many of our schools and I urge my colleagues to keep these amendments in the bill when it is considered on the floor.

LITHUANIAN LIBERATION

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, today is the 52d anniversary of the Declaration of Independence of Lithuania. It is a day that the House of Representatives sets aside in order to demonstrate its support for the liberation of this wonderful land. All of us in America should take the time to look at our free society and note how many countries of the world are exploited by a totalitarian regime. We should not remain apathetic to the plight of Lithuania or the other countries that were overrun by the Soviets. I support House Concurrent Resolution 416 and I know all of my colleagues who cherish liberty and democracy will do the same.

There are tens of thousands of American Lithuanians in the United States who have helped to make our country strong and prosperous. These people have families and loved ones who can attest to the killings and horrors of life under a Soviet regime. I hope none of us in this body will be so callous to the cause of justice, as to sit back and say we do not care if lives are snuffed out and freedom trampled.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HENDERSON (at the request of Mr. JONES of North Carolina), for February 16 and 17, on account of illness.

Mr. CHARLES H. WILSON (at the request of Mr. HOLIFIELD), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WHALEN) to revise and extend their remarks and to include extraneous matter:)

Mr. RHODES, for 10 minutes, today.

Mr. SAYLOR, for 10 minutes today.

Mr. POFF, for 5 minutes, today.

Mr. BUSH, for 10 minutes, today.

Mr. BUCHANAN, for 1 hour, on February 24.

(The following Members (at the request of Mr. BIAGGI) to revise and extend their remarks and to include extraneous matter:)

Mr. ROONEY of New York, for 15 minutes, today.

Mr. FARBSTEIN, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. ADDABBO, for 30 minutes, on February 18.

Mr. CONYERS, for 60 minutes, on February 19.

Mr. NEDZI, for 60 minutes, on February 24.

Mr. KOCH, for 60 minutes, on February 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HALL and to include pertinent material.

Mr. DONOHUE to revise and extend his remarks made today on H.R. 15062.

Mr. FULTON of Pennsylvania and to include a questionnaire and letter of information, as official business.

Mr. GROSS to revise and extend his remarks made today in connection with Senate Concurrent Resolution 33.

(The following Members (at the request of Mr. WHALEN) and to include extraneous matter:)

Mr. HORTON in two instances.
Mr. WINN.
Mr. MCCLURE.
Mr. MCDONALD of Michigan.
Mr. STEIGER of Wisconsin.
Mr. WHALEN.
Mr. BURKE of Florida.
Mr. RAILSBACK in two instances.
Mr. ZWACH.
Mr. WYMAN in two instances.
Mrs. DWYER in three instances.
Mr. FISH.
Mr. SCHERLE.
Mr. BOW.
Mr. BROWN of Ohio.
Mr. SMITH of New York.
Mr. BUCHANAN.
Mr. DON H. CLAUSEN in two instances.
Mr. BROYHILL of Virginia.
Mr. POLLOCK.
Mr. LUKENS in two instances.
Mr. REID of New York.
Mr. BOB WILSON.
Mr. BRAY in two instances.
Mr. COLLINS in five instances.
Mr. DICKINSON.
Mr. MIZELL in two instances.
Mr. DERWINSKI in two instances.

(The following Members (at the request of Mr. BIAGGI) and to include extraneous material:)

Mr. JACOBS in two instances.
Mr. FOLEY in five instances.
Mr. BOLAND in three instances.
Mr. RODINO in two instances.
Mr. EILBERG.
Mr. THOMPSON of New Jersey in three instances.
Mr. NATCHER.
Mr. SCHEUER in two instances.
Mr. HOWARD.
Mr. EVINS of Tennessee.
Mr. MATSUNAGA.
Mr. KASTENMEIER.
Mr. MURPHY of Illinois in two instances.
Mr. HICKS in two instances.
Mr. DANIEL of Virginia in two instances.
Mr. RARICK in three instances.
Mr. STEPHENS in two instances.
Mr. BARING.
Mr. STEED.
Mr. WALDIE.
Mr. ROYBAL in six instances.
Mr. PATTEN.
Mr. POWELL in two instances.
Mr. LEGGETT.
Mr. BINGHAM.
Mr. STOKES.
Mr. WOLFF in four instances.
Mr. HELSTOSKI in four instances.
Mr. FRIEDEL in two instances.
Mr. GONZALEZ.
Mr. HANNA in two instances.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on February 16, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9485. An act to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band; and

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities, and for other purposes.

ADJOURNMENT

Mr. BIAGGI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 18, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1653. A letter from the Governor of the Farm Credit Administration, transmitting the 36th annual report of the Administration on the activities of the cooperative farm credit system, including the report of the Federal Farm Credit Board, for the fiscal year ended June 30, 1969, pursuant to the provisions of section 3, Federal Farm Loan Act, as amended; section 4, Agricultural Marketing Act, as amended; section 6, Farm Credit Act of 1953; and Executive order of March 27, 1933 (H. Doc. No. 91–243); to the Committee on Agriculture and ordered to be printed, with illustrations.

1654. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting information relative to section 401 of the Second Supplemental Appropriations Act of 1969 which establishes a limitation on budget outlays in the fiscal year 1970, and notification that the regular report will be submitted as of March 31, 1970, pursuant to the provision of Public Law 91–47; to the Committee on Appropriations.

1655. A letter from the Deputy Secretary of Defense, transmitting a report of sales or transfers of Government-owned communications facilities in Alaska for the calendar year 1969, pursuant to the provisions of Public Law 90–135; to the Committee on Armed Services.

1656. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of Surinam type metallurgical grade bauxite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

1657. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

1658. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of certain projects proposed to be undertaken for the Army Reserve; to the Committee on Armed Services.

1659. A letter from the Acting Deputy Chief of Naval Material (Procurement and Production), Department of the Navy, transmitting the semiannual report of research and development procurement actions of $50,000 and over, for the period July 1-December 31, 1969, pursuant to the provisions of 10 U.S.C. 2357; to the Committee on Armed Services.

1660. A letter from the Comptroller General of the United States, transmitting a report on the allowances for independent research and development costs in negotiated contracts—issues and alternatives, Department of Defense, National Aeronautics and Space Administration, and Atomic Energy Commission; to the Committee on Government Operations.

1661. A letter from the Attorney General, transmitting a draft of proposed legislation to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Tennessee:

H.R. 15932. A bill to require the Secretary of Agriculture to make advance payments to producers under the feed grain program; to the Committee on Agriculture.

By Mr. BRADEMAS (for himself, Mr. SCHEUER, Mr. REID of New York, Mr. HANSEN of Idaho, Mr. DANIELS of New Jersey, Mr. ESCH, Mr. BURTON of California, Mr. GUDE, Mr. POWELL, Mr. WYDLER, Mr. EDWARDS of California, Mr. CORMAN, Mrs. CHISHOLM, Mr. FRASER, Mr. GALIFIANAKIS, Mr. GIBBONS, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HOLIFIELD, Mr. LEGGETT, Mr. MURPHY of New York, Mr. PREYER of North Carolina, and Mr. PRICE of Illinois):

H.R. 15933. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. SCHEUER, Mr. REID of New York, Mr. HANSEN of Idaho, Mr. VANIK, Mr. YATRON, Mr. RODINO, Mr. ROSENTHAL, Mr. DULSKI, and Mr. ROE):

H.R. 15934. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. BROTZMAN:

H.R. 15935. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 15936. A bill to establish a roll of honor for American inventors, and for other purposes; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 15937. A bill to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 15938. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. CORMAN:

H.R. 15939. A bill to amend section 2039 of the Internal Revenue Code of 1954 (relating to estate tax treatment of annuities); to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. PELLY, Mr. MURPHY of New York, Mr. GROVER, Mr. KARTH, Mr. POLLOCK, Mr. ANNUNZIO, Mr. FREY, Mr. OBEY, Mr. NEDZI, and Mr. MOSS):

H.R. 15940. A bill to provide for advance notice to the Secretary of the Interior and certain State agencies before the beginning of any Federal program involving the use of pesticides or other chemicals to eradicate or control animal or plant pests, and for other purposes; to the Committee on Agriculture.

By Mr. DULSKI:

H.R. 15941. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 15942. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the distribution of certain surplus Federal property to certain organizations which provide for the education and recreation of young boys and girls; to the Committee on Government Operations.

By Mr. FOLEY:

H.R. 15943. A bill to amend section 213 of the Flood Control Act of 1965; to the Committee on Public Works.

By Mr. FULTON of Tennessee:

H.R. 15944. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ (for himself, Mr. MAILLIARD, Mrs. SULLIVAN, Mr. CLARK, Mr. LENNON, and Mr. DOWNING):

H.R. 15945. A bill to authorize appropriations for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. LEGGETT:

H.R. 15946. A bill to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems; to the Committee on Interior and Insular Affairs.

By Mr. McCULLOCH (for himself, Mr. GERALD R. FORD, Mr. MACGREGOR, Mr. MCCLORY, Mr. POFF, and Mr. HUTCHINSON):

H.R. 15947. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 15948. A bill to provide that the health regulations of the District of Columbia shall extend to the restaurants of the U.S. Senate and the House of Representatives; to the Committee on the District of Columbia.

By Mr. PEPPER:

H.R. 15949. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal year, and for other purposes; to the Committee on the Judiciary.

H.R. 15950. A bill to amend title 38 of the United States Code to provide that any statutory increase in social security benefits enacted after November 1969 may not be taken into account for purposes of determining entitlement to, or the amount of, veterans' pensions, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. POLLOCK:

H.R. 15951. A bill to amend the Fish and Wildlife Act of 1956 to authorize loans to fishermen's cooperative associations; to the Committee on Merchant Marine and Fisheries.

H.R. 15952. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PUCINSKI:

H.R. 15953. A bill to amend the Internal Revenue Code of 1954 to provide credit against income tax for an employer who employs older persons in his trade or business; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 15954. A bill to establish a Commission on Population Growth and the American Future; to the Committee on Government Operations.

By Mr. REID of New York:

H.R. 15955. A bill to amend the Federal Power Act in order to provide for a national powerplant siting study and a national powerplant siting plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES:

H.R. 15956. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce; to the Committee on the Judiciary.

By Mr. ROBISON (for himself and Mr. SAYLOR):

H.R. 15957. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROGERS of Florida (by request):

H.R. 15958. A bill to amend title 38 of the United States Code to provide veterans' benefits to individuals who served as contract medical or dental personnel with the Armed Forces during World War I or any period of war thereafter; to the Committee on Veterans' Affairs.

By Mr. SCHEUER (for himself, Mr. BURKE of Florida, Mr. BUTTON, Mrs. CHISHOLM, Mr. HALPERN, Mr. HELSTOSKI, Mr. MIKVA, Mr. OTTINGER, Mr. PODELL, Mr. POWELL, Mr. REUSS, Mr. TIERNAN, and Mr. WALDIE):

H.R. 15959. A bill to help prevent pollution which is caused by litter composed of soft drink, beer, and alcohol containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter, by imposing a tax on such containers (subject to refund in certain cases) when they are filled and sold on a no-deposit, no-return basis; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 15960. A bill to amend and improve the Public Health Service Act to aid in the development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and areawide level, promoting research and demonstrations relating to health care delivery, encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems, enlarging the scope of the national health survey, facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15961. A bill to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet the licensing requirements of this section; to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES (for himself, Mr. OTTINGER, Mrs. MINK, Mr. CLEVELAND, Mr. HECHLER of West Virginia, Mr. BINGHAM, Mr. POWELL, Mr. BROWN of California, Mr. COUGHLIN, Mr. MIKVA, Mr. WOLFF, Mr. MURPHY of New York, Mr. DADDARIO, Mr. RYAN, and Mr. PODELL):

H.R. 15962. A bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

By Mr. STOKES (for himself, Mr. JACOBS, Mr. SANDMAN, Mr. BUTTON, Mr. BURTON of California, Mr. ALEXANDER, Mr. HELSTOSKI, Mr. O'NEILL of Massachusetts, Mr. WILLIAM D. FORD, Mr. EILBERG, Mr. FEIGHAN, and Mr. DULSKI):

H.R. 15963. A bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

By Mr. TALCOTT:

H.R. 15964. A bill to require disclosure of political campaign financing in the District of Columbia; to the Committee on the District of Columbia.

H.R. 15965. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 15966. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 15967. A bill to provide for advance notice to the Secretary of the Interior and certain State agencies before the beginning

of any Federal program involving the use of pesticides or other chemicals to eradicate or control animal or plant pests, and for other purposes; to the Committee on Agriculture.

By Mr. WALDIE:

H.R. 15968. A bill to assist the State in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provison of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.R. 15969. A bill to be known as the Pollution Abatement Act of 1970, to establish the National Environmental Control Commission as an independent agency of the government, and to vest in that Commission jurisdiction over environmental pollution programs; to the Committee on Government Operations.

By Mr. ZWACH:

H.R. 15970. A bill to amend the Federal Meat Inspection Act to give any State an additional year to develop and enforce an effective inspection program for meat and meat food products that are distributed wholly within such State, and for other purposes; to the Committee on Agriculture.

By Mrs. GREEN of Oregon:

H.R. 15971. A bill to amend the Fair Labor Standards Act of 1938 in order to require equal pay for equal work to individuals of both sexes in professional, executive and administrative positions; to the Committee on Education and Labor.

By Mr. GUDE (for himself, Mr. HOGAN, and Mr. BROYHILL of Virginia):

H.R. 15972. A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. PUCINSKI:

H.R. 15973. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 with respect to the terms of office of officers of local labor organizations; to the Committee on Education and Labor.

By Mr. TIERNAN:

H.R. 15974. A bill to amend the Watershed Protection and Flood Prevention Act of 1954, as amended; to the Committee on Agriculture.

By Mr. BROCK:

H.J. Res. 1083. Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice in attending public schools; to the Committee on the Judiciary.

By Mr. CORMAN:

H. Con. Res. 507. Concurrent resolution expressing the sense of the Congress with respect to the establishment of United Nations Day as a permanent international holiday; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself and Mr. BRADEMAS):

H. Con. Res. 508. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RARICK:

H. Con. Res. 509. Concurrent resolution expressing the sense of Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights, including genocide, in the Soviet-occupied Lithuania on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. FRIEDEL:

H. Res. 839. Resolution providing additional compensation for services performed by certain employees in the House Publications Distribution Service; to the Committee on House Administration.

By Mrs. GREEN of Oregon (for herself, Mr. AYRES, Mr. GIAIMO, Mr. QUIE, Mr. ROSTENKOWSKI, Mr. MICHEL, Mr. SMITH of Iowa, Mr. ANDERSON of Illinois, Mr. WAGGONNER, Mr. ERLENBORN, and Mr. STRATTON):

H. Res. 840. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISH:

H.R. 15975. A bill for the relief of Nguyen Van Nam; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 15976. A bill for the relief of Arie Aviv (also known as Arie Abramovich); to the Committee on the Judiciary.

H.R. 15977. A bill for the relief of Hemayack Meghrigian; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

303. By the SPEAKER: A memorial of the Legislature of the State of South Dakota, relative to banning the use of DDT and other similar harmful products; to the Committee on Agriculture.

304. Also, a memorial of the Legislature of the State of South Dakota, relative to issuing currency depicting the Mount Rushmore National Memorial; to the Committee on Banking and Currency.

305. Also, a memorial of the Legislature of the State of Tennessee, relative to repeal of the Gun Control Act of 1968; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

395. The SPEAKER presented a petition of Ohio Bell, Chicago, Ill., relative to redress of grievances, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PRESIDENT NIXON'S BUDGET FOR FISCAL 1971

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. HALL. Mr. Speaker, in a speech before the National Agricultural Outlook Conference held in Washington, D.C., yesterday morning, Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy, chose as his subject, "The Fiscal Outlook for 1970–1971."

Mr. Weidenbaum offers an enlightening and succinct discussion of President Nixon's new budget for the fiscal year, 1971, and its effect on rearranging our national priorities for the decade of the 1970's.

Mr. Weidenbaum's speech follows:

REMARKS OF THE HONORABLE MURRAY L. WEIDENBAUM, ASSISTANT SECRETARY OF THE TREASURY FOR ECONOMIC POLICY, BEFORE THE NATIONAL AGRICULTURAL OUTLOOK CONFERENCE, WASHINGTON, D.C., FEBRUARY 6, 1970

CHANGING PRIORITIES FOR THE 1970'S

President Nixon's new budget for the fiscal year 1971 is a clear and specific indicator of the Administration's determination to maintain a noninflationary fiscal policy for the year ahead. But the new budget is more than that; it also is a major step toward rearranging our national priorities for the decade of the Seventies. I would like to explain both of these points this morning.

THE FISCAL OUTLOOK FOR 1970–1971

From the viewpoint of short-term economic stabilization, the thrust of the fiscal year 1971 and budget is quite clear. To the $3.2 billion surplus achieved in fiscal 1969 and to the $1.5 billion surplus we anticipated in the current fiscal year, it is our determination to add a third year of modest excess of income over governmental outgo—a 1971 surplus of $1.3 billion.

Given the economic environment that we anticipate, I believe that such modest budget surpluses are the order of the day. The maintenance of a budget surplus is a clear signal to the money markets, private investors, and other sectors of the economy that the Federal Government is continuing to press its anti-inflationary effort. I believe that any planned deficit, no matter how small, would have weakened that impact. In contrast, too large an anticipated surplus could set in motion strong deflationary forces. It also is noteworthy that these surpluses are being achieved by restraining public sector demand, rather than through new or increased taxes.

The budget has been prepared on the basis of a set of economic assumptions for 1970 which we consider quite reasonable. Actually, our estimates of GNP ($985 billion), personal income ($800 billion), and corporate profits ($89 billion) are all close to the midpoint of the range of forecasts made by experienced private economists and financial analysts.

We have projected the Gross National Product in the calendar year 1970 at a five and a half percent increase over 1969. This clearly represents an intent to achieve a temporary slowdown in the growth pattern of the economy for 1970, a slowdown necessary to achieve a substantial reduction in inflationary pressures before the economy returns to high employment growth at relatively stable prices.

No official quarterly pattern of GNP in 1970 has been released. Obviously, more than one such pattern would be consistent with the $985 billion figure. The pattern that I personally prefer shows real GNP relatively flat in the first half of the year, followed by an upturn in the second half. As you know, one of the favorite new parlor games in Washington, at least among economists, is to debate the significance of the fraction of one percent decline in the real GNP in the fourth quarter of 1969. It is hard for me to view this as any thunderous or precipitous decline. In fact—as I said in a public statement three months ago—I do not measure major swings in economic activity by such fine percentages. That is, a decrease of several tenths of one percent in the real Gross National Product really means a period of no growth. I would make the same state-

ment about a reported rise of several tenths of one percent in real GNP.

Incidentally, despite a lot of third party statements to the contrary, the Treasury economics staff has not been able to discover of Economic Research that it mechanically any pronouncement by the National Bureau of Economic Research that it mechanically measures a recession by two or more quarters of negative real growth, no matter how small, in the GNP or in any other single statistical series. The Bureau uses three broad criteria in characterizing a phrase of a business cycle: (1) its duration, (2) its amplitude of change, and (3) its scope or degree of involvement among economic sectors.

Looking beyond the outlook for the coming year, I believe that it is particularly significant that this year's Federal Budget, as well as the Economic Report, contains projections beyond the budget year, through the period ending in 1975. This Administration believes that such a forward look is necessary for more informed and enlightened decisions on national priorities.

CHANGING FEDERAL PRIORITIES

The Federal Budget for 1971 provides a good guide as to the changing priorities of the Federal Government. Rather than repeating the rhetoric usually contained in such documents (thankfully, this year it is kept to a minimum), let us see where the money is going.

Last year, as in every year since the Korean War, the largest category in the Federal Budget was national defense. In the 1971 budget, in contrast, the largest share of the budget goes to a civilian sector, specifically to human resource programs (which includes education, health, welfare, veterans, and manpower projects). The shift is quite dramatic—in 1969, 44 percent of the budget went to defense and 34 percent to human resources; in 1971, we come close to reversing the relationship—41 percent to these civilian investments in people and 37 percent to military programs.

Only in part does this shift represent our winding down of our direct participation in the Vietnam War. The trend we are reversing is a longer-term trend than that. A decade ago, in 1961, national defense received a larger share (48 percent) of the Federal Budget than is either contemplated for 1971 or actually was spent in 1969.

The anticipated $7.7 billion reduction in military outlays between 1969 and 1971 is the largest area of cutback, but by no means the only one. Space exploration spending is down by over $800 million in the same period, and foreign aid is about $200 million lower.

Other reductions or eliminations occur in lower priority areas throughout the budget. The President proposes to eliminate the operation of the nuclear ship Savannah, to close down the NASA Electronics Research Center, to sell the Alaska Railroad to private owners, to sell off over $750 million worth of surplus commodities from our stockpile of strategic and critical materials, and so forth.

The areas of increased and, hence of higher priority, in addition to human resource programs previously mentioned, are quite noteworthy. Programs to improve the environment, such as control of air and water pollution and more parks and open spaces, expand by over 50 percent in two years, rising from $785 million in 1969 to a recommended $1.1 billion in 1971. The 1971 figure represents a more than fivefold increase from a decade ago.

Outlays for crime reduction also represent an area of substantial growth in the Federal Budget and, hence, of increased priority. Expenditures in this area almost double in a two-year period, rising from $658 million in 1969 to $1.3 billion in 1971.

Another important, but less dramatic change in the Federal sector is the trend toward decentralizing the actual operation of public programs. This can be seen most clearly when we examine two separate but related items—(1) the personnel of Federal agencies and (2) financial assistance to state and local governments.

The 1971 budget proposes to continue the reduction in direct Federal employment begun last year. From a total of 2,633,762 full-time permanent civilian employees in the Executive Branch as of June 1969, we now estimate that the total will be 2,602,800 at the end of June 1970, and down to 2,597,200 by June 1971.

In contrast, Federal financial aid to state and local governments will be rising during this same period, to help our states, cities, and counties to carry out programs of national significance.

The estimated total of $28 billion of Federal aid to state and local governments in 1971 is an almost fourfold increase since 1961. Moreover, the 1971 funding represents more than an increase in dollars. It contains what we believe to be an important qualitative innovation in Federal-state-local fiscal relations. What I have in mind here is a start on our new program of Federal revenue sharing with state and local governments.

We are well aware of the adverse side-effects that too often accompany existing programs of grants-in-aid. Revenue sharing, which will be in addition to existing grant programs, is designed to decentralize not only the expenditure of Federal funds but the actual decision-making as to the way the funds will be spent. Our revenue-sharing program provides for priorities to be set by each state and local government, rather than here in Washington.

Let me emphasize that these shifts in priorities have not come about the easy way, by merely realigning expenditures in a rapidly expanding budget. Rather, this Administration has taken the more difficult but, we earnestly believe, the more responsible and necessary approach of rearranging relative program priorities within an almost constant budget total. Specifically, during the year 1969–71, total budget outlays are estimated to increase about 2 percent a year, or less than the near-term expected rise in the price level. This overall restraint in government spending is necessary in reconciling our two-fold considerations of promoting short-term economic stabilization and long-term growth and welfare.

Let me end by noting the positive outcome we expect from the responsible pursuit of both objectives. Our short-term effort of fiscal restraint should, as we see it, make possible a long-term sustained period of substantial growth of income, employment, and living standards. On the basis of our projection of a $1.4 trillion GNP in 1975, the current Federal tax structure would yield $266 billion in revenues in that year. Even after making full allowance for the future costs of current programs plus the new efforts recommended by the President, we estimate that there will be an additional $22 billion available to finance new program initiatives in 1975. Those are the rather pleasant prospects of an enlightened and responsible fiscal policy. It may not suffice for all that we may wish to do, but it provides the opportunity for a good start.

SUMMARY

These, then, are the economic highlights of the Federal fiscal outlook:

1. The maintenance of budget surpluses in the fiscal years 1969, 1970, and 1971 is a clear signal to the money markets, private investors, and other sectors of the economy that the Administration is continuing to press the anti-inflation effort.

2. I do not measure major swings in economic activity by such fine percentages as a fraction of one percent of GNP. On this basis, I expect real GNP to be relatively flat in the first half of 1970, followed by an upturn in the second half.

3. The 1971 budget signals a fundamental reorientation in the composition of the Federal Budget—from military to civilian programs. The largest single share—41 percent—is devoted to investments in human resources, up from 34 percent in 1969 and 30 percent in 1961.

4. In striking contrast, the military portion of Federal outlays is being reduced from 44 percent in 1969 (48 percent in 1961) to 37 percent in 1971. The role of the military in our society as a whole and in the public sector specifically is being reduced substantially.

5. In addition to human resources (such as education, health, welfare), other areas of high priority and hence of rapid Federal expenditure increases are improving the environment—up over 50 percent between 1969 and 1971—and crime reduction—a twofold increase during the same period.

6. Another important change is the trend toward decentralization of the Federal sector. This can best be seen by the modest reductions in direct Federal employment and the substantial expansion in Federal financial assistance to state and local governments (e.g., revenue sharing).

7. These shifts in priorities have not come about the easy way, by merely realigning expenditures in a rapidly expanding budget. Rather, we have taken the more difficult but necessary approach to rearranging relative program priorities within an almost constant budget total.

8. To assist the Nation in setting future priorities, the 1971 budget makes the important departure of including long-term projections. On the basis of a $1.4 trillion economy in 1975, Federal revenue from existing taxes would be $266 billion. This would be $22 billion above the 1975 costs of existing programs plus Nixon Administration initiatives to date. This is not a forecast of any $22 billion surplus, but an indication of the long-term flexibility that can result from sensible short-term fiscal policies.

COLD WAR AGAINST NEW YORK

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. FISH. Mr. Speaker, during the recent Lincoln Day recess my colleague, DANIEL BUTTON, of New York, announced that he was introducing at least four resolutions to put an end to Defense Department practices relating to Federal employment, contract awards, and defense installations as they relate to New York State.

At that time Congressman BUTTON made what I feel is an excellent summation of the problems many of us have had with the Department of Defense in these matters and I would like to associate myself with Congressman BUTTON's statement which I present in full.

The statement follows:

Today I am announcing my intention to introduce at least four resolutions in the House to put an end to unacceptable practices by the Department of Defense in connection with Federal employment, contract awards, and defense installations in New York State.

In addition, I have written President Nixon asking him to set up a Blue-Ribbon Commission not limited to but charged with reviewing such practices of the Department. I have recommended to him that this Commission include representatives from the De-

partment, the two Senators from New York, and a bi-partisan representation from the state's Congressional delegation.

My most recent experience with Defense officials came in connection with efforts to keep informed about current "cutbacks," when I was unable to obtain needed information.

Fourteen hundred Federal employees were summarily dismissed in the last two months of 1969 at Stewart Air Force Base and Suffolk County Air Force Base.

All efforts to obtain information and to discuss humane alternative arrangements for these employees failed.

So far as I can determine, New York State and its citizens have been treated by the Department as if they were a foreign territory. Even its Congressional representatives, to this date, have not been able to hold a meeting with anyone in the Department responsible for this conduct.

My argument with the Department is over their miserable failure to handle situations involving Federal employees. Their total disregard for families and local economies—once they've decided to phase out an installation or make personnel cutbacks—is shocking.

New York has been suffering discrimination for at least a decade, under four different administrations. The facts convince me that it makes no difference who is President because the Pentagon has been waging a cold war against New York and her citizens to deprive us of a fair share of Federal defense employment and contracts.

In waging this cold war, the Defense Department has committed serious injustices against Federal employees, disregarding their rights to proper employment practices as provided by statute and regulation, and ignoring the fundamental right of their union representatives to be kept informed and able to protect the members.

For example, the American Federation of Government Employees, which represents the overwhelming majority of non-Postal Federal employees in New York, has been denied any adequate explanation or briefing, according to AFGE's President John F. Griner and National Vice-President Joseph D. Gleason. They assure me that they and AFGE's local unions in New York endorse my proposal and will cooperate fully in an investigation of defense employment practices.

The following table shows that during the ten-year period from 1960 through June, 1969 when the Department of Defense experienced a vast growth in personnel and funds throughout the country, New York actually lost one out of every three Federal employees working for the Department.

CIVILIAN EMPLOYMENT IN SELECTED STATES IN DEPARTMENT OF DEFENSE INSTALLATIONS (1960-69)

	New York	California	Illinois	Texas	Pennsylvania	Total for 5 States
Federal, DOD 1960	51,230	141,703	25,539	58,091	67,497	344,060
Federal, DOD 1969	33,476	179,412	33,585	78,346	72,970	397,689
Change in number of DOD positions (1960-69)	−17,754	+37,709	+8,046	+20,255	+5,473	+53,729
Percentage change (1960-69)	−34.6	+26.6	+31.5	+34.8	+8.1	+15.6

Let us look at still other figures. In California, for example, there is today one Defense Department employee for every 108 persons in the population. In Texas one employee for every 142 persons in the population. In Pennsylvania, one for every 161 persons and in Illinois one for every 352 persons.

How many are there in New York State?

One Federal employee working for the Defense Department for every 547 persons in our population.

When you consider the need for employment in New York, especially the lack of job opportunities for many of our citizens who are locked into the older, decaying, core cities of our State, these figures are an outrage and I wish to have an accounting for the massive discrimination against New York State which has produced this condition. Federal employment opportunities for our citizens could go a long way toward vastly improving social conditions in our state by providing the needed pay-rolls to stimulate self-reliance and job security.

But we are confronted with even worse. The preceding figures do not include the 1400 jobs lost because of the closing of Stewart and Suffolk County Air Force Bases. They do not reflect the cutbacks at Niagara Falls Army Support Center; the Naval Applied Science Laboratory; Fort Hamilton; Seneca Army Depot; and several other affected installations. They do not reflect the loss in employment in the last few months at the Watervliet Arsenal and the reductions in employment at Griffis Air Force Base.

Most significantly, we do not yet know the outcome of proposed retrenchment at Griffis Air Force Base. To me this is a test of the integrity of the Department's real attitude toward New York State for the future.

At issue particularly is the prospect that the Pentagon will transfer the Ground Electronics Engineering Installation Agency from Griffis to some other part of the country.

I am watching very carefully the situation at the Watervliet Arsenal. This is a unique installation, unlike any other arsenal in the United States and a crucial facility not only for the defense of the United States but also for the defense of its allies.

I do not propose here to enter into the important question of the development of modern weapons. But if the labor force and the experts assembled at Watervliet are sacrificed, then the role of New York State in the defense posture of this Country will continue to depreciate.

In September, 1969, Watervliet Arsenal had 3548 Federal employees working for the Defense Department. By the end of December 360 had been fired. It is now planned to dismiss another 366 by June. This means a loss of 726 jobs or 20% of total employment in less than nine months. I question the wisdom of a reduction of such significance in this most unusual, strategically important installation. Of course, I shall continue to review every proposed reduction at Watervliet Arsenal.

The four resolutions I am working on will be designed to end the cold war waged by the Department of Defense against Congress, against Federal employees, against local government officials, and against local communities.

One specifically designed to remedy this condition in New York State:

Calls for a Congressional inquiry into the employment and contract award policies of the Department of Defense (with specific reference to the question of whether New York State has received its fair share or has suffered discrimination).

Three other resolutions:

Seek to require the Department to notify affected Members of Congress at least 120 days in advance of any plans or intentions to close bases and installations or to transfer major units. Would also require immediate notice when a feasibility study (cost analysis) is undertaken on any military installation by the Department.

Require the Department to notify Congressmen and employee unions at least 120 days in advance of any plans for changes in the size and composition of the civilian Federal employee staffs, including changes requiring Federal civilian employees to relocate.

Require the Department to communicate directly with local government officials of all communities and state agencies which might be affected by any changes in the numbers of military personnel and of Federal civilian employees so that these local officials can have sufficient time to respond adequately. The Department would be required to notify these officials 120 days before final action.

In addition to these resolutions and my letter to President Nixon, I intend to discuss these matters with my Colleagues in the Post Office and Civil Service Committee of the House as they relate to Federal employment practices.

FEBRUARY 10, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am most disturbed by the fact that for several months the Congressional Representatives from New York have been unable to obtain timely information regarding Department of Defense policies and decisions affecting Federal employment and contracts in my state.

Following inquiries from my constituents who complained about current Department of Defense "cutbacks" in employment in New York, I, myself, immediately sought to meet with persons of responsibility in the Department of Defense. My efforts were fruitless.

Subsequently, I learned that other members of the New York Congressional delegation had similar experiences.

In the meantime, I have received further communications which cause me serious concern about the manner in which the Department of Defense has been dealing with residents of my state.

As just one example, fourteen hundred Federal employees, many with long years of service, were summarily dismissed in the two-month period just before Christmas at Stewart Air Force Base and Suffolk County Air Force Base.

All efforts by these employees, by their union representatives, and by myself and other Congressmen to obtain information and to discuss humane alternative arrangements for these employees failed.

In seeking to determine the causes of this kind of situation created by the Department of Defense, I was informed that its most recent conduct reflected a standing policy, at least a decade old, to discriminate against my state in defense contracts and defense employment.

As evidence, I received a table, which I am enclosing, showing that during the ten-year period, from 1960 through 1969, when the Department of Defense experienced a vast growth in personnel and funds throughout the country, New York lost one out of every three Federal employee positions in the Department of Defense.

In California, for example, there is today one Defense Department employee for every 108 persons in the population.

In Texas, there is one employee for every 142 inhabitants. In Pennsylvania, there is one for very 161 persons; and in Illinois, one for every 352 inhabitants.

How many are there in New York? In my state, as of last June, there was only one Federal employee working for the Department of Defense for every 547 persons in our population. Today, taking into account the recent "cutbacks," I estimate the figure to be closer to one for every 600 inhabitants.

In the light of this situation, and of the

recent experiences of our Congressional delegation, I am appealing to you personally to establish a Blue-Ribbon Commission to investigate these conditions, including the reasons for the obvious discrimination in Federal employment and contracts against New York.

In my opinion, it would be helpful if this Blue-Ribbon Commission included, among others, representatives from the Department of Defense, the two Senators from New York, and a bi-partisan membership selected from the Congressional delegation from my state.

I am sure that such a Blue-Ribbon Commission would soon discover the facts and submit recommendations which would correct the mistakes of the past. As for myself, I wish to assure you, Mr. President, that I shall cooperate with you and the Blue-Ribbon Commission to the fullest in improving the Federal personnel and contracting practices of the Department of Defense.

Sincerely,

DANIEL E. BUTTON,
Member of Congress.

NLRB BUDGET CUTS PUZZLING

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, one of the many peculiar aspects of President Nixon's new fiscal 1971 budget is the unexplained cut of some 113 positions in the National Labor Relations Board.

Such action is being taken at a time when Nixon administration economic and fiscal policies are certain to produce increased demands on the NLRB in carrying out its statutory functions in labor-management relations. Presently, the NLRB handles about 19,000 unfair labor practice cases annually, plus another 12,000 representation cases. In fact, President Nixon's own budget for fiscal 1971 states the view that the NLRB workload will be increasing during the year:

> Estimates for 1971 reflect an intake increase over 1970 of 5.4% for unfair labor practice cases and 1% for representation cases.

While the total budget request for NLRB shows a slight increase in funds, the cut in personnel requested by the Nixon administration would mean that further delays would likely occur in the processing of NLRB cases.

Mr. Speaker, an exhaustive inquiry by the Special Labor Subcommittee in 1968 showed the inordinate time that often takes place in cases involving unfair labor practice charges against employers.

Our report in December 1968, entitled "National Labor Relations Act Remedies: The Unfulfilled Promise," set forth the dimensions of this problem, using the J. P. Stevens case and other similar cases as examples of how antiunion employers, with the aid of local officials and community pressures, coupled with the cumbersome administrative delays of the Board and the courts, can effectively destroy legitimate trade union efforts.

Mr. Speaker, the proposed cutbacks in NLRB personnel can only have the effect of further delaying the administration of justice under the act in important cases that will further disrupt and endanger the labor-management relations climate in the United States. The Nixon administration must bear the full responsibility for the consequences of such shortsighted budgetary policies. At this point in my remarks, I include the text of an article by Mr. Mike Causey in "The Federal Diary," as carried in the Washington Post for February 14, 1970. The article is entitled "NLRB Staff Cuts May Delay Its Cases":

NLRB STAFF CUTS MAY DELAY ITS CASES

(By Mike Causey)

An upcoming staff cut at the National Labor Relations Board will mean a lengthening in the time it takes the federal middleman agency to resolve squabbles between labor and management.

The NLRB now spends anywhere from 30 days to a year in settling election arguments, contract disputes and allegations of unfair labor practices that crop up between unions and management, or employee and employer.

President Nixon's fiscal 1971 budget proposes a cut of about 113 positions, to 2,197 for the professionally oriented agency. Nobody can figure out exactly why. Other labor-oriented operations of government will be growing while NLRB shrinks.

Officials aren't sure whether they will have to fire people to meet the new ceiling, or if it can all be done through normal attrition. But they do believe that their workload will pile up, since they will have fewer employees to handle a growing workload.

NLRB gets almost 19,000 unfair labor practices charges a year, and another 12,000 representation cases. The unfair labor charges involve allegations that somebody—usually management—has hedged on a contract obligation or agreement. The representation cases can be from a union that asks for an election among employees to represent them, or from employees or management asking that a union be decertified because it no longer effectively represents a majority of workers.

About 90 per cent can, fortunately for NLRB, be resolved on an informal basis. That can happen when the agency gets union and management to agree to drop their complaint, or resolve it without making a federal case of the issue.

From 5 to 10 per cent of the complaints NLRB gets, officials say, must be handled through formal procedures that can take from 40 to 50 days. If all legal avenues and appeals routes are taken, the case can eat up nearly a year.

With no end of labor-management disputes in sight, and with fewer people to help out, NLRB predicts it will take longer to settle arguments. For union officials and employers who have a potential beef, the advice is to file early.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

POLLUTION SOLUTION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. ZWACH. Mr. Speaker, it appears that one of the big thrusts of the seventies will be the fight against pollution, the battle to preserve the quality of our environment.

Many people think of this as a massive, federally financed effort, but that is not necessarily the case.

Richard Higgin, a discerning weekly newspaper editor in our Minnesota Sixth Congressional District, wrote an editorial in his Lake Lillian Crier pointing out this misconception.

Mr. Higgin rightfully says that pollution is everyone's concern, that we cannot solve the problem at the Federal level until we first win the battle with the individual.

Mr. Speaker, under leave granted, I would like to insert Editor Higgin's editorial in the CONGRESSIONAL RECORD and commend its reading to my colleagues.

The editorial follows:

POLLUTION SOLUTION

Nope—I don't have it . . . a pollution solution, that is. If I did, I'd be in Washington, since nobody else has come up with it either. I just believe that more of us need to be concerned about it and working at it.

We, here in the rural areas, seem to be almost completely unconcerned about it. Actually, I don't think most of us realize just how desperate a situation it is becoming.

Last year when Kandiyohi Lake had problems, and when the state pollution agency hopped on the village of Cosmos in an effort to stop it from polluting the Crow River, a few people woke up—but for the most part many of us slumber on like Rip Van Winkle.

It isn't merely that a few rivers and lakes here and there have become polluted and the air in some of the larger cities has turned green with smog. Pollution is turning up everywhere in America, eating away at the vital parts of this great nation like a cancer.

You see it in the litter along the roads, on the sidewalks, in public places where people congregate. You see it in abandoned cars scattered everywhere. You find it in foul smells. It reappears evermore frequently in the desperate search by most municipalities for more dump grounds. It occurs in the death of birds, fish, game—due in part to pesticides and herbicides. We're wading ever-deeper in pollution of one kind or another.

A startling statistic (to me at least) was presented by Bob Erickson at the Conservation Symposium at Blomkest last week. He stated that every person, man, woman, and child produces an average of four pounds of garbage or rubbish each day—that's a total of 70 tons of garbage each day in Kandiyohi County. See what a problem it is?

Ted Shields said at the same meeting that we must determine in the 1970's how to lick this problem—by 1980 it will be too late. A sobering thought, indeed.

On top of that, he said that our minerals will not hold out at the rate we're using them. We must start re-cycling them.

Unfortunately, we're paying dearly for our modern conveniences. Our convenience packaging, for one thing, for the most part does not deteriorate and return to the soil and air, so the garbage keeps piling up while our resources run out.

We are going to have to learn how to reuse junk autos and other trash. Our sewage

plants will have to operate so that sludge is not poured into the rivers, but returned to the soil in the form of fertilizer. We cannot continue draining our water and top soil down the rivers to the Gulf of Mexico. If the fields must be drained, most of it will have to go to lakes or various ponds to keep the top soil here, and to allow the water to sink into the earth and replenish the water tables.

The angles are innumerable, and we must work at every one of them.

The causes are many. Modern conveniences, industrial methods, and over-population are certainly high on the list of causes. But one that is causing more damage than most others (and one that can be corrected) is what I call America's present-day socialist mentality.

We've had so many years of creeping socialism and we've gotten into the socialist mess so deeply that too many of us have the socialist mentality: "To heck with it. I'm just one unimportant person. I can't do anything. Why should I worry about litter and pollution. My little bit doesn't make any difference. I'm not responsible—let the government take care of it."

If we can free the American people from this destructive complex, the other causes of pollution will soon clear up, too.

TO ASSIST AMERICA'S FISHING INDUSTRY

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. POLLOCK. Mr. Speaker, today I have introduced two bills to assist America's fishing industry. The first bill would authorize the Secretary of the Interior to make loans to fishermen's cooperative associations. These loans could be used to finance the cost of purchasing and storing fish and shellfish or products; to provide operating capital; and to finance the acquisition by purchase or lease of land, buildings, and equipment used in connection with the storing, processing, and preparation for market of fish and fish products.

The second bill that I have introduced would authorize the Secretary of the Interior to make loans to insurance cooperatives of fishing vessel owners and operators for the purpose of providing marine insurance at lower rates. Such insurance would cover loss of or damage to commercial fishing vessels—including machinery, equipment, and gear—and injury or death of crew members. To effectuate this insurance program, $10 million would be appropriated to a revolving fund, known as the "fishermen's association insurance loan fund." With certain limitations, the Secretary of the Interior could then use the fund to make low interest loans to fishing associations. These restrictions include the following:

First, the amount of a loan could not exceed 50 percent of the capital and surplus of the association;

Second, loans could not be made for a period exceeding 10 years;

Third, interest rates could not be less than the average market rate on outstanding Treasury obligations plus a reasonable charge for administrative costs;

Fourth, to be eligible for a loan, the vessel under consideration must be owned by an American citizen, and the vessel owner must be a member of a fishing association.

Each of these bills is designed to assist fishing vessel owners and operators with problems that have proved especially onerous in recent years. Thus, for example, my first bill would enable fishermen to obtain loans more easily than ever before. Although both the Farmers Home Administration and the Small Business Administration are authorized to make loans to fishery establishments, such loans are often impossible to obtain because of the nature of particular operations.

The truth of this last statement is best illustrated by an example. Since oyster farming is considered an agricultural enterprise, a cooperative engaged in this type of farming can obtain a loan from the FHA. However, if the same cooperative wants to catch and sell shrimp in addition to harvesting oysters, then it is not eligible for an FHA loan, because shrimp fishing is not classified as an agricultural enterprise. By establishing a loan program especially designed to meet the needs of fishery cooperatives, my bill will bring much needed stability, economy, and efficiency to many segments of the fishing industry which have been plagued heretofore by lack of capital.

The second bill which I have introduced today was drafted in response to another problem confronting many fishermen in Alaska and elsewhere: the high cost of marine insurance. Again, the need for remedial legislation is best illustrated by an example. In my State of Alaska, insurance rates as high as 14 percent of total coverage are being charged for hull insurance. Recent investigations indicate that insurance rates are increasing in almost every area of marine insurance and in almost every region of the country. For this reason, I believe that Federal participation in in fishermen's insurance is necessary if the industry is to grow and prosper.

Mr. Speaker, I want to emphasize the urgent need for remedial legislation of the type that I have outlined today. America's fishing industry contributes a great deal to our society, both from a monetary and from a nutritional point of view. It would indeed be a national catastrophe if we in Congress were to neglect the needs tof the courageous and independent men who own and operate America's fishing fleets. Therefore, I urge you, Mr. Speaker and my distinguished colleagues, to give your careful consideration and support to the legislation that I have just introduced.

FEDERAL BOAT SAFETY ACT

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. PATTEN. Mr. Speaker, since the end of World War II, the sale of recreational boats has increased tremendously. It is a $3 billion industry and the expansion not only reflects our growing prosperity, but is also a sign that more Americans are enjoying outdoor recreation.

Both of these conditions are gratifying, but one of the problems caused by the enormous increase in boat sales—up 93 percent since 1960—are the mounting number of boating accidents. From 1960 through 1968, an estimated 10,869 persons lost their lives in recreational boating accidents throughout the Nation—244 of them in New Jersey—and property damage in the country totaled $46.3 million—$2.3 million in New Jersey.

These figures are shocking, because most of the boats are used only on weekends in the summer. Despite this, the human and property losses are appalling. To help prevent future boating accidents, legislation has been introduced in the House Merchant Marine and Fisheries Committee that would provide:

Minimum safety standards for design and construction of small boats; and

Federal aid to help States improve their safe boating programs.

According to the column, "Jersey Boating," by Bob Campbell, in the Star-Ledger of Newark, N.J.:

> Its major provisions have been endorsed by most responsible boating organizations as the Boating Industry Association and the National Association of Engine and Boat Manufacturers.

The Coast Guard, which has helped save thousands of persons and their boats from disaster, also believes that the bill would increase boating safety, and Transportation Secretary John A. Volpe is another vigorous advocate and backer. The main sponsor of the House bill is the able and respected chairman of the Merchant Marine and Fisheries Committee, EDWARD A. GARMATZ. Several other Members, including myself, are cosponsors of the House measure.

Mr. Speaker, the House has approved safety legislation in other important areas, including the Airport Airways Act, which will increase the efficiency of air traffic control, and passed legislation that strengthened safety requirements in cars and tires. Also under consideration is the Railroad Safety Act.

If legislation is being passed that will provide greater safety—in the skies and on highways and railroads—it should also be extended to our waters, where millions of Americans find relaxation and pleasure. I hope that Congress passes—and the President signs—the Federal Boat Safety Act in this session, for if enactment is postponed, not only life, but property will be lost.

HONORS JOHN C. HILLY

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. PODELL. Mr. Speaker, Mr. John C. Hilly is a fine and dedicated citizen of Brooklyn. Mr. Hilly has distinguished himself in all his endeavors—and they have been numerous. As current president of Bush Terminal, as well as of Commerce, Labor, and Industry of Kings

County, and as former president of the Brooklyn Chamber of Commerce and chairman of the Council of Regents at St. Francis College, Mr. Hilly has served the people and the interests of Kings County. Mr. George H. Hearn, Commissioner of the Federal Maritime Commission and a devoted civil servant, described Mr. Hilly as a "man who lives for man."

It is with pleasure that I insert the text of the remarks of Commissioner Hearn at a meeting honoring Mr. Hilly in the RECORD:

Your Excellency, Bishop Mugavero, Right Reverend and Very Reverend Monsignori, Reverend Fathers, Mayor Lindsay, Members of our Congressional Delegation, other dignitaries who grace our dais, Stewards, Members of the Cathedral Club and friends, all.

As a former member of the Cathedral Club, who on many occasions has had the pleasure of being a Steward at this annual gathering, I recall looking forward to attending this dinner as it afforded a wonderful opportunity not only to meet and greet old friends, but to be a part of a memorable occasion.

The President of the Club, in addition to selecting the person the Club wished to honor, invited a prominent speaker. The list of these former honor men, as well as those who have addressed the Club, is a very impressive and inspiring array of great men of our time. It includes distinguished members of the Cathedral Club and friends such as John Fitzgerald Kennedy, Lyndon Baines Johnson, Hubert H. Humphrey, Speaker John McCormack, Senators Mike Mansfield, Henry Jackson, Eugene McCarthy, and Secretary of State Dean Rusk. These are but a few of the men who have brought inspiring messages to Brooklyn over the last fifteen years under the auspices of the Cathedral Club.

In turning to our honor man this evening, John C. Hilly; to list the accomplishments of such an illustrious person, particularly to this group, is really unnecessary and quite aside from my purpose. When you compare the charitable, communal and industrious achievements of John with the achievements of other great men of our time, the comparison, I believe, will favor John.

Our honored guest is known as a thoughtful person—one who believes in and lives for the brotherhood of all mankind. In effect, he is one of the men who live for man. I view him not in light of his charitable, educational, humanitarian and civic interests, but as one who knows of his work as the President of the Bush Terminal Company, as Vice Chairman and Director of Bush Universal, Inc.; as a Governor of the Propeller Club of the United States; and as a Director of the National Defense Transportation Association. In summary, I know John as a man of commerce, transportation and industry, not as a lawyer, educator and humanitarian, authough I am well aware of his many contributions in these areas.

In my opinion, the successful work which he has accomplished in the commercial sector of life is by far his most significant achievement. He has been able to effectively blend his dynamic qualities of leadership, energy and imagination into the commercial avenues of a materialistic world resulting in an inspiring and productive record. In effect, while rendering to Caesar the things that are Caesar's, he has shown that in order to best help your fellow man, the community and humanity in general, you must first be a success in doing your own thing. You must succeed in earning a living, in rearing and educating your family, in gaining the respect of your peers, so that your leadership, your ideas and "know how" will be accepted, emulated and hopefully put into practice when one does the will of the Creator.

I am a regulator and therefore am not charged with the promotional aspects of transportation. However, I may speak out when the foreign waterborne commerce of the United States is threatened. The fact that I might have to adjudicate a maritime problem in the future no more prevents me from giving, in a general way, my basic thoughts on maritime affairs than would any of the jurists here tonight be prevented by his position from giving his opinion concerning crime and injustice.

We are all familiar with the effect the container revolution has had on transportation in general and on the great Port of New York in particular. But it awes me to think of the effect that the hovercraft, hydrofoil, surface effect ship traveling 80 knots or more an hour on an air bubble, and the tri-section vessel traveling 60 knots an hour on a double hull, will have on transportation as we know it today. These are but a few of the transportation advances as we progress into the 1970's—the decade which, in my opinion, will be the "make or break" decade for this Port as far as international commerce is concerned. We must look about us, reassess our position and find out how we can continue to remain number one in commerce and trade.

Other countries are continually working to be successful traders. They constantly strive for trading recognition by building and improving their fleets, particularly Japan and the maritime countries of Europe. Because of other priorities since the end of World War II, the United States has allowed its merchant marine industry to decline perilously. This has been a tragic mistake from any viewpoint, but it becomes more serious when viewed in the light of Soviet fleet expansion during the same period.

Two decades ago when the United States was first in shipping and first in shipbuilding, the Soviet fleet constituted no threat to our maritime existence. In the days immediately following the war the Soviet fleet was composed primarily of old Liberty ships that we had given Russian under the lend-lease program. The rest of their fleet wasn't worth mentioning. Their ships were old when the Liberty ships were still new.

The situation is vastly different today as the following statistics will illustrate:

1. The Soviet Merchant Marine has increased seven times since 1950. During the same period, the United States Merchant Marine has dwindled to less than half its former size.

2. At the end of 1968, Russia had 458 merchant ships on order or under construction; the United States was building only 62.

3. Eighty percent of the Russian fleet is less than ten years old; eighty percent of the American Merchant Marine is at least twenty years old—right at the point of complete obsolescence.

Thus, despite the now limited physical capacity and scope of the Soviet merchant fleet, the manner in which the Soviet merchant ships are undercutting free world shipping on selective trade routes with bargain rates, the availability of Soviet financing for shipyard facilities and equipment in lesser-developed countries—all these developments typify how Russian sea power is being projected.

Our ships are now carrying about five percent of our own trade and commerce by volume. In my opinion, it is a national disgrace for a country with an illustrious maritime history such as ours, with its thousands of miles of coastline and with the trading posture of the world today, to have to rely on ships flying flags other than our own to carry over ninety percent of our foreign waterborne commerce.

In an effort to rectify this sad state of our merchant marine, the President has recently announced a new maritime program and the Administration has proposed legislation to implement that program. This is a necessary step to revitalize our merchant fleet, but it is not enough. We may build the biggest fleet composed of the largest and most efficient ships, but without cargo those ships will add nothing to our trade and commerce. It is the cargo actually carried by ships that constitutes the difference between success and failure in ocean commerce. As American citizens we should see to it that American flag vessels carry the preponderance of American cargoes to the market places of the world.

We must constantly be able to keep our attainable goals in sight and while I do not wish to become too materialistic, I must frankly say that we must be practical achievers in all fields. Commerce should not be the least of these attainments. We must be constantly ready here in the City of New York to keep our waterfront—its terminals, piers and upland facilities in a high state of productivity.

I am personally delighted to see the recent announcements of the revival of the Brooklyn Army Base, the Green Docks improvement at 39th Street, and the revitalization of the Brooklyn Navy Yard. The approval of Federal loan guarantees of almost $100 million will permit Seatrain Lines to build two 230,000-ton tankers right here in Brooklyn. This was made public by our own Congressman John J. Rooney, Chairman of the House Appropriations Subcommittee. We all know of the Congressman's efforts over the years to keep the Brooklyn Navy Yard as a source of employment for this district and the metropolitan area in general. He has continually been aided in these efforts by our other Congressmen, Hugh Carey and Jack Murphy, who I might mention are here this evening and who have in the past been honored individually by the Club. The results of these efforts will in some way attempt to fill the gap that has been left by the development of container farms on the New Jersey side of the Port. These are typical examples of the imagination we must be constantly using to create new markets for our goods which will result in increased services and local employment.

What I am trying to say is that we, as Americans, can no longer continue drinking Brazilian coffee from an English cup while sitting on a Danish chair after coming home in a German car from an Italian movie and then picking up a Japanese ballpoint pen and writing an indignant letter to our congressman demanding something be done about spending the country's diminishing dollar reserves on Venezuelan oil. This country can no longer continue to be the peace keeper around the world and at the same time not perfect its right to an adequate share in its own commerce and trade. We can no longer continue to upgrade the lives of all Americans and at the same time fail in open competition with nations that do things cheaper than we do because of the lower standard of living under which their citizens live and work.

Our underinvestment in many of the truly good things of life has really deprived us of the only kind of wealth that will prevail in the long run. We must continue to strive for better education and a better environment. Only upon their attainment will we develop superior minds trained to distinguish true values capable of bridging the gap between all of our citizens to ensure for us tranquility, peace and a better life. To accomplish this we must make our society the most productive society on earth. A commercially productive society will ensure a more productive life in terms of human fulfulfillment. To be sure, a creative society will cost more in terms of private endeavor and in terms of public investment. Oliver Wendel Holmes summed up the case for public expenditures and the public happiness when he said, "Taxes are the price we pay for civilization." We must have greatness in a civilization which brings forth truth, beauty and

the conditions that encourage human dignity in a sense of order—these are some of the things that make life and work worthwhile.

I call upon each of you this evening to arouse the latent creativity around us and bring it into the mainstream of our national life and purpose so that we may meet the final challenge of our age by having faith in the self renewing power of the American industrial system.

As one scribe so poignantly wrote many years ago concerning this blending of commerce and good works:

"How far away is the Temple of Fame?"
Said a youth at the dawn of the day.
He toiled and strove for a deathless name;
The hours went by, and the evening came,
Leaving him old and feeble and lame,
To plod on his cheerless way.

"How far away is the Temple of Good?"
Said another youth at the dawn of day.
He toiled in the spirit of brotherhood,
To help and succor, as best he could,
The poor and unfortunate multitude,
In its hard and cheerless way.

He was careless alike of praise or blame,
But after his work was done,
An Angel of Glory from Heaven came,
And wrote on high his immortal name,
To proclaim that—the Temple of Fame
And the Temple of Good are one.

For this is the lesson that history
Has taught since the world began:
That those whose memories never die,
But shine like stars in the human sky,
And brighter grow as the years go by,
Are the men who live for man.

So, John Hilly, as your accomplishments are a constant reminder that the temple of fame and the temple of good are one, let us tonight resolve to go from this place, at this time, to strive toward those goals which you have attained by being one of the men who live for man.

SISTER MARY McELROY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. BOLAND. Mr. Speaker, the senior government class at Cathedral High School in my home city of Springfield, Mass., is visiting Washington this week.

For the first time in many years, the class is not being accompanied here by Sister Mary McElroy.

Known to her Cathedral High School students, and to her associates in the Sisters of Saint Joseph for 21 years as Sister Marie Delourdes, Sister Mary McElroy died January 4, after more than two decades of educating Springfield youngsters. The thousands of people whose lives were touched by this magnificent woman and servant of God mourn her loss.

Sister Mary possessed virtually a unique and inimitable talent. She could converse with anyone regardless of age, color, creed, or position. The problem of a generation or credibility gap did not exist with sister—for she gave not just words of advice, direction, or consolation, but she gave of herself, and, in doing so, she was able to reach the minds and hearts of all who came to know her.

To those who knew her as an instructor of American history and government she will be remembered as a teacher whose love for America inspired in her students a confidence in our government and a dedication to the ideals that have made this country great.

To those who knew her as a guidance counselor, she will be remembered as a person who always had time to talk, or to listen, and somehow to make each individual whose life she touched a better person for having known her.

To her associates in the religious community she will be remembered as a warm and loyal friend whose career as directress of vocations was cut short long before anyone expected such a loss.

Many lives have been diminished by her loss, but, just as surely, our lives will never be the same for having known her.

A requiem mass was held for Sister Mary McElroy this morning at the Lourdes altar in the Shrine of the Immaculate Conception here in Washington. The Reverend Michael Doyle of Springfield and the Reverend Henry Murphy, S.J., a Cathedral High School graduate and dean of admissions at Fairfield University, concelebrated the mass. Another requiem mass will be conducted tomorrow morning for Sister Mary at St. Matthew's Cathedral.

Sister Mary's funeral mass—a glorious mass, or white mass—was among the most striking religious ceremonies I have ever witnessed. The Most Reverend Christopher J. Weldon, Bishop of Springfield, celebrated the mass with the assistance of 10 area priests who knew Sister Mary.

At this point, Mr. Speaker, I put in the RECORD a citation adopted by Cathedral High School's student body in tribute to Sister Mary McElroy and a letter written by Donald A. Shea, a Cathedral senior, to the editor of the Springfield Daily News.

The items follow:

CATHEDRAL HIGH SCHOOL,
Springfield, Mass.

We would like to cite, for outstanding service to God and Country, the late Sister Mary McElroy, of the Sisters of Saint Joseph. The students of Cathedral High School, Springfield, Massachusetts, whom she loved dearly, deeply regret her passing in a tragic automobile accident on January 4, 1970. The example she set is one all educators would do well to follow.

As a teacher of Government, she instilled the ideals of our nation into the minds and hearts of the thousands of young people she came in contact with during twenty years of education and guidance. Dedicated to the preservation of democracy, she inspired many young Americans to love and trust their country in a time when disillusionment and defiance are rampant among American youth.

Sister Mary encouraged constructive criticism and urged students onward in the peaceful improvement of our government. She devoted her life to enkindling patriotism in youthful minds, through a thorough knowledge of the workings of our system of federalism.

Sr. Mary McElroy emphasized the importance of working within the system for reform. She spoke when strong words were needed; she acted when change was required, and she fearlessly defended her beliefs and her country when they were attacked from within, as well as from without.

Sister Mary McElroy was truly an outstanding American.

[From the Springfield Daily News, Jan. 13, 1970]

A TRIBUTE TO SISTER MCELROY

January 13 was observed by the Cathedral High School family as a day in memory of Sister Mary McElroy, who was known affectionately as "Marie D." to thousands of Cathedralites for twenty years.

Sister McElroy was a rarity among educators of our day. She loved God above all things, and had an inimitable talent for passing this love to us, her beloved "kids." As the years passed we could see the lines in her young face deepen, and her hair turned steadily gray with the worry she experienced over us. She cared. She really cared.

Sister McElroy unabashedly brought herself down to our level to help us with our problems, and tried, and succeeded, in steering us in the right direction.

She was the embodiment of all that bigoted, immoral and dishonest men of every age have feared. Her whole life, the reason why she chose the life she did, was to be near God and to bring others close to Him, and she was unparalled for this.

The magnitude of our loss, as young impressionable minds, will become greater as the days progress. For without Sister Mary McElroy, we kids are a little bit more leaderless, forced to meet life head on, without the aid of one who loved us, and helped us in the biggest way.

The responsibility to pick up the fight where Sister McElroy has so abruptly left off lies on the shoulders of teachers, parents, and most importantly, ourselves. She had seen us on our way and left us to struggle alone. God has been satisfied, and Mary McElroy has found what she sought out.

It is now our turn to profit by the sterling example that was her life.

DONALD A. SHEA,
Class of 1970,
Cathedral High School.

UNDERSTANDING THE SILENT MAJORITY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, recently an editorial appeared in the Humboldt State College, Arcata, Calif., newspaper, the Lumberjack, which provides an insight into how the so-called "silent majority" is viewed by some members of the younger generation.

In my judgment, the author of this editorial has added immeasurably to closing the "generation gap." I would sincerely hope that this editorial would find its way into many college newspapers because of the message that it conveys.

I am inserting the editorial in the RECORD and I strongly urge my colleagues to read it and pass it on to the colleges in their districts.

Do not underestimate the intellect, the stability, and the maturity of our young people. The overwhelming majority of our students are now and will, in the future, be a tremendous contributor to orderly economic growth and social advancement throughout the Nation.

Of course, there are some "rabid radicals" on campus, but they are very much in the minority. The "silent majority," which is the "vast majority" on our

campus are reasonable, responsive, and responsible students—working hard to acquire the best in education today—preparing for a leadership role tomorrow. I am proud to represent them in the Congress of the United States.

The editorial follows:

[From the (Arcata, Calif.) Humboldt State College Lumberjack, Jan. 21, 1970]

UNDERSTANDING THE SILENT MAJORITY

Time Magazine recognized them as "Man and Woman of the Year." President Nixon has taken them under his wing politically. Spiro Agnew has embraced them with blunt rhetoric and has given them a sense of national identity and importance. They are the Silent Majority, and to understand the way and the reasons why they think as they do, we must look to their history.

Our parents are the Silent Majority. The man that pumps your gas, delivers your mail, checks your groceries and tends your bar, the man that makes and services your car, builds your home and mows your lawn—all these people are the Silent Majority.

These are the people that work a 40-hour week for a living, often with overtime. They work with their hands and minds, in jobs that aren't very exciting or romantic, that don't pay well enough to buy much more than food and clothing, pay taxes and house payments. They pay their taxes, always wondering if the amount of their earning dollar that the government takes will ever stop going up.

Their sons and daughters are a source of both pride and wonderment—pride that a son may graduate from college and move up the line of success, wonder that he or his classmates seem to be seen only in the light of campus riots, disturbances and violence.

The Silent Majority is puzzled by current events—young people leaving the country rather than be drafted, campus unrest and turmoil, a seeming decline in morality, patriotism, and the virtues that the Silent Majority regarded as sacred during their youth—hard work, steadfast honesty, solid respect, and honor for their country.

To understand their puzzlement, look at their lifetime. First, an economic depression that racked this country inside out for more than ten years. Ten long years when millions of men were out of work, unable to feed and clothe their families, reduced to accepting welfare, forced to live with a desperate situation that they had no control over whatsoever. Some people who lived during that era maintain that the country actually bordered on revolution in the deepest depths of the depression.

Soon after the depression, in 1939, war broke out in Europe, also caught in economic catastrophe. World War II lasted nearly six years, killing millions of people and leaving both physical and psychological scars on and in all people that were affected by it. Our generation has never known a conflict so totally severe.

We have never stood in line for food, or rationed meat, milk, gasoline or clothing. Most of us have never had to spend years in a foreign country away from families, wives and children, not knowing if we would wake up alive the next morning.

These are the reasons why the Silent Majority believes in the things they do. They have lived through these powerful events, and the imprint they made on their minds determines in large part their political and social views.

Understanding the Silent Majority and how they view contemporary society may never be fully possible, but with a realization of their history, the events they have lived through, it may be easier to comprehend and sympathize with what they do and say. We should remember that in 25 years, we may be the Silent Majority.

VETERANS' NEEDS: A CLARK COUNTY, NEV., VA HOSPITAL

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. BARING. Mr. Speaker, we are witnessing in this country today the return of some of our fighting men from South Vietnam. At the same rate that these men are being redeployed to military installations here at home and to other U.S. bases around the world, another large segment of our military manpower force is being discharged from active duty.

These men are our veterans who have served their country in the highest manner and deserve great tribute for performing their duty.

Mr. Speaker, while we can lay tribute and accolades upon them, to many those are kind words but words do not necessarily help the former GI's receive good hospital and dental treatment, much less purchase a home today at the current inflated interest rate schedule. Nor, do kind words possibly help or allow these veterans to return to college to continue their education and training by other means.

While the need for improvement is there within our veterans' hospitals, there is need too, for the construction of more veterans' medical and surgical centers in this Nation to meet the growing demand for service for our many veterans.

From my own congressional district, the State of Nevada, I wish to insert the letter from the Las Vegas Lodge No. 1468 of the Benevolent and Protective Order of Elks:

DEAR MR. SPEAKER: This is to inform you that Las Vegas Lodge No. 1468 of the Benevolent Order of Elks wishes to be read into the *Congressional Record* as unanimously supporting a request in the form of a proposed bill asking for a 400-bed veterans' hospital for Clark County, Nevada.

This matter was accepted in the course of New Business at the regular weekly meeting held Thursday evening, December 18, 1969, and the unanimity represents the wishes of the entire membership.

Sincerely yours,

J. GORDON HOOPES,
Exalted Ruler.

Mr. Speaker, the purpose of the remarks in the RECORD today are in behalf of my bill, H.R. 5948, which would provide for a Veterans' Administration general medical and surgical hospital of 400 beds in Clark County, Nev. This is the bill to which the enclosed letter from the Elks Lodge alludes. This hospital would be in the vicinity of Las Vegas, Nev., which is the fastest growing community in my congressional district of Nevada.

In 1969, Las Vegas, in Clark County, ranked as the seventh fastest growing city in population in the Nation. As far as I know that statistic remains the same today as we are about to embark on the 1970 census.

Included in this growth in the southern Nevada, Clark County area, with its center in Las Vegas, is the majority of veterans who live in Nevada. We currently have an estimate of 55,000 veterans residing permanently in the State.

Mr. Speaker, Nevada has but one veterans' hospital. It is in Reno, Nev., in the far northwestern corner of our large 110,500 square mile State. Reno is 465 miles from Las Vegas. Veterans in Las Vegas and throughout southern Nevada must travel either to Reno for care or to Los Angeles or Salt Lake City, both of which are as far, if not farther, away from Las Vegas than Reno.

This distance of travel is just not possible for many veterans residing in the Las Vegas area, Mr. Speaker. The expenses they incur when traveling to Reno or to other cities, are extremely prohibitive in comparison to personal income. Then, many veterans who are handicapped are not able to travel such a long distance.

As I stated in testimony before the House Veterans' Affairs Subcommittee on Hospitals in April 1969, "I have countless numbers of letters in my files this year and from years past stating just this complaint: That Reno and other western VA centers are too far away for travel.

Besides the enclosed letter of support for the Clark County Veterans' Hospital from Elks Lodge 1463, I have numerous other letters with current dates from southern Nevada veterans and concerned citizens on the same subject of a 400-bed VA hospital for the Las Vegas vicinity.

Two other reasons backing up the establishment of the Clark County veterans' hospital are that there is plenty of public land available for use in southern Nevada at very minimal costs and the climate of the area, needless to say, is ideal for rehabilitation of our sick and disabled veterans.

Southern Nevada faces a definite need for a hospital for veterans and the entire area populace would benefit.

Mr. Speaker, the need for more Veterans' Administration hospitals nationwide is evident with the growth of the population of veterans and especially in light of the current return rate of our Vietnam fighting men to the ranks of veterans.

AID TO MENTALLY RETARDED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. WALDIE. Mr. Speaker, the importance of constructing and maintaining facilities for the care and treatment of persons suffering from mental retardation and other disabilities originating at birth cannot be overestimated. Neither, Mr. Speaker, can we understate the need for comprehensive services for these afflicted persons.

With this in mind, Mr. Speaker, I am today introducing legislation providing for assistance to the States in the development of plans for provision of necessary comprehensive services to the mentally retarded and the construction of needed facilities to serve these persons.

FIGHT AGAINST POLLUTION

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. BROWN of Ohio. Mr. Speaker, critics of President Nixon who say that his fight against pollution is mere rhetoric will have to swallow these words of criticism, in view of his swift, decisive actions to combat the environmental crisis facing our Nation.

Mr. Nixon has followed his words in the state of the Union message with a strong order that the Federal Government lead the way in eradicating pollution, and to implement the order has earmarked funds to carry through with the program.

A recent editorial in the Columbus Dispatch praises the President's actions in the ecology fight. I include the following editorial in the RECORD:

[From the Columbus (Ohio) Dispatch, Feb. 6, 1970]

BOTH TONE, EXAMPLE SET BY NIXON IN ECOLOGY FIGHT

President Nixon has proven there was more than rhetoric in his State of the Union message's call for an all-out battle to preserve the quality of life in America by eradicating the pollutants which endanger our environment.

Mr. Nixon's most recent statement revealed the federal government not only can be expected to serve as a rallying point in the ecological march but that it will label itself as the first target.

He called the federal government "one of the nation's worst polluters" and ordered all federal facilities to comply with the government's clean water and clear air orders by Dec. 31, 1972.

The President earmarked $359 million to provide government leadership in the program. Meanwhile, all federal installations, public works, aircraft and watercraft are to be adjusted so they cannot be accused of being polluters.

It was a move to assure that the federal government can "sweep its own doorstep clean" before dictating to others.

A prime example on the federal pollution list is the Army's military academy at West Point. It is now dumping inadequately treated sewage into the Hudson River. This project alone will cost an estimated $3.1 million to correct.

In our rush to build military training facilities in World War II, we gave little consideration to their contributions to the deterioration of environmental quality. Many of these military bases remain in operation, still continuing to spew out pollutants.

As a starter in the campaign to preserve the quality of life, Mr. Nixon told Congress he envisioned a "$10 billion nationwide clean waters program," plus assurance of guaranteed open spaces and continuing research into control of other pollutants such as those in the fields of air and noise.

He said, "The 1970s absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never."

This leadership from the top should be encouraging to a vital segment of the population—youths who are voicing increasing concern about the world they will inherit.

But the problem really is one for all to help solve. It is well that the nation's chief executive has set both tone and example in officially opening the fight.

IN SUPPORT OF NATIONAL BOY SCOUT WEEK

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. DANIEL of Virginia. Mr. Speaker, the week of February 7–13 was National Boy Scout Week. Sixty years ago, on February 8, the scouting movement in America was formally organized in Washington, D.C. Today the Boy Scouts of America boasts of more than a million members.

It is fitting and proper that this outstanding youth organization be given due recognition. Many of today's local, State and national leaders are former Boy Scouts; but, more important, tomorrow's leadership is being developed in Boy Scout troops all across our land today. The efforts of this association to inspire young boys to noble purposes is among the highest of objectives. The molding of young minds to provide our country with a future responsible citizenry is a noteworthy public service.

As Americans living in turbulent times, we all realize the importance—indeed, the necessity—of well-qualified and properly motivated leaders. The young people of today will be heir to our problems and to our achievements. They will be called upon to shape the destiny of our Nation. The job will be a tough one, but I am confident that with proper training and development such as that provided by the Scout organization our youth will preserve and keep America American.

In the February 12 Franklin News-Post of Rocky Mount, Va., there appeared letters written by eight Cub Scouts as part of an achievement program. The subject was "Why I Love America." It is always gratifying and encouraging to learn of young people in our Nation who are proud to proclaim that they are Americans. In order that the contents of these inspiring letters may be shared with my colleagues, I insert them in the RECORD:

WHY I LOVE AMERICA

(By Tim Arrington)

America—the U.S.A. is the country where I live and am proud to say so. Many brave men have fought and died for the freedom which we now enjoy and we should all work trying to keep these freedoms. This is a country where we can work, play, worship, sing, speak, pray, go and come when we pelase. There are countries in which these things do not exist. I just love my country—The United States of America.

(By Barry B. Brugh)

I love America because we have a home to go to. And a school to go to and work. I love America because we are free to go anywhere we want to go. And we have food to eat. I love America because we have the freedom to say what we think.

(By Walter Hartman)

I like America because it is a free country and the people in America are free to do what they want to do. And you have a lot of good friends in America to. And you have your own homes to live in. And because there are no kings to tell you what to do.

(By Jeff Hodges)

I like America because we have our freedom and America is beautiful. America has beautiful mountains and trees. And there are pretty homes in America, we have roads to travel on and good fields to work and to live on. We have good stores to buy food, clothing and other things.

(By Greg Dillon)

I love America because we have freedom to establish justice. We have flowers and trees.

We have men fighting in Vietnam to protect us.

I think our country is the greatest in the world because we can worship God.

Three American men have already walked on the moon.

(By Clayton Leach)

I like America because we are able to work for any place we want to. We were the first on the moon. We have Thanksgiving and go to Church where we want to. We can write letters and say what we want to. I like my home here. That is why I like America.

(By Vernon McClure, Jr.)

I love America because we have freedom. We can have guns and we can hunt and fish. Our country was founded by Christians and we have freedom to speak of what we want. We have freedom of property. We can worship as we please. And we can have the press.

(By Tommie Hodges)

I like America because it is beautiful. It has good schools and good churches. Farmers can farm and raise vegetables and fruits. Also raise cows and pigs and chickens so you can have good things to eat.

America also has good people and places to work. And America also has Cub Scouts and Boy Scouts for our boys.

JUNIOR COLLEGE ROLE AFFIRMED AT OSCAR ROSE CEREMONIES

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. STEED. Mr. Speaker, groundbreaking ceremonies were held recently for Oklahoma's newest State institution of higher education, Oscar Rose Junior College at Midwest City.

This institution is appropriately named for the late Oscar Rose, superintendent of schools at Midwest City for more than 25 years and a national leader in education. It is headed by Jacob Johnson, another outstanding educator.

Dr. Edmund J. Gleazer, Jr., executive director of the American Association of Junior Colleges, served as principal speaker at the groundbreaking ceremonies.

His address, "Affirmation by Builders," illustrates the expanding and useful role of the junior college today. Its text is as follows:

AFFIRMATION BY BUILDERS

I am honored by your invitation to participate in this unusually important meeting. To you I bring sincere best wishes and congratulations from 1,000 sister institutions

across this land. You are to be congratulated not only on your achievements but on the remarkable promise of achievements to come.

This is an important event. I mean that! I believe that today we are not only breaking ground for some buildings. We are also affirming our beliefs. The buildings of a people are important. From the Town Meeting House of New England to the pyramids of Egypt, to the cathedrals of Europe, and the skyscrapers of New York, the buildings erected by a people say something about the values of those people. And these community colleges, 50 to 60, being built each year from California to New York, and Florida to Washington are clarion declarations of what Americans believe. In these plants is tangible expression of a basic faith in the value of people which too seldom finds expression in the newspapers and the films. It is creed not often spoken audibly but declared in the way the American taxpayer authorizes his money to be spent. It is a faith that motivates people to serve on school boards and advisory committees, to have a part in the hundred and one activities in each community which quietly, and for the most part, inconspicuously, keep the life blood of the community moving. This simple, practical, daily expression of belief in the dignity and value of human life forms the broad base of American society and is regrettably overlooked in a period of such national castigation as we are passing through.

The community college in America has its genesis and strength in the desires of these kinds of people. The surging demand for such institutions is found not so much in the leadership of national statesmen, leaders, philosophers, or university presidents, but in the petitions of P.T.A. groups, school boards organizations, chambers of commerce, mothers and fathers, little known individuals. These have formed to produce a ground swell which inexorably has moved to overcome all resistance. The people of Ohio so moved. Cuyahoga Community College in Cleveland was the first publicly-supported institution of higher education in that area to open in fifty years. Three thousand students showed up on opening day.

Ten years ago I received a letter from the president of a Junior High P.T.A. in Pennsylvania. She said her group didn't care whether the Democrats or the Republicans provided the legislation, but they wanted community colleges for their children in Pennsylvania. "Tell us how to go about it." A few years ago Pennsylvania passed community college legislation. Philadelphia, Pittsburgh, and ten other cities now have their colleges.

Florida has built its thirty junior colleges, most of them in the last few years. Seventy per cent of the students have already exceeded the educational attainments of their parents—and more and more of the parents are found in the evening programs of the same college attended by their children during the day. And California has been a national leader with community junior colleges now within commuting distance of 95 per cent of the state's population.

These are just illustrations of the dramatic national story. The community college is not a concept devised by a national committee and superimposed upon the educational patterns of the cities of our land. Rather it is an idea which has taken its form as insistent economic and social forces have generated and interacted and sought their logical educational shape. It has sprung from the people it serves.

The community college idea makes sense, as one industrialist told me last week. Here are some examples of why it makes sense:

The community college gives the high school graduate or the older person who can profit from college work the opportunity to try. There is no examination, no probing by interviews, no measure of what the student can and will do which is a fraction as effective as this. So we can afford to have community colleges with open door admissions policies. But we cannot afford to have universities of this kind. Highy selective universities require as their partners open door community colleges in a democratic system of higher education.

There is another reason community colleges make sense. A great deal of talk is heard these days about gifted students and superior students and able students. But we make a mistake in picturing these as the cream at the top of the bottle—people are able, superior, gifted, in some ways and may be average or inferior in others. Superiority is often situational.

It is more reasonable to think in terms of different kinds of intelligence—of different kinds of abilities. Those students who have capacity for preparation as nurses, electronics technicians, microwave technicians, dental hygienists, may be considerably more able, gifted, in meeting the requirements of their vocation than the student who finds himself at home in the graduate schools of the universities. Only in the United States of America does there exist colleges like this one which may bring together on the same campus, under the same roof, those of such varied interests and objectives. In most countries the vocational line and the university preparatory line are kept separate. The student at an early age makes an almost irrevocable commitment to one or the other. And if he is a misfit in either line his chances of success are poor. The comprehensive community college gives opportunity for students beyond the high school to find their appropriate lines of educational development in an atmosphere which honors the social worth of a wide range of interests, capacities, aptitudes, and types of intelligence.

And let me mention just one other reason the kind of college we envision today makes sense for our time. Our communities today need a focal point, a cohesive force, a creative center. I see the community college in this role. It is an institution not limited to the usual college age population, but a cultural resource to be used throughout the life of the citizen. Learning, we are told, is most effective when related closely to a problem, a question, a need. As questions and problems and needs arise from the days of late adolescence to that "last of life for which the first was made" the citizen draws upon the resources of his community college. The college is a reservoir not only of man's accumulated experience but it is a forum for examination of current issues and concerns against the backdrop of human wisdom that gives relevancy and reason to discussion.

It is on the community college campus that the community reflects upon its role, examines its purposes and objectives, tests its hypotheses, evaluates its group life, strengthens its communication, and builds its leadership.

Much more could be said and will be said in the years ahead on this campus. Even more important than the words spoken will be the living testimony found here in the thousands of persons who collectively will set the tone and create the spirit of this place. But let it now be clear that stronger than the footings which will bear these buildings are the basic affirmations of the builders.

We believe each should become all he is capable of being.

We believe in education as means toward the fulfillment of man's aspirations and potentials.

We believe in a mobile society with position determined through competence.

We believe in the social worth of a wide range of aptitudes, skills, interests and types of intelligence—the artisan, craftsman, executive, technician, scientist, poet, and businessman.

We believe that people can become capable of governing themselves and that capability is both demonstrated and learned through the establishment and control of such institutions as community colleges.

We believe in the importance of the community as a context for learning and see the community college as a unifying, cohesive, and dynamic center for creative social activity.

It is with reference to these affirmations and others held basic to a society of free men that we break ground for Oscar Rose Junior College. And, as we do, we dedicate ourselves to those pursuits by which these ideals and values can be secured and extended.

GOVERNOR McNAIR'S SPEECH TO GEORGIA DEMOCRATS

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. STEPHENS. Mr. Speaker, when the Georgia Democratic Party held its annual Jefferson-Jackson Day Dinner in Atlanta on February 9, the guest speaker was Georgia's distinguished neighbor, Robert E. McNair, the Governor of South Carolina. His speech was timely and challenging and deserves widespread distribution. Therefore, I have asked that Governor McNair's speech be set out in the RECORD, as follows:

SPEECH OF GOVERNOR McNAIR

I am happy to have this opportunity of being with you on an occasion which is particularly important in the development of the Democratic Party. As we gather tonight to recall the principles of Jefferson and Jackson, we find our national party at something of a crossroads in its direction and leadership.

At the same time, we begin to observe among the people of this nation a disappointment and frustration with the present administration in Washington. We see the signs of disillusionment developing as the unfulfilled promises and campaign debts begin to pile up. The nation is beginning to ask why inflation and the cost of living continues to skyrocket at an even faster pace. Citizens seeking stability in our law enforcement are finding that crime rates are only increasing across the nation, and that public safety is even more of an issue than it was a year ago.

Home owners are discovering the realities of high interest rates. Under levels set by the present administration, a person setting out to buy a $20,000 home will pay interest charges amounting to $15,000. At a time when we see a need for 26 million new housing units in America, we find the administration in Washington either unable or unwilling to provide the type of financial climate which would make this goal attainable. The housewife knows about inflation, also. While she is waiting for campaign promises to be met, her food costs have risen by eight percent during the term of the new administration.

Elsewhere the economic pinch is being felt. Workers are being laid off as unemployment rises steadily. In our major industries in the South, working hours are being shortened, with corresponding reduction in the paycheck each person is taking home.

In short, the people of this nation are looking for an alternative to the disappointing performance now taking place in Washington. They are looking for a new source of leadership which can do more than talk and promise. I do not need to remind the

citizens of this state, or other neighboring states, of the devastation which results from irresponsible campaign promises and false hopes they raise among certain segments of our population.

The people of this state—indeed the people of our nation—will not sit idly by and accept the type of misleading direction which is being passed along through the present administrative channels. I am satisfied that the honeymoon of the Republican administration is rapidly drawing to a close, and that people of America are looking for effective, realistic and progressive leadership. There is but one direction to look—the Democratic Party.

We have endured a decade of division which has seen our party—and our nation—split by factionalism. The bright promise of the sixties became the despair of false hope, anger and frustration. In search of scapegoats, the political opportunists have pitted race against race, generation against generation, and American against American. Amid irrational talk of revolution and insurrection, responsible leadership has tried to steer a course of moderation which would not punish good causes simply because of extremists who support them.

Through it all, the Democratic Party has suffered its share. No one need be reminded of the problems which have beset our party before, during and after the Chicago convention of 1968. As much as we would like to say that Chicago is history, that is not the case. The elements which made our convention a three-ring circus on national television are still at work within the very structural fiber of our party. In the name of reform, Democrats have set out to discredit responsible state leadership, and to remold the party into a narrow, restrictive political instrument with limited purpose and effectiveness. They talk in terms of quotas to replace free and open participation, and they lead us toward a type of artificial ideology which would replace the spontaneous voice of the people themselves.

The challenge is a serious one for the Democrats of Georgia—and South Carolina—and Louisiana—and Montana—and Connecticut, and wherever our party still has the ability to win elections. It goes beyond questions of liberalism vs. conservatism, or labor vs. management, or region vs. region. These are the simple, pat issues which make it easy for the theorists to explain away our difficulties. There are no buttons to push in Washington which automatically assign certain segments of the population to belong to one party or the other. There is no master switch at National Party Headquarters which produces millions of votes simply because we have written down on paper a certain type of ideology. Politics is not a game in which two players manipulate the pieces to their own personal advantage. It doesn't work that way.

The leadership of political parties is a far more complex and complicated matter. One speech from the floor of the Senate does not make a party liberal; one governor fighting for the rights of the people of his state does not make it conservative. If we are not willing to maintain the present political balance of all these elements within our party, then we invite not only a narrowing of the Democratic Party base, but a polarization of the entire political structure in America.

This is not reform; this is regression. At a time when our party is crying out for reunification, this only further divides us. When voices of extremism drown out those of moderation, the result is not reform, but destruction. There are even those of some national prominence who have openly stated that the present party should be destroyed, and rebuilt along different lines. They say that reform is worth 20 years of defeat, and that we have the choice of reforming along their lines or seeing the party die. This is only so much academic, self-serving nonsense.

If there are to be realistic alternatives, however, they must be initiated by the responsible and effective elements of moderation within the party. They must come from Atlanta and Columbia and Nashville and St. Louis, and all the other communities—large and small—where the voice of the people is still the policy-making body of the Democratic Party. Those of us who resist the drift to extremism do not at the same time defend the status quo. The Democratic Party is in serious need of regeneration and revitalization. It does need new energy, new faces, new perspective, new participation. But I submit to you that the type of growth our party requires does not come from self-serving reformers who seek to close the party door to those who do not agree with them. It does not come from those who would have barred Congressman Albert Rains of Alabama from the National Committee. It does not come from those who talk about party loyalty, and then turn around and support candidates such as John Lindsay in the name of liberalism.

This type of reform defies the very principle of loyalty, tolerance and ideological balance which has characterized our party. In its place, new voices of leadership should be raised within the Democratic Party—voices dedicated to conciliation, harmony and mutual understanding.

The nucleus for such new leadership can come from this very room here tonight. It does not require that you draft a new manifesto of party policy and position; it does not require that you establish a mathematical formula for the allocation of delegates. It requires one simple commitment: that each of you reach out into your communities and bring into your precinct, county, and state organizations more and more dedicated people. If we are truly to expand the base of our party, this is where the input must come, this is where the revitalization must take place. It is in your hands, and not in the hands of a select party committee, to determine the future of our party. It is up to you to involve the young people, the minorities, the great cross-section of America which today is looking for an answer to the problems our nation faces. It is not enough to complain and condemn unless we are willing to work toward a better solution. It is not enough to say that our party today is without leadership. Unless we are willing to become directly involved in the activities of our party, then we cannot criticize those who do step into the leadership vacuum.

The surest sign of new life in a party comes at the local level; the surest sign of party decay is when our precinct and county clubs grow stale. The deterioration of state or national parties is merely a symptom of much more serious difficulties at the local level. In my visits among party leaders in this state, Tennessee, North Carolina, Florida and others, I have viewed first hand the type of new enthusiasm which is prevalent among party workers there. I have sensed a new feeling of determination and dedication to restore stability to the Democratic Party. There is a new understanding of the role of organization in the building of a party. Perhaps it is not as dramatic as some of the cures being proposed at the national level. Perhaps it is not as politically exciting as the recommendations coming out of our so-called Reform Commission. But the victories of political combat do not come with sensationalism. They come with the type of hard work needed to mold a solid and stable party from top to bottom.

This is the type of political reform which must ultimately determine the future of the Democratic Party, the type of reform which is in your hands and responsible Democrats like you throughout the nation. Let us revitalize the Democratic Party by beginning at the local level, and strengthening our organizations at home first. Let us bring new energy to the national party by involving the state parties more fully in national matters. This is the type of program of reform which I advocate for the Democratic Party at the present time. The issues we raise should be issues which unite us, and not issues which divide us. As we enter a crucial election year for the entire nation, we must use this time for building the type of structural strength which can stabilize the party, involve the people themselves, and ultimately deliver the victories which we need so badly.

There is a big job ahead. We lost more than the White House in 1968. In the South alone, we have seen deep incursions into our traditional strength. In the last 20 years, the Democratic Party has lost six Governors' seats, six Senate seats, 29 House seats, and 214 State Legislative positions. Our National Democratic Governor's Conference, Lester, has been reduced to 18 members, and I do not enjoy that type of exclusive club. All of these setbacks, however, have not altered the basic foundation of strength from which our party draws its energy. The Democratic Party remains the only party which can legitimately lay claim to being the party of the people. There is a vast reservoir of untapped support at the grass roots level which we must seek out and bring into our party. As I told the Democratic National Committee last fall, "We are a party of liberals, we are a party of conservatives; we are a party of moderation encompassing that great collection of ethnic, religious, economic, cultural, occupational and social minorities which have given our nation its perpetual regeneration of strength.

"Let us not now turn from this coalition of ideals into a single-minded party bent on purging certain elements from its midst."

On this evening when we gather in the name of Jefferson and Jackson, it is well that we consider their principles in light of our present situation. It is well that we ask ourselves whether the Democratic Party is moving in the right direction; and if not, what can we do to correct the situation. The party is in a state of flux. Its course for the future could well be determined by the willingness and effort on your part to participate in the important decisions facing us in the next few weeks. As we look for new leadership, we realize that the time has arrived for full involvement of all sectors of the party's broad base. It is not a time for regionalism, but nationalism. It is neither a time to punish nor to pamper a certain group; instead it is a time to move forward together under the type of broadened banner which can make us all welcome and effective within the same party.

This, after all, is the message of Jefferson and Jackson. When they called it a party of the people, they meant all the people, and not a coalition of limited special interests. We should strive for nothing less today as we seek to live up to their ideals, and fulfill the promise of their high aspirations. The Democratic Party can be no longer than your own commitment to help it. At this critical juncture in our history, this nation needs participation—and not silence—from its people.

This is a time for expansion, not constriction. This is a time for building, not destroying. This is a time for involvement, and not condemnation. The future of the party is in your hands. I ask only that you remember the heritage of involvement which has been passed along to us all, and heed the traditions of Jefferson and Jackson in seeing that America will always have a party which can truly provide the people of our nation with an effective voice in their government.

Thank you.

ALLIED STRATEGY IN EUROPE RESTS WITH FATE OF F–111

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. BOB WILSON. Mr. Speaker, I wish to draw very particular attention to a news story that appeared in the February 1, 1970, edition of the San Diego Union concerning the F–111.

Perhaps the outstanding characteristic of the news story, by Ray McHugh, Washington Bureau chief of the Copley News Service, is that it represents an all too rare objective appraisal of the F–111. The storm of controversy that has swirled around this aircraft is mentioned but is not permitted to becloud the true facts. Over the years the personality conflicts that generated the conflict over the F–111 have themselves been the real subject of the almost endless discussion; rarely has the press—and I am afraid many others—bothered to look at the F–111 simply as a combat aircraft.

Mr. McHugh has done just that. He points out the combat capability of the F–111 and the dependence that our NATO commanders place on the aircraft. He also helps to explode the most widespread misapprehension about the F–111, its safety record. And he does this in detail. The figures he uses are from official Department of the Air Force records. As a matter of fact, and based on my own inquiry, every fact set out in the news story is agreed to by the Air Force.

Mr. Speaker, it is a refreshing experience to see a responsible newspaperman taking a hard and inquisitive look at the F–111 itself instead of engaging in a further perpetuation of myths. The F–111 is described as "our only guaranteed response short of nuclear missiles" and that is just what it is.

The article follows:

[From the San Diego Union, Feb. 1, 1970]

PLANE UNDER STUDY: ALLIED STRATEGY IN EUROPE RESTS WITH FATE OF F–111

(By Ray McHugh)

WASHINGTON.—More is at stake than the future of an airplane in the current reappraisal of the Air Force F–111.

A special scientific advisory board evaluating a recent F–111 crash in Nevada could affect allied strategy in Western Europe, the next generation of American warplanes and the now-popular Capitol Hill attacks on military spending and alleged waste.

The crash, blamed on a flaw in a new type of steel, has brought a new chorus of demands on Capitol Hill that the crisis-punctuated swing-wing F–111 program be halted. Secretary of Defense Melvin Laird says he will make no decision until the board reports.

Industry and Air Force experts say they are confident the F–111 will be certified safe, but congressional critics of military spending and old foes are again in full chorus.

President Nixon's disclosure that his 1970–71 defense budget will be the lowest in almost 10 years will not silence them.

REDS HAVE SWING-WING PLANE

Should the F–111 program be abandoned, allied commanders in Western Europe would be denied for most of the 1970s the all-weather, penetration fighter-bomber they insist is essential as a balanced deterrent against any kind of Soviet adventure in the North Atlantic Treaty Organization area. The possibility that the follow-on B–1 strategic bomber might become a pawn in the U.S.-Soviet strategic arms talks adds to their worries. Russia already is flying a swing-wing fighter similar to the F–111 and is flight testing a mach-2 swing-wing Tupolev jet bomber believed capable of low-level penetration at a range of 2,000 miles with added air-to-ground missile capability.

General Dynamics Corp. officials who build the F–111 insist that tests will show the metal flaw as a "one in a million" failure and that their plane is one of the most reliable ever delivered to the Air Force. It has a safety record to prove it, they say.

(The new steel called D–6AC also has been used in other advanced aircraft and figures in the design of projected jets.)

GENERALS AGREE WITH FIRM

High-ranking Air Force generals agree with General Dynamics. The Strategic Air Command already has asked permission to resume low-stress training flights pending final board action. However, the F–111 is peculiarly vulnerable to criticism. Ever since former Secretary of Defense Robert McNamara trotted out the revolutionary, swing-wing plane as an all-service aircraft in 1961 and dubbed it the "TXF" the plane has been an inter-service and political storm center.

The Navy, which fought the all-service "commonality" concept vehemently from the beginning, finally canceled its F–111 contracts in favor of a strictly carrier swing-wing model F–14 that will be built by the Grumman Aircraft Corp.

But the Air Force proceeded with the F–111, adapting it to fighter, fighter bomber, strategic bomber and reconnaissance missions. The F–111B nuclear bomber version is to replace the aging fleet of B–52s until and if the Air Force goes ahead with the next generation B–1 bomber.

"If you stop the F–111B, my SAC (Strategic Air Command) is dead," former Air Force chief of staff Gen. John D. McConnel once said.

NATO LEADERS COUNT ON F–111

In Europe, the F–111's importance is magnified by weather. With conditions adverse up to 80 per cent of the time, NATO commanders have counted on all-weather F–111 squadrons to give them a balanced attacking force during the 1970s that could react to a full range of Communist threats. It has been called "our only guaranteed response short of nuclear missiles."

In a Nov. 2, 1968, speech at Fort Worth, Tex., President Nixon said:

"Our air supremacy must be retained. The F–111 will in the Nixon administration be made into one of the foundations of that supremacy."

Fort Worth is the main assembly plant for the F–111, but 33 per cent of the plane is produced in California, 30.9 per cent in New York and only 13 per cent in Texas.

AF SAYS FIGURES SHOW BEST RECORD

Although F–111 cost increases, technical problems and accidents have received widespread publicity, Air Force statistics indicate the plane has the best safety record of any "Century Series" aircraft. After 51,000 hours of flying, the Air Force has lost 17 F–111s. At comparable points, it had lost 59 F–100s, 33 F–101s, 40 F–102s, 51 F–104s, 34 F–105s, 22 F–106s and 24 F–4s. (The F–4 figure applies only to Air Force experience and does not include Navy accidents.)

The F–111 cost of $8 million per airplane also has figured in the controversy. An operational F–4 or A–7 attack plane costs approximately $3 million, but comparisons are not valid. The F–111 has a massive electronics system that permits it to fly in any weather. It carries three times the payload, goes twice as far at speeds equal to or superior to any of its contemporaries, and can deliver bombs on target at 15 per cent of the present annual operating costs of bomber fleets that involve radar, fighter, anti-aircraft suppression, tanker and other types of escorts.

FOR TRIAL RUNS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. RAILSBACK. Mr. Speaker, in the days and weeks ahead, there will no doubt be heard the clamor for great social programs to be instituted on an immediate and massive scale. The election year urge to spend and spend in order to collect votes in November is a very real and dangerous fact. The budget submitted by President Nixon does not promise Nirvana, but it does reveal that the administration is committed to future significant and innovative programs designed to improve the quality of life in America.

Eight successive years of Federal deficits, culminating in the huge election year 1968 deficit of $25 billion fueled the fires of inflation to such an inferno that they were literally consuming the value of the dollar, even to the extent that the dollar was subject in world markets to some demand for devaluation. This is the picture that faced President Nixon as he took office. The Nation's economy was like a rocket ship on a suicidal inflationary flight into outer space, but which could not be slowed too quickly lest it fall back in a crash.

President Nixon has cautiously attempted to decelerate the economy and hopefully he will be successful, however, the encouraging aspect of his program is that he has not forsaken human progress. There are bold and innovative programs being cultivated which hold great hope for the future. Our former colleague, Donald Rumsfeld of Illinois, a member of the President's Cabinet and Director of the Office of Economic Opportunity is engaged in a pragmatic and purposeful program of testing and review of new innovations.

The Chicago Tribune in an editorial January 28, 1970, discussed the OEO pilot project on President Nixon's proposed minimum income program and called for greater usage of the pilot project approach throughout the Federal Government. I think my colleagues will find the editorial interesting and timely, and I commend it to their attention.

The editorial follows:

[From the Chicago (Ill.) Tribune, Jan. 28, 1970]

FOR TRIAL RUNS

The office of economic opportunity is conducting a trial run of President Nixon's proposed minimum income program. Recently David Kershaw, director of a pilot project involving about 100 families in New Jersey, testified behind closed doors before the House ways and means committee and later talked with reporters. Results so far are inconclusive, he said. But the experimental approach of the office of economic opportunity in this instance can be commended with confidence.

It is sound pragmatism to test on a less than national scale ideas which, if fully funded thruout the country, are more certain to cost vast sums than to fulfill the hopes of their promoters.

In the same issue of The Tribune in which the New Jersey experiment was mentioned, California college regents governing 27 campuses were reported to have backed away from full implementation of plans for year-round classes. Results on those campuses where the change had been made had proved disappointing. Evidently the regents are glad they had not plunged full-length at once, and sorry they had spent as much as they had on an unsuccessful undertaking.

The social sciences, including government, are anything but exact. But they are scientific enough to offer endless opportunities for experimental pilot projects. Small-scale failures can be almost as instructive as big ones, and far less expensive. Officials can expand small-scale successes with both more confidence and more popular support than grandiose but untried undertakings can command.

Government's alternative to using a trial run is to begin a new program on a national scale. Since the President, Congress, and the cabinet-level executive departments are all national in scope—as are some of the problems they confront—starting big can be possible. A social scientist who can persuade the right people in Washington that his novel but untried idea would in practice relieve a major difficulty may see an army of bureaucrats hurriedly assembled to implement that idea simultaneously thruout the country.

But once the bureaucrats are recruited and entrenched in the budget, they constitute a powerful lobby against acknowledging failure. Pride and self-interest continue to pursue concepts once attractive in theory but later proved unfruitful. Programs launched full-grown not only can be wasteful in themselves but may long overshadow and stunt their betters. Especially when they are spending tax money, many officials would rather repeat mistakes than withdraw in favor of other men working on other projects. For example, only institutional momentum has carried into the present a huge federal welfare system long since generally conceded to be unsuccessful in accomplishing its objectives.

We urge the Nixon administration to make repeated use of the pilot-project method. If it were to become increasingly widespread in the federal government, the value received for federal spending would climb sharply.

BERGEN YOUTH HEADS FOR ENGLAND

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. HELSTOSKI. Mr. Speaker, I daresay that most of us agree that well-educated people—not in any particular field of endeavor—is the crying need of our era.

While it is important for us to believe this, I feel it is more important for the rising generation to think so. Thus, it is with great pride that I place in the RECORD an article from the Herald-News of Passaic, N.J., on Mr. Raymond J. Gibbons of Wood-Ridge, a constituent of mine who has been honored with the award of a Rhodes scholarship.

In placing the article in the RECORD, I call distinct notice to Mr. Gibbons' expression that through education people will learn to react and relate to other people and not be primarily concerned with the advancement of themselves in their specialized fields. As a former educator, I subscribe to this philosophy.

In my opinion the principle of this young man is an indication of the good that will come to the United States of America and the world when all people realize that the reported generation gap exists only in the minds of those who refuse to face realities.

All of us whether young, middle-aged or elderly seek the same objective—a better Nation and world. If selfishness is discarded and we do seek to become better informed and educated, we can put our minds and shoulders to work to build a better present and future for all generations.

The article follows:

A RHODES SCHOLAR: BERGEN YOUTH HEADS FOR ENGLAND

(By Walter Hamma)

WOOD-RIDGE.—A 20-year-old Princeton honor scholarship senior recently awarded a Rhodes Scholarship said that what the world needs most is not educated scientists or lawyers or administrators, but well-educated people.

Raymond J. Gibbons, son of Mr. and Mrs. Raymond Gibbons, 361 Innes Road, feels that people must react and relate to other people and not use their intelligence solely for the advancement of themselves and their specialized fields.

The most important and hardest role one can adopt, in his estimation, is that of a teacher. He said that a good teacher not only gives a person textbook knowledge but influences his students in all fields.

Although Gibbons has been majoring in aerospace and mechanical density, he has had experience in the teaching field. As part of his extracurricular activity he is part of the Trenton Action project. In this, college students tutor disadvantaged children. Gibbons presently is helping a fourth grade boy with his studies.

The Princeton senior said that the Nixon administration's curtailment of the space program will force many brilliant youths who were encouraged to major in aerospace sciences to reshape their lives. The new government policy was the reason Gibbons applied for the Rhodes scholarship.

A graduate of the local public school system, the youth was always good in mathematics and science in school. When he first entered Princeton, he was pointing toward an engineering career. However, in his last two years under the university honors program, he shifted to aerospace and mechanical sciences.

When Gibbons enters Oxford University, England, on his Rhodes scholarship, he is planning to continue his education in the sciences and humanities, taking courses in philosophy. He does not know whether the draft will postpone his entering the university.

Under this program he can take more physics courses and can work in the study of humanities. He works closely with a faculty advisor of his own choosing, can select his own subjects and immerse himself in research work.

When he graduates in June, Gibbons will have one of the highest averages ever earned in four years at the university.

When the youth was in high school, he was a Boys' State representative in 1965, and the next year as a senior was a Youth Day representative at the Borough Council meeting and state YMCA youth governor in Trenton. In 1968 he received the Princeton University award for the highest academic average in his class.

Besides his academic work and his part in the Trenton Action project, Gibbons is a member of the University Priorities Committee made up of undergraduates, faculty and administration which advises the president of Princeton on the university budget.

He is on the executive committee of the Westminister Foundation, a Presbyterian organization; is chairman of the Undergraduate Engineering Council; president of Beta Pi, the engineering honorary national scientific society. He also participates in intra-mural athletics, mainly, cross-country track.

Gibbons' father is general credit manager of Columbian Carbon Co., a subsidiary of Cities Service Oil Co. His mother, the former Frances Gillar, hails from Hyndhurst.

The youth was born in Staten Island and came with his parents to Wood-Ridge when he was 3 years old. His sister, Mrs. Frank (Trudy) Wells Jr., lives in Carlstadt.

A BAN ON NO-DEPOSIT BOTTLES AND PLASTIC CONTAINERS WHICH ARE NOT SAFELY DISPOSABLE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. SCHEUER. Mr. Speaker, today with my colleagues, Messrs. BURKE, BUTTON, Mrs. CHISHOLM, Messrs. HALPERN, HELSTOSKI, MIKVA, OTTINGER, PODELL, POWELL, REUSS, TIERNAN, and WALDIE, I have introduced legislation to prevent the use of no-deposit beverage bottles and to ban the use of plastic containers which are not safely disposable.

Americans are the greatest waste producers in history, the result of our affluent society. Among the greatest sources of manmade waste in this country are the empty glass bottles and containers which litter and defile our streets, sidewalks, open lots, public parks, and highways. Drastic and immediate action is needed now.

Municipal garbage collection schedules are being reduced all over the country because of the glut of waste materials. The escalation of collection costs is endangering the financial stability of our cities and the health of our citizenry.

It costs 30 cents for Government trash collection agencies to pick up and dispose of one empty bottle. The escalating numbers of bottles found in waste since the shift to no-deposit bottles, is a major factor in solid waste disposal. Only Federal legislation can alleviate this growing nationwide problem.

The legislation that my 12 colleagues and I have introduced will encourage return of glass bottles to the bottler for refilling or disposal. Bottlers of all soft drinks, and all beer, ale, malt liquor, and distilled spirits, will have two choices: First, to fill only deposit bottles which the customer will have a financial incentive to return; or second, to fill only taxed bottles under an arrangement where the tax would be refunded to the retailer on return of the bottle. The deposit or tax will range from 2 cents to 25 cents depending on the size and contents of the bottle. Retailers would be compensated for expenses they incur on handling. Violations of the act will be

punishable with a fine not exceeding $1,000.

This proposed act will return the general public to the familiar and time-tested principle of the returnable bottle. Generations of American kids have financed their Saturday afternoon movie and the first soda fountain date from the proceeds of 2 cent deposits collected from untold wagonloads of returnable bottles hauled back to the neighborhood grocery store. The only new coverage provided in this bill will involve liquor bottles, and kids from Maine to California will welcome the addition.

I believe that the public is ready now to suffer a mild inconvenience in order to avoid the major polluting effect of glass litter.

The bill also bans the use of plastic beverage containers which do not burn or which exude poisonous fumes when burned, which the Secretary of Health, Education, and Welfare and the Secretary of the Interior find are not safely and easily disposable. We must put a stop to this new threat before it spreads further. The mandating of deposit bottles should also encourage the further development of safe, conveniently disposable plastic beverage bottles.

CHAUTAUQUA COUNTY HOME INFIRMARY IS PACE SETTER

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. HASTINGS. Mr. Speaker, recently there appeared in the magazine, the American County, an article by writer Robert Dyment on the Chautauqua County Home and Infirmary located in my district in Dunkirk, N.Y. It is an excellent, well-written article, and spells out in detail why this facility ranks among the top 15 percent in New York State.

The Home and Infirmary operates under the supervision of Burton G. Miner, commissioner of social services in Chautauqua County. In this day of mounting criticism over ineffective welfare programs and shoddy administrative practices, the article gives refreshing evidence that some things in the system do work.

Organization and dedicated workers constitute a basic ingredient in the success of this operation. In addition, an atmosphere of warmth and friendliness helps to create for each resident the feeling that this infirmary is truly a home deserving of the well-earned accolade of a pace setter. I should like Mr. Dyment's article included in the RECORD at this point:

COUNTY HOME AND INFIRMARY: A PACE SETTER

(By Robert Dyment)

CHAUTAUQUA COUNTY, N.Y.—The kitchen, dining, and feeding operations play an important role in the increased growth of nursing homes, county homes, and infirmaries. The Chautauqua County Home and Infirmary in Dunkirk, N.Y., opened in October, 1961, has long been considered a model of how a county home and infirmary should look and operate. Its kitchen and dining hall facilities have often been examined by federal, state, and county officials, as well as by institutional-feeding specialists from throughout the nation. It's known as a "pace-setter."

The Chautauqua County Home and Infirmary serves two needs: a county home and a county infirmary, with the economy of joint service areas. It is the largest medical facility in Chautauqua County when measured against patient days. For instance, there were 29,886 patient days during the first six months of 1969.

It is located on a beautiful 30-acre site. The building's being near the western boundary of Dunkirk permitted the extension of municipal water and sewer services to a great advantage—an unexpected bonus. The central section of the building is rectangular, consisting of three floors housing the reception lobby and general offices, a combination auditorium and chapel, the main kitchen, and the heating plant.

The infirmary is a three-story wing to the right of the core, designed in a cross-shape. Spacious rooms with connecting water closets accommodate two and four patients each. There are ample single rooms to meet the needs of the critically ill or of those who must be isolated. Each floor has an attractive dining area and a well-lighted day room. The laundry and ample storage areas are located in the partially day-lighted basement.

The county home is a T-shaped two-story wing to the left of the core which accommodates 56 residents. The design of the wards is similar to that of the infirmary and can readily be converted to infirmary use. There is also a chronic care unit.

The site's natural contour permitted each section of this multistoried building to be day-lighted while retaining the pleasing appearance of a level roof line.

The home and infirmary is almost fireproof, with reinforced concrete faced with brick on the exterior. Porcelanized panels between steel-framed windows add a touch of color. The interior is finished with painted plaster walls, with vinyl wainscoating, floor tile, and aluminum ceiling panels. The exception is the service areas, which are finished with glazed tile walls and either treated cement or quarry tile floors.

The cost of this facility, $2,300,000, was financed on a pay-as-you-go basis without bonded indebtedness of any kind.

The Chautauqua County Home and Infirmary is a division of the county department of social services. Burton G. Miner is commissioner and his wife is director of the food, kitchen, and dining operations. Mrs. Miner keeps abreast of the latest food information and physical requirements for such a facility by attending annual food-supervisory classes at Cornell University and elsewhere.

The total capacity is 218 patients, with 199 infirmary beds and 19 well-aged beds. Today, there are 162 patients—below the total capacity—due to a lack of registered nurses. As soon as the RN's become available, the capacity will be increased.

There are 18 positions for licensed nurses and 50 hospital aide positions at the Chautauqua County Home and Infirmary.

Various medical specialists are available to the institution during various days of the week. The home also has its own dental offices, barber shop, chapel, day rooms, and other facilities. Its own laundry facilities handle about six tons a week.

Every patient is remembered by the county home and infirmary with a birthday card and two Christmas gifts. There are civic, social, and service groups that come every week to entertain the patients at the county home.

The average age of patients is 75 and over. Some are suffering from heart, cancer, and diabetic diseases. Others are blind. The ratio of female over male patients at the home is two to one. One patient is over 100 years old, while the youngest is a paralyzed man in his 30's. There are six mentally retarded patients. Thus, feeding conditions must be geared to meet a variety of patient needs and personalities. The home and infirmary has its own commissary.

There is a transfer agreement with Brooks Memorial Hospital in Dunkirk and the W.C.A. Hospital in Jamestown, N.Y. 50 percent of all the infirmary patients come from either of these two general hospitals. They come by way of the general hospitals when the patient no longer needs the acute care furnished in a hospital.

There are no full-paying patients here. Therefore, the Chautauqua County Home and Infirmary isn't competing with private enterprise. Some have a slight income but not enough to pay full costs. Requests for admittance to the home and infirmary can originate with a doctor, family member, or personal physician.

Food costs from January through June, 1969 were $31,923.91. Bids are put out once a month for staples, canned goods, and meats. Bids for other items are placed on a weekly basis. Dr. Russell Brace, resident physician, specifies the variety of foods needed to be purchased for well-balanced meals.

Mrs. Miner says, "We also provide meals at cost to staff members wishing to eat here, providing them with the same good menu." The food service staff consists of 14 aides, three full-time cooks, one commissary steward, and a fully qualified dietician, who comes in one half day a week.

The turnover in food service personnel is extremely slight, attesting to the excellent pay scales and fringe benefits being paid, as well as the fine working conditions and equipment.

A six-week menu cycle is used within the fall, spring, and summer programs. Cooks operate on two rotating shifts, 6 a.m. to 3 p.m. and 10 a.m. to 7 p.m. Every fifth week they have a Friday and Saturday off, followed by a Saturday and Sunday. Sometimes their schedule calls for a three-day weekend off. The entire food service staff is cooperative about working on holidays, realizing that the patients depend on them. "It's very important that your food service staff be congenial in this type of operation, and we have such a congenial staff," says Mrs. Miner.

The Chautauqua County Home and Infirmary pays one of the highest going rates for personnel involved with the food services. The lowest rate here is $1.87 per hour, with cooks starting at $2.53, and going up to $2.79 per hour.

Wages come to $45,052.82 for six months. Fringe benefits are high, with $11,000 attributed to this category. Total cost for food service, including salaries totaled $88,239.91 for the first six months of 1969.

"Two-thirds of our food service cost is for labor and fringe benefits, a growing trend with other county operations throughout the nation. However, because of well-trained personnel, modern equipment, facilities and methods, we get better mileage out of our costs than some other facilities," says Mrs. Miner.

Patient feeding schedules are as follows: 7 a.m.—Breakfast; 11:30 a.m.—lunch; 4:30 p.m.—evening meals; and 7 p.m.—night nourishment.

At 6 a.m. the cook starts preparing coffee and cereal for breakfast; serving starts about an hour later. The pantry personnel at each dining hall prepare eggs and other items for special diets. All food is served family style.

The dining room for women ambulatory patients is located on the ground floor. Floors are scrubbed daily, and then buffed, eliminating any slipperiness.

Patients being served family style in the dining areas are all taken care of by dietary aides. As time and years progress, some patients require more time to consume their meals. On an average, however, between 30 to 45 minutes is required for a patient to complete a meal at the Chautauqua County Home and infirmary.

The modern kitchen facilities are located on the first floor. Hot tray carts are used to bring food into the dining room pantries. Nurses and hospital aides will help serve the infirmary patients not able to eat in the dining room facilities. Nurses and aides know the eating habits and food requirements of each individual patient. Non-selective menus are used. The carts are set up by dietary aides and then served to patients on trays.

Something new will be tried during the summer of 1970 when some patients will be fed outdoors on the spacious county home and infirmary grounds. Incidentally, Mrs. Miner has many notes from patients thanking her and the staff for the excellent meals.

In regard to training new personnel, which both Commissioner and Mrs. Miner consider one of the most important phases of the institution's operations, Mrs. Miner has developed an excellent combination training-work schedule for new employees.

Here is the orientation schedule followed by new dietary aides, as set up by Mrs. Miner, using the 6 a.m. to 3 p.m. shift as an example of the routine:

FIRST THREE DAYS OBSERVATION ONLY

A. Preliminary: 1) Time card, number, and clock; 2) Locker room; 3) Meal ticket purchase.

B. Familiarization with building: 1) Kitchen; 2) Pantries and patient's dining rooms; 3) Sewing room; 4) Storage rooms; 5) Dietary office.

C. Introduction to Daily Routine: 1) Check for change in a patient's diet in dietary office; 2) Check menu for the day; 3) Prepare for breakfast; 4) Inform nurses if a patient is missing in dining room; 5) Pass special diet trays; 6) Assist patients in dining room; 7) Return soiled dishes to kitchen after helping patients who need assistance; 8) Clean up dining room—mop floors, wash tables, fill sugar bowls and salt and pepper shakers; 9) Pick up necessary supplies for the day; 10) Return dishes to dining room and set tables and trays for next meal; 11) Make coffee and tea for staff coffee break; 12) Coffee break—Discuss any big problems; 13) Prepare noon meal—a.) Butter bread, b.) Dish up dessert, and c.) Place coffee, tea or milk on tables or trays; 14) Get steam cart from kitchen; 15) Place food on tables and have patients come for dinner; 16) Fix the special diets and take trays to the patients; 17) Help those patients in the dining room who need help; 18) After patients leave dining room—same routine as after breakfast; 19) Return soiled dishes to kitchen; 20) Noon meal for staff—12:30 P.M. to 1:30 P.M.; 21) Set table for the evening meal; 22) Prepare any fresh fruits or vegetables for the next day or make jello if it is on the menu; 23) Check the schedule for next day; and 24) Time to leave.

All new dietary personnel are given diet manuals to read. "We hope that reading these will give the new person an understanding as to why some patients need special diets and also why all patients need a well-balanced diet."

New dietary personnel receive the following instructions on personal hygiene: 1) Hair nets; 2) Clean uniforms and shoes; 3) Frequent hand washing; 4) Bathing daily; and 5) Use of deodorant.

NEAR THE TOP

Chautauqua County ranks near the top in home and infirmary facilities available for area residents. The county is listed as better off than 85 per cent of other New York state counties in home and infirmary facilities available. And, Chautauqua County is a national leader in modern facilities for a county home and infirmary.

PRESIDENT'S VETO OF THE HEW APPROPRIATIONS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. SCHEUER. Mr. Speaker, the President's veto of the HEW appropriations made it clear that education is not one of his high priority programs. For, though our local school systems are in desperate need of massive Federal funding, Mr. Nixon decided to turn his back on the programs for our children—all in the name of inflation.

Such an excuse is ironic, for Mr. Nixon himself has made decisions far more responsible for this inflation than the passage of the HEW appropriations ever would have been. In December, Mr. Nixon embarked on a $1.3 billion spree for a totally unnecessary supersonic civilian plane. More recently, and in the face of growing opposition, he announced plans for the second stage of the controversial multibillion-dollar ABM program. The ABM issue divided the country last year; it will do so again this year and the division will be more bitter. Extension of the ABM will plunge this country deeper into a senseless arms race where the sky will be the limit and our sons the first casualties.

How many extra teachers could have been hired for the price of a single one of his mighty weapons of destruction? How many additional rooms in hospitals? How many more nurses and doctors? How much more for medical research? Essentially, has the President decided that the weapons of war have a priority over the needs of our people? Moreover, I fail to be moved by the President's contention that the veto will arrest inflation. Indeed, Mr. Nixon's record against inflation has been one of too little action taken too late. At the beginning of his term Mr. Nixon announced that inflation was the major domestic problem. He promised to come to grips with it. Yet, since Mr. Nixon has become President, inflation has mounted faster and faster. The prices for food, clothing, and other basic necessities are becoming increasingly onerous for all but the well to do. Today, thanks to the administration, the Nation's economy faces what is clearly its worst crisis in over a decade.

The HEW appropriations bill was a litmus test of the President's plans for not only inflation but also the vast majority of our citizens. The President failed this test on both counts. Indeed, if Mr. Nixon and we in Congress really want to deal effectively with inflation we should use the budgetary ax on one of the Pentagon's white elephant programs, not on the much needed HEW appropriations.

NBC'S PETER HACKES HIGHLIGHTS HISTORIC SPACE EVENT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Mr. Peter Hackes, an outstanding correspondent and space specialist for the National Broadcasting Co., has written an article on "Apollo 11—Man's Greatest Journey."

This is indeed an excellent article, well written, and with historically important data worthy of preservation.

Because of the interest of my colleagues and the American people in this historic achievement, I include Mr. Hackes' article in the Extensions of Remarks:

APOLLO 11—MAN'S GREATEST JOURNEY

(By Peter Hackes)

For an instant on that Sunday afternoon, it was as if time were standing still. Not just the time of day: 17 minutes past 4:00 p.m. Eastern Daylight Time, on July 20, 1969. But *all* time. Since time began.

It was a moment in history to be talked about, and read about, for all of history yet to come. It was the kind of moment that must have stopped the clock the day Christopher Columbus stepped ashore. Only more so.

Space expert Dr. Wernher von Braun likened it to the day in unrecorded history when aquatic life first began crawling on land. Others ranked it with the development of nuclear energy. President Richard Nixon called it "one priceless moment in the whole history of man." "The heavens," he said, "have become part of man's world."

For the first time man had landed on the moon.

Six and a half hours later (10:56:20 p.m. Eastern Daylight Time) 500 million people in 49 countries around the world watched television sets in awed fascination as a small-town boy named Neil A Armstrong from Wapakoneta, Ohio, stretched his silvery-booted foot down to the lunar surface. Said Astronaut Armstrong, in his midwestern twang, "That's one small step for a man; one giant leap for mankind." His voice, loud and clear, had come to us from an island in space nearly 239,000 miles away.

Mankind's most ambitious, most complicated, most fascinating journey—the flight of Apollo 11—began on July 16, 1969. In a launch that started exactly 724 milli-seconds behind schedule, three Americans were rocketed into a cloudy sky from Pad 39-A at the Kennedy Space Center, Florida, just past 9:32 a.m. Eastern Daylight Time. The mighty Saturn Five booster's 7½ million pounds of thrust lifted the 2,898-ton 36-story tall "stack" gently but firmly. An incredible journey had begun.

Apollo 11 circled the earth 1½ times; then it fired its third-stage booster engine, which drilled it into a precision flight toward the moon. In the early afternoon the command module separated from the third stage, turned around and joined itself "nose to nose" with the lunar module, which was garaged in the top of the third-stage booster. Then the combined spacecraft pulled away, and the spent third stage received a radio signal that sent it off toward the sun.

THE APOLLO 11 TRIO

For the next three days Apollo 11 coasted outward toward the moon. Aboard the com-

mand module were three men headed for the history books: Command Pilot Armstrong, a civilian, who only a month before his thirty-ninth birthday would become the first human being in history to make footprints on the moon; the command-module pilot Air Force Lieutenant Colonel Michael Collins of Washington, D.C., also thirty-eight years old, son of a two-star general, nephew of a four-star general (former Army Chief of Staff J. Lawton Collins); and the third man aboard, lunar-module pilot Air Force Colonel Edwin E. Aldrin, Jr. (whose friends call him "Buz"), thirty-nine years old, from Montclair, New Jersey . . . destined to be the second man in history to walk on the moon.

Neil Armstrong was flying a plane, back in Ohio, before he drove a car. His love for flying led him to join up as a naval aviator in 1949. Later, he flew seventy-eight combat mission during the Korean War. After leaving the navy in 1952, Armstrong attended Purdue University, graduating in 1955 with a degree in aeronautical engineering. He became a research (test) pilot for the government that same year, and later test-flew seven new planes that were being developed. His top achievement as a NASA test pilot came when he flew the experimental X–15 rocket-plane to an altitude of more than 200,000 feet at a speed of about 4,000 miles an hour.

Armstrong had been Command Pilot aboard Gemini 8. He demonstrated his exceptional cool-headed piloting skill on that flight by overcoming a stuck position-thruster, bringing Gemini 8 down to a safe emergency landing from earth orbit. Armstrong's favorite relaxation comes when he's soaring in a glider.

Mike Collins—the only one of the three who would not be walking the moon's surface—spent his childhood moving from army post to army post, as his father's orders dictated. Collins attended St. Albans School in Washington, D.C., and was graduated from West Point in 1952.

He chose the Air Force, and became a test pilot at Edwards Air Force Base, California, putting new jet fighter planes through their paces. Collins, too, is a Gemini veteran. He flew on Gemini 10, which docked with an Agena target vehicle. In that flight, Mike Collins went outside the capsule twice to "walk" in space. His greatest nonastronaut pleasure comes from fishing and playing handball.

Buzz Aldrin is another West Pointer who chose the Air Force. He also holds a degree from the Massachusetts Institute of Technology—a doctorate in astronautics. Aldrin is a physical-fitness advocate who likes to run, do high-bar exercises, and scuba dive. Like Armstrong, he, too, was a Korean War pilot, and flew sixty-six combat missions. His previous space flight experience was aboard Gemini 12 when he spent five and a half hours performing experiments outside the capsule.

This, then, was the trio about to make history as they soared out toward the moon. On the third day of the Apollo 11 flight, Armstrong and Aldrin left the command module (nicknamed Columbia), through the hatch and tunnel into the LM (nicknamed Eagle) and for one and a half hours sent back the longest, clearest, and most interesting TV show from space (up to that point). It was a color demonstration of the dials, instruments, switches, and equipment aboard the LM, equipment they would begin using two days later as they descended to the lunar surface.

THE DESCENT BEGINS

On day Number Four, Saturday, July 19, Apollo 11 arched behind the moon, fired its engine, and returned in lunar orbit. Another TV transmission that day showed the harsh beauty of the moon's pockmarked surface.

The next day, July 20, the final critically difficult part of the odyssey began when, with astronauts Armstrong and Aldrin aboard, the LM separated from the command module at 1:47 P.M. EDT. Glider pilot Armstrong shouted to Houston Mission Control, "The Eagle has wings!" At 4:05 P.M. EDT it began its descent toward Lunar Landing Site Number 2.

Astronaut Collins remained aboard Columbia, orbiting the moon by himself awaiting Eagle's return, and ready to dive to the rescue if that became necessary during Eagle's descent or ascent periods. For on the lunar surface the two men would be on their own, beyond the reach of any possible rescue effort. Collins bade the two moon pioneers good-bye with a casual "See you later!"

As the LM dropped slowly toward the moon, the world held its breath. From Calcutta to Paris, Oslo to Buenos Aires, an estimated one billion citizens of the world listened to the radio talk between Eagle and Houston Control as the historic descent progressed (there being no TV pictures of the landing):

HOUSTON. Eagle, you're looking great. Coming up 9 minutes.

HOUSTON. You're now in the approach phase. Everything looking good. Altitude 5,200 feet.

ASTRONAUT EDWIN E. ALDRIN, JR. Manual Altitude. Control is good.

HOUSTON. Roger. Copy.

HOUSTON. Altitude, 4,200 feet.

HOUSTON. You're go for landing. Over.

ALDRIN. Roger. Understand go for landing.

HOUSTON. We're go. Think tight. We're go.

ALDRIN. 2,000 feet. Into the AGS [Abort Guidance System]. 47 degrees.

HOUSTON. Roger.

ALDRIN. 37 degrees.

HOUSTON. Eagle, looking great. You're go. Altitude, 1,600.

HOUSTON. 1,400 feet. Still looking good.

ALDRIN. 35 degrees.

ALDRIN. 750 coming down to 23. 700 feet—21 down, 33 degrees . . . feet down to 19. 540 down to 30 . . . 15. 400 feet down at 9. A forward. 350 feet down at 4 [static].

[The figures given for forward and down by Eagle are reports of their speed—velocity in feet per second—both across the face of the moon and down toward its surface.]

ALDRIN. 300 feet. Down 3½, 47 forward. One minute, 1½ down 70. Altitude velocity light. 15 forward. Coming down nicely. 200 feet. 4½ down. 5½ down. 9 forward. 100 feet, 3½ down, 9 forward. 75 feet. Looking good. Down ½. 6 forward, 60-second lights on. Down 2½. Forward. 30 feet. Picking up some dust. Big shadow. For 4 forward. 4 forward drifting to the right a little. Down ½. 30 seconds.

ASTRONAUT NEIL A. ARMSTRONG. Contact light. Okay, engine stopped. Mode control both auto. Descent engine command override off. Engine arm off.

[When Armstrong reported "contact light," Probes 5 feet 8 inches long on the lunar module's landing pads had touched the moon.]

ARMSTRONG. Houston . . . Tranquility Base here. The Eagle has landed.

HOUSTON. Roger, Tranquility. We copy you on the ground. You got a bunch of guys about to turn blue. We're breathing again. Thanks a lot.

TRANQUILITY BASE. Thank you.

HOUSTON. You're looking good here.

TRANQUILITY BASE. A very smooth touchdown.

THEY'VE LANDED!

The world, as well, began breathing again. Shouts and cheers went up across the earth Apollo 11 had left four days earlier. A huge screen in Trafalgar Square flashed the news to thousands of Londoners and to * * * Yankee Stadium, where the New Yorkers were playing the Washington Senators, told 35,000 ball fans "They're on the Moon!" and the crowd sang "America the Beautiful." That's what they sang in Seattle, where the landing interrupted a game between the Pilots and the Minnesota Twins. At Philadelphia, fans at a Phillies-Cubs game stood in silent prayer.

Hundreds of thousands of United States servicemen—many in Vietnam—heard the landing words. The streets of Johannesburg, Tokyo, and Vienna were almost deserted. Most people were at home listening as two Americans began their landing on the moon. It was the same in Prague, Copenhagen, and Lima. In Moscow, Soviet television reported the historic moment at the end of its newscast. And the newspaper *Pravda*—in an unusual move—held up its press run so it could carry the moon-landing story.

Back on the moon, astronauts Armstrong and Aldrin went about preparing Eagle for an emergency liftoff if such became necessary, and made preparations for going outside the LM. We heard a preliminary report on what they saw out the window, from Astronaut Armstrong:

TRANQUILITY BASE. It really was rough, Mike, over the targeted landing area. It was extremely rough, cratered, and large numbers of rocks that were probably some many larger than 5 or 10 feet in size.

COLUMBIA. When in doubt, land long.

TRANQUILITY BASE. Well, we did.

TRANQUILITY BASE. Houston, that may have seemed like a very long final phase, but the autotargeting was taking us right into a football-field-sized crater with a large number of big boulders and rocks for about one or two crater diameters around it. And it required us to fly manually over the rock field to find a reasonably good area.

HOUSTON. Roger. We copy. It was beautiful from here. Tranquility. Over.

TRANQUILITY BASE. We'll get to the details of what's around here but it looks like a collection of just about every variety of shape, angularity, granularity, about every variety of rock you could find. The colors vary pretty much depending on how you are looking relative to the zero phase length. There doesn't appear to be too much of a general color at all. However, it looks as though some of the rocks are boulders, of which there are quite a few in the near area—it looks as though they're going to have some interesting colors to them. Over.

HOUSTON. Roger. Copy. Sounds good to us, Tranquility. We'll let you press on through the simulated countdown and we'll talk to you later. Over.

TRANQUILITY BASE. Okay, this one-sixth G is just like an airplane.

HOUSTON. Roger, Tranquility. Be advised there are lots of smiling faces in this room and all over the world. Over.

TRANQUILITY BASE. There are two of them up here.

HOUSTON. Roger. It was a beautiful job, you guys.

COLUMBIA. And don't forget one in the command module.

TRANQUILITY BASE. Roger.

MAN'S FIRST STEP ON THE MOON . . . AND THEN ANOTHER

Approximately six and a half hours after the landing, the two explorers—their cabin depressurized and their backpack life-support systems, lunar gloves and lunar boots in place—opened Eagle's hatch.

Following the flight plan, Armstrong was first to go down the nine rungs of a ladder welded to one of the LM's landing legs. As he backed out of the cabin and moved downward, he pulled a cable release that opened a door in the underside of the LM, from which a collection of tools and other moon-use instruments popped out and remained suspended at waist height from the lunar surface.

One piece of equipment was a television camera, prefocused on the underside of the ladder, facing the descending astronauts. When Aldrin flipped a switch inside the LM, the camera began to operate. And the world

not only heard what was going on . . . it *saw* history happening.

What millions saw first (an estimated 125,000,000 viewers in the United States alone—the largest audience ever to watch anything on television) was the ghostlike figure of Astronaut Armstrong, gingerly backing down the ladder and then testing the surface to see if it would support him. It was at that moment, 10:56:20 p.m. EDT, that Armstrong uttered his now famous line, "That's one small step for a man; one giant leap for mankind."

Twenty minutes later, history's second moon visitor, Astronaut Aldrin, came down the same ladder. And again the world was watching its TV screens. Aldrin's first words summed up his feelings: "Magnificent desolation."

During the next two hours and twenty-six minutes the lunar excursion drew the gamut of responses as the world below watched in magnetized fascination. The astronauts obliged by moving the TV camera from its LM position to a tripod they set up about thirty feet away, focused on their activities.

We looked on—transfixed—as they slowly became accustomed to the moon's gravity—just one-sixth of its pull here on earth. At first they walked. Soon they hopped and finally settled on a sort of slow bounce with each step . . . something akin to a football player beginning a broken-field run.

So many pictures we saw that night will remain etched in our brains: The men uncovering an aluminum commemorative plaque affixed to the LM's forward landing leg between the fourth and fifth steps of the ladder; opening a cylindrical cask attached to the ladder and extracting a four-by-five-foot nylon American flag attached to a folded pole; pushing the unfolded pole into the lunar soil, the flag "flying" in the moon's airlessness by means of a metal brace behind it; both saluting after they had raised the flag.

They left mementos on the moon—a "time capsule" in the shape of a thin silicon wafer the size of a half dollar, inside a case shaped like a woman's compact, bearing messages of goodwill from the heads of state of seventy-three nations microfilmed on it. They also deposited on the moon mementos of the five men who had died in the world's race to outer space: the shoulder patch that was to have been worn by the late astronauts Grissom, White, and Chaffee, who died in the Apollo 1 disaster; and medals that had been awarded to two Russian cosmonauts who died—Gagarin and Kamarov.

At one point the astronauts had a two-minute "telephone" talk with President Nixon as he watched their moon activity at a White House television set.

Later they set out three experiments: one to trap particles of the "solar wind"—emissions from the sun; another, a laser reflector from which ground stations in any nation may bounce laser light beams to determine the moon's exact position within a few inches; and a seismometer to record moonquakes and meteoroid impacts. As they worked, the astronauts snapped hundreds of pictures.

In describing the soil of this alien world, Armstrong compared it with powdered charcoal . . . fine grained . . . "almost like cocoa." Aldrin reported it was "rather slippery. The powdery surface," he said "fills up all the very little fine pores and you tend to slide over it very easily."

Armstrong told Houston that the flame from the descent rocket engine had not dug out a crater on the moon, that the LM's landing footpads had sunk into the lunar surface only an inch or two, and that his boot pressed down "only a small fraction—about an eighth of an inch." Commented Armstrong, "It has a stark beauty all its own . . . much like the desert of the United States."

Finally they set about digging up samples. In all they loaded fifty pounds (earth weight) of moon rocks, pebbles, dust, and powder into two metal boxes that then were hoisted into the LM cabin. Soon afterward, astronauts Aldrin and then Armstrong reentered the cabin.

At 1:07 a.m. EDT, on July 21, 1969, man's first walk on the surface of the moon ended.

Around the world, bleary-eyed TV-watchers continued their marathan mesmerized stare at millions of screens. Although that was our last glimpse of the two men, the camera on the surface kept sending a picture of the ghostly landscape with the LM in the foreground, the flag "waving," and the lunar tools and experiments. Hours later the astronauts turned off the camera from inside the LM . . . and went to sleep.

Perhaps to aid the weary—some of whom had spent thirty hours, off and on, listening to radio and television, President Nixon had declared that day, Monday, a "Day of Participation" in the moon landing. All government offices were closed, and across the nation it was a holiday for most people.

At the end of a lengthy rest period the astronauts were awakened and began preparing to leave the moon. At 1:54 p.m. EDT, on the afternoon of July 21st, they detached themselves from the landing stage and fired the LM's ascent-stage engine for six minutes, to launch themselves from the moon aboard the LM's upper section. It worked perfectly, returning the LM to orbit and a docking three and a half hours later with Collins in the command module.

HOMEWARD BOUND

The three-day trip home from the moon was one of sleep, housekeeping, and vacuum-cleaning lunar dust. Following a perfect reentry and splashdown in the Pacific on July 24, they emerged from their capsule and were hoisted by a helicopter which brought the trio to the deck of the carrier USS *Hornet*. Immediately they entered a quarantine chamber, designed to protect the earth from whatever lunar "germs" they might have brought back with them. The three-week quarantine was spent by the men inside the Lunar Receiving Laboratory at Houston, Texas, to which their mobile chamber was flown.

President Nixon had left Washington to be aboard the *Hornet*, where he watched the splashdown and recovery operation. Later he walked to the window of the sealed mobile quarantine facility that housed the trio aboard ship and told them (with the aid of a microphone) that he felt he was the luckiest man in the world to be able to welcome them back. "As a result of what you have done," he told Armstrong, Aldrin, and Collins, who were looking out the window of the sealed van, "the world has been drawn closer together." Mr. Nixon added, "This is the greatest week in the history of the world since the Creation."

The administrator of NASA, Dr. Thomas O. Paine, predicted: "Man is indeed going to establish places of abode outside the earth We have clearly entered a new era."

Paine's deputy, NASA Associate Administrator George Mueller, agreed, saying, "It seems quite clear that the planets of the solar system are well within our ability to explore . . . at the present time." From many quarters came predictions that Mars would be next—probably by the turn of the twenty-first century.

During the flight of Apollo 11, the President expressed the hope that future space ventures would be trips of exploration and not of conquest and that they would be cooperative ventures with other nations. The President predicted that by the year 2000 man "will have visited new worlds where there will be a form of life."

Whether or not his prediction proves true, Apollo 11 paved the way. It was a beginning. It demonstrated for the first time that man has the ability to leave his earth, land on a distant surface, and survive in an alien environment.

Many other moon flights will take place. NASA has planned ten Apollo landings. Eventually, man will create colonies of scientific investigators on the moon.

But the dusty footprints of history's first two lunar adventurers—Neil Armstrong and Buzz Aldrin—will remain stamped forever in the vacuum stillness of a place called the Sea of Tranquility. On the moon.

FACTS ON THE MOON

The earth's natural satellite is a sphere 2,160 miles in diameter and 6,790 miles in circumference, or about a fourth that of the earth in each case. Weighing about 81 quintillion (81,000,000,000,000,000,000) tons, the moon has 1/000 the earth's mass 1/50 the earth's volume.

It takes 27 days, 7 hours, 43 minutes, 11.47 seconds for a complete revolution of the moon around the earth. Since the same side of the moon always faces the earth, it takes the same amount of time for the moon to complete a single rotation on its axis.

The moon travels in an orbit at an average distance from the earth (center of moon to center of earth) of 238,855 miles, the maximum distance (apogee) being 252,710 miles and the minimum distance (perigee) being 221,463 miles. The distance surface to surface: average, 233,814 miles; apogee, 247,667 miles; perigee, 216,420 miles. The moon's average speed in orbit is 2,287 mph.

The gravity of the moon exerts a force on the surface a sixth as great as does gravity on the earth's surface. Surface temperatures on the moon range from 243° F. with the sun at the zenith to −278° F. at night.

The surface of the moon is marked by maria (extensive flat areas that, when viewed through telescopes, resemble "seas"), by mountains ranging to perhaps 30,000–40,0000 feet in altitude, and by craters ranging in diameter from inches to 180 miles. The surface is covered by dust, sand, small and large rocks, and tremendous boulders.

The moon has virtually no atmosphere and, therefore, no wind. Without atmosphere, in which friction would cause many micrometeoroids and meteoroids to burn up, the surface is pelted frequently by these solid visitors from space. Radiation also reaches the surface in strength without being filtered through atmosphere or captured by any girdling magnetic fields.

LUNA 15

An unmanned Russian spacecraft, Luna 15, was launched unannounced on July 13, just three days before the Apollo 11 takeoff. It was thought by Western observers that the Soviet Union intended it to land on the moon, scoop up lunar surface samples, and return to earth before the Apollo 11 splashdown. However, Lunar 15 crashed into the moon on July 21.

WORLD RECORDS IN MANNED FLIGHTS TO THE MOON AS FILED BY THE UNITED STATES WITH INTERNATIONAL AERONAUTIC FEDERATION IN PARIS, JULY 28

(*a*) Duration of stay on lunar surface outside spacecraft—Armstrong, 2 hours 21 minutes 16 seconds.

(*b*) Duration in lunar orbit—Collins, 59 hours 27 minutes 55 seconds.

(*c*) Duration of stay on lunar surface—Armstrong and Aldrin, 21 hours 36 minutes 16 seconds.

(*d*) Duration of stay on lunar surface inside spacecraft—Aldrin, 19 hours 45 minutes 52 seconds.

(*e*) Greatest mass landed on moon—Armstrong and Aldrin, 7,211 kilograms (15,897 pounds).

(*f*) Greatest mass lifted into lunar orbit from lunar surface—Armstrong and Aldrin, 2,648 kilograms (5,838 pounds).

FUTURE FARMERS OF AMERICA NATIONAL WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. NATCHER. Mr. Speaker, as the Future Farmers of America prepare to observe their national week during the period of February 21 through 28, I welcome this opportunity to salute this outstanding agricultural youth organization. The theme for this year's National FFA Week is "FFA—Emphasis Agriculture" and certainly this in itself is a capsule definition of what the FFA is all about.

All down through the years from the time it was organized nationally in November 1928 to this day, the FFA has endeavored to continuously improve the great industry of agriculture for the welfare of all our citizens by making significant contributions to the vocational agricultural education system and the overall agricultural complex of our Nation. The members of FFA are students of vocational agriculture in nearly 9,000 local high schools throughout the country and this organization's impressive contributions to agriculture are made possible through FFA providing its student-members an opportunity for practical application in FFA activities of the lessons learned in the vocational-agricultural classroom.

The young people brought together by the FFA are those who have already displayed and developed an intense interest in agriculture whether they be from the farm, ranch, or town. Fortunate, indeed, are the young men who have the opportunity to participate in the FFA because through this program they not only learn about all the aspects of modern agriculture, but they are given the chance to develop leadership skills and work together to build a better community.

As we all know, farming is now and always has been our Nation's largest and most vital industry and certainly with the continuing expansion of our population it becomes increasingly important that our young agriculturists have the best possible training to meet the demand for food. Understandably, for many years the FFA has directed its major efforts toward establishing young men in farming, but now considerable time and effort goes toward the training and development of these young citizens for numerous jobs which support the Nation's farmers and provide consumer services.

The July 1969 tabulation shows a membership of 13,808 Future Farmers in 168 chapters in Kentucky and based upon what I have observed from my association and experience with the chapters in the Second Congressional District I can assure you, Mr. Speaker, that this program has been and continues to be a tremendous success. We are justifiably proud of our Future Farmers because they are indeed a credit to their country and the influence of their activities is far-reaching and highly significant.

As these fine young men approach the celebration of another national week I consider it a distinct honor to offer them my sincere congratulations and best wishes for continued success in all their future endeavors.

LITHUANIA

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. MESKILL. Mr. Speaker, today we are celebrating the 52d anniversary of the Declaration of Independence of the Lithuanian nation. Lithuania has suffered a long and stormy history. Time and again the people of Lithuania have seen their freedom smothered by the oppressive hand of the Soviet Union.

Throughout more than a century of Russian domination followed by a period of German occupation during the First World War, the people of Lithuania kindled the flame of freedom. Lithuania's declaration of independence on February 16, 1918, marked the beginning of two decades of Lithuanian progress—progress in agriculture, progress in industry, progress in meeting social needs, and progress in the development of Lithuanian culture.

This progress came to a dramatic halt during the Second World War as the tiny republic was once again crushed by the occupation forces of the Soviet Union and Nazi Germany. In the wake of the war, the Lithuanian nation returned not to independence but to the oppressive domination of the Soviet Union.

The Lithuanian people have endured enormous hardships and through them all they have maintained their strong desire for freedom. The struggle still goes on.

The persecution which the Soviet Union has inflicted upon these freedom-loving people is intolerable. It is a denial of the fundamental human rights of freedom and self-determination.

Throughout its history, the United States has stood as a monument to freedom in the world. The United States has consistently supported the aspirations of the Lithuanian peoples for self-determination and national independence.

Today, I call on the President of the United States to direct world opinion to the plight of these enslaved people who remain trapped behind the Iron Curtain. I urge President Nixon to bring the injustices suffered by all Lithuanians and Baltic peoples to the attention of all freedom-loving people of the world through organizations such as the United Nations.

Today, these brave and courageous people still cling to the hope and idea of freedom and independence. I am honored to join with loyal Americans of Lithuanian descent and with all Lithuanians around the word in their celebration of Lithuanian Independence Day. I urge the leaders of the Soviet Union to restore the right of self-determination to these millions of captives who yearn for the freedom that was theirs 52 years ago.

STATEMENTS ON ATOMIC ENERGY AND THE ENVIRONMENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. WOLFF. Mr. Speaker, on February 6 my distinguished colleague from New York (Mr. REID) and I conducted an informal hearing in New York on the potential environmental impact of atomic energy in the New York metropolitan region.

Because of the relevancy of the statements we heard to the general subject of atomic energy and the environment we have determined to include them in the RECORD on a regular basis during the next 2 weeks.

Today I would like to include the statements of Joseph C. Swidler, chairman of the New York State Public Service Commission and our colleague from New York (Mr. BINGHAM).

The statements follow:

REMARKS BY JOSEPH C. SWIDLER, CHAIRMAN, NEW YORK STATE PUBLIC SERVICE COMMISSION

Congressman Reid, Congressman Wolff, and Congressman Addabbo, I am pleased that you have invited me, as the new Chairman of the New York State Public Service Commission, to appear at this hearing on the subject of environmental impact of atomic energy plants. Your invitation makes clear that you are specifically interested in the possible siting of such plants on Long Island Sound.

In my letter of January 28 accepting this invitation, I told you I expected to be sworn in as a member of the Public Service Commission on Monday, February 2. It is my pleasure to report to you that the swearing-in ceremony was held as scheduled, and that I have now been holding office as Chairman of the Commission for almost 96 hours. These have been a very interesting and educational four days, but I must confess that they provided me little opportunity to improve my background on the subject of the hearing.

It may he helpful if I first explain the present situation of the Public Service Commission in relation to nuclear plant siting and then speak for a moment about plans for the future. At present the Commission has only tangential jurisdiction with respect to siting problems.

The electric utilities of this State are not required to secure the approval of the Commission before constructing or operating a power generating plant, whether it be nuclear, fossil fuel or hydro. The Commission must ultimately approve the securities issued to finance such plants, the books of account in which plant and operating costs are recorded, and the rates charged for the plant output, but none of these are effective as controls over plant location. In this respect the Public Service Commission stands out as compared with many other agencies of the State. I understand that before any power plant can be built, one or more permits are required from numerous State agencies.

In Governor Rockefeller's "State of the State" message to the Legislature of January

7, 1970, he proposed the reorganization of the Public Service Commission by expanding and strengthening the capacity of the Commission "to protect and conserve our natural resources and environment" and by establishing procedures "for resolving questions relating to the location of major utility facilities without undue delay." These procedures, he stated, would guarantee "the rights of citizens, localities and conservation groups to participate in decisions concerning the location of such facilities, while at the same time promoting the timely development of needed facilities by avoiding multiple or serial suits in the courts . . ."

The legislation referred to by Governor Rockefeller is being drafted by his aides, and they have consulted with me. However, the drafts are still far from definitive in form. There is little, therefore, that I can add in detail to what the Governor has already disclosed of his plans.

It is apparent, however, that the Governor contemplates some form of licensing or certificating procedure in which the environmental issues will be fully explored with the assistance of interested groups, including those dedicated to the protection of our environment.

The Governor's message balances two considerations which are intimately related. On the one hand is the enormous growth in the demand for electric service, which is now running at a compounded annual rate between 7 and 8%. At this rate of growth, electric demands double in each decade, and electric power facilities must grow at the same pace. Visualize, if you will, installing in a single decade capacity equal to all that now in existence, and quadrupling existing capacity by 1990. On the other hand, is the fact that our environment has only a limited capability to absorb the products of combustion, the products of radiation and the waste heat in the condensing water, without impairing the quality of the environment. These counterbalancing forces impose on the electric power industry, and on the government agencies which must review their construction and operating programs, a solemn responsibility to seek solutions to power plant expansion requirements in a way which considers all environmental factors and the best available technology in order to reconcile the need for expansion of power capacity with essential environmental protection.

I am sure I do not need to emphasize to you that in any particular situation the Commission will seek and find the most capable and knowledgeable environmental experts to guide us in finding the best answer under all circumstances. You would not want me to prejudge now the questions which may come before the Commission, sitting in a quasi-judicial capacity in a plant siting proceeding, until we hear from our own staff and consultants and from the witnesses for the parties. I trust, therefore, that you will not expect me to speak on the question of plant siting at any specific locations. However, the Commission has an intense interest in the specifics of this hearing, and a member of the Commission staff will be present throughout the hearing so that we can receive the benefit of the testimony which you are taking here today.

I want to thank you again for this opportunity to appear before you.

PROBLEMS POSED BY NUCLEAR POWER PLANTS

(By Congressman JONATHAN BINGHAM)

An unfortunate crisis of public confidence has developed over the past several years with regard to the performance by the Atomic Energy Commission of its responsibilities to protect the public interest by regulating peaceful uses of atomic power. In the past several months, this credibility gap has widened considerably, in large part as a result of controversies over plans for increasing numbers of nuclear power plants across the country.

After careful study of the many aspects of this complex issue, I have come to the conclusion that there is significant cause for this waning of public confidence. In my view, it stems in large part from the fact that the AEC possesses authority both to *promote* and to *regulate* peaceful applications of atomic power—a dual responsibility that is, as far as I am aware, unique in our federal governmental machinery.

As the Government's "salesman" of commercial nuclear power, the Commission concluded and promised in the late 1940s and early 1950s that nuclear power energy could be harnessed to produce economically competitive electric power. It has held out this and other visions of peaceful applications as a means of justifying the immense investments that the federal government has made in the nuclear energy field, both for defense and peacetime purposes. Understandably, the AEC has committed a great deal of effort to assure that its projections would come true. As a committed promoter of peaceful nuclear power, the AEC has necessarily developed intimate relations with the manufacturers of nuclear generating equipment and the entire power industry.

But to carry out its statutory mandate to protect the broad public safety, health, and well-being by regulating the commercial nuclear power industry, the AEC has been expected and required to make critical and objective judgments about the plans and operations of nuclear industry.

Despite its diligent efforts to perform these conflicting functions with equal vigor by keeping them clearly separated within the organizational structure of the AEC, compromises have inevitably occurred.

First, the AEC has admittedly taken the attitude that nuclear power reactors should be reasonably safe, but not necessarily as safe as is technically feasible. This policy scares people.

The crisis of public confidence has been aggravated by the AEC's defensiveness, its over-reaction to criticism, and its refusal to allow states to set stricter standards if they want to.

If not checked, the public fear of nuclear power may reach irrational proportions and seriously interfere with the future supply of much needed electric power.

Two legislative steps which go far to restore public confidence, as well as to assure public safety are: (1) We should remove the regulatory powers over commercial uses of nuclear energy from the AEC and vest them primarily in the Public Health Service of HEW, and to a lesser extent, in the Federal Power Commission. The Public Health Service would have the basic licensing authority, subject to veto by the Federal Power Commission on the basis of its judgments of the economic and technical feasibility of projects for which licenses are requested.

Every modern industrial nation in the world that has a commercial nuclear power program divides the promotional and regulatory functions. Only the United States vests these conflicting functions in a single agency. Vesting regulatory powers primarily in the Department of Health, Education and Welfare would serve greatly to assure the public that its interests and safety are being fully and objectively protected.

It has long been assumed and contemplated by the AEC and the Joint Committee on Atomic Energy (which is the body of Congress charged with overseeing our activities in the nuclear field) that the regulatory functions would at some point in time need to be separated and transferred in another agency. Although such a move has been considered and reconsidered from time to time by the AEC and the Joint Committee, it has been repeatedly postponed. Now is the time to make the move.

Finally, it is noteworthy that a very sophisticated and careful study of the general question of government promotion and regulation of technological advance conducted by the National Academy of Sciences at the request of the House Committee on Sciences and Astronautics, released in July of last year after almost six years of work, comes down firmly on the side of a clear and strict separation of standard-setting, promotion, and regulation.

(2) The second legislative need is to give the individual states clear power, which they do not now have, to impose their own standards regulating the construction and operation of commercial nuclear facilities within their state boundaries, including (among other things) the discharge of radioactive and other waste materials from nuclear power plants, provided that any such state standards would be at least as strict as those set by the Federal government, and I would hope that should this legislation be enacted, the State of New York would take a very careful look at the various standards set by the Federal government to determine whether they are adequate for the needs of New York State and the desires of the people of the state. The position of the AEC to date has been that it is acting for the Federal government, has sole jurisdiction in the nuclear field—a position which I feel is both unwise and unfair. The State of Minnesota, wishing to impose stricter safety standards, has challenged the AEC on this point. I believe the states should be free to impose standards for commercial nuclear facilities that are stricter than the AEC's if they choose to do so.

A TRIBUTE TO PATRIOTIC AMERICAN LITHUANIANS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. MURPHY of New York. Mr. Speaker, today is a day dear to the people of Lithuanian birth and descent throughout the world, including the more than 1 million patriotic American-Lithuanians. This year, February 16, marks the 52d anniversary of the Declaration of Independence of Lithuania, proclaimed in the capital city of Vilnius in 1918. For the past 29 years, Lithuania, however, has been occupied and exploited by the Soviet Union by force of arms. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following tribute to freedom-loving Lithuanians everywhere and offer my support of the just cause of Lithuanian liberation.

American Lithuanians, who have contributed so much to the growth and culture of the United States, are dedicated to seeing the restoration of freedom and national statehood to their homeland.

The Communist regime did not come to power in Lithuania, Latvia, and Estonia by legal or democratic process. The Soviet Union too over Lithuania, Latvia, and Estonia by force of arms, and in violation of international treaties binding the USSR. The Soviets have deported or killed hundreds of thousands of Lithuanian inhabitants since 1940. Indeed, Lithuanians have paid a high price for

their love of liberty and desire for freedom. But despite cruelty and systematic genocide by the Soviet oppressors, the spark of freedom still smolders in the hearts of Lithuanian patriots.

It is appropriate that on this day, we who live in this great United States that is dedicated to the principles of justice, liberty and freedom, remember and honor the courageous people of Lithuania. May their goal of independence, unity, and freedom someday be achieved.

AID TO THE ARTS—GENUINE NEED

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. GIAIMO. Mr. Speaker, for as long as I have had the privilege to serve in this body, I have urged that the Federal Government encourage and support the arts.

Never has this need been more obvious, Mr. Speaker. The arts are facing a financial crisis. Many of our most famous cultural institutions, orchestras, theatrical companies, museums, and the like, have either been forced to close or are burdened by serious deficits. President Nixon has recognized the gravity of the situation and has asked for a $40 million appropriation for Federal aid to the arts and humanities. Various other officials have called for prompt action.

A significant step to save the arts was taken in New York recently when Gov. Nelson Rockefeller included in his 1971 budget proposal a request for $18 million to start a State program of aid to cultural organizations. This program, to be administered by the State Council on the Arts, will attempt to dimish the estimated $60 million deficit which New York's cultural institutions are facing.

On February 3, WCBS–TV in New York City presented an editorial entitled "Aid to the Arts." Although this editorial concerned itself primarily with the problems facing the arts in New York, its message was one that should be taken to heart by concerned citizens throughout the Nation. As WCBS–TV put it:

> We need the arts. We need to bring beauty to the eyes and ears of our children before it is blotted out by the piles of garbage and the roar of the streets.

I wish to insert this outstanding editorial at this point in the RECORD, and I urge our colleagues to take note of it:

AID TO THE ARTS

No matter where you look these days, the arts are in financial trouble. In Manhattan, it's the New York Philharmonic or the Metropolitan Opera; in Brooklyn it's the Brooklyn Museum or the Botanical Gardens; out on Long Island it's the Eglevsky Ballet. These are just a few of many institutions in this area that are now dangerously in the red. And their situation is duplicated in opera houses, orchestras, museums and libraries, throughout the state and the nation.

It seems ironic that now, when the age of Yankee philistinism is over and when all classes of Americans have developed a genuine need for music, ballet and the visual arts, the institutions that serve this need can barely keep going.

As our cities grow poorer, the arts grow poorer. For their traditional sources of revenue in the past were affluent patrons in the city and municipal budgets, sources which are now drying up. Unlike Europe, where national subsidy of the arts is accepted, America has been slow to spend government funds on such an unbusinesslike commodity.

We are glad to see, then, that our present leaders are showing a recognition of the need for subsidy for the arts. In December, President Nixon called for $40 million in federal aid to the arts and the humanities. He is quoted as saying that this need has a compelling claim on our resources, as something integral and vital to the entire environmental program.

But Governor Rockefeller a couple of weeks ago came up with something that we think is even more significant—a budgetary request for $18 million for a New York State program of Aid to Cultural Organizations, to be administered by the State Council on the Arts.

The Governor's proposal is more to the scale of the problem, for in New York State alone the deficit of all cultural institutions is estimated at $60 million.

Furthermore, this aid is aimed specifically at those cultural institutions that are alive and well and living in the community—not at those that are merely expensive and moribund status symbols. An institution will have to show that it is doing a real service for all the public if it is to continue to qualify for this aid.

We need the arts. We need to bring beauty to the eyes and ears of our children before it is blotted out by the piles of garbage and the roar of the streets. And so WCBS–TV hopes that the State legislature will show its concern for the quality of life in New York State, by approving the Governor's request.

LITHUANIAN INDEPENDENCE DAY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. DULSKI. Mr. Speaker, on Monday we marked the 52d anniversary of Lithuanian independence.

This week also marks the 719th anniversary of the formation of the Lithuanian state when Mindauges the Great unified all Lithuanian principalities into one kingdom in 1251.

These two anniversaries once again are observed while these proud people are still trying to regain the independence which they lost during the dark days of World War II.

The Communist regime did not come into power in Lithuania, Latvia, and Estonia by legal or democratic process. The Soviet Union took over these three countries by force of arms and in violation of international treaties binding Soviet Russia.

The Soviets have deported or killed hundreds of thousands of Lithuanian inhabitants since 1940.

The Baltic question remains unresolved. We must find a way to lift the yoke from these oppressed peoples.

NATIONAL FOREST CONSERVATION AND MANAGEMENT ACT

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, in view of the tremendous amount of confusion that has surrounded H.R. 12025, the National Forest Conservation and Management Act, I am today inserting in the RECORD three editorials that, in my judgment, most clearly explain the need for passage of this legislation.

I strongly urge my colleagues to read and carefully study these articles as I firmly believe they will clear up any misunderstandings that have developed regarding this act.

The editorials follow:

[From the Time Standard, Eureka, Calif., Feb. 9, 1970]

NO LESSON FROM TILLAMOOK?

The abrupt setback handed the proposed National Forest Timber Conservation Act on the floor of the House of Representatives last Thursday by massive assaults of conservationists, headed by the powerful nationwide Sierra Club, was also an abrupt setback to the economy of the North Coast.

Proponents of House Resolution 12025 employed the old Army tactic of "fall back and regroup," which any GI knows really means, "we're taking one H - - - of a beating," by pulling the bill off the floor just as the battle was about to be joined.

According to Washington reports, Sierra Club spokesmen brought up strong objections to the bill based on versions and sections which already had been revised in committee. The alpinists charged that all receipts from national forest timber sales would be allocated to improved commercial timber practices, such as thinning, brushing out and replanting or re-seeding, to the detriment of recreational, fish and wildlife causes.

Not true. As of the first of this month, the bill was worded to read that 65 percent of the revenues derived would be applied to forest management, the rest to the regular channels, including schools and roads.

The bill also designated that it would apply only to those areas of national forces already designated as commercial timber lands, and would not alter those designated for wilderness areas, parks or other restricted-use areas.

The conservationists countered with assertions that increased timber production would mean the building of more access roads. True. This is a vital part of the intent, in order to speed lumber production to ease the critical housing shortage throughout the United States . . . and for another good reason.

What the conservationists did not mention is that the incredibly vast Tillamook Burn in northwestern Oregon in 1933 was the greatest natural disaster through fire in American history. Damage caused in this blaze which destroyed billions of feet of prime virgin timber made the dollar cost of the Chicago fire look like peanuts. And that fire was caused by outdoorsmen—campers in the pristine wilderness. The reason why it burned over so many miles and so many days is that—there were no forest roads to enable fire-fighting equipment to get in.

The bill came as no surprise to anyone. It was the result of extensive Congressional hearings last year in which it was deter-

mined that restriction of federal timber production was a direct cause of the serious lumber and plywood shortages and the subsequent inflationary rise in prices.

The national forests contain more than half of the country's saw timber; in California they hold nearly 60 percent, yet they produce less than 40 percent of the annual yield. Commercial operators on private lands would go dead broke at that rate.

So the conservationists fear roads. We remind them of Tillamook.

[From the San Francisco (Calif.) Examiner, Feb. 1, 1970]

TIMBER PINCH

The painful pinch on housing is bruising not only the poor and aged but singles and families with healthy incomes. They've got the jobs and the money is in their pockets, but the living quarters just can't be found.

The vacancy rate in San Francisco is as low as one percent in some neighborhoods and that's the desperation point for the homeseeker. The same situation applies in New York. The national vacancy rate for all types of housing is 2.4 percent.

The shortages can be laid to the Four L's—Land, Labor, Lumber and Lucre (meaning money). In the case of lumber, attention zooms in on a recently completed study by private consultants of public land timber policies. It criticizes U.S. Forest Service timber cutting policies as inflexible and overly conservative.

"If the national requirements for forest products during the next 30 years are to be met, forest management will have to be intensified," the study says. Particularly at issue is the annual cut from old-growth softwood forests in Oregon, Washington and Northern California. The survey criticizes federal agencies, principally the Forest Service, for being overly protective of old-growth stands while private timber has been harvested rapidly and efficiently.

Certainly the country must husband its timber resources. No one is talking about wanton exploitation and destruction. But the demand for timber is urgent and legitimate. Surely it can be met within the bounds of sound conservation practices. Authors of the timber study insist that "by intensifying timber management, USFS could double its timber harvest."

The federal government is dedicated to increasing the housing supply, but seems to be defeating its own purpose by underuse of a major construction material—timber. Shortages mean higher prices. Here at least is one problem posed by the Four L's that seems subject to solution. Congress should look into it.

[From the New Republic, Feb. 7, 1970]

TIMBER!

A bill now in Congress called the Timber Supply Act has created a flurry of concern in conservation circles over exploitation ("Raiding the Forests," Michael McCloskey, *NR*, Dec. 13, 1969). In my judgment what we ought to be more concerned about is the conservatism of our forest policies. In northern California there are peaks, between the inland highway and the coast 150 miles west, that are over 10,000 feet high and that almost no one has ever seen. In Oregon there is a stretch of timber between the McKenzie highway and Willamette Pass that is about 60 miles long and some 30 to 40 miles wide without a sign of a road. If we could get into these areas, we could have small crews with light equipment salvage the dead and down timber and keep alive lumber mills that otherwise will have to shut down. But Mr. McCloskey and the Sierra Club make any such venture sound sinful.

Mr. McCloskey says the premises of increased cutting of timber are faulty on every count. Just how does he spirit away the better than 100 billion feet of dead and down timber that will be lost if an extended road system is delayed? How does he spirit away the maybe 10 or 15 billion feet lost each year to natural disasters? In 1958, Senator Morse fought to get roads into the Mt. St. Helens area in Oregon, to no avail. Some three billion feet of old growth silver fir were killed by bugs and rotted away as a result.

Many West Coast communities lack the money to activate more intensive forest management. The Timber Supply Act is designed to provide those additional funds, from timber sales of National Forests.

For many years the men in the Forest Service have had to do things they did not want to do, because of limited funding. Only by a sort of quasi-legal skulduggery have they managed as well as they have. The Forest Service has been selling timber partly on a barter basis; it has given the logger the chance to build a bridge, or a few miles of logging road as part payment for timber, with the rest in cash. This may mean little to people far from forests, but only by such means have the timber managers been able to push logging roads into the high ridges; timber of low value has been logged, instead of the much more valuable timber from the bottomlands. We still have some fine stands of timber in the western mountains, much of it now unreachable, and it is this high quality timber that can pay the high wage scales needed to keep the timber industry alive. Yet this sort of bartering has its limits. To the best of my knowledge the Forest Service has done all that it can with such arrangements, and we are losing mills right along.

The problems of the mills and the National Forests are many, but too few dollars for timber management is at the heart of most of them. With larger funds available, through regulated sale of timber from the national forests, the Forest Service could in short order put in a comprehensive network of logging roads, opening up to salvage logging many billions of feet of dead and down timber in the western mountains. There are many sections of back country with no roads, particularly in California, Oregon, Washington and Idaho. I am told that at the rate we are now going, it will be more than 40 years before a complete network of roads will be built, and that in Oregon alone there are some 40 billion feet of dead and down timber that will be lost if road construction waits on the normal pattern of development. This timber is old growth largely; it is of far more value than a similar stand of live young timber.

Since most of the timber in the western mountains is in very heavy stands, new roads will be paid for largely by the sale of timber on the right of way alone. In the event of natural disasters (wind storms, fires or disease), the timber lost could be rapidly salvaged.

In Oregon again, some ten million acres of national forests have new stands of second growth, some of which can be thinned of larger trees, thus permitting smaller, otherwise stunted trees to spring to life. It is estimated that as much timber can be obtained from such cuttings (that is from dead and downed trees, disasters and thinnings) as is being harvested in all of Oregon at present. It would increase the present cut of some eight billion feet to 16 billion, without a tree being planted and with no damage to timber stocks.

This program is entirely separate from replanting millions of acres of old, burned areas which are not coming back to timber. We could do that too. There are a great many jobless young men in our cities, yet there is work to be done. In the Job Corps camps, some few thousand have been doing it, in forestry camps. But that program has now been cut back. There is an almost unlimited need for the work such man can do—and not just in the West. The main source of growth potential is in the hundred million acres of forest land east of the Mississippi and north of the Ohio.

The 1958 Timber Resource Review of the Forest Service forecast a timber need in the year 2000 of twice that being cut in the 1950s. The report saw an increasing growth over cut until the year 1985, and then a marked increase of cut over growth for the future—unless policies are radically changed.

Wilderness lovers are alarmed at the thought of an invasion by bulldozers. The alarm seems to be unwarranted. Many areas of wilderness that are now totally inaccessible can be made usable by extending our roads. We have in the Columbia gorge area, miles of high cliffs and peaks which no one is able to get near. They are set aside as recreational lands, partly for the highly unusual scenery, and partly because the roughness of the scenic country does not lend itself to commercial forestry. What few trails were created by the CCC boys have long since grown over. It is an old wilderness that can be brought to people only by a timber access road system behind the gorge. If we do no more than we are doing, we shall go on losing that timber that can't be reached, while at the same time lumber prices will reach new and unhealthy heights, limiting the building of homes that we need and running up welfare costs that we don't need.

LITHUANIAN INDEPENDENCE—A PLEA FOR JUSTICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. RARICK. Mr. Speaker, yesterday we again paused to honor the anniversary of Lithuanian independence. This was the 52d such occasion. Today and the remaining 363 days of the year, we do absolutely nothing to aid these exiled people to regain their enslaved and occupied homeland, nor to perpetuate their international identity.

The history of the Lithuanian people is one of long oppression and domination. From 1795 to 1915, Lithuania was occupied by the Russians until overrun by German armies in World War I. The defeat of Germany, coupled with the Bolshevik Revolution in Russia, brought about favorable conditions for Lithuanian independence. By 1917, Lithuanian public opinion pressured the German Government to authorize the gathering of a congress of delegates which proposed an independent Lithuania.

On February 16, 1918, Lithuania was proclaimed an independent state, based on democratic principles.

When German troops evacuated in 1919, the Red Army again occupied Lithuania.

In 1920, the Soviets signed a peace treaty with Lithuania, recognizing it as an independent nation and pledging renunciation forever of all rights of sovereignty.

The expansion of powerful countries leading to World War II soon found Lithuania again occupied. In 1939, the Germans were yielded the city of Klaipeda—Memel—and the same year a mutual assistance treaty was forced upon the little nation by Russia. Lithuania

was coerced to grant air bases and to admit Soviet military garrisons despite a treaty of nonaggression signed in 1926. In 1940, a rigged election produced a puppet congress which requested the incorporation of Lithuania into the Soviet Union. That same year Russia declared Lithuania to be a republic of the U.S.S.R.

From that day to present, Lithuania suffers as an oppressed land. Her people have been uprooted and hauled off by the tens of thousands to Siberian slave-labor camps—the language, customs, religion, and culture suppressed and destroyed.

Lithuania today haunts civilization as a classic example of the results of genocide. A genocide criminally inflicted by Bolshevik Russia—a signator to the Genocide Convention—against a small nation which has been totally absorbed and exploited by the Soviets.

The United States has never recognized the Soviet incorporation of either Lithuania or of the other two Baltic States; Estonia or Latvia. Lithuania still maintains an Embassy in Washington, D.C.

Mr. Speaker, in observance of the Lithuanian day of independence, I have today introduced a resolution with the hope that other freedom-loving Members will join in cosponsoring. The text of the resolution follows:

H. CON. RES. 509

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations, including genocide, in the Soviet-occupied Lithuania on the agenda of the United Nations Organization.

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE—PART 1

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. BROWN of California. Mr. Speaker, recently my friend Irving Laucks of Santa Barbara, Calif., prepared a stimulating lecture series for radio station KPFK in Los Angeles. Mr. Laucks delves deeply into many fascinating philosophical concepts, and I believe that his ideas warrant analysis by a wider audience. Today I am inserting part 1 of his lectures in the RECORD, and in the next few days I shall also put in the remaining speeches in this interesting series.

The material follows:

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE: A NEW LOOK AT THE FUTURE

I. A NEW LOOK AT THE UNIVERSE: HOW TO SAVE OUR NECKS

If we are to escape world disaster, a radical change in our thinking must be a first step. In this series of talks which I begin today, I will try to give a glimpse of the accumulated evidence of a nonmaterial dimension or realm of the Universe which I believe has important consequences for our future—if we are to have a future.

Both Religion and Science strive to increase Earthman's knowledge of this Universe in which he finds himself, from which he has no escape. Religion started with instinctive or intuitive ideas which Earthman has held since long before history. Science, however, is comparatively new and consists of quite definite knowledge which mainly has been obtained by planned experiment and observation.

The ideas that religion teaches today are taught in language which ancient people understood. Science, however, keeps on changing and progressing as new discoveries are made, which often require new words for their description. Today's language of science could not have been understood two thousand years ago. Some of religion's ancient language is difficult for moderns. The Cooperators believe, however, that this Universe is not divided into separate compartments; that both religion and science are talking about the same Universe, and that their language should be modified so that each may understand the other. Only thus will evidence be impressed on Earth's citizens that will enable a reasonable meaningful view of man's existence in the Universe.

For example, the all-important concept, Energy, instituted by science in the last few hundred years was quite unknown when most of the religions of the world were promulgated by their prophets. Although still a great mystery science has found already that energy has many of the abilities that religion originally ascribed to a Creator. The creative function of energy might just as well have been ascribed to God, and the creative acts of God to energy. Here there need be no quarrel between religion and science. In further talks we will have more to say about the importance of certain kinds of energy.

What is the practical value of such ideas? The Earth has enough troubles to worry about today without wondering how it originated. Mainly we must rather worry about where we are going. I believe that the present dangers to mankind can only be eliminated by a deep change in the way man regards his relation to the Universe; in other words, where he is going. Now that he has made the first physical step outside of this small planet of his, perhaps he can be more interested in taking a further intellectual or spiritual step. Such a one will need a cooperation between science and religion—each modifying the other somewhat to conform with modern concepts. I mentioned Energy a moment ago because a conception of energy has great bearing on man's existence and future. In the past his thinking has largely centered on matter, good *solid* matter. Now matter has given place to Energy. We thought we knew something about matter, but of energy about all we know is that we have to pay promptly our monthly electric bill, or else.

A cooperation between science and religion, between knowledge by experiment and knowledge by intuition is suggested in this series of talks. Some people say it cannot be, because it implies a change in "human nature"—which they say is impossible. I ask my listeners finally to judge.

I am trying to finish a manuscript entitled "A Religion for Our Times: The Third Evolution" with accent on the word "evolution." Evolution is an old idea but only in the last century successfully applied to human affairs. Evolution is due to some property of primeval energy; a shorter word is "change". It is universally evident. The idea of evolution was first accepted by science and later pretty well by religion for the various forms of life on this Earth, when it was put in practical language by Darwin one hundred years ago. This stage of evolution, herein called the Second Evolution, is quite distinct in higher forms of life from the forms of inert matter. There is still some difficulty in deciding about the lowest forms—whether they are living or inert. Life is perhaps a combination of material energy with psychic energy—the latter being introduced gradually to form the stage called life.

The First Evolution of the matter of the Universe out of energy began to be suspected when the chemist discovered the relationship of the hundred or so elements out of which inert matter is constructed. The astronomer sees this evolution still in action.

It is said to contemplate that we know a great deal more about how to turn matter into energy (the bombs of Hiroshima) than we do about how to turn energy into matter for beneficial use; as, for example, for human food.

Science has already discovered six or eight other kinds of energy which it has found out how to use beneficially. There are doubtless others still undiscovered; the most important of all—about which we know very little is psychic energy—the energy of thought or will. Psychic energy is superior to and can control all other forms of energy. In its development lies individual man's greatest interest and value.

In the manuscript previously mentioned I describe briefly a number of manifestations, of so-called psychic phenomena connected with human beings that have been observed from pre-history, but which only in the last century have been studied intensively by psychic research. All of these have one thing in common: material science cannot explain them. Material scientists persist in ignoring them, for to recognize them would mean starting to reform many of the foundations of material science—an awful job to contemplate, but sooner or later it must be done if what we call civilized society is to endure.

The great number and variety of these phenomena suggest, almost require, that there be a third realm or dimension of existence: a realm in which psychic energy is all-important. We know almost nothing about this phase of existence—infinitely less than we do of this realm of matter. To promote the study of this unknown is an aim of The Cooperators.

Another phase of this psychic energy has been troubling philosophers for ages; that is, his mind, intellect, soul, spirit which is clearly non-material; but nevertheless, somehow connected with his material body. Material science has tried to say that this is produced by the material of the brain, but has failed utterly to show a credible or even plausible connection with which a chemist or physicist can agree.

Since, therefore, this intellect or soul is clearly *not* material, it may be more logically connected with the non-material phenomena of psychic energy previously mentioned, for it also is able to control and guide other kinds of energy and make them work, as has been well demonstrated by technological science; therefore, the intellect may logically be said to be an organization or 'structure' at least closely related to psychic energy. Man is so accustomed, however, to his intellect, mind or soul that he takes it for granted. It is himself, he seems to believe he needs no introduction or explanation of *himself*. Until psychology started he gave it very little study; psychology however has vainly tried to connect his thinking with matter or material energy.

If, as suggested, there is a third nonmaterial or energetic realm of existence in a dimension of psychic energy then it would be easy to imagine a Third Evolution going on in this realm, since evolution is a universal process. After developing a small power of thought such as man exhibits, evolution would hardly be satisfied to desist and cease operation. The great range of its powers, even in Earthman, from a Hottentot to an Einstein, suggest rather that it may have

an unlimited future development. The existence of soul, spirit, or intellect with an opportunity of continued development after leaving the material body at death, has always been a tenet of Western religions—an existence in a 'paradise' or 'heaven'. The rise of the Christian religion in ancient Rome has been generally ascribed to the teaching of Jesus and Paul of a future heaven. This gave hope to the slaves and submerged classes of Rome—hope of a future happiness, denied to them on this Earth. Unfortunately, Heaven and paradise were anciently conceived in quite materialistic terms. As science progressed it was found that such materialistic ideas were no longer tenable, and since the methods of science have acquired a high prestige lately, this has rendered the whole idea of a future existence in dispute and doubt, and many people no longer believe in its probability. There was also no suggestion in religion's ideas about how an individual intellect could find anything *interesting* in this promised heaven. Consequently, the picture has not been very inviting to modern thought. A few thousand years ago man had almost no comprehension of the *interesting* mysteries of existence still to be explored.

This loss of belief or hope in a future interesting existence, intensified by loose talk about the death of God, along with materialistic communism's teaching of the unimportance of individuality, has coincided with the great increase in trouble and turmoil in which man is now immersed on this planet. It is certainly reasonable to suspect a connection between the two.

The First and Second Evolutions are pretty well accepted by everyone these days. I remember very well, however, that in the later years of the last century my mother would not permit Darwin's *Origin of Species* in the house; I had to read it out in the barn. But we are not so much concerned today with how we got here, as we are about where we are going. The Third Evolution is the most important. And that is the one that many people have a great difficulty in thinking about.

What distinguishes the intellect and soul as a separate and distinct organization from the material chemical organization of the brain and body is the phenomenon *of initiative*—ability to plan to choose or to invent. The Cooperators are trying to impress on people the urgency of using this planning ability to get rid of the troubles that have been converging in the last century, that threaten to overturn the accomplishments that Earthman has taken centuries to achieve, in one great holocaust of destruction and despair.

Man has it within his grasp to broaden the ability science has barely given him, this ability to steer his course between the rocks ahead—if he will use it for constructive purposes instead of destructive competition—such as competition of war—which now threatens total destruction—only a little more total than continued race or class conflicts will bring about.

In further talks I will aim to show that this competition is so silly—because science can now show that the things we have been used to fighting about can be accomplished so simply by another route which entails no destruction—for example, by the use of the abundant energy that is all about us.

What does religion have to do with all this? Well, the great prophet, Jesus Christ, foresaw what it took science about 2,000 years to find out. The Cooperators have adopted as their Constitution the advice that Jesus and several other philosophers before him had given: Do unto others as you would have them do unto you.

LITHUANIAN INDEPENDENCE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, on February 16 the great people of Lithuania and their relatives here in the United States celebrated the 52d anniversary of their nation's independence. It was also the 719th anniversary of the formation of the Lithuanian State in 1251.

Unfortunately, our Lithuanian friends once again had to celebrate their own "July 4" under Soviet domination. For nearly 30 years the Soviet Union has occupied this proud nation and its sister states of Estonia and Latvia.

I would like to insert in the RECORD a resolution of the Lithuanian Council of New Jersey. Mr. Speaker, I think it will demonstrate the will of the Lithuanian people to regain the sovereignty which was cruelly denied them three decades ago.

The resolution follows:

RESOLUTION OF LITHUANIAN COUNCIL OF NEW JERSEY

On the occasion of the 52nd anniversary of the Restoration of Lithuania's Independence we, the members and friends of the Lithuanian ethnic community of New Jersey, assembled here on the 15th day of February, 1970, in Kearny, New Jersey:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16, 1918, in Vilnius, whereby a sovereign Lithuanian State was restored which had antecedents in the Lithuanian Kingdom established in 1251;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuania Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign function as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940.

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members and friends of the Lithuanian ethnic community of New Jersey, do hereby protest Soviet Russia's aggression and the following crimes perpetrated by the Soviets in occupied Lithuania:

(1) murder and deportation of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor;

(2) colonialization of Lithuania by importation of Russians, most of whom are Communists or undesirables;

(3) persecution of the faithful, restriction of religious practices, closing of houses of worship;

(4) distortion of Lithuanian culture by efforts to transform into a Soviet-Russian culture and continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw from Lithuania and its sister states of Estonia and Latvia, its armed forces, administrative apparatus, and the imported Communist "colons", letting the Baltic States of Estonia, Latvia, and Lithuania freely exercise their sovereign rights to self-determination.

We request the Government of the United States to raise the issue of the Baltic States of Estonia, Latvia, and Lithuania in the United Nations and in international conferences as well as to support our just requests for the condemnation of Soviet aggression against Estonia, Latvia, and Lithuania, and for the abolition of Soviet Colonial rule in these countries.

VALENTINAS MELINIS,
President.
ALBIN S. TRECIOKAS,
Secretary.

SOLVING THE JETPORT DILEMMA

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 16, 1970

Mr. MURPHY of New York. Mr. Speaker, the Airport and Airways Act passed by the House on November 6 is expected on the Senate floor this week. The bill that comes before the Senate contains my amendment authorizing the Secretary of Transportation to select a specific airport site when a local jurisdiction fails to do so within 3 years of written notification by the Secretary of the need for an airport. My amendment, dropped in the House version on a teller vote after the New Jersey delegation rallied against it on a bogus "States rights" argument, was reintroduced by Senator TYDINGS and approved by the Senate Commerce Committee. Let me make it clear that the bill coming to the Senate floor does not mandate construction of a fourth jetport in New Jersey. But dangerous congestion in the skies and maddening traffic on the ground result when badly needed airports are not provided. The so-called Murphy airport amendment, therefore, is an instrument to end the impasse over airport site selection. A major air tragedy should not be the impetus for ending the deadlock over construction of badly needed airports in hub areas. The New York Daily News has constantly championed construction of a fourth jetport for New York City. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the New York Daily News of Monday, February 16, again calling for passage of my amendment as the only means of solving not only New York's, but the Nation's airport dilemma:

SOLVING THE JETPORT DILEMMA

Unless construction begins very soon on the intolerably delayed fourth jetport, warns U.S. Transportation Secretary John A. Volpe, New York will cease to be a major air terminal. As a matter of fact, the problem has global, as well as regional implications, Austin J. Tobin, executive director of the Port Authority, pointed out last night on "New York Closeup," on WPIX–TV.

When there are delays of two to three hours at plane-clogged Kennedy Field, Tobin said, the entire airline system is tied up, not

only throughout the U.S., but around the world.

Yet New York and New Jersey aren't one mite nearer today on a site agreement than they were a decade ago.

The Port Authority and the airlines have long since fixed on Solberg Airport and its surroundings in Hunterdon County, N.J., as the only practical site. Not Solberg, not any place in the Garden State, cries Gov. Cahill.

Similarly, the Metropolitan Transportation Authority, which took over the former Stewart Air Force Base near Newburgh last week, rejected any plans to make it into the fourth jetport.

The way things are going, the two states will never get together, so Rep. John M. Murphy (D-Brooklyn-S.I.) has figured out a way to knock their heads together. Through his amendment to the airport and airways development act, the Secretary of Transportation would be empowered to make the site determination.

The measure, with the Murphy amendment, will come up on the Senate floor this week, possibly today, and Congress by all means should pass it.

At the very least, the law should prod New Jersey into a new spirit of cooperation which would make Volpe's intervention unnecessary.

But if he must make the decision, let him, and the sooner the better. We must have that fourth jetport!

ACTION TO PREVENT A FULL-SCALE WAR IN THE MIDDLE EAST

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. HELSTOSKI. Mr. Speaker, I have today introduced a concurrent resolution calling for an action which I believe is essential to preventing outbreak of a full-scale war in the Middle East.

The resolution calls on the President to beef up the defenses of the state of Israel by selling it military aircraft which it needs and has asked for to protect its territories and its people.

It was introduced because of the recent outbreak of war promotion on the part of France and the Soviet Union in furnishing arms and military equipment to the Arab nations. In the case of France it has been the sale of 100 Mirage jets to Libya.

The actions of the Russians and the French have greatly increased tensions in the Middle East. Threats of a full-scale war hang like a pall over the area. Israel has been placed in the precarious position of being ill equipped to defend itself against its aggressor neighbors.

A balance of military power in the area will be a strong deterrent to those ready to pull the trigger on an all-out war and our sale of military aircraft may be the only way to prevent it at this time. I say we should sell the aircraft to Israel immediately.

On this occasion I also call on the President to make the Middle East situation a key and extended point of discussion with President Pompidou of France when he visits the United States later this month in a determined effort to impress upon him the grave error France made in the sale of aircraft to Libya.

All of the powers of persuasion at our President's command should be used to convince President Pompidou that France must cancel the sale of the aircraft in the interest of peace in the Middle East and throughout the world.

THE 52D ANNIVERSARY OF THE LITHUANIAN REPUBLIC

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. BUCHANAN. Mr. Speaker, during the month of February Lithuanian Americans and their friends both here and throughout the free world are commemorating two very important events in the history of their nation. February of this year marks the 719th anniversary of the formation of the Lithuanian State and the 52d anniversary of the Republic of Lithuania. It is a privilege to join in the celebration of this anniversary and in the expression of support by millions of Americans for the struggle for freedom by the brave people of Lithuania.

This occasion serves as a vivid reminder to us that millions of people in Lithuania and the other captive nations of the U.S.S.R. as well as the citizens of Eastern European nations still live in captivity under the tyranny of Communist rule. The repression to which they are subject is a deep source of concern to freedom-loving people everywhere. The U.S. Congress gave formal expression to this concern in 1966 with the passage of House Concurrent Resolution 416, which reaffirms the support of the U.S. Government for the aspiration to the Baltic peoples of Estonia, Latvia, and Lithuania for self-determination and national independence. In this resolution the Congress urges the President to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

This resolution follows herewith:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Lativa, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS,
Clerk.

As we join in the celebration of the Lithuanian state's 52d anniversary, it is my profound hope that the brave people of Lithuania will be encouraged to maintain their spirit through our expressions of support and that we can indeed bring the force of world opinion to bear on behalf of their freedom.

Mr. Speaker, on this occasion it seems particularly appropriate that we recognize the dedicated efforts toward freedom for the Baltic peoples by organizations representing the more than 1 million people of Lithuanian birth and descent in this country. At this point, I would like to call the attention of my colleagues to the following article on Lithuania's fight for freedom, which was prepared by one of these fine organizations, the Lithuanian American Community of the U.S.A., Inc.

The article follows:

A SEVEN-CENTURY QUEST FOR FREEDOM: BRAVE LITHUANIA

During the month of February, Lithuanian-Americans will be commemorating the 719th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 52nd anniversary of the establishment of the Republic of Lithuania which took place on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Communist regime did not come to power in Lithuania and other Baltic States by legal or democratic processes. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms in June of 1940. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction.

The Lithuanians are a proud people who have lived peacefully on the shores of the Baltic from time immemorial. Their language is the oldest in Europe today. They were united into a state more than 700 years ago, and by the 15th century their nation extended from the Baltic to the Black Sea and almost to the gates of Moscow. Their fortunes gradually declined and the nation was completely taken over by Russia in 1795.

The intensive and determined struggle for freedom and independence from Czaristic

Russia was climaxed on February 16, 1918, by the Declaration of the Lithuanian National Council, proclaiming the restoration of the independence to Lithuania.

The February Sixteenth Declaration was unanimously approved by the freely elected Constituent Assembly in 1920. Thus, following the will of the Lithuanian people, the re-establishment of an Independent State of Lithuania, with its capitol in the city of Vilnius was accomplished. A diplomatic recognition by many free countries followed. On September 22, 1921, Lithuania was received as a *bona fide* member of the League of Nations, thereby Lithuania became a member of the international community of sovereign nations. A full diplomatic recognition by the United States of America on July 28, 1922, was followed soon, also with *de jure* recognition, by other world powers—Great Britain, France, Italy and Japan.

Soviet Russia recognized *de jure* the Independence of Lithuania in 1920, and on July 12th of the same year signed a peace treaty with Lithuania which stated that:

"The Soviet Union recognizes the sovereignty and independence of the Lithuanian State with all the juridical rights associated with such a declaration, and forever renounces, in good faith, all Russian sovereign rights, which it previously had in regards to Lithuanian Nation and its territory."

The re-establishment of an Independent State of Lithuania and her return to the self-governing community of nations is the most significant historical event of the Twentieth Century for the Lithuanian Nation, whose political maturity, economic achievements and cultural creativity were manifested during the period of restored independence (1918–1940).

During the Second World War, the Republic of Lithuania became a victim of Soviet Russia's and Nazi Germany's conspiracy and aggression, and as a result of secret agreements between those two powers of August 23rd and September 28th, 1939, became invaded and occupied by Soviet Russian armed forces on June 15, 1940.

Since the days of Soviet Russian occupation, however, the Lithuanian people have waged an intensive fight for freedom. During the period between 1944 and 1952 alone, some 30,000 freedom fighters lost their lives in an organized resistance movement against the invaders. Hundreds of thousands of others were imprisoned or driven to Siberia. Though that resistance movement was weakened and finally subdued due to a failure to get any material aid from the West, nevertheless, the Lithuanian people are continuing their passive resistance against Soviet Russian genocidal aggression to this very day.

The United States of America, mindful of its own struggle for freedom and independence has remained sensitive to the aspirations of other people for self-determination. For this reason, Americans of Lithuanian descent are grateful to the Government of the United States for denouncing the Soviet Russian aggression in Lithuania and for refusal to recognize the alien subjugation of Lithuania since 1940. The United States continues recognizing the sovereignty of Lithuania. The Lithuanian Legation at Washington, D.C., Consulates General in New York, Los Angeles, Chicago and a Consulate in Boston are recognized and are functioning.

Recently the United States Congress passed *H. Con. Res. 416* that calls for freedom for the Baltic States. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing up the question of the liberation of the Baltic States in the United Nations and urging the Soviets to withdraw from Lithuania, Latvia and Estonia.

Thus, on the occasion of the 719th anniversary of the formation of the Lithuanian state, and the 52nd anniversary of the establishment of the Republic of Lithuania, the Lithuanian-American Community of the USA, Inc., representing all Lithuanian-Americans throughout the nation, most fervently appeals to the representatives of the Federal, State and local governments, religious leaders, labor unions, civil, political and professional organizations, academic and cultural institutions, news media and to the people of good will, to support the aspirations of the Lithuanian people for self-determination and to national independence in their own country.

The free world can never rest in peace, knowing that in Lithuania under Soviet Russian rule, genocide and Russification are common place, religious persecution is prevalent, and basic human freedoms and rights are denied to the Lithuanian people.

LITHUANIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. HOWARD. Mr. Speaker, once again we have paused, as has been our custom, to remember the plight of the small nation of Lithuania, which, on February 16, 1918, after a 200-year struggle, declared its independence. We should take this opportunity to bend our thoughts to all captive nations, whose people are suffering under bondage.

When the people of Lithuania were able to declare their freedom after the fall of the Russian czarist regime in 1917, they started on the road to becoming a truly modern and progressive nation without delay. They instituted a democratic constitution, and became a member of the League of Nations.

The Lithuanians were one of the first nations to institute a land reform program. In 1930 compulsory education was established, reducing the illiteracy rate from 65 percent to 15 percent. This small nation was developing in all areas—industry and the arts reached new pinnacles. Social legislation brought new equality and dignity to all citizens of Lithuania.

Unfortunately, these efforts were to be shortlived. As the Second World War raged over Europe, the Lithuanian land once again became a battleground. They were invaded alternately by the German and Russian Armies; their land was destroyed, their people captured and killed. At the end, they became, once again, captives of the Russians, this time as a satellite of the Soviet Government.

In recalling this tragic history, we are again reminded of how many people are now living under such captivity, and we are again inspired by the courage and hopefulness of those peoples. As we give thanks for our own freedoms, which we hold to be the rights of all mankind, we salute the Lithuanians, and join in their hope that someday all men will be free to determine their own national destinies, free from outside interference. We must once again rededicate ourselves to the realization of these hopes.

PART OF THE REASON FOR SUPREME COURT DECISIONS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. WYMAN. Mr. Speaker, in recent years many decisions of the U.S. Supreme Court have contributed materially to domestic discord and unrest. This is factual whatever may be one's individual opinion of the rights or wrongs of a particular decision.

Reviews of a book scheduled to be published on Thursday of this week authored by Justice William O. Douglas may help to explain some of these decisions by revealing both the attitude and motivation of a senior member of that Court. If the reviews are accurate, there is disclosed a degree of personal bias bordering on paranoia that is ill befitting of a member of the Court of last resort in America.

In this connection I believe the following column by Richard Wilson in yesterday's Washington Star is significant:

MORE STORM CLOUDS FORMING OVER DOUGLAS

A little black book which is bound to get Justice William O. Douglas in deeper trouble is circulating in Congress in advance of its Feb. 19 publication date.

Random House is publishing this 97-page time bomb under the title of "Points of Rebellion." It is an astringently worded tirade against the American "establishment," the Pentagon, the FBI and CIA, police, employers and educators, and concludes that "violence may be the only effective response" of outraged youth.

"George III was the symbol against which our founders made a revolution now considered bright and glorious," Douglas wrote. "George III had not crossed the seas to fasten a foreign yoke on us. George III and his dynasty had established and nurtured us and all that he did was by no means oppressive. But a vast restructuring of laws and institutions was necessary if the people were to be content. That restructuring was not forthcoming and there was revolution.

"We must realize that today's establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution."

Throughout his treatise Justice Douglas offers a justification for violence. He acknowledges violence has no constitutional sanction but says injustices may pile so high that violence is the only answer.

In other passages the Supreme Court justice advises American protesters to risk arrest because the police have no right to interfere with their freedom.

Douglas' book is a catalogue of the New Left's complaints against the American system. He reveals some information which sounds more like Georgetown dinner table talk than judicially established fact. In inveighing against the FBI and CIA, Douglas asserts that "certain hotels in Washington have allotments of rooms that are wired for sound and even contain two-way mirrors so that the occupants can be taped or filmed."

Every government conference room is assumed to be bugged, he asserts, and every embassy phone is an open transmitter. Justice Douglas does not reveal the source of this astonishing information, but it is recognizable as ordained fact in the circles in which the Supreme Court justice moves.

Few would be willing to quarrel with the right of a Supreme Court justice in his old age expressing his pet peeves about Washington even if they do fit the conventional stereotype of what Spiro Agnew calls the "limousine liberals." If Douglas wishes to excoriate the Pentagon, the military-industrial complex, FBI snooping, the Vietnam war, industrial personnel personality tests, and the affluent society, he is not without company.

The problem arises on the justification of violence and revolution by an associate justice of the U.S. Supreme Court, not merely campus sit-ins or wrestling with the police in Grant Park in Chicago, but violence intended to overthrow the government of the United States. Or, is that what Justice Douglas justifies? Is the "system," the "establishment" something different than the established order under law?

Justice Douglas concludes all by piously hoping that the revolution he is talking about will not be a repetition of 1776. The revolution that is coming, he says, will arise from "the search of youth for ways and means of making the machine—and the vast bureaucracy of the corporation state and of government that runs that machine—the servant of man."

Thus when Justice Douglas concludes his treatise he is not so high on the ramparts as in the middle passages when his high dudgeon eggs on you to violence. Then, having calmed down a bit, what bothers him is whether the "establishment"—whatever that is—will be wise enough not to use its "stockpile of arms" to suppress the dissenters, for he thinks that would bring on an awful ordeal.

Much of what Douglas has written is a summation of conventional liberal poppycock. It reflects the youth cult mentality which entrances the 71-year-old justice. This little black book may eventually take its place with the little red book, "Thoughts of Chairman Mao" in the sacred shrines of the young.

But right now the scratchy little volume has gone into the files of members of Congress who cannot quite work up a strong enough case to impeach Justice Douglas for his past association with a private foundation tied in with racketeers.

The Douglas impeachment move is not dead. Rep. Gerald R. Ford, Republican leader, still has this drastic action under consideration. "Points of Rebellion" is being added to the growing bill of particulars against a Supreme Court justice who would not stand a chance of reconfirmation in today's atmosphere.

LITHUANIA

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. MURPHY of Illinois. Mr. Speaker, on this the 52d anniversary of Lithuania's rebirth of independence, it is appropriate that we Americans who have fought to maintain freedom in this country and throughout the world should recognize the bravery and determination of the Lithuanian people who have demonstrated that they, too, share these ideals.

These courageous people, despite the brutal occupation of their country by Nazi and Communist oppressors, have never forsaken their determination to win back their freedom. It is only proper that we Americans continue to take note of their plight and make known to the world the terrible oppression and injustice under which they have labored.

The day is bound to come, Mr. Speaker, when Lithuania will tear down the walls of enslavement and once again regain her freedom.

CANCER—PROGRESS, PROBLEMS, ADEQUATE FUNDING URGENT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. DULSKI. Mr. Speaker, the 1970 national crusade for the National Cancer Society is underway.

The allout effort to solve cancer—both by prevention and treatment—has focused in important part on my home city of Buffalo, N.Y., where is located one of the world's most progressive cancer research centers: Roswell Park Memorial Institute.

Many, many man-hours of research have gone into the effort to solve cancer and much progress has been made. Many types of cancer are controllable today which were fatal only a few years ago. But much more needs to be done.

The National Institutes of Health has done yoeman work in supervising the research work which it has supported through grants and fellowships in addition to the financial support given by other sources, in particular the National Cancer Society.

DOES NOT WANT BLANK CHECK

Cancer research does not demand a blank check, but it does need ample funding.

I was interested in reading the transcript of closed-door testimony before the House Appropriations Subcommittee last year in which the director of the National Cancer Institute was asked about the Institute's ability to use a billion dollars in the current fiscal year instead of the amount requested.

The exchange by Dr. Kenneth M. Endicott with a member of the subcommittee, the gentleman from Kentucky (Mr. NATCHER), speaks for itself—page 221 of the hearings:

Mr. NATCHER. Mr. Chairman, would you yield at that point?

Dr. Endicott, in order for me to answer the question that the chairman just talked about a little better on the floor, just assuming now that we have the money to appropriate and in this bill we approved a billion dollars for the National Cancer Institute, what changes would you make not only in the number of grants but what changes would you make and how would you speed this up as far as time is concerned. What would you do with it?

Dr. ENDICOTT. Well, sir, first of all, one of our most serious limiting factors at the present time is the ability to construct facilities. The cancer research facilities around the country are pretty well filled. There is not very much room to crowd in more people and we don't have construction authority any more in the Cancer Institute. This is one of our serious limiting factors.

A second one is availability of a number of people. If you were to appropriate $1 billion of 1-year money in the existing circumstances, I would probably have to lapse about something on the order of $800 million of it.

Mr. NATCHER. In other words, you could not use any more than you are requesting now?

Dr. ENDICOTT. I could use more than I am requesting now, sir, because it is not $200 million, it is $184 million.

Mr. NATCHER. Approximately?

Dr. ENDICOTT. I couldn't in the existing circumstances. To appropriate $1 billion on a 1-year basis would simply result in a lapsing of, I would say, perhaps $800 million of it. I don't know exactly the amount.

Mr. NATCHER. Are we down to bricks and mortar? Is it a matter of structures? Hasn't this been one of the objections that we hear in the medical profession down through the years in regard to the amount that we have expended in cancer research—too much duplication, too much in buildings, too much in structures? Why not select outstanding people in existing facilities? Isn't that possible? I don't know, I am just asking this question. You know.

Dr. ENDICOTT. I would like to answer that by saying that I believe we have identified outstanding people in outstanding institutions and are supporting them, perhaps not supporting them as much as we should, but there are very few outstanding investigators interested in the cancer field, really outstanding ones not getting some support. There are other reasons why I said we would probably lapse that kind of money; that is, with attrition that is built into the Revenue Act, I have fewer and fewer people with which to mount new programs.

Mr. NATCHER. With $1 billion——

Dr. ENDICOTT. You can only do so much with so many people.

Mr. NATCHER. With $1 billion, instead of lapsing it couldn't you get people?

Dr. ENDICOTT. No.

Mr. NATCHER. Couldn't get them?

Dr. ENDICOTT. The attrition which is imposed by the Revenue and Expenditure Control Act——

Mr. NATCHER. We are going to forget that. Forget the Revenue and Expenditure Control Act. We don't have any hindrances of that type at all. You have $1 billion.

Dr. ENDICOTT. I am impatient about the speed with which we are moving forward with the Lung Cancer Task Force. I have a group of experts and they have worked hard and met frequently to try to lay out a battery of biological and chemical tests. You appropriated funds for this effective July 1st. The committee has only just now come forward with enough specifications that we could invite contract proposals so that I will be lucky if I get the contracts let and the actual work started by the end of this year.

Cancer is a slow business. If one had $1 billion without the 1-year part on it, then I could move up quite rapidly. The sudden injection of $1 billion into the system under the present circumstances of 1-year money would, as I say, result in a lapsing of a substantial part of it.

Mr. NATCHER. If it were not 1-year money, Doctor, assuming it is not 1-year money and you had an additional $1 billion, what would you do with it? "Here it is, Doctor. What are you going to do with it?"

The war in Vietnam will be over one of these days and our people will demand more in the field of cancer research and achievement.

Dr. ENDICOTT. There would be the following areas that I would concentrate on from the scientific standpoint. One, clearly would be virus. I would give this quite heavy emphasis. I would undertake a major expansion of the efforts in the field of chemical carcinogenesis. I would supplement the chemotherapy efforts but this would not require additions in terms of money that the other two do.

I would create a number of new cancer centers, especially in the South, the Middle West, and the Far West, and I would launch an intensive training program. These are the five main areas in which I would really push hard and then try to keep good basic research supported as it comes along. * * *

Mr. Speaker, I commend the candor of Dr. Endicott. He said that he could use only a relatively small additional amount this year in addition to his budget request because of the limitations of manpower and equipment.

The progress which has been made in cancer research in recent years has been most gratifying. We should not let the work be interrupted where the funds obviously are being put to good use.

Mr. Speaker, the director of Roswell Park Memorial Institute, Dr. James T. Grace, Jr., offered an excellent up-to-date summary of cancer research efforts in a presentation recently to the National Cancer Society. Following is his informative text:

CANCER—PROGRESS AND PROBLEMS

(By Dr. James T. Grace, Jr.)

The decade of the sixties was a decade of *paradox* for cancer and other biomedical research.

By the mid-sixties research momentum was high—new important, relevant information was flowing from laboratories throughout the country—laboratory developments were being brought to the patient more rapidly—important, meaningful advances were being made in the care of the cancer patient—optimism among cancer investigators was rising steadily—then—down came the boom!

Cutbacks and restrictions of federal research funds came abruptly. These cuts exacted a heavy toll from cancer research in terms of loss of momentum, reduction of programs and loss of investigators.

One can only speculate about the toll of lives of future cancer patients. As I will discuss later, this federal research fund crunch is still with us and getting worse.

SOCIETY SOFTENS FEDERAL CUTBACKS

Fortunately the American Cancer Society was able to increase its support of research at the time of the federal cutbacks. Although the Society did not have the funds to make up the entire deficit, it was able to fill important gaps and generally soften the impact.

These funds helped to salvage valuable research programs that would have been completely lost otherwise. ACS support of research will be even more essential this year because of the continuing cutbacks of federal funds.

Progress.—The sixties saw the development of concepts of curability of types of cancer theretofore thought incurable. A good example is Hodgkin's Disease.

Prior to the sixties, Hodgkin's Disease was generally considered an incurable disease from its onset. Treatment was designed to control symptoms, not cure.

However, in the last few years it has become apparent that early Hodgkin's disease can be cured. With the present methods of treatment, more than one-half of the patients with early Hodgkin's Disease can anticipate cure.

LEUKEMIA IN CHILDREN

To those parents and families who have suffered the bitter anguish of a child with acute leukemia, the decade of the sixties left on a heartening note. The concept of curability of acute leukemia was born!

This concept grew out of a cooperative study of a large group of investigators in institutions around the country in which they evaluated different methods of treatment of the disease.

The most recent modification of treatment, started in early 1968, shows more than ¾ of the children living after two years. By projecting the curve to 5 years one predicts about 30% of the children will be living at 5 years.

A recent study of almost 200 children with acute leukemia surviving for long periods of time, 10–15 years, without disease indicates that roughly one-half of the children that go beyond 5 years are probably cured.

CURE RATE NOW 15 PERCENT

Thus, it is very possible that 15% of the children being treated today will be cured. A fifteen percent cure rate may not seem like much to shout about, but when one realizes that before the advent of the first leukemia drug, a little more than 20 years ago, all children died in a few weeks or months after diagnosis.

Knowledge from the sixties provides a solid base for an all out onslaught on acute leukemia—the killer of children. The many avenues of research must be pursued vigorously. This will require large new programs that cost money.

Another bright spot concerns a type of childhood cancer originally described in Africa but now found in other areas of the world as well, Burkitt lymphoma. This cancer is uniformly fatal when untreated and response to X-ray treatment poor.

However, a recent report indicated that 85–90% of children with early disease, and treated with drugs, had no disease 2 years later and required no further treatment.

It is probable that most if not all of these children are cured because if childhood cancer recurs after treatment it usually does so during the first 12 to 18 months after treatment. A disease free period of 2 years in children is ordinarily considered a probable cure of that cancer.

CURES FOR CHILDHOOD CANCER

Other forms of childhood cancer that were highly lethal with very low cure rates just a few years ago, are now being cured at much greater rates by combinations of such things as surgery, radiation and drugs.

Outstanding among these are a kind of cancer of the kidney known as Wilms' tumor, a highly virulent form of muscle cancer and a rare cancer of the eye. There are numerous other examples in which research progress is now being reflected in rising rates of cancer cure.

There is also a veritable mountain of exciting laboratory research whose potential in the control of human cancer has not yet been explored.

VIRUS SEARCH INTENSIFIED

The search for viruses that cause human cancer was greatly intensified during the sixties. This work has been difficult, expensive, and tedious. However, there is now considerable evidence that viruses may play a role in human malignant disease.

If these can be clearly pinned down as a cause of cancer (I think some will be in the next few years) this could have considerable practical importance. It should be possible to exploit this information, not only in cancer prevention but also in treatment.

Another exciting field of cancer research involves stimulation of the body's normal defenses against cancer. This has been done quite successfully with animal cancers and with beginning success in a limited number of human cases.

Many investigators feel that a combination of this approach with other established forms of treatment could substantially advance cancer control. Again all of these leads need rapid development and expansion to make them available to the cancer patient as soon as possible. This calls for large new research programs that cost money.

REGARDING FEDERAL FUNDING

More than one-half of the 1970 fiscal year has passed and the National Cancer Institute has been operating on an annual budget of $172,977,000. This is *$11,976,000,* less than fiscal '69. However, the final appropriation for 1970 has not yet passed Congress.

On July 31, 1969, the House of Representatives passed an appropriation of $180,775,000 for the National Cancer Institute. On Wednesday, December 17, 1969, the Senate passed an amended bill which called for $200,000,000 for the N. C. I., an increase of slightly more than $19,000,000 over the House appropriation.

After passage of the Senate bill, it was sent to House-Senate Conference to settle the difference. The conference report was filed Saturday, December 20, resolving the N. C. I. appropriation at $190,362,000. The House adopted the conference report on Monday, December 22.

The Senate declined to act on the conference report before the holiday adjournment because President Nixon sent a letter stating that he would veto it if passed by the Senate. If the Congress were not in session simple failure to sign within 10 days would constitute a veto. Some in the Congress believe that if they are in session they may be able to forestall or override the veto.

Regardless of what happens the bulk of the damage for this year has already occurred. Even if the bill were not vetoed, or if the veto were overridden, only about one-third of the fiscal year would remain for the increased level of expenditures. The other possibility is that the Executive Branch simply would not spend the money if appropriated.

(NOTE.—This speech was prepared prior to the Labor-HEW appropriation bill veto and Congressional failure to over-ride.)

NATIONAL PRIORITIES

It is apparent that there has been a shift in national priorities. Biomedical research simply has been moved down the list and I don't understand it!

There is—literally—nothing that will more surely improve the quality of American life than health research. Our only hope of really controlling devastating diseases and their enormous costs is through research. A cure for cancer would do more for our citizens than a thousand Regional Medical Programs—*at a fraction of the cost*—and it can only come through research.

SOME PRIORITY COMPARISONS

Cancer—will strike one out of four living Americans during their lifetime. Number one disease killer of children, costs Americans an estimated 15 billion dollars annually—with suffering and grief that cannot be measured.

The 173 million dollar budget is not much for a country in which 50,000,000 of its present citizens will get the disease.

The overall national budget for fiscal 1970 is $192.9 billion—roughly equivalent to $964 for every American now living. Of that amount, each American's share of the Vietnam war is $125.

Each American's share of total defense outlays is $395.

Each American's share of cancer research is *91 cents!* I wonder if this reflects the American citizen's version of the nation's true priorities?

One billion dollars was poured into an atomic-powered airplane program—and 10 million dollars into a structure to hold it—to hold an airplane that was never built. This is seven times the current N.C.I. budget.

BIG INCREASE FOR ALLIANCE

President Nixon asked for 553.5 million for the Alliance for Progress in Latin America. That compares with a 1969 total of $336 million. That increase—not the total budget amount, but just the increase—is 1¼ times

the total budget for cancer research. Is this a proper priority.

The 1970 budget for foreign aid rose sharply. Economic aid increased from $1.3 billion in 1969 to $2.3 billion in the 1970 budget. That increase—again, not the total budgeted amount, but just the increase—is almost six times greater than the National Cancer Institute budget.

It was estimated that a minimum of $350,000,000 was spent last year for research on Chemical and Biological Warfare. This was almost double the amount spent for cancer research. Try explaining this to the young parents of the child with leukemia—or to the husband of the young mother with widespread breast cancer. They have serious questions about national priorities!

I think the people of this country do also. All of you—and the thousands of volunteers at home—and the many people who contribute to the American Cancer Society—I think this more accurately reflects the priorities of the nation.

The record $60,000,000 given to the American Cancer Society in 1969 was, I believe, a reflection of the personal priorities of the American people.

A NATIONAL GOAL—CANCER CONTROL

I should like to urge all Americans to support cancer control as a major national goal of this decade just as a man on the moon was a national goal of the sixties. If this is done and if the appropriate commitment of national and voluntary resources is made, I predict that we can enter the decade of the eighties without the spectre of cancer hanging over our people.

What I am saying is that I believe control of cancer is an attainable goal of the seventies! This view is not mine alone, it is shared by other investigators in the cancer field.

Now what is the role of the ACS volunteer in all of this? The answer is simple—he has the most important task in the history of the Society! Reason—the ACS faces its greatest challenge ever because of the federal research funding crisis—and the volunteer is the backbone of the Society.

Never has the role of the volunteer been more vital than it is this year—yet never has he had the opportunity to make a greater personal impact on this miserable disease than he has now! And never have you—in your role as a volunteer leader—had a graver responsibility!

BIG DEMAND ON SOCIETY

Consider this—the ACS funded research grants totaling more than 20 million dollars last year. Yet because of the federal crisis there has been a heavy increase in applications for research funds.

The grim result—tragic results—is that there are now many hundreds of excellent research proposals—work vital to the cancer problem, that simply cannot be done because of a shortage of funds.

As I see it, the ACS through its volunteers, can play a major role in resolving the current research crisis—and in making the 70s the Decade of Hope for the cancer victim.

The ACS cannot expect to make up all the slack resulting from reduced federal support of cancer research. But there is a great opportunity for the ACS to convey the critical need to the people, and give them a chance to speak out and make their feelings known to their neighbors, friends and their government about what their real "national" priorities are. You, the ACS volunteer, can help them to express this.

DEMAND CAN BE HEARD

If an informed citizenry speaks out loudly enough and often enough it will be heard—and increased support of ACS and its research program will be tangible evidence of this concern and determination of the American people.

As you return home and start the crusade, you can tell your friends and neighbors and anyone else that the final chapter in the awful history of cancer *could* be written in the decade of the 70s.

You can tell them that the prospects, however, are sharply dimmed by present priorities of federal spending.

You can tell them that increased ACS support is imperative if cancer research is to weather this crisis.

You can tell them that the nation could provide no greater gift in the 70s than telling its 50 million citizens destined to get cancer in the future, "Dont Worry."

And finally, you can tell them for me that I was thrilled and awed by the magnificent space achievements of the 60's—but also add, that if I had my choice between a moon walk and the life of a single child with leukemia—I would never glance upward!

INDIVIDUAL PRIVACY

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. McDONALD of Michigan. Mr. Speaker, for several years I have been most concerned about the growing threat to individual privacy posed by rapidly expanding public and private data collection operations. Congress first became aware of the ominous magnitude of this problem when it considered the establishment of a Federal data bank several years ago. Last year this issue was raised again during the debate on a bill to insure the confidentiality of information collected by the Census Bureau.

Recognizing the serious legal and personal problems that can be created by the collection and dissemination of statistical information, I have sponsored legislation to limit the number of census questions requiring mandatory answers and to prohibit the furnishing of mailing lists or other lists of names and addresses by Government agencies to the public. But to my deep interest in this matter, I was pleased to read the Time essay, "Personal Privacy Versus the Printout," which appeared in the February 16 issue of Time magazine. I feel it is a most thought-provoking article and I would like to share it with my colleagues:

PERSONAL PRIVACY VERSUS THE PRINTOUT

Except for the very rich, physical privacy is rapidly becoming an almost unobtainable luxury. In today's crowded cities, the paper-thin walls of offices and apartments expose not only the quarrels of modern man but even his yawns. He is observed by hidden cameras when he shops. This year, 12 million U.S. citizens will face the possibility of a $100 fine and/or 60 days in jail if they refuse to answer certain questions about their income and job on the 1970 census. Although a developing body of law has begun to establish the rights and wrongs of wiretapping and bugging, modern technology provides Government agencies and others with ever more subtle and delicate means of surveillance. Legislatures and courts have hardly begun to deal with what may soon prove to be the greatest threat to man's "right to be let alone," as Louis Brandeis once described it. The threat is modern information-processing techniques, most notably that ubiquitous tool of post-industrial society, the computer.

MORAL CAPITAL

Political Scientist Alan F. Westin of Columbia University defines privacy as the right "to determine what information about ourselves we will share with others." In certain primitive tribes, people will not give their names to strangers for fear that they will thereby surrender part of themselves. Foolish as the custom may seem to modern man, it has a point: an individual's information about himself represents a large part of what Harvard Law Professor Charles Fried calls his "moral capital." Some of this information, by right and necessity, he wants to keep to himself. Some of it he will share with his family and friends, some he will admit—often willingly, often reluctantly—to the impersonal organizations he must deal with in daily life. Westin argues that an attack on a man's ability to control what is known about him represents a basic assault on his humanity; to the extent that it is successful, it limits his freedom to be himself.

What makes this trespass on self possible is the fact that a man's life today is largely defined and described by written records, many of which remain potentially available to outsiders. Schools take careful note of his intelligence and keep a detailed record of his academic achievement. His doctors have files on his health; his psychiatrist, if he has one, takes notes on his inner turmoil, his secret fears. Banks, credit-card companies and the Internal Revenue Service know almost everything about his income and financial status. Once he has ever served in the military or worked for a defense contractor, the Government knows a fair amount about his family and political associations. If he has moved recently, the storage companies have an inventory of his belongings. If he has ever been charged with a felony, the FBI probably has his fingerprints and often his photograph.

At present, much of this information is scattered over dozens of locations, divided among a host of different agencies. But what if, in the interests of national efficiency, the file keepers of the nation stored their separate masses of data in one gigantic computer bank? What if the recorded lives of millions of Americans were turned into an open book—or, more precisely, an open computer printout, available to anyone who knows how to punch the proper keys? That, in fact, is what may happen in the next few years. Four years ago, a Budget Bureau task force recommended that the Federal Government establish a National Data Center for the common use of its many agencies. Under this plan, the Government's 3 billion "person-records" that have been compiled by such agencies as the IRS and the FBI would be consolidated and computerized.

Although Congress so far has been cool to the federal data-bank idea, it has appropriated funds to help set up limited versions of it in several states; in California, for example, all of the state's records regarding social services such as welfare, medical care, rehabilitation and employment are scheduled to be computerized by 1973. The data-bank idea, moreover, has already been put into being by private business. The life insurance industry has cooperatively established a firm called the Medical Information Bureau, which operates from unlisted offices in five cities, and keeps files on 11 million people who have applied for life insurance. The files contain, among other things, information on the applicant's medical condition, travels, driving record, drinking habits, and even his extramarital affairs. The 2,200 credit-investigating firms that belong to Associated Credit Bureaus Inc., together have (and trade) information on 100 million people who have applied for credit in department stores and elsewhere.

AGE OF EXHIBITIONISM

Americans offer surprisingly little resistance to surrendering information about themselves. Giving up personal details is

regarded by most people as a fair trade for convenience. Shoppers who like the idea of buying something with checkbooks and credit cards can hardly expect to keep their financial resources or their spending habits a total secret. Even Hollywood's ageless glamour girls have to trade a birth date (although not necessarily the real one) for a passport. And convenient or not, almost everyone acknowledges the right of the Government to know a lot about its citizens.

Nonetheless, experts in the field of privacy fear that people have become much too indifferent about protecting personal facts that once were considered nobody's business. Crusading Washington Lawyer John Banzhaf III complains about the unseemly curiosity that investigators show in interviewing the acquaintances of prospective insurance and credit customers. Sample question: "Do you have any criticism of the character or morals of any member of the family?" But Banzhaf also puts part of the blame on an acquiescent public: "Isn't the consumer too willing to reveal personal details for a dubious credit advantage? Isn't there too little resistance to questions?"

In a sense, the modern willingness to surrender personal information may simply be another characteristic of an age that applauds exhibitionism and encourages communal experience. Patients who once confided their psychic secrets to an analyst in the privacy of his office now act out their problems and discuss them explicitly amidst group therapy. Among American Roman Catholics, private confession is gradually falling into disuse. Thousands of people have tried to escape from the impersonality of modern life by banding together in communes—a tribal form of society that rather drastically alters an individual's prospects of privacy.

That urbane pessimist, Henry Adams, believed that the dynamo in America had taken the place of medieval man's Virgin as the symbol of power; very possibly, the unblinking, all-knowing computer may come to serve as the moral equivalent of a god figure in a world society of electronic tribalism. Nevertheless, legal experts in the field fear that Americans, in their blithe acceptance of technological inevitability, have failed to consider the broader implications of allowing information about themselves to accumulate so easily. One result is that it is becoming harder and harder for people to escape from the mistakes of their past, to move in search of a second chance. The creation of a national data bank could make it virtually impossible. Worse still is the danger of misinformation. An item of information wrongly added or omitted from tomorrow's total-recall data banks might ruin a reputation in minutes. Government and industrial prying into political opinions could produce a generation of cowed conformists.

MORE THAN REGISTRARS

Columbia's Westin believes that one vital way to save Americans from becoming the victims of their own records is to create laws protecting a man's "data being" just as carefully as present statutes guard his physical being. He echoes authorities as far back as Blackstone in contending that "the greatest single legal safeguard to freedom has been the writ of habeas corpus." Westin suggests the creation of a "writ of habeas data," which would guarantee that personal information held by the authorities would see the light of a courtroom before it could be used.

At the very least, an individual should have the right to view publicly held information about himself and be allowed to correct errors in it. Technology's computer programmers are potentially far more than the ancient town registrars brought up to date. Before too long, some distant automated authority may know more about a citizen than the citizen himself. Inevitable, perhaps. But it is an additional reason why modern man fights ever harder for some space inside himself to call his own, beyond the encroaching outside world.

LITHUANIAN INDEPENDENCE DAY MARKS ANOTHER YEAR OF OPPRESSION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. HORTON. Mr. Speaker, we in America know what it is to fight for independence and to finally break free from a tyrannical hold. During February, Lithuanian Americans are commemorating Lithuanian Independence Day. This is a sad time because it recalls a people who have broken free and then became enslaved again.

If the Baltic States had not once tasted freedom and been recognized as an independent nation with the right of self-determination the grimness of being part of the Soviet Union would not seem as hard today.

Lithuanians are a proud and peaceful people who live on the shores of the Baltic. The Lithuanian state was composed of Lithuania, Latvia, and Estonia. More than 700 years ago, they were united into a state, and by the 15th century their nation extended from the Baltic to the Black Sea. However, by 1795, the Lithuanian Nation was taken over by Russia.

We in the United States, and all of the Western World, owe much to Lithuania for preserving our culture. One scholar has written the following:

> The Lithuanians protected Europe against the Mongols and Tartars. They furnished a power and a government behind which the Eastern Slavs could live in peace and safety with a freedom that was unknown in Russia. They blessed their subjects with more human freedoms than in the neighboring countries. They encouraged education and tolerance, and they played a part in the general development of European civilization.

When Lithuania was annexed to Russia in 1795, the Russians began a policy of replacing the Lithuanian language and culture with Russian. But the Lithuanians resisted and remained faithful to their religion, language and traditions. The policy of forced Russification was abandoned in 1905.

During World War I, Lithuania was overrun by German and Russian armies. The defeat of Germany and the revolution in Russia was then favorable for Lithuanian independence. On February 16, 1918, Lithuania proclaimed herself an independent state.

The period of independence was a time of great achievements in agriculture, social legislation, education, literature, and music.

A land program was reformed with the result that Lithuania became a nation of small farmers. Prior to World War I, approximately 450 families owned 22 percent of all the land. By 1939, there were 335,720 farming units.

Industrialization also progressed. In 1913, there were 151 industrial plants with 6,603 employees. In 1939, there were 16,131 industrial enterprises.

In social legislation, Lithuania made progress with a labor control law, and the introduction of the 8-hour day. Grammar schools and high schools increased. In 1930, there were 1,173 grammar schools and in 1939 there were 2,328. Secondary schools increased from 40 in 1920 to 123 in 1927.

During World War II, Lithuania again became the battleground for Germany and Russia. The sad day came on August 3, 1940, when Lithuania was declared a republic of the U.S.S.R.

It is estimated that during this Soviet occupation, Lithuania lost 45,000 people. About 30,000 members of the Lithuanian intelligentsia were deported to Siberia, and 5,000 political prisoners were executed when the Soviet forces hastily retreated under German attack.

A few days after the German attack on the Soviet Union on June 22, 1941, Nazi forces overran Lithuania. The Germans inaugurated a colonization policy and several thousand German families were settled in Lithuania. Almost all Lithuanian Jews were executed by the Nazis.

When the Germans lost the war, Lithuania returned not to independence, but to Soviet domination.

News from the Baltic States has been very sparse since their incorporation into the Soviet Union. But even with Soviet occupation, the proud Lithuanian people have waged an intensive fight for freedom. Between 1944 and 1952, 30,000 freedom fighters lost their lives in organized resistance. Hundreds of thousands of others were imprisoned or driven to Siberia. Today, the Lithuanians continue their hope for freedom as individuals and as a nation.

Mr. Speaker, the United States has never recognized Lithuania's incorporation into the Soviet Union. On this 719th anniversary of the founding of the Lithuanian state, and 52d anniversary of the establishment of the Republic of Lithuania, it is important that we support the aspirations of Lithuanian people for self-determination.

We in the United States support their right to freely determine their political status. We support their right to the basic human freedoms which are now denied them under Soviet rule.

SILVER COINS

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. McCLURE. Mr. Speaker, in commemoration of the visit of Pope Paul to Uganda last July, the Republic of Uganda has issued six silver coins in denominations ranging from 2 shillings to 30 shillings each. It is understood that approximately 15,000 of each coin will be produced.

Likewise, the Kingdom of Jordan has issued three commemorative silver coins in 1969 in the denominations of one-half, three-fourths, and 1 dinar. These coins are all 0.999 fineness and are available for sale through coin dealers.

The interest in silver coins is worldwide. They represent value and solvency elsewhere. To run to a cupronickel coin is a sign of weakness. I hope the House will reconsider its ill-advised position to authorize the issuance by the mint of only silverless coins.

TENNESSEE VA HOSPITALS ARE SHORT OF FUNDS AND UNDERSTAFFED MEDICAL INTENSIVE CARE UNITS SUFFER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. TEAGUE of Texas. Mr. Speaker, Dr. Madison B. Brown, deputy director of the American Hospital Association, in testimony before the Subcommittee on Hospitals of the House Veterans' Affairs Committee pointed out last year the staffing disparity between nongovernmental general medical hospitals of 2.7 staff for each patient and the 1.5 ratio of staff to patients in the VA system. It is my belief that general medical and surgical hospitals in the VA should have at least two employees for each patient and a one for one ratio in VA psychiatric hospitals.

Mr. Speaker, funding and staffing policies in the VA medical system have not and are not keeping pace with the private sector. Although the Veterans' Administration has constructed many new intensive care and other special life-preserving and life-prolonging units for its hospitals, many are either understaffed or not staffed at all. A prime example of this exists at the Nashville VA hospital where the Director indicated to the Veterans' Affairs Committee in December 1969 that he was $150,000 and 34 positions short to operate an eight bed surgical, a five bed medical, and a four bed intensive coronary care unit. In response to a further committee inquiry made in January 1970, the Nashville director stated, after receiving $138,000 in additional funds from the VA Central Office of which $28,000 was earmarked for other purposes—

> We will be able to fill only future vacancies at a level which is 19 below our assigned full time positions.

He further stated—

> It is not possible to open our completed intensive care units because of staffing, or add any additional personnel to other special medical programs.

If policies which result in this sort of a situation are not changed, the Veterans' Administration cannot deliver first class medical care to our Nation's veterans.

Mr. Speaker, the Veterans' Affairs Committee investigation of Tennessee Veterans' Administration hospitals in December 1969 revealed funding deficiencies for fiscal year 1970 of over $2.1 million to operate approximately 3,000 hospital beds serving 479,000 Tennessee veterans.

In Tennessee, the VA operates hospitals at Memphis, Mountain Home, Murfreesboro, and Nashville, A 1,280 bed domiciliary for homeless and chronically ill veterans is also located at Mountain Home.

Our investigation in December 1969 revealed that under the hospital staffing ratios which I advocate, Tennessee Veterans' Administration hospitals were approximately 1,100 positions short of needed staff. These extra positions would cost about $10 million annually. A few of these positions would be difficult to fill at current VA salary rates, but most are recruitable.

Tennessee VA hospital directors also reported last December that community nursing care programs at their hospitals were underfunded in fiscal year 1970 by over $600,000, and that more funds were needed approximating $80,000 for fee basis dental care due primarily to increased workloads created by returning Vietnam veterans.

As of February 9, 1970, the Tennessee VA hospital directors had advised the Veterans' Affairs Committee that supplemental funds had been received in January 1970, to apply toward the reported deficiencies. A total of $108,572 was provided for the community nursing care program which reduced the reported unfunded deficiency from $624,388 to $515,816. The VA hospital at Nashville reported that supplemental funds in the amount of $5,250 were received to apply toward the reported $80,000 backlog in the fee dental program. The hospital directors also reported that they had received approximately $300,000 to alleviate shortages in personnel salary costs and other operations. The total supplemental allotment was $413,822 for Tennessee VA hospitals. Of course these modest allocations are welcome but they do little to alleviate the serious problems confronting these hospitals.

In December 1969 the director of the 900 bed hospital at Memphis, Tenn., reported funding deficiencies of more than $345,000 most of which was to support salary costs of personnel. Dr. J. W. Murdoch, Jr., hospital director, reported that he was approximately $200,000 short in recurring salary funds and approximately $50,000 short in other operations such as drugs, medical supplies, blood, and other recurring expenses. The remaining $95,000 shortage was due to the diversion of approximately $55,000 additional equipment funds and $40,000 for nonrecurring maintenance and repair projects which would have to be deferred unless additional funding support was received.

Dr. Murdoch stated the Memphis hospital had begun fiscal year 1970, July 1, 1969, with 30 patients in the community nursing home program. Funding support for the fiscal year would provide for an average of approximately 20 during the year. Murdoch said the program was underfunded by approximately $133,000. Murdoch estimated that the hospital could have provided for an average of 46 patients in the community nursing care program thus permitting earlier discharge of veterans who had obtained maximum hospital benefits.

Director Murdoch also reported that the specialized medical programs at the Memphis VA hospital were inadequate in scope or could not be implemented because of lack of sufficient employment ceiling or funding for fiscal year 1970. These included the open heart surgery program which required six more personnel at an annual cost of about $48,000; the day-treatment center which required five more people at an annual cost of approximately $77,000; and a specialized reference laboratory which needed two more full-time positions at a cost of approximately $16,000.

To achieve minimal staffing ratio of two employees for each patient for general hospitals, Murdoch said the Memphis hospital would need approximately 375 more employees which would cost in excess of $3.8 million annually. Most of these employees would be recruitable, however, some, including physicians and registered nurses, were reported as not recruitable at present salary scales.

In a subsequent report to the committee Dr. Murdoch said that supplemental funds in the amount of $72,260 were received to apply toward his reported deficiencies. $36,000 would be used to reduce deficiencies in recurring operating expenses such as drugs, $30,000; medical supplies, $4,000 and blood $2,000. Murdoch said $33,000 would be used to avoid staff reductions of three positions and the restoration of five positions vacated by attrition which had been frozen due to inadequate funds. Funds in the amount of $2,260 was specifically restricted for use in the community nursing home care program and Murdoch reported the revised estimated fiscal year 1970 funding deficiency for this program would be $131,086 rather than $133,436.

Last December, Mr. G. R. Hiskey, Director of VA's 500 bed hospital and 1,280 bed domiciliary at Mountain Home, Tenn., reported his funding deficiencies during fiscal year 1970 at more than $640,000. Hiskey stated that approximately $400,000 was needed to support personnel salaries and approximately $100,000 more was required for drugs, medicines, operating supplies, beneficiary travel, and other recurring expenses. Approximately $140,000 of funds earmarked for new equipment and replacements as well as maintenance and repair projects was being diverted for use in salary accounts and other recurring expenses. Hiskey said:

> The FY 1970 target allowance received was insufficient to provide adequate support for on duty staff even after using non-recurring funds for salaries.

The Mountain Home hospital director later advised the Committee on Veterans' Affairs that $134,294 in suplemental funds had been received. Of this amount $60,000 was allocated to alleviate the funding deficiencies in personnel salary costs. The remaining $74,294 was restricted for use in the community nursing care program and would reduce the reported deficiency from $216,547 to $142,253.

In December of last year Dr. John T. Mason, Director of VA's large psychiatric hospital at Murfreesboro, Tenn., reported fiscal year 1970 funding deficiencies of almost $600,000.

Dr. Mason said that planning for operational curtailments to maintain a solvent fiscal program within the funds made available for fiscal year 1970 included a reduction of beneficial travel, fee basis physicians, curtailing the incentive therapy program, linen replacement and purchase of additional and replacement equipment. He said that it would be necessary to delay filling of new positions and curtail all maintenance and repair projects under $5,000 cost. Mason said the full-time permanent ceiling at the 1,000 bed hospital was cut from 763 in fiscal year 1969 to 758 in fiscal year 1970. Mason said:

We are unable to fill 10 positions due to limited funds and have only 748 full time permanent employees on duty at this time.

In reporting on the hospital's community nursing home care program, Dr. Mason said that funding support was inadequate and that $92,750 additional could be used in this activity.

In order to achieve a minimal ratio of one employee for each psychiatric patient in fiscal year 1971 at the Murfreesboro hospital, Dr. Mason reported that 192 more full-time positions would be needed which would cost approximately $1.4 million. Mason said the staffing ratio at the hospital was .6 employees to each patient as of September 30, 1969. While conceding that physicians and registered nurses would not be recruitable at present VA salary scales, Mason reported that most of the positions could be recruited.

Dr. Mason in his subsequent report to the committee stated that supplemental funds in the amount of $69,268 had been received. He said:

The additional funds we received will permit a limited number of promotions and a conservative amount for our incentive awards program.

The personnel salary deficiency was reduced to $467,079. Mason reported that of the total supplementary funds received $9,268 was restricted for use in the community nursing home care program which permit maintenance of an average of four patients per month during the fiscal year.

In December 1969, Mr. Willis O. Underwood, Director of VA's 450-bed hospital in Nashville, reported a total funding deficiency in excess of $500,000. Underwood reported his initial target allowance for fiscal year 1970 was not sufficient to cover personnel salary costs and that he had initiated action in July 1969 to delay filling of positions that he considered essential including one pathologist, one neurologist, one psychologist, and 16 nurses and nursing assistants. In addition he stated that specialized medical programs at the Nashville hospital were inadequate in scope or could not be implemented during fiscal year 1970 due to ceiling and funding limitations. These included an eight-bed surgical, five beds in medical, and four-bed coronary care units which required a total of 34 more positions at an annual cost of more than $150,000. The cardiac catheterization unit was listed as requiring one more position at $7,000, the alcohol treatment unit was short seven positions at an annual cost of $85,000 and the organ transplant program needed 15 more employees at a cost of $176,000 annually. Underwood said:

We need to open our intensive care units. With a reduced budget, the only way we could get the personnel to staff them would be to close 2 wards, but with the largest patient demand in years, this is not a feasible alternative.

Director Underwood also listed a $75,000 deficiency in the fee dental treatment program, a result of a large number of returning Vietnam veterans, and a deficiency in excess of $181,000 for the community nursing care program. Underwood said:

Insufficient funds required that we discontinue outplacing nursing cases in October 1969.

He said additional funds would be required to support further outplacements.

The Nashville VA Hospital had a staffing ratio of 1.5 to each patient as of September 30, 1969. While conceding that physicians would not be recruitable at present VA salary scales, Director Underwood stated that most of the additional positions needed to achieve the minimal staffing ratio would be recruitable. These additional positions would cost about $1.9 million.

In a subsequent report to the congressional committee, Hospital Director Underwood stated that he had received supplemental funds in the amount of $138,000. Included in this amount were earmarked funds of $22,750 for the community nursing home and $5,250 for the fee dental backlog. He said the remaining funds would be applied to reduce deficiencies in drugs, other medical supplies, provisions, and prosthetic appliances. Underwood said that he was "not able to restore staffing already reduced as a result" of fiscal year 1970—funding. He stated:

We will be able to fill only future vacancies at a level which is 19 below the assigned full time positions.

He also said:

It is not possible to open our completed intensive care units because of staffing, or add any additional personnel to other special medical programs.

Mr. Speaker, the Veterans' Administration medical program must receive higher priority attention in future funding policies so that America's veterans receive the first-class medical care they deserve.

NEW SOVIET MAPS GIVE DISTORTION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. PUCINSKI. Mr. Speaker, the Soviet Union has become infamous for periodically rewriting their history to present to the world an infallible nation composed of infallible leaders, an ideal that we in the Western World are supposed to rush to emulate so that we too can commiserate with the poor Soviet citizens in their peoples' paradise.

Now for the past few years the Soviets have been busy at work distorting their maps. There could be many reasons for this. Always preoccupied with their obsession for secrecy, maybe the Soviets have distorted their maps for security reasons. Or perhaps they want to extend their territorial limits to keep the fishing fleets of other nations away from their fishing grounds. Or maybe they just plain need more lebensraum.

For whatever their inscrutable reasons, I should like to place in the RECORD today an article which appeared recently in the New York Times discussing the Soviet Union's wily attempts to distort their geography.

I am calling attention of this article to my colleagues because it affords us yet one more example to Soviet perfidy and deception. There are those who continue to naively believe that somehow or other we can trust the motives of the Soviets when almost every day in one way or another we see that they work overtime at the art of deceiving the world.

How can anyone place any credence in the SALT talks or any other negotiations with the Soviets when we see example after example of their treachery and deception?

The article follows:

NEW SOVIET MAPS GIVE DISTORTION—NATIONAL SECURITY IS BELIEVED REASON FOR ALTERED FEATURES

WASHINGTON.—Government cartographers have discovered puzzling locational shifts in recent official atlases that seem to indicate distortion of the entire map of the Soviet Union for national security.

According to the specialists the Russian charts and atlases, once renowned for their standards of excellence, have been designed in the last few years to move coastlines, towns, rivers and other map features at random by as much as 25 miles in an apparent attempt at deception.

In one of the most unusual cases of such deformations, which have also been detected by West European analysts, a transport center in Western Russia was moved 10 miles from its true location on a lake shore, and converging railroad lines were twisted out of alignment to conform.

The possibility that the revised map locations are based on new surveys is ruled out by United States analysts on the ground that most of the Soviet Union, particularly the European section, had already been surveyed with a high degree of accuracy.

INFORMATION OMITTED

The Soviet authorities, reputed to be among the most security minded in the world, have traditionally omitted sensitive defense information from their published general maps and have altogether prohibited the dissemination of detailed topographic sheets.

A further tightening of security sometime after 1964 has now affected the published maps.

United States analysts say they wonder why the Russians should have undertaken an intricate program of distortion at what was evidently a heavy cost in time and money. If the intention was to mislead Western strategic planners in the guidance and targeting of intercontinental ballistic missiles, the Americans say, an expensive effort was wasted because the United States can use older, unaltered maps and modern techniques, pre-

sumably intelligence-gathering earth satellites, if necessary.

The speculation in Government circles is that the Soviet deception program may have been directed at another potential adversary, such as Communist China, with less advanced information and means to obtain it.

In the view of officials here the tightened Soviet map controls may have been prompted by what the Russians regarded as breaches of their security. These could have included high-altitude aerial photography by American U-2 planes, one of which was shot down in 1960, and information supplied by Oleg Penkovsky, a Soviet official who spied for the West and was tried and executed in Moscow in 1963.

DECISION BETWEEN '64 AND '67

The decision to alter the maps is believed to have been made some time between 1964, when the last Soviet atlas with true locations was printed, and 1967, when Moscow published the second edition of its World Atlas.

The first edition was regarded as one of the finest typographic products when it appeared in 1954. The maps of the Soviet Union in the second edition turned out to be distorted although foreign areas remained unchanged.

The distortion program involved two steps, according to Government analysts. The first was the scrapping of a well-known Soviet map projection, the network of geographical coordinate lines by which the earth's surface can be mapped.

RANDOM MISLOCATIONS

The map grid, called Kavraisky's Conic Projection, for its designer, was replaced by one that is unidentified and is unfamiliar to United States specialists. They contend that the new system is mathematically inconsistent and is not a true projection at all.

The second step is described as further deformation by random mislocation of map features with respect to the new grid. These small shifts, which would be of little practical significance to the casual map user, were detected by American and West European experts when they used a Soviet atlas in their own map compilation work.

Although the deformation effort is believed here to be inspired by security considerations, it affects not only strategic places but all parts of the Soviet Union, even to the most remote uninhabited areas of Siberia.

The mislocation of the West Russian rail town of Nevel is cited by the Government specialists as probably one of the most extreme cases. The town, together with the new grid system, was shifted 10 miles to the northwest, but for an unexplained reason the small lake on which Nevel is situated was not moved along with the other map features.

According to the analysts, the discovery of such discrepancies led to the detection of the entire series of map deformations.

CRISIS FOR AEROSPACE WORKERS AND THE NATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. BROWN of California. Mr. Speaker, now is the time to start thinking seriously about the impact of economic reconversion from a defense-oriented economy to a system more directed toward overall problem solving.

Reconversion can prove to be a difficult problem without proper planning. The fear of mass unemployment, of immediate recession, of zooming inflation—all these can quickly grip a nation which suddenly is confronted with the need to slow down its defense and related production.

Fortunately, a number of valuable proposals in this area already have been made at both Federal and State levels. I have introduced legislation calling for an economic reconversion commission, and similar measures have been authored in various State legislatures.

Recently, the Joint Committee on Economic Conversion of the California State Legislature held hearings on this issue, and one of the more detailed and impressive presentations was made by Mr. Paul Schrade, the western director of the United Auto and Aerospace Workers Union.

Mr. Schrade titled his testimony "Crisis for Aerospace Workers and the Nation," and because I believe that his ideas deserve greater attention, I am now inserting the testimony in the RECORD:

CRISIS FOR AEROSPACE WORKERS AND THE NATION

(Testimony of Paul Schrade, western director, United Auto and Aerospace Workers Union, before the Joint Committee on Economic Conversion of the California Legislature)

We feel that it is time to generate concern and action on the part of the decision-makers in the aerospace industry. Now, Mr. Rockwell, of North American Rockwell, understands this crisis. He said recently, "We have a recession in the aerospace industry." So, the corporate hierarchy at least knows the problem. Mr. Rockwell's job, and the jobs of people in the Pentagon and the military and the corporate hierarchies are not hurt by this crisis. Their pay goes on and it will probably increase.

Their profits will probably decline some but I don't know of any major aerospace company that has taken a loss since the beginning of World War II. The high profits of these corporations are guaranteed by public money. Aerospace workers are the ones to make the sacrifice because this industry has been traditionally an up-and-down industry. Workers are laid off without any notice and without care or concern about what happens to them afterwards.

We've been through this again and again. Before World War II employment was 63,000 in 1939, rose to a peak of 1,350,000 in 1943 and then was drastically reduced in 1946 to 240,000.

And there was a major cutback after the Korean War. And when the Navajo missile was cancelled in 1957, over 16,000 people were laid off without any notice.

In 1962, the Skybolt missile cancellation was another example of mass layoffs.

We find it very difficult as a union to bargain successfully as we bargain in the automobile industry. There has been no real, free collective bargaining in this industry. During wartime our no-strike pledge means that we are unable to use our full bargaining strength during the period of highest demand for the product our members build. During relative peacetime, bargaining strength is also curtailed because the government, the only customer of most of these large aerospace companies, says to the corporations, "Let them strike! You can deliver 60 days later or 120 days later," and their contracts are stretched out.

No corporation loses contracts as a result of strikes like GM would lose sales to Ford and Chrysler. Workers, therefore, have always been up against it in the aerospace industry, and that's one reason why you can show a difference. Now that difference has narrowed in the past twenty years but you can still show a difference between what auto workers and aerospace workers make out of their collective bargaining efforts.

Now one of the other things I'm concerned about is that most of the people in this room are either on this committee or from our union. There is very little representation from the corporations and I understand that it was only with the greatest reluctance that you have one aerospace corporation representative testifying here today. This typifies the lack of concern about this problem, and the lack of concern about this as a state problem. I hope that this committee will pursue the corporate interests in this state and make them come up to the line and say what they're doing and what they're going to do in terms of business and jobs here in California.

I would suggest as my first proposal to this committee that they call a special hearing for the corporations and for the Defense Department and the Space Agency, in order to talk to them about prospects for future employment; what hopes there are for jobs; what conversion plans they have in the works to provide alternatives to laying off workers.

I don't believe that the corporations should be allowed to take the fifth amendment on this crisis.

This crisis is something quite typical. The decision-makers in the Pentagon and the corporate headquarters show little concern for the human problems that Californians face.

Time after time people are laid off from this industry. For instance, after the Moon Shot a worker at North American Rockwell named Sidney Jiminez wound up in a Tastee Freez Drive-In restaurant in Brea. He was obviously a very skilled person. He was an instructor teaching Apollo astronauts how to operate the lunar lander.

This is the kind of human problem the industry, the Defense Department and the Space Agency doesn't really worry about. These kinds of things happen over and over. Even engineers of very high technical capacity are on layoff, looking for jobs, doing all kinds of things unrelated to their background and to their experience.

But this isn't the only way this kind of problem is handled. The Pentagon does it differently, particularly for its civilian employees.

There are many people who do the same kind of work as aerospace workers, who are employed by the Defense Department. Here's a welder, for example, who was laid off when a Naval base was closed. His name is Michael Montemura. He's 51. He said this to a Newsweek reporter:

"They say, 'the hell with us' and wipe us out with one stroke of the pen."

A shipfitter screamed, "Why didn't the ------ level with us before the election? This place is my life!"

A pipefitter, 63 years old said: "What's a guy my age going to do now? Who's going to hire me?"

Well, some of those people were hired. The Defense Department—for its civilian employees—has relocation, retraining and job guarantees, which the private corporations do not have for people doing the same work. And that should be investigated by this committee. What is good for one American working for the Defense Department should hold good for those people doing the same work for private corporations who are the major contractors for the Defense Department.

I want to specify the impact on workers here in California, and I'd like to cite North American Rockwell. It is one of the major aerospace corporations in the state. The production and skilled unit, which our union represents, is composed of 12,500 people. That

is a serious drop from the peak of nearly 30,000 in 1964.

In all of North American Rockwell's plants in Southern California, total employment in '64 was 90,000. It is now 48,000. 11,500 were laid off in 1969 alone. Five or six thousand more are projected for layoff by April of this year.

North American Rockwell is a merger of North American Aviation and Rockwell-Standard. There was great promise of diversification. Well, there is diversification. We've got Rockwell-Standard and North American Aviation together, and the commercial portion of it is still in Rockwell and the aerospace portion is still in the old North American Aviation plants and that is where the great decline is occurring.

There is very little prospect, very little hope for the workers at North American Rockwell who have been laid off in large numbers so far, and those who will be in 1970.

Adding to the problems at North American Rockwell, the loss of the F–15 contract—a new fighter for the Air Force—an eight billion dollar program, but probably much more than that if tradition follows, supposed to last for about ten years and employ at least 22,000 people. North American Rockwell recently lost an F–111 avionics contract, and is transferring its Sabreliner, a small commercial-private jet, to Oklahoma from Southern California.

There's some prospects for North American Rockwell with the new B–1 bomber, which could be a major program. There are some of us who believe that it is a pawn in the negotiations going on between the Soviet Union and the United States and will probably never be built. At least it is not being built, and no contract has yet been awarded.

In the commercial field, North American Rockwell is doing something. Most of its commercial production is in the Autonetics Division. It has some plans down the road for other commercial ventures. In the Autonetics Division, 1969 employment was 21,000, and has dropped by 1,000 already. In 1963, employment was 34,000. It has already been announced that 2,000 more will be laid off in the next few months.

The corporation tells that they will have 20 million dollars of commercial sales by September, 1970. Twenty million dollars represents 3.6 per cent of Autonetics' 1969 sales which were mostly for the space and defense agencies. This represents about 700 jobs. This 20,000,000 dollars in commercial sales, a major portion of North American's commercial business, represents about seven-tenths of one per cent of its present backlog of 3.15 billion dollars.

So much for North American Rockwell, which is one of the most serious examples of large cutbacks with few prospects for future employment.

In the Ryan plant in San Diego, which is part of Teledyne present employment in our bargaining unit of production and skilled people is 1,181, dropping from 2,042 in January, 1969 and a peak of about four thousand just a few years back.

The same thing holds true in the Bendix plants here in the Los Angeles area; it's true in the Norris Industries plant; it's true in Philco-Ford and Gilfillan and the other plants where we represent aerospace workers.

I believe these are startling examples of the employment decline that is taking place, and the problems workers are facing, with very little hope for the future.

Workers at McDonnell-Douglas in Long Beach are in a different situation because they are building, mainly, commercial jets; the DC–8, DC–9 and now the DC–10 which is a new ship that will probably fly for the first time early this fall.

Much of their work has been parceled out to England, to Italy, to Canada, to the McDonnell-Douglas plant in St. Louis, and to other plants around the country.

Something has been happening in the airline industry which also must be taken into account along with the cutbacks in space and defense. The airline industry has "over-capacity". The president of TWA, just a couple of days ago, said, "In 1970 we may have jets sitting on the ground." "Traffic growth is almost non-existent." "We are now feeling the effects of a recession."

Compounding the problem of over-capacity is the new Boeing 747, which in terms of impact on this society is still something to be concerned about. The president of TWA said that the 747, that big, new jet, is about "5 or 10 years ahead of its time." So here we are with two pieces of the aerospace industry—both commercial and government—in very serious trouble.

In the Douglas Long Beach plant the prospects are for about 4,500 new jobs by the end of the year. This is one bright piece of news on the horizon. But even this increase in employment has been delayed by several months. The increase was supposed to begin early this year, but there are still layoffs taking place in the Long Beach plant, despite the introduction of DC–10 work. At the present time there are 12,000 people on layoff: 5,000 are collecting Supplemental Unemployment Benefits from our programs there.

So here we are with a prospect of 4,500 new jobs at McDonnell-Douglas, yet the projection of total employment there is from 39,000 people now, to 40,000 by the end of 1970. The 4,500 jobs are practically wiped out with a net increase of only 1,000 during the entire year.

There's going to be a further decline in defense and space employment at Douglas as well.

Currently, the absorption of people laid off from these corporations is going to be far less than it was. Many people were reemployed in other work in past cutbacks, sometimes in other aerospace work, sometimes at Tastee Freez Drive-Ins. Or sometimes they moved around the Southern California area and found no work at all.

It can be shown now that more people are going to remain unemployed for longer periods of time. Not only because of aerospace cutbacks and in commercial airliner production, but also because the Nixon economic policies are forcing unemployment on people in this country. The slowing down of the economy is going to mean more unemployment because it's planned that way. It's a deliberate policy of the Nixon Administration, and Congress seems to be going along with it.

If we were in a period of economic growth, many of these people would be absorbed into other jobs. But we're not. We are in a period of deliberate economic slowdown as a policy of this administration. So, with the slowdown in aerospace and in commercial airliner production, all the prospects that we had last fall for plenty of jobs, and plenty of production, have been destroyed by the Defense Department cutbacks, by NASA's cutbacks in the space program, by airline overcapacity, by the loss of the F–15, and by the Nixon slowdown.

There was an announcement by Secretary Laird right here in Los Angeles on January 15, of a 10 billion dollar cut in the defense budget. That kind of wipe-out is like wiping out half of General Motors sales for a year, or all of General Electric's production. All this with one wave of the hand of the Secretary of Defense.

At NASA, the decline has been continuous since 1965; 50,000 more people are supposed to be cut in 1970. So if you read the Los Angeles Times want-ads and you've got a Bachelor of Science degree or a Ph.D., you may get a job. But fewer and fewer jobs are being offered for production workers and skilled workers in this industry.

In addition to all of these problems, the government is now projecting a 200,000 to 300,000 troop cut. This means that more of our men are coming from overseas bases and from Vietnam back to work, if they can find work. But many of them will not. This, along with what has been happening to the economy is going to create greater and greater problems. Those of us who live in or near large cities have some understanding of the explosive consequences of these problems.

And I think we ought to take a look, too, at what's happening with the hard-core unemployed, because the aerospace industry has been trying to do something about employing them on their first job.

The automobile industry was also a leader in employing hard-core unemployed. But these people are laid off first and they can then not qualify again if they worked over four months.

The Chrysler Corporation has been one of the best corporations for hiring hard-core unemployed. We have been working with them on that. They are now meeting with agencies in Washington to get out of their contract to hire hard-core unemployed.

So, when you take large numbers coming back from overseas, with no work prospects, when people are being laid off, particularly the hard-core unemployed who are younger and have had very little work experience, the explosive kind of social situation that this creates is too much to imagine.

On the positive side of this. The UAW has tried for many, many years to push for conversion programming. Before World War II, Walter Reuther, the president of our union, proposed that we convert auto plants for mass production of aircraft. This was poo-pooed by the automobile industry. But Franklin Delano Roosevelt forced the automobile industry to convert its plants to aircraft and it was done.

We are ready to do these kinds of things. The government is willing to do them as long as it is for war materials. But for peacetime you find nobody really doing anything—either government or corporations—about projecting jobs and production for people's needs.

We've raised these things with management, but the management always says, "Look, under law we have the right to manage. We have the right to decide the product, plant, and so forth and therefore you can't bargain on this. You can't really press us on this."

And we can't, legally, although we try. And here again, this is the attitude that's generally expressed by every corporation. So in converting auto plants to aircraft for war, Walter Reuther then, following the end of World War II, presented proposals to the government and to the industries to convert aircraft plants into mass production of housing. If we had done that maybe we would not have the housing crisis today. The fact is, most people in this country can't even afford the housing that's on the market. So, here again we have tried to come up with constructive proposals to the government as well as to the corporations.

We supported your bill, Mr. Chairman. We supported and still support the McGovern Commission Bill which is still before the United States Senate, and we've done everything we could do as well as to try to slow down the arms race and to end the Vietnam War. You've been given a new conversion proposal that President Walter Reuther presented to the United States Senate on December 1 and it has great merit. I just want to highlight it because it's a plan that makes sense but I also want you to recognize that it probably will not get very far because the United States Senate is under

the domination and influence of the Defense Department.

So, we have the proposal that's been made on behalf of the UAW for a fixed part of the defense corporations profit, say about 25%, to be set aside for a conversion reserve fund held by the federal government. This money would be used for conversion payments to workers laid off, down-graded or put on short work weeks by defense cutbacks. And it would also serve to protect retirement benefits as well as hospital, surgical-medical and life insurance benefits. This money would also be available for defense contractors who plan for conversion but not unless they do.

So I would summarize my proposals to you as wrapped up with the conversion plan submitted by UAW President Reuther to the Senate. I would urge upon you a special hearing for the corporations, the Defense Department and NASA to find out what they're doing and what they plan to do. And I also would hope that you would give consideration for State Government to guarantee income through unlimited unemployment compensation until there is retraining, relocation of laid off aerospace workers and guaranteed jobs.

The Defense Department does this, and I don't see why the corporations with the state and federal government can't do that. And as I pointed out before, the aerospace corporations' and Pentagon hierarchies have that kind of protection themselves. I also hope that we would urge both the federal government and the corporations to set up a research and development fund for conversion because there is very little money spent if any for this kind of work. This is typical of the aerospace industry. It is typical of the automobile industry, too, which is spending very little on providing ways to provide safe cars or smog-proof engines.

Now there are many conversion programs and many things that can be done by this industry. The resources are there in the science and technology and skilled manpower and womanpower. But along with many ideas there has been little performance and very few successes in commercial production.

The state could provide research and development money for a better automobile engine, one that will not poison the air. It could do something about designing and building mass transit systems.

There is no reason why these corporations can't mass produce housing which is so vitally needed, of quality and at low cost. I would also hope that you would give consideration to proposals made by John Kenneth Galbraith; that these corporations should be made into public corporations. There is no reason why private contractors should be making a profit on war or on defense systems or on space programs at all. This has not always been the history of this country. Much of the arms production prior to World War II was built in federally-owned arsenals. There is no reason why these corporations can't be public corporations and under the control of government.

I hope this will be our future because these corporations have shown themselves as irresponsible in terms of workers' welfare; they have over-produced; they have manufactured unnecessary military equipment for the government; they've boggled many, many jobs but at the same time provided us with some very good and necessary things.

But because of the defense industry's performance I think the Galbraith proposal should be looked at very seriously. I hope that this committee will take a look at what this industry can do and particularly what it should be doing now and in the future.

It has all the resources needed for carrying on conversion and building the things that people need in peacetime. But it's geared for wartime. It's geared for high profits. It's geared for high costs.

And therefore it's going to be difficult to get them to do it on their own. They're going to have to be forced to do this by government. The government, as the responsible agency of the people of this state has the responsibility of calling the corporations to task on conversion, because if it's not done by government it will not be done at all.

Thank you very much.

MOILIILI—AN AMERICAN SUCCESS STORY OF COMMUNITY SERVICE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. MATSUNAGA. Mr. Speaker, I wish to call the attention of this Congress and of this Nation to a great success story of community service rendered by a group of service-minded citizens. The entire city of Honolulu, Hawaii, is joining with pride in the celebration of the Moiliili Community Center's 25th year of service.

Moiliili is a residential area located about one-half mile south of the University of Hawaii. The Moiliili Community Association was incorporated under State laws as a nondenominational, nonprofit organization in 1945; however, the center's history dates back to the early 1900's when it was originally built by Japanese immigrants as a school to help preserve the Japanese language and culture.

Today's members are the direct beneficiaries of that older generation whose vision kept Moiliili Community Center alive and nourished its hopes as a center to afford opportunities for each individual to find and develop his maximum potential.

Out of the dust of a long-gone rock quarry, once a Moiliili landmark, has risen a center whose social and cultural programs have proved to be dynamic elements in the development of the Moiliili community and indeed of the entire city of Honolulu.

This record of accomplishment has been achieved in great part under the able leadership of the community center's present excutive director, Samuel Cox, and its first president Kinji Kanazawa.

Last month the Honolulu Star-Bulletin featured an article which set forth the goals of the Moiliili Community Center—goals which go far beyond those of most community associations, as follows:

To afford opportunities for each individual to find and develop his maximum potential for a satisfying life in home, neighborhood, community and nation.

To enhance the social well-being of families and individuals.

To afford opportunities for the appreciation of cultural heritage and crosscultural understanding of Hawaii's diverse ethnic traditions and language as valuable cultural assets for the whole community.

To act as an instrument for the cultivation of citizenry in the community and to develop representative planning for the general residents of the community.

Attorney Kinji Kanazawa, who was the center's first president, commented:

The ultimate goal has always been to bring people of different backgrounds to a common medium of understanding. If we can accomplish that, we have it made. Service is a by-product.

In order that my colleagues may read the inspiring Honolulu Star-Bulletin article of January 24, 1970, "25 Years of Community Service in Moiliili," I take pleasure in submitting it for inclusion in the RECORD:

TWENTY-FIVE YEARS OF COMMUNITY SERVICE IN MOILIILI

They're having a 25th birthday celebration today at 2535 S. King St. in Moiliili.

People who live in Kaimuki, Kahala and beyond may have passed the spot a thousand times and never have noticed the sign that says "Moiliili Community Center," and few have ever stopped for a close inspection of the rambling group of old wooden buildings that are the center's home.

The buildings scarcely rate a second glance.

But what goes on in and around them is noteworthy . . . has been so for the last quarter century . . . and continues today.

Ukuleles strum in off-beat pulses in young untrained hands. Quiet classes are in progress. There's the infectious laughter of kids at play.

And the community's senior citizens make themselves comfortable and pass the time of day.

The busy youngsters may not realize it, but many of the oldsters who share the center with them had a great deal to do with nursing the organization through its infant years and into healthy, productive adulthood today.

It's the older generation that contributed the sustaining grit that has cemented the multi-racial Moiliili community together at the center.

The face and the address of the Moiliili Community Center has not changed the past quarter of a century.

Its leadership is different today—as it celebrates its 25th anniversary—and its purpose has been broadened.

The character very likely will never change as long as the building stands.

The center, originally built by Japanese immigrants in the early 1900's as a language school, is housed in the same structure.

HISTORICAL BACKGROUND

"That property has a very historical background," said Kinji Kanazawa, who was the Moiliili Community Association's first president and held that position until 1948.

"It was acquired by my parents and other parents in Moiliili to build the school to help preserve the Japanese language and culture."

The community center is one of three on Oahu that get support from the Aloha United Fund. But the Moiliili Center has survived with only relatively modest help from the Fund—about one-third of a cent from each dollar's contribution, or only $15,182 in 1969.

It is today as it always has been with the old building and the activities which it houses—the people of Moiliili won't let it die.

KA MOILIILI COUNCIL

The forerunner of the Moiliili Community Center was the Ka Moiliili Council, established one month after the Japanese attack on Pearl Harbor to consolidate and support the predominantly Japanese Moiliili community.

In 1943, the Moiliili Japanese Language School trustees, afraid that the government would confiscate the school, made arrangements to transfer the property and its assets to the council.

"The trustees and the Ka Moiliili Council felt that the school property represented an investment of the community and that it should remain in the community," Kanazawa said.

"That is why we developed the center to meet the leisure time needs of the community.

"The council started youth programs such as dances, 4–H clubs and athletic teams. We even initiated a branch library right on the center grounds with books for all ages and old Japanese games that the older men could enjoy."

BECOMES AN ASSOCIATION

As the breadth of its social service and coordinating function increased, the council made plans to become an association.

In 1945 the Moiliili Community Association was incorporated under State laws as a non-denominational, non-profit organization.

"For the most part the community supports the center itself through donations, membership fees, class registration fees, and money raising projects," explained Samuel Cox, executive director of the center.

The budget, which according to Cox was nearly $90,000 last year, goes to help the Moiliili Community Center reach goals it sets for itself.

AMBITIOUS GOALS FORMULATED

The goals are ambitious and go far beyond those of most community associations. They are:

To afford opportunities for each individual to find and develop his maximum potential for a satisfying life in home, neighborhood, community and nation.

To enhance the social well-being of families and individuals.

To afford opportunities for the appreciation of cultural heritage and cross-cultural understanding of Hawaii's diverse ethnic traditions and language as valuable cultural assets for the whole community.

To act as an instrument for the cultivation of citizenry in the community and to develop representative planning for the general residents of the community.

"The ultimate goal," said Kanazawa, "has always been to bring people of different backgrounds to a common medium of understanding.

"If we can accomplish that, we have it made. Service is a by-product."

EVIDENCE OF ACHIEVEMENT

And there's solid evidence that the goals are being reached.

Working mothers can enroll their elementary age children in an after-school care program.

Walking escort service is provided from the Kuhio and Ala Wai Elementary Schools to the center. And a balanced program of play and interest classes is provided from 2:30 to 5:30 p.m.

Youngsters attend classes in ukulele, arts, aikido, kendo, judo, and ethnic dance classes and study Japanese, Chinese and Hawaiian language and culture.

All classes are supervised by qualified teachers.

If the pre-school youths need all-day supervision, mothers can enroll them in a recreational program that includes swimming and other sports, drama, and reading plus cultural enrichment.

For children with emotional problems, the center provides school counselor and child-and-family agency referral services.

PROGRAM FOR TEEN-AGERS

Energetic teen-agers have dances, outreach programs, referral services, recreational facilities and interest classes.

The center is keeping abreast of some of the teen-agers' new-found problems:

"We are starting to put a lot of emphasis on social work," said Cox, "especially the 'hard to reach' teens and glue sniffers and drug takers."

For adults there is a variety of cultural and social activities. These include cooking classes, Japanese folk dance, flower arrangements, calligraphy, karate and painting.

And for adults who want to lend a community hand, there are many service groups affiliated with the center.

OLD-TIMERS MAKE VISITS

Senior citizens are encouraged to drop-in daily—and many of them have been doing so for years.

"Some of the people who originally helped purchase the land for the Japanese school are still coming around," says Cox.

Immigrants are offered English and citizenship classes and occasional parties and excursions are planned for them. As Cox puts it: "This helps them to better adjust and fit into the community stream."

Group counseling for the chronically unemployed is also offered through the Vocational Rehabilitation Agency.

All organizations, clubs, and scouting groups can, for a minimal cost, use the center's facilities as a meeting place.

ROLE IN COMMUNITY

The center cooperates through joint sponsorship and use of its equipment, buildings and grounds with other organizations to provide traditional community events, such as parades, picnics and dances.

Taking an active leadership role in studying community problems, like traffic safety, housing, and recreational needs and bringing them to the attention of the residents is another way the center serves.

"We have at times had meetings so residents could air their opinions and form groups to talk to City officials about problems," Cox said.

Kanazawa can recall some of those meetings that took place in the old days.

"We had many meetings trying to figure out how to get rid of the red dust from the quarry that covered trees and houses and got in our food," he said. "People are talking about ecology today, but we were the first to talk about dust control."

ROADS WERE SPRAYED

The efforts of the Moiliili residents resulted in the roads being sprayed and oiled and a mechanism being developed to spray the atmosphere as the rock was crushed.

"That is why we named the center's newsletter 'The Quarry Dust,'" said Kanazawa.

The determination that settled the dust is an inherent part of the Moiliili Community Center.

Its supporters sense—even if they never say it—that no one can help one as much as one's self.

THE HONORABLE JOSEPH P. ROSTENKOWSKI

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. MURPHY of Illinois. Mr. Speaker, it was with sorrow that I learned of the death of the Honorable Joseph P. Rostenkowski, father of our distinguished colleague, Congressman DANIEL ROSTENKOWSKI, who represents the Eighth Congressional District of Illinois.

It was my pleasure to serve with Joseph Rostenkowski in various categories of public life. For over 20 years, from 1935 to 1955, I represented the 17th ward and Joseph Rostenkowski represented the 32d ward in the Chicago City Council. We served together from 1944 to 1955 on the rules committee, which was the executive committee of the Chicago City Council. From 1940 to 1960 Joseph Rostenkowski and I were members of the Democratic Central Committee of Cook County, Ill. We also served together as delegates to the Democratic National Conventions in 1944, 1948, and 1952.

In 1960 Joseph Rostenkowski resigned as Democratic committeeman of the 32d ward and was appointed by President John F. Kennedy as collector of customs of the Port of Chicago. Throughout his career Joseph Rostenkowski served his county, his State, and his country with dedication and devotion.

Mrs. Murphy joins me in extending to his daughters, Marcia and Gladys, and his son, DAN, our heartfelt sympathy.

DEVELOPING TRANSPORTATION FOR THE SEVENTIES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. JACOBS. Mr. Speaker, I insert the following as an example of industrial statesmanship:

DEVELOPING TRANSPORTATION FOR THE SEVENTIES

(Presentation by Richard B. Stoner, vice chairman of the board, Cummins Engine Co., Inc., Columbus, Ind.)

I wonder how many of you saw a full-page advertisement that appeared in the "News in Review" section of the New York Times on January 18? It was headed "April 22: Earth Day." It said "A disease has infected our country. It has brought fog to Yosemite, dumped garbage in the Hudson, sprayed DDT in our food, and left our cities in decay. Its carrier is man."

Sponsor of that ad is an organization called "The Environmental Teach-In" which says April 22 "is a day to challenge the corporate and governmental leaders who promise change but who shortchange the necessary programs."

A few days earlier, on January 13, the Times carried a report issued by Mayor Lindsay's task force on noise control. Let me summarize one portion.

One of the first moves will be against truck and construction equipment noise. As for trucks, attempts will be made to lower 88-decibel limit the State of New York now prescribes.

The report says anything about 85 decibels is where injury begins; and California, the leader in sociability standards, has already set standards for 1973 at 86 decibels.

Do you know whom both the ad and the report are talking about?

They are talking about us!

And we had better listen!

And . . . we had better take action!

Our industry is either going to fulfill its moral obligation to lead the way in minimizing the threat of air, water, waste, and noise pollution in this decade or the people, led by our youth, will force the government to enact legislation which requires us to do the job we will not do ourselves.

All of industry is about to be caught again with an inadequate response to those problems that affect the human environment—health, hunger, security, to name three.

For most of us who have operated effectively with the clear economic goal of producing a competitive product at the lowest possible cost, a new phrase—sociability—is about to become the planning "goal" of the 1970's. Never before has this country entered a new decade with such a clear-cut technological challenge. We must clean up our environment.

So, remember that word, "sociability." It means making our products, our industry, our company, or plant operate in such a manner that it is acceptable to the public—that it is not too noisy; that it is not unhealthy; that it does not emit offensive odors; and that it does not sting the eyes.

Sociability has real meaning to us today as we recognize that stopping pollution is the number one technological challenge to the transportation industry in this decade.

This is the thesis of my remarks today because transportation vehicles are the number one contributor to air, noise, and esthetic decay. Emissions from vehicles make up over half of the contamination in the air over the United States. To a great extent, our success in cleaning up our products will determine the improvement in environmental quality throughout the country. The 100 million automobiles, trucks, and buses on America's highways spew more than 66 million tons of carbon monoxide, one million tons of sulfur oxides, six million tons of oxides of nitrogen, 12 million tons of hydrocarbons, and one million tons of particulates annually into the air we breathe.

In addition, the smoke, dirty water, and industrial wastes from our production facilities, our foundries, and even our office complexes are tainting the air we breathe, the water we drink, and the sources of food we eat.

Admittedly, pollution has been with us as long as time itself. The American Indian had little need to be concerned about the polluting effects of his smoke signals. But, as population has increased, as we have become technologically more sophisticated, as consumers have demanded more convenience products in nonreturnable containers, and more powerful engines, and as we have moved together into huge urban areas, man has emerged as a threat to his own environment.

The transportation industry has responded to pollution about as well, but no better, than all of industry. Until just a few years ago, we were not greatly concerned with engine exhaust emissions. The problem was concentrated primarily in a few highly populated industrialized areas.

Then, California's smog problems became so great the State government was forced to issue the first automobile exhaust emission standards. If you will recall, the industry and general public reaction was less than enthusiastic. We protested costs would be too high, the time requirements were too short, and the standards were impossible to achieve. Yet, today, we are rushing ahead, successfully I might add, to meet the latest Federal standards which until recently we also had criticized as too costly, too restrictive in time to achieve, and, yes, even impossible to achieve.

The latest Federal or State of California standard became our next target. And, this is why the transportation industry has not solved its pollution problem. Our goal must become the reduction of engine emissions and noise to the lowest possible level which technology will permit.

Our technical staff at Cummins is confident the technology can be developed and applied within this decade which will eliminate the problems of internal combustion engine emissions and noise in environmental quality. We can achieve this goal if our industry is prepared to commit itself to solving the problem. Dramatic improvements must and will be made in the next two to three years.

The emission control effort will be massively expensive. The many millions already committed to the program by the automotive industry will seem almost insignificant when the total cost is added up.

And, all of us will pay. Increased costs will not stop with the manufacturer. Equipment purchasers and finally the ultimate consumer will feel the cost of the emission control effort. This is not because manufacturing costs will be passed along in their entirety. It is primarily because high horsepower-to-weight ratios and high engine performance and low emissions are not necessarily compatible according to our present understanding of the state of the art.

Where we have historically emphasized high horsepower engines to pull heavier loads and lighter, smaller engines to permit more freight to be hauled, we now may be talking about bigger engines with lower horsepower. This could require more trucks to haul the same amount of produce; consequently, higher freight charges to keep trucking profitable and, thus, more costs to the consumer. I choose this illustration to point up the inescapable fact that all of us—producers and consumers alike—will share in the added cost of emission controls.

WHAT MUST BE DONE?

Somehow out of today's rhetoric must come not just governmental pledges, nor industry programs, but a national commitment to improve environmental quality. Most of us as consumers will have to change our life style. Protection of our environment must become a personal cause of highest magnitude in the everyday lives of tens of millions of Americans. President Nixon in his state of the Union address said, "Each individual must enlist if this fight is to be won . . . it is time for those who make massive demands on society to make some minimal demands on themselves.

In this growing effort Government can provide guidelines and help define priorities, but it is those us in industry who must take on the leadership role and commit, now today, both our human and financial resources to guarantee, as the President has requested, that: "Clean air, clean water, open spaces—these should once again be the birthright of every American." Surely, if we have the brainpower and resources to put a man on the moon in the short span of ten years, we can bring our environmental violations into tolerable limits within a similar time span.

INDUSTRY'S ROLE

There is a jarring truth to Newsweek's statement that "until a few years ago, fighting pollution ranked somewhere below giving to charity on the list of corporate priorities." We have this black eye because we have not led in the control of pollution. And, we have not given sufficient attention to the harm our manufacturing plants and products are having on the quality of our environment.

There is, however, a growing movement among responsible industrialists; and, if the effort can be expanded and maintained, I am confident we can have clean air, pure water, and decent living conditions for all people.

As a first step in industry's commitment, all of us must take whatever action is necessary to stop noise, air, water, and waste pollution resulting from our manufacturing processes. The technology is available and it must be put to work. The cost will be enormous and it is likely that some industries will need governmental assistance and incentives. Unfortunately, some enterprises will not survive, but that is a necessary cost.

Second, sociability must become a priority design criterion in planning all new products, plants, and services.

Third, those of us who produce products that pollute must modify present product lines so they are as emission-free as society requires. Products which cannot be modified, must be abandoned and replaced by new ones with a high sociability factor. Cost considerations must be secondary to health and safety.

Fourth, industry-wide cooperation in reducing pollution must override competitive considerations. I am pleased to be able to tell you that cooperative studies to develop meaningful test procedures to measure emissions from diesel engines are underway through the Engine Manufacturers' Association and in conjunction with the State of California. I will be gratified if the association can go to Washington with a recommendation that stricter standards be applied. This will be the kind of positive leadership our industry should provide.

Fifth, industry must fund more basic research to develop new technologies which go beyond those presently known. We have great faith in the adaptability of the internal combustion engine. It has served man well over the years; and, if we are as creative in making social improvements as we have been in improving its efficiency, we can extend its useful life for years to come.

However, and this is very important, if the technology cannot be found, we must be prepared in fact to bury our old friend (as University of Minnesota students did recently at a campus demonstration when they buried a gasoline automobile engine) and replace it with a new, less offensive power plant. Presidential science adviser Dr. Lee A. DuBridge cautions that "such a power plant, however, has not yet been invented, or at least has not yet proven to be reliable, economical, or capable of the high performance required."

GOVERNMENT'S ROLE

Government's primary role is to make pollution a priority public issue of our decade and to provide incentives and, where necessary, requirements for industry to meet its responsibilities to eliminate pollution as a threat to the Nation's survival.

This role should be implemented as follows. First, economic incentives should be devised that encourage all industries, large and small, to accelerate their anti-pollution efforts—the idea being to make normal economic factors provide the Nation with the direction so urgently needed in the conservation task ahead of us.

Second, we would also favor the establishment of a Federal program of penalties for those who pollute, whether it be the producer or the end user, if he is at fault. Income from a pollution tax could be used to fund research, pollution control devices, and purification systems for the good of the entire community. Senator Proxmire has introduced a bill that would levy a Federal "effluency fee" of 10 cents per pound for industrial wastes emitted into the Nation's rivers. A similar fee system could be developed for engines with emissions measured at the time of annual licensing and a punitive fee schedule used for emissions of various kinds. When the consumer realizes it costs him more to own a product that pollutes or he will be fined if he deactivates the emission control device on his engine, he will demand and maintain a clean product.

Third, we recommend the Government reallocate present funds earmarked for development of low-emission engines into more productive channels. Industry has the proper economic incentives to develop sociable products and industry will get this job done.

More appropriately, Government should be funding studies to determine what levels of pollution we can tolerate and maintain a good environment, thereby determining the standards required. Also, we are not well enough informed on the interactions of various emissions, especially their tolerability as they affect health and living conditions and the rate at which the atmosphere cleanses itself. These studies should lead to specific emission parameters. Industry does not have the facilities for such ecological determinations. These are governmental responsibilities of the highest order.

Government's efforts must be coordinated and not diffused through establishment of inefficient and ineffective offices in a number of Federal bureaus. The effort must be singularly directed and receive the top-level attention the problem demands.

Fourth, while industry should set the pace, Government must make it possible for industry-wide cooperation to be carried out without fear of antitrust violation. In other words, we must be able to "swap information" in the public interest. Cooperation between Government and industry is imperative in setting targets and meeting new standards.

CUMMINS' COMMITMENT

Cummins Engine Company's commitment is to eliminate, to the extent technically feasible, the pollutants, noise, and wastes resulting from each of our plant operations and all of our products. We will do this job as quickly as possible. We will take this action, not waiting for an adjustment in Federal requirements or incentives, but in an attempt to fulfill our responsibility to improve the quality of our environment.

Diesel improvement starts with an engine that already has emission characteristics superior to most vehicular engines in use today. The diesel is inherently low in unburned hydrocarbons, a principal contributor to chemical smog, and carbon monoxide, a known poison. Both are major concerns in gasoline engines, although the automobile manufacturers are well along the road to solving these problems.

We are funding an accelerated program for the development of clean and quiet engines, including new power forms. Cummins has adopted emission control standards more severe than any current governmental standards as design criteria for all new products. Our ultimate goal is to produce engines that are completely socially acceptable. By this we mean that engine emissions and noise will no longer cause problems of environmental quality. An immediate target is to reduce smoke substantially below the present Federal smoke standards, thus removing diesel smoke as a nuisance. We will apply this new target across the broad spectrum of our power applications—off-highway uses in construction, industrial, and marine equipment as well as on-highway truck engines. To achieve this further improvement of our engines will require changes ranging from minor modifications and substantial increases in the number of turbocharged engine models to the possible elimination of some engine models and development of new engines to replace them.

Our technical center staff is currently studying promising techniques of emission and noise control and is hard at work exploring new techniques.

These clean engine commitments have been made with the full realization that the risks involved may include:

Reductions in profitability;

Increased capital investments;

Increased initial investment for the customer; and

A massive educational job to sell the new concepts and their importance to customers and operators.

Beyond product research and development, Cummins has placed in the 1970 capital budget substantially increased funding for an accelerated program to begin the clean-up of all of our plant operations. We will cooperate fully with each of our plant communities in the solution of the solid waste disposal problem.

Frankly, we are not in a position to brag about these decisions. We should have made them years ago. But it is important to understand that Cummins has made the basic commitment to go as far as we can in eliminating contamination of our environment, not just meeting federally imposed standards.

We hope others will join us in this commitment because we concur with philosopher Lewis Mumford's observation that: "Any square mile of inhabited earth has more significance for man's future than all of the planets in the solar system."

TWO STATE-LEVEL OMBUDSMEN ARE WORKING TO HUMANIZE GOVERNMENT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, during the January recess and again during this Lincoln Day recess, a problem brought to me often in my visits with constituents is the frustration that a citizen feels when he needs to deal with State and Federal agencies. The need to make our institutions of government more understandable, more accessible—more human—is becoming a very real and urgent problem.

Two States, Hawaii and Oregon, are taking steps that merit our attention. They have followed the urgings of the American Bar Association's House of Delegates, and the 32d American Assembly, and they have each created a State-level ombudsman. This coming July the two ombudsmen—Herman S. Doi in Honolulu, and Marko L. Haggard in Salem—will be completing their first year in office.

The Hawaii and Oregon ombudsmen differ in a number of ways, notably in how they were appointed, and the length of their terms in office. Doi was appointed for 6 years by unanimous vote of the State Legislature of Hawaii. On the other hand, Haggard, who is a Democrat, was appointed by Republican Governor Tom McCall, and serves as part of the Governor's administration.

Because of the urgent need to increase confidence in our Government institutions, I am inserting in the RECORD two enlightening articles on Ombudsmen Doi and Haggard, even though the news articles appeared in the respective newspapers, the Paper in Oshkosh, Wis., and the Oregonian in Portland, as long ago as August 1969.

We need to know more about the ombudsmen's activities, their successes and failures. Unfortunately, I do not know of any followup news stories on the work of Doi and Haggard. I do hope that their first-year reports will receive broad coverage.

The articles follow:

[From the Los Angeles Times]

HAWAII HAS FIRST OMBUDSMAN

HONOLULU.—Herman S. Doi is taking a guinea pig role as the first state-level ombudsman in the United States. He took office July 1.

It's too early, of course, to pass judgment but Doi is bound to be a most closely watched man—especially among the many state legislatures and major city councils which are considering ombudsmen of their own.

As set up in Sweden more than 100 years ago, an ombudsman is an independent official empowered to receive, investigate and recommend appropriate action on citizen complaints against government administration.

Proponents of ombudsmen see them as necessary adjuncts to governments growing in complexity and size, increasingly distant and unresponsive.

Many politicians, however, see it as simply another rung on the bureaucratic ladder. Or, worse, as a possible pre-emption of their traditional duty to respond to constituents' complaints.

Prof. William B. Gwyn of Tulane University, in a recent book, "Ombudsmen for American Government," commented that the "strongest opposition" to ombudsmen comes from legislators "who are fearful of losing what they believe to be an extremely important means for gathering and maintaining electoral support."

Whatever their reasons, politicians have voted down ombudsman bills submitted in more than half of the nation's legislatures since 1963.

The exception was Hawaii. But even here, because of parliamentary snarls, there was more than a year's delay between the bill's passage and its implementation.

Politics aside, it is clear to Gwyn and other authorities that acceptance of the concept will depend primarily on the performance of the first ombudsmen.

Doi, 43, was unanimously named for the post by Hawaii's legislature. He is a lawyer, a student of government, a legislative expert and a third-generation Hawaiian of Japanese ancestry.

"I hope to set a good example for the rest of the states," he said in an interview. "I'm convinced we need something like this."

It was Doi's understanding with the legislature that he would devote most of his first year to plans and organization rather than to investigation complaints.

"But complaints rolled in from the beginning," said Doi, "and I've been responding to them and working on the planning and organization as I go along."

Doi said his office has been averaging more than two complaints a day.

One citizen, Doi recalled, complained that a state office telephone operator was impolite.

Another case involved removal of a tenant from state property to make way for a road.

Doi's investigative power does not extend to the legislature and its committees, to the governor and his staff or to federal agencies.

He has no enforcement power. He will simply report his findings to the governor, to the legislature and to the public, through the news media, at his discretion.

"My power," said Doi, "will be in the reasonableness of my recommendations and the acceptance of them by the administrators."

His term of office was fixed at six years, with a maximum of three terms. Salary is the same as a Hawaii circuit judge—$22,000 a year, soon to be increased to $27,500.

STATE OMBUDSMAN RELISHES CHANCE TO SERVE PEOPLE: "BUT THE JOB IS REALLY WHAT I MAKE OF IT"

(By Robert Landauer)

Hands clasped behind his head as he leaned back into his "listening position," a floppy bow tie and sporty brown shirt adding to the informal aura, Marko Haggard hardly appeared the personification in state government of a devil's advocate.

But the 45-year-old political science professor is just that, a devil's advocate, the first ombudsman appointed by a governor in the United States (The Hawaii legislature appointed the first ombudsman, Herman T. Doi, in late April. He is responsible to that body rather than to the governor.)

There is a statement of objectives for this post Gov. Tom McCall created July 1, "but the job is really what I make of it," said Haggard, a registered Democrat whose cubicle in the state capitol has direct access to the inner office of Republican McCall.

SUCCESSES RELISHED

With obvious relish he related one of his first successes in the three-week-old job:

"A fellow walked in this morning and asked to see the governor. Fortunately, they steered him to me. He had been waiting to get a check from the Vocational Rehabilitation Division since March and now a family emergency in California made the issue especially urgent. He had to get down there. He'd

been over at DVR all morning and got nowhere."

CALL SPARKS ACTION

"I phoned there and they had the check ready in 10 minutes."

"That will be atypical," he said, smiling, "but you need a system that lets Joe Doakes get heard . . . even if he isn't in the Rotary Club on Fridays."

Haggard acknowledges he will assume responsibilities traditionally associated with ombudsmen in Sweden, Britain and Japan: Redressing individual grievances, protecting against improper and inefficient administration, helping to deliver more effective state services. Also helping to organize the "system" so the individual has high priority, and recognizing that the job does imply responsible boat-rocking and troubleshooting.

But he also claims his role is to increase confidence in state administration, to reduce citizen alienation from a burgeoning and increasingly remote government and to protect civil servants against unfounded criticism.

POTENTIALITY GREAT

He sees the post potentially as a great force for humanizing state government, but does not deny it can become a political hornet's nest.

But the post of ombudsman is not a panacea to all the frictions which accompany government administration.

It has its problems and limitations. Here are some that cause Haggard to agonize:

Government activity is so pervasive—it touches so many people—that frictions are inevitable. It follows, he observed, that reducing the frequency and severity of this stress is socially desirable.

Many who are aggrieved are able to find advocates of their own—power patrons such as legislators, influential clergymen, newspapers, political leaders who may intercede unofficially on their behalf.

HOW CAN HE SERVE?

Yet, aside from publicity the media may give the post, how is the ombudsman effectively exposed to those who have problems with government but who are less articulate, less attuned to how the system works? How, in brief, can the ombudsman serve those who need help most?

Another incipient problem, one born of realities of the political process, is how the ombudsman can effectively shield honest, efficient and well-meaning administrators who adhere to reasonable policies which inconvenience the "client" of an influential power patron.

Foreign ombudsmen have learned that influence peddlers tend to be uncritical of their clients' claims. They (particularly legislators) tend to respond to almost all pleas, only incidentally examining the worth of a claim before championing it.

Yet, satisfying every complainant by getting for him what he wants does not necessarily achieve the goals public policy is directed towards fulfilling.

PRESSURE DEMORALIZES

Bending an administrator's decision to accommodate a complainant may distort public values, Haggard observed, and unremitting pressure can demoralize and make cynics of administrators.

Thus, with each case Haggard must wonder when he should cease to act as an inquiry agent seeking to ascertain facts and when he should begin to function as advocate for citizen or bureaucrat.

Haggard is sensitive to one criticism of all ombudsmen appointed by an administration in power. The criticism is that the ombudsman serves as an extension of the administration itself, that he exists finally not as a public advocate, but as the chief executive can be informed and can supervise his administration effectively.

The criticism implies there may be slight or substantial disparity between discovery of administrative inefficiency which should be known to the electorate and actual disclosure of such embarrassing problems.

POTENTIAL EXPLORED

For the ombudsman himself, it implies he may never be wholly accepted by suspicious legislators or citizenry so long as the potential remains to use the post to veil the mistakes of a particular political administration.

Haggard approached the puzzle directly:

"There is too much superficial thinking that the ombudsman post is independent of government and therefore pure.

"What bothers me about the 'pure' view of the ombudsman is that there is a great danger of his being irresponsible. I can picture a totally independent ombudsman becoming the darling of the media.

"But ideally, the ombudsman should have a positive role, a preventive role, so there is not much to disclose."

NO PUNCHES PULLED

"However, there will be no punches pulled on disclosure to the governor.

"There are two things you have to understand about this post which may make it unique, difficult to replicate somewhere else.

"The first is the particular personality of the boss (Gov. McCall), his genuine desire to make this post work. Nowhere has a complaint arena been so overtly and consciously placed close to the governor. It's not in his nature to hide things.

"The second factor is me. I am on leave from Portland State where I have tenure and I hope I have too much integrity to be anybody's lackey on this job."

PROBLEM RECOGNIZED

Haggard recognizes yet another problem, that an ombudsman can be no better than the information he obtains to form the opinions which lead him to a course of action.

Yet the nature of the grievance process is such that most information on which decisions will be made comes directly from the files of agencies that are parties to the disputes.

Haggard has one independent investigator, Wayne Huffmann, an Oregon state policeman on leave of absence fom the state patrol. But Haggard admitted:

"This problem of incestuous data bothers me, but I'm afraid we're going to have to live with it."

HOW TO RELATE?

Finally, there remains the problem of how the ombudsman, with no power other than his personal relationship with the governor—at best, a transient himself—will relate to bureaucrats and influence the process of administration.

Again, Haggard's observations appeared candid.

His success, he indicated, may well serve as a sort of litmus paper test of success of the recent reorganization of the Executive Branch of Oregon's government.

Haggard intends to approach major divisional administrator's appointed by the governor directly with queries and problems his office uncovers.

"If these guys truly feel accountable to the governor for their area of administration, they will be responsive (to the ombudsman). If they are not responsive, then the reorganization is a farce."

Haggard anticipates the inclination of the bureaucracy will be "to kind of yawn" at most innovations suggested by the ombudsman.

He added:

"I think in time we will get a line on the operational efficiency of most agencies. Considering the reorganization and the personal relationship of the ombudsman with the governor—we're the same kind of people—I think a little insecurity now on the part of some administrators would be desirable."

Will the ombudsman significantly reduce the practice of seeking power patrons?

REPLY REALISTIC

Haggard realistically replied that most administrators will continue to "weigh with considerable interest" requests from such sources as members of the Joint Ways and Means Committee and the state Emergency Board.

But he added:

"There is really no need for competition. What really matters, the relevant factor, is what happens to the human element in government."

DEAR FRIENDS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[Not at Government expense]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

JAMES G. FULTON, U.S. Representative in Congress.

Washington Office: House Office Building, Washington, D.C.

Pittsburgh Office: New Federal Building, Pittsburgh, Pa. 15222.

DEAR FRIENDS—

As we are entering the 1970's, it is generally agreed by our US citizens that there must be re-ordering of national priorities for this decade. We must set 10 year goals and work toward new national achievements. The American people and both parties realize this.

These government policies will have great effect on the lives of each of us, our families and friends—even determining the security of the American people and the directions of our national progress.

At the close of the 60's we should not forget, with all our problems and divisions among our people, the tremendous advances that the USA has made. We have learned what we can do when we in the US organize our brains, management, our scientists, engineering and technical skills for the Apollo lunar programs. We Americans did beat the USSR in the moon race—we all should be very proud of our US astronauts and each US citizen for this unbelievable accomplishment of the absolutely perfect Apollo 11 and Apollo 12 missions. What has been learned in systems management through NASA, can now be applied to US domestic problems.

In the 70s, we must work for a sound US economy with everybody sharing in the good things and good life we can provide. Our goal must be real progress without runaway inflation, unemployment, high taxes and more debt. The Vietnam war must be brought to a speedy close, with the thanks of a grateful nation for our US servicemen and women, and their families who have served and sacrificed for our good Country with such unselfish patriotism and devotion. We must work as good citizens of the Free World and must try to avoid future Vietnams.

But how do we accomplish these things? We must order our US priorities to reach these high goals that most of us in our Congressional District are agreed on. Here is your chance to participate! As an added service to our District people, I am writing each

home, asking your advice and considered opinion. The results will be given direct to you, to the President, to our US Congress and to our Pennsylvania legislators and state officials.

Please take the responsibility of making the decision on your priorities on the reverse of this sheet (even lack of answer is counted as little interest for your Ward, Boro or Township).

This is our Country—let's unite and run our Government the right way, for the benefit and opportunity for all of us—and most important, the safety and security of our families and friends, and the fine American people.

I'm proud to be an American!—and deeply appreciate the opportunity you have given me to serve in Washington as Congressman. Your interest will help me and my office give good intelligent representation.

Sincerely—

JIM FULTON.

To *favor* programs: use a "√", *oppose:* "X," or "O."

Friends—For expressing your *priority* or *emphasis:* use "1" for *highest* priority, "2" next, "3," "4," and stop at "5." Use word *"low"* for *lowest* priority.

Thank you for your cooperation—

JIM.

Education—
Inflation—
Drug Problems—
More Civil rights legislation—
Unemployment—
Tax reduction—
Federal deficits—
Mass transit programs
Crime control—
Poverty programs—
Medicare—
Reduced military spending—
Population control—
Increased minimum wage—
Share federal tax funds with states—
ABM—2nd Phase ($40 billion)—
Conservation—
Food stamp programs—
SST program—
Federal and state student loans—
Increased Social Security benefits—
Veterans benefits—
Increase Federal debt limit—
High price supports on food ($3.7 billion)—
Tobacco Subsidies ($167 million)—
Model Cities Program—
Health research—
Urban development—
State income tax—
Reduced gov't spending—
Vietnam war—
Voluntary military service—
NATO—
Federal highway program—
Hospital construction—
Slum clearance—
Foreign affairs—
Prayer in public schools—
Anti-pollution programs—
Maintain FBI funds—
Space program—
Busing students—
More atom bombs—
Vocational training—unemployed—
Voting for 18 year olds—
Philadelphia Plan—
National parks and recreation—
Federal and state student loans—
Post Office reform—
GI Bill for education—
Increase earning limits—Social Security—
Cotton subsidies ($821 million)—
House of Representatives, U.S.
Public Document.
Official Business.

Postal Patron—local 27th Congressional District, South Hills, Pittsburgh, Penna.

JAMES G. FULTON,
Member of Congress.

ATOMIC ENERGY

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. REID of New York. Mr. Speaker, on February 6, my colleague, the gentleman from New York (Mr. WOLFF) and I cosponsored an informal public hearing regarding atomic energy and its effects on the environment. We were particularly interested in the problems of radiation and thermal pollution from nuclear facilities and their possible effect on the Long Island Sound region.

In the course of our 1-day meeting in New York City, we heard testimony from a number of witnesses representing a broad spectrum of opinion. It has since occurred to us that our colleagues in the House might be interested in the material we have gathered on the subject of atomic energy, about which there is increasing public concern.

I am therefore including in today's RECORD the statements of Joseph J. DiNunno, special assistant to the general manager for environmental affairs, Atomic Energy Commission, and Dr. William A. Brungs, chief of the Fish Toxicology Laboratory, Ohio Basin region, Federal Water Pollution Control Administration. Both Congressman WOLFF and I will be providing additional material for the RECORD in the days ahead, and I hope my colleagues will have time to read those portions of particular interest to them.

The material follows:

STATEMENT BY JOSEPH J. DINUNNO, SPECIAL ASSISTANT TO THE GENERAL MANAGER FOR ENVIRONMENTAL AFFAIRS, PUBLIC HEARING, FEBRUARY 6, 1970, NEW YORK, N.Y.

INTRODUCTION

I am pleased to represent the Atomic Energy Commission here today. We welcome the opportunity to help enlarge public understanding of nuclear power. My statement will be relatively brief since the AEC has recently presented considerable information on the subject at JCAE Hearings[1] and this information has been made available for the record of this meeting.

ENERGY RESOURCES

Reactor technology as developed under programs of the AEC is now being commercially applied as a new way of generating electric power. This application not only is proving itself competitive with more conventional means but even more importantly, promises to assure our energy needs far into the future. The tapping of this new resource was not by chance but rather the result of planning ahead at the national level with federal support of a concerted development effort to convert the potential of the atom to peaceful uses.

Viewed with respect to the phenomenal growth of energy demand in our country and the rapid consumption of our nonrenewable fossil reserves of gas, oil and coal, there are many who believe this new technology is arriving none too soon.[2] I suspect that many in the U.S. who live today in what has been termed a high energy society have not thought much about what our affluence is costing in terms of fuel consumption and the rate we have been going through our resources.

David Freeman, Director of the Energy Policy Staff, Office of Science and Technology (OST), recently presented a brief history of energy use in the U.S.[3] Let me summarize a few of his thought provoking statistics:

From prehistoric times to the year 1700, man's supplemental energy was confined to animal muscles and the energy from wood and other materials used essentially for cooking and heating. The amounts of energy involved was relatively trivial.

Until the early 1800's, coal, oil and gas in the U.S. were virtually untouched. Until 1830, this nation obtained all its energy from renewable sources.

In the 1830's coal came into use but by 1870 wool still provided 75% of the nation's energy.

By 1870 the industrial revolution was in full swing and in 1880's energy became available in its most versatile form—electricity.

Petroleum—first discovered in this country in 1860—did not become a major source of fuel until the early 1900's.

Natural gas is a late comer to the scene—along about 1930.

Oil and gas have now replaced coal as a dominant source of energy—supplying 75% of our energy needs.

All the energy that was consumed in this nation prior to this century would not equal next year's consumption.

With respect to our fossil resources, there is a very real possibility that in a very short span of the next century we could use up natures work of a hundred million years.

POWER GROWTH

Predictions of the demand for energy continue to mount. The rate of growth for the past 30 years has seen a doubling of our capacity every ten years. Part of the demand comes from the increased consumption per home owner and of course the rapidly expanding numbers of homes as our population grows. The average individual in 1950 used approximately 2000 kw-hrs per year. In 1968 this number grew to approximately 6500 kw-hr. For 1980 this is estimated to be 11,500 kw-hr.

Industrial use of power has been growing also. Electrical World recently reported industry's use as measured by the amount consumed per employee. Ten years ago this was approximately 24,800 kw-hr per year. Today the figure is 37,912 kw-hr. Without this industrial growth we obviously would not be enjoying the standards of living we now have. Nor would we be paying the same important leadership role in the free world. Interestingly enough statistics on energy consumption is a sensitive index to the standard of living in various parts of the world. The per capita U.S. consumption is 83 times that of India, for example.

How does one translate the predicted growth in demand into ability to supply? A report sponsored by OST on "Considerations Affecting Steam Power Plant Site Selection" estimated that in the U.S. in the next two decades 255 new power plant sites would be needed for thermal plants of 500 mw capacity and larger. To satisfy such future needs will be a major task. It takes on the order of 5–7 years to get a plant on line. It will involve the investment of billions of dollars in plants and careful planning to have them ready as needed. Power shortages have been experienced in some parts of the country and the reserve capacity of various systems have been reported as being below normal levels.

Briefly stated that is an energy need outlook, but there is another to which we address ourselves principally here today.

ENVIRONMENTAL SCENE

In almost any major activity we undertake in our society today, there is represented in some way a conflict of views. It matters not whether it is a new housing development, a new bridge, a new highway, a new recreational facility, or what not. The expansion of the power industry is no exception. Progress towards goals we as a society set for

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Footnotes at end of article.

ourselves requires the resolution of these conflicts, hopefully through democratic processes and for the common good.

Those who are striving to meet the nation's energy needs are more and more finding themselves facing citizen concern about the degradation of the environment—the air they breathe, the water they drink and the landscapes they enjoy. The concern is being translated into action programs at all levels, from the site of new facilities to the national scene. The President, for example, recently signed into law a bill setting forth a national policy on the environment and establishing a Council on the Evironment. Other bills are in various stages of consideration in Congress dealing with the matter of pollution abatement and environmental protection.

Power plants per se are not being singled out for criticism but appear caught up in the growing sentiment that the environmental impact of sc much that our highly industrialized society is doing has not been adequately considered. The new technology of nuclear power is being introduced into a highly industrialized society severely disturbed about past failures to prevent pollution of air and water and to cope adequately with our mounds of solid wastes.

AEC REGULATORY ROLE

We believe that nuclear power can fulfill a large portion of the nation's energy needs with minimum impact on the environment. We say this because this new technology has from the first been developed with full appreciation of the need for careful control of effluent releases to the environment in the interest of public health and safety. This need is deeply reflected in the design, construction and operation of nuclear reactors all of which are the subjects of detailed review by AEC before any reactor facility can be constructed. This review is conducted as a part of the process of licensing.

The licensing and regulation of nuclear reactors was the subject of hearings held before the JCAE several years ago. The record of those hearings[4] provide valuable reference material for those who are interested in the details of the process.

Briefly stated the process for obtaining the construction permit commonly begins by informal discussions between the regulatory staff of the Commission and the utility interested in building. Formal proceedings begin with the submission by the utility of an application describing the design and location of the reactor. Copies of the application are made available to the public and distributed by AEC to various other involved government organizations. The application is analyzed by the regulatory staff of the Commission and discussed with the utility. A staff report is sent to an Advisory Committee on Reactor Safeguards (ACRS), a statutory committee of independent experts. The ACRS reviews the application and discusses the project with the regulatory staff and the utility (commonly supported by the reactor supplier on technical aspects). The ACRS conclusions and recommendations are reported to the AEC and made public. A public hearing is subsequently held, usually near the proposed site. The hearing is held before a three-member Atomic Safety and Licensing Board, appointed by the Commission. After reviewing the testimony and records of the case, including the regulatory staff and ACRS reports, the Board decides for or against granting a construction permit. The Board's decision is subject to review by the five-member Atomic Energy Commission.

When the design details have become finalized and the construction work well advanced, the applicant submits additional information now available on his facility and applies for an operating license. The review procedure for the construction permit is largely repeated except that no public hearing is mandatory. However, if controversy or significant safety issues existed at the construction permit hearing, the AEC is under obligation to consider holding hearings on the operating license also.

The operating license as issued includes, in the form of technical specifications, a set of operating limits and conditions established in the interest of safety. Under rules of the Commission, these technical specifications serve as a definition of facility features and operating conditions that cannot be changed without prior Commission approval.

The Commission's regulatory staff, through "compliance" inspectors who conduct site visits, and through review of operating experience and plant changes, maintains a continuing surveillance of the licensed reactors in the public safety interest.

In discussing with members of the public the licensing program of the AEC, several basic misunderstandings have become apparent as well as an appreciation on our part of some of the frustration citizen groups face in finding a forum for expressing their views. The AEC can act only within the legal framework established by law. It is important that the public clearly understand what AEC does and does not do under current legislation.

The AEC Does Not—

Make any determination that any particular community or region served by a utility requires additional electrical generation capacity.

Impose its views on the decision making process of any municipality or utility in selecting among the alternatives for supplying their power needs.

Choose the site upon which reactor facilities are to be built.

Subsidize the capital investment of commercial nuclear facilities.

Establish rules or standards involving environmental effects of reactor siting, construction and operation other than radiological.

The AEC Does—

Provide informal advice to utilities regarding alternate sites they may have under consideration.

Reviews the site selected by an applicant for a license, together with the facility planned for installation at that site. Such reviews have centered largely upon public health and safety issues that arise from radiological considerations of plant operations.

Establish criteria and standards governing aspects of design, construction and operation of the reactors as they pertain to public radiological health and safety.

Conducts a Public Hearing wherein such diversity of views as may exist with respect to safety matters can be expressed.

STATE AND LOCAL AUTHORITIES

Since this listing of what AEC does hardly covers the total spectrum of public interests, the question remains as to where do the other aspects of power plant siting get reviewed. This varies considerably from state to state.[5] The following are illustrative of some of the initiatives undertaken by states. In New York a law enacted in May 1968 authorizes the Atomic and Space Development Authority to designate plant sites and then to acquire, develop, prepare and furnish them for sale or lease to electric utilities or to the New York State Power Authority. This gives the initiative in developing sites to the State rather than leaving it up to the utilities. In theory, this places the Authority in a far better position to reconcile the many interests involved in siting. It is understood that the Authority is to cooperate with the State agencies involved in health, safety and conservation of natural resources when choosing and developing sites.

New York requires that anyone in the State intending to construct a nuclear steam-electric plant file an environmental feasibility report with the State Department of Health at the same time it files a Preliminary Safety Analysis Report with the USAEC. The utility must obtain a permit from the Department of Public Health prior to construction of the plant allowing thermal discharge from the facility to the waters of the State.[6]

In Oregon the Governor's Nuclear Development Coordinating Committee has been given the task of balancing the desire for economic development and the need for power with the need to maintain and enhance the quality of the environment. The Committee will attempt to coordinate activities of both the utilities and State agencies involved in conservation and regulatory matters.

Washington State has an eight-member Joint Committee on Nuclear Energy and a Governor's Advisory Council on Atomic Energy Development. They are concerned with establishing siting criteria.

California has established a Resources Agency Power Plant Siting Committee, with the responsibility to facilitate the various approvals needed to construct a power plant. The committee includes representatives from the State Departments of Fish and Game, Parks and Recreation, Water Resources, Harbors and Water Craft, Conservation, State Water Resources Control Board, the Water Quality Control Board and the Department of Public Health. Following review by the Resources Agency Siting Committee, a utility must also obtain a certificate of public convenience and necessity from the Public Utilities Commission (investor owned utilities only) and a permit for liquid discharges from the Regional Water Quality Control Board.

In Maryland[7] legislation was passed in 1969 that requires a permit to be obtained from the Public Utilities Commission before construction of power plants and transmission lines can be started. Water resources laws were also amended so that water use permits must now be obtained before construction begins.

ENVIRONMENTAL EFFECTS

In his recent State of the Union address the President predicted growth in our Gross National Product of 500 billion dollars over the next ten years. It is clear that such growth will not occur without some impact upon our surroundings. The challenge we face is one both of growth and the protection of our environment. With respect to both of these goals we believe that objectively evaluated nuclear power will show decided advantages compared to alternatives now available. Although we believe in nuclear power, we would not lead anyone to believe that its application for generation of power, anymore than any other method, will result in *no* environmental effects. Nuclear plants, like their fossil counterparts, release waste heat to the environment. The nuclear plant operates at temperature and pressure conditions that allow less conversion of heat generated into electrical energy. The end result is to eject more unused heat into the environment. Depending upon the local situation this may require one of several different cooling arrangements, each with its own set of advantages or disadvantages. Possibly in some locations, a more optimum balance between need for power and thermally created effects could lead to selection of alternate siting. Looked at broadly and with the eye to future growth, the matter of optimum locations for power plants may require new regional approaches.

Water quality standards with respect to thermal effects are established by the states under guidelines set by the Department of Interior (Federal Water Pollution Control Agency). Nuclear power plants are being designed and operated within the restrictions

Footnotes at end of article.

set by such standards. In some cases cooling towers have been required to avoid raising cooling water temperatures above allowable limits. Whereas limits on thermal discharge into the cooling waters from nuclear plants have not heretofore been included in the conditions of a license issued by the AEC, the AEC has supported legislation that would require certification by the state that a facility is designed to meet its water quality standards before AEC could grant a license. Enactment of this legislation is still pending.

In the meantime, the AEC includes in its processing of each application for a construction permit a review by the Department of Interior of possible thermal impact of operation of the plant. The comments and recommendations from the Department of Interior are sent back to the utility with an urging that they cooperate with the appropriate federal and state agencies. Copies of such correspondence are similarly sent to the authorities of the state where the plant is to be located.

Nuclear plants do release small amounts of radioactivity to the environment. These are, however, kept well within limits established as safe by competent authorities. These limits are such that persons can live next to such plants without being exposed to but a small fraction of the radiation background level in which they live every day. For example, liquid effluents released from nuclear power plants to public streams or water bodies must meet drinking water tolerances at the point of discharge. One might ask how many industrial establishments and sewage treatment facilities could meet the same test?

RADIATION PROTECTION STANDARDS

Let me say a brief word about the radiological standards that are basic to the control exercised over reactors. The standards issued by AEC as regulations are based upon guides developed by the Federal Radiation Council and approved by the President for guidance use by federal agencies. The Federal Radiation Council is made up of members of the President's cabinet and is chaired by the Secretary of HEW. FRC draws upon the best technical expertise in the nation on radiation protection matters and takes into account the recommendations of independent national and international bodies such as the National Council on Radiation Protection and Measurements (NCRP) and the International Commission on Radiation Protection (ICRP). (Note: This subject of standards was discussed extensively in the November JCAE Hearings and more recently in those held January 27–29, 1970. The record of those hearings represents valuable reference material for those interested in more detail.)

In summary—

AEC recognizes and shares the concern of people about the environment.

We believe nuclear power is being developed and applied consistent with the growing national need for an energy source other than our non-renewable fuels and the demand for a better environment.

We know of no power source that will eliminate entirely effects on the environment, but of the alternatives available for minimizing the impact, nuclear power has decided merits.

FOOTNOTES

[1] Environmental Effects of Producing Electric Power: Hearings before the JCAE October and November 1969, Part 1.

[2] Resources and Man: National Academy of Sciences, National Resources Council Study.

[3] Speech: "Policies Affecting the Energy Needs of Society" by David Freeman, OST at University of Minnesota Symposium, October 11, 1969.

[4] JCAE Hearings: Licensing and Regulation of Nuclear Reactors, Part I and II, April and September 1967.

[5] Report: Considerations Affecting Steam Power Plant Site Selection—Energy Policy Staffs, OST—December 1968.

[6] New York State Senate Committee on Public Utilities Report, September 1969 Amendments to Public Health Law.

[7] Nuclear Power Plants in Maryland: A Report dated December 1969 by Governor's Task Force on Nucelar Power Plants.

REMARKS BY DR. WILLIAM A. BRUNGS, CHIEF, FISH TOXICOLOGY LABORATORY, OHIO BASIN REGION, FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

(NOTE.—Figures referred to are not reproduced in the RECORD.)

For no other type of pollution problem can one find so much divergence of opinion among knowledgeable people than that regarding effects of thermal additions to natural waters. The disagreement becomes somewhat understandable if one realizes that temperature is a necessary component of the life system of all plants and animals and that there cannot be a system without temperatures. For this reason, the selection of permissible temperatures for natural bodies of water is a problem of selecting some intermediate range based on various water uses.

Aquatic life has received more attention than other water uses because the aquatic organisms must remain in the stream continuously and cannot escape the effects of altered temperature patterns. To emphasize, however, the effects that thermal additions may have on *other* water uses, it is important to recognize some of these other effects and further recognize that the results of thermal addition are not all bad and that each aspect must be considered before making a decision. Krenkel, Thackston and Parker, in 1969, published a paper that discussed the role of impoundments and temperature on the waste assimilative capacity of natural waters. They cited several examples to document their statements, and showed that in the Coosa River to maintain the same dissolved oxygen concentrations, a rise in temperature of 9°F above the existing summer temperature of 77°F results in a reduction of the waste assimilative capacity of the stream by 11,000 pounds per day of oxygen demanding wastes. Other examples can be cited, but this one will illustrate the point that raising the temperature of water does reduce the amount of organic matter that a body of water can accommodate and degrade. Therefore, increased stream temperatures necessitate higher treatment efficiencies by downstream wastes sources and thereby increase treatment costs.

Public health officials and water microbiologists have long recognized that higher temperatures accelerate the rate of bacterial growth. The larger numbers of bacteria in warm waters is well documented and realized. Higher temperatures not only result in higher numbers of indicator bacteria such as the coliforms but they also result in higher numbers of bacteria that are pathogenic to man. As water temperatures rise, therefore, closer attention must be given to bacterial numbers and types.

It is also obvious that as the temperature of water rises, its utility for cooling purposes decreases so that it is in the industry's own good to maintain cool temperatures in natural waters if they are to be used for cooling purposes.

In regard to the problems of aquatic life as they are afflected by temperature, many disagreements exist between experts because the experts frequently are talking about different types of aquatic life. Almost everyone recognizes that cool streams provide trout fishing, and almost everyone recognizes that carp are found in warm ponds, lakes and rivers. This is primarily due to temperature, and it illustrates a point which we all understand but fail to remember when temperature standards are discussed. The kind of aquatic life that is to be protected must be identified if meaningful standards for temperature are to be derived. In some cases, generalizations can be made, as for example, the cool water requirements of nearly all trout and salmon, but for other fisheries, the specific types must be identified.

Figure 1 illustrates the effect of various temperatures on the abundance of different kinds of phytoplankton that will exist, depending on the temperature. In the range from 68 to 75°F, diatoms are predominate type of plankton present. In the range from 86 to 95°F, green algae are most abundant, and above 95°F, blue-green algae predominate. Blue-greens are the least desirable food organisms for aquatic life and are important in regard to taste and odor problems. Sigworth (1957) stated that over 80% of all odor problems from water are associated with algae. They can be responsible for a great variety of odors according to Palmer and Tarzwell (1955), many of which are associated with blue-green algae blooms related to elevated temperatures. Warm water, in addition to contributing to algae blooms, is conducive to volatilization of odoriferous substances arising from algae, decaying vegetation, and industrial wastes. These substances would not be released at lower temperatures. One of the most widespread and troublesome of "natural" odor problems arises from actinomycetes, according to Rosen (1969). The growth of this organism is accelerated at higher temperatures; its optimum tempertaure is 86°F.

Figure 2 illustrates the effect of maximum temperatures on the number of invertebrate organisms that occurred in a Pennsylvania stream. These data have been taken from Trembly (1961), and the study was financed by the power industry. As the temperature increases, there is a decrease in the number of kinds of organisms. For example, the number decreases by 54% as the temperature increases from 80 to 87°F, and when the temperature increases from 87 to 93°F, there is a 24% loss. Such drastic reductions in the kinds of food organisms must be carefully considered if the production of sport and commercial fishes is to be preserved.

Figure 3 illustrates the effect of sustained constant temperatures on the reproductive potential of a minnow that is widely distributed in the United States and that provides an important food source for sport and commercial fishes. This curve shows that a constant temperature of 79°F as compared to 72°F resulted in a 25% loss in reproductive capacity. (This species does not require a winter chill period.) Note, that at a constant temperature of 86°F, there was almost zero reproduction. This illustrates the sensitivity of the reproductive stage; a temperature of 90°F would cause no immediate mortality but would eliminate the species because reproduction would be inhibited.

Figure 4 shows another experiment in which the effect of temperature on the growth rate of the white sucker was measured. Both beneficial effects of temperature and adverse effects are evident in different temperature ranges. As the temperature is increased from 50°F to 81°F, there is a pronounced increase in the growth of the suckers. As the temperature exceeds 81° F, there is a reduction in growth, and, at 86°F, growth is one-seventh of that occurring at 81°F. Furthermore, a temperature of 90°F will kill this fish in a 96-hour period. The important principal is that the best temperature for growth is very close to the lethal temperature. One, two, or three degrees may determine the difference between high production and complete elimination of a population of fishes.

Figure 5 contains data similar to that of the previous figure, but for three other species of fish. Here again, both the beneficial effect and the adverse effect of temperature on largemouth bass, northern pike and brook trout can be seen. The temperature providing best growth increases from 59° F for the brook trout to 81° F for the largemouth

bass. This figure illustrates two principles. First, the best temperature and the maximum permissible temperature for aquatic life depends on the species that are being considered. If a brook trout stream were warmed to a temperature of 81° F, it would have a temperature suitable as a largemouth bass stream. The trout would be killed, pike would be in an undesirable temperature range, but largemouth bass would be at their optimum temperature.

Figure 6 shows the data plotted in a different manner. Growth increases as the low temperatures are raised to intermediate temperatures and then there is a pronounced decrease in growth as the lethal temperatures are approached.

Figure 7 illustrates the type of annual temperature pattern which is necessary to support yellow perch and largemouth bass. Two curves are plotted; the upper one is for lethal temperatures at various times, and the lower curve represents safe temperatures required during various periods of the year in order to permit normal growth and reproduction. As indicated on the figure, the solid line represents hard data, and the dotted line is based upon data pertaining to other species or inferred from data from field or related laboratory studies. The dotted lines are not figments of imagination, but are based on sound reasoning and principles. During the period when eggs and sperm are developing within the adult, cooler temperatures are necessary. As the stages of the life cycle progress from spawning, to fry to fingerlings and adults, acceptable temperatures become progressively higher. The lethal temperatures differ throughout the year. For example, 70° F is lethal to yellow perch in the winter time.

This is because perch are acclimated, or adjusted, to a much lower temperature durin the winter period, and they cannot tolerate the summer temperatures at that time. People experience this, too. A temperature at 50°F is very chilly when it occurs in the summer, and yet it is a very balmy, pleasant temperature when it occurs in the winter time. Lethal temperatures for the eggs are much lower than for adults and, therefore, extreme temperatures during the spawning must not exceed a limit based on the temperatures safe for the eggs. Even though the perch and the largemouth bass are considered warm water fish, the largemouth bass can tolerate and, in fact, thrive in much warmer water than can the yellow perch. The curves shown in this figure are representative of many important fish species that spawn in the springtime. The calendar months are on the horizontal scale and show that the period for developing the sex products is during the winter months and the spawning period is in the spring.

In Figure 8 similar curves are given for the fathead minnow and the brook trout. Brook trout spawning occurs in the fall months and during a declining temperature. The stringent requirements during the reproductive season for the brook trout must exist in the autumn. On the other hand, the fathead minnow is a summer spawner having a long period of spawning and acceptable temperatures for spawning must exist during the summer months; during the winter, this species does not spawn and need be protected only against temperature shock. Chill periods (cooler temperatures during the winter) are not required for this species, but one is needed for other species. These points must be evaluated when developing appropriate standards for a body of water, and curves for all of the important species to be protected must be considered in order to maintain the desired fishes.

Figure 9 shows recommended standards that were derived for the Ohio River to protect a group of species, and are based on curves such as those in Figures 7 and 8 and on existing temperature data for the River. You can see that, during the months of April through June, the existing temperatures most closely approached the maximum permissible temperatures for reproduction and growth. Therefore, it is during these months that close attention must be given to heat additions. During this period, there is the least margin of safety for heat assimilative capacity. It is obvious that the temperature could be raised more in the winter and summer months than during the spring period.

Figure 10 has the geographic range of the smallmouth bass superimposed on a map of the United States. Natural stream temperatures increase from north to south and certain fish do not live in the South because the water is too warm. The important point is that the amount of heat that can be added above natural stream temperatures is less in the southern than in the northern part of the range. Therefore, in setting temperature criteria, the requirements of the animal and the existing stream conditions must be considered before the amount of heat that can be added without adverse effect, can be determined.

Figure 11 shows a generalized situation in which the effect of a heated effluent does not occur at the point of discharge but, instead at some point many miles downstream. This stream is cooler than it ought to be, considering the climate in which it exists. Many trout and salmon streams would be examples of this type of stream, actually becoming warmwater streams without any artificial heat addition. Usually springs or snow melt waters feed such streams. The lower curve of the graph is the natural temperature pattern that would exist from the headwaters to the mouth of the stream if no heat were added. At mile 100 downstream, the temperature naturally exceeds the limit for trout, and it becomes a warmwater stream. This would happen if no heat were added. If at some point, say at mile 17 below the headwaters, an amount of heat is added that will raise the stream temperatures 2° F, the stream at that point is not harmed for the production of trout, but downstream the temperature reaches the limit for trout sooner, at approximately mile 83. The lower 17 miles of the stream becomes unsuited for trout production. The heat was added, however, 60 miles upstream. Similarly, if the temperature is increased 5° F at the same point, unacceptable temperatures occur even further upstream; the upper line in the graph shows that there has been a loss of 42 miles of trout waters as a result of heat addition upstream. These curves depict a stream that is cooler than the air equilibrium temperature. The opposite situation is more familiar in which a stream is in equilibrium with the climate, and when heat is added to the stream, the most adverse condition exists near the point of discharge. This reasoning led to the recommendation that no heat should be added to trout streams. It is a rather unusual situation when one must look for the most adverse conditions far downstream from the point at which the effluent enters.

To summarize the important points, Figure 12 lists the beneficial effects of thermal addition. Within certain limits, thermal additions will promote fish growth, and they can warm water and make it more suitable for swimming. Thermal additions can keep harbors open in the winter and reduce ice damage to piling, docks, and other structures. If ice cover is prevented, the oxygen content of the water is less likely to be depleted since there can be re-aeration at the surface and light can penetrate the surface, making photosynthesis possible.

Figure 13 lists some adverse effects of thermal addition. The types or kinds of species present are likely to change. Thermal plumes displace fish from local areas and reduce the habitat available and suitable for growth and reproduction. Thermal plumes have retarded or blocked migrations of anadromous fishes. Since fish are attracted to warm effluent discharges in the winter (thus accounting for the many reports of good fishing in power plant effluents) there is danger of fish kills when fish leave the heated effluent and enter the cold or surrounding waters, or when planned or unplanned plant shutdowns occur and no warm water is available. One to two weeks are required for fish to adjust to cold temperatures, and so the most likely time for thermal shock is in the winter months. In the summer, when the thermal effluent exceeds an acceptable temperature, the fishes avoid the discharge area and seek other locations if other locations are available. Many organisms require a particular combination of day length and temperature in order to initiate or terminate necessary biological processes. Unless care is exercised, this relationship can be disrupted. Warmer temperatures result in faster growth and reproduction of pathogenic bacteria. Taste and odors in domestic water supplies increase with increased temperatures. The ability of streams to assimilate and degrade organic wastes such as effluents from municipal and industrial treatment plants is reduced by increased temperatures (if D.O. is maintained). The toxicity of pollutants and the disease hazard to fish is increased by a rise in temperature.

Finally, Figure 14 lists some of the items that must be considered when establishing temperature standards. The complete life cycle must be protected; it is not sufficient to merely prevent fish kills. For some species, cooler winter temperatures are needed in order to initiate the reproductive cycle. In many species, the optimum temperature is very near the lethal temperature. The specified desired species must be considered rather than aquatic life as a group. The specification of a single temperature is not enough to insure suitable conditions for acquatic life. The effects of temperature on acquatic life are not "all or none" and may be positive or negative. There is no temperature above which everything is bad and below which everything is good. The application of a prescribed rise above existing temperatures will lead to problems in some areas and will not be sufficient to protect organisms in one place while being over protective in another. Finally, the area devoted to a mixing zone where temperatures or other conditions are adverse will be proportional to the damage inflicted, and, for that reason, these areas should be kept as small as practicable. Proper siting of discharges is important in this regard.

If the beneficial effects, the adverse effects, and the types of aquatic life and water uses to be protected are kept in mind, many conflicts of opinion can be avoided and equitable conditions can be developed for all concerned.

CELEBRATION OF 72D ANNIVERSARY OF FRATERNAL ORDER OF EAGLES IN 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, with real pleasure I congratulate the officers and members of the fine Fraternal Order of Eagles on the 72d anniversary of its founding.

This excellent fraternal organization has given outstanding service to its members, and to our people in our communities, States, and Nation. We give our grateful thanks and hearty congratulations.

Mr. Speaker, I insert a brief history of the Eagles:

HISTORICAL SKETCH OF THE FRATERNAL ORDER OF EAGLES

(Compiled by Dan Splain)

Nine days before the explosion of the battleship Maine in Havana Harbor touched off the Spanish-American War, six lonely vaudeville troupers strolled to Moran's Shipyard on the tideflats of Seattle to form the Order of Good Things on February 6, 1898. The purpose of the organization, as its first President, John Cort later related was "to make human life more desirable by lessening its ills and promoting peace, prosperity, gladness and hope."

In February, 1970, in a new wonder age of atoms, missiles and moon walks, the far-flung Organization that sprouted from the Seattle seedling—the Fraternal Order of Eagles—celebrates today the 72nd Anniversary of its founding, changelessly devoted to the small ideals proclaimed by its founders. Today the Order embraces over 1600 Aeries in the continental United States, Alaska, Hawaii, the Philippines and the Dominion of Canada.

Possibly not in their fondest predictions did the pioneers of the Fraternity envision such tremendous growth. But the universal hunger for friendship and brotherhood struck a responsive chord as the theatrical men played in other cities throughout the nation. New Aeries were formed rapidly in the Pacific Northwest. Cort was elected the first Grand Worthy President of the Order.

The Order was, and remains to this day the Fraternity of the Common Man. From mill, mine and factory mainly, from the professions, and from public life, from America's melting pot, the Eagles derived their strength, a typical cross-section of the Nation. Several years ago, Collier's Magazine, in preparing an article about the Eagles sent their writer to the local Aerie in Cedar Rapids, Iowa. He asked a spokesman to define the Eagles. He struck this response: "You want to know who the Eagles are—I'll tell you. We're the crowd everybody else gets lost in."

However, not all Eagles are 'lost in the crowd.' Five Presidents of the United States were Eagles: Theodore Roosevelt, Warren G. Harding, Franklin Delano Roosevelt, Harry Truman and John F. Kennedy. Former Chief Justice of the Supreme Court Earl Warren is a brother Eagle. Monsignor Flanagan of Boys' Town was a Past President of the Omaha Aerie of the Eagles. Former Governor Lawrence of Pennsylvania founded the Pennsylvania State Aerie in 1912 along with Congressman John Morin who himself served the Order as Grand Worthy President. World War II and Korean air ace Francis Gabreski (Col., Ret. USAF) is a life member of Oil City Aerie 283. J. Edger Hoover, the FBI Chief, is a brother too. The list is infinite. Eagles are people, famous and obscure, mighty and humble, great and small.

Among those who have stood out from the crowd are the career Eagles themselves. There was Con Mann, the hearty Dutchman from Milwaukee, who piloted the Fraternity to a position of national prominence in the early part of this century. Then there was Frank Hering, silver haired orator from Notre Dame University, who made the first known plea for the observance of mother's day, who later served the Eagle Magazine as its editor for many years. Among contemporary leaders are Wisconsin Supreme Court Justice Robert W. Hansen, who served the Order twice as its International President; Steven V. Thomas, present International President, who travels the crossroads of the Nation garnering support for Eagle programs, and Maurice Splain, Jr., National Membership Department leader who cares for the membership growth of the Fighting Fraternity.

In the three decades, from 1910 to 1940, the burgeoning Order acquired a new title, "the Fighting Fraternity." In those years, the Eagles were in the vanguard in social legislative progress, moving courageously fighting for changes to insure a more secure life for the people of America. In 1911, in Missouri, led by an Eagle Jurist, Edward Everett Porterfield, the Order sponsored the first mothers' pension act. A year later, in Wisconsin, Eagles rallied 'round a young Eagle and labor lawyer, Daniel Webster Hoan, later mayor of Milwaukee, to enact the first workmen's compensation act. A few years later, the Eagles began to demand elimination of a national scourge—the poorhouse. The Rubicon was crossed in 1923, when the Montana legislature passed the first old age pension law in the nation, sponsored by prominent Eagle legislator Lester Loble, who later became the Order's Grand Worthy President. The Order successfully campaigned for similar laws in the majority of the states. On the national front, the Eagles launched a historic campaign for a national social security act, and spent more than a million dollars for printed materials to publicize and popularize the measure. In signing the act, President Roosevelt invited an Eagle delegation to the White House and presented them with the pen used to sign the Act into law. In so doing Roosevelt stated, "The pen I am presenting to the Order, one used to sign the Social Security Act, is a symbol of my approval of the Fraternity's vision and courage."

High in the achievements of the Order is the national Mother's Day observance. Back in 1904, on February 7, Frank Hering a Notre Dame professor and football coach, gave the first public plea for a mother's day observance at an Indianapolis Aerie meeting. Inspired by Hering's address, Eagle Aeries began sponsoring Mother's Day programs annually long before Congress set aside the second Sunday in May as a day reserved for that tribute, yearly.

The Eagle story reserves a prominent chapter for the youth of America. With youth programs, junior sports, teen-age dances, youth centers sponsored by hundreds of Aeries, the building of the citizens of tomorrow is an ever paramount project of the Order. The crowning effort in this field came in April, 1941, when the fraternity dedicated the Eagle Dormitory at Father Flanagan's Boys Town in Nebraska.

Then World War II arrived, the Eagles conceived their famed Memorial Foundation, a trust fund created by donations of Aeries and their Auxiliaries to provide physical welfare services and college educations for the children of the Eagle War dead. This foundation was later expanded to include survivors of Korean and Vietnam War dead, and Eagle police and firemen killed in the line of duty.

While significant national campaigns have always characterized Eagle activity, the 'grass roots' strength lies in the local Aeries and Auxiliaries. Their civic and benevolent contributions have been generous and frequent. Blood banks to save lives, an iron lung purchased for a young polio victim, Aerie quarters provided for a teen-age center, a Christmas Party for the underprivileged kids in the community, funds for a city youth playground; donations to the Red Cross, the Community Chest, etc. is but a part of the magnificent benevolence of the Fraternal Order of Eagles. No accurate accounting of the total spent by local Aeries and Auxiliaries for charitable purposes has ever been kept, but no doubt, over the years it would run in to staggering millions. And in terms of human happiness and betterment, the amount is above the monetary realm, and measured only in terms of the human heart.

In the 1950's the Eagles set their sights on new goals to 'make human life more desirable'. During that decade the Eagles raised over one million dollars for the Damon Runyon Cancer Fund, prompting the fund's founder Walter Winchell to write in his nationally syndicated column that the Eagles are "the Santa Claus of the Damon Runyon Cancer Fund." The Eagle donation of $25,000.00 for the entrance to the Chapel of the Four Chaplains at Philadelphia, memorializing the four chaplains of three faiths who gave their lives in WWII aboard the U.S.S. Dorchester bespeaks the Order's zeal for brotherhood and inter-faith unity. Distribution of thousands of scrolls of the Ten Commandments to schools and courts, and presentation of Ten Commandment granite monoliths to many American cities stresses the Eagles' concern for moral and spiritual values.

In cooperation with CARE, the international relief organization the Eagles have constructed over 20 Eagles-CARE Houses throughout the world.

In the decade just passed, the Eagles founded the Max Baer Heart Fund, named after the late Eagle Heavyweight Champ, which has donated over $1,000,000.00 for heart research, in the ten years of its existence. The Eagles have now founded the Eagles Cancer Fund which has raised a million dollars supplementing the amount contributed to the Damon Runyon Cancer Fund. Just three years ago, the Eagles founded the Jimmy Durante Children's Fund to contribute funds for research into the catastrophic diseases of childhood. Durante, for whom the fund is named, has long been an active supporter of Eagle programs.

The Eagles are also responsible for legislation protecting the over 40 worker from job discrimination because of his age.

The latest Eagle program is "Hometown, U.S.A."—a campaign to make our hometowns of America just a little bit better for you and me. Seventy-two years young, the Fraternal Order of Eagles, with virility and vision, is just beginning to flex its muscles.

AUTOS, BOTTLES, AND SOLID WASTE POLLUTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. MIKVA. Mr. Speaker, it is evident by now that environmental pollution will be one of the crucial issues of this decade and perhaps of the next several decades. Unfortunately, the discussion of environmental pollution has tended to center almost exclusively on the two kinds of pollution which are best known and for which programs of control already exist—air and water pollution. Granting that air and water are perhaps our two most vital resources, we cannot afford to ignore the other threats to our environment, threats like noise pollution, and solid waste pollution.

Because solid waste pollution may in time come to rival air and water pollution as a problem demanding the attention of concerned citizens, I take pleasure in joining with my colleague, the gentleman from New York (Mr. SCHEUER) in sponsoring a bill which will make a significant contribution to controlling solid waste pollution. What is more, unlike many of the programs which are currently being discussed for control of air and water pollution, these proposals for solid waste management will operate

at practically no net cost to the Government. These bills should, in short, be invaluable aids in combating two of the worst sources of solid waste pollution—abandoned automobiles and nonbiodegradable bottles and containers.

The first bill, the Abandoned Automobile Act, will require a $30 refundable deposit to be made on all new cars sold in the United States. The deposit will be paid by the car's original purchaser and will be repaid to the last owner when the car is properly junked at the end of its useful life. The existence of this refundable deposit will eliminate the situation which presently exists in many areas when the cost of towing away an abandoned vehicle exceeds it salvage value. When such a situation obtains, it is impossible to convince the car's last owner to have the vehicle hauled away and the local authorities must do so—if they have the means and if a local authority will take the responsibility. All too often, there are either insufficient means or insufficient responsibility to deal with abandoned automobiles, which become part of the American landscape.

The bill contemplates licensing of automobile disposal agents who will be able to dispose of abandoned cars in a manner consistent with sound environmental practice. Such agents will be paid on a per auto basis for their salvage activities. The $30 deposits will be placed in an automobile environmental quality trust fund which will be managed by a four-man board of directors appointed by the President. Interest from the fund will be used to defray costs of administering the program and for funding programs of salvage and disposal. Violations of the disposal requirement provisions of the act can result in fines of up to $5,000.

A second source of solid waste pollution are nonreturnable bottles and other containers which are now strewn so liberally along roads and city streets throughout America. So numerous are these nonbiodegradable containers—material which will not decompose as part of the normal organic process of decay—that many of us look back with nostalgia to the "good old days" when bottles carried a deposit and were worth returning to the store. Apparently many manufacturers found that it was cheaper for them to put out their products in nonreturnable containers. The problem is that this policy was costly for the rest of us—costly in terms of its effects on our environment and human safety.

The bottle bill which we are introducing today will take a step toward returning to the "good old days." The bill will encourage bottlers to package his product in "deposit" containers which are returnable to the bottler or to fill bottles upon which a tax is paid, which tax is refundable upon return of the bottle. In either case—whether the bottler chooses to pass the cost on to the consumer or to pay it himself—the effect will be to put a premium on returning bottles to their source, rather than throwing them into a lake, beside a road, or out the window. An exception is made for containers of products with potential health or medical uses. In addition, nonrefundable taxes will be levied on certain types of plastic containers which have proven extremely difficult to destroy in order to discourage their use by manufacturers. The tax will be lifted only if the Secretary of Health, Education, and Welfare, and Secretary of the Interior certify that an easy method of disposability has been developed for that material. Retailers will be compensated for the extra costs they incur in handling returned bottles. Violations of the bottling and tax requirements of the act will be subject to fines of up to $1,000.

Mr. Speaker, these bills are only a start. We are only beginning to understand the complex nature of relationships between man and the environment in which he lives. But they are a start. They make a real effort to deal with two aspects of the problem of solid waste disposal which most plague our Nation. I believe we all owe a debt of gratitude to my colleague from New York for taking the initiative in moving to deal forthrightly and effectively with the environmental problems caused by abandoned automobiles and discarded bottles and containers. I am happy to join in cosponsoring these bills which open the fight against solid waste pollution.

INDEPENDENT BOYS' CLUBS SHOULD BE ELIGIBLE TO PARTICIPATE IN THE DONATED FEDERAL SURPLUS PROPERTY PROGRAM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. EILBERG. Mr. Speaker, today I have sponsored a bill which is neither long nor complicated. It does nothing more or less than make independent boys' and girls' clubs across this Nation eligible to participate in the donated Federal surplus property program by adding a new category of eligible participants, "organizations which provide for the education and recreation of boys and girls."

Early this year, I was contacted by one of the 150 independent boys and girls clubs in the city of Philadelphia, the Torresdale Boys Club, one of the major recreational organizations in my district, and asked if they were eligible to participate in the donated Federal surplus property program. When I talked with the General Services Administration, which administers a portion of the program, I was advised that the Torresdale Club and others like it were not eligible because they do not qualify under the definition of "school" contained in the Federal Personal Property and Administrative Services Act of 1949, as amended. The Department of Health, Education, and Welfare also advised me that organizations like the Torresdale Club do not qualify to participate in their portion of the program as well. The Department of Defense advised me that independent boys clubs were not considered service educational activities and hence were ineligible to participate in the portion of the program which they administer.

Eligible recipients of the assistance which is provided under the donated Federal surplus property program under the current wording of the 1949 act are tax-supported and tax-exempt colleges and universities, service educational organizations, the American Red Cross, the Boy Scouts of America, the Girl Scouts of America, and so forth. Independent boys and girls clubs such as the Torresdale Club are ineligible. In view of the tremendous work which the Torresdale Club has done in the past and will do in the future, I think this club and the thousands of others like it across the Nation are being discriminated against arbitrarily by not being able to take advantage of the donated Federal surplus property program. My bill will remedy this situation by adding a new category of eligible participants in the program. Independent clubs such as the Torresdale Club provide essential educational and recreational services to the boys and girls of the Nation. The new category of participants which my bill will allow to participate in the donated Federal surplus property program includes these clubs.

My congressional district and many, many areas like it have been faced with a situation where the population has moved from center city to the suburbs. Then these suburbs have been developed in a "helter skelter" fashion without any meaningful planning for recreational facilities. Not until this year, for example, has the Philadelphia Planning Commission developed a master plan for recreational areas for the area of my congressional district. It has been the same across the Nation—too little planning too late.

Because of this lack of planning, local citizens have joined together and formed clubs paid for with their own money, staffed by their own people to assure their children of meaningful recreation opportunities. I believe it is time to stop penalizing these independent organizations because they are locally rather than nationally oriented. They should be allowed to take advantage of whatever governmental assistance is available, since in reality they have moved into the breach left by lack of adequate governmental planning. My bill will help bring this to pass.

The text of my bill is as follows:

H.R. 15942

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 203(j)(3) of the Federal Property and Administrative Services Act of 1949 is amended by inserting after "schools for the physically handicapped," each time it appears the following: "organizations which provide for the education and recreation of young boys and girls."

The Torresdale Boys Club is now engaged in a "building program" designed to improve the recreational, cultural, and educational facilities for the residents of the Torresdale section of my congressional district. Negotiations with the city of Philadelphia have resulted in a long term lease on a city-owned plot of ground adjacent to the Jacob's playground at Linden and Jackson Streets. It is the club's plan to build on this ground in the very near future. If my bill is passed, the club will be able to participate in the

donated Federal surplus property program and this will help in a limited way to cut down on the building and furnishing costs of the project. I believe that this building project will be for the overall betterment of the Northeast in that it will allow the Torresdale Club to increase its service to area residents.

Unaffiliated organizations such as the Torresdale Boys Club and the 150 like it in the Philadelphia area represent approximately 25 million boys and this total is about 85 percent of the young people of the Nation. These 150 Philadelphia area clubs represent about 50,000 boys and 20,000 girls. But, because of the wording of the 1949 Federal Property and Administrative Services Act these clubs are not eligible to reap the benefits of the donated Federal surplus property program. The major reason why they are ineligible is because they are locally rather than nationally controlled. In my view, while I certainly support the objectives of the national organizations, I believe that locally supported and operated clubs offer many advantages to our boys and girls which the national clubs cannot.

Organizations like the Torresdale Boys Club are financed, manned, and supported completely on a voluntary basis. They do not receive the support of the United Fund as do the national organizations. Typical methods by which these organizations in the Philadelphia area raise money are through Christmas tree sales, Easter plant sales, ad books, candy and coke sales, and carnivals and other legitimate means which are devised by club members.

The Torresdale Club is typical of the thousands of independent boys and girls clubs across the country. In a recent survey the Torresdale Club found:

First. A minimum of $12,000 net income is required to austerely finance club activities serving 800 boys and girls.

Second. The 125 adult coaches are needed during the year for the various athletic teams and these coaches devote about 55,000 hours of their valuable time to coaching.

As I indicated previously, I do not condemn or criticize the national boys club organizations. Both their clubs and independent groups like the Torresdale Club serve a particular need and, in fact, complement each other. Both types of clubs are staffed by dedicated men and women whose primary goal is to guide and assist the youth of the Nation during that turbulent period between childhood and maturity. Passage of my bill will help independent clubs achieve this goal by allowing them to participate in the donated Federal surplus personal property program.

THE CONTAMINATED HUMAN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. PUCINSKI. Mr. Speaker, "Second Sunday," NBC's award-wining documentary series, recently presented "The Contaminated Human."

Participating in this excellent documentary were prominent scientists, reporters, and students. They discussed in a very cogent fashion how the environmental effects of chemicals, pollutants, and so on, have contributed to the contamination of humans.

This important documentary, produced and written by Harry Mantel and directed by Albert Reyes, places into proper perspective the whole question of environmental effects on humans instead of isolated examples.

Because the matters discussed in this documentary affect humans the world over, I highly recommend this thought-provoking and brilliant series to my colleagues.

Mr. Speaker, the NBC documentary follows:

SECOND SUNDAY

[Feb. 8, 1970, 9:05 p.m. WNBC/TV and NBC Television Network, New York)

INTERVIEWER. Does air, or water, or pesticides, or any other pollution affect you?

MAN. You're damn right it does. I can see it falling all around us right now. I can taste it in my teeth. And I've got to go to the hospital regularly because of this damn problem. And believe me, believe me, it's like acid in my throat.

WOMAN. Oh, my eyes get sore and red, and tears all over the place.

MAN. The brain lives from oxygen, so if you don't have enough oxygen in your brain, your brain is going to die, your body's going to die.

MAN. It affects your lungs. And I've seen it in hospitals, these people have that emphysema. Of course, I don't have it yet, but I'm lucky I don't. I'm seventy-three. But I'm afraid that it'll affect elderly people very rapidly if this keeps on.

MAN. We are literally being put to death. It may take twenty years, but it's going to kill us all. It'll kill us in ways that, really, you won't be able to detect. And as far as we know, it may even hurt our children.

President RICHARD NIXON. The great question of the seventies is: shall we surrender to our surroundings? Or shall we make our peace with nature, and begin to make reparations for the damage we have done to our air, to our land, and to our water?

ANNOUNCER. Second Sunday, NBC's award-winning documentary series, presents The Contaminated Human. Your host, Bill Ryan.

BILL RYAN. Pollution is not a new phenomenon in the history of the world. Large cities of the nineteenth century were very badly polluted. But in the nineteenth century pollution meant dirt in the streets and microbes in the water. Today pollution means chiefly chemicals in the air that we breathe, and chemicals in the water that we drink, the food we eat.

The average American who thought about air and water pollution a few years ago is now overwhelmed by the proliferation of bad pollution news. Some of it is based on hard scientific evidence, some of it is based on the warnings of a few iconoclast scientists, some on ordinary common sense.

There is belching black smoke in our skies, the noxious stink of auto exhausts hangs over our roads. Pesticides, preservatives, enzymes, food additives, radiation, asbestos, fertilizers and metals accumulate in our bodies. Their combined presence in our bodies, and their accumulated effects on our bodies are not yet understood in the laboratory. Scientists have given them a relatively new phrase in the field of environmental medicine; they call them the total body burden. Our Second Sunday report will take a look at The Contaminated Human.

Dr. IRVING SELIKOFF. New things are beginning to appear, things that were never in our environment, that our bodies hardly know what to do with. Things like new chemicals, peroxyacetyl nitrate, minerals like asbestos, that usually in the past have been in the bowels of the earth, and now are brought to the surface of the earth and are put into the air.

RYAN. Dr. Irving Selikoff, professor and chairman of the Division of Environmental Medicine, and director of Environmental Laboratories at New York's Mt. Sinai School of Medicine, is one of the world's foremost authorities in this field.

SELIKOFF. I got up this morning, after sleeping all night on a pillowcase that had been washed with one of these new detergent enzymes. And even after it has been rinsed there is still a very tiny amount of the enzyme left on the pillowcase. We have no knowledge whatsoever that this very small amount will ever affect any mouse in any laboratory test—now that's true. Then I got up and I had my breakfast. The water that went into the coffee was not the water that my great-great-great-grandfather drank. Now it was treated with chemicals, and there are some traces left in this water. Well, no one has ever been harmed, so far as we know yet, with this tiny trace of chemical left in the water. Now that's true. And as I went downtown to get here, I inhaled very small amounts of lead, of peroxyacetyl nitrate, of carbon monoxide, of benzpyrene, and a host of other substances, including many hardly identified aromatic hydrocarbons. But not one of them in an amount that has ever yet caused, let's say, lead poisoning, or asphyxiation. Now that's true.

These substances, when they got into my body, met in my body fat the DDT that's there, dieldrin that's there, and the normal enzymes in my liver, in my blood, in my heart, in my lungs.

Well, no explosion occurred. And I wasn't even aware of any reaction. Perhaps that's because the cells in my bone marrow had never met these molecules before, and just didn't know what to make out of them. But still, the sandwich that I had for lunch had residual hormones, had residual antibiotics with which the chicken was treated, and there were preservatives in the bread. But only in tiny amounts, amounts that had never made any guinea pig keel over yet. And I had the rest of the day still to go.

Well, you know, when cock robin died, now who killed cock robin? Now the enzyme says, "Not me," and the lead says, "Not me," and the dozen other new chemicals say, "Certainly it's not us." And the probability is they're right. No one killed cock robin. I guess we'll have to call him a technological casualty.

So it's this total body burden that we're concerned with.

RYAN. Dr. Selikoff's warning was restated in somewhat different language by another eminent scientist, Dr. Paul Kotin, director of the National Institute of Environmental Health Sciences of the National Institutes of Health.

Dr. PAUL KOTIN. The human body was never meant to have to handle those things. But we handle them well. But we pay a price. We're essentially using up a certain amount of built-in reserve in meeting our daily insults from the environment. So in terms of disease what we're doing is not creating new diseases, but we're making diseases which shouldn't have their peak appearance until the eightieth or ninetieth decades of life now beginning to appear in the seventieth, in the sixtieth, in the fiftieth.

See, we've all got to die of something some time. But what environmental injury is doing is not only changing the pattern of

disease, but accelerating the onset of disease. And this is why it's so difficult to study. Why appropriate answers haven't come out as quickly as one would hope.

RYAN. A pathologist and world authority on cancer research, Dr. Kotin admits that much of the contamination of humans by pollutants still has to be determined.

Up until World War II, the environmental health problem was primarily that of infectious diseases caused by microbes and germs, in which it was easy to establish a cause and effect relationship. For example, the bacillus that caused diphtheria and the virus that caused smallpox took only a few weeks to bring on the disease. But chemical agents of today may take years, decades to produce environmental diseases like cancer, emphysema, bronchitis and heart trouble.

Obviously you can't vaccinate against these diseases, as you can for tetanus or whooping cough. Dr. Kotin predicts the causes of death in decades ahead will be characterized by their chronic, untreatable, incurable and costly nature. There is no way yet to soften hardened arteries, or replace scarred kidney or heart tissue, or degenerated brains.

We are not only fouled up by a complex environment, says Dr. Kotin, but we have no tests yet to determine our susceptibility to environmental disease.

KOTIN. A pure environment is an impossibility, unless we're willing to go back to the year 1880. Since you can't get everything out of the environment, we have to determine at what level we can be exposed to these agents with minimal harm. There is a level of these agents which the body can handle and throw off without any long term ill effects to itself. We call this the threshhold. And this is what we must concern ourselves with, because it is this that will let us know what the standards are, how much in the way of lead we can allow in the air, or hydrocarbons, or how many asbestos fibers we can tolerate.

We have another problem, and that is many of the agents that are in the environment get into the body and are stored there. We call this body burden. We have to ask ourselves, does the accumulation of a body burden increase our susceptibility to further exposure to the same agent? We really don't know that. For some agents we do, for others we don't. There's a great hue and cry about the storage of DDT in the body. It's bad for you. But scientifically we don't know that body storage of DDT is, in and of itself, a potentially disastrous thing.

I suspect that it is; my research some day may prove that it is. But as of this moment, neither I nor anybody else can say that.

Dr. RENE DUBOS. The concentration of certain pesticides in the milk of a normal, healthy American woman is very much higher than the concentration that is permitted in foodstuffs by the Food and Drug Administration. In other words, it would not be legal for a lactating woman to cross state borders, because that would go against the law. She contains more pesticides than is allowed in the food that one sells.

RYAN. That was Dr. Rene DuBos, winner of a Pulitzer prize for non-fiction, known throughout the science world as a great microbiologist, a professor at Rockefeller University, where he's engaged in pesticide research.

By now most of us know that DDT, which was first intended to control typhus and malaria, has been carried by winds, oceans, and rains to nearly every inch of the planet, and into the fat of all animals. In his research, Dr. DuBos discovered that while pesticides stored in human body fat may not be toxic in small amounts, there is still a danger from something else.

Suppose the amount of pesticide kept accumulating in body fat. Then suppose a person began losing weight, either from a diet or an illness. Dr. BuBos describes the danger.

DUBOS. Losing weight means, of course, that much of the fat of the body is being utilized. And when the fat is first being metabolized, destroyed, then all of a sudden the pesticide that was stored in it is released suddenly into the body. So that in reality it amounts to injecting an enormous amount of pesticide at a critical period in the life of the person. And this is where I believe the danger is going to be. Not from the effect of the day to day exposure, but from the storage and the sudden release, under traumatic, stressful conditions, of the stuff that has been stored away.

RYAN. For years some scientists have been sounding warnings about another body burden, lead. We asked Dr. Kotin, who three years ago became the first director of the newly formed Institute of Environmental Health Sciences, to discuss the dangers of lead. You will note, he distinguishes acute lead poisoning, which comes to a crisis quickly and violently, from chronic lead poisoning, which lingers for a long period. We should also note that the essential mission of Dr. Kotin's Institute is to establish a scientific base, criteria upon which other governmental agencies, the Food and Drug Administration, and those concerned with water and air pollution, can plan control programs.

KOTIN. Now you see, lead is an element that is present naturally in the environment. But we also get it from very many, many sources. Many of our consumer products contain lead. We're getting lead out of the exhaust of vehicles that use leaded gasoline.

Now the idea that lead was an acute poison in high concentrations has been known for a long time. Acute lead toxicity is recognized. In fact, when children's toys were made out of lead, I as a pathologist autopsied several kids who died with acute lead brain damage because they sucked on their lead toys.

When Clare Booth Luce was in Rome, and she got this illness that was finally diagnosed as chronic lead poisoning, because the paint was peeling off of her apartment, when she was the Ambassadress, and she was inhaling inordinate amounts of lead.

Well, our problem is this: how does lead affect the body in chronic ways, if it does? We want to determine if there is a level of lead exposure which is harmless. Because if there is no level of lead that's safe, that the body can handle and dispose of, then this has grave implications for regulatory agencies within government. And this is where we are in lead now.

Now the diseases that acute lead poisoning can cause are well known. It can injure the kidneys, it can injure the blood, it can injure the brain, the peripheral nerves, you can get a neuritis, and so on. We don't know that these things can be caused from chronic lead poisoning as yet. This is what we're trying to find out.

RYAN. If auto exhaust is one cause of traces of lead that accumulate in our bodies, we should expect more of this body burden in cities, which depend on the automobile for mass transportation.

Dr. John Goldsmith is a leading environmental epidemiologist. He directs research of health effects of air pollution for California's State Health Department. Dr. Goldsmith says his work is a new kind of occupation. He says it's the study of what environmental exposures do to the health of population groups. He, too, is concerned about lead, but is frustrated by a lack of research.

Dr. JOHN GOLDSMITH. We are concerned about lead levels in Southern California, because the atmospheric measured data for Los Angeles is about twice as high as the other metropolitan areas in the United States, and several times more above the rural levels. And we've been trying to get the federal government to do adequate studies on this ever since 1959. They finally did, under considerable pressure, a fairly good study. And they were able to show that, sure enough, if you included the people who had occupational exposures to motor vehicle exhaust, there's a pretty clear gradient between the exposure level and the blood level. And the blood level is a fair indicator of the body burden of lead.

We subsequently did another study which showed that the people who lived along the coastal strip in Los Angeles had a statistically significant lower blood lead level than the people who lived inland.

Now as far as our department is concerned, and as far as I as a scientist am concerned, the evidence concerning the effect of these community exposures to increased storage of lead is settled. There is increased storage as a result of motor vehicle exhaust. The effect of this on the body depends on the determination of some biochemical changes which we know lead can do, which specifically interferes with important enzymes in the body, enzymes that are associated with the production of hemoglobin, the blood pigment.

And we have several times, and repeatedly, requested that the federal government give us some assistance in studying this problem. Since we've defined its dimensions, we know where to study it, we know how to study it, we have laboratory capacity. But the field work is a fairly costly matter. And to our dismay they have referred this problem to the lead producing industries, to decide whether those industries will support this research. And I think this is evidence of the effect of the lead lobby on the federal policy on this matter. And I find it quite objectionable.

RYAN. Another body burden, insidious in nature, is carbon monoxide, a colorless, odorless gas formed by the incomplete oxidation of carbon. We usually think of carbon monoxide as a poison that asphyxiates a motorist in a closed car or garage while the engine is running. It's more than that.

Recently the New York Academy of Sciences held a symposium on carbon monoxide, and some scientists pointed out a possible relation of carbon monoxide to coronary heart disease. They asked, do excess coronary deaths associated with cigarette smoking, for people from forty to sixty years of age, have any connection with the carbon monoxide from the cigarettes?

It's known that people in the older age group who smoke have the greatest frequency of lung cancer. But the younger people, scientists speculate, possibly die of heart attacks associated with carbon monoxide from cigarettes, or from three other common sources of this poison gas. Carbon monoxide can increase the deposits of fatty material in the big blood vessels of the human body, can also impair the flow of oxygen in blood vessels during a heart attack or stroke. Dr. Goldsmith comments.

GOLDSMITH. We also suspect that carbon monoxide may be a factor in the survival of people who get heart attacks. It's an inference from what we know about carbon monoxide's effects. Its effects are primarily to interfere with the transport of oxygen from the environment, from the air that we breathe into our lungs, to the tissues of the body. Now if a heart attack occurs, or for that matter any other vascular accident, such as a stroke, it's pretty obvious that the survival of the organ that's affected, in this case mostly the heart, depends on the auxiliary transport of oxygen by vessels that aren't obstructed.

Now if that oxygen transport is impaired, as carbon monoxide quite specifically can do, it stands to reason that there may very well be a lesser probability of survival of people who have such exposure.

RYAN. It may seem strange that only a few cities regulate the carbon monoxide levels in public parking garages. Yet a person with diabetes who is also overweight might possibly increase his risk of coronary disease if he were to park his car in a public garage, where the carbon monoxide was present in a large amount.

But the parking garage is not the only place of danger.

GOLDSMITH. Here in New York City apartment houses still continue to be built in the air rights over very large traffic arteries producing what I can't help but assume are some risks of carbon monoxide exposure to people who live there. One of the things that most appalls me about the carbon monoxide problem is that the evaluation of it is very, very simple, where we've developed and we've demonstrated, based on the work of a number of other people, how terribly easy it is to estimate the body burden of carbon monoxide. It takes a minute or so to get a specimen of air after breath-holding from the lungs. And it takes a minute or so to run it on an instrument. And the results are very precise, and they're very dependable. This has been shown over, and over, and over again.

And I understand that some studies are beginning to be done using this method. But when you ask yourself the question, where are the sources of carbon monoxide exposure, there are four, and they are cigarette smoking, for which there's virtually no support of research on carbon monoxide exposure; there are occupational exposures, for which there have been in general some regulations, but very little research, and very little careful evaluation of the body burden produced by occupation; they are community air pollution, for which we have fairly elaborate monitoring systems in some places; and finally there are household heating and cooking, which is responsible for a number of fatalities each year, which doesn't seem to be of the slightest bit of interest to any of the specific environmental management agencies, for which there are no studies, there is no monitoring, and virtually no regulation.

I'm appalled at what's happened to our proposal for getting more data concerning the effects of community air pollution. We have submitted it to the National Air Pollution Control Administration, which has turned it over to a consortium representing the motor vehicle and petroleum industries for decision as to whether the project ought to be supported. And this is rather distressing to us, because we feel that there should be within government the independent capacity to investigate crucial problems.

RYAN. A major mission of the National Institute of Environmental Health Sciences is to study contaminating agents of different types, from different sources, all acting at the same time. This is called synergism, the multi-factor way in which environmental diseases can be produced, in which one plus one, says Dr. Kotin, equals three.

KOTIN. A person can contribute to his getting emphysema by smoking, by breathing dirty air, and working in a dusty factory. The three different environments, with three different groups of chemicals can react with one another and add, pile up on one another.

And the same thing goes for a food additive, or a chemical, or a preservative. Sure, it's safe for the Food and Drug Administration to say that this much of a food additive is safe. And when they say that, they're absolutely true. But what they haven't taken into account—and they can't—is the possibility that the same agent, or similar agents, are entering the same person from five different sources. So that it really isn't safe any more.

Well this is again a major role, a major component of the mission of the Institute. Synergism, combined effects, multi-factorial effects. And this really may be the clue to the whole business. Because some of the things we're seeing are not explainable.

For instance, in the London fog there wasn't a single chemical measured at a concentration alone to produce the deaths and disabilities. But when you took the many, many agents that were measured and added one on top of the other, then it began to make sense. And this is the problem now.

ANNOUNCER. Second Sunday, The Contaminated Human, will continue after a ten second pause for station identification.

RYAN. As we wonder just how much we are contaminated by pollutants, or why American scientists don't have complete answers to that question, just remember that we're only beginning to learn that pollution is also altering weather patterns, and this process is also not yet fully understood.

Has pollution gotten so bad, or are we just waking up to its effects? Or are the alarms sounded somewhat false, not by design, but by lack of facts?

On January 10th NBC News assembled some of the best environmental scientists from Great Britain, Canada and the United States at a special symposium that was held at the New York Academy of Science. Perhaps it was the first of its kind to thrash at the subject of total body burden, and thrash it did.

Also attending were many concerned college students and young doctors, sort of a prelude to the national environmental teach-in which will be held on college campuses April 22nd. The panel chairman, Dr. Selikoff, answered the first question from a medical student.

STUDENT. I was wondering if a member of this panel would like to comment on how scientists study the effects of various agents, and how it's determined what levels are needed to produce disease.

SELIKOFF. Well, you've asked a very embarrassing question. Because the question that you ask is the question that our political leaders ask of us: what should we allow in the atmosphere, or what should we allow in the water? How much of this should we allow? How much carbon monoxide should we allow? How much nitrous oxide should this company be allowed to put out of its smokestack? How many bacteria per cubic centimeter of water should we allow this effluent to have, etc. And we have to give these answers.

In the past, I'm not sure that we have been able to give these answers, because we have been looking for the specific effect of one pollutant. And this may not have been the right thing to do.

RYAN. Also on the panel was Dr. Patrick J. Lawther, director of Air Pollution Research Laboratories for the British Medical Research Council. Dr. Lawther has been very much concerned with a single, specific air pollutant. He fielded a question by pointing to some successes of his efforts, and by raising some questions of his own.

SAM BEARD. My name is Sam Beard, chairman of a citizens' group called City Venture. And I wanted to ask Dr. Lawther, to what extent is it a medical problem, whether these pollutants are really causing respiratory problems, or other direct diseases?

Dr. PATRICK J. LAWTHER. Of course, I'm glad you asked that, because this is where we're all going haywire. I mean, this, I suppose, is called—I don't know whether it's world-wide—but in our country it's called Environmental Pollution Year, and it'll bring out every Jeremiah from under every stone in the country prophesying imminent asphyxiation. People are running around like a bee in a bottle, abolishing this and abolishing that, and abolishing cyclamates, without realizing that sugar is a very severe poison to a diabetic or to an obese person. And what on earth are we playing at?

I have an idea that, you know, sir, that we're faced with maxi-problems, we're making ourselves little mini-problems, and with pseudo-mature action we're writing off this toxic thing, and writing off that toxic thing, because a few rats have keeled over. Of course we've got to be vigilant. But, of course, I think that in order to make any sort of impression here, we've got to tackle the things which are immediately tackleable.

We tackled smoke. Smoke was always an indication of inefficient combustion, was indefensible, represented an economic loss. The other day I quoted the Beaver Report from 1954, which led to our Clean Air Act, in effect where we said to hell with all these odds and so-and-so's lying around, smoke is a thing which has got to be got out first, let the research workers get on with the job, and in the meantime clear the air up.

But when one talks about acquiring medical knowledge on which to formulate laws, don't let's forget that science and common sense are not two distinct things. As far as I'm concerned, it's utterly irrelevant what is put out. It's what goes in that matters to me.

Now if you're a town planner, or if you're a designer of a power station, or if you're an engineer, then you tell me about the emissions, and I'll find you a man who'll tell you how high to build the stack, and all the rest of it. But the amount of time, and temper and thought that has been wasted in confusing emissions with ground level concentrations, when one is looking at pinnacle effects, is enormous.

The whole point about it is that emissions are only relevant as far as they're connected with ground level concentrations. We frequently get this put out, do we realize that—I think the motor cars in London put out twelve thousand tons of carbon monoxide a day, or per hour, or per year—it doesn't matter which, the figure isn't even worth remembering. It's what the chap at the curbside breathes for how long, under what circumstances.

STEVE LAWRENCE. I'm Steve Lawrence from Columbia University. It would take a lot of guts to go up against industry, who have hard economics behind them, with subtleties. For instance, one of the problems with the Santa Barbara oil slick thing was that when a lot of the people wanted to file suits and get expert testimony against the oil companies, they couldn't find any experts who weren't employed by the oil companies, you know. And they complained in the press that none of the scientific experts on oil pollution were willing to come forward in court and testify against their employers.

And you very well may have the same situation in a lot of fields, with environmental problems. How is the scientific community directing itself against this? I mean, you people perhaps may have a crisis of conscience also.

LAWTHER. I wonder if I could just make a very, probably a superficial comment on this. But in going around the world looking at this problem, I'm always struck how glibly one assumes that industry is our enemy. Industry is part of our society. Industry certainly—all right, there are big, bad wolves, and there are people making lots of money out of the poor citizenry. But I was struck by this in several—well, I won't go into detail about where I was struck with it—but this common assumption that if you beat industry with a big enough stick, you'll benefit mankind.

The hard questions which are being asked now by industry, if you like, is: all right, how clean do you want your air? We will now tell you how much it'll cost you. And if you delude yourself into thinking that this is the other side of the coin, or the other side of society, I think the effect will be disastrous. Because there comes a time when

the firm goes out of business. And this happens time and again, because the burden put on it renders it uneconomic.

Now you are swapping here a very dubious risk of say oxide fume on the health of some people for a very real risk—you've created three thousand unemployed. And I think that this is—whereas one, of course, has got to realize that there are vested interests, and all the rest. But for pity's sake don't let's go on thinking that industry is necessarily our enemy. It's part of our society. We don't get these things for nothing.

RYAN. Another member of the panel was Dr. Merrill Eisenbud, New York City's Environmental Control Administrator, who told the symposium he found no solid evidence from which to get frightened over the effects of pollutants.

Dr. MERRILL EISENBUD. Here's one point of view, and yet this is where the emphasis is. Now the President came out with a statement setting up this Council of Environmental Advisors, with what I think was very imprudent language coming from the White House, and which—He said something to the effect, that we must move fast, because the air of the cities will soon be unbreathable.

And a reporter called me up, and he wanted to know, and he asked me in dead seriousness, when was the air of New York City going to become unbreathable? And how do you explain to a person like that that the air of New York City, like many cities in this country, has been getting better, not for just three years, four years, but for thirty or forty years.

SELIKOFF. I don't know if I agree with you, Merrill. I don't know if President Nixon was all that wrong in the expression of his concern. He certainly reflected a similar concern among very many scientists. They're thinking now of what happens to a crowded population with peculiar nutrition, with a great deal of emphysema present. with stress, etc., and the combined effect of all of these factors, the total body burden of these.

Now in New York City, for example, you people have spent hundreds of millions of dollars very wisely, and have been able to control the sulphur dioxide. Now why did you spend hundreds of millions of dollars controlling sulphur dioxide? We have no real knowledge that it does any harm. But that's what we know how to control. Therefore we control that.

It's a very difficult question. But by the same token we have to go at all positives. Because at this point in time we suspect that the addition of these various factors adds up to more than the sum of the individual parts.

RYAN. Will man always be able to adapt to his environment? If the contamination of man won't be fatal, then that might be the answer to the pollution puzzle. Well, Dr. E. Cuyler Hammond, vice president of the American Cancer Society, is a distinguished expert at bio-statistics and genetics. The question of adaptation was answered by both Dr. Hammond and Dr. Selikoff.

Dr. E. CUYLER HAMMOND. By evolution, physical evolution, we were adapted to certain things which were in the environment as we developed as a species. When new things are added to which we haven't been adapted, it's a question as to how the genetic makeup of our bodies is going to react to them. And I think we only know a little bit about that at the present time.

SELIKOFF. Well over the centuries we have adapted to many things. And this is often quoted as a reason for optimism at this time, that we will be able to meet the problems of the twentieth century as well, and the diseases of civilization will also be met and conquered by the great adaptability of man.

RYAN. Again on adaptability. A few days ago a New York University chemist announced that he had discovered that sulphur dioxide, the major air pollutant and food additive, may cause what he termed a drastic change in the basic structure of the chemicals of heredity. And, he said, that could cause mutations and cancer in humans and other living organisms.

Since formation twelve years ago of the Committee for Environmental Information, a non-profit St. Louis corporation, there's been a steady growth of similar groups in other cities. Their aim is to provide unbiased scientific information relevant to public issues.

February's issue of the Committee's magazine, Environment, features an article about a University of Kansas scientist, Dr. Ernest Angino, reporting he has detected and confirmed arsenic at the level of ten to seventy parts per million in nine common pre-soaks and household detergents. Such arsenic, says Dr. Angino, is a potential water pollutant and a danger to humans. His report was passed on to the government's Consumer Protection and Environmental Health Service.

Environment magazine has been doing this sort of public service for a long time. In the fifties the Committee did a nationwide survey that proved Strontium 90 had lodged in the teeth of American babies. So many, many articles with hard conclusive data, although sometimes controversial and premature for the halls of science, are published by Environment magazine.

NBC News interviewed its editor and author, Sheldon Novick, and the topic was: the contaminated human.

SHELDON NOVICK. It's terrifying just to look at the list of things that people inhale and eat every day. If you take the Public Health Service market basket survey, they analyze a number of chemicals that people are exposed to in their food. And Kevin has just handed me this list, which looks to be about fourteen chemicals, including arsenic, and cadmium, and DDT, and dieldrin, and a number of other things which are less well known. And these are things which people take into their bodies in concentrations on the order of a few parts per million, and which are probably present in their bodies in the same kinds of concentrations as these appear in their food.

If you look at the air of a city, here is a list of what looks like about fifty chemicals with the most appalling names. Many of them are known to be carcinogenic; others are toxic metals, like arsenic, and vanadium, and cadmium, lead. The levels of lead in urban atmospheres are quite high, as we know. Carbon monoxide. These things accumulate in the body. And their effects are probably not separate, they probably all act together. And they act on people who are already debilitated from malnutrition or disease.

And I believe that we are beginning to acknowledge the fact that some of our most critical health problems—and some of them are really scandalous—are a result, at least in part, of exposures to this catalogue of poisons that we eat and drink and breathe.

In the United States it's become clear in recent years that the improvement in life span that we had seen for the last fifty years, or hundred years, has stopped. Whether or not you can establish a direct cause and effect between one chemical and one disease, you know that living in an environment of toxic chemicals, loud noises, and inadequate air is going to make you sick.

RYAN. Insurance companies are not frightened by thoughts of impending doom. A world authority on actuary research, Edward Lew, vice president of Metropolitan Life Insurance, says that life expectancy in the United States has remained substantially the same during the past fifteen years. Lew has specialized in studies of medical conditions, occupational hazards, and population statistics in making judgments about human longevity.

EDWARD LEW. I'm certainly not alarmed about the threats to health arising from air, water, or other pollution of the environment. The point is that we have been able to deal with this kind of problem in the past. In the 1920s we did a pretty good job of cleaning up the air around Pittsburgh. More recently in England it has been shown that the kind of atmospheric pollution which was responsible for the traditional London fogs can be drastically reduced.

We know from the insurance business that the accomplishments of industrial hygiene have been very significant in eliminating dust and chemical hazards in industry. And this shows you what modern safety engineering can do.

With this kind of know-how in our technology, there's no reason to believe that the technical problems of environmental contamination shouldn't be solved in not too long a period of time.

RYAN. Mr. Lew has many years of experience in medical statistics, and says that continued environmental contamination may have its most pronounced effects in making worse the health problems of the older people. But we must bear in mind, he adds, that young people and adults in good health have a tremendous capacity to adapt themselves to the environment.

A specialist in public health, Charles C. Johnson, Jr., the Administrator of the government's Consumer Protection and Health Service, says there is cause for alarm. Johnson's department was budgeted for two hundred twenty-five million dollars, spends about one hundred million dollars for research. Johnson says we've reached the point in time that we can no longer continue to develop technology without determining the consequences. He, too, talked about the contaminated human.

CHARLES C. JOHNSON. I think you're in an area where, when you're talking about total body burdens of insults that reach us from our environment, this is a virgin area. Because people have not thought about the total environment as a system, because they've only talked about it in terms of certain categorical entities, food for instance. You can get a lot of people that will talk about the amount of lead, of pesticide, or radiation that you have to absorb through a particular categorical entity.

I think now people are beginning to talk about, we don't just get our total body burden from food, we don't just get it from air, but we get it from water, and we also get it from the immediate environment of home work or school.

And up until recently, you haven't had the people thinking about the environment as a system that impinges on us from all aspects. And I daresay that there are not very many people that can tell you at this point in time what the total body impact is. Now some people have tried to say they think they know what the total body burden is. This, certainly, is something we have to define, and we have to discuss, and we have to get.

But until such time as we have a national surveillance network that tells us to some degree of accuracy what the impact is from all of these insults, it's going to be very hard to define, to establish a total body burden for any one independently, that says this is safe for people to expose themselves to.

Like in all things, I think you would find most anyone saying that there ought to be more research, there ought to be more research in most of the things that we're talking about, in terms of the total environment.

You know, at one time it was very easy, in terms of the communicable diseases, such as typhoid and diphtheria, and so forth, to cite a cause and effect relationship between man and his environment. Now, with all the multiplicity of impacts from all their sources, it's not quite so easy to show these cause/effect relationships.

But we know that as man has exposed himself to the diseases of modern civilization—that's heart, cancer, stroke and mental illnesses—that they have to come from the environment. We need to have more research to show us in which ways do these diseases relate to the environment, and how can we change this relationship so that it works to the benefit of man.

RYAN. We have spent the better part of an hour listening to contaminated humans talk about contaminated humans. Some sort of summation is called for. So let me try this.

The snows which accumulate on New York City's streets now grow more black more quickly than they did thirty to thirty-five years ago, when I used it to pack snowballs on those same streets. The waters around the city are filthier than they were in the 1930s, when I swam in them. To be transfixed at the sight of a stream on a Pocono Mountain golf course, so clear that there seemed to be nothing between its shimmering surface and its bed, is a pleasant experience, made emotional because it is now so rare.

I do not know if my chemical laden food, drink and clothing are poisoning me or not. It's important that I learn, if only for the sake of my children.

At the time I went through high school, the quoted price for the chemical contents of the human body was about ninety-eight cents. Well, clearly, inflation has raised that price. So, too, I would imagine has the addition of pollutants, then not dreamed of. I wonder if the increased dollar value is worth the price I am paying, and would very much like to know.

Bill Ryan, NBC News.

ANNOUNCER. You've been listening to Second Sunday, The Contaminated Human, produced and written by Harry Mantel, and directed by Albert Reyes. Technical supervision, Raphael Weiss. Reporters, Roy Neal and Jim Harriott. Second Sunday is produced under the supervision and control of NBC News.

LITHUANIA

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. LUKENS. Mr. Speaker, February 16 marked the 52d anniversary of a small, brave nation, Lithuania. I am pleased during this anniversary period to extend my best wishes to Americans of Lithuanian descent and those Lithuanians under Communist domination who are still struggling for freedom.

When I first came to Congress, I was proud to introduce a resolution to establish a Special Committee on Captive Nations which would work toward restoring the freedom for captive nations such as Lithuania and her enslaved neighbors, Estonia and Latvia. Since that time, I have continued to speak out for the basic freedom for those people to determine their own future.

The hard-won independence that came to Lithuanians 52 years ago was short-lived. In merciless fashion the Soviet Union annexed the country and crushed the proud Lithuanians into subjugation. Yet the spirit of freedom has not been forgotten by the Lithuanians in this country or their native land. There is a strong sense of lost liberty in the motherland of Lithuania. A close friend had a recent personal experience of witnessing Lithuanian aspirations for freedom. Visiting Vilnius, the capital of Lithuania, this friend encountered dedicated Lithuanian nationalists who are working to restore a sense of Lithuanian history and culture which the Soviets are slowly and thoroughly eliminating from the annals of Lithuanian history. The Lithuanians are subject to pressures to speak Russian, give up their culture and their religion. Over half of the churches in Lithuania, a historically Roman Catholic country, are closed and the others are delapidating.

The Russians would like the world to believe that the Lithuanians are free, just as they would like us to believe that the Czechoslovakians invited the Russians into their country last summer.

I sympathize deeply with the Lithuanians in their struggle for freedom and I am proud that our Government has continued to adhere to its policy of nonrecognition of the Soviet Union's forcible incorporation of Lithuania.

"POLITICAL COURAGE" AT LIBRARIES' EXPENSE

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. FOLEY. Mr. Speaker, by vetoing the Health, Education, and Welfare appropriations, President Nixon has made it clear that he is more concerned about saving money than he is in the education of the children of America. One of the items that prompted the veto was funds for school and public libraries. If these funds are not returned to the budget, new library services and construction will severely suffer, as will school libraries throughout the country.

I commend to the attention of my colleagues an editorial which appeared on February 1, 1970, in the Wenatchee Daily World, Wenatchee, Wash.:

"POLITICAL COURAGE" AT LIBRARIES' EXPENSE

President Nixon has been praised for his "political courage" in vetoing the Health and Education measure out of the Federal budget because he believed the 1¼ billion more dollars it contained than he thought it should would be inflationary.

The action must have been wise, because it was easily upheld by the House.

But one would hope that some of the items that had been added by Congress over the President's objections will find their way back into the bill which must be redrawn now.

Praise for the President's political courage in vetoing the measure must stem from the fact that "health and education" is sort of a mother-home-and-heaven proposition. The President claimed that many of the items contained in the budget were unnecessary, and not having heard the justification each item must have received from some agency, it would be impossible for a layman to say whether Mr. Nixon was right or wrong.

It's easy to think, though, that out of the $198 billion the Federal government will spend this year, many items will be of less importance to humanity than the money for health and education that he objected to.

One of the items that prompted President Nixon's veto was money for school and public libraries. The Nixon budget contained virtually nothing for them. Congress wanted to appropriate $49 million for public library services and construction, and $50 million for school libraries.

If these items aren't returned to the budget that will replace the one the President vetoed, the very excellent program of finally bringing school libraries up to some standard will be ended. Thanks to Federal aid in recent years, school libraries now have up-to-date reference books (instead of trying to teach 1970 science from the knowledge of the 1950s), and librarians capable of assembling and distributing them.

These are programs that hard-pressed school districts seldom find sufficient money to finance from local funds.

Library service and construction funds were responsible for the demonstration that resulted in formation of the North Central Regional library district. Those are the funds that financed the Douglas County experiment with mail order library service from a home-distributed book catalogue. It has been so successful, the mail order catalogue idea may become a permanent part of library service all over the country.

Those funds helped build new libraries in Peshastin, Soap Lake, Omak, and Pateros, and helped furnish the new Moses Lake library.

Those are the kinds of funds President Nixon objected to in the budget he vetoed.

They may not be as important as the other items that make up the $198 billion the government will spend this year. But in the name of continued education of children and adults alike, it is hoped they can be included in the new budget that President Nixon will approve.

DRUG ABUSE AND DRUG CONTROL—WHAT THE EXPERTS SAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. RODINO. Mr. Speaker, the subject of drug abuse and drug control is of paramount concern to all Americans. National legislation revising drug abuse and control statutes must be a priority item for this session of Congress.

Recently a "committee for effective drug abuse legislation" was formed by a large group of eminent physicians, pharmacologists, and scientists. Their recent statement, along with an article in the Medical Tribune, should interest us all:

COMMITTEE FOR EFFECTIVE DRUG ABUSE LEGISLATION

A committee of prominent professionals—including Nobel laureates, medical school deans, legal authorities, eminent scientists and leading experts in drug abuse throughout the country—announced today in Washington that it will speak out on "serious and tragic flaws" in drug abuse legislation now pending before the Congress.

Including such members as Dana Farnsworth, M.D., Director of Harvard University Health Services; Nobel Laureates Joshua Lederberg and Salvador Luria; Karl Menninger, M.D.; F. C. Redlich, Dean of the Yale Medical

School; and members of the National Academy of Sciences, the rapidly expanding group known as the Committee for Effective Drug Abuse Legislation, will offer Congress the "full cooperation and counsel" of leading medical and legal specialists who are deeply involved in drug abuse prevention.

The chief spokesman for the group is Neil L. Chayet, Lexington, Mass., a Boston attorney and Lecturer in Legal Medicine at Boston and Tufts Universities. Chayet is a member of the Scientific Review Committee of the Center for Narcotics and Drug Abuse of the National Institute of Mental Health.

According to Mr. Chayet, the group is extremely concerned about "the adverse impact of the bill on the practice of medicine, and, more particularly, on research and education in the area of drug abuse."

"The movement marks the first time that so many leading professionals have joined together to help shape national legislation in the field of drug abuse," he added. He listed a series of objections to the Senate-passed bill, now being heard before the House Interstate and Foreign Commerce Committee.

1. The bill places immense burdens on the day-to-day practice of medicine and attempts to regulate substances properly used by millions of law abiding citizens and their physicians. The bill misses the mark of dealing effectively with the epidemic of drug abuse which is of such great public concern.

2. The initial and final judgment as to whether to restrict an old, current or new compound lies solely in the hands of the Attorney General, regardless of the information provided by the scientific and medical community, which is relegated to a weak, advisory position.

3. The criteria for placing restrictions and controls on drugs are stated in terms of "medical usefulness" and "potential for abuse," rather than dangerousness of the substance as far as the individual and society are concerned. The result is that once again, marijuana is classified in the same schedule as heroin; minor tranquilizers are classified along with truly dangerous substances; and very dangerous drugs, such as the amphetamines and short-acting barbiturates are classified as mild substances.

4. The bill calls for mandatory federal registration of all persons and institutions dispensing drugs, whether for research or General, rather than a representative of the scientific community, has the final say on whether a researcher who wants to do bona fide research with methadone, for example, can proceed.

5. The record-keeping and inspection provisions of the bill place an enormous burden on the hundreds of thousands of physicians, researchers and scientists who must use these drugs daily in both treatment and research, and the bill gives broad regulatory power to the Attorney General relative to inspecting the private and confidential patient records of physicians throughout the United States.

6. The bill gives broad research and education responsibilities to the Attorney General and the Department of Justice in areas other than law enforcement. This represents a serious potential dilution of the research and education effort, and the distinct possibility that the role of the health and education agencies will be lessened and confused.

7. The bill sets up machinery which permits a law enforcement officer to enter a private dwelling, laboratory, or physician's office or home without warning, a provision which could endanger the innocent.

Chayet added that the group has joined together to call attention to the generally overlooked facts of the legislation and to express concern over its sweeping implications.

The chairman of the group is Dr. Jonathan O. Cole, former chief of the Psychopharmacology Research Branch of the National Institute of Mental Health, and presently superintendent of the Boston State Hospital. Dr. Cole called attention to the fact that law enforcement agencies can perform extremely valuable services in the area of drug abuse, but they should not be in "a position of absolute power when it comes to making such sensitive decisions as registering researchers and classifying dangerous substances.

"The bill as presently drafted will hamper research and retard the development of valuable new treatment modalities at a time when they are so obviously badly needed," he added.

Dr. Daniel X. Freedman, Chairman of the Department of Psychiatry at the University of Chicago and Chairman of the American Physchiatric Task Force on Drug Abuse, stated:

"It is tragic that this legislation is politicizing an area so important to our entire society. Affected by such legislation would be those seeking sorely needed knowledge about drugs and their abuse, and the victims of illicit drug use. Also affected are perhaps a third of all useful drugs which patients require from their physicians.

"The effect will be to create a huge and cumbersome bureaucracy within the Department of Justice with the capacity of exerting serious and unwarranted controls over research and the legitimate practice of medicine."

Dr. Freedman concluded: "This package has been labeled a law enforcement and crime bill, but it emerges as the total regulation of a major segment of the nation's health care."

Members of the group as of February 13 are as follows:

James A. Baine, Ph. D., President, American Society of Pharmacology and Experimental Therapeutics.

Larry Alan Baer, M.D., Commission Addiction Services Agency, New York City.

Walter Barton, M.D., Medical Director, American Psychiatric Association.

Paul H. Blatchly, M.D., Professor of Psychiatry, University of Oregon.

Henry Brill, M.D., Director, Pilgrim State Hospital.

Richard Brotman, Ph. D., Professor of Psychiatry, New York Medical College.

Joseph Cochin, M.D., Ph. D., Boston University, Chairman, Scientific Review Committee, Center for Studies of Narcotics and Drug Abuse, National Institute of Mental Health.

Jonathan O. Cole, M.D., Superintendent, Boston State Hospital, Former Chief, Psychopharmacology, Research Branch of The National Institute of Mental Health.

Vincent P. Dole, M.D., Professor, Rockefeller University.

Edward F. Domino, M.D., Professor of Pharmacology, University of Michigan.

Joel Elkes, M.D., Professor and Chairman of Psychiatry, Johns Hopkins Medical School.

Sydney Ellis, Ph. D., Professor and Chairman, Department of Pharmacology and Toxicology, University of Texas, Galveston.

Dana Farnsworth, M.D., Director, Harvard University Health Services.

Daniel X. Freedman, M.D., Professor of Biological Sciences, University of Chicago, President-Elect, American College of Neuropsychopharmacology.

Bernard Glueck, M.D., Director of Research, Institute of Living, Hartford, Connecticut.

Louis Goodman, M.D., Professor and Chairman, Department of Pharmacology, University of Utah, Member of National Academy of Sciences.

John D. Griffith, M.D., Associate Professor of Psychiatry, Vanderbilt University, Nashville, Tennessee.

Mike Gorman, Executive Director, National Committee Against Mental Illness, Washington, D.C.

David Hamburg, M.D., Executive Head, Department of Psychiatry, Stanford University.

Jerome H. Jaffe, M.D., Director, Drug Abuse Program, University of Chicago.

Herbert D. Kleber, M.D., Director, Drug Dependent Unit, Connecticut Mental Health Center.

Nathan Kline, M.D., Director, Research Center, Rockland State Hospital, New York.

Conan Kornetsky, Ph. D., Member, Council of Psychopharmacology Division, American Psychological Association.

Harry Kalven, Professor of Law, University of Chicago.

Joshua Lederberg, Ph. D. (Nobel Laureate), Director, Kennedy Laboratories for Molecular Medicine, Stanford University.

Robert B. Livingston, M.D., Professor and Chairman, Department of Neurosciences, University of California, San Diego.

Salvador Luria, M.D. (Nobel Laureate), Sedgwick Professor of Biology, Massachusetts Institute of Technology.

Arnold Mandell, M.D., Professor and Head of Department of Psychiatry, University of California, San Diego.

Francis de Mayneffe, M.D., Director, McLean Hospital, Belmont, Massachusetts.

Karl Menninger, M.D., Menninger Clinic, Topeka, Kansas.

Roger E. Meyer, M.D., Boston University, Former Chief, Center for Studies of Narcotics and Drug Abuse, National Institute of Mental Health.

Neil Miller, M.D., Member, National Academy of Sciences, and Professor, Rockefeller University.

Norval R. Morris, J.D., Professor and Co-Director, Center for Studies in Criminal Law, University of Chicago.

William McIsaac, M.D., Ph. D., Director, Texas Research Institute for Mental Sciences, Houston.

Helen Nowlis, Ph. D., Research Consultant for Student Affairs, University of Rochester, New York.

John A. Oates, M.D., Professor of Pharmacology and Medicine, Vanderbilt University.

John A. O'Donnell, Chief, Social Science Section, Addiction Research Center, Lexington, Ky.

Carl C. Pfeiffer, M.D., Ph. D., Deputy Director, Bureau of Research in Neurology and Psychiatry, State of New Jersey.

Dr. Henry K. Oliver, Professor of Hygiene, Harvard University.

Herbert A. Raskin, M.D., Adjunct Associate Professor of Psychiatry, Wayne State University, Detroit.

F. C. Redlich, M.D., Dean, Yale Medical School.

Howard P. Rome, M.D. Professor, Mayo Graduate School of Medicine, Mayo Clinic.

Michael Rosenthal, Professor of Law, University of Texas and Former Consultant, President's Commission of Law Enforcement and the Administration of Justice.

Parkhurst A. Shore, Ph. D. Professor of Pharmacology, University of Texas, Dallas.

Louis Jolyon West, M.D., Chairman, Department of Psychiatry, UCLA.

Harry L. Williams, M.D., Professor of Pharmacology, Emory University, Atlanta, Georgia.

Stewart Wolf, M.D., Regents Professor of Medicine, University of Oklahoma.

Lauren A. Woods, M.D., Ph. D., Professor of Pharmacology, University of Iowa.

Arnold Ludwig, M.D., Member, Wisconsin Department of Justice Advisory Committee on Drug Abuse.

[From the Medical Tribune, Feb. 5, 1970]

MEDICAL DISSATISFACTION WITH PROPOSED DRUG-CONTROL BILL MOUNTS

NEW YORK.—The medical community's displeasure with the proposed new drug-control bill continued to mount as the draft measure passed the Senate and moved towards action in the House.

Internationally recognized experts in psychiatry and pharmacology joined former top

health officials in warning that the proposed measure, which gives the Attorney General vast authority over psychotropic agents, would substitute concepts of law-enforcement for principles of medical management in areas of drug abuse.

They called for reassessment of what constitutes effective drug control and for a return to medical jurisdiction to the nation's health and science agencies. Passage of the bill, some predicted, could lead to further reduction of research in feel "inhibited" by the presence of "an invisible police line."

"One of the reasons we are so far behind in the treatment of hard-core drug addiction is that it has always been viewed as a law-enforcement rather than a medical problem," said Dr. Sidney Malitz, chief of psychiatric research at the New York Psychiatric Institute, Columbia University. "The proposed bill repeats the mistakes of the past in a number of essential ways."

DEPARTMENT COULD END RESEARCH

"The Justice Department can put an end to research with the powers given it by the bill," said Dr. Francis Braceland, editor of the *American Journal of Psychiatry*. "The Department personnel need only decide that some compound doesn't conform to their view of what constitutes a safe drug, and that's the end of that. The right of decision has been taken out of the hands of the medical scientist."

With the American Medical Association already on record in opposition to some of the bill's major features, the latest statements by these and other leading investigators added fuel to the growing controversy over the measure.

The bill, as reported out by the Senate Judiciary Committee, vests in the Justice Department the sole right to determine what constitutes a drug "liable to abuse." The Attorney General is empowered to add to the list of controlled substances any new compounds that, in his view, have a "potential" for abuse. He may, under some circumstances, withhold research certification from a qualified scientist if, in his opinion, the scientist may abuse his trust in working with a controlled substance. The proposed act further empowers narcotics agents to regularly "inspect" a physician's records if the physician uses, prescribes, or "dispenses" any drug on the controlled list, including such widely used compounds as tranquilizing agents.

"This snooping is going to cause trouble and we won't be able to practice medicine properly," Dr. Braceland declared. "A physician in practice cannot know every single substance that is on the Attorney General's list. That is not his job. Yet some Justice Department agent will be empowered to come into his office and hit him with the full force of the law."

Dr. Malitz, who is Clinical Professor of Psychiatry at Columbia, commented: "Many reliable and competent investigators in pharmacology even now hesitate to undertake investigations of drugs because of the inhibitions imposed in their own minds by the thought of possible obstacles. If you are working with marijuana, for example, you are concerned about how much dosage to administer, lest you cross an invisible police line.

"Just the other day, we wanted to do some research with marijuana and we were required, even now, to fill out some 12 pages of paper work. An atmosphere can be inhibitory even in the absence of actual sanctions."

Like other experts, Dr. Malitz voiced sharp reservations about the draft measure's inclusion of chlordiazepoxide, diazepam, and meprobamate in the category of controlled substances.

"There are virtually no drugs that are not capable of abuse if they have a pleasure potential and the patient is predisposed. On this principle, you immediately and severely limit the physician's right to prescribe," he declared.

"It seems to me," Dr. Malitz continued, "that the proposed bill simply repeats many of the mistakes that used to characterize narcotics control when it was in the hands of the Treasury Department."

The issue of placing tranquilizing agents in the category of controlled drugs brought a sharp attack from one of the world's most widely recognized pharmacologists.

Alfred Gilman, Ph.D., chairman of the Department of Pharmacology at Albert Einstein College of Medicine, Bronx, challenged the Justice Department to produce "evidence and documentation" for listing tranquilizers in a drug-control bill.

"Drugs vary enormously in their abuse potential," he commented. "Large numbers of drugs are CNS depressants and are capable of being abused, but they don't have the actions that addicts seek. Merely to put them on the controlled substances list makes no sense.

"Chlordiazepoxide, diazepam, and meprobamate have medical values far beyond their tranquilizing effects. If you look for significant evidence of their abuse, it's missing. You don't find these agents being 'pushed.'"

Dr. Gilman, who is the author or coauthor of standard texts in pharmacology, noted that the concept of abuse potential in the draft bill "fits every definition: it can be made to cover everything."

He added: "Even a law enforcement agency should be required to produce evidence and documentation for its actions. Mere assertions are not enough. The jurisdiction over psychotropic compounds should be with the health and scientific agencies, not with the Justice Department."

SCIENCE ADVISER ASKS RETURN

In a dramatic development, a member of the Attorney General's own scientific advisory committee, joined others in calling for the return of jurisdiction over medical affairs to the Department of Health, Education, and Welfare.

He was Dr. Walter Modell, Professor of Pharmacology at Cornell University, who said: "It is not conceivable that in the Department of Justice you can get away from police attitudes. I can't disagree with anyone who believes that HEW should have jurisdiction over medical matters."

Dr. Modell emphasized that he believed the proposed measure has "some forward-looking provisions." He cited the existence of the Scientific Advisory Committee, as one instance, and the provision for a two-year study of marijuana as another.

"These are useful things," Dr. Modell declared, "but I think that the whole function of drug control should be in HEW. There is something about the atmosphere of the Justice Department that is wrong for scientific judgments."

At the same time, Dr. Modell criticized what he saw as belated alertness to the dangers of moving drug-abuse control to the Justice Department.

"After all, the Food and Drug Administration's Bureau of Drug Abuse Control was taken away from FDA some two years ago and given, first, to Treasury and then to Justice. The time to act was then," he stated. "A mobilization of interested people could have stopped those transfers. Where were the people who are concerned now? Those moves were consummated by default."

Dr. Modell added that he saw at least one virtue in the transfer of drug authority to the Justice Department. "It takes it away from the Treasury Department. I'll admit that Justice is not the most progressive place in the world," Dr. Modell said. "But nothing could have been worse than having Treasury exert continued authority over drug-abuse control."

Dr. Modell recalled that he had been a member of the scientific advisory committee of the FDA's Drug Abuse Control Bureau and had "just moved along" with the bureau in its transfers. "I myself," he concluded "would prefer to see some such bill as the Yarborough as against the Senate Judiciary Committee's proposals." [The Yarborough measure, still in committee, would take authority over medical affairs away from Justice and give it to HEW.]

Dr. Fredrik C. Redlich, dean of Yale University School of Medicine, also called attention to what he felt are the proposed bill's useful features; among these, he cited the two-year marijuana study and the elimination of mandatory minimum jail sentences for drug users.

But several features of the bill, he added, "do not seem desirable additions to our drug-control laws." The transfer of medical jurisdiction in the area of drug abuse to Justice, he declared, "comes just when many persons in the drug field are coming to realize that drug abuse is a health problem—a problem of sickness and rehabilitation—as much as, or even more than, it is a legal problem. This may be a step backward, just as more physicians are becoming active in drug treatment programs."

As for the addition of meprobamate, chlordiazepoxide, and diazepam to the list of controlled drugs, Dr. Redlich said: "if it can be conclusively demonstrated that there is significant abuse of these drugs and substantial diversion into illegal channels, then they should be so regulated. If not, however, we may be merely adding one more round of paperwork to the practicing physicians' desk."

IMPROVEMENT IN BARGE PRODUCTIVITY

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. FRIEDEL. Mr. Speaker, for some time we have had before us a useful modernizaton of section 303(b) of the Interstate Commerce Act which would legalize a major improvement in barge productivity. Late last year, my committee voted out a compromise measure, H.R. 8298, which would not give the barge lines everything they wanted but was satisfactory to them. At the same time, it incorporated a provision that went a long way to satisfy complaints of the railroads that they are unfairly treated under regulation.

We are most hopeful that this bill will be passed by the House in the coming few weeks. I would like to share with my colleagues a story in the Journal of Commerce for January 30 describing the present status of the bill. I therefore insert a copy of the story in the RECORD:

"NO MIXING" RULE LEGISLATION

Barge industry executives expect that the "no-mixing" rule legislation will be unblocked and passed by the Congress in 1970, finally legalizing a major improvement in barge productivity which began to be effective 15 years ago.

Some final minor compromises may be necessary, but the legislation is expected to

survive with mixing of regulated and nonregulated commodities approved for a single towload of barges and authorization given to require the publication of rates on all dry-bulk commodities shipped by barge, industry sources said.

"This is an idea whose time has come," J. W. Hershey, of Houston, chairman of American Commercial Lines and a principal barge line spokesman said last week. "There is no controversy over eliminating the 'no mixing' rule. The only argument that remains is over the provision for publication of rates. When the Congress balances the public's right to know the rates that are charged against the potential for discrimination by shippers involved in secret rates, I believe they will come out for the public's right to know what the rates are."

TECHNOLOGICAL BREAK-THROUGH

The problem arose out of three technological break-throughs in barge transportation. Improvements in reduction gearing enabled the barge lines to buy faster running, lighter and more powerful diesel engines.

At the same time, according to L. P. Struble, executive vice president of Dravo Corporation of Pittsburgh, a pioneer designer of shallow draft equipment, the barge lines began taking full advantage of the kort nozzle, a metal shroud around the propeller which concentrated the water against the propeller blades and added some 25 per cent to the effective push or thrust of the towboat wheel underway.

A third break-through occurred, Mr. Struble said, in the steering control af a barge tow: "By strategically locating rudders forward and aft of the nozzles, the naval architects developed a towboat which had absolute steering control, forward and backward."

ECONOMIC IMPACT

The economic impact was to triple the productivity of the towboat and enable the barge industry to maintain the same approximate level of rates they were charging in the 1920's. Indeed, as Mr. Hershey testified, average barge rates actually declined about 10 per cent between 1960 and 1969.

The barge industry hired the Stanford University Graduate School of Business to make a study of the economic impact of separating the regulated and unregulated traffic and breaking up 40,000 ton tows. The conclusion of Dr. Karl Ruppenthal of Stanford was that barge lines' total costs per ton mile would have to go up 47 per cent and that there therefore would be a significant change in the rates charged by the certificated barge lines.

Asked at the hearings before the House Subcommittee on Transportation and Aeronautics to translate these predictions of cost increases into possible rate increases, Mr. Hershey testified that shippers could expect a 10 to 15 per cent rate increase if the legislation fails.

Since nothing could be more in the public interest and particularly the consumer's interest than continuation of low freight rates, the barge industry's proposal for an amendment of the bulk exempt section of the Interstate Commerce Act, section 303(b), is highly popular. The bill went through the Senate Commerce Committee unanimously in 1967, but stuck fast in the House Interstate and Foreign Commerce Committee for reasons having nothing to do with its merit.

NOT ENOUGH VOTES

Congressmen told the Water Transport Association, sponsors of the bill, that there were not enough votes to get the bill out unless there could be some sort of accommodation of the railroad opposition.

The railroad industry had long sought either the complete regulation of the barge lines or the deregulation of railroads on bulk commodities. After years of struggle, they had failed to achieve either objective and testified that as a result they were under an unfair handicap in competing for dry-bulk traffic of the barge lines. They particularly objected to the fact that the barge rates were secret.

One leading railroad marketing specialist said that if he had a year's run of the rates actually charged by barge he would be able to design rate proposals to compete for the traffic. Without that knowledge, he was hopeless. Thus, the actual regulation of barge rates was not an essential to increased competition; knowledge of the charges made, however, was crucial.

Under the leadership of Representative Samuel N. Friedel, chairman of the House Transportation and Aeronautics Subcommittee, the committee put together the two main issues, the need to cure the "no mixing" problem and the need to equalize, to some degree, the competition between railroads and water carriers.

The railroads didn't get everything they wanted out of the compromise. Neither did the barge lines. They had originally sought a broadening of the bulk exemption. This had been opposed as too radical by both the ICC and the truckers.

But the consumer certainly came out ahead. As a published statement by the Water Transport Association pointed out, the compromise had six basic public benefits:

"1. Continued low river rates derived from low unit costs resulting from large tows.

"2. More equitable rail-water competition and therefore additional stimulus to improved efficiencies and lower rates by both rail and water.

"3. More intelligence on what is going on in the barge transport market place. The more intelligence there is, the more effectively competition works.

"4. Less discrimination in transportation rates. Discrimination inevitably results from secret rates.

"5. A report by the ICC, based on facts never before available, whch can serve as a foundation for future policy-making by the Congress after the two-year trial period provided for in the bill.

"6. Satisfaction of the public's right to know transport rates."

DOT ENTERS BATTLE

Some big shippers working through American Waterways Operators were opposed to the publication of rates and fears were expressed that small operators would find publication burdensome.

The Department of Transportation entered the battle with the announcement that the mixing rule bill seemed likely to go through and they intended to use it as a vehicle for amending the rule of rate-making to give more freedom in rate-making to the railroads, although the railroads said they had no interest in joining the two issues together.

The Department, however, said late last year that it intended to offer a bill to give the railroads more rate-making freedom. Dr. Paul Cherington, Assistant Secretary for Policy and International Affairs said, "If these two bills are considered as a package, we have an exercise in good old-fashioned log-rolling."

In actual fact the barge industry thinks the compromise will be much more modest in nature. The first estimate by AWO that 1,700 barge operators would be affected has been scaled back to 600.

This total is disputed by the Water Transport Association which believes the actual number affected would be less than 200, and probably less than 100.

By amendment, the harbor and terminal operators have been exempted and by ICC rule-making the number of carriers required to publish rates could be much further restricted so that short haul carriers could be virtually eliminated.

Another important suggestion has been made that would cut down the burden of filing rates for the small operator.

The idea is that the carriers required to file rates with the ICC could be authorized to join together in an agency tariff so that there could be one tariff agreed to by everybody.

All carriers would, of course, retain the right of independent action if they desired.

But an agency tariff would eliminate the necessity of having each small barge line publish his own tariff.

Also likely is the re-instatement of the provision in the original mixing rule bill which eliminates the requirement that the exemption applies only to commodities in bulk carried "in accordance with the custom of the trade in the handling and transportation of such commodities as of June 1, 1939."

ONLY EXCEPTION

The so-called "magic" date has been a dead letter for some time. Tests before the Commission have resulted in a policy that in effect states that dry bulk is dry bulk, regardless of whether it was carried in barges before the "magic" date or not.

The only exception is sugar in bulk which would be deregulated by elimination of the date. Again deregulation of sugar would intensify competition for the sugar traffic. Rates would be published, but no economic regulation would be possible and the traffic would not be restricted to the regulated barge lines.

The Department of Transportation succeeded in holding up the legislation before the Rules Committee last year. The vote was a narrow seven to six. If the DOT can be persuaded to separate out the very large issue of amendment to the rule of rate-making, bound to be highly controversial with the railroads, shippers, truckers, and water carriers, the main objection will remain those who want secret rates.

CASE FOR SECRET RATES

The case for secret rates is not believed to be a strong one. It does permit large shippers to negotiate advantageous rates on a spot basis. But, as other shippers point out, one shipper's advantage is another shipper's disadvantage. Shippers generally would be better off without discrimination in rates, they say. For example, very low back haul rates can often be negotiated. The barge operator is glad to get any rate that will help him return the barge to the origin point. But this means, barge operators point out, that one shipper is subsidizing the other. If there is two-way traffic, the first shipper has a right to share in the economies of the two-way operation

After the Rules Committee votes out the bill, amendments can be made on the floor and the bill then goes to the Senate, where it is well and favorably known.

The barge operators believe their 15-year struggle is near the end. If, by some mischance, the legislation fails, there is sentiment in the barge industry for letting the axe fall and raising the rates. "How simple our life would be," the argument runs, "if we raised the rates 15 per cent and let the shippers do all the work of getting them down again by passing the bill."

MYLAI IN INDIANA?

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. JACOBS. Mr. Speaker, I insert in the RECORD an editorial from the St. Louis Post-Dispatch and three articles by Mr. Bryce Nelson, a most able staff

writer for the Los Angeles Times concerning the shootings of several prisoners at the Pendleton Reformatory in Indiana:

MYLAI IN INDIANA?

On the morning of Sept. 26, a dozen white prison guards at the Indiana State Reformatory at Pendleton opened fire on a crowd of young black inmates who were lying on their abdomens in the belief that the officers would not shoot them in the back. One was killed and 46 were wounded. The details of this shocking incident, which appear to have been suppressed, have been pieced together by the *Los Angeles Times*. That newspaper's account, if accurate, constitutes a terrible indictment of brutality and callousness carried out by prison authorities and condoned by a number of state officials including Governor Edgar D. Whitcomb.

According to a dispatch from a *Times* correspondent, Bryce Nelson, the shooting occurred after the blacks had demonstrated in behalf of a list of demands calling for the right to wear Afro hair styles and to read "black literature" and for the release of four Negro prisoners who were being held in isolation. When the blacks were ordered to disperse from a recreation area, they lay down; whereupon, Mr. Nelson reported, the guards, who were standing beyond a chain link fence, fired volley after volley from their shotguns.

Mr. Nelson's efforts to visit the reformatory, which is the largest in the country, were unsuccessful. He was told by the state corrections commissioner that "we want to keep out people who only do negative reporting." A county grand jury, which received evidence that as many as 90 shots were fired, concluded "there is insufficient evidence to place criminal responsibility" on any prison officers. Even before the grand jury investigation, Governor Whitcomb said that no reformatory employe would be suspended or dismissed for his part in the incident.

Reading Mr. Nelson's account, we found ourselves thinking of the Massacre at My Lai, where Americans also allegedly shot down helpless people in cold blood. But there is no war in Indiana, except insofar as that state shares with the general population our dreadful and devisive internal conflict. Despite the admonition that unspeakable things always happen in war, we were incredulous when we learned about My Lai. And we were incredulous when we read about Pendleton; the long official secrecy that surrounded both incidents (and the public indifference to the Indiana espisode) speak of a people's humanity that no longer seems operative.

Pendleton, of course, shares with most of our penal institutions conditions that so easily lead to violence: overcrowding, increasingly militant inmates, untrained and underpaid prison personnel. The shooting ought to compel Indiana legislators to address themselves to these problems. But more importantly, the *Times* report of the shooting cries out for a thorough, impartial and public investigation of what appears to be a shameful incident.

[From the Los Angeles Times, Jan. 30, 1970]

HANDLING OF PROTEST IN INDIANA PRISON DECRIED; PENAL EXPERT URGES SPECIAL SESSION OF LEGISLATURE TO END "SHOTGUN" APPROACH

(By Bryce Nelson)

CHICAGO.—A national prison study group has called for a special session of the Indiana Legislature to remedy what it calls the "substandard, inefficient, partisan approach" that determines the state's penal appointments.

This approach, the study group feels, was a major cause of the shooting of prisoners at the Indiana State Reformatory at Pendleton last autumn.

The report of the John Howard Assn., which has its headquarters in Chicago, was prompted by this shotgunning of blacks by white guards Sept. 26 in which one man was killed and 46 were wounded.

The report, which was prepared by the group's executive director, Joseph R. Rowan, said that "without question, this incident could have been avoided with the use of just some common sense."

REFORMATORY STAFF

Rowan, a penal expert who has had more access to the Indiana State Reformatory than other outside observers, pointed out that the reformatory staff had "used the last and most serious recourse first," had failed to employ either discussion or fire hoses and gas to persuade the inmates to leave the recreational area where they were demonstrating for the redress of alleged grievances.

The report stated that one of the top reformatory administrators had said sometime before the demonstration, "If those niggers don't settle down, some are going to get shot."

One white reformatory staff member told Rowan that "the atmosphere was like a turkey shoot." White staff members and inmates said that the guards who were doing the shooting were characterized by an "atmosphere of glee." When some of the inmates tried to surrender when they were being fired at through a fence, some of the guards firing said that "you niggers aren't going to give up this early."

One officer on the scene reported that another officer had said "he's mine" about an inmate who remained standing. Then the prisoner was shot down.

The report said that it was most disturbing that staff members had said after the shooting that "we would handle it the same way."

Indiana state administrators from Gov. Edgar D. Whitcomb on down have supported the guards' shooting of the prisoners. A county grand jury refused to indict any of those who had done the shooting on the grounds that it could not determine criminal responsibility.

"Gun shooting incidents have been a rather common occurrence inside the Indiana reformatory contrary to all standard practices in existence in this field," the report states. "The rather common practice of staff using guns inside the prison, contrary to standard practices, should be discontinued."

The report said that a state cannot run an effective penal system on patronage and that politics determine the selection of the prison officials.

The report also called for increasing the size of the staff of the Indiana reformatory, increasing the wages of prison personnel, reducing the size of the prison population, developing a rule book for inmates and ending the harassment of certain prison staff members by prison authorities.

BEAUTY, VIOLENCE: A LOOK AT THE AMERICA OF THE 1970'S

(By Bryce Nelson)

CLARKSVILLE, PA.—This is the kind of country I would like to have grown up in, the kind of country I would like my children to see and savor.

Old-style America, forests full of deer, hills now covered with snow, well-kept houses with dripping icicles. This is the kind of country where people have natural access to healthy outdoor activities.

Ten Mile Creek here was known as one of America's great fishing streams; people would come from miles around and quickly catch the limit.

Now, the people come up the road along the creek to see the house where United Mine Workers dissident Joseph (Jock) Yablonski, his wife and daughter were murdered in their beds. The house still lies peaceful in its winter wonderland setting; the only strange note is the upstairs windows—open to let out the smell of death.

Citizens here attribute the murders to Yablonski's political activity and appear to wonder only about the murders of the wife and daughter. One resident's comment is representative: "I can understand why someone might want to rap Jock but I can't understand why they needed to kill the women."

It seems that now we have reached the incredible state in this country where people are no longer surprised when a man is murdered because of his political activity. We seem to have forgotten that other countries carry on quite well without adopting assassination as a mode of political expression.

Yesterday I drove west from Clarksville on U.S. 40. The radio disc jockey called our attention to "a great hit for you out in music land"; the singer moaned about whether he had "strength to use the gun, strength to use the gun."

Along the road stood a marker which stated that U.S. 40 was the first national road. Albert Gallatin helped establish it 160 years ago. The founder probably had great hopes for what the westward movement would do for America. The highway eventually went a long way—the whole distance to California.

A few weeks ago, I was driving on U.S. 40 several hundred miles west of here in Indiana, James Whitcomb Riley's "frost is on the punkin and the fodder's in the shock" country. It was very nice to look at.

I didn't spend much time looking. At that time, I was too incredulous that this peaceful country could produce men who could shoot down unarmed convicts through a fence with volley after volley of double-ought buckshot. They killed one, wounded 46.

No high official of Indiana has condemned the act or publicly reprimanded those who did the shooting. There are reports from reliable sources that the reformatory guards considered themselves heroes and that the guards who didn't participate were envious of those who participated. Much of the public reaction in the surrounding towns seemed to be, "Should have killed more of them."

It seems that I have spent all too much of my time lately driving through beautiful countrysides trying to reconcile the idyllic American landscape with the actions of the people who live here on this soil.

The reader may protest that I have a warped view because of my profession, that as a journalist I have to spend too much of my time on murder and violence. Indeed, the argument sometimes runs, journalists positively revel in reporting bloodletting.

Not me. In my private life, I diligently avoid the scene of catastrophe when I can. But as a citizen, I believe it is important that I face squarely in the man-caused destruction in our midst.

We must confront these realities and then gather the resolution to turn ourselves and our society against murder. If we cannot summon that resolution, we will be caught in a spiral of murder and assassination that will surely destroy what basis we have left to live with each other.

In my early 20s, I spent three years living abroad and came to bitterly resent what I regarded as unfair generalizations about my country. Although I believe in the need for internationalism and all that, there is a great deal of the flag-waving nationalist in me. It is very, very difficult for me to bring myself to make an unfavorable generalization about this country.

From my admittedly limited perspective, it seems that America has greeted the new decade with another highly disruptive murder.

I talked the other day to Elmer Brown, a plain-spoken West Virginia miner who was Yablonski's running mate for the leadership of the United Mine Workers in last month's election.

Brown, who himself has received anonymous threats in recent days, indicated that

he and his fellow miners are not so much angered by the murders as shocked by what they revealed.

"It's just starting to dawn on us what kind of country we're living in," he said, "and what could happen to all of us."

Like Elmer Brown, I am being forced to a conclusion which fills me with the most profound depression these days I travel through the beautiful heartland of America. I see more clearly that America has a violent heart.

ONE DEAD, 46 WOUNDED: GUARDS SHOTGUN PRISONERS AND NO ONE SEEMS TO CARE

(By Bryce Nelson)

PENDLETON, IND.—On a warm, idyllic autumn day near this sleepy rural town, 12 white men fired repeated volleys of buckshot through a fence at young black men who were lying on their stomachs. They killed one and wounded 46. Few persons around the country seemed to notice.

The young blacks, unarmed convicts, the great majority of whom are 15 to 30 years old, had been demonstrating at the Indiana State Reformatory against alleged anti-black discrimination. They had lain down on cement in the belief that the guards would never shoot them in the back.

The fact that this shooting has attracted so little national attention could be an indication of the public's seeming indifference to the treatment of prisoners.

Many persons in this area, however, regard the shooting neither as a striking indictment of the penal system nor, on the other hand, as a starkly symbolic precursor of a racial Armageddon which may sweep the nation's prisons and the rest of our society.

Pendleton, which is located about 30 miles northeast of Indianapolis in central Indiana, is the nation's largest "reformatory." In the opinion of several experts, it is also one of the country's poorer penal institutions.

Nevertheless, the conditions which helped produce the shooting here—overcrowding, increasingly militant black inmates, and untrained, underpaid prison personnel—are representative of the problem faced by prisons in many other states.

This account of the shooting and its aftermath is based on interviews with several men who work at the Indiana State Reformatory, including eyewitnesses to the shooting, interviews with many knowledgeable persons around Indianapolis and other parts of Indiana, and an examination of the relevant reports and affidavits of witnesses.

REFUSED PERMISSION

This reporter did not visit the Indiana State Reformatory. On two separate occasions in the past two weeks, the Indiana Corrections Commissioner, Robert P. Heyne, refused me permission to talk to reformatory officials. All interviews with reformatory staff members had to be conducted in private away from the reformatory.

The reformatory sources asked not to be identified by name so that they would not lose their jobs. Some staff members who are unsympathetic to the shooting have been harassed by prison authorities, they claim.

Although Heyne asserted he had "nothing to hide," he added he was excluding reporters from Indiana's prisons because "we want to keep out people who only do negative reporting." The press has only been admitted to Pendleton on two carefully supervised visits since the shooting.

SEVERAL DEMANDS

On the day of the shooting, Sept. 26, several hundred inmates congregated in a fenced-in recreation area. They had several demands, including the right to read black literature and to wear their hair in the "Afro" style.

One demand was for the release of four black inmates who had been isolated from the rest of the prison population. In discussions on the previous day, the black inmates had thought they had received assurances that the four would be released.

However, on the morning of Sept. 26, they saw two of the four inmates being taken out of the prison for transfer to the Indiana State Prison at Michigan City.

At one point in the morning's hectic activities, inmates started fires in a furniture factory in the reformatory, but these fires were soon extinguished. At one point, an altercation with inmates resulted in knocking off the hat of the captain of the guard, but no guard is said to have been injured during the day.

The guards told the inmates in the recreation area to leave. Many, including all the white inmates, did so. The black inmates asked to present their grievances to Supt. George Phend who was not at the scene of the confrontation either that day or on the preceeding day. Although he was said to have been in the reformatory, Phend refused to talk to the inmates.

ELEVEN WHITE GUARDS

On the other side of a chain-link fence were 11 white guards and at least one vocational teacher, dressed in riot helmets and carrying shotguns loaded with double ought (.00) buckshot, the largest shot made for their weapons. The general procedure in most prisons is to carry much smaller and less damaging shot.

The confrontation between the guards and the inmates continued for a period estimated by some at about 10 to 15 minutes. No attempt was made to disperse the crowd with tear gas, smoke bombs, or with nearby fire equipment.

It is believed the inmates reasoned that if they lay down, they would force the guards to shoot them in the back if they shot at all. However, according to several sources, the inmates were confident the guards would only fire warning shots into the air if they fired at all.

The inmates were wrong.

WARNING SHOTS

The guards fired warning shots. Then, at the command of the captain of the guard, Jason Huceby, the guards began firing through the fence either at or around the inmates.

One inmate who was standing with his back to the guards (some say he was giving the black power salute) was knocked to the ground after two shots which hit first one leg and then the other.

According to several witnesses, the guards continued to fire volley after volley at the inmates. At least one guard is said to have reloaded his shotgun and continued firing after reloading. The county grand jury which investigated the shooting reported it had received varying estimates of the number of shots fired from 15 to 90. According to another account, 57 shell casings were picked up from the scene.

"HAD YOUR CHANCE"

One witness said some of the men were trying to rise from the ground raising their hands in the air but were told by the guards "you've had your chance" and were shot down.

After the shooting was over, the men were told to leave the blood-splattered court, which they did, carrying the wounded. Two men were left lying on the pavement.

One of the two, James E. Durr of Gary, was dead with a piece of buckshot in his head. Durr was serving a 1-to-10-year sentence for robbery.

In the group of 46 wounded inmates, estimates of those seriously injured run from eight to 20. Two are said to have had colostomy operations, one is thought to have lost the use of his legs, and several are said to have received shots through the genitals. There are inmates still hospitalized in Indianapolis, almost three months after the shooting.

One observer at the reformatory commented, "It isn't surprising that one man was killed; what is surprising is that the shots didn't kill 10 or 15 of them."

For weeks after the shooting, many of the inmates who participated, including some of the wounded, were put either into "isolation" or administrative segregation.

There are many reports of more than a dozen men being placed in cells which measure only five by eight feet for days on end. Only in the past few weeks have some of the isolated inmates been allowed to return to the regular prison population.

Those who watched the shooting emphasized that the guards were in no physical danger from the inmates, that there was no riot situation at the time of the shooting, and that the guards did not fire in the heat of panic, but rather waited for several minutes between the time they lined up at the fence and were ordered to fire.

The inmates were clearly refusing the orders of the guards to leave the area, but some observers believe that the group would have dispersed after either serious consultations with prison leaders or if guards used nonlethal physical force.

NO REPRIMAND

In the 12 weeks since the shooting there has been no public reprimand of any of the prison people involved. From the governor of Indiana on down, the attitude of relevant public officials has been to support the shooting as necessary.

Soon after the shooting, reformatory Supt. Phend was quoted as saying he backed the actions of the squad "100%." Gov. Edgar D. Whitcomb, before the grand jury investigation, wrote that no reformatory employe would be suspended or released.

Indiana prison authorities have not talked much publicly about the reasons why the shooting was necessary, but one of the official explanations seems to be that the shots were fired to prevent the inmates' disturbance from developing into a riot that could have caused damage and deaths.

Several persons in close touch with the reformatory indicate that prison authorities believe they were stopping a conspiracy which was inspired by outside agitators.

Several sources said Supt. Phend had linked the shooting to the need to take a stand against appeasement.

One contention of the prison authorities is that the guards only fired shots around the inmates and that the prisoners were hit by ricocheting shots. This statement is disputed by witnesses and by those who have talked to wounded inmates.

One witness said it never occurred to him as he watched the shooting that the guards were doing anything but firing directly into the group of men.

The all-white county grand jury investigating the shooting reported that all shots removed from the bodies of inmates and submitted to the grand jury (except for three shots which were too badly mutilated to identify) had hit intermediate objects before striking individuals.

The grand jury concluded that "there is insufficient evidence to place criminal responsibility on any of the reformatory personnel involved."

It was indicated by several sources that a demonstration by black inmates at the reformatory on the preceding day, Sept. 25, had been cooled off by reformatory staff members, including a black teacher. On that day, according to these sources, the riot squad had also been armed with shotguns and was ready to come on the scene.

"DEVOUT RACISTS"

"They look like they were slobbering at the mouth, ready to get at them to shoot them,"

one witness said. "These people are very devout racists."

Although more than a third of the reformatory's inmates are black, about 90% of the guards are white.

"One of the main troubles," one observer commented, "is that they have rural white Southern guards dealing with urban prisoners—white and black. These guards don't even understand urban whites, much less urban blacks. These guys have been brought up to hate blacks, just like I was."

Staff members and inmates, both black and white, agree that blacks have an even worse position in the Indiana State Reformatory than the admittedly poor position the white inmates occupy.

Institutional bias is manifested in the assignment of the most menial jobs to black inmates and in continued harassment by guards.

One inmate indicates that "Hey boy!" is a common form used by white guards to address black inmates, and that black inmates have been put in isolation by guards for wearing "Afro" hair styles or for reading books by black authors such as Eldridge Cleaver, Malcolm X and Claude Brown.

There are guards at Pendleton who are said to be first-rate custodians and human beings. The attitudes of many of the other guards, however, serve to poison the atmosphere for the inmates, it is said.

The Indiana situation is further complicated by the fact that the penal system is a patronage operation, with continual disruptive change in leadership positions. There have been six superintendents at the Indiana State Reformatory in six years and three corrections commissioners in less than two years.

PATRONAGE COMMON

Instability and patronage characterize lower level positions as well. Guards are expected to contribute heavily out of their meager salaries to support political candidates and promotions are made in accordance with a man's political activities. Most analysts, including the current commissioner of corrections and the county grand jury, have demanded an end to this patronage system.

Like prisons in many other states, Indiana state prisons are understaffed and under funded. In an institution built for 1,200 to 1,300 persons, reformatory population has gone to 2,300, while economy drives have necessitated reductions in staff.

The Indiana State Reformatory is supposed to provide "rehabilitation" for the 15-to-30-year-old inmates, but the staff is so deficient that inmates do not have access to adequate counseling or vocational training.

Prison officials receive the feeling that the public does not care what happens to inmates. They feel that a "law and order" mood is dominant in the country and the public will support stiff disciplinary actions taken against inmates.

But what happens in prisons has its effect on those who live outside. The shooting at Pendleton has been another factor to increase racial tension in Indiana, especially in Gary, the home of many of those who were shot.

"It was murder, plain murder," says Retha Bliss of Gary, whose son is an inmate at Pendleton. "Some of them were shot six and seven times."

Mari Evans, a soft-spoken black poet who is also a college teacher in Indianapolis, says, "There's nothing else you can regard the Pendleton shooting as except racial warfare against black people."

Bernard Dolnick, a former Indiana corrections commissioner, says, "No reform will do much in this overcrowded, ill-trained situation; we need a complete overhaul of the institution. Anything could tip it off again."

YOUNGSTERS PUBLICIZE HUNGER PROBLEM IN WALKS FOR DEVELOPMENT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. HANNA. Mr. Speaker, one of the most effective groups in a cause I have long stanchly supported is the American Freedom From Hunger Foundation. This group must be commended for its high aims and its many efforts toward their realization.

The most impressive undertaking of its youthful supporters, most teenagers, is their Walks for Development. They collect money for antihunger projects by soliciting paying sponsors for every mile they walk. Two summers ago, I participated in such a walk in my district, in the town of Garden Grove, and was most impressed by the number of participants and their unequaled enthusiasm and endurance.

The hunger problem deserves their publicity effort because of its scope and the apathy with which most people regard it. Today, two-thirds of the world's population is hungry. The pessimists say that the food shortage will result in large-scale starvation in the next decade, bringing the death rate in line with the birth rate. The optimists say that, at best, it will take many years to reduce the birth rate and to increase the food production rate sufficiently to have enough food with the proper nourishment to eliminate starvation.

According to the United Nations Food and Agriculture Organization's recently released annual report, some headway is being made in increasing the supply of certain kinds of foods. The growth in world grain production exceeded the population growth last year, it reported. It attributes the increased food output to improving agricultural technology, especially the increased use of new strains of crops, fertilizers, irrigation, and pesticides.

The report sounds an optimistic note, which must be tempered with a great deal of caution. Modern agricultural technology has certainly enabled the advanced countries to increase their agricultural production many fold, but they have also paid a price for that productivity, namely, in environmental pollution. Pesticides provide the prime example. In our own country, DDT has come to be such a threat that its use has been banned in many areas. It has been found in the remotest parts of the world, so that no place is immune from its effects, since it poisons men as well as insects.

Irrigation in some parts of our country is causing water tables to rise to surface level, bringing with that rise salts which then salinate the soil, killing plant life. Fertilizers, too, have their drawbacks. Fertilized soil loses its ability to fix nitrogen, and thus becomes dependent on the fertilizer.

Granted the underdeveloped countries do not yet face such problems, but they eventually may. Extensive dependence on artificial agricultural technology may eventually have environmentally damaging results and necessitate a retrenchment in agricultural production. These countries must do all in their power to limit their dependence on environmentally harmful agricultural aids. Conversely, they must also limit the number of mouths they have to feed through broad family planning programs.

Our agricultural scientists must devote their efforts to studying the rhythms and cycles of the soil and plants in order to find the best natural ways to fertilize the soil and minimize insect damage. The effects of irrigation also need to be foreseen and planned for. In other words, the ecological ramifications of artificial fertilizers and insecticides and excessive water must be taken into account and every effort must be made to eliminate these frequently ecologically violent artificial means of controlling the agricultural environment.

Increasing grain productivity alone will not solve the world food and malnutrition problems. Many people suffer from a lack of protein, reflecting the quality rather than the quantity of their diet. Technology needs to concentrate on ways to increase protein production. Some protein additives made from fish and grains have been developed, but not on a sufficient scale to make a dent in the problem.

The systematic and ecologically wise fishing of the sea is far from realization at the present time. Aquaculture needs to become a science and an art fully supported and regulated by all nations of the world if the productivity of the seas is to be preserved, let alone augmented.

Another monumental part of the problem is the uneven distribution of food throughout the world. Only eight countries have an overall export surplus in food. Many difficulties stem from the necessity to transport food over long distances requiring long periods of time. Perishable foods may not arrive quickly enough, or may be damaged in shipment. The weight of heavy foods increases transportation costs and makes them relatively more expensive. Scientists are developing new methods of preserving food and reducing its weight, such as freeze drying, but we need to make much faster and more widespread progress along these lines if such solutions are to help in the current crisis.

The most encouraging aspect of the agricultural production advances was that they resulted from the realization by the affected countries of the serious and imminent nature of the danger to their people. These countries do have the will and concern effectively to do something about their own food problems.

These few observations indicate the dimensions of the hunger problem. They thus trace the outline of the challenge facing the Freedom from Hunger Foundation. This small foundation is devoting itself to a cause of tremendous moment and scale. It must be commended for its energy and vision in pur-

suing that cause. That the Freedom From Hunger Foundation will have worthwhile hunger projects for which to provide funding for the indefinite future goes without saying. What should be said is that more people must recognize the importance and enormity of the task and make no less a commitment to its ultimate solution.

BARNEE BREESKIN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. WOLFF. Mr. Speaker, for many years I have had the good fortune of friendship with a man well known and certainly well loved here in Washington. His name is Barnee Breeskin.

This exuberant gentleman first graced Washington in the thirties as the talented bandleader in the Blue Room of the Shoreham Hotel. For 26 years, I might point out, he offered good music and good company to the hotel's patrons and won a wide variety of appreciative friends in the process.

Although his everyday work is quite time-consuming, he still finds the time to dedicate his efforts to the Civil Air Patrol. As a colonel in the CAP his interest and enthusiasm cannot be overlooked. Every year he arranges an international exchange for cadets from 26 countries to tour Washington, meet dignitaries and learn a little of the American way of life, and participate in an annual cadet exchange banquet—an event which proves most memorable for all involved.

Mr. Speaker, in light of Barnee Breeskin's service to the youth of our Nation, I would like to take this opportunity to include a recent newspaper article which I feel tells a little bit more about this talented and delightful man.

The article follows:

MUSIC OR PR—EVERYONE KNOWS BARNEE

(By Donald Saltz)

His name is Barnee Breeskin and he is undoubtedly one of the best-known, and liked, people in Washington—from top government officials to waiters of restaurants he frequents.

Walk with Barnee along bustling Connecticut Ave. and odds favor his being stopped several times to receive a greeting or say hello to friends he may not have seen for months. But they never forget him, or he them.

Mr. Breeskin, a bubling personality who makes it a point to remember the little details about his friends' lives—niceties such as little going-away gifts or congratulatory notes—is a former bandleader who now has his own public relations firm.

His recognition of the individual has stood him in good stead thruout both careers.

MUSICAL BACKGROUND

Barnee came from a musical family—his father led the old Metropolitan Theatre orchestra—and he caught on to the violin at age six when he learned to play "My Country 'Tis of Thee." Also a pianist, Barnee reigned as bandleader at the Shoreham from 1930-56. A night at the famed Blue Room during those years very often brought the customer recognition from the effervescent bandleader with a favorite melody or dedication.

When Barnee left the Shoreham, it was with an eye toward the field of public relations—another people-to-people business. Why the switch?

"If I wanted to keep my wife, I thought I'd better," he recalled. I found myself putting in 18-hour days, with work in the office, rehearsal and playing in the Blue Room evenings.

He met his wife, former opera singer Dolores DiMinni, when she appeared at the Shoreham. They have two sons—David, 23, and Steven, 21, a junior at Maryland. Mrs. Breeskin is now an antique dealer.

Nothing about Barnee would be even partially complete without mention of his writing the music of "Hail to the Redskins," in 1940. Corinne Griffith, wife of Redskin's owner, George Preston Marshall, wrote the words.

From 1940–53, Barnee led the 'Skins' band at Griffith Stadium. And Barnee and his Singing Violins were on Ed Sullivan's Sunday night TV show.

Altho Barnee hasn't played a musical instrumental for more than a decade, his enthusiasm isn't lost—it's merely being aimed in another direction.

SELF-DETERMINATION FOR AMERICAN INDIANS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. KASTENMEIER. Mr. Speaker, the Washington Post on February 1 carried an article by Dr. Sol Tax, professor of anthropology at the University of Chicago, and Dr. Sam Stanley, program coordinator of the Smithsonian Institution's Center for the Study of Man, on the Federal Government's relationship with the American Indian.

The authors are critical of the vacillating Government policies of previous years and condemn the present policy of "nauseating paternalism." Drs. Tax and Stanley call for a new approach to the Indian problem, and present a powerful and convincing argument for allowing our Indian citizens to determine their own destiny. This policy of self-determination is one which I strongly espouse, and I would urge that my colleagues pay particular attention to this article:

[From the Washington Post, Feb. 1, 1970]

"SINK OR SWIM" POLICIES CAN NEVER HELP INDIANS

(By Sol Tax and Sam Stanley)

The basic law concerning American Indians requires that we return to the original definition of a special relation between the United States government and Indian communities. American Indians have never lost this conception because, unlike most Americans, Indians do not conceive of themselves except *first* as members of communities.

American Indians live in "kinship societies." It is "unnatural," perhaps impossible, for Indians to be isolated from their communities. Traditionally, the communities banded into larger political units called "tribes" or nations, which were recognized by European nations as sovereign. But the smaller communities, whether "sovereign" or not, were indispensable and valid units.

These "communities," recognized by their Indian members, must also be recognized as the units with which governmental Indian policy must deal. Individual families and persons have rights guaranteed to every citizen, and legislation need not concern them. Indian *communities* are recipients of what special rights tradition, treaties and the needs of Indians require.

Legislation for American Indians has in the past been unsuccessful both because communities have been forced to operate in terms of our culture rather than their own and because they had no ultimate authority over internal management, being subject to veto power—hence constant surveillance—from outside. What is required, therefore, is a legislative program which provides maximum internal autonomy and authority for Indian communities.

American Indian communities require funds for education, health, welfare and economic development. The general society provides such funds to replace the resource base which—if restored—would provide independence. Since the resource base (the continent which Europeans occupied) cannot be restored to Indian communities, money must be substituted. Just as Indian communities managed their resources independently before, for the money to be useful they must manage it independently now.

The legislation required must, therefore, be drafted in such a way that each of the many hundreds of American Indian communities, however they are defined and bounded by Indians—from the small bands and subtribes to recreated urban "Indian center" communities—can each in its own way autonomously manage the resources that must be provided.

THEY WILL NOT GET LOST

Through all of our history, states as well as the federal government have been frustrated with respect to solving the problems of the American Indians.

We have vacillated between (1) a policy of starving the Indians into throwing in the sponge and "getting lost" in the general population, and (2) a kinder policy of helping them to get themselves ready to leave Indian ways and get lost in the general population. In either case, they would then be off our consciences, and finally out of our pocketbooks. Both policies have failed.

When we have followed the first policy, and thrown them into the water to "sink or swim," we have found that the Indians neither sink nor swim; they just float, and remain the same problem. When we have followed the second, kinder policy, we have found that Indians do not, in fact, do the things that will lead to their disappearance. They do not want to get lost.

The "kind" policy will work only if we have the patience to continue to use our resources to help Indian communities to adjust to the national economy freely and in their own way. But their own way might not be to get lost at all.

Every man and woman has the personal problem of deciding what sort of person he wants to be. Some Indians may want to become white men in their allegiance and their ways; this ought to be their right. But many Indians want to maintain their Indian values and allegiance, and many Indian communities want to maintain for their posterity an identity and heritage that were given to them. They too have this right.

It is not for any white man, or Congress or the Indian Service bureaucracy, to demand that Indians stop being Indians.

It is a challenge which has never been met in the United States to help the Indians to adjust economically and socially to American life so that they actually become financially independent. We cannot begin to solve the problem unless we first recognize that Indians have a right to make this adjustment as Indians.

Leaving them free to make their own

choices removes the great block to constructive change. What folly it has been to demand that Indians cooperate in plans for making them something other than they want to be! What an interesting experiment, on the other hand, once the block is removed, to develop with them ways toward that greatest freedom which comes with economic independence!

The Indian policy that has most recently been with us has been the sink or swim policy, the less moral way that has never worked and never can. It does not get Indians out of our pocketbooks—indeed, this un-Christian policy (as Gen. Eisenhower once called it) requires more money rather than less—and it certainly does not get them off the conscience of the nation.

The present policy, aimed at the disappearance of the Indians, is a double-edged sword. On the one side, there is a nauseating paternalism. Indians get help from the government because, since we destroyed their means of livelihood, they need it, and it is our moral obligation to continue this help until we and they are wise enough to make them once again independent. But meanwhile the Indian Bureau, like any overprotective parent, demands that the Indians manage their own affairs; but, on the grounds that they do not know how, never lets them try, and becomes sure, more than ever, that they are incompetent to do so.

They say, in effect, that as long as we pay the bills, we shall manage your communities. If you think you are competent to manage your own affairs, then cut yourselves off from the financial assistance as well. Money to live on, or freedom; you can't have both, so take your choice.

But the Indians have not the resources for the medical, educational and developmental needs of their communities. So they must choose the continued interference in their local affairs. This satisfies nobody and gets nowhere. Congress, frustrated, then attempts to use force or bribery to induce Indian communities to make the other choice.

SPENDING FOR THEMSELVES

We need an entirely new approach. We need to separate the two problems of the money which the Indians need for their community services from the way the money is used.

Nobody should ever again interpret our policy as one which is importantly influenced by a desire to save money to the detriment of Indians and in violation of our traditional and moral obligations. It has been and should be our policy to make it unnecessary to provide special services, hence to make Indians independent. But until this is accomplished, the money should be provided because it is needed and because it is right.

Therefore, the first plank of our policy is to assure Indians that we shall continue to provide in the federal budget the money needed to continue Indian services. For the time being, we suggest that the same budget now provided be continued.

But this money should be spent by the Indians, for themselves, rather than for the Indians by bureaucrats. Just as a government might provide a subsidy to a hospital or a university without taking over the functions of administering the hospital or university, so the funds available to Indians should be looked upon as subsidies to assist them to provide their own community services—health, welfare, public order, education, development.

But whatever changes occur from one system of administration to another or from one allocation to another, they should be entirely voluntary on the part of the Indians who are now recipients of the services for which the funds are provided. If Indians prefer to have the federal government agencies continue to administer their services, no change need be made. Whenever, however, an Indian community, or the recipients of services, wish to seek changes in administration, these changes should be provided at once.

Funds for services should be continued for the same services. Funds for administration should be made flexible so that as much as necessary can be used by tribes with which to hire nongovernmental help for administration of their affairs, when they wish to make a change; and to pay the expenses of a panel of volunteer advisers set up independent of the Department of Interior from which Indian communities may obtain general advice in planning changes in how their affairs may be administered.

If the Bureau of Indian Affairs withers away, it will be because Indians will find other ways, which they prefer, to have their funds administered. There will be no "termination" with respect to provision of services as long as they are needed by Indians. "Withdrawal" will occur not as the government withdraws from its obligations but as the Indians withdraw from government interference in the administration of their services.

PREVENTIVE DETENTION V: NEW YORK CITY BAR SAYS "NO"

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. MIKVA. Mr. Speaker, one continues to feel pressure to pass legislation to quell the public alarm about crime. In its haste to do so, Congress may pacify the public without stopping the rise in criminal activity.

One ill-advised measure for dealing with crime is preventive detention. I have previously expressed my own profound disagreement with such legislation. I continue to oppose vigorously any efforts to abandon constitutional guarantees of due process.

The association of the bar of the city of New York has apparently reached the same conclusion. Its committees on Federal legislation and civil rights recently issued a report on the administration's bill, S. 12806. I insert at this point the text of that report and commend it to the attention of my colleagues. I particularly invite their attention to the committees' finding:

We have found that the Administration proposal does not solve the problems which we saw in the earlier proposals and indeed that it contains several objectionable features which were not present in the other bills. Accordingly, we disapprove of it.

The report follows:

PROPOSED FEDERAL LEGISLATION ON PREVENTIVE DETENTION—SUPPLEMENTAL REPORT ON THE ADMINISTRATION BILL

The Nixon Administration has introduced a bill, S. 12806, to provide a system within the Federal courts for holding in preventive detention persons accused of commiting certain criminal offenses. The Administration bill is similar in many respects to preventive detention proposals which had previously been considered by this Association through its Committee on Civil Rights and which we have disapproved. Committee on Civil Rights, "Proposed Federal Legislation on Preventive Detention," THE RECORD of The Association of the Bar of the City of New York, Volume 24, Number 7, October 1969. The bills previously considered were S. 546 and S. 547, introduced by Senator Tydings, and S. 288 and S. 289, introduced by Senator Byrd. We have found that the Administration proposal does not solve the problems which we saw in the earlier proposals and indeed that it contains several objectionable features which were not present in the other bills. Accordingly, we disapprove it.

In particular, the Administration bill fails to provide a system which affords due process to those who are to be thus confined. It is also not limited legislation, strictly tailored to meet the problem while minimizing the impact on individual liberties. The list of offenses in connection with which preventive detention is to be authorized, many of which are cognizable in only those Federal courts which sit in the District of Columbia, increases our skepticism that these proposals are appropriate for national legislation. We also see insufficient reason to undercut the Bail Reform Act of 1966, as this proposal would do, and thus to sacrifice the social benefits which the bail procedures of that Act are designed to provide in minimizing undesirable collateral consequences of arrest, such as loss of jobs while in jail awaiting trial. On balance we are impelled to repeat our earlier conclusion, which appears applicable to the Administration bill:

"We disapprove all present proposals for legislation authorizing preventive detention. These bills we believe to be unconstitutional because the procedure which they provide are lacking in due process. Even if these procedures should pass a constitutional minimum standard, they are unwise. They go too far, bypassing alternative methods of dealing with alleged problems, when these alternatives may not only be less drastic but better suited to deal more precisely with the problems. Nor are we persuaded that the underlying problems to which proponents point have been adequately demonstrated to exist nationally. Nevertheless, such subterfuges as have developed in practice are also undesirable, and we consider the present debate to be both healthy and constructive. From it we hope to see emerge specific limited legislation to deal with such problems as shall be demonstrated."

DESCRIPTION OF THE ADMINISTRATION BILL

H.R. 12806 amends 18 U.S.C. 3146 to authorize the judicial officer making the threshold determination of release pending trial to decide not only whether a danger of flight exists but whether "the safety of any other person or the community" would be jeopardized by such release. In making the determination, the judicial officer is to consider the "past conduct" of the defendant as well as criteria set forth under existing law.

If such judicial officer determines that "no condition or combination of conditions of release," presently contained in Section 3146, "will reasonably assure the safety of any other person or the community" he may, after conducting a pre-trial detention hearing,[1] order pre-trial detention of any person coming within one of the four following categories:

(1) A defendant charged with a "dangerous crime,"[2]

(2) A defendant charged with a "crime of violence,"[3] allegedly committed while on bail or other release, from a prior charge of a "crime of violence" or if the defendant was convicted of such a crime within the preceding ten (10) year period;

(3) A narcotics addict[4] charged with a "crime of violence";

(4) A defendant who, irrespective of the offense charged, for the purpose of obstruct-

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Footnotes at end of article.

ing justice threatens, injures or intimidates a prospective witness or juror, or attempts to do so.

At the hearing, the judicial officer must find that (1) there is "clear and convincing evidence" that the defendant comes within one of the four categories; (2) "there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community," and (3) there is a "substantial probability" that the person committed the offense presently charged.[5] Upon making such findings, an order of detention is issued, accompanied by written findings of fact and the reasons for its entry.[6]

It is contemplated that the hearing be held immediately upon the person being brought before the judicial officer unless a continuance is requested by him (up to five days) or the United States Attorney (up to three days). During such continuance, the person may be detained.

At the hearing, the person is entitled to representation by counsel, to present information, to testify and to present and cross-examine witnesses, but the information offered in such a proceeding need not conform to the rules of evidence. The defendant's testimony is not admissible on the issue of guilt in other proceedings, but the Bill provides that such testimony may be used to impeach the defendant in any subsequent proceedings and that it is admissible, apparently for all purposes, in proceedings under present law for bail jumping, in those proceedings proposed under the Bill for the commission of crimes while released on bail, in proceedings for revocation of release or contempt and in proceedings for perjury.

Where a person is ordered detained, the Bill provides that "to the extent practicable" he be incarcerated separately from convicted prisoners; for "good cause shown" he be released in the Marshall's custody for limited periods of time to prepare defenses; "to the extent practicable," he be given an expedited trial; and that he be released after sixty (60) days, unless the trial is in progress or the trial is delayed at the request of defendant; and he be released whenever a judicial officer finds that a subsequent event has eliminated the basis for such detention.

With respect to persons falling within the third category enumerated above, i.e., the apparent addict charged with a crime of violence,[7] the Bill provides especially that, upon motion of the United States Attorney, the judicial officer may order him detained for three days. This period of detention, under medical supervision, is to be used to determine whether the person is an addict as defined in the Bill. Upon expiration of the three day period, the person and the results of said determination are to be presented to the judicial officer. The judicial officer is then to treat the person in accordance with the standards enumerated in Section 3146 [conditions of release], or, upon motion of the United States Attorney, may either hold a pre-trial detention hearing as described above, or order the person "detained in custody under medical supervision." The latter order may be entered if the judicial officer holds a pre-trial detention hearing, making the requisite findings with respect to the individual's dangerous propensities and the substantial probability of his guilt and, in addition, finds that there is "clear and convincing evidence that the person is an addict."

The remainder of the proposed Bill deals with newly created penalties for bail jumping and for the commission of offenses while on bail. It also provides sanctions for violations of conditions of release.

The Bill amends 18 U.S.C. 3150 by eliminating the requirement that the Government, in a prosecution of a defendant for failure to appear, establish as part of its affirmative case that such failure was wilful. Any failure to appear, after notice, would be *prima facie* evidence of wilfullness. Proof of notice is dispensed with, if reasonable efforts to notify are established and there is proof that defendant "frustrated" receipt thereof by his own actions. The existing terms of imprisonment for violation of this section, up to five years for a felony charge and up to one year for a misdemeanor, are changed to provide mandatory minimums of one year and 90 days, respectively, and such sentences are to be imposed consecutively to any other sentence of imprisonment.

The Bill would add a new subsection to Section 3150 to provide for the automatic imposition of similar consecutive mandatory minimum prison sentences for a person convicted of a felony or a misdemeanor while released pursuant to Section 3146.

Finally, a new section would be added to establish a procedure for the imposition of sanctions against a person violating release conditions of Section 3146. Such a person would be subject to (a) revocation of release and an order of detention, and (b) prosecution for contempt.[8]

DISCUSSION

Constitutional issues

We start with the constitutional issues, whether such a system is consistent with the requirements in (a) the Eighth Amendment that "[e]xcessive bail not be required" and (b) the Fifth Amendment, that no person shall "be deprived of . . . liberty . . . without due process of law."

In our earlier report we examined the Supreme Court and other cases which have been decided under the Eighth Amendment and concluded that the answer remains unclear. We stated then: "[s]ince we have concluded that the current legislation is unconstitutional on due process grounds, it is not necessary to take a position on the difficult and murky Eighth Amendment issue, which for present purposes we pass." We take the same position here.

Turning to the due process issues, we are presented with the provisions for a hearing to justify preventive detention. One comes first to the question of what are to be the issues at the hearing and then to the question of whether they can be meaningfully adjudicated under the conditions proposed by the Bill.

The main issue at the hearing is whether "there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community." Essentially this involves a prediction of behavior. To satisfy due process, proof should be based on "objectively reviewable evidence." When the issue to be determined is one of the past conduct, the court may be presented with eye witness testimony, confessions, photographs and the like, all of which constitutes reliable evidence of the fact to be proved. Here however one is cast adrift in speculation. Does the judge rely on criminal records, psychiatric prognoses, reputation of the accused among the police? If not, on what does he rely? The Bill provides that the rules of evidence do not apply. Even if such a suspension of the rules were desirable—a point we need not reach now—that proviso simply eliminates a measure by which the inadequacies of the evidence would become visible; it does not by itself create an appropriate basis of objectively reviewable evidence on which the issue of the accused's future conduct can be satisfactorily adjudicated.

One suspects that the closest approach to satisfactory predictive evidence would be a meticulous assemblage of circumstantial evidence relating to intent. Yet experience in analogous kinds of criminal trials shows that months or even years may be needed to gather such evidence, where it is the only or principal evidence against the accused, and the trials are likely to be long. Such proof would not appear to be feasible in the context of proceedings which are envisioned as taking place within a few days of arrest, to be followed by prompt trials.

In short the issues proposed to be adjudicated would not seem capable of minimally satisfactory adjudication on objectively reviewable evidence, and the proposed proceeding must be characterized as lacking in due process. Though some restraints may be justified on the basis of such proceedings as in the setting of bail, the total restraint involved in preventive detention would not be.

Trial delays

Turning to more practical considerations, one asks whether the judicial resources which would have to be devoted to such hearings would not, at least for the foreseeable future, be better devoted to affording speedier trials on the merits. Court congestion has been regularly cited as a cause of the alleged problems which preventive detention is designed to cure. We believe that the judicial resources required for hearings on preventive detention would better be applied, at least in the first instance, to reduction of backlogs on criminal trial calendars.

Limitation of offenses with respect to which preventive detention is authorized

The Administration Bill provides substantially looser standards than the Tydings bill for determining which persons are to be subject to preventive detention. Under the Tydings bill, the defendant must either be charged with (1) a felony involving infliction or threat of serious bodily harm while released pending trial or appeal, (2) a felony involving the threat to inflict serious bodily harm on another and a sworn allegation by the government that if released the person poses a substantial physical danger to others of the community because of his prior pattern of behavior or (3) armed robbery or similar offenses under Chapter 103, Title 18, U.S.C. At the preventive detention hearing it must be shown that there is "clear and convincing" evidence that if released the defendant will intimidate witnesses or interfere with the administration of justice, cause death or serious bodily harm, or participate in armed robbery or Chapter 103 offenses.

The Administration Bill reaches out to encompass a much broader range of common law offenses, most of which are of no federal concern outside the District of Columbia. The long list of crimes for which an arrest may trigger preventive detention is in general much too inclusive, and constitutes an invitation to abuse. It must be remembered that any preventive detention would be undertaken without prior legislative experience or empirical investigation. If the concept were to be tried at all it should be treated as the experiment which it is.

The Administration bill, moreover, under Section 3146A(b)(2), limits its standard of proof to the finding of "substantial probability" of guilt of the offense charged. Thus it does not require as much proof of a causal nexus between the initial commission of such crimes, and the probable danger to others if the accused were released pending trial, in contrast to the more narrowly drawn provisions of the Tydings Bill.

This Bill's inclusion of the sale or *distribution* of a narcotic or depressant or stimulant as a "dangerous crime," for which preventive detention is permitted on an initial arrest, appears especially excessive. Large numbers of college students, among others, today engage in the distribution of marijuana, if not its sale. Viewed against the background of

Footnotes at end of article.

present unrest among the young, this provision could be used as a vehicle to stifle dissent of the more vocal by imprisonment for a two month period on the mere substantial probability of distributing marijuana. We do not suggest that such abuse will occur, but the possibility should be eliminated.

Other procedural considerations

The Administration Bill does contain one improvement over the Tydings bill. Section 3146A(b) (3) provides for written findings of fact following the pretrial detention hearing. Such written findings are desirable and indeed necessary to effect meaningful appellate review of the order of detention. However, the findings actually required to be made by the judicial officer are wanting in substance. Under 3146A(b)(2), the judicial officer must find by "clear and convincing evidence" that the person falls within one of the four categories. The reference to "clear and convincing" evidence is somewhat illusory, since the question of whether a person, for example, is charged with a "dangerous crime" and is free on parole or bail, turns on objective facts about which there would normally not be a vigorously disputed issue of fact. The important factual determination is whether the condition of release of the person "will reasonably assure the safety of any other person or the community." Yet, on this crucial point, clear and convincing evidence is apparently not required (see 3146A(b)(2)), and indeed, this is the very same threshold determination the judicial officer must make before a pretrial detention hearing can even be instituted (see 3146A (a)). Thus, this post-hearing written finding is no more than a reiteration of such initial determination phrased in the requisite statutory language.

The Administration bill also provides that the judicial officer must find that there is a "substantial probability" that the person to be detained committed the offense charged. We had previously recommended such an added safeguard, in contrast to the present procedure for preliminary hearings before a Federal magistrate or U.S. commissioner, which has become a dead letter. Improvement of this procedure, however, should not warrant preventive detention, for such determination has always been viewed as a method of judicially verifying decisions by prosecutors to hold an accused on bail, not to hold him without bail. "Substantial probability" may be a test stricter than "probable cause," but in practice they are likely to amount to much the same thing, given the difficulty of adducing and testing proof at such an early stage.

This Bill places some stress on insuring, in the first instance, that the judicial officer explore all possibilities of imposing conditions of release presently provided for in Section 3146 before imposing preventive detention. But upon analysis it appears that like the Tydings bill it provides that the rather amorphous test of measuring the "safety of any person or the community" be included as part of such determination. Thus the judicial officer is confronted with the same basic problem, and the thought that he may choose other remedies provided under present law adds little, for he always has had that option.

We also question the advisability of permitting the hearing to be brought on simply by the filing of an *ex parte* motion of the United States Attorney where the accused has already been released. More fully articulated standards are advisable, and defense counsel should have an opportunity to argue in opposition wherever that is feasible.

The permitted use of the defendant's testimony in other proceedings raises substantial problems. The Supreme Court has condemned subsequent use of a defendant's pretrial testimony as an inhibition on the exercise of constitutional rights. *Simmons* v. *United States*, 390 U.S. 377 (1968). Such an effect would seem to be expected here. Where defense counsel has not had adequate time to investigate the case, a preventive detention hearing may put him in the intolerable dilemma of risking subsequent impeachment on the basis of poorly prepared testimony at the preventive detention hearing, or of risking an order that would hold his client in jail without bail. This provision would probably not withstand Supreme Court scrutiny.

This Bill, unlike the Tydings bill, also fails to supply the defendant with a free transcript of the hearing. This omission may be particularly hard on an indigent not only if appellate review is sought, but if his testimony may be used at trial.

The proposed bill improves on the Tydings bill in specifically allowing periods of freedom during preventive detention upon a showing of good cause to prepare defenses and the like. We have reservations however as to whether, in practice, this will prove meaningful in view of the fact that a court would be extremely reluctant to release a person whose pretrial release has already been found to be inconsistent with the "safety of any other person or the community." It is also doubtful that the Office of the U.S. Marshal has the available manpower to handle such situations. Similarly, the provision that a person subject to a pretrial detention order be confined "to the extent practicable" in facilities separate from convicted persons evidences a commendable intention, but the lack of such facilities in fact renders this provision at best academic.

The bill increases the maximum term of preventive detention from 30 days as provided in the Tydings bill to 60 days. Such enlargement is probably a tacit recognition of the crowded state of the courts' criminal calendars, and the fact that under present conditions it would prove to be extremely difficult to bring a person in preventive detention to trial within thirty (30) days. As suggested in our previous report, it appears that a more direct and less drastic alternative approach to the problem lies in reducing the time between indictment and trial rather than increasing the length of the term of pretrial detention.

Narcotics addicts

The Administration bill authorizes preventive detention of the narcotic addict charged with a "crime of violence" for the first time. This is permitted if there is clear and convincing evidence, based on a three day medical examination, that he is an addict; a determination that no condition of release will reasonably assure another person's or the community's safety; and a finding of substantial probability of guilt of the crime charged. Such an addict would be imprisoned "under medical supervision," not hospitalized.

There is probably validity to the proposition that an addict who turns to violent crime is likely to continue this course of conduct if released pending trial. Moreover, this provision would have an impact throughout the federal system—at least in urban areas—and not merely in the District of Columbia. However, the definition of "crime of violence" is far too broad for this purpose, if the addict alone is to be subject to pretrial detention on his initial appearance before the court on such a charge. It is also unclear whether an addict, "detained in custody under medical supervision" is subject to release at the end of sixty (60) days as is a person otherwise ordered detained pending trial.

Revision of parole and sentencing procedures

In our earlier report we had noted:

"The usual deterrent to crime is reduced in the case of an accused free on bail as a result of sentencing and parole practices. A second offense, committed while the accused is free on bail pending trial of another charge, is likely to draw a concurrent sentence if the first charge leads to a conviction. To make the second sentence consecutive, at least under the rules in the federal system, would eliminate the chances of parole on the first sentence, so that such sentences are rare. Thus the accused may often feel that there is less risk if he commits another crime while free on bail. In addition, the forthcoming trial, with its legal expenses, itself creates a need for money which may foster criminal activity. Yet the problem here seems to call for adjustment of sentencing and parole procedures rather than for preventive detention." P. 447.

The Administration bill does provide for an adjustment of sentencing and parole procedures, in addition to rather than instead of preventive detention. It provides for mandatory consecutive sentences upon conviction of such crimes.

Though the Bill recognizes the problem, we strongly disagree with its proposed solution. Mandatory consecutive sentences interfere with the wise use of judicial discretion in individual cases. Any destruction of parole possibilities engenders a sense of hopelessness in prisoners which impedes rehabilitation. We would be prepared to consider a proposal for adding additional time to a sentence for crimes committed while free on bail, but this should be done so as not to paralyze the discretion of parole boards or sentencing judges.

Failure to appear

We also question the necessity or justification for amending the present Section 3150, pertaining to penalties for failure to appear, so as to make any such failure *prima facie* evidence for willfulness. No reason appears for transferring the burden of going forward on this issue from the government to the defendant. This change is all the more severe in light of the parallel amendment of Section 3150 requiring the imposition of consecutive mandatory minimum sentences upon conviction of such offense.

CONCLUSION

The Administration bill is disapproved.

FOOTNOTES

[1] Such hearing may be initiated upon oral motion of the United States Attorney, or, if the person has previously been released under Section 3146, and it subsequently appears that he may be subject to pre-trial detention, a hearing may be initiated upon *ex parte* written motion of the United States Attorney. Upon such motion, the judicial officer may issue a warrant for the arrest of such person.

[2] A "dangerous crime" is defined as "(1) taking or attempting to take property from another by force or threat of force, (2) unlawfully breaking and entering or attempting to break and enter any premises adapted for overnight accommodation of persons or for carrying on business with the intent to commit an offense therein, (3) arson or attempted arson of any premises adapted for overnight accommodation of persons or for carrying on business, (4) rape, carnal knowledge of a female under the age of sixteen years, assault with intent to commit either of the foregoing offenses, or taking or attempting to take immoral, improper or indecent liberties with a child under the age of sixteen years, or (5) unlawful sale or distribution of a narcotic or depressant or stimulant drug, as defined by any Act of Congress and if the offense is punishable by imprisonment for more than one year."

[3] A "crime of violence" is defined as "murder, rape, carnal knowledge of a female under the age of sixteen, taking or attempting to take immoral, improper or indecent liberties with a child under the age of sixteen years, mayhem, kidnapping, robbery, bur-

glary, voluntary manslaughter, extortion or blackmail accompanied by threats of violence, arson, assault with intent to commit any offense, assault with a dangerous weapon, or an attempt or conspiracy to commit any of the foregoing offenses, as defined by any Act of Congress of any State law, if the offense is punishable by imprisonment for more than one year."

[4] An "addict" is defined as "any individual who habitually uses any narcotic drug" as otherwise defined by the Internal Revenue Code.

[5] No finding of substantial probability of guilt is necessary if the person falls within the fourth category, i.e., is charged with an offense involving obstruction of justice.

[6] The existing appellate procedures of Section 3147 are made applicable to persons ordered detained.

[7] Note, that unlike a person falling within the second category, the Bill provides for a pre-trial detention of the addict on his *initial* charge of a "crime of violence."

[8] The contempt procedure is probably available under existing law for such violations. See 18 U.S.C. Section 3151. The Bill specifically provides for the imposition of such sanctions in an expedited non-jury trial in the case of an "intentional" violation of a release condition.

THE COST OF HEALTH

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. RAILSBACK. Mr. Speaker, with more and more attention being called to the high cost of being ill, I would like to offer for the consideration of my colleagues an editorial from the Bucks County, Pa., Courier Times commending Congressman EDWARD BIESTER, Republican, of Pennsylvania, on his efforts to provide some Federal assistance for people who are afflicted with diseases. The treatment of few diseases is cheap, but the treatment of kidney ailments is fantastically expensive. The following editorial discusses this in some detail, and I think merits the serious attention of us all:

THE COST OF HEALTH

If you can afford to spend $12,000 out of your salary or savings right now, plus $5,000 each and every year hereafter, you can afford kidney trouble.

Most of us just don't have that kind of money and what those figures mean, therefore, is that if our kidneys go back on us we are going to die.

This is one of the major problems in health care today and it is not minor. One person dies each day in Pennsylvania for this reason alone—his kidneys have gone back on him and he doesn't have enough money.

Bucks County Congressman Edward G. Biester Jr. believes that he has an answer to this shameful situation and he has proposed it to his fellow congressmen in House Bill 15108.

Doctors take care of kidney patients by pumping their blood through a dialyzer (kidney machine), where it is purified in a fashion similar to the way the kidney does it, and then pumping it back in.

Each such treatment costs about $200 in a hospital today and sometimes three are needed every week—that comes to $30,000 a year. Kidney machines can be purchased for private use, at close to $12,000. But someone in the home then must be trained in its use and the cost of the training is close to $4,000. Maintenance of the machine and replacement of the filters is involved in the $5,000 per year figure.

Rep. Biester's bill would provide immediately $8 million in federal money, with the total growing to $20 million by 1974, for grants to hospitals, medical schools and similar agencies for relief of kidney problems. The money could be used to purchase and have available the dialyzers, trained personnel and any and all ancillary facilities in regional centers. A patient could go to such a center for treatment and the exorbitant cost would be reduced to something he could afford.

There is a bill before the Pennsylvania Senate now which would set aside $1 million annually to help those whose kidneys do not function properly. It is stalled in the Commonwealth's impasse over tax revenues however, and at best that $1 million would provide for only 83 patients per year; there are more than 350 in this state alone. Federal help is needed and Mr. Biester's proposal would provide it.

Congressman Biester's bill has won such support that it now has more than 100 cosponsors, from both political parties. Senator Jacob Javits of New York is helping, too, and has introduced similar legislation in the Senate.

The House bill is now before the Committee on Interstate Commerce where it is being held pending hearings on proposals for medical funds into other diseases such as heart trouble, stroke and cancer.

The sooner it moves out of committee to the floor, the better. Each day it languishes, another person dies unnecessarily in Pennsylvania alone.

SETTING PRIORITIES FOR SPENDING AVAILABLE FUNDS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. HELSTOSKI. Mr. Speaker, at long last it appears that seemingly reluctant administrative officials at all levels of government are moving toward the goal of setting priorities on how available funds should be spent to correct the ills of our society and to build a better United States of America.

They are slowly learning that you cannot be all things to all people at one time even though it might hurt votewise. It is an encouraging development. However, in arriving at priority decisions some officials get turned around as to what is most important and pressing. In effect, they end up with an upside down list of priorities.

In the following column taken from the Washington Daily News of February 9, 1970, former Vice President Hubert Humphrey clearly explains how one official has his priorities upside down. In placing the column in the RECORD, I do so with the fervent hope that the Congress will restructure the President's priorities and set the course for doing the things that must be done first.

The article follows:

VETO OF HEW FUNDS INDICATES NIXON HAS HIS PRIORITIES UPSIDE DOWN

(By Hubert Humphrey)

Four days after President Nixon vetoed the Department of Health, Education and Welfare's appropriations bill, he announced he wanted to go ahead with Phase Two of the Safeguard missile system.

The HEW veto was aimed at cutting $1.2 billion in health and education funds from the $19.7 billion voted by Congress. The President said the veto was necessary to hold down government spending and control inflation.

The Nixon administration estimates that Phase Two of the Safeguard ABM system will cost $1 billion. Many defense planners think this is a conservative estimate, that Phase Two more likely will cost about $20 billion. Senator Mike Mansfield, D-Mont., forecasts the final Safeguard bill at over $50 billion.

The veto of health and education funds followed by the ABM decision indicates President Nixon has his priorities upside down.

I think it is time to stop the Pentagon from expanding every weapons system, no matter what the cost or the shifting rationale, and to start a real war on crime, pollution and poverty.

The security of the United States is not the issue. We all agree—Democrats and Republicans—that a strong defense is needed to prevent war.

A year ago, President Nixon sold Congress on the Safeguard ABM system by claiming it would protect our missile sites from an attack by Russia.

He now says the Safeguard ABM system is needed to protect our cities from an attack by China.

I disagreed with President Nixon a year ago. I disagree with him now.

We can retaliate against any Soviet attack. By hardening our land-based missile sites and by continued use of Polaris submarines, our second strike capacity is protected. The Russians know it, and we know it.

The Nixon administration says that, while Russia understands that an attack on the United States will bring massive retaliation, the Chinese can't be relied on to be deterred by such nuclear logic. In the Pentagon, this is known as the "Crazy Chinese Theory."

There are good reasons to be concerned about China. That huge nation of 800 million people is too isolated, and its leadership often seems erratic.

But the best military and diplomatic minds I have talked with do not think it is now time to start preparing for a nuclear attack from China.

They think it is possible to bring China into the community of nations. They think there is still time to work out agreements to stop the arms race. They think China will not commit national suicide by senseless attacks on other nations.

What is at issue between President Nixon and me is the direction this nation should go in the 1970s.

I do not think we can continue to spend $70 billion or $80 billion a year on new weapons systems and a huge defense establishment while paying only lip service to the real needs of this nation.

I do not think we should now spend billions of dollars to ring our cities with missiles while they are being destroyed from within by crime, pollution and a poverty cycle of hopelessness and despair.

It will cost billions of dollars to fight a real war on crime. We need more policemen, better trained policemen, better equipped policemen. We need more judges and a more modern court system. We need correctional systems that rehabilitate people instead of preparing them for a life of crime.

It will cost billions of dollars to fight a real war on pollution. We have to get smog-producing cars off the road by building better public transportation systems. We need more effective treatment of sewage and industrial wastes. We need new systems for disposing of solid wastes. We have to invest more money in pullution research and facilities.

It will cost billions of dollars to rebuild our cities. We need 25 million units of new hous-

ing in this decade. We need new schools, more efficient systems of health care, more job training programs, and the complete overhaul of our welfare system.

President Nixon, in his campaign and during his first year in office, talked about the need to improve the quality of life in this country.

In his State of the Union speech three weeks ago, he spoke eloquently about the need to protect our environment.

Talk must be backed up by performance.

The pollution issue is nothing new. Five years ago the federal government began in earnest to improve the quality of our air and water. The programs must be improved and more money must be invested.

The crime issue is nothing new. For years we have recognized that significant investments will have to be made in our police-courts-correctional system. Let's do it before this becomes a nation of fear and lawlessness.

The cities issue is nothing new. We can all see the slum housing, the inadequate schools, the rising cost of health care, the ineffective welfare system.

It is time to stop playing on our fears. It is time to stop promising and to start coming up with programs and money.

The priorities of the America of the 1970s are not the ABM and a continued arms race. We can cut the Pentagon budget to as low as $50 billion a year and still have real security for the United States.

We can clear up our air and water and rebuild our cities. Our streets can be made safe. We can give every American a chance to lead a decent life. These are our priorities of the 1970s.

Judging by his actions of recent weeks, President Nixon has other priorities.

I think he is wrong. I think he is pursuing policies of the 1950s as America enters the 1970s.

SENATE—*Wednesday, February 18, 1970*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who has set us in this place at this time and given us work to do for others, teach us not to waste precious moments by crowding Thee out. Help us, however pressing our duties, to linger for a moment in communion with Thee, to know Thee and to be known by Thee. Teach us to number our days that we may apply our hearts to wisdom, to lengthen life by intensity of living, to fill swift hours with mighty deeds, to lay up treasures which are unseen and imperishable, where neither moth nor rust doth corrupt.

So may the very stress and strain of daily toil keep us close to Thee.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 17, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR METCALF OF MONTANA

Mr. MANSFIELD. Mr. President, I am sure all Senators are aware that my distinguished colleague (Mr. METCALF) met with an accident on an icy road in Montana and is confined to the hospital in Butte at the present time.

We expect him to be back with us shortly. He is recovering nicely.

POLLUTION AND ITS CONTROL

Mr. MANSFIELD. Mr. President, I take this opportunity to join the distinguished minority leader in noting that once again the Federal Water Pollution Control Administration's Office of Public Information has received well deserved recognition for professional excellence.

As the Senator from Pennsylvania (Mr. SCOTT) pointed out on February 9, the Washington chapter of the Public Relations Society of America has, for the second consecutive year, presented its Thoth Award to the office.

The letter of award to Mr. Charles M. Rogers, director of the Public Information Office, said the judges were "greatly impressed with the very effective public relations program your office has fashioned to present facts about water pollution, prevention and control."

I think this will be at the core of our battle for environmental quality in the years ahead—give the facts to the public and the public will do the rest.

We are all aware that public opinion is, and will continue to be, the decisive element which will mean success or failure in our efforts to clean up our environment. The awesome power of public opinion must be marshaled and then directed against the polluters—if we are to clean up our air and waters.

I am happy to note that the Federal Water Pollution Control Administration is carrying its fight for clean water to the people and apparently is achieving excellent results.

I ask unanimous consent that a letter from the Public Relations Society to Mr. Rogers, and pertinent articles on the effective campaign he has directed, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC RELATIONS SOCIETY
OF AMERICA, INC.,
Washington D.C. December 1, 1969.

Mr. CHARLES M. ROGERS,
Director, Office of Public Information, Federal Water Pollution Control Administration, Washington, D.C.

DEAR MR. ROGERS: It is my pleasure to inform you that your entry in the Washington Chapter, PRSA Annual Awards Program, has been awarded first place in the government category.

The judges, members of the Richmond (Va) Public Relations Society were greatly impressed with the very effective public relations program your office has fashioned to present facts about water pollution, prevention and control.

The Thoth Award, The Washington Chapter's symbol of professional excellence, will be presented at the annual Awards Banquet on Friday, December 5 at the National Press Club. We hope you or a representative of your office will be on hand to receive it.

Congratulations on an excellent job.

Sincerely,

BERNARD A. GOODRICH,
PRSA Awards Chairman.

[From Variety, Aug. 9, 1967]

SIX BLURBS ON A SHOESTRING

It's enough to make Madison Ave. shiver and shake. The Federal Water Pollution Control Administration division of the U.S. Dept. of the Interior (bureaucrats, right?) has distributed three one-minute blurbs and three 20-second blurbs—all in glorious tint—for pubservice slotting by networks and stations. The chiller is that the FWPCA division of the USD—of I did it on a production budget totaling $31,000, without an ad agency—and with a producer who had never turned out a blurb before.

Previously, the Administration had been making its video pitch via an "animated little man." But officials decided, with acceptable logic, that so serious a subject required something other than the light touch. They got it.

Out of nine producer bids, the Administration picked Bill Jersey's Quest Productions. Jersey was producer of the critically acclaimed telementary, "No Time for Burning," aired last season as an "NET Journal" seg on the NET web, but had never produced a blurb. Jersey, with Don Buxbaum as producer and Michael David scripting, managed to bring off the project sans ad agency creative help or production supervision.

The blurbs feature Hudson River and Hamburg, N.Y., locations and such diverse performers as folk singer Tom Paxton and a professional (AFTRA?) rat. Paxton wrote and sings a moody ode to a river, while the camera pictures it as it should be and how man and industry have really fouled it up. Another blurb features children's voices over, seemingly headed for a beach—but the water is polluted and the only sun bather turns out to be the rat. A sign reading, "This water unsafe for bathing," is a main prop in this one.

Third blurb is interior, with a happy guy humming and mixing lemonade in the kitchen. The lemonade is fouled by a montage of the various industrial gooks that are ruining the waterways. Very effective in tint.

There's brief voice-over on all blurbs, and an invitation to write to Clean Water, U.S. Department of the Interior, Washington, D.C.

The three 20-second blurbs are edited out

of the full minutes—just like on Madison Ave.

TROUBLED WATERS

The Federal Water Pollution Control Administration is sending prints of 60-second and 20-second films alerting Americans to the dangers of water pollution, to tv stations around the country.

Each of the films—three '60s, three '20s—is a strong statement of the urgency of cleaning up America's waters. For example, one of them, to the accompaniment of a nostalgic balled called *My River*, opens to shots of debris-laden water, river covered by industrial scum, effluvia of factories, tankers dribbling chemicals into the stream, and other enchantments of the industrial environment.

Another shows a deserted beach town, the cottages all boarded up, as, voice-over, children chant "we are goin' swim-min'," while the camera dips down to surside to show the beach littered with dead fish, the boardwalks posted with "Danger—bathing prohibited—Polluted Water" signs. (The '20s are lifts from the 60-second films)

The beach spot ends with a glimpse of a water rat scurrying among the marine waste, with a voice warning that since nothing was done, "now the beach belongs to him."

The third spot shows a guy setting about to make a pitcher of lemonade with the available water supply. First milky, then rusty, then oily, then acidulous, then sludgy elements go into the pitcher, until the result is a one pitcher microcosm of what has happened to the country's water.

Charles Rogers of the Water Pollution Control Administration said the campaign was conceived as a way "to tell the American people that we're running out of clean water."

To sock the message across, it was decided to use a documentary style, unlike the whimsical cartoon treatment used by the division of the Department of Interior in an earlier campaign.

On a budget of $30,000, excluding print costs—700 prints of each of the spots are being shipped to stations—the films were produced by Quest Productions, headed by William Jersey, who made the widely-acclaimed *A Time for Burning* for the Lutheran Council.

Jersey directed the film, from a script by Michael David. Producer was Don Buchsbaum of Quest. The song, *My River*, was written and sung by folk singer Tom Paxton.

The Advertising Council is urging stations to run the spots as often as possible.

TV SPOTS ATTACK BEFOULED RIVERS, BEACHES

That impure water is a problem and clean water a national need are the messages, and TV is the medium being used by U.S. government water-pollution fighters who are spending more than $30,000 in the production and distribution of some 700 prints to stations and networks.

Officials of the Federal Water Pollution Control Administration of the Department of the Interior at a screening in New York last week said the color films—three one-minute messages and shorter 20-second versions—were produced by Quest Productions and mark a departure from the agency's use of animated spots to documentaries.

They said the step up in TV exposure was in keeping with the "critical and serious" nature of the water-pollution problem in the U.S. A film on river pollution features folksinger Tom Paxton on the sound track; another spot dramatizes water impurities as a pitcher of lemonade is mixed, and a third is a pictorial study of a beach area closed because of pollution.

RADIO AND TELEVISION ADS PROMOTE CLEAN WATER

(By Lawrence Laurent)

The Federal Water Pollution Control Administration took to the air last season with a new campaign to clean up the Nation's waters. This was done with public service commercials that played on 811 TV stations and 5300 radio stations.

The results were excellent. The broadcasting audience was urged to write: "Clean Water, Washington, D.C." The letters have been coming in at a rate of 1900 to 2100 a week.

A second campaign is now beginning. I attended a preview yesterday of two of the one-minute TV messages and each is excellent. In one filmed announcement, a tousale haired boy with a fishing pole wanders along the edge of a lake. The water is littered with tires, shoes, wood and trash.

Behind this scene is the voice of folksinger Tom Paxton. He sings of the wonders of nature and the benefits of clean water.

The second announcement is called "Doomsday" and is narrated by Joe Silver. It centers on a tiny girl playing at the beach. Interspersed are shots of sewage and factory waste pouring into rivers. The beach scene changes: Now three hearses dawdle along. The final shot is of a deserted beach.

Eighteen radio commercials have been produced by Water Pollution's Office of Public Information. As Charles M. Rogers explained, the spot announcements combine songs about rivers with New Orleans jazz.

The eight-man Chicago Footwarmers provide the music.

The tune, 'Swanee" has been converted to "Way Down Upon That Dirty River" and the lyrics go like this:

"Way down upon the dirty river.
Not so very far away,
Sure ain't no place that's fit for people.
Why must it be this way"

The song called "Lake Michigan Water" has also undergone some changes. The first two lines still go: "Lake Michigan water used to taste like sherry wine" and the last two lines are:

"Now that Michigan water
Tastes like turpentine."

Most effective of the parodies is the new version of "Red River Valley." It is now sung like this:

"From this valley they say you are going.
We will miss your bright eyes and sweet smile
But I can't say that I blame you for leaving,
'Cause you can smell this old river a mile."

Production of the two television spots cost $15,000 and was done in association with Quest Productions. Distribution cost run $6.40 for each of the 811 stations.

For radio, the Chicago Footwarmers made two spots that run for 20 seconds; six that run for 30 seconds; eight that last a minute, and one that is 90 seconds long. They also did a "program" that runs for three and a half minutes.

The point of all of them, folks, is to keep those cards and letters coming to "Clean Water, Washington, D.C."

SOLUTION TO POLLUTION

The public information office of the Federal Water Pollution Control Administration has come up with another hip broadcast campaign, this one highlighted by a package of radio spots featuring the Chicago Footwarmers.

As last year, the office used Quest Productions for tv spots, and the film house again came up with mood blurbs with folk singer Tom Paxton backgrounding via his composition, "The River."

Already being heard in the New York market are the radio spots featuring the Chi Dixie band prefacing soft pitches on pollution control with swinging river songs. "Down by the Riverside," "Chesapeake Bay" "Green River," "Up a Lazy River," "Roll Jordan Roll," "Swanee," "Red River Valley," "Lake Michigan Water" and "Roll On, Mississippi, Roll On." Band personnel are leader Mike Walbridge, Kim Cusak, Johnny Copper, Eddie Lynch, "Uncle Chet," and Mike Ihlugo.

The radio and tv spots were turned out on a slim budget of $31,000 and without an ad agency; the office says that last year's spots upped mail requests for pollution info from about 500 letters a month to a peak of 2,700.

AMOS ON WATER

Again this year, a hard-hitting campaign damning water pollution has been devised by the Federal Water Pollution Control Administration for tv.

Last year's campaign is fresh in the minds of late-night movie addicts: the beauties of the Cuyahoga River as it stinks its way through Cleveland, the glories of Lake Erie shores awash and luminescent with multitudes of rotting fish.

One of the commercials in this year's campaign shows people delighting in finding a place in the sun at clean Jones Beach outside New York—children playing happily, intercut with quick cuts of the devastation wrought by man at other watering places.

Over the pictures runs a narration of some lines from the prophet Amos. With the clinch-line, "and thou shalt die in a polluted land," a cortege of hearses plods across the now empty beach.

The other commercial in this year's campaign shows a Huck Finn type whistling his way through the woods, fishing pole at shoulder arms, to the sound of Tom Paxton singing a ballad about a beloved river. The boy gets to the fishing spot; finds it utterly ruined, with detritus, debris, beer cans, and other effluvia of industry and leisure.

The films were made for the branch of the Department of Interior by William Jersey of Quest Productions, who made last year's campaign, as well.

The Water Pollution Control Administration is making the two films available to tv stations in 60-second, 30-second, and 20-second lengths. Prints are being sent to 811 tv stations.

Apparently last year's campaign has had a fair amount of play, if the number of letters received by the federal entity are any measurement. Last year's campaign was the office's first use of tv, and it resulted in mail multiplying from 500 letters a month to nearly 3,000 a month.

Mr. LUKE HESTER,
U.S. Department of the Interior, Federal Water Pollution Control Administration.

DEAR MR. HESTER: I have just received two public service spots in regard to water pollution that were mailed to us. I want to take this opportunity to tell you how impressed I am with the quality and message content of the spots.

Often television stations run public service spots of this nature as a requirement. These two announcements, "Funeral" and "Fishing Spot," are almost a pleasure to program.

I am sure that they will meet with as much approval by the general public as they did with those who viewed them here at the station.

Feel free to forward any future spots to us with the assurance that they will get as much exposure as possible. Thank you and best regards.

Sincerely,

CLEM CANDELARIA,
Program Manager.

TV AND RADIO CAMPAIGN—WATER-POLLUTION FIGHTERS USE SONGS TO WIN BACKING

(By George Harmon)

The Chicago Footwarmers stomp into their Dixieland rendition of "Red River Valley" and Chet Ely sings:

"From this valley they say you are going.
We will miss your bright eyes and sweet smiles;

But I can't say I blame you for leaving,
Cause you can smell this ole river a mile."

That parody is part of a new weapon being used by the Federal Water Pollution Control Administration.

As a result, the fight against pollution now enters American homes every day in the form of public service announcements.

A total of 5,300 radio stations and 811 television stations have received the witty and hard-hitting ads.

A federal spokesman said the purpose of the campaign is to awaken Americans "to the looming potential destruction of our environment."

With that mission in mind Ely rewrote the lyrics of such jazz standards as "Roll on Mississippi, Roll on" and "Up a Lazy River" in modern, oil-soaked style.

His version of "Down by the Riverside," for example, echoes with "I ain't gonna stand this mess no more."

The FWPCA also hired a private filmmaker to produce two color announcements for television.

One carries a "doomsday" message in which a voice intones, "Thou shalt die in a polluted land."

The other film shows a boy with a fishing pole walking through shadowy foliage to a shore covered with oil, bottles, old tires and other debris.

Ely, a Small Business Administration employee who lives in Winnetka, said that recording the announcements was a "labor of love" for the Footwarmers.

The group has grown to enjoy playing the parodies so much that a rousing chorus of "Lake Michigan Water" frequently becomes part of its act.

ADVERTISING

(By Philip H. Dougherty)

The country's 811 television and 5,300 radio stations have received or will soon be receiving the 1968–69 campaign of the Federal Water Pollution Control Administration, Clean water is their bag.

The other day, the Washington crowd journied to Big Town to show off the latest efforts, the TV part being the work of Quest Production.

One of the two spots is a heartwarmer called "Doomsday." Don't want to give away th plot but it ends up with a three-vehicle funeral cortege moving slowly across an empty beach as a voice intones with Biblical solemnity, "and thou shalt die in polluted land." It makes a point.

COLOR SPOTS, JAZZ, AIM AT POLLUTION CONTROL

The Federal Water Pollution Control Administration last week announced a new television and radio campaign for "Clean Water." Two one-minute color spots, produced in association with Quest Productions, New York, have been distributed to 811 television stations. "Fishing", with lyrics written and sung by Tom Paxton, features a little boy on his way to fish in a lake, but finds it polluted. The second spot, "Doomsday", features a little girl playing on a sandy beach, which has also become polluted.

The Chicago Footwarmers, a jazz group, is featured in a record album which contains several radio spots and three public affairs programs, "Down by the Riverside" and "Green River" and "Chesapeake Bay". It has been distributed to 5,300 radio stations.

BOXCAR SHORTAGE IN MONTANA

Mr. MANSFIELD. Mr. President, I believe that I should say something about the grain elevators still being plugged in the State of Montana.

During practically every year of my service in Congress, I have been up against this problem of having boxcars returned to their parent territory. It seems that the eastern lines pirate the boxcars of the Great Northern, the Northern Pacific, and the Milwaukee, keep them in the East and pay low rentals which in turn places an undue burden upon our farmers and ranchers in the West. That burden is manifested by the fact that groups are now being organized to buy trucks which cost about $35,000 each to ship their wheat either from the elevators or on the ground to portions of Idaho and Washington.

The latest information I have is that the town of Carter, which lies north of Great Falls, Mont., on the road to Fort Benton, alone needs 300 boxcars. Nothing is being done to alleviate the situation. Legislation is being introduced by the distinguished Senator from Washington (Mr. MAGNUSON), by myself, and my colleague (Mr. METCALF). We have introduced legislation that would raise rentals on the boxcars now held by the eastern roads up to $100 a day, and if retained overtime, there would be a fine of up to $5,000.

Mr. President, I only hope that the Commerce Committee will begin hearings shortly, that ICC will get off its duff, and see that something is done to return the boxcars to Montana so that the needs of our ranchers and farmers can be met in that respect.

Mr. President, this is a situation which has gone on entirely too long—for decades. Our farmers and ranchers cannot subsist on promises any longer.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "Elevator Still 'Plugged,' Says Carter Manager," published in the Great Falls, Mont., Tribune on February 7, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ELEVATORS STILL "PLUGGED," SAYS CARTER MANAGER

CARTER.—The grain elevators in Carter alone need 300 cars right now, an elevator manager declared Friday, "but the way cars are coming in it will take a good three months to ship the grain that we have on hand at the present time."

Carter is one of the major shipping points for grain in Montana. There are four elevators there.

"I'm getting one to two cars a day at the present time, when I need 100," said Wes Crawford, manager of the Montana Elevator at Carter.

"Since Jan. 21, I've received 15 cars. I'm still working on September contracts and I've been plugged, (capacity grain storage) for five weeks. I had six trucks full of grain come to my elevator this morning (Friday) but I had to let 'em because there is no storage space. They are hauling into Great Falls because I can't handle any more grain."

Area farmers truck their wheat to elevators where it is sold and then reshipped to milling points in the midwest and Pacific Coast. The gigantic bottleneck is created on the reshipping end of the grain movement.

Aggravating to Elmer and other elevator manager, are statements in newspapers and elsewhere saying that grain cars are on their way to ease the shipping problem. "But they never arrive," asserted Elmer.

Joe McIntosh, Great Northern Railroad car distributor in Havre, "told me Thursday there would be a whole bunch of cars in tomorrow. I got two and they weren't even Great Northern cars. When I called him (McIntosh) Friday, he hung up on me."

Adding to the grain dealers' problems is the fact that farmers are now, due to the good weather, anxious to get their spring wheat and barley to the elevators for cleaning. "We can't accept it because we are plugged," Elmer said.

Further, "We have contracts on grain, including September contracts on malting barley. We're taking a loss on these contracts but the railroad doesn't give a damn."

U.S. BALANCE-OF-PAYMENTS DEFICIT FOR 1969—WORST YEAR ON RECORD

Mr. SYMINGTON. Mr. President. The Department of Commerce reported yesterday that the U.S. balance-of-payments deficit for 1969 totaled $6.9 billion—the largest deficit in our history; and some $3 billion greater than the previous record deficit in 1960.

Although the balance-of-payments figures showed a surplus in the fourth quarter of last year, an article in the Wall Street Journal of yesterday noted:

> Officials cautioned against attaching too much significance to the fourth quarter high, suggesting it may largely reflect year-end actions by corporations to assure they met the deadline for limiting direct investment in foreign subsidiaries.

Without such last-minute transactions, therefore, the deficit could have been even greater.

Particularly discouraging were figures released with respect to the U.S. balance-of-trade position. For several years, up until 1968, this balance of trade showed a healthy surplus—as high as $6.7 billion in 1964—and was therefore quite important in helping to offset increasing deficits in other accounts of the balance of payments.

Last year, however, this vital trade surplus was only $674 million, but slightly higher than the record low surplus of 1968.

That familiar saying about the weather often attributed to Mark Twain could well be applied to this balance-of-payments problem:

> Everybody talks about it, but nobody does anything about it.

In 1963, when in five statements on the floor of the Senate I made my first major statement of concern about the U.S. balance of payments, the overall deficit was about $3 billion; and this in spite of a surplus in the balance-of-trade account of over $5 billion.

Some shortrun measures have been instituted since that time in an effort to improve our payments picture, but no substantial, long term actions have ben taken; and until they are, it would seem we can expect a continuing gloomy outlook, to the point where this admittedly serious development in our financial position could become critical.

Continued large-scale Government expenditures overseas, along with unprecedented domestic inflation—the latter substantially hindering U.S. exports and increasing imports—and failure to often obtain a "fair trade" in the bargaining of international trade agreements, all contribute to the U.S. balance-of-payments deficit. Let us hope, therefore,

that we will concentrate our efforts in these areas, so as to avoid another recordbreaking deficit at the end of 1970.

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I ask unanimous consent that I may proceed for 6 minutes.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Without objection, it is so ordered.

SOLAR ENERGY: ITS PROMISE FOR THE FUTURE

Mr. CHURCH. Mr. President, in the January edition of the Audubon magazine is a very worthwhile article by Boyd Norton, a former Idahoan and now an executive of the Wilderness Society in Denver, on the threat to our environment by present means of production of electrical energy.

To surmount this threat from hydroelectric dams and coal or nuclear fired generators, Mr. Norton points to the future potential of solar energy as a possible ultimate answer.

As a physicist, Mr. Norton writes from a position of knowledge and I commend this article to my colleagues. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COOL WATER, WILD RIVERS, CLEAN AIR, AND SOLAR POWER

(By Boyd Norton)

Private power companies, public utilities, federal power projects, all are in business to sell a product—the flow of electrons along a wire. Other companies invent ever more ingenious ways of consuming more of this energy per capita, all in the name of progress. How the electricity is generated has been of little concern until recently. The cheapest way was considered the best way, and the environment be damned (or dammed!).

The power companies, private and public, have been peculiarly and acutely susceptible to a common organizational disease: resistance to change. Paradoxically, in an age of technological achievement built on change, we still suffer from technological myopia and the stumbling block of planning inertia.

An excellent example of this shortsightedness is the current devotion to large, centrally located generating plants. Whether coal-fired, nuclear-fueled, or hydro-generated, their function is to produce large amounts of electricity for distribution over wide areas. Generally, the larger the plant the more efficient it is—especially in the eye of its manager. But so, too, are its repercussions enlarged.

Many of today's environmental problems stem from this simple relationship. Big dams destroy whole river systems. Coal-fired plants are major contributors to air pollution. Like large coal-burning plants, nuclear plants threaten our rivers and estuaries with biologically damaging thermal "additions." But also, they create even more insidious hazards from radioactive wastes. No matter what kind of plant, the once beautiful land becomes crisscrossed with wire tentacles to tie the plant to the consumer.

Inflated power "needs" aside, do we need large, central generating plants? First, we must place all future plants in more appropriate sites. But equally, we must rethink our whole concept of supplying energy to the nation.

Solar power offers exciting prospects. Even grade-school science tells us that an average of 1.67 kilowatts of solar energy falls on every square yard of the Earth's surface daily. By comparison, according to a recent computation by LaMont C. Cole, man produces only 25/1000th of 1 percent as much energy. The problem is to utilize the sun's energy. Solar cells, much like photographic light meters, can convert sunlight directly into electricity. They are used to supply power for satellites. But it takes many cells, and they are expensive. Further, for practical use, there is the problem of efficiently storing the energy for use at night or in adverse weather.

All this, however, is possible. Ultimately, most of our homes, offices, or factories could be self-sufficient in power requirements. No more wires need be draped across the land; no more fumes spewed into the atmosphere, or waste heat dumped into water, or wild rivers forever stilled by dams.

Although we must not delude ourselves into thinking that solar power is a cure-all, we must pursue it because, when all the resource, energy, and ecological balance sheets are tallied up, solar power will almost certainly be the most efficient way. The fiscal balance sheets are a matter of social policy. We will need massive investments in research and development, but when you can put a man on the moon, there is little you can't do—technologically, that is.

PROVIDING TAX INFORMATION FOR IDAHO FARMERS

Mr. CHURCH. Mr. President, taxation is never a welcome subject, but information concerning taxes is always necessary and often helpful.

Recently, Congress passed, and President Nixon signed into law, the most comprehensive tax reform measure in our history. Some of the changes are of special interest to farmers as they prepare for the 1970 crop year to which the new law will apply. Many Idaho farmers have written me to ask how their farm operations will be affected.

Recently, an excellent article appeared in the Farm Journal written by Claude W. Gifford, entitled "What the New Tax Law Does to You." An article of this nature cannot replace the advice of tax experts, when needed, but it furnishes, in capsule form, much information which could prove useful to Idaho farmers. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Farm Journal, February 1970]

WHAT THE NEW TAX LAW DOES TO YOU

(By Claude W. Gifford)

The new tax bill signed by President Nixon on Dec. 30 can erase your tax bill entirely—*or raise it to a new high*—depending on how much you make and how you make it.

It's the biggest package of tax law changes in the nation's history. Many of the changes apply to farmers alone. Other parts of the sweeping tax reform law apply to you, as well as to all taxpayers.

The biggest tax savings for most taxpayers is a cut in the surtax—which in 1969 added 10% to your tax bill. The surtax dropped to 5% on Jan. 1, and will expire on June 30. Unless Congress extends it later, your 1970 surtax will average 2½% for the year.

Now on these three pages, FARM JOURNAL will summarize the main changes that will affect your tax bill. For more details, and before filing, check with your tax man.

CAPITAL GAINS ON LIVESTOCK

All along, you have been able to report the income from the sale of breeding stock as "capital gains" income. Only half of "capital gains" is taxable, compared with all of the income from a load of fed cattle or market hogs.

Further, the highest rate of tax on "capital gains" has been 25%.

In order to count as "capital gains" income, the animals had to be intended for breeding, dairy or draft purposes—*and you had to hold them for one year from birth or date of purchase.* This is now changed:

You will need to hold horses or cattle for two years from date of birth or purchase (acquired after 1969) that are intended for breeding, dairy, draft or sporting purposes.

The same one-year holding period as previously from date of birth or purchase will apply to hogs, sheep, goats and other livestock held for breeding, dairy, draft or sporting purposes. *See the "capital gains" section for information on the new tax rates on "capital gains."*

CONSERVATION EXPENSES

If you are on an accrual basis, or if you've owned your farm 10 years, the new changes won't affect you. Otherwise:

As you know, you can deduct a certain amount of soil and water conservation expenses from your current year's income. These are expenses such as digging a ditch, draining a swamp, making a pond, leveling land or terracing.

The new law says:

If you sell your land at a gain within five years after you acquire it, you must deduct all of the conservation expenses (incurred after 1969) from your capital gains and treat that much as if it were ordinary income.

If you sell the land the sixth year after you acquire it, you deduct 80% of the conservation expenses from the capital gains; 60% in the 7th year; 40% in the 8th year; 20% in the 9th year.

For soil and water conservation expenses that you normally capitalize into the value of the land, there is no change.

The expenses of purchasing or developing a new citrus grove must now be capitalized into the value of the land.

SLOWER DEPRECIATION ON REAL ESTATE

The old tax law lets you speed up depreciation of real estate other than land. Ordinary straight-line depreciation, for example, would let you deduct $500 a year for a new farm building that cost $10,000 and had an expected life of 20 years. But double declining-balance depreciation would let you take $1000 the first year. The new law changes the rules:

Starting last July 25, the fast depreciation write-off of 200% declining-balance and sum-of-the-year digits is restricted to new residential rental housing.

You can take 125% declining-balance on used residential housing that has a 20-year life or more.

Depreciation on new farm buildings started or contracted after July 25, 1969 is limited to a 150% declining-balance, which is 1½ times more than straight-line.

In the case of used buildings—such as a used bin, or buildings on a newly purchased farm—you can use only straight-line depreciation. You can still take the 150% declining-balance on used buildings acquired, or contracted for, before July 25, 1969.

FARM LOSSES TIGHTENED

Ordinary farmers can go right on deducting farming losses from off-farm income. And if you are on an accrual basis, the changes won't hit you, either.

Only the very wealthy cash-basis taxpayers are affected. Anytime that off-farm adjusted gross income hits $50,000 a year, and net losses from farming exceed $25,000, then

losses above $25,000 go into an "excess deductions account" (EDA).

Each year that losses exceed $25,000, they are added to the EDA. If the farm makes money, this reduces the EDA a like amount.

If there are farm losses in the "excess deductions account," these will be deducted from certain capital gains—and that much will be taxed as if it were ordinary income.

These "excess loss" provisions also apply to small farm corporations that are taxed as a partnership—when none of the stockholders have losses from other farms.

FARMERS' TAX FILING DATES

Up to now, you could file an estimated tax return by Jan. 15 and file your regular return by April 15. Or you could skip the estimated tax and file your regular return by Feb. 15.

The new law says that if you skip the Jan. 15 estimated tax, you now have until March 1 to file your regular return.

INVESTMENT CREDIT IS DEAD

The new tax law kills investment credit; this will boost your taxes.

You have been able to deduct directly from your tax bill 7% of the value of many kinds of new property that had an expected life of eight or more years. This meant that a $10,000 new tractor would allow you to deduct $700 from your tax bill the first year. If you haven't been claiming this kind of credit; you can file amended returns to pick it up.

Now the new rules: Only capital property that was purchased, contracted for, or for which construction had started before April 19, 1969, qualifies for investment credit. If you were in the middle of construction on April 18, check the detailed rules.

You'll find various ways that you might still get investment credit on purchases and construction that were "under way" on your farm last April 18.

A contract to buy or build might be binding even though the price was to be determined later. Even an option that you had to forfeit if you didn't go through with the deal is a contract that will get you under the wire.

Also, farm buildings and equipment are considered as one project. If you had construction or binding contracts involving more than half the total cost, you might be able to get investment credit on all the equipment. In any event, it will be worth looking into. Work with a competent tax lawyer or CPA who keeps up with tax laws affecting farm property.

FARM JOURNAL and others had campaigned to permit investment credit on the first $25,000 investment per year. The Senate had agreed to $20,000, but gave in to the House which opposed it.

TIGHTER CAPITAL GAINS

The tax rate is now hiked on capital gains in excess of $50,000—*not so uncommon in the sale of farm land.* Up to now, the most tax you had to pay on capital gains was 25%. The tax rate on $50,000 or more now becomes half the tax rate you pay on ordinary income, with a maximum of 29½% in 1970 and moving to 35% in 1972.

On long-term capital losses—*fairly common on stocks and bonds, for instance*—*you* have been able to "write off" losses against ordinary income, up to $1000 per year.

From now on, you can offset only 50% of your long-term capital losses against ordinary income. You can still carry the excess over $1000 into later years.

ANTI-POLLUTION WRITE-OFFS

You might be able to use a special 5-year fast tax write-off on certified pollution control facilities added to present property. This would be to "abate or control water or atmospheric pollution by removing, altering, disposing or storing wastes or pollutants." This is new and complicated, and will need further clarification later from the Internal Revenue Service.

CROP INSURANCE PROCEEDS

Let's say you collect on your crop insurance. If the damaged crop has matured, you would have sold it the following year. The new law says that under those circumstances, if you are on a cash basis, you can report the insurance proceeds as income either this year or next. This starts with the 1970 crop.

LARGER DEDUCTIONS

This will give substantial savings to middle-income people who don't have very many deductions for taxes, medical bills, interest, charity and the like.

Up to now, you could take standard deductions (without itemizing) of 10% of your adjusted gross income, up to a maximum of $1000. The minimum standard deduction you could take was $200 plus $100 for each exemption (up to $1000).

But beginning in 1971 the standard deduction moves to 13%, with a maximum of $1500. In 1972, it moves to 14%, with a $2000 ceiling; and in 1973, 15%, with a maximum of $2000.

In addition, low-income families will get a special tax break called a low-income allowance, which will work this way:

The minimum deduction of $200 plus $100 for each exemption is increased to a flat $1100 in 1970; to $1050 in 1971; and $1000 in 1972 and thereafter. In effect, this frees from taxes the first $1000 of a poor family's income.

NEW TEST FOR HOBBY FARMS

You can't deduct net losses from farms that aren't really intended to make a profit. A new test in the law says that if the farm makes a profit in any two out of five consecutive years, that's proof that you intended to make money. Well, better proof, anyway.

You can't intentionally plan to lose money in, say, three out of five years. *In that case, the Internal Revenue Service may be able to prove that you didn't "reasonably expect to make a profit."*

The net result is not a great change. But if you are in a borderline situation, then making money in the two out of five years is in your favor.

The test for race horse farms is a profit in two out of seven consecutive years.

HIGHER PERSONAL EXEMPTIONS

More than 5 million taxpayers will be relieved of any tax liabilities by increased personal exemptions.

Your own personal exemption, and each dependent's, will go up $50—to $650—on July 1, 1970. For the year, it isn't much—averaging $625 for the full year.

After this year, personal exemptions will increase, as follows:

Full year:	*Each exemption*
1971	$650
1972	700
1973	750

A family with four children—six exemptions in all—will gain $900 in total exemptions allowed by 1973. If their taxable income puts them in a 22% tax bracket, the $900 extra exemption would reduce their 1973 taxes by $198.

MISCELLANEOUS

The present tax-free exchange of like property is clarified to make it clear that livestock of different sexes are not "like property."

If you have a good crop year, or for any other reason your income jumps a fifth above the average of the preceding four years, you can "average" your income to qualify for a lower tax rate. Capital gains will also be eligible for averaging. Previously, income had to increase a third or more above the average.

Students with summer jobs and others are excused from tax withholding if they certify that they will have no tax liability and if they didn't pay taxes the previous year.

Let's say that your land is taken by the government for a dam site, park, school or whatever. If they pay you more for the land than it cost you (or its value when inherited), you won't have to pay taxes on the *gain* if you invest in "like property" by the end of the second year after you received the *gain* (up to now it was one year). This also applies to *gain* from insurance received for a casualty loss. This applies to condemnations or casualties starting with 1970.

If you sell land or other property for $1000 or more—and spread out the payments over a period of years—your taxes on any gain are lower. If you are a dealer, you will now have three years to change from installment reporting to a straight sale (in case you had losses to offset). Penalties for failure to pay taxes on time are sharply higher.

AMERICA'S IMPERIUM

Mr. CHURCH. Mr. President, in the Washington Post of January 26, 1970, the nationally syndicated columnist, Marquis Childs, wrote a poignant column regarding the American "imperium" and the power being exercised by our diplomatic and military proconsuls in distant, foreign lands. He perceptively points out that:

Every day of the year the Constitution is breached and the authority of Congress mocked.

I hope that the Childs article, and others like it, will help fortify the resolve of Congress to recover its abdicated role in defining and determining our involvements abroad—a recovery which began last year with the Senate's passage of the commitments resolution, and with the congressional enactment of the Church amendment barring the use of military appropriations for funding the introduction of American ground troops in Laos or Thailand.

Mr. President, I ask unanimous consent that this significant article appear here in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AUTHORITY OF U.S. PRO-CONSUL RECALLS LUCE IMPERIUM IDEAS

(By Marquis Childs)

It was the late Henry R. Luce, founder of Time, Life, etc., etc., who proclaimed the American century. His vision of an American imperium presided over by wise pro-consuls around the world called forth at the time indignant cries of protest. This was not the American dream of those embedded in the long tradition initiated with George Washington's warning against foreign entanglements.

In the unhappy conviction of critics in Congress the American imperium is a reality today. Thinly disguised in the rhetoric of aiding peoples to achieve democracy and independence, the pro-consul, whether in military uniform or the morning coat of diplomacy, exercises an authority undreamed of a few short years ago.

They have no right under the Constitution to exercise such authority—to direct the operation of undeclared wars, for example, the critics in the Senate say. Every day of the year the Constitution is breached and the authority of Congress mocked. When the pro-consuls come before the Senate

Foreign Relations Committee they are polite, evasive. They testify in substance only behind the screen of secrecy held up for reasons of "national security."

Secrecy versus the right of Congress and the people to know is the focus of a controversy bound to generate more heat in the current session. How much light it will shed on the far-flung plans and intentions of America's commitments around the world is uncertain. The immediate issue is the "sanitized" transcript of the closed hearings into the undeclared war in Laos before Sen. Stuart Symington's subcommittee.

The transcript has been so censored in the State Department that it is meaningless, according to committee members. They are demanding that vital facts be restored—the cost of America's effort, well over $200 million a year; the cost of Thai support forces sent into Laos; the use of American bombers idled by halting the bombing of North Vietnam. And, above all, the answer to why the United States should be involved in such an undeclared war.

With the backing of President Nixon, the State Department is standing pat. There is a possibility the subcommittee will publish and be damned. After all, as Sen. J. W. Fulbright of the Symington group points out, most of the material was in a series of articles written by Henry Kamm of the New York Times from Laos.

As unhappy senators know only too well, the entrenched position of the Executive rests on money and manpower. Congressional resolutions, such as the Church amendment prohibiting the use of armed American combat troops in Laos or Thailand, are fine. But they butter no parsnips and so far as the outgoing war in Laos is concerned, they are hardly a deterrent.

The Nixon administration, as Fulbright wryly acknowledges, understands the techniques of empire as did the Kennedy and Johnson administrations. The President in his skillful State of the Union message said that the prospects for peace are far greater today than they were a year ago. Fulbright and the other critics know the public believes Mr. Nixon means to end the war. He has scored a great gain in the public acceptance of his Vietnam policy.

But what is his ultimate intention? Does he mean to withdraw all American forces, leaving only a small residue at the end of, say, two years? Or, in spite of the impressive rhetoric about Vietnamization and peace, will perhaps 200,000 Americans be left in Southeast Asia as the mainstay of America's position and a bulwark of the imperium?

These are questions troubling the doubters while at the same time they realize that in the context of the global power administered by the Executive they have little or no leverage.

In the gulf of suspicion and distrust between the White House and the Senate, or an important element of the Senate, minor irritants play a part. The Symington subcommittee inquiring into why the United States provided $39,000,000 for a small contingent of Philippine support troops in Vietnam, who got the money, and what part corruption has played in siphoning off billions in aid to the Philippines got caught in an election crossfire. American Ambassador Henry A. Byroade, talking to the Manila Rotary Club, said: "I ask you to consider the source."

The Senators were furious. They were angered by a speech by Maj. Gen. R. G. Ciccolella, head of the military mission in Taiwan attacking civilian control over the military and denouncing the cry of "no more Vietnams" as "sweet music to the ears of Communist plotters." The report reaching the committee was that Ciccolella was to have become deputy to Gen. Creighton Abrams, the American commander in Vietnam. Unfortunately, the general succumbed to a serious back ailment, which also prevented his testifying before the committee.

These are the pro-consuls. They are the agents of American power in the far corners of the earth. They enjoy privileges and on-the-scene responsibilities unimaginable in the America of a short time ago.

IDAHO BEET GROWERS NEED AID: STATE OF IDAHO LEGISLATURE MEMORIALIZES THE CONGRESS

Mr. CHURCH. Mr. President, certain Idaho sugar beet growers have been severely injured by an unusual insect infestation problem which has resulted in substantial harm to their crop. As a result, these farmers are faced with the bleak possibility of insufficient funds to plant a new crop.

In the company of my distinguished colleague, Mr. JORDAN, I have called upon the Secretary of Agriculture to grant aid to these hard-pressed growers by making loans available under the FHA emergency loan program. Unfortunately, the Secretary has refused to grant such aid.

Now the Idaho State Legislature has joined in the effort to seek aid for these farmers from the Secretary of Agriculture. I hope the Secretary of Agriculture will reconsider his decision and grant aid in this case.

I ask unanimous consent that a copy of House Joint Memorial 6 be printed in the RECORD.

There being no objection, House Joint Memorial 6 was ordered to be printed in the RECORD, as follows:

HOUSE JOINT MEMORIAL 6

A joint memorial to the honorable Senate and House of Representatives of the United States in Congress assembled, the honorable congressional delegation of the State of Idaho and the honorable United States Secretary of Agriculture

We, your Memoralists, the Senate and House of Representatives of the state of Idaho assembled in the Second Regular Session of the Fortieth Idaho Legislature, do respectfully represent that:

Whereas, the sugar beet industry is a major industry of the state of Idaho, and

Whereas, in 1968 the United States Bureau of Land Management removed brush from the area generally referred to as the Bruneau desert and did not adequately seed or properly care for the land thereafter; and

Whereas, in August 1968 there was an exceedingly heavy rainfall compounded by an exceedingly deficient rainfall in March, April and May 1969, in the counties of Elmore, Twin Falls, Owyhee, Jerome, Gooding, Ada and Canyon, state of Idaho; and

Whereas, the combination of the heavy rains in August 1968 and the deficient rain in spring 1969 resulted in an infestation of beet leafhoppers which caused substantial and widespread sugar beet crop loss, averaging one-half crop yield, and in some instances involved complete destruction; and

Whereas, this loss has had a severe impact on the respective economies of the counties of Elmore, Twin Falls, Owyhee, Jerome, Gooding, Ada and Canyon, state of Idaho; and

Whereas, many farmers in these counties are in dire financial straits as a result of a natural disaster; and

Whereas, the Consolidated Farmers Home Administration Act of 1961 (Section 321 (a)); 7 U.S.C. 1961, authorizes the Secretary of Agriculture to designate any area as an emergency loan area, "if he finds (1) that there exists in such area a general need for agricultural credit which cannot be met for temporary periods of time by private, cooperative, or other responsible sources . . . at reasonable rates and terms for loans for similar purposes and periods of time, and (2) that the need for such credit in such area is the result of a natural disaster."; and

Whereas, it is the understanding of the Idaho Legislature that the United States Department of Agriculture has refused to declare these affected farmers eligible for Farmers Home Administration loans under the above act.

Now, therefore, be it resolved by the Second Regular Session of the Fortieth Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Secretary of Agriculture to declare the affected farmers eligible for FHA emergency loans and to direct the FHA to work with the farmers in the area to help offset the economic crisis they face.

Be it further resolved that we respectfully urge our congressional delegation to continue their fine efforts toward obtaining emergency relief for these southwestern counties from the Secretary of Agriculture.

Be it further resolved that the Chief Clerk of the House of Representatives be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the leadership of the Senate and House of Representatives of Congress, to the Senators and Representatives representing this state in the Congress of the United States and the Honorable Secretary of Agriculture.

FIGHTING FETTERS ECONOMIES OF CENTRAL AMERICAN COUNTRIES

Mr. CHURCH. Mr. President, during the past few weeks, I am sorry to report, the torrid mini-war between Honduras and El Salvador flared up again. Peace talks, which were being held in Costa Rica under the auspices of the Central American Common Market, were suspended.

Economic progress within the warring states has been hampered by the brief July 1969 conflict in which U.S.-supplied weapons were used to kill at least 2,000 people—weapons, I might say, that were furnished to both sides under the ongoing military assistance program in Latin America. More fighting will only fetter further the economies of the whole region, as Lewis H. Diuguid outlines in the Washington Post of February 2, 1970, and James Nelson Goodsell confirms in the Christian Science Monitor of February 16, 1970.

Mr. Diuguid writes that Honduras, by closing its 65-mile stretch of the Pan American Highway to all traffic to and from El Salvador, has contributed to economic deterioration in both countries. In turn, this has meant markedly slowed activity for the Central American Common Market, to which both countries belong, along with Guatemala, Nicaragua, and Costa Rica. Mr. Diuguid gives a brief rundown on each of these nations.

I ask unanimous consent, Mr. President, that two reports of the fighting which appeared in the Washington Evening Star, plus the Diuguid and Goodsell articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Feb. 1, 1970]

HONDURAS, EL SALVADOR CLASH AT BORDER AGAIN

TEGUCIGALPA, HONDURAS.—Fresh fighting was reported along the Honduras-El Salvador border yesterday, the day after peace delegates from the two countries agreed to pull their troops back from the disputed border.

Honduras said a battalion of Salvadoran infantry broke across the border before dawn with air and artillery support and was repulsed after a six-hour battle.

El Salvador said Honduran troops tried to penetrate the border at a different point, also before dawn, but that Salvadoran forces beat them back and killed several of them.

The peace delegations had been meeting in San Jose, Costa Rica, since El Salvador and Honduras fought a five-day war last July in which more than 2,000 persons were killed.

The delegates had called an outbreak of fighting Thursday an "isolated incident" and adjourned Friday after agreeing to resume the talks Feb. 23.

Still untouched in the long series of meetings is the question of disputed territory along the ill-defined border, which is the basis of much of the conflict between the two countries.

[From the Washington Evening Star, Jan. 30, 1970]

HONDURAS, SALVADOR ARE FIGHTING AGAIN

MEXICO CITY.—Hostilities broke out again between Honduras and El Salvador yesterday. Each claimed the other started the shooting. The two governments suspended peace talks in Costa Rica at which they had been trying to ease the aftermath of their 100-hour war last July.

Honduras said a "considerable number" of dead Salvadoreans were left in Honduran territory. El Salvador's defense minister said he was waiting for casualty reports from the front.

El Salvador, smallest Spanish-speaking nation in the Western Hemisphere, claimed Honduran planes violated Salvadorean air space and then Honduran troops and armed civilians crossed the poorly defined border. El Salvador said its troops repulsed the invaders after a three-hour battle.

Honduras said the first attack was made by 100 Salvadorean ground troops, around dawn, and five hours later Salvadorean planes bombed two villages. The Honduran Foreign Ministry said that after a battle of several hours, the Salvadorean troops "were defeated, leaving behind a considerable number of guardsmen dead in Honduran territory."

Armed conflict along the border has been common since July, but Thursday's appeared to be the most serious since a cease-fire was declared on July 18.

At least 2,000 persons were killed in the war last summer, and Honduras closed the Pan American Highway, the lifeline of Central American commerce. Diplomats of other Central American countries had hoped that the peace talks in Costa Rica would improve the situation.

The two countries have a long history of economic, social and territorial disputes, stemming in large part from the fact that Honduras has five times the land and half the population of El Salvador. Land-hungry Salvadorean peasants migrated in large numbers into the rugged undeveloped Honduran lands along the border, and by last year an estimated 300,000 Salvadoreans were living on Honduran territory.

Honduras enacted a land redistribution law and began seizing the Salvadoreans' lands. Some 15,000 fled to El Salvador, and on July 14 Salvadorean troops crossed the border, charging that the Hondurans were committing atrocities on the Salvadoreans.

[From the Washington Post, Feb. 2, 1970]

TINY COLD WAR FETTERS CENTRAL AMERICA

(By Lewis H. Diuguid)

TEGUCIGALPA, HONDURAS—Since last July's misnamed Soccer War, Honduras has closed the U.S.-financed Pan American Highway to its adversary, El Salvador. And the political institutions of the Central American common market are moribund.

Fear and hatred resulted from that 100-hour war. But surprising economic recoveries by the invading El Salvador, and to a lesser extent by the invaded Honduras, have tempered passions to the point that in January delegations from each country began talks.

Border incidents continue. But the ideal of Central American unity has survived even in Honduras and El Salvador, despite the rancor fed in part by government and journalistic misinformation.

Central America consists of five diverse states with largely unproved ability to provide for their populations, which grow faster than any others on earth. They are linked by that critical highway, which U.S. money made possible; by a history of dependency on Uncle Sam; and lately by the common market that could lead to economic and political integration.

In the best of times, their economies grow slightly faster than their populations. Much of the terrain of the five countries is arid and most of it is mountainous. With unstable populations, the governments are notoriously volatile. Since the war there is the added agitation of refugees.

U.S. diplomats, common marketeers and local politicians throughout the area agree that regional integration will come slowly if at all, and on terms altered to better accommodate the area's diversity. The short-run impediment is the play of politics, with four of the five nations at some stage of electioneering.

Voting is a serious and fairly orderly business in Costa Rica, the one country to develop a strong democratic tradition. It was electing a president Sunday.

Guatemala, with a modern history of military coups and guerrilla warfare among left and right extremists, is on the verge of seeing, for the second time, a freely elected president complete a term. This first happened in 1950, and the leftist government that followed was toppled four years later in a coup organized by the CIA. The election will be March 1.

The upcoming election most influenced by the war is in El Salvador, which will choose a new legislature and municipal officials on March 8. Though the war unified all parties, the opposition Christian Democrats have now challenged the government's performance during and after the conflict. The ruling party is running some war heroes for office.

In Honduras, elections are a year away—if they come at all. But decisions must be made soon on selection of candidates if the constitution is to be observed. Chances are that it will not be, and the incumbent general will find a means of staying in power.

While the very prospect of elections can be looked on as hopeful in the combatant countries, an opposition politician in San Salvador voiced a common attitude when he said:

"Elections are valuable when they offer real alternatives, but no one is going to campaign for accommodation with the enemy and no one in office wants to look conciliatory in the talks with the other side."

The talks, in San Jose, Costa Rica, find Honduras insisting that it will not open the Pan American Highway to Salvadoran commerce until the common border—now undefined at some points—is clearly fixed. El Salvador says the border cannot be demarcated until the highway is open to its traders.

There is still at least exchange of mail between the two states, and each continues to trade with the other common market partners. Over-all, commerce in the common market remains at prewar levels.

Prospects for survival of the market are closely related to the diversity of the area, whose total size and population are similar to California's. Here are some impressions of the five nations:

GUATEMALA

Alone of the five, it has a rich cultural heritage, passed by Mayan ancestors to the Indians who today make up perhaps 60 per cent of the population. But except for those Indians who prefer the Spanish-oriented life of the capital and the towns, the descendants of the Mayans influence national policy only passively.

The Indians have contributed the ruins of a past civilization and the striking costumes and weavings still abundant, but power is in the hands of the military and the owners of land and budding industry.

President Julio Mendez Montenegro has balanced those interests against a cautious reform program. He has survived four years that saw a gradual weakening of Communist guerrillas in the countryside, partly because of equally virulent rightist counter-terror. This terror included the assassinations of, among hundreds, a U.S. ambassador and two military mission officers, and scores of kidnapings, including that of the archbishop of Guatemala City.

From this has emerged a presidential campaign offering fairly distinct choices—a right-wing colonel who as defense minister was associated with the violent repression of leftist guerrillas until President Mendez dismissed him; a candidate of the ruling Revolutionary Party who promises to carry on pretty much as has Mendez; a Christian Democrat heading a coalition that includes such Marxists as are allowed to engage in politics.

The Revolutionary Party's Mario Fuentes Pieruccini is favored to win. Many observers are impressed, however, by the rapid growth of the Christian Democrats. Their leftist ideology, efforts to organize rural cooperatives and work among the Indians have appealed to those who seek a sharp break with the past.

These same reformists are hopeful that, should Fuentes win, he will move more quickly for reforms now that the military sees no threat of revolution from the Revolutionary Party.

Guatemala's trade has benefited from the common market, and its diplomacy has been directed toward conciliating its two warring neighbors to the south.

One effort, by the same Cardinal Casariego who was kidnaped by rightist terrorists two years ago, shows the difficulties of Central American diplomacy.

The activist Cardinal invited the presidents of Honduras and El Salvador to attend a traditional Guatemalan religious ceremony, popular throughout the isthmus, on Jan. 15.

After much persuasion, the two countries' vice presidents did attend. San Salvador's Prensa Grafica, probably the most responsible news outlet in either country, offered this account of the Honduran's performance:

"Showing signs of violence in an evident state of having taken in liquor, he told the Central Americans at the inaugural dinner at Esquipulas: '. . . We don't come to talk of brotherhood. We Hondurans are ready for whatever comes, death, sadness, misery . . . but we all know we are prepared for war, come what may.' "

Asked about this account, Cardinal Casariego repudiated it. "I was standing between the vice presidents, who had a highball each," he said, adding, "There is a great willingness on both sides."

EL SALVADOR

"This is a city of sellers," said Napoleon Duarte, Christian Democratic mayor of San Salvador, the capital that dominates this

small country. "There is one seller for every 17 buyers."

Indeed, the streets abound with vendors of the most motley wares. But alternate employment is scarce.

Under the common market, El Salvador began to use its abundant labor force in industry that found outlets up and down the isthmus. When, after the war, Honduras blocked movement south of these goods by highway, Salvadoran industrialists devised seabarge and airlift alternatives that have kept the factories operating.

Now the one big money crop, coffee, has come in big just as the world price is climbing. This has provided jobs for the refugees from Honduras—estimated at 54,000 by the Salvadoran Red Cross and over 100,000 by the border-watching Organization of American States.

It was the gradual flow of some 300,000 Salvadorans from their crowded homeland into the vacant lands of Honduras that fundamentally caused the so-called Soccer War. Expulsion of a few squatters in Honduras raised tensions and soccer games triggered the violence. Refugees and exaggerated tales of atrocities poured across the border.

With many refugees at least temporarily employed in coffee and cotton, there are no visible concentrations of them, although often they have melded into the creek-bed slums of San Salvador. Some Salvadorans are now willing to question the worst atrocity stories, and the real if limited economic expansion has moderated truculence.

Yet the most formidable candidate in coming municipal elections is Col. Jesus Velasquez, "The Devil of Nueva Ocotepeque." That was the one major Honduran town captured by the Salvadorans before the OAS obtained a cease-fire. Velasquez is running for mayor of San Salvador.

Relatively advanced El Salvador has expanded industrially as a result of tariff-free trade within the common market, and it continues to do so. A shoe company that lost perhaps $800,000 in destroyed outlets in Honduras is said to have raised sales above prewar levels by exporting to the other countries—and now even to the United States.

El Salvador will be reluctant to alter the rules of the market that have been so beneficial.

HONDURAS

This is the least developed state, so short of institutions that the economic effects of the war are hard to measure.

The United States bore much of the blame for the conflict, in the eyes of Hondurans. One view was put bluntly by a foreign ministry official:

"We were not prepared for war. But the United States assured us there would be no war. We believed it, and we were invaded."

U.S. officials deny such an assurance was given, but there is little question that U.S. diplomats believed both armies were incapable of launching a border crossing.

The actual scale of the fighting, often exaggerated, shows their assessment was not so far off.

Nevertheless, the Honduras defeat was real. It resulted in demonstrations against the United States and the OAS, and in the purchase of modern small arms in Europe. The belief was that the U.S. could have prevented El Salvador from invading.

A U.S. official in the area said, "These countries just don't realize that they can no longer be dependent on the United States. Times have changed and so have we."

Honduras is in some ways two city-states, as much as a nation. This capital, like San Salvador, is populated by people of European descent or who are mixed European-Indian.

Near the Caribbean coast is San Pedro Sula, a fast-growing industrial town that also contains many Negroes from the islands. They are discriminated against and discouraged from moving to the capital. (When the Nixon Administration made known that it planned to send an ambassador who was Negro, Honduras rejected him.)

The two major cities are 170 miles apart but seven hours distant by road because this major trunk has yet to be paved.

Honduras has so little industry that it could not benefit fully from the common market lifting of tariffs. In the short run, Hondurans feel they were better served to spend their dollars earned from bananas to buy U.S. consumer goods. They were cheaper and better quality than those made behind the market's tariff wall.

Unless this situation is improved, Honduras is unlikely to assist in revival and expansion of the common market activity.

NICARAGUA

The largest in area of the five states, it suffers the same disadvantages of underindustrialization as Honduras and is a potential ally in forcing modification of the common market to benefit the backward.

Gen. Anastasio Somoza Debayle is president of a government dominated by his family for decades. Despite its relative disadvantage in the common market, Nicaragua has shared in the fairly rapid, uneven economic growth that was typical of the countries in the early 1960s. It is said to have averaged an 8 per cent annual increase in gross national product during those years.

COSTA RICA

Although it has economic problems typical of the area, this small and southernmost of the five nations is looked on as the one stable operative democracy. It has no army, though there was some pressure to create one when Honduras and El Salvador went to war.

The population is almost entirely of Spanish descent. Income is the highest in the area. Partly because of its stability, industrial concerns have located there to serve the common market, and Costa Rica's interests are served by survival of the trade bloc.

In the capitals of Central America, in modern buildings, often imaginatively designed, representatives of the various initialed organs of economic integration wait out the duration of a minature cold war.

As a lot, they do not discourage easily. They talk of steps to create a common currency, to form a true customs union, to coalesce politically.

"Ours is really a model for integration in the rest of Latin America," said one. "We have to succeed, and we will. Unless there is another war."

Meanwhile, along the undefined border with El Salvador, the Honduran peasants visit their shacks only in daylight. At night they withdraw to the hills. And the press and the radio of each side call the other the most astonishing names.

[From the Christian Science Monitor, Feb. 16, 1970]

EL SALVADOR AND HONDURAS DAMP DOWN DISPUTE AFTER TALKS

(By James Nelson Goodsell)

SAN JOSE, COSTA RICA.—Mediation efforts for some sort of resolution of the El Salvador-Honduras dispute have ended a first round of talks here with no evident success other than to schedule another session later this month.

But the whole dispute, which exploded last July in a small war between the two Central American nations, has lessened in intensity in the past several months. Moreover, there is growing feeling the two antagonists are seriously interested in a solution to the tangle.

TENSIONS EASE

Observers here, for example, point out that both Salvadorian and Honduran public and private statements at the San Jose talks were far less inflammatory than those from the same spokesmen last year.

Still, the very week the talks began here in early February, several border incidents took place along the ill-defined frontier separating the two nations. The news made major headlines in local newspapers and led to speculation, which now appears unfounded, that the talks were breaking up.

OAS SPONSORED

The mediation efforts are being sponsored by the Organization of American States (OAS), which had a key hand in bringing about a cessation of hostilities last July. Jose A. Mora, former secretary-general of the OAS, is the chief mediator. He voiced guarded optimism about the talks when he left this city to report to Galo Plaza Lasso, present secretary-general of the OAS, on progress of the talks.

"It will take time to resolve the differences," Mr. Mora said, "but we are on the way to such a resolution."

OBSERVERS WITHDRAWN

Meanwhile, the OAS has withdrawn the majority of its observers who were stationed in El Salvador and Honduras last July after the five-day war between the two nations. One observer has been left in each country, and the OAS is prepared to add others if needed.

But an OAS spokesman in San Salvador, El Salvador, said removal of the observers resulted from what he termed "the improved climate of relations between the two nations."

Both nations now appear to want some sort of regularization of their relations. "Our troubles are of long duration," a Salvadoran Foreign Ministry spokesman said, "but perhaps now we can bring a better feeling between us."

VOICES LOWERED

After the inflammatory statements of July in San Salvador, current Foreign Ministry remarks seem to indicate a softer approach by the Salvadoran Government. And the quiet tone of comment by Salvadoran officials supports this conclusion.

Honduran spokesmen are no less conciliatory in their comments. One member of the Honduran team at the mediation talks said privately, "We have some national honor to consider, but we are also interested in resolving the problems we have with our neighbor."

Whether such attitudes will continue as talks go into their second round later this month is not certain, but both sides seem to have reasons for wanting to ease tensions.

TRADE SUFFERS

First, both nations suffered heavily in actual fighting—not so much from casualties, although there were many, but more from economic losses resulting from war expenditures and serious disruptions of the two economies.

El Salvador, Central America's smallest nation—although one of the richest—depends heavily on trade with its Central American neighbors, and this was broken off at the time of the fighting. It has not fully resumed, and Salvadoran trade with other members of the Central American Common Market is down 60 percent over last year.

BUSINESS OFF 50 PERCENT

A variety of Salvadorian businessmen admitted to this correspondent recently that business was off as much as 50 percent. Although they may well support the general position their government took in the war, these businessmen are interested in restoration of their business activity to where it was before the fighting last July.

And El Salvador is also hard pressed to care for an estimated 75,000 refugees who have flocked into the small nation—3.2 million people packed into 7,772 square miles. These refugees are Salvadorians who had

moved into thinly populated Honduras in search of land and jobs. They were one of the key reasons for the dispute that led to the war.

BITTERNESS LINGERS

In Honduras a similar economic slowdown has been registered. It seems less noticeable only because the economy is much less vigorous than that in El Salvador. And Honduran businessmen are pressuring the government for some relief.

Still, bitterness between the two nations runs deep. And it will take time to heal some of the wounds of the past year. Dr. Mora seemed to recognize this when he said, "The past is very much with us."

Dr. Mora and the OAS mediators hope to put more emphasis on the future, not to obscure the past but to point to both nations' need for better relations if they are to get their economic structures back in full working order.

AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 698, House Concurrent Resolution 454.

The PRESIDING OFFICER. The concurrent resolution will be read.

The assistant legislative clerk read as follows:

H. CON. RES. 454

Whereas more than one thousand three hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the twenty-first International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 13, 1969, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to insure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and to the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protest the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and Senate will proceed to the consideration of the concurrent resolution.

Mr. MANSFIELD. Mr. President, this concurrent resolution has been reported from the Foreign Relations Committee unanimously. I am sure that it has the full support of the Senate. I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–705), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

The purpose of the resolution is to place the Congress on record in support of humane treatment for U.S. prisoners of war and to focus world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva convention on the treatment of prisoners of war.

COMMITTEE ACTION

Five resolutions concerning the treatment of U.S. prisoners of war by North Vietnam and the National Liberation Front have been introduced in the Senate. These are:

S. Con. Res. 33, by Senator Scott

S. Con. Res. 43, by Senator McGovern

S. Res. 243, by Senator Bayh

S. Res. 245, by Senator Montoya (for himself, and Senator Cranston)

S. Res. 257, by Senator Tower (for himself, and Senators Bellmon, Bennett, Byrd of Virginia, Curtis, Dodd, Dole, Eastland, Fannin, Fong, Gore, Gurney, Holland, Hollings, Mansfield, Murphy, Pearson, Pell, Randolph, Smith of Maine, Stevens, Thurmond, and Young of North Dakota)

H. Con. Res. 454 was approved by the House of Representatives on December 15, 1969, by a vote of 405–0 and was referred to the Committee on Foreign Relations. Unfortunately, it came before the committee too late for consideration prior to adjournment. The resolution was discussed by the committee in executive session on January 21 and on February 10 was approved without opposition or amendment. The views of the Department of State on the resolution are in the following letter from the Acting Secretary of State, Elliot L. Richardson:

DEPARTMENT OF STATE,
Washington, February 12, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I was glad to note that the committee approved H. Con. Res. 454, expressing the concern of the Congress about the treatment and welfare of American prisoners of war and missing in action personnel in Southeast Asia.

As you know, there is wide concern about the plight of our men who are captured or missing in Southeast Asia. In many cases the men's families have lived for years with no word as to the fate of their loved one. From the start of the Vietnam conflict our Government has sought to keep the subject of prisoners of war separate from the political and military issues of the conflict, and to approach it on a humane basis. This is the spirit of the Geneva Prisoner of War Convention of 1949, by which North Vietnam, South Vietnam, the United States, and the other nations with forces supporting the Republic of Vietnam are bound. The convention sets forth basic requirements for humane treatment of prisoners of war, disclosure of information, impartial inspection, and early release of seriously sick and wounded prisoners. We deeply regret North Vietnam's refusal to live up to these fundamental humanitarian standards.

I hope the Senate will give early approval to this resolution as an expression of concern about the many American military personnel who are prisoners of war or missing in action in Southeast Asia.

Sincerely,

/S/ ELLIOT L. RICHARDSON,
Acting Secretary.

BACKGROUND CONCERNING THE PRISONER PROBLEM

As of January 24 there were 1,447 U.S. servicemen who were missing or presumed captured in Southeast Asia. A breakdown of this figure follows:

Missing in action and believed captured—American servicemen in Southeast Asia—Jan. 24, 1970

Missing in action (location):	
South Vietnam	401
North Vietnam	414
Laos	185
Subtotal	1,000
Believed captured (location):	
South Vietnam	72
North Vietnam	368
Laos	7
Subtotal	447
Total	1,447

Thus far in the war, North Vietnam has released a total of nine United States prisoners and the National Liberation Front has released 23. Many hundreds of prisoners have been released by the allied side, including 89 released to the North. North Vietnam has refused to accept the return of prisoners of war since 1967. In recent months the Republic of Vietnam has tried without success to arrange the return of 62 sick or wounded prisoners of war to North Vietnam.

The 1949 Geneva convention on the treatment of prisoners of war, agreed to by the United States in 1955, South Vietnam in 1953, and North Vietnam in 1957, specifies minimum standards for treatment of prisoners, including requirements that information be provided on the prisoners held, that prisoners be allowed to send and receive mail, that neutral representatives be permitted to visit prison camps, and that seriously sick and wounded prisoners be released as soon as they can travel. The convention applies to "all cases of declared war or of any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them."

The United States turns over to the South Vietnamese any prisoners our forces capture. The South Vietnamese operate six prisoner of war camps holding some 33,000 prisoners of war, of which about 7,000 are North Vietnamese. The camps are visited regularly by representatives of the International Committee of the Red Cross, the names of prisoners have been made available to the ICRC, and prisoners have the right to send and receive mail.

The United States has tried time after time to persuade North Vietnam and the National Liberation Front to comply with the basic minimum standards required by the Geneva convention, but North Vietnam contends that U.S. prisoners are "war criminals." They have refused to identify prisoners they hold, and only a limited number of those known to have been captured have been allowed to communicate with the outside world. Mail has been received thus far from only about 175 U.S. servicemen held by North Vietnam, and, as a consequence, hundreds of wives, parents, and children of U.S. servicemen missing in action in Vietnam do not know if their loved one is dead or alive. The sick and wounded have not been released, or even identified, and the International Committee of the Red Cross' repeated requests for permission to visit the prison facilities have been denied.

RESOLUTION ADOPTED BY THE INTERNATIONAL CONFERENCE OF THE RED CROSS

After failure of all attempts through diplomatic channels to obtain compliance with the Geneva convention on treatment of prisoners of war, the executive branch last year

decided to focus world attention on the prisoner issue as a possible means of influencing North Vietnam and the National Liberation Front to take a more reasonable position. The President has spoken out strongly on the issue, as can be seen from his remarks at a recent White House meeting with wives and mothers of missing and captured U.S. servicemen:

"THE PRESIDENT'S REMARKS FOLLOWING A MEETING WITH 26 OF THE WIVES AND MOTHERS AT THE WHITE HOUSE, DECEMBER 12, 1969

"Ladies and gentlemen, I have the very great honor to present in this room today five of the most courageous women I have had the privilege to meet in my life.

"Mrs. Nixon and I have met with 26 women, of which these are a part, representing approximately 1,500 women, mothers and wives of American servicemen who are missing in Vietnam and who are or may be prisoners of war. Some of these men have been prisoners or missing for as long as 5 years, most of them 2 to 3 years.

"Insofar as the treatment of prisoners is concerned, it would probably not be inaccurate to say that the record in this war is one of the most unconscionable in the history of warfare. And there have been, of course, some very bad examples in past wars, as we know.

"What I have assured these very courageous women is that, first, in reaching a settlement of the war that an integral part of any settlement that is agreed to must be a settlement that is satisfactory on the prisoner issue and, second, that clearly apart from reaching an overall settlement of the war that this Government will do everything that it possibly can to separate out the prisoner issue and have it handled as it should be, as a separate issue on a humane basis.

"Finally, I would simply add that while we all know that there is disagreement in this country about the war in Vietnam and while there is dissent about it on several points, that on this issue, the treatment of prisoners of war, that there can be and there should be no disagreement.

"The American people, I am sure, are unanimous in expressing their sympathy to these women, to their children, and also in supporting their Government's attempt to get the Government of North Vietnam and the VC to respond to the many initiatives which we have undertaken to get this issue separated out and progress made on it prior to the time that we reach a complete settlement of the war.

"I understand they will be here to answer questions."

The subject has been raised repeatedly in the Paris peace talks, and statements of December 30, 1969, and February 5, 1970, by the acting chief U.S. negotiator, Ambassador Philip C. Habib, are printed as an appendix to this report. The United States also brought up the issue during the recent session of the General Assembly of the United Nations, and the statements made in committee there by Rita E. Hauser, U.S. Alternate Delegate, are also printed as an appendix.

In an expression of world concern on this subject, the 21st International Conference of the Red Cross, meeting in Istanbul, Turkey, in September 1969, adopted a resolution calling for all parties to armed conflict to insure humane treatment of prisoners of war and to abide by the obligations of the Geneva Convention. The statement made by the Chairman of the U.S. delegation to the Conference, Ambassador Graham Martin, is also printed in the appendix. The resolution, adopted by a vote of 114 to 0, follows:

TEXT OF RESOLUTION ADOPTED BY THE 31ST INTERNATIONAL CONFERENCE OF THE RED CROSS, ISTANBUL, TURKEY, SEPTEMBER 13, 1969

Recalling the Geneva Convention of 1949 on the protection of prisoners of war and the historic role of the Red Cross as a protestor of victims of war,

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the international community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse, and reprisals,

Requests each party to the Convention to take all appropriate measures to insure humane treatment and prevent violations of the Convention,

Calls upon all parties to abide by the obligations set forth in the convention and upon all authorities involved in the armed conflict to insure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the convention; and further calls upon all parties to provide free access to the prisoner of war and to all places of their detention by a protecting power or by the International Committee of the Red Cross.

COMMITTEE COMMENTS

House Concurrent Resolution 454 expresses congressional support of the observance of the Geneva convention of 1949 by all combatants. It is hoped that the resolution will encourage further efforts by the International Conference of the Red Cross, the United Nations, and other international organizations to secure the observance of the Geneva convention by North Vietnam and the National Liberation Front.

The resolution reaffirms the continuing concern of the Congress of the United States over the plight of captured and missing American servicemen and assures their families that the Congress understands their anguish and continues to support in every way the efforts of our Government and international organizations to secure the humane treatment of American prisoners of war under the Geneva convention of 1949.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (H. Con. Res. 454) was agreed to.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, may I say that I am delighted that action has been taken unanimously by the Senate. I am hopeful that the concern which we all feel for prisoners of war in North Vietnam and Laos will be considered in any further discussions of this matter among the parties involved, in Paris and elsewhere.

Mr. ALLOTT. Mr. President, I am delighted that the Committee on Foreign Relations has reported House Concurrent Resolution 454, concerning treatment of the more than 1,300 American servicemen held prisoner in North Vietnam, and that this resolution has been adopted by the Senate unanimously today.

This resolution passed the House of Representatives on December 15, 1969, without a dissenting vote. It reads as follows:

Whereas more than one thousand three hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the twenty-first International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 13, 1969, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to ensure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and to the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protests the treatment of United States service men held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

As Senators recall, the day after this resolution passed the House of Representatives, over 40 Senators joined me in urging the Committee on Foreign Relations to give the resolution prompt attention.

Mr. President, all of us are anxious for North Vietnam and the Vietcong to comply with all provisions of the Geneva convention, and especially with the provision which requires a captor to identify prisoners.

The weeks and months fly by for Americans engaged in the activities of normal free life. But time must weigh heavily on the Americans in North Vietnam. And time weighs especially heavily on the thousands of wives, children, parents, relatives, and other loved ones who live in a twilight of despair, uncertain as to whether those they love are even alive.

Mr. President, the United States itself holds no prisoners. But the South Vietnamese Government, to which we entrust the men we capture, is currently holding over 30,000 North Vietnamese and Vietcong.

These prisoners are granted the right to send and receive mail and packages. This is a right our men in North Vietnam do not enjoy.

The South Vietnamese Government's detention facilities have been open to inspection by the International Red Cross. The North Vietnamese have not similarly opened their facilities.

Most important, the names of all enemy prisoners in South Vietnam have

been turned over to the Red Cross. The North Vietnamese are especially callous in refusing to even identify their prisoners. Thus they inflict tormenting doubt on thousands of Americans here at home.

Mr. President, each of us hopes the North Vietnamese and the Vietcong will relent in their wretched policy of long-distance torture. We expect them to show a decent respect for the opinion of mankind by taking affirmative action to release the names of all prisoners.

Mr. President, I appreciate the expeditious treatment afforded this measure here in the Senate. Final Senate action unites the voices of outrage and concern which have been raised within the halls of Congress and affirms a unified congressional statement of protest on this most important issue.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON WORK OF THE COOPERATIVE FARM CREDIT SYSTEM

A letter from the Governor, Farm Credit Administration, transmitting, pursuant to law, a report of the Administration on the work of the cooperative Farm Credit System, including the report of the Federal Farm Credit Board, covering the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON PROPOSED ARMY RESERVE FACILITIES PROJECT

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) reporting, pursuant to law, the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army Reserve at Flint, Mich.; to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF NATURAL BATTERY GRADE MANGANESE ORE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF SURINAM TYPE METALLURGICAL GRADE BAUXITE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of Surinam type metallurgical grade bauxite from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

REPORT ON PROPOSED SALE OF COMMUNICATIONS FACILITIES IN ALASKA

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, on the progress of the sale of the Government-owned communications facilities in Alaska, for the 1969 calendar year; to the Committee on Armed Services.

REPORT OF RESEARCH AND DEVELOPMENT ACTIONS OF THE DEPARTMENT OF THE NAVY OF $50,000 AND OVER

A letter from the Acting Deputy Chief of Naval Materiel (Procurement and Production), transmitting, pursuant to law, a report of the Navy Department's research and development procurement actions of $50,000 and over, covering the period July 1 through December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the allowances for independent research and development costs in negotiated contracts—issues and alternatives, Department of Defense, National Aeronautics and Space Administration, Atomic Energy Commission, dated February 16, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION PROVIDING FOR THE CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PROCEEDINGS OF NATIONAL CONVENTION, LADIES OF THE GRAND ARMY OF THE REPUBLIC, INC.

A letter from the District of Columbia representative, Ladies of the Grand Army of the Republic, Inc., transmitting, pursuant to law, a copy of the proceedings of the 83d Annual National Convention of the Ladies of the Grand Army of the Republic, Inc. (with accompanying pamphlet); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Agriculture and Forestry:

"HOUSE CONCURRENT RESOLUTION 501

"A concurrent resolution, Memorializing the Congress of the United States to immediately enact legislation to ban the use of DDT and other persistent and harmful pesticides and chemicals which are detrimental to man and his environs far beyond any benefits which might be derived from their application

"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

"Whereas, on November 12, 1969, the Honorable Robert H. Finch, Secretary of Health, Education and Welfare (HEW), announced that steps are being taken to phase out the use of DDT, prohibiting all but the most "essential" uses of DDT during the next two years, and that the United States Departments of Agriculture and Interior would join HEW in the plan to implement this program; and

"Whereas, Secretary Finch did not make it clear which uses of DDT might be continued to be deemed acceptable and no details were given as to how or when the HEW program might be commenced; and

"Whereas, although the United States Department of Agriculture is said to be participating in the HEW program, its Secretary, the Honorable Clifford M. Hardin, has the power to immediately suspend and cancel the registration of all economic poisons containing DDT pursuant to the Federal insecticide, Fungicide and Rodenticide Act and, having been formally petitioned by several national conservation organizations, has not given any public indication of an intent to use these powers; and

"Whereas, several states, including Wisconsin, have banned or are considering banning the use of DDT and at public hearings held in the state of Wisconsin the inescapable scientific conclusion was 'that DDT is a de facto contaminant with harmful consequences to the environment far beyond the benefits derived from its application'; and

"Whereas, a special commission established by Secretary Finch in April, 1969, upon whose recommendations he made his recent announcements also found that the use of other 'hard pesticides' should, in addition to DDT, be reviewed with the possibility of their being banned and issued the serious warning that curtailment of DDT might lead to an increased use of other persistent pesticides such as aldrin, dieldrin, endrin, heptachloride, lindane, and compounds containing arsenic, lead mercury or other dangerous elements; and

"Whereas, other pesticides are known and available which do not have an adverse effect on most forms of life or seriously threaten the quality of the environment; and

"Whereas, even if all uses of DDT were stopped immediately, it could take ten years or longer before the deadly effects of the chemical would be diminished, as the chemical composition of DDT is exceptionally long-lived; and

"Whereas, in light of the established dangers to man and his environs, it is impracticable and unrealistic to attempt to control this problem which is of national consequence by state action which is time-consuming and at best piecemeal, while the Congress by appropriate action could give immediate and direct relief:

"Now, therefore, be it resolved, by the House of Representatives of the Forty-fifth Legislature of the state of South Dakota, the Senate concurring therein, that the Congress of the United States take immediate and effective steps to enact legislation to ban the use of DDT and other persistent and harmful pesticides and chemicals which are harmful to man and his environs far beyond any benefits which might be derived from their application and that, contingent upon hearings or investigations which might be necessary or appropriate, it by proper resolution direct the United States Departments of Agriculture, Interior, and Health, Education, and Welfare to implement through their respective administrative authorities a complete and comprehensive interim moratorium on the manufacture, sale and use of all such chemicals; and

"Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the offices of the President and Vice President of the United States, the office of the Speaker of the House of Representatives of the United States, the office of the Secretary of Agriculture of the United States, the office of the Secretary of the Interior of the United States, the office of the Secretary of Health, Education and Welfare of the United States, the members of the congressional delegation of

the state of South Dakota, and the Governor of the state of South Dakota.

"Adopted by the House, January 26, 1970.

"Concurred in by the Senate, February 3, 1970.

"DEXTER GUNDERSON,
"Speaker of the House.
"JIM ABDNOR,
"President of the Senate.

"Attest:

"PAUL INMAN,
"Chief Clerk of the House.
"WILLIAM BERGUIN,
"Secretary of the Senate."

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Banking and Currency:

"HOUSE CONCURRENT RESOLUTION 512

"A concurrent resolution, Memorializing the Congress of the United States to instruct and direct the Treasury Department of the United States to issue the one dollar bill of the currency of the United States depicting the Mount Rushmore National Memorial, 'The Shrine of Democracy', thereon.

"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

"Whereas, Mount Rushmore National Memorial, located in the scenic Black Hills area of the state of South Dakota, has been officially proclaimed as 'The Shrine of Democracy' and is recognized as a national monument; and,

"Whereas, the federal government has played a vital role in the recognition and financing of the Mount Rushmore National Memorial; and,

"Whereas, Mount Rushmore National Memorial has been acclaimed a national and international reputation and is visited annually by hundreds of thousands of people from throughout the country and from many foreign nations; and,

"Whereas, the portrayal of the Mount Rushmore National Memorial envisaged our national heritage and the religious, social and economic freedoms for which it stands; and,

"Whereas, the great Americans enshrined by this Memorial, Presidents George Washington, Thomas Jefferson, Abraham Lincoln and Theodore Roosevelt, have come to be known as the founding fathers of some of the most meaningful traditions incumbent to our way of life; as inspirations to all who are concerned with the preservation and safeguarding of a democratic society, and, as courageous and faithful defenders of the basic principles underlying our form of government by having dedicated themselves to overcoming what during their respective times were considered and are now recognized as some of the greatest trials which our system of free democracy has confronted; and,

"Whereas, as was true in the past and is now true during present times of national and international strife and conflict, it is necessary and proper that the symbols of freedom and democracy be emphasized and brought before the people by their governmental representatives; and,

"Whereas, it has been the custom and policy of the Treasury Department of the United States to utilize the likenesses of the outstanding and immortal leaders of this country on various series and denominations of our currency; and,

"Whereas, the use of a representation of the Mount Rushmore National Memorial, 'The Shrine of Democracy', on the one dollar bill of our currency by the Treasury Department of the United States would serve as a daily reminder of the spirit and ideals of all Americans:

"Now, therefore, be it resolved, by the House of Representatives of the Forty-fifth Legislature of the state of South Dakota, the Senate concurring therein, that the Congress of the United States be memorialized to take whatever action might be necessary and appropriate to the instruction and direction of the Treasury Department of the United States to issue the one dollar bill of the currency of the United States depicting the Mount Rushmore National Memorial, 'The Shrine of Democracy', thereon; and,

"Be it further resolved, that if it be determined by the Treasury Department of the United States that it need no instruction or direction by the Congress of the United States to accomplish the purpose and intent of this Resolution, that it initiate and implement whatever action it might take to accomplish its objective; and,

"Be it further resolved, that copies of this concurrent resolution be transmitted by the secretary of the senate of the state of South Dakota to the offices of the President and Vice-President of the United States, the Speaker of the House of Representatives of the United States, the members of the Congressional delegation of the state of South Dakota, the Secretary of the Treasury Department of the United States, and the Governor of the state of South Dakota.

"Adopted by the House, January 29, 1970.

"Concurred in by the Senate, February 5, 1970.

"DEXTER GUNDERSON,
"Speaker of the House.
"JIM ABDNOR,
"President of the Senate.

"Attest:

"PAUL INMAN,
"Chief Clerk of the House.
"WILLIAM BERGUIN,
"Secretary of the Senate."

Two resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT A FEDERAL-STATE TAX-SHARING PROGRAM

"Whereas, The states have inadequate revenue sources to finance the burdens imposed upon them by mounting welfare, education and health costs; and

"Whereas, The federal government has greater ability to impose taxes without the problem of competing with other jurisdictions; therefore be it

"Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for the sharing of a fixed percentage of revenues from the individual federal income tax with state governments; and be it further

"Resolved, That a copy of these resolutions be sent by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, January 27, 1970.

"NORMAN L. PIDGEON,
"Clerk.

"House of Representatives, adopted in concurrence, January 29, 1970.

"WALLACE C. MILLS,
"Clerk."

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO DIRECT THE INTERNAL REVENUE SERVICE TO SIMPLIFY THE RETIREMENT INCOME SECTIONS OF THE INDIVIDUAL INCOME TAX RETURNS

"Whereas, Elderly Persons have suffered great difficulty and confusion in computing and filling out the retirement income sections of the individual income tax returns; therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation directing the internal revenue service to simplify the retirement income sections of the individual income tax returns; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Interior and Insular Affairs:

"HOUSE CONCURRENT RESOLUTION 25

"Whereas, the Congress of Micronesia has conscientiously committed itself to the Herculean task of improving the well-being of the 95,000 residents of the Trust Territory of the Pacific who are scattered on more than 2100 islands over an area larger than the continental United States; and

"Whereas, more than two decades have passed since the United States was granted a United Nations mandate to administer the Islands; and

"Whereas, although there has been some improvement in the living standards of the island residents during this time, the United States has failed to allocate sufficient resources to the Trust Territory to effect meaningful improvement for the majority of the residents; and

"Whereas, the federal government and the Hawaii state government have in abundance the knowledge, training, information, and resources which are so scarce in Micronesia; and

"Whereas, the United States government has a legal obligation to supply assistance to a people under its trusteeship; and

"Whereas, the Hawaii state government has a moral obligation to do likewise for our Pacific island brethren; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the Senate concurring, that state and federal officials be and hereby are requested to extend every assistance to the Congress of Micronesia as it endeavors to improve the well-being of the people of the United States Trust Territory of the Pacific Islands; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President of the United States, Richard M. Nixon; the Secretary of the Interior, Walter J. Hickel; the President of the United States Senate, Spiro J. Agnew; the Speaker of the United States House of Representatives, John W. McCormack; the Hawaii Congressional Delegation, Senators Daniel K. Inouye and Hiram L. Fong; and Representatives Spark M. Matsunaga and Patsy T. Mink; the Governor of the State of Hawaii, John A. Burns; the President of the Hawaii Senate David C. McClung; and the Speaker of the Hawaii House of Representatives, Tadao Beppu; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President of the Senate, Amata Kabua and to the Speaker of the House of Representatives, Bethwel Henry of the Congress of Micronesia.

"We hereby certify that the foregoing Concurrent Resolution was this day adopted by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970.

"TADAO BEPPU,
"Speaker, House of Representatives.
"SHIGETO KANEMOTO,
"Clerk, House of Representatives.

"We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970.

"DAVID C. MCCLUNG,
"President of the Senate.
"SEICHI HIRAI,
"Clerk of the Senate.

"HOUSE CONCURRENT RESOLUTION REQUESTING STATE AND FEDERAL OFFICIALS TO EXTEND EVERY ASSISTANCE TO THE CONGRESS OF MICRONESIA AS IT ENDEAVORS TO IMPROVE THE WELL-BEING OF THE PEOPLE OF THE U.S. TRUST TERRITORY OF THE PACIFIC ISLANDS

"Whereas, the Congress of Micronesia has conscientiously committed itself to the Herculean task of improving the well-being of the 95,000 residents of the Trust Territory of the Pacific who are scattered on more than 2100 islands over an area larger than the continental United States; and

"Whereas, more than two decades have passed since the United States was granted a United Nations mandate to administer the Islands; and

"Whereas, although there has been some improvement in the living standards of the island residents during this time, the United States has failed to allocate sufficient resources to the Trust Territory to effect meaningful improvement for the majority of the residents; and

"Whereas, the federal government and the Hawaii state government have in abundance the knowledge, training, information, and resources which are so scarce in Micronesia; and

"Whereas, the United States government has a legal obligation to supply assistance to a people under its trusteeship; and

"Whereas, the Hawaii state government has a moral obligation to do likewise for our Pacific island brethren; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session in 1970, the Senate concurring, that state and federal officials be and hereby are requested to extend every assistance to the Congress of Micronesia as it endeavors to improve the well-being of the people of the United States Trust Territory of the Pacific Islands; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President of the United States, Richard M. Nixon; the Secretary of the Interior, Walter J. Hickel; the President of the United States Senate, Spiro T. Agnew; the Speaker of the United States House of Representatives, John W. McCormack; the Hawaii Congressional Delegation, Senators Daniel K. Inouye and Hiram L. Fong; and Representatives Spark M. Matsunaga and Patsy T. Mink; the Governor of the State of Hawaii, John A. Burns; the President of the Hawaii Senate, David C. Mclung; and the Speaker of the Hawaii House of Representatives, Tadao Beppu; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President of the Senate, Amata Kabua and to the Speaker of the House of Representatives, Bethwel Henry of the Congress of Micronesia."

A joint memorial of the Legislature of the State of Washington; to the Committee on Post Office and Civil Service:

"HOUSE JOINT MEMORIAL NO. 2

"To the honorable Richard M. Nixon, President of the United States, the President of the Senate and Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress Assembled

"We, Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition as follows:

"Whereas, For many years the United States and Canada have had a common border line at Blaine, Washington, a port of entry from the United States to Canada and a port of entry from Canada to the United States and no border obstruction or barrier of any kind has ever existed; and

"Whereas, 1971 will mark the 50th Anniversary of the Peace Arch which was erected on this unguarded border line as a monument to the good will of these nations, bearing among evidences of friendship and community of interest, the inscription "Children of a Common Mother"; and

"Whereas, The President of the United States and the Prime Minister of Canada in recognition of the international friendship and mutual respect which the Peace Arch so magnificently symbolizes, chose this place as the location for signing the Columbia River Treaty; and

"Whereas, the United States Senators and United States Representatives from the State of Washington, cordially extend a personal invitation to President Richard M. Nixon to attend the 50th Anniversary Celebration of the Peace Arch Commemoration; and

"Whereas, The message of peace, good will and international cooperation which is embodied by the Peace Arch might best be further expressed and widely disseminated through the printing and publication of a United States postage stamp commemorating the 50th Anniversary of the Peace Arch;

"Now, therefore, Your Memorialists respectfully pray that the Congress and Executive Department of the United States take appropriate action to design, print and publish a suitable postage stamp for this Anniversary commemorating the Peace Arch; and

"Be it further resolved, That copies of this memorial be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate and the Speaker of the House of Representatives, the Postmaster General, and to each Senator and Representative in Congress from the State of Washington.

"Passed the House January 30, 1970.

DON ELDRIDGE,
"Speaker of the House.

"Passed the Senate February 3, 1970.

JOHN A. CHERBERG,
"President of the Senate."

A joint resolution of the Congress of Micronesia; praying for the enactment of legislation to extend the services of the Farm Credit Administration to the farmers of the Trust Territory of the Pacific Islands; to the Committee on Agriculture and Forestry.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BELLMON (for himself, Mr. SCOTT, Mr. MANSFIELD, Mr. BENNETT, Mr. CURTIS, Mr. DODD, Mr. DOLE, Mr. DOMINICK, Mr. FONG, Mr. GOODELL, Mr. GRIFFIN, Mr. HARTKE, Mr. HATFIELD, Mr. HRUSKA, Mr. PACKWOOD, Mr. PEARSON, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. THURMOND):

S. 3464. A bill to redesignate the Senate Office Building and the additional Senate Office Building as the "Everett McKinley Dirksen Building" and the "Alben William Barkley Building," respectively; to the Committee on Public Works.

By Mr. DODD:

S. 3465. A bill to control the dissemination of obscene mail matter; to the Committee on Post Office and Civil Service.

(The remarks of Mr. DODD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SCOTT (for himself, Mr. COOPER, Mr. RANDOLPH, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GOODELL, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3466. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. ALLOTT, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3467. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT (for himself, Mr. BENNETT, Mr. BAKER, Mr. BELLMON, Mr. BOGGS, Mr. BROOKE, Mr. COOPER, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. SPONG, Mr. STEVENS, and Mr. TOWER):

S. 3468. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. COOPER, Mr. RANDOLPH, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3469. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. COOPER, Mr. RANDOLPH, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3470. A bill to amend sections 5, 6, and 7 of the Federal Water Pollution Control Act,

as amended, and for other purposes; to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. COOPER, Mr. RANDOLPH, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3471. A bill to amend sections 1, 3, 10, and 13 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. COOPER, Mr. RANDOLPH, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3472. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. SCOTT when he introduced the bills appears later in the RECORD under the appropriate heading.)

By Mr. MAGNUSON (by request):

S. 3473. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. PELL (for himself, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, and Mr. HUGHES):

S. 3474. A bill to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, the International Education Act of 1966, and for other purposes; to the Committee on Labor and Public Welfare.

S. 3465—INTRODUCTION OF A BILL TO CONTROL THE DISSEMINATION OF OBSCENE MAIL MATTER

Mr. DODD. Mr. President, last year the Post Office Department received over 200,000 complaints from Americans who received unsolicited obscene materials through the mails. This figure represents 50,000 more complaints than the Post Office received in 1968. And there are no hopeful signs indicating that there will be fewer complaints in 1970.

The group responsible for the steady increase in the flow of pornography through the mail is a clique of about 15 large distributors who are located in various sections of the country. These 15 distributors account for 95 percent of the unsolicited mail-order traffic in pornography. In their reckless greed to saturate the market, the pornographers have added to their mailing lists the names of millions of children.

But pornography distributors are quite unconcerned with that fact. They continue to forward unsolicited samples from their pornography filth yards without stopping to investigate the age of the recipients.

As a result, the Post Office Department has been reeling under the strain of processing complaints, which until a few years ago amounted only to an embarrassed whisper of protest, but which at this moment are indignant roars of outrage.

The problem has been made so unmanageable because two of the Federal statutes, 18 United States Code, sections 1461 and 1463, were simply not formulated to deal with unsolicited pornography.

Under sections 1461 and 1463, by the time the obscenity complaint can be processed and a lengthy trial completed, the damage has already been done. So, despite the fact that a remedy, albeit a slow and often ineffective one, is available, it is no consolation to the angry parent of a child who has just opened a letter whose contents are blatantly pornographic.

Both section 1461, which deals with obscenity through the mails, and section 1463, which deals with it when it is sent on the outside of packages or envelopes, have been on the books for some time.

And they have been precise enough to secure convictions of some of the Nation's largest pornography distributors.

But the criminal penalties attached to both section 1461 and section 1463 have not mollified the audacity nor curtailed the activities of giant pornographers. So, despite the fact that 10 pornographers are now under Federal indictments awaiting trial, and one is appealing a conviction, business goes on as usual.

The criminal penalties of sections 1461 and 1463 which are imposed after the fact are just not working.

In an effort to solve this problem, I send to the desk for appropriate reference a bill which will create within the Post Office Department a Bureau of Obscenity Control to deal with the problem of pornography before it reaches American homes.

I believe that the bill I propose will effectively eliminate the majority of unsolicited pornography which is today flooding the mails of America.

The bill contains the following provisions:

It creates within the Post Office a special Bureau of Obscenity Control, whose task it will be to police the massive traffic in unsolicited smut which now pervades the United States.

This Bureau shall operate before the fact; that is, before these materials are mailed to individuals who have not requested them.

If a pornography distributor or one of his employees has violated one of the existing Federal obscenity statutes within the past 3 years, he will be required by this bill to submit a sample to the Bureau of Obscenity Control of all new sexually oriented materials which he intends to distribute unsolicited in the mails.

After receiving the sample of materials, the Bureau shall review its contents, and if the Bureau determines that the material is obscene, the Bureau shall recommend to the Attorney General that civil action be instituted to prevent the material from being mailed.

After the materials are submitted to the Attorney General for his inspection and review, he must make the decision as to whether or not probable cause exists for obscenity. If he agrees, and he need not do so, with the Bureau of Obscenity Control, he must institute an action against the pornography distributor in the Federal District Court within 2 days of receiving the article from the Bureau.

Following the beginning of the action, the courts and the Attorney General must follow a rigid timetable at every level of the proceedings.

The trial must begin in the district court 1 day after the defendant files his answer to the pleadings submitted by the Attorney General. If either of the parties appeal from the judgment of the district court, the court of appeals shall hold a hearing no later than 6 days after the notice of appeal has been filed.

If further appeal is taken, the Supreme Court is required to review the material as expeditiously as possible.

The purpose of this timetable is simple: to provide both a speedy and fair judicial review of the issue of obscenity. If the issue is disposed of in this fashion, pornography distributors will not be heard to complain that the regulation amounts to a prior restraint which does not give them access to the courts on the matter.

If the Attorney General wins the case, the result is that the material cannot be mailed, and the pornography distributor will be required to submit samples of material for 3 additional years from the date of final determination of obscenity under this bill.

Any group which operates under the disability imposed by having been convicted under one of the Federal mailing statutes shall continue to submit samples to the Bureau for 3 years following service of a prison sentence or payment of a fine imposed for violation of Federal obscenity statutes. If there are no intervening convictions, then the distributor's good behavior will enable him to resume normal mailing without following the submission procedures required by conviction under sections 1461 and 1463, or for violation of the submission procedures of this bill.

It should be noted that in no manner does the Post Office Department Bureau of Obscenity Control participate in the adversary proceedings before the courts. It operates merely as a conduit to the Attorney General's Office. Thus, the Department of Justice makes the ultimate decision on whether probable cause for obscenity exists and on whether to try the case before the courts.

Within the bill, additional safeguards are provided to remove any possible charge of overregulation which could result in removing the materials from the mail by default.

For example, if the unsolicited material is a periodical, it may prove bur-

densome to submit it each week or every 2 weeks if it is distributed more frequently than monthly. Therefore, if the Director of the Bureau thinks it advisable, he may exempt any company or individual who would otherwise have to comply, from the terms of this act.

This exemption clause will also serve to protect the rank-and-file employees of distributors of unsolicited pornography. For, if an association or corporation is convicted under section 1461 or 1463, and its employees later seek employment elsewhere, the new employer, if he can show that he is not in the pornography business, is not penalized for hiring an individual formerly employed by a convicted pornographer.

In addition, the provisions of this legislation will produce some attendant effects.

For example, I am hopeful that the knowledge that an arm of the Government is overseeing and evaluating the quality of each bit of unsolicited material will encourage a good deal of self-policing among those who sell sexually oriented materials through the mails. They will strive to avoid even the first prosecution under sections 1461 and 1463 because of the additional burden which attaches to any conviction under those statutes; hence, I suspect that the workload of the Bureau will decrease after the first 3 years.

It is my feeling that this legislation will provide an effective method of dealing with unsolicited pornography.

It will eliminate and screen such materials so that much that is objectionable will not be delivered to the homes of Americans.

It will also act as a deterrent to those distributors who until now have been quite careless in the manner and method in which they have operated. For rather than undergo several court battles merely to distribute their product, they may well choose to cease the practice of intruding, without invitation, into American homes.

I am hopeful that this legislation can be acted upon in the near future, for it is painfully apparent that what we do not proscribe by law, we accept.

Thus, by not acting, we are aiding the hyperactive perverters of the mind. For the sad fact is that the enormous success of these invaders of privacy, like the success of destroyers of freedom, is only possible when those who should be heard in its defense are silent.

I ask unanimous consent that the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3465) to control the dissemination of obscene mail matter, introduced by Mr. DODD, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 3465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) chapter 3 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 310. Bureau of Obscenity Control

"(a) There is established within the Post Office Department, as a part of the departmental service, an agency to be known as the Bureau of Obscenity Control. The Bureau shall be headed by a director appointed by the Postmaster General. The Bureau shall be under the general supervision and direction of the Postmaster General.

"(b) The Bureau shall be responsible for reviewing sexual material submitted to it in accordance with the provisions of section 4011 of this title."

(2) The analysis of such chapter, immediately preceding section 310, is amended by inserting at the end thereof the following new item:

"310. BUREAU OF OBSCENITY CONTROL"

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"(130) DIRECTOR, BUREAU OF OBSCENITY CONTROL, POST OFFICE DEPARTMENT"

SEC. 2. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4011. Review of obscene mail matter

"(a) (1) Any person convicted of an offense under section 1461, 1463, or 1466 of title 18 who engages in the business of preparing for himself or, if employed in a managerial position of the business of another person, for that other person, sexual material to be mailed, shall, prior to mailing, submit during the 3 years following the completion of serving of a sentence or the payment of a fine (if a fine only is imposed) as a result of any such conviction, a sample of each different article of such material to the Bureau of Obscenity Control, if any copy of the article is to be sent to anyone who has not requested it.

"(2) The director of the Bureau may, in his discretion, exempt a person from submitting a sample of any article required to be submitted under this subsection.

"(3) If a publication is issued more often than once a month, only one sample of the proposed contents for one issue for each month, as selected by the Bureau, is required to be submitted under this subsection.

"(b) Within 2 days after the sample has been submitted, the Bureau shall find whether the article is obscene and notify the person submitting the sample of its finding.

"(c) (1) If the Bureau finds that the article is obscene, the director of the Bureau shall request the Attorney General to file a civil action, and the Attorney General is authorized to file such action, in a district court of the United States to determine whether the article is obscene. The civil action shall be filed not later than 2 days after the Bureau has found the article to be obscene.

"(2) The civil action may be brought by the United States in the district court of the United States for any judicial district in which the person submitting the sample resides or is found; in which the principal place of business of preparing the article to be mailed is located; or to which such material is to be sent.

"(d) (1) Within 1 day after the defendant has filed his answer, the trial shall be held unless the defendant requests a later date. A judgment rendered in a trial and before the court shall be entered not later than 2 days after completion of the trial. Unless required to be entered sooner, a judgment rendered in a trial by jury shall be entered not later than 2 days after the jury has returned its verdict or has made special findings.

"(2) Notwithstanding any other provision of law, rule, or regulation, any motion subsequent to trial shall be filed not later than 3 days after judgment has been entered. The court shall rule on each such motion not later than 3 days after the motion has been filed.

"(e) (1) The United States has 1 day after entry of judgment or after any motion filed subsequent to trial has been disposed of, whichever is later, to file a notice of appeal.

"(2) Unless the defendant in the trial court requests additional time or unless a question of law has been certified to the Supreme Court, the court of appeals shall hold a hearing not later than 6 days after notice of appeal has been filed. Not later than 8 days after such notice has been filed, the court shall render its decision whether the article is obscene.

"(f) A determination whether to review a case before a court of appeals under this section, and the review and decision of any such case, shall be made by the Supreme Court as expeditiously as possible.

"(g) All copies of an article of any sexual material submitted under this section and finally determined to be obscene are nonmailable matter, shall not be carried or delivered by mail, and, if mailed, shall be disposed of as the Postmaster General directs.

"(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of title 5, United States Code, shall not apply to any provisions of this section.

"(i) For the purposes of this section—

"(1) 'person' has the same meaning given it in section 1 of title 1;

"(2) 'sexual material' means any matter which—

"(A) is tangible, including any device, and used or adapted, or capable of being used or adapted, to depict or arouse (through readings, sound, touch, or observation) nudity, interest in nudity, sexual conduct, sexual excitement, or sadomasochistic abuse; or

"(B) solicits or offers to send matter of the type described in clause (A) of this paragraph.

"(3) 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, the female breasts with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

"(4) 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of a female, physical contact with her breast;

"(5) 'sexual excitement' means the condition of human male or female genitals in a state of sexual stimulation or arousal;

"(6) 'sadomasochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed; and

"(7) any sexual material is obscene if—

"(A) the dominant theme or purpose of the material taken as a whole appeals to a prurient interest in sex;

"(B) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and

"(C) the material is utterly without redeeming social value."

(b) The analysis of such chapter, immediately preceding section 4001, is amended by adding at the end thereof the following new item:

"4011. REVIEW OF OBSCENE MAIL MATTER"

SEC. 3. (a) Chapter 71 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1466. MAILING OF OBSCENE MAIL MATTER

"(a) Any person who fails to submit, as required by section 4011 of title 39, a sample of each different article of sexual material to the Bureau of Obscenity Control, Post Office Department, shall be fined for each sample not so submitted not more than $10,-

000 or imprisoned not more than 10 years, or both."

"(b) Any person who mails any article determined to be obscene under such section shall be fined for each copy of such article so mailed not more than $10,000 or imprisoned not more than 10 years, or both."

(b) The analysis of such chapter immediately preceding section 1461, is amended by adding at the end thereof the following new item:

"1466. MAILING OF OBSCENE MAIL MATTER"

SEC. 4. Sections 2 and 3 are effective 90 days after the date of enactment of this Act.

S. 3466 THROUGH S. 3472—INTRODUCTION OF BILLS ON ENVIRONMENTAL CONTROL

Mr. SCOTT. Mr. President, the decade of the 1970's may well be known in history as the period in which Americans set out to save America for future Americans, and for themselves.

Or it may be known to those who survived as the period in which America betrayed its heritage, its present, and its future.

Much of the blame or the praise for the ultimate decision will rest with us in this Chamber, with our colleagues in the other House, and with the President of the United States.

The President has now taken the first step down the road that leads to conserving America and improving America and restoring America's environment.

He has taken the lead with a message that promises Americans the most massive cleanup job in history—the job of cleaning up our air, cleaning up our water, cleaning up the waste and rubbish and litter from off our land.

He has taken the lead by sending to the Congress a package of seven bills which promises to do the job he has pledged will be done by his administration.

It is my privilege and pleasure today to introduce in the Senate those bills.

Mr. President, let me talk for a moment about the proposals embodied in the President's message and in the legislation I introduce today.

I will not try to enumerate these bills in their order of importance. All are important. All are part of a whole. All are essential to the task at hand.

However, the most talked about bill is the amendment to the Federal Water Pollution Control Act that will provide $4 billion in Federal funds for construction of waste treatment plants during the next 4 years.

During this same period the bill proposes that local governments will contribute another $6 billion, making this a $10 billion program. Administration studies show that this amount is sufficient to eliminate existing waste treatment deficiencies in our Nation's towns and cities.

This is the bill, Mr. President, that can do more than any single piece of legislation to clean up our rivers and offshore areas which are now polluted and repolluted daily by raw sewage and industrial wastes. If we do not pass it this year, next year could be too late for some of our streams and lakes.

A second bill is designed to assure that adequate financing will be available for State and local governments to participate in this massive program. To do this the President is proposing the establishment of an Environmental Financing Authority to assure that local communities will be able to obtain enough capital on favorable terms.

Mr. President, under this legislation no municipality will be prevented from building or improving its waste treatment facilities because of inability to finance such a project.

Under the bill, the Secretary of the Interior would identify communities that are unable to finance at reasonable rates the local share of approved waste treatment grant projects. The Secretary would guarantee timely payment of principal and interest on obligations that are sold to the Environmental Financing Authority for this purpose. The Authority would obtain funds to make these purchases by issuing its own taxable obligations in the capital market in large enough blocks to provide favorable reception. The Secretary of the Treasury would also be authorized to purchase EFA obligations, thus assuring availability of funds to meet the requirements of the Authority.

The interest rate at which EFA would purchase State and local obligations would be determined by the Secretary of the Treasury, taking into consideration current yields on comparable Federal obligations, obligations issued by EFA, and municipal obligations. The Treasury would make a differential payment to EFA to cover the difference between the interest received on the tax-exempt bonds purchase and the interest paid on the taxable bonds issued.

The Authority would have a five-man Board of Directors, with the Secretary of the Treasury as Chairman. Each Director will be a Government employee who would not receive additional compensation. Initial capital will be advanced by the Treasury. EFA would be authorized to charge fees for its commitments and other services that are adequate to cover all expenses and to provide for accumulation of contingency reserves. EFA would be required to transmit to the President and the Congress an annual report of its operations.

Two companion measures in the area of water pollution will provide for swift, effective enforcement of pollution control measures and will give the Secretary of the Interior new flexibility to conduct the necessary study, research and investigations into new and better pollution control programs and methods.

Mr. President, it is absolutely essential to provide for effective enforcement of our pollution laws if we are to curb the polluters.

The administration bill will do that in a variety of ways including fines of up to $10,000 a day against polluters who fail to take remedial action. I believe that the American people want, and in fact demand, this kind of tough approach against those who are fouling our rivers and lakes.

In the area of research, a small annual appropriation is sought in order to make sure we advance constantly in our methods of controlling and treating effluent and industrial waste.

Mr. President, as important as clean water is pure air. That air is polluted daily by the millions of automobiles and trucks that have become such necessities to our modern society. That pollution is added to by thousands of industrial plants and factories that daily spew additional tons of pollutants into our skies.

The bill I am introducing today will provide for new, stringent pollution controls on automobiles and will authorize the Secretary of Health, Education, and Welfare to establish standards governing the composition of fuels and fuel additives.

The bill will also authorize the Secretary to establish pollution standards for factories and plants which contribute significantly to the pollution problem.

Mr. President, the sixth bill I introduce today deals with solid waste.

We here in America are faced with the prospect of being literally buried in our own garbage and litter. Ours is a use-and-throw-away society. Disposable cans and bottles, vast quantities of paper, obsolete and worn-out equipment of all kinds litter our landscape.

One way to combat this vast accumulation of trash and junk is to reclaim reusable metals, plastics, ceramics, glass, paper, and the like.

The bill I introduce today will provide for investigations and research into ways and means of making such reclamation profitable. It will give special attention to the problem of junk autos which are becoming an evermore major problem in our land.

Under the bill, studies and research will be conducted by a Council on Environmental Quality which this bill will set up. The Council will report annually to the President the results of its research and will recommend necessary legislation or executive action.

Finally, Mr. President, several of us in the Senate will introduce for the President a bill that will take unused or underused Federal lands and make them available for optimum use.

This bill specifically will make surplus Federal lands available to State and local governments for park and recreation purposes at discount prices.

And it will insure that proceeds from such sales go to pay the cost of relocation of Federal activities on that property and to the land and water conservation fund.

So here we have it, Mr. President. A package of seven bills that open the door to a cleaner, better America.

Obviously, these bills will not do all that must be done for all time. But they are a major beginning at a time when a beginning is urgently needed.

Mr. President, I urge that this body begin work immediately on this legislation and that we pass them as early in this session as possible.

Every day we delay makes the job of cleaning up our Nation that much harder. We cannot afford to wait much longer.

Mr. President, I introduce, for appropriate reference, seven bills, and ask unanimous consent that the text of the bills, together with explanatory material, be printed in the RECORD.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills

and explanatory material will be printed in the RECORD.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. BENNETT. One of these bills sets up the Environmental Financial Administration. Obviously, the Committee on Banking and Currency has some responsibility for that particular bill. Therefore, I ask unanimous consent that that bill be consecutively referred, first to the Committee on Public Works, and then to the Committee on Banking and Currency.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The bill (S. 3466) to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3466

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Air Act Amendments of 1970".

EXTENSION OF DURATION

SEC. 2. (a) The first sentence of section 104(c) of the Clean Air Act (42 U.S.C. 1857b–1(c)) is amended by striking out "and" before "for the fiscal year ending June 30, 1970," and by inserting before the period at the end thereof, "and such sums as may be necessary for the fiscal year ending June 30, 1971, and for each of the next 2 fiscal years".

(b) Section 309 of the Clean Air Act (42 U.S.C. 1857l) is amended by striking out "and", and inserting before the period at the end thereof ", and such as may be necessary for the fiscal year ending June 30, 1971, and for each of the next 2 fiscal years".

TESTING OF MOTOR VEHICLES AND ENGINES

SEC. 3. (a) Subsection (a) of section 206 of such Act (42 U.S.C. 1857f–5) is amended by striking out in the first sentence thereof "Upon application of the manufacturer, the" and inserting in lieu thereof "The"; by striking out "such manufacturer" and inserting in lieu thereof "the manufacturer"; and by inserting after "not less than one year" in the second sentence thereof "(except as provided under subsection (c))".

(b) Subsection (b) of such section is amended by inserting before the period at the end of the sentence ", except as provided in subsection (c)".

(c) Such section 206 is further amended by adding after subsection (b) the following new subsections:

"(c)(1) In order to determine whether new motor vehicles or new motor vehicle engines being manufactured by a manufacturer are in fact constructed in all material respects substantially the same as the test vehicle or engine, the Secretary is authorized to test such vehicles or engines. Such tests may be conducted by the Secretaary directly or, in accordance with conditions specified by the Secretary, by the manufacturer.

"(2) If, based on such tests conducted on a representative sample of such vehicles or engines, the Secretary determines that such vehicles or engines do not conform with the regulations in effect on the date the certificate of conformity was issued, he may revoke such certificate and so notify the manufacturer. Such revocation shall apply in the case of any new motor vehicles or new motor vehicle engines manufactured after the date of such notification and until such time as the Secretary finds that vehicles and engines being manufactured by the manufacturer do conform to such regulations.

"(d) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the manufacturer, are authorized (A) to enter, at reasonable times, any factory, or other business or establishment, for the purpose of conducting tests of vehicles or engines coming off the production line, or (B) to inspect, at reasonable times, records, files, papers, and processes, controls, and facilities used by such manufacturer in conducting tests under regulations of the Secretary. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness."

(d) The heading of such section 206 is amended to read: "COMPLIANCE TESTING AND CERTIFICATION".

(e) Paragraph (1) of subsection (a) of section 203 of such Act (42 U.S.C. 1857f–2) is amended by striking out "it is in conformity with" and inserting in lieu thereof "such manufacture is covered by a certificate of conformity issued (and in effect) under".

(f) The amendments made by this section shall apply in the case of motor vehicles and motor vehicle engines manufactured after the month in which this Act is enacted.

IMPORTATION OF VEHICLES AND ENGINES

SEC. 4. (a) Paragraph (1) of subsection (a) of section 203 of such Act (42 U.S.C. 1857 f–2) is amended by inserting "(in the case of any person, except as provided by regulation of the Secretary)," after "commerce, or"; and by striking out "United States for sale or resale" and inserting in lieu thereof "United States".

(b) The first sentence of paragraph (2) of subsection (b) of such section is amended by striking out "by a manufacturer" and inserting in lieu thereof "of imported by any person".

(c) Paragraph (3) of section 212 of such Act (42 U.S.C. 1857f–7) is amended by striking out "The" and inserting in lieu thereof "Except with respect to vehicles or engines imported or offered for importation, the"; and by adding before the period at the end thereof "; and with respect to imported vehicles or engines, such terms mean a motor vehicle and engine, respectively, manufactured after the effective date of the regulations issued under section 202".

(d) The amendments made by this section shall apply in the case of motor vehicles and motor vehicle engines imported into the United States on or after the sixtieth day following the date of enactment of this Act.

REGISTRATION AND REGULATION OF FUELS AND FUEL ADDITIVES

SEC. 5. (a) Subsection (a) of section 210 of such Act (42 U.S.C. 1857f–6c) is amended to read as follows:

"(a) The Secretary may by regulation designate any fuel (which, for purposes of this section, means only fuel intended for use in the transportation of any person or thing) or fuel additive, and after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or fuel additive may sell or deliver it unless the manufacturer of such fuel or fuel additive has provided the Secretary with the information required under subsection (c) of this section and unless such fuel or fuel additive has been registered with the Secretary in accordance with subsection (c) of this section."

(b) Section 210 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and by adding after subsection (a) the following new subsection:

"(b) The Secretary may, on the basis of information obtained under subsection (c) of this section or any other information available to him, establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive to assure that such fuel or fuel additive will not cause or contribute to emissions which would endanger the public health or welfare, or impair the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this title) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. For the purpose of carrying out such standards the Secretary may prescribe regulations—

"(A) prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel or fuel additive; or

"(B) limiting the composition or chemical or physical properties, or imposing any conditions applicable to the use of, such fuel or fuel additive (including the maximum quantity of any fuel component or fuel additive that may be used or the manner of such use).

(c) The subsection of section 210 herein redesignated as subsection (c) is amended by striking out "For purposes of this section, the Secretary shall" and inserting in lieu thereof "For the purpose of establishing standards under subsection (b), the Secretary may require the manufacturer of any fuel or fuel additive to furnish such information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or fuel additive or the effect of such use on the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this Act) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. If the information so submitted establishes that toxic emissions or emissions of unknown or uncertain toxicity result from the use of the fuel or fuel additive, the Secretary may require the submission within a reasonable time of such scientific data as the Secretary may reasonably prescribe to enable him to determine the extent to which such emissions will adversely affect the public health or welfare. To the extent reasonably consistent with the purposes of this section, such requirements for submission of information with respect to any fuel additive shall not be imposed on the manufacturer of any such additive intended solely for use in a fuel only by the manufacturer thereof. Among other types of information, the Secretary shall"; by inserting in clause (2) "the description of any analytical technique that can be used to detect and measure such additive in fuel," after "above,"; by striking out in such clause "to the extent such information is available or becomes available,"; by striking out "clauses (1) and (2)" in the second sentence and inserting in lieu thereof "the provisions of this subsection"; and by striking out "such fuel additive" in such sentence and inserting in lieu thereof "such fuel or fuel additive".

(d) The subsection of section 210 herein redesignated as subsection (d) is amended by inserting between the first and second sentences the following new sentence: "The Secretary may disseminate any information, obtained from reports or otherwise, which is not covered by section 1905 of title 18 of the United States Code and which will con-

tribute to scientific or public understanding of the relationship between the chemical or physical properties of fuels or fuel additives and their contribution to the problem of air pollution." the first sentence of such subsection is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)".

(e) The subsection of section 210 herein redesignated as subsection (e) is amended (1) by adding "or subsection (b)" after "subsection (a)"; and (2) by striking out "$1,000" and inserting in lieu thereof "$10,000".

(f) The amendment made by subsection (e)(2) of this section shall be effective with respect to any fuel or fuel additive to which a regulation issued under subsection (a) of section 210 of such Act or a standard established under subsection (b) of such section, as amended by this Act, applies.

NATIONAL AIR QUALITY STANDARDS

SEC. 6. Section 107 of such Act (42 U.S.C. 1857c–2) is amended to read as follows:

"NATIONAL AIR QUALITY STANDARDS

"SEC. 107. (a) As soon as practicable after enactment of the Clean Air Act Amendments of 1970, but in no event later than the close of the sixth calendar month after the month in which such enactment occurs, the Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, publish in the Federal Register proposed regulations establishing nationally applicable standards of ambient air quality for any pollutant or combination of pollutants which he determines endanger or may endanger the public health or welfare, and allow a reasonable time for comment thereon by interested parties. After considering such comments and other relevant information, the Secretary shall promulgate such regulations with such modifications as he deems appropriate. He may from time to time thereafter, by regulation similarly prescribed, extend such standards to other pollutants or otherwise revise such standards.

"(b) As soon as possible after establishing or revising standards under subsection (a), the Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, issue to appropriate air pollution control agencies information on those recommended pollution control techniques the application of which is necessary to achieve such standards of air quality at the earliest practicable time. Such information shall include data relating to technology and costs of emission control. The recommendations shall also include such data as are available on the latest available technology and economic feasibility of alternative methods of prevention and control of air pollution. Such issuance shall be announced in the Federal Register and copies shall be made avaliable to the general public."

AIR QUALITY STANDARDS AND ABATEMENT OF AIR POLLUTION

SEC. 7. (a) Paragraphs (1), (2) and (3) of subsection (c) of section 108 of such Act (42 U.S.C. 1857d) are amended to read as follows:

"(c)(1) If, after the date on which the Secretary has, pursuant to section 107, established standards of ambient air quality and issued recommended control techniques therefor—

"(A) any State or any interstate air pollution control agency, within 90 days after such date, files with the Secretary a letter of intent that it will adopt a plan (meeting the requirements of subparagraph (B)) within the time specified, a description of how it will proceed to develop the plan (meeting such requirements) for the various areas within its jurisdiction, and the time within which the plan will be applied to each such area giving due regard, in setting this order of application of the plan, to the relative requirements of each area; and

"(B) such State or interstate agency adopts a plan for the implementation, maintenance, and enforcement of such standards of air quality, which adoption occurs within 180 days after the filing of such letter of intent and other material pursuant to subparagraph (A) and after public hearings held not less than 30 days following publication of a proposed plan for implementation, maintenance, and enforcement of such standards; and

"(C) the Secretary determines that such plan—

"(i) includes emission standards, or equivalent measures, and such other measures as may be necessary to assure achieving or preserving such standards of ambient air quality within a reasonable time in all areas within the jurisdiction of such State or interstate agency;

"(ii) contains adequate provisions for intergovermental cooperation, including, in the case of any area covering part of all or more than one State and designated by the Secretary, appropriate provision for dealing with interstate pollution problems;

"(iii) provides adequate means of enforcement, including authority comparable to that in subsection (k) of this section to prevent or deal with air pollution presenting an imminent and significant endangerment to the public health; and

"(iv) provides for revision from time to time as may be necessary to take account of revisions of such ambient air quality standards or improved on more expeditious methods of achieving such standards;

such plan (except with respect to any area for which an extension is granted pursuant to the last 2 sentences of this paragraph) shall be approved by the Secretary. Any revisions of such a plan which are similarly adopted and otherwise meet the requirements of the preceding sentence shall also be approved by the Secretary. For good cause shown, the Secretary may extend, for such period as he finds necessary and appropriate, the 180-day period referred to in subparagraph (B) with respect to any area or areas under the jurisdiction of the State or interstate agency. No such extension may exceed 90 days unless the request therefor accompanies the material filed pursuant to subparagraph (A) and is in turn accompanied by satisfactory assurances that the portions of the plan relating to the areas most in need of air pollution abatement action will receive priority in the development and submission of the plan.

"(2) If a State or interstate agency does not file a letter of intent and the other material described in paragraph (1) or adopt a plan in accordance with paragraph (1) with respect to any State or portion thereof, the Secretary shall prepare regulations establishing such a plan for such State or portion. Prior to promulgating such regulations, the Secretary shall call a public hearing for the purpose of receiving testimony from State and local pollution control agencies and other interested parties affected by the regulations, to be held in or near one or more of the places where the plan will be applicable. At least thirty days prior to the date of such hearing, notice thereof shall be published in the Federal Register. If, prior to the date the Secretary publishes such regulations the State or interstate agency has not adopted such a plan, the Secretary shall promulgate such regulations.

(b) Paragraph (4) of such subsection (c) is amended to read as follows:

"(4)(A) Whenever, on the basis of surveys, studies or reports the Secretary finds that the ambient air quality in any State or the area under the jurisdiction of any interstate air pollution control agency fails to meet the air quality standards established pursuant to section 107, and he determines, on the basis of facts thus ascertained, that such failure results from the failure of a State or interstate agency to carry out its plan (or the plan provided for it by the Secretary) under section 108(c), the Secretary shall notify the State or the interstate agency, and the persons contributing to the lowering of the air quality or to the alleged violations, of such findings.

"(B) If such State or interstate agency has not taken appropriate remedial action within ninety days of such notification, the Secretary may request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to enjoin violation of applicable standards or regulations by any person within that State or the area under the jurisdiction of any interstate air pollution control agency."

(c)(1) Paragraph (1) of subsection (d) of such section is amended by striking out subparagraphs (A), (B), (C), and by striking out "(D)" and inserting in lieu thereof "(d)(1)".

(2) The second sentence of paragraph (1) of subsection (f) of such section is amended by striking out "and each State claiming to be adversely affected by such pollution".

(3) The first sentence of paragraph (2) of such subsection is amended by striking out "pollution referred to in subsection (a)" and inserting in lieu thereof "any pollution".

(d) Subsection (g) of such section is amended to read as follows:

"(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abaement of the pollution."

(e) The first sentence of subsection (j)(1) of such section is amended by striking out "based on existing data," and inserting before the period at the end thereof ", or any other information which may reasonably be required to assist the Secretary in evaluating the emission of pollutants caused by such person".

(f) Section 108 of such Act is further amended by striking out subsection (b).

(g) The amendments made by subsection (a), (b), and (c) of this section shall become effective on the date on which the Secretary of Health, Education, and Welfare prescribes regulations pursuant to section 107 of the Clean Air Act as amended by this Act. The amendments made by subsections (d) and (f) of this section shall also be effective on such date, except that they shall not apply with respect to any proceeding begun under subsection (d) of section 108 of the Clean Air Act prior to such date on which such regulations are prescribed.

SEC. 8. Title I of the Clean Air Act is amended by adding after section 111 the following new sections:

"STATIONARY SOURCE EMISSION STANDARDS

"SEC. 112. (a) The Secretary shall from time to time by regulation, giving appropriate consideration to technological feasibility, establish standards with respect to emissions from classes or types of stationary sources which (1) contribute substantially to endangerment of the public health or welfare, and (2) can be prevented or substantially reduced. Such standards may be established only after reasonable notice and opportunity for interested parties to present their views at a public hearing. Any regulations hereunder, and amendments thereof, shall become effective on a date specified therein, which date shall be determined by the Secretary after consideration of the period reasonably necessary for compliance. The Secretary may exempt any industry or establishment, or any class thereof, from this section, upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

"(b) Such regulations shall provide that—

"(1) if such emissions are extremely hazardous to health,

"(A) no new source of such emissions shall be constructed or operated, except where (and subject to such conditions as he deems necessary and appropriate) the Secretary makes a specific exemption with respect to such construction or operation;

"(B) any existing source of such emissions shall install and maintain any control measures necessary and appropriate to meet the standards prescribed under this section;

"(2) in other cases to which subsection (a) applies, any new source of such emissions shall be designed and equipped to prevent and control such emissions to the fullest extent compatible with the available technology as determined by the Secretary.

"(c)(1) If, within such period as may be prescribed by the Secretary, any State or interstate air pollution control agency, adopts a plan for enforcement of the standards promulgated by the Secretary under this section, such plan shall, if the Secretary determines it provides adequately for the enforcement of such standards, be applicable within such State or other area.

"(2) If a State does not adopt a plan in accordance with paragraph (1) of this subsection, the Secretary shall, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies and State agencies, prepare regulations establishing a plan for such State which shall meet the criteria for enforcement plans required under section 108. If, prior to the date the Secretary publishes such regulations the State has not adopted such plan, the Secretary shall promulgate such regulations.

"(d) If at any time the Secretary determines that emissions from any stationary sources are in excess of the standards established by him pursuant to this section, and that this results from the failure of a State or interstate agency to carry out its State plan adopted as provided in paragraph (1) or established as provided in paragraph (2) of subsection (c), he shall notify the affected State or the interstate agency, the person contributing to the pollution, and other interested parties and specify a time within which such failure must cease. If such failure does not cease within such time, the Secretary may request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution.

"(e) Prior to establishing standards under subsection (a), the Secretary shall consult with appropriate Federal departments and agencies having responsibilities related to any stationary sources to which such standards will be applicable."

"FEDERAL ENFORCEMENT

"SEC. 113. (a) If the Secretary, after reasonable notice and opportunity for a hearing, determines (1)(A) that the ambient air quality of any area fails to meet the air quality standards established pursuant to section 107, or (B) that any person is violating any standards established pursuant to section 112, and (2) that such failure or violation results from the failure of a State or interstate agency to carry out its plan meeting the requirements of sections 108 or 112, as the case may be, or the plan of the Secretary established thereunder, he shall so notify the State or interstate agency and the persons contributing to the lowering of the air quality or to the violation of such standards, and shall specify the remedial action to be taken and the time, not less than 60 days, within which such persons must take such action.

"(b) If such action is not taken within such time, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to enjoin continued failure to take the necessary remedial action In any such suit, the court shall receive into evidence a transcript of the hearing held by the Secretary and a copy of the findings prepared by the Secretary as a result thereof. The court may also receive such additional evidence as it deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of taking the necessary remedial action, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require. The court may also assess a penalty of up to $10,000 for each day after the end of the period specified by the Secretary pursuant to subsection (a) for the taking of the necessary remedial action except that, in determining the amount of such penalty, the court shall take into account the efforts of the defendant to abate the pollution involved."

CONFORMING AMENDMENTS

SEC. 9. Section 106 of such Act (42 U.S.C. 1857c-1) is hereby repealed.

EFFECTIVENESS OF NEW PROVISIONS

SEC. 10. Section 108(c) of the Clean Air Act as in effect prior to enactment of this Act and ambient air quality standards and implementation and enforcement plans promulgated or approved, prior to enactment of this Act, under such section shall not be considered invalid by reason of such enactment until (1) the Secretary of Health, Education, and Welfare establishes ambient air quality standards pursuant to such section as amended by this Act; and (2) either the State adopts an implementation and enforcement plan which is approved by the Secretary pursuant to such section as so amended or the Secretary provides such a plan pursuant thereto.

The material presented by Mr. SCOTT is as follows:

SUMMARY OF CLEAN AIR ACT AMENDMENTS OF 1970

EXTENSION OF DURATION

The bill extends for an additional three years (fiscal years 1971–1973) the general authorization of appropriations for the Clean Air Act, as well as to the special appropriation authorization in that Act for research related to fuels and vehicles.

COMPLIANCE TESTING AND CERTIFICATION OF MOTOR VEHICLES AND ENGINES

1. The testing of devices or systems for control of emissions from new motor vehicles or new motor vehicle engines, and the obtaining of a certificate of conformity is made mandatory with respect to all cars manufactured after the effective date of the Act. Such testing is now on a voluntary basis, upon application of the manufacturer.

2. Under the bill the tests would be applied both to prototype vehicles and to a representative sample of those being manufactured. The Secretary would issue a certificate of conformity with respect to the prototype vehicle to remain valid as long as vehicles being manufactured are of substantially the same construction (and meet the standards for emissions in the Secretary's regulations in effect at the time of the prototype testing). The tests are to be conducted by the manufacturer under regulations of the Secretary, or directly by the Secretary. The Act provides a right of entry to the Secretary on written notice to the manufacturer either to conduct the tests at the factory, or to check the results of tests conducted by the manufacturer.

The present law requires testing only of the prototype vehicle; vehicles of substantially the same construction being manufactured for sale are considered to be in conformity.

3. Importation by any person of any motor vehicle manufactured during a model year to which a certificate of conformity is applicable is prohibited except as provided by the Secretary unless such vehicle is in conformity with the regulations. The limitation in the present Act applies only to the importation of vehicles for sale or resale.

REGISTRATION AND REGULATION OF FUELS AND FUEL ADDITIVES

1. The bill requires the registration of fuels and continues the present requirement for registration of fuel additives. This provision would, however, be limited to fuels used in transportation. The bill also authorizes the Secretary to establish standards governing the composition of fuels and fuel additives and to prescribe their uses.

2. The Secretary may designate any fuel or fuel additive, and manufacturers thereof must provide the Secretary with reasonable and necessary information to determine the emissions from its use or its effect on emission control devices in general use. In the case of toxic emissions or emissions of unknown toxicity, prescribed scientific data may be required to enable the Secretary to determine the extent to which they affect the public health or welfare. This data would not be required from the additive manufacturer if the additive was intended solely for use in a fuel by the manufacturer thereof. Certain types of other information now specified in the statute would still be required. Upon the receipt of such information, the Secretary must register the fuel or fuel additive. Only a registered fuel or fuel additive may be sold or delivered. Except for a broadening of the authority to require information, this provision parallels that in the present law respecting registering fuel additives.

3. A new provision is added to the law authorizing the Secretary to regulate the sale of fuels or fuel additives. On the basis of the information required for registration or any other information, the Secretary may establish standards respecting the composition, or chemical or physical properties, of any fuel or fuel additive which would endanger the public health or welfare, and on the basis of such standards, he may prohibit the sale of any such fuel or fuel additive, or limit the composition, or chemical or physical properties, or impose conditions applicable to the use of any fuel or fuel additive.

3. The Secretary is authorized to disseminate any information, not a trade secret, which concerns the relationship of fuels or fuel additives to air pollution. The present law contains no such provision.

4. Any person violating either the registration or regulation provisions is subject to a civil penalty of $10,000 a day for each day the violation continues. The present Act, which extends to registration of fuel additives only, imposes a penalty of $1,000 a day for each day of violation.

NATIONAL AIR QUALITY STANDARDS

1. Unlike the present Act, under which the Secretary develops criteria for ambient air quality for air quality control regions designated by him, and the States develop both air quality standards conforming to such criteria and a plan for implementation and enforcement, the bill authorizes the Secretary to set ambient air quality standards for the nation with respect to any pollutant or combination of pollutants which he determines endanger or may endanger the public health or welfare. As under existing law, he would also issue recommended control techniques with respect to such pollutants. He could also designate interstate areas for which special provision would be made in the State implementation and enforcement plan.

2. A State (or interstate agency) would have 90 days to write a letter of intent to adopt, and provide a description of how it would develop and adopt, an implementation and enforcement plan with respect to national air quality standards, including a time table for extending it to the various areas within its jurisdiction; it would then have another 6 months (plus any extension

granted which could not exceed 90 days with certain limited exceptions) to develop and adopt it.

If a State does not adopt such a plan, the Secretary would develop and promulgate a plan for such State.

STATIONARY SOURCE EMISSION STANDARDS

The bill contains a new provision authorizing the Secretary to establish standards with respect to pollution from stationary sources which contribute significantly to endangerment of the public health or welfare. Regulations issued under this provision would provide that:

1. If the emissions are extremely hazardous to health, no new source of such emissions may be constructed or operated, except under specific exemption of the Secretary, and existing sources of such emissions must install necessary control devices as promptly as possible.

2. In other cases, any new source of emissions which constitute a significant danger to the public health or welfare must be designed or equipped to prevent and control the emissions to the fullest extent compatible with available technology.

The bill replaces the existing provisions on Federal enforcement with a new provision. Under the new provision, in the case of substandard air quality or violation of Federal emission standards which is due to failure by the State to carry out the applicable plan for implementation and enforcement, the State and the alleged violators would be notified and given a hearing. The Secretary would then specify the necessary remedial action and a time within which to take it. If the action is not taken within this time, the Attorney General may be requested to start an injunction action in the district court, with the record made in the Secretary's hearing being received in evidence along with any other evidence the court wishes to receive, and with the court empowered to issue an appropriate order after considering the practicality and physical feasibility of necessary remedial action. It could also assess a penalty on the violators of up to $10,000 per day beginning after the period specified by the Secretary for taking the remedial action.

The bill (S. 3467) to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Clause (2) of subsection (c) of section 2 of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897), is further amended by changing the final period to a semicolon and adding thereafter the words: *"Provided further,* That the foregoing amount of $200,000,000 shall be increased by an amount equal to the net proceeds placed in the fund from the sale of surplus real property and related personal property in excess of $54,700,000 in any one year."

SEC. 2. That section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(2) as section 203(k)(3), and by adding a new section 203(k)(2) as follows: "(k)(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

"(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell such real property including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, instrumentalities thereof, or municipality.

"(B) In fixing the sale value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

"(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

"(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary, to safeguard the interests of the United States.

"(D) 'States' as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States."

SEC. 3. The first sentence of subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 484(n)), is amended by striking '(k)' and substituting '(k)(1)' in lieu thereof.

SEC. 4. Subsection (o) of section 203 of the Federal Property and Administraitve Services Act of 1949, as amended, (40 U.S.C. 484(o)), is amended to read as follows:

"(o) The Secretary of Health, Education, Welfare, with respect to personal property donated under subsection (j) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section shall submit, as soon as practicable following the close of each fiscal year, a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representaives (or to the Clerk of the House if the House is not in session) showing the acquistion cost of all property so donated and of all real property so disposed of during such fiscal year."

SEC. 5. That section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(b)), is amended by deleting the fifth sentence thereof and inserting in lieu thereof the following: "Additionally, the Director of the Bureau of the Budget may authorize Federal agencies to obligate and to pay from this fund such amounts as he deems necessary to cover relocation costs and for the acquisition of such facilities (as may be authorized by law) to replace those which have been determined by the Administrator to be other than optimumly utilized. Upon occupancy of the replacement facilities, the head of the Federal agency concerned, shall, notwithstanding any other provision of law, immediately report the replaced facilities to the Administrator as excess property. Periodically, but not less often than once each year, any excess funds beyond current operating needs and beyond those authorized to be obligated for replacement facilities and such reserves for pending authorizations as the Director of the Bureau of the Budget may establish, shall be transferred from the fund to miscellaneous receipts or as may be otherwise provided by law: *Provided,* That a report of receipts, disbursements, and transfers to miscellaneous receipts under this authorization shall be made annually in connection with the budget estimates to the Director of the Bureau of the Budget and to the Congress. Advance appropriations are authorized to be made to this fund from any moneys in the Treasury not otherwise appropriated in such amounts as may be deemed necessary. Such advance appropriations shall be repaid without interest, beginning five years thereafter, and until fully repaid to the general fund of the Treasury, by transferring annually 20 per centum of the proceeds available to the fund each year. The moneys not required for repayment purposes shall continue to be available as otherwise provided by law."

SEC. 6. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)), is amended by—

(1) striking out the phrase "public park, public recreational area, or" in paragraph (1) thereof; and

(2) striking out the first full sentence of paragraph (2) thereof.

The material presented by Mr. SCOTT is as follows:

SECTION-BY-SECTION ANALYSIS

Section 1 amends the Land and Water Conservation Fund Act, as amended, to provide that the $200 million minimum which is now deposited in the Fund in each fiscal year (through fiscal year 1973) shall be increased by an amount equal to the net proceeds placed in the Fund from the sale of surplus real property and related personal property in excess of the presently-budgeted level of $54.7 million in any one year.

Under present law there is deposited in the Fund each year revenues from the motorboat fuel tax, entrance and user fees from Federal recreation areas, and the sale of surplus real property and related personal property. To the extent the total of these revenues does not equal $200 million, the difference may be appropriated to the Fund from general revenues or, lacking that, it is made up from the revenues received under the Outer Continental Shelf Lands Act, as amended.

Under Section 1 the Fund would continue to receive these revenues, but only the first $54.7 million of surplus property revenues would be counted as a part of the $200 million floor, and the excess above $54.7 million would be an add-on above the $200 million level. For example, if the surplus property revenues that would flow into the Land and Water Conservation Fund in a given year amounted to $100 million, $54.7 million would count as part of the $200 million floor, and the remaining $45.3 million would constitute an addition above the $200 million level, making a total revenue to the Fund for that year of $245.3 million.

Section 2 would authorize the Secretary of the Interior to request, on behalf of the State and local governments, surplus Federal real property for use for park and recreation purposes. Instead of selling such properties for a minimum of 50 percent of the full market value, as presently required by law, the Secretary would be given discretionary authority to sell on terms which he deems best, taking account of the values inherent for the people and the uses to which the land will be put. The terms set by the Secretary of the Interior may embrace a 100 percent discount from market value; that is, they may constitute a donation. The properties are to be conveyed with a reversionary clause, giving the United States the opportunity to reclaim title if, after the transfer of title to the State or local government, the land is converted to other purposes than had been intended.

Section 3 makes a technical correction in the numbering of subsections of law, made

necessary by the enactment of section 2 of this bill.

Section 4 enlarges the present requirements for quarterly reports to the Congress pertaining to donations of surplus property for specified purposes, in order that quarterly reports will include an accounting for the transactions which occur under the authority of section 2 of the bill.

Section 5 relates to the relocation of Government activities. The Federal Government can utilize its property, vacated by Government activities, for parkland purposes, either through discount sales, or through applying the proceeds of sales. However, there are cases where Federal activities are presently occupying land which might better be used for park or for other purposes, but the property cannot be declared excess without some better method for relocating the activity concerned. At present the process of obtaining funds for such relocation is cumbersome, lengthy, and uncertain. This section is intended to expedite that process. Although in the interest of sound property management the section is not limited to parkland situations, its enactment should contribute toward the parklands objectives of this bill.

The section permits the use, under controlled conditions, of the proceeds from the sale of real and related personal property, to relocate the Federal activity to another, more suitable, place. It also authorizes, for this purpose, advance appropriation from the general fund of the Treasury, such appropriations to be repaid from sale proceeds. Replaced facilities are required to be reported, as excess, to the Administrator of General Services.

Section 6 removes from the present law the requirement that the transfers of surplus property for parklands and recreation be at not less than 50 percent of the fair market value.

The bill (S. 3468) to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and when reported by the Committee on Public Works, to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Financing Act of 1970".

CREATION OF AUTHORITY

SEC. 2. There is hereby created a body corporate to be known as the Environmental Financing Authority, which shall have succession until dissolved by Act of Congress. The body corporate shall be subject to the general supervision and direction of the Secretary of the Treasury. The Authority shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

PURPOSE

SEC. 3. The purpose of this Act is to assure that inability to borrow at reasonable rates necessary funds does not prevent any State or local public body from carrying out any project for construction of waste treatment works authorized and financed with the aid of grants provided by the Secretary of the Interior (33 U.S.C. 466, C–1, 466 e).

BOARD OF DIRECTORS

SEC. 4. (a) The Authority shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury or his designee as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Authority or of any department or agency of the United States Government.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Authority. The Chairman of the Board shall select and effect the appointment of qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Authority and shall discharge all such executive functions, powers, and duties. The members of the Board, as such, shall not receive compensation for their services.

FUNCTIONS

SEC. 5. (a) The Authority is authorized to make commitments to purchase and to purchase on terms and conditions determined by the Authority, any obligation or participation therein which is issued by a State or local public body to finance the non-Federal share of the cost of any waste treatment construction project for which the Secretary of the Interior has agreed to pay a portion of the project cost under a program designed to promote the purposes of section 3 of this Act.

(b) No commitment shall be entered into, and no purchase shall be made, unless the Secretary of the Interior has certified that the seller is unable to obtain at reasonable rates sufficient credit to finance his actual needs and unless the Secretary has agreed to guarantee timely payment of principal and interest on the obligation. The Secretary of the Interior is authorized to guarantee such timely payments and to issue regulations as he deems necessary and proper to protect such guarantees. Appropriations are hereby authorized to the Secretary in such sums as necessary to make payments under such guarantees, and such payments are authorized to be made from such appropriations or from any other available funds.

(c) No purchase shall be made of obligations issued to finance projects the permanent financing of which occurred prior to the enactment of this Act.

(3) Any purchase by the Authority shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury taking into consideration (i) the current average yield on outstanding marketable obligations of the United States of comparable maturity or in its stead whenever the Authority has sufficient of its own long-term obligations outstanding, the current average yield on outstanding obligations of the Authority of comparable maturity; and (ii) the market yields on municipal bonds.

(e) The Authority is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves and such fees shall be included in the aggregate project costs.

INITIAL CAPITAL

SEC. 6. To provide initial capital to the Authority, the Secretary of the Treasury is authorized to advance the funds necessary for this purpose. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation

OBLIGATIONS OF THE AUTHORITY

SEC. 7. (a) The Authority is authorized, with the approval of the Secretary of the Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Authority. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein.

(b) As authorized in appropriation Acts, and such authorizations may be without fiscal year limitation, the Secretary of the Treasury may in his discretion purchase or agree to purchase any obligations issued pursuant to subsection (a) of this section, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

FEDERAL PAYMENT TO THE AUTHORITY

SEC. 8. The Secretary of the Treasury is authorized and directed to make annual payments to the Authority in such amounts as are necessary to equal the amount by which the dollar amount of interest expense accrued by the Authority on account of its obligations exceeds the dollar amount of interest income accrued by the Authority on account of obligations purchased by it pursuant to section 5 of this Act.

GENERAL POWERS

SEC. 9. The Authority shall have power—

(a) to sue and be sued, complain and defend, in its corporate name;

(b) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(c) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(d) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(e) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(f) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Authority;

(g) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(h) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to provide bonds for them and pay the premium thereof; and

(i) to enter into contracts, to execute instruments, to incur liabilities, and to do all

things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

TAX EXEMPTION

SEC. 10. The Authority, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Authority shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Authority shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

OBLIGATIONS AS LAWFUL INVESTMENTS, ACCEPTANCE AS SECURITY

SEC. 11. All obligations issued by the Authority shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the Authority pursuant to this Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are issued by the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Authority, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Authority may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Authority. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Authority shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Authority shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Environmental Financing Authority" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association."

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 846) shall be applicable to the Environmental Financing Authority in the same manner as they are applied to the wholly-owned Government corporations.

PERMANENT APPROPRIATION FOR FEDERAL PAYMENT TO AUTHORITY

SEC. 16. Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding a new paragraph following the last paragraph appropriating moneys for the purposes under the Treasury Department, to read as follows:

"Payment to the Environmental Financing Authority: For payment to the Environmental Financing Authority under section 8 of the Environmental Financing Act of 1970."

SEPARABILITY

SEC. 17. If any provision of this Act or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances shall not be affected.

The material presented by Mr. SCOTT is as follows:

SECTION-BY-SECTION SUMMARY OF THE ENVIRONMENTAL FINANCING ACT OF 1970

Section 1. This section provides for the Act to be cited as the "Environmental Financing Act of 1970."

Section 2. Creation of Authority. This section establishes the Environmental Financing Authority as an instrumentality of the United States subject to the general supervision and direction of the Secretary of the Treasury and authorizes the Authority to establish offices to conduct its business.

Section 3. Purpose. This section states that the purpose of the Act is to assure that inability to borrow necessary funds in the market at reasonable interest rates does not prevent any State or local public body from carrying out a waste treatment works project receiving a grant from the Secretary of the Interior.

Section 4. Board of Directors. This section provides a five-member Board of Directors consisting of the Secretary of the Treasury or his designee as Chairman and four others appointed by the President from the officers or employees of the Authority or of any Federal agency. The Board would meet at the call of the Chairman and would determine the general policies of the Authority. The Chairman would appoint the officers of the Authority.

Section 5. Functions. This section authorizes the Authority to purchase obligations issued by State and local public bodies to finance the non-Federal share of the cost of a waste treatment construction project. No purchase could be made unless the Secretary of the Interior has certified that the seller is unable to obtain sufficient credit at reasonable rates of interest and unless the Secretary has guaranteed principal and interest payments on the obligation. No purchase could be made of obligations issued to finance projects the permanent financing of which occurred prior to this Act. Interest rates on such purchases would be determined by the Secretary of the Treasury taking into consideration (i) current market yields on obligations of comparable maturity issued by the Treasury or the Authority and (ii) market yields on municipal bonds. The Authority would charge fees to cover expenses and to accumulate reasonable reserves, and such fees would be included in project costs.

Section 6. Initial Capital. This section authorizes appropriations to the Secretary of the Treasury to advance up to $100 million for initial capital to the Authority. The interest rate on advances would be not less than a rate determined by the Secretary of the Treasury taking into consideration current market yields on Treasury obligations. Interest payments could be deferred at the discretion of the Treasury.

Section 7. Obligations of the Authority. This section authorizes the Authority, with the approval of the Secretary of the Treasury, to issue its own obligations in the market. The Secretary of the Treasury could purchase such obligations, as authorized in appropriation acts. Purchases by the Secretary would be public debt transactions and would be at interest rates determined by him taking into consideration current market yields on outstanding Treasury obligations of comparable maturities.

Section 8. Federal Payment to the Authority. This section directs the Secretary of the Treasury to make annual payments to the Authority in the amount by which the Authority's interest expense exceeds its interest income.

Section 9. General Powers. This section provides the Authority with general corporate powers.

Section 10. Tax Exemption. This section generally exempts the Authority and its income from all taxes except real and personal property taxes and taxes on the principal or interest on obligations issued by the Authority, which would be taxed to the same extent as obligations of private corporations.

Section 11. Obligations as Lawful Investments, Acceptance as Security. This section makes obligations issued by the Authority lawful investments, acceptable as security for all fiduciary, trust, and public funds, and exempt from SEC requirements.

Section 12. Preparation of Obligations. This section authorizes the Secretary of the Treasury to prepare, hold, and deliver obligations for the Authority on a reimbursable basis.

Section 13. Annual Report. This section requires the Authority to transmit to the President and Congress an annual report of its operations and activities.

Section 14. Obligations Eligible for Purchase by National Banks. This section permits national banks to invest in or deal in obligations of the Authority.

The bill (S. 3469) to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3469

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wastes Reclamation and Recycling Act of 1970".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) increasing production, increasing population, and technological advances in the United States have resulted in an increased volume of industrial, commercial, and domestic waste material which is polluting air, water, and land, and this pollution can be ameliorated only by greater use of reclamation and recycling of material from solid wastes such as metals, plastics, ceramics and glass, paper products, and the like;

(2) the failure to reclaim and recycle materials from solid wastes for further economic uses contributes to wasteful depletion of primary natural resources;

(3) such damage to the environment and wasteful depletion of natural resources is due to the fact that the reclamation of materials from wastes is not competitive with the use of primary resources as a cost factor in the production of goods; and

(4) particularly serious in this continuing and worsening situation is the fact that the demand for motor vehicle scrap metal is not sufficient to enable scrap processors to pay enough to final users and wreckers for discarded motor vehicle hulks to induce them to bring the discarded hulks to scrap processors for processing into scrap metal for reuse.

(b) Accordingly, the purposes of this Act are:

(1) to provide for investigations, studies, surveys, and research into development of methods of encouraging greater use of reclamation and recycling of materials from solid wastes; and

(2) to give special consideration to the

problem of motor vehicle hulks, including studies and recommended action for encouraging greater reclamation and recycling of these hulks.

STUDY OF INCENTIVES TO REUSE OF MATERIALS FROM SOLID WASTES

SEC. 3. (a) The Council on Environmental Quality shall coordinate Federal activities with respect to, and take other appropriate action designed to provide maximum Federal effort in and attention to, development of programs for encouraging greater use of reclamation and recycling of materials from solid wastes through incentive and regulatory measures.

(b) The Council on Environmental Quality, in compliance with its mandate to enhance the quality of renewable resources and approach the maximum attainable reclamation or recycling of depletable resources, shall—

(1) conduct a study of the relative effectiveness of various types of incentives, including financial or tax incentives, and regulatory measures to accelerate the reclamation or recycling of materials from solid wastes which are not presently in competition with primary resources in the productive process, with special emphasis on reuse of motor vehicle hulks; and

(2) report annually to the President, and at such other times as may be appropriate, the results of its research, studies, and surveys, with recommendations for legislative proposals or executive action, through incentives or regulatory measures, to encourage greater reclamation and recycling of materials from solid wastes.

(c) The Council may appoint, as necessary, advisory committees composed of persons expert in the technological aspects of reclaiming and recycling of materials from any category of solid wastes to advise in developing or evaluating proposals with respect to the efficient and economic reclamation and reuse of such materials. Members of any such advisory committee, who are not in the regular full-time employ of the United States, while attending meetings of the committee or otherwise serving on business of the committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the maximum rate specified at the time of such service, for grade GS–18 in section 5332 of title V, United States Code, including travel time, and while away from their homes or regular places of business they may also be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703(b)) for persons in the overnment Service employed intermittently.

(d) The Council is also authorized to hold public hearings on proposals being considered to assist it in assessing the feasibility and effectiveness of the proposals.

EXTENSION OF DURATION OF SOLID WASTE DISPOSAL ACT

SEC. 4. (a) Subsection (a) of section 210 of the Solid Waste Disposal Act (42 U.S.C. 3259(a)) is amended by striking out "and" before "not to exceed $19,750,000", and by inserting before the period at the end thereof "and such sums as may be necessary for each of the next 3 fiscal years".

(b) Subsection (b) of such section is amended by striking out "and" before "not to exceed $12,250,000", and by inserting before the period at the end thereof ", and such sums as may be necessary for each of the next 3 fiscal years".

The bill (S. 3470) to amend sections 5, 6, and 7 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is further amended as follows:

SEC. 1. Section 5 of the Act is hereby amended to read as follows:

"SEC. 5. (a) The Secretary shall conduct in the Department of the Interior and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate or municipal or intermunicipal) authorities, agencies, and institutions, private agencies and institutions, and individuals for the purposes of conducting and promoting the coordination of research, investigations, experiments, demonstrations and studies relating to the causes, control and prevention of water pollution and the enhancement and protection of water quality, the development and demonstration of waste water reuse technology, and associated and related problems which shall include, but not be limited to—

"(1) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

"(2) methods and techniques of identifying the effects of pollutants upon water quality;

"(3) methods and procedures for evaluating the effects of augmented streamflow upon water quality;

"(4) analysis of bodies of water with respect to water quality, waste disposal practices, water uses and needs, and water quality control;

"(5) development and demonstration of new, improved or useful methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes;

"(6) development and demonstration of advanced waste treatment and waste water renovation (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes; and

"(7) development and demonstration of new and improved methods and technology for control of pollution of water by industry and the treatment of industrial waste.

"(b) In carrying out the foregoing, the Secretary is authorized to—

"(1) collect, coordinate, and disseminate information and recommendations through publications, films, conferences, and other appropriate means;

"(2) make grants to public or private agencies, institutions and individuals, and enter into contracts with public or private agencies, institutions, and individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 3109);

"(4) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided,* That the Secretary shall report annually to the appropriate committees of Congress on his operation under this paragraph; and

"(5) provide training for individuals and support training projects relating to the causes, prevention, and control of water pollution.

"(c) No grant shall be made for activities under subsections 5(a)(5) and 5(a)(6) for any project in an amount exceeding seventy-five per centum of the estimated reasonable cost thereof as determined by the Secretary.

"(d) No grant shall be made for activities under subsection 5(a)(7) in excess of $1,000,000 or for more than seventy per centum of the estimated reasonable cost thereof as determined by the Secretary.

"(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the causes, control and prevention of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in water pollution control might be carried out.

"(f) There are hereby authorized to be appropriated the following sums for the fiscal year ending June 30, 1970, and for each of the two succeeding fiscal years, such sums to remain available until expended:

"(1) the sum of $20,000,000 per fiscal year for the purposes set forth in clauses 5, 6, and 7 of subsection (a) of this section;

"(2) the additional sum of $20,000,000 per fiscal year for the purposes set forth in clause 6 of subsection (a) of this section;

"(3) the additional sum of $20,000,000 per fiscal year for the purposes set forth in clause 7 of subsection (a) of this section; and

"(4) the sum of $65,000,000 per fiscal year for the purposes of the subsections herein not referred to in paragraphs 1, 2, and 3 above.

SEC. 2. Section 6 of the Act is deleted.

SEC. 3. Section 7 of the Act is redesignated as section 6 and amended to read as follows:

"SEC. 6. (a) There are hereby authorized to be appropriated the following sums, to remain available until expanded, to carry out the purposes of this section—

$12,500,000 for the fiscal year ending June 30, 1971;

$15,000,000 for the fiscal year ending June 30, 1972;

$20,000,000 for the fiscal year ending June 30, 1973;

$25,000,000 for the fiscal year ending June 30, 1974; and

$30,000,000 for the fiscal year ending June 30, 1975;

Provided, That not less than $10,000,000 shall be available to carry out the provisions of subsections (b) and (d) hereof.

"(b) From the sums available therefor for any fiscal year, the Secretary shall make allotments to the several States, in accordance with regulations, on the basis of (1) population, (2) extent of water pollution, and (3) financial need.

"(c) From each State's allotment under subsection (b) for any fiscal year, the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (g)) of the cost of carrying out its basic State program pursuant to a plan approved under subsection (e), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan. Nothing herein shall prevent a State from expending grant funds for State program purposes through participation in interstate agencies.

"(d) From the sums available therefor for any fiscal year, the Secretary shall, from time to time, make allotments to interstate

agencies in accordance with regulations on such basis as the Secretary finds reasonable and equitable. In determining the eligibility of interstate agencies, the Secretary shall consider whether such interstate agency has authority or has or is developing the capacity to implement and enforce water quality standards for waters within its jurisdiction: *Provided,* That all interstate agencies which were eligible for and received grants under this section in the fiscal year last preceeding the enactment hereof shall be deemed eligible for purposes hereof for a period of two years following the date of enactment hereof. The Secretary shall, from time to time, pay to each such agency from its allotment, an amount not in excess of such portion of the cost of carrying out its basic program pursuant to a plan approved under subsection (e), as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's basic program.

"(c) The Secretary shall approve any plan for a program to prevent and control water pollution which is submitted by the State water pollution control agency or an interstate agency, if such plan—

"(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency, or in the case of a plan submitted by an interstate agency, by such interstate agency;

"(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may, from time to time, reasonably require to carry out his functions under this Act;

"(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

"(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

"(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

"(6) provides acceptable criteria to be used by the State in determining priority of projects as provided in section 8(b)(5).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for a conference with the Secretary to the State water pollution control agency or interstate agency which has submitted such plan.

"(f)(1) Whenever the Secretary, after reasonable notice to a State water pollution control agency or interstate agency and an opportunity for a conference of such agency with the Secretary, finds that—

"(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (e) of this section; or

"(B) in the administration of the plan there is a failure to comply substantially with such a requirement, the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

"(g)(1) As used in this section, the "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that—

"(A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and

"(B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

"(2) The Federal shares shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"(3) As used in this subsection, the term 'United States' means the fifty States and the District of Columbia.

"(4) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

"(5) The regulations relating to the portion of the cost of carrying out the interstate agency plan which shall be borne by the Federal Government shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

"(h)(1) If the Governor of any State or the head of an interstate agency files a letter of intent with the Secretary that such State or interstate agency will develop an improved water pollution control program which takes into account the provisions of subsection (1) of this section; and if the Secretary, in accordance with regulations, is reasonably assured that such State or interstate agency will develop an improved water pollution control program, he may make a grant in any fiscal year to such State or interstate agency in an amount not to exceed 25 per centum of such State or interstate agency's Federal share under subsections (c) or (d) of this section during such fiscal year.

"(2) Grants made under this subsection shall be in addition to any grants made in other subsections of this section.

"(3) No grant shall be made to any State or interstate agency under this subsection in any fiscal year unless during such fiscal year such State or interstate agency is conducting a program to prevent and control water pollution under a plan approved pursuant to subsection (e) of this section, and is not expending a lesser amount of non-Federal funds for the current fiscal year than it expended during the preceding fiscal year.

"(i) As used in this section, 'improved water pollution control program' shall be one which the Secretary determines, in accordance with regulations, is developed by a State or interstate agency, whereby such State or interstate agency enhances the quality of the waters for required uses and needs. In making his determination the Secretary shall consider whether such program includes—

"(1) an effective mandatory permit system covering all municipal, industrial and other significant waste, including discharge requirements, sources, with adequate State implementation and enforcement authority;

"(2) a sewage treatment facilities program, wherein such facilities are planned, constructed and maintained so as to achieve efficiency, economy and water quality enhancement, including comprehensive regulation of the operation and maintenance of such facilities, including adequate State manpower, and mandatory certification of facility operators;

"(3) a program of training and development of water pollution control personnel designed to achieve full implementation of the State water pollution control program;

"(4) balanced State personnel recruitment and development programs, with an adequate merit system, job classifications, and competitive salary schedules; and

"(5) a program of comprehensive State review of engineering plans and specifications for all proposed waste collection and treatment facilities, including adequate State manpower to implement the program.

"(j)(1) If the Secretary determines, in accordance with regulations, that a State or interstate agency has developed one or more of the provisions enumerated in subsection (1), he may grant to such State or interstate agency an amount not in excess of 40 per centum of the Federal share for such State or interstate agency for each fiscal year for each such element; except that the amount of such grant may be increased to an amount not exceeding 250 per centum of the Federal share of such State or interstate agency if the Secretary determines that such agency has developed all five of the elements enumerated in subsection (i).

"(2) Whenever the eligible bonuses under this section are greater than the amount appropriated, the amounts available to each State shall be reduced in proportion to the amounts available to all other States.

"(3) Grants made under this subsection shall be in addition to any grants made under other subsections of this section.

"(4) No grant shall be made under this subsection to any State or interstate agency during any fiscal year unless such State or interstate agency expends during such fiscal year an amount of non-Federal funds for its improved water pollution control program which is not less than the amount of such funds expended by it for its water pollution control program, whether basic or improved, during the last preceding fiscal year.

"(5) No grant shall be made to any State or interstate agency under this subsection unless during such fiscal year such State or interstate agency is conducting a program to prevent and control water pollution under a plan approved pursuant to subsection (c) of this section.

"(k)(1) From any sums that may be available therefor in any fiscal year, which are not expended for grants under other subsections of this section, and which are not expended for grants under other subsections of this section, and which do not exceed 10 per centum of the total amount of funds appropriated for grants under this section in such fiscal year, the Secretary may make grants to States and to interstate agencies to support water pollution control projects which are exceptional because of the nature and scope of the water pollution problems toward which they are directed and the impact on State or interstate programs.

"(2) No grant shall be made under this subsection to any State or interstate agency during any fiscal year unless such State or interstate agency expends during such fiscal year an amount of non-Federal funds for its water pollution control program, whether basic or improved, which is not less than the amount of such funds it expended for its water pollution control program, whether basic or improved, during the last preceding fiscal year."

The material presented by Mr. SCOTT is as follows:

SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND SECTIONS 5, 6, AND 7 OF THE FEDERAL WATER POLLUTION CONTROL ACT (RESEARCH AND STATE GRANTS)

Section 1 amends section 5 of the Federal Water Pollution Control Act to combine, update and simplify the provisions of the present section 5 regarding research, investigations, training and demonstration activities conducted within the Department, and through Federal assistance to individual agencies and institutions, and the provisions of section 6 regarding grants and contracts for demonstrations and development of advance waste treatment, combined sewers and industrial waste treatment.

Section 5(a), as amended by the bill, would continue to authorize the Secretary

of the Interior to conduct within the Department and to encourage, cooperate with and render assistance to other public and private entities and individuals for the purposes of conducting and promoting the coordination of research, investigations, experiments, demonstrations and studies relating to the causes, control and prevention of water pollution. To this objective are added the positive mandate to enhance and protect water quality, develop and demonstrate waste water reuse technology and the specific purposes now contained in sections 5(d)(A), 5(d)(B), 5(d)(C), 5(f), 6(a)(1), 6(a)(2), and 6(b).

Section 5(b), as amended by the bill, consolidates the list of procedures the Secretary is authorized to use to carry out the purposes of the section, including authority to collect, coordinate and disseminate information (as now authorized by section 5(a)(1) and 5(c)); make grants (now in section 5(a)(2)); secure the assistance of experts, scholars and consultants (now in section 5(a)(3)); establish and maintain research fellowships (now in section 5(a)(4)); and provide training (now in sections 5(b)(5) and 5(a)(2)).

Section 5(c), as amended by the bill, preserves the limitation of the Federal grant to 75 percent of the project (now in section 6(c) on projects to demonstrate storm water and sewage separation techniques and projects to demonstrate advanced waste treatment and new joint municipal-industrial treatment methods. Deleted is the limitation now in section 6(c) that projects be approved by the State agency.

Section 5(d), as amended by the bill, preserves the limitations now in section 6(d) that grants for industrial waste treatment research and demonstration projects not exceed $1,000,000 and not be for more than 70 percent of the projected cost. The limitation that the Secretary must determine the project will serve a useful purpose is deleted because this will not now be a general requirement for all grants.

Section 5(e) which authorizes the establishment of field laboratory and research facilities is left basically unchanged by the bill.

The present section 5(f) which directs the Secretary to conduct research and technical development work and make studies regarding the quality of the waters of the Great Lakes, is deleted. The Department will continue its research and development activities on Great Lakes problems under the general authority of other provisions of section 5.

The new section 5(f) added by the bill authorizes total appropriations, to remain available until expended, for fiscal years 1970, 1971, and 1972, in the sum of $125 million, which is the same total sum divided according to purposes on the same basis, as at present in sections 5(h) and 6(e).

The present section 5(g) which directs that a comprehensive national estuarine pollution study be conducted is deleted because that study has been completed and submitted to the Congress.

Section 2 deletes section 6 of the Act, since it has been merged with section 5.

Section 3 redesignates as section 6 section 7 of the Act, which authorizes State and interstate program grants, and amends it to include, in section 6(a), increased authorizations each year for 5 years on a sliding scale from $12.5 million in fiscal year 1971 up to $30 million for fiscal year 1975. Of these sums $10 million each year is to continue to be available for the basic State and interstate programs.

Section 6(a) through 6(g) continue the same basic provisions that are now in section 7 of the Act. However (1) the new section 6(e)(6) revises one of the criteria for the basic grant to require acceptable criteria to be used by the State in determining priority of projects as provided in section 8(b)(5) rather than just to require a system of priorities as at present; and (2) the procedures for disapproval of a plan submitted by a State have been changed to delete the procedural requirements for formal notice and hearing, appeal and judicial review in the case of a disapproval.

The new section 6(h) provides for program development grants in amounts not to exceed 25 percent of the basic grant to assist the State or interstate agency to develop an approved program.

Section 6(i) defines the five elements of such an approved program (for example, a mandatory permit system).

Section 6(j) provides for a system of program improvement grants in an amount not to exceed 40 percent of the basic grant for each of the five elements defined in section 6(i) and a total of 250 percent if the grantee achieves all of the five elements.

Section 6(k) sets up the third new category, special project grants, to give the Secretary authority to make special grants to support water pollution control projects which are exceptional in the scope of problems to be addressed and the impact on the overall State or interstate programs.

The bill (S.3471) to amend sections 1, 3, 10, and 13 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Federal Water Pollution Control Act, as amended, is further amended to read as follows:

"DECLARATION OF POLICY

"SEC. 1. (a) The purpose of this Act is to enhance the quality of our environment, to establish a national policy for the prevention, control and abatement of water pollution, and to plan future national water quality management for our Nation's population growth, industrial expansion, agricultural intensification, energy requirements, recreation and conservation uses, and environmental quality.

(b) In connection with the exercise of jurisdiction over the waterways of the Nation and to achieve the benefits accruing to the public health and welfare from the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. Because water resources are interrelated and the preservation of water quality is necessary to protect the environment of the Nation, the Federal Government is given the responsibility and right to prevent and control water pollution where necessary to complement State programs, and secure action to protect the right of the public to clean water.

"The Secretary of the Interior (hereinafter in this Act called 'Secretary') shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of the Interior designated by him, shall supervise and direct the head of such Administration in administering this Act. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

"(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

SEC. 2. Section 3(a) of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

"SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare and develop comprehensive programs for eliminating or reducing water pollution and for improving the usability and condition of such waters by controlling the water pollution activities referred to in section 10(a) of this Act. In the development of such comprehensive programs, the Secretary shall give full consideration to and shall recommend the measures, practices and improvements which he deems appropriate to maintain and improve the quality of water supplies, propagation of fish and aquatic life and wildlife, recreation, conservation of natural resources, protection of environmental quality, agriculture, industry, and other legitimate uses. For the purposes of this section, the Secretary is authorized to investigate, separately or with any such agencies, the condition of any waters specified in section 10(a), and of any discharges of sewage, industrial wastes, or other substances which may adversely affect such waters."
such waters."

SEC. 3. Section 10 of the Federal Water Pollution Control Act, as amended is amended to read as follows:

"ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

"SEC. 10. (a) 'Water pollution activities' shall be subject to the procedures, remedies, and abatement measures provided for in this section, and, as used in this section shall mean:

"(1) The pollution of interstate waters, navigable water of the United States, including boundary waters, tributaries or portions of any of these waters, and ground waters (whether the discharge reaches such waters from runoff, percolation, or direct discharge into such waters or tributaries or portions of such waters) which endangers the health or welfare of any persons or adversely affects the quality of any such waters.

"(2) Pollution of the waters of the Contiguous Zone of the United States that causes or is likely to cause pollution of the territorial sea of the United States to an extent that endangers the health or welfare of any persons or is likely to adversely affect the quality of the territorial sea of the United States.

"(3) Pollution of the waters of the high seas beyond the territorial sea of the United States, which endangers the health or welfare of any person or adversely affects the quality of such waters through discharges which are transported from or originate in areas over which the United States has sovereignty.

"The term 'waters specified in subsection (a)' as used in this section means the waters where any water pollution activities take place.

"(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of said waters specified in subsection (a) of this section shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsections of this section, be displaced by

Federal enforcement action. This subsection shall apply only to those waters over which the States have jurisdiction.

"(c) (1) If the governor of a State or a State water pollution control agency filed, before October 3, 1966, a letter of intent that such State, after public hearings, would, before June 30, 1967, adopt water quality criteria applicable to interstate waters or portions thereof within such State, and a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan were established in accordance with the letter of intent, and if the Secretary has determined or determines that such State criteria and plan are consistent with paragraph (4) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof. If, in addition, a State, after public hearings, will, within one year after the date of the enactment of this amendment: (A) adopt water quality criteria applicable to all waters specified in subsection (a) hereof over which the State has jurisdiction other than interstate waters or portions thereof within such State; (B) adopt water quality requirements controlling discharges affecting water quality for all waters specified in subsection (a) hereof over which the State has jurisdiction; and (C) amend its plan for the implementation and enforcement of the water quality criteria applicable to such interstate waters or potrions thereof within such State to include the implementation and enforcement of water quality criteria adopted under provision (A) herein, and also to include the implementation and enforcement of water quality requirements adopted under provision (B) herein, and if the Secretary determines that such State criteria, requirements and plan as amended are consistent with paragraph (4) of this subsection, such criteria, requirements and plan shall hereafter constitute the water quality standards applicable to such waters or portions thereof. Such requirements controlling discharge shall include, but not be limited to, control of the discharge of sewage, industrial and municipal wastes, fertilizers, herbicides, pesticides, sediment, hazardous materials, and any other discharges affecting water quality.

"(2) If a State has not adopted before June 30, 1967, water quality criteria applicable to interstate waters or portions thereof within such State determined by the Secretary to be consistent with paragraph (4) of this subsection; or if such State does not within one year after the date of the enactment of this amendment: (A) adopt water quality criteria applicable to all waters specified in subsection (a) hereof over which the State has jurisdiction other than interstate waters or portions thereof within such State; (B) adopt water quality requirements controlling discharges affecting water quality for all waters specified in subsection (a) hereof over which the State has jurisdiction; and (C) amend its plan for the implementation and enforcement of the water quality criteria applicable to such interstate waters or portions thereof within such State to include the implementation and enforcement of water quality criteria referred to in provision (A) herein, and the implementation and enforcement of water quality requirements referred to in provision (B) herein, in accordance with paragraph (1) of this subsection, or if the Secretary or the governor of any State affected by water quality standards, including criteria, requirements and plan, established pursuant to this Act, desires a revision in such criteria, requirements and plan, the Secretary shall after reasonable notice (i) hold a public hearing in order to secure necessary data, (ii) recess such hearing following receipt of such data, (iii) prepare regulations setting forth such standards, including criteria, requirements and plan, to be applicable to water specified in subsection (a) hereof, over which the State has jurisdiction, (iv) reconvene such hearing for the purpose of affording affected parties a hearing on such regulations, and (v) upon completion of such hearing publish such regulations.

If, within sixty days from the date the Secretary publishes such regulations, the State has not adopted water quality standards, including criteria, requirements and plans, which the Secretary finds to be consistent with paragraph (4) of this subsection, and a petition for public hearing has not been filed under paragraph (5) of this subsection, the Secretary shall promulgate such standards, including criteria, requirements and plan.

"(3) For waters in subsection (a) hereof for which the States do not have jurisdiction or which are not covered by standards adopted pursuant to other provisions of this Act, the Secretary shall, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, promulgate regulations setting forth such water quality standards, including criteria, requirements for such waters and a plan for the implementation and enforcement of such criteria and requirements, as to water pollution activities in such waters.

"(4) Standards, which include criteria, requirements and a plan, established pursuant to this subsection, shall be such as to protect the public health or welfare, to enhance the present quality and value of water and our water resources, to assure, by proper planning and implementation, the water resource needs for future population growth, industrial expansion, agricultural intensification, energy requirements, recreation and conservation uses and environmental quality, and to serve the purposes of this Act. In considering or establishing such standards, including criteria, requirements and plan, the Secretary, the hearing board, and the appropriate State authority, shall take into consideration their present and prospective use and value to maintain and improve the quality of water supplies, propagation of fish and aquatic life, and wildlife, recreation, conservation of natural resources, protection of environmental quality, agriculture, industry, and other legitimate uses.

"(5) If at any time prior to thirty days after standards, including criteria, requirements and a plan, have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards, including criteria, requirements, and a plan, petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where such standards, including criteria, requirements, and a plan, will take effect, before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards, including criteria, requirements, and a plan, shall be given an opportunity to select one member of the Hearing Board. The Department of Agriculture, the Department of Commerce, the Department of Health, Education, and Welfare, and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board. Not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of the Interior. Members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by the Hearing Board or otherwise engaged in the work of the Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies, and municipalities involved at least thirty days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards, including criteria, requirements, and a plan, published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the criteria, requirements, and a plan, as published or promulgated by the Secretary, the standards, including criteria, requirements, and a plan, shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards, including criteria, requirements, and a plan, as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth the standards, including criteria, requirements, and a plan, in accordance with the Hearing Board's recommendations, which regulations shall become effective immediately upon promulgation.

"(6) Any water pollution activity consisting of any discharge into the waters specified in subsection (a) hereof or portions thereof which reduces the quality of such waters below the water quality standards established under this subsection, or any discharge into said waters which is of lesser quality than the requirements controlling such discharges or any discharge which is not in compliance with the implementation and enforcement plan for such criteria and requirements (whether the discharge causing or contributing to such pollution reaches such waters from runoff, percolation, or direct discharge into such waters or tributaries thereof or adjoining bodies of water) is subject to abatement in accordance with the provisions of this section. At least one hundred and eighty days before any abatement proceeding is initiated under this subsection, the Secretary shall notify each alleged pollutor, the water pollution control agency, and the interstate agency, if any, of the State of States where such pollution originates or which may be affected adversely by such pollution, of the violation of such standards and of the remedial action required and shall call a public hearing to be held not less than twenty-one days after issuance of such notice. If remedial action, as determined by the Secretary, to secure abatement of the pollution is not taken within such one hundred and eighty day period after the Secretary has issued notice of violation, or if, at any time thereafter, the alleged pollutor fails to take remedial action, as determined by the Secretary, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution, including compliance with such standards, which include criteria, requirements and plan. In any such suit, the court shall take judicial notice of the established water quality standards, including criteria, requirements and plan, and shall receive into evidence a transcript of the hearing, held by the Secretary and a copy of the findings prepared by the Secretary pursuant to such hearing. In addition, the court shall receive in evidence the recommendations of any conference or hearing board held pursuant to this section and such additional evidence as it deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require, including injunction of activities which violate such standards, enforcement conference recommendations or other provisions of this section, and effective six months after enact-

ment of this provision, forfeiture of up to $10,000 for each such violation for each day after the end of the one hundred and eighty day period specified herein or commencing at such time thereafter that the alleged pollutor fails to take remedial action, provided that, in imposing such forfeiture, the court shall take into account the efforts of the alleged pollutor to abate pollution, and provide further that such forfeiture shall be in addition to and not in lieu of such other judgment and orders as the court may enter.

"(d)(1) The Secretary, if he finds an occurence of water pollution activity of any waters specified in subsection (a) hereof over which he has jurisdiction or for which standards, including criteria, requirements and plan, have been established under this Act, and that he has good reason to believe that such water pollution activity constitutes a violation of existing water quality standards or endangers the health and welfare of any person, shall give formal notification thereof to the water pollution control agency of the State or States where such discharge or discharges originate and the interstate agency of which such State or States are members, if any, and shall promptly call a conference of such agency or agencies and the State water pollution control agency of the State or States, and such interstate agency, if any, which may be adversely affected by such pollution. In addition, whenever requested by the governor of any State or a State water pollution control agency, or (with the concurrence of the governor or the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to water pollution activity in waters specified in subsection (a) hereof which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges causing or contributing to such pollution orginates, or which adversely affects the quality of such waters in such other State, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall promptly call a conference of such agency or agencies and the State water pollution control agency of the State or States, and the interstate agency, if any, which may be adversely affected by such pollution. Also, whenever requested by the governor of any State, the Secretary shall, if such request refers to water pollution activities in waters specified in subsection (a) hereof over which the State has jurisdiction, which is endangering the health or welfare of persons only in the requesting State in which the discharge causing or contributing to such pollution originates or which adversely affects the quality of such waters, give formal notification thereof to the water pollution control agency and the interstate agency, if any, of such State or States, and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section.

"(2) Whenever the Secretary, on the basis of reports, surveys, or studies has reason to believe that any water pollution activity is occuring in the United States portion of international boundary waters, and that such water pollution activity constitutes a violation of existing water quality standards or endangers the health and welfare of any person, he shall give formal notification thereof to the water pollution control agency and the interstate agency, if any, of the State or States in which such discharge or discharges originate and shall promptly call a conference of such agency or agencies. The Secretary shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219) relative to the control and abatement of water pollution in waters covered by those treaties.

"(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition, the chairman of the conference shall give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three weeks prior notice of the date set for the conference shall be given to such agencies.

"(4) Following such conference, the Secretary shall prepare and forward to all of the water pollution control agencies and interstate agencies attending the conference a summary of conference discussions including (A) occurrence of water pollution activity of waters specified in subsection (a) hereof, (B) adequacy of measures taken toward abatement of the pollution, and (C) the nature of delays, if any, being encountered in abating the pollution.

"(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of pollution is not being made in accordance with the recommendations of the Secretary, or that such pollution endangers the health or welfare of any person or violates water quality standards, including criteria, requirements and a plan, applicable to such waters, he shall recommend to the appropriate State water pollution control agency or agencies that they require the alleged polluter to take remedial action, as determined by the Secretary, to secure abatement of the pollution and he shall also notify the alleged polluter of the requirement for such remedial action. The Secretary shall allow ninety days from the date he makes such recommendations or one hundred and eighty days from the end of the conference session, whichever period ends later, for remedial action, as determined by the Secretary, to be taken.

"(f) If, at the conclusion of the period provided in subsection (e), such remedial action, as determined by the Secretary, has not been taken by the alleged polluter, or if, at any time thereafter, the alleged polluter fails to take remedial action, as determined by the Secretary, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure performance of such remedial action and such recommendations, standards, criteria, requirements and plan.

"(g) In any such suit, the court shall take judicial notice of the established water quality standards, including criteria, requirements and plan, and shall receive in evidence a transcript of the proceedings before the conference and a copy of the Secretary's recommendations, and shall receive such further evidence as the court, in its discretion, deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment and orders enforcing such judgment, as the public interest and the equities of the case may require, including injunction of activities which violate such standards, enforcement conference recommendations or other provisions of the section and, effective six months after enactment of this provision, forfeiture of up to $10,000 for each such violation for each day after the end of the period provided in subsection (e), or commencing at such time thereafter that the alleged pollutor fails to take remedial action, provided that, in imposing such forfeiture, the court shall take into account the efforts of the alleged pollutor to abate pollution, and provided further that such forfeiture shall be in addition to and not in lieu of such other judgment and orders as the court may enter.

"(h) Notwithstanding any other provision of this section, the Secretary, upon his determination that a particular pollution source or combination of sources is presenting or may present an imminent and substantial danger to the health or welfare of any person or persons, or may cause irreparable damage to water quality or the quality of the environment, may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to enjoin immediately any person contributing to the alleged pollution from further discharges causing such pollution and to take such other action as may be necessary.

"(i)(1) In connection with any hearing, proceeding, or conference, the Secretary is authorized to require any person whose alleged water pollution activities result in discharges causing or contributing to water pollution, to file with him, in such form as he may require, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe and shall be filed with the Secretary within such reasonable period as he may prescribe, unless he grants additional time. In order to further the purposes of this section, the Secretary may disseminate any information reported which is not covered by section 1905 of title 18 of the United States Code.

"(2) If any person required to file any report under paragraph (1) of his subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit the sum of $100 for each day of the continuance of such failure, which forfeiture shall be payable to the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may, upon application therefor, remit or mitigate any forfeiture provide for under this paragraph, and shall have authority to determine the facts upon all such applications.

"(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

"(j)(1) The Secretary may investigate any facts, conditions, practices, or matters which he may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this Act or any standards, including criteria, requirements and a plan thereunder, or to aid in the enforcement of the provisions of this Act or in promulgating criteria, plans, rules or regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation concerning the matters to which this Act relates. The Secretary may permit any person to file with him a statement in writing under oath or otherwise, as he shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of investigation.

"(2) For the purpose of any enforcement conference, investigation or any other proceeding under this Act, the Secretary is em-

powered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the Secretary finds relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States at any designated place of hearing. Witnesses summoned by the Secretary to appear before him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(3) The Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, is authorized (A) to enter, at reasonable times, any public or private property from which discharge is being made into waters specified in subsection (a); (B) to inspect and investigate, at reasonable times and within reasonable limits and in a reasonable manner, the operation of collection systems, waste treatment works or facilities, or conditions relating to pollution or the possible pollution of such waters; and (C) to have access to such records in connection therewith as the Secretary may require.

"(4) In case of contumacy by, or refusal to obey a subpena issued to any persons, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. Such court may issue an order requiring such persons to appear before the Secretary to produce records, if so ordered, or to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found or may be doing business. Any person who willfully shall fail to attend or refuse to testify, or to answer any lawful inquiry, or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, as designated or specified in the subpena of the Secretary, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $100 for each day of the continuance of such failure or imprisonment for a term of not more than one year, or both.

"(5) The testimony of any witness may be taken, at the instance of a party, in any pending conference, proceeding or investigation under this Act, by deposition, at any time after the notice of the proceeding is published. The Secretary may also order testimony to be taken before any person authorized to administer oaths who is not of counsel or attorney to the party making the deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the conference or other proceeding or investigation, as hereinbefore provided. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

"(6) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Secretary, or agreed upon by the parties by stipulation in writing to be filed with the Secretary. All depositions must be promptly filed with the Secretary.

"(7) Witnesses whose depositions are taken as authorized in this Act, and the person or officer taking the same, shall be entitled to the same fees and mileage that are paid witnesses in the courts of the United States.

"(8) In order to further the purposes of this section, the Secretary may disseminate any information obtained under this subsection which is not covered by section 1905 of Title 18 of the United States Code.

"(k) The invocation of any one procedure authorized under this section shall not prevent the application of any other procedure of this section to any case to which this Act would otherwise be applicable.

"(l) As used in ths section the term—

"(1) 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body, and

"(2) 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law."

SEC. 4. Section 13 of the Federal Water Pollution Control Act, as amended, is amended to revise subsection (a) to read as follows:

"(a) The term 'State water pollution control agency' means a single State agency designated by that State as the official State water pollution control agency for purposes of this Act."

and to add the following subsections (g) and (h):

"(g) 'boundary waters' means the waters from the main shore of the United States to the international boundary of the lakes and rivers and connecting waterways, or portions thereof, along which the international boundary between the United States and Canada or the United States and Mexico passes, including all bays, arms, and inlets thereof, tributary waters which in their natural channels would flow into such lakes, rivers and waterways, or waters flowing across the boundary.

"(h) 'contiguous zone' means the entire zone defined by article 24 of the Convention on the Territorial Sea and the Contiguous Zone."

The material presented by Mr. SCOTT is as follows:

A BILL TO AMEND SECTIONS 1, 3, 10, AND 13 OF THE FEDERAL WATER POLLUTION CONTROL ACT (JURISDICTION AND ENFORCEMENT)

SECTION-BY-SECTION ANALYSIS

Section 1 amends the declaration of policy in section 1 of the Act to express specifically the purpose of enhancing the quality of the environment, and the necessity to ensure water quality to meet future needs. The Federal responsibility to act where necessary to complement State action is stressed in order to assure equality in the application of water quality requirements, and to protect the right of the public to clean water.

Section 2 amends section 3 of the Act to expand the Secretary's authority to prepare or develop comprehensive water quality management programs relating to water pollution activities in interstate waters and navigable waters, including boundary waters of the United States, and waters of the contiguous zone, and other ocean waters, ground water, and tributaries and portions of these waters. The development of programs to protect the environment and to conserve these waters for many uses is stressed. The Secretary would be authorized to conduct his own investigation of the condition of any waters as well as to conduct joint investigations with other agencies.

Section 3 substantially amends section 10, the enforcement section of the Act in a number of ways as described below.

Section 10(a) of the present Act makes subject to abatement water pollution activities in interstate or navigable waters which endanger the health and welfare of persons. Section 3 extends this jurisdiction to include expressly boundary waters and ground water of the United States, and to include water pollution activities in waters of the contiguous zone which adversely affect water quality in the territorial sea and pollution of the high seas through discharges transported from United States territory.

The requirement is retained in section 10 (b) of the Act that State and interstate action to abate pollution shall be encouraged and shall not be displaced by Federal court action, except as provided by court action. However, minor changes in section references are made.

Section 10(c) is amended to add that if the States adopt, within one year from enactment, the following: First, water quality criteria applicable to all waters specified in subsection 10(a) over which the State has jurisdiction other than interstate waters or portions thereof with such State (i.e., other than those for which standards have already been established); second, water quality requirements controlling discharges affecting water quality for waters specified in subsection 10(a) over which the State has jurisdiction; and third, an amended plan for the implementation and enforcement of all the water quality criteria applicable to the water pollution activities in waters specified in subsection 10(a) and of the discharge requirements for such waters. The Secretary would be authorized to act, after public hearings, if the State does not take acceptable action. The bill would also reduce from 6 months to 60 days the period between publication of proposed standards by the Secretary and their promulgation, in a case where the State does not act to set acceptable standards.

The bill provides, in a new subsection 10 (c)(3), for establishment by the Secretary of standards for boundary waters of the United States, waters of the contiguous zone, and other waters not covered by other provisions of the Act.

The present subsection 10(c)(3) is renumbered as subsection 10(c)(4), and broadened to include requirements for control of discharges in the description of standards. The requirement that standards, including discharge requirements, and plans for enforcement and implementation take into account environmental protection, population growth and energy needs, as well as the other purposes now in the Act, is recognized, as is the provision that each State should act to set these requirements.

Subsection 10(c)(4) would be renumbered as subsection 10(c)(5) and amended to provide specifically for selection by the Departments of Agriculture and Health, Education, and Welfare of members for any hearing board called to consider water quality standards which have been established. HEW participation is now authorized by the Reorganization Plan No. 2 of 1966, while authorization of Agriculture would be new.

Subsection 10(c)(5), renumbered as subsection 10(c)(6), is amended to make subject to abatement any discharge which is of lesser quality than the requirements controlling discharges, as well as the presently proscribed discharges which lower water quality below applicable standards. This will clarify the authority to abate discharge of pollutants from industrial, municipal, and other sources into already heavily polluted waters, whether or not it can be shown that the particular discharge of pollutants reduces the quality of the receiving waters, if it is contrary to discharge requirements. Another amendment would require the Secretary, after providing reasonable notice and opportunity for a hearing, to notify each alleged pollutor, state water pollution control agency and interstate agency affected, of the need for remedial action. If such action has not been taken within the 180-day notice period now specified in the Act and after public hearing within that period or if at any

later time remedial action is not taken, the Secretary may request that the Attorney General bring suit to abate the pollution. The bill also would delete the requirement that a Governor give his consent to court action to abate standards violations which have only intrastate effect. A further amendment would provide that, effective 6 months after enactment of this section, the court could assess a forfeiture of up to $10,000 for each violation of the section for each day after the end of the 180-day period or at such later time that the alleged pollutor fails to take remedial action. Such forfeitures, which would be in addition to and not in lieu of other judgment and orders of the court (e.g., an injunction), will serve to induce pollutors to take remedial action before they are ordered to do so by the court. Essentially the same provision for forfeitures would be added to subsection 10(g) which concerns post-enforcement conference court action.

The present subsection 10(c)(6) is deleted: (1) because a new subsection 10(d) is added which provides that remedies under section 10 are cumulative, and (2) to recognize the extension of Federal jurisdiction in the bill.

Subsection 10(d)(1) would be amended to authorize the Secretary to call an enforcement conference if he finds an occurrence of pollution of any water subject to the Act if he has reason to believe such pollution constitutes a violation of water quality standards or endangers public health and welfare. Deleted is the present requirement for either (1) a request of a Governor or a water quality agency of a State other than that where the discharge is occurring, although the Secretary could still act upon State request in the case of any pollution covered by the Act, or (2) a determination by the Secretary that there is such pollution endangering health or welfare of persons in a second State or causing economic injury due to inability to market shellfish. The present unnecessarily restrictive requirements fail to recognize the overwhelming need to take prompt action to protect the public health and welfare, regardless of the circumstances of geography and jurisdiction. The present subsection 10(g) which provides for requests by the Secretary that the Attorney General bring suit, is renumbered subsection 10(f) and the requirement that the Governor consent to such suit where the pollution does not endanger persons in a State other than where the discharge originates is deleted.

The provision in subsection 10(d)(2) for action to abate pollution which affects persons in another country is amended to delete the requirements for a report from an international agency and a request from the Secretary of State before the Secretary can act to abate pollution in the United States portion of boundary waters. This change will serve chiefly to expedite action against pollution inside our borders which affects the quality of the United States portion of boundary waters or endangers health and welfare.

The minimum of 6 months now allowed in subsection 10(e) for remedial action after the conclusion of an enforcement conference is changed to provide a minimum of either 90 days from the date the Secretary makes his recommendations for remedial action or 180 days from the conclusion of the conference, whichever period ends later.

The requirement in subsection 10(f) for a public hearing before a Hearing Board, now the second major phase in the three-phase enforcement process (conference, hearing, court action) would be deleted. It has been our experience that sufficient information is generated at the enforcement conference to provide a sound basis for State or Federal action to abate the alleged pollution.

Subsection 10(f), as revised by the bill, would authorize the Secretary to request the Attorney General to bring suit to secure abatement of the pollution, if remedial action has not been taken by the person or persons responsible for the pollution within the period stated in subsection 10(e) or at such later time that remedial action is not taken. As noted above, the requirement for the Governor's consent to the suit in the case of pollution with only intrastate effect is eliminated.

The provision in subsection 10(g) that the court consider economic feasibility in cases arising from the enforcement procedures would be eliminated but the other guidelines for the court's determination (practicability and physical feasibility) would remain. As noted above, the court would be authorized to order forfeiture of up to $10,000 per violation per day, in this case starting after the period provided for in section 10(e) for remedial action or at such later time that the alleged pollutor fails to take remedial action. This should produce swifter voluntary compliance by the alleged pollutor.

The bill would add a new subsection 10(h) to authorize the Secretary to request the Attorney General to seek an immediate injunction where pollution presents an imminent and substantial danger to health, or welfare of persons or irreparable damage to water quality or the quality of the environment generally.

The definition of "person" in subsection 10(j), redesignated as 10(l), would be broadened to include commissions and interstate bodies.

The language in the present subsection 10(k)(1) [renumbered 10(l)(1)] which would exempt a person from divulging trade secrets or secret processes is deleted but the requirement that all information be considered confidential to the extent required by section 1905 of Title 18 of the United States Code is retained. Investigation of alleged pollution would be greatly facilitated by disclosure of information regarding the exact chemical composition of industrial and other discharges, for example. The requirement that the information be kept confidential will serve to protect the persons making such disclosure.

Extensive authority is provided in a new subsection 10(j) for the Secretary to investigate violations; compel attendance of witnesses and production of records, report and documents; enter, at reasonable times, public or private property; administer oaths; and compel compliance through court action. This authority is exercised by a number of other Federal agencies with similar regulatory authority and would prove valuable in enforcement of the provisions of the Act. The same requirement for confidentiality as in section 10(*l*) would apply to information obtained under section 10(j).

Section 4 of the bill would amend section 13 of the Act, which defines the terms used in the Act, to eliminate the reference to the State health authority in the definition of "State water pollution control agency" and redefine such an agency to mean the single State agency designated by the State as the official agency for the Act's purposes. Water quality is no longer considered solely in a public health aspect but as part of total resource management and protection of environmental quality. A definition of the "contiguous zone" is provided by reference to Article 24 of the Convention on the Territorial Sea and the contiguous zone.

The bill (S. 3472) to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 *et seq.*), is amended as follows:

1. Subsection (a) is amended to insert after the words "to make grants to" the words "and incur obligations in the form of grant agreements or otherwise with".

2. Subsection (b) is amended to insert in lieu of the word "grant" wherever it now appears, the words "grant or other commitment of financial assistance"; to strike the words "not less than thirty per centum" in clause (6) and insert in lieu thereof "not less than twenty-five per centum"; and to change the period at the end of the subsection to a semicolon and add the following: "(8) No grant or other financial assistance shall be made unless the applicant complies with such regulations as the Secretary may prescribe to assure the effective and efficient use of funds under this section."

3. Subsection (c) is amended to delete the language from the words "The sums appropriated . . ." through the words "Federal institution or activity." and to insert in lieu thereof the following:

"The sums authorized to be obligated pursuant to subsection (e) for each fiscal year beginning on or after July 1, 1970, shall be allocated by the Secretary, from time to time, in accordance with regulations, as follows:

"(1) sixty per centum of all sums appropriated in the ratio that the population of each State bears to the population of all the States, except that, the first $100,000,000 of sums within such percentage shall be allocated as follows:

"(A) fifty per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (B) fifty per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotient for all the States; and

"(2) twenty per centum of such sums to those States which agree to pay not less than twenty-five per centum of the estimated reasonable cost, as determined by the Secretary, of all projects for which Federal grants or other commitments of financial assistance are to be made under this section during any fiscal year, which allotment shall be in the ratio that the population of each such State bears to the population of all such States;

"(3) twenty per centum of such sums to those States which the Secretary determines in accordance with regulations: (A) have the most severe water pollution problems; and (B) can best use such funds to meet the requirements of a basin-wide pollution abatement plan.

"(4) The total allocation under clauses (1), (2), and (3) to any State shall not exceed the amount of Federal grant funds obligated within such State for purposes of this section during the preceding fiscal year, unless such State shall file with the Secretary, within the first ninety days of the current fiscal year, an acceptable pollution control plan that would require the obligation of funds for purposes of this section which are in excess of the funds obligated within such State in the preceding fiscal year, in which case the Secretary may allocate up to the full amount that would otherwise be allocated to such State for the current fiscal year if he finds that this plan meets pollution control needs, conforms to water quality standards and enhances the present quality of said waters. Any sums available from the original allocations for which the Secretary has not approved funds in excess of the previous fiscal year and any sums allotted to a State under clauses (1), (2), and (3) hereof which are not obligated at the end of the fiscal year for

which they are allotted shall be reallotted by the Secretary, on the basis used in clause (3) hereof to States having projects approved under this section for which grants have not been made because of lack of funds."

4. Subsection (c) is further amended to delete the words "the second, third and fourth sentences of"; to delete the date "July 1, 1971" where it first appears and to insert in lieu of that date "July 1, 1974"; and to change the date "July 1, 1971" in the next two places where it appears to "July 1, 1973"; and to change the last sentence thereof to read as follows: "For purposes of this section, population shall be determined on the basis of the last year for which satisfactory population figures are available, from the Department of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce."

5. Subsection (d) is amended to read as follows:

"(d) The Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $4,000,000,000, of which sums of $1,000,000,000 shall be available for obligation for each of four consecutive fiscal years beginning with the fiscal year ending June 30, 1971, and shall remain available until obligated. There are authorized to be appropriated such sums as may be required for liquidation of the obligations incurred under this subsection. To assure program continuity and orderly planning, the Secretary, not later than January 10, 1973, shall submit through the President to the Congress a report on the financial requirements for the construction of waste treatment facilities for fiscal years 1975 through 1979."

6. Subsection (f) is deleted; and subsection (g) is renumbered (f).

SEC. 2. This Act may be cited as the "Clean Water Financing Act of 1970."

The material presented by Mr. SCOTT is as follows:

SECTION-BY-SECTION ANALYSIS OF THE CLEAN WATER FINANCING ACT OF 1970

The bill amends section 8 of the Federal Water Pollution Control Act, as amended, in a number of significant respects. The Secretary would be authorized to incur obligations in the form of grant agreements or otherwise in an aggregate amount of $4 billion. Of this sum, $1 billion would be available for each of the four fiscal years beginning with fiscal year 1971. Appropriations of sums necessary to liquidate these obligations would be authorized. The Secretary would submit a report by January 10, 1973, to the Congress, through the President, on requirements for waste treatment works construction for fiscal years 1975 through 1979. In addition, the allocation formula is revised to provide greater flexibility to meet the most severe water pollution problems, and to give an added incentive to the States to fully utilize the funds allocated. States and communities which have constructed approved waste treatment works without Federal assistance are to be reimbursed from sums authorized on the same terms as at present for funds they expend prior to July 1, 1973.

Section 1 amends section 8 of the Act as follows. Subsection 1 amends subsection 8(a) to authorize the Secretary to incur obligations in the form of grant agreements or otherwise, in addition to his present authority to make grants. The classes of grantees and the purposes of such financial assistance remain as in the Act at present.

Subsection 2 of section 1 amends subsection 8(b), which sets limitations on grants, in several ways. The language "grant or other commitment of financial assistance" would be substituted for the word "grant" throughout the subsection to make the limitations apply to the new grant agreements. The provision in clause (6) which permits the Secretary to raise the Federal grant share of a project from 30 percent to 40 percent or 50 percent would remain basically the same, except that a 40 percent grant could be made if the State agrees to pay 25 percent of the estimated reasonable cost of all projects for which Federal grants are to be made under section 8, rather than 30 percent as is now required. This removes the anomalous situation in which, at present, the grantee may receive a 40 percent grant for a project if the State agrees to pay 30 percent of the cost of all such projects but may receive a 50 percent grant if the State pays only 25 percent of the cost of such projects but meets other conditions. A new clause (8) would be added to provide the limitation that no grant or other commitment of financial assistance be made unless the applicant complies with regulations prescribed by the Secretary to assure effective and efficient use of funds.

Subsection 3 of section 1 amends subsection 8(c) of the Act to change the allocation formula; permit reallocation of unobligated funds at the end of the fiscal year rather than 6 months after the end of the year at the present; and remove needs caused by Federal institutions or activities as a specific factor for consideration in reallocation.

The revised allocation formula in the bill for distributing construction grant funds among the States employs three factors. First, 60 percent of the funds would be allocated based on population and financial need using the formula presently in the Act; second, 20 percent based on State agreements to pay at least 25 percent of the cost of all projects receiving construction grants during a fiscal year; and third, 20 percent based on a factor which takes into account the relative severity of water pollution control problems of the various States and their ability to use such funds to fulfill a basinwide pollution abatement plan. This last factor also would be the basis for reallocation of unobligated funds at the end of the fiscal year. This new allocation formula will give the Secretary flexibility to direct construction grant funds to areas where those funds are most critically needed and where they can be used most effectively. To encourage the States to obligate the funds allocated to them, this allocation formula would be qualified to provide that a State not receive more Federal grant funds that it obligated the previous fiscal year unless the State filed an acceptable plan requiring greater obligations in the current year. In such cases, the Secretary would allocate up to the full amount to which the State would normally be entitled.

Subsection 4 of section 1 amends section 8(c) further to extend through fiscal year 1974 the present provisions for reimbursement to States and localities which have used their own funds for projects because Federal grant funds were unavailable. This would apply in the case of funds used for any project on which construction was initiated after June 30, 1966, and would extend to State or local funds used from that date through fiscal year 1973. In order to assure that population data used in the allocation and reallocation of funds among States are as current as possible, the figures used are to be based on the last year for which satisfactory figures are available from the Department of Commerce, rather than on the latest decennial census as at present.

Subsection 5 of section 1 amends section 8(d) which authorizes the obligation and appropriation of funds. The Secretary would be given new authority to incur obligations in the form of grant agreement or otherwise in an aggregate amount of $4 billion, of which $1 billion would be available for obligation for fiscal year 1971 and each of the three succeeding years, with such sums to remain available until obligated. Appropriations of funds required to liquidate these obligations would be authorized. By January 10, 1973, the Secretary would reassess further needs for the construction of waste treatment facilities for fiscal years 1975 through 1979 and report through the President to the Congress on the financial requirements for those subsequent years.

Subsection 6 of section 1 deletes subsection 8(f) of the Act which now permits a bonus grant increase of 10 percent for any project which is certified as being in conformity with a comprehensive regional plan. This will now be a requirement for all projects under proposed grant regulations, rather than a basis for a bonus. Subsection (8)(g), with regard to labor standards requirements, is retained and redesignated (8)(f).

Section 2 provides that the Act may be cited as the "Clean Water Financing Act of 1970."

Mr. NELSON subsequently said: Mr. President, do I understand that the Senator from Pennsylvania has introduced the package of seven environmental bills?

Mr. SCOTT. That is right; I have introduced a package of seven environmental bills, which I believe embrace some 23 proposed legislative actions, and they have associated with them a number of Senators as cosponsors. I invite the cosponsorship of all Senators. They are offered in pursuance of the President's message on the environment.

Mr. NELSON. I ask that my name be added as a cosponsor, and I ask unanimous consent to submit a brief statement for the RECORD respecting those bills, to be printed at an appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I have asked that my name be added as a cosponsor of the environmental legislation proposed by the President that is being introduced today. Not yet having had the opportunity to give these bills close study, I should point out that I am in general agreement with the objectives spelled out in the President's proposals though I may differ with some of the details.

These bills are steps in the right direction and there are certainly many aspects of the President's environmental package which are deserving of the strong support of all environmentalists, and I will be in support of these or similar provisions in legislation before this Congress.

The environmental crisis is one which will be solved only with a broad, bipartisan effort, not only in Washington, but in political bodies across the country. It is a crisis that indeed poses a survival test not only for the quality of American life, and for our environment, but for our institutions themselves. The growing disillusionment of our young people with the poor performance of our institutions in meeting these problems makes it clear that if there is not real progress on the environmental and other important domestic problem areas in the near future, the young people will reject the present system for something they think will do a better job. That means that very soon we must start making resource commitments to this problem on a scale of our commitments to space exploration and defense systems. We must be pre-

pared to invest as much in our environment as we are wasting in Vietnam.

With his state of the Union message, his environmental message to Congress early this month, and now, this package of legislation, the President has indicated his commitment to this issue.

Now that almost every major political figure in this country has indicated his concern for environmental problems, and his intention to press forward toward solutions, we can get down to the tough job of establishing effective national policies that will establish quality on a par with quantity as an aim of American society. In this spirit, I am glad to cosponsor the President's environmental legislation, as an indication of the importance and necessity of a truly bipartisan effort to meet our grave environmental challenge.

Mr. COOPER. Mr. President, it is with a great deal of pleasure and pride that I join with Senator SCOTT and others in cosponsoring a series of bills proposed by President Nixon to move forward in the essential control of air and water pollution and solid waste. For the first time since I have been the ranking minority member of the Committee on Public Works it is my responsibility to represent an administration of my party and sponsor major legislation within the jurisdiction of this committee. In serving on this very important committee I have learned not only of the urgency of pollution control but the great difficulty and complexity of legislation in this area and I commend the President for his very thorough proposals.

A high quality environment is essential if we are to achieve a quality of life. President Nixon has explicitly drawn this relationship and has made a strong commitment that his administration will work unceasingly toward the resolution of the environmental crisis. In the series of proposed bills he sent to the Congress to accompany his historic state of the environment message, the President has identified a number of areas in which he is asking for congressional assistance to enable him to more adequately serve the public interest. Although there are many important elements in all of the proposals, I would like to highlight several of particular interest.

WATER POLLUTION

After a thorough study, taken at the President's direction, the administration has recommended several significant amendments to the Federal Water Pollution Control Act of 1965, in order to achieve a more satisfactory operation of the Federal-State partnership set forth in that act. In four separate bills the President proposes (a) to modify the policy, abatement and enforcement provisions of the act; (b) to improve the Federal-State program development provisions of the act; (c) to accelerate and improve the municipal waste treatment grant provisions and (d) to add a new and innovative Federal Environmental Financing Authority to assure the ability of States and local communities to construct proper waste treatment facilities.

Several points in these water bills should be further described. First of all, a common thread running through all of the proposals is to create a comprehensive and modern water quality program that recognizes the interrelationship of all water resources. In several areas the authorization and granting provisions of the bills are directed to achieving this broadened scope.

In the evolution of the program under the Federal Water Pollution Control Act it has become apparent that enforcement has been hindered by exclusive reliance on sanctions against violation of water quality standards. The President has recognized this and has recommended that in the formulation of State water quality standards there must be included established requirements controlling the discharges affecting waters subject to standards. This basically means that the States must include effluent standards for the sources of discharges under their jurisdiction. In addition, Federal enforcement authority is extended to include violations of these effluent requirements as well as the violation of water quality standards.

The President has also recognized an unnecessary redundancy in the existing act that requires two time-consuming administrative procedures prior to access to court enforcement: the so-called conference and the hearing. The President proposes to eliminate the hearing phase in the administrative enforcement process based upon experience that sufficient information and a complete record is generated at the enforcement conference to provide a sound basis for court action to abate pollution.

In order to simplify and clarify the thrust of the Federal-State program the President has recommended in the bill to amend sections 5, 6, and 7 of the 1965 act language that would improve the techniques available to achieve the purposes of the act and provide flexibility in the program grant section by the addition of three new categories of assistance: program development grants; program improvement grants; and special project grants. In addition, the President has asked for increased authorizations that would triple the funds available for development of the overall water quality programs.

In a major modification of the provision for waste treatment facilities construction grants, the President proposes a 4-year, $10 billion program based upon two independent estimates of the needs for municipal treatment facilities. In addition to providing $4 billion of Federal sums, $1 billion to be authorized for obligation in each of 4 fiscal years, the President has asked that the allocation formula be revised to provide greater flexibility to meet the most severe water pollution problems and to provide added incentive to the States to fully utilize the funds allocated.

One crucial roadblock in the construction of adequate waste treatment facilities has been the limitations of State and local governments to finance their share of waste treatment project costs. These limitations have confronted water pollution control efforts at every turn. In a very innovative proposal the President recommends that a new Federal Environmental Financing Authority be established that would be authorized to purchase obligations issued by State and local governments to finance their share of such projects upon a finding by the Secretary of the Interior that such purchase is necessary to undertake and complete the project. It is the President's strong feeling that no municipality shall be prevented from participating in the waste treatment program through its inability to finance its share of program costs. He is to be commended for attempting to assist many hindered communities and make high quality water available to all.

AIR POLLUTION

The President has recognized that while the basic operative provisions of the Clean Air Act were substantially modified in the Air Quality Act of 1967, several provisions of the existing Act are in need of revision. In addition, the program experience under this Act has revealed areas where new provisions are necessary. Among the many proposals, the President has proposed that the Secretary of Health, Education, and Welfare be given explicit authority to inspect assembly line vehicles for compliance with emission standards set by regulations under existing law.

In another major effort to get to the heart of the automotive pollution problem the President has recommended that the Secretary's present authority over fuel and fuel additives be extended to enable the Secretary to set standards regulating the composition of any fuel or fuel additive and to further regulate the manufacture and sale of such fuels and additives.

In an attempt to decrease the time consuming and procedural complexity involved in the setting of regional ambient air standards under the present law, the President has proposed that such standard setting be shortened by 6 months or more through the establishment, by the Secretary, of national ambient air quality standards for any pollutant or combination of pollutants which endanger the public health or welfare. This recommendation is based upon the experience to date that there is very little difference in the regional standards being set under present law and that such standard-setting could therefore be expedited by the application of national standards. The existing provision of law permitting States to set more rigid standards is, of course, preserved.

Similar to his recommendation in water pollution control, the President has recommended that in the formulation of implementation plans to enforce national ambient air quality standards, the State shall include emission standards for sources of air effluent under their jurisdiction. It is further requested that Federal enforcement authority be explicity extended to include violation of such emission standards.

The President has recommended that equity and uniformity of application demand that those stationary sources of emissions which contribute substantially to endangerment of public health or welfare be constructed in the future under a nationally established emission standard that would take into account availability of the most advanced technological capability. In addition, the President has asked that any stationary source,

whether new or old, from which emissions occur that are extremely hazardous to health, be subject to national emission standards.

The President has also asked for necessary adjustments in the general Federal enforcement provisions that include, among others, a provision that enables courts to assess penalties up to $10,000 per day for violations continuing after the expiration of the period set for compliance in the notice of the Secretary in the administrative abatement proceeding.

SOLID WASTE

In addition to asking that the provisions of the 1965 Solid Waste Disposal Act be extended, the President has requested authorization for a study into methods and measures to provide incentives for solid waste recovery and reutilization with particular emphasis on the very chronic problem of waste or abandoned automobiles. I think the President has correctly recognized that the long term solution to solid waste disposal is through incorporating recovery and reutilization into our commercial market system. His proposals will take us significant strides in this direction.

The President has proposed many provisions to amend legislation that has been developed in large part, in the Senate Committee on Public Works. In the formulation of this very difficult legislation it was essential that a spirit of bipartisanship exist. To their great credit, and deserving of much public support, the chairman of the committee, Senator RANDOLPH, and the chairman of the Subcommittee on Air and Water Pollution, Senator MUSKIE, have achieved and operate in this spirit. Senator BOGGS and other members of the minority have been instrumental in preserving this bipartisan climate.

If the President's recommendations and legislative proposals are to receive adequate consideration in the committee and the Congress and result in fair and just legislation, this spirit must be preserved. I have no doubt that it will be and I look forward to working with all of the members of the committee as we initiate what, I trust, will be a very thorough exercise of the legislative process on these very matters related to pollution control and environmental quality.

I ask unanimous consent that the letters from the Secretaries of Interior, Health, Education, and Welfare, and Treasury transmitting the President's legislative recommendations be inserted at this point in the RECORD.

There being no objection the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
February 10, 1970.

HON. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft bill "To authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes."

This bill would assist in carrying out the recommendations of the President in his February 10 1970, Message on the quality of the environment which relate to the reclamation and recycling of material from solid wastes and extension of the Solid Waste Disposal Act. For the reasons stated in that Message, we urge prompt and favorable consideration of the enclosed draft bill.

We should appreciate it if you would refer the enclosed draft bill to the appropriate committee for consideration.

The Bureau of the Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

ROBERT H. FINCH,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., Feb. 10, 1970.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Federal Water Pollution Control Act, as amended."

We recommend the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The proposed legislation would amend the declaration of policy in section 1 of the Act, amend section 3 to expand the authority of the Secretary of the Interior to develop comprehensive water quality management programs, strengthen the enforcement authority in section 10, and define and redefine certain terms in section 13. The bill reflects the modern concept of water quality as a vital part of a livable environment and recognizes the interrelationship of all water resources. Key parts of the bill deal with the increasing problems of ground water pollution and pollution of ocean waters.

The principal thrust of the proposal is to provide for swift, effective enforcement of pollution control measures and to give the Secretary the means to achieve such enforcement firmly and on an equal basis.

The Federal Water Pollution Control Act enacted in 1956 was amended in 1961, 1965, and 1966. A conference committee is now considering the Senate and House versions of H.R. 4148, the proposed Water Quality Improvement Act of 1969, which would make extensive changes in the basic Act. We now find the need for a further strengthening of the Act if it is to be an effective instrument in the future for the abatement of water pollution, the enhancement of water quality, and the protection of the environment. The principal changes which the proposed bill would make in the existing Act are discussed below.

The bill amends the affirmative policy statement in section 1 of the Act to express concern for the quality of the total environment, and for the necessity to ensure water quality to meet future needs. It stresses the Federal responsibility to act where necessary to complement State action, to assure equality in the application of water quality requirements, and to protect the right of the public to clean water.

Section 3 of the Act would be amended to expand the Secretary's authority to prepare or develop comprehensive water quality management programs relating to water pollution activities in interstate waters and navigable waters, including boundary waters of the United States, and waters of the contiguous zone, and other ocean waters, ground water and tributaries and portions of these waters. The development of action programs to protect the environment and to conserve these waters for many uses is stressed. The Secretary would be authorized to conduct his own investigation of waste discharges as well as to investigate them jointly with other agencies.

Section 10(a) of the present Act makes subject to abatement water pollution activities in interstate or navigable waters which endanger the health and welfare of persons. The bill would extend this jurisdiction to include expressly boundary waters and ground water of the United States, and to include water pollution activities in waters of the contiguous zone which adversely affect water quality in the territorial sea and pollution of the high seas through discharges transported from United States territory.

The bill would amend section 10(c) to add the requirements that the States adopt, within one year from enactment, the following: First, water quality criteria applicable to all waters specified in subsection 10(a) over which the State has jurisdiction other than interstate waters or portions thereof within such State (i.e., other than those for which standards are already required); second, water quality requirements controlling discharges affecting water quality for waters specified in subsection 10(a) over which the State has jurisdiction; and third, an amended plan for the implementation and enforcement of all the water quality criteria applicable to the water pollution activities in waters specified in subsection 10(a) and of the discharge requirements for such waters. The Secretary would be authorized to act if the State does not take acceptable action. The bill also would reduce from 6 months to 60 days the period between publication of proposed standards by the Secretary and their promulgation, in a case where the State does not act to set acceptable standards.

The bill provides, in a new subsection 10(c)(3), for establishment by the Secretary of standards for boundary waters of the United States, waters of the contiguous zone, and other waters not covered by other provisions of the Act.

The present subsection 10(c)(3) is renumbered as subsection 10(c)(4), and broadened to include requirements for control of discharges in the description of standards. The requirement that standards, including discharge requirements, and plans for enforcement and implementation take into account environmental protection, population growth and energy needs, as well as the other purposes now in the Act, is recognized, as is the provision that each State should act to set these requirements.

The bill would renumber subsection 10(c)(4) as subsection 10(c)(5) and amend it to provide specifically for selection by the Departments of Agriculture and Health, Education, and Welfare of members for any hearing board called to consider water quality standards which have been established. HEW participation is now authorized by the Reorganization Plan No. 2 of 1966 while authorization of Agriculture would be new.

Subsection 10(c)(5), renumbered as subsection 10(c)(6), would make subject to abatement any discharge which is of lesser quality than the requirements controlling discharges, as well as the presently proscribed discharges which lower water quality below applicable standards. This will clarify the authority to abate discharge of pollutants from industrial, municipal, and other sources into already heavily polluted waters, whether or not it can be shown that the particular discharge of pollutants reduces the quality of the receiving waters if it is contrary to discharge requirements. Even though a given body of water has become badly polluted, all efforts should be taken to prevent further pollution and to restore a high standard of water quality. Another amendment would require the Secretary, after providing reasonable notice and opportunity for a hearing, to notify each alleged pollutor, state water pollution control agency and interstate agency affected, to determine whether the alleged pollutor has taken or proposes to take adequate remedial action. If such action has not been taken within the 180-day notice period now specified in the Act, the Secretary may request that the Attorney General bring

suit to abate the pollution. The bill, moreover, would delete the requirement that a Governor give his consent to court action to abate standards violations which have only intrastate effect.

A further amendment in subsection 10(c)(6) would provide that, effective 6 months after enactment of this section, the court could assess a forfeiture of up to $10,000 for each violation of the section for each day after the end of the 180-day period or at such later time that the alleged pollutor fails to take remedial action. Such forfeitures, which would be in addition to and not in lieu of other judgment and orders of the court (e.g., an injunction), will serve to induce pollutors to take remedial action before they are ordered to do so by the court. Essentially the same provision for forfeitures would be added to subsection 10(g) which concerns post-enforcement conference court action.

Subsection 10(c)(6) is deleted (1) because a new subsection 10(d) is added which provides that remedies under section 10 are cumulative and (2) to recognize the extension of Federal jurisdiction in the bill.

Subsection 10(d)(1) would be amended to authorize the Secretary to call an enforcement conference if he finds an occurrence of pollution of any water subject to the Act. Deleted is the present requirement for either (1) a request of a Governor or a water quality agency of a State other than that where the discharge is occurring, although the Secretary could still act upon State request in the case of any pollution covered by the Act, or (2) a determination by the Secretary that there is such pollution endangering health or welfare of persons in a second State or causing economic injury due to inability to market shellfish. The present unnecessarily restrictive requirements fail to recognize the overwhelming need to take prompt action to protect the public health and welfare, regardless of the circumstances of geography and jurisdiction. The present subsection 10(g) which provides for requests by the Secretary that the Attorney General bring suit, is renumbered subsection 10(f) and the requirement that the Governor's consent to such suit where the pollution does not endanger persons in a State other than where the discharge originates is deleted.

The provision in subsection 10(d)(2) for action to abate pollution which affects persons in another country is amended to delete the requirements for a report from a international agency and a request from the Secretary of State before the Secretary can act. This change will serve chiefly to expedite action against pollution inside our borders which has effects on the United States' portion of boundary waters.

The minimum of 6 months now allowed in subsection 10(e) for action by a State after the conclusion of an enforcement conference is changed to provide a minimum of either 90 days from the date the Secretary makes his recommendations for remedial action or 180 days from the conclusion of the conference, whichever period ends later.

The requirement in subsection 10(f) for a public hearing before a Hearing Board, now the second major phase in the three-phase enforcement process (conference, hearing, court action) would be deleted. It has been our experience that sufficient information is generated at the enforcement conference to provide a sound basis for State or Federal action to abate the alleged pollution.

Subsection 10(f), as revised by the bill, would authorize the Secretary to request the Attorney General to bring suit to secure abatement of the pollution, if remedial action has not been taken by the person or persons responsible for the pollution in accordance with the Secretary's recommendations within the period stated in subsection 10(e). As noted above, the requirement for the Governor's consent to the suit in the case of pollution with only intrastate effect is eliminated.

The provision in subsection 10(g) that the court consider economic feasibility in cases arising from the enforcement procedures would be eliminated but there would be other guidelines for the court's determination. As noted above, the court would be authorized to order forfeiture of up to $10,000 per violation per day, in this case starting after the period provided for in section 10(e) for remedial action or at such later time that the alleged pollutor fails to take remedial action. This should produce swifter voluntary compliance by the alleged polluter. The bill would add a new subsection 10(h) to authorize the Secretary to request the Attorney General to seek an immediate injunction where pollution presents an imminent and substantial danger to health, welfare of persons or irreparable damage to water quality or the quality of the environment generally.

The definition of "person" in subsection 10(j), redesignated as 10(l), would be broadened to include commissions and interstate bodies.

The language in the present subsection 10(k)(1) [renumbered 10(i)(1)] which would exempt a person from divulging trade secrets or secret processes is deleted but the requirement that all information be considered confidential, to the extent required by section 1905 of title 18 of the United States Code, is retained. Investigation of alleged pollution would be greatly facilitated by disclosure of information regarding the exact chemical composition of industrial and other discharges, for example. The requirement that the information be kept confidential will serve to protect the persons making such disclosure.

Extensive authority is provided in a new subsection 10(j) for the Secretary to investigate violations; compel attendance of witnesses and production of records, reports and documents; enter at reasonable times, public or private property; administer oaths; and compel compliance through court action. This authority is exercised by a number of other Federal agencies with similar regulatory authority and would prove valuable in enforcement of the provisions of the Act.

Section 4 of the bill would amend section 13 of the Act, which defines the terms used in the Act, to eliminate the reference to the State health authority in the definition of "State water pollution control agency" and redefine such an agency to mean the single State agency designated by the State as the official agency for the Act's purposes. Water quality is no longer considered solely in a public health aspect but as part of total resource management and protection of environmental quality. A definition of the "contiguous zone" is provided by reference to Article 24 of the Convention on the Territorial Sea and the contiguous zone.

This proposal, together with two others I am transmitting separately today, would carry out many of the recommendations the President made in his February 10, 1970, Message on the Environment. We strongly urge that the Congress give prompt and favorable consideration to the bill in order that the promise of a livable environment for all of our citizens may be more fully realized in the near future.

The Bureau of the Budget has advised that this proposed legislation would be in accord with the program of the President.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

THE SECRETARY OF THE TREASURY,
Washington, D.C., February 10, 1970.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes.

In his Budget Message to Congress, the President announced that he would seek legislation for a 5 year program providing grants to communities for the construction of sewage treatment facilities. He noted that "the major responsibility to reduce pollution rests appropriately with State and local governments and the private sector. However, the Federal Government must exert leadership and provide assistance to help meet our national goals."

In addition to Federal grants in the amount of $4 billion over the 5 year program, the President proposed a new Federal environmental financing authority to assist borrowing by State and local governments of their share ($6 billion) of the water pollution control facilities. The proposed Authority would be authorized to purchase any obligations issued by such State or local governments to finance their share of any waste treatment construction project for which the Secretary of the Interior has agreed to pay a portion of the project cost under this program, provided the Secretary certifies that the seller is unable to obtain at reasonable rates sufficient credit elsewhere to finance its needs. The Authority, in turn, would be authorized to issue its own obligations in the capital market to finance any such purchases.

To provide initial capital for the Authority, the Secretary of the Treasury would be authorized to advance to the Authority funds not to exceed $100 million. In addition, the Secretary of the Treasury would be authorized and directed to make annual payments to the Authority in amounts necessary to cover the difference between the interest costs on its obligations, and the interest receipts from State and local governments on the securities purchased.

As stated in the Budget, "the purpose of this authority is to encourage State and local participation in projects of this type without placing additional burden on congested municipal bond markets." With the proposed authority in operation, no municipality should be prevented from participating in the President's program to improve the quality of the environment by its inability to finance on reasonable terms its share of the program costs.

The Department has been advised by the Bureau of the Budget that enactment of the proposed legislation would be in accord with the program of the President.

Sincerely yours,

DAVID M. KENNEDY.

ADMINISTRATION'S ENVIRONMENTAL LEGISLATION

Mr. DOLE. Mr. President, February 10, 1970, the President sent to Congress a message on the environment in which he outlined the commitment of the Nixon administration in dealing effectively with the crisis of environmental quality in America. In 37 points the President substantiated that commitment with legislative proposals and Executive action. The legislative package is being introduced in Congress today.

As a member of the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, I applaud the President's proposals to improve our environment.

My colleagues have discussed the specific amendments and additions to existing law which these bills contain. I would at this time emphasize one aspect of the amendments. In the air and water pollution and solid waste proposals, there are provisions which, if enacted, would

expedite the procedures for abatement and control.

These modifications include shortening the time periods of abatement procedures and strengthening the authority of the Secretary to ask for injunctive relief to abate pollution. These amendments will be beneficial to all for they will insure that polluters will not be delayed in receiving a final determination of the action they will be required to take for control. Thus, the public will not suffer the undue frustration of watching pollution continue unabated.

Government is often criticized for delay and inability to take effective action. The amendments to streamline abatement and standard-setting procedures contained in this legislation would go far in cutting redtape which has inhibited past pollution control efforts.

I urge my colleagues to carefully study this legislation.

S. 3473—INTRODUCTION OF A BILL TO AUTHORIZE CERTAIN APPROPRIATIONS FOR THE COAST GUARD

Mr. MAGNUSON. Mr. President, at the request of the Department of Transportation, I introduce for appropriate reference a bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. I ask unanimous consent that the bill, the letter of transmittal from the Acting Secretary of Transportation to the President of the Senate, and the accompanying memorandum be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and memorandum will be printed in the RECORD.

The bill (S. 3473) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, introduced by Mr. MAGNUSON (by request), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1971 for the use of the Coast Guard as follows:

Vessels

For procurement and increasing capability of vessels, $62,295,000.

A. Procurement

(1) one replacement polar icebreaker

(2) design of vessels

B. Increasing capability

(1) increase fuel capacity and improve habitability on high endurance cutters of the three hundred and twenty-seven foot class

(2) improve habitability on cutter Storis and selected buoy tenders.

Aircraft

For procurement and extension of service life of aircraft, $12,865,000.

A. Procurement

(1) six medium range helicopters

B. Extension of service life

(1) replace center wing box beam on seven HC–130 aircraft.

Construction

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, $24,840,000.

(1) San Francisco, California: complete radio station construction;

(2) Washington and Oregon: relocate and improve communications facilities;

(3) Portsmouth, Virginia: consolidate and improve facilities;

(4) Neah Bay, Washington: improve station facilities;

(5) Barnegat, New Jersey: improve station facilities;

(6) Barbers Point, Hawaii: improve air station facilities;

(7) Governor's Island, New York: improve base facilities;

(8) Western Long Island, Connecticut and New York: improve station facilities;

(9) Curtis Bay, Maryland: modernize and replace Yard equipment and utilities;

(10) Various locations: transportable pollution control equipment;

(11) Various locations: aids to navigation projects on selected waterways;

(12) Various locations: automate light stations;

(13) Various locations: modernize LORAN–C equipment;

(14) Various locations: modernize LORAN–A equipment;

(15) Alaska: improve and rehabilitate selected loran stations;

(16) Various locations: public family quarters; and

(17) Various locations: advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law.

The letter and memorandum, presented by Mr. MAGNUSON, are as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., February 2, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a bill, "To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard."

This proposal is submitted under the requirements of Public Law 88–45 which provides that no funds can be appropriated to or for the use of the Coast Guard for the procurement of vessels or aircraft or the construction of shore or offshore establishments unless the appropriation of such funds is authorized by legislation.

The proposal includes, as it has previously, all items of acquisition, construction, and improvement programs for the Coast Guard to be undertaken in fiscal year 1971 even though the provisions of Public Law 88–45 appear to require authorization only for major facilities and construction. Inclusion of all items avoids the necessity for arbitrary separation of these programs into two parts with only one portion requiring authorization.

Not all items, particularly those involving construction, are itemized. For example, those involving navigational aids, light station automation, public family quarters, and advanced planning projects contain many different particulars the inclusion of which would have unduly lengthened the bill.

There is attached a memorandum listing in summary form the procurement and construction programs for which appropriations would be authorized by the proposed bill. In further support of the legislation, the cognizant legislative committees will be furnished detailed information with respect to each program for which fund authorization is being requested in a form identical to that which will be submitted in explanation and justification of the budget request. Additionally, the Department will be prepared to submit any other data that the committees or their staffs may require.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

JAMES M. BEGGS,
Acting Secretary.

MEMORANDUM SUMMARY OF FISCAL YEAR 1971

U.S. Coast Guard Program for Procurement of Vessels and Aircraft and for Construction of Shore and Offshore Establishments:

VESSELS

For procurement and increasing capability of vessels:

A. Procurement:	
(1) One replacement polar icebreaker	$59,000,000
(2) Design of vessels	150,000
B. Increasing capability	
(1) Increase fuel capacity, rearrange living and work spaces, improve air conditioning on 327-ft. high endurance cutters	2,150,000
(2) New generators and air conditioning on three seagoing tenders; enlarge berthing, air conditioning on one costal tender	820,000
(3) Enlarge berthing, extend deckhouse and renovations on CGC *Storis*	175,000
Total vessels	62,295,000

AIRCRAFT

For procurement and extension of service life of aircraft:

A. Procurement:	
(1) Six medium range helicopters	$12,050,000
B. Extension of service life:	
(1) Replace center wing box beam on seven HC–130 aircraft	815,000
Total aircraft	12,865,000

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including site preparation and furnishing of appurtenances, utilities, and equipment for the following:

(1) San Francisco, Calif.: complete radio station construction at Point Reyes/Bolinas. Specifically, completion involves procurement and installation of additional electronic equipment	$780,000
(2) Washington and Oregon: transfer Westport, Wash., radio station functions to Astoria, Oreg., and Port Angeles, Wash., air stations; Fort Stevens and Bahokus Peak site development, equipment procurement and installation	230,000
(3) Portsmouth, Va.: start construction of consolidated facility; site preparation, waterfront development, utilities and roadway	4,600,000
(4) Neah Bay, Wash.: construct new stationhouse and boathouse, waterfront facilities	750,000

(5) Barnegat, N.J.: construct station building, waterfront facilities	$500,000
(6) Barbers Point, Hawaii: install hangar fire protection system, modify hangar doors, procure additional equipment at air station	215,000
(7) Governor's Island, N.Y.: improve electrical distribution system at base	190,000
(8) Western Long Island, Conn., and N.Y.: make station improvements at New Haven, and Fort Totten and Eaton's Neck, N.Y	410,000
(9) Curtis Bay, Md.: modernize cranes and utilities, secondary sewage treatment connections at yard	1,400,000
(10) Various locations: procure packaged pumping/storage equipment for air transport, drop, and at site use to avoid oil pollution spills from damaged vessels	1,390,000
(11) Various locations: aids to navigation projects on selected waterways	1,760,000
(12) Various locations: automate light stations	615,000
(13) Various locations: replace first and second generation Loran-C equipment	2,275,000
(14) Various locations: replace overage Loran-A electronics equipment	2,375,000
(15) Alaska: improve and rehabilitate loran stations at Cape Sarichef, Biorka Island, and Ocean Cape; replace loran tower guy insulator pins at Port Clarence	900,000
(16) Various locations: public family quarters	2,750,000
(17) Various locations:	
(a) Advance planning, survey, design and architectural services, site acquisitions	850,000
(b) Various project administration costs	2,850,000
Total construction	24,840,000

S. 3474—INTRODUCTION OF HIGHER EDUCATION AMENDMENTS OF 1970

Mr. PELL. Mr. President, in behalf of Senators YARBOROUGH, RANDOLPH, WILLIAMS of New Jersey, KENNEDY, NELSON, MONDALE, EAGLETON, CRANSTON, HUGHES, and myself, I send to the desk for appropriate referral a bill to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and the International Education Act of 1966.

This measure is a simple extension of the many higher education programs which are authorized through fiscal 1971. In light of the dire need for forward funding which allows the educational agencies to meaningfully plan ahead, the Subcommittee on Education of the Senate Committee on Labor and Public Welfare has started to hold hearings on the question of higher education so that a complete higher education package including, but not limited to, college construction, financing, junior colleges, and international education can be enacted before the end of this session of Congress. I only hope that the administration will soon have its higher education proposals ready for our consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3474) to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, the International Education Act of 1966, and for other purposes, introduced by Mr. PELL (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSORS OF BILLS

S. 2951

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE), I ask unanimous consent that, at the next printing, the name of the Senator from Connecticut (Mr. DODD) be added as a cosponsor of the bill (S. 2951) to amend part I of the Interstate Commerce Act by the addition of a new section 13b so as to set forth the duty of railroads operating intercity passenger trains to provide and furnish reasonably adequate service and to authorize the Commission to establish and enforce standards of reasonably adequate service, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3443

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor of S. 3443, the "Health Services Improvement Act of 1970."

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 358—RESOLUTION REPORTED AUTHORIZING THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO EXPEND ADDITIONAL FUNDS FROM THE CONTINGENT FUND OF THE SENATE

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 358); which was referred to the Committee on Rules and Administration:

S. RES. 358

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $15,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

SENATE RESOLUTION 359—SUBMISSION OF A RESOLUTION RELATING TO CREATION OF A SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE (for himself, Mr. JAVITS, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. HARRIS, Mr. MCGEE, Mr. PACKWOOD, and Mr. YOUNG of Ohio) submitted a resolution (S. Res. 359) to create a Select Committee on Equal Educational Opportunity, which was ordered to lie on the table.

(The remarks of Mr. MONDALE when he submitted the resolution appear later in the RECORD under the appropriate heading.)

EXTENSION OF PROVISIONS OF THE CLEAN AIR ACT—AMENDMENTS

AMENDMENT NO. 501

Mr. MONTOYA. Mr. President, in recent months we have all become aware of a growing controversy over the lead in gasoline.

Tetraethyl was first introduced in gasoline in the 1920's because it was then the only known way to increase octane levels. Since that time we have learned that 60 percent of the air pollution in this country is created by the automobile, and approximately 250 million pounds of this pollution per year is in the form of lead particles.

All available evidence indicates that lead in fuel is a major contribution to our critical pollution problem. Recent figures show that each gallon of gas contains about four grams of lead. Approximately 700 million pounds of lead is sold to Americans each year. About 70 percent of lead in gas is issued from the automobiles' exhaust pipes, and about one-half that amount becomes a part of the air we breathe.

The amount of lead in the air has been increasing by leaps and bounds every year.

While we do not yet know the exact effect of lead on the human lungs—and large amounts of lead particles are being breathed in by each individual—preliminary studies have indicated severe damage to this vital organ. In fact, the lead we breathe invades almost every part of the human body.

Mr. President, we can wait no longer in taking steps to significantly reduce the level of this major pollutant in our air.

I am today offering an amendment to the Air Quality Improvement Act, S. 3229, to grant the Secretary of Health, Education, and Welfare authority to set standards on the composition of fuels and to prescribe rules and regulations to prevent the manufacture, processing for use, and importation of fuels not meeting the standards.

Under the provisions of S. 3229, the Secretary is granted authority to set standards regarding emission "of any kind of substance" from any vehicle which might contribute to air pollution. In the future, such standards cannot be complied with unless we remove lead from gasoline. Furthermore, authorities agree that future pollution control devices to eliminate automobile exhaust pollutants will not work unless lead is eliminated from gasoline.

Mr. President, the Department of Health, Education, and Welfare and the Department of Commerce have been studying the problem of leaded gasoline for some time. General Motors, Ford, and Chrysler have all indicated a desire to build engines which can operate on unleaded gasoline, and all three manufacturers have called on the oil companies to cooperate in removing lead from

gasoline. General Motors is now in the process of redesigning its car engines and will probably have its new engines ready for the 1971 models.

Major oil companies have been holding talks with the automobile manufacturers in a joint effort aimed at removing lead from gasoline. Several oil companies have now been making plans to introduce lead-free gasoline to operate in large-engine cars. One major company has been marketing lead-free fuel for a number of years.

I am gratified that those companies responsible for leaded gas have taken the lead in eliminating this pollutant. I think we can best proceed in this matter with the assistance and cooperation of these industries. For this reason my amendment states that the Secretary shall set standards regarding fuel composition "as soon as practicable." This provision will permit the Government and the industries sufficient time to solve the economic problems which will be brought on as a result of a change in the present standards.

I believe that effective standards and a reasonable timetable for their establishment can be worked out to the mutual satisfaction of all interested parties. But I believe it is crucial that we take the first step without further delay to provide for the setting of such standards. The future health and welfare of our Nation is at stake, and I urge the Senate to accept the amendment I am today offering.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

The PRESIDING OFFICER. The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendment (No. 501) was referred to the Committee on Public Works, as follows:

On page 13 between lines 7 and 8 insert the following:

"ESTABLISHMENT OF STANDARDS FOR FUELS

"SEC. 211. (a) The Secretary shall, as soon as practicable, prescribe (1) such standards with respect to the composition of fuels of all types as are necessary to protect the public health and welfare and carry out the policy of this Act, (2) such rules and regulations as are necessary to prevent the manufacture or processing for use in the United States of fuels not meeting such standards, and (3) after consultation with the Secretary of the Treasury, such rules and regulations as are necessary to prevent the importation into the United States of fuels not meeting such standards. Included with such standards shall be specific methods by which fuels shall be tested by the Secretary to determine if they conform to such standards.

"(b) Any person who violates any provision of rules and regulations prescribed pursuant to this section shall be subject to a fine of not more than $1000. Each day on which any such violation occurs shall constitute a separate offense.

"(c) All action taken under this section in prescribing standards, rules and regulations shall be taken in conformity with the provisions of title 5, United States Code, relating to administrative procedure.

"On pages 13 through 17, redesignate sections 211 through 213 as section 212 through 214, respectively."

EXTENSION AND IMPROVEMENT OF FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; AMENDMENTS

AMENDMENT NO. 502

Mr. McCARTHY. Mr. President, I submit an amendment intended to be proposed by me to H.R. 14705, the bill to extend and improve the Federal-State unemployment compensation program.

In the 89th Congress the House of Representatives passed a bill to broaden and improve the unemployment compensation program. One of the major provisions of that bill would have established a permanent extended benefit program to provide additional 13 weeks of unemployment compensation payments to unemployed workers who had exhausted their regular weekly benefits. The provision was designed to become effective automatically when unemployment had risen to a certain level specified in the bill. The program would have been paid for equally by the Federal Government and by the States.

The Senate amended the House bill in 1966 to provide that the Federal Government would bear the full cost of the extended benefit program, as well as to provide other provisions relating to certain minimum Federal benefit standards. The conference committee failed to reach agreement on the bill and the 89th Congress adjourned without enactment of a bill to improve the unemployment compensation systems.

Now the Committee on Finance has pending before it another House-passed unemployment compensation bill, H.R. 14705. This bill is similar in most respects to the bill that passed the House in 1965. It again provides that the extended benefit program would be funded half by the Federal Government and half by the States. The amendment I am introducing today provides for full Federal funding. It is virtually the same amendment as was passed by the Senate in the 89th Congress.

The conditions which bring about higher rates of unemployment during a recession represent a national problem, and there is a national responsibility to meet them.

Originally, the present administration proposed that this program be 100 percent federally financed, although in his statement to the Finance Committee recently, Secretary Schultz stated that the House bill is acceptable to the administration.

I ask unanimous consent that the testimony of Secretary Schultz on the Federal-State extended benefit program be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE STATEMENT OF THE HONORABLE GEORGE P. SHULTZ, SECRETARY OF LABOR, TO THE COMMITTEE ON FINANCE, FEBRUARY 5, 1970

FEDERAL-STATE EXTENDED BENEFIT PROGRAM

High national unemployment is attributable to national factors, and the Administration proposed a national remedy—a Federal program of extended unemployment compensation in times of high national unemployment. The program would be 100 percent Federally financed—but operated by States as agents of the Federal Government and utilizing provisions of State law.

H.R. 14705, on the other hand, would establish a Federal-State program of extended benefits. The program would be triggered into operation in all States by a national insured unemployemnt rate of 4.5 percent for 3 consecutive months. It would be triggered into operation in an individual State by a State insured unemployment rate for any consecutive 13-week period which was 20 percent higher than the average for the same period in the 2 prior years, and at least 4 percent. It would have to be in effect in every State by January 1, 1972, and could be put into effect earlier on an individual State basis.

Each State would pay half the cost of extended benefits in that State, and the Federal Government would pay the other half. Both proposals provide for a 50 percent extension of benefit duration for workers who exhaust their regular benefits.

The House action is acceptable to the Administration. It should be noted, however, that the House-passed program does not have to be in effect in all States until January 1, 1972, in order to give State legislatures time to act. This Committee may wish to consider filling this gap by a temporary national program.

Mr. McCARTHY. Mr. President, in my judgment the Senate ought to approve the same effective and equitable program as it did in 1966, and the amendment I am introducing today would provide it. Of course, if this amendment for a fully funded Federal program is adopted, it will involve some adjustment in the Federal unemployment tax rate and the taxable base.

The PRESIDING OFFICER. The amendments will be received, and printed, and will be appropriately referred.

The amendments (No. 502) were referred to the Committee on Finance.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Carl H. Slayback, of Illinois, to be U.S. marshal for the southern district of Illinois for the term of 4 years, vice James J. Moos, resigned.

Arthur F. Van Court, of California, to be U.S. marshal for the eastern district of California for the term of 4 years, vice John C. Begovich.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, February 25, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

SAFETY DEVICES ON HOUSEHOLD REFRIGERATORS — SUBMISSION OF VIEWS ON S. 3204

Mr. MAGNUSON. Mr. President, S. 3204, a bill to amend the act entitled "An Act to require certain safety devices on

household refrigerators shipped in interstate commerce" (70 Stat. 953; 15 U.S.C. 1211) has been referred to the Committee on Commerce and is now under consideration.

S. 3204 would extend the coverage of existing law from refrigerators to home freezers and refrigerator-freezer combinations and would also empower the Secretary of Commerce to set performance standards for safety devices protecting children against entrapment in refrigerators and freezers.

Any person or organization interested in S. 3204 should submit their views to the committee prior to the first of March, 1970.

TEXTILE IMPORTS

Mr. PASTORE. Mr. President, on several occasions I have spoken on the floor of the Senate of the crisis which confronts the American textile industry as a result of the flood of imports from Japan and other nations of the world. American jobs are at stake.

I thought my colleagues would be interested in the rebuttal prepared by the presidents of four apparel and textile unions in response to the speech on textile imports of Senator JAVITS on February 10.

I ask unanimous consent that the statement of Jacob S. Potofsky, president, Amalgamated Clothing Workers of America; William Pollock, president, Textile Workers Union of America; Louis Stulberg, president, International Ladies' Garment Workers' Union; and George Baldanzi, president, United Textile Workers of America; be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT SIGNED BY PRESIDENTS OF FOUR APPAREL AND TEXTILE UNIONS IN RESPONSE TO SPEECH BY SENATOR JAVITS, FEBRUARY 10, 1970

We are shocked and dismayed at Senator Javits' suggestions.

He suggests that the United States moderate its negotiating posture, as though the United States has not already moderated its position several times in the past, and still been met by almost total Japanese intransigence every time.

He suggests that the President appoint a fact-finding committee—in total ignorance of the fact that several Executive agencies as well as Congressional Committees have already studied the situation.

Finally, he urges an agreement that is limited to only a few products, ignoring the fact that the flood of imports has been spreading to more items and threatening more jobs. Such a policy would affect not only the textile mills in the Carolinas and throughout the South, but the textile mills and apparel plants in his own state of New York. This industry offers New York its largest source of employment for the unskilled, for women, for members of minority groups. How many more of our workers have to lose their jobs before Senator Javits sees the light and deals with realities and not abstractions?

The Senator's speech echoes the interests of the importers while ignoring the interests of the hundreds of thousands of apparel and textile workers in his own state.

JACOB S. POTOFSKY,
President, Amalgamated Clothing Workers of America.

WILLIAM POLLOCK,
President, Textile Workers Union of America.

LOUIS STULBERG,
President, International Ladies' Garment Workers Union.

GEORGE BALDANZI,
President, United Textile Workers of America.

AIR FORCE DOCTOR

Mr. DOLE. Mr. President, much has been made recently of the casualties suffered by the South Vietnamese civilians as a result of U.S. combat operations, although there is some question of the accuracy of some casualty figures which have been asserted. The unfortunate fact is that civilian injuries and deaths are inevitable in any combat theatre, but in Vietnam, the matter is more complex and less capable reduction to hard and fast statistics than many of our past wartime situations. Not only is it difficult to distinguish civilian and soldier, but Vietcong guerrilla actions make it almost impossible to know friendly civilians from the enemy. I believe U.S. forces have made a commendable effort to minister to the needs of the civilian population, especially through rural pacification programs.

The difficulties our forces face and the dedication they apply to the task of achieving peace in Vietnam was brought home to me by an article in the Wichita Eagle and Beacon, of February 1, 1970. The article describes the experiences of a Kansas doctor, Dr. Jerold D. Albright, who is serving with the Air Force in Vietnam. Captain Albright works in a provincial hospital near Ca Mau treating a population of approximately 180,000. He is the only surgeon in the province.

The dangers to which he is exposed and the compassion which marks his response to the uncertainties and difficulties of his job are compellingly portrayed in this story, and I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wichita Eagle-Beacon, Feb. 1, 1970]

HANDS REACH BEYOND WAR: KANSAS DOCTOR TREATS HIS ENEMY

HAVEN, KANS.—An Air Force doctor from Haven, who is stationed in Vietnam, treated a young Vietnamese girl whose hands had been blown off, then learned she had been wounded while fusing a bomb to kill him.

The Air Force said the girl's aunt brought her to Capt. Jerold D. Albright, son of Mr. and Mrs. E. V. Albright, Haven, at Ca Mau province hospital in the southern Mekong Delta.

Her hands had been blown off at the wrists. Albright cleaned the wounds, stopped the bleeding and bandaged the stumps.

Later the girl told officials she was helping her aunt, a Viet Cong, build a bomb from plastic explosives when it went off. The bomb was to be placed under the seat of the doctor's jeep, she said.

Dr. Albright's parents said he has been in Vietnam a little more than seven months and is scheduled to be discharged in June.

"It didn't seem quite so far away until this happened," said his mother, an elementary school teacher at Mount Hope. "He writes fairly often, but he doesn't say much about the dangers. He's in one of the areas where they removed quite a few troops and they don't have much protection.

"He told us when he first got there that the hospital was very crowded with at least two in every bed, because one wing had been blown off before he got there."

Dr. Albright is part of a Military Provincial Hospital Assistance Program (MILPHAP) team which works at the provincial hospital outside the city of Ca Mau, she said.

The team, which Dr. Albright heads as the only surgeon, is made up of two or three doctors and about three medical corpsmen, she said.

She described their job as teaching native doctors and nurses modern medical concepts and assisting in the care of the Vietnamese in the province, which has a population of about 180,000.

"He's never written much about the danger, but he writes occasionally about the great amount of time he spends in surgery," Mrs. Albright said. "In fact, in the letter we got yesterday, he was telling of spending 2½ hours in surgery repairing a woman, who had got caught in a mine explosion.

"He mentioned when he first went there that the province and the way people lived, the lack of conveniences and so forth would be about like going back 200 years or more in this country. The only electricity the province has is what the hospital produces on its own generators."

After Dr. Albright learned the girl he had treated was involved in a plot against his life, he was quoted as saying: "If the Viet Cong are so interested in getting rid of me, it must mean our medical efforts in the area are helping turn the local population against the VC. It also indicates to me that even the enemy has confidence in our medical care."

His mother said his letters had expressed happiness at the fact that he felt their MIL PHAP team was being accepted by the people.

"He has remarked several times that he felt good about the way the people were accepting their work, because earlier reports were that they didn't have much confidence in them and wouldn't cooperate," she said. "Each team has gained their confidence a little more.

"He's been invited into several homes there, and even had tea with a Buddhist monk at his pagoda. He felt real good about this because it meant the people were accepting him."

Dr. Albright is a graduate of University of Kansas. He is married and has two children who live in Overland Park, Kan. His brother, a dentist, is stationed at Kirtland Air Force Base, N.M. A sister, Jolene, is a junior at Kansas State Teachers College, Emporia.

Dr. Albright's father is a teacher at Haven High School.

DEFENDING THE UNITED STATES IN THE SEVENTIES

Mr. DODD. Mr. President, recently, I came across a quotation from the speech which President John F. Kennedy took to Dallas with him on November 22, 1963, but which he was prevented from delivering by an assassin's bullet. This is what President Kennedy said:

Our adversaries have not abandoned their ambitions, our dangers have not diminished, our vigil cannot be relaxed.

I decided to take this quotation as the theme of a recent speech before the national security dinner of the American Legion Auxiliary in Hartford, because President Kennedy's dying admonition was never more needed than it is today.

Members of Congress who are concerned with national defense have for

several years now been worried about the continuing Soviet military buildup, about their growing strength in all areas, and their marked superiority in ecrtain critical areas. When all the bits and pieces are added together, the situation becomes frightening indeed.

Here are just a few of the points I tried to make in this speech:

First. The Soviets have more submarines than all the NATO nations combined. In addition to their 100 missile-firing submarines, they have 250 attack submarines, against 125 attack submarines for the U.S. Navy.

Second. The Soviets are far ahead of us in the application of surface-to-surface missiles to naval technology. Whereas the United States is just now beginning to get such missiles aboard its own vessels, the Soviet Union has 25 major warships equipped with such missiles, a large fleet of new destroyers, and 150 missile-armed patrol boats.

Third. The number of vessels of the U.S. Navy is static or declining. The number of vessels in the Soviet navy is growing at a frightening rate, including vessels of all kinds. Most of our Navy dates back to World War II. The Soviet navy, on the other hand, is spanking new.

There has been a dramatic growth of the Soviet merchant fleet and an equally dramatic decline of the American Merchant Marine. Since World War II, the United States has fallen back from first place to fifth place in terms of maritime tonnage; the Soviet Union, starting from almost scratch, has nearly pulled level with us and is building new ships at a rate which will make it the No. 1 maritime power before the close of the decade. At the end of 1968, we had only 51 merchant ships on order while the Soviets had 456 on order. Four out of five U.S. fleet vessels are of World War II vintage or older, while four out of five Russian merchant ships are less than 10 years old.

Fourth. There are serious evidences that the Soviets are far ahead of us in aircraft technology. At the 1967 Moscow air show, they displayed a flight of seven Foxbat fighter planes. This plane was estimated to have a speed of over 2,000 miles per hour and to be far ahead of anything we will be able to field for another 5 years or more.

Fifth. Our ICBM strength has been frozen at the arbitrary figure of 1,054 since July 1966. During this time, Soviet ICBM strength has risen from 250 to 1,350. The Soviet missile buildup continues at a frightening rate, with a growing force of the giant SS–9 missiles.

Mr. President, at the time I spoke, the figure 1,350 was the most current estimate of Soviet ICBM strength. Within the last few days, however, an item has appeared in the press indicating that Soviet ICBM strength is probably now approaching a total of 1,500 against our 1,054 land-based ICBM's.

According to this latest article, our intelligence has only recently confirmed that the Soviets have been placing SS–11 missiles, with a 6,000 miles or more range, in firing complexes that, heretofore, contained only medium-range missiles pointed at Western Europe.

I ask unanimous consent to have printed in the RECORD the full text of the speech as it was delivered in Hartford.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

DEFENDING THE UNITED STATES IN THE SEVENTIES

(By Senator THOMAS J. DODD)

On November 22, 1963, President John F. Kennedy left for Dallas where he was scheduled to deliever a speech. In the text which he had prepared for delivery were these prophetic words:

"Our adversaries have not abandoned their ambitions, our dangers have not diminished, our vigil cannot be relaxed."

These words were never spoken because John F. Kennedy was cut down by an assassin's bullet on the way to his scheduled speech. And in the agony and excitement of the assassination and the events that followed it, the press completely ignored what President Kennedy had intended to say.

This is a great pity, because in a sense the warning he intended to address to his fellow countrymen on this occasion was President Kennedy's dying legacy to the American people.

Today, millions of our countrymen, out of naivete and good intentions and innocent ignorance, appear to have turned their backs on President Kennedy's warning.

They appear to believe that our adversaries *have* in fact abandoned their ambitions; that our dangers *have* diminished; and that we not only can afford to relax our vigil, but that we must cut back drastically on our defense establishment.

We are told that the Communism of today is not the same as the Communism of yesterday; that the Soviet Union has given us many evidences of its desire for peaceful coexistence; that the cold war is disappearing and that it is being replaced by a detente, or thaw, between the free world and the Communist world.

I am not opposed to a detente. In fact, I yield to no man in the belief that the achievement of a true detente, involving a total cessation of cold war activities and controlled disarmament on both sides, should be a prime objective of our foreign policy.

I also believe that we must be prepared to walk the extra mile and more in the difficult quest for peace; that we must explore to the limit every possibility of achieving agreements with the Soviet Union on arms control and on other matters.

I nevertheless fear that the coming decade will be one of grave and recurring crises.

It will be an era during which the Soviets will continue to expand their challange to the free world and to extend their power and their influence in North and Central Africa, in Latin America and in Asia, and during which the massive Soviet missile and arms buildup of recent years will continue.

Those who say that there is a detente and who urge us to further cut back in our defense establishment in the expectation that the Soviets will follow our example, are simply ignoring the facts of recent years.

After President Kennedy's death, some of our leading ivory tower scientists were able to win Secretary of Defense McNamara over to their side. As a result, we closed down our nuclear weapons reactors; we froze the number of our ICBM's at 1,054; we froze the number of our Polaris submarines at 41; we decided not to proceed with a new heavy bomber; and we refrained until last year from deploying a ballistic missile defense system.

Politically, the Soviet Union has responded to our strategic weapons freeze of the past five years by supporting a leftist takeover in Yemen; by arming the Arab extremists and inciting the Mideast war of 1967; by invading and subjugating Czechoslovakia; by promulgating the Brezhnev Doctrine, under which they claimed the right to intervene in any so-called socialist country; and by encouraging and arming Hanoi in its war of aggression against South Vietnam.

Militarily, the Kremlin has responded to our demonstrations of restraint by a massive across-the-board buildup in military strength, especially in their strategic weapons systems.

Let me give you a few facts about the Soviet military buildup.

THE SOVIET MILITARY BUILDUP

Three and a half years ago, in July, 1966, when we decided to freeze our ICBM strength at the arbitrary figure of 1,054, the Soviet Union had 250 ICBM's.

In mid-1969, according to hard intelligence provided by our satellite reconnaissance system, the U.S.S.R. had 1,350 ICBM's.

In the mid-60's the prediction was made by some of our ivory tower scientists that the Soviets only desired to achieve missile parity with us. Once they achieved parity, we were told, they would close down their assembly lines and we would have a stable situation which would set the stage for more meaningful talks on arms limitation.

The ivory tower scientists were wrong in this estimate, as they were in almost every other estimate.

The Soviet missile assembly lines have continued to operate at the same frightening tempo. And simple arithmetic points to the conclusion that if the Soviets continue to produce ICBM's at the 1966 to 1969 rate, they will by 1973 have 2,500 ICBM's against our 1,054.

The situation is rendered even more frightening by the fact that, included in the Soviet missile buildup, is a growing force of the giant SS–9 missile, which carries a ten-megaton warhead.

Ten megatons is five hundred times as powerful as the Hiroshima bomb. A warhead this size simply makes no sense as a retaliatory weapon directed against cities. But it does make sense as a first-strike weapon because it would be powerful enough to knock out even the most massively hardened missile silos.

The Soviet land forces, needless to say, are far larger than our own and they are superbly equipped.

The United States Navy overall is still the most powerful in the world. But the Soviet Union has in recent years mounted a formidable challenge to our naval supremacy. And in certain critical areas of naval strength they are substantially ahead of us.

The Soviets have more submarines than all of the NATO nations combined. In addition to their 100 missile-firing submarines, they have 250 attack submarines, against 125 attack submarines for the U.S. Navy. While their older missile-firing submarines cannot compare with the Polaris, they have for some time now been building Polaris-type submarines, and, according to Admiral Rickover, they now have the capability to produce such submarines at the rate of ten to twelve a year.

Apart from a number of aircraft carriers and our nuclear submarines, almost all of our navy dates back to World War II. The Soviet navy, comparatively speaking, is spanking new.

In their new surface vessels the Soviets have been concentrating on surface-to-surface missiles which far outrange the heaviest guns on American warships. Whereas the United States is just now beginning to get such missiles aboard its own vessels, the Soviet Union is reported to have 25 major warships equipped with surface-to-surface missiles of 450-mile range. In addition, they have a large fleet of new destroyers and 150 missile-armed patrol boats. About the latter it has been said that "never before has so much power been packed in so small a craft."

The Soviets have further beefed up their

offensive naval capability by adding helicopter carriers to their fleet, by building large numbers of modern landing craft, and by deploying naval vessels carrying naval infantry, or marine, contingents.

The Soviet's growing naval strength has been coupled with growing aggressiveness and belligerency. Apart from the large Soviet task force which operates in the Mediterranean, Soviet naval squadrons have in recent years engaged in fleet exercises in the Pacific, Atlantic, and Indian Oceans and recently they even sailed the English Channel. They not only shadow NATO naval maneuvers, but they seek to disrupt them by plowing recklessly into our formations, cutting across the bows of our ships, and sometimes steaming on collision courses.

This development is all the more ominous when one remembers that the Soviet Union is a land empire whose naval requirements, if it were thinking in terms of defense only, should be very limited. The United States, in contradistinction, is the leader of an ocean community of free nations, all of whom depend for survival on freedom of the seas.

The menace posed by the rapid expansion of the Soviet naval power is compounded by the dramatic growth of the Soviet merchant fleet and the equally dramatic decline of the American merchant marine.

At the end of World War II, the United States was incomparably the world's first maritime power, while the Soviet Union ranked close to the bottom. Today, the United States has fallen back to fifth rank in terms of maritime tonnage; and the Soviet Union has almost pulled level with us and is building new ships at a rate which will give it the largest merchant fleet in the world before the close of this decade.

As a ship-building nation, the great United States has now fallen back to fourteenth place. At the end of 1968, we had only 51 merchant ships on order while the Soviets had 456 on order.

Moreover, four out of five U.S. flag vessels are of World War II vintage or older, while four out of five Russian merchant ships are less than ten years old.

Our aerial supremacy may also be open to challenge in the very near future because we have been so laggard in the technological race.

Our last production-bomber, the B–58, was born during the 1950's. The B–70, which was successfully flown as a prototype in 1961, never got as far as the production line because of Secretary McNamara's freeze on bomber development. Part of the justification for this freeze was the assumption that the Soviets had also put a freeze on bomber development because they recognized that bombers were outdated. But in recent months there has come the news that an advanced Soviet bomber, the Tupelov, has taken to the air; and now there is understandable concern in the ranks of our experts.

The most serious news for our own air force, however, was the appearance in the 1967 Moscow air show of a flight of seven Soviet Foxbat fighter planes. The speed of the Foxbat was astonishing. It was estimated at over 2,000 miles an hour, which is substantially in excess of the speed of our best fighters. It was also extremely maneuverable. Not only do we not have anything that can match the Foxbat today, but it is estimated that it may take as much as another five to seven years before we can match it.

To those Americans who take it for granted that our military power is unchallengeable, these facts about the growing Soviet military challenge may come as a shock.

As of this moment, I believe that we still have an adequate defense establishment. But if present trends continue on both sides, the time is not too far distant when our establishment will be less than adequate.

Such a situation would be fraught with extreme peril, because it would reduce our ablity to keep the peace and encourage the Soviets to play the dangerous game of political blackmail.

There are a few essential things that have to be done.

First, we must embark on a long overdue program to renovate our naval forces.

Second, we must strive to rebuild our merchant marine, and again make it first in strength and first in quality. Apart from the danger that it poses for our national defense, it simply makes no sense that the United States, the greatest trading nation in the world, should see 95 per cent of its commerce carried in foreign vessels and that it should each year pay out one billion dollars in precious foreign exchange to foreign ship owners.

We must, in every sphere, mobilize our technology and place greater emphasis on research and development.

We do not have to try to match the Soviet Union man-for-man and weapon-for-weapon. But we can and must try to keep ahead of the Soviet Union in the critical field of technology.

If it mobilizes on an all-out basis, American technology is far more than a match for the Soviets.

The problem of keeping ahead of the Soviet Union technologically, moreover, does not involve spending more money. In fact, in the long run it will save us money. Basically, the problem is one of eliminating red tape, of removing the artificial restrictions which have in recent years slowed down defense research, and of introducing the sound administrative and business practices for which our country is justly noted.

But above all, we must open our eyes to the facts. And whenever we find ourselves prone to engage in wishful thinking, we should remind ourselves of President Kennedy's dying admonition:

"Our adversaries have not abandoned their ambitions, our dangers have not diminished, our vigil cannot be relaxed."

The preservation of the peace in the decade on which we are now entering may very well depend on how faithfully we observe this admonition.

Mr. DODD. I also ask unanimous consent to have printed into the RECORD an article entitled "U.S. Satellites Detect Soviet ICBM's in Medium-Range Missile Complexes," which appeared in the New York Times of February 11, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 11, 1970]

U.S. SATELLITES DETECT SOVIET ICBM'S IN MEDIUM-RANGE MISSLE COMPLEXES

(By William Beecher)

WASHINGTON, February 10.—The Soviet Union has started to deploy its principal long-range missile in complexes that previously consisted only medium-range missiles pointed at Western Europe, according to well placed United States Government sources.

About 75 SS–11 intercontinental ballistic missiles have been installed in two places in southwestern Russia, apart from other long-range missile sites, the sources say.

Nixon Administration officials are debating the possible implications of this puzzling development.

The SS–11 is generally comparable to the American Minuteman missile in that it can carry a one megaton warhead 6,000 miles or more. But it is being emplaced in firing complexes that heretofore have housed missiles with ranges of 1,000 miles to 2,000 miles.

A debate, involving officials in key government agencies, offers explanations ranging from efficiency and economy to strategic considerations.

The main schools of thought appear to be the following:

Many of the 700 Soviet medium-range missiles are not well protected against surprise attack. Substituting the tested and relatively cheap SS–11 liquid-fuel missile, with its steel and concrete silo, would be less expensive and more effective than designing a wholly new medium-range missile.

By installing the SS–11's which could be used against close-in target's in Europe or long-range targets in the United States, the Russians would achieve a flexible dual-capability weapons system.

The Russians may have hoped to slip some long-range missiles into medium-range sites undetected, thus achieving an advantage if current arms control talks were limited to "known" long-range missile sites.

CLASSIFICATION REVIEWED

So far the intelligence community lists these SS–11's as medium-range missiles, but that classification is under review.

Aside from this deployment, the Russians continued last year to deploy nearly 200 SS–11's, along with about 60 larger SS–9's and a handful of solid-fuel SS–13's in traditional longe-range missile sites farther north and east.

If the 75 SS–11's in medium-range sites and a roughly comparable number of launchers in training centers are added to all other long-range missiles, officials say, the Russians are now believed to be approaching a total of 1,500, almost 50 per cent more than the 1,054 American land-based Minuteman and Titan–2 missiles.

However, the United States still has a lead—656 to about 250—in submarine-based missiles.

Thus, in missiles numbers, the two countries now are in a position of parity. And the United States still maintains a lead in long-range bombers—450 to 150.

It is because of this surge in Soviet missile construction that many Administration leaders are eager to negotiate a slowdown or halt in the missile race when talks on the limitation of strategic arms resume on April 16 in Vienna.

The first evidence that the Russians were constructing some SS–11 sites in medium-range missile complexes was uncovered by reconnaissance satellites last fall.

Government sources say it is not absolutely clear whether these SS–11's are being added to the missiles at the two sites or whether they are replacing older, more vulnerable missiles. Some officials suggest there is reason to believe the latter is the case.

TEST FIRINGS NOTED

The intelligence community has noted some test firings of the S–11, within the Soviet Union, at ranges short of 2,000 miles.

From the southerly sites, the SS–11 could reach, besides targets in Western Europe, most of the northern half of the United States. This would include the biggest cities and most Minuteman sites.

Officials say that in the preliminary missile talks in Helsinki the Russians asked that their medium-range missiles should be excluded from detailed discussions on strategic limitations on the ground that these weapons did not threaten United States territory.

American negotiators insisted that they be included, partly because Washington has assured the North Atlantic Treaty Organization that weapons limitations would include systems that threatened Western Europe.

Installation of SS–11 missiles among medium-range missiles complicates this matter, officials say.

"If asked, the Russians might say that these missiles have been modified so they can't be fired at intercontinental range," one source said, "but we have to assume they can."

OIL IMPORT POLICY

Mr. HANSEN. Mr. President, those who advocate such a basic and drastic change

in U.S. oil import policy apparently have given little consideration to the effects such changes would have on the economies of oil producing States, such as Wyoming and 30 other States.

I have pointed out the fallacies of a tariff plan recommended by the task force on oil import controls and am pleased to note, especially at a time when adequate funds for education are such an issue in Congress, that the Wyoming Higher Education Council has expressed its opposition to such a plan.

The council recently sent a telegram to the President emphasizing the importance of oil taxes to education in my State of Wyoming.

State school superintendent, Harry Roberts—a member of the council—stressed the importance of oil revenues to education in Wyoming and remarked that the President's veto of the HEW-Labor appropriations bill would be "chicken feathers" compared to what education in Wyoming would suffer if the oil import quota program were to be changed.

Mr. President, I ask unanimous consent that an article from the Casper Star Tribune, reporting the action of the Wyoming Higher Education Council, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLEA TO KEEP IMPORT PLAN SENT TO NIXON

(By Joan Wheelan)

CHEYENNE.—The Wyoming Higher Education Council sent a telegram to President Nixon Friday emphasizing the detrimental effect any change in the oil import quota would have on Wyoming education.

The resolution to wire the administration was passed after the council heard testimony from two Casper men, Art Roberts of the Wyoming Oil Industry Committee and R. W. (Terry) Martin of the Rocky Mountain Oil and Gas Association.

Martin told the council the extractive mineral industry pays half the property taxes and contributes about 65 per cent of the educational costs in the state.

"Education in Wyoming is dependent on the health of the extractive mineral industry," he declared. Martin pointed out that the oil industry is facing a serious situation in the threatened change of the oil import quota.

He also noted that 1969 was the first time in 10 years that more oil was discovered in Wyoming than was produced. "It's unhealthy to look at one industry for over half the taxes," he said.

State School Superintendent Harry Roberts, a member of the council, also stressed the importance of oil revenues to education. He said the decrease in educational funds resulting from the president's veto of the Health and Education bill would be "chicken feathers" compared to what education in Wyoming would suffer if the oil import quota were to be changed.

MEDICAL SCHOOL

The council also heard about the possibility of establishing a medical school to serve Wyoming, Idaho and Montana. Dr. John Corbett of Casper, Wyoming Medical Society, noted Wyoming's acute shortage of physicians, notably in Gillette.

He said officials of the U.S. Department of Health, Education and Welfare are studying the possibility of establishing a medical school to serve the three-state area.

Dr. Corbett explained that the program would be unique in that there would be no medical school for the first four years. Instead, existing college and hospital facilities would be used in conjunction with closed circuit television lectures from medical centers.

He said the state medical society will meet in late March to decide whether to back the plan.

The council concluded two days of public hearings Friday afternoon after hearing testimony from 35 persons, most of them representatives of various organizations. The hearings were held to assist the council in planning future post-high school education in the state.

Tom Stroock of Casper, council chairman, told a news conference Friday that the council won't complete its fact-finding mission until May 1. Following this, the council will spend the summer working on a report to be submitted to the governor next fall and eventually to the state legislature.

The council has visited all but two of the junior colleges in the state and will spend one week at the university in April, he said. Although the council was noncommital about any contemplated actions, Stroock pointed out that all but four of the presentations had been on vocational-technical education needs.

He also noted "all seven junior colleges desperately need money."

Mr. HANSEN. Mr. President, in addition to the educational community in Wyoming and other oil producing States, the task force proposal on oil imports is opposed by all segments of the oil and gas industry, independents and majors alike. Since the first ominous warnings of the tariff proposal were reported, I have received hundreds of letters and telegrams from not only my own State but other oil producing States. A recent one sent by Mr. R. R. Aston of Roswell, N. Mex., to several newspaper editors is particularly impressive in that he, in plain language that anyone can understand, points out the "erroneous picture painted of the oil industry and its people."

Mr. Aston writes:

I am proud of the contribution made by this dynamic portion of our great national economy.

I started in the oil business on the working end of a 15-pound sledge hammer as a tool dresser on a cable tool rig. I have drilled my share of dry holes. I have spent months and years getting geology together, assembling a lease block, contracting for roads and drill sites, obtaining legal opinions on title, and entering into drilling contracts only to find no oil or gas present. I have learned to turn my back on such costly failures and to start to work again in an effort to find that drilling deal where the "Mother Lode" of oil would be found. When we do find oil and/or gas, we create wealth where none has existed. The landowner profits, the mineral owner profits, and the County, State, and National governments participate generously in the new output of economic value. Men and women are employed to operate and record this new discovery. Taxes flow to our schools and to our State and National governments. Our Nation is economically strengthened. Of even more fundamental importance, our National Security is strengthened. In our mobile and highly technical society, oil provides 75% of our Nation's energy. Oil is not a matter of choice with us; it is a matter of survival. There is no security in foreign oil. Our experience with frequently hostile, and always profit-motivated, foreign oil suppliers has taught us how quickly the tap can be closed. We must also recognize that large purchases of foreign oil will add tremendously to our already dangerous balance of payment deficit, weakening our dollar and drawing gold from our very limited reserves.

Mr. President, I, too, am proud of an industry that has contributed so greatly to the progress, well-being, and security of this country and I am tired of reading and listening day-in and day-out to the cry of liberals for another piece of scalp or for what they obviously want, the nationalization of a vibrant and highly competitive industry that has served the Nation well and will continue to do so if not forced into a few monolithic, utility-type corporations regulated and dominated by the Federal Government.

Mr. President, I ask unanimous consent that the full text of Mr. Aston's letter in behalf of the oil and gas industry be reprinted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 10, 1970.

Mr. ROBERT A. BROWN,
Editor, Albuquerque Journal,
Albuquerque, N. Mex.

DEAR MR. BROWN: I am an independent domestic oil producer. I am proud of the contribution made by this dynamic portion of our great national economy. I am disturbed by the erroneous picture painted of the oil industry and its people. I feel it is time that some of the true facts be laid before our fellow citizens and taxpayers. Every citizen in the United States has a vested interest in the oil business, so this is your story too. I will address myself to the facts both as they affect our great Nation and my own State. Since 32 of our 50 states produce oil and gas, these facts concerning New Mexico apply in some 64 per cent of our great land. The health of our domestic oil industry affects 100 per cent of our Nation—both economically and from a National Security viewpoint.

There is a liberal element of our national body politic which wishes to destroy the domestic oil industry. They chant constantly about the oil industry "tax loopholes." They point to some two hundred millionaires whom the say have gotten wealthy using special tax privileges of the oil industry. A handful of people may have avoided taxes, for the moment, through the use of capital gains, municipal bonds, charitable gifts, and certain oil tax provisions. I repeat, they may have avoided taxes; they have not evaded them. Taxes will be paid at some future date on assets so sheltered in a given tax year. In this liberal effort to bring down this handful of millionaires, these politicians would leave the domestic oil industry in shambles. Since there are well over a million Americans employed in oil and gas production, transportation of oil, refining, distribution, and other segments of the oil industry, I would suggest that this politically-motivated effort to close down the independent domestic oil industry could well be accused of an "Over Kill!" The destruction of the job of some one million people in an effort to increase the tax load of approximately 200 wealthy individuals is an over kill at a ratio of some 5,000 to 1.

I started in the oil business on the working end of a 15-pound sledge hammer as a tool dresser on a cable tool rig. I have drilled my share of dry holes. I have spent months and years getting geology together, assembling a lease block, contracting for roads and drill sites, obtaining legal opinions on title, and entering into drilling contracts only to find no oil or gas present. I have learned to turn my back on such costly failures and to start to work again in an effort to find that drilling deal where the "Mother Lode" of oil would be found. When we do find oil and/or gas, we create wealth where none has existed. The landowner profits, the mineral owner profits, and the County, State, and National governments participate generously in the new output of economic value. Men and women are employed to operate

and record this new discovery. Taxes flow to our schools and to our State and National governments. Our Nation is economically strengthened. Of even more fundamental importance, our National Security is strengthened. In our mobile and highly technical society, oil provides 75 per cent of our Nation's energy. Oil is not a matter of choice with us; it is a matter of survival. There is no security in foreign oil. Our experience with frequently hostile, and always profit-motivated, foreign oil suppliers has taught us how quickly the tap can be closed. We must also recognize that large purchases of foreign oil will add tremendously to our already dangerous balance of payment deficit, weakening our dollar and drawing gold from our very limited reserves.

The domestic oil industry stands at the crossroads. The decisions on oil import quotas or oil tariffs point their deadly edge at the vital heart of the American oil industry. Just how important is this to the average American businessman? First of all, 32 of our 50 states (64 per cent) produce oil and gas. In 1968, the last year in which we have complete figures, the total value of all crude oil produced in the United States was 9.8 billion dollars. When the value of natural gas and natural gas liquids is included, the total value of all petroleum production in 1968 amounted to slightly more than 14 billion dollars. Even by the standards of Washington politicians, this is a tremendous amount of money. The production of crude oil in the United States in 1968 averaged 9,095,000 barrels per day. This is an increase of 36 per cent during the past ten years. The consumption during 1968 was at an all-time high and amounted to 13,081,000 barrels per day or 44 per cent higher than just ten years earlier in 1958. The ever-increasing demand requires a more dynamic domestic oil industry if our Nation's needs are to be met and if National Security is to be served.

We all drive a good deal. During 1968, highway travel in the United States exceeded one trillion vehicle miles, the equivalent of more than two million round trips to the moon. America is a nation on wheels. We must be assured of a secure source of oil energy to keep the wheels of national progress turning.

I have been privileged to serve as a Regent at New Mexico State University. I am keenly aware of the crying needs of education to meet the skyrocketing demands of increasingly heavy student loads of today. Education in New Mexico is one of the principal beneficiaries of the New Mexico oil industry. Our schools would be bankrupted by a drop in crude oil prices for New Mexico. The domestic oil industry gives direct income to our State of from 80 to 100 million dollars annually. When this is compared with current State appropriations of approximately 225 million dollars annually, it is easy to see just how important the production of oil and gas is to the State of New Mexico. Every citizen of our State has a vested interest in a healthy petroleum industry. The education of our children is seriously threatened. Our teachers and school administrators would be among the first to feel the impact of any drop in the value of crude oil. Chaos in the financial affairs of our State would follow any downward adjustment of crude prices. It would then be necessary to turn to our hard-pressed taxpayers to make up such lost revenue. The tax climate for industrial development in New Mexico would put us low on any list as a site for new plant development.

The Editor of the Wall Street Journal expresses some of the foggy thinking in regard to the oil business. He classes domestic producers as inefficient and claims that our industry will find it hard to persuade the public that it should pay subsidies to keep such firms in business. The average producers and refiners receive 12 to 13 cents per gallon for high grade gasoline. In a high risk search for oil, I suggest that such a price for gasoline could hardly be classed as a subsidy.

Bottled drinking water costs 40 cents per gallon while crude oil brings the oil man about 8 cents or less per gallon. If oil were valued the same as drinking water, a barrel of oil would be worth $16.80.

Our newspapers are filled with alarming stories about imminent gas shortages. This threat is fact and not fiction. Yet, drilling for oil is an integral part of finding gas reserves necessary to meet these soaring demands. A drop in crude oil prices would seriously impair discovery of much needed gas reserves.

Oil has participated to a minimum amount in the spiralling prices that face our consumers. Oil is subject to an alarming increase in cost of doing business. New England politicians, the same who demand the destruction of the domestic oil industry, cry for protective import legislation to protect shoes and textiles. All United States business is guilty of running up the cost of our products through paying the highest labor scale and making possible the highest living standard of any nation in the world. If the consumer must be protected by rolling back prices, then let such an adjustment be across the board. Let all United States industries adjust not only their prices, but their costs, downward through some national price and wage controls. I think we will all agree that we can make the old shoes or the old suit last, but none of us can get along without gasoline, natural gas, or lubricants.

Don't let the politician fool you with his sleight-of-tongue antics pointed at the consumer vote. Every citizen in these United States has far more to lose than he has to gain through reducing the price of crude oil. It is already one of our greatest bargains! The domestic oil industry is mandatory for not only our economic health, but for our National Security.

I earnestly recommend that you contact the President, the Cabinet Task Force, and your congressional delegation regarding this vital matter.

Sincerely yours,

R. R. ASTON.

Mr. HANSEN. Mr. President, in further support of what I and Mr. Aston and many others have been saying about the dangers of becoming dependent on insecure and unreliable foreign sources of cheaply produced crude oil products, the current issue of the Oil and Gas Journal carried an excellent editorial entitled "Arab militants No. 1 exhibit for strong U.S. oil industry."

I ask unanimous consent that the editorial also be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARAB MILITANTS NO. 1 EXHIBIT FOR STRONG U.S. OIL INDUSTRY

Leaders of Arab states meeting in Cairo unwittingly have done the U.S. domestic oil industry a service.

Timing of their militant threats to "liquidate" vital U.S. oil investments in the Middle East was unbelievable. The threats came on the same day the White House acknowledged the President officially has received the controversial and often revised task force report on a new oil-import policy.

The Arab threat should do more than all the sophisticated arguments oilmen can marshal to show the President the danger of putting this nation at the mercy of foreign oil.

The Arab gathering, it's true, includes the heads of only five Middle East countries—Egypt, Jordan, Syria, Iraq, and Sudan.

These are the most violently resentful of U.S. ties to Israel, the ones promoting war, and the ones with the least to lose. Only Iraq has a sizeable oil industry. Egypt has a growing one. Syria has some oil. Jordan and Sudan have none.

The major oil-producing Arab nations where U.S. companies have vast interests—Saudi Arabia, Kuwait, and Libya—were not represented at Cairo. Their absence is significant. They know that without oil production and ready markets in the West, their economies would be a shambles. They aren't apt willingly to disturb such a profitable arrangement. That's partly why Saudi Arabia and Kuwait are willing to pay out $252 million in aid each year to keep the economies of Egypt and Jordan from collapsing and spreading a revolutionary virus across their own borders.

There still is real danger, though, from the Cairo threats. They are another disturbing force in a politically unstable area.

Terrorists, inspired by the declaration, easily could play havoc with key oil pipelines, terminals, and producing facilities—even in nations tied to the West by profitable oil markets.

Cairo-inspired revolutions also could upset friendly governments. The oil could be denied to the West even against the best interests of all concerned.

The Cairo declaration, thus, holds double meaning for this country.

It emphasizes the necessity for President Nixon to continue his efforts to stabilize the Israeli-Arab shooting and strive for an ultimate settlement. Humanitarian as well as the economic considerations force a peace-making role on the U.S.

It also illustrates the folly of any new import policy that cripples this country's oil industry and makes America dependent on unreliable foreign sources for such a basic and vital commodity.

The importance of secure oil surely cannot be lost on President Nixon as he ponders import recommendations of the cabinet task force.

THE ST. LAWRENCE SEAWAY

Mr. MONDALE. Mr. President, there has been a great deal of interest expressed in S. 3137, a bill which I introduced with wide bipartisan cosponsorship, to make it possible to lower tolls on the St. Lawrence Seaway.

Naturally, the Great Lakes ports favor such legislation. I placed a very challenging editorial from the Duluth News Tribune of November 14 in the RECORD of November 21, 1969, I have received a number of communications from Great Lakes ports and associations in support of this bill. As an example, I call to the attention of my colleagues a letter from the Maritime Council of the Port of Milwaukee.

I am pleased to report that the St. Louis Post-Dispatch, in a November 29, 1969, editorial, endorsed the Seaway bill. This editorial, entitled "To Unchain the Seaway," underscores my belief that help for the seaway is not merely a regional matter. And it need not hurt any other region of the country. As the Post-Dispatch noted:

After all, the $120,000,000 was invested for what it promised to do for the United States in shipping and trade, and the possibilities in those respects dwarf the capital outlays. Canada has made use of the Seaway to become the world's biggest grain exporting nation. . . .

The Wall Street Journal of December 12, also contained a very interesting analysis which points up both the seaway's

potential and its problems. In an article entitled "Dire Straits" the Journal cited a case where a shipment of power transformers from Oil City, Pa., to Le Havre, France, cost the shipper $1,387 through Cleveland, compared with $2,232 by rail to New York and then to France.

There are numerous instances where this kind of economy may be the difference between making an overseas sale or losing it to a foreign supplier whose delivered prices is lower. But there are forces at work to deny the seaway its potential. As the Journal also noted—

It costs nine times as much per mile . . . to ship steel silos by train from Kankakee, Illinois, to Chicago than from Kankakee, Illinois to New York.

This kind of discriminatory rate structure, inexplicably sanctioned by the Interstate Commerce Commission, artificially raises the cost of certain goods which could otherwise be shipped at very attractive costs via the seaway.

Mr. President, I ask unanimous consent that the letter, editorial and article referred to above be printed in the RECORD.

There being no objection, the letter, editorial, and article were ordered to be printed in the RECORD, as follows:

MARITIME COUNCIL,
Milwaukee, Wis., December 17, 1969.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Maritime Council of the Port of Milwaukee is composed of about 40 companies and individuals, engaged in various aspects of foreign trade or maritime activities, and all related to shipping and commerce via the St. Lawrence Seaway trade route. The economic success of our members, and of the Port of Milwaukee, is related, of course, to the degree of success achieved in moving large volumes of trade via the Seaway.

We therefore commend you and your 14 colleagues in the Senate for the introduction of S-3137 "St. Lawrence Seaway Amendments of 1969." We support this legislation as facing realistically the fiscal problems of the Seaway, in the light of the rigid demands of the 1954 Seaway enabling Act.

At its last meeting, the Maritime Council acted to support S-3137. In addition, the Council declares its support for Amendments to the Merchant Marine Act of 1936 including (a) defining the Great Lakes as a seacoast within the meaning of Section 809 of the Act and (b) removing ambiguities of language which can be interpreted to preclude ships in the Great Lakes—overseas trade from eligibility for operating differential subsidies.

We are also communicating these judgments by our Council to the Secretary of Transportation, and to the Administrator of the St. Lawrence Seaway Corporation, for consideration in the preparation of future plans and programs.

Sincerely yours,

THOMAS T. PFEIL,
President, Maritime Council,
Port of Milwaukee.

[From the St. Louis Post-Dispatch, Nov. 29, 1969]

TO UNCHAIN THE SEAWAY

Senator Mondale of Minnesota is proposing to allow the St. Lawrence Seaway Corp. to write off the United States' capital investment of $120,000,000 in developing the Seaway, and he advances some cogent arguments on grounds of fairness and optimum usefulness. He points out that the Government made capital outlays of $56,000,000 in the Gulf Intercoastal Waterway, $62,000,000 in the Mississippi River-Gulf outlet, and $33,000,000 in the Houston Ship Channel without requiring any one of them to repay the investment. To treat the St. Lawrence Seaway otherwise, as Congress has done, he maintains is discriminatory.

The Seaway Corp. has paid the U.S. Government $33,000,000 in interest since it began operations 10 years ago but is $12,500,000 in arrears on interest charges alone, short of repayment on principal. The reason is that tolls, which were expected to sustain repayment with interest, have been smaller than anticipated, while operating expenses have been larger.

If tolls were ever to repay the investment the Seaway Corp. would have to increase them 30 to 60 per cent, Senator Mondale argues. But that hope is illusory, he says, because traffic would be driven off to Eastern railroads and Atlantic ports. These interests have all along fought to prevent maximum use of the Seaway.

The Eisenhower Administration, which can claim credit for finally developing a United States share of the Seaway, was parsimonious toward natural resources in general, and that attitude diluted its accomplishment on the St. Lawrence. Our country shared too little of the cost in comparison with Canada and laid burdens on the operating corporation so heavy they are proving insuperable.

After all, the $120,000,000 was invested for what it promised to do for the United States in shipping and trade, and the possibilities in those respects dwarf the capital outlay. Canada has made use of the Seaway to become the world's biggest grain exporting nation; the United States has taken so little advantage of the new opportunities that it has lost even more inter-lake traffic than Canada has gained.

The overriding consideration, it seems plain to us, is what measures are necessary to bring about full realization of the potential advantages offered by the Seaway. To that end, we believe Senator Mondale is right in proposing to abandon the requirement of repayment, which is unlikely to occur in any event.

[From the Wall Street Journal, Dec. 12, 1969]

DIRE STRAITS: ST. LAWRENCE SEAWAY, COMPLETING 10TH YEAR, IS AWASH IN PROBLEMS—ITS TRAFFIC IS OFF, DEBT IS UP AND IT IS GETTING OBSOLETE; SOME SHIPS CURTAIL RUNS—STEEL SILOS TRAVEL BY RAIL

(By Jim Hyatt)

CLEVELAND.—The last ocean-going vessel leaves the St. Lawrence Seaway this weekend, ending the 2,300-mile water route's 10th season of operation. It has not been a very good year.

For the St. Lawrence Seaway, heralded a decade ago as a "second Mediterranean" or a "fourth seacoast" for the U.S., is a flop at this point. Shippers shun it. Shipbuilders curse it. Ship operators ignore it. It is deeply in debt, in disrepair and almost obsolete. Its traffic this year probably will be the lowest since 1964, and some people worry about its future.

"The seaway won't be shut down," insists one backer of the project. And then he adds, "But it may just go to pot."

The seaway, a joint U.S.-Canadian project that cost $500 million to build, is an engineering wonder. A channel-and-lock system that bypasses rapids lifts ships 600 feet from the time they enter the seaway at the mouth of the St. Lawrence River in the Atlantic Ocean to the time they reach Lake Superior.

WHAT WENT WRONG?

A big ship can make the trip from the Atlantic to Duluth in eight days, and about the only problem the seaway builders envisioned was one of traffic jams as everybody rushed to use the wondrous new route. They pictured huge ocean-going vessels docking in such previously landlocked places as Chicago, Milwaukee and Cleveland. They figured seaway ships, with their low rates, would take cargo away from the railroads. They saw vast markets opening up for Midwestern-made goods, and they saw the Midwest being showered with foreign-made manufactures transported cheaply to its doorstep by ship.

But none of these things has come to pass. The main problem, say people who are expert in the affairs of the seaway, is that everybody underestimated the difficulty of persuading shippers to abandon rail transport for moving goods to and from East Coast ports. So insignificant is the seaway's presence here in Cleveland, for example, that the Port of Cleveland handles only 3% of the goods manufactured for export in the area.

"It's like water wearing away rock," complains Richard Shultz, executive director of the Port Authority of Cleveland.

All told, seaway ships carried about 40 million tons of cargo this year, it's estimated, off sharply from the 48 million tons of 1968. Seaway officials attribute part of the decline to a strike of iron-ore workers in Canada, but some observers say the total would have been down even without the strike. The 1968 total was up from 1967 but was below the peak of 49.2 million tons of 1966. The dearth of business is causing some American-flag carriers to cut back on their seaway operations and some have indicated they might pull out of the Great Lakes entirely. "We can't cruise like a taxicab looking for business," asserts one shipping official. "The cargo just isn't there."

BEWARE OF MUD

Scarcity of cargo isn't the shipping lines' only complaint. Until recently, they maintain, many seaway ports weren't dredged to the maximum 27-foot depth of the rest of the seaway. What's more, they say, that 27-foot depth is no longer enough. Many old ships would get stuck in the mud if they came into the seaway fully loaded, and some new ships don't have a chance. New container-ships under construction have 33-foot drafts—and are 10 feet too wide for the 80-foot locks. Estimates of the cost to modernize the seaway to handle these big new ships range up to $5 billion.

The decline in traffic on the seaway could turn into a vicious cycle. The shipping lines say they want to cut service because the shippers don't have much to ship. And shippers say one reason they don't use the seaway much is that the number of ships available is decreasing, making schedules erratic.

In mid-October, for instance, Lubrizol Corp. of Cleveland needed quick shipment to Liverpool, England, of 150 drums of a petroleum additive. But the next possible sailing from Cleveland was three weeks off, and even then a ship would call here only if enough cargo were available to make a stop worthwhile. So the company spent an added $1,000 to ship the drums by rail to New York, where they were loaded on a ship scheduled to arrive in Liverpool two days before the earliest date any ship might show up in Cleveland.

Anchor Hocking Corp. of Lancaster, Ohio, says it has halved its seaway tonnage in recent years because of the haphazard sailing schedules.

WHAT WILL HAPPEN IN 2009?

The less tonnage hauled, the more the seaway falls in debt. The seaway is committed to repaying the U.S. and Canada its capital costs as well as to meeting its operating expenses. Legislation requires this capital to be repaid by the year 2009, but based on current traffic projections and present tolls the seaway will instead be $821 million in debt by then, according to Sen. Walter F. Mondale of Minnesota.

Sen. Mondale thinks the seaway's only problem is its commitment to repay its capital costs. "The financial framework of the seaway is unfair and unreasonable and discriminates against the nation's fourth seacoast," he states. At the moment, the seaway is $20 million behind in debt payments, and one congressman says it is "dangerously close to going bankrupt."

Sen. Mondale and some other members of Congress think that the U.S. should cancel the existing debt and that the seaway should simply be required to turn over to the Treasury any money it takes in beyond its operating costs. Such a proposal doesn't sit well with everyone. "Holy hell will break loose" if pro-seaway members try to eliminate the debt, asserts one source who favors the Eastern ports.

Another solution, of course, would be to increase tolls, and Sen. Mondale fears possible 30% to 60% rises. But Leonard Goodsell, executive director of the Great Lakes Commission, an association of officials of Midwestern states, says an increase of only 10% would "knock us out of a lot of world markets."

It's questionable, however, how many markets there are to be knocked out of. In an appraisal of the seaway, the Canadian Imperial Bank of Commerce says: "Neither the fear that the seaway would allow foreign manufacturers to flood the markets of the St. Lawrence Basin nor the hope that it would enable producers there to greatly expand their markets has been realized."

At the moment, the seaway tolls do provide some real bargains. One example: A recent shipment of power transformers from Oil City, Pa., to LeHavre, France, cost the shipper $1,387 a ton through Cleveland, compared with $2,232 a ton had the transformers been shipped by rail to New York and then to France. Rail rates for some goods, however, are designed to encourage use of East Coast ports, as seaway backers see it. It costs nine times as much per mile, for instance, to ship steel silos by train from Kankakee, Ill., to Chicago than from Kankakee to New York.

Seaway officials cite the high rail rates to Great Lakes port as just one of the problems they are fighting. They also compain that Congress has blocked the St. Lawrence Seaway Development Corp. from using any funds for advertising and promotion. This ban means the seaway is "operating with its hands tied behind its back," asserts H. D. Doan, president of Dow Chemical Co. and chairman of the seaway's 10th anniversary observance.

THE RIGHT TO DISSENT

Mr. BROOKE. Mr. President, on November 14, 1969, my good friend and honored colleague, Judge Harry T. Alexander, delivered a forceful and moving address before the Phi Alpha Delta International Law Fraternity.

Judge Alexander traced the history of legitimate and responsible dissent in this country—from the Declaration of Independence, through the Constitution and the various amendments thereto, through the abolitionists' crusade and the Supreme Court decisions which sought to affirm, once and for all, the rights of all Americans. He noted, rightly and sadly, that we still have a long way to go. But he urged that, like our forefathers, we have the courage to act—in education, in housing, in recreation—in all the areas where men are not yet quite equal or quite free.

This remarkable speech has a message for all of us. It is a call to action within the law. I commend it to the attention of my colleagues, and ask unanimous consent that the full text be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF JUDGE HARRY T. ALEXANDER

Mr. Justice, officers, members and brothers of Phi Alpha Delta International, let me say at the outset, I am humbly proud of my recently conferred honorary membership in this great organization. It is a wonderful feeling to join with such national and international talent in order to foster the precepts of our fraternity: to serve the student, to serve the law school, and to serve the profession. It was this feeling, coupled with the Supreme Court's decision of October 29, 1969, in *Beatrice Alexander, et al.* v. *Holmes County Board of Education, et al.*, that dictated the acceptance of Mr. Justice Bogg's request to participate tonight in the inns of court program, and to speak to you tonight upon a very vital issue—the right to dissent.

With all that has been written upon this subject, the right to dissent, with all that has been spoken on the issue, I could feel, perhaps, and should feel like the eighty year old gentleman the judge mistakenly sentenced to jail for fifty years, for the unlikely crime of rape. The kindly looking octogenarian asked the court "Did you say fifty years?" The judge sterly replied, "Yes I did." The gentleman's candid reply was "your honor, I won't live that long." The judge retorted, "Do the best you can." So under the circumstances, That is what I am going to attempt to do—the best I can.

Today the moral conscience of the country is aroused. Tonight the moral conscience of the country is aroused. Tomorrow November 15, 1969, the moral conscience of the country will be aroused. It doesn't take imagination to conclude that the country is divided into two camps. The issue which causes some on both sides to heap or display righteous indigitation, of course, is the war in Vietnam.

We must remember that both camps enjoy the protection of the Constitution of the United States in their right to dissent. Those who dissent from the position of our national policy are no less protected by the Constitution, just as the so-called silent majority in its right to support our national policy, or in other words, for the right to dissent from the dissenters.

This division of camps is evident from demonstrations at the White House, the Capitol, and the Pentagon as well, just as it has been obvious from the campus unrest all over our land. Just recently on the October 15th moratorium day—100,000 people assembled in Boston, 30,000 passed the White House, 12,000 assembled in Chicago, and 250,000 gathered in New York. Life magazine carried the story "America Gathers Under a Sign of Peace." And this occurred as we say from Maine to Florida, and from Massachusetts to California. It included men and women of all walks of life, from students to Ph. D's, from professors to businessmen, from lawyers to doctors, from atheists to clergy, Christians and Jews. It occurred at large colleges and small, great universities and the not so great.

More recently, the right to dissent was given expression on Veterans' Day when 10,000 to 15,000 people assembled at the monument to support our national policy on Vietnam—to dissent from the dissenters. Its expression tomorrow is expected to be made by some 150,000 to 200,000 in the Nation's Capital, and some 200,000 in California, as America once again exercises the right to dissent in the form of a moratorium.

The issue today can not be whether they have the right to dissent. The right has been clearly established, protected by the Constitution, and implemented by the Supreme Court—in countless cases, from the clear and present danger test of *Schenck* (1919) and *Gitlow* (1925), through Smith Act violations in *Dennis*, (1951), to the black arm band Vietnam protest in *Tinker* v. *Des Moines* (1969).

We know, too, that the precious right is not absolute. What Justice Holmes observed in *Schenck* is still true today:

"The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing panic. It does not even protect a man from an injunction against uttering words that have all the effect of force . . ."

And let me hasten to add, this great right certainly does not include the right to assassinate a President; to kill a Nobel Prize winner, or make a martyr of a Senator. Nor does it include a right to otherwise do violence or injury to person or property. And as Justice Rutledge said, when he restated the clear and present danger test in *Whitney* v. *California*, (1927):

"But, although the right of free speech and assembly are fundamental, they are not in their nature absolute. Their exercise is subject to restriction, if the particular restriction proposed is required in order to protect the state from destruction or from serious injury, political, economic or moral."

Under the mandate laid down by the Supreme Court and our United States court of appeals, our government has, once again, recently recognized the right to dissent, evidenced in the issuance of permits for the present moratorium. I want you to know, I am not here to discuss that highly technical and political issue. Under our tripartite system of government, the legislative, executive and judicial branches are separate entities. Where political matters are concerned, there can be no greater necessity for application of this principle than in matters of politics. I do assert my belief, however, that neither President Johnson nor President Nixon have desired to harm our country, nor any of its citizens. I also believe that they, like proponents and opponents, want peace and the return of our soldiers, sailors and marines to their homes. However, I would like to discuss with you what seems to me to be the history of the right to dissent and in what channels the vast energies of dissent ought to be directed.

Born out of revolt from England, predicated upon sheer digust with the intolerable conditions of colonialism, guided by freedom loving men of justice and equality, through eternities of sweat, blood and tears, we can truly say that our entire country was built on the right to dissent.

Hence, as I see it, the first great dissent is the Declaration of Independence. Although it is the second paragraph of that beautiful document which is oft-times quoted in the familiar passage that we know so well, as it begins, "we hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness", it is really the first paragraph that sets the tone of the dissent in the following words:

"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

After setting forth these principles which impelled the representatives of the United States to issue the declaration; and having charged the king of Great Britain with a history of repeated "injuries and usurpations"; and having further charged him with the establishment of an absolute tyranny over the States, the framers of the Declaration, the framers of the First Great Dissent,

proceeded to prove the conclusions by submitting facts "to a candid world." In doing so, the General Congress set forth at least eighteen tyrannical acts, and if they be subdivided, they submitted no less than twenty-seven acts of tyranny.

Still dissenting from the bondage of England, the Preamble of the Constitution of the United States was published and stands as the second great dissent. It rings loud and clear with principles opposed to days of oppression inflicted by the King of Great Britain. How well do we remember from childhood days that declaration to all the world:

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Another classic example of the right to dissent is the third great dissent, the comprehensive Bill of Rights. It is no accident that the first of those ten amendments sounded the death knell of tyranny, oppression, and suppression when it provided,

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

In addition to the dissent protecting freedom of speech, press, religion and assembly in the first amendment, the framers of the bill of rights—the third great dissent—also intended dissents from arbitrary and capricious trials; from illegal searches and seizures; from confiscation of property, life and liberty without due process; from trials of vexacious and capricious delays, and from trials without counsel, as well as from being placed on trial for infamous crimes without the scrutiny of a grand jury.

The fourth great dissent was eventually to culminate from the abolitionists' crusade. It did so in the enactment of the thirteenth amendment to the Constitution of the United States which provides in pertinent part:

"Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

No longer, thought the Abolitionists, would man be treated as chattel held in bondage and sold upon blocks of slavery. However, having witnessed in this country a kind of oppression worst than was dissented from under the King of Great Britain, sweat and blood and tears of the Abolitionists once again culminated in postive action—the enactment of the fourteenth amendment emerging as *the fifth great dissent*. Now the Abolitionists knew that for all time and eternity principles which had been stated in the Declaration of Independence and the Preamble of the Constitution would not be denied to any man; not because of race, not because of color, not because of creed or national origin, and certainly not because of previous conditions of involuntary servitude. I would be remiss not to remind you of the principles forged in perhaps the greatest dissent ever published. The amendment provides, in pertinent part:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

All of us well recall these clauses respectively as the citizenship clause, the privileges and immunities clause, the due process clause, and the equal protection clause.

Similarly, *the sixth great dissent* is embodied in the fifteenth amendment of the constitution, insuring the right to full citizenship, guaranteeing the right of suffrage to all men. It provides, in pertinent part:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous conditions of servitude."

Hence, we can see that the framers of our great constitution, otherwise described as the framers of the six great dissents, intended that, no man be denied his God-given rights, his inalienable rights, now codified in the constitution. The principles embodied in these great dissents have been frequently applied and construed by the Supreme Court of the United States. Sometimes these great principles have been misapplied; from the "pernicious" decision of the *Dred Scott* case, through the *Slaughter House* cases, to the infamous decision in *Plessy* v. *Ferguson* in 1896.

It is now nearly 200 years since the first great dissent, 112 years since Dred Scott, and 73 years since *Plessy* v. *Ferguson*—and the country still has not recovered from decisions which characterized the black man as chattel, denied him the right of citizenship and enforced countless badges of inferiority which still linger.

Let me take a vital passage from the declaration of independence which typifies the quality of dissent upon which our country was founded. Speaking of governments and mankind, the first great dissent declares in pertinent part:

"When a long train of abuses and usurpations pursuing invariably the same object evences a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security."

Following this call to duty, the abolitionists knew that Chief Justice Taney's philosophy—characterizing the black man as nothing more than chattel—was neither constitutional nor morally right. Hence, it set about the serious business of changing that 1857 Dred Scott decision by passage of the fourteenth amendment in 1866, and its enactment by ratification in 1868.

But not even the fourteenth amendment precluded the infamous decision of *Plessy* v. *Ferguson*, establishing the so-called "separate but equal" doctrine. So outstanding and prophetic was the dissent in *Plessy* v. *Ferguson*, that Mr. Justice Harlan's opposition to the majority can rightfully be called the seventh great dissent. His wisdom and vision finally found full expression in the October 29, 1969 decision removing the badge of invidious discrimination from education. His poetic and classical phrases bear repeating:

"There is no caste here. Our constitution is color-blind, and neither knows nor regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. It is therefore to be regretted that this high tribunal, the final exposition of the fundamental law of the land, has reached the conclusion that it is competent for a state to regulate the enjoyment by citizens of the civil rights solely upon the basis of race.

"In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott* case."

It was a long and arduous trip through many cases that reached the Supreme Court, while that doctrine was gradually being widdled away in *Gaines, Sipuel, McLaurin* v. *Oklahoma, Sweatt* v. *Painter*, and ultimately through *Brown* v. *The Board of Education*, in 1954.

Meanwhile, the victims of segregation and discrimination still suffer from the effects and aftermaths. Hence, today there is still a great deal to dissent from because there still are, as mentioned in the first great dissent, "a long train of abuses and usurpations" inflicted upon innocent people. All of these must be corrected. They are all too prevalent.

As one of my former employers, the martyred Robert F. Kennedy, once observed in 1966, let me remind you. Among other things he said:

"It is not enough to allow dissent. We must demand it. For there is much to dissent from. We dissent from the fact that millions are trapped in poverty while the nation grows rich. We dissent from the conditions and hatreds which deny a full life to our fellow citizens because of the color of their skin . . ."

To this I add, we dissent from substandard education and the lack of equal job opportunity; we dissent from the deplorable conditions in substandard housing, and we dissent from the lack of sufficient black faces and other minorities in high places in our Federal and State governments, in business and in industry. We dissent, too, from the situation of too many blacks clustered in the Federal Government between grades one and four, and too few faces between grades five and fifteen. We dissent, too, from the pitiful token of all minorities employed in super grades sixteen through eighteen. We dissent, too, from the deplorable fact that there are those among us who would further delay the rights and privileges guaranteed to all citizens.

In my humble opinion, this situation calls for action from all responsible men. It calls for action now. As the history of the great dissents demonstrated, we have a duty to dissent from these injustices and usurpations; it is no longer merely a right. It seems to me that there is no finer organization of men than Phi Alpha Delta to begin a new era of responsible action dedicated to equality for all men.

I am reminded of a recent incident which will forever change the injustice of a national pageant. During the Cherry Blossom festival, one young man had the courage to observe that the festival discriminated solely because of race. Of the more than fifty female participants, not one represented the black race. I can never forget the editorial carried by the Washington Daily News, when it billed the young Air Force officer and the incident as, the "white knight and black princesses." His was indeed a right to dissent, and an appropriate action of duty. Following his observation, others of authority agreed and concluded he was correct. They vowed the situation would never occur again.

With enough "white knights" in Phi Alpha Delta across this land, it would certainly take fewer moons to make our domestic scene a show place among the nations of the world; a show place of which all of the majority and all of the minorities could be justly proud. What we need, too, are some strong "black knights," like the "white knight" who in the place of futility was motivated by hope, and who instead of timidity displayed the courage of his convictions to enter into what is undoubtedly a moral conflict. He travelled the high road of conscience and courage, in preference to the low road of complacency, indifference and timidity.

It seems to me, that the most important domestic issue which cries for attention today is the complete and present implemen-

tation of the principles embodied in the Supreme Court document announced October 29, 1969: integration in education now; integration in education "at once." The fourteenth amendment and the Supreme Court stand for the proposition that this principle is applicable across the board—completely—in every aspect of public life. This we must do now. Only then will the black minority and all other minorities have a fair chance to share equally in the abundance and dignity of the American life, and the great promise of the noble American dream.

Permit me, please, to quote a philosophy Georgetown allowed me to publish in volume 40, 1952, of its law journal, in a review of Professor tenBroek's book—"The Antislavery Orgins of the Fourteenth Amendment":

"Hence, the present-day significance of Professor tenBroek's revelation is unequivocal—the fourteenth amendment not only admits of another construction, but another was so intended; the "separate but equal" doctrine of *Plessy* v. *Ferguson* is not only to be viewed as deficient in logic and realism, but is likewise constitutionally unsound. Further, the impropriety of the court's decision in the civil rights cases becomes obvious since State inaction is also a denial of due process and equal protection. Just as sin by omission is no less a sin, so too a deprivation by State inaction is no less a deprivation.

"It is quite apropos that man's inalienable rights be once again acknowledged. That these are, beyond a doubt, embodied in the Constitution by virtue of 'reconsummation' in the fourteenth amendment is a tribute to the abolitionists crusade which culminated in the enactment of their comprehensive goals in the form of the Civil War amendments. The full enjoyment of these Godgiven, constitutionalized rights are yet to be realized by those Americans to whom they were given and for whom they were sought to be extended. The trend of the court in *Sweatt* v. *Painter* and *McLaurin* v. *Oklahoma* is toward that direction importing equality in fact to the "separate but equal" doctrine—but *Plessy* v. *Ferguson* remains to be overruled. This the court has enunciated it can do despite stare decisis.

"It is submitted Professor tenBroek has shown the 'constitutional' way to exist by either the restrictive interpretation or this long-range approach. The task of implementation is for all Americans—but is especially the duty of jurists, lawyers, legislators and public officials.

"Thus, the book commends itself to all Americans interested in a fuller realization of our democratic principles." (Footnotes omitted.)

In 1969, let me add to what was implored in 1952—seventeen years ago. The long-range approach has taken too long. Forces in our country, and without, would capitalize upon the persistent existence of these deplorable undemocratic practices. But that is not the first reason to abolish the practices which are inconsistent with our tenets. Fear may be a good reason for some to act; but it is not motivated by justice; and it is not dictated by the Constitution. We ought rather to act in these matters because it is right, just and required by the law of the land.

Let me remind you the laws for action are already on the books. The Supreme Court has led the way—in education, housing, recreation, in fact, clear across the area of civil rights. The Congress of the United States has passed needed legislation in voting rights, housing and education. The executive branch has deplored discrimination in Government, and without. All departments and agencies now have equal employment opportunity officers. All the country needs are men of courage and conviction in order to implement the law of the land; decisions of the Supreme Court, the Constitution and statutes of Congress.

Brothers in Phi Alpha Delta, I welcome you to the challenge not posited by me, but as dictated by the crucial times in which we live; not by me, but by the nature of our heritage; not by me, but by the great principles of dissent upon which our country was founded. For what was stated in the Law Journal in 1952, is still true today. Only, as all of us can plainly see, continued denial has increased the urgency; procrastination has increased frustrations.

I trust that you will emerge as strong "white knights" and strong "black knights." I trust, too, there will be a determination of the "white knights" to help his black brother stand tall, firm, and courageous, as we go about this serious business of making the seven great dissents the great reality for all of our people. I trust, too, that the goodness you employ in this challenge will so diffuse that in a short while it can mobilize the countless hundreds of thousands dedicated to the moratorium in October, as well as the hundreds of thousands engaged in the present demonstration, and then spread across this land to every nook and cranny, to the legislative, executive and judicial branches of our governments, to the so-called silent majority, and to every city and town, until as the martyred Martin Luther King would say—"Let freedom ring . . ."

REORGANIZATION OF NATURAL RESOURCE DEPARTMENTS

Mr. MOSS. Mr. President, although it was written more than a month ago, I have not previously seen "A Letter to the President," which was sent to Mr. Nixon, prior to his state of the Union message, on January 22, by Mr. Sal J. Prezioso, president of the National Recreation and Park Association.

Noting Mr. Nixon's stated intention of making the quality of the Nation's environment a major domestic theme during the coming decade, Mr. Prezioso wrote that the association was encouraged particularly by "the possibility that you would propose a Cabinet-level department to develop new policies and programs and coordinate all present Federal activities in connection with our national resources and environment."

The letter is an excellent argument for the reorganization of natural resource departments which I have long advocated and which is before this Congress as S. 1446. In his message on the environment, the President stated that, following a report to him which is due April 15, he will make specific recommendations concerning a major reorganization in this field. Mr. Prezioso's letter, which is published in Parks and Recreation, the publication of the National Recreation and Park Association, for February 19, 1970, is a cogent addition to the national dialog on the environmental issue.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL RECREATION AND PARK ASSOCIATION,
Washington, D.C., January 9, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Press reports note that you intend to make the quality of this country's environment a major domestic theme during the coming decade and that you will give this theme priority attention in your message on the State of the Union.

We are most encouraged by these reports, and particularly by the possibility that you will propose a Cabinet-level department to develop new policies and programs and coordinate all present federal activities in connection with our national resources and environment.

Present federal policy governing national resources and environment is developed and administered by a complex, confusing and conflicting array of agencies, offices and departments, incorporating large amounts of money, talent and time. The results have been like a symphony orchestra composed of brilliant musicians each dedicated to beautiful music but producing only discordant noise in the absence of a conductor.

A centralized authority is urgently needed to end the discord, the divisions and duplications of policy and authority common now in the federal approach to the environment. There are, for example, at least four separate departments concerned with water resources development, each using different methods of computing expected costs and benefits from projects and each stressing different aspects of development. Also, the Corps of Engineers and the Bureau of Public Roads vigorously promote construction projects that are often contrary to polices and goals of the Interior Department. The Soil Conservation Service promotes drainage of the nation's wetlands while the Fish and Wildlife Service strives to maintain them in their natural state.

These policy and jurisdictional disputes and many, many others must end. A centralized department offers the best hope for the effective and sane management of our resources and environment.

Such a department, Mr. President, is at the top of our association's priorities as we have previously inidcated to both the Republican and Democratic National Platform Committees. We believe that a reversal of the present erosion of environmental quality is mandatory for the very survival of our grandchildren—and very possibly our children. Only a total commitment by the federal government will be sufficient. The professional manpower, the heavy funding, the multiple projects are needed now, not tomorrow. For tomorrow may otherwise be of only academic interest.

The signs are clear. Blight is spreading at an almost uncontrollable rate in our lakes and rivers and air. The garbage, junk and litter of our highly industrialized, rapidly consuming society are piling up and no one, it seems, knows what to do with it. Factories and housing developments encroach upon our park and recreation lands, forests and wilderness areas, destroying what man cannot replace and diminishing our leisure opportunities.

The next generation has already adopted environmental quality as its cause. The young people have good reason. They have sensed that each generation must be bound as a trustee of the environment for future generations. Their elders seem unable to turn away from a course of destruction. It is not only the quality of our children's lives that is endangered, but their very lives.

If you will take the bold steps toward a national policy on the environment, Mr. President, by proposing a new federal department with appropriate and adequate financial and other essential resources, the National Recreation and Park Association—with its 30,000 members representing the leaders of the nation's park, recreation and conservation movement—will support you in the endeavor. We shall, in addition, provide you with all the counsel and assistance at our command.

It would be our hope, of course, that such a department would include a Leisure Services Administration which would incorporate all federal activities related to park and

recreation facilities, programs and services. The Bureau of Outdoor Recreation within the Interior Department, created in 1962, was intended to become the federal focal point for leisure affairs but of necessity has concentrated on outdoor activities. The need for indoor facilities and programs is equally pressing. Only a restructuring of the federal apparatus to embrace the total park and recreation related aspects of human and natural resource management will suffice.

On behalf of the board of trustees of the National Recreation and Park Association, I urge this action and pledge you and your Administration our support for its implementation.

Sincerely,

SAL J. PREZIOSO.

THE MENACE OF MORAL POLLUTION

Mr. DODD. Mr. President, the press these days is full of articles about the many different ways in which we are polluting our environment. We are now committed to a massive program intended to control this pollution. On this issue, we are all agreed.

The thought recently occurred to me that environmental pollution was only part of the problem and that our country is gravely afflicted by another form of pollution, far more insidious and perhaps far more dangerous to our Nation.

This is the danger of moral pollution.

There have been alarming developments in our country in recent years suggesting the existence of a progressive moral and spiritual erosion. The soaring crime rate with the related tremendous increase in juvenile delinquency is one symptom of this erosion.

Another symptom is the open rejection of all authority and all value by so many of our young people, and the open embrace of a shameless nihilism whose only objective is destruction.

A third symptom is the breakdown of parental and religious influence.

A fourth is the widespread rejection of patriotism by so many our high school and college students.

The menace of moral pollution stems from three basic sources:

First, the runaway increase in the use of drugs of all kinds, ranging from marihuana to pep pills to heroin. Second, there is a rising flood of pornography which now threatens to inundate our country. Third, there is the unbroken diet of crime and violence which our TV programs feed to millions of young people.

Because it is high time that we start talking about the menace of moral pollution as well as the menace of environmental pollution, I addressed myself to this subject in a recent speech before the Order of the Eastern Star in New London, Conn. I ask unanimous consent, Mr. President, to have printed in the RECORD at this point the complete text of my remarks on that occasion.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE MENACE OF MORAL POLLUTION

All of us are alarmed, and justifiably so, over the upward spiraling crime rate and over the terror that now stalks our city streets at night.

But there is another development of the past decade which I consider even more alarming in terms of its significance for the future of our nation.

The recent years have witnessed a growing breakdown of those moral, religious and patriotic values on which our nation rose to greatness, and which have helped us to surmount the crises we have encountered along the road of our history.

Hundreds of thousands of our young people have turned their backs on all values and all authority.

The more radical of them have turned to the perverted religion of nihilism, and they now seek to tear down, in their purposeless rage, the country that gave them birth and the freest society that man has yet devised.

They want to tear down our universities, tear down our institutions, tear down religion, tear down everything that they consider part of "the establishment".

The New Left militants underscore their rejection of traditional values by affecting strange appearances; by substituting obscenities for the English language; by making pornography a way of life; by demonstrating against the government on the Vietnam war and on every other conceivable issue; and by burning the American flag and sometimes writing four-letter words across it.

They claim to be acting as champions of freedom and foes of tyranny. But they vent all of their anger against their own free society, whose weaknesses and shortcomings they magnify a thousandfold. And because Communism seeks the total destruction of America, they automatically and irrationally identify with Castro and Mao and Ho Chi Minh, ignoring the merciless suppression of freedom under Communism as well as the tens of millions of human beings whose lives have been snuffed out by Communist tyranny.

They are not interested in past history. They have contempt for their parents, contempt for their elders, contempt for their teachers, contempt for the sages and wisdom of the past.

They believe that the entire purpose of life is self-gratification; and in their never-ending quest for self-gratification they take to marijuana and pep pills and LSD and heroin, and they seek enhanced stimulation by immersing themselves in obcenity and perversion and what they call "group sex".

The hard-core militants among the New Left number only some tens of thousands, and there would be no serious reason for concern if the phenomena I have described were limited entirely to them.

But, through the anti-war issue and other issues, some legitimate, some phony, they have been able to take into tow hundreds of thousands of innocent and idealistic young people, and they have been able to infect them with some of their own contempt for established authority and traditional values.

This erosion of national morale has reached the point where it now constitutes a serious problem in our armed forces, so that in recent months there have been reports of GI's and officers in Vietnam participating in anti-war demonstrations.

What is happening in our country today is in many ways frightfully reminiscent of what took place in ancient Rome before the collapse of the Roman empire.

In ancient Rome, too, there was a progressive erosion of national morale.

Then, as now, people scoffed at traditional values, rejected discipline, and sought self-gratification in a crescendo of sensual orgies.

An undisciplined and orgiastic society is, by definition, a sick society. In the case of ancient Rome, the sickness was fatal. And unless we can find some way of reversing the trend, there is a serious danger that this sickness may also be fatal to America.

We are now committed to a massive program intended to control the pollution of our environment. I support this program without reservation; indeed, I believe that it is long, long overdue.

But unless we take measures to control the spiritual and moral pollution of American society, the fight against environmental pollution will be meaningless.

Unlike the problem of environmental pollution, dealing with the problem of moral pollution does not require untold billions of dollars.

What it requires is, first, understanding; and, second, a determined effort by government and public to do those things that must be done.

First of all, I believe that we must act without delay to deal with the drug situation.

Not too many years ago drugs were a rarity on our college campuses. Today it is estimated that a majority of our college students at one time or another have smoked marijuana, while many of them have become heroin addicts.

Nor is this phenomenon confined to our colleges. Reports from across the nation indicate that drugs are almost as prevalent in our high schools as they are in colleges, and that the use of drugs has in fact filtered down to elementary school level.

As chairman of the Senate Juvenile Delinquency Subcommittee, I have presided over extensive hearings on the drug problem. On the basis of these hearings, I introduced legislation designed to assist our law enforcement authorities in cracking down on the pushers and on the crime syndicates behind the pushers. At the same time my legislation proposed more lenient penalties for drug users, especially for first-time offenders; and it gave judges wide latitude in suspending sentence or in putting first offenders on probation so that they would not have felony convictions recorded against their names.

I am happy to be able to inform you that this legislation was approved by the Senate on January 28, and all the indications are that it will become law at a very early date.

The rising flood of pornography that is threatening to inundate our country is another aspect of the problem of moral pollution.

Our bookshelves are filled with pornographic paperbacks and magazines.

Pornographic films that would have brought criminal convictions not so many years ago are now being shown in public movies across the country.

The mails are flooded with pornographic material and devices, which are frequently opened on arrival by minors.

The cumulative impact of all this on our young people is nothing short of disastrous, because it serves to destroy all sense of sexual morality, it makes a mockery of marital fidelity and it tends to make a norm of obscenity and licentiousness and perversion.

For some time now my staff at the Senate Subcommittee on Juvenile Delinquency has been investigating the problem of pornography, and arrangements have now been made to hold hearings on several legislative proposals in the month of March, jointly with the Subcommittee on Constitutional Rights.

It is my expectation that these hearings will result in legislation that will give our law enforcement authorities clearer guide lines and that will enable authorities to curb the flood of unsolicited pornographic mail.

Beyond the control of narcotics and pornography, there are other, more basic problems that have to be tackled.

In seeking to overcome the alienation which has estranged so many young people from their society, from their history, from their religion, and from all traditional values, it might be useful to start with a reexamination of our entire educational system.

EDUCATION: THE SCHOOLS AND THE TV NETWORKS

The purpose of education is not simply to instruct people in the three R's and in the sciences and humanities. Its larger purpose is to mold character and to produce rounded men and women; men and women who have a firm commitment to moral values, who are free from the prejudices that have blinded previous generations, who have a sacred regard for the dignity of their fellowman, whose dedication to the democratic process leads them to respect the opinions and the rights of others; men and women who have a sense of responsibility to society and who are patriots in the best sense of the word.

The fact that the end product of our educational system is frequently so far removed from this objective should give us all reason to pause and consider, and to try to find out what is wrong and what can be done to remedy it.

The problem does not entirely hinge on our schools, however, since the close of World War II television has become an informal part of our educational system. Indeed, its total impact on the outlook and morality of our young people may far exceed the impact of our public school system.

According to a recent study, the average high school graduate on entering college has been exposed to some 20,000 hours of TV viewing. Against this kind of concentrated daily exposure, parental influence becomes, at the best, of secondary importance.

A number of years ago I held extensive hearings on the subject of crime and violence on TV and its impact on juvenile delinquency. This is an area in which it is difficult to legislate because the TV networks can always invoke the protection of the First Amendment. But I did exact a promise from the network directors at the time that they would review their programming with a view to improving quality and reducing the emphasis on crime and violence.

I must say in all frankness that the networks have not lived up to this promise. Because of their failure to act on their own, I have instructed my staff at the Juvenile Delinquency Subcommittee to devise legislation that will oblige the networks to recognize their responsibilities and to police the contents of their own programs.

But it is not just a matter of overemphasis on crime and violence. I am afraid that our network programs tend to encourage the hypocrisy and materialism which are already far too rampant in our society; and, at the same time, they fail to inculcate a sense of positive values, and they exacerbate the tendency to reject religion and authority and patriotism.

What can we do to improve the quality of our educational system and of our TV programs?

First of all, if our young people are to be imbued at an early age with a sense of decency and responsibility and basic morality, it is essential that we reform our educational system from the first grade on up, and re-evaluate our TV programs with a view to giving the entire process of education, in the schoolroom and on the TV screen, an affirmative ethical content.

Instead of just teaching our young people the three R's and the hard, cold facts of science and history, we should seek to devise school curricula and TV programs that will develop in them a capacity for moral judgment, an ability to distinguish right from wrong, which so many of our young people today regrettably appear to lack.

THE SPECIAL ROLE OF PATRIOTISM

And we must also seek to shape our curricula and our TV programming so that our high school and college students will not look upon "patriotism" as a dirty word, but will look upon it, rather, as a natural and proper commitment to all that is great in their country's history, and as a challenge to all that is best in them.

Thomas Jefferson, one of the great historic heroes of most of our young people, was an unabashed patriot who called upon his countrymen "to let the love of our country soar above all minor passions." It is a sad commentary on our times that many of our young people would today consider Jefferson's appeal "square" or outdated.

It may be that many of our young people have come to reject patriotism because the word has been so abused by a variety of right-wing extremists who speak with the strident voices of intolerance and bigotry.

I must say that I share the contempt of our young people for this fraudulent variety of patriotism. Although such patriots drape themselves in red, white and blue in the daytime, their uniform at night is sometimes the white sheet.

But this kind of counterfeit patriotism bears the same relationship to true patriotism that counterfeit money bears to genuine currency.

True patriotism is a dedication which leads us to cherish the concepts of human equality and freedom and democratic government which our fathers brought to the world; which inspires us to strive constantly to improve the qualities of our own freedoms, to defend freedom wherever it has taken root, and to help to extend it where we can reasonably do so.

In our heritage are ideals that will be as young a thousand years from now as they were when the Founding Fathers first enshrined them in the American Declaration of Independence.

Here are ideals to which the most idealistic of our young people can subscribe enthusiastically.

A man without patriotism is like a man without roots, who lacks direction, is incapable of dedication and is at the mercy of every wind that blows.

That is why those of our young people who reject patriotism also tend to reject all established authority and traditional values in the process.

This month we shall be celebrating the birthdays of our two greatest Presidents, George Washington and Abraham Lincoln. Washington and Lincoln were men of monumental nobility and vision, men who, by common consent, stand in the very first ranks of all time. Both of them regarded patriotism as one of the most fundamental of all virtues.

In his Farewell Address Washington said, "The name of America must always exalt the just pride of patriotism."

And Lincoln, at the height of the Civil War, wrote to Edwin Stanton: "Patriotic devotion is the foundation of all else that is valuable in this great national trial."

We are now caught up in another great national trial which calls just as urgently for the quality of true patriotic devotion.

The problem before us is how to help our young people rediscover the meaning of American patriotism, to recommit themselves to those ideals which gave birth to our nation, and, in the memorable words of our martyred President, John F. Kennedy, to ask not what their country can do for them, but to ask, rather, what they can do for their country.

BRIDGING THE GENERATION GAP

Mr. MATHIAS. Mr. President, in a day when we all are aware of the problem of the so-called generation gap, it is heartening to learn of a combined effort by eager youth and dedicated adults to bridge that gap.

Such an effort has been made in Taneytown, Md., in the establishment of a youth center known as The Scene.

A combination of clergy, lay adults, and enthusiastic teenagers, with cooperation from the local business community, has created a lively youth center in what was an empty store front.

Mr. President, I ask unanimous consent that an editorial from one of Maryland's fine daily newspapers, the Frederick Post, calling attention to this development, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Frederick (Md.) Post, Jan. 31, 1970]

TANEYTOWN MAKES "THE SCENE"

Taneytown's youth, with the assistance of dedicated advisers, have built a bridge across the generation gap.

And its very modesty is an endorsement of its program. Known as "The Scene," it doesn't look like much from the outside, being a modest little white frame store front on East Baltimore Street, tucked into a narrow space between two larger buildings.

But it's a different story on a Saturday night. Then "The Scene" comes to life. It swings. It is a place for the teenagers to gather, an electronic world of heavy rock music, posters on multi-colored walls.

It speaks of youthful freedom, laughter and discovery.

And "The Scene" is the answer of an entire community to a crying need.

Before it opened last October young people of the community had no place to go. Through the co-operation of the teenagers and local organizations "The Scene" was created.

The response to the needs of the youngsters was so pronounced that some of them were surprised. In the words of one teen-age girl, "The generation gap closed a little."

One of the leading forces behind "The Scene," the Rev. Maurice A. Arsenault, calls it a dream that became a reality.

It had its inception last April when a group of young people gathered at St. Joseph's Church to discuss the lack of activities in Taneytown for young people.

The pastor points out that of all the suggestions offered at the meeting one stood out. This was the grave need for a place where young people could congregate for recreation, dancing, fellowship and other praiseworthy activities.

And it had to be a place they could "call their own"—a youth center.

The Taneytown Bank and Trust Company donated use of the building for $1 a year. And a youth council went to work to renovate and furnish it with the help of many individuals and groups in the community.

"In the following weeks, everyone worked hard cleaning, painting, repairing and furnishing the building," comments the Rev. Mr. Arsenault.

And it is significant that there was no organized fund drive. All of the individuals and organizations aiding offered their help spontaneously.

"The Scene" opened last October to a near-capacity crowd of 80 teenagers. Now it has 120 on its rolls.

SCHOOL INTEGRATION

Mr. GOLDWATER. Mr. President, in the latest edition of Newsweek magazine there appears an article by Stewart Alsop entitled "The Tragic Failure." This article should be read by every Member of Congress because in it Mr. Alsop is saying precisely what the debate on this floor for the last week has been trying to say but has not quite broken through.

Mr. Alsop comes to the conclusion: "The idea to integrate this country's schools is a failure." His theme is pretty much the same as I have been contending all of the years I have been associated with this body; namely, legislation in the field of civil rights can go only so far and produce only so much, and, particularly in the field of education, legislation is not going to solve the problems as seen by me or my colleagues.

So that those colleagues who are too busy to read this magazine might have the chance to peruse this article, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TRAGIC FAILURE

(By Stewart Alsop)

WASHINGTON.—Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure.

There are good reasons why this fact should be hidden from public view. To admit that it is a fact is to delight every racist and reactionary in the land. Moreover, the failure of integration is a failure of the American system itself, of the whole *mythos* of the melting pot. Yet truth, like murder, will out, and there is no longer any escaping the plain truth that integration is a failure.

Among those who know the realities, that ugly truth is almost universally recognized. This reporter, no educational expert himself, read the first paragraph of this report to a dozen or more people who do know the realities. What was surprising was the similarity of their reactions. Here, for example, are the reactions of three leading Negroes:

Ben Holman, director of the Justice Department's Community Relations Service: "Of course it's true. I started out at 14 picketing for integration, but it's just not going to work. We've got to admit publicly that we've failed, so we can stop pursuing this phantom, and concentrate instead on gilding the ghetto—a massive diversion of manpower and money to the central city schools."

Dan Watts, editor of The Liberator, intellectual organ of the black militants: "You're so right. There's more race hatred in New York today than there is in Mississippi, and it all goes back to the schools. It's a traumatic experience, anyway, for a black kid to be bused clear across town for the privilege of sitting next Miss Ann . . . we've got to move away from integration and toward coexistence."

Julius Hobson, Washington's leading black militant: "Of course—integration is a complete failure . . . what we've got is no longer an issue of race but of class, the middle class against the poor, with the Federal government standing idly by . . . the schools in Washington have deteriorated to a point almost beyond repair—if I could afford it, I'd send my own children to a private school. . . . I have an opinion I hesitate to voice, because it's too close to George Wallace, but I think it's time we tried to make the schools good *where they are* . . . the integration kick is a dead issue."

White liberals are more reluctant than blacks to acknowledge that "the education kick is a dead issue." Here, for example, is James Allen, U.S. Education Commissioner: "You have to have an optimistic view, or you'd go nuts in this game . . . We thought the problem could be settled in a decade or two, but we were wrong . . . there is no good way out at any time in the immediate future, and we've just got to face that fact."

MORE REACTIONS

Here (in a tone of anguish) is Richardson Dilworth, liberal Democrat, former mayor of Philadelphia, and president of that city's Board of Education: "I've never seen the cities in such terrible shape . . . people don't listen, they just scream at us, and at lot of the whites are worse than Georgia rednecks. But I just don't think you can give up on integration. If you do, the cities are lost."

Here is Dr. Alan Westin of Columbia University, an educational expert: "We've got to make sure that we don't sell out integration where it's been successful—in Teaneck, N.J., where I live, for example. But that's admittedly an atypical situation. Where integration has failed, the answer may be some sort of biracialism . . . but if the white doesn't want to integrate, he damn well better be prepared to pay . . ."

Here is Richard Scammon, the best political statistician-analyst in the business: "The danger is that you could have a white working-class revolt against the Federal judiciary and the whole liberal Establishment. For example, Denver votes 70–30 against busing and the courts reverse the people's decision. The up-tight white liberals think the way a soldier does—somebody else is going to get it, not me. Justice Douglas talks about a violent revolution against the Establishment. One day the working-class whites may take his advice—and hang Bill Douglas."

As these excerpts suggest, there has been very recently a sort of sea change in national opinion, both black and white, on the integration issue. Last week, for example, The New York Times, the bellwether liberal newspaper, published two devastating reports. The articles, which had a heavy impact on Capitol Hill, reported "conditions of paralyzing anarchy" in some integrated New York City schools, and "racial polarization, disruptions, and growing racial tensions . . . in virtually every part of this country where schools have substantial Negro enrollments."

Also last week, Sen. Abraham Ribicoff of Connecticut, one of the shrewdest and most perceptive politicians on Capitol Hill, rose to brand the North "guilty of monumental hyprocrisy" on the race issue. In the colloquy that followed, Ribicoff gave this chilling description of the American school system:

"When we have a school system ready to blow up across the nation, when teachers have to be escorted to school by police, and when students are fighting one another in the schools and classrooms, we have a civilization in disintegration."

The implication is clear—that integration threatens disintegration. But if integration is a failure, what is to be done?

REALITIES

Again, what is surprising is how often the same note is struck by those who know the realities. First, "don't sell out integration where it's been successful." The bridges between the races are too few and fragile anyway, and they must be preserved at all costs. The best way to strengthen and increase them, as Ribicoff suggests, is not to try to force middle-class whites to send their children to school in the ghettos, but to open up middle-class jobs and the middle-class suburbs to Negroes.

Second, as Julius Hobson says, "Make the schools good where they are." On this point, all those consulted by this reporter are in agreement. "We should proceed to upgrade the schools where they are now," says John Gardner, chairman of the Urban Coalition, "and not sit around waiting for integration that may never happen." Given the eroded tax base of the central cities, all agree, only the Federal government can really do the upgrading job.

Finally, both black militants and white liberals seem to be reaching out for a new relationship—what Dan Watts calls "coexistence," and Alan Westin calls "biracialism." Both words are disturbing, for there is in them an echo of that discredited phrase, "separate but equal." And yet it is always better to proceed on the basis of a recognition of what is, rather than what ought to be. And it has become impossible to hide from view any longer the fact that school integration, although it has certainly been "an experiment noble in purpose," has tragically failed almost everywhere.

THE WATER POLLUTION CONTROL PROGRAM

Mr. MATHIAS. Mr. President, the lead editorial in the Evening Star today speaks volumes in a few short paragraphs. It presents a point of view that I represent. I ask unanimous consent that it be printed in the RECORD, because it should be widely disseminated in the Congress and the administration.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NOW YOU SEE IT

A while back, we had some words of praise for the Nixon administration's decision to release $800 million in federal clean-water funds. The money—or so we thought—was to go as matching funds to the states in partial repayment for sewage treatment expenditures undertaken at the urging of the federal government.

This was, it seemed, a belated acknowledgment of the federal obligation to the states, as spelled out under the Clean Water Act of 1965. But things are not, as the saying goes, always as they seem. Not when the administration spokesmen start rewriting the script.

That $800 million, according to the new official line, will not actually go to paying the states back for those projects that have already been completed. To qualify for a cut of it, the states must undertake new projects before June. Anything left over after the new projects are paid off will be available to pay off the old debts. This, the federal spokesmen explain, they are entitled to do because of some vague wording in the 1965 act.

At least that's what the administration seems to be saying.

If that indeed is the new plan, it is highly dubious environmentmanship. What it does, in effect, is to penalize those states that took the federal government at its word, and reward those that have dragged their heels. It may save a buck for the administration during fiscal 1970. But it will also make the states justifiably reluctant to pick up the tab for any future anti-pollution programs based on a vague promise of future repayment from a proven welcher.

It is entirely possible that some other explanation of what is happening to the $800 million will be forthcoming. Perhaps we are still wrong in our understanding of federal intentions. Considering the confused explanations that have come out so far, we feel no obligation to apologize for any uncertainty.

We are, however, tired of trying to follow the $800-million pea while the shells are shifted by a battery of federal pitchmen.

Maryland's governor, Marvin Mandel, displayed a healthy skepticism when he was told of the federal decision to release the matching funds. With a caution born of months of fruitless pleading with Washington to cough up the $13.4 million that his state was owed, he pointed out that promises of payment were an old story and that he would believe that the money was coming when it arrived.

The federal government is about to undertake a $10 billion clean water program, promising to match $6 billion in state expenditures with $4 billion in federal funds. State governments can be expected to take note of Washington's low credibility rating and to

examine the wording of any new bills for fine-print escape clauses. They should hesitate, before plunging ahead with costly plans until they are certain that the federal obligation is something more than a contract written on the water.

IMPROVING OUR ENVIRONMENT

Mr. PACKWOOD. Mr. President, we are all concerned about protecting our environment and improving the quality of living for all Americans. Certainly, it is gaining the attention and concern of all age groups.

Third graders in Mrs. Bessonette's class at Phoenix Elementary School in Phoenix, Oreg., are learning about this subject matter from a concerned teacher. I commend Mrs. Bessonette and the students in her class who are taking the time to study this vital issue and who took time to write me and tell me of their concern.

I ask unanimous consent that five selected letters which I received from this class be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PHOENIX ELEMENTARY SCHOOL,
Phoenix, Oreg., January 29, 1970.

DEAR SENATOR PACKWOOD: We are writing to you about Pollution and how bad it is. I am wondering if we can stop it in time to live. It is killing us and our time is just about up. If we don't stop polluting our planet we will all die, including our earth. We need to stop cutting down so many of our trees. We are washing away our soil. If the whole world works together we will stop Pollution.

Yours sincerely,

ADRIENNE ENGLE.

PHOENIX ELEMENTARY SCHOOL,
Phoenix, Oreg., January 26, 1970.

DEAR SENATOR PACKWOOD: I am scared to death from what I've read about air and water pollution. It is so bad I wish it could stop. It's killing animals and fish and I love fishing so much. When I was by the Ktomath River, I was shocked to see a fish hatchery dumping fish waste and baby salmons in the river.

Yours sincerely,

CARL RONER.

PHOENIX ELEMENTARY SCHOOL,
Phoenix, Oreg., January 29, 1970.

DEAR SENATOR PACKWOOD: Mrs. Bessonette's class is very interested in pollution. It is terrible that people smoke and take drugs. The cars they make are bad. The motors are polluted.

Yours sincerely,

LYNN REILL.

PHOENIX ELEMENTARY SCHOOL,
Phoenix, Oreg., January 29, 1970.

DEAR SENATOR PACKWOOD: We have been studying about pollution. This land has been real ugly and we want to clean it up. Wildlife habitats are disappearing. Stop pollution. I would like to know why people like to pollute.

Yours sincerely,

DEBRA TERPENING.

PHOENIX ELEMENTARY SCHOOL,
Phoenix, Oreg., January 29, 1970.

DEAR SENATOR PACKWOOD: I think we should stop DDT because it is killing our animals and fish. I think we should stop all together, the whole world. DDT is so bad that we will be dead, too. The President is concerned, too. I wish the whole Nation was concerned, too, like we are, and you are, and the President.

Sincerely yours,

WAYNE LEE CALLICOTT.

FOLA LA FOLLETTE DIES

Mr. NELSON. Mr. President, Wisconsin and the Nation lost a brave crusader when Fola La Follette succumbed to pneumonia yesterday at the age of 87. An actress, women's suffrage leader, and a frequent participant in labor protests, Miss La Follette was the daughter of the late U.S. Senator Robert M.—Fighting Bob—La Follette, and sister of both the late U.S. Senator Robert M. La Follette, Jr., and the late Philip F. La Follette, former Governor of Wisconsin and aunt of Bronson La Follette, former attorney general of Wisconsin.

The Washington Evening Star, in an obituary, points out that "she performed on Broadway with leading stage stars of the 'gaslight' era for 10 years." She had the leading role in "The Scarecrow" and in her husband's "Tradition." The obituary in the New York Times quotes a 1953 review by Henry Steele Commager of the two-volume biography Miss La Follette wrote of her father:

What we have here, in sum, is a wonderfully rich and detailed personal account that goes far to restore to us one of the giants of the past generation, a lion-hearted champion of democracy and of reform.

There was much of Fighting Bob La Follette in his daughter. I ask unanimous consent that the obituaries be printed in the RECORD.

There being no objection, the obituaries were ordered to be printed in the RECORD, as follows:

[From the New York Times]

FOLA LA FOLLETTE, SUFFRAGE LEADER—ACTRESS AND DAUGHTER OF A SENATOR DIES AT 87

Fola La Follette, a suffrage leader, actress and daughter of the late Senator Robert M. La Follette of Wisconsin, died of pneumonia yesterday at a hospital in Arlington, Va. She was 87 years old.

Miss La Follette retained her maiden name after her marriage in 1911 to the late playwright George Middleton. At suffrage meetings in New York, she explained that her husband had approved of her decision and that she believed the time was coming when all women would keep their family names upon marriage. Miss La Follette told one group that mothers must fight for the right to make laws that govern their children, and she added: "A good husband is not a substitute for the ballot."

In addition to her efforts to establish women's right to vote, Miss La Follette was active in labor protests and helped in the formation of Actors Equity.

She also made campaign speeches on behalf of her famous father and after his death in 1925 edited and completed a biography of the Senator that her mother, Belle Case La Follette, had left unfinished at her death.

In a review of the two-volume book, in the New York Times, on Dec. 20, 1953, Henry Steel Commager wrote. "What we have here, in sum, is a wonderfully rich and detailed personal account that goes far to restore to us one of the giants of the past generation, a lion-hearted champion of democracy and of reform."

Miss La Follette's brother, Robert Jr., was elected to succeed his father in the Senate and was re-elected to full terms in 1928, 1934 and 1940. Her father and another brother, Philip, also served as Governors of Wisconsin.

Miss La Follette was an actress for 10 years, appearing in such plays as Percy MacKaye's "The Scarecrow," and the Broadway production of her husband's "Tradition."

Survivors include a sister, Mary.

[From the Washington Star, Feb. 17, 1970]

FOLA LA FOLLETTE, 87, DIES; DAUGHTER OF LATE SENATOR

(By Richard Slusser)

Fola La Follette, 87, daughter of the late Sen. Robert M. La Follette of Wisconsin, died of pneumonia today in Arlington Hospital. She had been hospitalized since Jan. 30 after falling and breaking a leg at her home, 3908 N. 4th St., Arlington.

Although married to playwright George Middleton, who died three years ago, Miss La Follette continued to use her maiden name both personally and professionally after her marriage in 1911. The name also appeared on her apartment door while she was married.

Born in Madison, Wis., she was the oldest child of "Fighting Bob" La Follette, founder of the Progressive Party, and sister of Sen. Robert M. La Follette, Jr., who died in 1953. Another brother, former Wisconsin Gov. Philip Fish La Follette, died in 1965. Her sister, Mary, lives in Washington.

Politics, of course, was an important part of Miss La Follette's life, but she also was an actress, author and women's suffrage leader. She spent her early years in Madison and attended the University of Wisconsin, from which she was graduated with honors, while her father was governor.

PERFORMED ON BROADWAY

After roles in student dramatic productions at the university, she performed on Broadway with leading stage stars of the "gaslight" era for 10 years.

She had the leading role in Percy McKaye's "The Scarecrow," and after her marriage appeared in the New York production of her husband's play, "Tradition."

Miss La Follette also had a leading role in the English comedy, "How the Vote Was Won," a satire on the opponents of the women's suffrage. She later gave readings of the play across the nation and helped win converts to the suffrage movement.

In 1911, she led the actresses' division in the first women's suffrage parade held in New York City. Her husband also marched in the parade.

Because of her familiarity with working conditions of acting troupes on tours in the United States and because of her interest—one she shared with her father—in the labor movement, Miss La Follette supported the formation of a union of actors. In 1913 she spoke as a supporter of Actors Equity at that organization's first meeting in New York's Little Theater. She also helped the Women's Trade Union League on a picket line in a garment workers dispute.

MOVED TO DISTRICT

She and her husband lived in a Greenwich Village walk-up apartment then, but moved to the Washington area in 1936. He was an expert on trade practices in the Justice Department.

Interested in the Progressive wing of Wisconsin's Republican Party which was headquartered in the governor's mansion when she lived there, Miss LaFollette and her husband contributed to the Progressive Party's campaign journal, "La Follette's Magazine." Her father was an unsuccessful third party candidate in the 1924 presidential election.

In 1908, when her father was leading the filibuster against the Aldrich-Vreeland emergency currency bill, she read proofs of a transcipt of his 19-hour speech.

Miss La Follette also aided her father during his filibuster against the iron ships bill in the months preceding United States entry into World War I. She was often by his side while the Senate Committee on Privileges

and Elections considered petitions for his expulsion from the Senate because of alleged anti-war statements.

WORKED ON BIOGRAPHY

Her mother, the former Belle Case, had completed 26 chapters—or what was to be one-fourth—of a biography of her husband before her death in 1931. Miss LaFollette came to Washington to begin her own research and writing, picking up her mother's account which had stopped in 1910. The two-volume biography was published in 1953.

Besides her sister she leaves two nephews, Bronson La Follette, a former attorney general of Wisconsin who was defeated in that state's 1968 gubernatorial election, and Joseph La Follette of Mamaroneck, N.Y.

GOVERNOR McKELDIN SPEAKS UP ON ENVIRONMENTAL PROBLEMS

Mr. MATHIAS. Mr. President, when Theodore R. McKeldin speaks on the issues of governmental action and inaction on environmental problems, he speaks from an experience of 8 years as mayor of Baltimore. What he says is important. It is a privilege to present a copy of his speech today delivered to the Environmental Council of the National Wildlife Federation and National Council of State Garden Clubs.

Mr. President, I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF HON. THEODORE R. MCKELDIN

If I were to follow the conventional pattern in discussing what women can do to better the urban environment I suppose I should go into a flowery description of your grace, your beauty, and your charm as powerful forces. I don't deny it. They are powerful forces, but if you want to get results in the present state of affairs I think you would do well to rely less on your grace, beauty, and charm than on your wrath, energy, and stubbornness. For the job in present circumstances is not to attract men, but to propel them, the glamour girl is attractive in social life, but the female nuisance is the one who gets results in the area of public affairs.

Let me assure you that this is not guesswork, it is the fruit of experience. I have served eight years as Mayor of a big city, and eight more as Governor of a state. You can tell me very little about bureaucrats that I have not learned by sad experience, but I can tell you something about bureaucrats that you may not know and perhaps will not believe. It is this: A very large proportion of them are abler and harder workers than the public believes. You can say of them what some cynic said of Calvin Coolidge when he was first nominated for Vice President: "like the singed cat, he is better than he looks." Many a city official is a singed cat—he has been given a job, but not the tools with which to do it, and the result is that he looks bad, much worse than he really is.

Specifically, in this matter of the urban environment—air pollution, water pollution, pollution of the streets and especially the alleys by litter and refuse, pollution of the parks by vandalism, pollution of the social atmosphere by the disorderly and the delinquent. For each of these there is a known remedy—I will not say a cure, but at least something that will afford some relief—but the remedy is not applied.

With all the talk about the ruin of the environment that has been going on and with the President of the United States taking the lead by his 37-point program that will require 23 legislative acts and 14 executive actions to be implemented without Congress, there isn't a local politician in the United States who doesn't know that an attack on pollution is a good campaign issue. Anything that has stirred up a lot of talk is a good campaign issue. I do not believe that in the whole country there is a single city with as many as 100,000 people that hasn't set up some kind of agency to deal with the problem—a department, a commission, a bureau, perhaps a single official, but some sort of agency to which the problem may be referred.

In other words, they have all made motions, but everybody who is at all acquainted with public affairs knows that between making motions and getting results there is a difference, a vast difference. In some cities, I have no doubt, the municipal agency set up to deal with pollution of the environment has become what is known in politics as a lame duck's roost—that is, a sinecure in which some political hack may spend the rest of his life drawing his breath and his salary and doing nothing else. All I can say is that a city that stands for that kind of thing deserves what it gets.

But not all—and, I think, not most—of them are like that. I know that in many cases, and I suspect in most cases, the head of the agency, or at least his chief assistant, is a man who has really studied the problem, and learned something about it. He knows what the remedies are and would be delighted to apply them, if he had the necessary money and men, but he has usually been given a small appropriation and a tiny staff, so the results he achieves are so small as to be practically invisible to the naked eye.

The reason that the necessary funds and people have not been supplied is very simple—the people who control the money, the Board of Estimates, the City Council, the Budget Bureau, or whatever it may be, are not convinced that the people demanding action are really serious. On the other hand, the people who are doing the polluting are very serious indeed in opposing action, because action would cost them money. When politicians are caught between people who are very determined, on one side, and people who are mildly interested but really don't care very much, on the other side, the politicians are going to satisfy the determined people, rather than the others. It's human nature, and you can't change it.

The recourse is to prove to the people who hold the purse-strings that you are just as determined as the other side. Prove that, and you have the advantage, for the people who are hurt by pollution vastly out-number those who profit by it, and where the numbers are, there are the votes. The polluters may have most of the money, and that counts a great deal, but when all is said and done a politician may survive without money—not very well, perhaps, but after a fashion—but if he cannot swing the votes, he is done for.

The lesson for women urban dwellers is plain. Organized demonstrations and indignation meetings are all very well, but what gets more action is a series of telephone calls to the agency supposed to abate that particular nuisance—say a smokestack that emits black clouds and scatters soot all over your doorsteps and window-sills. When the smoke began to pour out, if half a dozen women in the neighborhood picked up their telephones and voiced complaints, they would get action. If they all wrote letters to the local newspaper they would get action even faster.

You may say, "Yes, but I don't want to become a public pest by always calling in to complain." There is only one answer to that. It is the old adage dating back to the time when most Americans were farmers. It goes, "The wagon wheel that squeaks is the one that gets the grease."

But let me give you another tip. If the man in charge of the agency is not a lame duck, but a good man handicapped for lack of support, you won't make him mad. On the contrary, you are giving him ammunition. He can go to the Councilman from that district, saying, "See here, Mr. Councilman, every time that stack down in your district begins to pour out smoke, I get a dozen to twenty telephone calls from women down there, all as mad as wet hens, but I can't do anything because I haven't inspectors enough to catch the offender and haul him into court. But I advise you to do something to pacify that neighborhood, because they are really getting sore." That gives the Councilman a strong reason for voting for another inspector.

So it goes for all the other nuisances that make life a burden to decent people living in the city, such as clogged gutters, advertising posters glued to lamp-posts or nailed to trees, taverns that after midnight erupt a crowd of drunks yelling curses and obscenities in the street, gangs of hoodlums that roam around smashing anything ornamental from flower-beds to marble statues. If every such incident resulted in a flood of furious telephone calls and more furious letters to the editor, the official departments concerned would become wonderfully active.

To put it in more decorous language, public apathy more than anything else is responsible for the spoliation of our environment. We Americans are all too much inclined to accept the fable that George Washington made us forever free in 1776. George Washington didn't do anything of the kind. Washington only gave us the chance to be free if we have the will and the spirit to accept the chance. Each generation must accept or reject the chance that Washington gave it; that is our whole inheritance.

I forget the name of the sage who said it, but he told the truth in remarking that no nation has the best government it could have, but the worst it will tolerate. If we are so apathetic as to permit blind greed to destroy the environment, then we are not fit to live in a decent environment, and that's the bald fact. So while I yield to no man in my appreciation of the grace, beauty and charm of American womenhood, I am strongly of the opinion that the future of our nation depends less upon them than upon the American woman's spirit when she is aroused, for when her blood is up I rely on no government of mere men to oppose her. So if the urban women of America really want a decent environment they will get it, not because they are all sweetness and light but because—to misquote Barrie:

"Oh, there's gladness in her gladness when she's glad,
And there's sadness in her sadness when she's sad.
But the gladness in her gladness
And the sadness in her sadness
Are as nothing to the madness in her madness when she's mad!"

A SALUTE TO THE SMALL BUSINESSMAN

Mr. BIBLE. Mr. President, on February 20, 1950, the Senate debated and passed Senate Resolution 58 creating a permanent standing Select Committee on Small Business.

This Friday will be the 20th anniversary of that action, an appropriate time for an accounting of the past and a look at the future.

It is altogether fitting to place the brightest accolade where it belongs, and salute the 5½ million small businessmen and businesswomen in our 50 States. These are the millions of men and women

across this land who every month sign paychecks for about one-half of all jobholders, and who at the same time contribute approximately 40 percent of the country's business output.

The small businessman is the hard core of free enterprise and the heart of the American way of life. I believe I can state that the typical American small businessman is a hard-working individualist who pays his increased taxes, gripes as is his right to do; who writes to his Senator or Congressman when he needs help with a procrastinating governmental agency. He stands directly in the line of self-reliant men dating back 200 years who have played a vital role in making the United States the marvel of the business-industrial world and who have safeguarded its freedom and democratic institutions.

This committee's birthday back in 1950 seems a long time ago. The gross national product in that year was $284.8 billion; disposable personal income—in constant 1958 dollars—was $249.6 billion; and corporate profits after taxes were $24.8 billion.

Two decades later—based on the third quarter 1969 statistics—the gross national product had risen to $942.8 billion, disposable personal income stood at $514.1 billion, and corporate profits had increased to $50.2 billion. This constituted increases of 231 percent, 106 percent, and 102 percent, respectively.

The Nation's institutions may have changed their character even more than those figures indicate. We have been through two major wars, three recessions, 10 years of sustained prosperity, and an inflationary period.

ACCOMPLISHMENTS OF SMALL BUSINESS

Yet, through it all most small and independent businessmen have persisted. They have contended with swings in the economy, major shifts in Government policy, high taxes, tight money, and bad weather. The great majority have endured. Many have prospered.

For every man who has begun a business or preserved one during this period, there are groups of employees who have benefited through stability, a productive life, and a rising standard of living. Every city, town, and village across the Nation has benefited—not only in an economic sense from the money placed in circulation—but through the time, effort, and wisdom which the leaders of these local firms have brought to community activities and the solution of community problems.

Small entrepreneurs have formed what many authorities believe is the most dynamic element of our economy by quickening the rate of invention and innovation, and bringing new goods and services such as air conditioning, Polaroid cameras, the Xerox process, the self-winding wristwatch, the FM radio, and dacron polyester fiber into commercial production. It is estimated that small business now employs about 40 percent of the labor force and accounts for 46 percent of all business sales.

PUBLIC POLICY SHOULD KEEP PACE

I wish that I could be as proud of public policy in the small-business field as I am of this private activity.

It is interesting to note that the 1950 report of the Rules Committee which laid the basis for our select committee reflected that small business concerns may have enjoyed a greater role at that time—employing about 65 percent of commercial and industrial wage earners and producing 45 percent of the national output.

Concentration has grown greatly. By 1965 the top 100 companies held very nearly as great a share of productive assets as those held by the top 200 in 1950. America is in the midst of the wildest merger movement in modern industrial history. During 1969 merger activity increased 37.5 percent over the record 1968 figure with a total of 6,132 merger announcements recorded, involving assets of something over $8 billion. Government antitrust and tax policy bear a direct responsibility for these trends. The Tax Reform Act of 1969 takes one step to inhibit mergers which take undue advantage of the tax considerations, but I question whether this will be enough.

The small business programs of the Federal Government have periodically been neglected but they have never been more starved for funds than today. The fiscal year 1969 and 1970 money allowed for SBA loans stands at 58½ percent below the level recently authorized by the Congress.

In my opinion the tax reform legislation gave insufficient attention to small business needs, notably in such areas as failing to preserve a small business exemption to the investment tax credit and allowing a reasonable number of multiple surtax exemptions for the legitimate needs of family and independent firms.

In the field of transferring computer and space-age technology to small and independent business, the past year has seen sharp cutbacks and virtual elimination of several of the major Government programs for allowing small firms access to $150 billion of research and development which they and other taxpayers have financed.

While the country has taken some initiatives, it does not have an enviable record in making it possible for disadvantaged minorities to make up lost ground toward equality in business ownership and economic development.

The size of the financial effort in behalf of the overwhelming majority of small firms has been tiny and inadequate in comparison to the massive sums spent on programs in defense, space, and agriculture involving a very limited number of firms. As one example, about $100 million will be spent this year on transferring agricultural research to 3¼ million farmers. Perhaps 4 or 5 percent of this amount will be devoted to transferring industrial research to 5½ million small businessmen, and this total has been shrinking rather than expanding.

I am fearful that unless the Federal Government has a major change of heart, the small businessman who has been swimming against the tide may be overwhelmed in large numbers in the years ahead.

This committee is proud of its role in supporting the declared policy of the Congress in the Small Business Act that the Federal Government "aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise and strengthen the overall economy of the Nation."

Our committee will continue to do all it can to make this policy a reality.

In this worthy labor, the compliments of the committee are properly due elsewhere on this Small Business Anniversary Week. We offer a sincere tribute to the associations in Washington, D.C., who seek to protect the interests of the American small businessman. They are diligent and persuasive in that task. They have been helpful to our committee on innumerable occasions. They have been in the fight when the small business community needed them. Among these are the national organizations, the National Federation of Independent Business, the National Small Business Association, and the National Association of Small Business Investment Companies. And certainly the most dynamic, live-wire and capable regional organization is the Smaller Business Association of New England, headquartered in Boston, Mass. These organizations, their individual members, and their staffs assist tremendously in the mutual efforts to help the small businessman with his myriad of problems.

It is my hope that we can also have some additional help from around the legislative and executive branches, so that the American dream of economic independence will have as tangible a role in the future as have been its achievements of the past.

NIGERIA

Mr. BROOKE. Mr. President, I am privileged to have in my hand a most impressive letter which I have received from Maj. Gen. Yakubu Gowon, head of the Federal Military Government of Nigeria.

I believe this communication, as a whole, represents the best explanation I have yet seen of the official policy of the Nigerian Government toward the rehabilitation of its tragically war-torn land. It is the kind of communication which can only be written out of deep suffering, deep commitment, and deep faith. It is a statement which I believe deserves our highest respect, and one which I hope will merit our steadfast support as Nigeria and its people seek to achieve the admirable goals stated therein.

I ask unanimous consent that the full text of this communication be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUPREME HEADQUARTERS,
Lagos, Nigeria, January 31, 1970.

HON. EDWARD BROOKE,
U.S. Senator for Massachusetts,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: I received, with deep appreciation, your kind and encouraging message of 14th January, 1970, on the occasion of the conclusion of our painful civil war and the end of the rebellion in Nigeria. I and my colleagues in the Federal Government of Nigeria were particularly gratified by your message because of the high esteem in which you are held by all Nigerians, and

your unfailing, consistent and far-sighted advocacy of the true interests of the people of this country and of Africa as a whole. I am indeed grateful for your sincere and moving message.

As you know, we have fought this painful war simply to prevent the disintegration of our country and, above all, to assert the ability of the black man to develop and establish, here in Africa, a viable, progressive, prosperous modern state, which would contribute effectively to the process of ensuring respect and dignity for the African, and the black man everywhere. We have also fought the war always with an eye to the future reconciliation of the peoples of Nigeria and the over-riding need of achieving true and lasting unity among our people.

Now that the civil war is over, we have begun in earnest to devote our energies and efforts towards these ends. Our programmes for political and social reconstruction of the Nigerian polity were interrupted by the civil war which was precipitated by the intransigence and unreasonableness of the leadership of the secession. We will now return to those tasks, guiding ourselves by the lessons of our recent fratricidal conflict and always bearing in mind the need for real reconciliation, unity, equality and respect for the rights and obligations of all Nigerians.

Our task is, for the short term, somewhat complicated by the immediate pressing need to alleviate human suffering among the civilian population in the areas affected by the civil war. The Nigerian Government and people have given top priority to the urgent necessity of bringing food, medical aid, and other forms of assistance to our people so affected by the war. We are devoting as much of our resources and energies as possible to this effort, and we have received encouraging co-operation and offers of assistance from friendly Governments and peoples in different parts of the world. You will be aware that the President of the United States of America had generously made available to us equipments, medicaments, and other facilities needed for this programme. I should like to take this opportunity of indicating, once again, our sincere appreciation of this ready assistance from the Government of the United States of America.

As we apply ourselves to our nation's problems in the days ahead, whether short term humanitarian assistance to bring succour to our people or long term plans for rehabilitation and reconstruction of the country, it is comforting to know that we have friends like you, my dear Senator, on whose honest and sincere interest we can rely. For our part we are determined to make a success of our independence and our nation. It is our fervent determination to succeed and our sincere belief that, God helping us, we will.

With my very best wishes to you and your family,

Yours most sincerely,

Maj. Gen. YAKUBU GOWN,
Head of the Federal Military Government, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria.

THE HIGH COST OF THE VIETNAM MORATORIUM

Mr. DODD. Mr. President, yesterday, there came to my attention a copy of a letter to the editor dealing with the high cost of the Vietnam moratorium. The letter was written by Mr. C. C. Moseley, one of our leading businessmen who serves as president of the grand Central Industrial Centre.

In his letter, Mr. Moseley itemizes the cost of the moratorium to the taxpayers and to private business interests. He comes up with the finding that the moratorium cost the taxpayers more than $1.5 million, while it cost private business almost a quarter of a million dollars.

We are all in favor of the right of dissent and the right of peaceful assembly. But the Founding Fathers, when they wrote the Constitution, certainly did not intend that the taxpayers of our country would underwrite the costs of dissenting demonstrations to the tune of more than a million and a half dollars.

For it is difficult indeed to stretch the concept of peaceful assembly to cover a situation in which 606 people are injured and 361 arrested, while extensive damage is done to 20 Government buildings and 503 private buildings.

Mr. President, there is much food for thought in Mr. Moseley's letter to the editor, and I, therefore, ask unanimous consent that the complete letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GLENDALE, CALIF.,
February 13, 1970.

DEAR EDITOR: It is hoped that the "silent majority" will become less silent when events such as the following are disclosed—

The three-day Vietnam Moratorium in Washington, November, 1969, cost you, the taxpayers more than $1.5 million and cost private business interests an estimated $240,000. A summary of the Moratorium is as follows: 606 injured; 361 arrested; $240,000 damage to 503 private buildings; $10,000 damage to 20 government buildings; $6,000 damage to 76 law enforcement vehicles; $12,000 damage to parks; $936,088 military operation costs; $473,776 law enforcement overtime pay; $38,497 Department of Justice support personnel; $91,761 General Services Administration; $8,500 debris removal.

Let the "silent majority" became vocal in order that events like this Moratorium will be curtailed in the future.

Sincerely,

C. C. MOSELEY,
President.

(Sent to 1,800 newspapers.)

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. ALLOTT. Mr. President, it is a pleasure to join with other Members this week in paying tribute to the Lithuanian people.

This week we are marking the anniversary of the founding, 52 years ago, of the modern Republic of Lithuania. This was a high point in the long history of the Lithuanian people, who were first formed into a state more than 700 years ago.

Mr. President, this dangerous century has been especially unkind to the Lithuanian people. The freedom enjoyed by the Republic of Lithuania was short lived.

During the early days of World War II, Lithuania was caught in the pincer of collaboration between the Soviet Union and Nazi Germany.

Acting on the basis of secret agreements with their Nazi allies, the Soviets invaded Lithuania June 15, 1940. Thus was the light of liberty extinguished for a great people.

Mr. President, the United States has never recognized the Soviet Union's criminal annexation of Lithuania. We continue to recognize the independent Lithuanian Government, which maintains representation in Washington.

It is an honor to join with other Members and with the Lithuanian American community in reaffirming our support for freedom in Lithuania and in her sister Baltic States.

AN EXPERIMENTAL INCOME MAINTENANCE SYSTEM

Mr. HARRIS. Mr. President, I recently introduced the National Basic Income and Incentive Act. In the course of my remarks at that time, I alluded to preliminary findings of an experimental income maintenance system sponsored by the U.S. Office of Economic Opportunity in several New Jersey cities. These findings, I pointed out, make clear that the kind of program I have proposed would create and build individual initiative and incentive, while the present welfare system destroys initiative and traps people in poverty.

Today, the Office of Economic Opportunity released more details of the preliminary results of this 18-month experiment being conducted by the University of Wisconsin Institute for Research on Poverty, in conjunction with Mathematica, a Princeton, N.J., research firm. Among other things, the report concludes:

There is no evidence that work effort declined among those receiving income support payments. On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments.

Low income families receiving supplementary benefits tend to reduce borrowing, buy fewer items on credit, and purchase more of such consumer goods as furniture and appliances.

The family assistance program, excluding the day care program and work training provisions, can be administered at an annual cost per family of between $72 and $96. Similar costs for the current welfare system run between $200 and $300 annually per family.

NATIONAL MATERIALS POLICY

Mr. BOGGS. Mr. President, the Senate Subcommittee on Air and Water Pollution resumes this Friday its hearings on S. 2005, the proposed Resource Recovery Act, which I have had the honor to cosponsor. In addition, I have submitted an amendment to S. 2005 that would establish a National Commission on Materials Policy to examine and evaluate our national use of materials, emphasizing the need to develop knowledge to improve methods for recycling materials.

Harold Gershowitz, executive director of the National Solid Wastes Management Association, recently evaluated the bill and the amendment in a column appearing in Solid Wastes Management magazine. The article is entitled "Time for Serious Study of Recycling Is Now."

As we approach the reopening of these important hearings, I believe it would be valuable for Mr. Gershowitz' evaluation to be studied by all my colleagues. Therefore, I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Solid Wastes Management magazine, February 1970]

FROM WASHINGTON: TIME FOR SERIOUS STUDY OF RECYCLING IS NOW

(By Harold Gershowitz)

There is considerable discussion these days, in Washington and throughout the industry, about resource recovery as a national policy. Much of this dialogue represents new and fresh thinking that is meritorious.

As the National Academy of Engineering/National Academy of Sciences stated in their excellent report, *Policies For Solid Wastes Management*: "There can be no reasonable doubt that a major long-term objective of any wastes management system must be to return the value fractions of the resource inventory."

The report acknowledges that we will never achieve utopia with 100 percent recycling, but that major fractions can have utility value and, therefore, the time has come to begin studying the feasibility of such recovery.

It is recognized that "risk capital" or significant development funds will have to be made available and that hard-headed realism will be essential in attempting to eliminate those schemes which will ultimately fail. If we can cut through the barrage of commentary which would have us believe that America's solid wastes mix is a modern-day California gold rush waiting to happen, we will find considerable dialogue worthy of serious consideration and discussion.

A good example of such thinking might well be the Boggs amendment to S. 2005—The Resource Recovery Act of 1969, more commonly referred to as the Muskie Bill. Senator Boggs has proposed the creation of a National Commission on Materials Policy to be composed of qualified representatives from government *and the private sector*.

This commission could eliminate the parasitic wheel spinning of hair-brained recycling schemes. Further, it could provide the mechanism necessary to allow clear identification of where the true potential for resource recovery is, and to determine the feasibility of establishing national priorities and inventories for recycled materials.

Basically, the commission would have seven key objectives:

1. To make a determination of national and international materials requirements, priorities, and objectives, both current and future.

2. To make a determination of materials policy relationship to (a) national and international population size, and (b) the enhancement of environmental quality.

3. To determine recommended means for the extraction, development, and use of materials which are susceptible for recycling, reuse, or self-destruction, in order to enhance environmental quality and conserve materials.

4. To determine recommended opportunities and incentives for the operation of the free enterprise system in such a manner as to complement and further the national materials policy.

5. To make a determination of the means of exploiting existing scientific knowledge in the supply, use, recovery and disposal of materials, and encouraging further research and education in this field.

6. To determine a means to effect coordination and cooperation among Federal departments and agencies in materials usage so that such usage might best serve the national materials policy.

7. To make a determination of the feasibility and desirability of establishing computer inventories of national and international materials requirements, supplies and alternatives.

We believe points 3, 4 and 5 are of particular interest to our industry.

The Nixon Administration, thus far, is opposed to the Boggs proposal because they feel it would be duplicative of the President's Environmental Quality Council.

We have written to President Nixon and Secretary Finch of the Department of Health, Education and Welfare urging them to reconsider their position regarding the Boggs amendment. The proposed Commission, because of its orientation toward the involvement of private enterprise, can give the field of resource recovery that which it has lacked up to the present time. Through such national planning by private and public agencies, many of the problems plaguing resource recovery, such as the lack of price stabilization for recycled materials and highly speculative demand patterns, might be solvable.

In our study of resource recovery, we have spoken with many knowledgeable people. Among them have been representatives of the National Committee for Paper Stock Conservation, who report that of the 10 million tons of newsprint produced annually, only 23 percent is salvaged.

Aside from the excess space it occupies in a landfill, there is a viable market for most of the 77 percent of discarded newsprint. In communities where separation of the mix is possible, many contractors are salvaging the newsprint and even more are finding that corrugated paper offers profit potential.

However, since most recycling appears to be on a catch-as-catch-can basis, a national program to make this activity more economically feasible must be viewed as an opportunity with great potential. Of the 50 million tons of paper and paper products used in the U.S., approximately 80 percent is discarded. Because our industry, in effect, owns so much of the "load," from the point of collection to the point of disposal, we must look with sincere interest at any effort to economically convert any portions of it into viable raw materials.

While paper and paper products, and certain metals, now appear to offer the greatest potential for resource recovery, the National Academy of Engineering/National Academy of Sciences believes that the time has come for *practical study* of the feasibility of economically recycling glass, rubber and plastics. We agree.

In our planning for our 6th Annual International Equipment Show and Congress in San Francisco (June 4–7, 1970), we are studying the potential value of a shirt-sleeve workshop on resource recovery, in which those contractors who are making it work and making it pay would share their experiences with all registrants.

We are also exploring the value of a cooperative seminar with executives of the nation's secondary paper mills.

THE PRESIDENT'S FIRST YEAR—AS THE PRESS VIEWED IT

Mr. GRIFFIN. Mr. President, beginning in mid-December and continuing until late January, American newspapers presented a large number of editorials and columns evaluating the first year of the Nixon administration.

The overwhelming number of writers reflected favorably on the administration. Nearly all were pleased with actions in the foreign policy area. Also receiving considerable favorable comment was the change in the mood of the Nation—frequently attributed to the calm, low-key manner in which the President has handled his duties.

A large number of articles dealt with the President's own self-assurance and the way he was able to transfer his confidence to the public. This helped the President demonstrate that, indeed, the violence-racked America of the late sixties was capable of being governed. David Broder of the Washington Post felt this was President Nixon's major achievement: He had restored confidence in Government's ability to govern; the war was being wound down; civil conflict had markedly decreased—"the breaking of the President" had failed. The President showed his ability to keep in tune with "what the silent people think" and govern against the grain of the so-called best people.

John Knight, publisher of Knight Newspapers, put it this way:

> He has managed to convey to the people a favorable impression of competence and self-confidence in his ability to manage the nation . . . and has restored public confidence in the integrity of government . . . He conveys the impression of a man who is dealing fairly and frankly with the people.

Don Bacon of Newhouse Newspapers also found the President confident and in good spirits. His administration has jelled and has "taken the reins of Government firmly in hand." Decisions of late have had a more solid ring. Matthew Storin of the Boston Globe feels the President has "restored some degree of confidence in the national leadership." Storin and others again brought up the President's handling of his news conferences as the classic demonstration of his deep knowledge. Garnett Horner of the Washington Star said he "conveys a sense of knowing fully what he's doing when he makes a decision."

The Shreveport Times said the healing of the Nation, which partially occurred in 1969, is due "at least in part to President Nixon's strong moral and psychological leadership." Those who disagree that things are better off were instructed by the Wall Street Journal to "look at the Nixon administration's first year, and look at the one just before it; anyone who prefers the latter can have it. Under President Nixon, things have changed for the better." The Richmond Times-Dispatch also suggested a look back: Consider how bad it was; the constant exhortations; the violence. But now there is some rest for the Nation. Of course there have been mistakes but "remember how far behind we were when President Nixon took over."

Ray McHugh of Copley News Service wrote that the "crisis and tension" that gripped the Nation under L. B. J. have subsided, and in good part due to the President's "very efficient, very business-like and extremely calm" leadership.

Robert Baskin of the Dallas News echoed a familiar theme: The President shows "immense confidence. He acts like a man who is in command fully and knows it." Ted Lewis of the New York Daily News agreed that the President has a firm grip on the office. Moreover, he handles it "as if it was one he always wanted and one that he believed he could succeed in with full devotion to duty." Lewis went on to say that Mr. Nixon "acts as if the most responsible job in the world is incapable of dis-

turbing the even tenor of his normal ways." Walter Trohan, writing in the Chicago Tribune, said the Nation's improved status is reflected in the President, "who is thoroughly relaxed and obviously confident." Martin Nolan of the Boston Globe feels the President's conduct of his news conference gives him every reason to be confident.

The Dallas News wrote that the new captain of the ship of state has righted the capsized craft. "As of now the Nation is so vastly more at ease and more closely knit than at any time since the first months of L. B. J." The Texas paper agreed with several journals that felt much of the President's success was due to his willingness to explain and the care he displayed in explaining his policies to the public. James Batten of Knight Newspapers said that "without question, 1969 saw a cooling off of the Nation's passions, a draining of vitriol out of the national nervous system."

William R. Hearst, Jr., as did many others, said there has been marked evidence of lowered voices and lessened tensions. Much of the Nation's calm is due to Vietnamization but Hearst said President Nixon's personal style is most responsible. The Los Angeles Examiner said there is "a refreshing change in the national mood—and by and large it is the personal achievement of a cautious executive and his carefully calculated programs. He is sure of where he is going." John Carroll of the Baltimore Sun suggested the critics realize what was the first priority of the administration. It was both modest and ambitious as it seeks to get us to sleep off the traumas of recent years, slow the pace, lower the decibel level and simultaneously through hard work, take "positive steps to restore the public's faith in American institutions."

Reflecting an opinion seen elsewhere, David Lawrence wrote that "President Nixon has interpreted with a remarkable accuracy the mood of public opinion in America." The Los Angeles Times said "his low-key approach is in keeping with the public mood." Similarly Walter Trohan, writing in the Chicago Tribune, said, "President Nixon seems to have an intuitive knowledge of the public mood." Lou Harris studied his surveys and came to the same conclusion: "President Nixon has demonstrated a capacity to evoke from the people a sustained positive reaction—He has established a reservoir of good will has bought time in which to find answers to Vietnam and inflation." The Wall Street Journal said President Nixon had cut a "wide swath up the middle" of American opinion as he made notable progress in healing the Nation.

Several evaluations commented that the low voices, and the avoidance of playing for the spectacular may have caused the public to miss some of the administration's domestic and foreign moves. Garnett Horner said reform measures do not make headlines, "but they can have long-range effects of major importance." The San Francisco Chronicle felt the budget cutback at DOD; SALT; China initiatives; overpopulation message were some of the steps taken which did not receive as much attention as they should have. On foreign policy, the Chronicle said the administration was "quite masterly in its careful approach."

Melvin Whiteleather wrote in the Philadelphia Evening Bulletin that the new U.S. style in foreign policy "fits the domestic as well as the foreign mood and that gives it double marks for political astuteness. The free world has regained enough strength and national pride to require partnership from us rather than tutelage. All in all," continued the Bulletin's foreign affairs writer, "under the slogan of 'negotiation rather than confrontation,' it has not been a bad first year. The new crew has changed the atmosphere for the better at home and abroad and some thick ice has either been broken or cracked."

Ernest Furgurson of the Baltimore Sun said, "Judge President Nixon's foreign record alone. It is impressive. He has performed with high skill." Murray Marder of the Washington Post noted 1969 was a year free of foreign crises involving the United States.

Joseph C. Harsch wrote in the Christion Science Monitor that the President has done well where least expected—getting along with the Russians. Certainly he has had some fortuitous breaks, "yet it is also true that the dialog which has picked up between the two main world capitals during the year has been well handled at the Washington end." Harsch said that not since 1917 "has there been such easy and serious talk" between Moscow and Washington.

The Buffalo Courier-Express saw the end of U.S. indifference to Western Europe as the highlight of Nixon foreign policy. Michael Padev of the Arizona Republic agreed as he noted the United States is far better off throughout the world than a year ago—but the positive results and the better understanding are most important in Europe. "The era of negotiations is off to a very good start."

L. Edgar Prina in the Copley papers wrote that the cross of Vietnam which hung heavy around L. B. J.'s neck has become much lighter under Richard Nixon. Alsop feels that the setback given to the peace movement by President Nixon has been underrated. The President showed his "iron self-discipline and long-headed calculation." He has, in the course of his first year, "gotten precisely what he wanted." The President has succeeded on the Vietnam front "by long patience, by careful timing, by shrewd judgment of voters' views and by hitting pretty hard when he thought the right time had come." James McCartney of Knight Newspapers said President Nixon's big crisis in 1969 came during October and November. "But in classic Nixonesque form—in the way of the master counterpuncher—President Nixon has stood his ground and fought back." He retains his comeback touch and is fully "brimming with a sense of accomplishment and confidence." He called the demonstrators' bluff in November: " 'You're for the President's plan,' he said, 'or you're for a bug-out.' " Lou Harris called the Vietnam speech "the singular success" of other key virtuoso performances at decisive moments last year.

Nick Thimmesch of Newsday called it "one of the best 'consensus' speeches ever heard." Crosby Noyes said the President had disarmed his most dangerous opposition without changing his main policies.

Overall, Thimmesch found the first year showed a President who was "low-key and middle-of-the-road to progressive." Nixon has taken a centrist position and stressed "a sense of management and consolidation in government."

William Theis, of the Hearst Newspapers, wrote that "the pragmatic President can find much of his hope in the measure of his accomplishments. It was not an insignificant record."

Expressing a view similar to many papers, the Los Angeles Times said tax reform and the draft lottery may have been the only major domestic legislation passed, but proposals for welfare, revenue-sharing, mass transit, hunger, airport and airways modernization are the "most ambitious programs ever to come from the White House in those areas."

James Dickinson of the National Observer noted that administration critics often charge there has only been window dressing. But there have been "substantial accomplishments" in addition to the end of "crisis government" and foreign policy moves. Welfare, mass transit, the draft and passage of the Philadelphia plan through an "impressive show of political know-how and muscle" are all impressive efforts as the reduction of the gap between promise and delivery. "Even in defeat, the President displayed a remarkable flexibility and ability to put the best on setbacks."

Reg Murphy of the Atlanta Constitution challenged those who feel the Nation needs an inspirational, charismatic leader. President Nixon has given us breathing time. He wound down the war; promulgated a sane chemical and biological warfare policy and pushed for tax, draft and welfare reform. Additionally, he has talked with "modulation."

Looking at the President's accomplishments on Vietnam, restoring respect for law and order, tax reform, draft, and so forth, the Tampa Tribune concluded President Nixon has already shown himself to be a more effective President than either Ike or J. F. K. The Associated Press' Don McLeod said "the record shows he has systematically set about implementing much of the program he outlined in the campaign. President Nixon is doing pretty much what candidate Nixon said he would do."

The Detroit Free Press declined to join the liberal critics who criticized the action at home. "If President Nixon fares as well during his second year, he will be extraordinarily lucky, skillful, or both." Roscoe Drummond said the score card cannot be filled in yet but there have been "healthy beginnings."

James Jacobson wrote in the Birmingham News that "the way President Nixon is hitting the ball has his aides as confident as it has his opponents unnerved." Jacobson noted a poll in North Carolina giving the President 81 percent support. Kraft feels the President has the political

high ground on the inflation issue and Godfrey Sperling writes that the Democrats are well aware of his power and see him far more formidable for 1972. John Finney of the New York Times says the administration spent last year preempting issues from the Democrats in a shrewd way. It has now succeeded in "taking away or neutralizing every issue that might be exploited by the Democrats." Vietnam, pollution, inflation, crime and, shrewdest of all, welfare have all been siphoned away. "Almost in desperation, the Democrats have fallen back on the nebulous issue of 'national priorities.'"

Mr. President, comment in the foreign press also has been generally favorable toward the President's first year.

There was widespread praise for President Nixon's handling of Vietnam. They were also more likely to focus on the continuing crime rise than did U.S. first-year evaluations. The London Financial Times stressed the President's preeminent political position—a position he achieved by making the popular issues his own in a performance "little short of masterful." Neue Rhein Zeitung of Cologne felt the fact that the change in Vietnam policy was achieved "without losing the confidence of the U.S. Asian allies" represented the most important achievement. The independent and prestigious Corriere della Sera of Milan found the Nixon political base "to be very solid" and a result of the fact that President Nixon "has always maneuvered to occupy the center."

The London Times said the President was "beginning his second year in a much stronger position than could have been predicted a few months ago." The Times also said that early expectations had proven false: "In spite of the cautious facade, Mr. Nixon has proved to be a daring President." Il Tempo of Rome asserted that it is "a political miracle that the United States seems more tranquil, more confident that peace will be reestablished, and more aware" of problems ahead. New Zealand's Christchurch Press declared that "President Nixon has shown a keen sense of the possible."

Le Monde, in line with other similar expressions, said that major problems remained unsolved—except perhaps Franco-United States relations—but that President Nixon had presided over a year of relative quiet in the ghettos and "a certain diminution of student unrest." Aurore of Paris saw realism dominating the Nixon first year. Stampa of Turin said "the administration has succeeded as the tranquilizer the man in the street really needed."

Mr. President, here in Washington it is often difficult to see the forest because of the trees. It is those a little removed from direct contact with the Federal Government and the national administration who often get the best perspective.

If this is true, then the view from the country overlooking the first Nixon year is indeed an inspiring one.

JOE EISENHAUER'S NOTEBOOK

Mr. MATHIAS. Mr. President, the local column is a well-read staple of the American newspaper. An example of the many fine columns providing entertainment and enlightenment to millions of readers is that of Joe Eisenhauer of the Frederick, Md., Post. Mr. Eisenhauer's column has appeared regularly in the Post for many years and is a reading fixture for thousands of Post subscribers.

Mr. President, I ask unanimous consent that a recent example of his column, including pertinent comments on fathers, security, and weather signs, be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

JOE EISENHAUER'S NOTEBOOK

"I pass through this world but once. Any good therefore that I can do . . . let me do it now. For I shall not pass this way again."

HEAD OF THE HOUSEHOLD

I have a sneaking suspicion that homes would be happier, children would be better behaved and easier to live with, and fewer wives would become widows in their fifties or sixties, if we would put Dad back at the head of the household—where he belongs.

After all, isn't a home that revolves about the breadwinner a more normal environment for children than a home that revolves around the kids themselves?

Isn't it a better place for them to learn obedience, consideration for the rights of others, and the necessity for contributing to the family, instead of always taking, and giving nothing in return?

And, if Dad is head man and has the final say on important decisions, isn't a family less likely to have the "gimmes" that Dad has to go in debt to satisfy?

And since women are outliving men, isn't that an indication that families should make a special effort to pamper Dad a bit more—by seeing that his rest comes before anything else, that he may need a vacation more than the children need summer camp, that if there is an able-bodied boy in the family, Dad shouldn't be pushing a lawn mower?

Women were once smart enough to put enough value on their husband's health and happiness to see that family life was tailored to a man's needs.

But, somehow, Dad got dethroned and the kids became the most important members of the family. Their demands and their monetary happiness became all important. Since that hasn't made for a happy family life, why not try putting Dad back as the head of the family and seeing if the whole family isn't better off?

NATURE OFFERS NO SECURITY

People who look to governments for "security," and administrations which glibly promise it, are seeking that which never has been granted to human kind. Man was promised his living by the sweat of his brow, and where he wastes his substance he will want in spite of all human devices to render it otherwise. Nowhere in her system does nature offer security to anyone or anything. Her way is the law of change and succession, or replacement and fulfillment; but never the unalterable, the fixed, or the guaranteed.

It is defeatism in the individual to seek "security" in living, a misunderstanding of the function of life itself. It was not so that the pioneers of this land lived, when there were few governments to do things for them. They met the wilderness on its own terms, and pushed it back. Men and women worked together to found their homes, raise their children, and wrest a competence from what the land had to offer them. They helped one another. They had time for worship, and over man they knew there was God.

Something happens to the human entity when "security" becomes such a constant cry in men's throats. It is a second-rate vision, a turning away from the challenge which is life. To each was given various talents, but to all the richness of earth and what it will produce. Society takes a step in the wrong direction when it turns itself back upon that.

Our age is a pioneering one, and to each is offered widening chances of development. It is a neglect of self-development to seek security without having earned it, to attempt to reap without having sown. No government can produce what people don't in themselves create.

SIGNS OF RAIN

All weather signs fail at times, but this does not indicate that the signs are useless, but merely that some other causes have overcome these signs. Here are some fair weather signs:

When the sun sets in a sea of glory, that is, when the sunset sky is red, you may expect clear weather on the morrow.

Watch the smoke from your campfire or chimney. If it rises high, it means clear weather. The smoke also shows the direction of the wind, as will a flag.

A gray early morning, not a heavy cloudy one, promises a fair day ahead.

A heavy dew at night is seldom followed by rain the next day. Think of it this way: wet feet, dry head.

Spiders are good weather prophets. If they make new webs, the weather will continue fine. If they continue during a shower, the weather will soon clear.

Signs of rain:

If the sky is red at sunrise, you may expect several hard tempestuous showers.

If there is a ring around the moon, do not count on continued fair weather. Rain is likely in a day or two.

When the blue sky begins to bell itself in a light gray mist, you may know that rain is forming overhead and will soon fall.

When the leaves of the white poplar show their silver lining, look out for rain.

When the campfire smoke hangs low, or is driven to the ground by the wind, you may expect unpleasant weather.

A brilliant atmosphere so clear it seems to bring faraway objects quite near, betokens wet weather. The saying is—the farther the sight the nearer the rain.

Learn this old rhyme:

"Evening red and morning gray
Sends the traveller on his way.
Evening gray and morning red
Brings down rain upon his head."

REFORM OF OUR NATIONAL PETROLEUM POLICIES

Mr. BROOKE. Mr. President, for too long the people of Massachusetts and, indeed, of the entire United States, have been forced to pay exorbitant prices for a product which, for most of us, is not a luxury, but a necessity. I refer to oil—oil to heat homes, schools, and hospitals, to run tractors, and to power automobiles.

The present system of oil import quota controls depends for its legal justification on the concept of national security. That justification is used, in effect, to exempt the oil industry—one of the most powerful and prosperous industries in

the country—from the normal competitive market in which all other private industries most function. Yet, in its effort to dissuade President Nixon from accepting the recommendations which have been proposed by a majority of the Cabinet Task Force on Oil Import Control, the oil industry has not addressed itself to the national security issue.

Mr. President, I should like to outline a few of the worst examples of the arguments for continued reliance on oil import quotas so that all can see just how weak they are. The one argument that has been raised most frequently during the last few weeks is that any kind of tariff plan, such as that apparently approved by the task force, must be rejected because it would amount to "massive intervention in the marketplace designed to establish Government control over oil prices." Massive intervention in what marketplace?

The answer, of course, is that the industry is referring to the present "market" structure for oil; and that is, in reality, no marketplace at all since normal economics of supply and demand do not exist. Worse than that, the present market structure for oil is devoid of competition. State prorationing and import quota controls result in a completely protected market, with no competition here at home, and no competition from potential foreign supplies. The giant oil firms have, in short, what must seem to them a perfect marketplace—one with an artificially high price base and with no significant competition allowed to bring these high prices down. This, then, is the marketplace that the oil industry does not want the Government to tamper with. It is a restrictive system that guarantees the industry billions in profits each year. And consumers who bear the exorbitant oil prices have no chance for relief. No new competitors who might, under ordinary economic circumstances be expected to win a share of the marketplace by cutting prices are allowed entry into this tight, Government-controlled oil market.

In testifying before Senator HART'S Antitrust Subcommittee last spring the acting president of Michigan State summed up this so-called oil marketplace best when he referred to it as nothing less than a Government sponsored and protected monopoly.

Now, how would a tariff system change all this? As I understand it, a very high tariff would be imposed on imports of foreign crude oil. After a transition period, a company wishing to import could do so by paying a tariff. In other words, assuming the tariff were not set so high as to prohibit imports, there would be left a small area of competition. Again, I understand the tariff level would be very high—well over 100 percent of the f.o.b. value of the foreign crude oil. Yet, even at that level, an element of competition would be introduced into the oil market because our own domestic prices are kept at such artificially high levels. So we see that the oil industry fears not massive intervention but the slight touch of competition which would be introduced into the neatly ordered world of oil.

Still a third argument against change is that the proposed tariff system will so damage the domestic oil industry that certain States' revenue from oil will be sharply curbed, thereby undermining education and other vital functions financed by such revenue. Advocates of the petroleum status quo in one Western State, for example, have pointed out that 44 percent of State revenue comes from the oil industry. I do not quarrel with such a figure; I merely say that it is irrelevant to the national security basis for the present control system.

In addition, it seems quite clear that the main revenue that might be reduced under a tariff system is the revenue from very high cost, so-called stripper well production. Now, in a Rocky Mountain State which produces some 145 million barrels of oil annually, only 3 percent is produced by stripper wells, according to the Independent Petroleum Association of America. It is possible that the inefficient stripper wells might be phased out under a tariff program, but the net damage would be modest indeed. And let us consider the benefits to those States. According to a recent analysis submitted to task force by the Office of Emergency Preparedness, the cost of the present program for each and every Wyoming citizen runs about $62 per year per person—the highest per capita cost in the country. Thus, the tariff proposals, or any other system designed to reduce oil prices will have, on balance, a positive impact on the average citizen even in oil-producing States like Wyoming. My point is that unless a majority of citizens in Wyoming own oil wells, a lot more people from that State are going to be helped than hurt by the proposed changes.

Mr. President, these are but a few of the arguments that have been made in recent weeks by the oil industry. President Nixon has been bombarded with this kind of irrelevant material, but I am confident that he will not be taken in and that he will not give in to such emotional pressures.

Finally, Mr. President, let me say this to the oil industry. The industry has pulled out all the stops in an effort to prevent the creation of a more equitable and rational oil-import program. If it succeeds in preventing relief, the industry ought to know that those of us who have fought this battle to win lower prices for our constituents will not sit idly by. There will be new challenges to the present system. Ultimately, the oil industry cannot win in this fight. The public interest demands change and change will surely come.

ABA STANDING COMMITTEE ON WORLD ORDER UNDER LAW RECOMMENDS RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a few weeks ago I brought to the attention of my colleagues the fact that the report of the ABA section of individual rights and responsibilities recommended that the United States ratify the Convention on the Prevention and Punishment of the Crime of Genocide. As I have mentioned previously, the American Bar Association was the only major body that had raised any objections to ratification of the convention—and these on constitutional grounds.

You will be glad to learn, I am sure, that the ABA standing committee on world order under law, the chairman of which is Nicholas DeB. Katzenbach, has unanimously made the same recommendation. The section of criminal law is presently polling the members of its council, and the council of the section of international and comparative law will meet and act in Atlanta prior to the sessions of the board of governors of the house of delegates, so that those bodies will have the advantage of the views of both of the other sections.

I am hopeful that action will be taken by the ABA house of delegates at their annual meeting this weekend of February 21 to urge approval of the ratification of the Genocide Convention. And I urge that the Senate of the United States act to ratify the Genocide Convention.

LITHUANIAN INDEPENDENCE DAY

Mr. TOWER. Mr. President, Monday was Lithuanian Independence Day. Over 700 years ago Lithuania emerged as a unified state, but in 1795 she fell under czarist domination. On February 16, 1918, Lithuania declared her independence from Russia. Independence day, however, is not an occasion for joyous celebration in Lithuania for in 1940 Soviet troops invaded and occupied the small republic and today, 30 years later, she remains a captive of the Soviet Union.

Lithuanian independence was short lived, but the Lithuanian people have not abandoned hope. Active resistance has been subdued, but proud Lithuanians continue to resist Soviet domination passively.

The United States has never recognized the Soviet rule in Lithuania. The Russian domination of the Baltic States is unconscionable tyranny; the calculated and callous effort to deprive a proud people with a rich history and cultural heritage of their right to self-determination and the free pursuit of their national aspirations cannot be described otherwise. Recognizing this, the U.S. Congress passed a resolution in 1966 urging the President to bring the focus of world opinion upon the plight of the captive nations of the Baltic. On the occasion of Lithuanian Independence Day, it is appropriate for us to reaffirm our concern for these peoples that they may take heart from the realization that the free peoples of the world are sympathetic with their desire for freedom and self-determination.

THE BIG SOUTH FORK OF THE CUMBERLAND RIVER

Mr. GORE. Mr. President, I have today for the first time seen the maps and re-

ports on the Big South Fork of the Cumberland River, lying and being in Tennessee and Kentucky, which has been transmitted to Congress by Secretary of the Interior, Walter J. Hickel. This report was in response to a provision of law, section 218 of the 1968 Rivers and Harbors Act, proposed by the distinguished senior Senator from Kentucky (Mr. COOPER).

The acreages involved in the respective plans with which the report deals far exceed anything that I had contemplated in suggestions and proposals I had theretofore made for the establishment of a national park in the gorges of this stream. The plan for a scenic river involves the taking of only 9,800 acres, which more nearly approximates what I had been thinking of, but for a national park the report envisions the taking of 116,800 acres, possibly more if private recreational areas on maps are included. A national recreation area would involve the taking of even more, 164,800.

It appears from the maps of the report that either of these two larger takings might involve some tracts or parts of tracts of timberland owned by a Tennessee corporation in which my son and my daughter are minority stockholders, each holding a one-eighth stock interest in the corporation. I have no way of knowing what effect adoption of either plan would have on said property, whether advantageous or disadvantageous.

Because of the above circumstances, I feel it proper to recuse myself, and I do hereby recuse myself, from any further participation in conferences, advocacy, or voting or otherwise participating in the determination, pro or con, of the use of these resources. My colleagues of House and Senate from both Kentucky and Tennessee are hereby so advised.

PROPOSED AMENDMENT TO THE AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND NORWAY CONCERNING CIVIL USES OF ATOMIC ENERGY

Mr. GORE. Mr. President, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise the Senate that an amendment to the agreement for cooperation with Norway has been placed before the Joint Committee in compliance with section 123(c) of the Atomic Energy Act of 1954 as amended. That act requires that such agreements lie before the Joint Committee for a period of 30 days while Congress is in session before becoming effective. The purpose of the amendment is to provide for the transfer of uranium enriched in the isotope U^{233} for use as fuel. The amendment to the agreement was forwarded to the Joint Committee by letter dated February 4, 1970. The committee is, of course, reviewing this amendment at present.

Mr. President, in keeping with the practice of the Joint Committee of including such agreements for cooperation in the CONGRESSIONAL RECORD, I ask unanimous consent to have printed in the RECORD the text of the proposed amendment to the Agreement for Cooperation With Norway together with supporting correspondence.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., February 4, 1970.

Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States

DEAR MR. HOLIFIELD: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter copies of the following:

a. a proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy;"

b. a letter from the Commission to the President recommending approval of the amendment; and

c. a letter from the President to the Commission conteining his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the amendment and authorizing its execution.

The amendment has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. Its purpose is to provide for the transfer of uranium enriched in the isotope U-233 for use as fuel. The proposed net ceiling quantity of U-233 which may be so transferred to Norway during the period of the Agreement for Cooperation is ten kilograms.

As the Committee is aware, an immediate use of U-233 as fuel under our agreement with Norway will be in connection with the experimental program at the Halden Reactor, the U-233 deriving from a portion of the Elk River core to be reprocessed at the Italian PCUT facility.

The amendment will enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force.

Cordially,

GLENN T. SEABORG,
Chairman.

US. ATOMIC ENERGY COMMISSION,
Washington, D.C., August 12, 1969.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed is a proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy," which has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. The Atomic Energy Commission recommends you approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The amendment would provide for the transfer of uranium enriched in the isotope U-233 (in addition to U-235) for use as fuel, and the proposed net ceiling quantity of U-233 which could be so transferred to Norway during the period of the Agreement for Cooperation would be ten kilograms. This provision is desired in connection with the experimental program of the Halden Boiling Heavy Water Reactor, built by Norway and operated as a project of the European Nuclear Energy Agency of the Organization for Economic Cooperation and Development.

The immediate purpose of the amendment is to permit fuel elements containing U-233 of United States origin to be test irradiated in the Halden Reactor. Under arrangements between the U.S. Atomic Energy Commission and the Italian National Nuclear Energy Committee, fuel elements from the United States' Elk River Reactor are to be reprocessed at the experimental uraniathoria fuel cycle facility (POUT) at Rotondella, Italy. Part of the U-233 thus recovered is to be fabricated into fuel elements for the Halden Reactor.

Following your approval, determination, and authorization, the proposed amendment will be executed by appropriate authorities of the United States of America and Norway. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, this amendment will be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

GLENN T. SEABORG,
Chairman.

THE WHITE HOUSE,
Washington, D.C., September 22, 1969.

Hon. GLENN T. SEABORG,
Chairman, Atomic Energy Commission, Washington, D.C.

DEAR DR. SEABORG: I have reviewed the proposed Amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy" which you submitted for my approval with your letter of August 12, 1969.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

a. Approve the proposed Amendment, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America; and

b. Authorize the execution of the proposed Amendment on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

Sincerely,

RICHARD NIXON.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF NORWAY CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of Norway,

Desiring to amend the "Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy" signed at Washington on May 4, 1967 (hereinafter referred to as the "Agreement for Cooperation"),

Agree as follows:

ARTICLE I

Article VIII of the Agreement for Cooperation is amended by adding the following new paragraph:

"L. As may be agreed, the Commission will transfer to the Government of Norway or to

authorized persons under its jurisdiction uranium enriched in the isotope U–233 for use as fuel in reactors and reactor experiments. The terms and conditions of each transfer shall be agreed upon in advance, it being understood that the quantity of U–233 contained in uranium enriched in the isotope U–233 transferred to Norway under this Article during the period of this Agreement shall not exceed a net amount of 10 kilograms. The net amount of U–233 shall be the gross quantity transferred to the Government of Norway or authorized persons under its jurisdiction less the quantity which has been returned to the United States of America or transferred to any other nation or group of nations with the agreement of the Government of the United States of America pursuant to this Agreement."

ARTICLE II

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this twenty-third day of December, 1969.

For the Government of the United States of America:

MARGARET JOY TIBBETTS,
Deputy Assistant Secretary for European Affairs, Department of State.
GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission.

For the Government of Norway:

ARNE GUNNEG,
Ambassador E. and P. Embassy of Norway.

Certified to be a true copy:

BARBARA H. THOMAS.

IMPACT AID COMPARISONS

Mr. MONTOYA. Mr. President, I have just received from the Office of Education a table which I had asked be prepared contrasting the impacted area aid received under Public Law 874 which would be received by congressional districts under the vetoed H.R. 13111, the April HEW budget figures and the "compromise" amount contained in the February 2, 1970, estimates. I know it can be helpful to my colleagues and of interest to their constituents.

I ask unanimous consent that the table to which I have referred be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IMPACTED AREA AID, FISCAL YEAR 1970, BY STATE AND CONGRESSIONAL DISTRICT—EXCLUDES SECTION 6 PAYMENTS FOR FEDERALLY OPERATED SCHOOLS

IMPACTED AREA AID, FISCAL YEAR 1970

State and district	HEW budget	Conference agreement	President's Feb. 2, 1970, proposal
Alabama:			
1st	$64,890	$814,360	$484,640
2d	168,538	1,246,148	779,826
3d	235,067	1,818,570	1,253,634
4th	101,067	1,262,254	751,785
5th	6,917	142,926	82,862
7th		288,585	160,325
8th	262,547	3,674,740	2,436,738
6th, and part of 4 and 5		201,579	111,988
State total	839,026	9,449,162	6,061,798
Alaska:			
At large	14,964,118	17,225,911	17,054,651
Arizona:			
1st	281,011	979,932	684,910
2d	2,005,182	4,666,429	3,631,285
3d	3,852,186	4,075,817	4,192,144
Part of 1st and 3d	546,846	1,022,593	841,526
State total	6,685,225	10,744,771	9,349,864
Arkansas:			
1st	341,012	423,752	403,917
2d	595,946	1,601,752	1,189,656
3d	12,245	557,553	304,413
4th	12,581	622,414	348,754
State total	961,784	3,205,471	2,246,740
California:			
1st	978,801	2,434,470	1,852,600
2d	551,152	2,701,479	1,906,067
3d	1,065,110	6,449,654	4,176,120
4th	3,334,145	5,438,712	4,703,303
5th and 6th	826,410	1,971,047	1,523,423
7th		289,428	160,793
8th	647,746	1,441,602	1,124,763
9th	15,613	1,333,916	748,870
10th	230,179	1,752,954	1,088,951
11th	5,786	764,292	427,498
12th	2,810,131	4,516,543	3,915,016
13th	2,650,171	7,644,946	5,727,608
14th	102,528	2,147,636	1,244,394
15th		1,476,537	839,684
16th	460,444	961,556	764,418
17th		40,281	22,378
18th	2,849,183	2,981,041	3,090,154
19th		345,017	191,676
20th		81,714	45,396
23d		723,202	401,779
24th		507,147	281,748
25th	6,286	341,799	215,074
27th	21,928	1,405,144	815,542
28th	3,706	400,665	224,444
31st	3,469	86,112	49,574
32d	760,115	1,903,151	1,437,363
33d	1,496,508	5,347,534	3,719,101
34th	8,951	1,785,346	1,044,907
35th	1,689,711	6,852,782	4,939,507
36th	282,015	1,072,942	742,012
37th	18,217	3,322,795	1,978,244
38th	818,576	2,627,370	1,912,956
1st and 6th (parts of)	26,553	346,968	206,036
35th, 36th, 37th (parts of)	4,853	31,302	19,816
13th, 17th, 20th, 21st, 22d, 24th, and 26th through 31st (parts of)	499,469	4,641,607	2,828,405
7th, 8th, and 9th (parts of)		425,619	236,455
15th and 16th (parts of)		270,788	154,757
9th and 10th (parts of)		20,608	54,868
36th and 37th (parts of)	2,342,112	7,024,299	5,073,444
34th and 35th (parts of)	2,285	410,516	229,206
19th and 20th (parts of)	$8,647	$116,365	$68,970
17th, 21st, 23d, and 32d		45,277	25,154
17th and 31st		38,563	21,424
17th and 28th		319,817	177,676
8th and 9th	823	1,393,593	774,629
7th and 8th	63,412	1,424,537	823,115
State total	24,623,797	87,656,673	62,009,318
Colorado:			
2d	152,443	4,614,745	2,688,381
3d	2,466,772	8,756,865	6,387,377
4th	510,380	1,743,946	1,238,385
State total	3,129,595	15,115,556	10,314,143
Connecticut:			
1st		196,392	109,106
2d	1,396,159	2,324,690	1,989,570
3d	15,828	641,381	364,235
4th		196,323	109,068
5th	6,942	254,879	145,069
6th		205,135	113,963
State total	1,418,929	3,818,800	2,831,011
Delaware: At large	9,477	858,524	537,755
District of Columbia	295,481	6,354,466	3,677,999
Florida:			
1st	1,436,230	5,471,986	4,092,755
2d	101,311	768,323	520,030
3d	445,636	2,237,036	1,465,613
4th		550,145	305,636
5th	1,011,447	6,624,814	3,791,515
6th	352,933	1,145,858	813,053
8th	1,323	601,907	335,053
9th	31,783	42,162	39,314
10th	17,216	85,816	56,283
12th	734,670	1,000,743	923,303
11th and parts of 12th	593,960	1,448,151	1,103,508
State total	4,726,509	19,976,941	13,446,063
Georgia:			
1st	251,621	1,032,100	686,660
2d	405,905	924,622	711,243
3d	244,338	3,913,279	2,550,682
4th		596,839	331,577
6th	57,607	1,360,843	784,827
7th	9,932	2,411,645	1,357,379
8th	163,849	748,641	497,833
9th		197,853	109,918
10th	143,027	1,796,779	1,104,844
4th and 5th (parts of)	36,419	1,397,644	794,678
State total	1,312,698	14,380,245	8,929,641
Hawaii: At large	5,891,613	11,134,560	9,131,673
Idaho:			
1st	735,391	1,812,220	1,396,662
2d	278,148	1,354,795	892,320
State total	1,013,539	3,167,015	2,288,982
Illinois:			
4th		101,904	56,613
10th	4,093	207,262	117,190
12th	1,748,040	2,881,028	2,474,588
13th	214,270	3,880,883	2,263,180
14th	13,424	644,415	358,435
15th		161,819	89,898
16th	12,627	148,912	89,387
17th	16,132	888,378	511,903
18th	6,483	6,484	6,843
19th	7,869	589,283	331,312
20th		63,103	35,057
21st	13,685	268,550	153,331

State and district	HEW budget	Conference agreement	President's, Feb. 2, 1970, proposal
Illinois—Continued			
22d	$1,222,724	$1,927,891	$1,727,482
23d		204,193	138,571
24th	923,729	2,424,989	1,866,132
14th & 17th (part of)	8,531	654,857	368,075
State total	4,191,607	15,053,951	10,587,997
Indiana:			
5th	688,356	996,836	897,974
6th		329,340	172,499
7th	56,282	428,778	258,284
8th	3,972	344,901	193,596
9th	35,177	1,594,822	903,599
11th	135,896	1,169,874	717,877
State total	919,683	4,864,551	3,143,829
Iowa:			
1st	40,990	1,241,609	716,737
2d		22,996	12,775
3d	22,891	36,172	31,541
4th	33,005	807,059	464,869
5th		448,978	249,432
6th	42,055	275,248	173,942
7th		214,401	119,111
State total	138,941	3,046,463	1,768,407
Kansas:			
1st	7,280	73,054	21,554
2d	2,588,823	4,711,365	3,624,114
3d	62,084	1,225,477	727,602
4th	0	1,742,509	970,374
5th	946,984	2,363,824	1,818,936
State total	3,605,171	10,116,229	7,162,580
Kentucky:			
1st	45,688	861,542	464,831
2d	9,267	949,648	605,153
3d	992	1,881,852	1,045,968
4th	0	57,060	31,700
5th	6,620	188,663	81,690
6th	20,857	675,352	385,623
7th	2,317	6,405	4,717
State total	85,741	4,620,522	2,619,682
Louisiana:			
1st	662	88,349	49,413
2d	0	287,395	159,664
4th	453,250	1,525,177	1,073,945
6th	2,648	292,162	173,486
8th	103,296	1,105,331	680,311
1st and 2d (part of)	45,358	575,088	342,172
State total	605,214	3,873,502	2,478,991
Maine:			
1st	441,789	1,383,660	1,020,081
2d	1,182,396	1,650,672	1,509,735
State total	1,624,185	3,034,332	2,529,816
Maryland:			
1st	542,979	1,554,799	1,135,265
2d	593,313	1,767,069	1,278,361
5th	700,187	12,329,134	7,346,824
6th	227,554	1,325,448	850,136
8th	82,461	7,107,296	3,989,728
6th and 8th (part of)	0	498,646	277,025
3d, 4th and 7th	49,281	2,758,251	1,557,002
1st and 3d (part of)	1,025,610	2,912,911	2,131,089
State total	3,221,385	30,253,554	18,565,430
Massachusetts:			
1st	5,825	1,018,704	568,857
2d	1,336,591	2,241,999	1,928,645
3d	1,338,941	2,160,977	1,873,701
4th	628	732,284	411,787
5th	212,950	1,841,260	1,129,392
6th	10,558	839,963	471,923
7th	1,562	1,043,095	580,278
8th	36,137	271,442	168,869
10th	20,711	416,695	249,043
11th	150,029	985,160	629,315
12th	1,608,353	2,798,078	2,358,658
Part of 5th and 7th	0	60,416	33,564
9th, and part of 8 and 11	5,863	689,531	386,004
10th and 12th (part of)	0	5,115	2,841
4th and 5th (part of)	2,111	33,267	19,536
1st and 2d (part of)	0	5,092	2,829
State total	4,730,259	15,143,078	10,815,242
Michigan:			
2d	10,791	22,662	17,985
3d	137,775	566,886	383,824
8th	5,036	40,145	24,820
9th	4,676	74,624	43,795
10th	693,188	820,472	798,046
11th	1,544,291	1,918,084	1,769,920
12th	563,197	1,056,130	889,022
16th	14,830	21,623	19,427
1st, 13th, 14th, 17th and part of 1 and 12	0	801,153	445,085
State total	2,973,784	5,321,779	4,391,924

State and district	HEW budget	Conference agreement	President's Feb. 2, 1970, proposal
Minnesota:			
1st	0	$120,683	$67,045
2d	$8,976	11,109	10,658
3d	0	865,391	480,773
4th	0	917,501	509,721
5th	47,502	464,389	281,744
6th	36,655	192,048	125,691
7th	470,534	580,524	560,206
8th	372,539	799,672	630,529
State total	936,206	3,951,317	2,666,367
Mississippi:			
1st	363,902	496,633	442,858
3d	4,966	117,698	67,871
4th	99,656	222,883	173,653
5th	653,224	2,222,867	1,607,912
State total	1,121,748	3,033,081	2,292,294
Missouri:			
1st	0	119,427	66,348
2d	35,436	1,012,753	580,359
4th	885,471	4,407,240	2,893,112
5th	0	431,344	66,725
6th	1,131	444,679	247,609
7th	8,578	386,279	220,377
8th	1,083,678	1,613,740	1,454,723
9th	3,971	246,345	138,842
10th	9,885	67,768	42,180
1st, 2d and 9th (part of)	0	156,747	87,082
3d and part of 1st	3,015	936,149	521,590
State total	2,031,165	9,822,471	6,318,947
Montana:			
1st	1,184,127	2,110,846	1,788,298
2d	2,161,190	2,806,588	2,643,924
State total	3,345,317	4,917,434	4,432,222
Nebraska:			
1st	247,229	548,513	428,343
2d	2,210,883	3,990,303	3,343,564
3d	188,963	869,695	577,199
State total	2,647,075	5,408,511	4,349,106
Nevada:			
At large	1,430,693	4,156,893	3,024,792
New Hampshire:			
1st	835,026	2,142,341	1,613,399
2d	2,919	273,647	153,485
State total	837,945	2,415,988	1,766,884
New Jersey:			
1st	13,966	1,149,704	647,139
2d	26,005	564,662	326,701
3d	729,593	3,176,564	2,129,552
4th	0	633,995	352,220
5th	55,721	744,895	443,661
6th	2,655,362	5,449,935	4,406,902
13th	57,462	114,952	92,593
3d and 6th (part of)	0	31,502	17,502
1st and 6th (part of)	802	57,957	32,599
10th and 11th	0	140,041	77,800
State total	3,538,911	12,064,207	8,526,669
New Mexico:			
1st	1,782,203	4,819,568	3,568,684
2d	3,940,526	6,233,448	5,558,837
At large	939,278	899,133	969,157
State total	6,662,007	11,952,149	10,096,678
New York:			
1st	437,906	2,400,779	1,556,683
2d	13,189	499,334	337,048
4th	344,644	380,584	383,757
5th	0	77,465	43,036
25th	5,930	54,490	36,326
27th	604,103	1,431,155	1,060,658
28th	1,670	61,258	40,504
29th	58,719	1,229,863	714,077
30th	0	573,323	318,512
31st	1,085,154	1,348,453	1,292,966
32d	687,619	1,959,354	1,432,339
33d	0	505,858	281,031
34th	116,365	288,883	218,672
35th	100,776	396,614	276,158
38th	0	128,905	72,658
40th	286,739	354,776	340,467
2d, 4th and 5th (part of)	137,424	164,647	160,182
2d and 4th (part of)	0	30,550	33,944
39th and 41st	0	166,114	92,285
6th through 14th and 16th through 24th	1,091,598	5,580,699	3,646,187
1st and 2d (part of)	0	786,904	437,169
State total	4,971,836	18,420,008	12,774,659
North Carolina:			
1st	582,702	1,360,243	1,091,937
3d	628,723	2,483,310	1,861,992
5th	13,905	91,924	58,021
7th	177,128	3,097,879	2,439,643

IMPACTED AREA AID, FISCAL YEAR 1970, BY STATE AND CONGRESSIONAL DISTRICT—EXCLUDES SECTION 6 PAYMENTS FOR FEDERALLY OPERATED SCHOOLS—Continued

IMPACTED AREA AID, FISCAL YEAR 1970—Continued

State and district	HEW budget	Conference agreement	President's Feb. 2, 1970, proposal
North Carolina—Continued			
8th	$331	$212,621	$118,287
11th	98,851	319,454	226,898
State total	1,501,640	7,565,431	5,796,778
North Dakota:			
1st	1,600,344	1,694,267	1,746,828
2d	1,325,814	1,416,599	1,449,901
State total	2,926,158	3,110,866	3,196,729
Ohio:			
1st		14,314	7,952
2d		63,487	35,270
3d	678,055	2,970,439	1,917,717
4th		45,599	25,333
5th	662	27,282	15,487
6th	13,242	502,815	288,207
7th	48,006	1,995,386	1,154,625
8th	496	66,416	37,145
10th	992	351,149	195,578
11th	8,276	132,833	23,835
12th	5,964	540,570	303,298
13th		124,680	69,267
14th		273,221	152,699
15th		276,375	153,542
17th	662	539,486	300,045
19th		26,397	8,277
23d		792,003	440,001
24th	1,987	852,195	474,435
20th, 22d, and 23d (part of)		313,582	174,212
12th and 15th (part of)	479,242	2,497,706	1,627,233
1st and 2d (part of)		131,964	73,313
State total	1,237,584	12,537,899	7,477,461
Oklahoma:			
1st	29,620	1,752,634	985,991
2d	742,424	1,482,480	1,162,236
3d	176,551	1,003,744	631,044
4th	1,908,734	4,631,006	3,714,258
5th	44,690	2,673,818	1,508,109
6th	504,790	1,161,622	893,999
4th and 5th (part of)	188,310	2,030,339	1,714,231
State total	3,595,119	14,735,643	10,609,868
Oregon:			
1st	265,887	469,326	393,676
2d	699,688	1,876,958	1,400,142
3d	29,136	600,174	347,997
4th	118,023	860,100	537,470
State total	1,112,734	3,806,558	2,679,285
Pennsylvania:			
6th		56,369	31,316
7th		415,092	230,606
8th	4,210	867,823	333,398
9th		192,942	107,190
10th		332,894	184,941
11th		244,434	135,797
12th		801,957	445,531
13th		245,358	145,375
15th	64,580	161,687	122,115
16th	25,948	450,576	263,293
17th		390,477	220,288
18th	18,175	31,807	26,757
19th	47,906	936,140	544,031
23d		32,265	17,925
26th		23,817	13,231
27th	2,806	238,458	133,878
14th, 20th, and 27th (part of)		724,026	402,236
8th and 13th (part of)		74,692	41,495
1st–5th (part of)	352,878	4,013,339	2,406,071
16th and 17th (part of)		42,572	23,651
State total	516,503	10,276,725	5,829,125
Rhode Island:			
1st	877,802	1,863,520	1,475,805
2d	681,289	1,945,798	1,434,800
1st and 2d (part of)		229,947	127,748
State total	1,559,091	4,039,275	3,038,353
South Carolina:			
1st	1,394,515	4,897,194	3,575,406
2d	75,485	2,068,529	1,186,923
3d	12,250	97,826	42,543
4th		85,965	47,758
5th	376,108	580,601	510,609
6th	52,310	171,185	121,257
State total	1,910,668	7,901,300	5,484,496
South Dakota:			
1st	208,713	547,059	408,277
2d	2,578,523	3,445,756	3,091,403
State total	2,787,236	3,992,815	3,499,680
Tennessee:			
1st	12,580	624,105	353,013
2d	5,958	1,167,905	689,912
3d	$1,323	$460,069	$256,253
4th	307,573	1,610,985	1,160,125
5th		393,027	218,348
6th		1,169,751	639,399
7th	662	276,983	157,906
8th	11,918	477,049	279,051
9th	337,040	831,047	660,293
7th and 8th (part of)		898,986	499,436
State total	677,054	7,909,907	4,913,736
Texas:			
1st	35,425	1,776,003	1,164,973
2d	4,633	77,484	36,581
3d	17,877	581,792	332,155
4th	103,942	568,586	381,748
5th	3,311	97,435	55,786
6th		296,847	164,914
7th		2,949	1,638
8th		21,602	12,001
9th		845,347	496,586
10th	343,993	1,092,962	779,197
11th	1,128,655	3,118,634	2,396,617
12th	364,850	4,283,809	2,602,960
13th	460,350	1,558,081	1,176,360
14th	176,797	1,242,845	785,553
15th	84,425	244,342	173,319
16th	1,091,504	3,873,140	2,697,495
17th	690,965	1,733,901	1,367,563
18th	183,853	560,430	403,842
19th	132,764	347,585	259,487
20th	144,683	1,287,095	850,456
21st	241,024	946,574	643,754
22d	7,946	582,687	327,687
23d	103,958	1,214,979	824,388
3d, 5th, 6th and 13th (part of)	4,966	528,008	295,821
7th, 8th, and 22d	662	475,715	264,616
20th, 21st, 23d	2,292,563	7,970,764	5,946,520
State total	7,619,146	35,329,596	24,442,017
Utah			
1st	987,277	6,039,462	4,025,976
2d	257,578	2,228,392	1,470,964
State total	1,244,855	8,267,854	5,496,940
Vermont: At large	3,668	159,132	95,663
Virginia:			
1st	1,750,916	7,947,976	5,602,027
2d	1,382,818	5,633,250	3,863,803
3d	15,891	945,088	532,994
4th	498,940	2,290,668	1,522,062
5th		70,172	38,894
6th	14,565	677,498	383,668
7th	4,635	72,703	42,708
8th	77,624	2,553,083	1,473,051
9th		483,909	268,837
10th	452,321	17,713,831	11,301,311
State total	4,197,710	38,388,179	25,029,355
Washington:			
1st	59,245	975,398	571,507
2d	737,734	1,884,133	1,417,150
3d	161,675	918,483	592,753
4th	680,981	2,118,052	1,518,152
5th	985,077	1,659,282	1,426,562
6th	2,048,697	6,177,149	4,647,406
7th	46,397	649,271	390,284
State total	4,719,806	14,381,768	10,563,814
West Virginia:			
2d	20,191	362,182	211,305
3d	662	80,601	45,109
4th	331	166,120	92,453
State total	21,184	608,903	348,867
Wisconsin:			
2d	234,796	614,825	458,966
3d	37,616	879,216	572,407
7th	49,890	129,445	96,858
8th	11,419	123,755	74,461
10th	173,978	260,461	231,685
4th, 5th and 9th	7,766	443,626	250,342
State total	515,465	2,451,328	1,684,719
Wyoming: At large	1,292,220	1,984,138	1,748,402
Guam	1,465,677	2,350,553	2,038,700
Puerto Rico		353,336	196,297
Virgin Islands		28,569	31,743
Grand total	154,394,182	554,737,800	392,394,182
Federal schools (sec. 6)	32,605,818	32,605,818	32,605,818
Program total	187,000,000	587,343,618	425,000,000
Rounded		585,000,000	

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 514) to extend the programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Pennsylvania (Mr. SCOTT). On this question the yeas and nays have been ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment. Who yields time?

Mr. SCOTT. Mr. President, I yield 15 minutes on the bill to the Senator from Maine.

Mr. MUSKIE. Mr. President, the stated purpose of the Stennis amendment presents most of us with a dilemma: how can we oppose segregation and discrimination and not support a proposal which says, on the face of it, that it is designed to end school segregation in all parts of the country?

I have concluded that I must oppose the amendment for two reasons: One, it would not end racial isolation and contribute to equal opportunity for quality education; and two, it would retard the implementation of the decisions of the Supreme Court and lower courts in school desegregation cases.

In short, it will not end de facto segregation in the North. There is ample evidence that it will ease up the enforcement of civil rights guidelines in the South.

It is true that the courts are requiring that communities which have practiced deliberate, de jure patterns of school segregation provide more than token evidence of an end to such segregation. They are being required to do so because they have spent almost 16 years trying to avoid the requirements of the Constitution. The degree of supervision being exercised by the courts in an attempt to insure compliance should come as no surprise.

It is also true that segregation can result from causes other than formal, segregated school systems. It can be the product of segregated housing patterns, and it can be the product of growth patterns and land use controls in large cities and metropolitan areas where lower middle and middle income whites have moved into suburban areas, leaving an increasing number of poor blacks in the central cities. The racial isolation and unequal educational opportunities which result from those patterns need to be overcome—must be overcome.

But the Stennis amendment would not remedy that problem any more than it would remedy de jure segregation, wherever it exists. The Stennis amendment would dilute the enforcement of cases against school districts practicing deliberate patterns of segregation and it would load the courts with the difficulty of interpreting a vague and indirect amendment to the Civil Rights Act of 1964. It would provide no resources for a remedy to the patterns of unequal educational opportunity which concern this Senator. The courts alone cannot provide the remedy. Only the Congress and the executive branch can make the resources available.

The issue before us is not really the busing of children. Several years ago it was estimated that 15 million public school children—about 40 percent of the Nation's total school enrollment—traveled to school on buses. Parents do not ordinarily mind sending their children to school on buses so long as the schools provide a good education. It is what is at the end of the bus ride that counts.

Nor is the issue really the legal difference between de facto and de jure segregation. There is a good deal of evidence that segregation is harmful to children—black and white—whatever its source may be, whether it is compelled by law or arises without the deliberate intent of public officials.

The real problem is how to deal with the racial isolation of children when it exists on a massive urban scale. In many cities in the urban North—Chicago, Philadelphia, St. Louis, among others—the racial concentration of pupils is so great that it is impossible to accomplish integration within the confines of the city. The Stennis amendment will not help these situations one bit. Nor can we trust that the courts will solve the situation, because the courts have not yet come to grips with segregation on a metropolitan scale and they cannot offer the resources and assistance that school officials need to solve the problem.

This, I must emphasize, is not a North-South problem. It has not been solved in Atlanta or New Orleans or Houston any more than it has been solved in Chicago. That is why we need not a Stennis amendment based on mutual recriminations, but a careful study of the kind proposed by Senators MONDALE and JAVITS with specific recommendations for congressional action because what is involved is the need to restructure massive metropolitan areas, to restructure their housing patterns, to restructure their employment patterns, to restructure their transportation patterns; and this kind of restructuring is not conceivably going to be done in response to the kind of amendment offered by the Senator from Mississippi.

Several years ago, at the request of President Johnson, the U.S. Commission on Civil Rights conducted a major study of racial isolation in urban schools. In carrying out this study the Commission conducted detailed investigations and hearings on segregation in many northern cities and it had the assistance of prominent educators throughout the country, including the present Commissioner of Education. The Commission's report, issued in 1967, examined carefully the extent, causes, and impact of segregation and made specific proposals for remedy. Although the Congress appropriated special funds for the conduct of this study, it has never evaluated the results. I would suggest that the Commission report be used as a starting point in the investigation proposed by Senators JAVITS and MONDALE and that the committee carefully consider the Commission's proposals and all other approaches that promise a better education for all children.

As I have indicated, I believe the Mondale-Javits substitute offers one way of developing a broad series of programs to help State and local jurisdictions overcome the patterns of isolation and of unequal educational opportunity which have grown up as a result of deliberate discrimination and segregation and the growth patterns of our metropolitan areas. For that reason, I will support it when it is offered. But I think we must take some immediate steps to deal with the problems which are confronting those jurisdictions today.

Therefore, I am prepared to recommend legislation which would provide Federal assistance to State agencies and local school districts which, on their own initiative or in response to court orders, are attempting to end racial isolation and insure equal opportunity for quality education. Today is not the time to introduce such an amendment, which must be drafted with some care, but I plan to introduce such a bill in the near future.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MUSKIE. Yes; I am happy to yield to the distinguished Senator from Minnesota.

Mr. MONDALE. Let me express my deep appreciation for what I regard to be a most perceptive and statesmanlike presentation. I think the Senator helps illuminate this debate by pointing out the deep and pervasive problems that stem from de facto segregation; that is, segregation that arises from growth patterns, residential living patterns, rather than from an official government policy of separating schoolchildren on the basis of color. The Senator has correctly pointed out this is an issue on which the country has yet to focus. The courts have not yet dealt with it. The Department of Health, Education, and Welfare has not dealt with it under title VI of the Civil Rights Act of 1964 because it is specifically prohibited from doing

so. And the Stennis amendment in no way deals with the problem.

I think, in all fairness, we must admit that neither the Senate nor the House have focused on the problem. For example, how do you determine and define racial imbalance? What percentage do you use? Does the concept include suburban communities as well as core cities? If you decide that a community is racially imbalanced, what remedies flow from that? Should there be a national policy of busing, and what would that mean to the traditional relationship between the Federal Government and the local school districts? Should there be a voluntary system of busing? If so, under what circumstances and what kind of Federal assistance?

Mr. MUSKIE. Mr. President, will the Senator yield at that point?

Mr. MONDALE. I am glad to yield.

Mr. MUSKIE. The question of racial balance and racial imbalance, which I think is raised by the Stennis amendment, is one that we ought to focus on rather precisely.

I have undertaken, in discussion with constitutional lawyers, lawyers who have followed the school desegregation cases, to determine whether or not racial balance has yet been decreed by the courts with respect to de jure segregation in the South. I understand from them that this concept has been very carefully avoided in any decisions that have as yet been handed down, because of the obvious difficulties involved. If we were to decree racial balance—that is—a precise proportional racial balance as the policy to govern school enrollments across this country, we would in a sense achieve the very limitations upon freedom of choice that the dual school system of segregation imposed upon parents and children for years.

Thus, racial balance is not yet the objective, as I understand it, of the courts in dealing with de jure segregation, nor is it yet, of course, the objective of desegregation policies as stated by Congress itself.

The second point I should like to make which bears on the issue is this: Thus far, no court desegregation order deals with any jurisdictional area larger than a single school district, even in the South. There has been a single desegregation order covering a single district in the city of Atlanta, I think another in the city of Houston, and possibly another in the city of New Orleans. Even in the South, therefore, those who seek to enforce the law and the court's decisions have avoided plunging into the metropolitan segregation problem at this point, because school busing in a massive area like New York, for example, is totally inadequate to achieve racial balance, even if racial balance were the objective, which it is not as yet.

So this problem of dealing with segregation in these massive metropolitan areas is one which, as the Senator from Minnesota has stated, we have yet to deal with effectively, or indeed to focus on as we should. It is a problem that exists North and South, and it is one with which we should come to grips. It is going to require a massive injection of resources to reconstructure the basic patterns of living which undergird de facto segregation in metropolitan areas, North and South.

Mr. MONDALE. Mr. President, will the Senator yield at that point?

Mr. MUSKIE. I yield.

Mr. MONDALE. I think a study is necessary and it should include an analysis of the relationship of quality education to de facto segregation.

Why is it, for example, that practically all the impoverished Mexican-Americans live together in East Los Angeles? Why is it that practically all the impoverished blacks in Los Angeles live in and around the Watts area. The same phenomenon is seen elsewhere. Is it not possible that a big part of it stems from the fact that for generations we have been denying the poor of this country the basic educational, motivational, nutritional, and other tools that a human being needs to be able to move out into society, to make such choices as where he wishes to live and what kind of business he wishes to pursue? Perhaps the key is to focus on the problem of human deprivation, and to correct these monstrous wrongs before they overwhelm us.

Mr. MUSKIE. I could not agree more completely with the distinguished Senator from Minnesota. I should like to add one other point: Yesterday, as I listened to the debate—and I listened to it most of the day—I heard the argument made in support of the Stennis amendment that we ought to have one law applicable to all areas of the country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MUSKIE. May I have 2 additional minutes?

Mr. SCOTT. Mr. President, I yield the Senator 3 additional minutes.

Mr. MONDALE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. All attachés will take their seats.

Mr. MUSKIE. One difficulty, of course, with the concept of one law governing all areas of the country is that the law must apply to widely varying kinds of situations, and that the same application might not necessarily produce the same result or get at the same problem everywhere.

But there is another concept that I think was mentioned only by the distinguished Senator from Michigan (Mr. HART) yesterday, and that is that our first concern should be that there be one Constitution in this country, applicable to all parts of the country. The constitutional question which has been hit—and the only one that has been hit—by our school desegregation decisions and laws is that of de jure school segregation.

Wherever de jure segregation exists, North, South, East, or West, it ought to be given the constitutional treatment that the courts have decreed. But if we now, by adopting the Stennis amendment, dilute our actions to give that constitutional protection wherever it exists, in order to pursue another form of segregation that has not yet been treated by the courts in a constitutional way, then it seems to me we are making the decision that here are two Constitutions in this country, one that applies to the South and another that applies to other parts of the country.

So my view is that we ought first to come to grips effectively—as I think we gradually are, after 16 years of effort—with the problem of eliminating dual school systems which were decreed by State or local law or official policy. We ought to move immediately to deal with de facto segregation wherever it exists, and it is going to exist increasingly in the South and in the southern metropolitan areas, just as it does in the North; and that treatment is going to have to be far different. To ignore it is to ignore the evidence of our eyes in the great metropolitan areas of our country. We have to restructure—as I said earlier—we have to restructure these metropolitan areas—Atlanta, New Orleans, Houston, New York, Baltimore, Cleveland—if we are really to achieve a free mixture of all races and all ethnic groups in this country.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PELL. Mr. President, I yield myself 2 minutes on the bill, to engage the Senator from Minnesota (Mr. MONDALE) in a colloquy which might clarify the issue for those of us who are not lawyers.

As I see it, the problem we have here is that segregation which comes out of previous local law or ordinance has been ruled unconstitutional by the Supreme Court. Is that correct?

Mr. MONDALE. The more accurate word would be segregation that arises from official discriminatory policies.

Mr. PELL. Even the word "discrimination" is invidious, I think; but segregation which arises out of official acts has been ruled unconstitutional. Is that correct?

Mr. MONDALE. That is correct.

Mr. PELL. But segregation that is the result of economic condition, housing or other patterns of life has not been ruled either unconstitutional or constitutional; there simply has been no ruling, is that correct?

Mr. MONDALE. The Brown versus Board of Education case, and those that have followed, have drawn the distinction to which the Senator is now referring. They have not declared so-called de facto segregation unconstitutional, because it does not arise from a State or local governmental act; it arises for private reasons. Therefore, if there is no State action involved, this type of segregation is not declared unconstitutional.

HEW enforcement of title VI of the Civil Rights Act of 1964 follows the Court decisions.

Mr. PELL. But am I correct in also saying that the terms "de facto" and "de jure" are really judicial words of art, that have never before, until yesterday, been adopted in law by the Congress?

Mr. MONDALE. That is correct. Provisions in the Elementary and Secondary Education Act and the Civil Rights Act of 1964, which the Stennis amendment does not change, prohibit conditioning the payment of Federal education funds for education on a requirement that racial imbalance be corrected. So the present

policy of the law leaves de facto segregation untouched with respect to Federal assistance programs in education.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. I yield myself an additional 3 minutes on the bill.

So the present law of the land really is equally applied all over the United States, in that, in those areas of the country where pupil placement practices are ruled unconstitutional, because of prior local official acts steps are taken to rectify the condition. But in those parts of the country where segregation occurs as a result of economic habits, of working habits, or of living habits, North or South, no court action is taken to prevent it.

Mr. MONDALE. That is correct.

Moreover, it has been mentioned here that official discrimination has been attacked by the Justice Department and the Department of Health, Education, and Welfare only in the South. The truth is that there have been a number of governmental actions attacking official discrimination in school systems outside the South—in Pasadena; in Los Angeles; in Ferndale, Mich.; in South Holland, Ill., to name just a few.

In other words, it is not an attack on the South. It is an attack on official discrimination wherever it is found.

Mr. PELL. What laws applied in the cases in the North that provided the basis for ruling those situations unconstitutional? Were city ordinances or State laws involved?

Mr. MONDALE. The Justice Department or local plaintiffs, for example, charged that their school boards had a policy of sorting out children or faculty on the basis of color and sending them to separate schools, just as they do in the traditionally segregated dual school system in the South.

Mr. PELL. So in those cases they were acting as a matter of policy, but not as a matter of local law or ordinance?

Mr. MONDALE. The court would not draw a distinction between segregation by law or by official administrative policy. Both would be considered illegal and unconstitutional.

Mr. PELL. In other words, one can have de jure segregation in the North.

Mr. MONDALE. And indeed there have been lawsuits that have so found. There have been lawsuits that have held unconstitutional discrimination outside of the South.

Mr. PELL. Speaking as one of the minority Members of this body who are not lawyers—and indeed the majority of our citizens are not lawyers—but do read the press reports, I think it is very confusing when the public tries to follow and understand it. I think the use of the words "de jure" and "de facto" is, to my mind, not a good idea, and I think that perhaps we made an error in incorporating those words into the Stennis amendment.

I wonder whether the real essence of the problem is not that where the segregation comes from official action, it is unconstitutional. In this regard, cannot the Supreme Court either go backward, if it wishes to—I would hope it did not—or forward and rule that segregation that comes out of the economic or housing patterns is unconstitutional, too? That is within the option of the Supreme Court, is it not?

Mr. MONDALE. That is correct. The Supreme Court has not so ruled.

Courts have found, however, the existence of an official discrimination policy in gerrymandering school districts, in discrimination in the assignment of faculties, in the deliberate location of schools as a conscious design to maintain segregated student bodies.

In other words, they have looked with some subtlety beyond just the philosophy and the definition, to see if in fact there is an official policy of discrimination. The courts have made it clear that if there is not an act of government or official policy involved, then it is a case of de facto segregation and it is not reached by the equal protection clause of the 14th amendment.

Mr. PELL. If the Stennis amendment is adopted, would that mean that there have to be a court test to see whether de facto segregation was constitutional or unconstitutional?

Mr. MONDALE. No.

What bothers me about the Stennis amendment is that it does not do one thing about de facto segregation. It decries it; it declares a Federal policy; but nothing at all is done. Nothing would follow from this amendment affecting de facto segregation. What would follow would be an important tool in the hands of those who are trying to stall the elimination of dual school systems, to call the Department of Health, Education, and Welfare and say, "You lay off. You stay away from us until you handle the problem in Chicago," which is an entirely different problem. That is where the mischief is.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. ALLEN. Will the Senator be kind enough to point out to the junior Senator from Alabama wherein the Scott amendment purports to deal with de facto segregation and to contribute to eliminating that?

Mr. MONDALE. There is a two-part strategy here, at least as far as I am concerned. I mentioned this earlier in the debate.

Mr. ALLEN. I am referring to the Scott amendment.

Mr. MONDALE. It has to be taken in context.

The Scott amendment eliminates from the Stennis amendment that part which could be used to block and imperil the elimination of official de jure discrimination wherever it is found. The Scott amendment would assure that we continue to make progress in that area.

The second amendment, which I will propose after that will create a select committee, an action committee, to study de facto segregation and come up with a series of proposals to deal with this problem in a responsible fashion. The simple truth is that no one knows how to define it, what to do about it, why it exists in the first place, and the range of remedies that might be required to deal with it. We admit that candidly.

It is a serious problem, and we think we should accept the challenge of hypocrisy made by some of the Senators and respond fully by dealing with this problem in the public policy area.

Some say that select committee is a dodge. The truth is that, unlike de jure segregation, we have no precedents. The courts have never dealt with this problem. The Department of HEW has really never dealt with this problem. Very little is known about it, about how to define it, and about what to do about it.

So it is the two actions—the action by the Senator from Pennsylvania and the measure which Senator JAVITS and I will introduce—which hopefully will bring progress in both the de jure and de facto field. I hope we have the support of the Senator from Alabama.

Mr. ALLEN. Will the Senator yield to me an additional 5 minutes?

Mr. PELL. I yield an additional 5 minutes to the Senator from Alabama.

Mr. ALLEN. I appreciate very much the eloquent statement by the distinguished Senator from Minnesota. The Senator failed to enlighten the junior Senator from Alabama as to the way the Scott amendment purports to deal with de facto segregation and to eliminate it in any way.

I invite the Senator's attention specifically to phrase 2 of the amendment which says that no local educational agency shall be forced or required to bus or otherwise to transport students in order to overcome racial imbalance. Translated into simple language, that says that there shall be no busing in the North to eliminate or attack de facto segregation.

So wherein does the amendment of the distinguished Senator from Pennsylvania seek to attack or eliminate in any way de facto segregation in the North?

Mr. MONDALE. Permit me to say, first of all, that the Scott amendment does do one thing very clearly. It says that wherever there is official discrimination, de jure discrimination, there should be a uniform policy pursued in this land—a uniform national policy. That is what I understand the President's letter—which we have on our desks this morning—to mean.

With respect to de facto segregation, the amendment proposed by the Senator from Pennsylvania leaves the law unchanged and section 2, to which the Senator from Alabama makes reference, merely restates existing law.

Mr. ALLEN. I appreciate the Senator's lengthy nonanswer to my question, but I am still waiting for the answer. In what way does the amendment seek to deal with de facto segregation? Since the Senator will not answer that question, I will ask him, in which areas of the country has the Supreme Court found segregation to be unconstitutional other than in the South?

Mr. MONDALE. Well, there have been several cases in——

Mr. ALLEN. Name one that the Supreme Court has so ruled.

Mr. MONDALE. I can only refer to cases by the lower court. I am not aware of any official Supreme Court decision.

Mr. ALLEN. In other words, all that the first section of the amendment says

is that Federal policy with respect to desegregation in the South shall be uniform in the South. Does it say anything other than that?

Mr. MONDALE. Oh yes. It makes clear that it is national policy. Permit me to say to the Senator that we can all take notice of the fact that, without drawing a moral judgment, there has been at least for a century, a deeply entrenched, well known, widely practiced dual school system in the South and it is therefore natural that most lawsuits should occur there. But there have been, in fact, lawsuits brought by HEW, the Department of Justice, and by others which are now on their way up through the courts, attacking official discrimination elsewhere in the country. In Los Angeles, in Pasadena and elsewhere.

Mr. ALLEN. The Los Angeles case was brought in a State court I believe, was it not?

Mr. MONDALE. Yes, in the State Superior Court. It is a case attacking official discrimination.

Mr. ALLEN. But still the applicability of the amendment as written and as enacted, if it is enacted, would apply only in the South?

Mr. MONDALE. Oh no. Wherever there is official discrimination. That is very clear.

Mr. ALLEN. Name some areas, then.

Mr. MONDALE. I have just named some.

Mr. GRIFFIN. Mr. President, if the Senator will yield, I would be glad to place the name of a case in the RECORD. Just yesterday I read a case involving a situation in Chicago where the lines, so far as the neighborhood schools were concerned, were determined to have been drawn for the purpose of discrimination. The Seventh Circuit upheld a decision requiring desegregation in the city of Chicago. I can tell the Senator that a case is pending now in the city of Ferndale, Mich., in which it is claimed that the school district established the assignment of schools on the basis of discrimination. I do not know how the case will come out, but that is pending now.

There are other situations, wherever lines have been drawn, or where students have been assigned as a result of school policy or district school board policy, if it was on the basis of separating or of discrimination on the basis of race, which is illegal under the 14th amendment, in the North as in the South.

Mr. MONDALE. Maybe I can amplify the question which the Senator raised. I think we will find, with adoption of the Scott amendment, a closer look at some of the Northern de facto segregation cases to determine whether, in fact, it is not really de jure official policy, applied subtly to reach the same goal. Under the Scott amendment that would come fully——

Mr. SCOTT. That is what we should have.

Mr. ALLEN. Well, Mr. President, let me express my appreciation to the distinguished Senator from Minnesota for his lengthy nonanswer to my question.

Mr. MONDALE. I thank the Senator from Alabama.

Mr. ERVIN. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator know that HEW and some Federal courts have construed this provision in the Scott amendment to overcome racial imbalance as not having any effect, because they claim that they are trying to establish a unitary school system in order to try to overcome racial imbalance and, therefore, it is nothing but a pretext to continue present conditions?

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The time of the Senator from Minnesota has expired.

Who yields time?

Mr. SCOTT. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, the amendment offered by the Senator from Mississippi, as modified, for the worse, by the Senator from Connecticut, opens up the largest can of worms which we have had to consider here in a very long time.

The amendment, which began as an effort to delay the processes of the law in relation to de jure segregation—by deleting it without specifying precisely how—becomes, with the addition of the modification of the Senator from Connecticut, an open and overt move, so to dilute the enforcement of the law by the addition of the types of desegregation not yet ruled on by the Supreme Court, as to render virtually impossible the efficient enforcement of existing law and precedents by law enforcement agencies.

I think perhaps a Connecticut Yankee has entered King Arthur's Court and sold them a bill of goods. I would hope that they would examine what it is they are buying, because the modified amendment now provides for equal application of the laws in matters of segregation de jure and de facto in all sections of the country—I repeat, in all sections of the country.

Therefore, what I would call a Connecticut Yankee modification of the amendment has the effect of saying that hereafter in the South, as in the rest of the country, the pursuit by law enforcement officers shall extend to de facto segregation without waiting for the action of the Supreme Court on it.

I hope that the Supreme Court will decide to do something about that matter, too, and decide it affirmatively.

But, without waiting for that, we will now have, if the amendment is agreed to, a decision that after de jure segregation has been pursued as far as it can be pursued, in all sections of the country, including the South, the white student will have gone to the private schools and the blacks will have attended the public schools and then we will have a situation where we will have resegregation; and then, in the South, as in the rest of the country, we will have a United States policy stated of an attempt to enforce the unsegregation of the resegregated areas nationwide, which is a matter highly exalted in principle and most desirable, but would, in fact, operate as a total breakdown of the law all over the country.

That is why the administration—as are the sponsors of the Stennis amendment, in an equal application of the law, accepting that motivation—has written a letter to me as of yesterday, following the debate, which I shall offer for the RECORD in full, but which states:

> This confirms that the following language was prepared by the administration and furnished to you for possible use in the Senate during the meeting this morning of Republican congressional leaders with President Nixon.

The amendment is set forth in the letter. It is the exact amendment which I offered with the exception that later the Senator from Colorado added the words "or aside." Other than that, there is no change.

The letter goes on to say, paraphrasing it, that what is sought is a declaration of senatorial intent behind the declaration of policy that several days ago the President indicated support of the concept of the Stennis amendment—which is something I said on the floor—to the extent that it would encourage equal application of law throughout the country. It says that the administration has proposed, alternatively, the revised language which I have submitted, for the reason that it would not prejudge de facto segregation—and I call particular attention to the next line—but would validate it in the South as elsewhere so long as the courts have not held such segregation unconstitutional.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield myself 5 additional minutes on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for an additional 5 minutes.

Mr. SCOTT. Mr. President, stopping right there for the moment, the effect of the Connecticut Yankee modification here is simply that, as the administration points out, it would not invalidate de facto segregation in the country at large, but it would validate it, because one can read the amendment either way, it cuts both ways. It validates de facto segregation in the South as well as in the North.

So all of the tears that have been shed here over the unsatisfactory conditions of our schools nationwide—and much of the criticism is valid—are washed away by the sheer logic of the amendment if it is read in the way it can so readily be interpreted—namely, that it would validate de facto segregation in the South under an equal application of the law because it would validate de facto segregation everywhere, since it calls for an equal application of the law. And one is not yet in a position where he can say what the Supreme Court will do on de facto segregation. If de facto segregation is wrong, there is no High Court decision on it.

Immediately this law is passed, if it is passed, it will then be argued by the same people who want equal application of the law that this would not attempt to en-

force their own policy which they have declared—namely, the application of these same law enforcement policies to de facto segregation as to de jure segregation.

Going on with the letter, it says that it is also correct that a variation of this language suggested today by me and Senator TOWER would be acceptable to the administration, as both of us are informed.

That refers to a suggestion I made which does not appear in the amendment. I made the suggestion to the Senator from Texas that if the word "unconstitutional" would not be acceptable to him, perhaps we could substitute the words "as required by the Constitution."

I found that was unacceptable in other quarters, although it was acceptable to me because they are the words of the modification of the Whitten amendment which I proposed last year and which was adopted by the Senate. That does not appear in the amendment. It would have been satisfactory to me, as this letter points out.

Going to the final paragraph of the letter from Bryce N. Harlow, Counselor to the President, it says:

> Once again, the issue here is a question of declaring national policy. The present Senate debate will establish the full meaning of that declaration. Your amendment . . ."

The Scott amendment—

> is Administration language, preferred in existing circumstances of the original or amended Stennis proposal . . .

I expect to hear arguments in a few minutes here that it is not preferred. But I do not see how such arguments can validly lie in view of the White House letter which states that it is preferred. So I affirm now, as against possible future arguments as well as present arguments that when the administration says my amendment is the administration language, that is what they mean when they say it is preferred under the circumstances over the original or amended Stennis proposal. That is what they mean.

The letter continues:

> But as was indicated last week and at noontime today other approaches would also accord with the President's basic object—equal treatment under law . . .

Which is my object—

> to the degree that they would give validation to de facto segregation in the South in the same measure that it is constitutionally permissible in the rest of the country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield myself 2 additional minutes on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 additional minutes.

Mr. SCOTT. Mr. President, that is the end of the letter. In other words, if de facto segregation is constitutionally admissible in some parts of the country, it is admissible in the South. If de facto segregation is constitutionally inadmissible in other parts of the country, it is inadmissible in the South. That is equal application of the law. I do not know how one can state it any plainer than that.

What happened yesterday, I think, was that there was a good deal of sentiment to get on the side of the piety of the debate and to say that everyone is against segregation. That is an acceptable statement. It is a noble sentiment. I am glad that so many of us share it. It is high time.

The PRESIDING OFFICER. There will be order in the Chamber so that the Senator will be heard.

Mr. SCOTT. Mr. President, I would appreciate it if the Senators could hear what I have to say. It is an acceptable statement. But in saying that the laws should be applied equally in aiding de facto segregation, what we have done is to say that regardless of those matters where the Court has ruled, as distinguished from those matters where the Court has not ruled, we want court law to be applied before we know what it will be. I use the word court law facetiously, because I think there are times when the Court does make law. And I think that is unfortunate, too.

But all we are trying to achieve here is an amendment that is open to acceptable language if we can have agreement on both sides.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield myself 2 additional minutes on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 additional minutes.

Mr. SCOTT. Mr. President, all we are trying to achieve here is an equal application of the law, and no amount of piety will obscure it. All we are trying to achieve is that the rule of law shall apply equally. And no amount of oratory can evade it. All we seek to achieve here is that the courts shall be expected not to apply the law unequally in one section of the country and in another. And no amount of regional argument can extinguish that.

Therefore, Mr. President, as far as I am concerned, I think our amendment deserves the most careful consideration of the Senate. As far as I am concerned, I am ready to vote.

Mr. STENNIS. Mr. President——

Mr. PELL. Mr. President, I yield 15 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. Mr. President, I think this matter is fully understood by every Senator.

I think we ought to have a brief exchange, though, and talk about it here. It looks to me as if we could do that in a few minutes. Of course, if a full-scale debate should develop I would want everyone to be free to indulge in it as much as time permits.

Mr. President, I appreciate the position of the Senator from Pennsylvania with respect to this new letter from the White House and the pending Scott substitute. With all deference, the only thing in the world the Senator from Pennsylvania proposes is a restatement of the situation as it exists now. It refers to the law being "applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation." The Supreme Court until now has passed on this question in the Southland and made illegal the dual system. As a practical matter, that is the extent of it. That part of the amendment would not touch topside or bottom the problem of whether we are going to have segregation illegally in one part of the country, and legally in another part of the country—period.

The second part of the amendment states that:

> No local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance.

That is already in the Civil Rights Act of 1964, Mr. President, but it has been by administration of the law held to apply only in the North or outside the South. All requirements that are heaped upon the South are excluded from the operation of the law in the North and will continue to be excluded by this amendment under the strained interpretation that they are doing all these things to destroy the dual system. The second part of the amendment consists of mere words; it is already the law. It is only applied in one area of the country. It has that same sectionalism taint to it. With all deference to those who support the measure, it has no additional meaning whatever.

Now, a word about the letter from the White House. We have had statements before. I do not find one single thing in this letter that is new. It is all right with me for the letter to come out, but there is certainly nothing new in it. It could be debated here for 2 weeks, in my opinion, as to what this section of the letter means and what this sentence of the letter means; and we would be right back where we started. I think the merits of the matter are well understood: Do Senators favor keeping the matter of desegregating schools through the law confined to the South and the South alone?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Senate will be in order so that the Senator can be heard.

Mr. STENNIS. That is all right.

The PRESIDING OFFICER. The Senator may proceed.

Mr. STENNIS. I thank the Presiding Officer.

The question really boils down to this: Do Senators favor continuing this pattern? The President said he does not in the statement of last Thursday. Do Senators favor continuing this pattern of desegregating the schools confined to the South alone; or do Senators favor some kind of equal application of the law throughout this Nation to eradicate this segregated condition in our schools? If Senators do favor equal application vote for the amendment as proposed by me and as amended by the Ribicoff amendment; if Senators do not, vote for the Scott amendment because it does nothing about anything except to reaffirm and reestablish the fact that we are go-

ing to have sectional enforcement in the South and nowhere else.

I see in the letter that Mr. Harlow leaves the matter open in the last paragraph. It states that there are other avenues of approach open. I think we have debated both of those avenues that are open. The Senate knows what it wants to do about it.

Mr. President, I was yielded 15 minutes. I would like to yield now to the Senator from Texas. I may need more than 15 minutes. How much time have I used?

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. TOWER. Mr. President, first I would like to make one thing clear since I was involved in an interchange with my able and distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT) yesterday. I want it understood that I certainly was not questioning the word of the Senator from Pennsylvania. I think in the confusion several things were understood by different people.

I would like to point out that while this amendment was the result of an administration working paper and a proposal, it was not something the administration considered itself married to.

In the letter from which the Senator from Pennsylvania has just read, received from Mr. Harlow, there are the words—

> But as was indicated last week and at noontime today other approaches would also accord with the President's basic object * * *

Therefore, I do not think any of us who are customary supporters of the President should regard ourselves as married to the proposal offered by the Senator from Pennsylvania.

I do not think it is a question of loyalty or that it flies in the teeth of the administration if we vote against the proposal because I think it has been made clear that other approaches are also valid. Such an approach was worked out to the general satisfaction of Senators who support the Stennis amendment; but it was determined that compromises should not be offered, and another substitute would be offered, which also is the product of the White House working papers. I do not think any of these suggestions came from the White House as recommendations which they must have. I think the White House has been flexible in feeling that there could be several approaches to this matter as long as the policy statement was made clear.

Therefore, I entreat my brethren on the Republican side to vote against the Scott amendment.

Mr. STENNIS. Mr. President, I yield 3 minutes of my time to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, it occurs to me as one who supports the Stennis amendment vigorously and as one who entered into the colloquy yesterday with regard to the substitute proposed by the Senator from Pennsylvania that the same scenario prevails today as prevailed yesterday.

I think the letter from the White House certainly affirms the position by the distinguished minority leader that this is a position taken by the Department of Health, Education, and Welfare; but as I read the document from the counsellor, Mr. Harlow, to the President, at the tail end of the letter it makes very clear that the whole business is a matter of policy, and within this matter of policy, the letter states:

> The issue here is a question of declaring national policy.

Then, it states in the closing part of the letter:

> But as was indicated last week and at noontime today other approaches would also accord with the President's basic object—equal treatment under the law—to the degree that they would give validation to de facto segregation in the South in the same measure that it is constitutionally permissible in the rest of the country.

Mr. President, that is quite clear to me. The administration is saying here that we are engaged in a very vigorous debate on this whole problem as it affects not only the South, but also the North, East, and West; and that the President and the administration are certainly not adverse to our threshing out on the floor of the Senate a vital national policy and coming up with something we think is right and honorable and which will accomplish what ought to be done.

So, as I see it, while the President is saying, "Yes, the language of the substitute is something we approve, neither do we disapprove of the Stennis amendment and neither do we urge any people on our side of the aisle to vote against the Stennis amendment or anything else they consider as helpful in resolving this great national issue."

I do not suppose, if I may say so, that there is anybody in this Chamber who has supported the administration more vigorously than I did last year and so far this year, and I find it in no way contradictory to my conscience or my support of the administration in still supporting the Stennis amendment, because I think in my own view——

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. GURNEY. May I have an additional 2 minutes?

Mr. STENNIS. I yield 2 additional minutes to the Senator from Florida.

Mr. GURNEY. So I would say, in my own view and my own conscience—and in talking with some of my colleagues I think they feel the same way—that our support of the Stennis amendment indeed supports the President's position as he outlined it a few days ago better than perhaps any other approach. He certainly was forthright in his statement that he wants equal application of the desegregation laws throughout the Nation; that he is opposed to forced busing; and that he supports neighborhood schools. As I have listened to this debate and read about it, and as I also have seen the problem firsthand in my own State, the Stennis amendment, as we amended it yesterday, accomplishes this purpose best.

Mr. STENNIS. Mr. President, what remaining time do I have of the 15 minutes?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. PELL. Mr. President, what is the actual time situation? As I understand, there is no time remaining on the amendments.

The PRESIDING OFFICER. That is correct.

Mr. PELL. And on the bill, how much time do I have?

The PRESIDING OFFICER. The Senator has 101 minutes on the bill.

Mr. PELL. How much time does the Senator from Pennsylvania have?

The PRESIDING OFFICER. The Senator from Pennsylvania has 142 minutes left.

Mr. PELL. Mr. President, we are in the inequitable position where both sides, as a matter of fairness, are opposed; but, in fairness to myself, I was opposing the amendment, and I would like to ask the Senator from Pennsylvania if he may release some of his time at this time.

Mr. SCOTT. Mr. President, I yield 10 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator. I yield 3 minutes to the Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. I thank the distinguished Senator from Mississippi for his courtesy.

Mr. President, let me say, first of all, I have read the letter from Mr. Harlow. I call attention to the first line of the last paragraph, which reads:

> Once again, the issue here is a question of declaring national policy. The present Senate debate will establish the full meaning of that declaration.

I quite agree with Mr. Harlow that we in the Senate should do precisely that. The question before the Senate is to review the situation as it exists in the country today. As we do this, I think we must conclude that there is great merit in the statements made by the Senator from Connecticut (Mr. RIBICOFF) and great merit in the statements that have been made by the Senator from Mississippi (Mr. STENNIS).

I am going to support the amendment proposed by the Senator from Mississippi, as amended by the Senator from Connecticut, because to me it spells out, in clear and unequivocal terms, a policy that this country should willingly adopt.

Let me quote from the speech made on the floor yesterday by the Senator from New York (Mr. JAVITS). He said two propositions face the Senate today—and I am reading from the language of the Senator from New York—as it appears on page 3594 of the February 17, 1970, RECORD:

> All efforts to desegregate will stop, and it will be impossible to go on; or there will be Federal interference of such size, magnitude, and depth that the country will be appalled if this measure becomes law.

I think that what the Senator from New York was pointing out probably has some merit to it. I say that because this sort of partial and unfair administration of the law has been heaped upon the South, and the South no longer deserves that treatment. The laws of this country should be applied uniformly to all the 50 States. That is precisely what

the amendment of the Senator from Mississippi intends to do.

If the law is applied uniformly, then we will have reason to forget that the Civil War was fought a little more than 100 years ago. We can think as a united nation. We can say to blacks in the South and blacks in the North, "You will be treated as Americans. You will be treated alike, no matter where you live." That is exactly what we should tell them.

When the President of the United States said what he did about the equal application of the laws throughout all of the United States, it had great meaning and relevancy to all of our people. I would hope a person would not have to be a lawyer to understand what the President of the United States meant when he spoke out so clearly and unequivocally with the hope that people throughout every bit of this country could rest assured that the full force and direction of this administration would be to see that the laws are applied uniformly.

That is all the Stennis amendment proposes to do. It deserves the support of the Senate. I hope Senators will give it the support that I think the people of this country feel the President of the United States was asking for when he spoke out recently.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am glad the letter referred to is in the RECORD, because it shows so clearly what is proposed by the amendment of the distinguished minority leader.

Mr. SCOTT. Mr. President, if the Senator will yield, I may not have put it in the RECORD, but I ask unanimous consent to do so now.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 17, 1970.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: This confirms that the following language was prepared by the Administration and furnished to you for possible use in the Senate during the meeting this morning of Republican Congressional Leaders with President Nixon:

"SEC. 2. It is the policy of the United States (1) that guidelines and criteria established pursuant to Title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race in the schools of the local educational agencies of any State; and (2) that no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance."

It is unfortunate that confusion has arisen over the Administration position in this matter. Fundamentally the question here is one of establishing Senate intent behind a declaration of policy. Several days ago the President indicated support of the concept of Senator Stennis' amendment to the extent that it would encourage equal application of law throughout the country. The Administration has proposed, alternatively, the revised language which you have submitted, for the reason that it would not prejudice de facto segregation but would validate it in the South as elsewhere so long as the courts have not held such segregation unconstitutional. It is also correct that a variation of this language suggested today by you and Senator Tower would be acceptable to the Administration, as both of you were informed.

Once again, the issue here is a question of declaring national policy. The present Senate debate will establish the full meaning of that declaration. Your amendment is Administration language, preferred in existing circumstances over the original or amended Stennis proposal—but as was indicated last week and at noontime today other approaches would also accord with the President's basic object—equal treatment under law—to the degree that they would give validation to de facto segregation in the South in the same measure that it is constitutionally permissible in the rest of the country.

Sincerely,

BRYCE N. HARLOW,
Counsellor to the President.

Mr. HOLLAND. After declaring that the writer of the letter and the White House understand that what we are trying to do is to declare national policy, the letter goes on to say that the reason they prefer this pending version to the Stennis amendment is, and I quote from the letter:

> It would not prejudge de facto segregation but would validate it in the South as elsewhere so long as the courts have not held such segregation unconstitutional.

To me, that simply means the Senate has no idea at all that de facto segregation is unconstitutional; is not willing to say so until the courts have said so. Indeed, when the legislation was passed by the Congress, Congress was passing it as general legislation, not making any reference to de jure or de facto segregation, but simply making it provide that segregation was unlawful.

Now we are asked—and this memorandum makes it clearly so—to pass the substitute because—

> It would not prejudge de facto segregation but would validate it in the South as elsewhere so long as the courts have not held such segregation unconstitutional.

Then the closing words in the letter:

> Equal treatment under law—

That is what the President wants—

> to the degree that they would give validation to de facto segregation in the South in the same measure that it is constitutionally permissible in the rest of the country.

It seems to me that the letter goes far to validate de facto segregation wherever it may occur. As bait to the South, it puts in advice that de facto segregation is probably constitutional in the South as it is in the rest of the Nation. As one southern Senator, I do not propose to rise to that bait. I am not going to support the substitute amendment.

I want to say one further thing. The RECORD and the Congressional Quarterly show that this particular Senator supported the President more often last year than any other Senator on this side of the aisle; to wit, 61 percent of the time.

The Senator from Florida has no apology to make for that. He is going to continue to support the President when he thinks he is right. He is not going to support the President when he thinks he is wrong; and he thinks the President is wrong if he supports the philosophy expressed in this letter, because it simply, in effect, says that the Senate has no opinion at all on de facto segregation so long as the courts have not yet seen fit to rule upon it. The Senator from Florida is not going to take that position by his vote, but will continue to support the amendment of the Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. I thank the Senator.

Mr. President, did the Senator from Florida use his full 5 minutes?

The PRESIDING OFFICER. He did not. The Senator from Mississippi has 4 minutes remaining.

Mr. STENNIS. I yield 2 minutes to the Senator from North Carolina (Mr. ERVIN).

Mr. ERVIN. Mr. President, down in North Carolina, some of the members of rural Methodist churches are somewhat emotional in responses to their preacher, and when the preacher says to them something they agree with, they say, "Amen, brother."

I do not know how the Quakers are on that. They are rather reserved people; I do not know whether they give vent to their emotions. But I want to read the message sent to me by William E. Timmons, assistant to the President, on February 12, 1970, in which he says:

> It is the view of this Administration that every law of the United States should apply equally to all parts of the country. To the extent that the "uniform application" amendment offered by Senator Stennis would advance equal application of law, it has the full support of this Administration.

Mr. President, that is all that the amendment offered by Senator JOHN STENNIS would do. It would advance the equal application of the law, and I tell you no North Carolina Methodist could have said more strongly than the Quaker in the White House, "Amen for the Stennis amendment."

Mr. STENNIS. Mr. President, I have 2 minutes, I believe. I understand that the Senator from Alabama has 10 minutes from the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes, on the time of the Senator from Michigan.

Mr. ALLEN. Mr. President, I appreciate being extended time by the distinguished Senator from Michigan (Mr. GRIFFIN). It appears that both controllers of time apparently are against the Stennis amendment and in favor of the Scott amendment; but I do appreciate the indulgence of the distinguished Senator from Michigan.

The Scott amendment, in the judgment of the junior Senator from Alabama, is the most arrogant, the most supercilious, the most callous, the most cynical proposal that I have seen come into the U.S. Senate during the brief time that I have had the honor of representing the people of Alabama in this august body.

Stripped of its excess wording, the amendment seeks to do two things, and two things only: it provides for uniform desegregation in the South. That is the extent of the uniformity. It is not uniformity throughout the country. It says that the desegregation criteria and guidelines shall be applied uniformly in

those areas where segregation has been ruled to be unconstitutional.

The only place that the Supreme Court has ruled that segregation is unconstitutional is in the South. Therefore, the amendment says, "Apply desegregation policies uniformly in those areas, namely, the South." Uniform desegregation in the South; that is phase I of the amendment.

Second, no busing in the North, because the second phase of the amendment says that no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance, and HEW takes the position that racial imbalance is the same thing as de facto segregation.

So the purpose of the amendment and the effect of the amendment is to freeze into the law of the land the inequitable Federal policy with reference to our public schools that permits segregation in the North and that requires, by punitive measures, desegregation now in the South.

We come in, and all we ask, by the Stennis amendment, is the equal protection of our law. That is not too much for the people of the South to ask, in the judgment of the junior Senator from Alabama. We ask equality before the law. We ask equal protection of the law. The Bible, with reference to a similar situation, quotes Jesus as saying:

> What man is there of you, whom if his son ask bread, will he give him a stone? Or if he ask a fish, will he give him a serpent?

All we are asking for is the equal protection of the law, and the answer we receive is, "No, you are not going to have equal protection of the law. We are going to freeze this inequitable policy into the statutory law of the land."

That is the answer that we get. I hope that the Scott amendment will be defeated. I notice that this letter from the President, signed by Mr. Harlow—and if this is part of the Southern strategy that we read about, I say it has failed, because the people of the South are not going to buy the Scott amendment; they are not going to accept a continuation of this inequitable Federal school policy that does permit freedom of choice, and the choice apparently is segregation, in the North, and requires immediate desegregation in the South—is referred to as being the President's letter. He was not proud enough of this letter to sign it himself. He has Mr. Bryce Harlow sign the letter. I do not know whether this is Mr. Bryce Harlow's opinion, or whether it is the President's.

The President when he was a candidate for the Presidency, did not send Mr. Harlow down into the South, to say that he was opposed to busing and that he was in favor of neighborhood schools. He went himself. This letter, signed by Bryce Harlow, is not, to my way of thinking, a statement from the President himself. If the President himself takes this position, his Southern strategy has failed. That is my assurance to him.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield my 2 remaining minutes to the Senator from California.

Mr. MURPHY. Mr. President, I listened with great interest to the debate yesterday, and I have listened this morning. I have read this letter very carefully, and the letter appears to me to be written for the purpose, by a counselor of the President—there is no indication that the President wrote the letter, or saw it, or knows of it—of clearing up what appeared to be a misunderstanding of the administration position which is reflected in the colloquy yesterday between the distinguished minority leader and the Senator from Texas.

I do not think that this letter changes the President's stated position with regard to the Stennis amendment one iota. I find nothing in that except possibly wishful thinking. I think the key words, which are stated again by Mr. Bryce Harlow, are "the President's basic object—equal treatment under the law."

Those are the words that are important.

I do not think that the appearance of this letter should be given nearly the amount of attention it has received here this morning. I think this letter is merely an explanation of what was apparently a controversy and a misunderstanding on this side of the aisle yesterday, and I think the RECORD should clearly state that.

I do not think the President's position in this matter has changed one iota. I have seen nothing and heard nothing that would indicate that it had.

Mr. GRIFFIN. I yield myself 2 minutes.

Mr. President, before this very important vote is taken, I want to say that, regardless of the outcome, the Senate and the Nation owe a great debt to the distinguished Senator from Mississippi (Mr. STENNIS). I wish to indicate my very high personal regard and respect for him and the way he has conducted this debate.

I realize that there will be further debate on other amendments, but presumably this vote will be a critical vote in terms of the pending Stennis amendment.

The Senator from Mississippi has without doubt compelled Senators, whether they are from the North or the South, to search their consciences and to face up to the hard question that de facto segregation in our Nation poses. He knows, of course, that I do not agree with him on the merits of his amendment. If I were not a lawyer, I might well join in the support of it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. I yield myself 1 additional minute.

Aside from the merits, I think that his amendment, his debate, his careful research, and the record he has made of the hypocrisy that does exist in the North and the extent to which there is de facto segregation have been of service to the Senate and to the Nation.

Without doubt, regardless of the outcome—and this is only a statement of policy, even if it is adopted—I believe there will be other actions taken by Congress to try to deal with the difficult problem of de facto segregation. We are going to have to define and limit it and come to policy decisions as to what is and what is not de facto segregation. Of course, we do not know that in the present situation.

So, while I will vote for the Scott amendment with enthusiasm, because I think that under the circumstances it is the best course before the Senate, and while I will vote against the Stennis amendment, if it comes to that point, I did want to make this statement to the Senate while the Senator from Mississippi is in the Chamber.

Mr. STENNIS. I thank the Senator.

Mr. MANSFIELD. Mr. President, will the Senator yield me 2 minutes?

Mr. GRIFFIN. I yield 2 minutes to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, as I understand it the Stennis amendment has now been corrected or amended by the distinguished Connecticut Yankee, the Senator from Connecticut (Mr. RIBICOFF) who added the words on line 8, after the word "race," "whether de jure or de facto." Is that correct?

Mr. HOLLAND. That is correct.

Mr. MANSFIELD. So both aspects of the problem are faced up to. It is made clear that neither de facto nor de jure conditions are being given exclusive or sole consideration.

In the amendment offered by the Senator from Pennsylvania (Mr. SCOTT)—which has the administration's approval, I understand—it is my understanding that all it does, in effect, is to restate in different words the effect of the 1964 Civil Rights Act. Is that correct?

Mr. STENNIS. That is my version of it, Mr. President. That is what I think.

Mr. MANSFIELD. And the 1964 Civil Rights Act, in effect, says that no one shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance. Is that correct?

Mr. JAVITS. That is correct.

Mr. MANSFIELD. In other words, that is a part of the law which is now in operation.

Mr. JAVITS. Exactly. And I might tell the majority leader that it is also contained in the bill which is before the Senate, and it has not been challenged.

Mr. MANSFIELD. So this would reinforce it triply.

Mr. JAVITS. That is correct.

Mr. MANSFIELD. The word "unconstitutional" is used in the substitute before us. Does the word "unconstitutional" take in de jure and de facto conditions in the sense that the distinguished Senator from Connecticut added them to the Stennis amendment?

Mr. JAVITS. Yes. The reason I say that, if the Senator will allow me—and we will get him more time if he needs it—is that if the courts declare de facto segregation in any case unlawful—to wit, unconstitutional—then the reach of the amendment would include de facto segregation so declared to be unconstitutional.

Mr. MANSFIELD. Would it be possible to erase the word "unconstitutional" and put in the phrase "de jure or de facto"?

Mr. JAVITS. If that were done, I should like to explain to the Senator, it is my judgment—I am speaking now only

as a lawyer and I think that is what the Senator wants me to do——

Mr. MANSFIELD. Yes. I am not a lawyer.

Mr. JAVITS. I am speaking only as a lawyer. Other lawyers may disagree with me. I think that could then be construed as adding an additional dimension to what the courts might otherwise decide.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. I yield 2 additional minutes.

Mr. JAVITS. The reason I say that is not that the Court could expand the Constitution by including de facto if it were not constitutional to include it. But as this is a general statement of policy, it would be fair for the courts to say, "Congress had asked us to consider de facto segregation as unconstitutional." It is strictly a fact.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. I respectfully disagree with the Senator from New York. I think the word "unconstitutional" as applied here ties in with the decision of the Supreme Court, which has passed directly only on the segregation now called de jure, which is the so-called dual system. It has not directly passed on the other.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. There would be no reason why, if one wanted to put in words what I have just said, he could not add, after the word "unconstitutional," "whether de facto or de jure," because that is what it means.

Mr. MANSFIELD. If that is what it means, why not take out "unconstitutional" and put in "de jure and de facto"?

Mr. JAVITS. The reason is that, as I pointed out, if you do not couple it with the word "unconstitutional," you may be including de facto segregation, which is now not unconstitutional. I do not understand Congress to desire to legislate affirmatively with respect to de facto segregation. So that you have to include such segregation, whether de facto or de jure, which is unlawful.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. Briefly.

Mr. HANSEN. May I say that I think we are getting down to the nub of the issue. The fact is, as the Senator from New York indicated yesterday, that if we were to strike both de facto and de jure segregation:

> All efforts to desegregate will stop, and it will be impossible to go on; or there will be Federal interference of such size, magnitude, and depth that the country will be appalled if this measure becomes law.

In other words, it seems to me that what is being said is that it is all right to have a certain kind of desegregation enforced so long as you do not make its sweep broad and encompass the whole country, and if you do that, it is going to bring chaos in the North.

That is precisely what the Senator from Vermont pointed out yesterday, when he said that the North does not object. The people who object are a few big cities, and I can understand the concern of the Senator from New York.

I think the laws of this country ought to be enforced fully in all the 50 States; they ought to be enforced impartially.

Mr. JAVITS. Mr. President, will the Senator yield 1 minute to me?

Mr. GRIFFIN. I yield 1 minute to the Senator from New York.

Mr. JAVITS. I must say that this business of dragging New York through here as a whipping boy is just as bad and comes under the same quotations that have been used before about dragging the South through here as a whipping boy, and I think it ought to stop. New York ought to stand on its merits, and the Senators will vote as their consciences dictate, whether they come from the 10 biggest cities or not. I think it is high time we stopped calling, "Hey, Rube!" on the floor of the U.S. Senate.

Mr. McINTYRE. Mr. President, I favor equal protection of the law no matter where.

I favor equal application of the law no matter where. I oppose de facto and de jure segregation both no matter where they occur.

I am opposed to busing.

I supported the change in the amendment by the Senator from Mississippi (Mr. STENNIS) made by the Senator from Connecticut (Mr. RIBICOFF). The Senator from Connecticut added a specific mention of de facto and de jure segregation to the amendment by the Senator from Mississippi. I believe that if the Senate finally adopts the amendment by the Senator from Mississippi it would be strengthened by the addition of these words.

The pending business of the Senate is a substitute to the amendment by the Senator from Mississippi (Mr. STENNIS) offered by the Senator from Pennsylvania (Mr. SCOTT). I believe this substitute has merit because it contains a clear statement of opposition to busing and assignment of pupils to a statement of policy applying the guidelines and criteria on school desegregation uniformly throughout the Nation. The amendment by the Senator from Mississippi does not contain the clear statement on bus'ng and assignment of students. I plan to support it.

At the same time, the long and arduous debate which has occurred on this problem and the sharp disagreements as to the exact meaning of the various proposals before the Senate indicates to me that the mere adoption of the substitute by the Senator from Pennsylvania or the passage of the amendment by the Senator from Mississippi will not bring us to our goal of solving the matter of segregation in our schools.

I feel quite strongly that it is time that we take a really fresh look at the relationship between education and race. The proposals before us make clear that this is our intent. But, they may or may not go far enough.

It is for this reason that I additionally favor the amendment of the Senator from Minnesota (Mr. MONDALE). I believe this will give us a chance to build on whichever of the proposals we adopt here today. It will provide the kind of deliberations which can be conducted by a bipartisan select committee with a year to make its study, arrive at its conclusions and make its recommendations.

I will favor this amendment by the Senator from Minnesota because it calls for a day certain by which the select committee must report to the Senate and the Senate will then have this wealth of information on which to base its final judgment.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. STENNIS. Mr. President, may we have order so that the majority leader may be heard and understood.

The PRESIDING OFFICER. The Senate will please be in order.

The Senator from Montana may proceed.

Mr. MANSFIELD. Do I correctly understand that all time on the Stennis amendment has been used?

The PRESIDING OFFICER. Both on the Stennis amendment and on the Scott substitute amendment, all time has expired.

Mr. MANSFIELD. How much time is left on the bill on both sides?

The PRESIDING OFFICER. 99 minutes to the Senator from Montana and 117 minutes to the Senator from Pennsylvania.

Mr. MANSFIELD. I thank the Chair.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the modified Scott amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Montana (Mr. METCALF) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK) and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 46, nays 48, as follows:

[No. 43 Leg.]

YEAS—46

Allott	Hughes	Packwood
Bayh	Inouye	Pastore
Boggs	Jackson	Pell
Brooke	Javits	Percy
Burdick	Magnuson	Prouty
Case	Mathias	Proxmire
Church	McCarthy	Saxbe
Cook	McGee	Schweiker
Cranston	McGovern	Scott
Eagleton	McIntyre	Stevens
Goodell	Miller	Symington
Gravel	Mondale	Tydings
Griffin	Montoya	Williams, N.J.
Harris	Moss	Young, Ohio
Hart	Muskie	
Hatfield	Nelson	

NAYS—48

Aiken	Ellender	McClellan
Allen	Ervin	Murphy
Anderson	Fannin	Pearson
Baker	Fong	Randolph
Bellmon	Fulbright	Ribicoff
Bennett	Goldwater	Russell
Bible	Gore	Smith, Maine
Byrd, Va.	Gurney	Sparkman
Byrd, W. Va.	Hansen	Spong
Cannon	Holland	Stennis
Cooper	Hollings	Talmadge
Cotton	Hruska	Thurmond
Curtis	Jordan, N.C.	Tower
Dodd	Jordan, Idaho	Williams, Del.
Dole	Long	Yarborough
Eastland	Mansfield	Young, N. Dak.

NOT VOTING—6

Dominick	Kennedy	Mundt
Hartke	Metcalf	Smith, Ill.

So the modified Scott amendment was rejected.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ALLEN. Mr. President, I move to lay that motion on the table.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I sent to the desk an amendment to the Stennis amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate will suspend until the Senate is in order. Attachés will take their seats. Senators will please be seated.

The Senate will suspend until there is order.

The clerk was reporting the amendment. He may proceed.

The ASSISTANT LEGISLATIVE CLERK. The Senator from New York (Mr. JAVITS) proposes an amendment: On page 1, line 9 of the Stennis amendment, strike all after the word "State" and insert a period.

(The words sought to be stricken are: "without regard to the origin or cause of such segregation.")

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until there is order in the Chamber.

Will attachés please be seated.

The Senator from New York may proceed.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. As a matter of fact, I have a similar amendment.

Mr. JAVITS. I would be happy to withdraw my amendment and let the Senator offer his amendment.

Mr. PASTORE. That is all right. The Senator can offer his amendment and I will be a cosponsor.

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Rhode Island may be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I would be happy to share the time with the Senator.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I wish to advise the Senate that this is the amendment I submitted last night. In order to clear the way for an early vote on the Scott substitute I withdrew my amendment. As I understand it from the Parliamentarian, such amount of time as I used last night will be deducted from the time on the amendment to the proponent.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

The Senator may proceed.

Mr. JAVITS. Mr. President, as I understand the situation, such amount of time as I used last night, which the Parliamentarian tells me was 10 minutes, will be deducted from the time of the proponents of the amendment.

Mr. President, I think I can explain the amendment to the Senate very quickly. The original objection that I had to the Stennis amendment, was that as it was originally drawn it did nothing but repeat everything stated in the bill at pages 151 and 152. There is, however, one different clause. This is the real substantive issue on this matter and it arises as follows:

Because there was a modern history of racial segregation in the public schools in the South attributed to governmental action, the courts have held that when you come in to prove a case in order to bring about desegregation you do not have to prove that the school system continues to be segregated in violation of the Constitution. The fact that it was segregated according to law creates a presumption in that regard.

Now, Mr. President, I have argued that the last clause of the Stennis amendment is an effort to destroy that presumption, assuming the courts follow it—the courts may say, and I am the first to say that, that it is a presumption which they have a right to make under the Constitution.

Mr. STENNIS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, there should be some way to get order in the Chamber so the Senator can be heard.

The PRESIDING OFFICER. The Senator is correct. The only way we can do it is either to clear the Chamber of attachés or Senators. Senators will please be conscious of the fact that this debate is taking place.

If the Senator will suspend, there are only two ways to do it. I have outlined both of them. I hope Senators will be indulgent so we may hear the debate. If the noise does not cease, we will take the first action of clearing the Chamber of attachés.

Mr. JAVITS. Mr. President, the Senator from New York wishes the Chair would not do either. There is a third way. If I am interesting enough in what I have to say, the Chamber will be quiet. I suggest the Chair leave it to me.

The PRESIDING OFFICER. The Chair did not make the suggestion unkindly.

Mr. SCOTT. Mr. President, will the Senator yield to me, so that I may clarify the situation with respect to time?

Mr. JAVITS. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I understand time on the bill is equally divided between the Senator from Rhode Island and me. Since both of us are in favor of the Javits amendment, I ask unanimous consent that I may transfer my time on the amendment to the Senator from Mississippi. I would like to transfer my time to the Senator from Mississippi, the Senator from Rhode Island retaining his time on the amendment.

The PRESIDING OFFICER. This is the understanding.

Mr. JAVITS. Mr. President, the time on the amendment is in my control, and I now understand the time in opposition is in control of the Senator from Mississippi. I intend to share my time with the Senator from Rhode Island.

Mr. President, I may be wrong, but if I understand the temper of the Senate correctly, and I am trying my best to read it, the desire is to bring about an even level of administration of the laws of the land everywhere in the country; and the Senate, as I interpret it, feels what was done in the Appropriation Act, to wit, that there should be as much of an enforcement corps in the North as in the South, using the term "North" to refer to every other section of the country, is carried out in this idea that the law shall be equally administered.

The Senator from Connecticut (Mr. RIBICOFF) has added the additional point that if segregation can be reached by law then it should be reachable whether it is de facto or de jure.

All of this the Senate has decided, as I see it, in rejecting the Scott substitute, but what I think has not been decided is that we want to begin to change the procedures in our courts by the Stennis amendment in such a way as to affirmatively prejudice the cases reaching de jure segregation which are pending or may be brought. I say that because I have heard some Senators say there is no design or intention to turn back the clock in the South, even though we are going to call the North to a higher standard.

The purpose of my amendment is to see that we do not do that, wittingly or unwittingly; and that is all. If it cannot stand that test, and I believe it can, it should be rejected; but if it can stand that test it is a necessary amendment be-

cause every stated purpose of the amendment is accomplished without that clause. As to uniform application, it relates to de facto and de jure segregation. If the courts feel they can reach de facto segregation they will do so uniformly throughout the United States. But I do not believe we want to go one step further and prejudice the existing state of the courts' views on de jure segregation. I am deeply convinced that is what would happen.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COTTON. Because of the confusion in the Chamber I could not hear. Will the Senator tell us the exact words he is deleting?

Mr. JAVITS. Certainly. I am deleting the words that appear at the end.

Mr. PASTORE. Mr. President, if the Senator will yield, I have the words here. They are "without regard to the origin or cause of such segregation." In other words, the amendment would stop with the word "State".

Mr. JAVITS. In other words, the amendment would then include the words "whether de jure or de facto in the schools of the local educational agencies of any State" and omit the words "without regard to the origin or cause of such segregation."

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, I wish to say to the Senate that the so-called Whitten amendment has been a bone of contention before the Committee on Appropriations for some years. While I have been constantly and consistently in opposition to the so-called Whitten amendment, I have always taken the position, and I have said so privately in the committee and publicly on the floor of the Senate, that insofar as the matter of segregation is concerned, it is a cause of national rot; and desegregation should be enforced in the North, South, East, and West with equal vigor, with equal determination, and with equal justice.

I have made that position known to my southern friends time and time again. Yesterday, I rose on the floor of the Senate to ask my distinguished friend, the Senator from Mississippi, if he would delete the words "without regard to the origin or cause of such segregation." Then, I would vote for his amendment because I think his amendment does what should be done and that is that the law should be enforced uniformly throughout the entire Nation. I hope he will accept this amendment because I do not understand and I cannot see what the words mean. To me they have a dubious and I might add a suspicious connotation.

Mr. JAVITS. Mr. President, I yield to the Senator from Mississippi, who opposes my amendment.

Mr. STENNIS. Mr. President, I thank the Senator.

I would like to address this inquiry to both the Senator from New York and the Senator from Rhode Island. Unfortunately, I was called from the Chamber and I did not hear all of the argument of the Senator from New York. But since the Ribicoff amendment has been added, does the Senator think that with the words "whether de facto or de jure"—and I am referring to the words of the Ribicoff amendment—we have substantially the same meaning as the words at the end which the Senator would strike?

Mr. JAVITS. I want to be very careful. The Senator knows me very well. Whether I am for or against his position, I will tell him what I think.

Mr. STENNIS. The Senator is exactly right.

Mr. JAVITS. I think that is part of what the Senator had in mind. Probably because we feel so strongly about the good faith of the Senator from Mississippi (Mr. STENNIS), we feel that is what he had in mind. But the effect, in view of the way these cases have been conducted, will be to avoid the manner in which the Department of Justice is proving its case in the de jure segregation cases in the South. So to the extent that the de jure and de facto are now included, the court will be able to reach out, if it believes it should. It should be remembered that there are a number of circuit courts which have said they will not reach de facto segregation. The Deal case was cited yesterday, which held exactly that. But if they do reach out, the words "de facto" and "de jure" cover that part of the clause; but the other affected clause, to wit, a change in the method of proof in de jure segregation cases, would in effect be stricken from the amendment, so the Department of Justice could continue to prove its cases in the de jure situations as it has. That is my only purpose.

Mr. STENNIS. All they have to prove now is that at one time recently—in 1954—the area had laws providing for a de jure system.

Mr. JAVITS. The Senator used the word "prove" and it is not proof; it is only a presumption that the courts will make, subject to countervailing proof; namely, that it is de facto segregation. That is why I say to the Senator that the words "de facto," now included, answer the point made by the Senator from Kentucky (Mr. COOPER), because, having included in the reach of the amendment de facto segregation, it seems to me the situation is answered. The presumption could be rebutted by showing that it was de facto segregation.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. The Senator is correct in explaining as precisely as possible the purpose and effect of his amendment, with competence, as always.

I would like to ask questions, because we are trying to find out the effect of the amendment. I may say that, at first impression, it appears that there is a difference in effect by striking the words, and that resulting from the addition of "de jure" and "de facto." I think the Senator will agree that a description of a de facto situation is a description of an existing situation, not resulting from government action.

Mr. JAVITS. No; it is also a description of a situation which could exist in the future.

Mr. COOPER. The Senator is correct.

Mr. JAVITS. If the Senator will allow me, look at the situation in New York, of which so much has been made. The fact is that there was an enormous influx of blacks into New York, and hence the situation of racial imbalance is much worse in 1970 than it was in 1954.

Mr. COOPER. May I ask this question pointed more directly to the language of the Senator? Courts thus far have held in de facto situations, other than in the 17 States referred to—there has been some disagreement, but generally the courts have held—that the Federal courts have no jurisdiction to intervene in de facto cases. That is the decision in the Deal against Cincinnati Board of Education in the Gary, Ind., case, and in a number of other cases. In the South, the same rule is not followed. For example, in the city of New York, or the city of Boston, or the city of Cincinnati, Ohio, there are de facto situations caused by housing patterns, which may have developed before or since the Brown case in 1954. A similar situation may exist in the city of Nashville, Tenn., or Louisville, Ky., or any southern city within the 17 States referred to. Although there has been no Supreme Court holding, the lower courts—district courts and the circuit courts of appeals—in the same de facto situation in the South have taken jurisdiction on the ground that at one time in history, before the Brown case, or since the Brown case, the State had intervened, and even though State intervention does not still prevail, the court will consider it to be a de jure situation. Am I correct?

Mr. JAVITS. I do not know that the Senator is correct, because he has not cited cases. He said "cases." He cited a case in which the court rejected the idea of dealing with de facto segregation, but he has not cited a case for me——

Mr. COOPER. I have cited cases dealing with de facto situations in the North. The Senator himself has said that in cases in the South, though no actual de jure segregation is involved, there was a presumption——

Mr. JAVITS. I did not say that. I said the court starts out by accepting the presumption that where there had been de jure segregation, that de jure segregation continued; but I believe the Stennis amendment, without this additional clause, now will require the courts, if they have not done so—and in my judgment that was their practice up until now—to allow that presumption to be rebutted. Unless the Supreme Court has allowed the reach of the Constitution, which it has not yet, to go to de facto segregation, it will, because of the Stennis amendment, which expressly says so, make the same regulations and laws apply in the North that it has in the South.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. I think we are all missing the point here.

Mr. COOPER. I do not think I am.

Mr. PASTORE. This amendment will not desegregate one single school, whether it be in the South or in the North. The amendment has to do with title VI of the Civil Rights law, which has to do

with Federal financial assistance. It has to do with Federal financial assistance. The question of whether or not the schools are going to desegregate will depend upon the mandate of the Court. Many localities are already under mandate, and there is nothing we can do to change the mandate of the Court, no matter what law we pass, because if segregation is in violation of the Constitution of the United States, the Supreme Court takes original and exclusive jurisdiction, and we in the Senate cannot take that right or prerogative away from the Court.

But the effect the amendment will have is that while HEW has been withholding funds in the South, when we pass this amendment it will have to become more or less lenient in that attitude, because unless we can bring about desegregation in the North, whether de facto or de jure, it cannot withhold money from the South while giving it to the North. That is the only thing the Senator from Mississippi wants to do as I understand it.

Mr. COOPER. We have to understand the meaning of this language. I will admit what the Senator has said about the courts is correct. Most of the cases will be decided in the courts. The Supreme Court, in line with its holding, is not required to follow language adopted by the Senate. In fact, the courts have overridden a constitutional amendment adopted by the State of California. If the facts involve a constitutional issue under the Brown case the court would probably override a constitutional amendment or statutes passed by a State or by the Congress. I am simply trying to find out, and I believe the Senator from New York has told me the answer. We will agree that in a de jure situation in the South or the North the courts can intervene, and HEW, without question, can take cognizance, and act.

There is no reason why HEW and the courts should not take cognizance of de facto situations in the North, if they do in the South.

Mr. JAVITS. As I said to the Senator—and this goes to the point ably made by the Senator from Rhode Island (Mr. PASTORE)—this presumption that the courts have indulged in we must assume HEW will also indulge in. It seems to me that you get the full benefit, and you are entitled to it, of the Stennis amendment insofar as it seeks to now make a new rule of equality or uniformity, and at the same time avoid an evil in the amendment, in reaching into de jure situations and very heavily complicating the proof in the way that the Department of Justice can make it, and that is why I felt this amendment was appropriate.

Mr. COOPER. HEW—and I have studied their guidelines, as has the Senator from New York—and it is my view that they do not attempt in their guidelines to deal with a de facto situation.

We are probably arguing over words, but I think there is a distinction.

Mr. JAVITS. The only point that I make was that it struck me—this point was raised before by Senator PASTORE before the words "de jure" and "de facto" were in, but it struck me that now there was no question about the fact that we were reaching what I believe the author of the amendment really wanted to reach, but we were going, however, beyond that, in a way that I have described, which, whether we sought to reach it or not, would be unwise for us to legislate.

I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, forgetting for the moment the action of HEW and these other actions, is the purpose of this amendment and the result the Senator is seeking to achieve added to the principle that desegregation shall be sought with the same determination, the same vigor, in the North as well as the South? Is the main purpose to make certain the burden of proof is the same in the South as in the North?

Mr. JAVITS. It is my purpose, except that I still believe that we have a right to start from a different base, to wit, the base that the segregation was State imposed, and that, therefore, the first element of proof, to wit, that there is any de jure segregation, should be presumed, but not where there was State-imposed segregation. There the burden shifts to the defendant to show that there is actually de facto segregation.

Mr. COTTON. So it is the opposite from the understanding of the Senator from New Hampshire. The purpose is that there shall be a slightly different burden of proof in the North than in the South?

Mr. JAVITS. The question of who bears the burden of proof only, as I say, because that is the way it has been done. That is the situation up to now. I am not trying to create a new one.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. AIKEN. I should like to ask one question, if I may use layman's language, and leave out the "de jures" and "de factos" and things like that.

If the Senator's amendment is approved, is it his interpretation, then, that the law will be applied exactly the same in all parts of the country, whether or not any court has made any decision affecting each part of the country?

Mr. JAVITS. Yes, I say that, and I think this bears on Senator COTTON'S question——

Mr. AIKEN. Yes. I hoped the Senator would say that.

Mr. JAVITS. If we had a record of segregation in the North, the same presumption would apply, and I believe it was so utilized in a case in my own State, the Mount Vernon case.

Mr. BAKER. Mr. President, will the Senator yield for a question on that point?

Mr. JAVITS. I yield.

Mr. BAKER. To make sure I fully understand the Senator's reply to the Senator from Vermont, as it relates to the inquiry of the Senator from New Hampshire, is it not true that under the existing state of affairs, the courts, in effect, have created a presumption in the South of segregation based on a history of previous de jure segregation?

Mr. JAVITS. They have created a presumption which is North and South, wherever there has been, actually, State imposed segregation. I stated a case in my own State where they used the same presumption. The cases have been much more numerous in the South.

Mr. BAKER. And that the amendment by the distinguished Senator from Mississippi says that "you are going to look at the facts here and now as to whether there is segregation now, de jure or de facto, not on the basis of any past precedent forming the basis of the situation"? Now, is that not the effect of the amendment of the Senator from Mississippi?

Mr. JAVITS. That is the effect, and it will therefore change the existing law and practice; that is what I am arguing.

Mr. BAKER. But would it not therefore provide absolute uniformity in the United States under the Stennis amendment, and perpetuate a distinction now existing under the amendment of the Senator from New York?

Mr. JAVITS. No; I cannot agree with that. I think it would change the rule of uniformity. Now that rule is the same in the North as in the South, where you have a pattern of de jure segregation. We ourselves have legislated that in respect to voting rights. We took cognizance of the pattern and practice ourselves.

Mr. STENNIS. Mr. President, will the Senator yield me 5 minutes on my time?

Mr. JAVITS. I am ready to yield the floor.

Mr. STENNIS. I thank the Senator. Mr. President, I yield such time as he may require to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I think the distinguished Senator from Tennessee has raised the basic objection to the amendment offered by the Senator from New York. On the surface, the amendment seems quite innocent, and it gives the impression that we are really dealing with a situation of treating both the North and the South the same. The Senator candidly says, "If you have de jure segregation in the North, and there may be a few towns that have it," but basically, most of the segregation in the North is not de jure but de facto.

If we eliminate the phrase, "without regard to the origin or cause of such segregation," we go back to the situation that prevailed before this debate and before this amendment was agreed to. Therefore, if a northern community had de facto segregation at the present time, it would not be subject to the guideline. I think the Senator from Tennessee makes that point, and makes it well.

What the Senator from Mississippi is trying to achieve is a disregard of what had taken place in the past. I say de jure is wrong and de facto is wrong, but the courts have only passed on de jure. So far the Supreme Court has never passed on the problem of de facto segregation.

What we are trying to achieve here is to say to HEW, "In the guidelines that you propose in making the determination whether funds will be held back from either the North or the South, you are going to look at the situation as it actually exists; is there discrimination, and is there segregation? If you find that there is a pattern of segregation, you are going to treat the North and the South the same, as of now."

I think this is the weakness in the proposition of the Senator from New York. The Senator has been candid. He has not at all, by a single word, misled the Senate. But I think it is important to understand that basically the amendment of the Senator from New York does weaken and take away from the objective we are seeking to accomplish by the Stennis amendment.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I yield myself 8 minutes.

I appreciate the concern of the Senators and I fully appreciate the very fine presentation here of the Senator from New York. Going back through just a short bit of history, now, with reference to these orders—and this amendment relates to the money—there were certain forms sent out by HEW, years ago, under the Civil Rights Act, that asked the school districts whether they were in compliance with the Civil Rights Act.

All the districts outside the South, or those that had no laws on the subject, had to fill out a special form. But first, as to those outside the South, they certified on a different form that they were in compliance, and those cards were all filed. With the exception of four or five, or maybe eight or 10, all those districts have been receiving the money ever since that time, on this presumption of innocence, and their certification that they were in full compliance. In the same period of time, the forms of the districts in the South were rejected, and they were held not eligible for money, and they were called on to submit a plan of integration. When they submitted the plan, in effect they pled guilty to not being in compliance, and in that way cases were made against them. I do not recall a single district, in all those years, where any money was withheld outside the South, although I understood later there were a few. They operate on this presumption of innocence outside the South, whereas, in effect, we operate under the presumption of guilt.

If this amendment becomes law, it is going to strike out those presumptions, and this matter will have to be applied uniformly. When the words "de facto" and "de jure" were put in yesterday, I supported that, in spite of the strong argument that the words "de facto" had not been defined enough. There certainly is some uncertainty, although I think that, as a practical matter, they have been rather well defined.

There was nothing ingenious about putting the last words in here, but I believe that if we strike them out, they can go right back to the same pattern. HEW does not require anything in their regulations with respect to the districts outside the South that have not had the laws with reference to a dual system. They just go on from year to year, without anything being looked into. I think if we carry out the purpose of my amendment, we ought to keep the words in here and make it clear that, without regard to the origin or cause of such segregation, we want this uniformly applied.

The rules and regulations that apply to this money have not been applied to the school districts outside the South. So if we want uniformity, these rules and regulations must apply uniformly throughout the country, and I hope the Senate does not see fit now to strike out these words. The striking out of them would create doubt or at least would give HEW, I believe, a green light to run on the old schedule, anyway, as to those beyond the South.

I think we ought to be clearcut and convincing in the language we use here and be firm on this policy. Certainly, no one is going to be hurt by it. We should carry out the primary purpose of what the majority of the Senate has already voted for, as I understand it. I think it is far better to leave these words where they are, and it would be a mistake and would leave uncertainty in the mind of HEW and perhaps the courts to strike them out.

There is nothing in here that is an attempt to get something in favor of the South. There is nothing in here that is an attempt to put an undue penalty on anyone else. It is just a matter of trying to get uniformity in all regions.

I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, will the Senator from New York yield me 10 minutes?

Mr. JAVITS. I yield 10 minutes to the Senator from Illinois.

Mr. PERCY. I make the request to question the distinguished Senator from Mississippi and to make a preliminary comment, because the State of Illinois and the city of Chicago have been mentioned so frequently in the debate.

I should like to reiterate the historical background of what has happened in Chicago to provide, as the Senator from Mississippi has so aptly and correctly said, one of the most segregated school conditions that exist in the country. The condition in Chicago arose not because we originally had segregated districts or neighborhoods in Chicago. We did not, 20 years ago you could not walk any place in the city of Chicago without passing within half a mile of a white neighborhood, even in a black community. Today, however, you can walk for 10 miles in a row from north to south, and for 5 miles in a row from east to west, and you cannot pass any white community if you are walking in the right direction. We have some 30 square miles of what we call a black ghetto.

Now, because of living patterns and the neighborhood school principle, we have many segregated schools in Chicago—and elsewhere. The problems arose, we all know, because of lessening economic opportunity in the South, which brought the blacks to the North. They also arose because there was discrimination in the South in educational opportunity and in job opportunity. I think we all know that. There was a feeling on the part of the black that, although there was discrimination in the North on jobs, it might be something less than in the South and that, although there probably was discrimination in housing—and there is still—it would possibly be less than in the South. Thus they came North. One thing they did not find in the North was legal discrimination in educational opportunity of any kind.

I can recall seeing pictures in which bus tickets were offered in the South for travel to the North. The problems, then, that have been brought with low-income people, ill-adapted to life in urban areas of the North, were brought in part by the encouragement of blacks to move North from the South. We all know that.

I would now like to turn to some questions I cannot find answered in the RECORD. In looking at the design and purpose of the Stennis-Ribicoff amendment, I have not discovered the answer to the question, "How will it work?" How will it be enforced? I would very much appreciate either one of the authors of the amendment clarifying for me and for many of my colleagues how it literally would work if enacted.

Mr. STENNIS. I think that is a good question. Let me answer a segment of it first.

I think that if we strike out the language that is proposed to be stricken out, it will eliminate a part of the amendment that will cause a new start to be made. But, by and large, I am told—and I am not accusing anyone in Chicago or anywhere else—that there are a great many districts, even though there has been no State law, in which active discrimination by the board can be proved, and that the facts have been accumulated in many of them, but they have not been tried or they have not been determined by HEW. Perhaps there has not been time. But those conditions do exist. They are still operating in the same way, though, and getting that money every year on the presumption. This would go into the very heart of the matter and require more activity on the part of HEW just as fast as they rapidly could to get into the very merits of this thing and not travel on a presumption of innocence outside the South and a presumption of guilt in the South.

Mr. PERCY. But there is a distinction. I went to the schools of Chicago for many years. No child, black or white, who lives there—in any of my own experiences there through the course of my lifetime—could not go to his neighborhood school; The situation is not the same in the South.

Mr. STENNIS. We are integrated now. The figures that have been given here were the last available figures, but within the last year a great deal has been added to that.

Mr. PERCY. Progress has been made.

Mr. STENNIS. Yes. And the situations vary a great deal.

But my point is that this amendment will require some uniformity in application. If this language is stricken, I believe it will be used as an argument that, after all, the Senate decided that it did not want uniformity in the application of these guidelines.

Well, I do not know all the names they call them but this will require time to go into. They cannot do it all at once. They would pay a district until there was something indicated to the contrary that they were not eligible, but they would have to go into it.

Mr. PERCY. The question specifically to the Senator is, How will the amendment be enforced, how will it work? Specifically will the passage of the Stennis-Ribicoff amendment speed up or slow down integration in the South?

Mr. STENNIS. Well, we are going to have a continuation of integration in the South. There has been a great deal of concern here about its being slowed down in the South by this amendment. I think the major concern is that the Senator is afraid the amendment might hurry up integration beyond the South.

We in the South are suffering terribly. It is jeopardizing our public school system. We are in a critical situation down there. We feel that if this thing is applied—I do not expect any relaxation, particularly in the South now—but if it is applied nationally, there will evolve a genuine national policy based more on something that the Senator will feel and the patterns in his area will feel. It will be based more on reason and commonsense, live and let live, and educational policies will be emphasized more, so that we will all be able to move along together.

I am not trying to defeat any court order or get out of anything.

A remarkable speech was made by Representative EDITH GREEN in the House of Representatives last July, which I placed in the RECORD some time after the first of this year. As everyone knows, she is an ardent integrationist, a so-called civil rights worker, and she said that she has had enough. She has had enough, because she has seen it destroying the schools, which are carrying the whole of the burden of social change.

I think that if the Senator finds that out in his area of the country, he will realize what it means to him and the people of his State, as well as to us. We can all help evolve a sounder policy.

Mr. PERCY. I flatly believe that we must continue to fulfill the spirit and letter of the law in the North and offer integrated school opportunities to all the children. What I am wondering about at this time is, Does the Senator now take the position that there should be no slowdown of integration in the South?

Mr. STENNIS. Those words are too broad in their meaning and extend over a long period of time. I hope that we can get a stronger policy. This thing now is literally destroying the schools, the spirit of the schools, and much of local support for the schools. It is driving the teachers away. I told the Senator the other day that the educators—I am not an authority on this subject—but they come up here to me and some of them ask me, "How long before this will end? How long will this last, this disarray, confusion, and obliteration of our schools?"

We have already lost this school year, as I am sure the Senator will agree. Our educators and teachers want to stay with the profession. That is my point. They come up here to ask me what I can do to help them.

Mr. PERCY. In an atmosphere where law and order are so important, we have a clear-cut law now. We have a clear-cut order under the Supreme Court to integrate now, immediately. I think that many of us are concerned that there will be some way of getting around that law, that the integration process will be slowed down in the North and South, possibly, by the application of this amendment. This brings me to my second question. In fiscal year 1970, provision was made for $5.2 million for civil rights enforcement under the HEW bill. If we are to take that same $5.2 million and spread it over 50 States instead of over the relatively few where there is de jure segregation, would the spreading of the funds lessen the tendency to integrate immediately and how? Would the Senator support an increase in funds for enforcement, if we are to apply uniformly and equally to all States the civil rights enforcement provisions?

Mr. STENNIS. If you gentlemen would stop defending your own segregated conditions and come in here and join us on this amendment, in letter and spirit, rather than trying to protect the status quo and your own immunity, more or less, I do not believe we will have any trouble getting all the money the Senator wants to enforce desegregation in the North and in the South.

I know that I shall be ready to help the Senator get the money. I have not heard from any States asking for more money yet—not yet. I am on the Appropriations Committee, so I should know. Yes, I support the Senator, as I say.

Mr. PERCY. In other words, an increased appropriation would be commensurate——

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. JAVITS. Mr. President, I yield 3 more minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 additional minutes.

Mr. PERCY. Mr. President, may I ask the Senator from Connecticut, who has also gone all out in this amendment whether he would support additional funds to carry the additional load for civil rights enforcement?

Mr. RIBICOFF. My answer is simple: There is no question that passage of the Stennis proposal will increase the burden upon HEW. It is my feeling, with passage of this amendment, that we might need in the nature of an additional $4 million or more in appropriations to enforce, supervise, and carry out the entire enforcement provisions, or guidelines.

Now the Senator has the word of the Senator from Mississippi (Mr. STENNIS), who is on the Appropriations Committee, that he would approve such an appropriation. I certainly would approve an additional appropriation. If I understood correctly the query of the Senator from Illinois, he was interested in how the Stennis amendment would operate regardless of the amendment offered by the Senator from New York. Is that the Senator's query?

Mr. PERCY. Yes; that is true. Before the distinguished Senator from Mississippi leaves the floor, I should like to say that I am very much interested in receiving an answer to another question because we have talked about segregation in the North. Incidentally, I have always admitted that it exists, and have so stated on this floor. I have never tried in any way to cover it up or hide it. We have it. But that does not excuse it anywhere in the country. I should like to know now what school conditions presently exist in both North and West which the Senator feels are illegal under the law and under what law?

Mr. STENNIS. Well, I start first——

Mr. PERCY. I address that question both to the Senator from Connecticut and the Senator from Mississippi. I would much prefer first to hear from the original author of the amendment and then to get an answer from the Senator from Connecticut.

Mr. STENNIS. I have already said that my information is, in making some records by my staff members, looking into these conditions, and we got the figures that way, finally, that there are many cases where actual discrimination could be proved by the school boards, by gerrymandering, by zoning, for a purpose, to keep them more segregated.

Mr. PERCY. That does not exist in Chicago.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Illinois so that the Senator from Connecticut can answer.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 additional minutes.

Mr. RIBICOFF. May I point out that these are figures I have, which I am sure the Senator from Illinois has, too. In Chicago, 85.4 percent of black students attend schools which are 95 to 100 percent black.

Mr. PERCY. My question is, do they attend segregated schools because of the existence of a law, or the lack of a law, and what law if any is being broken by that pattern of attendance?

Mr. RIBICOFF. I think this is what we are trying to write into the Stennis amendment. At the present time, the Supreme Court has not held there is an actual breach of the Constitution. But a de facto situation exists. The point that the Senator made, to which I address myself, is that it is basically wrong, in every instance. The Senator pointed to probably—I think the figures he used were 10 square miles, or 5 square miles, where the population was completely black?

Mr. PERCY. I think it was roughly 30 square miles.

Mr. RIBICOFF. Thirty square miles. As a practical proposition, if we have 30 square miles of all black people, for the life of me I do not see how we will ever desegregate education in that area of Chicago.

Under those circumstances we will have to be very, very realistic and say to ourselves that we are going to do away with all the myths and all the cliches and recognize that for all practical purposes in this area of Chicago we have an overwhelmingly black community and that what we are going to do is make education as good and as relevant and as meaningful as possible.

We will find the same thing taking place in the South. We will find areas in the South where there might be 30 square miles in which all students are black.

Mr. PERCY. Absolutely.

Mr. RIBICOFF. And we will have to say the same thing in Mississippi as in the 30 square miles of Chicago, that in this area of Mississippi the population is such that we have a segregated society. And if we have a segregated society, we will have either black or white. That is where the difference comes in.

It may not be appropriate, but let me take a street that I am familiar with. Let me say that we have Hyde Park or Woodlawn Avenue.

On one side of the street it is all black and on the other side of the street it is all white. And on one side of Woodlawn Avenue the students go to a white school and on the other side of Woodlawn Avenue the students go to a black school. Here, there is absolutely no reason why the school authorities in Chicago cannot rearrange the school attendance pattern so that the children, black and white, can be mixed up in school.

What has been happening in the South is exactly the same. If, in the southern community, they are drawing lines in a serpentine fashion so that the black children on one side of the road would attend one school, and the white children on the other side of the road would attend another school, I think that is wrong. In both circumstances, whether we have a situation involving either side of a road in Mississippi or either side of a road in Chicago, it is wrong.

HEW, under their guidelines, could deny Federal funds to Mississippi schools and to schools in that area of Chicago. However, they would not be denied to an area consisting of 30 square miles of black children. If we have 30 square miles of black students, they would not be deprived of school funds under the guidelines, even though they do not have a pattern of de jure, but a pattern of de facto segregation in Chicago.

Mr. PERCY. Mr. President, I concur with the distinguished Senator. He, perhaps unwittingly, picked Woodlawn Avenue. There is not any dividing line there. It is one of the most integrated neighborhoods in the city of Chicago. I have been intimately acquainted with it for years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, will the Senator yield me another 3 minutes?

Mr. JAVITS. Mr. President, I take the liberty of yielding 3 minutes on the bill.

The PRESIDING OFFICER. The Senator from Illinois is recognized for an additional 3 minutes.

Mr. PERCY. Mr. President, we are not in any way attempting to say that there are not patterns of living which people would want maintained. I spent last weekend in a Lithuanian neighborhood in Illinois. We have Chinese neighborhoods and Italian neighborhoods. There is no possibility that we will pass a law to force people to be bused into those communities.

Most of the people who come to Chicago want to live there.

What is wrong in Chicago and Illinois is that we do not have a freedom of residence law. We do not have a law that opens up the communities to everyone who wants to live in them. But we now have a Federal law. We are making considerable movement in that direction.

That has been wrong for years.

I am trying to discover whether we could not in this debate find a clear difference between de jure and de facto segregation. If we can, what are the causes of each type of segregation? This is my final question.

I would appreciate the Senator's comment on this question because of his distinguished background and his attempt to be absolutely fair in this debate. Where can we say there is a distinction that does exist between de jure and de facto and that they have to be dealt with separately and in different ways rather than by taking both of them and saying that they are segregation and, therefore, there is no difference. I think there is a difference. And I would appreciate it if the distinguished Senator from Connecticut and the distinguished Senator from Mississippi would comment on what differences they see in these two situations.

Mr. RIBICOFF. Mr. President, may I say to the distinguished Senator that a child in the third grade who goes to an all-black or all-white school, whether in Mississippi or Chicago, has not the slightest idea there is a difference between de jure and de facto.

If there is a scar on that child's mind or heart or body, it is because of segregation and the patterns that exist, wherever they exist or whatever causes them.

What I think we are trying to evolve in this debate is—and I am not interested at all in the motives of the Senator from Mississippi—that we should be concerned more with our motives than with his motives.

What we are trying to show is that we have in America a very tough problem that is not going to yield to the liberal dialog and the ideas and the thesis advanced in 1954.

What we have to face up to is that in many areas in this country our school population and our schools are much worse today than they were 10 years or 20 years ago.

We are saying that the problem is so complex and so difficult to solve that we are not going to be able to do it by a blanket set of rules and regulations. If we do, we will be hurting the country and the schoolchildren.

We have to go into State after State and into city after city and try to work this out with the assistance of the best brains we can develop in this country. And so far we have not done it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, will the Senator yield me an additional 3 minutes?

Mr. JAVITS. Mr. President, I yield an additional 3 minutes on the bill.

Mr. GURNEY. Mr. President, how much time remains on the amendment?

Mr. JAVITS. The Senator from Michigan (Mr. GRIFFIN) has allowed me to use 10 minutes on the bill. So I am using it. I yield 3 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for an additional 3 minutes.

Mr. RIBICOFF. Mr. President, the Senator from New York and the Senator from Minnesota have submitted an amendment in which they seek to set up a select committee of the Senate to study the entire problem of our school systems and the entire problem of segregation. I think it is long overdue. A searching review of the whole problem has never been made.

Frankly, I would not stand on this floor and tell the Senator from Illinois that I, or anyone else, has all the answers to this problem. I think that basically what we are addressing ourselves to in the Stennis amendment is that if we are ever going to make any progress in solving the problem, we are going to have to start out in this country with a feeling that everybody is being treated the same, whether in the North or the South.

Once we eliminate from a large part of the population the feeling that they are being treated unfairly, I think we can address ourselves to the question of how to eliminate segregation in our school system.

Mr. PERCY. Mr. President, I thank the Senator from Connecticut and the Senator from Mississippi. This colloquy, has been very helpful. But I am still not clear on the first point I raised about how the amendment will work and how it will be enforced. I am also concerned that the enactment of it as it now stands will slow down enforcement, although I am very much encouraged by the fact that enforcement of it will be handled by HEW.

I believe that would be essential and necessary. I think the Senator from Mississippi is gracious in anticipating that such enforcement would require more money and in indicating he would support allocation of more money.

I am still not clear what school conditions exist in the North and West today which, in the judgment of the authors of this amendment, they deem to be illegal. We recognize we have segregated schools but are they segregated schools because we are breaking laws? Should not we, in a society with emphasis on law and order, put our emphasis into areas where laws are being broken or not enforced before we solve the much more difficult problems which many of us fail to fully understand?

I have been encouraged by some aspects of the colloquy. I intend to fully support the modification of the Senator from New York.

Mr. STENNIS. Mr. President, will the Senator yield to me for one-half minute?

Mr. PERCY. I do not believe I have a half-minute left. If I do, I yield to the Senator.

Mr. STENNIS. I yield 1 minute to the Senator. I wish to make this observation.

The method of carrying out these matters and finding these spots would be up to HEW. They are awfully good at

it in our area of the country. I would encourage them but I do not want to abuse the Senator's section of the country.

Mr. JAVITS. Mr. President, I wish to yield to the Senator from Iowa. Before I do I wish to ask that the last 3 minutes of time be charged to the proponents of the amendment. I did not realize that the Senator from Florida (Mr. GURNEY) was representing the leadership on the floor. I should not have done that.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 4 minutes. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I appreciate the Senator from New York yielding to me.

First, I wish to ask the Senator from New York this question. I heard the Senator from Mississippi indicate that the Javits amendment would have something to do about a presumption which the Department of Health, Education, and Welfare would follow in dealing with conditions of segregation. Do I understand there is no intention in the Javits amendment to establish a presumption?

Mr. JAVITS. There is no intention to change the existing situation. That is my stated purpose. The only presumption to which I referred was the very presumption which is now quite common in the courts and which is contained in the Green case. I mention that case because it happens to be a case decided on May 27, 1968. I would like to read two sentences from that decision:

> In the context of the state-imposed segregation pattern of long standing, the fact that in 1965 the Board opened the doors of the former "white" school to Negro children and of the "Negro" school to white children merely begins, not ends, our inquiry whether the Board has taken steps adequate to abolish its dual, segregated system.

All I say is that is what is being done in the courts now. I do not want to change that.

Mr. MILLER. I appreciate that response. The point I would make is that the Stennis amendment, without the Javits amendment, provides that guidelines and criteria shall be applied uniformly in dealing with conditions of segregation without regard to the origin or cause of such segregation. When you talk about that you are including conditions. To me, without taking into account conditions of segregation you cannot deal with them; and the Senator already stated it is a terribly complex problem and that there is no blanket solution.

Some conditions of segregation which, it seems to me would indicate different criteria, guidelines, and solutions, would be ethnic preferences, economic factors, religious factors, zoning, actual population. It seems to me that what the Senator from New York is trying to do is to make meaningful the dealing with conditions of segregation, leaving these factors available for the Department to take into account in dealing with the problems and providing solutions. Is that correct?

Mr. JAVITS. My answer is unqualifiedly "Yes."

Mr. MILLER. I thank the Senator. I intend to support his amendment.

Mr. JAVITS. I thank the Senator very much.

Mr. President, I yield myself 2 minutes.

Mr. President, there are very few Members in the Chamber at this time. The Senator from Rhode Island (Mr. PASTORE) is presiding over a meeting at this time and he wishes to speak on this matter. I suggest to the Senator from Mississippi, with the consent of the leadership on both sides, that we have a quorum call and then have a very limited debate thereafter.

We have the time. This is a gentleman's agreement that we use not more than 15 minutes each so the Senate can vote. I suggest the absence of a quorum so that we can have more Senators here to listen to the debate.

Mr. STENNIS. Mr. President, I am glad to cooperate in that request, the time not to be charged to either side because we have used quite a bit of time on the bill.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is the time thereafter to be limited to 15 minutes?

Mr. JAVITS. It is not necessary. That is about all we have. This is a gentlemen's agreement.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time consumed not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, may I ask Senators who are present in the Chamber to remain a moment, so that I may ask for the yeas and nays, if we can get enough Senators out of the cloakroom?

I ask for the yeas and nays on my amendment.

The yeas and nays were not ordered.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

I think that we have explored this matter quite sufficiently, except that I would just like to add, before we actually get to a vote, one or two points on this situation.

If we permit the Stennis amendment to stand as it is, then it seems to me that we are taking a step backward, and are not meeting even Senator STENNIS' own test. I made a note of what he said awhile ago. He said:

> I do not expect any relaxation in the South now. I am not trying to defeat any court order, or to get out of anything.

Those were his exact words.

Mr. President, precisely because this is a statement of policy, and precisely because it applies, in the first instance, to the Department of Health, Education, and Welfare, we had better be very careful about what we say.

The fact is that you have had a situation which brought on the decision in Brown against the Board of Education, in which you had State laws, State imposed segregation. Mr. President, it seems to me that in this respect, the courts have a right to say, "Where you have had State imposed segregation in a given area, if you want to contend that whatever segregation now results is the result of residential patterns, at least demonstrate it, as distinguished from an area where you had no State imposed segregation."

The only way in which you could legitimately ask to be relieved of that responsibility is if you could point out that all the end results of State imposed segregation had ended. This brings me, Mr. President, to a very serious deficiency in the nature of the arguments here, and the nature of the proof. The fact is that by States—and the table of the Department of Health, Education, and Welfare was inserted in the RECORD on February 9, at page 2920 of the RECORD, and certainly has not been contested—the disparity between the States in which there was State imposed segregation and the States in which there was not State imposed segregation, in terms of attendance at what, in effect, were segregated schools, was very marked—2, 3, or 4 to 1 in many cases.

Mr. PELL. Mr. President, will the Senator yield on that point?

Mr. JAVITS. I yield.

Mr. PELL. I was very much struck by the table which the Senator previously inserted in the RECORD. I recall it vividly, for I was studying it the other day, though I do not have it before me now.

Is it not a fact that those States which have a majority of Negro students in 99 to 100 percent segregated schools are all States in the area where the laws provided a dual system of education?

Mr. JAVITS. That is just my argument.

Mr. PELL. It is a difference in degree; and if we can get that problem solved, we can go into the de facto situation?

Mr. JAVITS. That is correct. It has been argued here that the 10 biggest cities are interested in this situation, and no one else. Why is that argued? It is argued because residential patterns in those cities, which have had very materially increased black populations, have shown a very much more severe impact of de facto segregation on racial imbalance in late years, as contrasted with 1954. But that is a special order of proof, which has a very different reason, and does not bear upon the fact that we still have, taking them by States, the main burden of segregated school patterns in the States which had State-imposed segregation.

In short, it is too soon. That is really the whole point. It is too soon, and it defies the very test Senator STENNIS himself used to take off that situation the presumption which the courts have made and which I read from the Green case, that where you have had State imposed segregation by law, the pre-

sumption is that that pattern continues unless some other proof is shown.

Now, what I believe the Stennis amendment will do, even if shorn of the words I seek to strike, is that it will cause the de facto situation in the South to be treated exactly like the de facto situation in the North.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 1 additional minute, and I may ask the Senator from Florida (Mr. GURNEY) to give me a little time on the bill.

Mr. President, it goes directly to the point which the Senator from Kentucky (Mr. COOPER) made. I was much impressed with that point. I do not want the South to be left out of a situation in which the courts say, "We will not declare illegal de facto segregation." That the Stennis amendment will accomplish. In other words, it will accomplish that even if we strike these words out. If we leave the words in, it goes very much farther, and in my judgment, prejudices and weighs the balances against the Stennis amendment.

In my judgment, therefore, this is a fair resolution of the question before us. It is not yet time.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. JAVITS. I ask for 3 minutes on the bill.

Mr. GURNEY. Mr. President, I yield the Senator from New York 3 additional minutes on the bill.

Mr. JAVITS. It is not yet time, Mr. President, as will be shown by the facts and the figures—they are in the RECORD—when we stop distorting them by the city figures which are attributable to urban concentration, which has come for demographic reasons and have nothing to do with school segregation by State imposition of law after 1954. But it is much too early to eliminate the fact that there was State-imposed segregation; and, as Senator PELL so properly pointed out, the figures show this impact, as one reads this table, and we have referred to it many times.

I hope the Senate will not be diverted by the argument about the city figures, because they are not relevant to the point. What is relevant to the point is how much progress has been made in the States which impose segregation by law.

Mr. President, before our hearts bleed with respect to any child—and I think that is proper—who may be bused a considerable distance, let us remember the evil which we tried to correct in the Civil Rights Act of 1964. That was the evil of a Negro child who lived right across the street from a white school but had to walk or ride—and if he was lucky enough to be bused, be bused—whatever distance it was to get to a Negro school. That was a pretty iniquitous situation we were facing under those circumstances, and we were trying to correct it because we thought it was basically unjust in our country.

So that we have to understand that in holding the balance, it is not yet time to completely throw overboard the reasons and rationale and procedures which caused us to pass the Civil Rights Act of 1964 and caused the Supreme Court to make its decision.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. GURNEY. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. The Senator referred to a statement I made, and I will respond.

I must say, frankly, after studying the amendment of the Senator from New York and the remaining language of the Stennis amendment if the Senator from New York's amendment should be adopted, and considering the language "de jure and de facto," I do not think there is a great deal of difference between the two.

I do not think it would have the slightest effect upon the continued application of the court rulings—and therefore HEW—in those cases in the South found to be de jure cases. They have been called de jure because they held that school districts have a duty to disestablish segregation in former dual system districts. I do not think it will be changed at all.

So I am afraid that the Stennis amendment would in any way change the rule of law in de jure cases on those districts.

What I do think would occur if the language of the Senator from New York should be adopted is that—in the event HEW or the courts decided to intervene in a true de facto situation, in the South then they should be under the duty to issue the same guidelines to de facto situations in the North.

Mr. JAVITS. I think that is quite in accord with what I understand. I am accepting the view of the Senate which it seems to me was manifested when it turned down the Scott substitute, and I am assuming that that is the way the Senate wants to go. All that I do not want to do is to reverse the situation which has obtained up to now in respect to de jure segregation situations.

Mr. COOPER. I do not believe it would, as to de jure cases.

Mr. PELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PELL. Since our exchange a moment ago, I have had an opportunity to refresh my memory and to look at the table. I find that not only was I correct in my statement, but also, the disparity was even more than I had indicated.

Is it not correct that every State that has more than 55 percent—not 50, but 55 percent—of its Negro children attending 100 percent minority schools is in those areas where the laws originally provided that should attend a dual system?

Mr. JAVITS. That is correct.

Mr. PELL. And is it not also correct that every other State is under 45 percent?

Mr. JAVITS. That is correct.

Mr. President, I think enough Senators are present in the Chamber now, and I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The time has expired.

Mr. JAVITS. May I suggest to Senator PELL that he yield a little time on the bill to Senator PASTORE.

Mr. PASTORE. I am not asking that anybody yield to me. I have said as clearly and as simply as I can how I feel about this amendment. I could only emphasize my position.

Mr. PELL. I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. One minute will not do me any good.

Mr. PELL. With great delight, I yield 5 minutes to the Senator.

Mr. PASTORE. A Senator cannot even say "Good morning" or "Good night" in a minute. [Laughter.]

The point I want to make—and I will reemphasize it, because I have said it repeatedly—is that this matter has come before our appropriation committee not once but several times. Therefore as far as I am concerned, to put it succinctly, it is an old chestnut. The Whitten amendment came before the Appropriations Committee on the education bill time and time again. Of course, I have been opposed to the Whitten amendment. But before the committee I have always taken the position that insofar as enforcement of the law is concerned, whether it is de jure or de facto, I do not care. There may be justifications in one respect that cannot be justified in another.

I can cite the example I know best. I was born and raised in a community where practically everyone was of Italian background. We went to school in the neighborhood, and practically everyone in my classroom was of Italian background. It was because we were concentrated in one small area. Today you might call it a ghetto. In our day you did not call it that, but it had some of the characteristics of a ghetto. That is where you were born; that is where you played; and that is where you stayed—until one day things began to get a little better, the sun began to brighten a little, and you moved out to suburbia. As you moved out to suburbia and you mingled with other people, naturally, even a complection of the classroom began to change. You began to sit next to an Irish boy and to a Greek boy and to a German boy, and you achieved that alchemy that was America in its finest form.

It is true that in certain parts of the country there is a heavy concentration of Negroes, or a heavy concentration of Chinese, or a heavy concentration of Japanese. Over the years, we have not done a great deal about giving these people a chance to move out and breathe a little of the fresh air—a chance that belongs to every American. So they are all cramped into these communities. Thus we have a situation today in Harlem in which the neighborhood school is practically in the middle of Harlem and, naturally, everybody who lives in that neighborhood is black and the classrooms are practically all black. There is one way to correct it, but the one way is not by busing. The way to correct that situation is to give these people a chance for equal opportunity in fair housing. We have been struggling for that ideal for years and years. We have lived up against the proposition in this country that no matter how affluent you were—

how educated you were—you could even be a Ralph Bunche—if you were black, you could not even get into a restaurant in some places. To my mind, that was a disgraceful situation, a scandalous condition, but it persisted in this country.

This de facto segregation in the North should be broken up. Of course, we tried to do it by busing, and then we passed a law saying that you cannot bus in order to remove this racial imbalance.

Now we are faced with a proposal that would deny any move against dual schools in the South because de facto segregation exists in the North. I say that both conditions are deplorable. I feel the difference between some sections of the South and some sections of the North lies in the fact that the South could have done a lot more than it has done since 1954. The South should not have so long tolerated the situation, where in the same neighborhood—this is the point I wish to emphasize—a white school and a black school operated back to back. In other words, the white children on the same street do not go to the black school, and the black children on the same street do not go to the white school. That is one of the situations we have been trying to change. That is what the Supreme Court has been trying to break down.

I realize that no matter what we do here today, we will not establish integration. We cannot create integration through the bill. I do not think it will do a great deal about desegregation, either.

We must realize what the bill does. What it does is to modify title VI of the Civil Rights Act. All that title VI is concerned with—and I am the one who managed that on the floor at the time it was passed—is with the distribution of Federal funds.

HEW has taken the position that because some communities in the South have been tardy in obeying the mandate of the Supreme Court, for that reason funds should be withheld.

That has caused consternation in the South and, in many instances, understandable consternation. The Senator said that what we are doing is to punish the children. That is the last thing anyone wants to do, but we have learned a long time ago that unless, on occasion, we hold back funds, we do not get the impetus, the inspiration, the drive to achieve what the law requires to be done.

Nothing will happen this afternoon that will change the matter of integration or desegregation. All we are arguing today is, what shall be the guideline for the distribution of the funds? Will the HEW, tomorrow, if this amendment passes, be allowed to withhold funds in the South, as they have in the past, unless we do something about the de facto segregation we have in the North? That is all that is involved. As far as I am concerned, all I am saying here today is that insofar as the distribution of money is concerned, we should not punish the children anywhere but we should do what we can to bring about de facto desegregation in the North. We should enforce the law equally in the North, South, East, and West. This law must apply to everyone in every community. In the meantime, we would hope that the communities in the South would not constantly be fighting the edicts of their own judges. In many instances, they are resisting the findings of their own judges in their own communities. The judges that have been ordering this in the South are southern judges. They realize that they have to live up to the law, and that is the law of Brown versus Board of Education, Topeka, Kans., of 1954. That is all that is involved. All I am saying here this afternoon is that if we delete these words, which have a dubious connotation insofar as this Senator is concerned, I still think that the Senator from Mississippi will accomplish his objective. We still will set up guidelines that the law is equal for everyone all over the country and I do not think any harm will be done.

Mr. President, I tell you frankly, he will get a lot of support even from some of us who have had our doubts about it. I will be the first one, if that language is removed, to vote for the amendment.

Mr. JAVITS. I, too, would join the distinguished Senator from Mississippi, because I told that to the Senator privately.

Mr. STENNIS. Mr. President, I yield myself 10 minutes on the amendment.

The PRESIDING OFFICER. (Mr. SCHWEIKER in the chair). The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I have the highest respect for the Senator from Rhode Island, as a man, as a Senator, and as a man of great ability, with particular effectiveness on committees. I want to ask him about the southern judges he just referred to, and say, briefly, in this way, that, Senator, I have been in the law a long time, and with all deference to the courts, the hasty action of the Supreme Court in the 33 cases in Mississippi has virtually destroyed this school year. No one can measure the consequences.

As to the southern judges having a different judgment on those cases, they had been heard by southern judges and they had been given until next September to make such alterations and changes. Mr. Finch testified they needed that time and the Attorney General filed a brief to that effect.

With all deference to the Supreme Court, one member invited an appeal and in a cursory hearing they just said, "No. Total integration now." They sent it back to the Circuit Court of Appeals in New Orleans.

Mr. PASTORE. Mr. President, if the Senator will yield at that point, I should like to answer that question. The point I want to make is that the Senator's amendment does not touch that at all. Those judges will still insist on the South doing what they say, right, wrong, or indifferent.

Mr. STENNIS. I will not let go unchallenged the statement here, all these things we are complaining about as being something imposed upon us by southern judges. That argument is out of date. I think, with all due deference to the court, they took away all discretion from the Circuit Court of Appeals. The court rapidly heard the 33 cases down there in less than 2 days and told them that, well, regardless of the facts, they have got to be carried out. The other cases that came up here of a like nature from all over the South have received the same treatment from the Supreme Court.

Again, I speak with deference to the court, but this southern judges argument, that judgment was to the contrary, and they so stated. Mr. Finch's judgment was also to the contrary in some of those cases. So was the judgment of the Attorney General.

Now, Mr. President, the Senator from Rhode Island is correct that this amendment goes to the amount of the administration of funds. The Senator referred to the fact that he handled title VI of the Civil Rights Act on the floor.

I refer now to the CONGRESSIONAL RECORD, volume 110, part 6, page 7059, to show the fine argument the Senator from Rhode Island made for this title and the guidelines. He was very effective. I remember hearing his arguments. I was impressed with what he said.

I read now from that page, the middle column, where he said:

> Frankly, I do not see how we could have gone any further, to be fair. Without title IV—accepting the fact that the President himself, under Presidential powers, has the right to issue directives, which he already has—such directives are much more stringent than the proposed title VI. Section 602 of title VI not only requires the agency to promulgate rules and regulations but all procedure must be in accord with these rules and regulations. They must have broad scope. They must be national. They must apply to all 50 States. We could not draw one rule to apply to the State of Mississippi, another rule to apply to the State of Alabama, and another rule to apply to the State of Rhode Island. There must be only one rule, to apply to every State.

Mr. President, that is the very thing we have tried to do, but that has not been done, Senator. Your admonition here for them, and your directions and instructions as Senator in charge of that title on the floor of the Senate, have not been carried out.

This is an attempt here to get this thing back in line and carry out more nearly what the Senator from Rhode Island advocated very sincerely on the floor of this Chamber.

Mr. PASTORE. That is still my position. That is the reason why I will vote for the Senator's amendment, if he takes out those words. If he takes out those words, I shall vote for it.

Mr. STENNIS. I thank the Senator very much.

Mr. President, here are the reasons why I am insisting on the words. The Senator mentioned that they had a dubious connotation for him. I do not know exactly what he means by that, but I tell him what they are intended to mean. It is to cover this very distinction that we are told, over and over and over again, when we withhold the money from our school districts and then withhold it elsewhere, they say, "Well, you have a different kind of segregation. You have a law that once required these things. The question of guilt is on you, whereas in other areas and States that did not have this law, that gives them a presumption of innocence, and go on and pay the money with very slight exception." I

think that will go on and on indefinitely unless something is done about it.

So, in a spirit of fairness and in a spirit of equality, we are asking for this amendment as a statement of policy that shall be applied uniformly throughout all regions of the United States.

Yesterday, an overwhelming majority of the Senate voted to write in the words de facto and de jure. At the same time, we have before us these words to which objection is now made. The majority of the Senate amended the amendment on yesterday by voting in these words. It became a part of the amendment.

They now want to turn it around and strike out the last line and a half—"without regard to the origin or cause of such segregation."

It was said here yesterday that no one knows what de facto means. It has no judicial meaning. It is a good word in the marketplace or in discussing schools. However, I do not think it has a judicial meaning. And in this context, de jure has only a slight judicial meaning.

So if we cut out these words by the amendment of the Senator from New York, we leave the matter of uniformity hanging on a slender thread of two words that are not exactly known in meaning. They could be interpreted by HEW or anyone else interested almost as they please.

We do not know how the Court is going to interpret them. So, this language that we would now strike out is the cutting edge of the amendment. It says that this uniformity must apply in all regions without regard to the origin or cause of such segregation—in other words, without reference to whether it is de jure or de facto or any other consideration that HEW or any court might consider.

I think those words represent a great deal of the effective part of the amendment. To take them out might leave it lifeless. I do not think it should be lifeless. If we take these words out, I do not think that should be the interpretation, but it will certainly give a ground for having an almost meaningless interpretation.

I submit that if we mean what we say now, let us stick to those words that do have a meaning. I cannot see any possibility of any abuse of these words, that I respectfully insist, by HEW, and the Court can interpret them judicially as is their duty.

If we take them out, I believe we will leave uncertainty there and we will leave the words without an exact meaning, without a well-known meaning.

My plea is that these last words, "without regard to the cause or origin of such segregation" are a necessary part of the firm purpose of the Senate to bring about uniformity in the application of these rules and regulations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for an additional 2 minutes.

Mr. STENNIS. Mr. President, I am not expecting anything great or immediate to happen through this amendment. But it will make an appropriate change. And we are going to have integration in the South. It will not affect the Court as to any decision already made or to be made with reference to any school district that might be found wanting.

This is a guideline in which we want to write what we think about it, rather than to leave all the guideline writing to HEW.

I respectfully submit that to make this meaning clear and definite and certain, we ought to keep these words.

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes on the bill?

Mr. GURNEY. Mr. President, I yield 2 minutes on the bill to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I think the issue is now very clear. I am so grateful that the Senator from Rhode Island (Mr. PASTORE) has joined with me. Equality means that we have de jure segregation, wherever we have it, in view of the fact that we have not overcome it. It is very clear from the figures that we have a right to look at the fact that we had it. And now we want to be sure that we do not have it any more and that where we have de facto segregation, which the Senator from Mississippi and the Senator from Connecticut have now written in the bill, if the law will reach it, it will reach it everywhere.

With the presence of these words, we now have a new standard—de facto segregation for the North. But we are removing a standard for the South which had de jure segregation up to 1954. And the figures show that desegregation has been stubbornly resisted. The Governors in general are trying to get rid of it.

If we eliminate any criteria concerning the past, we are fooling ourselves and no one else.

I cannot see that we have a right to do this. I am all for uniformity. So, let us have uniformity according to law. That is all I plead for in the amendment.

Mr. STENNIS. Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty-six minutes remain to the Senator from Mississippi.

Mr. STENNIS. Mr. President, if I may just state the issue here, this relates to the amendment we have under debate, No. 463. It is proposed to strike out the words in the last line and a half of the amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from New York to the amendment of the Senator from Mississippi. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. METCALF), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 41, nays 50, as follows:

[No. 44 Leg.]

YEAS—41

Anderson	Hughes	Muskie
Boggs	Inouye	Nelson
Brooke	Jackson	Packwood
Burdick	Javits	Pastore
Case	Magnuson	Pell
Church	Mansfield	Percy
Cranston	Mathias	Proxmire
Dodd	McCarthy	Saxbe
Eagleton	McGee	Schweiker
Goodell	McGovern	Scott
Gravel	Miller	Symington
Griffin	Mondale	Williams, N.J.
Harris	Montoya	Young, Ohio
Hart	Moss	

NAYS—50

Aiken	Ervin	Pearson
Allen	Fannin	Prouty
Allott	Fong	Randolph
Baker	Fulbright	Ribicoff
Bellmon	Goldwater	Russell
Bennett	Gore	Smith, Maine
Bible	Gurney	Sparkman
Byrd, Va.	Hansen	Spong
Byrd, W. Va.	Holland	Stennis
Cannon	Hollings	Stevens
Cook	Hruska	Talmadge
Cooper	Jordan, N.C.	Thurmond
Cotton	Jordan, Idaho	Tower
Curtis	Long	Williams, Del.
Dole	McClellan	Yarborough
Eastland	McIntyre	Young, N. Dak.
Ellender	Murphy	

NOT VOTING—9

Bayh	Hatfield	Mundt
Dominick	Kennedy	Smith, Ill.
Hartke	Metcalf	Tydings

So Mr. JAVITS' amendment to Mr. STENNIS' amendment (No. 463) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TALMADGE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now reverts to the main Stennis amendment, amendment No. 463, as amended by the Senator from Connecticut.

Mr. PELL. Mr. President, I yield 3 minutes to the distinguished junior Senator from California (Mr. CRANSTON).

Mr. CRANSTON. Mr. President, having followed the debate on the Stennis amendment closely, I want to say that I have found much merit in what the Senator from Mississippi, the Senator from Connecticut, the Senator from Minnesota, the Senator from Pennsylvania, and other Senators have said on the issue before this body. I join these Senators in condemning segregation wherever it is found.

Last month, Senator STENNIS, of Mis-

sissippi, introduced an amendment which provides for the uniform application of HEW desegregation guidelines in all sections of the country, regardless of the origin or source of school segregation. An ostensible purpose of this amendment is to eliminate the present situation whereby southern school districts with segregated facilities can be subjected to HEW desegregation guidelines while northern and western school districts with similar facilities can generally escape the application of the guidelines.

The reason why the guidelines are applied more frequently to southern school districts lies in the 14th amendment desegregation approach of the Federal statutes on which the guidelines are based.

As presently understood, to invoke the 14th amendment it is necessary to show that racial imbalance in schools is due to a deliberate State or local school board policy.

That is easier to establish in the South because for almost 100 years segregation of the schools by races was an established and legally sanctioned policy there.

Although officially sanctioned school segregation has been unconstitutional since the 1954 Brown case, in the South it is not difficult to show the continued existence of such policies because present-day segregated facilities can usually be traced to the patterns which existed prior to the Brown decision. This concept of deliberate segregation resulting from discriminatory policies is embodied in the Federal statutes on which the guidelines are based.

In many instances outside the South, segregated school facilities cannot be traced to State or local school board discriminatory policies. Unlike the Southern States, only some of the Northern and Western States had State school segregation laws, and most of these laws were repealed prior to the Brown decision.

It is the absence in these States of a history of officially sanctioned school segregation which makes it difficult today to trace segregated facilities to official discriminatory policies.

School segregation outside the South is often the result of discriminatory residential patterns rather than of discriminatory educational policies, and this in turn makes it very difficult—if not impossible—for HEW to apply the desegregation guidelines to de facto segregation, as northern and western school segregation has come to be termed.

Despite the legal and historic differences between school segregation in the South and in the North, East, and West, it is essential that we realize that segregation wherever it is found is hurting innocent little children, and hurting our not-so-innocent, vast society.

And despite the legal and historic differences that stem from the past, I do agree with the Senator from Mississippi and other supporters of his amendment that it is our responsibility to come to grips with present facts and to search for solutions to present problems, and, in fairness and equity—in the justice the Senator from Mississippi cries out for—we should seek out and apply nationwide solutions to what today is not a southern problem, nor a northern, eastern or western problem, but an American problem.

I pledge that I will work with all Senators, from all States, to this end.

I oppose the Stennis amendment because of the controversy over whether it empowers HEW to reach de facto segregation, as well as officially sanctioned segregation. Although it purports to require the uniform application of the guidelines to both types of segregation, it does not call for a change in the guidelines or in the laws on which the guidelines are based. Since these laws restrict the applicability of the guidelines to school districts which are segregated as a result of discriminatory policies, and since these guidelines cannot be applied to a truly de facto situation, requiring the uniform application of the guidelines can only mean that the guidelines cannot be applied anywhere since they cannot be applied to most types of northern and western school segregation.

The Stennis amendment does, however, point out the need to examine the laws which restrict the application of the guidelines to officially sanctioned segregation.

If school segregation is wrong in the South, it must also be wrong in the North and West, regardless of the source of segregation.

It is for this reason that I supported the Scott amendment. It is for this reason, too, that I have cosponsored the amendment offered by Senator MONDALE, of Minnesota.

This amendment calls for the creation of a select committee to study the entire school segregation question, not for the purpose of delaying the day when all children will benefit from an integrated education, but with the view of achieving that aim with the minimum disruption of our system of public education.

In this study there should be one overriding concern: the fulfillment of each child's constitutional right to equal education—which means, among other things, desegregated education—and it is in this context that busing must be viewed.

Desegregated schools do not necessarily mean more busing in all communities. Senator CASE has revealed that a study of desegregation in 300 school districts reveals that in 292 of these districts, there was no increase in busing.

I must differ with the contention of Senator STENNIS and other advocates of his amendment that it is only in the South that desegregation is pushed.

In my own State, school boards and community leaders in Berkeley, San Francisco, and Sacramento—the State capital—are making every effort to desegregate their schools without being under the compulsion of court orders, and they are sincerely trying to do it with a minimum disruption of the educational process.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRANSTON. May I have 2 minutes?

Mr. PELL. I yield 2 minutes to the Senator from California.

Mr. CRANSTON. Los Angeles, the largest city in the State, and nearby Pasadena are now under court orders to desegregate their schools. The latest instance of court action requiring desegregation of schools occurred only yesterday in Pontiac, Mich.

So nonsoutherners are not just pointing to the South. They are not simply engaging in hypocrisy. They are acting in their own communities, and the courts are acting outside the South.

There is grave concern among people in all communities in California over the possibility that school desegregation orders will lead to extensive busing.

I do not profess to analyze or report what the consensus is in California or in any segment of it. There are whites for busing and whites against it. There are blacks for it and blacks against it. There are Mexican-Americans for it and Mexican-Americans against it.

One of the very real concerns of the Mexican-American community is that the great gains they hope to make in bilingual education may be set back by long-distance busing because of the shortage of qualified Spanish teachers. The shortage of bilingual courses stems in good part from the unequal education opportunities that have been made available to Mexican-Americans.

That is a very legitimate problem and one of many problems we will have to face up to, and solve.

Busing is merely one way to achieve equal educational opportunities and equal access to the best education a school district can provide.

There are other ways by which a unitary school system could perhaps be better achieved. For example: redrawing school boundary lines, constructing new schools, and instituting special programs which cuts across usual boundary lines.

I do not believe that hauling small children many miles for many hours in buses is a reasonable way to end the segregation in schools and in our society that indeed must be ended.

Long-range solutions include job training, job opportunities, business ownership, and an unfettered right to decent housing.

It is the urgent need to explore the diverse means which can be used to achieve integrated education which prompted me to cosponsor Senator MONDALE's amendment.

I do not believe that we will have peace and progress in our society, nor the tranquility and hope that all of us yearn for, whether black, white, or brown, whether rich or poor, whether westerners, easterners, northerners, or southerners, until we have embarked upon a course leading to a solution that is fair to all Americans and applied justly to all.

We must also look into the question of Federal financial responsibility during this difficult period of transition.

I have long believed that the Federal Government should provide greater financial assistance in meeting the needs of America's schoolchildren, and for this reason I opposed the President's veto of the Labor-HEW Appropriations Bill.

With so many school districts making good-faith efforts to comply with

the laws requiring school integration, now is the time for the Federal Government to assume a share of the financial burdens generated by these efforts.

I believe that our Nation is at one of its most significant and difficult crossroads: Either we continue to take reasonable steps toward the creation of a truly integrated society, or we must face up to the possibility that continued racial isolation and strife may result in the collapse of our society and free institutions, as we know them today.

Mr. STENNIS. Mr. President, I yield myself 3 minutes on the bill.

Mr. President, I shall not detain the Senate; I simply want to make this point, if I may have the attention of the Senators:

First, I thank every Senator who has contributed to the debate and made suggestions, on both sides. As to the comment about the language of the amendment, we know that, under our processes, the language can always be ironed out in a conference, and then tried out, if it becomes law, and subjected to amendment in the light of the facts.

I believe this amendment substantially represents a statement of policy that will prove a turning point, and will be helpful in dealing with the subject throughout the Nation.

I especially appreciate the concern and the interest of Senators outside the South, who realize that something must be done. I believe that in this way we can save the public schools, and that is my primary purpose.

I point out that we had a good debate here about the position of the administration and of the President, and I refer again now to a part of his statement of February 12, and quote briefly from that statement of last Thursday:

> It is the view of this Administration that every law of the United States should apply equally to all parts of the country. To the extent that the "uniform application" amendment offered by Senator Stennis would advance equal application of law, it has the full support of this Administration.

This is an effort along that line. It is a statement of policy. I believe it will be helpful; and I respectfully submit that it will also be helpful to the schools and to the Nation if we can have a decisive vote, and put over strongly the letter and the spirit of this policy statement, out of which can evolve a better system for us all.

Mr. SCOTT. Mr. President, I yield myself 5 minutes on the bill.

I suppose, Mr. President, it is merciful that the Stennis amendment is recited as mere policy and therefore not binding, if it were to remain in the bill. I sincerely hope the amendment will be defeated. I am well aware of the facts of life, and I am well aware of the surge of piety which is sweeping the Senate. I am also extremely aware of the fact that this is not the final form of the bill. It will still have to go through conference, as the distinguished Senator from Mississippi has stated.

I say it is merciful that it is simply stated as policy, because we also have a policy in Congress to adjourn on the 31st of July, and if we were to follow our own policy, we would be out of here, which we probably will not, because we do not pay any attention to our own pious platitudes and self-adjurations.

I say I am glad it is only stated as policy, because any genuine attempt, in good faith, to enforce this language would require, in my judgment, the use of all the police forces in America, and a great many of the troops overseas. That may be a good thing; it may be a good way to get the troops home.

EQUAL APPLICATION OF THE LAW

Mr. TOWER. Mr. President, I have followed with great interest the debate on the amendments which have been presented by my colleague from Mississippi (Mr. STENNIS). I think that we all owe the Senator from Mississippi a debt of gratitude for the thoughtful, intelligent manner in which he has presented the basic issues which confront us. He has performed a great service to this body by focusing our attention on the central issue of the desegregation crisis in this land. That issue is simply this: Shall the laws of the United States apply equally to like situations in all parts of the Nation.

The issue is not whether the South will somehow be able to escape the integration requirements of the Supreme Court and Congress if we approve the amendments.

It is not whether the people of this land will accept forced busing and federally controlled education as it has been imposed in the South, although, that is a most interesting question. For all too long, we in this body have used almost any excuse to avoid the central issue; the time for facing up to it is here. We must answer this one, simple question: Does this body choose to go on record either for or against the principle that all the laws of this Nation are to be applied equally throughout the land? Will we face up to that issue?

Now there are ways in which we can avoid the issue. One way would be to vote on a motion to table the amendment. Another would be to form a "study" committee to analyze the effects of equal enforcement. Then, when the committee completed its study and made its report, we could decide whether to face the basic issue or delay a decision once more.

In reviewing the record of this debate, I have noted considerable mention of the suggestion that this desire for uniform enforcement of the laws is a sham, a smokescreen if you will, raised to cloud other issues. In reply to this, I ask, what sham is here perpetrated? Either our laws are to be enforced equally throughout the Nation or they are not. No one should be hesitant in the slightest bit about declaring himself on so fundamental an issue. I, for one, am convinced that, if the Nation is to survive truly free, we cannot have different classes of States just as we cannot have different classes of citizens. A plea to continue different classes of membership in the Union must be thrust aside.

At this point, I cannot help but recall a statement here last week by my distinguished colleague from Tennessee (Mr. BAKER). He said that when he came to the Senate as a Republican from Tennessee that he was convinced that after 100 years the Civil War was, in fact, over and that we were one nation again.

He went on to conclude that in each of the 3 years that he has been here that his conviction has annually dwindled until now he is no longer certain that his past conviction was indeed correct. He observed a sort of discrimination, even in this body, that anyone from the South was somehow different and to be treated accordingly. I commend the Senator for his forthright statement and echo his call that this must end, just as surely as other forms of discrimination, but legal and otherwise, must end. We can no longer treat people or States differently on the basis of geography or any other standard.

As Senator RIBICOFF so eloquently commented, vengeance has no place in legislation. No one has ever had a monopoly on virtue; but the past is past, and we must, in the greater national interest, put sectional differences behind us.

Mr. President, I think it would be a serious error for this body to fail to vote on the issue at hand. As we all know, adoption of this substitute amendment would eliminate the opportunity to vote directly on the amendment of the Senator from Mississippi. This would be regrettable. I believe that it is essential that we in the Senate are given a chance to say forthrightly whether what is good for Texas and Tennessee is likewise good for the rest of the Nation.

I do not see how there can be any doubt that these guidelines, if they apply anywhere, should apply everywhere. They do no more good in Texas than they could do in New York, and they do no more harm there than they might do elsewhere. We can simply no longer dodge the issue here in this body as to what course we must take.

President Nixon just last Thursday spoke out for the equal application of existing laws throughout the Nation. We are now provided with a chance here in the Senate to show how we stand on the issue of equal protection. Let us now proceed to make this law uniformly applicable.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. There is no time. All time has been used up on the amendment, on both sides.

The PRESIDING OFFICER. The Senator is correct; all time on the amendment has expired, and some time has been used on the bill itself.

Mr. SCOTT. Mr. President, we have no requests for time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment (No. 463) of the Senator from Mississippi, as amended by the amendment of the Senator from Connecticut (Mr. RIBICOFF). The yeas and nays have not been ordered.

Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment

(No. 463) of the Senator from Mississippi, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 56, nays 36, as follows:

[No. 45 Leg.]

YEAS—56

Aiken	Ervin	Murphy
Allen	Fannin	Packwood
Allott	Fong	Pearson
Anderson	Fulbright	Prouty
Baker	Goldwater	Randolph
Bellmon	Gore	Ribicoff
Bennett	Gurney	Russell
Bible	Hansen	Smith, Maine
Burdick	Holland	Sparkman
Byrd, Va.	Hollings	Spong
Byrd, W. Va.	Hruska	Stennis
Cannon	Jordan, N.C.	Stevens
Cook	Jordan, Idaho	Talmadge
Cooper	Long	Thurmond
Cotton	Mansfield	Tower
Curtis	McClellan	Williams, Del.
Dole	McGee	Yarborough
Eastland	McIntyre	Young, N. Dak.
Ellender	Montoya	

NAYS—36

Boggs	Hughes	Nelson
Brooke	Inouye	Pastore
Case	Jackson	Pell
Church	Javits	Percy
Cranston	Magnuson	Proxmire
Dodd	Mathias	Saxbe
Eagleton	McCarthy	Schweiker
Goodell	McGovern	Scott
Gravel	Miller	Symington
Griffin	Mondale	Tydings
Harris	Moss	Williams, N.J.
Hart	Muskie	Young, Ohio

NOT VOTING—8

Bayh	Hatfield	Mundt
Dominick	Kennedy	Smith, Ill.
Hartke	Metcalf	

So Mr. STENNIS' amendment (No. 463), as amended, was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON U.S. FOREIGN POLICY FOR THE 1970'S—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In my State of the Union Message to The Congress and on other occasions, I report to The Congress and the American people on specific aspects of foreign affairs. The Secretary of State also frequently makes reports to the appropriate committees of The Congress on foreign affairs, and the Secretary of Defense must deal with such matters as they relate to military programs.

Up to now, however, there has been no comprehensive report on foreign affairs submitted to The Congress on behalf of the Administration as a whole. I am, therefore, transmitting to The Congress this report on my Administration's stewardship of foreign relations. I hope the report will lead to a better understanding by The Congress and the American people of the spirit in which this Administration has sought to guide our foreign affairs, of what has been accomplished so far, and of our new approach to the challenges and opportunities of the world of the 1970s.

RICHARD NIXON.

THE WHITE HOUSE, *February 18, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee;

S. 1678. An act for the relief of Robert C. Szabo; and

S. 2566. An act for the relief of Jimmie R. Pope.

The message also announced that the House had passed the bill (S. 495) for the relief of Marie-Louise (Mary Louise) Pierce, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2047. An act for the relief of Roseanne Jones;

H.R. 2214. An act for the relief of the Mutual Benefit Foundation;

H.R. 2552. An act for the relief of John Vincent Amirault;

H.R. 2950. An act for the relief of Edwin E. Fulk;

H.R. 3530. An act for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders;

H.R. 3558. An act for the relief of Thomas A. Smith;

H.R. 3629. An act for the relief of Mrs. Sabina Riggi Farina;

H.R. 3723. An act for the relief of Robert G. Smith;

H.R. 3955. An act for the relief of Placido Viterbo;

H.R. 4480. An act for the relief of John W. Watson, a minor;

H.R. 5000. An act for the relief of Pedro Irizarry Guido;

H.R. 6125. An act for the relief of Anne Reale Pietrandrea;

H.R. 6375. An act for the relief of Amalia P. Montero;

H.R. 6378. An act for the relief of Noel S. Marston;

H.R. 6389. An act for the relief of Visitacion Enriquez Maypa;

H.R. 7267. An act to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes;

H.R. 8470. An act for the relief of Capt. Jackie D. Burgess;

H.R. 11578. An act for the relief of Patricia Hiro Williams;

H.R. 12037. An act for the relief of Ali Somay;

H.R. 12176. An act for the relief of Bly D. Dickson, Jr.;

H.R. 12887. An act for the relief of John A. Avdeef; and

H.R. 15354. An act for the relief of Anthony P. Miller, Inc.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 2047. An act for the relief of Roseanne Jones;

H.R. 2214. An act for the relief of the Mutual Benefit Foundation;

H.R. 2552. An act for the relief of John Vincent Amirault;

H.R. 2950. An act for the relief of Edwin E. Fulk;

H.R. 3530. An act for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders;

H.R. 3558. An act for the relief of Thomas A. Smith;

H.R. 3629. An act for the relief of Mrs. Sabina Riggi Farina;

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H.R. 12887. An act for the relief of John A. Avdeef; and

H.R. 15354. An act for the relief of Anthony P. Miller, Inc.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. STENNIS and Mr. MONDALE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. I yield, with the understanding that I will not lose my right to the floor.

Mr. STENNIS. Mr. President, may I repeat the words of thanks for the consideration by the Members of this very grave and serious question that affects all of us.

Mr. SCOTT. Mr. President, will the Senator yield so that I may comment on that point?

Mr. STENNIS. I yield.

The PRESIDING OFFICER. The Chair points out that time has not been yielded.

Does the Senator from Rhode Island yield time to the Senator from Minnesota?

Mr. MONDALE. I yield to the Senator from Pennsylvania.

Mr. PELL. I yield 5 minutes to the Senator from Minnesota.

Mr. MONDALE. How much?

Mr. PELL. How much time does the Senator desire?

Mr. MANSFIELD. Mr. President, will the Senator yield me some time?

AMENDMENT NO. 499

Mr. MONDALE. Perhaps I could call up my amendment and yield time.

Mr. President, I call up my amendment No. 499, and I will yield to the Senator from Mississippi.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk proceeded to read the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment of the Senator from Minnesota is as follows:

AMENDMENT NO. 499

EQUALITY OF EDUCATIONAL OPPORTUNITY

SEC. 3. (a) Recognizing that the policy of the United States to assure every child, regardless of race, color, or national origin, an equal opportunity for a quality education has not been fully achieved in any section of the country, there is hereby established a select committee of the Senate (to be known as the Select Committee on Equal Educational Opportunity) composed of three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, and two majority and one minority Members of the Senate from other committees, to study the effectiveness of existing laws and policies in assuring equality of educational opportunity, including policies of the United States with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States. Such select committee shall make an interim report to the appropriate committees of the Senate not later than August 1, 1970, and shall make a final report not later than January 31, 1971. Such reports shall contain such recommendations as the committee finds necessary with respect to the rights guaranteed under the Constitution and other laws of the United States, including recommendations with regard to proposed new legislation, relating to segregation on the ground of race, color, or national origin, whatever the origin or cause of such segregation.

(b) For the purposes of this section the committee, from the date of enactment of this legislation to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) to contract with private organizational and individual consultants; (6) to interview employees of the Federal, State, and local governments and other individuals; and (7) to take depositions and other testimony.

(c) Expenses of the committee in carrying out its functions shall not exceed $200,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(d) The matter set forth in subsections (a), (b), and (c) of this section is enacted by the Senate as an exercise of its rulemaking power, and with full recognition of the right of the Senate to change such matter at any time.

Mr. STENNIS. Mr. President, I now yield to my good friend from Pennsylvania briefly.

Mr. SCOTT. Mr. President, I asked for this time only to say that I think no one conducts a matter of this kind with greater courtesy or consideration than the distinguished Senator from Mississippi (Mr. STENNIS).

I want to express my deep appreciation to him for his fairness at all times, for his willingness to recognize the many facets of a complex and difficult question, and for the fact that with him it is never a matter of questioning the motives of anyone but is a matter merely of seeking to obtain a resolution of an issue—and this is a particularly difficult one.

I am most grateful to him for all his courtesies. I thank him, and I want to thank all those who have participated in this debate, on both sides of the aisle and to express hope that we may proceed from here on with a greater degree of expedition, but, if the Senate decides to work with the all deliberate speed formula, I shall be as patient as the next.

Mr. STENNIS. I thank the Senator. I want especially to thank and commend the distinguished Senator from Connecticut (Mr. RIBICOFF) for his great sincerity as he wrestled with this problem, for the frankness of the analysis he made, and especially for his great personal courage to move forward in this field, strictly as a man of conscience and on his own, in this very troublesome and delicate field.

He and I talked about this problem over a period of 5 or 6 months. I made no special appeal to him on the matter. He called me up one Monday morning at 9:30 and said that he had written a speech supporting my amendment. I was pleased, of course, but I did not have comprehension enough to realize what a fine analysis and what far-reaching vision he had on this problem as reflected in that speech.

Mr. President, I give him all the credit for illuminating his position in his speech, in such a way as to make it compelling. His position is a landmark and opens a new gateway. I believe that we are at a turning point which will lead to a far better consideration of the kind that I hope will solve the problem.

Mr. President, I based my fight on the ground that we must have public schools and that they must be supported by the people; otherwise, we all will suffer. We must move forward in this field. I know that the Senator from Connecticut was impelled by great motives, to which I have referred briefly. It is one of the finest things I have seen happen since I came to the Senate.

I thank the Senator from Connecticut very much.

Mr. MONDALE. Mr. President, I thank the Senator from Mississippi. I join the Senator from Pennsylvania in expressing my admiration for the dignity and the ability with which the Senator from Mississippi (Mr. STENNIS) presented his case.

I must say that I feel greatly encouraged. The last time I challenged the Senator from Mississippi was on the aircraft issue and I got seven votes. Today, we got 46 votes on the modified Scott amendment. I appreciate the fine work of the Senator from Mississippi.

Mr. President, on behalf of the Senator from New York (Mr. JAVITS) and myself and several other cosponsors, I have called up amendment No. 499.

I ask unanimous consent that the following Senators be added as cosponsors of this amendment: Senators BAYH, BROOKE, CASE, CRANSTON, HARRIS, MCGEE, PACKWOOD, and STEPHEN YOUNG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I offer this amendment because deep and compelling racial problems plague all sections of our country.

I offer it because racially segregated schools exist in all regions of the United States.

I offer it because I believe in our country's commitment to assure all children—regardless of their race, color, or

national origin—equal educational opportunities.

I offer it because I am convinced that we would be acting irresponsibly if we did not face up to these conditions and commitments squarely, and if we did not act on them with a full understanding of pertinent laws and court decisions. And I offer it in the knowledge that our action today accepting the STENNIS amendment in no way faces up to the problems associated with de facto segregation.

The problems surrounding school segregation, especially de facto segregation, involve some of the most fundamental issues facing our Nation. The amendment offered by the Senator from Mississippi (Mr. STENNIS), and the speech delivered last week by the Senator from Connecticut (Mr. RIBICOFF) focused our attention on the questions of racial isolation and de facto segregation. These Senators have done the Senate and the country a great service in raising these important and legitimate questions.

In order to understand the existing legal limitations in dealing with de facto segregation, we must first examine the distinctions that have been drawn by the courts, and reinforced by provisions in the Civil Rights Act of 1964 and the Elementary and Secondary Education Act between de jure and de facto segregation, or between discrimination and segregation.

Title VI of the Civil Rights Act of 1964, school desegregation guidelines, and court decisions refer to discrimination and de jure segregation. Title VI prohibits discrimination in federally assisted programs. It applies to de jure segregation—segregation which has been caused by, or is a vestige of, official acts of public discrimination—such as the establishment of dual, racially segregated school systems, or official gerrymandering of school districts.

Title VI does not, however, provide that racial segregation per se is illegal or unconstitutional. What has been called racial isolation, racial imbalance, or de facto segregation caused by adventitious events such as residential patterns is not subject to the desegregation requirements of title VI of the Civil Rights Act or court decisions.

In fact, the Congress has been explicit in its decision that the school desegregation program shall not apply to situations of racial imbalance or de facto segregation. For example, section 401 of the Civil Rights Act states that:

> Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

The effect of these laws and court decisions is that the enforcement mechanisms of the school desegregation program are only invoked where segregated schools are the result of deliberate and official public policy. The trigger for school desegregation enforcement is a finding of discrimination, not simply a finding of segregation. In the case of segregated schools, the origin or cause of such segregation determines whether the title VI school desegregation program is applicable or not.

I think it is terribly important to understand not only that this distinction between de jure and de facto segregation exists, but also that the existing law is applied uniformly. Wherever discrimination or de jure segregation is found—in the North, South, East, or West—it is unconstitutional and subject to administrative enforcement under title VI or court action.

A substantial amount of the school desegregation effort has been focused on the South because until 1954, when the Supreme Court declared they were unconstitutional, laws mandating dual, racially segregated school systems existed in 17 Southern and border States. The courts have accepted as a reasonable presumption that segregated schools in these States have resulted from those official policies.

In order to fully understand the reasons for this emphasis of school desegregation efforts in the South, it is important to understand the development of the law of school desegregation in both North and South.

After 16 years—Brown against Board of Education was in 1954—and some 400 court decisions, it is fair to say that what constitutes unlawful, racially discriminatory school segregation is now well-defined in a Southern setting. Indeed, after many years of hearing individual testimony, the courts have adopted what might be characterized as a "shorthand" approach to making determinations as to what constitutes unlawful segregation in the South. Specifically, any school system in the South that continues to have schools which have all black or all white student bodies and/or faculties are presumed to have not carried out the constitutional duty to eliminate its illegal racially dual school system. In these Southern school cases, the courts no longer require the plaintiffs to put forward massive evidence or extended testimony of actions or inactions by school officials that resulted in the creation or maintenance of racially dual systems. The continued existence of the segregation raises a presumption that Brown was never complied with by the school officials. Almost without exception, courts hearing Southern school cases have required school systems that have segregated facilities to take whatever action is deemed necessary to eliminate racially identifiable schools. The actions contemplated by the courts include closing schools, consolidating schools and busing students where it is deemed necessary to undo the illegal situation.

In the North, on the other hand, where there are few definitive court decisions governing school segregation, the courts have not, as yet, adopted a "shorthand" approach to what constitutes illegal school segregation. In all of the Northern school cases where the courts have found illegal conduct, it has been necessary for the plaintiffs to present voluminous evidence of deliberate action or inaction by school officials to maintain, create, or promote racial segregation. In a case in South Holland, Ill., the Justice Department—as a plaintiff in the case—in effect proved that South Holland made school decisions in order to discriminate against pupils on the basis of race. The kind of proof offered by the Government was practically identical to that which the courts had been requiring in Southern cases until about 4 years ago.

In summary, the law governing Southern school segregation has evolved to where the courts accept the existence of an all black or all white school as prima facie evidence of illegal discriminatory action. The judicial law governing Northern cases has not so evolved—detailed proof of deliberate misconduct is needed.

While the school desegregation guidelines are issued under the authority of title VI of the Civil Rights Act of 1964, the Department of Health, Education, and Welfare has consistently taken the position that the primary responsibility for establishing the policies governing school segregation is a function of the courts and not the executive branch. Thus, while the Department's guidelines and criteria governing school desegregation have been revised and modified, these actions have always been to bring the Department's policies in line with the prevailing court decrees.

SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

We have been challenged to develop a responsible approach to the problems surrounding de facto school segregation, and I think we should accept that challenge.

This is the reason I have proposed a substitute amendment creating a Select Committee of the Senate—composed of members of the Committee on Labor and Public Welfare, the Committee on the Judiciary, and members at large—to study and make recommendations concerning the problems related to de facto segregation in the schools.

My amendment begins with an explicit recognition that the policy of the United States to assure every child, regardless of race, color, or national origin, an equal opportunity for a quality education has not been fully achieved in any section of the country. The Select Committee to be established by the amendment is charged with the task of studying the effectiveness of policies relating to de facto segregation, and reporting recommendations to the Senate in an interim report no later than August 1, 1970, and a final report no later than January 31, 1971.

As I indicated when I introduced this amendment, I believe that in developing these recommendations the Select Committee would have to consider, among others, the following questions:

Would new policies need to be adopted concerning residential living patterns and the enforcement of fair housing legislation?

Would new policies need be adopted to encourage more low-income housing, more widely dispersed?

Is a new policy regarding busing as a means for eliminating or reducing racial isolation in public schools necessary?

Is a new policy insuring equal employment opportunity necessary to reduce racial isolation? Do we need a national program of public service employment?

Do we need a new program to insure excellence in education in all schools so that children will have equal access to employment and housing opportunities?

Would existing provisions in existing laws such as the Civil Rights Act of 1964 and the Elementary and Secondary Education Act with respect to racial imbalance need to be modified or repealed?

Should programs of Federal assistance be established to enforce or encourage a new national policy relating to racial isolation in the schools?

Mr. President, we have been challenged to end our hypocrisy and to face honesty and openly the problems related to de facto school segregation. I believe we must accept this challenge.

Our substitute amendment would insure that this problem would receive the honest and responsible action it deserves. By creating a Select Committee composed of Senators from the two committees with jurisdiction over problems of civil rights and education, and members of the Senate at large, by establishing deadlines for the Committee to make recommendation to the Senate, and by providing adequate resources for staff and necessary expenses, this amendment represents a good faith reply to a serious challenge.

I urge my colleagues to vote in favor of this substitute amendment.

Mr. MANSFIELD. Mr. President, will the Senator from Minnesota yield to me briefly, for one or two unanimous consent requests?

Mr. MONDALE. I yield.

ORDER FOR ADJOURNMENT UNTIL 10:30 TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today—and may I say that I hope we have more votes this afternoon and this evening—it stand in adjournment until 10:30 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR STEVENS TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after approval of the Journal, the distinguished Senator from Alaska (Mr. STEVENS), be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Alaska (Mr. STEVENS), there be a brief morning hour, with statements in relation to the transaction of routine morning business limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extended programs of assistance for elementary and secondary education, and for other purposes.

Mr. MONDALE. Mr. President, let me say to the distinguished majority leader that I do not plan to take much time on this proposal. I am hopeful that the manager of the bill, the Senator from Rhode Island (Mr. PELL), might agree to accept it, and I would ask him to respond at this time.

Mr. PELL. The Senator from Minnesota is absolutely correct. I have studied the amendment. It fills a vacuum which has existed. It would mean that we would be able to illuminate the subject. Those of us not in depth with the question of segregation as perhaps we should be will be able to become more familiar with it. Except for the Coleman report which has been cited, there has been very little study made of the de facto aspects of segregation.

I think that the establishment of a select committee is an excellent idea and I would recommend it to all Senators and urge that they agree to the amendment offered by the distinguished Senator from Minnesota (Mr. MONDALE) and the distinguished Senator from New York (Mr. JAVITS).

Mr. GRIFFIN. Mr. President, I should like to direct some questions to the Senator from Minnesota concerning the intent of his amendment.

At the bottom of page 1 and continuing on page 2, of the Senator's amendment, it states: "composed of three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, and two majority and one minority Members of the Senate from other committees."

Mr. President, I am not quite clear as to whether the Senator means they want three additional members or whether he means two majority members and one minority member from each of the other committees of the Senate. Would the Senator respond to that?

Mr. MONDALE. I intend a total of three additional members, to be chosen through the regular selection process through the steering committees, the Republican and Democratic steering committees would select those members.

Mr. GRIFFIN. So that there would be a total of three additional members in addition to those members who came from the Committee on Labor and Public Welfare and the Committee on the Judiciary?

Mr. MONDALE. That is right.

Mr. GRIFFIN. It seems rather strange, in a way, that so far as the first six members are concerned, the ratio is 3 to 2 as between majority and minority; whereas, the Senator also, has a 2 to 1 ratio. I wonder if there is any particular reason for that?

Mr. MONDALE. I shall be glad to modify my proposal, if there is no objection to establishing the 3-to-2 relationship.

Mr. GRIFFIN. I think that might be a good idea.

Mr. MONDALE. I understand that the ratios in my amendment are similar to those used in forming the Select Committee on Nutrition and Related Needs, but I have no objection to modifying my amendment accordingly.

Mr. GRIFFIN. Before the Senator does that, there is another point I should like to bring up. In trying to work in a difficult area such as this one, it seems to me we do not want to get bogged down in partisanship. We do not want to play politics with it. We want cooperation and a bipartisan approach. We would want to make sure that the minority was adequately represented and staffed.

I notice on page 3 of the amendment, "that the minority is authorized to select one person for appointment."

It does seem to me that that might not be adequate for the minority to make a significant contribution in this situation. I do not know how many staff there will be, and particularly in a situation like this I think we want a bipartisan effort. In fact it might even have been proposed as in the past with select committees, that the committee be set up on a bipartisan basis with an equal number of members of the two parties represented. But certainly I think that to give the minority only one staff person might not be adequate.

Mr. MONDALE. Mr. President, I am advised by counsel that this language does not intend to limit the minority to one staff member. It is designed to indicate that there will be at least one. And I assume that the committee would certainly want the minority to be well represented on the staff. That would certainly be my view. Certainly one staff member would not be adequate.

I believe the committee ratio should be fair, and that the minority should have more than one staff member.

The only way the committee can work is on a bipartisan basis.

Mr. GRIFFIN. Mr. President, I think that is useful legislative history. As I understand the staff explanation, the reference to one person there is not a limitation as far as the allocation of the staff to the minority.

I am not thinking in terms of clerical help. I am thinking in terms of professional assistance.

Mr. MONDALE. The Senator is correct. The amendment is not intended to limit the amount to one staff member.

Mr. GRIFFIN. If there is no particular reason not to do so, and the Senator is disposed to change the number, what representation would there be? Would there be 3 and 2?

Mr. MONDALE. According to the modification prepared there will be a——

Mr. PELL. It will be 9 to 6.

Mr. MONDALE. It would be 9 to 6.

Mr. GRIFFIN. I thank the Senator very much.

Mr. MONDALE. Mr. President, I yield first to the Senator from Connecticut and then to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. RIBICOFF. Mr. President, I feel that the Senator from New York and the Senator from Minnesota have come up with a very constructive suggestion. It must have been obvious to all of us as this debate has proceeded during the last 2 weeks that we are in a most complicated situation. This country will have

to take a new course in the field of education all across the land. It is apparent from the deep concern in the Senate that the Senate has an obligation to play an important role in determining educational opportunities and educational policy for the country.

The suggestion for the select committee made by the Senator from Minnesota is important. And I do hope that the Senate adopts the suggestion advanced by the Senator from Minnesota in amendment No. 499.

Mr. MONDALE. Mr. President, I am indeed grateful for the support offered by the Senator from Connecticut. It has seemed to me all along—and I have tried to make this point in the debate—that the courage shown by the Senator from Connecticut has helped expose the national character of the problem our country is facing everywhere in dealing with color and with race.

The problem is probably getting worse and not better. It is found everywhere. At no level of government have we adequately focused on the problem. Most of what we are trying to do is either not working or not working well enough.

Practically every dispassionate study, whether it be the Kerner Commission, the Eisenhower Commission, or any other commission, has concluded almost unanimously that the country is on the point of exploding, that the division between the races is widening.

The Senator from Connecticut has exposed the reality of that matter. That exposure helped prompt me to propose the creation of a Select Committee.

A committee is often a place for problems we would rather not have. It will be up to all the members of the Select Committee to realize the profound nature of the problem with which the committee is designed to grapple. The committee should not come back here with old answers that cannot work or with theoretical answers that cannot work. Rather, they should try to recommend a solution that will work and that will be acceptable to the people of this country.

If we can do that, this would be an important accomplishment, and no man should be credited with achieving it more than the Senator from Connecticut.

Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, the expression used by the Senator from Minnesota, "The exposure of reality," is what I am concerned with. And that is that we expose the realities all over the land.

Obviously, the concern occurs when we have just had—and I do not allude to the majority leader—the manager of the pending bill proposing one concept, and the minority leader has just proposed a different concept.

After the vote of the majority of the U.S. Senate to get a committee together, we wonder whether they will expose the realities in the other sections of the country—namely, the de facto areas, meaning Chicago, Philadelphia, and New York.

Would the committee go there?

Mr. MONDALE. That is precisely the reason why the committee is being formed. It is being formed with a view to hold hearings and to hear from witnesses all over this country, from educators, parents, and students, in an effort to try to find some way to deal with the problems of de jure and de facto segregation wherever they are found, including Minnesota.

Mr. HOLLINGS. Mr. President, if the author of the amendment could show me that there would be a balanced representation on the committee, I would be glad to support it. The silent majority has just spoken. That crowd has lost, and that is why they want the study.

Mr. MONDALE. The silent majority was not so silent.

Mr. HOLLINGS. The Senator is correct. But it took us a long time to be heard.

The point is that if the Senator can assure me that it will be an objective study and that he will go to the South and the North, I will support it. Come to the South. We have been heard. In fact we have a lot of professional witnesses. We will not by any means bring those professional witnesses. We want the committee to hear from leaders of both races and both sides of the school problem.

I think that would be salutary.

But what concerns me is that if we get a committee, and when the Senator from Minnesota and the Senator from New York get together, I am concerned about whether we will get down in the 44-by-8-block area of New York that, by design or otherwise, is segregated and no HEW representative or Washington agency has ever made a study there as yet in order to implement the unitary school. Is this a committee to get to that problem or to avoid it?

Mr. MONDALE. Mr. President, the Senator from South Carolina can send me the block number and if I am on the committee, I will make a motion to go there.

Mr. HOLLINGS. Could the Senator help me to get on that committee so that I could second that motion?

Mr. MONDALE. I could not figure any Senator who could contribute more to this committee than the Senator from South Carolina.

Mr. PELL. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. PELL. Mr. President, is it not a fact that about an hour ago the Senator from Minnesota and I were discussing the possibility of the select committee, and the suggestion came up that if it were established, the Senator from South Carolina would make a fine member of the committee. And we each agreed that we would like nothing better than to see the Senator from South Carolina on the proposed select committee to insure a balance of view and judgment.

Mr. MONDALE. Mr. President, when we come out with the report, we do not want to be confronted with the kind of debate we had the last time when the Senator from South Carolina took our skin off. We would like to have him on such a committee.

Mr. PELL. Specifically, we hope he would be on it.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, I yield to the Senator from West Virginia and then I yield to the Senator from California.

Mr. BYRD of West Virginia. Am I to understand from the discussion which has just ensued that the selection of the committee will be determined by the able Senator from Rhode Island and the able Senator from Minnesota?

Mr. PELL. I must take the responsibility for that impression. I evidently misspoke. I thought I said, "We hope." We would be delighted to see the Senator from South Carolina on it.

Mr. MONDALE. In response to the question of the Senator from West Virginia, the method by which this committee is to be selected is clearly spelled out in the amendment. There will be three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, and Members of the Senate from other committees.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. MONDALE. I yield.

Mr. BYRD of West Virginia. Does not the Senator feel that this is a rather strange approach, to add language to a bill to create a select committee of the Senate? Is not a Senate select committee ordinarily created by the passage of a simple Senate resolution? What we would be doing here would be to write into law the creation of a Senate select committee and to give the House of Representatives a voice in the establishment of a Senate select committee; we would also be giving the President a voice in the establishment of a Senate select committee.

Why does the Senator not withdraw this amendment and offer a simple Senate resolution to create such a committee? Then we would be approaching the matter in the normal and appropriate way.

Mr. MONDALE. I refer the Senator to page 3 of amendment No. 499, subparagraph (d), which provides:

> (d) The matter set forth in subsections (a), (b), and (c) of this section is enacted by the Senate as an exercise of its rulemaking power, and with full recognition of the right of the Senate to change such matter at any time.

That language makes clear this is being done within the Senate rulemaking power and not in any other sense.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. MONDALE. I yield.

Mr. BYRD of West Virginia. What he is doing is giving the President of the United States a veto over the Senate's authority to create a select committee of the Senate. Moreover, in the event the time should come when the Senator from Minnesota might wish to extend the life

of this committee there would have to be a law passed to extend the life of a Senate select committee created by law.

Mr. MONDALE. We are faced with an extraordinary situation.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. MONDALE. I yield.

Mr. BYRD of West Virginia. I am not speaking against the establishment of such a committee. However, I think it would be wise, if I may make the suggestion, to withdraw this amendment and offer a simple resolution to create a Senate select committee and let the Senate vote up and down thereon.

Mr. MONDALE. Is the Senator thinking in terms of action today or about sending it to the Committee on Rules and Administration?

Mr. BYRD of West Virginia. I am thinking of creating a Senate select committee, as the Senator wishes to create. I think the Senator is using the wrong vehicle here. The Senator is adding language to a bill which ultimately will go to conference with the House, and which subsequently would be signed or vetoed by the President. This is the wrong way to approach the establishment of a Senate select committee, by adding language in a bill which requires action by both Houses for enactment. It is not ordinarily done that way.

Mr. MONDALE. I think the Senator is correct. I had hoped, and this is essentially what I had in mind, that the step we take in creating this committee would be part of our total approach to the matter of both de jure and de facto segregation. I think it appropriate in this unique circumstance to do it in this way. I will take my chances on the President signing the bill.

I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I would like to strongly support the amendment offered by the Senator from Minnesota. I do so for these reasons. First, no one knows what the effect will be of the amendments agreed to in the pending legislation. We do not know what the Department of Health, Education, and Welfare will do pursuant to these amendments. We do not know what the courts will do or how they will interpret it. We do not know what the local school boards will do.

The Senator from Minnesota stated that this is simply a declaration of policy. I would agree with the Senator from South Carolina that the composition of the commission established here should be on a geographical basis as well as on a party basis. We have a problem that is North, South, East, and West. We have a difference in definition between de facto segregation and de jure segregation and its practical effect on children and society. There is really now no difference.

We have had a court decision in Los Angeles where a superior court judge stated that what was generally thought to be de facto segregation in schools was actually de jure segregation.

We need an immediate study. That is one reason I support the Senator's amendment, despite the quite valid questions raised by the Senator from West Virginia. We need a study at once. How do we go about dealing with this problem, not on a regional basis, but on a national basis? I agree we should have an approach that is applied North, South, East, and West, in justice and in equity. This study can lead to that sort of an approach to the problem.

I think that the adoption of this amendment would speed the nationwide solution to what is an American problem.

Mr. MONDALE. I thank the Senator from California for his support and his most useful comments. The experiences to which the Senator referred with respect to California help underscore the national nature of this problem. It is not a regional problem but a national problem. We are beginning to find instances of de jure segregation in the North and de facto segregation in the South. It is a national problem and must be approached in that spirit. I am most grateful to the Senator.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. HOLLINGS. Mr. President, I share the concern of the Senator from West Virginia. I think his point is well taken. I think it is the majority feeling that a study of this kind would be of tremendous benefit to us all.

Why not go ahead and vote, and if it is approved, put it in as a resolution; and when this bill reaches conference we can strike this section.

I do not think we should let all this good debate and consideration go down the drain.

Mr. MONDALE. Mr. President, the recommendation offered by the Senator from South Carolina makes a great deal of sense. I communicated this suggestion to the Senator from West Virginia. That is what I propose today. We will proceed to adopt this amendment today. I will introduce a resolution with the identical terms as modified. If the resolution is adopted I will move as a conferee to strike this amendment.

The PRESIDING OFFICER. Has the Senator from Minnesota modified his amendment?

Mr. MONDALE. No. Mr. President, I modify amendment 499 to provide, on page 2, line 3 that the word "three" be substituted for the word "two" and following thereafter the word "two" be substituted for the word "one".

The PRESIDING OFFICER. Will the Senator send the revision to the desk?

Mr. MONDALE. Mr. President, I am prepared to vote but I understand someone wanted to make a further inquiry.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I yield.

Mr. AIKEN. As I understand the Senator's resolution, it proposes to write into law the same authority which was authorized in the resolution which appropriated funds to the Select Committee on Nutrition and Human Needs last Monday, in which it was authorized to study practically everything, including education, health, welfare, and so on and so forth. What the Senator proposes to do is write into law the authority which has now been granted by the Senate to the Select Committee on Nutrition and Human Needs?

Mr. MONDALE. No; I do not see the committee doing what the Senator from Vermont suggests. The focus of the committee's attention will be on what has been described as de facto segregation in education. It is designed to recommend what kind of remedies may be necessary. It is not intended to overlap or interfere with the work of the Select Committee on Nutrition and Human Needs.

Mr. President, I am ready to vote.

Mr. PELL. Mr. President, I would move the acceptance of this amendment.

Mr. BYRD of West Virginia. Mr. President, I hope the Senator will not press this amendment. This sets a precedent. We would be giving the House a voice in the creation of a Senate select committee. We would be giving the President a voice in the creation of a Senate select committee. Additionally, if the time should ever come when the Senate wanted to extend the life of that committee, it would have to do so by law.

Mr. MONDALE. If the life of the committee needed to be extended, the extension of it is clearly within the rulemaking power of the Senate. I understand that.

I suggest that, while I would like the amendment adopted in this form, I will instantly submit a resolution to go to the Committee on Rules and Administration, and, if it is favorably acted on, I would propose to delete this amendment in conference.

Mr. BYRD of West Virginia. Is the Senator saying that by the adoption of a simple Senate resolution we could extend the life of a select committee that had been established by law?

Mr. MONDALE. Pursuant to subsection (d), yes. That is authorized. It could go through the Rules Committee and be acted on by the Senate, as any resolution would.

Mr. PELL. Mr. President, my understanding as manager of the bill is that my instructions would be to move to knock it out in conference if it had in the meantime already been agreed to.

Mr. MONDALE. That is right. It is my hope that we can submit a resolution, have it adopted, and then delete this language in conference.

Mr. BYRD of West Virginia. Mr. President?

Mr. MONDALE. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I want the floor in my own right.

Mr. MONDALE. I yield the floor, Mr. President.

Mr. BYRD of West Virginia. Mr. President, I do not oppose the establishment of this committee——

The PRESIDING OFFICER. The Chair would like to inquire on whose time the Senator is speaking.

Mr. PELL. Mr. President, I yield to the secretary of the Democratic conference.

Mr. BYRD of West Virginia. Mr. President, I do not take this time to oppose the establishment of the committee. I think the matter has been studied and restudied again and again, and I do not think it is necessary to have additional

studies, but I would not oppose the establishment of the committee on that basis. However, I am opposed to this procedure for establishing a select committee of the Senate. I think it sets a bad precedent to write this language into a bill over which the House will have a vote and over which the President will have a veto. We have never given the President the right to veto the action of the Senate in setting up a select committee of the Senate. We have never given the House jurisdiction as to whether or not the Senate will establish a select committee.

I am against this procedure. I think it sets a bad precedent. I think it is a vain thing to pass it here and then have it knocked out in conference.

Mr. President, I move to lay the amendment on the table.

Mr. MONDALE. Mr. President, will the Senator withhold his motion so that I may reply?

Mr. BYRD of West Virginia. I withhold it.

Mr. MONDALE. Mr. President, the factual issues have been debated for 4 or 5 days. It has been an exhaustive and illuminating debate.

The PRESIDING OFFICER. The Chair would like to say that such a motion is out of order until the time on the amendment was used or yielded back.

Mr. BYRD of West Virginia. The Chair is correct. I merely wish to state my intention to make such motion when all time has expired.

Mr. MONDALE. Mr. President, we have explored this issue, and debated it. It has been a long and tiring effort on the part of everyone. It is one of the most unusual debates, if not the most unusual, that I have participated in in the 5 years I have been in the U.S. Senate. I believe everyone in it tried to participate honestly and fully in the exploration of a problem that is tearing at the very essentials of American society.

The key challenge to those of us who principally represent States outside the South was as follows: "It is true that we have a problem of segregation in the South, but you have a similar problem arising from residential living patterns which may result in essentially the same impact on children in your communities as we have in the South."

I accept that challenge. I think it is one to which we must respond. Therefore, I think it important, when the Senate disposes of this act, that it not make a futile gesture against de facto segregation, but recognize how little we know about it, how much study remains to be done, how important it is that we really focus on an understanding of the issues involved. It is important that to the extent that reasonable and acceptable remedies exist, we discover them and apply them at every level of government.

It seems unwise to adopt this legislation without taking that step; to abandon this effort by introducing a resolution, sending it to the Rules Committee, having long and possibly extended hearings, which may even result in the committee's rejecting it, and then coming here some time later and threshing out this issue all over again.

It may be an unusual step that we are taking, but I think it shows our honest efforts to deal with the problem. The final step would be to have the committee really fulfill the responsibilities expected of it under this act. But I think to sidestep that part, to ignore those responsibilities at this time by going through this other process, would be unwise. Therefore, I most respectfully disagree with the Senator from West Virginia.

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without the time for it being subtracted from either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, yesterday during our debate on H.R. 514, the Elementary and Secondary Education Act amendments, I took the floor with respect to a bill I had introduced, the Urban and Rural Education Act, which was subsequently added as a new part C to ESEA. These provisions in my judgment will, if enacted, alleviate and help with some of the critical problems that are besetting the field of education.

Mr. President, at the conclusion of my remarks yesterday, I asked unanimous consent to have some letters printed in the RECORD. Letters from California educators were included, but unfortunately letters from educators and educational organizations from across the country were omitted.

I would now like to ask unanimous consent that these replies be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This morning as President Selden and I testified in support of the student teacher corps legislation, Senator Pell handed us a copy of your news release of July 15, 1969. This release concerned the bill you plan to introduce titled, the Urban and Rural Education Act of 1969.

We commend you for introducing this much needed and excellent piece of legislation. The American Federation of Teachers wholeheartedly supports the ideals which you propose.

Please, therefore, consider this a request to be permitted to testify in support of the legislation during hearings on the bill. In reading the news release we are impressed by the number of educational organizations which you list who intend to support your proposals.

We are equally disturbed, however, that the AFT was not among your listing. Our President, David Selden, is a member of the Urban Planning Commission. So many of the ideals which you inaugurated received his support and approval. To acquaint you further and with the thought that the information might be of help to the Committee as it considers the legislation, I am enclosing copies of President Selden's articles entitled, "Educational Need," and, "Compensatory Education," which appeared in the American Teachers under dates of June and May respectively.

Again, my commendation.

Sincerely,

CARL J. MEGEL,
Director of Legislation.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Evanston, Ill., August 6, 1969.

The Honorable GEORGE MURPHY,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: As indicated in our testimony before the Senate Education Committee June 17, NSBA is acutely aware of the education needs of the urban and rural children and supports full funding of all ESEA programs as well as Title I.

Your Bill S. 2625 will increase the opportunity to reach the children early in their school careers. It is well documented at the local level that early identification and remediation pays off manyfold financially as well as educationally.

Your presentation of your bill on the floor of the Senate eloquently describes the need for this legislation. We heartily endorse the measure.

Sincerely,

BOARDMAN W. MOORE.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Washington, D.C., September 22, 1969.

Honorable GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: Although our President Mr. Boardman Moore wrote to you on August 6 endorsing your bill S. 2625, the problems of the educationally disadvantaged are so acute that we believe our position should be very clear.

We applaud your interest in the education of the disadvantaged and support your bill. As correctly indicated in your statement introducing the bill, NSBA is worried that the dire necessity for providing compensatory education for disadvantaged children cannot be accomplished because the financial resources are not available. Many cities and rural areas simply cannot pay the costs.

Some of the great cities of the nation are characterized by a disproportionally large low-income population, above average number of school children coming from deprived home environments, and a deteriorating economic base. Frequently a large low-income population, declining or at best stagnant property values, and the flight of commerce, industry and middle-income residents combine with very high social costs (that preempt a rising share of available revenue resources) to restrict the capability to finance schools. Often they even fare poorly under state and federal grant programs. Increasingly, tax rates in these cities are among the highest; the quality of their governmental programs, once among the best, are now second rate; municipal structures are poorly maintained.

These old cities, particularly frequent in the Northeast and Middle West—some at the hub of urban areas, others scattered through out the area—are obliged to spend less and less per child relative to their more prosperous neighbors, despite the fact that their children are particularly in need of the stronger education programs. The financial problems of the cities are further increased by rising costs of regular educational programs. For example, land costs for new schools in Baltimore have reached $300,000 an acre.

Poorer rural communities, particularly conspicuous in the South and Middle West, are characterized by consolidation and mechanization of farm holdings with reduced job opportunities and declining populations, by abandoned rural and town structures, and by little or no new construction. Taxable values on property tax rolls lag far behind

national growth rates. An increasing proportion of properties in these places is financed by out-of-area institutional investors (rather than the town bank), producing a continuing out-flow of cash income from the community. At best, the local economy just manages to hold its own. Appalachia-type pockets of poverty abound. Frequently, the school fiscal problem is further aggravated by diseconomies of scale, because the school population is declining at the same time that progress in educational technology calls for larger school units.

By contrast, high income suburbia is financially well off. Using Cleveland, Ohio and some of its suburban areas for examples: Last year Cleveland spent approximately $578 per child for public education; Shaker Heights spent $958; Bratenall $1,342; and, Cuyahoga Heights $1,344. The attached table, based on 1964–65 data, further illustrates these differences.

It is well documented that students from good homes in middle- and high-income environments make better progress in school than underprivileged children. They may be able to progress even under relatively weak school programs. Students without these advantages require more school resources. Since some children's education is considerably more expensive than that of others, the undertaking to afford each child an equal educational opportunity requires an unequal investment per child.

Your bill, if enacted and funded, would provide this additional support for those districts whose needs are greatest with additional financial assistance to bolster programs for our younger children in the elementary schools. We hope this concept might be incorporated in the extension of the Elementary and Secondary Education Act now being reviewed by the Senate Committee on Labor and Public Welfare.

Sincerely yours,

AUGUST W. STEINHILBER,
Director, Federal and Congressional Relations.

THE RESEARCH COUNCIL OF THE GREAT CITIES PROGRAM FOR SCHOOL IMPROVEMENT,
Chicago, Ill., August 20, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: I have reviewed the Urban and Rural Education Act of 1969 which you introduced on July 15 and find that it has much merit. The educational crisis in the large cities of this nation will never be solved until we do have substantial educational programs with massive funding. Your proposal, as I understand it, would be an add-on to Title I of the Elementary and Secondary Education Act and would be directed for the most part at the elementary school programs that are now operative within the program framework of the Elementary and Secondary Education Act in our local educational agencies.

While I favor additional federal dollars for education, I am concerned about the following factors:

1. Title I of the Elementary and Secondary Education Act presently has an authorization of approximately $2.3 billion. The recent House action appropriates only $1.396 billion of this authorization. Title I, fully funded, would be a dramatic approach to solving many of the problems covered in your proposal.

2. The addition of a new section to Title I, even with specific authorizations, can be submerged into the total Title I appropriation and, without full funding, would be a drain on existing operating programs. The addition of new categories of eligibles under Title I in some of the more recent amendments to the Act have had that effect on local educational agencies.

3. The emphasis on the elementary school program in your proposal is highly desirable; however, the possibility of an expansion of the program to include all grades might very well work in conjunction with the dropout program that you have so strongly supported. The necessity of reaching the elementary school pupil through effective learning programs is, in my opinion, of the highest priority.

4. The second requirement which you specify, that of giving preference to the greatest need, has my complete endorsement. I would point out that in Detroit, where I sit as Vice-President of the Board of Education, this requirement is in effect for existing Title I programs. The limited funds available for these programs and the annual increases in the cost of program maintenance have forced a concentration of our programs to those schools that demonstrate the greatest need.

I would also observe that the very comprehensive explanation of your proposal is a valuable, accurate description of the problems facing local educational agencies which are attempting to provide the best education possible for the disadvantaged youth.

The effort and support you have provided in developing the existing legislation is much appreciated. I know that you will continue to support the expansion of these programs, and I, along with all other educational groups interested in such programs, urge your support of the full funding of the present educational programs when H.R. 13111 reaches the floor. Once this full funding is accomplished, the need for desirable expansions of the program such as your proposal should be promptly enacted and funded from additional appropriations.

Sincerely,

DARNEAU STEWART.

ST. LOUIS PUBLIC SCHOOLS,
St. Louis, Mo., August 13, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: May I commend you for your efforts to help the sorely pressed urban and rural school districts across the Nation. Very few people realize the extent of the problems involved in educating children from the impoverished areas. Your bill, S. 2625, attacks the heart of the problem which exists in the City of St. Louis.

In the past quarter century St. Louis has had a net population loss of 130,000 or 15 per cent. The school population, meanwhile, rose 24 per cent. This period saw the school population change from 78 per cent white to 63 per cent Negro.

The rapidly rising ADC population is now 33,000 children, 45 per cent of the total ADC children in the State of Missouri.

Ten per cent of our pupils are in special classes for the mentally retarded, the hard of hearing, the partially sighted, the physically impaired, and other handicapped groups. There is evidence that another ten per cent who should have these services are struggling along in regular classrooms.

More than 750 school girls become pregnant each year and need special classroom instruction and health services.

The schools now provide nearly 8,000 free and partially paid meals each day for hungry children.

Two-thirds of the 71,200 children who live in our Title I eligible areas are academically retarded a half-year or more in reading, language, and arithmetic.

Pupils' mobility is very high. Some children are enrolled in a dozen different schools in a single school year.

There are constantly increasing numbers of pupils who need help for emotional, social and health problems which must be cared for by the schools because there is no other agency or organization available.

Most of these needs are not educational but, unless they are met, the children cannot learn. Unfortunately, the citizens of the city no longer have the financial capacity to pay for high cost education. Some of the reasons for this decline in ability to pay taxes are:

The City of St. Louis, in 1969, has an assessed property valuation which is actually less than it was a decade ago.

The city has lost 14 per cent of its wage earners in the past seven years.

High costs for other non-school municipal services add to the city resident's tax burden. In the city, 72.4 per cent of each tax dollar is used to pay for police, hospitals, welfare, and other non-school expenses; in St. Louis County, only 39.7 per cent is required for such services.

The average county householder had 86 per cent more money to spend last year than the average householder in the city.

More than 30 per cent of St. Louis voters are bearing the increased costs of private and parochial schools in addition to their usual tax burden. Recent announcements by Missouri bishops indicate that they are at a financial crossroads and that unless they get state support for parochial schools, they may have to close their schools and inundate the public schools with their pupils.

More than 20 per cent of city voters are on small, fixed incomes, are bitter and resentful about inflation, modern youth, and most of all, about taxes.

In commenting on St. Louis' plight Fortune said in its January, 1968 issue:

On its own, St. Louis does not have the resources to cope with the problems of the north side and other poor areas. Despite its smaller tax bite, the county had sufficient funds to outspend the city by a wide margin on schools—$117 per capita, against the city's $86.

Skimping on education is a recipe for perpetuating poverty, but St. Louis has little choice. Its revenues, hard-won through tax rates that provide one more reason for business to leave town, are disproportionately committed to a whole range of public services linked to poverty, crime, and dilapidation.

Your bill, which authorizes a 30 percent addition to regular Title I funds the first year and a 40 per cent addition for second and succeeding years to districts with extremely high concentrations of low income children, would begin to provide some of the resources which these children need if they are to be adequately educated. Neither the children nor the country can afford to have it any other way.

Sincerely yours,

WILLIAM KOTTMEYER,
Superintendent of Schools.

BALTIMORE CITY PUBLIC SCHOOLS,
Baltimore, Md., August 20, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: We have read with a great deal of interest your Urban and Rural Education Act of 1969 and appreciate your asking for our responses to it.

That there is a need for appropriations in addition to funds currently received for the benefit of disadvantaged children there can be little doubt. Your remarks for the record reveal your clear understanding of that fact.

The per pupil expenditure in Baltimore under present ESEA-Title I appropriations is constantly diminishing at a time when costs are increasing at a rate of 8% to 10%. For FY 1969, the ESEA authorization for Baltimore City was $16.6 million; the actual appropriation amounted to $7.3 million, 44% of the authorized amount. For FY 1970, that gross appropriation will be further reduced to $6.4 million, nearly $1,000,000 lower than last year. This gap between authorization and appropriations together with the increasing

number of children being served has worked to lower drastically the per pupil expenditure. In FY 1966, the first year of the program, we were able to spend $241 per eligible child (28,287); in FY 1969, that sum was down to $135 per child (54,121); for FY 1970, the projection is $124 per child.

As regrettable as that steadily diminishing rate of expenditure is, it still presents a picture far better than the reality of our local situation. For FY 1969, the number of eligible children in Baltimore was 54,000, under current guidelines for determining eligibility. In fact, however, we know that well over 100,000 children in Baltimore City are entitled to receive the beneficial services of the kinds of ESEA-Title I programs that could be made available were there adequate financing. (The primary reason for this unfortunate situation is the reliance on the 1960 Census for defining "low income" families. Having to use this constant when all other elements are inconstant obviously adds to the difficulties of depressed areas such as are found in Baltimore.)

Your remarks in the Record contained an explicit reference to the "strenuous effort" made at the local level by the citizens of Baltimore. Not enough can be said about that effort, which resulted, for example, in overwhelming voter approval last November of the largest School Loan for construction in the United States, $80,000,000. And Baltimore's financial difficulties are at least as severe as any large urban center in our country. Our citizens have demonstrated beyond doubt their willingness to sacrifice to the limits for their schools, but our needs outstrip their capacity to pay.

In the context of such data as shown above, your attempts to have added 30% of regular Title I funds in the first year (without precondition) and 40% thereafter (with State approval) for eligible districts can only be endorsed with the most sincere kind of hope. The enactment of your bill would bring school districts such as Baltimore a step closer to full funding under ESEA and allow us to provide services that we know will work to improve the condition of so many of Baltimore's children.

It may be of value to you to know that the National School Boards Association is presently working on proposals concerning the entire matter of federal funding for public education. The thinking of that organization has reached a stage of development where, I am sure, members of Congress will be receiving material related to their work. Perhaps that material will be of value to you as a result of your work with your Urban and Rural Education Act of 1969.

My best wishes to you on behalf of your effort to further improve public education in our country.

Sincerely,

THOMAS D. SHELDON,
Superintendent.

BOARD OF EDUCATION,
CITY OF CHICAGO,
Chicago, Ill., August 14, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: Thank you for your letter of August 7, 1969 with the enclosed reprint from the CONGRESSIONAL RECORD.

Introduction of the Urban and Rural Education Act of 1969 in the Senate was a master stroke on your part which is worthy of the highest commendation from educators throughout the country. The amendment provides a logical and practical solution to a major crisis in education, and undoubtedly will have widespread support.

Unquestionably the disadvantaged youngsters in the Chicago public schools need much more help than they are presently receiving and S. 2625 would help to provide it. We could really utilize more than the 30% "add-on" for fiscal year 1970, but this is a great step in the right direction.

You were wise to specify that the funds were to be restricted to the elementary grades since this is the level at which it will do the most good. If the educational assistance is not provided to the disadvantaged at an early age, no later help can make up for the lost years. Concentration of the additional funds in the schools having the greatest need is also a very sound policy which has been proven over the past several years in the regular ESEA Title I programs in our city.

Your amendment appears to be extremely well thought out and its passage should do much for children in the urban and rural disadvantaged areas. You may be certain that it has the complete support of the Chicago public schools, and that we will extend every effort to assist in obtaining approval by Congress.

With every best wish for the early passage of S. 2625.

Sincerely,

JAMES F. REDMOND,
General Superintendent of Schools.

THE SCHOOL DISTRICT OF PHILADELPHIA,
Philadelphia, Pa., August 26, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Committee on Armed Services,
Washington, D.C.

DEAR SENATOR MURPHY: After having carefully reviewed the Urban and Rural Education Act of 1969, I am quite excited about its possibilities. This infusion of new money will provide the impetus for the development of new concepts to solve the problems now facing us in the inner city.

I am particularly heartened by the fact that you have placed major emphasis for the expenditure of funds in the elementary years. The School District of Philadelphia, in adopting its goals and priorities, has decided to concentrate its new thrusts in the early years thus paralleling the intent of this legislation.

In order to develop new strategies for solving the problems of the inner city school district such as ours we must have large infusion of new money from the Federal Government. This Act is indeed a significant start in providing this funding and affording us the opportunity to overcome the educational handicaps faced by so many of our children.

Sincerely,

MARK R. SHEDD,
Superintendent.

PITTSBURGH PUBLIC SCHOOLS,
Pittsburgh, Pa., August 13, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: I am pleased to give full support to the concept of your Urban and Rural Education Bill (S. 2625) which amends Title I of the Elementary and Secondary Education Act. The additional monies planned for this bill would provide some relief to the desperate financial straits confronting urban school districts as they seek to compensate for the education deficiencies of disadvantaged children.

The ESEA program does not currently provide sufficient funds to meet the needs of disadvantaged children. Pittsburgh and other urban districts have had reductions in appropriations per pupil because of the increase in AFDC children reported nationwide. The additional $200 million requested will help to overcome this deficiency.

Sincerely,

LOUIS J. KISHKUNAS.

THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF EDUCATION,
Boston, August 8, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: First of all, let me commend you for past expressions of concern for the disadvantaged youth of this nation. The measure proposed by you to amend Title I of the Elementary and Secondary Act of 1965 is a proper reflection of that concern.

As for my comments on the proposed legislation, let me say that I, along with many of my cohorts, have been pressing for additional funds in this area for years in an attempt to salvage the minds and spirits of many of our youths. We have pointed out, as you have, that if we cannot guarantee true equality of educational opportunity, then our accomplishments, however many or varied they may be, mean little.

And the battle to save the minds and spirits of a good portion of tomorrow's citizens will be fought in the cities and rural areas, areas recognized by you as crucial to success if the American dream of true equality is ever to be achieved.

Again, I salute you and join with you and others seeking to remedy deficiencies in our educational and social structure. Your measure, a refinement and improvement of present legislation, will be welcomed by legislators, I am sure, and hosts of children, the eventual beneficiaries of your concern.

Sincerely,

NEIL V. SULLIVAN,
Commissioner of Education.

BOSTON PUBLIC SCHOOLS, OFFICE OF THE SUPERINTENDENT,
Boston, Mass., August 18, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: I thank you for your recent letter enclosing a copy of your statement and the text of your introduction of the Urban and Rural Education Act of 1969.

The enactment of this legislation would provide much needed additional funds to the large urban centers of this nation. In my testimony before the House Education and Labor Committee concerning the extension of the Elementary and Secondary Education Act, I made a plea not only for the extension of this act, but also for a dramatic increase in the funding thereof, so that we in the urban areas might have the financial ability to meet all of our pressing needs.

The thirty and forty percent add-on features of your bill would provide a significant increase in funding and thereby aid immeasurably in the education of the disadvantaged.

Very truly yours,

WILLIAM H. OHRENBERGER,
Superintendent of Public Schools.

COLUMBUS PUBLIC SCHOOLS,
Columbus, Ohio, August 18, 1969.

The Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: Thank you for your thoughtfulness in sending me a copy of the bill you recently introduced in Congress.

This Urban and Rural Education Act of 1969 has been studied and read very carefully by members of our professional staff. As we understand it, this bill would amend Title I of the Elementary and Secondary Act of 1965 and proposes to provide substantial increases in funds for certain qualified large cities to meet the educational needs of disadvantaged pupils in the elementary schools.

This additional money would be available to the local education agency without precondition; therefore, we have assumed that it would be possible to develop facilities needed for the approved programs. This bill as you have presented it seems logical and justifiable in terms of the intensified need that can easily be identified in large cities as well as certain rural sections of our great nation.

I would certainly hope that this bill would meet with favor and success in Congress.

Sincerely yours,

HAROLD H. EIBLING,
Superintendent of Schools.

BOARD OF EDUCATION, MEMPHIS CITY SCHOOLS,
Memphis, Tenn., August 27, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: Thank you very much for your letter of August 7 in which you solicited my comments relative to your Urban and Rural Education Bill. I have reviewed your Bill and I think it has a great deal of merit. The large cities of our nation are in trouble and will remain in trouble until responsible people do something about it.

We are satisfied with Title I of the Elementary and Secondary Education Act as structured. If it were fully funded at the authorized level—$2.3 billion—urban and rural school systems could make significant gains. Due to limited funding, we are forced to serve a limited number of educationally disadvantaged youth in a limited number of qualified schools.

As you know H.R. 13111, the HEW Appropriation Bill, was passed by the House by a substantial majority. We urge your support of full funding when it reaches the Senate floor. Once full funding is accomplished, your proposed Bill should be enacted and fully funded to provide additional education funds.

Sincerely,

E. C. STIMBERT,
Superintendent.

BOARD OF EDUCATION,
Buffalo, N.Y., August 18, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Committee on Armed Services,
Washington, D.C.

DEAR SENATOR MURPHY: I appreciate being sent a copy of your remarks in the Congressional Record of July 15, on which date you introduced S. 2625, Urban and Rural Education Act of 1969. As superintendent of schools in Buffalo, charged with the responsibility of educating more than 70,000 pupils, over one-third of whom are characterized as disadvantaged, I am particularly pleased at the opportunity to comment on this subject.

It can be stated with stark simplicity that the crisis in urban education is the most important domestic problem facing the nation. The history and nature of this problem were carefully and comprehensively reviewed in your remarks upon introducing S. 2625.

In much the same way, I have attempted in previous statements to describe the urban situation. Essentially, the process has been one of an immigration of a needy population combined with an outmigration of the necessary human and fiscal resources. The result in cities such as Buffalo has been one of greater needs but lesser resources.

The educational result has been a concentration in the largest cities of disadvantaged children who start school with a handicap which, without compensatory programs and other assistance, widens during the school year, discouraging educational advancement and encouraging dropping out of school. Inevitably, this process reinforces the cycle of social and educational ineptitude.

We have viewed Title I of the Elementary Secondary Education Act as an attempt to break the cycle of disadvantagement. This legislation is a direct attack on the problem and, were it not consistently underfunded, it would represent a massive assault.

I feel that S. 2625 may be seen in the same light. It aims to restore equalization of educational opportunity, whereas growing inequality has become the unfortunate reality. In doing this, it does not just add funds to ESEA Title I, but prescribes these funds for use at elementary grade levels in districts experiencing greatest educational disadvantagement. Thus, it focuses its attack and makes more efficient use of limited funds.

Your bill merits support. It is a move in the direction of ameliorating the nation's most pressing domestic problem. Important as it is to create such imaginative legislative solutions, however, it is equally important to avoid the false economy of underfunding these solutions through inadequate appropriations. I would urge support of both the authorization and the full appropriation to accomplish the task.

Yours sincerely,

JOSEPH MANCH,
Superintendent of Schools.

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, Minn., September 11, 1969.

Senator GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: We appreciate the opportunity you have afforded many public schools educators to review the proposed bill S. 2625, "Introduction of the Urban and Rural Education Act of 1969." Unfortunately, we have not been able to gather all the documents and necessary data referred to in S. 2625, and this prevents our complete understanding of the bill at this time. Based on the incomplete information we do have, however, the bill appears to be somewhat helpful to Minneapolis.

We appreciate your interest in our school system and thank you for the copy of your letter introducing S. 2625. Mr. Donald Bevis, our Assistant Superintendent for Research, Development and Federal Programs, will be in Washington next week, and I have asked him to secure further information regarding this measure.

Sincerely,

JOHN B. DAVIS, Jr.,
Superintendent of Schools.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 86–420, the Speaker had appointed Mr. NIX, chairman, Mr. WRIGHT, Mr. JOHNSON of California, Mr. GONZALEZ, Mr. DE LA GARZA, Mr. FRASER, Mr. SYMINGTON, Mr. BUSH, Mr. STEIGER of Arizona, Mr. LLOYD, Mr. THOMSON of Wisconsin, and Mr. WIGGINS as members of the U.S. delegation of the Mexico-United States Interparliamentary Group, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. HAYS, chairman, Mr. RODINO, Mr. RIVERS, Mr. CLARK, Mr. BROOKS, Mr. ARENDS, Mr. FINDLEY, Mr. QUIE, and Mr. DEVINE as members of the U.S. group of the North Atlantic Assembly, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 1, Public Law 86–42, the Speaker had appointed Mr. GALLAGHER, chairman, Mr. JOHNSON of California, Mr. ST GERMAIN, Mr. RANDALL, Mr. MORGAN, Mr. KYROS, Mr. STRATTON, Mr. ANDREWS of North Dakota, Mr. STAFFORD, Mr. BROOMFIELD, Mr. LANGEN, and Mr. MAILLIARD as members of the U.S. delegation of the Canada-United States Interparliamentary Group, on the part of the House.

ENROLLED BILLS SIGNED

The message announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel) Pensinger, Marion M. Lee, and Arthur N. Lee;

S. 1678. An act for the relief of Robert C. Szabo;

S. 2566. An act for the relief of Jimmie R. Pope; and

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes.

DWIGHT SPRACHER

Mr. MAGNUSON. Mr. President, the citizens of the State of Washington recently lost a great friend. Dwight Spracher was recognized from border to border as a Democrat. He served my party faithfully and diligently as a State chairman. But more important, Dwight Spracher was known by Democrats and Republicans alike as a friend and a man of optimism and kindness in the face of any odds.

Mr. President, a recent editorial in the Washington Teamster newspaper sums up the character and quality of this man. I ask unanimous consent that the editorial be inserted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DWIGHT SPRACHER

Sooner than we care to think, the word "class" when used to describe a man of great quality, is going to be driven to King Trite's tomb. Before this dreadful thing happens, we would like to apply the word to the late Dwight Spracher.

Dwight was definitely a class guy in everything he did in this life. He had class in triumph, class in defeat. He was a man of his word.

Dwight Spracher was a fine state chairman of the Democratic Party and he tried his very best to blow some life into the organization. He was a successful businessman, the state spokesman for the Theatre Owner Association, a skilled lobbyist for his industry, and a dedicated doer for charity—especially the kids. His singlehanded efforts in reviving the Variety Club to a position of merit in Seattle was a triumph of majestic proportions.

None of this could be achieved without class in the individual. Dwight Spracher had it, and we are truly sorry he is gone. There are not enough of his kind left.

SENATOR CANNON'S CONTRIBUTIONS ON BEHALF OF AIR TRANSPORTATION

Mr. MAGNUSON. Mr. President, I was recently pleased to read in a January edi-

tion of the Nevada State Journal of Reno an interesting article relating to the difficulties of the people of Nevada in sustaining reliable air transportation service to several cities.

As many of my colleagues, particularly from the West, are well aware, we are faced with increasing difficulties in relation to adequate air service in small communities in that some air carriers are significantly reducing scheduled service and, in some cases, abandoning it.

Therefore, I am pleased to note in this particular instance affecting several small communities in Nevada, my friend, the Senator from Nevada has been instrumental in seeking an alternative to inadequate service. As you know, Senator CANNON, the distinguished vice chairman of the Senate Aviation Subcommittee, is a tireless worker in seeking to provide the citizens of the United States the best and most complete air transportation system. No one in the Senate has done more in trying to meet the problems of our growing air transportation system than my able colleague. While we in the Senate are aware of his work and achievements in this important field, I am gratified in that he has recently received recognition in his own State for his outstanding efforts on behalf of our air transportation system.

At this point I ask unanimous consent to have printed in the RECORD the editorial about which I speak, citing Senator CANNON for his significant contributions.

There being no objections, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR MAKES A SCORE IN AIR SERVICE MATTER

The Eastern Nevada cities of Elko and Ely saw the end to a long period of anxiety over the fate of their air service when it was announced Friday that Frontier Air Lines has been approved by the Civil Aeronautics Board (CAB) to land at the two communities.

The action actually taken by the CAB was to sanction an agreement made between United Air Lines and Frontier for the latter to take over operation of a Salt Lake-to-San Francisco-and-return schedule, which has Ely and Elko stops.

The route had been flown for many years by United, but that airline is down to three propeller-driven planes. They are on their last legs and United isn't going to acquire any more. Instead it had been searching for a smaller airline with smaller planes than United's big jets to whom it could lease the route. Frontier eventually became that route.

The run includes a stop at Reno, too, so this city also gains something from the fact Frontier is now going to extend its operations to the Pacific Coast. Frontier, a large regional airline, gains by getting its airplanes into the San Francisco airport. United, undoubtedly heaving a sigh of relief, gains by not having to fight for discontinuance of the schedule because it is running out of equipment which can land at Elko and Ely.

Air travelers of Nevada and many wanting to fly to Nevada, will be pleased because Frontier will fly turboprop planes which are reportedly "just right" for operations into and out of Ely and Elko.

That all adds up to six entities who are happy with the United-Frontier agreement and the CAB's approval of it—the two airlines, the three cities and John Q. Public.

Basking in this rosy circumstance right now is Sen. Howard Cannon of Nevada, who must run for re-election this year.

It was Sen. Cannon who jumped into the fray and worked hard to assure Elko and Ely their air service would be continued. He not only got that assurance but, considering the usual snail's pace of government in such matters, got the agreement to and through the CAB with almost lightning speed.

It was a coup, and a deserving one, for the junior senator, who really isn't very "junior" any longer, having served in the upper house for 11 years compared to Sen. Alan Bible's 15 years.

Cannon can naturally be expected to cite the Frontier-United agreement in the forthcoming campaign as a reason why he should be re-elected.

He can point to it in his favor on two counts, one that it demonstrates his ability to get things done for his state and a second that it tends to prove what the incumbent always maintains: That seniority in Congress means power.

Sen. Cannon does have ability as a lawmaker—a great deal more than he is sometimes given credit for. And as for the importance of seniority, one doesn't have to express an opinion, he merely has to look at the record.

Take the current case of seeking continuance for Ely-Elko air service. It just isn't reasonable to expect that it would have been resolved so expeditiously had Sen. Cannon not been a member of the Aeronautical and Space Committee of the Senate and, even more significant in the present instance, a member of the aviation subcommittee of the Senate Commerce Committee.

Such assignments rarely come to him who has just been elected, no matter how competent, and no matter whether his politics coincides with that of the administration in power.

POWERPLANTS AND THE ENVIRONMENT

Mr. MAGNUSON. Mr. President, in the new wave of concern over the impact of industrial technology on the environment, no single threat to the environment raises more fears than the siting of powerplants on the shores of scenic lakes or rivers. There are of course sound grounds for concern. Fossil fuel plants, as well as nuclear plants, if inadequately planned, designed, and operated, can degrade the ecology of their environment—the currently fashionable term for describing the capacity of a powerplant for "fouling its nest."

But technology, including power generation technology, poses not only environmental risks but environmental opportunities as well.

In an excellent article by Richard M. Klein, reprinted by the Washington Post from Natural History, the magazine of the American Museum of Natural History, the author after detailing the very substantial risks attendant upon powerplant siting challenges us to find ways of making creative, productive, nonpolluting use of the byproducts of power generation. He said:

Heat from an atomic reactor is available in tremendous supply. If it is used instead of wasted, several related problems could be solved. We need jobs for agriculturally trained, but underemployed, people; we need new taxable industry; we need a clean lake, and we need intelligent land use.

Mr. Klein focuses upon the Champlain Valley of Vermont, but what he has to say has application throughout the country wherever energy generation is taking place. I know that the farmers of my own State described to me the enormous benefits of productivity which can flow from the harnessing of waste heat from the nuclear facilities at Hanford, Wash.

Mr. Klein continues:

The Champlain Valley is good farmland, but the growing season is so short that production of truck crops for the big city markets is impractical. Cantaloupes, for instance, produce a crop only occasionally—a risky business, indeed. Suppose that the waste cooling water were piped away from the reactor and used to heat large greenhouses that could produce tomatoes, melons, cucumbers and other crops in the winter? Thermal heat exchangers could produce air-conditioned areas during the summer to permit mushroom cultivation.

Not only could the power companies sell a waste product pollutant at a profit, but they could sell electricity to light the green houses. These are not just pipe dreams; Iceland has been using thermal spring water for many years for precisely these purposes. as well as for heating homes in Reykjavik. Stockholm has placed an atomic energy plant within the city limits and uses the cooling water for home and office heating.

Rough calculations by a nonengineer (me) have indicated that even a modestly sized plant can produce enough waste heat to make a portion of the Champlain Valley into an artificial subtropical paradise. Still a land of milk and honey—plus tomatoes, mangoes and jobs. Might we not also have girls in grass skirts undulating beneath banana trees?

Mr. President, I ask unanimous consent that the full text of the article by Mr. Klein "Vermont Would Like Bananas—But No Fog," be reprinted at the close of my remarks.

There being no objection, these articles was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 25, 1970]

VERMONT WOULD LIKE BANANAS—BUT NO FOG

(By Richard M. Klein)

(Note.—The following is excerpted by permission from Natural History, magazine of the American Museum of Natural History.)

Vermont is not a wealthy state. Industry produces the largest share of state income, tourism is second and agriculture third. It requires automation plus 40 to 70 head of cattle to make a go of the family farm, and the number of farms is decreasing each year.

In the northeastern part of the state, the "northeast kingdom," where the true Vermonter traces his ancestry back at least five generations, some residents live close to the subsistence level; jacking of deer provides table meat. Even in the larger cities, underemployment is not uncommon.

Vermont cities are not large by California or New York standards, but some, like Burlington, are seeing the development of middle-class suburbs whose residents, mostly "instant Vermonters," are putting increasing pressures on roads, sanitary facilities, public services and, overwhelmingly, on schools. These demands on available funds can, lacking an industrial base, be relieved only by pushing up property taxes and, as was recently done, by imposing a greatly resented sales tax.

New sources of income must be found and tapped. The most obvious of these would be to bring in new industry sufficient to employ those who leave the farms and to provide a new tax base; and the second, to use the land more extensively and better exploit its natural beauty by attracting people who

can build summer and, eventually, permanent homes.

Despite the church mouse condition of the state treasury, Vermont is a geographic area rich in natural beauty. Its valleys are bucolic remnants of the mid-19th century; the Green Mountains are soft, and, in contrast with the Rockies or the Alps, are "take-in-able." International Business Machines recognized this a few years ago when it decided to open a facility in the Burlington area, thus enabling its employees to find homes in a region unexcelled for those features that were cover paintings in the now-defunct Saturday Evening Post.

Running parallel to the mountains for almost 130 miles and forming much of our western border is Lake Champlain, where one can still see far down into the clear depths to observe and catch bass, walleyes, perch and northern pike. There is a deep and abiding love for this environment, and it is doubtful whether most residents would knowingly despoil the land or the water. Yet good intentions are inadequate safeguards, and it is instructive to examine more closely the problems inherent in reaching goals dictated by economic necessity.

A POWER PROBLEM

For industry to be attracted, it must be assured of an intelligent work force, land, good and abundant water, easily reached markets and adequate power. In our modern transport-oriented society, sources of raw materials need not be a major problem; pipelines could bring crude oil from deepwater ports to refineries on the shores of Lake Champlain or even on top of Mt. Mansfield.

This is an extreme, yet there are residents who would be reluctant but complacent boosters for heavy, pollutant-producing industry—"My taxes would drop and it wouldn't be in *my* backyard."

Logically, the industrial ideal would be clean, nonpolluting, skilled fabrications, but this requires power. Vermont, singularly blessed with many attributes, has few potential hydroelectric sites, there is no native coal and present power consumption in the Northeast is so great (remember the November, 1965, blackout?) that the addition of more industrial consumers of power would overwhelm present facilities.

Burlington just obtained voter approval for an oil-fired turbine to serve as a backstop for its municipally owned coal-burning generator. Incidentally, the city fathers in all their wisdom will site the new plant in an existing building directly on the lakefront where there are only two beaches for the whole area, both inadequate and one now closed because of sewage pollution.

As Sen. George Aiken has pointed out, the answer to our power bind is atomic energy. Recognizing the profit inherent in serving new industry, a consortium of private power companies has already started construction of one plant on the Connecticut River near the village of Vernon, and this plant, plus contemplated or completed units throughout the country, must serve as a model for a Lake Champlain plant, which may eventually be built at or near the town of Charlotte, just south of Burlington in Addison County.

Assuming, for a moment, that another atomic energy plant is inevitable, it is obvious that it is the task of aroused citizenry and concerned scientists to direct their efforts toward setting realistic limits on the design and operation of such a plant. Articles in many publications have detailed potential health dangers and environmental insults that accompany the operation of any nuclear plant. Others have shown that the Atomic Energy Commission is, like many other major federal agencies, capable of dissembling when it is useful to do so.

As several sympathetic opponents have said, it is most difficult for the same agency to be directed by law both to promote the use of the atom and, at the same time, to regulate its use. Here lies schizophrenia with a touch of defensive paranoia, and the Atomic Energy Commission is exhibiting symptoms of both these mental diseases.

ONE PLANT SCOTCHED

Like the Pentagon, the AEC has scarcely been questioned for close to 20 years, and in this period of time it has consolidated an extensive power base. Yet in only three years, there has been a series of blows to its hegemony.

One hard blow was delivered by a new activist group formed in upper New York State and centered about Cornell University. Briefly, the AEC and several power groups decided to construct a fairly large plant on Lake Cayuga. The boiling-water reactor was to be over 800 megawatts in capacity and, like other plants, it was to follow a design established by the AEC with safeguards and performance standards set by the AEC, and with supplementary funds provided by the AEC.

Prof. David D. Comey and his colleagues presented—in public hearings and in two excellent publications—a serious study of the inherent and unpublicized dangers of such a plant, and finally got the AEC to withdraw its approval pending restudy. More recently, the Minnesota legislature insisted that the state can set more stringent and restrictive pollution standards than those of the AEC, a position the commission finds, at best, uncomfortable and, at worst, unbearable.

With perhaps a less firm professional base, a group of citizens from Vermont and New York have formed a Lake Champlain Committee dedicated "to eliminate water pollution from all sources . . . and to conserve the natural resources and scenic beauty of the Champlain Valley." The Vermont-New York Committee promoted and obtained passage of landmark legislation in both states to provide that smaller administrative units (like Charlotte) cannot be pressured into an environmental blunder.

The temptation for a town can be strong: the tax intake in a town that has an atomic energy plant would vastly increase, while its tax rate could be substantially reduced. Citizens can picture new parks, new swimming pools, new municipal buildings, new schools and, of course, higher property values.

THE BIG TREATMENT

Sen. Aiken and Gov. Deane C. Davis arranged for the AEC to set up a public meeting at the University of Vermont. There, many of its big guns spoke on the safety, necessity and value of atomic energy plants in general and for Vermont in particular.

The federal armamentarium included a Nobel laureate, other members of the commission, section chiefs and a diverse sprinkling of scientific talent from the Oak Ridge National Laboratory. An expensive exhibit was brought up from Washington, miniskirted usherettes with white blazers lettered "AEC" were much in evidence and the rostrum was graced with the AEC seal as well as those of the state and the university. Vermont, population about 400,000, was to get the "big" treatment.

Morning seminars given by AEC scientists were standing room only, and as a university teacher I was delighted with the educational experiences that my students got. The presentations were, to be charitable, below the standards that we set for student seminars; expected information was not forthcoming, and many in attendance got the impression that we were boondocks residents to be patronized.

The formal afternoon presentations were held in the university gymnasium and attended by the academic community as well as by the general public. Remember, please, that town meetings are part of our way of life. The AEC was clearly running scared and the soothing speeches of commission members and their scientists were closely followed by the audience.

After the AEC had two-thirds of the program, a panel of four "environmentalists" joined the commissioners for a session of screened audience questions. It was at this point that the AEC's careful plan went awry, for the questions were sharp and to the point (remember the town meeting syndrome), and the sympathy of the audience began to shift away from the official line and toward the Vermont tradition of believing what makes "good sense."

This was the first time that the AEC had mounted a massive public meeting, and one of the few times that variant opinion was allowed to share the same platform. Certainly the commissioners were talking to the nation here, not just to Vermont, and certainly they were defensive and a bit apprehensive.

Gov. Davis received prolonged applause when he concluded the afternoon's session with a firm statement that "the right to increase safeguards should be reserved to the state." Vermont has now submitted a friend-of-the-court brief in Minnesota's suit—a development not planned by the AEC.

ANOTHER STRIKEOUT

In October, the Vermont Yankee Nuclear Power Corp. teamed up with the AEC for a two-day public meeting with the citizens of Brattleboro, near the site of the nuclear power plant under construction on the Connecticut River. High school and college students as well as local citizens attempted to get some firm information to allay their fears about this plant but, regrettably, heard only sophistries and "facts" that are questioned by many ecologists. Again, the AEC struck out.

At about the same time, a committee of the state legislative council met to draft new laws on energy and power. Vermont Yankee officials succeeded in watering down the strong recommendations to the legislature. There was, they said, no quarrel with the need to protect the environment, but power needs had to be paramount.

Nongovernmental scientific opinion suggests that standards of maximum allowable exposure to radiation should be reduced, which would be technically possible with appropriate changes in plant design. More stringent standards will undoubtedly increase the construction cost of a generating plant by dollar amounts that are huge at first glance. What is not pointed out, however, is that when the excess costs are amortized over plant life, the additional expense will add only a small fraction to the cost of each kilowatt hour generated and sold.

Thermal pollution is, however, another matter. Consequences of pouring millions of gallons of heated water into any body of water are still not completely known; but to assume that because we don't know the consequences we can move right in is ecologically dangerous and scientifically indefensible.

A 500-kilowatt reactor cooled by lake or river water must pump 5,600 gallons of cooling water per second. As the AEC reluctantly admits, there will be alterations in the biological and physical nature of a relatively slow-moving lake like Champlain and there will undoubtedly be changes in the surrounding countryside as well.

Northern Vermont is very cold in the winter, and it is a rare year that Lake Champlain doesn't freeze over. Warmed up, it may not freeze over completely. As cold air, borne by the prevailing westerlies, comes whistling down from the Adirondacks and crosses a stretch of open water, it will pick up sufficient moisture to produce severe fog and sleet. Addison County, self-styled "land of milk and honey" (which in fact it is), may spent six months as an inland equivalent of the Outer Banks.

Of course, if sufficiently pressed, the designers can include cooling towers or recycle

their cooling water as a car radiator does. These changes would cost up to $6 million, but in terms of total outlay they are not economically impractical. It certainly will help preserve the lake, but it will provide the makings of fog not only during the winter—if the towers can, indeed, work in the 20-below weather—but in the summer as well. And if cooling towers do not handle all the water needed for the plant, do we go back to the lake?

IMAGINE A GREENHOUSE

A bit of imagination, apparently lacking in the AEC as it is conspicuously lacking in the Corps of Engineers, might just result in better solutions than the standard hot-water-into-the-lake concept, or even cooling towers. One alternative to the cooling tower is the construction of a cooling pond, which would have the advantage of permitting location of the generating plant away from the lake entirely. This would require about 1,500 acres of surface water, and if land prices were reasonable and construction costs low, the added charge would be about $1.50 per kilowatt hour, a cost competitive with cooling towers.

It seems to me, however, that we can do more with pollution problems by making them pay off economically than by wringing our hands or letting massive federal bureaus write off an environment in their pursuit of power. Philadelphia is now packaging its trash, putting it into empty coal cars and then shipping the material back to the strip mines as land fill. The city saves $1.5 million a year by avoiding incineration, and the Reading Railroad makes money as well.

Heat from an atomic reactor is available in tremendous supply. If it is used instead of wasted, several related problems could be solved. We need jobs for agriculturally trained, but underemployed, people; we need new taxable industry; we need a clean lake, and we need intelligent land use.

The Champlain Valley is good farmland, but the growing season is so short that production of truck crops for the big city markets is impractical. Cantaloupes, for instance, produce a crop only occasionally—a risky business, indeed. Suppose that the waste cooling water were piped away from the reactor and used to heat large greenhouses that could produce tomatoes, melons, cucumbers and other crops in the winter? Thermal heat exchangers could produce air-conditioned areas during the summer to permit mushroom cultivation.

Not only could the power companies sell a waste product pollutant at a profit, but they could sell electricity to light the greenhouses. These are not just pipe dreams; Iceland has been using thermal spring water for many years for precisely these purposes, as well as for heating homes in Reykjavik. Stockholm has placed an atomic energy plant within the city limits and uses the cooling water for home and office heating.

Rough calculations by a nonengineer (me) have indicated that even a modestly sized plant can produce enough waste heat to make a portion of the Champlain Valley into an artificial subtropical paradise. Still a land of milk and honey—plus tomatoes, mangoes and jobs. Might we not also have girls in grass skirts undulating beneath banana trees?

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. Mr. President, I ask unanimous consent that the time for the quorum call be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 359—TO CREATE A SELECT COMMITTEE ON EQUAL EDUCATION OPPORTUNITY

Mr. MONDALE. I send to the desk a Senate resolution in language identical to that of the amendment just temporarily laid aside, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk proceeded to read the resolution.

Mr. MONDALE. I ask unanimous consent that further reading of the resolution be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE's resolution (S. Res. 359) is as follows:

S. RES. 359

Whereas the policy of the United States to assure every child, regardless of race, color, or national origin, an equal opportunity for a quality education has not been fully achieved in any section of the country; therefore be it

Resolved, That (a) there is hereby established a select committee of the Senate (to be known as the Select Committee on Equal Educational Opportunity) composed of three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, and three majority and two minority Members of the Senate from other committees, to study the effectiveness of existing laws and policies in assuring equality of educational opportunity, including policies of the United States with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States. Such select committee shall make an interim report to the appropriate committees of the Senate not later than August 1, 1970, and shall make a final report not later than January 31, 1971. Such reports shall contain such recommendations as the committee finds necessary with respect to the rights guaranteed under the Constitution and other laws of the United States, including recommendations with regard to proposed new legislation, relating to segregation on the ground of race, color, or national origin, whatever the origin or cause of such segregation.

(b) For the purposes of this resolution the committee, from the date of enactment of this resolution to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) to contract with private organizational and individual consultants; (6) to interview employees of the Federal, State, and local governments and other individuals; and (7) to take depositions and other testimony.

(c) Expenses of the committee in carrying out its functions shall not exceed $200,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. Is there objection to its present consideration?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MONDALE. Mr. President, this is a matter which was presented in legislative form and which I am now presenting in resolution form in response to suggestions offered by the Senator from West Virginia (Mr. BYRD). I think we have fully discussed it. It simply results in dealing with this matter in resolution form, rather than in legislative form.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. What is the pending business before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the resolution of the Senator from Minnesota.

Mr. RUSSELL. Mr. President, I do not know of any reason why we should depart from the ordinary rule which provides that this resolution should go over to the day following. I am not opposing the resolution, but I am opposed to deviating from the ordinary practice.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MONDALE. As I understand the statement of the Senator from Georgia, he wishes this matter to lie over until tomorrow.

Mr. MANSFIELD. In the normal manner.

Mr. MONDALE. Will the distinguished majority leader indicate in what order this resolution could be called up?

Mr. MANSFIELD. I would be delighted to call it up during the morning hour tomorrow.

Mr. RUSSELL. I have no objection to that. I simply do not like to establish a practice of offering resolutions and passing them just as offered. I think the resolution should be printed, so that other Senators may have an opportunity to read it. I do not anticipate any objection; but that is the general practice, and I think it is a better one.

Mr. MONDALE. I have no objection.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the resolution

offered by the Senator from Minnesota lie on the table until tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The resolution will be received and printed, and will lie on the table.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

AMENDMENT NO. 492

Mr. ERVIN. Mr. President, I call up my amendment No. 492, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from North Carolina (Mr. ERVIN), for himself and other Senators, proposes an amendment (No. 492) as follows:

Add at the end thereof an additional title and section appropriately numbered and reading as follows:

"No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school."

Mr. ERVIN. Mr. President, I yield myself such time as I may require.

This amendment is merely designed to prohibit the compulsory busing of children to alter the racial composition of the student body of a school.

We have had in North Carolina a great many court orders and a great deal of compulsory busing, coerced by threats of the Department of Health, Education, and Welfare, to withhold funds from schools unless they bus children from one place to another, merely to alter the racial composition of student bodies of the school in the student's neighborhood or of the school into which he is bused. I have received probably 8,000 or 10,000 letters from my constituents, protesting this kind of treatment for their children.

About 10 days ago, I had a telephone conversation with Mr. John Ladd, of Charlotte, N.C. In that city the courts had entered an order requiring the busing of at least 6,000 black children from their residential areas across the city into other areas, sometimes clear across the county, and also requiring the busing of 6,000 white children from their home districts into other areas of the city and the county.

In his telephone conversation, Mr. John Ladd told me the following story, which is illustrative of hundreds, yes, thousands of cases that are occurring in my State and throughout the South.

Mr. Ladd said that he and his wife and their children had moved to Charlotte from Statesville, N.C., several months ago and they had spent 4 months looking for a home which they were financially able to purchase near a school; and, at long last, they had found that home. After moving into their new home and enrolling their little girl in the neighborhood school, the court order comes down, requiring that their little fifth grade daughter be bused from the school located two blocks from their home virtually across the county of Mecklenburg, and that as a result, she would have to spend from 2 to 2½ hours every day riding on a school bus.

Then I have this letter from Mrs. K. J. Whitmore, of Norlina, N.C. She says:

Please read this before you throw it away, and also the clipping that was in the paper. It seems that Judge Butler doesn't care about us, so I'm writing you for help. I live across the street from the school house, and I have to send my children 10 miles to a Negro school. Will you please tell me what is fair about that? Be sure to check the ratio. And tell me where the freedom of choice plan is. It is a disgusted site to see 3 or 4 white and 10 times that many Negroes all piled up in one class room. The lunch rooms are so filled they can't eat or enjoy their lunches, and have only a very few minutes to eat, because they are so overcrowded. It seems that no one is interested in the little people. I can't afford a private school for 3 children the rest of their school years. I'm closing with the hope you have taken the time to read this. And give us some thought and some advice that will help us all.

I also have a letter from Mrs. R. Leigh Traylor, Jr., of Norlina, N.C. It reads:

DEAR SENATOR ERVIN: There is much sadness in Warren County today—school began. It is the most unfair law that required children to be hauled from school to school, not for the purpose of an education, but to have integration of the races. We built a new home four years ago, that took our entire savings, and what we could borrow in order that our children would be close to school. They walked two blocks to reach school. This morning they were put on a bus and hauled five and half miles in the country. When I arrived to register my little fifth grade girl in school, I found in her class of 115—seven white children, the remaining 108 were unfamiliar faces of colored children. What would you have done in this situation? The entire school has the ratio of 63 whites to 507 colored. This is the only school our children are allowed to attend in the county. Our son is in the eighth grade in a very similar situation. I continually read where the children are bused to eliminate unbalanced ratio. I think we need some help with this ratio.

I have no objections to sharing the school with colored children, but the Federal Government has taken many situations too far. Each community has to be treated according to what they have to work with, in the same manner as each child learns, and acts different. You don't use the same approach on every child, nor should the same rules and laws apply for every school. If freedom of choice had been allowed, this would not have happened in the same manner. The parents of both races could have sent their children to the school most convenient, and best suited to their needs.

I must say a word in behalf of the colored people in our county. They too are being hauled all over the county with strange teachers and friends. Much of their social life, activities, enthusiasm has been centered around their schools, which will no longer exist. This is a catastrophe—Life is different in a rural community from city life.

In our county, Warren, that needs a boost economically, there has been nothing but a complete setback. Our young people will leave if they can have no freedom of choice to choose their schools they wish to attend and send their children. They are going other places. It will be impossible to attract industry or people.

I realize this letter is too long, but I could go on and on. If you can't help us return to freedom of choice in Warren County, please do all you can to persuade our government to allow people to make their own choices in other counties and states. Don't permit what has happened to our county to happen to any other county or state in the United States. In our county the whites are truly being discriminated against. I wish you could visit our county and see for yourself the plague that is here.

I know you are a very busy man, but thank you for reading this, and please help us have freedom of choice in our schools.

Yours very truly,

MRS. LEIGH TRAYLOR.

President Nixon has declared on numerous occasions that he is against busing for the purpose of altering the racial composition of the public schools. His most recent strong comments against busing came within the last several days.

Also, a great many Members of the Senate have declared their opposition to the busing of little children for racial purposes; and I sincerely trust that this amendment, No. 492, will be adopted and that we will put an end to the compulsory, enforced busing of children, not for the purpose of enlightening their minds but for the purpose of integrating their bodies.

The PRESIDING OFFICER (Mr. MAGNUSON in the chair). Who yields time?

Mr. JAVITS. Mr. President——

Mr. RUSSELL. Regular order, Mr. President.

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is in charge of the time.

Mr. PELL. I yield 10 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, this amendment endeavors to go very, very much further than any amendment we have yet seen, including Senator STENNIS' amendment, because it seeks to bind the courts, and it seeks to bind the courts in respect of restraining unconstitutional action and what measures they may take to restrain it.

I appreciate the letters which the Senator has received from people asking him to give them relief. I might just as well bring in 50, 60, or 70 letters from people who feel that the courts have wronged them in divorce cases, domestic relations cases, civil litigations in which somebody has lost money or has failed to gain money that they wanted. I used to be attorney general of the State of New York, and I read daily dozens and dozens of the most heartrending letters from people who were sentenced for crimes, telling me the injustice, the beastliness, and the brutality of the judges and juries that had functioned in those cases.

Mr. President, I am sure—I say this without any question—that there are cases in which judges have done things they should not have done in terms of an order or decree relating to the desegregation of schools in a given school district. I am sure of that, just as I am sure that there are cases in which justice has been denied in similar cases. These cases have

gone through our courts, to the circuit court of appeals, to the Supreme Court, and some measure of justice has been done—not perfect, I am positive, but some measure of justice.

As I understand it, the parameter of decrees in the individual cases of segregated school districts with which we are now dealing, let us be very clear, is de jure segregation. We are not dealing here with the thicket we got into in respect of the Stennis amendment of racial imbalance or de facto segregation. This is de jure segregation.

The question is, first, whether or not we can constitutionally and, second, whether we should control the courts in the decrees they make in given cases. I respectfully submit that if we get into this, I do not know whether it would be constitutional. I cannot say that, and I will tell the Senate why.

It is a fact that the jurisdiction of the courts is not contained in the Constitution, except for the Supreme Court of the United States. The jurisdiction of all the other Federal courts is conferred by the Judiciary Act of 1789. It may be—I would have to do a great deal of legal research on it—that Congress can take away the jurisdiction of a court and thereby effectively deprive that court of the authority of the act. Of course, if that deprives an individual of a remedy in respect of a constitutional right, the courts may hold that it cannot be done, that it is unconstitutional, that right having vested. But this is a very, very difficult question of law which we can hardly resolve here.

It seems to me on the fundamental policy, we are now going to control the decrees of courts implementing the remedies for illegal acts, which is what is sought here, especially in this extremely difficult field of de jure—I emphasize that de jure—segregation. I should think it would be a most ill-advised move.

Mr. GRIFFIN. Mr. President, will the Senator from New York yield for an observation?

Mr. JAVITS. I yield.

Mr. GRIFFIN. I agree with the Senator from New York that this amendment would apply to de jure segregation but it is not limited to that, as I read it. Does not the Senator agree with me that this would limit the Court's power in any case, including de facto and de jure?

Mr. JAVITS. Absolutely.

Mr. GRIFFIN. Earlier in debate on other amendments, I thought it was unfortunate that such words as "sham" and "fraud" and things of that kind were used, which are inappropriate in Senate debate. I certainly would not use such language; but I would say this, that with the adoption of the so-called Stennis amendment, it seems to me the word has gone out to the Nation that the Senate wants to take action with respect to both de facto and de jure segregation, and presumably there is going to be a very interesting movement in that direction; but the next amendment that comes along is designed to take away the power of the Court to provide a remedy.

I know that the Senator from North Carolina will say that this statement is too sweeping because there is the remedy of freedom of choice. That is the only one he leaves. Unfortunately, and I say unfortunately because I do not know whether I agree with the Supreme Court in the Green case, but the Supreme Court in the Green case did say that freedom of choice, in some circumstances, is not an adequate remedy to satisfy the requirements of the Constitution.

This amendment would take away from the courts not only the power to require the transport by busing of students but also their assignment, regardless of how a student would get to school. He might walk. He might not use a bus at all. This amendment relates to his assignment, as I understand it.

Mr. ERVIN. No, no.

Mr. GRIFFIN. It provides that the power to assign children to——

Mr. ERVIN. No, amendment No. 492 applies only to busing. It is an attempt to put into law President Nixon's opposition to the compulsory busing of children.

Mr. GRIFFIN. On lines 6 and 7: "to which students are assigned in conformity with the freedom of choice."

Mr. ERVIN. No, amendment No. 492 applies only to busing. The words "or local agency empowered to assign children to public schools," only describe one of the agencies which would be prevented from busing by my amendment. It does not involve freedom of choice or any other plan. The amendment reads:

AMENDMENT No. 492

No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any state or local public school board or any other state or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

I purposely limited this amendment to busing because that was the area in which President Nixon expressed the greatest concern, and I felt such a limited amendment would find greater acceptance among the many Senators who have opposed the compulsory busing of students, even though they have supported many civil rights laws.

Mr. GRIFFIN. I see. I appreciate that clarification. Perhaps unconstitutionally, as the Senator from New York says, it would take away the power of the court to provide the very remedies that the Nation believes the Senate is trying to accomplish as a result of the amendment previously adopted.

Mr. JAVITS. Exactly right. May I point out, too, that what the amendment would seek to do is to allow those who have violated the law for years to retain the benefits of that violation without giving the court——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. MAGNUSON in the chair). The Senate will please be in order.

Mr. JAVITS. This amendment which deals with segregation, admittedly unlawful and admittedly contrary to the Constitution, seeks to deprive the courts of the ability to make decrees which relate to unlawful and unconstitutional action. It seems to me that it goes beyond any consideration that we could possibly import to adopting an amendment of this character, without understanding that we would be completely dismantling everything that has been done in this country since 1954 in this field.

Mr. President, I repeat, the critical aspect, the critical balance, and the delicacy with which we must legislate in this field, considering the high emotionalism involved, the Supreme Court has shown great ability to take account of the social situation in the country. It has, on the whole, been very respectful of that.

If we begin to legislate in this way, to curtail and deprive the courts of the means with which to effectuate what, as I say, we must assume is unconstitutional and unlawful action, we would really be guilty of the height of folly.

I really do not believe that this is an amendment which the Senate should consider. I think it would destroy everything that has been done during the past 16 years, so much of which is admitted, even by its bitterest opponents, to have been required because of the injustices which have prevailed for so very long.

I therefore hope very much that the amendment will be rejected.

Mr. PELL. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, as has been brought out on the floor yesterday, and in past days, none of us is for indiscriminate busing. But, busing used judiciously, in certain circumstances, in both the North and the South, can be of advantage in achieving what we wish, which is a breaking down of the barriers between the races in attending school, particularly when they are massed in areas of urban concentration—really, particularly in the North.

The pending amendment would prohibit the ordering of student transportation by a court, if that order is designed to alter the racial composition of that student body. But a close reading will indicate that no matter what the semantics are, what would be legislated by the amendment, if it were adopted, would be, in effect, the denying of means by which effective action to desegregate a school system could be accomplished.

We have heard a great many arguments as to the need for action to do away with segregation, both de facto and de jure. We have agreed to an amendment, the Stennis amendment, which seeks to bring the same rules into effect in the North and South, taking no account of the difference in the origin or cause of the segregation.

The amendment we have just adopted will not be effective if, at the same time, we hamstring any efforts to move the children back and forth.

The word "hypocrisy" has earlier been thrown around this Chamber. If, on the one hand, we pass an amendment that calls for desegregation, no matter what the causes, and then a few moments or some hours later, adopt an amendment that would prevent one of the most effective ways of achieving it, we ourselves would be guilty of that same charge.

Mr. ERVIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Sen-

ator from North Carolina is recognized for 5 minutes.

Mr. ERVIN. Mr. President, I am surprised that the Senator from New York (Mr. JAVITS), and the Senator from Michigan (Mr. GRIFFIN), deplore limiting the jurisdiction of the court, because both voted for the Civil Rights Act of 1965 which limited the jurisdiction of the court by closing the courthouse doors in every court in the South.

Also, the Senator from New York was one of the stanch supporters of the Civil Rights Act of 1964 which limits the power of the court to alter busing to achieve a racial balance. I wonder why he did not protest the curtailment of the Federal court's jurisdiction on those occasions?

As a matter of fact, there is no doubt of the constitutionality of this amendment. The only way we can stop the courts, such as the court which ordered the 12,000 children in Charlotte, N.C., to be bused, is to take away that power. That is the only way.

The Constitution of the United States says in the plainest words in the English language, in article III, that the appellate jurisdiction of the Supreme Court is to be regulated by Congress. Of course, the Supreme Court has some original jurisdiction in cases to which a State is a party, and in which ambassadors and ministers and consuls are parties, but there is no other jurisdiction except that given them by Congress.

Mr. President, article III states in plain language that—

> The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Now, Mr. President, I would like to read several passages on the subject of Supreme Court jurisdiction from the latest book out on Supreme Court practices. It is entitled "Supreme Court Practices," by Robert Stein and Eugene Gressman.

The book was just published last fall. I purchased it and acquired it on the 30th day of November 1969.

It says on page 22:

> The jurisdiction of the Supreme Court of the United States stems from Article III of the Constitution. Section 1 vests the judicial power of the United States in the Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. Section 2 extends the judicial power so vested to various enumerated cases and controversies, and defines the original jurisdiction of the Supreme Court as covering "all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party." Section 2 then provides that "In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."
>
> Since 1789 Congress has made a variety of "Exceptions" and "Regulations" governing the Supreme Court's appellate jurisdiction. Such legislation is of controlling importance in determining the nature and scope of this jurisdiction. While Congress cannot extend the jurisdiction beyond the limits set by the Constitution, it can impose restrictions and requirements within the broad constitutional limits. Indeed, so determinative is the Congressional action in this area that all cases not expressly provided for by legislation are deemed to be outside the Court's jurisdiction. *Durousseau* v. *United States*, 6 Cranch 307, 314. Up to now the Court has found no constitutional restriction upon this Congressional power. And, of course, no stipulation of parties or counsel can enlarge or control the jurisdiction of the Court.

Thus, up to now—that was last November—the Court has found no constitutional restriction upon this congressional power.

I have in my hands a list of 31 decisions of the Supreme Court of the United States holding that this provision is perfectly constitutional. I ask unanimous consent that the list of these cases and citations be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

REGULATION OF JURISDICTION OF THE SUPREME COURT BY CONGRESS—SECTION 236

1. Wilson v. Mason, 1 Cranch. 45, 2 L. ed. 29.
2. United States v. More, 3 Cranch. 159, 2 L. ed. 397.
3. Ex Parte Bollman, 4 Cranch. 75, 2 L. ed. 554.
4. Durousseant v. United States, 6 Cranch. 307, 3 L. ed. 232.
5. United States v. Goodwin, 7 Cranch. 109, 3 L. ed. 284.
6. United States v. Gordon, 7 Cranch. 287, 3 L. ed. 347.
7. United States v. Nourse, 6 Pet. 470, 8 L. ed. 467.
8. Barry v. Mercein, 5 How. 103, 12 L. ed. 70.
9. Forsythe v. United States, 9 How. 571, 13 L. ed. 262.
10. Re Kaine, 14 How. 103, 14 L. ed. 345.
11. Ex Parte Vallandigham, 1 Wall. 243, 17 L. ed. 589.
12. Daniels v. Chicago & R.I. R. Co., 3 Wall. 250, 18 L. ed. 224.
13. Walker v. United States, 4 Wall. 163, 18 L. ed. 319.
14. Edmonson v. Bloomshire, 7 Wall. 306, 19 L. ed. 91.
15. Ex Parte McCardle, 7 Wall. 506, 19 L. ed. 264.
16. Re Yerger, 8 Wall. 85, 19 L. ed. 332.
17. French v. Shoemaker, 12 Wall. 86, 20 L. ed. 270.
18. United States v. Klein, 13 Wall. 128, 20 L. ed. 519.
19. Murdock v. Memphis, 20 Wall. 590, 22 L. ed. 429.
20. Butterfield v. Usher, 91 U.S. 246, 23 L. ed. 318.
21. United States v. Young, 94 U.S. 258, 24 L. ed. 153.
22. United States v. Sanges, 144 U.S. 310, 12 S. Ct. 609, 36 L ed 445.
23. National Exch. Bank v. Peters, 144 U.S. 570, 12 S. Ct. 767, 36 L ed 545.
24. American Const. Co. v. Jacksonville, T. & K. R. Co., 148 U.S. 372, 13 S. Ct. 158, 37 L. ed. 486.
25. United States v. Old Settlers, 148 U.S. 427, 13 S. Ct. 650, 37 L. ed. 509.
26. Colorado Cent. Consol. Min. Co. v. Turck, 150 U.S. 138, 14 S. Ct. 35, 37 L. ed. 1030.
27. Maynard v. Hecht, 151 U.S. 324, 14 S. Ct. 353, 38 L. ed. 504.
28. Chapman v. United States, 164 U.S. 436, 17 S. Ct. 76, 41 L. ed. 504.
29. Gordon v. United States, 117 U.S. 697 Appx., 76 L. ed. 347.
30. Montgomery Bldg. & Constr. Trades Council v. Ledbetter Erection Co., 344 U.S. 178, 73 S. Ct. 196, 97 L. ed. 204.
31. National Mutual Ins. Co. v. Tidewater Transfer Co., 337 U.S. 582, 69 S. Ct. 1173, 93 L. ed. 1556.

Mr. ERVIN. With respect to this matter, the latest book on congressional law on this subject, referring to the lower Federal courts, is by Chester J. Antieau, "Modern Constitutional Law."

I read from page 623 of Volume 2:

> All federal courts, other than the Supreme Court, derive their jurisdiction wholly from the exercise of the authority to "ordain and establish" inferior courts, conferred on Congress by Article III, § 1 of the Constitution. Article III left Congress free to establish inferior federal courts or not as it thought appropriate. It could have declined to create any such courts, leaving suitors to the remedies afforded by state courts, with such appellate review by this Court as Congress might prescribe. The Congressional power to ordain and establish inferior courts includes the power "of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 5 additional minutes.

Mr. ERVIN. Mr. President, the same observations are made in another new book on constitutional law by C. Herman Prichett, "The American Constitution," at page 131, in which it says, in substance, that Congress has an absolute power to define the appellate jurisdiction of the Supreme Court and has the power to define the power of the Federal courts; and it has frequently done so. In all of the trade agreements acts, for example, Congress has denied the courts jurisdiction to entertain suits.

As I pointed out, the distinguished Senator from New York and, I believe, the distinguished Senator from Michigan, both voted for the 1964 civil rights bill which expressly says that the Federal Constitution shall not be construed to give the Federal courts power to order busing to overcome racial imbalance.

There are at least, in addition to the 31 cases I have had printed in the RECORD, probably somewhere in the neighborhood of 100 cases which recognize the power of Congress to limit the jurisdiction of the courts. There is no question about that.

The only way we can stop the judicial tyranny of busing little children for long distances is to limit the jurisdiction of the courts.

A judge in Charlotte, N.C., 10 days ago ordered busing across the county and city of some black children and some white children. To my mind, there is nothing in the Constitution which gives any judge the right to say that this little child will be snatched up, placed on a bus and hauled 5 or 10 miles from his home to integrate his body with the bodies of other children.

If a person thinks Federal judges ought to have power to take little children from their parents and local school boards and bus them to and fro all over the face of the earth in order to mix the races in schools, he ought to vote against amend-

ment 492. But any man who, like me, believes that tyranny on the bench is just as objectionable as tyranny on the throne should vote against compulsory busing.

Amendment No. 492 is the only kind of proposal that would put an end to busing. We have to stop everyone from busing a little child away from his parents, busing him away from his locality, and denying him the right to attend his neighborhood school. President Nixon says he is against this busing of little children and I hope the Senate will support the President's feelings about this matter.

Mr. President, I appeal to all people who believe that we ought to take the little children away from the power of the courts to vote for an amendment which would bring freedom to the American people and their children instead of tyranny. It is the plainest and most constitutional provision that has ever been embodied in any amendment or bill put before Congress.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, as I said when arguing this matter before, probably it is not entirely open and shut, as the Senator from North Carolina would have us believe, that Congress could deprive the courts of jurisdictional power and even deprive them of the ability to prescribe a certain remedy. But I do not think that Congress or the Senate of the United States is going to be wanton about this exercise of power.

I would like to call the attention of the Senate to the fact that the Senator from North Carolina said precisely the same thing that he had to say today about depriving people of freedom and the tyranny of judges when we were debating the civil rights bill of 1964 and every civil rights bill since, without exception.

Surely that is the attitude he takes, and I think he takes it quite sincerely. But that should not rule our action.

The fact is that the law of the land is that it is immoral and against the Constitution to segregate children in respect of Federal schools because of their race or color.

We would try, if this amendment passes, to direct the courts to eliminate a specific remedy for that situation in which the people who were carrying on the practice are wrong. They are not right. They are wrong.

Mr. President, 18 million children in the United States are bused every day. That is about two-fifths of all the children of the United States. Many of these children are bused compulsorily, and I will explain why. There used to be a model of a one-room schoolhouse. We had it in my State. We did not have to go South to see that. And we decided that educationally this was very unwise and that it retarded children and that they did not realize their full educational opportunities.

So, we instituted central schools. That was one of the great reforms in the United States. And many people argued exactly as does the Senator from North Carolina has argued, "We are not going to send our children to a central school. We are not going to put our children on the bus."

They were told, "Your children will be truants, and you will be responsible." And they were.

There are many cases exactly like that because society believed that this was best for the education of the great overwhelming mass of children in the United States. There are parents in this country who do not want to send their children to school. There are parents in this country who want to work their children on the farms at ages 7, 8, 9, and 10. We send those parents to jail, even though they are the parents of children. So, Mr. President, who is kidding whom about this situation? Society does have that authority. The child cannot take care of itself. The child does not know if he is going to be stultified in his education because he is sent to a black school. We have to decide that.

This measure would take away from the court the power to redress a wrong by limiting it and depriving it of the only remedy available. What is the justification? The justification is that some judges have done the unwise or unproper thing. That is what has been argued. None of these cases have gone to the Supreme Court. Many other cases dealing with segregation and desegregation have gone to the Supreme Court but not here. The Senator from North Carolina says we must abort the process because a judge in a particular community has done what the Senator from North Carolina thinks is absolutely wrong.

On occasion, and with great care and restraint, we have overruled a Supreme Court decision. It has never worked out very well, I might point out. Here we are being asked to abort the decisions of district courts and circuit courts because there is dissatisfaction in a community with what a district court does; and under the guise of that we are going to make an effort to redress an unconstitutional and unlawful situation which we have been trying to redress since 1954.

The Charlotte order to which the Senator referred was handed down 2 weeks ago. That is legislating in a hurry.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield to me an additional 5 minutes?

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, no appeal has been noted on that decision nor has a stay been asked for or granted—not even asked for.

Mr. ERVIN. Mr. President, the Senator from New York is totally wrong. They did ask for a stay.

Mr. JAVITS. I am sorry, sir; they could go to the circuit court of appeals.

Mr. ERVIN. At the present time, the judge left the record open to insert more evidence.

Mr. JAVITS. Mr. President, the very recital which the Senator makes now indicates the improvidence of legislating on such a complaint. He is asking Congress to make a universal law as to how it is going to deal with an unconstitutional situation on the set of facts which he has just given us.

I respectfully submit that would be legislating with really a high degree of improvidence.

We know what is going on here. We know exactly what is going on. The people who have opposed desegregation of schools for decades now smell the possibility that they may be able to nullify the whole thing. I do not know whether they are going to get by with it in the Senate or not. They have every right to fight for it and to be as opportunistic as they like. But we, too, see what is going on and we have not only the right but also the duty to oppose it with every ounce of vigor we have and to alert the country over what this could mean to the country. That is what I propose to do in connection with this amendment. I do not think we should cursorily or superficially deal with this amendment in a few minutes of limited debate and then vote it up or down. I do not know what the Senate will do. I think that this is a serious and critical matter and an attempt to abort the law we have today, which has taken so long to bring about.

Frankly, I did not expect this amendment would come up tonight. There is much preparation and thought that must go into dealing with a matter like this and not just what I have been able to think of, really on the spur of the moment; but what is really the basic problem that the Department of Justice would face and that the Department of Health, Education, and Welfare would face.

It seems to me this is a matter deserving of attention at the highest levels of Government before we could be satisfied that all the arguments that should be made had been made about it. It certainly is not the kind of amendment, in my humble judgment, that can be brought up and dealt with in an education bill.

The Senator certainly has an absolute right to raise the matter, even at the end of the day like this. But in my judgment the only thing that dictates pushing this on is the momentum which is thought to have been created by the action on the Stennis amendment and the various efforts to deal with that situation.

I hope very much we will not be precipitated into a vote on this matter, which I do not think would be fair to those who oppose it. I feel it would represent a most improvident piece of legislation and nullify the effort to enforce the guarantee of equal education and opportunity. It is not responsive and it does not represent any excess of power. We compel busing in many cases quite legally and legitimately without any argument about it and we have done so for years. Millions of American children have a better education because they are bused. That demonstrates the principal

for which I contend. There is no magic about busing. What are the conditions and circumstances under which it is required; what are the reasons it is required?

Mr. President, for those reasons I hope very much, first, that the amendment will not be agreed to, and, second, that we will not try to push this matter to some hasty vote tonight before Senators generally can get a clear idea about how serious and profound the issue is.

Mr. ERVIN. Mr. President, I put two statements announcing my intentions on the Senator's desk, one yesterday and one today. Also I sent him a telegram which he should have received this morning. I do not think that my actions are precipitate.

I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I thank the Senator from North Carolina.

My friend from New York is an exceedingly clever lawyer. I have heard him erect strawmen and knock them down repeatedly, but I never saw him do a better job than he is attempting to do this afternoon.

He talked about the busing of children which goes on by the hundreds of thousands or millions as if that were done normally in the country under the order of either a Federal court, a Federal department, agency, officer, or employee, and they are the ones affected by this amendment.

There is no effort here whatsoever to withdraw from local school boards or from State school authorities the right to order busing for the various proper, and now nationwide, reasons that are discovered in connection with our schools.

Mr. President, this amendment wholly and solely seems to preserve the jurisdiction of the States and the counties and the school districts and the school board to be the sole persons who will control matters of transportation of children.

My distinguished friend from New York would have the record indicate he thinks this amendment threatens the nationwide program of the transportaton of children in order to set up centralized schools and have better education available for children when he must know that no such thing is the case at all, and that this simply attempts to withdraw or control the jurisdiction of the Federal courts and said departments, meaning, primarily, the Department of Health, Education, and Welfare, agencies, officers, or employees—

from having any jurisdiction or power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

The whole purpose of this proposed amendment is simply to restrain the Federal agencies from overriding State, local, and district officials who have very properly been given the right, by State law and by their people, to control the transportation of the schoolchildren.

The distinguished Senator from New York has also departed very largely from the custom that was established and the law that was established in his own State covering transportation of students, no later than last year. That law very carefully required that they could not be transported against the will of the parents or guardian, so as to preserve the right of choosing what school their children would attend, and required that neighborhood schools should not be destroyed, and, in every respect retain local jurisdiction. And then, for fear that that would not be well understood, it provided specifically that a local school trustee board, provided the majority of them had been elected, would have the authority to transport the students.

So the Senator from New York has erected a strawman and knocked him down, and a strawman that was not even erected in his own State, because his own State carefully preserved for the local officials selected by their own citizens and by their own neighbors the right to order the transportation of children for the very proper uses that are recognized from one end of this country to the other.

The second strawman erected and very successfully knocked down was by his statement that the adoption of the amendment would undo everything that had been done and would make it impossible for the enforcement of desegregation of schools in the country, and particularly in the South, because that is the place where he has looked to have desegregation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLAND. May I have 3 minutes?

Mr. ERVIN. I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, the Senator knows perfectly well that he has exaggerated that statement very greatly. In the little city where the Senator from Florida lives, other methods have been developed by the Department of Health, Education, and Welfare and then ordered into effect by the courts, which do not in any case involve the forced transportation of children.

One of the grandchildren whom I am happy to claim as my own goes to a school that was formerly an all-Negro school in a part of that community, where now only certain grades of both white and colored children are taught, but where formerly the whole scope of public school education, from senior down to the first grade, was covered, and all the children were colored children. Similarly, colored and white children are assembled in a school that used to be altogether white, and in no case does this involve public transportation of children. It just involves different organization of the schools in our little town of perhaps 15,000 people.

In other parts of our State the requirement has been made that school districts must have their lines changed so as to effect a fairer distribution of children by race.

So it is completely fantastic to say that the adoption of this amendment, which solely prohibits the Federal agencies from requiring compulsorily the transportation of children from school to school in order to effect different racial composition or different racial balance will destroy effectively the means which are being practiced, and practiced successfully, to bring about desegregation in the public schools.

I call attention to these matters because sometimes we get so zealous in our causes, sometimes we get so sure that we are right about everything, that we take positions which cannot be supported, as the position of the distinguished Senator from New York cannot be supported upon either of the statements he has made that I have just referred to.

So I hope the amendment will be adopted. The amendment simply prevents the Federal agencies from ordering, whether by court order or departmental order, the transportation of children from their neighborhood schools to some other schools for the sole purpose of bringing about a different distribution of children racially among the several schools. That is all it does. It does not do any more. To the contrary, it leaves completely undisturbed the public jurisdiction of the local agencies and governments and of the local officials elected by the local people to control their schools.

I thank the Senator for yielding to me.

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, may I ask, for the information of the Senate, what is the pending question.

The PRESIDING OFFICER. The pending question is on the amendment, No. 492, offered by the Senator from North Carolina (Mr. ERVIN).

Mr. BYRD of West Virginia. I thank the Presiding Officer.

ADJOURNMENT UNTIL TOMORROW AT 10:30 O'CLOCK A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 38 minutes p.m.) the Senate adjourned until tomorrow, Thursday, February 19, 1970, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 18, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Findley Burns, Jr., of Florida, a Foreign Service Officer of class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ecuador.

TO BE PUBLIC PRINTER

Adolphus Nichols Spence, II, of Virginia, to be Public Printer, vice James L. Harrison.

HOUSE OF REPRESENTATIVES—*Wednesday, February 18, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is good; His mercy is everlasting; and His truth endureth to all generations.—Psalm 100: 5.

Eternal Father, in the quiet hush of this hallowed moment we turn to the inner shrine of our human spirits lifting our hearts unto Thee in prayer, seeking to become aware of Thy presence and of the eternal truths upon which alone our country can build safely and securely for the good of all.

In this disturbing day, with darkness upon the face of the earth, we are grateful for the verities which cannot be shaken, for the beacon lights which no wind of violence can blow out, and for the steady radiance of truth and love which no wrong can dim, no evil can darken.

Give us open eyes to see the stirring facts of our day. Grant us courage to meet them, confidence to manage them, and the creative faith to master them for the welfare of the youth of our land and for the well-being of all our people.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment, a bill and concurrent resolution of the House of the following titles:

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes; and

H. Con. Res. 454. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front.

The message also announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 3274. An act to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards;

S.J. Res. 127. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 15, 1971, through May 23, 1971; and

S.J. Res. 172. Joint resolution to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week."

APPOINTMENT AS MEMBERS OF THE U.S. GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints as members of the U.S. group of the North Atlantic Assembly the following members on the part of the House: Mr. HAYS of Ohio, Chairman; Mr. RODINO of New Jersey, Mr. RIVERS of South Carolina, Mr. CLARK of Pennsylvania, Mr. BROOKS of Texas, Mr. ARENDS of Illinois, Mr. FINDLEY of Illinois, Mr. QUIE of Minnesota, and Mr. DEVINE of Ohio.

APPOINTMENT AS MEMBERS OF THE U.S. DELEGATION OF THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86–420, the Chair appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group the following members on the part of the House: Mr. NIX of Pennsylvania, Chairman; Mr. WRIGHT of Texas; Mr. JOHNSON of California; Mr. GONZALEZ of Texas; Mr. DE LA GARZA of Texas; Mr. FRASER of Minnesota; Mr. SYMINGTON of Missouri; Mr. BUSH of Texas; Mr. STEIGER of Arizona; Mr. LLOYD of Utah; Mr. THOMSON of Wisconsin; and Mr. WIGGINS of California.

APPOINTMENT AS MEMBERS OF THE U.S. DELEGATION OF THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86–42, the Chair appoints as members of the U.S. delegation of the Canada-United States Interparliamentary Group the following members on the part of the House: Mr. GALLAGHER of New Jersey, Chairman; Mr. JOHNSON of California, Mr. ST GERMAIN of Rhode Island, Mr. RANDALL of Missouri, Mr. MORGAN of Pennsylvania, Mr. KYROS of Maine, Mr. STRATTON of New York, Mr. ANDREWS of North Dakota, Mr. STAFFORD of Vermont, Mr. BROOMFIELD of Michigan, Mr. LANGEN of Minnesota, and Mr. MAILLIARD of California.

PERMISSION FOR SUBCOMMITTEE ON URBAN AFFAIRS OF SELECT COMMITTEE ON SMALL BUSINESS TO SIT DURING GENERAL DEBATE TODAY

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Urban Affairs of the Select Committee on Small Business may sit this afternoon during general debate. I might state that this has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LT. GEN. LEWIS BLAINE HERSHEY

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, I have the feeling that we will all miss General Hershey, even his most vehement critics. General Hershey was born and raised in the Fourth Congressional District of Indiana, which I am proud to represent. For 29 years he persevered at the job of being Director of the Selective Service System, and he always used to say there was never a long line of people waiting to take the job. Most of all he performed the job with patience, humor, and a devotion to his country, which we in Indiana like to feel is typical of Hoosiers. Few men have borne up so well in the face of the abuse that has been heaped upon him. Therefore, I wish to take this occasion to wish him Godspeed and many a restful day back in Indiana. He is deserving of the gratitude of our citizens.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I would like to join in the remarks made by the gentleman from Indiana (Mr. ADAIR) and to commend the gentleman for making them.

Mr. Speaker, I certainly believe that General Hershey is a great American, and that he has done a great service for his country.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. ADAIR. Mr. Speaker, I thank the gentleman for his statement.

TIME TO GET TOUGH WITH POLLUTERS

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, it is time to get tough—really tough—with the polluters of America's lakes and streams.

That is the major thrust of the Nixon water pollution control measures being introduced today.

There is a new awareness in the Nation of the need to restore, protect and preserve our most precious natural resource—water. This new awareness must give rise to effective enforcement of our pollution control laws. We must fashion a club that will swing polluters throughout the country into remedial action.

One of the most serious defects in our present system of water pollution control is the delay in taking an individual polluter to court. It now takes 18 months or longer to go through all the procedures involved before court action is possible. The hearing stage is at the root of the delaying action.

President Nixon would eliminate the hearing stage and take a case directly from an enforcement conference to the courts. I applaud this move. I also favor

the President's attempt to give enforcement more clout by empowering the courts to impose fines of up to $10,000 a day for noncompliance with responsible water quality standards.

In addition, the President has wisely recommended that the Secretary of Interior be authorized to seek court orders halting pollution immediately in emergency situations. These would be situations where severe water pollution constitutes an imminent danger to health or threatens irreversible damage to water quality.

We must protect our waters—and the public—in situations where time does not permit routine enforcement and normal court procedures.

I urge that the Congress give full backing to President Nixon's water pollution control proposals. We must have large-scale action against polluters of our lakes and streams.

AN OPPORTUNITY SELDOM PRESENTED TO A NATION

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, I have joined in sponsorship of the administration's environmental proposals. These bills are an excellent starting point from which the Congress can proceed to prepare broad, coordinated legislation.

I would like to mention some different connotations of this massive fight against pollution on one hand and in the development of a quality environment on the other. I believe the high interest in very basic matters offers us opportunity I would not like to waste.

I believe that here we have a unifying force for our Nation which sorely needs harmony and unification. The motivations and the problems are so broad that the subject captures the interest of all Americans, from the most liberal to the most conservative—from the most demonstrative activist to the most quiet kind of citizen. Indeed, I believe the potential for unified effort is so great that only we can destroy the consummation through injection of partisanship.

Furthermore, if we are to seriously consider the relationship of man and his universe, it is inescapable that we will once again recognize that there are some basic lasting truths, acceptance of which can bring new meaning and new purpose to our lives individually and nationally.

In this context, it may well be that through environmental discussions we will find ways of solving other problems. For instance, my work with problems of narcotics and dangerous drugs leads me to believe that most of the young people involved are highly intelligent and very much "involved." It seems totally incongruous to me that a bright young person can become deeply concerned about the invasion of the human body by chemicals such as DDT, 2, 4, 5-T and similar concoctions, and simultaneously ignore the invasion by LSD, methamphetamines, and so forth.

We have an opportunity seldom presented to a nation. Let us make the most of it.

SETTING EXAMPLES IN RESPONSIBLE CITIZENSHIP

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, in the President's expressed concern about the quality of our environment, two areas of responsibility are being brought into focus. First, the area of our responsibility here in the Congress where legal action is necessary. And secondly, and maybe more important, is the area of voluntary citizen action.

I am not a dedicated viewer of television commercials, even though I recognize their tremendous importance in our economy, however, I saw one a few days ago which I wish to commend.

McDonald's Hamburgers has a television commercial of a small boy eating its product from a small paper sack. At the end of the commercial, the small boy very naturally folds the sack and puts it in his pocket, obviously refraining from throwing it on the ground.

This commercial was created long before the President's message on our environment and I think it should be an example as to the type of motivation our great American companies can give all of our people with their access to the powerful media of television.

My congratulations to McDonald's and its portrayal of a small boy setting an example in responsible citizenship.

ENDORSING THE CLEAN AIR ACT

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, because motor vehicles account for such a large share of the Nation's air pollution problem, I am pleased to see that the administration intends to take decisive action to deal with this problem.

First, the Secretary of Health, Education, and Welfare has proposed considerably more stringent motor vehicle emission standards for 1973 and 1975 models than those now in effect. The proposed new standards will sharply lower the limitations on exhaust emissions of carbon monoxide and hydrocarbons. Also, for the first time, standards will be set to limit exhaust emissions of nitrogen oxides and particulate matter.

Second, the President has proposed that the Clean Air Act be amended to give the Secretary additional authority to enforce the motor vehicle pollution control standards. Under present law, testing of manufacturers' prototype vehicles is the principal means of insuring compliance with the standards. This is a poor system. There is little incentive for the manufacturers to assure that emission control performance of production models matches that of the certified prototypes.

The proposed Clean Air Act amendments would rectify this situation by authorizing the Department of Health, Education, and Welfare to test assembly-line vehicles or require the manufacturers to do so and would authorize the Department to revoke certificates of conformity if those tests show that the vehicles are not in conformity with the existing standards.

These proposals, if enacted, would be a major step toward achieving a clean atmosphere by the end of this decade, a goal which is supported by all Americans. I, therefore, endorse the amendments to the Clean Air Act and will work diligently for their adoption.

IMMEDIATE INJUNCTIVE RELIEF IN SEVERE WATER POLLUTION EMERGENCIES

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, a new awareness and attitude toward pollution is emerging throughout the Nation, triggered both by alarming signs on the environmental horizon, and by persistent work on the part of Federal and State enforcement authorities.

But we need to hasten this attitude if water pollution is to be conquered in the 1970's, as President Nixon proposed in his environmental message to the Congress, because we face emergency situations almost daily affecting our waterways.

One of the President's proposals to accelerate enforcement asks that the Secretary of the Interior be authorized to seek immediate injunctive relief in emergency situations in which severe water pollution constitutes an imminent danger to health, or threatens irreversible damage to water quality.

A chemical company, for example, that is about to discharge a surge of toxic wastes into a stream; or a city, in situations such as recently arose in Richmond, Va., and Cleveland, Ohio, could be stopped by a court injunction prohibiting them from carrying out their intended discharges.

This safeguard for emergency situations will protect our waters—and the public—where there is not time for routine enforcement and court procedures.

We should have had such a provision written into the Federal Water Pollution Control Act long before now.

I urge that this Congress give full backing and support to this proposal.

THE NEED FOR COMPREHENSIVE PROGRAM ON WATER POLLUTION

(Mr. ESHLEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESHLEMAN. Mr. Speaker, if Congress wills it, this country this year will launch the most comprehensive program for water pollution control in our history.

President Nixon set the goals when he said:

> The great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land and our water.

The President has proposed the legis-

lative changes that will be needed and he has asked Congress for the money that it will take to do the job—$4 billion during the next 4 years as the Federal Government's share in supporting a $10 billion nationwide water cleanup.

This money, Federal, State, and municipal, will build 1,500 entirely new waste treatment plants at cities throughout our country. Additionally, the money will bring about the modernization, enlarging or upgrading of approximately 2,500 existing waste treatment plants.

Experts in the water pollution control field feel that the $10 billion will bring the entire municipal waste system of the Nation up to standard.

In proposing this new financing program, President Nixon removed the uncertainty and doubt that the States and cities have been operating under in the past years.

Under his plan the full $4 billion of Federal funding will be appropriated in fiscal 1971. Then it will be allocated to municipalities at the rate of $1 billion a year over 4 years.

Thus, cities will know definitely and in advance—this is something they have never had before—how much Federal funds will be available over the entire 4-year period. The level of the Federal authority will not depend on the annual appropriation process.

Mr. Speaker, passage of the President's program will go a long way toward solving our Nation's pollution problems.

THE NEED FOR ENVIRONMENTAL FINANCING AUTHORITY

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBERLAIN. Mr. Speaker, the nationwide campaign to clean up ravaged rivers, lakes, and bays seems to be moving a bit—thanks to the efforts of this Congress and the major emphasis the President is placing on this program as exemplified by his recent message to Congress on the environment.

In his budget message—and again in more detail in his environmental message—the President asked for creation of an Environmental Financing Authority as a means of helping finance the waste treatment plant construction so necessary to this program.

Creation of this authority will assure that States and localities will be able to raise their share of sewage treatment plant costs.

Moreover, EFA will be a self-financing operation. Its fees will cover administrative costs and will allow for a reserve buildup.

Mr. Speaker, congressional approval of EFA is vital if we are to assure financing for this program so essential to achievement of a better environment for all our citizens.

IN SUPPORT OF THE PRESIDENT'S BILL ON AIR POLLUTION

(Mr. SHRIVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHRIVER. Mr. Speaker, it gives me great pleasure to take this opportunity to speak in support of the President's bill on air pollution.

I am particularly pleased that the President has called for adoption of national air quality standards.

Every American has the right to clean air, to be protected against the hazards and ravages of air pollution. And this new legislation takes care of that.

The problem of air pollution affects everyone—rich or poor, young or old, male or female, city dweller or farmer, and it cuts across all geographic boundaries.

The present Federal law sets up procedures which are slow and cumbersome. Too much time is taken up just preparing to control the sources of air pollution.

The President's proposals would shorten and streamline this process. This saving of time is very important in dealing with a problem that is constantly growing and worsening.

So I urge every Member of the Congress to support the President on this new legislation. Our support will help protect the Nation's human resources and the natural environment.

WATER POLLUTION CONTROL

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, one of the main elements of an effective water pollution control program is enforcement, and it is high time that we forged a club that will get the immediate attention of America's polluters.

The present Federal-State enforcement program has primarily been a matter of fact gathering and negotiation, even though legal authority has been available to force corrective action, in the public interest.

That is why the principal criticism of the present law has been the slowness of the system. For example, Federal enforcement proceedings involving some of the big meatpacking companies along the Missouri River were started as far back as 1957.

But some of these companies are only now getting around to cleaning up their wastes—wastes that have been polluting this great river for so many years.

In his environmental message, the President proposed a seven-point program of measures we should adopt now to enforce water pollution control. And one which would knife right to the heart of the matter—to the polluter's purse-strings.

As conceived by President Nixon, failure to meet established water quality standards or implementation schedules would subject a polluter to court-imposed fines of up to $10,000 per day.

America's poor record in the past in pollution abatement makes it clear that it will take this sort of club against the country's polluters to "get their attention."

Yes, this is a drastic measure, but it is a badly needed one. This type of penalty has already given emphasis to many of the State water pollution control programs.

These are the kind of attention-getting, get-tough policies America needs to hasten the cleanup of our rivers and waterways. We have seen the slow-moving type of enforcement over the past 14 years.

Let us now see to it that enforcement quickens its pace in the 1970's.

WASTING TIME WITH QUORUM CALLS

(Mr. REES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REES. Mr. Speaker, yesterday afternoon I missed two unimportant and unnecessary quorum calls. These calls came after consideration of an omnibus private claims bill on which final passage was voted at approximately 4 p.m.

The Democratic Study Group, which has a membership of about 150 House Members, had scheduled their monthly meeting after the omnibus claims bill vote to discuss important business pertaining to the next day's caucus of the Democratic membership of the House and also to the Labor-HEW appropriations bill, which is now before the Rules Committee and is expected to be on the floor for debate this next Thursday.

The two quorum calls came during our meeting. Some Members made the calls; others did not. I personally felt that the issues we were discussing were important enough that I should not take 20 or 30 minutes to walk over to the floor, answer to my name, and walk back to the meeting. The quorum calls were not tied to consideration of any active bills, as the Private Calendar was the only matter being considered and the official objectors of both parties were present on the floor.

Mr. Speaker, as one who has been working for 3 years attempting to develop a meaningful congressional reform bill, I object to the manner in which quorum calls are misused. One Member can, for no reason, interrupt the business of 434 other Members of this House, endlessly if he wishes. I hope that there is some possible way to avoid this capricious and senseless use of quorum calls which have little or no relationship to the important matters which this Congress has at hand. Members of Congress have far better ways to utilize their time than by walking back and forth from their offices or meetings to the House to signify their presence on the floor, or only to answer to their names.

Mr. GROSS. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. The Chair observes that there are a few Members who still wish to make unanimous-consent requests. Will the gentleman withhold his point of order?

Mr. GROSS. Yes; I will withhold it, but I would like to accommodate the gentleman from California.

The SPEAKER. The Chair has accommodated him.

Mr. GROSS. In the caucus this morning, Mr. Speaker?

The SPEAKER. The Chair begs pardon?

Mr. GROSS. In the caucus this morning?

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, what would be the reason for meeting at 11 a.m., thus ending committee meetings at that time?

Mr. ALBERT. The gentleman realizes that we have a very important appropriation bill which we want to consider and finish this week. We would like to be sure that we can finish it this week.

Mr. GROSS. Does not the distinguished majority leader think that we could dispose of the two bills on the calendar this afternoon rather expeditiously and then go to general debate on the appropriation bill at that time, and obviate the necessity for an 11 o'clock session tomorrow?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Oklahoma.

Mr. ALBERT. As I understand, the appropriation bill would not be in order until tomorrow. Calling the appropriation bill for consideration would not be in order. Otherwise we would be glad to do so.

Mr. GROSS. It has been suggested, I will say to the majority leader, that unanimous consent might be asked to take it up this afternoon and start general debate.

Mr. ALBERT. I do not see the distinguished chairman of the committee or the ranking member in the Chamber, and I would not want to make that request without consulting them.

Mr. GROSS. The only point I am trying to make—and the gentleman well understands it, I am sure—is that when we come in at 11 o'clock in the morning, that pretty effectively halts action on the part of all committees.

Mr. ALBERT. The gentleman is correct. May I say, for my part, I always hesitate to make these requests. We do have a bill——

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ABUSE OF PASSPORT RESTRICTIONS

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, one of the areas in which a change in Supreme Court decision is needed is in the field of passport regulation. It is wrong to deny the U.S. Government power to restrict individual travel to countries deemed by our Government to be unfriendly.

The decision by the High Court that a citizen's right to travel is a liberty under the fifth amendment is clouded in the situation of American young people traveling to Communist Cuba since Castro's government apparently is admitting them without visa.

There should be sanctions against travel contrary to the determinations of the State Department in the matter of delicate foreign relations. Recent accounts of the statements and activities of returnees from Cuba indicate the extent of the problem arising from working alongside delegations from North Vietnam in the sugar fields of Cuba.

One of the unexplained aspects of all this is why Canada persists in flaunting U.S. restrictions by allowing its ports and its customs officials to permit travel prohibited in the United States? Canadian-American relations are generally harmonious, for which we are grateful, but such Canadian policy strains these relations severely.

FOREIGN AFFAIRS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–258)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In my State of the Union Message to The Congress and on other occasions, I report to The Congress and the American people on specific aspects of foreign affairs. The Secretary of State also frequently makes reports to the appropriate committees of The Congress on foreign affairs, and the Secretary of Defense must deal with such matters as they relate to military programs.

Up to now, however, there has been no comprehensive report on foreign affairs submitted to The Congress on behalf of the Administration as a whole. I am, therefore, transmitting to The Congress this report on my Administration's stewardship of foreign relations. I hope the report will lead to a better understanding by The Congress and the American people of the spirit in which this Administration has sought to guide our foreign affairs, of what has been accomplished so far, and of our new approach to the challenges and opportunities of the world of the 1970s.

RICHARD NIXON.

THE WHITE HOUSE, *February 18, 1970.*

PRESIDENT NIXON'S FOREIGN POLICY

Mr. GERALD R. FORD. Mr. Speaker, in the past we have talked of a "soft line" and a "hard line" in foreign policy. President Nixon's foreign policy for the seventies is a peace line—a realistic strategy for achieving and maintaining world peace.

I firmly believe that the foreign policy guidelines laid down by President Nixon will lead to a safer world. The key to that safer world, as pointed up by President Nixon, is crisis prevention in place of attempts at crisis management around the world.

There will be no return to isolationism under Nixon policy. Neither will there be ratification of bureaucratic decisions in the foreign policy area.

Instead, as the President has stated, the proper course is for the Commander in Chief to be presented with and to fully examine all of the options—and then to make his own decisions.

I say that President Nixon's strategy for peace is a fully realistic foreign policy because it is an extension of his do-it-yourself policy for Asia, it looks to a fashioning of stronger regional groupings as a vehicle for peace through strength, it nurtures no illusions regarding Communist purposes, it views Communist nations individually and in terms of their own special interests rather than as part of a supposed Communist monolith, it contemplates no withdrawal from the world since this would only leave the world open to Communist takeover, and it sensibly scales down our general-purpose forces concept from readiness for two major and one minor war to one major and one minor conflict.

President Nixon's foreign policy for the seventies is a way to stay in the world, not to get out of it.

The underlying theme of it is a willingness to help those who are willing to help themselves. We must not be in the front line of every confrontation. Always there must be a willingness to negotiate and a basis for negotiation.

The President has laid before the Nation and the world a full and concise explanation of his foreign policy block-building. No mysteries. Simply a realistic formula for peace built upon three pillars—partnership among nations, strength, and willingness to negotiate.

The President's action in presenting this foreign policy paper to the Congress and to the Nation is unprecedented. With it, the President has taken the people completely into his confidence. I feel sure they welcome this sharing.

Mr. Speaker, I include the President's U.S. foreign policy for the 1970's:

U.S. FOREIGN POLICY FOR THE 1970'S: A NEW STRATEGY FOR PEACE

(A report by President Richard Nixon to the Congress, February 18, 1970)

INTRODUCTION

"A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges. Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither." The President's Remarks at the Air Force Academy Commencement, June 4, 1969.

When I took office, the most immediate problem facing our nation was the war in Vietnam. No question has more occupied our thoughts and energies during this past year.

Yet the fundamental task confronting us was more profound. We could see that the whole pattern of international politics was changing. Our challenge was to understand that change, to define America's goals for the next period, and to set in motion policies to achieve them. For all Americans must understand that because of its strength, its history and its concern for human dignity, this nation occupies a special place in the world. Peace and progress are impossible without a major American role.

This first annual report on U.S. foreign policy is more than a record of one year. It is this Administration's statement of a new approach to foreign policy, to match a new era of international relations.

A new era

The postwar period in international relations has ended.

Then, we were the only great power whose society and economy had escaped World War II's massive destruction. Today, the ravages of that war have been overcome. Western Europe and Japan have recovered their economic strength, their political vitality, and their national self-confidence. Once the recipients of American aid, they have now begun to share their growing resources with the developing world. Once almost totally dependent on American military power, our European allies now play a greater role in our common policies, commensurate with their growing strength.

Then, new nations were being born, often in turmoil and uncertainty. Today, these nations have a new spirit and a growing strength of independence. Once, many feared that they would become simply a battleground of cold-war rivalry and fertile ground for Communist penetration. But this fear misjudged their pride in their national identities and their determination to preserve their newly won sovereignty.

Then, we were confronted by a monolithic Communist world. Today, the nature of that world has changed—the power of individual Communist nations has grown, but international Communist unity has been shattered. Once a unified bloc, its solidarity has been broken by the powerful forces of nationalism. The Soviet Union and Communist China, once bound by an alliance of friendship, had become bitter adversaries by the mid-1960's. The only times the Soviet Union has used the Red Army since World War II have been against its own allies—in East Germany in 1953, in Hungary in 1956, and in Czechoslovakia in 1968. The Marxist dream of international Communist unity has disintegrated.

Then, the United States had a monopoly or overwhelming superiority of nuclear weapons. Today, a revolution in the technology of war has altered the nature of the military balance of power. New types of weapons present new dangers. Communist China has acquired thermonuclear weapons. Both the Soviet Union and the United States have acquired the ability to inflict unacceptable damage on the other, no matter which strikes first. There can be no gain and certainly no victory for the power that provokes a thermonuclear exchange. Thus, both sides have recognized a vital mutual interest in halting the dangerous momentum of the nuclear arms race.

Then, the slogans formed in the past century were the ideological accessories of the intellectual debate. Today, the "isms" have lost their vitality—indeed the restlessness of youth on both sides of the dividing line testifies to the need for a new idealism and deeper purposes.

This is the challenge and the opportunity before America as it enters the 1970's.

The framework for a durable peace

In the first postwar decades, American energies were absorbed in coping with a cycle of recurrent crises, whose fundamental origins lay in the destruction of World War II and the tensions attending the emergence of scores of new nations. Our opportunity today—and challenge—is to get at the causes of crises, to take a longer view, and to help build the international relationships that will provide the framework of a durable peace.

I have often reflected on the meaning of "peace," and have reached one certain conclusion: Peace must be far more than the absence of war. Peace must provide a durable structure of international relationships which inhibits or removes the causes of war. Building a lasting peace requires a foreign policy guided by three basic principles:

—Peace requires *partnership*. Its obligations, like its benefits, must be shared. This concept of partnership guides our relations with all friendly nations.

—Peace requires *strength*. So long as there are those who would threaten our vital interests and those of our allies with military force, we must be strong. American weakness could tempt would-be aggressors to make dangerous miscalculations. At the same time, our own strength is important only in relation to the strength of others. We—like others—must place high priority on enhancing our security through cooperative arms control.

—Peace requires a *willingness to negotiate*. All nations—and we are no exception—have important national interests to protect. But the most fundamental interest of all nations lies in building the structure of peace. In partnership with our allies, secure in our own strength, we will seek those areas in which we can agree among ourselves and with others to accommodate conflicts and overcome rivalries. We are working toward the day when *all* nations will have a stake in peace, and will therefore be partners in its maintenance.

Within such a structure, international disputes can be settled and clashes contained. The insecurity of nations, out of which so much conflict arises, will be eased, and the habits of moderation and compromise will be nurtured. Most important, a durable peace will give full opportunity to the powerful forces driving toward economic change and social justice.

This vision of a peace built on partnership, strength and willingness to negotiate is the unifying theme of this report. In the sections that follow, the first steps we have taken during this past year—the policies we have devised and the programs we have initiated to realize this vision—are placed in the context of these three principles.

1. Peace through partnership—The Nixon doctrine

As I said in my address of November 3, "We Americans are a do-it-yourself people—an impatient people. Instead of teaching someone else to do a job, we like to do it ourselves. This trait has been carried over into our foreign policy."

The postwar era of American foreign policy began in this vein in 1947 with the proclamation of the Truman Doctrine and the Marshall Plan, offering American economic and military assistance to countries threatened by aggression. Our policy held that democracy and prosperity, buttressed by American military strength and organized in a worldwide network of American-led alliances, would insure stability and peace. In the formative years of the post-war period, this great effort of international political and economic reconstruction was a triumph of American leadership and imagination, especially in Europe.

For two decades after the end of the Second World War, our foreign policy was guided by such a vision and inspired by its success. The vision was based on the fact that the United States was the richest and most stable country, without whose initiative and resources little security or progress was possible.

This impulse carried us through into the 1960's. The United States conceived programs and ran them. We devised strategies, and proposed them to our allies. We discerned dangers, and acted directly to combat them.

The world has dramatically changed since the days of the Marshall Plan. We deal now with a world of stronger allies, a community of independent developing nations, and a Communist world still hostile but now divided.

Others now have the ability and responsibility to deal with local disputes which once might have required our intervention. Our contribution and success will depend not on the frequency of our involvement in the affairs of others, but on the stamina of our policies. This is the approach which will best encourage other nations to do their part, and will most genuinely enlist the support of the American people.

This is the message of the doctrine I announced at Guam—the "Nixon Doctrine." Its central thesis is that the United States will participate in the defense and development of allies and friends, but that America can not—and will not—conceive all the plans, design all the programs, execute *all* the decisions and undertake *all* the defense of the free nations of the world. We will help where it makes a real difference and is considered in our interest.

America cannot live in isolation if it expects to live in peace. We have no intention of withdrawing from the world. The only issue before us is how we can be most effective in meeting our responsibilities, protecting our interests, and thereby building peace.

A more responsible participation by our foreign friends in their own defense and progress means a more effective common effort toward the goals we all seek. Peace in the world will continue to require us to maintain our commitments—and we will. As I said at the United Nations, "It is not my belief that the way to peace is by giving up our friends or letting down our allies." But a more balanced and realistic American role in the world is essential if American commitments are to be sustained over the long pull. In my State of the Union Address, I affirmed that "to insist that other nations play a role is not a retreat from responsibility; it is a sharing of responsibility." This is not a way for America to withdraw from its indispensable role in the world. It is a way—the only way—we can carry out our responsibilities.

It is misleading, moreover, to pose the fundamental question so largely in terms of commitments. Our objective, in the first instance, is to support our *interests* over the long run with a sound foreign policy. The more that policy is based on a realistic assessment of our and others' interests, the more effective our role in the world can be. We are not involved in the world because we have commitments; we have commitments because we are involved. Our interests must shape our commitments, rather than the other way around.

We will view new commitments in the light of a careful assessment of our own national interests and those of other countries, of the specific threats to those interests, and of our capacity to counter those threats at an acceptable risk and cost.

We have been guided by these concepts during the past year in our dealings with free nations throughout the world.

—In Europe, our policies embody precisely the three principles of a durable peace: partnership, continued strength to defend our common interests when chal-

lenged, and willingness to negotiate differences with adversaries.

—Here in the Western Hemisphere we seek to strengthen our special relationship with our sister republics through a new program of action for progress in which all voices are heard and none predominates.

—In Asia, where the Nixon Doctrine was enunciated, partnership will have special meaning for our policies—as evidenced by our strengthened ties with Japan. Our cooperation with Asian nations will be enhanced as they cooperate with one another and develop regional institutions.

—In Vietnam, we seek a just settlement which all parties to the conflict, and all Americans, can support. We are working closely with the South Vietnamese to strengthen their ability to defend themselves. As South Vietnam grows stronger, the other side will, we hope, soon realize that it becomes ever more in their interest to negotiate a just peace.

—In the Middle East, we shall continue to work with others to establish a possible framework within which the parties to the Arab-Israeli conflict can negotiate the complicated and difficult questions at issue. Others must join us in recognizing that a settlement will require sacrifices and restraints by all concerned.

—Africa, with its historic ties to so many of our own citizens, must always retain a significant place in our partnership with the new nations. Africans will play the major role in fulfilling their just aspirations—an end to racialism, the building of new nations, freedom from outside interference, and cooperative economic development. But we will add our efforts to theirs to help realize Africa's great potential.

—In an ever more interdependent world economy, American foreign policy will emphasize the freer flow of capital and goods between nations. We are proud to have participated in the successful cooperative effort which created Special Drawing Rights, a form of international money which will help insure the stability of the monetary structure on which the continued expansion of trade depends.

—The great effort of economic development must engage the cooperation of all nations. We are carefully studying the specific goals of our economic assistance programs and how most effectively to reach them.

—Unprecedented scientific and technological advances as well as explosions in population, communications, and knowledge require new forms of international cooperation. The United Nations, the symbol of international partnership, will receive our continued strong support as it marks its 25th Anniversary.

2. America's strength

The second element of a durable peace must be America's strength. Peace, we have learned, cannot be gained by good will alone.

In determining the strength of our defenses, we must make precise and crucial judgments. We should spend no more than is necessary. But there is an irreducible minimum of essential military security: for if we are less strong than necessary, and if the worst happens, there will be no domestic society to look after. The magnitude of such a catastrophe, and the reality of the opposing military power that could threaten it, present a risk which requires of any President the most searching and careful attention to the state of our defenses.

The changes in the world since 1945 have altered the context and requirements of our defense policy. In this area, perhaps more than in any other, the need to re-examine our approaches is urgent and constant.

The last 25 years have seen a revolution in the nature of military power. In fact, there has been a series of transformations—from the atomic to the thermonuclear weapon, from the strategic bomber to the intercontinental ballistic missile, from the surface missile to the hardened silo and the missile-carrying submarine, from the single to the multiple warhead, and from air defense to missile defense. We are now entering an era in which the sophistication and destructiveness of weapons present more formidable and complex issues affecting our strategic posture.

The last 25 years have also seen an important change in the relative balance of strategic power. From 1945 to 1949, we were the only nation in the world possessing an arsenal of atomic weapons. From 1950 to 1966, we possessed an overwhelming superiority in strategic weapons. From 1967 to 1969, we retained a significant superiority. Today, the Soviet Union possesses a powerful and sophisticated strategic force approaching our own. We must consider, too, that Communist China will deploy its own intercontinental missiles during the coming decade, introducing new and complicating factors for our strategic planning and diplomacy.

In the light of these fateful changes, the Administration undertook a comprehensive and far-reaching reconsideration of the premises and procedures for designing our forces. We sought—and I believe we have achieved—a rational and coherent formulation of our defense strategy and requirements for the 1970's.

The importance of comprehensive planning of policy and objective scrutiny of programs is clear:

—Because of the lead-time in building new strategic systems, the decisions we make today substantially determine our military posture—and thus our security—five years from now. This places a premium on foresight and planning.

—Because the allocation of national resources between defense programs and other national programs is itself an issue of policy, it must be considered on a systematic basis at the early stages of the national security planning process.

—Because we are a leader of the Atlantic Alliance, our doctrine and forces are crucial to the policy and planning of NATO. The mutual confidence that holds the allies together depends on understanding, agreement, and coordination among the 15 sovereign nations of the Treaty.

—Because our security depends not only on our own strategic strength, but also on cooperative efforts to provide greater security for everyone through arms control, planning weapons systems and planning for arms control negotiations must be closely integrated.

For these reasons, this Administration has established procedures for the intensive scrutiny of defense issues in the light of overall national priorities. We have re-examined our strategic forces; we have reassessed our general purpose forces: and we have engaged in the most painstaking preparation ever undertaken by the United States Government for arms control negotiations.

3. Willingness to negotiate—An era of negotiation

Partnership and strength are two of the pillars of the structure of a durable peace. Negotiation is the third. For our commitment to peace is most convincingly demonstrated in our willingness to negotiate our points of difference in a fair and businesslike manner with the Communist countries.

We are under no illusions. We know that there are enduring ideological differences. We are aware of the difficulty in moderating tensions that arise from the clash of national interests. These differences will not be dissipated by changes of atmosphere or dissolved in cordial personal relations between statesmen. They involve strong convictions and contrary philosophies, necessities of national security, and the deep-seated differences of perspectives formed by geography and history.

The United States, like any other nation, has interests of its own, and will defend those interests. But any nation today must define its interests with special concern for the interests of others. If some nations define their security in a manner that means insecurity for other nations, then peace is threatened and the security of all is diminished. This obligation is particularly great for the nuclear superpowers on whose decisions the survival of mankind may well depend.

The United States is confident that tensions can be eased and the danger of war reduced by patient and precise efforts to reconcile conflicting interests on concrete issues. Coexistence demands more than a spirit of good will. It requires the definition of positive goals which can be sought and achieved cooperatively. It requires real progress toward resolution of specific differences. This is our objective.

As the Secretary of State said on December 6:

"We will continue to probe every available opening that offers a prospect for better East-West relations, for the resolution of problems large or small, for greater security for all. In this the United States will continue to play an active role in concert with our allies."

This is the spirit in which the United States ratified the Non-Proliferation Treaty and entered into negotiation with the Soviet Union on control of the military use of the seabeds, on the framework of a settlement in the Middle East, and on limitation of strategic arms. This is the basis on which we and our Atlantic allies have offered to negotiate on concrete issues affecting the security and future of Europe, and on which the United States took steps last year to improve our relations with nations of Eastern Europe. This is also the spirit in which we have resumed formal talks in Warsaw with Communist China. No nation need be our permanent enemy.

America's purpose

These policies were conceived as a result of change, and we know they will be tested by the change that lies ahead. The world of 1970 was not predicted a decade ago, and we can be certain that the world of 1980 will render many current views obsolete.

The source of America's historic greatness has been our ability to see what had to be done, and then to do it. I believe America now has the chance to move the world closer to a durable peace. And I know that Americans working with each other and with other nations can make our vision real.

PART I: THE NATIONAL SECURITY COUNCIL SYSTEM

If we were to establish a new foreign policy for the era to come, we had to begin with a basic restructuring of the process by which policy is made.

Our fresh purposes demanded new methods of planning and a more rigorous and systematic process of policymaking. We required a system which would summon and gather the best ideas, the best analyses and the best information available to the government and the nation.

Efficient procedure does not insure wisdom in the substance of policy. But given the complexity of ocntemporary choices, adequate procedures are an indispensable component of the act of judgment. I have long believed that the most pressing issues are not necessarily the most fundamental ones;

we know that an effective American policy requires clarity of purpose for the future as well as a procedure for dealing with the present. We do not want to exhaust ourselves managing crises; our basic goal is to shape the future.

At the outset, therefore, I directed that the National Security Council be reestablished as the principal forum for Presidential consideration of foreign policy issues. The revitalized Council—composed by statute of the President, the Vice President, the Secretaries of State and Defense, and the Director of the Office of Emergency Preparedness—and its new system of supporting groups are designed to respond to the requirements of leadership in the 1970's:

—Our policy must be *creative:* foreign policy must mean more than reacting to emergencies; we must fashion a new and positive vision of a peaceful world, and design new policies to achieve it.

—Our policymaking must be *systematic:* our actions must be the products of thorough analysis, forward planning, and deliberate decision. We must master problems before they master us.

—We must know the *facts:* intelligent discussions in the National Security Council and wise decisions require the most reliable information available. Disputes in the government have been caused too often by an incomplete awareness or understanding of the facts.

—We must know the *alternatives:* we must know what our real options are and not simply what compromise has found bureaucratic acceptance. Every view and every alternative must have a fair hearing. Presidential leadership is not the same as ratifying bureaucratic consensus.

—We must be prepared if *crises* occur: we must anticipate crises where possible. If they cannot be prevented, we must plan for dealing with them. All the elements of emergency action, political as well as military, must be related to each other.

—Finally, we must have effective *implementation:* it does little good to plan intelligently and imaginatively if our decisions are not well carried out.

Creativity: Above all, a foreign policy for the 1970's demands imaginative thought. In a world of onrushing change, we can no longer rest content with familiar ideas or assume that the future will be a projection of the present. If we are to meet both the peril and the opportunity of change, we require a clear and positive vision of the world we seek—and of America's contribution to bringing it about.

As modern bureaucracy has grown, the understanding of change and the formulation of new purposes have become more difficult. Like men, governments find old ways hard to change and new paths difficult to discover.

The mandate I have given to the National Security Council system, and the overriding objective of every policy review undertaken, is to clarify our view of where we want to be in the next three to five years. Only then can we ask, and answer, the question of how to proceed.

In central areas of policy, we have arranged our procedure of policymaking so as to address the broader questions of long-term objectives first; we define our purposes, and then address the specific operational issues. In this manner, for example, the NSC first addressed the basic questions of the rationale and doctrine of our strategic posture, and then considered—in the light of new criteria of strategic sufficiency—our specific weapons programs and our specific policy for the negotiations on strategic arms limitation. We determined that our relationship with Japan for the 1970's and beyond had to be founded on our mutual and increasingly collaborative concern for peace and security in the Far East; we then addressed the issue of Okinawa's status in the light of this fundamental objective.

Systematic Planning: American foreign policy must not be merely the result of a series of piecemeal tactical decisions forced by the pressures of events. If our policy is to embody a coherent vision of the world and a rational conception of America's interests, our specific actions must be the products of rational and deliberate choice. We need a system which forces consideration of problems before they become emergencies, which enables us to make our basic determinations of purpose before being pressed by events, and to mesh policies.

The National Security Council itself met 37 times in 1969, and considered over a score of different major problems of national security. Each Council meeting was the culmination of an interagency process of systematic and comprehensive review.

This is how the process works: I assign an issue to an Interdepartmental Group—chaired by an Assistant Secretary of State—for intensive study, asking it to formulate the policy choices and to analyze the pros and cons of the different courses of action. This group's report is examined by an interagency Review Group of senior officials—chaired by the Assistant to the President for National Security Affairs—to insure that the issues, options, and views are presented fully and fairly. The paper is then presented to me and the full National Security Council.

Some topics requiring specialized knowledge are handled through different channels before reaching the National Security Council. But the purpose is the same—systematic review and analysis, bringing together all the agencies concerned:

—The major issues of defense policy are treated in systematic and integrated fashion by the NSC Defense Program Review Committee. This group reviews at the Under Secretary level the major defense policy and program issues which have strategic, political, diplomatic, and economic implications in relation to overall national priorities.

—Through other NSC interagency groups, the United States Government has undertaken its first substantial effort to review all its resource programs within certain countries on a systematic and integrated basis, instead of haphazardly and piecemeal.

Determination of the Facts: Intelligent discussions and decisions at the highest level demand the fullest possible information. Too often in the past, the process of policymaking has been impaired or distorted by incomplete information, and by disputes in the government which resulted from the lack of a common appreciation of the facts. It is an essential function of the NSC system, therefore, to bring together all the agencies of the government concerned with foreign affairs to elicit, assess, and present to me and the Council all the pertinent knowledge available.

Normally NSC Interdepartmental Groups are assigned this task. But other interagency groups perform this function for certain special topics. For example:

—The Verification Panel was formed to gather the essential facts relating to a number of important issues of strategic arms limitation, such as Soviet strategic capabilities, and our potential means of verifying compliance with various possible agreements. This Panel was designed not to induce agreement on policy views, but to establish as firmly as possible the *data* on which to base policy discussions. It helped to resolve many major policy differences which might otherwise have been intractable. As the section on Arms Control in this report explains in detail, the Panel played a central part in making our preparation for the Strategic Arms Limitation Talks with the Soviet Union the most thorough in which the U.S. Government has ever engaged.

—The Vietnam Special Studies Group (VSSG) gathers and presents to the highest levels of the United States Government the fullest and most up-to-date information on trends and conditions in the countryside in Vietnam. This group is of key assistance in our major and sustained effort to understand the factors which will determine the course of Vietnamization.

Full Range of Options: I do not believe that Presidential leadership consists merely in ratifying a consensus reached among departments and agencies. The President bears the Constitutional responsibility of making the judgments and decisions that form our policy.

The new NSC system is designed to make certain that clear policy choices reach the top, so that the various positions can be fully debated in the meeting of the Council. Differences of view are identified and defended, rather than muted or buried. I refuse to be confronted with a bureaucratic consensus that leaves me no options but acceptance or rejection, and that gives me no way of knowing that alternatives exist.

The NSC system also insures that all agencies and departments receive a fair hearing before I make my decisions. All Departments concerned with a problem participate on the groups that draft and review the policy papers. They know that their positions and arguments will reach the Council without dilution, along with the other alternatives. Council meetings are not rubberstamp sessions. And as my decisions are reached they are circulated in writing, so that all departments concerned are fully informed of our policy, and so that implementation can be monitored.

Crisis Planning: Some events in the world over which we have little control may produce crises that we cannot prevent, even though our systematized study forewarns us of their possibility. But we can be the masters of events when crises occur, to the extent that we are able to prepare ourselves in advance.

For this purpose, we created within the NSC system a special senior panel known as the Washington Special Actions Group (WSAG). This group drafts contingency plans for possible crises, integrating the political and military requirements of crisis action. The action responsibilities of the departments of the Government are planned in detail, and specific responsibilities assigned in an agreed time sequence in advance. While no one can anticipate exactly the timing and course of a possible crisis, the WSAG's planning helps insure that we have asked the right questions in advance, and thought through the implications of various responses.

Policy Implementation: The variety and complexity of foreign policy issues in today's world places an enormous premium on the effective implementation of policy. Just as our policies are shaped and our programs formed through a constant process of interagency discussion and debate within the NSC framework, so the implementation of our major policies needs review and coordination on a continuing basis. This is done by an interdepartmental committee at the Under Secretary level chaired by the Under Secretary of State.

Conclusions

There is no textbook prescription for organizing the machinery of policymaking, and no procedural formula for making wise decisions. The policies of this Administration will be judged on their results, not on how methodically they were made.

The NSC system is meant to help us address the fundamental issues, clarify our basic purposes, examine all alternatives, and plan intelligent actions. It is meant to promote the thoroughness and deliberation which are essential for an effective American foreign policy. It gives us the means to bring to bear the best foresight and insight of which the nation is capable.

PART II: PARTNERSHIP AND THE NIXON DOCTRINE

Europe

Address by the President to the North Atlantic Council, April 10, 1969: "I believe we must build an alliance strong enough to deter those who would threaten war; close enough to provide for continuous and far-reaching consultation; trusting enough to accept a diversity of views; realistic enough to deal with the world as it is; flexible enough to explore new channels of constructive cooperation."

The peace of Europe is crucial to the peace of the world. This truth, a lesson learned at a terrible cost twice in the Twentieth Century, is a central principle of United States foreign policy. For the foreseeable future, Europe must be the cornerstone of the structure of a durable peace.

Since 1945, the nations of Western Europe and North America have built together an alliance and a mutual respect worthy of the values and heritage we share. Our partnership is founded not merely on a common perception of common dangers but on a shared vision of a better world.

It was essential, therefore, that my first trip abroad as President should be to the capitals of our Western European allies. It was time to reaffirm the importance of those ties, and to strengthen the collaboration with which we shall develop, together, new policies for the new issues of the 1970's.

We must adapt to the conditions created by the past successes of our alliance. European politics are more fluid, and the issues facing the alliance are more subtle and profound, than ever in the past 20 years. These issues challenge our mastery of each of the three elements of a durable peace:

—Genuine *partnership* must increasingly characterize our alliance. For if we cannot maintain and develop further such a relationship with our North Atlantic allies, the prospects for achieving it with our other friends and allies around the world are slim indeed. But the evolution—past and future—of Europe and of European-American relations presents new issues. We must change the pattern of American predominance, appropriate to the postwar era, to match the new circumstances of today. We must extend our joint endeavor into another dimension of common challenges—bringing Twentieth Century man and his environment to terms with one another in modern industrial societies.

—Jointly with our allies we must maintain the *strength* required to defend our common interests against external dangers, so long as those dangers exist. We have learned to integrate our forces; we now need better means of harmonizing our policies. We need a rational alliance defense posture for the longer term. This requires a common understanding of the nature of the dangers today and tomorrow, and on nuclear and non-nuclear strategy and forces. We must fashion common policies for the pursuit of security through arms control, as well as through military strength.

—Together with our allies, we must be prepared to *negotiate*. The problems and dangers of the division of Europe persist. Our association with our friends and allies in Europe is the starting point from which we seek to resolve those problems and cope with those dangers. Our efforts to pursue genuine relaxation of tensions between East and West will be a test of the new trans-Atlantic partnership.

A New and Mature Partnership

I went to Western Europe in February 1969 to reaffirm America's commitment to partnership with Europe.

A reaffirmation was sorely needed. We had to re-establish the principle and practice of consultation. For too long in the past, the United States had led without listening, talked to our allies instead of *with* them, and informed them of new departures instead of deciding with them. Inspired by the success of the Marshall Plan, we had taken such pride in our leadership of the alliance that we forgot how much even the origin and success of the Marshall Plan grew from European ideas and European efforts as well as our own.

After 20 years, the economic prostration, military weakness, and political instability in postwar Europe that had required a predominant American effort were things of the past. Our *common* success in rebuilding Western Europe had restored our allies to their proper strength and status. It was time that our own leadership, in its substance and its manner, took account of this fact. As I stated to the NATO Council in Brussels on my trip in February 1969:

"The nations of NATO are rich in physical resources—but they are even richer in their accumulated wisdom and their experience of the world today. In fashioning America's policies, we need the benefit of that wisdom and that experience."

But the issue we face is not simply improved communication. It is the fundamental question of what shall be the content and purpose of the European-American relationship in the 1970's. In today's world, what kind of an alliance shall we strive to build?

Last April, the North Atlantic Treaty completed its second decade and began its third. I stated on that occasion:

"When NATO was founded, the mere fact of cooperation among the Western nations was of tremendous significance, both symbolically and substantively. Now the symbol is not enough; we need substance. The alliance today will be judged by the content of its cooperation, not merely by its form."

The durability of the alliance itself is a triumph, but also a challenge: It would be unreasonable to imagine that a structure and relationship developed in the late 1940's can remain the same in content and purpose in the 1970's.

The fundamentals of the relationship are not in question. The original aims of the Western Alliance are still our basic purposes: the defense of Western Europe against common challenges, and ultimately the creation of a viable and secure European order.

But what pattern of relations will serve these objectives best today? There is a natural tendency to prefer the status quo and to support established forms and relationships that have served well in the past. But we can see in 1970 that there is no "status quo"—the only constant is the inevitability of change. Evolution within Western Europe has changed the region's position in the world, and therefore its role in the Western Alliance.

Since 1945, West Germany achieved a position of mutual respect and partnership with its Western neighbors. From this reconciliation a larger European entity has developed, with prospects of further growth. Americans have welcomed this transformation and see it as a vindication of the historic choices made twenty years ago. We contributed, not only by insuring the physical safety of Western Europe from outside attack or pressure, and in the early years by providing economic support, but also by giving a powerful impetus to the building of European institutions.

But today, European vitality is more self-sustaining. The preponderant American influence that was a natural consequence of postwar conditions would be self-defeating today. For nations which did not share in the responsibility to make the vital decisions for their own defense and diplomacy could retain neither their self-respect nor their self-assurance.

A more balanced association and a more genuine partnership are in America's interest. As this process advances, the balance of burdens and responsibilities must gradually be adjusted, to reflect the economic and political realities of European progress. Our allies will deserve a voice in the alliance and its decisions commensurate with their growing power and contributions.

As we move from dominance to partnership, there is the possibility that some will see this as a step towards disengagement. But in the third decade of our commitment to Europe, the depth of our relationship is a fact of life. We can no more disengage from Europe than from Alaska.

We recognize that America's contribution will continue to be unique in certain areas, such as in maintaining a nuclear deterrent and a level of involvement sufficient to balance the powerful military position of the USSR in Eastern Europe. But we have no desire to occupy such a position in Europe that European affairs are not the province of the sovereign states that conduct them.

Intra-European institutions are in flux. We favor a definition by Western Europe of a distinct identity, for the sake of its own continued vitality and independence of spirit. Our support for the strengthening and broadening of the European Community has not diminished. We recognize that our interests will necessarily be affected by Europe's evolution, and we may have to make sacrifices in the common interest. We consider that the possible economic price of a truly unified Europe is outweighed by the gain in the political vitality of the West as a whole.

The structure of Western Europe itself—the organization of its unity—is fundamentally the concern of the Europeans. We cannot unify Europe and we do not believe that there is only one road to that goal. When the United States in previous Administrations turned into an ardent advocate, it harmed rather than helped progress.

We believe that we can render support to the process of European coalescence not only by our role in the North Atlantic Alliance and by our relationships with European institutions, but also by our bilateral relations with the several European countries. For many years to come, these relations will provide essential trans-Atlantic bonds; and we will therefore continue to broaden and deepen them.

European Defense and Security

In choosing a strategy for our general purpose forces for the 1970's, we decided to continue our support for the present NATO strategy. And the Secretary of State and the Secretary of Defense announced at the NATO Council meeting in December that we would maintain current U.S. troop levels in Europe at least through mid-1971.

At the same time, we recognized that we must use this time to conduct a thorough study of our strategy for the defense of Western Europe, including a full and candid exchange of views with our allies.

The need for this study is based on several considerations:

First, at the beginning of the last decade the United States possessed overwhelming nuclear superiority over the Soviet Union. However, that superiority has been reduced by the growth in Soviet strategic forces during the 1960's. As I point out elsewhere, the prospect for the 1970's is that the Soviets will possess strategic forces approaching and in some categories exceeding our own.

This fundamental change in the strategic balance raises important questions about the relative role of strategic nuclear forces, conventional forces, and tactical nuclear weapons.

Second, there are several views among Western strategists concerning the answers to several key questions:

—What is a realistic assessment of the military threats to Western Europe that should be used as the basis for Allied strategic and force structure planning?

—For how long could NATO sustain a conventional forward defense against a determined Warsaw Pact attack?

—Beyond their value as a deterrent to war, how should our tactical nuclear weapons in Europe be used to counter specific Warsaw Pact military threats?

—How does the contemplated use of tactical nuclear weapons affect the size, equipment and deployment of Allied conventional forces?

Third, even though the NATO Allies have reached agreement on the strategy of flexible response, there are disagreements about the burdens that should be borne by the several partners in providing the forces and other resources required by that strategy. Further, questions have been raised concerning whether, for example, our logistics support, the disposition of our forces in Europe, and our airlift and sealift capabilities are sufficient to meet the needs of the existing strategy.

These questions must be addressed in full consultation with our allies. This is the process we have followed in the preparations for and conduct of the strategic arms limitation talks with the Soviet Union. We are consulting our allies closely at every stage, not on a take-it-or-leave-it basis but by seeking their advice on the whole range of options we have under consideration.

In assessing our common security, we must not be satisfied with formal agreements which paper over dissimilar views on fundamental issues or with language that is acceptable precisely because it permits widely divergent interpretations. Disagreements must be faced openly and their bases carefully explored. Because our security is inseparable, we can afford the most candid exchange of views.

In the past year, in the NATO Nuclear Planning Group, where the Secretary of Defense represents this government, the allies have taken significant steps to explore the principal problems of defining a common political rationale for the resort to tactical nuclear weapons. The completion of this process in close collaboration with all of our allies, including those possessing national nuclear capabilities, will be a major contribution to the credible defense of Europe.

The forging of a common understanding on basic security issues will materially improve our ability to deal sensibly and realistically with the opportunities and pressures for change that we face, including suggestions in this country for substantial reductions of U.S. troop levels in Europe and the possibility that balanced force reductions could become a subject of East-West discussions.

An Era of Negotiation in Europe

Our association with Western Europe is fundamental to the resolution of the problems caused by the unnatural division of the continent. We recognize that the reunion of Europe will come about not from one spectacular negotiation, but from an extended historical process.

We must be under no illusion about the difficulties. As I remarked last April, addressing the NATO Council in Washington:

"It is not enough to talk of relaxing tension, unless we keep in mind the fact that 20 years of tension were not caused by superficial misunderstandings. A change of mood is useful only if it reflects some change of mind about political purpose.

"It is not enough to talk of European security in the abstract. We must know the elements of insecurity and how to remove them. Conferences are useful if they deal with concrete issues, which means they must, of course, be carefully prepared."

The division of Europe gives rise to a number of interrelated issues—the division of Germany, access to Berlin, the level of military forces on both sides of the line, the barriers to economic and cultural relations, and other issues. We are prepared to negotiate on these issues, in any suitable forum.

We have already joined with the three allies involved—the United Kingdom, France and the Federal Republic of Germany—in suggesting to the Soviet Union that an attempt should be made to improve the situation regarding Berlin. Even if progress on broader issues cannot soon be made, the elimination of recurrent crises around Berlin would be desirable.

Our German ally has also undertaken steps to seek a normalization of its relations with its Eastern neighbors. Since the problem of Germany remains the key to East-West problems in Europe, we would welcome such a normalization. Just as the postwar era has ended in Western Europe, it is our hope that a more satisfactory and enduring order will come into being in the center of the continent.

Within NATO, meanwhile, we have joined with our allies in canvassing other issues that might offer prospects for fruitful negotiation, including the possibility of reciprocal adjustments in the military forces on both sides of the present demarcation line in Europe.

There is no dearth of subjects to negotiate. But there is no one way to go about it or any preferable forum. Relations between East and West must be dealt with on several levels and it would be wrong to believe that one single grand conference can encompass all existing relationships.

High on the agenda of the Western Alliance is the complex responsibility of integrating our individual and collective efforts. Together with our allies we shall seek to answer these questions: Should we consider the relaxation of tensions in terms of an overall settlement between NATO and the Warsaw Pact? Or is there scope for a series of bilateral efforts? What are the limits of bilateral efforts and how can they be related to the NATO system of consultations? What would be the contribution of a unified Western Europe?

Last April 10, in my talk at the Twentieth Anniversary Celebration of NATO, I stated this problem as follows:

"Up to now, our discussions [with NATO] have mainly had to do with tactics—ways and means of carrying out the provisions of a treaty drawn a generation ago. We have discussed clauses in proposed treaties; in the negotiations to come, we must go beyond these to the processes which these future treaties will set in motion. We must shake off our preoccupation with formal structure to bring into focus a common world view."

Without such a general understanding on the issues and our respective roles, we run a risk of failures and frustrations which have nothing to do with the intentions of the principals, but which could result from starting a sequence of events that gets out of control.

In the last analysis, progress does not depend on us and our allies alone. The prospects for durable agreement also involve the attitudes, interests, and policies of the Soviet Union and their allies in Eastern Europe. Ultimately, a workable system of security embracing all of Europe will require a willingness on the part of the Soviet Union to normalize its own relations with Eastern Europe—to recover from its anachronistic fear of Germany, and to recognize that its own security and the stability of Central Europe can best be served by a structure of reconciliation. Only then will an era of negotiation in Europe culminate in an era of peace.

A New Dimension

The common concerns and purposes of the Western allies reach beyond the military and political dimensions of traditional alliances.

Article 2 of the North Atlantic Treaty anticipated these further dimensions of partnership by pledging the allies to "strengthening their free institutions, . . . promoting conditions of stability and well-being," and "encourag[ing] economic collaboration." These are not goals limited to the Treaty area. They go beyond partnership among allies, military security, and negotiations with adversaries. As I said last April, on NATO's twentieth anniversary, the relationship of Europe and the United States "also needs a social dimension to deal with our concern for the quality of life in this last third of the Twentieth Century."

At America's initiative, the alliance created in 1969 a Committee on the Challenges of Modern Society—to pool our skills, our intellects, and our inventiveness in finding new ways to use technology to enhance our environments, and not to destroy them. For as I said last April:

"The Western nations share common ideals and a common heritage. We are all advanced societies, sharing the benefits and the gathering torments of a rapidly advanced industrial technology. The industrial nations share no challenge more urgent than that of bringing 20th century man and his environment to terms with one another—of making the world fit for man and helping man to learn how to remain in harmony with the rapidly changing world."

If this view was not at first uniformly held among the Allied nations, it emerged with increasing strength as the matter was considered—evidence both of the validity of the proposition, and of the lessons learned and skills acquired in the course of two decades of intensive and detailed consultation and cooperation.

Environmental problems are secondary effects of technological change; international environmental cooperation is therefore an essential requirement of our age. This has now begun in the Committee on the Challenges of Modern Society. We have established a procedure whereby individual nations offer to "pilot" studies in a specific area and are responsible for making recommendations for action. Eight projects have been agreed upon. These are road safety, disaster relief, air pollution, sea pollution, inland water pollution, scientific knowledge and governmental decision-making, group and individual motivation, and regional planning. The United States is pilot nation for the first three of these.

A provision of the charter of the Committee on the Challenges of Modern Society looks to expanding the number of nations involved in these efforts, and to the support of similar undertakings in other international organizations such as the Organization for Economic Cooperation and Development, the Economic Commission for Europe, and the United Nations, which is holding a worldwide conference on environmental problems in 1972. We see this new dimension of international cooperation as an urgent and positive area of work. Cooperative research, technological exchange, education, institution building, and international regulatory agreements are all required to reverse the trend toward pollution of our planet's environment within this critical decade.

Agenda for the Future

The agenda for the future of American relations with Europe is implicit in the statement of the issues we face together:

—The evolution of a mature partnership reflecting the vitality and the independence of Western European nations;

—the continuation of genuine consultation with our allies on the nature of the threats to alliance security, on maintenance of a common and credible strategy, and on an appropriate and sustainable level of forces;
—the continuation of genuine consultations with our allies on the mutual interests affected by the U.S.-Soviet talks on strategic arms limitation;
—the development of a European-American understanding on our common purposes and respective roles in seeking a peaceful and stable order in all of Europe;
—the expansion of allied and worldwide cooperation in facing the common social and human challenges of modern societies.

In 1969, the United States and its allies discussed most of these issues—some in the context of new proposals, but most of them in the form of new questions. These questions will not be answered in a year. As I said last February in Brussels, "They deal with the vast sweep of history, they need the most thorough deliberations." The deliberations will continue; we have the chance today to build a tomorrow worthy of our common heritage.

Western Hemisphere

The President's remarks at the Annual Meeting of the Inter-American Press Association, Washington, October 31, 1969: "Understandably, perhaps, a feeling has arisen in many Latin American quarters that the United States 'no longer cares.'

"My answer to that is simple.

"We do care. I care. I have visited most of your countries. I have met most of your leaders. I have talked with your people. I have seen your great needs, as well as your great achievements.

"And I know this, in my heart as well as in my mind: if peace and freedom are to endure in the world, there is no task more urgent than lifting up the hungry and the helpless, and putting flesh on the dreams of those who yearn for a better life."

The Setting

This concern which I expressed last year is central to our policies in the Western Hemisphere. Our relationship with our sister republics has special relevance for this Administration's general approach to foreign relations. We must be able to forge a constructive relationship with nations historically linked to us if we are to do so with nations more removed.

A new spirit and a new approach were needed to pursue this objective in the Americas. It meant recalling our special relationship but changing our attitude to accommodate the forces of change. And it meant translating our new attitude into an action program for progress that offers cooperative action rather than paternal promises and panaceas.

Throughout our history we have accorded the other American nations a special place in our foreign policy. This unique relationship is rooted in geography, in a common Western heritage and in a shared historical experience of independence born through revolution.

This relationship has evolved over time. Our long and close political and economic association, and our articulation of the concept of hemispheric community, have been self-fulfilling: it is now a political and psychological fact that the relations between the United States and Latin America have a special meaning for us both. We share a concept of hemispheric community, as well as a web of treaties, commitments and organizations that deserves the name of an Inter-American System.

But the character of that relationship has not been immune to the upheavals and transformations of past decades. Indeed, the continuing challenge throughout this hemisphere's history has been how to redefine and readjust this special relationship to meet changed circumstances, new settings, different problems.

That challenge is all the more compelling today.

Forces of Change

The powerful tides of change that have transformed the world since the Second World War have also swept through the Western Hemisphere, particularly in the 1960's. They have altered the nature of our relationship, and the expectations and obligations that flow from it.

When this Administration took office, it was evident that United States policies and programs had not kept pace with these fundamental changes. The state of the hemisphere and of our relationship was satisfying neither to North nor South Americans:

—Our power overshadowed the formal relationship of equality and even our restrained use of this power was not wholly reassuring. As a result, tension between us grew.
—Too many of our development programs were made *for* our neighbors instead of *with* them. This directive and tutorial style clashed with the growing self-assertiveness and nationalism of the other Western Hemisphere nations.
—Development problems had become more intense and complex; exploding population growth and accelerating urbanization added to social stress; frustrations were rising as expectations outstripped accomplishments.
—Political and social instability were therefore on the rise. Political radicalism increased, as well as the resort to violence and the temptation to turn to authoritarian methods to handle internal problems.
—Nationalism was taking on anti-U.S. overtones.
—Other Western Hemisphere nations seriously questioned whether our assistance, trade and investment policies would match the realities of the 1970's.

Toward a policy for the 1970's

From the outset, the Administration recognized the need to redefine the special concern of the United States for the nations of the hemisphere. We were determined to reflect the forces of change in our approach and in our actions.

We approached this task in two phases: First, we sought to appraise the state of the hemisphere, to analyze the problems that existed, and to determine fundamental policy objectives; then, we expressed our conclusions in specific policies and programs.

To get a fresh perspective, early in my Administration I asked Governor Nelson A. Rockefeller to undertake a fact-finding mission throughout the region. His conclusions and recommendations, together with other government studies, were intensively reviewed by the NSC during the summer and early fall. This review addressed some of the basic questions: whether we should continue to have a "special relationship;" if so, what its essential purpose and substance ought to be and how best to achieve it.

We concluded that:

—A "special relationship" with Latin America has existed historically, and there are compelling reasons to maintain and strengthen our ties.
—The goal of such a relationship today should be to create a community of independent, self-reliant states linked together in a vital and useful association.
—United States assistance to its neighbors is an essential part of that relationship.
—The United States should contribute, not dominate. We alone cannot assure the responsibility for the economic and social development of other nations. This is a process deeply rooted in each nation's history and evolution. Responsibility has to be shared for progress to be real.
—For the 70's, we therefore had to shape a relationship that would encourage other nations to help themselves. As elsewhere in the world, our basic role is to persuade and supplement, not to prescribe. Each nation must be true to its own character.

On October 31, I proposed a new partnership in the Americas to reflect these concepts, a partnership in which all voices are heard and none is predominant. I outlined the five basic principles governing this new approach:

"First, a firm commitment to the inter-American system, to the compacts which bind us in that system—as exemplified by the Organization of American States and by the principles so nobly set forth in its charter.

"Second, respect for national identity and national dignity, in a partnership in which rights and responsibilities are shared by a community of independent states.

"Third, a firm commitment to continued United States assistance for hemispheric developments.

"Fourth, a belief that the principal future pattern of this assistance must be U.S. support for Latin American initiatives, and that this can best be achieved on a multilateral basis within the inter-American system.

"Finally, a dedication to improve the quality of life in this new world of ours—to making people the center of our concerns, and to helping meet their economic, social and human needs."

In this speech we also began laying the foundations of an action program for progress. These are actions that reflect our new approach of enabling other Western Hemisphere nations to help themselves. And they are actions that can realistically be implemented. I refused to propose grandiose spending programs that had no prospect of Congressional approval, or to make promises that could not be fulfilled.

A less than realistic approach would have blunted our partners' sense of participation and generated false hopes. The time for dependency and slogans was over. The time for partnership and action was at hand.

ACTION

We are shaping programs together with the other nations of the Western Hemisphere, not devising them on our own. And where we once relied on bilateral exchanges, we are turning more to multilateral groups.

One of the principal cooperative forums is the Inter-American Economic and Social Council, the economic and development channel of the Organization for American States. Shortly after my speech, and again early this year, this body met to consider our proposals and those of our friends. In these continuing meetings and in other multilateral exchanges we are putting forward our suggestions for give-and-take discussions.

We have made realistic action proposals to meet specific objectives:

—*Share Responsibility.* To insure that the shaping of the Western Hemisphere's future reflects the will of the other nations of this hemisphere, I affirmed the need for a fundamental change in the way we manage development assistance. I proposed that the nations of the hemisphere evolve an effective multilateral mechanism for bilateral assistance. The precise form this takes will be worked out with our partners. IA–ECOSOC has directed the Inter-American Committee for the Alliance for Progress (CIAP) and the Inter-American Bank to explore ways to increase their participation in development decisions. The goal is to enable the other Western Hemisphere nations to assume a primary role in setting priorities within the hemisphere,

developing realistic programs and keeping their own performance under critical review. To demonstrate United States interest in improving and strengthening our multilateral institutions, I authorized financial support—totaling $23 million in grant funds—to strengthen the activities of CIAP and the Inter-American Bank. I also authorized our representatives to agree to submit to CIAP, for its review, United States economic and financial programs as they affect the other nations of the hemisphere. Similar reviews are made of the other hemisphere countries' policies, but the United States had not, prior to this decision, opened its policies to such a consultation.

—*Expand Trade.* To help other Western Hemisphere nations to increase their export earnings and thus contribute to balanced development and economic growth, I have committed the United States to a program which would help these countries improve their access to the expanding markets of the industrialized world:

The U.S. will press for a liberal system of generalized tariff preferences for all developing countries. We are working toward a system that would eliminate discriminations against South American exports that exist in other countries. Through the Organization for Economic Cooperation and Development and the United Nations Conference on Trade and Development, we are pressing other developed nations to recognize the need for a genuinely progressive tariff preference system.

I committed the U.S. to lead an effort to reduce non-tariff barriers to trade maintained by nearly all industrialized countries. We seek to lead a concerted multilateral reduction in non-tariff barriers on products of major interest to South America (taking advantage of the work going on in the General Agreement on Tariffs and Trade.

I pledged to support increased technical and financial assistance to promote Latin American trade expansion.

I promised to support the establishment within the inter-American system of regular procedures for advance consultations on all trade matters, and we proposed specific mechanisms for this purpose. In early February, IA–ECOSOC agreed to establish a standing special committee which will meet regularly for consultation on mutual economic problems, including trade and development.

—*Ease AID restrictions.* To make development assistance more helpful and effective, we are taking several actions:

I ordered that from November 1, all loan dollars sent to Latin America under AID be freed to allow purchases not only in the U.S. but anywhere in Latin America. This partial "untying" of our assistance loans removed restrictions that had burdened borrowers and promised to provide an incentive for industrial development in its region.

We have removed a number of other procedural restrictions on the use of AID funds. We eliminated, for example, the requirements under which recipient countries were forced to import U.S. goods they would not have imported under normal trade conditions—the "additionality" provision.

The Peterson Task Force (which is studying our overall assistance Programs) is reviewing other procedural and administrative restrictions. We aim to streamline our lending and make it more effective.

—*Assure Special Representation.* To reflect our special concern for this region, I proposed establishing the position of Under Secretary of State for Western Hemisphere Affairs. The new Under Secretary will be given authority to coordinate all of our activities in this region. On December 20 the Secretary of State submitted implementing legislation to Congress.

—*Support Regionalism.* To encourage regional cooperation we have offered to support economic integration efforts. We have reiterated our offer of financial assistance to the Central American Common Market, the Caribbean Free Trade Area, the Andean Group and to an eventual Latin American Common Market.

—*Ease Debt Burdens.* To help nations heavily burdened by large debts and their servicing we have urged the Inter-American Committee for the Alliance for Progress (CIAP) to join us in approaching other creditor nations and international lending agencies to study these problems. In February the IA–ECOSOC authorized CIAP to proceed along this line. As members of CIAP we have offered our full cooperation and expressed our willingness to join in an approach to other creditor nations.

—*Share Science and Technology.* To help turn science to the service of the hemisphere:

We will contribute to the support and financing of initiatives in these fields, including research and development, regional training centers, and transfer of technology.

We are developing a program for training and orientation of Latin American specialists in the field of scientific and technical information.

The OAS will sponsor a conference next year on the application of science and technology to Latin America.

This is the beginning of action for progress. But it is only a beginning. There is a long way to go.

Agenda for the Future

During the 1970's the nations of this hemisphere will continue to experience profound change in their societies and institutions. Aspirations rise while the intensity and complexity of social and economic problems increase, and most American governments must straddle the widening gap between demands and resources. If these governments cannot find greater resources, their prospects for solving their problems through rational policies will fade. The results will be more instability, more political radicalism, more of the wrong kind of nationalism.

This is the dilemma which the hemisphere faces in the 1970's. It prompted the efforts made by the hemisphere nations to forge new development and trade policies in the series of meetings of the Inter-American Economic and Social Council during the latter half of 1969. Against this backdrop our friends will seek our cooperation, judge the credibility of our words, and measure the value of our actions.

In practical terms, we shall confront increased pressures:

—*For capital resources to finance development and reform.* We shall have to find ways to achieve adequate levels of resources, to use them more effectively and to transfer them through improved institutions and channels. We believe we can meet these needs through partnership, with shared responsibility for development decisions and major efforts by the United States and other developed nations.

—*For growing markets to expand exports.* We shall have to face frankly the contradictions we will find between our broader foreign policy interests and our more particular domestic interests. Unless we can demonstrate to our sister nations evidence of our sincerity and of our help in this area while recognizing practical constraints, we cannot achieve the effective partnership we seek. A liberal trade policy that can support development is necessary to sustain a harmonious hemispheric system.

—*Against foreign investments.* Foreign investments are the most exposed targets of frustration, irrational politics, misguided nationalism. Their potential for mutual benefits will only be realized through mutual perception and tact. The nations of this hemisphere must work out arrangements which can attract the needed technical and financial resources of foreign investment. For their part, investors must recognize the national sensitivities and political needs of the 1970's. There is no more delicate task than finding new modes which permit the flow of needed investment capital without a challenge to national pride and prerogative.

There will be political and diplomatic pressures as well. The Inter-American community will have to consider:

—how to maintain peace in the face of border disputes and neighbors' quarrels;

—how to meet the problems of subversive threats to internal security and order;

—how to handle legitimate desires to modernize security forces without starting arms races;

—how to view internal political instabilities and extra-legal changes of government among us.

In both the development and security sphere we shall have to adapt the formalities of the inter-American system to rapidly changing realities. An amended OAS charter will very soon take effect. We shall need to work to enhance the effectiveness of its constituent organizations. Above all, our special partnership must accommodate the desire of the Latin Americans to consult among themselves and formulate positions which they can then discuss with us.

Within the broad commonality of our relationship, there is great diversity. In a period of such profound social and cultural change, emerging domestic structures will differ by country, reflecting various historical roots, particular contexts, and national priorities. We can anticipate different interpretations of reality, different conceptions of self-interest and different conclusions on how to resolve problems.

The United States must comprehend these phenomena. We must recognize national interests may indeed diverge from ours rather than merge. Our joint task is to construct a community of institutions and interests broad and resilient enough to accommodate our national divergencies. It is in this context that we are giving intensive study to Governor Rockefeller's recommendations for additional actions.

Our concepts of future American relations must thus be grounded in differences as well as similarities. Our mandate is to produce creativity from diversity. Our challenge is the vision I painted in my October 31 speech:

"Today, we share an historic opportunity.

"As we look together down the closing decades of this century, we see tasks that summon the very best that is in us. But those tasks are difficult precisely because they do mean the difference between despair and fulfillment for most of the 600 million people who will live in Latin America by the year 2000. Those lives are our challenge. Those lives are our hope. And we could ask no prouder reward than to have our efforts crowned by peace, prosperity and dignity in the lives of those 600 million human beings, each so precious and each so unique—our children and our legacy."

Asia and the Pacific

Statement by the President at Bangkok, Thailand, July 28, 1969: "What we seek for

Asia is a community of free nations able to go their own way and seek their own destiny with whatever cooperation we can provide—a community of independent Asian countries, each maintaining its own traditions and yet each developing through mutual cooperation. In such an arrangement, we stand ready to play a responsible role in accordance with our commitments and basic interests."

Three times in a single generation, Americans have been called upon to cross the Pacific and fight in Asia. No region of the world has more engaged our energies in the postwar period. No continent has changed more rapidly or with greater complexity since World War II. Nowhere has the failure to create peace been more costly or led to greater sacrifice.

America's Asian policy for the 1970's must be based on the lessons of this sacrifice. Does it mean that the United States should withdraw from Asian affairs? If not, does it mean that we are condemned to a recurring cycle of crisis and war in a changing setting beyond the understanding or influence of outsiders?

Our answers to these questions provide the concepts behind this Administration's approach to Asia.

First, we remain involved in Asia. We are a Pacific power. We have learned that peace for us is much less likely if there is no peace in Asia.

Second, behind the headlines of strife and turmoil, the fact remains that no region contains a greater diversity of vital and gifted peoples, and thus a greater potential for cooperative enterprises. Constructive nationalism and economic progress since World War II have strengthened the new nations of Asia internally. A growing sense of Asian identity and concrete action toward Asian cooperation are creating a new and healthy pattern of international relationships in the region. Our Asian friends, especially Japan, are in a position to shoulder larger responsibilities for the peaceful progress of the area. Thus, despite its troubled past, Asia's future is rich in promise. That promise has been nurtured in part by America's participation.

Third, while we will maintain our interests in Asia and the commitments that flow from them, the changes taking place in that region enable us to change the character of our involvement. The responsibilities once borne by the United States at such great cost can now be shared. America *can* be effective in helping the peoples of Asia harness the forces of change to peaceful progress, and in supporting them as they defend themselves from those who would subvert this process and fling Asia again into conflict.

Our friends in Asia have understood and welcomed our concept of our role in that continent. Those with whom the Vice President, the Secretary of State and I spoke during our visits there agreed that this was the most effective way in which we can work together to meet the military challenges and economic opportunities of the new Asia.

Our new cooperative relationship concerns primarily two areas of challenge—military threats, and the great task of development.

DEFENSE

Our important interests and those of our friends are still threatened by those nations which would exploit change and which proclaim hostility to the United States as one of the fundamental tenets of their policies. We do not assume that these nations will always remain hostile, and will work toward improved relationship wherever possible. But we will not underestimate any threat to us or our allies, nor lightly base our present policies on untested assumptions about the future.

At the beginning of my trip last summer through Asia, I described at Guam the principles that underlie our cooperative approach to the defense of our common interests. In my speech on November 3, I summarized key elements of this approach.

—The United States will keep all its treaty commitments.

—We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.

—In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

This approach requires our commitment to helping our partners develop their own strength. In doing so, we must strike a careful balance If we do too little to help them—and erode their belief in our commitments—they may lose the necessary will to conduct their own self-defense or become disheartened about prospects of development. Yet, if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence.

In providing for a more responsible role for Asian nations in their own defense, the Nixon Doctrine means not only a more effective use of common resources, but also an American policy which can best be sustained over the long run.

ECONOMIC AND POLITICAL PARTNERSHIP

The partnership we seek involves not only defense. Its ultimate goal must be equally close cooperation over a much broader range of concerns—economic as well as political and military. For in that close cooperation with our Asian friends lies our mutual commitment to peace in Asia and the world.

Our goal must be particularly close cooperation for economic development. Here, too, our most effective contribution will be to support Asian initiatives in an Asian framework.

Our partnership will rest on the solid basis of Asia's own wealth of human and material resources. Acting jointly, its peoples offer each other a wide range of energy and genius. Their benefits shared, its land and products can overcome the unmet needs which have often sparked conflict. Already, the Republics of Korea and China, Thailand, Singapore and Malaysia can show a doubling of their gross national product in the last decade. Korea's annual growth rate of 15 per cent may be the highest in the world; the Republic of China, no longer an economic aid recipient, now conducts a technical assistance program of its own in 27 other countries.

Thus, the potential for cooperation among Asian countries is strong, and progress is already apparent. New multi-national organizations are sharing agricultural and technical skills. When the war in Vietnam is ended, reconstruction can be carried out in a regional context. And we look forward to continued cooperation with a regional effort to harness the power of the Mekong River.

The successful start of the Asian Development Bank, of which we are a member, illustrates the potential of Asian initiatives and regionalism. It is an *Asian* institution, with a requirement that the Bank's president, seven of its ten directors, and 60 per cent of its capital come from Asia.

Our hopes for Asia are thus for a continent of strong nations drawing together for their mutual benefit on their own terms, and creating a new relationship with the rest of the international community.

Japan, as one of the great industrial nations of the world, has a unique and essential role to play in the development of the new Asia. Our policy toward Japan during the past year demonstrates our conception of the creative partnership we seek with all Asian nations.

Upon entering office, I faced a pivotal question concerning the future of our relations with Japan: the status of Okinawa. What did we consider more important—the maintenance of American administration of Okinawa with no adjustments in the conditions under which we operate our bases, or the strengthening of our relationship with Japan over the long-term? We chose the second course because our cooperation with Japan will be crucial to our efforts to help other Asian nations develop in peace. Japan's partnership with us will be a key to the success of the Nixon Doctrine in Asia.

In November, I therefore agreed with Prime Minister Sato during his visit to Washington that we would proceed with arrangements for the return of Okinawa in 1972, with our bases remaining after its reversion in the same status as our bases in Japan. This was among the most important decisions I have taken as President.

For his part, Prime Minister Sato expressed the intention of the Japanese Government to expand and improve its aid programs in Asia in keeping with the economic growth of Japan. He agreed with me that attention to the economic needs of the developing countries was essential to the development of international peace and stability. He stated Japan's intention to accelerate the reduction and removal of its restrictions on trade and capital. He also stated that Japan was exploring what it could do to bring about stability and reconstruction in postwar Southeast Asia. The Prime Minister affirmed that it is in Japan's interest that we carry out fully our defensive commitments in East Asia.

We have thereby laid the foundation for U.S.-Japanese cooperation in the 1970's.

Elsewhere, too, we have seen developments encouraging for the future of Asia. In Indonesia—which is virtually half of Southeast Asia—we have participated in multilateral efforts, aimed at achieving economic stability, which have already contributed much to the building of a prospering and peaceful nation.

The United States has a similar long-run interest in cooperation for progress in South Asia. The one-fifth of mankind who live in India and Pakistan can make the difference for the future of Asia. If their nation-building surmounts the centrifugal forces that have historically divided the subcontinent, if their economic growth keeps pace with popular demands, and if they can avert further costly rivalry between themselves, India and Pakistan can contribute their vast energies to the structure of a stable peace. But these are formidable "ifs." We stand ready to help the subcontinent overcome them. These nations' potential contribution to peace is too great for us to do otherwise.

Like the rest of Asia, India and Pakistan have changed significantly over the past decade. They have registered steady economic progress in many areas, and established a hopeful precedent for mutual cooperation in the Indus development scheme. Yet in the same period, each has felt the strains of continuing tension in their relations and their old bitter dispute flared again in brief warfare in 1965.

They have reordered their international relationships with East and West; each remains staunchly independent.

Over the next decade India, Pakistan, and their friends have an opportunity to build substantially on the constructive elements in this record, and above all, to work together to avert further wasteful and dangerous conflict in the area.

While I was in South Asia, I stated our view of the method and purpose of our economic assistance to Asia. These words were spoken in Pakistan, but they express our goals as well for India and all of Asia:

"I wish to communicate my Government's conviction that Asian hands must shape the

Asian future. This is true, for example, with respect to economic aid, for it must be related to the total pattern of a nation's life. It must support the unique aspirations of each people. Its purpose is to encourage self-reliance, not dependence."

Issues for the future

The fostering of self-reliance is the new purpose and direction of American involvement in Asia. But we are only at the beginning of a new road. However clear our conception of where we wish to go, we must be under no illusion that any policy can provide easy answers to the hard, specific issues which will confront us in Asia in coming years.

—While we have established general guidelines on American responses to Asian conflicts, in practice the specific circumstances of each case require careful study. Even with careful planning, we will always have to consider a basic and delicate choice. If we limit our own involvement in the interest of encouraging local self-reliance, and the threat turns out to have been more serious than we had judged, we will only have created still more dangerous choices. On the other hand, if we become unwisely involved, we risk stifling the local contribution which is the key to our long-run commitment to Asia.

—The success of our Asian policy depends not only on the strength of our partnership with our Asian friends, but also on our relations with Mainland China and the Soviet Union. We have no desire to impose our own prescriptions for relationships in Asia. We have described in the Nixon Doctrine our conception of our relations with Asian nations. We hope that other great powers will act in a similar spirit and not seek hegemony.

—Just as we and our allies have an interest in averting great power dominance over Asia, we believe that peace in the world would be endangered by great power conflict there—whether it involves us or not. This characterizes our attitude towards the Sino-Soviet dispute.

—Asian regional cooperation is at its beginning. We will confront subtle decisions as we seek to help maintain its momentum without supplanting Asian direction of the effort.

—A sound relationship with Japan is crucial in our common effort to secure peace, security, and a rising living standard in the Pacific area. We look forward to extending the cooperative relationship we deepened in 1969. But we shall not ask Japan to assume responsibilities inconsistent with the deeply felt concerns of its people.

—In South Asia, our good relations with India and Pakistan should not obscure the concrete dilemmas we will face. How can we bring home to both, for example, our serious concern over the waste of their limited resources in an arms race, yet recognize their legitimate interests in self-defense?

All these issues will confront this Administration with varying intensity over the coming years. We are planning now to meet challenges and anticipate crises. Our purpose in 1969 has been to make sure none was ignored or underestimated. The task ahead—for Asians and Americans—is to address all these issues with the imagination, realism and boldness their solutions demand if lasting peace is to come to Asia.

Vietnam

"The people of Vietnam, North and South alike, have demonstrated heroism enough to last a century. And I speak from personal observation. I have been to North Vietnam, to Hanoi, in 1953, and all over South Vietnam. I have seen the people of the North and the people of the South. The people of Vietnam, North and South, have endured an unspeakable weight of suffering for a generation. And they deserve a better future." The President's Address to the 24th Session of the UN General Assembly, September 18, 1969.

A just peace in Vietnam has been, and remains, our goal.

The real issues are the nature of that peace and how to achieve it. In addressing these issues at the beginning of my Administration, I had to consider the great consequences of our decisions.

I stated the consequences of a precipitate withdrawal in these terms in my speech of May 14:

"When we assumed the burden of helping defend South Vietnam, millions of South Vietnamese men, women and children placed their trust in us. To abandon them now would risk a massacre that would shock and dismay everyone in the world who values human life.

"Abandoning the South Vietnamese people, however, would jeopardize more than lives in South Vietnam. It would threaten our long-term hopes for peace in the world. A great nation cannot renege on its pledges. A great nation must be worthy of trust.

"When it comes to maintaining peace, 'prestige' is not an empty word. I am not speaking of false pride or bravado—they should have no place in our policies. I speak, rather, of the respect that one nation has for another's integrity in defending its principles and meeting its obligations.

"If we simply abandoned our effort in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability.

"Another reason for not withdrawing unilaterally stems from debates within the Communist world . . . If Hanoi were to succeed in taking over South Vietnam by force—even after the power of the United States had been engaged—it would greatly strengthen those leaders who scorn negotiation, who advocate aggression, who minimize the risks of confrontation with the United States. It would bring peace now but it would enormously increase the danger of a bigger war later."

My trip through Asia last summer made this fact more vivid to me than ever. I did not meet a single Asian leader who urged a precipitate U.S. withdrawal. The closer their nations were to the battlefield, the greater was their concern that America meet its responsibilities in Vietnam.

Less attention had been given to another important consequence of our decisions—within the United States itself. When the Administration took office, Vietnam had already led to a profound national debate. In considering our objectives there, I could only conclude that the peace must not intensify the bitter recrimination and divisions which the war had already inflicted on American society. Were we to purchase peace in Vietnam at the expense of greater suffering later, the American people would inevitably lose confidence in their leaders—not just in the Presidency or in either political party, but in the whole structure of American leadership.

For all these reasons, I resolved to seek a peace which all Americans could support, a peace in which all parties to the conflict would have a stake. I resolved also to be completely candid with the American public and Congress in presenting our policies, except for some details on matters of great sensitivity. I was determined to report the setbacks as well as achievements, the uncertainties as well as the hopeful signs.

To seek a just peace, we pursued two distinct but mutually supporting courses of action: Negotiations and Vietnamization. We want to achieve an early and fair settlement through negotiations. But if the other side refuses, we shall proceed to strengthen the South Vietnamese forces. This will allow us to replace our troops on an orderly timetable. We hope that as Vietnamization proceeds the Government of North Vietnam will realize that it has more to gain in negotiations than in continued fighting.

We do not pretend that our goals in Vietnam have been accomplished, or that the way ahead will be easy.

—In South Vietnam, we have helped the South Vietnamese make progress in increasing their defense capacity, and we have reduced the number of American men and casualties. Yet Vietnamization is still a developing process, and enemy intentions on the battlefield are unclear.

—At the conference table, we have made generous and reasonable proposals for a settlement. Yet the other side still refuses to negotiate seriously.

Despite these uncertainties, I believe that we are on the right road, and that we are moving toward our goals.

Negotiations

In seeking a negotiated settlement of the war, we did not underestimate the difficulties ahead:

—We knew that the basic questions at issue in negotiations—particularly the resolution of political power in such a war—were enormously complex. There could be no rigid formula or strict agenda.

—We were aware that Hanoi's actions and doctrinal statements about "protracted conflict," caused it to view negotiations as a means of pressure, rather than as an avenue to a fair compromise.

—We realize that our opponent had sacrificed heavily; he had demonstrated a tenacious commitment to the war, and obviously harbored a deep mistrust of negotiations as a means of settling disputes. As I wrote to the late President Ho Chi Minh last July in an appeal to him to join us in finding a rapid solution: "It is difficult to communicate meaningfully across the gulf of four years of war."

These were formidable obstacles. But we were equally convinced that negotiations offered the best hope of a rapid settlement of the war. The specific issues were complex but could be resolved, once both sides made the fundamental decision to negotiate in a spirit of good-will. Therefore we and the Government of the Republic of Vietnam moved to demonstrate to a mistrustful adversary our willingness to negotiate seriously and flexibly.

On May 14 I made a number of far-reaching proposals for a settlement. They included a mutual withdrawal of all non-South Vietnamese forces from South Vietnam and internationally-supervised free elections.

I also indicated that we seek no bases in Vietnam and no military ties, that we are willing to agree to neutrality or to unification of Vietnam if that is what the South Vietnamese people choose.

In order to encourage the other side to negotiate, I indicated that our proposals were flexible, and that we were prepared to consider other approaches consistent with our principles. We insisted only on one general proposition for which the Government of North Vietnam itself has claimed to be fighting—that the people of South Vietnam be able to decide their own future free of outside interference.

The proposals I made on May 14 still stand. They offer all parties an opportunity to end the war quickly and on an equitable basis.

In a similar spirit, President Thieu of the Republic of Vietnam on July 11 offered a

comprehensive set of proposals. They include free elections in which all the people and parties of South Vietnam can participate, including the National Liberation Front and its adherents, and a mixed Electoral Commission on which all parties can be represented. We have supported those proposals.

At Midway, in early June, President Thieu and I both publicly pledged to accept *any* outcome of free elections, regardless of what changes they might bring.

Throughout the year, we explored every means of engaging the other side in serious negotiations—in the public talks in Paris, in private conversations, and through reliable third parties.

To demonstrate our willingness to wind down the war, I also ordered a reduction in the level of our military operations in Vietnam. Our tactical air and B–52 operations have been reduced by over 25 per cent. Our combat deaths have dropped by two-thirds.

Nor were our proposals put forward on a take-it-or-leave-it basis. We have repeatedly expresssed our willingness to discuss the other side's ten-point program. But Hanoi has adamantly refused even to discuss our proposals. It has refused to negotiate with the Government of the Republic of Vietnam, although it had agreed to do so as one of the "understanding" that led to the bombing halt. It has insisted that we must unconditionally and totally accept its demands for unilateral U.S. withdrawal and for the removal of the leaders of the Government of South Vietnam. It has demanded these things as conditions for just *beginning* negotiations. If we were to accept these demands, we would have conceded the fundamental points at issue. There would be nothing left to negotiate.

If the other side is interested in genuine negotiations there are many ways they can let us know and there are many channels open to them.

The key to peace lies in Hanoi—in its decision to end the bloodshed and to negotiate in the true sense of the word.

The United States has taken three major steps which we were told repeatedly would lead to serious negotiations. We stopped the bombing of North Vietnam; we began the withdrawal of U.S. forces from Vietnam; and we agreed to negotiate with the National Liberation Front as one of the parties to the negotiation. But none of those moves brought about the response or the reaction which their advocates had claimed. It is time for Hanoi to heed the concern of mankind and turn our negotiations into a serious give-and-take. Hanoi will find us forthcoming and flexible.

Vietnamization

The other course of action we are pursuing—Vietnamization—is a program to strengthen the ability of the South Vietnamese Government and people to defend themselves. It emphasizes progress in providing physical security for the Vietnamese people and in extending the authority of the South Vietnamese Government throughout the countryside.

Vietnamization is not a substitute for negotiations, but a spur to negotiations. In strengthening the capability of the Government and people of South Vietnam to defend themselves, we provide Hanoi with an authentic incentive to negotiate seriously now. Confronted by Vietnamization, Hanoi's alternative to a reasonable settlement is to continue its costly sacrifices while its bargaining power diminishes.

Vietnamization has two principal components. The first is the strengthening of the armed forces of the South Vietnamese in numbers, equipment, leadership and combat skills, and overall capability. The second component is the extension of the pacification program in South Vietnam.

Tangible progress has been made toward strengthening the South Vietnamese armed forces. Their number has grown, particularly the local and territorial forces. For example the numerical strength of the South Vietnamese Regional Forces and Popular Forces—important elements in resisting guerrilla attacks—has grown by more than 75,000 in the last year. The effectiveness of these forces is improving in most areas. In addition, about 400,000 weapons have been supplied to South Vietnamese villagers who have become part of the Peoples' Self Defense Force, a local militia.

Under the Vietnamization program, we have reversed the trend of American military engagement in Vietnam and the South Vietnamese have assumed a greater role in combat operations. We have cut the authorized strength of American forces by 115,500 as of April 15, 1970. American forces will continue to be withdrawn in accordance with an orderly schedule based on three criteria: the level of enemy activity; progress in the negotiations; and the increasing ability of the South Vietnamese people to assume for themselves the task of their own defense.

During this process, we have kept in close consultations with the allied nations—Australia, Korea, New Zealand, and Thailand—which also contribute troops to assist the Vietnamese. Their forces continue to bear a significant burden in this common struggle.

As the Vietnamese government bears the growing cost of these augmented forces, and as U.S. military spending in Vietnam is reduced with the continuing reduction of the U.S. military presence there, there will be additional strains on the Vietnamese economy. The Vietnamese will require assistance in dealing with these economic problems. Although our spending for purely military purposes in Vietnam can be expected to decrease substantially during the process of Vietnamization, some increases in our spending for economic purposes will be required

Vietnamization also involves expansion of the pacification program. Our understanding of the pacification program and the criteria for measuring its success needed improvement. I therefore ordered a comprehensive study of conditions in the countryside by a committee charged with analyzing the statistics of Vietnam and keeping the situation under constant review.

The study has concluded that the most meaningful criteria for South Vietnamese Government success in the countryside are the establishment in each hamlet of (1) an adequate defense, and (2) a fully functioning government resident in the hamlet 24 hours a day. If the Government can achieve these two objectives, it can prevent the enemy from subverting and terrorizing the population or mobilizing it for its own purposes. The enemy will be denied any but the most limited and furtive access to the people, and will encounter increasing hostility or indifference as they seek the assistance they formerly enjoyed. The enemy forces will be isolated and forced to fight as a conventional expeditionary force, being dependent on external sources of supply and reinforcement.

This is very important: Enemy main force activities have in the past relied on active assistance from the population in the countryside for intelligence, food, money and manpower. This has enabled the enemy to use the countryside as a springboard from which to strike at key Vietnamese cities and installations. If they are forced to fight as a conventional army, with their support provided from their own resources rather than from the population, the enemy will lose momentum as they move forward because their supply lines will lengthen and they will encounter increasing opposition.

To date, the pacification program is succeeding.

Enemy forces have suffered heavy casualties, many in the course of their own offensives of 1968 and early 1969. The operations of U.S. and South Vietnamese troops against enemy main force units have prevented those units from moving freely through the populated areas and have more and more forced them back into bases in remote areas and along the borders of South Vietnam.

Since 1967, the percentage of the rural population living in areas with adequate defense and a fully functioning local government—the two criteria for government success mentioned above—has more than doubled. By a similar standard, Viet Cong control over the rural population has dropped sharply to less than ten per cent.

The enemy is facing greater difficulty in recruitment and supply. North Vietnamese fillers are being used to bolster Viet Cong main force and local force units, whose strength appears to be declining in most areas. More of the enemy's time is taken up in gaining strength for new offensives which appear to be progressively less efficient.

Claims of progress in Vietnam have been frequent during the course of our involvement there—and have often proved too optimistic. However careful our planning, and however hopeful we are for the progress of these plans, we are conscious of two basic facts.

—We cannot try to fool the enemy, who knows what is actually happening.

—Nor must we fool ourselves. The American people must have the full truth. We cannot afford a loss of confidence in our judgment and in our leadership.

Because the prospects and the progress of Vietnamization demand the most careful study and thoughtful analysis—by ourselves and our critics alike—we have made major efforts to determine the facts.

At my request, Secretary Laird and the Chairman of the Joint Chiefs of Staff, General Wheeler, have just traveled to Vietnam to look into the situation. Last fall, I asked Sir Robert Thompson, an objective British expert with long experience in the area, to make his own candid and independent appraisal for me.

We have established a Vietnam Special Studies Group whose membership includes my Assistant for National Security Affairs as Chairman, the Under Secretary of State, the Deputy Secretary of Defense, the Director of Central Intelligence, and the Chairman of the Joint Chiefs of Staff. I have directed this group to:

—sponsor and direct on a continuous basis systematic analyses of U.S. programs and activities in Vietnam;

—undertake special analytical studies on a priority basis as required to support broad policy and related program decisions; and

—provide a forum for and encourage systematic interagency analysis of U.S. activities in Vietnam.

Essentially the purpose of this group is to direct studies of the factual situation in Vietnam. These studies are undertaken by analysts and individuals with experience in Vietnam drawn from throughout the government. Their findings are presented to the Vietnam Special Studies Group and the National Security Council.

As described below, the group has helped us identify problems for the future. It has provoked the most searching questions, as well as measured the progress we have achieved.

Prisoners of war

In human terms, no other aspect of conflict in Vietnam more deeply troubles thousands of American families than the refusal of North Vietnam to agree to humane treatment of prisoners of war or to provide information about men missing in action. Over 1400 Americans are now listed as missing or captured, some as long as five years, most

with no word ever to their families. In the Paris meetings, we have sought repeatedly to raise this subject—to no avail. Far from agreeing to arrangements for the release of prisoners, the other side has failed even to live up to the humane standards of the 1949 Geneva Convention on prisoners of war: the provision of information about all prisoners, the right of all prisoners to correspond with their families and to receive packages, inspection of POW camps by an impartial organization such as the International Red Cross, and the early release of seriously sick and wounded prisoners.

This is not a political or military issue, but a matter of basic humanity. There may be disagreement about other aspects of this conflict, but there can be no disagreement on humane treatment for prisoners of war. I state again our readiness to proceed at once to arrangements for the release of prisoners of war on both sides.

Tasks for the Future

This Administration is carrying out a concerted and coordinated plan for peace in Vietnam. But the following tasks still remain:

—*Negotiations.* One task is to persuade the North Vietnamese Government to join us in genuine negotiations leading toward a compromise settlement which would assure the self-determination of the South Vietnamese people and would also ensure the continued neutrality of Laos. The fact that it has not yet given any indication of doing so does not necessarily mean that such a decision cannot come at any point. While we harbor no undue optimism, the history of negotiations on Vietnam shows that breakthroughs have always come with little warning after long deadlocks.

Hanoi faces serious and complicated issues in making the fundamental decision to seek a genuine settlement. Allied military pressures, uncertainties in its international support, strains within North Vietnam, the recent display of American public support for a just peace, and the strengthening of the South Vietnamese Government under Vietnamization, all argue for seeking a settlement now. On the other hand, Hanoi's mistrust of our intentions before and after a settlement, its hope that American domestic pressures will force us to withdraw rapidly or make major concessions, its hope for political instability and collapse in South Vietnam, its emotional commitment to the struggle, and its own political weakness in the South must weigh heavily against its willingness to negotiate.

We do not know what choice the North Vietnamese Government will make. For our part, we shall continue to try to make clear to that government that its true long-range interests lie in the direction of negotiations. As we have often said, we shall be flexible and generous when serious negotiations start at last.

—*Enemy Intentions.* Another crucial task is to evaluate Hanoi's intentions on the battlefield. We hope that the level of combat can be further reduced, but we must be prepared for new enemy offensives. The Government of North Vietnam could make no greater mistake than to assume that an increase in violence would be to its advantage. As I said on November 3, and have repeated since, if I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I will not hesitate to take strong and effective measures to deal with that situation.

—*Vietnamization.* A major problem we must face is whether the Vietnamization program will succeed. The enemy is determined and able, and will continue to fight unless he can be persuaded that negotiation is the best solution. The success of Vietnamization is a basic element in Hanoi's assessment of its policies, just as it is in our own.

—We are now attempting to determine the depth and durability of the progress which has been made in Vietnam. We are studying the extent to which it has been dependent on the presence of American combat and support forces as well as on expanded and improved South Vietnamese army and territorial forces. We are asking searching questions:

What is the enemy's capability to mount sustained operations? Could they succeed in undoing our gains?

What is the actual extent of improvement in Allied capabilities? In particular, are the Vietnamese developing the leadership, logistics capabilities, tactical know-how, and sensitivity to the needs of their own people which are indispensable to continued success?

What alternative strategies are open to the enemy in the face of continued allied success? If they choose to conduct a protracted, low-intensity war, could they simply wait out U.S. withdrawals and then, through reinvigorated efforts, seize the initiative again and defeat the South Vietnamese forces?

Most important, what are the attitudes of the Vietnamese people, whose free choice we are fighting to preserve? Are they truly being disaffected from the Viet Cong, or are they indifferent to both sides? What do their attitudes imply about the likelihood that the pacification gains will stick?

These studies are continuing, as are our studies of the enemy situation and options. I have made it clear that I want the Vietnam Special Studies Group and the other agencies of the U.S. Government to provide the fullest possible presentation of the facts, whatever their policy implications might be.

Our task is to continue to proceed carefully in the policy of Vietnamization, and to find the means which will best support our purpose of helping the South Vietnamese to strengthen themselves.

Even as the fighting continues in Vietnam, we must plan for the transition from war to peace. Much has already been done to bring relief to suffering people, to reconstruct war-torn areas and to promote economic rehabilitation. We have been supporting those efforts. We shall continue to support them and we shall count on other nations to help.

I look forward to the day when I shall not have to report on the problems of ending a complex war but rather on the opportunities offered by a stable peace, when the men and nations who have fought so long and so hard will be reconciled.

I expressed my hope for the future of Vietnam when I spoke to the United Nations on September 18:

"When the war ends, the United States will stand ready to help the people of Vietnam—all of them—in their tasks of renewal and reconstruction. And when peace comes at last to Vietnam, it can truly come with healing in its wings."

The Middle East

". . . a peace which speaks not only about the integrity of nations, but also for the integrity of individuals." Letter to the President of American Near East Refugee Aid, October 21, 1969.

" . . . the peace that is not simply one of words but one which both parties will have a vested interest in maintaining." Welcoming remarks to Prime Minister of Israel, September 25, 1969.

These statements reflect some of my thoughts on the nature of the peace which must come to the Middle East. At the same time, this is an area with great resources and prospects for economic progress. It is the first region of developing nations that is near to meeting its capital needs from its own resources.

Yet this area presents one of the sternest tests of our quest for peace through partnership and accommodation of interests. It combines intense local conflict with great power involvement. This combination is all the more dangerous because the outside powers' interests are greater than their control.

Beyond the area of conflict and beyond this era of conflict, the United States is challenged to find new relationships in helping all the people of the area marshal their resources to share in this progress.

The most important of the area's conflicts, between Arabs and Israel, is still far from settlement. It has serious elements of intractability, but its importance requires all concerned to devote their energies to helping to resolve it or make it less dangerous.

Local passions in the Middle East run so deep that the parties in conflict are seldom amenable to outside advice or influence. Each side is convinced that vital interests are at stake which cannot be compromised.

—Israel, having lived so long before on a thin margin of security, sees territories occupied in 1967 as providing physical security more tangible than Arab commitments to live at peace—commitments whose nature would be tested only after Israel had relinquished the buffer of the territories.

—For the Arabs, a settlement negotiated directly with the Israelis would require recognition of Israel as a sovereign state even while Israeli troops still occupy territory taken in 1967 and while Arab refugees remain homeless.

—For both sides and for the international community, Jerusalem is a special problem involving not only the civil and political concerns of two states but the interests of three great world religions.

A powerful legacy of fear and mistrust must be overcome if the parties are to be willing to subject their interests and grievances to the procedure of compromise. Until then, no formula acceptable to both sides, and no neutral definition of "a fair and reasonable settlement," can get very far.

However, a settlement should still be sought.

This Administration continues to believe that the United Nations cease-fire resolutions define the minimal conditions that must prevail on the ground if a settlement is to be achieved. We have persistently urged the parties in the area as well as the other major powers to do all possible to restore observance of the cease-fire.

Once those minimal conditions exist, we believe a settlement can only be achieved through the give and take of negotiation by those involved, in an atmosphere of mutual willingness to compromise. That is why this Administration has pressed this view in a series of consultations with leaders from the Middle East both in Washington and in their capitals, in bilateral discussions with the outside powers most concerned, and in formal talks with the Soviet Union and in the Four Power forum at the United Nations. In the course of these discussions, we have advanced specific proposals—outlined by Secretary Rogers in his speech of December 9—for creating a framework for negotiation in accordance with the United Nations resolution of November 22, 1967. These have been written with the legitimate concerns of all parties firmly in mind. They were made in an effort to try to help begin the process of negotiation under UN Ambassador Jarring's auspices. Observing that the United States maintained friendly ties with both Arabs and Israelis, the Secretary of the State said that to call for Israeli withdrawal as envisaged in the UN resolution without achieving agreement on peace would be partisan toward the Arabs, while calling on the Arabs to

accept peace without Israeli withdrawal would be partisan toward Israel.

But the United States cannot be expected to assume responsibility alone for developing the terms of peace or for guaranteeing them. Others—in the Middle East and among the great powers—must participate in the search for compromise. Each nation concerned must be prepared to subordinate its special interests to the general interest in peace. In the Middle East, especially, everyone must participate in making the peace so all will have an interest in maintaining it.

We have not achieved as much as we had hoped twelve months ago through the discussions with the Soviet Union or the Four Power talks. We have gone as far as we believe useful in making new proposals until there is a response from other parties. But we shall continue to participate in the dialogue so long as we can make a contribution.

If the Arab-Israeli conflict cannot be finally resolved, at least its scope must be contained and the direct engagement of the major powers limited. For this is a second dimension of the conflict in the Middle East—the rivalries and interests of the major powers themselves.

The interests of the great powers are involved in the contests between local forces, but we also have a common interest in avoiding a direct confrontation. One of the lessons of 1967 was that the local events and forces have a momentum of their own, and that conscious and serious effort is required for the major powers to resist being caught up in them.

In its communications to the Soviet Union and others, this Administration has made clear its opposition to steps which could have the effect of drawing the major powers more deeply into the Arab-Israeli conflict—steps that could only increase the dangers without advancing the prospects for peace.

The activity of the Soviet Union in the Middle East and the Mediterranean has increased in recent years. This has consequences that reach far beyond the Arab-Israeli question. The United States has longstanding obligations and relationships with a number of nations in the Middle East and its policy is to help them enhance their own integrity and freedom. This Administration has shown its readiness to work with the Soviet Union for peace and to work alongside the Soviet Union in cooperation with nations in the area in the pursuit of peace. But the United States would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern.

I believe that the time has passed in which powerful nations can or should dictate the future to less powerful nations. The policy of this Administration is to help strengthen the freedom of other nations to determine their own futures. Any effort by an outside power to exploit local conflict for its own advantage or to seek a special position of its own would be contrary to that goal.

For these reasons, this Administration has not only pressed efforts to restore observance of the cease-fire and to help begin the process of negotiating a genuine peace. It has also urged an agreement to limit the shipment of arms to the Middle East as a step which could help stabilize the situation in the absence of a settlement. In the meantime, however, I now reaffirm our stated intention to maintain careful watch on the balance of military forces and to provide arms to friendly states as the need arises.

This Administration clearly recognizes that the problem of the Middle East, rooted in a long history of local developments, will be solved only when the parties to the conflict—by reason or resignation—come to accommodate each other's basic, long-run interests. They must recognize that to do less will increasingly endanger everyone's basic goals.

Issues for the Future

We shall continue to seek to work together with all the region's nations, respecting their legitimate national interests and expecting that they will have the same regard for ours. But the emphasis must be on the word "together." The day is past when the large powers can or should be expected either to determine their course or to solve their problems for them. As the Secretary of State said on December 9:

"[Peace] is . . . a matter of the attitudes and intentions of the parties. Are they ready to coexist with one another? Can a live-and-let-live attitude replace suspicion, mistrust and hate? A peace agreement between the parties must be based on clear and stated intentions and a willingness to bring about basic changes in the attitudes and conditions which are characteristic of the Middle East today."

The Middle East poses many challenges for the United States. First, of course, is the problem of resolving or containing major causes of conflict. No one should believe that a settlement even of the Arab-Israeli conflict would lead to the complete relaxation of tensions in the area. Other local rivalries and the turmoil accompanying social and economic change will continue to produce possibilities for conflict.

Yet, beyond that, a new problem faces us—the character of a constructive American relationship with an area with large capital resources of its own.

A number of nations in the area are well-launched toward economic modernization. Some of them have substantial revenues to finance this effort, and those that do not will increasingly rely on the efforts of nearby nations to help through regional funds. Large numbers of skilled technicians have been trained, and many of them have crossed borders to help neighbors.

This means that—while the United States will continue to help where it can—the need will decline for capital assistance and for the type of economic assistance which AID and its forerunners have provided. Of course, American technology, investment, education, managerial skills are still much in demand and can offer much in helping break bottlenecks that remain.

The challenge to the United States, therefore, is to find new tools—new programs, new legislation, new policies—that will permit our government and our citizens to relate productivity to the first major area of the developing world to be close to meeting most of its capital needs from its own resources. We want to continue to work together. We must therefore—while persisting in the quest for peace—develop new relationships to meet the circumstances and demands of the 1970's.

Beyond the dangerous conflict of today, our vision of the Middle East is of a common effort by all those—the people of the area and friends outside—whose high purpose is to erase the scars of the past and to build a future consistent with their great heritage and abundant resources.

Africa

"We know you have no easy task in seeking to assure a fair share of Africa's wealth to all her peoples. We know that the realization of equality and human dignity throughout the continent will be long and arduous in coming. But you can be sure as you pursue these difficult goals that the United States shares your hopes and your confidence in the future." President's Message to the Sixth Annual Assembly of the Organization of African Unity, September 6, 1969.

In this greeting last September to the summit meeting of the Organization of African Unity, I expressed America's determination to support our African friends as they work to fulfill their continent's high promise. The unprecedented visit of the Secretary of State to Africa this month is a confirmation of this support.

One of the most dramatic and far-reaching changes of the last decade was the emergence of an independent Africa.

Only ten years ago, 32 countries covering nearly five-sixths of the Continent were still colonies, their voices silent in world affairs. Today, these are all sovereign nations, proudly determined to shape their own future. And contrary to fears so often voiced at their birth, these nations did not succumb to Communist subversion. Africa is one of the world's most striking examples, in fact, of the failure of the appeal of Communism in the new nations. African states now comprise one-third of the membership of the United Nations. African issues have become important moral and political questions. African views justly merit and receive the attention of the world.

But this rebirth of a continent has been hazardous as well as hopeful. Africa was the scene of many of the recurrent crises of the 1960's. There was the factional strife and international rivalry in the Congo, an arms race between Ethiopia and Somalia, the establishment of white minority rule in Southern Rhodesia, and the agonizing human loss in the Nigerian civil war.

The Continent still faces grave problems. The imbalances of economies and institutions once under full external control are only too evident today. Arbitrary boundaries drawn in European chancelleries left many African countries vulnerable to tribal strife; and nowhere is the task of nation-building more taxing. Not least, Africans face the formidable task of strengthening their sense of identity and preserving traditional culture as their societies make the transition to modernity.

Over the last decade, America has not had a clear conception of its relationship with post-colonial Africa and its particular problems. Because of our traditional support of self-determination, and Africa's historic ties with so many of our own citizens, our sympathy and friendship for the new Africa were spontaneous. But without a coherent concept to structure our policies, we allowed ourselves to concentrate more on temporary crises than on their underlying causes. We expressed our support for Africa more by lofty phrases than by candid and constructive dialogue.

Just as we focus our policies elsewhere to meet a new era, we will be clear with ourselves and with our African friends on America's interests and role in the Continent. We have two major concerns regarding the future of Africa:

—That the Continent be free of great power rivalry or conflict in any form. This is even more in Africa's interest than in ours.

—That Africa realize its potential to become a healthy and prosperous region in the international community. Such an Africa would not only be a valuable economic partner for all regions, but would also have a greater stake in the maintenance of a durable world peace.

These interests will guide our policies toward the most demanding challenges facing Africa in the 1970's.

Development

The primary challenge facing the African Continent is economic development.

If the 1960's were years of high hopes and high rhetoric, the 1970's will have to be years of hard work and hard choices. The African nations and those who assist them must decide together on strict priorities in employing the relatively limited development capital available to the Continent. In doing this, Africa and its friends can benefit from several lessons of the past decade.

Certainly development will not always proceed as rapidly as the Africans and their friends hope. In many countries, needs will outrun local and international resources for some time. But solid and steady progress will be made if our common development investment concentrates on those basic if undramatic building blocks of economic growth—health, education, agriculture, transportation and local development. In particular, Africa will realize the full advantage of its own rich material resources only as it nurtures the wealth of its human resources. In close coordination with the Africans' own efforts, the United States will direct our aid at these fundamental building blocks.

Another lesson we have learned from the 1960's is the need for close regional cooperation, in order for Africa to get the most from development resources. The United States will work with other donors and the Africans to help realize the potential for cooperative efforts—by the support which we are giving, for example, to the East African Economic Community and the promising regional groupings in West Africa. We will recognize, however, that regional action is not the only road for African development. In some cases, for geographic or political reasons, it will not work.

Our assistance throughout the Continent will be flexible and imaginative. We will make a particular effort—including programs of technical assistance and new encouragement of private investment—to help those countries not in a position to participate in regional projects.

We have learned that there are no panaceas for African development. Each country faces its own problems and the solutions to them must spring from the national experience of each country. Foreign ideologies have often proven notoriously irrelevant, and even tragically wasteful, as designs for African progress. The most creative conceptual approaches to African development should come, of course, from the Africans themselves. Outsiders cannot prescribe the political framework most conducive to Africa's economic growth. In some countries, progress has depended upon stability. Yet elsewhere, solutions to local problems have been found amid periods of uncertainty or even turmoil.

The United States will measure African progress in terms of long-run social and economic accomplishment, and not in the political flux which is likely to accompany growth.

In Africa, as throughout the developing world, our goal in providing development aid is clear. We want the Africans to build a better life for themselves and their children. We want to see an Africa free of poverty and disease, and free too of economic or political dependence on any outside power. And we want Africans to build this future as *they* think best, because in that way both our help and their efforts will be most relevant to their needs.

As Secretary Rogers said in Ethiopia on February 12:

"As a developed nation, we recognize a special obligation to assist in the economic development of Africa. Our resources and our capacity are not unlimited. We have many demands at home. We will, however, continue to seek the means, both directly and in cooperation with others, to contribute more effectively to economic development in Africa."

Nationhood

Africa's second challenge in the 1970's will be to weather the inevitable strains which will come with the further development of nations which house a great diversity of peoples and cultures.

We have witnessed tragic manifestations of this problem in the civil strife in the Congo and Nigeria. The process of national integration may be stormy elsewhere.

Such turmoil presents a tempting target to forces outside Africa ready to exploit the problems of change to their own advantage. But foreign intervention, whatever its form or source, will not serve the long-run interests of the Africans themselves.

The United States approaches these problems of national integration with a policy which clearly recognizes the limits as well as the obligations of our partnership with Africa:

—We will not intervene in the internal affairs of African nations. We strongly support their right to be independent, and we will observe their right to deal with their own problems independently. We believe that the national integrity of African states must be respected.

—However, we will distinguish between non-interference politically and the humanitarian obligation to help lessen human suffering.

—Finally, consulting our own interests, we will help our friends in Africa to help themselves when they are threatened by outside forces attempting to subvert their independent development. It is another lesson of the 1960's, however, that African defense against subversion, like African development, must be borne most directly by Africans rather than by outsiders.

Southern Africa

The third challenge facing Africa is the deep-seated tension in the southern sixth of the Continent.

Clearly there is no question of the United States condoning, or acquiescing in, the racial policies of the white-ruled regimes. For moral as well as historical reasons, the United States stands firmly for the principles of racial equality and self-determination.

At the same time, the 1960's have shown all of us—Africa and her friends alike—that the racial problems in the southern region of the Continent will not be solved quickly. These tensions are deeply rooted in the history of the region, and thus in the psychology of both black and white.

These problems must be solved. But there remains a real issue in how best to achieve their resolution. Though we abhor the racial policies of the white regimes, we cannot agree that progressive change in Southern Africa is furthered by force. The history of the area shows all too starkly that violence and the counter-violence it inevitably provokes will only make more difficult the task of those on both sides working for progress on the racial question.

The United States warmly welcomes, therefore, the recent Lusaka Manifesto, a declaration by African leaders calling for a peaceful settlement of the tensions in Southern Africa. That statesmanlike document combines a commitment to human dignity with a perceptive understanding of the depth and complexity of the racial problem in the area—a combination which we hope will guide the policies of Africa and her friends as they seek practical policies to deal with this anguishing question.

Issues for the future

American policy toward Africa, then, will illustrate our general approach to building an enduring peace. Our stake in the Continent will not rest on today's crisis, on political maneuvering for passing advantage, or on the strategic priority we assign it. Our goal is to help sustain the process by which Africa will gradually realize economic progress to match its aspirations.

We must understand, however, that this process is only beginning. Its specific course is unclear. Its success depends in part on how we and the Africans move now in the climate as well as the substance of our relations.

—Africa's friends must find a new tone of candor in their essential dialogue with the Continent. All too often over the past decade the United States and others have been guilty of telling proud young nations, in misguided condescension, only what we thought they wanted to hear. But I know from many talks with Africans, including two trips to the Continent in 1957 and 1967, that Africa's new leaders are pragmatic and practical as well as proud, realistic as well as idealistic. It will be a test of diplomacy for all concerned to face squarely common problems and differences of view. The United States will do all it can to establish this new dialogue.

—Most important, there must be new and broader forms of mobilizing the external resources for African development. The pattern of the multilateral consortium which in the past few years has aided Ghana should be employed more widely elsewhere. This will require the closest cooperation between the Africans and those who assist them. There is much to be gained also if we and others can help devise ways in which the more developed African states can share their resources with their African neighbors.

—The United States is firmly committed to noninterference in the Continent, but Africa's future depends also on the restraint of other great powers. No one should seek advantage from Africa's need for assistance, or from future instability. In his speech on February 12, Secretary Rogers affirmed that:

"We have deep respect for the independence of the African nations. We are not involved in their internal affairs. We want our relations with them to be on a basis of mutual respect, mutual trust and equality. We have no desire for any domination of any country or any area and have no desire for any special influence in Africa, except the influences that naturally and mutually develop among friends."

The Africa of the 1970's will need schools rather than sympathy, roads rather than rhetoric, farms rather than formulas, local development rather than lengthy sermons. We will do what we can in a spirit of constructive cooperation rather than by vague declarations of good will. The hard facts must be faced by Africans and their friends, and the hard work in every corner of the Continent must be done. A durable peace cannot be built if the nations of Africa are not true partners in the gathering prosperity and security which fortify that peace.

International economic policy

Peace has an economic dimension. In a world of independent states and interdependent economies, failure to collaborate is costly—in political as well as economic terms. Economic barriers block more than the free flow of goods and capital across national borders; they obstruct a more open world in which ideas and people, as well as goods and machinery, move among nations with maximum freedom.

Good U.S. economic policy is good U.S. foreign policy. The pre-eminent role that we play in the world economy gives us a special responsibility. In the economic sphere, more than in almost any other area, what we do has a tremendous impact on the rest of the world. Steady non-inflationary growth in our domestic economy will promote steady non-inflationary growth in the world as a whole. The stability of our dollar is essential to the stability of the world monetary system. Our continued support of a stronger world monetary system and freer trade is crucial to the expansion of world trade and investment on which the prosperity and development of most other countries depend.

As in other areas of foreign policy, our approach is a sharing of international responsibilities. Our foreign economic policy must be designed to serve our purpose of strengthening the ties that make partnership work.

We have an excellent foundation. In no

other area of our foreign policy has the record of cooperation been so long and so successful. From the 1944 Bretton Woods Conference (which created the International Monetary Fund) and the 1947 General Agreement on Tariffs and Trade (which established a code for the orderly conduct of trade), to the Kennedy Round of tariff negotiations and the recent creation of Special Drawing Rights free nations have worked together to build and strengthen a system of economic relationships. We derive strength from their strength; we collaborate for our common interest.

International monetary policy

International monetary matters pose most sharply the potential tug-of-war between interdependent economies and independent national policies. Each country's balance of payments encompasses the full range of its economic and political relations with other nations—trade, travel, investment, military spending, foreign aid. The international monetary system links these national payments positions, and hence the domestic economies of all countries. It thus lies at the heart of all international economic relations and it must function smoothly if world trade, international investment and political relations among nations are to prosper—particularly since imbalances inevitably arise as some countries temporarily spend more abroad than they earn, while others correspondingly earn more than they spend.

The system must include two elements:

—adequate supplies of internationally acceptable money and credit to finance payments imbalances among countries; and

—effective means through which national economies can adjust to one another to avoid the development of excessive and prolonged imbalances.

The inadequacies of both elements caused the recurring monetary crises of the 1960's.

An *adequate money supply* is needed internationally just as it is domestically. Shortages of internationally acceptable money induce national authorities to take hasty and often restrictive measures to protect their own monetary reserves, or to pull back from liberalization of trade and investment. Such actions clash with the objective of the international economic system, which precisely by freeing trade and capital, has helped promote the unparalleled prosperity of the postwar world. In short, an inadequate world money supply can hinder the pursuit of world prosperity which, in turn, can generate serious political problems among nations.

At the other extreme, excessive levels of world reserves could contribute to world inflation. They could permit countries to finance imbalances indefinitely, delaying too long the actions needed to adjust their own economies to those of their trading partners. Since failure to adjust may permit a country to drain resources away from the rest of the world, excessive levels of reserves can also generate serious political problems.

In 1969, the world took a step of profound importance by creating international money to help provide for adequate—neither too small nor too large—levels of world reserves. Through the International Monetary Fund, the United States joined with the other free nations to create, for an initial three-year period, almost $10 billion of Special Drawing Rights—a truly international money, backed by the entire community of free nations, created in amounts determined jointly by these nations, in recognition of the fact that a steadily growing world economy requires growing reserves.

There exist other types of internationally accepted money, particularly gold and dollars, which the world has previously relied upon and will continue to use. But it is clear that the relative role of gold must diminish. Our critical monetary arrangements must not rest on the vagaries of gold production. Nor should the world be forced to rely more heavily on dollars flowing from a U.S. payments deficit. This would appear to some as representing largely national determination of the international monetary supply, not wholly responsive to international needs. Moreover, prolonged deficits could jeopardize our own international financial position and cause concern about the stability of the dollar.

A truly international money was thus needed to meet a truly international problem. The nations of the world did not shrink from the bold innovation required to meet that need. As a result, the foundations of the world economy, and hence world stability, are far stronger today.

To be sure, the first creation of Special Drawing Rights does not by itself assure an adequate supply of internationally acceptable money. The international community will have to make periodic decisions on how many Special Drawing Rights to create. The relationship among the different types of international money—gold, dollars, and now Special Drawing Rights—could again cause problems. Most important, a steady economic performance by the United States will be necessary to maintain full international confidence in the dollar, whose stability remains crucial to the smooth functioning of the world economy. But we have gone a long way toward meeting the needs of an adequate supply of international money.

The second fundamental requirement of an international monetary system—*the mutual adjustment of national economies*—still calls for improvement. Imbalances among nations can only be financed temporarily. Constructive means must exist by which they can be rectified in an orderly way. Such adjustment should not require countries to resort to prolonged restrictions on international transactions, for this runs counter to the fundamental objective of an open world. Neither should it force countries to adopt internal economic policies, such as excessive rates of inflation or unemployment, which conflict with their national economic and social objectives. Both approaches have been adopted all too frequently in the past.

Improved means of adjustment are thus high on the agenda for the further development of the international monetary system in the 1970's. As economic interdependence accelerates, better coordination among national economies will become even more necessary. Such coordination must rest on a solid base of effective internal policies. For example, we in the United States must squarely face the fact that our inflation of the past five years—left unchecked—would not only undetermine our domestic prosperity but jeopardize the effort to achieve better international equilibrium. We look forward to the results of the international discussions, already under way, examining the means through which exchange rates between national currencies might be adjusted so that such changes, when they become necessary, can take place more promptly and less disruptively.

In this environment, the remaining restrictions on international transactions can be steadily reduced. We will do our share. That intent was plain in the actions we took in 1969 to relax our restraints on capital outflows for U.S. corporations and banks and to eliminate the most onerous restrictions on our aid to developing countries.

Trade Policy

Freer trade among all nations provides greater economic benefits for each nation. It minimizes potential political frictions as well. These conclusions are truer today than ever before, as the growing interdependence of the world economy creates new opportunities for productive exchange.

But growing interdependence also means greater reliance by each nation on all other nations. Each is increasingly exposed to its trading partners. In today's world, all major countries must pursue freer trade if each country is to do so. The principle of true reciprocity must lie at the heart of trade policy—as it lies at the heart of all foreign policy.

In 1969, the United States took a series of steps toward dismantling trade barriers and assuring fair treatment for our own industry and agriculture in world commerce. I submitted new trade legislation which proposed:

—Elimination of the American Selling Price system of tariff valuation for certain chemicals and other products, which would bring us immediate trade concessions in Europe and elsewhere. Because it is seen by many abroad as our most important non-tariff barrier to trade, its elimination might also open the door to further reductions of barriers to U.S. exports.

—Improvement of the means to help U.S. industries, firms and workers adjust to import competition.

—Restoration of Presidential authority to reduce tariffs by a modest amount, when necessary to promote U.S. trade interests.

—New Presidential authority to retaliate against other countries if their trading practices unfairly impede our own exports in world markets.

We called on our trading partners to begin serious discussions on the remaining non-tariff barriers to trade, which have become even more important as tariff levels have been reduced.

We took specific steps toward easing economic relations between the United States and Communist China.

Finally, we proposed a liberal system of tariff preferences for exports of the developing countries.

This proposal is designed to meet one of the world's major economic and political problems—the struggle of the developing countries to achieve a satisfactory rate of economic development. Development can be promoted by aid, but aid cannot and should not be relied on to do the whole job. The low-income countries need increased export earnings to finance the imports they need for development. They need improved access for their products to the massive markets of the industrialized nations. Such export increases must come largely in manufactured goods, since the demand for most primary commodities—their traditional exports—grows relatively slowly. And these countries are at early stages of industrialization, so they face major hurdles in competing with the industrialized countries for sales of manufactured goods.

Against this background, we proposed that all industrialized nations eliminate their tariffs on most manufactured products exported to them by all developing countries. Such preferential treatment would free an important and rapidly growing part of the trade between these two groups of nations. It would therefore provide an important new impetus to world economic development.

The main tasks for the immediate future are to complete the actions started in 1969:

—Passage of this Administration's trade bill.

—Progress in the international discussions on non-tariff barriers and impediments to trade in agricultural products.

—Successful resolution of the negotiations on tariff preferences.

Beyond these steps lie new challenges for U.S. trade policy. I am establishing a Commission on International Trade and Invest-

ment Policy to help develop our approaches to them:

—*Trade and Investment.* Foreign investment, symbolized by the multinational corporation, has become increasingly important in relation to the flows of goods which have been the focus of traditional trade policy. We must explore more fully the relationship between our trade and foreign investment policies.

—*Trade Adjustment.* We must learn how better to adjust our own economy to the dynamic forces of world trade, so that we can pursue our objective of freer trade without unacceptable domestic disruption.

—*East-West Trade.* We look forward to the time when our relations with the Communist countries will have improved to the point where trade relations can increase between us.

—*The European Community.* We will watch with great interest the developing relations between the European Community and other nations, some of which have applied for membership. The Community's trade policies will be of increasing importance to our own trade policy in the years ahead.

International Assistance

The international economic successes of the past have been mainly among the industrial nations. The successes of the future must occur at least equally in the economic relations between the industrial nations and the developing world. These new achievements may not be as dramatic as the creation of the Common Market, or the completion of the Kennedy Round of trade negotiations, or the birth of Special Drawing Rights. But the needs are at least as compelling.

There will be a continued requirement for international assistance to developing countries. First, however, we must be clear about what aid can do and what it cannot do. If aid is to be effective, its function must be understood by both donor and recipient.

Economic assistance is not a panacea for international stability, for political development, or even for economic progress. It is, literally, "assistance." It is a means of helping and supplementing the efforts of nations which are able to mobilize the resources and energies of their own people. There are no shortcuts to economic and social progress.

This is a reality, but also a source of hope. For collaborative effort can achieve much. And it is increasingly understood among developed and developing nations that economic development is an international responsibility.

Many of the frustrations and disappointments of development have come not so much from the failure of programs as from the gap between results and expectations. A new understanding of the scope of the challenge and the capacity of programs will help us set feasible goals, and then achieve them.

What will be America's part in this effort?

When I came into office, it was clear that our present assistance program did not meet the realities or needs of the 1970's. It was time for a searching reassessment of our objectives and the effectiveness of our institutions. I therefore named a Task Force on International Development, chaired by Mr. Rudolph Peterson, to explore the purposes and methods of our foreign assistance. Its report, due shortly, will provide the foundation for a new American policy.

One truth is already clear: a new American purpose and attitude are required, if our economic assistance is to contribute to development in the new environment of the 1970's. As I stated on October 31 in my address on Latin America:

"For years, we in the United States have pursued the illusion that we alone could remake continents. Conscious of our wealth and technology, seized by the force of good intentions, driven by habitual impatience, remembering the dramatic success of the Marshall Plan in postwar Europe, we have sometimes imagined that we knew what was best for everyone else and that we could and should make it happen. Well, experience has taught us better.

"It has taught us that economic and social development is not an achievement of one nation's foreign policy, but something deeply rooted in each nation's own traditions.

"It has taught us that aid that infringes pride is no favor to any nation.

"It has taught us that each nation, and each region, must be true to its own character."

In our reappraisal of the purposes and techniques of foreign assistance, we have already reached several conclusions and we have adopted policies to begin to carry them out:

—*Multilateral institutions must play an increasing role in the provision of aid.* We must enlist the expertise of other countries and of international agencies, thereby minimizing the political and ideological complications which can distort the assistance relationship. We are already contributing to a number of international and regional institutions: the International Development Association, the Inter-American Development Bank, and the Asian Development Bank. I will shortly propose a new U.S. contribution to the Special Funds of the Asian Bank. And I am prepared to respond positively to proposals for replenishment of the resources of the Inter-American Bank and the International Development Association.

—*The developing countries themselves must play a larger part in formulating their own development strategies.* Their own knowledge of the needs must be applied, their own energies mobilized to the tasks. This is the approach I emphasized in my address on Latin America.

—*Our bilateral aid must carry fewer restrictions.* I have therefore eliminated some of the most onerous restrictions on the U.S. aid program and have directed that all remaining restrictions be reviewed with the objective of modifying or eliminating them.

—*Private investment must play a central role in the development process, to whatever extent desired by the developing nations themselves.* I proposed, and Congress has authorized, an Overseas Private Inevstment Corporation to improve our efforts to make effective use of private Investment Corporation to improve attention to the developing countries in our relaxation of restraints on foreign investment by U.S. corporations.

—*Trade policy must recognize the special needs of the developing countries.* Trade is a crucial source of new resources for them. Thus, as already described, I have proposed and am urging a worldwide and comprehensive system of tariff preferences for the products of developing nations.

But these are only first steps. We are already considering the proposals of the Pearson Commission on International Development, sponsored by the World Bank. When the report of the Task Force on International Development becomes available, I will propose a fresh American assistance program, more responsive to the conditions of the 1970's.

Our new foreign aid program must distinguish clearly among the various purposes our assistance is designed to serve. Economic development requires sustained effort by donor and recipient alike. Assistance for this purpose will be wasted if—prompted by political considerations—it is deflected by the recipient or the donor to other ends. Similarly, we shall not be putting our own resources to their most productive use if we are unable to ensure continuity in our support.

We must focus on the achievement of our real objective—effective development—rather than on some arbitrary level of financial transfer. We shall need to see that various policies affecting the development process—trade, aid, investment—are fully coordinated. And new institutions will be needed to meet the realities and the challenges of the 1970's.

Thus, our assistance program, like the rest of our foreign policy, will be changed to serve the future rather than simply continued to reflect the habits of the past. We have already begun that change. I expect a new approach to foreign assistance to be one of our major foreign policy initiatives in the coming years.

United Nations

". . . let us press toward an open world—a world of open doors, open hearts, open minds—a world open to the exchange of ideas and of people, and open to the reach of the human spirit—a world open in the search for truth, and unconcerned with the fate of old dogmas and old isms—a world open at last to the light of justice, and the light of reason, and to the achievement of that true peace which the people of every land carry in their hearts and celebrate in their hopes." The President's Address to the 24th Session of the General Assembly, September 18, 1969.

The United Nations is both a symbol of the worldwide hopes for peace and a reflection of the tensions and conflicts that have frustrated these hopes.

Its friends can now look back with pride on 25 years of accomplishment. They also have a responsibility to study and apply the lessons of those years, to see what the UN can and cannot do. The UN, and its supporters, must match idealism in purpose with realism in expectation.

Some of its accomplishments have been highly visible—particularly the various international peacekeeping efforts that have helped to damp down or control local conflicts. Other accomplishments have been quiet but no less important, and deserve greater recognition—such as its promotion of human rights and its extensive economic, social, and technical assistance programs.

The UN provides a forum for crisis diplomacy and a means for multilateral assistance. It has encouraged arms control and helped nations reach agreements extending the frontiers of international law. And it offers a framework for private discussions between world leaders, free of the inflated expectations of summit meetings.

These achievements are impressive. But we have had to recognize that the UN cannot by itself solve fundamental international disputes, especially among the superpowers. Thus, we can as easily undermine the UN by asking too much of it as too little. We cannot expect it to be a more telling force for peace than its members make it. Peace today still depends on the acts of nations.

Last September 18, in my address to the General Assembly, I said:

"In this great assembly, the desirability of peace needs no affirmation. The methods of achieving it are what so greatly challenge our courage, our intelligence, our discernment.

"And surely if one lesson above all rings resoundingly among the many shattered hopes in this world, it is that good words are not a substitute for hard deeds and noble rhetoric is no guarantee of noble results."

I then suggested some specific tasks for the near future. These included:

—securing the safety of international travelers from airplane hijackings, on which the General Assembly has already acted;

—encouraging international voluntary service, which we stress both at home and in the Peace Corps overseas;

—fostering the interrelated objectives of economic development and population control;
—protecting the planet's threatened environment, a major challenge confronting us all, and to which our own nation and people are already addressing new programs and greater energies; and
—exploring the frontiers of space, an adventure whose excitement and benefits we continue to share with other nations.

In addition, as man's uses of the oceans grow, international law must keep pace. The most pressing issue regarding the law of the sea is the need to achieve agreement on the breadth of the territorial sea, to head off the threat of escalating national claims over the ocean. We also believe it important to make parallel progress toward establishing an internationally agreed boundary between the Continental Shelf and the deep seabeds, and on a regime for exploitation of deep seabed resources.

These are issues that transcend national differences and ideology, and should respond to effective multilateral action.

In an era when man possesses the power both to explore the heavens and desolate the earth, science and technology must be marshalled and shared in the cause of peaceful progress, whatever the political differences among nations. In numerous and varied fields—the peaceful use of atomic energy, the exploration and uses of outer space, the development of the resources of the ocean and the seabeds, the protection of our environment, the uses of satellites, the development of revolutionary transportation systems—we are working with others to channel the products of technological progress to the benefit of mankind.

My speech at the General Assembly underlined this country's continuing support for the organization. My decisions to ask Congress for funds to assist the expansion of the U.N.'s New York Headquarters and to submit to the Senate the U.N. Convention on Diplomatic Privileges and Immunities are examples of this support.

This year's 25th Anniversary of the United Nations is an occasion for more than commemoration. It is a time to acknowledge its realistic possibilities and to devise ways to expand them. It is a time to set goals for the coming years, particularly in such areas as international peacekeeping, the economic and social programs symbolized by the Second Development Decade, and the new environmental challenges posed by man's technological advances.

As the United Nations begins its second quarter century, America reaffirms its strong support for the principles and promise begun at San Francisco in 1945. Our task now—as for all U.N. members—is to help the organization in steady progress toward fulfillment of that promise.

PART III: AMERICA'S STRENGTH

Shaping our military posture

America's strength is the second pillar of the structure of a durable peace.

We aim for a world in which the importance of power is reduced; where peace is secured because the principal countries wish to maintain it. But this era is not yet here. We cannot entrust our future entirely to the self-restraint of countries that have not hesitated to use their power even against their allies. With respect to national defense, any President has two principal obligations: to be certain that our military preparations do not provide an incentive for aggression, but in such a way that they do not provoke an arms race which might threaten the very security we seek to protect.

A basic review of our defense policy was essential.

In January 1969 the need for such a review was compelling. Profound changes in the world called for a fresh approach to defense policy just as they required a new approach to foreign policy. In the past, technology was relatively stable; in the contemporary world a constantly changing technology produces a new element of insecurity. Formerly, any additional strength was strategically significant; today, available power threatens to outstrip rational objectives.

We had to examine the basic premises underlying our military planning and begin shaping a military posture appropriate to the environment of the 1970's.

We launched a thorough re-examination of past concepts and programs and the alternatives we should consider for the future. The review, which is continuing, produced a reform of both national security policies and decision-making processes which was the most far-reaching in almost two decades.

For the first time, the National Security Council has had the opportunity to review a broad and complete range of national strategies for both conventional and strategic forces. This review was undertaken in terms of security and budgetary implications five years into the future. Also for the first time, the relationship of various levels of defense spending to domestic priorities was spelled out in detail for a five-year period.

As a result of this review, our interests, our foreign policy objectives, our strategies and our defense budgets are being brought into balance—with each other and with our overall national priorities.

Four factors have a special relevance to our continuing reappraisal.

—*Military and Arms Control Issues:* First, we need to ask some fundamental questions to establish the premises for our military posture. For example:

In shaping our strategic nuclear posture, to what extent should we seek to maintain our security through the development of our strength? To what extent should we adopt unilateral measures of restraint? The judgment is delicate: the former course runs the risk of an arms race, the latter involves the danger of an unfavorable shift in the balance of power.

How would either course affect the prospects for a meaningful strategic arms limitation agreement with the Soviet Union in the years ahead?

What spectrum of threats can the United States responsibly deal with? Is it reasonable to seek to protect against every contingency from nuclear conflict to guerrilla wars?

—*Forward Planning:* Second, we have to plan ahead. Today's national security decisions must flow from an analysis of their implications well into the future. Many decisions on defense policies and programs will not have operational consequences for several years, in some cases for as much as a decade. Because planning mistakes may not show up for several years, deferral of hard choices is often tempting. But the ultimate penalty may be disastrous. The only responsible course is to face up to our problems and to make decisions in a long-term framework.

—*National Priorities*: Third, we have to weigh our national priorities. We will almost certainly not have the funds to finance the full range of necessary domestic programs in the years ahead if we are to maintain our commitment to non-inflationary economic growth. Defense spending is of course in a special category. It must never fall short of the minimum needed for security. If it does, the problem of domestic programs may become moot. But neither must we let defense spending grow beyond that justified by the defense of our vital interests while domestic needs go unmet.

—*Integrated Planning*: Finally, planning our national security policies and programs in given countries and regions has often been fragmented among agencies. For example, our intelligence analysts, defense planners, economists, and political analysts dealing with a given country may have been using different assumptions about our policy objectives, our expectations about the future, and even the basic facts about our policy choices. There was a need for analyses which would provide a commonly understood set of facts, evaluations and policy and program choices. These would serve as a basis for consideration by the National Security Council of what we should be doing in given countries and regions.

In summary, we asked the central doctrinal questions; we looked as much as a decade ahead; we weighed our national priorities; and we sought ways of integrating the diverse aspects of our planning. In this fashion, we have reviewed the premises of our military policies, discarded those that no longer serve our interests, and adopted new ones suited to the 1970's. The 1971 defense budget reflects the results of our re-examination, the transition from the old strategies and policies to the new.

The process of defense planning

This Administration found a defense planning process which left vague the impact of foreign policy on our military posture and provided an inadequate role for other agencies with a major stake in military issues. And it did little to relate defense and domestic priorities.

We set out to correct these deficiencies.

Insuring balanced decisions

Virtually every major defense issue has complex diplomatic, political, strategic and economic implications. To insure balanced decisions, we see to it that every agency has a full opportunity to contribute. The Director of the Arms Control and Disarmament Agency participates in deliberations on defense policy decisions that affect arms control prospects. In turn, the Secretary of Defense and the Joint Chiefs of Staff participate directly in the evaluation of arms control proposals. The Departments of State and Defense review with the Bureau of the Budget and the Council of Economic Advisers economic conditions that influence the magnitude of defense spending. The Department of State examines with Defense officials issues that affect our relationships with allies.

These interagency exchanges insure that I receive all views on key national security issues. Disagreements are identified and explored, not suppressed or papered over. The full range of choices is presented.

Setting Rational Priorities

Our great wealth and productive capacity still do not enable us to pursue every worthwhile national objective with unlimited means. Choices among defense strategies and budgets have a great impact on the extent to which we can pursue other national goals.

We have no precise way of measuring whether extra dollars spent for defense are more important than extra dollars spent for other needs. But we can and have described the domestic programs that are consistent with various levels of defense expenditures. The National Security Council thus has a basis for making intelligent choices concerning the allocation of available revenue among priority federal programs. I do not believe any previous President has had the benefit of such a comprehensive picture of the interrelationships among the goals he can pursue within the limits of the federal budget.

As a result, I have decided on defense strategy and budget guidelines for the next

five years that are consistent not only with our national security and the maintenance of our commitments but with our national priorities as well. This Administration is now in a position to weigh the impact of future changes in defense policies and programs on the whole fabric of government objectives.

Controlling the Defense Posture—The Defense Program Review Committee

To meet the objectives of balanced decisions and rational priorities, we made a basic addition to the National Security Council system. I directed the formation of the Defense Program Review Committee, consisting of the Assistant to the President for National Security Affairs (Chairman), the Under Secretary of State, the Deputy Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Director of the Bureau of the Budget, the Director of Central Intelligence and the Chairman of the Council of Economic Advisers. The Director of the Arms Control and Disarmament Agency, the President's Science Advisor, and the Chairman of the Atomic Energy Commission participate as appropriate.

This permanent Committee reviews major defense, fiscal, policy and program issues in terms of their strategic, diplomatic, political and economic implications and advises me and the National Security Council on its findings. For example, the Committee analyzed our options for proceeding with ballistic missile defenses on four separate occasions. This year, it will analyze our major strategic and fiscal choices over the next five years, together with the doctrinal, diplomatic and strategic implications of key weapons programs. It will do so while the defense budget for Fiscal Year 1972 is still in the earliest stages of formulation. The participation in this review by the Department of State, the Arms Control and Disarmament Agency, the Council of Economic Advisers, and other agencies insures that careful analysis and balanced evaluations will be available when the National Security Council next fall reviews our choices for 1972 and beyond.

Country and Regional Analysis and Program Budgeting

A major obstacle to the implementation of a consistent and coherent foreign policy is the multitude of U.S agencies and programs involved in activities in any one country or region. In the past it has been difficult for the President or the National Security Council to obtain a picture of the totality of our effort in any one country. Yet a rational foreign policy must start with such a comprehensive view.

To overcome this difficulty we have begun a series of country program analyses which will examine all U.S. programs in key countries and regions and their interrelationships.

The studies for the first time put every U.S. program into one budget framework. The basic tool for this analysis is the program budget, which allocates all of our expenditures in a country on the basis of the purposes served It permits us to make decisions or set guidelines for all of our programs simultaneously; in the past, they were examined largely agency by agency in isolation from one another.

The results of the country analysis studies are presented to the NSC in the form of integrated policy and program options based on alternative statements of interests, threats, and U.S. foreign policy objectives. After the NSC has considered these options, a decision can be made about the course of action to follow over the next several years.

Of course, our efforts start from the clearly understood, fundamental premise that U.S. policies and programs must relate in a logical and meaningful fashion to what our friends and allies wish to do for themselves. We are dealing with sovereign nations each of which has its own interests, its own priorities and its own capabilities. All our country programming is designed to do is to make our actions as effective as they can be consistent with our mutual interests.

I am convinced that such a comprehensive approach to country programs will lead to a decidedly improved foreign policy. We are conscious of the need not only to make sound policy decisions but also to execute them. The country analysis studies will result in both a decision document for all government agencies and firm five-year program guidelines, presented in the form of a program budget. The members of the NSC, as well as the country director in every agency and our ambassadors in the field, then have a means of making sure that our decisions are followed up.

Strategic policy

The Changing Strategic Balance

Following World War II, the U.S. had a monopoly of strategic nuclear weapons. Throughout most of the 1950's, our virtual monopoly of intercontinental nuclear delivery capability, in the form of a large force of Strategic Air Command bombers, gave us an overwhelming deterrent.

This assessment was unchallenged until it became apparent in the late 1950's that the Soviet Union possessed the potential for developing and deploying a force of intercontinental ballistic missiles that could destroy a large part of our strategic bomber force on the ground. The fear that our deterrent to nuclear war was in great jeopardy, though it later proved exaggerated, focused our attention on maintaining our nuclear superiority.

In 1961, the new Administration accelerated our Polaris submarine and Minuteman ICBM programs and put more of our strategic bombers on alert. These measures provided a clear margin of U.S. nuclear superiority for several years. They restored our confidence in our deterrent; we now had two forces, our Polaris submarines and our Minuteman ICBM's, deployed in hardened underground silos, that were virtually invulnerable to attack by the Soviet Union with the then-existing technology.

However, after 1965, the Soviets stepped up their ICBM deployments and began to construct their own force of Polaris-type submarines. And they began to test multiple warheads for their SS–9 ICBM, a weapon which can carry roughly ten times as much as our Minuteman missile.

Once again, U.S. strategic superiority was being challenged. However, this time, the Johnson Administration decided not to step up deployments. This restraint was based on two judgments. First, it was believed that there was relatively little we could do to keep the Soviets from developing over a period of time a strategic posture comparable in capability to our own. Second, it was thought that nuclear superiority of the kind we had previously enjoyed would have little military or political significance because our retaliatory capability was not seriously jeopardized by larger Soviet forces and because their goal was in all likelihood a retaliatory capability similar to ours.

As a result of these developments, an inescapable reality of the 1970's is the Soviet Union's possession of powerful and sophisticated strategic forces approaching, and in some categories, exceeding ours in numbers and capability.

Recent Soviet programs have emphasized both quantitative increases in offensive and defensive forces and qualitative improvements in the capabilities of these forces—such as a new, more accurate warhead and perhaps penetration aids for their Minuteman-type SS–11 missile, continued testing of the multiple warhead for the SS–9, and research and development on improved components for their ABM system, together with improved coverage by their ABM radars. The following table shows the growth in Soviet land- and submarine-based missile forces in the last five years.

OPERATIONAL UNITED STATES AND SOVIET MISSILES

	1965 (Mid-year)	1970 (Projected for year end)
Intercontinental ballistic missiles:		
United States	923	1,054
Soviet	224	1,290
Submarine launched ballistic missiles:		
United States	464	656
Soviet	107	300

The Soviet missile deployments are continuing, whereas ours have leveled off. In the 1970's we must also expect to see Communist China deploy intercontinental ballistic missiles, seriously complicating strategic planning and diplomacy.

The evolution of U.S. and Soviet strategic capabilities during the past two decades was accompanied by intense doctrinal debates over the political and military roles of strategic forces and the appropriate criteria for choosing them.

The strategic doctrine that had gained the greatest acceptance by the time my Administration took office was this: According to the theory of "assured destruction," deterrence was guaranteed if we were sure we could destroy a significant percentage of Soviet population and industry after the worst conceivable Soviet attack on our strategic forces. The previous Administration reasoned that since we had more than enough forces for this purpose, restraint in the build-up of strategic weapons was indicated regardless of Soviet actions. Further, it hoped that U.S. restraint in strategic weapons developments and deployments would provide a strong incentive for similar restraint by the Soviet Union, thus enhancing the likelihood of a stable strategic relationship between the two nuclear superpowers.

A Policy for the 1970's

Once in office, I concluded that this strategic doctrine should be carefully reviewed in the light of the continued growth of Soviet strategic capabilities. Since the Soviets were continuing their ambitious strategic weapons program, we had to ask some basic questions. Why might a nuclear war start or be threatened? In this light, what U.S. strategic capabilities are needed for deterrence?

We sought, in short, a strategic goal that can best be termed "sufficiency."

Our review took full account of two factors that have not existed in the past.

First, the Soviets' present build-up of strategic forces, together with what we know about their development and test programs, raises serious questions about where they are headed and the potential threats we and our allies face. These questions must be faced soberly and realistically.

Second, the growing strategic forces on both sides pose new and disturbing problems. Should a President, in the event of a nuclear attack, be left with the single option of ordering the mass destruction of enemy civilians, in the face of the certainty that it would be followed by the mass slaughter of Americans? Should the concept of assured destruction be narrowly defined and should it be the only measure of our ability to deter the variety of threats we may face?

Our review produced general agreement that the overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority. We must insure that all potential aggressors

see unacceptable risks in contemplating a nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war, such as a Soviet conventional attack on Europe.

Beyond this general statement, our primary task was to decide on the yardsticks that should be used in evaluating the adequacy of our strategic forces against the projected threats. This issue took on added importance because such yardsticks would be needed for assessing the desirability of possible strategic arms limitation agreements with the Soviet Union.

We reached general agreement within the government on four specific criteria for strategic sufficiency. These represent a significant intellectual advance. They provide for both adequacy and flexibility. They will be constantly reviewed in the light of a changing technology.

Designing Strategic Forces

Having settled on a statement of strategic purposes and criteria, we analyzed possible U.S. strategic force postures for the 1970's and beyond. We reviewed alternatives ranging from "minimum deterrence"—a posture built around ballistic missile submarines and the assured destruction doctrine narrowly interpreted—to attempts at recapturing numerical superiority through accelerated U.S. strategic deployments across the board.

There was general agreement that postures which significantly reduced or increased our strategic programs and deployments involved undesirable risks:

—*Sharp cutbacks would not permit us to satisfy our sufficiency criteria, and might provoke the opposite Soviet reaction.* If the U.S. unilaterally dropped out of the strategic arms competition, the Soviets might well seize the opportunity to step up their programs and achieve a significant margin of strategic superiority. The vigor and breadth of their current strategic weapons programs and deployments, which clearly exceed the requirements of minimum deterrence, make such a possibility seem far from remote. They might also—paradoxically—eliminate any Soviet incentives for an agreement to limit strategic arms, and would raise serious concerns among our allies. This is particularly true for our NATO allies who view the U.S. commitment to deter Soviet aggression as being based mainly on our maintenance of a powerful strategic posture.

—*Sharp increases, on the other hand, might not have any significant political or military benefits.* Many believe that the Soviets would seek to offset our actions, at least in part, and that Soviet political positions would harden, tensions would increase, and the prospect for reaching agreements to limit strategic arms might be irreparably damaged.

What ultimately we must do in between these extremes will depend, of course, on many factors. Will the Soviets continue to expand their strategic forces? What will be their configuration? What understanding might we reach on strategic arms limitations? What weapons systems might be covered by agreements?

I recognize that decisions on shaping our strategic posture are perhaps the most complex and fateful we face. The answers to these questions will largely determine whether we will be forced into increased deployments to offset the Soviet threat to the sufficiency of our deterrent, or whether we and the Soviet Union can together move from an era of confrontation to one of negotiation, whether jointly we can pursue responsible, nonprovocative strategic arms policies based on sufficiency as a mutually shared goal or whether there will be another round of the arms race.

The Role of Ballistic Missile Defense

My decision to continue with the construction of the Safeguard anti-ballistic missile system is fully consistent with our criteria and with our goal of effective arms limitation.

I would like to recall what I said last March about the problem that led us to seek approval of the first phase of the Safeguard program:

"The gravest responsibility which I bear as President of the United States is for the security of the Nation. Our nuclear forces defend not only ourselves but our allies as well. The imperative that our nuclear deterrent remain secure beyond any possible doubt requires that the U.S. must take steps now to insure that our strategic retaliatory forces will not become vulnerable to a Soviet attack."

I believed then, and I am even more convinced today, that there is a serious threat to our retaliatory capability in the form of the growing Soviet forces of ICBM's and ballistic missile submarines, their multiple warhead program for the SS–9 missile, their apparent interest in improving the accuracy of their ICBM warheads, and their development of a semi-orbital nuclear weapon system. That this threat continues to be serious was confirmed by my Foreign Intelligence Advisory Board—an independent, bipartisan group of senior outside advisors—which recently completed its own review of the strategic threats we face.

I pointed out in the same statement that we cannot ignore the potential Chinese threat against the U.S. population, as well as the danger of an accidental or unauthorized attack from any source. Nor can we dismiss the possibility that other countries may in the future acquire the capability to attack the U.S. with nuclear weapons. Today, any nuclear attack—no matter how small; whether accidental, unauthorized or by design; by a superpower or by a country with only a primitive nuclear delivery capability—would be a catastrophe for the U.S., no matter how devastating our ability to retaliate.

No Administration with the responsibility for the lives and security of the American people could fail to provide every possible protection against such eventualities.

Thus on March 14, 1969, I stated the objectives of the Safeguard program:

"This measured deployment is designed to fulfill three objectives:

"1. Protection of our land-based retaliatory forces against a direct attack by the Soviet Union.

"2. Defense of the American people against the kind of nuclear attack which Communist China is likely to be able to mount within the decade.

"3. Protection against the possibility of accidental attacks."

I further described the system as follows:

"We will provide for local defense of selected Minuteman missile sites and an area defense designed to protect our bomber bases and our command and control authorities. In addition, this system will provide a defense of the Continental United States against an accidental attack and will provide substantial protection against the kind of attack which the Chinese Communists may be capable of launching throughout the 1970's. This deployment will not require us to place missile and radar sites close to our major cities."

Last year, I promised that "each phase of the deployment will be reviewed to insure that we are doing as much as necessary but not more than that required by the threat existing at that time." I further indicated that in strategic arms limitation talks with the Soviet Union, the United States will be fully prepared to discuss limitations on defensive as well as offensive weapons systems.

The further steps I shall propose will be consistent with these pledges. The Secretary of Defense will put forward a minimum program essential for our security. It fully protects our flexibility in discussing limitations on defensive weapons with the Soviet Union. It is my duty as President to make certain that we do no less.

General purpose forces

Premises

When I examined the objectives established for our general purpose forces, I concluded that we must emphasize three fundamental premises of a sound defense policy:

First, while strategic forces must deter *all* threats of general war no matter what the cost, our general purpose forces must be more sensitively related to local situations and particular interests.

Second, while the possession of 95 per cent of the nuclear power of the non-Communist world gives us the primary responsibility for nuclear defense, the planning of general purpose forces must take into account the fact that the manpower of our friends greatly exceeds our own, as well as our heavy expenditures for strategic forces.

Third, we cannot expect U.S. military forces to cope with the entire spectrum of threats facing allies or potential allies throughout the world. This is particularly true of subversion and guerrilla warfare, or "wars of national liberation." Experience has shown that the best means of dealing with insurgencies is to preempt them through economic development and social reform and to control them with police, paramilitary and military action by the threatened government.

We may be able to supplement local efforts with economic and military assistance. However, a direct combat role for U.S. general purpose forces arises primarily when insurgency has shaded into external aggression or when there is an overt conventional attack. In such cases, we shall weigh our interests and our commitments, and we shall consider the efforts of our allies, in determining our response.

The United States has interests in defending certain land areas abroad as well as essential air and sea lines of communication. These derive from:

—the political and economic importance of our alliances;

—our desire to prevent or contain hostilities which could lead to major conflicts and thereby endanger world peace; and

—the strategic value of the threatened area as well as its line of communications.

The military posture review I initiated the day I took office included a thorough examination of our general purpose forces. This study explored in turn our interests, the potential threats to those interests, the capabilities of our allies both with and without our assistance, and the relationship of various strategies to domestic priorities.

The National Security Council examined five different strategies for general purpose forces and related each one to the domestic programs which could be supported simultaneously. Thus, for the first time, national security and domestic priorities were considered together. In fact, two strategies were rejected because they were not considered essential to our security and because they would have thwarted vital domestic programs.

We finally decided on a strategy which represented a significant modification of the doctrine that characterized the 1960's.

The stated basis of our conventional posture in the 1960's was the so-called "2½ war" principle. According to it, U.S. forces would be maintained for a three-month conventional forward defense of NATO, a defense of Korea or Southeast Asia against a full-scale

Chinese attack, and a minor contingency—all simultaneously. These force levels were never reached.

In the effort to harmonize doctrine and capability, we chose what is best described as the "1½ war" strategy. Under it we will maintain in peacetime general purpose forces adequate for simultaneously meeting a major Communist attack in either Europe or Asia, assisting allies against non-Chinese threats in Asia, and contending with a contingency elsewhere.

The choice of this strategy was based on the following considerations:

—the nuclear capability of our strategic and theater nuclear forces serves as a deterrent to full-scale Soviet attack on NATO Europe or Chinese attack on our Asian allies;

—the prospects for a coordinated two-front attack on our allies by Russia and China are low both because of the risks of nuclear war and the improbability of Sino-Soviet cooperation. In any event, we do not believe that such a coordinated attack should be met primarily by U.S. conventional forces;

—the desirability of insuring against greater than expected threats by maintaining more than the forces required to meet conventional threats in one theater—such as NATO Europe;

—weakness on our part would be more provocative than continued U.S. strength, for it might encourage others to take dangerous risks, to resort to the illusion that military adventurism could succeed.

To meet the requirements for the strategy we adopted, we will maintain the required ground and supporting tactical air forces in Europe and Asia, together with naval and air forces. At the same time, we will retain adequate active forces in addition to a full complement of reserve forces based in the United States. These force levels will be spelled out in greater detail in the program and budget statement of the Secretary of Defense.

PART IV: AN ERA OF NEGOTIATION

An era of negotiation

The President's Inaugural Address: "We cannot expect to make every one our friend but we can try to make no one our enemy."

Twenty years ago the United States and what was then the Communist bloc could be resigned to the mutual hostility that flowed from deep-seated differences of ideology and national purpose. Many of those differences remain today. But the changes of two decades have brought new conditions and magnified the risks of intractable hostility.

—For us as well as our adversaries, in the nuclear age the perils of using force are simply not in reasonable porportion to most of the objectives sought in many cases. The balance of nuclear power has placed a premium on negotiation rather than confrontation.

—We both have learned too that great powers may find their interests deeply involved in local conflict—risking confrontation—yet have precariously little influence over the direction taken by local forces.

—The nuclear age has also posed for the United States and the Communist countries the common dangers of accident or miscalculation. Both sides are threatened, for example, when any power seeks tactical advantage from a crisis and risks provoking a strategic response.

—Reality has proved different from expectation for both sides. The Communist world in particular has had to learn that the spread of Communism may magnify international tensions rather than usher in a period of reconciliation as Marx taught.

Thus, in a changing world, building peace requires patient and continuing communication. Our first task in that dialogue is fundamental—to avert war. Beyond that, the United States and the Communist countries must negotiate on the issues that divide them if we are to build a durable peace. Since these issues were not caused by personal disagreements, they cannot be removed by mere atmospherics. We do not delude ourselves that a change of tone represents a change of policy. We are prepared to deal seriously, concretely and precisely with outstanding issues.

The lessons of the post-war period in negotiations with the Communist states—a record of some success, though much more of frustration—point to three clear principles which this Administration will observe in approachng negotiations in the 1970's.

First: We will deal with the Communist countries on the basis of a precise understanding of what they are about in the world, and thus of what we can reasonably expect of them and ourselves. Let us make no mistake about it—leaders of the Communist nations are serious and determined. Because we do take them seriously, we will not underestimate the depth of ideological disagreement or the disparity between their interests and ours. Nor will we pretend that agreement is imminent by fostering the illusion that they have already given up their beliefs or are just about to do so in the process of negotiations.

It is precisely these differences which require creation of objective conditions—negotiation by negotiation—from which peace can develop despite a history of mistrust and rivalry. We may hope that the passage of time and the emergence of a new generation in the Communist countries will bring some change in Communist purposes. But failing that, we must seek in the most practical way to influence Communist action.

It will be the policy of the United States, therefore, not to employ negotiations as a forum for cold-war invective, or ideological debate. We will regard our Communist adversaries first and foremost as nations pursuing their own interests as *they* perceive these interests, just as we follow our own interests as we see them. We will judge them by their actions as we expect to be judged by our own. Specific agreements, and the structure of peace they help build, will come from a realistic accommodation of conflicting interests.

A second principle we shall observe in negotiating with the Communist countries relates to how these negotiations should be conducted—how they should be judged by peoples on both sides anxious for an easing of tensions. All too often in the past, whether at the summit or lower levels, we have come to the conference table with more attention to psychological effect than to substance. Naive enthusiasm and even exaltation about the fact that a negotiation will be held only tends to obscure the real issues on whose resolution the success of the talks depends. Then, since the results are almost always less dramatic than expected, the false euphoria gives way to equally false hopelessness.

Negotiations must be, above all, the result of careful preparation and an authentic give-and-take on the issues which have given rise to them. They are served by neither bluff abroad nor bluster at home.

We will not become psychologically dependent on rapid or extravagant progress. Nor will we be discouraged by frustration or seeming failure. The stakes are too high, and the task too great, to judge our effort in any temporary perspective. We shall match our purpose with perseverance.

The third essential in successful negotiations is an appreciation of the context in which issues are addressed. The central fact here is the inter-relationship of international events. We did not invent the interrelationship; it is not a negotiating tactic. It is a fact of life. This Administration recognizes that international developments are entwined in many complex ways: political issues relate to strategic questions, political events in one area of the world may have a far-reaching effect on political developments in other parts of the globe.

These principles emphasize a realistic approach to seeking peace through negotiations. They are a guide to a gradual and practical process of building agreement on agreement. They rest upon the basic reality which underlies this Administration's dealings with the Communist states: We will not trade principles for promises, or vital interests for atmosphere. We shall always be ready to talk seriously and purposefully about the building of a stable peace.

The Soviet Union

The general principles outlined above apply fully to our approach to issues between the United States and the Soviet Union.

The Soviet Union shares with other countries the overwhelming temptation to continue to base its policies at home and abroad on old and familiar concepts. But perceptions framed in the Nineteenth Century are hardly relevant to the new era we are now entering.

If we have had to learn the limitations of our own power, the lessons of the last two decades must have left their imprint on the leadership in the Kremlin—in the recognition that Marxist ideology is not the surest guide to the problems of a changing industrial society, the worldwide decline in the appeal of ideology, and most of all in the foreign policy dilemmas repeatedly posed by the spread of Communism to states which refuse to endure permanent submission to Soviet authority—a development illustrated vividly by the Soviet schism with China.

The central problem of Soviet-American relations, then, is whether our two countries can transcend the past and work together to build a lasting peace.

In 1969, we made a good beginning. In this first year of my Administration we ratified the Non-Proliferation Treaty; we made progress in negotiating arms control on the seabed; we took steps to further the prospects of agreement regarding chemical and biological methods of warfare; we engaged in talks on a Middle Eastern settlement; and we began negotiations on the limitation of strategic arms—the most important arms control negotiations this country has ever entered. In concert with our allies, we have also offered to negotiate on specific issues in Europe: history has taught us that if crises arise in Europe, the world at large cannot long expect to remain unaffected.

But while certain successes have been registered in negotiations and there is cause for cautious optimism that others will follow, our overall relationship with the USSR remains far from satisfactory. To the detriment of the cause of peace, the Soviet leadership has failed to exert a helpful influence on the North Vietnamese in Paris. The overwhelming majority of the war materiel that reaches North Vietnam comes from the USSR, which thereby bears a heavy responsibility for the continuation of the war. This cannot help but cloud the rest of our relationship with the Soviet Union.

In the Middle East talks, too, we have not seen on the Soviet side that practical and constructive flexibility which is necessary for a successful outcome, and without which the responsibility of the great powers in the search for a settlement cannot be met. We see evidence, moreover, that the Soviet Union seeks a position in the area as a whole which would make great power rivalry more likely.

We hope that the coming year will bring evidence that the Soviets have decided to seek a durable peace rather than continue along the roads of the past.

It will not be the sincerity or purpose of the Soviet leadership that will be at issue. The tensions between us are not generated by personal misunderstandings, and neither side does anyone a service by so suggesting. Peace does not come simply with statesmen's smiles. At issue are basic questions of long conflicting purposes in a world where no one's interests are furthered by conflict. Only a straightforward recognition of that reality—and an equally direct effort to deal with it—will bring us to the genuine cooperation which we seek and which the peace of the world requires.

Eastern Europe

The nations of Eastern Europe have a history with many tragic aspects. Astride the traditional invasion routes of the Continent, they have suffered long periods of foreign occupation and cultural suppression. And even when they gained independence—many of them following World War I—they remained the prey of powerful neighbors.

We are aware that the Soviet Union sees its own security as directly affected by developments in this region. Several times, over the centuries, Russia has been invaded through Central Europe; so this sensitivity is not novel, or purely the product of Communist dogma.

It is not the intention of the United States to undermine the legitimate security interests of the Soviet Union. The time is certainly past, with the development of modern technology, when any power would seek to exploit Eastern Europe to obtain strategic advantage against the Soviet Union. It is clearly no part of our policy. Our pursuit of negotiation and detente is meant to reduce existing tensions, not to stir up new ones.

By the same token, the United States views the countries of Eastern Europe as sovereign, not as parts of a monolith. And we can accept no doctrine that abridges their right to seek reciprocal improvement of relations with us or others.

We are prepared to enter into negotiations with the nations of Eastern Europe, looking to a gradual normalization of relations. We will adjust ourselves to whatever pace and extent of normalization these countries are willing to sustain.

Progress in this direction has already been achieved in our relations with Romania. My visit to that country last summer—which will remain unforgettable for me in human terms—set in motion a series of cooperative programs in the economic, technical, scientific and cultural fields. We intend to pursue these with vigor. My talks with President Ceausescu also began the process of exchanging views on broader questions of mutual concern which, in our view, will contribute to a general improvement of the communication between West and East. A similar relationship is open to any Communist country that wishes to enter it.

Stability and peace in Europe will be enhanced once its division is healed. The United States, and the nations of Western Europe, have historic ties with the peoples and nations of Eastern Europe, which we wish to maintain and renew.

As I said in my toast to President Ceausescu during my visit to Romania last August:

"We seek, in sum, a peace not of hegemonies, and not of artificial uniformity, but a peace in which the legitimate interests of each are respected and all are safeguarded."

Communist China

The Chinese are a great and vital people who should not remain isolated from the international community. In the long run, no stable and enduring international order is conceivable without the contribution of this nation of more than 700 million people.

Chinese foreign policy reflects the complexity of China's historical relationships with the outside world. While China has the longest unbroken history of self-government in the world, it has little experience in dealing with other nations on a basis of equal sovereignty. Predominant in Asia for many centuries, these gifted and cultured people saw their society as the center of the world. Their tradition of self-imposed cultural isolation ended abruptly in the Nineteenth Century, however, when an internally weak China fell prey to exploitation by technologically superior foreign powers.

The history inherited by the Chinese Communists, therefore, was a complicated mixture of isolation and incursion, of pride and humiliation. We must recall this unique past when we attempt to define a new relationship for the future.

Nor can we underestimate the gulf of ideology between us, or the apparent differences in interests and how we interpret world events. While America has historic ties of friendship with the Chinese people, and many of our basic interests are not in conflict, we must recognize the profound gulf of suspicion and ideology.

The principles underlying our relations with Communist China are similar to those governing our policies toward the USSR. United States policy is not likely soon to have much impact on China's behavior, let alone its ideological outlook. But it is certainly in our interest, and in the interest of peace and stability in Asia and the world, that we take what steps we can toward improved practical relations with Peking.

The key to our relations will be the actions each side takes regarding the other and its allies. We will not ignore hostile acts. We intend to maintain our treaty commitment to the defense of the Republic of China. But we will seek to promote understandings which can establish a new pattern of mutually beneficial actions.

I made these points to the leaders I met throughout my trip to Asia, and they were welcomed as constructive and realistic.

We have avoided dramatic gestures which might invite dramatic rebuffs. We have taken specific steps that did not require Chinese agreement but which underlined our willingness to have a more normal and constructive relationship. During the year, we have:

—made it possible for American tourists, museums, and others to make non-commercial purchases of Chinese goods without special authorization;

—broadened the categories of Americans whose passports may be automatically for travel in Communist China, to include members of Congress, journalists, teachers, post-graduate scholars and college students, scientists, medical doctors and representatives of the American Red Cross;

—permitted subsidiaries of American firms abroad to engage in commerce between Communist China and third countries.

The resumption of talks with the Chinese in Warsaw may indicate that our approach will prove useful. These first steps may not lead to major results at once, but sooner or later Communist China will be ready to re-enter the international community.

Our desire for improved relations is not a tactical means of exploiting the clash between China and the Soviet Union. We see no benefit to us in the intensification of that conflict, and we have no intention of taking sides. Nor is the United States interested in joining any condominium or hostile coalition of great powers against either of the large Communist countries. Our attitude is clearcut—a lasting peace will be impossible so long as some nations consider themselves the permanent enemies of others.

Arms control

There are no areas in which we and the Soviet Union—as well as others—have a greater common interest than in reaching agreement with regard to arms control.

The traditional course of seeking security primarily through military strength raises several problems in a world of multiplying strategic weapons.

—Modern technology makes any balance precarious and prompts new efforts at ever higher levels of complexity.

—Such an arms race absorbs resources, talents and energies.

—The more intense the competition, the greater the uncertainty about the other side's intentions.

—The higher the level of armaments, the greater the violence and devastation should deterrence fail.

For these reasons I decided early in the Administration that we should seek to maintain our security whenever possible through cooperative efforts with other nations at the lowest possible level of uncertainty, cost, and potential violence.

Our careful preparations for the Strategic Arms Limitation Talks (SALT) with the Soviet Union were designed to achieve this objective.

Preparations for SALT

Our immediate problem was to determine what measures would be most practical in slowing the momentum of armament and work out a procedure most likely to yield useful discussions.

In preparing for these negotiations, we were tempted to follow the traditional pattern of settling on one agreed position and launching discussions with the other side on this basis. We could have adopted the specific package proposal developed by the previous Administration or we could have quickly formulated an alternative plan. In my judgment there were two major problems with this approach.

First, I was convinced that we lacked the comprehensive and detailed body of facts and analyses to take account of the most recent developments in Soviet and U.S. strategic programs.

Second, we would have been engaged in a negotiating process—with the inevitable investment of prestige—before either side had defined its purposes. There was a danger of turning SALT into a tactical exercise or even more the kind of propaganda battle characteristic of some previous disarmament conferences.

Too much depended on these talks, for our nation and all mankind, to rush into them partially prepared. We decided that a clarification of objectives and factual data would allow us to discuss proposals in a coherent framework, and ultimately speed up negotiations. We assumed further that if the other side had a serious interest in exploring the possibilities of strategic arms limitations they would have a joint interest with us to analyze the issues which would have to be resolved before a satisfactory agreement could be reached. For an agreement to limit strategic arms can be lasting only if it enhances the sense of security of *both* sides. It is in the mutual interest therefore to clarify each other's intentions.

Therefore, instead of attempting to hammer out an agreed government position or a simple proposal, we chose a different course.

We first laid out preliminary models of possible strategic arms limitation agreements. We compared these both with each other and with the situation most likely to prevail in the absence of an agreement. This process greatly improved our understanding of the types of agreements we should consider and pointed up some of the fundamental issues. In order to resolve these issues, I directed the formation of a Verification Panel to examine the verification aspects and strategic implications of curbs on individual weapons systems and then combinations of them.

The Panel took each strategic weapons system in isolation (e.g., ICBM's or ABM's) and explored all the issues that would be involved

in its limitation. We knew that any agreement had to be verified and we knew too the reluctance of the Soviet Union to accept on-site inspection. The Verification Panel therefore analyzed in detail what we could do unilaterally. Specifically, it surveyed our intelligence capability to monitor the other side's compliance with a curb for each weapon system; the precise activities that would have to be restricted to ensure confidence in the effectiveness of the limitation; and the impact of the limitation on U.S. and Soviet strategic weapons programs.

The analysis of our capability to verify individual weapons systems provided the building blocks for analyzing various combinations of limitations. These building blocks were combined in various positions which can be grouped in three general categories. This will enable us to respond to a broad range of Soviet proposals. These categories are:

1. *Limitation on numbers of missiles.* A ceiling would be placed on numbers of missiles without an attempt to restrain qualitative improvements like MIRV (multiple independently targeted re-entry vehicles). In general, these options would stop the growth of some or all strategic missile forces. They would not change the qualitative race.

2. *Limitations on numbers and capabilities of missiles.* These options would not only limit the numbers of missiles but also their capabilities, including qualitative controls over such weapons as MIRV's. The hard issues here center around verification since the determination of quality requires a more intensive inspection than quantity.

3. *Reduce offensive forces.* This approach would attempt to reduce the number of offensive forces without qualitative restrictions on the theory that at fixed and lower levels of armaments the risks of technological surprise would be reduced.

Each of these options was analyzed in relation to various levels of strategic defensive missiles, ABM's.

The manner in which these studies were carried out contributed to their scope and their success. Discussions explored substantive issues rather than exchanging rigidly defined bureaucratic positions. Consistent with the overall philosophy of the NSC system, we focused on comprehensive assessments of the issues and alternatives rather than on attainable compromises. This presented me with clear choices, clear disagreements, and clear rationales. In the process we established a comprehensive inventory of the possibilities of a wide range of limitations. This should greatly enhance our flexibility in the forthcoming negotiations.

The SALT negotiations involve fundamental security issues for our NATO allies, as well as Japan. We have fully consulted them, engaging their views and expertise at every stage of the process. In July we discussed in great detail the relationship of SALT to the overall strategic balance with our allies and we presented the various options as we saw them then. In early November we consulted in greater detail on our approach to the first phase of SALT. We intend to continue to work closely with our allies as the negotiations continue. We consider our security inseparable from theirs.

This process involved the most intensive study of strategic arms problems ever made by this or any other government. And this process had several advantages. We were not tied to a single position; instead we had building blocks for several different positions depending on our decisions and what might prove negotiable. Opening talks with the Soviets could concentrate on the principles and objectives underlying *any* type of strategic arms agreement.

Preliminary talks in Helsinki opened November 17 and continued until December 22. Our experience there confirmed the validity of our approach. The discussions were serious and businesslike. The Soviet representatives demonstrated considerable preparation. They also seemed to welcome the "building block" approach. We were able to develop an agreed work program for further discussions without acrimony and in full awareness of the likely nature of such discussions. Above all, we could explore each other's purposes without getting bogged down in negotiating details.

From a discussion of basic principles and objectives we plan to move in April in Vienna to more specific positions. We enter this next phase with a well-developed body of technical analysis and evaluations, which is being continuously expanded and improved by the Verification Panel and the NSC process. And we will make a determined effort throughout these negotiations to reach agreements that will not only protect our national security but actually enhance it.

Chemical and Biological Weapons

We are prepared to take any unilateral arms control action that will not compromise our security and will minimize the danger that certain weapons will ever be developed or used by any nation. A good example is the field of chemical and biological weapons. After extensive study, I determined that a new American policy would strengthen ongoing multilateral efforts to restrict the use of these weapons by international law. We hope that other nations will follow our example and restrict their own programs unilaterally.

When I took office, the chemical and biological defense programs of the United States had gone unexamined and unanalyzed by policymakers for 15 years. I directed a comprehensive NSC system review of the premises, issues, and technical details involved. This major six-month study was the first thorough reassessment of this subject that had ever taken place at the Presidential level. After a National Security Council meeting in early November, I announced my specific decisions on November 25:

—*Chemical Warfare:* First, I reaffirmed the longstanding policy that the United States will never be the first to use lethal chemicals in any conflict. Second, I extended this policy to include incapacitating chemical weapons. Third, I am submitting the 1925 Geneva Protocol—which prohibits the use of chemical and biological weapons in warfare—to the Senate for its advice and consent to ratification.

—*Biological Research:* I declared that the United States is renouncing biological warfare, since biological warfare would have massive, unpredictable, and potentially uncontrollable consequences. The United States will not engage in the development, procurement, or stockpiling of biological weapons. We shall restrict our biological program to research for defensive purposes, strictly defined—such as techniques of immunization, safety measures, and the control and prevention of the spread of disease. The United States has associated itself with the objectives of the United Kingdom draft convention banning the use of biological weapons, submitted to the Conference of the Committee on Disarmament at Geneva in 1969.

In addition, on February 14, 1970, the United States renounced offensive preparations for the use of toxins as a method of warfare. We declared that we will confine our military programs for toxins to research for defensive purposes only, and announced that all existing toxin weapons and stocks of toxins which are not required for this research would be destroyed. Although the U.N. Secretary General and World Health Organization have declared that toxins are chemicals, they produce effects commonly decribed as disease, and are produced by facilities similar to those needed for the production of biological agents. Hence we decided to remove any ambiguity in the interest of progress toward arms control.

As I stated on November 25, "Mankind already carries in its own hands too many of the seeds of its own destruction." By the examples we set, we hope to lead the way toward the day when other nations adopt the same principles.

Seabeds—Multilateral Arms Control

The responsibility for the control of armaments is multilateral as well as bilateral. The spread of technological skills knows no national boundaries; and innovation in weaponry is no monopoly of the superpowers. The danger of competitive armament is universal. Without international constraints, the planet would be menaced by the spread of weapons of mass destruction to regions newly explored.

Collaborative efforts to avert these dangers have already produced a series of international agreements:

—to prohibit the testing of nuclear weapons in the atmosphere, in outer space, and under water.

—to prohibit the proliferation of nuclear weaponry.

—to prohibit the use of Antarctica, or of outer space and its celestial bodies, for military purposes.

The United States has supported the efforts of the Conference of the Committee on Disarmament at Geneva to reach an international agreement prohibiting the emplacement of weapons of mass destruction on the bed of the sea. It is to the advantage of all to bring arms control, instead of strategic arms, to the ocean floor. The spread of weapons of mass destruction to this new realm would complicate the security problem of all nations, and would be to no nation's advantage.

Conclusion

The first year of this Administration saw significant progress in three areas of arms control.

—Unilaterally, we announced the comprehensive chemical and biological policy designed to set an example and encourage multilateral arms control in this field.

—Bilaterally, with the Soviet Union, we launched what could be the most important arms control discussions ever undertaken.

—Multilaterally, we made substantial progress toward reserving the vast ocean floors for peaceful purposes.

In all three instances we see our actions as protecting America's strength and enhancing her security. It is the biggest responsibility of this generation to avoid becoming the victim of its own technology.

Issues for the future

The issues before us are ample proof of the challenge we face. The agenda requires not only fateful re-examinations of some of our old positions but also judgments about trends in the Communist world and the effect of our negotiations on our relationship with our friends. These questions include:

1. Strategic Arms Limitations

—Our approach to these negotiations has been described in detail above.

2. Limiting the Flow of Weapons to Regions in Conflict

—When peace is in everyone's interest, we must find a way to control conflict everywhere. We must not be drawn into conflicts by local rivalries. The great powers should try to damp down rather than fan local passions by showing restraint in their sale of arms to regions in conflict. We stand ready to discuss practical arrangements to this end.

3. Resolve the Great East-West Political Issues

—We continue to be prepared to discuss the issues that divide us from the Communist countries. Whether in addressing the cruel division of Europe or the future security of

Asia we shall try to deepen the dialogue with the Communist powers. But we will not permit negotiations to be used to sacrifice the interests of our friends. We are committed to the closest consultation with our NATO allies, and we will maintain the closest contact with our friends and allies in Asia.

4. Closer Cooperation in Potential Crises —We must give practical expression to the common interest we have with the Soviet Union in identifying or limiting conflict in various areas of the world. Our choice is to find a way to share more information with our adversaries to head off conflict *without* affecting either our own security interests or those of our friends.

These are all difficult choices. Our careful consideration of the issues involved in negotiations with the Communist world will take full account of them, as we proceed to build a lasting peace without sacrificing the interests of our allies and friends.

Conclusion

A New Definition of Peace

Few ideas have been so often or so loosely invoked as that of "Peace." But if peace is among the most overworked and often-abused staples of mankind's vocabulary, one of the reasons is that it is embedded so deeply in man's aspirations.

Skeptical and estranged, many of our young people today look out on a world they never made. They survey its conflicts with apprehension. Graduated into the impersonal routine of a bureaucratic, technological society, many of them see life as lonely conformity lacking the lift of a driving dream.

Yet there is no greater idealism, no higher adventure than taking a realistic road for peace. It is an adventure realized not in the exhilaration of a single moment, but in the lasting rewards of patient, detailed and specific efforts—a step at a time.

—Peace requires confidence—it needs the cement of trust among friends.

—Peace requires partnership—or else we will exhaust our resources, both physical and moral, in a futile effort to dominate our friends and forever isolate our enemies.

—Peace must be just. It must answer man's dream of human dignity.

—Peace requires strength. It cannot be based on good will alone.

—Peace must be generous. No issue can be truly settled unless the solution brings mutual advantage.

—Peace must be shared. Other nations must feel that it is *their* peace just as we must feel that it is *ours*.

—And peace must be practical. It can only be found when nations resolve real issues, and accommodate each other's real interests. This requires not high rhetoric, but hard work.

These principles apply to our opponents as well as to our allies, to the less developed as well as the economically advanced nations. The peace we seek must be the work of all nations.

For peace will endure only when every nation has a greater stake in preserving than in breaking it.

I expressed these thoughts in my toast to the Acting President of India at New Delhi on July 31, 1969. I repeat it now:

"The concept of peace is as old as civilization, but the requirements of peace change with a changing world. Today we need a new definition of peace, one which recognizes not only the many threats of peace but also the many dimensions of peace.

"Peace is much more than the absence of war; and as Gandhi's life reminds us, peace is not the absence of change. Gandhi was a disciple of peace. He also was an architect of profound and far-reaching change. He stood for the achievement of change through peaceful methods, for belief in the power of conscience, for faith in the dignity and grace of the human spirit and in the rights of man.

"In today's rapidly changing world there is no such thing as a static peace or a stagnant order. To stand still is to build pressures that are bound to explode the peace; and more fundamentally, to stand still is to deny the universal aspirations of mankind. Peace today must be a creative force, a dynamic process, that embraces both the satisfaction of man's material needs and the fulfillment of his spiritual needs.

"The pursuit of peace means building a structure of stability within which the rights of each nation are respected: the rights of national independence, of self-determination, the right to be secure within its own borders and to be free from intimidation.

"This structure of stability can take many forms. Some may choose to join in formal alliances; some may choose to go their own independent way. We respect India's policy of non-alignment and its determination to play its role in the search of peace in its own way. What matters is not how peace is preserved, but that it be preserved; not the formal structure of treaties, but the informal network of common ideals and common purposes that together become a fabric of peace. What matters is not whether the principles of international behavior these represent are written or unwritten principles, but rather that they are accepted principles.

"Peace demands restraint. The truest peace expresses itself in self-restraint, in the voluntary acceptance, whether by men or by nations, of those basic rules of behavior that are rooted in mutual respect and demonstrated in mutual forbearance.

"When one nation claims the right to dictate the internal affairs of another, there is no peace.

"When nations arm for the purpose of threatening their weaker neighbors, there is no peace.

"There is true peace only when the weak are as safe as the strong, only when the poor can share the benefits of progress with the rich, and only when those who cherish freedom can exercise freedom.

"Gandhi touched something deep in the spirit of man. He forced the world to confront its conscience, and the world is better for having done so. Yet we still hear other cries, other appeals to our collective conscience as a community of man.

"The process of peace is one of answering those cries, yet doing so in a manner that preserves the right of each people to seek its own destiny in its own way and strengthens the principles of national sovereignty and national integrity, on which the structure of peace among nations depends.

"However fervently we believe in our own ideals, we cannot impose those ideals on others and still call ourselves men of peace. But we can assist others who share those ideals and who seek to give them life. As fellow members of the world community, we can assist the people of India in their heroic struggle to make the world's most populous democracy a model of orderly development and progress.

"There is a relationship between peace and freedom. Because man yearns for peace, when the people are free to choose their choice is more likely to be peace among nations; and because man yearns for freedom, when peace is secure the thrust of social evolution is toward greater freedom within nations.

"Essentially, peace is rooted in a sense of community: in a recognition of the common destiny of mankind, in a respect for the common dignity of mankind, and in the patterns of cooperation that make common enterprises possible. This is why the new patterns of regional cooperation emerging in Asia can be bulwarks of peace.

"In the final analysis, however, peace is a spiritual condition. All religions pray for it. Man must build it by reason and patience.

"On the moon, now, is a plaque bearing these simple words: "We came in peace for all mankind."

"Mahatma Gandhi came in peace to all mankind.

"In this spirit, then, let us all together commit ourselves to a new concept of peace:

—A concept that combines continuity and change, stability and progress, tradition and innovation;

—A peace that turns the wonders of science to the service of man;

—A peace that is both a condition and a process, a state of being and a pattern of change, a renunciation of war and a constructive alternative to revolution;

—A peace that values diversity and respects the right of different peoples to live by different systems—and freely to choose the systems they live by;

—A peace that rests on the determination of those who value it to preserve it but that looks forward to the reduction of arms and the ascendancy of reason;

—A peace responsive to the human spirit, respectful of the divinely inspired dignity of man, one that lifts the eyes of all to what man in brotherhood can accomplish and that now, as man crosses the threshold of the heavens, is more necessary than ever."

RICHARD NIXON.

THE WHITE HOUSE, *February 18, 1970.*

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. SISK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 21]

Alexander	Gibbons	Pelly
Anderson, Tenn.	Green, Pa.	Pepper
Ayres	Gubser	Pettis
Berry	Hagan	Pollock
Blanton	Hébert	Powell
Blatnik	Henderson	Price, Ill.
Bray	Keith	Purcell
Brown, Calif.	King	Reifel
Burton, Calif.	Kirwan	Rosenthal
Bush	Kleppe	Roudebush
Carey	Long, Md.	Scheuer
Celler	McDade	Springer
Clark	McDonald, Mich.	Stephens
Clay	Madden	Taft
Corman	Martin	Teague, Calif.
Cramer	Monagan	Teague, Tex.
Dawson	Moorhead	Tunney
Dent	Morse	Ullman
Dorn	Moss	Waldie
Esch	Myers	Yates
Gallagher	Ottinger	

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 2, TO AMEND THE FEDERAL CREDIT UNION ACT

Mr. PATMAN submitted the following conference report and statement on the bill (H.R. 2), to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-841)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. Section 2 of the Federal Credit Union Act (12 U.S.C. 1752) is amended by striking out paragraphs (2) and (3) thereof and inserting:

"(2) the term 'Administrator' means the Administrator of the National Credit Union Administration;

"(3) the term 'Administration' means the National Credit Union Administration; and

"(4) the term 'Board' means the National Credit Union Board."

SEC. 2. The Federal Credit Union Act is further amended (1) by changing "Director" to read "Administrator" each place it appears therein; (2) by changing "Bureau of Federal Credit Unions" to read "National Credit Union Administration" each place it appears therein; and (3) by changing "Bureau", each remaining place it appears, to read "Administration".

SEC. 3. Section 3 of the Federal Credit Union Act (12 U.S.C. 1752a) is amended to read:

"CREATION OF ADMINISTRATION

"SEC. 3. (a) There is hereby established in the executive branch of the Government an independent agency to be known as the National Credit Union Administration (hereinafter referred to as the 'Administration'). The Administration shall consist of a National Credit Union Board (hereinafter referred to as the 'Board'), and an Administrator of the National Credit Union Administration (hereinafter referred to as the 'Administrator').

"(b) The Administrator shall be appointed by the President, by and with the advice and consent of the Senate. He shall be the chief executive officer of the Administration and shall serve at the pleasure of the President.

"(c) The Board shall consist of a Chairman and one member from each of the Federal credit union regions to be appointed by the President, by and with the advice and consent of the Senate. The Chairman shall be appointed from the country at large and shall serve at the pleasure of the President. In making appointments to the Board, the President shall appoint persons of tested credit union experience.

"(d) The term of office of each member of the Board, other than the Chairman, shall be six years. However, the initial terms of the members first taking office shall expire as follows: one on December 31, 1970, and one at the end of each succeeding calendar year thereafter. Of the members so appointed, the President shall designate one to serve as Vice Chairman for a term expiring upon the expiration of his term as a member, or upon the expiration of the then current term of the Chairman, whichever is earlier. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman. Any member of the Board may continue to serve as such after the expiration of his term of office until his successor has been appointed and has qualified.

"(e) The President shall call the first meeting of the Board, and thereafter the Board shall meet on a quarterly basis, and at such other times as the Chairman or the Administrator may request, or whenever one-third of the members so request. The Board shall adopt such rules as it may see fit for the transaction of its business and shall keep permanent and complete records and minutes of its acts and proceedings. A majority of the voting members of the Board shall constitute a quorum. The Administrator shall seek the advice, counsel, and guidance of the Board with respect to matters of policy relating to the activities and functions of the Administration under this Act. The Administrator shall make an annual report to the President for submission to the Congress summarizing the activities of the Administration and making such recommendations as he deems appropriate. Such report shall be made after full consultation with the Board and shall contain any recommendations or comments submitted by the Board for inclusion in the report. The members of the Board shall be entitled to receive compensation at the rate of $75 for each day engaged in the business of the Administration pursuant to authorization by the Chairman, and shall be allowed travel expenses including per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"(f) The financial transactions of the Administration shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the Administration are kept."

SEC. 4. Section 21 of the Federal Credit Union Act (12 U.S.C. 1766) is amended by adding at the end thereof a new subsection as follows:

"(i) In addition to the authority conferred upon him by other sections of this Act, the Administrator is authorized in carrying out his functions under this Act—

"(1) to appoint such personnel as may be necessary to enable the Administration to carry out its functions;

"(2) to expend such funds, enter into such contracts with public and private organizations and persons, make such payments in advance or by way of reimbursement, and perform such other functions or acts as he may deem necessary or appropriate to carry out the provisions of this Act; and

"(3) to pay stipends, including allowances for travel to and from the place of residence, to any individual to study in a program assisted under this Act upon a determination by the Administrator that assistance to such individual in such studies will be in furtherance of the purposes of this Act."

SEC. 5. (a) Section 5108(a) of title 5, United States Code, is amended by striking out "2,727" and inserting in lieu thereof "2,734".

(b) Section 5315 of title 5 of the United States Code (relating to positions at level IV of the Executive Schedule) is amended by adding at the end thereof the following:

"(92) Administrator of the National Credit Union Administration."

SEC. 6. (a) All functions, property, records, and personnel of the Bureau of Federal Credit Unions are transferred to the National Credit Union Administration created by this Act.

(b) The Director of the Bureau of Federal Credit Unions in office on the date of enactment of this Act shall serve as acting Administrator of the National Credit Union Administration pending the appointment of an Administrator in accordance with section 3 of the Federal Credit Union Act as amended by this Act.

And the Senate agree to the same.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
WILLIAM B. WIDNALL,
ALBERT W. JOHNSON,
CHESTER L. MIZE,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
WALLACE F. BENNETT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report. Except for technical, clarifying, and conforming changes, the following analysis explains the differences between the House-passed bill and the conference substitute.

Operation of the Administration

The House bill provided for an Administrator and a Board of Governors of the National Credit Union Administration. The Senate bill provided for an Administrator and a National Credit Union Advisory Council. The conferees accepted a compromise provision calling for an Administrator and a National Credit Union Board, with the understanding that the Administrator would be the chief executive officer of the Administration but would function in close and constant cooperation with the National Credit Union Administration Board.

COMPOSITION OF THE BOARD

The House bill provided for a Board consisting of 9 members including a Chairman and Vice Chairman and 1 member from each of the federal credit union regions. It further provided that the President shall receive and give special consideration to the nominations submitted by credit union organizations which are representative of a majority of the credit unions located in the region for which a Board member is to be appointed. The persons so appointed as members of the Board were to be "selected on the basis of established records of distinguished service in the credit union movement." The Senate bill called for an Advisory Board consisting of a Chairman and 1 member from each of the federal credit union regions, with the Chairman appointed at large and a Vice Chairman appointed from the remaining Board members. The Senate bill further provided that in making appointments to the Board, the President should consider, along with other relevant criteria, the experience of the person to be appointed in the credit union movement.

The conferees agreed to substitute language which called for the make-up of a Board as in the Senate bill with the exception of the addition of new language providing that "in making appointments to the Board, the President shall appoint persons of tested credit union experience." The substitution of this language is not designed to preclude persons from serving on the Board who have not actively operated a credit union, but is intended rather to embrace as well persons who have shown dedication to credit union principles and philosophies.

TERM OF SERVICE

The House language provided that members of the Board shall serve 6 years with appointments terminated on a staggered basis. The Senate language also provided for a 6 year term ending on a staggered basis but set a date of December 31, 1970, for the expiration of the first term. The Managers on the Part of the Senate insisted upon and prevailed in their position.

FUNCTIONS OF THE ADMINISTRATION

Although both bills contain descriptions of the functions of the Administration, the conferees, in order to make certain that the Board and the Administrator work in close cooperation, added the following:

"The Administrator shall seek the advice, counsel and guidance of the Board with respect to matters of policy relating to the activities and functions of the Administration under this Act."

ANNUAL REPORT

The House bill provided for an annual report by the Board, including legislative recommendations. There was no comparable provision in the Senate language. The conference substitute provides—

The Administrator shall make an annual report to the President for submission to the Congress summarizing the activities of the Administration and making such recommendations as he deems appropriate. Such report shall be made after full consultation with the Board and shall contain any recommendations or comments submitted by the Board for inclusion in the report.

Once again, this language is intended to make certain that the Administrator and the Board cooperate in the operations of the Administration.

AUDIT BY THE GENERAL ACCOUNTING OFFICE

The Managers on the Part of the Senate insisted upon and prevailed in their position that the financial transactions of the Administration should be audited by the General Accounting Office.

APPOINTMENT OF CLASSIFIED EMPLOYEES

The Senate language outlined technical functions of the Administrator and provided a total of 6 positions in the grades of GS–16 and 1 in GS–17 for placement in the National Credit Union Administration. The Managers on the Part of the House agreed to the Senate provision outlining the technical functions of the Administrator and the Senate offered a substitute for the classified position section which was agreed to by the House. The amendment would increase the number of supergrades within the Federal service from 2,727 to 2,734. The Managers on the part of the House agreed to the substitute with the clear and distinct understanding of all the conferees that the increased number of positions, 6 in the grade of GS–16 and 1 in GS–17, will be allotted to the National Credit Union Administration immediately upon its creation.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
HENRY REUSS,
WILLIAM B. WIDNALL,
ALBERT W. JOHNSON,
CHESTER L. MIZE,
Managers on the Part of the House.

THE SCHOOL BUSING SITUATION IN OKLAHOMA CITY

(Mr. JARMAN asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. JARMAN. Mr. Speaker, I take the floor today to bring to the attention of the Members of this House a very unfortunate situation in my home city—the school busing situation that exists as a result of a Federal court decision. Many families in Oklahoma City have felt the disruptive impact of the busing problem. Students are being denied the basic American right to attend the schools closest to their homes and are being forced against their will to attend schools more distant. This is a tragic situation in the land of the free. The right to freedom from force is as important as freedom of speech.

Mr. Speaker, I am today introducing an antibusing bill. I urge the Education and Labor Committee to hold immediate hearings on this bill to the end that Congress pass legislation to protect families from the busing of students and to preserve our neighborhood school system.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO SIT DURING GENERAL DEBATE TODAY

Mr. SISK. Mr. Speaker, on behalf of the distinguished gentleman from South Carolina (Mr. MCMILLAN) I ask unanimous consent that the Committee on the District of Columbia be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT, COMMITTEE ON SCIENCE AND ASTRONAUTICS, TO SIT DURING GENERAL DEBATE TODAY

Mr. SISK. Mr. Speaker, on behalf of the distinguished gentleman from California (Mr. MILLER) I ask unanimous consent that the Subcommittee on Research and Development of the Committee on Science and Astronautics be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 14810, PREHARVEST RESEARCH

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 816 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 816

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14810) to amend section 602(3) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 816 provides an open rule with 1 hour of general debate for consideration of H.R. 14810 to amend section 602(3) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs.

The purpose of H.R. 14810 is to authorize research relating to the production of commodities essentially on the same basis that authority for marketing research is now provided with respect to all commodities for which marketing orders are authorized, other than milk and its products.

Preharvest research would be financed by levying assessments directly on the commodity concerned and would give growers and handlers an opportunity to study harvesting methods and techniques, variety improvement, and other factors. Heretofore, growers have had to rely upon research conducted by the Department of Agriculture or, in isolated instances, private individuals. Enactment of this legislation would enable growers and handlers to attempt to solve their problems in a more timely fashion.

The Department of Agriculture estimates that the cost of an amendment proceeding solely for the purpose of enabling ongoing programs to create a production fund to be $7,500; present indications are that not more than five orders would seek the amendment.

Mr. Speaker, I urge the adoption of House Resolution 816 in order that H.R. 14810 may be considered.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to authorize preharvest research relating to the production of commodities similar to that research now permitted under the Marketing Agreement Act of 1937.

Current law allows producers to assess themselves to provide research funds into better marketing techniques on all commodities covered by Federal marketing orders except milk and milk products. This legislation will permit, under similar regulations, research into preharvest projects on these same commodities.

The Department of Agriculture sup-

ports the bill and estimates the costs of amending existing marketing orders to include the new authority at $7,500 each. Present indications are that about five marketing orders would be so amended.

There are no minority views.

Mr. Speaker, I have no requests for time and reserve the balance of my time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 15165, COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 819 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 819

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15165) to establish a Commission on Population Growth and the American Future. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 15165, the Committee on Government Operations shall be discharged from the further consideration of the bill S. 2701, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 15165 as passed by the House.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 819 provides an open rule with 1 hour of general debate for consideration of H.R. 15165 to establish a Commission on Population Growth and the American Future. The resolution also provides that, after passage of H.R. 15165, the Committee on Government Operations shall be discharged from the further consideration of S. 2701 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 15165 is to establish a commission to conduct studies and research and make necessary recommendations regarding a broad range of problems associated with population growth.

The Commission will be composed of two Members of the Senate and two of the House, representing both parties; and up to 20 members to be appointed by the President, who will also designate the Chairman and Vice Chairman. Members who are not Government employees will be paid at the rate of $100 per day and shall be allowed travel expenses, as authorized for persons in the Government service employed intermittently.

The Commission shall appoint an Executive Director and other personnel, who shall not be entitled to compensation in excess of grade GS–18.

The Commission will be directed to inquire into all aspects of population growth in the United States and its foreseeable consequences.

It is to make an interim report to the President and the Congress 1 year after it is established and a final report 2 years after it is established. It shall cease to exist 60 days after the submission of its final report.

There is no specific amount of funds authorized in the bill; however, the President has recommended an appropriation of $1,443,000 for the 2-year life of the Commission.

Mr. Speaker, I urge the adoption of House Resolution 819 in order that H.R. 15165 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I wish to compliment the Rules Committee on the offering of two rules in succession which are wide open for the consideration of legislation.

Mr. SISK. I thank my good friend from Iowa. We try usually to do a good job. Sometimes we do and sometimes we do not. I thank the gentleman, anyway.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to establish a Commission on Population Growth and the American Future which will conduct studies and research regarding a broad range of problems connected with population growth and its implications. It is authorized to make recommendations to the President and the Congress based on these studies.

The Commission membership is to be two Members from the Senate and two from the House representing both political parties, and up to 20 members to be appointed by the President, who will designate a Chairman and Vice Chairman. Those not Government employees will receive $100 per day. An Executive Director and other personnel is to be hired and outside experts and consultants may be retained.

Five areas of inquiry are set forth as the mandate of the Commission:

First, the probable course of population growth and related demographic developments between 1970 and the year 2000;

Second, the public resources required to deal with the anticipated growth;

Third, the effect of developments on the activities of local, State, and Federal Governments;

Fourth, the impact of population on our environment; and

Fifth, the means by which we can achieve a population level best suited for the Nation, consistent with our ethical values and principles.

The Commission will have a 2-year life. An interim report is required after 1 year; a final report after 2.

The authorization is for "such sums as may be necessary." The President has recommended an appropriation of $1,443,000 for the 2-year life of the Commission.

The establishment of the Commission was recommended by President Nixon in a message last July 18. A similar recommendation was made in late 1968 by President Johnson's Committee on Population and Family Planning. Both Presidents believe that the first step to insuring management of these developing problems is to determine the facts and to formulate systematic recommendations to combat them.

The bill is supported by all Federal agencies and departments which are involved, as evidenced by a number of letters contained in the report. There are no minority views and the bill has bipartisan sponsorship.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PREHARVEST RESEARCH

Mr. FOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14810) to amend section 602(3) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs.

The SPEAKER pro tempore (Mr. HOLIFIELD). The question is on the motion offered by the gentleman from Washington.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14810, with Mr. BURKE of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Washington (Mr. FOLEY) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. GOODLING) will be recognized for 30 minutes.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume. I rise in support of H.R. 14810 and wish to associate myself with the views of the distinguished gentleman from Washington (Mr. FOLEY).

I would commend to my colleagues the following features of the measure now under consideration. H.R. 14810 would authorize producers of agricultural products, subject to marketing orders, to vote to impose upon themselves an assessment for conducting preharvest research on a self-help basis. This is as it should be, research on specialized problems affecting a very limited geographic area—

such as the mysterious rust affecting certain olive producing areas in California.

An unidentified disease has also attacked peach trees in certain areas causing great loss. The cause of the disease is unknown and there is no known treatment.

Research on diseases of this nature can be conducted on a private basis.

All growers subject to an order will have an opportunity to vote on the imposition of any assessment prior to the initiation of any such work.

Finally, I would point out that the measure will enable farmer-producers to begin research irrespective of USDA recommendation or approval. In short, it gives the farmer the right to do what he feels is needed for the improvement of his crop.

Mr. FOLEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Chairman, in supporting H.R. 14810, which would provide that marketing orders and agreements for agricultural commodities, other than milk, will contain terms to establish and provide for production research. I was one of the original sponsors of the legislation which was referred to the House Agriculture Committee for consideration.

The addition of production research authority to the Marketing Agreement Act will make this self-help legislation even more effective and successful in the future. At present, research in marketing is authorized under the act and is working exceedingly well, but the need for production research is becoming more and more evident.

Marketing and production are so closely tied together that one cannot function properly without the other. The marketing system is becoming even more demanding, insisting on adequate and orderly supplies, standardized products of dependable quality evenly spread as to time of production and delivery. Production and marketing research are both needed in large quantities to meet the American consumer's ever-changing demands.

The proposed legislation will provide a method that will be orderly and equitable for collection of production research funds that will prorate costs of such research over all segments of any participating industry in a fair and equitable manner. Voluntary methods of collecting funds for research are now being used with some success, but nearly always a few end up carrying the umbrella for the industry. Equitable and adequate collections on this basis are impossible.

I believe production research is in the public interest and such research is essential for the maintenance of efficient agricultural production, adequate food supplies, high quality of food production, and reasonable and fair consumer prices. For these reasons, I certainly urge passage of this needed legislation.

Mr. GOODLING. Mr. Chairman, I have no further requests for time.

Mr. FOLEY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 14810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 674; 50 Stat. 249), is further amended as follows:

(1) Section 602(3) of the Act is further amended by inserting the words "such production research, marketing research, and development projects provided in section 608c(6)(I)," immediately after the words "establish and maintain".

(2) Subsection (I) of section 608c(6) is further amended by (a) inserting the words "production research," immediately after the phrase "Establishing or providing for the establishment of"; (b) inserting the words "or efficient production" after the word "consumption"; and (c) striking the period at the end of subsection (I) and adding a second provision reading ": *Provided further,* That the inclusion in a Federal marketing order of provisions for research shall not be deemed to preclude, preempt or supersede research provisions in any State program covering the same commodity.".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOLIFIELD) having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14810) to amend section 602(3) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs, pursuant to House Resolution 816, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

Mr. BLATNIK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15165) to establish a Commission on Population Growth and the American Future.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15165, with Mr. KEE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Minnesota (Mr. BLATNIK) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 15165 will establish a Commission on Population Growth and the American Future to: First, conduct and sponsor studies and research; and, second, make recommendations regarding a broad range of problems associated with population growth and distribution and their implications for America's future. This bill was reported from the Committee on Government Operations without a dissenting vote. Twenty-six members of our committee joined in sponsoring the bill. Other members of the House have filed similar or related measures.

COMPOSITIONS OF THE COMMISSION

The Commission will be composed of two Members of the Senate and two of the House of Representatives, representing both political parties; and up to 20 members to be appointed by the President, who will also designate the Chairman and Vice Chairman.

ORIGIN OF THE PROPOSAL

The establishment of a Commission on Population Growth and the American Future was proposed by President Richard M. Nixon in a message to Congress dated July 18, 1969. A similar recommendation was made to Congress by the President's Committee on Population and Family Planning, appointed by President Lyndon B. Johnson, which issued its report on November 18, 1968.

In his message, President Nixon pointed out that the population of the United States was expected to increase to 300 million in the next 30 years. More spectacular increases are anticipated in the world population during this period. How to provide such elementary needs as food, shelter, clothing, and transportation for this large number of people is indeed perplexing. There is no doubt that one of the most serious challenges in the last third of this century will be our so-called population explosion.

THE COMMISSION'S TASK

The Commission's job will be to conduct an inquiry into the following aspects of population growth in the United States and its foreseeable consequences—as listed in section 4 of the bill:

First, the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

Second, the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

Third, the ways in which population growth may affect the activities of Federal, State, and local government;

Fourth, the impact of population growth on environmental pollution and on the depletion of natural resources; and

Fifth, the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level best suited for its environmental, natural resources and other needs. The latter two aspects just read were added by our committee and we believe they are necessary for a well-rounded study of this serious problem.

OPERATION OF THE COMMISSION

The Commission will have an executive director and a limited staff of experts. It may contract out research to universities and other institutions and can obtain the assistance of Federal departments and agencies. Its administrative services will be provided by the General Services Administration on a reimbursable basis. The Commission is to make an interim report after 1 year and submit its final report within 2 years after this law is enacted. The Commission will cease to exist 2 months after the final report has been filed. We see no reason why this deadline cannot be met. I assure my colleagues that there is no intention to give birth to another bureaucracy.

In his budget message, the President requested an appropriation of about $700,000 for each of the 2 years of the Commission's operation. This, of course, is a matter for the Appropriations Committee, but the sum seems to be a modest one for the job that is being undertaken.

CHANGES WE MADE IN ORIGINAL ADMINISTRATION PROPOSAL (S. 2701) AND NOW REFLECTED IN H.R. 15165, AS AMENDED

First. The compensation of members of the Commission was reduced from $150 per day to $100 per day. This is more in line with present practice.—Section 3(b), page 3.

Second. The inquiry to be made by the Commission was enlarged to include "the impact of population growth on environmental pollution and on the depletion of natural resources." This could result in one of the most significant findings of the Commission and possibly add a new dimension to the many studies already completed.—Section 4(4), page 3.

Third. The inquiry was expanded to include "the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs." The Commission should at least explore the question of what is an "optimum" number of people that can be sustained in the United States and the means by which this number can be held in bounds. No undue implications should be read into this aspect of the study. We are confident that the Commission will be broadly representative of all major points of view and should make its findings and recommendations as objectively and scientifically as possible.—Section 4(5), page 3.

Fourth. We inserted the language:

In order that the President and the Congress may be kept advised of the progress of its work, the Commission shall, from time to time, report to the President and the Congress such significant findings and recommendations as it deems advisable.

This means the submission of interim reports or findings during the course of its work rather than wait until the end. A much greater impact on the public mind would be likely—Section 8, page 5.

HEARINGS

Our subcommittee hearings were on a range of bills, all related to the population problem and the action our Government should take to meet it. Some of these bills sought reorganizations of existing departments and agencies and also the creation of new agencies. The authors of these measures such as the gentleman from Arizona (Mr. UDALL), the gentleman from Connecticut (Mr. DADDARIO), with the gentleman from Ohio (Mr. MOSHER) put forth persuasive arguments for these structural changes.

The administration's witnesses and other Members including the gentlewoman from New Jersey (Mrs. DWYER) presented cogent reasons for the establishment of the Commission at this time, particularly in view of the pendency of the 1970 census and the important bearing its results will have on the Commission's findings. They were buttressed by the testimony of representatives of several major national organizations in the population field. These included: the Population Crisis Committee, Planned Parenthood—World Population, the United Methodist Church and the Sierra Club.

We were highly impressed by the remarks of John D. Rockefeller III, cochairman of President Johnson's Committee on Population and Family Planning, who said:

In my opinion there is no problem facing mankind today more important than the population problem. It is not unreasonable to say that to a very considerable extent it underlies most other major problems and their solution to a considerable extent depends on its solution.

Quite frequently one hears a comparison between the dangers of the atomic bomb and the population explosion. We somehow hope to avoid the former, but we can see the latter coming down the road right at us. Yet there is very little being done anywhere in the world that is commensurate with the magnitude and seriousness of the problem.

WE NEED THIS COMMISSION

Mr. Chairman, the President recently sent to the Congress a lengthy message on the environment. Many of us have been concerned with this problem for a long time and have attempted to bring our Government to a point where the attack on air and water pollution and on other aspects of the problem will be commensurate with the need. I hope we have reached that point and that both the Congress, the executive, and the public will be infused with the energy and enthusiasm to overcome the contamination and destruction of nature's great gift to mankind.

But population growth is as closely related to protection of the environment as fingers to the hand. Meeting the needs of population growth in one sense has been a direct cause of our environmental difficulty. It took us 300 years to reach our first 100 million people. It took only 50 years to reach our second hundred million. Current projections show that our third 100 million will be reached in only 30 years—by the end of this century. This country has been blessed with abundant resources and a superb technology that has given the majority of our people a remarkably high standard of living. But will our resources and our know-how be sufficient to withstand the onslaught of this population explosion? We need the most accurate estimates we can obtain. We need the answers to all of the questions this bill asks the Commission to consider. We need to know what reordering of our governmental operations will be necessary. We need the work of this Commission on Population Growth and the American Future.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to my friend and neighbor, the gentleman from Iowa.

Mr. GROSS. What is there that this Commission can do that the Department of Commerce, as an example, cannot already do with respect to information and statistics concerning population growth, and so on and so forth? What is there that this Commission is going to do that is so earth shaking? We all realize we need to know all we can about population growth, but what can this Commission do?

Mr. BLATNIK. It is not only the Department of Commerce but there are several other agencies like the Department of Health, Education, and Welfare and the Department of the Interior and the Department of Agriculture and a few other Government agencies that are engaged in the process of accumulating figures on population growth, and obviously these are available from Commerce and particularly from the Census Bureau. But what we do not have is in one package the full story of where we have come from and where we are today and we need some projection into the future as to what will happen within the next 10 or 20 years at least and perhaps even 30 years from now. What will be its impact upon our whole society and its impact in terms of determining our natural resources and in terms of our public facilities which are always further and further behind in catching up to the public needs?

It seems that many of the problems we are dealing with today stem not only from population growth but from the lopsided and disproportionate concentration of people in small areas. For example, in the last decade, I think approximately 90 percent of the population increase took place in about 3 percent of our land surface. Of course, we are going to have traffic congestion and also air pollution and water pollution and problems of garbage and waste disposal and problems of mass transit, parking and all of these problems. But you are not going to solve these problems by permitting these people to continue to pile up these already crowded spaces.

If I may try to explain it better, we would certainly try to get the best judgment, the best experience and brains in this field to evaluate, interpret and collate this information and put it together into one package.

Mr. GROSS. If the gentleman will yield further, if you went to the Department of Commerce today and other agencies and departments of the Government, I am sure they would tell you that they have the best brains in existence on this subject right now. I just do not understand what this commission can do. Certainly there ought to be the in-house availabilty and capability to pull information together from the various departments and agencies without creating still another commission to spend a lot of the taxpayers' money.

I do not believe you conform to public law with respect to information on the staffing of this new commission. I think the report contravenes the public law on that subject. How much of a staff do you expect to finance through this authorization?

Mr. BLATNIK. In the report the committee has shown the request for the appropriation, and we have from the Bureau of the Budget back-up information to support the request. The estimated staff is 21 full-time positions and 6 part-time experts, a total of 27 positions, which will last for 2 years and will then automatically expire 2 months after the terminal date.

Mr. GROSS. That is 2 years; is that correct?

Mr. BLATNIK. Yes.

Mr. GROSS. Under paragraph (c) of section 5, are you saying that they are limited to six consultants at $100 a day?

Mr. BLATNIK. Yes. There will be six part-time experts and consultants who, when they are used, their per diem will be limited to $100 per day.

Mr. GROSS. The report accompanying the bill puts no numerical value on the staff at all. I refer to paragraph (c) of section 5 on page 6.

Mr. BLATNIK. The gentleman is correct. We do not have that detailed information in the committee report. It will be made available, if necessary, and we will put it in the RECORD. We do have the budget back-up for this request. In the total life of the Commission on Population Growth we would have for salaries alone for the permanent staff of 21, about $663,000.

Mr. GROSS. That is a pretty good start in the number of employees, is it not? Does the gentleman expect to see that increase in the second year of the life of the Commission? And that does not include anything, so far as I know, for office equipment or for office space. You gave me a figure for employees only, did you not?

Mr. BLATNIK. That is correct. That is just for personnel. The total would be $1,443,000 for the 2 years. The salaries for personnel, for the part-time experts and consultants, the office expense, travel, and whatever else is involved, the total would be a little over $700,000 a year.

Mr. GROSS. I wish somewhere along the line we could abolish a few commissions instead of creating more of them all the time. For the life of me I cannot believe that there is not already in-house availability in the Federal Government to provide the information that this commission supposedly will provide, John Rockefeller III notwithstanding.

Mr. BLATNIK. I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I yield myself 5 minutes.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I would like to commend the gentleman in the well, the gentleman from Illinois (Mr. ERLENBORN), and the gentleman from Minnesota (Mr. BLATNIK), chairman of the subcommittee, for reporting this bill out. I was one of the cosponsors of the bill. I feel that the proposed commission is very important. I know it will be very effective in its study and will give us some recommendations with regard to this tremendous problem we face.

Mr. Chairman, we have beauty, fullness, and richness in our country. Despite our present abundance, we no longer can assume that our land, air, water, and resources will support a limitless population.

We are no longer a frontier nation.

As a member of the Task Force on Earth Resources and Population, I have heard experts testify that we are coming to the end of our natural resources, that our seemingly limitless supply of the needs of America is limited.

We can and must act to prevent a vicious spiral of unchecked growth, poverty, and depleted resources.

Through my membership on the task force and on the Government Operations Committee, I have come to the conclusion that we have a definite Federal responsibility to improve the quality of life.

Sir Julian Huxley put it very well when he asked about the aim of prosperity. He wrote:

> It isn't just mere quantity of possessions or mere quantity of people . . . I would assert that it must be to hold in trust, to conserve and to cultivate the resources of the earth and the resources of our own nature. And so our aim should be to increase the richness of life and enhance its quality.

We now have an opportunity to demonstrate the Nation's concern with population growth by acting on the President's bill, H.R. 15165, to create the Commission. In my judgment, the amendments added by the Government Operations Committee improve an already excellent measure.

By directing the Commission to examine the consequences of population growth for environmental pollution and natural resources, and estimating the resources that will be required to deal with the anticipated growth, we will strengthen the Commission's ability to address itself to one of the most urgent and timely topics of national concern—one that the President himself discussed so vividly in his state of the Union message.

Mr. Chairman, the President has honored the Congress by asking that two Members of each House serve as members of the Commission on Population Growth and the American Future. The Commission is but a piece of a comprehensive effort to control and improve our environment. The Commission itself, by involving Congressmen directly and by reporting regularly will promote additional action. And we can count on it to enrich such action with the knowledge and wisdom that it accumulates.

Mr. Chairman, I took the opportunity of the Lincoln Day recess to tour one portion of my district. One of the major concerns expressed by youngsters and adults alike was how we are abusing our environment.

Ecology is becoming an "in thing." We cannot let it die like most fads. It is imperative that we treat this problem seriously because the life and future of mankind depends on our meeting this challenge.

I urge the prompt passage of this bill.

Mr. ERLENBORN. Mr. Chairman, I rise in support of H.R. 15165 to establish a Commission on Population Growth and the American Future. This legislation was recommended to the Congress by President Nixon on July 21 of last year in a message to the Congress. The other body has already acted in response to the President's request and has passed a bill similar to the bill now under consideration.

Mr. Chairman, I commend the chairman of our subcommittee, the gentleman from Minnesota (Mr. BLATNIK), for his prompt action on the President's request and the thorough hearings we had in our subcommittee on executive and legislative reorganization of the Committee on Government Operations. I also commend the gentleman from California (Mr. HOLIFIELD) for the fine work he has done on this bill and the help he has given us.

Mr. Chairman, this bill has broad bipartisan support.

The bill under consideration is cosponsored by all the members of our subcommittee. The bill is responsive to the President's request. It would create the Commission on Population Growth and the American Future. I think it has been fairly well described by the chairman of our subcommittee as to its composition, which will include two Members of this body, one from each party, and two Members from the other body, one from each party, and up to 20 members to be appointed by the President.

I understand, Mr. Chairman, it is the intention of the President to appoint members to this Commission from various walks of life with expertise in the kinds of problems that will be created by the growth in the population of the United States.

Mr. Chairman, to answer the gentleman from Iowa, at least partially, as to the reason why we should have a commission rather than to have this done with in-house capability, we might have gone to the Census Bureau or to the Department of Commerce, but the question of anticipating what should be done to meet the problems of growth in the United States is one that cuts across the

jurisdictional lines of many of the departments and agencies, probably of all the departments and agencies of the executive branch of our Government.

Yes, we can call the Census Bureau, which we did today, and we can get facts such as the fact that since this bill was reported on December 10, 1969, and today when the bill is under consideration the population of the United States has increased by 365,000 people. That is a great many people in that period of time. That is an interesting fact. We can contact the Department of Commerce and get other facts, but we have to relate these facts to what is the Department of Transportation going to do in the field of seeing that we make plans so that our transportation system will be adequate. We have to consider what the Department of Agriculture is going to do to anticipate the growth in this country and the growth in demand for edible food. What will the other departments and agencies do to accommodate themselves to the problems we see arising in the immediate future as a result of the population growth?

It is for this purpose that the President has asked that the Commission be formed, that it spend 2 years examining this problem, and that it come up with recommendations as to what we should be anticipating in the way of problems and what we should be doing to formulate plans to solve these problems as they arise.

Mr. Chairman, I think the legislation is meritorious. It has almost unanimous support, bipartisan support from our Committee on Government Operations. As I mentioned, it already has passed the other body. I hope this body adopts the bill overwhelmingly here today.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, will this Commission go into interest rates as they relate to housing and that whole ball of wax?

Mr. ERLENBORN. I would answer the gentleman that I think this would not be outside the scope of the inquiry of the Commission. The question of adequate housing for the population growth will be affected by many factors, one of them the availability of skilled labor and another the question of proper financing. I think the Commission could legitimately inquire into this question.

Mr. GROSS. The gentleman from Texas (Mr. PATMAN) has wanted to abolish the Federal Reserve Board. Since this Commission is apparently going to be involved in everything, including interest rates, perhaps it could take over the functions of the Federal Reserve.

Mr. ERLENBORN. The gentleman may anticipate what might be done by the gentleman from Texas. I would not doubt the gentleman from Texas might again make that recommendation.

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 15165 which would establish a Commission on Population Growth and the American Future. As you know, this was one of the major recommendations made by President Nixon in his population message of July 18, 1969. In that message, the President eloquently stated the need for such a commission in the following manner:

> One of the most serious challenges to human destiny in the last third of this century will be the growth of the population. Whether man's response to that challenge will be a cause for pride or for despair in the year 2000 will depend very much on what we do today. If we begin our work in an appropriate manner, and if we continue to devote a considerable amount of attention and energy to this problem, then mankind will be able to surmount this challenge as it has surmounted so many during the long march of civilization.

In his state of the Union address, the President again raised the question of how we will deal with the 100 million increase in population expected in the next 30 years and he called on the Congress to join with him in developing a "national growth policy." Such a policy would include Government decisions on buying and selling land, building highways, airports, and other public facilities "with the clear objective of aiding a balanced growth for America;" building new cities and rehabilitating old ones; and seeking to "create a new rural environment which would not only stem the migration to urban centers but reverse it." These are all areas which will be dealt with by the proposed Population Growth Commission which we are considering today.

Commenting on the President's proposed "national growth policy," Washington Post columnist David S. Broder put it this way:

> If we are at all serious about improving the environment in which the next generations of Americans will live, no cause is more compelling than the one to which the President summoned Congress last week.

The bill before us today would charge the new Commission with five specific responsibilities: First, to chart the probable course of population growth, internal migration, and related demographic developments in the next 30 years; second, to determine the resources required from the public sector of the economy to deal with the anticipated population growth; third, to determine the ways in which the population growth may affect the activities of Federal, State, and local government; fourth, to study the impact of population growth on environmental pollution and resource depletion; and, fifth, to study the relationship between our society's ethical values and principles and the need to achieve a population level properly suited for its environment, natural resources, and other needs.

Mr. Speaker, these are all questions which we in the Congress must have answers for if we are to effectively meet the challenge of population growth and all of its far-reaching implications. Hopefully, the Commission which we are authorizing today will be of great value to us in meeting that challenge.

Richard D. Lamm, writing in the January 1970 issue of the American Bar Association Journal, states:

> The changes brought by the Reproductive Revolution, both in the law and our other institutions, will be as large as the changes brought by the Industrial Revolution.

Mr. Lamm goes on to warn of the social and economic costs of the "population explosion":

> More than 40 percent of America's population lives in twenty-eight metropolitan areas that contain more than one million inhabitants each. Seventy per cent lives on 2 per cent of the land, and the resulting problems of transportation, housing, recreation and overlapping government units add enormously to the costs and size of government.

And James L. Sundquist of the Brookings Institution, in a recent issue of the Public Interest, claims that by the turn of the century 187 million of our 300 million population will be living in "four huge urban agglomerations" facing the Atlantic, the Pacific, the Gulf of Mexico, and the Great Lakes. The rest of our country will continue to lose population as in the 1960's when a third of our Nations' counties actually lost population to the already overcrowded metropolitan areas beset by a widening gap between problems and solutions.

Mr. Speaker, I think all this points to the priority which we must give to a "national growth policy" for the future, one which will give us some hope that we actually do have a future. The Commission which we are establishing today will not be a panacea, nor can it begin to answer all the questions which must be answered. But it is an encouraging and necessary first step and I therefore strongly urge the passage of H.R. 15165.

At this point in the RECORD I would like to include certain extraneous material relating to the foregoing remarks. The items follow:

[From the American Bar Association Journal, January 1970]

THE REPRODUCTIVE REVOLUTION

(By Richard D. Lamm)

(NOTE.—Just as the Industrial Revolution drastically altered the structure of society, so the Reproductive Revolution, unless brought under control, will change our environment and our lives. After centuries of encouraging human fertility, man must now face the necessity of forging a new ethic of fertility forbearance. The development of laws to this end will be the job of lawyers and lawmakers.)

Man and his institutions are having to deal more and more with the problems resulting from fertility. After eons during which man structured his institutions to promote fertility in line with the Biblical injunction to "Be fruitful, and multiply and replenish the earth", man is forging a new ethic, "Be fruitful, but multiply cautiously."

The evidence is everywhere. The last three Presidents of the United States have warned about the dangers of overpopulation,[1] and politicians, who historically have avoided the subject of birth control, have voted funds for both foreign and domestic family planning. Recently sixty-four Representatives and twenty-four Senators co-sponsored a proposed Family Planning and Population Act.[2]

Twenty-six states in their last legislative session had proposals for drastic liberalization of abortion laws,[3] and ten states within the last two years have substantially liberalized their laws on therapeutic abortion.[4] In

Footnotes at end of article.

1969 in the state legislatures there were introduced thirteen bills that would have repealed all grounds for abortion and left the decision to the woman and her physician,[5] and the Colorado legislature seriously considered an amendment that after 1972 would have limited income tax exemptions to three to a family.

The courts also are feeling the thrust for change. The United States Supreme Court has held unconstitutional laws that restrict medical advice concerning means of contraception,[6] and state laws on abortion are under attack.[7]

The current conflict in the law over problems arising from fertility will increase, not decrease; the subject serves as a microcosm to study the law in transition. If "a page of history is worth a volume of logic" it would seem that the relentless geometry of population will have much more to do with the law than *stare decisis* and that the changes brought by the Reproductive Revolution, both in the law and our other institutions, will be as large as the changes brought by the Industrial Revolution.

JUST SERIOUS, OR ALREADY A CAUSE FOR DESPAIR?

The world's population is 3.5 billion, with 70 million added annually. The average annual growth rate experienced by man in the last one-half million years has been .000005, while today he grows at a rate exceeding 2 per cent. At the current rate of 2.1 per cent, the world's present population will double within thirty-three years. Few, if any, economists or demographers argue that there is no danger from the population explosion. The argument seems to be between those who think it is "serious" and those more despairing who contend that population growth means certain disaster, with predictions ranging from starvation to social disorder.

The mere arithmetic of population suggests concern. As Robert S. McNamara, President of the World Bank, pointed out last year, "A child born today, living on into his seventies, would know a world of 15 billion. His grandson would share the planet with 60 billion." The figure of 60 billion is beyond responsible projections as to the carrying capacity of the earth. Whatever that capacity is, an increasing number of people are suggesting that this and the next generations will have to devise their institutions so as to bring about population stability.[8]

BIRTH RATE MUST DROP OR DEATH RATE MUST RISE

Numerous other solutions to overpopulation have been considered by experts and rejected. New kinds of grains and other food will bring temporary relief but will do little to alleviate the long-term pressures of population. Other solutions fail to provide relief, and most demographers are agreed that either the birth rate must go down or the death rate must go up. Many experts suggest that it is already too late to prevent large-scale famine; C. P. Snow, the distinguished British scientist and novelist, recently stated that in the view of men of sober judgment "many millions of people in poor countries are going to starve to death before our eyes."

Population stabilization is such an unprecedented objective that none can fully project what it may require. In India the parliament recently debated a proposal that would require mandatory sterilization after three children. One official stated to me in response to criticism of his proposal, "If the law says a man can have only one wife, why can't we say he can only have three children?"

Mankind is heading into a massive struggle with his own fertility, and there is already an indication that coercion and involuntary controls may be necessary.[9] Despite this grim background, we find that our institutions, legal and nonlegal, still encourage fertility. Birth control, abortion and sterilization are restricted in varying degrees by law.[10] We find our historic legal structure promoting fertility rather than being neutral. The tax laws discriminate in favor of married people and subsidize children through deductions. The courts in some states have held that a spouse who does not wish to have children violates the obligations of marriage,[11] and various laws have prohibited or restricted the sale or use of contraceptives.[12]

2.7 BILLION PEOPLE PER SQUARE FOOT

America cannot claim immunity to problems of population. While our growth rate is only 1.1 per cent a year, it is becoming increasingly clear that even this rate cannot be sustained world-wide. A 1 per cent growth rate over the last 5,000 years would have produced a contemporary population of 2.7 billion people for each square foot of land.[13] On a more short-term projection, an increasing number of people are suggesting dire consequences from American population growth in the immediate future. The United States at present accounts for approximately 6 per cent of the world's population, yet it consumes more than 50 per cent of the world resources, and the percentage of consumption is increasing. Taking the entire world's known reserves of lead, zinc, copper, oil and iron ore and doubling them for undiscovered amounts of each mineral (an exceedingly optimistic calculation), we find that it is impossible to support all the 3.3 billion people now on earth at a standard of living equal to that of an average American.[14] We must start asking ourselves, as did *The New York Times*, "How long we may be an island of plenty in a sea of misery?"

It has been suggested that to admit to a world population problem but deny a domestic population problem is like a fisherman saying to his companion, "Your end of the boat is sinking." [15] It is becoming increasingly obvious that the United States has a population problem without regard to the world situation.

The demands on our recreational resources, the problems of pollution and congestion, the inevitable growth of government and the increase in restrictions on human action suggest drastic changes in the life pattern of an average American.[16]

The amount of capital for public purposes to meet a 1 percent population growth is estimated to be $50 billion a year. For every 1,000 new Americans we need an additional 36.5 million gallons of water a year, plus sewers and treatment plants to handle an additional 62,000 pounds of organic water pollutants a year.[17]

Census projections for 1985 range from a high of 275 million to a low of 242 million. The difference between these two represents an extra 20 million school children at an education cost of a minimum of $300 billion. It is the view of many that this investment should be made in more urban development rather than more children. Whichever of the census figures proves correct, the children will find a vastly more crowded world. For instance, while their parents shared the national parks with 33 million visitors in 1950, 79 million in 1960 and 140 million in 1967, by 1985 they will have to share the national parks with an estimated 280 million fellow visitors.

ADD THE "POPULATION IMPLOSION"

To this add the social and economic costs of the "population implosion." More than 40 per cent of America's population lives in twenty-eight metropolitan areas that contain more than one million inhabitants each. Seventy per cent lives on 2 per cent of the land, and the resulting problems of transportation, housing, recreation and overlapping government units add enormously to the costs and size of government. Whether because of the population explosion or the population implosion or both, crowding more Americans into 3,628,150 square miles of land will mean at a minimum more restrictions, more regimentation and a higher per capita cost of government.

The historic reasons for forcing fertility were valid when man had to fill an empty earth, but we must now change our institutions to reflect the changed circumstances of a finite earth. The reasons behind forcing motherhood on a woman in an empty continent with a frontier are missing in 1970 America when our federally financed public assistance programs cost $7.8 billion a year and one of twenty children are on relief. Studies show today that if ADC mothers were permitted to have only the number of children they wanted, the United States would save $600 million a year on ADC costs alone.[18]

The decision of *Griswold* v. *Connecticut*, 381 U.S. 479 (1965), and the recent movement toward removal of restrictions on abortion show some trend in our legal institutions to meet the problem of fertility. The new-found "right of privacy" announced in *Griswold* would seem to apply with equal force to laws that restrict the availability of sterilization or abortion. Restricting a woman's right to abortion, no less than to contraception, (1) is at war with accepted standards of medical practice, (2) invades the sacred realm of marital privacy by denying married couples the right to plan the future of their family, (3) forces the birth of deformed children, or leaves abstinence as the alternative, (4) is largely unenforced, yet hangs like a cloud over the medical profession, (5) results in discrimination against people in lower economic brackets, (6) is in conflict with one of the world's most critical problems today, the population explosion, and (7) involves the imposition of a religious principle on the entire community by government sanction.[19]

FAMILY PLANNING IS A HUMAN RIGHT

The Supreme Court, if it does extend *Griswold* to abortion, cannot be faulted for being too far ahead of society. Generally, other representative institutions of society have indicated a belief that it is a woman's personal right to decide whether to bear children. The American Public Health Association in 1968 declared that a couple have "an accepted right to determine freely the number and spacing of their children." The Citizen's Advisory Council on the Status of Women, appointed by the President of the United States, stated that the "right of a woman to determine her own reproductive life is a basic human right . . .". The Family Law Section of the American Bar Association has concluded, "The changes in our decisional and statutory law express a general recognition that the right to limit family size is a basic human right—that the individual has a right to free choice and self-determination in regard to procreation."

Despite the claim by the Supreme Court in *Griswold* that "We deal with a right of privacy older than the Bill of Rights—older than our political parties, older than our school system", there was at the time of the passage of the Fourteenth Amendment no fundamental right not to bear children. In fact, it has taken the women's suffrage amendment, equal opportunities laws and the various married woman's property acts—all since the adoption of the Fourteenth Amendment—to give women even the more generally recognized property rights.

The new doctrine of *Griswold* would seem instead to be more reflective of how the law changes to meet the "felt necessities" of society, rather than the clarification of a right "older than the Bill of Rights". It is becoming recognized throughout the nation that it is both bad political science and poor social science to force unwilling women to bear unwanted children.

Footnotes at end of article.

The law has already formed a foundation from which it can and, I suggest, will strike down all restrictions on a couple's right to determine the number and spacing of their children.

Is this enough to deal adequately with the pressures of population? Demographers and other scientists are suggesting that even if everyone had the complete right to determine his family's size, with contraception and abortion freely available, there would be little effect on the population explosion.[20] A true "free market" will not stop population growth in time to save our present freedoms and emenities, and the question really is not "How many children can we as a family afford?", but "How many children can we as a nation afford?"

FERTILITY CONTROL MUST BE BOTH PERMITTED AND INDUCED

Statistics available at present suggest that making complete fertility control available, while the first step, is no more than that—the first step. The demographic effect of removing all restrictions on contraception and abortion probably varies from culture to culture but seems to be inadequate to achieve population stability.[21] Accepting then, if for no more than argument, the necessity for population stability, it appears that society must devise something more than the free availability of contraception and abortion. Society at large may have to discourage the raising of children.

At this point, all the case law so useful in giving couples the right to control their child raising turns around and protects them against government action that would directly restrict childbearing. As early as *Meyer* v. *Nebraska*, 262 U.S. 390 (1923), the Supreme Court was affirming that the due process clause included the right "to marry, establish a home and bring up children." *Skinner* v. *Oklahoma*, 316 U.S. 535 (1942), recognized "the right to have offspring" as a constitutionally protected "human right," and *Loving* v. *Virginia*, 388 U.S. 1 (1967), recently affirmed the "freedom to marry" as one of the "vital rights essential to the orderly pursuit of happiness by free men." *Griswold*, which prevents government from restricting contraceptive practice, also would seem conversely to prevent government from encouraging or inducing contraception.

Yet, any lawyer with a sense of history recognizes that if the time ever comes when this country's survival or even welfare demands restrictions on fertility, the "felt necessities" will outweigh "precedent." As the demographer Lincoln Day recently observed, "Reproduction is a private act but it is not a private affair, it has today far-reaching social consequences." Those social consequences are increasing geometrically with the geometric increase in population; like other new social problems, they probably will have to be solved by law. The development of law, strong enough to be effective, wise enough to be acceptable, will be the challenge of the new generation of lawyers and lawmakers.

FOOTNOTES

[1] Richard Nixon: "One of the most serious challenges to human destiny in the last third of this century will be the growth of the population. Whether man's response to that challenge will be a cause for pride or for despair in the year 2000 will depend very much on what we do today." Lyndon Johnson: "Next to the pursuit of peace, the really great challenge to the human family is the race between food supply and population increase." John F. Kennedy: "The magnitude of the problem is staggering. In Latin America, for example, population growth is already threatening to outpace economic growth—and in some parts of the continent, living standards are actually declining."

[2] H.R. 11902 and S. 2108, 91st Cong., 1st Sess. (1969).

[3] Arizona, Arkansas, Connecticut, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington and Wisconsin.

[4] In order of passage: Colorado, North Carolina, California, Maryland, New Mexico, Arkansas, Oregon and Delaware.

[5] Hawaii, Illinois, Kansas, Michigan, Minnesota, Nevada (two), New York (two), Oregon (two), Washington and Wisconsin.

[6] *Griswold* v. *Connecticut*, 381 U.S. 479 (1965).

[7] *Gleitman* v. *Cosgrove*, 227 A. 2d 689 (N.J. 1967).

[8] In January of 1969 a Gallup poll sponsored by the National Wildlife Federation found that 44 per cent of those polled thought it would be necessary to limit our population at some time in order to maintain our present living standards.

[9] For an excellent and thoughtful criticism of the concept of making every child a "wanted child" as an answer to the population explosion, see Davis, *Population Policy: Will Our Current Programs Succeed?*, 158 Science 730 (1967).

[10] Voluntary sterilization is legal in all states. Formerly Kansas, Utah and Connecticut limited it to "medical necessity". Kansas and Connecticut repealed their restrictions during their last legislative sessions, and while the attempt to repeal Utah's law failed, the law would appear to be unconstitutional under *Griswold*, *supra* note 6.

[11] *Kreyling* v. *Kreyling*, 23 A. 2d 800 (Ct. Chan. N.J. 1942); *Baretta* v. *Baretta*, 46 N.Y.S. 2d 261 (Sup. Ct. Queens 1944).

[12] Annot., 96 A.L.R. 2d 955 (1964).

[13] McElroy, *Biomedical Aspects of Population Control*, 19 BioScience 22 (1969).

[14] Cheney, *Mineral Resources in National and International Affairs*, 19 Mining Engineering 67 (1967).

[15] Ehrlich, *The Population Explosion: Facts and Fiction*, Sierra Club Bulletin, November, 1968, page 13.

[16] Day & Day, Too Many Americans (1964).

[17] Conservation Foundation Newsletter, April 30, 1967, page 2.

[18] *Effects of Family Planning on Poverty in the United States*, report by Harold L. Sheppard for the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare.

[19] Levy & Kummer, *Abortion and the Population Crisis*, 27 Ohio L.J. 647 (1966). The California Supreme Court recently relied on *Griswold* v. *Connecticut*, 381 U.S. 479 (1965), in invalidating the pre-1967 California abortion statute. *California* v. *Belous* 458 P. 2d 194 (1969).

[20] Davis, *supra* note 9; Hardin, *The Tragedy of the Commons*, 162 Science 1243 (1968).

[21] Frederiksen, *Demographic Effects of Abortion*, Public Health Reports, December, 1968, page 999.

[From the Washington Post, Jan. 27, 1970]

PRESIDENT TAKES MAJOR STEP IN URGING POPULATION DISPERSAL

(By David S. Broder)

CAMBRIDGE, MASS.—In a generally overlooked section of his State of the Union address, President Nixon called on Congress to join him in developing "a national growth policy" aimed at channeling the 100 million additional Americans who will join the population by the end of this century away from our overcrowded big cities and into more habitable sections of the country.

Now celebration of the joys and virtues of small town and rural life has been a presidential tradition since Jefferson's time. But if administration officials are right in saying that this passage of the President's address was no casual bit of rhetoric, it could signal as significant a development in the national policy as any recent President has initiated.

There is no lack of evidence of what awaits us if we continue to let population trends continue as they have for the past three decades. But, as James L. Sundquist of the Brookings Institution points out in an article in the current issue of The Public Interest, it has been very difficult to engage the federal government in serious planning to change this trend.

Now the Nixon administration—so unlike the stereotype of a Republican laissez faire government in its penchant for long-range planning—appears ready to launch the first serious effort in this direction.

About time, too. For as Sundquist notes, if current trends continue to the end of the century, 77 per cent of the predicted 300 million Americans will then be jammed into just 11 percent of our continental land area. Only 36 million citizens will live outside urban areas of at least 100,000 population, and 187 million persons (equal to our total population only eight years ago) will be concentrated in "four huge urban agglomerations" facing the Atlantic, the Pacific, the Gulf of Mexico and the Great Lakes.

It is this grim prospect that Mr. Nixon seeks to avert by consciously using governmental policy to change the trend that saw "a third of our counties lose population in the '60s," as he said, while "the violent and decayed central cities of our great metropolitan complexes (became) the most conspicuous area of failure in American life today."

The President suggested that the federal government:

Make its future decisions on buying and selling land, building highways, airports and other public facilities "with the clear objective of aiding a balanced growth for America."

Assist in the building of new cities, as well as rehabilitating old ones.

Seek to "create a new rural environment which would not only stem the migration to urban centers but reverse it."

These prescriptions in themselves are neither novel nor specific nor adequate. What is important is simply the fact that the President chose to highlight the problem of population balance and has committed his administration to action on it.

As Sundquist, himself an able official of the Kennedy and Johnson administrations, noted in his article, the problem, though evident to scholars, never won a place on the national agenda in the 1960s. Orville Freeman, as Secretary of Agriculture, made a lot of speeches on rural development but President Johnson offered little more than moral support. The only major outline of a substantive program for population distribution came in a 1968 report from the Advisory Commission on Intergovernmental Relations, called "Urban and Rural America: Policies for Future Growth." Unfortunately, like many other studies done by that useful group, it received virtually no attention from the press and the policy-makers.

Now Mr. Nixon, who last year gave the most comprehensive message any American President has delivered on the general problem of population growth, has put this matter near the top of the national agenda and has instructed his Urban Affairs Council staff to make it the major area of study for the coming year.

That by itself will help mobilize the research capacity of government in the academic community, and, as Sundquist notes, research is the first and most obvious requirement for developing a population distribution policy.

But if action is to follow from research, it will take a commitment from Congress as well as the President. An earnest Congress' awareness of the need would be a move by the House Democratic leadership to bring

to a vote the measure creating a Commission on Population Growth and the American Future. This legislation, requested by the President in his population message last summer and approved by the Senate, has been languishing in the House Rules Committee. The Democratic Party and House Speaker John W. McCormack have a clear obligation to speed its passage.

Redirecting policy on population growth will not be easy, for, as Sundquist notes, there will be strong political pressures against a policy that is avowedly designed to halt the further concentration of people in the big cities. The real estate and commercial interests of those cities, influential in both parties, have a large stake in their continued growth, whether or not such growth is desirable for anyone else.

But if we are at all serious about improving the environment in which the next generations of Americans will live, no cause is more compelling than the one to which the President summoned Congress last week.

[From the Washington Post, Feb. 8, 1970]

IT IS HIGH TIME FOR AMERICANS TO DISPERSE

(By James L. Sundquist)

(NOTE.—Former Deputy Undersecretary of Agriculture, Sundquist is now a senior fellow at the Brookings Institution. His article is excerpted by permission from the winter issue of The Public Interest.)

By the end of this century, 100 million people will be added to the population of the United States. That is as many people as now live in Britain and France combined. Where shall they live?

If present trends continue—if they are allowed, that is, to continue—most of the 300 million Americans of the year 2000 will be concentrated on a very small proportion of the nation's land area. Projections of the Urban Land Institute place 60 per cent of the country's population—or 187 million persons—in just four huge urban agglomerations.

One continuous strip of cities, containing 68 million people, will extend 500 miles down the Atlantic Seaboard from north of Boston to south of Washington. Another, with 61 million, will run from Utica, N.Y., along the base of the Great Lakes as far as Green Bay, Wis. Some 44 million persons will live on a Pacific strip between the San Francisco Bay area and the Mexican border. A fourth agglomeration, with 14 million, will extend along the Florida East Coast from Jacksonville to Miami and across the peninsula to Tampa and St. Petersburg.

Most of the remaining 40 per cent of Americans will live in urban concentrations, too—and big ones. In this decade, the larger concentrations have been growing fastest; metropolitan areas over 150,000 grew faster than the national average of 9.8 per cent between 1960 and 1965 while the smaller areas grew more slowly.

These trends, continued for the next three decades, would place 77 per cent of the coming 300 million Americans on 11 per cent of the land (excluding Alaska and Hawaii). Only 12 per cent of the population would be outside urban areas of 100,000 or more population. Is this the way we want to live?

Two questions are presented. The first pertains to regional balance. Is it desirable that population be massed in a few enormous "megalopolises" along the seacoasts and lakeshores? The second relates to rural-urban balance (or, more accurately, the balance between metropolitan and nonmetropolitan areas). Is it in the best interest of the country, and its people, to continue indefinitely the depopulation of rural and small-town America and the building of ever bigger metropolitan complexes, in whatever region?

FORCED MIGRATION

In short, the 300 million can be highly concentrated in a few "megalopolises," or they can be distributed more evenly as among regions and dispersed in a more nearly balanced way among large metropolitan areas, middle-sized cities and thriving small towns and villages. Which do we want?

How each family lives is profoundly influenced, even controlled, by the size of the population cluster in which it is embedded. The degree to which population is massed determines the amenity and congeniality of the whole environment in which adults and children live and grow and work. It affects their personal efficiency, their sense of community, their feelings about the relationship between man and nature, their individual and collective outlooks on the world.

The impact of size is most emphatic on the lives of the ghetto dwellers of the great cities, of course, but no one in a megalopolis is immune. The resident of Scarsdale or Winnetka is not wholly spared the stresses of big city life; the larger the metropolitan area, the greater the strains and irritations of commuting and the more inevitable that the environmental pollution that arises from population concentration will affect the most idyllic suburbs, too.

In any case, the desirability of population concentration must be measured by its consequences for the majority of families who live at near-average or below-average levels, not upon the few who can insulate themselves in political and social enclaves.

So the question is, what kind of environment do we want to build? The nation, through its government, has established policies on matters of far less crucial import, yet the extent to which the country's population will be concentrated remains essentially laissez-faire.

That would be all right, perhaps, if by laissez-faire one meant free choice by the individuals and the families that make up the population. But it is far from that. The movement of people from smaller to larger places is, to a large extent though no one knows the exact proportions, involuntary, forced migration.

Young people going freely to the cities in search of adventure and opportunity make up part of the migrant flow, but only part; among the rest are millions of uprooted, displaced families who have little desire, and less preparation, for life in large cities and whose destination is often inevitably the city slums. These displaced families are simply forced into the migration stream by economic forces they cannot control.

The spatial distribution of population is determined, of course, by the distribution of jobs. With the exception of the limited numbers of the self-employed and the retired, people are not in reality free to live just anywhere. The vast majority are employees who must live where there are jobs and the location of jobs is not their choice. The concentration of the country's population is the result of employer-created job patterns that the people have had to follow.

For the most part, employers have not been free to create jobs just anywhere, either. They have been bound by considerations of economic efficiency—the location of raw materials and markets, the transportation cost differentials of alternative locations, etc. As a result, the basic pattern of population distribution has been designed by the play of economic forces, not by men acting rationally as environmental architects; events have been in the saddle once again.

Even in the absence of quantified evidence, it seems reasonably clear that our largest urban concentrations have grown well beyond the point at which diseconomies of scale begin to show. The costs of moving people and things within large metropolitan areas are demonstrably greater than the costs of moving them in smaller population centers. Commuting distances are obviously longer, the time loss greater, the costs higher. The flight of industry from central cities to the suburbs is a reflection, in part, of the cost of transportation to and within congested areas.

The cost of urban freeway construction varies directly with the population density of the area affected, and subway systems are an enormous expense that only the larger metropolitan areas require. Such municipal functions as water supply and sewage and solid waste disposal are probably also subject to diseconomies of scale, for the simple reason that the water and the waste must be carried over longer distances. San Francisco, for example, had contemplated dispatching a 70-car train daily to carry its solid waste over 300 miles into the mountains on the Nevada-California border.

COSTLY CRUELTIES

The diseconomies are ultimately measurable, at least in theory, in dollars and cents. Other disadvantages of scale are less measurable but no less real. Air pollution, for example, is a function of the dense concentration of automobiles. Similarly, water pollution is more amenable to control in areas where population is dispersed; there, given the will, the way is at least available.

One other factor that must be considered in any calculation of costs and benefits of urbanization is the social and economic cost of migration itself. To decide which new plant location is really most efficient, it is not enough to measure only the building and operating costs of the plant, although that has been the sole criterion of our laissez-faire philosophy.

There are enormous costs, as well as appalling cruelties, in the forced displacement and migration of populations, whether it be Negroes from the South, mountaineers from Appalachia or small businessmen from the declining regions of the Great Plains and the Midwest. (In the 1950s, more than half of America's counties suffered a net loss of population.)

Families lose their homes and savings and equities and property values along with their most deeply cherished associations; communities lose their tax base for public services; community institutions wither. Some of the migrants are too ill-prepared, too sick or too poor to adjust to city life successfully; many of them wind up on welfare, and they burden every kind of institution.

Yet these costs and losses are not borne by the industry locating the plant, but by people and communities, thereby entering no one's cost-benefit equation, no one's computations of efficiency. If they did so enter, then calculations of simple efficiency would no doubt show that, as a general rule, it is far more economical from the standpoint of the whole society to create new economic opportunities where the people are rather than allow existing communities to die while building other whole communities from the ground up in the name of "economic efficiency."

Moving from the physical to the social environment, hard data on disadvantages of scale are even more difficult to come by. Yet we know that as population in general is concentrated, so is poverty (large ghettos exist only in large urban concentrations) and crime, drug addiction, family breakdown and every other form of social pathology. It may be specious to argue that rural poverty is better than urban poverty when both are bad enough, yet the fact remains that the social evils associated with poverty tend to be mutually reinforcing when the poor are herded together in concentrated masses—as

studies of public housing populations, for example, have clearly shown.

Racial tension and rioting are not limited to big cities, to be sure, but in their most terrifying aspects they seem to be. Perhaps most important of all, the problem of unemployment and underemployment of the urban poor appears all but insoluble in the largest urban complexes because transportation systems just cannot economically link the inner cities where the poor live with the scattered suburban sites where the new jobs are being created. In smaller places, by contrast, people can even walk to work.

For all these reasons, it is not hard to accept as a hypothesis, at least, that our largest metropolitan agglomerations are less governable, less livable and economically less sound than smaller urban centers. Moreover, what little evidence is available suggests that people do not like to live in unlivable places; they are there, in substantial proportion, against their will. A Gallup poll in 1968 showed that 56 per cent of Americans would choose a rural life, if they were free to choose, only 18 per cent a city and 25 per cent a suburb.

FRUSTRATED FREEMAN

Over the last decade, only one leading figure in public life has made it his mission to sound the alarm on the question of population distribution policy. That was the recent Secretary of Agriculture, Orville L. Freeman. For the whole of his eight years in office, he led a personal crusade for what he initially called "rural areas development" and later came to call "rural-urban balance."

Before a House subcommittee in 1967, he said, "I say it is folly to stack up three-quarters of our people in the suffocating steel and concrete storage bins of the city while a figurative handful of our fellow citizens rattle tapped resources and empty dreams." And then he got carried away: "The whiplash of economic necessity which today relentlessly drives desperate people into our huge cities must be lifted from the bleeding back of rural America."

Freeman's metaphors could be excused; no one listened to all his years of sober pleas and reasoned argument. True, President Johnson gave him moral support and himself made a speech or two on rural development and sent Congress some minor measures, but the subject remained low on the President's priority list.

As for the congressional committees on agriculture, which might have been expected to take some leadership, Freeman could not even get them to set up active subcommittees to consider rural development.

The nation's intellectual community, insofar as it was aware of the Freeman thesis, treated it with a disdain that blended into outright hostility. A composite view of the urban intelligentsia toward rural America can be portrayed, with a touch of caricature, something like this:

Culturally, the cities have a monopoly, and have had since the Age of Pericles. Urban means urbane; rural means rustic. The theater, the concert hall, the museum are exclusively urban institutions; the countryside cannot produce the higher culture, and those who insist on living there are, by definition, both culturally unrefined and, what is worse, content to remain so.

Economically, rural America is destined for decay; the economic forces that built the cities are too powerful to be reversed, even if it were desirable to do so. Freeman's "back to the farm" movement (which, for the record, is not what it was) is romantic nonsense that flies in the face of every economic reality.

Sociologically, rural America is a backwater populated by misshapen characters out of Faulkner, given to choosing as their leaders men like George Wallace and Lester Maddox and to hunting down civil rights workers and interring them on the banks of the Tallahoga River. Politically, it is time that rural America got its comeuppance; the farmers have been exploiting the cities far too long through outrageous programs that pay them enormous subsidies to cut production while the urban poor—and the rural poor as well—go hungry.

Let the land-grant colleges—the "cow colleges," that is—worry about the Podunks and the hicks and hayseeds who live there; we are an urban nation now.

INTELLECTUALS RECONSIDERING

This picture of the rural areas is not, unfortunately, wholly unrelated to reality. The fact is that the rural areas of the country *are* disadvantaged in many ways: they *are* culturally isolated (although their isolation has been drastically reduced by television and good roads); they *have* declined economically; their governmental and social institutions *are* often primitive and backward; racial exploitation *is* rife.

But the cities are not all that superior. There is truth, too, in Freeman's counterportrait of big cities as places of "congestion and confusion, crime and chaos, polluted air and dirty water, overcrowded schools and jobless ghettos, racial unrest . . . and riots in the streets."

But there are signs now that the intellectual world may at last be rediscovering rural and small town America and looking with fresh eyes upon the problem of rural-urban balance. Like so many other trends of current history, this one was set in motion in August, 1965—in Watts.

The analysts of that explosion, and those which followed, suddenly discovered that the problems they called urban had rural roots. "We're being overwhelmed!" cried the urbanists. "Stop the migration. Get these people off our backs!"

So the rural and the urban interest may have converged, finally, and it is out of such convergence that effective political coalitions are born and problems attain their place on the national agenda. The prospects for such a coalition are expressed most sharply in, of all places, the 1968 Republican platform.

"Success with urban problems requiries acceleration of rural development in order to stem the flow of people from the countryside to the city," reads the GOP's plank. The language is not without irony for the party of small town America and the party that enacted the Homestead Act. The subject is treated under the heading "Crisis in the Cities"; rural development should be accelerated because the problems of the big cities, where the Democrats live, must be solved.

The leadership for a rural development coalition, also ironically, will have to come from those very cities. Groups with names like the Urban Coalition, the Urban Institute and the Urban League will have to assume the burden of worrying about rural America because there is no rural coalition, no rural institute, no rural league.

Nobody has ever organized to speak for rural and small town people in the nation's councils as the United States Conference of Mayors, say, and the Urban Coalition speak for city people. Farm groups exist, to be sure, but their interest is the economic interest of farmers as producers, and most rural Americans—whatever the definition of the word "rural"—are not farmers but small town and small city dwellers. And they are not organized at all.

When rural America is saved, it is clear, it will be for the wrong reasons and under the wrong leadership. But that is better than not being saved at all.

We can begin by defining one objective—to bring to a halt, as nearly as possible, all involuntary migration. The purpose of governmental policy, then, would be to permit people to live and work where they want to live and work; if they prefer to move to the big city, well and good, but if they want to remain where they are, the objective should be to bring the jobs to them.

This proposal will be confronted at once by the objection that some rural areas are too remote, too backward to be salvageable in any circumstances—that no matter how much they are subsidized, they are beyond the reach of economic opportunity. I hide behind the qualifying phrase; forced migration should be brought "as nearly as possible" to a halt, and where a rural community lies beyond the possibility of redevelopment (the Appalachian "head of the hollow" communities come to mind) then it is by definition impossible to help.

However, the number of people living in such communities is far smaller than is usually believed, if one understands that the jobs to be provided need only be *near*, not *at*, the community concerned. Commutation is a fact of life in this automobile age in rural areas as well as on Long Island, and rural people commonly travel daily to jobs within a radius of 25 to 50 miles. Circles with 25-mile radii drawn around small cities that have a proven economic potential—proven by the fact that they are growing now—cover the vast majority of the country's rural population east of the high plains, and if the circles are extended to 50-mile radii, they blanket almost the whole country but for a few sparsely settled sections of the western mountains and the plains.

A population distribution policy, then, would seek to encourage an accelerated rate of growth in the smaller natural economic centers of the country's less densely populated regions. To effectuate such a policy, the present approaches would have to be extended in both breadth and depth.

First, they would need to be expanded beyond Appalachia and the other presently recognized redevelopment areas to cover all areas that are sources of out-migration. Second, they would need to be greatly improved in potency so that they have a decisive impact upon the migration stream.

Present federal programs are limited to public investment—roads, hospitals, vocational training schools and so on—to strengthen the "infrastructure" of the nonmetropolitan areas, and loans and loan guarantees to encourage private investment. To these would have to be added the policy instrument of tax incentives that has proved so effective in stimulating and channeling investment both for war production and for peacetime economic growth. If an extra investment tax credit were available for defined types of new industry located in the places where the national population distribution policy called for it to be located, then jobs would be created where the people are rather than in places to which they have to migrate.

WRITING THE LANGUAGE

The rub will come, of course, when Congress begins to write the language defining exactly the places eligible for benefits. Growth centers that serve areas of out-migration would have to be included among the beneficiaries even though the centers themselves were areas of in-migration. But only up to a certain point. A cutoff population figure would have to be established at the point where a growth center is considered to have grown large enough, or at least to be able to attain its further growth under its own power.

But given the old-fashioned booster psychology that still conditions the thinking of the leadership of even the largest cities, Congress will find it difficult to designate any area, even the New York City area, as one that is destined—if national policy can bring it about—to stop growing. To most community influentials, bigger and bigger still mean greater and greater and richer and richer. A population distribution policy may therefore ultimately have to await a major shift in the national psychology.

(Mr. BUSH asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. BUSH. Mr. Chairman, I commend the gentleman from Illinois and those on the majority side for this important recommendation.

Mr. Chairman, I was a cosponsor of the original legislation to create this Commission along with the members of the Republican task force on earth resources and population of which I am chairman.

Our task force has studied the problems of population for 6 months. We have held 23 informal hearings on the subject and feel that we gained a great deal of knowledge about the problems relating to population growth, environmental quality, and depleting resources. The most significant and the most prevalent thoughts that surfaced during our activities was the fact that the rate of population growth that we are experiencing is the root cause of our inabilities to manage our physical as well as our social environment.

We have not found anyone who can honestly say how many people is enough. Obviously our standard of living is affected by increased population and high densities in our urban areas. Our industrial revolution and our postwar boom years have provided us with marvelous technology that has improved our material wealth and provided us with some unique amenities. However, this same technology has polluted our environment in many varied ways. We find it more and more difficult to maintain and produce adequate housing at reasonable costs. I have been tangled up in traffic jams as much as the next guy. A family has to travel farther and farther away from home in order to find decent recreational facilities. It disturbs me every time I hear about small farmers having to leave their land in order to find jobs in the city because they can not earn enough money to keep up with the expenses and overhead of a farm.

We have been hit on the blind side. We were not prepared for the changes that this current population distribution has caused, let alone the growth rate. We seemed to have moved along nicely in the fifties and the early part of the sixties in managing our affairs and all of a sudden found ourselves all tangled up. Our legislative mechanisms became snarled because of the increased demands for better services. Even though the Federal Government supplied more money than ever before to execute State and local programs the administrating organizations could not get out from under the workload to supervise the activities and insure success. So many more young people have been coming into the labor force and so many people have been moving—relocating, that too much apathy for local government developed and complacency on the part of local leadership resulted. Now it looks encouraging that this is changing but it is going to take a smart organization effort to enable local, State, regional and Federal Government organizations to work in concert with each other to produce effective results. It is all very good to have national standards for adequate housing, health services, education, and transportation for all of our citizens but we must have local organizations strong enough both in personnel and with the finances to cope with the increasing demands for these services. Most important is to marshall the independent action of our citizens relying less and less on Government for results.

The work of this Commission with the availability of the 1970 census data is an excellent initial step in developing the criteria that will be necessary in formulating local, State, regional, and Federal plans for accommodating the expected 100 million new citizens that we will be bringing into our society over the next 30 years. It should also make visable the areas where independent action can be productive.

This whole problem of increased population growth has been studied to death. I do not expect the data from the 1970 census to tell us much more than we already know. But it will give us the current figures we need to make a sensible case to the general public. It is difficult for me to believe that we can create the kind of awareness I think we all agree is needed to induce independent action, if we continue to use the 1960 census as our base figures. As a matter of fact I see the possible necessity in having a major census taken every 5 years in order to have confidence in our future planning. Perhaps this is one of the recommendations the Commission will consider.

Currently 70 percent of our population lives on less than 2 percent of our land. If this trend continues, over 80 percent of our population by the year 2000 will be living in five major megalopolis areas: Boston to Norfolk, Pittsburgh to Milwaukee, San Francisco to San Diego, Chicago to St. Louis, and Houston to the Gulf Coast. Can we change this distribution? Should we change it? If we do not want to change it, how best can we manage these new areas? These are questions I would like to see debated. It is possible that the work of the Commission would create a desire on a significant percentage of the population to redistribute and create new cities that today do not exist.

I feel we need up to date indicators on what percentage of our population will be productive and what percentage will be dependent. How many teenagers will be entering colleges and universities? Will there be enough classrooms and teachers? How many elderly people will there be living on fixed incomes? Will there be enough services for them? Nearly half of our population growth between now and 1975 will be concentrated in the 20 to 29 years age group. This group now accounts for only 14 percent of the Nation's total population. The Bureau of Labor Statistics indicates a need for 50 percent more jobs for the prime workers, age 25 to 64 in the 1970's than there were in the 1960's. At the same time there is expected to be 4 million more mothers in the highly fertile age group of 20 to 29 years. We have to be confident of our facts on this.

How can we convince these young women to contain the size of their families and have fewer children than is currently prevelant? This I feel will be the most important role of this Commission. We do not need another study job. We need from this Commission an activist role that will involve every segment of our society, particularly our young Americans. We need some new thinking about our prevailing attitudes toward marriage and children. How we address ourselves to this problem is going to take an honest national debate and an education of the consequences that our children and grandchildren will face if we continue this current growth rate. The Commission should be the forum for this kind of activity.

Hopefully the Commission will establish the need for a national policy on population. While we will be preparing ourselves for the expected 100 million additional Americans by the year 2000, we should be dramatizing the need for a volunteer effort by our young Americans to decrease the birth rate so that by the year 2000 we will have stabilized our population growth to where births do not outnumber deaths. We must make our young people aware that families can be planned and that there are definite benefits to be derived from small families. Not only economic advantages, but social advantages as well. We must also develop the awareness that these benefits are not limited to the individual family, but to the society as a whole.

It was with this thought in mind that I recommended to the President that the composition of this Commission be represented by youth. I am assured that it will be. It is very important that our young Americans can easily identify with the Commission members. After all, it is their future and it is their potential children for which we will be preparing.

We need to do an exceptionally good job in improving the effectiveness of distribution systems in the areas of family planning education, materials, and services. We need to develop the interest of Americans who are itching to be involved in volunteer work to consider family planning activities as a prime need area. This is where independent action could be very effective. Again, I feel this Commission should be the forum for developing new thinking in these areas.

The Commission should set some realistic goals, define the tasks to be accomplished and motivate mass action. Not just Government action, but independent action. This is a people problem and I am confident that if the Commission acts properly, the people will take action through their civic organizations, church groups, foundations, associations, and fraternities to control our population growth and improve our quality of life for every citizen—rich or poor, black, yellow, red, or white.

Mr. BLATNIK. Mr. Chairman, I yield 5 minutes to my distinguished colleague who has spent a great deal of effort on the initiation of reorganization programs over the years in this committee, the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, the bill we have before us today, H.R. 15165, the purpose of which is to establish a Commission on Population Growth and

the American Future, is probably one of the most important we have had before the Congress in a long time. The figures of population growth are so startling that I wish to repeat them.

At the time of Christ the population of the earth is estimated to have been about 250 million people. It took 1,830 years for the world's population to grow to a total of 1 billion people. In only 100 additional years—in 1930—the population reached the 2 billion mark. In the year 1960, 30 years later, it reached the 3 billion mark: and finally in the year 2000, only 30 years from now, it is estimated that the world's population will be about 6 billion people.

Turning now to the U.S. statistics, in the year 1790—180 years ago—our first U.S. census revealed a population of 3.9 million people. The present estimate of the U.S. population is about 203 million. In the year 2000, this is expected to soar to an estimated 320 million people.

It is because of these figures that we have this bill before us today.

The Subcommittee on Reorganization, of the House Committee on Government Operations, chaired by my esteemed colleague (Mr. BLATNIK) held hearings on this subject matter in mid-November. Several bills were before us and the committee finally introduced the clean bill which we have before us today.

This legislation has been requested by the President of the United States. It has been endorsed by the Department of Health, Education, and Welfare for the Nixon administration, and it was reported unanimously from our committee. The Commission on Population Growth and the American Future which the bill establishes will sponsor studies and research and will make recommendations and provide its information to all levels of government in the United States regarding the broad range of problems related to population growth and the American future. The appointment of members of the Commission follows precedent as detailed on page 2 of the bill. The duties of the Commission are outlined in five numbered paragraphs on page 3. The Commission follows precedent again in the recruitment and staffing of the Commission staff. On page 5, the Commission is directed to make reports from time to time to the President and to the Congress, whenever they have significant findings and whenever recommendations are deemed advisable. They are specifically directed to submit an interim report to the President and Congress within 1 year and a final report 2 years after the enactment of the act. The Commission will automatically terminate 60 days after its 2-year report. The last page of the bill contains the authorization for appropriations, and the request will be made for $1,443,000 for the 2 years work of the Commission.

The time has passed when we can plan for the future without definite information as to the problems which our exploding population will make for future congresses.

More and more people are beginning to believe that unrestrained population will have a catastrophic affect upon the earth and its environment. We are concerned not only with a limitation of natural resources, but we are concerned with the multiplication of problems which automatically occur when millions of people are thrown together in our great cities and surrounding suburban areas.

All we have to do is think of the increasing problems of housing, of education, of vocational training, and of the transportation of goods and people for large population concentrations, for us to realize the tremendous problems which our children and their children will face. This commission is charged with making findings and recommendations to the President and to the Congress. It cannot within itself do the work of the Congress. Once the Commission's findings and recommendations are made to the President and the Congress, it will become the responsibility of the President to recommend and the Congress to implement such recommendations as they deem to be necessary and appropriate. So today we are not attacking the problem of exploding population from the standpoint of proposing remedial solutions, we are doing the foundation work of authorizing a study and analysis which must proceed any worthwhile recommendations or implementations.

We cannot emulate the ostrich and bury our heads in the sand in the battle against this approaching avalanche of population and its problems. We must use every method of analysis and collective judgment if we are to be successful in laying the groundwork to guide wisely the destiny of our Nation.

Mr. DADDARIO. Mr. Chairman will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, I should like to lend my support to the bill offered by my distinguished colleague from Minnesota and others and to commend them particularly for the rationale behind it. This bill, which would set up a Commission on Population Growth and the American Future is, I believe, a much needed step in the right direction toward finding a solution to the severe problems which affect not only our Nation but our planet.

As I read it, the Commission which would be established by this bill would be set up to conduct inquiries into all potential effects and aspects of normal population growth in the United States. It is not a bill for population control, family planning, or Government action intended to affect the growth of population in one way or the other. But it is a bill which does contemplate, among other things "the various means appropriate to the ethical values and principles of this society by which our nation can achieve the population level properly suited for its enviornmental, natural resources, and other needs."

Mr. Chairman, I view this approach at this time to be eminently sound. And I particularly want to congratulate the authors of this bill and their requirements that the work of this technical commission shall be reported promptly to the Congress as well as to the executive.

Mr. Chairman, I would like to point out that on June 10 last year, the distinguished gentleman from Ohio, (Mr. MOSHER) and I cosponsored the introduction of H.R. 12000 which would redesignate the Department of the Interior as the Department of Resources, Environment, and Population. This bill has been the subject of a great deal of discussion across the country and, indeed, it was among the pieces of legislation on which the gentleman from Minnesota held hearings last year. The bill was also identical to that subsequently introduced on October 13, 1969, by the distinguished gentleman from Texas (Mr. BUSH) on behalf of the special Republican task force on earth resources and population.

Mr. Chairman, the essence of the efforts of the gentleman from Ohio and myself in this area have consistently been predicated on the concept that the population factor cannot be divorced from our problems of limited resources and environmental erosion. At the time of introducing our legislation, I made the following comment in the House:

> But we are reaching the point where we have no choice but to curb and disperse, somehow, the accelerating crush of a crawling, sprawling humanity which is voraciously stuffing its collective maw with more and more of the irreplaceable resources of this planet. And doing so in a way which seldom permits the regeneration of those resources.
>
> Attempting to deal with our resources, environment, urban problems, crime, educational crises, unemployment, or any other major social ill without simultaneously dealing with the population factor simply means we are racing an engine that has no transmission. The power train is broken and the wheels just do not turn. We will get nowhere.
>
> The answers to the severe problems we face, I am convinced, no longer lie in the traditional vein we have all been taught to revere—growth. Throughout history, and especially in America, growth—ipso facto—has been held good. The great healer and dilemma-solver. The fountainhead of abundance and well-being. The mainspring of a "viable" and "vigorous" economy. The source of national security. For the short run, it still seems that way. But many thoughtful people are now becoming uncomfortably aware that, for the long run, uncontrolled growth means extinction.

Mr. Chairman, I reiterate the same philosophies today and I am happy to see that they are incorporated in the efforts represented to us today on the floor of the House.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Chairman, the bill before this House, to establish a Commission on Population Growth and the American Future, provides an unprecedented opportunity for the United States to address itself directly to a vastly complex subject, and to do so in an organized, scientific fashion.

The Commission's purpose, Mr. Chairman, is stated very succinctly in the bill:

> The Commission shall conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:
>
> (1) the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;
>
> (2) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

(3) the ways in which population growth may affect the activities of Federal, State, and local government;

(4) the impact of population growth on environmental pollution and on the depletion of natural resources; and

(5) the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental natural resources, and other needs.

The next 100 million Americans need not catch us unaware. The President has offered—for the first time in American history—an opportunity to consider in a rational way the implications for our country of 100 million more mouths to feed, bodies to clothe and shelter, minds to cultivate, and opportunities to find. His proposal, which the Committee on Government Operations has sharpened still further, would give to the Commission a broad but specific mandate, a mandate which must be carried out with skill and determination.

The United States can no longer afford to ignore population growth. It has been with us for decades, but today and in the foreseeable future population growth is more crucial than ever before. Wise public policy, therefore, requires that we deal with it forthrightly and intelligently.

As we ponder an increasingly despoiled environment, congested cities and suburbs, and big and complex institutions, we are challenged as never before to find rational and workable ways of insuring that future generations can find satisfying lives in this land.

Though the responsibility is primarily a Federal one, it is a challenge which confronts every other level of government and one to which many are beginning to respond. In my own State of New Jersey, for example, a recent issue of the New Jersey Economic Review, an official publication of the State government, contained an article entitled, "Population Growth—Is It Poverty or Wealth?"

Pointing out that New Jersey, already the most densely populated State in the Nation, is expected to grow from about 7½ million people in 1970 to almost 9 million by 1980—an average increase of about 417 every day—the article concludes that our State is confronted "with a spectrum of problems and potential needs unlike anything ever experienced."

But, as the article adds:

With the proper understanding these changes can be effectively planned for and capitalized on, resulting in controlled growth for New Jersey.

This, in a sentence, Mr. Chairman, summarizes the whole point of the present bill. It is understanding we must have, understanding as the essential basis of planning and action.

The President has taken a courageous and important initiative, in which he has been joined unanimously by the bipartisan membership of the Committee on Government Operations. I hope our colleagues will give this big first step the support it must have.

Mr. BLATNIK. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. DWYER. Yes, I shall be glad to yield to the gentleman from Minnesota.

Mr. BLATINK. Mr. Chairman, I would like the RECORD to show the splendid cooperation and leadership that the ranking minority member of the committee, the distinguished gentlewoman from New Jersey (Mrs. DWYER) gave to this legislation. She not only sat throughout the hearings, but was the leadoff witness and set the tone as to the seriousness and the earnestness which characterized the hearings. We express to her our appreciation for her leadership as well as the cooperation which she has given to this legislation.

Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, for several years I have been vitally interested in the serious problems presented by unchecked population growth at home and abroad. I was thus pleased and encouraged by President Nixon's July 18 population message, in which for the first time a President stated as a matter of national policy the right of every American to choose to limit or space their children, he declared that the Government will provide family planning services to the 5 million low-income women who need and want but cannot afford such services.

On Wednesday it will have been 7 months since the President delivered his message and today we are considering, as proposed in that message, an administration bill to create a 2-year study commission on the problems of population growth.

The purpose of the bill is worthy. It is a good idea to perform research and study the problems of population growth. But, Mr. Chairman, to limit the national effort to the study of a problem that is more and more quickly overcoming our resources and those of the world when action is so obviously needed is foolishness—indeed dangerous foolishness. On this point, I am deeply disappointed in the Nixon administration.

In his message the President, after proposing the establishment of a Population Commission, also said:

I would take this opportunity to mention a number of additional government activities dealing with population growth which need not await the report of the Commission.

First, increased research is essential.

Second, we need more trained people to work in population and family planning programs both in this country and abroad.

Third, the effects of population growth on our environment and on the world's food supply call for careful attention and immediate action.

Fourth, it is clear that the domestic family planning services supported by the Federal Government should be expanded and better integrated.

He went on to say that legislation to increase authorization for family planning services would be sent to Congress. It would seem that those words committed the President and his administration to a positive course of immediate action and I applauded that course. But what has happened since?

The bill we are considering today was introduced only 7 days after the July message. It was pushed through the Senate with 1-day of hearings and passed with no debate and no comment. House hearings were equally apathetic. Why? It is not that the purposes, as I have indicated, are not worthy or that further study is unnecessary as we all acknowledge. It is because most of us are plagued by a nagging doubt that all the administration plans to do is to establish this Commission. We are skeptical because since July so little has been done to meet the demands of the situation and action is required now. The July message recognized the weaknesses of our national family planning service, research and training programs. It recognized the fact that only about 15 percent of the 5 million poor or near poor women in poverty in their childbearing years who need family planning services are getting them. Although the administration did effect a minor reorganization of its service program, it has failed to move imaginatively and effectively in the organizing of a national family planning effort.

The only pending legislative proposals which appear to meet the requirements of the President's message are S. 2108, introduced in the Senate by Senator TYDINGS and H.R. 11550 which Representative BUSH and I introduced in May. Both bills are designed to expand, improve and better coordinate the Government's family planning service and population research activities. The administration has never expressed opposition or made clear their objections to these bills. However, during Senate hearings on S. 2108 it suddenly introduced a very weak alternative measure apparently intended to delay or derail the enactment of S. 2108 and H.R. 11550. This was certainly puzzling since the goals of the legislation and the President's message appear identical. The only conclusion is that the administration is not prepared to deal concretely with the problem but is content with rhetoric.

The administration's proposed 1971 budget provides for only a slight increase in family planning project grants. It is interesting, however, to note that the proposed increase is conditioned upon passage of either H.R. 11550, S.2108 or the administration measure but the administration has unfortunately adopted an utterly passive approach to all of these measures. I am also dismayed to observe that even the administration's prize social proposal, the Family Assistance Act of 1969, fails to emphasize family planning.

In recent weeks testimony before Senator NELSON'S Senate subcommittee has publicized the possible adverse effects of contraceptive pills. The adequacy and safety of contraceptive methods are matters of concern to virtually every family in the Nation. It is clear that none of the existing contraceptive methods are entirely satisfactory, safe, and effective and that an intensified research effort is vitally necessary.

And it is clear that there is a great deal we now know which we can act upon. Indeed, I would point out that this is not the first population study. The Department of Health, Education, and Welfare, several years ago, contracted with the Ford Foundation for a study of all our Government population planning programs. That study was finished in September 1967. It is called the Harkavy Report after its author, Dr. Oscar Harkavy of the Ford Foundation. Extensive

hearings were held on the Senate side by Senator Gruening's committee for several months at which Congressman BUSH of Texas and I appeared.

It is also clear that unwanted children in the lower income groups are helping to mire their families further into poverty. We know that unwanted population growth is absolutely inundating our public facilities, our education systems, our housing, our welfare programs, and our community-based medical services. We know our country is becoming unsettled in part because of the inadequacies of the public services for the poor. And yet the administration has done nothing in the face of these problems other than propose new studies on top of the excellent studies that we now have to review, while the President's July promises give every indication of becoming empty ones.

In all good conscience, I can only vote to support this bill because I intend to continue to press for concrete action. I hope that my colleagues, while voting to support this legislation, will pledge themselves to enact an action program consistent with the President's own message and that 1970 will see the enactment of a Family Planning and Population Act which will meet the needs of all our citizens. Not to do so would simply be to engage in that unhappy, but all too prevalent, practice of studying a problem rather than moving toward a solution.

Mr. ERLENBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. TAFT).

Mr. TAFT. Mr. Chairman, it is most appropriate that one of the first major pieces of legislation to be taken up by actions of this House in 1970 should be the consideration on H.R. 15165, which would create a Commission on Population Growth and America's Future. America's future indeed depends in large measure upon the capacity of both the public and private sectors to deal intelligently and responsibly with the problems associated with population growth. The Commission to be created by this legislation will provide much of the information and empirical data needed to formulate effective public policy in the 1970's and beyond.

The urgency of our coming to grips with the world and domestic population problems was eloquently stated by the President in his message to Congress on July 18, 1969. At that time, the President recommended that a Commission on Population Growth and America's Future be created because too few people were examining the problems from the viewpoint of the whole society. I am pleased to have been one of the cosponsors of this legislation along with the other members of the Republican leadership, the House Republican task force on earth resources and population, and a majority of the members of the Committee on Government Operations.

At present rates of growth, the United States will reach a population of 300 million in the next 30 years. An increase of that magnitude is going to place a tremendous strain on both our natural resources and our social institutions. We need to know what the impact of that population growth will be on our society. We need this information gathered in a comprehensive and systematic manner, as quickly as possible because all the values we prize—decent housing, quality education, economic opportunity, outdoor recreation, privacy, natural beauty, and even free institutions—are at stake.

None of us can predict the future. But with the passage of this bill, we will at least have made an important step toward insuring that we have the best and most complete information available when we legislate in the future on matters of deep national concern.

Mr. ERLENBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I wish to add to the remarks made heretofore in support of H.R. 15165, to establish a Commission on Population Growth and the American Future.

During this decade of the 1970's America faces many of the most critical challenges that have come to bear on our resources and energies since the Nation was formed. Whether we talk about the problems of the environment, social upheaval, education for our children, proper care for the aged, better transportation, or the host of other factors which will determine how we are to progress in the future, almost all are interrelated with the growth and activity of the population. We know that by the end of this century an estimated 100 million more Americans will be added to the present 200 million Americans of today. We also know that present trends indicate the vast majority of them will be crowded into many of the already overpopulated metropolitan centers of the Nation unless programs are begun to encourage people to settle in America's rural areas and small cities and towns which have been losing citizens for many years and unless steps are taken to limit the expansion of our population.

Orderly growth and development of America in the decades ahead dictates that we thoroughly study and understand these population trends and the demands they will produce on our resources. We must define the alternatives upon which Governments at all levels can prepare for the needs of their jurisdictions through coordinated planning that anticipates such future needs.

Behind us is the time when each State and local government could study the census figures and projections for its own area and base future programs upon such independent determinations. America has become tied together through a vast network of superhighways, railroads, and air travel facilities that makes it possible for millions of people to constantly move to new locations in search of better jobs and living conditions. This will become even more prevalent in the future as tens of millions more join our population, and new generations of workers and young families seek the best places in which to work and rear their children.

But if America is not ready for the new growth and migration patterns, instead of the new vitality such movement has given us in the past, we may be faced with more of the chaos and destructive forces that have surfaced in recent years. If America is to continue to be a land of opportunity for all, we must plan for that opportunity and encourage it so that good jobs will be available in areas where adequate living and recreational conditions also still exist—where the air is fit to breathe and the water fit to drink and swim in, and green, open space still abounds. America has many areas left that can provide these living conditions, and which will profit through their development and redevelopment after decades of migration from rural America to the cities.

The choice we face is whether our nation's resources will be developed with orderliness—with the proper mix of business and industry and services; with transportation systems that will provide for the future, and not become obsolete within a few years as has happened in many of our cities; with proper zoning to prevent the unsightliness of haphazard development which cuts across natural boundaries. The battle after the fact has become traditional in too many areas of America. We can no longer afford that.

Population is too interrelated with all of these facets of growth and development not to study it in the finest detail that we are able, so that plans can be based on statistics in which we have confidence. A Commission on Population Growth and the American Future is the right step in providing such information to our planners in the near and far future.

It should also be pointed out that the Commission intended in this legislation is not going to become America's family planning authority, as some have raised fears that it might. Its job will be to tell us what to expect, and not to try to determine plans or programs that would intervene with the rights of each family to regulate its own size. Without such a Commission to help define the growth of America's population, the Nation will sooner approach a time when such concerns might have grounds for validity.

Mr. TUNNEY. Mr. Chairman, the decade of the 1970's will see a greater concern for the problems of man in relation to nature, to his total environment.

Today the average American is enjoying a great deal of freedom due primarily to his better economic position, his access to better education. Yet, increasing population is forcing a decline in the degree of flexibility allowed the individual. As the population continues to grow, the individual not only sees the problems of urban decay and pollution around him become more acute, he also finds his daily existence ever more circumscribed by increasing controls from government and external sources, by crowded schools, recreation areas, and highways, and by less flexibility permitted individual behavior. In addition, the problem of accelerated growth in our population is intertwined with the problems of environmental deterioration and pollution. We are now concerned with the impact and effects of increasing numbers of people to what is called "the quality of life."

Never has the contradiction between greater quantity—more and more people—and less quality—the degradation of our physical environment and our social and political rights—been more apparent than today. For it is obvious that popu-

lation increase in America threatens our well-being by hastening environmental deterioration, magnifying social problems, and limiting the range of options available to individuals and society. As Garret Hardin stated in the hearings on the effects of population growth on natural resources and the environment:

> All of society is moving into an era in which the more people we have, the disproportionately worse many things become.

If we are to be ready for such growth we must begin to plan now. We are too inclined to treat our problems in a piecemeal manner—isolating them as they appear as blemishes on the national countenance. As a result, we often concentrate on treating symptoms of problems, rather than causes. We are inclined, for example, to formulate policy as a reaction to crisis, not to prevent crisis from occurring. Today, we are under pressure to create solutions to the problem of population explosion. There is little time to even treat the symptoms, let alone deal with the causes. This is one problem that we have waited too long to even recognize, and we are paying the consequences for our procrastination more and more every day in our cities.

Scientists are already painting a gloomy picture of what our earth will look like not a century from now, but within the next 30 years. Dr. Barry Commoner warns that "human society is now entering a crisis of survival." Greater efforts and large allocations of money are needed to cleanse our air, water, and land. Yet it is obvious that increasing population will inevitably swamp the best antipollution efforts.

Americans must face the fact that we too have our own population explosion. We must recognize that many of our tensions and failures are related to the population growth. We must realize that many of our problems are intensified by man's increasing population, which is compounded by congestion in our cities.

We are destroying the balance of nature which sustains us all as we increase our use of technology. We are being overwhelmed by problems of crime, poverty, racial unrest, overcrowded schools, dirty water, in our overcrowded urban areas. We are becoming victims of a population growth that multiplies our urban problems as well as the problems of environmental pollution.

Every day each person adds to the environment 120 gallons of waste sewage and 1.9 pounds of polluted air.

In a year each person throws away about 250 cans and 135 glass bottles or jars.

As our population doubles, the demand for water triples. The output of wastes increases in staggering amounts.

What this means in the aggregate is that as more people place greater demands on industry for goods, more resources are taken from our environment while more irreparable pollution damage is caused by the waste byproducts. The problem is multiplied in an advanced industrialized society such as ours. Dr. Jean Mayer, a leading expert on the problems of the environment has pointed out:

> Rich people occupy much more space, consume more of each natural resource, disturb ecology more, and create more land, air, water, chemical, thermal and radioactive pollution than poor people.

Although we have only 6 percent of the world's population, we consume about 40 percent of the world's resources. If all people lived at our standard, the world would consume 20 times the iron, copper, sulfur, timber, oil, water, and other resources than it does today. The world simply does not have those resources.

Within the next 30 years, 100 million people will be added to the population of the United States. It is not just the sheer numbers of these people that adds to the strains of our population. The problem is aggravated by the patterns of living in our society. Ours is an urban society where 80 percent of the population will soon live on 2 percent of the land. In 1960, 63 percent lived in such areas. Thus we are pressing more people into our cities. In America, too many people are simply living too close together.

It seems to me that population overcrowding is itself a form of pollution. In the United States, the basic pattern of population distribution has been influenced not by environmental criteria, but by economic forces. The cities have a monopoly on the employment market as well as on cultural facilities. Our increasing population is being funneled into our cities and ghettos which are already overburdened, encountering difficulty in offering necessary services—from schools to garbage collection. We can expect within the next 25 years that 100 million additional Americans will seek space to live with the 140 million already in our cities and suburbs. We must reverse this population trend. It is time to literally give our urban areas breathing room, and to create a rural-urban balance.

We can help to alleviate city congestion by creating a new rural environment. I have cosponsored two bills designed to improve agricultural and nonagricultural job opportunities. The first provides certain preferences for prospective Government contractors in such cities and areas. The second bill provides incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas. The bills are designed to develop business and employment opportunities in rural areas, smaller cities, and areas of unemployment and underdevelopment.

We can also discourage further concentration of population in large crowded metropolitan areas by creating new cities, new towns, new communities located 100 or more miles from our urban centers. The Nation would benefit, both economically and socially, from a dispersal of population and jobs. A balanced growth could avoid the possibility of America developing into a land of huge urban agglomerations.

We can encourage the growth in the smaller natural economic centers of the country's less densely populated regions by creating the incentives and opportunities for people to live in rural areas. The present exodus of 600,000 people a year from rural areas is generated by the deterioration of such opportunities in rural areas—and the resulting hope for better opportunities in our cities. Former Secretary of Agriculture, Orville Freeman, has spoken on the need for rural development:

> If we permit our small towns and rural areas to grow to weeds, if by failure to act we force people from Town and Country, we feed the fires that are consuming the inner cities and the erosion that blights so many of our suburban neighbors.

Although a population dispersal program is required, this, by itself, will only do as a short-term measure. If we are to achieve a population stability so necessary for the maintenance of the high quality of life we Americans presently enjoy, then research is the most obvious requirement for developing programs. We have a need to look at the overpopulation problem in relation to the problems of our cities and the effects of population growth on natural resources and the environment. We need to take a broad overview of the problem if we are to develop a rational national policy that allows for our material progress to continue yet preserves our environment.

For this reason, I strongly support the proposal to establish a Commission on Population Growth and the American Future. I am particularly pleased to note that the aim of this Commission would be to study a "broad range of problems associated with population growth and their implications for America's future," including "the impact of population growth on environmental pollution and on the depletion of natural resources." In addition, this Commission would act as a coordinating body which would consolidate the research and data dealing with population. Such research is presently distributed among public agencies, universities and institutions, private firms, and individuals. This information is useless in its fragmented condition. The Commission would be able to better coordinate the available data. It would then be in a better position to recommend and develop ideas and concepts for implementation of programs necessary to alleviate our population and environmental problems.

There is some criticism as to the length of tenure of the proposed Commission. I agree that 2 years may be too long to wait for a final report by the Commission considering the need for rapid action. But if we are to treat the causes and take preventive action, then a much deeper understanding of the dynamics and nature of the problem is needed.

While I view with alarm the increasing environmental and societal deterioration stemming from the existence of a growing population, I also feel that those people who see all our problems as a direct result of the population explosion see the problem too simply. Likewise, centering our attention only on the issue of population is to see the challenge too narrowly.

In the United States, population growth is beginning to stabilize. Our environment is, nevertheless, rising in

revolt against us. Environmental degradation, however, is only partly due to population growth. Other factors include blind use of technology, increases in gross national product, filthy habits of waste disposal, greater mobility, and inability to stimulate new cities or expand smaller existing cities to alleviate the growing concentration of our population along the coasts.

Even with a fraction of the present U.S. population, the continued mismanagement of technology could completely destroy the physical environment. As Fortune magazine points out:

> Three million high-technology U.S. farmers put more adverse pressure on their land and rivers than the hundred and fifty million low-productivity peasant families of China put upon their land and rivers.

I also feel that no government should ever tell its people how many children they should have or when to have, or not to have children. This is an area of private concern.

However, it is clear that more family planning services should be available for those who desire to use them.

It is also clear that a change in attitude is required. We need to make sure that every couple has the information necessary for them to be able to make a decision on the number of children they feel they can have. As Dr. Roger Revelle, director of the Center for Population Studies at Harvard University states:

> We have to temper this statement with a consideration of the children themselves. Children are not really property. Children, both born and unborn, should be thought of as having rights, and one of the rights they have is the right to human fulfillment and to a decent environment. They will not have these rights if there are too many people. We need to think seriously about poulation policies which, while preserving freedom for men and women, will at the same time tend to foster a widespread belief in not having too many children, having families which are not too large.

We must not be complacent. The population increase will hasten deterioration of our environment, speed a decrease in our quality of life, and magnify serious social problems—in schools, housing and employment.

To reverse the deterioration in our environment, we must recognize the relationship between environmental policy and population growth. We need to plan now for the type of society our children will live in in the next 30 years and in the following century. That is why I urge the House of Representatives to pass this bill to establish a Commission on Population Growth and the American Future.

Mr. LEGGETT. Mr. Chairman, today the United States has a population of more than 204 million individuals. Individuals who share a common interest to insure that the quality of life in the United States will expand in the future and not deteriorate as a result of lack of awareness or concern over the problems that will arise with a rapidly expanding population.

We in Congress are well aware that many of the individuals we represent cannot get adequate medical attention because of a shortage of doctors and hospitals. We know that many live in substandard housing either because better housing is beyond their financial means or because it simply is not available. We know that there is a tremendous shortage of teachers and classrooms for our children and that much of our educational system is below standard.

Yet today we have done little to face these problems. Problems that will not go away, but will greatly increase in the future.

The bill before us will establish a Commission on Population Growth and the American Future. The Commission shall conduct an inquiry into the following aspects of population growth in the United States and its foreseeable consequences:

First, the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

Second, the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

Third, the ways in which population growth may affect the activities of Federal, State, and local government;

Fourth, the impact of population growth on environmental pollution and on the depletion of natural resources; and

Fifth, the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

Most of us realize that this Commission, if established, will come to several conclusions that many of us have already reached on our own. It will tell us that we need to spend more for improving the quality of life in America and making it accessible for all, and less for fighting wars or providing arms to keep unpopular governments in power in other nations.

It will also tell us that Congress will have to take bold and vigorous action to provide for an additional population of over 100 million individuals by the year 2000.

I realize that this Commission is of vital importance to the future of this country and all of its population. If we are fortunate the Commission will give us a broad view of what to expect as a result of increased population and increased demands on our economy, Government and environment. Hopefully it will also provide some basic answers as to what direction we in Congress and we as a Nation will have to take to meet the challenge we will surely face.

But the establishment of this Commission is not enough. It is a first step that is necessary for the well-being of all who we here in Congress represent; but it is not enough.

We must do more than establish a Commission which we can point to when constituents write and ask what we are doing about the population explosion or the resulting reduction in resources, housing and general quality of life. We must decide to implement the recommendation of this Commission. These printed reports will not solve our problems. We must decide to take action on their recommendations.

I urge all my colleagues to vote for passage of this legislation. But I would rather have this measure defeated now than to have one Congressman vote for it who will not take prompt action to implement the policies that will be recommended. We do not need rhetoric, but sound ideas and vigorous action.

Mr. WOLD. Mr. Chairman, in addition to the many values of democracy which we know and cherish, scholars have recognized one significant failing—an inability to act in anticipation of public problems. Again and again we seem to confirm this failing as we mobilize our great problem-solving potential only when problems become unusually severe.

Many have warned of the population problems which throughout man's history have been inexorably moving upon us. The rate of that movement has steadily accelerated, yet most of us have remained complacent. Few have acted. Little has been done.

The problem is now clearly and visibly upon us. We no longer must seek the problem, the problem has sought us and we are being called upon to act.

Our action, moreover, is doubly needed for the population problem is one which underlies and makes more troublesome the numerous additional social and political difficulties with which we are daily struggling. In addressing the issue of too rapidly increasing population, we indirectly yet most effectively address very serious parallel dilemmas in human ecology, sociology, psychology, and politics. This problem which we attend today has massive ramifications.

As many have slept, a few dedicated and perceptive scholars have analyzed and published population data. These have been the "voices in the wilderness" to which we are finally forced to listen. They have fortunately provided us with a sound background of information upon which to begin our deliberations. They have brought us to what we can most accurately describe as our time for "facing-up," our time for meaningfully addressing this problem.

We obviously do not possess all of the knowledge of human ecology and the dynamics of population which we need. Continued, even accelerated, research is essential. But I believe that the time for assembling and critically evaluating what we already know has arrived. The seriousness of the problem and rate at which it is accelerating, both in this country and throughout the world, confirm this conclusion.

Interest in the issue is developing among social and governmental leaders but the dialog has been and continues to be somewhat disconnected. The energies and contributions of skilled, creative, and committed people are lost as we continue a "shotgun" approach to the problem. A central body around and through which a common focus can be developed to bring this scattering of views, ideas, and proposals into useful perspective is needed. In my judgment, the proposed Commission can serve in this essential way. During the coming months this

Nation must establish a basis for action and make a commitment to action. Time is a critical element and the problem is of great significance.

We of the Congress should understand and commit ourselves to the affirmation, however, that we are not merely creating another study group. Our purpose is not to avoid or forestall action through prolonged study, but to establish a reliable basis for responsible action. The Commission we create must be accurately aimed in purpose, composed of wise and committed persons and aggressively supported by the Congress. From Commission deliberations a product upon which we can build sound public policy must emerge.

I believe that the provisions of H.R. 15165 provide the tools and conditions for achieving this purpose. The Congress, by creating and supporting this Commission, takes a most essential first step in coming to grips with what history has proven is a critical problem facing our Nation and the world.

Mr. BROWN of California. Mr. Chairman, a population commission is not going to solve the tremendous problems caused by the ever-mounting demand for resources resulting from unbridled population growth.

Eleven months ago yesterday—on March 17, 1969—I introduced in the House a series of new legislative proposals based upon recommendations of President Johnson's Special Committee on Population and Family Planning.

One of those bills, H.R. 9107, called for establishment of a congressionally mandated population commission. Then, last July, when President Nixon made his landmark population message to the Congress, I was pleased to find the President advocating a commission similar to the recommendation of the Committee on Population and Family Planning, and, of course, similar to H.R. 9107.

Today, those recommendations become reality with passage of this bill. Certainly I am proud to be associated with the original bill for creation of such a commission, but I am alarmed that this step may be seen as the only major current action in the crucial battle to control population size.

Deferring to future recommendations of the Commission just means that needed action will be pushed back 2 more years or so.

This sort of procrastination is both costly and dangerous.

A year ago, when the President's Committee report was published, there were an estimated 5 million lower income women in this country who desired family planning services but could not afford them. By now, that number has increased. Yet Federal funding in this key area is not rising to meet these needs.

While Federal funding for family planning fell somewhat short of the President's Committee recommendations for fiscal 1970, I am happy to see that President Nixon's new budget calls for a massive increase in these allocations for fiscal 1971.

However, even with a 57-percent hike in Federal family planning services, only 2.2 million of the 5 million lower income family women will be served. The Committee would have reached the full 5 million level by 1973, but the administration has stretched out this objective to 1975 at the earliest.

I would hope that Congress will take another detailed look at the Committee's report and recommendations, and then act accordingly to increase significantly budgeting for this important goal. As the President's Committee report says:

In any case, costs are low compared to health and social benefits.

Research funds for this critical program area also are dropping far beneath the President's Committee recommendations. The Committee report called for at least $100 million in research for fiscal 1971, but the Nixon budget allocates only $36 million.

Other recommendations, such as those for establishing a series of nationwide population research centers—as proposed in my bill, H.R. 9106—and for revamping current HEW research operations by creating a full national institute for population research—as called for in H.R. 9109—have been ignored so far by the administration.

The population problem, and its draining effects on our resource base as well as its incremental effects upon environmental pollution, will not wait for the Population Commission's recommendations. More must be done now, this year.

And so, while I again can say that I am pleased that the House has acted to approve the Population Commission, I once more urge my colleagues and the administration to place even greater emphasis on a full across-the-board program for family planning services.

One indication of the magnitude of the problem was recently made by Wayne H. Davis in the January 10, 1970, New Republic. Mr. Davis points out the differences in resource utilization between affluent American families and families in lower income nations, and why we must be concerned more about the growth in the American population.

I found this analysis to be both startling and impressive, and I now include it in the RECORD at this point:

OUR AFFLUENCE RESTS ON A CRUMBLING FOUNDATION: OVERPOPULATED AMERICA

(By Wayne H. Davis)

I define as most seriously overpopulated that nation whose people by virtue of their numbers and activities are most rapidly decreasing the ability of the land to support human life. With our large population, our affluence and our technological monstrosities the United States wins first place by a substantial margin.

Let's compare the US to India, for example. We have 203 million people, whereas she has 540 million on much less land. But look at the impact of people on the land.

The average Indian eats his daily few cups of rice (or perhaps wheat, whose production on American farms contributed to our one percent per year drain in quality of our active farmland), draws his bucket of water from the communal well and sleeps in a mud hut. In his daily rounds to gather cow dung to burn to cook his rice and warm his feet, his footsteps, along with those of millions of his countrymen, help bring about a slow deterioration of the ability of the land to support people. His contribution to the destruction of the land is minimal.

An American, on the other hand, can be expected to destroy a piece of land on which he builds a home, garage and driveway. He will contribute his share to the 142 million tons of smoke and fumes, seven million junked cars, 20 million tons of paper, 48 billion cans, and 26 billion bottles the overburdened environment must absorb each year. To run his air conditioner we will strip-mine a Kentucky hillside, push the dirt and slate down into the stream, and burn coal in a power generator, whose smokestack contributes to a plume of smoke massive enough to cause cloud seeding and premature precipitation from Gulf winds which should be irrigating the wheat farms of Minnesota.

In his lifetime he will personally pollute three million gallons of water, and industry and agriculture will use ten times this much water in his behalf. To provide these needs the US Army Corps of Engineers will build dams and flood farmland. He will also use 21,000 gallons of leaded gasoline containing boron, drink 28,000 pounds of milk and eat 10,000 pounds of meat. The latter is produced and squandered in a life pattern unknown to Asians. A steer on a Western range eats plants containing minerals necessary for plant life. Some of these are incorporated into the body of the steer which is later shipped for slaughter. After being eaten by man these nutrients are flushed down the toilet into the ocean or buried in the cemetery, the surface of which is cluttered with boulders called tombstones and has been removed from productivity. The result is a continual drain on the productivity of range land. Add to this the erosion of overgrazed lands, and the effects of the falling water table as we mine Pleistocene deposits of groundwater to irrigate to produce food for more people, and we can see why our land is dying far more rapidly than did the great civilizations of the Middle East, which experienced the same cycle. The average Indian citizen, whose fecal material goes back to the land, has but a minute fraction of the destructive effect on the land that the affluent American does.

Thus I want to introduce a new term, which I suggest be used in future discussions of human population and ecology. We should speak of our numbers in "Indian equivalents". An Indian equivalent I define as the average number of Indian citizens required to have the same detrimental effect on the land's ability to support human life as would the average American.

This value is difficult to determine, but let's take an extremely conservative working figure of 25. To see how conservative this is, imagine the addition of 1000 citizens to your town and 25,000 to an Indian village. Not only would the Americans destroy much more land for homes, highways and a shopping center, but they would contribute far more to environmental deterioration in hundreds of other ways as well. For example, their demand for steel for new autos might increase the daily pollution equivalent of 130,000 junk autos which *Life* tells us that US Steel Corp. dumps into Lake Michigan. Their demand for textiles would help the cotton industry destroy the life in the Black Warrior River in Alabama with endrin. And they would contribute to the massive industrial pollution of our oceans (we provide one third to one half the world's share) which has caused the precipitous downward trend in our commercial fisheries landings during the past seven years.

The per capita gross national product of the United States is 38 times that of India. Most of our goods and services contribute to the decline in the ability of the environment to support life. Thus it is clear that a figure of 25 for an Indian equivalent is conservative. It has been suggested to me that a more realistic figure would be 500.

In Indian equivalents, therefore, the popu-

lation of the United States is at least four billion. And the rate of growth is even more alarming. We are growing at one percent per year, a rate which would double our numbers in 70 years. India is growing at 2.5 percent. Using the Indian equivalent of 25, our population growth becomes 10 times as serious as that of India. According to the Reinows in their recent book *Moment in the Sun*, just one year's crop of American babies can be expected to use up 25 billion pounds of beef, 200 million pounds of steel and 9.1 billion gallons of gasoline during their collective lifetime. And the demands on water and land for our growing population are expected to be far greater than the supply available in the year 2000. We are destroying our land at a rate of over a million acres a year. We now have only 2.6 agricultural acres per person. By 1975 this will be cut to 2.2, the critical point for the maintenance of what we consider a decent diet, and by the year 2000 we might expect to have 1.2.

You might object that I am playing with statistics in using the Indian equivalent on the rate of growth. I am making the assumption that today's child will live 35 years (the average Indian life span) at today's level of affluence. If he lives an American 70 years, our rate of population growth would be 20 times as serious as India's.

But the assumption of continued affluence at today's level is unfounded. If our numbers continue to rise, our standard of living will fall so sharply that by the year 2000 any surviving Americans might consider today's average Asians to be well off. Our children's destructive effects on their environment will decline as they sink ever lower into poverty.

The United States is in serious economic trouble now. Nothing could be more misleading than today's affluence, which rests precariously on a crumbling foundation. Our productivity, which had been increasing steadily at about 3.2 percent a year since World War II, has been falling during 1969. Our export over import balance has been shrinking steadily from $7.1 billion in 1964 to $0.15 billion in the first half of 1969. Our balance of payments deficit for the second quarter was $3.7 billion, the largest in history. We are now importing iron ore, steel, oil, beef, textiles, cameras, radios and hundreds of other things.

Our economy is based upon the Keynesian concept of a continued growth in population and productivity. It worked in an underpopulated nation with excess resources. It could continue to work only if the earth and its resources were expanding at an annual rate of 4 to 5 percent. Yet neither the number of cars, the economy, the human population, nor anything else can expand indefinitely at an exponential rate in a finite world. We must face this fact *now*. The crisis is here. When Walter Heller says that our economy will expand by 4 percent annually through the latter 1970s he is dreaming. He is in a theoretical world totally unaware of the realities of human ecology. If the economists do not wake up and devise a new system for us now somebody else will have to do it for them.

A civilization is comparable to a living organism. Its longevity is a function of its metabolism. The higher the metabolism (affluence), the shorter the life. Keynesian economics has allowed us an affluent but shortened life span. We have now run our course.

The tragedy facing the United States is even greater and more imminent than that descending upon the hungry nations. The Paddock brothers in their book, *Famine 1975!* say that India "cannot be saved" no matter how much food we ship her. But India will be here after the United States is gone. Many millions will die in the most colossal famines India has ever known, but the land will survive and she will come back as she always has before. The United States, on the other hand, will be a desolate tangle of concrete and ticky-tacky, of strip-mined moonscape and silt-choked reservoirs. The land and water will be so contaminated with pesticides, herbicides, mercury fungicides, lead, boron, nickel, arsenic and hundreds of other toxic substances, which have been approaching critical levels of concentration in our environment as a result of our numbers and affluence, that it may be unable to sustain human life.

Thus as the curtain gets ready to fall on man's civilization let it come as no surprise that it shall first fall on the United States. And let no one make the mistake of thinking we can save ourselves by "cleaning up the environment." Banning DDT is the equivalent of the physician's treating syphilis by putting a bandaid over the first chancre to appear. In either case you can be sure that more serious and widespread trouble will soon appear unless the disease itself is treated. We cannot survive by planning to treat the symptoms such as air pollution, water pollution, soil erosion, etc.

What can we do to slow the rate of destruction of the United States as a land capable of supporting human life? There are two approaches. First, we must reverse the population growth. We have far more people now than we can continue to support at anything near today's level of affluence. American women average slightly over three children each. According to the *Population Bulletin* if we reduce this number to 2.5 there would still be 330 million people in the nation at the end of the century. And even if we reduce this to 1.5 we would have 57 million more people in the year 2000 than we have now. With our present longevity patterns it would take more than 30 years for the population to peak even when reproducing at this rate, which would eventually give us a net decrease in numbers.

Do not make the mistake of thinking that technology will solve our population problem by producing a better contraceptive. Our problem now is that people want too many children. Surveys show the average number of children wanted by the American family is 3.3. There is little difference between the poor and the wealthy, black and white, Catholic and Protestant. Production of children at this rate during the next 30 years would be so catastrophic in effect on our resources and the viability of the nation as to be beyond my ability to contemplate. To prevent this trend we must not only make contraceptives and abortion readily available to everyone, but we must establish a system to put severe economic pressure on those who produce children and reward those who do not. This can be done within our system of taxes and welfare.

The other thing we must do is to pare down our Indian equivalents. Individuals in American society vary tremendously in Indian equivalents. If we plot Indian equivalents versus their reciprocal, the percentage of land surviving a generation, we obtain a linear regression. We can then place individuals and occupation types on this graph. At one end would be the starving blacks of Mississippi; they would approach unity in Indian equivalents, and would have the least destructive effect on the land. At the other end of the graph would be the politicians slicing pork for the barrel, the highway contractors, strip-mine operators, real estate developers, and public enemy number one—the U.S. Army Corps of Engineers.

We must halt land destruction. We must abandon the view of land and minerals as private property to be exploited in any way economically feasible for private financial gain. Land and minerals are resources upon which the very survival of the nation depends, and their use must be planned in the best interests of the people.

Rising expectations for the poor is a cruel joke foisted upon them by the Establishment. As our new economy of use-it-once-and-throw-it-away produces more and more products for the affluent, the share of our resources available for the poor declines. Blessed be the starving blacks of Mississippi with their outdoor privies, for they are ecologically sound, and they shall inherit a nation. Although I hope that we will help these unfortunate people attain a decent standard of living by diverting war efforts to fertility control and job training, our most urgent task to assure this nation's survival during the next decade is to stop the affluent destroyers.

Mr. HANNA. Mr. Chairman, I wish to enter in the record my support of H.R. 15165, a bill establishing a Commission on Population Growth and the American Future. The time is long overdue to consider the implications of population growth. The Commission will study the probable course of population increases and movement and their impact on our culture, economy, and environment. It will recommend appropriate policy to achieve a proper population level commensurate with our resources.

Such a comprehensive study of the implications of population growth is long overdue. Our country has been experiencing social and economic problems caused by urban crowding for many years. Today we cannot properly house our people, and the high rate of family formation is aggravating the problem. We cannot keep up with the educational needs of our children as the school age population has burgeoned. We simply have not been able to build schools fast enough or to hire enough qualified teachers to provide quality education to all levels.

Dr. Paul R. Ehrlich, the Stanford biologist-turned-population-expert, sounds a dire warning on the consequences of unrestricted population expansion in his book "The Population Bomb," published in 1968. Dr. Ehrlich combines his extensive knowledge of biology and environment with current and historical sociological and economic facts to come up with a pretty bleak picture. One need only read this book to become thoroughly alarmed at the nature of the current crisis and the possibilities for catastrophe.

The effects of population increase become most clear in the field of environmental pollution. As industry increases its production in response to the increasing demands of greater numbers of people, it further increases its own pollution. Farmers also pollute the land and water in their efforts to increase agricultural productivity to feed more people. Increases in population trigger a whole chain reaction of events which reduce the quality of our life.

It is evident that the future well-being of this Nation is intimately tied to our ability to be able to plan for tomorrow. Any rational plan for the future must include a program that deals with the problems caused by increasing population.

Mr. REID of New York. Mr. Chairman, I rise in strong support of H.R. 15165, a bill to establish a Commission on Population Growth and the American Future. I cosponsored a similar bill, H.R. 13337, which was introduced August 5, 1969,

following receipt of the President's population message.

There has been much talk of pollution problems in recent months, and I am encouraged that the Congress and the administration are now recognizing the interrelationship between pollution and overpopulation, between population and dwindling resources. It took 300 years for the United States to attain a population of 100 million persons. The second 100 million Americans arrived, by immigration and birth, in only 50 years, between 1917 and 1967. If we continue our present rate of growth, the United States will reach a population of 300 million within the next 30 years, or by the year 2000. In order to cope with this rapidly expanding population, to protect our environment, to provide needed goods and services for American citizens in the 21st century, we must begin to plan now.

H.R. 15165 would provide the mechanism for such planning, by establishing a Commission on Population Growth and the American Future. The Commission would be authorized both to conduct and sponsor studies and research, and make such recommendations as it deems necessary, to provide information and education to all levels of government in the United States, and to the people, regarding a broad range of problems associated with population growth. In other words, the Commission would fill both research and educational functions, and would deal with five critical aspects of the population problem:

The probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

The resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

The ways in which population growth may affect the activities of Federal, State, and local government;

The impact of population growth on environmental pollution and on the depletion of natural resources; and

The various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

In a sense, I feel that the fourth and fifth areas cited as subjects for study by the Commission are most important, for they signal a new Federal interest in the interrelationship between population and the environment, and recognition by the Federal Government that we must curb population growth if we are to survive as a Nation. We must stop talking about population "problems" and start talking about population "crises." As Dr. Lee A. DuBridge, the President's science adviser, has indicated, we must reduce our population growth rate to zero, insure that there are no more births than deaths in order to survive.

Presumably the Commission, in its deliberations, will consider the alternative methods for achieving our goal of zero population growth in line with the mandate to discover "means appropriate to the ethical values and principles of this society." If the American people are educated well enough and soon enough, we should be able to solve the population problems through voluntary programs. The Commission will play a vital role in the necessary educational process.

While we are working toward our goal of zero population growth, the U.S. population will obviously continue to expand. Governments at all levels must plan to meet the needs of our expanding population—in terms of social services, human needs, and basic community requirements—and the Commission will provide expertise and coordination for the planning activities.

It is my understanding that the other body has already passed a bill similar to H.R. 15165, and that the concept of a population commission has the support of every Federal agency involved in this field. According to the report on the bill, President Nixon has recommended an appropriation of $1,443,000 for the 2-year life of the Commission. I would hope that the House will act favorably on this legislation today, that the Commission will be appointed promptly once the Senate has given final approval to the bill, and that the necessary funds will be appropriated.

The population problem has reached the crisis point, it is true, but we can still save ourselves, and our environment, if we act now. To delay may well mean that our country will be seriously overpopulated beyond the ability of our social and economic systems to cope with the problem.

Mr. VANDER JAGT. Mr. Chairman, I should like to address myself to the merits of the bill before us, to establish a Commission on Population Growth and the American Future. It has been said that this proposal takes population growth for granted, and thus fails to deal with the crucial issue, which is whether such growth is desirable. But it is clear that substantial population growth in the United States is going to happen. The point is to be ready for it. This Nation has the capacity to provide many more people with a healthy, happy life. We are not, as a country, overcrowded. But we cannot afford to delay in preparing for population growth, and the proposed Commission is an important vehicle for such preparation.

Furthermore, the Committee on Government Operations has added an important purpose to those stated in the original bill. By asking the Commission to examine "the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level best suited for its environmental natural resources and other needs," we have directed the Commission to begin an essential long-range exploration. Most studies of population growth have been based on supposition and personal opinion. The Commission on Population Growth and the American Future will bring the best scientific knowledge and civic wisdom that can be found to bear on this subject. In the 2 years that are proposed for the Commission's work, I anticipate we shall see a series of highly significant reports to the Nation.

There are few questions more compelling than population growth and how best to prepare for it. I intend to support this measure, and would urge my colleagues to do the same.

Mr. RHODES. Mr. Chairman, I strongly support the enactment of H.R. 15165, to establish a Commission on Population Growth and the American Future.

The population of the United States will increase by 50 percent by the year 2000; even more dramatic increases are anticipated in world population during this period. The ramifications of such growth present one of the most serious challenges in the next 30 years, for the adequacy of social supplies—the capacity to educate, to house, and to govern—will be seriously strained.

The challenge can be met only with adequate planning—and within the short time span available to us.

President Nixon in his message to the Congress, July 21, 1969, recognized the special responsibility of the Federal Government for defining the problems attendant to population growth and for stimulating thoughtful response.

Deploring the absence, to date, of machinery through which we can develop a detailed understanding of demographic changes and bring that understanding to bear on public policy, the President has proposed the creation of a Commission on Population and the American Future. H.R. 14165, incorporating the recommendations of President Nixon, would establish a Commission of 2 years' duration, to be composed of Members of Congress and knowledgeable men and women who broadly represent our society.

The Commission is to investigate: First, the probable course of population growth, internal migration and related demographic developments between now and the year 2000; second, the resources in the public sector of the economy that will be required to deal with the anticipated growth in population; third, the ways in which population growth may affect the activities of Federal, State, and local government; fourth, the impact of population growth on environmental pollution and on the depletion of natural resources; and, fifth, the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

With broad visibility of the Commission studies, inquiries and reports, much can be done to enlighten the general public as to the complex interrelationship of population growth, environmental quality, and natural resources and to generate solutions to the numerous and massive problems we face in these areas.

The Republican Members of the House of Representatives have long urged the initiation of Federal efforts to meet the challenge of unrestrained population growth. In the 91st Congress, the House Republican Research Committee Task Force on Earth and Population Resources' report of December 23, 1969, reflects the concern expressed by President Nixon in his population message. Numerous bills have been introduced by

Republican Members which parallel the President's recommendations.

If social institutions are to accommodate tomorrow's generations in a humane and intelligent manner, we must improve now our ability to analyze population changes and to deal with them. The proposed Commission will explore the ways in which population growth will affect our future and seek to find the methods and resources which will permit us to assimilate the population increase and continue to improve the quality of every individual's life.

Mr. FINDLEY. Mr. Chairman, the President's proposed Commission on Population Growth and the American Future is provoking deserved enthusiasm. First endorsed by the U.S. Catholic Conference, and later by hundreds of citizens, organizations, and newspapers, this measure passed the Senate without a dissenting vote and is now before us.

I, too, am enthusiastic about this Commission. In fact, I am a cosponsor of the bill. We know, in the broadest terms, that in the next 30 years the United States will add approximately 100 million more people. But we know very little about the vital details of this anticipated growth, much less about what to do to plan for it. The President's bill, as amended, gives us a chance to find out.

Seldom does the Federal Government make adequate use of the data that it collects. I would hope that, starting with the 1970 census, we might change this pattern, and begin to evolve ways to make information work for the betterment of our national life. I would also hope that the widespread national concern over environmental degradation, overpopulation, and inadequate planning might lead the proposed Commission to push itself to the very limit. This is a subject that commands our attention.

Mr. MONAGAN. Mr. Chairman, I support H.R. 15165, the bill to establish a Commission on Population Growth and the American Future, a measure which I consider highly important for our national future.

To date, there have been only scattered efforts to determine the consequences of overpopulation. In fact, experts disagree on what constitutes "overpopulation," depending upon the criteria they apply in relation to the object of their studies. Hence, what constitutes overpopulation for experts working to avoid the traditional fear of worldwide famine is different from the overpopulation concept utilized by environmentalists working to avoid massive worldwide pollution. A different criterion again is employed in studies concerning the extent of the world's natural resources, and political scientists use their own standards to determine at what point of increase world population will become ungovernable. However we define it, all agree that population growth does present serious problems and calls for serious and extended study.

Clearly we cannot maintain the present course of shutting our eyes to the problem. We must utilize a comprehensive approach to determine all of the implications of overpopulation if we are to ever fashion workable programs and policies to deal with the problems. We must develop the capability to identify and anticipate problem areas before they develop into the crisis stage.

The machinery provided for in the bill under consideration is well suited for the task.

The proposed Commission will conduct and sponsor studies and research and make necessary recommendations in the following five areas:

First, the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

Second, the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

Third, the ways in which population growth may affect the activities of Federal, State, and local governments;

Fourth, the impact of population growth on environmental pollution and on the depletion of natural resources; and

Fifth, the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level best suited for its environmental, natural resources, and other needs.

The Commission will be composed of two Members of the Senate and two of the House, representing both political parties; and up to 20 members to be appointed by the President, who will also designate the Chairman and Vice Chairman. The Commission will make an interim report 1 year after it is established and a final report 2 years after the bill is enacted into law.

Any study of population growth would be incomplete if it did not endeavor to determine the impact of overpopulation on the environment. I am pleased to note that like my own bill, H.R. 15191, the bill reported out of the committee goes beyond the administration's proposal in this area by including the effect of population growth on environmental pollution and depletion of natural resources within the range of study of the proposed Commission.

In the first session of the 91st Congress I introduced legislation to provide for the formulation of a national policy on environmental quality and I was pleased to see the substance of my bill enacted into law. Like the bill now under consideration, my bill envisaged the development of an anticipatory capacity to deal with threats to the environment. The environmental threat of overpopulation should not be separated from the hazards of air pollution, water pollution, and improper land use. The inclusion of the environmental aspect of population growth in the bill now before us will provide governmental units on all levels with the necessary factual foundation to formulate and implement long-range programs, based on population growth, which will remedy and preserve the natural quality of the environment.

Mr. GUDE. Mr. Chairman, I support the bill to establish a Commission on Population Growth and the American Future, a bill which I have cosponsored. The urgency of the population question is highlighted by the fact that by the year 2000, the Members of this body will represent 100 million more Americans than we do today, if our population, now about 200 million, continues to climb at today's rate. The consequences of this trend for our political and social institutions, our environment, and the quality of life in this country must be considered now. If we do not like what we foresee, we must act now to change our course.

For some years, our Nation's policy has recognized the population problem in the developing nations, where growth is now doubling every 10 years. When requested, AID has provided family planning assistance for nations such as India, where the population is increasing by about 12 million persons per year—four times the population of Maryland. The population of countries in Latin America is growing faster than that of any other major region of the world.

Our population growth in the United States, like that of other Western nations, is proceeding at a much slower pace, and growth rates are declining. However, the pressure of population in America is increased by our affluence. We cannot add more and more trash to the environment, more poisons to our waters and skies, and at the same time expect our children to inherit a beautiful America. It is time we took a look at where we are going.

Hearings held before the Subcommittee on Conservation and Natural Resources, of which I am a member, revealed the need for a Commission to do comprehensive forecasts of the impact of population on a wide range of problems. It is impossible to speak of an optimum population, for example, without considering the fact that we are only beginning to adopt the plans and programs needed to control the quality of our environment. If the success of past efforts to keep our air and water clean were the measure of an optimum population, we would have exceeded it long ago. A nation that fails to conserve its natural resources and allocates them foolishly will always have too many people.

I applaud the President for proposing to establish a Commission on Population Growth to explore these questions and for pledging his administration to provide the leadership that has been lacking in this critical area.

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time and yield back the balance of my time.

Mr. BLATNIK. Mr. Chairman, we have no further requests for time on this side.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 15165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commission on Population Growth and the American Future is hereby established to conduct and sponsor such studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to our people, regarding a broad range of problems associated with population growth and their implications for America's future.

MEMBERSHIP OF COMMISSION

SEC. 2. (a) The Commission on Population Growth and the American Future (herein-

after referred to as the "Commission") shall be composed of—

(1) two Members of the Senate who shall be members of different political parties and who shall be appointed by the President of the Senate;

(2) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

(3) not to exceed twenty members appointed by the President.

(b) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(c) The majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 3. (a) Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Members of the Commission who are not officers or full-time employees of the United States shall each receive $150 per diem when engaged in the actual performance of duties vested in the Commission.

(c) All members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

DUTIES OF THE COMMISSION

SEC. 4. The Commission shall conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:

(1) the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

(2) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

(3) the ways in which population growth may affect the activities of Federal, State, and local government;

(4) the impact of population growth on environmental pollution and on the depletion of natural resources; and

(5) the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

STAFF OF THE COMMISSION

SEC. 5. (a) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided*, That no personnel so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

(b) The Executive Director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS–18 by section 5332 of such title.

(c) The Commission is authorized to enter into contracts with public agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

GOVERNMENT AGENCY COOPERATION

SEC. 6. The Commission is authorized to request from any Federal department or agency any information and assistance it deems necessary to carry out its functions; and each such department or agency is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

ADMINISTRATIVE SERVICES

SEC. 7. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

REPORTS OF COMMISSION: TERMINATION

SEC. 8. In order that the President and the Congress may be kept advised of the progress of its work, the Commission shall, from time to time, report to the President and the Congress such significant findings and recommendations as it deems advisable. The Commission shall submit an interim report to the President and the Congress one year after it is established and shall submit its final report two years after the enactment of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the Committee amendment.

The Clerk read as follows:

Committee amendment:

On page 3, line 2, strike out "$150" and insert "$100".

The Committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOLIFIELD), having resumed the Chair, Mr. KEE, Chairman of the Committee of the Whole House on the State of the Union, reported that Committee having had under consideration the bill (H.R. 15165) to establish a Commission on Population Growth and the American Future, pursuant to House Resolution 819, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, and the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 371, nays 13, not voting 48, as follows:

[Roll No. 22]

YEAS—371

Abernethy	Devine	Johnson, Pa.
Adair	Dickinson	Jonas
Adams	Diggs	Jones, Ala.
Addabbo	Dingell	Jones, N.C.
Albert	Donohue	Jones, Tenn.
Alexander	Dowdy	Karth
Anderson, Calif.	Downing	Kastenmeier
	Dulski	Kazen
Anderson, Ill.	Duncan	Kee
Anderson, Tenn.	Dwyer	Keith
	Eckhardt	Kluczynski
Andrews, Ala.	Edmondson	Koch
Andrews, N. Dak.	Edwards, Ala.	Kuykendall
	Edwards, Calif.	Kyl
Annunzio	Edwards, La.	Kyros
Arends	Eilberg	Landgrebe
Ashbrook	Erlenborn	Landrum
Ashley	Eshleman	Langen
Aspinall	Evans, Colo.	Latta
Ayres	Evins, Tenn.	Leggett
Barrett	Fallon	Lennon
Beall, Md.	Farbstein	Lloyd
Belcher	Fascell	Lowenstein
Bell, Calif.	Feighan	Lujan
Bennett	Findley	Lukens
Berry	Fish	McCarthy
Betts	Fisher	McClory
Biaggi	Flood	McCloskey
Biester	Flowers	McClure
Bingham	Flynt	McCulloch
Blackburn	Foley	McDonald, Mich.
Blatnik	Ford, Gerald R.	
Boggs	Ford, William D.	McEwen
Boland		McFall
Bolling	Foreman	McKneally
Bow	Fountain	McMillan
Brademas	Fraser	Macdonald, Mass.
Brasco	Frelinghuysen	
Brinkley	Frey	MacGregor
Brock	Friedel	Mahon
Brooks	Fulton, Tenn.	Mailliard
Broomfield	Fuqua	Mann
Brotzman	Galifianakis	Marsh
Brown, Mich.	Gallagher	Mathias
Brown, Ohio	Garmatz	Matsunaga
Broyhill, N.C.	Gaydos	May
Broyhill, Va.	Gettys	Mayne
Buchanan	Giaimo	Meeds
Burke, Fla.	Gibbons	Melcher
Burke, Mass.	Gilbert	Meskill
Burleson, Tex.	Gonzalez	Michel
Burlison, Mo.	Goodling	Mikva
Burton, Utah	Gray	Miller, Calif.
Bush	Green, Oreg.	Miller, Ohio
Button	Griffin	Mills
Byrne, Pa.	Griffiths	Minish
Byrnes, Wis.	Grover	Mink
Cabell	Gude	Minshall
Camp	Hagan	Mize
Carey	Haley	Mizell
Carter	Hall	Mollohan
Casey	Halpern	Montgomery
Cederberg	Hamilton	Moorhead
Celler	Hammer-schmidt	Morgan
Chamberlain		Mosher
Chappell	Hanley	Murphy, Ill.
Chisholm	Hanna	Murphy, N.Y.
Clancy	Hansen, Idaho	Natcher
Clausen, Don H.	Hansen, Wash.	Nedzi
	Harrington	Nelsen
Clawson, Del	Harsha	Nichols
Cleveland	Harvey	Nix
Cohelan	Hastings	Obey
Collier	Hathaway	O'Hara
Collins	Hawkins	O'Konski
Colmer	Hays	Olsen
Conable	Hébert	O'Neill, Mass.
Conte	Hechler, W. Va.	Ottinger
Corman	Heckler, Mass.	Patman
Coughlin	Helstoski	Patten
Cowger	Hicks	Pepper
Cramer	Hogan	Perkins
Culver	Holifield	Philbin
Cunningham	Horton	Pickle
Daniel, Va.	Hosmer	Pirnie
Daniels, N.J.	Howard	Poage
Davis, Ga.	Hull	Podell
Davis, Wis.	Hungate	Poff
de la Garza	Hunt	Preyer, N.C.
Delaney	Hutchinson	Price, Tex.
Dellenback	Ichord	Pryor, Ark.
Denney	Jacobs	Pucinski
Dennis	Jarman	Quie
Dent	Johnson, Calif.	Quillen

Railsback	Sebelius	Vander Jagt
Randall	Shipley	Vanik
Reid, Ill.	Shriver	Vigorito
Reid, N.Y.	Sisk	Waldie
Reuss	Skubitz	Wampler
Rhodes	Slack	Watkins
Riegle	Smith, Calif.	Watson
Rivers	Smith, Iowa	Watts
Roberts	Smith, N.Y.	Weicker
Robison	Snyder	Whalen
Rodino	Stafford	Whalley
Roe	Staggers	White
Rogers, Colo.	Stanton	Whitehurst
Rogers, Fla.	Steed	Whitten
Rooney, N.Y.	Steiger, Ariz.	Wiggins
Rooney, Pa.	Steiger, Wis.	Williams
Rosenthal	Stokes	Wilson, Bob
Rostenkowski	Stratton	Wilson, Charles H.
Roth	Stubblefield	
Roybal	Stuckey	Winn
Ruppe	Sullivan	Wold
Ruth	Symington	Wolff
Ryan	Taft	Wright
St Germain	Talcott	Wyatt
St. Onge	Taylor	Wydler
Sandman	Thompson, Ga.	Wylie
Satterfield	Thompson, N.J.	Wyman
Saylor	Thomson, Wis.	Yatron
Schadeberg	Tiernan	Young
Scheuer	Udall	Zablocki
Schneebeli	Ullman	Zion
Schwengel	Utt	Zwach
Scott	Van Deerlin	

NAYS—13

Abbitt	Dorn	Rarick
Bevill	Gross	Scherle
Caffery	Long, La.	Waggonner
Crane	O'Neal, Ga.	
Derwinski	Passman	

NOT VOTING—48

Baring	Henderson	Pollock
Blanton	King	Powell
Bray	Kirwan	Price, Ill.
Brown, Calif.	Kleppe	Purcell
Burton, [redacted]	Long, Md.	Rees
Clark	McDade	Reifel
Clay	Madden	Roudebush
Conyers	Martin	Sikes
Corbett	Monagan	Springer
Daddario	Morse	Stephens
Dawson	Morton	Teague, Calif.
Esch	Moss	Teague, Tex.
Fulton, Pa.	Myers	Tunney
Goldwater	Pelly	Widnall
Green, Pa.	Pettis	Yates
Gubser	Pike	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Sikes with Mr. Bray.
Mr. Green of Pennsylvania with Mr. King.
Mr. Madden with Mr. Kleppe.
Mr. Monagan with Mr. Reifel.
Mr. Price of Illinois with Mr. Widnall.
Mr. Teague of Texas with Mr. Gubser.
Mr. Tunney with Mr. McDade.
Mr. Kirwan with Mr. Roudebush.
Mr. Blanton with Mr. Springer.
Mr. Burton of California with Mr. Esch.
Mr. Clark with Mr. Corbett.
Mr. Purcell with Mr. Goldwater.
Mr. Stephens with Mr. Pelly.
Mr. Yates with Mr. Pollack.
Mr. Henderson with Mr. Martin.
Mr. Long of Maryland with Mr. Fulton of Pennsylvania.
Mr. Daddario with Mr. Teague of California.
Mr. Moss with Mr. Morse.
Mr. Pike with Mr. Morton.
Mr. Rees with Mr. Clay.
Mr. Brown of California with Mr. Myers.
Mr. Powell with Mr. Conyers.
Mr. Baring with Mr. Pettis.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 819, the Committee on Government Operations is discharged from the further consideration of the bill S. 2701.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. BLATNIK

Mr. BLATNIK. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BLATNIK moves to strike out all after the enacting clause of the bill (S. 2701) and insert in lieu thereof the text of the bill (H.R. 15165), as passed, as follows:

"That the Commission on Population Growth and the American Future is hereby established to conduct and sponsor such studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to our people, regarding a broad range of problems associated with population growth and their implications for America's future.

"MEMBERSHIP OF COMMISSION

"SEC. 2. (a) The Commission on Population Growth and the American Future (hereinafter referred to as the 'Commission') shall be composed of—

"(1) two Members of the Senate who shall be members of different political parties and who shall be appointed by the President of the Senate;

"(2) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

"(3) not to exceed twenty members appointed by the President.

"(b) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

"(c) The majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

"COMPENSATION OF MEMBERS OF THE COMMISSION

"SEC. 3. (a) Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(b) Members of the Commission who are not officers or full-time employees of the United States shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission.

"(c) All members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"DUTIES OF THE COMMISSION

"SEC. 4. The Commission shall conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:

"(1) the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

"(2) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

"(3) the ways in which population growth may affect the activities of Federal, State, and local government;

"(4) the impact of population growth on environmental pollution and on the depletion of natural resources; and

"(5) the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

"STAFF OF THE COMMISSION

"SEC. 5. (a) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided*, That no personnel so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

"(b) The Executive Director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS–18 by section 5332 of such title.

"(c) The Commission is authorized to enter into contracts with public agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

"GOVERNMENT AGENCY COOPERATION

"SEC. 6. The Commission is authorized to request from any Federal department or agency any information and assistance it deems necessary to carry out its functions; and each such department or agency is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

"ADMINISTRATIVE SERVICES

"SEC. 7. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

"REPORTS OF COMMISSION: TERMINATION

"SEC. 8. In order that the President and the Congress may be kept advised of the progress of its work, the Commission shall, from time to time, report to the President and the Congress such significant findings and recommendations as it deems advisable. The Commission shall submit an interim report to the President and the Congress one year after it was established and shall submit its final report two years after the enactment of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 9. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated such amounts as may be necessary to carry out the provisions of this Act."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. BLATNIK).

The motion was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15165) was laid on the table.

GENERAL LEAVE

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed and to include therein extraneous matter.

Mr. ERLENBORN. Mr. Speaker, reserving the right to object, and I do not intend to object, I would like, under this reservation, to make a point against the

procedure that we have just followed in taking up the Senate bill, amending it by substituting the House bill language, and then passing the Senate bill. It is proper under the rule which was granted so I did not make any objection to the procedure. But, under my reservation, I would like to call the attention of the House to the effect of this procedure.

When this procedure is followed, the conference is under no restraint whatever as to what they can do—they are not limited to reporting out a bill containing only matters in the two versions, but can add anything to the bill that would be germane in either the House or the Senate.

We followed this procedure when we were considering the coal mine health and safety bill last year, and that part of the bill which dealt with black-lung compensation was rewritten in conference in such a way that it resembled neither that which the House nor the Senate had accepted. A similar transformation took place in the conference action on extension of the Economic Opportunity Act.

It is my intention in the future to ask the Committee on Rules not to make this procedure in order. I believe it is preferable—and I believe the Members of this body would prefer—that we send both the House bill and the Senate bill to conference and thus limit the conference to those matters contained in one or the other of the two bills.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota (Mr. BLATNIK)?

There was no objection.

PETITION FROM CONCERNED PARENTS

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRINKLEY. Mr. Speaker, in my hands I hold copies of a petition bearing the signatures of 5,306 concerned parents from the Sumter County, Ga., area which has produced such men as Congressmen E. L. Forrester, Stephen Pace, Charles Frederick Crisp, and Charles Robert Crisp.

The petition reads as follows:

To the President of the United States of America, Congress of the United States of America, courts of the United States of America.

We, the undersigned concerned Parents and Voters, do petition The President, Congress, and Courts of the United States of America to heed the following with all deliberate speed:

1. Grant freedom of choice privileges as stated in the 1964 Civil Rights Legislation.

2. Stop busing students for the sole purpose of achieving racial balance with no regard for *Education*.

This sheaf of papers physically demonstrates the deep sincerity of those who participated. Mrs. G. T. Chappell, as president of "Concerned Parents," is perhaps typical of the 5,306 citizens who today petition their Government for liberty and justice.

Mrs. Chappell wishes for white children a good education; she wishes for black children a good education. She wishes for all children a good education.

But do not send her children, or mine, or yours, or anyone's—black or white—across towns or counties to achieve racial balance. And do not assign teachers on the basis of color, if you would be color blind, but on the basis of ability.

If the goal of our schools really is quality education, what is wrong with genuine freedom of choice?

Mrs. Chappell and the other concerned parents are good, fair minded citizens and they would like to know what is wrong with it. They want equity for themselves and they wish to do equity to others—the evidence is here in these petitions which I am placing in the Speaker's lobby for your inspection and consideration.

The present stage in history was thousands of years in the setting. As we change the scenery and improvise the dialog, may we have the wisdom and patience to allow the players to find their changing roles and adjust to their new parts. We are not playing a one-night stand. Our actions are for eternity.

SALE OF AIRCRAFT TO ISRAEL

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, I am introducing today, with the support of 24 colleagues from both sides of the aisle and all parts of the country, a resolution expressing the sense of Congress that the United States should sell to Israel aircraft necessary to Israel's defense against the Soviet takeover of the entire Middle East.

In the days ahead I expect to introduce several companion bills since many more Members agree about the necessity of Israel having an adequate deterrent to Communist-inspired Arab aggression.

Unfortunately the tense situation in the Middle East has been aggravated by the French sale to Libya of more than 100 military jets. This escalation of the arms race shows France's reckless attitude toward peace and has undermined U.S. efforts to promote an arms embargo. France has spoken one way, acted another and the whole world suffers.

But we have the capacity to maintain a balance in the Middle East. This can be done if we carry through on the President's statement that:

The U.S. is prepared to supply military equipment necessary to the efforts of friendly governments, like Israel, to defend the safety of her people.

The resolution we are introducing today is consistent with the President's words and deserving of prompt affirmative action. Under leave I wish to include a copy of the resolution and list of the cosponsors in the RECORD:

H. CON. RES. 91–511

A concurrent resolution expressing the sense of the Congress that the United States should sell Israel aircraft necessary for Israel's defense

Whereas five successive United States Presidents have seen the relationship between Israel's integrity and survival and U.S. national interests; and

Whereas the Soviet Union and France have sharply escalated the Middle East arms race; and

Whereas a balance of power is the best available deterrent to full-scale war; and

Whereas the President has said "The United States is prepared to supply military equipment necessary to the efforts of friendly governments, like Israel's, to defend the safety of their people;" and

Whereas the government of Israel has asked to purchase jet aircraft (beyond current sales) essential to its defense;

It is hereby resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should take such steps as may be necessary, as soon as possible after the adoption of this concurrent resolution, to negotiate an agreement with the Government of Israel providing for the sale to Israel, on a cash basis, by the United States of military aircraft, commonly known as Phantom jets and Skyhawk jets, in amounts as Israel deems necessary for her security.

COSPONSORS

Mr. Addabbo, Mr. Biaggi, Mr. Bingham, Mr. Burke of Florida, Mr. Button, Mr. Carey, Mr. Derwinski, Mr. Farbstein, Mr. Fulton of Pennsylvania, Mr. Grover, Mr. Halpern, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Lowenstein, Mr. McNeally, Mr. Nix, Mr. Pepper, Mr. Pike, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Whitehurst, Mr. Williams and Mr. Wydler.

THE DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, tomorrow the House will start debating the HEW-Labor appropriation bill which has been vetoed by the President and sent back to the Congress for reconsideration.

It appears that no matter how much dispatch is used by this House, it now looks most probable that because of the delays in dealing with this legislation, we will not be able to conclude action on this legislation prior to the 28th of February. If this occurs or at least appears to be true, then we are going to need another continuing resolution because the present continuing resolution expires on that date. You know and I know there is no chance of getting another continuing resolution through Congress so we can expect considerable chaos after February 28.

Mr. Speaker, prior to the Lincoln holiday I had asked the House not to delay action on this very important legislation, but to proceed with this appropriation bill so that we could resolve whatever differences there are between this Chamber and the other body and send this bill to the President before the 1st of March.

I am here to tell you as chairman of the Subcommittee on General Education that all over this Nation schools are going to be faced with early closing this year. They are not going to have the money which they anticipated receiving from this legislation.

I call your attention to the testimony of the Secretary of Health, Education, and Welfare before the Committee on

Rules in which he said that the administration is not paying out according to the Joelson-Cohelan amendment as contained in the resolution under which we are now operating.

Mr. Speaker, school districts all over the country have budgeted on the basis of the anticipated revenue that they were going to receive from the continuing resolution and from the action taken by the House of Representatives before the President vetoed the bill.

Mr. Speaker, I want the RECORD to show that it is not our side that has been causing the delays. We were ready to act on this bill prior to the Lincoln recess, vote on it and send it to the other body.

I want this Nation and everyone concerned to know if indeed there is a crisis because of the failure to get through another resolution before March 1, it is not the fault of the majority of this House. The minority specifically asked for a delay before the Lincoln recess. Now we see the mess we are in. I hope the White House will take note of the fact that whatever delays there have been in connection with this legislation are not because of any action on this side of the aisle. We have been ready to vote on this legislation right along.

Mr. Speaker, to complicate matters further, the Secretary told the Rules Committee that if the Michel amendment is not contained in the new appropriation bill, the President will probably veto the bill again.

So I want you to know that our 35,000 school districts in this country right now do not know whether they are going to be able to stay open for the rest of the school year. They have borrowed money in anticipation of receiving these revenues, and unless this aid is forthcoming within the next 60 days or so, I think this House ought to know as well as the President what is going to happen as a result of his veto.

Mr. Speaker, the tragedy of this thing is that the Secretary appeared before the Rules Committee and said that another veto is likely.

When the President initially vetoed the bill his message was delivered over nationwide television, where all the people of America saw the President veto the bill.

Mr. Speaker, the net gain of his veto would be $500 million and all of that at the expense of children in disadvantaged areas.

So, on the $19 billion bill the most they can save is $500 million and all of that at the expense of the school kids in disadvantaged areas. The American people were led to believe that the veto action would result in massive savings and make a substantial contribution toward fighting inflation. Now they will have a chance to see the veto result in a saving of less than 2½ percent of the total bill and have no significant impact on inflation. I would have been more impressed if the veto resulted in a substantial saving as long as the President made such a big production of the veto. When this whole business is concluded, I doubt if there will be even a $500 million saving.

HEW APPROPRIATION BILL

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, a few moments ago the gentleman from Illinois (Mr. PUCINSKI) made some point with respect to the delay in the consideration of the HEW bill after its having been vetoed by the President, and making it appear as though we, on the minority side, are responsible for that delay because of our agreeing some time ago to the Lincoln Day recess.

We admit to the fact that it had to be delayed for those 3 or 4 days of the recess—but let us go back a little bit to the enactment of that bill back on July 31, 1969, and to the protracted delay and the period of time that has transpired between last July 31, 1969, and today—and what were the causes for that delay. This was one of the reasons why I made my appearance before the Committee on Rules yesterday in support of the discretionary language that I had hoped would remain in the bill, as reported out of the Committee on Appropriations. Because we are two-thirds of the way through the fiscal year, it seems to me the least we can do is to give the President the discretionary authority to make some adjustments that he ought to make to spend this money wisely and prudently. How many times have we, in this Congress, criticized the executive branch for trying to spend all that they possibly could in the last remaining month of the fiscal year just to get under the gun and to conform with the law.

I think it is an unconscionable thing to do, and I regret that we will not be able to have the opportunity of openly discussing that particular measure on the floor because we did not get a rule waiving points of order. But these are the rules of the House. We made the pitch and we lost. Now we will have to take another tack on the floor of this House tomorrow and I am sure we will still give the membership an opportunity to vote in some way on figures that will more closely represent the President's recommendations rather than those high flying figures which in our judgment are far too much for the administration to stomach at this time.

STATE SENATOR CRISS COLE, A BLIND WAR VET, HONORED AS TEXAS GOVERNOR FOR A DAY

(Mr. CASEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CASEY. Mr. Speaker, a few weeks ago, the people of Texas paid tribute to a great and courageous legislator from Houston, our State Senator Criss Cole.

In a heartwarming ceremony attended by thousands, the senator as president pro tempore was sworn in as Governor of Texas during the absence from the State of our Governor and Lieutenant Governor.

Criss, my longtime friend, is blind. He lost his eyesight to a Japanese hand grenade while fighting as a marine on the island of Tarawa in 1943. His life, his whole career as an attorney, and as a legislator for 15 years, is a testament to the courage and dedication of this man. To some—blindness is a handicap. To Criss, as he terms it, it is an "inconvenience."

His day as Governor—which he shared with all our handicapped in Texas—was capped with even a greater honor. Criss was appointed judge of a newly created juvenile court in Harris County by Gov. Preston Smith. I know he will serve with honor and distinction, for he brings to the bench a wealth of experience and compassion for people and their problems. Because so many of my colleagues know him personally, and because his is an outstanding story of one man's courage against heavy odds, I take pleasure in bringing the following story to the attention of all:

HOUSTON'S BLIND STATE SENATOR, CRISS COLE, TAKES THE OATH AS TEXAS' GOVERNOR FOR A DAY

Raindrops were falling outside. Inside the Capitol and later at an Austin motel ballroom where Houstonians were paying tribute to one of their own, teardrops were falling just as profusely.

They were happy tears, though. Proud tears. Tears brought on by moving stories told on Houston's state senator and honoree, Criss Cole.

Cole, who came to Houston without eyesight or a high school diploma, was being honored as Governor for a Day. A lawyer since 1954 and a legislator for 15 years, Cole was blinded by a Japanese hand grenade in 1943 while fighting as a Marine on the island of Tarawa.

Thousands of Cole's friends and constituents were in Austin Jan. 10, when Cole, who was elected president pro tempore by the Senate last fall, was serving as governor in the absence of Gov. Preston Smith and Lt. Gov. Ben Barnes.

The day of festivities began in the Senate Chamber. With the U.S. Marine Drum and Bugle Corps from Washington D.C. playing the "Marine Corps Hymn," Cole entered the chamber with wife Joanne at his side. She, as well as the other women in Cole's life, wore the colors of the American and Texan flags. Mrs. Cole was in red and blue as were Cole's granddaughter, Karen Lynn, 2, and his secretary, Miss Carolyn Vaughn. Cole's mother, Mrs. J. M. Cole of Rosenberg, wore a red suit and carried navy blue gloves. His daughter-in-law, Mrs. Dennis Cole, wore a solid white dress.

"This is the day the Lord has made for Criss Cole," the Rev. V. J. Guinan, president emeritus of the University of St. Thomas, said in the invocation preceeding the swearing-in ceremony.

And it was.

Cole started the day as a senator. By midmorning he had become governor and by late afternoon he had accepted Gov. Smith's appointment as judge to one of Harris County's newly created juvenile courts.

At the swearing-in event, Dennis, 23, the older of Cole's sons, acted as master of ceremonies and introduced Secretary of State Martin Dies Jr. who administered the oath of governor to Cole. Warren Cole, 21, introduced the state's new First Family, and brought on the first surge of tears.

In a halting voice, Warren credited his mother as being the inspiration to his father.

"She made hard times a little better and turned tears into smiles," he said.

Tears brimming in Mrs. Cole's eyes flooded over and rushed down her cheeks. Gov. Cole

bit down on his quivering lips and finally took out a handkerchief and dabbed away the tears he was unable to control.

"I was so moved," Mrs. Cole later said. "Warren seemed so sincere and he was so moved. I was hoping and praying he could make it. He's so emotional.

"I was feeling so thankful for having two wonderful boys. You hope they turn out how you've planned and I've been satisfied seeing them go into manhood."

In introducing his grandparents to the audience which filled the first floor and overflowed into the gallery, Warren described them as "hard-working, unselfish citizens who helped build our great state—people who spent 16 hours a day tilling the soil."

Papa Cole, a white-haired, fragile-looking retired farmer, kept moist eyes throughout the day.

Mama Cole, her carefully coiffured white curls framing her steady face, seemed to possess the most control.

"It was an awfully good feeling (seeing her son take the oath of governor)," she said. "I felt as if I were on top of the world."

In a departure from traditional governor-for-a-day festivities, Cole shared his day with the handicapped of the state.

Some 82 exhibits requiring about 300 handicapped persons to man them were scattered throughout the Capitol. The exhibits emphasized the skills and talents of the handicapped and included booths which demonstrated devices to aid the handicapped.

Cole, who had toured the exhibits the day before the festivities, was impresed with what he found.

"If a person has real determination he can do lots," Cole said. "And there is nothing in my knowledge to discourage a handicapped person from running for office. If you don't work hard, you don't get elected."

"However," Cole said, "the worst thing a handicapped person can do is to use his handicap to get a public office. I have never apologized for my blindness. My blindness does cause me an inconvenience but utilizing aids and materials, it is not a handicap, just an inconvenience."

As governor, Cole issued seven proclamations, one calling on Texans to give support in providing better special education programs for exceptional children; a second one calling attention to the importance of creating and developing programs for the education, rehabilitation and employment of the handicapped; a third calling for the abatement of pollution and the others commending the Houston Heights Lions Club and all Lions Clubs in District 2S2, the Fraternal Order of Eagles, the City of Houston, and the members of the Bishop Odin Council No. 2917 and the Supreme Council of the Knights of Columbus for their civic accomplishments.

At the luncheon attended by some 1700 persons, city, county, state and national figures paid tribute to Cole.

A wire from former President Lyndon Johnson, stated: "You have come a long way from Tarawa to the capital of Texas. You mastered misfortune and gained wisdom from it."

Cole introduced an old friend in the audience, John Bires, who was Cole's first reader at the University of St. Thomas, Bires, personnel director for a West Virginia steel firm, made the trip to Austin through efforts by state Sen. Hank Grover, another of Cole's classmates.

Recognizing the handicapped again, Cole said, "I believe the handicapped are entitled to an education and the best rehabilitation that can be provided by man.

"Some (handicaps) have stars at their fingertips and you citizens can help them reach these stars.

"Until this is done, we cannot say that America is the land of opportunity."

ASSISTING OUR WILDLIFE AND WILDLIFE-RELATED OUTDOOR RECREATION

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, today Congressman DINGELL and I have introduced a bill that seeks to open the way for a substantial national contribution to wildlife and wildlife-related outdoor recreation. I refer to the bill that we have prepared to impose a manufacturers' excise tax on certain kinds of archery gear and equipment, with the proceeds therefrom being deposited in a special account in the Treasury in support of the purposes of the Federal Aid in Wildlife Restoration Act of 1937.

For my colleagues who may not be fully acquainted with the Federal Aid in Wildlife Restoration Act, let me explain that it authorizes the dedication of the proceeds of a 10-percent manufacturers' excise tax on ammunition and the 11-percent tax on sporting firearms to the purposes of this program. The money is apportioned among the States on the basis of population and land area. The current fiscal year's apportionment is in excess of $31 million. To qualify for its share, a State must submit approvable projects under the terms of the act and supply $1 for each $3 in Federal aid for which it qualifies.

Since it was authorized in 1937, the Federal aid in wildlife restoration program largely has been responsible for the improved status and expanded range of white-tailed deer, elk, pronghorn antelope, wild turkey, bighorn sheep, and other species that were at a low point following the tragic era of wildlife waste in this country. Funds collected and apportioned under the popular program have made possible vital research and the acquisition of refuges and public hunting areas in all States and territories.

The Federal aid or P-R Act, as it is known after its sponsors, Senator Key Pitman, of Nevada and then-Representative Willis A. Robertson, of Virginia, has contributed substantially to the restoration of wildlife in this country. About $350 million has been collected and allocated to the States since the program was begun; nearly 3 million acres of land have been purchased and developed for wildlife and public hunting; about 1 million acres of wetlands have been acquired for waterfowl.

Under the impetus provided by the Federal aid program, the States have considerably expanded and strengthened their wildlife programs. Universities and colleges responded by initiating educational programs in wildlife management, with the result that the State agencies today are staffed by well-trained and capable wildlife professionals. No State may qualify to participate in the program if any of the receipts from the sale of hunting licenses are diverted to nonwildlife purposes, a practice that was common back in the old days of politically dominated fish and wildlife agencies. This simple, but essential, provision in the P-R program has prevented millions of dollars from being siphoned away from necessary wildlife purposes. Additionally, the regulations require that the States hire trained personnel to carry out the programs possible under the act, a requirement that has greatly enhanced the overall level of professional competence within the State wildlife agencies.

Two beneficiaries of the firearms hunter-supported Federal aid in wildlife restoration program are archers and the archery industry. They have benefited because wildlife technicians, relying on funds made available through the P-R program, have acquired significant wildlife properties and have conducted research and management programs that have resulted in the widespread restoration of game animals, like deer. Pertinent research has yielded information making it possible for game agencies to open and considerably lengthen the seasons in which deer may be hunted, and particularly by archers. Yet archers make no contribution in support of the essential wildlife work conducted by the State agencies, other than through their purchase of necessary licenses and permits. The firearms hunter also purchases comparable permits, but he makes an additional contribution through his purchase of sporting firearms and ammunition which bear the supporting manufacturers' excise tax. Archers benefit from all of this. They enjoy the longer and more liberal seasons and hunt on properties purchased by the State wildlife agencies. They, too, should contribute to this excellent Federal aid program. To do so would be to look after their own best interest.

My colleagues should know that sportsmen's, manufacturers' and other organizations appeared before the appropriate committees considering the Excise Tax Reduction Act of 1965 to urge that the taxes on sporting firearms and ammunition not be reduced or abolished. They gave absolute priority to the continuation of the Federal aid in wildlife restoration program. The Congress heeded their advice, for many Members of Congress are hunters, too, and the popular tax was not touched. I think this is very significant, because while the tax is collected at the manufacturing level, it is, in fact, the sportsmen who actually pay it by virtue of their purchase of ammunition and sporting firearms.

I cannot estimate how much would be yielded by a 10 to 11 percent manufacturers' excise tax on archery gear and equipment, Mr. Speaker. This would depend on the items to be taxed. Some clearly do not have a hunting application. I would expect that this would be worked out with the manufacturers of archery equipment and with their trade associations. The idea is not to be punitive, but rather to identify those items of equipment and associated gear definitely having a hunting function.

Our bill also follows legislation now under consideration that would dedicate the proceeds from the long-existing manufacturers' excise tax on handguns to the purposes of the Federal aid in wildlife restoration program. That money, now amounting to about $5 mil-

lion annually, has been going into the general funds of the Treasury since 1932.

The legislation relating to the handgun tax would dedicate one-half of the yearly collections to the wildlife restoration phases of the 1937 act; the States would be given the option of using the remaining half for the conduct of hunter safety training and for the acquisition, development, and operation of public shooting ranges. I think these are necessary purposes, daily growing more important, in fact, by expansion and concentration of population. Sportsmen need this training in the safe handling and use of firearms and they also need public ranges at which the instruction can be given and where actual practice firing may be done. From what I have observed at a few small local archery ranges, the man who chooses to follow this most ancient and sportsmanlike method of hunting also needs properly designed and operated ranges at which to achieve the level of skill so necessary to the successful practice of his sport.

Few Members need to be reminded that archery, like all forms of outdoor recreation, is participated in by more and more people each year. Our bill seeks to do these recreationists and the manufacturers a service by giving them an opportunity to contribute to the future well-being of their sport. I urge my colleagues to obtain copies of my bill, to study it closely, and to introduce companion proposals of their own.

The record of the Federal aid in wildlife restoration program is strong and compelling. Our bill offers an avenue for similar progress and advancement of wildlife and of the recreation based on it. I am sure that public hearings will bring forward many witnesses and suggestions as to the appropriate method of proceeding. I already have received pledges of support from representatives of the archery industry and of archers themselves. Those of my colleagues who would care to join me in this will be making a contribution to all who hold hunting to be one of our Nation's finest forms of outdoor recreation.

MARIHUANA

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I have been critical of efforts to so reduce the penalties for the possession and use of marihuana as to border on legalization. As a practical matter, enforcement efforts will be as lax as the penalties are meaningless and without substance.

Although the preponderance of publicity and testimony has been on the side of leniency, and is suggestive of the last decade's characteristic permissiveness in the administration of criminal justice, I believe it is critically important not to overact by the implementation of mere token penalties or, in the extreme, legalization of marihuana.

My experience in the field of enforcement in connection with narcotics laws is still more convincing evidence of the dangers of marihuana than recent vague and indefinite medical testimony interpreted to reach a contrary conclusion. I would commend to your attention the insights on the subject of a past commander of an evacuation hospital in Vietnam which has the largest psychiatric team in the war zone. Col. John J. Kovaric, MC. U.S. Army states in a letter reprinted in the January 23, 1970 issue of the Washington Evening Star that:

> Men who had taken marihuana (widespread use among our combat personnel is acknowledged) and who were brought to our hospital, either for outpatient consultation or hospitalization, had recognized behavioral defects and were usually psychotic-like in nature. That is, they either had feelings of persecution, delusions of grandeur, were abnormally euphoric and in some cases, had become physically unmanageable, had convulsions, *or had even committed murder.*

After refuting the frequently made comparison with alcohol, Colonel Kovaric observes:

> While scientific decisions are being made about the mental, physical, social and economic effects of various drugs, there is more than adequate evidence that marihuana is a drug to be condemned and controlled. If any drug in today's pharmacy had the effects and complications of marijuana it would immediately be banned and relegated to the fate of thalidomide!

His concluding point, and one with which I fully concur:

> Because punishments for the use of marihuana seem to be excessive, it is sheer lunacy to overreact by legalizing (or I might add, by imposing meaningless token penalties) in an attempt to eliminate a problem;

QUALITY OF EDUCATION IN THE UNITED STATES

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, yesterday 11 Members of the House, on a bipartisan basis, introduced a resolution calling for the appointment of a select committee from the House of Representatives to study the effects of Federal policies on the quality of education in the United States. Mr. Speaker, I want to repeat to study the effects of Federal policies on the quality of education. The 10 others who have cosponsored this bill are: Mr. AYRES, Mr. GIAIMO, Mr. QUIE, Mr. ROSTENKOWSKI, Mr. MICHEL, Mr. SMITH of Iowa, Mr. ANDERSON of Illinois, Mr. WAGGONNER, Mr. ERLENBORN, and Mr. STRATTON.

Mr. Speaker, the members of such a committee—if this resolution is approved—would come from the various committees of the Congress that handle education legislation. Many student aid programs originate in the Education and Labor Committee and are administered by the Office of Education. The largest student financial assistance program for college students is under the Veterans' Affairs Committee. The second largest financial student aid program is authorized by the Ways and Means Committee and is under social security. Advanced funding is the responsibility of the Appropriations Committee.

The Federal involvement in education is under the direction of eight Cabinet-level departments and 19 Federal agencies. We question the effect that this proliferation of programs and the dispersion of congressional responsibility have on the quality of education. The manner and timing of congressional funding should be reviewed.

Also studied would be the impact on the quality of education when so much national emphasis has been placed on the value of sheepskins and the importance of a 4-year college training. Not nearly as much national effort has been made for technical education and vocational training at either the secondary or postsecondary levels.

The results of a study on the effects of Federal laws on busing to achieve a certain racial quota and the results of Federal effort to curb the violence in the classrooms might result in recommendations by the select committee to the Judiciary Committee or the Education Committee or to the Civil Rights Commission or to the Justice Department.

It would be the purpose of the study to try to determine where vitally funded efforts have achieved success and where they have failed. More importantly it would be the effort to find out if the administration of Federal laws expedited or thwarted the intent of Congress in authorizing them. The study would not limit itself to programs administered just by the Office of Education but other areas would be closely scrutinized. Other Democrats besides the six already referred to, who have indicated to me their wish to cosponsor the legislation today are as follows: WILLIAM ANDERSON, JOHN BLATNIK, DOMINICK DANIELS, JIM DELANEY, JOHN DENT, ED EDMONDSON, JACK FLYNT, NICK GALIFIANAKIS, JOE GAYDOS, SAM GIBBONS, WAYNE HAYS, CHET HOLIFIELD, WALTER JONES, JOSEPH KARTH, PHIL LANDRUM, CLAUDE PEPPER, BERNIE SISK, OLIN TEAGUE, AL ULLMAN, JIM WRIGHT, and JOHN YOUNG.

We sincerely hope that the other Members of the House will consider this resolution and we would be most pleased if additional Members on both sides of the aisle would cosponsor it.

ATTACK ON HIGHER EDUCATION

(Mr. FRASER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRASER. Mr. Speaker, I was saddened to read the statements of the Vice President of the United States in attacking both public and private institutions of higher education which sought to open the doors to minority students. In all of my years I have never heard a high public official of the United States make such an attack on free institutions in America with such base motives.

My sentiments are expressed exactly in a recent column by Frank Mankiewicz and Tom Braden, which I include in the RECORD at this point:

AGNEW'S ATTACK ON COLLEGE PLANS TO RECRUIT NEGROES WAS RACIST

The Vice President's speech last Thursday—in which he attacked college and uni-

versity admission policies as "a special kind of madness" has evoked no remarkable response, according to his office. That news—at least—is better than the speech.

University officials and faculty think Agnew's words will make their job more difficult. Some of them are wondering, with Yeats, "What rough beast, its our come round at least, sloughes toward Bethlehem to be born?"

At Yale and Harvard, at Dartmouth and Princeton—to name a few of the country's older seats of learning—it is easier today for a black student to enter the freshman class than for a white of equal scholastic achievement.

These colleges and others are trying desperately to reach a quota—that is, to achieve a student body roughly representative of the number of blacks in the nation—approximately 11 per cent. It is not easy to reach this quota.

It may come as a surprise to white suburbanites that one of the most difficult tasks of admissions officers is persuading capable blacks to make the effort. As one put it off the record, "Sometimes, we almost have to tear them away from their mothers. Centuries of slavery, segregation, and second-class education have not promoted ambition."

But the nation's private and public institutions have—by and large—bravely attempted to meet the challenge. Their sense of duty is born of awareness that as blacks demanded equal opportunity it was somebody's job to provide the education to prepare them for it. To build a society in which black people hold a proportion of the top jobs—because they can do these jobs as well as whites—is their aim, in the name of justice—but also in the name of social stability.

Not only courage, but perseverance—long hours of explaining to parents, alumni, students and trustees—has been necessary to enable them to set forth upon their task. And as black students entered—and frequently made outrageous demands—the job of these men has been Herculean.

The question that must be asked now is whether the goal they set is wrong. The Vice President of the United States has attacked it in language that goes straight to the jugular. "Would you like to be operated on," the Vice President has asked the nation, "by a man who was admitted to medical school as part of a quota?"

Despite some evidence to the contrary, Spiro Agnew is not a fool. He knows there is not a medical school in the country that would graduate a black doctor who could not fulfill its requirements, and no one proposes that they do so.

For that matter, there is not a liberal arts college or university that would graduate a black student who could not meet its standards. But the distinction between an admission standard and a graduation standard is one that Agnew and his White House speech writers chose to ignore. The result is political hay at a very high cost.

For some time, Agnew has been snuffling along the American trail, seeking the beast that is in us all. It would appear that he has found him and identified his diet.

The question is, what kind of America does the Vice President want? There are short-term votes among white parents who fear their children will be forced to shop among second-choice colleges and professional schools. There are even more votes among construction workers who see their jobs threatened by black apprentices.

Agnew appealed to these prejudices, President Nixon's "Philadelphia Plan" or no. If the Vice President means what he says, we will soon be two Americas, both armed.

President Nixon, who was elected—he says—to "bring us together," owes an apology to the educators and college officials who have been trying to save his country. Failing that, he could at least tell his Vice President to stop making racist speeches on Lincoln's Birthday.

MARGIOTTA DEMANDS RESIGNATION

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENSTEIN. Mr. Speaker, I think the American people may be interested in a situation that is developing in the Fifth Congressional District.

I believe it is fair to say that when I was elected to Congress, everyone knew pretty much where I stood on the war, and in fact on most other major issues. But for many months now Mr. Joseph Margiotta, the Nassau County Republican Chairman, among others, has been demanding my resignation on the grounds that I do not represent the views of the people of the Fifth Congressional District on the war and on problems related to the war.

Demands like those of Mr. Margiotta could ordinarily be discounted the way that most political statements are discounted, but these are not ordinary times. The war grinds on, and so does inflation, poverty, pollution, and a host of other curable ills. Meanwhile, the Nation waits in vain for leadership with guts, brains, and programs to cure these ills. Instead, it gets nostrums and name-calling from the national administration, and the spirit of the people grows more troubled and querulous while the national will seems almost paralyzed.

Vietnam remains at the heart of these difficulties. I cannot support the President's policies there for I am convinced that these policies will lead to many more years of war, with all the horror that entails for the United States and for Vietnam. Mr. Nixon may feel that 5,000 more dead Americans—and God knows how many more Vietnamese killed by Americans—are small numbers. I do not.

In these circumstances, I believe there is much to be said for the kind of electoral test that could occur if I were to resign, as Mr. Margiotta and others have suggested, and let the voters decide if they want me to continue as their Representative.

I assumed that Mr. Margiotta and the others who have asked me to resign did not intend to have the Fifth Congressional District go unrepresented in Congress. If I resign, the only way the Fifth Congressional District can be represented would be to hold a special election to fill the vacancy. So if Mr. Margiotta's demands for my resignation were not pure grandstanding, it seemed reasonable to expect him and his associates to join enthusiastically in asking the Governor to assure that a special election would be held promptly to fill the vacancy that would be created by my resignation.

But that is not what happened. Mr. Margiotta's reaction to my offer to take his proposal seriously was to call it "absurd," a rather curious—if not in itself absurd—turn of events. Other Republicans—including State Senator Norman Lent, who has seemed extremely eager to come to Congress as soon as possible until this opportunity arose—now are unexpectedly unenthusiastic about my accepting the challenge.

Two explanations suggest themselves for this odd behavior: either they want me to resign if I agree to leave the Fifth Congressional District entirely unrepresented for the remaining 10 months of my term; or they are unwilling to put up, and will therefore be obliged to shut up, now that their bluff has been called. The first interpretation does little credit to their respect for the needs of the community; the second does even less credit to their political courage.

I have made it clear that the moment the Governor agrees to call a special election he will have my resignation, and the people of the Fifth Congressional District can then say who they want to represent them for the remainder of the term to which I was elected in November 1968. Since the State legislature has dismembered the Fifth Congressional District, there will be no other way that the people of this district can make such a choice. And while I disagree with Mr. Margiotta about what choice they would make, I agree that the issues are too critical to deny them the right to choose.

Let me also make it clear right now that a special election would fill my seat only for the rest of my current term. Even if I were to win such an election, I would have to run again in November under the new district lines if I wanted to stay in Congress next year.

I have hesitated to take this step for personal reasons and for reasons of precedent. To begin with, one does not lightly put one's family or one's community through extra campaigns for offices fairly won. And midterm resignations are not generally desirable in our system of government.

But America is in the kind of crisis that makes usual politics unacceptable. We play politics as usual now at our own grave national peril.

The division about the President's war policies is very deep. His claim that a majority of the American people supports these policies should be subjected to the best test available, which in the last analysis is an election. In America the people must speak on questions like these, not the politicians.

My resignation, then, could achieve three useful results. It could insure that the people of the Fifth Congressional District will have a spokesman in Congress during the next 10 critical months who will represent them properly on the great problems besetting the Nation.

It could provide a clear test of how the American people feel about the President's leadership on the war, and on the crisis at home, in a district in which the President obtained a higher percentage of the popular vote in 1968 than he did in the Nation at large.

And it could help reinvigorate in some way the electoral process itself, so more

Americans will see that they can, in fact, influence the national policies that affect so profoundly their lives and the future of their country.

I have decided on this course in the spirit of the late Senator George W. Norris of Nebraska, who opposed steps he believed would involve the United States unnecessarily in the First World War. Senator Norris warned that a Member of Congress who ignored his conscience on a matter as basic as war and peace "becomes only an automatic machine" requiring "no patriotism, no education, and no courage."

Instead, Senator Norris decided that he must "do what in my own heart I believe to be right for the people at large" and "let my constituents decide whether I was representing them or misrepresenting them in Washington." So he wrote to the Governor of his State offering to resign his seat in the Senate and urging the Governor to call a special election. In this letter he said he had "no desire to represent the people of Nebraska if my official conduct is contrary to their wishes."

He wrote:

> I will not . . . violate my oath of office by voting in favor of a proposition that means the surrender by Congress of its sole right to declare war. . . . If my refusal to do this is contrary to the wishes of the people of Nebraska, then I should be recalled and someone else selected to fill the place . . . I am, however, so firmly convinced of the righteousness of my course that I believe if the intelligent and patriotic citizenship of the country can only have an opportunity to hear both sides of the question, all the money in Christendom . . . will not be able to defeat the principle of government for which our forefathers fought. . . . If I am wrong, then I not only ought to retire, but I desire to do so. I have no desire to hold public office if I am expected blindly to . . . be a rubber stamp even for the President of the United States.

This Republic is stronger for the contributions of men like George Norris who understood that in a free country no public office is more important than obeying one's conscience and then being prepared to abide by the decision of the people.

Some may suggest that it is "grandstanding" to offer to resign rather than simply to resign. I would in, fact, prefer to resign outright. The U.S. Constitution says:

> When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies. (Art. 1, sec. 2, (4)).

But the New York State statute leaves the decision about filling vacancies to the discretion of the Governor, and the work of a Congressman is too important to his constituents to risk leaving them unrepresented for 10 months. So I have concluded that I cannot resign until it is certain that the Fifth Congressional District will not be unrepresented as a result of my resignation.

I want to repeat now what I said on Monday: I urge and expect Mr. Margiotta and those who have joined with him to demand my resignation—I urge and expect them to join with me now in urging the Governor to agree to a special election.

If they persist in calling their own proposal absurd simply because I took it seriously, it will be perfectly clear that it is Mr. Margiotta and his allies who have been grandstanding—that they are, in fact, unwilling to submit our differences to the people. In short, it will be clear that they know the majority of the people in the Fifth Congressional District approve of the kind of representation I have been giving them.

May I add that if no election is agreed to, one might suspect that the President and the Vice President have also been grandstanding with their claims that they speak for the "silent majority," because they ought to be able to win an election in my district if they could carry the country. At least they would have a very fair battleground.

Some will object that a special election adds to the burden of the already overburdened taxpayer. As far as I can find out, the cost of a special election would run around $75,000. That does not seem relatively very expensive, representing as it does the cost of about 75 seconds of prosecuting the war. But if cost is a problem, I would be glad to split it with Mr. Margiotta and the Nassau County Republican Party so it need cost the taxpayers nothing.

In any event, in Congress or out, I will continue to oppose the President's policies in Vietnam and the deranging of our national priorities that has resulted from these policies and those of his predecessor. I hope it is clear that my position on this matter is not based on partisanship. We have opposed Presidents impartially, regardless of party.

I am convinced that as a Nation we are on a disaster course. I am convinced, too, that more and more Americans will want to change policies as they understand where we are headed, and at what a terrible price to all we hold dear.

In my judgment, the only thing that could be worse for America than the continuation of these policies would be their continuation because those who believe them to be wrong have not done everything humanly possible to change them. That means carrying our views as effectively as we can to all the people, in whom, after all, the power of decision ultimately resides.

I believe we can do something useful to strenghten democracy in the United States by holding a special election in the Fifth Congressional District at this time. And, win or lose, I know I can do more to help move America toward the goals that are growing more distant by submitting my record and taking my case to the voters than I possibly could by staying in Congress safely for the rest of this term.

So I have sent the Governor a letter urging him to assure us that a special election would be held within 60 days of my resignation. I hope that assurance will be forthcoming soon, so I can submit my resignation and we can start right away to find out how the American people feel about the war and about the problems so closely tied to it.

SCHOOLS IN THE SOUTH

The SPEAKER pro tempore (Mr. HOLIFIELD). Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 60 minutes.

Mr. DICKINSON. Mr. Speaker, I have asked for this time in order to have an opportunity to emphasize and underline a problem facing my section of the country and my district in particular at the present time; a problem which will inevitably spread throughout this country; a problem which everyone will have to face when the time comes—and I have predicted the time will rapidly be here.

I refer specifically, Mr. Speaker, to the arbitrary and artificial requirement that various schools come up to a certain percentage of racial enrollment, totally disregarding the neighborhood school concept. This is to be brought about by busing children away from their homes and away from their normal schools sometimes as much as 10 or 15 miles, to schools where they are strangers and where they are out of their natural habitat. Schools which they do not wish to attend. Mr. Speaker, I refer to both black and white students who want to go to their neighborhood schools and who want to stay with their families and friends. These students do not want to be bused.

I have called on some of my colleagues, who might so desire, to contact their school officials in their respective districts and obtain documented specifics of the ludicrous situation that has been brought about as a result of some of the court orders and some of the decisions of the HEW "education specialists" who have proceeded to draw up these school plans.

It is not my intention to debate the merits, or not, of integration as opposed to segregation. We recognize what is the law of the land, but it is our contention, Mr. Speaker, that some in this administration and some department heads, while they might recognize what is the law of the land, choose to ignore the law of the land

Mr. Speaker, all of our State is either under Federal court order or HEW rulings, which really do not have too much to do with running the schools in the State of Alabama. In the middle district of Alabama, under Judge Johnson, we have 99 school districts pending in one suit, and all the other school districts are under a court order in one form or another, so we really have very little to say about the running of the schools by the school boards. I have talked to the superintendent of education for my State, and, even if we had the money, I find we cannot build schools and schoolrooms as rapidly as the Justice Department, through its various courts and HEW, through its guidelines, are closing them. We cannot physically do it.

There are perfectly good schools in my district, one in particular on which I have a letter, which is 2 years old, which has been ordered closed—not because there is anything wrong with the

school, but in order to force the children to go to another school.

I have heard it said by some of the judges that they do not order the busing. What difference does it make if they close a school and the only way a child can get to school is to walk or take a bus? There are then effectively ordering busing. This is an exercise in semantics, and it is ridiculous and absurd, and it is skirting the issue.

Mr. Speaker, I have here a letter from a member of the school board of Butler County, which is in my district.

This is a letter he has written to Frank Johnson, the judge in charge. I shall quote from this letter. The city is Greenville. This involves a recommendation for student desegregation.

It says:

That the Greenville High School be a center for all students in grades 10 through 12 living in the northern attendance area.

That the Southside School be used for Vocational Education, Distributive Education, Diversified Occupations and R.O.T.C. and Band. The Southside School is located relatively close to the Greenville High School and on the same site with the Butler County Area Vocational School.

The fact is that they are on opposite sides of the town. The fact is, Mr. Speaker, in practice and reality, it takes students 15 minutes to board a bus at the Greenville High School and drive to the Southside High School, unload and be seated in class. This plan, as submitted by the Office of Education, would automatically cut off the first 15 minutes of class instruction time, for which they allot 55 minutes, and they would have to load up again and drive all the way back to the other side of the town to attend the next class.

It is absurd and asinine that they should require the city or the county school system to maintain shuttle buses all day throughout the day to transport students from one side of town to the other side of town and then back again. From a 55-minute class period, 30 minutes will be used by the student in riding on a stupid bus.

I ask, Mr. Speaker, what are we trying to do? Are we trying to educate the children, or are we trying to force the destruction of the public education system in the State of Alabama and throughout our section of the country?

As soon as the laws are uniformly applied and uniformly enforced throughout this country, we will see the same things happening in New York, Ohio, California, Indiana, and every other State in this country.

Our colleague in the other body, Senator STENNIS, has favored us with some very interesting statistics, which I am entering into the RECORD today. All who doubt the truth of our position have not and cannot refute these statistics.

According to his statement, which he has conclusively documented, the figures show, for instance, in Ohio there are 197 predominantly Negro schools. There are 154 of them 90- to 100-percent Negro, and there are 131 schools that are 95- to 100-percent Negro, and 105 of them are 98- to 100-percent Negro.

This, as I said, Mr. Speaker, has to do with Ohio.

In Indianapolis, the capital of Indiana, there are 13,765 Negro students in 17 schools that are from 99.2- to 100-percent black. In all these 17 schools there are only 37 students listed as white.

In Philadelphia, the largest city in Pennsylvania, there are nine schools with total enrollment of 7,200 students that are 100-percent Negro.

In Los Angeles there are 48 schools with a total enrollment of 65,877 that are 99- to 99.9-percent Negro.

The statistics go on. I believe they stand and have not been successfully refuted.

If I may add just a couple more, in New York City, according to U.S. News & World Report, 43.9 percent of all Negro students attend schools which are 95- to 100-percent black.

In Washington, D.C., this great enlightened Capital of our great country, there are 89.2 percent who attend predominantly, almost 100 percent, black schools.

In Baltimore it is 75.8 percent of the children.

In Chicago it is 85.4 percent, according to statistics in the U.S. News & World Report.

So, Mr. Speaker, the point is that this is not necessarily a sectional problem.

We saw in the Civil Rights Act of 1964 a prohibition against enforced busing of children to bring about a certain degree of racial balance in the schools. Yet we have seen the Department of Health, Education, and Welfare, through its guidelines, and the Department of Justice in many instances totally ignoring the will and the expressed mandate of this House and this Congress. Through subterfuge they say that we are not doing it for this purpose but are doing it for another purpose, and thereby they deny that they are busing, while at the same time they are closing schools. Of course, the only way a child can get to the school is either to be bused or to walk.

Mr. Speaker, the point is—and I have asked my colleagues to help who are as concerned as I am over public education—that what this administration must do and what the American people must demand and what we all have a right to expect is that there will be uniform application of the law throughout this country.

As I pointed out, the statistics show that this is not a sectional problem but, rather, one which we all face and deal with daily. I may say that I will ask unanimous consent to include in my remarks statistics as well as other extraneous matter dealing with this problem that show, instead of educating more people, we are doing just the reverse. According to the superintendent of education of the counties which I represent, the whites are going to private schools more and more. Some of the blacks are also going to private schools, but many of them are dropping out of school altogether. Predominantly it is the black students who are dropping out altogether, according to the statistics furnished by the department of education in my district.

Mr. Speaker, are we trying to help to educate people?

If we are, we are certainly falling far short of the mark, because we are not doing the best for the most people and are not doing what is best for the common good of all. We are forcing the degradation of our public school system. It is time that we all became concerned and joined in this effort in calling the matter to the attention of the entire Nation as to what they will be facing in the very near future, because we have already traveled this road that they are now facing.

Mr. Speaker, at this point I would like to enter into the RECORD several letters, documents, and articles that point out the ridiculousness of the court orders and HEW rulings that are destroying our public schools in my district, Alabama, the South, and our Nation:

BUTLER COUNTY SCHOOLS,
Greenville, Ala., February 13, 1970.

Hon. WILLIAM L. DICKINSON,
The House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR SIR: I believe the attached affadavit showing the number of students lost to the public schools as a result of integration will show what the result of Court Orders have done to our schools.

In the Greenville Junior High School, we now have a sixty per cent black student body. In the Georgiana High School (grades 10–12), we now have a fifty per cent black enrollment in what was previously a white school.

We appreciate your interest in our schools and trust this information will be of help.

Respectfully yours,

GENE STROUD,
Superintendent, Butler County Schools.

BUTLER COUNTY SCHOOLS,
Greenville, Ala., February 13, 1970.

Enrollment—May 1969:	
White	3019
Nonwhite	3037
Total	6056
Present enrollment:	
White	2690
Nonwhite	2793
Total	5483
Students lost:	
White	329
Nonwhite	244
Total	543

(LOSS, 8.9%)

The above figures are a true and exact report of the enrollment statistics for the Butler County Schools.

The majority of the white students lost to the public schools have enrolled in private schools, but less than 30 Negro student shown as lost have enrolled in private schools. The others have dropped out of school.

More students were lost to the public schools as the result of integration this year than were lost in the last five years combined for all reasons.

GENE STROUD,
Superintendent.

Sworn to and subscribed to before me this the 13th day of February 1970.

BERYL C. MCBRIDE,
Notary Public.

BUTLER COUNTY SCHOOLS,
Greenville, Ala., January 30, 1970.

Judge FRANK B. JOHNSON, Jr.,
Middle District Court, U.S.A.,
Montgomery, Ala.

DEAR JUDGE JOHNSON: On Monday, January 26, 1970, the Butler County Board of

Education received a copy of the Alternative Plan developed by the United States Office of Education for the Butler County school system.

The Butler County Board of Education has complied with every order and direction of this Honorable Court to the best of its ability and, it is believed, with cooperation and understanding of the citizens of this county. We believe this has been done in such a manner as to preserve the dignity of both races within Butler County. This school term the Greenville Junior High Schol which previously was predominantly white became (57.59%) fifty-seven and fifty-nine hundredths per cent black. The Georgiana High School which previously was predominantly white became (50%) fifty per cent black. There have been no demonstrations, no suggestions or threats of violence. The members of both races are proud of the general reaction to this change. We believe that we have maintained an atmosphere conducive to education.

There are portions of the Alternative Plan submitted to this Court by the United States Office of Education which are entirely impractical, and which we feel cannot be implemented. We beg this Honorable Court to give consideration to the impractical aspects of the Alternative Plan and reject those things incorporated in the Plan which are contrary to sound education.

Attention is called to Part II of the Plan.

Recommendation for Student Desegregation: "That the Greenville High School be a center for all students in grades 10 through 12 living in the northern attendance area."

"That the Southside School be used for Vocational Educational, Distributive Education, Diversified Occupations and R.O.T.C. and Band. The Southside School is located relatively close to the Greenville High School and on the same site with the Butler County Area Vocational School."

It takes students 15 minutes to board a bus at the Greenville High School, drive to Southside High School, unload and be seated in class. This plan as submitted by the Office of Education will automatically cut the time allotment per class from 55 minutes to 40 minutes. The time to load, travel back from the Southside School campus to Greenville High School will require another 15 minutes. This would give only 25 minutes of actual instructional time.

No student would take any two subjects named in the Plan; therefore, it would be necessary for a different group of students to be transported each period.

We are asking the Court not to limit course offerings on a single campus, but to permit the local school Board to use the Southside campus as an annex of Greenville High School to be used as it sees fit.

The Plan also calls for students in grades 8 and 9 living in this northern attendance area to attend the Greenville Junior High School. This school is presently set up on the organizational pattern of grades 7 and 8. It has operated very successfully this school term with (57.59%) fifty-seven and fifty-nine hundredths per cent black students.

If 9th grade students are housed in this building, it means that the course offerings to 9th grade students will be reduced. All 9th grade students begin to take such courses as Home Economics, Agriculture, foreign languages, etc. The Greenville Junior High School building does not have facilities for courses such as Home Economics and Agriculture. We can see no advantage in changing the organization of the Greenville Junior High School from grades 7 and 8 to grades 8 and 9.

We beg you to permit the organization to remain as it is operating this year, since there is no other Junior High School in the northern attendance area.

Under the section *Desegregation of Faculty and Other Staff*, the Board of Education asks that an interpretation of No. 1 be given.

We ask that the section of the Plan *Suggestions for Implementation* be deleted.

Under section Students, item 4 referring to provision of a late bus for those students staying after school to participate in extra-curricular activities: We feel that since our system is a rural one, which draws students from a 50 mile radius, such a recommendation could not be implemented because of the expense involved and the possible distance the bus would have to travel.

Under the same section, item 5, "Outside of regular class for counseling and extra instructional help." The Board feels that a clarification of this item should be made. Does regular class refer to a regular school day?

We are interested in providing the best education possible for all students in this system. For this reason, we prayerfully beg that you not assign quotas by race for faculty members. We honestly plan to use objective criteria for teacher performance and student achievement to assign and employ all faculty, other professional and non-county. The educational program of this professional staff in the schools of this school system would be weakened and students would suffer if a racial quota system were imposed.

The Butler County Board of Education believes that in many areas of the Plan submitted by the United States Office of Education, the Plan reflects concern over the methods of implementations, patterns of organization of curriculum, and grade make up rather than the integration of students by race to eliminate a dual school system. We beg you to look closely at the Plan and include in the Court Order only those directives necessary to achieve the purpose of the Court in this regard.

Sincerely yours,

GENE STROUD,
Superintendent, Butler County Schools.

OFFICE OF
SUPERINTENDENT OF EDUCATION,
Brewton, Ala., February 13, 1970.

Hon. WILLIAM L. DICKINSON,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN DICKINSON: At the present time we have in Federal Court a proposed plan (as required in our October 23, 1969 decree) which would abolish the dual school system in Escambia County commencing with the 1970–71 school year.

We have been notified by the Court that our plan does not meet legal requirements and that the Justice Department has also filed a plan for Escambia County prepared by the Office of Education. We have been notified further to show cause by February 15, 1970 why the Office of Education plan should not be ordered rather than our plan. The hearing has been set for March 6, 1970.

A discussion of busing in a rural school system such as Escambia County is a very complicated thing. For that reason I am enclosing map of County showing school locations, etc. We really have two distinct areas with differing conditions, race ratios, etc.

You will note from the map that the eastern portion of Escambia County is operating on a 100% integrated basis. All negro and white children are attending school together daily in 4 school centers. However, all 5 and 6 grade W. S. Neal children (white and negro) are transported 3½ miles to and from the former Oak Grove-Pollard school which is a comparatively new school (2 years old) with excellent facilities for elementary children.

The only school closed in this County by Court Order is the Boykin Elementary School in eastern Escambia County.

Actually there are fewer buses running in this section of the County and travelling fewer miles than in years past (even including the daily transfer of 5 and 6 grade Neal students) due to the fact that all negro students Grades 1–12 from the extreme eastern section of Escambia County were transported daily to Southern Normal School (private) located on the other side of Brewton, Alabama; and all negro students from Flomaton, North Brewton, and McCall areas, grade 1–12 were transported daily to Oak Grove-Pollard School on outskirts of Brewton and to Southern Normal. They now attend W. S. Neal, North Brewton, McCall, Flomaton and Brewton City schools depending on which school is nearest their homes.

All white children in eastern Escambia County grades 1–12 have attended and been bused to W. S. Neal in East Brewton for years. They have done this by choice and not as a result of a Court Order.

No child (white or black) in this County is being bused 80 miles daily to and from school as has been reported.

The majority of the parents (white and negro including W. S. Neal 5 and 6 grades) have accepted the integration of schools in eastern Escambia County and no serious incidents have occurred to date. The proposed plan presented by the Office of Education is practically identical with the Escambia County Board plan for the eastern portion of Escambia County. (Flomaton east to Covington County line, from northern to southern boundaries).

However, the western or Atmore area is an entirely different situation.

We operate 5 schools in Atmore at present: 2 predominately white elementary schools grades 1–6; 1 predominately white junior high grades 7–9; 1 predominately white Senior high grades 10–12; 1 all negro eleven grade school grades 2–12. Two other schools are operated in western Escambia County: Huxford predominately white grades 1–9 and Freemanville grades 1–7 all negro.

Freemanville is seven miles from Atmore and Huxford approximately 20 miles.

Under our Board plan these schools would continue to operate on an integrated basis with the above listed grades and the facilities used for instruction in areas for which they were designed and built.

Under the Office of Education Plan grades 1 and 2 would be at one elementary school in Atmore; grades 3 and 4 at the other elementary school in Atmore; grades 5, 6, 7 and 8 at Escambia County Training School in Atmore; grades 9 and 10 at the Junior high site at Atmore; grades 10 and 12 at the Senior high site in Atmore.

The Huxford and Freemanville Schools would be paired with grades 1, 2 and 3 at Huxford and grades 4, 5 and 6 at Freemanville. This means busing of both races both ways (north and south) from Atmore to and from northernmost County line to achieve integration. Your requirements for reporting does not permit time to get numbers of documented statements from parents, teachers, and principals regarding the confusion and dissatisfaction that will result should this proposal be ordered and put into effect.

A definite court ordered plan has not been ordered or publicized as yet, but the public does have a general idea of what may be ordered and neither race is happy due to many many reasons.

A few of the more prevalent evidences and reasons for concern in this area are:

1. Total disregard for any freedom-of-choice by parents or students.

2. Disregard for school attendance at neighborhood schools in order to achieve integration.

3. Busing to and from the two rural schools in order to achieve pairing of these schools.

4. Shifting of teacher personnel (white and negro) to schools in areas in which they do not reside.

5. Assigning students to buildings and facilities that are not designed to meet the educational needs of courses and grades to be offered there rather than what the buildings were designed and built to offer in the way of curriculum.

6. Formation of private school in Atmore which is now being organized.

7. Lack of attendance of negro first graders who are now assigned to white schools in Atmore.

8. High ratio of black to white students in western area of County, which will mushroom higher when whites begin fleeing to private school next fall.

9. The continual busing of high school classes, during the school day in the 4 upper grades, to and from the old junior high to present senior high site in order to have the proper facilities to offer certain courses.

10. Possibility of parents within the City of Atmore having children in as many as five (5) different schools.

We appreciate the efforts you and our other elected officials are making to obtain relief from rulings that are not for the betterment of our children's (white and negro) educational opportunities.

Very truly yours,

HARRY L. WEAVER,
Superintendent of Education.

CITY BOARD OF EDUCATION,
Brewton, Ala., February 16, 1970.

Hon. WILLIAM L. DICKINSON,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DICKINSON: The Brewton City Board of Education and I wish to supply you with the information you requested. The Board has received its final decree as it pertains to students. Our problem in the future lies with our teachers, principals and other staff members. When we reach the point that we have to document our every move as to the qualification of one person over another to the Federal Court then I think the arm of the law making justice department has gone too far. I believe I should justify my every recommendation to the school board but I do not believe I should compile report after report depicting my every move to maintain a certain percentage of Negro to white staff members.

As for the information you requested, we do not have documented statements by principals, teachers or parents who have experienced unusual personal hardships as a result of the court decrees. I do not deny that certain teachers have found it difficult to work in a new situation and some found it an impossible task, but I do not think I could get documented statements to that affect.

Busing has not been one of our major problems. We do not expect it to present any problems under the final decree.

To show unusual hardships caused by closing of schools, I have chosen to list the following items:

(1) Negro teachers have a most difficult time succeeding in an integrated teaching situation.

(2) Negro students find themselves far behind academically and cannot keep up with assignments.

(3) An expenditure of $140,000.00 for buildings at the location of T. R. Miller High School resulted when we were forced to close Booker T. Washington High School.

(4) T. R. Miller High School was severely overcrowded until January 1970. Classes met in the library, the study area and the lunchroom.

(5) With the closing of a school, several teachers left our immediate area to seek positions with other systems.

(6) The Negro student has a difficult time being elected or chosen to participate in activities or to receive any honors. Less Negro boys are participating in athletics.

(7) The closing of schools has brought about more dissension among the races.

(8) A Vocational Manual Arts Training Program that was offered the boys at Washington High School is not offered them at T. R. Miller High School because of facilities.

I hope this information proves helpful. Enjoyed talking with you in Brewton on February 13, 1970, and I appreciate your concern for education. If I can be of any service in the future, please call on me.

Sincerely yours,

DALE T. GARNER,
Superintendent.

MONTGOMERY PUBLIC SCHOOLS,
Montgomery, Ala., February 11, 1970.

Congressman WILLIAM L. DICKINSON,
Washington, D.C.

DEAR CONGRESSMAN DICKINSON: In answer to your letter of February 9, I would like to state that our Court Order for the 1970–71 school term has not as yet been issued.

The Order for the 1969–70 school term contained freedom of choice with a provision that at least 20% of the Negro children attend formerly all white schools. The Order required that each faculty must contain at least 30% of the minority race. There was nothing in the 1969–70 Order about closing schools or busing of pupils across town.

Sincerely yours,

W. T. MCKEE,
Superintendent.

ANDALUSIA CITY SCHOOLS,
Andalusia, Ala., February 11, 1970.

Honorable WILLIAM L. DICKINSON,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. DICKINSON: I have your letter of recent date in which you request documented statements from principals, teachers, parents and others concerning hardships as a result of recent Court orders. We appreciate your interest in this matter. However, we did not receive Court approval of our desegregation plan until this week. It is not to be implemented until next September. Therefore, it would be difficult at this time to say what the hardships will actually be. We know there is going to be some inconvenience and difficulty caused by the reorganization of our school system. To date we have been operating under a form of freedom of choice. We closed one very small Negro school but gave the students the choice of attending any one of three other schools.

Our problems will be further complicated if we lose the Federal funds that we have been receiving. For example, we are able to have a low teacher-pupil ratio, additional instruction supplies and equipment, special programs such as art, music, physical education and clerical help in the elementary schools. We also have funds for health services including a school nurse and meals for needy children and other programs with the Federal funds that we have been receiving. We would appreciate your support in this area as well as the matter discussed in your recent letter.

Public education is considered by the majority of Americans to be basic to the continuation of a democracy. It must have support at all levels, local, state and national.

Again let me say that we appreciate your concern for the problems caused the schools by forced desegregation and covet your support on bills now pending in Congress that will provide financial aid to the schools of this country.

Yours sincerely,

OSCAR M. ZEANAH,
Superintendent.

PIKE COUNTY BOARD OF EDUCATION,
Troy, Ala., February 13, 1970.

Congressman WILLIAM L. DICKINSON,
U.S. House of Representatives,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DICKINSON: We are indeed grateful for any assistance that you might be able to give us in trying to preserve public education in Pike County. You may be assured of our full cooperation in every respect wherever you feel that there is the slightest possible chance of any help.

The situation in the Pike County School System is about a 55% black and 45% white in pupil population. The heaviest concentration of black students is in the Brundidge schools. We have the Hillcrest School, grades 1–12, with 1100 children and the Pike County High School, grades 1–12, with about 800 children. Both schools are integrated since we have a few white children attending the Hillcrest School, formerly black, and a considerable number of Negro children attending the former white Pike County School. The proposed plan of HEW and the Justice Department for these two schools is to convert the Hillcrest School into a middle school for grades 5, 6, 7, 8, and 9 and to maintain the Pike County High School for grades 1–4 and 10–12. This is a middle school concept philosophy of which we are not structured in this system because we are on the 6–3–3 plan. This change in organizational pattern of the Pike County School System is quite disruptive and will certainly affect the accreditation of these two schools. This creates an overcrowded condition in the Pike County High School with more black than white children and lack of utilization of the Hillcrest School where we just spent over a half million dollars of the Charles Henderson Trust Fund to bring this school up to the quality of all other schools in the county per the court order and now being partially closed. White parents are not going to send their children to the all back Hillcrest School and neither are many parents going to tolerate the situation at Pike County High School where we have more black children than white. These white children are already registering for the new private school which is being established in Pike County. Enrollment figures for Hillcrest and Pike County High, as projected by HEW, are as follows:

Hillcrest: 6–9, 242 white, 387 Negro.

Pike County: 1–5, 218 white, 429 Negro.

Pike County: 10–12, 240 white, 206 Negro.

In the Goshen area the Federal Court closed grades 6–12 at the Stringer School where we now are operating a 1–6 grade structure. The court also closed the Ansley High School in the Shellhorn community grades 9–12. The children from Stringer, grades 7–12, and Ansley, grades 9–12, are now in the Goshen School which has already created an overcrowded condition. The suggested plan by HEW and the Justice Department is to completely close the Stringer School and the Ansley High School sending the Stringer children to the Goshen School and the Ansley children to the Shellhorn School. I know of no way that we could house these children in the Goshen school much less retain our accreditation and provide the kind of educational program we have had at Goshen.

The Shellhorn situation where we have grades 1–9 when the Ansley School is closed will represent a two to one ratio of black children over white. This simply means that the Shellhorn School which was integrated having about 40% black children in the formerly all white Shellhorn School during this school year will now certainly become a complete black school. The enrollment figures for this area as projected by HEW are as follows:

Goshen: 1–12, 398 white, 261 Negro.

Shellhorn: 1–9, 92 white, 190 Negro.

Through a zoning procedure in the Springhill Community where we have an integrated white school with approximately 30% Negro in grades 1–9, as a result of this zoning we will have about three to one black children in the Springhill School. It will certainly result in the Springhill School now becoming an all black school with the white children from Springhill and Shellhorn attending the private school.

In the Banks Community, where the court closed grades 7–9 at the Bethel School sending these children to the Banks Junior High School where we have grades 1–9 giving us a ratio of about 30% will completely wreck a model school program which has received nation-wide attention. We will have more black children in the Banks Junior High School than white which is already resulting in those in the Josie area registering in the private school at Louisville with the balance of the white children in the Banks School registering in the private school being established in Troy. Enrollment figures for Banks and Springhill Communities as projected by HEW are as follows:

Springhill: 1–9, 126 white, 89 Negro.

Banks: 1–9, 249 white, 213 Negro.

Neither the white or black parents desire this kind of situation for their children. Those parents who cannot financially afford to send their child to a private school will simply keep them at home. We know this to be a fact because in some of our grades where we already have more black children than white children in a predominantely white school, parents thus affected have not sent their children to school during this entire school year. Pike County could very well become an all black public school system.

Pike County lost nine teacher units in 1967–68 and four in 1968–69 because of decline in enrollment and average daily attendance. A greater loss will certainly occur in 1970–71 because of children enrolling in private schools. Also, children of both races are becoming drop out problems.

Please do not hesitate to call on me in any manner that we might be of help to you on the national level. Thank you again for your letter and your personal desire to help the Pike County Schools.

Sincerely yours,

HAROLD R. COLLINS.

CRISIS OVER SCHOOLS BECOMES NATIONAL—MOVING INTO NORTH

Look almost anywhere in the U.S. today and you find conflict mounting over schools. No longer is racial mixing a problem only for the South.

A crisis in education is spreading across the nation.

Schools in the North—as well as in the South—are coming under sharp attack in the growing battle over racial segregation.

Adding to the crisis: In city after city, public schools themselves are in turmoil, racked by racial conflicts and violence.

A single week of February brought such eruptions as these: Battles between black and white students forced the closing of high schools in Panama City, Fla., and Lima, Ohio. Outbreaks of violence involving Negro students closed high schools in Washington, D.C., and Baltimore and Annapolis, Md.

On February 10, Senator Abraham A. Ribicoff (Dem.), of Connecticut, said:

"I am convinced our schools are falling apart—and it is just as bad in the North as it is in the South."

"The New York Times," after a wide survey, reported on February 9:

"Racial polarization, disruption and growing racial tensions that sometimes explode into violence are plaguing school administrators in virtually every part of the country where schools have substantial Negro enrollment."

Senator Allen J. Ellender (Dem.), of Louisiana, charged that "forced integration" is causing a breakdown in the nation's educational system.

It is new and powerful pressure that is being brought against Northern cities to compel more mixing of the races in their schools.

DEMANDS FOR LEGISLATION

The U.S. Senate, in early February, was asked to require that all-black schools be broken up as vigorously in the North as they are in the South.

That demand came from Southern Senators, led by Senator John Stennis (Dem.), of Mississippi. But the idea drew support from some Northern lawmakers—and even from the White House.

President Nixon, through his press secretary, went on record February 12 as favoring the broad concept of uniform integration standards.

"It is the view of this Administration that every law of the United States should apply equally in all parts of the country," said a White House memorandum sent to selected Senators.

"To the extent that the uniform-application amendment offered by Senator Stennis would advance equal application of law, it has the full support of this Administration."

The President, according to his press secretary, also opposes compulsory busing of pupils to achieve racial balance in school enrollments, and favors the preservation of neighborhood schools "to the greatest extent possible."

However, the press secretary declined to say whether Mr. Nixon endorsed the specific amendments proposed by Senator Stennis on these subjects.

Strongest Northern support for the Stennis ideas came from Senator Ribicoff, former Secretary of Health, Education, and Welfare. He told the Senate:

"The North is guilty of monumental hypocrisy in its treatment of the black man . . . If Senator John Stennis of Mississippi wants to make honest men of the Northern liberals, I think we should help him."

The Senate put off its vote on the Southern proposals until after the Lincoln's Birthday recess. But out of the debate this much became clear: However the Senate votes, the North no longer can count itself safe from the growing pressure to eliminate racial separation in schools.

RACIAL-MIXING ORDERS

Already, scores of non-Southern school districts have been compelled to act.

Los Angeles, on February 11, was ordered by a State superior court to integrate its 622 schools and 674,000 students, starting next September.

This was the most sweeping integration order ever issued against a big school system outside the South. The court said no school in the city could have less than 10 per cent or more than 50 per cent of students from minority groups—Negroes and those of Latin and Mexican descent.

School officials protested that this "would mean the virtual destruction" of the Los Angeles school system. They predicted that it would require the busing of more than 240,000 youngsters—many of them for long distances. Cost of the busing was estimated at 40 million dollars the first year and 20 million each year thereafter.

Los Angeles officials had argued that the racial segregation in their schools was *de facto*—the result of neighborhood housing patterns—rather than *de jure*—the result of discrimination. This is a claim made by most Northern cities, and the U.S. Supreme Court has never yet ruled that *de facto* segregation is unconstitutional.

Judge Alfred Gitelson, however, dismissed the difference between *de jure* and *de facto* segregation as unimportant in the Los Angeles case. He held it was the duty of school officials to take affirmative steps to relieve racial imbalance in schools.

If the principle of the Los Angeles decision is applied widely, many Northern cities are going to be compelled to break up their neighborhood schools to increase racial mixing.

If this happens, prospects are that *it will* be done by State—not federal—courts.

The Federal Government has not yet started to move against *de facto* segregation. It acts only when it finds evidence of actual discrimination.

But the federal search for discrimination in the North has been stepped up rapidly in the last two years—and indications are strong that it will escalate even more in years just ahead.

The Department of Justice intends to bring legal pressures anywhere that "racially identifiable" schools exist, according to Assistant Attorney General Jerris Leonard.

So far, the Department has filed or joined legal actions against eight school districts outside the South. Court orders for desegregation have been won against these six:

Pasadena, Calif.; South Holland, East St. Louis and Madison County, Ill.; Indianapolis, Ind., and Oklahoma City.

Still pending are suits against Waterbury, Conn., and Tulsa, Okla. Chicago has been warned of possible action.

Some of these suits involve student segregation, others involve segregation in the faculty.

HEW has been active in far more places than the Justice Department. It has obtained the adoption of integration plans by three Northern districts, under the threat of withholding federal school aid. Those districts are in Union Township, N.J., Penn Hills, Pa., and Middletown, Ohio.

About 40 districts are currently under HEW investigation or negotiating on integration demands.

HEW now has more investigators at work in the North than in the South.

The problem that the Federal Government faces in trying to break up the all-black schools in the North was described this way by an HEW official:

"Under the present law, we can't do anything about *de facto* segregation—where schools are black only because neighborhoods are black.

"The key word in the Civil Rights Act is not 'segregation.' The key word is 'discrimination.'

"What is needed for all-out integration of the North is a new legislative tool—a law that defines racial isolation as discrimination, thus making *de facto* segregation illegal."

Congress, from its record, is not likely to pass such a law. The Civil Rights Act voted by Congress in 1964 carefully exempted *de facto* segregation by saying that "desegration shall not mean the assignment of students to public schools in order to overcome racial imbalance." Time after time, Congress has voted to bar the use of the Civil Rights Act or HEW funds to compel busing for racial balance.

NATIONAL BUSING LAW

Southerners want a similar prohibition against busing to integrate their schools. One proposal by Senator Stennis would enact a national version of a "free choice," antibusing law passed last year by the State of New York.

The Stennis proposal would prohibit any student from being compelled to attend a certain school for the purpose of improving racial balance without the consent of his parents.

If such a law is legal for New York, Stennis backers argue, it should also be legal for the rest of the country—including the South. Several Southern States have moved

to pass similar measures. But prospects for Senate passage of the Stennis proposal were conceded—even by Southerners—to be dim.

It was a second Stennis proposal that drew the widest support—and President Nixon's approval in principle. It would require that desegregation standards "shall be applied uniformly in all regions of the U.S., without regard to the origin or cause of such segregation."

Said Senator Stennis: "That takes de jure, so called, and de facto, so called, and treats them all alike."

The proposal also would raise for the North the threat of busing to break up de facto segregated schools.

The Southern strategy was clearly expressed by Senator Edward Gurney (Rep.), of Florida. Forced busing, he said, "would go out like greased lightning if it were extended to the North."

In support of his proposal, Senator Stennis cited official HEW figures on the extent of racial isolation in Northern schools. The statistics show, for example:

In New York City, 43.9 per cent of all Negro pupils attend schools that are 95 to 100 per cent black.

In Washington, D.C., the comparable figure is 89.2 per cent, in Baltimore 75.8 per cent, in Chicago 85.4 per cent.

The truth is, the Mississippi Senator maintained, that many Northern schools are more segregated than those under federal pressure in the South.

"A GOOD THING"

Several Northern Senators agreed. And a few praised Senator Ribicoff for his speech charging Northern hypocrisy.

"I think it's a good thing he lanced this boil and brought it to the attention of the country," said Senate Majority Leader Mike Mansfield (Dem.), of Montana.

Senate Minority Leader Hugh Scott (Rep.), of Pennsylvania, agreed that wherever segregation occurs it is undesirable and should be fought. He called it "something of a watershed to have a Northern liberal siding with Southern Democrats."

Notably missing, however, was any commitment by Senate leaders to vote for the Stennis proposals.

While the argument raged in the Senate, desegregation continued in schools of the South. In many communities, the midterm shift of children went smoothly. In some places, there was trouble.

Bradenton, Fla., had three days of racial flare-ups in a high school.

Both black and white parents protested a busing plan at Lamar, S.C.

Anger rose in Charlotte, N.C., against a court order that will require busing of about 10,000 students next spring.

White attendance dropped sharply at many newly mixed schools.

No longer, however, did the South feel entirely alone in its agony over schools. The educational crisis now has spread to many parts of the nation.

"THE NORTH IS GUILTY OF MONUMENTAL HYPOCRISY"

(Excerpts from a speech by Senator Abraham A. Ribicoff (Dem.), of Connecticut, in a Senate debate over amendments to an aid-to-education bill on Feb. 9, 1970)

The Senator from Mississippi [John Stennis, Democrat] has argued that if segregation is wrong in the public schools of the South, it is wrong in the public schools of all other States.

On this statement the Senator from Mississippi is correct. Therefore, I will support the Senator from Mississippi in his . . . amendment designed to apply the guidelines for desegregation uniformly across the whole nation.

The North is guilty of monumental hypocrisy in its treatment of the black man. Without question, Northern communities have been as systematic and as consistent as Southern communities in denying the black man and his children the opportunities that exist for white people.

The plain fact is that racism is rampant throughout the country. It knows no geographical boundary and has known none since the great migration of rural blacks after World War II. . . .

Perhaps we in the North needed the mirror held up to us by the Senator from Mississippi in order to see the truth. If Senator John Stennis of Mississippi wants to make honest men of the Northern "liberals," I think we should help him. But first we must be honest with ourselves.

Our problem is not only the dual systems of education which exist 16 years after the Supreme Court struck them down in 1954. The more fundamental problem is the dual society that exists in every metropolitan area—the black society of the central city and the white society of the suburb.

Massive school segregation does not exist because we have segregated our schools but because we have segregated our society and our neighborhoods. That is the source of the inequality, the tension and the hatred that disfigure our nation.

The truth is that we cannot separate what has happened in the central cities from what has happened in the suburbs. Black migrants to the cities were trapped in poverty because the whites who fled to the suburbs took the jobs with them and then closed the door on the black man. The implications of this are obvious.

We cannot solve our urban crisis unless we include the suburbs in the solution. We can talk all we want about rebuilding the "ghetto," better housing, tax incentives for job development and massive funds for education. Hopefully, we may even do this. But improving the "ghetto" is not enough.

One reason is that it fails to offer to the black man something we have heard much about in this chamber recently: freedom of choice. The black man must have the freedom to choose where he wants to live, where he wants to work and where he wants to send his child to school.

If he wants to remain in a central city, he should be helped. But a man should not be condemned to a "ghetto" when opportunity exists elsewhere.

The second reason why improving the "ghetto" is not enough is because the opportunity—the jobs and the housing—are in the suburbs.

According to the Suburban Action Institute, a nonprofit agency located in White Plains, N.Y., 80 per cent of the new jobs created in large metropolitan areas during the past two decades are located in the suburbs. Yet the black and the poor remain in the central city, either unable to take advantage of them or able to take advantage of them only at great personal inconvenience. . . .

How much more sensible, both in terms of economic growth and simple humanity, it would be to open up our suburbs to the black and the poor so that they live near their places of employment.

Many will argue that the blacks no longer want integration—and whenever a black man says this, you can almost hear the sigh of relief in the suburbs. Many Negroes may not want integration—but many will—and our responsibility is to provide access to that opportunity.

The suburbs are the new America. That is where the private economy is moving. That is where our growing population will be housed. We cannot exclude millions of Americans from that growth because of the color of their skin or the size of their income.

How shall we proceed? In the first place, we should encourage private industry to take a major leadership role. They have as much at stake as anyone.

Suburban Action Institute estimated that a year ago the unfilled suburban jobs across the country totaled 250,000. These could have provided work for many unemployed or underemployed central-city residents. But where were they to live?

American industry could make an enormous contribution. First, it could hire men and women from the central city to work in its new suburban plants. Second, it could use its taxpaying potential to obtain from the suburbs low-income housing for those central-city workers it is hiring. . . .

There is also a role for the Federal Government. We can develop a more useful concept of "impacted" aid to schools. We can provide special funds for those suburbs, towns and school districts that provide housing and employment for blacks from the central city. . . .

The Federal Government should also review its urban policy and all its urban programs to learn whether they are all aimed at rebuilding the "ghetto" or whether they contain any incentives to include the suburbs in the solution of our urban problems. If not, we should devise new programs.

The Federal Government also should refuse to locate federal facilities in suburban communities until guarantees are received that housing will be provided for low-income people who work for that Government agency. . . .

We seem to have lost sight of the fact that the purpose of education is to help the child. Let us start talking about education that way and concentrate on building the system around the needs of children—not forcing children to meet the needs of the system.

[From the Montgomery (Ala.) Advertiser, Feb. 2, 1970]

SENATOR STENNIS' CHALLENGE

John Stennis of Mississippi is one of the most respected and knowledgeable men in the United States Senate. This accolade comes from all sections of the country.

Senator Stennis has not demagogued the race issue, although since last November he has been inserting into the *Congressional Record* HEW figures on school segregation in the East, North and West, including elaborate data from Ohio, Indiana, Washington, D.C., New Jersey, Pennsylvania, Illinois, New York and California.

Tuesday, Stennis rose in the Senate to offer two amendments to the Elementary & Secondary Education Act of 1966 and the Civil Rights Act of 1964. In brief, these prevent compulsory integration or compulsory segregation, forbid zoning or transfers for either purpose, unless requested by parent or guardian, and require that federal desegration guidelines be applied "uniformly to all regions of the United States."

Stennis suggested that New York State's freedom of choice plan be adopted nationwide.

The amendments would prevent racial discrimination against *both* whites and Negroes, and would outlaw race, color, creed or national origin as a valid consideration in *either* direction. The amendments would also reinstate school boards to some of their former authority, but not allow them to practice direct or reverse discrimination against either race.

"No person shall be *refused admission into or be excluded from* any public school in any state on account of race, creed, color or national origin," sums up the amendments.

In introducing the amendments, Senator Stennis delivered a speech which is remarkable for its clarity and unanswerable logic, as well as for its purity from any demagogic blather. Most of it follows. The rest, with texts of the amendments and exhibits, may

be found in the *Congressional Record* for Jan. 27.

Mr. Stennis. Mr. President, I submit two amendments to the Elementary and Secondary Education Act.

My present intention is at the appropriate time to propose first the amendment that would apply nationwide the New York freedom of choice plan for public school students that is now the law in that state.

Also, at the appropriate time, I plan to propose the amendment that would establish and make clear that it is the national policy to have uniform enforcement of desegregation of schools in all regions of the United States.

Let me make it clear that my primary purpose is to preserve the neighborhood school and, so far as possible, rescue all schools in every section of the nation from this killing squeeze put on by those who have made education clearly secondary to integration in the public schools.

I emphasize also that this is not an attempt to repeal the Civil Rights Act. It is simply a good faith attempt to save the schools of every section of the nation, including the South where they are now literally being emasculated in many areas as educational centers for educating the children.

I wish to make it absolutely clear that I want every child, and I have always wanted every child, to have every opportunity to obtain adequate schooling and training under just as favorable conditions as can be had. I want faculties and others who are engaged in school work generally to have conditions as favorable and as encouraging as possible.

For several years, the Department of Health, Education, and Welfare and the Justice Department have conducted or attempted to conduct a campaign to bring about a total integration of the public schools in the South. Both the Department of Health, Education, and Welfare and the Department of Justice have launched a crash program to integrate the races in every school in the South.

This drive for an all-out integration has been so intense and so demanding that the education and welfare of the students and teachers have actually become secondary. The prime objective has been all-out integration.

Those who are directing this campaign have either failed to recognize, or have deliberately chosen to ignore, the fact that this localized effort against the South overlooks segregated conditions in the North that are as pronounced, and in some instances even more pronounced, than segregation in the South which is actually the sole target of this massive integration program.

The record is heavy with facts collected and verified by the Department of Health, Education, and Welfare that show the extent of segregation in the North.

Last year, I placed in the Record detailed figures showing the extent of segregation in several northern and western states. . . .

These figures show, for instance, that in Ohio there are 197 predominantly Negro schools. There are 154 which are 90 to 100 per cent Negro. There are 131 95 to 100 per cent Negro, and 105 of them are 98 to 100 per cent Negro.

In Indianapolis, the capital of Indiana, there are 13,765 Negro students in 17 schools that are from 99.2 to 100 per cent black. In all these 17 schools there are only 37 students listed as white.

In Philadelphia, the largest city in Pennsylvania, there are 9 schools with a total enrollment of 7,206 that are 100 per cent Negro.

Also in Philadelphia there are 57 schools with an enrollment of 68,402 that are 99 to 99.9 per cent Negro.

In Los Angeles, there are 48 schools with a total enrollment of 65,877 that are 99 to 99.9 percent minority segregated.

These are but some examples. The facts show that in many sections of the North, in large and small school districts, segregation is as extensive, and in some cases, more so, than in the South. Segregated conditions are much worse in the North than in the South now after the Supreme Court decisions have been implemented and put into effect in the South.

The policy of singling out the South for enforcement of the 1954 Supreme Court decision prohibiting discrimination in the public schools on account of race is based upon the idea that enforcement should be directed against areas of the nation that once had state or local laws that required or allowed segregated schools.

This is known as de jure segregation. Segregation in public schools that has arisen out of a fact, or a combination of facts, not required or permitted by law is classed as de facto segregation.

By establishment of this policy—that is, a differentiation between de jure and de facto segregation—federal officials have sought to excuse their inaction against segregation in the North while pursuing an intense program to achieve total and immediate integration in the South.

The practical effect of this policy is to say that segregation in the South is wrong but segregation in the North is not wrong.

This procedure, this approach, is merely a policy. It is not supported by the Civil Rights Act of 1964 nor by the Supreme Court decisions.

However, even under this policy the states of the South should be considered on the same footing and treated the same as New York for the reason that as late as 1938 New York law provided for separate schools for Negroes.

The New York statute, laws of 1910, chapter 140, article XXXVI, section 921, reads as follows:

"Sec. 921. Provision for separate schools.—The Trustees of any union school district, or of any school district organized under a special act, may, when the inhabitants of any district shall so determine, by resolution, at any annual meeting, or at a special meeting called for that purpose, establish separate schools for the instruction of colored children residents therein, and such school shall be supported in the same manner and receive the same care, and be furnished with the same facilities for instruction, as the white schools therein."

As I read this law it clearly provides for a dual school system. It is the separate but equal doctrine . . . Said section continued to be the law in that State until it was repealed in 1938.

Notwithstanding the fact that the schools of New York should be treated the same as the schools of other states where de jure segregation existed, the New York Legislature last year passed and Governor Rockefeller signed a state law which precludes the application of the civil rights law and other desegregation measures in that state as now being applied in states of the South.

By an overwhelming vote of more than 2 to 1 in the new State General Assembly, the New York Legislature prohibited the busing of students and also gave to the public school student's parent or guardian the freedom of choice as to the public school a child shall attend.

The inequity thus created is unacceptable under the principles of our form of government. While public school students in the South are now forced to ride a school bus many tens of miles, and in some cases for hours each day, against their will, and the will of their parents, to attend a school across the county from their homes, the State of New York has by law provided there will be no busing of students and there will be freedom of choice to attend a neighborhood school.

If freedom of choice is wrong, the State of New York should not be allowed to continue freedom of choice as an official policy. If freedom of choice is right as official policy in New York, all other states should have the same right to freedom of choice.

If public school students in New York should not be bused to overcome the vestiges of a dual school system, the public school students of the South should not be bused for that purpose either.

If the students of the South should be bused for that purpose, then the students of New York should also be bused.

For a picture of the extent of segregation in the public schools of New York State, I ask unanimous consent to have printed in the Record at the conclusion of my remarks a summary of HEW statistics for the school year ending June 1968 . . .

A sense of fairness should give wide support to the proposition that every state be treated alike.

I challenge those who advocate this dual standard and duplications policy to put this matter in national issue by adopting as part of their platform in the next election the proposition that all states, including their own, should be treated as the South is now being treated.

I predict that any candidate or political party who does so will be defeated overwhelmingly.

I further predict that not one party, nor one candidate, will make such a proposal as part of the platform on which they seek election, because every knowledgeable person in public office knows full well that defeat would be certain.

If this drastic policy is not to be pressed with equal diligence in all sections of the nation, fairness then dictates that the pressure be eased in these sections where it is being unwisely and unjustly applied before the public schools are destroyed and there is no chance for any student—black or white—to obtain a decent education.

I consider no matter now before the Senate, or likely to come before the Senate, more important or more serious than that of preserving public school education and the concept of the neighborhood school, and I will pursue this matter as vigorously and effectively as I can.

STENNIS SEEMS TO HAVE COLLEAGUES SQUIRMING

(By James J. Kilpatrick)

When John Stennis embarked three months ago upon his patient efforts for equal treatment, most of us were convinced the senator's effort was doomed to failure. This is because the Mississippian was seeking to embarrass his colleagues, and you can no more embarrass a senator than you can embarrass a groundhog. The nature of the brute does not permit it.

Nevertheless, the astonishing possibility is beginning to develop that Stennis may yet cultivate some guilty consciences in a chamber where guilty consciences are as rare as short speeches. Last week he won over Connecticut's Abraham Ribicoff. A few other liberals are getting rubbery in the knees. They know in their hearts that Stennis is right. He has 'em squirming.

The senator's innocent object is simply to seek equal enforcement of desegregation laws. Toward this end, he has introduced two innocent little amendments to the pending Elementary and Secondary Education Act.

The first of these, known as Amendment 463, would make it the policy of the United States that desegregation guidelines imposed by the Department of Health, Education and Welfare shall be applied uniformly throughout the country, wherever segregated schools

exist, "without regard to the origin or cause of such segregation."

The second, known as Amendment 481, is adapted directly from a law that became effective in New York last September. It has two sections. The first says that no child shall be refused admission to any public school by reason of his race. The second section states the converse of the proposition: it says that no child may be compelled to attend any school by reason of his race or for the purpose of achieving racial balance.

These are not what you would call complicated amendments. It is not necessary that one be a civil rights lawyer to comprehend them. It is necessary only that one be able to read the English language. Yet it is astounding, all the same, to hear so many senators say they just do not understand the Stennis amendments, what they would do. These puzzled senators would like to lay the Stennis amendments on the table for a few days, say until the week after Christmas, pending clarification.

There is, of course, no real confusion. Stennis observes that in 17 school districts of Florida, now under court control, 72 percent of the black children attend schools that are virtually all black. The public schools of Florida are being thrown into turmoil, as pupils and teachers are shuffled madly in an insane effort to achieve racial balance, no matter what. Well, says Stennis, if this is good for Florida, why isn't it good for Illinois?

The response from Senator Ralph T. Smith, R-Ill., is ah, hmm, and well, he surely does oppose busing, and ah, but, he will vote "no" on No. 463, and he doesn't yet know about No. 481. The response from Senator Charles Percy, R-Ill., is ah, hmm, how's that, and he is just not clear on what the Stennis amendments would do, and ah, hmm, you know, it's not as simple as it looks, eh, hoo, golly gee, and let's take a long weekend.

Indiana parallels Illinois. Ohio has dozens of all-black schools. So does New York. Well, asks Stennis, what will you do about it?

He gets feeble answers, or none at all. Senator Pastore of Rhode Island strode into the chamber the other day, as cocky as a bluejay pecking at a hubcap, and made the mistake of tangling with Stennis. In five minutes Stennis plucked him naked. He reduced Pastore to the sputtering proposition that blacks should have freedom of choice but whites should not, this being the Rhode Islander's curious notion of equal protection of the laws.

Nobody will even debate with Stennis now. They run off to the gym to steam in their own hypocrisy. Stennis is letting them sweat; and he may yet reduce a few of his brothers, like Ribicoff, to looking at their flabby conscience in a cold, revealing mirror.

Elementary and Secondary Negro Student Population in Ohio

Mr. Stennis. Mr President, I have a concern which, I believe, is shared by the parents of schoolchildren throughout the entire Nation. It is the concern for the continuation of what I call the community school or neighborhood school. In many parts of my area of the country that concept of public school education is being destroyed through over-rapid demands for total integration or total mixing of the students as between races, somewhat on a percentage basis.

I believe that throughout the Nation the same law applies that is now being applied in our part of the country; and I believe if this extreme application is applied in areas outside the South, it will have a very wholesome and effective response from the parents.

There are certain amendments in the appropriation bill for the Department of Health, Education, and Welfare that will come before this body in one form or another, and perhaps there will be other amendments. In order to get the facts before Senators, I have prepared certain figures taken from official records in the Department of Health, Education, and Welfare that reflect the conditions that exist in this country outside the South. These figures are authentic. They have been computerized and in an open hearing, under my questioning, Mr. Finch stated that as far as he knows and believes they are substantially correct.

I have figures today from the State of Ohio, as they apply to this subject. I shall have other figures later.

Ohio is one of the 10 States outside the Southern and border States which, in the aggregate, have over 90 percent of the elementary and secondary Negro student population. The overall total in the Northern and Western States is 2,834,083 Negro students. Ohio has a Negro student population of 287,440, but as the total elementary and secondary school population of Ohio, according to the HEW's 1968–69 school survey, is 2,400,296, the Negro student population amounts to only 11.9 percent of the total.

The white student population in Ohio is 2,093,321, or 87.5 percent of the total. The remaining negligible percentage of 0.6 percent consists of American Indians, Orientals, and Spanish-American students, so that for all practical purposes Ohio has 87.5 percent white and 11.9 percent black students in its schools.

Yet, according to official Health, Education, and Welfare IBM tabulations, there are 18 school districts in 18 cities in Ohio which have one or more schools with Negro student enrollments between 80 and 100 percent. To be more exact, there are 197 such Negro schools, in these 18 districts with an aggregate enrollment of 163,783, which is 65 percent of the total Negro student enrollment—252,641—in the public schools of these 18 cities. So, although the total Negro student population of Ohio is only 11.9 percent of the overall student population, 57 percent of the total Negro student enrollment in Ohio schools are attending schools that are 80 to 100 percent black. This percentage would be much higher if it were possible to show the total Negro student enrollments in all schools having a majority of black students, that is, where Negroes make up more than 50 percent of the total school enrollment, but the Health, Education, and Welfare IBM data available does not include cities or school districts where the minority enrollment is under 80 percent.

Actually, of these 197 predominantly Negro schools, there are 154 which are 90 to 100 percent Negro, of which 131 are 95 to 100 percent Negro, with 105 of them being 98 to 100 percent Negro.

The records show 65 of the 105 schools which are 98 to 100 percent black are in Cleveland alone.

Whenever the record reflects a high percentage of Negro student segregation, it also reflects a high percentage of white student segregation or isolation. For example, the Cleveland school district has a total elementary and secondary student enrollment of 156,054 in 180 schools; 87,241, or 55.9 percent of these students are Negroes; 66,324, or 42 percent, are white students. Of the 87,241 black students, 69,728, or 80 percent, are segregated in 68 schools which are 95 to 100 percent black; 70,048, or 86 percent are segregated in 73 schools 90 to 100 percent black; and 79,221, or 89 percent, are segregated in 78 schools 80 to 100 percent black.

Now, let us look at the white student side of the picture. Of the 66,324 white students, 12,870 are in 25 schools 99 to 100 percent white; 24,176 are in schools 98 to 100 percent white; 40,775 are in 59 schools 95 to 100 percent white; and 49,491 are in 70 schools 90 to 100 percent white. In all of these 70 schools which were 90 to 100 percent white, there were only 497 Negro students, or about 1 percent of the total enrollment of these schools.

I make these comparisons without any reflection on the students of any group. What I am concerned about is the extreme application of rules that tend to destroy and deny all students the benefit of the community school and applying the principle only in one area of the country and virtually overlooking other areas of the country.

The computer run also reflects the number of Negro students attending majority white schools and the number of white students attending majority Negro schools. Of the total Negro student enrollment in Cleveland of 87,241, only 4,172, or 5.1 percent, attended majority white schools. Of the 66,324 white students which make up 42.5 percent of the enrollment in the Cleveland schools, only 4,056, or 6 percent, went to predominantly Negro schools.

Mr. President, we talk about the 15 long years that the South has dragged its feet. Those same 15 years have been running here in the State to which I very respectfully refer. There are segregated school conditions in areas of this State, as I have said, there are the official figures. I shall ask unanimous consent to put all the figures in the RECORD in just a few minutes. There are other cities.

Let us take perhaps a more typical city in Ohio, such as Columbus. In Columbus there are 168 schools with a total enrollment of 110,699, of which 81,655, or 73.8 percent, are white and 28,729, or 26 percent are Negroes, leaving a minimal percentage of other minority students. Here also you have a sharp polarization, or segregation, of the races. Of the 81,655 white students, 45,752, or well over 50 percent, are in 74 schools which are 98 to 100 percent white. There are only 127 black students in these 74 schools. There are 5,034 white and 137 black students in nine schools which are 95 to 98 percent white. There are 5,229 white and 413 black students in 10 schools that are 90 to 95 percent white. There are 6,722 white and 940 black students in nine schools that are 85 to 90 percent white. There are 3,390 white and 695 black students in five schools that are 80 to 85 percent white, and 11,369 white and 5,951 black students in 22 schools that are from 51 to 80 percent white. In all, 8,263 black students, or nearly 28 percent of the total Negro student enrollment, attend majority white schools. On the other hand, only 4,159, or 5 percent of the white students, attend majority black schools, and of the 20,466, or 72 percent of the Negro students which attend majority Negro schools, 16,341 are in schools that are 80 to 100 percent black; 11,684 are in schools that are 90 to 100 percent black; 7,211 are in schools that are 95 to 100 percent black; and 4,146 are in schools that are 99 to 100 percent black.

Whether you take Cleveland and Columbus or Cincinnati, Toledo, Dayton, Akron, or any number of other cities or towns in Ohio where there are substantial concentrations of Negro students, you will find the same pattern.

I emphasize again that I am not talking against integration or to the discredit of any students, colored or white, I am talking about the fact that, as I understand the decision of 1954, Negro students are entitled, as a matter of principle, to the right of association with those of the white race. That being true then there is a whole lot of denial of that right in this area. I call that to the attention of Senators now and I shall do so again in the future.

School Segregation in the State of Indiana

Mr. Stennis. Mr. President, as I have heretofore announced, I think it will be helpful, in considering possible amendments that may come up in connection with appropriations bills, particularly the HEW appropriation bill, to have the facts before Senators regarding the school integration picture not just in the South but throughout the United States as well.

In keeping with my purpose to bring these facts to the Members of the Senate and to the people of the Nation, I have compiled certain data taken from the official records of HEW files. Samples of these records have been brought to the special attention of Mr. Finch in an open hearing before the Appropriations Committee, and he agreed, in response to my questions, that they were correct or substantially correct and were believed by him to be substantially correct. They were obtained by lawful means, of course through regular channels, by a staff member of the Appropriations Committee and from the files of the Secretary of Health, Education, and Welfare.

Today I have completed and assembled the figures that reflect the picture with reference to the public schools in the State of Indiana. My remarks will not be at great length, but they will give a summary of the picture in that State as of the date of these figures.

In the 1968–69 school year, there were a total of 1,081,214 elementary and secondary students attending public schools in Indiana. Of this total, 88.8 percent, or 961,182, were white; 9.8 percent, or 105,772, were Negroes, and the remaining 1.4 percent was made up of other minority groups as classified by the HEW as American Indiana, Oriental, and Spanish-American students.

However, HEW's computer data reflects that there are 10 cities in Indiana which have one or more schools where Negro students make up 80 to 100 percent of the total school enrollment, and in these 10 school districts are enrolled 87.9 percent of all the Negro students in Indiana—92,953.

There are 57 schools where the Negro enrollment exceed 80 percent of total enrollment, and of these 57, there are 49 schools where the Negro enrollment is 90 percent to 100 percent of the total enrollment, and 40 schools within these 57 where the enrollment is 99 and 100 percent Negro.

These HEW figures are very significant in the issue of segregation and integration, and help show there is a totally different set of rules applied in school districts outside the South than is applied in school districts in the South.

Let us look at the school district of Indianapolis, the capital of the State. The total 1968–69 public school enrollment is reflected as 108,587 students in 122 schools in this fine city; 72,010 or 66.3 percent, are white students; 36,577, or 33.7 percent, are Negro students—in other words, two-thirds white and one-third Negro students. There are no other minority group students enrolled in these schools. Let us now look at the distribution in these schools in the city.

There are 13,765 Negro students in 17 schools that are from 99.2 to 100 percent black. There are only 37 students listed as white in these 17 schools.

There are another seven schools with a total enrollment of 7,564 students, of which 7,336 are Negro and 228 are white. That would be 3 percent white and 97 percent Negro. The figures show 21,064 of the 36,577 Negro students in Indianapolis segregated in 24 schools that are 97 to 100 percent Negro. In all, there are 34 of the 122 Indianapolis schools which have a majority Negro enrollment. In these 34 schools there are 28,372 Negro students and 3,212 white, or 4.4 percent of the total white student enrollment of 108,587 are attending these Negro majority schools.

Now let us look at the majority white schools. There are 36 schools with a total enrollment of 31,221 students which are 99 to 100 percent white—18 schools are 100 percent white. There are but 76 Negro students listed as attending these 36 schools. There are another 28 schools with enrollments aggregating 19,928 that are 90.9 to 98.8 white. There are 869 Negroes attending these 28 schools, or about 4 percent of the enrollment.

Accordingly, 51,159 white students, or 71 percent of the total white student enrollment, are isolated in 64 schools that are 96 to 100 percent white. There are nine schools with a total enrollment of 926 which are 89.1 to 8.03 percent white—8,587 white students; 1,339, approximately 13 percent, Negroes. There are another 15 schools with a total enrollment of 15,847 which are 77.9 to 51.7 percent white—10,007 white; 5,921, approximately 37 percent, Negro. This group of schools includes one technical high school which has 5,190 students—2,717 white and 2,473, or 47.6 percent, Negro.

Overall, there are 68,798, or 95.6 percent, of the 72,010 white students attending Indianapolis public schools that are in majority white schools. Only 3,212, or 4.4 percent, of the white students are attending schools having a majority Negro student enrollment. The 8,305 Negro students attending majority white schools constitute only 10½ percent of the total enrollment of the 88 majority white schools.

If that situation prevailed in a southern school district there would already have been mandates from the Supreme Court or from HEW, on down that the district must be completely integrated forthwith and that necessary Negroes should be bused to predominantly white schools and white students bused to majority Negro schools—regardless of the consequences.

Mr. President, I could go into the facts and figures as to a great number of those schools and the way it is actually being done, but I suppose that is not necessary here. The same thing could be done in Indianapolis, or anywhere in Indiana, by the same processes and illuminate this picture I have painted, which is thought to be so evil by some and unlawful by all courts. However, virtually nothing has been done, insofar as I know from the record, by HEW in the State of Indiana in an administrative way. As far as I know, no Governor, since the decision in 1954 in the case of Brown against Board of Education has moved and tried to do something about the situation; there has been no enactment of any law by the legislature of that great State—and I am not reflecting on that great State.

Mr. President, my point is that nothing has been done about it and there is no prospect that I know of anything of any appreciable substance being done about it soon; whereas in the area where I live, in the South, schools literally are being torn to pieces—and I mean that; they are going to be left in shambles within a few months.

White students in the area where I live are being taken from their home communities and bused away to another end of the county and placed in schools that are now predominantly colored; and colored students are taken out of schools in the community where they live and they are being bused to another area of the county and placed in vacant spots created there.

I do not think that should be done in the South; I do not think it should be done anywhere. However, if there is a principle involved it should be a uniform principle that applies to all people in all the Nation; and it should be carried out by any President or anyone who is the Secretary of Health, Education, and Welfare, or by the Attorney General.

Mr. President, I point out further that nobody is claiming that the Supreme Court decision of 1954 is not the law of the land. No one is fighting on that basis. But they are not stopping with integration. They literally are leaving a lot of our area of the country in shambles so far as public schools are concerned because of this percentagewise, or almost percentagewise, integration that I say is unfair and unreasonable in any instance from an educational standpoint.

If we are going to have it in one area of the country the only way to bring it to the attention and let it be felt by other areas of the country is to enforce it uniformly throughout the Nation. Then, and only then, can we get a national policy that is based on reason and commonsense and which is really wanted by the people.

I think the parents of the children of this country can get very nearly what they want out of their State legislatures, out of this Congress, and out of anybody who is elected to the White House; but as long as this unbearable burden is being placed on one part of the country that is deemed to be evil to begin with, and a presumption of guilt attached to it, we are no going to have any national policy. We are going to have a policy applied in a section of the country.

I point out also that a great many States outside the South had segregation laws of one kind or another well over into this century, and several of them up until a few years before the 1954 decision by the Supreme Court, but nothing has been done to those States, virtually nothing, if they are outside the South. But they have literally turned us upside down and they have shaken the living life out of our public schools.

Another point I wish to raise is that all segregation, by law or otherwise, was legal by Federal court standards in every State until 1954. It had the sanction and express approval of the Supreme Court, so it was not unlawful anywhere. That was the national policy. We moved then from that 1954 decision that outlawed all segregation statutes wherever they were, and the policies and the statutes that permitted it by choice under any circumstances. So before 1954, it was legal; and after 1954 segregation was declared illegal and void. It was said you could not discriminate against any child in the placement in schools because of color. From that point, we have moved to one policy after another being added to that basic principle by various court decisions. But there has been no nationwide maintaining of this principle that was announced in 1954.

It is my purpose and my sole purpose here and now to get the facts before all the people, before all the Senators, all Members of the House of Representatives, and before officials in the executive branch.

These things have not been known until recently. This is a product of the computer system. I think it should be brought out and then we can make a judgment. I am not here accusing anyone of bad faith, and I am not here just finding fault.

Yesterday in the hearings I posed this question: "When you have these cases in court demanding total integration now, and you mix students up, haul them around and balance them off; when you get all the court decisions you want and assuming they are all carried out by trustees and the people, then, what are you going to do?"

In effect the answer was that that would be the end of the matter and they would dismiss the case and withdraw from the administration of it in any State.

I said, "All right. Then, if the people go back and by natural selection resegregate themselves again, and come back like they were or to a situation which is similar to what they were, what are you going to do then?"

He said. "Well we would have to intervene again."

So, Mr. President, here is a situation in perpetuity where the people are going to be closed in by a system of bureaucracy, or whatever you may call it, from now on.

From now on, we will have to be policed by this theory, this policy of government that they apply, so far, only on a sectional basis. Their reasons are largely fictitious. They are a sham. When we get right down to the heart of the thing, where the people live, that is what is happening.

Now if Congress or the courts should see fit to move into other areas of the country, I think we will hear from a lot of mothers

and fathers. I also think that Senators will hear from them, as well as Members of the House, and the President, whoever he may be. This will become a nationwide issue. I believe we will get a more moderate policy out of it.

I do not advocate going back to the old rules prior to 1954. I know that that will not be coming. But so that the schools may live, so that they may live as educational institutions rather than as instruments of social change, so that we may have public education where the poor children, all children, can go if they wish to, rather than to have to go to school under police state methods, so that we may have our children educated in a more natural way, that is what I am pleading for.

I am pleading for the community school, the neighborhood school, the school where children live, where their parents are, and where they have their interests. I believe that that can be well brought about. The only way it can be brought about, I believe, is through the exposure of these facts.

I do not know how long it will take, but I believe it will result in the formulation of a nationwide policy to live and let live which will be to the benefit of everyone in this country and will take care of the educational needs of all our children and give them the opportunity to be trained and become qualified according to their own talents.

But as long as we go along with a sectional policy that applies only to one section of the country, I believe it is not only downright wrong but will destroy the public shcool system of the area where it is applied.

Thus, I plead with my colleagues to look at the facts, to formulate a national policy that will get to the bottom of the problem and then let us move forward from there.

Mr. President, I mention Indianapolis today, particularly because one of the rare Federal actions filed against a northern school district was filed against the Indianapolis school district on May 31, 1968. That is the one case that, according to my records, has already been filed, almost 18 months ago. But, to date, that action apparently has concerned itself only with teacher assignments, and the only notation concerning it, as reported by the Department of Justice on September 30, 1969, is that it was, "waiting for a trial date." Further, it is my understanding that it is still awaiting a trial date.

Mr. President, let me say on that, that I want any school district to have a reasonable time to make adjustments. I am not advocating any rash action here or to demand the "death penalty," so to speak. That is what they are doing to us in the South, demanding a "death penalty." That is what is being imposed upon us because we have not done this thing. I do not advocate that for any other school district in the country.

My point is that nothing substantial has been done. It has been ignored. The Federal Government has been acting as if these facts did not exist.

Mr. President, let me give one or two more illustrations.

Mr. LONG. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. LONG. Do I correctly understand the Senator's position to be that if the cities and States up North will undertake to abide by some sort of Federal program which they find they can live with, the probabilities are that those of us in the South can come more nearly to living under that program than we can by something which is simply handed down without any concurrence at all or any acceptance at all, to apply only in the Southern States. In other words, that what is to be imposed in the Northern, Eastern, and Western States would, presumably, at least be something the people could live with in some fashion——

Mr. STENNIS. That is right.

Mr. LONG. That such a program would be something that we in the South could more or less live with, than what they are trying to do to us now?

Mr. STENNIS. The Senator from Louisiana is correct. If they apply a real pattern—I am not advocating tearing up the schools, under any conditions—but we are at the point now that it has got to be determined whether there will be anything applied outside the South.

I have no doubt that if they put the pressure on in, say, Ohio, or Indiana, in the large voting States, there will be such a reaction that it will bring a modified policy in the Court, the Congress, HEW, the Department of Justice, and everywhere else. There will be a policy that all the people will benefit by and can live with.

As I have said, I do not know how long it will take to bring that about, but I know as a fact, because I have dealt with them, that the HEW feels it has a "mission." I am not referring to Secretary Finch, although he has got his hand into this problem and he has learned a lot about it. I am not attacking him. He has come out with some very helpful statements. But there has been a group of zealots down there in HEW who have been running wild carrying out what they feel to be their "mission" in life, as they look at it.

We have been promised time and time again that there would be a program set up to go into other States and see what the response was and that perhaps we would get a national policy out of it; but substantially nothing has been done about it.

One suit has been filed outside the Southern States, and one administrative action has been filed, but carried out by HEW on one school.

I illustrated here before that 2 or 3 years ago someone in HEW notified Chicago that it was going to have to get in line. Just like a cannon going off, there came back a response—I do not know from where—perhaps Mayor Daley came down here or just sent a telegram—but, anyway, the White House took the response under advisement. That was about the end of it. Nothing was done about it.

Last spring, between March and June, I believe, HEW gave notice to the Chicago schools that they would have to integrate their facilities.

Immediately there was objection raised by the faculties. They filed a terrific protest. This was all published in the press. The teachers were offered a bonus to go into the schools in question. The last time I heard of it they had still refused to go. That is what the press reported. They demanded that if it was going to have to be carried out, the Federal Government would have to put up the money, which was $48 million, I believe it was.

I talked to one of the Senators from Illinois about that, so those facts are substantially correct.

There has been nothing carried out and no substantial efforts made. Now they say, "Well, the South had de juris segregation but de juris segregation did not exist elsewhere." Well, if that is a valid distinction, they should not go into the North at all. They should not bother, because they did not have any segregation laws in 1954. So they admit to themselves that they have jurisdiction of this matter and that they should proceed. Some of them do. But as a practical matter they do not get down to the facts of life and make any requirements.

Mr. President, Gary, Ind., which is a very fine city, has 50 public schools with a total enrollment of 48,431, of which 29,826, or 61.6 percent are Negro students, 14,063, or 29 percent are white, and the remaining 9.1 percent are classified as Spanish Americans.

Of the total Negro enrollment, 23,265—or about 80 percent—are segregated in 21 schools which are 99 and 100 percent Negro.

Talk about lack of integration. How could there be a more glaring illustration than that?

Down home, the ultimatum of the court is, "No more Negro schools as such. Close them up. Abolish them. Put the children somewhere else." Nothing has been done, as I say, up here.

There are about 20 white students listed as attending these 21 schools—less than one white child to the school.

There are 26,517 Negro students in 24 schools that are 91.3 to 100 percent segregated; 28,910, or 96.5 percent, of the Negro students are in majority Negro schools, with 3,800 Spanish Americans, 2,965 whites, and 77 minority group students.

The term "Spanish Americans" is the term in the computer. That is not my term, but for some reason they classify these people on that basis.

On the white side of the school system, there are five schools—this is Gary, Ind.—with a total enrollment of 4,941 white students, which are from 95.1 to 98.8 percent white. There are only 46 Negro students in these five schools. There are another two schools with 1,048 white students, with 90.2 and 94.4 percent white enrollment, where only 43 Negro students attend. There are also three schools with white student enrollments totalling 3,065, which are from 82.8 to 86.9 percent white. There are another six schools with 2,053 white students which are 64.5 to 78.4 percent majority white. In all, there are only 916 Negro students out of the total Negro enrollment of 29,826 attending majority white schools.

As I understand the case of Brown against Board of Education, decided in 1954, the Court went to great length in its reasoning that Negro students were entitled to the association, the environment, and a list of other opportunities that are supposed to have gone with the white schools. That was the principle of the case, as I understand. If that is right, the children I have been calling attention to are being denied the principle that the Supreme Court laid down as something they were entitled to. There is no effort on that part of the State to correct that condition; only the very slightest effort on the part of the Department of Justice—one suit—and only the slightest kind of effort on the part of HEW to correct that situation.

On the contrary, in other parts of the country, the demand is so total and demanding and exact, contrary to the wishes of a great majority of the colored parents and the white parents, that it is leaving our schools in a shambles, particularly the abrupt application of the principle. In many of them, there has been a more moderate, a more modest, progressive integration, where the proportions were not so pronounced, and things have moved along in such a way as to be able to preserve the public schools.

I think the city of Washington is the outstanding illustration to the whole world of what happens over a period of years when total, immediate integration is applied. I am collecting some facts to show just what the situation is and what has happened in this great city.

In 1963, there was a Federal court case brought against the school district of Gary, Ind., by Negro parents alleging, among other things, compulsory segregation and infringement of civil rights: *Bell* v. *The School City of Gary, Indiana,* 213 Fed. Supp. 819, Affirmed, 7th Circuit, 1963, 324 F. 2d 209, cert., 377 U.S. 924, 1965. Here the court laid down rules and policies exactly opposite the rules now applied to the South. The decision was affirmed by the appellate court and certiorari denied by the Supreme Court. Neither HEW nor Justice Department was a party to the

suit. Mr. President, I ask unanimous consent that the full HEW records for schools of Indiana be put in the RECORD.

The records to which I refer are the records about which I have been speaking, and are authenticated as being official records, as I have already described.

SCHOOL ENROLLMENTS IN WASHINGTON, D.C.

Mr. STENNIS. Mr. President, according to IBM data, from HEW's official files, based on the 1968–69 elementary and secondary school enrollment, Washington, D.C., has a total enrollment of 148,725 students in 188 schools, of which 139,006—or 93.4 percent—are Negro students, 8,280—or 5.5 percent—are white, and the remaining 1,439—or 1.1 percent—are made up of orientals, Spanish Americans, and American Indians.

There are 3,636, or 43 percent of the 8,280 white students, attending majority Negro school; only 1,253—or 0.9 percent—of the Negro students are attending majority white schools. There are 56 schools with 41,109 students that are 100 percent Negro. There are another 57 schools that have 99 to 99.9 percent Negro students, which makes an aggregate of 113 schools with enrollments totaling 96,518 which are 99 to 100 percent Negro. Another 16 schools are 98 to 99 percent Negro. Another 13 schools are 97 to 98 percent Negro, and another 10 schools have Negro enrollments of 95 to 97 percent—making a total of 152 schools with total enrollment of 125,158 that are 95 to 100 percent Negro. In a great percentage of these schools which have enrollments of from 1,000 to 2,000 students, there are only one, two, or three students listed as white.

Of the 188 schools in Washington, D.C., there are only 18 that have a majority white enrollment. These range from the Capitol Page School with an enrollment of 41, of which 7.1 percent are Negroes, to an elementary school of 253, which is 43.1 Negro.

In other words, it would be difficult to find any school district that is more segregated than the public schools of Washington, D.C., and perhaps there is significance in the manner in which, and the speed with which, this has occurred.

The District of Columbia, by law, formerly had a dual school system based upon race. According to information set forth in the case of *U.S. v. Jefferson County Board of Education* (372 Fed. 2d 836, 1966), at page 904, the District of Columbia, desegregated following the Supreme Court decision of 1954, at a faster rate than did the south, along with some other border states, and by the 1961–62 school year had more than half of its school enrollment attending desegregated schools. At page 905, information is set out with respect to enrollment and percentage of Negroes in white schools in southern and border states, and it is reported that the District of Columbia had 109,270, or 84.18 percent, of its Negro student enrollment in schools with whites.

Senate hearings on H.R. 8569, District of Columbia appropriations, 90th Congress, first session, fiscal year, 1968, part I, at page 693, et seq., set forth the pupil membership of the Washington, D.C., schools by school and race for the school years 1954–55 and 1966–67. The school year 1954–55 was the first following the 1954 Supreme Court decision. These tabulations reflected that in the 1954–55 school year, there was a total of 102,920 students, 40,313—or 39 percent—of whom were white and 62,607—or 61 percent—of whom were Negroes. The 1966–67 school year figures reflect a total enrollment of 145,933, of which 12,678—or 8.7 percent—were white and 133,273—or 91.3 percent—were Negroes. As previously indicated, the 1968–69 Washington school enrollment totaled 148,725, of which 8,280—or 5.5 percent—were white, 93.4 percent were Negroes, and 0.9 percent consisted of other minority groups.

I ask unanimous consent that a table entitled "Summary of Pupil Membership by School and Race" for the Washington, D.C., schools for the school year 1954–55 and the school year 1966–67, be printed in the RECORD.

[From the CONGRESSIONAL RECORD, Dec. 2, 1969]

SEGREGATION IN THE SCHOOL DISTRICTS OF NEW JERSEY

Mr. STENNIS. Mr. President, in order to put before the Senate all the facts necessary for full consideration of amendments I intend to offer to the Health, Education, and Welfare appropriations bill, I present today information relative to the school system of the State of New Jersey.

These facts show there is segregation in the public schools of New Jersey that equals, if not surpasses, segregation in many of the schools that are now under the most demanding orders of HEW and the courts in the South.

I emphasize that if segregation is wrong in the public schools of the South, it is wrong in the public schools of all other States.

This opinion is shared by Mr. Leon Panetta, Director, Office for Civil Rights of HEW.

In testimony before the House Appropriations Committee on April 30—page 1061, House Appropriations Committee hearings, HEW 1970—Mr. Panetta made the following statement:

"I talked with a number of people who feel that the Civil Rights Act only aims at the dual school structure and that it really only aims at the Southern situation. It does not say that and I think it talks in terms of discrimination per se, which can occur anywhere regardless of geographic boundaries."

However, Mr. Panetta also said of civil rights enforcement in northern public schools, "there never really was a northern program until the last year."

I emphasize this, Mr. President, and also point out that even within the last year little, if anything, has been done to effectively remove segregation in the North.

For instance, since the civil rights law was passed as of October 16 of this year, in the North only 46 of 7,015 compliance agreements filed have been given a preliminary check by HEW.

In the South, 2,994 districts have filed form 441 and all have been checked, 100 percent. That is according to the records; that is not an estimate. It is according to the records; 1,107 districts have filed form 441–B outlining a voluntary desegregation plan.

In the North only, six out of 7,015 total districts of the North have been sent letters of noncompliance.

In the South, 568 out of 1,107 school districts of the South have been sent letters of noncompliance.

In the North and West, only one out of 7,015 school districts have been the subject of administrative action by HEW.

The tragedy of this so-called crusade against discrimination on a sectional basis is that it is within itself discrimination against a geographical section of the United States.

It might be claimed that segregation in New Jersey is accidental and not the result of official State and local government action. Such, however, is not the case as it has been made clear by the Civil Rights Commission and their report on racial isolation, 1967, at page 42.

According to the Civil Rights Commission, the official policy that had the effect of law in the State of New Jersey as late as 1930 was to operate separate but equal schools when, in the judgment of the board of education, it was best to do so.

In New Jersey, separate schools for Negroes were maintained well into the 20th century despite an 1881 statute prohibiting the exclusion of children from schools on the basis of race. In 1923, the State Commissioner of Education ruled that local school authorities could provide special schools for Negroes in their residential areas, and allow the transfer of white students from these schools to white schools. The ruling was reaffirmed in 1930. As late as 1940, there were at least 70 separate schools for Negroes in New Jersey.

NEW JERSEY

In New Jersey, according to the 1968–69 HEW school survey, there was a total of 1,234,470 students in the elementary and secondary schools. Of this total, 986,448, or 79 percent, of total enrollment were white, 200,117, or 16 percent, were Negro, and the remaining 5 percent was made up of other minority groups.

HEW's IBM data reflects that there are 24 cities or townships in New Jersey which have one or more schools where Negro students make up 80 percent or more of the total school enrollment, and in these 24 school districts are enrolled 78.7 percent of the total Negro student enrollment in the State of New Jersey. In these 24 cities or school districts, there are 162 schools where the Negro student enrollment is 80 to 100 percent. There are 90,966 Negro students, or 45.4 percent of all Negro students in the State of New Jersey, in these 162 schools. There are 87,645—or 43.8 percent—of the Negro students in the State of New Jersey in 115 schools that are 90 to 100 percent segregated, and there are 68,184—or 34 percent of New Jersey's Negro student population—in 83 schools which are 95 to 100 percent segregated.

For example, Atlantic City has a total school enrollment of 8,605 students, of which 5,357, or 62.3 percent are Negro, and 3,064, or 35.6 percent are white. Atlantic City has five schools with a total enrollment of 2,888, which are practically 100 percent Negro with 2,883 Negro students and five Spanish Americans. In other words, 53.8 percent of Atlantic City's Negro student population are segregated in five all-Negro schools. There are another four schools, with a total enrollment of 1,829, which are majority Negro schools—from 68.3 to 75.7 percent. There are five majority white schools with a total enrollment of 3,888, of which 2,600 are white, which is 84.8 percent of the total white enrollment. In other words, approximately 15 percent of the white students in Atlantic City attend majority Negro schools, 23.3 percent of the total Negro enrollment attend majority white schools. This would appear to be a rather segregated situation.

The Camden, N.J., school district has a total enrollment of 20,236 in 31 schools, of which 11,909, or 58.9 percent are Negro students; 6,420, or 31.7 percent are white; and 1,907, or 9.4 percent come from other minority groups. Two schools with a total enrollment 835 have a total minority group enrollment—765 Negroes, 69 Spanish Americans, and one American Indian. There are another seven schools with a total enrollment of 4,300, of which 3,765 are Negroes, 427 are Spanish Americans, 98 are white students—1.5 percent of the total white student enrollment in Camden—and 10 are Oriental students. These seven schools are made up of 95.3 to 98.5 percent minority enrollment. There are another five schools in the 90–95-percent minority enrollment bracket, which have a total enrollment of 3,831 students, of which 2,806 are Negroes, 750 are Spanish Americans, 269—4.2 percent of total white enrollment—are white, four are Orientals, and two are American Indians. There are eight additional majority Negro schools with a total enrollment of 4,784, 3,575 of which are Negroes, 848 are white—3.2 percent of total white enrollment—359 are Spanish Americans, and two are Orientals in these eight schools.

In total there are 22 Negro majority schools with a total enrollment of 13,750, and 1,215 white students—18.9 percent of total white student enrollment—attend these Negro schools in Camden.

There are nine majority white schools with a total enrollment of 6,486, of which 5,205 are white, 998 are Negroes, 274 are listed as Spanish Americans, and nine are from other minority groups.

Overall, 8.3 percent of the Negro students attend majority white schools and 91.7 percent attend majority Negro schools. 81.1 percent of the total white students attend schools that are majority white and 18.9 percent attend schools where the minority groups are in the majority.

Newark, N.J., is the largest city in the State. It has a total school enrollment of 75,960 in 80 schools, of which 55,057—or 72.5 percent—are Negro students, 13,716—or 18.1 percent—are white, and 7,187—or 9.4 percent—are made up other minorities, classified by HEW as Spanish Americans, Orientals, and American Indians.

There are 10 schools with a total enrollment of 10,963, which are 100 percent minority segregated—10,607 Negro students and 356 Spanish American. There are 13 schools with a total enrollment of 1,360 that are 99 to 99.9 percent minority segregated. These 13 schools are made up of 20,577 Negro students, 682 Spanish Americans, 94 whites—0.6 percent of total white enrollment—and seven other minority group students. Accordingly, 31,184, or 56.6 percent of the total Negro enrollment are in 23 schools which are 99 percent and 100 percent segregated. There are an additional 15 schools with a total enrollment of 11,712 which are 95.9 to 98.9 percent minority enrollment. There are 10,262 Negro students and 363 white students—2.6 percent of the total white student enrollment—in these schools. It follows that 41,446, or 75.2 percent of total Negro enrollment are in 38 schools that are 95.9 to 100 percent segregated. There are six schools with an aggregate enrollment of 7,194 which are 91.4 to 94.9 percent segregated, there being 5,385 Negro students and 504 white students—3.6 percent of total white student enrollment—with the balance being made up of other minority group students. There are six schools with a total enrollment of 2,410 in the 80- to 90-percent segregated bracket. There are 361 white students in these six schools, 1,555 Negro students, and 487 Spanish Americans. There is a total enrollment of 12,189 students in the remaining 15 majority Negro schools, ranging between 50.2 percent and 79.2 percent minority enrollment.

In all, 53,583, or 97.3 percent of the total Negro student enrollment are in 65 majority Negro schools.

There are 10 majority white schools with a total enrollment of 9,832, of which 8,111 are white, 1,174 are Negro, 516 are Spanish American, and 31 are Orientals. On the basis of these IBM figures, 2.1 percent of the total Negro student enrollment go to majority white schools and 97.3 percent attend majority Negro schools; 59.1 percent of the total white student enrollment attend majority white schools which are 94.1 percent to 65 percent white.

Trenton, the capital of New Jersey, has a total school enrollment of 16,865, of which 11,143, or 66.1 percent are Negro, 4,881, or 28.9 percent, are white, and 5 percent are made up of other minority groups.

In the Negro majority schools there are two schools with a total enrollment of 1,320 that are 99.5 pecent and 98.2 percent minority segregated; three schools with a total enrollment of 2,341 that rate 95.2 to 97.5 percent minority segregated; seven schools with a total enrollment of 4,442 that are from 80.3 to 94.9 percent minority segregated; and four schools with a total enrollment of 6,492 that are from 52 to 73.1 percent minority segregated.

In the majority white schools, there are five schools with a total enrollment of 2,270 of which 1,789 are white, 357 are Negro, 122 are Spanish American, and two are from other minority groups. The 357 Negro students attending majority white schools represent 3.2 percent of the total Negro enrollment, and the 1,789 white students attending majority white schools represent 36.7 percent of the total white enrollment, with the balance attending majority black schools.

In New Jersey there are a number of smaller cities or towns which have a predominantly white population but have one or two schools that are 90- to 100-percent Negro. For example, the school district of the township of Union, N.J., has a total public school student population of 8,719, of which 7,718 or 88.5 percent are white and 986 or 11.3 percent are Negro students, yet there is one public school of 390 students which is 94.9-percent Negro. It is my understanding that this is the only school district in New Jersey in which the Department of HEW has conducted a thorough survey and negotiated desegregation, and I think this may demonstrate the timidity with which HEW has approached the business of desegregating schools in the North. It is my further understanding that there were indications of gerrymandering in this district but the HEW, after over a year's investigation and negotiation, gave the school district permission to desegregate in two steps over a 2-year period.

I ask unanimous consent to have printed in the Record information relative to New Jersey.

[From the CONGRESSIONAL RECORD, Dec. 3, 1969]

SEGREGATION IN THE SCHOOLS OF PENNSYLVANIA

Mr. STENNIS. Mr. President, according to the 1968–69 HEW school survey, Pennsylvania has a total of 2,120,870 students enrolled in the elementary and secondary schools. Of this total, 1,841,846—or 86.5 percent—are white, 265,019—or 12.4 percent—are Negro, 11,635—or 0.5 percent—are Spanish-speaking Americans, and the balance of 2,370—or 0.1 percent—are made up of American Indians and Orientals.

The racial data contained in the HEW's IBM run reflects that there are 11 cities or townships in Pennsylvania which have one or more schools where Negro students make up 80 percent or more of the school's total enrollment. However, in these 11 school districts are enrolled 83.1 percent of the total Negro students in the State of Pennsylvania, and in these 11 school districts there are 175 schools where the Negro student enrollment is between 80 percent and 100 percent of the total enrollment. There are 156,129 Negro students, or 58.8 percent of all Negro students in the State of Pennsylvania, in these 175 schools. There are 135,194, or 51 percent of all Negro students in the State of Pennsylvania in 145 schools that are 90 percent to 100 percent segregated. There are 114,328, or 43.1 percent of Pennsylvania's total Negro student enrollment in 115 schools that are 95 percent to 100 percent segregated, and there are 89,867, or 33.9 percent of Pennsylvania's total Negro student enrollment, in 96 schools that are 99 percent and 100 percent segregated.

Philadelphia, of course, is the largest city in Pennsylvania and it has a total public school enrollment of 282,617, of which 109,512—or 38.7 percent—are white students, 166,083—or 58.8 percent—are Negro, and 7,022—or 2.5 percent—are Spanish Americans. There are no other minority group students.

Philadelphia has nine schools with a total enrollment of 7,206 that are 100 percent Negro. It has another 57 schools, with a total enrollment of 68,402, that are 99 percent to 99.9 percent Negro segregated. It has 26 schools, with a total enrollment of 26,333, that are 95 percent to 98.9 percent Negro segregated and another 17 schools, with a total enrollment of 14,571, that are 90 percent to 95 percent Negro segregated. In other words, there are 109 schools in Philadelphia with a total enrollment of 116,512, that are 90 percent to 100 percent Negro segregated.

There are another 23 schools, with a total enrollment of 20,228 that are 80 percent to 90 percent Negro segregated and another 36 schools, with a total enrollment of 37,994, that are 50 percent to 80 percent Negro majority. There are 151,193 Negro students—or 91 percent of the total Negro student enrollment in Philadelphia—attending majority black schools. There are 19,174—or 17.5 percent of the total—white students attending these majority Negro schools.

With respect to the white majority schools, of the total white student enrollment of 109,512, there are six schools with a total enrollment of 4,052 that are 100 percent white. There are 14 schools with a total enrollment of 19,596 that are 99 percent white, and there are 16 schools with a total enrollment of 17,828 students that are 95 percent to 98.9 percent white. There are 29 schools with a total enrollment of 26,942 that are 81.8 percent to 93.6 percent white, and another 43 schools with a total enrollment of 39,460 that are 50 percent to 80 percent white. In summary, 89,535, or 81 percent of the total white enrollment in Philadelphia, are attending majority white schools, and 18.3 percent of the white students are attending majority black schools; 16,718 Negro students, or approximately 10 percent of the total Negro enrollment in Philadelphia, attend majority white schools, and 90 percent attend majority black schools.

In Pittsburgh, there is a total public school enrollment of 76,268 in 113 schools, of which 46,005—60.3 percent—are white, 29,898—39.2 percent—are Negro, and 365—0.5 percent—are from other minority groups.

In the black majority schools, there are five schools with a total enrollment of 2,932 that are 100 percent Negro. There are eight schools with a total enrollment of 8,693 that are 99.9 percent to 99.5 percent Negro segregated. There are 6 schools with a total enrollment of 4,387 that are 90.8 percent to 97.4 percent Negro segregated. In other words, a total of 16,012—or 53.7 percent—of the total Negro student enrollment in Pittsburgh are attending schools that are 90 percent to 100 percent segregated. There are four schools with a total enrollment of 2,698 that are between 80 percent and 90 percent Negro segregated and another 11 schools with a total enrollment of 8,977 that are 50 percent to 80 percent Negro majority.

Of the 46,005 white students in Pittsburgh, 4,018—or 8.7 percent—are enrolled in majority Negro schools.

In the majority white schools, there are 12 schools with a total enrollment of 5,711 that are 99 percent and 100 percent white. Another 17 schools with a total enrollment of 8,415 are 95 percent to 98.6 percent white, and another 10 schools with a total enrollment of 9,228 that are 90 percent to 95 percent white. Accordingly, there are 39 schools that are 90 percent to 100 percent white and have enrolled 48.7 percent of the total white student enrollment of Pittsburgh. There are another 17 schools with a total enrollment of 13,883 that are 80 percent to 90 percent white, and another 11 schools with a total enrollment of 11,347 that are 50 percent to 80 percent white majority.

There are 6,373, or 21 percent, of the total Negro student enrollment in Pittsburgh who attend these majority white schools, and 79 percent attend majority black schools.

As previously indicated, there are numerous other cities and school districts in Pennsylvania which have highly segregated Negro schools, including the State capital, Harrisburg, which, in 19 schools has a total student enrollment according to HEW's 1968–69 school survey, of 13,491, of which 50 percent are Negro and 49.4 percent are white—yet, nearly 50 percent of the total Negro student

enrollment is in five schools that are 86.3 percent to 97.7 percent Negro majority, and 17.3 percent of the total white student enrollment attend majority black schools. However, in the interest of time, I shall only comment on one other small school district—Penn Hills Township, Pa., because it is the only school district in the State of Pennsylvania where HEW has seen fit to take any action and is one of only six school districts in the north and west where HEW has sent out letters of noncompliance with the Civil Rights Act of 1964.

Penn Hills, according to the 1968–69 HEW school survey, has in 16 public schools a total enrollment of 14,128, of which 13,237 or 93.9 percent are white students, and 809 or 5.7 percent, are Negro, with 45, or 0.3 percent, consisting of other minority groups. Yet, with only a Negro enrollment of 5.7 percent in the school district, Penn Hills had one 100 percent Negro school. It is my understanding that, upon a complaint, HEW made an investigation of this district and found that the 100 percent Negro school was being maintained in a relatively rural area and 85 percent of the student body was being bused. After the investigation and negotiations with the school district officials, it is understood that an agreement was worked out where this school would be desegregated in two steps over a period of 2 years. According to the HEW's IBM data on the 1968–69 school survey, it is indicated that there were 246 of the 809 Negro students still attending this 100 percent Negro school, and this represents approximately one-half of the original enrollment which was in the first step of desegregation.

The next school listed in the IBM data is 91.4 percent white, or 8.6 percent Negro, and the other schools have even fewer Negroes, down to 100 percent white schools.

I think this is important as an example that HEW was not concerning itself with the Philadelphia or the Pittsburghs, where the real problem of segregation is, but with an isolated township having less than 1,000 Negro students, representing only 5.7 percent of the township's public school enrollment.

I ask unanimous consent to have printed in the RECORD information relating to Pennsylvania.

[From the CONGRESSIONAL RECORD, Dec. 6, 1969]

SEGREGATION IN THE SCHOOL DISTRICTS OF ILLINOIS

Mr. STENNIS. Mr. President, according to the 1968–69 HEW school survey, Illinois had a total of 1,920,984 students in the elementary and secondary public schools. Of this total, 1,448,168—or 73.3 percent—were white students; 398,257—or 20.7 percent were Negro; and the remaining 4 percent—including 3.4 percent Spanish-speaking Americans—were students from other minority groups.

The HEW's IBM racial data on the 1968–69 school survey reflects that there are 25 cities, or school districts, in Illinois having one or more schools where Negro students make up over 80 percent of the school enrollment. However, in these 25 cities, or school districts, there are 364,894 Negro students, or 91.6 percent of all the 398,257 Negro students enrolled in public schools in Illinois.

The extent to which the Negro students in these public schools are segregated is indicated by the fact that in these 25 school districts there are 331,131—or 83.6 percent—of the total Negro enrollment in Illinois public schools enrolled in 322 schools that are 80 to 100 percent Negro and, of this group, there are 319,504, or 80.2 percent of the total Negro enrollment in the State in 279 schools that are 90 to 100 percent Negro segregated. What is more, 303,406 of these Negro students, or 76.2 percent of the total Negro enrollment in the State are in 284 schools, in 21 cities, that are 95 to 100 percent segregated, and there are 265,812 of these Negro students, or 66.7 percent—two-thirds—of all the Negro students in the public schools of Illinois in 246 schools, in 14 cities or districts, that are 99 and 100 percent Negro segregated.

On previous occasions I have talked about racial segregation in Chicago, where 248,677, or 80.6 percent, of its 308,266 Negro student enrollment are attending schools which are 99 and 100 percent Negro, and where 90 percent of the total Negro enrollment of the city are in schools between 90 and 100 percent Negro—but you can take almost any one of the 25 cities or school districts in Illinois which contain 91.6 percent of all the Negro students in the State and, whether the particular school district has a 10-percent Negro enrollment, a 16-percent Negro enrollment, an 18-percent Negro enrollment, a 9-percent Negro enrollment, or a considerably higher Negro enrollment, you will find all-Negro schools or schools that are nearly all Negro—and this means, and the HEW's IBM data on these schools will show, that at the opposite end there is just as much segregation of the white students.

For example, in Chicago, where the white-student enrollment is 219,478, or 37.7 percent of the total, and the Negro-student enrollment is 309,260, or 52.9 percent of the total, only 9,628, or 4.4 percent of the Negro students go to majority white schools and only 25,128, or 11.4 percent of the white students attend schools that have a minority group enrollment of over 50 percent.

In Maywood, Ill., which has a total public school enrollment of 6,396, 48.1 percent of which is white and 44.7 percent of which is Negro, 65.8 percent of the Negro students are in two schools which are between 99 and 100 percent Negro.

In the district of Blue Island, Ill., which has a total enrollment of 6,587, of which 81.8 percent are white students and 16.3 percent are Negro, there is one school with an enrollment of 613, or 57 percent of the total Negro enrollment in the district, which is 100 percent Negro.

Blue Island District No. 130, with a total enrollment of 3,579, 81 percent of which is white and 10.5 percent of which is Negro, has one school comprised of 57.3 percent of the total Negro enrollment that is 100 percent Negro.

Harvey, Ill., District No. 152 has a total public school enrollment of 3,573, which is 74.25 percent white and 24.6 percent Negro, but it has one school comprised of 48.6 percent of the total Negro enrollment which is 100 percent Negro segregated. There are only 241, or 9.1 percent, of the white students attending major Negro schools, and only 166, or 18.8 percent of the total Negro students attending majority white schools.

In Kankakee public schools, where the Negro enrollment is 19.4 percent of the total, 36.9 percent of the Negro students are in one school which is 97.1 percent Negro segregated.

I bring these figures to the attention of the Senate to show illustrations of the fact that the enforcement of the integration demand of HEW is not a national pattern. These facts show the pattern applies almost exclusively to the Southern States with virtual immunity granted to all other States regardless of rank segregation in many areas of these favored States. Additional figures will be supplied later.

I ask unanimous consent to have the information relating to Illinois printed in the RECORD.

[From the CONGRESSIONAL RECORD, Dec. 9, 1969]

SEGREGATION IN THE SCHOOL DISTRICTS OF NEW YORK

Mr. STENNIS. Mr. President, according to the 1968–69 HEW school survey, there was a total of 3,364,090 students in the elementary and secondary public schools of New York. Of this total, 2,601,708, or 77.3 percent of the total enrollment, were white; 473,253, or 14 percent, were Negro students; 263,799, or 7.8 percent were Spanish-speaking Americans; 19,620, or 0.6 percent, were classified as orientals; and 5,710, or 0.1 percent were American Indians.

The HEW's IBM data reflects that there are 17 school districts in the State of New York with at least one school with a minority group enrollment of over 80 percent. However, in 14 of these cities, or school districts, there is an aggregate Negro enrollment of 403,127, or 85.2 percent of the total State Negro student enrollment in the New York City schools alone.

Let us take a look at New York City. It has a total enrollment of 1,363,067, of which 467,365, or 43.9 percent, are white, 334,841, or 31.5 percent, are Negro, 244,302, or 23 percent, are Spanish-speaking Americans, 15,573, or 1.5 percent, are classified as oriental, and 1,526, or 0.1 percent, are American Indian students.

In New York City, there are 119 schools which are 99 and 100 percent minority group segregated, which have a Negro enrollment of 89,957, or 19 percent of the city's total Negro student enrollment. There are 207 schools having a Negro student enrollment of 146,575—43.7 percent of the city's total Negro enrollment—that are 95 to 100 percent minority group segregated. There are 269 schools with an aggregate Negro enrollment of 173,791—or 51.9 percent of the city's total Negro enrollment—in schools that are 90 to 100 percent minority group segregated. There are 322 schools with a total Negro enrollment of 201,462—or 60.1 percent of the city's total Negro enrollment—where the minority group enrollment is 80 to 100 percent. There are 18,865 white students—or 4 percent of the city's total white student enrollment—attending these 322 schools that are 80 to 100 percent minority group segregated. There are 82,794 white students—or 17.7 percent of the total white student enrollment—attending 50 to 100 percent minority schools.

Now let us look at the white majority schools. There are 211 schools which are 80 to 100 percent white, which are attended by 17,994 Negro students—or 5.3 percent of the city's total Negro student enrollment. In all, there are 393 majority white schools in New York City, and 65,490 Negro students—or 19.5 percent of the city's total Negro enrollment—attend these majority white schools.

In the public schools of the city of Buffalo there is a highly segregated Negro minority. Buffalo has a total enrollment of 72,115, in 101 schools, of which 43,942—or 60.9 percent—are white, 26,381—or 36.6 percent—are Negro, and 1,792—or 2.5 percent—are from other minority groups.

In the Negro majority schools, there are 16 schools with a total of 11,562 Negro students, which is 43.8 percent of the total Negro enrollment in Buffalo public schools, which are 99 and 100 percent Negro. There are 21 schools, with 66,122 Negro students—or 61.6 percent of the city's total Negro student enrollment—that are 95 to 100 percent Negro segregated. 19,268—or 73 percent of the city's total Negro students—attend majority Negro schools, and 27 percent attend majority white schools.

1,821, or 4.1 percent of the total white student enrollment of Buffalo, attend majority Negro schools, and 95.9 percent of the white students attend majority white schools.

There are a number of other interesting city school districts in New York State. For example, there is Rochester, which has a Negro student enrollment of 13,679, which is 28.9 percent of the total public school enrollment of the city, where there are six schools that are 90 to 100 percent Negro segregated.

In Utica, which has a Negro enrollment of only 11.8 percent, has one school that is 93.6 percent Negro.

Newburgh, N.Y., where the Negro student enrollment is only 23 percent of the total school enrollment of the city, has two schools which are 99 percent and above Negro segregated.

Monticello, N.Y., with only a 17.3 percent Negro student enrollment, has one school that is 100 percent Negro.

These facts and figures are presented for future consideration by the Senate of a national policy regarding integration of the races in the public schools of the State.

[From the CONGRESSIONAL RECORD, Dec. 11, 1969]

SEGREGATION IN THE SCHOOL DISTRICTS OF CALIFORNIA

Mr. STENNIS. Mr. President, California, according to the HEW's IBM statistics based on the 1968 national school survey, has 4,284,304 students in elementary and secondary schools. Of these, 3,172,686, or 74.1 percent, are white; 613,074, or 14.3 percent, are Spanish American; 382,525, or 8.9 percent, are Negro students; 103,547, or 2.4 percent, are classified as Orientals; and 12,472, or 0.3 percent, are American Indians.

This is the first State on which I have presented HEW's IBM data where there are two minority groups—Spanish Americans and Negroes—which appear in numerous school districts throughout the State that have one or more schools with minority group enrollment of 80 percent or above.

There are 57 cities, or school districts, in the State of California which have one or more schools with minority group student enrollment of 80 percent or above. Some are relatively small districts, and others involve large cities. In these 57 school districts, there are 413 schools where the minority group enrollment is 80 percent or above.

There are 19 of these 57 districts where the schools having from 80 to 100 percent minority enrollment are predominantly Negro and 26 districts where schools which exceed 80 percent minority enrollment are predominantly Spanish American. There are only 12 districts of the 57 where there is a substantial percentage of both Negroes and Spanish Americans in the schools with 30 percent and above minority group enrollment.

However, whether these districts have been following the concept of neighborhood schools; whether they have vestiges of a dual system, whether they have been gerrymandered; or whether the composition of the racial makeup is entirely accidental—there are a great many of them that are highly segregated.

Of the 382,525 Negro students in California, 8.9 percent of total enrollment; 321,383, or 84.5 percent of total Negro enrollment, are in 57 school districts which have one or more schools with a minority enrollment of 80 percent or above, and 239,009, or 62.5 percent of all Negro students in California, are actually in schools in these 57 districts that are 80 percent to 100 percent minority segregated; 321,383, or 52.4 percent, of the total Spanish American enrollment in the State of California are in these same 57 school districts that have one or more schools with a total minority enrollment of 80 percent or above. However, only 120,595, or 19.6 percent, of the total State enrollment of Spanish Americans, are actually in schools that are 80 percent to 100 percent minority segregated.

Let us analyze Los Angeles, the largest city in California, where the numbers of Spanish Americans and Negroes are about equal.

According to HEW's IBM data for 1968, there was a total enrollment of 653,549 students in 591 schools. The total white student enrollment was 350,909, or 53.7 percent of total enrollment, and there were 147,738 Negro students, or 22.6 percent of the total; 130,450, or 20 percent, Spanish-American students; and a total of other minorities of 24,452, or 3.8 percent.

There are 22 schools with total enrollment of 23,493 which are 100 percent minority segregated. In these 22 schools there are 22.717 Negroes, or 15.3 percent of the city's total Negro enrollment; 737, or 0.5 percent of the total Spanish American enrollment; 36 students of other minorities; and two white students.

There are 48 schools with a total enrollment of 65,877, which are 99 percent to 99.9 percent minority segregated; 54,330 Negro students, or 36.7 percent of the city's total Negro student enrollment, attend these 48 schools along with 10,621 Spanish-American students, 7.9 percent of the city's total Spanish-American enrollment; 831, or 3.6 percent of the city's total of other minority group students; and 345 white students, or 0.098 percent of the city's total white student enrollment. There are another 26 schools with a total enrollment of 34,725, which are 98 percent to 98.9 percent minority segregated. This enrollment consists of 23,995 Negro students, or 16.2 percent of the city's total Negro enrollment! 9,169 Spanish-American students, or 7 percent of the city's total Spanish-American enrollment; 1,048 students of other minority groups, or 4.2 percent of the city's total of other minority group enrollment; and 511 white students, or 0.1 percent of the city's total white student enrollment.

To recap, there are 96 schools in Los Angeles where the minority enrollment is 98 percent to 100 percent of the total enrollment in these schools—124,095—which is 19 percent of the total enrollment of all the city's schools. In these 96 schools that are 98 percent to 100 percent minority segregated, there are 101,043 Negro students, or 68 percent of all Negro students enrolled in the city's schools; 20,228, or 15.5 percent, of the city's total enrollment of Spanish-American students; 1,965 students of other minority groups, or 8.3 percent of the total enrollment of students of other minority groups; and 860 white students, or 0.2 percent of the city's total white student enrollment.

There are another 54 schools with an enrollment of 62,604, which are 90 percent to 98 percent minority segregated, and which are attended by: 21,636 Negro students; or 14.6 percent of the city's total Negro student enrollment; 26 percent of the city's total Spanish American enrollment; 16.6 percent of the city's total enrollment of other minority group students; and 0.8 percent of the city's total white enrollment. In other words, there are 150 schools that are 90 percent to 100 percent minority segregated, where 122,678 Negroes, or 83 percent of the city's total Negro enrollment, attend. There are another 29 schools with 80 percent to 90 percent minority enrollment, where the total enrollment of 29,433 is made up of 7,594 Negroes, 14,871 Spanish Americans, 2,572 students of other minority groups, and 4,396 white students.

To recap, there are 179 schools in Los Angeles that are 80 percent to 100 percent minority segregated, with an aggregate enrollment of 216,132, or 33 percent of the city's total enrollment, composed of 130,272 Negro students, or 88.1 percent of the city's total Negro enrollment; 69,088, or 52.9 percent, of the city's total Spanish American enrollment; 8,608 students of other minority groups or 35 percent of the city's total enrollment of other minority groups, and 8,164 white students, or 2.3 percent of the city's total white student enrollment.

Of the city's total white student enrollment, only 27,037, or 7.7 percent of the city's total white enrollment, are attending schools that have 50 percent to 100 percent minority student enrollment. The total Spanish American students in the 50 percent to 100 percent minority student enrollment schools is 87,750, or 67.2 percent of the city's total Spanish American enrollment, and 69.088 of these are in schools from 80 percent to 100 percent minority segregated, and 18,662 are in schools where the minority enrollment is 50 percent to 80 percent.

In taking a look at the white majority schools, there are 77 such schools that have no Negroes at all enrolled and another 82 which have either one or two Negroes enrolled in each school.

A similar analysis could be made in any number of other school districts in California. For example:

In Oakland, which has a total enrollment of 64,105, 30.9 percent of which are white; 8.2 percent are Spanish American; and 55.2 percent, or 35,386, are Negro, there are 39 schools with 27,292 Negro students, or 77.1 percent of the city's total Negro student enrollment, which are minority segregated between 80 and 100 percent. Three of these schools are 100-percent minority segregated; 10 are from 99- to 99.7-percent minority; 16 are 90- to 99-percent minority; and 10 are 80- to 90-percent minority segregated.

In Fresno, where the Negro student enrollment of 5,251 is only 9 percent of the city's total enrollment, 4,023 or 76.6 percent, of the city's total Negro enrollment are in eight schools along with 1,261 Spanish Americans, that are 93.9- to 100-percent minority segregated.

San Francisco, with a total school enrollment of 94,154, of which 41.2 percent are white; 27.5 percent are Negro; 18.1 percent are oriental; and 13 percent are Spanish American, has seven schools where the Negro enrollment is 99 to 100 percent, and 29 schools where the minority enrollment is 90 to 100 percent.

Richmond, Calif., which has a total enrollment of 43,123, of which 67.6 percent are white; 24.2 percent are Negro; 5.2 percent are Spanish American; and 2.9 percent are oriental, and 0.1 percent are American Indians, has five schools with a total enrollment of 3,856, which are attended by 3,627 Negroes, or 34.8 percent of the city's total Negro enrollment, and which are 95- to 100-percent minority segregated.

NEWS RELEASE OF CONGRESSMAN WILLIAM L. DICKINSON, AUGUST 23, 1969

WASHINGTON, D.C.—Congressman William L. (Bill) Dickinson, (R., Ala.) announced today that he has written letters to Attorney General John N. Mitchell and Secretary of Health, Education and Welfare Robert H. Finch demanding realistic treatment in Alabama's Public Education System.

In letters to Finch and Mitchell, Congressman Dickinson protested:

"The social engineers in Washington—who intend to supplant local school officials in Alabama—are *not* aware of the seriousness of the situation. Social planners with little or no experience in education are attempting to substitute their judgment for that of our professional educators—and the experiment is *not* working!"

"I appeal to you—indeed, I demand—that you approach this problem realistically and that you so instruct your staff attorneys who are so wont to blindly join in any legal action against established public education—no matter how drastic.

"Extreme (and possibly irreversible) harm is being done to public education in Alabama as the result of harsh and unrealistic federal court decrees. In the state as a whole, millions of dollars' worth of public school buildings have been ordered closed by the courts. In some cases, the Department of Health, Education and Welfare has suggested—and the courts have accepted—plans whereby school children are transported many miles merely to achieve racial integration.

"We are not asking for favored treat-

ment—we are asking that the United States Government apply the same yardstick to Alabama as is applied in other states. We expect—and have every reason to believe we are entitled to—reasonable treatment by all branches of government, including the federal judiciary."

WASHINGTON, D.C., *August 19, 1969.*

Hon. ROBERT FINCH,

Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: At this time, about two weeks before the scheduled beginning of the public school year, I feel constrained to bring to your attention a very disturbing situation which exists in many parts of Alabama—the fate of our public educational institutions. As you will recall, during a recent conference, the members of the Alabama congressional delegation attempted to convey to you their concern over the dilemma facing public education in our state.

Extreme (and possibly irreversible) harm is being done to public education in Alabama as the result of harsh and unrealistic federal court decrees. In the state as a whole, millions of dollars' worth of public school buildings have been ordered closed by the courts. In some cases, the Department of Health, Education and Welfare has suggested—and the courts have accepted—plans whereby school children are transported many miles merely to achieve racial integration. In other cases, the courts have ordered school systems to establish arbitrary colored-to-white ratios for both students and faculties. A good example of this type of action is a recent order directing the Montgomery County Board of Education to modify its desegregation plan to include a 20 percent minority pupil ratio and a 30 percent minority faculty ratio in all schools.

The Escambia County Board of Education is under federal court order to bus many of its pupils up to 70 miles each day round trip. The Board has been further ordered to close a junior high school—not over three or four years old—indisputably a gross waste of taxpayer money for a social experiment. Parents with children in the Escambia County school system have advised me that they will refuse to allow their children to be transported 70 miles a day—they will withhold their children from public school (supported by their taxes) before they will allow this to happen.

Mr. Secretary, I do not believe the social engineers in Washington—who intend to supplant local school officials in Alabama—are aware of the seriousness of the situation. Social planners with little or no experience in education are attempting to substitute their judgement for that of our professional educators—and the experiment is not working!

I appeal to you—indeed, I demand—that you approach this problem realistically and that you so instruct your staff attorneys who are so wont to blindly join in any legal action against established public education—no matter how drastic.

Mr. Secretary, the people of Alabama are good, law-abiding citizens. They have made every effort to comply with what they thought was the law of the land—the Civil Rights Act of 1964. But they are bewildered when they read in the same Act that " 'Desegregation' means the assignment of students to public schools and within such schools without regard to their race, color, religion or national origin, but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

We are not asking for favored treatment—we are asking that the United States Government apply the same yardstick to Alabama as is applied to other states. We expect—and we have every reason to believe we are entitled to—reasonable treatment by all branches of government, including the federal judiciary.

I hope you will carefully look into this situation and give me the benefit of your comments.

Sincerely yours,

WILLIAM L. DICKINSON

WEEKLY NEWS COLUMN OF CONGRESSMAN WILLIAM L. DICKINSON OF OCTOBER 22, 1969

WASHINGTON, D.C.—Since the passage of the Civil Rights Act of 1964 and the Elementary and Secondary Education Act of 1965, Alabama schools have been the target of harassment and intimidation by Federal officials. Every public school system in Alabama is currently operating, with the threat of contempt citation, under one type of Federal court order or another. The latest blueprints of HEW and the Justice Department for Alabama's schools—calling for extensive busing and student-faculty balances—are perfect examples of the type of situation.

As you know, the Justice Department and the Department of Health, Education and Welfare have requested, and the Federal Courts have ordered, extensive busing of Alabama students solely to achieve a particular level of integration—not desegregation.

In addition, the courts have ordered millions of dollars of school buildings closed by the State of Alabama for the sole purpose of achieving integration. In other instances, the courts have ordered entire grades shifted from one school to another. The situation is intolerable. The closing of some schools and the shifting of many students have imposed upon our children the most miserable conditions due to over-crowding.

I contend that busing to achieve integration is contrary to laws already on the statute books. Title IV of the 1964 Civil Rights Act states: "Desegregation does not mean assignment of students to schools in order to overcome racial imbalance and nothing in the title shall authorize a court or any official to order the transportation of students from one school district to another in order to achieve racial balance."

In addition, Vice President Agnew told the Southern Governors' Conference that he opposed busing pupils solely to achieve racial balance in schools. Agnew was voicing the Nixon Administration's policy on busing when he further stated: "This administration favors integration but not mandatory, artificially contrived social acceptance."

HEW theorists are more interested in sociological considerations than they are in the education of our children. It appears that our social engineers are bent upon destroying, rather than assisting, public education—not only in Alabama, but throughout the country. I pray that this mess can be rectified before education of our youth is completely destroyed.

WEEKLY NEWS COLUMN OF CONGRESSMAN WILLIAM L. DICKINSON, OCTOBER 29, 1969

WASHINGTON, D.C.—President Nixon recently said, "It's never been the policy of the Administration to impose busing as a way to achieve racial balance." In his 1968 election campaign, he criticized busing as a "forced integration rather than putting emphasis on education." (*U.S. News & World Report*, October 13, 1969.)

Actually, President Nixon, in campaigning for the presidency, espoused the *freedom of choice* system. I believe this system should be America's answer to correct the destruction of neighborhood schools resulting from forced busing. Under freedom of choice, parents select the school they want their children to attend.

It is difficult for me to understand how any fair-minded citizen can offer valid objection to freedom of choice, for it leaves decisions regarding schools to parents and excludes all compulsory elements in decision-making. The ideologists of racial balance detest freedom of choice. They want to force parents and children to conform to specific sociological patterns and formulas, irrespective of parents' wishes. HEW theorists do not seem to realize that our children are individuals with individual needs, not computerized punch cards or government statistics.

If government officials want to promote education, they will promote the freedom of choice concept. For a child does best where he is happiest, and he will be happiest in a school setting that is in accord with his environment at home and family circle.

While the Civil Rights Commission may try to force the Nixon Administration to apply more pressure on the schools, public pressure, by black and white alike, is growing in the other direction. Parents throughout the nation are deeply disturbed at HEW's unsound and irresponsible efforts to impose sociological formulas on schools that hinder classroom work and slow the student's progress in learning.

A recent *U.S. News* nationwide survey points to a new trend. According to that survey: "Among civil rights leaders, educators and Negroes themselves, doubts are growing about the value of busing, either as a method of integration or as a method of improving education."

President Nixon, if he realistically examines the school situation and abides by his 1968 campaign promises, will give renewed emphasis to freedom of choice.

WEEKLY NEWS COLUMN OF CONGRESSMAN WILLIAM L. DICKINSON, JANUARY 28, 1970

WASHINGTON, D.C.—The Supreme Court in its 1954 decision ruled that students have a right to a quality education regardless of race, creed, or color. Now the courts seem to say that regardless of your race, creed, or color *quality* education is out—a goal of the past!

Extreme, and yes, irreversible damage is being done to public education in Alabama as a result of harsh and unrealistic court decrees. In the state as a whole, millions of dollars' worth of public school buildings have been forced to close by the courts. In nearly every school system in the South, the Department of Health, Education and Welfare has suggested through their guidelines—and the courts have ordered—that school systems establish arbitrary black to white ratios for both students and faculty. HEW's is playing a stupid game of statistics with the courts stepping in as the game's officials.

How are the social engineers of HEW and the courts implementing their "Great Plan" to achieve the "desired" ratio? They are busing our children many miles each school day. They claim it is in the interest of "quality education". Busing may be a way to achieve integration but it can not improve education. Busing can only destroy public education!

I contend that busing to achieve integration is contrary to laws already on the statute books. Title IV of the 1964 Civil Rights Act states: "Desegregation does not mean assignment of students to schools in order to overcome racial imbalance and nothing in the title shall authorize a court or any official to order the transportation of students from one school district to another in order to achieve racial balance."

HEW theorists are more interested in sociological considerations than they are in the education of our children. It appears that HEW and the courts are bent upon destroying, rather than assisting, public education—especially in the South. We are not asking for favored treatment—we are asking that the United States Government apply the same yardstick to Alabama as is applied in all the states. We expect—and have every reason to believe that we are entitled

to—reasonable treatment by all branches of the government, including HEW and the federal judiciary.

If President Nixon realistically examines the school situation in the South and abides by his 1968 campaign promises, perhaps these unfair practices applied only to the South with an equal degree of discrimination will be stopped.

WEEKLY NEWS COLUMN OF CONGRESSMAN WILLIAM L. DICKINSON, FEBRUARY 4, 1970

WASHINGTON, D.C.—Since the enactment of the 1964 Civil Rights Act, the federal government has given primary emphasis to enforcing its school desegregation edicts in the Southern states while virtually ignoring the rest of the nation. This double-standard comes as no surprise to the people of the South! Unfortunately, it is typical of the punitive laws we've been forced to swallow since the 14th Amendment was added to the Constitution 100 years ago.

Nevertheless, the old adage that "what good for the goose is good for the gander" just might finally be coming to pass. It's in the form of pressure being applied on the Department of Health, Education and Welfare by many of us to start investigating the school situation in states *outside* the South. In other words, we want HEW to start looking northward where for years well-meaning citizens, I am sure, have lived smugly in conditions of total racial segregation while hurling bolts of self-righteous criticism at their Southern neighbors who, quite frankly, lived in a more integrated society.

We think we've got a good argument. According to statistics provided by, of all places, HEW, 90 percent of all Negro school children outside the South are concentrated in eight heavily populated states and the District of Columbia, where they attend predominantly Negro schools in city school districts.

This is called "racial isolation" by the HEW "experts", and it simply means that black and white students attend separate schools through social or economic circumstance, such as housing or income differences. In other words, racial segregation Northern style! But this hypocrisy may soon be coming to an end. In fact, it is reported that over 500 Northern school districts have been targeted as possible problem areas for future HEW investigations.

Of course, as any school administrator and parent in the country will say, the best method of achieving school desegregation—North and South—in line with the 1964 Civil Rights Act is by freedom of choice. But the bureaucrats in HEW abhor the idea of freedom of choice.

Nothing could be fairer than freedom of choice, for that is just what it is. It is the freedom of every school child, black or white, to choose the school of his or her choice, rather than have the government compel him to attend a distant school purely for arbitrary sociological reasons. Even Secretary Finch should agree with that.

WEEKLY NEWS COLUMN OF CONGRESSMAN WILLIAM L. DICKINSON, FEBRUARY 11, 1970

WASHINGTON, D.C.—". . . nothing contained herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance. . . ."

Would you believe that these words are on the statute books of the United States Government? They are there—and they appear in section 2000(c)(6), Title 42, United States Code—the law of the land.

Also on the books is the following definition of desegregation: "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Both of these provisions are a part of the Civil Rights Act of 1964—believe it or not—but I am sure many of our educators will find it hard to believe—in the face of judicial flats handed down recently. Neither can parents whose children have been used as pawns in the racial balance game understand why the law reads one way and the courts rule another.

There is no question in my mind that the school problem is uppermost in the minds of the people of the Second District. I receive several hundred letters every week, and more are concerned with schools than with any other issue—including taxes, inflation, and the war. Most of my constituents are bewildered—as I am—over the fact that the federal courts and the Department of Health, Education and Welfare will not accept true freedom of choice plans for our schools.

Alabamians were vehemently opposed to the passage of the Civil Rights Act of 1964. However, after it was passed, signed and upheld by the courts as being constitutional, Alabama reluctantly accepted it as the law of the land and, as law-abiding citizens who love their country, sought to comply with the law.

The Department of HEW promulgated guidelines for the various school systems to follow in abolishing segregation of the races in public schools, and, after considerable deliberations with HEW, school officials drew up plans authorizing children to attend the school of their choice. When HEW recognized that there were no mass transfers from one school to another, HEW bureaucrats began to devise plans to accomplish social changes freedom of choice did not bring about and convinced a few federal judges in 1967 and 1968 to include their new social schemes in court decrees.

The result has been one drastic judicial fiat after another—calling for massive busing of children and the assignment of students and faculties to achieve racial quotas. At the same time, HEW and the courts turn their backs on more blatant cases of segregation of the races in schools in other parts of the country. We in the South do not want favored treatment—but we demand to be treated like other states. After all, our laws are supposed to be administered equally throughout the nation. We expect nothing less!

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the distinguished dean of our delegation (Mr. ANDREWS).

Mr. ANDREWS of Alabama. Mr. Speaker, I want to thank the gentleman for bringing to the attention of the House the frightening situation that exists in Alabama today. I have personal knowledge of many of the cases that the gentleman is referring to.

As the gentleman knows, I live in a small town, Union Springs, 40 miles from Montgomery, where the ratio is 4-to-1 Negro. The school population in that county is 4 to 1. In my hometown they forced the board of education to place several Negro teachers in a formerly all-white school. I have personal knowledge of the facts based on the statement given to me by a Baptist preacher in our town, that the Negro mathematics teacher placed there was totally incompetent. The preacher had a son in that class and was naturally interested in his son getting a good foundation in mathematics. The preacher is well trained himself. He has a Ph. D. degree, and he taught at Judson College in Marion. So he has gone down and is going there every day to the school to teach mathematics to the class without pay. The teacher he describes as being incompetent is sitting in a chair there trying to learn mathematics. That is an actual case which I will vouch for the truthfulness of.

We had a system, as the gentleman knows, of freedom of choice in Alabama. I thought it worked well. There is not a school in my district that is not integrated and very few in Alabama are segregated.

Most of them are integrated. They were integrated under the so-called freedom of choice plan that our State had and which has now been declared illegal and set aside by the bureaucrats in HEW. Under that system any student, regardless of his race, was permitted to attend any school of his choice.

Now, the truth of the matter is that the degree of integration was smaller than the bureaucrats thought it should be and, therefore, they concluded that because of, maybe, threats or intimidation, the Negro students did not leave their schools and go to the white schools, or the white students did not leave their school and go to the Negro school. But, nothing could be further from the truth. The truth of the matter is, as the gentleman pointed out, most of the Negro students do not want to leave their schools. They do not want to be bused. They do not want to walk to the former all-white schools.

If the gentleman will recall, the papers have been full of instances throughout the South within the last few months where the Negro students and their parents are rebelling against forced transfer from their old school to the white school.

Mr. Speaker, I think the gentleman from Alabama (Mr. DICKINSON) has rendered a great service in pointing out to the Members of this House just what is happening to our school system in Alabama. In my opinion the action of the Federal courts and the bureaucrats in HEW are rapidly—rapidly—destroying the public school system in Alabama. Not only have they destroyed the quality of education and are continuing to do that, they are actually contributing to the downfall and destruction of our public education system.

The gentleman is correct when he says that private schools are springing up throughout our State like mushrooms. They will continue in growth and if this trend continues we will see the complete destruction of our public school system.

Again, Mr. Speaker, I want to thank the gentleman for bringing this matter to the attention of the House.

Mr. DICKINSON. I thank the distinguished dean of our Alabama delegation for his remarks.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, I welcome this opportunity to call to the attention of this House, some of the results of HEW's unreasonable and dictatorial "guidelines," as well as the

results of the Federal court directives, all occurring since the passage of the 1964 Civil Rights Act.

The problem transcends the question of integration or segregation, for most accept the fact that desegregated schools belong to the past. But what is important today and for the future is the basic concept of quality education itself. To achieve this, the public schools in any State must have first, the support of the public. They must be permitted to operate with a minimum of confusion and disruption in order to provide the best possible opportunities for each child regardless of race. Stated another way, I think it is time that the courts and HEW begin to place the emphasis on education, and put in second place the question of integration. For all practical purposes in most school districts in my State, the integration is here. But, for a few minutes, let us consider what this misguided direction has produced.

Under a Federal court order, Bertie County, N.C., containing a basically rural population, has resulted in the present enrollment in the public schools of approximately 75 percent black and 25 percent white. But, most serious for the future of the public schools is the fact that this rural county, with a population of 24,350, today has three private schools with an enrollment, I am told, of over 800. Possibly what triggered the creation of the private schools was that the court order contained a directive as to the racial composition of the faculty, regardless of qualifications.

Another tragic example is the city of Greenville, N.C. Located in Greenville is East Carolina University with an enrollment of some 10,000 students. I mention this to substantiate the statement that this community has been considered most liberal. Under the "freedom of choice" plan, the system had made rapid strides in achieving a high degree of integration. Yet, for the school year 1969–70, it was not enough; the present administration demanded the impossible. What has happened at different intervals has been a series of student riots between blacks and whites, resulting in the hospitalization of several and the arrest and conviction of others, the resignation of the principal sometime in the fall, and presently, according to the information I have, the discipline of the school is being monitored by uniformed police.

Mr. Speaker, I ask you and anyone else, could an acceptable scholastic atmosphere possibly exist under these circumstances?

Perhaps the most difficult case to understand involved Washington County, N.C., again—a basically rural county. In March 1969, five very articulate, sincere, black citizens of that county came to my office and met with three representatives of HEW in a prearranged conference. They brought with them a petition containing over 2,000 signatures of black citizens and also a petition signed by in excess of 400 black high school students, all asking for 1 additional year of "freedom of choice." Their reasons were valid. In spite of a prior existing policy that where the student enrollment was exceeded by 50 percent of the black race, and if they so desired, that additional time under "freedom of choice" would be grant—their request was denied.

In North Carolina there are no statutory provisions for the busing of pupils living within the corporate limits. Yet, I am told that another county, not in my district, was ordered to transfer from one facility to another complete student bodies. When told by the local administrators that no transportation facilities were available, HEW promptly advised that "this is your problem, not ours." And so, if the public schools of the South are to survive, somehow the neighborhood concept must not be destroyed. And indeed, this destruction can be accomplished more quickly by busing than by any other method.

For years in the State of North Carolina, the local schools of both races have depended on PTA's and other parent organizations for the support of extracurricular activities such as bands, athletics, business and science projects, and others. Sadly enough, this support is rapidly vanishing.

So, to the new National Committee on Schools, HEW, and the Federal courts, I hope that a new dimension can be brought into being and that the prime interest be directed to the type education that the children of the South in this Nation are receiving in their preparation for future life.

Finally, Mr. Speaker, I hope that this will not be interpreted as a racist speech, for I am confident that these remarks represent the thinking of the majority of the people that I represent of all races. During this past weekend, while visiting in the district, at least 60 percent of the conversations in which I engaged expressed concern on this very subject—the soul-searching question, "what is happening to our schools?"

Mr. DICKINSON. Mr. Speaker, I thank the distinguished gentleman from North Carolina for joining in this special order today.

Mr. Speaker, I now yield to the distinguished gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Speaker, I want to thank the gentleman from Alabama and congratulate him for taking this time to focus public attention upon the dilemma our schoolchildren are facing today throughout the country, particularly in our part of the country.

In the final analysis, no broad public policy can long survive unless it enjoys the support of the general public.

Tomorrow a number of most distinguished, outstanding and public-spirited citizens from the Atlanta area of Georgia are coming to Washington at their own personal expense to visit the Members of this body and the Members of the other body. They wish to call to the attention of the members of the legislative branch of the Government and members of the executive branch the extreme hardships which the present court orders have placed upon individual families and schoolchildren in the city of Atlanta. I would hope the Members of this body would listen with kind attention to the plight of the parents and the children who are being subjected to this form of social experimentation.

Again, Mr. Speaker, I associate myself with the remarks of the gentleman from Alabama, and I congratulate him upon his efforts.

Mr. DICKINSON. I thank the distinguished gentleman from Georgia.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I am glad to yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Speaker, I thank my distinguished friend in the well, the gentleman from Alabama, for yielding to me. First, I want to commend him for taking this time to try to focus the attention not only of this body but hopefully the attention of the people of this Nation on a most serious problem confronting the educational system in the Southland—and not only there but soon, throughout the Nation, in my humble judgment.

It distresses me, Mr. Speaker, as we come to this moment, that first it is necessary to take this time to point out the problems that we have and, second, that there is obviously not too much interest on the part of a number of people, primarily those outside the South, as to the problems that we have.

I hope that the message that the gentleman from Alabama (Mr. DICKINSON) and others are giving today—I hope that that message will go well beyond the walls of this Chamber and will echo throughout the country because, as you so well pointed out, the problem may be ours right now, but I predict that tomorrow or just a few weeks or months ahead, it is going to be a problem all over the Nation; that is, if the laws are applied equitably throughout the country.

As has been pointed out in the debate in the other body, and as you referred to a moment ago, the CONGRESSIONAL RECORD points out very dramatically the segregated schools existing, even worse than we have down our way, which exist right here in the Nation's Capital and in the States north of the Mason-Dixon line. When the heavy line of the racial balancers is applied in those areas, then I am sure at that time they will be pleading for help and will be asking for the understanding of the Nation as we are now.

You know, one thing that makes this so very sad in my State and in other States in the heartless nature of some of these radical changes being ordered. They are not in my congressional district, but we as Members of this body are concerned about problems everywhere. But two of the counties of the State of South Carolina just recently, just this week, had to undergo a very traumatic and dramatic change in their school situation—the shifting of thousands of students from one school to another school, even some of them to distant points. We are now gathering information so we can show the particulars in order that the people who are interested might see how extensive and disruptive these particular changes have been.

But how heartless can it be, Mr. Speaker, when in the middle of a school year you would suddenly just shift masses of teachers and students from one school to another—teachers who over the past months since September have been developing and trying to follow the

progress of their students and trying to look at the points where they have educational deficiencies and trying to help them to pass courses and to do a little better.

But all of a sudden, the court says—No, you shift over to another school—to a totally foreign teacher who is not familiar with your problem at all. Very well, this could be a lost year for many schools.

Now, as the gentleman from Alabama so well pointed out, what is the purpose of a school—is it for sociological experimentation or is it for education? How unthinkable can it be—that right in the midst of the school year a court would come along and order the students shifted from one school to another and from one teacher to another? You not only have the interest of the students to be principally concerned about—and we all are I am sure—but you know teachers have some rights, too. The gentleman from Alabama pointed out earlier, as did some of the other speakers, that we are, indeed, seeing a mushrooming of private schools around the country. You also find that many teachers who have been loyal to public education are leaving the public school systems to go over to the private schools. Other teachers are throwing up their hands in despair saying, "I am not going to be so insulted—to be treated so cruelly in my professional capacity, that I do not even know where I will teach or how much I will be teaching from month to month."

I see some people on the floor of this body here who are vitally interested in education—who have been champions for the cause of education. Oh, how much we need their voice and help. Do you know that we have teachers in South Carolina—and I do not know whether you have them in other States of the Nation—but they are asking teachers in some districts down South to sign blank contracts—not even letting them know where they are going to teach or how much they are going to get.

I tell you, my friends in other States of the Nation, when your teachers are asked to sign such contracts in blank, you are going to be here on the floor of this House asking for some consideration. I guess, my friends, we are really now just asking for a little mercy; it is too much to ask for any consideration for the Southland. But maybe sooner or later the chickens will come home to roost, and then others will appreciate the problems that we have.

Mr. DICKINSON. If the gentleman will permit me to interrupt, I have before me a quotation that I think would be pertinent at this point because, as you know, recently in one of the most sweeping school orders that have ever been issued, 622 schools, having a student enrollment of 674,000 students, were ordered to be integrated to the point at which no school should have less than 10 percent minority population or more than 50 percent minority groups. School officials protested that this would mean "virtual destruction" of the school system. How familiar that ring is. But the odd fact is that this was not emanating from south of the Mason-Dixon line. This was a quote from the school officials of Los Angeles, Calif., and I refer to the February 11 order of the State superior court ordering that this be done. They say that they cannot financially afford it. It is not feasible, and it would destroy their school system in Los Angeles. So I think this is very apropos of the observations that the gentleman has just made. We are in the forefront. We might be the edge of the wedge. But it is coming. And if laws are uniformly administered throughout our country, we will see public education throughout all 50 States suffering.

Mr. WATSON. There is no question about it, and I apologize for presuming too much upon the gentleman's time under this special order. But, you know, when you are dealing with the children of American citizens, you are dealing with the most priceless of man's possessons and when you jeopardize his child's education or preparation for life you have a real tiger on your hands. Parents rightly demand quality education.

As was pointed out earlier, there is the instance of the disrupting effects on the black children as well as on white. We have in South Carolina a fine community with a splendid high school by the name of Spaulding which always has been principally black. Despite the presence of this wonderful school there, tragically enough, students are not being educated in that school at this moment because of an almost total boycott on the part of the black students. They want their school. It is their neighborhood school and they do not want to be bused to a distant institution.

Finally, may I say this with reference to the gentleman's statement concerning the decisions of the court when they will say, "We are not in violation of the 1964 Civil Rights Act." I believe it is section 407, where there is a specific prohibition against busing in order to obtain a racial balance in schools, and that provision was written in, as the gentleman knows, on the floor of the House. That language was not in the version as it was reported from the Judiciary Committee. They say, "we actually do not specify busing." But, as the gentleman so clearly and convincingly pointed out, they ordered a balanced school, and though they did not specifically say in the order that you must bus the children over there, how do you get them there except by bus unless they walk? They normally go by bus, unless they contemplate transporting children by helicopter, or you might take them by submarine or some other means.

How ridiculous can it be?

I do take hope in this respect, and I hope other jurisdictions and school districts will pursue this particular point, that in the 10th Circuit Court of Appeals in Oklahoma there is a school district pursuing this very point, and there is hope of a favorable verdict from that circuit court. Although the judge's order did not say specifically that racial balance must be obtained by busing, that is the only way to implement or carry out the judge's order, whether expressed or implied.

Finally, I have heard the comment that, well, in one area, the South, there is de jure segregation and in another area, the North, there is de facto segregation. Well, neither child nor parent for that matter understands why different educational standards are used simply on the basis of legal technicalities about de jure or de facto segregation. They do not understand it. It works the same way when we disrupt their educational systems regardless of the legal jargon.

The courts and the Federal bureaus are fast destroying the public schools. I remember when I was privileged to serve in the General Assembly of South Carolina, there was always one bond issue which always passed, and that was for the schools. Our people were interested in giving the best education to their young people. But now, seven out of 10 school bond issues which are put before the people are voted down. Why? Because of all these artificial and arbitrary requirements of the Federal bureaucracy and the Federal judiciary, in trying to use schools primarily for sociological experiments. They are more interested in racial balance than in better education. What is going to happen? Ultimately we are going to have a public education system composed primarily of blacks.

The courts can order, if they wish, any area to have a certain ratio, but if the parents refuse en masse to send their children there you have an impossible situation. Tax support for public schools will be seriously affected. If I am a parent and I have, in order to give my child a quality education, to pay to send him to a private school, others need not think for a minute that I am going to be interested in appropriating funds for a public school system my child does not attend because of inadequate standards. Consider that for a moment.

Then is Uncle Sam going to go down and pay for the entire educational system, for the whole public school system throughout the Nation?

Again I thank the gentleman and I applaud him for his effort. I wish we could adequately tell the Nation not only what is happening down our way now, but what is going to happen in Chicago, Ill., and New York, California and Pennsylvania. When the schoolchildren and the parents and the teachers start to bring pressure to bear on Members in these other areas then perhaps they will get a better understanding of what we are trying to point out today. I hope so. I hope reason will prevail before ultimately the destruction of our public school system is carried out.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman from South Carolina for his apt and timely remarks.

I heard in the recent Mardi Gras parade there was a very outstanding band from a former Negro school. The strange thing about this band is that 2 years ago they very diligently raised about $3,000 and bought some new uniforms. Just last year the Federal court ordered that school closed. It was subsequently padlocked and ordered closed. It was a good school. But they are so proud of their former school and their band that they still go to the old school, which is as I said, closed. They still have their

band and still played in this year's Mardi Gras. They kept their identity. Do not think they are too happy about their school being closed.

Mr. Speaker, I yield now to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

The gentleman's examples of what is going on are very correct.

I must also agree with the statements made by my colleague from South Carolina.

Along the same line, in a most recent court order the Trinity Gardens High School in Mobile County, Ala., has been ordered closed and all the students transferred to another school. The Trinity Gardens High School was formerly an all-Negro school. The parents rose up in arms, and they have been down to the school board fussing about the closing of their school.

This is something that people do not like, because it moves the children out of their own neighborhoods.

This type of thing is not new. Unfortunately, when HEW comes up with some of its wildest plans there is nowhere to go and there is no one to talk to until one finally gets up to talk with the Secretary of Health, Education, and Welfare. It seems rather ridiculous that every time a plan from HEW comes along a Congressman has to run over to talk to the Secretary of Health, Education, and Welfare, trying to get his ear about it.

I must say that even the Secretary was horrified recently when some of us went to talk to him about some of the plans being proposed in our part of the country. I wish some of our northern colleagues would listen to this type of thing.

In one small county in my district they were going to close every former white high school in that county. Second, they were going to bus the children, many of them 2 hours each way, a total of 90 miles a day, with 4 hours on the bus, just in order to mix up the county.

When we took maps of this type of thing to Secretary Finch, he had to admit he could not believe his folks were trying to do this.

What did they do in place of that grand scheme? They came back with a plan whereby the children would go for 2 years to this school, 2 years to that school, 2 years to the next school, so in trying to get through high school they would have to go to six different schools.

How does one go to six different schools? They have to bus them there, because one school is at one end of the county, and one at the other end, one over on the east and one over on the west. They are playing round robin with the children of that particular county.

In the county of Mobile, which has the largest school system in the whole State of Alabama, HEW proposed a plan of busing that would haul some children as far as 15 miles from one end of the city of Mobile to the other. It was going to cost the Mobile County School Board $13.5 million in order to provide the buses to carry out that plan. In one area they proposed a series of schools so that in high school the students would have to go to four schools in order to graduate. These included some that were formerly elementary schools, some formerly junior high schools, and some formerly high schools, but they were in the near vicinity of each other, so they were going to build walkways.

These are the HEW plans. These are not my dreams or fantasies.

They were going to build walkways from each of these four schools to the other. One of the walkways had to go over a heavily traveled railroad track, and they were going to require the county school board to build a covered walkway over the railroad track so that the children could cross without getting run over by a train—which I thought was commendable. It would have required condemning property throughout this whole area in order to join these four schools together.

These types of things have been proposed. So when we get this kind of a proposal we have to go to the Secretary of Health, Education, and Welfare and say, "Do you know that this is what your folks down the line are proposing?"

In all fairness to the Secretary, again, he was rather horrified to see this type of proposal coming out of his own agency. He is sitting over there with 150,000 people locked in HEW jobs, and he could not shake them loose if he knew how.

These are the things that are coming along. These things are being suggested to the court.

I should like to read one paragraph, if I may, from a letter from about 30 students, which I got in January of this year, talking about the February 1 deadline of integration in portions of Mobile.

Perhaps I should go back just a little bit. Our Federal courts in the Mobile area had a complicated problem of trying to find something that would suit the Supreme Court of the United States as well as all of the Federal agencies. In trying to go about it logically and not disrupt the school system in our area, they draw an arbitrary line, the courts did, and said that in September 1969 all of the integration will be completed on the west side of the line. Starting in September 1970 integration on the east side of that line will be completed, also. So the school systems, the parents and the teachers, have all been working toward that September 1970 deadline to work out all their plans and all their transfers in the school system. Then the Supreme Court came along in January and ordered that by February 1 this change should be made when nobody could conceivably operate on that kind of a schedule.

This is incidental, but I talked with a class ring salesman recently. He said that the sale of graduation rings has been the worst in history, because no student knows what school ring to wear on graduation day. The result is that they are not ordering rings. Now, it may sound inconsequential, but it is typical of the entire problem. The students have been thrown into a great quandary. They had to shorten them up in one quarter and to lengthen them in another quarter in the Mobile school system so that students could transfer between them and not leave a teacher in the middle of the quarter. As a result of all that, I have these 30 students who wrote to me the letter in January and said:

> The school we will be attending February 1, 1970, will be the third school in 6 months we have attended. We did not gripe about it the first time. Now we are getting tired of it. How are we supposed to get an education good enough to live in the future without living in poverty? We cannot learn if we move from school to school, from teacher to teacher. It even makes it hard on the teachers.

I say that is something of an understatement to say it makes it hard on the teachers. The poor administrators are in a chaotic situation because they have equipment in a high school here that will have to be moved to a grammar school over here to fit the court's orders. To make it all worse, the Federal court has implemented the Supreme Court decision saying it is true that you cannot do it by February 1, but you can do it by March. Everybody is working feverishly trying to make the plan work. But now the NAACP has appealed this decision and it is going back to the Fifth Circuit Court of Appeals. Who in the world knows what the Fifth Circuit Court of Appeals will do there and what the people of Mobile County will finally have to adjust to.

These are the kinds of things that we have been saying to our northern colleagues that they had better start becoming interested in. This great octopus that calls itself a bureaucracy and a court system, having fed itself at the table of the South, has not been satisfied. Its appetite has only been whetted. I suggest that unless we can draw some support from the rest of the country, the rest of the country will come under the same heel of the Federal Government that we have. One answer to this is—and I do not like to recommend these kinds of things, but one answer may very well be that John Mitchell, Attorney General of the United States, will start filing more of these suits of his all over the United States. The Federal courts will start rendering some decisions there in the North, the East, and the West, just as they have been rendering them in our part of the country, and I suggest that our colleagues will come streaming down the aisle demanding justice. That will be the day that you will finally understand what we have been talking about.

I thank the gentleman for yielding.

Mr. DICKINSON. I thank the distinguished gentleman from Alabama for his contribution.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding and I shall be very brief because I know other Members would like to comment upon this subject.

Mr. Speaker, I would like to commend the gentleman from Alabama (Mr. DICKINSON) for obtaining this 1-hour special order. It is my understanding that the gentleman from Georgia (Mr. FLYNT) also has a special order of 1 hour after that of the gentleman from Alabama.

I would like to point out, Mr. Speaker, how unbelievable and how unworkable

and how unfair these court-imposed desegregation guidelines have been, both upon the public schools in my State and the States of our colleagues who have spoken today.

I hope, Mr. Speaker, in the next few days that I can obtain permission to make 1-minute speeches in this Chamber, giving factual information on what the Federal court-ordered guidelines have brought about in my home State of Mississippi; how they are rapidly destroying the public schools because both whites and blacks are dropping out of the public schools.

I appreciate some of my colleagues mentioning the difficulties that have been imposed on the teachers in the public schools. You know, we must admit that the teachers who teach in the public schools have to be dedicated people because over the years their salary scales have certainly been low as compared with people who are engaged in other professions. Many teachers because of court orders requiring a "racial balance" of faculty have been forced to drive to distant schools, some as far as 25 miles from the schools to which they were originally assigned last fall. This reassignment of teachers to achieve a racial balance is in direct conflict with their written and legal contracts to teach at a particular school.

Many of these teachers, both black and white, live near the schools in their hometowns where they were previously assigned. They have bought homes and have their roots in that neighborhood. Now, as I stated previously, they have to go across town or across the county.

Mr. Speaker, I am very pleased that the other body adopted the Stennis amendment which was debated today and was considered as a part of the legislation to extend programs of assistance for elementary and secondary education. The Stennis amendment would require equal enforcement of desegregation guidelines in all sections of the Nation.

Mr. Speaker, I want to again thank the gentleman from Alabama for yielding and to commend him for giving others the opportunity to comment upon this very, very serious situation.

Mr. DICKINSON. I thank the gentleman for his very timely and cogent remarks.

Mr. FLOWERS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Alabama.

Mr. FLOWERS. Mr. Speaker, I would like to add my words of commendation to the gentleman from Alabama (Mr. DICKINSON) for taking this time to call the attention of the House to this most urgent matter. By our words and those of our other colleagues in the House who have spoken and will speak today, to help bring this matter to the attention of the Nation.

I think, Mr. Speaker, the time has come—indeed, has long since come—when we can no longer afford to have any second-class citizens in these United States. Hopefully, the time will soon come when we no longer have any second-class States either. The other body has just adopted the Stennis amendment to the education bill pending there. Perhaps this House will have the opportunity of voting upon and passing similar legislation in the near future.

Mr. Speaker, I had a letter from a constituent of mine the other day that worried me considerably because of his exasperation with the perplexing situation of our public schools in Alabama.

This particular citizen was concerned that this country began without any public education, but with a private school system. We moved forward into a public school system which made the wonderful opportunities of education available to those without enormous financial means. This made education available to the grassroots, so to speak. But it now appears to my friend that we are in grave danger of moving backward, in the South, anyway, but it will come to other sections. We are moving backward to a private school system where every child may not have an equal opportunity to gain an education.

Mr. Speaker, somehow we must demand a return to reason—and freedom of choice in education for every child is reasonable. Furthermore, freedom of choice would insure the future of our great system of public education.

I thank the gentleman for yielding to me for these brief remarks.

Mr. DICKINSON. Mr. Speaker, I thank the distinguished gentleman from Alabama for his observations and his contributions to the discussion at this time.

Mr. Speaker, I would now like to yield to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the question of an equal education for all, of course, is paramount to all Americans, and the current struggle in the South is not a struggle of integration or segregation, but it is a struggle of requiring racial balance, a mathematical formulated racial balance.

Whenever you apply force to an area and tell a child that he cannot go to his neighborhood school because he happens not to be of the right race, that it is wrong. It is wrong if it is being done to segregate and it is wrong if it is being done to provide for racial balance.

That is the current upheaval, not desegregation but required racial balance. There have been many victims of this struggle to so-called desegregate the schools in the South. Certainly there have been some segregated schools in the South, but the mere fact that a school may be black or a school may be white is not in and of itself a bad situation if there is no discrimination that goes into making up the student body.

In other words, if this happens to be a white neighborhood, and there is a neighborhood school, that school should reflect the racial makeup of that neighborhood, and that would be true of a black neighborhood or an integrated neighborhood.

I think we as Americans treasure the right of the individual to move freely within society, but not to be forced because of his race out of his natural environment, and that is what has been done in many instances.

But, Mr. Speaker, I would like to touch just for a moment, if I can, on some of the financial aspects of this need. Dollars are not as important as are children. The children who are being sacrificed in our schools are more important than all the dollars that all the taxpayers in America will pay in 100 years, and the educational loss can never be recouped, but there have been tremendous economic losses as a result of school closings.

About a year ago, we in the Atlanta area were faced with a demand that a six-year-old high school in our area had to be closed because it was all black. It is true that without a single exception, every child attending the school was black, but without a single exception every child attending the school lived closer to the school than any other and the school basketball team had won the State class B basketball championship, and they were proud of their school. It was closed by court order, to force every child in that school into another school in order that we could have integration.

That, Mr. Speaker, set me on fire, and having been set on fire I was determined to find out how many other districts in the South had had schools closed.

So I asked HEW for the figures, and they could not provide them. I then wrote to 1,816 school districts in the South, and I asked them if they would tell me how many schools had been closed, whether they were closed for desegregation purposes or other purposes, and what was the value of these schools.

I was astounded to learn—out of some 666 replies, which is approximately one-third, that I identified by name and location—356 schools were closed throughout the Southern States in order to so-called desegregate the schools.

I also asked for the original cash value of these schools. Of the 350 schools reporting, 274 gave me an original value. That left 82 that did not have a value, but it was some $52,442,000. The replacement value of these at today's building costs would certainly be considerably over $100 million.

I asked the gentleman from California, Congressman Moss, if he would help me to get the information from HEW.

Congressman Moss of California, chairman of the Subcommittee on Information for Members of Congress, agreed to help me to obtain this information. Congressman Moss believes strongly in freedom of information for Members of Congress, and whether he is for you or against you from a philosophical standpoint on a particular argument, he feels as a Member of Congress you have the right to know. He stood up for my right in that instance which I shall always remember.

So with his help, we put more pressure on HEW and about a week or so ago HEW gave me their information. I was astounded to learn that for the years 1968 and 1969 there were not 356 schools as I had identified which were closed for

desegregation purposes—but according to the figures supplied by HEW, 475 schools had been closed for desegregation purposes throughout the Southern States.

Mr. Speaker, this is a travesty against the taxpayers who built these schools. A school should not be closed unless it is an inadequate facility.

During the same time that 475 schools in the South were being closed to force so-called desegregation there were 309 schools closed for reasons other than desegregation, making a total of 784 schools.

Mr. Speaker, this is a financial loss that has occurred to the communities in which these schools are located. When a school stands idle, as is the case in Gainesville, Ga., where an 8-year-old high school is standing idle, there is a dollar loss to the taxpayers and an educational loss to the children.

The tragic results of school closings and the effect it has on the population was graphically illustrated approximately in July of last year when there was a decision in De Kalb County in suburban Atlanta where the Federal court required six schools to be closed because, paraphrasing the judge, "If those schools remained open, it would perpetuate segregation and the only way to integrate is to force the children out of these schools and bus them into other areas."

The result of these six schools in suburban Atlanta being closed by court order was felt about 6 weeks later when a school bond issue came up in Clayton County, in suburban Atlanta. The bond issue for new school construction was turned down overwhelmingly by the people.

Mr. Speaker, this is going to happen time and time again. We are going to find that people will refuse to vote for new bond issues for much-needed schools when they see other schools being closed by court order.

Mr. Speaker, we cannot abandon our public school system. We must continue to build schools as the needs arise, but if the courts are going to require good, sound school buildings to be closed for so-called desegregation purposes, then the people simply will not vote for new school bonds to build more schools. The losers will be the children who need the education.

The results of a survey by Congressman FLETCHER THOMPSON, of Georgia, of 1,816 school districts in the South:

I. RESULTS OF A SURVEY BY CONGRESSMAN FLETCHER THOMPSON OF GEORGIA OF 1,816 SCHOOL DISTRICTS

State	School districts written	Answered	Schools closed	Classrooms closed	Cost	Students	Negro schools closed	High schools closed	Elementary schools closed	Schools closed	
										Value stated	Not stated
Arkansas	207	12	6	41	$492,025					6	0
Alabama	118	23	75	496	8,807,301	2,400	15	17	10	63	12
Georgia	195	130	31	480	9,550,677	190	6	5	9	16	15
North Carolina	156	40	28	239	3,917,000	260	0	3	4	21	7
South Carolina	92	15	11	62	2,067,880	1,900	7	8	5	10	1
Virginia	129	55	17	140	4,785,000	973	15	0	2	15	2
Texas	254	53	24	183	2,388,012	500	2	0	8	17	7
Louisiana	67	22	37	399	6,065,777	0	4	7	17	35	2
Tennessee	150	29	43	218	3,286,000	0	1	5	0	31	12
Kentucky	156	77	8	55	550,000	200	5	1	4	5	3
Florida	77	37	40	308	5,560,732	410	1	3	5	25	15
Oklahoma	67	25	12	63	648,000	0	3	1	1	6	6
Mississippi	148	148	24	332	4,324,700	5,977	0	0	0	24	0
Total	1,816	666	356	3,016	[1] 52,443,104	12,810	59	50	65	274	[1] 82

[1] This figure includes only 274 of 356 schools closed. 82 schools gave no value in their response. School districts written on integration when HEW would not give us requested material.

SCHOOL CLOSINGS COMPILED FROM HEW'S OWN RECORDS, 1968–69, AS SUBMITTED TO CONGRESSMAN THOMPSON OF GEORGIA, 1968–69

State	Districts written and answering HEW form	All districts reporting in 1954–69, districts reporting		All districts for year of 1968–69					Average students per closed school in each State
		No schools closed	Schools closed	Schools closed per State 1968–69	Reasons for closing		Race of school		
					Desegregation	Other	Negro	White	
Georgia	112–152	24	88	59	27	32	31	22	139
Florida	59–62	10	49	66	45	21	50	16	119
Alabama	85–107	19	66	124	80	44	80	44	163
South Carolina	73–82	29	44	49	25	24	30	19	206
Mississippi	97–97	35	62	33	19	14	20	13	160
Tennessee	87–115	24	63	51	29	22	26	25	104
Louisiana	52–56	9	43	82	56	26	70	12	170
Arkansas	130–151	52	78	42	35	7	36	6	121
Oklahoma	54–65	13	41	33	14	19	17	16	126
Texas	398–414	133	265	119	80	39	83	36	193
Kentucky	72–85	21	51	26	5	21	5	21	84
North Carolina	134–146	37	97	86	55	31	63	23	273
Missouri	70–75	31	39	13	5	8	5	8	70
Delaware	18–21	11	7	1	0	1	0	1	585
Total	1,441–1,628	448	993	784	475	309	522	262	1172

[1] For 1968–69.

1968–69

State	Total average cost of schools closed by State	Schools closed by HEW [1]
Georgia	$400,246	5
Florida	231,665	19
Alabama	219,365	2
South Carolina	481,308	5
Mississippi	205,240	10
Tennessee	107,438	3
Louisiana	225,279	14
Arkansas	229,448	9
Oklahoma	102,462	3
Texas	335,312	24
Kentucky	$40,961	1
North Carolina	379,044	2
Missouri	217,428	1
Delaware	1,118,000	0
Total	[2] 54,758	98

[1] Recommendation compiled by own records.
[2] Average cost per each school closed.

MATERIAL COMPILED FOR SCHOOL CLOSINGS FROM HEW INFORMATION GIVEN US, COVERS 1954–69

State	Districts written and answering HEW form	Districts reporting: No schools closed	Districts reporting: Schools closed	Schools closed	Reasons for closing: Desegregation	Reasons for closing: Other	Race of school: Negro	Race of school: White	Average students per closed school
Georgia	112–152	24	88	491	44	447	302	189	86
Florida	59–62	10	49	249	81	168	149	100	78
Alabama	85–107	19	66	834	166	668	537	297	141
Mississippi	97–97	35	62	623	21	602	469	154	105
South Carolina	73–82	29	44	443	28	415	268	175	50
Tennessee	87–115	24	63	969	135	834	333	636	57
Louisiana	52–56	9	43	225	60	165	170	55	232
Arkansas	130–151	52	78	164	89	75	120	44	117
Oklahoma	54–65	13	41	105	45	60	55	50	103
Texas	398–414	133	265	560	296	264	377	183	133
Kentucky	72–85	21	51	408	95	313	127	281	156
North Carolina	134–146	37	97	369	97	272	256	113	221
Missouri	70–75	31	39	173	55	118	77	96	133
Delaware	18–21	11	7	21	12	9	14	7	59
Total	1,441–1,628	448	993	5,634	1,224	4,410	3,254	2,380	

State	Total value of schools closed by State	Total value of schools closed by desegregation	Average volume of schools closed per State	Schools closed by HEW[1]
Georgia	$21,048,016	$10,368,443	$230,409	7
Florida	15,822,382	8,452,953	127,282	35
Alabama	21,304,203	11,662,172	77,232	12
Mississippi	9,020,225	2,371,111	112,910	16
South Carolina	11,228,067	3,014,948	137,043	7
Tennessee	14,117,751	10,048,286	74,431	12
Louisiana	14,513,499	7,900,029	120,690	14
Arkansas	10,128,600	5,489,762	121,268	18
Oklahoma	12,328,241	4,607,750	107,156	6
Texas	51,827,367	27,521,927	94,574	48
Kentucky	6,049,325	1,936,003	69,026	7
North Carolina	30,438,918	15,387,288	165,454	7
Missouri	6,779,042	2,897,900	53,673	1
Delaware	3,571,858	140,000	20,000	0
Total	228,177,494	111,798,572	[2] 40,500	190

[1] On own recommendations from own records.
[2] Average cost per each school closed.

(Mr. THOMPSON of Georgia asked and was given permission to revise and extend his remarks and include charts and extraneous material in tabular form.)

Mr. RUTH. Mr. Speaker, I wish to express my full support for Congressman DICKINSON in his efforts to show the American people how ridiculous, and sometimes tragic, this busing business can become. There has been entirely too much stress on social reform in our communities with our children becoming the victims of gross injustice.

Busing to achieve racial balance is a cruel burden to put on the youngster in his daily effort to get an education. I have introduced legislation that will give parents the freedom of choice in selecting the school their children should attend. Why should "freedom now" for one group be hailed as glorious while "freedom of choice" for others be condemned as unconstitutional? Let us be honest with ourselves—and fair to our children.

Mr. Speaker, I applaud Congressman DICKINSON for his fine effort.

Mr. FUQUA. Mr. Speaker, we wonder how long our entreaties will fall on deaf ears.

There are many of us who are deeply concerned about the preservation of our school system and the effect that senseless court orders have on our children.

I had one parent from my district write and tell me that her child had already been moved three times this school year and that a busing edict now meant a fourth move. Can you imagine what this is doing to that student?

No sooner does this child get used to a new building, new classmates, and a new teacher than she is summarily moved, for one reason or another, to a new school.

The concept of neighborhood schools is a sound one. It gives a family a feeling of belonging and having something to work for. It builds pride and community spirit.

Now we are engaged in a rat race called busing which is both wasteful and destroys the concept of neighborhood schools.

Look at the cost. Children living within easy walking distance of a neighborhood school must be bused to the opposite corner of a community. Our local schools are already heavily burdened with the mounting and increasing costs of education and busing only adds to that already overburdened woe.

I read recently where a school official in Los Angeles estimated that it would require an expenditure of some $180 million over the next 8 years to bus students. Could not this money be more wisely spent to help educate these children?

This Nation has moved into an era where we recognize that the law of the land is that no person is to be discriminated against. I did not think before and do not think now that what the American people want, or ever intended, is forced racial balance.

Allowing a parent and a student to choose the school they wish to attend under a freedom-of-choice plan is the most fair and democratic program of all. Parents and students of all races in my district have talked to me about the problems they are having in being constantly moved around.

Local school officials do not know where to turn as they are given summary orders with inadequate time to carry out those directives. In short, our schools are in their most critical state in history.

Once these laws are applied equally all over the Nation, there are going to be more States who will listen to the pleas of men of good intent in our section of the Nation. We are having a most difficult time and the recent judicial orders have only compounded those problems.

When we talk about a national program of busing to achieve racial balance, we are talking about billions of dollars of taxpayers' money. There is no other source.

I recognize that many children in this Nation have suffered from substandard educations. I yield to no man my hopes and aspirations for every child to get a good education.

But the trend we see today is not going to add to that goal. In the meantime, our children are suffering from shortsighted and senseless policies.

Mr. KUYKENDALL. Mr. Speaker, I appreciate this opportunity to add my voice to an effort to bring some light into an area that has been darkened by emotion and misrepresentation on both sides.

There is no doubt in my mind that some of the proponents of school busing are acting with honorable motives; or that some of its opponents are using the issue to inflame large groups of people for their own selfish ends; but neither of these observations is germane to the real heart of the matter.

Cutting away the platitudes and the emotional appeals, the plain facts are that the busing of children to achieve racial balance in the schools is not only undesirable de jure, but impractical de facto.

I wish to list the reasons why it is considered impractical by professional educators of Memphis, who are more interested in the teaching of the child than in the color of his skin. Here is their summation:

First. The great majority of both black and white citizens will deeply resent any attempt to force their children from the neighborhood to distant schools.

Second. Instead of promoting better racial relations, it is our feeling that this will promote more strife and friction and will be of no educational benefit to children.

Third. After reviewing several school busing operations, the following cost can reasonably be anticipated:

Cost of capital outlay for equipment	$2,425,500.00
Yearly cost of transporting	1,280,000.00
Total	3,705,500.00

This is based on the assumption that forced busing for racial balance would probably mean movement of 40,000 children. Cost could vary up or down, depending upon numbers involved.

Fourth. The cost of busing would take funds from other programs such as special classes for handicapped children which the system has never been able to adequately support because of insufficient funds.

Fifth. Innovative or progressive programs could not be financed and the entire educational program would suffer.

Sixth. The cost of administration would increase as additional help would be necessary to handle discipline involving pupils while on the bus.

Seventh. Public schools of the city of Memphis were organized to operate on a neighborhood basis with the idea that a school should be readily accessible to any child.

Eighth. Civic clubs, churches, and PTA's have always been closely associated with the school because their memberships were composed of parents of the children in the school. In many instances this support has been financial, thus helping the school to afford a better instructional program than would have been possible otherwise.

Ninth. In community schools support of school programs, plays, school athletic activities, and so forth, has been good because the neighborhoods support their own children.

Tenth. Administrators and teachers lose the cooperation from the home in handling discipline when parents cannot come to the school from a great distance without transportation.

Eleventh. Sick children or those who have accidents can be taken immediately to their homes by school personnel or parents can come for them where distance is no problem.

Twelfth. Studies show that long bus rides before and after school tend to tire the children. This would certainly affect educational performance.

Thirteenth. Traffic problems of the city will be greatly increased with the additional buses moving to various schools at the same time in an already congested urban traffic pattern. The greater distances a child travels to school, the more chance of accident or injury.

Fourteenth. The feeling of independence is lost to the youth who rides in lieu of walking.

Fifteenth. Busing of children will necessarily lengthen the schoolday for children involved. This means leaving for school at unreasonable hours and in some cases returning home after dark.

Sixteenth. Forced busing in many cases will cause emotional problems for children who are unable to readily adjust to a totally new environment. This will also be true of many parents.

Seventeenth. Pupil initiative in many cases will be destroyed. Many of our pupils "throw" papers both morning and evening, work in grocery stores and other situations after school hours. This would no longer be possible. Some children receive work permits to leave school before the close of the schoolday. This would be eliminated and in most cases families could not afford this loss of income.

Mr. Speaker, I can add nothing to these clear facts. The people who stand behind them, the Memphis Board of Education and its capable, professional staff, have made my case. They did not make the many injustices they are striving to correct. But they know that an injustice to correct another one is merely compounding the problem, and making it that much more difficult for the next generation to solve.

If I may borrow a time-honored phrase from my colleagues from the legal field, the defense rests.

GENERAL LEAVE TO EXTEND REMARKS

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on this subject.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DICKINSON. Mr. Speaker, I ask further that I may insert in connection with my remarks certain extraneous charts, letters, and other material.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SCHOOL CONDITIONS IN SOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. FLYNT) is recognized for 60 minutes.

Mr. FLYNT. Mr. Speaker, like many of my colleagues, I am gravely concerned over the serious conditions which confront many entire school systems primarily in four States of the Deep South but to a lesser extent in many of the remaining 46 States.

I have chosen to use the word chaotic because a series of problems exists because of the turmoil that has followed court ordered reassignment of faculty and students in the middle of a school term and even in the middle of a grade period and because of the uncertainty of what the future may hold.

This uncertainty is caused in large measure by the Federal court decisions which are applied without any uniformity even within the same judicial circuit. The Fifth Circuit Court of Appeals on February 5, 1970, ordered total reassignment of all faculty and students in the Bibb County, Ga., school system. Today, February 18, 1970, exactly 13 days following the decision in the Bibb County case the same circuit court of appeals is reported to have ordered the Orange County, Fla., School Board to implement a neighborhood school plan that will leave intact three all-black schools.

I have not read the decision but I insert at this point the full text of an Associated Press wire report, datelined Orlando, Fla., this date:

ORLANDO, FLA.—A Federal appeals court, for the first time defining a unitary school system, has ordered a Florida county to implement a neighborhood pupil assignment plan that will leave intact three all-black schools.

The 5th U.S. circuit court of appeals, in a ruling in New Orleans Tuesday, said that to qualify as a unitary system school district must have achieved desegregation in student enrollment, faculty, staff, transportation, facilities and extracurricular activities.

The court said its approval of a neighborhood system for Florida's Orange County would not necessarily apply to other school districts.

"Under the facts of this case," the ruling said, "it happens that the school board's choice of a neighborhood assignment system is adequate to convert the Orange County school system from a dual to a unitary system.

"This does not preclude the employment of differing assignment methods in other school districts . . . the answer in each case turns, as here, on all the facts including those who are peculiar to the particular school system."

The court said the three Orange County schools to remain all-black were "the result of residential patterns."

Let me say that I have no objection to what the circuit court of appeals ruled in the Orange County, Fla., court case but I feel very strongly that the same legal principles and ruling should be applied uniformly to all school systems within the same jurisdiction.

Initially my remarks and comments from many of my fellow citizens will deal directly with the present school situation in Bibb County, Ga. Later on in my records today and certainly at a later date, I shall bring the attention of this House to many ridiculous orders and rulings which have been applied in other school districts but I shall begin with the Bibb County situation because it is Bibb County which has most recently felt the lash of judicial tyranny and oppression.

I should like to begin by reciting the legal situation as it exists in Bibb County, Ga. This Bibb County case originated in the U.S. District Court, Middle District of Georgia, Macon Division and was styled, Bivens against Bibb County Board of Education. This case has been back and forth between the District Court, Circuit Court of Appeals and the U.S. Supreme Court back to the District Court and from there, back again to the Fifth Circuit Court of Appeals. On its last trip to the U.S. Supreme Court, it was consolidated with 12 other cases. On or about January 14, the U.S. Supreme Court ordered what amounted to a total faculty and pupil reassignment by February 1, 1970. Upon remand from the U.S. Supreme Court the district court ordered a total faculty reassignment but refused to order a total pupil reassignment in the middle of a school year. I applaud the district judge for his courageous action in deferring such total reassignment in the middle of a school term.

At this point, Mr. Speaker, I include the text of the order of the district court dated January 21, 1970:

[In the United States District Court for the Middle District of Georgia, Macon Division, Filed at 4:45 p.m., Jan. 21, 1970, Dorothy F. Meter, Deputy Clerk, U.S. District Court, Middle District of Georgia]

SHIRLEY BIVINS, ET AL., PLAINTIFFS v. BOARD OF PUBLIC EDUCATION AND ORPHANAGE FOR BIBB COUNTY, ET AL., DEFENDANTS, CIVIL ACTION No. 1926

Bootle, District Judge:

On August 12, 1969, this court approved a plan for desegregation for the schools of Bibb County. That plan, of course, was not hastily prepared nor casually approved. Both the law and the facts were carefully studied and this court was satisfied that the plan was entirely legal. It was based primarily upon freedom of choice—full freedom of choice. With respect to the law, this court on August 8, 1969, in a companion case, Hillson v. W. B. Ouzts and Washington County Board of Education, Civil Action No. 2449, wrote:

"Of course, freedom of choice is not unconstitutional or unlawful. It is the logical successor to the doctrine of 'separate but equal' struck down in Brown v. Board of Education 374 U.S. 483, 98 L. ed 873 (1954). The segregation outlawed by Brown was enforced segregation based on race, the refusal because of race to permit a child to attend the school of his choice, and not segregation or separateness voluntarily chosen and preferred by the persons involved. The 'separate' educational facilities said by Brown to be 'inherently unequal' are those facilities with a state-imposed separateness. The question decided by Brown was succinctly stated by the Court as follows:

" 'We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.' 347 U.S. 483, 493.

"Then Brown II placed upon school boards the responsibility 'to achieve a system of determining admission to the public schools on a nonracial basis . . .' Brown v. Board of Education of Topeka, 349 U.S. 294, 300–301, 99 L. ed. 1083, 1106 (1955). Then in Green v. School Board of New Kent County, 391, U.S. 430, 20 L. ed. 2d 716 (1968), the Court said: 'We do not hold that a "freedom of choice" plan might of itself be unconstitutional, although that argument has been urged upon us. Rather, all we decide today is that in desegregating a dual system a plan utilizing "freedom of choice" is not an end in itself.' A freedom of choice plan was formulated with meticulous care and spelled out in minute detail by the Court of Appeals for this Circuit in United States v. Jefferson County Board of Education, 372 F. 2d 836, (1966), aff'd en banc 380 F. 2d 385, cert. den. 389 U.S. 840, 19 L. ed. 104. Thus freedom of choice there received the full imprimatur of this Circuit first by panel and then en banc. This Circuit has never withdrawn that approval. As late as July 9, 1969 it wrote in United States v. Baldwin County Board of Education, 5 Cir. 1969, F. 2d — (No. 27281, July 9, 1969): "A freedom of choice plan is not per se constitutional. Indeed, it may be better fitted for certain school districts than an attendance zone plan when, for example, a school district has well-marked residential racial patterns.' That holding is patently correct and is in line with the above quotation from Green and with Green's further statement: 'There is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance,' and with the Supreme Court's statement as late as June 2, 1969 in United States v. Montgomery County Board of Education, — U.S. — Nos. 798 and 997: 'in this field the way must always be left open for experimentation.'

"Though as Green says freedom of choice is not 'an end in itself' it is good that it is both constitutional and fully lawful. It has so much to commend it. The idea of forcing or compelling people to do something is completely unattractive and should be resorted to only when absolutely necessary. Freedom of choice, when fully free and unfettered, comports so much more beautifully with the American dream and with the concept of the worth and dignity of the individual than does the suggestion of lifting pupils from their schools and moving them to new schools regardless of their wishes and regardless of the wishes of their parents. This idea of force was the gravamen of the evil lying at the roots of the 'separate but equal' doctrine struck down by Brown. Under that doctrine children were forced to attend and keep on attending a certain school, and this force was applied to them solely because of their race.

"Under freedom of choice as implemented and expanded by the Jefferson-type decree all objectionable force is completely eliminated. The only force remaining is that all students regardless of race are required to choose, to exercise their freedom of choice. Thus under a properly drawn Jefferson-type, freedom of choice decree that court places it in the hands of every student regardless of race to attend a bi-racial school if he so desires. It is difficult to see cogency in the argument that the student desiring bi-racial schooling is discriminated against by being required to exercise enough initiative to choose, and to make his choice known, to attend a school where there are students of the opposite race. All students are similarly required to choose the school they desire to attend. Thus under a properly drawn and properly administered freedom of choice decree there is no longer any racial discrimination. Its 'vestiges' are gone. They are gone 'root and branch.' Green, supra.

"District Courts of the United States sit in school cases as courts of equity. One of the ancient maxims of equity is: 'Equity aids the vigilant, not those who slumber on their rights.' Poor Richard's Almanac expressed it a little differently, the deity "helps them that help themselves." A properly administered freedom of choice plan effectively says to every pupil, desiring bi-racial education, and to every parent desiring it for his child, 'ask and it shall be given you . . . knock, and it shall be opened unto you.' No seeking is required and no discrimination is involved.

"Green updates Brown and says: 'The transition to a unitary, nonracial system of public education was and is the ultimate end to be brought about' and then paraphrases that goal as 'disestablishing state-imposed segregation.' The plan proposed by the defendants as modified by the Court meets these tests."

After this court wrote as above and on October 29, 1969, came the decision of Alexander v. Holmes County Board of Education, U.S.—24 L. Ed. 2d 19, which dealt not so much, if at all, with what constitutes desegregation or what constitutes a unitary school system, but with the important question of timing. The Court there dealt with "the denial of fundamental rights to many thousands of school children, who are presently attending Mississippi schools under segregated conditions . . ." The Court against that background held that the Court of Appeals should have denied all motions for additional time. In the order of the Court, however, the Court directed that the school systems there involved "begin immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color." The above quoted definition of unitary school systems is worthy of repeating. They are systems "within which no person is to be effectively excluded from any school because of race or color."

Obviously, the plan approved by this court on August 12, 1969 would not countenance such exclusion. No such exclusion has been countenanced under the Bibb system during the past several years.

Said plan, while based primarily on freedom of choice, had much more in its favor. It had behind it several years of successful operation. Its accomplishments are summarized in the Board's brief to the Court of Appeals as follows:

"There are now 61 schools in the Bibb County system, of which 41 were formerly all-white and 20 were formerly all-Negro. A total of 3,191 Negro students, about 25 per cent of the total number of Negroes in the entire system, are enrolled on a full-time basis in 38 of the formerly all-white schools, the other three being . . .

It is sufficient to say that the district court here has employed bold and imaginative innovations in its plan which have already resulted in substantial desegregation which approaches a unitary system. We reverse and remand for compliance with the requirements of Alexander v. Holmes County, and the other provisions and conditions of this order."

1. In a discussion of this portion of the Court of Appeals opinion by counsel with this court, it was indicated that there was some more or less minor overstatement here on the part of the Court of Appeals. Perhaps it would have been more accurate to say "in virtually all Negro schools.")

The Court of Appeals, however, considering said plan in conjunction with a number of other plans from other states reversed and manded "for compliance with the requirements of Alexander v. Holmes County and the other provisions and conditions of this order."

This court must now carefully analyze and faithfully comply with any and all specific mandates from the Court of Appeals.

There are two mandates, one:

"Effective not later than February 1, 1970, the principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the remainder of the 1969–70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system."

The above quoted mandate is specific and positive and leaves no room for discretion on the part of this court, and while this court would much prefer to delay such required increased faculty integration, at least until September 1, 1970, this court is powerless to do so and has accordingly already by its order in this case entered December 9, 1969 ordered literal compliance with said mandate and now reaffirms said order. Mandate number 2 requires the "merger" of the student body into a unitary system by the start of the fall 1970 school term. This date may, or may not, have been advanced to February 1, 1970 by the Supreme Court's opinion in Singleton v. Jackson Municipal Separate School District—U.S.—(No. 972, January 14, 1970), which said briefly:

* * * located on the outskirts of the county in residential areas almost exclusively white. (A 159–161). Although only one white student is enrolled in a full-time basis in a formerly all-Negro school, a total of 1,382 white students are actually participating in elective courses in home-making, industrial arts, remedial reading and driver education presently being conducted in formerly all-Negro schools and another 396 white students have registered for these programs and are on

a waiting list—a total of 1,778 white students in all, or about 9 per cent of the total number of white students in the system. (Motion of appellees to supplement record on appeal).

"There are now 1,772 teaching personnel in the system, including 1,094 white teachers and 678 Negro teachers. 210 Negro teachers are in formerly all-Negro schools and 267 Negro teachers are in formerly all-white schools, or a total of 477 'crossovers'—about 27 per cent of the teachers in the system. Every school is in compliance with the minimum ratio of 1 to 4 required by the District Court order of August 12, 1969 and some schools have ratios significantly greater than this."

Additionally, it may be pointed out that four formerly all-white schools had virtually reached the overall county-wide ratio of 40 per cent Negro to 60 per cent white, one of said schools having attained the ratio of 53 per cent Negro and 47 per cent white, thus approaching resegregation. That plan was so meritorious that the Court of Appeals in commenting upon it in Singleton v. Jackson Municipal Separate School District, 5 Cir. 1969—F. 2d.—(No. 28261, December 1, 1969), said:

"This is a freedom of choice system on which a special course transfer provision has been superimposed. Special courses offered in all Negro schools are being attended by whites in substantial numbers. This has resulted in some attendance on a part-time basis by whites in every all-Negro school. Some three hundred whites are on the waiting list for one of the special courses, remedial reading. The racial cross-over by faculty in the system is 27 per cent.

"The order appealed from continues the existing plan with certain modifications. It continues and expands the elective course programs in all-Negro schools in an effort to encourage voluntary integration. The plan calls for a limitation of freedom of choice with respect to four schools about to become resegregated. Under the present plan the school board is empowered to limit Negro enrollment to 40 per cent at these schools to avoid resegregation. Earlier a panel of this court affirmed the district court's denial of an injunction against the quota provision of this plan pending hearing en banc. The prayer for injunction against continuation of the quota provision is now denied and the provision may be retained by the district court pending further consideration as a part of carrying out the requirements of this order.

"Insofar as the Court of Appeals authorized deferral of student desegregation beyond February 1, 1970, that court misconstrued our holding in Alexander v. Holmes County Board of Education, 396 U.S. 10. Accordingly, the petitions for writs of certiorari are granted, the judgments of the Court of Appeals are reversed, and the cases remanded to that court for further proceedings consistent with this opinion. The judgments in these cases are to issue forthwith."

At any rate the directive from the Court of Appeals to this court in its original opinion in Singleton supra, was "for compliance with the requirements of Alexander v. Holmes County" whatever may be the required date for said compliance. We have already seen that the requirement of Alexander v. Holmes County is a unitary system "within which no person is to be effectively excluded from any school because of race or color." So reading Singleton and Alexander together this second mandate is that there is a "student body merger" for a unitary system within which no person is to be "effectively excluded from any school because of race or color." This court is of the opinion and finds and concludes that the student body in this system is sufficiently so merged, especially when we take into consideration the complete faculty merger above mentioned and effective February 1, 1970. The phrase "student body merger" is new in school desegregation law. The court has not found it prior to its appearance in Singleton. The word "merge" is a most imprecise term. Just as some of the other customary expressions used by the courts in this field, for instance, "desegregate", "integrate", "black schools", "all-black schools", "white schools", "just schools", "dual system", "unitary system"; the word "work" in "a plan that promises realistically to work."

When Appellate Courts used language like this they must intend to leave its interpretation and application to the trial courts in the light of the facts and circumstances of each particular case. If the Congress were legislating in this field it would necessarily have to use precise language. If it used language such as that quoted, it would have to define such terms, otherwise its enactments would be struck down by the Courts as being "void for vagueness." Absent any indication that a more stringent interpretation of the word "merge" or the word "unitary" was required or intended by the Appellate Courts this court finds and concludes that this phrase of the mandate is fully complied with under the facts and circumstances of this case. Indeed, as above quoted, the Court of Appeals in Singleton, supra, unanimously and en banc, said:

"It is sufficient to say that the district court here has employed bold and imaginative innovations in its plan which have already resulted in substantial desegregation which approaches a unitary system." (Emphasis supplied).

"Approach" means "to draw near, to approximate." Since this plan had already approached and approximated a unitary system, we trust that it is not too much to say that the addition of the complete percentagewise integration of every faculty in the system to where there will be approximately 6 white teachers to every 4 Negro teachers in every school in the system bridges whatever narrow gap there was between approximation and realization, between approaching and arriving.

In keeping with the mandate of the Court of Appeals as transmitted by this court, and as requested by the Board, the Office of Education (HEW) has submitted a proposed new plan. So has the Board, and so have the plaintiffs. Each of these plans was prepared by its proponents under the impression or apprehension that recent Court decisions really require the achievement of racial balances in all or practically all of the schools, although in an unstated and unascertainable ratio, in order to accomplish desegregation or a unitary system. This court cannot find such requirement spelled out in the law. It is not spelled out in the Constitution. This is not to argue with the original Supreme Court desegregation decision. It established freedom of choice. Those who argue for racial balances go far beyond Brown v. Topeka. The Congress has not required it. The Civil Rights Act of 1964, 42 U.S.C.A. section 2000c-6(a), contains this provision: "provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve racial balance, or otherwise enlarge the existing powers of the court to insure compliance with constitutional standards."

(2. This court is not unaware that on December 17, 1969, a district court in the Northern District of Georgia undertook, and this seems to be the first and only such undertaking to date, to define some of these ambiguous terms including "integrated school facility" and "integrated school district." As of the present this attempt must be regarded as what the Supreme Court in an earlier decision invited as "experimentation." Whether these definitions and specific requirements will be approved, modified, or rejected by the appellate courts is not yet known.)

Nor can this court read even the most recent decisions of the court of appeals or the Supreme Court as requiring the achievement of racial balances in schools in order to comply with any of the judicial yardsticks, even the merging of student bodies, or the attainment of a unitary system. Obviously, there has already been substantial merging of this student body from the facts above recited.

This court is so convinced that freedom of choice fully enjoyed is the only wise, sage and correct constitutional principle that it cannot conscientiously deny these students, white or black, their freedom of choice or order them zoned or bused to achieve racial balances unless and until some court of higher authority is willing to hold specifically and unequivocally that the Constitution requires it.

(3. While some bussing is necessary under the present plan in order for white students to attend the special courses in the formerly all-Negro schools, this was ordered not to achieve racial balance but as an aid to freedom of choice designed to encourage white students to choose formerly all-Negro schools in the event the Appellate Courts ultimately require such choosing and as a means of ending the formerly so-called dual system.)

Not only does freedom of choice have high claims to being the only wise, safe, and correct constitutional principle but it might come very near to being the only workable plan. When a student attends a school of his choice he is likely to be contented and to remain in that school. If he, be he white or black, is forced or compelled under mandate of law to attend a school he does not want to attend, the problem of resegregation, by drop-out, or by his family's removal from the school zone, or district, is constantly present.

The three plans submitted have been carefully studied. The main provisions of these plans may be observed first by comparing the HEW plan with the Board plan and then coming to the plaintiffs' plan. Both HEW and the Board apply the basic concepts of neighborhood elementary schools and educational complexes for the secondary schools. The main differences are that HEW provides that four elementary schools be paired. The Board strongly opposes this proposal and would pair no schools. HEW apparently assumed that all secondary schools would be co-educational, whereas the Board plan contemplates co-education in grades 8 and 9, and urges that grades 10 through 12, other than in the vocational school be non-coeducational. Both HEW and the Board contemplate a total of four complexes for the secondary schools beginning in September, 1970, the Northeast, Central, Southeast and Vocational Technical. The Board proposes the creation of a fifth complex in September, 1971, and HEW does not deal with this proposal. There are some minor differences between the two plans in the operation of the feeder system from the elementary schools into these complexes.

The plaintiffs' plan, while claiming to keep in mind the neighborhood school concept, admits extending the traditional school neighborhood to include both white and black neighborhoods within an attendance zone. It criticizes the HEW plan for failure to pair a sufficient number of, and the Board plan for failure to pair any elementary school. HEW would close two schools. The Board would close the same two. The Plaintiffs would close the same two and one more. The plaintiffs would pair a total of 28, thus enlarging the attendance zones and removing children further from their homes.

As above stated, all three plans were drawn under the impression or apprehension that the law requires the achievement of ra-

cial balance. The Board probably came to this apprehension from the repeated use of more and more sweeping and expansive though still imprecise language by the Courts. For instance, a recent order refers to "full implementation of complete desegregation." We look in vain for any authoritative statute or decree defining "complete desegregation." It became the duty of this court some years back to order the admission of two Negro students to the University of Georgia. The entry of that order required no soul searching from the standpoint of judicial duty because the law was clear and plain and could be easily understood by anyone who would read it. No one then or now can have any quarrel with the constitutional prohibition against enforced state-imposed segregation. Those students had a constitutional right to attend the school of their choice. Most people today will readily admit and agree that they had such right. The point of mentioning this incident is this. When that order was signed and those students admitted the University of Georgia, and perhaps all of its schools and departments, was desegregated—completely desegregated. Of course, there was no racial balance sought or required, but desegregation resulted.

(4. Doubtless what the Appellate Courts mean by "complete desegregation" is desegregation applying to all schools in a system and to all grades in each school as distinguished from grade-by-grade, year-by-year desegregation as the Appellate Courts themselves approved and ordered for several years after Brown v. Topeka.)

If this court were compelled to choose between the three plans discussed, it would unhesitatingly choose the Board plan. It is closer to this court's concept of freedom of choice, is more respectful of the concept of neighborhood schools and involves less displacement of students from their present schools. This court endorses the retention of non-coeducation as proposed by said plan, and regards that question as one for the Board's determination and not inviting court interference.

Accordingly this court hereby re-approves the plan which was approved in its memorandum opinion of August 12, 1969, as said plan has been previously amended by Paragraph A of this court's order of December 9, 1969, which amendment includes, inter alia, immediate faculty desegregation as above outlined and the right of majority to minority transfer therein stipulated. This order, of course, contemplates that the board will continue to perform all of its continuing commitments under said prior plan.

This further faculty integration, which this court wishes it could defer until the beginning of the fall term, 1970, thereby avoiding the inevitable mid-term disruption of the educational process, will of course strengthen the present plan by unquestionably further assuring that there will be no "all black schools", and by further assuring that the dual system no longer exists and that a unitary system does exist, and, additionally, will further discharge the Board's other and continuing duty of providing equal educational opportunities for all students.

The Board is to be commended for its exercise of obvious good faith in preparing at great labor a plan which it deems workable in the event this court should adjudicate that the law requires the achievement of some racial balance in the schools. It is well that this plan and these other two plans have been prepared. They will be carefully preserved. We do not know what the Congress might legislate tomorrow, or what the Appellate Courts might hold tomorrow. These plans might yet be needed. No one affected by this area of the law as fast as it is moving should let his hopes soar too high or his fears sink too low. Tomorrow might be a new day. What this court holds today is that under the present state of the law it is not required and would not be justified in disrupting this school system mid-term by implementing any one of these three plans designed as they are to achieve racial balance in the schools. Additionally, this court reapproves the present plan as herein modified. Needless to say any agreement between counsel deferring the date for faculty changes will be welcomed and approved by this court.

So ordered this 21st day of January, 1970.

W. A. BOOTLE,
U.S. District Judge.

The legal history of this case in a somewhat condensed form is as follows:

The case was decided by the full court considering 13 cases consolidated to consider various questions of law relating to the speed of desegregation and other aspects of the question. Subsequent to the decision to hear them but prior to oral argument the Supreme Court in *Alexander* v. *Holmes County Board of Education*, 38 Law Week 3161 (October 29, 1969), declared that the doctrine of "all deliberate speed" was no longer applicable and that school desegregation was immediately mandated in districts maintaining dual school systems. A panel of the fifth circuit after a hearing set a December 31, 1969, deadline for conversion to a unitary system in those districts involved in the Alexander suits.

In the cases which included Bibb County, decided under the title Singleton against Jackson Municipal Separate School District, December 1, 1969, the court directed each of the 13 school districts before it to convert to unitary systems in terms of faculty and staff, transportation, services, athletics, and other matters by February 1, 1970, and to merge student bodies by the beginning of the fall term, 1970. A copy of the opinion is appended; at pages 21 and 22 of the opinion is a separate section devoted to Bibb County.

The plaintiffs in practically all the 13 cases, including the plaintiffs in Bibb County, have appealed to the Supreme Court the portion of the fifth circuit's decision allowing the school districts until fall, 1970, to desegregate school bodies. On December 13, 1969, 38 Law Week 3220, the Court acted on the first-filed appeals, involving three Louisiana districts; the Court directed that pending disposition of the appeals the school districts were to take preliminary steps to prepare for complete student desegregation by February 1, 1970, and that the districts should file their replies to the plaintiffs' appeals by January 2, 1970. On December 15, 1969, Justice Black, as circuit justice for the fifth circuit, issued the same orders with regard to preliminary filings by plaintiffs in others of the 13 cases, including Bibb County, to be in effect until December 19 and thereafter if a formal appeal were filed, as it now has been.

The Bivens against Bibb County case and the 13 other related cases were decided by the full bench of the fifth circuit as follows:

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT—

No. 26285: Derek Jerome Singleton, et al, Appellants, versus Jackson Municipal Separate School District, et al, Appellees. Appeal from the United States District Court for the Southern District of Mississippi.

No. 28261: Clarence Anthony, et al, Appellants, versus Marshall County Board of Education, Appellee. Appeal from the United States District Court for the Northern District of Mississippi.

No. 28045: United States of America, Appellant, versus Charles F. Mathews, et al, Appellees. Appeal from the United States District Court for the Eastern District of Texas.

No. 28350: Linda Stout, by her father and next friend, Blevin Stout, et al, Plaintiffs-Appellants; United States of America, Plaintiff-Intervenor, versus Jefferson County Board of Education, et al, Defendants, Appellees; Doris Elaine Brown, et al, Plaintiffs-Appellants; United States of America, Plaintiff-Intervenor, versus the Board of Education of the City of Bessemer, et al, Defendants-Appellees. Appeal from the United States District Court for the Northern District of Alabama.

No. 28349: Birdie Mae Davis, et al, Plaintiffs-Appellants; United States of America, Plaintiff-Intervenor, versus Board of School Commissioners of Mobile County, et al, Defendants-Appellees; Twila Frazier, et al, Appellees. Appeal from the United States District Court for the Southern District of Alabama.

No. 28340: Robert Carter, et al, Plaintiffs-Appellants, versus West Feliciana Parish School Board, et al, Defendants-Appellees; Sharon Lynne George, et al, Plaintiffs-Appellants, versus C. Walter Davis, President, East Feliciana Parish School Board, et al, Defendants-Appellees. Appeal from the United States District Court for the Eastern District of Louisiana.

No. 28342: Irma J. Smith, et al, Plaintiffs-Appellants, versus Concordia Parish School Board, et al, Defendants-Appellees. Appeal from the United States District Court for the Western District of Louisiana.

No. 28361: Hemon Harris, et al, Plaintiffs-Appellants-Cross Appellees, versus St. John the Baptist Parish School Board, et al, Defendants-Appellees-Cross Appellants. Appeal from the United States District Court for the Eastern District of Louisiana.

No. 28409: Neely Bennett, et al, Appellants, versus R. E. Evans, et al, Appellees; Allene Patricia Ann Bennett, a minor, by R. B. Bennett, her father and next friend, Appellants, versus Burke County Board of Education, et al, Appellees. Appeal from the United States District Court for the Southern District of Georgia.

No. 28407: Shirley Bivins, et al, Plaintiffs-Appellants, versus Bibb County Board of Education and Orphanage for Bibb County, et al, Defendants-Appellees. Appeal from the United States District Court for the Middle District of Georgia.

No. 28408: Oscar C. Thomie, Jr., et al, Plaintiffs-Appellants, versus Houston County Board of Education, Defendants-Appellees. Appeal from the United States District Court for the Middle District of Georgia.

No. 27863: Jean Carolyn Youngblood, et al, Plaintiffs-Appellants; United States of America, Plaintiff-Intervenor, versus The Board of Public Instruction of Bay County, Florida, et al. Defendants-Appellees. Appeal from the United States District Court for the Northern District of Florida.

No. 27983: Lavon Wright, et al, Plaintiffs-Appellants, versus the Board of Public Instruction of Alachua County, Florida, et al, Defendants-Appellees. Appeal from the United States District Court for the Northern District of Florida.

December 1, 1969.

Before BROWN, Chief Judge, WISDOM, GEWIN, BELL, THORNBERRY, COLEMAN, GOLDBERG, AINSWORTH, GODBOLD, DYER, SIMPSON, MORGAN, CARSWELL, and CLARK, Circuit Judges, EN BANC.*

Per Curiam: These appeals, all involving school desegregation orders, are consolidated for opinion purposes. They involve, in the

main, common questions of law and fact. They were heard en banc on successive days.

Following our determination to consider these cases en banc, the Supreme Court handed down its decision in *Alexander* v. *Holmes County Board of Education*, 1969, ———U.S. ———, 90 S.Ct. ———, 24 L.Ed.2d 19. That decision supervened all existing authority to the contrary. It sent the doctrine of deliberate speed to its final resting place. 24 L.Ed.2d at p. 21.

The rule of the case is to be found in the direction to this court to issue its order "effective immediately declaring that each of the school districts . . . may no longer operate a dual school system based on race or color, and directing that they begin immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color." We effectuated this rule and order in *United States v. Hinds County School Board*, 5 Cir., 1969, ———F.2d ———, [Nos. 28,030 and 28,042, slip opinion dated Nov. 7, 1969]. It must likewise be effectuated in these and all other school cases now being or which are to be considered in this or the district courts of this circuit.

The tenor of the decision in *Alexander v. Holmes County* is to shift the burden from the standpoint of time for converting to unitary school systems. The shift is from a status of litigation to one of unitary operation pending litigation. The new modus operandi is to require immediate operation as unitary systems. Suggested modifications to unitary plans are not to delay implementation. Hearings on requested changes in unitary operating plans may be in order but no delay in conversion may ensue because of the need for modification or hearing.

In *Alexander v. Holmes County*, the court had unitary plans available for each of the school districts. In addition, this court, on remand, gave each district a limited time within which to offer its own plan. It was apparent there, as it is here, that converting to a unitary system involved basically the merger of faculty and staff, students, transportation, services, athletic and other extracurricular school activities. We required that the conversion to unitary systems in those districts take place not later than December 31, 1969. It was the earliest feasible date in view of the court. *United States v. Hinds County*, supra. In three of the systems there (Hinds County, Holmes County and Meridian), because of particular logistical difficulties, the Office of Education (HEW) had recommended two step plans. The result was, and the court ordered, that the first step be implemented not later than December 31, 1969 and the other beginning with the fall 1970 school term.

I

Because of *Alexander v. Holmes County*, each of the cases here, as will be later discussed, must be considered anew, either in whole or in part, by the district courts. It happens that there are extant unitary plans for some of the school districts here, either Office of Education or school board originated. Some are operating under freedom of choice plans. In no one of the districts has a plan been submitted in light of the precedent of *Alexander v. Holmes County*. That case resolves all questions except as to mechanics. The school districts here may no longer operate dual systems and must begin immediately to operate as unitary systems. The focus of the mechanics question is on the accomplishment of the immediacy requirement laid down in *Alexander v. Holmes County*.

Despite the absence of plans, it will be possible to merge faculties and staff, transportation, services, athletics and other extracurricular activities during the present school term. It will be difficult to arrange the merger of student bodies into unitary systems prior to the fall 1970 term in the absence of merger plans. The court has concluded that two-step plans are to be implemented. One step must be accomplished not later than February 1, 1970 and it will include all steps necessary to conversion to a unitary system save the merger of student bodies into unitary systems. The student body merger will constitute the second step and must be accomplished not later than the beginning of the fall term 1970.[1] The district courts, in the respective cases here, are directed to so order and to give first priority to effectuating this requirement.

To this end, the district courts are directed to require the respective school districts, appellees herein, to request the Office of Education (HEW) to prepare plans for the merger of the student bodies into unitary systems. These plans shall be filed with the district courts not later than January 6, 1970 together with such additional plan or modification of the Office of Education plan as the school district may wish to offer. The district court shall enter its final order not later than February 1, 1970 requiring and setting out the details of a plan designed to accomplish a unitary system of pupil attendance with the start of the fall 1970 school term. Such order may include a plan designed by the district court in the absence of the submission of an otherwise satisfactory plan. A copy of such plan as is approved shall be filed by the clerk of the district court with the clerk of this court.[2]

The following provisions are being required as step one in the conversion process. The district courts are directed to make them a part of the orders to be entered and to also give first priority to implementation.

The respective school districts, appellees herein, must take the following action not later than February 1, 1970:

Desegregation of faculty and other staff

The School Board shall announce and implement the following policies:

1. Effective not later than February 1, 1970, the principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case with the racial composition of a staff indicate that a school is intended for Negro students or white students. For the remainder of the 1969–70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

2. Staff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin.

3. If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable non-discriminatory standards from among all the staff of the school district. In addition if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Footnotes at end of article.

Prior to such a reduction, the school board will develop or require the development of non-racial objective criteria to be used in selecting the staff member who is to be dismissed or demoted. These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon request to the dismissed or demoted employee.

"Demotion" as used above includes any reassignment (1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously, (2) which requires a lesser degree of skill than did the assignment he held previously, or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonably current period. In general and depending upon the subject matter involved, five years is such a reasonable period.

Majority to minority transfer policy

The school district shall permit a student attending a school in which his race is in the majority to choose to attend another school, where space is available, and where his race is in the minority.

Transportation

The transportation system, in those school districts having transportation systems, shall be completely re-examined regularly by the superintendent, his staff, and the school board. Bus routes and the assignment of students to buses will be designed to insure the transportation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis.

School construction and site selection

All school construction, school consolidation, and site selection (including the location of any temporary classrooms) in the system shall be done in a manner which will prevent the recurrence of the dual school structure once this desegregation plan is implemented.

Attendance outside system of residence

If the school district grants transfers to students living in the district for their attendance at public schools outside the district, or if it permits transfers into the district of students who live outside the district, it shall do so on a nondiscriminatory basis, except that it shall not consent to transfers where the cumulative effect will reduce desegregation in either district or reinforce the dual school system.

See United States v. *Hinds County*, supra decided November 6, 1969. The orders there embrace these same requirements.

II

In addition to the foregoing requirements of general applicability, the order of the court which is peculiar to each of the specific cases being considered is as follows:

No. 26285—Jackson, Miss.

This is a freedom of choice system. The issue presented has to do with school building construction. We enjoined the proposed construction pending appeal.

A federal appellate court is bound to consider any change, either in fact or in law, which has supervened since the judgment was entered. *Bell v. State of Maryland*, 378 U.S. 226, 84 S.Ct. 1814, 12 L.Ed.2d 822 (1964). We therefore reverse and remand for compliance with the requirements of *Alexander v. Holmes County* and the other provisions and conditions of this order. Our order enjoining the proposed construction pending appeal is continued in effect until such time as the district court has approved a plan for conversion to a unitary school system.

No. 28261—Marshall County and Holly Springs, Miss.

This suit seeks to desegregate two school districts, Marshall County and Holly Springs, Mississippi. The district court approved plans which would assign students to schools on the basis of achievement test scores. We pretermit a discussion of the validity per se of a plan based on testing except to hold that testing cannot be employed in any event until unitary school systems have been established.

We reverse and remand for compliance with the requirements of *Alexander* v. *Holmes County* and the other provisions and conditions of this order.

No. 28045—United States Versus Matthews (Longview, Texas)

This system is operating under a plan approved by the district court which appears to be realistic and workable except that it is to be implemented over a period of five years. This is inadequate.

We reverse and remand for compliance with the requirements of *Alexander v. Holmes County* and the other provisions and conditions of this order.

No. 28350—Jefferson County and Bessemer, Ala.

These consolidated cases involve the school boards of Jefferson County and the City of Bessemer, Alabama. Prior plans for desegregation of the two systems were disapproved by this court on June 26, 1969, *United States of America v. Jefferson County Board of Education, et al.*, ——F.2d—— (5th Cir. 1969) [No. 27444, June 26, 1969], at which time we reversed and remanded the case with specific directions. The record does not reflect any substantial change in the two systems since this earlier opinion, and it is therefore unnecessary to restate the facts. The plans approved by the district court and now under review in this court do not comply with the standards required in *Alexander v. Holmes County*.

We reverse and remand for compliance with the requirements of *Alexander v. Holmes County* and the other provisions and conditions of this order.

No. 28349—Mobile County, Ala.

On June 3, 1969, we held that the attendance zone and freedom of choice method of student assignment used by the Mobile School Commissioners was constitutionally unacceptable. Pursuant to our mandate the district court requested the Office of Education (HEW) to collaborate with the board in the preparation of a plan to fully desegregate all public schools in Mobile County. Having failed to reach agreement with the board, the Office of Education filed its plan which the district court on August 1, 1969, adopted with slight modification (but which did not reduce the amount of desegregation which will result). The court's order directs the board for the 1969–1970 school year to close two rural schools, establish attendance zones for the 25 other rural schools, make assignments based on those zones, restructure the Hillsdale School, assign all students in the western portion of the metropolitan area according to geographic attendance zones designed to desegregate all the schools in that part of the system, and reassign approximately 1,000 teachers and staff. Thus the district court's order of August 1, now before us on appeal by the plaintiffs, will fully desegregate all of Mobile County schools except the schools in the eastern portion of metropolitan Mobile where it was proposed by the plan to transport students to the western part of the city. The district court was not satisfied with this latter provision and required the board after further study and collaboration with HEW officials, to submit by December 1, 1969, a plan for the desegregation of the schools in the eastern part of the metropolitan area.

The school board urges reversal of the district court's order dealing with the grade organization of the Hillsdale School and the faculty provisions.

We affirm the order of the district court with directions to desegregate the eastern part of the metropolitan area of the Mobile County School System and to otherwise create a unitary system in compliance with the requirements of *Holmes County* and in accordance with the other provisions and conditions of this order.

No. 28340—East and West Feliciana Parishes, La.

East Feliciana is operating under a plan which closed one rural Negro elementary school and zoned the four remaining rural elementary schools. All elementary students not encompassed in the rural zones, and all high school students, continue to have free choice. Majority to minority transfer is allowed on a space-available basis prior to beginning of the school year.

The plan has not produced a unitary system. We reverse and remand for compliance with the requirements of *Alexander v. Holmes County* and the other provisions and conditions of this order.

West Feliciana is operating under a plan approved for 1969–70 which zones the two rural elementary schools. These schools enroll approximately 15 per cent of the students of the district. The plan retains "open enrollment" (a euphemism for free choice) for the other schools. The plan asserts that race should not be a criterion for employment or assignment of personnel. However, the board promises to seek voluntary transfers and if substantial compliance cannot be obtained by this method it proposes to adopt other means to accomplish substantial results.

This plan has not produced a unitary system. We reverse and remand for compliance with the requirements of *Alexander v. Holmes County* and the other provisions and conditions of this order.

No. 28342—Concordia Parish, La.

The plan in effect for desegregating this school district has not produced a unitary system. It involves zoning, pairing, freedom of choice and some separation by sex. We pretermit the question posed as to sex separation since it may not arise under such plan as may be approved for a unitary system.

This plan has not produced a unitary system. We reverse and remand for compliance with the requirements of *Alexander v. Holmes County* and the other provisions and conditions of this order.

No. 28361—St. John The Baptist Parish, La.

This school district has been operating under a freedom of choice plan. The parish is divided into two sections by the Mississippi River and no bridge is located in the parish. The schools are situated near the east and west banks of the river.

A realistic start has been made in converting the east bank schools to a unitary system. It, however, is less than adequate. As to the west bank schools, the present enrollment is 1626 Negro and 156 whites. The whites, under freedom of choice, all attend the same school, one of five schools on the west bank. The 156 whites are in a school with 406 Negroes. We affirm as to this part of the plan. We do not believe it necessary to divide this small number of whites, already in a desegregated minority position, amongst the five schools.

We reverse and remand for compliance with the requirements of *Alexander* v. *Holmes County* and the other provisions and conditions of this order.

No. 28409—Burke County, Ga.

The interim plan in operation here, developed by the Office of Education (HEW), has not produced a unitary system. The district court ordered preparation of a final plan for use in 1970–71. This delay is no longer permissible.

We reverse and remand for compliance with the requirements of *Alexander* v. *Holmes County* and the other provisions and conditions of this order.

No. 28407—Bibb County, Ga.

This is a freedom of choice system on which a special course transfer provision has been superimposed. Special courses offered in all-Negro schools are being attended by whites in substantial numbers. This has resulted in some attendance on a part time basis by whites in every all-Negro school. Some three hundred whites are on the waiting list for one of the special courses, remedial reading. The racial cross-over by faculty in the system is 27 per cent.

The order appealed from continues the existing plan with certain modifications. It continues and expands the elective course programs in all-Negro schools in an effort to encourage voluntary integration. The plan calls for a limitation of freedom of choice with respect to four schools about to become resegregated. Under the present plan the the school board is empowered to limit Negro enrollment to 40 per cent at these schools to avoid resegregation. Earlier a panel of this court affirmed the district court's denial of an injunction against the quota provision of this plan pending hearing en banc. The prayer for injunction against continuation of the quota provision is now denied and the provision may be retained by the district court pending further consideration as a part of carrying out the requirements of this order.

It is sufficient to say that the district court here has employed bold and imaginative innovations in its plan which have already resulted in substantial desegregation which approaches a unitary system. We reverse and remand for compliance with the requirements of *Alexander v. Holmes County* and the other provisions and conditions of this order.

No. 28408—Houston County, Ga.

This sytem is operating under a freedom of choice plan. Appellants seek zoning and pairing. There is also an issue as to restricting transfers by Negroes to formerly all-white schools. Cf. No. 28407—Bibb County, supra. In addition, appellants object to the conversion of an all-Negro school into an integrated adult education center. As in the Bibb County case, these are all questions for consideration on remand within the scope of such unitary plan as may be approved.

We reverse and remand for compliance with the requirements of *Alexander v. Holmes County* and the other provisions and conditions of this order.

No. 27863—Bay County, Fla.

This system is operating on a freedom of choice plan. The plan has produced impressive results but they fall short of establishing a unitary school system.

We reverse and remand for compliance with the requirements of *Alexander v. Holmes County* and the other provisions and conditions of this order.

No. 27983—Alachua County, Fla.

This is another Florida school district where impressive progress has been made under a freedom of choice plan. The plan has been implemented by zoning in the elementary schools in Gainesville (the principal city in the system) for the current school year. The results to date and the building plan in progress should facilitate the conversion to a unitary system.

We reverse and remand for compliance with the requirements of *Alexander v. Holmes County* and the other provisions and conditions of this order.

III

In the event of an appeal or appeals to this court from an order entered as aforesaid in the district courts, such appeal shall be on the original record and the parties are encouraged to appeal on an agreed statement as is provided for in Rule 10(d), Federal Rules of Appellate Procedure (FRAP). Pursuant to Rule 2, FRAP, the provisions of Rule 4(a) as to the time for filing notice of appeal are suspended and it is ordered that any notice of appeal be filed within fifteen days of the date of entry of the order appealed from and notices of cross-appeal within five days thereafter. The provisions of Rule 11 are suspended and it is ordered that the record be transmitted to this court within fifteen days after filing of the notice of appeal. The provisions of Rule 31 are suspended to the extent that the brief of the appellant shall be filed within fifteen days after the date on which the record is filed and the brief of the appellee shall be filed within ten days after the date on which the brief of appellant is filed. No reply brief shall be filed except upon order of the court. The times set herein may be enlarged by the court upon good cause shown.

The mandate in each of the within matters shall issue forthwith. No stay will be granted pending petition for rehearing or application for certiorari.

Reversed as to all save Mobile and St. John The Baptist Parish; Affirmed as to Mobile with direction; Affirmed in part and reversed in part as to St. John The Baptist Parish; Remanded to the district courts for further proceedings consistent herewith.

FOOTNOTES

*Judge Wisdom did not participate in Nos. 26285, 28261, 28045, 28350, 28349 and 28361. Judge Ainsworth did not participate in No. 28342. Judge Carswell did not participate in Nos. 27863 and 27983. Judge Clark did not participate in No. 26285.

[1] Many faculty and staff members will be transferred under step one. It will be necessary for final grades to be entered and for other records to be completed, prior to the transfers, by the transferring faculty members and administrators for the partial school year involved. The interim period prior to February 1, 1970 is allowed for this purpose.

The interim period prior to the start of the fall 1970 school term is allowed for arranging the student transfers. Many students must transfer. Buildings will be put to new use. In some instances it may be necessary to transfer equipment, supplies or libraries. School bus routes must be constituted. The period allowed is at least adequate for the orderly accomplishment of the task.

[2] In formulating plans, nothing herein is intended to prevent the respective school districts or the district court from seeking the counsel and assistance of state departments of education, university schools of education or of others having expertise in the field of education.

It is also to be noted that many problems of a local nature are likely to arise in converting to and maintaining unitary systems. These problems may best be resolved on the community level. The district courts should suggest the advisability of biracial advisory committees to school boards in those districts having no Negro school board members.

On December 15, 1969, Associate Justice Hugo L. Black of the Supreme Court of the United States, sitting as the circuit justice for the fifth circuit issued the following order:

SUPREME COURT OF THE UNITED STATES,
OCTOBER TERM, 1969

Linda Stout, Etc., Petitioner, v. *Jefferson County Board of Education, Et Al.*

Doris Elaine Brown, Et Al., Petitioners, v. *The Board of Education of the City of Bessemer, Et Al.*

Derek Jerome Singleton, Et Al., Petitioners, v. *Jackson Municipal Separate School District, Et Al.*

Jean Carolyn Youngblood, Et Al., Petitioners, v. *The Board of Public Instruction of Bay County, Florida, Et Al.*

Lavon Wright, Et Al., Petitioners v. *Board of Public Instruction of Alachua County, Florida, Et Al.*

Shirley Bivins, Et Al., Petitioners, v. *Bibb County Board of Education and Orphanage for Bibb County, Et Al.*

Oscar C. Thomie, Jr., Et Al., Petitioners, v. *Houston County Board of Education.*

ORDER

Upon consideration of applicants' motions for an injunction requiring the immediate desegregation of the respondent school districts and in conformity with this Court's order of December 13, 1969, in *Carter, et al.* v. *West Feliciana Parish School Board, et al.,* No. 944, O.T. 1969,

It is ordered that:

(1) The respondent school boards shall take such preliminary steps as may be necessary to prepare for complete student desegregation by February 1, 1970; and

(2) By way of interim relief pending the filing and disposition of a petition for certiorari the judgment of the Court of Appeals is stayed insofar as it deferred desegregation of schools until the 1970–71 school year; and

(3) By way of interim relief pending further order of the full Court the respondent school boards are directed to take no steps which are inconsistent with or will tend to prejudice or delay full implementation of complete desegregation on or before February 1, 1970; and

(4) Applicants are directed to file their petition for certiorari no later than December 19, 1969, and any responses to such petition shall be filed on or before January 2, 1970.

HUGO L. BLACK,
Associate Justice of the Supreme Court of the United States.
Dated this 15th day of December, 1969.

On January 14, 1970, the Supreme Court of the United States in the Bibb County and other cases issued an order and judgment of the Supreme Court that all of the defendant school districts accomplish total faculty and pupil reassignment by February 1, 1970. A copy of that order is attached hereto:

SUPREME COURT OF THE UNITED STATES,
OCTOBER TERM, 1969

Carter et al. v. *West Feliciana Parish School Board et al.*; and

Singleton et al. v. *Jackson Municipal Separate School District et al.*

On petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit

Nos. 944 and 972.

Decided January 14, 1970

Per Curiam.

Insofar as the Court of Appeals authorized deferral of student desegregation beyond February 1, 1970, that court misconstrued our holding in *Alexander* v. *Holmes County Board of Education,* 396 U.S. 19. Accordingly, the petitions for writs of certiorari are granted, the judgments of the Court of Appeals are reversed, and the cases remanded to that court for further proceedings consistent with this opinion. The judgments in these cases are to issue forthwith.

Mr. JUSTICE HARLAN, with whom Mr. JUSTICE WHITE joins, concurring.

I join the Court's order. I agree that the action of the Court of Appeals in these cases does not fulfill the requirements of our recent decision in *Alexander* v. *Holmes School Board,* 396 U.S. 19, and accordingly that the judgments below cannot stand. However, in fairness to the Court of Appeals and to the parties, and with a view to giving further guidance to litigants in future cases of this kind, I consider that something more is due to be said respecting the intended effect of the *Alexander* decision. Since the Court has not seen fit to do so, I am constrained to set forth at least my own understanding of the procedure to be followed in these cases. Because of the shortness of the time available, I must necessarily do this in a summary way.

The intent of *Alexander,* as I see it, was that the burden in actions of this type should be shifted from plaintiffs, seeking redress for a denial of constitutional rights, to defendant school boards. What this means is that upon a prima facie showing of noncompliance with this Court's holding in *Green* v. *New Kent County School Board,* 391 U.S. 430 (1968), sufficient to demonstrate a likelihood of success at trial, plaintiffs may apply for immediate relief that will at once extirpate any lingering vestiges of a constitutionally prohibited dual school system. Cf. *Magnum Import Co.* v. *Coty,* 262 U.S. 159.

Such relief, I believe it was intended, should consist of an order providing measures for achieving disestablishment of segregated school systems, and should, if appropriate, include provisions for pupil and teacher reassignments, rezoning, or any other steps necessary to accomplish the desegregation of the public school system as required by *Green.* Graduated implementation of the relief is no longer constitutionally permissible. Such relief shall become effective immediately after the courts, acting with dispatch, have formulated and approved an order that will achieve complete disestablishment of all aspects of a segregated public school system.

It was contemplated, I think, that in determining the character of such relief the courts may consider submissions of the parties or any recommendations of the Department of Health, Education, and Welfare that may exist or may request proposals from the Department of Health, Education, and Welfare. If Department recommendations are already available the school districts are to bear the burden of demonstrating beyond question, after a hearing, the unworkability of the proposals, and if such proposals are found unworkable, the courts shall devise measures to provide the required relief. It would suffice that such measures will tend to accomplish the goals set forth in *Green,* and, if they are less than educationally perfect, proposals for amendments may thereafter be made. Such proposals for amendments are in no way to suspend the relief granted in accordance with the requirements of *Alexander.*

Alexander makes clear that any order so approved should thereafter be implemented in the minimum time necessary for accomplishing whatever physical steps are necessary to permit transfers of students and personnel or other changes that may be necessary to effectuate the required relief. Were the recent orders of the Court of Appeals for the Fifth Circuit in *United States* v. *Hinds County,* — F. 2 — (November 7, 1969), and that of the Fourth Circuit in *Nesbit* v. *Statesville City Board of Education,* — F. 2d — (December 2, 1969), each implementing in those cases our decision in *Alexander,* to be taken as a yardstick, this would lead to the conclusion that in no event should the time from the finding of noncompliance with the requirements of the *Green* case to the time of the actual operative effect of the relief, including the time for judicial approval and review, exceed a period of approximately eight weeks. This, I think, is indeed the "maximum" timetable established by the Court today for cases of this kind.

Mr. JUSTICE BLACK, Mr. JUSTICE DOUGLAS,

Mr. JUSTICE BRENNAN, and Mr. JUSTICE MARSHALL express their disagreement with the opinion of Mr. JUSTICE HARLAN, joined by Mr. JUSTICE WHITE. They believe that those views retreat from our holding in *Alexander* v. *Holmes County Board of Education*, 396 U.S. 19, —, that "The obligation of every school district is to terminate dual school systems at once and operate now and hereafter only unitary schools."

Memorandum of THE CHIEF JUSTICE and MR. JUSTICE STEWART.

We would not peremptorily reverse the judgments of the Court of Appeals for the Fifth Circuit. That court, sitting en banc and acting unanimously after our decision in *Alexander* v. *Holmes County Bd. of Educ.*, 396 U.S. 19, has required the respondents to effect desegregation in their public schools by February 1, 1970, save for the student bodies, which are to be wholly desegregated during the current year, no later than September. In light of the measures the Court of Appeals has directed the respondent school districts to undertake, with total desegregation required for the upcoming school year, we are not prepared summarily to set aside its judgments. That court is far more familiar than we with the various situations of these several school districts, some large, some small, some rural and some metropolitan, and has exhibited responsibility and fidelity to the objectives of our holdings in school desegregation cases. To say peremptorily that the Court of Appeals erred in its application of the *Alexander* doctrine to these cases, and to direct summary reversal without argument and without opportunity for exploration of the varying problems of individual school districts, seems unsound to us.

Since that time the people of Bibb County have been stunned by the lash of these orders and have appealed to everyone to whom they could turn for relief from a judicial order which has nearly paralyzed educational processes in Bibb County.

Prior to February 2, 1970, there was a general reassignment of all faculty members and while I do not have the details of that reassignment, I am told that if any teacher was reassigned to either the school or the classroom formerly taught by such teacher that it was purely by chance. This reassignment of faculty became effective on February 2, 1970.

By agreement between the parties to the litigation and their counsel, the reassignment of high school students was delayed for the time being. No one knows for how long. However, during the week preceding Monday, February 16, 1970, all elementary students were reassigned. Some of these elementary school students were reassigned to the schools which they had previously attended. But I am informed that any such reassignment was a matter of chance rather than design or intention because the school board made every effort to be fair in the performance of a difficult and disagreeable task, and that the only criteria considered was the achievement of racial balance. I am informed that a large number of students in elementary schools who live within a few blocks of the school they previously attended have now been assigned to different schools, sometimes several miles from their home of residence.

During January and February 1970, my office, the offices of both Senators from Georgia and the offices of many other Members of Congress have received thousands of letters from Bibb County alone protesting the conditions which have been brought about. I have seen more than a thousand of these letters because more than a thousand have been sent directly to me. I recognize many because they come from personal friends of mine whom I have known as long as I have represented Bibb County in the Congress of the United States.

Without exception these have been good letters from good people. They have been sensible letters from sensible people. I shall not attempt to reproduce all of these letters and include them as a part of my remarks at this point, but I can and do include representative letters among this group:

MACON, GA.

Representative JOHN FLYNT,
Washington, D.C.

SIR: I ask you to help in stopping the move of teachers and/or students by February 1, 1970 in our county for purpose of integration!

Any move at this time will result in an emotional problem and educational setback for all students.

As an elected official of the people. I urge you to speak for the people of Bibb.

The only hopes American people have today are with men like yourself who are in Washington for their interest (the people's)

The future of Georgia as well as America is on shaky ground.

Again I urge your help and support.

Sincerely,

Mrs. J. W. MARSH, Jr.

MACON, GA.

DEAR CONGRESSMAN FLYNT: I am a teacher in the Bibb County Public Schools in Macon, Ga. I am also mother of two children who attend school here.

I wish to urge you to stop the merger of students and teachers at mid-year to achieve racial balance. It can only impede education and widen the gap between the races.

I have been required to teach in a school which I did not choose. Have not my civil rights been violated?

Sincerely,

Mrs. JACQUELINE L. ODOM.

LIZELLA, GA.

Congressman JACK FLYNT,
Washington, D.C.

DEAR CONGRESSMAN FLYNT: My wife and I have a son aged 9 and one aged 3 and feel we have a vital interest in the educational system of this nation.

We would like to state we definitely feel our educational system in Bibb County, will be destroyed or harmed extensively if the mass transfer of children being suggested by HEW and the courts in our county during the school year 1969 for purposes of integration is enforced. We feel any transfer of students or teachers should be done effective Sept. 1970 so that this can be done with careful planning during summer vacation and with no disruption of classes.

Our main objective is what is best for the education of our children and changing teachers or schools in mid term is not good for school children.

We object to bussing of children from their neighborhood schools to other areas solely for purposes of integration.

We feel a true freedom of choice plan of school education where both black and white students can choose any school they wish to attend in their county is the only constitutional way to determine school attendance.

We also feel if school integration is enforced in one county, it should likewise immediately be enforced in every city, county, and state in this nation alike, not in the south alone.

Any help you can furnish toward these goals would be appreciated.

Yours truly,

W. C. MCELMURRAY.

MACON, GA.

Hon. JOHN J. FLYNT,
Washington, D.C.

SIR: As voters and taxpayers we must protest the manner in which HEW has forced the latest school integration steps on the south—Georgia and Bibb County in particular. It is uphanded and hints of communism when a department of the Federal Government threatens to withhold school funds unless its demands are met by a certain date. Funds derived, mind you, from taxes on the citizens whose children will be denied educational opportunity if this threat is carried out.

Further, it is stupid to force an issue wherein if a county has a given ratio of white to black that ratio must be maintained in the schools even when it requires that students be bused to schools in remote areas. This is an additional tax load on the already overburdened taxpayer and is grossly unfair to all the students involved.

In the past few years all the laws made by Congress and interpretations of these laws tested by various federal agencies and decisions of the courts have been in favor of the so called minority groups and to the detriment of the average citizen. It is time for the country to wake up to the fact that the money to maintain the Congress, other federal departments as well as the courts comes primarily from taxes on the middle income white family. Present conditions cannot be the will of the majority and it is high time something be done in favor of the majority rather than the minority.

Very truly yours,

WILLIAM G. STEWART,
MILDRED T. STEWART.

MACON, GA.

Congressman JACK FLYNT.

DEAR SIR: I am writing to you as a concerned citizen of Bibb County in Georgia. We are appealing to you to take into consideration a postponement of the total desegregation of our schools until the beginning of the next school year.

We strongly feel that this disturbance in the middle of a school term will be of great injustice and emotional upset to our children, our teachers' and our educational system as a whole.

We ask you again, *please!* give this your earnest thoughts and consideration as we are deeply and sincerely interested in what we feel is only fair and just, for each pupil and teacher in our county barring all color and creed.

Sincerely yours,

Mrs. Harriett Skipper.

MACON, GA.

Representative JACK FLYNT,
Washington, D.C.

Subject: Bivin vs. Bibb County.

DEAR SIR: We protest the February 1st deadline for total integration of the races in Bibb County, and in particular, the bussing of children. It is our belief that education for the 1969–1970 school term will suffer greatly by a switch during the year. We feel that our rights will be infringed upon if we are not allowed to send our children to the neighborhood school. We further feel that the rights of our teachers to choose where they will work is being violated.

We do not practice discrimination against any person because of race, color, or creed, but we feel that the right to attend the neighborhood school is a right almost as sacred as the right to worship as we please and where we please.

A September deadline will give everyone a chance for adjustment and at the same time keep from disrupting the educational processes for the current term.

Your earnest consideration of the problem will be appreciated.

Very truly yours,

Mr. and Mrs. C. A. CALDWELL.

MACON, GA.

DEAR MR. FLYNT: As concerned parents of two school children, one in the first grade, we want you to know how we feel, along with other families, about the bussing of our children. We will not allow them to be bussed to any other school. It is their right to be able to go to the school nearest our home. We can not afford, comfortably, to send them to a private school. We pay taxes and we expect you to stand up for the rights of our white children. We don't mind their being taught by colored teachers as long as they are well qualified. The middle of the year is no time to be changing teachers. Most children in the first grade are just now adjusting to school. This will only ruin them.

Sincerely,

Mr. and Mrs. EARL KING, Jr.

DEAR MR. FLYNT: As the mother of three children and two of them school age, I feel it my duty to see that they get a quality education. When the children are disturbed during the year with teacher changes and the threat of being bussed to another school that is strange and out of their neighborhood, this effects their education. It seems to me that now the issue is not education but total integration.

What has happened to the white persons civil rights? Why are we being discriminated against? With all the taxes the white man pays as homeowners, why can't we have freedom of choice at least in the school issue? Why are our rights and wishes being taken away?

My daughter is in the 7th grade and has a Negro man teacher half day. She comes in some days so upset she sits down and cries. The class is in such bedlam that the students don't even know what is going on. They are learning nothing in that class. Is this the price we must pay for integration? If they are to teach our children, they should have the same qualifications as white teachers.

I'm all for the education of the Negro—but not at the expense of my children's education and that's what it all amounts to. The Negro isn't going to come up to our level—we are going to be forced down to their level.

Private schools are not the answer! Frankly, my husband and I cannot afford to send 3 to private schools. If the white children are forced out of public schools, how will they get a college education? How many average parents can afford 16 years of tuitions?

My children will not be bussed out of their neighborhood just to please some Negro or the HEW. They will be forced by me to stay home. I feel we pay enough taxes to at least be allowed to send our children to the school within 5 blocks of their home. I don't feel like my girls will be the only ones sitting home watching educational TV.

If you have any suggestions as to steps that we as concerned parents and citizens can take, we would appreciate hearing from you. We need help and support and we need it now.

Sincerely yours,

DOROTHY G. HARPER.

MACON, GA.

Congressman JACK FLYNT,
House of Representatives,
Washington, D. C.

Completing desegregation of Macon public school this February is a great injustice to our high school seniors, black and white, because such midyear change breaks up class organizations and friendship in their final year in school here. It destroys a large part of their work which climaxes in the four months remaining in their school life here. Please exert your full effort and influence to postpone this change until end of the school year in June. The purpose of desegregation is to benefit the students and this change at midyear is harmful to students, particularly high school seniors.

Mr. and Mrs. FRED J. SUTTON.

MACON, GA.

Hon. JOHN FLYNT,
House of Representatives,
Washington, D.C.

DEAR SIR: Your attention is invited to the recent ruling by the Federal Court in the case of Bivins versus Bibb County, Georgia.

I feel that enforcement of the Court's ruling to effect the transfer of teachers and students during the middle of a school term will have a disastrous effect on the education of every child in Bibb County (both white and negro).

I solicit your assistance in obtaining a delay in enforcing this ruling until the beginning of a new school year. I feel the detrimental effects on the children's education will be lessened by this delay.

Respectively,

PRESTON O. LONG.

JANUARY 5, 1970.

Congressman JACK FLYNT,
Washington, D.C.

DEAR CONGRESSMAN FLYNT: For the sake of our children and our teachers and our quality of education, please help stop the transferring of our teachers and children during mid-term of a school year.

Thank you.

Very truly yours,

ROSALIND BOYD,

MACON, GA.

Representative FLYNT: We are very dissatisfied with the Supreme Court's ruling—busing our children in order to comply with desegregation plans.

Please do all in your power to prevent this disruption of our children during the term of school.

Yours very truly,

Mr. and Mrs. DOUGLAS HIGGINBOTHAN.

MACON, GA.

DEAR MR. FLYNT: We are very dissatisfied with the supreme court ruling of busing our children in order to comply with desegregation plan. Please do all in your power to prevent disruption of our children during this term of school.

Yours Truly

Mr. and Mrs. S. E. DONALDSON, Jr.

MACON, GA.

Hon. JOHN J. FLYNT, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. FLYNT: My husband and I are concerned parents, concerned not so much for ourselves but for the education of our children. I sat down and drafted a lengthy letter telling you how and why we felt this way but then thought you had better things to do than to read all our thoughts. The government is tearing up our school system. This is especially unthinkable since they are threatening to do it in the middle of the school year. Furthermore, the teachers they are sending to replace the teachers in the schools are not as qualified to teach as the ones they are replacing. Is this right for our children? They had nothing to do with the mess we are in. Why lower the standard of one race to raise the standard of the other?

We and most of our friends are on the conservative side of this but at the same time we do have some who are very hot about the situation and we are tending to get that way. Trouble is brewing. Please help to slow this down to a reasonable pace so that the blacks can increase their education but at the same time not penalize the white children who had nothing to do with the conditions as they now exist. And why just the few states in the South? Why not the whole country?

Help before it is too late.

Sincerely,

Mrs. W. D. AWTREY.

MACON, GA.

MR. JOHN J. FLYNT: I would like to say thank you for the stand you took on the school problem. I have 7 grand kids that have got to go through this mess and why? Because more white people have sit back and done nothing about it until now. No where in the declaration of independence does it say that they have got to do what they are trying to push down every body's throat, where they wont it are not. U no and I no "God" did not intend for this to be he would have made us all one color if he had. And you no they do not speak plain and our language like we do. It is hurting the children bad. The Negros don't want it the Biggist Marnito want to be with their own color. All Nixon can do is hallor infalation. If he would cut down and out on this astornot mess. Look at the billion of $ that are being throwed away as they are doing. And on his salary and some of the rest there is up there lots of way besides cutting out on the school and welfare. If all of them up there had to live off of what the middle class of people do then they would know how to apprecate what that got. We raised 3 girl on less than $4000. And don't regret it because we have always tryed to be honest and pay our bills. It seem like all they want is a huge salary for their self so they can fly overseas go places have big expensive party and they have left God out of their live. U no they took the Lords prayer out of the school long ago and why did U all stand for it? That is the only time so many children ever heard God's name only when it is used in vain. I was always taught America was a Land of freedoom and the Negro had had it all these yrs and like lots of white people did not use it in the right way. Did you ever stop to think the Heavens are God's. And he made Earth for man and they had better stay away from up there. Just what have they accomplomeed. Nothing, just read what the Bible has to say about it. The Goverment will pay for the Negro now to go to school the white will get out build private school to over burden them when they are not able to. And every body is already overloaded now with taxes. Some of them all uncalled for. They ship boat and plane loads of stuff over seas when we need to think about our own people moor here at our doors. With all of the Land that is Laying Out why? don't they build houses fit to live in and put some of the people back out there to raise some thing to eat for their self and help feed so many that are hungary here in America.

Mrs. RUBY W. GORDON.

MACON, GA.

Congressman JACK FLYNT,
Washington, D.C.:

The purpose of public schools is to educate. The mass transferring of children will violate this principle and weaken the American institution as a whole. I am opposed to my children being a part of a mass transfer. Please see what you can do regarding this matter.

PRESTON BATES.

MACON, GA.

Representative JACK FLYNT,
House Office Building,
Washington, D.C.

DEAR SIR: As a mother of a 7th grade pupil in Bibb Co. State, Ga. I'm very concerned over the fact plans are being made to transfer

our children in mid term. This can only hurt all concerned and especially our children.

As a public Health Nurse, I feel I can do a better job with my school work if the children are left in the school for the remainder of this school term.

Thank you for your concern.

Yours truly,

EVE F. HALL.

MACON, GA.

DEAR REPRESENTATIVE FLYNT: This is to ask for your help in our very difficult situation here in Bibb County. The Supreme Court has decided to take away the civil rights of all of the white, middle class taxpayers in the South. This is exactly what their unconstitutional action is doing to us and to our children.

I feel that there must be something that you and our other elected officials (to whom I am also writing) can do about this before it is too late. I say elected officials, because if you hear enough voices of enough law-abiding citizens who have voted for you, then maybe you and our Congress can do something about the un-elected members of the Supreme Court and their irresponsible behavior in forcing this issue about our schools. They have no thought for the fact that our educational system will be set back 20 years or that our children's education will be lowered because of total lack of qualified teachers. The whole South will be set back several decades in spite of the strides we have made in the past.

Will you please do whatever you can for us? All we ask is fairness in this matter—we are already integrated and will be moreso, I know, but when they start busing our children when we pay taxes for them to attend a fine school within walking distance, then I fear what might happen all over the South.

Thank you for reading this. I know we can count on you.

Very truly yours,

EVELYN H. DONNELLY.

MACON, GA.

Hon. JACK FLYNT,
House of Representatives,
Washington, D.C.

SIR: As a private citizen and as a parent, I am quite alarmed and upset over the Supreme Court's order that the Bibb County schools become a unitary unit by February 1st or certainly by September 1970. This will mean that busing of children will be necessary to obtain the ratio balance of blacks and whites in each school that the court wants. If, the February 1st date is upheld, the children will lose out during this school year.

My children are in walking distance of their neighborhood school. I do not want them bused to another school just to secure a desired ratio. This would be infringing on my rights. I do believe in freedom of choice, it is very fair. In the years since my sixth grader entered school, the classrooms have become more and more integrated. Also, each of my children have a black teacher. All of this I have accepted, but when the government says we are still not satisfied, you must send your child somewhere else to satisfy a minority group of people, it is unfair, unjust and undemocratic. Something must be done to save our children.

As a representative of our state, my family, friends, and neighbors are depending on you to plead our cause.

Respectfully,

Mrs. HERBERT F. GREEN.

MACON, GA.

Representative JACK FLYNT,
House Office Building,
Washington, D.C.

DEAR SIR: I very definitely feel that I have been one of the "silent majority" for far too long on too many issues at stake in this country.

The one I am most concerned with at the present is the destruction of the public school system. We have had tremendous success with a freedom of choice plan in our public school system here in Bibb County. The schools and faculties have been smoothly integrated with little or no trouble for both blacks and whites alike. This is as it should be.

But, now to *force* children and teachers to change schools against their wills, especially in the middle of a school year, is such a terrible thing to do to them that it is very frightening.

The ones who will be most hurt by the court rulings are the poor blacks and whites who cannot afford to place their children in private schools. The better teachers are leaving the public school system in droves to teach in private schools, and this is leaving us with poor, unqualified teachers in the public schools.

Sincerely,

HELEN B. WALLER.

MACON, GA.

Representative JACK FLYNT,
House Office Building,
Washington, D.C.

DEAR SIR: The recent statements by the Supreme Court and HEW have caused *segregation* rather than integration.

A few days ago a group of concerned people decided to get together and intelligently discuss the school situation. My wife and I were asked to attend. We expected about thirty people to be there, but instead there were approximately five hundred at the meeting. These people are educated citizens who have yearly incomes from $10,000 to $40,000 and upwards. These people are the backbone of our nation, and they are being taxed without representation.

These people realize that making teachers teach where they don't want to, and busing the children will destroy our public education. Therefore, they are taking their children out of public school and enrolling them in private schools where they will be taught by qualified teachers.

The black pupil and the economically poor white children are the ones who will suffer from the latest stupid rulings.

Sincerely,

CARL L. WALLER.

MACON, GA.,
January 20, 1970.

Congressman JACK FLYNT,
House of Representatives,
Washington, D.C.

DEAR MR. FLYNT: We are the parents of 4 children, ages ten, seven, three, and one. As you can tell by their ages, we will be concerned with education for quite a few years.

We object very strenuously to the revocation of "freedom of choice" and the immediate desegregation of Southern schools by February 1st. It simply is not fair to compel children to attend another school just to achieve racial balance. This can only lead to bussing, which is violating the rights of every child and parent involved. This, in turn, will make a lot of parents choose private schools and those of us who are financially unable to do so, are left to bear the brunt of the mistakes of the Supreme Court. As tax-payers we feel our rights are being violated just because a few politicians are too spineless to stand up for us.

We firmly believe that if enough parents let their feelings be known right now through the mails and later at the polls, this trend towards punishment of the South will change. We regret to say we voted for you in 1968 but given the chance again, will not repeat that mistake!

Maybe someday we will get someone in Congress who will not be afraid of minority public opinion.

Sincerely,

Mr. and Mrs. JAMES E. HARPER.

THE FIRST NATIONAL BANK & TRUST CO.,
Macon, Ga.

Hon. JOHN J. FLYNT, Jr.,
Rayburn House Office Building,
Washington, D.C.

DEAR JACK: I know that you are aware of the frustrations that we are living under in the State of Georgia today. The Supreme Court, in its assumed authority, has laid upon us a burden that I do not think we can bear.

Public education was just beginning to emerge from the terrible affect of previous decrees and we were becoming confident and pleased with our progress. I don't believe that public education can make another comeback, but will only deteriorate further.

The future leaders of our state will be affected to a degree beyond our imagination if a stand is not taken. If we continue as we are going, there will be no need for us to have Senators, Representatives, or even a President. I urge you as one who represents all of us in Georgia, not only to take a stand against the present school verdict, but to use every means at your disposal to curb the powers of the Court.

With personal regards.

Yours very truly,

W. T. MOODY, Jr.

YOUR HONOR: A report out of Washington, D.C., last night claims that the city now is # 1 in crime and murder.

As you know the largest % of Washington is colored. If our federal government can't clean up things at their back door, how do they expect to tell us in Georgia how to run our schools.

I'm for freedom of choice but I can't see busing my children by one school in the neighborhood to get to another one. I know you are doing all you can to help us.

"THE SILENT MAJORITY."
GENE SAVELIK.

Hon. JOHN J. FLYNT,
Representative from Sixth District of Georgia, House of Representatives, Washington, D.C.

DEAR SIR: The schools in the entire South have been harassed by the Health, Education and Welfare for several years. The school officials have been given so many court orders that they do not have time to carry out the educational program of the children. One can see that there is a move to create chaos in the field of education. This is being done by the NAACP, and the Washington Research Project, Inc. These organizations are nonprofit and tax exempt organizations. Because of the poor quality of education, private schools have been formed all over the South. These schools are nonprofit, and have been operated very good. Contributions have been tax deductible.

Today I noticed that the Internal Revenue Service, by a three-judge Federal panel in Washington, voted to stop granting tax exemption and contributions deductibly to segregated private schools in Mississippi. This has been done with no consideration of the quality of education that the public schools are offering. All of these events bring to mind what happened in Cuba before Castro took over. The same thing is now happening in this United States of America. The Congress and the Executive Department of the government can stop this. I believe that you as a Senator from Georgia can initiate a movement to stop this. You are a representative of the people and being paid by the people to look after the rights of the people. The radical minority group orga-

nizations with their communistic influence are being allowed to take over the law-abiding people of minority groups, are being forced to go along with the NAACP, and other radical organizations whether they think it is good or not. The silent majority in these United States of America is going to stop the communistic trend in this country. We are willing to sacrifice our life holdings and even our lives to stop it. We are not going to be taken over like Cuba if it means death. I am pleading with you to consider these thoughts of the people and lets get on with the business at hand. The people still know that under the Constitution of the United States, that the courts can be stopped by Congress if they are trespassing on the rights of the people.

I would like to hear from you concerning these remarks. I would like to know what your plan of strategy will be to strike at the people who are uprooting the very foundations of this country.

Thanking you very much, I remain,

Yours truly,

ROBERT G. FERRELL, M.D.

MACON, GA.

Congressman JACK FLYNT,
6th District Representative,
Washington, D.C.

DEAR CONGRESSMAN FLYNT: During your campaign for election, you invited and urged your constituents and the people of Georgia to keep you advised as to their feeling and opinions concerning conditions in the state and legislation to be considered by the House. We would like for you to consider the question of education and the far reaching effect that the latest Supreme Court decisions will have on the people of Georgia and the children who are presently in school. Most of the people in our circle of friendship are not opposing integration of the schools and all of us are interested in seeing that the students of Georgia receive the best and highest quality education possible without any reference to color or creed.

The wise men who established and had the Constitution of the United States ratified provided that the jurisdiction of the Supreme Court of the United States could be expanded or restricted by the Congress. It is our feeling that such action should be taken advisedly, but firmly, if necessary. The members of the Court are answerable only to the Almighty and they tend to become aloof and seem not to consider the individual who is way down in Georgia.

It seems to us that since the court decisions recently rendered by the Supreme Court affect only the South, we will have difficulty in generating enough interest among all the Congressmen to get the relief we need. The Court seems to be target practicing using as targets isolated areas of the country until it gets the whole country under one roof. It is easy for Congressmen from the North and West to become complacent since they are not affected, and by the time their area comes under attack, the South will be unable and unwilling to stand with them.

The Health, Education, and Welfare Bureau has filed an integration plan in the Federal District Court in the case of Bivins vs. Bibb County and other parties have also filed plans in our county. We have had no violence or other discord among the students and both the Negro and White students have demonstrated an interest in maintaining freedom of choice. We would ask you to introduce legislation to take the question of education out of the jurisdiction of the Supreme Court and return the operation of the schools and the integration of schools to the state and local levels where it belongs. We in Georgia know what is best for our children and the future leadership of this state. In proposing this legislation, you will render the citizens of Georgia a great service and we are sure that your political future will not suffer because of such legislation.

Very truly yours,

Mr. and Mrs. H. P. SMITH.

MACON, GA.

Hon JOHN S. FLYNT, Jr.,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. FLYNT: As a white parent I am just sick over this school situation. Please do something so as to have Freedom of choice back again, both for children and teachers. This pairing of the schools in the county so as to put all children of certain grades in one section and then bus them around to other schools as they go to another grade. We have lived here in Jones County for 12 years and I'd like to keep my children in one school until they get out of grammar school and then stay in one high school.

What is happening to our country, the land of the free, I thought? The Supreme Court Justices, about 6 of them at least, should be impeached. They are dictators. They are soft on Communism and lawlessness.

I believe we have been pushed as far as we're going to be. The white people are ready to fight for their rights. I sure am.

I hope you will do something about this school situation. We need your help.

Sincerely,

Mrs. PAUL SIMPSON, Jr.

MACON, GA.

Hon. JOHN FLYNT,
House of Representatives,
Washington, D.C.

DEAR SIR: I attended a student protest meeting this past Sunday at the Macon Coliseum. Some 5,000 students and parents attended to protest the utter destruction of our public school system. If you had heard these young people plea for their freedom of choice; which is their God given right, I'm sure that you would do all in your power to return this freedom to them.

The South is watching their elected officials during this time of confusion. We all agree that changes in the Supreme Court are sorely needed. There may be changes in the Senate and House of Representatives if this unlawful act is not stopped.

As the youths stated from their platform they have accepted integration, but this is dictatorship. Please stand up and be counted.

Sincerely yours,

J. W. HARDEMAN III.

MACON, GA.

Hon. JOHN J. FLYNT, Jr.,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I know you are very busy these days, so I will make it short and to the point. I (and everyone I have talked to are) very dissatisfied with the way our government is run. It was always my thinking that the majority rules. It seems that the Supreme Court has sure messed up our country. With most of the members of the Supreme Court and their background I don't think they are really fit to rule our country and determine its future the way they are doing. You might think about all the trouble we have had in the schools since they ruled against prayer in the schools—dope, low morals, dropouts, etc. I think they have too much power. I think they actually have a grudge against our country, and especially the South. I think all states should be treated alike at least. The current decision shows they have no concern for us—only their dictatorial powers.

The Federal Government should stop interfering with our school system.

The parents should have the major say-so the way their children are educated and where.

Forced transfer and busing of students and teachers would seriously harm our educational system both educationally and emotionally.

I think the power to make the law should be taken away from the Supreme Court. In fact their term of office should be limited. I think each four years a new judge should be appointed or reappointed. Then each President will have a chance to appoint one.

A strict non-discriminatory qualification test should be given to each teacher, regardless of race to determine their qualifications not by racial balance. The white teacher should not be discriminated against because of her race. If they keep on there will only be colored teachers. Why should a young person choose to teach if they have to teach under such conditions—they can make more money somewhere else anyway.

The trend now seems to be to discriminate against the white to satisfy the black.

Lets get back to a democratic form of government—regardless of race, color, etc.

Many neighborhood schools have been built by the people of that community. They should have the right to build it the way they want to for their children.

Freedom of choice is the only way. If a child is made to go to school where neither he or his parents want him to go will not be happy and will not make good grades—therefore will drop out the first chance he gets.

Lets make this country free again. Put the government back in the hands of the people.

A disgusted citizen.

M. N. MUMFORD.

P.S.—I fought for my country and its freedom in World War II—what freedom?

MACON, GA.

DEAR SIR: I am sixteen years old and I am a student in the eleventh grade at A. L. Miller Senior High. I am in Beta Club, an honor society, and I am keeping my grades in order to stay in this club.

I love America and our democratic country and way of life. When I think of Russia and other Communist countries, I realize how lucky I am to be living in a "home of the free." Even though we do have a democratic country, we are subject to mistakes and we should profit by them. We should also try to prevent them from being made. I think taking away our "freedom of choice" would be a grave mistake! That is the Communists' way of doing things, *not ours.* This freedom taken away would hurt the Negroes as well as the Whites in every community. I do not mind Negroes going to my school, but I do not like being *forced* to attend a school. This is not a *racial* matter! It is a question of whether the Supreme Court has the *right* to take away our "freedom of choice" and *I* do *not* think they do. Parents should have stopped this before it started. They have failed their children. I am not marching to protest and my friends are not either. I am with my parents and supporting them. This is their chance to do something about the mistake they have made.

Violence isn't the answer. I feel that our Congressmen are. You have the support of the parents and what are you doing with it? Now is the time to act *legally!* Is it going to have to lead to violence? It would not if Congressmen would correct it. Violence is destructible and accomplishes nothing without great loss and it isn't the answer if our Congressmen would work now! It's never too late!

I have a right to my opinion and I don't think Congressmen are accomplishing anything by playing neutral. Take a stand one way or the other. Speak up for what you believe in. The greatest men of our country were willing to die for a cause they believed in. They didn't straddle the *fence!*

I would like you to know that you have my full support and a lot of other people's support. Would you please write me and tell me what you are going to do about it and how you feel?

Sincerely yours,

RUBY BENNETT.
Mrs. M. C. BENNETT, Jr.
M. C. BENNETT.
Mrs. WILLIAM BUCK.
WILLIAM C. BUCK.

MACON, GA.

Hon. JOHN J. FLYNT,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: The recent Supreme Court decision concerning school integration is a matter of great concern to the majority of the citizens of Macon and Georgia as a whole. Why the highest court in this country would make such a decision applicable to one section of the country only is something I and a lot of other people cannot understand. Georgians, and citizens in the entire Southeast love their children and want them to have quality education as much as anyone else in the United States and they pay taxes the same as everyone else. Why does the Dept. of Health, Education and Welfare have so much to say about what we do or do not do in our schools? Why should our children be used, and they are being used as if they were puppets, in order that some may realize their own selfish ambitions?

I have no objections to black children having good homes, food, clothing, education, etc., but why can't they live and let live? If the constitutional rights of white citizens have to be sacrificed in order that black citizens can have "special" rights, then it's time to board another "Mayflower."

The constitution says "no taxation without representation" but it appears that a majority of us are only receiving lip service. Members of Congress can always vote themselves a pay raise but it seems that people like myself, who really pay the taxes to keep the country going, are left out in the cold.

Why shouldn't parents of school children who are denied freedom of choice be exempt from school taxes?

Sincerely,

Mrs. Sybil Lively, Macon Ga., Mrs. J. V. Johnson, Macon, Ga., Mrs. J. S. Suretman, Macon Ga., Mrs. Ruth Holcomback, Macon, Ga., Mrs. H. G. Howell, Jr., Macon, Ga., Miss Alice Conner, Macon, Ga., Miss Lynda Edwards, Macon, Ga.

Mrs. Mary F. Taylor, Macon, Ga., Mrs. A. J. Lorck, Macon, Ga., Mrs. Wallace McKennon, Macon Ga., Mrs. H. J. Ferguson, Mrs. Barbara L. Hopson, R. L. Barlow, Macon, Ga., Mrs. Josie D. Meene, Miss Beverly Smith, Forsyth.

MACON, GA.

Hon. JOHN J. FLYNT, Jr.,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: Would you like to have my vote in the next election? What for? What good does my vote do? Our state senators and representatives do not have the power to do anything. Nor does their vote in government matters amount to a hill of beans. No matter how you vote the Supreme Court and the HEW are going to tell us what we have to do, and do it now!

I have written you asking if you were aware of the communist take over of the U.S. You stated you were aware of it. I don't believe they are trying to take over, they already have done it!

There has been so much said and done to give us our civil rights, but the courts and HEW have denied us our rights in every way.

We in Bibb county are having to go through turmoil now with a change of schools and students in the middle of the school year. The worst thing about this changing is no one will benefit from it.

The courts have said they don't care what kind of education our children get as long as it is an integrated one. The only thing the government is interested in is to make white black and to take away from those who have and give to those who don't want to do, with a lot of money paid to the government in between.

I am in the so called middle income bracket of about $150 a week. When I get my check after deductions, I have about $90 left to feed my family and pay the bills. My house is falling apart, I don't have a decent TV or radio, I can't keep up with the repair bills on my car and the government keeps hollering for More, More, More!!!

Congress gave itself a raise last year and who has to pay for it? Me! Thats who. What do I pay for? They have no say so in this police state that is run by a hand full of appointed men rather than the elected ones.

There are two groups that rule the nation today. The Supreme Court and the HEW. What do we need with the rest of the government?

Yours for taxation without representation.

JOHN M. WHITE, Jr.

Hon. JOHN J. FLYNT, Jr.,
U.S. Congress,
House Office Building,
Washington, D.C.

DEAR MR. FLYNT: I am sure that you share the concern of all other parents regarding the prospects of bussing school children from one neighborhood to another to comply with the Supreme Court ruling pertaining to integration. Many of my friends have expressed their feelings, and no doubt, you have received numerous other letters on this subject.

Please do something to help us! I have worked hard and tried to save to buy a house in a neighborhood near my friends and close to a school only to face the prospects of having to load my children into a bus and have them taken across town to some other school. Regardless of what the Supreme Court says, we feel that this is against all principles, and to be perfectly honest, we do not intend to let this happen.

I believe that you know me well enough to know that I am no radical, but this is something that really makes my blood boil. Can you do something to help us and is there anything that we can do to help ourselves?

I would greatly appreciate hearing from you on this matter and hope that next time you are in town you will drop by to see us.

Sally and I send our personal regards.

Sincerely,

R. DALLIS COPELAND,
Assistant Cashier.

MACON, GA.

Hon. JOHN J. FLYNT,
Congressman (Georgia),
Washington, D.C.

DEAR HONORABLE FLYNT: We are writing this letter in regards to the recent desegregation plan.

We live at 4561 Pinedale Drive, Macon, Georgia, directly back of the Minnie Burghard Elementary School, which our daughter Sandra attends. She is in the second grade and has a colored teacher, which is not our concern as long as she is well qualified. Our main concern is the fact of taking away the Freedom of Choice Plan and bussing students to a school away from their district. We feel this would cause much emotional upset to many children as in our case. Sandra gets upset very easily, and I'm sure if she was bussed to a school across town this would cause a major upset to her grades as well as to her emotional upset.

Before we bought a home we had in mind the future of our children's education and feel very strongly that bussing children across town to another school would be very unfair to the white people's Civil Rights.

It is felt that the Congressmen and Representatives of the State of Georgia should introduce legislation to elect the Judges of the Supreme Courts, rather than appoint them as in the present system.

The people should have a voice in the education of their children and if these Judges are elected, rather than appointed, they can speak for the people that support them.

We would very much appreciate any thought given to this matter and the decision to benefit all children and teachers as a whole and not just please a minority group.

Sincerely,

Mr. and Mrs. JOHN E. ROYAL.

MACON, GA.

Hon. JACK FLYNT,
House of Representatives,
Washington, D.C.

SIR: The recent federal court order to desegregate southern schools by 1 February has imposed a decided hardship on school boards, teachers, parents, and most of all the children.

As parents of two teenagers in junior high school, we see first hand what an order by a few can do to a majority in this section. When we purchased our home ten years ago, it was with the thought that when our children reached high school age, they could walk to school; we live within one block of McEvoy High School. Now, with the recent court order, we are told we must transport our children over three miles of dangerous highway (Pio Nono Avenue, with five lanes of traffic) to a predominantly colored school. Since both of us hold full time jobs in order to provide for our family, this will be practically impossible to accomplish.

All the good that has been obtained this school year is reversed with this change coming in the middle of a school year. Teachers will be reassigned, schedules rearranged, and facilities changed to meet conditions of a junior high class rather than junior-senior class. Quality education will not be attained as a result. Seniors will lose their class and school identity.

For the last three or four years our children have attended school under the freedom of choice plan. This year one of our daughters has two out of four main classes taught by Negro teachers. Our question is: what is wrong with the freedom of choice plan since the Negroes have been admitted to the white schools when they chose to apply? It seems that many of the Negro students prefer their own schools as evidenced by a recent march on city hall by 350 colored students from Ballard Hudson High School protesting the loss of their school identity.

Our hearts cry for a country in crisis. In making integration their only goal, the Supreme Court and some of our legislators are destroying quality education, and the children must suffer. Children do matter; they are this country's future leaders.

The principles for which our forefathers stood, mainly the importance of an individual and government by consent of the governed, could easily be lost. We beseech you to fight for freedom of choice in our schools and assure you that the people of this community, city, and county will stand behind you in any stand you take against recent court decisions.

Sincerely,

THOMAS L. and SYLVIA B. PIERCE.

MACON, GA.

Representative JOHN J. FLYNT,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FLYNT: In compliance with a decree from Federal Judges, the

faculties and staffs of our schools in Bibb County will be completely integrated in a few weeks.

Integration of the races is not my main concern, but the power of a judicial system which can step in and completely disregard the only reason for the existence of public schools—the welfare and improvement of children.

The effective date of the ruling is Feb. 1. This is not the beginning of a school year, not even the beginning of a grading period, but the middle of a school term. The teacher in practically every grade in every school will be changed. These people are being forced to assignments that are not of their choosing and in many cases to positions that they are not qualified to assume.

The greatest losers are the children. No teacher will know what has been taught in the preceding five months before he or she took the class; yet, in just four months the new teacher will have the responsibility of either passing or failing the student.

The Supreme Court and their Federal Judges have issued this drastic edict to only the deep Southern states. If the idea is right and beneficial, it should be made to apply to all states in like manner or to none.

School systems have been taken out of the hands of the local people whose children are in these schools and who are most concerned and who provided the personnel and funds to operate them.

Let me urge you to do everything in your power to:

1. Return school systems to local control and prohibit Federal interference.

2. Provide strict non-discriminatory qualification tests to all teachers to assure quality education to all students.

3. Raise the standards and quality of education for all students, not to lower and down-grade some so that others may qualify.

Education in our state faces the most serious threat in our life time. We are deeply concerned and shall appreciate any assistance from you and the power of your elected office.

Very truly yours,

Mr. and Mrs. J. H. McKIBBEN.

MACON, GA.

Hon. JACK FLYNT,
House of Representatives,
Washington, D.C.

SIR: I am very much opposed to total and complete integration in the middle of a school year. I feel the children will be greatly harmed, both emotionally and educationally.

Since this is the feeling of the majority of your constituents, I am sure you will extend every means possible to prevent this.

Respectfully,

JEAN FORDHAM.

MACON, GA.

Representative JOHN FLYNT,
Washington, D.C.

DEAR SIR: The people of our county are very disturbed with the possibility of a pupil change taking place February 1, 1970. I would like to voice my opinion of the subject as a citizen and a parent.

Changing pupils from one school to another is very upsetting to a child, especially the younger ones. A fifth grade child on through high school can cope with new situations much better than a first, through fourth grader. These young children, become very attached to their teachers and to make a change in the middle of the year would destroy what a teacher has worked for four months.

I would like to express my strong opposition to busing. Busing would take more personnel to run the bus, more maintenance and therefore, more money to run them. This means that *we* the people who are already taxed excessively, would have to pay the price. Busing is totally against our rights. We are free and independent people and should be able to choose which schools our children attend.

Please use your influence to help us.

Very sincerely,

(Mrs.) JANET K. COLLINS.

P.S.—We want to return control of the schools to local government.

MACON, GA.

Hon. Representative JACK FLYNT,
House Office Building,
Washington, D.C.:

February 1st is the date our courts have ordered our children to merge with the negroes. The teachers have already been switched to give our children the unqualified negro teachers. Our white race will be demolished if this keeps up. We live one block from the boys and girls high school. Our 7th grade daughter has looked forward to walking to school with her friends for years. Now she must go to a Black Jr. High, almost 2 miles away. Is this discrimination? Yes! I am sick of the federal government ruling our lives. If I had the money I'd leave this country.

Can't something be done to restore our faith in the United States? Please don't let the Communist take over our country. Think of the people that depend on you; not just your own family.

Sincerely,

Mrs. B. D. DEBOSE.

MACON, GA.

DEAR SIR: I am writing in regard to the recent court decision to step up integration in Bibb County in Georgia.

The transfer of teachers and possibly children in the middle of a school year is the most ridiculous thing I have ever heard. This certainly says that education was not even considered when this decision was made.

I have 2 children and I work in the schools closely with PTA and other groups and I know what is happening to the education of my children. They are not getting one. I am really disappointed that I have not seen any of our State representatives taking a stand for education and on our freedoms which are being taken away. We are no longer a land with freedoms. I think it is about time that we begin to think and act on this issue to prevent this from happening.

Sincerely,

Mrs. JAMES F. LUMPKIN.

MACON, GA.

DEAR SIR: I was one of the silent majority until now.

Because I am very, very much concerned with the way my two children may be forced to lose one year of their education and lower their educational quality, I am writing you this letter.

For the sake of all children, all teachers and our current quality of education, I pray you will be able to lead the great leaders of our country to understand that our educational system must not be destroyed by mass transfer of children and teachers during a school year.

I believe the Bibb County Board of Education has shown that it is willing to cooperate 100% in every way in order for our educational system to perform a better job. The freedom of choice plan, under which the Bibb County schools are now operating, has gone a long way in achieving integration as desired by some.

I, for one, am not for forced integration, nor do I believe the majority, both black and white, are for forced integration.

Surely you, along with the other great leaders of this country, understand the hardships on all races, which will result if mass transfer of children and teachers is forced upon the southern schools in February 1969.

I ask of you, and the power under your control, to do something and do it now to prevent the destruction of our public school system.

Sincerely,

JAMES F. LUMPKIN.

MACON, GA.

Hon. JOHN J. FLYNT, JR.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FLYNT: It is hard for me to sit here and visualize what has happened to the South and how it happened. I realize the communists are calling the shots and are destroying our public education system in Georgia. You and I know that the Communists have called the shots for fifteen years integrating the hospitals and schools and our representatives in Washington don't seem to be having much to say about it. I wonder why.

Why does the U.S. Supreme Court and HEW pick on the southern states when there are northern schools with less than 2% integration? We have 40, 48, and 58% negro children in white schools and HEW is not satisfied. They won't be satisfied until the white women and girls are sleeping with negro men and boys and vice versus. I wonder how long this is going on. You know and I know it is not here to stay! I don't believe it is, but it is high time the people of the South take a stand and stick to it.

The Supreme Court and HEW was not satisfied just to integrate the schools but now they are busing the children all over town—the white children to negro schools and the negor children to white schools just to force integration. I don't understand it. I am a southerner and will be a southerner until I die. It looks like to me the southern representatives could figure out some way to ease this terrible problem here. We went along with integration but now they have gone too far and are driving it in the ground and it is time something was done about it. It is a pity that a handful of men sitting on the Supreme Court can knock down all the laws of the land and force on the South what they have forced on us. This used to be a free country (so called) but the only people who have any freedom in this country now are Negro people. We have, to my knowledge since 1930, fed the negro, protected the negro and aided the negro in every shape, form and fashion and now they have taken our schools and destroyed our public education. The Supreme Court and HEW won't be satisfied until the negros and whites are sleeping together. Our Miller Senior High School for girls in Macon is integrated and HEW plans to make it and other high schools co-ed. White boys in the past were not allowed on the grounds of the school but now negro boys are loitering in the entrance doors and making immoral advances to white girls but the law enforcement officers say there is nothing that can be done about it.

In my opinion instead of our boys fighting communism in Vietnam they should be back home cleaning out the communists from Washington especially those in the Supreme Court and HEW that are calling the shots on integration of schools. The only integration we can live with in the South is Community integration. We cannot live with spiteful over run busing integration.

Sincerely,

W. C. COOK.

MACON, GA.

Hon. JOHN FLYNT,
House Office Building,
Washington, D.C.

DEAR SIR: I am writing to you in reference to this plan of 60–40% integration. I would like to know why colored teachers and white are being moved just because a group of men say they have to. They are satisfied just

where they are. The colored teachers do not want to teach in white schools and the white do not want to teach in colored schools. The colored children, with an exception of a few, do not want to go to school with the white children.

Why is all this being forced on us? What about the white childrens civil rights? Help the colored children yes, but don't hurt others in doing so. The colored children have nice schools, if not nicer than the whites. We're not complaining.

This country is taxed to death now, why should we pay taxes to support public schools, and pay teachers salaries when we have to end up putting our children in private schools. If we put our children in private schools and continue paying taxes, we are paying for the negroes to attend our schools. The majority of these negroes don't pay any taxes. Is this what you call a democracy?

I have 7 children. We have college facing us with the oldest in 3 years, the following year we will have 2, the following year 3 in college. I can not afford private schools, if I could, I would prefer for my children to be exposed to public schools.

You take our money and tell us what we can or cannot do! If we don't pay our taxes you come and take away our homes, etc. We are supposed to have freedom of speech. Do we have it? I feel that this is very similar to communism.

Yours truly,

Mrs. J. Ray Wilson.

Macon, Ga.

Hon. Jack Flynt,
House of Representatives,
Washington, D.C.:

Please do something about this mass transfer of teachers and students the middle of the school year. We have done all the courts and HEW have required so far, but this is too much.

Tom D. Clay.

Macon, Ga.

Dear Mr. Flynt: Our family has become very much concerned and alarmed because of the interruption of classes in our local schools that will occur as a result of recent Court rulings. These Court rulings order the transferral of teachers and students during the school term and will serve little purpose but to create confusion and chaos. In addition they will cause added expense for each pupil for new school practice work-books and supplies. It will tend to create insecurity in the children, especially those in the lower grades because they will not be familiar with the new teacher, and the class may be further advanced than the class from which the pupil transferred. It will place undue hardship and burden upon the teachers to have to acquaint themselves with a whole new class of pupils and find out the learning capacity and ability of each pupil.

We have three children that will be affected by the order. Our neighbors and friends that have children are equally alarmed over such a court order that shows unfairness to the majority, dictatorial characteristics, lack of understanding for the school teachers and children, and discrimination against those who want to maintain a freedom of choice in our public school system. Furthermore, why is the court ruling being enforced in *only five southern states?* We seem to have exhausted all our means of legally having a fair public school system when the courts refused to accept our "Freedom of Choice" plan presented by our local School Board of Education.

Many people in this area are so dissatisfied and disgusted with the recent court orders that we would rather face imprisonment rather than bow to the heavy yoke of dictatorial power. Some say they will even bear arms.

I appeal to you that we have too much to lose to let our system of public education be destroyed. I hope the gravity of this situation will be recognized and something will be done about it immediatley.

Yours very truly,

Oliver J. Mullis.
Julia A. Mullis.

Macon, Ga.

Congressman Jack Flynt,
10th District Representative,
Washington, D.C.

Dear Sir: My child is now attending an integrated school in our immediate community. As a parent, I am *much* concerned that my child may be forced to move to another school in the middle of the school year.

The Bibb County School Board of Education has proved that it is willing to cooperate with integration procedures, but I feel the Supreme Court's mandatory ruling that students be moved by 01 February 1970 is very unwise. Since much shifting around would be necessary to meet the required ratio, much of the school year's learning would be hampered because students would have to relearn their teachers and teachers would have to relearn their students, and many valuable school days would be lost in this process.

Also, who would pay for the transportation? Taxpayers, of course. But it seems so foolish to waste taxpayers' money in bussing students all around the city just for the purpose of meeting a required integration ratio. However, if it is necessary, it is unreasonable to even consider moving such a large number of students during a school term.

Furthermore, why can't teachers decide where they want to teach just as other people decide where they want to work? Is it constitutional to force these teachers *and* students to be where they don't want to be? It seems that such an undesirable situation would interfere with the teacher's ability to teach and the student's ability to learn. Then what would we have accomplished?

Please reconsider this situation and the effect it would have on many families.

Respectfully,

Caroline K. Muecke.

Macon, Ga.

Subject: Abolishment of freedom of choice plan and establishment of forced integration of southern schools.

Hon. Jack Flynt,
House Office Building,
Washington, D.C.

Dear Sir: I know I will have been denied my rights of liberty and justice guaranteed by the Constitution of the U.S., if the new ruling of integration laws are enforced as they now stand.

As a citizen of this great nation, I have always abided by its laws, but fully intend to do all I can, physically, mentally, and financially, to have this Communist influenced ruling abolished!!

I have one son in high school, another in our University of Ga. My oldest son is a graduate of the University of Ga.—School of Pharmacy and now operates his own drug store.

Were it not for our public education, these boys would, no doubt, not have a good education.

I am not against integration, but feel that any method, other than "Freedom of Choice," especially dictatorial integration, will destroy the free system of education in the U.S.

Please, Mr. Flynt, do what you can to help every citizen of our country!

With the enforcement of this new ruling, every law-abiding, God-fearing, American is being betrayed!!

Yours for Americanism,

Mrs. V. H. Brounlee.

Macon, Ga.

Hon. Jack Flynt,
House Office Building,
Washington, D.C.

Dear Representative Flynt: In December I wrote urging you to do what you could about the impending school integration in Bibb County. Now it is a reality!

It is hard for me to understand how intellectual men on the Supreme Court could disrupt a school year with this ruling. Integration, yes, but a few months could not make any difference. Especially since this has *not* been implemented in the *whole* United States of America. It is detrimental to both races—as school in general will be closed for several weeks to prepare for this. What else can I do but let you know how I feel!

Sincerely,

Mr. Fred M. Hill.

Macon, Ga.

Hon. Jack Flynt,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Flynt: The recent Supreme Court decision requiring implementation of full integration of the Bibb County School system by February 1 has had serious effects on the educational processes of our community. Some slight indication from you or a member of your staff of some interest in this matter will be greatly appreciated.

Yours very truly,

Fred J. Greene, Jr.

Macon, Ga.

Hon. John J. Flynt,
U.S. House of Representatives,
Washington, D.C.

Dear Sir: We are writing to ask you to please help us in our fight for our public schools.

We think everyone, regardless of race, should have the chance of an education if they so desire. We do object, however, to anyone being forced to attend schools against their wishes. The Supreme Court has taken away one freedom after another and now they tell us that no longer can we have the freedom of choice in our schools.

Please, Mr. Flynt, stand with many Georgians and help in anyway possible to give us the freedom of choice in our schools.

We elected men to go to Washington as our representatives, but now the voice of the majority is being pushed aside and the eight Justices are ruling all. No more do we have a "government of the people, by the people and for the people."

If you can give us any assistance please do so, and if we can help—we are ready.

Sincerely,

Mr. and Mrs. Charles Thomas.

Macon, Ga.

Dear Congressman Flynt: I am a student at Miller Senior High School in Macon, Georgia. I am very much concerned with the proposed transfer of teachers in mid-term. By this time of year the students have gotten to know their teachers and know what is expected of them. I feel that if this transfer is put into effect at this time that the students would be at a great disadvantage. I think it would do great harm to the students to have to adjust to an entirely different teacher when the school term is almost over. I hope that you can use your influence to delay this transfer until school is dismissed.

Sincerely yours,

Laura Johnston.

Macon, Ga.

Dear Sir: In regards to the case of Bivins vs. Bibb Co.:

As citizens of Bibb County we ask you to

let us continue our school term in order and peace. To change our teachers and students in mid-term, to disrupt our school year, cannot be the right way. We ask you to help all our students and teachers by allowing our Freedom of Choice plan to stay in effect until the fall term.

Thank You,

Mrs. SANDRA S. LOWE,
TOMMY LOVETT.

MACON, GA.

Congressman JACK FLYNT,
10th District Representative,
Washington, D.C.

Help!

I petition you that our rights are being taken away. The Supreme Court ruling on integrating schools is bringing down the quality of education and creating chaos and confusion in our every-day life. When we no longer have freedom of choice in our schools we are certainly loosing the very foundation upon which this great country was built.

Again I petition you to do what you can to return the freedom of choice that rightfully belongs to a citizen of a supposedly democratic nation with so-called democratic leaders.

An outraged citizen,

Mrs. W. R. WHITTEN.

MACON, GA.

Re Bevins vs. Bibb County.

DEAR SIR: We ask your help in keeping our schools as they are until the fall term.

We ask you not to move our students or teachers.

Yours Truly,

Mrs. EDNA C. SAKELL.

MACON, GA.

President RICHARD M. NIXON,
White House,
Washington, D.C.

DEAR PRESIDENT NIXON: As a parent and taxpayer I am very much concerned about the recent ruling of the U.S. Supreme Court, especially the mass transfer of both teachers and students during a school year. In addition to costing more money, mass transfer will create emotional problems for both students and teachers. For those students who are already having difficulty in school, this forced transfer will create even more emotional problems and will probably cause many students to fail this school year. Also, the expense of transporting students will fall directly on each individual family, an expense that most families cannot bear and which should not be required. A revised Senate version of Title IV of the Civil Rights Act of 1964 states that "no part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance." The recent ruling of the Supreme Court demands the exact opposite. Not only will students have to be bused but HEW is forcing some of the schools to close (two in Bibb County alone). Closing schools at a time when classroom space is urgently needed is not only stupid and idiotic but is extremely expensive—an expense which will fall back on the taxpayer in the form of additional taxes to build more schools. An additional tax increase at this time would be very unpopular.

It is my understanding that the Department of HEW presents a bill to Congress, Congress passes it, then the President signs it into law; if and when the law is contested (through channels) the U.S. Supreme Court interprets the law. In view of recent actions, the Supreme Court and HEW rule the nation. The Department of HEW has been allowed to make decisions, and demand that they be carried out, decisions which should have been approved or disapproved by the Congress. These decisions have been backed by the Supreme Court. It is time for the Congress to "apply the brakes" to the Department of HEW and the Supreme Court and take control themselves. I also feel that members of the Supreme Court should not be appointed for a lifetime.

We are already faced with a teacher shortage. If the present ruling is allowed to stand we are going to be faced with a much more severe teacher shortage than we now have. Freedom of choice for students and teachers is the desired and logical solution to our problem, not a dictatorship telling people which school their children will attend and telling teachers where they will teach. It is past time for the Federal Government to return management of sovereign state's rights to the states. If the Department of HEW and the Supreme Court continue to dictate to the people of this country and the Federal Government continue to withhold federal aid (aid which rightfully belong to each state) for the specific purpose of enforcing total integration, then we are no longer a free country.

Congress has the power to raise their salary, each state General Assembly has the power to raise salaries of various officials—a salary which is more than the average *husband and wife* receives in two years, sometimes three and four years; salaries which we, the working majority or "Middle Americans," are paying. It is past time for our leaders to assume their duties and earn their fabulous salaries by representing the people who put them in office. It is time for "people loyalty," not "party loyalty." Loyalty to the middle Americans who possess numbers in manpower, dollars, determination, desire, guts and knowledge when aroused to unite and defeat.

As a very concerned, tax paying, registered voting resident of this state, I insist that you also be concerned about this very serious violation of the civil rights of the students and teachers. I also insist that any and all decisions concerning integration be applicable to all fifty states. In fact, the Federal Government and the higher courts should practice what they preach—equality for all throughout the entire fifty states.

Concerned Middle American,

Mrs. HARVEY H. BECKER.

Congressman JACK FLYNT,
Sixth District Representative,
Washington, D.C.

LEADER: As an outraged American citizen I am writing in concern to the desegregation of students. This is a big step away from democracy and a big step towards communism. It takes away from the freedom that an American student used to have in choosing a place of education. I am a junior! I have worked 10½ years to graduate from an excellent institution of education with hopes of higher education. To be a senior! It must have really been a long time since you've had the pleasure of being one. The privilege of graduating with friends you've known for 12 years, but NOW to bused to another school, deprived of a proper educational foundation for college and most important the freedom of choice of an educational institution.

I petition you to vote against this act of insanity and prosecution of American citizens. As a supposedly democratic leader, working for more freedom for his so-called democratic nation, I am pleading with you to return freedom of choice to students and future students and give us a better chance in life!

I promise you, if something is not done, this nation will soon see problems of mass confusion, primitive education, and one more step towards the crack in the unity of this great nation!

An outraged and disappointed citizen.

DIANNE WHITTEN.

Mr. Speaker, I have received many additional letters on this same subject from each of the 16 counties in our district, but there is only one that I want to refer to in the context of my remarks at this time. One mother of six children in LaGrange, Ga., writes as follows:

I have six children of elementary and junior high school age. These six children, ranging in age from seven to fifteen, will soon be attending five different schools instead of the two schools which they are presently attending. My two oldest are boys, ages 14 and 15. The next one is a girl, age 13. The next two are boys ages 11 and 9, and the youngest is a 7 year old girl. These six children have been attending two schools, one of which is 0.7 miles and the other is 1.2 miles from our home. Under the plan of reassignment, instead of having to walk a total of 4.5 miles per day they will have to walk or be bussed 21 miles per day. Converting that to the present total of distances traveled per week the total distance is 22.5 miles. When they are reassigned the total distances traveled per week will be 105 miles. If they could continue to attend the schools they now attend all six children could walk to and from school. When they are reassigned five children will have to be transported on a school bus and the sixth will be entitled to it if desired because of the distance from home to school.

She continues:

My husband is presently serving in the United States Air Force in Southeast Asia and I am working to provide our family with the bare necessities of life. It is important to me for my children of the same age group to be assigned to the same school so that if one of them is sick or gets hurt in school the others could look after them until I can be notified.

My husband and I purchased a home convenient to an elementary and junior high school so that each child would be within walking distance of a school that they could attend. My youngest child, seven years old, under the new assignment plan will have to be transported the greatest distance of all. This child is very small for her age and is a very nervous child.

I fear for her safety and health in attending a school so far away from her older brothers and sisters who have looked after her since she started school.

Mr. Speaker, this is a representative case and there are many other similar cases of which I do not have direct knowledge. This situation described by a very concerned and worried mother shows how ridiculous this artificial pupil assignment system has become.

I have received many letters from other parts of Georgia. I think I have received a dozen or more from each of the other nine Congressional districts. In one instance from a city outside the 6th Congressional District, I have received hundreds of such letters but for the purpose of my remarks today I shall stay within the Sixth Congressional District of Georgia.

In addition to individual letters which I have received direct from the writer, I include as a part of my remarks, an open letter written to the editor of the Macon, Ga., Telegraph which I think deserves to be included with the other letters which I have received from Macon which have been specifically included as a part of my remarks today. This letter in its entirety is included at this point:

EDITOR, THE TELEGRAPH:

I believe many parents will agree with the thoughts expressed in the following letter, a

copy of which was sent to Chief Justice Warren Burger of the U.S. Supreme Court, and will express their own feelings:

I am a parent who faces having her three children lose a half year of education as well as incur a far reaching emotional upset because of a court ruling forcing our school system as well as other Southern systems to completely integrate faculty and students by Feb. 1, 1970.

Though an effort in our own county is being made to stay the student integration directive until September, it will be just as serious a mistake and educational backset to allow the teacher change in mid-year. My second grade child had an upsetting change of teachers last year, and my hope for restoring his educational progress lay in a year's continuous teaching from one person. Now his teacher is being taken away.

The edict handed down by the Supreme Court in 1954 has been a bitter pill for many Southerners to swallow, but our Bibb County System has made progress toward achieving its goal. Many parents have sought refuge in the private school, but I have believed strongly in public education, and have shown my support by sending my children to public schools, when changes have meant some lowering of educational standards. In my heart and intellect, I have realized that integration of the schools, in the long run, would mean a better and more productive society for America. I have been willing to do my part in helping to realize this goal.

Granted there are districts in the South, as well as in the North, which have dragged their feet and done nothing. However, it is unthinkable to me that in the ruling no consideration was given to the thousands of both black and white children who will suffer because of this mid-year change of teachers, simply because the court wanted to make a point. Is it worth the price many children will pay in this lost year, just to have total integration one half year sooner?

Our highest court of the land has men who are capable of using the highest and noblest exercise of intellect and spirit. It is my earnest plea that The Supreme Court will weigh carefully the benefits gained by one half year of integration against the harm done to thousands of children, and rule in favor of the children.

Mrs. KENNETH DUNWODY, Jr.

Mr. Speaker, there have been literally hundreds of other letters published in Macon newspapers and at the appropriate time I shall include some of these when I have additional remarks to make on this subject.

This ridiculous situation which is presently being experienced in Macon, Bibb County, Ga., is new and novel to my friends, the people of Bibb County. However, it is not new to me nor is it new to the people, the school boards and the school administrators, of counties like Spalding, Troup, Coweta, Fayette, Monroe, Lamar, Henry, Jones, and others not only in Georgia but in at least 10 other States.

Mr. Speaker, there was one case so flagrant and so utterly ridiculous that I think that it should be reviewed at this time in order to point out the stupidity and tyrannical oppression which HEW teams, and HEW officials in Washington and in the field have been both vicious and vindictive against local school systems.

One of their actions was inflicted upon the board of education and the superintendent of schools of Fayette County, Ga., over 2 years ago during the period of December 1967, through February 1968.

Briefly, the situation can be described as follows:

For a period of several weeks the Fayette County school system and the Office for Civil Rights of the Department of Health, Education, and Welfare had been negotiating on the questions of compliance or noncompliance with the guidelines isued by the Department of Health, Education, and Welfare.

The Fayette County Board of Education and the county school superintendent did everything in their power to cooperate with HEW officials. I had attended and participated in a number of the conferences which took place both in my office and in departmental offices. Never during the nine terms that I have served in Congress, indeed never in my life have I witnessed the arrogance, and abusive use of raw, naked power demonstrated by HEW officials in these conferences.

Mr. Speaker, for those of our colleagues whose school boards and school administrations have never been subjected to this kind of treatment by Federal bureaucrats, it may be necessary to explain the procedure and practices which the Department of Health, Education, and Welfare employs in harassing local school boards and school administrators. Among other things, these practices and procedures consist of a series of written notices and personal conferences during which efforts are made to reach an understanding. From the time the first written notice is given a deadline is set within which such an agreement must be reached or else all Federal school boards will be cut off from the local school district.

During the entire preliminary negotiations, I never saw local school officials cooperate more or work harder to reach agreement and come into compliance, than Superintendent Eugene Bowers and the five members of the Fayette County, Ga., school board. They are reasonable men, men of goodwill, men interested in public education of all children and all people regardless of race, creed, or color.

Just as they were approaching the deadline, the school superintendent and the school board reached a tentative decision to meet every demand laid down by the HEW officials. Law requires that this action be confirmed at an official board meeting which was already scheduled for the following Tuesday night.

Superintendent Bowers requested verbally, by telegram and by registered letter, an extension of 10 days within which time they would hold a meeting and confirm the tentative agreement which had been reached. In writing and by telephone I notified the Department of Health, Education, and Welfare, at the request of Superintendent Bowers and the board of education, that I joined in this request for a 10-day extension. The 10-day extension was properly granted by a person authorized to grant such an extension.

Without notice to me, to Superintendent Bowers, or to a member of the Fayette County School Board, the Director of the Office for Civil Rights, Department of Health, Education, and Welfare without cause or justification arbitrarily revoked the extension previously granted in writing.

On February 8, 1969, by unanimous consent previously obtained, I addressed the House of Representatives and read into the RECORD the events which lead up to this shocking breach of faith by the Director of the Office for Civil Rights of the Department of Health, Education, and Welfare.

Mr. Speaker, I include as a part of the RECORD at this point the remarks which I made in the House of Representatives on February 8, 1968, as they appear in the CONGRESSIONAL RECORD, volume 114, part 3, pages 2783–2784:

CONCERNING AN EXCHANGE OF CORRESPONDENCE BETWEEN THE OFFICE OF CIVIL RIGHTS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, AND THE BOARD OF EDUCATION, AND SUPERINTENDENT OF SCHOOLS OF FAYETTE COUNTY, GA.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. FLYNT) is recognized for 60 minutes.

(Mr. FLYNT asked and was given permission to revise and extend his remarks.)

Mr. FLYNT. Mr. Speaker, on yesterday, February 7, 1968, an occurrence took place, the substance of which I consider of sufficient gravity to inform the House of Representatives. In order to present this information in chronological order, it is necessary that we review some letters by dates, addresses, and signatures, and other letters in their entirety, which make up an exchange of correspondence between the Office for Civil Rights in the Department of Health, Education, and Welfare and the board of education and the superintendent of schools of Fayette County, Ga.

This series of letters which constitutes the exchange of correspondence began on or about December 7–8, 1967, when on December 7, 1967, Mrs. Ruby G. Martin of the Office for Civil Rights addressed a letter to the superintendent of schools, Fayette County, Ga.

On or about December 8, 1967, Mr. Lloyd R. Henderson of the same Office for Civil Rights in the Department of Health, Education, and Welfare addressed another letter on the same subject matter to Mr. A. Eugene Bowers, the superintendent of schools of Fayette County, Ga.

On December 29, 1967, Mr. A. Eugene Bowers addressed a letter to Mrs. Ruby Martin outlining apparent conflicts between the two letters written on successive days by Mrs. Martin and by Mr. Henderson. This letter from Mr. Bowers to Mrs. Martin asked for a clarification of an apparent conflict in the substance of two letters.

As near as I can tell there was no reply or response from any source to Mr. Bowers' letter dated December 29, 1967.

On January 26, 1968, Mrs. Ruby G. Martin addressed a letter to Mr. Bowers stating that in her opinion an impasse had been reached and that it would be necessary to issue a notice of deferral which would have the effect of deferring all funds for new programs and activities for the Fayette County school system.

Upon receipt of the letter of January 26, 1968, Mr. Bowers on January 29, 1968, again wrote to Mrs. Martin telling her that the purpose of his earlier letter was solely to request a clarification and that an effort would be made to comply with such letter upon receipt of the clarification.

On January 30, 1968, Mr. Bowers called me in my office in the House Office Building and told me what had taken place. He told me that the next regular meeting of the Board of Education of Fayette County would be on February 6, 1968, and that he would like for me to submit an urgent request for a delay

or extension in the issuance of the notice of deferral until February 15 in order that the board could approve or reject a plan which he would submit to the board and which he felt confident that the Department of Health, Education, and Welfare, and specifically the Office for Civil Rights would accept.

On that same date, January 30, 1968, my office called Mrs. Ruby G. Martin to request this extension until February 15, 1968. Mrs. Martin was not in her office on the 30th and we left word requesting that she call back. On January 31, 1968, she did call back; the message from Mr. Bowers was transmitted to her and she replied that she would be glad to grant an extension until February 15. Whereupon I asked her to notify Mr. Bowers immediately, and she did. The letter from Mr. Bowers to Mrs. Martin, dated January 31, 1968, and Mrs. Martin's reply dated February 2, 1968, are as follows:

"JANUARY 31, 1968.

"Mrs. RUBY G. MARTIN,
"Director, Operations Division, Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C.

"DEAR MRS. MARTIN: This letter is to make further request for delaying any further action on your part until we can prepare and recommend a plan designed to accomplish the purposes of the Civil Rights Act of 1964 to the Fayette County Board of Education on Tuesday night, February 6, 1968. If the Board approves the plan we will forward same to you by February 15, 1968.

"We hereby request delay in any further action by your office until February 15, at which time you would have the opportunity to review the plan submitted for your consideration.

"Sincerely,

"A. EUGENE BOWERS,
"Superintendent, Fayette County Schools."

"FEBRUARY 2, 1968.

"Mr. A. EUGENE BOWERS,
"Superintendent, Fayette County Public Schools, Fayetteville, Ga.

"DEAR MR. BOWERS: Your letter of January 31, requesting a delay until February 15, of enforcement action against the Fayette County School System has been received.

Your request is granted, and we look forward to hearing from you by that date. If we can be of assistance to you and your board, do not hesitate to contact us.

"Sincerely,

"Mrs. RUBY G. MARTIN,
"Director, Operations Division, Office for Civil Rights."

On January 31, 1968, Mr. Bowers sent me a copy of this letter—same date—to Mrs. Martin attached to an original letter—January 31, 1968—addressed to me, as follows:

"FAYETTE COUNTY PUBLIC SCHOOLS,
"Fayetteville, Ga., January 31, 1968.

"Hon. JOHN J. FLYNT,
"U.S. House of Representatives,
"Washington, D.C.

"DEAR MR. FLYNT: Enclosed you will find a copy of a letter of this date to Mrs. Ruby Martin. You will also find a copy of a letter from Lloyd Henderson dated December 8, 1967 and a copy of a letter from Ruby Martin dated December 7, 1967.

"As you know from copies of previous correspondence, this is not the first time officials of H.E.W. have sent conflicting statements to us. The plan which Ruby Martin recommended would not be feasible inasmuch as facilities would not permit implementation of her plan. Space simply would not permit implementation of her suggested plan.

"We sincerely appreciate everything you are doing in our behalf. We will keep you informed on activity between the Fayette County School System and the bureaucratic Department of Health, Education, and Welfare, 'a part of the great society.'

"We appreciate very much your getting a delay in action by the Office for Civil Rights to bring about an immediate hearing until February 15. This will give us time to get approval for evening classes in Business Education for the remainder of this school term and also time to get approval for additional NDEA projects in the amount of $12,000 and for additional allocations in Title I funds for this term of approximately $5,000.

"Sincerely,

"A. EUGENE BOWERS,
"Superintendent, Fayette County Schools."

I especially call attention to the last paragraph of Mr. Bowers' letter to me dated January 31, 1968:

"We appreciate very much your getting a delay in action by the Office for Civil Rights to bring about an immediate hearing until February 15. This will give us time to get approval for evening classes in Business Education for the remainder of this school term and also time to get approval for additional NDEA Projects in the amount of $12,000 and for additional allocation in Title I funds for this term of approximately $5,000."

Mr. Bowers told me over the telephone that he planned to begin the evening class in business education on February 5, 1968—open to members of both races—in order to demonstrate his efforts at and accomplishment of integration of classes prior to February 15, 1968. This is evidence of good faith.

He also planned to use the additional NDEA projects to encourage transfers of students and faculty to participate in these new classes to be funded by NDEA funds. I have no information of the purpose for which the additional $5,000 in title I would be used.

The application on file for the funds for evening classes in business education states the urgency of beginning classes by February 5, 1968, in order to give a full semester credit for these courses to students in both high schools in Fayette County.

Mr. Bowers sent me a copy of his letter to Mrs. Martin and I assume he sent her a copy of his letter to me since both were written and mailed at the same time.

I received both letters on February 1, 1968, and I assume Mrs. Martin received both letters on the same date.

Mr. F. Peter Libassi and I discussed this in my office on yesterday, February 7, 1968, for approximately 2 hours.

Upon my arrival in my office on yesterday, February 7, 1968, my office received a telephone call from Mrs. Ruby G. Martin of the Office for Civil Rights in the Department of Health, Education, and Welfare stating that a telegram was being sent to Mr. Bowers, or had already been sent to Mr. Bowers, telling him that the extension or delay until February 15, 1968, has been revoked. We asked Mrs. Martin why the extension or delay was revoked in such a preemptory manner. Her reply was that HEW has revoked the delay heretofore granted based upon "concrete" evidence which they had received that the Fayette County Board of Education was not acting in good faith when the request for the delay was made.

The telegram dated February 6, 1968, to Mr. Bowers reads as follows:

"Information has reached our office which indicated that your request for a delay until 15 February 1968 in initiation of Title VI enforcement action by this Department was not made in good faith.

"Therefore, we have asked our general counsel to initiate enforcement action against Fayette County School System immediately. In addition final approval of any application filed with the Department for Federal funds for new programs and activities is hereby ordered deferred.

"Your state education agency is also being notified that commitment of Federal financial assistance for all new activities are likewise to be deferred.

"Detailed letter to follow.

"(Signed) F. PETER LIBASSI."

Immediately following the conversation with Mrs. Martin, we called Superintendent Bowers and told him the contents of the telephone conversation with Mrs. Martin. He replied, "Yes, I have already received that telegram." Among other things, the fact that Mr. Bowers had already received that telegram indicated without question that the telegram from Mr. Libassi had been dispatched to Mr. Bowers prior to the time that Mrs. Martin called my office to advise of the action of revocation which the Office had taken.

Mr. Bowers tells me that the facts are, that on Tuesday night, February 6, 1968, the Fayette County Board of Education met and approved the recommendation of Mr. Bowers, the superintendent of schools, for the further integration of students and faculty in three of the Fayette County schools and included a plan for the orderly integration of the remaining schools in Fayette County.

I immediately requested a personal conference with Mr. F. Peter Libassi, Director of the Office of Compliance, the Department of Health, Education, and Welfare, and he agreed to come to my office at approximately 2:45 p.m. the same date. Mr. Libassi did in fact come to my office at approximately 2:45 p.m. this same date, and stated, that while he ratified the decision, the decision had not in reality been made by him. He stated that Mrs. Martin made the determination and asked him to ratify it, which he did. He was asked by me what evidence he had to support his conclusion that the Fayette County Board of Education and the Fayette County school superintendent had not acted in good faith. He refused to state what this evidence was. He not only refused to state what the evidence was, he refused to state the source either by individual or by category of such information upon which he had relied.

He told me that he had been told by another person, who had been told by still another unidentified person, that the Fayette County Board of Education had acted in bad faith. This is hearsay and rumor in either the third or fourth degree. It is not factual and it is not evidence.

Upon this third- or fourth-hand report of rumor and hearsay evidence, he deliberately revoked an extension which he had previously granted in writing. Relying upon this written extension of time, the school superintendent and the Board of Education of Fayette County formulated a plan which by any reasonable and objective evaluation complied with all rules, regulations, guidelines, and laws under which the Elementary and Secondary Education Act is administered.

This unprovoked and unjustified action which was taken by Mr. Libassi impugns the character and integrity of Superintendent Bowers, each member of the board of education and, through them, the character and integrity of that county.

His action has nothing to do with the adequacy of the action taken by the board of education on February 6, 1968. It demonstrates his own bad faith and his own incredibility. He revoked his own previous action without either evidence or facts and solely on a conclusion.

The action taken by Mr. Libassi is unworthy of a Federal employee or official.

I call upon him to reinstate his and Mrs. Martin's letter of February 2, 1968, and to extend his apology to Mr. Bowers and the Fayette County Board of Education. In the absence of such reinstatement and apology, I call upon the President of the United States to order the immediate dismissal of Mr. F. Peter Libassi and Mrs. Ruby G. Martin.

As a result of this vicious and vindictive action by officials in the Office for Civil Rights, Department of HEW, the Fayette County Board of Education was forced into a protracted hearing at the cost of several thousand dollars which could have been better spent educating the children of Fayette County.

With the Fayette County case, it is my recollection that the final agreement reached extensive expensive litigation and hearings resulted in the same agreement and especially the same plan which had been reached without the necessity of burdensome expenses and protractive hearing procedures.

Throughout the period of the Fayette County negotiations and proceedings and throughout many other similar proceedings in hundreds of other cases, these unreasonable, unqualified, and inexperienced HEW officials who deliberately harrassed and attempted to embarrass and humiliate school administrators and school board members who were acting in every way to make the very best of a distasteful and disagreeable situation.

There is an old saying that time dims all memories, so in order not to trust my personal recollection of what happened thereafter in February 1968, I include as a part of my remarks at this point, press accounts as they were reported by objective reporters at that time:

[From the Fayette County News, Feb. 14, 1968]

HEW, CONGRESSMAN FLYNT AT ODDS OVER FAYETTE COUNTY SCHOOLS

Fifth District Congressman John J. Flynt Jr. has demanded that President Johnson fire the government's top two compliance officers if they don't delay action against the Fayette County school system.

In a speech Thursday on the House floor, Rep. Flynt said the compliance officers demonstrated "bad faith and incredibility" when they revoked a grace-period granted to the Fayette system and then declined to explain why.

The Congressman from Griffin said the Department of Health, Education and Welfare compliance chiefs should give Fayette County additional time to negotiate, or be "dismissed" from Federal service.

The charges were made against Peter Libassi, director of HEW's new office for civil rights, and Mrs. Ruby Martin, the agency's operations chief.

The two compliance officials ordered HEW's legal staff to begin immediate enforcement proceedings against Fayette County's board of education Wednesday after revoking a previous two-week postponement. Earlier, HEW had granted the local system until February 15 to meet the compliance regulations, but rescinded its delay order, charging that Fayette County's request for more time was "not made in good faith." Originally, Mrs. Martin had written a letter to Fayette Superintendent A. Eugene Bowers which stated, in part: "We feel that we have exhausted our efforts to help you comply with the requirements of Title VI of the Civil Rights Act of 1964. There seems to be no way to overcome the impasse. Under the circumstances, we have no recourse but to recommend that your district be offered an opportunity for a hearing."

Following receipt of this notice local school officials requested a delay in enforcement proceedings until February 15. On Tuesday night, February 6, the Fayette County Board of Education took action relative to desegregation in the Fayette County School System as pertains to the 1968–69 school term.

On the morning of February 7, Supt. Bowers received the following telegram from Mr. Libassi: "Information has reached our office which indicates that your request for a delay until February 15 in the initiation of Title VI enforcement action by this Department was not made in good faith. Therefore, we have asked our general counsel to initiate enforcement action against the Fayette County Schools System immediately. In addition, final approval of any applications filed with the Department for federal funds for new programs and activities is hereby ordered deferred. Your state educational agency is also being notified that commitments of federal financial assistance for all new activities are likewise to be deferred. Detailed letter to follow."

Following receipt of the telegram, another HEW official called the Fayette County School Superintendent by phone asking him whether the board adopted a plan and if so the details of the plan. The Superintendent stated, in essence, in his reply that he did not feel that the matter could be discussed over the phone adequately. He also advised the HEW official that, in his view, he had been indicated as having acted in bad faith in requesting the delay of enforcement proceedings, and until the telegram sent by Libassi is revoked, he sees no need to discuss the plan any further. The HEW official continued to question the Superintendent, but Mr. Bowers advised the HEW official that he had no further comment to make at this time.

The HEW official stated that he would take the matter up with Mr. Libassi and see "where we go from here." The Superintendent replied that would be fine for him to do that.

During the course of developments, the School Superintendent was in contact with Senator Talmadge, Congressman Flynt and Senator Russell's office.

Congressman Flynt, on February 8, entered the entire proceedings in a speech lasting sixty minutes in which Congressman exposed the entire situation. His speech was entered into the Congressional Record on February 8, 1968. The Congressman also released to the press his records on the matter. He advised the School Superintendent that he is demanding that Mr. Libassi retract the telegram lifting the deferral and that he also apologize to the Fayette County Board of Education and the Fayette County School Superintendent A. Eugene Bowers.

Flynt said that in a conference Wednesday he had asked Libassi to tell him what evidence HEW had to substantiate its charges, but was told only that the agency's grounds were "irrefutable."

"He lied to me right in my office," Flynt charged in an interview later. "He told me he had complete evidence, but then could not produce any."

According to the Congressional Record of the U.S. House of February 8, Mr. Libassi, upon request by Congressman Flynt, went by Mr. Flynt's office for a conference. The Record of the House reports: Mr. Libassi stated that while he ratified the decision (to revoke the delay granted to Fayette County), the decision had not in reality been made by him. He stated that Mrs. Martin made the determination and asked him to ratify it, which he did. He was asked by Mr. Flynt what evidence he had to support his conclusion that the Fayette County Board of Education and the Fayette County School Superintendent had not acted in good faith. He refused to state what this evidence was. He also refused to state the source either by individual or by category of such information upon which he had relied.

He told Congressman Flynt that he had been told by another person who had been told by still another unidentified person, that the Fayette County Board of Education had acted in bad faith. Mr. Flynt stated that this is hearsay and rumor in either the third or fourth degree. "It is not factual and it is not evidence," Flynt stated further.

Mr. Flynt said that upon this third-or-fourth hand report of rumor and hearsay evidence, Libassi deliberately revoked an extension which he had previously granted in writing . . .

Libassi, contacted by reporters Thursday, declined to comment on Flynt's demand that he be fired, but re-affirmed HEW's contention that there was "evidence" that Fayette was not acting in good faith.

"The evidence we received," he said in an interview, "indicated the board has no intentions of adopting HEW's recommendations and was only going to use the delay to get approval for more funds."

The compliance chief refused to say what kind of evidence his agency had, but said it was "direct and substantial, such that any responsible federal official would have taken this action."

He said HEW "chose not to disclose the nature of the evidence just now because it was received inadvertently and some innocent people might be affected if it were revealed."

The HEW enforcement director said, however, that if the school board wanted to refute the agency's charges, it could submit a new desegregation plan immediately for compliance officers' examination.

"We are ready to re-open negotiations at any time,' Libassi said. "If Fayette County acts now, it can go on without losing a single dollar in federal funds."

In his speech to House members, Flynt said HEW had revoked the grace-period "without either evidence or facts, and solely on a conclusion."

He termed the HEW action "unprovoked and unjustified" and said it "impugned the character and integrity" of Fayette School Superintendent Eugene Bowers.

Flynt said the HEW telegram revoking the grace-period arrived in Fayette County "just as the school board was meeting to make plans to further integrate" three local schools.

He charged the agency's action was "unworthy of a federal employee or official."

The HEW proceedings now place Fayette in line for a cutoff hearing, and deferment of funds for new projects to the local school system.

Flynt said he thought Libassi owed the school district "reinstatement and an apology."

Barring that, he said, "I call on President Johnson to order the immediate dismissal of Mr. Libassi and Mrs. Martin.

On Monday morning, February 12, Superintendent Bowers received a letter from Mr. Libassi confirming the telegram which had been sent revoking the fifteen day extension and confirming that any new projects involving federal funds are deferred. Though Mr. Libassi referred to a hearing, he did not set a date for the hearing.

The Superintendent has not released the action taken by the board relative to action for desegregation for 1968–69 school term. He feels that the telegram sent by Mr. Libassi should be revoked and that an apology should be made by Mr. Libassi prior to releasing a plan. He said that Mrs. Martin and Mr. Libassi are completely in the wrong in revoking the delay before the fifteen day period was up. Mr. Bowers said he knows of no real evidence which HEW officials have that would justify such action, and he has not been advised of such evidence by HEW.

[From the Atlanta Journal, Jan. 14, 1968]

FACULTY AT ALL-NEGRO SCHOOL PROTESTS FAYETTE AID CUTOFF

(By Wayne Kelley)

WASHINGTON.—The faculty of Fayette County's only school with an all-Negro student body has issued a strong protest against federal action to cut off funds to the local board of education.

The protest from teachers at the Fayette County Training School was sent to Peter Libassi, director of the office of civil rights in the Department of Health, Education and Welfare (HEW).

Mr. Libassi last week ordered immediate action against the Fayette County Board of Education for alleged noncompliance with federal school desegregation guidelines. Funds for new programs were deferred Monday.

The move by Mr. Libassi cancelled an extension until Feb. 15 for consideration of the Fayette County board's desegregation plan. The civil rights director said he had "evidence" the Fayette board was only using the delay to obtain more federal funds.

But the faculty of the Fayette County Training School, 20 Negro teachers and four white, met last Friday and voted to register their position to the federal compliance action.

In a telegram to Mr. Libassi, signed by Principal R. J. Rowe, the faculty members claimed "the school board has made every effort to encourage students to involve themselves in integrated programs."

Mr. Rowe, a Negro, said Wednesday in a telephone interview that he does not know of a single Negro pupil who has been denied an opportunity to attend a white school.

"As far as I know, every child who has wanted to go has gone," Mr. Rowe said. "Things have been working very nicely."

The principal said he sent the telegram to Washington after the faculty voted unanimously in favor of the message. "Only one teacher was not for it, and that was because of doubts it would do any good," Mr. Rowe said.

The Fayette school system stands to lose an estimated $70,000 in federal funds if HEW wins its case.

In the telegram, the training school faculty asserted that "children can go to any school, regardless of their color, in Fayette County."

Faculty members said they were "shocked" by HEW action and said the school board members have been working around the clock to create a better school system for all the children of Fayette County.

The teachers asked that the action against the county school board be lifted. Mr. Rowe said he had not received a reply as of Wednesday morning. Mr. Libassi was not immediately available for ocmment in Washington.

According to HEW records, Fayette County had about 6 per cent of its Negro students in desegregated classes in 1967 and anticipated an increase to 7.1 per cent in the current year.

Four white teachers are on Mr. Rowe's staff at the Fayette County Training School and two Negro faculty members are in predominantly white schools. There are five schools in the county.

[From the Atlanta Constitution, Feb. 10, 1968]

TIME TO COOL IT IN FAYETTE

To say that tempers sometimes flare during negotiations between Southern school officials and desegregation compliance officers of the Department of Health, Education and Welfare is, of course, an understatement.

Negotiations in Fulton County degenerated into a name-calling contest recently, but at last reading things were straightened out. Now we have another flare-up, this one involving Fayette County schools, and the name calling was heard on the floor of the House in Congress.

Rep. John J. Flynt, Jr., whose district includes Fayette, charged that a HEW official "lied" to him about reasons for revoking a two-week grace period granted Fayette schools to meet desegregation requirements before facing a hearing to determine whether federal funds would be cut off. He demanded that the official, chief enforcement officer F. Peter Libassi and another HEW compliance officer be fired if the grace period is not reinstated.

It is not yet clear what Mr. Libassi said that so outraged Rep. Flynt. Presumably the reasons for revoking the grace period would be fully aired at the cutoff hearing. But if HEW figures are correct—that 93 per cent of the Negro pupils in Fayette County are attending segregated schools—school officials there have been dragging their feet in complying with the 1954 court ruling requiring "all deliberate speed" and the various desegregation laws and regulations promulgated since that ruling.

Furthermore, Mr. Libassi says that HEW is "ready to re-open negotiations at any time," adding: "If Fayette County acts now, it can go on without losing a single dollar in federal funds."

It would appear that now is the time for everyone concerned to calm down and to stop calling names and demanding scalps. It is time to start desegregating Fayette County schools and get on with the job of educating children.

YOU OWE FAYETTE COUNTY AN APOLOGY, MR. ATLANTA EDITOR

In the thinking of the editors of the Atlanta Newspapers, the perfect kind of government comes solely from that mecca on the Potomac River, Washington, D.C. They make no mistakes.

And viewed from Atlanta, the perfect respect toward Washington, D.C., and the federal government, is to have the citizens of the land get down on their knees three times a day, face D.C., and bow as long as they must to get the proper feeling of penitence. They don't necessarily have to say, "Allah!", but if they said "LBJ" it would help.

We get this idea from the editorial of Saturday's Atlanta Constitution concerning our school situation in Fayette County. We're about to be cited by the Department of Health, Education and Welfare, along with a score or more of other Georgia counties, about not integrating our schools fast enough.

Some little editor, hovering over Secretary of State Dean Rusk's phrase to "cool it" in fear that some other associate might steal it from him, rushed to use that phraseology in advising Fayette officials as to how they should receive Washington's words. Kind of equating those of us in Fayette County with the North Koreans, no doubt, since naturally we'd have to be wrong if Washington said so.

But the little editor did not take the trouble to check his news release from HEW, he naturally assumed they were right. He didn't talk to anybody from Fayette County. We happen to have other information as well as that from HEW.

E. Peter Libassi, of the Civil Rights Section of HEW, says our school board acted in "bad faith" and thus is going to get its federal funds cut off. His example of "bad faith," we learn from Congressman John J. Flynt's office, is a letter written by Supt. A. Eugene Bowers in which he (Bowers) thanked Flynt for an earlier delay in these citation proceedings, allowing Fayette County to get some federal money and start some new school programs, including night classes.

Libassi, it seems, assumed that this was all we were interested in—getting federal funds—and thus is revoking the delay period, calling the Fayette school board liars, in effect, and assuming "I'll show you by cutting off your money."

Libassi and Mrs. Ruby Martin, his associate who recommended the cutoff, should be fired, as Congressman Flynt demands. They do not have the perspective to deal with school integration matters.

Fayette County has worked school integration to approximately seven per cent. Atlanta and Fulton County have worked to about three to four per cent. Alabama's school integration is practically nil. Who's losing the funds? Naturally, Georgia. And Fayette County.

Fayette uses the freedom of choice plan of integration. In other words, a pupil, Negro or white, can go to any school in the county he so desires. The first year Negroes went to school with whites here, seven integrated the white schools. Then the number jumped to 40 the next year. This third year there are 51, and there would have been 64 except that 13 Negro students "chose" to leave the white schools and go back to the Negro school.

The Board of Education is working on a plan to integrate all of the schools, "in good faith," by eliminating the dual system by 1969—as ordered by the HEW. Did HEW take the trouble to wait until this local plan could be worked out this year? No, they didn't. They wanted it immediately.

HEW didn't know that bonds had to be voted and issued, a new school unit built at Peachtree City which is planned for full integration of pupils and faculty with no distinctions, and a new school built on Hood Avenue. And a revamping of Fayette Schools, under a plan recommended by a Georgia study group, would have eliminated the dual system in one swoop. Since there are only 600 Negro pupils of the total 2,600, and the percentage decreasing every year, the integration problem of schools is not as great in Fayette County as it is in many other counties. We'll soon have only a relatively small percentage of Negro pupils.

Knowing full well that most in Fayette County hold to the old traditions of segregation, school officials have gone slowly. But they, and all of the citizens, have determined that nothing, repeat nothing, would disturb the friendly relations between the races which have prevailed here for so many years. Law enforcement officials have been doubly vigilant to see that no "incidents" mar this record.

We believe Fayette Countians have performed their end of the bargain with fine speed, and in "good faith." But HEW and Washington's bureaucrats have not. Now, Fayette school officials are playing a waiting game. We don't blame them. Who knows what transpires in the heads of those bureaucrats.

Under the circumstances it is Fayette County which is playing it "cool."

Our officials are honorable people. They will do what is right. But they don't necessarily feel that a view from Washington is necessarily "the word" from on high.

We're calm in Fayette County, Mr. Atlanta Editor, "cool" no less. But we can understand your dither because the word from Washington changes from day to day, and it is awfully hard for you to know where you stand.

Now if you in Atlanta and Washington will just keep your mouths shut, or "cool it," we'll proceed to build a first class school system like we've been planning in the last few years, no thanks to you.

FEDERAL COMPLIANCE OFFICERS CONSIDER APOLOGY TO FAYETTE

(By Art Pine)

WASHINGTON.—Federal compliance officers were reported Wednesday to be considering making a public apology for having charged that a Fayette County request for a grace period was "not made in good faith."

Capital sources said the prospect was discussed and considered seriously at a secret meeting held at the White House late Tuesday, but no further action has taken place.

The sources said that Wilbur Cohen, undersecretary of Health, Education, and Welfare, asked at the meeting whether an apol-

ogy would "satisfy everybody" in the controversial desegregation case.

F. Peter Libassi, director of HEW's office for civil rights, declined to comment on the report, but admitted that Cohen was being kept "fully informed and briefed" on the controversy.

It was not disclosed what other officials attended the White House meeting on the case Tuesday afternoon. Cohen is widely known as HEW's operating director and top troubleshooter.

The report of the meeting was the latest development in the four-day-old feud between HEW's compliance agency and Fayette officials over the district's request for a delay in enforcement action.

Libassi said Friday the agency had revoked a 15-day grace-period it originally granted the district on grounds that the request was "not made in good faith."

The compliance chief said then his agency had "evidence" that Fayette officials were only trying to use the grace-period to get additional projects funded before deferral action took effect.

But he declined to divulge what the evidence actually includes—and still refuses. The action brought on a call for his dismissal from Rep. John J. Flynt Jr., D-Ga., and a storm of controversy.

Meanwhile, the principal and faculty of the mostly Negro Fayette County Training School sent a telegram to Libassi's office requesting that he reinstate the grace period, due to expire Thursday.

In the telegram, signed by R. J. Rowe, principal of the school, the faculty members asserted that the school board has made "every effort" to encourage students to take part in integrated programs.

Libassi acknowledged that HEW had received the telegram, but said the agency would not go back on its decision to begin legal action against the district.

"All this is distracting the issue," Libassi said of the storm over his earlier charges. "No one is questioning the integrity or character of the school officials—that's not the issue."

"The only real question," he said, "is whether 93 per cent of the district's Negro pupils are attending segregated classes—and the answer to that one is 'yes.'"

The HEW official said the school district can "reopen the matter anytime" by submitting a desegration plan his agency finds acceptable. "It's all up to them," he added.

Meanwhile, Georgia sources said they thought Libassi's "evidence might comprise a letter from Fayette School Superintendent A. Eugene Bowers to Flynt, which the congressman released Friday.

In the letter, Bowers admitted the district wanted its 15-day grace-period to "get approval for . . . additional NDEA projects in the amount of $12,000 and . . . Title I funds for . . . approximately $5,000."

But Flynt said Bowers told him in a telephone conversation the district planned to use the additional federal funds to accomplish "demonstrations" of its intent to desegregate.

Presumably, federal officials feared that if the district received approval of the additional funds before the end of the grace-period, it would take away some of the "bite" from HEW action.

HEW APOLOGIZES, STILL PUSHES FAYETTE

WASHINGTON.—Federal compliance officers Thursday apologized for charging that the Fayette County school board acted in bad faith, but declined to delay enforcement action against the district.

But Rep. John J. Flynt Jr., D-Ga., who has represented the school district in its dispute with the Department of Health, Education and Welfare, refused to accept the agency's demands.

The HEW apology came in a letter written to Flynt on Wednesday by F. Peter Libassi, director of the department's new office for civil rights.

In a three-paragraph letter, Libassi formally apologized for any remarks which may have "impugned" the character of Fayette officials, and urged the district to get on with desegregation.

The civil rights chief told Flynt it was not his intention to challenge the integrity of local officials last week when he revoked a 15-day grace period HEW had granted on Feb. 2.

"I want you to know that such was not my intention," Libassi said, "and that if anyone has taken my remarks in that light, I wish to extend to them my sincere apology and regrets."

Libassi also invited Fayette officials to submit a new desegregation plan for HEW review.

"Should an adequate desegregation plan be submitted," he wrote, "the enforcement proceedings would be terminated, and deferral of approval of applications for new funds would be immediately lifted."

The agency apology was made in response to objections by Flynt last week to an HEW telegram charging that the district's request for a grace period "was not made in good faith."

In the telegram, which revoked the 15-day delay and announced the beginning of enforcement proceedings against the district, Libassi alleged Fayette was using the delay to get more federal funds.

But the compliance chief refused to say what evidence he had to back up his charges—a factor that prompted Flynt to call for his immediate dismissal.

The grace period was to have expired on Wednesday.

In a letter rejecting Libassi's apology, Flynt said Thursday the HEW statement "in no way clarifies" the agency's action in revoking the 15-day grace period.

"Your charge of bad faith is still outstanding," Flynt wrote to the compliance chief, ". . . there can be no meaningful evaluation . . . of any plan by your office as long as your charge is outstanding."

Flynt told Libassi that the remarks contained in the HEW telegram "certainly impugns" the character and integrity of Fayette school superintendent A. Eugene Bowers and the local school board.

[From the Griffin Daily News, Feb. 16, 1968]

HEW APOLOGIZES TO FAYETTE SCHOOL BOARD

WASHINGTON.—Federal compliance officers from Health, Education and Welfare (HEW) apologized Thursday for charging that Fayette County school board acted in bad faith. But the federal officials would not delay enforcement of action against the school district.

F. Peter Libassi, director of the HEW civil rights office apologized to Fayette school officials in a letter to Rep. John J. Flynt, Jr., who had represented the school board in its dispute.

Fayette is in Rep. Flynt's Sixth District.

Libassi apologized for any remarks which may have "impugned the character of Fayette officials and urged the district to get on with desegregation.

He invited Fayette officials to submit a new desegregation plan. Should an adequate plan be submitted, the enforcement would be ended, he said.

In order to make it eminently clear that what took place did not involve a local conflict between races and that this was not and is not a racial issue, I include at this point a copy of a telegram sent by Mr. R. J. Rowe, principal, Fayette County Training School to the Office for Civil Rights, Department of Health, Education, and Welfare which is elsewhere referred to in one or more newspaper accounts. Mr. Rowe's telegram follows:

MR. LIBASSI, MRS. RUBY MARTIN,
Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MRS. MARTIN AND MR. LIBASSI: I am a Negro and principal of Fayette County Training School, Fayetteville, Georgia. This telegram is sent to you at the request of the faculty of the Fayette County Training School. We feel that you have not been told the entire truth about the actions taken by the Board of Education of Fayette County, Georgia, to integrate our three white schools and one Negro school in Fayetteville, Georgia. We were shocked when we discovered that HEW had withdrawn Federal Funds to our school system. We were also disillusioned that they placed a charge of dishonesty against our present school board and its superintendent, because we know that they have been working around the clock to create a better school system for all of the children in the Negro and white schools. At the present time we have two Negro faculty members in the white schools, and four white faculty members in the Negro school. This has been most satisfactory to the entire school program. Children can go to any school regardless of their color in Fayette County. As a matter of fact, the school board has made every effort to encourage students to involve themselves in an integrated program. For instance, we have some Negro children who do not desire to take all of their subjects at the white high schools so they are transported from the Negro school to the white school to take the subjects they desire to take there. We request that the two-weeks postponement of taking any action against our schools be postponed for two weeks as we understand you had determined at first. We further request of you most urgently that you do not deprive our schools of Federal funds and that you send your investigators here to talk with individual students and their parents who are all happy with the activities and attitudes of the Fayette County Board of Education toward integration.

R. J. ROWE,
Principal and Faculty, Fayette County Training School.

Mr. Speaker, I shall have more to say on this subject at a later date.

Mr. CHAPPELL. Will the gentleman from Georgia yield to me?

Mr. FLYNT. I gladly yield to the gentleman from Florida.

Mr. CHAPPELL. Mr. Speaker, the people in my district are sick and tired of being the whipping boy of the Supreme Court and the Health, Education, and Labor Department.

During the past few weeks, I have rereceived several thousand letters, telegrams, petitions, and phone calls from residents of the Fourth Congressional District, protesting the use of busing as a means to achieve the racial balance which the Court and HEW feel is desirable.

The 1954 Supreme Court decision had the effect of making it unconstitutional to assign a child to a school because of his color. But the more recent decisions now are forcing school systems to assign solely on the basis of color. This is a complete reversal and children of every race and creed are being made to pay.

We all are upset, Mr. Speaker. We have, in one Court decision, lost another very vital and precious right—the right of neighborhood citizenry to have control over their schools. The Court's rulings have now reached a ridiculous

plateau and in so doing will destroy the neighborhood school and impose undue hardships on parents and children.

I long have opposed unreasonable busing. During my 12 years in the Florida Legislature, I continually spoke out against school consolidation when this required cross-busing of students. I oppose busing to achieve a racial balance.

Since coming to Congress more than a year ago, I have supported legislation which would prohibit busing to achieve racial balance. But, as is so often the case, the South stands virtually alone and we were outvoted.

In order to counteract this latest courtroom folly, I have introduced constitutional amendments—House Joint Resolutions 1054 and 1055—which will allow freedom of choice in school attendance. These amendments will make it unconstitutional for the U.S. Government to deny freedom of choice to any parent in the selection of a school for his child "directly or by means of a condition to the receipt of Federal degree of racial balance."

Mr. Speaker, I respectfully urge the Members of Congress to support these amendments so that we can return this right to our people where it belongs.

A SUMMARY OF THE FIRST SESSION, 91ST CONGRESS

The SPEAKER pro tempore (Mr. HOLIFIELD). Under previous order of the House, the gentleman from New York (Mr. ADDABBO), is recognized for 30 minutes.

Mr. ADDABBO. Mr. Speaker, it is an honor to represent the Seventh Congressional District, Queens County, N.Y., and a privilege to serve in this, my 10th year in the House of Representatives.

As previous reports during my tenure, this report to my constituents on the activities of the first session of the 91st Congress is reprinted at my own expense and sent to each household in the Seventh District. The purpose of the annual report is twofold—to cover highlights of the preceding year and to stimulate comments on what priorities should be assigned in the year ahead. The December adjournment has again resulted in the lateness of this report.

The 91st Congress has shown a keen interest in rearranging our Nation's domestic goals. The battleground in the Congress for establishing new priorities has been the Appropriations Committee, on which I serve. During the past year I have been privileged to participate in a number of far-reaching decisions on where to reduce spending and where to increase Federal activities.

DEFENSE SPENDING

Perhaps the most significant action taken by Congress in 1969 was the $5.2 billion cut in defense spending—the largest reduction in the military budget since the end of the Korean war. With the Defense Department budget now just below the $70 billion level, we can expect Congress to look for additional areas where military spending can be reduced. As a member of the Defense Appropriations Subcommittee, I supported these cuts in nonessential defense programs and anticipate further reductions next year, particularly in personnel levels at overseas bases.

EDUCATION

While this was certainly an economy-minded Congress, it also was a concerned Congress. As military spending was reduced, the first session voted to increase the appropriation for education programs by more than $1 billion. The Presidential veto has delayed approval of this increase but the controversy demonstrates that Congress expects to take the initiative in deciding which domestic programs should be stressed in the next year.

THE ENVIRONMENT

As U.S. involvement in the Vietnam war began to decline, many distinguished citizens and public officials urged that antipollution programs be given a high priority in the battle over available public funds. Congress responded by approving the creation of a Council on Environmental Quality to advise the President. In addition, Congress voted to spend over three times as much as the President requested to combat water pollution. In the next few years we will have to make important decisions on how we plan to protect our resources from threatened destruction and how we can improve the quality of our life. A primary concern must be the clearing and restoration of Jamaica Bay and Rockaway Beaches.

AVIATION

I voted against the appropriation for development of a supersonic transport for a number of reasons, among them the lack of knowledge about sonic boom and noise control; the potential cost of the program, and the failure of proponents of the SST to justify the economics of building a huge aircraft which cannot fly overland because of the boom problem.

I will continue to press for answers to these problems before additional funds are spent on the SST.

During 1969, I was also disappointed by the apparent unwillingness of the Federal Aviation Administration to enforce the Aircraft Noise Abatement Act of 1968, which I cosponsored. The FAA did issue its first regulations establishing maximum noise levels but all existing aircraft were excluded. In addition the FAA applied milder standards to aircraft under construction including the 747's.

A growing number of Congressmen have become aware of the seriousness of the aircraft noise problem and I hope that in 1970 the FAA will respond to the intent of Congress in authorizing Federal noise standards for aircraft. As a sponsor of the 1968 Noise Abatement Act, I will continue to prod the FAA and to work with my colleagues in the House who share the concern of my constituents.

In the New York-New Jersey area the selection of sites for fourth and fifth jetports remains an unresolved controversy. I have discussed the situation with Secretary of Transportation John Volpe on several occasions and have urged him to use the influence of his office to help settle the dispute which has caused an air transportation crisis. If State officials cannot find an acceptable site for at least one new jetport, then I believe Federal legislation will be necessary to construct a facility to accommodate increasing traffic and relieve congestion in the airways.

SOCIAL SECURITY

As the first session ended, Congress voted a 15-percent increase in social security benefits—5 percent more than the President requested. I will press for the enactment of the social security reform which I have introduced which will give realistic increases including automatic cost-of-living increases and proper and fuller coverages.

POVERTY

Congress extended the authority of the Office of Economic Opportunity for 2 years but reduced the appropriation for the antipoverty program to $1.9 billion.

HOUSING

Congress approved a $4.7 billion housing package which will provide increased low- and middle-income housing, Government-backed housing insurance, model cities, rent supplements, and neighborhood development.

HUNGER

Congress increased from $280 million to $610 million funds for the food stamp program. In addition funds are being made available to provide free meals to needy children. I believe there must be a complete reform of our welfare systems.

FOREIGN AFFAIRS

In 1969, the United States began to withdraw its troops from South Vietnam under a policy of "Vietnamization." Serious questions remain about the speed of future withdrawals, and lack of any progress at the Paris talks. I believe the American people will insist on a steady disengagement and we can only hope that obstacles will not be placed in the way of this scheduled withdrawal.

An important development in our foreign policy was the approval of a resolution by the U.S. Senate expressing the opposition of that body to future commitment of U.S. troops overseas without the approval of Congress.

As the session ended the situation in the Middle East threatened to explode and chances for a lasting peace in that troubled area seemed to be as slim as ever. I have pressed for direct negotiations between Israel and the Arab nations.

THE ECONOMY

Tax reform and inflation led the economic developments of 1969. Congress did not wait for the new administration to propose tax reform. The legislative branch took the initiative and passed a broad reform bill which plugged a number of loopholes and gave some relief but not enough to middle- and low-income taxpayers. The oil depletion allowance—most often cited tax loophole—was reduced from 27½ to 22 percent. The $600 personal tax exemption was increased to $750 over a 3-year period. I will continue to press for increased personal exemption, tuition allowances, transportation cost deduction.

Inflation continued to place economic pressure on middle- and low-income taxpayers, particularly those living on fixed

incomes. The tax surcharge which I opposed is due to expire the end of June, has failed to halt inflation and some economists are predicting continued inflation and a recession. This may well be one of the most serious problems we will face in 1970.

The budget for 1969–70 is as follows:

COMPARISON OF NIXON ADMINISTRATION BUDGET REQUESTS AND ACTION BY THE 91ST CONGRESS, 1ST SESSION—FISCAL YEAR 1970[1]

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year	Total Nixon administration budget requests submitted to Congress	Amounts appropriated by Congress	(+) or (−) Congress amounts compared with Nixon budget requests
Bills for fiscal 1970:			
1. Treasury-Post Office (H.R. 11582) (net of estimated postal revenues appropriated)	$2,314,714,000	$2,276,232,000	−$38,482,000
(Memorandums: Total, including authorizations out of postal funds)	(8,821,727,000)	(8,783,245,000)	(−38,482,000)
2. Agriculture (H.R. 11612)	7,237,562,050	7,488,903,150	+251,341,100
3. Independent offices-HUD (H.R. 12307) (including 1971 advance)	15,512,969,600	15,111,870,500	−401,099,100
(Fiscal year 1970 amounts only)	(15,337,969,600	(15,111,870,500)	(−225,099,100)
4. Interior (H.R. 12781)	1,390,856,500	1,380,375,300	−10,481,200
5. State, Justice, Commerce, and Judiciary (H.R. 12964)	2,475,704,600	2,354,432,700	−121,271,900
6. Labor-HEW (H.R. 13111)	19,834,125,700	19,747,153,200	[2] −86,972,500
(Fiscal year 1970 amounts only)	(18,608,125,700)	(19,747,153,200)	(+1,139,027,500)
Legislative (H.R. 13763)	372,152,949	344,326,817	−27,826,132
8. Public works (and AEC) (H.R. 14159)	4,203,987,000	4,756,007,500	+552,029,500
9. Military construction (H.R. 14751)	1,917,300,000	1,560,456,000	−356,844,000
10. Transportation (H.R. 14794) (including 1971 advances)	2,090,473,630	2,143,738,630	+53,265,000)
(Fiscal year 1970 amounts only)	(1,840,473,630)	(1,929,738,630)	(+89,265,000
11. District of Columbia (H.R. 14916) (Federal funds)	228,842,000	168,510,000	−60,332,000)
(District of Columbia funds)	(752,944,300)	(650,249,600)	(−102,694,700
12. Defense (H.R. 15090)	75,278,200,000	69,640,568,000	−5,637,632,000
13. Foreign assistance (H.R. 15149)	3,679,564,000	2,558,910,000	−1,120,654,000
14. Supplemental (H.R. 15209)	314,597,852	278,281,318	−36,316,534
Total, these bills—			
As to fiscal 1970	135,200,040,881	129,595,765,115	−5,604,275,766
As to fiscal 1971	1,651,000,000	214,000,000	−1,437,000,000
Total, 1970 bills including 1971 amounts	136,851,040,881	129,809,765,115	−7,041,275,766
Bills for fiscal 1969:			
1. Unemployment compensation (H.J. Res. 414)	$36,000,000	$36,000,000	
2. Commodity Credit Corporation (H.J. Res. 584)	[3] 1,000,000,000	[3] 1,000,000,000	
3. 2d supplemental (H.R. 11400)	4,814,305,334	4,352,357,644	−461,947,690
Release of reserves (under Public Law 90–364)	(79,999,000)	(80,230,000)	(+231,000)
Total, 1969 bills	5,850,305,334	5,388,357,644	−461,947,690
Cumulative totals for the session	142,701,356,215	135,198,122,759	−7,503,223,456

[1] Presupposed passage Labor HEW conference report in form submitted as well as amounts in Foreign Aid appropriations conference as submitted.

[2] Although a reduction in the budget estimate of $86,972,500 is reflected in the total column of the bill, it must be made clear that the budget estimate column to the Senate includes $1,226,000,000 advance funding for ESEA for 1971 whereas none of these funds were included in the conference agreement. Deducting the $1,226,000,000, from the budget estimate column gives a comparison for fiscal year 1970 only and reflects the conference agreement over the budget estimates in the amount of $1,139,027,500.

[3] Shifted from fiscal 1970 budget, a portion of which is technically classified in the budget as "liquidation of contract authorization" rather than as new budget (obligational) authority.

SERVICE

One of my most important duties as your Congressman is to assist the people of the Seventh District and to strive for more efficient and accessible Federal services. I have proposed the construction of a complex of Federal buildings in Jamaica to house a number of Federal agencies such as the Social Security Administration, the Veterans' Administration, the Department of Labor, and the Federal courts.

In addition to projects for the benefit of our district, my Washington and district offices are ready to help with individuals' problems within my jurisdiction.

Since coming to Congress, I have attempted to be available at all times to any constituent who wishes to talk with me. As time permits, I attend meetings and social functions of civic, veterans, religious, and fraternal organizations, where I can meet with the people. For the convenience of my constituents, I maintain a full-time district office and my office in Washington is always open. Please write or call me at room 2440, Rayburn House Office Building, Washington, D.C. 20515, or at 96–11 101st Avenue, Ozone Park, N.Y. 11416.

BILL TO PROTECT THE CONSTITUTIONAL RIGHTS OF THE ALLEGED MENTALLY INCOMPETENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri (Mr. HALL) is recognized for 15 minutes.

Mr. HALL. Mr. Speaker, today I have introduced a bill, for the fourth time designed to protect the constitutional rights of individuals committed to Federal institutions on a charge of mental incompetency or insanity. The bill is similar to the one which I submitted in the 88th Congress and is identical to the one I submitted in the 89th and 90th Congresses.

This bill has drawn a favorable recommendation from the Judicial Conference of the United States and its major provisions have been supported by the New York City Bar Association.

In essence, the bill would amend chapter 313 of title 18, United States Code, with respect to the constitutional rights of mentally incompetent or suspect persons committed thereunder. The proposed amendments to 18 U.S.C. 4244, contained in the bill would:

First, require that a preliminary motion for a judicial determination the mental competency of the accused to stand trial be supported by a sworn, written statement based on personal observation by a responsible adult as to the mental condition of the accused;

Second, require a hearing on the preliminary motion at which the accused and his attorney should be present;

Third, authorize a psychiatric examination or temporary commitment for such examination, only upon an initial determination by the court "that there is reasonable cause to doubt the mental competency of the accused";

Fourth, limit the commitment, if commitment is ordered, for a "reasonable period, not to exceed 30 days, as the court may determine";

Fifth, require a further hearing on the issue of mental competency to stand trial if the initial report of the physician "indicates a state of present mental incompetency"; and

Sixth, guarantee to an accused found mentally incompetent and committed pursuant to the provisions of the statute, the right to a periodic reexamination, not more frequently than every 6 months, on the application of his attorney, legal guardian, spouse, parent, or nearest adult relative.

Mr. Speaker, I have submitted this bill to the three prior Congresses. Long hours of study, research, and deliberation have gone into its preparation. This study and deliberation have been augmented by consultation with many national legal and medical experts, in this particular field. Not only has consultation and concurrence been obtained from national legal experts, but invaluable counsel and advice has been received from the members of the Greene County Bar Association, of Missouri, located in the district I represent, and where is located the Federal Medical Center for Defective Delinquents, but from alienists, hospital authorities, and mental hospital superintendents. It would affect the Department of Justice, Federal Medical Center, St. Elizabeths Hospital, here in the District of Columbia, and so forth.

In conclusion, Congress enacted far sweeping civil rights legislation in the 1960's. However, these prior Congresses completely forgot the greater sphere of civil rights due to the emotionalism present at that time. Such lack of action has provided no relief to the mental incompetent or to the alleged insane. Therefore, as we begin a new decade, let this Congress be known as the one that restored civil rights, and due process to a class of citizens long neglected by the law. Let this bill be known as the Personal Rights Protective Act of 1970.

TRAFFIC SAFETY—EVERYBODY'S BUSINESS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 10 minutes.

Mr. MICHEL. Mr. Speaker, traffic safety is becoming everybody's business. It is vital for the driver, the State, and the Federal Government.

It is the driver upon whom I wish to focus the spotlight right now. In particular, it is the young driver, not only in Peoria, but the one in each State of the Union. That is because these young drivers make up a vast percentage of the population in the United States.

Out of America's 103 million drivers, those between the ages of 20 and 24 constitute the most numerous group. For the country as a whole, 31.6 percent of all drivers are under 30 years old.

For the past several years, I have been working with Mr. Ralph L. Harris, who is the manager for Chrysler Corp.'s driver education programs, in the hope that I could secure for my constituents a community-oriented project, the express purpose of which would be to motivate our youth to safe-driving habits and highway citizenship; to inform our young boys and girls that they have got to drive safely to arrive safely.

We are all familiar with one community-geared activity on behalf of safe driving in which major auto firms participate, such as providing new vehicles to high school driver education classes on a no-charge, no-deposit basis. In one of our meetings, Mr. Harris revealed that Chrysler-Plymouth and Dodge dealers provided 12,000 such vehicles per year, helping to make possible behind-the-wheel, firsthand learning for over 2 million students.

I was also pleased to hear that students who have pursued driver education and have had the advantage of this behind-the-wheel experience have had 60 percent fewer violations and 30 percent fewer accidents. This substantiated the findings of Dr. Ross A. McFarland of the Harvard School of Public Health, and prominent members of the National Education Association. To quote Dr. McFarland:

> Trained drivers, especially those with formal instruction as beginners, tend to have fewer accidents.

Our community-minded planning materialized most satisfactorily when my constituents played host to a company of clean-cut, well-groomed, good-looking, young professional performers known as the Chrysler Spurrlows. I had the pleasure of witnessing a presentation of their unique attraction which is titled "Music for Modern Americans," in one of the Peoria high schools.

The show runs the gamut of musical divertissement from folksongs to "mod" numbers, with a liberal sprinkling of melodies that distinguish New York stage hits, both past and present. As I watched the musical proceedings, I thought to myself that for most of the young people in the audience, this would be the only time they would have the opportunity to see a dyed-in-the-wool, live, Broadway-type show.

Interspersed with the entertainment features is a vital driver education message of primary concern to young people. This message of safety is brought out through safety-oriented songs and sketches. The traffic safety essentials are in tempo with the times. They speak the language of our young people who, from the very start of the show, have identified themselves with the artists in this respect: Their average age is only a year or two behind that of the Chrysler Spurrlows. Mr. Harris told me that this near parity in age, and the "mod" approach to driver education are responsible for giving greater impact to one of the show's principal objectives. "That is," Mr. Harris explained, "instilling in the young spectator the motivation for a sense of maturity and respect behind the wheel."

Each show, such as the one I saw, features a short talk by a member of the respective State highway patrol. The students, most of them for the very first time, see the officer in a friendly light, a man who is very anxious to be their friend and to help them be good drivers. It was heartening to notice how he held the attention and gained the respect of the assemblage.

It was told that the Illinois State Police, like the State police elsewhere, welcome the opportunity to address the young students. Capt. Dan O'Brien of our Illinois State Police, for example, wholeheartedly endorses the role played by his officers in "Music for Modern Americans." He feels that the favorable rapport that is immediately established between officer and student augurs well for the development of good driving habits in the student. In addition, such a meeting fosters good public relations for the representative of law and order.

I was most impressed when I heard the enthusiastic, thunderous applause with which the performers—and this included our State patrol officer—were met at the close of this 50-minute show.

Before we parted company that particular morning, Mr. Harris informed me that as of May 30, 1970, the close of the sixth season, "Music for Modern Americans" will have played to more than 3 million students in close to 3,000 U.S. high schools. It will have spanned over 400,000 miles.

We, in Peoria, are fortunate to be a part of this driver education innovation, and to have had the opportunity to develop it into a community venture.

CONVICTION OF CHICAGO RIOTERS IS A VINDICATION OF MAYOR RICHARD DALEY, THE POLICE FORCE, AND THE PEOPLE OF CHICAGO

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, this is an historic day for America. The jury which has so hard and so long deliberated on the verdict in the conspiracy trial at Chicago has finally rendered its verdict late this afternoon. For those of us in this House who had worked hard to place into law a provision barring the crossing of State lines to incite riots, this is a day of great import and a day of great reassurance. I am very pleased that this jury has performed an historic mission today in finding guilty five of the seven defendants for crossing State lines to incite a riot.

Ironically, the jury in its deliberations found the seven defendants not guilty on the charge of conspiracy. I say ironically, because these seven defendants, who had so brutally maligned the judicial system throughout the whole period of this trial today find that indeed there is justice and there is relief for the aggrieved in this country. A jury after carefully listening to the evidence for 4½ months, in its wisdom, concluded that the charge of conspiracy was not proven and acquitted all seven of that charge. The jury also acquitted two of the seven defendants on the charge of crossing State lines, because in its judgment it felt the Federal Government had failed to make a case.

I believe, in convicting Davis, Hoffman, Dellinger, Hayden, and Rubin, this jury today has placed America for the first time in a long time on the road back to sanity in dissent. It has shown that it does not believe that people can travel all over this country and incite riots in communities, tearing up the very institutions that give these people the protection that they seek as free citizens.

I say it is historic for many reasons. It is an historic day because it restores our faith in the good judgment of our people. This jury of 10 women and two men, with its foreman, Mr. Edward Kratzke, has performed an historic mission. This jury has performed a public service beyond the call of duty of any citizen in America. For 4½ hard months this jury has been away from its families, its homes, its parental responsibilities, and has performed an historic mission.

During the closing weeks of the trial the jury had been sequestered, and during the 4 days of its deliberations the jury had been sequestered. I say that these are model citizens. These citizens deserve the gratitude of the whole Nation. God grant that we would have more citizens who would assume their duties and responsibilities of citizenship to accept the thankless job of serving on a jury of this nature. So I say this jury has restored our confidence and our faith in the whole judiciary. It has demonstrated that citizens can be trusted to sit in judgment over their peers.

This jury found that the evidence of conspiracy was insufficient to enter a conviction and as such, it found two of the seven not guilty of crossing State lines. Perhaps as important, however, in this judgment today and in this verdict the jury has set the stage for testing the very law that we passed in this Chamber, the law barring the crossing of State lines to incite a riot.

Now we have an issue that can go to the higher courts for proper appeal and review, and at some point in time this issue will be resolved in the higher courts. I believe the courts will sustain the action of this Congress. I believe the method and manner in which the provision barring the crossing of State lines to incite a riot was written would stand up under review.

I supported that amendment, I worked very hard for its enactment, and I cosponsored it because I have seen in the last decade the exportation of rioting in the country take on abominable proportions. We have ample evidence to show

that people from one part of the country the country to incite a riot. And we have seen the damage to this country and to cross State lines into another part of our institutions that has followed.

So I am most grateful to the jury of our fellow citizens for setting the stage today to make it possible for a review of this case.

I believe the trial judge in this case has earned the gratitude of the American people. I know of no judge in recent history who has suffered as much abuse, filthy assault, and barbaric behavior in the courtroom as has Judge Hoffman at the hands both of the defendants and the defense counsel. I am told the New York Bar Association is quite properly reviewing the proceedings of this case to see whether or not defense counsel should be tried in disbarment proceedings.

Lawyers have an extraordinary responsibility. They are officers of the court. They enjoy privileges that the average citizen does not enjoy as lawyers and officers of the court. They have a duty to provide exemplary service and exemplary conduct in the courts. If they disagreed with the conduct of the trial judge, or if they disagreed with his recommendations, or if they disagreed with his findings, there is ample machinery within the judicial system to test those findings or to appeal.

No person in his right mind and good judgment can defend the conduct of the defense lawyers in this case, any more than he can defend the conduct of the defendants.

I think Judge Hoffman has performed a great public service and has earned for himself a place in the judicial annals of this country, by handing down contempt citations against the defendants and the lawyers. He has restored some semblance of dignity to the judiciary.

Mr. Speaker, I have more than a passing interest in this whole case. I was one of the cosponsors of the amendment under which these defendants were tried, because as early as 1955, I have been speaking out in this Chamber against the growing trend in America toward what I call "mobocracy," which is rule by the mob, impatient with the established institutions which have brought this country to the greatest pinnacle of protection for the individual.

Mr. Speaker, those very people who have protested in these demonstrations are the very ones who have the greatest impatience with the established institutions of America; institutions which provide the greatest degree of protection and dignity for our citizens.

As early as 1963, I warned in this Chamber about the growing trend toward mobocracy. In the ensuing years we have seen a whole generation of Americans seriously question whether or not these institutions of freedom are sufficient to keep this Nation together. I think the jury in this trial today and throughout the trial has demonstrated that, yes, our institutions are sufficiently strong to provide the protection we need for our citizens.

But I have an even deeper interest in this whole proceeding. I am sponsor of the Legal Professions Development Act which is pending before the Judiciary Committee. It tries to set up a system of neighborhood legal clinics, where citizens can have available to them legal recourse for redress of injuries; have it available to them in the courts through neighborhood legal clinics.

Those who otherwise cannot afford counsel could seek redress through the aid of these legal clinics. It is like an expansion of our present legal aid system.

I believe in the majesty of the law in this country. When the time comes that the law fails our citizens, then indeed this Nation will go the way of other noble experiments in freedom and human dignity.

So I say, Mr. Speaker, as a sponsor of the Legal Professions Development Act, obviously I have a deep interest in the conduct of the judiciary and the method in which our court proceedings are being conducted.

When I saw what was going on in Judge Hoffman's court for the past 4½ months, and when I saw the assault upon the very institutions to which we look as free citizens for our ultimate protection, it became quite obvious to me that my concept could not make headway if our entire judicial system were destroyed.

So I am today really rekindling in my spirit, in my hope, and in my confidence that indeed we are on the right track when we urge our citizens to seek redress for their grievances within the sanctity and the majesty of the law itself.

Indeed, today is an historic day. I believe this jury deserves our eternal gratitude, the gratitude of all Americans. It was a brave jury. It was a jury which exemplified the highest spirit of citizenship.

I believe the judge deserves our highest gratitude.

I would hope that our very capable, hard-fighting chief prosecutor, U.S. Attorney Tom Foran, would not be too disappointed at having failed to prove a case of conspiracy. We know that conspiracy is a very difficult case to prove under current laws. So I would not be too disheartened if I were Mr. Foran, for the ends of justice have been met. We have indeed found a conviction of the five of those who were guilty.

We will not have a judicial review of the very law which made this prosecution possible. We hope, if the higher courts do indeed sustain this law—and I hope they will—we will then see the marshaling of a new era of stability in this country.

Nobody wants to deny dissent. Why, the vigor of America lies in dissent. President Kennedy once said that America is a continuing revolution. Of course we want citizens to have the right to speak out when they disagree. I would be the first to oppose any limitations on this privilege and freedom to speak out.

But I think what went on in Chicago in August of 1968 transcends all standards of human conduct and decency.

Today came the final judgment. We in Chicago said last August that those who tore up the town and tried to destroy that city and tried at all costs to frustrate one of the great institutions of free people, a national nominating convention, were guilty of anarchy. But no one among the sophisticates would believe us. There were those who insisted we were gilding the lily and that we were concealing facts; that somehow we were responsible for the rioting.

The jury today, after 4½ months of careful deliberation, has rendered a verdict. I say to you that the people of Chicago, its mayor, Richard J. Daley, its political structure, its citizens and its police force today stand acquitted in the eyes of the world.

We have suffered a great deal of indignity at the hands of those who tried to ascribe to us all sorts of motives. But I tell you the day of judgment came today. When that jury handed down its verdict of guilty against those who conspired against the city of Chicago and its people, against the Democratic Party, against our mayor, against the convention, I say to you that we had patience and that we have been all acquitted as citizens. Mayor Daley today stands 10 feet tall because he was right and the verdict today proves he was right.

I say to those who are so quick to smear the people of Chicago, its local government, its institutions, its leadership: look at this verdict today. I submit that they owe us an apology, because they tried to indict a city and its people.

The jury has spoken. It has spoken in open court under the procedure of highest decorum.

Of course they did everything they could to wreck this trial, because they came to this court with the same intention that they came to Chicago last August, to wreck our institutions.

No judge has been put to a more severe test than Judge Hoffman. They used every tactic and every technique of a wrecking crew to try to destroy the very institutions that have made this country great. I say to you that I am a proud American. I am proud of this country and proud of its institutions because 10 women and two men, citizens, had the courage to stand up and be counted after a long trial. I tell you this is a historic day in the annals of American freedom. It is a day that will go down in history as the day when 12 brave citizens tried to restore some semblance of dignity to this great republic.

Now, Mr. Speaker, I am glad to yield to the gentleman from New Hampshire.

Mr. WYMAN. I thank the gentleman for yielding.

I was interested in the gentleman's comments that the bar association of the State of New York is looking into the record with a view to taking appropriate disciplinary action in regard to the attorneys and their scandalous conduct before Judge Hoffman.

I would like to compliment the gentleman from Illinois on his presentation and make the comment that it is about time the bar association dealt with this type of disgraceful conduct. It seems to me that no attorney in any court is justified in comporting himself as Mr. Kunstler and some of the other attorneys in this case did. If they do, I do not believe that they should be permitted to remain in good standing as members of the bar.

Mr. PUCINSKI. I thank my colleague for his contribution.

Of course, I agree with him. The legal profession is our last hope in this country. The men who serve as lawyers are those who translate into meaningful terms the privileges of freedom. They are the great protectors of our rights.

I agree with my colleague that the conduct of defense counsel in this particular case put a cloud on the whole legal profession. There are thousands of lawyers all over the country who do not condone the conduct of these two lawyers. It is my hope that the New York bar which has jurisdiction over this matter will indeed study the record and study the reasons for the contempt citation as listed by Judge Hoffman and then will take the proper action.

Mr. Speaker, finally I would like to thank one forgotten individual in the whole case, a great district court judge about to retire, Judge William Campbell, for it was Judge Campbell who realized and recognized the action taken by this Congress in passing legislation to bar the crossing of State lines.

Judge Campbell in an historic decision instructed the Federal grand jury to look into the probable cause in this matter, and under his direction the jury did hold extensive hearings and the prosecutor presented the evidence and the jury returned indictments that served as the basis for this case. Judge Campbell topped off his great and illustrious career as a Federal judge with the great sensitivity that he has shown to the problem of growing mobocracy in America. We all owe Judge Campbell a great debt of gratitude.

Finally, Mr. Speaker, the quiet employees of the Federal courts in Chicago, under the jurisdiction of our chief marshal, John Meisner, who every day conducted themselves in an exemplary manner even though there were all sorts of provocations against them. The clerks and the marshals of the court for 4½ months conducted themselves in an exemplary manner and maintained decorum both in and out of the courtroom. The whole idea of frustrating this trial and the great efforts made in trying to defeat the trial and wear down the judge and the prosecutor and the Government employees who are needed to work in a situation like this—all of this failed and we as a nation owe an eternal debt of gratitude to the 12 citizens who today performed such a glorious service to our cause of freedom and dignity in America.

Mr. Speaker, I yield back the balance of my time.

SPONSORSHIP OF SEVEN ADMINISTRATION BILLS ON THE ENVIRONMENT

The SPEAKER pro tempore (Mr. HOLIFIELD). Under a previous order of the House the gentleman from Texas (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Texas. Mr. Speaker, I am proud to cosponsor the administration's primary series of proposals designed to combat the lethal menace of pollution. These bills mark but the first legislative steps in what will be the long and arduous process of reclaiming our environment.

Regrettably, where man's environment is concerned, we have sown the wind and we are about to reap the whirlwind. The signs are all about us. Our cities are becoming more smog-filled. Our streams are becoming more polluted. Our air carries ever-increasing amounts of chemical and industrial waste.

Civilized man has long seen the need for establishing and enforcing laws to protect individual rights and property rights. It was only in modern times, however, that society saw the need for protecting its shared surroundings from the ravages of man and industry; and even then, it acted slowly and reluctantly. Yes, Federal laws have been enacted and some efforts to stop pollution have been made, but the deteriorating condition of the environment demonstrates the bleak fact that present laws are just not getting the job done.

It is obvious that we can no longer afford to consider our air and water common property. It is obvious that we can no longer afford to let our air and water be abused without regard to the consequences. Instead, we must now treat air and water as scarce resources, and conserve them in the same manner as we do other scarce commodities.

In my view, the seven proposals which I and other concerned Members are introducing today provide the start of a much needed overhaul of the Nation's pollution laws in the areas of water and air pollution, solid waste management, parklands, and recreation. In perspective, the bills constitute a broad-based and coordinated restructuring of our existing laws, with some novel variations.

In essence, the measures:

First, amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purpose;

Second, authorizes the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes;

Third, establish an environmental financing authority as an instrumentality of the United States for the purpose of assuring that inability to borrow necessary funds at reasonable interest rates in the bond market does not prevent any State or municipality from carrying out a waste treatment project in partnership with the Federal Government;

Fourth, amend the Federal Water Pollution Control Act to, among other things, provide financial assistance for the construction of waste treatment facilities;

Fifth, expand the authority of the Secretary of the Interior to develop comprehensive water quality management and enforcement programs;

Sixth, increase the quantity and quality of State and local involvement in developing and supporting improved State and interstate water pollution control programs;

Seventh, improve the use and conservation of Federal land for the purpose of public recreation.

Mr. Speaker, it is going to cost a substantial amount of money to carry out these proposals. And there is no use kidding ourselves, this is just the beginning. In the long run, the fight against pollution will be a very costly one, but society, like individuals, must pay for its mistakes. The stakes are too high. The consequences of further inaction may be fatal to mankind.

THE NEWSPAPER PRESERVATION ACT: WHO NEEDS IT?

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Minnesota (Mr. MACGREGOR) is recognized for 15 minutes.

Mr. MACGREGOR. Mr. Speaker, Congress is currently being asked to carve out a new exemption to the antitrust laws. I have reference to S. 1520, the so-called newspaper preservation bill, which passed the other body January 30 and is now before the House Judiciary Committee.

I have taken particular interest in this legislation because it raises such vital issues. "Congress shall make no law," we are admonished by the Constitution, "abridging the freedom of the press." We are told by some newspapermen that S. 1520 has the effect, indirectly if not directly, of abridging press freedom. This in itself should alert us to the significance of our decision regarding its passage.

Beyond this, "media concentration" and competition in the realm of ideas and information have become prime topics of discussion throughout the Nation. Certainly the newspaper preservation bill bears on this growing national concern.

I was intrigued by an editorial comment on this bill in the New Yorker magazine of January 31, 1970. The writer likened it to the tree preservation service he has often seen trimming branches along New York's residential streets. He says he became curious as to how the trimming was supposed to preserve the trees, and upon investigation discovered that the trucks and men were sent out not by someone concerned about arboreal health, but by ConEdison, the local utility, to keep the branches out of their wires. Of S. 1520 the writer concludes, "It is most probably not a newspaper preservation bill so much as a publisher preservation bill," and he adds that "any newspaper that has to be preserved this way might as well be preserved in formaldehyde."

My study of the proposal leads me to conclude that it carries the potential for some very subtle effects on "media concentration" and the "maintenance of separate editorial voices." These effects are so subtle, in fact, that they have led two executive departments to opposite conclusions. In our committee hearings on the measure last September we heard

the Justice Department's representative, Assistant Attorney General Richard McLaren, condemn the legislation as unnecessary and not in the best interests either of the public or the Nation's newspapers. On the previous day we had heard Mr. Walter A. Hamilton, Deputy Assistant Secretary of the Department of Commerce, speak in favor of the bill as contributing to the maintenance of "separate news and editorial viewpoints."

I find the arguments of the Justice Department, which by the way are mirrored by the Federal Trade Commission, to be much the more persuasive.

Mr. Hamilton testified that "joint operating arrangements appear to be one way to bring stability to publishers experiencing economic distress." With this I certainly agree. The joint operating agreement brings together competing publishers who consolidate their production operations and thereby eliminate a great deal of duplication of effort and cost. Undoubtedly these arrangements have been the salvation of a number of newspapers among the 44 currently utilizing them. They have been so successful that I know of no one who seriously argues for their abolition.

But the point which seems to be missed by so many is that Congress does not need to adopt an antitrust exemption to preserve these "joint newspaper operations." I am persuaded that we should never write legislation—particularly antitrust legislation—which is not demonstrably essential.

When the Justice Department in 1965 originated its action against the daily newspapers of Tucson, Ariz., there was general agreement that the Federal district court would find the joint newspaper operation as conducted there violative of the Sherman Act. And of course the judge so ruled in 1968. Specifically he found that the newspapers, supposedly competitive, were joining in setting their advertising rates, and were pooling and dividing profits. Price fixing and profit pooling are per se violations of the antitrust laws.

Even before Judge James Walsh ruled, publishers utilizing the joint newspaper arrangements in 20 U.S. cities banded together to seek an antitrust exemption for their operations. The legislation benefits only newspapers so structured. Note that only 20 joint operations launched the legislative campaign. There are 22 joint operations across the Nation, but those in Miami, Fla., and Shreveport, La., have declined to participate in the exemption effort, a fact which came out in testimony before our subcommittee.

It seems apparent that the joint operators panicked at the prospect of an adverse court decision. Certainly their appeal, emphasizing the disasterous consequences if their joint operations were broken up, indicates blind fear. Because long before the U.S. Supreme Court affirmed Judge Walsh's decision, it became abundantly clear that joint newspaper operations are not themselves violative of the antitrust laws. It is only certain features of the operations which run afoul of the law. Joint printing from a single plant has never been challenged. Use of the same distribution system has been upheld as acceptable under the law. Use of a joint business office for purposes of accounting and billing has repeatedly been spelled out as acceptable.

I might point out that there are still 37 U.S. cities in which independent, wholly separate, daily newspapers compete and survive. I mention this because proponents of the newspaper preservation bill continually complain that their jointly produced newspapers could not possibly survive if separted. Somehow newspapers in the 37 fully competitive cities manage.

But no one is asking the joint newspaper operators to split up their printing, distribution, accounting and like operations. In fact, the January 26, 1970, order Judge Walsh has issued in Tucson sets a pattern for joint newspaper operations which is even more liberal in its detail. The Justice Department is willing to apply these same rules to the 21 other joint newspaper operations and they permit all I have mentioned heretofore, plus publication of a joint Sunday edition, the offering of combination morning-evening advertising rates, and joint sale of this latter combination.

In point of fact, the two Tucson dailies will be allowed to continue almost all of the economies they have enjoyed through the 30 years they have published jointly. Judge Walsh's order will result in their having to add only a handful of sales and promotion personnel—so few as to make this legislation truly unnecessary.

All that S. 1520 and similar House bills accomplish is to legitimatize price fixing and profit pooling. And neither of these activities constitute an economy. They only represent deliberate and every effective elimination of competition.

This brings me to some of the subtle effects to which I alluded earlier. Joint newspaper operations constitute the most formidable barriers to would-be newcomers who might aspire to publish a newspaper in the same market. The capital of two separate publishing organizations has been combined. The morning and evening newspaper markets are filled by two publications which support each other in their joint operations and resulting economies. Their offering of combination rates creates a tremendous pressure on advertisers to spend all their dollars with this one organization, since the discounts come when the advertiser uses both newspapers.

Again understand that the legislation is not posing an either-or choice. Failure to enact this antitrust exemption does not mean abolition of joint operations. It does mean, however, that they must operate, particularly in the area of advertising sales, a little further apart—more nearly at arm's length. The legislation would grant the joint operators special rights to manipulate rates and sales to their advantage—and to the disadvantage of suburban competitors.

Newspapers opposing adoption of the legislation, and they number in the thousands and include such prestigious publications as the New York Times, the Louisville Courier-Journal, the Washington Post, and the Wall Street Journal, know how much advantage the joint newspaper operations already enjoy, without special legislation. For example, Lee Enterprises, Inc., owns a total of 14 newspapers and 11 broadcast properties. Two of its newspapers are involved in joint newspaper operations. The company's prospectus graphically illustrates how much more profitable are these joint newspaper operations. While the corporation as a whole showed in 1968 an 11-percent rate of return after tax on stockholders' equity, the Lincoln, Nebr., property returned 16.4 percent after tax, and Lee's Madison, Wis., newspaper returned 22 percent after tax.

To the extent that the joint newspaper operations stand as barriers to the establishment of competing local newspapers, granting them additional rights heightens those barriers. It is this effect that raises the constitutional question. If the House passed S. 1520, would not Congress be making a law abridging press freedom by granting one publishing organization an unusual economic advantage over potential competitors?

Another very subtle effect of the legislation was mentioned by former Assistant Attorney General Donald M. Turner when he testified against the bill before the Senate in 1968. He noted that congressional action here would single out newspapers for special protection, and likely result in a general relaxation of antitrust enforcement in the newspaper field. Many newspapermen recognize the antitrust laws as their shield against overpowering competition. They want the antitrust laws enforced.

The foregoing provides reasons why the legislation is not needed and should not be adopted.

In addition, the language of the bill itself raises very serious questions. "Failing" is defined in the bill as "in probable danger of failure or appears unlikely to remain or become a financially sound publication." What constitutes a financially sound business? Is it one breaking even, or must it be returning an attractive rate on the investment, to be financially sound?

Once a joint newspaper operation qualifies under the bill for the exemption from price fixing and profit pooling, it is entitled to enjoy these unusual benefits in perpetuity. No one reviews the operation's profitability to determine whether the rights are still required for preservation of the two editorial voices.

New joint newspaper operations can be formed under the bill, but only with the written consent of the Justice Department. We suspect that in any other context, a piece of legislation calling for written consent of a Federal agency before newspapers could adopt a certain business structure would precipitate monumental protests from the Nation's publishers. The procedure smacks of governmental licensing. Yet, it is being sought, not opposed, by the bill's proponents.

Possibly in 1967, when the original failing newspaper bill was introduced by Senator Carl Hayden of Arizona, there was justification for at least exploring a special antitrust exemption for the 44 newspapers currently utilizing joint newspaper arrangements. Subsequent

events, and particularly the court order issued last month concluding the Tucson case, render unnecessary this unusual legislative remedy. Many newspaper organizations, including the 7,000-member National Newspaper Association and the Minnesota Newspaper Association, oppose the legislation for the reasons I have outlined. I hope the House of Representatives rejects this bill.

COMPREHENSIVE HEADSTART CHILD DEVELOPMENT ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. STEIGER) is recognized for 60 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, there has been a great deal of interest expressed in the Comprehensive Headstart Child Development Act of 1970 introduced by my colleagues, Mr. DELLENBACK, Mr. HANSEN of Idaho, Mr. ANDERSON of Illinois, Mr. AYRES, Mr. BELL of California, Mr. BUSH, Mr. COLLIER, Mr. CONABLE, Mr. ESCH, Mr. ESHLEMAN, Mrs. HECKLER of Massachusetts, Mr. MACGREGOR, Mr. MYERS, Mr. QUIE, Mr. RUTH, Mr. SCHERLE, Mr. SCHWENGEL, Mr. STAFFORD, Mr. TAFT, Mr. WYDLER, and myself to provide a consolidated, comprehensive child development program.

I would like to include the text of the legislation as part of my remarks at this point:

H.R. 15776

A bill to provide a consolidated, comprehensive child development program in the Department of Health, Education, and Welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Headstart Child Development Act of 1970".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress recognizes the national need for child development programs for millions of children of working mothers and the importance of providing child development services essential to the healthy physical, social, emotional, and cognitive development of children who would not otherwise receive them. Congress further recognizes the need to gain a better understanding of the child development process and to develop effective programs which enhance this process. Finally, Congress notes the capacity of private enterprise to assume a significant part of the burden of providing high quality programs for young children. It is the purpose of this Act to assure sound development of all children during the first five years of life and to provide comprehensive early childhood development programs suited to meet the needs of children of working mothers and children younger than compulsory school attendance age; to enhance the economic self-sufficiency of families by making child development services available for children of parents who are not but who want to become employed; and to make Federal assistance in providing these services more effective and to use available resources more efficiently.

TITLE I—COMPREHENSIVE HEADSTART CHILD DEVELOPMENT PROGRAM

DECLARATION OF PURPOSE

SEC. 101. It is the purpose of this title to authorize Federal grants to States to assist them to maintain, extend, and improve existing child development programs; to develop new child development programs; to achieve maximum benefit from existing and new funds for the purpose of child development through better utilization of resources, planning, and coordination among programs; and to provide such educational, health, nutritional, and social services as a part of child development programs as may be required to enable every child to attain his full potential.

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) There are authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972, $600,000,000 for fiscal year ending June 30, 1973, and $750,000,000 for the fiscal year ending June 30, 1974, and each succeeding fiscal year, for the purpose of providing assistance under this title.

(b) There are also authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, and for each succeeding fiscal year, for the purposes of making grants to State commissions.

ALLOTMENTS AMONG STATES

SEC. 103. (a) Sums appropriated under subsection (a) of section 102 and sums appropriated under subsection (b) of section 102 shall, subject to the provisions of subsection (d) each be allotted as follows:

(1) First, the Secretary shall reserve from each such appropriation such amount as he may determine, but not in excess of 3 per centum thereof, and shall allot such amount among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance.

(2) The Secretary shall allot 30 per centum of the remainder of each such appropriation among the States so that the amount allotted to each State bears the same ratio to such 30 per centum as the number of families having an annual income of less than $3,600 in the State bears to the number of such families in all the States.

(3) The Secretary shall allot 30 per centum of the remainder of each such appropriation among the States so that the amount allotted to each State bears the same ratio to such 30 per centum as the number of children younger than age fourteen with mothers who are regularly employed outside home in the State bears to the total number of such children in all the States.

(4) The Secretary shall allot 40 per centum of the remainder of each such appropriation among the States so that the amount allotted to each State bears the same ratio of such 40 per centum as the number of children younger than age six in the State bears to the number of such children in all the States.

(b) The number of children younger than age six, the number of children younger than age fourteen with mothers who are regularly employed outside the home, and the number of families having an annual income of less than $3,600, in a State and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(c) For purposes of subsection (a), the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(d) If the allotment to any State under subsection (a) for any fiscal year from the amount appropriated under section 102(a) is less than the aggregate amount received by it, and by public and private agencies in the State, during the fiscal year ending June 30, 1971, under the Economic Opportunity Act of 1964 (other than section 221 thereof), title I of the Elementary and Secondary Education Act of 1965, and title IV of the Social Security Act for purposes for which assistance may be provided under this title (as determined by the Secretary), then the amount so allotted to it shall be increased to an amount equal to such aggregate amount, and the allotment to each State whose allotment is not increased shall be reduced pro rata (but not below such aggregate amount for such State) in the amount necessary to permit the making of such increases.

AUTHORIZATION OF ASSISTANCE

SEC. 104. From the sums appropriated under section 102(a), the Secretary shall provide assistance for child development programs approved by State commissions pursuant to State plans approved by him under section 106.

ELIGIBLE CHILD DEVELOPMENT PROGRAMS

SEC. 105. Assistance under this title may be provided for programs for—

(1) planning and developing child development programs, including carrying on of pilot programs to test the effectiveness of plans which have been developed,

(2) the establishment, maintenance, and operation (including the acquisition through lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) of child development programs, including Headstart programs and day care programs for children younger than age fourteen to be carried on in group centers, family day-care homes, or in children's homes, or through other arrangements, and which may include activities such as—

(A) comprehensive physical, social, emotional, and cognitive development programs for children needing such assistance in order to profit fully from their educational opportunities and to attain their maximum potential;

(B) food and nutritional services, including family consultation to improve nutrition in the home environment;

(C) specialized social services designed to improve the home environments of children and to involve the parents in the child's development;

(D) a program of daily activities designed to develop fully each child's potential;

(E) other specially designed health, social, and educational programs for these children (including after school, summer, weekend, vacation, and overnight programs) which meet the purposes of this Act;

(F) direct parent participation in the development, conduct, and overall program direction as well as participation in activities designed to assist parents in meeting their family responsibilities;

(G) participation in program operation, where feasible, by paid para-professional aides and by unpaid volunteers, persons preparing for employment in child development programs, older Americans, and high school students and older children, provided that such participation be under the direct supervision of professional staff personnel; and

(H) identification of physical, mental, and emotional handicaps, referral of children with such handicaps for appropriate treatment, and incorporation within the program of daily activities of any special activities designed to ameliorate such handicaps, provided that separate programs are not organized solely for the handicapped children; and

(3) the establishment, maintenance, and operation of programs to teach the fundamentals of child development to economically deprived adolescent girls and economically deprived expectant mothers (including the lease or rental of necessary facilities and renovation or alteration of such facilities where necessary, and the acquisition of necessary equipment and supplies for such programs).

STATE COMMISSIONS AND STATE PLANS

SEC. 106. (a) Any State which wishes to participate in the program of assistance provided for in this title shall create for that purpose a State commission, and submit to the Secretary through the State commission a State plan for such participation. The membership of the State commission shall

be broadly representative of the public and private education, health, and child welfare agencies, including the State educational agency, community action agencies established under title II of the Economic Opportunity Act of 1964, and committees established under section 522(d) of such Act. In addition, not less than one-third of the membership shall consist of parents appointed from time to time (but not more often than annually) from among nominees selected in accordance with democratic selection procedures adequate to assure that they are parents of children who will be served by programs assisted under this title. For the purposes of the initial creation of a State commission, such parent representatives may, in accordance with regulations of the Secretary, be chosen from nominees selected by parents of children served under the Project Headstart program, title IV of the Social Security Act, and a committee established under section 522(d) of the Economic Opportunity Act of 1964 (if any).

(b) The Secretary shall approve a State plan which—

(1) provides that it will be administered by or under the direction of the State commission, and that such commission will, through the selection of programs for approval, effectively implement the State program required by paragraph (2),

(2) sets forth a comprehensive State program for providing child development services in a manner which—

(A) will recognize the relative needs of urban and rural areas in the State, and will insure that no area in the State which has high concentrations of economically disadvantaged children will receive less assistance for programs for such children than such area received for preschool and day care programs in the fiscal year ending June 30, 1971, under the Project Headstart program, title I of the Elementary and Secondary Education Act of 1965, and programs assisted under title IV of the Social Security Act.

(B) will give the greatest emphasis to programs to provide child development services to economically disadvantaged young children, give special emphasis to programs to provide child development services for children younger than age fourteen who are in need of day care, give emphasis to programs to educate economically disadvantaged adolescent girls and economically disadvantaged expectant mothers in the rudiments of sound child development practices so that they can provide healthful environments and care for their children, and consider programs to give child development services to other young children.

(C) will provide for an equitable allocation of funds between programs described in section 105(2) and those described in section 105(3),

(D) provides, subject to subparagraph (B), for assigning priorities among programs according to objective standards and methods which will assure that the highest priority is given to programs in areas having the highest concentrations of economically deprived young children and of children in need of day-care, except that this subparagraph and subparagraph (B) may be disregarded to the extent necessary to assure that Project Headstart programs, preschool and day care programs assisted under title I of the Elementary and Secondary Education Act of 1965, and programs under title IV of the Social Security Act which were assisted during the fiscal year ending June 30, 1971, may continue to receive assistance under this title for two years after the date of enactment of this Act,

(3) provides that, in the case of programs which include the construction of facilities (A) such a program will be approved only upon a showing that construction of such facilities will be more economically advantageous to the government than the rental or lease of facilities, and that a variety of building designs and techniques utilizing both new and conventional technologies have been considered in an attempt to provide the most economical and useful facility possible for the intended purposes, (B) the Federal assistance may be in the form of grants or loans and total Federal funds to be paid will not exceed 50 per centum cost of the construction cost, and (C) not more than 15 per centum of the State's allotment from funds appropriated under section 102(a) for a fiscal year shall be used for construction of facilities, and not more than 2 per centum thereof shall be used for grants for construction,

(4) provides that, insofar as feasible, programs will be approved only if there is participation of children from both advantaged and disadvantaged homes, and the priority of programs shall not be affected by the participation of advantaged children in programs intended primarily for the benefit of the disadvantaged,

(5) provides an opportunity for a hearing for every applicant which has submitted a program before the State commission makes a final determination adversely affecting it,

(6) provides that children in an area served by a program carried out by a local educational agency will in no case be denied the benefits of the program because of their attendance in nonpublic preschool programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age,

(7) provides that no program of a private agency, other than a nonprofit agency, will be approved unless the cost of the services to be provided are equal to or lower than the cost of comparable services provided by a public or private nonprofit agency, and such services meet the standards set for all other comparable programs assisted under this title,

(8) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met and sets forth the criteria to be used in fixing the Federal share in programs to which section 108(b) applies,

(9) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State commission from sums appropriated under section 102(b),

(10) provides for making such evaluations, assessments, and reports in such form and containing such information as may be reasonably necessary to enable the Secretary to perform his functions and enable the Congress to ascertain the effectiveness of this title,

(11) assures adequate linkage, coordination, and continuity between preschool and elementary school programs,

(12) provides that an application for assistance will be approved only if—

(A) the program meets the requirements of section 105,

(B) sufficient trained personnel will be available to assure attention to the needs of each child who is participating.

(C) no person will be denied employment in the program solely on the ground that he fails to meet State certification standards,

(D) the program will provide adequately for the physical, social, emotional, and cognitive development of the children who are participating,

(E) the applicant meets the day care requirements developed under section 522(d) of the Economic Opportunity Act of 1964.

(c) The Secretary shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State commission submitting the plan reasonable notice and opportunity for a hearing.

(d) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State commission administering a State plan approved under subsection (b), finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of such subsection, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify the State commission that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

JUDICIAL REVIEW

SEC. 107. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 106(b) or with his final action under section 106(d), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

MATCHING REQUIREMENTS

SEC. 108. (a) Not more than 80 per centum of the cost of providing services for economically deprived children or adolescents or expectant mothers under this title may be paid from Federal funds.

(b) The percentage of the cost of providing services for children other than economically deprived children or adolescents or expectant mothers under this title which is paid from Federal funds shall be determined under the State plan, but in no event shall more than 80 per centum of the cost of such be paid from Federal funds.

(c) The non-Federal share of the costs of programs assisted under this Act may be provided through public or private funds and may be in the form of cash, goods, services, or facilities reasonably evaluated, fees collected from parents, or from union or employer contributions.

(d) If in any fiscal year, a program in a State provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs in the same State for the same fiscal year.

APPLICATIONS

SEC. 109. (a) Assistance under this Act shall be provided on the basis of applications submitted to the State commission and approved by it under the State plan and also approved by the Secretary.

(b) An application under this title may be made by any public or private profit or nonprofit agency, or by any employer of

fifteen or more working mothers of young children.

(c) The Secretary shall approve an application submitted by a State commission if it has been approved by the State commission and if the funds available in the State's allotment from funds appropriated under section 102(a) are sufficient to cover the costs of the program.

PAYMENTS

SEC. 110. (a) The Secretary shall pay from the applicable State allotment the Federal share of the cost of programs which he has approved. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(b) From each State's allotment under section 102(b), the Secretary may make grants to State commissions to enable them to develop and administer State plans.

(c) The Secretary shall make technical assistance available on a continuing basis to assist States to develop and carry out State plans under this Act.

CONSTRUCTION PROJECTS

SEC. 111. (a) If within ten years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(b) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

DIRECT FEDERAL FUNDING

SEC. 112. Where a State has not submitted a State plan under section 106, or the Secretary has failed to approve a State plan so submitted, the Secretary may act as the State commission for such State, and use State allotment to provide assistance in accordance with the provisions of this title.

REPEAL AND CONSOLIDATION

SEC. 113. (a) The purpose of this section is to consolidate early childhood, day care, child service, and preschool programs authorized by the existing laws referred to in subsection (b), so as to form a single coordinated Comprehensive Headstart Child Development Program in the Department of Health, Education, and Welfare.

(b) (1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed effective July 1, 1971.

(2) Part B of title V of the Economic Opportunity Act of 1964 is repealed.

(3) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing day care services for children, but not operation of day care programs for children".

(4) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing day care services for children", and adding after the word "employment" the phrase ", but not including the direct operation of day care programs for children".

(5) Section 101 of the Elementary and Secondary Education Act of 1965 is amended by striking out "(including preschool programs)", and by inserting "aged five to seventeen" before the end of the sentence.

(6) Section 105(a)(1)(A) of the Elementary and Secondary Education Act of 1965 is amended by inserting "aged five or older" after the phrase "which are designed to meet the special educational needs of educationally deprived children".

(7) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children".

(8) Effective July 1, 1971, neither the child-care services furnished under a State plan approved under part A of title IV of the Social Security Act nor the child-welfare services furnished under a State plan developed as provided in part B of such title shall include day-care services or any other organized child development program within the meaning of this Act, and section 422(a)(1)(C) of such Act shall not apply. The Secretary shall prescribe such regulations and make such arrangements as may be necessary or appropriate to ensure that suitable child development programs under this Act are available for children receiving aid or services under State plans approved under part A of title IV of the Social Security Act and State plans developed as provided in part B of such title to the extent that such programs are required for the administration of such plans and the achievement of their objectives, and that there is effective coordination between the child development programs under this Act and the programs of aid and services under such title IV.

TITLE II—NATIONAL INSTITUTE FOR EARLY CHILDHOOD DEVELOPMENT AND EDUCATION

DECLARATION OF PURPOSE

SEC. 201. It is the purpose of this title to focus national efforts to attain a fuller understanding of the processes of early childhood development and the effects of organized programs upon these processes; to develop from this research programs to enhance child development; to do so as rapidly as possible with the most effective use of available resources; and to assure that the results of such research and development are reflected in the conduct of program affecting young children.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. (a) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year, for the purposes of section 203 below.

(b) There are also authorized to be appropriated $3,000,000 for the construction of a facility for the National Institute for Early Childhood Development and Education.

NATIONAL INSTITUTE FOR EARLY CHILDHOOD DEVELOPMENT AND EDUCATION

SEC. 203. (a) There is established in the executive branch of the Government, an independent agency to be known as the National Institute for Early Childhood Development and Education (hereinafter referred to as the "Institute").

(b) The activities of the Institute shall include, but not necessarily be limited to:

(1) research to determine the nature of child development processes and the impact of various influences and interventions upon them; research to develop techniques to evaluate and diagnose child development; and research to determine how child development programs conducted in either home or institutional settings might positively affect child development processes;

(2) evaluation of research findings and the development of these findings into effective products for application;

(3) diffusion of research and development efforts into the general practice of early childhood programs, using regional teacher demonstration centers and advisory services where feasible;

(4) production of informational systems and other resources necessary to support the activities of the Institute; and

(5) integration of national early childhood research efforts into a focused national early childhood research program, including the coordination of research and development conducted by the Institute and similar research and development conducted by other agencies, organizations and individuals.

GENERAL AUTHORITY OF THE INSTITUTE

SEC. 204. The Institute shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including, but not limited to, the authority—

(1) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(2) to make such expenditures as may be necessary for administering the provisions of this title;

(3) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development dissemination or evaluation efforts as the Institute deems necessary to carry out the purposes of this title and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

(4) to acquire by purchase, lease, loan, or gift and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

(5) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Institute as stated in section 201;

(6) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently.

OFFICERS AND ORGANIZATION

SEC. 205. (a) BOARD OF GOVERNORS.—(1) The Board of Governors shall consist of twenty-five members to be appointed by the President, by and with the advice and consent of the Senate, and of the Director ex officio, and shall, except as otherwise provided in this title, exercise the authority granted to the Institute. The persons nominated for appointment as members shall be—

(i) eminent in the fields of education, psychology, the social sciences, basic science, medicine, or public affairs;

(ii) selected solely on the basis of established records of distinguished service; and

(iii) selected so as to provide representation of major points of view of child development leaders in all areas of the Nation.

In making nominations of persons for appointment as members of the Board of Governors, due consideration will be given to the recommendations for nomination which may

be submitted to the President by educational, scientific, or other organizations.

(2) The term of office of each voting member of the Board of Governors shall be three years, except that

(i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

(ii) the terms of office of the members first taking office after June 30, 1970, shall expire, as designated by the President at the time of appointment, eight at the end of one year, eight at the end of two years, and nine at the end of three years after June 30, 1970.

Any person who has been a member of the Board of Governors for six consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of such sixth year.

(3) The Board of Governors shall meet at least once annually and at such other times as the Chairman may determine, but he shall also call a meeting whenever six or more of the members so request in writing. A majority of the voting members of the Board shall constitute a quorum. Each member shall be given notice, by registered mail or by certified mail, mailed to his last known address of record not less than ten days prior to any meeting, of the call of such meeting.

(4) The Board of Governors shall establish the basic policies governing the activities of the Institute and shall modify such policies from time to time as it may deem appropriate.

(b) CHAIRMAN AND VICE CHAIRMAN.—An election of the Chairman and Vice Chairman of the Board of Governors shall take place at the first meeting of the Board of Governors following enactment of this legislation. Thereafter such election shall take place at the second annual meeting occurring after each such election. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy.

(c) DIRECTOR OF THE INSTITUTE.—There shall be a Director of the Institute (hereinafter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate, from a panel of at least three persons nominated by the Board of Governors. He shall serve as a nonvoting ex officio member of the Board. In addition thereto he shall be the chief executive officer of the Institute. The Director shall serve for a term of three years unless sooner removed by the President. In addition to the powers and duties specifically vested in him by this title, the Director shall, in accordance with the policies established by the Board, exercise the powers granted by section 204 of this title, together with such other powers and duties as may be delegated to him by the Board of Governors; but no final action shall be taken by the Director in the exercise of any power granted by section 204 of this title unless in each instance the Board has reviewed and approved the action proposed to be taken, or such action is taken pursuant to the terms of a delegation of authority from the Board or the Executive Committee to the Director.

(d) POWER OF BOARD OF GOVERNORS TO CREATE COMMITTEES.—(1) The Board of Governors is authorized to appoint from among its members an Executive Committee, and to assign to the Executive Committee such of the powers and functions granted to the Board by this title as it deems appropriate; except that the Board may not assign to the Executive Committee the function of establishing policies.

(2) If an Executive Committee is established by the Board of Governors, it shall consist of the Director, as a nonvoting ex officio member, the Chairman of the Board of Governors, and not less than five nor more than nine other members elected by the Board of Governors from among their number. Any person who has been a member of such Committee for six consecutive years shall be ineligible for reelection during the two-year period following the expiration of such sixth year. Such Committee shall render an annual report to the Board of Governors and such other reports as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, of members of the Executive Committee shall be included in such reports.

(3) The Board of Governors is authorized to appoint from among its members and others such committees as it deems necessary, and to assign to committees so appointed such functions as the Board of Governors deems appropriate for the purposes of this title.

(e) DIVISIONS WITHIN THE INSTITUTE.—(1) Until otherwise provided by the Board of Governors there shall be within the Institute the following divisions:

(i) A Division of Research.

(ii) A Division of Program Planning and Evaluation.

(iii) A Division of Development and Demonstration.

(iv) A Division of Resource Production.

(2) There shall also be within the Institute such other divisions as the Board of Governors may, from time to time, deem necessary.

ANNUAL REPORT

SEC. 206. The Institute shall make an annual report to Congress, summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the Institute and the grants, contracts, or other arrangements entered into during the preceding year, and make such recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

TRANSFER OF NATIONAL LABORATORY ON EARLY CHILDHOOD EDUCATION

SEC. 207. The National Laboratory on Early Childhood Education, established under the authority of the Cooperative Research Act, as amended (Public Law 83–531), shall be incorporated into the Institute as its substantive core; and funds equivalent to the amount allotted to the National Laboratory on Early Childhood Education during the fiscal year ending June 30, 1970, shall be transferred annually to the Institute, pursuant to section 2(c) of the Cooperative Research Act, for the five fiscal years following enactment of this legislation.

EMPLOYMENT OF PERSONNEL

SEC. 208. (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title.

(b) The Director may appoint, with the approval of the Board of Governors, a Deputy Director who shall perform such functions as the Director, with the approval of the Board, may prescribe and shall be Acting Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

(c) The members of the Board shall receive compensation at rates not exceeding $100 per day for each day engaged in the business of the Institute, and shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently.

COORDINATION OF RESEARCH

SEC. 209. (a) Funds available to any department or agency of the Government for the purposes stated in section 201 or the activities specified in section 203 shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Institute for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Institute for the purposes for which the transfer was made.

(b) The Secretary of Health, Education, and Welfare shall inform the Institute of plans for future grants, contracts, projects, and other activities authorized under this Act; section 426 of the Social Security Act; title IV of the Elementary and Secondary Education Act of 1965; the National Institute of Mental Health established pursuant to the National Mental Health Act of 1946 (Public Law 79–487); and the National Institute of Child Health and Human Development established pursuant to Public Law 87–838, at least thirty days prior to the execution of such plans and shall inform the Institute of the results or findings resulting from the execution of such plans.

(c) The Director of the Office of Economic Opportunity shall inform the Institute of plans for future grants, contracts, projects, or other activities pertaining to research or experimentation involving the enhancement of early childhood development or the establishment of programs to care for or to nurture young children, at least thirty days prior to the execution of such plans and shall inform the Institute of the results or findings resulting from the execution of such plans.

(d) Activities conducted by the Office of Economic Opportunity, by the National Institute of Mental Health, the National Institute of Child Health and Human Development, and activities authorized by this Act, title IV of the Elementary and Secondary Education Act of 1965, and section 426 of the Social Security Act which pertain to research or experimentation involving the development of programs to enhance the development of young children shall be coordinated with the activities of the Institute in a manner to assure—

(1) maximum utilization of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the purposes of this title.

(e) An Early Childhood Research Council consisting of the Chairman of the Board of Governors and the Director of the Institute, the Secretary of Health, Education, and Welfare, the Director of the Office of Economic Opportunity, and such other officials as they may designate, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdictions and to carry out the provisions of subsection (d) above.

TITLE III—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

PART A—MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

SEC. 301. Title II of the National Housing Act is amended by adding after section 242 the following new section:

"MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

"SEC. 243. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for child care and child development programs.

"(b) For the purposes of this section—

"(1) The term 'child development facility' means a facility of a private profit or nonprofit corporation or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child care or child development programs for one

hundred or more children younger than compulsory school attendance age as determined by State or local regulations or younger than age six in the absence of such regulations, or in conjunction with such programs for the provision of child care programs during nonschool hours for school-age children.

"(2) The terms 'mortgage', or 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of this Act.

"(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the 'Secretary') is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and to make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability successfully to operate one or more child care or child development programs. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the general insurance fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the child development facility, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has received, from the State or local agency designated by State law to license and regulate child day care facilities for the State or the political subdivision of the State in which the child development facility covered by the mortgage is located, a certificate that (A) there is a need for such facility, and (B) there are in force in such State or the political subdivision of the State in which the proposed facility would be located reasonable minimum standards of licensure and methods of operation of child development facilities. No such mortgage shall be insured under this section unless the Secretary has received such assurance as he may deem satisfactory from the State or local agency that such standards will be applied or enforced with respect to any child development facility located in the State or locality for which mortgage insurance is provided under this section.

"(5) The Secretary shall not insure any mortgage under this section unless he has also received from the State commission authorized in title I of the Comprehensive Headstart Child Development Act of 1970 a certificate that the facility is consistent with and will not hinder the execution of the State plan.

"(e) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(f)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under other provisions of this title.

"(2) The provisions of subsections (d), (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 shall apply to mortgages insured under this section; and, with respect to such mortgages, all references in such provisions to section 207 shall be deemed to refer to this section, and all references in such provisions (and in section 519) to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare."

PART B—NEIGHBORHOOD FACILITIES

SEC. 321. Section 703 (c)(1) of the Housing and Urban Development Act of 1965 is amended by inserting "child care," after "social,".

SEC. 322. Section 708(a) of the Housing and Urban Development Act of 1965 is amended by striking out "(2) $50,000,000 for grants under section 703," and inserting in lieu thereof "(2) $100,000,000 for grants under section 703,".

TITLE IV—TRAINING OF CHILD DEVELOPMENT PERSONNEL

SEC. 401. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence: "There is additionally authorized to be appropriated the sum of $20,000,000 for the fiscal year ending June 30, 1971, for programs and projects under this part to train or retrain professional personnel for preschool or early childhood programs, and the sum of $20,000,000 for the fiscal year ending June 30, 1971, for programs and projects under this part to train or retrain nonprofessional personnel for preschool or early childhood programs."

SEC. 402. Section 205(b)(3) of the National Defense Education Act is amended as follows, by adding after the word "nonprofit" the phrase "early childhood program," by striking out "and (C)" and inserting in lieu thereof the following: "(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs operating under authority of title I of the Comprehensive Headstart Child Development Act of 1970, and (D)".

SEC. 403. The Secretary of Health, Education, and Welfare is authorized to award grants to individuals employed in child development programs operating under the authority of title I of this Act and to such programs for the purposes of meeting the costs of inservice training for professional and nonprofessional personnel to be conducted by the child development program, by a community or higher education institution, or by a combination thereof.

SEC. 404. There is authorized to be appropriated for the purpose of section 403 the sum of $5,000,000 for the fiscal year ending June 30, 1971, and for each succeeding fiscal year.

TITLE V—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

SEC. 501. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

(b) Employees of any Federal agency or group of such agencies employing one hundred and twenty or more working mothers of young children who desire to participate in the grant program under this title shall:

(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working mothers employed by the agency or agencies, and

(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which:

(A) provides that the child development program shall be administered under the direction of the agency commission;

(B) provides that the program will meet the Federal Interagency Day-Care Requirements;

(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

(D) provides for a scale of fees based upon the parents' financial status; and

(E) provides for competent management, staffing, and facilities for such program.

(c) The Secretary shall not grant funds under this section unless he has received approval of the plan from the official or officials in charge of the agency or agencies whose employees will be served by the child development program.

SEC. 502. (a) No more than 50 per centum of the total cost of child development programs under this title during the first two years of such programs' operation, and no more than 40 per centum of the total cost of such programs in succeeding years shall be paid from Federal funds.

(b) The non-Federal share of the total cost may be provided through public or private funds and may be in the form of cash, goods, services, facilities reasonably evaluated, fees collected from parents, union and employer contributions.

(c) If in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same title, for the same fiscal year.

(d) In making grants under this title, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

SEC. 503. There is authorized to be appropriated for carrying out this title during the fiscal year ending June 30, 1971, and each succeeding fiscal year, the sum of $5,000,000.

TITLE VI—GENERAL PROVISIONS

PART A—EVALUATION OF FEDERAL PROGRAMS FOR EARLY CHILDHOOD DEVELOPMENT

SEC. 601. (a) The Secretary shall make an evaluation of Federal involvement in child development which shall include—

(1) enumeration and description of all Federal activities which affect child development;

(2) analysis of expenditures of Federal funds for such activities;

(3) determination of efficiency, effectiveness, and results of such expenditures and activities; and

(4) such recommendations to Congress as the Secretary may deem appropriate.

(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this legislation.

(c) The Secretary may enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this part.

SEC. 602. The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

SEC. 603. Such information as the Secretary may deem necessary for purposes of the annual evaluation shall be made available to him, upon request, by the agencies of the executive branch.

SEC. 604. There are authorized to be appropriated for the fiscal year ending June 30, 1971, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this part.

PART B—OFFICE OF CHILD DEVELOPMENT

SEC. 621. The Secretary shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency in that Department for programs and activities relating to child development and which shall, unless otherwise specified, carry out the provisions of this Act.

PART C—FEDERAL INTERAGENCY DAY-CARE REQUIREMENTS

SEC. 631. For purposes of this Act, the following exceptions shall be made to the Federal Interagency Day-Care Requirements established pursuant to section 522(d) of the Economic Opportunity Act of 1964:

(a) The total ratio of children to adults in day care centers may not exceed seven to one for children aged two to three years old; ten to one for children aged three to four years old; and fourteen to one for five-year olds.

(b) Where day care is being provided for children who are not from low-income families, the requirements regarding social services, arrangements for medical and dental care may be waived for such children.

(c) Where the administering agency contracts for services with private proprietary organizations, "assisting in the development of the programs and approving applications for funding" may be changed to "advising in the development of programs and applications for funding."

(d) The requirement providing "for priority in employment to welfare recipients and other low-income people" may be changed to provide "for equal opportunity for welfare recipients and other low-income people for employment".

PART D—FEDERAL CONTROL NOT AUTHORIZED

SEC. 641. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction or administration of any educational institution.

PART D—DEFINITIONS

SEC. 651. As used in this Act—

(a) "early childhood" and "young children" shall refer to children younger than six years of age or to children who have not entered public school, whichever is older.

(b) "child development programs" shall be those programs which provide the educational, nutritional, social, medical, and physical services needed for children to attain their full potential.

(c) "economically disadvantaged children" means children of families having an annual income (as determined by the State commission pursuant to criteria established by the Secretary) insufficient to provide a home environment conducive to learning, or who are recipients of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.

(d) "programs" means full- or part-day or night programs conducted in child development facilities, in schools, in neighborhood centers, or in homes. It also includes other special arrangements under which early childhood child development or child care activities may be provided.

(e) "Secretary" means the Secretary of Health, Education, and Welfare.

(f) "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(g) "construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

"POINTS OF REBELLION"—CONDUCT NOT BEFITTING A MEMBER OF THE SUPREME COURT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New Hampshire (Mr. WYMAN) is recognized for 60 minutes.

Mr. WYMAN. Mr. Speaker, I am deeply concerned by the publication of a written statement of views by a sitting Justice of the Supreme Court openly encouraging violence in the United States if dissenters in certain causes do not get their way. I refer to the book "Points of Rebellion" written by Justice William O. Douglas and scheduled for publication tomorrow.

I have just completed a careful reading of this book. It dismays me that one garbed in judicial robes and protected by life tenure should from on high seek to further provoke discord and strife in our land. Unquestionably many of the issues to which the author addresses himself are capable of enlightened improvement by both the executive and legislative branches of our Government as well as the private sector.

But, Mr. Speaker, this land of ours is still the land of the greatest individual freedom and opportunity in all this world. It is not the captive of the FBI nor the CIA nor the military-industrial complex as Justice Douglas suggests. Neither is the United States in the control of superracists or anti-black men. Views urging that it is or that this is the situation or asserting it to be fact are paranoiac. Moreover Justices ought not to take public positions on issues that may well come before their Court. Free speech and dissent is clearly a recurring issue before the High Court. Certainly, Justices have no business contributing to domestic discord by thinly veiled incitement or encouragement to violence.

Mr. Speaker, if it can be said that a stock transaction of Judge Haynsworth was a disqualification for the High Court, or, as urged by some, that statements in a political campaign 20 years ago by Judge Carswell is an objection, how vastly worse to have this kind of provocation willfully distributed from the apparent safety of incumbency by one already on the Court. All of this is wholly aside from previous statements of Justice Douglas urging recognition of Red China or declaring his commitment to his personal interpretation of the first amendment as amounting to absolute license which he has frequently written or declaring his personal convictions that relate to the Court's continuing failure to permit control of the pornographic smut that floods the Nation.

Now the public writing of these personal views on rebellion exceeds the proper bounds of conduct on the part of a member of court of last resort in our judicial system.

Its publication in my opinion constitutes conduct incompatible with judicial good behavior. It is surely high misdemeanor sufficient to warrant removal from the High Court. We have enough troubles in America without the fires being willfully fanned by the extra-judicial writings of a sitting member of the Court. Justice Douglas should resign from the Supreme Court forthwith. If he does not resign, he should be removed.

No longer can it be contended that future silence would constitute reparation because the harm has been done and the Justice, by his own choice, his own writings, his own stated convictions, stands cast before litigants in America as a partisan and not as a judge.

The following are some quotations from the book, "Points of Rebellion," written by Justice William O. Douglas. And he, I might note, is described as an incumbent of the U.S. Supreme Court on the cover of the book on which "Points of Rebellion" is printed in red.

At page 6, and I quote:

> Yet American protesters need not be submissive. A speaker who resists arrest is acting as a free man. The police do not have carte blanche to interfere with his freedom. . . .
>
> Our obsession is in part the product of a fear generated by Joseph McCarthy. Indeed a black silence of fear possesses the nation . . .

At page 14, referring to faculty members on institutional campuses in America:

> Very few faculty members have a revolutionary fervor or insight. . . .
>
> Students rightfully protest; and while all of their complaints do not have merit, they too should be heard as of right, and not be compelled to resort to violence to obtain a hearing.

Page 29, and I quote:

> The tendency of these mounting invasions of privacy is the creation of a creeping conformity that makes us timid in our thinking at a time when the problems which envelop us demand bold and adventuresome attitudes.

Page 41:

> The Pentagon has a fantastic budget that enables it to dream of putting down the much-needed revolutions which will arise in Peru, in the Philippines, and in other benighted countries.

Page 53:

> The major parties are controlled by the Establishment and the result is a form of political bankruptcy.

Page 56:

Where there is a persistent sense of futility, there is violence; and that is where we are today.

The use of violence is deep in our history. . . .

The two parties have become almost indistinguishable; and each is controlled by the Establishment. The modern day dissenters and protesters are functioning as the loyal opposition functions in England. They are the mounting voice of political opposition to the status quo, calling for revolutionary changes in our institutions.

Yet the powers that be faintly echo Adolf Hitler, who said in 1932:

"The streets of our country are in turmoil. The universities are filled with students rebelling and rioting.

"Communists are seeking to destroy our country. Russia is threatening us with her might and the republic is in danger. Yes, danger from within and without.

"We need law and order."

Page 63:

The vital problems will require a great restructuring of our society.

Page 70:

The upside down welfare state helps the rich get richer and the poor, poorer.

Other subsidies receive a greater reverence. Railroads, airlines, shipping—these are all subsidized; and those companies' doors are not kicked down by the police at night.

Then at page 71—referring to the poor on welfare:

The police are empowered to kick down the door of his home at midnight without any search warrant in order to investigate welfare violations.

On page 78:

The use of violence as an instrument of persuasion is therefore inviting and seems to the discontented to be the only effective protest.

On page 88:

People march and protest but they are not heard. * * *

Violence has no constitutional sanction; and every government from the beginning has moved against it.

But where grievances pile high and most of the elected spokesmen represent the Establishment, violence may be the only effective response.

On page 91:

Guatemala and Brazil are token feudal situations characteristic of the whole world. They represent a status quo that must be abolished.

On page 92:

The special interests that control government use its powers to favor themselves and to perpetuate regimes of oppression, exploitation and discrimination against the many.

There are only two choices: A police state in which all dissent is suppressed or rigidly controlled; or a society where law is responsive to human needs. * * *

There must be created an adult unrest against the inequities and injustices in the present system.

On page 95:

George III was the symbol against which our Founders made a revolution now considered bright and glorious. George III had not crossed the seas to fasten a foreign yoke on us. George III and his dynasty had established and nurtured us and all that he did was by no means oppressive. But a vast restructuring of laws and institutions was necessary if the people were to be content. That restructuring was not forthcoming and there was revolution.

We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does the redress, honored in tradition, is also revolution.

Mr. Speaker, this is the same line that has been taken by Marxists and Leninists from time immemorial.

Paul Sweezey, an admitted Marxist, urged the same thing nearly 20 years ago to classes on a campus in New Hampshire. With Leo Huberman he edited the Monthly Review in New York City which echoed the same view—which in substance is that violence which is used to preserve and protect our existing government and our existing regime is unjustified, but violence to overthrow it and to change it or to restructure it, in the plain implication if not incantation of Mr. Justice Douglas, is justified.

What we have before us is not a question of free speech. This book and these views from a citizen of the United States are entirely constitutional. Such writing is the undeniable right of an ordinary citizen. But from a sitting Justice on the Supreme Court they are grievously harmful to our system of Government. If one wishes to act as an agent provacateur in this land, he may not do so and continue as a Justice of the same High Court that is constantly called on to determine the permissible limits of freedom of speech and the right of dissent in America.

Justice William Douglas has impeached himself by his own choice and he should be removed from the Supreme Court of the United States.

NATIONAL KIDNEY DISEASE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I am introducing legislation today known as the National Kidney Disease Act of 1969 which would provide for the funding of $74 million in the next 5 years for construction, planning, and research, and equipment grants for cooperative medical programs relating to kidney disease.

There exists an enormous gap between scientific discoveries which have made possible to keep thousands of kidney patients alive, and the lack of adequate funds to implement proven life saving treatments. This concern was voiced by the National Kidney Foundation when it unanimously endorsed this legislative proposal. The foundation quoted an estimated figure of over 100,000 citizens that will die from kidney and kidney related diseases this past year. Of these an estimated 10,000 cases of end stage kidney disease are ideally suited for treatment with the artificial kidney machine or transplantation. However, only 1 to 3 percent of the treatable patients will actually receive this care because of the lack of funds for trained personnel and facilities.

No parallel situation exists that I know of in medicine where techniques have been developed for the diagnosis and prevention of diseases which would save lives, and yet, at the same time, people continue to die from the disease because of the lack of funds and facilities for diagnosis and treatment. When you stop to think about it, this is truly a sad situation.

Up to the present point, there have been approximately 60 Members of both sides of the aisle cosponsoring this bill. My hope is that more of my colleagues will move to back this bill so that those individuals that might have a chance to live may be given that opportunity.

I know from sad experience with several cases in my own district the crying need for this legislation and program.

Mr. Speaker, I insert a draft copy of the bill:

Section 2. *Declaration of Policy.*—(1) The lack of trained individuals, available facilities, research and equipment for the diagnosis, evaluation, treatment and prevention of kidney disease is a major health problem.

(2) Techniques have been developed for the diagnosis and prevention of disease which would save lives, and yet, at the same time, people continue to progress to chronic kidney disease and death only for the lack of facilities for diagnosis and treatment.

(3) Basic research is needed into the nature of diseases of the kidneys and the problems of kidney transplantation; in developing mass testing procedures for the early detection of kidney disease; and for the development of more effective and economical devices for blood purification.

(4) There is an urgent need for a comprehensive program to combat kidney disease through the combined efforts of the Federal, State and local governments, medicine, universities, nonprofit organizations and individuals.

Section 3. (a) *Purposes:* To encourage cooperative arrangements in the field of kidney disease to secure for patients the latest advances in the diagnosis and treatment of kidney disease.

Appropriations: Appropriations are authorized for construction planning and equipment grants for cooperative medical programs relating to kidney disease; $8 million for FY 1970; $11 million for FY 1971; $17 million for FY 1972; $18 million for FY 1973; and $20 million for FY 1974. The maximum Federal participation in the costs of construction of facilities and built-in equipment grants is 90%.

Planning Grants: The Secretary, after consultation with the National Advisory Council on Kidney and Kidney Related Diseases (established by the new Section 1005) is authorized to make grants to public or nonprofit private agencies for planning the development of comprehensive medical programs. Applications for grants must meet criteria including the designation of a local advisory group, comprised of concerned professionals and the lay public, to advise in the formulation of plans for establishment and operation of the Regional Medical Program.

Cooperative Medical Program Grants: The Secretary, after consultation with the National Advisory Council on Kidney and Kidney Related Diseases, is authorized to make construction, planning and equipment grants to public or non-profit private agencies for the establishment and operation of cooperative medical programs. Grants under this section may be made only if it meets criteria and is recommended by the local advisory group. The usual financial reports and Davis-Bacon Act compliance is specified.

National Advisory Council: The Secretary shall appoint a National Advisory Council on Kidney and Kidney Related Diseases which

shall consist of the Surgeon General and 16 leaders in the fields of fundamental sciences, medical sciences, or public affairs. They serve four-year staggered terms. The Council shall advise and assist the Secretary in the preparation of this title, consider all applications for grants under this title and make recommendations to the Secretary with respect to approval of applications for and the amounts of grants under this title.

Special Treatment and Training Centers: The Secretary is authorized to establish and maintain a current list of facilities capable of providing the most advanced methods in the treatment and diagnosis of kidney disease.

Section 3(C).—An Office of Kidney Disease and Kidney-Related Diseases is established within the Health Services and Mental Health Administration. All of the functions of the National Institutes of Health relating to kidney disease or kidney-related diseases shall be performed by such office.

NEW LEFT WAGES PSYCHO-WAR ON POLICE OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, once again it appears that the war on crime has difficulty in distinguishing friend from foe. And once again it appears that the Black Panthers are the shock troops for the Red jackals.

It seems that nearly 10 years ago the then Attorney General of the United States, the late Robert F. Kennedy, was determined to dethrone Teamster President James R. Hoffa. In this particular war a great deal of unauthorized bugging and wiretapping took place in the major cities of the land, and volumes of interesting conversations were recorded and indexed.

Whether the guiding light behind the anti-Hoffa crusade was Walter—Carry on the fight for a Soviet America—Reuther, as has been rumored, is immaterial. The point is that the tapes exist.

The administration's new U.S. attorney for the district of New Jersey named in 1969, one Frederick B. Lacey, wasted no time in releasing and less time in publicizing and vouching for the accuracy of some 1,200 pages of the so-called De Carlo tapes in which many alleged Mafia kingpins chattered freely about their control over various officials and law enforcement officers of the State of New Jersey.

None of the tapes appear to have included conversations with any of the accused public officials, although their names were quite freely bandied about.

The evidence also appears to indicate that the parties whose conversations were being taped were well aware of the fact, and may have used the opportunity for some slander or horseplay—merely the free mention of important names.

In any event, it is important to note that many dedicated public servants, after decades of devoted service, were publicly smeared, and for no apparent reason. The Department of Justice, possessor of the Martin Luther King tapes which seem to have freely circulated for the titillation of the elect, did not display the same reluctance to protect the character of police officers who were only discussed by known or suspected Mafiosa as it is in concealing the actual voice of King and his questionable companions in actual liaison.

The appointment of Mr. Lacey as U.S. attorney is in itself a very strange thing. His son, Fred Bernard Lacey, Jr., was publicly identified as long ago as July 1967, in hearings before the Joint Legislative Committee on Un-American Activities of the State of Louisiana as a member and leader of the Maoist Communist Progressive Labor Party in New Orleans, and a frequent associate of such other identified Communists as Carl and Anne Braden—all of which evidence was then made available to the Attorney General of the United States.

It would seem that such an involvement in such an organization by Mr. Lacey's son and namesake would make it impossible for Lacey to discharge his duties as U.S. attorney in a district where violence and subversion by the New Left are matters of record. At the very least, an intriguing question of conflict of interest is raised.

We are indebted to the courageous investigator Frank Capell for his extensive research and timely publication of the background of this unusual affair, as well as to the legislative committee in my State of Louisiana for its well documented investigation of the New Left in New Orleans.

I insert Mr. Capell's report and the pertinent sections of the committee's report in my remarks:

[From the Herald of Freedom, Feb. 6, 1970]

LEGAL LIBEL OF LAW ENFORCEMENT

During the days when Sen. Joseph McCarthy was exposing Communist infiltration into government, a great cry went up from "liberals" and even some conservatives that he was destroying reputations, that he could not prove what he said, that innocent people were being smeared by unfounded charges. Eventually, with the blessing and collaboration of the Eisenhower government, Sen. McCarthy was "discredited" and silenced, eventually by premature death. People piously declaimed that they agreed with his aims but not his methods of achieving them. "McCarthyism" is now a scare word among liberals and stands for all that is bad in a public (or even private) individual. McCarthy and Hitler vie for first place on the hate list of American liberals, villains incarnate.

Now comes a hero, with nationwide publicity, doing exactly what McCarthy did, but his target is not Communism (far from it). . . . it is "organized crime in New Jersey." The A.C.L.U. has made little noises (they want F.B.I. agents indicted) and some public figures have protested, but the worst U.S. Attorney Frederick B. Lacey has been accused of is an ambition to run for public office as a result of his attacks on public officials and law enforcement officers. In the U.S. Senate, Sen. John McClellan has called attention, however, to the danger in the precedent set in New Jersey by officials of the U.S. Department of Justice in releasing transcripts of illegal F.B.I. electronic surveillance devices for public consumption. He traces it back to the Alderman rule, based on a Supreme Court decision on March 10, 1969 in Alderman v. United States. Sen. McClellan states:

"In that case, the Court had held that a Federal criminal defendant with standing to object to evidence derived from an unlawful Government electronic surveillance must always be allowed to examine confidential Government files on the surveillance, in his effort to show that the evidence presently being used against him is 'tainted.' . . . the opinion expressed no requirement that a trial judge ordering disclosure on motion of a defendant limit his order so that it compels public disclosure only when that is in the interest of justice. The failure of the Court to have placed such limitations on the rule . . . seemed to me gravely to threaten the public interest in effective prosecution of organized crime, the reputations and privacy of individuals, and the rights of defendants."

The first public revelation of the results of the illegal FBI "bugging" and wiretapping came in LIFE magazine which published excerpts from conversations between members of La Cosa Nostra in Chicago and Miami. The second was the release of the "DeCavalcante tapes" (13 volumes of transcripts of wiretaps and "bugs") by U.S. Attorney for New Jersey, David M. Satz, Jr. and Donald Horowitz, his assistant. In this particular case the defendant's attorney had neglected to request that disclosure be limited to himself and his clients when he exercised his rights under the new "Alderman rule," in June 1969. The third and most sensational revelation was January 6, 1970 when New Jersey Federal Judge Robert Shaw released the so-called "De Carlo tapes," and ordered them made public in spite of a request of the defendant's lawyer that this not be done. The result was the smearing of the reputations of many public officials and law enforcement officers whose names had been tossed about loosely by the gangsters whose conversations had been taped . . . even the governor of the state, Richard Hughes, the N.J. Attorney General, Arthur J. Sills, and a U.S. Congressman. Although Judge Shaw ordered the release of the tapes, the N.Y. Times of January 9, 1970 brought out the fact that U.S. Attorney Frederick B. Lacey, Sr. had sought their release.

Publicity, rather than due process of law, would now seem to be the Justice Department's secret weapon, to be used against other police departments also. Lacey has been so busy appearing on television, at news conferences and making speeches that one would wonder how he has time to attend to his U.S. Attorney duties which he assumed only September 2, 1969. He told a gathering of priests, ministers and rabbis at a luncheon of the Jersey City Priests' Association recently that "the public must be aroused" and aid in the fight against "bribery and corruption." He said the Justice Department had directed him to "step in with all of our investigative forces" if federal violations exist and if state, county, and municipal authorities do nothing about them. His publicity campaign however, is not so damaging to "organized crime" as it is to public officials whose names are mentioned by the gangsters in private conversations, and who are unable to offset the bad impression it makes upon the public even though they deny any involvement whatsoever. Lacey's campaign against "organized crime" will not make the streets of New Jersey any safer from militant Negro groups and their white accomplices such as caused the "Newark riots" of July 12–17, 1967. This is when the sudden desire of state and federal authorities to rout out gambling and its associated evils became so urgent . . . better this than stamp out the Communist influence in the riots.

During the period of July 12 to 17, 1967 in Newark, N.J. there were twenty-three homicides and three related deaths, many injuries and millions of dollars in losses through fire, bombed buildings, stolen or destroyed merchandise, etc. A ten-member Commission on Civil Disorders of New Jersey heard testimony from Newark Police Director Dominick A. Spina who testified that the riot was planned deliberately. He furnished proof of conspiracy in the form of leaflets and documents which the Commission suppressed, as an honest investigation would have had to disclose a Com-

munist conspiracy in the riots, deaths and destruction, based on Director Spina's volume of evidence, given in testimony in March 1968. This seems to have set the ball in motion. By July 1968 there was an attempted assassination of Director Spina in which militant Negroes were suspected. He escaped a shotgun blast miraculously by stooping down to pet his dog at the moment it was fired. Illegal measures having failed to take care of him, Spina was then indicted by an Essex County Grand Jury in July 1968 on four counts of "nonfeasance," claiming that the Newark Police Department failed to crack down on gambling. Tried and acquitted of the charges, Spina returned to his position of Newark Police Director, completely exonerated.

Up to September 1969 the U.S. Attorney's Office in Newark had maintained a cooperative relationship with the various New Jersey police departments. Then came the crime buster, Mr. Lacey, sworn in on September 2, 1969 and pledging a "vigorous crackdown on organized crime" of whose importance he had only recently become aware, actually through the "DeCavalcante tapes." He later stated in a speech to the N.J. Chapter of Sigma Delta Chi (national journalism society): "My education really only began with the DeCavalcante 'tape' materials so courageously released by my predecessors, David Satz and Donald Horowitz." Senator Clifford P. Case, who sponsored Lacey for his new job, said that with the new United States Attorney on the job, "these people are going to be on the run." Lacey immediately named as his chief assistant Herbert J. Stern, a young lawyer working for the Justice Department.

Using investigations begun by his predecessor, Lacey quickly sought from federal grand juries indictment after indictment and during two months of his "open war" on organized crime led three federal grand juries to the indictment of 78 persons on charges ranging from illegal gambling to extortion. Among those indicted was Hugh Addonizio, mayor of Newark. All the while Lacey was publicly proclaiming the terrible situation in the State of New Jersey in which "organized crime" had taken over just about everybody and everything. On January 5, 1970 began the trial of Angelo DeCarlo and three co-defendants on charges of extortion conspiracy, the indictment having taken place the previous August before Lacey's appointment. De Carlo's defense attorneys asked presiding Federal Judge Robert Shaw for permission to read any transcripts of electronic surveillance or wire tapping involving their client to determine if any evidence being used at the trial had been illegally obtained, at the same time requesting that the tapes not be made public. The judge granted the first part of the request but refused the second and thereby caused much excitement.

The tapes consisted of 1200 pages of alleged conversations between Mafia figure, Angelo De Carlo, and several underworld characters. They were the result of an illegally planted electronic device in a building, used by DeCarlo, in 1961 and continuing over a period of several years. At the time of the "planting" Robert Kennedy was Attorney General of the U.S. and he was using the services of a private detective agency for illegal work when J. Edgar Hoover refused to go along with his requests. Tossed out to a shocked public by the instigation of Lacey and the order of Shaw were 1200 pages of edited, interpreted and filled-in conversations between people whose credibility is most questionable. Since these underworld characters had known for at least a part of the time that they were under surveillance it is even possible that they deliberately used names to involve persons who would NOT go along with them. The bragging of De Carlo and his underworld associates involved a long list of law enforcement authorities allegedly influenced by, under control of, bought by, or "in the pocket of" the gangsters. They included two superintendents of state police, prosecutors, a sheriff, police of various ranks and, of course, Director Spina of Newark, who has been a prime target of the left ever since he exposed the Newark riots as a Communist-inspired conspiracy.

Even before the tapes were released, U.S. Attorney Lacey was already undermining public confidence in law enforcement officials and destroying the morale of the police departments, thus giving aid and comfort to the Communists who are constantly trying to undermine the police. In November 1969, having been in office only two months, Lacey made a speech at Seton Hall University, concerning which the N.Y. TIMES of November 29, 1969, stated: "Frederick B. Lacey, the U.S. Attorney for N.J. asserted tonight that organized crime had purchased the allegiance of judges, police officers, politicians, businessmen and union leaders across the state. As a result, he said, organized crime is 'taking over' the state—its local and county governments in particular."

Lacey must have known he would have to arrange for the release of these illegal tapes to substantiate these accusations against law enforcement and other public officials. Lacey failed to state, even after the tapes were released, that many of these law enforcement officers have unblemished records of 20, 25 or 30 years service for their communities or state, with numerous commendations. Police Director Spina had 29 years of service with the Newark Police Department and came up through the ranks, studying law while working, and graduating from Rutgers University Law School, at that time Newark Law School. Lacey has been quoted as stating that he does not believe that people with long public service will suffer by the fact that their names were mentioned by the "vermin," as he characterizes the underworld figures. He is completely wrong in his opinion, if indeed this really is his opinion.

The tapes contain information useful to the F.B.I. or polce in running down possible leads but the end result has been to eliminate the possibility of the future use of this information, legally that is. U.S. Attorney Lacey knew that the information on the tapes was illegally obtained (thus putting the F.B.I. in an unfavorable light), that they are hearsay evidence and not admissible in court, that not a single conversation was between a law enforcement official and the gangsters and that many of the taped conversations could have been pure braggadocio or even a warped sense of humor, if nothing more sinister such as deliberate involvement of the innocent. The tapes were obtained from 1961 to 1965 during a period when Bobby Kennedy, the Attorney General of the United States, was having phones tapped and illegal electronic devices planted all over the country in a fishing expedition to get some evidence to use in his vendetta against Jimmy Hoffa.

Before the release of the tapes, while Lacey was publicizing the terrible shape the State of New Jersey was in, he appeared at a two-day workshop involving attorneys general and law enforcement officers from many states which was held at Woodbridge, N.J. The N.Y. TIMES of November 12, 1969 stated:

The United States Attorney for New Jersey said today that the "rottenness of organized crime and its stench has permeated to terrifying levels our municipal police forces and governments, our county law enforcement agencies, and even our state levels from time to time.

The official, Frederick B. Lacey, spoke at a two-day workshop . . . on the problems of organized crime. He conjectured as to the consequences "if Mark Rudd and other young rebels and protestors" against the adult Establishment "knew what we know about municipal corruption in this country."

Mr. Lacey suggested that if youthful protesters were aware of the facts governing the relationship in some areas of the country between organized crime and municipal policemen and administrators, their protests might be that much more "genuine" in their foundations.

Lacey would probably call his son, Frederick B. Lacey, Jr., "a young rebel and protester" also even though he has been officially identified as a Communist. In Report No. 9 (July 14, 1967) of The Joint Legislative Committee on Un-American Activities of the State of Louisiana on The Spartacist League and Certain Other Communist Activities in South Louisiana is found the testimony of New Orleans Police Department Sgt. David Roland Kent. As part of his official duties in the Police Intelligence Unit, Sgt. Kent had infiltrated into the Spartacist League and as a result had come in contact with various Communists. Testifying concerning the Progressive Labor Party, Sgt. Kent stated: "Progressive Labor Party evolved from the Progressive Labor Movement, which is a Maoist-Communist, revolutionary organization; it has a chapter in New Orleans; the Southern organizer, Ed Clark, resides in New Orleans." He then stated the full name of the individual as Edward Hughes Clark, Jr. and described him as having been a paid employee of the Progressive Labor Party, an individual with contacts all over the country through Progressive Labor and one who had traveled to Communist Cuba and Czechoslovakia. He advised that Clark was on a first name basis with Communists Carl and Anne Braden.

Sgt. Kent then identified as a member of the Communist Progressive Labor Party, Fred Bernard Lacey, Jr. and testified that Clark and Lacey were roommates. The Committee Counsel, Jack Rogers, then introduced the Criminal Identification Police Department photo of Frederick Bernard Lacey, Jr., No. 123940, date of arrest 11–7–66, identified as Exhibit 5.

Referring to the subversive Movement for a Democratic Society, the most radical group of its kind in the South, another witness, lawyer Donald A. Meyer, indicated that the organization was headed by a triumvirate of Fred Lacey, Ed Clark and Bob Head. On page 123 of the Report is shown a list of persons who attended the New Orleans Committee to End the War in Vietnam Workshop on September 30 and October 1, 1966. On the list appear the names, among others, of Fred Lacey, Anne Braden and James A. Dombrowski, all identified Communists. On page 138 of the hearings is Exhibit 44 which is a photograph of Frederick B. Lacey, Jr. participating in a New Orleans demonstration with the Progressive Labor Party.

On page 181 of the Report we read:

"The Committee is sending copies of this report to the United States Department of Justice, the Attorney General of the United States, the Attorney General of Louisiana and all the District Attorneys of this State. . . .

"The Committee finds that the 'Spartacist League' and the 'Progressive Labor Party' are Communist organizations and are subversive within the meaning of the laws of this State. The Committee further finds that the now dormant 'New Orleans Committee to End the War in Viet Nam' was a Communist front organization. The Committee further finds that the 'New Orleans Movement for a Democratic Society' is in fact a Communist front organization."

We must wonder, since the Justice Department received the above information, how U.S. Attorney for New Jersey, Frederick B. Lacey, Sr., could have received a security clearance for his sensitive position when his own son has been publicly identified as a member of the Communist Progressive Labor Party. Lacey, who refers to the likes of Mark Rudd as a "youthful rebel," must know that

Rudd and his cohorts in the SDS have been involved in the Communist conspiracy to undermine the police. However, Mr. Lacey himself has actually done more harm to public confidence in law enforcement with his unwarranted and vicious attacks. Certainly the Mafia and other gangsters should be prosecuted but then so should the real directors of organized crime, the Crime Syndicate, of which the Mafia is only a small portion. While Italian names seem to predominate in the sector of "organized crime" that Mr. Lacey is at war with, the majority of the top members of the Crime Syndicate do not have Italian names.

While "organized crime" is supposedly busy taking over New Jersey, Communism is moving ahead in the conquest of the whole country. But then a prosecutor with a revolutionary Communist son might not be interested in that.

Senator John L. McClellan, Chairman of the Government Operations Committee and a former prosecutor himself, stated on the floor of the Senate on January 19, 1970 (Congressional Record, 1–19–70, p. 130), regarding the release of the "Mafia tapes:"

"Each revelation of overheard Mafia conversations has included passages imputing corruption and other crime and immorality to numbers of identified public officials and private citizens. Each of them has, as a result, been judged without Judicial process by a substantial segment of the public, and doubtless many have been found guilty by the newspaper readership. I suppose that some are innocent, maligned by boastful hoods fencing for status and power, and that others are guilty tenfold of what was said of them in the transcripts. However, innocent and guilty alike lack any wholly effective means of cleansing their reputations. Civil lawsuits for defamation, such as that brought by a New Jersey county prosecutor based on allegations against him in the De Carlo logs . . . are very difficult to maintain and at best offer only partial redress. Punishing a defendant to whom disclosure of logs has been made for further disseminating them in violation of a protective order is seldom possible, since it requires proof beyond a reasonable doubt and the other incidents of a criminal trial, and it can never rectify the harm done to an individual whose privacy or reputation already has been harmed by the further disclosure."

In the case of the DeCarlo tapes, however, it was not the defendant who was "further disseminating" but the federal authorities and U.S. Attorney Lacey in particular. In fact he has gone so far as to say, without offering any proof except the unsupported word of gangsters, that "Only 2 per cent of the tapes contained gossip—the rest was important information the public had a right to know." Lacey made this statement after he won his big case against "reputed top Mafioso Angelo (Gyp) De Carlo" and his codefendant Daniel (Red) Cecere, at his inevitable news conference. They were convicted under the federal "Truth in Lending" law, based on charges of extortion and loansharking.

We cannot help but wonder if Mr. Lacey would approve of the release of tapes, should they exist, of conversations between two Communists in which they could conceivably say, "We don't have to worry about New Jersey. We have the father of Comrade Lacey who is a big shot there."

[From Report No. 9 of the Joint Legislative Committee on Un-American Activities, State of Louisiana, July 14, 1967]

THE SPARTACIST LEAGUE AND CERTAIN OTHER COMMUNIST ACTIVITIES IN SOUTH LOUISIANA

* * * * *

Q—Sgt., are you acquainted with an organization known as the Progressive Labor Party?

A—Yes, sir, I am.

Q—What can you tell us about this organization?

A—Progressive Labor Party evolved from the Progressive Labor Movement, which is a Maoist-Communist, revolutionary organization; it has a chapter in New Orleans; the Southern organizer, Ed Clark, resides in New Orleans.

Q—This organization is oriented basically toward Red China, is that correct?

A—Yes, sir, that's correct.

Q—What can you tell us of Ed Clark? Do you know his full name?

A—Edward Hughes Clark, Jr.

Q—What can you tell us of Ed Clark's occupation?

A—I'm not sure of his present employment right now. I know that he was formerly a paid employee of Progressive Labor. He received a monthly stipend; he is from Eastern Kentucky. He has contacts all over the south and all over the country through PL; he's been to Cuba via Czechoslovakia.

Q—Do you know anything of his friendship with any other persons who have been identified as Communists in the past?

A—He claims to be personally friendly with the identified Communists Carl Braden and Anne Braden; he's on a first-name basis with this couple.

Q—How do you know this?

A—In my presence, he spoke to Mrs. Braden, addressed her as "Anne"; he made a long-distance telephone call from a meeting in New Orleans at which I was present. He asked to speak to Carl and subsequently spoke to Anne.

Q—What's his organizational connections in New Orleans other than the PLP?

A—He claims to be very friendly with certain individuals who have been identified as officers in the Southern Conference Educational Fund, which is a cited "Communist Front".

Q—Does he take any part in the New Orleans Movement for a Democratic Society?

A—Yes, sir, he is quite active in this organization; he feels that our New Orleans home-based organization is the most radical group of its kind in the south. He prides himself in his organizational ability to have managed to create and raise multi-issue political questions, not only on the American foreign policy in Southeast Asia but also on Africa and also the domestic policy of the United States.

Q—Is he effective in this work?

A—Very effective.

Q—Who else do you know in this organization?

A—His roommate, Fred Lacey, Frederick Bernard Lacey, Jr.

Q—Is Lacey a member of the Progressive Labor Party?

A—Ed Clark, on one occasion, identified Fred to me as a member of the Progressive Labor Party.

Q—Are Clark and Lacey white or colored?

A—Both white.

By Mr. Rogers:

Mr. Chairman, at this time, we offer into the record, a police mug shot of Fred Lacey.

By Senator Knowles:

Let it be made a part of the record.

By Mr. Rogers:

Q—Sgt., will you elaborate somewhat on the functions of the New Orleans Committee to End the War in Vietnam and its successor, the current organization called the New Orleans Movement for a Democratic Society? Didn't they have some kind of a conference last fall?

A—Yes, sir, the organization was primarily organized to protest the U.S. policy in Vietnam.

* * * * *

A—None whatsoever.

Q—Had you ever met him before that?

A—Yes, I met him in company of Mrs. Collins and Bob Head, several other people in September '66.

Q—At the conference, that was?

A—Yes, sir.

Q—Did Jack Brady accept you as a fellow Communist, Sgt.?

A—Yes, sir.

Q—Did he make any inquiry about any other people that you know as Communists?

A—Primarily he asked Mark, Richard and me how his friend Joe Verret was and also he inquired about Ed Clark.

Q—Sgt., who is the legal advisor to the Spartacist League in New Orleans?

A—Well, officially since Don Meyer has been accepted as a candidate member, I can only presume that he would be the official counsel for the New Orleans local of the Spartacist League. However, prior to his appearance in the organization, SL and PL and the New Orleans Committee to End the War in Vietnam, resorted to a fellow member, Jack Peebles. Now, by a fellow member, I mean a member of the New Orleans Committee to End the War in Vietnam.

Q—Who is Jack Peebles?

A—He's a local attorney. He's white, formerly associated in law practice with Benjamin Smith and Bruce Waltzer, He is a high-ranking officer in the Southern Conference Educational Fund and he's highly thought of by both Joe Verret, the entire Spartacist membership and Ed Clark.

Q—Has Joe Verret ever spoken to you about him?

A—Yes, sir, we have discussed certain matters wherein the Sparticist members needed legal advice pertaining to public demonstrations, etc., and also, he has spoken of Peebles having made financial contributions toward Spartacist League programs.

Q—Do you know whether Peebles would give his advice to Joe Verret after these occasions or prior to their taking place?

A—He'd give advice whenever it was sought, however, I recall that he would give advice prior to our engaging in some legally questionable areas, as far as public demonstrations and passing out handbills and this information would be sought before the actual time came for us to participate in the activity.

Q—Have you ever attended any meetings of any kind at his home?

A—Yes, sir, I have attended two or three meetings of the New Orleans Committee to End the War in Vietnam at his residence and it was at one of these meetings that we were arranging and organizing for this Workshop that was held in September. It was from his home phone that Ed Clark called long distance to Louisville and spoke to Mrs. Anne Braden.

Q—What connecton did Jack Peebles himself have with setting up the lecturers for this conference?

A—Well, the actual working requirements for setting up the Committee were delegated to various committees. I don't recall exactly what committee he was appointed to or volunteered for.

Q—Do you know of anybody that he personally invited to speak as a lecturer?

A—Yes, sir, the question was raised at a meeting after the conference that he issued an independent invitation to Mr. Buch from the "Bring the Troops Home Now" newsletter, which is a Socialist Worker's Party sponsored publication calling for immediate withdrawal from Vietnam.

Q—The Socialist Workers Party is, in fact, a Communist organization, is it not?

A—The Socialist Workers Party, yes sir!

Q—The Benjamin Smith that you mentioned, is he the same Benjamin Smith who is the former treasurer of the Southern Conference Educational Fund and a registered agent of Castro Cuba?

A—Yes, sir, he is.

* * * * *

Q—Has he any connection with Stokely Carmichael?

A—I understand that he claims to be a friend of Carmichael and when Carmichael

was in town last month he was reported to be a bodyguard of Carmichael.

Q—Do you know where he lives and with whom?

A—Yes, sir, he lives with a Dr. Dubinsky, who is a white university professor at Tulane University and Cathy Cade, who is a white female, and a student in New Orleans, and they reside at 1538 North Tonti Street, New Orleans.

Q—Now, Sgt., would you give the Committee some of your overall impressions and conclusions drawn from your own personal experiences as to the activities of the various Communist organizations and individuals in the New Orleans area with whom you've come in contact.

A—Yes, sir. It was my discovery that New Orleans is, in fact, considered to be a location that has a high consciousness of politics. This has been stated by Ed Clark of Progressive Labor who feels that he is quite an authority on this and he is confident that New Orleans is one of the more progressive southern cities, more progressive than any other location in the south toward the radicalization of young people. It's a healthy climate for new-left groupings and individuals. It was my observation that some of the leadership in the various organizations that I came in contact with were not natives of New Orleans or Louisiana for that matter. Of course, that's with the exception of Joe Verret, who is a lifelong resident of New Orleans and seems to have developed his political philosophies almost independently. I also observed that the general program of the new-left people that I encountered was ultimately to achieve in the black community a higher level of political consciousness, and by this I mean to raise questions in their minds as to their political, economic and social status in American society.

Q—Was this directed also toward the raising of questions in their minds as to their loyalty to the United States?

A—Yes, sir, this is a criteria, I would say, in recruitment, particularly by Spartacist, to ascertain how an individual feels in general toward his country, and the vehicle through which this evaluation can most easily be made is the policies of United States government in Southeast Asia. This is quite controversial and it provides the Spartacist League and the Progressive Labor Party and the members of the New Orleans Committee to End the War and the New Orleans Movement for a Democratic Society with a guage to a prospective members' feelings in general about the government, how much opposed or how much in favor of the government the individual may be. This is primarily in the white community. Now, by comparing the death rate, the casualty rate in Vietnam in the American and the free west side and also in the Communist or the South Vietnamese side, the radicals have been able to identify non-white persons, citizens of the United States, with non-white alleged victims of atrocities in Vietnam and they also like to correlate the statistical casualty rates of non-white members fighting in the United States Armed Forces in Vietnam. This is a tremendous inroad, you might say, that they have made and it affords them a relatively easy opportunity to reach out, to communicate with other people to ascertain their personal feelings toward the government and our policy. On the home front they apparently have as a goal the elimination of what they call the class system of society, the power structure, the bureaucracies. They feel that their program provides the classless base, an equal, free, democratic society where there will be no particular advantages given to any one group or groups, whether it is industrial or social or what have you.

Q—In the event society is not willing to be destroyed peacefully, have they made any statement of their principles in regard to how they hope to bring this about?

A—Well, generally speaking, at this period in history, they feel that their primary objective is to raise the political consciousness of the worker, both black and white, against the financial, the affluent community, and of course, the classic position is that once they have achieved a certain numerical position, they will be able to forcibly take power away from the majority, which is according to their feelings on financial and political power, and this is naturally done through violent revolutionary regroupment of society.

Q—Mr. Chairman, has the Committee or the Chair any questions to ask of Sgt. Kent?

* * * * *

Q—Under whose leadership are they operating at the present time?

A—Probably a triumvirate of Fred Lacey, Ed Clark and Bob Head.

Q—Are not Ed Clark and Fred Lacey both known members a a Communist organization known as the Progressive Labor Party?

A—They have been designated by Joe Verret and Mark Klein as belonging to this organization and I know that Ed Clark, at one time, was on PL's—was a PL employee on their payroll. He is not, at this time, to the best of my knowledge.

Q—The Progressive Labor Party is a Maoist-Communist group, is it not?

A—It's been described that way to me, yes.

Q—Mr. Meyer, you mentioned a man by the name of Bob Head as being one of the current leaders of the MDS. Is not Bob Head a former member of the Spartacist League?

A—He was not a member of the Spartacist League when I was in the organization, but I understand that he was either a candidate member or a full member, I don't know which and there is a distinction in this as far as these people see it. But he has subsequently resigned.

Q—What is his wife's name?

A—He has a common-law wife, I believe.

Q—Do you know her name?

A—I believe it is Darlene but I would have to see her to point her out to know that's who it is, but I believe it is Darlene.

Q—Do you know where she's employed?

A—I heard she's employed by the NASA authority, either at Boeing or Chrysler, I don't know which.

* * * * *

Braden, incidentally, was convicted, and was later released from a fifteen-year term in the Kentucky penitentiary under a U.S. Supreme Court decision nullifying the sedition statutes of the State of Pennsylvania and other states including Kentucky. Other featured lecturers at this conference included Jack Brady, identified as a Communist in the testimony of Sgt. David Kent, and Peter Buch, previously identified as a member of the Communist "Socialist Workers' Party," the Trotskyite parent organization of the Spartacist League.

This particular conference was of extreme importance to the radical left movement in New Orleans. Its title "Southwide Organizers' Conference" indicates its obvious purpose, to train radical leadership. It was controlled and conducted by Communists from beginning to end. The next two documents demonstrate some of the activities and propaganda of the New Orleans Committee to End the War in Viet Nam. They show the Communist "party line" on the Viet Nam war.

The final document of this group Mr. Chairman, is a nine-page statement written by Mark Klein, one of the New Orleans Spartacists, analyzing the New Orleans Committee to End the War in Vietnam and its evolution into the "New Orleans Movement For a Democratic Society" under the leadership of Ed Clark. Clark, as the Committee has been told in previous testimony, is a Communist of the Maoist variety, being the Southern Representative of the Communist "Progressive Labor Party." This statement is a well-written explanation of the entire background and activities of the New Orleans Committee to End the War in Viet Nam, the internal rivalry between the Trotskyite and Maoist Communists and the formation of the New Orleans Movement For a Democratic Society under Ed Clark's leadership. The writer at one point refers to Clark as a "Stalinist," but later he develops Clark's Maoist ties. This document is an extremely interesting analysis of some of the inner workings and rivalries of some of the Communist groups in New Orleans. It clearly shows that both the New Orleans Committee to End the War in Viet Nam and the New Orleans Movement For a Democratic Society were and are controlled lock, stock and barrel, by the Communists.

* * * * *

The next picture is one of Frederick Bernard Lacey of the Progressive Labor Party and Marimar Benitez, a former member of the Spartacist League, in the same demonstration. The next document is a picture of both the front and back covers of the magazine "PL" published by the Progressive Labor Party. These show the nature of subjects important to the Progressive Labor Party and also the participation of Ed Clark as a writer for this magazine. The progressive Labor Party is militantly Maoist in its policy, following the anti-Moscow party line of Red China. The next document is the cover of a bulletin published by the Progressive Labor Party showing the contents of the bulletin. The last two documents in this group are photographs of the front-page headlines of two issues of "The Militant," the weekly publication of the "Socialist Workers' Party." The Committee will no doubt remember the famous picture of Lee Harvey Oswald holding a rifle and a copy of "The Militant." These newspapers are samples of the "party line" of the Socialist Workers' Party, whose member Peter Buch was a lecturer at the Southwide Organizers' Conference.

Mr. Chairman, one of the key "issues" exploited by the Spartacist League is the question of so-called "Police Brutality." All Communists as a matter of policy hate the police as symbols of "Capitalist Oppression." They honestly expect all policemen to be killed when the violent revolution comes about and in fact have actually killed most of the police of every country they have ever taken over. I offer for the record three documents which show the Spartacist League "party line" as to the police. These are all handbills handed out in the New Orleans area by the Spartacist League, the most recent one only last month. These handbills are calculated to stir up resentment and hatred of the police. They are a classic prelude to actual violence and demonstrate a Communist technique which has been used in every city in this nation where violence and rioting has taken place. They portend some dangerous plans for the city of New Orleans whose police force is already undermanned and overworked.

The connection of New Orleans attorney Jack Peebles to the Spartacist League was explained to the Committee in the testimony of both Sgt. Kent and Mr. Donald Meyer. I now offer for the record a picture of Jack Peebles. He is an obvious link between the Communist front Southern Conference Educational Fund and most of the radical left activities in New Orleans. On the SCEF side he is reported to be a Vice President of that organization and he is known to be closely and personally associated with Carl and Anne Braden.

The federal crime of "Advocating overthrow of government," commonly called "sedition" is defined at some length in the United States Code, Title 18, Section 2385, which provides a maximum penalty of twenty years imprisonment. Much of what is shown

in the evidence in this report clearly falls under the provisions of this federal law, but there have been no prosecutions under this law! In the State of Louisiana the United States Department of Justice has allowed the federal crime of sedition to be committed with impunity, despite many clear decisions of the Supreme Court of the United States holding that this federal statute was fully constitutional. It may be noted in passing that the laws of the various states covering the crime of sedition have been substantially emasculated by the decisions of the Supreme Court of the United States.

The Committee is sending copies of this report to the United States Department of Justice, the Attorney General of the United States, the Attorney General of Louisiana and all the District Attorneys of this State. The enforcement of law lies with them, not this Committee. The trend of decisions of the Supreme Court of the United States in recent years has not inspired the confidence of this Committee that the constitutional and statutory law applicable to the facts in this report will be interpreted without bias. We pray that this trend will not be continued.

The Committee finds that the "Spartacist League" and the "Progressive Labor Party" are Communist organizations and are subversive within the meaning of the laws of this State. The Committee further finds that the now dormant "New Orleans Committee to End the War in Viet Nam" was a Communist front organization. The Committee further finds that the "New Orleans Movement for a Democratic Society" is in fact a Communist front organization. The Committee re-affirms its prior findings that the "Southern Conference Educational Fund" is a Communist front organization. Although the headquarters of this notorious organization have been moved from the State of Louisiana to the State of Kentucky, it is currently being led by two people well known and publicly identified as Communists, Carl and Anne Braden.

LITHUANIAN INDEPENDENCE DAY

(Mr. KLUCZYNSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KLUCZYNSKI. Mr. Speaker, 52 years ago today, on February 16, 1918, Lithuania became a free and independent country. I thus insert in the RECORD the proclamation from the mayor of the city of Chicago, Richard J. Daley, and the statement of Petras P. Dauzvardis, Consul General of Lithuania:

PROCLAMATION OF THE CITY OF CHICAGO

Whereas, 717 years ago the Kingdom of Lithuania was founded and fifty-two years ago the independence of Lithuania was restored; and

Whereas, Lithuania, once a leading power in eastern Europe has been a victim of conquering forces through the years; and

Whereas, Lithuania, after a struggle of 120 years for independence, regained independence in 1918 and as an independent nation made great economic and social progress; and

Whereas, in World War II, Lithuania became a victim of Communist and Nazi invasion, bearing since then the terrors and sorrow of subjugation and the loss of human life and liberty; and

Whereas, in Chicago, thousands of citizens of Lithuanian descent have by all possible means demonstrated their concern for the plight of the enslaved people of Lithuania and will continue to do so until Lithuania is once more a free and independent country:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby call upon the people of Chicago to never lessen the fight for the freedom of that nation which has given to our city thousands of their sons and daughters who have become greatly respected citizens of our community to, on February 16, LITHUANIAN INDEPENDENCE DAY, address our representatives in Congress urging that action be taken to continue focusing attention on the plight of these defenseless slaves of Communism.

Dated this twenty-eighth day of January, A.D., 1970.

RICHARD J. DALEY,
Mayor.

STATEMENT BY PETRAS P. DAUZVARDIS, CONSUL GENERAL OF LITHUANIA

The restoration of Lithuania's Independence was declared by the Lithuanian National Council on February 16, 1918 at Vilnius—the capital of Lithuania. The Declaration was ratified by the Constituent Assembly of Lithuania on May 15, 1920—50 years ago.

The Treaty of Peace between Lithuania and Soviet Russia was signed in Moscow on July 12, 1920. By this treaty Russia recognized the sovereignty and independence of the State of Lithuania with all juridical consequences resulting from such recognition, and voluntarily and *forever* renounced *all* sovereign rights possessed by Russia over the Lithuanian territory and people. Nineteen years later, on September 28, 1939, the very same Soviet Russia signed a secret agreement with Nazi Germany to destroy the sovereignty and independence of Lithuania and to partition its territory between them.

Carrying out its part of the secret agreement with Hitler, the Soviet Union in June 1940 invaded, forcibly seized, and perfidiously annexed Lithuania.

This armed seizure and occupation, and illegal appropriation of Lithuania by the USSR was denounced in no uncertain terms by the Governments of the United States, Great Britain, and most of the other free and law- and freedom-respecting countries. To this day the free world firmly refuses to recognize the lawless annexation, and continues to recognize Lithuania and the other two Baltic States as existing, independent States temporarily under duress, and their pre-war, non-communist diplomats.

The United States Government (on July 23, 1940) branded the Soviet aggression as:

"The devious processes whereunder the political independence and territorial integrity of the three Baltic Republics—Estonia, Latvia and Lithuania—were to be deliberately annihilated by one of their more powerful neighbors,"—the Soviet Union.

The Government of Great Britain, in the words of Prime Minister Winston Churchill, described the annexation of the Baltic States thusly:

"They were acquired in shameful collusion with Hitler. We have never recognized the 1941 frontiers of Russia. . . . The Baltic States should be sovereign, independent republics."

President Eisenhower and Prime Minister Churchill declared, on June 29, 1954:

"As regards formerly sovereign states now in bondage, we will not be a party to any arrangement or treaty which would confirm or prolong their unwilling subordination."

In his speech before the General Assembly of the United Nations, Soviet Premier Alexei Kosygin condemned collusion and stated:

"Attempts by any State (logically this includes the Soviet Union) to conduct an aggressive policy towards other countries, a policy of seizure of foreign lands and subjugation of the people living there."

This describes exactly what the Soviet Union did and is doing in Lithuania.

Just a few months ago the Soviet Union proposed an appeal to the United Nations requesting that "All members of the UN withdraw troops from foreign territories occupied . . . by the armed forces of some states . . ."

The Soviet Union's demand for withdrawal of foreign troops from foreign lands, without withdrawal of the Soviet troops from the Baltic States of Estonia, Latvia and Lithuania, is *sheer red hypocrisy.*

YOUNG AMERICANS IN CANADA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on January 21, I reported to our colleagues on a trip that I took to Canada in late December to learn more about the 50,000 young Americans who have emigrated to that country primarily to avoid the draft and military service.

Since that time I have received statements from some of the young men I met in Ottawa in which they attempt to describe the reasons why they left this country and their present life in Canada. I appended two such statements with the thought that their observations would be of interest to my colleagues. For the sake of their privacy their names have been omitted.

In addition, I am also setting forth a letter received from the National Council of Churches making known the continued concern of that organization with this difficult problem.

I remain hopeful that responsible and rational dialog can begin in this Congress about the large number of young Americans who are in Canada and are going to Canada every day that passes. And I hope that other Members of Congress will go to Canada with an open mind to observe this situation and report back their conclusions to this House.

The letters follow:

DEAR CONGRESSMAN: On the 26th of June 1969 I deserted from the United States Army and subsequently began a new life in Canada. The purpose of this statement is to document the reasons for this act and certain experiences prior to it.

Prior to being drafted I was an Architect qualified to practice in Pennsylvania. I designed and supervised construction of a medical auditorium and parking garage, both now complete. I was deeply involved in urban planning work with a Philadelphia planning office. I received public praise from Dr. Mark Shedd, Superintendent of Schools, Philadelphia, for a research project on ghetto education, and received two design awards from Drexel Institute of Technology. I say all of this only to combat the public image of a deserter as one who is a misfit and unable to adjust to modern society. The times have changed and rational, intelligent people are doing what was previously "unthinkable" after being forced into a choice between few morally acceptable alternatives. In the military itself I was able to cope with many brutal, dehumanizing situations. I was sent to an Army NCO training program in which I was named "Honor Graduate" and promoted to the rank of Staff Sergeant. In my case as with many others I have met, the idea of a deserter as one who is unable to accept discipline and the rigors of military life is not true, though I certainly do not believe that any human being should be forced to undergo such treatment.

The whole period of time that I spent in the military was a time of conflict within myself, a time of sorting out of values, and a time of determining what I really was. Even before being drafted I had firm beliefs

that the Vietnam War was not morally justified regardless of the merits (if any) of the stated goals of the United States. I found no justification sufficiently valid to support the destruction of a people through war. The reasons for my conflict were rather concerned with the role and responsibilities of an individual when ordered by his country to commit acts which to him are morally unacceptable. Towards the end of this period I knew that the ultimate responsibility for one's actions does indeed lie with the individual, and that social forces must be secondary to this. I was left with two choices: refusing orders to Vietnam with a resultant period in military prison, and desertion to a foreign country. Both alternatives were extremely difficult to contemplate. The final decision to come to Canada was based on the grounds that this period of my life should be constructive rather than wasted. Since coming I have become a counselor to new arrivals for a Canadian counseling group and believe that this usefulness is far more valuable than the unnoticed act of martydom implied by choosing prison.

Prior to leaving I felt that I should try all legal opportunities open to me, however futile. For the first time I realized that I was a Conscientious Objector in the legal sense of that term.

I made application for this status in Oakland, California. Army regulations provide seven days for preparation of the application. On the fifth or sixth day (depending on interpretation), while I was typing the final draft, I was placed under guard with the intention of being shipped to Vietnam. The officers in charge refused to accept the application. A Writ was obtained from Federal Court in San Francisco by my lawyer and was effectively served on the Post Commander preventing my shipment. My application was subsequently received, expedited to Washington and back, denied, in three days. The reason given for denial was that my objection was based on "a personal moral code and not sincere religious training and belief". That these events did in fact occur can be verified with my lawyer, Mr. Steven Arian, 345 Franklin Street, San Francisco, and in the records of the Federal Court.

As a counselor I have talked to many of the new refugees from the United States. Their reasons for coming are many and varied: opposition to the very idea of a draft system, escape from exceptional brutality in the military, refusal to participate in the Vietnam War. The common factor is that they are individuals reacting to a situation sufficiently intolerable to make them forfeit their rights to life in the country of their birth. Few are politically motivated. The overall picture becomes a sad statement of what America is offering its young people. I personally feel little bitterness; only a profound grief that this is what has happened to the country that I loved.

DEAR CONGRESSMAN: When the question of the draft began to threaten, I felt that I should find out what it was that I would be defending. After a great deal of reading and listening to lectures on both sides of the question, I came to the same conclusion that many government officials, including Mr. Nixon, have arrived at. That, of course, being that the United States should not be in Vietnam, and should withdraw its forces as soon as possible.

With this in mind, I could not allow myself to be used to further an injust cause.

To add imeptus to this already strong feeling was disgust felt when examining the draft and its inequities. Within a city each board can treat deferment cases differently, and even within a single board identical requests are not given the same consideration. It takes twelve men to send a man to prison, but only three to uproot a man from his home and family and place him in a position of extreme danger.

I could not have remained out of the service as a conscientious objector, because under fire self preservation is an overpowering force. However, I would not allow myself to be placed in a position of kill or be killed.

With these feelings, the only decision was to remove myself from the situation. Although coming to Canada does seem to have been the easy way out, it does solve the problem of being forced to destroy a people who have been wronged. It allows me to live a normal life without fear of being arrested for my convictions. Also, this will hopefully encourage others to follow the same pattern, which should awaken the government to the public dissatisfaction with the present policy and slow rate of deescalation.

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST,
New York, N.Y., February 11, 1970.

Hon. EDWARD KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Word has reached me about your visit with U.S. draft-age emigrants in Canada and I wish to commend you on the concern you are showing about their human situation. There is great need for a more open consideration of the motivation which has taken many of these young men out of our country and the right which should be theirs to respond to the dictates of their conscience.

Two years ago the National Council adopted a Policy Statement which identified certain responsibilities which Christians have with reference to conscientious objectors. Among these were:

Pastoral and material care of the individual and his family

Exploration and testing of the individual's views within the Christian community

Interpretation of the moral legitimacy of the individual's position, even if the majority of the church does not agree with him

Protection of his legal rights, including the right to counsel

Pursuit of judicial review or amendment of unjust statutes

Enactment of laws more nearly conformable to moral principles.

In the light of the above action, the General Assembly of the National Council of Churches two months ago approved the development of a pastoral ministry to American refugees in Canada, in cooperation with the Canadian Council of Churches.

Even in the midst of war we need to respect the right of conscientious dissent and maintain relationship with those who find it impossible to conform to demands with respect to the Vietnam War. I am grateful to you for your courageous act and for the report which you made to the House of Representatives on January 21. I trust that you will receive support from your colleagues in the Congress and from all citizens who wish to keep our society open and free.

Sincerely yours,

DAVID R. HUNTER.

SELECTIVE CONSCIENTIOUS OBJECTORS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, about a year ago I introduced a bill to amend the Military Selective Service Act of 1967 by clarifying the definition of conscientious objector so as to specifically include conscientious objection to military service in a particular war. In April of 1969 eight of our colleagues joined me in cosponsoring this clarifying amendment.

I welcome the recent report of the Subcommittee on Administrative Practices and Procedures to the Senate Judiciary Committee which included among its recommendations the further consideration of alternative service for selective conscientious objectors. The subcommittee and its chairman, the distinguished senior Senator from Massachusetts, Mr. KENNEDY, have provided in the report a number of recommendations in anticipation of the Congress considering comprehensive draft reform this year. The subcommittee concludes that the question of selective conscientious objectors is "a vital one."

The subcommittee correctly points out that the case now pending before the Supreme Court, United States against Sisson, raises the issue whether the status of selective conscientious objection is constitutionally required. Therefore, whether or not the Congress decides to act on this important matter for its own good reasons, the issue can not be avoided if the Supreme Court finds there is a constitutional necessity for a selective conscientious objector status.

The institution of the draft and the unnecessarily strict interpretation of the conscientious objector laws by the Selective Service System have posed and continue to pose an agonizing dilemma for young men of conscience in this country who are opposed to participation in a war for ethical and moral reasons. Since 1968 a clear majority of Americans are opposed to our continued participation in the Vietnam war. The young men I speak of cannot oppose the war in theoretical comfort. They are of draft age and must choose. They are caught in a dilemma where they are forced to serve against their moral beliefs or face self-imposed exile or criminal prosecution. It is time that this Congress remove this unnecessary and cruel burden through the establishment of a selective conscientious objector status.

I urge my colleagues to join in the cosponsorship of legislation to effect this goal.

I insert for the RECORD the Kennedy subcommittee recommendations on this matter:

A STUDY OF THE SELECTIVE SERVICE SYSTEM: ITS OPERATION, PRACTICES, AND PROCEDURES, TOGETHER WITH RECOMMENDATIONS FOR ADMINISTRATIVE IMPROVEMENT

C. DOCTORS, MINISTERS, AND CONSCIENTIOUS OBJECTORS

The subcommittee recommends that special treatment be continued for medical personnel, ministers, and conscientious objectors, and that the issue of alternate service for selective conscientious objectors be given further consideration.

The subcommittee heard no evidence on and recommends no change in the present statutory treatment of medical personnel and ministers. It does urge that Congress consider affording special treatment to selective conscientious objectors. A case now pending before the Supreme Court, *United States* v. *Sisson*, raises the issue of whether such special treatment is constitutionally required. If the Court finds that it is, then Congress will have to implement the decision with appropriate legislation. But even if the court finds that there is no constitu-

tional necessity for a selective CO status, Congress should consider the question.

The argument in favor of selective CO's is simply that young men who have ethical and moral beliefs against a particular war should not be treated differently than young men who have sincere religious beliefs against all wars. The argument against special treatment for selective CO's is that it is administratively impracticable and may also create new inequities in the draft system.

The administrative problem is how to determine who is a sincere selective CO and who is merely trying to avoid military service. It has not always been easy to determine sincerity under the traditional test for CO's; under the more expansive standard the task would become more difficult. President Brewster of Yale University has suggested a way to meet this difficulty. His proposal is that anyone who requests a selective CO status should be granted it, but should then be required to undergo noncombatant service of comparable risk to that undergone by draftees. Presumably this does not mean that every selective CO must go to the battlefield. All that would be required is that the same percentage of selective CO's as draftees be subjected to battle risks and that in all other respects—pay, length of service, separation from families, et cetera—selective CO's and draftees be treated equally. If it proves impossible to subject selective CO's to equal risks then they could be required to serve for a longer time.

As President Brewster himself acknowledged, this proposal will not please those who do not believe they should be subjected to any risks or should play any role in a war they deem immoral. But it has the advantage of mitigating administrative problems and of reducing the possibility that selective CO status will create new inequities. It has been suggested that selective CO exemptions would inevitably favor the more educated and articulate registrants, who are more likely to present an informed basis for their objections to a particular war. The Brewster proposal, by eliminating the need for a registrant to demonstrate his sincerity, removes this potential inequity.

The subcommittee believes the question of selective CO's is a vital one. It recommends therefore that the Congress consider the questions at the earliest opportunity.

THE PROBLEMS OF AMERICA'S FIRST CITIZENS

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, seldom have I seen a more succinct, perceptive, and informed presentation of a national problem than this series of interpretive articles that recently ran in the Seattle Post Intelligencer newspaper of Seattle, Wash. It was written by Miss Hilda Bryant, human relations reporter. The articles were written following 4 months of full-time research and personal visits to 32 Indian reservations in eight States.

Miss Bryant taped interviews with elected officials of about 50 different tribes representing Northwest, Southwest, South, East, and Plains Indians, and interviewed Government officials concerned with Indian affairs beginning with Secretary of the Interior Walter Hickel, and Indian Commissioners Robert Bennett and Louis Bruce, through Members of Congress, and officials of all the major Indian national organizations.

This series is an attempt to bridge the gap stretching between the condition of America's first citizens and the general knowledge of his condition on the part of the average non-Indian American.

Therefore, I include the series in the CONGRESSIONAL RECORD for all thinking Americans to read:

SERIES BY HILDA BRYANT

I

American Indian militancy has not yet echoed the black's renunciation of the label pinned on him by the white man. "Indian" was the initial misconception of the white man about the American red man.

Christopher Columbus made that mistake. He thought he had stumbled on to the continent of India, so he called the first natives he came upon "Indios."

They weren't, but adventurers who followed him picked up the name, and by the time the European white man discovered the error, the name had stuck.

It was not the last misconception the white man has held about the native American.

Today, almost 500 years later, those aboriginals popularly thought of as "vanishing Americans" are with us still and in numbers almost as great as they totaled in 1492.

Other popular misconceptions include such myths as:

The Indian is a ward of the government.

The Indian reservation is a form of concentration camp.

The government makes a regular per capita payment to the Indians for their subsidy.

Indians don't pay taxes.

Hundreds of Oklahoma Indians are oil-rich.

All Indians drink alcohol excessively.

There is a single cultural tradition of dances, artistic crafts and music among American Indians.

Older Indians still "speak Indian."

Since Seattle is one of a half dozen major urban centers where off-reservation Indians have concentrated, the general level of sophistication here regarding the original Americans may be higher than average. But the facts of the Indian condition as it exists in today's world have escaped most non-Indian Americans.

There are, for example, 652,000 American Indians in the United States, only 150,000 less than the estimated number inhabiting the entire country when Columbus landed.

And the American Indian population is growing twice as fast today as is the non-Indian population, black and white together.

The unemployment rate of American Indians is 37 per cent. That is 10 times the national unemployment rate and about six times the average black unemployment rate.

The Bureau of Indian Affairs reports this year that there are 75,000 American Indians who are "functionally illiterate."

Although there are 3,000 Indians in college this year, compared to a mere 400 seven years ago, well over half of those 652,000 Indians are under 25. So the proportion of youth in college is still dismally low.

The infant mortality rate for Washington Indians is the highest in the United States including the remote areas of Alaska. And the average life span of the Indian is 44 years. The national average is 64 years.

In 1967 the average Indian family income was $1,500. It hasn't improved significantly in the intervening two years. Unemployment on some reservations reaches a shocking 80 per cent throughout some seasons of the year. Housing is abysmal.

Since Indians are not permitted to mortgage trust land, and since the general family income level is so low, they find it virtually impossible to obtain home improvement loans.

An Indian may own his own land but he may not sell it without getting permission of the secretary of the interior unless he takes his land out of the tax-free trust relationship.

The whole question of the tax status of American Indians requires clarification for most non-Indians. Indians are not "wards" of the government and they do pay taxes.

In 1924 Congress made American citizens of all American Indians. But only since 1948 have all American Indians been permitted to vote. Before given the right to vote they were subject to military draft and they have served in numbers disproportionate to their population in all of this nation's modern wars.

In World War I, for example, 14,000 served, and in World War II, 25,000. Indians fought also in the Revolution, the Mexican and Civil War and in Korea and Vietnam.

Indians pay local, state and federal taxes, as do all citizens except when treaties, special agreements or statutes exempt them. Most tax exemptions which have been granted to them apply to lands held in trust for them and on the income from those trust lands.

This trust relationship means that the government is the trustee of Indian property, not the guardian of the individual Indian. There is no guardian-ward relationship between the government and the Indian except in the case of minors who have inherited land or incompetents who require extra protection.

However, there has been much misunderstanding about just what powers a trusteeship gives to the trustee. And too often the authority has been abused by what Sen. Henry Jackson describes as the "papa-knows-best" attitude of the Bureau of Indian Affairs.

Jackson is the chairman of the Senate Interior and Insular Affairs Committee, the most influential congressional body that deals with Indian Affairs.

Some Indians do receive per capita payments but these are not from the government, but from their own tribes. The money comes from income received from tribally owned enterprises or resources such as sales of timber and lease of land. It may come from a claim settlement against the government, but this is not a government handout.

Rather, it is payment for a loss to the tribe or to an individual Indian when a treaty was violated or when someone, usually the government, encroached upon the rights reserved to the tribe by that same government. These rights include water, mineral, timber and land interests and fishing, hunting and wild rice gathering and shellfish or root digging rights.

Senator Jackson is proud of the Indian Claims Commission Act of 1946 which he authored. The bill gave to the Indians for the first time the judicial machinery to litigate their legitimate claims against the government. Jackson declares with a tinge of bitterness:

"Some of my critics have never heard of it."

Jackson has been attacked in a new book just edited by the Citizens' Advocate Center in Washington, D.C., as a "pro-termination list," who was instrumental in getting rid of Indian Commissioner Philleo Nash when he resisted the effort to extinguish the Colville Indian tribe and reservation. In a subtle reference to Jackson as "a great conservationist," the book questions his commitment to Indian land and water and fishing interests.

Jackson terms the Claims Commission Act "the most important legislation in the interest of Indians outside the annual appropriations bills for their health, education and welfare."

Jackson said:

"This is the most far reaching effort to try to resolve the justifiable complaints of the Indians since we passed the very first legislation affecting the Indians. Prior to my bill

the Indians had to come in and get a special act of Conrgess, then they were required to go to the Court of Claims.

"It's interesting that these critics don't even talk about this. And this goes to the heart of the whole Indian controversy."

Jackson also points with pride to his Senate Interior and Insular Affairs Committee's action in prodding the Bureau of Indian Affairs to enlist the agencies of the Poverty War in behalf of the Indians who were eligible by law for its benefits.

Jackson is an outspoken critic of the BIA bureaucracy because of what he considers to be its vested interest in self preservation and expansion of the BIA kingdom.

The much-maligned BIA has triggered deeply ambivalent attitudes among American Indians. Many freely criticize the Bureau but when outsiders jump on the "knock-the-BIA" bandwagon, the Indians close ranks and defend "their agency." It is, after all, the only government body that is devoted to their interests. The BIA may be fumbling, bureaucratic and paternal but it's all theirs.

European misconceptions about the American red man have played a dramatic role in the political evolution of several nations. Indian historian Alvin M. Josephy, Jr., in his newly published book, "The Indian Heritage of America," says that philosopher Jean Jacques Rousseau's vision of the natural man was based upon his conception of the Indians as a race of happy people who lived close to nature, innocent childlike and free.

Other liberal philosophers in Europe, who's argument did much to influence the revolutionary movements of the United States and France, compared the condition of Europeans "in chains" with the Indians who lived lives of freedom, Josephy said.

Indians were not entirely "innocent, childlike and free," nor did they all fit the popular stereotype of "the noble red man." Neither did they all fall into the other popular stereotype of the savage, brutal, bloodthirsty subhuman.

These distinctions may be better understood by the white man today. But there persists the idea that American Indians are one people, a single cultural entity with a single body of culture and an "Indian language" which is now dying out.

The fact is that diversity among American Indians is much more striking than the acknowledged threads of "Indianness" that bind them as a distinct race.

Although much of the colorful Plains Indian tipi culture and the feathered headdress and beaded, fringed leggings have been borrowed and adapted by many non-Plains tribes, the differences between the arts and dress and rituals of the Southwest and Northwest Indians are dramatic.

Even within the Northwest tribes the coastal fisheating Indians and the mountain tribes are comparable in cultural diversity to the Scandinavians and Italians.

There are today a total of 263 American Indian tribes, bands or pueblos by BIA count.

There are in addition, 300 Native Alaskan communities composed of Indians, Aleuts and Eskimos.

There are eight major linguistic groups and a hundred different Indian languages. When Columbus landed here in 1492 about 800,000 Indians spoke a total of 300 different languages.

But more important than these intra-Indian cultural distinctions are the basic differences between the white and Indian cultural orientations. These discrepancies have resulted in such psychological trauma for the Indian that social tragedy, such as alcoholism and suicide, have become epidemic among them.

The Indian does not share the Judeo-Christian European traditions that make individual ownership of land, the thrift ethic, individual competition, year-round employment, and time-clock enslavement the highest of virtues.

These Caucasian-Indian cultural conflicts, their results and how some Indians and others are resolving them, will be described in the articles to follow. Although complete assimilation of the Indian into the mainstream of the dominant American culture has been for decades a national goal, the Indian has stubbornly resisted this swallowing up of his identity.

His effort to preserve his Indianness, and to build a viable economy on the reservation so that future Indians will have a credible choice as to which culture they want to live within, has received a recent boost from President Nixon.

The Indians of America intend to hold the President to his promise to them that:

"The right of self-determination of the Indian people will be respected, and their participation in planning their own destiny will be encouraged. Termination of tribal recognition will not be a policy objective and in no case be imposed without Indian consent."

II

The American Indian of Washington State harbors a deep and profound suspicion that the paleface, who pipes an appealing new tune these days, still intends to lure the red man off his own land.

Or at least lull him into a deadly hypnotism long enough for the white man to acquire the deed to his real estate. Or his priceless water rights. Or his rare Ponderosa pine stands.

James Jackson, hereditary chief of Western Washington's largest tribe, the Quinault Indians, retells an anecdote from tribal oral history to illustrate how the Indian regards his historical dealings with the white man here:

"The Indian was sitting on a big log and the white man came along and the Indian reached out and said, 'Come on, white man, come and sit on my log,' and he gave him a hand. Pretty soon the white man began moving over a little bit, then a little bit more and pretty soon down off the log the Indian went. So he reached up and said, 'Help me up on the log.' But the white man said, 'No, this is my log!' "

Quinault Tribal Chairman Jim Jackson has a firm perch on his log and he isn't inching over for white real estate exploiters; pushy, trashy tourists; clam-digging trespassers; the State Fish and Game Department or even other Washington Indians.

Jackson explained:

"We're not going to develop a reservation and then have the outsiders come along and tell us, 'Well, move over, you've had it.' When the beaches (28 miles of prime Pacific Ocean shoreline just above Moclips) are developed we want it to be done by the tribe or by members of the tribe and controlled by the tribe."

The Quinault Tribal Council closed the popular ocean beaches of the reservation to non-Indians last August when they became littered with trash left by tourists, when historic rock formations were defaced by painted slogans and chiseled initials, and when a white land developer began using the beach as a construction dump.

The Quinault Indians cite treaty, executive order of President Ulysses S. Grant, and decisions by the U.S. attorney general to support their contention that they and they alone may determine the conditions under which all land within the boundaries of their reservation is used.

This authority is not diminished simply because some of that reservation land happens to be owned by white men any more than a city council's authority is diminished over private homeowners who have property within city limits.

The Yakima Indian tribe, largest in the entire state, owns a choice stand of Ponderosa pine and the priceless waters of the Yakima River which are viewed by the Indians as targets of the white man's manipulative greed.

The Makah Indians hold leases to Neah Bay waterfront properties and they own a progressive fish-protein plant.

The Lummi Indians have an aquaculture project on Lummi Bay and waterfowl hunting grounds. Uranium has been discovered on the Spokane reservation.

Although none of these land resources are adequate to provide a viable economic base for any of the tribes, such assets are viewed by the Indians as prizes coveted by the white man.

And the average Indian can reel off half a dozen precedents to support his suspicion, usually cases drawn from his personal knowledge.

Issue

The whole issue of land is basic to a misunderstanding that has persisted over the four centuries since Columbus accidentally stumbled onto the red man. The Caucasian simply has no comprehension of the subtleties inherent in the Indian's feeling for the land.

A stately Kaw Indian of Oklahoma, now Bureau of Indian Affairs Superintendent for the Shoshone-Bannock Tribes Southern Idaho, described it like this:

"The land means something to the Indian. It doesn't just mean dollar signs in the eyes of the Indian. It means home. The Indian non-immigrant—this is his land, and this is the way he feels about it. He wants to hold onto his land and to pass it on to his children. You separate an Indian from his land and you've done him a great injustice."

The white BIA superintendent, who enjoys unusual rapport with the reservation Indians of the Yakima Tribe, observed:

"I think there is a lot of what we can call an identity issue related to the land for the Indian. You know, if I buy land it's either to make money or to put a house on, but the Indian's feeling about land is entirely different.

"At the same time, the Indian will quickly tell you that where, under the treaty, the Yakimas had 10 million acres, they now have 1,200,000 acres. The tribal leadership feels strongly its responsibility to assure the retention of land for their children as yet unborn."

Distinction

This primitive distinction between the Caucasian and the Indian is basic to the premise upon which this series exploring the American Indian is based:

The American Indian argues that his goals in life differ from those of the white man. Nor are the Indian's ideals the same as the modern white man's.

The Indian's traditional life style conflicts with that of his Caucasian counterpart and he is wrenched out of his tribal culture and reshaped to fit the middle class white cultural mold (assimilated) only at great psychological risk.

This is the assertion made repeatedly by the American Indian, whether he is Montana Crow or his bitter foe, the Northern Cheyenne. Whether Nez Perce or Blackfeet, Navajo or Chippewa, Pueblo or Sioux, Yakima or the maverick Quinault, who has refused to join the Northwest Affiliated Tribes. On this point all agree. Quinault Tribal Chairman Jackson puts the issue of "Indianness" bluntly:

"The biggest problem for the Indian today, as I see it, is the plan to put the American Indian in the mainstream of the American way of life. I see no reason why everybody has to be the same.

"We're people of a different culture and we have different values. We can't teach our kids to believe in things we don't believe in ourselves. The conflict of values arises in

our view of nature, for one example. We respect and revere nature.

"Competition among ourselves is another difference. The person who was the biggest success in the Indian way of life was the man who gave the most to the tribe—the old Potlatch tradition. You didn't compete with your neighbor, you tried to help him."

Wayne Williams, business manager of the Tulalip Tribe, cites the 1887 General Allotment Act as the most overt attempt by the government to apply the WASP cookie cutter to the red man. The act parceled out Indian trust lands to individual Indians for farms. Williams says:

"The argument was that in order to civilize the Indian he must be broken away from communal living. Northwest Indians lived all winter together in longhouses. This evil and hindering practice must be destroyed, they thought.

"Make the Indian a land owner. Make him a farmer. Make him like the white man—this will civilize him."

Williams, who has the physical features of a white man, described what his Indianness means to him.

"I am not part Indian. I'm an Indian who is part white. And that is of significance to me. I've felt this way all my life. My earliest recollections are of my grandparents telling me of my Indian heritage.

"I was always proud of being an Indian. I don't look Indian and this causes conflict to a certain extent. It was difficult until I was able to sort out in my mind who I am and to whose drumbeat I would march.

"I finally made peace with myself and with my role in life. My problem was relating certain ideas embodied in Christianity which run counter to some of the Indian cultural traditions."

Have-nots

Williams added:

"We traded away the good life—which for us was wealthy—for our present status as a have-not people. At the time our treaties were negotiated, there had not been a conflict between the Northwest Indians and the whites. We were not beaten. The white man was in the majority and their officials were just trying to insure our peacefulness.

"And they got it. And they got it because our people didn't understand the language, and the interpreter spoke in Chinook jargon, and the treaty language had to go through two interpreters."

He noted that whites find the special treaty-bargained status of the Indians hard to accept. He said Indians are considered "super citizens" because of their special privileges.

"If these privileges permitted us to live above the standards of white people I'd agree. But they don't. The rights were paid for in full by our people and we intend to use our special privileges to improve the lives of our people.

Williams added:

"Plenty of people in this country have special privileges—farmers, industries, oil companies. That's the name of the game."

Culture

Colville Indian Mrs. Lorraine Misiaszek, who is in charge of all BIA public school subsidies for Indian children in this state, tries to help educators to recognize cultural differences as critical to successful teaching approaches.

"We lived in very close harmony with nature and with each other. Each moment of our lives was highly valued. Time was not measured by seconds, minutes or hours. Indians live on a here-and-now-basis.

"Because the tribe relied upon the cooperation of all its members and lived and shared communally, the qualities the Indian valued most highly were personal integrity, individual autonomy, a demonstrated concern for the community.

"Positive virtues were rewarded by admiration. Negative actions were punished through ridicule, primarily, except for serious offenses. Forced exile or even death might be exacted.

"Traits that were discouraged included boasting of one's accomplishments, loud or immodest behavior, stinginess, stealing and lying. Promises broken were considered the same as lying.

"Today American Indians find themselves in a society based on an economy calling for highly competitive ability. The ultimate goal is financial success and upward social mobility. An entirely new set of standards is imposed on the Indian today and he questions whether to accept them since to do so means he must repudiate all the deeply ingrained values of his own culture."

Hostility

Mrs. Misiaszek is convinced that many Indians accept the white man's value system outwardly but not inwardly. As a result, she says, "many Indian people have developed a deep hostility toward society as a whole. The inner conflict is manifested by a growing alcoholism problem and a high suicide rate among youth."

She says that the Indian who makes it on his own economically—on the white man's terms—has been forced to repudiate the tribal value of sharing with others. He is often viewed by Indian friends and relatives as "stingy" and is alienated from them. He retaliates by rejecting his race and his ethnic identity entirely and in the eyes of his tribe becomes a renegade.

Nor is the Indian any more like the black man than he is the white man. There are similarities between their cultural heritages which include centuries of racial discrimination, but generally the black man understands as meagerly as his white brother the distinctions of the Indian and often expresses a different, though equally paternalistic, attitude toward the Red Man.

III

The black person commonly makes the mistake of assuming that the red man shares his cause and needs only to be prodded into joining the demonstrations, protests and even violence of the Black Revolution.

He knows the Indian has suffered racial discrimination similar to his own experience. He knows most American Indians live on reservations which the black man often equates wrongly, with a concentration camp.

He is aware that the Indian shares the pervasive, grinding poverty that is characteristic of the inner-city resident, the unhealthy deteriorated housing, the shocking high unemployment rates.

The black knows his American history textbooks distorted the reports of the Indian wars, the land grabs of the white man and motivation behind the savagery expressed by many tribes.

The black suspects the rape of the Indian culture parallels the rape of his own and he wonders, since the red man was never enslaved by the whites, why the Indian has passively accepted his fate.

A Washington State student of Northwest Indians who has lived 14 years with the Quiault Tribe, Harold Patterson, has made a detailed comparison of the two minority races in the interest of demonstrating that the youth of the Negro race and the youth of the Indian race require different approaches if they are to be adequately educated.

Patterson is a white principal in the employ of the only all-Indian public school board in the state.

He has been described by a Washington Colville Indian leader as "the white man who knows more about Indians than any other Caucasian in Washington."

Share

Patterson points out that blacks and Indians share many social and economic handicaps.

The European majority deprived both of decisionmaking roles, and on similar grounds—the Indians had land and the Europeans wanted it; the Negroes had manpower, and the Europeans wanted that.

Both races, though they were entirely competent human beings in control of their environment when they came into contact with the white man, were considered by him to be ignorant, incompetent savages.

They were dealt with by the exploitive European in such a way as to deprive them of their competency over their native environment and to close the doors to them when it came to adapting to the imposed white European way of life, Patterson said. He added:

"It is impossible to change this pattern quickly. That which happened by a process must be reversed by a process."

What blacks and others have interpreted in Indians as passivity and apathy is rather "professional non-participation," according to Patterson.

"It is their way of survival by waiting out the game."

He said that when we (white men) have made all the mistakes it is possible to make, we might just get around to asking the Indians to participate with us in a joint venture.

The blacks won't play the waiting game any longer. They were brutally enslaved, their families were forcefully broken up, their language forbidden, marriage forbidden, native religions forbidden—they became quickly a race without a culture, without family ties, and without a coherent oral history.

Exposed

A hundred years of freedom on paper has been in many respects meaningless and they have been directly exposed to the white man's methods of manipulating his environment.

Blacks borrowed his successful methods of revolt—the union striker's technique, the boycotter's technique, the labor movement's violence, the psychological warfare of the mass media.

But the Indian family has not been as systematically torn asunder—although the federal government has wrenched children from parents and shipped them far away to government boarding schools.

Still, the strong ties of clan and family remain.

The Indian was conquered, but he never lost his entire land base—he has always known the pride of ownership and his land is sacred to him.

The Indian's native languages persist and are still spoken widely on reservations in spite of a determined federal policy to wipe them out because they posed a basic threat to total assimilation of the Indian.

The oral histories are still repeated to the children of the tribes by the old Indians.

The arts, crafts, ceremonies and sports of the native culture have been modified but they are still distinctly American Indian and they not only persist but are being everywhere revived.

Even the traditional fishing, clamming, wild-rice gathering and other means of livelihood are still widely practiced among modern American Indians.

And in the great cities where the Indian youth were "relocated" and planted by the Bureau of Indian Affairs firmly into the non-Indian American mainstream, pow-wows, feasts and ceremonies are observed by Indians who have sought each other out and organized.

Blatant

And so the results of slavery that maimed the black race, though they sometimes superficially resemble the scars exhibited by other racial minorities, should not be mistaken for being identical with them.

An Indian is hostile for different reasons and will express his hostility in different ways.

For a black to assume he can speak for the Indian is a demonstration of paternalism as blatant as any policy conjured by the much-maligned BIA.

And basic to the Indian psychology is his knowledge that he is the Original American.

He speaks of himself as a non-immigrant. He thinks of the white man as an invader. He has a strong sense of history and it makes for a strong sense of cultural identity.

Patterson observes that assimilation into the mainstream American culture is open to the Indian any time he chooses to accept it.

It has been urged upon him as a federal policy for years and he has successfully resisted it.

Complete assimilation of the black man in America however, still is not available. Patterson puts the issue this way:

"On the basis of race and race alone we say to the Negro:

" 'You have your place, stay in it!'

"To the Indian we say:

" 'Get out of your place, stop being an Indian and lose yourself in our culture.' "

Patterson says the white man effectively smashed the Negro culture, and so the question of cultural clash, so basic to the Indian today, is not properly a subject for comparison between the black and the Indian.

Retreat

The Indian can always retreat within his "cultural shell" when the outside world becomes intolerable, but the Negro has no place to hide, Patterson said.

He believes that this fact, as well as his cultural trait that requires dignity and restrained expression of emotion, explain the Indian's unwillingness to participate in mass demonstrations, civil disturbances and social activism.

Patterson sees the black "acting out" his frustrations because he is "deeply involved in the system, and he cannot escape that involvement, so he strikes out against it."

But the Indians, according to the white man who has come to know them so well that he has almost melted into an all-Indian culture, "will turn his frustrations inward, he will embrace poverty, disease, alcohol or any other lethal medium for fulfilling his death-wish."

Chief Joseph of the Nez-Perce nation whose father for 30 years befriended the white man only to be betrayed by a deceptive treaty, finally led his Indian band against the U.S. Army in Washington Territory.

After a series of victories and defeats in wars over lands that had been secured by treaty, Chief Joseph finally led his people on a 1,000-mile walk to Canada.

Thirty miles short of the border he was stopped by Col. Nelson A. Miles whose soldiers outnumbered the Nez Perce, two to one.

In surrendering, Chief Joseph delivered the words that have become the classic Indian expression of resignation:

"I am tired of fighting. Our chiefs are killed. The old men are all dead. It is cold and we have no blankets.

Tired

"Hear me my chiefs. I am tired; my heart is sick and sad. From where the sun now stands I will fight no more forever."

Patterson explained:

"The Indians resent being identified with Negro militancy. They do not want to be drawn into civil strife. They have manifested their dissatisfaction by nonparticipation and the whole impact and message of that method would be lost if they resorted now to the total involvement of civil strife."

Perhaps the most widely known and highly respected Indian political leader in the nation, former Indian Commissioner Robert Bennett, had this to say about red versus black revolutionary goals:

"Equality is no motivation for an Indian—because, right or wrong, Indian people feel what they have is better than what they would have if they were equal with the white man.

"Equality for the Negro is total motivation.

"We say what we've got is better to begin with, why should we want to be equal? Irrespective of what your judgment or mine might be, this is the way the Indians feel."

Bennett, who is now an official of the University of New Mexico, said there is no doubt about the boost the Indian Power concept of self-determination has been given by the black revolution. He said:

"While Indian political leadership may have thought this way even before Negro leadership did, their numbers were too small to have an effect."

But Bennett is cool toward the idea of black-red coalitions, He said:

"My suggestion to the Indian is this:

" 'You have an organization, you're small, you need help, go to these people (the Urban League, the National Association For The Advancement of Colored People, etc.) and ask for their support of your resolution. But don't join them—you're too small.'

"The Poor Peoples' Campaign is an example of what happens to Indian people—they get pushed aside.

"When I talk to the people in terms of Red Power, I tell them that there are too few of them to make any kind of political impact at the national level, but that right out in their local communities where the action is, they can have impact.

"They can be on the school board, on the city council, on the county commission. And I tell them that economic power means political power.

"You can march down the streets of Albuquerque because you feel the police department isn't treating your tribal members properly. It will have no effect on the police department.

"But you can go to the president of the Albuquerque bank and tell him that you are withdrawing your tribal funds from his bank because of the way your people are being treated by the police.

"All it will take is one telephone call from the bank president to the mayor who will call the police chief."

Motivation

Bennett explained that the motivation of the Indians is to work out a relationship with the federal government that is satisfactory to them.

They want to assume control of their own resources and communities and still be recognized as Indians, both tribally and individually. They want two viable cultures as the Pueblo Indians have.

Ponca Indian scholar Clyde Warrior said:

"When a people is powerless and their destiny is controlled by the powerful, whether they be rich or poor, they live in ignorance and frustration, because they have been deprived of experience and responsibility as individuals and as communities.

"If the Indian does not understand the modern economy, it is because he has never been involved in it. Someone has made those decisions for him.

"Handouts do not erode character. The lack of power over one's own destiny erodes character."

IV

The national Indian youth newspaper, Americans Before Columbus, has issued an editorial call to American Indians to sponsor an all Anglo-Saxon Ceremonial. It would be held at a New Mexico Pueblo (town) for the benefit of the local merchants and it would be run exclusively by Indians.

The editorial described the event:

"White people from all over the country will be invited to come in their colorful native costumes and demonstrate their exotic square dancing and waltzing. Camping facilities and outdoor latrines will be made available to them.

"They will be invited to demonstrate their native culture. Such things as hamburger-making, aspirin swallowing, nagging wife exhibitions, TV watching contests and divorce filing will be presented.

"The purpose of the Ceremonial will be to preserve white culture."

The editorial was a not-so-gentle spoof of the annual Indian Ceremonial put on each year in Gallup, New Mexico, entirely by whites and for the financial benefit of white merchants.

The event is the target of a crusade this year by the National Indian Youth Council. Membership in the NIYC is about 1,500 but the influential organization represents the views of a much larger segment of youthful American Indians.

Its executive director, Gerald Wilkinson, an under-30 North Carolina Cherokee, explained the philosophy of the NIYC:

Identity

"We are radical in the sense that we want to preserve our identity in a world that conceives of that as a radical concept.

"We are radical in the sense that we want changes in the Indian situation and in that we want to remain Indian in a world that wants to deny us our Indianness."

The activist group is subsidized by grants from the Field Foundation, the Presbyterian, Lutheran and Methodist Churches, and Project Upward Bound. With such Establishment backing it does not come as a surprise that "activism" is defined by this group as "taking stands on all sorts of things" like last summer's protest against job discrimination in the Bureau of Indian affairs (BIA).

The NIYC also offered its moral support to the Washington State Indian fish-ins and even went so far as to send a few members to Frank's Landing. Wilkinson said the NIYC might form a coalition with other minority groups such as blacks or Chicanos, but his enthusiasm for the idea was mild.

His national organization introduced a resolution condemning acts of vandalism by a militant West Coast Indian youth group which demonstrated against Interior Secretary Walter Hickel at the convention of the National Congress of American Indians this fall.

Sentiment

And therein lies the clue to the political sentiment of the NIYC—the resolution condemned the tactics, but not the cause of the radical United Native Americans.

This small organization, founded at Berkeley's University of California campus by militant Lehman Brightman, has adopted the protest tactics of the most militant blacks and its causes are often promoted in the national Black Panther newspaper.

Michael Benson, 18, a Navajo who is an active member of the NIYC and also head of a smaller moderate movement to enroll Indians in eastern Ivy League colleges, explained why the NIYC makes no wholesale condemnation of Brightman's Red Power radicals:

"One thing about Indians is that a lot of the time we don't agree with one another—like the older people don't agree with the younger people. But we are all Indians and if we cut each other down we aren't going to get anywhere."

It was an expression of a new bid for national Indian unity that is evident in adult Indian politics and in youthful Indian dissent.

The Brightman group had lined the lobby of the Albuquerque Hilton Hotel just before Hickel's appearance at the NCAI meeting. They carried picket signs bearing Indian adaptations of the slogans of the black revolution.

The same small clutch of demonstrators disrupted Hickel's speech repeatedly by booing, shouting insults and heckling. The disparity between even the most hostile adult Indians and these Red Power youth was revealed by the reaction of the 800 elected Indian leaders waiting to hear Hickel, whom all of them suspected and some of them had earlier condemned.

Applause

This adult Indian audience interrupted Hickel's uninspired speech half a dozen times with applause which drowned out the heckling of the youth. When Hickel concluded his remarks he was given a standing ovation.

The incident provided a graphic illustration of two phenomena: the gaping chasm that is the Indian generation gap and the clear and positive disapproval by the mass of Indians of Red Power tactics.

The generation gap is revealed by the comments about the two most widely known Indian militant youth, Lehman Brightman and Washington's Hank Adams:

Navajo Tribal Council official Carl Todacheene was describing the beautiful old marriage traditions of the Navajo when he interrupted himself to explain:

"Those kids who were writing on the wall (defacing Hilton Hotel mural), they don't know these things. I don't care for the guy that made that speech—the one in the red shirt (Brightman). He can stay in Berkeley. He don't need to come around. This man is a teacher—a college teacher. What does he want?"

Brightman's "kids" had scribbled offensive slogans and four-letter words with black felt pens across a hotel lobby wall mural and across the faces of two white pioneers in an oil painting. The damage was estimated by the hotel to run up to $8,000. The NCAI convention passed a resolution which was proposed by the National Indian Youth Council condemning the act of vandalism and its perpetrators.

Another Navajo, just over 30, Tom Acitty, said of Brightman:

Voluntary

"My whole idea about Indians griping about being mistreated is that he was in the city voluntarily, it was his decision to leave the reservation. No one told him to leave. If the man makes a decision to go someplace it is his responsibility to handle it. If he is proud of himself and if he has the knowledge to take care of his own family he should be able to live anywhere."

A national organization representing the urban Indian, American Indians-United, testifies to the lack of Indian unanimity on that sentiment, however.

An Indian political leader of the Northwest, Tandy Wilbur, Sr. who is business manager of the Swinomish Tribe at LaConner, said of Brightman:

"The Indians would be very slow to recognize him as a leader or spokesman. One hundred per cent of the Indians on reservations would reject him."

Wilbur, who has known fish-in activist Hank Adams "since before he was a militant," said of him:

"Hank Adams is a publicity hunter and he can't hardly get along with himself. Demonstrations are in his blood. He's very intelligent and articulate but young—their knowledge is so narrow. It's right there in front of their face."

Tomorrow: An 18-year-old national Indian youth leader describes how modern Indian youth differ with their elders and what the term militant means to the Indian student.

v

In spite of almost unanimous adult disapproval of Red Power tactics of a segment of youthful American Indian dissenters, their ranks are swelling and their voices are being heard.

Those voices are often strident, the logic simplistic, the demonstrations, such as the Indian occupation of Alcatraz, symbolic.

And some of the adult Indian leadership in the nation is insisting that these protestors be given a forum even when their message is discordant to the mature Indian ear.

One such national adult leader is former Indian Commissioner Robert Bennett who moderated a youth panel at the National Congress of American Indians convention last month.

Asked his personal opinion of the young radicals, he replied:

"My reactions to the activities of young militants is the same as most of the Indian leadership and that is that this is not an acceptable kind of behavior. What will happen if these young people continue this kind of behavior is that they will find themselves representing no one but themselves.

"They will not be a voice for any substantial group of Indian people and they will find they are leaders without followers. There are only 3,000 Indian college students all together and there is no unified voice among them."

This year's Pulitzer Prize winning novelist Dr. N. Scott Momaday who teaches English at Berkeley where Lehman Brightman is an instructor in art, said there aren't more than 40 Indian students on that campus and they are not all Brightman-type radicals.

Warpath

The Brightman organization, United Native Americans, Inc., in its newspaper The Warpath, contends that there were only 15 Indian students enrolled at Berkeley this fall. But the UNAI organ which screams for Hickel's impeachment in a 72-point-type front page banner, reports that there are now UNAI chapters on the campuses of Santa Cruz, Davis and Cal State in Los Angeles as well as at Berkeley. And Brightman has sympathizers among the bright and articulate Navajo students at the University of New Mexico.

Michael Benson, president of the Organization of Native American Students, is a Navajo who attends Ohio Wesleyan. He considers himself a responsible advocate of Indian Power. He was in favor of demonstrating at the NCAI convention against Hickel, he'd like to see him impeached, but he participated in the picketing at the Hotel Hilton only "after the UNAI protestors got rid of some of the signs."

"Some of those signs weren't too good. I wasn't in on the disruptions of Hickel's speech but I would have heckled him at the beginning, then I would have let him speak.

"You know I think we really agree on the issues—like about Hickel. It's just that we differ on how to go about it. We have what we call militants but within the militants we have degrees. For example Lehman Brightman is the most militant one I've seen yet.

"There are other groups like mine and the National Indian Youth Council who believe in passing out pamphlets but we wouldn't break windows or throw rocks."

"We would allow ourselves to get arrested if we knew we were right. In a lot of places policemen arrest Indians illegally for no reason. I agree with the Washington State fish-ins. They tried to get arrested, that's good. That way it involves more people and they get more publicity for their cause—I think that method has worked."

Then Mike Benson, who is still only 18, said some significant things about militancy and the generation gap:

Normal

"A lot of us don't consider ourselves militant. We just consider ourselves normal. It's just that in the past Indians haven't spoken up that much. My mother, when she talks to an Anglo person, she lowers her voice and makes it sound better. My aunt does the same thing. We (the youth) don't do that.

"And another thing—I heard of a case where a Navajo guy went into a movie where nobody under 18 was supposed to go. He didn't see the sign. So they threw him out and he didn't ask for his money back. You know what an Anglo kid would do. He would say, 'Give me my money back.' and he would probably get his money back. But not many of our people speak up anymore.

"Now a lot of our young people—that's what they're saying—that we should speak up. We don't say we're militant, we just say, let's speak up. The older Indian people see the Negroes on television and they don't like that.

"But I don't condemn Brightman. Because I think some people are so angry that when it becomes time for him to speak he doesn't know how to speak. It's so built up inside him that he gets carried away and I don't condemn him for that."

The Indian young people's anger at Walter Hickel, Nixon's Secretary of Interior, was kindled when he "held up" the BIA funding of $2 million plus while he interviewed a parade of highly qualified Indian leaders to find a successor to Indian Commissioner Robert Bennett who had resigned.

Hickel finally picked a little known urban Indian of wealth from New York City over the Indians' own choice because, he said, "he had to find a man the Senate would confirm." The Indians interpreted this as a purely political move and as blatant evidence that the white man must be appeased at the expense of the red man.

Hickel

Later Hickel compounded his problems with the Indians when in Seattle last July he made the comment, "The Indians will always have the crutch of being able to go back to the reservation. They must cut the cord sooner or later and become involved in American society."

Hickel also said in Seattle, "I feel Indians have been overprotected by the U.S. Government. They need to be permitted to become involved in decisionmaking and also be permitted to make their own mistakes."

His insensitivity to the repeatedly expressed desires of the Indians which his own contradictory remarks disclose have frustrated and disappointed more than just alienated Indian youth. Hickel's Seattle comments triggered an immediate request by the Northwest Affiliated Tribes executive council, meeting in Portland, that he appear before them and explain himself.

In a private hotel huddle with the Northwest's top Indian politicos Hickel succeeded in extricating himself from his foot-in-mouth hangup but hardly in winning the blind confidence of the American red man.

And the youth are still selling "Impeach Hickel" bumper stickers along with "Custer Had It Coming" and "Kemo Sabe Means Hunky" buttons. And along with N. Scott Momaday's hauntingly beautiful "House Made of Dawn" Pulitzer Prize novel, the Indian youth are quoting Vine Deloria's Indian Manifesto, "Custer Died For Your Sins."

More than one half of the American Indians in the United States are under 25. Although only a handful are "militant," few of them share the patience of their tribal elders. According to Mike Benson, "We need louder voices.

"We don't need to throw rocks or anything," he told the 1,800 registered tribal leaders at the NCAI convention last month, "but we don't think tribal resolutions are enough."

Others are claiming squatters' rights to the island of Alcatraz where they are demanding that the government build them an educational center. Still others are asking Congress for $250,000 to beef up the meager BIA college scholarship fund for Indian youth and to put Indian student counselors in universities.

The students are especially bitter that the BIA has budgeted $25 million for vocational training for them but only $3 million for college. They announced, "The racist policy that Indian young people are best at working with their hands must cease!"

VI

The staggering proportions of the physical and environmental health problems among Indians bear a direct relationship to their poor record in education and employment.

Middle ear disease (Otitis media) has replaced tuberculosis as the leading disease among American Indians. Some 80 per cent of all Alaska native children suffer from it and other forms of ear infection which can bring loss of hearing. In some areas of Alaska as high as one-fourth of the Eskimos have ear damage that causes loss of hearing.

Trachoma, an eye disease which can bring blindness, runs as high as 60 per cent among children on some reservations.

Indian infant mortality rate is highest in the nation and among Western Washington tribes it is higher even than in remote Alaskan villages. Out of every 1,000 babies born on reservations, 32.2 die during their first year. On some reservations the rate is much higher and has been recorded recently at a rate almost twice as high as in the Negro ghettoes of the nation.

Mental health on Indian reservations has deteriorated as the stresses of the '60s widen the gap between life styles on and off the reservation. Homicide rates last year among the Indians were three times higher than among all other races. Suicide rates were one and one-half times higher than the all-races rate.

Lethal accidents, which many Indian leaders interpret as an extension of suicides; cirrhosis of the liver, attributable to alcoholism; homicides and suicides took 22 lives out of every 100,000 Indians in 1964. It was triple the national rate. Suicide alone among Indian youth between the ages of 15 and 19 in 1964 was triple the national rate.

Outbreaks of suicides, called "suicide epidemics," forced the United States Public Health Service to establish emergency clinic facilities on certain reservations last year. For many years suicide rates have been about 15 per cent higher than that of all other races, Dr. Erwin Rabeau, director of the Indian Health Service, said.

But in 1967 there was a startling 50 per cent increase in Indian suicides. And in that same year the Indian homicide rate went from 14.5 to 19.9 which is about a 35 per cent increase, he noted.

Although there have been suicide "outbreaks" among the Quinaults; the Shoshone-Bannocks of Fort Hall, Idaho; the Northern Cheyennes of Montana; the Dakota Sioux and the Navajo of the Southwest, former BIA Indian Commissioner Robert Bennett feels strongly that the "epidemics" have been blown out of proportion by non-Indians.

Bennet said:

"You hear about the suicides at Fort Hall. There's a girl's boarding school in the East with a much smaller population than the Fort Hall reservation and it has had more suicides in one semester than Fort Hall has had in two years.

"Nobody hears about that. But an Indian commits suicide at Fort Hall and it goes all over the United States that these kids are killing themselves off. The worst thing you can do if an epidemic starts is to publicize it."

Contrary to general non-Indian belief, such practices, born of a philosophy alien to the European white man, have not disappeared from the modern Indian mind nor from the reservation.

A Washington State Indian who is well educated told of a tribal official of other years who had misappropriated tribal funds and finally trapped himself in his own manipulations. The tribal official had committed suicide and the Indian observed with approval: I'm not so bothered by suicides as other people are. I think there are conditions when suicide is quite appropriate. For this particular Indian leader it was perfect. Suicide was a complete admission of his guilt. It settled it."

The reporter asked:

"Then you don't believe in the reformation of individuals?"

The Indian answered:

"Not for him. It wouldn't have been just."

He said that his thinking was representative of a significant portion of his tribe regarding this particular case.

An epidemic of eight suicides and several more unsuccessful attempts among teenagers of the Quinault Tribe was stopped dramatically when the national Poverty War brought a youth recreation program to the reservation in 1965.

The Quinault Tribe was the first one in the state to apply for and win federal funds for its self-designed community action program. It included a variety of attempts to involve the Indian youth. The experiment works so well that now the Quinaults have replaced their "suicide problem" with the most progressive youth program in the nation.

Far from being alienated, the Quinault Teen Council built its own education summer camp last summer, is building a teen center right now and has purchased and painted a school bus which the youths use for reservation clean-up forays and for transportation to urban recreation.

Teen Council members hold full membership on every adult Quinault Tribal Council committee and have just been delegated as the agency which will administer the use of the Pacific Ocean beaches when the Quinault Tribe reopens regulations to the non-Indian public.

Although the drug fad has not yet reached reservation Indian youth except for isolated outbreaks of glue-sniffing, teen-age drinking and the fatal accidents and delinquency associated with it are a serious problem on virtually every reservation in the country.

On the Nez Perce Reservation at Lapwai, Idaho, drinking among teen-agers is common in spite of the sheriff and his deputy who patrol the half-white, half-Indian village of Lapwai. The teen-age daughter of BIA Superintendent Tom St. Clair who has spent the past six years with the Nez Perce, said:

"The kids almost all drink. They can go right behind the bar and get it. Or they just have someone go in and get it for them."

It was the same story on a dozen other reservations and it seemed to matter little whether the law and order jurisdiction lay with the BIA, the county or the Indians themselves.

Alice Chenois, executive director of the Quinault Community Action Program, described the situation there:

"Our kids don't really get into trouble. It's just that they drink on weekends. Sale of liquor to minors is covered under the BIA law and order code but they have not enforced it here. They will drive by a teenager who is drinking in plain sight and not do anything about it. We have complained to the BIA but they have not improved in this area.

"We had break-ins recently here in the tribal office. The cigarette machine was cleaned out. The Tribal Enterprise had a break-in and a valuable calculator was stolen and a portable television set, but nothing has been done about it.

"So this is our law enforcement and the kids know this. They know just exactly where that policeman is all the time. They know that that policeman is not going to bother them. It's a major factor in what goes on with the juvenile problems here."

On the Yakima Reservation at Toppenish the juvenile delinquency problem is even more serious because the county and state have all jurisdiction over Indian juveniles. The youth detention program in Yakima was recently cited by the Christian Science Monitor as one of the most inadequate in the nation.

The Yakima Tribe now has a parent group which meets twice monthly just to work on juvenile problems and the alcohol problems of both youth and their parents. Other tribes have invited Alcoholics Anonymous onto the reservation.

Although liquor sales are prohibited on reservations unless the tribe itself exercises local option to legalize it, bars flourish in reservation border towns. Of the 263 tribes in the nation only 55 have chosen to legalize the sale of liquor and many popular Indian religious groups teach abstinence. Two major native Indian religions, the Native American Church and the Indian Shaker Church, both forbid consumption of alcohol by their faithful.

Although the Public Health Service took over medical assistance to Indians in 1955 and since then health conditions have improved dramatically, Congress still fails to allocate per capita expenditure for Indians equal to that spent by Public Health for the rest of the American citizens.

In 1969 only $203 per person is being spent to keep American Indians healthy. But $267 will be spend per capita on all other Americans to provide them public health services. Dr. Rabeau observed:

"So in essence what we are saying is we are spending $64 less per capita for a group of people who are laboring under all the structures and stringencies of poverty, of geographical isolation, of cultural differences and poor nutrition.

"When you multiply that difference by 405,000 people (the number of Indians who actually are residing on reservations) you are talking about $26 million less."

U.S. Rep. Julia Butler Hansen listened this summer to Dr. Rabeau's account of how his health division complied with a 1969 personnel freeze required under Public Law 90–364. He said savings from permanent positions he had not been permitted to fill in the Indian Health Service totaled something over $2 million.

Rep. Hansen observed for the record:

"When we place a dollar savings in the book I want to relate it to the fact that you have testified that we have not met our needs for eyeglasses for the Indians; we have not met our needs for health facilities; we haven't met our needs for psychiatric treatment and we haven't met our needs in sanitation facilities.

"Anybody can save $2 million if they are willing to write off $2 million worth of vital health services for people.

"I take a very dismal view of this kind of business."

Much of this is due to the shockingly substandard housing, unsafe water and unsatisfactory or simply lacking waste disposal facilities on reservations.

In the past nine years the Indian Health Service has provided running water and some form of toilet plumbing for more than 39,000 Indian families. That represents a little over half of the Indian families under the jurisdiction of the IHS.

By the end of this year the IHS will put sanitation facilities into 3,530 units of new or improved housing which other agencies have constructed for or by Indians.

VII

The 10,000 Oglala Sioux of the South Dakota Pine Ridge Reservation, second largest in the nation, are the proud Indian descendants of Crazy Horse, Red Cloud, Black Elk and other plains chiefs, who did so much to write the legend of the noble red man.

The land they finally settled for, following bitter wars over broken treaties, includes 100,000 acres of badlands and has a mean temperature of 47 degrees which drops as low as 40 below zero in winter and shoots up to 120 degrees in summer.

Well over half of Crazy Horse's children endure these extremes today in homesteads made of sticks chinked with mud which has a "shade" of pine boughs spread over a frame made of four corner poles. Extra bedrooms for both summer and winter are wall tents thrown up on the windy plains which form the treeless yards for these primitive dwellings.

Some of the log shacks have two rooms. Light comes from kerosene lamps. Information comes not via telephone but through moccasin grapevine.

There is no plumbing. Water is hauled more than a quarter mile or else dipped from closer ponds, streams and bogs—invariably contaminated. Usually a root cellar, a corral and an outhouse are located somewhere near the house and its sleeping tents.

Although there is an ambitious new housing program now transforming this primitive situation on the Pine Ridge Reservation, there are few roads alleviating the severe isolation of rural Sioux families. Until a network of roads can be built by the Bureau of Indian Affairs (BIA) there will be no electricity, running water or plumbing for many of these new houses.

It's a problem Eugene Rooks is working on. He is the Sioux director of the Tribal Housing Authority. He already has requested from the BIA "one of the biggest road building projects ever conceived for a reservation." But he has other options if the network of roads is a bit delayed in arriving.

Rooks explained:

"The people who need houses the most are the older Indians and they do not want to live in low rent houses. They prefer to live in what they call their 'tegmima' (a Sioux word for the tiny log houses described above) on their own land.

"They say, 'This is my land. I have lived here all my life and I want to continue to live here until I die.' So what we are trying to do for them is to build them houses on their land without modern plumbing or such."

"We will make their houses better than what they have but they will be far less expensive than a modern house. Public Health will have to approve every site we select before we will build. This way we won't end up with houses in places where we can't service them with water and electricity."

Rooks is talking about "transition housing," an experiment tried by the Department of Housing and Urban Development for the Rosebud Sioux Reservation just east of Pine Ridge. In less than two years 375 transitional houses which had bathrooms but few other amenities and cost (with plumbing and electricity) $4,300 each, were built and sold for $10 down, to extremely poor Sioux families.

The Indian owners pay for their transitional homes at $5 per month over a five-year period. They have two bedrooms, a living-dining room and a kitchen in addition to the bathroom. They are insulated. What's more, most of the owner-families were employed in the construction of the units.

Surveys since the project was completed show that about a quarter of the new owner-families have put in lamps and desks for study purposes, 32 per cent have bought washing machines and a whopping 78 per cent have purchased sheets and towels for the first time and were using their bathtubs at least twice a week.

As a result hospital admissions at Rosebud are down 30 per cent and the daily patient census is down almost 40 per cent.

Before the transitional housing experiment at Rosebud these very poor people had been living in dilapidated log huts, small army tents, flimsy tar paper shacks, abandoned chicken brooders, tumbledown huts and occasionally, an automobile body.

Rusty cream cans were used for water storage since water had to be hauled from long distances. Most of the floors were made of dirt which became soaked and muddy during rain because the roofs leaked. In winter walls were plugged with mud and cardboard.

Bedbugs and lice swarmed unchecked, children's bodies festered with sores from dirt rubbed in them and respiratory diseases flourished. The incidence of tuberculosis among Rosebud people in 1965, just before the project was launched, was 18 times higher than the rest of the nation's and nearly three times as high as the rate on all Indian reservations.

William Carmack, assistant commissioner of community services for the BIA, estimates that it would take 49,000 new houses and 19,000 repaired houses to "clean up the Indian housing dilemma in one fell swoop."

He said the 49,000 homes involves the replacement of the present 35,000 Indian homes that are not repairable plus 14,000 for Indian families who have no home at all.

However, the budget request he submitted for 1970 will repair only 3,750 Indian homes and build only 200.

Carmack asked, in addition, for 1970 seed money to help the tribes take advantage of HUD housing called Turnkey III. This program replaces what has been a sweat equity effort called mutual help housing. With Turnkey the Indian families can move into the finished house earlier and through their maintenance of it they can contribute to the equity.

HUD housing on reservations now under construction is expected to total 4,000 units by the end of this year. This total includes mutual help housing, low rent housing and the new Turnkey projects.

The dismal housing conditions do not exist exclusively on isolated Dakota reservations. Wisconsin Indians are not geographically isolated but the reservation housing generally lacks plumbing and sanitation facilities, has no furnaces, offers little or no privacy, is much too small per unit to meet the minimum needs of the families. On some reservations such as Winnebago, the houses are apt to be wigwams or hogans made of bent birch saplings and covered with tar paper.

Many Stockbridge-Munsee Indians are still living in homes built or remodeled in the '30s with WPA funds. The Mole Lake Chippewa Indians received 18 houses from the government in the '30s but none of them have been maintained by the government since. Because they are located on untaxable land it is virtually impossible for the Indians to get repair loans. The low income of most Indians makes private loans out of the realm of possibility.

It is a problem that is repeated on almost every reservation, although Spokane tribal leaders deny that the dilemma exists for them. The casual observer would expect that there is much that the Indian himself could do to improve his own housing. However appearances are deceptive.

In most cases the Indians do not own the house nor the land on which it stands. This lack of ownership coupled with the fact that the house was put there by the government in the first place has led the Indian to think that the government has the responsibility of maintenance. The Indian holds the idea that since the building belongs to the government and he is merely a tenant he has no responsibility to make repairs. Besides, he can barely scrape together enough money for groceries; house repairs will have to wait.

The 10 Wisconsin Indian reservations have been engaged in a $3 million housing program begun in 1965 but all housing being built on the 10 reservations together totals less than 150 units, according to a survey made by the Wisconsin Human Rights Commission.

The Montana Blackfeet Tribe has just launched a housing construction industry right on the reservation near Glacier National Park. The Indians will build prefabricated houses in the tribally-owned plant. Last year all the great Montana Indian reservations put together only had 512 units of new housing under both low rent and mutual help programs.

A survey by the Blackfeet Tribe of the housing needs on its own reservation showed that out of 980 dwellings 660 were either in need of replacement or major repairs. And just to accommodate the swelling Blackfeet population the tribe needs 24 additional new housing units each year. And beyond the 980 dwellings now in use, 100 more are needed just to accommodate present reservation families.

Of the 10,000 enrolled Blackfeet, Tribal Secretary Carl Kipp said 5,800 live on or near the reservation.

BIA Superintendent Tom St. Clair of the Nez Perce Reservation in Idaho explained that mutual help housing was initiated by the first Indian BIA commissioner, Philleo Nash. The mutual help concept began with cooperation between HUD which provided the funds, the BIA which provided the supervision and the Indians who provided the labor. It was extended through the requirement that all the Indians build all the houses together before any single family moved in. This way enthusiasm for sticking with it to the end was sustained.

St. Clair said, "They are really lovely houses. The only criticism I have of the program is that the people who are eligible are only those families who earned a very small amount of money. Those young couples who are struggling and need the low cost homes but made too much money to qualify lost out."

Bill Schlick, BIA superintendent on the Yakima Indian Reservation, said 30 per cent of the houses on the reservation need repair, a total of 400 houses.

His agency services 7,000 Indians, not all of them live within the boundaries of the reservation. There is a little Indian enclave called Rock Creek in which HUD will fund 25 new low rent units this year. Schlick said the housing program for the Yakimas has been spotty in its success.

"I'm not sure we have a good fix on the number of people who actually want to move in and do some reasonable maintenance on a house. We've had self-help out of White Swan. That is sweat equity. It was, as it has been at many places, very slow. And I think people got discouraged with that. I think the tribe will look hard at how much of that they want. The low rent and Turnkey is much more effective."

There are tribal types of funding for new housing when there are sufficient tribal funds. The comparatively poverty-stricken Northern Cheyenne Tribe won a land claim against the government in 1964 which brought them $3.9 million. Of this $1,000 was made available to each tribal member to be spent for family improvement.

Most of this "family plan" money was used by the Cheyennes for home improvements. One hundred forty-two new homes were built, 44 old ones were remodeled and 93 mobile homes were purchased. In addition 13 more new homes were bought by adding the family plan money to other financing through FHA.

Next door in Montana, the Crow Indians used judgment funds from eight million acres they lost through the second Fort Laramie treaty to build 255 new homes. In addition 223 more homes were remodeled and 65 already existing homes were purchased by tribal members. Even this did not solve the Crow housing dilemma. Now mutual help housing has added 40 more houses to the reservation.

In Washington State there is mutual help and low rent housing either in use or on the drawing boards of all the major reservations. But none of the programs begin to solve the housing shortage for Indians here. In Taholah, the major village on the Quinault reservation, 10 Indian families and several non-Indian technicians have been unable to find housing and are forced to commute from off the reservation.

But the availability of high grade building materials and the ingenuity of an unorthodox BIA construction engineer named Lawrence Loucks have combined to produce a 20-unit housing development in Taholah that is unique in the nation.

Loucks began buying up building materials and storing them in the Taholah longhouse more than three years ago, picking up stock at low prices whenever he could get it.

Because of the salty sea air and winter coastal storms which might cut out electricity, Loucks added chimney flues for Franklin stoves and obtained exterior.

He also called on roofing shakes people, lumber people, paint and stain dealers and unabashedly asked them to contribute to the Quinault low cost housing effort by offering special prices. Then Loucks taught the Indian women to be carpenters, painters and roofers with skill equal and surpassing that of the men.

He also worked with tribal officials and their Tribal Housing Authority head to adapt the basic design of the three-bedroom homes to meet the wishes of the future occupants. The roofs are cedar shakes. The houses are detached and non-prefabricated. They are all electric and the wires are buried underground. They are built with inclosed laundry and back entry rooms stained in the bright colors so preferred by the Indian families.

The houses cost $6,500 each. They are on tribally-owned trust land for which the owners have long-term leases. The streets, curbs, sidewalks and water lines were installed by the Indian Health Service which has a health clinic in Taholah.

Out of 94 homes in the village the tribe found that 70 were in serious substandard condition. So there will be 50 more mutual help and low rent units going in as soon as the first 20 are occupied.

In 1966 the other Quinault village of Queets got 23 new homes. These were built by the BIA. Since then two out of the 23 have been severely damaged and are not now occupied. BIA Superintendent for Western Washington George Felshaw observed that 21 out of 23 new houses still in good repair after four years of normal wear and tear by large families is a pretty good ratio.

VIII

Tom Acitty, a Navajo Indian of New Mexico, thinks he was about six or seven when he and his brothers and sisters were "rounded up and sent to school."

"They weren't sure about your age," he said, "but if your arm was long enough for you to reach over the top of your head and touch the opposite shoulder, you were of school age." He demonstrated the traditional Navajo test by making a halo around his head with his right arm.

Acitty is a graduate of Indiana's Taylor University. Just over 30, he is the director of the Navajo Experimental Adult Education Project, which is the newest extension of the two-year-old Navajo Community College. Vice-president of its board of regents, Navajo Carl Todacheene, added details of the Navajo educational philosophy.

"In the olden days the cream of the crop of children was hidden at home so the truant officer couldn't find them. They were valuable around the hogan (Navajo house) and as shepherds. So the brightest and most aggressive kids missed out on school.

"Only the physically handicapped, the lazy, the weakling or those who were disobedient and didn't respond to our tender-loving-care type of home discipline went to school. In a way, illiteracy among the Navajos was our own fault."

Education has been mandatory among the Navajos only since 1946. It was resisted by the 120,000 native Americans who contend that they are "Navajos first, Indian second." Todacheene, a high official in the tribal council who is as suavely turned out as a Wall Street broker, is just one generation away from the practice of which he spoke.

He told of a highly educated Navajo tribal chairman who was sent to school only because he inadvertantly exposed his toes under the curtain behind which he was hiding to escape the government official who had visited the reservation to round up the school-aged youngsters. It was a parental conspiracy gleefully joined by the kiddies to circumvent the all-pervasive influence of the invading white man.

The war changed all that. Both Todacheene and Acitty were in the Marines. They boasted of the heroic role the Navajo language played in confounding even the Japanese secret code-breakers. The war took the Navajo men off the reservation and into the urban centers to enter wartime industries. They circulated. They made money. When they came back they spread the gospel of education.

The Bureau of Indian Affairs helped the Navajos catch up in education with a variety of compensatory programs, among them a five-year concentrated program that forced Northwest Indian children out of their BIA boarding school in Oregon so the Navajos could have it.

Now the Navajos have established the first all-Indian-run college and have a second demonstration of Indian-run education, Rough Rock Elementary school. Navajo Community College has 272 students and offers programs in vocational-technical training, continuing education and college parallel courses.

The Navajo Nation is successfully keeping all but the children of its migrant workers in school, has attacked the average 4th grade reading level and 40 per cent illiteracy of its adults with Acitty's Experimental Adult Education Project, and is sending its youth to college on tribal scholarships.

Navajo youth whose parents can't speak English are already learning the glib phrases of the Red Revolution. Many of the more moderate Navajo college students now speak fluently and influentially through the National Indian Youth Council and Kiva Club, both headquartered in Navajo country.

But the longest and most successful experiment in a uniquely Indian approach to elementary education has drawn the eyes of the nation to a village on Washington State's Pacific beach where the Quinault River empties into the sea.

Taholah Public School is the only all-Indian elementary school in Washington State. It is the only school with an all-Indian school board which hires, fires and makes every other decision affecting the education of its children.

It is the only school in the state, according to the state director of Johnson-O'Malley Funds (the federal subsidy for Indian children in public schools) where Indian youth are not "swallowed up by the majority culture."

It is also the only school where they are taught their ancient Indian language along with English. They learn regularly in art classes the legends and meaning behind the Totem clan symbols that represent their tribal families. They learn the ancient chants, songs and ceremonial dances of the Quinault Tribe, which are as different from those of the Washington Makahs as are polkas from the highland fling.

But more basic than the introduction of tribal arts into the curriculum is the philosophy of education which principal Harold Patterson has developed over 14 years with his educator-wife Shirley.

The evidence of this philosophy is obvious as one walks into Mrs. Patterson's kindergarten. The room is full of black-eyed, chubby-faced, dusky-skinned five-year-olds.

Except for Joeli, who is only four. Barefoot, greenthumbed Rueben insisted Jolie is only four.

Rueben introduced himself to the alien reporter, announced that he is five and showed off his burgeoning pencil skills by drawing a very ingenious figure two. His left thumb nail was painted green to show him where to start the figure but he ignored the clue.

When he finished coloring his number he stored his fat, green pencil between two toes and swung his bare feet patiently while he waited for the next assignment.

Rueben's teacher and his Indian teacher-aide from the village, who hopes to become a certified teacher herself, understand that Indian children do not exhibit the same exuberant curiosity as white children and that they are only comfortable in attempting something new after they feel competent that they will not fail at the task.

An Indian child is taught not to manifest curiosity in the presence of an adult since this is impolite. Yet the entire motivation in the ordinary white classroom is curiosity. The teacher hopes to elicit questions. But the novice in the all-Indian classroom will find questions do not spring easily from the lips of Indian children nor are they eager to display their knowledge of the answers before the rest of their classmates.

The Indian child who lives an essentially noncompetitive culture will often pretend he doesn't know the answer if one of his peers has been put on the spot before the class and failed to answer. If one fails, often all will share his failure voluntarily in an effort to save his self esteem.

Also, his peers may punish him if he shows an eagerness to supply answers in class, because he is becoming too much like a white child. They will accuse him of becoming "white Indian." To become like a white man is to become a social climber and this is despised, Patterson explained.

Mrs. Patterson mentioned incidents in which Indian teen-agers purposely use indian-distortions of English words in order not to sound "uppity" or white.

Patterson observed:

"The Indians have security within their own society and when they are forced into the mainstream (as in public schools) they feel very uncomfortable so they withdraw to protect themselves.

"They find that the public school system is structured and designed to make something out of them other than Indians. He may be there physically but he has withdrawn and is not participating until finally he just drops out."

The drop-out rate among Indian school children is the highest in the nation. It varies for different reservations but the national average is 42 per cent.

Another basic difference between the Indian and the non-Indian is his trait of intuitive thinking rather than analytical thinking. Traditionally, the Indian learns through experience, but in school he is expected to abstract everything.

In an integrated school, the Indian child can seldom compete with the non-Indian

child who practices analytical thinking as a normal lifestyle.

The reservation Indian child also enters school with a language handicap. Many Indian children live in homes that house three generations and usually the grandparents still speak the native language. In more remote reservations of the Dakotas or the Southwest, the native language is spoken as a first language even by the children.

Even when the youngsters speak English, it is usually a provincial adaptation of the language and ingrained errors in grammar and construction must be removed before new language forms can be taught.

Thus, even many of the graduates of the Taholah all-Indian school with its Indian-tailored curriculum fall below the average level of the public school sixth grader, Patterson said.

To compensate for this discrepancy, most of the Indian tribes in the state and many across the nation have recently developed their own summer education catchup projects for their youth.

IX

H. G. Wells said, "Human history is a race between education and catastrophe."

Former Indian Commissioner Robert Bennett quoted Wells when he asked the Bureau of the Budget this year for a substantial increase in the allocation for Indian education. Bennett told the budget bureaucrats, notorious for their low priority concern about the plight of the Indian:

"We need to change the government's posture, which says to young Indian people: '$25 million to be barbers, clerks and mechanics but only $3 million to be teachers, doctors, lawyers and other professionals.'"

The Indians themselves have been trying to prepare their youth to cope with the courses they will need if they are to qualify for college by offering summer school.

One of the most dramatically successful of these Indian summer programs is the Yakima Indian Nation Youth Camp at Camp Chaparral in the high mountain country of the Yakima reservation, which is closed to non-Indians. The students' feeling that this is their land and their program has unexpectedly enhanced the success of the experiment.

The youngsters who are selected to participate are under-achievers who average two school years below the level of the non-Indian students of the same age. There are three dormitories, each housing 25, in the mountain retreat. This year a fourth is being added by the tribe.

In addition to competitive sports and music the students study science in nature and arts. Their concentrated daily study is in English, math and reading. They are tested as soon as they arrive and a battery of professional tests are administered during and at the end of the four-week education camp. The results revealed by the tests have been little short of phenomenal.

California Achievement Test scores show that the average growth for each participant last summer was the equivalent of six months. Twenty-three students, almost a quarter of the camp enrollment, showed a gain of one full academic year. The highest gain for a single individual was the equivalent of two years and seven months of school.

Two other students showed gains of almost two full academic years and a fourth-grade student climbed in language from third grade to six grade level in the four-week period. The same students gained almost as dramatically in reading and arithmetic.

Thirty-seven other students gained from half to almost a full academic year in their concentrated attack upon the bread-and-butter courses. In the entire camp last summer there were only four who showed no gains and three regressions. The losses and no-gains were explained in terms of lack of motivation.

Camp Chaparral was designed for 100 students between the fifth and 10th grades. Since there are many youngsters who need educational propping in the summer and many who were barred because of the limited facilities of Camp Chaparral, a Valley Supportive Education project was added. It lasted eight weeks, from 8:30 a.m. to 3 p.m. with lunch included.

The tribe built longhouses at three reservation sites to make the program accessible to all. At both projects Indian educational aides were employed and this experiment has proved highly successful. In the Valley Program, too, the average gain was one academic year or more.

Spokane Indians have looked at the deficiencies in the educational system their young people have passed through and decided it was in critical need of a "refocus." The trouble with the typical public school system was summarized by a Yakima Indian Poverty War aide, Mrs. Hazel Miller. She observed tartly:

"I don't know how you would take it if you were processed through an Indian life as we are processed through your culture and education. An Indian is a displaced person. You are trying to turn us into your ways. An Indian must learn about himself. I don't believe the Indian knows who he is."

And so the Spokane "refocus" aims to build pride in Indian heritage. The three-pronged attack on the blurry self-image includes Saturday sessions in Indian folklore, fine arts, crafts and modern Indian psychology. It also features counseling designed to fill in the gaps for Indian youth that the white-oriented public school student counseling spawns.

The third emphasis is on in-service workshops for those teachers of the Spokane School District and parochial schools who come most in contact with Indian children. The teachers learn non-oral ways to involve very young Indian children who have not learned at home how to verbalize ideas. They will learn how to ease a child into the frightening American competitive system.

And the teachers will learn about the myriad of outside influences that will shape the Indian child's response in class and this knowledge will help the teacher feel less threatened by the performance of the child.

The entire project will be funded with Title III federal money and is expected to cost about $200,000. The program will produce a new history text researched and written by a former member of the New York American Heritage editorial staff.

In spite of these bright spots in the Indian education picture the prevailing situation across the nation is bleak. In several states the public school system in rural areas is so weak that the Bureau of Indian Affairs provides the only schools available other than the still popular mission schools.

But even in states such as New Mexico and Arizona where the public school system is beefed up by BIA boarding schools, Navajo Todacheene sighs with discouragement. He said, "There is still no place to study when a child comes home to a two-room cabin without electricity or plumbing or space. And it's hard to study when you're hungry."

Todacheene is a member of the Navajo all-Indian school board. It is one of the few in the nation. Even BIA schools rarely have Indian school boards. Some have Indian advisory councils. This year has been proclaimed the year that federal policy will embrace the establishment of Indian school boards for all-Indian federal schools.

Some Indians see that move as too little and too late. Dr. Lional deMontigny, a Chippewa Indian medical doctor from the Rocky Boy Reservation of Montana, is working to get the public school district boundaries drawn so that his school district includes only Indians. This way the school will be subsidized by the Johnson-O'Malley federal funds that subsidize Indian youth in public schools.

Federal impact funds, were all the low-income Indian students gerrymandered into one district, could provide really compensatory educational programs as well as decent school buildings, deMontigny contends.

The doctor reports that his reservation annually sends up to 70 Indian youths to high school in the surrounding white towns but the highest number of Indian students who have been graduated in one year is three.

He also confirms reports by Indian leaders in the Pine Ridge Sioux Reservation of South Dakota who say that white public school officials take a head count of Indian students the first week of school in order to get per capita Johnson-O'Malley funds. Then when the Indian students drop out or move away school officials simply keep on accepting the funds as though the Indians still were in school. In South Dakota the Indians went to court to get this practice stopped.

The uneven quality of BIA schools has been the target of reformers and crusaders from the days of the scandalous rigid and authoritarian Carlisle Institute of Pennsylvania to today where, Congresswoman Julia Butler Hansen reports children are forced to run around with cooking pans to catch the rain water falling through their leaky dormitory roof on one reservation.

For several years the House Committee on Appropriations, which Mrs. Hansen heads, has ordered the Indian Bureau to "develop a straight-line educational administration." This would mean that the BIA headquarters in Washington could introduce new educational policies which would go directly into operation on the local reservation.

As it is, contends Mrs. Hansen, area officers, such as the Portland office of the BIA which has authority over the Northwest reservations, can with immunity choose to disregard educational directives from its Washington superiors.

The only BIA school which has received unqualified praise from both Indians and non-Indians is the American Institute of Indian Art at Santa Fe. Two of its gifted graduates from Washington's Clallam Tribe Lower Elwa Band taught valuable Indian drama and arts classes to Seattle's Indian poverty-level children last summer.

But in spite of general discontent with BIA educational programs, the 1,800 elected delegates from three-fourths of the Indian tribes in the nation who met last month in Albuquerque passed a unanimous resolution to retain the BIA intact within the Department of the Interior.

Proponents of moving the education component out of Interior and into Health, Education and Welfare, most of them white "Indian specialists," were soundly outvoted by the nation's Indians who have finally decided that it will be they, not non-Indian experts, who will determine their children's future.

X

Hollywood actor Dustin Hoffman was on the Crow Reservation in Montana last summer making the movie "Little Big Man." The script of the Custer massacre film called for 20 Indian men for speaking parts, 20 Indian horsemen to act as Crow scouts for General Custer and 400 Indian men between the ages of 15 and 40 with horses to portray warrior Indians.

It was a non-typical example of the seasonal employment that plagues the reservation Indian and results in a general standard of subsistence well below the national poverty line. More typical is the logging, fishing, firefighting, agriculture and recreation guide employment that has been the traditional livelihood of the Indian.

Because the Indian has come to recognize the need for establishing a viable economic base if he is to attain his goal of self-determination, tribal business councils have been working with the Bureau of Indian Affairs to lure industry onto the reservation.

Critics of the BIA and non-Indian "Indian experts" have charged that only small, marginal industries and firms already on their last legs have been involved in the wobbly experiment.

The charge is unfair and smacks of paternalism. Such critics ignore the Indians' desire to make their own decisions and their own mistakes in developing their own economy. Take the experience of the Crows for example.

Crow Tribal Chairman Edison Real Bird explained, "As a leader I've got to provide a philosophy of ownership—'this is my business, this is my ranch, this is my home this is my cow.' This is what we've got to develop for the tribe in general and so that is why we have to develop as many new goals as we can through government agencies and through private industry.

"We own the Big Horn National Recreation Area, which is the first joint-venture between an Indian tribe and the National Park Service. I wrote for our tribe the memorandum of agreement in which the Crow Tribe assumes all the income-bearing projects and all non-income-bearing projects belong to the National Park Service.

"I included all the safeguards for the tribe, and I made it not in perpetuitity because, after all, you have to leave some of the decision making policy to the future Crow Indians."

The Crows have been learning from their mistakes.

The tribe built a factory building and invited a carpet manufacturer to lease it and employ reservation Indians. It failed. So the tribe "sent out feelers" and got the largest carpet industry in the world, Mohawk carpets by Mohasco, to take over the factory. They have been employing about 75 reservation Indians and slowly training them as they work in all areas of the operation. The factory is operating two shifts and is expanding. All employes except for a top management team sent in by Mohasco are Indians.

Another factory provided by the tribe in the tribal industrial park first housed U.S. Automatics, which also failed. But before poor white management and lack of capital sunk the electronics firm it had trained some 65 members of the tribe.

Leo Vocu, the Oglala Sioux director of OEO at Pine Ridge in South Dakota, second largest reservation in the nation, said there have been two fishhook factories and a moccasin factory on the Sioux reservation which have gone broke. It was not due to Indian labor ineptness since the Sioux show through testing that they are superior in manual dexterity. The competition of foreign cheap labor forced the fishhook operations to move to Mexico.

Now a new moccasin factory which hires only Indians below management level employs 102 people and produces 1,000 pairs of soft sole footwear each day. And the Tribal Council has established the Pine Ridge Development Co. to bring in more industries. Fifty per cent of the available labor force remains unemployed.

Pine Ridge has opened a tribally owned shopping center complex and is planning to develop for its tourism potential its extensive badlands. They lie reasonably close to Interstate 2 which crosses the reservation. The development will include a motel, curio shop, restaurant and museum.

But the most interesting effort of the Sioux at Pine Ridge is Vocu's OEO-initiated New Careers Project. It is the only Indian one in the nation in spite of the fact that New Careers would have been a natural for the BIA to have launched a hundred years ago.

New Careers takes unschooled adults or drop-outs and puts them to work part time as para-professionals, say in BIA office jobs, while filling in the gaps in their academic training. As they complete their education they are learning on the job and eventually it is possible to get a college degree and enter professional status.

It may be the most successful OEO program in the nation in spite of deep fund cutbacks that only the nationally popular Head-start program has escaped.

Vocu said that the Indians do not want to remove the BIA. Rather, they want Indians to be given top positions in it. He said the Indian Health Service under U.S. Public Health is more oriented to this philosophy than is the BIA.

The Navajos who refused to educate their children at all until just 23 years ago and already boast the first all-Indian college, have also made a great leap forward in reservation industry.

Fairchild Camera Corporation's Semiconductor Division at Shiprock, New Mexico builds electronic devices so intricate that they function in Apollo's moon communications, guidance and gyro systems.

All but 24 of Fairchild's nearly 1,200 employes are reservation Navajos. Of 33 production supervisors in the semiconductor plant, 30 are Navajos. The plant has been on the Navajo reservation since 1965 and has steadily expanded until it is today the nation's largest non-government employer of Indians.

On the western side of the Navajo reservation is the massive sawmill operation and forest management program at Window Rock, Arizona. One of the largest sawmills in the nation, the Navajo mill employs several hundred Navajo people.

But even the smallest reservations have lined up on the new industrial frontier. The Swinomish at LaConner were among the first. Many years ago Indians on the 7,000-acre reservation which lies along Puget Sound constructed two salmon fishtraps. Although it was a tribal industry the BIA retained control of Swinomish tribal funds and all tribal monies from the venture were disbursed by the protective bureau.

Then in the 1940's the Swinomish Tribe decided to go into the oyster harvesting business. The BIA superintendent in power over Western Washington tribes at the time objected to the tribal decision. But the strong leadership of Tribal Senate Chairman Tandy Wilbur Sr., prevailed and the BIA relented.

The oyster business flourished under the tutelage of a Japanese firm hired as consultants and managers by the tribe. The Orientals taught the Swinomish Indians their own age-old secrets of harvesting shellfish. At first the BIA withheld funds for the venture with the Japanese but again the tribe won the argument, only to discover that racial discrimination against the Orientals confronted them in the village of LaConner.

It took a few years of fighting prejudice, paternalism and the competition of the shellfish market but the successful oyster enterprise began in the 1940's still thrives on the Swinomish tidelands and a recent BIA survey indicated there is good potential for expansion.

Recently the resourceful Swinomish succeeded in getting Congress to enact a land use law specifically for them. It permits the Swinomish to enter into leases up to 99 years in length. Lease arrangements have been limited to 25 years and big developers of industry who need longer to amortize their large investments weren't interested.

The new law also permits the Swinomish Tribe to use its income from leases as collateral. The tribe has already taken advantage of this feature to buy two strategic tracts of land to consolidate its own properties. Swinomish land was almost all allotted to individual Indian tribal members years ago and now the tribe is buying back land which, shared in multi-ownership as allotments, had been rendered almost useless.

XI

Unemployment on Indian reservations averages about 40 per cent and at certain seasons of the year some reservations have 80 per cent unemployment.

Most of the Indians who wish to feed, clothe and educate their children, house them adequately and meet all their health needs are forced to leave the reservation and find jobs in the urban centers whether they want to or not.

This lack of choice has influenced the Indian to seek to bring employment opportunities to the reservation but the effort has won only partial success so far.

Breeders

An example of pervasive non-Indian influence over the economy of reservations is illustrated by the desire of the Idaho Nez Perce to build a tribal Appaloosa stud operation in order to capitalize on the Nez Perce legend which names them as the original breeders of that beautiful horse.

Red Heart, a Nez Perce with a herd of Appaloosa, has such good ones that he furnishes them to the movies. Other tribal members have small herds. But the feasibility study ordered by the tribe indicated that developing a stud operation would require a very large investment of tribal funds. On the advice of their non-Indian legal counsel they abandoned the venture.

It was their attorney's opinion that there was adequate employment opportunity in the surrounding cities and in the extensive lumbering operations so that developing industry on the reservation was not practical. Another case of persuading Indians not to make their own mistakes. But while industry abounds outside the boundaries of the Nez Perce reservation, Indian unemployment there is shockingly high.

Race bias

BIA Superintendent Tom St. Clair reports that racial discrimination in Lewiston and in the area around the Lapwai agency is higher than he has ever before encountered in his career in the Bureau. It is a definite factor in the high rate of unemployment and in the reticence of Indians to seek work off the reservation.

The Nez Perce have no tribal land suitable for an industrial park, they have talked of building a tribal motel near an historic site, but they have invested most of their tribal funds in the stock market on the advice of their attorney. And so their youth leave the reservation and few return.

Former Nez Perce Tribal Chairman Richard Halfmoon put it this way:

"Those of our tribe with talent go away to Seattle and to Denver and to Los Angeles and Oakland and they never come back to the tribe. Oh, they come back for visits, but that is about all. There is nothing on this reservation to hold anyone—there's no employment. There's no opportunity whatsoever."

Unfortunately, Mr. Halfmoon's observations are only too accurate when applied to most Indian reservations today. But the redeeming aspect is that there is hope today where yesterday there was only cynicism or despondency.

With the Office of Economic Opportunity and its Poverty War planning grants which turn into project grants, Congress permitted the Department of Health, Education, and Welfare to do for the Indians what it has never permitted the Bureau of the Indian Affairs to do—make outright grants of government funds for development.

With a bit of prodding and an embarrassingly late start the BIA has now assumed the role of agency coordinator and is actively seeking help from the Small Business Administration, the Economic Development Administration and OEO and HUD and the Department of Labor in building on reservations a viable economic base.

The BIA reported to Congress that at the end of this year there will be 150 different industries on Indian reservations offering job opportunities to 10,000 Indians. A year from now, when these plants reach full capacity, they will employ well over 15,000 Indians right on reservations. And now the BIA is asking for seed money to begin a drive to launch Indian entrepreneurs.

George Hubley, head of the BIA economic development programs, reports that General Dynamics employs 98 Indians in missile component assembly in Defiance, Arizona; Ami-Zuni has put 36 Pueblo Indians to work on electronic memories in New Mexico; Western Superior is employing 60 making undergarments in Arizona; the Rosebud Sioux are building their own prefabricated homes and also harnessing cable for Rosebud Electronics in South Dakota; Indians are building furniture for Sequoyah in Oklahoma and for White Swan Industries in Wapato, Washington.

Payroll

The annual payroll of the 150 industries combined is well over $30 million. The ratio of Indian workers in those industries to non-Indian is about 70 per cent. This fact, together with two new innovative programs initiated entirely by Indians, makes the future for Indian reservation economics significantly brighter than ever before in the blotted history of the American Indian.

The new program with highest potential for the Indian economy is the National Indian Development Organization Project. A feasibility study financed by an EDA grant was followed by a Ford Foundation grant of almost $95,000.

This private bundle has subsidized a team of legal consultants who are now designing a national organization to provide credit for the economic efforts of both individual Indians and Indian tribes.

The second innovation is a partnership effort between private industry and the Cherokee Nation initiated by a top Cherokee who happens to be at the same time president of Phillips Petroleum Company, W. W. Keeler. He is principal chief of the Cherokee Nation, appointed to that position by the President of the United States. Although the Cherokee Nation was "civilized" in colonial times and is one of the most sophisticated of all Indian tribes, it is not permitted by Congress to elect its own Tribal Chairman.

Cherokee Nation Industries, Inc., was set up last year through the effort of Keeler's special Phillips division devoted to developing partnerships between Indians and private industry. It manufactures electrical switches, relays and receivers for Western Electric Company. Western Electric trains all Cherokee Industries employes.

Objective

Next project is the Phillips program for training Indians in all phases of management of the electronics manufacturing business. Objective is to create Indian-owned enterprises that can stand completely alone.

Washington State Indians have taken significant steps to build reservation economy using their natural resources.

Colville Indian rancher Dutch Anderson has been named Conservation Farmer of the Year and this year Quinault Tribal Chairman James Jackson was awarded Chicago's Indian Council Fire "Indian of Achievement for 1969" citation. Jackson's efforts to establish the Quinault National Fish Hatchery, ocean beaches and in providing leadership in tribal business activities were cited.

Colville Indian cattlemen have been turning their Rhode Island-sized range lands into controlled grass grazing areas and in the past six years have more than doubled the cattle supported by it.

The Idaho Shoshone-Bannocks have irrigated their rolling hills of sage and cheatgrass and now part of that range is growing expensive Idaho potatoes on a profitable lease arrangement. At the end of the 16-year lease the Indian owners will have their land with its irrigation system installed.

On the Spokane Reservation uranium being mined, on the Yakima Reservation Indians have combined an industrial park with farms and orchards and sawmills to handle yearly yield of 157 million board feet of Ponderosa Pine.

The Western Washington Makahs have an experimental fish-meal processing plant on Neah Bay called the Cape Flattery Company. Although it now produces mostly a high protein powder to fortify livestock and poultry feed, the fish meal can be refined into a tasteless, odorless high protein additive for human diets.

The Bellingham area Lummi Indians have a Puget Sound aquaculture project. The Lummi's flexed their jurisdiction muscle and recently closed 25 miles of their beaches to the white man. The acquaculture firm is attempting to develop new sea life products in Lummi Bay.

None of these ventures is capable of providing an economic base that will support even today's reservation population. And that population is exploding at three times the national rate. Two savvy BIA superintendents summed up the Indian economic picture:

William Schlick of the Yakima Agency observed, "You know, we've had a lot of pressure, a lot of emphasis on people-development programs since 1964. But the tribe has got to be able to maintain and develop its resources simply as an economic base. Because they don't see and I don't see any time in the foreseeable future when there's going to be a big decrease in the reservation population."

And a former newspaperman from New Mexico who now heads the BIA agency on the Northern Cheyenne Reservation in Montana, John (Bob) White, commented:

"I think we have to break the chain of dependency the government has created. The greatest crime against the Indian is the destruction of the independence of what was perhaps the most independent man that ever walked God's green earth. We must restore this independence and we can't do it by providing new crutches."

XII

There has been a national reawakening to the value of the American Indians' varied traditions. Funds of the Poverty War are reviving historic Indian arts, dances, languages and encouraging Indian theater.

For Indian youth this stirring of their ancestral heritage, which for some had been moribund, has triggered a certain ambivalence.

Some find living in two worlds traumatic. Others have managed a comfortable cultural synthesis.

At Browning, Mont., Blackfeet teen-agers resolved the dilemma of cultural clash last spring by cutting out early on their high school senior prom to catch the final hours of a tribal Pow Wow on the reservation.

In Albuquerque this fall Indian youth leaders attending the National Congress of American Indians convention found their number almost equally divided between a rock 'n roll dance in the Hilton ballroom with The Tribesmen and an impromptu pow wow on the seventh floor with a couple of delegates who brought their drums along.

Clarence Pickernell, a Quinault Indian artist and school teacher, attributes the reawakening of interest in tribal arts and cultural traditions to the relocation policy instituted by the Bureau of Indian Affairs in the decade of the '50s. The BIA screened Indians on the reservation and then sent the most promising off to such cities as Los Angeles, Denver and Chicago to training centers.

The program is strongly criticized by Indians because too often the government abandoned the relocated Indians after they had settled them in the big cities. Then if the Indian lost his job or ran into any of a myriad of difficulties he became stranded in what to him still was alien territory.

Pickernell said this traumatic experience caused many Indians to realize how much they needed depth and strength to their cultural roots. In the city where they could not melt into the mainstream culture they found they had lost touch with their own and an identity crisis compounded their problems.

Pickernell said:

"A decade ago I would have said the culture and traditions were gone, dead. But when I came back from overseas (where he taught school in the Orient) a change had taken place. There was a spontaneous Indian reawakening. They needed to rediscover their culture."

In recent years a few high schools have included traditional Indian arts in their curriculum. The Shoshone-Bannocks of Southern Idaho have succeeded in getting painting, moccasin and beadwork into the large Blackfoot High School where most of their young people are enrolled. Now the tribe is writing a new version of Idaho history to submit to the school board.

In Montana Blackfoot country the Browning High School offers Indian history but not Indian arts. Some Navajo Indian schools operated by the BIA still forbid the use of the native language on campus while other tribes, including the Washington Quinaults are reducing their languages to writing so that they may be taught in the Indian school.

Campuses

Hot on the heels of the black studies advocates have come the Indian studies enthusiasts to the university campuses. Minnesota, Michigan and Berkeley are building Indian studies degree programs. Others such as the University of Oklahoma are internationally known for their pools of American Indian expertise.

In Washington, Gonzaga University at Spokane is the site of a new five-story Pacific Northwest Indian Center designed to preserve Indian cultures and promote Indian studies and Indian leadership in the Northwest.

The fact that there are exactly 250 different ceremonials, dances, feasts and sporting events listed on the American Indian Calendar published annually by the BIA testifies to the strength of a culture that has survived prolonged federal crusades to swallow it up in the American mainstream.

Now the pendulum has swung back toward the Indian position which always has insisted that the two cultures have a lot to offer each other. Typical of the new view is the OEO Indian crafts classes on the Yakima Reservation.

Tribal Chairman Robert Jim said the old Indians teach the tribal language, basket weaving, beading, making moccasins and buckskin tanning. Jim said the young parents respond to this opportunity most enthusiastically since they are the generation which lost out on the emphasis on tribal arts.

He told of an Indian woman who agreed to teach basket weaving who said she hadn't made a basket in 50 years. The Yakimas have a unique porcupine needle craft that is distinctively their own.

The Nez Perce have corn husk bag weaving that is intricately beautiful and unique in the nation. The Swinomish of Hope Island weave cedar bark baskets. The Arizona Papagos make coil baskets. The South Dakota Sioux throw elegant pottery of light clay while the New Mexico Indians are famous for their rare black pots that resemble African ebony carvings.

Totem

The highest arts of all originated among the Western Washington tribes of the totem

tradition. They wove cloth on looms before the European influence arrived.

And the Indian who probably is doing more than any other man to revive this high art is a great grandson of three Indian chiefs who signed the treaty that created the Quinault Reservation.

Clarence Pickernell grew up in a traditional home where his two grandmothers and his great-grandmother lived. They taught him the oral history of the tribe and they spoke the Quinault language.

His father is a fisherman and his father's father was among the last of the whalers. His grandfather was an artist who carved classic totem poles to use in his whaling purification rituals. His grandson inherited his artistic gift but not his primitive Indian faith which held the totem pole to be sacred as an instrument of worship and not an object of art.

From the time he was 8 years old he was subjected to a "steady diet" of the history of the tribe, the geneology of the Pickernell family, the Quinault folk tales, the music, the meaning behind the totem clan symbols of the wolf, the bear, the eagle, the whale, the frog and beaver. Now he is passing it on in a course called Quinault Tribal Heritage for Taholah elementary school children.

Pickernell said that he lived in two cultures without making a conscious choice between them until after college. But maintaining this double-exposure "doesn't always work," he said. "Many times you run into a situation where you aren't accepted by the white culture so you are forced to go back to your own."

But his own culture has been richly rewarding as he has pursued the disappearing Quinault traditions and retrieved them for his tribe. His maternal grandfather was wealthy and held a place of prominence in the tribe because of the elaborate potlatches he was able to give. Only one Taholah resident carries on the Potlatch tradition today but the celebration is vividly remembered by many who grew up during the days of expansive gift-giving.

Potlatch

In the old days the potlatch gifts featured hand woven blankets of cedar bark base with the totem designs woven into the fabric. But as soon as loomed woolen blankets became available the resourceful Indians adapted their age-old tradition to include the softer material on which they appliqued wool felt totem designs.

Now Quinault ceremonial robes and modified ponchos may be part nylon and the intricate totem designs are cut out of colorful iron-on tape. The decorative shells of barter have been replaced by flat pearl buttons.

Another example of selective acculturation is the modern Quinault racing canoe. It still is a dugout but no longer does the Indian build a fire on the cedar log to scoop it out. He employes a chain saw.

He also takes a dim view of paddling from Taholah upstream to Lake Quinault. The racing canoes now have powerful outboard motors and have been redesigned to enhance bouyancy while retaining their superior ability to skim swiftly through both rapids and shallow waters.

The potlatch culture is still very much alive in the dance troupe of Taholah elementary school youngsters that Pickernell has choreographed and costumed. He has taught the Indian 6th graders the distinctive drum beats, varying tempos and artful steps of the potlatch dance. This reenactment of the potlatch celebration in dance makes his troupe popular at Indian rodeos, school functions in other cities and at the Ocean Shores tourist mecca.

But beadwork, carved ivory, miniature papoose dolls and other Indian artifacts are being mass produced these days by the Orientals and pushed in souvenir shops by white merchants.

A Seattle Indian group headed by Eskimo Robert Lupson is seeking state legislation to separate Japanese curios from hand-made Indian items to protect the gullible non-Indian tourist and the interests of true Indian craftsmen.

Lupson said that one Seattle firm hires Eskimos to run the machines that turn out ivory pieces which then are sold as "made by Eskimos."

At Glacier National Park entrance the village of Browning, Mont., has more souvenir shops selling fake Indian crafts than it has shops selling valid Indian items even though the town is entirely within the boundaries of the Blackfeet Reservation.

The Indians are being undersold right out of their own market, a form of de facto culture theft. It's more subtle than the 1907 law that abolished the potlatches of the Northwest Indians because, according to Seattle Indian Center director Pearl Warren, "they were too savage."

XIII

The full-blood Kaw, tall, copper-toned with classic Indian features, spoke softly. He couched the sticky question in the consciously polite terms and reasonable tones of mature Indian leader:

"Why don't people understand our Indians better? Even on the peripheral areas of the Indian reservations—the people who live next door to these Native Americans, these Original Americans—know so little about them. All they seem to know is what they see on television."

The question was posed by W. A. Mehojah Jr., the Indian Bureau of Indian Affairs (BIA) superintendent on the Fort Hall, Ida., reservation of the Shoshone-Bannocks. But his observation was born of extensive experience in Oklahoma where he grew up among his own people, in South Dakota among the Sioux, in Montana among the Chippewas, and among the Cheyennes where he has served the United States government for the past 18 years.

And one key segment of American Indian life about which non-Indian Americans are perhaps more unenlightened than about any other is religion.

Are American Indians predominantly Roman Catholic as Spanish Americans are thought to be? There are probably more Catholic Indian missions on reservations than any other.

Or are they Protestant? Or Pagan?

Or do they still retain the primitive religions of the old aboriginal cultures? Do American Indians believe in one God or in many gods?

Such questions have no answer because they are based on the prevalent myth that an Indian is an Indian and what is true of one red man is generally true of them all.

Many Indians are Mormons. Many are fundamentalist Pentecostal. Many are Catholic, Methodist, Presbyterian, Episcopalian. And many still worship the way their ancestors did, particularly among the Southwestern Pueblo tribes.

But the most interesting development among American Indians related to their religions is the evolution of two new nativistic movements that illustrate the Indian's synthesis of the white man's culture with his own on his terms.

Both are practiced widely among Northwest tribes. The Native American Church, better known as the peyote cult, has been traditionally strong among the Shoshone-Bannocks, the Indian Shaker Church is indigenous to the Northwest Coast and is a denomination of 22 churches between Northern California and Southern British Columbia.

Oliver LaFarge, twice president of the Association of American Indian Affairs, observes that Indians who hold strongly to tribe and tradition make excellent Christians. They bring to Christianity, he said, a sense of the constant presence of religion in daily life and a habit of participation in religious activities that non-Indian Americans would do well to copy.

One non-Indian who recognized these spiritual values and chose to assimilate them within his own experience is Harold Patterson, the principal of Taholah Indian Elementary School on the Quinault Reservation. A convert of the Indian Shaker Church, this former Baptist believes that this native religious movement combines the best elements of the Christian faith with the best elements of traditional Indian worship.

Patterson described the movement and then explained how it has synthesized the two cultures without doing violence to either, thus permitting the Indian to remain Indian and still be fundamentally Christian. Contrary to popular belief, the Indian Shaker Church has no connection with any other Shaker movement but is strictly an indigenous Northwest Indian movement. It began at Mud Bay, near Olympia. The founder was John Slocum, an Indian who, before his conversion, was what contemporary Shakers call "a sinful man." Missionaries had been only moderately successful with the Indians because they offered a brand of Christianity that the Indians were unable to understand or accept within their cultural milieu.

Patterson said the Indians have always associated religion with manifestations of spiritual power. These traditionally included power to heal the sick and to display feats of magic. He said that when missionaries offered them a ritualistic form of religion which was oriented toward the Bible and hymnbook with a formal service its appeal was minimal.

The guardian spirits, the song, the dance and the drum held a much stronger appeal for the Indian people. Belief in the shaman or Indian medicine man and in the powers of good and evil in conflict were deeply held. It was believed that John Slocum had come under the disfavor of the shaman, who had injected his power into Slocum, who became deathly sick and appeared to die.

His body was laid out and a canoe was dispatched to Olympia for a casket but it was delayed. As his relatives sat by his body they observed it become rigid in death. But to the complete amazement of them all Slocum revived before his casket arrived.

Some Shakers believe he was merely in a deep trance induced by the enemy shaman but most today are convinced it was an authentic resurrection—a conviction which makes it easy for them to accept the Christian doctrine of the resurrection of Jesus.

Patterson contends, however, that the Shakers did not make a messiah out of John Slocum, as some historians have written. To the Indians he was merely "a witness and a messenger and a founder of their branch of Christianity."

Slocum, who spoke only the Indian language and could not read English described his experience "after death" as a trip, without his body, into the sky where he was not admitted because he was told by an angel that he and his people were unclean and not worthy to enter. His sins, he said, were written on a black cloud and his virtues, which were insignificant, on a shining cloud. He was told to preach repentance and to build a church and to tell the people that if they would change their ways a "great medicine would come down from heaven which would be a power that could be used only for good."

Slocum's message was enthusiastically received by many Indians. His converts immediately stopped drinking liquor and gambling and became cooperative in their dealings with the white man. But their forms of worship were upsetting to the white missionaries.

They often held services all night long.

Their songs were Indian chants and songs often without words. The Shakers were charged with practicing Indian pagan rites in the name of Christianity and the movement was outlawed by the Bureau of Indian Affairs. Several of the Indian Shaker leaders were arrested and put in jail in Centralia.

The charge of paganism was hard to prove or disprove since none of the Indians spoke English. The Centralia judge brought in a Presbyterian minister who understood the Indians and had him listen in court to sermons preached by them.

They prayed, waited for "the Spirit to move them," and then "prophesied." The Presbyterian minister was startled to find that much of their inspired teaching were close to verbatim admonitions from the Bible they could not read. He pronounced the Indian Shakers orthodox in their Christian doctrines.

Later an Olympia justice of the peace helped the Shakers incorporate as a legal denomination so that they would be protected under the state law which secures freedom of religion.

The "promised medicine from heaven" came not to John Slocum first, but to his wife, Mary. He fell ill and she went out to the river bank to pray. A great shaking came upon her and she began to sing. She returned to her husband and "brushed off his body and moved her shaking hands over him" and he was immediately cured. At the same time others in the room began to tremble. This phenomenon was hailed as the great medicine which would be a power for good.

The Indian Shakers do not use the Bible in their church services. In spite of this they have remained orthodox for 100 years. The Indians have built their lives upon oral history. Even today the tribal historians do not put their stories in writing. They received the "word of God" as an oral revelation and they prefer it this way. They say their faith did not spring from the Bible but is confirmed by it.

Patterson said that the existence of the Indian Shaker Church may be directly due to the insistence of white missionaries that the Indians "slavishly reject the cultural expressions which are the basic orientation of their lives and become white people."

The Indian Shakers use hand bells, ritualistic face-level handshakes, songs received inspirationally, and dancing in their pewless sanctuaries.

But candles are used too. The Indians cross themselves and they face the altar to pray and wait for the Spirit to move them to speak. These are similarities readily recognizable to the Catholic and Quaker denominations.

But there is a distinction vital to the Indian between the use of the bell and the drum. The drum was traditionally used to invoke a strong stand against calling up familiar spirits as being evil, "coming from the other side."

They acknowledged that this power could be used for good but that it was often used by the shaman to hurt rather than to heal and therefore it must be considered to come from "the devil." They insisted that God had taken that power away from them and replaced it with the Shaker power which could only be used for good.

This aspect of the dogma threatened to interfere with the rebirth of the Indian culture in the Indian elementary school. The parents were finally convinced that the drum rhythms taught in school were distinct from any religious significance and were merely social and artistic expressions of authentic Indian culture.

Clarence Pickernell, Quinault, is a Roman Catholic but he says that the Indian church is supported by all the Indians in his village even though many of them are active members of two other Protestant churches there. He too gives money to the Shaker Church and enlists in its projects.

Navajos Carl Todacheene and Tom Acitty, one a Catholic and the other a Methodist, both admitted an affinity to the nativistic religious movement of the Navajo people and participated in its healing sings vicariously.

The peyote cultists incorporated into the Native American Church as a practical protection against attacks against them for using the psychedelic cactus. The "visions" caused by eating the buttons of the peyote plant are today regarded as methods of experiencing God. The peyote rituals begin in the early evening and run throughout the night culminating with a feast in the morning.

When the religion started in Mexico before the 19th Century the peyote ceremony was an annual event. Now the adapted religion permits the ritual to be held anytime but to be legally protected the practitioners must use the peyote buttons only as a religious ceremony with all the attendant trappings.

These include "the staff of life," thought to be Christ's staff by some tribes; the burning of fragrant cedar powder, the feather fan, the rattles, the crescent altar enclosing the fire, the drum. The peyote itself is considered sacred and its consumption is a form of communion.

Indian student Oliver LaFarge says that the peyote session is anything but an orgy. In the North when the peyote button is scarce, a single button may be placed on the altar without anyone eating it. The cultists claim that their adherents don't drink and are excellent citizens. Navajo Todacheene, although not a peyote eater himself, testifies to the high morals and good citizenship of the members of the Native American Church.

The plant, which in the Christianized peyote groups, is considered the medium for experiencing God, is believed to cure sickness. Because of its relation to both the old pagan religions and to Christianity, the movement has triggered violent controversy. But it is popular among many Indian tribes today and its adherents are multiplying.

LaFarge interprets the newer religious adaptations as examples of the most hopeful choice by primitive peoples who have been overwhelmed by a totally alien culture. The other two choices are total rejection of the higher culture and unrealistic attempts to preserve the old Indian ways in purity. For many years the Navajos chose this alternative and refused to educate their people.

The other extreme is total assimilation into the newer culture and abandonment of the old one. Many Indians have chosen this route but LaFarge contends that usually the Indian who cuts himself off from all his tradition is an incomplete and uneasy man.

And so the healthiest choice is to accept just those aspects of the new that are valuable and keeping that which is still good of the old. This to a significant degree, has been accomplished by the new Indian-Christian movements.

XIV

On July 4, 1968, there was a new flag flying over the Capitol Building in Olympia. It was red and emblazoned on it were the words, "Indian Power." The only clue to the identity of the flag planters was a series of black footprints up the wall of the Temple of Justice.

The incident was reported in The Renegade, the official newspaper of the Survival of American Indian Association. The name of the news sheet is appropriate because the new breed Indian activists who are the outspoken proponents of contested treaty fishing rights are viewed by the mass of reservation Indian as renegades.

The Indian fish-in protesters' cause is not as much in disrepute as is their tactics. The prevailing view of other Indians about the demonstrations inviting arrest at Frank's Landing on the Nisqually River was expressed by Chief Alex Sherwood, head of the Spokane Tribe:

"What do they gain by this? Not a thing. They are overstepping their bounds."

Used

Spokane Executive Secretary and former tribal judge Glenn Galbraith added:

"They are being used by Marlon Brando and Dick Gregory. It wouldn't be permitted on the Spokane Reservation.

The intrusion of Hollywood actors and black militants into the Indian rights controversy with the State Fisheries and Game Commission is both scorned and resented by many Indians in the state. Quinault Tribal Business Manager Joe De La Cruz said Brando and Gregory would not be permitted to step over the boundary onto the Quinault Reservation.

Another youthful Quinault Indian, fisheries specialist Guy McMinds, put the controversial Hank Adams and Al Bridges, who have led the fish-in protest, in the Indian perspective this way:

"These people are fighting a losing battle because they are right in the population center and the sportsmen are powerful and the various agencies dealing with them are powerful.

"And their tactics are alienating Indian people. So when you alienate Indian people from your cause and alienate the sportsmen and the commercial fishermen, who are you going to rely on but those few people down at Frank's Landing.

"The attitude here (on the Quinault Reservation) is we're going to work through the established agencies and try to keep the communication lines open to obtain our necessary goals. We are, even with our ocean beach closure, working through established agencies.

"We will try to work through influential people to try to establish an area of understanding rather than an area of misunderstanding."

Pressured

However, McMinds admits this may not be possible with the State Game Department which pressured the University of Washington to dismiss him when he answered an invitation by the Hoh River and Quillayute Indians to speak for them in their off-reservation fishing dispute last year.

The issue at stake was similar to the Frank's Landing controversy—Indians setting nets at points in the rivers where sportsmen and commercial fishermen insist the supply of spawning salmon will be jeopardized.

The Indians argue that there is no proof that such netting causes elimination of a species of fish, that sports and commercial fishermen are not being forced to conform to existing conservation laws and that the state has no jurisdiction over treaty-negotiated historic Indian fishing grounds.

Those claims have bogged down in courts all the way to the U.S. Supreme Court in a long series of test cases but no clear definition of Indian fishing rights has yet emerged.

The murkiness swirls around the Supreme Court instruction to state game departments to prove the regulation being imposed "is necessary for the conservation of fish."

The recent Hoh and Quillayute Rivers confrontation which established "an area of misunderstanding" between McMinds and the State Game Officials was triggered by nets set by the Indians inside the boundaries of Olympic National Park. Frustrated state game wardens have no jurisdiction over the park and the federal officials failed to pick up the cause and fight it for them.

And so the State Game Department took its problem to the Grays County sports columnists, who didn't bother to report the other side of the argument.

Two sides

There are two sides. The state says the Indian poses a special threat to salmon because he fishes upstream. With nylon mesh nets the Indian conceivably could catch all the salmon that return to spawn and thus wipe out an entire run.

The Indian replies that the fish was returning to spawn just as much when he was caught by the sports or commercial fishermen downstream or even in the open seas.

McMinds argues the State is not regulating its off-shore troll fisheries and until it can get control of its sportsmen and off-shore troll fisheries it is unfair to regulate the Indians. He argues that the 4,000 troll licensees each year are not following the existing state regulations.

The Indians also point out, that 91.4 per cent of all the fish taken in the state are taken by non-Indians and the argument that less than 10 per cent of the entire season's catch landed by Indians threatens the future of fishing for the state is unconvincing.

If the vast commercial and sports fishing and dam construction were restricted first, the Indians say they would be more amenable to curbing their practices.

The state insists that Indians are already getting special treatment and that piecemeal control of a total ecological problem simply will not work. The fact that Indians have their own conservation regulations only adds to the confusion with two sets of regulations being applied to the same waters.

The state says the kind of overall management of the salmon resources that is necessary to insure a supply for everybody, Indian and non-Indian alike, is threatened by the partial regulation approach.

Set nets

The Indian finds it provocative that set nets are used extensively by commercial fisheries, which also use radar and other devices to find entire schools of fish. It is only the upstream nets of the Indians that are prohibited. And, of course, the ruling against nets does not infringe at all upon the practices of the sports fishermen.

The state replies that the stocking of streams with steelhead was done at great expense of the sportsmen and was not financed by the taxpayer. Therefore, the Indian is catching fish the sportsmen paid for.

The Indian notes that the State Game Department is subsidized entirely by the hunting and fishing licenses of sportsmen and is therefore not the neutral governmental body that should be designated as technical manager of all fish resources on lakes and streams.

The Indian would like to see a truly neutral study by federal authorities to discover just where the blame lies for the decrease in salmon runs.

XV

Western Washington Indians are historically "fish eating" tribes.

They have an affinity for fishing that is like their deep-rooted feeling for their land, Both are inextricably bound up in racial identity and economic survival.

When the Indian yielded to the white man's demand for his land he took pains to retain for himself and his descendants his historic right to fish in his "usual and accustomed places."

Now he sees this remaining claim threatened by powerful white forces which he has little hope of defeating. And he resents the white man's accusation that he is insensitive to the laws of conservations.

Conflict

James Jackson, hereditary chief and tribal chairman of the Quinaults, explained why Washington's "fish-eating bands of Indians" who have depended historically for their sustenance on fishing always are at odds with the State Fisheries and Game department:

"I think we are proving that our conservation methods and regulations are probably better than theirs. They are working better. And there's no doubt that the fishing runs of the Pacific Coast are going down hill due to pollution, industrial wastes, dams.

"There's more to rearing fish in the Columbia River or any river with a dam in it than just putting in a fish ladder. The adult fish is designed by nature to go so far up that river and spawn in so much water. By the time they dam those rivers up and put that fish ladder in there—all right, the adult fish will find and accept that fish ladder.

"But with the lack of current above the dam, by the time he finds his way on up there past maybe two or three dams, then he finds his spawning bed is covered with 30 or 40 feet of water, he is late and he is not going to lay healthy eggs.

"This is because he's been designed through thousands of years to go from this point to that point in a certain length of time and lay his eggs when they are ready and healthy.

"And then when the little ones come out of the gravel after he does find a place to spawn, do you know that they have decided that the best way to get little fish down over a dam is to dump them over the spillway?

"That's what they've come up with. That little fish is supposed to go downstream in a certain length of time and when he reaches the ocean the currents are going a certain way and they take him to his ocean feeding grounds.

"As he comes down through this series of dams with their lack of current, going either through the turbines or over the spillway, maybe by the time he reaches the ocean the currents are going the other way. You're not going to have much of a survival rate.

"So the Department of Fisheries has a problem in that they can't come out and say the dams are destroying the fish, or that the cities are destroying the fish, or the highway construction is destroying the fish. They can't come out and say that civilization is destroying the fish.

"And then you have this powerful sports fisherman lobby. The sportsmen want to fish in these rivers. And they have to listen to them because that's where the votes come from. So who else is left? The Indian.

"So they say, 'Oh, these Indians are destroying the fish.' And yet if they look at the record they'll find that in the State of Washington the Indian fisheries take in less than 10 per cent of the total catch. And yet we're supposed to be destroying the fish.

"I don't know, but probably back in the Dakotas they told the Plains Indians that they were the ones that destroyed the buffalo!"

Appeal

The Washington State Chapter of the American Civil Liberties Union has filed a brief in Washington State Supreme Court appealing the conviction of four Muckleshoot Indians who gill-netted eight steelhead in the Green River in 1966.

The ACLU argues that the state fish and game law that was violated is unconstitutional on the grounds that the state may not exercise jurisdiction over Indian affairs including fishing rights reserved by treaty without permission of the United States and the tribe in question.

The brief also claims that the state discriminates by treating unequals equally. Perhaps that is a peculiar exception to the American norm of equality, but as it applies to Indians it is an exception bargained for by the United States government, the ACLU argues. The state may not deny that Indians have a special right to have their interests considered when the state allocates its fish resources.

The U.S. Supreme Court ruling in the Puyallup Tribe case last year held that the Indians possessed off-reservation rights to fish at the usual and accustomed places, but that they were subject to such state regulation as was "reasonable and necessary to preserve the fishery" as long as the state did not "discriminate against the Indian."

Treaty

The Puyallup Tribe case would have been decided differently if the terms of the treaty had preserved the right to fish "at the usual and accustomed places in the usual and accustomed manner." Because, of course, gill nets were not used by Indians and commercial fishing was done by few tribes in the days of Isaac Stevens and the treaty-signing chiefs.

This raises the question of whether or not the manner of fishing is protected by treaty or whether it is subject to state regulation. It's another question still legally unresolved.

But the alternative which was chosen by the trial court in the Puyallup case has its hazards. The court ruled that the Puyallups no longer were a tribal entity because their reservation had been transferred to private ownership except for the tribal cemeteries.

But on the same day that the U.S. Supreme Court handed down its ruling on the Puyallups, it ruled in the Menominee Indian tribal termination case that Menominees' fishing rights were retained even though their tribe had been extinguished.

If the Indians were to lose their treaty fishing rights they then could claim compensation for them from the government. This is usually far costlier than simply permitting the Indians to fish in their accustomed places.

The real issues unresolved in the fishing rights controversies have provided what more than 100 years of suppressed hosility in a conquered people failed to produce—a rallying cause for protest. Although Indian militancy is still viewed with disfavor by the traditionalist majority, the Indian Power activists are picking up respectable support and their grievances are being heard across the nation.

Hank Adams, the youthful founder of the Survival of American Indian Association and national Indian spokesman in the Poor Peoples' Campaign, is under contract to write a book on the Puyallup Tribe fishing case for Macmillan publishers. He now is in Washington, D.C., putting his case eloquently between hard covers.

There is a growing hard core of Indian "renegades" who will not let the fishing rights issue be swallowed up in the smoggy rhetoric of the high court ruling.

XVI

"We have always considered termination a dirty word," the Executive Secretary of the Spokane Tribe explained.

But Glenn Galbreath's sentiment provides a sharp contrast to that of his Colville Indian peers on the adjoining reservation. They have been carrying on a flirtation with the idea of termination since 1956.

"Termination" means cutting off federal supervision and trusteeship of the property of an Indian tribe and over the individual enrolled members of that tribe.

In the Eisenhower administration it was the national Indian policy to work toward "termination." This policy was almost unanimously opposed by Indian tribes and triggered such hostility from them that the policy was completely abandoned by Presidents Kennedy and Johnson.

Now that another Republican administration is in power there is again widespread fear of either overt or de facto termination. President Nixon, Vice President Agnew, Secretary of the Interior Hickel and Indian Commissioner Louis Bruce have each made it a point to assure elected Indian leaders that "this is not a pro-termination Administration."

But in spite of national sentiment oppos-

ing tribal terminations, the largest reservation in this state, the Colville Indians' one million plus acres and 4,600 enrolled members, is actively seeking to extinguish itself.

The United States Senate has three times unanimously passed a termination bill sponsored by Senator Henry Jackson. But three times the House has failed to act on the controversial bill. Currently it is in limbo again waiting for a move by the House.

And while the legislation is arrested, demagoguery flourishes, misinformation flies and partisans rally forces on either side of the raging debate the bill has spawned. It would be hard to find an Indian in America who isn't familiar with the Colville termination controversy and who isn't willing to pass a personal opinion on the merits and demerits of the case.

The reservation, to such Indians as Chief Alex Sherwood, head of the Spokane Tribe, "is the only thing left for the Indian." The Bureau of Indian Affairs is still needed "to give the Indian help and support."

But to Colville Tribal Business Council Chairman Narcisse Nicholson the reservation is "a system of tribal sovereignty that can only serve as a questionable device for control of the Indian's property for purposes having nothing to do with the needs of most of the membership." He says BIA controls are "oppressive," and deny the Indian the "right to exercise freedom of choice."

The Colville Tribal Business Council, ruling body of the tribe, has withdrawn the tribe from membership in the Northwest Affiliated Tribes, the Western Intertribal Coordinating Council and the National Congress of American Indians because each of those influential bodies passed resolutions condemning Colville termination.

But this action doesn't mean that there is unity within the Colville tribe itself on the issue of termination. The Council is split wide open with a persistent minority membership carrying its cause into the halls of Congress.

The factions on the Council stand at 10 for termination and four against. Of the 10 members who favor termination, four of them are only one-eighth Indian. Since 1937 the blood quantum requirement for enrollment in the Colville tribe has been one-quarter degree.

Because the children of these "breeds," as the full-bloods refer to them, will not qualify for any inheritance from the tribal assets, these "white-Indians" are considered to have a vested interest in termination that is essentially selfish.

On the other hand, the "white Indians" or "breeds," criticize their less assimilated brothers and sisters for "racism" and a clannishness that has retarded progress.

And beyond the membership of the Tribal Council the quarrel over the question, "When is an Indian an Indian?" extends to the voting privileges of all enrolled members.

Indians with only one-eighth degree Colville blood have one vote each. Full-blooded Colville Indians have one vote each. Enrolled members of any blood degree living off the reservation may vote by absentee ballot, but enrolled members on the reservation are expected to go to official polling places to vote.

Children under 21, even though they may be full-blood Colville enrolled members of the tribe, may not vote and their parents may not vote for them. These tribal constitutional quirks are viewed with passionately differing interpretations by the two camps.

Nicholson, head of the pro-termination forces on the Tribal Council, charges that measuring tribal rights by blood degree is a "direct attack on the enrolled member's prior rights of inheritance and is suggestive of penalizing him for the natural integration that has taken place."

He does not answer the question which is the ultimate extension of that logic: "Why is an Indian no longer an Indian if he has but one-sixteenth degree of Indian blood, also the natural result of integration."

Seventy-five per cent of the enrolled adults of the Colville Tribe do not live on the reservation and are predominantly mixed-blood. The reservation Indians feel that their lifestyle and the future security of their children is being decided by outsiders who are barely Indian and have no stake in the future of the Colville Tribe.

To look at the controversy with perspective, one must look first at the history of the Colville reservation. It is not a treaty reservation but was created in 1872 by executive order. It was more or less a prisoner of war camp for Nez Perce combined with a corral for an assortment of different Indian tribes. Eleven separate Indian bands were forced together, each of which had owned and occupied separate sections of the Northwest.

Strife followed this forced concentration of Colville with Spokane, Kalispel with Couer d'Alene, Flathead with Nez Perce. And since the Nez Perce had been at war with the U.S. Army over broken treaties pacification of the Coleville Reservation was the first order of business for the BIA.

Each band tended to segregate itself by area within the reservation. The displaced bands did not mingle freely with the local white among the Nez Perce and Flatheads with Washington's white citizens was rare.

And so the resolution of the Tirbal Council calling for a termination bill explained the problem in these terms:

"We cannot pretend that true tribalism exists on the Colville Reservation. Knowing the lack of it we cannot, in the name of a collective tribal society, permit misuse of authority to further worsen a situation of inequity. The tribal membership has little reason to plan for a common destiny."

Historically this contention may be documented by the fact that, except for day to day business, the members who make up the Confederated Tribes of Colville have not tolerated any thought of long range plans requiring a unity of purpose. Several proposals that would have established tribal enterprises to exploit the tribe's considerable assets have been soundly rejected by tribal referendum.

An effort by Indian Commissioner Philleo Nash to get the tribe to accept a BIA loan to build a tribal saw mill in order to reap the fullest benefit of its extensive forests of Ponderosa Pine and fir was spurned because the investment would take a bite out of the per capita payments individual members receive from land leases and sale of timber.

The Colville Tribal Chairman said that even Poverty War programs which have boosted the economy on at least 200 reservations across the nation were not invited by the Colville Tribe because most of them would require 10 to 20 percent matching funds.

Although the Colvilles are considered an affluent tribe, its members believe their assets should be converted to cash and divided among individual members.

Only education scholarships, a youth camp, insignificant acquisitions of land parcels and a burial fund have claimed a share of the tribal income. And those per capita payments will even be immune from the cost of carrying out termination.

xvii

The American Indian sees "defacto termination" in non-Indian moves to rob him of his historic water, mineral, fishing, tideland and shoreline rights.

There is more than one way to force the red man "into the mainstream," but the most overt effort has been to liquidate the assets of the reservation and divide them up among the enrolled members of the extinguished tribe.

The case for Colville termination is based on the demonstrable fact that the assorted Indian bands of the confederation have never become a homogenous group. Most of the Colville Indians integrated with the surrounding white society and have to a great extent competed successfully.

A few did not mix or intermarry and continued to live on the reservation and remained dependent upon the services and support of the BIA. The reservation exists primarily for their benefit. "The many tribal members continue to subsidize and support the few in the name of a non-existent collective tribal society," the Tribal Business Council told Congress.

The argument includes the contention that repeatedly the majority of adult enrolled tribal members have voted for termination. Most of the enrolled members are sophisticated in the ways of the world outside the reservation and are ready for full assimilation in the mainstream of the dominant culture.

Convert

By permitting these Indians to convert their reservation assets to cash they will be able to make investments that will earn money on the principal. Tribal ownership of the great Colville forests does not permit that and according to Tribal Chairman Nicholson. "To keep Indians tied to these forests today is almost like telling them that they have to use the horse and buggy in the jet age."

George Snider, another member of the Colville Business Council, insists:

"The greatest heritage the Indian has is the right to live beside the other citizens of the United States as equals. This they have earned. He will derive a better life for himself and his children. Do not hold this right from him."

Of course the Indian already has the right to live beside other American citizens. All he needs to do is exercise it. At the present time he can own his Indian land allotment on the reservation, share the tribal trust land on the reservation and at the same time live off the reservation and make the same kind of living any white American citizen makes. No one "holds that right from him."

However there is at least one pro-termination family that is urging passage of the Colville bill on the ground of principle. Frank Moore, owner of the reservation Smoke Shack near Nespelem, and his daughter Dawn Leonard, said this:

"The American Indian is the only federally segregated racial minority in the U.S. and it is time it came to an end. We do not believe in the reservation system and we're fighting for a principle."

Privileges

They maintain that if the Indian were made a full citizen and were given full privileges and full responsibilities he wouldn't have so many problems. As it is there are so many overlapping jurisdictions that it's almost impossible to interpret the law under which an Indian must live.

The Moore family argues that the reservation system discriminates against whites and other non-Indian Americans.

And the pro-termination forces are asking for what they call "self-determination, freedom of choice and freedom from an oppressive burden of responsibility normally borne by the entire citizenry." This reference is to the tribe's responsibility for the extensive forests which furnish the tribe's primary income.

They argue that they should be permitted the right to decide to convert their land, trees, water, mineral and hunting rights into cash if they choose to. The responsibility to future Colville Indian generations is an individual family responsibility, not a tribal one. And that enrolled members, even if they were adopted into the tribe or have only one-eighth part Colville blood, are constitutionally tribal members with the full privileges that accrue to real Indians.

Their vocal opponents begin building their

case by hacking at the basic premise that a majority of the Indians favor termination. They cite as unfair the practice of "mandatory absentee balloting" which makes it easier for an off reservation, educated and sophisticated "white-Indian" to vote and understand what he is voting for than for the reservation Indian, less acculturated who is expected to go to a polling place to exercise his franchise and then may not understand the issues.

Legitimate

They argue that any legitimate trustee arrangement includes a proxy voting system so that the minors who have a legal share in the property can get their will expressed. Parents of enrolled Indians under 21 should vote for their children, they argue.

Harvey Moses, one of the minority members of the Colville Business Council, points out that these enrolled minors total more than half the population of the tribe and have a powerful interest in the issue of termination that requires expression.

Lucy Covington, another Business Council member, feels strongly that tribal assets do not belong alone to the current generation of Colville Indians but that future generations have a right to share in them as well. She added:

"The law allows only a blood relative of a deceased to inherit his private property. The relationship to inheritance here is similar to our tribal property or to the reservation."

Mrs. Covington is a direct descendant of the Colvilles' famous Chief Moses and the Entiet Chief Reaching for the Sky, both treaty signers for the Yakima Confederation. She ranches on the reservation and lives in Chief Moses' homestead. She has been an articulate foe of termination for 15 years, making many trips to Washington at her own expense to lobby for the continued existence of her tribe.

And other Washington tribes have a vested interest in the fate of the Colville tribe. Intermarriage between enrolled members of the Colville tribe with the Yakimas, Spokanes, Quinaults and Coeur d'Alenes complicates the inheritance picture.

Interest

Any interest a Colville has in a piece of Indian land on another reservation will suddenly become nontrust and subject to sale, taxes and alienation as soon as the Colville Tribe is terminated.

Coeur d'Alene Tribe, close neighbor of the Colvilles, considers the Colville termination bill "a repudiation by the federal government of its historic responsibilities to Indians." They reject the principle of permitting a simple majority of the voting adults of a tribe to wipe out an entire tribe along with its reservation.

Oswald George, Coeur d'Alene Tribal Chairman, charged:

"This principle conceals a basic deceit behind a facade of plausibility and pious platitudes. The question to be asked is not what do a majority of the tribal members want to do but has the federal government actually fulfilled its historic trust responsibility to the Indian people.

"That there are many Indians ready for termination is obvious. That there are many members who are nowhere near ready for termination is equally obvious. That is not a decision to be left to the caprice of either competent or incompetent Indians. Fully assimilated and economically and socially emancipated Indians who have moved into the mainstream should not be able to vote out of existence the Indian status of their less fortunate brothers."

George added:

"If there must be termination, let there be termination of all the non-Indians who contaminate the tribal rolls and perhaps of those fortunate few who have been actually able to walk from the teepee to a status of economic, social and cultural equality."

There is also the frustrated few caught in the crunch between the two factions. These include Senator Henry Jackson who declares with a sigh:

Frustrated

"All I want is an end to all this demagoguery and misinformation that is going around. I've insisted since the beginning that the tribe itself decide on its own future. Our policy is one of self-determination and I believe that termination is a matter that the Indians themselves should resolve."

The BIA Superintendent who presides over the adjoining Colville and Spokane Reservations, Elmo Miller, has already ridden the storm of one major termination, the Klamaths in Oregon. Miller says of the Colville controversy:

"The policy of the Bureau is to find out the will of the people and to work with them to carry that out."

If the Colvilles are successful in their plan to terminate, the BIA staff of about 115 persons would be absorbed within the Bureau system as they were when the Klamath Tribe extinguished itself in 1954. Miller has been in the Bureau system for 29 years and is up for retirement in 19 months. He said:

"If I were here when they terminate I'd help all the people I could. I have a strong feeling for the older Indians who've grown up in the system and I'd like to help make the transition easier for them.

"It might be the only reason I'd not retire in 19 months. This is not just a job. It's more like family."

So the problem revolves around the simple issue—how do you ascertain what is, in fact, the will of the people?

There are signs that the Colville Business Council will support a compromise plan first proposed by former Indian Commissioner Robert Bennett. It calls for a "remaining group" which would reside on and develop a reduced reservation which would remain in trust and under the supervision of the BIA.

Wardship

The plan would permit the Indians who resent BIA control and what they interpret to be "wardship status" to cash in their share of the tribal assets and become mainstream Americans.

Those Indians who value their tribal identity and feel they have a large stake in the reservation and do not feel oppressed by the BIA would be free to develop their tribal assets together.

The risk in this solution to the dilemma lies in the extent to which the reservation would be trimmed. If the present enrolled Indian youth and children are not permitted their full share of the trust lands, this largest of all Washington State reservations would be hopelessly fragmented.

The present stalmate has reduced a potentially rich and beautiful tribal community to a static, undeveloped rural tract which offers nothing to inspire the youth who grow up on its mountains to stay on it or return to it.

XVIII

The Bureau of Indian Affairs is 145 years old. It was born in 1824 to the War Department which raised the unwanted infant under military austerity until the offspring reached the difficult teen years.

At 15, the BIA was taken away from its authoritarian parent and put in the custody of the Department of the Interior which already had many quarrelsome progeny.

The Interior family includes Commercial Fisheries, Sports Fisheries and Wildlife, Mines, Reclamation, Land Management, Outdoor Recreation, Geological Survey and the National Park Service. It also has two people-oriented Bureaus, the Office of Trust Territories and Indian Affairs.

Many thoughtful Indian leaders are deeply disturbed by the obvious conflict of interest represented by these divisions of the Department of Interior but there is little consensus as to how to solve the dilemma.

Since the Indian Health Service was removed and put under Health, Education and Welfare it has prospered but the move failed measurably to provide a panacea.

An illustration of the conflict of interest within the Department and within Sen. Henry Jackson's Senate Committee on Interior and Insular Affairs is the Red Cliff and Bad River Chippewa Reservations versus the proposed Apostle Island National Recreation Area Act.

Both Indian tribes are living on their pre-Columbus-owned lands on the Lake Superior shoreline. The Department of Interior wants to include that shoreline with the Apostle Islands of Superior as a National Park.

The government hopes to buy that Lake Superior lake front property for $15 per acre. This year's real estate prices for waterfront property in that area run from $25 to $100 per foot.

Fighting

The government is also labeling the project a "National Lakeshore" rather than a national park because that term permits the government to construct and operate any type of business desired within the lakeshore area.

And the act offers no guarantees that the fishing, hunting, trapping and wild rice gatherings rights of the Indians would be preserved. Phillip Gordon, 30, the tribal chairman of the Red Cliff Band of Lake Superior Chippewas, is devoting his career to fighting the bill. He told Sen. Jackson's committee:

"My attorney tells me that when a trustee of white man's property has a conflict of interest he must resign as trustee or not exercise his vote against the interest of the beneficial owner or he becomes subject to penalties.

"When a member of the board of directors has to vote on a resolution in which he has an interest, the outcome of the election must be determined by a majority of noninterested directors or it is not binding.

"Why should the Indian be treated differently? Why should the Secretary of the Interior, who is committed to the formation of this park, be allowed to vote for any Indian, let alone for one who is mentally incompetent or who cannot be located? Is this the white man's way of teaching us democracy?

"If our children's interests are to be protected, why should not their parents, rather than the Secretary of the Interior, cast their votes?

"Above all, why should a vote of 25 per cent of the tribal rolls voting in favor of the acquisition—consisting of the Secretary of the Interior voting in his own interest in the name of children, incompetents and absentee Indians—be able to defeat the wishes of 75 per cent of the tribe consisting of competent adults who live on the land?"

Gordon added bluntly:

"I reject this idea as more of the paternalistic garbage that the federal government has fed to the Indians for too many years."

John Belindo, Kiowa-Navajo, executive director of the National Congress of American Indians until last month when the post went to Washington State's Bruce Wilkie, echoed Gordon's sentiment. Belindo told the senators:

"This legislation represents a classic illustration of why the Department of the Interior, whose primary responsibility is federal land and resource management, has totally failed in its responsibility to administer Indian Affairs and to serve the human needs of the Indians under its jurisdiction.

"Simply stated, it is because the two interests are in continual conflict, as they are

in this bill, and the needs of the Indian have always come second to the other purposes of the Department.

"The time has come when white men, even senators, should stop protecting the Indian from the supposed infirmities of his own character, and start protecting him from the demonstrable rapacities which the white man has inflicted upon him, especially those proposed in the name of beneficence. We might start with this bill."

The problem of paternalism in the Department of Interior's BIA is decried by Sen. Jackson who calls it the BIA's "Pappa knows best approach" and who charges the BIA with being preoccupied with self-survival and extension of the BIA kingdom.

Jackson said, "I don't think there is any question at all that the career people in the BIA, many of them, do everything they can to encourage the Indians not to terminate. Speaking of conflict of interest—can there be a greater one? There are more and more and more Indian officials that are supervising Indians with less and less help going to the Indians. These are facts. Just look at the figures.

"I'm not condemning anyone individually, but it's there, they discourage Indians from making their own decisions. Not all of them. There are a lot of fine Indian officials that work for the Bureau who try sincerely to improve their situation.

"But let me just point out one area of trouble. When the OEO antipoverty program got underway I was dismayed to find that the bureau people were doing nothing to make the antipoverty program available to the Indians who are worse off than any segment of American society.

"Our committee had to really move in on the Bureau and say to them, 'Look, these people are eligible for help, you ought to be familiar with the laws of the United States.'

"Our committee insisted that they set up an action office in each Indian area that would be familiar with all the federal programs that are available to all citizens so that the least they could do would be to advise the local Indian people of their rights. They hadn't done that until we forced the issue."

In spite of Senator Jackson's fuzzy perception of prevailing Indian hostility toward the issue of tribal termination, his nudge which steered OEO to the reservation proved to be the key to unlock the BIA's strongbox labeled reservation management. For the first time the idea of Indian self-determination became functional.

Self-determination is synonymous with ideas like "risk," "venture capital," "learning mistakes" and "maximum feasible participation."

And those concepts were not born in the tradition-encrusted Bureau of Indian Affairs. They were made meaningful for the Indian by direct grants from the Poverty War's Office of Economic Opportunity.

On at least one Washington State reservation an OEO funded program of recreation and employment of youth has been credited with dramatically halting a teenage suicide epidemic and replacing it with one of the most promising youth-run programs in the nation.

But there is, if not a reason, at least an excuse for the BIA's failure to innovate as the OEO has done, Congress has never permitted the Secretary of the Interior to make outright grants directly to Indian tribes and tribal groups for programs they have devised for themselves. This power has ben given by Congress to OEO and the Secretaries of Commerce and Labor.

In 1968 Indian Commissioner Robert Bennett formally approached the Bureau of the Budget and requested this power for Interior. The question is, why did not the BIA demand this authority as soon as Commerce and Labor got it?

A second question is, why has the BIA been so cautious in encouraging Indian tribes to contract reservation management services from them? This arrangement for permitting Indians to learn how to handle the responsibility for their own resources has been an option of the Bureau since 1910 but it has been used sparingly.

The problem, of course, is that self-help grassroots projects are almost invariably inefficient, unorthodox, unprofessional, sloppy and just plain risky. Often they fail. When they succeed it's embarrassing to the Establishment.

And the bold concept for letting the poor among racial minorities experiment with the taxpayer's money is barely five years old. It's an idea only reluctantly accepted.

For example, since the Reorganization Act of 1934 the Bureau has been free to let the Indians draw up their own reservation budgets. But Quinault OEO Director for Community Action Alice Chenois said that this year for the first time the Quinaults were asked to participate in the BIA Budget planning. And that budget is for 1971. Miss Chenois said:

"We still run into the old bureaucratic line and for us, this takes too long. We aren't willing to wait for one or two years for things to happen."

The Indians themselves have not hesitated to spell out their desires about how to streamline the Bureau of Indian Affairs. The national organization that represents nearly all reservation Indians in the nation, the National Congress of American Indians, in January of this year asked President Nixon to do the following things:

Appoint an Indian to the Indian Claims Commission.

Offer Congress legislation which would make the BIA an independent commission or agency.

Eliminate from the Bureau excessive reporting requirements and red tape and provide direct access for Indians to top administrators.

Grant veto power to tribal governing bodies in working out local BIA Agency budgets.

Eliminate BIA area offices (such as the Portland umbrella agency) and use the money saved for buying technical advice desired by the tribes and subject to their approval.

Grant to the tribes working capital and equipment so they can contract with the BIA to manage the resources of their own reservations.

Last year an Oneida Indian who has worked with his own people for 36 years and finally worked his way up to position of Indian Commissioner, spoke candidly to the members of the Bureau of the Budget about American Indian desires.

Robert Bennett, without the indorsement of the Department of the Interior, made these recommendations:

That the Bureau of Indian Affairs be made into a strictly professional organization and its name changed.

That all non-professional services be contracted to individual Indians or tribes under the authority of the 1910 "Buy Indian" Act.

That all existing BIA installations including agency compounds, be turned over to tribes or tribal housing authorities on condition that the Indians enforce law, zoning codes and provide community services.

That wherever professional services can be offered by individual Indians or tribes, contracts for such services be executed under the "Buy Indian" Act.

That the Secretary of the Interior be given the same authority for grants of funds for Indian programs to Indians that are now granted to Commerce, Labor and OEO.

That the service area of the BIA be extended to Indians anywhere who are found to be neglected and not receiving adequate services from the communities.

That new position of Assistant Secretary of the Interior be created for the people-oriented BIA and the Office of Territories.

Bennett told the Bureau of the Budget that all of those recommendations were based on the policies indorsed by President Nixon in his message of March 6, 1968.

President Nixon said:

"I will oppose any effort to transfer jurisdiction over reservations without Indian consent . . . The right of self-determination of Indian people will be respected and their participation in planning their own destiny will be encouraged."

XIX

The late Utah Republican senator who was head of the Indian Claims Commission in 1967 used to be fond of observing: "The sooner we can get the Indians into cities the sooner the government can get out of the Indian business."

This blunt comment by Sen. Arthur Watkins was typical of official thinking about "how to solve the Indian problem." The idea was assimilation. The method was "re-location." The Bureau of Indian Affairs was told to make it work.

In 1956 the BIA began a program of urban employment assistance that now offers training in 1,189 courses at 442 accredited schools in 30 states. Indians are subsidized while they are trained and placed in jobs in the city. For some Indians it is a traumatic experience but many have learned to cope and have stayed, seeking out other re-located tribesmen for company.

But many more Indians migrate to the city on their own and once off the reservation the BIA is no longer legally responsible for them. They are full citizens of both nation and state and eligible for federal and state welfare, employment, public health, educational and Poverty War services.

In addition, if they know about it, they can go to the Indian Health Service in many large cities and get their basic health needs met for the first year off the reservation.

This is in stark contrast to the situation that prevailed between 1915 and 1934, according to Dr. Lionel deMontigny, a Chippewa Indian medical doctor formerly with the Indian Health Service. He said that in those years unless an Indian had a clean bill of health he was not permitted to leave the reservation.

To the middle class, white, urban citizen, it comes out sounding like the Indian is a super-citizen who enjoys not only the government services available to the non-Indian but also a whole range of additional government services for which the non-Indian is ineligible.

But Dr. deMontigny has answers for those who ask why Indian Centers have sprung up in all the major cities of the nation; why American Indians-United has been formed to unify all urban Indians; why the American Indian Movement is a militant urban-based organization, why urban Indians are demanding help from the BIA.

deMontigny explained:

"The Indian leaves his tribal community and comes to the city to institutions built by white people and served by white people. And they are all-powerful. He has never learned to take advantage of these institutions—in fact that is a foreign concept to him.

"Indians have been treated with condescension all their lives and they emerge as unsure of themselves and they can't survive in the city. Indians don't form inferiority complexes spontaneously. They have been victims of low expectation which is a form of racism, prejudice.

"People behave to a great extent in the fashion expected of them. American Indians have for the most part, participated in the fulfillment of the prophecies made about them by non-Indians.

"Because of the colonial system that ex-

ists on the reservation the Indian has not been permitted to learn through experience. He has been sealed off from experience and so the trauma that he suffers in the transition from reservation to city is the direct responsibility of the federal government."

Robert Lupson, president of Kinatechitapi, an all-Indian organization formed here last year to serve the estimated 6,000 Indians in the city, has other answers for the puzzled non-Indian who wonders why his red brother can't cope.

"Sixty per cent of the Eskimos who come here don't know how to take a bus or how to use a telephone or how to communicate with non-Eskimos."

Lupson is an Alaskan Eskimo who is married to a Montana Chippewa Indian. Lupson's wife, Joan, was recently employed as social worker for the Central District of the State Welfare Department. She is the first Indian case worker hired by the state to serve this city's 6,000 Indian families whose annual income averages between $4,000 and $6,000.

Lupson can reel off the addresses of Seattle's Indian ghettos. He points out that the mayor can look out his office window and see the apartment complex in which eight urban Indian families live where the hot water is turned on for just one hour in the morning and one hour in the late afternoon and the tenants use their ovens to supplement the heat.

That ghetto is "backed up to the Episcopal Church," he said. Pockets of Indian poverty exist in Ballard, Queen Anne, Delridge Way and other middle class white neighborhoods. His Kinatechitapi organization is compiling documented cases of racial discrimination against Indians in Seattle to present to the Washington State Board Against Discrimination and the Human Rights Department of the city.

Many Indians come from out of state to Seattle and when they run out of money they can't get back home. They are conditioned to the direct health services of the reservation clinic or IHS hospital and they find that Seattle has neither.

Usually the displaced reservation Indian has little understanding of why he can't get Indian federal services in the city and less understanding of how to obtain ordinary federal and state services non-Indians receive.

Adelbert Zephier, 27, a Yancton Sioux, came from South Dakota six months ago because his brother, a member of Labor Local 242, said there was lots of construction work here. Although Zephier is a high school graduate and spent 11 months in the Air Force, he could only get clean-up jobs in Seattle.

Zephier said, "My brother is satisfied with that kind of work, I guess, but I'm not." He enrolled in carpenter training at Seattle Opportunities Industrial Center and his welfare check pays the rent until he can qualify for work.

He said the hardest part of adjusting to urban life is, "You don't get to know people. At home you know everybody around you. But here you feel alone. It's a strange thing."

He'd like to go back to school but to qualify for the BIA subsidy during training he would have to go back to the reservation in which he is enrolled and apply. And he has no money to do that. He said, "I'd like to go back if there were anything to do there."

Clarence Milton, 23, Tsimsian Indian of Alaska, brought his wife and two sons here about six weeks ago. He, too, is enrolled in SOIC carpentry course. He heard about SOIC from his brother who is in welding. Milton's family found housing in High Point Project. They are on welfare while he gets his training.

Milton said, "I dropped out of school in the 11th grade. I was a non-union longshoreman but the ships only came in once in a great while."

He says transportation in the city is the biggest problem—and washing clothes and getting medical care. His wife washes diapers in a tub by hand. He has gone to Seattle Indian Center to get bus tokens to tide him over between welfare checks.

Pearl Warren, Makah Indian director of the Seattle Indian Center, said the center is not intended to be a reservation right in the middle of town but it is there to offer emergency social service to urban Indians. Last year it solved immediate and urgent problems of 3,917 Indians and substantially more this year.

The center supplies emergency groceries, clothes for both adults and children, Christmas boxes and Thanksgiving baskets, infant layettes and offers marital, premarital, family counseling. It also refers Indians to other services for which they are eligible.

The center serves as a social meeting place for group dinners, social dancing and powwows. And it sponsors the only Indian statewide Upward Bound educational program in the nation. It's one of 42 such urban Indian centers in 16 states.

Michael Smith, 18, is a Sioux who grew up in Seattle and discovered his "Indianness" by attending the Wednesday night Indian Center dances. His father works for Boeing Co. and Mike has been educated in Seattle's de facto segregated schools. He's now helping the Indians occupy Alcatraz.

It was at the Indian Center that he met Canadian Indian George Abbott of the Thompson Tribe. Abbott, 19, travels freely across the U.S.-Canadian border under the Jay Treaty between Britain and the Northwest Territories. He finished high school at Queen Anne High in Seattle.

He began going to the Indian Center to meet friends because of the social cliques in high school and the ego-hangup of so many of the white students, he said. He traveled to Europe with the Seattle All American Indian Dancers last summer.

Last week George and Mike collected a carload of blankets and nonperishable foodstuffs and headed back to Alcatraz to rejoin their tribesmen who hope to persuade the government to turn the rocky island over to them for an Indian educational cultural and spiritual center.

A still different type of urban Indian are the members of landless tribes. Clifford G. Allen is tribal chairman of the Snohomish Tribe, one of Western Washington's 13 landless tribes. Allen, who lives in Auburn, before retirement was a "powder man" (dynamite) in Seattle's Local 440 and made his living in heavy construction.

He said, "The first mistake our ancestors made was not taking a reservation." He is concerned with the problem of retaining Snohomish tribal cultural traditions without a home base. The government paid only $1.10 per acre for the land the Snohomish yielded to the white man, Allen said.

In Minneapolis where there are 10,000 Indians, a militant urban organization calling itself the American Indian Movement (A.I.M.) has a volunteer Indian Patrol. The patrollers wear red jackets and carry low powered walkie-talkies. They patrol the downtown streets frequented by Indians on weekend nights. They break up fights, avert fights and prevent confrontations with the police.

They take intoxicated persons home, the injured to the hospital and during the winter they sit in their cars and monitor the concentration and activity of squad cars in the area.

In addition to their concern over police-community relations, the A.I.M. members sponsor an Indian Dance Club and cultural heritage programs, help urban Indians find housing, jobs and they have confronted mainstream religious denominations to demand reparation funds for the Indian.

Entirely Indian and without any federal or state support A.I.M. has won the confidence of the Honeywell Corp. and has become a recruiting agent to bring Indians into the factory. It is demonstrating what can be accomplished by non-Establishment Indians of many different tribes who play down their cultural diversity and unify on the basis of their "Indianness."

A.I.M. has called upon the Bureau of Indian Affairs to allocate $500 million for urban Indian programs and has urged the Department of the Interior to redesign the BIA to serve equally the urban and the reservation Indian.

There is nothin to indicate that such a request will be taken seriously by either the Department of Interior or the BIA.

But the special handicaps of the over-protected reservation Indian who is forced to the city to find both training and employment but is ill-equipped either culturally or educationally to cope with urbanization, are being recognized by the government.

Ponca Indian scholar Clyde Warrior describes the Indian buffalo hunt and comments, "In those days we were not 'out of the system,' we were the system and we dealt competently with our environment because we had the power to do so.

If an Indian does not understand the modern economy it is because he has never been involved in it. Someone has made these decisions for him. Handouts do not erode character—God gave the buffalo as a gift to us and that alone did not erode our character.

"The lack of power over one's own destiny erodes the character."

NIXON SPEAKS OUT AGAINST HUNGER, SEEKS END TO SCHOOL MILK PROGRAM

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I was impressed deeply by President Nixon's December 2 speech at the convening of the White House Conference on Hunger and Malnutrition.

He spoke forcefully of our moral obligation to end hunger in America, to make sure that each of our citizens enjoys a balanced diet. At one point the President remarked:

> A child ill-fed is dulled in curiosity, lower in stamina, and distracted from learning.

We on the Education and Labor Committee agree wholeheartedly with the President and have written several bills during the past 4 years to improve the national school lunch program. The latest measure, H.R. 515, is nearing final action in the Senate.

One area which needs to be expanded, in my view, is the pilot effort in providing school breakfasts. First begun in 1966, the project recognizes that children of working mothers and children living in isolated rural areas sometimes leave home without a good, hearty breakfast. As a result, they can be listless and inattentive during the critical morning classes.

It came as a shock, Mr. Speaker, to learn that President Nixon wants to eliminate all funds for one of the most successful child nutrition programs in history; the special milk program. All $104 million would be cut from the fiscal 1971 budget.

Each year more than 17 million American children are furnished milk in elementary and high schools, nursery schools, day-care centers, settlement houses, summer camps, and other nonprofit institutions. Through the special milk program, more than 3 billion half-pints are consumed annually.

The Government's investment pays a healthy dividend in stronger bodies and keener minds. Milk is rich in bone-building calcium and is a valuable source of protein, vitamin A, vitamin B–12, and riboflavin.

The President has indicated that the cost of the milk program would be offset by increasing funds for other child nutrition efforts. Facts, however, refute this claim. The President's budget requests an increase of only $7 million in various child feeding programs.

To make sure that our children continue receiving low-cost nutritious milk, Congress has only to take the simple step of making the special milk program permanent. Last year the House voted 384 to 2 to do exactly this. With a permanent authorization and with annual appropriations of $125 million, we can help achieve what the President intended in his fine speech of December 2.

OUR MARGIN OF LIFE

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, Bill Potter, the outdoor editor of the Joplin, Mo., Globe, recently devoted his entire column to a review of a book entitled "Our Margin of Life."

This book, written by Master Farmer Gene Poirot of Golden City, Mo., was the inspiration for the "cropland and water restoration bill" which I have proposed to the Congress as one way to help solve the Nation's farm problems. It is most apropos to this time of considering environment of man and ecological influences thereupon.

I am sure that the name Gene Poirot is not unfamiliar to those Members of the Congress who are interested in agriculture. His book has been made available to many of the Members. Others have journeyed with me to southwest Missouri to tour his farm. Still others have witnessed his testimony before the Committee on Agriculture.

As Bill Potter says:

Gene Poirot writes with the soul of a poet, the mind of a philosopher, the heart of a humanitarian, and the voice of experience. His logic should not be ignored, nor his vision of national soil restoration negated by the whim of the bureaucrat.

I recommend to all, the reading of this article, and I further recommend the reading of Gene's book "Our Margin of Life."

The article follows:

[From the Joplin Globe, Jan. 18, 1970]

POTTERING AROUND

(By Bill Potter)

During the past week, I got some book learnin' and it wasn't planned that way.

It was a pleasant and profitable experience that turned an unexpected bout with a virus bug into an adventure in agronomy that finds this commentator groping for the right words with which to express my thanks to the author of "Our Margin of Life."

Before making a stab at reviewing this documentary of one man's battle of independence in what could—at best—be called a war of survival, let me set the stage.

The 159-page book was published by Vantage Press in 1964. This was the year I started pottering around for The Joplin Globe. In those six years I often heard of Gene Poirot but it was not until last October during the GROW meeting at Roaring River that I had the opportunity to set for a spell and visit with this gracious gentleman from Golden City.

Soon after New Year's Day I received a copy of his book with the fly leaf inscribed by the author. It was my intention, after first perusal of the volume, to read a chapter each day and probably review this admirable piece of forthright literature sometime next month.

But that ol' virus decided different and last Sunday night as I left the newsroom reeling from his sudden blow, I finally stuck my nose in Gene's book Tuesday afternoon. Two chapters later I was hooked—but good. My travel plans for those two days of "pottering" were sure shot but I'm telling you neighbor, they couldn't have been spent more profitably. Reading the nine absorbing and challenging chapters of "Our Margin of Life" was a rewarding experience.

Okay Potter, what are you saying? You've made your point about having a miserable head cold and an extra day off from work and all that jazz, but what about the book. Soooooooooo. . . .

"Our Margin of Life" is one man's plea for a program that wouldn't exactly become a politically acceptable plan. It's too sensible and it's too simple for that.

This Poirot—authored volume deals with one crucial subject as lived and overcome by one farmer—soil restoration. He calls for a national soil restoration program. The Poirot plan would do away with all the federally oriented controls over food or fiber in price or acreage. This idea, of course, in my opinion is where Gene loses the bureaucratic bunglers who sit in their walnut paneled offices far away from the battle of survival, look at some charts, hold some costly conferences and then decide what's best for the individual farmer.

This is a book with character and amply reflects the character of the author in his fight to survive on his own acreage.

In the very first page of the first chapter, one paragraph gave me a clue to the exciting reading that certainly must follow.

Discussing "Mother Nature's Law of the Prairie," Gene writes:

"The once great prairies with their fruits and wildlife nourished our nation through its weak infancy. They nourished it again through its reckless and wasteful adolescence. The nation now has reached a maturity which should make it capable of recognizing that the prairie can no longer give that which it does not have, and that, as man destroys it he destroys himself."

It doesn't take long for the descriptive dialogue of the author to warm the reader up to the subject at hand. Actually, Gene's document is a case history of how the Golden City farmer with an insatiable inquisitiveness made the most of what he had and, without any government plans to pick him up by the bootstrap that he might just exist, used two very simple and elementary traits to win the battle over eroded soil. He simply used the God-given power of observation as he toiled on his acreage in those early days. The other characteristic was a profitable combination of sheer guts and patience. Add to these common sense and hard work and you have the Gene Poirot story—success.

By the time you get to chapter 3 concerning "Lost Margins in Abandoned Farms" you should really be aroused. Let me digress.

Not too long ago in the newsroom. I was processing an AP story which reported the fact that the number of individual farms had dropped considerably during 1969. It's too bad those more than 89,000 farmers who gave up their small farm operations last year couldn't have been exposed to the Poirot philosophy. In this particular chapter, the author makes much of the unspoken words of Mother Nature in her reminder to all who engage in farming (or other phases of conservation which deal with the soil) that "her simple law of conservation commands that we hold the soil in place and return to it that which was taken."

I would suggest at this point that "Our Margin of Life" needs to be read by others than farmers who, as we say—till the soil. In this book there is a challenge to everyone who is interested in today's top crisis—survival. Even if you have a vegetable garden that may not be producing as you think it should, you'll find sensible suggestions. The same for the horicultural buff who delights in growing flowers. Or if you want to review a true-to-life Horatio Alger story—you'll find it in this volume by Gene Poirot.

What is our margin? A good question and simply answered by the author on page 143 when he says, "Our margin includes not only food, good health and human welfare but also those values written into our Constitution and taught by Christianity."

And what is necessary for our survival. On page 53, Poirot points out:

"The law of the prairie teaches things necessary for our survival. There is no other way to get them. It appears that federal legislation should have this law as the point of beginning. It is too late to begin after the crop surplus has been created, or the farmers have experienced poverty or the consumer has demonstrated his hunger. Such troubles do not come from the farms where the law has been obeyed."

I just can't tell you how very much "Our Margin of Life" has meant to me. I hope you will read it, too, if you haven't already had that privilege.

It is startling in concept but very real in it's vision of a better life for all America. If there is ever a Hall of Fame for conservationists, Gene Poirot certainly deserves that honor.

This man writes with the soul of a poet, the mind of a philosopher, the heart of a humanitarian and the voice of experience. His logic should not be ignored nor his vision of national soil restoration negated by the whim of the bureaucrat. Man's very survival could well depend on the Poirot philosophy.

DEMOCRATIC POLICY COUNCIL STATEMENT DEMONSTRATES PARTY IS WITHOUT A PROGRAM AND UNAWARE OF ITS LEGISLATIVE RESPONSIBILITIES

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, the former chairman of the Democratic National Committee chose February 10—the day we began our traditional Lincoln Day recess—to insert in the RECORD a copy of the Democratic Policy Council's statement "America in the 1970's." Having now had the opportunity to review this statement, I can only conclude that it was released at the beginning of a congressional recess in the hope that it would escape congressional and public notice.

This statement provides documentary evidence that the Democratic Party is without a meaningful program, and unaware of reality. It seems unaware of the domestic and foreign consequences of the policies they pursued during the 1960's. It is unaware of the nature of the legislative program which the President has recommended to the Congress. And finally, it appears unaware of its own legislative responsibility as the party controlling the legislative branch to get on with the people's business and act upon the comprehensive program of reform recommended by the President.

Given this kind of blindness to reality, it is not surprising that according to the most recent Gallup poll an increasing percentage of the American people approve of the way President Nixon is handling the Presidency.

In any event, it is certainly appropriate that this statement was entitled "America in the 1970's." The Democratic Policy Council should be concerned about the 1970's because many of its members are directly responsible for the problems we must face today. After all, the council's chairman, former Vice President Humphrey, was a key policymaker in the 1960's and thereby contributed mightily to our present plight.

The Democratic Policy Council report claims, and I quote:

> It is the Congress to which the American people must increasingly look for leadership . . .

And yet, what do the American people find when they turn to the Congress for leadership? They find the Congress is controlled by a pack of aging Democrats with both feet firmly planted in the past and their seats of power planted firmly on top of any reform measures which might threaten the archaic establishment to which they are wedded. To the younger Democrats the "challenges of the seventies" has nothing to do with the issues of a new decade; to them the "challenges of the seventies" are the problems encountered in dealing with their septuagenarian leaders who maintain a death grip on the reins of power in the Congress.

It is rather interesting to note, in this regard, that although the report makes reference to "an outmoded governmental structure incapable of dealing with the complex demands of contemporary society and the economy," the Democrats have mysteriously confined their reformist zeal to the executive branch. No mention is made of the urgent need to overhaul the Congress. It seems that the Democratic Policy Council intentionally sidestepped this issue for fear of stepping on some of those grand old marble toes.

After an almost unprecedented record of footdragging and inaction by the democratically controlled first session of the 91st Congress, I am certain the American people must be bewildered by the council's statement that Americans must look to the Democratic Congress for leadership. Thus far, the Democratic Congress has been insensitive to the President's call for major reforms.

The Democratic Policy Council calls for a shift of resources away from war-related programs to human needs, yet it fails to acknowledge that this is what the Nixon administration has in fact accomplished. The fiscal year 1971 budget contains more money for human resources than for national defense. In spite of continued improvements in our military forces, national defense will claim a smaller percentage of the budget in fiscal year 1971 than in any year since 1950. The 1971 budget for national defense is $10 billion below that projected by President Johnson.

After 8 years of proliferating Government programs, unwillingness to use stringent evaluative procedures on concerning existing programs, and failing to take corrective actions regarding obsolete Federal programs while they held the administration, the Democrats are now interested in eliminating these unneeded and obsolete programs. This change of heart is indeed welcome and I hope that we can now anticipate cooperation in implementing the specific recommendations of this character in the President's budget message.

Former Vice President Hubert Humphrey's Policy Council calls for a "restructuring of our instruments of Government." Those of us on this side of the aisle welcome our Democratic colleagues to the banner of governmental reform so that it may be made both more responsive and responsible. During the past session of Congress, however, I detected little Democratic enthusiasm for acting on a broad range of governmental reforms. The postal reform bill—so urgently needed—continues to languish in the Post Office and Civil Service Committee because of Democratic opposition. There has been no action on the President's recommendation for restructuring of our present hodgepodge of manpower training programs. Grant consolidation legislation remains in committee also.

The most far-reaching governmental reform of all, the President's revenue-sharing plan, has been greeted by a conspiracy of silence at this end of Pennsylvania Avenue. No action is slated on this legislation. It was not even mentioned in the Democratic Policy Council statement on America in the 1970's. Apparently, revitalized State and local governments and increased opportunities for meaningful citizen participation in Government that would accompany revenue sharing are not a part of the Policy Council's vision of America in the 1970's. The Republicans believe in strengthened State and local government and in sharing the Federal Government's superior tax resources with States and communities and have put forward a program to that end. As yet, we have had no Democratic alternative. I can only conclude that Democratic silence on this major issue means opposition to revenue-sharing. Hubert Humphrey is seldom without words unless there is a powerful reason for it.

Using his executive authority, the President himself has done a great deal to restructure the Federal Government. Among his actions are the following:

Establishment of four new Cabinet level domestic Councils.

Revival of the National Security Council.

Establishment of common regional boundaries and headquarters for field operations in the major domestic departments.

Creating of a new office of child development.

Reorganization of the Office of Economic Opportunity.

Reorganization of the ICC.

A good sign in the Democratic council's statement is that Democratic leadership are now apparently aware, as they never were while they held responsibility for the Department of Justice, that we have a national crime problem. I hope that this new awareness of this problem will mean that we can expect speedier action on the President's anticrime legislation in this session than was the case in the first session. The Democratic statement complains of under-funding Federal anticrime programs. Yet, President Nixon requested additional anticrime funds for fiscal year 1970 and then had to wait until December 1969—6 months after the new fiscal year had begun—for these funds to be made available by a Democratic Congress. The fiscal year 1971 budget provides about $1.3 billion for crime reduction, nearly double the outlays in 1969. The President has proposed a $190 million increase in outlays for the Law Enforcement Assistance Administration to provide aid to the States.

The administration also is criticized in the field of education. Here again we find the Democratic Party opposed to reform and innovation. In 1969 the Democrats in this House sought to extend the Elementary and Secondary Education Act for 5 years until 1975—1 year after President Nixon's current term in office. This was a blatant attempt to prevent reform and innovation in our most basic Federal school legislation. Detailed reports by the Southern Center for Studies in Public Policy and the NAACP in 1969, however, documented a number of instances in which the funds for educating low-income children were misspent. The Office of Education has organized a special group to follow up on these studies and correct abuses where they exist. The administration is also preparing its recommendations for improved Federal education programs.

The council's report laments the fact that inadequate funds are provided for educational research. I hope that council's concern for educational research will be imparted to my colleagues on the other side of the aisle. It should be noted that this Democratic Congress failed to vote the $25 million requested by the President for innovation in elementary and secondary education. These funds would have been used to develop and test promising approaches for student achievement—such as new ways to teach reading and the use of older children to teach younger children.

Democratic refusal to vote these modest research and development funds comes at a time when the United States is spending less than one-half of 1 percent of its total investment in education on research. I look forward to a bipartisan effort to provide the funds needed for educational research so that we may,

as the President has requested, get more for our education dollars.

If members of the Democratic Party are truly concerned about the quality of education, they will cease to delay needed educational appropriations the way they have in this Congress. An HEW appropriations conference report was not reported to this House until December 1969. We still have no appropriation's bill and the school year is half gone. This sort of timing—which makes intelligent budgeting by local school officials almost impossible—is the responsibility of the majority party in Congress. Late funding results in wasted funds and frequently in the purchase of unneeded equipment, instead of well-planned programs and quality teaching.

The policy statement contains little concerning welfare reform other than suggestions that a great deal more should be spent in this area than the President has recommended in his family assistance plan. The record amply demonstrates that the Democratic Party is incapable of reforming the current welfare system which they created. There were no suggestions of reform during the years when they held the executive branch. Only the Nixon administration has had the courage to say the present system must be junked and a totally new work-incentive program instituted in its place. Unlike the Democratic policy statement, the administration has proposed a concrete plan to relieve the States and local units of between 10 and 50 percent of their welfare costs.

Hopefully, the council's concern for our cities' mass transit problems will carry over to the leaders of the House Banking and Currency Committee so that hearings can be held on the President's mass transit plan, which has now passed the Senate.

Likewise, I hope that the council's concern about hunger and malnutrition will result in speedy action on the President's program to combat these dread problems that exist within our affluent society. Certainly, the President, through his message to Congress, his convening of a White House Conference on Food and Nutrition, and his Executive actions to expand the food stamps and commodity distribution programs, has provided needed leadership in this area.

The council has rightly noted that "the consumer legislation of the 1960's needs strengthening." I hope this attitude will insure prompt action on the President's consumer protection legislation.

One of the most reassuring aspects of the council report is the fact that the Democratic leadership has apparently become aware that inflation is a serious national problem. We welcome our colleagues to this battle—though it must be admitted their enlistment is a bit tardy. It was the massive deficits of the 1960's—between July 1965 and July 1968, the Federal Government ran a deficit of $37.8 billion—an alltime record for deficit spending except for World War II—that disrupted cost-price stability and allowed inflationary momentum to develop. Although the budget-busting votes of many Democratic Members have weakened the administration's capacity to deal with inflation, we look forward in this session to renewed Democratic interest in curbing inflation. I hope that the rhetoric of the council report will be matched by deeds on the floor of the House. However, the Democratic record of "taxing less and spending more" during the first session of this Congress is not encouraging.

The council's report quite rightly takes note of the need for action to deal with the critical problems we confront in saving and restoring our environment. This is not a partisan issue. Together Republican and Democratic Members of Congress and the President can act thoughtfully and expeditiously to take the actions needed while there is still time. I look forward to speedy action on the President's seven environmental proposals early in this session.

CAMPBELL SOUP CO. RECOGNIZED FOR OUTSTANDING ACHIEVEMENTS IN THE CONTROL OF WATER POLLUTION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, Mark Twain is reported to have said that everybody talks about the weather but nobody does anything about it. Lately, everybody is talking about environmental pollution, and I am happy to assure you that the Campbell Soup Co. for one is doing something to stop it. In fact the Campbell's plant in Paris, Tex., has won the Gold Medal Award presented by the Sports Foundation, Inc., on February 3, for corporate achievement in the control of water pollution. This award was based on studies and recommendations by nationally recognized experts in the field of environmental pollution control. It is a wonderful example of what an enlightened industry can do to preserve our environment.

The Paris, Tex., plant has an outstanding water pollution control system combined with a splendid example of land conservation practice. Each day, the plant releases 3.6 million gallons of food products waste water, but rather than letting this go into local streams after perfunctory treatment, the Campbell's plant uses the waste water for irrigation, making the runoff completely safe for release and at the same time producing a needed by-product—high quality hay.

The company's water purification system at Paris is an overland flow spray irrigation system which is unusual in that it uses nature's own cleansing action to purify the waste water. When Campbell decided to build a soup processing plant in Paris, it purchased almost 500 acres of eroded land, a former cotton field, which had been deteriorated gradually over the years by poor farming practices. The field was graded and terraced and special grasses were sown. Intensive cultivation, fertilization, and irrigation were practiced until the grass had formed a thick sod. From the time the plant went into operation in October of 1964, the waste water generated by the plant has been filtered to remove sizable food particles and then pumped to the field where it was sprayed over the field irrigating the grasses. Of the water applied, about 20 percent percolates down through the soil, 10 to 30 percent is lost by evaporation and transportation, and the remaining 60 percent returns to the local surface streams as runoff. By the time the runoff water leaves the site, however, the biochemical oxygen demand—BOD—is reduced from the 550 to 900 parts per million at which it first emerges from the plant to 2½ to 10 parts per million—far below the minimum standards established by Texas laws and regulations. This is an incredible 99 percent efficiency. The system is also 90 percent effective in removing nitrogen and phosphorus.

In addition to producing a very high quality effluent, the process reclaims a high percentage of waste nutrients. These nutrients fertilize the grasses which are then harvested as a by-product hay crop. An analysis of this hay shows that it has high nutritional value ranging up to 23 percent crude protein, and feeding tests reveal that cattle exhibit a marked preference for hay grown on the disposal site. An additional attribute of the surface filtration method is that it functions in all types of severe weather conditions without reductions in efficiency.

Mr. Speaker, this is a meaningful accomplishment and certainly reflects great credit upon the concerned and imaginative executives of the Campbell Soup Co. Not only does this protect the environment of the immediate area, but it serves as a model for those industries throughout the Nation which produce waste water suitable for this type of purification.

In considering this accomplishment, however, it is important to note that this is nothing new on the part of Campbell Soup. The company started this project about 12 years ago, in 1958, long before the present concern over water pollution had developed. Campbell Soup Co. is no newcomer on the pollution control scene, but rather went into Paris, Tex., with this system in mind and made it a reality. The company recognized that this was a largely untested approach to pollution control and that it might cost more to develop than a conventional system. Under the outstanding leadership of Campbell's President, W. B. "Bev" Murphy, the company gladly accepted the challenges and the risks involved and used old-fashioned ingenuity and hard work to make its plan work.

While developing one of the best water purification systems going, the company also did something about another problem which is the subject of increasing concern—overcrowded cities. By locating a plant in Paris, Tex., Campbell Soup gave the whole area a tremendous economic shot in the arm and helped attract people to a rural area and away from teeming cities.

Mr. Speaker, there is considerable cynicism of late about the motives and activities of our Nation's businesses, but if all of our business leaders had the foresight and concern for our environment which the officials at Campbell's soup have demonstrated, I think we would see a new respect develop for the

business community. The fact is that our corporations with their tremendous know-how and remarkable ingenuity can act to stop pollution and to reduce the population pressures on our cities. The Campbell Soup Co. and its president, Mr. Murphy, have shown us how to do both.

PRESIDENT NIXON PROVIDING REAL LEADERSHIP

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, President Nixon's foreign policy report submitted today is a highly articulate and thought-provoking thesis which, if properly supported by the Nation's legislative leaders, will result in bringing about a true position of arbiter of peace for the United States in a world whose present turmoil could easily engulf this and all nations. It is a document which necessity has helped create and it points a practical way to peace—not only for this Nation in its dealings with peoples of other nations—but for the hope of the peoples of other nations which seek a just deal from the United States.

Increasingly, it is being recognized that we cannot continue to place ourselves in the often untenable position of protector of freedom for all nations. This policy was not conducive to a genuine contribution to peace and did not meet the needs of today's world. As the Chief Executive has so eloquently stated.

> Peace must be far more than the absence of war. Peace must provide a durable structure of relationships which inhibits or removes the causes of war.

And it is with this statement that the President will strike a responsive chord in all nations, friend or foe. His views, in this regard, on the present circumstances in the Middle East are incisive and direct, and his message dealing specifically with the Asia and Vietnam situation should be read carefully by each Member of this and the other body.

We are entering a new era in terms of a refined foreign policy and subsequent executive and legislative action in foreign policy matters. I applaud the "Nixon Doctrine" as a workable and energetic doctrine for the United States to pursue. It offers no vague promises, nor does it hold out deceptive euphoric promises of the millenium. It is a reasoned, defined goal which America can achieve and—in achieving it—gain many new friends in the process.

History has begun to look closely at the decade just passed with its disorders and semianarchy. President Nixon offers an opportunity to achieve orderly development of profound changes in national posture—changes which, I believe, will result in a new position of leadership for America in this world through mutual trust.

Mr. Speaker, President Nixon is providing leadership in the field of foreign affairs the likes of which America has not known in many years. History will record the "Nixon Doctrine" as a dynamic change in direction for the United States; a change that materially contributed by reestablishing the United States as a world leader, not because of her strength, though strength is a mainstay of the formula, but because of her compassion for man and man's eternal desire for freedom in every country in this troubled world.

A BILL REMOVING OBSTACLES TO THE INSURED LOAN PROGRAM FOR WATER AND SEWER FACILITIES BY THE FARMERS HOME ADMINISTRATION

(Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BYRNES of Wisconsin. Mr. Speaker, I am today introducing legislation to increase the capacity of the Farmers Home Administration to make insured loans to assist rural communities in acquiring a clean, adequate water supply and modern sewage treatment facilities, and in solving solid waste disposal problems. The legislation would also facilitate the use of insured loans to assist rural communities in establishing good soil conservation practices, shifts in land use, water control, and recreational development. My bill will remove obstacles that now prevent the Farmers Home Administration from carrying out their statutory authority to assist rural communities in meeting these needs.

Under the Consolidated Farmers Home Administration Act of 1961, the Farmers Home Administration is authorized to make grants, direct loans, and insured loans to assist rural communities in acquiring adequate water systems and sanitary sewer systems, as well as for other purposes. Due to budget constraints, grants and direct loans have been circumscribed. The success of the program therefore depends on an adequate level of insured loans being available.

Under the insured loan program, when localities are unable to market their tax-exempt water and sewer bonds for less than 5-percent interest, the Farmers Home Administration is authorized to purchase them for the agricultural credit insurance fund at 5-percent interest. The Farmers Home Administration then sells these obligations—guaranteeing the payment of principal and interest—to the public at prevailing interest rates. The difference between the market interest rate the purchaser receives from the agricultural credit insurance fund and the 5-percent interest the fund receives from the issuing locality is provided from appropriations of the Farmers Home Administration. Since the amount of obligations that may be in the agricultural credit insurance fund at any given time cannot exceed $100 million, the leverage of the program depends on turning over or revolving obligations that are purchased.

In 1962, the President's Committee on Federal Credit Programs, for a variety of reasons, recommended against any guarantee of tax-exempt obligations by the Federal Government. After discussions with the Treasury Department, the Farmers Home Administration agreed in July of 1967, that it would not insure any more tax-exempt loans. This prevented sale or rotation of the tax-exempt obligations in the agricultural insurance fund. With the exception of $50 million worth of bonds sold in the fall of 1968, no tax-exempt bonds have been sold out of the fund since July of 1967. The agricultural credit insurance fund is currently holding $24 million in tax-exempt loans that cannot be sold.

The Department of Agriculture reports that there are over 34,000 rural towns without adequate water systems and 44,000 towns without adequate waste disposal facilities. Between December 1967 and December 1968, the Farmers Home Administration rejected over 3,000 requests for $600 million in loans and $300 million in grants—almost $1 billion—for water and sewer systems.

Additionally, the Farmers Home Administration is continuing to receive requests from public bodies for assistance in irrigation, drainage, and other soil conservation practices to serve farmers, ranchers, and other rural residents. Many municipalities seek financial assistance to develop public recreational facilities, such as lakes, parks, playground areas, and other facilities.

Mr. Speaker, there is an urgent need for a clean and adequate water supply, modern sewer treatment facilities, and solutions to the problem of solid waste disposal in all areas of our country. Congress established the insured loan program of the Farmers Home Administration to assist rural communities in meeting this need. A workable basis for removing these obstacles to the insured loan program must be found so that the program can meet these important needs.

The inability to market tax-exempt loans substantially reduces the capacity of the Farmers Home Administration to meet these needs as Congress intended. My bill will get this program moving again by taxing the interest on loans sold out of the agricultural credit insurance fund. While this will involve an additional interest supplement to make the loans competitive, the Federal Government will realize a net savings since the revenue lost by failing to tax the interest on these bonds exceeds the additional interest costs that will be incurred.

I want to make it crystal clear that the bill does not in any way affect the right of States and localities to issue tax-exempt bonds. It simply provides that when these bonds are purchased by the Farmers Home Administration for the agricultural credit insurance fund and subsequently sold to the public pursuant to a Federal guarantee, the interest is taxable. Since these bonds are backed by the full faith and credit of the United States, they enjoy the security of a Federal obligation and the interest paid to the purchasers of these bonds should not be exempt.

I strongly commend President Nixon for assigning the highest priority to combating pollution and improving our environment. This is a battle that I began waging over 20 years ago, when I first introduced legislation—which has now become law—to encourage industry to

install pollution control facilities. It is a battle that must be waged on all fronts, with all the weapons at our command, as rapidly as possible.

Our battle against pollution is being mobilized late in the day. We simply cannot afford to permit weapons provided by the Congress to combat pollution to lie around idle. By breathing new life into the loan program administered by the Farmers Home Administration for our rural communities, we can take an important step in mobilizing all of our efforts against pollution.

REPORT ON VIII INTER-AMERICAN SAVINGS AND LOAN CONFERENCE, MANAGUA, NICARAGUA, JANUARY 25 THROUGH JANUARY 30, 1970

(Mr. PEPPER asked and was given permission to revise and extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it was Mrs. Pepper's and my privilege to attend the Eighth Annual Inter-American Savings and Loan Conference held in the beautiful capital of Nicaragua—Managua. This was the sixth Inter-American Savings and Loan Conference which Mrs. Pepper and I have attended. All of these conferences have had enormous significance in encouraging and assisting in the establishment of a savings and loan system throughout Central and South America and thereby in encouraging thrift and in aiding in the building of homes in all that vast area. The eighth of these conferences held in the lovely city of Managua and in the most gracious host country of Nicaragua was a highlight of all of these conferences in its character, in the hospitality extended to the guests and in the accomplishments of the conference.

The Honorable Stanley Baruch who has since the inception of these conferences served with great distinction as secretary general did an outstanding job as secretary general of the eighth conference in Managua. I am pleased to present to my colleagues the very excellent report of this Eighth Inter-American Savings and Loan Conference which Secretary General Baruch has prepared. My colleagues and those who read this RECORD will derive profit and pleasure from reading Mr. Baruch's able report, which follows:

REPORT ON VIII INTER-AMERICAN SAVINGS AND LOAN CONFERENCE MANAGUA, NICARAGUA, JANUARY 25 THROUGH JANUARY 30, 1970

The VIII Inter-American Savings and Loan Conference was the largest international meeting ever held on any subject at any time in the history of Nicaragua. By every conceivable standard of measurement it was an outstanding success both for the six hundred foreign visitors as well as the Nicaraguan hosts.

The Conference, sponsored by the Agency for International Development, the National League of Insured Savings Associations, and the Inter-American Savings and Loan Union, was the eighth in a series of strikingly successful annual meetings which, from the start, have been the most important Inter-American forums held each year to consider matters related to housing finance and the problems of urban shelter. The previous meetings had been held successively in Peru, Chile, Ecuador, Venezuela, Argentina, Brazil and the Dominican Republic. They have provided an incredibly fruitful opportunity for all of the highest public and private sector officials responsible for housing finance and savings and loan activities throughout Latin America to meet with each other and with a large and prestigious complement of savings and loan leaders from the United States to discuss their respective experiences and to establish international contacts from which fruitful dialogue would continue throughout the coming year.

The Conference this year included several innovative features and was honored by the highest level of institutional representation. Fausto Zelaya, President of the Nicaraguan Housing Bank, together with President Somoza and the private savings and loan associations served as hosts for the Conference. Stanley Baruch, A.I.D. Director of Housing and Urban Development, served for the eighth successive year as Conference Secretary-General. Almost all costs of the Conference, which this year were in the vicinity of $175,000, are underwritten by the Conference hosts. These costs, however, according to the official calculations, were offset by more than five hundred percent by the expenditures of the large contingent of foreign guests. Even this impressive calculation is less significant than the advantages to Nicaragua of exposing the resources and talents of an otherwise little known country to a huge number of policy-making foreign personalities who would otherwise never have had any opportunity to become familiar with it.

The *most* important benefit for Nicaragua, however, and for the hosts was the incredible prestige accruing to the Nicaraguan savings and loan system as a result of being honored by having Nicaragua serve as the site of the Conference. The savings and loan system is already the largest source of housing finance in the country, and should expand at an accelerated pace as a result of the impetus deriving from the meeting.

President Somoza supported the Conference with all of his prestige and energy. The colorful and impressive inauguration ceremony was presided over by President and Mrs. Somoza, the first time in the series of conferences that the First Lady participated in this part of the program. From that time until the Conference terminated with a reception and dinner offered by the President for all delegates at the Palace, President Somoza met regularly with selected individuals and small groups of important delegates for cocktails, luncheons, dinners and just plain meetings. In his speech and in all official statements concerning the Conference, the President very vigorously supported the savings and loan system and boasted that he had a very important role to play in transforming it from its previous unacceptable condition as a contract type system to its current status as an unqualified free savings system. He also appeared to be very pleased with the way in which the spectacular new Ruben Dario Theater accommodated the complex meeting logistics and also concerning the way in which the brand new Intercontinental Managua served efficiently as the hotel headquarters.

For the very first time in the history of the conferences the President of the United States sent a personal representative to deliver a message to the delegates. Daniel Hofgren, who is an Assistant to the President and who by a happy coincidence was associated in the past with the Nicaraguan housing guaranty program, delivered a personal message from President Nixon, a copy of which is appended to this memorandum. Similarly, the United States had its highest representative in the history of the conferences in Deputy Assistant Secretary Robert Hurwitch. In the past, U.S. representation was headed by the Deputy U.S. Coordinator, U.S. Ambassador to the host country or USAID Director. The Inter-American Development Bank, which had previously been a conference sponsor but which is not in that role this year, also had its highest representative in Executive Vice President T. Graydon Upton. An additional innovation this year was the invitation extended to very distinguished Latin American personalities who were not necessarily directly involved in housing finance matters. In this category there appeared Carlos Saenz de Santa Maria, CIAP leader, who addressed a plenary session on a wide range of matters relating to Latin American affairs.

Perhaps the most unique departure from the previous conferences was a very special session during which two North American Congressmen met in a private meeting room with an extraordinarily select group of Central American Congressmen to discuss matters of common interest. The two U.S. Congressmen were Claude Pepper, Democrat of Florida, and Ben Blackburn, Republican of Georgia. The Central American group consisted of six of the most powerful and influential Nicaraguan Congressmen headed by the President of the Nicaraguan Congress and the Presidents of the Congresses of Honduras, El Salvador and Costa Rica. The meeting lasted three and one half hours behind closed doors and permitted a very frank, constructive and uninhibited exchange of views. Congressman Pepper was so impressed by the occasion that he will recommend that it be made an official part of the future Inter-American Savings and Loan Conferences.

Since the largest and virtually exclusive source of international loans to assist housing and urban development activities in Latin America is through the A.I.D. Latin America Housing Investment Guaranty Program, and since the principal source of U.S. loans under that guaranty has become the U.S. savings and loan industry, there was substantial focus on this relationship as a specific and omnipresent part of the program. Legislation passed in 1967 and 1968 permits U.S. associations to invest up to one percent of their assets in housing programs guaranteed by A.I.D. Unfortunately, the start of the Conference coincided precisely with the announcement in the United States that interest rates paid to savers by commercial banks and savings and loan associations were being substantially increased. The impact of these changes and the general condition of the U.S. capital market affects the availability of U.S. loans for the housing guaranty program. The Conference, however, provided an opportunity for Latin borrowers and U.S. lenders to develop a firm relationship and a substantial number of firm commitments were consummated.

Nevertheless, the availability of additional U.S. loans and their cost will figure heavily in all of our advance planning for the current calendar year.

The program also focused on the development of secondary mortgage markets in competition for savings among different types of banking institutions and on the appropriateness of savings and loan portfolios which include loans for other than single family housing mortgages. William Ross, Deputy Under Secretary of the U.S. Department of Housing and Urban Development, who is also Chairman of the Board of the Federal National Mortgage Association (Fannie Mae), conducted this phase of the program with a highly specialized back-up panel of experts.

Mr. Bryce Curry, President of the Federal Home Loan Bank of New York, described the functioning of the Federal Home Loan Bank System and explained how his Bank is using its new legislative authority to serve as a conduit through which individual savings and loan associations from the United States may participate in a less cumbersome way in our housing guaranty program. A select panel of outstanding experts

on the guaranty program conducted a brisk discussion with the delegates following Mr. Curry's speech.

For LA/HUD, the Conference constitutes the most concentrated work period of the entire year. One full day prior to the start of the Conference is devoted to a meeting with all USAID Housing and Urban Development Officers to plan for the year which lies ahead. In addition, since every LA/HUD client is represented at the Conference, it is necessary to hold at least one extensive meeting with each of the country groups concerning the whole spectrum of relationships. Although exhausting, this is one of the most valuable parts of the Conference.

In addition to meetings with all of the A.I.D. field staff and with each of the A.I.D. clients, my meetings were held with each of the following groups: 1) chief of country delegations; 2) heads of central savings and loan systems; and 3) presidents of savings and loan leagues.

The panoramic spectrum resulting from all these meetings provides the best opportunity during the entire year to communicate on matters vitally important to the success of the Latin America housing programs. These fringe benefits added to the already spectacular Conference program achievements made the entire effort most gratifying.

On the basis of a formal letter or request from the President of Panama, the Chiefs of Delegation agreed to the designation of Panama as the site for the next conference which will be held the last week of January 1971, and also agreed to the designation of Peru as the tentative site for the tenth conference in 1972, ten years after the first conference was held in Lima.

The creation of savings and loan systems throughout Latin America, which is what the Conference is all about, comprises one of the most spectacular and enduring achievements of the Alliance for Progress. Not one of these systems existed prior to the time that bilateral technical assistance programs were initiated in 1957. Now there are 170 savings and loan associations in ten countries with 1,000,000 savers and savings totalling $500,000,000. 200,000 houses have been financed with mortgages totaling $700,000,000. Thus, savings and loan associations of Latin America have become the most important and largest suppliers of housing finance in the hemisphere, thereby accommodating one of the most important aspirations of the new and vitally significant middle class.

STANLEY BARUCH.

The whole tone and character of this Eighth Inter-American Savings and Loan Conference in the great country of Nicaragua was set by the colorful and impressive inauguration ceremony presided over by His Excellency General Anastasio Somoza D., President of Nicaragua and Mrs. Somoza and by the eloquent, informative, and inspiring address to the conference delivered by President Somoza. In his able address President Somoza revealed not only his strong support of the building of a successful savings and loan industry in his country and in the other countries of Latin America but long and deep dedication to the building of more and better homes for the people of his country and of Latin America, especially people in the low-income groups. The President also disclosed his great concern for the development of his country and of all of Latin America and for a policy and program of close cooperation in the promotion of the welfare and the progress of the people of Latin America in cooperation with the United States. And President Somoza affirmed what we have all so long known, his very sincere and constant friendship for the United States.

I am very much pleased, Mr. Speaker, to offer for the RECORD and for my colleagues and fellow countrymen President Somoza's distinguished address which I now submit:

Excellencies, Presidents of Legislative, Judicial and Electoral Powers:

Illustrious Reverend Administrator of the Apostolic Clergy of Managua:

Honorable Members of the Government of Nicaragua:

Honorable Members of the Diplomatic Corps:

Honorable Delegates and Observers of International Specialized Agencies:

Honorable Special Guests:

Ladies and Gentlemen:

I consider it an historic honor for the people and the Government of Nicaragua to have our country as host of the Eighth Inter-American Savings and Loan Commerce.

As President of the Republic, I feel patriotic pride and deep satisfaction in addressing you and extending Nicaragua's traditionally cordial welcome and hospitality to each and every prominent delegate and observer attending this Conference.

Managua, host of the Eighth Inter-American Savings and Loan Conference, has officially been involved in solving the problem of housing since 1814, while still under Colonial influence. In fact, Managua's Municipal government pledged itself since that time "to habilitate all those having building sites who wanted to erect homes".

This conference is a planning and study forum dedicated to the man of America and his destiny. Aspects of the formation of systems and operational standards will be openly and freely discussed here. The experiences of this Continent will be compared and conclusions drawn from them in order to arrive at a formula that may serve to facilitate contacts between Savings and Loan groups, promote negotiations, and expedite the international transfer of funds for housing investment.

In order words, we are trying to lay the foundations for hemispherical cooperation and coordination in the dramatically challenging problem of housing, which is common to all countries of the world.

On presenting my party's platform to the people of Nicaragua, I pointed out the country's complex housing crisis, the solution of which required the full cooperation of all Nicaraguans, without distinction whatsoever, in order to achieve positive results.

On that occasion, I emphasized the philosophy and social dynamism inherent to the Liberal Nationalist Party in having transformed a mortgage bank into a financial institution for housing, with the definite purpose of providing Nicaragua with a system through which home-ownership could be made a reality.

I sincerely believe that building a country largely consists in founding economic and social systems of organization and that this national effort requires a "Unity of Purpose" at all levels, including private enterprise, without altering the principle of free competition.

Twenty years ago, prevailing economic conditions and the desire on the part of our people to own their homes, led Nicaraguans to accept and work with contractual loans. But the Liberal Nationalist Party, faithfully interpreting popular aspirations, convinced private entities involved of the fact that their own security lies in providing better opportunities for the people. A law was then passed that benefitted rather than penalized the depositor.

We have now arrived at a level of adjustment among those interested in savings and housing, where the depositor is both stimulated and assured of the stability of the currency, thanks to government planning.

Thus, in 1967, a revolutionary and historical changeover from the old restrictive to the new streamlined Savings and Loan facilities, led to high deposit levels, comparable to those of countries more developed economically. This I consider one of the Liberal Nationalist Party's outstanding achievements.

Previously, the depositor has been a victim of the contractual loan system, since he was penalized by having to pay for the use of his own money. Today, the Savings and Loan group encourages the depositor by inspiring confidence in a firm monetary system and proper handling of his account. Governmental austerity, diversification of exports and coordination of financial activities both public and private, have made possible the solid currency exchange that led the way.

At the beginning of my Administration, the anomaly existed that while industry was practically exempt from taxation, agriculture bore the full brunt; while credit aid was freely extended to urban areas, rural districts were subjected to restrictions, leaving the rural population to its own fate.

The disparities existing then between town and country constituted a dangerous and explosive situation. By misleading blandishments the farmer was induced to "pull out" and follow the mirage of urban advantages—a home on the time payment plan and fringe benefits never to be obtained on the farm. So he left productive and much-needed work, for vague promises—and promissory notes.

For this reason my Government has adopted a policy both stimulating and encouraging to the home-buyer. He may have his home built on the site of his choice, at a price within his reach, free to select the most convenient payments, according to his economic possibilities.

In this manner, while financing housing for lower-income families through funds made available by friendly nations, at the same time we have opened the door for the financing of other economic groups, the goal being to assure all Nicaraguans of the chance to own a home by the channeling of assistance for that purpose via savings and loans arrangements and by direct investment.

Thanks to this new philosophy introduced by my administration, to the political and social stability of the Nicaraguan people as well as its confidence in its own "Banco de la Vivienda" Nicaraguan (Bank for Housing), and under the auspices of the National Savings and Loans System, associations within private enterprise have been formed and sucessfully operate in day-to-day transactions of loans for home construction. There is no discrimination whatsoever in these dealings as to income, sex, or social status.

I can affirm, then, that our National System of Savings and Loan, begun only in 1967, has won success and achieved maturity through the conversion to modern Savings and Loan practices.

Mr. Fausto Zelaya, President of the "Banco de la Vivienda", the ruling institution of this specialized financing system in our country, will provide facts and figures for this memorable Conference, thus completing his report presented at the Santo Domingo reunion.

I sincerely believe that the housing problem can be solved at less per-unit cost if we adjust ourselves to the patterns, customs and environmental factors of each of our countries.

With this in mind, my government has accelerated its programs leading to a solution of housing problems by creating healthy environments, employing traditional construction materials as well as modern sanitation techniques. I am convinced that problems confronting us will find an early solution in my country.

Distinguished Delegates and Guests:

In repeating my sincere and cordial welcome to each of you, I should like, in the name of the people and the Government of Nicaragua, to express my heartfelt appreciation for the valuable assistance lent us through the financing of our program of housing with funds from the Government of the United States of America, The Inter-American Development Bank, the Central American Bank of Integration as well as private financial institutions in the United States of America.

I wish to especially acknowledge the active contribution of Nicaraguan private enterprise. Along with government planning, they have shaped, adapted and modernized their institutions, all in the best public interest.

I should also like to stress the immense importance of the work of participants from the United States, who have also taken part in previous conferences and who as trusted officials of their government, have more than helped our Continent enter as full partners in the Savings and Loans systems.

Furthermore, I wish to make a most strong appeal: first to my people, that they continue to deposit their confidence in the national financial system through their savings; second, to private initiative, that it strengthen its operating capital resources; and finally foreign investors and international credit agencies, that they continue to make available funds so needed to attain the goals of economic and social development of Nicaragua.

As president of a country in the American family of states I want to take this exceptional opportunity to express my deep concern for the housing problem in Latin America. This problem is not confined to any nation in particular but its solution is of inestimable value in promoting the welfare and the future prospects of our Latin American countries.

Honored delegates to this conference: this is my fervent plea to each of you; to the people and governments of this Continent; and to each individual as well as private initiative and economic groups that all strive together as one toward perfecting and fortifying the Savings and Loan systems for housing, to the end that each Latin American family can have its own home.

I feel proud and grateful that Nicaragua was chosen to be host for this Conference by the unanimouls vote of the delegates last year in Santo Domingo. It spells continental recognition of our economic efforts, as well as of our political stability which, fortified by democratic principles, has resulted in dynamic stability.

Our progress and freedom have run along parallel lines, as have work and the dignity of man within a peaceful revolution, and along these paths we shall continue our forward progress.

In commemoration and in honor of each and every distinguished participant, and in recognition of my people's efforts, I declare for Nicaragua that this year of 1970 be known as "Saving and Loan for Housing Year."

Upon officially inaugurating this Eighth Inter-American Savings and Loan Conference, I fervently invoke the blessing of the Almighty—in the spirit of our American forefathers—that this Conference produce real benefits for the peoples and governments of this hemisphere.

Thank you.

THE PACIFICATION PROGRAM IN SOUTH VIETNAM

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, I include in the RECORD the very impressive report filed by our able, distinguished colleague and dear friend, the Honorable JAMES A. BYRNE of Pennsylvania, head of a special House Armed Services subcommittee, on the subject of the pacification program in South Vietnam.

The committee was composed of Mr. BYRNE as chairman, and our able distinguished colleagues and friends, Hon. WILLIAM G. BRAY, of Indiana and Hon. CHARLES H. WILSON of California.

The committee visited and toured the total pacification area, and its report is a fine, constructive document that should be read by every Member of Congress and by the American people.

I compliment the esteemed Members for an excellent piece of work, and Mr. BYRNE for his outstanding leadership.

The report follows:

To: The Hon. L. Mendel Rivers, Chairman, House Armed Services Committee.
From: James A. Byrne, Chairman, Special Subcommittee of the House Armed Services Committee.
Subject: The Pacification Program in South Vietnam.

Mr. Chairman, herewith is a report from me on the study made by a special subcommittee composed of three members of the Armed Services Committee, namely the Hon. William G. Bray of Indiana, the Hon. Charles H. Wilson of California, and myself, made on the scene in January, 1970.

The pacification program in South Viet Nam made tremendous progress in 1969; however, there are still many problems remaining and we should be prepared for the possibility of further setbacks as the Republic of Viet Nam struggles for stability.

The success of the pacification efforts is vital to the policy of Vietnamizing the war.

Pacification seeks to provide security for the people to establish and enhance local government responsible to the people and to meet the economic and social needs of the people.

This program must succeed if the South Vietnamese Government is going to stand on its own feet in the years ahead as the Americans withdraw from Viet Nam.

All the evidence we saw indicated that the pacification program has made significant strides in 1969. The trend of development is encouraging.

The South Vietnamese top leadership appears to be putting forth genuine efforts to make government more responsible at the local level.

A growing number of people are in secure areas and on-the-scene observers we talked to indicated a growing belief in the government on the part of the people.

Indications of progress include:

The Regional and Popular Forces have been increased considerably in strength and the Popular Self-Defense Forces—the farmers and workers who defend their homes at night or when under attack—have been armed and greatly expanded. Joining the PSDS (Popular Self-Defense Services) constitutes a commitment to the government both for the man and his family.

Security for hamlets has improved significantly. At the beginning of 1969, only a little more than 50 percent of the hamlets were in the secure category. By the end of the year, more than 85 percent were in that category. The percentage of population controlled by the Viet Cong is less than 3 percent.

There has been a significant increase in the number of elected village and hamlet governments—in both cases the number of such governments elected has jumped from less than one-half in early 1969 to more than 90 percent today. Viet Nam is a land of hamlets and villages so this strengthening of local government is of great importance.

The large number of displaced persons has been and continues to be a major social and economic problem. However, during 1969, the number of displaced persons has been reduced from well over one million to about 268,000. During the year, some 488,000 were returned to their villages and 586,000 were resettled.

The Chieu Hoi, or Open Arms program, designed to induce the Viet Cong to rally to the side of the government, had its best year by far in 1969. During that year, more than 47,000 came over to the government side, as compared to only 18,000 in 1968.

These are just some of the indicators of progress.

During our three-day stay in Viet Nam, the subcommittee spoke to Ambassador Ellsworth Bunker; Gen. Creighton Abrams, commander of U.S. forces and the U.S. Military Assistance Commission in Viet Nam; William E. Colby, deputy to the ambassador in charge of pacification; numerous American military and civilian officials at various levels; and many Vietnamese officials.

The subcommittee also spent a day with pacification officials in the Danang area and visited a school and a resettlement village.

I support the policy of turning the conduct of the war over to the Vietnamese as rapidly as possible. Therefore I was particularly anxious to study the progress of the pacification effort, which is the key to Vietnamization.

The continued progress in pacification in 1970, as was achieved in 1969, will be of immeasurable benefit to the Viet Nam Government.

However, anyone who has followed developments in Viet Nam over the years has learned the value of skepticism. No other war or major undertaking has suffered so much from overly optimistic estimates.

We all remember pacification when indices of progress prove to be illusionary. There are problems remaining. There is a shortage of well-trained middle level leadership.

The Viet Cong infrastructure has not been seriously damaged. The National Police and the working of legal procedures at the local level need a great deal of improvement.

The enemy retains the capacity to cause serious difficulty. The success of the pacification program is anathema to the enemy's hopes and it would be a mistake to assume that he would not challenge it. We should be prepared for new attacks and setbacks.

The most knowledgable people we talked to expect some enemy offensive before the beginning of the rainy season in late spring.

It should be remembered also that under the best of circumstances the pacification program will require the free world's moral, financial and technical assistance for some time to come.

The pacification program is going in the right direction and has made significant progress, but has a long and difficult road to travel.

It can succeed if its present rate of progress is continued and there is no slackening in hard work on the part of the Vietnamese and no loss of patience and perseverance on the part of both the Vietnamese and the Americans.

AIR POLLUTION

(Mr. SANDMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SANDMAN. Mr. Speaker, air pol-

lution has reached a point in this country where it has a profound effect upon the very existance of mankind. If there was ever a time to attack this problem, it is now.

I heartily endorse the President's environmental program, particularly as it relates to the problems of air pollution. I firmly believe that the setting of national air quality standards is timely and effective.

We do not know the full extent to which air pollution damages human health, but we do know that it is hazardous.

National standards would eliminate our present, more cumbersome procedure by which each State proposes air quality standards which must be approved or disapproved by the Federal Government. The President's proposal would allow the States to concentrate on actual control of pollution.

The President's proposal will require all States to control air pollution. No State will be a haven for polluters. No citizen will lack protection because he happens to live outside a designated air quality control region.

I also support a revised system of depreciation allowances for those industries that install new devices that curtail the expulsion of foul odors, dust, and smoke in the atmosphere.

WORLD FREEDOM DAY

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, since January 23, 1955, the people of the Republic of China have annually commemorated the massive choice for freedom made by more than 14,000 Chinese Communist POW's of the Korean war a year earlier. This annual Freedom Day has inspired and encouraged thousands of mainland Chinese to defect and find freedom in the Republic of China and other areas of free Asia. The expansion of this movement over the years has been so impressive that in 1968 the World Anti-Communist League decided to observe January 23 as World Freedom Day.

This past January 23, World Freedom Day was successfully observed in the Republic of China and by freedom activists in all of free Asia, the United States, and other parts of the world. The collective determination shown in not only holding the lines of world freedom but also extending them toward the captive nations of Asia, Europe, in the Soviet Union, and in Cuba cannot but bring encouragement to the 1 billion captive people in the Red Empire. In the confident hope that this movement will expand further in the trying period ahead. I commend to the thoughtful reading of all Americans the addresses and significant messages that made up the program in the Republic of China:

MASS RALLY FOR OBSERVING WORLD FREEDOM DAY REPUBLIC OF CHINA, JANUARY 23, 1970

PROGRAM

1. Meeting opens.
2. Hymn of Freedom Day.
3. Peal of Freedom Bell.
4. General Chairman takes Rostrum.
5. Attendance Stands Up at Attention.
6. National Anthem.
7. Salute to National Flag.
8. Reading of Messages from President Chiang and Others.
9. Address by General Chairman Ku Chengkang.
10. Speech by Vice President Yen. (Band Music).
11. Speech by Gen. Thomas Lane of the U.S.
12. Report by Korean Freedom-Fighter Mr. Dong Joen Lee.
13. Report by Vietnamese Freedom Fighter Col. Tran Van Dac. (Band Music).
14. Introduction of Newly Arrived Freedom-Fighters by General Chairman Ku.
15. Report by a Representative of Chinese Freedom-Fighters.
16. Introduction of and Speech by Mr. Lubmoir Hanak, President of the European Cordination Center.
17. Reading of Rally Declaration and Outgoing Messages.
18. Hymn of Freedom Day.
19. Cheers.
20. Band Music.
21. Meeting Ends.

PRESIDENT CHIANG KAI-SHEK'S FREEDOM DAY MESSAGE

More than 14,000 Chinese Communist POWs of the Korean War resisted threats and overcame difficulties in their courageous choice of freedom outside the bamboo curtain. On January 23 of 1954, they reached this free island bastion of the Republic of China. Their dauntless spirit and intrepid action have made a matchless contribution to the history of man's struggle for freedom.

January 23 has subsequently been observed as Freedom Day. This movement to enhance human dignity and encourage mankind's struggle for freedom has countered attempts at enslavement and has won widespread support among the free and democratic nations of the world. Consequently, the World Anti-Communist League decided in 1968 to observe January 23 as World Freedom Day. Growth of this movement bears witness to the rising unity of the world's anti-Communist forces. The determination and fighting spirit of enslaved peoples have been heightened immeasurably in their quest for liberty.

I have often pointed out that Communism is at the root of all aggressive wars and that the Peiping regime is the source of evil behind all undertakings of aggression. Until the Chinese mainland is freed from the Red scourge, the world cannot expect an era of tranquility.

Rapid progress has been made in all aspects of the Republic of China's *San Min Chu I* (Three Principles of the People) reconstruction in the national recovery base of Taiwan, Penghu, Kinmen and Matsu. This has made an important contribution to the safeguarding of peace and freedom in the Asian and Pacific region. The Peiping regime has been forced down the road of political disintegration, social disorder, economic desiccation and military upheaval. The regime is at the end of its rope and far-reaching changes can be expected on the mainland at any moment. Collapse of the regime is inevitable as soon as it comes under attack by external freedom forces supported by the anti-Maoists and anti-Communists of the mainland.

The triumph of freedom and defeat of slavery are immutably ordained. History supplies the undeniable proof. However, peace is not to be obtained by procrastination. Freedom has to be won by applying moral strength to the struggle. We need to unite all our brothers at home and abroad, military and civilian alike, and provide opportunity for every individual to contribute his or her wisdom and strength. All of us must dedicate ourselves absolutely and heroically to the cause of the Anti-Mao and National Salvation Front.

We can hope that our mainland compatriots will devote their attention and their energies to the self-salvation movement to destroy Mao and the Communists and assure the survival of the nation. All who are strong of body and of will must rise against tyranny, ally themselves with the awakened cadres of the Communist Party and military, prepare to join the great army of the National Revolution and strike a fatal blow at the Peiping regime whenever opportunity permits.

Even more importantly, we have to unite with the freedom-loving people of the world, develop the strength of universal principles and justice, sweep away the dark clouds of appeasement and compromise in the face of the Communist peril and assure the progress of this worldwide movement to protect freedom. We are convinced that the early recovery of the Chinese mainland is indispensable to the reinforcement of Asian security and the safeguarding of freedom and peace throughout the world.

MESSAGE FROM H. E. NGUYEN VAN THIEU, PRESDENT OF THE REPUBLIC OF VIETNAM

On behalf of the people and the Government of the Republic of Vietnam I wish to extend to you my sincere greeting on the 16th anniversary of Freedom Day.

It is most fitting that the historic event of the choice of freedom by 22,000 Chinese and Korean POW's on January 23, 1954, is now celebrated as the World Freedom Day. It marks the undaunted spirit of freedom loving peoples who elected to abandon their homes and their ancestral lands rather than 'live under Communist yoke; the shining example set by the Chinese and North Korean prisoners of war who refused to return to their respective homelands upon their release despite Communist blandishments, coercion, and intimidation has ever since become the symbol of man's deep appreciations for freedom.

In Vietnam after the partition of the country in 1954, nearly one million people from North Vietnam moved to the south to carry on the fight against communism today.

Under the RVN Open Arms program over 150,000 VS cadres have rallied to the cause of freedom championed by the RVN people and government. Peoples living under Communist oppressive rule behind and from the Bamboo Curtains are yearning for freedom.

Your observance of the World Freedom Day rekindles their hope and galvanizes our determination to fight the Communist oppression and hightens, strengthens the solidarity of free men everywhere.

I sincerely wish you great success in all the commemorative activities on this World Freedom Day.

NGUYEN VAN THIEU,
President of the Republic of Vietnam.

MESSAGE FROM HIS EXCELLECY A. SOMOZA, PRESIDENT OF THE REPUBLIC OF NICARAGUA

REYOURLET,
December 11.

I joyously support encouragement and guidance commemorating World Freedom Day trusting successful triumph.

MESSAGE FROM HIS EXCELLENCY FIDEL SANCHEZ HERNANDEZ, PRESIDENTE DE EL SALVADOR

Atentamente me refiero a su comunicación de fecha diciembre 11, por la cual me invita a que formule una Declaración sobre el "Día de la Libertad Mundial" que se conmemorará en la República de China el próximo 23 de enero.

Estimo altamente el significado de esa celebración y que tenga lugar en China, país que ejemplarmente allen ta un profundo ideal de

progreso dentro de un régimen de dignidad humana.

Pláceme manifestarle por este medio mis expresiones de simpatia por ese movimiento en pro de la Libertad Mundial, así como mis votos porque su tradicional celebración con tribuya a recordar a todas las naciones del mundo que el bien más preciado de los pueblos es el de su libertad y que su resguardo corresponde a todos los hombres dignos de la tierra.

Me es grato approvechar esta oportunidad para patentizarle mis demostraciones de mi especial consideración.

MESSAGE FROM H. E. G. EYSKENS, PRIME MINISTER OF BELGIUM

Belgium as a free nation has always stood up for the cause of the victims of persecution throughout the world.

Therefore on the occasion of the "World Freedom Day" which will be commemorated in the Republic of China this coming January 23, I wish to convey to you and to your Committee a message of sympathy and encouragement.

MESSAGE FROM H. E. GEORGE PAPADOPOULOS, PRIME MINISTER OF GREECE

On occasion of World Freedom Day please accept warmest greetings and best wishes for success in your work. I would like to stress the importance of the purposes of your committee which aim at the defence of freedom and independence of the peoples of the free world. The attention of Greek pepole who have experienced all kinds of Communist aggression is with you.

MESSAGE FROM HIS EXCELLENCY TUNKU ABDUL RAHMAN PUTRA, PRIME MINISTER OF MALAYSIA

It gives me great pleasure in sending this message on the occasion of "World Freedom Day" in the Republic of China, which falls on January 23, this year.

It is a day to be remembered by all those who cherish freedom and appreciate human values and dignity. The first freedom day was observed in 1954 on January 23 when more than 22,000 communist prisoners of war of the Korea War refused to return to their communist dominated homelands and 14,000 of them chose to make their future home in the Republic of China.

Ever since "World Freedom Day" has been observed, it has promoted the people in the free world to struggle for human dignity, justice and freedom. I am told that to commemorate the occasion the organisers have plans to organise public rallies, radio and television programmes to bring home to the people in the Republic of China and the free world the menace posed by the communists and the need to be vigilant in meeting it. We are faced with the same problem and it has been our constant effort to remind the millions of Chinese here not to be deceived by the subtle propaganda put out by the communists. They are much better off in Malaysia, in the Republic of China and in the rest of the world where they are free. The celebration of "World Freedom Day" has special significance to us and I therefore would like to wish the organisers every success in their endeavours.

MESSAGE FROM HIS EXCELLENCY, ARDESHIR ZAHEDI, FOREIGN MINISTER OF IRAN

On the occasion of the World Freedom Day I am happy to express to you on behalf of the Imperial Government of Iran our full sympathy for the fulfillment of the aim of your organization. As you are well aware Iran which is proud to be the founder of human rights has all through its history supported the efforts of people struggling for the achievement of freedom all over the world.

MESSAGE FROM H. E. KYU HAH CHOI, MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF KOREA

I take great pleasure in extending, on behalf of the Government of the Republic of Korea, the heartiest felicitations to you and to the great people of the Republic of China.

I firmly believe that history will long remember the heroic struggle of the great people of the Republic of China in the long and hard war to defend freedom.

Please accept, excellency, my best wishes for the continued prosperity of your great nation.

MESSAGE FROM HIS EXCELLENCY WALTER P. MCCONAUGHY, AMBASSADOR OF THE UNITED STATES OF AMERICA

January 23 is the sixteenth anniversary of the day that marks the historic occasion in 1954 when 22,000 Chinese and Korean prisoners of war were able to make a free choice of the path leading to freedom rather than the road that would return them to a poor existence under Communist regimes.

The United States Government is pleased to join again in commemorating that most significant event.

Certainly, none can deny the fundamental correctness of the far reaching decision made by those who were so fortunate as to be able to select liberty. Personal, political, intellectual, and social freedom is one of the great values in human life, one that not only serves the interests of the individual but those of society as well.

In his inaugural address, President Nixon stated that the peace we seek to win would include "the opportunity for all the peoples of this earth to choose their own destiny." In a world still beset with problems, we can be heartened by the knowledge that the spirit of freedom—the desire of all peoples "to choose their own destiny"—can never be extinguished.

MESSAGE FROM PROF. LEV E. DOBRIANSKY, CHAIRMAN OF NATIONAL CAPTIVE NATIONS COMMITTEE, USA

On this annual celebration of Freedom Day, we once again express our feelings of solidarity in the cause of a liberated mainland China.

The time will come soon when the Free World, and particularly the United States, will have to make a decision concerning the liberation of 750 million captive Chinese. You can rest assured that the National Captive Nations Committee and its many associated organizations such as the Ukrainian Congress Committee of American Latvian Association and numerous others will continue in their relentless effort to influence the central policy of the Free World toward this end.

My sincerest wishes for the success of the Chinese Freedom Day in which we wholly participate and with best personal wishes.

MESSAGE FROM MR. PRITAM SINGH, INDIAN DELEGATE TO WACL AND APACL CONFERENCES

Wishing you ever successful of the world freedom day and pray to almighty God that under dynamic leadership of President Chiang Kai-Shek 700 millions oppressed Chinese should be liberated from the tyrannical slavery of Maoism immediately.

MESSAGES

1. H. E. President Chiang Kai-shek, Republic of China.
2. H. E. President A. Somoza, Republic of Nicaragua.
3. H. E. President Fidel Sanchez Hernandez, Republic of Salvador.
4. H. E. President Nguyen Van Thieu, Republic of Vietnam.
5. H. E. Prime Minister G. Eyskens, Belgium.
6. H. E. Prime Minister George Papadopoulos, Greece.
7. H. E. Park Chung Hee, President of the Republic of Korea.
8. H. E. Tunku Abdul Rahman Putra, Prime Minister of Malaysia.
9. H. E. Ardeshir Zahedi, Foreign Minister of Iran.
10. H. E. Choi Kyu Hah, Foreign Minister of the Republic of Korea.
11. H. E. Walter P. McConaughy, Ambassador of the United States of America.
12. Hon. Robert N. Thompson, M.P., Canada.
13. Hon. Ritchie MacDonald, M.P., New Zealand.
14. Hon. Geoffrey Rippon M.P., England.
15. General Praphan Kulapichitr, Chairman of WACL & APACL Thailand Chapter.
16. Gen. Lee Eung-Joon, President of WACL & APACL Korea Chapter.
17. Dr. T. Watanabe, President of WACL & APACL Japan Chapter.
18. Mr. J. Kitaota, Secretary General, WACL & APACL Japan Chapter.
19. Dr. Phan Huy Quat, Chairman of WACL/APACL Vietnam Chapter.
20. Madame Esther de Prenca Lago, Chairman of WACL Brazil Chapter.
21. Mr. Jose Figueres F., Chairman of WACL Chapter of Costa Rica.
22. Mr. Chiang Kuo-sin, WACL & APACL Hong Kong Chapter.
23. Mr. Amiruddin Djamil, Chairman, WACL & APACL Indonesia Chapter.
24. Mr. Dahyabhai V. Patel, Chairman, WACL & APACL India.
25. Mr. Pritam Singh, WACL & APACL India Chapter.
26. Dr. Parviz Kazemi, Chairman WACL & APACL Iran Chapter.
27. Mr. Chao Sopsaisana, Chairman, WACL & APACL Laos Chapter.
28. Mr. Charles D. Molapo, Chairman, WACL Lesotho Chapter.
29. Mr. Zahri Muntasser, Chairman, WACL Libya Chapter.
30. Mr. Hsu Chi-tung, Chairman, WACL & APACL Macao Chapter.
31. Mr. Tan Sri T. H. Chairman, WACL & APACL Malaysia Chapter.
32. Dr. Alfredo Medina, Chairman, WACL Mexico Chapter.
33. Mr. Jacques de Kadt, Chairman, WACL Netherlands Chapter.
34. Dr. Mahmud Brelvi, Chairman, WACL & APACL Pakistan Chapter.
35. Dr. Mario Lopez Escobar, Chairman, WACL Paraguay Chapter.
36. Mr. Eudocio Ravines, Chairman WACL Peru Chapter.
37. Mr. Ramon D Dagatsing, Chairman, WACL & APACL Philippines Chapter.
38. Mr. Osman Scek Mao, Chairman, WACL Somalia Chapter.
39. Dr. Bieger Hagard, Chairman, WACL Sweden Chapter.
40. Mr. Alfred B. Gielen, International Committee for Information and Social Activity (CIAS).
41. Mrs. Suzanne Labin, International Conference on Political Warfare of the Soviet (CIGP).
42. Mr. Jorge Prieto Laurens, Inter-American Confederation of Continental Defense (IACCD).
43. Rev. Daniel Lyons, Free Pacific Association (FPA).
44. Mr. Francisco Buitrage, M, Comite Anti-Comunista Nicaraguense (CACN).
45. Rev. David C. Head, Clergymen's Committee on China (CCC).
46. Mr. Rama Swarup, Committee to Fight Red Chinese Aggression (CFCRA).
47. Rev. C. Stephen Dunker, Cardinal Mindszenty Foundation (CMF).
48. Mr. Anacletu Gonzalez Florzes Guerrero, Federacion Mexicana Anticomunista de Occidente (FEMACO).

49. Mr. Emilio Nunez Portuendo, Representacion de Cuba en Exilo (RECE).
50. Mr. James D. Elkjer, World Youth Crusade for Freedom (WYCF).
51. Mr. Robert Linday, President, Victorian Branch of Australia WACL Chapter.
52. Prof. E. Dobriansky, Chairman, National Captive Nations Committeee, USA.
53. Dr. Gustave Corgao, President, A.A.N.C., Brazil.
54 Mr. Aila de Dliveria Gomes, Secretary-General of A.A.N.C., Brazil.
55. Dr. Jen Reisser, President of Centra Brasileire da Europa Livre.
56. Dr. Mircea Buesca, Director-Secretarie of Associacao Cultural Romeno-Brusileira, Brazil.
57. Mr. Federica Trejos Guerrero, President of Juvented Nactonal Democrata Anticomunista.
58. Mr. Marvin Liebman, Secretary-General of One Million Against the Admission of Communist China to the U.N., USA.
59. Dr. R. Krasnique, President of Free Albania Committee.
60. Dr Ctibor Pokorny, Chairman of the Organizing Commission of ABN.
61. Dr. Jaroslaw Stetsko, Chairman of the Central Committee of ABN.
62. Mr. W. S. McBirnie, Director of the Center for American Studies, Glendale, California, USA.
63. Mr. Ray Wilson, General Manager, Center for American Research and Education.

ADDRESS BY THE RALLY CHAIRMAN, DR. KU CHENG-KANG

Meeting here today are representatives from all walks of life to observe Freedom Day with fervor and enthusiasm. The influence of Freedom Day has been spreading to many parts of the world. Two years ago it was renamed as World Freedom Day by the World Anti-Communist League in Saigon, making it a banner of fighters all over the world united in the just cause for freedom of all mankind.

We stand at the beginning of the '70s. We see around us great achievements in material aspects of civilization, in science and technology. We find development in many directions. The '70s should be a decade of unprecedented progress and freedom. Yet we know there are over one billion people subjugated to tyranny behind the Iron Curtain, whence the forces of aggression are also threatening the entire free world. The sharp contrast underlines the importance of our attitude and courses of action. Let us make sure that mankind is headed for the triumph of victory and not the abyss of enslavement.

I am firmly convinced that mankind of this decade is up to the task. Freedom Day is the symbol and assurance of our success, for it shows that the shackles of tyranny will be broken by persistent, united and courageous fighting. Although the scourge of Communism abetted by widespread appeasement illusions is besetting the world, we can and will triumph if we keep alive and redouble in us the spirit of Freedom Day.

The turbulent world situation demands our utmost effort and contribution in mankind's common battle for the defense of freedom.

We appeal today to all the free people to persevere in their moral courage and renew their combat spirit. We shall alert the world against being intimidated by the Communist countries, false show of strength and against being fooled by their pretended gestures of friendliness. We shall make clear to the world the backwardness of barbaric Communist ideology as well as the terror of Communist system, with which the free world's ideals and way of life cannot hope to coexist peacefully. We shall spotlight the gradual splitting, disintegration and decline of the Communist camp. The free world would be forfeiting its chance for victory if it kept entertaining the thought of appeasement, compromise and concession. In reality, the free world would be aiding the Communist camp to survive its own crises.

Allow me to point out here that the Republic of China will not accept coexistence with the inhuman Chinese Communist regime, for we preserve the traditional culture of China and abide by San-Min-Chu-Yi, the teachings of our National Founder. We are opposed to any illusion of "Two Chinas" or any compromising and accommodating arrangements with the Chinese Communists. Such arrangement will be denounced by all justice loving people and nullified by our campaign to restore freedom to all China mainland.

Since the end of World War II, the U.S.A. has been the leader of the free world and has contributed immensely to the containing of Communist aggrandisement and the defense of mankind's freedom and security. This critical moment in history is no time for the U.S.A. to disengage and withdraw, which error will bring heavy disasters to mankind. The traditional spirit of idealism of the U.S., we are sure, will make her persevere in accomplishing her responsibility to history. We look forward expectantly to the early awakening of her "silent majority" to become the mainstay for her moral courage and fighting spirit.

The most important task we must do for freedom's victory is to unite all our friendly forces into an International Front Against Communism. This Front will cross the boundaries of race, nationality and religion, and consolidate the strength of all those freedom fighters in the free world as well as behind the Iron Curtain. Concerted action and effort shall be its guiding principle.

In the defense of freedom, no free man can hope to look after himself solely or to fight the battle alone. All free men must be forged into a well organized camp. This International Front Against Communism shall be developed in continuous stages, from cooperation among peoples to cooperation among governments, from regional cooperation to world-wide cooperation, and from cooperation in economic, cultural and political fields to cooperation also in the military field. The realization of this objective requires much effort, but it is critical to the victory of freedom. We appeal to all free men who love justice to dedicate themselves to this task.

Most urgently the task must begin in Asia—to form a regional security organization for Asia and the Pacific. With the adoption of the new Asian policy by the U.S., the task has become the vital avenue to the defense of freedom and security of the Asian countries. It is my fervent hope that Mr. Spiro Agnew, having learned more of the actual situation, aspirations and needs of the Asian countries, will help persuade the U.S. government to render positive support to the forming of the Asian-Pacific regional security organization.

As was recently pointed out by President Chiang Kai-shek, with the vast territory and population, cultural tradition, industrial potential and the strong armed forces in the free nations of Asia, if these nations will combine their strength and cooperate, a great and just force will be formed culturally, politically, economically and even militarily. This force will be able to assure stability and peace for Asia and even for the world, and to create an Asian era of security, freedom, prosperity and progress. In this direction we shall exert ourselves, to bring to the peoples of Asia human dignity, guarantee of human rights, democracy, well-being, happy family life, national independence and equality.

In this battle for freedom, we people of the Republic of China will unite our effort with the resistance of the mainland people against Mao's Communist Party, to destroy his regime and eliminate tyranny. We shall thus remove the chief source of troubles for Asia and lay the foundation for Asian security, world peace and freedom for all mankind.

I am firmly convinced that we people of the Republic of China under the leadership of President Chiang will all fight for freedom, believing in its final victory and shouldering the duty of its defense. Let us take our positions on the forefront to achieve victory in the defense of freedom for the whole world. Let us look to the total and lasting victory of freedom in the '70s.

VICE PRESIDENT C. K. YEN'S FREEDOM DAY ADDRESS

Today is the 16th anniversary of Freedom Day. The Freedom Day movement is highly significant in the development of the struggle against Communism. It was on this momentous day that a group of anti-Communist freedom fighters called upon the spirit of justice and realized their ideal. In doing so, they dealt a lethal blow to the whole system of Communist tyranny, opened the eyes of the democracies and assured the success of the free world in maintaining the dignity of humankind. This movement quickly gained the support of all freedom-loving people and became a part of the worldwide anti-Communist crusade. Representatives from all walks of the nation's life are gathered at this mass rally today in order to mark the occasion with solemnity and at the same time to expand the international scope of the united front of anti-Communism. Once again we announce our unswerving determination to destroy the Iron Curtain and deliver our enslaved people.

Sixteen years ago, more than 14,000 of our anti-Communist freedom seekers in Korea overcame all obstacles along the demarcation line between freedom and enslavement and between day and night. In the end their conscience, their willingness to shed their blood, their determination and their courage prevailed. They bravely made their wise decision. This momentous occurrence demonstrates how those shut behind the Iron Curtain hate Communism and love freedom. The free world has been stelled in its faith that justice will be upheld. The Freedom Day Movement engendered by this great event has produced a surging wave of anti-Communism strong enough to penetrate the Iron Curtains of both East and West. Tens of thousands of enslaved people have been inspired to escape from enslavement and seek freedom in the clear illumination from our lighthouses of liberty. No one can deny that the Freedom Day movement has profoundly influenced the world-wide anti-Communist struggle.

Even so, humankind remains half slave and half free. Those of us who stand on the far frontiers of the world anti-Communist movement have responsibility for reminding all mankind of the necessity to heighten its anti-Communist vigilance so as to safeguard world peace and human freedom. We must go on to unite the anti-Communist strength of all the world, destroy the Iron Curtain and bring all of the enslaved peoples out into the fresh air of freedom.

I would like to take advantage of this opportunity to suggest the following three points of reference, for our compatriots and other freedom-loving people of the world.

First, we need to warn the free world once again that at both the Chinese and Russian Communists are pursuing the goal of global communization. With world peace and the freedom of humankind subjected to such imperilment, no single nation or people can exist in isolated security. We are all in the same boat and our inertests are identical. That being the case, we must call upon all the free countries to move forward together, shoulder to shoulder, in a worldwide anti-Communist united front.

Second, the aggressiveness of the Maoist regime was unanimously recognized by the free world countries as long ago as the Ko-

rean War period. If any country now entertains the illusion of making friends with the Chinese Communists, it can only invite endless trouble for itself and prolong the suffering of the 700 million Chinese people shut behind the Iron Curtain. We have reason to ask that all free countries distinguish friends from enemies, recognize their own self-interest and disinterest, and abandon any false hope that the Chinese Communists can be appeased.

Third, President Chiang Kai-shek has pointed out that recovery of the Chinese mainland and the annihilation of the Maoists is the common obligation and unceasing dedication of the Chinese people. In the changing world situation of today, I must call upon our civilian and military compatriots and the overseas Chinese to understand the direction of our Revolution, to consolidate our anti-Communist position and to bring the totality of our strength together for the common struggle. Under the inspired direction of our great leader President Chiang Kai-shek, we shall accomplish the sacred mission of recovering the mainland and delivering our compatriots.

SPEECH OF MR. LUBOMIR HANAK, PRESIDENT OF EUROPEAN COORDINATION CENTER

Mister President, Messieurs les Ambassadeurs, Messieurs les Ministres, Ladies and Gentlemen, My Dear Chinese Friends:

Since I have the privilege to be here, today, with you, to attend the celebration of the "Freedom Day," I would like to avail myself of this opportunity to transmit to you the heartiest greetings from your freedom-living European friends and to express to all of you their sympathy and their solidarity in your struggle against the Communist tyranny.

It is for me very comforting to see thousands of you gathered here to commemorate the day on which 14,000 Chinese soldiers chose liberty and were finally allowed to join their free fellow-citizens on this island, the citadel of freedom.

In those remote days, other thousands of men, women and children passed the frontiers in Europe, in spite of the Iron Curtain, in spite of all dangers and uncertainty of their future, to escape the Soviet Communist tyranny which spread on the European Continent after the last World War and seized a half of it, so that 104 millions found themselves imprisoned in a vast camp of concentration. Those thousands of refugees, and I am one of them, left, just like their Chinese comrades, everything behind—fortune, lifework and, in very many cases, their families.

The ideals, for which the freedom-loving peoples fought for five long years, were annihilated by the treacherous Soviet imperialism and a half of Europe is now suffering just as your fellow citizens are suffering on the Chinese mainland under the yoke of the Mao Tse-tung tyranny.

The hundreds of thousands of European refugees had to spread all over the world to start a new life and reconstruct their existence. The Chinese refugees were happier. They found here, in Taiwan, in this free province of the Republic of China, their fellow-citizens, aid and brotherhood. They were able to join the national community and contribute by and by to the economic, social and political miracle of the Republic of China which, headed by its far-seeing President Chiang Kai-shek, has become a haven of freedom and prosperity in this part of the world.

I have come from Europe to admire the achievements of the Chinese Republic and to discuss with your leaders the possibilities of strengthening of the liberation struggle against our mutual enemy—Communism—and the coordination of our efforts. This is not only to contain Communism but also to start an offensive against it. I know that you, living on this island, may be surprised about the European ignorance of the situation in the Far East. Europe and, I would say, almost the entire "free" world has the eyes shut: one does not see or one will not see reality. Communism is actually contaminating the minds of all people living in the so-called "free" world, crowded with all kinds of surrenderers and appeasers, whilst loosing support, not speaking about sympathy there, where it is installed. Therefore, every day new refugees join our ranks and if the Iron and Bamboo Curtains be not so tight, millions of citizens would pour out of the violated countries. Communism is no solution to the sickness of humanity. Communism means bankruptcy of all values, fatal impoverishment and finally death of mankind. That is why I consider Taiwan as the most important point of the globe actually, and as soon as I shall be back in Europe I will to the best of my ability inform the public as well as those upon whom we depend, about all that I have seen from north to south of this province. Taiwan is already an uncontestable proof of the success over Communism.

The European Coordination Center, which I have the honor to preside, is striving to contribute to the edification of Europe at the level of the people, which means *"with Governments if possible, without Governments if necessary"*. I think that this idea can be applied everywhere. Faced with the Communist danger, there is no other choice left for us. We have to lean upon the people to rid the world of that evil thought. We have to put into being a great solidarity movement to cope with our common danger.

You have here in Asia the Asian Peoples Anti-Communist League presided by Dr. Ku Cheng-kang. I incline myself before his idealism, his dynamism and his efficiency. All those of us who have been acquainted with Communism have to be thankful to Dr. Ku and the organization he presides for what has already been done by them in safeguarding freedom in the endangered Asiatic countries.

Your great President Chiang Kai-shek said in his New Year Message that the destiny of China is in the hands of the Chinese. I would like to say that the destiny of all the enslaved people lie in their own hands. They will awaken one day which is not far remote, and overthrow tyranny themselves if we keep on with our struggle efficiently.

Humanity is passing a very bad period but history has taught us that truth always prevails. You, Chinese, have the advantage of a tremendous culture of 5,000 years. You have been enriched by the teachings of Confucius and Mencius since antiquity. Dr. Sun Yat-sen taught you the SAN MIN CHU I sixty years ago and you have the privilege to be led by President Chiang Kai-shek who is an example to all of us and to whom the liberated humanity will owe respect and recognition in the future history.

Let us join our efforts in Europe, in Asia and in Africa, let us put hands together, let us open our hearts to the eternal ethics of mankind, and, I am sure, we shall march together to victory.

Lastly, I wish the Chinese people success. Long Live President Chiang!

DECLARATION ISSUED AT THE 1970 FREEDOM DAY MASS RALLY

On this Freedom Day of 1970, we representatives of all walks of life in the Republic of China, should like to take stock of the current world situation as it affects mankind's struggle for freedom.

On the threshold of the 1970s, man is fully prepared to create a genuinely free world for himself; Freedom Day, which symbolizes the victory of the forces of freedom over those of enslavement, should shine more gloriously than ever before. Unfortunately, however, owing to the spread of the deadly influences of Communism and the unpardonable sins committed by advocates of appeasement, human freedom is being crushed in many parts of the world, threatened and destroyed in other parts, and betrayed in still others. This is the result of historic mistakes as well as a reflection on the statesmanship of the times. We free men and women who set our aims high are determined to reverse the trend and make the cause of freedom prevail.

All those present at today's mass rally feel strongly that, as a free man, everybody should measure up to his convictions and act accordingly so as to insure victory to the cause of freedom.

We firmly believe that freedom is invincible and enslavement is doomed to defeat its own purposes. This is no mere illusion, for freedom is the ultimate goal of human endeavor and of social progress, as evidenced by historical developments. The evolution of human civilization is, as a matter of fact, a history of the struggle for freedom. Therefore, the victory of the forces of freedom is irresistible and any obstacles standing in their way will be swept away. Nor should we be passive optimists. Freedom cannot be attained without effort. On the contrary, it will come only through arduous struggles.

Free men should not lose faith in freedom. They should not be cowed by the apparent strength of Communism, nor should they take refuge in compromises and meek submission for the sake of temporary gains. Though the cause of freedom will triumph, weakness on our part can only usher in another dark age in human history.

But such an outcome must and can be avoided, if all free men remain firm and have the courage of their moral convictions.

It is clear that the duties of free men are not confined to the preservation of their own freedom. It is also part of their duty to do everything in their power to help the great masses of enslaved people to regain their freedom by putting an end to the totalitarian regimes under which they are living. Those of us who are more fortunate than our brethren behind the Iron Curtain should help them in every possible way to defeat their Communist oppressors and shake off the shackles the Communists have fastened on them.

The question before us is that if the system of Communist enslavement should remain unchallenged, if over one billion people should continue to be enslaved and persecuted, and if the criminal acts of aggression should be condoned, then the freedom and security of every nation would be endangered and no nation could be free and secure. Therefore, we should like to call upon the nations of the free world to frown upon all ideas of appeasement, isolationism, and self-centered realism and exert their best efforts for the sake of their own security and of human freedom.

There are some people in not a few countries who, in the name of "freedom" and "being progressive," are committing acts that betray and destroy freedom. There are also other people who, whether internationally or not, misread the meaning of freedom and do things that better qualify them as libertines. To both kinds of people we should like to appeal and call upon them to take their own actions more seriously. They should return to the camp of the freedom-fighters in order to redeem their past mistakes.

We must emphasize in particular that the most urgent task confronting freedom-lovers is to present a united front irrespective of nationality, race, religion, or regional differences to work for the common goal. In our own country we will strengthen our efforts to join forces with all anti-Maoist and anti-Communist elements on the mainland to hasten the downfall of the Peiping regime. In Asia we would do our share to speed up

the formation of an Asian and Pacific Regional Security Organization so that the Asian countries may depend upon their own strength to do away with the source of the troubles which are plaguing them and to protect the freedom and security of this region. In the world at large we would do our best to work for an expanded international anti-Communist united front so that, with the combined strength of all freedom-loving peoples, the nefarious Communist system can be destroyed, enslavement can be ended, a solid foundation can be laid for a lasting world peace, and a new era of freedom and happiness can be ushered in.

On this Freedom Day we the people of the Republic of China do hereby reiterate our determination to rally round President Chiang Kai-shek and, with a firm conviction in the invincibility of freedom, shoulder the sacred task of defending it. We will march hand in hand with all those who stand up for freedom and justice. We will set in motion a world-wide campaign to arouse the silent majority to action. We will point out the mistakes of the appeasers. We will do all this with the ultimate objective of defeating Communism to usher in a new epoch in the 1970s in which freedom shall reign supreme.

MESSAGE TO HIS EXCELLENCY U THANT, SECRETARY GENERAL OF THE UNITED NATIONS, AND TO ALL MISSIONS TO THE UNITED NATIONS

Freedom Day, as a movement for human freedom, was created to mark the occasion when more than 22,000 Communist prisoners of war chose to return to freedom after Korea War under the guiding principle of voluntary repatriation as strongly advocated by the United Nations.

It was resolved at the General Conference of the World Anti-Communist League that Freedom Day shall be observed as World Freedom Day in order to promote human dignity in accordance with the spirit of U.N. Charter and to assist peoples behind the Iron Curtain to rise against Communist dictatorship.

As the World Freedom Day and International Anti-Communist United Front Movement is being fervently and widely observed today here throughout the Republic of China, it is unanimously resolved at the mass rallies to present to Your Excellency this message, calling on you for your sustained efforts to protect the spirit of the U.N. Charter, to render strong support in the cause of justice to all enslaved peoples behind the Iron Curtain for their heroic struggle for freedom, and to absolutely refuse admitting to the U.N. the Chinese Communist regime which has, domestically, maintained slavery rule while, internationally, committed aggressions and, therefore, threatened the security of Asia and become the very source of all world disasters today. This is the only way to protect the United Nations from being controlled and subverted by the Communists. And this is the only way to keep the United Nations glorifying over the new era of the seventies as real sanctuary for human freedom, international justice, and world peace.

KU CHENG-KANG,
General Chairman, The Rally for World Freedom Day and International Anti-Communist United Front Movement, Republic of China.

MESSAGE TO HIS EXCELLENCY RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES OF AMERICA

YOUR EXCELLENCY: Sixteen years ago today, more than 22,000 ex-Communist POWs of the Korea War reached freedom here and in South Korea under the United Nations' principle of voluntary repatriation and with your and President Eisenhower's righteous support. January 23 every year thereafter has been observed in the Republic of China as Freedom Day, symbolizing the enslaved people's victorious struggle for freedom. Far-reaching influences have been recorded at home and abroad. Furthermore, it was decided in 1968 that January 23 should be marked as World Freedom Day by all the member units of the World Anti-Communist League. As all of us representatives of the Republic of China's various circles meet for World Freedom Day rallies in Taipei and elsewhere throughout the nation today, we wish to express our highest respect and sincere gratitude for the American contribution to the cause of freedom.

Last year we noted the Chinese Communist Party's decision at its Ninth National Congress to push its belligerent external policy following the failure of the Mao-Lin clique's "great proletarian cultural revolution". Peiping has continued to plot and support the Vietnamese and Laotian Communists' rebellious activities. The regime's infiltration and subversive moves have been extended to Thailand, Malaysia and other countries of the Asian and Pacific region. The Soviet Union also is stepping up its activities in the area and has been attempting to set up an Asian collective security system to its advantage. All these show that the freedom and security of Asian nations are under the dual threat of the Red bloc's military expansionism and political intrigues.

All the free Asian governments and people are now eagerly hoping that the United States will continue to uphold its traditional stand in support of human freedom and international justice, arouse the silent majority of Americans and join all the U.S. forces representing righteousness in checking the countercurrent of appeasement and smashing the united front scheme of the Communists. The U.S. must take a firmer stand and launch more positive moves in perfect coordination with the freedom forces of Asia.

We are convinced that with your profound understanding of the true nature of Communists and your concern over the welfare of Asians, you will continue to lead your people along the correct path of our time so that a firm foundation for the victory of freedom and peace can soon be established and a new era of true freedom can start in the 1970s.

With our very best wishes for Your Excellency's continued health and your nation's constant progress, we are,

Respectfully yours,

KU CHENG-KANG,
General Chairman, The Rally for World Freedom Day and International Anti-Communist United Front Movement, Republic of China.

MESSAGE TO HIS EXCELLENCY PARK CHUNG HEE, PRESIDENT OF THE REPUBLIC OF KOREA

YOUR EXCELLENCY: More than 22,000 ex-Communist POWs of the Korean War chose freedom and regained a life of comfort and happiness 16 years ago with the unanimous support of the governments and people of your and our countries in line with the United Nation's voluntary repatriation principle. That was an event of true political significance assuring all the people that the cause of freedom would ultimately triumph. All of us representatives of various circles meeting in Taipei and elsewhere throughout the Republic of China today to mark this historical Freedom Day wish to express our highest respect to Your Excellency and your people.

Under your farsighted able guidance, your people have incessantly worked for the Republic of Korea's political stability, economic prosperity and military invincibility. As an invulnerable free world stronghold in northeast Asia, your country is fast gaining importance in the international arena. Your people have successfully foiled all the Korean Communist attempts at infiltration and armed disturbance. The soldiers sent by your government to the Vietnam front have won the unanimous attention and praise of righteous people everywhere with their wisdom, gallantry and brilliant anti-Communist war records.

Your nation and ours have been the two closest anti-Communist allies in Asia. The unity and cooperation must be strengthened in view of the world and Asian trends hereafter. The two nations were the first to advocate the setting up of an anti-Communist league in Asia. The two must work together now to speed up the establishment of an Asian and Pacific regional security organization. Preparations must continue for the destruction of the Communist regimes, national unification and salvation of the people. Only in this way can the two nations contribute most importantly to Asian security, world peace and human freedom.

With our very best wishes for Your Excellency's continued health and your nation's constant progress, we are,

Respectfully yours,

KU CHEN-KANG,
General Chairman, The Rally for World Freedom Day and International anti-Communist United Front Movement, Republic of China.

MESSAGE TO HIS EXCELLENCY NGUYEN VAN THIEU, PRESIDENT OF THE REPUBLIC OF VIETNAM

On behalf of the representatives of all walks of life in the Republic of China, in fervently observing the World Freedom Day at mass rallies held here in various cities throughout our country, I wish to present to Your Excellency our highest respects for your people and armed forces under Your Excellency's leadership in their fight for freedom and democracy and against Communist aggression, and our greatest admiration for your government's achievement in economic and democratic reconstructions under the hardship of war.

We deeply believe that Asia is the center of world situation whereas Vietnam is the focal point of the situation in Asia. The aggression committed by the North Vietnamese Communists under the support of international Communists against the Republic of Vietnam is by no means an isolated event. It is an event of whole Asia, and even of the whole world. Consequently, we shall never let the vicious Communists to gain any more on the battlefield of Vietnam, nor to accomplish their end through political intrigues. Fortunately, as the war is being carried on, your great country has been ever growing stronger and stronger. There are also indications of new awakening and new endeavors among other Asian countries under the current situation. They are proceeding towards establishing an Asian-Pacific regional security organization. Asian peoples are determined to safeguard their own survival and freedom with their own united force. Furthermore, we wish to take this opportunity to reaffirm our full support for the Republic of Vietnam in maintaining a rigid stand towards the peace talks in Paris and the withdrawal of U.S. troops from Vietnam and to pledge to you our all possible assistance to your country's struggle for freedom. Finally, I sincerely wish your country continued prosperity and Your Excellency the best of health.

Respectfully yours,

KU CHENG-KANG,
General Chairman, the Rally for World Freedom Day and International Anti-Communist United Front Movement, Republic of China.

MESSAGE TO GEN. CREIGHTON W. ABRAMS, COMMANDER IN CHIEF OF ALLIED FORCES IN VIETNAM, AND TO ALL OFFICERS AND ENLISTED MEN OF ALLIED COMBAT TROOPS IN VIETNAM FROM THE UNITED STATES, AUSTRALIA, NEW ZEALAND, KOREA, THE PHILIPPINES, AND THAILAND

On behalf of the representatives of all walks of life in the Republic of China, congregating here in Taipei and other cities throughout our country today at mass rallies for observing the World Freedom Day and promoting international anti-communist United Front Movement, I wish to express highest respects for you and all officers and enlisted men of allied forces in Vietnam who have been fighting to defeat the Viet Cong's military scheme at a time when international appeasement is widely advocated and Communist united front intrigues are in full swing.

It is unanimously resolved in the Rallies to present to you and all officers and enlisted men our deepest sympathy and comfort. When the Republic of Vietnam is under the armed aggression of Viet Cong and the international Communists, your spirit of justice and heroism, as shown in fighting for world peace and human freedom on the battlefield of Vietnam—the frontier of world anti-Communist war—has set a good model for the anti-aggression united operation of whole mankind.

It is our sincere hope that sustained efforts will be made to achieve our final aim and to inflict severe punishment on the Communist aggressors in order that, in consequence of your heroic and just action, a sound foundation can be laid for the independence and freedom of the Republic of Vietnam as well as the peace and security of the world.

The people of the Republic of China here solemnly pledge to stand behind you and all officers and enlisted men of allied forces in Vietnam to the last.

KU CHENG-KANG,
General Chairman, The Rally for World Freedom Day and International Anti-Communist United Front Movement, Republic of China.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REIFEL (at the request of Mr. GERALD R. FORD) for the balance of the week, on account of official business.

Mr. ESCH (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALL for 15 minutes, today.

Mr. MICHEL, for 10 minutes, today.

Mr. PUCINSKI, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. WHALEN); to revise and extend their remarks and include extraneous matter:)

Mr. CONTE, for 30 minutes, on February 19.

Mr. PRICE of Texas, for 5 minutes, today.

Mr. MACGREGOR, for 15 minutes, today.

Mr. STEIGER of Wisconsin, for 60 minutes, today.

Mr. WYMAN, for 60 minutes, today.

(The following Members (at the request of Mr. FLOWERS); to revise and extend their remarks and include extraneous matter:)

Mr. ADDABBO, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RARICK, for 15 minutes, today.

Mr. MIKVA, for 30 minutes, on February 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FLYNT, and to include extraneous material.

Mr. GERALD R. FORD to extend his remarks following the President's letter of transmittal today, and to include the President's "U.S. Foreign Policy for the 1970's."

Mr. PHILBIN to revise and extend his remarks and to include extraneous material on his statement today.

(The following Members (at the request of Mr. WHALEN) and to include extraneous matter:)

Mr. BRAY in two instances.
Mr. BLACKBURN in two instances.
Mr. KUYKENDALL.
Mr. HALPERN in two instances.
Mr. DELLENBACK in two instances.
Mr. BELL of California.
Mr. ASHBROOK in two instances.
Mr. COLLIER in three instances.
Mr. HARVEY.
Mr. RHODES.
Mr. MAILLIARD in two instances.
Mr. SCHADEBERG.
Mr. SCHERLE.
Mr. BURKE of Florida.
Mr. HOGAN.
Mr. MINSHALL in two instances.
Mr. CONTE.
Mr. ARENDS.
Mr. TALCOTT in three instances.
Mr. HOSMER in three instances.
Mr. LUKENS.
Mr. SCOTT.
Mrs. REID of Illinois in two instances.
Mr. REID of New York.
Mr. MCCLURE.
Mr. SCHWENGEL.
Mr. BUSH.
Mr. UTT.
Mr. PELLY.

(The following Members (at the request of Mr. FLOWERS) and to include extraneous matter:)

Mr. JACOBS.
Mr. TUNNEY.
Mr. CELLER.
Mr. ADDABBO in two instances.
Mr. RARICK in three instances.
Mr. PURCELL in two instances.
Mr. SCHEUER.
Mr. GIAIMO in five instances.
Mr. GALLAGHER.
Mr. PIKE.
Mr. RYAN in three instances.
Mr. GONZALEZ.
Mr. TEAGUE of Texas in six instances.
Mr. RODINO.
Mr. BRADEMAS in six instances.
Mr. DONOHUE in two instances.
Mr. CHAPPELL in three instances.
Mr. BROWN of California in four instances.
Mr. COHELAN in three instances.
Mr. EDWARDS of Louisiana in two instances.
Mr. EDWARDS of California in two instances.
Mr. LOWENSTEIN in three instances.
Mr. NICHOLS in two instances.
Mr. MIKVA in three instances.
Mr. FLOWERS in three instances.

(The following Members (at the request of Mr. FLOWERS) and to include extraneous matter:)

Mrs. GRIFFITHS.
Mr. WOLFF in two instances.
Mr. PEPPER.
Mr. FRIEDEL in two instances.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3274. An act to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards; to the Committee on the Judiciary.

S.J. Res. 127. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 15, 1971, through May 23, 1971; to the Committee on Foreign Affairs.

S.J. Res. 172. Joint resolution to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week"; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel) Pensinger, Marion M. Lee, and Arthur N. Lee;

S. 1678. An act for the relief of Robert C. Szabo; and

S. 2566. An act for the relief of Jimmie R. Pope.

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 19, 1969, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1662. A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting the annual report of activities for the fiscal year ending June 30, 1969, pursuant to the provisions of 38 U.S.C. 214 (H. Doc. No. 233); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

1663. A letter from the Acting Deputy Director, Bureau of the Budget, Executive Office of the President, transmitting a copy of the Federal plan for meteorological services and supporting research as a report of the character, plans, and costs of all Government weather services, pursuant to the provisions of section 304 of the Department of Commerce Appropriation Act of 1963; to the Committee on Appropriations.

1664. A letter from the Assistant Secretary of the Interior, transmitting a copy of the Bonneville Power Administration's Annual Report for the Fiscal Year 1969, which includes the financial statement relative to the Federal Columbia River power system, pursuant to the provisions of Public Law 89-448; to the Committee on Interior and Insular Affairs.

1665. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report on equal opportunity in housing, pursuant to the provisions of Public Law 85-315; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee of conference. Conference report on H.R. 2 (Rept. No. 91-841). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (by request):

H.R. 15978. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. BYRNES of Wisconsin:

H.R. 15979. A bill to provide that the interest on certain insured loans sold out of the agricultural credit insurance fund shall be included in gross income; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 15980. A bill to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes; to the Committee on the District of Columbia.

By Mr. ABERNETHY:

H.R. 15981. A bill to prohibit the involuntary busing of schoolchildren and to adopt freedom of choice as a national policy; to the Committee on the Judiciary.

H.R. 15982. A bill proposing an amendment to the Constitution of the United States with respect to freedom of choice for children attending elementary and secondary schools; to the Committee on the Judiciary.

H.R. 15983. A bill to amend the Internal Revenue Code of 1954 with respect to the tax-exempt status of, and the deductibility of contributions to, certain private schools; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 15984. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 15985. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15986. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15987. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 15988. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 15989. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. FALLON:

H.R. 15990. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD:

H.R. 15991. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. HALL:

H.R. 15992. A bill to amend title 18 of the United States Code to protect the constitutional rights of mentally incompetent persons committed thereunder, and for other purposes; to the Committee on the Judiciary.

Br. Mr. HANLEY:

H.R. 15993. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JARMAN:

H.R. 15994. A bill to prevent Federal officers or agencies from encouraging or requiring busing of elementary and secondary school pupils to public schools other than their neighborhood schools; to the Committee on Education and Labor.

By Mr. LLOYD:

H.R. 15995. A bill authorizing the conveyance of certain lands to the University of Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of Illinois:

H.R. 15996. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. OLSEN:

H.R. 15997. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. PHILBIN:

H.R. 15998. A bill to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. WOLD:

H.R. 15999. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ABERNETHY:

H.R. 16000. A bill relating to the policy with respect to the application of certain provisions of Federal law; to the Committee on Education and Labor.

By Mr. ADAMS:

H.R. 16001. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of California:

H.R. 16002. A bill to amend title XVIII of the Social Security Act to allow certain persons eligible for supplementary medical insurance benefits who failed to enroll in that program due to absence from the United States to enroll within a specified period after their return; to the Committee on Ways and Means.

By Mr. BUTTON:

H.R. 16003. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREY (by request):

H.R. 16004. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. DINGELL (for himself and Mr. GOODLING):

H.R. 16005. A bill to provide additional funds for certain wildlife-restoration projects, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FARBSTEIN:

H.R. 16006. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

H.R. 16007. A bill to amend title II of the Social Security Act to provide that the entitlement of an insured individual and his dependents to benefits shall (if it would increase the total amount payable to the family) extend through the month of such individual's death; to the Committee on Ways and Means.

By Mr. GARMATZ:

H.R. 16008. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

H.R. 16009. A bill to amend title 14 of the United States Code to authorize the Secretary to control movement of vessels in navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. GONZALEZ:

H.R. 16010. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE (for himself and Mr. GUDE):

H.R. 16011. A bill to extend the protection of the mechanic's lien law of the District of Columbia to subcontractors beyond the first tier, and for other purposes; to the Committee on the District of Columbia.

By Mr. MIKVA:

H.R. 16012. A bill to prohibit the introduction, transportation, or distribution in interstate commerce of gasoline containing lead; to the Committee on Interstate and Foreign Commerce.

H.R. 16013. A bill to amend the National Emission Standards Act to authorize the Secretary of Health, Education, and Welfare to set motor vehicle emission standards for used as well as new motor vehicles, to eliminate the Federal preemption of State motor vehicle emission standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16014. A bill to provide priority in the processing of applications for patents on air pollution devices; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H.R. 16015. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 16016. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 16017. A bill to provide opportunities for American youth to serve in policymaking positions and to participate in National, State, and local programs of social and economic benefit to the country; to the Committee on Education and Labor.

By Mr. SEBELIUS (for himself and Mr. WINN):

H.R. 16018. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BUSH (for himself, Mr. BUCHANAN, Mr. STEIGER of Wisconsin, Mr. SEBELIUS, Mr. VANDER JAGT, Mr. GOODLING, Mr. MILLER of Ohio, Mr. DON H. CLAUSEN, and Mr. PIRNIE):

H.R. 16019. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BUSH (for himself, Mr. STEIGER of Wisconsin, Mr. GOODLING, Mr. BUCHANAN, and Mr. PIRNIE):

H.R. 16020. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. BUSH (for himself, Mr. STEIGER of Wisconsin, Mr. GOODLING, Mr. VANDER JAGT, Mr. BUCHANAN, and Mr. PIRNIE):

H.R. 16021. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. BUSH (for himself, Mr. BUCHANAN, Mr. GOODLING, and Mr. PIRNIE):

H.R. 16022. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. DON H. CLAUSEN (for himself, Mr. MILLER of Ohio, Mr. BUSH, Mr. SEBELIUS, Mr. BUCHANAN, Mr. VANDER JAGT, and Mr. PIRNIE):

H.R. 16023. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

By Mr. COLLIER (for himself, Mr. BRAY, Mr. QUILLEN, Mr. MCKNEALLY, Mr. ZWACH, Mr. CONABLE, Mr. CONTE, Mr. BROTZMAN, Mr. WYLIE, Mr. CHAMBERLAIN, Mr. HASTINGS, Mr. CARTER, Mr. WIDNALL, Mr. BURTON of Utah, Mr. WIGGINS, Mr. MACGREGOR, Mr. BERRY, Mr. FISH, Mr. ROBISON, Mr. ADAIR, Mr. BETTS, Mr. BIESTER, Mr. MOSHER, Mr. STAFFORD, and Mr. MINSHALL):

H.R. 16024. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16025. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16026. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16027. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16028. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16029. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16030. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. GERALD R. FORD (for himself, Mr. ARENDS, Mr. ANDERSON of Illinois, Mr. POFF, Mr. TAFT, Mr. BOB WILSON, Mr. SMITH of California, Mr. RHODES, Mr. MORTON, Mr. MCCULLOCH, Mr. MAYNE, Mr. BYRNES of Wisconsin, Mr. HALPERN, Mr. WYATT, Mr. PRICE of Texas, Mr. PELLY, Mr. ESHLEMAN, Mr. THOMSON of Wisconsin, Mr. TALCOTT, Mr. HOSMER, Mr. CUNNINGHAM, Mr. KUYKENDALL, and Mr. DERWINSKI):

H.R. 16031. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16032. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16033. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16034. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16035. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16036. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16037. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HANSEN of Idaho (for himself, Mr. MESKILL, Mr. CAMP, Mr. ESCH, Mrs. MAY, Mr. BLACKBURN, Mr. ERLENBORN, Mr. BUTTON, Mr. SCHNEEBELI, Mr. GUBSER, Mr. SANDMAN, Mr. STEIGER of Arizona, Mr. HUTCHINSON, Mr. KYL, Mr. BROOMFIELD, Mr. FINDLEY, Mr. BOW, Mr. LATTA, Mr. BELL of California, Mr. WATSON, Mr. POLLOCK, Mr. SHRIVER, Mr. KLEPPE, Mr. BURKE of Florida, and Mr. WYDLER):

H.R. 16038. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16039. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16040. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air polution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16041—A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16042. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16043. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16044. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. McDONALD of Michigan (for himself, Mr. SCOTT, Mr. LUJAN, Mr. MCCLORY, Mr. FREY, Mr. PETTIS, Mr. CRANE, Mr. KEITH, Mrs. REID of Illinois, Mr. WAMPLER, Mr. CORBETT, Mr. BEALL of Maryland, Mr. MCCLURE, Mr. LLOYD, Mr. CEDERBERG, Mr. GOLDWATER, Mr. KING, Mr. DUNCAN, Mr. DENNEY, Mr. TEAGUE of California, Mr. EDWARDS of Alabama, Mr. LANDGREBE, Mr. HOGAN, Mr. SCHWENGEL, and Mr. SMITH of New York):

H.R. 16045. A bill to amend the Land and Water Conservation Fund Act of 1965, as

amended, and for other purposes; to the Committee on Government Operations.

H.R. 16046. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16047. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committe on Interstate and Foreign Commerce.

H.R. 16048. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16049. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16050. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16051. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. MATHIAS (for himself, Mr. SCHADEBERG, Mr. DEVINE, Mr. HUNT, Mr. QUIE, Mr. COWGER, Mr. HARVEY, Mrs. DWYER, Mr. FRELINGHUYSEN, Mr. MAILLIARD, Mr. WOLD, Mr. HORTON, Mr. MICHEL, Mr. WEICKER, Mr. WINN, Mr. COUGHLIN, Mr. LANGEN, Mr. STANTON, Mr. WHALEN, Mr. RAILSBACK, Mr. LUKENS, and Mr. WILLIAMS):

H.R. 16052. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16053. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16054. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16055. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16056. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16057. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16058. A bill to amend the Federal Water Pollution Control Act,, as amended; to the Committee on Public Works.

By Mr. RIEGLE (for himself, Mr. MCCLOSKEY, Mr. VANDER JAGT, Mr. SEBELIUS, Mr. GOODLING, Mr. MILLER of Ohio, Mr. STEIGER of Wisconsin, Mr. DON H. CLAUSEN, and Mr. PIRNIE):

H.R. 16059. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT (for himself, Mr. STEIGER of Wisconsin, Mr. SEBELIUS, Mr. BUCHANAN, Mr. GOODLING, and Mr. PIRNIE):

H.R. 16060. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HALL:

H.J. Res. 1084. Joint resolution authorizing the President to proclaim the period of July 13 through July 19, 1970, as "National Electronics Week"; to the Committee on the Judiciary.

By Mr. MIKVA:

H.J. Res. 1085. Joint resolution to repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. NICHOLS:

H.J. Res. 1086. Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice for children attending elementary and secondary schools; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H. Con. Res. 510. Concurrent resolution expressing the sense of the Congress in opposition to the high-interest-rate policy; to the Committee on Banking and Currency.

By Mr. WOLFF (for himself, Mr. ADDABBO, Mr. BIAGGI, Mr. BINGHAM, Mr. BURKE of Florida, Mr. BUTTON, Mr. CAREY, Mr. DERWINSKI, Mr. FARBSTEIN, Mr. FULTON of Pennsylvania, Mr. GROVER, Mr. HALPERN, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. LOWENSTEIN, Mr. MCKNEALLY, Mr. NIX, Mr. PEPPER, Mr. PIKE, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. WHITEHURST, Mr. WILLIAMS, and Mr. WYDLER):

H. Con. Res. 511. Concurrent resolution expressing the sense of Congress that the United States should sell Israel aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H. Res. 841. Resolution to disapprove Reorganization Plan No. 1; to the Committee on Government Operations.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

396. By the SPEAKER: Petition of Daniel Edlord Leveque, Sheboygan, Wis., relative to redress of grievances; to the Committee on the Judiciary.

397. By Mr. BRINKLEY: Petition of Mrs. C. B. Short, Mrs. Lula Bailey, C. B. Short, of Americus, Ga.; Mrs. Harold J. Israel, Harold J. Israel, Mrs. Oliver Mills, Oliver Mills, Grigsby T. Chappell, Mrs. Grigsby T. Chappell, Ronnie Mills of Smithville, Ga., et al., to petition the President, Congress, and courts of the United States of America to heed the following with all deliberate speed: 1. Grant freedom-of-choice privileges as stated in the 1964 civil rights legislation. 2. Stop busing students for the sole purpose of achieving racial balance with no regard to education; to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

THE GSA ANNUAL REPORT

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, February 18, 1970

Mr. MATHIAS. Mr. President, the GSA annual report was recently submitted to the Congress. I am pleased to learn of the many constructive changes effected by General Services Administrator Robert L. Kunzig. Particularly worthy of note are the steps he has taken to eliminate discrimination at GSA. I ask unanimous consent to have printed in the RECORD an excerpt from the GSA annual report which deals with recent progress in this area.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM GSA ANNUAL REPORT

The festering sore of discrimination is sensitive.

Like a raw wound, it demands immediate and thorough care. No band-aid approach is acceptable. Lame rationalizations as to how long it has oozed pus or who inflicted it won't help.

Though the plight of the Negro is foremost in any discussion of discrimination, he does not pull the burden alone. In the harness with him are women and children, aged and handicapped, Mexican-Americans and, at various times, Jews, Catholics, and Irishmen.

The practice as well as the policy of the General Services Administration is for early diagnosis of the ills of discrimination, regardless of origin, and painstaking treatment until a cure is effected.

No excuses are offered for past performance. Here are some examples of recent progress:

Acting on President Nixon's stated policy of providing equal employment opportunity to every employee without regard to race, creed, sex, age, or national origin, the Administrator has committed GSA to assuming a role of leadership in equal employment opportunity.

The Administrator vigorously emphasized this commitment through personal visits to each and every regional office across the country to be sure his views were clearly understood.

By direction of the Administrator, a study of the entire civil rights functions within GSA has been recently completed.

The position of Deputy Assistant Administrator for Administration was filled by a

highly qualified management expert who becomes the highest ranking Negro in GSA's 20-year history.

A full-time position of Executive Director of Equal Employment Opportunity was named to the Administrator's immediate staff and counterparts were placed on the staffs of each of the 10 Regional Administrators with responsibilities of promoting continued affirmative action.

In the field of minority business enterprises, GSA has established a tone of leadership, demanding action and charting results. In its role as "business manager for the Federal Government," GSA is seeking out minority businessmen and counseling them on how to bid for Government contracts. This program is guided by the philosophy that all people must be given the opportunity to succeed. A Region 3 pilot project in Baltimore has succeeded in identifying 75 minority businessmen who will be offered on-the-site advice and guidance.

MSGR. LEOPOLD A. ARCESE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. ADDABBO. Mr. Speaker, a truly great religious leader, Msgr. Leopold A. Arcese, pastor emeritus of Nativity Church in Ozone Park, N.Y., passed away on January 30. I suffered a deep personal loss with Monsignor Arcese's death because he was my former pastor and a personal friend to whom I could always turn for guidance.

I join with the residents of Ozone Park and with all who knew and loved Father Leo in extending our sympathies to his two surviving sisters.

I include an article appearing in the Tablet of February 5, 1970, at this point in the RECORD:

MONSIGNOR ARCESE, QUEENS PASTOR EMERITUS, DIES

Pontifical concelebrated Mass of the Resurrection for Msgr. Leopold A. Arcese, pastor emeritus of Nativity Church, Ozone Park, was offered Tuesday morning.

Msgr. Arcese, 82, died Jan. 30 at Mary Immaculate Hospital, Jamaica, following a heart attack.

Born in Arpino, Caserta, Italy, he was one of 12 children, five of whom entered the religious life. The other Arceses in religion were Msgrs. Vincent Alphonse and Gaetano and Sister Mary, of the Daughters of the Sacred Heart. All are deceased.

Msgr. Arcese studied at Holy Cross College, Worcester, Mass., St. Francis College and St. John's Seminary, both Brooklyn. He was ordained June 10, 1911.

As a curate he served at St. Patrick's, Glen Cove; St. Patrick's, Huntington, and St. Cecilia's, Brooklyn.

In 1918 he assumed his first pastorate, at St. Francis of Paola, Brooklyn. He later served as pastor at St. Rita's and St. Lucy's, both Brooklyn, before going to Ozone Park in 1931. He became pastor emeritus in 1966.

Msgr. Arcese was named a domestic prelate in 1940 and a synodal judge and member of the Board of Consultors in 1952. He also served as diocesan director of the Sanitation Department Holy Name Society.

In his homily at the Mass, Bishop John J. Boardman said:

"Msgr. Arcese is the last of what might well be called a magnificent priestly dynasty. He was born in the little town of Arpino to the north of Rome in 1887. At that time, the Italian people were coming in numbers to New York from their homeland, and because of a lack of priests and a language barrier they became a cause for great concern to Archbishop Corrigan who then presided as Ordinary over the Diocese of New York. He confided his anxiety to his confessor the uncle of Father Leo, Father Julius Arcese a Franciscan priest stationed at St. Anthony's Church on Thompson St. "Now Father Julius found an immediate answer, at least in part, when to his suggestion the good Archbishop allowed him to send for his nephews, Father Vincent already ordained to the priesthood, and Alphonse Gaetano, and the youngest of the family Leopold who were yet of school age. They finished their education in America. In due time by God's Grace they were all ordained to the priesthood; Gaetano remained with Father Vincenzo in New York, and Alphonse and Leopold came to Brooklyn.

"It was natural that their priestly zeal for souls should find its greatest expression among the people of their own native culture and nationality."

At Nativity, Bishop Boardman said, Msgr. Arcese "devoted himself untiringly to the physical development of its buildings as well as the spiritual well-being of his people. His work among the poor, the sick and suffering, and among those in trouble is yet recalled by the thousands to whom through the years, he gave priestly counsel, the consolation of the Sacraments, and the largesse of his own, as well as parish resources to ease their poverty."

From his ministry among them, the homilist said, Msgr. Arcese took inspiration to extend the orbit of his priestly influence through the founding of the Ferrini League for Social Service among the Italian people. It was so named in honor of Blessed Cantardo Ferrini whose existence would seem unknown to us but for the desire of Father Leo to follow his example to be of service to others."

Bishop Mugavero was the principal concelebrant. The others were Msgrs. Francis B. Donnelly and Gerald A. Ryan and Fathers Joseph A. Towers, Vincent J. Termine, Dominick J. Adessa and Franklin E. Fitzpatrick.

Survivors include two sisters, Mrs. Lawrence Rotundi of Garden City, L.I., and Mrs. Constantino Quadrini of Rome.

Burial was in St. John's Cemetery, Middle Village.

THE PATHFINDER FUND

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Wednesday, February 18, 1970

Mr. BROOKE. Mr. President, as our program of foreign aid has expanded, we have increasingly turned to the expertise and the initiative which can be offered by private foundations and organizations. One of these organizations which has done much to assist the developing nations in matters of population control is the Boston-based Pathfinder Fund.

This fund was established to further the work of an eminent New England physician, Dr. Clarence Gamble, in the field of family planning. Its participation has been marked by a consistently high quality, which has earned the fund more than $4 million in AID contracts spanning 70 countries in Asia, Africa, and Latin America.

A very good article about this fund and the excellent work which it is doing appeared in a recent Agency for International Development publication entitled "Population Program Assistance." I ask unanimous consent that the text of this article be printed in the Extensions of Remarks of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PATHFINDER FUND

The Pathfinder Fund—a pioneer in the field of family planning—is currently helping to support 218 projects around the world. Seventy-five of these are in Asia, 44 in Africa, and 68 in Latin America.

The Boston-based, private organization began its family planning activities in the United States in 1929, expanded its efforts in 1952 to concentrate on assistance to developing countries. The Fund has been supported for many years by the Gamble family and others and more recently has also received A.I.D. grants.

Pathfinder works in individual countries to encourage and assist local people, groups, and institutions to provide family planning services. Support is usually given for a limited period until a strong family planning association or local government assumes responsibility.

Specific Pathfinder objectives are to initiate family planning activities and form family planning associations in new locations; to provide these associations with educational materials; to encourage new contraceptive supplies and initial funds; to assist local studies of the acceptability and effectiveness of present contraceptive methods; to search for more efficient, simpler, and cheaper contraceptive techniques; and to help develop training programs.

As an outgrowth of its intracountry family planning activities—particularly its introduction and provision of IUDs beginning in 1963—Pathfinder has become an international clearinghouse for new developments in IUD technology. In late 1967 an International IUD Program was inaugurated, using the latest computer technology to provide scientific, timely evaluation of the various IUDs in existence and of new ones.

This IUD program is carried out through a cooperative network of 100 selected doctors in 40 countries. The doctors, whose data have proven to be of high statistical quality, send monthly reports to Pathfinder headquarters. The Pathfinder Fund supplies each doctor with appropriate IUDs and literature, plus expert analytical backstopping.

Two volumes of "IUD Performance Patterns"—a table from one appears on page 15—have been published. The swifter evolution of new and improved devices is greatly facilitated by this International IUD Program.

PELLY FIRST TO SPONSOR PRESIDENT'S ENTIRE ENVIRONMENTAL PACKAGE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. PELLY. Mr. Speaker, our supply of clean air is diminishing daily. I strongly support President Nixon's proposed Clean Air Act amendments, as well as the rest of his legislative package on the environment, as insurance for our future. And, Mr. Speaker, I am pleased to have been the first Member to so join in sponsorship of this legislation.

I speak particularly of the proposal for

national emission standards. The President's proposal would authorize the Department of Health, Education, and Welfare to set national emission standards for new sources of pollutants which would contribute substantially to the endangerment of public health or welfare. Such standards would insure that the best available air pollution control techniques would be installed on new pollution-producing facilities. To prevent a problem is the best method of control. National emission standards would accomplish this.

President Nixon's proposal also would authorize the Department of Health, Education, and Welfare to set national emission standards for all sources of pollutants which are extremely hazardous to health. This approach would greatly speed up the process of protecting the public against pollutants which pose special problems and therefore require special control action.

Already, Mr. Speaker, I am a cosponsor of H.R. 14761, to stimulate the development, production and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and I urge swift congressional action on this legislation.

Additionally, Mr. Speaker, I endorse the President's package in total because it is wide in scope. It further calls for more attention to our problems of parks and recreation. It is increasingly difficult for cities and municipalities to acquire park land due to inflated land cost, yet the population with its demands for outdoor recreational facilities grows by the day.

In his message to Congress, President Nixon supported legislation I introduced and presently is in the House Interior Committee on turning surplus Federal property over to cities and municipalities at a cost of 50 percent or less. I applaud the President's reference to this problem and support his solution.

Mr. Speaker, the President's proposals will go far toward insuring clean air for all our citizens; in providing adequate land for parks; and in assuring future generations of clean water.

This legislative package is historic, and I am proud to sponsor the President's entire legislative package as it is vital to our very survival.

ARTHRITIS AND THE HEW APPROPRIATIONS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mrs. GRIFFITHS. Mr. Speaker, the appropriation bill for the Department of Health, Education, and Welfare comes before Congress again, following Presidential veto of the original bill passed by Congress last month, with its increased $1 billion funding made by Congress chiefly for education, health research, and hospital construction. At this time, I would like to insert into the RECORD a copy of a letter to the President, which was written and sent to me by Mrs. Bernard R. Wetering of Grosse Pointe, Mich. The letter expresses the hopes and needs of the many thousands of Americans afflicted with arthritis, who are concerned with cutbacks in funds for chronic disease programs. Indeed, these people cannot be forgotten.

The letter follows:

Re: Michigan Arthritis Control Center Funds.

President RICHARD NIXON,
White House,
Washington, D.C.

DEAR PRESIDENT NIXON: Due to a threatened cut back of federal funds for on-going chronic disease programs, I am writing my first letter to my President.

I am one of the 750,000 people in Michigan alone who have arthritis. Seven of my forty-seven years have been spent fighting this chronic, crippling disease with no hope at the present time of having it cured. For three years I was on a Henry Ford Hospital Arthritis Clinic research project. I offered myself as a human guinea pig hoping that even if help was not found for me, it might be found for some of my fellow sufferers. I hope and pray this was not done in vain.

My mother, sister and two young nephews suffer from arthritis or related diseases. One young nephew of twenty-four is working under severe handicaps for his Doctorate in Education. What a loss to our country if he shouldn't make it due to his health. Among my friends there are six arthritics, one a young lady of nineteen and one a small girl of three.

I am begging you for the continuation of arthritis research funds mainly for the sake of the young people . . . our future generation!

Sincerely,

Mrs. BERNARD R. WETERING.

HOLD DANGEROUS DEFENDANTS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. HOGAN. Mr. Speaker, it is obvious that the question of pretrial detention is one which must be solved if there is to be any effective reduction in crime. The St. Louis Globe-Democrat has seen fit to print an editorial on this important subject. The article makes a strong argument, with sufficient reason, for President Nixon's request for amending the Bail Reform Act of 1966. I advise my colleagues to read this intelligent editorial. I urge that we act on this important proposal.

The editorial follows:

[From the St. Louis Globe-Democrat, Feb. 10, 1970]

HOLD DANGEROUS DEFENDANTS

Before anyone, even a speed reader, can complete this editorial, someone in the United States will have been the victim of a horrible crime.

Such is the frequency of crime and violence in the land that traveling to the moon is safer than walking the streets at night.

When Richard Nixon campaigned for President he promised to do something about the dreadful crime crisis, obviously one of the major concerns of voters.

One of the most reasonable and protective proposals put forth by the Nixon Administration, in its fight against crime, asks authority for pretrial detention of dangerous defendants.

As President Nixon observed, in asking Congress to amend the Bail Reform Act of 1966, "Increasing numbers of crimes are being committed by persons already indicted for earlier crimes, but free on pretrial release. Many are being arrested two, three, even seven times for new offenses while awaiting trials."

No one needs to draw St. Louisans a picture of a dangerous defendant.

Milton Brookins, who has been found guilty of an armed robbery attack on a young woman while out on bond on two rape charges, answers the description.

Under a system authorizing pretrial detention, Brookins could have been denied bail because of the substantial probability that his release posed a danger to the community.

At present a court must ignore a defendant's danger to the community and release him on bond if he is not considered likely to flee.

Precise statistics on the number of crimes committed by those out on bond while awaiting trial for other offenses are not available, because until recently no attempt was made to tabulate them.

Available figures, however, are shocking. In Washington, D.C., nearly 60 per cent of defendants indicted for robbery, and released prior to trial, were re-arrested and charged with subsequent offenses.

As requested by the Justice Department pretrial detention would be authorized in all federal courts, but would have its greatest impact in the District of Columbia, where these courts have full jurisdiction.

Adoption by states would have a most beneficial effect in crime-infested cities everywhere.

Detention is no presumption that the accused is guilty of the offense charged, any more than a person charged with murder is presumed guilty because he need not be granted bail on a capital offense.

Rather than cripple anyone's constitutional rights, pretrial detention of dangerous defendants could make it practical to do away with the hypocrisy of setting high bonds in situations where the defendants are not considered a threat to the whole community.

The aim of pretrial detention is simple and clear. The welfare of the majority requires that the community be protected against the menance of known offenders running loose, piling crime upon crime to the ruination of us all.

REDUCTION IN POLITICAL TIME ADVERTISING RATES

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. NICHOLS. Mr. Speaker, there are many advocates here in the Congress of legislation to subsidize political campaigns due to the high cost of campaigning. So far, this legislation has not gained grassroots support across the country, and I seriously doubt that it will.

I was pleased to learn last week that a public-spirited broadcasting company which serves my congressional district has taken steps to do something about the high cost of campaigning. Cosmos Broadcasting Co., which owns three television stations including one in Mont-

gomery, Ala., announced that all political advertising would be reduced by 25 percent this year. This is very commendable, and I sincerely hope that more of our advertising mediums will follow the lead of Cosmos.

The following is a news release which announces the new policy:

NEWS RELEASE OF COSMOS BROADCASTING CORP.

A 25% reduction in political time advertising rates on Cosmos television stations for all qualified candidates in the 1970 Primary and General Elections was announced today by Cosmos Broadcasting Corporation President Charles A. Batson.

In making this announcement Mr. Batson stated that the reduction would go into effect immediately at WIS Television in Columbia, South Carolina; WSFA Television, Montgomery, Alabama; and WTOL Television in Toledo, Ohio.

Mr. Batson went on to say that the reduction was a result of the stations' recognition of rising campaign costs and a desire to insure the public of the widest possible exposure to candidates and their platforms.

Notification of the new policy by the Cosmos stations has been sent to state party headquarters in South Carolina, Alabama, and Ohio, as well as the national headquarters of both the Republican and Democratic Parties in Washington, D.C.

NIXON ON TOXINS: A WISE DECISION

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. DELLENBACK. Mr. Speaker, President Nixon's statement of February 14 extending his November 25 ban on biological weapons to include toxins will have many positive effects. It will reduce uncertainty about U.S. intentions of using disease as a weapon of war. It will remove the hazards of domestic production, and it brings American policy a step closer to the British draft convention on biological and chemical warfare proposed at the Geneva disarmament talks.

This is a step that I have long urged on strategic and tactical grounds as well as for the reasons just mentioned. By ending the definitional dispute over the classification of toxins, President Nixon has eliminated a point of senatorial debate and facilitated the ratification of the Geneva protocol.

Earlier this week I received a statement, "What Policy for Toxins?" from Prof. Matthew Meselson of the Harvard University Biological Laboratories. For the reasons why President Nixon's decision is wise, I commend to my colleagues Dr. Meselson's concise paper on the fundamental disadvantages of toxins:

WHAT POLICY FOR TOXINS?

(By Matthew Meselson)

CHARACTERISTICS OF TOXINS

Toxins are poisonous substances produced by living organisms including plants, animals and bacteria. Examples are ricin (from the castor bean), tetrodotoxin (from the globe fish), and botulinal toxin (from the bacterium Clostridium botulinum). Today, their production entails the growth or harvesting of large quantities of plants, animals or bacteria from which the toxin may then be separated and purified. Looking several years ahead, it will be possible to synthesize a number of toxins directly, without the need for toxin-producing organisms. Eventually, direct chemical synthesis will provide a practical alternative to extraction from living organisms, although the latter method is likely to remain the least expensive for bacterial toxins.

In contrast to the organisms that produce them, toxins are not capable of reproduction. For this reason, illness caused by toxins is not transmissible from man to man. Toxins cannot themselves cause spreading epidemics. Nevertheless, toxins do cause disease. The principal pathological symptoms of many bacterial diseases are in fact caused by toxins produced within the human body by living bacteria. In this sense, bacteria makes toxins, toxins cause disease. Examples of diseases that can be produced either by bacterial infection or by direct administration of the corresponding toxin are anthrax, cholera, diphtheria and tetanus.

Some toxins are highly lethal to man (botulin) while others usually cause only temporary incapacitation (staphylococcus enterotoxin). Many toxins cause illness or death only after a considerable delay. This varies with the particular toxin and with the dosage and can range up to several days. For use as weapons, toxins may be dispersed as aerosol clouds over or up-wind from a target, to be inhaled by the target population. Because toxins are not absorbed effectively through the skin, a gas mask provides good protection, as do shelters with properly filtered air. Protection can also be afforded by prior immunization with specific toxoid. However, each toxoid is effective only against a particular kind of toxin and, for some toxins, the margin of protection is not enough to be of practical significance.

ARE TOXINS CHEMICALS OR BIOLOGICALS?

Some texts classify toxins as chemical agents because they do not multiply and cannot cause spreading epidemics. Other texts define toxins as biological agents because the technology of their production resembles that of biological agents rather than that of chemical agents and because the symptoms produced by bacterial toxins are like those produced by bacterial infections. The report of the U.N. Secretary General on chemical and bacteriological weapons defines toxins as chemicals whereas, until recently, U.S. military writings defined them as biological agents. The intermediate status of toxins is manifest in the United Kingdom draft BW convention. Although this treaty does not explicitly prohibit the possession of toxins it does prohibit the production and possession of bacteria for the manufacture of toxin weapons. Apparently in recognition of these points, the British Government has declared its willingness to consider amendments that would extend the convention's prohibitions to cover toxins explicitly. In any case, *the United States should not attempt to derive its policy for toxins from purely technical arguments regarding their definition.* Instead, our treatment of toxins should aim to achieve our major policy objectives.

POLICY CHOICES

The United States is already pledged not to initiate the use of lethal or incapacitating chemical weapons and to refrain from all use whatsoever of germ weapons. Thus, whatever policy is decided for toxins, there is no question of initiating their use in war. Rather, the principal questions for decision are:

(1) Should the United States reserve the right to use toxins in *retaliation* for CB attack against us?

(2) Should the United States pursue the development and production of toxin weapons?

Our answers to these question should be decided in terms of our major policy objectives. These are (1) meeting military requirements, (2) achieving arms control and non-proliferation, (3) maintaining the authority and credibility of the President. Each of these objectives is discussed below.

MILITARY REQUIREMENTS

Today, lethal toxins are militarily inferior in almost every important respect to our standardized lethal chemical agents, the nerve agents. Nerve agents act rapidly, many toxins do not. Nerve agents can attack through the skin, thus forcing an enemy into cumbersome protective suits. Toxins do not act through the skin, protection is afforded by a mask alone. Nerve agents can be chosen to contaminate territory for several days, denying it to unprotected troops. Toxins, once they are deposited on the ground, do not constitute an important hazard. We already have a substantial supply of nerve agent munitions and have spent much effort in learning their field characteristics. The research, development and testing necessary to produce satisfactory toxin weapons, assuming that can be done, would entail considerable cost.

With enough development effort, some of the military shortcomings of toxins relative to nerve agents could probably be overcome. The main possibility of technological change that requires closer analysis of the value of toxins to the U.S. would be the development of lethal toxins substantially more poisonous under military field conditions than are existing nerve agents. Such development is probably feasible. The weight of toxin munitions needed to cover a given area would then be lower than the corresponding requirement for nerve agent munitions. For example, substantial chemical operations in Europe would require some tens of tons of nerve agent munitions per day. If developed to anything like their full potential, a much smaller quantity of toxin munitions would suffice to cover the same area. However, this reduction of logistic requirements in a major war zone is not so great as to provide an overwhelming argument for having toxins instead of nerve agent. For comparison, we expend thousands of tons of munitions per day in Vietnam and would expect to use considerably more in a major conventional war in Europe.

U.S. policy proscribes the first use of lethal or incapacitating chemicals. Our ability to use chemicals in retaliation against a chemical attack on us would force enemy troops to don protective equipment. This provides such a high order of protection that our chemicals would not be very effective in causing casualties directly. Instead, the military effectiveness of using chemicals against an enemy prepared to protect himself resides mainly in the reduction of mobility and general fighting efficiency caused by the cumbersomeness of protective equipment and by the complexity of the precautions needed to survive in a chemical environment. The chief argument for our possession of chemicals is that it enables us to force the enemy into the same awkward protective posture as his chemicals would force on us, reducing his incentive to initiate chemical warfare and denying him a comparative advantage in case deterrence fails. Although this argument deserves critical examination, it is accepted here without challenge in order to assess the requirement for toxins as a replacement for nerve agent weapons.

There would be little military advantage in having agents much more toxic than nerve gas. Even a very large increase in toxicity would not overcome the high degree of protection afforded by sophisticated defensive gear. Indeed, in spite of their potential for extraordinary toxicity, toxins are likely to be *less* effective for tactical purposes than are nerve agents. Toxins do not penetrate the skin and therefore would not force enemy troops to wear protective equipment as

cumbersome as the suits required for defense against nerve agents. Their dissemination over large areas would cause high casualty levels among unprotected civilians while not greatly impeding the activities of enemy soldiers. Indeed, even if skin penetrating toxins could be developed, contrary to present expectation, their only advantage would be the rather modest reduction of logistic requirements discussed above.

The situation with incapacitating agents is somewhat different because no very satisfactory incapacitating agent now exists. It is conceivable that a satisfactory incapacitating toxin could be developed, whereas no conventional chemical may be found with the necessary properties. However, so long as we are committed to use incapacitating agents only *in retaliation* for chemical attack upon ourselves, we have no major need for an incapacitating chemical capability.

ARMS CONTROL AND NONPROLIFERATION

Today no nation appears to have operational toxin weapons or even to have generated any great momentum toward developing them. In the context of both tactical and strategic war, it is very much in our interest to preserve this situation. Our great wealth allows us to expend enormous quantities of conventional munitions in tactical combat. Very few countries even approach this capability. Toxin weapons have the potential of large area coverage at low cost. If effective toxin weapons are developed and if there are no strong restraints against their acquisition, countries and forces less wealthy than the U.S. will wish to acquire them, to our disadvantage.

At the strategic level, the hazard for us is much more serious. Toxins could open up a whole new dimension of strategic threat. For strategic purposes, their potential for large area coverage per pound of agent could make them more like germ weapons than like chemicals. Countries not possessing nuclear weapons and unwilling to accept the odium and uncertainties of reliance on strategic germ weapons might well be tempted to acquire a population-killing capability based on toxins.

Clearly, it is in our interest to discourage other nations from diverting resources to the development and procurement of toxin weapons. We do this by creating the expectation that such weapons will not be used, by not pioneering their technology, and by strengthening the psychological and legal barriers against them.

The arms control benefits of our newly decided policy of not using germ weapons for any purpose will be reduced if we maintain biological laboratories where secret work is done and if we keep military facilities capable of the large-scale production of germ weapons. An active U.S. toxin weapons program would prevent us from demilitarizing and declassifying our biological research laboratories at Fort Detrick and our germ weapons production facility at Pine Bluff Arsenal. Conversely, if we choose not to develop toxin weapons, Pine Bluff can be completely demilitarized and our defensive biological research program can be done at Fort Detrick or other locations with little or no secrecy. This would constitute a comprehensive and convincing renunciation of the use of disease as a weapon of war. It would deprive present and potential advocates of biological weapons in other countries of the time-honored argument that such weapons must be made because the other side is doing so. It would reinforce the psychological attitudes which incline political leaders not to divert resources to biological weapons and which incline technical personnel not to work in this area. Such a policy would allow us to focus maximum political pressure on other nations in order to discourage them from undertaking or prosecuting biological weapons programs of any kind.

MAINTAINING THE AUTHORITY AND CREDIBILITY OF THE PRESIDENT

The initiative of the President in renouncing the use of biological weapons under all circumstances was greeted with praise and admiration throughout the world and across a broad political spectrum. However, the toxin issue threatens to undermine the credibility and authority of the President's policy, even in the eyes of persons generally counted as supporters of Presidential policy. Many senior scientists have expressed the view that a toxin weapons program would be inconsistent with the President's initiative in attempting to forestall the use of disease as a weapon of war. A toxin weapons program would require us to divert many of the recent and forthcoming advances in biology and medicine toward new methods of killing and of controlling living processes for military purposes. Most persons hold this to be unnecesary and abhorrent. This attitude was stated editorially in the Washington Post of January 9. "The revulsion generally felt against biological warfare arises from the conviction that disease should not be used as a weapon of war. Surely the President did not mean that, while a disease induced by living bacteria is out of bounds, a disease induced by a toxin is acceptable. He can scarcely have renounced typhoid only to embrace botulism." This view is likely to be shared by a large segment of responsible opinion in the United States and abroad. To the extent that this is the case, a decision to maintain a toxin weapons program would rob the President of the initiative he has gained and would generate cynicism and disaffection amongst persons who would otherwise come strongly to the support of his policy.

CONCLUSIONS AND RECOMMENDATIONS

(1) U.S. military requirements for toxin weapons are no more than marginal.

(2) The proliferation of toxin weapons would be disadvantageous to us in tactical war and would pose a major new strategic threat. Our principal objective should be to discourage interest in developing toxin weapons. This can best be done by grouping toxins with biological weapons for policy purposes.

(3) Doing this would allow the President to take an unequivocal and convincing stand against any use whatsoever of disease as a weapon of war.

PRIORITY PROCESSING FOR PATENTS ON AIR POLLUTION DEVICES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. MIKVA. Mr. Speaker, just as science and technology have added to the problems of air and water pollution, so technology and man's inventiveness may someday provide us with answers—or at least partial answers—to the problems of air, water, and solid waste pollution. Indeed, some of the very programs authorized and funded by this Congress are programs to promote research and development of techniques and devices to assist in controlling the scourge of environmental pollution.

One of the most critical areas of need for new technology is air pollution. And yet it is here I fear that governmental processes may be acting as a drag on the exploitation of inventions which already exist. The procedure for obtaining patent protection for new air pollution control devices is sometimes a long and tortuous one. Inventors, understandably loath to market their product until they have secured full protection, may wait for months or years until their inventions are finally approved by the Patent Office for full patent protection. Today, I am introducing a bill which I hope will contribute to the solution of this bureaucratic problem.

The bill I am introducing today authorizes and directs the Commissioner of Patents to advance for examination and further processing the applications for patents on inventions of devices for the control of air pollution. Such patents could include items such as new automobile mufflers, new style precipitators, different ways of consuming the pollution-producing fuel which is burned by many factories and utilities, or even the invention of a nonpolluting vehicle.

The battle against air pollution is going to be a long and hard one. We need all the help we can get from the inventors of America and from their inventions. I hope that the bill I introduce today will make inventions which are potentially useful in the antiair pollution battle more easily available at an earlier date than they would otherwise be.

CONGRATULATIONS TO JAYCEES ON 50TH ANNIVERSARY

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. CHAPPELL. Mr. Speaker, 1970 marks the 50th anniversary of a great service organization—the Jaycees. What a proud record they can look back on.

All through these years they have recognized that the basis of American civilization is in her grassroots and they have worked for the future of democracy and the building of a better nation by building better communities throughout the Nation.

This organization, in dedicating itself to the task of making democracy work, has not held meetings to discuss the meaning of the word "democracy," nor has it participated in debates as to which part is best able to maintain democracy, but realizing that local government is the foundation of our democratic form of government, they have been vitally interested in local government problems.

In carrying out their basic policy of making democracy work by encouraging individual citizen expression and unified action by groups within the community, the local Jaycee groups carry on get-out-the-vote campaigns on a nonpartisan basis in hundreds of communities.

In many cities these campaigns have resulted in record registrations and increases in the vote as high as 85 percent over previous elections. To make sure that these votes are properly counted the Jaycees have been responsible for having voting machines installed in many of these communities. Their slogan, "Vote as you please, but vote," has resulted in

the defeat of unsound legislation, both local and State.

Too many groups think of America as a great big grab bag instead of a treasure chest which holds the things they value most dearly, and these groups have become one of the greatest threats to our democracy.

Like many other groups in the United States, the Jaycees is a pressure group, but a pressure group for good government. Their entire program is concerned with the general welfare and their refusal to take part in partisan politics has greatly increased their effectiveness when a governmental issue does arrive.

What we need are more of the kind of men that belong to Jaycees—men who acknowledge and who are paying a debt of gratitude to this country which provides them with homes and the privileges of citizenship. Men whose hands are outstretched to give and not to grab, and who are willing to make any sacrifices necessary to preserving our democratic form of government.

We have faith and confidence in the future of America. Democracy has more active, vigilant defenders than at any time in recent history, and when starvation and want are things of the past and dictators of the present are unpleasant memories, young men of the U.S. Jaycees will be found working together in a friendly spirit, building, through their energy, enthusiasm, and ability, a greater America for this and coming generations.

I am deeply grateful for the years I spent as a Jaycee in my hometown of Ocala, and for the comforting knowledge that this great organization continues day after day, and year after year to work for preservation of democracy.

Mr. Speaker, I know that you and all the Members of Congress join me in congratulating the Jaycees on their 50th anniversary and wishing for them 50 more years of service to their communities, their States and to our Nation, for I believe, as they do, that "service to humanity is the best work of life."

AN ALBATROSS OR A DOVE?

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. MIKVA. Mr. Speaker, the coming of a new calendar decade offers an inevitable invitation to reflect and make promises. In the past few weeks all of us have been exposed to probably too much discussion and interpretation of the now-gone decade, and just as much of an excess of pledges and predictions.

However, it is simplistic to think that our future well-being and progress can now be automatically divorced from the misguided decisions of our past. Many of those decisions still haunt us, and threaten to impede any of our efforts toward a better, more peaceful existence for the Nation and the world.

I am introducing today a resolution which would help cast off some of those out-of-date obstacles and enable us to take a new and more positive stand for our future.

This resolution first would repeal several pieces of stale but open-ended legislation, including the 1964 Gulf of Tonkin resolution, which have committed our Armed Forces, without definitive congressional authorization, to extensive service of dubious value around the world.

Second, this resolution calls for the establishment of a joint committee to study and make recommendations to end as soon and as simply as possible the "state of national emergency" under which we have allegedly been living since December 16, 1950. The quality of life in this country may well have reached the crisis stage for many citizens, but the emergency proclamation to which this resolution refers has not to do with life styles at all, but rather to the outbreak of the Korean war, 20 years ago.

We cannot go on seeking peace with these albatrosses dangling from our necks. If we are indeed to reappraise and reform our foreign polices for the coming decade, we must eradicate these insidious pieces of obsolete legislation.

Then we must consider positive alternatives to our current foreign commitments. The last three sections of the resolution I am introducing today, will do just that, specifically in reference to the Vietnamese situation. These sections, first, call for the creation of an international peacekeeping body to scrutinize the withdrawal of American fighting forces in Vietnam and its aftermath; second, urge the South Vietnamese leaders to get down to brass tacks in organizing an acceptable and adequate government; and third, call for the President to formulate with other nations a plan for the reconstruction of Southeast Asia.

Our past decisions—or abjurations of decisions—need not cripple our promise of peace. In that light, I urge my colleagues to consider the possibilities of this resolution.

HUMPHREY ATTACKS THE REPUBLICAN PARTY

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BLACKBURN. Mr. Speaker, efforts by members of the Democratic Party to discredit the Republican administration come in varied, often contradictory forms, which are, at least, uniformly ineffective.

One of the most recent attempts was by former Vice President Hubert Humphrey, who said, in a speech in North Carolina, that the Republican Party will be hurt by its so-called Southern strategy—that it may bring short-term popularity in the South, but the administration "won't sell nationwide."

What Mr. Humphrey fails to consider, however, is that this administration is selling nationwide—as numerous polls, editorials, and other measures of public opinion show. Public support and confidence in the President's actions and programs is conspicuously higher than it was during the administration of which Mr. Humphrey was a part—both in the South and in the rest of the Nation. I commend a recent editorial on this subject to the attention of my colleagues.

The editorial follows:

[From the Birmingham News, Feb. 7, 1970]

HHH ON THE SOUTH

Hubert Humphrey told a Democratic Party fund-raising dinner in Charlotte, N.C., Wednesday that the Republican Party, while it might profit in the short run, will be hurt in the long run by its so-called "Southern strategy."

Humphrey accused President Nixon and Vice President Agnew of plagiarizing George Wallace speeches, and said that if the Nixon administration persists in that direction "there will be a one-term administration that won't sell nationwide." (George Wallace on TV the other weekend was promising that Nixon will be a one-term president if he *doesn't* follow the Wallace line.)

For Hubert Humphrey (or George Wallace) to be giving Richard Nixon advice on politics at this point is something like Napoleon telling the Duke of Wellington what the latter did wrong at the Battle of Waterloo.

The Republican Party and the Nixon administration have no "Southern strategy" based on preferential treatment for Dixie. What some Democrats, apparently including the former vice president, can't seem to get through their heads is that there can be a national administration which does not single out the South for the opposite kind of treatment.

The Nixon administration has set a general tone which is approved by most Southerners. But not *only* Southerners approve, which Mr. Humphrey and his fellow Democrats know full well but choose to overlook.

They can make jokes about the "silent majority," but they can read the polls and they can sense the support this administration has won so far throughout most of the nation—just about everywhere, in fact, except the Eastern seaboard, where most of the architects of the Democratic Party's political disaster reside, spiritually if not geographically.

That's what sticks in their craw.

MSGR. JOHN M. MULZ

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. ADDABBO. Mr. Speaker, Msgr. John M. Mulz, pastor emeritus of St. Thomas Apostle Church, Woodhaven, N.Y., passed away on February 6 at St. John's Hospital in Elmhurst, 3 days prior to his 84th birthday.

Monsignor Mulz was pastor of the parish adjoining my parish in Ozone Park and was a respected friend. His loss will be felt by the entire community.

I include an article appearing in the Tablet of February 12 at this point in the RECORD:

FUNERAL FOR MONSIGNOR MULZ, A PRIEST FOR 57 YEARS

Pontifical concelebrated Mass of the Resurrection for Msgr. John M. Mulz, pastor emeri-

tus of St. Thomas Apostle Church, Woodhaven, and former first vice-president of The Tablet's board of directors, was offered Tuesday morning.

Msgr. Mulz, who would have been 84 the day before he was buried, died Feb. 6 at St. John's Hospital, Elmhurst.

A priest for 57 years he studied at St. John's College and Seminary, both in his native Brooklyn.

A curate the first 17 years of his priesthood, Msgr. Mulz served at St. Matthias and Our Lady of the Miraculous Medal, both Ridgewood, St. Boniface and St. Benedict's, both Brooklyn.

In 1929 he became administrator, then pastor of All Saints, Brooklyn. Seven years later he was named pastor of 14 Holy Martyrs, Brooklyn, and he remained there until 1949 when he was assigned as pastor of St. Thomas Apostle.

He won papal honors in 1954 when Pope Pius XII raised him to the rank of domestic prelate. Ten years later he was appointed dean of South Western Queens.

Msgr. Mulz's association with The Tablet began in 1949 when he was named secretary to the board of directors. In 1965 he was elected first vice-president, a post he held until 1968.

In a statement on Msgr. Mulz's death, Msgr. Joseph P. Wiest president of the board of directors, said: "The Tablet observes with regret the passing of one of its most loyal friends. Quiet and soft-spoken, he was nevertheless quite vocal when the welfare of the paper and its employees was concerned. His progressive thinking and active support contributed much to the reputation and influence of The Tablet throughout the Diocese."

In his homily at the Mass, Msgr. Raphael J. Testagrossa, pastor of Nativity, Ozone Park, called the late priest "an exemplar of loyalty, obedience and faithful service not only to our present esteemed Bishop but also to his three late predecessors."

Msgr. Mulz was "ever and always a priestly Christian gentleman," he said. "Throughout all those years of priestly living, his sacerdotal impact was made and lasted in the hearts and souls of countless people."

Bishop Mugavero was the principal concelebrant of the Mass. The others included Msgr. Sylvester J. Ronaghan and James J. Griffin and Fathers Charles J. Jessberger, Edward Lodge Curran, Francis J. Seeger and Franklin E. Fitzpatrick.

Msgr. Mulz is survived by two brothers, Conrad of Woodhaven and Michael of Brooklyn.

POLLUTION WAR—NO PLACE FOR POLITICS

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mrs. REID of Illinois. Mr. Speaker, today I joined with a number of my colleagues in the House in sponsoring legislation to implement President Nixon's timely program for control of environmental pollution. We recognize, of course, that pollution is everyone's problem—and everyone must cooperate in its solution. On February 13, 1970, the Elgin, Ill., Daily Courier-News discussed citizen responsibility in this area in an excellent editorial; and under leave to extend my remarks in the RECORD, I wish to include this editorial so that all my colleagues may have an opportunity to read it also:

POLLUTION WAR: NO PLACE FOR POLITICS

There is a mounting awareness in the land of the menace posed to the land and its people by pollution: preventable contamination of earth, air and water. Words like "environment," "ecology" and "the ecosystem" are common currency in the press and in ordinary conversation. This is good.

There is danger that the issue of pollution, now suddenly competing with civil rights, Vietnam and inflation as a popular cause, will become mired in partisanship—of escalating praises.

This would be bad, for pollution is not a political football—it is a time bomb whose fuse is nearly run out, and the world is the fuse.

The battle for environmental quality is no man's exclusive property, no one person's crusade. It does not "belong" to President Nixon, although he is the first President since Theodore Roosevelt to give it high domestic priority, in his speech this week and in his State of the Union Address.

It is up to all Americans to clean up the mess to which we all have contributed by defiling the land and water with too little thought of tomorrow or the price of our folly.

There is a price to pay for the damage done, but paying it will require more than just federal largesse. The $10 billion of which the President spoke, the programs being devised or already in effect, the new controls and more effective enforcement of existing regulations only, can begin the work of cleansing our surroundings. Further there is also a danger in increasing bureaucratic pollution of local affairs.

The greatest force in cleansing our environment must be the public that has the most to gain from a victory, the same public which thoughtlessly created the pollution. Government can do much, but the people can and must do more.

Individual citizens can perform the small and obvious, but indispensible, housekeeping chores: refrain from littering roadsides and parks and beaches, obey laws aimed at reducing air pollution by cars and trash fires. It will mean a change in attitude for many.

Citizens as stockholders of their communities should accept the thought that the price of eliminating fouling practices now is cheap in comparison to what it will be later.

The will and momentum for control of pollution are increasing. Leadership now is forthcoming.

Citizens as voters can discover if their own municipalities befoul the environment in the disposal of municipal wastes, bring pressure to bear on responsible officials and if necessary appropriate funds for improvement of trash garbage and sewage treatment facilities.

And they must accept the fact that legislation that will affect their habits is a part of the price that they now have to pay.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

JUDGE HOFFMAN—A MAN OF COURAGE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BURKE of Florida. Mr. Speaker, the contempt-of-court convictions in the protracted trial of the so-called Chicago seven were intended more than anything else to save our Anglo-Saxon system of law. We who are Members owe a debt of gratitude to Judge Julius Hoffman.

Had he not acted in such a vigorous, determined manner, our entire judicial system could well have been placed in jeopardy.

The defendants and their cohorts repeatedly threw the courtroom into chaos. Consider with a shudder future disruptions, had these enemies of our society been allowed to do as they pleased with impunity.

Let us acknowledge one admitted fact: The so-called Chicago seven oppose our democratic society and our way of life. Their disruption of the Democratic National Convention was an overt attempt at intimidation of a major political party.

Mr. Speaker, they wanted revolution in the streets. They reviled and fought with police.

Although I do not ordinarily put much stock in hearsay evidence, I would like to quote a friend who was at the scene representing a distinguished American magazine stated:

If the police hadn't acted, half Chicago might have been burned to the ground.

The trial of the so-called seven—and is it not interesting how the Communists and their friends use numbers to identify groups of conspirators—was a farce from the beginning.

The "seven" and their attorneys were not interested in obtaining justice. They were interested only in using the trial for propaganda purposes and in doing their utmost to flout our legal system, to bend it, perhaps to crush it.

William Kunstler, their chief attorney, was found guilty of 24 separate acts of contempt.

The defendants themselves were convicted and sentenced on numerous counts.

Judge Hoffman's courage under fire reminds me most vividly of the courage of Judge Harold Medina some years ago in a trial of Communist conspirators in New York.

Judge Hoffman has presided with incredible patience. His every action has been designed to preserve the dignity of the courts.

His decision to find these people of contempt was the only decision he could have reached.

Our courts have been under attack from our enemies for years. The attack undoubtedly will continue.

The would-be martyrs it produces are a key element in the unrelenting assault to destroy our Nation and its institutions.

We in America can at least be grateful that Judge Hoffman exercised such courage and we can hope that he is emulated by other jurists who most likely will come under attack in future days.

CBW AND STARVATION

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. DELLENBACK. Mr. Speaker, by banning the production and stockpiling of toxins, President Nixon on February 14 took the positive step of eliminating disease as a possible American weapon of war. We should additionally take steps to eliminate starvation as a weapon of war. Specifically, there are two steps we can take. First, we can refrain from using chemical herbicides as anticrop devices. Second, we should take the initiative in proposing an international agreement to outlaw starvation as a weapon of war.

Anticrop chemicals do not, as their advocates contend, starve out enemy soldiers. Rather, like biological weapons, they are indiscriminate in their victims. Indeed, they are even less on target than biological weapons in that they generally affect first, most severely, and sometimes exclusively children, women, and the elderly.

Dr. Jean Mayer, professor of nutrition at Harvard and chairman of the recent White House Conference on Food, Nutrition, and Health, in a letter to the editor of the New York Times, February 15, uses historical evidence to demonstrate that starvation is not a militarily effective strategy.

Particularly because his examination presents the current crises of Biafra and Vietnam, I wish to append Dr. Mayer's reflections:

TO OUTLAW STARVATION

(By Jean Mayer)

TO THE EDITOR:

All men of goodwill recently applauded the action of our Government in signifying our intent to join other nations in outlawing chemical and bacteriological means of waging war. One strong argument leading to the President's action was that chemical and bacteriological warfare, the latter in particular, are indiscriminate in their effects and jeopardize civilian bystanders as much as they do armed enemies.

I would like to propose that starvation be similarly outlawed as a legitimate instrument of war, on the ground that it is worse than indiscriminate. It preferentially attacks small children, pregnant and nursing women and the elderly. Now, when the passions aroused by the Nigeria-Biafra conflict have abated and the job of salvaging and rehabilitating the survivors of the worst famine in the post-World War II period is going on, may be an opportune time to make this proposal.

Starvation has been repeatedly defended by general staffs, including our own, as an effective military weapon. History does not bear out this assertion.

The mortality due to malnutrition was high in Berlin and Vienna during the blockade of the Central Powers by the Allies during World War I, but the German Armies never lacked abundant food. Children in Leningrad died by the tens of thousands during World War II, but the Red Army kept its food supply going and eventually the defenders broke out of the encirclement to link up with the advancing relief task force.

In Vietnam crop destruction and interdiction have not starved out the Vietcong: They have increased the refugee problem and, to use current jargon, have been counterproductive in efforts to win the hearts and minds of the villagers.

The Nigerians overwhelmed the Biafrans with the weight of their numbers and imported arms rather than through starvation. Hunger was used as a weapon of terror by one side, of propaganda by the other, at the expense of millions of children, mothers and the aging.

The facts are that young, adult men are physiologically the most resistant to starvation and that armed men never starve, particularly when they can justify their requisitions by the nobility of their cause.

An international agreement to outlaw starvation as a weapon of war should be supplemented by one empowering suitable international organizations, such as UNICEF, F.A.O., or W.H.O., to enter a famine area to feed the noncombatant victims of starvation without prior authorization of the belligerents How many large scale disasters do we need before we learn that famine and pestilence are not purely "internal problems."

THE PRESIDENT'S MESSAGE ON POLLUTION

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. HARVEY. Mr. Speaker, as several people, including the late Senator Everett Dirksen have said, "nothing is so powerful as an idea whose time has come."

Today the time has come for the idea that America's air does not have to be smog filled, America's waters do not have to be cesspools and America's land does not have to be one big junkyard.

That idea is prevalent today all over America.

It is an idea that the President of the United States is determined to translate into action.

He has made that clear in his message to the Congress on the state of our environment and what we must do about it.

He has made it clear in the package of seven bills he has sent to the Congress which, if passed, will provide the ways and the money for cleaning up our waters, for cleaning up our air, and for cleaning up our land.

Mr. Speaker, there was an urgency to the President's message that is plain for every American to feel. All he has to do is look around him and he can see the reason for it.

The Congress, too, should feel that same sense of urgency. The President has proposed; it is up to us to dispose and dispose promptly so that we can turn the idea for a better, cleaner, more wholesome America into reality, not only for this generation, but for all generations.

NIXON'S BUDGET MESSAGE PRAISED

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BRAY. Mr. Speaker, President Nixon's budget has been praised for many reasons—perhaps most significant are the President's determination to cut inflation by presenting a balanced budget and his reordering of priorities, by placing domestic spending over spending for defense.

Editorials from all across the country have expressed support of the President's goals and proposals set forth in this budget and the "new directions" which their enactment promises for our Nation. Just scanning the titles of some of these editorials shows the confidence felt in the President and his decisions: "Nixon's Budget Reflects Long-Needed Hard Choices," "Nixon Budget Will Answer the Challenge of Inflation," "Mr. Nixon's Sensible Budget," and so forth. I commend to the attention of my colleagues a sampling of these editorials on the President's budget:

[From the Idaho Statesman, Feb. 4, 1970]

NIXON MADE RIGHT BUDGET CHOICES

President Nixon's budget moves in the right direction—less money for defense and space and more for domestic needs. It also represents a proper decision to hold down spending, even at the expense of some popular programs.

The priority shift should be popular with Congress and the public. Mr. Nixon says the budget would mean spending more on human resources than on defense—for the first time in 20 years.

Some of the cuts in programs like milk for school lunches and construction money for hospitals won't be so popular. Their impact will have to be considered carefully before they are accepted.

But the President is correct in making some difficult budget cutting decisions to avoid putting the budget in the red. The cuts in defense and space will make such decisions easier to accept.

The President proposes to hold spending for water pollution control at the $800 million level Congress decided upon last year. That would mean $4 billion over the next five years—which hopefully would be matched by $6 billion in state and local money.

Even this may be too little but it would be much better than what the public sector has been spending for water quality.

The President proposes to move from a slowdown to a stepup in acquiring park land. Perhaps this decision will help stimulate action in the House on the Sawtooth Recreation Area legislation with the White Clouds area included. House Interior Chairman Wayne Aspinall had held up bills for new recreation areas on grounds that the government was behind in funding already authorized projects.

Mr. Nixon proposes $500 million for a start on his minimum income plan with more money for other social programs. Congress should act this year on the welfare reform plan.

The tax measures which the President proposes are fairly modest. They are hard to fault in view of his feat in holding the total for his proposed budget to $200.8 billion after $197.9 billion in spending for this year.

NIXON'S BUDGET REFLECTS LONG-NEEDED HARD CHOICES

Absolute faith in the proposition the federal government can and must adopt responsible fiscal policies to get this country moving in the right direction and at the right place is the keystone of President Nixon's proposed budget for 1971.

And if that keystone is dislodged we can expect the whole structure to topple into the abyss that has plagued this nation for too many years.

There are many "firsts" in the new budget. Mainly, it is the first wholly designed by the new President. Like all incoming presidents, Mr. Nixon's first year saw him with a budget inherited from the Johnson regime. He was able to submit amendments, but it was more a matter of polishing than creating.

The 1971 budget, however, must be accepted as setting a tone for the Nixon administration's financial beliefs.

At the outset, Mr. Nixon can be credited with keeping a political pledge. He said he would submit a balanced budget. He has. And it includes a surplus. Although that surplus ($1.3 billion) is only about one-half of one per cent of the whole, it nevertheless is a contrast to Mr. Nixon's predecessors.

There are other significant firsts in the Nixon money bill. For the first time in two decades, the chief executive proposes to spend more (41 per cent of the total) for human resource programs than he would for things military (37 per cent of the total).

For the first time, a president has pledged in his budget message to reduce or terminate programs that are ineffective and those where the original need has vanished. And for the first time, a president has said his proposed budget can be viewed as voicing the philosophy of future budgets. Mr. Nixon's message states flatly his subsequent budgets "will recognize long-run savings."

Thus, the 1971 budget message must be viewed more for its tone than for its substance.

There are many imponderables to determine the fate of this budget. The proposed surplus of $1.3 billion is flimsy at best, considering the fact that Mr. Nixon's amendments to the 1970 budget envisioned a surplus of nearly $6 billion, but will have shrunk to about $1.5 billion by the end of the fiscal year.

We can expect Congress to make adjustments for it traditionally establishes priorities different from the president's.

But we are heartened by Mr. Nixon's willingness to make the hard choices which for too many years have been postponed and avoided.

[From the Orlando Sentinel, Feb. 1, 1970]

NIXON BUDGET WILL ANSWER THE CHALLENGE OF INFLATION

President Nixon is proposing a $200.8 billion budget for the next fiscal year.

The budget will be balanced and there will be a surplus of $1.3 billion, provided Congress goes along with the President.

Despite its gigantic size, Nixon's budget represents reductions in almost all departments of government over the sums requested. The bureaucrats are not going to like that and the pressure to cut someone else's department, not mine, will be intense.

If we are to tackle finally the problem of inflation, however, spending reduction must be achieved across the board. There can be no sacred cows.

Inflation has been described as the greatest threat to the future of this nation. Short of being invaded and overthrown by an enemy, it is the greatest threat.

The primary desire of the American people is to have a stable dollar to enable them to plan for their future.

As the dollar has lost value due to rising prices, wages have had to be raised. This has necessitated jacking up prices and so on. The cycle is a never-ending one.

The most punished victims of inflation are the aging on fixed incomes. Unlike wage earners they cannot ask for pensions high enough to offset higher prices.

Mr. Nixon says his purpose is to slow down the expansion of demand firmly and persistently, but not to choke off demand so abruptly as to injure the economy.

There is a risk, of course, in slowing down the economy as the President intends to. None of us wants a recession, but a short-term recession, should it occur because of reduced government spending, is preferable to the alternative of higher government and private spending and more inflation.

Halting inflation today is the key to attacking many of the nation's problems tomorrow.

With a balanced budget, some activities of government will have to be curtailed, some projects delayed. But by doing this we are almost building in a guarantee that we will have a better and sounder country tomorrow.

There have been only two budget surpluses (and one of them questionable) in the last 10 years. Deficits in government have run as high as $25 billion annually.

As we begin the 1970's, the accent must be on economy if, as Richards Nixon says, we are to "attain the goal of plentiful jobs earning dollars of stable purchasing power."

[From the Chicago Today, Feb. 1, 1970]

MR. NIXON'S SENSIBLE BUDGET

President Nixon's contemplated budget of 200.8 billion dollars reflects spending cuts in many areas and is designed to slow down the economy to a point where inflation can be controlled, if not eliminated. It's bigger than last year's by about 3 billion dollars, but that is the smallest increase since the 1960's. And the new budget has the clear virtue of providing a surplus, a relatively small 1.3 billion.

As any householder knows, a surplus, however small, beats a deficit. The adjustments seem reasonable, particularly in military spending, down 58 billion to 73.6 billion. Other slashes have been made in the space program, agriculture, and in commerce and transportation programs. Health expenditures have gone up—despite some criticism of Mr. Nixon for not doing all he should in that area—and so have income-security programs including social security. These increases are necessary in our view; the sick and the aged are the most helpless victims of inflation.

If it works as the President hopes, the budget will represent a gain in the inflation fight. It is based on the gamble that after a slow first half-year, the economy will revive. But it's a modest gamble that doesn't touch the extremes of wage-price controls, deficit spending, or throttling of the economy. Whether it succeeds or fails, the result won't be spectacular—but success would at least bring inflation to a manageable point. As Nixon said, "Personal freedom will be increased when there is more economy in government and less government in the economy."

[From the Minneapolis Star, Feb. 2, 1970]

"FIRST-THINGS-FIRST" BUDGET

President Nixon's budget—the first that he can call his own—has a pragmatic, first-things-first tone in keeping with the philosophy of his administration. The "first thing"—or the No. 1 target—is inflation.

By presenting a budget that skimps on spending, and that projects a surplus, the President is giving notice that his administration will not be a party to encouraging expectations of further inflation. He has kept his pledge, made in the State of the Union message, of "rejecting spending programs which would benefit some of the people when their net effect would result in price increases for all the people."

The $200.8 billion budget, with its $1.3 billion surplus of revenues over expenditures, is a gauge of the Nixon administration's thinking on priorities. It shows cuts in spending for defense, space, farm programs, transportation and health, and a major increase for "income security," which includes welfare payments and reflects the 15 percent increase voted in Social Security benefits. Spending for crucial urban problems, such as education, transit, antipoverty programs and housing is expected to be frozen at current ineffective levels.

More than anything else, the budget is a psychological document, rather than a rigid set of rules. Since it covers the fiscal period that does not begin until July 1 and runs until June 30, 1971, it cannot be precise in judging the mood of the nation and Congress and in forecasting domestic and international emergencies that might require sudden, large expenditures. Its value lies in setting the tone for the nation and the economy in the near future.

The President's tone indicates that some further belt-tightening is in order: Many domestic programs are going to be kept at subsistence levels, business will have to live with a slowdown, and unemployment will rise. This is the price that will have to be paid for licking inflation. It is a painful price, but not an unbearable one.

[From the Wisconsin State Journal, Feb. 3, 1970]

NIXON BUDGET VERSUS INFLATION

Inflation is the nation's No. 1 problem.

President Nixon's enormous $200.8 billion budget has been designed in the hope that it will help solve, not inflame, that problem.

The budget will require some new taxes to maintain budget balance. As distasteful as any tax hike will naturally be, Mr. Nixon's budget recognized the one overwhelming failure of the previous decade or so: spending more by government than revenue takes in is an essential ingredient of inflation.

The President has made no mistake about assessing the magnitude of concern about inflation, and we can only hope he has found the answer.

A wide survey of lawmakers in Washington by U.S. News and World Report has underscored the nation's mood:

"Pocketbook issues—rising prices, higher taxes, soaring interest rates, bigger government spending—are the main concerns of Americans today."

IT HURTS POOR

The fact that the war in Vietnam is not listed No. 1 is not that the issue is taken for granted—rather, it is a credit to the President that in his first year in office he has sought and has won public respect for dealing with that crisis.

Moreover, the pressing social problems of the nation are intimately tied to inflation, which takes from the poor even more viciously than the middle class.

And the President's budget has achieved what no other budget in two decades has managed: more money has been devoted to the "human resources" areas than defense spending.

The budget also calls for a substantial commitment to fighting pollution—$800 million per year for the next five years. Pollution is fast becoming the issue of public concern that it deserves. Politicians will argue for a long time whether or not Mr. Nixon is doing enough, but the new budget is no small beginning.

FISCAL CONTROVERSY

Politicians are already arguing the validity of Mr. Nixon's budget regarding inflation.

Even before the budget was announced, the battle was under way. Sen. William

Proxmire (D-Wis.) said that the "small budget surplus ($1.3 billion) is an invitation to further inflation."

On the other side, Paul McCracken, chairman of the Council of Economic Advisers, has argued that the Administration's anti-inflation program is on schedule.

The presidential veto a week ago of the increased spending proposals for health and education set a tone for Mr. Nixon's assault on inflation.

Not only was the veto sustained by a somewhat larger vote than even the Administration had planned, but the indications are that there was wide public support for the action.

Citizens are examining the relationship of inflation and government spending, perhaps much more closely than some congressmen had realized.

NEW POLICIES

The balanced budget has little room to spare. If Congress can cut further, more power to it. But any attempt to spend without also paying with increased revenue is dangerous business.

Only time will tell whether the overall approach of the Nixon Administration will curtail inflation. But there is no reason to believe that the spending policies of the past will do anything except make matters worse.

[From the Portland Press Herald, Feb. 4, 1970]

THE MODERATE APPROACH

Perhaps the most significant aspect of President Nixon's budget is, as he put it, the fact that "for the first time in two full decades, the federal government will spend more on human resources programs than on national defense."

The President would devote 37 per cent of his $200.8 billion budget to defense spending. The $73.5 billion is almost $6 billion short of the defense spending planned this year. The portion proposed for such human resources as education, health, income security, manpower, veterans services, etc., is fixed at just under $82 billion or 41 per cent of the total.

All this, of course, is subject to change in Congress and already there is ample evidence of efforts to do that—cutting more in some categories, adding in others. Special interests, such as education, already are on the firing line with the National Education Association's George D. Fischer getting off further crude comment with what he chooses to call the "administration's cynical attitude" toward children.

Every individual and organization in the country will react toward this budget as they react toward all others—they'll want more money for the things in which they're interested and less for projects to which others are devoted. When it comes to translating budget cuts into terms of jobs lost, the money saving becomes less palatable for all of us.

For quite some time much stress was put on the premise that the Vietnam war was the great drain on our resources—that if it were not for that demand the nation could do much more in domestic programs.

The Vietnam war is not over and its cost is conspicuously absent from the budget, but Mr. Nixon proposes to do more for the people anyhow. The budget seems to reflect the same moderation the President has demonstrated throughout his first year in the White House.

OVERDUE FISCAL REASON

President Nixon's determination to press for a balanced budget, even to the extent of seeking a surplus—precariously thin though it be—is a responsible position and an affirmation of his pledges.

The President's budget is of record size, an inevitable consequence of record spending demands and needs as well as the constant rise in federal revenues. But it is realistic.

The most important point underscored by the proposed budget is that it stresses the obvious need to bring spending into line with income.

The pressing urgency for a balanced budget is compounded by the inflated economy which erodes the position of government, wage earner and pensioner alike. That President Nixon intends to have the administration step out front with a showing of fact-facing should have a salutary effect upon the appetites of labor, business and every individual American. Only in this way can inflation be overcome.

The administration has done a reasonable job in paring spending items, exposing itself to criticism from members of Congress and special interests who have been asked to share in the responsibility of evening out federal spending with income.

The burden of reasserting the principle of fiscal responsibility rests equally upon Congress and the White House. Even though some of the things government has been asked to do—and perhaps *should do* when it can do them within the limits of its income—may be delayed temporarily, the compelling need now is to return to reality.

Unless we win the battle of the budget soon, an honorable solution to our struggle in Vietnam, relief from the growing spectre of pollution and answers to every other matter of vital concern to us all will be hollow victories.

The President has taken a strong lead. Now it's up to Congress.

HARSH TIDES OF LIFE ERODE A TOUCH OF MAJESTY

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. KUYKENDALL. Mr. Speaker, several days ago Memphis lost one of its valued citizens, Mr. Tommie Taylor. He was not well known, and his death might have passed without notice, except for the outstanding perception of a Memphis newspaperman, Mr. Thomas BeVier.

Mr. BeVier's eulogy to Mr. Taylor is one of the most beautiful and moving pieces of prose I have ever seen in a newspaper. It appeared in the Commercial Appeal, of Memphis, on Saturday morning, February 14, and I would like now to include it in the CONGRESSIONAL RECORD, in order to share it with my colleagues:

HARSH TIDES OF LIFE ERODE A TOUCH OF MAJESTY

(By Thomas BeVier)

They say his majestic face was a reflection of his soul and if that is so then he has finally found repose from his suffering.

The violence of attrition is demonstrated in his dying.

His house of paper and plywood within sight of the downtown domiciles of finance and commerce failed him in the siege by January's harshness.

But it took 13 Januaries in that place and more years than that of dismal diet to weaken the old man and make him easy prey.

There was much about him that you should know for he was a strange man living out-of-time and out-of-luck with a childish name which failed his visage and the reckoning people took of him.

For the record, his legal name was Tommie Taylor. He was 63 years old and on the first day of this month he died alone on a makeshift bed with works of primitive art done by his own hand hanging all about.

He had various callings: The African King, the Black Santa Claus, Mr. Fats, the Sharecropper of the M & M Parking Lot.

On sunny days, he would sit on a bench in front of his shack, an indescribable confusion of discarded building materials on the parking lot at 230 South Second Street. From there, looking like a hermit outside vocation, he issued cheery greetings to passersby.

He had a huge burnt umber face flocked with beard in the lower reaches and up the cheeks like steel filings coming to a magnet. It was a photographer's playground. That is the reason that a picture of it hangs today in an eighth-floor office of the National Council of Churches headquarters in New York City.

"He was a big tease," said Mrs. Carol Carter, a white secretary at Shirlo, Inc., next door to the parking lot. "He loved people.

"I've thought about him since he died. The way I remember him is that I thought of him as a man first and as a Negro second. He didn't trust white people sometimes. And he was upset about the morals of people. 'The Lord don't understand such as that,' he would say."

Mrs. Carter and other Shirlo employes sometimes visited Mr. Taylor to buy cigarets. He sold soft drinks, packaged cookies, and cigarets from his shack.

Several times she made phone calls for him and he insisted that she take cookies or the like for her trouble. "He didn't want charity," she said.

A guard at the First National Bank branch at Second and Linden, William S. Reeves, also knew Mr. Taylor. "I filled out his deposit slips," he said. "He lived from hand to mouth. He always deposited just a little more than his bills. If he owed a $35 light bill, he might deposit $38. If he owed $10 to Pepsi Cola, he might deposit $12."

Mr. Reeves said Mr. Taylor paid $2 a week to live in the shack.

It is paradoxical that the person who probably knew Mr. Taylor best in the last two years of his life is a 24-year-old white Neighborhood Youth Corps counselor from a wealthy Southern family.

He is Joseph Heflin, a Phi Beta Kappa graduate of Southwestern at Memphis and the son of Aubrey N. Heflin of Richmond, Va., who is on the board of the Federal Reserve Bank.

"The day Tommie died my father was having dinner at the White House with President Nixon," Mr. Heflin said. The dinner was to honor Dr. Arthur F. Burns, new head of the Federal Reserve Bank.

"There is one thing you have to understand about Tommie," Mr. Heflin said. "He was beyond the categories of modern man. I took him to the welfare department once to see about getting him help.

"I'll never forget what happened when they asked him those form questions, like when were you born and so forth. You could see him struggling to go back through his memory like steppingstones in his mind. It brought back all the suffering and he broke down and cried."

Here are some of the steppingstones he may have encountered:

Boyhood without parents. Being shuttled from Mississippi to Alabama to Texas. Living with step-parents. Running away from home. Coming to Memphis in 1921. Marrying. Having children. Working for an oil company, a meat packing plant, a cab company. His wife leaving him and taking the children to Toledo. Wanting a dump truck. Giv-

ing hungry people bread when there was not enough for himself. Legs swelling. Suffering through a heart attack alone.

"He never complained," Mr. Heflin said. "He used to say, 'Once a man, twice a child.' Another thing he used to say was, 'I have to laugh to keep from crying.'"

And then there was the matter of the bricks. When Mr. Heflin met him, he learned that Mr. Taylor had contracted to sell used bricks from a torn-down building on the back of the parking lot to a man for $32. But first he had to stack the bricks.

"I told them they were antique bricks and that they were worth a lot more than that," Mr. Heflin said. "I told him he was being cheated. But he wouldn't charge the man more. He had given his word."

Mr. Heflin and the old man worked together for several days with the help of neighborhood children and got the bricks stacked.

Before he died, Mr. Taylor was taken to church several times by Mr. Heflin. He was not satisfied with the first church because the service was very loud. So Mr. Heflin took him to Centenary United Methodist Church and he found the comparatively low-key sermon of the Rev. James M. Lawson more to his liking.

"He would have gone the day he died," said Mr. Heflin, "but he had to stay at the lot to collect 75 cents from a man."

Mr. Taylor's widow came back from Toledo with her two daughters for the funeral. She made the arrangements with N. J. Ford & Sons Funeral Parlor at 219 Joubert and with the minister of the first church Mr. Heflin had taken Mr. Taylor to.

But at the last moment, the minister changed his mind because Mr. Taylor was not a member of the church.

"The widow and some other people came to me on Saturday afternoon and asked me to hold the funeral on Sunday," said Mr. Lawson. "I told them there was a rule at Centenary against Sunday funerals. She said he had been a good man. She used the word 'prophet'." The rule was broken.

Mr. Lawson did not know Mr. Taylor, but he had seen him several times. He recalls that on a march during the 1968 sanitation strike, Mr. Taylor held his hand out over marchers as they passed his shack as though giving his blessing.

"When I saw him I thought, "Wow, what a face,'" said Mr. Lawson.

There were three ministers at the funeral and Mr. Heflin gave a talk, too. "Tommie was put away nice," said John Ford of the funeral home.

It is not certain what happened to Mr. Taylor's worldly possessions. Relatives got some of them and vandals probably got the leftover. Mr. Heflin wishes he knew what happened to a pocket watch his old friend used to wear on a chain around his neck. He thinks that watch was a perfect metaphor for the life of Tommie.

The watch was without hands.

AUTOMOBILE POLLUTION: MORE MUST BE DONE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. MIKVA. Mr. Speaker, earlier this year I introduced a bill to provide comprehensive standards for control of emissions from stationary sources of air pollution. This bill was called the Air Pollution Abatement Act, and was subsequently cosponsored by more than 20 Members of this body. It is now awaiting action before the House Interstate and Foreign Commerce Committee. I continue to hope that for the sake of all our citizens, the committee will initiate hearings on that bill at the earliest possible date.

As important as stationary sources of pollution are, however, we cannot be content to stop there. Over 60 percent of all air pollution nationwide results from one source: the automobile. In city areas where auto use is high and concentrated in a small geographic area, the percentage of pollution caused by noxious motor vehicle exhaust may be even higher—up to 70 percent. Thus any war on air pollution must be waged with adequate weapons against mobile pollution as well as stationary. Today I am introducing two bills which make a start on reducing automobile-caused air pollution.

The first bill would amend the National Emission Standards Act—title II of the Air Quality Act of 1969—to extend the standard-setting authority of the Secretary of Health, Education, and Welfare to cover used cars as well as new. At the time the National Emission Standards Act was enacted, the full extent of automobile pollution was not realized by the Congress. It was thought that giving the Secretary standard setting authority over only new automobiles would be a significant contribution to controlling air pollution. Now we see that this authority is not enough. The Secretary should have power to prescribe emission standards for old as well as new cars. This bill would give it to him.

The first bill would also eliminate the present Federal preemption of State automobile emission standards. Under present Federal law, States are prohibited from setting auto exhaust standards which are more stringent than those set by the Federal Government, unless the Secretary of Health, Education, and Welfare gives permission. This kind of preemption is indefensible. It is precisely the wrong kind of influence for the Federal Government to be exerting on States and local governments which know their own pollution problems best and which may have special reasons for requiring more stringent standards than those which apply nationwide.

Finally, a second bill I am introducing today would prohibit the introduction, transportition, or distribution in interstate commerce of leaded gasoline after June 30, 1973. The bill would also provide penalties of up to $2,000 or 6 months imprisonment after cases of willful violation of the prohibition.

At this late there can be little doubt about the need to eliminate lead as a component in gasoline, which means also the need to build automobile engines which can run on lead-free gasoline. A conservative estimate is that 250 million pounds of lead are blasted into the air every year from the exhaust pipes of automobiles burning leaded gasoline. Studies have shown that the amount of lead in the air of large urban areas like New York and Chicago is increasing every year. This lead is consumed—inhaled, eaten, and drunk—by millions of Americans. So clear is the leaded gasoline menace, that even auto manufacturers are now talking in terms of voluntarily building automobile engines which will run on low-octane—nonleaded—gas.

Several oil companies are leading the way. American Oil Co. has sold a lead-free gasoline for years and reports that nonleaded gas now accounts for 20 percent of America's sales. Atlantic-Richfield has announced plans to begin manufacturing nonleaded gasoline, and other producers have apparently begun talks with auto manufacturers on cooperative efforts to remove lead from gasoline. What my bill would do is to impose an outside limit on these laudable, if somewhat tardy, voluntary efforts of private industry. It would also insure that after June 30, 1973, no oil company could gain an economic advantage over its competitors by avoiding the extra costs of manufacturing nonleaded gasoline.

I was pleased to see that the Department of Health, Education, and Welfare recently announced that strict, new auto exhaust standards are being considered. I was not pleased, however, to see that these new standards are not intended to go into effect until 1975. Apparently the administration does not realize the crisis proportions of air pollution—much of it automobile related—in our Nation's cities. We cannot wait until 1975. These bills provide Congress a chance to act, and act immediately, to show its concern for the dangers of auto exhaust pollution. If my bills are passed, all automobiles—not just new ones—would be covered by national standards; States would be able to enact standards more stringent than the national standards where special circumstances require it; and all gasoline would be required to be lead free by mid-1973.

I commend these bills to my colleagues' attention. I believe we must act now and act decisively to meet the threat of auto exhaust pollution.

PUBLIC REVERENCE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. LUKENS. Mr. Speaker, with the beginning of 1970, it will be 8 years since the Supreme Court banned prayer in our public schools. In those years, Americans have not remained silent or complacent. The public debate and opposition to the ruling is very much alive as evidenced in an excellent article. "Public Reverence," by Rev. Robert G. Howes, in the National Catholic Education Association Bulletin—NCEA.

Despite many bills before Congress and continuing evidence by public opinion for restoration of prayer in our schools, not one bill has reached the House floor. This article, I think my colleagues would find of interest and hopeful stimulation toward restoring prayer in our public schools.

The article follows:

CHALLENGE TO THE DEMOCRACY: PUBLIC REVERENCE

(By Rev. Robert G. Howes)

(Father Howes is Associate Professor and Chairman of City and Regional Planning at the Catholic University of America, Washington, D.C. He is the representative in Washington of Citizens for Public Prayer, a national federation of citizens' groups backing a restorative prayer amendment.)

When the U.S. Supreme Court interprets the First Amendment of the Federal Constitution in a manner which radically contradicts the consistent practice of the majority of the states, it does no singular, minimal thing. Whatever the particular practice, that interpretation immediately becomes a precedent affecting the whole future of religion in our public life. As such it must deeply concern not only whose practice is denied but also those who are involved in any way with religion as subject to and supportive of public policy.

On June 25, 1962, the Supreme Court interpreted the First Amendment as barring the following prayer:

"Almighty God, we acknowledge our dependence upon Thee and we ask Thy blessings upon us, our parents, our teachers, and our country."

The prayer had been composed by a committee of religious leaders. It was made available by the State of New York for an entirely voluntary recitation by pupils and teachers in its public schools. Justice Stewart, in dissent, noted:

"The Court has misapplied a great constitutional principle . . . What is relevant to the issue here is not the history of an established church in 16th century England or in 18th century America, but the history of the religious traditions of our people, reflected in countless practices of the institutions and officials of our government."

On June 17, 1962, the Supreme Court widened this interpretation to ban the Lord's Prayer and Bible reading in the public schools of Maryland and Pennsylvania. Once again, no teacher had been required to lead prayer, no pupil to join in reciting it. Specific provisions was made for abstention on the part of those who did not wish to participate. There are many pleasant phrases in the two majority decisions. Most of them are collateral remarks, *orbiter dicta*, that is remarks incidental to the real deciding reason. One could, and some did, assemble such remarks and claim that the court had done nothing more serious than to rule out a residual unfairness, leaving public religion itself wholly intact.

There are, however, other *obiter dicta* which are less sanguine. For instance, in the first decision Justice Douglas enumerates various instances of government accommodation to religion. Bishop James Pike, appearing before a Senate committee in 1962, called such reasonable accommodation "the great American middle way." Justice Douglas says "our system at the federal and state levels is presently honey-combed" with accommodation. "Nevertheless," he continues, "I think it is an unconstitutional undertaking whatever form it takes." In fact, the deed of the decisions, what the then Harvard Law School Dean Erwin Griswold called "the absolute and . . . extreme" reasoning of the court, is dangerously basic. Henry P. Van Dusen, then President of Union Theological Seminary, wrote:

"The corollary in both law and logic of the Supreme Court's recent interdictions is inescapable, prohibition of the affirmative recognition and collaboration by government at all levels with all organs of religion in all relationships and circumstnces."[1]

Fordham University Law School Professor Charles E. Rice said:

"The school prayer decisions, if followed, predictably will have the effect of raising agnosticism to the rank of the official public religion of the United States. The Court has now cast aside the historical affirmation by government in this country of the essential truth of theism, has embarked upon a search for 'neutrality,' a search incapable of success, and has substituted agnosticism for the theistic affirmation to which a small minority has objected so strongly. And for its action the Court can point to no durable justification beyond its own inflated rhetoric and a tortured historical interpretation."[2]

The *Boston Pilot* editorialized:

"ALL PUBLIC LIFE AFFECTED

"The Supreme Court in the Lord's Prayer and Bible ruling has continued along a path unhappily familiar to all from its earlier decisions. The same tedious arguments emphasizing the 'establishment of religion' clause are brought forth to support a position which turns its back on the total American tradition and outlaws the present practices of 39 states . . . Let us suppose that the Lord's Prayer and the Bible are excluded from the American public schools for precisely the reasons given by the Supreme Court. What is the next step? Clearly, all other expression of religion in public life must now be deleted . . .[3]"

To suggest that pleasant phrases en route to decision can override the deed of the decisions themselves is to ignore the heart of the matter. That heart clearly is the equation by the Supreme Court of "establishment" with public reverence, whether free or not, whether institutional and sectarian or not. Even to question such an equation, the court said in its second decision, is "of value only as academic exercises!" The situation is, in short, as it was a century ago when Abraham Lincoln commented on the Dred Scott decision:

"When all the words, the collateral matter was cleared away from it, all the chaff was fanned out of it, it was a bare absurdity. . . . The Dred Scott decision covers the whole ground, and while it occupies it, there is no room for the shadow of a starved pigeon to occupy the same ground.[4]"

Five years have passed since the first prayer ban. In those years, several significant things have happened.

(1) Literally hundreds of bills were introduced in both the House and Senate calling for a clarifying amendment to restore the First Amendment to its preban interpretation and to forestall a further widening of the court's logic. There were 117 such bills on the House side alone in the spring of 1964. Senate Joint Resolution Number 1 of the 90th Congress was signed by 42 senators of both parties. It proposed a restorative constitutional amendment which would read:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

(2) Catholic response to the prayer bans was openly mixed, though there is no possible doubt that Catholics were in great numbers part of the massive pro-amendment majority across the nation. The National Council of Catholic Youth officially recorded itself as opposed to the prayer bans and called upon all of its local units to work for reversal. Otherwise, where Catholic apathy and even support of the decisions showed itself, it has been suggested that an underlying cause was self-interest:

"It may be that some of it is motivated by the thought that if public education can be completely secularized (so that, as it has been said, 'religion' in such quarters becomes 'a dirty word'), then there will be an increased public demand for sectarian education which can combine religion with general education. This could then be an argument in favor of parochial schools, and as public schools decline, the argument for public support of parochial schools can be advanced in one guise or another.[5]"

I hope this estimate is inaccurate. I fear it may be, in at least a partial sense, accurate. Our bishops wrote once that "religion is our chief national asset," and as such what happened to it anywhere at law must affect it everywhere. I am afraid some of us have simply failed to make the vital connection between what occurred in the prayer ban decisions and those aspects of the First Amendment which preoccupy us more immediately. Too many Catholics have simply failed to appreciate that any fundamental interpretation of the First Amendment by the Supreme Court must over a period of time operate in all areas of religion and public policy, including the area of government aid to nonpublic schools under religious auspices.

(3) Eleven of the 13 justices who passed on the New York prayer issue prior to its arrival at the Supreme Court ruled it constitutional. The attorneys general of 19 states submitted a "friend of the court" brief to the Supreme Court, prior to the first decision, which said in part:

"Our founding fathers, together with the great and God-fearing leaders of the last century and a half, would be profoundly shocked were they to have been told in their day that in this year of our Lord . . . a voluntary nondenominational acknowledgment of a Supreme Being and a petition for His blessings recited by American children in their classrooms is being seriously attacked as a violation of the Constitution of the United States.[6]

It was clear from Congressional reaction that a massive mail concurring with such judgments was hitting Capitol Hill. "Kingsize" was how Senator Dirksen described it. Resolutions endorsed what came to be called the Peoples Amendment for Public Prayer came from the National Conference of Governors, the National Conference of Mayors, legislatures of several states, the National Jaycees, the Veterans of Foreign Wars, the American Legion, and from such men as Billy Graham, Cardinal Cushing, the late Cardinal Spellman and Bishop Fulton Sheen. Sampling after sampling confirmed the will of the nation. The Gallup Poll in September 1963 recorded a three-to-one majority for reversing the court in its prayer decisions. In October 1964 the Harris Poll put the figure at 82 percent for amendment. Congressional home district polls backed the national sampling. Again and again there was no subject on which more of a congressman's constituents were united than on the need for a prayer amendment, and no subject in which "don't knows" ran lower, or majorities ran consistently higher. At each hearing on prayer amendment proposals, thousands of proamendment petitions were presented. About 40,000 petitions were introduced on the very first day of the House hearings (1964) by Congressman Fallon of Maryland. To the Senate hearings (1966), we introduced in behalf of amendment 35,000 petitions from Pennsylvania, 30,000 from New York and 50,000 from the Midwest. In the spring of 1967 *Good Housekeeping* magazine came up again with an 80-plus percentage for amendment.

(4) Despite all this, *not one single normal floor vote has been held in five-and-a-half years in either house of Congress on even the technicality of proposing a prayer amendment to the nation.* And hearings in this critical matter were forced in the House Judiciary Committee only after a discharge petition to bypass Chairman Emanuel Celler, who was bitterly negative, had nearly succeeded.

(5) In the wake of the prayer ban decisions, things have not stood still. A number of

Footnotes at end of article.

trends have developed. Two are of major importance. First, a trend toward a kind of fearful indecision on the part of public authority. School boards everywhere were from the start anxiously uncertain about whether and how religion was to survive in the public classroom. In some instances, boards have defied the court, but this is, patently, no solution to the problem. In a few instances, boards have tried to substitute various procedures, such as God sandwiched between Thoreau and Ben Franklin for morning assembly reading. These instances, however, remain so rare that each one is the subject of national notice. In most cases the net result has been one of the following: a) to rule religion out entirely; b) to emasculate religion before it is permitted in the school, thus reducing it to the merest art, history or literature; c) to decide any particular question involving religion in the classroom in favor of parents who might conceivably object to it along lines indicated in the prayer ban record. Secondly, there has been a trend toward enlargement of the prayer ban to affect other practices of public reverence. Courts and some attorneys general have relied on prayer ban decisions to strike down kindergarten prayers and such substitutes as the singing of patriotic anthems. In the fall of 1966 the Supreme Court relied significantly on the decisions to knock out aid for church-related colleges in Maryland.

Meanwhile, it was again and again made clear by such opponents of religion in public life as Madalyn Murray O'Haire that the prayer ban would be used as a launching pad for further attacks on all surviving instances of public reverence. It is, of course, impossible to predict with precision just how far the court will go toward accommodating these attacks, but its defenses against them must be seriously weakened by the majority reasoning in the prayer ban cases.

Of course, at the very base of the prayer amendment issue stands the issue of parental rights. There is no question that God belongs in the homes and the churches of America. There is no question that a serious re-examination of His presence there is imperative. But religion is not strengthened at the hearth and the sectarian altar by denying it entry to the public classroom. Religion is not strengthened in the heads and hearts of American youth by wiping it off their lips precisely where most of them prepare for citizenship in a reverent society. What is rather indicated is a joint activity, carefully respectful of the right of dissent, which involves church, home and school. In its 1951 Statement of Belief, which recommended school prayer, the New York State Board of Regents said:

"We believe that thus the school will fulfill its high function of supplementing the training of the home, even intensifying in the child that love for God, for parents and for home which is the mark of true character training and the sure guarantee of a country's welfare."

In its Decree on Education Vatican II underlined how the principle of subsidiarity applies in public education:

"The Church gives high praise to those civil authorities and civil societies that show regard for the pluralistic character of modern society and take into account the right of religious liberty, by helping families in such a way that in all schools the education of their children can be carried out according to the moral and religious convictions of each family."

It is suggested by those who oppose a prayer amendment that the court banned only "prescribed" prayer and that other types of religious presence in the public classroom stand unaffected, indeed encouraged. There is at the very base of the court's decisions a fatal, secularizing equation. Once this equation has been repealed, there is certainly place for reexamination of the entire gamut of that presence. Various approaches to religion as a force for morality and civic strength can and should be tested. Citizens for Public Prayer fully support such testing, but at the right time. So long as the prayer ban remains, however, there can be no compromise. Generally, those who ask substitutes for the brotherhood of prayer call for a moment of silent meditation, classes in comparative religion or the rendition of God strictly in paintings, dates and poetry. Each substitution has its weakness. Collectively, they are totally inadequate to the need of the situation.

Let's take meditation first. It is most significant that the same day the Massachusetts legislature sanctioned meditation in the public schools of the state it petitioned Congress in support of a prayer amendment. A quiet God is better than no God. But a quiet God cannot provide that experience in pluralism which a spoken God encourages. One great advantage of the brotherhood of prayer consists, precisely, in the fact that through it children from various religious backgrounds are taught that although they go freely to their separate churches and synagogues over the weekend, still they can freely find and pronounce together common words of uniting reverence each day during the week. Besides, meditation is extremely difficult even for adults. To suppose that grade school youngsters can meditate properly is a delusion.

As for classes in comparative religion, it may be that once the prayer ban is repealed we can move along these lines. But such classes will require teachers who have the wisdom of Solomon, and are objective enough to relate one religion to another without bias. And should these teachers fail even slightly, offended parents will rise to challenge them in the courts, just as parents who objected to the earlier prayer did.

In regard to religion as art, history and literature, it is true that under these aspects it belongs in many classes, so that children of a reverent people may review their inheritance. But what a tragedy it would be if God could come into school only as a footnote in classes otherwise preoccupied and minus any factor of reverence whatsoever! Religion is more than dates and pretty pictures and nice phrases. Religion is reverence. Any proposal which drains it of its prayerful blood is anemic to start with. In short, none of the suggested substitutes is, at least in its present state of refinement, adequate. None would in any way remove the tragic precedent of the two prayer ban decisions. Finally, the closer any one of them came to being a real collective reverence, the more likely it is that it would be challenged and struck down by courts under the compulsion of prayer ban logic.

MAJORITY-MINORITY PROBLEM

There is another item in the prayer amendment debate which must be pondered. This is the item of majority-minority relationships in a democracy. It has two facets. The first is: How should society accommodate in its practices a majority will against which there is marshaled a loud minority will? The second is: In the public classroom how should the dissent from prayer and the desire for prayer be handled with justice all around? In regard to the first question, it must at the outset be agreed that 50 percent plus one does not of itself make a thing right. Democracy must never be a matter of a bull-headed majority tyrannizing over a cowed minority. Neither must it ever be an oligarchy in which a miniscule elite, somehow wiser, forces its preference on an unwilling majority. This latter state becomes what *The Boston Pilot* has called a "tyranny of the few." One thing is clear: As in all such controversial situations, a dissenting minority must be assured to the maximum reasonable extent its right of silence and abstention. To permit a minority's preference to dominate public practice, however, thus denying to an overwhelming majority its will, is an intolerable travesty of democracy. In this case, a strong argument can be mounted in support of the traditional, preban interpretation of the First Amendment. Even Justice Brennan, siding with the majority in the second prayer ban decision, concedes that its factual position is far from conclusive:

"On our precise problem, the historical record is at best ambiguous, and statements can readily be found to support either side of the proposition."

But even if the court's reading of the history and the semantics were accurate, the case for a clarifying amendment would still stand. No people in a free society are required to be prisoners of words which, in that hypothesis, do not say what the people wish them to say and do not permit practices which the people overwhelmingly wish to provide for themselves and for their children. As in the flag salute situation, what is required of a wise judiciary is not a decision rendering the majority silent before an intolerant minority but one that allows the greatest prudential accommodation for dissent while the majority will prevails. The second facet of majority-minority relationships here can be expressed in a question: Is school prayer an unconscionable intrusion on the rights of the dissenting child and his parents? It must be repeated that in the three prayer ban states, school prayer had been entirely voluntary for both teacher and pupil. Tolerance is, and must continue to be, a two-way street. So long as he is respected in his right to be different, the dissenting child must learn to respect the right of the majority of his fellow students who wish to pray together. Dean Griswold's treatment of this critical matter is excellent:

Must all refrain because one does not wish to join? . . . No compulsion is put upon him (i.e. the dissenting child). He need not participate. But he, too, has the opportunity to be tolerant. He allows the majority of the group to follow their own tradition, perhaps coming to understand and respect what they feel is significant to them. Is not this a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the minority group?[1]"

A related question is often posed. Whose prayer? The answer is simple. Once the civil right of public reverence is restored in the public school, the American people again will select, with a minimum of mistakes and a maximum of good common sense, a reasonably nondenominational prayer. To suppose that any group of Americans with a sectarian majority would be so callous of its neighbors as to insist on a sectarian prayer in their public schools is to fly in the face of the great bulk of American experience. But even should, in a rare instance, such a prayer be proposed, recourse for remedy would still be open with the courts. What is clearly urgent in this entire issue of majority-minority rights is a reasonable pluralism, the kind of adjustment and prudential accommodation which mature men make with their neighbors in any complex matter in which a common decision is required. With such a responsible pluralism, the solution to difficulties such as wording a proper amendment and coming up with consensus prayers is easy. Without it, we become quickly a jungle of selfish predatory religious groups, careless of neighbors and haggling over every approach to that harmony which has so long been the major motif of our people.

A few words of prayer by children in a public place will not alone change the world. The brotherhood of prayer remains an important part of an important pattern. Clearly, however, much more than this is at stake in the fight to write a Peoples Amendment for Public Prayer. The whole matter of a reasonable and, reasoned pluralism is involved here. So is the survival intact of all

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Footnotes at end of article.

practices of public reverence. So is every other controversial aspect of church-state relationship. So, finally, is the very workability of the democracy itself. It is simply incredible that there are still Catholics concerned with democracy, education and pluralism who cannot, or will not, understand these things. John Donne wrote that "no man is an island." It can be said with equal force that no decision of the U.S. Supreme Court fundamentally interpreting the First Amendment against the expressed will of the nation is an island—a minimal, a singular thing. Remedial action now, loud and long, is emphatically indicated. Seldom has the alternative to such action been put more strongly than by Father Joseph Costanzo, S.J., professor of historical jurisprudence at Fordham University.[8]

"American believers are losing by default. They have taken their spiritual heritage for granted. They have allowed a creeping gradualism of secularism, under one specious pretext or another, to take over their public schools. A vociferous and highly organized pressure group is exercising its own form of indirect coercive pressure upon the American community."

FOOTNOTES

[1] The New York Times, July 7, 1963.
[2] The Supreme Court and Public Prayer (*New York, 1964*), p. 21.
[3] *June 21, 1963.* The Boston pilot *is the official publication of the Catholic Archdiocese of Boston.*
[4] *Columbus, Ohio, Sept. 17, 1859; Galesburg, Ill., Oct. 13, 1858.*
[5] *Griswold, Erwin N.* Utah Law Review, *Vol. 8, No. 3 (Summer 1963).*
[6] *United States Supreme Court, October term 1961,* Document No. 468.
[7] *Op. cit.*
[8] This Nation Under God (*New York, 1964*), *pp. 131–32.*

IDAHO STATE LEGISLATURE

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. McCLURE. Mr. Speaker, the Idaho State Legislature has forwarded to me a joint memorial regarding the National Forest Timber Conservation and Management Act, H.R. 12025. Because my State is a leader in the forest industries, I feel that it is appropriate that the opinions of the Idaho State Legislature be brought to the attention of my colleagues in the Congress.

I think it should be noted that this memorial passed in the House of Representatives by a unanimous vote and passed the Senate with only one dissenting vote. This statement by the elected representatives of the people of my State speaks very loudly of the concern for proper management of our multiple resources.

At this point, I insert House Joint Memorial 7 in the RECORD:

JOINT MEMORIAL 7

To the honorable Senate and House of Representatives of the United States in Congress assembled, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States:

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the Second Regular Session of the Fortieth Idaho Legislature, do hereby respectfully represent that:

Whereas, the state of Idaho ranks fifth in the nation in the supply of timber, and

Whereas, seventy-four per cent of the commercial timber is owned or managed by the Federal Government, and

Whereas, only eighty per cent of this 1.1 billion board feet of allowable cut is made available to the wood products manufacturers, and

Whereas, Idaho must play an important role in helping the nation reach the goal of twenty-six million shelter units in the next ten years as set forth in the National Housing Act of 1968, and

Whereas, less than ten per cent of the nearly 1.3 billion board feet of timber that is annually lost to fire, insects, and disease is salvaged, and

Whereas, Idaho's forest industries are an important part of the state's economy and provide twelve thousand jobs with an annual payroll exceeding 77.5 million dollars, and

Whereas, H.R. 12025, known as the "National Forest, Timber, Conservation and Management Act" is presently under consideration in the Congress, and

Whereas, the passage of this act is vital to the welfare of the people of Idaho and to the people of the nation.

Now, therefore, be it resolved by the Second Regular Session of the Fortieth Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the passage of H.R. 12025, the "National Forest, Timber, Conservation and Management Act."

Be it further resolved, that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward certified copies of this Memorial to the Leadership of the Senate and House of Representatives of Congress, and to the Senators and Representatives representing this state in Congress.

NATIONAL COUNCIL OF CHURCHES

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BUSH. Mr. Speaker, the following resolution is the first statement by the National Council of Churches dealing solely with population. Note particularly the last paragraph, which makes it possible for the National Council of Churches to give full support to the development of vigorous Government leadership in meeting the population crisis.

As chairman of the House Republican Task Force on Earth Resources and Population I heartily commend the council, as I know the other task force members do, on this very important recognition of the private sector of our society to insist on governmental action in solving this problem.

Our task force report on "Federal Government Family Planning Activities—Domestic and International," recommended a free standing Federal institute on family planning and population activities within the next 3 years. This type of support from the National Council of Churches should certainly be recognized by the Members of this body as the indicator that it is that the public is ready to accept open debate on the population problems of the world and a definite role for the Congress in establishing a national population policy.

The National Council of Churches' resolution was adopted by the NCC General Assembly at their December triennial meeting. The resolution follows:

The evidence is now incontrovertible that man's numbers are overwhelming the thin, life-giving film of earth, water and air that encircles his planet. The unlimited capacity to reproduce is pressing against the limited capacity of the earth to sustain life.

Before the world reaches a point where the quality of life progressively deteriorates, imaginative and vigorous action on a grand scale is needed to avoid this danger and to create a wholesome environment in which personal dignity can come to mark the life of human beings.

We commend the Division of Overseas Ministries for its leadership in planning the conference on awareness.

We, therefore, call upon the churches, individuals and governments to recognize the seriousness of the threat posed to humanity by further population expansion.

We urge the United States Administration and Congress to establish a major agency on population and give it the task of leading the effort to halt population growth. The agency should be given the mandate and the money needed for that task; it should also be instructed and enabled to give whatever assistance other nations desire in their efforts to achieve the same goal.

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE—PART TWO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BROWN of California. Mr. Speaker, yesterday I submitted for the RECORD, part I of a series of lectures by Mr. Irving Laucks of Santa Barbara, Calif. Today, I am putting in the second of Mr. Lauck's six talks:

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE

(By Irving Laucks)

PART II—THE SIGNIFICANCE OF ENERGY FOR MAN

Last week I outlined roughly the aims of a new organization which I helped to form called The Cooperators: to demonstrate a new view of evolution, how man might have arrived at his present position in the Universe, but with the idea that his past is only of practical importance insofar as it has bearing on where he is heading for in the future, and how this all affects his present happiness.

We said that Western religion's ideas of a Creator for the Universe, for example, a beautiful old superman with a beard who worked with his hand, had been rendered somewhat doubtful by the discoveries of science as to the size of this Universe; by the realization of the process of evolution; but even more by the idea of energy as creator.

This week I want to enlarge a bit on this idea of Energy, that science now thinks is the basis of *everything.* It's only definition so far is the ability to do work, to accomplish change. Everything we know of, ourselves, our ideas, our possessions, the nature surrounding us, is continually in process of change. Sometimes slow—so that poets talk about the *eternal* hills, but that's only because they haven't studied geology.

Last week we called the changes taking place in the heavens, the nebulae, stars, suns and planets the First Evolution.

The Second Evolution was made realistic

by Charles Darwin over a century ago. He noticed that the offspring of all living creatures differed from their parents; some were weaker, others stronger—for example, better adapted to secure their sustenance. Hence these stronger were more likely to be the ones to procreate and transmit their special qualities to the next generation. This process, if continued for some billions of years could well account for the great variety of living forms.

Now these two evolutions appeal today to human intelligence as much more reasonable than the idea of a Creator—at least a Creator such as Michaelangelo painted on the ceiling.

But if you will read the second verse of the first chapter of Genesis where *"the spirit of God moved,"* you see that you may just as well substitute the words primeval energy for the Spirit of God or vice versa. The ancient Hebrew version of creation will then do just as well as the modern version of science. For neither religion nor science attempt to go deeper than these mysterious words.

Matter as a form of energy began to dawn on science in the 19th century. Marie Curie's work on radium, Max Planck, Rutherford and a thousand others contributed, until Otto Hahn and Lise Meitner in Germany just before World War II split the atom of uranium with a great production of energy, starting off the tremendous research which culminated in the bomb of Hiroshima. This was the change of matter into energy, but since the war the reverse change of energy into matter has also been produced and observed experimentally. Thus our ideas of energy and its capabilities are due to the experience of experiment.

Energy thus appears, not as some by-product of the properties of matter, but as its very essence—as the basic essential ingredient of all that is, including all we call solid and substantial. Not only does it account for the matter of the universe, the stars in the heavens, and our Earth, by its chemical, electro-magnetic, radiant, and nuclear varieties, but also, with the addition of psychic, for man and his activities. As we shall see, psychic energy is one with which we need a better acquaintance. How many more remain to be discovered—who knows?

Besides change, energy has another quite evident property—association. This is shown in the First Evolution by the propensity of the units of energy to come together to form the atoms—the hundred or more elemental forms of the chemist—and by the tendency of these elements to unite to form the almost infinite variety of material compounds composing the stars, the Earth and man's body; and lastly, the *social* proclivities of animals and pre-eminently of man himself, are due to this same property of association. Perhaps even the mysterious force of gravity, initiating or preserving the association of planets in solar systems, is but another manifestation of this property of association.

This associative property has been of great importance to man, in creating the principle that has led to such cooperation that he has so far displayed—in forming his societies. Cooperation as a function of association thus appears as a much more elemental force than competition. Now he must learn that cooperation is not to be limited to one group but must be extended to the whole earth in conformity with the rules of the Universe. Association is a universal force.

But what does all this have to do with the idea expressed in our first talk about changing human nature by a belief in the further existence of the intellect or soul after the final disintegration of the material body? This is the theory of The Cooperators—that the present troubles of the world can be cured by a deep change in human nature resulting from such a renewed belief—a belief that man has had for maybe a hundred thousand years, until just lately.

What is this "human nature"? Freud, Jung *et al* have analyzed it to the Unconscious, the Conscious, etc. The Cooperators think of it in terms of psychic energy. Human nature might then be defined as the individual's psychic energy cooperating with other kinds of energy, and its reaction to their backkick.

Psychic energy is just as much a mystery as every other kind at present. It is as much different from the other kinds as, for example, electric energy is from kinetic. Each kind discovered so far has its own peculiar characteristics, but all have the common ability to accomplish.

Philosophers, prophets, theologians and poets have said for thousands of years that there is a "little of God" in every human. If, as The Cooperators say, God as Leader of the Universe is a product of Evolution—of the Third Evolution—then God is a structure of the same psychic energy as is man's intellect, and soul; only infinitely more highly developed. So philosophers have reason to say that there is a little of God in every man.

Religion had taught this for several thousand years, and in consequence man has had an ingrained belief, almost an instinct, that at his death he would acquire a more intimate acquaintance with Deity and the particular realm of psychic energy in which Deity operates. Archaelogy has found that this belief is evident in Cromagnon times and maybe even in Neanderthal's. A belief as old as this cannot be ignored with impunity.

The first signs of deviation from such belief became evident after Darwin announced his theory of the Second Evolution, wherein he disputed the special creation of the many forms of life. Religion made the mistake of ignoring his evidence and attempting to smother scientific theory by main force, as it had been wont to do ever since Inquisition days.

The need of the scientific study of psychic energy however, was not impressed sufficiently on man until the late 19th century. Countless instances of its operation had been known before that, but in isolated cases and impossible to study. The Societies of Psychic Research in all the leading nations of the world changed this with systematic experiment and study. Many phenomena were discovered and tested by modern methods. Among these were many evidences of communications from a non-material realm into which the intellect or soul of definite recognizable individuals had passed—generally after death of the material body. Such communications often contained information known only to the deceased sender. Communications ordinarily are conveyed through the senses: these however used not one of the usual physical senses or energies.

In the 1930's J. B. Rhine commenced the study of communication by extra- or non-sensory means. By hundreds of thousands of experiments on thousands of individuals since Rhine's beginning, the reality of telepathy has been established beyond all doubt by experimenters all over the world. Humans differ widely in this ability from very little to quite perfect. It is only to be expected that in a third realm of energy telepathic communication would be developed to a far greater extent—so that it might even be perceived by certain especially adapted intellects of Earthmen. Non-sensory means of communication would be an essential of a third realm of existence. The discovery of telepathy then, is of great importance in confirming the reality of such a realm.

The Cooperators believe that the near complete destruction of a Third World nuclear War will only be avoided by our realization that this bodily existence is merely a short introductory phase of the really important individual human existence in a third Evolution; that the once lauded ambition to *compete* only pertains to the less important second phase, and has outworn its once usefulness. Since war was originally started by the competition of tribes and societies of men primarily because of scarcity of food and other needs, the diversion of human activity to changing *scarcity* to *plenty* will render the practice of competition and the institution of war useless.

Plenty for all the Earth can be achieved by the advent of really cheap energy, which can be obtained if the billions now spent in using energy for *destruction* were diverted to finding out how to use it for *construction*. For example, there is no longer sufficient arable land to feed the Earth's population even now. The synthesizing chemist must supplement or eventually supplant the farmer by the use of cheap energy.

Not only war, but other troubles also stem from original scarcity forming man's instinct of competition and aggression, satisfying his needs by force. Slavery began as a result of war, was cultivated to increase the power of warlike tribes, and has come down through the centuries to result today in the troubled race relations which threaten the United States and other countries with dangers only second to war.

Competition, when turned to profit-making, has resulted in supplanting human labor by the more efficient machine labor, to an extent which threatens eventually to render the larger portion of humanity without meaningful jobs, and consequent suffering from boredom.

Ancient Rome originally developed slavery in order to release workers to be soldiers. Long before Rome's downfall when there was no war, displaced workers had to be fed with corn and kept interested by the circus. Today we displace workers by machines instead of slaves. We also have the dole and television to keep them happy. And keep other millions in the military. Rome could not endure; neither can our imitation of the Roman system. A further result of it has been a tremendous increase in crime. We might also mention the pollution, contamination, defilement and destruction of nature, the air, the soil, the rivers and ocean, the forests, the lives of animals and even humans by the harmful by-products of our competitive manufacturers in their striving for greater efficiency and profit. Competition then, is the chief activity of human nature that must be changed. Cooperation is the antithesis to competition, hence the name Cooperators.

Any person who will spend an hour in thought instead of being brainwashed by our political and industrial leaders—intent on power and profit—will conclude that the present state of affairs, growing steadily worse, will eventually explode. The problem now is to make the necessary changes in human nature without leading to an explosion.

PRESS RELEASE VERSUS DEMONSTRABLE DEEDS—A CASE HISTORY ON CIVIL RIGHTS

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. PIKE. Mr. Speaker, back on December 22, 1969, the House was asked to vote on something called the Philadelphia plan, which in essence said that private employers who entered into contracts with the United States or construction contracts financed by the United States must set certain specific goals for minority group hiring within certain skilled trades.

Since a tremendous amount of construction in America is financed in part by Federal funds this went very, very far into private industry and the unions and generated heated debate. Those opposed to the Philadelphia plan called it an illegal quota system, and the Comptroller General, who is Congress' advisor on matters legal, agreed. He said it was illegal.

Into the fray, atop an unusually white horse, rode the President's advisor on matters legal, who is called the Attorney General. He said it was wholly legal and could be enforced. Riding at his side on an equally white steed was the Secretary of Labor, who said that a vote against the plan would be "a blow against social justice." Looking down from his command post on the whitest steed of all was the President, who said that "The House of Representatives now faces an historic and critical civil rights vote," and "The civil rights policy to which this administration is committed is one of demonstrable deeds—focused where they count."

On December 23, 1969, the very next day, there was a demonstrable deed—focused where it counted. The Department of Defense—illegally—awarded a multibillion—not million, billion—defense contract to a defense contractor. The U.S. Commission on Civil Rights—chaired by the Rev. Theodore M. Hesburgh, not a bomb-throwing anarchist—said to the Secretary of Defense that the contract was awarded "in blatant disregard of the procedural rules and substantive standards prescribed by the Office of Federal Contract Compliance and by the Department of Defense itself to assure nondiscrimination in employment on the part of Federal contractors." The Secretary of Defense said he was "shocked"—but the company kept the contract. The contract award was admittedly and blatantly illegal, but the Attorney General is looking somewhere else. The cloud of silence over the Justice Department is exceeded only by the cloud of silence over the White House.

A multibillion dollar contract is a "demonstrable deed"; "shock" is a press release, and all the white horses are out in the pasture, eating corn.

LITHUANIA

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. SCHADEBERG. Mr. Speaker, on Monday, February 16, the great people of Lithuania and their relatives living in the United States marked the 52d anniversary of the Declaration of Independence of Lithuania and the 719th anniversary of the formation of the Lithuanian state.

Such a day normally would be the cause of great celebration. This, however, is not the case. The unfortunate reason is that this country has, for the last 29 years, been denied self-determinism and democratic processes by the Soviet Union. The hopes of freedom have been crushed by the tyrannical processes of a foreign government which realizes that the only way to command this country is through the continual denial of rights and liberties due any independent nation.

As an expression of support for the constant struggle for freedom on the part of peoples of Lithuanian descent, and as a reminder to the world of the millions of people in the captive nations who live in captivity, I include in the CONGRESSIONAL RECORD the following resolution which was unanimously adopted at a recent meeting of American citizens of Lithuanian descent of Racine, Wis.:

RESOLUTION

Whereas, the 16th of February marks the 52nd anniversary of the restoration of independence to the more than 700 year old Lithuanian State; and

Whereas, on June 15th, 1940, Soviet Union forcibly occupied the Republic of Lithuania; and

Whereas, the reports from and about Soviet-occupied Lithuania, the land of our forefathers and the homeland of many of us indicate that there is still suffering under harsh Communist expression and exploitation, and our brothers and sisters in Lithuania are undergoing gradual denationalization and annihilation; and

Whereas, the United States of America has been in the forefront of the United Nations' activities ending foreign colonialism in numerous countries all over the world,

Now, Therefore Be It Resolved:

That we again express our gratitude to our Government for the firm and unwavering policy of non-recognition of the illegal Soviet occupation of Lithuania, Latvia and Estonia, and request our Government to use every opportunity to raise the question of the liberation of these nations; and

That we ask President Richard M. Nixon, members of Senate and the House of Representatives to exert necessary efforts in bringing the case of Lithuania and all other enslaved countries before the United Nations; and

That we always support the efforts of this Administration which is seeking to achieve an honorable and just peace in Southeast Asia; and

That this resolution be sent to the President of the United States, to the Secretary of the State, to the leaders of Senate and the House of Representatives, to the Senators and Members of Congress from our State, and to the Press.

RACINE, WIS., *February 8, 1970.*

MARTIN KASPARAITIS,
President.

STANLEY P. BUDRYS,
Secretary.

PRESIDENT NIXON'S MESSAGE ON FOREIGN POLICY AND NATIONAL DEFENSE

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. ARENDS. Mr. Speaker, President Nixon's "A New Strategy for Peace" message to Congress is the most comprehensive message on our foreign policy and our national defense planning submitted to the Congress by any President.

It is a brilliant message. It sets forth fully and clearly the principles he will follow in guaranteeing our own national security and for best insuring peace.

Reform is the watchword of the Nixon administration. The message sets forth the defense and foreign affairs reforms, both in procedures and in substantive policy, President Nixon has been instituting.

He has determined upon a policy with definite direction. He is instituting a policy of affirmative action, with a sharing of responsibilities, to avoid crises rather than simply reacting to crises as they arise.

He has outlined a policy of retrenchment, but not one of isolation. The emphasis will be on what our allies can do for themselves with our helping rather than on what we will do for them. Without relinquishing our responsibilities as the free world leader, the major consideration will always be our own national interest.

The American people will applaud this message. While seeking to arrive at agreements to end the armaments race, the President emphasized that we must give the highest priority to our own security until such agreements have been reached.

ATOMIC ENERGY AND THE ENVIRONMENT CONTINUED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. WOLFF. Mr. Speaker, as I indicated yesterday, the gentleman from New York (Mr. REID) and I are including in the RECORD the statements submitted in a recent informal hearing we conducted on atomic energy and the environment.

Today I would like to include a statement by Nassau County, N.Y., Executive Eugene H. Nickerson which was read by John C. Burdis, director of the county planning commission and the statement of Merril Eisenbud, administrator of the Environmental Protection Administration of the city of New York.

The statements follow:

VIEWS OF NASSAU COUNTY EXECUTIVE EUGENE H. NICKERSON

Gentlemen, on behalf of the Nassau County Planning Commission permit me to thank you for the opportunity to appear before this distinguished group, and to submit a statement on a subject which is critical to all of us—the environment and the effects thereon of nuclear power plants in the region of the Long Island Sound. We are sure that this concern for the health, safety, and general welfare of the citizens of this area is shared by everyone involved in the discussion of nuclear power plants, both those in favor of the idea, as well as those opposed. At the same time, we would like to compliment you for holding this hearing in order to take into consideration the views of the local agencies and groups, such as ours, which represent the residents of the areas affected by your decisions.

The Long Island Sound is a natural resource which provides recreational and eco-

nomic opportunities for countless boatmen, fishermen, and bathing enthusiasts, both local inhabitants as well as many visitors who recognize the attractiveness of this body of water. Shellfishing in the Sound is both a popular pastime and a valuable economic resource. The broad expanse of the Sound, stretching from the high bluffs of Long Island to the shores of Westchester County and Connecticut, provides magnificent vistas and refreshing scenery. Its quiet harbors offer shelter and docking space to innumerable sailing vessels and power boats of every size and description.

Unfortunately, Man is not treating this resource wisely. Raw sewage from the combined sewers of New York City is discharged into the East River. A beach in Little Neck Bay in Nassau County has been closed because of this pollution, and others are threatened. Pleasure boats continue to discharge marine toilet wastes into the Sound. Storm water runoff carrying coliform bacteria, sediment, nutrients, biochemical oxygen demand products, pesticides, and other harmful pollutants empties into the Long Island Sound. Some two million tons of solid waste materials are dumped into the Sound annually, according to M. Grant Gross, an associate professor at the State University of New York at Stony Brook.[1] Thermal pollution occurs at the sites of fossil-fuel power plants on the shoreline.

Now we are being asked to consider the possibility of construction of nuclear energy power plants along the shores of the Long Island Sound. In fact, we understand that fifteen such plants[2] are planned for the Sound area. Additionally, we hear that the Atomic Energy Commission forecasts that nuclear power will furnish 25 percent of national power needs by 1980. Moreover, it has been stated that the nation's power needs are doubling every ten years.

The Nassau County Planning Commission is fully aware of the advantages cited for nuclear plants over fossil power plants. However, we must be certain that in our attempts to alleviate the problem of air pollution we do not visit upon ourselves other health menaces, some of which are of an insidious nature and which may take a long time to manifest themselves.

For instance, it is a well-known fact that nuclear power plants produce a significantly greater degree of thermal[3] pollution than conventionally-powered plants. The effects of this superheated water on aquatic ecology are incompletely understood at this time. In the Sound thermal pollution has been said to cause the death of fish and plankton and, possibly, may be causing the growth of deformed fish which recently have been sighted in the area.[4]

Another concern of the Planning Commission is that the introduction of these plants may present serious threats to the environment because of radiation. One consideration is whether the liquid radioactive waste from such plants may contaminate the ground-water supply through accidental spillage into waste systems beneath the ground. Or, couldn't the release of gases such as tritium hydrogen into the atmosphere produce long-term health hazards in the affected area? Even the transportation of the radioactive waste products from the plants to disposal sites would involve a certain amount of risk to the inhabitants of population centers along the way. Added to these questions is the gnawing fear of the possibility of a nuclear "excursion" at one of these plants, a release of fission products into the environment, such as has been suggested by Dr. J. E. McKee, professor of environmental health at the California Institute of Technology.[5] This could occur as a result of an earthquake, tornado, tidal wave, human error, failure of instruments, sabotage, or from a sudden break in pipelines or pumps, according to Dr. McKee. It may, indeed, be unrealistic to admit of the possibility of an accident such as has been described in the well-known Brookhaven Wash-740 report. However, who is to say what would be the cumulative effect of the release of minute quantities of radionuclides into the environment over long periods of time?

In this respect we take note of the fact that the Atomic Energy Commission's emission standards for radioactivity from nuclear plants are presently a matter of dispute with several states.[6] While we do not presume to know how many curies constitute a safe limit of emission from any single plant, we question what would be the cumulative effect on radionuclides from several plants taken together, such as are contemplated for the area of Long Island Sound.

Another unknown is the possible climatic changes of these nuclear plants, situated, as they would be, on an island or along the shoreline of the Sound. It has been speculated that these plants would produce a permanent fog bank over Long Island. Naturally, we are not in a position to prove or disprove this contention at the present time. Nevertheless, it is a claim which merits investigation and study, and we request that it be thoroughly researched.

We repeat these often-cited arguments not for the sake of attacking the concept of nuclear power generation. Rather, we maintain that these factors are causing heated debate, not only among Long Island residents, but, also among members of the scientific community. Therefore, we believe it would be wise to weigh the environmental effects of large-scale development of nuclear-fueled power plants. As Dr. LaMont C. Cole, Professor of Ecology at Cornell University, recently stated, "The rush to blanket the Northeast with nuclear power plants is one of the most dangerous and misguided steps ever taken by man."[7]

What we are saying is that we don't want to find ourselves twenty years from now facing the same type of peril we currently face with regard to DDT which, twenty years earlier, was looked upon as one of the greatest boons to mankind ever invented. Perhaps the benefits of power generation, without the emission of sulfur dioxide and fly ash, which are produced in fossil-power plants, are worth the risks inherently associated with nuclear power. We are not prepared to answer this question, at least not from the standpoint of comparative epidemiological effects.

We would like to see nuclear power plants, when proven to be necessary, located away from centers of population and fitted into a regional land use plan. In this regard, the Planning Commission supports proposals along these lines suggested by others. Specifically, we refer to such legislation as sponsored by Senator Edward Kennedy calling for the development of a comprehensive national plan for siting nuclear power plants.[8]

The Nassau County Planning Commission is in favor of the passage of the legislation introduced by Congressmen Ogden Reid and Lester Wolff—H.R. 14718, a bill which would establish an inter-governmental Commission on Long Island Sound. The study proposed by the bill would address itself to the problem of thermal pollution, and to the effects of nuclear power plants, which may be built along Long Island Sound. Therefore, it should provide guidance on these troubling questions.

However, we do have reservations concerning certain aspects of the bill. For example, we doubt that one year, as provided for under this legislation, would be time enough to organize and conduct a rigorous study embracing all of the environmental considerations listed in the bill. The water pollution part alone could take more than a year to complete. Yet, there are listed as a minimum course of study nine different areas for examination, of which nuclear power plants are but part of one area.

Secondly, we question whether the Atomic Energy Commission, which is in charge of licensing nuclear power plants, should be represented on the Sound Commission. The position of the Atomic Energy Commission with regard to the matter of nuclear power plants is already very clear; it favors the proliferation of such power plants and, therefore, cannot be expected to adopt an unbiased role in deliberations on this subject.

All in all, however, the bill is a good one with worthy objectives. While it does provide for local representation on the Commission, the mere fact that the bulk of the membership would be composed of presidential appointees and representatives of the Federal Government gives rise to hopes that the conclusions to be reached by the study would not be influenced unduly by local interests seeking to escape blame for pollution.

The Nassau County Planning Commission is not unalterably opposed to nuclear power plants. All we are asking is that the potentially deleterious effects of such facilities on Long Island Sound be studied thoroughly before we rush headlong into mass construction of atomic-powered plants.

In this connection, we respectfully suggest that the Sound Commission specifically address itself to the following points, among others:

1. The possibility of employing cooling towers as a means of preventing thermal pollution in the Sound at the site of any proposed nuclear power plants;

2. Adequately safeguards and controls over the storage and transportation of radioactive wastes; and

3. Provisions for airtight security over nuclear power installations to protect against the possibility of sabotage.

While the Planning Commission does not seek to set the scope of this study, it does hope that these subjects will be covered in the analysis of the feasibility of locating atomic-powered reactors along Long Island Sound.

The dominant issues in this country for the 70's have been predicted to be the environment and the quality of life. Therefore, we are sure that this Committee will well understand the reasons for the concern of County Executive Nickerson and the Nassau County Planning Commission relative to the effects of nuclear power plants on the environment of the Long Island Sound.

FOOTNOTES

[1] Howard Schneider, "Sound Dumping May Not Be Unsound," *Newsday*, October 25, 1969.

[2] According to Congressman Lester Wolff.

[3] It has been estimated the nuclear plants raise the temperature of the receiving body of water as much as 50% higher than conventional plants. Con Edison officials admit to a 12-degree rise in temperature of the Hudson River at Indian Point Plant No. 1.

[4] Martin Flusser, Jr. and Maurice Swift, "Man's Impact on Sound Life Grows," *Newsday*, January 12, 1970.

[5] "Caltech Man Sees Dangers in Off-Shore Nuclear Plant Site," Los Angeles *Times*, June 23, 1968.

[6] E. W. Kenworthy, "Congressmen Clash With Minnesota Governor Over Limits on Atomic Waste," The New York *Times*, January 28, 1970, p. 17.

[7] Tony Marro, "Nuclear Power: Promise or Peril?," *Newsday*, April 26, 1969, p. 3W.

[8] "Calls Report Guide to Safe Atom Power," New York *Daily News*, January 5, 1969, p. 28.

STATEMENT BY MERRIL EISENBUD, ADMINISTRATOR

Gentlemen, I am Merril Eisenbud, Administrator of the Environmental Protection Administration of the City of New York. I

have been on extended leave from New York University Medical Center where I hold the position of Professor of Environmental Medicine, and Director of the Laboratory for Environmental Studies of the Institute of Environmental Medicine. By way of additional background, I am former chairman of the U.S. Public Health Service Environmental Radiation Exposure Advisory Committee, a member of the National Council on Radiation Protection and Measurements, a member of the World Health Organization Expert Panel on Radiation, former president of the Health Physics Society, and author of the text book, "Environmental Radioactivity."

I welcome your invitation to appear today to share with you my views on the subject of the relationships between nuclear power and the environment.

A few months short of ten years ago I was invited to write a guest editorial for the magazine, "Nucleonics." Although the editors gave me complete freedom to choose my subject, I chose to write on "Educating the Public About Radiation." In the first paragraph of that editorial, which was published in June 1960, I wrote:

"Of the many difficult problems that we face in developing nuclear technology, none seems more baffling than those having to do with the public attitude on matters of radiation health and safety. A lack of perspective can be found everywhere, not only in the population as a whole, but among statesmen, scientists and writers. These attitudes may well prove to be the most serious single impediment to the development of civilian applications of atomic energy."

It is regrettably true that the above statement is quite as valid today as it was ten years ago. When the editorial was written, the atomic energy industry was in its 18th year. Today, it is in its 28th year, its environmental record in all respects has been excellent, and yet there is, if anything, more popular misunderstanding of the subject of nuclear energy than there was at that time. I am hopeful that this hearing will serve to put the extensive information about the safety of nuclear reactors into better perspective, and that public understanding of the problem will thus be benefitted.

The record of the atomic energy industry during the first quarter century of its existence has been an excellent one. Both government and industry have faced up to their obligations to protect the environment and the public in a responsible manner.

It is now widely recognized that industry and government must evaluate the environmental impact of all new technologies, and that industry must think in ecological terms about the consequences of its activities. Our society demands that industry of the 1970's should be responsive to our desires that the environment be protected and that industry should examine its manifold activities so that each can be evaluated in terms of its effect on the environment. This attitude emerged belatedly in the late 1960's as a result of enormous popular concern about the need to protect our environment. This new social consciousness on the part of industry generally was, however, actually born with the beginning of the atomic energy industry more than a quarter of a century ago. The atomic energy industry antedated by more than 25 years the present general concern about the environment. The very first research and production centers such as Oak Ridge, Los Alamos and Hanford, which were established during World War II, included centers for biomedical and ecological research. Moreover, the early budgets of the Atomic Energy Commission contained very large sums of money, even by present day standards, for research into the biomedical and environmental effects of the ionizing radiations. It has frequently been said that as a result of the enormous amount of research into the subject, more is known about the environmental effects of radioactivity, than any of the more common pollutants. I believe that this is so.

During the past few months I have had two occasions to summarize my views on the environmental impacts of nuclear energy. At a Symposium on Nuclear Power and the Public at the University of Minnesota last October, I delivered an invited address entitled "Standards of Radiation Protection and Their Implications to the Public Health." In Boston, at the December meeting of the American Association for the Advancement of Science, I delivered another invited paper entitled "Nuclear Reactors and the Radioactive Environment." Since both of these addresses are germane to this inquiry, and since they are both of recent origin, I have offered them for the record of this hearing, and I understand that they will be so included.

In this brief oral testimony, I will not cover all the arguments contained in these two papers. However, I will summarize the conclusions I drew.

The world's first nuclear reactor was demonstrated in Chicago in December 1942, only 36 months after the discovery of nuclear fission. Under wartime pressure, reactor technology developed rapidly and only one year later a research reactor began operation at Oak Ridge, and thereafter remained in service for more than 20 years. Even more remarkable, the first of several reactors designed for plutonium production began operation at Hanford in 1944 at an initial power level of 250 MWt. These units also remained in service for more than 20 years without mishap.

At present, nearly 500 reactors have been constructed throughout the world. More than one hundred power reactors are used on vessels of the U.S. Navy, and 15 privately owned nuclear power plants are operating in the United States. Eighty-two additional units are currently under order, and when constructed will produce about 70,000 megawatts of electricity, about 14% of the expected national demand in 1975.

The amount of radioactive liquid effluents from reactors are an infinitesimal fraction of the total radioactive material within the core. The bulk of the fission products are trapped within the uranium oxide fuel, where they remain until the fuel is removed from the reactor vessel, placed in a shielded shipping container, and sent to a fuel reprocessing center.

Under federal law, protection of the public from the effects of radioactivity is the responsibility of the AEC, and all reactors are subject to licensing procedures that govern their design, construction and operation. The reactor licensing system is a complicated one that is spread over several years, and experience has shown that the federal procedures have been highly effective in protecting the public interest.

The Atomic Energy Commission has not established its own standards for public protection, but has relied instead on two totally independent scientific organizations that are universally respected for their work in the field of radiation protection. These organizations, the National Council on Radiation Protection and Measurements (NCRP) and the International Commission on Radiation Protection (ICRP), recommend the permissible dose for both atomic energy workers and the public. The AEC has assumed for its part the role of translating the recommendations of these non-AEC expert groups into administrative language that lends itself to use by regulatory authorities. Of the 65 physicians, engineers, and scientists on NCRP, most are from the universities, and only two are on the AEC staff. Considerable weight must be given to the fact that the ponderous procedures of these organizations have resulted in regulations that are workable, and which have successfully protected the public health for many decades. The AEC standards of reactor safety originate in the main from the work of these committees.

The scientific basis for the ICRP and NCRP recommendations have been subject to independent review on a continuing basis by a number of independent national and international bodies. For example, since 1955 there has existed a United Nations Scientific Committee on the Effects of Atomic Radiation for the purpose of reviewing and organizing the world's information on the effects of ionizing radiations. It is not the function of that Committee to recommend levels of permissible exposure, but its compilations and analyses of the world's experimental and epidemiological information serve as a valuable aid in evaluating the ICRP recommendations.

Within the United States government, the Federal Radiation Council was established by Presidential Order in the late 1950's to review all Federal radiation standards. The FRC includes representatives from several departments of government, including Health, Education and Welfare.

Thus, although AEC has responsibility for the public health aspects of its programs, the framework within which it operates is that provided by this complex of national and international organizations among whom there has been total harmony of both aims and methods.

The AEC regulatory machinery includes another independent group, established by Congressional action, the Advisory Committee on Reactor Safeguards (ACRS). This committee, which consists of scientists and engineers from universities and industry, is charged with responsibility for reviewing all applications for AEC reactor licenses. The deliberations of this Committee serve as an independent check on the parallel reviews given by the AEC staff.

The United States Public Health Service and the various States also play important roles. The Public Health Service maintains a staff which reviews all reactor license applications in parallel with AEC. The Bureau of Radiological Health of the Public Health Service also provides the States with financial and technical assistance in order that they can monitor the air, water and biota, in the vicinity of nuclear reactors, with particular emphasis on vectors of human exposure.

Gentlemen, time will not permit me to summarize the vast amount of information that has been accumulated about nuclear reactors and their effects on the environment. This I have done, however, in the two articles which I have referred to earlier. For purposes of this Hearing, I wish simply to state the conclusion I have come to, which is that as a member of the public health community, and as an environmentalist, I find that nuclear reactors provide us with the modern, hygienic, aesthetic, and safe method of producing electrical energy. I fully realize that the present state of technology is such that the nuclear plants are less efficient thermodynamically and that this results in about 30% more heat being discharged to the environment, but this is a difference in degree rather than in principle and simply places additional constraints on the site selection process which must assure that adequate condenser cooling water is available. The State and Federal rules that limit the amount of heat that can be discharged to the aquatic environment provide assurance that power plants, whether fossil fueled or nuclear, can be operated safely without ecological injury.

For more than a quarter of a century the safety record of the atomic energy industry has been a good one. The industry has achieved an admirable record of safety among its more than 200,000 employees, and the levels of environmental radioactivity

have been subject to strict supervision in the vicinity of all AEC and private installations. The dose to the general population from civilian power reactors is in most cases not measurable against the normal background of natural radioactivity.

It must be recognized that the alternatives to nuclear power often require combustion of fossil fuels and release of noxious gases and dusts to the atmosphere. Combustion of fossil fuels involves environmental and human effects that are readily identifiable. Sulfur dioxide in combination with particulates in the atmosphere has been associated with human disability and death. This acid gas also causes materials to deteriorate and is known to harm plant life. The ecological effects of SO_2 have not been studied extensively and hence our knowledge of its effects is confined to obvious pathology in certain species of higher plants. Moreover, we know that combustion of fossil fuels releases CO_2 to the atmosphere in copious amounts that may in time evoke profound climatic effects, and that the affluents contain known carcinogens, as well as many trace substances of a toxic nature. Of course, the dusts and gases from fossil fuel plants can be controlled by modern technology, and this is being done to an increasing degree. But on balance, and after taking all factors into consideration, I find that as an environmentalist, interested in human well-being and environmental conservation, I must support and encourage exploitation of nuclear energy to meet the increasing demands of society for electrical energy. If society must have the electric power, the method of generation should offer the least possible damage to the environment. The nuclear method is the cleanest and safest method now available.

HOUSING: THE TIME IS NOW

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. HALPERN. Mr. Speaker, 38 years ago the editors of Fortune magazine said the housing situation is "the disgrace of American industry."

That was in 1932. Today, as Wolf Von Eckardt astutely notes, practically nothing has changed, despite several legislative mandates, Presidential proclamations, and expenditures of modest sums. We are still waiting for the breakthrough to put housing on the same industrialized, mass-produced basis as the automobile.

Mr. Eckardt reviewed the issue in an analysis of the housing market in the weekend edition of the Washington Post. It follows:

HOUSING: A 38-YEAR-OLD DISGRACE

(By Wolf Von Eckardt)

"It is by no means an overstatement to say that the housing situation is the disgrace of American industry."

So said the editors of Fortune. The worst of the disgrace is that they said it in 1932.

You find the statement in a book entitled "Housing America," which was said to have been written mainly by Archibald MacLeish, lawyer, poet, and confidant of President Franklin D. Roosevelt.

Half of the nation was ill-housed when FDR was first elected and MacLeish blamed this in part on free enterprise which, he said, had "signally and magnificently muffed" its opportunity to meet the needs of a huge, potential market.

He also blamed land speculation, "the exorbitant rates of financing, the obstructive tactics of labor, (and) the complications and stupidity of the building codes and taxing laws."

Today, 38 years, six Presidents, 18 sessions of Congress, countless committees and commissions and a $847.3 billion increase in the gross national product later, practically nothing has changed.

In fact, just the other day, the Secretary of Housing and Urban Development, George Romney, said almost verbatim what MacLeish and the Fortune editors had said during the Depression: "Millions of Americans are cut off from decent housing. Over half of our families cannot afford to live in new housing built at today's prices."

Romney's remedy, too, is the same MacLeish prescribed 38 years ago: A breakthrough in the mass production of houses.

MacLeish thought the breakthrough imminent. Several large companies, he reported, were researching and developing prefabrication schemes. One of them, General Houses, Inc., was on the verge of coming out. The advertisements were already set in type.

"We will deliver this five-room house to you this very week," one ad said. "Now you can come to our showroom and pick your house just as you do your automobile. All financing, even to furniture and landscaping if you wish, is handled by a single company.

The basic house was to cost $3,500 and was to be assembled of steel panels along simple, modern lines. You could, of course, add additional modules to turn it into a large and, to judge from the drawings, very attractive luxury villa.

General Houses, according to Fortune, aspired to become the "General Motors of the shelter industry." It was a group of firms that included Pullman Car & Manufacturing Corp., the Container Corp., General Electric and Pittsburgh Plate Glass, among others.

There were several other attempts to achieve a breakthrough in housing, including the Lustron house. When the boys came looking for a home after World War II, Congress even voted some money to help put houses on the assembly line. But the Lustron house got no further than General Houses did. Which was nowhere.

The failure has even more reasons than the vested interests that opposed the reform of an inept industry, which the Industrial Revolution has forgotten, capitalism has overlooked and government seems afraid of. But the 1932 Fortune book pointed to the most important one.

For all their enthusiasm for the industrialization of housing, the Fortune editors warned that mass production without government coordination of land development would only lead to the mass production of more slums. "No amount of organization and no excellence of design will solve the housing problem unless the land problem is solved with it," they said.

Our government has still not recognized this. And this is why Romney's Operation Breakthrough won't get us very much further than did General Houses, Inc.

Operation Breakthrough is a competition for new building systems, whose winners will be announced next week. They will be invited to build small samples of their systems (from about 10 to 200 units) in 10 cities. The prize is that HUD will pay for the research and buy the samples and later maybe also an undetermined number of additional houses.

So what we get is hardly more than what we already have. We already have all the building technology we need. We know how to put houses and apartments together out of factory-made panels, boxes and other components. General Houses and Lustron knew it back in 1932 and 1949. And the Russians and the French and the British are doing it now on the scale of several thousand units every week.

What we don't know is how to make any of these systems work on a scale large enough to reduce the ever more astronomical cost of housing, or fast enough to win the race against ever accelerating decay of city neighborhoods.

We don't have a system to make the systems work because we are still bogged down in the same jungle of building codes, labor restrictions, financing, and all the rest, which Archibald MacLeish described 38 years ago. It is so hopeless that no large corporation can invest the necessary research and development of a systems system, and expect its money back.

Romney has made clear that the government won't subsidize such large-scale research to get people out of the slums, though the administration is subsidizing the supersonic aircraft to the tune of almost a billion dollars, so a few people can get across the ocean a little faster.

Nor did Romney's little lots and indefinite promises offer any inducement for such investment.

All he did about the jungle was to meet with the governors and mayors to hand them some "guidelines." which consist of what everyone has been saying for nearly half a century. The Douglas Commission on Urban Problems has recently offered 149 recommendations and the Kaiser Housing Committee 119.

It is a safe guess that it will take another half-century until all these guidelines and recommendations take effect, although California and Ohio have made some progress on building codes. They will now waive them for industrialized construction systems which are certified by the state.

The only way to get a real breakthrough in housing production on any meaningful scale is to by-pass the jungle and start on clear land, on a massive scale.

It would be government land, like Fort Lincoln in Washington or Welfare Island in New York City, where industrial production would work out its own rules, codes, labor relations and so forth to build thousands of units, a whole new town, all at once.

That is how they do it in England, France and the Soviet Union, as everyone in HUD knows. Just why not one of the 10 sites chosen for Operation Breakthrough was in an American new town, such as Reston or Columbia (which both applied), is a mystery hard to break through.

Chances are that once systems building gets into gear on a new town scale, it can also be applied in the inner city. Meanwhile it produces housing and helps people out of the ghetto.

But to expect a housing breakthrough in the jungle is like expecting the mass production of automobiles under laws that require them to be made of timber and by carriage makers, to operate on hay and oats and to yield organic fertilizer as a by-product.

YALE CHALLENGES THE NCAA

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. GIAIMO. Mr. Speaker, Yale University, which has been caught in the middle of the outrageous power struggle between the National Collegiate

Athletic Association and the Amateur Athletic Union, is fighting back.

As my colleague, the gentleman from Illinois (Mr. MICHEL) and I have explained previously, Yale has been placed on probation for 2 years by the NCAA as a result of the controversial Jack Langer case. In addition to this punishment, Yale also faces punitive action by the executive council of the 190-member Eastern College Athletic Conference, the largest allied conference in the NCAA.

Challenging what it terms "a misuse of NCAA power" in the Langer case, Yale is demanding that it be allowed a full hearing before the entire ECAC membership in New York City on February 25. It is also serving notice that it will ask the ECAC members to disapprove and condemn the NCAA for "using students as pawns in the endless NCAA struggle with the AAU."

Yale's argument is spelled out in a collection of documents and letters which I will insert in the RECORD at the conclusion of my remarks. Included are correspondence between Yale director of athletics, DeLaney Kiphuth, and Asa Bushnell, commissioner of the ECAC; a communication from Henry Chauncey, Jr., special assistant to the president of Yale, to the ECAC Executive Council; a discussion of the Langer case as it relates to the ECAC constitution and by-laws; and a letter from the NCAA to Dr. Gaylord P. Harnwell, president of the University of Pennsylvania, concerning the Maccabiah Games.

Mr. Speaker, I have publicly condemned the NCAA for its abuse of power in the Langer case. I have called for an investigation of the NCAA in order to prevent similar abuses. My reasons for doing so are spelled out by Mr. Chauncey in his statement to the ECAC Executive Council:

While the ostensible issue before the ECAC is Langer's continuing presence on the Yale basketball team, the real issue is quite different. It is whether the NCAA misuses its power, and in turn asks the ECAC to misuse its power, by punishing innocent students in an effort to bring the AAU to heel.

Yale is convinced that the NCAA was wrong when it boycotted Maccabiah basketball for reasons unconnected with the purity of legitimacy of the Maccabiah Games. The first victim of that wrong were the students at other colleges who dropped off the Maccabiah team in the face of the NCAA threat. Now the NCAA would add Langer and his fellow students at Yale.

This University has persistently condemned the NCAA practice of using students as pawns in the endless NCAA struggle with the AAU, but not until the Langer case has any Yale student been directly affected by a NCAA power boycott. Faced with a choice between suporting a student with a once in a lifetime opportunity to represent his country in amateur athletic competition or supporting the misuse of NCAA power, Yale chose the student.

The above statement goes to the heart of the matter, Mr. Speaker, I hope that the entire ECAC membership will have the opportunity to consider it on February 25. If this is done, I am confident that the ECAC will also "choose the student."

In addition to the documents which I listed earlier, I am also inserting at this point in the RECORD an article which summarizes the entire controversy:

[From the New Haven Register and New Haven Journal-Courier, Feb. 7, 1970]

YALE DEMANDS ALL 190 ECAC MEMBERS DECIDE ITS FATE IN LANGER CASE

(By Charles W. Kellogg)

Yale University, rebelling against what it charges is: "a palpable misuse of power by the National Collegiate Athletic Association, has called upon the 190-member Eastern College Athletic Conference to hear Yale's side of the now-celebrated Jack Langer case.

The result could be a full scale battle within the NCAA, and a Yale victory could put the national body in serious jeopardy.

Yale announced Friday that it has thrown the gauntlet at the NCAA which placed Yale on athletic probation for two years for encouraging Langer to participate in the basketball portion of the 1969 Maccabiah Games in Israel.

Yale proposes that the full membership of the ECAC decide what action, if any, it will take against Yale and Langer. A special ECAC council meeting on punitive action against Yale now is scheduled for the New York Athletic Club at 4 o'clock Feb. 23, and athletic director Delaney Kiphuth, accompanied by Alfred Fitt, special advisor to president Kingman Brewster, have agreed to attend.

But the University wants action by all 190 member colleges rather than just by the executive council to rule on the Elis' fate. This stand is dictated by Yale legal people who contend the 12-member council cannot censure Yale under the group's constitution.

In a letter this week Kiphuth told ECAC commissioner Asa S. Bushnell that while Fitt and he will attend the special council session, "we are reserving judgment about appearing as an ECAC member accused of violating ECAC regulations" and that he would attend the hearing ostensibly as Yale's regular representative on the Council.

Yale suggested in its letter to Bushnell that the full membership could take up the matter at the annual membership meeting scheduled for New York City on Feb. 25, two days after the special Council session. Kiphuth added that Yale's stand on the matter has been mailed to all members of the ECAC.

At the same time indications were that Yale will press the issue at an even higher level. In a communication to the ECAC Council, Henry Chauncey, Jr., special assistant to president Brewster, pointed out that "while the ostensible issue before the ECAC is Langer's continuing presence on the Yale basketball team, the real issue is quite different."

Langer has played in just about every game in the Yale schedule this season despite the controversy, but Chauncey told the ECAC that the issue stems from the continuing feud between the NCAA and the Amateur Athletic Union and that the question is "whether the NCAA misuses its power and in turn asks the ECAC to misuse its power by punishing innocent students in an effort to bring the AAU to heel."

Chauncey said that "Yale is convinced that the NCAA was wrong when it boycotted Maccabiah basketball for reasons unconnected with the purity or legitimacy of the Maccabiah Games. The first victims of that wrong were the students at other colleges who dropped off the Maccabiah team in the face of the NCAA threat. Now the NCAA would add Langer and his fellow students at Yale" to the list of victims.

"This University has persistently condemned the NCAA practice of using students as pawns in the endless NCAA struggle with the AAU," Chauncey continued, "but not until the Langer case has any Yale student been directly affected by an NCAA power boycott.

"Faced with a choice between supporting a student with a once-in-a-lifetime opportunity to represent his country in amateur athletic competition, or supporting the misuse of NCAA power, Yale chose the student," Chauncey told the ECAC.

In his letter Thursday, the assistant to President Brewster added that under the ECAC constitution a member faced with disciplinary action is entitled to be heard by the full membership, and he said Yale would ask that the membership determine that Langer did not lose his eligibility to compete on the Yale team, and that he is in fact eligible; and that the ECAC members disapprove and condemn the NCAA power struggle with the AAU.

Officials at Yale believe that should the ECAC membership clear Yale of the current charges, that action might force the NCAA into a direct confrontation with the powerful eastern colleges.

They also pointed out that Yale is not soliciting votes from any ECAC member, but simply wants its case to be heard by the full body.

The entire controversy, which may lead to special hearings by a select Congressional Committee in Washington, stems from participation last Summer in the Maccabiah games at Tel Aviv, by Langer. Langer applied for and received permission from Yale authorities to join the American team in basketball competition there. Yale in turn requested and received ECAC permission for Langer to play.

Such permission, however, is contingent on NCAA approval. Yale never received such approval. And, since the Maccabiah competition was not specifically sanctioned by the NCAA, Yale and Langer were considered in violation of NCAA codes.

At the time of the Washington meetings last month, the ECAC Council, the top governing body, filed censure papers, placing Yale on probation declaring Langer ineligible for intercollegiate competition. The report was subsequently withdrawn for further study and the February 23 date chosen for final decision.

EASTERN COLLEGE ATHLETIC CONFERENCE,
New York, N.Y., January 26, 1970.

Mr. DELANEY KIPHUTH,
Director of Athletics, Yale University, New Haven, Conn.

DEAR DELANEY: The special membership meeting of the Eastern College Athletic Conference held in Washington, D.C., on January 13, 1970, instructed the Executive Council of the Conference to withhold implementation of the probation which it had just imposed upon Yale University, and to postpone definitive action pending further study of the matter.

Since then the Executive Council has met twice to give consideration to this matter. At a session in Washington January 13 it voted to hold the aforementioned probation temporarily in abeyance. At another session in New York City on January 23 the Council decided to effect additional investigation of the matter at hand through correspondence and consultation with Yale University authorities.

Accordingly, it is requested that Yale University give careful attention to the statement of charges being brought against it by the ECAC Executive Council, as hereinafter set forth. It is requested also that Yale respond to these charges in writing within ten days after their receipt. It is further requested that Yale send an official representative to the next meeting of the Executive Council (at New York Athletic Club, New York, New York, on Monday, February 23, 1970, at 4 PM) in order to make any supplementary statements desired, to answer any pertinent questions put by the Executive

Council and its members, and to show cause why Yale University should not be disciplined under provisions of the ECAC Constitution.

It is the belief and contention of the Executive Council that Yale University has violated ECAC regulations as follows:

(a) By permitting and encouraging Jack Langer to compete as a member of the United States basketball team in the 1969 Maccabiah Games without the formal and complete grant of exception by the ECAC Commissioner as required by ECAC ByLaws, Article Two, Section VII, sub-section C–4–b [such exception having been therein prohibited by lack of the essential authorization of the Maccabiah Games basketball championship "by NCAA Council waiver under the provisions of NCAA Constitution Article 3 Section 10 (c)"];

(b) By permitting Jack Langer to compete as a member of the Yale varsity basketball team in the early season games on its current schedule of intercollegiate play after Langer had been declared ineligible because of his unapproved Maccabiah Games participation by the ECAC Committee on Eligibility on September 22, 1969;

(c) By continuing to allow Jack Langer to compete as a member of the Yale varsity basketball team after the ECAC Executive Council had in meeting on December 9, 1969, (a) supported the Committee on Eligibility's decree of ineligibilitiy for Langer, (b) censured Yale for its use of an ineligible player in intercollegiate competition, and (c) directed Yale "to cease and desist" such use by it in intercollegiate competition of an ineligible player.

Anticipating early word from you as to Yale's official response and as to appearance of its representative on February 23, I am

Cordially yours,

ASA S. BUSHNELL.

YALE UNIVERSITY,
New Haven, Conn., February 4, 1970.

Mr. ASA S. BUSHNELL,
Commissioner, ECAC, Royal Manhattan Hotel, New York, N.Y.

DEAR ASA: Your letter of 26 January was received on 28 January. I shall be pleased to attend the Executive Council meeting on 23 February in my capacity as Yale's accredited representative on the Council. Mr. Alfred Fitt, The Special Advisor to President Brewster, will accompany me.

We are reserving judgment about appearing as an ECAC member accused of violating ECAC regulations. Your letter did not specify under what provisions of the ECAC constitution or by-laws the Council is proposing to conduct show cause proceedings against Yale. It will assist us in preparing for the meeting if you will advise of those specific provisions on which the Council relies for its authority to conduct such proceedings.

I am enclosing our formal written response to the charges contained in your letter of 26 January. You will note that it includes an exercise of our ECAC constitutional right to be heard by all the members, and a statement of what Yale will ask of the membership. It is our assumption that the annual membership meeting on 25 February will be the appropriate occasion for the hearing.

I am sending copies of your letter of 26 January and of this letter and its enclosures to every ECAC member so that all will have an understanding of Yale's position in this unfortunate controversy.

Please forgive the formal tone of this letter. I think if all of us are guided by a high devotion to the principles of amateur athletics and to the welfare of the students at our colleges, we ought to be able to achieve a happy and commonsense solution without resort to legalisms, orders to show cause, demands for hearing, and the like.

Sincerely,

DELANEY KIPHUTH,
Director.

A COMMUNICATION TO THE EXECUTIVE COUNCIL, EASTERN COLLEGE ATHLETIC CONFERENCE

I

Jack Langer, Yale, '71, requested and received Yale's written advance permission to join the United States basketball team for the 1969 Maccabiah Games, a competition sanctioned by the International Olympic Committee. Yale requested and received for Langer a written waiver of the Eastern College Athletic Conference (ECAC) ban on non-collegiate basketball competition, subject to later sanction by the National Collegiate Athletic Association (NCAA).

The NCAA, although approving other Maccabiah sports, refused to grant a basketball waiver for the 1969 Maccabiah Games. The admitted sole reason for singling out basketball was to exert pressure on the Amateur Athletic Union (AAU) in the continuing controversy over what administrative organization should represent this country in arranging international amateur basketball competition. (See attached copy of 11 July 1969 letter from NCAA Executive Director Walter Byers.)

Langer played in the Maccabiah Games between 29 July and 5 August. On 22 September the ECAC Committee on Eligibility declared Langer ineligible for further basketball competition at Yale, citing only the lack of NCAA sanction for Maccabiah basketball. Yale has not accepted the committee ruling, and Langer is playing as a member of the 1969–70 Yale varsity basketball team.

On 15 January 1970 the NCAA Council announced it had placed Yale on probation for two years and barred its students from NCAA championship competitions and its teams from NCAA television appearances during the period of probation.

The ECAC Executive Council has requested Yale to appear on 23 February 1970 to show cause why it should not be disciplined under provisions of the ECAC Constitution.

II

While the ostensible issue before the ECAC is Langer's continuing presence on the Yale basketball team, the real issue is quite different. It is whether the NCAA misuses its power, and in turn asks the ECAC to misuse its power, by punishing innocent students in an effort to bring the AAU to heel.

Yale is convinced that the NCAA was wrong when it boycotted Maccabiah basketball for reasons unconnected with the purity or legitimacy of the Maccabiah Games. The first victims of that wrong were the students at other colleges who dropped off the Maccabiah team in the face of the NCAA threat. Now the NCAA would add Langer and his fellow students at Yale.

This University has persistently condemned the NCAA practice of using students as pawns in the endless NCAA struggle with the AAU, but not until the Langer case has any Yale student been directly affected by an NCAA power boycott. Faced with a choice between supporting a student with a once in a lifetime opportunity to represent his country in amateur athletic competition or supporting the misuse of NCAA power, Yale chose the student.

III

Under the ECAC Constitution, Article Four, Section VIII, a member faced with disciplinary action is entitled to be heard at a meeting of all the members. Yale elects to be so heard. At the meeting Yale will ask the members:

(a) To determine that Jack Langer did not lose his eligibility to compete on the Yale basketball team, and that he is in fact eligible.

(b) To disapprove and condemn the NCAA practice referred to above.

Attached is a discussion paper which sets forth in detail Yale's interpretation of the meaning and effect of those provisions of the ECAC Constitution and By-Laws relevant to the current controversy.

HENRY CHAUNCEY, Jr.,
Special Assistant to the President.

Date: February 5, 1970.

Discussion

1. The first ECAC Constitution or By-Law provision to become applicable in the Langer case was By-Law Article Two, Section VII entitled "Principles Governing Competition in Postseason and Non-Collegiate Sponsored Contests." The relevant portion (with underlining supplied) reads:

"C. Once a student has represented an Eastern College Athletic Conference member college his competition in non-collegiate sponsored contests then becomes subject to the following regulations:

1. *To avoid the forfeiture of his eligibility for further intercollegiate competition in the sport involved,* such student must obtain in advance and in writing, from the appropriate athletic authority at said institution, permission for any outside amateur competition . . .

(a) . . .

(b) For basketball . . . during the entire calendar year.

(1) A student applying for permission must file with the athletic director . . . a certificate signed by the manager of the team on which he is to compete or perform stating that no team member receives or is to receive pay as salary for living expenses, or for any other purpose."

Langer requested and received the necessary advance written permission. He was not asked to file the mentioned team manager's certificate for the reason that Delaney Kiphuth, Yale's Athletic Director, was already in possession of written materials establishing that the 1969 Maccabiah Games were recognized by the International Olympic Committee and were to be conducted in accord with the highest principles of amateur athletics.

2. The next relevant provision is also in By-Laws Article Two, Section VII, C. It reads:

"2. Permission for such outside competition or athletic activity may be given at the discretion of the institution's appropriate athletic authority:

(a) . . .

(b) . . .

(c) Unless the competition is in organized basketball . . .

"3. Violations of the provisions of 1 and 2 of this section shall be penalized:

(a) In basketball and soccer by loss of eligibility in the sport involved . . .

"4. Exceptions may be made to the provisions of 1b and 1c of this section by the Commissioner . . . such exceptions allowing—

(a) . . .

(b) Students with eligibility remaining to participate in amateur all-star competition as a means of facilitating tryouts for and participating in the Olympic Games, Pan American Games, and other international competition . . . authorized by NCAA waiver . . ."

The meaning of the foregoing is unusually obscure. The violations clause refers to "1 and 2 of this section" and the exceptions clause refers to "1b and 1c of this section", but the section has no such enumeration. Furthermore, the Commissioner's exception granting authority is literally to permit a

student "to participate in amateur all-star competition," the meaning of which is not defined.

In any event, Kiphuth in good faith requested an ECAC exception for Langer. Commissioner Bushnell granted the exception, citing the provisions of ECAC By-Laws, Article Three, Section 6–D(2). (The applicable 1969 By-Laws contain no such citation. However, what is now Article Two, Section VII, C.4.b. appeared at Article Three, Section 6–D (2) of the 1968 edition of the By-Laws.)

3. When the foregoing steps were complete, all parties had in good faith complied with By-Law Article Two, Section VII as they understood it.

Langer had obtained written advance permission.

Kiphuth had requested an ECAC exception.

Bushnell had granted an ECAC exception (subject, of course, to later NCAA sanction.)

There was no violation of Section VII. It does not prohibit play in the Maccabiah Games. It only requires the student to obtain advance written permission if he wishes "to avoid forfeiture of his eligibility".

Furthermore, there can be no contention that Section VII incorporates NCAA rules and regulations. The first entry in the By-Laws reads: "'Rules and Regulations applied exclusively by ECAC (rather than by NCAA and ECAC jointly) are shown in italics". All that portion of Section VII relevant to the Langer case is in italics.

4. Nevertheless, the ECAC Committee on Eligibility on 22 September 1969 purported to declare Langer ineligible for basketball competition at Yale.

The Committee's authority derives from the ECAC Constitution and By-Laws. In neither document is the Committee empowered to declare a student ineligible. (There are repeated grants of authority to the Committee to ameliorate loss of eligibility imposed by the By-Laws:)

Article Eight of the ECAC Constitution is the Committee's only charter. It prescribes that the Committee "shall be concerned only with the 'Rules of Eligibility' as limited to participation in athletic competition." The Committee is the sole authority to interpret the Rules of Eligibility and, "within the limits of its jurisdiction," Committee decisions are final and not subject to appeal.

It thus becomes necessary to determine whether the Committee on Eligibility had jurisdiction in the Langer case.

As noted, the Committee can constitutionally concern itself only with the Rules of Eligibility. The Constitution in Article Seven requires that the Rules of Eligibility be included in the By-Laws. There is in fact no material in the By-Laws entitled "Rules of Eligibility".

The By-Laws contain just three articles. The first and third have one section each and are respectively entitled "Membership" and "Amendments". Neither can possibly be construed as containing Rules of Eligibility.

Article Two of the By-Laws is entitled "Principles and Policies for the Conduct of Intercollegiate Athletics". As such, its interpretation would appear to be the responsibility solely of the Committee on Principles and Policies. Indeed, of the Article's 14 sections, 12 are labeled "Principles" and one is "Implementation of Principles." There remains one, Section X, entitled "Eligibility for Competition".

A reasonable construction of Article Two is that Section X should be regarded as the equivalent of the Rules of Eligibility called for by the ECAC Constitution. Otherwise the Committee on Eligibility would be left with no jurisdiction at all, a result obviously not intended and to be avoided if possible.

However, the Committee on Eligibility did not apply Section X to Jack Langer. It could not, because he did not violate Section X, and no one has even suggested that he did so.

Instead, the Committee sought to punish Langer for violation of By-Laws Article Two, Section VII, even though:

No violation had occurred;

Section VII is clearly a "Principle", not a "Rule of Eligibility";

ECAC Constitution Article Three, Section II unambiguously reserves to the full membership the authority to adopt principles and provide for their support; and

ECAC Constitution Article Eight explicitly denies to the Committee on Eligibility any jurisdiction over Principles and Policies.

Consequently, the Committee's declaration of Langer's ineligibility was utterly null and void. This result is compelled by any fair reading of the ECAC Constitution and By-Laws.

5. Yale does not believe in pettifogging application of the rules, but it will insist that they be followed literally when the purpose is to uphold an indefensible NCAA policy, and when effectuation of that policy means the punishment of a wholly innocent student.

The ECAC rules were not followed when the Committee on Eligibility sought to punish Langer. Hence, the way is open for the full ECAC membership to take a stand on the true issue of importance: the NCAA's gross misuse of its power.

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION,
Kansas City, Mo., July 11, 1969.

Dr. GAYLORD P. HARNWELL,
President, University of Pennsylvania
Philadelphia, Pa.

DEAR PRESIDENT HARNWELL: Please forgive me for the delay in responding to your June 20 letter. It had been our hope that meetings scheduled June 24–25 would develop a solution to the problem which concerns you. Unfortunately, this did not occur and, for this reason, I am writing you this rather lengthy response to your request.

NCAA Constitution 3–10–(c) is specific regarding participation in organized out-of-season basketball competition. If an individual violates this provision he jeopardizes his future eligibility in the sport of basketball.

There are other NCAA regulations which affect participation in other sports. Constitution 3–10–(d), for example, is concerned with soccer. It is true that the Association's regulations are not the same for each sport. Athletes who participate in football and basketball are subject to greater restrictions than those who choose to compete in tennis and fencing. There are greater pressures in football and basketball and, as a consequence, more regulations.

The NCAA is a member of the Basketball Federation of the USA (BFUSA). Other members of BFUSA include the National High School Federation, National Junior College Athletic Association, National Association of Basketball Coaches, Collegiate Commissioners Association, American Basketball Association and others. More than 90 percent of organized basketball in the USA is represented by BFUSA.

The International Amateur Basketball Federation (FIBA) provided BFUSA with an opportunity to arrange competition for its own members commencing in 1963. During the ensuing three years there were more international exchanges between the USA and other countries than ever before in the history of the sport. Unfortunately the agreement between FIBA and BFUSA expired in January, 1967. In May of 1967, at FIBA's Central Bureau meeting, the Amateur Athletic Union (AAU), this country's current FIBA member, informed the international body that it represented more than 70 percent of basketball in the United States, an obvious falsehood. FIBA informed the AAU that it (the AAU) had until October, 1968, to unify all amateur basketball interests in the USA and improve its own basketball program or FIBA itself would investigate the situation in the United States.

In the interim BFUSA recommended that foreign competition involving its members cease because the Federation was unable to arrange and sanction such competition. The NCAA Council adopted a policy in support of BFUSA in October, 1967. This was later reaffirmed by the Association's membership at the 1968 NCAA Convention. Consequently, the NCAA Council has not given approval for out-of-season competition since 1967, with the exception of the Olympic Games.

In January, 1969, FIBA sent a five-man panel to the USA in an attempt to resolve the differences between the AAU and BFUSA. As a result an International Basketball Board was established which provides for equal representation from both sides and a chairman appointed by FIBA. The Board, designed to handle all international competition for the United States except Olympic and comparable competition, conducted its first meeting in Chicago on June 8. There appeared to be general agreement in many areas. The AAU implored BFUSA to meet again as soon as possible so that a final agreement could be attained to enable the Board to function immediately. BFUSA's delegates readily agreed and expended considerable time and effort in preparation for the next meeting, scheduled for June 25. We were hopeful that the issue would be resolved and that this letter could be more encouraging. Consequently, it was extremely frustrating when the AAU's representatives failed to attend a meeting of the Board's constitutional subcommittee on June 24. The following day the chairman was forced to postpone the IBB meeting indefinitely when only five of the AAU's ten representatives appeared. All ten of BFUSA's delegates were in attendance.

A number of organizations and NCAA member institutions have requested permission for foreign competition this summer, including the U.S. Collegiate Sports Council of which the NCAA is probably the most active member. All such requests have been denied by the Council because of the inability to secure an acceptable administrative organization to handle this country's international basketball competition.

We believe this policy will persuade the AAU to participate in the IBB as FIBA intended or prompt FIBA to take further steps to correct the situation. This country has suffered through the years because of lack of adequate and knowledgeable representation at the international level. Our basketball authorities are convinced that positive correction must be obtained now for the future welfare of the sport and its participants.

The NCAA Council has given serious deliberation to this matter and does not believe that there should be a change in NCAA policy at this time. We regret it is not possible to honor your request in the current circumstance.

Cordially yours,

WALTER BYERS.

ROGERS URGES CONTINUATION OF GOLDEN EAGLE PASSPORT PROGRAM

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. ROGERS of Florida. Mr. Speaker, I urge the House Committee on the Interior and Insular Affairs to promptly

hold hearings on legislation to extend the golden eagle passport program operated by the Bureau of Outdoor Recreation of the Department of the Interior.

I am concerned that the authorization for the golden eagle passport will expire before the Congress has an opportunity to enact legislation which would continue the program and this will mean that thousands of American families will not have the benefit of it as vacation time approaches this year.

The golden eagle passport is a $7 annual entrance permit which gives its purchaser, and passengers in his private automobile, the right to enter and enjoy any and all of the several thousand recreation areas in our national parks, forests, wildlife refuges, seashores, and other Federal areas.

Present authorization of the passport expires on March 31, 1970, and thus far only a Senate subcommittee has held hearings on legislation which would extend the program. If the House Interior Committee could get hearings underway within a couple of weeks, then the passport could be made available before summer.

Every dollar derived from the sale of these passports is earmarked for deposit in the Land and Water Conservation Fund for use in acquiring and developing more Federal recreation lands and waters, and through dollar-for-dollar matching funds to the States to help them buy and develop similar outdoor recreation areas.

Although the Department of the Interior has expressed concern that the revenue from this program has not met expectations, I believe the passport is paying its own way and should be continued.

LITHUANIAN "APPEAL FOR JUSTICE"

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BELL of California. Mr. Speaker, on this 52d anniversary of the reestablishment of Independent Republic of Lithuania, I believe it behooves all thoughtful Americans to reflect upon the long struggle for freedom which has been waged by the Lithuanian people.

Today, we commemorate Lithuanian Independence Day. On this occasion, I would like to submit to my colleagues an "Appeal for Justice" which was brought to my attention by the Lithuanian American Community of the USA, Inc., which is located in my congressional district:

AN APPEAL FOR JUSTICE

Since its ancient settlement along the Baltic Sea coast, and particularly since its feudal states in 1251 became unified by King Mindaugas the Great into a kingdom, for centuries the Lithuanian Nation has played an important role in North-Eastern Europe. Especially that role became significant when Lithuania assumed the responsibility of protecting the Western culture from the Asiatic onslaughts.

The growing strength of Russian imperialistic power continually threatened Lithuanian lands, and finally at the end of eighteenth century Russia invaded and occupied Lithuania. Foreign subjugation, however, failed to destroy the spirit of the people who, for 120 years continually objected to foreign domination by civil and cultural resistance, by numerous uprisings and revolutions against the invaders.

The intensive and determined struggle for freedom and independence from Czaristic Russia was climaxed on February 16, 1918, by the Declaration of the Lithuanian National Council, proclaiming the restoration of the Independence to Lithuania.

The February Sixteenth Declaration was unanimously approved by the freely elected Constituent Assembly in 1920. Thus, following the will of the Lithuanian people, the re-establishment of an Independent State of Lithuania, with its capitol in the city of Vilnius was accomplished. A diplomatic recognition by many free countries followed. On September 22, 1921, Lithuania was received as a *bona fide* member of the League of Nations, thereby Lithuania became a member of the international community of sovereign nations. A full diplomatic recognition by the United States of America on July 28, 1922, was followed soon, also with *de jure* recognition, by other world powers—Great Britain, France, Italy and Japan.

Soviet Russia recognized *de jure* the Independence of Lithuania in 1920, and on July 12th of the same year signed a peace treaty with Lithuania which stated that:

"The Soviet Union recognizes the sovereignty and independence of the Lithuanian State with all the juridical rights associated with such a declaration, and forever renounces, in good faith, all Russian sovereign rights, which it previously had in regards to Lithuanian Nation and its territory."

The re-establishment of an Independent State of Lithuania and her return to the self-governing community of nations is the most significant historical event of the Twentieth Century for the Lithuanian Nation, whose political maturity, economic achievements and cultural creativity were manifested during the period of restored Independence (1918–1940).

During the Second World War, the Republic of Lithuania became a victim of Soviet Russia's and Nazi Germany's conspiracy and aggression, and as a result of secret agreements between those two powers of August 23rd and September 28th, 1939, became invaded and occupied by Soviet Russian armed forces on June 15, 1940.

Since the days of Soviet Russian occupation, however, the Lithuanian people have waged an intensive fight for freedom. During the period between 1944 and 1952 alone, some 30,000 freedom fighters lost their lives in an organized resistance movement against the invaders. Hundreds of thousands of others were imprisoned or driven to Siberia. Though that resistance movement was weakened and finally subdued due to a failure to get any material aid from the West, nevertheless, the Lithuanian people are continuing their passive resistance against Soviet Russian genocidal aggression to this very day.

The United States of America, mindful of its own struggle for freedom and independence, has remained sensitive to the aspirations of other people for self-determination. For this reason, Americans of Lithuanian descent are grateful to the Government of the United States for denouncing the Soviet Russian aggression in Lithuania and for refusal to recognize the alien subjugation of Lithuania since 1940. The United States continues recognizing the sovereignty of Lithuania. The Lithuanian Legation at Washington, D.C., Consulates General in New York, Los Angeles, Chicago and a Consulate in Boston are recognized and are functioning.

Americans of Lithuanian descent are also grateful to the American people whose *Representatives and Senators in the 89th Congress unanimously* passed the *House Concurrent Resolution 416*, urging the President of the United States to take action in the United Nations and elsewhere for the restoration of self-determination rights to Lithuania and to the other two subjugated Baltic States.

Thus, on the occasion of the 52nd Anniversary of the re-establishment of Independent Republic of Lithuania, the Lithuanian American Community of the USA, Inc., representing all Lithuanian Americans in the United States, most fervently appeals to the representatives of the Federal, State and local governments, religious leaders, labor unions, civil, political and professional organizations, academic and cultural institutions, news media and to the people of good will, to support the aspirations of the Lithuanian people for self-determination and to national independence in their own country.

The free world can never rest in peace, knowing that in Lithuania under Soviet Russian rule, genocide and Russification are commonplace, religious persecution is prevalent, and basic human freedoms and rights are denied to the Lithuanian people.

COPS IS BEAUTIFUL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. DERWINSKI. Mr. Speaker, a very timely and proper commentary by Columnist Fran Zuiker of the Calumet Index, Chicago, on the proper attitude the public should have toward law enforcement officers. The column which appeared in the Wednesday, February 11 edition of the Index follows:

COPS IS BEAUTIFUL

(By Fran Zuiker)

The other day I went to a police seminar where people ask questions to see what is going on. I will say I was a little nervous. I had always heard and read the cops are tough, rough, frisk you, and beat you up before asking questions. Having worked with the public myself for thirty years, seeing many confrontations I knew that cops do have to be brusque at times simply to perform the task at hand or the situation can get out of hand and end in disaster.

Sometimes the philosophy of people with whom I talked left me a little puzzled, for I try to be as practical as I can. If you call a cop when you need one, I reasoned, then you should be able to try to show them respect until they treat you and if this be the case then there is a department anxious to weed out any officers who bring an entire force into disrepute.

My visit to the seminar did much to alleviate my fears, and in fact gave me a touch of pride for I discovered that some of the officers were not only human but had a few skills that I lacked. There were two for instance who discovered an auto as it made a traffic violation. When they finally cornered the car a man jumped out with a shotgun. Now I used to carry a shotgun after rabbits, but when another man has the gun and he's not hunting rabbits I don't want to be around. The two officers not only disarmed the man but discovered he had just robbed a store.

There are people in every trade who get the odd jobs—the kind that most people don't

have the skill or the personality for or perhaps they just get stuck once and from then on they simply get better at their chosen profession. I once drove my wife to a hospital for a childbirth and was held up by a freight a city block from the institution and I know it can be a hair-raising experience, but there is a cop in the Kensington station who has developed a knack at this kind of delivery service.

Now Officer Anderson does not profess to be a doctor. He simply drives a wagon and when the husband is away and the wife is in an emergency, he simply gets stuck for the business. In cases of this kind, emergency seems to be the word for when officer Anderson gets the case, the mechanics of bringing life into the world instead of taking it out, seem to be well on the way.

I have know a great number of people of all races, heard a large number of stories about strange, and sometimes obnoxious behaviour, but I also have taken note of large numbers of other professions that deal with the public and some of the most respected have shown the poorest performance. Cops might be pigs to many ignorant people but to anyone who can think they can be beautiful.

JUNKIE CHALLENGES ANTHROPOLOGIST

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. ASHBROOK. Mr. Speaker, the February 7 issue of the Mount Vernon News of Knox County, Ohio, carried an interesting editorial on the much debated issue of the effects of marihuana. It seems that the belief of Dr. Margaret Mead, the anthropologist, that marihuana is less dangerous than alcohol and should be legalized for those 16 years and over is contested by no less an authority than a dope addict with 10 years experience and one who has been a drug user for longer than he cares to mention. The junkie's credentials, I believe, are just as valid as Dr. Mead's and, as the editorial states, he should be given a hearing. I submit the editorial, "Junkie Challenges Anthropologist" from the Mount Vernon News of February 7, 1970, for insertion in the RECORD at this point:

[From the Mount Vernon News, Feb. 7, 1970]

JUNKIE CHALLENGES ANTHROPOLOGIST

The editor has no intention of stepping into a debate between a noted anthropologist and a junkie (a dope addict), but since the anthropologist's views have received considerable public notice, the other side perhaps deserves a measure of public exposure. At least it is thought-provoking reading. The following is printed verbatim, spelling and all, from the CCI News, a prison newspaper printed by and for prisoners at the Chillicothe Correction Institute:

"Dr. Margaret Mead, a leading American Anthropologist, told a Senate Panel recently that Marijuana is less dangerous than alcohol and should be legalized, and that 16 should be the minimum age for its use.

"The only qualifications I have for my attack on this subculture is the fact that I have been an addict for 10 years and a drug user for longer than I care to mention. I am not trained in Psychology, Psychiatry, Chemistry or Medicine. I am not a social worker, nor am I a Professional Journalist I am just a junky. A junky with something to say.

" 'It is my considered opinion that marijuana is not harmful unless used in enormous amounts over a long period of time,' Dr. Mead said. She then added, 'there is some evidence that if smoked night and day for 20 years the substance can cause brain deterioration.' "

Unfortunately some people are physically and temperamentally susceptible, so that they do not stop with the first experiment, and thus continue smoking, drinking, or taking drugs. This can lead to three phases of abuse: Tolerance, Habituation, or Addiction.

"College kids, high school kids, and now, Dr. Mead is telling us 'Pot' is not addictive! Why then during the current marijuana famine are all our little grass smokers so frantic?

"If they can take it or leave it alone why this crazy scramble for substitutes? And pretty far out ones they are too, from glue and gasoline fumes, to catnip and injections of peanut butter and mayonnaise.

The Marijuana shortage began this summer. You can't blame the Woodstock Festival for all of it, for the joints they puffed away that weekend might have produced a temporary shortage. But the real reason, drug and customs officials say, is that the U.S. and Mexico finally got together and cracked down on the highly profitable smuggling of Marijuana into this country.

"Almost overnight young pot-heads found themselves with nothing to turn on. They forgot about the war, crime in the streets, or plans for a school riot—this was a real crisis. A few of the more desperate ones took to growing their own. But were not very successful.

"There are cases on the docket that proves without a doubt that some of these kids took up 'hash.' Now, parents if you hear your kids talking about 'hash' don't be confused into thinking it's the corned-beef variety. They are talking about Hashish. The kind they smoked in those Oriental horror tales. It's almost the same as Marijuana except that it packs a stronger kick.

"Half-pound bricks of the stuff are flooding the country, to keep our pot-starved youth from climbing the walls. Some comes directly from India, through Israel. Colombians ship it through Miami, and veterans bring it back from Vietnam.

"Now, instead of pot parties, the kids throw hash sessions. They can smoke it in exotic brass water pipes or old fashioned corncobs, or nibble it, and even sprinkle it on cookies or brownies.

"It looks like a lot of dirt and doesn't taste much better. But chunks no larger than a piece of fudge are being snatched up for thirty-five dollars per square by pot users, who keep insisting they don't really have to have it!

"It's just something nice to do when the world looks boring or hopeless. The kids, and Dr. Mead explains: 'A way of copping out, that doesn't leave you with a hangover—or even with a guilty conscience. They need it for the mental and emotional lift it brings.'

"Not addictive, you understand—it's just that they've got used to it. Therefore, to legalize the use of Marijuana would be a Cardinal Sin and an unjustly burden for the immature American youth."

So—Dr. Mead has her string of degrees and a reputation as an anthropologist acquired through a long and honorable career. The writer of the above is Herb Watts, a black man who grew up in Toledo's slums, became a junkie, and is now in prison. But somehow, we can't escape a feeling that Herb Watts should be given a hearing just as attentive as that given Dr. Mead.

WASHINGTON'S WAY OF LIFE AFFECTED BY CRIME

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. PEPPER. Mr. Speaker, the problem of rising crime rates in the Nation, and in the Nation's Capital in particular, has received widespread attention from both the Congress and the news media.

This body's Select Committee on Crime, which I have the honor of serving as chairman, believes that oftentimes investigations into the problem of crime neglect those most intimately concerned with crime: Its victims and those citizens who live in fear of crime. Your committee will hold hearings next week to listen to these true crime "experts."

Mr. Monroe W. Karmin, a perceptive reporter for the Wall Street Journal, recently undertook to see what effect the fear of crime has on the residents of the Nation's Capital. His excellent story, "Surging Crime Forces Washington Residents To Change Way of Life," has a short and frightening message: Washington is afraid.

I commend this story to my colleagues, and that it be inserted in the RECORD at this point:

LIVING SCARED: SURGING CRIME FORCES WASHINGTON RESIDENTS TO CHANGE WAY OF LIFE; CABBIES, MERCHANTS STRIVE TO FOIL ROBBERS; SECURITY BOLSTERED FOR APARTMENTS; A STIMULUS TO NATIONAL ACTION

(By Monroe W. Karmin)

WASHINGTON.—John D. Holland is afraid.

For 40 years he has been selling packaged liquor at his Maryland Beverage Mart in this city's southeast sector. Four years ago he installed a burglar alarm system. Three years ago he put iron bars on his windows. Two years ago he began arming. Now on his desk on a platform overlooking the sales floor are a black-Italian-made pistol, a silver German-made pistol, a Winchester rifle and an L.C. Smith shotgun. "I've never been held up," Mr. Holland declares, "and I don't intend to be." Since mid-1967, intruders have murdered several local liquor dealers in the course of an estimated 700 robberies of such stores.

Leroy R. Bailey Jr. is afraid.

He drives a taxi. Last year he paid $20 to install an emergency flasher in his cab. If he's threatened, Mr. Bailey steps on a button that sets off a flashing signal for police aid in his front grille and rear bumper. At night, he says, "nine out of 10 cabs won't pick up a man alone." The number of Washington cab drivers has dropped to about 11,000 from 13,000 two years ago. Says James E. Jewell, president of the Independent Taxi Owners Association: "This is a very dangerous town to drive in. Many men won't work after the sun goes down."

The people at the Mexican embassy are afraid.

Last September, during an independence day celebration, two guests were robbed. Female employees have been accosted. Vandals have struck repeatedly. Now all embassy doors are kept locked. A fence has been erected around the property, located two miles north of the White House. "We live in fear," says a spokesman. So does much of the crime-plagued diplomatic community. President Nixon is asking Congress to expand the 250-man White House police force to offer additional protection for Embassy Row.

THE NO. 1 ISSUE

Most of Washington is afraid of crime.

Fear has changed the way of life of residents of the nation's capital and its environs, affecting everyone from cab-driver to Senator. It has also changed the way institutions, from schools to embassies, operate. While race relations continue to be a major problem for this city, whose 850,000 residents are more than 70% black, there is no doubt that today's No. 1 public concern is personal safety.

"A couple of years ago the city's tension was seen in terms of white police versus the natives," says an aide to Mayor Walter Washington. "Now it's seen as criminals versus victims. It's more crime and less racial."

Mayor Washington, himself a Negro, says that black as well as white neighborhoods are demanding more foot patrolmen, even though the cop on the beat was viewed as "a Gestapo agent" by many blacks not long ago. The mayor finds ground for optimism in the change. "Never before have I seen such and attitude on the part of the people of the city, both black and white, to work together on a problem," he says.

A "TRAGIC EXAMPLE"

The nation's capital is by no means alone in its fear of crime; rather, as Mr. Nixon pointed out in his State of the Union Message, it is a "tragic example" of the way crime and violence "increasingly threaten our cities, our homes and our lives." But Washington is suffering more than most cities. In the nine months through September, according to District of Columbia Police Chief Jerry Wilson, reported crime in Washington jumped 26% over a year earlier, compared with an average national increase of 11%. Cleveland, San Francisco and Baltimore also topped the national average.

Chief Wilson, who was appointed last summer, hopes to come to grips with the rising crime rate here this year, if he gets enough help. President Nixon has proposed a new $12.4 million crime-fighting package for the district to supplement the city's regular budget, which emphasizes public safety measures. And Congress is at work on other anticrime legislation for Washington.

This war on crime focuses on several trouble spots. It aims to break the local court bottleneck (it now takes an average of nine months for a criminal case to go to trial and some wait as long as 20 months); to curb the freedom of those awaiting trial through a controversial preventive detention measure (an estimated 35% of those arrested for armed robbery and released on bail commit another crime before they come to trial); and to crack down on drug traffic and use (50% of those arrested here are drug addicts).

EXPANDING THE POLICE FORCE

But this year's main thrust, Mayor Washington says, is to put more policemen on the streets. The mayor hopes to beef up the force to 5,100 men by June 30 from 3,868 on Jan. 1. Also planned are expanded criminal rehabilitation and social-welfare programs that the mayor hopes can be meshed into a comprehensive criminal justice system.

Because Washington is the seat of the Federal Government, the crime surge here is an important stimulus to action on both district and national anticrime legislation. Among the victims of local crime have been Sen. Frank Church of Idaho, White House Press Secretary Ronald Ziegler, Mr. Nixon's personal secretary, Rose Mary Woods and Deputy Defense Secretary David Packard, to name just a few. Political partisanship is diminishing as liberal Democrats feel the impact of crime and join the President in his anticrime crusade.

Senate Majority Leader Mike Mansfield recently expressed outrage over the "senseless" slaying of a fellow-Montanan and friend in the streets of Washington. He took the Senate floor to demand "new and better ways to fight crime, to cut down the inordinate rate of violence." Another liberal Democrat, Rep. Frank Thompson Jr. of New Jersey, warned the other day that "things may get worse if the Administration and Congress do not put crime control on the front burner."

But until this campaign begins to make headway, life in the District of Columbia will reflect fear, especially after dark.

Cruise through downtown Washington in a police car on a Saturday night and the mood can be felt. On F Street, the main downtown shopping street, merchants lock their doors at 6 p.m. Many put up iron grill-work nightly to protect their windows. Shoppers and employes hurry to the bus stops. Many employes who fear the lonely walk at the end of the bus ride wait in the stores until their spouses drive by to take them home. At 7 p.m. F Street is almost deserted.

The relatively small number of people out for an evening of entertainment arrive a bit later. Some go to the National Theater, which now raises its curtain at 7:30 p.m. Instead of 8:30 so patrons can get home early. Some head for downtown movie theaters. The servicemen's crowd patronizes the rock joints along 14th Street. Fashionable Georgetown, more than a mile from downtown, is still lively, as are some of the posh restaurants and clubs. But that's about it. Much of Washington is dark, and scared.

"Watch the people," advises a seasoned policeman. "See how they walk quickly and with a purpose. There's no casual strolling. People don't come into this town at night unless they have a specific destination in mind. They go straight to it and then go home as fast as possible."

RESTAURANTS CLOSE

The effects are evident. The Ceres restaurant next to the National Theater is closed, nearby Caruso's restaurant is gone and neighboring Bassin's has lost 50% of its night business. The Commerce Department, a block away, was robbed recently. Fumes Bassin's angry manager, Ed Hodges:

"There isn't a waitress, cashier, busboy or anyone who works here who hasn't been robbed, mugged or attacked in some way. And there isn't a place in this block that hasn't been robbed, and most have been hit more than once."

A few blocks away, on 9th Street, the Gayety Theater is showing "Man and Wife," an intimate film "for adults over 21." Even an attraction of this nature fails to draw the audience it once did. "Business is very bad, way off," says Robert Morris, the ticket seller. "People are afraid to come downtown. We've had lots of purse-snatchings, pockets cut out and all sorts of other things."

Fear inhibits daytime activity as well. A survey taken last summer by the Metropolitan Washington Council of Governments discovered that 65% of the city's largely white suburban residents visit the downtown area less than once a month, and 15% come downtown less than once a year. Asked their chief worry, the large majority of those surveyed responded: "Crime."

Actually, crime is spreading in the suburbs as well as in the city. Three brutal slayings of young women, one in Alexandria, Va., and two in Bethesda, Md., have occurred within the past few weeks. While these crimes remain unsolved, many suburbanites tend to view crime in their neighborhoods as a spillover from the city, and they still feel downtown is more dangerous.

Crime continues to speed the flight of Washingtonians to the suburbs. Though many single people and childless couples remain in the city, Joseph Murray of the big Shannon & Luchs real estate firm reports: "Families are leaving at an accelerated rate; this includes both black and white." (In neighboring Prince Georges County, Md., Negro arrivals have recently outnumbered white newcomers.)

"NO CASH"

Sales of downtown department stores dropped by 4% in the first 11 months of last year from a year earlier, while sales throughout the metropolitan area, including those of suburban stores, were rising 8%. A recent Commerce Department survey of 10 central-city areas showed that the District of Columbia suffered the steepest loss of business of all. Shoppers who do venture downtown are continually reminded of the risk. D.C. Transit bus drivers use scrip instead of cash to make change. Delivery trucks bear signs proclaiming, "This Vehicle Carries No Cash."

There are bright spots. New office buildings are sprouting in some parts of town. Convention business continues to grow and tourists arrive in record throngs. Lane Bryant has opened a new store on F Street, and the downtown Woodward & Lothrop department store is remodeling. But the merchants know safety must be assured before enough suburban shoppers will come downtown again to make business snap back.

The big department stores are bolstering their protection. Harold Melnicove, an executive of Hecht's, says his organization now has a security force "big enough to protect some small cities"; he won't give details.

Smaller stores do the best they can. Frank Rich, president of both Rich's shoe stores and the D.C. Urban Coalition, is a downtown optimist. But in his F Street store he no longer displays shoes in pairs, just singles; all display cases are locked; key employes carry electronic devices in their pockets to summon help in the event of danger.

High's dairy stores, which stay open nights and Sundays, have been robbed so many times, says General Manager William Darnell, "we don't like to talk about it." The chain's 37 D.C. stores were held up "hundreds of times" last year, Mr. Darnell sighs, and several had to be closed. Money in all stores is kept to a minimum by frequent armored car pickups.

GETTING OUT

A survey by the mayor's Economic Development Committee of small businessmen found that one out of seven contacted "wanted to close down, relocate or simply stop doing business in the city."

One who wants to get out is E. N. Hampton, president of the Hampton Maintenance Engineering Co. His firm has been robbed, his trucks have been vandalized and his employees have been threatened. "It's disgusting," Mr. Hampton snarls. "Now we ride armed guard in the trucks with shotguns. As soon as I can find somebody to buy this I'm getting out."

Nor is black business immune. Berkeley Burrell's four dry cleaning stores have suffered 17 holdups in 10 months. Now the front door of each is locked; a customer can't get in "without a ticket or pair of pants in his hand," says Mr. Burrell. Employes are armed, and the proprietor is trying to replace females with males. "I may sound like Barry Goldwater," he says, "but we've got to get the community back to where it's safe to live in."

Banks have been a favorite target for bandits. Though these attacks have slackened lately, Francis Addison, president of the D.C. Bankers Association, says a "very high percentage" of local banks are robbed every year. The National Bank of Washington recently closed one branch because of the danger. All banks have tightened security, but the most extreme case is a Security Bank branch in the northeast section.

In 1968 the branch was held up three times within 55 days. Now the bank has put all employes behind plexiglass.

Tellers receive any payout money through scoops beneath the plexiglass. "The personnel were all shook up and couldn't work," President Frank A. Gunther says, "so we

bulletproofed the whole place." The bank has not been held up since.

INSURANCE HARD TO GET

Faced with the cost of crime in Washington, insurance companies have turned cautious. "Lots of companies have stopped writing fire and casualty insurance," says Thornton W. Owen, president of the Perpetual Building Association, the city's biggest savings and loan outfit. "And lots of investors will abandon properties rather than maintain them." Hilliard Schulberg of the local liquor dealers association says that for his members "the cost of crime insurance is extremely high, and many companies won't write it." Proposed legislation would permit the Government to offer crime insurance where private insurers won't.

Office building managers, both Government and private, are attempting to cope with the danger. James Sykes, manager of the William J. Burns Detective Agency here, reports many buildings have posted guards at their front doors and says, "We're providing lots more escort service for female employes working late at night." The local chapter of the American Federation of Government Employes has advised its members to buy, at $5 apiece, antimugger aerosol spray devices.

Security is a prime concern of apartment dwellers. The 670-unit Marberry Plaza, opened three years ago in southeast Washington, exemplifies what a new building must offer to reassure nervous tenants. On weekends the project is patrolled by four armed guards with two dogs. All exterior doors are locked. A tenant who has invited a guest for dinner must present an "admit slip" with the guest's name to the desk clerk during the day. When the guest arrives, he must identify himself to the clerk and sign the register. "All of this is at the request of the tenants," says Sidney Glassman of the Charles E. Smith Property management company.

SCHOOL VIOLENCE

In some neighborhoods, newsboys no longer collect for their papers for fear of being robbed; subscribers must mail in payments. One cabbie drives with self-addressed envelopes; whenever he accumulates $10 he mails it home. Some maids require their employers to drive them home. An outbreak of violence including the shooting of a junior high school student has prompted Mayor Washington to post policemen throughout the city school system. Many schools have stopped dealing in cash, requiring students to pay for supplies and other items costing more than a dollar by check or money order.

"It used to be that holdup students would use their fists; then came knives; now it's guns," says George Rhodes, a member of the D.C. school board. "Not that there have been that many incidents, but it's the fear that parents and teachers must live under that is most troublesome."

School principals, anxious to protect the reputations of their institutions, tend to minimize the problem. William J. Saunders, principal at Eastern High School (2,400 students including just three whites), says violence is "not a major problem" in the school. Yet several thousand dollars worth of football equipment has been stolen, and police officer Sherman Smart says there have been three alleged rapes in and around the school since September. As Officer Smart talks to a reporter, a photographer's agent joins in to complain that he has visited the school twice to take orders for class pictures and has been robbed of his receipts both times.

Not even the churches are spared. At the Vermont Avenue Baptist Church, the collection plate was stolen by intruders in full view of the parishioners. Says Charles Warren, executive director of the Greater Washington Council of Churches:

"Some churches have begun to lock their doors at 11 a.m. on Sundays for the worship service. Some have policemen at the service during the offering. Some have canceled evening activities or rescheduled them for the afternoons."

The National Presbyterian Church has moved from its 60-year location about half a mile from the White House to a new site three miles farther out. The Rev. Edward L. R. Elson calls the new location "the quietest zone in Washington," but vandalism is as bad at the new church as at the old one. According to Mr. Elson, the vandalism has included "obscenity on chapel pillars, destruction in the church hall and lights pilfered and broken."

SPEECH BY GENERAL MERRELL

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. FLYNT. Mr. Speaker, on the evening of February 5, 1970, I had the distinct honor and privilege of attending and participating in the 76th annual banquet meeting of the Greater Macon, Ga., Chamber of Commerce.

As a body devoted to the furtherance of economic development and cultural growth for Macon, Ga., the Greater Macon Chamber of Commerce is one of the finest civic and community organizations of which I have knowledge.

The principal speaker on this occasion was Gen. Jack Gordon Merrell, USAF, Commander of the Air Force Logistics Command. General Merrell is one of the outstanding general officers of the United States and this fact is attested by the rapid advancement which has been his and the rank and position which he now holds.

General Merrell is well-known to the people of the greater Macon area and is highly respected and admired by those of us who have the privilege of knowing him.

In his remarks made on that occasion, he presented one of the clearest and most encouraging statements of the present situation in Southeast Asia which I have heard or read in a long time.

I congratulate the Greater Macon Chamber of Commerce on selecting General Merrell to be the principal speaker on the occasion of its 1970 annual meeting. I congratulate and commend General Merrell on the substance of his remarks and the fine manner in which he presented those remarks.

Mr. Speaker, it is my pleasure to include General Merrell's speech as a part of my remarks:

ADDRESS BY GENERAL MERRELL

It is indeed an honor for me to be your guest tonight. It is also a privilege for me to speak on the subjects your chamber officials and my friends here have suggested. They asked that I discuss *the future* of Robins Air Force Base and Vietnamization. I intend to address both subjects and with your permission in that order. Before I address the principal subjects tonight, I would be remiss if I did not acknowledge the tremendous rapport that exists between the military and the civilian communities throughout the Middle Georgia area.

The year 1970 is a memorable one for the Air Force. Warner Robins along with twenty-five other Air Force installations will be celebrating their 28th Anniversary this year. The history of each of these installations covers a vital and fascinating segment of Air Force life. Collectively their histories span much of the story of modern air power.

In each Air Base history, there is always a special chapter devoted to the relationship between the base and its neighboring communities. Insofar as Warner Robins is concerned, this chapter in its history is a standout.

From its inception, the people of the Middle Georgia area have welcomed the personnel of Robins Air Force Base and made them part of the social fabric of the community. They have taken personal pride in the role "Their" base played in the nations defense and have contributed significantly to the growth and progress of Warner Robins by donating the initial land now occupied by the base.

On behalf of all Air Force personnel on the base—and all those who have been assigned in the past, I want to thank the people of this area for their support and hospitality. I also want to express the Air Force's appreciation for the conscientious and faithful services of those residents who have been employed over the years at Warner Robins Air Force Base. The organization's reputation for aircraft maintenance and modification has been well earned. Its record in 28 years of service in supply, maintenance, procurement, and distribution is outstanding both as to quality and quantity. Despite the great demands made on them—Warner Robins employees have upheld standards of workmanship and they have demonstrated strong personal pride in their technical competence.

The history of Warner Robins Air Force Base deals almost exclusively with logistics; that is supply, maintenance, transportation and related activities. *These activities seldom make national headlines,* however, our success in Vietnam and the success of our worldwide military strategy have become critically dependent upon the effectiveness of logistics. This should not be surprising because effective logistics support has always been indispensable to military success. In fact, the history books abound with stories of battles won and lost because of good or bad logistics.

But today, the dramatic speed of missiles and aircraft and mounting complexity of weapons and the great variety of our military operations raises logistics to an unprecedented level of significance.

In recognition of the quality workmanship and capacity—and my belief in the future of Warner Robins, last December I assigned to Warner Robins the logistics management responsibility for the Air Force's new F–15 Air Superiority Fighter. A weapon system the Air Force is looking forward to as the air superiority fighter in the latter part of this decade and through the eighties. Warner Robins and the Middle Georgia area should be proud to be selected as the logistics support base for this potentially great future program.

Warner Robins has primary management responsibility for twenty-two Air Force "Systems" operating in Southeast Asia. And in addition, has primary management support responsibility for seven of these systems which have or will be assigned to the Vietnamese Air Force in accordance with the President's *Vietnamization Policy.*

Robins Air Force Base is an important logistics installation to support United States Air Force weapons systems. Robins also contributes immeasurably to the support of the Vietnamese Air Force—which I will discuss later. Our past involvement in Vietnam and prospects for the future need clarification and public understanding.

Vietnam, one of the world's oldest living civilizations, dates back to hundreds of years before the birth of Christ. Through its long history, it survived under eight royal dynasties and short lived popular uprisings. The Republic of Vietnam was established in 1955 and that same year the United States was invited to establish a Military Assistance Advisory Group to Vietnam. At the request of the Vietnam government, the Advisory Group was asked to assist in organizing and training their armed forces for internal security and self-protection. As a result of communist infiltration from the North—and Vietcong guerrilla operations—the United States Military Assistance Command known as MACV was established in 1962. The MAAG was reorganized and became a part of MACV.

The military conflict expanded in the Republic of Vietnam and the United States along with its allies—South Korea, Thailand, Australia, and New Zealand—provided troops to assist the South Vietnamese.

During the last decade and under the four U.S. Presidents the allied commitment of forces in Vietnam was accelerated to carry out the objectives of supporting the Vietnamese people. At the same time, economic programs were initiated to permit them to develop into a viable nation.

The Defense Department established programs for helping to modernize South Vietnam's armed forces. The modernization program includes updating their Air Force to become a major combat force. Our program started with the training of personnel; modernizing the Air Force organization; providing logistics support, including air base facilities; indoctrination in tactical operatons and strategy for the full utilization of their combat force.

In eight years the Vietnam Air Force (VNAF) has firmly established itself as a potent military service, feared by the Vietcong and the North Vietnamese regulars. Their sorties have increased until now they fly about half as many missions as the number flown by U.S. Air Force aircraft.

VNAF Tactical Air Control Centers direct more than fifty per cent of the total air strikes in the Delta region. They now fly more than twenty-five per cent of the tactical sorties, and haul more than one-third of the airlift requirements for the Vietnamese forces. They operate and manage air bases and support functions formerly performed by USAF units.

The VNAF has approximately twenty squadrons of aircraft, including jets, propeller attack aircraft, helicopters, and airlift and liaison aircraft. Present plans and funding have been provided to approximately double their current size and capabilities.

Reports indicate that the performances of these squadrons compare favorably with those of USAF squadrons in Vietnam.

This VNAF modernization program has been accelerated under the President's Vietnamization policy. Let's not confuse the VNAF modernization program, which has been under way for some time, with the overall U.S. national policy of "Vietnamization of the War."

The original modernization programs were designed to prepare the South Vietnamese to handle only the threat of Vietcong insurgency that would remain after all North Vietnamese regular forces had withdrawn from the South. Vietnamization, on the other hand, is preparing the South Vietnamese to handle both the Vietcong insurgency and the North Vietnamese armed forces. Vietnamization embodies much more than merely enabling the South Vietnamese armed forces to assume greater military responsibilities. It includes building a stronger economy, stronger internal security forces, and a stronger social structure.

As the President has said many times, we hold firmly to a single objective for Vietnam: *To permit the people of South Vietnam to freely determine their own destiny.* The President has further said that we want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese.

In discussing the President's Vietnamization Program, the Secretary of the Defense has said, "I cannot promise a miraculous end to the war. But I can say, reemphasizing the President's words, that we are on the path that has the best chance of minimizing U.S. casualties while resolving the War—*In the shortest possible time without abandoning our basic objectives.*"

Let's look at some of the Vietnamization factors as reported by various experts, including news reporters on the scene.

In the field of internal security, enemy activities have been reduced to such an extent that farmers have returned to their fields to harvest the largest rice crop since 1963.

A major decision contributing to internal security is the fact that more Vietnamese, loyal to the Government of the Republic, carry guns than our settlers did in days of the Old West. After the TET attacks, President Thieu made a decision to provide better arms and equipment for popular forces and people self-defense forces, the guardian of the hamlets and villages. The decision has paid off militarily and politically, as it has provided more protection to the villages and hamlets.

In the economic area, businessmen in South Vietnam are beginning to think more about long-term opportunities than about short-term risk. After fighting ends, it has been estimated that South Vietnam should be able to advance economically with an annual growth rate of five to seven per cent within a decade.

The country is rich in farmland, timber, fishing, hydroelectric potential and, unlike other Asian countries such as Korea, is not over-populated. The War has created a network of highways, ports, and other basic installations.

Equally important, a half a million people have been, or are being trained, by U.S. contractors and the military service. Professional training of Vietnamese in colleges and universities of this country is now beginning to pay dividends. Eighty-five per cent of South Vietnam's children have received at least elementary schooling.

In the military area, this country has, with allied assistance, trained and fielded a military force of more than one million men.

They, of course, need to learn a lot more about fighting the War by themselves. They need more middle and top management traning in air and artillery support, in tactical maneuvering, in evaluating intelligence data, and particularly in logistics.

Insofar as the VNAF is concerned, I believe we have made tremendous strides in training their personnel in the maintenance and operation of their Air Force. Since there is no aerospace industry in South Vietnam, we must continue to provide equipment and supply support for this country. I might add that *eighty per cent* of the aircraft in their Air Force is managed and supervised logistically from right here at Warner Robins.

The Vietnam Air Force is now overhauling some of their jet engines, doing component repair and crash and battle damage repair of its fixed wing aircraft. Their personnel are working with the U.S. Army and Air Force personnel here at Warner Robins to develop a depot capability for support of their helicopters.

In concluding my remarks tonight, I am reminded of the fundamental difference of ideology between Communism and Democracy. I'm reminded of forecasts and predictions of Communist challenges to Democratic countries in the Far East. I am reminded of the charges of Presidents Truman, Eisenhower, Kennedy, Johnson and Nixon to meet the challenge in Korea, South Vietnam, and Southeast Asia. As a career military officer, I am carrying out my duty. As a citizen of this free society in which I am a believer, I also am convinced that this nation had no other choice in defending the people of South Vietnam against the Vietcong and the North Vietnamese people to assure the South Vietnamese people the right of self-determination. As our President recently said, "Abandoning the South Vietnamese people would jeopardize more than lives in South Vietnam. It would bring peace now but it would enormously increase the danger of a bigger War later."

"If we simply abandoned our efforts in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability."

Let me assure you, the President needs your support, your strength: for both strength and perseverance are essential in building and maintaining a policy of peace. Your support to Warner Robins Air Force Base and to the President's national objective is warmly appreciated. Let us all hope that the actions we take in this decade will be respected by the next generation.

SENATOR ERNEST GRUENING CITES NEED FOR NEW PRIORITIES

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. RYAN. Mr. Speaker, one of the strongest and most active voices against American involvement in Vietnam has been that of Ernest Gruening, former U.S. Senator from Alaska. Unfortunately, Senator Gruening no longer serves in the U.S. Senate. But he continues to serve his country by bravely opposing this tragic war.

On February 17, 1970, Senator Gruening spoke at the New School for Social Research in New York City on "The Need for New Priorities" in this Nation.

He listed the priorities which must be set before our Nation can embark upon new goals.

Consistent with his past actions, he recognizes our primary priority as disengagement in Vietnam.

Second, Senator Gruening calls for the cutback of military expenditures and the checking of the military establishment.

His third priority is to "install more courage and backbone upon Capitol Hill" so that Members of Congress hold their constituents as their first priority—not special interest groups.

If all these prepriorities are met and needed funds are made available, Senator Gruening sees the improvement of our environmental quality as our most necessary national goal.

I urge my colleagues to read Senator Gruening's address. As always, his courage to speak out on the critical issues is manifest.

The address follows:

ADDRESS OF SENATOR ERNEST GRUENING: THE NEED FOR NEW PRIORITIES

The amazing fact about the situation that confronts our country as we take leave of the seventh decade and enter the eighth decade of this unprecedented and tumultuous century—the surprising and predominant fact is that things that so sorely need to be done, are not being done, that the priorities that need to be established are not being established, although those in charge of our destinies pay lip service to them.

Perhaps the most comprehensive and inclusive priority would be to relate promise and performance.

But let us take up the needed priorities, as I see them, one by one.

The first and foremost priority, of course, is to end the war, the war to which we refer as the war in Vietnam, but which has been stealthily extended to Laos and Thailand—the totally needless, unjustifiable, immoral and monstrous war.

That war has cost to date:

First: The death of over 40,000 fine young Americans.

Second: The wounding of over a quarter of a million men [I've seen some of the 18 and 19 year-olds at Walter Reed Hospital in Washington—armless, legless, blinded, paralyzed from the neck down, many condemned to a lingering living agony worse than death.]

Third: The killing of countless Vietnamese, North and South, including non-combatants, the aged, women and children.

Fourth: The making of millions of refugees, driven from their destroyed homes into the squalor and misery of concentration camps.

Fifth: The laying in waste of a whole small country which we allege we are there to save—laid waste by bombing, burning, defoliation, with irretrievable damage to the health of the next generation of Vietnamese—those we have not slaughtered outright.

Sixth: The maintenance in power of a ruthless and corrupt dictatorship, whose character and actions makes a grotesque mockery of our allegation that we are there to liberate the Vietnamese—the perpetuation of whose ruling gang in power would be achieved if the Nixon Vietnamization plan takes place.

Seventh: The squandering of $150 billion in this futile military involvement.

Eighth: The escalating inflation at home, caused by the billions squandered overseas and *not* by legislation for education.

Ninth: The short-changing of our vital domestic programs—pollution abatement, slum clearance, housing, education, crime control, the elimination of poverty.

Tenth: Rising frustration, discontent and disunity at home as a result of this neglect of our crucial and overdue domestic requirements.

Eleventh: The abandonment of our historic long honored professions as a peace-loving treaty-abiding nation—for to make war we have violated every pertinent treaty to which we were a signatory—with a resulting forfeiture of the respect and confidence of most of the free world.

Twelfth: The brutalizing of a whole generation of Americans. Violence, sanctioned and sanctified abroad, breeds lawless violence at home. If the administration wants to diminish lawless violence at home, it should stop making violence compulsory abroad.

Thirteenth: A continuing credibility gap, which has opened a previously non-existent breach between government and the governed.

Fourteenth: The alienation of our young: the impairment and even destruction of their faith and confidence in our system—a system that whatever its shortcomings past generations of Americans have cherished, and yearn to be able to love and cherish again.

Let it be pointed out to any who may have been misled—and many have—by the White House's skillful Madison Avenue techniques and its *Agnewstic* echoes, that we are *not*, repeat *not*, ending the war in Southeast Asia.

Consider the facts!

When a candidate for the presidency in 1968, Richard Nixon told the country that if elected he would stop the war, that he had a plan to do it but that he could not reveal it because disclosing it might interfere with the peace talks in Paris.

A year after his election passed without the revelation, then on November 3, 1969, after three weeks of suspenseful advance publicity, he unveiled his plan.

But far from being a plan to end the war it is a plan to prolong and even to perpetuate it. A reading of it makes clear that it is full of escape clauses, viz.

If Vietnamization does not proceed as fast as President Nixon hopes, then the timetable—whatever it is, we haven't been told what it is—will have to be changed and the troop withdrawals deferred. It is obvious that Thieu and Ky are not anxious to have us get out and leave them on their own. Indeed, Thieu has said as much but that statement did not get much mention in the media. Maybe Agnew has intimidated them.

If the wicked enemy continues to resist, doesn't fold up, maybe stages a counter-offensive, *that* will of course change everything, and as the President has told us in his November 3 address, and again subsequently in his press conference, he will in that event not hesitate to take stern measures. Of course our adversaries are not going to lie down and quit. They will continue to fight to expel the alien invader, just as they fought him throughout their history, the Chinese a thousand years ago, and in our time, the French, the Japanese and now the Americans.

In sum our first priority—ending the war—must be met. It is unmet.

The only test of the war's ending is when the casualties stop.

So we'll pass to the second priority.

If and when the war does end we will still have the bloated, oversized, overkill capacity military establishment. We have been tendered some slight reduction thereof. Five billion dollars, we are told, is being cut off the military budget. But can we believe what we are told? A.B.M. is to be stepped up. Its costs are uncertain. But overruns of military estimates have been the rule. For calling attention to them, the guilty revealer, Mr. Fitzgerald, was fired. We won't hear about them the next time. But assuming that the eight per cent reduction in military expenditures takes place, it still leaves $70 billion to the Pentagon—several times our pre-World War II military budget. It is high time that we returned to sanity and prepare for defense and not for offense.

So the second priority is to cut the military budget still further. We should, if and when the war ends be able to save the $25 to $30 billion a year it has cost. And why should we keep 300,000 men and their dependents in Europe? Do we have to have 4,000 bases overseas? Obviously not. Must we continue to pour out our dollars to shore up the military dictatorships in Greece and Spain? Must we send our funds to Greece and Turkey, presumably to resist Russian communism and to India and Pakistan for the same alleged objective against Chinese communism only to have the heads of governments use them against each other?

Has it occurred to you that killing is now our nation's biggest industry? It is derived from what President Eisenhower in his farewell message warned us against—the military-industrial complex, but which George Wald, Harvard's Nobel Laureate amended to call it the Military-Industrial-Labor Union complex. I have suggested a further addition to this conglomerate. It should be called the Military-Industrial-Labor Union-Congress complex, for the Congress shares in the responsibility for our postpriorities. It could have stopped the war long since and could stop it now by refusing to vote the authorizations and appropriations to carry it on.

It has moreover increasingly abdicated its responsibilties as a coordinate branch of the government with the Executive.

It has of late made some feeble stirrings in that direction. It has passed a sense of the Senate resolution that it should have a voice in determining our military overseas ventures.

It has passed a tax reform bill, but it remains to be seen how much it will impinge on the incomes of our long non-tax paying millionaires. It has left its own farming colleagues undisturbed in their subsidies for *not* growing food and fibres.

So maybe the third priority would be to instill more courage and more backbone up on Capitol Hill, but that will of course be resisted by the White House and its Agnewistic echo.

Space exploration has for the moment been slightly curtailed. Moondoggles will be fewer. Planetary exploration to Mars, Jupiter, Saturn, Uranus and Pluto will be unmanned for the present. We are all very proud of the great technological achievement of landing men on the moon. We are proud of our six astronauts and of the scientists who planned their flights and deserve more recognition than has been accorded to them. But considering the great needs on this planet might we not suspend the exploration of other planets until we have cleaned up the messes on this one, utilizing the funds saved for that purpose? Our earthians' problems are pressing. They cry for relief. The other planets will remain in orbit, and we know, also, that there are no Martians, Jupiterians, Saturnians, Uranusians and Plutoians, to be disappointed if we postpone our inspection of their dead and lifeless spheres. We need to move so that our sphere will not be on its way to becoming lifeless.

Mars, of course, becomes much less interesting for those who had been thrilled by reading Percival Lowell's "Mars as the Abode of Life," when we discovered there were no little green men living there, and that that hypothetical figure, "the man from Mars," who was invoked to pass sapient judgment on our earthly foibles, must forever remain, alas, in the realm of fantasy.

So having mentioned a few pre-priorities that would facilitate adopting a few needed priorities by making funds available for them, let us consider what they should be.

To stop the man-made deterioration of our environment would in my view, come first. If coupled with an intelligent, vigorous birth control program, it would at the same time have a real impact on poverty through the diminution of the numbers of unwanted and unsupportable children among the poor.

On both these issues we have had fine statements from the White House. But here again the reality differs from the promise. We are told of a $10 billion anti-pollution campaign. That, as a federal contribution to the most vital issue affecting mankind's future, would be but a bare beginning. But on analysis we find that not only is the $10 billion to be spread over five years, but includes the assumed contributions from States, municipalities and private industry.

The needs for this as a first priority, after the above cited financial pre-priorities, are

(1) the gravity of the situation; the recent awareness that man is really an endangered species; (2) the dimensions of the problem, its multiple aspects in air, water, land and waste disposal; (3) the inevitable length of time to wage this war successfully, and (4) that once undertaken there must be continuity, that there can be no interruption or suspensions without losing all that has been gained.

The mere preparation for and organization of such a war, the need of consulting, to enlist in addition to the federal executive and legislative branches, the legislative and executive branches of the fifty states, their municipalities, and the great variety of industrial polluters—all this before the program can be completely and effectively undertaken, gives some concept of the staggering magnitude of the problem. And this is assuming that all these diverse entities are ready to move forward together. We may even visualize the initial difficulty between Congress and the Executive in having the latter veto or refuse to spend the appropriation voted by the former.

No, the time to begin was yesteryear!

President Nixon has recently addressed Congress and the Nation on the need to improve the quality of life in the United States. To achieve such improvement, we must not only carry out relentlessly the previously discussed restoration of the environment, but also clear out our slums, supply adequate housing, provide recreational space, step up and disperse adequate education more widely, to all of which essential priorities the White House under its present occupancy has given little meaningful support. We may list these as priorities of approximately equal importance. In fact, we may well consign them all into one priority, not forgetting one indispensable concomitant without which all others will lose much of their meaning—namely equality of opportunity. This means an end to discrimination on the basis of color, national origins and sex. And it requires an economy that will provide employment.

In sum, and in conclusion, the basic priority which includes all others is to make an America that will live up to its promise, to provide for all the fullest enjoyment of the life, liberty and happiness which we have the means and the know-how to achieve, if only the will to achieve it is there also.

BENJAMIN F. JENSEN

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. KLUCZYNSKI. Mr. Speaker, I knew the late Ben Jensen, the distinguished former Representative from Iowa, for many years. He was a colleague of mine in this body and I knew him to be a dedicated and hard-working Member. He performed his duties both to his district, his State, and his country, in an exemplary way.

Because he, himself, was a veteran of World War I and knew first hand the sacrifices made by our men in uniform, Representative Jensen was a champion of veteran's legislation. As such, he justly won the respect and admiration of thousands of former servicemen. He was one of the prime movers of the GI bill which gave World War II veterans the opportunity for an education.

He was the sponsor of much beneficial legislation and well deserved his reputation as a true friend of the oppressed, the aged, and the forgotten.

He has passed to his eternal rest and will be sadly missed by all whose good fortune it was to know him.

NATIONAL CAMPAIGN BEGUN FOR HALPERN BILL TO HALT FRAUDULENT SALES PRACTICES

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. HALPERN. Mr. Speaker, the largest independent business group in the United States has started a nationwide campaign to enact my bill, H.R. 13425, protecting consumers against fraudulent sales practices.

H.R. 13425 would permit the Federal Trade Commission to obtain immediate, temporary court injunctions to halt fraudulent and deceptive practices because it lacks the authority to stop suspected violations immediately. The National Federation of Independent Business has announced its nationwide support for the bill after a poll indicated that 72 percent of independent business owners favor it, with 21 percent opposing and 7 percent undecided.

The National Federation of Independent Business, with 277,064 members in all 50 States declared:

Any scheme or shady practice which bilks customers also hurts the honest businessmen competing for the same customers. In some cases, an entire business is adversely affected by unscrupulous operators.

Under its present, limited powers, the Trade Commission is slowed down in acting upon complaints of deception, fraud, bait and switch tactics, phony contests, misrepresentations and the like. Such cases may plod through the courts for years while more customers are swindled.

The bill would give the Commission authority to ask a Federal court for a temporary injunction or restraining order "whenever the Commission has reason to believe that violations are occurring."

In practice, most FTC enforcement is based on "consent decrees" in which the object of the complaint agrees to abide by conditions specified by the FTC, and no penalty or prosecution is sought.

Following is the text of a press release being distributed nationwide by the National Federation of Independent Business:

THE BRIEF FACTS

The Federal Trade Commission, which polices commerce for deceptive and fraudulent sales practices, lacks authority to stop suspected violations immediately. Enforcement steps take time; meanwhile, more people may be victimized. A bill proposed by Representative Seymour Halpern of New York would permit the FTC to obtain immediate, temporary court injunctions to halt fraudulent and deceptive practices. The nation's independent business owners, polled by the National Federation of Independent Business, support the bill with 72 percent casting favorable votes, 21 percent opposed and 7 percent undecided.

Independent businessmen, who are often skeptical of some of the consumer-protection proposals being made, generally agree that the Federal Trade Commission needs new power to strike swiftly against business fraud and deception.

The agency has come under criticism on the basis that the FTC is ineffective in enforcing laws against fraudulent and deceptive advertising and sales practices. A majority of businessmen polled by the National Federation of Independent Business believe part of the answer lies in legislation now before Congress.

A bill by Representative Seymour Halpern of New York would enable the FTC to obtain immediate court injunctions to halt suspected violations. The FTC now has no way of stopping such practices until sufficient evidence has been presented in court to warrant a "cease and desist" order, or until litigation is concluded, which may take months.

This bill is favored by 72 percent of the business owners responding to the Federation's poll. Only 21 percent voiced opposition and 7 percent reserved their opinion.

Businessmen in (Name of State) react with —— percent supporting the measure, —— percent against it, and —— percent undecided.

President Nixon recently urged Congress to give the FTC such power.

"Any scheme or shady practice which bilks customers also hurts the honest businessmen, competing for the same customers. In some cases an entire business is adversely affected by unscrupulous operators."

Under its present, limited powers, the Trade Commission is slowed down in acting upon complaints of deception, fraud, bait and switch tactics, phony contests, misrepresentations and the like, says Congressman Halpern. "Such cases may plod through the courts for years while more customers are swindled."

The Halpern Bill would give the Commission authority to ask a Federal Court for a temporary injunction or restraining order "whenever the Commission has reason to believe that violations are occurring".

Proponents say such orders would stop violations and protect customers without delay. Businessmen who oppose the bill see the possibility that this action could be used against a businessman who is later cleared of charges.

In practice, most FTC enforcement is based on "consent decrees" in which the object of the complaint agrees to abide by conditions specified by the FTC, and no penalty or prosecution is sought.

STATE BREAKDOWN FIGURES—A BILL TO PERMIT SECURING OF TEMPORARY INJUNCTIONS IN DECEPTIVE ADVERTISING CASES

State	Percent in favor	Percent against	Percent undecided
Alabama	71	22	7
Alaska	57	33	10
Arizona	77	15	8
Arkansas	75	18	7
California	72	21	7
Colorado	70	21	9
Connecticut	70	21	9
Delaware	76	22	2
Florida	72	22	6
Georgia	71	23	6
Hawaii	77	19	4
Idaho	69	26	5
Illinois	72	21	7
Indiana	71	22	7
Iowa	74	19	7
Kansas	72	19	9
Kentucky	79	17	4
Louisiana	72	21	7
Maine	76	17	7
Maryland	71	22	7

State	Percent in favor	Percent against	Percent undecided
Massachusetts	73	21	6
Michigan	74	19	7
Minnesota	71	22	7
Mississippi	72	20	8
Missouri	68	24	8
Montana	68	20	12
Nebraska	75	18	7
Nevada	77	22	1
New Hampshire	73	21	6
New Jersey	73	21	6
New Mexico	69	25	6
New York	73	20	7
North Carolina	75	20	5
North Dakota	65	24	11
Ohio	74	21	5
Oklahoma	72	23	5
Oregon	70	22	8
Pennsylvania	75	19	6
Rhode Island	73	25	2
South Carolina	72	21	7
South Dakota	72	21	7
Tennessee	69	24	7
Texas	72	23	5
Utah	69	23	8
Vermont	75	17	8
Virginia	69	26	5
Washington	74	19	7
Washington, D.C.	60	20	20
West Virginia	69	24	7
Wisconsin	72	23	5
Wyoming	68	23	9

VICE PRESIDENT AGNEW

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. STOKES. Mr. Speaker, SPIRO has done it again. Having abandoned the professional golfing tour after beaning his partner with an errant fairway wood, our vacuous unleader once more returned to the rubber-chicken circuit for a few verbal potshots at the world he never has quite understood. From the results, it would appear that he would have been better off on the practice tee.

His remarks about Senator FULBRIGHT and the "whole damn zoo" of various protest groups do not merit comment. They only reflect the lack of respect for diversity of thought which we have all known that Mr. AGNEW possessed for a long time. Besides, I am sure that his targets are quite able to take care of themselves. They have all experienced heat from far hotter sources and have not wilted.

But the Vice President did make a series of remarks in Chicago which could do substantial harm to another sector of our society—institutions of higher education. His confused and oversimplified tirade against "quota systems" and "open admissions"—two completely unrelated ideas—can only exacerbate the problems such institutions currently face in attempting to balance their concepts of academic excellence with their obligation to serve all segments of the population.

Many of our colleges and universities are at last recognizing their responsibilities to blacks and other minority groups by encouraging minority enrollment. Unfortunately, these attempts have created misunderstandings by many persons, both black and white. Nevertheless, results have been uniformly encouraging, and acceptance is increasing. An uninvited and imprecise entrance into the issue by the Vice President is exactly what was not needed.

Mr. Speaker, the Cleveland Plain Dealer printed an excellent editorial on Mr. AGNEW and the admissions question last Monday. As I feel that their analysis could be of great assistance to any of my colleagues interested in the matter, I submit it in the RECORD at this point:

AGNEW WRONG IN COLLEGE ATTACK

Vice President Spiro T. Agnew's simplistic attack on college admissions policies appeared designed to stir up ill will rather than promote understanding.

In a speech in Chicago he criticized the recently adopted practice of some schools of setting aside a certain number of places in their freshman classes for Negroes. He also said "the concept of what is erroneously called 'open admissions' makes its way among some of our supercilious sophisticates."

Agnew's mistake was compounded by the fact that he mixed up two separate and distinctly different admissions procedures. Open admissions by its very name indicates no quotas.

It is well to imply, as Agnew did, that college admissions should be based on high school grades and test scores, but there are compelling social reasons for making exceptions. Where were Agnew and the other critics of quotas in the days when quotas operated to the disadvantage of blacks instead of to their advantage?

This nation cannot afford not to aid the building of a substantial body of Negro college graduates who can compete for the better paying jobs. Certainly there are blacks—as there are whites—who are not college material. However, many other young people, especially among the Negroes, might have been properly qualified for college if the educational and social systems had not failed them.

Quotas calling for a minimum number of Negroes in a freshman class may seem offensive, but they ensure that the college will seek out and enroll Negroes who appear to have the potential to benefit from college.

Ralph A. Dungan, New Jersey's chancellor of higher education, said last spring: "A very substantial number of students graduating from our urban public schools are not capable of meeting the admission standards of most colleges and universities . . . The practical effect of their application for college involves a form of racial discrimination in the sense that black and other minority students are generally the least well-prepared high school graduates.

"Given the current failure of our urban schools, higher education has no alternative in the years immediately ahead but to step in and assist able and motivated students from our major cities to overcome the handicaps of their elementary and secondary schooling."

Last fall, New Jersey's state university, Rutgers, began an open admissions program admitting more than 500 students who did not meet the school's minimum requirements. A report issued last week, after one semester, called the experiment "successful so far as we can tell." City University of New York will begin a similar program on a larger scale this year.

Open admissions is one approach to the problem. Quotas is another. In the prestigious Ivy League, the schools admitted freshman classes last September that were 10% Negro. This represented a huge increase in black enrollment.

Getting Negroes into college is just part of the solution. Helping them adjust and stay there is the other. Much of the recent unrest among Negro students can be traced to the fact that they were not really ready for the experience to which they were subjected.

Dr. Harold L. Enarson, president of Cleveland State University, said the following in a paper delivered in October to the American Council on Education:

"To lower admissions standards without at the same time making significant changes in academic requirements, along with generous provision for tutorial and remedial work and financial aid, is double deception. It tricks the disadvantaged into believing they can make it, when in fact many cannot, and it tricks the institution into the belief that it does good by doing bad."

The challenge higher education faces today is to widen the opportunities for enrollment without diminishing the quality of the final product. It will not be easy, but if it can be done then it must be done.

PORNOGRAPHY

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BLACKBURN. Mr. Speaker, today, my office received over 400 individual letters protesting the sale over the counter of pornographic literature to minors. These parents are showing their rightful indignation at having their children exposed to such sexually oriented material. The harm which can be inflicted upon a young mind by such material cannot be measured.

However, I would like to point out that there has been a marked increase in sexually oriented crimes during the past decade, especially among juveniles. Also, we only need to look to the college campus where the pill, sex, promiscuity, and nudity have become an accepted way of life.

Early this session of Congress, I joined with a number of my colleages in introducing legislation which would prohibit the sale of pornographic material to minors which was transported in interstate commerce. A subcommittee on the House Judiciary Committee held hearings on this legislation. I submitted testimony to the subcommittee urging the constitutionality of this bill. For the information of my colleagues, I am hereby inserting a copy of the bill and my testimony into the RECORD:

STATEMENT OF THE HONORABLE BENJAMIN B. BLACKBURN

Mr. Chairman, I appreciate your allowing me to submit a statement to your Committee in support of H.R. 5171, a bill which I had the privilege of cosponsoring with Mr. Bennett of Florida.

The main focus of this bill is the prevention of the distribution of obscene material to persons under the age of 18 and the prohibition of the viewing of obscene movies by our youth.

In order to understand the constitutionality of this legislation, we should review the holdings of the U.S. Supreme Court in cases concerning the power of the several states to prevent dissemination of material which it judges to be obscene.

Throughout our history freedom of the press and expression has been one of America's most cherished ideals. To prohibit fed-

eral encroachment upon this precious freedom, many state legislatures, at the time of adoption of the U.S. Constitution, stated that they would ratify the Constitution only if the Bill of Rights were attached. The first article of the Bill of Rights is the Freedom of Speech.

An early case dealing with the construction of the Amendment regarding free speech and freedom of the press was *Near v. Minnesota,* 283 U.S. 1931. At that time, the Supreme Court held that the states cannot censor the news content of newspapers because they attack certain persons and actions of a political assembly. Since this initial case, a barrage of suits concerning state censorship have come before the Court.

The Supreme Court recognized that even the right of freedom of speech is not absolute in *Mutual Film Co. v. Ohio.* 230 U.S. 230 (1915). The Court there held that motion pictures could not be considered as falling under the protection of the first amendment. The Court held that since motion pictures were for entertainment and not a means of communicating ideas, there was no need to prevent them from being censored by local authorities. This ruling was reversed in the case of *Burtstyn v. Wilson* 548 U.S. 495 in 1952 in which Justice Clark, speaking for the Court, held that a New York statute banning sacrilegious films prevented the communication of certain ideas and philosophy.

After the Burtstyn ruling, the Court was called upon in the case of *Time Film Corporation v. Chicago* 365 U.S. 43 (1961) to decide whether the city of Chicago had the right to require that films be submitted for approval prior to showing. The Court held in this case that the city did have the right to require that films be submitted to it for licensing. However, it must be pointed out that the Court did not pass upon the issue as to whether the criteria used by the city in granting the license was constitutional.

Even though the Court had handed down many decisions concerning what the states could censor, it had not established guidelines which could be used to determine what was obscene. The Court approached the problem in the cases of *Roth v. U.S.* 354 U.S. 476 (1959) and *Alberts v. California;* both of these cases were decided in 1957. In these cases, the Supreme Court made the pronouncement that obscenity is not protected by the First Amendment. In any future considerations the sole criteria for deciding whether a film or book should not be shown or distributed was whether or not it was obscene. The criteria of "redeeming social value" was announced as being one of the main standards in determining whether or not material is obscene. Justice Brennan, speaking for the Court, established a rule that material can be described as obscene when it appeals to the prurient interests of the individual receiving or viewing the subject matter.

In the recent case of *Ginzburg* v. *United States* 383 U.S. 463 (1966), the Court upheld the conviction of the defendant who was charged with violating a federal statute which prohibits the use of the mails for the distribution of advertisements appealing to the receiver's prurient interests. The Court upheld that if the material in question is of such a nature that it appeals only to man's morbid prurient interest, then it can be classified as obscene. The Court also set the standard for judging whether material was obscene based upon the test that it violated "contemporary community standards." This rule was modified in *Jacobellis* v. *Ohio* 378 U.S. 184 (1964) in which Justice Clark, speaking for a divided Court, stated that the guidelines must be based on a national standard and not the standards of a local community.

In light of the criteria established by the courts, the following rules should be followed by the Committee when reviewing any legislation regulating obscenity:

(1) Does the bill in itself require censorship and restrict the right of freedom of speech of non-obscene material?

(2) Is the intention of the legislation to prevent the expression of an idea which might have some aspect of redeeming social value?

(3) Is the criteria for defining obscenity sufficiently described so as to prevent abuse by the administering agency?

(4) Do the restrictions regulating the distribution of such material prevent the use of such material by persons having maturity and emotional stability?

When reviewing this bill in light of the criteria outlined above, I feel that it does meet these specifications. Specifically, the bill does not restrict the right of freedom of speech to view non-obscene material. The bill very succinctly and restrictively defines the terms minor, nudity, sexual conduct, sexual excitement and sado-masochistic abuse. These definitions are sufficiently restrictive to assure that by contemporary norm a minor would not be restricted from obtaining non-obscene material.

2. With regard to whether the legislation would restrict the expression of ideas having some redeeming social value, the bill follows Supreme Court decisions. In section I, subsection 6 of the bill, the term "harmful to minors" means that the material (A) appeals predominantly to the prurient shameful or morbid interests of minors; (B) It is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable for minors; and (C) it is utterly without redeeming social importance for minors. This language is in conformity with the Supreme Court decisions expressed in the *Roth v. U.S., Albert V. California,* and *Jacobellis v. Ohio.*

3. Is the criteria for defining obscenity sufficiently described so as to prevent abuses by the administering agency? This bill defines the terms with regard to obscenity since the guidelines for the agency are clearly established. There should be no doubt in the administrators mind as to the intent of Congress. The problem of broad generalities is sufficiently considered in this legislation.

4. Are the restrictions so tight as to prevent the use of the material by persons having sufficient maturity and emotional stability? The title of this bill specifically states that it is to be applied only to persons under the age of 18 years. Thus, because of the limit placed in the law, it can safely be assumed that the legislation is not overly restrictive, thus preventing individuals whom society considers able to handle pornographic or obscene material from obtaining it.

The object of this legislation is simply to provide the government with a way to prevent the dissemination of obscene material to persons under 18 years of age. This legislation does meet the criteria established by the Supreme Court. Since it conforms to the Court rulings and is restricted to persons under 18 years of age, it could never have any effect on our basic freedoms. I have attempted to measure the language of H.R. 5171 with the criteria established by the precedents of the United States Supreme Court. The criteria established by the Court have been met in this legislation, and this legislation should meet any challenge of constitutionality. Mr. Chairman, the great body of the citizens of America are crying out in desperation against the flood of mind and moral poisoners which are seeping into our homes and schools. Those most likely to be influenced by such material are our most precious commodity, our children. We cannot shrug our shoulders at the cry for relief which is heard across our land and merely pass the blame onto the U.S. Supreme Court.

This legislation is not requested by the American people but it is demanded. Their demands are justified in the name of protecting our citizens. I urge the Committee to give favorable consideration to the bill now under study.

H.R. 5171

A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of eighteen years, and to restrict the exhibition of movies or other presentations harmful to such persons

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1466. EXPOSING MINORS TO HARMFUL MATERIALS

"(a) It shall be unlawful for any person knowingly—

"(1) to sell, offer for sale, loan, or deliver in interstate commerce or through the mails to any minor—

"(A) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sado-masochistic abuse and which is harmful to minors; or

"(B) any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse and which taken as a whole, is harmful to minors, or

"(2) to exhibit to a minor a motion picture, show, or other presentation which—

"(A) has moved in interstate commerce or through the mails,

"(B) depicts nudity, sexual conduct, or sado-masochistic abuse, and

"(C) is harmful to minors.

"(b) Whoever violates this section shall be fined not more than $5,000 or imprisoned for not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned for more than ten years, or both, for any second or subsequent offense.

"(c) As used in this section—

"(1) The term 'minor' means any person under the age of eighteen years.

"(2) The term 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

"(3) The term 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of a female, physical contact with her breast.

"(4) The term 'sexual excitement' means the condition of human male or female genitals in a state of sexual stimulation or arousal.

"(5) The term 'sado-masochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

"(6) The term 'harmful to minors' means that quality of any description or representation, in whatever form, of nudity, sex-

ual conduct, sexual excitement, or sado-masochistic abuse, which—

"(A) predominantly appeals to the prurient, shameful, or morbid interest of minors;

"(B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

"(C) is utterly without redeeming social importance for minors.

"(7) The term 'knowingly' means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of—

"(A) the character and content of any material described in subsection (a) which is reasonably susceptible of examination by the defendant, and

"(B) the age of the minor."

(b) The table of sections for chapter 71 of title 18, United States Code, is amended by adding at the end the following new item:

"1466. Exposing minors to harmful materials."

SEC. 2. (a) The Supreme Court shall not have jurisdiction under section 1252 or 1253 of title 28, United States Code, to review any determination made under section 1466 of title 18, United States Code, that any material described in subsection (a) of that section is harmful to minors.

(b) The courts of appeals shall not have jurisdiction under section 1291 or 1292 of title 28, United States Code, to review any determination made under section 1466 of title 18, United States Code, that any material described in subsection (a) of that section is harmful to minors.

SEC. 3. This Act and the amendments made by this Act shall take effect on the sixtieth day after the date of the enactment of this Act.

FIGHTING JACK GAGE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. WINN. Mr. Speaker, station KCMO recently paid a most fitting tribute to the memory of one of Kansas City's truly memorable and outstanding citizens, former mayor, John B. Gage. I would like to bring the editorial by KCMO vice president, E. K. Hartenbower, to the attention of my colleagues.

The material follows:

He was known as "Fighting Jack Gage" to Kansas City. John B. Gage stood as a symbol in Kansas City, a symbol of honest government with the fiery will to fight for it.

His threee terms as mayor following the ouster of a corrupt city administration established a pattern followed by many other cities in America. One of those, New Orleans, went through similar turmoil in dislodging bossism from City Hall, using experience gained here in Kansas City. Mayor Gage and a long list of city officials were guests of New Orleans at inauguration of the clean-up mayor in return for guidance in the struggle.

Gage was elected mayor in 1940 with a mountainous job facing him, a job of straightening up city finances left in chaos, helping with reorganization of city police by the State of Missouri, with designing a plan for the future of the city. Citizens rallied to the call. John Gage provided leadership.

His name may well be remembered mostly in this connection, yet the man's energies carried him deeply into other fields. Until the very last, Gage devoted much time to development of Missouri river basin projects, to the teaching of law and perfection of agriculture. All this in addition to his own practice of law and his cattle farm. The name of John B. Gage will be carried as citizen extraordinary, leader of Kansas City.

A GREAT LOSS—HON. BEN JENSEN

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. PHILBIN. Mr. Speaker, I was very deeply saddened by the passing of my dear friend and our former esteemed and beloved colleague, Ben Jensen.

Not long ago he visited the House and I had the opportunity to talk with him. While he had lost some weight, as usual, he was bright and cheerful, and I more than enjoyed our talk. Little did I think it would be the last time that I would see him.

Ben Jensen was one of the finest men I have ever known. He was a superb human being, warm, cordial, interested in people, and always willing to help.

I saw a great deal of him when he was in the House, and frequently appeared before his committee on very important measures, having to do with the development of massive flood control projects in my district, State, and region, arising from two very devastating storms that beset New England some few years ago.

Ben always went out of his way at that time, as he always did, to support and assist me regarding these measures, and it was to a great extent due to his interest and efforts and those of his great committees, that we succeeded in getting the funds to conduct vital rehabilitation work and set up several dams, and other flood control projects, that have been of inestimable benefit in protecting our region against the ravages of very damaging floods that periodically visit us, and cause loss of life, and very heavy property losses. Some of these projects were multipurpose and also entailed the development of new sources of water and recreational areas that have contributed invaluably to our communities and people.

The help that Ben and his committee rendered in these important matters was so typical of the consideration and assistance that he and they were always willing to give when important, necessary measures were pending.

This was just one of the many activities that Ben engaged in so constructively, so efficiently and thoughtfully during his long, very distinguished service in the House.

Ben Jensen was a man of very rugged character who reflected the strength, determination and basic, commonsense and sound judgment that is so much a part of people who earn their living from the soil.

He came from solid, sensible, hard-working, honest forebears, and he grew up and was trained in the values and traditions of those who work, learn and live in agricultural communities.

He was highly dedicated to his work and served his constituency, State, and Nation with absolute fidelity to duty, great wisdom and deep conviction to his commitments to his cherished public service.

His patriotism knew no bounds, and he was intent upon protecting the security of the Nation, upholding its basic principles of freedom and preserving the free institutions responsible for its greatness.

While he was a sincere conservative in his political philosophy, he was interested in human beings and in serving his people with all his heart and giving of himself in their interests.

His passing is a great loss to the people he served so faithfully and well to his great State and the country which he believed in so completely and served so wholeheartedly in this great body.

His passing will be sorely felt in this Chamber, and in the Congress, where he had so many friends on both sides of the aisle, and where he was respected, admired and loved by his colleagues and all those who knew him.

A great oak has fallen in the forest of our American public service in the passing of this dedicated man, who gave so much of himself to perpetuate and enrich the American heritage and assist his fellow man.

We shall long remember here the appealing, personal qualities of Ben Jensen, his warm, vibrant friendship, his lively sense of humor, his kindness and affectionate regard for people, especially his colleagues and close friends.

I vividly remember the last speech I heard him make in the House. It was on a pending farm bill, designed to help the farmers of his great Middle West and the country. He analyzed the bill carefully, pointing out the needs it would fill, and the great benefits it would confer upon his own people, and those who derive their livelihood from the farms of the Nation. He delivered a brilliant, sincere, powerful speech for a cause that was always very close to his heart and to the people of his district, the folks back home.

And he concluded with these words, "God bless the farmers of America."

Those final words were typical of Ben Jensen. They showed more eloquently than a volume, his love, devotion, and loyalty to his own people, and these last words of his in the House will always be recalled by those who heard them, and the people he served with such deep devotion, as exemplifying Ben's unrestrained dedication to his people.

With a very heavy heart, I extend my prayers and deepest sympathy to his gracious, devoted wife and his dear ones for the truly irreparable loss they have sustained, and which I and many others share with them. May the good Lord comfort and strengthen them to bear their deep sorrow with true spiritual resignation.

And may our dear friend and late, es-

teemed colleague, Ben Jensen, his life's work well and faithfully done, find rest and peace in his heavenly home.

NEIL JOHN CALLAHAN: AN OUTSTANDING CITIZEN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. EDWARDS of California. Mr. Speaker, it is with very deep sorrow that I rise today to mark the passing of my very good friend, Neil John Callahan, a man who contributed much to my native Santa Clara County, to the State of California, and to the Nation.

Mr. Callahan, an executive with the Pacific Telephone Co., served his community in many ways. He was a former president of the Sunnyvale Rotary Club, the Sunnyvale Chamber of Commerce, and the Santa Clara County United Fund. In addition he served as general chairman of the 1964 Santa Clara County Bond Drive Committee and chairman of the county's multiple sclerosis campaign in 1967.

Neil also gave unstintingly to his Nation, as a member of the Army Air Force during World War II and as a member of local Selective Service Board 62 in San Jose during recent years.

I knew Neil well through his devoted efforts in both the community and in politics, where his love of Nation, and the people in it, were represented by his actions during the 1964 and 1968 campaigns. It was to the honor of the Democratic Party that he served as an alternate delegate to the national convention held in Chicago in 1968.

Mr. Speaker, at this point I would like to express my condolences and the condolences of this body to Mrs. Helene T. Callahan, Neil's lovely wife, and to their two daughters. Neil was a good man and we will miss him.

LITHUANIAN INDEPENDENCE DAY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. RHODES. Mr. Speaker, I am pleased to join with other Members of this Congress in observing the 52d anniversary of the independence of Lithuania. Lithuanians around the world are celebrating this occasion, even though many must celebrate quietly within their own souls, as they are not free to do otherwise. They have only the memory of brief freedom in the past and the encouragement of the free world to sustain their hope of freedom in the future. These oppressed, enslaved peoples have not let their hope grow dim; let us honor their faith and brighten that hope by our renewed pledge to seek freedom for all who are in bondage.

HOUSE OF REPRESENTATIVES—*Thursday, February 19, 1970*

The House met at 11 o'clock a.m.

Rev. Prof. Martin A. Kavolis, retired pastor of the Lutheran Church in America, East Dubuque, Ill., offered the following prayer:

Almighty God, whose providence prepared the way of peace in relationship with God, fellow men, and society through Christ, look graciously upon all of mankind, which appears to be confused and torn between creative evolutionary effort of human love and destructive disturbances of human hate, which vandalize people and nations, while they disrupt economic and social order by coercion. This opposing meaning of freedom and peace is very real in the country of Lithuania, whose past history speaks of centuries of national liberty, while the present charges of decades of national subjugation, personal oppression, and exile.

We beseech You to bestow wisdom upon the Government of the United States of America to serve the just peace by action relevant to the needs of revolutionary situation. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION AS DELEGATE TO 1970 UNITED STATES-CANADIAN INTERPARLIAMENTARY GROUP

The SPEAKER laid before the House the following communication:

FEBRUARY 18, 1970.

Hon. JOHN MCCORMACK,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I would appreciate very much if you would remove me from the list of delegates to the 1970 United States-Canadian Interparliamentary Group.

I have been pleased to participate in past years but my schedule will not permit my attending this year's Conference.

Best regards.

Sincerely,

WILLIAM S. BROOMFIELD,
Member of Congress.

The SPEAKER. Without objection, the request is agreed to.

There was no objection.

APPOINTMENT AS MEMBER OF THE U.S. DELEGATION OF THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86-42, the Chair appoints as a member of the U.S. delegation of the Canada-United States Interparliamentary Group the gentleman from Ohio, Mr. TAFT, to fill the existing vacancy thereon.

CONTROL OF THE SALE OF DYNAMITE

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, several weeks ago, a large explosive bomb completely destroyed a police station-court building in the city of Shaker Heights, in my district. Fifteen people were injured and at least one person was killed.

It appears that the perpetrator of this offense acquired 120 pounds of dynamite by direct purchase from a powder manufacturer, representing that he needed the explosive for a school experiment. Apparently, he would have had no greater problem buying 1,200 or 12,000 pounds of dynamite.

As a result of the Shaker Heights tragedy, I was stunned to learn that under present law there is no restriction whatsoever on the purchase of unlimited quantities of explosives. There is no registration of such a purchase. No inquiry is made to determine why the explosives are bought. No determination is made to the background of the purchaser or to verify the intended utilization of dangerous explosives.

At present, a known criminal or a mental incompetent is perfectly free to purchase substantial quantities of dangerous explosives.

The Danbury, Conn., case of last week demonstrates the utilization of explosives and bomb explosions as a criminal diversion.

The nightmare in the law which permits easy access to dangerous explosives threatens the safety of every citizen and the security of every community. It must be cleared up immediately.

I am therefore introducing legislation which would severely restrict the sale of dangerous explosives on the open market. I hope that this legislation will be treated as an emergency proposal and be promptly enacted by the Congress.

TWO BODIES OF CONGRESS ARE COEQUAL

(Mr. McCORMACK asked and was given permission to address the House for 1 minute.)

Mr. McCORMACK. As I have, Mr. Speaker, my colleagues also throughout the years have read in the newspapers references to the "upper" and the "lower" bodies of Congress, and we have listened to that in newscasts where references are made to the Senate as the upper body and to the House as the lower body. Last night in one of the newscasts on two occasions there was reference to the upper body, to some action taken in the upper body—in the Senate.

Mr. Speaker, that is not offensive to me, because we all know that both bodies are coequal and, in fact, if anybody is "upper" so far as the collective ability is concerned, it is the House. In any event, I take the floor with the finest of respect for those who make the mistake, knowing they probably do not do it intentionally. But there is no upper or lower body in the Congress of the United States. Both are coequal.

It is my understanding that when the Government met in Philadelphia in the early days of our country, the House and the Senate met in a building in Philadelphia where the Senate met on the floor above the House, and in debate reference was made to the upper body, meaning the Senate sitting above, and the Senate would refer to the lower body, meaning the House which was sitting on the floor below. But I call to the attention of those newspapermen—those few who do make the error unintentionally, including those over television—the fact that they show their own unintentional ignorance, and in the future they ought to correct it.

CHICAGO TRIAL INFLICTS INJURY ON JUDICIAL SYSTEM

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, like most lawyers, I have refrained from publicly commenting during the course of the trial of the so-called Chicago 7 even though I probably know as much or more about what occurred in Chicago than any person other than those who actively participated in the trial as all five of those convicted by the jury were subpenaed by a committee which I chaired investigating the Chicago disturbances in 1968. As a matter of fact, Dellinger, Hayden, and Davis testified at length before the committee and I would conclude that their own testimony was sufficient to justify the verdict. I believe that the decision of the jury is justified beyond one iota of reasonable doubt.

I think that the public owes the jury a vote of appreciation. It is doubtful that most of the public are fully cognizant of the tremendous personal sacrifices made by the jury to carry out a very important function of citizen responsibility in a free society.

However, I have been greatly disheartened by the severe injuries suffered by our whole judicial system. The objectives of the defendants and their lawyers throughout the trial were quite explicit. We have witnessed a group of defendants and lawyers who deliberately attempted to make a mockery of our whole judicial system. Attorney Kunstler and each of the defendants is a master at exploiting the news media to accomplish their nefarious objectives and I must regrettably conclude that a large segment of the news media, either wittingly or unwittingly, permitted itself to be so exploited.

The trial in Chicago, in my opinion, calls for some very deep thinking and a serious appraisal by those who are interested in the preservation of our system of justice and freedom of the press, of our judicial procedures and methods of reporting.

It is with this view in mind that I am preparing a request to the American Bar Association to make an immediate appraisal of the Chicago trial and the press coverage thereof. The committee established might well include responsible officials of the news media.

U.S. FOREIGN POLICY

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, Yesterday the President sent to the Congress a unique document—a message outlining U.S. foreign policy in detail.

For this, the Congress and the Nation owe the President a vote of gratitude.

For the first time in my service in the Congress, at least, we now have a reference point from which to evaluate our Nation's dealings with the rest of the world.

No longer is American foreign policy a policy of expediency in which each nation is treated as if it were an isolated unit. Instead there is a cohesive plan.

We now have a basic doctrine resting on America's enlightened self-interest, under which policy can be carried out.

Fittingly, this will be known as the Nixon doctrine. And surely it is the most important American foreign policy statement of our time and our century and perhaps in our history.

Mr. Speaker, there is not time here to discuss the Nixon doctrine in detail, but let me say it recognizes that the world of the seventies is not the postwar world of the late forties and fifties.

It recognizes also that the United States must continue to play a dominant role in world affairs and that we cannot and will not abandon either our commitments or our allies.

The Nixon doctrine, in brief, is a realistic outline of America's role in the world. It is to our best interests that we play that role as the President proposes.

U.S. FOREIGN POLICY

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, I have read the President's message to the Congress on U.S. foreign policy for the 1970's.

It is a document worthy of a man—President Nixon—who has spent a large part of his lifetime studying our relationships with the rest of the world.

Not in our time has a man come to the office of the Presidency so uniquely fit to deal with foreign affairs as is President Nixon.

For that reason alone, this document is worth studying, not only for us here in the Congress, but for those anywhere in the world entrusted with making and carrying out foreign policy.

As I look at this document, one paragraph stands out. It stands out because it says plainly that this President knows what the Presidency is about, knows its responsibilities, its duties, and its opportunities.

I refer to these words:

> We must know the alternatives. We must know what our real options are and not simply what compromise has found bureaucratic acceptance. Every view and every alternative must have a fair hearing. *Presidential leadership is not the same as ratifying bureaucratic consensus.*

Mr. Speaker, that last line bears repeating, because it indicates that American foreign policy no longer will be made in the catacombs of the State Department, but instead will be made in the White House, to be carried out in the State Department:

> Presidential leadership is not the same as ratifying bureaucratic consensus.

It is plain that the Nation finally has what it has needed and wanted—not consensus, but leadership. We can all be grateful.

THE PRESIDENT'S FOREIGN POLICY REPORT

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DELLENBACK. Mr. Speaker, while it is true that a complex report such as the President's foreign policy report needs time and study if it is to be properly understood, I think it is correct to say that the foundation of the report can be seen in the three basic principles listed by the President:

> Peace requires partnership. Peace requires strength. Peace requires a willingness to negotiate.

These three basic principles disclose the President's clear understanding of the realities of the world as it is—and of the ideals that can make the world what it should be.

Partnership, strength, and negotiation are a trinity of international virtues without which no peace is possible. We need—as the President has wisely pointed out—all of them—or we will find ourselves with none of them.

Partnership and a willingness to negotiate are vague and wispy dreams if they are not backed by strength.

Strength is without purpose and without moral foundation if there is no sense of partnership or no desire to talk things over.

I am highly gratified to find, once more, proof of the President's ability to see the world as it is in order to be able to realistically work to bringing it to where it should be.

RAILROAD STRIKE AND/OR LOCKOUT

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, February 21 is only 2 days away, and, this Nation again may be faced with a disastrous railroad strike and/or lockout.

First, we received a 10-day grace period from the Federal courts. As the clock ticked away, both management and labor voluntarily agreed to a moratorium, which expires on the 21st of this month. Although labor and management are to be congratulated for this volunteer action, they have been meeting for days and days in Miami and any encouraging news is scarce indeed.

Because of the vital importance of the railway system to this country's well-being, Congress cannot sit back insensitive to what is happening around us. Congress must take the initiative and modernize the machinery of the Railway Labor Act. We must give the President, or Congress, or special boards, the necessary tools to deal with strikes and lockouts. Two years ago, and again this Congress, I introduced a bill that would give the President, primarily, a choice of procedures and greatly strengthen his actions in national transportation disputes. Naturally, I would like to see action on my bill, but we should receive leadership from the administration on this subject. They have promised it but have not submitted it. Time is running out. If Congress chooses not to act, then we cannot hurl criticism at management and labor while excusing ourselves. Let us act on some measure that will avert a national transportation tragedy.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE, COMMITTEE ON MERCHANT MARINE AND FISHERIES, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, on behalf of my colleague, the gentleman from Maryland (Mr. GARMATZ), I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, I object.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 23]

Anderson, Tenn.	Hays	Pelly
Ashley	Heckler, Mass.	Pettis
Blanton	Henderson	Pollock
Brown, Calif.	Johnson, Pa.	Powell
Burton, Calif.	Jones, Tenn.	Pucinski
Celler	Kirwan	Purcell
Chisholm	Kleppe	Reifel
Clark	Long, La.	Riegle
Colmer	Long, Md.	Rosenthal
Daddario	Lukens	Rostenkowski
Dawson	McDade	Roudebush
Dent	McDonald, Mich.	Scheuer
Devine	Macdonald, Mass.	Teague, Calif.
Dickinson	Mollohan	Teague, Tex.
Diggs	Monagan	Tunney
Dingell	Moorhead	Vander Jagt
Eckhardt	Morse	Waldie
Esch	Moss	Wyatt
Gallagher	Myers	Wylie
Griffin	Ottinger	Yates
Gubser		

The SPEAKER. On this rollcall 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

PRESIDENT NIXON'S FOREIGN POLICY MESSAGES

(Mr. CORMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORMAN. Mr. Speaker, the President observed yesterday in his foreign policy message that "1980 will render many current views obsolete."

I would observe that insofar as the Nixon administration's views on racial justice are concerned, 1880 did that to them.

OUR FOREIGN AID PROGRAM BEING OPERATED BY CHARACTERS FROM THE WIZARD OF OZ

(Mr. HUNT asked and was given permission to address the House for 1 minute.)

Mr. HUNT. Mr. Speaker, as a longtime observer of our foreign aid program, it has been my conviction that it has been run, from time to time, by either one of two wonderful characters from the delightful book "The Wizard of Oz." I refer to the Tin Woodsman and the Scarecrow. The Tin Woodsman, you will recall, had no heart; the Scarecrow had no brain. Our foreign aid policy has, at various times, lacked a heart or a brain—or both.

Alas, for lovers of children's literature, President Nixon has retired these two illustrious gentlemen. We cannot afford—we never could, really—a foreign aid program in which programs created without benefit of brain are administered without benefit of heart. We need a foreign aid program that works—that is rooted in our ethics and is operated reliably in our interest.

The President's report firmly underlines the need for some foreign aid—a need as great to the aid-giver as to the receiver. But it also underlines the new vision of foreign aid as one in which the interest of peace and of freedom will be served by cooperation and partnership. In this new world, there will be no room for cowardly lions or for omnipotent wizards either. Each nation must carry its burden; each nation must do its share. The President's report reminds us that we can no longer rely on childish preconceptions; we must look at the world as it is—and work to make it what it should be.

DESIGN AND CONSTRUCTION OF FACILITIES ACCESSIBLE TO THE PHYSICALLY HANDICAPPED

Mr. GRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14464) to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped, with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "and" and insert "are".

Page 1, strike out all after line 7 over to and including line 3 on page 2.

Page 2, line 4, strike out "(3)" and insert "(1)".

Page 2, line 6, strike out "(4)" and insert "(2)".

Page 2, line 8, strike out "(5)" and insert "(3)".

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. HARSHA. Mr. Speaker, reserving the right to object, if the gentleman from Illinois will direct his attention toward me I would like to ask the gentleman a question.

It is my understanding that the provisions of this Senate amendment merely put the same provisions that we passed in the House in all Federal buildings insofar as dealing with handicapped individuals, it merely puts those provisions and facilities in the rapid transit system in the District of Columbia, is that correct?

Mr. GRAY. Mr. Speaker, if the gentleman will yield, the gentleman from Ohio is correct. All we did was to amend the basic act of 1968, the handicapped barriers law, by providing for accessibility of the handicapped into all public transit systems where Federal funds are used. We checked the law, and found that the new Metro system being constructed in Washington was not covered, so all the bill does is to include the Metro system, or any other subway system in the United States that would be financed with Federal funds.

The Senate amendment merely strikes out what we put in as an exclusion for rolling stock meaning buses and other similar vehicles. In other words, we excluded the rolling stock by language in the House-passed bill, and they just struck it out and we asked to concur in the Senate amendment.

Mr. HARSHA. I would further ask the gentleman from Illinois if that would cover the Metro system that is constructed in the State of Maryland?

Mr. GRAY. Yes, it would cover any system where Federal funds are used, this new law will apply, to make sure that handicapped people will have access to the new Metro system in Washington, or in the environs of Maryland or Virginia.

Mr. HARSHA. Is the gentleman aware of why the Senate struck the rolling stock provision?

Mr. GRAY. I am sorry, but I did not hear the gentleman's question.

Mr. HARSHA. I say—is the gentleman aware of the reasons why the Senate struck the rolling stock and other provisions in the bill?

Mr. GRAY. They struck it out because we put it in as an exclusion, and they took it out as an exclusion; that they did not think it belonged in the law at all. Actually, it is just a different interpretation, rolling stock such as buses are out either way. I really do not think the amendment was necessary, and we would not have had to come back to the House, but legislativewise, because of this, we had to ask to concur in the Senate amendment.

Mr. HARSHA. Mr. Speaker, I withdraw my reservation of objection.

Mr. GRAY. I thank the distinguished gentleman from Ohio and the other members of the House Committee on Public Works for their valuable contributions in helping the millions of handicapped persons who will be visiting the Nation's Capital and will be riding the Metro system.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FOURTH ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

The cultural resources of our nation should be used to enrich as many lives and as many communities as possible. One way in which the Federal government advances this goal is by contributing to the work of the National Foundation on the Arts and the Humanities, of which the National Endowment for the Humanities is a part. This Fourth Annual Report of the National Endowment for the Humanities tells of progress which has been made toward this goal in the last year and underscores the importance of renewing and extending these efforts.

As I transmit this report to the Congress, I would stress again that a nation that would enrich the quality of life for its citizens must give systematic attention to its cultural development. Last December I sent a message to the Congress proposing that funds for the National Foundation on the Arts and the Humanities be approximately doubled. I emphasized that the role of government in this area is one of stimulating private giving and encouraging private initiative. It is my earnest hope that the Congress will respond positively to this request, so that such efforts as are described in this report can become a base for even greater successes in the future.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

INFORMATION ON EMPLOYEES PARTICIPATING IN TRAINING IN NON-GOVERNMENT FACILITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

As required by section 1308(b) of title 5, United States Code, I am transmitting forms supplying information on those employees who, during fiscal year 1969, participated in training in non-Government facilities in courses that were over one hundred and twenty days in duration and those employees who received awards or contributions incident to training in non-Government facilities.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

ANNUAL REPORT OF NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–259)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed:

To the Congress of the United States:

I hereby transmit to the Congress the second annual report of the National Science Board, pursuant to the provisions of P.L. 90–407. The report was prepared by the 25 distinguished Members of the policy-making body of the National Science Foundation.

The report recounts the state of knowledge in the physical sciences—astronomy, chemistry and physics—as well as how physical science research is carried out in the United States. It also makes a number of recommendations reflecting the importance that the Board ascribes to the Nation's support of the physical sciences. I commend this report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. MICHEL) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. FLOOD)?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15931, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Pennsylvania (Mr. FLOOD) will be recognized for 1 hour, and the gentleman from Illinois (Mr. MICHEL) will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Members of this House are faced with a very unusual situation. A little over 3 weeks ago, on January 26, the President vetoed the bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for 1970.

Two days later on January 28, the majority of the Members of this House—a majority I say—of the Members of the House voted 226 to 191 to override the President's veto. Now, Mr. Chairman, that was a majority of 35 votes. But it was 52 votes short of the two-thirds majority which is required by the Constitution of the United States to override a Presidential veto. Today, for that rea-

son, we are considering a new bill which has been recommended by the Committee on Appropriations.

Now, Mr. Chairman, make no mistake about this—this bill is a compromise. This bill is a compromise, period. It will not please everybody, that you can be sure of. It may not please anybody. I hasten to add that I do not like it myself. It certainly will not please any Members of this House who voted for the Joelson amendment way back in July.

I have been here 25 years. In all that time I can recall only one appropriation bill that was vetoed by a President. That was the public works bill for 1960. At that time the proponents of the bill came within one vote of overriding the veto. So the committee and Congress did at once the only thing that the committee and Congress could be expected to do. They made a token cut, sent the bill back to the President, and very futilely he vetoed it again. The House immediately overrode the veto.

But, Mr. Chairman, this is an entirely different situation. This is a different ball game. This is not like it was in 1959 on that bill. This is not one side leading from strength and the other side leading from weakness. And there is the basic premise upon which the Appropriations Committee approached this bill. Here, in this situation, both sides have the strength to force a reasonable, intelligent compromise; and we feel under all the circumstances, in all fairness, in all reason, and in all logic this bill is such a compromise. May I remind the Members, Mr. Chairman, that legislation is the art of compromise.

Now, about the bill. The gross increase, over the President's budget, in the vetoed bill was about $1.4 billion. Late in the afternoon of February 2, after he had vetoed the bill and his veto was sustained in the House, the President sent a letter to the Speaker stating that he was willing to accept $449 million of the increases in the bill that he had just vetoed. Our committee considered very, very carefully all of those increases in the bill. Let me tell you we worked day and night. Five minutes after the vote on the veto my subcommittee went into session, and we worked day and night, as I am sure you know. You would have done the same thing that we did.

This is a can of worms—believe me—and it is a $20 billion bill. This was very, very difficult—it seemed endless.

In addition to the meetings of the subcommittee members, we had a hearing with officials of the Department of Health, Education, and Welfare on the President's new proposals. We concluded that our bill would have to be higher than the President's recommendations, and we are recommending that today. It is approximately $500 million higher than what the President says he wishes to spend. That is where we come in on the affirmative side. On the other hand, this bill is $446 million below the bill which this Congress passed with an overwhelming vote, and which the President vetoed. There we are. That is pretty close. What in the world could be fairer than that?

The President is a former Member of this House. I remember him well when he was here. He was my friend then, and he is still to this day. Members must notice that he always emphasizes the fact that he is a former Member whenever he addresses a joint session of Congress. He is proud of that fact. And he realizes that he cannot veto a bill one week and send a letter to the Speaker the next week and consider it to be an ultimatum to the House. Of course, the President knows that very well. He knows it, and I know it, and he knows that I know it. He knows when the executive branch is dealing with the Congress, and there is disagreement, there has to be a willingness to give a little. He knows that.

On the other hand, there are those here in the House who would like to cut increases in the vetoed bill by only 10 percent or 20 percent. They want to send it back to the President for another veto. Great. But this is not the time for a jury speech. The Members know I can make one. It is a great temptation, but not today. Surely they know the President would veto any such bill. In my opinion this would not be responsible legislative action.

Mr. Chairman, as chairman of the Appropriations subcommittee which handled this bill, I feel a personal responsibility for getting this bill through, and to get it through soon. We are 7½ months—imagine that—into the fiscal year of 1970. The House passed this bill on July 31, 1969. The Senate did not pass it until December 17, 1969, but do not ask me why. The guess of other Members is as good as mine, but that is the fact.

The Congress did not clear the conference report to send it to the President until January 26, 1970. Those dates are staring us right in the face. We should have started our hearings—watch this, and this is very important to all of us—we in our subcommittee should have started hearings on the 1971 budget 3 weeks ago.

You know that.

It is going to be tough to try to get hearings through and report that bill by the target date of June 15. It is going to be tough.

Mr. Chairman, people all over this Nation are saying, "Congress cannot get its work done." Well, they are right. This bill should have become law on July 1—July 1, 1969. But it is now 7½ months past that date.

Mr. Chairman, I have no intention of going into detail on the figures in this bill. If I started that I would go on like Tennyson's brook, forever. I am just not going to do it. The time for that is past. We spent 3 long days on this in July.

I know every chairman says this, and I know the Members pay no attention to it, but I want to say that this report is simply marvelous under the circumstances. We boiled this thing down, and boiled it down, and boiled it down. Do the Members know there are only five pages of narrative in this report, and one and a half of those five pages of narrative are history and the chronological sequence of events on the bill itself? This is in the nature of a minor miracle. It is a marvelous report. For heaven's sake, please take the thing and read these 3½ pages. You will save a lot of time and trouble here.

At this moment, if you have a copy, turn to page 3. If you do not have one with you right now, when you get one take a look at page 3. We made changes in six appropriations in this fantastic bill of nearly 300 line items. We bring to you a package of six items. These changes, in total, amount to a reduction of $445.6 million from the vetoed bill. They are set forth in the table on page 3 and explained in the narrative which follows the table. It is very short and very clear.

The very detailed tables at the back of this report are simply magnificent. That is a tribute to the staff and to the members of the subcommittee, who knocked their brains out to get this bill back here today. Any possible question a Member can have on the dollar amounts for the items he hears about from back home, from the people who write to him, who talk to him, and who call him about this bill, you will find set forth in those tables.

Now, I said the President sent a letter to the Speaker withdrawing his objections to $449 million of the increases, leaving $948 million to which he still objects. In this bill we are saying, "Congress will give up $445.6 million of the increases it included in the vetoed bill, Mr. President, if you will withdraw your objection to another $504.4 million of the increase." Now, what in the world could be fairer than that? If that is not compromise, then I am the Prince of Wales—and my grandmother McCarthy would turn over in her grave if she ever thought of that possibility.

I think we have commonsense enough to recognize the situation where everyone loses. Everyone loses if we cannot work out this compromise. Everyone. That is the situation. This bill we persist and insist in saying is a reasonable, logical, and fair solution to our problem.

Mr. Chairman, almost on bended knee I beg the Members not to introduce amendments to this so-called package. I told you there are about 300 clearly identifiable items in this bill, and if it is amended to change one figure, then you are opening Pandora's box, and we will be right back where we started with another vetoed bill. The time for bickering about these details is long past. You will have ample opportunity for going into detail on these items in just a few months when the 1971 bill is before this House.

I told you that I do not like this bill. What about vocational education? What about the other things that I have stood for and fought for? I cannot get some of these things and bring you a bill the President will not veto, and I am not going to ask for them. I have a better right than most for some of these things, but I am not going to do it and put the whole bill in jeopardy.

Mr. Chairman, we will start hearings in my subcommittee on the 1971 budget immediately after this 1970 bill is enacted—immediately. We will sit day and night to get the 1971 bill out for you by June 15 so you can get out of here and go home in this election year—if we can get this 1970 bill enacted soon. Be sure of that.

Come before my subcommittee. If your heart must bleed for these causes, come and tell us so. But do not, do not, do not do it today. Remember, only 4½ months are left in the 1970 fiscal year.

Mr. Chairman, if we act responsibly, if we set aside today our relatively minor differences, then we can pass this 1970 bill so it can become law.

Mr. MICHEL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the distinguished chairman has pretty well set the record straight as we begin consideration of this legislation as to the developments which have brought us to this particular point.

May I say at the outset, however, when the chairman speaks of compromise with respect to figures, he likes to talk about compromise after the President has made his position known to us and then averaging out the difference between what the President's submission was in his compromise proposal and the higher figures. Let me put it in just a little bit different way.

The vetoed bill was $1,262 million above the President's budget for the Department of Health, Education, and Welfare.

As the chairman said, our committee then—the subcommittee—when we developed a new bill after the veto message, cut that high figure by $445.6 million, leaving it still $816.4 million above the President's original budget.

Now, the President proposed some increases aggregating $449 million—and I will place in the RECORD at this point those particular items because they are very significant; they have to do with air pollution, heart, cancer, and stroke research and so forth, at this point.

The matters referred to follow:

SUMMARY—INCREASES PROPOSED OVER THE 1970 BUDGET, AS REVISED APR. 15, 1970

[In thousands of dollars]

	1970 budget, as revised Apr. 15, 1970	H.R. 13111 as enacted by the Congress	Current appropriation request	Increase proposed over revised budget
HEALTH				
Food and drug control	72,007	72,352	72,352	345
Air pollution control	95,800	108,800	102,800	7,000
Mental health:				
Alcoholism treatment (included in community assistance for narcotic addiction and alcoholism)	8,000	12,000	12,000	4,000
Comprehensive health planning and services (increase for rubella vaccine purchase) [1]	214,033	224,033	224,033	10,000
NIH research:				
National Cancer Institute [1]	180,725	190,362	190,362	9,637
National Heart Institute [1]	160,513	171,256	171,256	10,743
National Institute of Dental Research [1]	29,289	30,644	30,644	1,355
National Institute of Child Health and Human Development [1]	75,852	76,949	76,949	1,097
National Eye Institute [1]	23,685	24,342	24,342	657
NIH health manpower:				
Health manpower	218,021	234,470	224,220	6,199
Institutional support	(128,859)	(135,058)	(135,058)	(6,199)
EDUCATION				
Elementary and secondary education:				
Suppmentntary centers and services	116,393	164,876	156,393	40,000
Title I–A	215,186	386,161	240,186	25,000
School assistance in federally affected areas	202,167	600,167	440,167	238,000
Education professions development: Teacher training	95,000	107,500	103,750	8,750
Vocational education: Basic grants	230,336	352,836	300,336	70,000
Libraries and community services: Public library services	17,500	35,000	27,500	10,000
Education for the handicapped	85,850	100,000	91,850	6,000
SPECIAL INSTITUTIONS				
Gallaudet College [1]	5,124	5,438	5,438	314
Total increases over budget proposed				449,097

[1] Not included in attachment of changes; appropriation proposed in H.R. 13111 is acceptable.

Mr. Chairman, the President also said that he was accepting $139 million of the decreases which the Congress made in the original budget which the President presented to us. As a matter of fact, we made reductions of $159 million. The President said he would accept $139 million of those cuts. So, if you offset that against the $449 million increase, you actually have a net increase over the President's original budget of just $310 million. And, Mr. Chairman, that is a key figure, because in this comparison between $310 million and the $816 million what we are talking about is one-half billion dollars in round figures. It is a significant amount. That is why I was so concerned about having language written into this bill that gave the President discretionary authority to make additional reductions over and above what our committee made.

Now, as I said, I think the money figure in the bill, frankly is still too high and that was the reason for our language amendment.

Mr. Chairman, our President, with two-thirds of the year already gone, the fiscal year in which we are operating, has been placed in a horrible kind of situation. I have looked into it and have checked back with the Library of Congress and the Bureau of the Budget and have found that never before have we placed the President in this kind of position this late in the year, nor have we had a regular appropriation bill languishing around here this far into the fiscal year. I say this because what he is forced to do in the remaining 4 months of the fiscal year, by mandatory formulas and otherwise, is to jam an additional amount of spending over and above that which he feels he can spend wisely and efficiently. That was the reason for our full Committee on Appropriations adopting the discretionary language which appears in section 411 of the bill.

It is, however, subject to a point of order because it is legislation on an appropriation bill. That is the reason we went to the Rules Committee and we made our case to the Rules Committee of the House that this was the procedure we wished to follow. The Rules Committee was not obliged to give us a rule if they did not feel they wanted to and they did not do so by a vote of 9 to 6. They denied us that opportunity by that vote. Frankly, I wish we had an opportunity to have it voted on one way or the other, up or down, by the majority of this House, but these are the rules of the House under which we are operating.

We are in a position today where a point of order can clearly lie against the language which appears in section 411 of the bill and I suspect a point of order will be raised against it. But, as the bill is right now, with that language in it and also with the language with respect to impacted aid, I support the bill as is.

Now, having no rule waiving points of order—and when we get to the normal reading of the bill, as we do in appropriations bills, I suspect there will be some people who will want to put in many amendments of one sort or another—I want to say right now, very clearly, that if my language is struck from the bill, and it happens to be the last section, then I want to reserve the right to make a motion, either in an amendment or in a motion to recommit, that would do in part what I would like to have done in the regular bill here. We are not sure what the form of that motion will be because we cannot until we find out what happens on the floor during the course of the reading of this bill.

But let me address myself now, if I might, to the impacted aid language which also appears in this bill, and is also subject to a point of order.

If that language is stricken you have a little bit different ball game too, because under the language in the bill there is provision for making a distinction between the payments that go to A category schools and B category schools, as well as a provision proposed by the President to assure that no school district would have to suffer any more than a 5-percent reduction of funds from their 1969 budget level, and with that assurance our subcommittee and the full committee felt that the $440 million figure in here for impacted aid was sufficient.

But as I said, if that language is stricken from the bill then you have got a different kind of ball game, and it will have to be played accordingly at that point.

Mr. PERKINS. Mr. Chairman, would the distinguished gentleman from Illinois yield to me?

Mr. MICHEL. I will be happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I personally feel that the gentleman is making an incorrect statement. He states that there is only a little over 4 months left in the fiscal year, and that the President, by reason of this fact, must have flexibility in order to spend the funds.

Is it not a fact that the President was put on notice, by mandatory language, when we passed the Joelson resolution, which is more than $400 million in excess of the figures before the Committee today, and the school districts throughout the Nation had the right—and it was their duty—to rely on language that we sent to the President when the President signed the continuing resolution containing the Joelson amendment level of funding?

Why has not the President of the United States been spending the funds in accordance with the mandatory language that we sent to him back last October?

Mr. MICHEL. Well, of course, there is still a difference in many people's minds. You can get one lawyer to argue one way, to say it is definitely mandatory, and has to be spent, and you can get another lawyer who will make the point that under the traditional prerogatives, the President of the United States has the power to withhold if he sees fit, that the Congress cannot make the Executive spend.

I do not really know whether we have had this thing settled.

Mr. PERKINS. Will the gentleman yield further?

Mr. MICHEL. I yield further to the gentleman from Kentucky.

Mr. PERKINS. If the President failed to take cognizance of the continuing resolution which contained the level of funding of the House-passed H.R. 13111 that made it mandatory to make certain basic allocations to the States of this Nation, why should you now fear the mandatory language in the bill even if a motion to strike out the flexibility language that you have been talking about is sustained?

Mr. MICHEL. My feeling still persists that what we are forcing upon the Executive is the expenditure of untold amounts of money in a 4-month period of time that just cannot conceivably be spent wisely and effectively. And insofar as the field of education is concerned, I do not know what districts the gentleman is referring to, but in ours they do not operate on the basis of a continuing resolution.

Now, the school districts in my area, knowing that this thing was not finally resolved by any stretch of the imagination, have been a little bit more conservative and, rather than plunging ahead they said, "We do not really know for sure, let us wait until the final appropriation is passed."

Mr. PERKINS. Mr. Chairman, will the gentleman yield further?

Mr. MICHEL. I am happy to yield to the gentleman.

Mr. PERKINS. Is it not a fact that all the school districts of this Nation have relied upon the figures we enacted last year, for instance, impact, or for any other?

Mr. MICHEL. You are talking of the 1969 appropriation bill?

Mr. PERKINS. Yes.

Mr. MICHEL. I will buy that, but I will not buy the others.

Mr. PERKINS. Since we expended $505 million last year for impact and you have $440 million in here this time; where would the President have any problem about expending the extra impact money or any other aspect of title I ESEA or any other portion of these education programs that are in controversy?

I am sure the gentleman realizes they do not have to be spent during this fiscal year if they are obligated during this fiscal year. There are demands and applications already in from the States of this Nation. I do not think this Congress should be misled, that we cannot expend this money—it is all propaganda. Schools throughout the Nation are in urgent need of these funds. They are required for ongoing programs and for planned programs. These programs have been initiated as a result not only of the passage of H.R. 13111, the vetoed bill, but also by the passage of the continuing resolution. The continuing resolution funded programs in the interim, as a result of the Cohelan amendment, at the level of the House-passed H.R. 13111. This continuing resolution the President signed.

Mr. MICHEL. Mr. Chairman, I decline to yield further.

Mr. Chairman, so far as title I of ESEA is concerned, the President's original budget for 1970 contained an increase of $103 million on that one title alone. He has now proposed to increase it by another $25 million. And later, on the floor of the House, there were large increases to several of the educational programs. There is no message out to the country that this is the level which everybody has agreed upon and that you can go ahead and spend at that level. The bill was not finalized—the final appropriation has not yet been enacted—that is the very point we are making here.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois has consumed 13 minutes.

Mr. FLOOD. Mr. Chairman, I yield 1 minute to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. McCORMACK).

Mr. McCORMACK. Mr. Chairman, I would like to ask the gentleman from Pennsylvania (Mr. FLOOD) a question.

The conferees on the first Labor-Health, Education, and Welfare bill for 1970 recognized a serious situation in Boston and earmarked $2 million of construction funds for schools of nursing to help in the correction of that situation there.

This appeared on page 10 of the statement of the managers on the part of the House. I have looked carefully at the report on the new bill and find no reference to this matter.

Will the gentleman from Pennsylvania advise me or give us any indication in connection with the new bill as to whether or not it is the intent to leave this earmarking in the bill?

Mr. FLOOD. Mr. Chairman, I am happy to be able to tell the distinguished Speaker of the House that there was absolutely no intention of dropping this earmarking. It will be expected that $2 million of funds included in the new bill will be reserved for this purpose.

Mr. McCORMACK. I thank my friend.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the gentlewoman from Illinois (Mrs. REID).

Mrs. REID of Illinois. Mr. Chairman, as promised in his veto message on the Department of Labor-HEW appropriation bill, President Nixon sent a letter to the Congress in which he set forth his recommendations for adjustments in the difference between his budget and the bill passed by the Congress which had exceeded his recommendations by about $1.3 billion. In this letter, he proposed a compromise—adding some $449 million to his original request. In the education field, this would provide more money for federally impacted areas; for basic vocational education grants; for additional grants to States for support of supplementary school services; for public library services, training of teachers, and research and training of the handicapped.

For health services, it would provide additional funds to strengthen medical schools and other institutions training persons to be doctors, dentists and nurses—also, more money to intensify health research in high priority fields such as cancer, heart disease and strokes, to accelerate the acquisition of rubella vaccine, to expand support for alcoholism treatment and rehabilitation, and to strengthen the food and drug program.

President Nixon's proposal provided the basis for consideration by our committee of a new bill and we held many meetings and gave very careful consideration to innumerable suggestions. The results of our final determination are contained in the bill before us today—H.R. 15931—which is some $500 million more than the President's proposed compromise.

I need not remind you that this bill is for the fiscal year that began nearly 8 months ago—on July 1, 1969—and in my opinion, there should be no further delay. The President's proposal seemed to me to be a reasonable approach to provide the funds necessary to support our schools and health programs and I personally feel that we should have adhered more closely to it. As I have stated previously, I feel—as the President does—that all of these programs have worthy goals and objectives; and it would be wonderful if we had unlimited resources to deal with all of them at once. However, in my judgment, keeping firm control of the Federal budget right now is

a necessity if our dangerously high inflation is to be checked. And if inflation is not brought under control—education, health services, and every other important governmental program will suffer because tax dollars will buy less and less, and tax bills will go up and up.

Although the amount included in H.R. 15931 is more than the President's recommendations, I believe this bill could be acceptable to all concerned if the language we added in section 411—which gives Mr. Nixon the same discretion in determining the amount to spend under education formulas that he now has with respect to almost all other appropriated funds, is retained. Without such language, because of past rulings, we would be imposing a responsibility on the executive branch to spend money in the latter 4 months of this fiscal year which would be inconsistent with plans for fiscal year 1971 and inflationary.

As a member of the Subcommittee on Labor-HEW Appropriations, I feel that we worked out a reasonable compromise to this very difficult situation. We provided the appropriations which would assure the funds necessary to provide for the needs of the Nation in education and health—and it can be done within the framework of an anti-inflationary budget if the language in section 411 is retained. Contrary to the fears expressed by some, no schools will be closed, and other programs will go forward. I would hope that there will be no funds added to our committee's bill which as I said is about $500 million more than the President's compromise. I think it should be emphasized that this is actually a compromise to a compromise within itself. Also, if the language in section 411 is not retained, I would hope that appropriate language will be included in this bill which would permit the President some measure of flexibility to limit expenditures consistent with his concern for the judicious use of public funds.

Mr. FLOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I take this time to ask a question of the ranking minority member of the committee, the gentleman from Illinois (Mr. MICHEL). Will the gentleman be good enough to advise the House, including myself—and I point out that our Subcommittee on General Education, of course, the jurisdiction over the authorizing language of this bill—at what point is the President going to start paying out to local school districts the amount of money that we agreed to in the continuing resolution?

We are now in the eighth month of operations under a continuing resolution. In November the price of getting this resolution continued was the inclusion of the Joelson-Cohelan additional funds for local school districts. That was passed in November, and the President signed it into law. As far as I know, continuing resolutions have the same color of law as an appropriation bill, and any amendments thereto have the same color of law.

The Attorney General has told the President that he has to veto the appropriation bill we sent him because the expenditures in the appropriation bill, approved by this House and the Senate and sent to the President, were mandatory.

So the President, after he got this decision from the Attorney General, went on television and said he had to veto this bill because under provisions of the act, he must spend this money. The President said he did not want to spend the additional appropriations because this would be inflationary.

So now, if the President has been told by his Attorney General that he must spend the money in the appropriation bill, why would it not follow that he must also pay out to the local school districts the additional money as provided in the continuing resolution as of the 1st of November? The Secretary of Health, Education, and Welfare went before the Rules Committee the other day and told the Rules Committee they are not paying out at the rate of the Joelson-Cohelan additional funds voted by the Congress and signed by the President on November 1, because he said it is a very controversial issue. But the fact of the matter is, it is the law, passed by the House and passed by the Senate and signed by the President.

I would like my colleague, the gentleman from Illinois, to tell me under what rules and procedures is the President refusing to send to these local school districts the additional money they are entitled to by the Joelson-Cohelan amendments?

Mr. MICHEL. Mr. Chairman, I think the gentleman should more properly address his question downtown to the administration officials. The gentleman is in the same branch as the gentleman asking the question.

As I said in an exchange with the gentleman from Kentucky (Mr. PERKINS), with respect to what specific obligation the administration or any Executive for that matter has, it would be my opinion that certainly by the end of the fiscal year, when they have to balance the books, they have to be in keeping with the law.

Mr. PUCINSKI. Would the gentleman agree with me on this? I have suggested to the school boards all over the country, which are now faced with early shutdowns because they will run out of money, that they file a mandamus action against HEW to get the money they are entitled to. Would the gentleman agree on that?

Mr. MICHEL. It is conceivable that is a course of action, of course.

Mr. PUCINSKI. Let me ask the gentleman another question. Assuming that 411, the discretionary language the gentleman is sponsoring, is not put into this bill—and the prospects are very good that it will not be included in this bill in this Chamber—the Secretary has indicated the President will veto this bill if it goes to him without the discretionary language the gentleman from Illinois is sponsoring. That means again we will not have an appropriation bill. The clock is running. By next weekend the present continuing resolution expires. Is the gentleman suggesting perhaps that if the President vetoes the bill again, we are just going to come to a standstill—because I am sure we are not going to get another continuing resolution through this Congress, and the President himself has indicated he would veto any further continuing resolution.

This is the kind of mess the 35,000 school districts find themselves in at this late date. I wonder if the gentleman could elaborate what happens if the President vetoes this bill?

Mr. MICHEL. I would suggest if the gentleman and some of his colleagues would hold down discussion to a minimum, we could dispose of this bill today and move it over to the other body.

Mr. PUCINSKI. I know the gentleman would like us to hold discussion to a minimum to conceal what is in this package, but I want the gentleman to tell us this, if the gentleman's discretionary language is put in the bill.

Mr. MICHEL. If it stays in the bill, the gentleman means. It is already in the bill now.

Mr. PUCINSKI. How much does the gentleman believe the President will withhold from the package on impact aid money to the districts?

Now, how much money are the people of this country going to save on impact aid if this discretionary language remains in the bill? Would the gentleman tell the House that?

Mr. MICHEL. The President proposed to spend at the level of $440 million. With the language with respect to impact aid there is a distinction between the A and B categories. The President has also said that no school district would have to suffer more than a 5-percent loss from the spending level of 1969.

Mr. PUCINSKI. All this language, including the language given by the Secretary the other day before the Rules Committee, is involved. The Secretary said that if this discretionary language is left in they expect to spend the impact money in the districts of greatest need.

I should like for the gentleman to tell this House, and particularly those who intend to support him, how many school districts in this country have already budgeted through the end of this school year, and how many of those districts are not going to get the money they have a right to expect to get? The 95-percent formula cannot work, if the gentleman is correct and sincere in the other statements he is making.

How many school districts in America will not get the money they expected under the discretionary language the gentleman proposed in this bill?

Mr. MICHEL. I do not have the specific number, but I say again that the President made his address to the American people. The commitment is there. Admittedly there will not be as much spent as before. The gentleman, I am sure, is one of those who agree the program ought to be changed.

Mr. PUCINSKI. Right.

Mr. MICHEL. He cannot have it both ways. The gentleman raised a question as to whether or not those who are in

the greatest need ought to have the money. I say they should. In fact, the administration says the category A ought to have 100 percent of entitlement. We have not given it to them yet, all through the Johnson and Kennedy years.

Mr. PUCINSKI. My subcommittee will start hearings on this whole impact business.

Mr. MICHEL. If the gentleman's committee had given us an authorizing bill we would not have to move ahead on an appropriation bill.

Mr. PUCINSKI. I want the gentleman to tell this House—not me, but this House—how does he expect the school districts all over this country who have budgeted this money——

Mr. MICHEL. The gentleman makes an assumption that they are all cranking this into this year's expenditure. That is not the case.

Mr. PUCINSKI. I want the gentleman to tell this House and to tell these Members who will have to shut down the schools early this year——

Mr. MICHEL. They are not going to have to shut down any schools. The President made that clear. It would be unconscionable for us to be here supporting a proposition to close any school in this country. This is just a smokescreen.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield me 1 minute?

Mr. FLOOD. Mr. Chairman, I yield 1 more minute to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, it should be very clear from this dialog that the smokescreen is on that side of the aisle. They come before this Congress and they say, "We vetoed this bill because it is inflationary and we are going to save a lot of money." So they vetoed it. And they upheld the veto.

Then they have said now, "We are going to come in here and we want this discretionary language, so we do not have to spend all this money, and we will take the bill with the discretionary language."

Now the gentleman tells us that the discretionary language does not mean anything.

Mr. MICHEL. I did not say that at all.

Mr. PUCINSKI. That the school districts, those districts which need money more than the richest districts in America, who are going to be taken care of by the President, the title I children, the children we are trying to give compensatory education to bring them up to level, they will be the ones who will suffer the reduction.

It should be perfectly obvious whatever is happening on the other side is nothing more than a smokescreen. I would hope somewhere along the line we could get the true story.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 minutes.

The gentleman is altogether wrong here. As a matter of fact, I made a point a little while ago that the President proposed an increase in title I in the 1970 budget. It is ridiculous to try to characterize him as fattening up already fat school districts at the expense of any others. The exact opposite is true. If the gentleman knows so much and has so much knowledge, would he kindly give me one or two districts now that will be closing? Where are they? You seem to have a whole list of them over there. Where are they?

Mr. PUCINSKI. All over the country.

Mr. MICHEL. All over the country. Why do you not name them? Why do you not submit a list for the RECORD, then?

Mr. PUCINSKI. In Chicago we were expecting $3.5 million and we budgeted for it.

Mr. MICHEL. Have any of them closed yet?

Mr. PUCINSKI. The school term has not ended, but when the money runs out around the 1st of June, then they will be closing up.

Mr. MICHEL. Sure. If we do not pass this bill, the whole country will go to pot. But the longer the gentleman delays and uses dilatory tactics and talks in a manner that is just good for a good campaign argument, the longer we will be in difficulty here.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am glad to yield to the gentleman.

Mr. COHELAN. There has been a lot of conversation about section 411. Does not the gentleman from Illinois agree with me that this is subject to a point of order and that a point of order will be made against section 411 this afternoon and, therefore, the gentleman will proceed under that legislative and parliamentary situation with whatever he proposed to do? What I would like to know is what you propose to do so that we can intelligently criticize, if we indeed have criticism of your proposal.

I want to say this further: I thoroughly agree with the gentleman that there is no reason why we cannot dispose of our business today, because, as far as any of us are concerned, the issues are well understood here. It is merely a question of joining the issues. As far as I am concerned, that is the way I look at it. I believe my colleagues and others would join me in that idea. So, those of you who want to get through this afternoon, let us get about our business of defining the differences. I do not know what you will propose, and maybe we will be for you on some of these things if we do know.

Mr. MICHEL. If the gentleman would permit me to say so, as a matter of fact, I do not know altogether for sure at this point what I will propose, because, as I indicated earlier, the bill is open to amendment at any point and to the extent the bill is amended I have to leave my options open. But I would suspect the simplest form would be a motion to recommit, which would be something in the form of a limitation.

Mr. COHELAN. Will the gentleman yield further?

Mr. MICHEL. Yes.

Mr. COHELAN. I wonder if the gentleman is aware of the fact that to the best of my knowledge the only amendment to be proposed on money will be an increase in impact aid amounting to $80 million. Otherwise we will be standing with the committee bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I do not happen to be for section 411, but quite another matter has been raised here. It is as to the fault for the delay and as to local school districts relying on money that was in the continuing resolution. I think it is pertinent to point out at this point that we passed this bill originally on July 31. It languished in the other body for 5 months. In the interim, instead of the lobbys and some of these people who are waving their arms and talking like friends of education trying to get the bill through, they were over here trying to get a continuing resolution amended. The members of the subcommittee said at the time that the amendment was meaningless and would not put 10 cents in the coffers of any local school district. Now they are trying to tell us that the Chicago school district and others relied on some speeches which claimed they would receive more money as a result of the amendment to the continuing resolution. I cannot believe that any local school district was so naive as to believe that they could rely so much on a speech made on the floor of the House of Representatives by two or three people that it was tantamount to a check that would be coming from the Treasury. I have been around school boards for a long time and, as a matter of fact, prior to coming to Congress, I was the attorney for several. I know that they wait to see the color of the money before they draw checks and budget the money for schools. So the blame for delay is on those who have been talking this way and engaging in meaningless oratory on a meaningless resolution instead of going to the other body and getting the bill out so that it would be enacted into law. And they were told at the time, that their action would not provide 10 cents more to any local school district.

Mr. MICHEL. I thank the gentleman for his contribution.

I know of no school districts in any area that will be without funds as a result of this bill.

At this point, Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, I would like for a moment or two to direct your attention to section 410 which appears on page 61 of the bill. That is a freedom-of-choice amendment which I offered in the committee. It was adopted by a vote of 28 to 13 with four not voting.

Mr. Chairman, the only criticism I have heard of this amendment—and, actually, I frankly cannot see how anyone could criticize the exercise of freedom of

choice because that is what this country was built upon—freedom—and every day we take pride in the various choices we have as free-born American citizens. But I have heard the argument made that the language of this bill would take away from the local school boards their statutory authority to assign students on the basis of geography and other reasons other than race or color.

So, at the appropriate time when the bill is read for amendment, and in order to make it crystal clear that there is no intention on the part of the author of this amendment to have it take that effect, I will offer a perfecting amendment following the word "student" on line 9 to include, "because of his or her race or color," in order, as I say, to make it crystal clear that what we are saying here is that freedom of choice should not be denied any schoolchild because of his race or color.

Now, Mr. Chairman, it is important, in my opinion, that we take a stand today for freedom of choice. My attention is attracted to this situation particularly because of the situation that has arisen in my own district in Charlotte, N.C. The Charlotte case has been discussed in the papers quite a bit recently, along with the Los Angeles case.

I am informed that the order of the judge in the Charlotte case would require the transportation of 23,000 additional students around the county, many of whom would have to be cross-bused from one end of the city to another.

I am further informed that it would require the purchase of 525 buses in addition to those now operating in order to transport these children. It would require the cross-busing of 5,000 inner city students to the suburban schools and the busing back of that number to the inner city schools.

These buses are impossible to obtain, I am informed. They would cost, if they were available, $3 million to purchase. This seems to me to be a clear example of what we were trying to say Congress is opposed to in the Civil Rights Act of 1964 when we undertook to deny the busing of students to create racial balance.

It seems to me that this decision flies directly in the face of the pronouncements of Congress made in that act and imposed on appropriation bills in the Whitten rider, or amendments imposed upon several occasions. In order to bring the matter into focus and to have another clear-cut expression of the view of Congress that freedom of choice ought not to be denied students on the basis of their race or color, I propose this amendment, and after it is perfected, when we are reading the bill for amendment, I would urge my colleagues to vote to retain the amended amendment in the bill. And let us say to the country and to the world, and to all who will listen that, so far as the Congress of the United States is concerned, we believe in freedom of choice, and we do not believe any student should be denied the opportunity of attending any school of his choice just because of his race or color.

Mr. HOGAN. Mr. Chairman, I am not in favor of this provision permitting any parent or guardian the freedom of selecting the public school of his choice for his child to attend. I can well imagine the confusion and havoc which would result to further interfere with the education of our children.

While I am vigorously opposed to segregation, I am equally opposed to the busing of students to artificially achieve balance.

I was very interested to hear the comments of the gentleman from North Carolina relating the tremendous expense which the city of Charlotte will have to incur in order to comply with the HEW-imposed plan which will require the purchase of additional buses at a tremendous cost. Prince Georges County, Md., in my own district, is faced with a similar situation. HEW officials have foisted upon this school system a plan of integration which is extremely unrealistic and costly and will require extensive funds to be used for busing which should be used to educate our children.

Mr. ALBERT. Mr. Chairman, now that the House and the Appropriations Committee have had a chance to study the President's counterproposal on the 1970 Labor-HEW appropriation bill which he vetoed on January 26, we are in a position to go behind the rhetoric to the substance of the problem.

I should like now to make the points which I would have made much earlier if the three TV networks had not refused my request to appear following the President's broadcast on January 26. In his broadcast veto message and his written message the following day the President objected to the school money in H.R. 13111 on four grounds:

First, the bill was inflationary;

Second, the money was being appropriated too late;

Third, the money for education programs was for the wrong programs, especially impact aid; and

Fourth, the spending was mandatory.

I should like to take up each of these points briefly.

On the matter of inflation, it is clear that this is not really relevant. As the Wall Street Journal has pointed out, some expenditures are inflationary in the President's view and others are not. Within the last 2 weeks the White House has indicated, I am happy to say, that the $600 million which the Congress voted for water pollution control over and above the administration budget recommendations will be spent. This obviously was not inflationary. Now the President says he is willing to spend $470 million for education programs above his 1970 budget. This, again, is apparently not inflationary. He is predicting a surplus in the 1970 accounts of the Federal Government. The Appropriations Committee has tried to meet the President part way, and has brought in a new bill which is only $244 million above the President's revised proposals and $445 million below the vetoed bill.

LATE APPROPRIATIONS

On the question of late appropriations, it is true that the 1970 appropriations bills, and especially the vetoed Labor-HEW bill, were seriously delayed. At least 3 months of the delay were attributable directly to the new administration, which did not get its revised budget estimates to the Congress until April 15. It should be pointed out, however, that the President has had power under continuing resolutions since November 13, 1969, to spend on an interim basis the appropriations in H.R. 13111 at the level which passed the House on July 31. But he has authorized the expenditure of funds on an interim basis, but only at the level of his budget estimates for the Office of Education—$3.2 billion rather than the $4.2 billion authorized in the continuing resolutions. Thus, we are not talking about trying to spend $3.9 billion in the second half of the school year but merely to spend somewhat more in the second half than has already been spent for the first half. Education appropriations have been late for the last several fiscal years, and the schools are used to spending their own money through the first half of the academic year while waiting for Uncle Sam to pay his bills in the second half. For the last 3 fiscal years the Bureau of the Budget did not release funds to the Office of Education until the last week in December for fiscal 1967, January 16 for fiscal 1968, October 30 for fiscal 1969.

THE "WRONG" PROGRAMS

On the matter of the Congress appropriating for the "wrong" programs, this is a normal difference of judgment as between the Executive and the Congress. The President recommends, and the Congress, after extensive hearings, makes up its mind and legislates. The President picked out for special criticism the $400 million which the Congress appropriated on H.R. 13111 for "impact aid" above the $200 million in his budget. He did not mention the fact that there had been appropriated $525 million for fiscal 1969.

There has been a lot of loose talk about "pork barrel" in relation to the impact aid program, and criticism that the money was not going into the poorest counties in the United States. The program was never designed to do anything but to make up to local governments the taxes they were losing because of the Federal installations in their areas. Now, after his criticism of the program on nationwide TV, the President comes back and says he is willing to provide $225 million more for impact aid, almost half of the total of $470 million more for all education programs which he is offering. This amount is not enough to bring the impact program up to the 1969 level, and unless that is done there will either be massive tax increases in some districts, or schools will have to lay off people before the end of the second semester. It should be noted also that in his 1971 budget the President is proposing $425 million for impact aid as compared to the $200 million which was in his 1970 budget.

MANDATORY SPENDING

On the question of mandatory spending, there was nothing in the language of H.R. 13111 which was any different than the appropriations bills for previous

fiscal years. The President's own lawyers then gave him legal opinions stating that he has no power to withhold funds for the "formula programs" which make up the bulk of Federal education appropriations. The President has now demanded specific legislative authority to withhold funds for these formula programs. To grant the President any such authority would in effect give him an item veto, which is not provided in the Constitution. This authority would in some ways be worse than an item veto, if such were ever provided by constitutional amendment, because there would be no automatic vote in the Congress to override with respect to the funds which would be withheld. I am glad that the President's legal advisers have given him the advice they have. The Congress, however, cannot surrender its constitutional powers to appropriate. To grant the President's request for discretionary withholding authority would constitute a massive shift in the constitutional balance of power as between the executive, the judicial, and the legislative branches of the Government in favor of the Presidency. I do not believe this House would wish to take that kind of grave historical misstep.

The House, after knocking out any authority for the President to withhold funds, should approve the amounts in H.R. 15931 so that we can finally finish with fiscal 1970 and move on to consider next year's appropriations.

Mr. Chairman, I include a table on Office of Education appropriations:

Office of Education appropriations

Fiscal year 1968	$4,006,418,000
Fiscal year 1969	3,617,400,000
Revised budget 1970	3,197,634,000
House bill 1970 (H.R. 13111)	4,222,889,000
Senate bill 1970	4,540,724,000
Conference action	4,276,117,000
Nixon compromise	3,595,384,000
New House bill (H.R. 15931)	3,935,634,000
Increase over budget	738,000,000
Increase over Nixon compromise	340,251,000
Increase in total Labor-HEW Bill (15931) over Nixon compromise	244,000,000

Mr. CLAY. Mr. Chairman, I rise to state my strenuous objections to those sections of the appropriation bill now before us which constitute a flagrant violation of law and an outrageous attempt by those who wish to enforce their distorted view of order upon another generation of black Americans. They state, Mr. Chairman, that they have run out of patience, that they will not tolerate any further the abuses perpetrated upon their children by the Civil Rights Act of 1964 and by numerous court actions. They state, Mr. Chairman, that their children deserve a decent education and that they have the right to choose how, when, and where that education will be structured and conducted. They say, Mr. Chairman, that they will not sacrifice their children to equal opportunity for all, and, in so doing, embrace the disease of hatred—their action, in effect, says they will not extend the opportunities of education to all.

May this serve notice on those who have not yet listened to the message—that black citizens have run out of patience, that our children have been historically abused and degraded by the refusal of the southern power structure to recognize our rights to equal education, that our grievances have come before the courts and the Congress—and that this Nation has by law upheld those grievances and issued mandates that racial segregation imposed by those who would deny our birthright will no longer be tolerated. This Congress, in good conscience and in justice, Mr. Chairman, cannot sacrifice black children to those who refuse to acknowledge or to respect the law of the land.

For 15 years, the South has played a successful delaying action against all integration orders. They believe that they can persevere and ride out the wave of civil rights law. But their stated objectives, archaic and racist, no longer meet the needs of this contemporary society—and this Congress cannot stand silently while lawbreakers attempt to set up second-class citizenship for 10 percent of our population because of color.

Southerners say it is not the objective—but the means of effecting school integration which they are fighting. This is a poor argument against the reminder that they have had 15 years since the first Court decision on school integration—that they have been requested over the past 6 years to submit their own plans for integrating their schools—that of 300 desegregation plans negotiated by HEW which took effect in September 1969, fewer than 10 of those plans involved any increase in busing—that this final Court mandate comes only after these States failed to show any good faith with the law, with Federal regulation or directive.

The Supreme Court has called for "meaningful" progress in desegregation of our schools—and after witnessing only contempt rather than cooperation with the law—the Court has spelled it out. Frustrated by their inability to find an audience for their views within the courts, the South has turned to the Congress and to the general public requesting sympathy for their racist views. And Commissions having told us that this is a "racist" society, there is too much danger that justice will be sacrificed to the popularity of injustice.

We take no issue, Mr. Chairman, with the claim that we cannot change the hearts of man through law. Let me make clear that black citizens are prepared to live with the hatred of racism—but we are not and never shall be willing to live with less than equality under law. We realize you cannot legislate love—but this Government cannot subsidize or finance with all the taxpayers money—programs designed by haters for the purpose of denying the constitutional rights of others.

Freedom of choice—when it exists for the white racists at the expense of the future for black citizens—is not only immoral but has been determined unconstitutional. When this body of the Congress can rationalize its action on contrived moral grounds, rightfully we should wonder how there shall ever be law and order in this land, or how, indeed, there shall ever be brotherhood among men.

Mr. COHELAN. Mr. Chairman, the Jonas amendment, section 410, is a disastrous addition to the traditional Whitten amendments. The Jonas amendment goes far beyond anything the House has contemplated today. The effect of the Jonas amendment would be to force all schools to accept the "freedom of choice" provisions before local school districts could receive Federal money. It is my opinion that the implementation of this provision would only serve to severely cripple those efforts that school districts are making to attain court-ordered desegregation. In addition, the broad sweeping language could be interpreted to nullify those voluntary attempts of local school boards that are aimed at ending the last vestiges of racial discrimination.

Mr. Chairman, think of the chaos if such a rule were implemented. Parents could place their children wherever they wanted. Parents could refuse to follow their elected school boards.

Although the side effects of this are alarming, it is the visible intention of these amendments that is of concern to me. What this amendment seeks to do is to establish the freedom of choice as the only acceptable means to court-ordered desegregation. The Supreme Court, in Green against New Kent County on May 27, 1968, already ruled that freedom of choice plans could not interfere with court-ordered desegregation.

There are other important considerations. Freedom of choice has been tried in the South with only marginal success. From 1954, the year of the Brown against Board of Education decision, the number of black children in previously all-white schools rose to only 14 percent until the 1968 Green decision. After that decision the rate picked up to 6 percent a year.

Just last fall the Supreme Court ordered immediate desegregation in those school systems under court order. Now we are asked to accept this amendment that is manifestly unconstitutional.

Mr. Chairman, we cannot regress in this area. I urge the adoption of the amendment offered by the gentleman from New York (Mr. ROBISON).

Mr. BLANTON. Mr. Chairman, I want to go on record as fully supporting the appropriation bill for fiscal year 1970 of the Departments of Health, Education, and Welfare and of Labor. I have always voted for the maximum Federal effort in aiding our public school system.

I vigorously oppose any effort on the part of those who would reduce the funding of this appropriation bill, just as I opposed the President's veto of the last HEW bill because he thought it was too much money to spend on our school children.

I also want to particularly endorse the Whitten amendments of this bill—sections 408 and 409. We have tried for several years, Mr. Chairman, to put the full weight of Congress behind the efforts of those who want to further quality edu-

cation throughout the Nation. Passage of Whitten amendments, as incorporated in this bill, would prohibit the Federal Government's withdrawal of Federal funds from school districts which refuse to bus little children from their own neighborhoods to distant places just because a small clique of pseudointellectuals feel a certain, dubious racial balance must be had before children can achieve a quality education.

Mr. Chairman, opponents of our efforts to prohibit busing of school children, try to cast the image of segregationists upon us. Yet the widespread support these efforts have had from all sectors of the Nation, and all sections of the country, make their argument rather ridiculous. What is at issue here is the neighborhood school, which is the traditional system of education in our country—in all parts of the land.

With the passage of the Stennis amendments in the Senate, it appears as if we are at the threshold of stopping the alarming trend toward the destruction of our school systems. I firmly believe that, unlike last year, the Whitten sponsored sections of this HEW bill will meet approval by the Senate.

I, of course, oppose the Cohelan amendment, which is a guise to make the Whitten section completely ineffectual. I oppose any attempt to water down the full intent and authority of these sections which would prohibit the Government from forcing school districts to bus children across town like animals. I also support the efforts by my colleague the gentleman from North Carolina (Mr. JONAS), which would extend the philosophy behind the Whitten amendments to prohibit the Government from legal action against parents who refuse to allow their children to be bused.

Mr. FREY. Mr. Chairman, many of my colleagues who have addressed the House or who will speak on this highly emotional subject are somewhat prejudged because of the area of this country they represent. I have had a somewhat unique opportunity to view our school crisis from both sides of the Mason-Dixon line. I was born in New Jersey and attended public schools there. I was graduated from Colgate University in New York State and from the University of Michigan Law School. There can be no question of my "Yankee" background. On the other hand, my home is Florida. Three of my four children have been in the public school system of that State. There can be no doubt of my southern background.

In my opinion, based on the opportunity I have had to live in diverse parts of this great Nation, the school crisis is not a southern problem but a national problem. Segregation, in many forms, still exists in virtually every part of this Nation—not just the South. The South, because of the past, has become the whippingboy. The professional do-gooders have pointed to the South while ignoring what is happening right around them.

This is not to say that we should, or have the right to, ignore our problems in the South. It is to say that all laws should apply nationwide. The people of my district have accepted over the years the principles of the 1954 Supreme Court case regarding desegregation. Admittedly, many were not happy about this ruling, but the law of the land was obeyed. For instance, in my largest county there were only 11 black or predominately black schools remaining of the 98 schools in the system as the 1969–70 school year began. The new plan upheld by two Federal courts would result in only three predominately black schools remaining. We have not and are not playing games.

The recent series of Supreme Court and Court of Appeals decisions have strayed a long way from the 1954 Brown case. The question we face today is not one of segregation or integration. That has been decided. The question we face today involves the viability of our education system, our children and our basic rights. A man has a right to live where he wants, regardless of race, creed, or color. Conversely, should it not also be true that a man has a right to send his children to the school in his neighborhood or a school of his choice? Busing children across town to achieve some artificial balance is to destroy this basic right.

I am sick and tired of people continually placing adjectives in front of the word "American" or "children," adjectives such as black or white, northern or southern. I am sick and tired of courts that seem more concerned with statistics than the children they represent. I am sick and tired of individuals who refuse to recognize and solve problems in their own section of the country, but offer "solutions" for everybody else.

We must put this problem in the proper perspective, its national perspective. We must be concerned with the rights of all people involved and the end result we desire, that all men—regardless of race, creed, or color—have an equal chance at the starting line.

Only this week the Fifth Court of Appeals in New Orleans approved a modified freedom-of-choice plan in my district for Orange County, the school system I referred to earlier. Had this plan not been accepted, the school board would have been faced with the problem of finding $1,480,000 for costs involved in busing 5,700 students all over the country. This case is obviously a landmark decision.

By passing this bill as submitted, without amending sections 408, 409, and 410, we can reinforce this new direction of the courts. By passing this bill we can say that we oppose segregation, but at the same time recognize the right of Americans to attend their neighborhood schools or the school of their choice. By passing this bill we can say we do not believe in busing across town and county to achieve racial balance. These rights are not northern or southern. These are our rights as Americans.

Mr. STEIGER of Wisconsin. Mr. Chairman, the debate in the House of Representatives today is one we have confronted before. While the amendments we considered to sections 408 and 409 of the HEW-Labor-OEO appropriations bill are those which have been debated before, the amendment relating to section 410 is new.

I support the effort to remove this new section. It would effectively strip the Department of Health, Education, and Welfare of its authority to adopt and implement effective desegregation measures because it requires the Department to adopt nothing more than freedom-of-choice desegregation plans for the purpose of meeting the nondiscrimination requirements of the law.

Courts in this country have ruled that what is euphemistically known as freedom of choice may not always be constitutionally permissible in terms of providing equal educational opportunity. Thus, this section ought to be stripped from the bill and ought not be a part of the law of the land.

Having said that, Mr. Chairman, let me also state my own very real fear that this Nation faces an educational crisis in the efforts of the courts and some in the executive branch of the Federal Government to apply social theory to mandate racial balance.

If the State court decision in Los Angeles stands, and it becomes adopted by the Federal courts including the Supreme Court, a confrontation of major proportions will surely come.

It is not enough for us to point a finger at the South as being alone in segregation. School districts in the North have, by gerrymandering district lines, created segregated school districts which are not related to neighborhood schools. Whether in the North or the South, the law of the land ought to be applied. But the question that must be raised is whether the law of the land has led us to artificial integration as compared to effectively breaking down de jure segregation. The debate in the other body on the so-called Stennis amendment typifies the unfortunate confusion and crassness of this Nation's efforts to grapple with relationships between the races.

Breaking down the pattern of neighborhood schools or attempting to desegregate by massive moving of pupils is neither constitutionally or educationally sound. Any effort aimed at artificially breaking down patterns of de facto segregation will, in my judgment, fail. Artificial balance assumes that a group with which balance is supposed to be achieved will remain in place to keep that balance. As long as opposing parents are able to move their children from one school to another, public or private, or as long as they are able themselves to move from one house to another, this kind of effort will not succeed.

Alexander Bickel in a thought-provoking article in the New Republic of February 7, 1970, correctly uses the term resegregation. That is exactly what results from efforts to provide racial balance by court or executive fiat. Through efforts to desegregate in this way we have created a situation characterized by anger, torment, and a seriously declining quality of education.

Any provision of law in this country which provides for segregation is wrong. Still let us not be confused by an effort to put the monkey on someone else's back by suggesting that for whatever causes we must always move exactly in the same way in both the North and the

South. This is not the case. On the other hand, while I do not favor the idea of going beyond ridding ourselves of the patterns and practices of de jure segregation, if the courts and the executive branch go beyond breaking down these patterns, they surely ought to do so equally in the North and South alike.

The concern we must all have relates to the education of all young people in this country. Alexander Bickel in his article quite clearly and accurately describes the problems we face:

> There must be a better way to employ the material and political resources of the federal government. The process of disestablishing segregation is not quite finished, and both HEW and the courts must drive it to completion, as they must also continually police the disestablishment. But nothing seems to be gained, and much is risked or lost, by driving the process to the tipping point of resegregation. A prudent judgment can be distinguished between the requirements of disestablishment and plans that cannot work, or can work only, if at all, in special areas that inevitably feel victimized.
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> There are black schools all over the country. We don't know what purpose would be served by trying to do away with them, and many blacks don't want them done away with. Energies and resources ought to go into their improvement and, where appropriate, replacement. Energies and resources ought to go into training teachers, and into all manner of experimental attempts to improve the quality of education. The involvement of cohesive communities of parents with the schools is obviously desired by many leaders of Negro opinion. It may bear educational fruit, and is arguably an inalienable right of parenthood anyway. Even the growth of varieties of private schools, hardly integrated, but also not segregated, and enjoying state support through tuition grants for blacks and whites alike, should not be stifled, but encouraged in the spirit of an unlimited experimental search for more effective education. Massive school integration is not going to be attained in this country very soon, in good part because no one is certain that it is worth the cost. Let us, therefore, try to proceed with education.

I hope that the House of Representatives will not fall prey to pointing a finger at one section of the country or another in adopting legislation to provide funds for education, health, manpower training, and the Office of Economic Opportunity. We must all bear a part of the responsibility for the breakdown of quality education, be it in the North or South.

If our concern is education, as I believe it should be, then let us not move in the direction of imposing by a law of this Congress, a breakup in our neighborhoods or the deterioration of education for all citizens of every race, color, and creed by attempting to artificially create balance of students, parents, or teachers.

Mr. OTTINGER. Mr. Chairman, today we are faced with yet another public test of our priorities and our judgment as to the direction we want this Nation to take in the coming years. This latest version of the Labor-Health, Education, and Welfare appropriation, H.R. 15931, proposes 1970 expenditures of $19.4 billion for those Government agencies with the responsibility for virtually the entire range of domestic programs that are vital to America's future.

While the Appropriations Committee has in H.R. 15931 exceeded by $365 million, the level of expenditures that the President announced he would find acceptable, it is $445.6 million below the level passed by the House and Senate. And that in my opinion was a minimal figure. We are being asked today to accept a compromise that compromises no one but the schoolchildren of America, the poor, the disadvantaged, the underemployed, and all future victims of heart and cancer maladies, not to mention anyone in need of the benefits of modern hospital facilities and research. We simply must not lose sight of the fact that the appropriation sent to the President, and vetoed by him, on January 26 was already grossly inadequate for a meaningful assault on the problems festering in our society. Nor can we deny that we are being asked today to once again confirm our lack of commitment to our most urgent needs.

Make no mistake about it, Mr. Chairman, this is not a recriminatory clash of wills between a Republican administration and a Democratic Congress. The disagreement goes much deeper than partisan politics. What we are instead facing today is nothing less than a clear test of our vision of the future.

Let us examine the matter of national priorities. On January 26, 1970, the President informed the Nation that he found the $1.1 billion added by Congress to the Health, Education, and Welfare budget to be inflationary and, therefore, deserving of his veto in the public interest. On February 2, 1970, the President transmitted to us his proposed budget for fiscal 1971 which scattered the administration's credibility to the winds. Unless we accept that $4.5 billion in agricultural supports, much of it to millionaire farmers; $4.6 billion for highway construction; $3.4 billion for the space program; and $73.6 billion for defense are absolutely essential expenditures, cut to the bare bones of necessity and not inflationary, the President's veto message 7 days earlier rings hollow indeed. And in the matter of urgent national priorities, there is a $275 million plum thrown into the budget as a subsidy for the supersonic transport, surely a luxury that the American people can afford to forgo in such a period of stringent economies.

And let us not overlook the whopping $1.5 billion outlay for an ABM system that still has not been thoroughly researched, not to mention tested for reliability, and which according to the most credible testimony available will be obsolete by the end of the decade when the Chinese will have the ICBM capability the President wants us to believe we must fear.

Mr. Chairman, lest the Congress be accused of unconcern for the impact of inflation on the people, let me point out that we have exercised our responsibility. In considering the 1970 defense budget we sliced more than $5.5 billion of fat from the President's request and succeeded in lowering it to $69.64 billion. Yet while advancing claims that he is winding down the Vietnam war with a consequent reduction in American expenditures, the President still has proposed to increase 1971 military spending by $4 billion, an increase of approximately 6 percent over last year. In other words, while the administration boasts that war spending goes down, defense outlays go up.

In light of these developments, Mr. Chairman, it is just incredible that the President stalks the spectre of fiscal irresponsibility in the HEW budget. It is rapidly becoming obvious that stringency in health, education, and welfare spending is becoming the hallmark of this administration's anti-inflationary policy along with refusal to take the obvious measures needed in regard to nonessential Government subsidies to turn back the high interest rates, the high prices, and the rising unemployment which are burdening the American people.

Even after the administration's own task force on urban education has recommended an increase of $5 to $7 billion a year in Federal funds for city schools, the President asks us in his veto message if the "$1.1 billion which the Congress added for education go to those who need it most?" As if that is the question. Do $4.5 billion in agricultural subsidies go to those who need them most? And the profits reaped from escalating military contracts? Why is it only when confronted with congressional concern for the schools of America that the administration cautions us to move slowly and be sure that we do not spend money unwisely? The priorities, or lack of them, are obvious.

But, Mr. Chairman, in the revised appropriation before us today, we are being asked far more than to accept $82 million less than Congress previously voted for hospital construction, $23 million less for construction of health, educational research, and library facilities, $97 million less for vocational education, $48.5 million off supplementary educational centers, $35 million less in NDEA, and $160 million sliced off impact aid.

Unfortunate as these cuts are in light of our needs, the most opprobrious aspect of H.R. 15931 is its offer of discretionary authority to the President to spend formula funds in the bill as he sees fit, as long as it is below the level approved by Congress. There can be little question, given the record of this administration, that those cuts will be made, and that the President will by this route circumvent the wishes of Congress and end up appropriating no more funds than he wanted to originally. In his veto message the President specifically asked for such authority, and in so doing requested that the Congress abdicate its historic responsibility.

Mr. Chairman, the authorizing powers that section 411 of H.R. 15931 would surrender to the President will come back to haunt us. It makes a mockery of the prerogatives of Congress and dangerously breaches the separation of powers. I am truly shocked that the Appropriations Committee should intend that we voluntarily abrogate our responsibility to the executive branch, and the charge will certainly be made that this is a move designed to make the so-called freedom of choice amendments in the bill palatable to the President. We need not doubt that the President will be pleased to accept these provisions along with the dis-

cretionary authority to spend funds according to his view of how those expenditures affect the economy. Why should we even bother going through the appropriations process?

Mr. Chairman, I am unaware of any hearings having been held on these amendments, which appears to be a clear violation of House rules against legislating in an appropriation bill. I urge the House to vote down these amendments. What is most urgently needed here, Mr. Speaker, is not a provision to turn the spending authority over to the President, but rather a reaffirmation of a sense of our national needs by this Congress. The shortcomings of our educational system and of our hospital facilities and of our health research cannot be ignored. If the President has failed to communicate leadership and a sense of urgency to the Nation, it is we in the Congress who must fill the void. Until the President avails himself of the credit controls we have granted him, until he recognizes the need to make reductions in special interest subsidies, and until he insists on stringency with the inflated military budget, it is up to us to lead the way. Health and education are the wrong scapegoats, Mr. Chairman, and I urge my colleagues to stand firm and do whatever we can to restore cutbacks in our investment in the future.

Mr. PUCINSKI. Mr. Chairman, I am grateful to the gentleman from Michigan for advising us that he plans to ask for a record vote on the previous question in order to hopefully pave the way for the gentleman from California to offer his amendments again.

Mr. Chairman, I had originally voted for the concept but in watching the various courts hand down their decisions against neighborhood schools, I can no longer support these procedures. It should be obvious that the courts have gone completely beyond their prerogatives in these wide ranging decisions which will destroy America's entire public school system.

All we need to do is look at the mess they have created in California, in Denver, in Oklahoma to see the courts are no longer interested in saving our schools.

The U.S. Supreme Court struck down the separate but equal doctrine years ago but the Supreme Court has wisely stayed away from rulings dealing with neighborhood schools.

Now we see district courts all over the Nation injecting themselves into the neighborhood school systems and issuing impossible orders.

Look at California. Secretary Finch properly stated last week that the California decision ordering the Los Angeles school board to destroy its neighborhood school system by next year is totally indefensible.

Secretary Finch said the court's decision setting up quotas for busing 280,000 schoolchildren will cost Los Angeles $180 million over an 8-year period.

Where is there anything in our Constitution that permits the courts to set up busing quotas for our children?

Where is there anything in our Constitution that permits the courts to break up our neighborhood schools?

Mr. Chairman, I shall vote against any legislation that will break up our neighborhood schools. I voted time and again for legislation which prohibits use of Federal funds for busing children to overcome racial imbalance because I do not believe that is the way to help children—all children—get a better education.

I believe we ought to stop once and for all using children as political pawns in the civil rights hassle and address ourselves to giving all children—black or white—quality education.

Mr. HOGAN. Mr. Chairman, I rise in support of sections 408 and 409 of the HEW appropriation bill for 1970, the so-called Whitten provisions which prohibit the use of these funds to force any school district to engage in the busing of students to a particular school against the choice of his or her parents, and to further prohibit the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to the school district.

While I vigorously oppose segregation, I am adamantly opposed to interfering with the education of children to artificially achieve integration through busing. The primary and vital objective of our school systems is to educate our children. This objective should not be set aside to permit the schools to be used as the battleground for a contest between the opponents and proponents of civil rights.

The Department of Health, Education, and Welfare is, of course, obliged to carry out the Supreme Court's decisions on school integration. I strongly object, however, to their interpretation of these decisions and their methods of complying with them.

When the Prince Georges County School Board acceded to the demands of HEW in late 1969 by accepting a proposal which met the approval of the Federal officials, it was a sad day for Prince Georges County. After a long and turbulent dispute, the school board capitulated to bureaucratic pressure and, with total disregard for the well-being of the students and their education, developed an idiotic scheme which plays havoc with education in the county. It is particularly ridiculous because the racial population figures on which the plan is based are constantly shifting.

Having been embroiled in this dispute since 1968 when HEW's first proposal was presented, I have made every effort to exert influence to arrive at a reasonable and acceptable solution.

The first proposal was withdrawn because it was based on inadequate data. I have met with the parties involved, individually and collectively. I and my staff have attended meetings with numerous Federal and local officials in an effort to resolve this dispute. I have written letters, made speeches, and met with parents, teachers and other concerned individuals. I have called upon the White House to communicate the administration's policies in regard to busing to the HEW officials responsible for devising school plans. The President within the past few days has made clear his opposition to exactly the kind of busing that HEW is requiring in Prince George's County. It is frustrating when faceless bureaucrats are able to completely thwart the clearly enunciated policy of the administration of which they are a part. If the Whitten provisions in this bill prevail and become law maybe—just maybe—we can find a way to force these bureaucrats to obey the law and restore some measure of sanity and tranquillity to our school systems.

When the HEW regional office in Charlottesville, Va., issued an ultimatum to the Prince George's County School Board in April of 1969 to integrate all schools in the county or lose all Federal aid, I vigorously opposed the proposal because it could not be implemented without busing. The local school system felt it could not bear the brunt of a loss of some $12 million in Federal aid so the board of education agreed to the demands of HEW. Their action closed one chapter and began another. The plan is being challenged in the courts by concerned citizens.

One of my fundamental and often stated objections to the HEW plan is that it responds only to a short-term problem, and very short term at that. Drawing up a busing plan on the basis of black-white ratios today does not even solve the problem for next year, when the rapidly changing housing patterns will recreate racially unbalanced schools. To conform with HEW's logic, a new busing schedule will be required next year, and another the following year. It is not hard to envision children attending a different school each year.

The long-term problem is the underlying social malignancy of racial prejudice. We must solve the overriding societal problem of eradicating the all-black neighborhoods and the flight of the whites deeper into suburbia, rather than gloss over this problem with a short-term school desegregation proposal. We must solve the problems of the communities, of housing, of job opportunities, as well as the problem of integrating our educational system.

As I said before, I am opposed to segregation and I hope I will live to see the day when every American can enjoy the freedom of equality. It would be sadly ironic if the major weapon with which to fight racial prejudice—education—was destroyed by those carrying the banner of equal rights for all.

As a concerned parent, teacher and citizen, I urge my colleagues to join with me in retaining sections 408 and 409 of the bill before us.

Mr. RANDALL. Mr. Chairman, much has been said, with some listened to, but more not listened to concerning H.R. 15931. For that reason I shall limit my remarks to stating for the record that if there is a parliamentary move for a rollcall vote when moving the previous question it should be interpreted as an effort to reopen debate on busing of stu-

dents and I intend to support the previous question and thus oppose further attempts to validate such busing proposals. Regardless of whether the restrictive provision in the present measure be called the "Whitten amendment" or by some other description, it is a reasonable provision and should be retained.

I have consistently supported the position that the busing of children solely and only to correct racial imbalance has never, nor will it ever, achieve the result of those theorists who claim that busing will somehow, some way, improve the lot of those students who, it is claimed, are disadvantaged. It has been fairly established and not refuted that busing has been of no gain or benefit to those who are bussed, but has certainly done definite damage to those that are not bussed and who must try to make their own adjustments when strange and different kinds of students are bussed into their midst. Such an artificially created racial balance is just not beneficial to any student.

Put in different terminology, we can all agree that the neighborhood school should and must have adequate facilities, good teachers, but is to remain exactly as it has been described, a neighborhood school, to serve the student body that lives in the neighborhood where the school is situated. Let's continue with the neighborhood school concept which has worked so well throughout all of our history because in truth and in fact there is no record anywhere to establish the fact that busing has achieved those benefits that its proponents have argued exist.

Mr. Chairman, I also want to be on the record to state that in the event there may be a rollcall vote on a motion to recommit which would contain instructions that total expenditures shall not exceed some specific percentage of total appropriations such as 96 percent or 97 percent or 98 percent, then I shall oppose such a motion to recommit because it is only a nice way of dressing up or concealing what is beneath to be nothing more or less than an item veto.

Mr. Chairman, the new Labor-HEW bill as reported, already contains substantial reductions under the vetoed bill. For example, there was $82.2 million in reductions in hospital construction; $22.9 million reduction in construction items of facilities for libraries and education research. There was a $48.5 million reduction in supplemental educational standards and services—title III, ESEA—and another $35 million reduction in equipment and remodeling under title III, NDEA. There was a $97 million reduction in vocational education and finally a $160 million reduction in school assistance in federally affected areas for a total reduction of $445.6 million.

Mr. Chairman, it is a proper and natural question for one to ask what is so evil about a motion to recommit with instructions which would simply put a congressional limitation of, say, 97 percent that the President could spend of the total appropriation? Well, the quite valid answer is that, to follow such a course, the Congress relinquishes its responsibility and gives a blank check to the executive branch to veto or cut out any item that it sees fit without any strings attached. In former years, similar amendments added to appropriations bills containing such limitations have been referred to as the "meat ax" amendment.

For example, if this latitude is accorded the President, even when exceptions are made for salaries which are set by law, and exemptions for social security and even capital outlays which are also provided by law, the Congress would be delegating to the President the complete and absolute power of an item veto making it possible for the President at his discretion to reduce or eliminate all funds from such important matters as manpower development and training activities, food and drug control, mental retardation, National Institutes of Health, library facilities, student loans, vocational education, and product safety.

Mr. Chairman, in the very vital matter of school assistance to federally affected areas known as the impacted aid program such an item veto would grant the power and authority to the President to make payments to category A and B at some discretionary percentage of entitlement other than that provided by law in this bill. Because of the existence of both category A and B students in the congressional districts of many Members, it is important that some entitlement for both categories be provided by the Congress and that we not relinquish this right to fix or establish these entitlements without knowing what action or what entitlement might or would result if this funding is left to the discretion of the President.

For the foregoing reasons I shall vote to oppose any motion to recommit with instructions that would take away from the Congress its responsibility to fix the various items of appropriations for Labor and HEW and I shall support H.R. 15931 on final passage because the facts are that the President on February 2 said that he was willing to accept $449 million of the increases in H.R. 13111—the vetoed bill—which meant he was not willing to accept $948 million in the old vetoed bill. The bill before us today, H.R. 15931, is quite frankly a compromise between the position of the President and the former position of the Congress.

The Committee on Appropriations has deleted $445.6 million, or just about half the increases to which the President said he objected. If you consider the $449 million increases in which the President by his letter of February 2 stated he no longer objected to, then we have gone much more than half way of the distance between the vetoed bill and thus the President's objections by the figures contained in H.R. 15931. The facts are the House has made reasonable reductions in order to meet the objections of the President. Because I believe we have acted responsibly I shall support H.R. 15931 on final passage.

Mr. FLOOD. Mr. Chairman, I have no further requests for time.

Mr. MICHEL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

TITLE I—DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

Mr. PERKINS. Mr. Chairman, we have a couple of points of order to make, particularly as to the Michel amendment. When will it be in order to make the point of order to the Michel amendment?

The CHAIRMAN. The Chair will ask the gentleman from Kentucky, to what section of the bill is the gentleman referring?

Mr. PERKINS. Section 411.

The CHAIRMAN. The Chair will state that it will not be in order until that section of the bill is read.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

This title may be cited as the "Department of Labor Appropriation Act, 1970".

Mr. MIKVA. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 24]

Addabbo	Gubser	Myers
Albert	Harvey	Pelly
Anderson, Tenn.	Hays	Pepper
	Henderson	Pettis
Blanton	Johnson, Pa.	Pollock
Brown, Calif.	Jones, Tenn.	Powell
Burton, Calif.	Kirwan	Purcell
Carey	Kleppe	Reid, N.Y.
Celler	Kuykendall	Reifel
Clark	Long, La.	Riegle
Cramer	Long, Md.	Rostenkowski
Culver	Lukens	Roudebush
Cunningham	McDade	Stuckey
Davis, Ga.	McDonald, Mich.	Teague, Calif.
Dawson		Teague, Tex.
Dent	Macdonald, Mass.	Tunney
Diggs		Vander Jagt
Dingell	Monagan	Wilson, Charles H.
Esch	Moorhead	
Gallagher	Morse	Wyatt
Gettys	Moss	Yates
Gilbert	Murphy, N.Y.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15931, and finding itself without a quorum, he had directed the roll to be called, when 370 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DISTRICT OF COLUMBIA MEDICAL FACILITIES

For grants of $3,500,000 and loans of $6,500,000 for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90–457) to remain available until expended.

Mr. OBEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in attempting to draft a new Health, Education, and Welfare appropriation bill for 1970, the House Appropriations Commitee had been given a most difficult task. Thanks to the veto by President Nixon of the appropriation bill passed by the Congress last December, that committee has been in the position of trying to find a compromise which would meet our health and education needs and still be acceptable to the President.

The committee has finally recommended a compromise proposal which cut $445.6 million from the original bill. The cuts were made in six areas: $48.5 million for supplementary education centers; $35 million for equipment and minor remodeling under the National Defense Education Act; $160 million for impacted area aids; $97 million for vocational education; $22.9 million for construction of health, educational research and library facilities, and $82.2 million for hospital construction. Those cuts were made to satisfy the President.

Mr. Chairman, there will be a number of persons before this House today who will enunciate clearly just what those cuts will mean for the educational opportunities of thousands of youngsters in this country and what they will mean in increased property taxes for their parents. I would like to point out to the Members of this body, and to the Members of the Senate, just what the White House insistence on cutting funds for hospital construction will mean for the thousands of communities in our Nation which are badly in need of construction or modernization of hospital facilities.

HOSPITAL CONSTRUCTION FUNDS

When Congress passed the Labor-Health, Education, and Welfare appropriation bill last December, it allocated $258.3 million for hospital construction and modernization—$104 million more than that requested by President Nixon and $45,000 less than the 1969 hospital construction budget. In response to Presidential wishes the Members of the House are now being asked to pass a $176.1 million budget for hospital construction, $82 million under the level originally passed by the Congress.

The Hill-Burton legislation which authorizes funds for hospital construction has been tremendously successful since it was enacted in 1946. The fact is, however, that information furnished by State agencies administering hospital construction programs indicates a present need for an additional 85,000 acute care hospital beds, 893 public health centers, 164,430 additional long-term beds, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, with a total estimated cost of $5.3 billion.

In addition, 455,130 acute and long-term care beds require modernization at an estimated cost of $10.5 billion. And over the next 10 years, it is estimated that 41,000 beds per year will become obsolete and require further modernization.

These figures indicate that the need for hospital construction and the need for modernization of obsolete equipment will be great in the years ahead. They indicate clearly that to cut the money earlier appropriated for hospital construction and modernization, as demanded by the President, would be a serious mistake. According to the Health Services and Mental Health Administration, there are a total of 2,028 projects for hospital construction or modernization ready to start now if the Congress appropriated an adequate amount of money to the States. The States could match and utilize over $2 billion in 1970 if we gave it to them, well over the $176 million allocated in the appropriation bill before us today.

When the administration asked for only $153.9 million for the hospital construction and modernization program for the 1970 fiscal year, their budget was based on a shift of this program from construction and modernization grants to the States to a system of mortgage and loan guarantees. The Congress has not yet changed from relying principally on the grant system, and therefore, increased the budget for hospital construction by $104 million—roughly equal to the 1969 level.

The administration based its request for reduced funding on the assumption that the Congress would change to a mortgage guarantee program. The Congress has not yet accepted that change, certainly not for this fiscal year. Yet, we are now being told by the administration that we should still reduce the amount of money for hospital construction and modernization grants, ignoring the fact that Congress has not yet changed from our present major reliance on the State grant program. This is an unrealistic request at best, and an inconsistent one to say the least.

Mr. Chairman, as the charts which I am enclosing below show, the result of the administration's recommended cut will be a tremendous shortage of funds for hospital construction on the State level. Even with the $254 million appropriated by the Congress in December, Texas, for example, would only be getting 10.2 percent of what it can use now for modernization and construction. Pennsylvania would be getting 11.7 percent of its need, Minnesota 7.8 percent, New Hampshire 10.1, percent and Illinois 7.6 percent.

In my home State of Wisconsin, 67 requests for funds have been made, but only a few of these requests can be fulfilled. One hospital will be so badly in need of funds that the city of Beloit may have to refinance its $12 million modernization project. And, needless to say, no funds will be available in Wisconsin for any new projects, including one badly needed in the city of Merrill.

With the reduction of the appropriation by another $82 million, the ability of the States to meet their needs in this area will go down even further. Arizona will only receive 4.4 percent of its needs, Maryland 5.9 percent, California 11 percent, Ohio 16.2 percent, and Louisiana 11 percent. The funds available for Wisconsin will only allow us to fund 8.2 percent of our present needs.

Mr. Chairman, I am sure many members of the Appropriations Committee are unhappy about the President's recommendation in this area. In fact last July when this legislation first came before the House, the Labor-Health, Education, and Welfare Subcommittee chairman correctly outlined the direction Congress had to take in the field of hospital construction. We can all recognize, too, the tremendous pressure under which the Appropriations Committee and its Labor-HEW Subcommittee operated; namely, the continued threat of a Presidential veto.

Certainly the President's attitude has been difficult to follow. Several months ago, he said:

> Our overtaxed health resources are being wastefully utilized, *and we are not adding to them fast enough to keep pace with rising demand.*

The President's words were correct. But the problem is that the President's requested reduction of funds for hospital construction can only make the situation worse.

What kind of a system of values enables a President to regard $82 million in hospital construction as inflationary, but to accept $256 million in cost-overruns in an unproven ABM system without blinking an eye. We know that the Hill-Burton program has worked, and we know that the needs under the program in the next decade will be great. The administration is making a serious mistake in badly underfunding this program which is struggling to keep up with rising demands for hospital care.

In his veto message of our original HEW-Labor appropriation bill, President Nixon said that if his veto were upheld, he would seek appropriations "which will insure the funds necessary to provide for the needs of the Nation in education and health."

Mr. Chairman, the figures which I have presented here today indicate that this just is not so. When only 8 percent of all funds for hospital construction which can now be utilized by the States is being appropriated, we are certainly not meeting our needs in this field.

I know, given the threat of a Presidential veto, there is no real possibility of raising the amount of hospital funds in this bill. We are stuck with the amount in the bill. But I have decided to discuss this matter today in the hopes that this serious situation can become known to the general public and to the Members of the Senate who have yet to act on this legislation.

The facts are available and the handwriting is on the wall. If we are headed for catastrophe in the health care area, at least no one will be able to say we were allowed to do so blindly.

The tables referred to follow:

A COMPARISON OF THE DISTRIBUTION OF ALLOTMENTS TO STATES BASED ON AN APPROPRIATION OF $254,400,000,000 WITH THE NUMBER OF PROJECTS AND AMOUNT OF FEDERAL FUNDS THE STATES WOULD BE PREPARED TO MATCH AND UTILIZE IN FISCAL YEAR 1970

States	Number of projects	Alloted fiscal year 1970	Federal share needed fiscal year 1970	Percent of need alloted
Total	2,028	$254,400,000	$2,014,585,000	
Alabama	29	6,426,933	24,728,000	26.00
Alaska	4	750,000	4,800,000	15.6
Arizona	110	2,378,115	37,499,000	6.3
Arkansas	13	3,679,007	8,585,000	43.9
California	80	15,359,956	89,968,000	17.1
Colorado	53	2,631,441	35,815,000	7.4
Connecticut	13	2,563,669	38,624,000	6.7
Delaware	8	750,000	4,602,000	16.3
District of Columbia	11	750,000	26,108,000	2.87
Florida	132	8,427,807	104,617,000	8.05
Georgia	52	7,026,358	28,098,000	25.0
Hawaii	23	923,231	14,090,000	6.55
Idaho	2	1,146,533	265,000	532.0
Illinois	112	9,441,163	124,031,000	7.6
Indiana	24	6,143,474	34,136,000	18.0
Iowa	16	3,528,917	22,050,000	16.0
Kansas	21	3,168,620	18,731,000	16.9
Kentucky	24	5,370,069	15,893,000	33.8
Louisiana	17	6,213,090	38,538,000	16.2
Maine	22	1,569,543	13,015,000	12.0
Maryland	23	3,498,679	40,449,000	86.4
Massachusetts	25	6,233,578	40,901,000	15.2
Michigan	12	8,999,688	19,155,000	46.9
Minnesota	96	4,666,479	59,200,000	7.88
Mississippi	22	4,755,672	16,818,000	28.2
Missouri	27	6,236,918	37,605,000	16.6
Montana	27	1,165,902	11,105,000	10.5
Nebraska	19	$1,822,610	$10,570,000	17.3
Nevada	7	750,000	9,906,000	7.58
New Hampshire	14	989,489	9,850,000	10.1
New Jersey	119	6,859,908	87,866,000	7.82
New Mexico	6	1,582,441	4,629,000	34.2
New York	137	16,077,840	162,000,000	9.9
North Carolina	32	8,800,736	68,472,000	12.9
North Dakota	13	1,073,304	8,396,000	12.8
Ohio	53	11,567,377	48,005,000	24.1
Oklahoma	23	3,759,889	10,961,000	34.3
Oregon	14	2,441,921	6,230,000	39.2
Pennsylvania	124	15,138,450	128,911,000	11.7
Rhode Island	15	1,037,329	30,960,000	3.35
South Carolina	36	4,957,456	54,188,000	9.15
South Dakota	12	1,156,063	5,675,000	20.4
Tennessee	14	7,130,596	4,127,000	172.7
Texas	155	16,104,371	157,289,000	10.2
Utah	17	1,531,905	21,296,000	7.2
Vermont	7	820,501	3,646,000	22.5
Virginia	36	6,635,516	53,570,000	12.4
Washington	30	3,438,496	26,222,000	13.1
West Virginia	29	3,441,992	32,211,000	10.3
Wisconsin	67	5,003,579	40,417,000	12.4
Wyoming	3	750,000	1,317,000	57.0
American Samoa	0	375,000		
Guam	3	383,614	4,989,000	7.68
Puerto Rico	34	6,589,775	76,179,000	8.64
Virgin Islands	11	375,000	36,227,000	1.03

A COMPARISON OF THE DISTRIBUTION OF ALLOTMENTS TO STATES BASED ON AN APPROPRIATION OF $172.2 MILLION WITH THE NUMBER OF PROJECTS AND AMOUNT OF FEDERAL FUNDS THE STATES WOULD BE PREPARED TO MATCH AND UTILIZE IN FISCAL YEAR 1970

States	Number of projects	Alloted fiscal year 1970	Federal share needed fiscal year 1970	Percent of need alloted
Total	2,028	$172,200,000	$2,014,585,000	8.5
Alabama	29	4,442,749	24,728,000	18.0
Alaska	4	750,000	4,800,000	15.6
Arizona	110	1,648,702	37,499,000	4.4
Arkansas	13	2,588,691	8,585,000	30.2
California	80	10,297,876	89,968,000	11.4
Colorado	53	1,724,242	35,815,000	4.8
Connecticut	13	1,584,385	38,624,000	4.1
Delaware	8	750,000	4,602,000	16.3
District of Columbia	11	750,000	26,108,000	2.9
Florida	132	5,713,760	104,617,000	5.5
Georgia	52	4,849,149	28,098,000	17.3
Hawaii	23	759,990	14,090,000	5.4
Idaho	2	878,190	265,000	331.4
Illinois	112	6,094,960	124,031,000	4.9
Indiana	24	4,005,616	34,136,000	11.7
Iowa	16	2,298,446	22,050,000	10.4
Kansas	21	2,056,092	18,731,000	11.0
Kentucky	24	3,686,392	15,893,000	23.2
Louisiana	17	4,239,914	38,538,000	11.0
Maine	22	1,087,040	13,015,000	8.4
Maryland	23	2,370,108	40,499,000	5.9
Massachusetts	25	3,916,888	40,901,000	9.6
Michigan	12	5,894,940	19,155,000	30.8
Minnesota	96	3,075,644	59,200,000	5.2
Mississippi	22	3,317,311	16,818,000	19.7
Missouri	27	4,110,697	37,605,000	10.9
Montana	27	822,084	11,015,000	7.4
Nebraska	19	$1,214,859	$10,570,000	11.5
Nevada	7	750,000	9,906,000	7.6
New Hampshire	14	778,594	9,850,000	7.9
New Jersey	119	4,355,701	87,866,000	5.0
New Mexico	6	1,188,670	4,629,000	25.7
New York	137	10,316,586	162,000,000	6.4
North Carolina	32	5,967,884	68,472,000	8.7
North Dakota	13	835,327	8,396,000	9.9
Ohio	53	7,756,801	48,005,000	16.2
Oklahoma	23	2,565,131	10,961,000	23.4
Oregon	14	1,627,710	6,230,000	26.1
Pennsylvania	124	9,800,500	128,911,000	7.6
Rhode Island	15	815,347	30,960,000	2.6
South Carolina	36	3,407,065	54,188,000	6.3
South Dakota	12	853,680	5,675,000	15.0
Tennessee	14	4,790,979	4,127,000	116.1
Texas	155	10,875,297	157,289,000	6.9
Utah	17	1,134,582	21,296,000	5.3
Vermont	7	750,000	3,646,000	20.6
Virginia	36	4,453,604	53,570,000	8.3
Washington	30	2,243,556	26,222,000	8.6
West Virginia	29	2,288,167	33,211,000	6.9
Wisconsin	67	3,333,517	40,417,000	8.2
Wyoming	3	750,000	1,317,000	56.9
American Samoa	0	375,000		
Guam	3	375,000	4,989,000	7.5
Puerto Rico	34	4,507,577	76,179,000	5.9
Virgin Islands	11	375,000	36,227,000	1.0

TENTATIVE FISCAL YEAR 1970 ALLOCATIONS TO STATES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND RELATED HEALTH FACILITIES, BASED ON AN APPROPRIATION OF $172,200,000

State	Total	Modernization	Hospitals and public health centers	Long-term care facilities	Diagnostic or treatment centers	Rehabilitation facilities
Total	$172,200,000	$27,100,000	$54,200,000	$63,600,000	$18,200,000	$9,100,000
Alabama	4,442,749	334,349	1,538,744	1,814,170	503,658	251,828
Alaska	750,000	200,000	200,000	200,000	100,000	50,000
Arizona	1,648,702	200,000	542,591	639,711	177,600	88,800
Arkansas	2,588,691	200,000	894,650	1,054,788	292,835	146,418
California	10,297,876	1,382,914	3,338,973	3,936,631	1,092,906	546,452
Colorado	1,724,242	309,846	529,742	624,563	173,394	86,697
Connecticut	1,584,385	476,011	415,126	489,431	135,878	67,939
Delaware	750,000	200,000	200,000	200,000	100,000	50,000
District of Columbia	750,000	200,000	200,000	200,000	100,000	50,000
Florida	5,713,760	643,023	1,899,173	2,239,115	621,633	310,816
Georgia	4,849,149	380,066	1,673,832	1,973,438	547,875	273,938
Hawaii	759,990	200,000	200,000	209,990	100,000	50,000
Idaho	878,190	200,000	242,401	285,789	100,000	50,000
Illinois	6,094,960	1,278,294	1,804,014	2,126,923	590,486	295,243
Indiana	4,005,616	759,632	1,215,737	1,433,348	397,933	198,966
Iowa	2,298,446	440,813	695,750	820,286	227,731	113,866
Kansas	2,056,092	409,827	616,585	726,951	201,819	100,910
Kentucky	3,686,392	326,397	1,258,438	1,483,693	411,909	205,955
Louisiana	4,239,914	423,588	1,429,351	1,685,197	467,852	233,926

TENTATIVE FISCAL YEAR 1970 ALLOCATIONS TO STATES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND RELATED HEALTH FACILITIES, BASED ON AN APPROPRIATION OF $172,200,000—Continued

State	Total	Modernization	Hospitals and public health centers	Long-term care facilities	Diagnostic or treatment centers	Rehabilitation facilities
Maine	$1,087,040	$200,000	$332,228	$391,696	$108,744	$54,372
Maryland	2,370,108	270,361	786,430	927,198	257,413	128,706
Massachusetts	3,916,888	1,039,839	1,077,558	1,270,435	352,704	176,352
Michigan	5,894,940	1,063,471	1,809,559	2,133,459	592,301	296,150
Minnesota	3,075,644	516,717	958,410	1,129,960	313,705	156,852
Mississippi	3,317,311	200,000	1,167,545	1,376,529	382,158	191,079
Missouri	4,110,697	690,635	1,280,936	1,510,216	419,273	209,637
Montana	822,084	200,000	216,653	255,431	100,000	50,000
Nebraska	1,214,859	200,000	380,101	448,137	124,414	62,207
Nevada	750,000	200,000	200,000	200,000	100,000	50,000
New Hampshire	778,594	200,000	200,000	228,594	100,000	50,000
New Jersey	4,355,701	1,061,751	1,233,702	1,454,529	403,813	201,906
New Mexico	1,188,670	200,000	370,292	436,573	121,203	60,602
New York	10,316,586	2,291,512	3,005,678	3,543,678	983,812	491,906
North Carolina	5,967,884	669,122	1,984,576	2,339,804	649,588	324,794
North Dakota	835,327	200,000	222,730	262,597	100,000	50,000
Ohio	7,756,801	1,038,519	2,516,238	2,966,630	823,609	411,805
Oklahoma	2,565,131	257,573	864,263	1,018,962	282,889	141,444
Oregon	1,627,710	237,083	520,840	614,067	170,480	85,240
Pennsylvania	9,800,500	1,999,463	2,921,768	3,444,748	956,347	478,174
Rhode Island	815,347	200,000	213,560	251,787	100,000	50,000
South Carolina	3,407,065	294,166	1,165,892	1,374,581	381,617	190,809
South Dakota	853,680	200,000	231,152	272,528	100,000	50,000
Tennessee	4,790,979	623,082	1,561,027	1,840,442	510,952	255,476
Texas	10,875,297	1,307,010	3,583,667	4,225,123	1,172,998	586,499
Utah	1,134,582	200,000	350,034	412,689	114,572	57,287
Vermont	750,000	200,000	200,000	200,000	100,000	50,000
Virginia	4,453,604	588,458	1,447,636	1,706,755	473,837	236,918
Washington	2,243,556	422,218	682,156	804,259	223,282	111,641
West Virginia	2,288,167	345,417	727,630	857,871	238,166	119,083
Wisconsin	3,333,517	488,923	1,065,403	1,256,104	348,725	174,362
Wyoming	750,000	200,000	200,000	200,000	100,000	50,000
American Samoa	375,000	100,000	100,000	100,000	50,000	25,000
Guam	375,000	100,000	100,000	100,000	50,000	25,000
Puerto Rico	4,507,577	429,920	1,527,229	1,800,594	499,889	249,945
Virgin Islands	375,000	100,000	100,000	100,000	50,000	25,000

Note: Basis of Allocations, per Statutory Formula:
(a) Total population, as estimated by the Bureau of the Census: (1) Provisional Estimates of the United States, July 1, 1968 (Series P-25, No. 403, September 19, 1968); American Samoa, Guam, Puerto Rico, and Virgin Islands, Provisional Estimates as of July 1, 1967 (Series P-25, No. 392, May 2, 1968).
(b) Allotment percentages for fiscal year 1970, as determined by the Surgeon General, Sept. 30 1968.

Mr. ROGERS of Florida. Mr. Chairman, I move to strike the requisite number of words.

I share the feelings of my colleagues that have just been expressed. I had planned to speak on this subject myself, and I am delighted that my colleague has already spoken. It is true that we had anticipated that the President would ask sufficient funds for hospital construction. He has not done so. He has not submitted a sufficient program as we anticipated he would. In fact, there is a present need of 85,000 new hospital beds in this country. This does not go to modernization or long-term care beds. It is estimated that we have almost one-half million beds that need modernization and some 140,000 beds needed for long-term care in this Nation.

The President has termed the health situation in this country in terms, and I quote him, of "a crisis." Mr. Finch, the Secretary, has said, too, "We have a health crisis."

When the previous appropriation bill was vetoed, the President stated that he would request sufficient funds. Unfortunately, this has not yet been done, and I would like to explain that the authorizing legislation that we passed in this House, which was an extension of the Hill-Burton program, did include a loan guarantee program. It has not yet become law because the Senate has not acted. Furthermore, the committee, which was the Public Health Subcommittee of the Interstate and Foreign Commerce Committee, which handled this legislation, included construction funds for hospital beds because we do not yet know, nor do we have any sufficient experience to determine how the loan guarantee program will work, and I think it will be grave error not to have sufficient funds to meet the hospital crisis and simply depend, as the administration proposed, on a loan guarantee program. This bill does not meet the health crisis of this Nation, and I intend—and I know our committee intends—to pursue this subject in this session of the Congress to see if we cannot mount enough interest to help us solve what the President himself has termed a health crisis in this Nation. We must do it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $440,167,000 of which $425,000,000 shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $15,167,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That this appropriation shall not be available to pay local educational agencies pursuant to the provisions of any other section of said title I until payment has been made of 90 per centum of the amounts to which such agencies are entitled pursuant to section 3(a) of said title and 100 per centum of the amounts payable under section 6 of said title: *Provided further*, That the amount to be paid to an agency pursuant to said title (except section 7) for the current fiscal year shall not be less, by more than 5 per centum of the current expenditures for free public education made by such agency for the fiscal year 1969, than the amount of its entitlement under said title (except section 7) for the fiscal year 1969.

POINT OF ORDER

Mr. O'HARA. Mr. Chairman, I rise for the purpose of making a point of order against the second proviso of the paragraph in question, beginning on line 18 and down through line 24, on the ground that it is not a valid limitation, a definitive direction. It is legislation on an appropriation bill and, therefore, forbidden.

The CHAIRMAN. Does the gentleman from Pennsylvania care to be heard on the point of order?

Mr. FLOOD. Mr. Chairman, this is legislation on an appropriation bill, and I most reluctantly concede.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is prepared to rule. The point of order is sustained.

AMENDMENT OFFERED BY MR. STEED

Mr. STEED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEED: On page 28 line 7 strike out "$440,167,000 of which $425,000,000" and substitute in lieu thereof "$520,567,000 of which $505,400,000."

Mr. STEED. Mr. Chairman, it is not my policy, as those who have been here with me for a while know, to offer amendments to appropriation bills, and I would not be here offering this amendment today unless I found myself in a rather desperate situation.

It just happens that the district I have the honor to represent is probably the most federally impacted district in the

United States. On the basis of the funds now contained in the bill, I have been going over what impact this would have on the several schools in my district that are affected, and I find that unless this additional amount of money is made available, some very serious setbacks are going to take place.

All my amendment does is to split the difference between what the vetoed bill had and what this bill has in it, the $160 million cut. I propose to restore $80 million, which would bring the bill up to the 1969 level.

I have gone over the budgets with the principal schoolmen of my district and I find they can get by the rest of this school term if this additional amount is made available. If this amount is not increased, I am faced with a situation where 42,000 schoolchildren—most of them the children of military people—are going to be faced with a short school term.

One of my school districts already has laid off 36 teachers. The school people have been making every move to economize that they can make, but this fund must be made available if they are to have a normal school year.

I know there are many other situations like this in the country, but I think I have one additional problem that is not typical throughout the country. It has been a popular thing in recent years for people to be concerned about the minority groups. Under the terms of the existing law, the Indian ward children of the Government become impact children.

I happen to have 13 Indian tribes in my district, and some of the worst victims of this cutback are going to be the Indian children. I do not know of any minority group in this country which commands the affection and the care and concern of this Congress more than the children of our Indian people.

In addition to that, I have sizable numbers of other minority groups, and they likewise will be handicapped and harmed if their school districts are unable to finish out the school term.

Mr. Chairman, this subject of impact is a well-known subject to all Members of the House.

I believe when we realize that these school budgets were made up many, many months ago we will see that these school districts had every right to expect the normal amount of income from the Federal impact program, which they have been getting for years. They have run for the first several months of the school year on the full-budget basis and now, with only 2 or 3 months left in which they can economize, there is just not enough of the total budget left so that they can absorb the cutback which the lack of these funds would force on them.

I hope we can get the 1971 bill out in time for the next fiscal year so that they will know exactly what to expect.

I call attention to the fact that all year long, up to the time of the veto, the acts of the Congress and everything we did here led these school people to believe and to expect they would receive these funds. It is only in the last few weeks they have had any real warning to start making economies and to try to readjust their programs to complete the full school year.

It just happens that in my school districts enough retrenchment is not possible. That is the reason why I am doing what to me is an unprecedented thing, coming here today offering to increase this amount by $80 million.

I believe that no one would want it to happen that for the lack of such a comparatively small amount of money we would leave these school districts in such a plight.

I know many Members have different ideas about some of the justification for impact aid, but I have the misfortune or the good fortune, however one wishes to look at it, of representing the school districts where the impact is legitimate. If there is such a thing as hard-core impact, I have it. And I have a lot of it.

I hope that the Committee will be willing to take this step. Let us get through this year. Do not put this burden of cutback on these children.

There is no way, other than getting this money, that they can have a normal school year.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, those who support an increase in impact aid of course have selected the very best person they could to propose the amendment, because the gentleman is one of those who have people in their districts who have at least some legitimate claim to impact aid. That is more than some can say.

It has been said that school districts in 285 congressional districts receive impact aid so "Members do not dare to vote against an increase in impact aid."

I want to point out to the Members that there are 20,000 school districts in the United States; 4,600 of them receive impact aid. So for every one that gets it three are helping the bill and do not get it. Those people who do not receive in many cases need it worse and are beginning to become aware that it is not fair. On a benefit basis, the proportion is three to one against it.

The gentleman from Oklahoma presented the case based upon his district. I am not one of those who believes we ought to do away completely with impact aid. I believe there is a justification up to a certain point. So let us use his district as an example.

He has in his district Lawton, Okla. The local effort there last year, the money raised by local taxes, was $203 per child for nonfederally connected children. They received from the Federal Government, $278 for every one of the federally connected children.

So you really find they are operating a school for profit. They take $75 for the federally connected children and spend that on the education system to reduce the local effort for the nonfederally connected children. That is one of the things wrong with the basic law.

There are some other things wrong with it, too. There is $18 million of entitlement for children whose parents work in leased Federal buildings. Every dime of taxes everybody else pays that makes the same salary in that State is being paid by those people. They are steadily employed and pay their way but we use more Federal money for their children than for children of unemployed. That is another thing that is wrong with it.

Then some members say that we have to replace the local property tax. If one figures up the valuation of these installations and multiply it by the mileage used for education purposes in each district it will be less than full entitlement by a total of $305 million or almost half. So, you see, about 45 percent of that argument is baloney, too.

So the problem we are presented with here is how in the world we do something to make this program more fair. Obviously the committee that has jurisdiction of it is not going to do it. Every few years they come out with another bill that makes it worse instead of better. We have seen this year after year after year. Now there is a bill over in the Senate that will push the total entitlement to over $1 billion next year.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. When I am finished I will be glad to yield to the gentleman.

What we are faced with is trying to get sense into this program and to sort out the ones that have a legitimate reason to receive impact aid from those that do not. So far the ones that should be under the program are being held captive by those who should not be under the program, because they keep putting more of them into the program. So we have this problem and in the committee we put in the $440 million. We took $160 million out of the $600 million in the vetoed bill and provided the cushion we tried to provide, $141,000 of which would have gone to the district of the gentleman from Oklahoma. We were trying to cushion the impact while taking away the windfall. His district would have gotten $141,000 of that cushion, but they have been knocked out on the point of order. What we are trying to do is get enough reduction in money to get this bill enacted and overcome the veto so that people interested in other programs can secure money now. The library people and the people interested in bilingual education, air pollution, student loans, rubella vaccinations, and the health programs need to receive money now. Some Members who are interested in impact aid have said why not cut everything a certain percentage or take a meat ax approach and cut everything 20 percent and give impact the money. Well, we did not choose to do it. We picked out certain items, $160 million, out of impact because it is not as fair as some of the other programs and does not have as high a priority. We had a difficult problem and we tried to meet it. I hope Members will view the broad problem and I challenge anyone to figure out a better way of forcing the subcommittee that has charge of authorizing legislation to come up with a better solution to it. They have not made a good faith effort, which is obvious from the results in the last several years.

Mr. WILLIAM D. FORD. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. WILLIAM D. FORD. As a member of the subcommittee which is indicted, I would like to point out that I do not remember in my 5 years of service on the subcommittee having had the benefit of the gentleman's appearance before that committee during that time and his help in trying to make the change he is suggesting here.

Be that as it may, will the gentleman agree with me that the way the committee cut the funds it will cut the hard-core impact, as described in the bill by the gentleman from Oklahoma, as well as the areas that the gentleman feels are getting a windfall? You do not selectively cut. Instead of cutting selectively, you are cutting in the way you ought not to cut. Would it not be better if we did take the enabling legislation and the authorization legislation and examine it, and if the gentleman is correct in his assumptions, then I am sure that the reasonable members of that committee will follow his suggestion and make the change. But the school people will know in advance who is getting it.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. SMITH of Iowa, at the request of Mr. FLOOD, was allowed to proceed for 5 additional minutes.)

Mr. SMITH of Iowa. I have to agree with some of what the gentleman said. The best way to do it is through enabling legislation. However, it has become obvious to me that we will not get it done through that method unless we come in with some kind of pressure to make them go back and do something about it. You say, "Why did I not appear before the subcommittee?" I served on that committee for 4 years and tried during that entire 4 years to get something done about it, and I will tell you one example of what happened. I pointed out how local school districts were refusing to reorganize even though the State public instruction board wanted them to. In the same congressional district we are talking about in Oklahoma, there are 80 local school districts getting money, and some of them are very small and inefficient. There is an incentive under the present law not to reorganize and go into a merger with another district to become more efficient, because if the Federal Government will give you a profit on all of those federally connected children, why do it? And, so, I proposed a simple amendment when I was on the committee and suggested that we at least say that a local district cannot receive the money if State public instruction departments say they have refused to reorganize in order to help themselves. But, no, the Education and Labor Committee would not even accept that. Every time I proposed anything it was obvious that the only thing they wanted to do was to shove more people under the tent and get more people into the program who do not deserve it in order to get more votes. So, I believe the only way we can get at this issue and get that committee to do anything is to finally cut the funds down to $440 million this year and then, perhaps, they will go back and really make an effort to try to do something about the basic legislation.

Mr. WILLIAM D. FORD. Mr. Chairman, if the gentleman will yield further, I quite agree with the gentleman's approach. My disagreement with the gentleman in the well does not come on the question of whether the committee might do a better job or is not, in fact, directing more attention to this problem than it has, but it goes to the fact that we are now close to the end of the year and as the gentleman from Oklahoma (Mr. STEED) indicated, at this time to cause a crisis that would put pressure on those of us on the authorizing committee to make changes is not going to do any damage to those of us on the committee. We are not the ones who will suffer. It will be the children in the schools being financed by money that is not for special programs. This is a part of the general fund that has been budgeted along with local and State funds for the operation of these schools.

I quite agree, and I think the gentleman from Iowa agrees with me, that this committee ought to look into this matter further and I shall be most happy as a member of that committee who does not receive a single penny of impacted aid in his district to see if I can get a little in my district and in the district of others, including the gentleman from Iowa. I will join with the gentleman and the chairman of my committee in requesting that we hold hearings and go into this matter which the gentleman has raised. However, I think the proper place for this House to work its will on the re-writing of the formula for distribution of the funds is not in the last months of the year in an appropriation bill, but at the beginning of the school year in the authorizing legislation so that the school people will know what they are up against when they make up their budgets for next year.

Mr. SMITH of Iowa. In response to the gentleman from Michigan, I will say that the best way to approach this problem is through enabling legislation. But I would point out to the gentleman we had language in the bill to cover the defect in the legislation of not cushioning a substantial cutback. However, it was knocked out on a point of order. This bill will go to the other body for its consideration. In my opinion it is better to leave the bill as it is. I think the Senate will reinsert cushioning language and we will cushion the effect this year and reduce the impact of losing the windfall which some of these people are now receiving and thereby help them make the transition to a position where they are paying their share of school taxes just as other people throughout this country are doing.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Georgia.

Mr. FLYNT. Will the gentleman from Michigan give me his attention for just a minute?

I was interested in the question asked by the gentleman from Michigan (Mr. WILLIAM D. FORD), and I was intrigued by the reply of my distinguished colleague, the gentleman from Iowa (Mr. SMITH). I think the gentleman gave the best answer and made the most substantial argument which I have heard during debate in this House on the subject of impacted areas.

I come here, I would say to the gentleman from Michigan, from a district in which a large section of the population of my district resides in counties that receive substantial benefits from the Public Law 874 funds. But at this particular time—and I say this with great respect for my friend, the gentleman from Michigan, I am going to stand with the gentleman from Iowa and oppose this amendment, although it may be hard to explain back home. But, I do oppose this amendment.

It may be hard to explain back home, but when I do explain it I am going to say to them that I am going to try to get them as much as I can in fiscal 1970 rather than to see them get nothing, or near nothing, of the category B funds.

Mr. SMITH of Iowa. Mr. Chairman, may I just close by saying, do not think merely about the 4,600 school districts receiving the money but also about the 15,000 who help pay the bill but do not receive money and think about the future.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. FLOOD. Mr. Chairman, if the gentleman from Iowa wishes to proceed further, I would ask unanimous consent that he be permitted to proceed for 5 additional minutes. If not, I will withdraw my request.

Mr. Chairman, I withdraw my request.

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to increase the funds for federally impacted area schools by $80 million, bringing it up to the amount these school districts received last year.

When the President's veto of legislation similar to this was before us in late January, I voted to sustain the veto. I did so because of my grave concern about the serious economic crisis confronting this Nation, and because I felt that by sustaining the veto we would show some measure of support on the part of the Congress for the President's efforts to curb ruinous, runaway, and devastating inflation.

It was not easy for me to vote to sustain the veto. It is never easy to vote for a cut in appropriations that will affect our congressional districts. It is obviously much easier for any of us to economize by cutting funds for some other Member's district. But it will be impossible for us ever to make the overall reduction in expenditures we must make in this way. If we are sincere about wanting to strengthen our economy and reduce inflation every one of us must tighten our belts in a joint effort, with some sacrifice on everybody's part.

However, Mr. Chairman, as I stated very clearly on the floor of this House at the time we had the veto message before us that I disagreed with the President's order of priorities in cutting expenditures. I referred to the $2 billion con-

tained in the same appropriation measure for the so-called war on poverty, which I consider one of the most wasteful and corrupt boondoggles in the history of this Nation. Most certainly some expenditures could be cut in that area. I also mentioned the foreign aid program for which we have appropriated in excess of $150 billion in an attempt to buy friends abroad.

In other words, Mr. Chairman, I do not think the reduction of expenditures called for by the President goes far enough, and I consider it somewhat punitive to single out one area such as education for drastic cuts.

I also stated that I disagree with the President and the Secretary of Health, Education, and Welfare on their interpretation of the purpose of aid to federally impacted areas. I disagree with my colleagues who have called it a windfall or those who say it is aid to wealthy communities at the expense of the poor. The impact aid program is clearly a payment of funds owed the various communities by the Federal Government for property which has been taken off the tax rolls.

Subsequent to the President's veto, I introduced legislation in an attempt to clarify this question by establishing a new formula which would provide a payment in lieu of taxes similar to the amount federally owned property would yield if it were subject to taxation as a private industry.

In the meantime, Mr. Chairman, by this piecemeal approach, this on-again, off-again approach, we in both the executive and legislative branches of the Government are creating severe hardships for all school districts, rich and poor alike, who depend on the impact aid program. All of these school districts have set their budgets for the year, set tax rates and teacher pay scales, on anticipation of these funds. If we failed, at this late date, to appropriate these funds we would be pulling the rug out from under them and cause chaotic hardship to the extent of impairing the education of many of the Nation's children.

If we are going to change this program, reduce the program or abolish the program, we should say so. Let us put the school districts affected on notice and give them ample notice. We have procrastinated for several months and the school districts are the victims of our procrastination. What we should and what we must do is provide the money these school districts had every reason and every right to expect and then work to change the program if we decide it should be changed.

Now, Mr. Chairman, let me discuss in a little more detail the confusion and misunderstanding of what this program really is. Allegations are made that the program favors the wealthy and these arguments are substantiated by comparisons of grants to some communities with high income levels to grants to other lower income communities. Regardless of the validity of the comparisons, the allegations prove a complete lack of understanding of the purpose of the program.

As our colleagues know, the program was enacted to partially compensate communities suffering from the impact of Federal operations in their area by absorbing some of the added local expenses resulting from such operations on properties on which no real property taxes were paid. The formula used was compensating the communities for part of the costs of educating the children of employees living or working on these properties. It was and is a fair and equitable formula as it is geared into the actual expenses of the communities providing the services, on the basis of the number of children served.

In spite of the fact that the program was intended to serve as a payment in lieu of taxes, it has been confused with general aid to education, and this confusion has caused the inevitable question as to whether the communities receiving the aid are in any financial need. Actually need is beside the point, because once a debt has been acknowledged legally and properly, it should never be excused merely on the basis of the financial need of those to whom the debt is owed. For the Federal Government to assume that it can be so excused is a violation of all the moral and economic standards of this Nation.

In an effort to eliminate the confusion once and for all, I have introduced H.R. 15598, which spells out this obligation for exactly what it is, "a payment in lieu of taxes to the communities in which the Federal Government owns real property." Under this legislation, the communities would be free to do as they see fit with the funds, but obviously the net result would be that the school systems, the recipient of the lion's share of community funds, would benefit.

There are a number of amendments which I believe will have to be made to the legislation as I introduced it to make it fit the various situations in our varied congressional districts. But I am confident that an equitable formula can be worked out that will continue to protect the communities who are victims of Federal impact without the on-again, off-again threat of the loss of revenue we have faced annually due to confusion as to the purpose of these payments.

Let us tell it like it is, Mr. Chairman, payment in lieu of taxes for federally owned property. And let us support it.

Mr. Chairman, I urge adoption of this amendment.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding, and I want to commend my colleague for the statement he has made, and to associate myself with that statement.

The gentleman in the well and I are privileged to jointly represent one of the counties in Virginia that relies heavily on impacted aid funds. And I would say to the membership and the Committee that this is not a windfall, as has been said by some of the Members of the House; this is an amount to be paid in lieu of taxes, and it is something that our school districts do depend on.

The category B funds will be hurt very much, and our schools will be hurt, unless this amendment is agreed to. Therefore, I hope it will be adopted and I urge my colleagues to support the additional funds.

Mr. LENNON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if I may have the attention of the Members of the House, I believe I can put this matter in the right perspective.

Public Law 874 and Public Law 815 were brought to the floor of this House by a distinguished former chairman, now deceased, of the Labor and Education Committee, Graham Barden. We have had it since that time.

Now what was its initial purpose and justification, for which many of us and hopefully all of us have supported it in the past? As I look about me now, I see some people who in their younger days—who saw service in Fort Bragg, N.C., and Pope Air Force Base in Cumberland County, N.C.

Fort Bragg has some 130,879 acres. Adjoining it is the Pope Air Force Base with around 8,762 acres. None of that is on the tax books of that county—not an acre of it. Neither are any of its many buildings on the tax books of the city of Fayetteville or Cumberland County.

Now listen to me—hear me—there are 17,458 children in that school in that county who are classified as category "B". Eighty percent of the parents of those 17,458 children wear the uniform of the United States at Fort Bragg either of the Army, or the Air Force at Pope Air Force Base. Those parents live off the base—but listen to me—do they rent expensive homes? Do they own expensive homes—that make a contribution to the ad valorem taxes to support the public school system of that county? No. Their wages and their salaries and their income allowance and housing allowance do not permit that.

The preponderant majority of them own trailers. The preponderant majority of them when they are stationed there—58,000 there at Fort Bragg alone of military personnel and in the Pope Air Force Base of 16,747—own trailers and under the soldiers and sailors relief act, they pay no personal property tax on their automobiles. They pay no personal property tax on their trailers. They pay a rental fee to the trailer park owner.

Now, ladies and gentlemen, it costs as much to send a young man to high school in the public schools of that county, whose father works in a plant that is on the tax books that have an ad valorem tax basis of $2 million and who owns a $25,000 or a $35,000 home, and it costs just as much to send the child of a man wearing the uniform who contributes nothing and his Federal Government contributes nothing to his education at that level.

If you do not have this—if you have not lived it—if you have not lived personally with this situation, you cannot understand it and cannot appreciate it.

I will say to my distinguished friend that personally I do not believe that this program should have been extended—where Members of Congress who have expensive homes out in Maryland and who have nice homes out in Virginia and

their children are subject to category "B" under this program. I voted against it when we extended it here several years ago because I knew what it would lead to. But in heaven's name, how can you say, my friends, that we should turn down an equitable and fair proposal like this made by the gentleman from Oklahoma, if you were faced with this situation? Shall we close our schools? That is what it will amount to. I do not know what the answer is. But we cannot stop now and then go back and restructure the basic act—not now—it is too late. We have to do it later.

I urge you, Mr. Chairman, if you believe in equity and justice and if you believe that the Federal Government should make a small contribution toward the education of its children—and they are its children because they are the sons and daughters of the men who wear the uniform of our country—I ask you to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. STEED).

Mr. SMITH of Iowa. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. STEED and Mr. FLOOD.

The Committee divided, and the tellers reported that there were—ayes 131, noes 63.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interests or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended, $2,918,000, to remain available until expended.

Mr. FLOOD (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to points of order or amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any points of order?

POINTS OF ORDER

Mr. O'HARA. Mr. Chairman, I rise to make a point of order against the language contained in section 411, beginning on line 12, through line 20 on page 61, which reads as follows:

SEC. 411. In the administration of any program provided for in this Act, as to which the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure or obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

Mr. Chairman, I make the point of order on the ground that the section in question constitutes legislation on an appropriation bill and does not come within the exception.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FLOOD. Mr. Chairman, the language is patently legislation on an appropriation bill. I concede the point of order.

The CHAIRMAN (Mr. HOLIFIELD). The gentleman from Pennsylvania concedes the point of order, and the Chair sustains the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against the language on page 57, lines 9 through 16, which reads as follows:

Provided further, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels, including mandatory funding levels for the newly authorized programs for alcoholic counseling and recovery and for drug rehabilitation, shall be effective during the fiscal year ending June 30, 1970: *Provided further*, That of the sums appropriated not less than $22,000,000 shall be used for the family planning program.

Mr. Chairman, I make the point of order on the ground that it is legislation on an appropriation bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of Iowa. Mr. Chairman, the point of order is that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FLOOD. Not on this point, Mr. Chairman; no.

The CHAIRMAN. Does the gentleman from Michigan seek recognition on this point of order?

Mr. O'HARA. I do, Mr. Chairman.

Mr. Chairman, it seems to me the amendment simply restates existing law in the authorizing legislation, and if that is indeed the case, I do not think it is subject to a point of order.

The CHAIRMAN (Mr. HOLIFIELD). The Chair will say that if this restates existing law, there is no point in its being in the bill, and the fact that it is in the bill on its face would indicate there must be legislation in it in addition to that contained in existing law. The Chair, therefore, sustains the point of order.

Are there any further points of order?

The Chair will recognize at this time Members who wish to offer amendments.

AMENDMENTS OFFERED BY MR. COHELAN

Mr. COHELAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COHELAN: On page 60, strike out line 19 and all that follows through line 25, and substitute in lieu thereof the following:

"SEC. 408. Except as required by the Constitution no part of the funds contained in the Act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parent or parents."

Mr. COHELAN. Mr. Chairman, I ask unanimous consent that my amendments on sections 408 and 409 be considered en bloc.

The CHAIRMAN. The Clerk will report the amendment to section 409.

The Clerk read as follows:

Amendment offered by Mr. COHELAN: On page 61, strike out line 1 and all that follows through line 6, and substitute in lieu thereof the following:

"SEC. 409. Except as required by the Constitution no part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school."

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. COHELAN) that the amendments be considered en bloc?

There was no objection.

POINT OF ORDER

Mr. BOW. Mr. Chairman, I make a point of order against the amendments.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOW. Mr. Chairman, the point of order is that the language puts additional duties upon the Secretary of Health, Education, and Welfare to make a determination of the constitutionality of the provisions.

The CHAIRMAN. Does the gentleman from California (Mr. COHELAN) desire to be heard on the point of order?

Mr. COHELAN. Mr. Chairman, obviously all that my amendments will do is to restore the language of the original bill.

Prior to my presenting these amendments I checked with the parliamentarian. It is my understanding that they are perfectly proper amendments. I ask that they be considered so.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule.

The gentleman from California (Mr. COHELAN) has offered amendments en bloc to insert the provision "Except as required by the Constitution" at the beginning of sections 408 and 409 of the bill. The gentleman from Ohio (Mr. BOW) has raised a point of order against the amendments on the ground that they constitute legislation on an appropriation bill in violation of clause 2, rule XXI.

The precedents of the House establish that it is in order in a general appropriation bill to include, along with a valid limitation, an exception therefrom. On April 27, 1950, a provision limiting the use of an appropriation and specifying certain exceptions to the limitation was held in order—Chairman Cooper, Tennessee, 81st Congress, RECORD, page 5910.

For the reason stated the Chair overrules the point of order.

Mr. COHELAN. Mr. Chairman, this is a very familiar ritual we are going through today. These amendments are the Cohelan-Conte amendments. I want to make it quite clear that this is a bipartisan approach. My colleague from Massachusetts has been working very hard with our colleagues on the other side of the aisle on this issue.

Mr. Chairman, we rise to amend sections 408 and 409 of this bill by adding to each section the words "as required by the Constitution." These sections as presently drafted attempt to reestablish "freedom of choice" plans as viable and acceptable methods for ending unconstitutional school segregation.

The Whitten provisions, sections 408 and 409, are not new to us. The total effect of these provisions will be to further weaken the impact of this bill and of the entire civil rights effort in the area of school desegregation by diluting the authority of HEW in enforcing compliance with laws duly enacted by Congress and the decisions of the courts which serve to implement these laws. The use of emotional words such as "busing" and "abolishment of schools" does not hide the true intent of the authors—that is to turn back the clock in the agonizingly slow process of ending unconstitutionally racially segregated schools.

The Whitten provisions are an attempt to emasculate all Federal and local effort aimed at ending unconstitutional segregation. They attempt to reinstate freedom of choice plans as acceptable means for desegregating schools even though such plans have failed to eliminate segregation, and have been ruled by the Supreme Court as unacceptable means to end segregation. They are an attempt to perpetuate blatantly discriminatory separate but equal dual school systems which were declared unconstitutional by the Supreme Court 15 years ago. They are an attempt to negate effective Department of Health, Education, and Welfare enforcement of title VI of the Civil Rights Act of 1964.

Mr. Chairman, we cannot backtrack. This is a black and white issue that must be resolved now and for all times. Are we going to recognize the right of free men to determine their destiny; to make their own way unfettered by ancient prejudices? Or, is Congress going to build one roadblock after another—confusing and confounding the inevitable drive for full citizenship by all Americans? Can my colleagues who support the amendments as written honestly say they are representing all the people? I have said time and again I abhor all discrimination. I yearn for the day when it will end and support any and all measures to accomplish this. We must face this responsibility now and strike down these repressive sections once and for all.

One hundred five years ago President Lincoln put the issue to us squarely. One hundred five years later I stand here and ask us to face the issue which has remained a blight on our heritage. President Lincoln said in his second inaugural address, "Woe unto the world because of offenses. For it must needs be that offenses come; but woe to that man by whom the offense cometh.

"If we shall suppose that American slavery is one of those offenses, which in the providence of God, must needs come, but which, having continued through his appointed time, he now wills to remove—"

I cannot improve on this language. I merely implore my colleagues to take heed.

Mr. Chairman, we have once again before us, as we have had several times this year, this crucial and historical decision. The authors of these provisions cry regional discrimination and what applies in the South should necessarily apply in the North and all over this country. I have no quarrel with this. I feel very strongly on this question of segregation. I despise its connotations. I deplore its results, and I fear its implications. To my mind, there is absolutely no question but that segregation is wrong—in all parts of this country. And this Congress, this Government of ours has the responsibility and the duty to take steps to destroy every last vestige of this deplorable institution.

However, this is not the real issue here today. The question before us is what are we going to do about the areas in this country that have in the past practiced segregation as official policy. What are we going to do about the laws now on the books that have attempted to correct this situation? And what are we going to do about the many rulings of the Supreme Court and of the lower courts? Are we going to ignore the progress, small that it is, that has been made so far? Are we going to retreat? I sincerely hope not. But this is what we will be doing if we pass this bill with sections 408 and 409 intact. And all under the guise of justice for the entire country.

On December 18, this body accepted this language, "except as provided by the Constitution," and a few days later overwhelmingly passed the HEW-Labor appropriations bill. I ask only that we remain consistent in our thinking and our actions. Now is not the time to jeopardize the fine work of the Appropriations Committee in providing funds for education programs. This is exactly what we will be doing if we fail to correct the mischievous language of sections 408 and 409. The Cohelan-Conte amendment will remedy this situation by making these sections amenable to the Constitution.

The acceptance of the Whitten language will weaken and undermine all the good that the Congress has done in the name of equal opportunity and civil rights. I know that all the laws in the world will not change individual bigotry, prejudice, and discrimination. But the impact of the rule of law is a valuable and vital instrument that can project a momentum for constructive change. But to have this effect, the law must be properly and effectively enforced. These provisions hit at the very core of enforcement of civil rights laws.

Our action here today will determine our respect for the Constitution and our interest in its proper and equitable enforcement. If we do not move to correct these provisions, Mr. Chairman, we will be rejecting effective enforcement by watering down HEW's authority in taking prompt and decisive action to end unconstitutional dual school systems.

I have asked many times before, can any reasonable man believe that there would have been any change in the dual school systems of the South without some reorganization of these systems? Furthermore, can freedom of choice plans be forwarded as effective devices for ending segregation? As I have reminded this body many times before, freedom of choice has been tried in the South from 1954, the year of the first Brown decision, to early 1968. During that 14-year period, black children attending white schools rose from practically 0 percent to a very poor 14 percent—an average of about 1 percent per year. However, between the fall of 1967 and the fall of 1968, following the Green decision—which prohibited freedom of choice if it impeded desegreration—the desegregation rate in the deep South jumped by 6 percent to a total of 20 percent.

Freedom of choice did not alter patterns of unconstitutional school desegregation. Freedom of choice did not work for the obvious reason that making a decision to unlock doors which were closed—or rather locked—requires a degree of fortitude which is a rare commodity in any of us. Surely none of us are naive enough to believe that black people living in areas where centuries-old attitudes of, and behavior of, hostility and prejudice are realities, are really free to choose to send their children to all-white schools. And surely none of us are naive enough to think that these attitudes will just someday disappear—human nature is not like that. Genuine equality is not something which should be given only to those who are willing to take every conceivable psychological and physical risk to attain it. Equality is something which institutions—especially those supported by public funds—should insure and protect.

The Whitten provisions encourage those who are opposed to these long overdue changes in the segregated educational institutions by encouraging delay. I realize that many of my colleagues are seriously concerned about unnecessary busing, but, if we are honest, we will admit that at issue here is not indiscriminate busing, but the means to end segregation.

The six words in my amendment, "except as required by the Constitution," add the crucial dimension to the Whitten language by subjecting it to the test of constitutionality.

Moreover, addition of this language is consistent with the courts and the statutes in dealing with school desegregation. For both the courts and the law have made it explicitly clear that Federal efforts at desegration are too confined to unconstitutional and discriminatory situations, wherever they are found.

In addition, I reject the argument that every effort of HEW or the courts to require positive implementation of school desegregation exceeds statutory and judicial boundaries. The recent Supreme Court decision, Alexander against Holmes County, October 29, 1969, reaffirms these boundaries and reinforces them by illustrating the fact that there has been much unnecessary delay in desegregating schools. The Court ruled that the time in which schools were to desegregate with "deliberate speed" had expired—school systems must desegregate immediately. The Court stated clearly and emphatically that segregation is a concept thoroughly alien to the

will of the Supreme Court and that such a concept as applied to education is no longer constitutionally viable. The Court further stated that school districts "must terminate dual school systems once and for all and operate now and hereafter unitary schools."

Mr. Chairman, the language, will, and intent of the Court is perfectly clear. Can we in good conscience ignore the dictates of the Court? Can we in good conscience run the risk of a mammoth retreat in civil rights progress?

There are those who would contend that anything beyond the voluntary actions of parents or children to desegregate schools is outside the context of the law. I cannot subscribe to such a restrictive interpretation.

I support HEW in its efforts to implement title VI of the Civil Rights Act of 1964. I must point out that HEW includes patient and persistent efforts at negotiation with local school districts. But when meaningless gestures are offered as solutions to serious problems of illegal segregation, then the sanctions of title VI of the Civil Rights Act of 1964 should become fully operative.

The time has come to stop playing around with so-called freedom of choice diversions and strive to fulfill the promise of America which is equality. De Tocqueville, in his classic work, "Democracy in America," pointed out that a major threat to the American polity and its ideas was the institution of slavery. Well time has borne out his prophecy. All Americans—black, white, red, and yellow—are in the grips of a profound threat to our democratic ideals. This threat is not situated solely in the South, although that is where there are the most tangible manifestations, but is located throughout this Nation.

One means to attempt to cure this inequity is the open and equal school system. Racially segregated schools have been by experience inferior. The Court and the Congress, as I have pointed out, have moved to correct these abuses. Now we are asked to regress. We cannot allow this to continue.

A large part of the fight for Federal funds for educational programs was to get needed Federal dollars to impoverished school districts.

As important, in my view, is the necessity to establish equal school systems, equal in the quality of education available. Historical experience has demonstrated that racially divided school districts have been inferior. Children attending these schools have not been given an equal opportunity. They have been denied the promise of America—an equal opportunity.

Mr. Chairman, I feel that it is incumbent for Members of the House to vote to make these sections—408 and 409—amenable to the Constitution of the United States.

In conclusion, it is appropriate to recall at this time the words of Abraham Lincoln, which are so relevant in this crucial period in our national history:

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive to finish the work we are in; to bind up the nation's wounds . . . to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Mr. BOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take 5 minutes. I simply want to point out that the Committee on Appropriations struck from the bill the language that the gentleman now attempts to put back in. I simply want to suggest this: There is no question that the courts can determine constitutionality. By putting this language in we are saying to someone downtown, "You begin to interpret the Constitution."

It seems to me that under the language we have here we have not affected the courts in the proper determination of constitutionality. The language which the gentleman from California wants put in gives to the Secretary of the Department of Health, Education, and Welfare or anyone else the right to determine the constitutionality. It seems to me that under the separation of powers that we have we should preserve to the courts the right to determine what is constitutional and what is not. I think the Appropriations Committee acted wisely when it struck from the bill that word "Constitution," and left it entirely up to the courts.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from California.

Mr. COHELAN. The gentleman from Ohio will agree, will he not, that the language I am proposing to be reinstated in the bill, and all those associated with me, is really the language that was proposed by the Republican administration.

Mr. BOW. I am sure I do not know what the Republican administration has proposed. What the gentleman is trying to say now is that he is going to try to reorganize the Government and turn over to the executive branch the right to determine constitutionality and take that right away from the courts. Whatever administration, whether it was yours or mine, I feel it is an error to do that. We have already had too much erosion of the separation of powers of Government, and for that reason I am opposed to the amendment.

Mr. COHELAN. Mr. Chairman, if the gentleman will yield further, did not Secretary Finch of the Department of Health, Education, and Welfare——

Mr. BOW. Again, I say to the gentleman that, perhaps, he would like to have the power of the courts to determine constitutionality. I am not one who is about to give it to him. I want to preserve the constitutional provision that the courts shall determine constitutionality and not delegate it to someone downtown to make that determination.

Mr. COHELAN. Will the gentleman not concede that the courts have already ruled on all of these issues?

Mr. BOW. Not on all these issues.

Mr. COHELAN. In the case of Brown against the Board of Education?

Mr. BOW. I think there are many issues that should be determined by our courts and not by some administrative officials.

Mr. COHELAN. But the gentleman knows that the courts have repeatedly taken a position on these issues?

Mr. BOW. I agree with the gentleman, but I still say I want the courts to make those determinations and not have them made by some administrator downtown.

Mr. COHELAN. Did your own Secretary of the Department of Health, Education, and Welfare in testimony before the Rules Committee on yesterday say it was unconstitutional—sections 408, 409, and 410?

Mr. BOW. I did not hear him say that.

Mr. COHELAN. Well, he did.

Mr. BOW. Just a minute. I will not yield further until I have answered the gentleman.

I will say this to the gentleman. If he said that, that is all the more reason why we should deny him the right to test constitutionality. The court should make that determination and not the Director of Health, Education, and Welfare.

Mr. COHELAN. May I say to the gentleman that the courts have spoken, both high and low, and far and near.

Mr. BOW. All right; let the courts continue to do that. I am for it. I believe in the courts passing upon these matters. However, I am opposed to giving the authority to the people downtown.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are confronted with the problem of securing the passage of a bill that will meet the approval of the House and Senate and that will be sufficiently satisfactory to the Executive to be enacted into law.

The committee made a reduction in the bill which had been vetoed in the sum of $445 million. The sum of $80 million of that amount has now been clipped away.

What we are considering now are sections 408 and 409. To me, the amendment offered could be considered facetious, and certainly it is capricious. I refer to the proposed language, "Except as provided in the Constitution." That language to me seems to be most inappropriate under the conditions under which it has been offered. If Congress does not have the intelligence or the wisdom to decide whether one thing is constitutional and another thing is unconstitutional, why does it want to pass it up to the executive branch to determine? The gentleman from Ohio has made this point well.

Well, if the Constitution provides it we ought to know it, and if it does not provide it we ought to know it, and it is utterly absurd to put those six words "except as provided in the Constitution" in the bill at this point and under the circumstance.

Now, if this section 408 and section 409 referred to are not constitutional, the amendment will not make them constitutional. If they are constitutional, the proposed added language is irrelevant. I am not willing, as I hope you are not, to go through the motion of voting for an amendment like the one proposed. I say this, further, while not intended to be, it is an affront not only to the executive branch, but it is an affront to the House of Representatives.

Mr. Chairman, I would hope very much that this amendment will be stricken down.

I think the amendment does no credit to the House of Representatives——

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. MAHON. To vote for an amendment saying "except as provided in the Constitution," as provided by the gentleman from California in the context in which the amendment is offered.

Mr. Chairman, I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I realize that these provisions have been debated numerous times; and on two occasions the House has approved them. I originally offered them several years ago.

The provisions are as follows:

SEC. 409. No part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

SEC. 408. No part of the funds contained in this Act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

The language which the gentleman from California would restore, "Except as required by the Constituton," was stricken out in committee by a vote of 30 to 13.

Mr. Chairman, the words "Except as provided by the Constitution" are completely unnecessary, for any statute that we pass is subject to the Constitution. So the words are not needed to bring the statute under the Constitution; that is automatic. The only purpose of the language being offered here is to give the Secretary of Health, Education, and Welfare a chance to say what the Constitution means.

While we are standing here, or meeting here, the Secretary and his organization are sending out statements to close schools, to enforce busing, to do the many things that these amendments would prohibit. They provide that he cannot use force to bring about busing; he cannot use force to close the schools or otherwise force a student to go to a particular school against the wishes of his parents; he cannot withhold money until somebody comes in and voluntarily does these things.

I have never been one who would want to visit on any section of the United States what has happened in my section. The schools and public education have been destroyed as of the moment. We are having children hauled miles from one direction to another against their wishes, to create a racial mix satisfactory to Mr. Finch or some court working with him. I have one constituent—a man whose daughter and son are in one school and now the daughter in the next class is going 12 miles in another direction to a different school; and next year she will have to go 12 miles in another direction to another school—against everyone's wishes.

More than 475 schools have been closed; we have had new school buildings closed. Yet in some cases classes are held from 7 to 5 o'clock in the overcrowded remaining buildings.

What I want to call your attention to is this—and I am not one of those who desire to visit this situation on you. I want you to help me to stop it before it reaches you, for quality education is a must if our Nation is to endure.

Any society in history that has stood for any length of time had to provide at least three things: for the internal protection of its people; for the protection of property rights, so men will have the incentive to work and save; and for the education of its people.

Law enforcmeent was seriously hampered by the Federal courts in my section of this country, and it has spread all over the United States until now in this area, as in most other cities, you are afraid to get out on the streets at night. The morning newspaper lists almost a half page on the major crimes of each preceding day. Last year we had 18,000 robberies and 9,000 burglaries and another 9,000 cases of other crimes of violence in Washington.

The Nation's courts let property rights be destroyed in my section. It spread to the burning of Detroit, Cleveland, Washington, Los Angeles, and hundreds of other cities.

So it is here. If you stand by and let HEW or the courts destroy quality education in my section, it is bound to come home to you.

You would not believe what has been done. We have home economic students being sent to schools where they do not have the equipment for teaching the subject.

We have youngsters in the lower grades who are going to schools where all the facilities are large, constructed for seniors and juniors. We have juniors and seniors going to schools with low blackboards, low commodes, and low drinking fountains, facilities intended for elementary school students. The interchange of faculty is unbelievably disastrous. Teachers have quit and you have to hire whoever you can get. One parent, discussing the math teacher, said she was fine until she got into fractions, long division and decimals.

What Mr. Finch is doing is violating the Civil Rights Act of 1964. This language which the gentleman from California would restore would only spur him on. He would be a 10th judge on the nine judge Supreme Court. You would give him an excuse to interpret the Constitution as he saw fit. In anticipation his folks are doing this now. Believe you me, he is destroying public education for all races. It is my section now but if not stopped it will spread to yours, just like violence and property destruction did.

In my hometown there are colored as well as white people who come to me and say:

Congressman, isn't there something you can do to save our schools? Congressman, won't you help us see that our children can go to school where we want them to go—do they have to be carried all around over the country to teachers who are not qualified?

I plead with you, support our provisions. Let us return education to the teachers, with every parent having the right to send his children to the school of his choice.

If you will help us keep these words out and keep the language which my committee accepted, we might save a country.

Mr. CONTE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. COHELAN) and myself. We have all been through this before. The last time was December 18, 1969, when 215 of my colleagues joined me in passing this amendment before us today which add the words "except as required by the Constitution."

Even before that, I spoke at length against these anti-civil-rights provisions. I would refer my colleagues to page 21656 of the July 31, 1969, RECORD, for a further explanation of why I believe they are unconstitutional and a tragic blow to the cause of equal rights.

I am not going to repeat what I said then, although I believe the remarks are equally valid today. Rather, I would ask my colleagues today to take a broader look at what has happened since 1954, and to see for themselves what effect the Whitten amendments would have upon these events.

Fifteen years ago, the Supreme Court of the United States held that segregated schools were unconstitutional and, therefore, were to be integrated with all deliberate speed. These landmark decisions spelled hope for millions of Americans, hope for the chance to enjoy the equal rights to which they were entitled under our Constitution, but which they had not been permitted to exercise.

The years passed, and the term "all deliberate speed" seemed to be forgotten, or twisted to mean all deliberate delay. Then, last year, the Supreme Court spoke again with all the force it could command. It held that desegregation with all deliberate speed was no longer enough, and that schools would have to operate on a unitary basis now.

So here we stand today. The Court has spoken, and HEW is trying to enforce its decree. But the proponents of sections 408 and 409, as currently written, would have us water down Federal enforcement of a judicial order.

That, however, is not the end of the story. By doing this, we would be destroying the hopes of many black citizens that were kindled a long and hard 15 years ago. We would be retreating upon our commitment to uphold the Constitution for all Americans, not just some Americans, and grant the equal rights upon which this Nation was founded.

Mr. Chairman, I, for one, am not going to be a part of any effort to turn back the

tide that was started in 1954. I am not going to stand up here and tell our black citizens that the Constitution does not mean what it says when it calls for equal rights, and when the Supreme Court, the ultimate authority on that document, says it calls for equal rights now.

I certainly hope that my colleagues will join me in refusing to retreat. I urge them to support the amendment from the gentleman from California and myself. It represents what we stand for not only in the eyes of the world, but also in the eyes of those millions of Americans who have been denied their fundamental rights.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to commend the gentleman from Massachusetts for making a statement of conscience, if you please. To my colleagues here I want to say to you that, notwithstanding all the arguments about money involved in this bill, in my judgment, this is the most critical portion of this entire appropriation measure. What our friends from California and Massachusetts are saying is that we are going to either resolve them honestly here today or they are going to be resolved outside the legislative process across this country. It is about time that we have some plain talking about the kinds of questions before us, and I say to you that all of us who cannot join in doing what we have already done—not go further, but just do what we have already done—by making a distinction between de jure and de facto segregation do not give even a pittance of what really is owed to the black people in this country. I commend the gentleman from Massachusetts. I hope I shall have a further opportunity to speak on this subject.

Mr. CONTE. I thank the gentleman.

I would like to make one further point. There has been a great deal of discussion about where the Secretary of Health, Education, and Welfare stands on this amendment. I would like to read from a letter sent to all Senators on the Senate Appropriations Committee on the subject of the Whitten amendments dated December 13, 1969. These are the Whitten amendments the Secretary is speaking of, the exact amendments we have before us today. He wrote:

> The amendments dealing with school desegregation, as passed by the House of Representatives and as reported by the Senate Subcommittee, would cripple the efforts of this Department to enforce the mandate of the Supreme Court and to protect the constitutional rights of all Americans to an equal opportunity in education. The only districts which HEW deals with under Title VI of the Civil Rights Act are those operating illegally segregated school systems. HEW's role is to assist these districts in working out practical, effective, and educationally sound desegregation plans which meet the requirements of the law.
>
> Sections 408 and 409 would seriously restrict the flexibility of HEW and local school districts in working out appropriate solutions. Recalcitrant school districts would be encouraged to harden their positions, and districts which have complied with the law would be tempted to go back on their commitments. This could seriously jeopardize the substantial progress made in school desegregation.

Mr. JONAS. Mr. Chairman, I move to strike the last three words.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. JONAS. But I think we are forgetting or overlooking in the course of this debate a few points that are worth remembering. For example, a few minutes ago I asked the distinguished chairman of the Committee on Appropriations if he did not remember, as I do, that the 14th amendment to the Constitution of the United States, which is the very amendment upon which most of the Court decisions are based, does not in section 5 provide that Congress shall have the power to enforce by appropriate legislation the provisions of the article.

And he agreed with me.

We have acted in Congress since the Brown case. We acted in 1964. We were told earlier today that in the Brown case the Supreme Court decreed the end of segregated schools. Assuming that is what the Court decreed, Congress then undertook to determine what segregation and desegregation mean. The Court did not spell it out, but Congress spelled it out by defining the word "desegregation" in title IV of the Civil Rights Act of 1964, and every person who has spoken in favor of the Cohelan amendment today voted for that Civil Rights Act, as did many other Members of Congress.

What did Congress say desegregation means? Congress said desegregation means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin. And then we went further and defined what desegregation does not mean, and here is what Congress said desegregation does not mean:

> Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

That is what all this argument is about. If there were not any assignment of students, cross-busing them across counties and across cities to achieve racial balance in individual schoolhouses, we would not have any problem.

We went further and we outlawed, we struck down the busing of students for this purpose, or the use of transportation to achieve racial balance, in section 407 of title IV of the Civil Rights Act of 1964. Are we going to repudiate that today? The purpose of the Whitten amendment is to implement the decision of Congress pursuant to amendment 14 of the Constitution, and it complies with the definition of what "segregation" means, and what "desegregation" means.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Chairman, I thank the gentleman for yielding.

I would like at this time just to bring to the attention of the Members what the implementation, of so-called, desegregation by HEW through the closing of schools has done to the South. I have the actual figures compiled from HEW's own records as supplied to me for the year 1968 through 1969. There were 475 schools in the South closed for desegregation reasons, that is, to impose and to force the students out of one school and into another school to achieve racial balance.

In my own district, in suburban Atlanta, we had a school which was 6 years old. HEW said we had to close it, because all the student body was black. Without exception every child going there lived closer to that school than any other but they were to be forced to another school. That is one example.

There is an 8-year-old high school in Gainesville standing vacant in a black area. There were 784 schools totally closed last year and 475 because apparently HEW and the courts interpreted the law to mean that in order to force the students out they had to close the school.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendments.

Mr. Chairman, we have been over this ground before, and, of course, the issues are crystal clear to everyone who is a Member of this House, so I am not going to argue the legalisms that have been raised as if they are some new particular development of the law that is unclear or mysterious.

I hear some of the Members about us talking about the 1954 U.S. Supreme Court decision as if there is still some doubt about it.

Brown against Board of Education in 1954 was decided two times. It is pretty clear what it said: With all deliberate speed we must begin the desegregation of our racist two-system schools that obtained primarily in the southern part of the United States of America.

So what we began to do was to separate out those schools that were desegregated de facto because of the accidental or the intentional racial discrimination in housing that created all-black or all-white school patterns. Then we went at those school systems that were deliberately and intentionally set up to continue and tolerate racial segregation.

Now, there is not a Member from the South, North, East or the West, who is not as well aware of this fact as every school child in America.

So what this amendment does is provide, "except as required by the Constitution," and seeks to establish that wherever there have been school systems established by law to segregate they must be brought to an end.

This was said clearly by Brown in 1954.

Then we had Brown against the Board of Education the second time. Since then we have had scores of cases delineating this.

I am in the well today pleading with my colleagues to merely continue this part of the law. I am not here to ask you today that it is high time we end de facto segregation in the North and the South and everywhere that obtains. I will refrain from that request today, my colleagues. But why can we not continue to abolish it in the legally created dual school systems that obviously foster and continue the

segregation that we claim we do not want?

It is about time the hypocrisy of this one branch of Government came to an end. It can come to an end this afternoon, because all we have to do is go back to where we were only a month ago, and that is to accept this language which will eliminate the de jure two school systems wherever they may exist.

Now a word on busing. I know how inflammatory it is in the districts of some of my colleagues. The fact of the matter is that there is more busing when there are two school systems than there can ever be when there is either de facto segregation or an attempt to create some racial balance. That is the truth. The Secretary of Health, Education, and Welfare has testified to it by pointing out that in 300 cases where districts have submitted school plans in 290 of them there was less busing as a result of these plans which ended the dual school system. In less than 10 was there more busing.

I am asking you to disregard the hysteric conversation that has gone on in the cloakrooms about busing. If you are really hung up about busing then I will introduce a rollerskate amendment to provide a way to get children to school if you wish. Or perhaps we should provide the kids motorbikes. How they get to school is not nearly as important as the fact they all go to unified, desegregated schools with the best available curriculums.

When we begin to talk about freedom of choice, we have only to read what the courts have been saying these many years. I know there are some people here who do not like to have mentioned the fact that there are Federal courts that rule on these questions. The central fact of the matter is that there is no freedom of choice if you have a freedom of choice plan. Many black families struggling under the economic and social conditions that prevail in this country—and I doubt if anyone can seriously question that they prevail—are not free to come to the very people who are working in concert against them and seriously assert a "choice."

So the courts have properly said if the freedom of choice plan does not really accomplish the end to which it is——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. So when we begin to talk about a freedom of choice plan, unless the courts say that it actually provides a freedom of choice, it will not be accepted. So, Mr. Chairman, this is the moment of truth for 25 million black Americans. It is not just them, but it is the moment of truth for this Nation, because we are now about to set aside the Civil Rights Acts that are being quoted by my friends from the South. We are about to nullify the very little progress that has been made in this country.

I appeal to you as Americans, as black and white Representatives that want to put an end to the kinds of polarizations that have gone on in this country to join with us and accept the Cohelan and Conte amendments.

Mr. HUNGATE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the President's veto message laid before the House on January 27, 1970, it was stated:

> If the veto is sustained, I will immediately seek appropriations which will assure the funds necessary to provide for the needs of the nation in education and health. No school will need to be closed, no child need have his education interrupted or impaired as a result of this veto action.

It is obvious from the arguments of my colleagues here today that the statement that no child's education would be interrupted or impaired and no school will be closed if the veto was sustained must have been based on some misinformation. Member after Member of this body today is indicating that because of the veto and the inadequate funds requested by the President, children will have their education interrupted and impaired and school terms will be shortened and perhaps even schools closed unless we act today to increase the inadequate funds sought by the administration.

I would like to make my position perfectly clear on the issue of school busing to promote racial balance and on de jure and de facto segregation.

The Supreme Court ruled 16 years ago that de jure segregation violated our Constitution and I am proud to state that schools in my congressional district were at once promptly integrated and are so operated today.

As to de facto segregation and busing that will destroy the indigenous character of the neighborhood school, I think the proposal both impractical and harmful to both the school and the schoolchildren involved. A few examples should suffice. In the Ninth Congressional District, we have had and probably now have at least two counties in which there are no black people and indeed it is probable that certain other racial and religious minorities are not represented or have only token representation in such counties, although such minority groups may exist in substantial numbers in other areas of the district.

If these de facto segregation situations are to be cured and the mutual benefits of intermingling made available, then it would be necessary to provide school buses to haul children 100 to 150 miles one way or 200 to 300 miles round trip each day to banish de facto segregation.

To state the facts, I think indicates how far astray we can go when pure theory is ascendant to experience and practicality. It further indicates the absurdity implicit in the attempt to apply the language of the corporate lawyer to the problems of civil rights.

Mr. REID of New York. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, for at least the third time in a year and a half I rise in opposition to the so-called Whitten amendments which attempt once again to perpetuate illegal dual school systems in the South.

As the gentleman from Michigan has just said, this Congress, this House, today faces a moment of truth on an important matter, far more important than any money in this bill. Are we to make today a craven retreat from racial integration or are we going to stand foursquare back of equal educational opportunity for all Americans? I think there are few of us in this House today who cannot reflect with a measure of sadness that some 16 years after the Supreme Court declared that segregated education is inherently unequal, we still are trying here in this body to find devious ways to perpetuate this morally reprehensible and educationally damaging practice.

It seems to me that the Congress should not further demean itself and should not further default on a moral debt to all Americans that dates from the Revolutionary War and the Civil War. That is why I strongly support the amendment offered by the gentleman from California (Mr. COHELAN) and the gentleman from Massachusetts (Mr. CONTE) to strike out section 410 and to add the words "except as required by the Constitution" to sections 408 and 409.

Mr. Chairman, the Supreme Court made quite clear and abundantly plain on October 29, 1969, just a little while ago, in the case of Alexander against Holmes County Board of Education that every—and I repeat every—school district is obligated to end dual school systems "at once" and "now and hereafter" to operate only unitary systems.

The Court held that:

> Continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible.

Mr. Chairman, some will argue that these sections of the bill are intended only to allow children to attend the school of their and their parents' choice. However, freedom of choice plans have been totally inadequate and insufficient and the Supreme Court has clearly held that such plans are acceptable only when they result in the elimination of discrimination and unconstitutional segregation.

Specifically, on May 27, 1968, the Supreme Court held in the case of Green against County School Board of New Kent County that:

> The burden on a school board today is to come forward with a desegregation plan that promises realistically to work, and promises realistically to work now.

Now, what are we doing here today? As I understand it, the Whitten amendment seeks to prohibit the Federal Government from cutting off Federal funds to school districts which use freedom of choice plans. The Jonas amendment, section 410, as I understand it, would seek to go still further in denying the Government power to force school districts to move beyond freedom of choice. This would appear to me to be in direct contravention of the Supreme Court's mandate in the Alexander case.

Mr. Chairman, I compliment the gentleman from California (Mr. COHELAN), the gentleman from Massachusetts (Mr. CONTE), and the gentleman from Mich-

igan (Mr. CONYERS) for their eloquent statements.

It seems to me that it is about time that the Congress give the Department of Health, Education, and Welfare full authority to withhold money in order to enforce desegregation, and it is about time that the administration use the full force of its moral and political power to back up such actions by the Department of Health, Education, and Welfare. This House, if it is to honor its heritage, if it is to have relevancy to the future, must support the amendment and must do so in order to uphold the integrity of the House and the integrity of the American dream.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise as one southern voice in support of the Constitution and in support of the U.S. Supreme Court as the ultimate authority to interpret that instrument.

There has been a lot said about constitutionality that has not been, with all due respect, not too well said.

What the Constitution requires, as I understand it under the Brown decision, is that there may not be two sets of schools, whatever the cause; that no governmental authority resulting in two sets of schools may ultimately be upheld and that where there are two sets of schools, one black, and one white, there must hereafter be just one set of schools. By whatever means, the wrongful governmental action must be upset. That is what the Court says, it seems to me. If it is necessary to upset that black school and that white school by using various techniques, new techniques, the Court says they must be used.

Mr. Chairman, it seems to me that what the gentleman from Mississippi (Mr. WHITTEN) said was perfectly correct—that we may not write law in opposition to the determination of the Supreme Court with respect to constitutionality and, therefore, he argues that we do not need the qualification. I want to suggest to you that we do need the qualification.

Just as the able gentleman from North Carolina (Mr. JONAS) pointed out, it is the duty of this Congress to write its laws in conformity with the Constitution, and there is one thing that is not done if we utilize the language that now appears in the bill, the language of the Whitten amendment:

The language of the Whitten amendment would imply that HEW should be blind to what is being done by the Justice Department. It seems to me that it is the duty of Congress to make it clear that HEW should act in conformity with the Justice Department, operate in conformity with the Constitution, and that every arm of the Government should act as a single arm to enforce the 14th amendment.

That is all this amendment that the gentleman from California (Mr. COHELAN) has offered would do. The Cohelan amendment merely guarantees that HEW, the Justice Department, and every other arm of the Federal Government support the Constitution; but not beyond what is must do to accomplish that purpose—not to the point of gratuitously requiring busing, not to the point of gratuitously destroying the neighborhood school, but to the extent that it is necessary to bring into conformity all forces of the Federal Government to do away with the segregated school.

Therefore, Mr. Chairman, I strongly urge that the amendment offered by the gentleman from California (Mr. COHELAN) be adopted.

Mr. RYAN. Mr. Chairman, once again, like a recurrent bad dream, we are faced with the Whitten amendments. And now, in addition, the Jonas amendment has been added to H.R. 15931, the Labor-HEW appropriation bill, 1970, to compound the severity of the situation.

The Whitten amendments are embodied in sections 408 and 409 of the bill. These provide:

SEC. 408. No part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

SEC. 409. No part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining federal funds otherwise available to any state, school district, or school.

These amendments are not new to the House. On July 31 of last year the House rejected an amendment which would have stricken them from the previous HEW appropriation bill, H.R. 13111. I opposed the Whitten amendments then, and I oppose them now.

Fortunately, this House was offered an opportunity to redeem itself. On December 17, the other body adopted an amendment offered by the distinguished senior Senator from Pennsylvania (Mr. SCOTT) which added to the beginning of each section—then, as now, sections 408 and 409—the words, "except as required by the Constitution." And on December 18, the House instructed the House conferees on H.R. 13111—since vetoed by the President—to accept this language, which at least lessened the impact of the Whitten amendments.

Despite the fact that the House clearly expressed its will on December 18, the Appropriations Committee has resurrected the Whitten amendments and incorporated them once again in the Labor-HEW appropriation bill now before us.

These amendments are another in a long line of attempts to frustrate the Supreme Court's decision in *Brown* v. *Board of Education of Topeka*, 347 U.S. 483 (1954), and the rulings which have followed from it. The vice of sections 408 and 409, of course, is that they compel the Department of Health, Education, and Welfare to accept so-called freedom-of-choice plans without regard to whether or not these plans will end dual school systems and segregation.

Yet the Supreme Court has made eminently clear, in *Green* v. *School Board of Virginia*, 391 U.S. 430 (1968), that "freedom of choice" plans can be sanctioned if—and only if—they effectuate "conversion of a State-imposed dual system to a unitary, nonracial system." And even in such case, a "freedom of choice" plan "must be held unacceptable" when "there are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, nonracial school system."—Green against School Board of Virginia.

The Whitten amendments fly in the face of Green and compel the Federal Government to accept a "freedom of choice" plan without regard to its effectiveness in achieving a unitary, nonracial school system.

The Jonas amendment is even more destructive of the law of the land. Embodied in section 410 of H.R. 15931, it provides:

No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

Section 410 would deny Federal funds to any school district which tries to "formulate, carry out, or implement" a unitary, nonracial school system and thereby comply with the law of the land.

And it does not even allow the southern white student enlightened enough to throw off the bigotry of his parents to attend an integrated school against his parents' wishes: the words used are "any public school of his or her choice as selected by his or her parent or guardian"—and I emphasize, "as selected."

"Freedom of choice" plans are nothing less than subterfuges for perpetuating segregation. I need not resort to unsupported polemic to make this point. The report of the U.S. Commission on Civil Rights, issued in July 1967, and entitled, "Southern School Desegregation, 1966–67" offers somber testimony to the hypocrisy of "freedom of choice." As the report states, in presenting its examination of "freedom of choice":

Instances of . . . misconduct—including intimidation by violence and economic reprisal, and improper acts of school authorities and other public officials—were found in the present study. (p. 74).

The cases cited by the Commission detail this violence and economic reprisal:

But the parents of a twelve-year-old Negro boy in the seventh grade of one of the schools (in Clay County, Mississippi) under the Superintendent's supervisor reported that just before school opened: "White folks told some colored to tell us that if the child went, he wouldn't come back alive or wouldn't come back like he went." (p. 76)

The mother of two of the children attending the formerly all-white school (in Clay County, Mississippi) reported that she had received a notice in her mailbox on August 29 saying that she had three days to remove her children from the white school "or burn on the cross—KKK." (p. 76)

Jennie Joyce Willis, 13, one of the (Negro) children who had sought to transfer, was

hit in the face by the shotgun blast and lost her right eye. (p. 79)

One, a fourteen-year-old boy, filled in his own (transfer) form. His father reported: "He was in before I know. I came out of work, and saw him walking home [from the formerly all-white school] and that Monday night, the man came and said, "I want my damn house by Saturday . . ." (p. 83)

"Freedom of choice" is really a throwback to the institution of segregation—an institution declared unconstitutional 16 years ago by a unanimous court in *Brown* v. *Board of Education of Topeka,* 347 U.S. 483 (1954). The Court there made clear the evil which segregation is, and the damage it inflicts:

In *McLaurin v. Oklahoma State Regents . . . supra.*, the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: '. . . his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession.' Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . . Separate educational facilities are inherently unequal . . . "

The Court in Brown was spouting neither pipedreams nor baseless platitudes. Numerous scientific studies have reported the damage which segregation brings upon the victim—and, as well, on the majority group child.

For example, the appendix to the appellant's brief in the Brown case, which was drafted and signed by some 32 sociologists, anthropologists, phychologists, and psychistrists, noted the findings of the 1950 Midcentury White House Conference on Children and Youth. The brief recounts some of these findings:

Some children, usually of the lower socio-economic classes, may react by overt aggressions and hostility directed toward their own group of members of the dominant groups. Antisocial and delinquent behavior may often be interpreted as reactions to these racial frustrations. These reactions are self-destructive in that the larger society not only punishes those who commit them, but often interprets such aggressive and anti-social behavior as justification for continuing prejudice and segregation.

Middle class and upper class minority group children are likely to react to their racial frustrations and conflicts by withdrawal and submissive behavior. Or, they may react with compensatory and rigid conformity to the prevailing middle class values and standards and an aggressive determination to succeed in these terms in spite of the handicap of their minority status.

The report indicates that minority group children of all social and economic classes often react with a generally defeated attitude and a lowering of personal ambitions. This, for example, is reflected in a lowering of pupil morale and a depression of the education aspiration level among minority group children in segregated schools. In producing such effects, segregated schools impair the ability of the child to profit from the educational opportunities provided him. . . .

With reference to the impact of segregation and its concomitants on children of the majority group, the report indicates . . . that confusion, conflict, moral cynicism, and disrespect for authority may arise in majority group children as a consequence of being taught the moral, religious, and democratic principles of the brotherhood of man and the importance of justice and fair play by the same persons and institutions who, in their support of racial segregation and related practices, seem to be acting in a prejudiced and discriminatory manner. Some individuals may attempt to resolve the conflict by intensifying their hostility toward the minority group. Others may react by guilt feelings, which are not necessarily reflected in more humane attitudes toward the minority group. Still others react by developing an unwholesome, rigid and uncritical idealization of all authority figures . . . they despise the weak, while they obsequiously and unquestioningly comform to the demands of the strong whom they also, paradoxically, subconsciously hate.

Perhaps all this is commonplace. But it is clear that the proponents of the Whitten and Jonas amendments either refuse to acknowledge, or ignore, or what is even worse, embrace, the evil, both overt and subtle, wreaked by the institutions of segregation, and by racial prejudice.

And yet, the evidence repeats itself. In March 1967, for example, the U.S. Civil Rights Commission concluded, in its report entitled "Racial Isolation in the Public Schools":

The central truth which emerges from this report and from all of the Commission's investigations is simply this: Negro children suffer serious harm when their education takes place in public schools which are racially segregated, whatever the source of such segregation may be.

Negro children who attend predominantly Negro schools do not achieve as well as other children, Negro and white. Their aspirations are more restricted than those of other children and they do not have as much confidence that they can influence their own futures. When they become adults, they are less likely to participate in the mainstream of American society, and more likely to fear, dislike, and avoid white Americans. The conclusion drawn by the U.S. Supreme Court about the impact upon children of segregation compelled by law—that it "affects their hearts and minds in ways unlikely ever to be undone"—applies to segregation not compelled by law.

The major source of the harm which racial isolation inflicts upon Negro children is not difficult to discover. It lies in the attitudes which such segregation generates in children and the effect these attitudes have upon motivation to learn and achievement. Negro children believe that their schools are stigmatized and regarded as inferior by the community as a whole. Their belief is shared by their parents and by their teachers. And their belief is founded in fact.

Isolation of Negroes in the schools has a significance different from the meaning that religious or ethnic separation may have had for other minority groups because the history of Negroes in the United States has been different from the history of all other minority groups. Negroes in this country were first enslaved, later segregated by law, and now are segregated and discriminated against by a combination of governmental and private action. They do not reside today in ghettos as the result of an exercise of free choice and the attendance of their children in racially isolated schools is not an accident of fate wholly unconnected with deliberate segregation and other forms of discrimination. In the light of this history, the feelings of stigma generated in Negro children by attendance at racially isolated schools are realistic and cannot be easily overcome. (pp. 11–12).

Given the irrefutable evidence—evidence which should make even consideration of the Whitten and Jonas amendments, let alone passage of them insupportable—I can only deplore the invocation of "freedom of choice." Let no one deceive, or be deceived. "Freedom of choice" is a perversion of terms—"freedom" can never be equated with the repression and injustice which "freedom of choice" actually constitutes.

The statistics released by the Secretary of Health, Education, and Welfare on January 4, 1970, show how little progress has been made since the Supreme Court's 1954 desegregation decision. How, then, can we allow passage of the Whitten and Jonas amendments, in light of the following figures?

NEGROES BY STATE—NUMBER AND PERCENTAGE ATTENDING SCHOOL AT INCREASING LEVELS OF ISOLATION FALL, 1968 ELEMENTARY AND SECONDARY SCHOOL SURVEY

State	Total number of students	Total number of Negro students	Percent of total students	Negroes attending minority schools									
				0 to 49.9 percent		50 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	percent	Number	Percent	Number	Percent
Continental United States	43,353,567	6,282,173	14.5	1,467,291	23.4	4,814,881	76.6	3,832,843	61.0	3,331,404	53.0	2,493,398	39.7
Alabama	770,523	269,248	34.9	22,308	8.3	246,940	91.7	244,693	90.9	243,269	90.4	230,448	85.6
Arkansas	415,613	106,533	25.6	24,091	22.6	82,442	77.4	78,901	74.1	77,703	72.9	75,797	71.1
Florida	1,340,665	311,491	23.2	72,333	23.2	239,158	76.8	224,729	72.1	215,824	69.3	184,074	59.1
Georgia	1,001,245	314,918	31.5	44,201	14.0	270,717	86.0	262,689	83.4	259,891	82.5	240,532	76.4
Louisiana	817,000	317,268	38.8	28,177	8.9	289,091	91.1	279,614	88.1	278,620	87.8	259,897	81.9
Mississippi	456,532	223,784	49.0	15,000	6.7	208,784	93.3	207,515	92.7	206,736	92.4	197,447	88.2
North Carolina	1,199,481	352,151	29.4	99,679	28.3	252,472	71.7	229,393	65.1	227,057	64.5	207,742	59.0
South Carolina	603,542	238,036	39.4	33,811	14.2	204,225	85.8	200,188	84.1	199,752	83.9	188,666	79.3
Tennessee	887,469	184,692	20.8	39,240	21.2	145,453	78.8	132,208	71.6	123,468	66.9	108,425	58.7
Texas	2,510,358	379,813	15.1	95,931	25.3	283,882	74.7	239,540	63.1	208,021	54.8	165,249	43.5
Virginia	1,041,057	245,026	23.5	65,922	26.9	179,104	73.1	167,172	68.2	161,321	65.8	142,209	58.0

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. COHELAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COHELAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. COHELAN and Mr. Bow.

The Committee divided, and the tellers reported that there were—ayes 122, noes 145.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. JONAS

Mr. JONAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONAS: On page 61, line 9, after the word "student" insert a comma and add the following: "because of his or her race or color".

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. JONAS. Mr. Chairman, this is merely a perfecting amendment. I do not think the criticism I have heard directed to it is valid, but it has been charged that without this perfecting language some local school board might be denied the right to make assignments of students on a geographical or a zone basis. The perfecting amendment is to make crystal clear that the amendment is intended only to deal with assignments on the basis of race or color. I have spoken with the distinguished chairman of the subcommittee, and while he will not support my amendment, he will accept this perfecting amendment to it.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the distinguished Chairman.

Mr. FLOOD. Of course, I cannot speak for the subcommittee, but I do agree that the amendment is entirely for the purposes of clarification.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONAS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROBISON

Mr. ROBISON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBISON: On page 61, line 7, strike out section 410 through line 9.

Mr. ROBISON. Mr. Chairman, this is a motion to strike section 410—now the last section—from the bill before us.

I have no reservations about offering such a motion, though I do have certain regrets—regrets relating to the respect, admiration, and real affection I have for the distinguished gentleman from North Carolina (Mr. JONAS), whose words these are and whose amendment this was.

The words—the changed words, now—on the surface, seem almost innocuous; but, in the context of current events, they offer no help, or solution, to anyone. They stand, at best, as a symbolic gesture against the turbulence and trouble that now surrounds the issue of school integration in the South, as well as, now, in some other sections of our Nation, and one can well understand why those who have been most upset by this developing and deteriorating situation might take some comfort from having some such words in this bill.

However, the plain fact of this matter is, Mr. Chairman, that this is the wrong time and the wrong place for these words—even if they are to be taken only as a symbolic banner. They serve to do nothing but render this poor vehicle, already overloaded with controversy, and already 7 months overdue, even more controversial. One can visualize, for example, the other body spending—in its present mood—several days struggling with words such as these, seeking a consensus as to their meaning and true effect. And all this, while our main objective ought to be to get this appropriation bill—already so unnecessarily delayed—through this Congress and again down to the President, whatever its final form may be.

And in addition to the fact that this wording is totally out of place in this appropriation bill, there are also some disturbing implications to the section. The wording, even as now changed, if taken literally, would still seem to tend to destroy the traditional concepts of neighborhood schools; it would seem to dissolve local district lines almost at the parents' whim; it would seem to further confuse already overburdened school administrators as they try to make sense out of congressional intent and constitutional mandates.

Further, section 410 might be interpreted as requiring the cutting off of funds to school districts which have adopted and already implemented desegregation plans based on factors other than "freedom of choice." This might happen even if the school district were obeying the dictates of a court decision; and to that extent, this unfortunate wording will—I fear—encourage districts to defy the orders of the Federal courts involving "pairing" and "rezoning" decisions which go beyond the scope of "freedom of choice."

Aside from the practical problems, of course, is the very real possibility that the wording may be unconstitutional inasmuch as it would prevent the Department of Health, Education, and Welfare from promoting effective desegregation measures on the local level consistent with the provisions of title VI of the Civil Rights Act.

Even if these other very real problems were only illusory, let us be honest enough to emphasize that this is hardly the vehicle for such provisions, which have so many social and political manifestations. We owe it to a troubled people to address this entire problem area in a sensible, rational way. Adding section 410 to the tail end of this appropriations bill, obscuring the primary functions and purposes of the measure, is hardly responsible at this juncture.

How can we expect the people of this Nation to work together to overcome the tremendous racial and social crises we have inflicted upon ourselves, if we as their representatives choose to deal with such a crucial issue in this backhanded manner?

Mr. JONAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from New York seeks to strike section 410 as amended by the amendment I offered just before the gentleman spoke, which was a perfecting amendment. In order to bring this into focus, let me impose on the good nature of Members by reading again the amendment as it now stands, and which is sought to be stricken by the motion of the gentleman from New York.

It is a very simple amendment which provides:

SEC. 410. No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

Will someone please tell me, pray, how anybody could possibly object to that if we believe in freedom? Why, freedom is what this country is all about. That is why our ancestors fought a Revolutionary War and why we have fought many wars since. If one is going to be denied the right to attend a school of his choice because he is black, that black person does not have freedom of choice, and some of his freedom is thereby denied. If a white student is denied the privilege of attending the school of his choice simply because he is white, then we are denying that white student one of the freedoms that was guaranteed to him by the Constitution itself.

Mr. Chairman, I am not going to take the 5 minutes. The issue is crystal clear. It is simply a question of whether we believe in freedom of choice or whether we believe in denying freedom of choice to people because of their color or race. I ask for a negative vote on the amendment.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment to strike section 410 of this bill. No issue in my memory has more greatly disturbed my constituents, or more properly done so, than the issue of compelling students to attend schools out of their home neighborhood for the purpose of securing racial ratios. This compulsion is being sought almost always in opposition to the wishes and judgment of parents and guardians. If I am any judge of the wishes of my constituents, and based on many contacts with them, both black and white, it is my opinion that section 410 of this bill is what they desire to be the law. So, I sincerely hope that the pending amendment to strike section 410 will be defeated.

Recent decisions by the courts have caused great concern and difficulty in the Third Congressional District of Florida, which I represent. The public school system, which includes over 122,000 students in 135 schools in Duval

County, is threatened by compulsory involuntary busing for racial ratios.

I have introduced several pieces of legislation which I believe would correct the injustice by these court decisions.

One, House Joint Resolution 1045, is a constitutional amendment to prohibit the involuntary busing of students from their own neighborhood school to another area.

Another bill, H.R. 15437, would relieve pressure for school integration in each school once the national average for a minority is reached in the school.

A third bill, House Joint Resolution 1047, would amend the Constitution to require that Federal judges be reconfirmed every 6 years, to require 5 year's prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of judges at the age of 70.

Mr. Chairman, the Florida congressional delegation has had several meetings on the problem of forced busing, because it is a critical problem in our State. The delegation has requested a meeting with the President or Vice President AGNEW's new school committee. We hope to present Florida's position and that of our own districts to the administration as soon as possible. On January 14, 1970, I also asked the Supreme Court to allow me to intervene in cases to make a plea before the Court against involuntary busing for racial ratios.

Mr. Chairman, again I express the hope that the pending amendment will be defeated.

Mr. O'NEAL of Georgia. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

Mr. Chairman, it would be extremely difficult if not impossible to find a single Member of Congress who admits opposition to public education. Yet those who are attempting to delete section 410 from this bill are calling for the destruction of our public schools.

Unless reason is restored and the will of Congress is reaffirmed, our schools will most certainly be destroyed by those overzealous bureaucrats at HEW who attach more importance to the integration of the bodies of schoolchildren than to the enlightenment of their minds.

Our object is not to interfere with anyone's civil rights. What greater civil right exists than the freedom of choice—or to put it another way—the freedom from force? We seek nothing more than to prevent the destruction of our public schools.

I know that it must be difficult for many of my colleagues to fully comprehend the magnitude of the problems faced by school districts in my section of the country. Just as those who have never missed a meal cannot fully comprehend the meaning of hunger, those who have never been twisted and ground beneath the heel of Federal tyranny cannot appreciate the crisis we face in our public schools.

It is important to bear in mind that the Congress has never given HEW the right to force busing, the right to abolish schools, or the right to force transfer of pupils from where their parents are sending them to where HEW wants them. Nevertheless, they have assumed these powers which calls to mind the truism that "any excuse will serve a tyrant."

I do not think there can be any doubt that the sole purpose of title VI of the Civil Rights Act of 1964 was to prohibit the forced separation of races in the public schools. In other words, a system was instituted by which students would be free to attend the schools of their choice without regard to race, creed, or national origin.

Therefore, I fail to see how there can be legitimate objection to the language in section 410 of this bill. It is very simple and straightforward. Its only purpose is to keep HEW honest.

Mr. Chairman, I urge my colleagues to defeat the pending amendment and support the language in this bill which would prohibit HEW officials from setting policy that is contrary to the legislative intent of Congress.

Mr. FLYNT. Mr. Chairman, I oppose the amendment offered by the gentleman from New York (Mr. ROBISON).

If any reasonable person would carefully analyze the language of section 410 there is only one logical conclusion at which such person could arrive. That conclusion simply stated is that it would bar discrimination of any kind against any race in the assignment of pupils to an elementary or secondary public school.

So far as I know, under the laws as interpreted and understood, no child nor the parent of any child can be denied the right to attend the school of his choice because of his race, creed or color.

Mr. Chairman, I am not talking about 1854, 1896, or 1953, but I am talking about the period from 1954 forward when I say with sincerity and candor that all people of good will recognize and understand that discrimination because of race, creed, or color is unconstitutional. Unless the language of section 410 is preserved in its present form and enacted into law you are going to see discrimination start all over again. This time it will be against schoolchildren of both minority and majority races who will not only be denied the right to attend the school of their choice but in many instances will be forced to attend a particular school against their will and against the will of their parents or guardian.

Recent decisions, during the past 90 days, handed down by the Fifth Circuit Court of Appeals and the Supreme Court of the United States, have held that schoolchildren of both races must be reassigned and forced to attend schools which they did not choose to attend.

Mr. Chairman, so far as I know—and I think I know and understand the educational system throughout the State which I represent—for the past decade no child has been discriminated against in school attendance because of his race. This may come as a shock to some of my friends and colleagues from other parts of the country, but regardless of what the situation may have been prior to May 17, 1954, in recent years there has been no de jure or de facto discrimination against any person insofar as school attendance is concerned.

Every legal scholar who can objectively study the 1954 decision in the Brown against Topeka case has said and still says that the law of the land is that no person shall be denied the right to attend any public school because of his race. That fact, Mr. Chairman, has been accepted. No person with any sense of objectivity has ever contended that the Brown against Topeka decision was ever intended to insure racial balance in the schools in direct proportion to racial balance in the total population of such school district.

Mr. Chairman, recent decisions of the Supreme Court of the United States and of the fifth circuit court of appeals have held that all schools within a given school district beginning on specified effective dates, February 1, 1970, and February 16, 1970, must undergo a total faculty and pupil reassignment in order to achieve racial balance based on racial balance in the community at large. It was bad enough that such an order be made effective in the middle of a school term and even in the middle of a school grade period. It is much worse that these decisions including but not limited to the case of Bivens against Bibb County decided by the U.S. Supreme Court on January 14, 1970, ordered the very discrimination which Brown against Topeka prohibited in 1954.

In my judgment, the effect of the most recent Supreme Court decision in education cases will be to literally destroy public education not only in the South but in many other parts of the United States. The Court has attempted to do something which no court, no legislature, and no effective branch of government of free people can or should do.

The line of reasoning contained in these most recent cases applies the lash of tyranny and oppression to all citizens of the United States.

The provisions of section 410 of this bill which we are debating this afternoon would do more to prohibit discrimination and to permit, even require, that any child of any race will be permitted to attend the school of his choice as determined by his parent or guardian without being discriminated against because of race, creed, or color.

The provisions and the language contained in section 410 of H.R. 15931 is necessary if public education is to be preserved, strengthened, and expanded, Mr. Chairman, I hope the Robison amendment will be resoundingly defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROBISON).

The amendment was rejected.

AMENDMENTS OFFERED BY MR. O'HARA

Mr. O'HARA. Mr. Chairman, I offer two amendments and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. O'HARA: On page 60, line 20 after the words "school district" insert "in which students are assigned to particular schools on the basis of geographic attendance areas drawn without consideration of the race or color of prospective students and in which personnel are assigned without regard to race or color" and on line 23 after the words "particular school" insert the words "other than his neighborhood school."

On page 61, line 2, after the words, "school district," insert the words, "in which students are assigned to particular schools on the basis of geographic attendance areas drawn without consideration of the race or color of prospective students and in which personnel are assigned without regard to race or color." And on line 4, after the words, "particular school," insert the words, "other than his neighborhood school."

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan that the amendments be considered en bloc?

Mr. GERALD R. FORD. Mr. Chairman, I reserve a point of order against the amendments as legislation on an appropriation bill. I do so primarily because I have not had an opportunity to examine the amendments the gentleman from Michigan has offered. Frankly, I am not qualified, just from hearing a reading of the amendments, to determine whether they are or are not subject to a point of order.

So I wish to reserve a point of order to let the gentleman make his argument. This will give us an opportunity to hear the argument, let us determine the substance of his remarks and to make a decision as to whether or not in our judgment the amendment is subject to a point of order.

Therefore, Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Michigan, the respected minority leader, reserves a point of order.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. If a point of order may be lodged against one amendment, would both amendments fall?

The CHAIRMAN. The Chair understands that the point of order is reserved against the two amendements which are requested to be considered en bloc.

Mr. GROSS. Against both amendments?

The CHAIRMAN. The Chair would assume that is correct.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. Not having seen the amendments, may I ask, is the gentleman from Michigan seeking to add the same language to both sections 408 and 409.

Mr. O'HARA. I am.

Mr. GERALD R. FORD. So if there is a point of order against language in one instance it would be equally true against the other?

Mr. O'HARA. That is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan that the amendments be considered en bloc?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WHITTEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITTEN. If I understood correctly, sections 408 and 409 have been considered and acted upon, after which action was taken on section 410. It was after we had passed sections 408 and 409 that unanimous consent was asked the bill be opened thereafter. I raise the point that the amendments come too late. We finished action on these sections, and had acted on section 410.

The CHAIRMAN. The Chair will state that the opening of the bill occurred on page 36, and all language thereafter is open to amendment.

Mr. WHITTEN. Then my understanding was incorrect. I thank the Chair.

Mr. O'HARA. Mr. Chairman, these are the neighborhood school amendments.

We have heard a good deal of oratory recently to the effect that the problem of segregation in the South is just exactly like the problem of segregation in the North, and that we ought to treat the two alike and consider them the same.

Well, I do not happen to agree with that, Mr. Chairman, but I am here giving a clear-cut opportunity to any southern school system to enjoy the benefits of the Whitten amendment by establishing a neighborhood school system in which attendance areas are drawn without regard to race and in which personnel are assigned without regard to race.

This amendment is designed to prevent a school district from having its cake and eating it at the same time. The Whitten amendment, if my amendments are adopted, would apply only to school systems that have a bona fide neighborhood school system. It would not apply to a school system that is already busing pupils in order to maintain segregation. The Whitten amendments, if my amendments are adopted, would not apply to dual school systems—the school systems where they are now taking a black child who might live next door to the white school and busing him across the county to the black school. They would not obtain any benefit from the Whitten amendments if my amendments to them are adopted.

Mr. Chairman, this is an eminently reasonable amendment, and I hope it will be adopted.

Mr. GERALD R. FORD. Mr. Chairman, let me preface my remarks with the simple statement that I am a firm believer in the neighborhood school concept, and if that is the purport of the gentleman's amendment substantively, I would agree with it.

But to refer to the point of order, as I read the language proposed in the amendment, it seems crystal clear to me that the language imposes on the executive branch additional burdens and consequently is contrary to the rules of the House as far as legislation on an appropriation bill is concerned. It is clearly an instance of where the language proposed adds burdens and is contrary to the rules of the House as far as legislation on an appropriation bill is concerned. None of the additional burdens were previously authorized by law.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. O'HARA. I do, Mr. Chairman.

Mr. Chairman, the limitation is in sections 408 and 409. It is a bona fide limitation. All my amendment seeks to do is to prescribe with particularity the school districts to which the limitation in sections 408 and 409 will apply. It does not seek to insert the limitation or to provide for legislation. It simply seeks to describe with more particularity the school districts and the school systems to which the limitations in sections 408 and 409 will apply. Therefore I submit it is not legislation.

Mr. GERALD R. FORD. Mr. Chairman, may I be heard additionally?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GERALD R. FORD. There is nothing in Federal law today which would authorize such action by the proper officials in the executive branch of the Government. This addition to the limitation in sections 408 and 409 does put additional burdens on the executive branch of the Government to determine these kinds of school districts. It is perfectly obvious by the proposed language that it has to be done in each and every case. It is not authorized by law. It is a new burden. It is therefore legislation on an appropriation bill.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is prepared to rule.

The Chair has had occasion to study both of the amendments and the language contained therein. It is clear to the Chair that the language relates to the limitations which are already a part of sections 408 and 409. It defines the limitations further by adding an additional definition to the limitations and in the opinion of the Chair is negative insofar as additional action is concerned on the ground that it really is a description of the school district as it exists at the present time. Therefore, the Chair is constrained to overrule the point of order.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as we all know, the various sections of this country are not the same and the various school districts are not the same. Doubtless the gentleman's amendment would relieve his schools from what HEW and the courts are doing to my section. There should be fairplay and if it be students we are interested in, and we are, they should have an equal break. If it be schools, they

should have an even break. If it be sections of the country, all should have the same opportunity. If it be race, creed, or color the same applies.

Mr. Chairman, I respectfully submit if this amendment were to be adopted, that instead of trying to settle or to bring to a given level the operation of our schools and restore quality education, language such as this would require a reopening—and may I respectfully say that I differ with the Chair's ruling—I think there would have to be a decision to determine whether a school district is as described here or not, and that, therefore, additional actions would be required, would call for checking records and many other things.

Mr. Chairman, in some areas we have finally worked out solutions by reason of agreements between the school boards and HEW, or the court. This amendment would require that each case be gone into all over again and we would start back with the turmoil that we originally had though, of course, it would doubtless leave the gentleman's district untouched.

This amendment should be defeated. If you believe it helps to force people together when neither group desire such action, at least you should be national in your viewpoint and not regional. Surely, you want the people whose schools may be set up on a different pattern to have an equal break with those in the gentleman's district, which he would protect.

Defeat this amendment and help us return quality education as the prime objective of the Department of Education.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when we enter into debates like this one many of us in this Chamber—and I include myself—are prone to bolster our remarks with weighty references to the scales of justice, the principles of morality, or the rights of man. Sometimes, in our haste to be noble, we lose touch with the more ordinary hopes and fears of the people we represent. This afternoon I would like to talk about more homely things—about white and black; the old yellow schoolbus; about the faces of children, white and black; and about the anguish and aspirations of parents that you and I know.

Mr. Chairman, to some the familiar yellow bus has become a hated symbol of ruthless, destructive, and impersonal government by fiat, government by decree without any understanding of local conditions and human problems. But it seems to me that busing is only a symptom and not the cause of this deep unrest that pervades our schools.

Basic to any solution of this controversy is a better understanding of what are goals in American education really are. What are we trying to do in the neighborhood school? Once we know the answer to that question, then perhaps the precise methodology will become, if not less controversial, at least more clearly discernible. I would suggest that there are three things we are trying to do in this legislation.

The first is that we are trying to protect and extend the quality of education that our children are receiving. Not all of us are happy with present education programs; more than a few of our brightest students are bored; more than a few of our disadvantaged and slowest students are not getting the help that they should; more than a few parents are deeply concerned about the quality of education their children are getting. This is our first purpose.

The second is that we are trying to preserve the best characteristics of our neighborhood school systems. For many of us, the school is the centerpiece of our communities, the hub of the wheel, the symbol of a common concern for quality in our life together. We want to keep those elements which are essential to building community spirit and developing a better life together in our neighborhoods—parental responsibility and so forth.

The third purpose—and the one around which the present controversy swirls—is that we are trying to build, across the Nation, in the South and in the North, single public school systems in which any child, white or black, rich or poor, fast or slow, has the greatest possible opportunity for the best education he can get, without discrimination because of race, color, or creed. This purpose grows out of a traditional American concern for equal treatment of all citizens. It was made the law of the land in the 1954 Brown decision, which rendered invalid the "separate but equal" approach to education. That law was reinforced by the Green decision.

The thing that concerns me most as we consider this bill this afternoon is that it seems to me that sections 408, 409, and 410 of the bill, as they are presently worded, may not only not represent the best of congressional wisdom on the sensitive subjects we are discussing—but may also launch once again the chain of circumstances which places Congress on a collision course with the Supreme Court.

Let me make clear that in my judgment the courts have not been exempt from error in some of their decisions in this area. At times they have exhibited a tendency to repeat the same type of error that characterized some of the reapportionment decisions that flowed from Baker against Carr. There were cases where congressional redistricting plans were invalidated despite a variation of only about 3 percent in the population of the respective congressional districts within a State. Similarly in the area of education, if I correctly understand some recent lower Federal court decisions, the courts are displaying an unfortunate tendency to play a kind of numbers game regarding the racial balance of both students and faculty in a given school. What we want is not an educational emulsion of some kind based on the impersonal decisions of a computer, but quality education, with a proper respect for our neighborhood school system and a necessary concern for eliminating the historical and present inequities that keep some of our children from getting the best education they can.

Thus the courts should not be considered infallible, and yet it seems to me that in a few basic areas a bedrock of law has been established, and Congress tampers with that bedrock only at its own peril, as well as the peril of the courts, the legal system, and the whole country. The Brown decision and the Green decision are part of that bedrock, and my concern is that, without the proviso, "except as required by the Constitution," sections 408–410 are in direct contravention of the Green decision.

Let me come back to the old yellow schoolbus. In hearings before the Rules Committee on Tuesday, Secretary Finch indicated that of more than 300 cases in which desegregation was to be accomplished on the basis of a voluntary plan written jointly by the local school board and HEW—out of more than 300 such cases, in less than 10 would there be more busing than before the plan. In response to a further query, he stated that there were four court cases last year where the courts had decreed a plan for desegregation on a basis that would require more busing than would be necessary to maintain the unconstitutional dual school system. We have to put the question of busing in perspective. It is a highly inflammatory issue, for reasons which I can understand as well as anyone. But we are talking here not about whether to scrap the neighborhood school system and transport all our children all over town in every city of the Nation. We are talking about how best to achieve, with a minimum of anguish and unrest, the desegregation that the courts have ordered in those school districts where it has been clearly shown that a dual school system operates to deny to some children the benefits that accrue to others. These are a small fraction of our schools, and to my mind the result of reversing both the courts and the law of the land in the mistaken impression that we are fighting an attempt to overturn the whole system of public education would be a great tragedy.

In that same testimony before the Rules Committee, Secretary Finch indicated that busing must be considered as only one potential alternative in the whole complicated equation of trying to bring both quality and desegregated education to the American school system. Given the limited material resources of a particular district, busing may not necessarily be the best way to achieve this goal. It may well be true, to cite a specific case now much in the news, that a $180 million expenditure to bus children across sprawling Los Angeles is not the best means of raising the level of educational achievement and affording each child an equal right to quality schooling regardless of race or color or creed. I doubt that anyone at the present time has all the facts on either this case or others that are being so hotly debated.

There are questions that go beyond those I have just raised. Are we going to legislate in the area of de facto as well as de jure segregation? Is there a moral or a legal distinction between the

two? Is there the same cause and effect relationship? These are tremendously difficult questions which unfortunately do not lend themselves to the calm, rational, and detached analysis which is both necessary and desirable when they are caught up in the swirling vortex of controversy that surrounds busing.

What I am suggesting, Mr. Chairman, is that with so many deep and unanswered questions about our schools, and about the effect of Federal laws and Federal programs on our public education system. I think it would be tragic if today the House voted to reopen old questions and old wounds about the basic need to desegregate our schools, by writing legislation into an appropriation bill that would call in question not only recent decisions like the Green case but the whole past 15 years of movement toward a unitary school system in all parts of our country.

As a cosponsor with the gentlewoman from Oregon of a proposal to establish a select committee to study the whole range of Federal laws and programs affecting education, I would urge that the duty of Congress today is not to legislate but to investigate. Our task is not to add further confusion and heap new fuel on the flames of racial mistrust and suspicion, but to begin today to take a new, hard, realistic and humane look at how we best can solve the enomous problems that confront us.

Further, I should like to address a question, if I may, to the gentleman from Michigan who is the author of these two amendments that we are now considering en bloc.

If I understand the purport of the gentleman's amendments they would do this: We would, in effect, retain in this bill an antibusing amendment, which would apply to those districts that are based on lines that are drawn—geographic lines that are drawn—without any consideration whatever as to race or color or anything of that kind; is that correct?

Mr. O'HARA. Mr. Chairman, if the gentleman will yield, the gentleman is absolutely correct but we would not as the gentleman from Mississippi suggested, be required to go into all of this all over again.

Mr. ANDERSON of Illinois. Do we not then, however, lay ourselves open to the charge that we are in effect trying to perpetuate de facto segregation in northern cities?

We say we are not going to permit busing in those areas where the lines have been drawn without any reference to race, but because of housing patterns and so on, you have all-black and all-white schools. I, for one, do not want to confuse the issue by incorporating that kind of language in this bill.

I opposed initially, as the gentleman knows, sections 408, 409, and 410 on the grounds that in my opinion we are getting ourselves into deeper trouble, if we think we can solve the crisis facing American education by putting language of this kind in an appropriation bill. It does not belong there in the first place and, second, it does not get to the root of the problem.

I listened to the Secretary of Health, Education, and Welfare when he testified before our Committee on Rules just 2 days ago, and he made it quite clear that he did not think that busing is the whole answer. There may well be districts where, because of the limitation of resources available, that it does not make sense to spend $180 million on busing as apparently would be necessary under the decision in the Los Angeles case, and they ought to spend that money on something else.

What I would like to take this time to do is to lobby this afternoon for, instead of importing language of this kind into an appropriation bill, to rather proceed to get some consideration to a bill that I introduced a couple of days ago, with the gentlewoman from Oregon and some others, to set up a select committee of this House on the quality of education; to try to hold some hearings so as to get to the very heart and the very root of the problem as to what we must do to get quality education in this country. I believe that we are focusing on the wrong answers when we focus on busing. I do not want to put myself in a position of carving out any exemptions for northern districts and for northern schools that are not equally applicable to southern districts.

Mr. O'HARA. Mr. Chairman, if the gentleman would yield further, I wish to say to the gentleman that this makes no distinction between North and South. I have voted—and would have voted today—to delete sections 408 through 410. I do not believe they have any place in this bill, and I agree with the gentleman to that extent. But the committee has already made that decision. We decided to leave them in. The question now is, Are we going to have the antibusing provision apply to school systems that are deliberately and purposefully segregated? Are we going to let them keep on busing to segregate, but say you cannot require them to bus to integrate? This amendment would limit application of the antibusing provisions of the bill to school systems that have bona fide neighborhood schools.

Mr. ANDERSON of Illinois. Mr. Chairman, I have only a minute or so remaining, and maybe I do not really understand what the gentleman is trying to do. I am going to be constrained to vote against his amendment simply on the ground that I oppose fundamentally the idea of trying to solve the problem in the way we are doing this afternoon. I just simply do not think, with all due respect to the authors of these amendments—and they are gentlemen I hold in great affection—that this represents the very best wisdom that the Congress can bring to bear on this whole area. It seems to me we are going to be in grave danger of encouraging some false hopes that we have accomplished something here this afternoon when in fact we have accomplished very little or nothing at all.

Mr. JONAS. Mr. Chairman, I move to strike the last two words.

Mr. Chairman, there is another reason why this amendment should be defeated. I do not believe we ought to start legislating on the floor of the House on a bill that has received as much consideration as this one has. This amendment was not proposed in the committee. It was never considered by a subcommittee or by the committee with jurisdiction over this bill. It is an amendment that we had difficulty obtaining copies of to try to understand what is involved in it. We settled this issue once this afternoon, let us now not complicate matters by undertaking to amend two sections that we have already agreed to leave in the bill.

Mr. Chairman, I ask for a negative vote on these amendments.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words, and I rise to support the amendment offered by the gentleman from Michigan (Mr. O'HARA).

Mr. Chairman, I think the last speaker was really trying to put us on a little when he suggested that we should not adopt the amendments because they had not been considered in the committee. I seem to recall some other amendments very similar to those that are now in the bill which first came onto earlier bills when they were on the floor. I am sure the gentleman voted for those amendments.

What this amendment does is to say that if a school district has its schools organized along neighborhood lines, then there shall be no busing by reason of the funds in this bill.

We have heard a lot of talk about the sacredness of the neighborhood schools in America. What this amendment says is that if, in fact, that is the way the school district has organized its enrollment and the assignments to the school are based on neighborhood geography, then busing may not be compelled.

It also says in effect that if a school district is not observing the neighborhood concept, then busing presumably could be required to eliminate de jure segregation similar to the busing being employed today to preserve segregation.

I think this amendment really goes to the heart of the question of where people stand on the issue of neighborhood schools. If you really believe in neighborhood schools, then you ought to adopt this amendment.

Instead if you are interested in preserving segregation on the basis of race, then you ought to vote against this amendment. It seems to me this is what the issue is.

Now the gentleman from Mississippi said that this would require the Department of Health, Education, and Welfare to go in and review a lot of past decisions. That is not the case, because these riders in this appropriation bill seek to stay the hand of HEW. By putting this qualifier in, you would not require any affirmative action on the part of that department.

So I would really urge this Committee to be very careful before they reject this amendment. If you do, you are saying that you do not really believe in the neighborhood school concept but in fact all you are interested in doing is to preserve the segregation of the races. I am sure no Member of the House wants to find himself in that position.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am going to vote against this amendment—and it is not because I am opposed to the neighborhood school. I am very much in favor of neighborhood schools.

I wish it were possible in these days for us to once again turn our attention to the quality of education—to look at what is happening in our school systems.

May I call the attention of the entire membership of the House to an editorial which appeared in this week's Newsweek magazine by Stewart Alsop. The first paragraph reads as follows:

Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure.

Then he goes on to say that he interviewed 20 different people. Let me quote one of them:

Julius Hobson, Washington's leading black militant: "Of course—integration is a complete failure . . . what we've got is no longer an issue of race but of class, the middle class against the poor, with the Federal government standing idly by . . . the schools in Washington have deteriorated to a point almost beyond repair—if I could afford it, I'd send my own children to a private school . . . I have an opinion I hesitate to voice, because it's too close to George Wallace, but I think it's time we tried to make the schools good *where they are* . . . the integration kick is a dead issue."

Then the author writes:

White liberals are more reluctant than blacks to acknowledge that "the education kick is a dead issue." Here, for example, is James Allen, U.S. Education Commissioner: "You have to have an optimistic view, or you'd go nuts in this game . . . We though the problem could be settled in a decade or two, but we were wrong . . . there is no good way out at any time in the immediate future, and we've just got to face that fact."

Then the author of the article talks about quality in education, and he says:

Second, as Julius Hobson says, "Make the schools good where they are." On this point, all those consulted by this reporter are in agreement. "We should proceed to upgrade the schools where they are now," says John Gardner, chairman of the Urban Coalition, "and not sit around waiting for integration that may never happen."

Mr. Chairman, I reject the arguments that have been made—that you are a racist and that you are opposed to integration if you oppose these amendments. I do not support this amendment and I find it offensive when the accusation is made that if one votes against the amendment that per se—he or she is a racist or is opposed to integration because quite the contrary is true. But, I would like to make the plea that this House look at what is happening in the schools of this country.

Look at the quality of education. See what is happening in terms of deterioration. See what is happening in respect to physical violence in the schools, the number of teachers who have to be escorted by the police, the number of teachers who have to lock their doors, the daily beatings, the muggings, robbery, and extortion. Let us look at that. If the situation continues, teachers cannot teach, students cannot learn, and all the dollars voted today will change it little.

I wish it were possible to talk about an appropriation bill for education on this floor in terms of what it is doing for quality in education.

One final thing that has nothing to do with this amendment, but I would like to say it. I am very sorry that today we are debating the appropriation bill for a fiscal year that started last September, and I am not criticizing the Appropriations Committee of this House. This House Appropriations Committee voted out this bill last July. The full House voted on it in July 1969. I repeat—the House appropriation bill was approved last July. Then it went over to the other body, and this House is taking the blame for the lateness of the appropriation bill. It is not the fault of the Appropriations Committee of the House or this House itself. But the facts are that today we ought to be debating the appropriation bill for the next fiscal year, not the fiscal year that started 6 months ago.

And for those who believe there is political mileage in adding another $100 million at the cost of further delay in a school year now two-thirds gone, I say I don't think there is 1 inch of political mileage. Educators are going to say: A plague on both your houses.

May I say to you that any school superintendent or any college or university president would much rather have $95 today than $100 on May 31. So, for Heaven's sake, let us reach some kind of compromise and not argue about what will be a very, very small amount in terms of millions of youngsters in this country. Let us reach an agreement. Let us get the bill passed by the House. Let us get the President to sign it so the funds that are available will be immediately available and used by the superintendents and by the colleges and permit them to turn to the problem of quality of education.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan (Mr. O'HARA).

The question was taken; and on a division (demanded by Mr. O'HARA) there were—ayes 63, noes 194.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. O'NEILL of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'NEILL of Massachusetts: On page 37, line 16, strike out "$436,000,000" and insert "$471,000,000", so as to make the language read, "of which $471,000,000 is for grants for vocational rehabilitation services under section 2;"

Mr. O'NEILL of Massachusetts. Mr. Chairman, we have talked about impacted areas, we have talked about segregation and desegregation, and we have talked about busing. We have talked about everything but the quality of special education. In this particular bill today, there is approximately $500 million or a half billion more than the President of the United States requested. But interestingly, on page 37 of the bill and on page 44 of the report, there is an item which has not been discussed. It is important for it deals with rehabilitation and education of those particularly disadvantaged people.

Mr. Chairman, under the item for rehabilitation, originally the House appropriated $471 million. When the bill went to the Senate, the Senate cut that item to $436 million. When the House and Senate met in conference to compromise, the House agreed on $436 million. When the bill was vetoed, we came back and appropriated $436 million. That is a cut, as I say, in rehabilitation of $35 million.

Mr. Chairman, I believe this is the only item of all the items that the President requested in which we have a cut. Who is affected? The blind and the deaf.

I talked to those in charge of the education of the blind and deaf, in Massachusetts, and they told me about the programs they have going forward and those they had hoped to begin. This is the money that pays for the braille for the poor child who is blind. This is the money that pays for the closed circuit system or the radio from which he gets his messages about his classwork. This is for the new modern electronic equipment that is used by a person who is deaf and dumb and blind, which enables him to learn.

We have talked about busing and about impacted areas, but how about the rehabilitation program?

I know the committee is going to say there is $90 million more in this bill than there was a year ago, but that money will not go for any new programs. In 1970 we are increasing the Federal share of the matching funds from 75 to 80 percent. This is where the $90 million will go.

This is the first time in history that a President's recommendation—be he Democrat or Republican—with regard to rehabilitation for the poor children of America has been cut. I think it is a wrong policy, I think it is a mean policy, and I will be surprised at the committee and the Congress if we do not go along with an amendment of this type.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is exactly and precisely the kind of amendment which, in my original remarks, I pleaded not be introduced today under any circumstances.

Insofar as the deaf and the blind are concerned, let me assure our Members that the gentleman from Massachusetts could not be more concerned than the gentleman from Pennsylvania, but I can assure the Committee, Mr. Chairman, that less than 10 percent of the amount involved here in any way touches the deaf and the blind; but, more importantly, as we heard, this bill provides $90 million more and the 1969 appropriation for all of these problems with regard to vocational rehabilitation.

Furthermore, I have been assured—and we inquired about this—by the Department that there are ample and sufficient funds now to match all of the funds that can be expected to be provided by the States in this area. There are ample funds in the bill, already.

Now mark this: This is a matching program under a formula set by the law.

If by any chance the Department should be in error, and the States can match as much as the 1970 budget, then there is absolutely nothing for the Congress to do but, in a supplemental bill, match the funds. But why vote these funds now when all indications are that they cannot be used?

I suggest urgently that the amendment, for obvious reasons, be voted down.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I want to support what my chairman has said. I was the author of one of these bills which is in effect now for providing materials for the blind.

It is automatic. The only limitation on the amount of money they can get is that the total for this group of programs cannot come to more than $500 million. Going to $471 million will not do one thing. It will not put 10 cents more in the coffers for this purpose.

At the time we were on the floor in July with this bill, it was estimated $471 million was needed. By the time it got to the Senate 6 months later a new estimate had been prepared, and they found that $436 million was all that was needed. We gave them every dime they said they could use.

If they can use more money, they will get it automatically.

This amendment actually will not increase by 10 cents the amount of money available for this purpose. The only way it can be increased is for the States to file more applications and match more money and then we will automatically make that money available.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, our able friend from Massachusetts has complained that the cuts made by the committee were too deep in this particular item, which involves about a half billion dollars.

I have looked into this matter with members of the committee who are more familiar with the details and, while I am convinced that the intentions of the gentleman from Massachusetts are absolutely sound I do not think the amendment is required. I certainly agree with him that we should provide adequately for the blind and handicapped. I think the record will show that the amendment offered by my friend is not needed.

But I wish to address myself in a more general way to the question of whether or not the bill has been cut too deeply by the Appropriations Committee. With the amendment which was adopted a $20-billion bill has been cut by $365 million. That is about 1¾ percent.

We are in a very serious fiscal situation in this country. It is a very serious situation. For the first time in the history of this Nation a budget has been submitted calling for expenditures of more than $200 billion.

Let me say this, and I mark my words well: Had the budget submitted by the President been submitted on the same guidelines as the budgets of President Eisenhower and the budgets of President Kennedy and the first three budgets of President Johnson, the present budget for fiscal 1971 would show a deficit of $7.3 billion. That is $7.3 billion, and nobody in the Bureau of the Budget or the White House or the Treasury will deny that statement.

What now bothers me is that by this new budget submission called the unified budget—and I agree it has its good points—the country may be led to believe that the fiscal situation is not as critical as it actually is.

We are going to be in the red this present fiscal year by $7.1 billion and next year by $7.3 billion. Last year we were in the red by $5.5 billion. The trend is toward going deeper in the red every year in a 3-year period. Some may say, well, we thought we had a balanced budget this year and last year, and that a balanced budget was projected. It was, if you consider the unified budget plan. What is the unified budget plan? The $8 billion plus which is expected to come into the trust funds for retirement of Federal workers, for highway construction, for social security payments—it means $8 billion plus coming into those trust funds, and which are not currently needed for trust fund purposes, will be expended for the regular operation of the Government and used to achieve a balance in the unified budget. That is the method by which the new budget for 1971 is able to project a $1.3 billion surplus.

We are going to borrow that $8 billion from the trust funds and we are going to spend the $8 billion for the regular functions of Government. Of course, we will have to pay interest on this money and, of course, we will have to restore this money to the trust funds at a later time.

Mr. Chairman, the point I am trying to make here is that we should not be misled by the fact that under the unified budget plan whereby the excess trust funds are used to achieve a budget balance, that we are actually achieving a balance in the regular Federal funds. The fiscal situation is not as bright as it may appear. The national debt will have to go up. Mr. MILLS and Mr. BYRNES will have to bring in legislation providing for an increase in the Federal debt by probably about $8 billion.

The point I make here is, please do not say we have cut this bill too deeply. I think the contrary is true, that we have not cut it deeply enough. I rise, following the amendment offered by my friend, not so much to oppose his amendment but to point out that unless we are willing to raise additional revenues we ought not to provide funds so far above what we are able to pay under the present circumstances.

Mr. BOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish the gentleman from Texas would have gone back an additional year. Even under the unified budget at that time we had a deficit of $25 billion, plus. So we are doing pretty well now by getting it where it is. That was also under the so-called unified budget. If we had taken that situation with the unified budget of a $25 billion deficit that year, then I wish the gentleman would have made the same pleas that he has made today for economies. We would not have had the $25 billion which added to the flames of inflation.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the chairman of the committee.

Mr. MAHON. The gentleman is correct that some previous deficits have been much higher. We had a huge deficit back in fiscal 1968 of $25 billion when war costs had rapidly accelerated. No, I am not saying we have not had deficits in the past. I am just saying that we have a deficit situation which we must face up to today. We cannot safely pile deficit upon deficit forever.

Mr. BOW. May I say in conclusion, because the hour is late, the gentleman just made the finest argument that could be made for the motion to recommit which the gentleman from Illinois (Mr. MICHEL) will offer and which he will explain in just a few minutes. I appreciate what the gentleman has said. He had supported our motion to recommit as well as anybody could have done it.

Mr. MAHON. Will the gentleman yield further?

Mr. BOW. Yes.

Mr. MAHON. I am not in a position to support a motion to recommit.

Mr. BOW. If the gentleman follows through on his philosophy, he has to.

Mr. MAHON. I am in a position to say that we have to stop, look, and listen or else the dollars that we are providing will buy less and less and less as has been the case in recent years.

My record for economy and fiscal restraint is well known. The way to reduce spending is to reduce specific items, and not delegate that responsibility to the executive branch.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. I thank the gentleman for yielding. I did not realize when I offered this amendment that we were going to get into a debate on fiscal responsibility and the fiscal condition of the Nation.

However, the fact remains that I believe this to be the first time in history that an item with respect to rehabilitation has been cut. You are setting a precedent by cutting an item of rehabilitation which takes care of, as I said earlier, the blind, the deaf, those who are severely disabled.

Mr. Chairman, I would like to respond to the argument of the chairman of the committee. As I said, I have talked with those in authority in my own State who like those in authority in other States are worried about this matter. What they say to me is that they need these additional funds. True, it represents an increase of $90 million. But this $90 million does not go for anything new. If the additional $35 million is not appropriated, the program will remain static. The $90 million is required to finance an increase in Federal matching funds as a result of last year's amendments to the

Vocational Rehabilitation Act. Under these amendments the Federal matching rate shall go from 75 percent to 80 percent, effective in 1970. The $35 million appropriated by the House was to expand the basic program to begin new programs, to reach people who heretofore have not been helped.

Mr. Chairman, as I have previously stated there are new devices today which can be used in cases where before there was no hope. If a boy is deaf or blind, he can use these electronic devices which allow him to gain knowledge through other sensations and to permit him to know what is going on.

A new invention transforms light waves into electronic impulses so that a blind child can actually see. The poor boy will never be able to get that kind of treatment and attention unless there is this additional money. This is something extremely worthwhile that the Federal Government does. It is just one of the new programs possible in this field at the present time. However, without the $35 million for which I am asking, there would be nothing new. These programs would continue at the 1969 level. So, there is no real increase insofar as being able to do anything new or to initiate or innovate any new programs.

Mr. Chairman, I hope my amendment is adopted.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to make clear in the legislative history that there is not a solitary member on this committee who is opposed to this program. It is not controversial on either side of the aisle. We have not limited in any way the number of applications which can be filed. We have provided all of the money which they said they would need to fund requests. We in no way at this time wish to put a limitation on this program, and this amendment, if adopted, would not make 10 cents worth of difference. It is just a question of whether you want to appropriate an additional $35 million which in all probability will not be expended.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, I simply want to reaffirm what the gentleman from Iowa has just said. The gentleman from Iowa has stated exactly the situation as it exists and I subscribe to what the gentleman has stated and urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL).

The question was taken; and on a division—demanded by Mr. O'NEILL of Massachusetts—there were—ayes 41, noes 135.

So the amendment was rejected.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Chairman, I do appreciate the opportunity to speak in behalf of an amendment which I prepared but did not have the opportunity to offer, to provide full funding for heavily impacted school districts. The amendment reads as follows:

On page 28, line 18, following the word title and prior to the words *"Provided further:"* insert "and 100 per centum of the amounts payable to any local educational agency which the Commissioner determines will have in the fiscal year for which such assistance is provided a total number of pupils of whom 50 per centum or more are the children or dependents of personnel of the United States Armed Forces."

I have in my district in Nebraska one of these school districts. It is Bellevue, located adjacent to Offutt Air Force Base, headquarters of the Strategic Air Command. In addition to Bellevue other smaller communities close to Offutt Air Force Base would also be helped.

It was for school districts such as Bellevue that Public Law 81–874 was enacted in 1951—not the wealthy areas such as neighboring Montgomery County in Maryland.

Mr. Chairman, approximately 80 percent of the 10,670 children educated in the Bellevue school district are dependents of personnel who serve at Offutt Air Force Base and the headquarters of the Strategic Air Command.

Unless there is full funding for these students, this and the other adjacent school district—which are doing a superb job in educating these youngsters of the military—faces financial ruin. Indeed, they may even be forced to close their doors in the very near future.

In the 19 years since Public Law 81–874 was enacted, enrollment in the Bellevue schools has grown from 833 to more than 10,000. More than half of these students live on Offutt Air Force Base, the others in the city of Bellevue.

Mr. Chairman, we must provide for the education of these youngsters. We owe this to those who serve in the military.

Mr. MICHEL. Mr. Chairman, I take this opportunity to advise the membership of the contents of the motion to recommit, which will read as follows:

On page 61, after line 11, insert a new section as follows:

"SEC. 411. From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditure shall not exceed 97.5 per centum of the total appropriations contained herein."

Now, why do I offer that motion? I came to this floor this afternoon supporting the bill as reported out of our full Committee on Appropriations. However, in the process of reading the bill the bill was amended and, most importantly to me, was the striking, on a point of order, of the language which I had written into the bill giving the President discretionary authority to make some of these adjustments he feels he has to make within this limited period of time of 4 months remaining in the current fiscal year.

Now, there is a need in this bill for making further dollar reductions. You will recall that the President vetoed the bill because it was $1,262,000,000 above his budget. Now, actually, the net increases which the President proposed, while we have been talking about $449 million, the real figure we ought to be talking about here is a net increase of $317 million because Congress reduced the bill by $159 million below the budget. And the President decided in his message, when he sent his letter to the Speaker, that he was willing to absorb $139 million of that reduction, so then we are down to a figure of $945 million.

Your Committee on Appropriations reduced that figure by $446 million. That brings us down to a total of $499 million over what the President thinks we ought to be spending.

On the floor here this afternoon in the amendment offered by the gentleman from Oklahoma (Mr. STEED), we added $80 million to impacted aid. That brings us up to a total net of $579 million over what the President would like to be having us spend in this bill.

What I propose to do by the language in the motion to recommit, by saying that we would not spend more than 97.5 percent of that which is appropriated in this bill, exclusive, of course, of the trust funds and the other exclusions that are spelled out in it, we can make a saving or additional savings could be realized of $433 million.

If he subtracted that from the $579 million, you still have say at least $146 million and conceivably $150 million more than what the President thought he ought to be spending.

So in this bill now we will have a total with the impact aid of $19,381,000,000. If we take out the social security trust funds, you are taking out $2,015,000,000. If you take out the railroad trust funds, it is another $19 million and the Soldiers' Home is $9,000,000.

Taking out these trusts the total in the bill is $17,358,000,000 and that is the figure we are using in computing that 97½ percent.

Mr. COHELAN. Mr. Chairman, will the gentleman yield for a point of clarification?

Mr. MICHEL. I yield to the gentleman.

Mr. COHELAN. The gentleman and I discussed this. I want to call the attention of the House, if I may, that while the gentleman is correct in his calculations, he has applied the data to page 54 of the report and he is using the figure of $1,261,000,000 which is strictly the HEW bill. When the distinguished gentleman from Illinois says $500 million is the gap—that is correct.

But when you go to page 56 and you come to $1,139,000,000 and you take that difference and you do the necessary subtraction, you are coming out with a gap that we are talking about of $244 million plus what we put in today.

So this is quite a different picture than the $500 million, when you consider the total bill. The gentleman from Illinois is quite correct—he is not misleading the House, but neither am I. All I am trying to do is to point out that the gaps are much narrower under the actions taken

by the House on the money side if you look at it in terms of total bill as opposed to HEW.

I thank the gentleman for yielding.

Mr. MICHEL. We have gone over the pitfalls really of forcing this additional spending on the executive department in the last one-third of the fiscal year.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BOW. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MICHEL. Mr. Chairman, I thank my colleague from Ohio sincerely.

Mr. Chairman, there is ample precedent for an overall reduction or expenditure limitation. We have done this any number of times. This would seem to be an avenue by which both sides can take credit. You folks on the majority side of the aisle over here have in effect forced the President to relook at the original budget which he presented and came up with an increase in the amount of some $449 million. He would have liked, of course, to help us make an attempt to resolve this impact aid problem. But we were thwarted in that attempt because of the striking of the language which would have made that transaction possible. Then you will remember that the language which was struck also had a savings clause—that no school would be losing more than 5 percent.

But since that language is not in there and the President tried to help us to resolve this thing and to get us started on the right foot, we raised $80 million on the floor of this House—for what reason? To bring up the impacted aid to what it was last year. Bearing in mind now that without any language, both the A and B categories would be paid at the same percentage of entitlement and there is no change. The administration cannot change that without the language.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. WILLIAM D. FORD. Before I ask the gentleman a question, I should like to point out to you that we did not strike out the language that you just referred to. Category A children are still given a preference. We only struck out the proviso that followed that. So what you just said is not correct. I am sure maybe you did not notice the limited extent of the proviso.

What I would like to ask the gentleman is this: How much money does this cut off or authorize the President to cut from the money we appropriated for education?

Mr. MICHEL. By my calculation, which is supported by the latest figures from HEW this afternoon, adding the $80 million, and adjusting for the exclusion of the trust funds, 2½ percent from that would mean $433 million.

Mr. WILLIAM D. FORD. Is it correct that the effect the amendment would be to say that the President will cut or not spend $433 million wherever he sees fit? This is not, in fact, a 2½-percent cut across the board, but what you really do is give the President authority to hold back up to $433 million out of two programs, four programs, one program, or anywhere he sees fit. Is that correct?

Mr. MICHEL. Theoretically, that is true.

Mr. WILLIAM D. FORD. In effect, what you are doing is coming in the back door and giving back to the President the authority to decide which programs we are going to spend money on and which ones we are not going to spend money on; is that a fair statement?

Mr. MICHEL. My answer to the gentleman is that the President pretty well spelled out in his letter to the Speaker where he would make significant increases in spending.

Mr. WILLIAM D. FORD. Would it be correct to assume that if that motion carries, the President could spend no money for title II, ESEA, since he asked for none in his budget; no money for title III above that already committed to ESEA; no money for title III, NDEA, equipment for remodeling, and no money for title V, A, guidance and counseling, because he asked for no funds? Could he refuse to put any money into those programs this year if the gentleman's motion is agreed to?

Mr. MICHEL. If the President had not said in his message that they would be spent, I think that is correct.

Mr. WILLIAM D. FORD. He could refuse to spend money on those programs if your motion is adopted?

Mr. MICHEL. Yes; I think that is correct.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. McFALL. I would like to ask the gentleman about the meaning of his motion. As I read the gentleman's motion to recommit, it merely makes a 2½-percent across-the-board cut, excepting certain amounts that have been listed. I will ask the gentleman, is he not making the President's job that much more difficult, because there are still the mandatory provisions of the law, and the President would have to spend the amounts of money that are mandatory, and he would have to take the 2½-percent cut out of those things that are discretionary with the President, which he would have under the law anyway, as I understand it. He has the discretionary authority, and it would seem to me he could use it.

Mr. MICHEL. No; I believe he could take the 2½-percent out of any appropriation or program in this bill except those which are specifically excluded by the language of the motion to recommit.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. ICHORD, and by unanimous consent, Mr. MICHEL was allowed to proceed for 5 additional minutes.)

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. ICHORD. I think most Members of the House feel that there is greater justification for aid to category A students than to category B students. Did I understand the gentleman correctly to say that by reason of the amendments that have been adopted, both category A and category B will get the same percentage of entitlement?

Mr. MICHEL. I am not altogether sure what was left in the bill when that point of order was made, because I was called off the floor at the time. In the absence of a change in the basic law, the percentage for both would be the same. I do not know whether the gentleman from Oklahoma (Mr. STEED) changed the language by his amendment which would make a difference. If so, then, of course, it would have to comply with whatever was prescribed in that amendment.

Mr. ICHORD. It provided 90 percent of the entitlement for category A students. Has that been changed?

Mr. MICHEL. Not with the increase in the funds that was voted by virtue of the Steed amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I want to pose the same question and try to get some explanation from the author of the amendment as to whether or not these students will be treated the same or differently now.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield to me so that I may respond?

Mr. MICHEL. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Mr. Chairman, it was not the amendment which changed that. It was the point of order made by the gentleman from Michigan, which applies itself to the second proviso on page 28, and it did not apply to the first proviso which applies to category A children, so the language of the bill as written, as presented to us right now, is intact above line 18, where the proviso applies to this 95 percent.

Mr. MICHEL. Mr. Chairman, but by virtue of the fact that we have increased the level to what it was last year, which was at a 90-percent level, we have to assume we are talking about the same thing.

Mr. WILLIAM D. FORD. But so we do not give the impression we have done anything today to favor category A or B, what we have done is to say category A gets 90 percent of its money, and then whatever is left over would go to category B. And in the second place, because of the amendment adopted, which was offered by the gentleman from Oklahoma (Mr. STEED), we have brought category B up to that level. But with the amendment offered by the gentleman from Illinois, the President will not be able to take it out of category A. He will have to take it all out of B. It means we go back to where we were before we adopted the Steed amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I have the impression both category B and A students on the point of order and the procedures which have occurred in the House up to this point and under the gentleman's motion to recommit would have up to 78 percent of their entitlement or with $505 million to be utilized on an equal basis between A and B, but the President would be able to cut 2½ percent any place in it except where there is a restriction by virtue of the motion to recommit.

Mr. MICHEL. I have not by my amendment said any specific item is going to be cut by 2.5 percent.

Mr. BROWN of Ohio. I understand that. I am concerned about the treatment of category A and B students prior to the motion to recommit, prior to the cut of 2.5 percent.

Mr. MICHEL. As I said, I was not aware there was a complete striking of the two provisions, but only one, and in that case, as the gentleman from Michigan stated accurately, the A category will get 90 percent of entitlement from whatever is appropriated, and the B category will share in what is left over to the extent funds are available.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate today since we started this morning, has been conducted in just the way we all hoped it would be. Now, as the curtain is about to go down, we are confronted with this.

We have heard some technical discussion here in the last 10 minutes, but make no mistake about it, here is where we are. Let me tell Members, this motion to recommit, stripped of all its niceties, is nothing more than a meatax cut across the board, willy-nilly, without rhyme or reason or explanation.

You have heard this debate all day. Everything that might be attempted to be done should have been done in proper order as the bill was read, paragraph by paragraph, for amendment. One was made to increase the impacted aid school program, by the gentleman from Oklahoma, and properly made. I opposed him but he was successful. One was made by my friend from Massachusetts, and it was properly done, and it was defeated. That is the regular, orderly way to amend the bill.

But what kind of an amendment is proposed in the motion to recommit. I have seen meatax cuts, but this is a meatax upon a meatax upon a meatax, exclamation mark.

And finally this: A rose by any other name. What is this? This is what you abhor in the House? You say, and it seems clearly so, that a line item veto can be given to the President only by an amendment to the Constitution of the United States. This is an attempt to do indirectly something that cannot be done directly except by amendment to the Constitution.

This is a line item veto. You have said for nearly 200 years you abhor this. This is what it is.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the one who made the point of order against the language on page 28, I want to assure the Members that the point of order was directed only to the second proviso on page 28 beginning at line 18. The gentleman from Michigan (Mr. WILLIAM D. FORD) is correct. If any reduction is made in impacted area funds by the motion to recommit it would, under the language remaining on page 28, have to come entirely out of category B and would take out much of the amount that Mr. STEED put in.

That is not why I rose, Mr. Chairman. I rose to inform the Members that an effort will be made to defeat the ordering of the previous question, after the Committee rises, so that the gentleman from California (Mr. COHELAN) will have an opportunity to reoffer his amendments in the House, his amendments that would insert at the beginning of the two Whitten provisions the words, "except as required by the Constitution."

Mr. Chairman, we had a record vote on that issue on December 19 when the gentleman from Massachusetts (Mr. CONTE) offered a motion to instruct the conferees to accept the Scott amendment to the Whitten amendments; that is, the words, "except as required by the Constitution."

On that vote, which was taken by the yeas and nays, the motion to instruct acceptance of those words prevailed by 216 to 180. I hope the Members of the House will repeat that performance, and join in voting down the previous question following the rising of the Committee.

Mr. COLMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not propose to take the entire 5 minutes. My main purpose in rising is to try to clarify this question of the motion to recommit which will occur after we get back into the House.

Now, this bill is about 8 months behind schedule. If we do not take appropriate action here and if we do not take action that the President would sustain, we will be right back where we were before.

I wanted to ask the gentleman from Illinois (Mr. MICHEL), who will offer the motion, if he can give us any assurance that if this action is taken that he proposes and if the motion to recommit is sustained, the administration would go along with the bill and we would get the bill enacted so that we can start on the next appropriation bill at least by the time this one has expired.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield to my good friend from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I have every belief one can get at this point that if the motion to recommit prevails as to the dollar amounts and other provisos, the President will not veto this. He will approve it. On the other hand, I am just as convinced—I have no comparable assurance but I am just as convinced—that there will be a veto if we do not make some dollar changes in the bill.

Mr. COLMER. I thank the gentleman from Michigan for his observation. This is a thing that will have quite a bearing on my own acton in this matter.

I think that at some time, somewhere we have to have a final disposition of this matter. I am not interested in who offered the amendment. I am interested in trying to get some money to these people before it is too late; and remove the uncertainty and confusion now existing.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the hour is late and I will not use my 5 minutes, but I think some brief straight speaking is long overdue in this House as to whether we are, or are not, going to finance adequately and fully a unitary, integrated school system in this country.

We have heard a great deal on the floor today about the Alsop article in the current issue of Newsweek. To me, the article as it has been interpreted, bespeaks delusion and hypocrisy and we had better lay some of the most self-evident examples of these to rest right now. We had better bite the bullet and make the tough decision to get on with the utterly inescapable necessity of financing a school system that works for all of our kids—together. Mr. Alsop quotes Mr. Bel Holman, the Director of the Department of Justice's Community Relations Service as saying that we had better stop the phantom of integration, and concentrate instead on "gilding the ghetto—a massive diversion of manpower and money to the central city schools." He quotes Dr. Alan Westin of Columbia University as saying that "if the white does not want to integrate, he damned well better be prepared to pay——"

I have been here, Mr. Chairman, for 5 years and have watched remedial programs like the poverty program and the education program—designed in major part for the benefit of central core minority citizens—being cut, and shaved, and starved to death. It is clear to me and I believe it is clear to every Member of the House that the American people, through their Congressmen have given very clear evidence that they are not willing to pay adequately to fund these remedial programs when they are essentially black and central city in focus.

Mr. Alsop also quotes Senator RIBICOFF as stating that the answer to our education problems is not to try to force middle-class whites to send their children to school in the ghettoes, but to open up middle-class jobs and the middle-class suburbs to Negroes.

Mr. Chairman, I think for any Member of this House to say that the American people are not prepared to finance the integration of our schools but are prepared to open up middle-class neighborhoods to Negroes is guilty of the most flagrant hypocrisy.

The effort to integrate schools and finance them adequately for all the children of America has been a tortuous one. It will be a long and agonizing problem. We are going through a frustrating and embittered era in this country. Our population is anxiety ridden and fear, mistrust, and suspicion poison the air. But I suggest that it is specious to suggest that we would be willing lavishly to subsidize all-black schools in the central cities, when it is abundantly clear that we are not willing to create a unitary, well-financed system for all of the kids of America. So let us dispense with

the argument that there are any simple or magical solutions to this problem. Let us commit ourselves to do the job that our political and religious heritage challenges us to do, and that is at whatever cost, to create a pluralistic school system that educates American kids of whatever race, color or creed—educates them to be effective, prideful citizens—and educates them together. Hard experience and searching honesty tell us there is no other way.

Mr. DENNIS. Mr. Chairman, I had sincerely hoped—after the HEW veto—that the Committee on Appropriations, and thereafter the Committee of the Whole and the House itself, would come up with a compromise bill which would be reasonable and which would be acceptable to those of us who, like the President of the United States, are gravely concerned with the problems of budgetary responsibility and with the fight against inflation. Most unhappily this was not the case.

The Appropriations Committee has brought in a new bill which appropriates over $816 million more for HEW than the President proposed in his budget.

To this we have added on the floor, by adoption of the Steed amendment, another $80 million—and this addition is all in so-called impacted aid—which, as I have previously pointed out, is distributed on the basis of a most inequitable formula, and which is of no benefit whatever to the people of the district I have the honor to represent.

We thus have a bill which is still $896 million over what the President of the United States originally proposed as appropriate and proper for HEW funding.

In addition to this, the House has refused to grant the President any flexibility whatever in the spending of these funds, and has rejected the 2½ percent expenditure limitation proposed by Mr. MICHEL in his motion to recommit, which would have effected, according to his calculations, a saving of $433 million.

In other words, although the Appropriations Committee and the House have labored, we have not effected a sufficiently material saving, and, despite the warning of the veto, we have failed to really face up to the dangers of inflation and to our budgetary situation.

It is my understanding that, unless further substantial savings are made in conference, we will probably face a second veto by the President; but, whether this is true or not, I am impressed by the statements of Mr. MAHON, the chairman of the Committee on Appropriations—which statements I believe to be true—that we are facing a $7 billion deficit in the budget for fiscal 1971 on a sound accounting basis, and that another increase in the statutory debt limit will be necessary.

Under these circumstances I am convinced that we must retrench. Of course we must have, and of course we will have, an HEW appropriation. No schools have been, or will be, closed because of this appropriation bill, despite political claims to the contrary. I sincerely hope that we may yet arrive at a measure to which I can give my support. But while a substantial sum of money is involved, it alone will not make or break the Government; yet, more important than the money is the psychology and the symbolism of this situation for our immediate and long-range future. If our inflationary psychology is to be checked we need to start here, where the line has first been drawn. In this situation we need to support the President—not because he is President, but because in this instance he is right—and because, for the first time in many years, the Executive is beginning in some measure, to supply the leadership toward fiscal responsibility which a legislative body must have if it is to behave responsibly toward the use of the public purse.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

Mr. O'HARA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 238, nays 157, not voting 36, as follows:

[Roll No. 25]

YEAS—238

Abbitt	Burlison, Mo.	Dickinson
Abernethy	Burton, Utah	Dorn
Adair	Bush	Dowdy
Alexander	Byrnes, Wis.	Downing
Andrews, Ala.	Cabell	Duncan
Andrews, N. Dak.	Caffery	Dwyer
Arends	Camp	Edmondson
Ashbrook	Carter	Edwards, Ala.
Aspinall	Casey	Edwards, La.
Baring	Cederberg	Eshleman
Beall, Md.	Chamberlain	Evins, Tenn.
Belcher	Chappell	Fallon
Bell, Calif.	Clancy	Fascell
Bennett	Clark	Fish
Berry	Clausen, Don H.	Fisher
Betts	Clawson, Del	Flood
Bevill	Collier	Flowers
Biaggi	Collins	Flynt
Blackburn	Colmer	Ford, Gerald R.
Bow	Corbett	Foreman
Bray	Cowger	Fountain
Brinkley	Cramer	Frey
Brock	Crane	Fulton, Pa.
Brooks	Cunningham	Fuqua
Broomfield	Daniel, Va.	Galifianakis
Brotzman	Davis, Ga.	Garmatz
Brown, Mich.	Davis, Wis.	Gettys
Brown, Ohio	de la Garza	Giaimo
Broyhill, N.C.	Dellenback	Gibbons
Broyhill, Va.	Denney	Goldwater
Buchanan	Dennis	Goodling
Burke, Fla.	Derwinski	Green, Oreg.
Burleson, Tex.	Devine	Griffin
		Gross
Grover	May	Sikes
Hagan	Mayne	Skubitz
Haley	Meskill	Slack
Hall	Michel	Smith, Calif.
Hammer-schmidt	Miller, Ohio	Smith, Iowa
Hansen, Idaho	Mills	Smith, N.Y.
Harsha	Minshall	Snyder
Harvey	Mize	Springer
Hastings	Mizell	Steed
Hébert	Montgomery	Steiger, Ariz.
Hogan	Morton	Stephens
Hosmer	Natcher	Stubblefield
Hull	Nelsen	Stuckey
Hunt	Nichols	Taft
Hutchinson	O'Konski	Talcott
Ichord	O'Neal, Ga.	Taylor
Jarman	Passman	Teague, Tex.
Jonas	Patman	Thompson, Ga.
Jones, Ala.	Pickle	Thomson, Wis.
Jones, N.C.	Pirnie	Ullman
Kazen	Poage	Utt
Kee	Poff	Vander Jagt
King	Preyer, N.C.	Vigorito
Kluczynski	Price, Tex.	Waggonner
Kuykendall	Pryor, Ark.	Wampler
Kyl	Pucinski	Watkins
Landgrebe	Quillen	Watson
Landrum	Randall	Watts
Langen	Rarick	Weicker
Latta	Reid, Ill.	Whalley
Lennon	Rhodes	White
Lloyd	Rivers	Whitehurst
Long, La.	Roberts	Whitten
Lujan	Rogers, Fla.	Widnall
McClory	Roth	Wiggins
McClure	Ruppe	Williams
McDonald, Mich.	Ruth	Wilson, Bob
McEwen	Sandman	Winn
McKneally	Satterfield	Wold
McMillan	Saylor	Wright
Mahon	Schadeberg	Wylie
Mann	Scherle	Wyman
Marsh	Schneebeli	Young
Martin	Schwengel	Zablocki
Mathias	Scott	Zion
	Sebelius	Zwach
	Shriver	

NAYS—157

Adams	Gaydos	Obey
Addabbo	Gilbert	O'Hara
Albert	Gonzalez	Olsen
Anderson, Calif.	Gray	O'Neill, Mass.
Anderson, Ill.	Green, Pa.	Ottinger
Annunzio	Griffiths	Patten
Ashley	Gude	Pepper
Barrett	Halpern	Perkins
Biester	Hamilton	Philbin
Bingham	Hanley	Pike
Blatnik	Hanna	Podell
Boggs	Hansen, Wash.	Price, Ill.
Boland	Harrington	Quie
Bolling	Hathaway	Railsback
Brademas	Hawkins	Rees
Brasco	Hechler, W. Va.	Reid, N.Y.
Burke, Mass.	Heckler, Mass.	Reuss
Button	Helstoski	Riegle
Byrne, Pa.	Hicks	Robison
Carey	Holifield	Rodino
Celler	Horton	Roe
Chisholm	Howard	Rogers, Colo.
Clay	Hungate	Rooney, N.Y.
Cleveland	Johnson, Calif.	Rooney, Pa.
Cohelan	Karth	Rosenthal
Conable	Kastenmeier	Rostenkowski
Conte	Keith	Roybal
Conyers	Koch	Ryan
Corman	Kyros	St Germain
Coughlin	Leggett	St. Onge
Culver	Lowenstein	Scheuer
Daddario	McCarthy	Shipley
Daniels, N.J.	McCulloch	Sisk
Delaney	McFall	Stafford
Diggs	Macdonald, Mass.	Staggers
Donohue	MacGregor	Stanton
Dulski	Madden	Steiger, Wis.
Eckhardt	Mailliard	Stokes
Edwards, Calif.	Matsunaga	Stratton
Eilberg	Meeds	Sullivan
Erlenborn	Melcher	Symington
Evans, Colo.	Mikva	Thompson, N.J.
Farbstein	Miller, Calif.	Tiernan
Feighan	Minish	Udall
Findley	Mink	Van Deerlin
Foley	Mollohan	Vanik
Ford, William D.	Moorhead	Waldie
Fraser	Morgan	Whalen
Frelinghuysen	Mosher	Wilson, Charles H.
Friedel	Murphy, Ill.	Wolff
Fulton, Tenn.	Murphy, N.Y.	Wydler
Gallagher	Nedzi	Yatron
	Nix	

NOT VOTING—36

Anderson, Tenn.	Jacobs	Pelly
Ayres	Johnson, Pa.	Pettis
Blanton	Jones, Tenn.	Pollock
Brown, Calif.	Kirwan	Powell
Burton, Calif.	Kleppe	Purcell
Dawson	Long, Md.	Reifel
Dent	Lukens	Roudebush
Dingell	McCloskey	Teague, Calif.
Esch	McDade	Tunney
Gubser	Monagan	Wyatt
Hays	Morse	Yates
Henderson	Moss	
	Myers	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Dent against.

Mr. Pollock for, with Mr. Burton of California against.

Mr. Henderson for, with Mr. Moss of California against.

Until further notice:

Mr. Blanton with Mr. Ayres.

Mr. Jones of Tennessee with Mr. Johnson of Pennsylvania.

Mr. Jacobs with Mr. Wyatt.

Mr. Brown of California with Mr. Powell.

Mr. Monagan with Mr. Teague of California.

Mr. Long of Indiana with Mr. Esch.

Mr. Purcell with Mr. Pelly.

Mr. Kirwan with Mr. Reifel.

Mr. Anderson of Tennessee with Mr. Roudebush.

Mr. Lukens with Mr. Myers.

Mr. Yates with Mr. McCloskey.

Mr. Gubser with Mr. Kleppe.

Mr. Dingell with Mr. McDade.

Mr. Tunney with Mr. Pettis.

Mr. RIEGLE changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en bloc.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. I am in its present form; yes, sir.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the bill H.R. 15931 to the Committee on Appropriations with instructions to that Committee to report it back forthwith with the following amendment: On page 61, after line 11, insert a new section as follows:

"SEC. 411. From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditures shall not exceed 97.5 per centum of the total appropriations contained herein."

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 189, nays 206, not voting 36, as follows:

[Roll No. 26]

YEAS—189

Abbitt	Fish	Nelsen
Abernethy	Fisher	Nichols
Adair	Flowers	O'Konski
Anderson, Ill.	Flynt	O'Neal, Ga.
Andrews, Ala.	Ford, Gerald R.	Passman
Andrews, N. Dak.	Foreman	Poff
Arends	Fountain	Price, Tex.
Ashbrook	Frelinghuysen	Quie
Baring	Frey	Quillen
Beall, Md.	Fuqua	Railsback
Belcher	Gettys	Rarick
Bell, Calif.	Goldwater	Reid, Ill.
Bennett	Goodling	Rhodes
Berry	Griffin	Riegle
Betts	Gross	Rivers
Blackburn	Grover	Robison
Bow	Hagan	Rogers, Fla.
Bray	Haley	Roth
Brock	Hall	Ruppe
Broomfield	Hammer-schmidt	Ruth
Brotzman	Hansen, Idaho	Sandman
Brown, Mich.	Harsha	Satterfield
Broyhill, N.C.	Harvey	Schadeberg
Buchanan	Hastings	Scherle
Burke, Fla.	Hébert	Schneebeli
Bush	Hosmer	Schwengel
Byrnes, Wis.	Hunt	Sebelius
Caffery	Hutchinson	Shriver
Camp	Jarman	Sikes
Carter	Jonas	Skubitz
Cederberg	Jones, N.C.	Smith, Calif.
Chamberlain	Keith	Smith, N.Y.
Chappell	King	Snyder
Clancy	Kuykendall	Springer
Clausen, Don H.	Kyl	Stanton
Clawson, Del	Landgrebe	Steiger, Ariz.
Cleveland	Landrum	Steiger, Wis.
Collier	Langen	Stephens
Collins	Latta	Taft
Colmer	Lujan	Talcott
Conable	McClory	Taylor
Corbett	McCloskey	Thompson, Ga.
Coughlin	McClure	Thomson, Wis.
Cramer	McCulloch	Utt
Crane	McDonald, Mich.	Vander Jagt
Cunningham	McEwen	Waggonner
Daniel, Va.	McMillan	Wampler
Davis, Ga.	MacGregor	Watkins
Davis, Wis.	Mailliard	Watson
Dellenback	Marsh	Weicker
Denney	Martin	Whalley
Dennis	Mathias	Whitten
Derwinski	May	Widnall
Devine	Mayne	Wiggins
Dickinson	Meskill	Williams
Dowdy	Michel	Wilson, Bob
Duncan	Miller, Ohio	Winn
Dwyer	Minshall	Wold
Edwards, Ala.	Mize	Wydler
Edwards, La.	Mizell	Wylie
Erlenborn	Montgomery	Wyman
Eshleman	Morton	Zion
Findley	Mosher	Zwach

NAYS—206

Adams	Brasco	Corman
Addabbo	Brinkley	Cowger
Albert	Brown, Ohio	Culver
Alexander	Broyhill, Va.	Daddario
Anderson, Calif.	Burke, Mass.	Daniels, N.J.
Annunzio	Burleson, Tex.	de la Garza
Ashley	Burlison, Mo.	Delaney
Aspinall	Burton, Utah	Diggs
Barrett	Button	Donohue
Bevill	Byrne, Pa.	Dorn
Biaggi	Carey	Downing
Biester	Casey	Dulski
Bingham	Celler	Eckhardt
Blatnik	Chisholm	Edmondson
Boggs	Clark	Edwards, Calif.
Boland	Clay	Eilberg
Bolling	Cohelan	Evans, Colo.
Brademas	Conte	Evins, Tenn.
	Conyers	Fallon
Farbstein	Koch	Rees
Fascell	Kyros	Reid, N.Y.
Feighan	Leggett	Reuss
Flood	Lennon	Roberts
Foley	Lloyd	Rodino
Ford, William D.	Long, La.	Roe
Fraser	Lowenstein	Rogers, Colo.
Friedel	McCarthy	Rooney, N.Y.
Fulton, Pa.	McFall	Rooney, Pa.
Fulton, Tenn.	McKneally	Rosenthal
Galifianakis	Macdonald, Mass.	Rostenkowski
Gallagher	Madden	Roybal
Garmatz	Mahon	Ryan
Gaydos	Mann	St Germain
Giaimo	Matsunaga	St. Onge
Gibbons	Meeds	Saylor
Gilbert	Melcher	Scheuer
Gonzalez	Mikva	Scott
Gray	Miller, Calif.	Shipley
Green, Oreg.	Mills	Sisk
Green, Pa.	Minish	Slack
Griffiths	Mink	Smith, Iowa
Gude	Mollohan	Stafford
Halpern	Moorhead	Staggers
Hamilton	Morgan	Steed
Hanley	Murphy, Ill.	Stokes
Hanna	Murphy, N.Y.	Stratton
Hansen, Wash.	Natcher	Stubblefield
Harrington	Nedzi	Stuckey
Hathaway	Nix	Sullivan
Hawkins	Obey	Symington
Hechler, W. Va.	O'Hara	Teague, Tex.
Heckler, Mass.	Olsen	Thompson, N.J.
Helstoski	O'Neill, Mass.	Tiernan
Hicks	Ottinger	Udall
Hogan	Patman	Ullman
Holifield	Patten	Van Deerlin
Horton	Pepper	Vanik
Howard	Perkins	Vigorito
Hull	Philbin	Waldie
Hungate	Pickle	Watts
Ichord	Pike	Whalen
Jacobs	Pirnie	White
Johnson, Calif.	Poage	Whitehurst
Jones, Ala.	Podell	Wilson, Charles H.
Karth	Preyer, N.C.	Wolff
Kastenmeier	Price, Ill.	Wright
Kazen	Pryor, Ark.	Yatron
Kee	Pucinski	Young
Kluczynski	Randall	Zablocki

NOT VOTING—36

Anderson, Tenn.	Hays	Pelly
Ayres	Henderson	Pettis
Blanton	Johnson, Pa.	Pollock
Brooks	Jones, Tenn.	Powell
Brown, Calif.	Kirwan	Purcell
Burton, Calif.	Kleppe	Reifel
Cabell	Long, Md.	Roudebush
Dawson	Lukens	Teague, Calif.
Dent	McDade	Tunney
Dingell	Monagan	Wyatt
Esch	Morse	Yates
Gubser	Moss	
	Myers	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Pelly for, with Mr. Hays against.

Mr. Reifel for, with Mr. Dent against.

Until further notice:

Mr. Blanton with Mr. Ayres.

Mr. Henderson with Mr. Johnson of Pennsylvania.

Mr. Long of Maryland with Mr. Esch.

Mr. Tunney with Mr. Teague of California.

Mr. Yates with Mr. Pollock.

Mr. Brooks with Mr. Roudebush.

Mr. Cabell with Mr. Lukens.

Mr. Moss with Mr. Gubser.

Mr. Burton of California with Mr. Pettis.

Mr. Anderson of Tennessee with Mr. Kleppe.

Mr. Monagan with Mr. Morse.

Mr. Jones of Tennessee with Mr. Myers.

Mr. Purcell with Mr. Wyatt.

Mr. Brown of California with Mr McDade.

Mr. Dingell with Mr. Powell.

Mr. ASHLEY changed his vote from "yea" to "nay."

Mr. WIDNALL changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 315, nays 81, not voting 35, as follows:

[Roll No. 27]

YEAS—315

Abbitt	Edwards, La.	Lujan
Abernethy	Eilberg	McCarthy
Adams	Evans, Colo.	McClory
Addabbo	Evins, Tenn.	McClure
Albert	Fallon	McDonald,
Alexander	Farbstein	Mich.
Anderson,	Fascell	McFall
Calif.	Feighan	McKneally
Andrews, Ala.	Fisher	McMillan
Andrews,	Flood	Macdonald,
N. Dak.	Flowers	Mass.
Annunzio	Flynt	Madden
Ashley	Foley	Mahon
Aspinall	Ford,	Mailliard
Baring	William D.	Mann
Barrett	Foreman	Mathias
Beall, Md.	Fountain	Matsunaga
Belcher	Fraser	May
Bennett	Frelinghuysen	Mayne
Bevill	Frey	Meeds
Biaggi	Friedel	Melcher
Biester	Fulton, Pa.	Meskill
Bingham	Fulton, Tenn.	Mikva
Blatnik	Fuqua	Miller, Calif.
Boggs	Galifianakis	Miller, Ohio
Boland	Gallagher	Mills
Bolling	Garmatz	Minish
Brademas	Gaydos	Mink
Brasco	Gettys	Minshall
Brinkley	Giaimo	Mize
Brock	Gibbons	Mizell
Brooks	Gilbert	Mollohan
Broomfield	Goldwater	Montgomery
Brotzman	Gonzalez	Moorhead
Brown, Ohio	Gray	Morgan
Broyhill, N.C.	Green, Oreg.	Mosher
Broyhill, Va.	Green, Pa.	Murphy, Ill.
Buchanan	Griffin	Murphy, N.Y.
Burke, Mass.	Griffiths	Natcher
Burleson, Tex.	Grover	Nedzi
Burlison, Mo.	Gude	Nichols
Burton, Utah	Hagan	Obey
Bush	Haley	O'Hara
Button	Halpern	O'Konski
Byrne, Pa.	Hamilton	Olsen
Cabell	Hammer-	O'Neal, Ga.
Caffery	schmidt	O'Neill, Mass.
Camp	Hanley	Ottinger
Carey	Hanna	Patman
Casey	Hansen, Idaho	Patten
Celler	Hansen, Wash.	Pepper
Chamberlain	Harrington	Perkins
Chappell	Harsha	Philbin
Chisholm	Harvey	Pickle
Clark	Hastings	Pike
Clausen,	Hathaway	Pirnie
Don H.	Hébert	Poage
Cohelan	Hechler, W. Va.	Podell
Collins	Heckler, Mass.	Preyer, N.C.
Colmer	Helstoski	Price, Ill.
Conte	Hicks	Pryor, Ark.
Conyers	Hogan	Pucinski
Corbett	Holifield	Quillen
Corman	Horton	Railsback
Coughlin	Howard	Randall
Cowger	Hull	Rees
Culver	Hungate	Reid, N.Y.
Cunningham	Ichord	Reuss
Daddario	Jacobs	Riegle
Daniel, Va.	Jarman	Rivers
Daniels, N.J.	Johnson, Calif.	Roberts
Davis, Ga.	Jonas	Robison
de la Garza	Jones, Ala.	Rodino
Delaney	Jones, N.C.	Roe
Dellenback	Karth	Rogers, Colo.
Denney	Kastenmeier	Rogers, Fla.
Dickinson	Kazen	Rooney, N.Y.
Donohue	Kee	Rooney, Pa.
Dorn	Keith	Rosenthal
Dowdy	Kluczynski	Rostenkowski
Downing	Koch	Roybal
Dulski	Kyros	Ruppe
Duncan	Landrum	Ruth
Dwyer	Leggett	Ryan
Eckhardt	Lennon	St Germain
Edmondson	Lloyd	St. Onge
Edwards, Ala.	Long, La.	Schadeberg
Edwards, Calif.	Lowenstein	Scherle
Scheuer	Stuckey	Watts
Schwengel	Sullivan	Weicker
Scott	Symington	Whalen
Sebelius	Taft	Whalley
Shipley	Taylor	White
Shriver	Thompson, Ga.	Whitehurst
Sikes	Thompson, N.J.	Whitten
Sisk	Thomson, Wis.	Widnall
Skubitz	Tiernan	Wilson,
Slack	Udall	Charles H.
Smith, Iowa	Ullman	Winn
Springer	Van Deerlin	Wolff
Stafford	Vander Jagt	Wright
Staggers	Vanik	Wydler
Stanton	Vigorito	Wyman
Steed	Waggonner	Yatron
Steiger, Ariz.	Waldie	Young
Stephens	Wampler	Zablocki
Stratton	Watkins	Zwach
Stubblefield	Watson	

NAYS—81

Adair	Diggs	Nelsen
Anderson, Ill.	Erlenborn	Nix
Arends	Eshleman	Passman
Ashbrook	Findley	Poff
Bell, Calif.	Fish	Price, Tex.
Berry	Ford, Gerald R.	Quie
Betts	Goodling	Rarick
Blackburn	Gross	Reid, Ill.
Bow	Hall	Rhodes
Bray	Hawkins	Roth
Brown, Mich.	Hosmer	Sandman
Burke, Fla.	Hunt	Satterfield
Byrnes, Wis.	Hutchinson	Saylor
Carter	King	Schneebeli
Cederberg	Kuykendall	Smith, Calif.
Clancy	Kyl	Smith, N.Y.
Clawson, Del	Landgrebe	Snyder
Clay	Langen	Steiger, Wis.
Cleveland	Latta	Stokes
Collier	McCloskey	Talcott
Conable	McCulloch	Utt
Cramer	McEwen	Wiggins
Crane	MacGregor	Williams
Davis, Wis.	Marsh	Wilson, Bob
Dennis	Martin	Wold
Derwinski	Michel	Wylie
Devine	Morton	Zion

NOT VOTING—35

Anderson,	Henderson	Pelly
Tenn.	Johnson, Pa.	Pettis
Ayres	Jones, Tenn.	Pollock
Blanton	Kirwan	Powell
Brown, Calif.	Kleppe	Purcell
Burton, Calif.	Long, Md.	Reifel
Dawson	Lukens	Roudebush
Dent	McDade	Teague, Calif.
Dingell	Monagan	Teague, Tex.
Esch	Morse	Tunney
Gubser	Moss	Wyatt
Hays	Myers	Yates

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Pelly against.

Mr. Pollock for, with Mr. Reifel against.

Until further notice:

Mr. Blanton with Mr. Ayres.

Mr. Long of Maryland with Mr. Wyatt.

Mr. Dent with Mr. Johnson of Pennsylvania.

Mr. Monagan with Mr. Morse.

Mr. Dingell with Mr. Esch.

Mr. Henderson with Mr. Roudebush.

Mr. Purcell with Mr. Kleppe.

Mr. Burton of California with Mr. McDade.

Mr. Moss with Mr. Gubser.

Mr. Jones of Tennessee with Mr. Lukens.

Mr. Tunney with Mr. Pettis.

Mr. Teague of Texas with Mr. Teague of California.

Mr. Yates with Mr. Myers.

Mr. Kirwan with Mr. Anderson of Tennessee.

Mr. Brown of California with Mr. Powell.

Mr. WOLD changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed (H.R. 15931), and all amendments thereto, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The SPEAKER laid before the House the following communication:

FEBRUARY 18, 1970.

Hon. JOHN W. MCCORMACK,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Public Law 301 of the 78th Congress, I have appointed the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Merchant Marine Acadamy for the year 1970:

Honorable Thomas N. Downing of Virginia, Honorable John M. Murphy of New York, Honorable Charles A. Mosher of Ohio.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

Sincerely,

EDWARD A. GARMATZ, *Chairman.*

LEGISLATIVE PROGRAM—PERMISSION TO CALL UP DISTRICT BILLS ON TUESDAY NEXT

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of this week and for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the program for this week. May I start the announcement of next week's program by saying that Monday the House will observe George Washington's Birthday, and the main order of business for the day will be the traditional reading of George Washington's Farewell Address.

Monday is also District Day, but in view of the fact that Monday is a holiday and we have no additional business for Tuesday, and in order that I may make the announcement of the complete program now, I ask unanimous consent that it may be in order to put District Day over until Tuesday, and I would be glad to announce to Members that there are nine bills, and to advise Members what those bills are. As I understand it, they are all noncontroversial.

The SPEAKER pro tempore (Mr. MILLER of California). Is there objection to

the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, may we hear the list first in order to determine for ourselves whether or not they are controversial?

Mr. ALBERT. If the gentleman will yield, that is exactly what I intended to do.

Mr. HALL. But the request for unanimous consent was placed prior to the reading of the list.

Mr. ALBERT. I did announce that I would read the list before I asked that my request be acted upon. The list is as follows:

H.R. 10335, to revise District of Columbia laws relating to the civil liability of hotels;

H.R. 10336, to revise District of Columbia laws relating to the liability of hotels;

H.R. 13307, to amend the District of Columbia Code relating to adoption;

H.R. 8656, to authorize the use of certain real property for chanceries;

H.R. 14982, to exempt from District of Columbia taxation the COMSAT consortium;

H.R. 10937, to authorize a study of the Eisenhower National Memorial Arena;

H.R. 14608, to compensate holders of ABC licenses who return such licenses;

H.R. 15980, to revise retirement benefits for District of Columbia public school teachers; and

H.R. 15381, to amend District of Columbia tax laws with respect to investment companies.

These are the bills which will be called up on District Day.

Mr. Speaker, I ask unanimous consent that the calling of the District Day bills under the District Day procedures may be put over from Monday until Tuesday next.

The SPEAKER pro tempore (Mr. MILLER of California). Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, further reserving the right to object, do I understand the distinguished majority leader to say that the bill listed as No. 4, H.R. 8656, to authorize the use of certain real property for chanceries, may not be controversial and that all of these are noncontroversial?

Mr. ALBERT. Mr. Speaker, I was advised there was little, if any, controversy about any of these. I also advise my friend that if there is any controversy in the matter it would not appear to me to make much difference if they are considered on Monday, which is a legal holiday, or if they are considered on Tuesday, which is the following day.

Mr. HALL. Mr. Speaker, I have no desire whatever to defile the memory of George Washington, but I do think we should have these bills listed before we grant the unanimous-consent request, and opinions about whether or not they are controversial are sometimes moot.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, in view of the order which has been granted, Tuesday will be District Day, and the nine bills already indicated will be called.

For Wednesday, there will be a joint meeting to receive the President of the Republic of France.

Also on Wednesday we will have House Resolution 822, to establish a Select Committee on Lobbying Practices, and H.R. 11832, to provide for the establishment of an International Quarantine Station, which is subject to a rule being granted.

For Thursday and the balance of the week, we will have H.R. 12025, National Forest Timber Conservation and Management Act of 1969, under an open rule with 2 hours of debate, and S. 2910, to authorize additional funds for the Library of Congress James Madison Memorial Building, which is subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later. I understand there will be a conference report from the Committee on Banking and Currency on Tuesday.

ANNOUNCEMENT OF EASTER RECESS

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, I would like at this time to advise the House that the Easter recess will extend from the close of business on Thursday, March 26, 1970, to noon Monday, April 6, 1970, which is precisely in accordance with the custom of recent years in the House.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman agree with me that in the light of this announcement, that the recess will be from the conclusion of business Thursday, March 26 to Monday noon, April 6, all Members ought to be forewarned, there is no mistake that there is a likelihood we will have important business on thursday and important business on Monday?

Mr. ALBERT. Mr. Speaker, the gentleman is correct. We must get our business done, and we cannot do it if we extend the length of these recesses.

ADJOURNMENT TO MONDAY, FEBRUARY 23, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON DISTRICT OF COLUMBIA TO HAVE UNTIL MIDNIGHT, FEBRUARY 21, TO FILE REPORTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Saturday, February 21, to file certain reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object to the last request, does this mean now that some of these bills which are scheduled for Tuesday may not be filed until Saturday night?

Mr. ALBERT. Only the first two have been reported. It is expected the rest will be reported and will be filed.

Mr. GROSS. How could we possibly get these bills over the weekend to study them, to find out what is in them?

Mr. ALBERT. Will the gentleman admit it would be easier to do that on Tuesday than it would be to do it on Monday?

Mr. GROSS. To admit what?

Mr. ALBERT. It will be easier to get the bills to Members for consideration on Tuesday than it would be if they were called up on Monday.

Mr. GROSS. Yes, it would be easier; there is no question about that. Why should not these bills be available so that we might have them over the weekend?

Mr. ALBERT. I hope they will be.

Mr. GROSS. Why should we not have a few days to study a bill and a report? This is a common complaint.

Mr. ALBERT. I am merely complying with the request of the gentleman from South Carolina (Mr. MCMILLAN). I understand it has been agreed to by the Republican leadership on the committee.

Mr. GROSS. I do not know about that. This is a common complaint for bills coming from the District of Columbia Committee, Mr. Speaker; and I object.

The SPEAKER pro tempore. Objection is heard.

COST OF LIVING INCREASE

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ALBERT. Mr. Speaker, once again the sad facts are available to the American people showing that the Nixon administration not only has brought economic growth in the United States to a screeching halt, but at the same time prices consumers and workers have to pay continue to increase at fantastic rates. For those workers not thrown out of work as a result of the Nixon economic policies which have brought our great productive economy to a virtual standstill—they are now, as a result of the January cost-of-living figures just released, paying prices for goods and services which they buy at a price of an annual rate of 7 percent higher than they did last year. Consumer prices last year increased at a rate of 5.4 percent. We were told that by raising interest rates, tightening money to the point where it was available only to the richest of the rich and the biggest of the big, that our

economy would soon right itself and everything would be fine, but in place of this glowing prediction, we hear statements made by the new Chairman of the Federal Reserve Board and the Council of Economic Advisers that we can now expect unemployment to increase, throwing hundreds of thousands of workers out of work and economic activity to be further curtailed.

To those of us who have lived through the previous Republican economic policies, we knew this was coming, but knowing that it was coming does not in any way lessen the burdens of those who will have to pay the prices in terms of unemployment or, as these most recent cost-of-living figures show, another cut out of their wages and salaries of 7 percent to pay for higher priced goods and services.

This Neanderthal economics—the gloom and doom Republican approach to economic problems—is unfortunately with us once again with vengeance. It is highly questionable and most unfortunate that it does not appear that economic sanity will take over before this Nation is plunged into a severe recession.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE CERTAIN REPORTS UNTIL MIDNIGHT FRIDAY, FEBRUARY 20, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Friday, February 20, to file certain reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EQUAL JUSTICE

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, through the concerted and determined efforts of many concerned Members of Congress, national attention has been focused on the glaring injustices being brought to bear on school districts throughout the South. I refer to the forced busing of children in many southern school districts. This busing edict from the Department of Health, Education, and Welfare is causing much confusion and disrupting the orderly educational process.

As a result of U.S. Supreme Court decisions and policies adopted by the Department of Health, Education, and Welfare, the South has become the victim of a double standard of justice.

The freedom of parents to choose the school their children will attend is enjoyed in every State except those in the South. And the busing of students to achieve racial balance is practically unknown outside the South.

The fact is that segregated school districts in the North have long been shielded by the claim that the difference in racial balance in their schools and those in the South is the result of de facto segregation, as opposed to de jure segregation.

Obviously, what is most needed at this time is a national policy to restore local control to every school district in the Nation. A freedom-of-choice plan.

But whatever policy is adopted by the administration, it must apply to every section of the United States. To do otherwise is to interrupt the orderly educational process of hundreds of school districts throughout the South bringing about more chaos and distrust and pushing us toward the brink of violence.

Members of this distinguished body will soon take up a revised HEW-Labor appropriation bill. This measure contains an amendment stipulating that no Federal funds could be used for the busing of pupils in order to secure racial balance.

I strongly support this amendment.

I urge my colleagues in the House of Representatives who believe in fair and equal treatment for every section of America to join with me in voting for this amendment.

Our primary objective is, and must always be, to provide the best possible education for every child in this country. This can best be done by making good schools available to every community and letting local elected educational leaders control these schools.

The neighborhood school is the foundation of the American system of education. In many areas of the South it is being torn apart by these HEW edicts and judicial rulings.

To insure equal justice for every section of our Nation; to protect the constitutional rights of every citizen, we must adopt a freedom of choice plan.

After this has been accomplished, we can channel our efforts toward the goal we are all seeking: that of providing unlimited educational opportunities for every child in America.

THE NONDISCRIMINATORY EDUCATION ACT

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, the public schools in many areas of our country have been thrown into complete confusion and disarray by the failure of the U.S. Supreme Court to pass judgment on many subjects dealing with the problem of school integration. As a result of this indecision, the problems facing our schools have reached crisis proportions unmatched in the history of our educational system. The High Court has, to date, refused to review any cases that deal with the question of the legality of de facto segregation, nor has it clearly defined what it has meant by "normal geographic boundaries" as mentioned in past cases. Consequently, lower courts have rendered varied and inconsistent interpretations of what is meant by a "nondiscriminatory school system."

The preservation of our public school system is a concern that is shared by all of us. In this light, I am introducing a bill today, with 14 cosponsors, that I feel will eliminate the confusion that has resulted from various lower court decisions. My bill is designed to protect the rights of our children to attend their neighborhood schools, and define once and for all what a "nondiscriminatory school system" really is. By its adoption, I feel it will preserve our public school system.

Due to the vagueness of Supreme Court decisions, lower courts have approved a wide variety of methods of overcoming what has been termed as racial imbalance. They have drawn school zones forcing the closing of many of our elementary and secondary institutions, some of them only a few years old. Some of the courts have set percentages and quotas and forced the busing of children back and forth across towns and cities in order to meet these figures. Busing, however, is not eliminating discrimination, but instead causes double discrimination.

The decisions by the lower courts have further created some of the most outlandish and ridiculous situations ever encountered by our school systems. In the Los Angeles unitary system alone, recent decisions require the busing of more than 250,000 students at a first-year cost of close to $50 million. The cost of the program projected over an 8-year period is estimated at more than $180 million, and this is a conservative figure. You would have to agree that with our schools facing financial crises, those demands are really quite ridiculous. It is just as ridiculous to impose such demands in such cities as Winston-Salem and Charlotte, N.C., Mobile and Birmingham, Ala., and Dallas, Tex., where the courts are requiring busing at an astronomical cost.

If we are going to use percentages as a measuring stick for achieving racial balance, then let us be totally fair about it. Let us apply racial balance to Cleveland, Ohio; San Francisco, Calif.; Detroit, Mich.; Newark, N.J.; and New York City. In order to achieve the necessary percentages, we could install special student commuter trains and bus students from Harlem to Upstate New York and the students from Upstate into New York City. This is preposterous, I agree, but no more so than to require these same percentages in such cities as Greensboro and Durham, N.C.; Atlanta, Ga.; or Jackson, Miss.

Another court requirement facing many of our school districts is the "pairing" of schools, or the placing of all of the first grade in one building, and the second in another, and in the same way all the way through the grade structure. Once again, busing is required in order to meet the pairing demands. The financial burden imposed upon these school systems by the courts is overwhelming. Can you imagine what a similar plan would do to the Philadelphia system that is finishing this year with a $35 million deficit? Or maybe the District of Columbia? That would be a fine example. There is only one way to achieve racial balance in the Nation's Capital and that would be the exchange of students with areas of Maryland and Virginia. More than 16,000 schoolbuses loaded with children right in the middle

of rush hour traffic in both the morning and the afternoon. The cost would be overwhelming and just as ridiculous as imposing these decisions on Statesville and Raleigh, N.C.; Montgomery, Ala.; Minneapolis, Minn.; or St. Louis, Mo.

These irresponsible decisions by our lower courts are adding untold billions to the overall operating costs of our public schools. This additional financial burden is coming at a time when our schools are faced with a tremendous need for financial assistance.

Even the President himself has said he is opposed to busing. These decisions, you will agree, are beyond reason. You might say that this would never happen in St. Louis, Detroit, Baltimore, and Houston, but I never thought you would see a decision like this handed down in Los Angeles.

I would say to my colleagues, it is imperative that the Congress act, and act now, to eliminate the confusion that now exists and establish once and for all a policy that defines a "nondiscriminatory school system" so that our public schools might get on with the task for which they exist, and that is to provide opportunity for every child in the United States to have a chance for developing his or her mental capacity to the fullest. The laws of our land should be applied equally and fairly in all areas of the Nation, but these laws must be just, fair, and reasonable for all Americans.

Mr. Speaker, my bill is the most honest, fairest, and reasonable bill that has been proposed thus far, and I invite all of you who believe our public school system is worth preserving to join with me and my colleagues who are cosponsoring this bill that we might have the maximum effort from the Representatives of the people.

A draft of my bill follows:

By Mr. MIZELL (for himself, Mr. BUCHANAN, Mr. BURKE of Florida, Mr. DEL CLAWSON, Mr. COLLINS, Mr. CRANE, Mr. DERWINSKI, Mr. DICKINSON, Mr. DOWDY, Mr. EDWARDS of Alabama, Mr. JONES of North Carolina, Mr. ROBERTS, Mr. SCOTT, Mr. WILLIAMS, Mr. ZION, and Mr. FLOWERS):

H.R. 16083

A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Nondiscriminatory Education Act".

TITLE I—GENERAL PROVISIONS

SECTION 1. The right of elementary and secondary education students to attend their neighborhood schools shall not be abridged by any Federal authority based upon the race, creed, color, religion, or national origin of the student.

SEC. 2. Each local "nondiscriminatory system" shall have the right to determine their own attendance zones without interference from Federal authority as long as they are reasonably drawn as to serve the needs of the community and no effort is made by drawing such attendance zones to force a student to attend a particular school because of his race, color, creed, religion, or national origin.

SEC. 3. Each local "nondiscriminatory system" shall have the right to determine the placement of any new school or school facility without interference from Federal authority so long as the new school or facility is placed so as to reasonably serve the needs of the community and no effort is made through its placement to discriminate against any student or group of students based upon race, creed, color, religion, or national origin.

SEC. 4. Each local "non-discriminatory system" shall have the right to determine the placement of faculty and administrative personnel without interference from Federal authority as long as such placement reasonably serves the needs of the school system and no effort is made through its placement to discriminate against any faculty or administrative member on the basis of race, creed, color, religion, or national origin.

TITLE II—DEFINITIONS

(1) The term "non-discriminatory system" whenever applied to any school system receiving public support means a school system wherein all schools comprising the system function as a part of an overall single administrative unit and in which there is no force or discrimination present, based on race, creed, color, religion, or national origin, in establishing the make-up of the student body, faculty or in the allocation of funds, books and facilities to the respective schools.

(2) The term "pairing" whenever applied to any school or school system receiving public support means any act required by any Federal authority or person or board acting pursuant to such authority to cause the merger of schools or the alteration of the grade structure for the purpose of altering the race or ethnic make-up of the student body.

TITLE III—ILLEGAL ACTS

SECTION 1. (a) The operation of any school system receiving public support other than a "non-discriminatory school system" shall be illegal.

(b) The forced closing of any school for the purpose of forcing any student or group of students into a different school for the purpose of altering the racial or ethnic make-up of the student body shall be illegal.

(c) The "pairing" of schools shall be illegal.

(d) Forcing a child to leave his neighborhood school to attend another more distant because of his race, color, creed, religion, or national origin shall be illegal.

TITLE IV—PENALTIES

SECTION 1. Any person who violates section 1 of title III of this Act shall be subject to be imprisoned for not more than one year, or fined not more than $1,000, or both.

Mr. BUCHANAN. Mr. Speaker, in a continuing effort to insure that the vital function of providing our Nation's young people with the best possible education remains the primary goal of educational systems and to prevent this goal from being jeopardized by applying disruptive methods of achieving racial balance in these educational systems, today I am joining my distinguished colleague from North Carolina (Mr. MIZELL) in introducing legislation toward this end.

This legislation, the Nondiscriminatory Education Act, is designed to preserve the rights of our schoolchildren to attend their neighborhood schools, while at the same time upholding the legal prohibition against operating these schools on a discriminatory basis. This latter aspect of the bill is, in my judgment, extremely significant and its importance to those sponsoring this legislation is indicated by the title of the bill itself—the Nondiscriminatory Education Act.

For the first time, this bill would end the extreme confusion plaguing school officials all across the Nation as to what constitutes a nondiscriminatory school system. As my colleague has pointed out, because the Supreme Court has failed to define what constitutes a nondiscriminatory school system, there are great discrepancies among the various requirements imposed by lower courts in order to end discrimination and achieve racial balance. There has been the imposition by some courts of requirements which, in my judgment, are unreasonable in the extreme and destructive of the rights of both children and their parents. Some school systems have been required to bus young children to schools at great distances from their homes. Many have had to incur sizable costs through such requirements as the forced closing of schools within their districts.

The legislation we are introducing today would provide a precise definition of what a nondiscriminatory school system is and a definition which, in my judgment, fully upholds the goals of nondiscrimination set by Congress and the Supreme Court. Title II of this bill states:

The term "non-discriminatory system" whenever applied to any school system receiving public support means a school system wherein all schools comprising the system function as a part of an overall single administrative unit and in which there is no force or discrimination present, based on race, creed, color, religion, or national origin, in establishing the make-up of the student body, faculty or in the allocation of funds, books and facilities to the respective schools.

Under this act, a school system which meets the above requirements shall have the rights to determine its own attendance zones, the placement of its faculty and administrative personnel, and the location of its school facilities without interference from Federal authority so long as these actions in themselves are carried out on a nondiscriminatory basis and in a manner designed to best serve the needs of the community. The forced closing of schools for the purpose of altering the racial of ethnic make-up of the student body; the pairing of schools; and forced attendance of children at schools beyond their neighborhood schools because of their race, color, creed, religion or national origin will be illegal actions under the terms of this act.

Mr. Speaker, I feel compelled to emphasize that integration per se is no longer an issue to those of us who are now trying to bring about more reasonable school desegregation policies and preserve the rights of American citizens. People everywhere, in the South as well as the rest of the country, recognize that dual school systems are a thing of the past and that only desegregated, nondiscriminatory school systems will be permitted to stand in the future. The issue now is whether we are going to allow the methods used to obtain desegregation or racial balance to disrupt the vital process of educating students and impinge upon the rights of the very people our educational systems are intended to serve.

In this regard, I was extremely gratified by the statement last week in which the President of the United States reiterated his judgment:

In carrying out the law and court decisions in respect to desegregation of schools, the

primary objective must always be the preservation of quality education for the schoolchildren of America.

In this same statement the President indicated his continued opposition to the use of compulsory busing of schoolchildren to achieve racial balance—a practice which is expressly prohibited by the Civil Rights Act of 1964. I fully support this administration's stand and believe that it represents a victory for Americans concerned about providing quality education for the Nation's children. This legislation would clearly serve this end, and I urge its support by my colleagues.

Mr. Speaker, there does not have to be a conflict between the attainment of nondiscriminatory schools and the preservation of both quality education and the rights of American citizens.

THE TWO OLD CROWS ARE BACK

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, like old crows that come back to the same roost in some high tree every night, not out of sight but temporarily out of reach, a pair of proposals repeatedly rejected by Congress have shown up on Capitol Hill again.

Roosting in the President's budget, out of reach for several months are a couple of the same poor old proposals that have been sent up here by the Budget Bureau every January for a decade or more.

One of them would deny 17 million schoolchildren—more if it was adequately funded—a refreshing glass of milk each day, needed in many instances to round out their daily nutrition. In every case it is a stimulant to better school work and the ability to absorb more of their schooling.

Another would terminate a key part of our program to end the pollution of the water of our streams and, unlike other civilizations which have destroyed their lands, basic resources, and then their societies themselves, to maintain the fertility of our soils to pass along in good condition to the generations of Americans who will follow us.

I refer, of course, to the budget proposals to end the school milk program and the agricultural conservation practices program.

These two decrepit old crows have been sent to roost up here year after year, regardless of the party occupying the White House. The Budget Bureau, which never changes and suffers from an acute case of fourth dimensional myopia—they can never see into the time dimension beyond the next June 30 and are unable to comprehend the effect the proposals will have on both our human and our natural resources in the years beyond their annual budget year.

It will be several months before the two old birds can be routed out of the agricultural budget proposals again and their threat to the seed funds, intended to assure a healthier and better educated crop of young people, and an improved soil and water resources base for our sustenance in future years, can at least be shooed out of the branches of the bill.

The school milk program was established in 1954 to help meet the nutritional needs of millions of schoolchildren during their hours in school. While it has benefited several million malnourished and deprived children the most, it has also benefited every child who has participated by providing nutritional elements even some of the well-to-do needed just as badly as the poor, and by giving them all a healthful pick-me-up during the school day, and an increased alertness to the subject matter at hand.

We are in the midst of a renewed effort to eliminate hunger and malnutrition. To eliminate a program which has proved highly successful in their field would, in my judgment, be a step backward—not forward against malnutrition as we wish to go. There may be some who think all food funds should be restricted to the economically poor. By the same logic, schools should, too. But our educational opportunities have always been extended universally to young people, and healthful nutritional aid to their learning should be extended to all of them just as the schooling itself is provided.

For the current year, $104 million was appropriated for this program, and the House has demonstrated its continuing support of it by passing H.R. 5554 to make it permanent. The vote was 384 to 2.

Under the program, milk is provided to children in, first, nonprofit schools of high school grade and under; and second, nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children.

Congress needs to complete action on this measure to make the program permanent, to provide an appropriation of at least $125 million annually for it. By thus blasting the old bird with both barrels of the legislative gun, perhaps we will get rid of the old crow permanently. I have no doubt the Budget Bureau first aid crew will try to revive it again, but as a veterinarian I suggest to them that the most humane course for them to pursue would be to let that poor old crow expire and get out of its misery.

The second old crow, the proposal to end the conservation practices program, should have been humanely asphyxiated before it was sent back to the Hill by an administration vowing all-out devotion to the antipollution cause.

The agricultural conservation practices program—an appropriation of about one-thousandth of the $200 billion budget, is the cheapest sort of insurance against repeating what a good many races of men have done in the past—destroy their land base, drain it of its fertility, and thereby drain their nations of their most essential resources and their ability to survive.

This comparatively small amount of conservation seed money has been matched many times over by our agricultural producers—temporary custodians of our basic land resources—in establishing conservation practices which have halted the erosion of soil and pollutants into our streams, saved the soil and its fertility, and reduced the pollution problem which it has become so popular—belatedly—to attack.

The Federal Government is doing considerably more than providing agricultural conservation payments—which do not amount to a great deal when spread across the land—to stimulate soil conservation practices. The great Soil Conservation Service is providing technical assistance to farmers to establish both temporary and permanent practices on their land. The small watersheds programs are helping. All in all, we may be investing two one-thousandths, or even three one-thousandths of our total Federal budget to the effort to avoid what brought the downfall of many of the nations of mankind in the past—a tiny fraction of the amount of matching funds that are to be paid out to attack urban blight, and even a smaller fraction of what we are going to have to appropriate to halt the erosion of human health and housing and social conditions in the years ahead.

The agricultural conservation programs are the biggest bargain which have been left out of the Budget Bureau's version of Eisenhower, Kennedy, Johnson, and now the Nixon budgets over recent years.

It is to the everlasting credit of Congress that it has restored these funds, as it has restored the school milk funds to strengthen oncoming human resources.

I earnestly hope that the Agricultural Appropriations Subcommittee will not weary of its annual task of scaring these two old crows out of the roost; that they will shoot both barrels at them this year and increase funding appreciably. We can sacrifice the supersonic transport for a year or two—and the sonic boom it will make to disturb everyone in the countryside—for a year or two if necessary to save our soil.

I want to assure the committee that this late arrival in the Congress of the United States is prepared to help—although the Agricultural Appropriations Subcommittee has not shown need for such help for the past several years—in pulling the triggers to shoot them down again.

I am fresh from the country. I have seen school milk and the agricultural conservation practices in operation. I can vouch for their value and their need.

INVESTIGATION OF CAMPUS DESTRUCTION

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, I would like to return Members of this House with me to the evening of February 7, a Saturday night, on a campus in my home district in Wisconsin.

That campus, located at Whitewater State University in the city of Whitewater, was in the midst of its annual winter weekend festivities, a proud tradition of this campus for many decades and equally a proud memory for many a graduate of that fine institution.

Central to the theme of fun and tradition on the campus was the gracious

landmark known as "Old Main," a distinguished hall of learning. "Old Main" was the main administration building of the university although it housed various other activities on the campus.

That Saturday night marked the final winter weekend for Old Main. About 10 p.m. that night, someone set fire to accumulated paint and other flammable materials. Flame shot into the cold night, and in the early morning sun, Old Main was a gutted and worthless building—a ghostly victim of the evil intent to upset the university for what reason only the guilty person—or persons—know.

Many of Whitewater's loyal students and faculty braved the icy winds and the flames on that night, to carry from the burning building some of the important historical records and documents stored there, but their efforts were futile. Loss of this building and its contents is estimated in the neighborhood of $4 million.

Damaged beyond use are the north and west wings of Old Main, a complex of offices, classrooms and shops, the College of Business and Economics, offices of the dean of men and dean of women, the music, art and mathematics departments, the campus radio station, placement services, basement dramatic workshop in which to fulfill its educational commitments to every student, regardless of his racial or ethnic origin; his social or economic status or his religious convictions. Whitewater has kept faith with its alumni and supporters. It has continuously expanded its facilities and improved its academic prestige in keeping with its responsibilities.

When "demands" were made upon the administration of this school by those who claimed to speak for the minority group, the administration of the school took the initiative to listen and gave serious consideration to the demands. It agreed to act in the affirmative in the instances in which it considered the demands reasonable and fair and it rejected with credible explanation those demands which were not in the capability of the structure of the institution either to fulfill or administer.

Today Whitewater University is under armed guard. The president tells me he is deeply concerned that more trouble will follow and the fires of hatreds resulting from the destruction of "Old Main" are not as easily extinguished as are the remaining glowing and dying embers in those charred ruins. Those hatreds will have fanned into open flame in the days and weeks to come unless something is done now to bring the truth of what really did happen to light where everyone can see it.

If this be arson and if someone has deliberately violated the law—as the fire marshal's report indicates—it is imperative that the guilty party be apprehended and given a fair trial so that justice to all be done. The path taken by the suspected arsonist as he or they fled from the cold February 7 grows less distinguishable with each new sunset.

The district attorney who has jurisdiction in the area in which the dastardly deed has taken place has told me to his knowledge that as of this date no action has taken place to produce the identity of the suspected arsonist, because witnesses are reluctant to speak of the matter, including the ones who allegedly reported 10 minutes before the fire started that "Old Main" was being put to the torch. Students today sadly shake their heads as they pass by the now blackened ruins of what was once a historic structure. White students blame the black students, black students blame the white students, the truth remains as apparent as a vacant stare. This situation must not be allowed to persist. Vigilant justice must grow from embryo to full-fledged fact. A concentrated effort must be made to reveal the truth about what took place at Whitewater on February 7. There must be a complete and full investigation by the Federal Government to piece together the puzzle of that Saturday night. The people of Wisconsin must pay the bills and have a right to know the truth and they have a right to expect that the culprit whoever he or they may be, will be brought before the bar of justice. It is imperative that it be determined what took place on the Whitewater campus is a parochial or unrelated incident—a mistake perhaps—a carnival, or if it is a part of a larger mission of organized or unorganized groups to destroy the so-called establishment by destruction on the campuses and destroying that which the people have a right to expect the government to preserve.

I, as a citizen of Wisconsin, as one who has great pride in our academic institutions and profound respect for the large majority of students who are sacrificing much in time and effort to secure an education through which they can make for themselves a decent living and decent life. I, as a citizen have been aware of the true intent of the so-called revolutionaries who spit upon the law and degrade what is sacred to those who have and are building this great country cannot allow Old Main to be leveled on the campus and a new structure erected to take her place without an answer to some of the questions being asked by the students and members of Whitewater and citizens of the community alike. Suspicions will grow, unsubstantiated charges will be made, hatred will be fanned, rumors will expand all out of proportion to the facts and utter chaos and disruption of the academic climate will result unless the facts are sifted and the truth as it is, is fully revealed.

Today, I have requested assistance from the Justice Department in finding the answers to some of these questions, I have asked that LEAA, Justice Department fledging law enforcement assistance administration make a thorough investigation in cooperation with the appropriate local and state agencies to apprehend the guilty party or parties to the end that the events of Saturday night, February 7, 1970 do not result in a defeat to those Americans who believe that the triumph of justice and for those students who today and in the years to follow have a right to expect to be able to study in an academic institution consistent with their dedication to adequate preparation to become useful and constructive citizens.

HOUSING STARTS PLUMMET DURING NIXON ADMINISTRATION

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, on Tuesday the Bureau of Labor Statistics reported that housing starts for January stood at 1,166,000. This figure represents a 6.5 percent decline from December. Even more ominous is the outlook for the future. New building permits in January declined 23 percent from the previous month. This drop was the largest drop on record. The 950,000 permits issued in January compared with 1,400,000 issued in January 1969. Housing analysts agree that this sharp decline in permits foretells a further worsening of housing construction in the months ahead.

Since President Nixon took office in January of 1969, housing starts have plummeted by some 40 percent. After only 1 year in power, the Republican Party has succeeded in rolling back the level of housing construction to that of 1946, a time when our population was approximately 140 million. Today it is well in excess of 200 million and our housing needs proportionately larger. The economic polices being pursued by the Republican administration are foisting on this Nation a housing shortage the like of which we have not seen since the crisis experienced in the immediate post-World War II period.

The administration, in denying vitally needed housing to the American people and strangling the national homebuilding industry, has acted in direct defiance of the national housing mandate proclaimed by Congress. As long ago as 1949 a Democratic Congress established as our national housing objective "the goal of a decent home and a suitable living environment for every American family." In the Housing and Urban Development Act of 1968 we reaffirmed this policy and called for the construction or rehabilitation of 26 million housing units within the next decade. The administration's obvious indifference to the congressional directives of 1949 and 1968 clearly belie their professed desire to solve the gargantuan problems facing our cities or improve the quality of our environment.

The housing debacle we are now experiencing is the President's responsibility and solely the President's responsibility. It has been of his making. It is the product of his misbegotten and misguided anti-inflation program, a program which has utterly failed to dampen the fires of inflation. It is a program which, however, has seriously weakened our economy to the point where we are now heading into a serious recession. The homebuilding industry has been a prime victim of this so-called anti-inflation program.

Mr. Speaker, this Congress, by way of contrast, has acted imaginatively and with dispatch to bring relief to the beleaguered housing industry. Last year's housing legislation, approved by the House 339 to 9, contained a provision which makes available $2 billion to the Government National Mortgage Association to purchase FHA and VA mort-

gages on low-cost housing. The President could within the hour release this money which would produce over a hundred thousand units of new housing for low- and moderate-income families, those families most acutely in need of shelter. Yet the President refuses to use these funds. He likewise disdains the use of the authority we granted him in Public Law 91–151 to institute selective credit controls when necessary to curb inflation. The President's negative attitude stands in sharp contrast to the near unanimous 358 to 4 vote of the House in approving this measure. Experts are in agreement that the establishment of selective credit controls is an absolute necessity if the home construction industry is to receive its fair share of available credit and if housing is to be restored to its proper position as one of our foremost national priorities.

Mr. Speaker, the record speaks for itself; the Republican administration's housing record has been a national disaster. It has ignored a national housing mandate of over 20 years standing. It has pursued an economic policy which has left the housing industry prostrate, and the President has obstinately rejected the tools which this Congress has given him to rescue housing from the ever deepening abyss into which that policy has plunged the homebuilding industry.

Mr. Speaker, on several occasions last year I took the floor to warn this body what the Republican high-interest, tight-money policy was doing to housing. I also pointed out that the tight-money policies of the 1950's had badly crippled the housing industry during that period. This in turn had triggered our greatest post-World War II recession, that of 1957–58. President Nixon's administration has followed traditional Republican economic policies. This prescription calls for tight credit and resulting vast profits for the large banks. Add to this strangulation of the homebuilding industry and starvation for the public sector of the economy, for example, schools and community facilities. This long since discredited elixir is then guaranteed to halt any growth in the gross national product, reduce industrial production, undermine consumer and business confidence and increase unemployment.

The employment of this old-time Republican formula by the President is well on the road toward attaining the same economic result it achieved for his political forebearers in 1929 and 1957. I will leave to experts in semantics the debate as to whether the proper terminology for our current condition be depression, recession, or adjustment, rolling or otherwise. For me the evidence is clear. President Nixon's economic policies of the past 12 months have killed the high level of prosperity this country enjoyed during the 8 previous years of Democratic administration.

Mr. Speaker, this Republican administration has achieved a truly remarkable feat: acute economic stagnation in consort with recordbreaking inflation.

CONGRESSIONAL RECORD COST

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, from time to time Members of this body bring to the attention of their colleagues some of the facts of life. Today, I would like to point out one very impressive fact that points to a bit of reckless irresponsibility on the part of this Congress. The fact is the CONGRESSIONAL RECORD cost $5,024,418 last year to print its some 42,000 pages.

Now, Mr. Speaker, that is quite an astounding fact when you consider little was done in this body last year. To extend the matter further the average cost per page amounts to $116. Let me repeat that, $116.

Since it is not my custom to criticize without offering a solution I make the following suggestion and especially direct it to the Clerk of the House: I would venture to say that all Members order extra copies of the daily RECORD to clip items of special interest to their constituents or for other purposes. My staff has discovered that these extra copies with only one or two pages missing are then completely discarded.

There is absolutely no reason why these RECORDS cannot be returned to the document room with the missing pages marked on the cover for further use by others.

Or as an alternative suggestion, you will notice by examining the RECORD in front of you that each copy is a series of small sections stapled together. Now, if these sections were left loose, Members could request those sections containing the particular page to be clipped.

These two suggestions may not be the answer. In fact this may appear to be nit-picking. Yet, I hope by rising here today to discuss the problem, a workable solution will be found. I invite my colleagues to give the matter some thought.

I hope this situation will not be passed over lightly. Fiscal responsibility—a topic we frequently discuss with respect to the executive branch—begins at home, so to speak. Let us lead the way in finding cost-cutting techniques in our own affairs.

Now before someone rises and reminds me that I have spent approximately $40 of the taxpayers' money already I will conclude my statement, hoping that this investment of our time and the taxpayers' money was a good one.

BILL TO PROVIDE FOR THE TRANSFER TO THE FEDERAL POWER COMMISSION ALL OF THE FUNCTIONS AND ADMINISTRATIVE AUTHORITY NOW VESTED IN THE SECURITIES AND EXCHANGE COMMISSION UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, on January 22, 1970, I introduced, at the request of the Securities and Exchange Commission, H.R. 15516 to provide for the transfer to the Federal Power Commission all of the functions and administrative authority now vested in the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935.

I hereby place in the RECORD the text of the letter from the Securities and Exchange Commission transmitting the proposed bill. This letter sets forth in some detail the reasons behind the Commission's proposal.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C. December 2, 1969.

The PRESIDENT OF THE SENATE,
The SPEAKER OF THE HOUSE OF REPRESENTATIVES

SIR: In the absence of Chairman Budge, I have the honor to transmit to the Congress a draft of a proposed bill to transfer to the Federal Power Commission those regulatory functions over public utility holding companies which are now exercised by the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935 [15 U.S.C. 79a et seq.].

While the proposed legislation would transfer the special regulatory functions of this Commission under the Public Utility Holding Company Act, it would retain in the Commission, with respect to such public utility holding companies, the type of responsibility which it now exercises with respect to publicly owned corporations generally, e.g., proxy solicitations, insider trading restrictions, and reports to investors. In order to accomplish this purpose, it is necessary to amend the Public Utility Holding Company Act in various ways, due to the existence of special provisions therein on these subjects which duplicate provisions of the Securities Exchange Act of 1934 as amended in 1964 [15 U.S.C. 78a et seq.]. These proposed amendments are described in the Explanatory Statement of the Draft Bill which is attached.

In connection with this proposed legislation, attention is called to the existence of certain provisions in the Internal Revenue Code relating to the tax impact on changes in corporate structures required by this Commission pursuant to the Public Utility Holding Company Act. If the proposed bill is enacted, technical modifications of those provisions of the Internal Revenue Code will be required. However, such modifications have not been included in the proposed bill, since the Commission does not believe it to be appropriate for it to undertake the drafting of amendments to the Internal Revenue Code. Nevertheless, this matter will have to be taken into account in the consideration of the proposed legislation.

There are two primary reasons for the proposed transfer of functions. First, the principal mission entrusted to the Commission by the Congress through enactment of the Public Utility Holding Company Act was largely accomplished during the first twenty years of the Act's history. This was to eliminate or reorganize the complex, unwieldy and unsound utility holding companies' structures which had been built up during the 1920's and which Congress determined to be contrary to the public interest. The Committee on Independent Regulatory Commissions of the first (1949) Hoover Commission suggested that the Commission's functions under the Act should probably be transferred to the Federal Power Commission once the Securities and Exchange Commission had accomplished the primary mission of the Act. This primary mission was substantially accomplished by the middle 1950's. Thereafter, the Commission's functions under the Act were, for a considerable period, largely with securities issuances and minor acquisitions by those companies which continued as registered holding companies. During that period, the attention of the Commission and of its staff was therefore largely focused on other areas of the Commission's responsibilities, in view

of the tremendous growth of the securities markets in general and of the investment company industry in particular during the postwar period.

Second, as the Commission has pointed out in testimony before the appropriations committees of Congress, there has recently been a considerable revival of activity and interest in the public-utility holding company area, and this appears likely to increase. The nature and motivation of this development is, however, quite different from that which existed in the 1920's. Then, holding-company empires were built up primarily as promotional ventures accomplished by the manipulation of corporate structures for the profit of those who engaged in these activities. The current interest is more a response to technological developments in the utility industry, such as the increasing importance of atomic energy in the generation of electricity, and the economies available through the use of very large electric generating plants which have become feasible, particularly when accompanied by transmission facilities capable of transmitting large amounts of power over long distances. The holding-company device is viewed by some as one means of facilitating the best use of these technological advances.

The regulatory problems and opportunities which are presented by these developments are therefore quite different from those which existed in the 1930's. While these problems include corporate structure and financial aspects, they are more a matter of industry, technology. This Commission in recent years has had a rather limited exposure to these types of problems, while the Federal Power Commission has, of course, been deeply involved in such matters for many years and has been concerning itself recently with the impact of the new technology. For example, Section 30 of the Public Utility Holding Company Act calls essentially for economic studies of developments in the public-utility field and the making of recommendations as to the type and size of geographically and economically integrated public-utility systems which can best serve the public interest. The Commission has never been in a position to mount such a study, since during the early years of the Act, it had more important tasks and thereafter it did not have the available resources. The Federal Power Commission, on the other hand, has for some time been making studies relating to interconnections and coordination of electric facilities and national power requirements.

Consequently, it appears that this would be an appropriate time to centralize in one agency Federal responsibilities for public-utility regulation, and that the Federal Power Commission is the appropriate agency for this purpose. Such centralization should produce greater efficiency, economy and coordination of regulatory policy. As pointed out above, the special conditions which led Congress to vest administration of the Public Utility Holding Company Act in this Commission rather than in the Federal Power Commission, i.e., the fact that the problems in the public-utility holding company area were largely corporate and financial rather than economic and technical, have been very substantially modified by the events of the past thirty years.

It is recognized that the transfer of the Holding Company Act to the Federal Power Commission will give that Commission a greater degree of responsibility in the area of corporate finance and perhaps also investor protection than it has heretofore had. This Commission is confident, however, that the Federal Power Commission has or can develop the capacity to assume those responsibilities, particularly if its efforts are adequately funded, and that the transfer should, as mentioned above, promote efficiency and economy in the Federal Government.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the Administration's program.

By direction of the Commission.

HUGH F. OWENS,
Commissioner.

INFLATION CONTROL AND PEACE A JOINT VENTURE

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, last week I made some brief comments on the floor about the need for the Government to quit competing for dollars needed to finance homebuilders, contractors, farmers, ranchers, and small businessmen.

Government payment of 8 to 8½ percent interest for money, while prohibiting banks from offering more than 5 to 5¾ percent on deposits, has resulted in a growing shortage of capital across the countryside for essential industries like food production, homebuilding, and necessary construction.

There are hopeful signs that the Federal Reserve System is getting into the Government securities market to pull down interest and make some capital available, to head off a recession which is beginning to appear. There is also some grumbling that it may renew inflationary trends.

The most powerful method of controlling inflation in the administration's hands rests on the President's policy of ending the war in Vietnam.

As one of the majority of the House who last November backed the President and encouraged him to quickly implement a withdrawal policy, I now urgently and earnestly call on the President to speed up that withdrawal and Vietnamization program.

Reduction of Federal expenditures and releasing production capacity to provide more consumer goods and services, will do more to hold down prices and inflation than the current tight-money, high-interest policies which are themselves inflationary.

If we can reduce the budget by a substantial part of the more than $20 billion now devoted to fighting in South Vietnam, paying some Government obligations to the public to make more capital available and thereby providing needed goods and services to the public, including essential Government aids like the food programs, education, health care, and similar programs, we can take the edge off of inflation with beneficial rather than depressing results in the public sector.

The primary constitutional responsibility for initiating appropriations rests in the House, just as foreign policy rests with the President. The House last year funded the President's Vietnam policy, while reducing unnecessary defense spending.

There is overwhelming backing in the Congress and the country now for the President's Vietnam withdrawal policy and maintenance of that support depends, in my opinion, on a more rapid withdrawal—a more visible reduction in our participation in the unfortunate Asian conflict.

The urgency to end the conflict, to end the killing, is paramount. There is also the urgency of ending inflation. The immediate savings of billions is possible if the President speeds up the peace program, so that solution of our most pressing domestic programs is tied up with pursuing the speediest feasible timetables for getting out of Vietnam.

Reduction in the expenses of the war will permit devotion of more of our productive capacity to the unmet needs of peace and an end to the supposed necessity for slowing down the civilian economy with tight money and high-interest rates that are proving ruinous.

It will permit a truly balanced budget without denying essential public services.

POSTAL WORKERS STRIKE LOOMS ON THE NEW YORK HORIZON

(Mr. BIAGGI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, I would like to bring to the attention of my colleagues in Congress a most serious situation in New York City which, if not corrected, could set a disastrous pattern for the rest of the Nation.

Specifically, I am referring to disturbing reports in our national newspapers that frustrated postal employees in New York may strike if the Congress does not act on the postal pay legislation that has been languishing in the Congress after being passed by both the House and Senate last December.

Let me quote for you an article in the New York Daily News of February 14:

> Twenty thousand postal workers were surveyed here yesterday as to their feelings on a possible strike against the Government to protest moves that would deny promised pay raises.
>
> The surveys were ordered by officials of the AFL–CIO National Association of Letter Carriers following four meetings at which angry postmen approved resolutions that would "mandate" the union to call a national strike if the raises were deferred.
>
> Gustave J. Johnson, president of the Metropolitan Postal Council, said the survey was to determine whether this would be a "local strike or across the Nation or not at all."
>
> Stating that the men felt their "backs were against the wall" and that "their pay scales were far behind the private sectors," Johnson said the results of the Manhattan-Bronx-Brooklyn survey would be announced on March 12.

Mr. Speaker, Gustave J. Johnson, president of the Metropolitan Postal Council has personally assured me that he is doing all in his power to avert this threatened strike. However, he also told me that tempers are hot and the feeling that prevails is one of uncertainty and anxiety. He does not know if he will be able to hold the unions in check on the mere promise of congressional action.

The hopes and desire of 20,000 postal workers in New York City have been frustrated because the House and Senate conferees have failed to meet and work out a compromise on H.R. 1300, the postal pay raise bill.

In the interim the administration has suggested a new postal pay bill and tied it to the passage of a postal reform bill that was satisfactory to the President.

In his 1971 budget message, President Nixon proposes a 5.4-percent postal pay raise retroactive to January 1, 1970, contingent upon the passage of postal reform legislation. In this same message he also proposes postponing until January 1, 1971, the promised comparability Federal pay increase due July 1 to all Federal employees.

The unions in New York feel that these controversial issues, coupled with congressional foot shuffling, may result in no pay raise at all. Mr. Speaker, must this country be subjected to the same fate suffered in Rome, Italy, where the postal workers actually struck before well-deserved benefits were obtained? This may, indeed, be the case if the administration insists on tying bread and butter issues to unrelated organizational matters—food for the tables of our postal workers should not be a condition of administrative reform. In this period of violently spiralling costs, the postal workers of America must not be caught in a financial squeeze between congressional inaction, on the one hand, and inflation on the other.

I would hate to see the record show in future days, Mr. Speaker, that congressional inattention to this serious problem in New York City had resulted in a chain-reaction of strikes against the Federal Government by Federal employees. It would be a most dangerous precedent that must and can be averted.

On February 25 the President of the New York Metropolitan Postal Council will be here on Capitol Hill to plead his case before members of the New York City delegation and interested House Post Office and Civil Service Committee members. It is my hope that, at that time, Mr. Johnson will receive the type of response from Members of Congress that will give him the selling power he needs to go back to New York and convince the unions he represents to have confidence in the legislative process and that Congress thinks in terms of fairness and equality for the postal employees of our country.

THE UNITED STATES HAD ROLE IN MISSISSIPPI ARRESTS

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am deeply disturbed by the report in this morning's Washington Post that a group of almost 900 students were arrested 9 days ago and taken in buses to the State penitentiary at Parchman, Miss., and held there for 24 hours before being released on bond.

It is extraordinary, first of all, that such a mass arrest could have taken place without the news media reporting it for 9 days. I assume that if the media had been aware of what had happened, the report would have made national news.

Perhaps even more disturbing is the fact that the recently created Law Enforcement Assistance Administration of the Justice Department was actively involved.

According to the Washington Post, the students were arrested because of their participation in a student boycott at Mississippi Valley State College, and the move was at least temporarily successful in "breaking the back" of the boycott.

I hope that the distinguished chairman of the Judiciary Committee will promptly investigate this matter. It may be that the Congress, in creating the LEAA, as the agency to channel Federal assistance to States and localities for the purpose of improved crime control, has in fact created a kind of Federal police force that can be used for the most regressive and oppressive purposes.

In addition to urging Chairman CELLER to investigate this matter, I am also requesting a report from the Attorney General.

The article in question from today's Washington Post follows:

THE UNITED STATES HAD ROLE IN ARREST OF 894 MISSISSIPPI STUDENTS

(By Philip D. Carter)

Nine days ago near the Delta cotton town of Itta Bena, a tough, hand-picked posse of Mississippi lawmen arrested 894 black student demonstrators and herded them into buses bound for the state penitentiary at Parchman.

It was the largest mass arrest of college students in the nation's history.

It was the first ever planned with the advice and assistance of the U.S. Justice Department in Washington.

And all the arresting officers were black.

More than precedent was shattered. The mass arrest—coordinated by the state of Mississippi's federally funded Law Enforcement Assistance Division—at least temporarily broke the back of a successful student boycott at Mississippi Valley State College.

For the Justice Department's fledgling Law Enforcement Assistance Administration (LEAA), the arrests marked the quiet beginning of one of the Nixon administration's potentially most volatile policies—federal "technical assistance" in local suppression of "campus disorders."

"We're real proud of it, the way they (Mississippi police) handled it," declared George Murphy, director of LEAA's Atlanta regional office. "There wasn't any bloodshed."

For students, it was a different story.

Charged with blocking a public road on campus and disobeying police who ordered them to disperse, all 894 demonstrators—one-third of the student body of 2,500—were suspended from school.

After 24 hours imprisonment, they were released from Parchman on bond and permitted to return to their campus, collect their personal belongings and go home to ponder the future.

Valley State's beleaguered Negro president, J. H. White, whose policies were the target of the student boycott, has announced that the state-supported school will follow a policy of "selective admissions" when students begin to register today for the second term.

Students anticipate that none of the college's elected Student Government Association leaders, all of whom helped direct the boycott, will be readmitted. And White has summarily fired two faculty members who advised the demonstrators.

STRANGE ALLIANCE

For the time being at least, the events in Itta Bena stand as a victory for one of the strangest alliances ever assembled in the name of law and order: President White, Mississippi's segregationist Gov. John Bell Williams, his all-white State Highway Safety Patrol, 58 black policemen from various cities in the State and the Department of Justice.

Until now, the Justice Department's role has gone largely unnoticed.

Federal involvement in the campus arrests grew from the Omnibus Crime Control and Safe Streets Act of 1968, which created LEAA as a Justice Department agency for federal economic and technical assistance to local and state law enforcement agencies.

Under terms of the act, the State of Mississippi (like other States) created a State Commission on Law Enforcement Assistance and its operating agency, known as the Division of Law Enforecement Assistance.

Although Mississippi's population is at least 40 per cent black, the commission's members are all white, most of them high-ranking representatives of State and local law enforcement agencies.

RECEIVED FEDERAL GRANT

For fiscal year 1969, the Mississippi commission applied for and received a federal "action grant" of $288,405. The Justice Department did not challenge the racial composition of the Mississippi group.

The group's plans provided for "staff assistance" by the new State law enforcement assistance division to State and local police agencies in "developing plans and procedures for coping with civil disorders (riot control and natural disasters) and organized crime."

That program won federal approval. Thus when campus protest began to swell at Valley State College early this month, federally sponsored machinery had already been established for containing what the State's white political establishment perceived as a potential black insurrection.

But as campus revolts go, Valley State's was mild. At stake was a list of 30 demands sponsored and prepared by the college's Student Government Association and presented to president White.

The students demanded academic scholarships. President White agreed to immediate approval of ten. The only scholarships previously awarded were for athletes and members of Valley State's crack marching band.

BOYCOTT URGED

The students also demanded student government control of the college's student activity fund, a coin-operated laundry for students and clarification of "fictitious laboratory fees." White denied those demands, but approved such others as relaxation of the campus dress code. He also granted the students the right to name new college buildings.

The student government called for a student boycott. Within a few days, it was more than 95 per cent effective, with the backing of the state's all-white Board of Trustees of Institutions of Higher Learning—asked for outside police assistance.

Two of his black campus security officers, he said, had been injured by students, and students had been threatened by boycott leaders. He filed no formal charges, however.

In the state capital of Jackson, officers of White's all-white board met with the state commissioner of public safety and Kenneth Fairly, executive director of the state law enforcement assistance division.

Then Fairly called LEAA officials in Washington and Atlanta. Washington's Paul Estaver and Atlanta's George Murphy agreed that the best solution was to handle the Valley State protest with black policemen.

Fairly scoured the state and found 58. Ray Pope, a white former police chief from Waycross, Ga., who is now an LEAA regional official in Atlanta, flew to Mississippi to offer technical assistance. Satisfied that the operation was proceeding smoothly, he returned to Atlanta.

On Feb. 8, Lt. Willie Carson, a Negro from the Greenville, Miss., police department, led 57 other black policemen onto the campus. There, they joined black campus security officers and several specially deputized, gun-carrying janitors and cafeteria workers.

The arrests began the following day.

GOVERNOR PLEASED

While the arrests proceeded, white highway troopers and Leflore County sheriff's deputies blocked newsmen's entry to the campus. But on campus, all went smoothly.

As Fairly later reported, there was no violence and there were no injuries or pictures of "a white cop with his nightstick mashing the head of a black student." Gov. Williams, said Fairly, was pleased.

"What we liked was the evidence of black professionalism, black command leadership," Fairly said yesterday.

Justice Department cooperation was "excellent," he said. "We were in constant contact." Department officials have "looked at this situation and think it has some application for use elsewhere," he added.

"All of us in this business are looking for new ways to handle old problems."

LITHUANIAN INDEPENDENCE DAY—52 YEARS OF RESISTANCE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, today we observe the 52d anniversary of the declaration of independence of the Lithuanian people. On November 15, 1917, the Soviet Government under Lenin declared that all the nations of Russia had the right of self-determination, including independence and the formation of sovereign governments. On February 16, 1918, the Lithuanian Council, speaking for all of the people of Lithuania, declared the nation an independent, democratically ordered state. But Lithuania is still not free.

The roots of the Lithuanian independent spirit reach deep into the history of this Baltic nation. During the second half of the 14th century, vast empires were being built by powerful lords who conquered great expanses of land and established dynasties. By the mid-15th century, the Lithuanian empire extended over 300,000 square miles, stretching south from the Baltic Sea to the Black Sea and east almost to Moscow, an area larger than any country in modern Europe. The ruling classes managed to control this vast territory because of their unquestionable political talent and their spirit of religious tolerance. Lithuania at that time was a proud and powerful multinational state, and the Baltic peoples who inhabited the land were intensely nationalistic, proud of their religion, language, and customs.

The struggle of these proud peoples to maintain their freedom began in the 16th century when the Russian rulers in Moscow proclaimed themselves czars of all the Russias and began to sweep across the surrounding nations. Russian invasions of Lithuania began in the 17th century and continued for over 100 years, culminating finally in the fall of Vilnius, the capital, during the second invasion in 1721. Her gallant citizens had fought vehemently, but finally, the Russian empire proved the stronger. Thus, the inherent right of mankind to liberty and with it man's sense of human dignity were shut in darkness. For the 120 years of the czarist occupation, endless attempts were made to break down the nationalistic spirit of the Lithuanian people in favor of a stronger feeling of oneness with the Russian empire. During these dark times, Lithuanian schools were closed; the land was seized and put in the hands of Russian landlords; Lithuanian language and literature were outlawed; the press became Russian dominated, its principal purpose to spread Russian nationalist propaganda throughout the land; the people's religion was persecuted, and even the name of this once proud state was abolished, the Russians referring to their newest colony as the "territory of the northwest."

In 1917, Woodrow Wilson's words expressing the right of all peoples to self-determination gave voice to the hopes of the Lithuanians, and the demand for independence, for liberty, flared anew. Throughout the horrors of the German occupation and World War I, Lithuanian statesmen strove for independence, leading delegation after delegation first to Berlin, later to Moscow demanding the right of self-government. On February 16, 1918, at Vilnius, the people of Lithuania declared themselves free.

It was necessary at once for the fledgling government to prove its mettle, for Bolshevik and German eyes were upon Lithuanian soil as fat enrichment of their empires. However, the people had savored the sweet joy of liberty and intended to make it last. In 1921, the country took a proud place as member of the League of Nations in status equal to every other European country, and by 1922, she had been recognized as a sovereign state by all of the major powers of the world. Lithuania was to enjoy 22 years of growth, prosperity, and freedom.

During this consummate period in Lithuanian history, the citizens proved what an energetic and dedicated people they are, for they put themselves to work building the government structure and attacking the problems which must be surmounted to make a sovereign state a great nation. Much had to be done to erase the Russian foundations set up during the 120 years' colonization. Lithuanian spirit ardently burst forth across the land, patriotically, eager to rebuild the Lithuanian homeland. Various social reforms were initiated, new elementary and secondary schools were established as well as vocational schools and many fine colleges. Existing networks of transportation were improved and new ones constructed, and attempts were made to augment industry. As a major step toward a flourishing economy, the people made the most of their greatest asset, the fertile soil, by inaugurating land reforms, establishing new farms, and teaching improved farming techniques. Agricultural exports increased rapidly and the Lithuanian economy began to boom.

Suddenly across the landscape of this rapidly growing and thriving country fell the shadow of the terrifying specter of imperialism. In 1939, the European nations began to comprehend that a massive militant German state, ready to march on sovereign nations, was threatening their liberty. At this time, the Soviet Union began embroiling the Lithuanian Government in complicated diplomatic maneuvers and mutual assistance pacts with hidden strings attached. Soviet armed forces were sent to occupy the country for the purpose of thwarting the Nazi invaders and "protecting" the naive Lithuanian nation. Germany attacked the Soviet Union in 1941 and hapless Lithuania fell to the Nazis.

Then followed the bloodiest period in Lithuanian history. Free men will never fully understand the torments which the terrified people endured during the Nazi invasion and the ensuing Soviet occupation. Under the Soviets, hundreds of thousands of people were rounded up and deported to Soviet camps in Siberia. Thousands more were murdered as political enemies. Hitler's policy of conquering and colonizing resulted in more mass executions and inconceivable abuses to the Lithuanian people. As the Nazi onslaught subsided and the German armies fell back, the Soviet Army moved in to occupy Lithuanian territory again, this time under the noble pretense of freeing the worker and the peasant. Soviet subversion begun in 1939 now showed its strength. The Lithuanian people, who had been terrorized by Nazi power and confused by Soviet pressures for union in complex assistance treaties, had been the victims of skilled subversive tactics. Under the guise of protecting the country against the Nazi invaders, the Soviets had managed to implant Communist rule in every corner of Lithuania, and their lethal subterfuge had undermined the structure of the Lithuanian state. Expulsion of the Soviets after World War II was hopeless. Thus, the gallant citizens once more fell under the yoke of oppression.

The story does not end here; indeed, the courageous resistance of the Lithuanians to Sovietization goes on today in the same way it did during the first Russian occupation under the czars. The people of Lithuania living today have known freedom; although they have suffered the bitterness of Russian tyranny, they have also tasted the sweet fruits of liberty. Remembrance of their great history and their once proud moment of independence has kept alive their hope of self-determination. Every effort is made to instill in the youth this same feeling of pride in the past and determination to achieve liberty in the future. Freedom's spirit endures.

On this 52d anniversary of the declaration of Lithuanian independence, as we pause to honor the brave Lithuanians, let us consider the words of Nadas Rastenis, Lithuanian-born poet and now U.S. citizen:

For brutal brawls and wicked wars,
All men are blamable, of course.
No king, no ruler, ever could
Disrupt the tranquil brotherhood
Of men and nations on this Sphere,
If mortals, honest and sincere—
The men who think, the men who slave,
Would rise united, peaceful, brave.

Mr. Speaker, the people of Lithuania will again be free.

As a part of my remarks today, Mr. Speaker, I would like to include a copy of the declaration prepared by a number of priests of the Catholic Church in Lithuania, dated August 1969 and sent

to the Chairman of the U.S.S.R. Council of Ministers.

The declaration follows:

DECLARATION BY THE PRIESTS OF THE CATHOLIC CHURCH IN LITHUANIA

To: The Chairman of the U.S.S.R. Council of Ministers.

Copies to: The Chairman of the Lithuanian SSR Council of Ministers; Catholic Church Leaders in Lithuania.

(This translation was made from the authentic text which reached the U.S.A. from the USSR toward the end of December 1969.)

In his article "To the Country Poor," Lenin, generalizing the tasks of the social democratic party, wrote: "Social democrats demand that every person must have full liberty to freely profess any religion" (*Writings*, vol. 6, Vilnius, 1961, p. 364).

By criticizing the government of the czar and the means it used against those who had different beliefs, Lenin wrote: "Every person must have full freedom not only to profess any religion he wants, but also to publicize and change his faith . . . this is a matter of conscience and let no one dare to interfere in these matters" (*Writings of Lenin*, vol. 6, Moscow, 1946).

The USSR Constitution guarantees to its citizens freedom to practice any religion. The laws of the Soviet Union will defend the rights of the faithful to practice their religious rites. Article 143 of the Penal Law speaks about the penalties, if anyone interferes in the exercise of these rights. But in reality it is not so. The laws which protect the rights of the faithful are broken without any consideration. The Catholic Church in Lithuania is condemned to die. The fact speaks about this. If in 1940 there were four seminaries for priests in Lithuania and about 1,500 priests, then after 1944 there was only one seminary left in Kaunas. About 400 seminarians used to flock to it from all the dioceses. In 1946, in the very midst of the school year, only 150 seminarians were permitted to stay. During the last few years, in all the five courses in the seminary, the limit is 30 seminarians. If a seminarian leaves or gets sick, no one is allowed to take his place. About 30 priests die in Lithuania every year, but only 5–6 are ordained. This year (1969) only three new priests were ordained. Already, at this time, many priests have to serve in two parishes. There is a good number of parishes where the pastor is 70 years old. Even invalids have to serve as pastors, for instance, in Turmantai.

Young people who want to enter the seminary meet many more difficulties than those who intend to go to other schools of higher education. The candidates are not chosen by the representatives of the Church, but by the officials of the government. This is not normal. What would we say if candidates for music would be selected by veterinarians or other specialists?

In January of 1969 the priests of the diocese of Vilkaviskis addressed themselves to the Chairman of the USSR Council of Ministers concerning this abnormal situation in the interdiocesan seminary in Kaunas. During the month of February of the same year they contacted the still active bishops and administrators of the dioceses about the same matter. Because of these moves, two priests, Rev. S. Tamkevicius and Rev. J. Sdepskis, lost their work certificates. They had to seek other work, they cannot perform their priestly duties.

In 1940 there were 12 bishops in Lithuania, today there are only two left: bishop Matulaitis-Labukas, born in 1894, and bishop J. Pletkus, born in 1895. Two still effective and able bishops: J. Steponavicius (for 9 years) and V. Sladkevicius (more than 10 years) have been deported to far away parishes (house arrest, tr.). Although according to Articles 62–69 of the Penal Code deportation is foreseen only for five years and that for grave offenses but what have our shepherds done, without any court action or proven guilt, to be punished for an indeterminate time?

From time immemorial Vilnius is the center of religious life, but today this city is not allowed to have its bishop, even though other smaller religious communities, for instance, the Orthodox, have their bishop, and others some equivalent religious leader.

According to the Church Canon Law, the capitular vicars are only temporary administrators who are chosen when a bishop dies or leaves the office. The archdiocese of Vilnius and the diocese of Panevezys now have been administered by capitular vicars for 9 years, and that the Kaisiadoriai for 23 years.

It is not always, even for those who have official authorization, that the bishops and administrators are permitted to visit the parishes and confer the Sacrament of Confirmation according to the cannons of the Church. In the dioceses of Panevezys this sacrament has been conferred only once since 1961. In other dioceses it is permitted to be conferred only in the centers, for instance, in Vilnius, Kaunas, but very rarely in the regional cities. Those who want to receive the Sacrament of Confirmation have to travel from distant places, endure all the hardships with their small children. Thus great pressures and difficulties are created.

The pastoral work of the priests is being hindered in a number of ways; one is not allowed to help the neighboring parishes in religious services nor to invite the necessary number of priests on special occasions of devotion. The faithful who want to confess have to wait for a long time, suffer inconvenience and lose much of their precious time. On special days of devotion in some churches about 1000 people come for confession. If only three minutes would be given to each penitent, one priest would have to hear confessions for 50 hours, and this is impossible.

Specialists in all fields come together for conferences to perfect themselves and learn from the experiences of others. The Church Canon Law also requires that the priests should make a three day retreat at least every three years. Such retreats at this time are forbidden not only at the diocesan centers, but also in the deaneries: even priests of one deanery are not permitted to get together.

Official representatives of the government (delegate of the government for religious affairs, leaders of the regions and districts) give various directives to the priests only by word of mouth. It happens that these orders contradict one another. For instance, a representative of the executive committee's chairman of the Varena region forbade the pastor of Valkininkai to accompany the burial procession to the cemetery, while an agent for religious affairs instructed that the priest can go to the cemetery, but he cannot do the same from the home to the church. On April 15, 1969 an agent for religious affairs in Svencioneliai, in the presence of government officials and the members of the church committee, told the pastor that when there is a priest in the procession of the deceased no hymns are allowed, but this can be done without the priests. If a person is buried with religious rites, an orchestra is not permitted; collective farms and organizations cannot help materially.

Catholics in Lithuania cannot avail themselves of the freedom of the press for their religious needs. They cannot make use of the radio and television, of movie theaters, schools, lectures. We do not possess even the most elementary religious textbook, prayerbook or other religious writings. During the Russian occupation not even one catechism was printed. Only in 1955 and 1958 a Catholic prayerbook was printed and in 1968 a liturgical prayerbook. But both of the editions had a very limited number of copies so that only a few families could acquire them. Besides, the liturgical prayerbook was supposed to include a short explanation of the truths of the faith, but the delegate for religious affairs would not allow this to be printed. The priests and the churches received only one copy of the Roman Catholic Ritual and documents of Vatican II were available only for the priests, one copy each. The faithful did not even have a chance to see these books.

Although the USSR Constitution guarantees freedom of conscience, and parents do want and request that their children would be educated in a religious spirit, the priests and the catechists, however, are forbidden to prepare children for their First Communion. The delegate for religious affairs allows the children to be examined only singly. Those who do not follow this unwritten law are severely punished. For instance, the government officials have fined Rev. J. Fabijanskas for catechization; Rev. M. Gylys and Rev. J. Sdepskis were sent to a forced labor camp. In Anyksciai Miss O. Paskeviciute prepared children for their first confession. For this she was deported to a forced labor camp, where there followed her overexhaustion, sickness and death. Parents themselves have the right to prepare their children, but they have no means; they are not prepared for this job, have no time or religious books. In like manner, during the czar's reign, workers and serfs could not make use of the right: to give their children higher education.

Children who frequent the church experience much abuse. They are made fun of, wall bulletins write about them. In schools, children are constantly being taught that religious parents are backward, have no knowledge and can give them no directives. Thus the authority of the parents is destroyed. When children cease to respect their parents, it is difficult to control them both in the school and outside its walls. Besides, religiously minded children are not allowed to take active part in the liturgy, sing in the choir, participate in processions, serve Mass. Thus the rights of the faithful children and parents are severely violated. They are harshly discriminated, coerced and forced to compromise others. For instance, on the 26th of December, 1967, the secondary school Director Baranauskas and other teachers in Svencioneliai kept the II–VI class students for two hours and a half until they forced them to write letters against the local pastor Rev. Laurinavicius. For one of those youngsters, J. Gaila, an ambulance had to be called because of the threats. Second class student K. Jermalis was sick for a couple of months because of fear. The pastor, who allowed the children to serve Mass and participate in a procession, was removed from Svencioneliai. The offended parents of those children turned to Moscow. How much time was lost, expenses incurred, health impaired? Just recently Rev. A. Deltuva was fined 50 rubles because he allowed the children to serve Mass.

According to the law, the convictions of one who believes and one who does not should equally be respected, but the practice goes its own way. In many hospitals, for instance, in Vilnius, Utena, Pasvalys, Anyksciai, even when sick people ask to receive the sacraments, their request is refused. In 1965 a driver, K. Semenas, and Miss B. Sudeikyte married in the Church. By this act they lost their previous grant of a piece of land where they were going to build a house. Notwithstanding the fact that all the material was bought for the construction, they were told: "Let the priest give you land."

In Pasvalys, Anyksciai and other places, even taxicabs, cannot bring the witnesses of the marrying couple to the church. There is much suffering for the intellectuals who secretly baptize their children, marry or attend Mass in the church. These facts are brought up at their work, often they are

reprimanded or even lose their jobs. For instance, in 1965 Miss P. Cicénaité, a school teacher in Daugeliskis, was released from her work by the school director because she would not forsake the church. When the school officials told her to leave, she, wishing to have her book "clean", wrote a request to be released from work. Often the faithful are released from work or are punished because of their convictions, covering this fact with some other motives.

In 1956 the Pension Act bypassed the servants of the church. Organists and sacristans can only dream about pensions. For instance, Mr. P. Pagalskas joined a collective farm when the soviets came to Lithuania. As all other citizens, he delivered his horse and farming tools to the authorities. He was working in the office of a collective farm as an accountant, on Sundays he used to play the organ in the church. When he had the misfortune to get sick and became an invalid and could not work in the office, he nightwatched the animals on a collective farm. When he reached old age (b. in 1889), he applied to the Social Welfare Office of the Ignalina Region. An answer came back from this office that organists do not receive any pension.

Many of the churches are not allowed to ring bells, use loudspeakers or any other technical means. Materials are not allotted for the upkeep of the churches. The cities are growing, but since 1945 only two churches have been built in Lithuania (one of which, in Klaipéda, has been turned into a music hall), many older churches are serving as storage places, museums and so forth.

These and many other painful facts which we have mentioned here show that the priests and the faithful are discriminated against and they cannot fully use those rights which the USSR Constitution guarantees them.

Consequently, we have dared to address ourselves to you, Mr. Chairman of the USSR Ministers, hoping that you will correct this unnatural situation of the Catholic Church in the Lithuanian SSR and see to it that we, the Lithuanian priests and faithful, as all other citizens do, will be able to exercise the rights as they are foreseen in the Constitution.

Signed by the Priests from the archdiocese of Vilnius:

(40 signatures).

AUGUST 1969.

Mr. McCORMACK. Mr. Speaker, Lithuania, whose independence day is being celebrated now, was one of the countries that attained its independence in the First World War.

The Lithuanian people are justly proud of their long and glorious history. For centuries the Lithuanian kingdom was a powerful force in Eastern Europe. The Lithuanians not only succeeded in repelling at least some of the incursions of barbarian invaders coming from the East into northeastern Europe, but they also were the champions and the advance guard of Christianity in that part of Europe. Late in the 16th century the Lithuanians united with the Poles, and formed a dual monarchy. The union lasted for about 200 years. However, in the late 18th century when Poland was partitioned, a large part of Poland, and with it all of Lithuania was incorporated into the Russian Empire.

The loss of national independence by Lithuania did not mean the loss of the Lithuanian spirit of independence. Throughout their trying years under czarist domination the Lithuanians learned that individual or group well-being could not be fully achieved without national political independence. They learned that in order to enjoy the benefits of their labor, they should have complete freedom in their homeland. Consequently, for more than 100 years, until the day whose 52d anniversary we are now observing, they worked ceaselessly for the realization of their most cherished ideal, for the independence of Lithuania. None of the repressive measures of the Russian regime, none of its harshness, nor its proscription of the Lithuanians language and culture, none of these could dissuade the patriotic and freedom-loving Lithuanians from their firm conviction that no amount of material and even human sacrifice was too much for the realization of their national goal. They fought for it openly as well as secretly. They staged open rebellions against their oppressors more than once, but they had to wait until World War I for the actual achievement of their national independence.

When Lithuania proclaimed its independence, the war was still raging, and most of the country was still under enemy occupation. Soon, however, the war ended and all Lithuanians joined hands, not only in the fullness of joy to celebrate their victory, but also for the rebuilding of their now liberated country. In this difficult task they were remarkably successful. In a few years normalcy was restored, and Lithuania was blessed with prosperity and progress. For more than two decades the Lithuanians lived in the happiness of freedom. Then came the rude shock from the sudden unleashing of evil international forces. Hemmed in between the vast military machines of Nazi Germany and Communist Russia, little Lithuania could not hope to cope with either. In mid-1940 Lithuania was invaded and occupied by the Red Army, and then the country was, against the will of the people, forcibly incorporated into the Soviet Union.

Since then Lithuanians have not known freedom in their homeland, and today they still suffer under Communist totalitarian tyranny. Of course in Lithuania they are not free to observe their Independence Day, their national holiday. But we in the free world observe the anniversary of that memorable event and hope that these stouthearted people will again quickly regain their freedom and live in peace in their homeland.

Mr. GERALD R. FORD. Mr. Speaker, this week marks the 719th anniversary of the formation of the Lithuanian state and the 52d anniversary of the Declaration of Independence of the Lithuanian Republic.

Instead of a happy event and a time for celebration as it should be, it is unfortunaely a sad reminder that this is the 30th year of the Soviet occupation and domination of Lithuania.

It is ironic that the Soviet Lithuanian Peace Treaty of July 12, 1920, contained the following paragraph:

In conformity with the right declared by the Russian Soviet Federated Socialist Republic that all peoples have the right to free self-determination, including the right of full secession from the State of which they were a part, Russia recognizes without any reserve the sovereignty and independence of the State of Lithuania with all juridical consequences resulting from such recognition, and voluntarily and forever renounces all sovereign rights possessed by Russia over the Lithuanian people and territory. The fact that Lithuania was ever under Russian sovereignty does not place the Lithuanian people and their territory under any obligation to Russia.

While the Soviet Union often speaks these days of the right of self-determination, they react quite violently when a satellite nation or its people attempt to exercise it.

The brutal suppression of Hungary and Czechoslovakia by Soviet troops should convince us all that Soviet interests take precedence over the right of non-Russian peoples to their own freedom.

It has become fashionable in this country in recent months for many people to call for drastic cuts in our defense expenditures beyond what President Nixon has already requested. I wish as much as any man that conditions existed in the world which would make this possible. However, I am not as yet prepared to rely on the rhetoric of defense critics as the shield for the security of this Nation.

One only need travel through Eastern Europe to learn firsthand of the lack of individual freedom accorded their citizens. The existence of these conditions in the United States would immediately bring massive demonstrations to our streets. Yet such action would not be tolerated anywhere in the Soviet bloc.

During the Soviet invasion of Czechoslovakia, restrictions were even imposed on other nearby Communist countries. East Germans, for example, were not permitted to travel freely within their own borders.

To my mind the Berlin Wall presents the most vivid contrast between our system of government and that of the Communists. To observe those two drab grey walls with their strands of barbed wire, the large open area between the walls—a no man's land, the concrete control towers, and the East German Border guards with their Soviet-made machine guns—tells more about the totalitarian nature of the Communist system than anything they can say to the contrary.

I am sure many will recall the photographs taken several years ago of a young German border guard leaping to safety over the wall and into the West. Since then the East Germans have, for obvious reasons, assigned only married personnel to border duty.

Today, the Berlin Wall stands as an indictment of the Communist system and an admission of failure on the part of that system to capture the hearts and minds of its own people.

Soviet tyranny whether in Lithuania, Latvia, Estonia, Hungary, Czechoslovakia, East Germany, or elsewhere should be a warning to us. As John Philip Curran said in 1790:

The condition upon which God hath given liberty to man is eternal vigilance.

This should be a reminder to us that freedom is not free and that we must be willing to guard and defend it.

Hopefully, we are now entering a period of negotiation with the Soviet Union.

I call upon them to relax their control over Lithuania and the other captive nations, to tear down the walls that separate brother from brother, and to open their borders to free passage and the free exchange of ideas. Only then can we be assured of more than an uneasy peace.

Mr. FALLON. Mr. Speaker, the Lithuanian Republic came into being in 1918. Some 3 million Lithuanians proclaimed their national independence in their homeland soon after the overthrow of Russia's autocracy, established their own democratic form of government, and almost forgetting their past sufferings, set about rebuilding their war-ravaged country. Left to themselves but with financial aid from friends abroad, they performed the arduous task with distinction and honor. In the course of two decades they succeeded in making Lithuania a prosperous and progressive country. Their government was duly recognized by other sovereign states and was admitted to the League of Nations. At home they created a model democracy, and they did not shrink to assume their modest share of responsibility in world affairs.

These people were quite content with their lot and hoped that they would be allowed to live in peace and happiness. But fate was not kind to them, for the turn of international events played a mean trick upon them, robbing them of their freedom and independence.

Soon after the outbreak of the last war Lithuania's independence was threatened and its existence as a free nation was in serious danger. In July 1940, while Lithuania's friends in the West were involved in the war, Lithuania was attacked by the Red Army, occupied, and then made part of the Soviet Union. Since those days Lithuanians have been suffering under totalitarian dictatorship in their homeland. During the war they had hoped that when it was over they would have their freedom. But they were grievously saddened when saddled with a Communist tyrannical regime, which has turned out to be even more oppressive than the czarist despotism. Today they still suffer under Communist totalitarianism. But they have not given up their hopes for freedom, and still look forward to the day when they will be set free from Communist tyranny. On this anniversary we all pray that they attain their national goal.

Mr. O'NEILL of Massachusetts. Mr. Speaker, on February 16, 1918, the Lithuanian council speaking for all the people of Lithuania, declared the nation an independent, democratic state. But now, 52 years later, freedom has still eluded the over 3 million captive citizens of Lithuania.

The struggle of these proud people to maintain their independence began in the 17th century with the Russian czars invading Lithuania and it was not until February 16, 1918, at Vilnius that the people of Lithuania were able to declare themselves free. And it was not until 1922 that she had been recognized as a sovereign state by all the major powers of the world. However, the freedom that these stouthearted people relished was to be short lived.

By 1939 the dark clouds of German militancy were spreading throughout Europe. At this time, under the guise of mutual assistance pacts, Soviet troops were sent to occupy the country for the alleged purpose of protecting the Lithuanians from Nazi invaders. The invasion came in 1941 and Lithuania fell to the overwhelming German military might.

In 1944, as the German armies fell back, the Soviet army once again occupied Lithuanian soil, this time under the pretense of freeing the worker and the peasant. But, as we all sadly recount, what followed was not freedom but oppression and terrorism. From that fateful day in 1944 to the present, Lithuania is incorporated against the will of its proud people as part of the Soviet Union.

Nevertheless, the spirit of freedom which existed during the Russian occupation under the czars in the 17th century survives today. Although they have suffered the bitterness of Russian tyranny, the citizens of Lithuania remember their proud history; they remember the sweet taste of freedom; and they are firm in their resolve to restore Lithuania to the free, peace-loving nation that it once was.

Mr. Speaker, I take this occasion to congratulate our Lithuanian friends for their undying courage and their unfailing determination to regain freedom and self-determination for their homeland. I hope that we soon celebrate Lithuanian Independence Day with the knowledge that freedom has been returned to this proud country.

Mr. BYRNE of Pennsylvania. Mr. Speaker, this month Americans of Lithuanian origin or descent, friends of a free Lithuania and believers in freedom and self-determination will be marking two very important dates in Lithuanian history.

February 14 commemorates the 719th anniversary of the unification of all Lithuanian principalities into a single kingdom by Mindaugas the Great. February 16 marks the 52d anniversary of the restoration of Lithuanian Republic.

We all know the sad history of Lithuania and her sister republics of Latvia and Estonia during and subsequent to World War II. First they were overrun by the Nazi juggernaut and then by the revengeful Soviets—the victims of both totalitarian regimes.

We know of the hundreds of thousands whose lives were sacrificed and the millions more who lost their freedom and right of self-determination as the giant Soviet Union swallowed these tiny states.

This struggle for integrity and freedom is a fight in which all liberty-loving people must participate. The Congress took note of this fact recently when it passed House Concurrent Resolution 416, calling for freedom for the Baltic States. I hope the Executive takes prompt and decisive measures to implement this expression by the Congress.

Mr. BURKE of Massachusetts. Mr. Speaker, independence, a word many of us take for granted, is a firm belief in the hearts and souls of the oppressed and exploited people of the Baltic States. The history of these Lithuanians, Estonians, and Latvians has been continuously marred through seven centuries of war. Each time the people rose to secure their independence and cling to their national identities, their results were futile as they suffered the extreme consequences of being subdued and further exploited by the great Russian bear.

In 1918, the Lithuanians again secured their sovereignty and through the people's determination and thriftiness, their commerce, trade, arts and sciences, and population flourished. This wonderful revival of the Lithuanian culture was only to be shattered a mere 20 years later by the Soviet war machine.

According to Communist standards, 1939 brought about the reestablishment of the Lithuanian language, culture, and history. Russian was introduced and used as the major language in the schools and businesses; Lithuanian history was rewritten according to Communist history in order that their events would coincide; Lithuanian art, which expressed the wonderful feelings and talents of the people was no longer permitted to be produced; and the final blow was the massive deportation of Lithuanians to Siberia.

In spite of the powerful Communist influence and exploitation, the people of Lithuania refuse to relent and be dominated to the Russian ways of life as they continue to fight to regain the just freedom they enjoyed for just two short decades.

So, today, February 16, 1970, which marks the 52d anniversary of Lithuanian independence, I pledge my support to the pursuit of freedom, and that some day soon the people of the Baltic States will be able to grasp and retain the real meaning of independence in peace.

Mr. Speaker, I now submit for the RECORD the following press release and proclamations of Massachusetts Gov. Francis W. Sargent and Boston Mayor Kevin H. White announcing January 22, 1970, as Ukranian Independence Day.

A PROCLAMATION, 1970

(By Gov. Francis W. Sargent)

Whereas, On January 22, 1970, Americans of Ukrainian descent in Massachusetts and throughout this nation will honor the 52nd anniversary of the proclamation of free Ukrainian National Republic; and

Whereas, The Ukrainian people continue, with fierce determination and great human losses, to struggle for free and independent Ukrainian State, where they would be their own masters, and not Russians; and

Whereas, the 52nd Anniversary of Ukraine's independence serves to dramatize the legitimate right and aspiration of the Ukrainian people for freedom and independence; and

Whereas, The 52nd Anniversary of Ukraine's independence serves to dramatize the need for concern of the American people for freedom of Ukraine and all captive nations under Russian Communist domination;

Now, therefore, I, Francis W. Sargent, Governor of the Commonwealth of Massachusetts do hereby proclaim January 22, 1970 as Ukrainian Independence Day and urge all citizens of the Commonwealth to take appropriate recognition of this observance.

Given at the Executive Chamber in Boston, this twelfth day of January, in the year

of our Lord, one thousand nine hundred and seventy, and of the Independence of the United States of America, the one hundred and ninety-fourth.

FRANCIS W. SARGENT,
By His Excellency the Governor,
JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

DECLARATION

Boston, Mass.

Whereas, the 52nd anniversary of the declaration of the Independence of Ukraine will be observed on January 22, 1970; and

Whereas, for 52 years, the Ukrainian people have resisted Russian Communist oppression and have amply demonstrated their desire for freedom and national independence; and

Whereas, Americans of Ukrainian descent desire to direct the attention of the American people to Ukraine's struggle for freedom and independence; and

Whereas, Americans of Ukrainian descent in Boston, under the auspices of the Ukrainian Congress Committee of America, desire to protest the latest wave of Communist terror and genocide against Ukrainian national and cultural and religious heritage; and

Whereas, the 52nd anniversary of Ukraine's independence serves to dramatize the legitimate right and aspiration of the Ukrainian people and all captive nations under Russian Communist domination for freedom and independence;

Now, therefore, I, Kevin H. White, Mayor of the City of Boston, desiring to provide the opportunity for Americans of Ukrainian descent to adequately commemorate the significance of the memorable day, do hereby declare Thursday, January 22, 1970, as Ukrainian Independence Day in the City of Boston, and urge that all citizens pay special attention to this occasion.

KEVIN H. WHITE,
Mayor.

PRESS RELEASE

Jamaica Plain, Mass.

BOSTON, MASS.—On January 25, 1970, Ukrainian Americans in Greater Boston honored the 52nd anniversary of Ukraine's independence in the auditorium of St. Andrew Ukrainian Orthodox Church, Jamaica Plain, Mass. The observance was sponsored by the Ukrainian Congress Committee of America and all Ukrainian American organizations in Greater Boston.

Governor Francis W. Sargent and Mayor Kevin H. White proclaimed "Ukrainian Independence Day" in Massachusetts and Boston respectively.

The purpose of the observance was to dramatize the legitimate right and aspiration of the Ukrainian people and all captive nations for freedom and independence. It was also to protest the latest wave of Russian Communist terror against Ukrainian political, national, religious and cultural heritage.

UKRAINIAN CONGRESS COMMITTEE OF AMERICA, INC.
BOSTON, MASS., *January 25, 1970.*

Mr. PATTEN. Mr. Speaker, we are here today to commemorate a time which should be one of joy in the history of any nation—an anniversary of independence. Yet it is without joy that we mark the 52d anniversary of Lithuanian independence, because for the last 29 years Lithuania has been forcibly occupied by the Soviet Union.

This tiny nation on the Baltic Sea has had a long and illustrious history which dates back over 700 years to 1251 when all the Lithuanian principalities were united into one kingdom under Mindaugas the Great. At one time the boundaries of this country stretched all the way to the Black Sea. Its location and its cultural and energetic growth, however, have made Lithuania a constant target for annexation by larger and more powerful neighbors. Time and time again the Lithuanians have experienced waves of enemy troops pouring over their borders. Thus, the current occupation by the Soviet Union is not a new thing to the Lithuanians. In fact, Russia has occupied this tiny nation before—once as long as 120 years.

Neither is the stoutheartedness of these people a new thing. Through all the years of occupation the Lithuanians have kept alive their desire to be free. This driving will is reflected in their every action. I have many Americans of Lithuanian descent living in my district. You will not find a more hard working and industrious group of people anywhere. Recent actions by several priests in Lithuania certainly show that these people have not lost their determination. In protesting to Premier Kosygin against the deliberate persecution and destruction of the Catholic Church in Lithuania, they are keeping alive the hope that one day they will be free again.

The Lithuanian Council of New Jersey has just forwarded to me a resolution which it passed on February 15. The resolution is as follows:

On the occasion of the 52nd anniversary of the Restoration of Lithuania's Independence we, the members and friends of the Lithuanian ethnic community of New Jersey, assembled here on the 15th day of February, 1970, in Kearney, New Jersey:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16, 1918, in Vilnius, whereby a sovereign Lithuanian State was restored which had antecedents in the Lithuanian Kingdom established in 1251;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign function as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940;

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members and friends of the Lithuanian ethnic community of New Jersey,

Do hereby protest Soviet Russia's aggression and the following crimes perpetrated by the Soviets in occupied Lithuania:

(1) murder and deportation of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor;

(2) colonization of Lithuania by importation of Russians, most of whom are Communists or undesirables;

(3) persecution of the faithful, restriction of religious practices, closing of houses of worship;

(4) distortion of Lithuanian culture by efforts to transform into a Soviet-Russian culture and continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw from Lithuania and its sister states of Estonia and Latvia, its armed forces, administrative apparatus, and the imported Communist "colons", letting the Baltic States of Estonia, Latvia, and Lithuania freely exercise their sovereign rights to self-determination.

We request the Government of the United States to raise the issue of the Baltic States of Estonia, Latvia, and Lithuania in the United Nations and in international conferences as well as to support our just requests for the condemnation of Soviet aggression against Estonia, Latvia, and Lithuania, and for the abolition of Soviet colonial rule in these countries.

Lithuanian Council of New Jersey:
VALENTINAS MELINIS,
President.
ALBIN S. TRECIOKAS,
Secretary.

This resolution states many of the hardships which Lithuanians have endured in their struggle to be free. I want the New Jersey Council, and Lithuanians everywhere, to know that I support this resolution and the Lithuanian quest for independence. I will now redouble my own efforts, so that these brave people may once again enjoy the independence we so often take for granted.

Mr. SMITH of California. Mr. Speaker, the history of Lithuania has been one of struggle over the centuries against the forces of aggression. After 120 years of domination by the Russians, these brave people on February 16, 1918, proclaimed themselves a free republic.

The period of freedom was short—but during that brief span of 20 years—these freedom-loving people achieved remarkable progress on social reform, with dramatic domestic advancement, improved agricultural techniques, and outstanding educational advances.

This month marks the 52d anniversary of Lithuanian Declaration of Independence. Since 1940 that nation has again been under Russian domination, together with the other two Baltic States of Latvia and Estonia.

I join with Americans everywhere in praising the Lithuanian people for their valiant and courageous stand against overwhelming Soviet power. May the Congress of the United States, on this the anniversary of their independence, assure the Lithuanian people throughout the world that we will continue every effort toward the return of their self-determination and their rights. May their great courage, and their spirit of resistance, hold steadfast until once again freedom will become a reality. Let us all work, and hope, and pray for their rightful return to nationhood.

Mrs. REID of Illinois. Mr. Speaker, on this 52d anniversary of the establishment of Lithuania as a democratic and sovereign state, we pay honor and tribute to a gallant people who have won wide respect and admiration. It was 52 years ago—on February 16, 1918—when the people of Lithuania proclaimed the restoration of their independence after centuries of Russian rule.

For 22 years they enjoyed a happy, free, and democratic way of life. Then on June 15, 1940, Lithuania was again invaded by Russia—a ruthless, Communist Russia—which used strong-arm methods to take over this and other small Eastern European nations and incorporate them as provinces.

Our observance of the anniversary of Lithuania's independence is much more than the marking of a historic event in

the history of nations, it is a recognition of the courageous resolve with which the people of that great Republic have steadfastly maintained their love of freedom in spite of the attempts of their Communist rulers to beat them down by destroying their national culture, language, and even the populations through mass deportations and colonization of their lands.

I am confident that one day the people of Lithuania will regain their freedom, for the passing years have not weakened their desire for liberty and self-determination. However, we in the free world must give them the encouragement to continue that fight. We must let them know that America still stands devoted, as they do, to the principles of justice and the right of self-determination. We must not forget for a minute the fate of this and other nations who have contributed so much to civilization and whose right to self-determination has so brutally been taken from them. In the 89th Congress, I gave my support to House Concurrent Resolution 416 which urged the President of the United States to direct the attention of world opinion at the United Nations and other appropriate international forums, by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples. This should continue to be our policy.

All who cherish freedom in the world have a common interest, and likewise we share a common threat. Lithuanian Independence Day, therefore, should be for Americans, a day of prayerful reflection and renewed dedication.

I know the people of my district join me in saluting the brave people of Lithuania and in expressing the hope that one day February 16 will again be truly a day of rejoicing for this valiant nation. As long as we in the free world continue to give them encouragement, I know that the people of Lithuania will not abandon their dream and hopes of liberation.

Mr. MADDEN. Mr. Speaker, Lithuanians, both in their homeland and in America, are celebrating this week the 719th anniversary which brought together all Lithuanian principalities into one united, independent, and free nation. This week also serves as the 52d anniversary of the restoration of the former Republic of Lithuania during the World War I period.

Back in the 83d Congress I was a member of the congressional committee which held hearings in this country and Europe, revealing the true facts and circumstances surrounding the Communist enslavement of Lithuania, Latvia, Estonia, and other nations in the Balkan area. The report of this special committee revealed the startling methods of the Gestapo tactics and murderous onslaughts made by the Communist forces on innocent and free people without regard for the rights and protection of families for their homes, churches, schools, and inherent liberties.

From recent developments between the two Communist giants—the Soviet Union and China—we find that a dispute and a division of major proportions has already occurred so that there is a strong possibility of a major war between these two gigantic Communist tyrants.

This fact, along with the failure of the Communist economy to provide proper schooling, education, food supplies, merchandising, and so forth, is bringing on a revolution within the borders of each of these despotic giants.

These facts that are now developing may well mean that the time is not far distant when the opportunity will have arrived for enslaved smaller nations to successfully rebel and regain their former freedoms from a despotic tyrant.

Free religion, schools, and economic enterprise do not exist in Lithuania and other captive nations today. The people cannot take advantage of radio, television, movie theaters, schools, lectures, and private gatherings for their mental and intellectual advancement. They are even denied the necessary books and supplies and school buildings to provide for the proper education of their children.

The Soviet Communist occupation has made every effort to stamp out all religious denominations—Catholic, Protestant, Jewish, and so forth—from their captive subjects. The Communist hierarchy restricts young folks from entering religious schools to prepare for a future life in churchwork. The government restricts, or chooses, any young person who desires to enter the field of religion, instead of allowing leaders of their chosen religion to supervise their education.

The Lithuanian people have never, during their centuries of enslavement, given up their intensive fight for freedom, in spite of the fact that thousands of Lithuanians have been taken prisoner and transported to Siberia to slave labor camps.

As a Representative in the Congress of the United States, I have cooperated in every way to be helpful, from the standpoint of our Government, to the Lithuanians and the people of other captive nations to regain self-government. The U.S. Government has never, at any time, officially recognized the enslavement of the Lithuanians but has openly denounced the Soviet aggressors of these religious and patriotic people since their Communist enslavement in 1940.

I, as a Congressman, have supported and sponsored resolutions which call for the freedom and self-government of the Baltic States.

During the short period after Lithuania secured her independence 50 years ago, they demonstrated their great ability to organize their economy and were well on their way toward economic advancement, both domestically and internationally, when the Communist tyrants struck this free nation. The outstanding ability of the Lithuanian people to govern was demonstrated back 700 years ago when the original Lithuanian state was organized by unifying all Lithuanian principalities and were then well on their way to being one of the leading nations of the world when they were attacked and enslaved by powerful neighbor aggressors.

There is no doubt in my mind, with the changes taking place that I have already mentioned, in the two disorganized and embittered Communist tyrants—Russia and China—that the time is not too far distant when Lithuania and other Communist-captive nations can regain their independence and freedom.

Mr. ST GERMAIN. Mr. Speaker, the Lithuanian people, saddled with Russian domination for 120 years and then with German occupation during World War I, declared their independence on February 16, 1918. Today I am pleased to join my friends of Lithuanian descent in celebration of the 52d anniversary of Lithuanian Independence Day with the earnest hope that Lithuania will once again regain its rightful independent status.

Lithuanian-Americans have contributed much to our country. Drawing on the long and proud history of their people, men and women of Lithuanian stock have enriched our culture and strengthened the spirit of freedom which lives among us.

Lithuania has been known to history for almost a thousand years. During the middle ages the Lithuanians helped preserve western civilization by protecting Europe from the Mongols and Tartars. The Lithuanians were in the forefront in developing a society in which human freedoms were enjoyed and encouraged. They frequently suffered, however, from the oppression of less enlightened but powerful aggressor nations.

When Russian domination came in 1795, despite continued harassment and opposing pressures, the Lithuanian people were successful in retaining their own language, religion, and traditions. Today the Lithuanian people are again going through an even more dangerous struggle to maintain their own identity. Under that earlier oppression the Lithuanians made numerous attempts to throw off the yoke of their captors, but it was not until World War I, with the invasion of the German armies, that the Russians were driven out. In 1917 the German Government was prevailed upon to authorize a Congress of Lithuanian delegates. This led to the proclamation on February 16, 1918, of an independent Lithuanian state based on democratic principles.

During the 1920's and 1930's, as an independent nation, Lithuania showed extraordinary capability in developing a vital and prosperous modern society. The new nation's great promise was interrupted when Soviet troops occupied the country in 1940 and the Supreme Soviet declared the incorporation of Lithuania into the Communist empire. When war broke out between Germany and the Soviet Union, Nazi occupation troops replaced Russian soldiers in 1941 until the Soviet army regained control in July of 1944. Since that time the Lithuanian people have not experienced a day of freedom.

In 1922 the United States recognized the independent Lithuanian Government. Never has the United States recognized the forced absorption of Lithuania into the Soviet Union. Americans must continue to insist on the inalienable rights of the Lithuanian people to national independence and individual freedom. Free men everywhere must speak

out until Lithuanian national self-determination becomes a living reality and not just the hope and dream of a still captive people.

Mr. YATRON. Mr. Speaker, this week Americans of Lithuanian origin and descent and free men everywhere celebrate the 52d anniversary of Lithuanian independence.

Although the Republic of Lithuania has been the victim of Soviet imperialism and Stalinist persecution, the Lithuanian dream of self-determination has survived and flourished.

I am proud to be able to join my colleagues in paying tribute to the thousands of brave men who fought and died with the Lithuanian resistance movement, as well as to those families who were cruelly uprooted and abused by their Communist oppressors.

Our Nation, which also had to fight for its freedom, has been sensitive to the aspirations and hopes of the Lithuanian people. I sincerely hope that, with our help, the Lithuanian dream of independence and self-rule will ultimately be forged into reality.

Mr. SMITH of New York. Mr. Speaker, this week marks the 52d anniversary of the establishment of the modern Republic of Lithuania.

On February 16, 1918, after an intensive and determined struggle for independence, Lithuania proclaimed herself free from Russian domination. By 1922 the independent state of Lithuania was received as a member of the League of Nations, with full diplomatic recognition by the United States and by other world powers. But Lithuania lost her independence during World War II and once again, fell prey to Soviet imperialism.

As citizens of the United States, we enjoy the basic freedoms and liberties that are inherent in a democracy. I ask you to remember our own struggle for freedom and then to remain sensitive to the aspirations of other people for self-determination. What will it be? A free society, able to develop to the fullest each and every individual's ability, or will we look idly on and let the Russians continue to suffocate the aspirations of the Lithuanian people toward national independence?

As a nation which fought and bled to win her own independence, let us pool our minds and resources, let us sacrifice time and labor, let every man, woman, and child become a crusader for freedom for nations and men.

I pray that the long-suffering people of Lithuania may once again take their place among the ranks of independent nations.

Mrs. DWYER. Mr. Speaker, throughout the United States, Americans of Lithuanian descent this week are observing the 52d anniversary of the independence of their homeland.

It is right and good that they should do this, and it is equally appropriate that Members of the House of Representatives should join in this commemoration.

To all who cherish the hope that Lithuania will again be free and independent, this anniversary is of deep significance, For it serves to remind us that freedom can never be taken for granted, that freedom requires the continuing commitment of all who understand its meaning and cherish its worth.

This anniversary further serves as a reminder that even where freedom has been lost, it still possesses the power to inspire people to hope for and work toward its eventual restoration. In the case of that small but courageous Baltic State of Lithuania, this truth is clearly established.

Though their freedom was destroyed and their independence denied them when Soviet forces invaded and occupied their country in June 1940, Lithuanians at home and abroad, supported by freedom-loving friends throughout the world, have never surrendered their love of and desire for freedom.

As evidence of this deep spirit, Mr. Speaker, I am privileged to include as a part of my remarks today the texts of resolutions recently adopted by the Linden, N.J., branch of the Lithuanian American Council and by Council 29 of Newark, N.J., of the Knights of Lithuania.

It is this spirit and this determination which has helped to keep America free and which shines so brightly as a symbol of hope to nations like Lithuania which still suffer oppression.

The resolutions follow:

RESOLUTIONS UNANIMOUSLY ADOPTED ON FEBRUARY 8, 1970, BY THE LITHUANIAN AMERICANS OF LINDEN, N.J., GATHERED UNDER THE AUSPICES OF LITHUANIAN AMERICAN COUNCIL, LINDEN BRANCH, FOR COMMEMORATION OF THE 52D ANNIVERARY OF THE DECLARATION OF LITHUANIA'S INDEPENDENCE

Whereas, this year marks the 52nd anniversary of the establishment of the Republic of Lithuania on February 16, 1918, commemorated by Americans of Lithuanian descent and their friends in all parts of our great nation; and

Whereas, the country of our ancestors, recognized and respected once by the world's major powers as an independent and flourishing republic, was occupied by the Soviet Union in 1940 and to this day its people are enslaved and subjugated; and

Whereas, freedom loving people everywhere are placing their hopes, their destinies and future in the steadfast adherence by the free democracies in the principles and justice of humanity; and

Whereas, the Government of the United States has consistently refused to recognize the seizure of Lithuania, Latvia and Estonia and their forced incorporation into the Soviet Union; Now, therefore, be it

Resolved that we, Americans of Lithuanian descent shall continue to support the efforts of the Lithuanian people to regain their liberation; and

Resolved that the Government of the United States be requested to take appropriate steps through the United Nations and other channels to reverse the policy of colonialism by Soviet Russia in the Baltic States and bring about re-examination of the Baltic situation with view of re-establishing freedom and independence to these three nations; and

Resolved that copies of these resolutions be forwarded to the President of the United States, His Excellency Richard M. Nixon; to the Secretary of State, the Honorable William F. Rogers; to the United States Ambassador to the United Nations, the Honorable Charles W. Yost; to the United States Senators of New Jersey, the Honorable Clifford P. Case and the Honorable Harrison A. Williams; to the Representatives of the Twelfth and Thirteenth Congressional Districts of New Jersey, the Honorable Florence P. Dwyer and the Honorable Cornelius E. Gallagher; and to the Governor of New Jersey, the Honorable William T. Cahill.

VLADAS TURSA,
President.
MARGARITA SAMATAS,
Chairman of Resolutions Committee.

RESOLUTION

The following Resolution was unanimously adopted by the Knights of Lithuania, Council 29, at a meeting which was held on January 20th, 1970 at St. Georges Hall, 180 New York Avenue, Newark, New Jersey.

As this February 16th, 1970 marks the 52nd Anniversary of Lithuania Independence, all Lithuanians through-out the free world will commemorate this anniversary.

Whereas, Lithuanian Freedom was taken away from her forcibly without consent of her people and was not given the choice of having their own Government. In doing this, the Soviets violated every principle of justice, and

Whereas, The Soviets have deported or killed over twenty-five per cent of the Lithuanian population since June 15th, 1940, and

Whereas, The Government of the United States maintains diplomatic relations with the Government of free Republic of Lithuania and consistently has refused to recognize the seizure of Lithuania and forced incorporation of the freedom loving country into the Soviet Union; and

Whereas, Lithuania wants to continue her desire to have and enjoy freedom and constantly reminds the free world "There is no peace without freedom and there is no security without self-determination",

Therefore, be it resolved, That the Government of the United States continue to remind the free world of the injustice committed upon Lithuania by the Soviet Russia by continuing its policy of not recognizing the ruthless seizure of Lithuania by the Soviet Russia;

Therefore, We respectfully urge the President of the United States to bring the question of liberation of all the Baltic States before the United Nations and ask the Soviet Union to release its control of Lithuania, Latvia and Estonia, and return to their homes all Baltic Exiles and Deportees from prison camps in the Soviet Union.

Be it further resolved, That the copies of this Resolution be forwarded to the President of the United States, Secretary of State, United States Ambassador to the United Nations, to our Senators and Congressmen.

KAZYS SIPALIA,
President.
HELEN E. RADICSH,
Secretary.

Mr. WHALEN. Mr. Speaker, we commemorate this week the action taken on February 16, 1918, by the National Council of the Lithuanian Nation in declaring its independence, "separating that state from any state ties that have existed with other nations."

That step was merely a reaffirmation of a historical fact with which few of us are acquainted; namely, that Lithuania was not born in the 20th century but hundreds of years earlier.

Lithuania became a unified kingdom in the 13th century in response to the attacks of the Teutonic Knights, the first in a stream of imperial ventures along the Baltic coast. Lithuania remained a free and independent state until 1795, despite incursions both cultural and political. Coming under the subjugation of czarist Russia, the small country was the victim of a series of despotic acts which culminated in the infamous policy of the 1860's forbidding the use of the Latin alphabet for any Lithuanian publications. This ban re-

mained in effect until 1905. Yet Lithuania came out of this persecution more, rather than less, aware of her former liberties and unique cultural heritage.

On days of national commemoration, speakers praise a particular people's devotion to liberty. Yet, more often than not, this liberty fits the rhetoric of the occasion rather than the substantial fact of history. What claim can Lithuania, little heard of and even less spoken about, make in reference to that which the West has cherished?

In the West, the twins of arbitrary will and mob action have exercised political power as much as the rule of law. In evaluating a nation's past, its adherence to this rule of law decides whether its pretensions have any basis in reality.

In 1529, Lithuania, under its Chancellor Albert Gostautas, established the first thoroughgoing codification of law in Europe since the time of Justinian. Besides the accumulation of Roman and Canon law used since the advent of Christianity in Lithuania, it contained about 200 distinct legal terms, transmitted orally up to the time of promulgation. Any ruler, hoping to be elected in Lithuania, would have to pledge to uphold the statute governing ruler and subject. But under czarist occupation, the entire body of law as developed up to 1795, was abrogated as unconducive to stable rule—in other words, to despotism.

In 1528, Lithuania conducted Europe's first comprehensive modern census. This census showed a very high degree of political freedom down to the county level—this in Western Europe's age of absolute kingship. While particular liberties—so much a part of Medieval times—were being trampled upon in better known states, parts of Eastern Europe preserved as fact, what was only memory in France or British-dominated Ireland, not to speak of Muscovite Russia.

Since Lithuania did not become a unified state until the high Middle Ages, it was spared the worst rigors of European feudalism. Up until the 14th century, no legal distinction existed between noble and commoner, and even in the ensuing semifeudal epoch, no estate could bind a peasant for life, no lord could own a serf as was the case in Russia, and no noble personage could demand forced labor. Relations between noble and commoner always remained under statute and never on personal whim. Lithuania's inhabitants were accustomed for centuries to taking part in the election of rulers and municipal officials, and in the discussion of public affairs.

Personal liberty follows private property. The right of private ownership extends far back into ancient times on the Baltic as a prerequisite for human dignity. In contrast to much of Europe in pre-Christian times, the Balts were people of the private homestead. Development of a man's freehold, regardless of size, was the measure of personal worth. This concept goes back at least 3,000 years and was weakened only after 1600. Lithuanians almost always shunned cities and towns as inimics to the life of a free man.

Since a numerous class of small gentry was established in the 14th century, the concept of liberty grounded in property survived right up to the refounding of the Lithuanian State in 1918. A thorough agrarian reform after World War I completely restored the independent holding, which lived through a precarious three centuries.

Thus, Mr. Speaker, deeds of liberty speak from the graves of an ancient land. From 1940 to the present, approximately one out of every eight Lithuanians—a people numbering a little over 3 million—has disappeared from the face of the earth without a trace; no names, no prison camp number, no known final resting place.

Can a people neither Teuton nor Slav, small in number but most ancient in custom and speech, survive human depravity? They have lived through Teutonic atrocities both imperial and Nazi, Pan-Slavism, and czarist imperialism. They now experience the worst times—Kremlin tyranny without the restraint of religion. They need more than a remembrance, but at least let us give them that.

Mr. McCLORY. Mr. Speaker, Americans often take for granted our birthright of freedom. Elsewhere in the world, however, millions of people are denied this fundamental human right. During the month of February, Lithuanians throughout the world, including many Americans of Lithuanian descent in my 12th District of Illinois and elsewhere, will be commemorating the 719th anniversary of the formation of the Lithuanian state and the 52d anniversary of the establishment of the Republic of Lithuania.

Unfortunately, Lithuania is presently a captive nation. Therefore, while Americans of Lithuanian origin and their friends will commemorate these important anniversaries, they will not celebrate them.

Lithuanians are brave, freedom-loving people and those of us in America who enjoy the rights of democracy, owe a special obligation to the subjugated people of Lithuania as well as those in captive nations throughout the world.

Mr. Speaker, it is relevant at this time for the Members of the Congress and the people of the United States to be made aware of House Concurrent Resolution 416 passed by the House of Representatives on June 21, 1965. In this resolution the House of Representatives urged the President of the United States to bring the force of world opinion to bear on behalf of the restoration of rights to the people of Estonia, Latvia, and Lithuania.

By joining my colleagues in this body in bringing attention to the plight of the captive people of Lithuania, it is my hope that we can begin to focus world attention on a problem that has been ignored for many years.

I congratulate Americans of Lithuanian descent throughout the Nation on these two important anniversaries, and I am proud to pay tribute today to the brave and undaunted people of Lithuania.

Mr. CONABLE. Mr. Speaker, the month of February is an important one for Lithuanian Americans, for it marks both the 52d anniversary of the founding of the modern Republic of Lithuania and the 719th anniversary of the union of principalities which made up the Lithuanian kingdom. The nation has a long history of independence and desire to preserve rights of self-determination which, during periods of foreign rule, have enabled its people to withstand domination and retain the hope that liberties would be regained.

In modern times Lithuania has twice been occupied by foreign powers and during those occupations the people have never given up working toward the time that they would again be free to govern themselves. Following World War I this spirit allowed the Lithuanians to build a republic which made great gains for its people. The Republic was overwhelmed in World War II, but Lithuanians seek to regain the independence they have lost in order to continue the work they began under the Republic and they ask our support for their efforts. Our yearly commemoration of Lithuanian independence day on February 16 stands as evidence of our commitment to support efforts aimed at regaining the right of self-determination. As individuals we demonstrate our support through these commemorations and as a legislative body we have given even stronger support through the adoption of the resolution calling for freedom for the Baltic States.

America has a tradition of support for peoples under oppressive rule who are straining to be free, and we deplore actions of governments which deny another people their fundamental right to determine their own form of government and deny them their fundamental individual liberties. Lithuania is now a victim of such an oppressive foreign regime but we share the people's hope for a return of freedom once again.

Mr. HICKS. Mr. Speaker, February 16, 1970, marked the 52d anniversary of Lithuania's Declaration of Independence. I ask that my colleagues in the House pause with me in paying tribute to a nation whose courage in the face of great adversity continues to be an inspiration to freedom-loving people throughout the world. It is important to reflect not only upon the cruel yoke of oppression worn by captive people everywhere, but also upon the priceless liberties enjoyed here in the United States.

From its founding in the 12th century, Lithuania has struggled for the basic freedoms that we Americans all too frequently take for granted. For over 600 years her people repeatedly were compelled to fight in defense of their national sovereignty. Finally, in 1795, Lithuania fell captive to invading armies from czarist Russia.

During the 123 years of Russian domination, the Lithuanian people revolted against their oppressors on five separate occasions. Although each unsuccessful attempt brought in return only brutal reprisals, the Lithuanian people pursued with increased determination their drive toward freedom and national independence.

With the outbreak of World War I, the mighty German armies lost little time in

overrunning Lithuania. The Germans occupied Lithuania until the war came to its end in 1918. Lithuania's official proclamation of independence was issued on February 16, 1918, and unanimously adopted by the Lithuanian Council. However, soon after the German troops were evacuated from Lithuanian soil, Russian troops once again threatened menacingly at her borders. With lightning-like precision, the Red armies subdued Vilna, the capital city of Lithuania. As in the past, Lithuanian patriots organized to expel the invaders, and after a series of impressive military victories, freedom was regained. By a peace treaty in 1919, the Soviet Government recognized the sovereign rights of Lithuania over its territory and people.

Lithuania was admitted to the League of Nations on September 22, 1921, thus being formally recognized as a nation with international status. Few countries made greater progress as a free and independent nation in so short a time as did Lithuania during the years separating World War I and World War II. The Lithuanian Government instituted land reforms, reestablished vital industries, organized transportation facilities, enacted social legislation, and greatly expanded its educational institutions.

On August 3, 1940, a "day of infamy" for the Lithuanian people, Lithuania was declared under Russian coercion to be a constitutent Communist Republic of the Union of Soviet Socialist Republics. Lithuania gallantly resisted the overwhelming hordes of Russian and Nazi invaders. During the first Soviet occupation, Lithuania suffered the loss of about 45,000 of its people in fierce resistance to its Soviet captors. Some 30,000 Lithuanians were deported to Siberia on the night of June 14, 1941, and 5,000 Lithuanian political prisoners were executed when the Soviet forces hastily retreated under Nazi attack. Repeating the history of the First World War, German occupation again replaced Russian occupation.

During the tyranny of the Nazi occupation, thousands of loyal Lithuanians were executed, including virtually all Lithuania's Jewish population. When the tide of war turned against Adolf Hitler, the beleaguered Lithuanian people returned not to their former independence but once again tragically to Soviet tyranny and domination. It is a tribute to their courage and indomitable spirit that Communist victory in Lithuania came neither easily or readily.

In the year 1970, at a time when Communist oppression still hangs over a proud nation, it is fitting that all Americans join the many Americans of Lithuanian extraction in commemorating the anniversary of a nation and a people who in the agony of oppression truly know the value and meaning of the world "freedom." Let us join with free people around the world in the hope that Lithuania soon will be truly free.

Mr. ADDABBO. Mr. Speaker, this week we in the Congress have marked the observance of the 52d anniversary of the restoration of the Republic of Lithuania on February 16, 1918. Each year the Congress honors our friends of Lithuanian descent in the knowledge that the occasion cannot be a true celebration because of the reign of Communist oppression.

Hundreds of thousands of Lithuanians have been killed or deported from their homeland since June 1940 when the Soviet Union seized power. The illegal seizure of power by force of arms against Lithuania, Latvia, and Estonia will one day be repaid by the hunger for freedom which exists behind the Iron Curtain.

House Concurrent Resolution 416 recently adopted by the Congress recognizes the existence of that hunger for freedom and the moral right which the people of these nations have to be free once again. Until that day arrives, we in the Congress pay honor to our friends of Lithuanian descent and we honor the Lithuanian National Council which in 1918 proclaimed independence after 123 years of Russian subjugation.

The great courage of Lithuania has not been suppressed and the cycle of history will remain a warning to the Soviet Union that this immoral act of international aggression cannot remain unpunished forever. I am proud to join with my colleagues in the House of Representatives during these ceremonies commemorating Lithuanian Independence Day.

Mr. HELSTOSKI. Mr. Speaker, the month of February of this year marks the 719th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 52d anniversary of the establishment of the modern Republic of Lithuania, which took place February 16, 1918.

Under ordinary circumstances this anniversary of such an event would be an occasion of rejoicing and celebration. However, this is not the case today, for the harsh grim reality is that Lithuania is not independent and her people no longer free. Lithuania has been under the stern yoke of Soviet imperialism since August 3, 1940, when Lithuania was declared a constituent republic of the Union of Soviet Socialist Republics by the Supreme Soviet in Moscow.

Whatever the situation, it is completely proper and appropriate to pay tribute to Lithuania and the brave spirit of her people on this day. Here is a country which, for many years, was under the domination of larger and oppressive neighbors, but whose people on February 16, 1918, declared that Lithuania was an independent nation. Thus it appeared that the hopes of the Lithuanian people, who had remained steadfast to their principles, traditions, language, and religion through many years of adversity, were going to be realized—that of the right to live in an independent state based on democratic principles where liberty and individual human dignity would prevail.

When Lithuania achieved her independence there were many indications that it would have a long life. The nation adopted a constitution which accorded the people freedom of speech, freedom of assembly, freedom of religion, and a respected place among the community of nations. By 1922, all of the major powers of the world had recognized Lithuania as a sovereign state.

During the period of Lithuania's independence it made progress in many areas, such as agriculture, industry, education, and social reforms. Lithuania had established a firm basis for a free, independent, and self-sufficient nation, but at the end of the second decade of her independence, dark and ominous clouds hovered all over Eastern Europe. Then misfortune struck Lithuania in 1939 and 1940 when this brave nation with her courageous people was gradually engulfed by the aggression of the Communist Soviet Union.

Lithuania was swallowed up in the grasping clutches of the Soviet Union along with her stout-hearted Baltic neighbors of Latvia and Estonia. The fires of freedom, which once burned so brightly, were extinguished.

So today the story of Lithuania is not a happy one; and though there is oppression, there is also hope. The torch of freedom may no longer burn bright, but we know that there still is the spark which could again ignite it in the hearts of the people.

Lithuanians and Americans alike look forward to the day when these people will again experience individual liberty and Lithuania will once again take her rightful place in the community of nations as a free and independent state.

Mr. Speaker, the 89th Congress approved a resolution, House Concurrent Resolution 416, urging the President of the United States to bring up the Baltic question in the United Nations and to urge the Soviet Union to withdraw from these states. Certainly it would serve the cause of freedom if everything reasonably possible were done to carry out the expression of Congress as contained in the resolution.

I submit the resolution for the RECORD and again call upon the President to use his high office to carry out this congressional mandate.

The resolution follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of people, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such

means as he deems appropriate, to the denial of the rights of self-determintaion for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

I also submit for inclusion as part of my remarks at this time a statement from the Lithuanian-American Community of the United States of America, Inc., touching upon Lithuania's quest for freedom.

I further submit a resolution of the Lithuanian Council of New Jersey which was adopted at a mass meeting held on February 15, 1970, at the Lithuanian Catholic Community Center, in Kearny, N.J.

The material follows:

A SEVEN-CENTURY QUEST FOR FREEDOM: BRAVE LITHUANIA

During the month of February, Lithuanian-Americans will be commemorating the 719th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 52nd anniversary of the establishment of the Republic of Lithuania which took place on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Communist regime did not come to power in Lithuania and other Baltic States by legal or democratic processes. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms in June of 1940. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction.

The Lithuanians are a proud people who have lived peacefully on the shores of the Baltic from time immemorial. Their language is the oldest in Europe today. They were united into a State more than 700 years ago, and by the 15th century their nation extended from the Baltic to the Black Sea and almost to the gates of Moscow. Their fortunes gradually declined and the nation was completely taken over by Russia in 1795.

The intensive and determined struggle for freedom and independence from Czaristic Russia was climaxed on February 16, 1918, by the Declaration of the Lithuanian National Council, proclaiming the restoration of the Independence to Lithuania.

The February Sixteenth Declaration was unanimously approved by the freely elected Constituent Assembly in 1920. Thus, following the will of the Lithuanian people, the re-establishment of an Independent State of Lithuania, with its capital in the city of Vilnius was accomplished. A diplomatic recognition by many free countries followed. On September 22, 1921, Lithuania was received as a *bona fide* member of the League of Nations, thereby Lithuania became a member of the international community of sovereign nations. A full diplomatic recognition by the United States of America on July 28, 1922, was followed soon, also with *de jure* recognition, by other world powers—Great Britain, France, Italy and Japan.

Soviet Russia recognized *de jure* the Independence of Lithuania in 1920, and on July 12th of the same year signed a peace treaty with Lithuania which stated that: "The Soviet union recognizes the sovereignty and independence of the Lithuanian State with all the juridicial rights associated with such a declaration, and forever renounces, in good faith, all Russian sovereign rights, which it previously had in regards to Lithuanian Nation and its territory."

The re-establishment of an Independent State of Lithuania and her return to the self-governing community of nations is the most significant historical event of the Twentieth Century for the Lithuanian Nation, whose political maturity, economic achievements and cultural creativity were manifested during the period of restored Independence (1918–1940).

During the Second World War, the Republic of Lithuania became a victim of Soviet Russia's and Nazi Germany's conspiracy and aggression, and as a result of secret agreements between those two powers of August 23rd and September 28th, 1939, became invaded and occupied by Soviet Russian armed forces on June 15, 1940.

Since the days of Soviet Russian occupation, however, the Lithuanian people have waged an intensive fight for freedom. During the period between 1944 and 1952 alone, some 30,000 freedom fighters lost their lives in an organized resistance movement against the invaders. Hundreds of thousands of others were imprisoned or driven to Siberia. Though that resistance movement was weakened and finally subdued due to a failure to get any material aid from the West, nevertheless, the Lithuanian people are continuing their passive resistance against Soviet Russian genocidal aggression to this very day.

The United States of America, mindful of its own struggle for freedom and independence, has remained sensitive to the aspirations of other people for self-determination. For this reason, Americans of Lithuanian descent are grateful to the Government of the United States for denouncing the Soviet Russian aggression in Lithuania and for refusal to recognize the alien subjugation of Lithuanian since 1940. The United States continues recognizing the sovereignty of Lithuania. The Lithuanian Legation at Washington, D.C., Consulate General in New York, Los Angeles, Chicago and a Consulate in Boston are recognized and are functioning.

Recently the United States Congress passed *H. Con. Res. 416* that calls for freedom for the Baltic States. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing up the question of the liberation of the Baltic States in the United Nations and urging the Soviets to withdraw from Lithuania, Latvia and Estonia.

Thus, on the occasion of the 719th anniversary of the formation of the Lithuanian state, and the 52nd anniversary of the establishment of the Republic of Lithuania, the Lithuanian-American Community of the USA, Inc., representing all Lithuanian-Americans throughout the nation, most fervently appeals to the representatives of the Federal, State and local governments, religious leaders, labor unions, civil, political and professional organizations, academic and cultural institutions, news media and to the people of good will, to support the aspirations of the Lithuanian people for self-determination and to national independence in their own country.

The free world can never rest in peace, knowing that in Lithuania under Soviet Russian rule, genocide and Russification are common place, religious persecution is prevalent, and basic human freedoms and rights are denied to the Lithuanian people.

Adopted February 1970, Chicago, Illinois, by the Luthuanian-American Community of the United States of America, Inc.

RESOLUTION OF THE LITHUANIAN COUNCIL OF NEW JERSEY

On the occasion of the 52nd anniversary of the Restoration of Lithuania's Independence we, the members and friends of the Lithuanian ethnic community of New Jersey, assembled here on the 15th day of February, 1970, in Kearny, New Jersey:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16, 1918, in Vilnius, whereby a sovereign Lithuanian State was restored which had antecedents in the Lithuanian Kingdom established in 1251;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign function as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940;

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members and friends of the Lithuanian ethnic community of New Jersey, do hereby protest Soviet Russia's aggression and the following crimes perpetrated by the Soviets in occupied Lithuania:

(1) murder and deportation of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor;

(2) colonization of Lithuania by importation of Russians, most of whom are Communists or undesirables;

(3) persecution of the faithful, restriction of religious practices, closing of houses of worship;

(4) distortion of Lithuanian culture by efforts to transform into a Soviet-Russian culture and continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw from Lithuania and its sister states of Estonia and Latvia, its armed forces, administrative apparatus, and the imported Communist "colons", letting the Baltic States of Estonia, Latvia, and Lithuania freely exercise their soverign rights to self-determination.

We request the Government of the United States to raise the issue of the Baltic States of Estonia, Latvia, and Lithuania in the United Nations and in international conferences as well as to support our just requests for the condemnation of Soviet aggression against Estonia, Latvia, and Lithuania, and for the abolition of Soviet colonial rule in these countries.

ALBIN S. TRECIOKAS,
Secretary.
VALENTINAS MELINIS,
President.

Mr. FEIGHAN. Mr. Speaker, February 16 marked the 52d anniversary of the Declaration of Independence of Lithuania, proclaimed in the capital city of Vilnius in 1918. This day is particularly meaningful to more than 1 million American-Lithuanians as well as their 3 million countrymen still residing in Communist-dominated Lithuania. Indeed, February 16 should serve as a reminder to all of us that our system of government is not universally enjoyed.

The independence won by Lithuania 52 years ago lasted little more than 2 decades. Nevertheless, Lithuania made remarkable progress in agriculture, industrialization and education during that brief period. After 22 years, however, Lithuanian freedom was suddenly and ruthlessly taken away.

World War II commenced and Lithuania was caught again between the opposing forces of Russia and Germany.

Though the Nazis were defeated, the Red army made Lithuania a hostage. The Soviet Union declared Lithuania to be a constituent republic and incorporated her along with Estonia and Latvia into the Soviet sphere.

Mr. Speaker, the United States has never recognized that incorporation and we in the Congress have consistently opposed it. With the adoption of House Concurrent Resolution 416, we urged the President to direct the United Nations and other forums of world opinion to pressure the Soviet Union to restore independence to the three Baltic States.

Under leave granted, I insert this resolution in the CONGRESSIONAL RECORD as a reminder to all of us that we must rededicate ourselves to the use of every legitimate means to bring pressure upon the Soviet Union to return to Lithuania, Latvia, and Estonia their rightful place among the nations of the world:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. WIDNALL. Mr. Speaker, last Saturday and Monday, Americans of Lithuanian origin or descent united with their brothers throughout the world to mark two anniversaries. The first, February 14, 1251, is the formation of the Lithuanian State when all principalities were unified by Mindaugas the Great, and the second, February 16, 1918, is the date on which the Lithuanian Declaration of Independence was signed in Vilnius.

This observance calls the world's attention to the Baltic States, Estonia and Latvia along with Lithuania, which have been occupied, oppressed and exploited since 1940 by a foreign power.

Confiscation of home and land, suppression of speech and press, bans against assembly and demonstration, and deportation or murder of families, have characterized the last 30 years of living in Lithuania.

It is at these times that the groups who roam America with an avowal to destroy our system serve one useful purpose. They call attention to the freedoms of America that permit their behavior. They unintentionally contrast our system to that presently in Lithuania, which would greet their behavior with summary elimination of leadership and followers.

We hope that in the future we will see the renewal of freedom in Lithuania and that our fellow Americans of Lithuanian descent will continue their great contribution toward the maintenance of our own freedoms and the continuance of the healthy growth of the United States.

Mr. Speaker, I offer for the record a resolution proposed by the Lithuanian Council of New Jersey. This statement outlines the cruel acts committed against the Lithuanian people and states the resolve of Lithuanians in America:

RESOLUTION OF THE LITHUANIAN COUNCIL OF NEW JERSEY

On the occasion of the 52nd anniversary of the Restoration of Lithuania's Independence we, the members and friends of the Lithuanian ethnic community of New Jersey, assembled here on the 15th day of February, 1970, in Kearny, New Jersey:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16, 1918, in Vilnius, whereby a sovereign Lithuanian State was restored which had antecedents in the Lithuanian Kingdom established in 1251;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign function as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940;

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members and friends of the Lithuanian ethnic community of New Jersey, do hereby protest Soviet Russia's aggression and the following crimes perpetrated by the Soviets in occupied Lithuania:

(1) murder and deportation of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor;

(2) colonization of Lithuania by importation of Russians, most of whom are Communists or undesirables;

(3) persecution of the faithful, restriction of religious practices, closing of houses of worship;

(4) distortion of Lithuanian culture by efforts to transform into a Soviet-Russian culture and continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw from Lithuania and its sister states of Estonia and Latvia, its armed forces, administrative apparatus, and the imported Communist "colons", letting the Baltic States of Estonia, Latvia, and Lithuania freely exercise their sovereign rights to self-determination.

We request the Government of the United States to raise the issue of the Baltic States of Estonia, Latvia, and Lithuania in the United Nations and in international conferences as well as to support our just requests for the condemnation of Soviet aggression against Estonia, Latvia, and Lithuania, and for the abolition of Soviet colonial rule in these countries.

VALENTINAS MELINIS,
President.
ALBIN S. TRECIOKAS,
Secretary.

Mrs. GRIFFITHS. Mr. Speaker, February 16 marked the 52d anniversary of the Declaration of Independence of Lithuania. Today, I am pleased to join my colleagues in the House of Representatives in celebrating the hard-won independence that came to the small, brave nation of Lithuania 52 years ago but which was so short lived.

After more than a century of czarist Russian occupation, the people of Lithuania declared their independence on February 16, 1918, and instituted a democratic republic. After two decades of independence, Lithuania again fell under Russian domination when it was occupied by the Red army in the Second World War. Lithuania was declared a constituent republic of the Soviet Union on August 3, 1940. Following the German attack on the Soviet Union 10 months later, Lithuania was in Nazi hands until reoccupied by the Soviet Army in 1944. Since then it has been considered by the Soviet Union as a component republic. The United States recognized the independent Lithuanian Government on July 27, 1922, and it has never recognized that nation's incorporation into the Soviet Union. Certainly, we must all take pride in the fact that the United States still recognizes the independent Lithuanian government and has never recognized Russia's annexation of that country.

On this the 52d anniversary of Lithuanian independence may we reassure our Lithuanian friends and all freedom-loving people in the world that the restoration of sovereignty and the return of the independence which we commemorate this day are goals synonymous with the principles of political freedom which we, in the United States, enjoy and to which, we trust, all men aspire. I sympathize deeply with the Lithuanians in their struggle for freedom and I am proud that our Government has continued to adhere to its policy of nonrecognition of the Soviet Union's forcible incorporation of Lithuania. I salute the people of Lithuania and the more than 1 million Americans of Lithuanian descent and recommit myslf to supporting their just aspirations for recovery of their liberty, independence, and self-determination.

Mr. GAYDOS. Mr. Speaker, the nation of Lithuania this month marks its 719th anniversary as a state and its 52d anniversary as a Republic. But there will be no celebration, no bell-ringing, no jubilation.

Lithuania exists today only as a satellite nation of the Soviet Union, shielded from the free world by the Iron Curtain. Like other Soviet satellites, it has been stripped of individual and governmental freedom.

But this small Baltic State has not bowed despite nearly 30 years of oppressive totalitarian rule. It has not ceased

in its struggle to regain its identity as an independent nation and a free people. During the period from 1944–52, 30,000 fighters lost their lives in resisting the invaders. Hundreds, perhaps thousands, were shipped to labor camps or imprisoned. Today, shut off from material aid from the West, the Lithuanian people continue a passive resistance against their unwanted rulers.

Americans of Lithuanian descent and the free world are proud of the long, courageous fight waged by this nation. I am proud to join them in saluting these brave people on a subdued but, nonetheless, momentous anniversary in this history.

Mr. MONAGAN. Mr. Speaker, I am proud to take the floor today to participate in the congressional observance of the 52d anniversary of the Declaration of Independence of the Republic of Lithuania.

On February 16, 1918, after countless years of struggle, Lithuania asserted its autonomy, and on September 22, 1921, Lithuania took its place as a member of the League of Nations. Within a year after becoming a member of the League of Nations, Lithuanian sovereignty was recognized by all the major world powers.

Upon declaring its sovereignty, Lithuania vigorously set forth to forge a nation befitting its distinctive and admirable national character. Programs in land reform, education, public works, and industrial development were initiated, and in the next 22 years, substantial progress was made toward creating a modern and progressive state

Unfortunately, Lithuania's freedom was short lived. Caught between Nazi Germany and Communist Russia during the Second World War, Lithuania was brutally victimized. Its population dissipated, and stripped of its natural resources, Lithuania was forcibly incorporated into the Soviet Union. The United States has never recognized the Soviet incorporation of Lithuania, and we set aside this time today to reaffirm our stand in support of the eventual freedom of this country.

Peace-loving people everywhere join us today in paying tribute to the undying democratic spirit of Lithuania, now caught in the grip of Soviet domination, and we all look to the day when the Lithuanian Declaration of Independence can be celebrated in a free, democratic, Republic of Lithuania.

Mr. DONOHUE. Mr. Speaker, on this occasion of this 52d celebration of the anniversary of Lithuanian independence, I am very glad, indeed, to join with my colleagues in paying tribute to the gallant people of Lithuania and our own Lithuanian Americans who are perseveringly dedicated to the restoration of the liberty of their native land.

Today we extend a further message of hope that the valiant people of Lithuania will soon be freed again from the cruel persecution they are now enduring under Communist subjugation.

But we, who are free, have the obligation to do more than that. It is our duty to repeatedly publicize to the world the tragic truth of Lithuanian oppression under Russian tyranny.

It is not sufficient to just offer hope to the Lithuanian people. We must show them that we are as resolute as they are in our common fight against the Communist enemy.

The subjugated people of Lithuania can take heart in observances such as these and in our national policy of refusing to recognize the Soviet Union's annexation of Lithuania.

As long as we keep alive the terrible truth about Communist treatment of Lithuania we keep alive hopes of the Lithuanian people for eventual freedom and independence.

Let us remember that a tyrannical regime, founded on falsehoods and terror, cannot last because it sows the seeds of its own destruction.

In the same sense, let us remember that a nation of Christian traditions, such as Lithuania, has inherent in it the qualities to guarantee its perseverance and preservation.

There can be no question in our minds or in our hearts that the brave Lithuanian people will one day be free and independent again. May divine providence speed that happy day for Lithuania and the restoration of world peace and good will for all of us.

GENERAL LEAVE TO EXTEND

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on Lithuanian Independence Day and to include therein extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE PROPOSED FARM BILL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. CONTE) is recognized for 30 minutes.

Mr. CONTE. Mr. Speaker, 2 weeks ago, after months of deliberation and patient consultation with the House Agriculture Committee, the Secretary of Agriculture finally produced a farm bill. While the result is a proposal that, I believe, in general deserves our support, I am seriously disturbed about two major aspects of this recent administration action.

First, as the author of a farm payments ceiling which has twice passed this body, I am frankly astounded at the ridiculously high level of payments this new legislation would permit. The administration proposes a scaled "limitation" that would allow payments up to $110,000 to a single producer for each crop, or as much as $330,000 for all three programs. In contrast, Mr. Speaker, as you know, my amendment would have limited payments to $20,000 per farm operation.

I am convinced, Mr. Speaker, that my colleagues will not countenance such a transparently feeble attempt to give the appearance of reform without the substance. And I want to assure all my colleagues that unless a much more realistic proposal to limit payments is reported out, I fully intend to offer my own amendment when the bill reaches the floor.

My second objection to this recent administration action is to the manner in which this bill has been presented. I am referring, Mr. Speaker, to the fact that this new bill is not labeled an administration bill, but merely one it considers "sound, workable and acceptable." It was not made the subject of a Presidential message. In contrast to the forthright leadership this administration has displayed in presenting other legislative initiatives, this so-called consensus farm bill has, in effect, been dropped furtively at the Agriculture Committee's door in the dead of the night.

I am frankly concerned about what this curious procedure foretells not only about the future of sound farm legislation, but also about the far more urgent need to act promptly and decisively to put an end to hunger and malnutrition in this country.

We cannot ignore antihunger legislation, Mr. Speaker, because it is well known that certain members of the House Agriculture Committee are determined to withhold the food stamp bill until a final farm bill is ready to be reported. And this is not expected for several months. The apparent theory behind this tactic is that it is considered necessary to assure urban support for the farm bill. While I am convinced that this approach is incorrect—indeed there is a danger it might backfire, and further alienate some of our urban colleagues—I have a more fundamental objection. There is simply no moral justification for delay, even, for a single day, when the health, and, in some cases, the very lives of hungry Americans hang in the balance.

There can be doubt, of course, that Secretary Hardin does favor the prompt reporting of a food stamp bill to be considered separately from new farm legislation.

As long ago as July 15, 1969, the Secretary told the Agriculture Committee that he considered it "essential," even "crucial," to report out a bill immediately. Yet here we are, nearly 7 months later, and that vital legislation is still bottled up in committee.

Mr. Speaker, because I am deeply concerned about the need for this body to move promptly and decisively to enact a sound food stamp bill, I have taken this occasion to stress the point here. However, its relation to the main concern of my remarks today—new farm legislation—is only to illustrate what seems to me to be a lack of commitment on the part of the Secretary of Agriculture.

For I find myself in complete agreement with the Secretary not only on the need for prompt antihunger legislation, but also on the two principal features of his new farm bill.

First. I agree that there should indeed be a sharp change of focus in our farm program from its present income-supporting and production-control basis to a freer, more market-oriented approach.

Second. I am pleased that the Secretary has now recognized that there simply must be some form of payment limitation.

But if the Secretary is indeed serious about these proposals, he must be prepared to exercise greater leadership and support for them than he has so far displayed. I have made these views known to Secretary Hardin in a letter I sent to him on February 9, 1970. I include a copy of that letter at the close of these remarks.

It simply will not do for this administration to propose new farm legislation, then label it a "consensus" bill and leave it an orphan. If, in general, this is a good bill—as I believe it is with the major reservation I have noted—the Secretary should frankly identify it as an administration bill and support it strongly.

Mr. Speaker, I now wish to comment on two of the major improvements this bill will make, following which I will briefly explain my objection to its present payments limitation, and propose an alternative.

One of the most frequently criticized aspects of the current farm program is its unique backdoor financing feature. Because of this, the program escapes the usual annual appropriations process. The Agriculture Department's Commodity Credit Corporation uses its capital and borrows funds from the Treasury, and its losses are reimbursed through obligatory appropriations in a later year.

Under the new bill Congress must appropriate price-support money in advance for each of the commodity programs. Many of us who have been concerned about this runaway program can only applaud this return to tighter budgetary controls.

It is well known, Mr. Speaker, that the most troublesome aspect of our farm policy is the cotton program. The new bill, which authorizes farm program payments to producers who set aside a part of their cropland, represents a giant step forward in dealing with the cotton problem.

There can be no doubt that cotton producers are in serious economic trouble. In 1969 cotton exports fell to the lowest level in 15 years. Domestic mill use of cotton also fell to a new low. And Government payments to cotton producers exceeded $800 million, over 60 percent of the market value of the crop produced.

The cotton industry is being ruined by the current program at the same time that it is taking nearly a billion dollars a year out of the U.S. Treasury. Major surgery is in order and the administration's proposed bill provides what is needed.

Cotton producers now have mandatory marketing quotas which provide heavy penalties for overplanting allotments. These allotments, however, are archaic. They were established on the basis of historical production records in the early postwar years.

Producers in the Mississippi Delta and in the irrigated areas of the Southwest who would like to grow more cotton at world price levels are effectively prevented from doing so by the penalties for overplanting their allotments.

In the older sections of the Cotton Belt, however, many producers are planting cotton just to qualify for the large Government payments. Except for the payments, it would be more profitable for them to grow soybeans, forestry products, and forage crops for beef cattle.

Secretary Hardin found it desirable to increase the national cotton allotment for 1970 over 1969 by 1 million acres to assure the production of sufficient cotton to maintain exports at even the recent low levels. This increase of 6 percent in the national cotton allotment under existing legislation required an increase in Government payments to cotton producers by a similar percentage.

I called this to the Secretary's attention in a letter dated October 21, 1969.

This increase in the national allotment, the only feasible way to encourage more cotton being grown under existing mandatory cotton marketing quotas, will increase Government payments to cotton producers by $50 million in 1970.

In that letter to the Secretary, I pointed out that about a thousand of the largest cotton producers received over $50,000 each in payments in 1968. In 1970 their allotments are increased 6 percent, and their payments are increased $5,000 or more. I called this outrageous. Approximately 450,000 cotton producers are expected to receive payments totaling $900 million in 1970. But two-thirds of these payments, about $600 million, will go to only 10 percent of that group. These are the largest producers, who will receive payments of anywhere from $5,000 to $3 and $4 million. The other 90 percent, or 405,000 producers, will receive about $300 million in payments—less than $750 each.

The administration's proposed Agricultural Act of 1970 will move us in a different direction. It eliminates both the marketing quotas for cotton and penalties for overplanting allotments, and will permit cotton producers to plant as much as they wish after setting aside a specified acreage of their cropland. The end result will be to enable the farmer to do the kind of farming he is best equipped to do, free of the archaic, artificial influences that the present farm program has created. This move toward greater reliance on the market place will bring increased self-respect to the farmer, and go a long way toward making our agricultural policy acceptable to an increasingly urbanized Congress.

I can enthusiastically support such a program if the payments for setting aside a part of the cropland are limited to some realistically moderate level.

The Secretary's present proposed limitation, however, is so high that it will produce almost no savings. A Department of Agriculture official conceded as much to me only recently. What is needed, Mr. Speaker, is not a symbolic bow to this House which has twice passed a $20,000 ceiling, but a substantial recognition of the need for genuine reform.

Following the passage of my amendment last May, I reexamined that proposal to determine whether it offered the best approach to future farm legislation. After consulting a number of distinguished agricultural economists, I determined that a better proposal would be to limit payments to $5,000 per crop for each producer. I proposed this limitation in my testimony before the House Agriculture Committee on July 15, 1969.

While the amendment which has twice passed this House could have produced as much as $300 million in savings annually, my new proposal could save as much as $500 million.

In conclusion, Mr. Speaker, I believe that the administration has finally recognized the need for a more rational farm policy—one that moves in the direction of more freedom for the farmer, while at the same time limiting payments.

Having formulated that policy, however, the time has come for the administration to support it strongly. If Secretary Hardin will now get behind this program, amending it to include the realistic payments ceiling I have suggested, he will find me a stanch ally. For the sake of the taxpayer as well as the farmer, let us hope he will do so.

My letter to Mr. Hardin follows:

FEBRUARY 9, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: As you know from my past correspondence, I have been concerned about two programs under the jurisdiction of your Department—the food stamp program and the farm program.

I was most interested in the proposed "Agricultural Act of 1970" which you presented last week to the House Agricultural Committee. In fact, with the exception of the level of payments your limitation would permit, I find myself almost completely in agreement with it.

Now that you have taken this step, I find that we are in agreement on three major points:

1. That the House Agriculture Committee should report out a food stamp bill promptly.
2. That future farm legislation should contain a payments limitation; and
3. That general farm legislation must move in the direction of a freer, more market-oriented program.

Until now, you have understandably moved cautiously, working closely with the House Agriculture Committee.

It seems to me, however, that the time has come for you to strongly advocate the positions you and your staff have so carefully worked out. In my view, this means that you should now make clear to the Committee in the strongest possible terms that it must report out a food stamp bill promptly and that it should be considered separately and not tied to new farm legislation.

With regard to the so-called "consensus" bill, I urge you to make one change in that legislation and then to make clear you are proud to have it known as an Administration bill. The change I recommend is that you replace the present unrealistically high payments ceiling with a limitation of $5,000 per crop for each producer. It makes no sense to me to support the appearance of a subsidy ceiling without the substance.

If you can make this alteration and then begin to exercise greater leadership in supporting these positions, I believe you will find a great deal of support among most of my colleagues—from rural and urban areas alike.

Speaking for myself, I can assure you that I will do all I can to assist you in this effort.

Particularly since the food stamp bill, now languishing in the House Agriculture Committee is such an urgent matter, I would appreciate an early reply.

With my very best wishes, I am,

Cordially yours,

SILVIO O. CONTE,
Member of Congress.

URGENT NEED FOR FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 10 minutes.

Mr. WILLIAMS. Mr. Speaker, the $1.3 billion surplus in President Nixon's budget for fiscal year 1971, which begins on July 1, 1970, is certainly a step in the right direction.

Yet, the fact that we have made no real effort to pay off any part of our national debt is proving to be very costly for American taxpayers. Our national debt has soared to over $360 billion in the form of various types of Federal securities and bonds. As these securities mature, we are just refinancing them at a shorter term and a higher interest rate.

As an example, during the week of February 9, 1970, $2.3 billion in Treasury bonds matured. These bonds had a term of 25 years and carried an annual interest rate of 2.5 percent. The Treasury Department had to refinance these bonds for a 1-year term at 8.25 percent.

During the present fiscal year, we are paying $16.7 billion in interest on the money we owe. During fiscal year 1971, over $100 billion in Federal obligations will mature. These obligations are presently carrying interest rates of from 2.5 to 4.25 percent. It will be necessary to refinance these obligations at an 8-percent interest rate, or higher.

This means that over $18 billion in interest will be paid by American taxpayers in fiscal year 1971.

In return for this $18 billion, the American people will receive nothing. They will just be paying the bill for fiscal irresponsibility and deficit spending for which, in the main, Democratic administrations have been responsible.

This $18 billion could be better spent for environmental pollution control, better housing for low- and moderate-income families, rebuilding the slum areas of our cities, or for many other useful purposes.

When States or municipalities borrow money through bond issues, the bond issue has a definite term, such as 20 years. During the life of the bond issue, some part of the principle and the interest is paid off annually. This means that at the end of the 20 years the money borrowed through the bond issue is completely repaid.

Our Federal Government must adopt a similarly sound fiscal policy. We must start paying off our national debt so that our annual interest payments do not continue to increase by billions of dollars each year.

The only way to accomplish this is to earmark a substantial sum of money annually, as a budgetary item, to pay off part of our Federal obligations as they mature, rather than refinance them.

WARM WELCOME FOR POMPIDOU

The SPEAKER. Under a previous order of the House the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, I am confident that President Pompidou will be accorded a courteous, warm reception when he visits Capitol Hill in Washington next Wednesday.

I make this forecast despite the efforts of a select few to organize a boycott. Actually, joint meetings of ceremonial nature often are marked by absenteeism. Some Members prefer to watch such occasions on television and avoid the crush of contesting with Members of the Senate, Cabinet, and diplomatic corps for seats in the House Chamber. It will be surprising, therefore, if everyone shows up.

I am confident that even those few who stay away will nevertheless be adult in their behavior and will reserve for another occasion the expression of differences they may have over French policies in the Mediterranean area.

Disagreement over what must be considered to be transitory differences between the United States and France must not be permitted to obscure or cloud the fact that these two great sister republics—devoted as they are to individual liberty and human dignity—have the same longterm objectives. In every major crisis our governments have stood together, and I have no doubt that this will continue to be the case in the future.

It is very much in the interest of the United States for France to be strong—militarily and in every other way. Strong allies help to ease the worldwide burdens of the United States.

Strength and influence by France in North Africa and the Middle East are also much to the advantage of the United States. This is particularly true in Arab states where U.S. interest may now be at low ebb.

Above all, we must remember that France and the United States are allied in the most intimate and important alliance in our history, the North Atlantic Treaty. Under it, each has made a solemn pact to use military measures automatically to protect the other in the event of attack. This agreement holds despite the fact that France no longer participates in NATO's military organization. Every French official has reassured me on this point.

When President Pompidou visits America, he should be received with all of the respect and feeling due a visiting head of state who is also an old friend. I know that the Congress will receive the President of France in that way.

I call attention to the recent reports in the New York Times:

FOREIGN AFFAIRS: UPSETTING NO APPLECARTS

[From the New York Times, Feb. 15, 1970]

(By C. L. Sulzberger)

PARIS.—The salient fact emerging from a long conversation with Georges Pompidou is that France's President has no intention of upsetting anybody's applecart. He is fully aware of the furore caused by the needlessly awkward revelations concerning French sale of Mirage jets to Libya and it is obvious he is approaching his American visit next week with hopes but also with deliberate caution.

Thus, while stressing France's interest in the Mediterranean both for its own part and for that of Western Europe, and while explaining his rationale for the Libyan deal, he makes plain an insistence that "Israel has an absolute right to exist, to function freely and live in peace within safe, recognized borders."

ISRAEL'S SECURITY

He pledges French support for Israel's independence and security, in opposition to Arab extremists who hope to eliminate the little Jewish state. But Pompidou continues de Gaulle's policy of refusing to recognize Israel's right to retain territories seized by military conquest. This refers to the fruits of the 1967 war.

While conceding that Israel is the principal victim of France's current arms embargo, the President hints that the embargo's totality might some day be loosened by a changed political climate. Moreover, he categorically denies rumors that Paris is selling Mirages to Iraq.

French arms diplomacy in the Mediterranean is not limited to North Africa and the Middle East. Pompidou explained this by confirming a new deal to sell military jets to Spain and expressing willingness to do likewise for Greece if Athens so desires.

"BALANCED" POLICY"

He favors Big Four agreement on Middle East peace but not an imposed settlement. A similar balance can be detected in his assessment of the crucial question of British entry into the European Common Market. On the one hand, Pompidou endorses the idea and considers it historically and geographically necessary. On the other hand he indicates expectation that Britain must abandon any vestigial "special relationships" with the United States and replace them with equivalent European relationships to qualify for this new role.

He supports West German efforts to develop contacts with the Communist East but doesn't expect swift results. He reaffirms French loyalty to the North Atlantic alliance but rejects all thought that France might rejoin NATO's integrated structure.

He especially looks forward to meeting President Nixon because he believes him more inclined to understand French and European views than his predecessors. He sees Washington and Paris as separated more by differences in procedure than objectives.

Nevertheless, having emphasized France's friendship for the United States, Britain and West Germany, and having foresworn any intention of denouncing the Atlantic Treaty he stresses his opposition to any "policy of blocs." This refers to Europe's division into NATO and anti-NATO camps.

As if to underscore his desire to achieve a balancing act between contending forces—even while remaining bound to one of them—the President says he will visit Moscow next autumn, the very same year of his first official trip to Washington.

NOTHING UNEXPECTED

In all this there is nothing either unexpected or sensational. With none of the dramatic and personalized quality of de Gaulle's statesmanship, Pompidou plainly intends to carry on the general's basic policy.

The difference comes in scope and style. Pompidou's concepts are less grandiose than de Gaulle's, less concerned with distant problems like Vietnam or Quebec, more focussed on areas close at hand like Europe and the Mediterranean. They are also less rigid, for example, with respect to Britain and the Common Market.

Furthermore, his methods are on the whole gentler. There is no longer any strident insistence on French primacy in Europe and France's need to speak loud in every corner of the earth. Pompidou quietly concedes that perhaps he may be considered more "accommodating" than the general.

LOW-KEY GAULLISM

In other words, as Mr. Nixon will discover, this is Gaullism in a low key or, in some senses, a French equivalent to the American President's own low profile approach. Pompidou himself acknowledges that perhaps this accords better with his "temperament" than the flamboyant diplomacy of de Gaulle.

Taken all in all, therefore, one should not anticipate any earth-shaking results when the two Chiefs of State discuss mutual problems for the first time. Neither low keys nor low profiles lend themselves easily to sensation. They do, however, facilitate the careful repair of flaws in past understandings. And they could in the long run provide the basis for future harmony.

[From the New York Times, Feb. 15, 1970]

EXCERPTS FROM INTERVIEW WITH PRESIDENT POMPIDOU ON FRENCH FOREIGN POLICY

PARIS, February 14.—Following are excerpts from an interview with President Pompidou conducted Tuesday by C. L. Sulzberger, foreign-affairs columnist of The New York Times. The translation from the French was prepared by The Times and approved by Mr. Pompidou.

Q. Would you tell me what your Middle East policy is? Moreover, was the sale of planes to Libya simply to insure France's position in the Mediterranean and access to oil?

A. Anyone can see that France is seeking ways to reconcile the assertion that Israel has an absolute right to exist, to function freely and to live in peace within safe, recognized borders, with our refusal to recognize Israel's right of military conquest.

NAZI KILLINGS RECALLED

Everyone should understand that France has not forgotten the Nazi martyrdom of European Jews, including French Jews, whose courage during the ordeal earned the admiration of all our people. However, France also intends to maintain and develop its ancient ties with most of the Moslem world and more particularly with the Arab countries.

In the Middle East crisis, France wants and seeks only peace—a peace which I believe is indispensable to everyone and first of all to Israel. This is why we have placed the embargo on the shipment of arms to all the countries in the field of battle. The fact that at first this affected Israel in particular is correct. But since then all these countries have received increasingly powerful arms, sometimes from one nation, sometimes another, but never from France.

SHIFT IS POSSIBLE

On the other hand, why should we refuse to fulfill the requests of countries that are not in the field of battle? To let others take our place? What would the cause of peace gain by that? It goes without saying that if the situation of such and such a country changed and that such a state decided to enter into the battlefield, then our attitude toward armaments would change as well.

As far as the Libyan affair is concerned, we do not consider Libya directly involved in the conflict between Israel and a certain number of countries, including Egypt. Naturally, Libya is Egypt's neighbor and an Arab nation. The Libyan leaders have made declarations of solidarity with the other Arab countries. All this is true. To maintain that there is no relationship would be contrary to the truth.

But France has treated this affair separately for two reasons: First, our ties with the countries of North Africa and the Maghreb, of which Libya is not an integral part but to which it is far from foreign. Because of French interests in the Maghreb, our economic, cultural and intellectual position in that region, we cannot dissociate ourselves from Libya.

As long as she was tied to the Anglo-Saxon countries under the regime of King Idris, we never tried to make our presence particularly felt in Libya. But the day she offered and requested more cooperation, our entire North African policy obliged us to reply favorably.

"FRANCE'S DUTY TO HERSELF"

The second reason is that if we weren't there, others would move in. Consequently, we consider that it is France's duty to herself, and also to all the western Mediterranean, to look after those interests common to European and Mediterranean countries.

We are not going to seek Libyan oil; we buy oil from Libya, of course, but we are not seeking to expand our position as regards oil especially in Libya. I repeat, it is a country located at our very door and at the door of the Maghreb; it is a country whose oil resources are important for Europe as a whole, not only for France. It is a country whose strategic position is important.

We therefore think that it was not only our interest and our right but also our duty to fulfill the request of the Libyan Government.

Q. When you speak of other influences, do you mean primarily Soviet influence?

A. It could be Soviet influence if you wish, but I am not trying to offset any particular influence. I simply say that, placed as we are in Western Europe and in the western Mediterranean, our interest and our duty are to maintain a presence in these areas rather than to let others move in without our participation.

Q. According to published reports, you have asked for a guarantee that the planes in question will not be used in the war in Palestine. Has the Libyan Government promised anything in this respect?

A. We have promises concerning the transfer and assignment of the planes.

Q. Then I ask you this: There was a federation between Egypt and Syria, which did not last very long; if there were a new federation between Egypt and Libya, would there be a way of blocking delivery of the planes?

A. First of all, I believe that Libya is Libyan, I believe that its current relations with the United Arab Republic, the Sudan, etc., are very good, but I believe deeply that it is Libyan and that as the new regime gets its bearings, it will discover that Libyan interests are not identical to those of its neighbors. Thus, it will be looking more and more for ways to preserve its autonomy. I am not alone in this opinion.

In the second place, your hypothesis is possible, of course, but the time it will take to deliver the planes, to train the pilots, and, consequently, to create a Libyan air force, will give us time to see whether Libya will evolve the way I believe or otherwise. Thus, we retain the right to freedom of judgment.

Q. Has the Government of Tripoli promised France to refuse sanctuary to the rebels of Chad?

A. We have simply reminded the Libyan Government that it is surrounded by states that are our friends, but this applies to Tunisia and Niger as well as Chad. Moreover, to my knowledge, there is no Libyan aid to whatever uncontrolled movement might exist in Chad.

A QUESTION OF STRATEGY

Q. I knew that for several years French generals have considered a strategy for NATO, which would prevent the Russians from reaching the Atlantic Ocean by turning NATO's flank through Africa. Do you believe that France's position in Libya eliminates the possibility of thus turning the European flank through Africa?

A. First, I would like to say that our policy is not dominated by the hypothesis of a conflict between the West and the U.S.S.R. You know that on this point our ideas as well as our actions emphasize bettering East-West relations. As for this strategic hypothesis, one can only hope that it will continue to remain nothing more than just that—a hypothesis.

In considering the hypothesis, one need only look at a map, to realize that if a power wanted to attack Europe from the east, it could do so from the north or the east, of course, but also from the south. I would compare it to what happened during the Cuban missile crisis. At the time it was said that Russia wanted to attack the underbelly of the United States. To a certain extent the Mediterranean is the underbelly of Europe.

NO PLANES FOR IRAQ

Q. May I ask you, Mr. President, whether there are any other plans for arms sales—to Iraq, for example—as has been mentioned in the press? There were reports on this which disappeared and then reappeared.

A. We are not selling planes to Iraq.

Q. There is also Greece, which of course is not an Arab country, where possibilities have been mentioned, especially in the Greek press.

A. If Greece wanted to buy French planes, and if we were in a position to supply them, I don't see why we shouldn't do so. But I fear that there will be competition.

Q. There are also plans for sales to Spain?

A. That is so.

Q. And how about Israel? Is there any chance in the future of reconsidering the current total embargo? I am thinking, for example, of spare parts.

A. I have nothing to add to all that I have said about this previously. I stand by all the statements I have made since taking office on this matter; they are in line with my present thinking. But the way in which the principles expressed in these statements are applied will, of course, be contingent upon circumstances and climate.

Q. Some flexibility would therefore be possible, depending on the climate?

A. I have no further comment.

Q. Do you believe that the four powers can impose peace in the Middle East?

A. It is conceivable that the four powers might agree on a plan and to decide to impose it. This would be possible physically, but psychologically it would be a bad formula. A peace imposed outright would have built-in weaknesses since neither the Israelis nor the Arabs would give it their wholehearted consent.

I do think that if they want to, the four powers can agree on a plan for a settlement. It should be possible, thanks particularly to the Jarring mission, that the peace achieved be accepted and not imposed. But this is becoming increasingly difficult because of the current escalation, which creates a climate less and less conducive to peace.

Q. Mr. President, do you detect in the most recent Soviet note any new possibilities or do you feel the door is even more tightly closed?

A. I think the latest Soviet note is moderate in the sense that it does not close the door but that it should be taken seriously.

Q. To change the subject, if we may, Mr. President, does France intend to remain a member of the North Atlantic alliance, or is there a possibility that it may one day denounce the treaty?

A. Absolutely not.

Q. Do you feel that a new relationship should be established between the United States and France, either within or outside the North Atlantic Treaty?

A. This may well be one of the issues that President Nixon will want to discuss with me, and my reply will largely depend on the position adopted by the United States.

NO PLANS ON NATO

As far as we are concerned, we have no plans to resume membership in the integrated NATO organization. We do, on the other hand, intend to pursue our relationship as allies with contacts and of course certain arrangements which now exist or may exist in the future.

As for bilateral cooperation between France and the United States, I personally doubt that the United States wants this.

Q. While on the subject of bilateral accords, would it be useful to have targeting agreement on the French deterrent and SAC, our nuclear force?

A. For the moment, happily, I do not think that either of us will have to use our nuclear forces. Consultations on targetings are obviously feasible, but I want to emphasize that France built a national striking force with the precise intention of enjoying full freedom of decision.

I think that this is consistent with its immediate national interests and even more so with developments at large, be they geographical or related to the development of strategic forces—not only our own but those of the United States and of the Soviet Union.

STRATEGY OF DEFENSE

Q. I am under the impression that, even under President de Gaulle, the French General Staff had given up the strategy of defense from all directions which had been so heavily publicized three or four years ago. Is that correct?

A. I read that The London Times had me completely revising France's nuclear strategy.

Q. That's something else. General Fourquet [French Chief of Staff] wrote a few months ago in the National Defense Review that the philosophical basis of French strategy was no longer "from all directions." Can you confirm this?

A. These are possibilities rather than a philosophical basis.

Q. Mr. President, do you believe Britain will become a member of the Common Market, that the British people are willing to pay the price, and that France will accept this if the British are willing to pay the price?

A. This obviously depends on how the British people and Government feel about it, but I am working on the hypothesis Britain will come in.

Q. You don't anticipate a veto on the part of British public opinion, which might view the deal as too costly?

A. I don't think so; but anyway that's not my problem.

Q. Mr. President, I remember that in 1963, when you were Prime Minister, you told me that Britain had an obvious role to play, that the English should be in Europe, for historical and geographical reasons. Do you still hold this view?

A. I certainly do; I think that Britain and Europe both stand to gain.

EQUAL PARTNERS

Q. You also told me that the day would come when the United States and Europe should work together as equal partners and that it would then be possible to settle some problems currently arising between the United States and Europe.

A. I'll stand on that and would like to add that President Nixon seems closer to that kind of thinking than maybe his predecessors were. Admittedly, Europe is still lagging behind economically, technically and in other fields, especially if you take each country separately. It is up to the Europeans to fill the gap and to take concrete steps along the path which, it appears to me, the Americans have outlined.

Q. What are the main points of disagreement between the United States and France?

A. If you are referring to major problems such as relationships among nations and the way people live within these nations, I would say that there is no disagreement.

Interests are bound to be divergent because of geography, of our respective forces and potential. Disagreement often applies less to the final objectives than to the ways in which they can be achieved. When we talk about Vietnam or about the Middle East, it is rather on procedures than on aims that we tend to differ. But nothing fundamental separates us.

FIRST MEETING WITH NIXON

Q. Do you think that your trip to the United States will lead to the solution of certain problems, besides the fact that it will reaffirm traditional friendship between the two countries?

A. I am a great believer in meetings and rediscoveries. I say "meetings" because I have never met President Nixon personally and because I think it is important that the President of the United States and the President of France should know each other.

When I say "rediscovery," I am thinking somewhat of disagreements which may have arisen between France and the United States a few years ago.

I think that this trip will give us an opportunity to talk very frankly about all our problems. The franker we are, the closer we will probably find ourselves.

Q. It has often been said that there is a special relationship between the United States and Britain, more special than, for example, the old alliance between France and the United States. Is this true or is it a myth?

A. I believe this exists, there is a "special relationship" between Britain and the United States, based above all on the Atlantic position of the United Kingdom and the British Commonwealth, with such countries as Canada and Australia, even closer to the United States than to Britain itself. There is a common language, which constitutes an important link and then there is a special military relationship.

Q. Can this relationship be replaced, shortly, by a new relationship between Britain and Europe?

A. I assume that this is Britain's intention in seeking Common Market membership.

Q. Do you think the creation of a French-British nuclear force would be useful?

TIME IS NOT RIGHT

A. We haven't reached that stage yet, and Mr. Wilson has rejected that idea.

Q. The idea exists, but perhaps this is not the right moment?

A. It is certainly not the right moment.

Q. There has been much talk about differences which reportedly exist between your foreign policy and that of General de Gaulle. Do such differences really exist?

A. In the first place, France being France, our basic needs remain necessarily the same. General de Gaulle's policy was not unnatural. It was imposed by the needs and the fundamental interests of France.

As far as the rest is concerned, of course there are differences. These come from a certain number of events which have taken place, for example, in the economic and monetary fields, changing France's position today from what it was three years ago.

There is what General de Gaulle has called the personal coefficient which by his prestige he himself contributed to French policy. All of this creates a difference. There is a tendency to say that I am more accommodating. However, I would not like to be less firm in insisting upon what I consider our national interest, the interests of Europe and the interests of peace. I cannot act differently with regard to these fundamental points.

THE POMPIDOU POLICY

Q. Certain observers have stated that the Pompidou policy is more dynamic in Europe and in the Mediterranean than was previously the case, and less so in distant points; it has even been said that this policy is more realistic. Is this the case?

A. I do not know if it is more realistic. Perhaps it corresponds a bit better to my temperament.

Q. I have read with a great deal of interest about results of your conversations with Chancellor Brandt. Do you think it would be possible to find a formula for confederation between the two Germanys in order to avoid the crises which occur regularly—the problem of reunification?

A. You must know that we have often encouraged the German Government to seek a détente with the East, emphasizing that it was in such an eastern détente that one could hope to find a solution to the German problem.

Among the positions taken by Chancellor Brandt, there is one which I particularly approve—in which he recognizes, with a great deal of political courage, that the question of German reunification is not today's problem; I feel this problem of the relationship between the two Germanys requires a long-term, progressive and prudent approach. Furthermore, it is on such a basis that Chancelor Brandt is negotiating at this time with the Soviet Government.

Q. Are you optimistic about the possibility of an accord, or is it too early?

A. The problem is to know whether, in these conversations, West Germany and the U.S.S.R. will limit themselves to a pragmatic approach or whether they will attempt to resolve questions of principle. Of course, should they seek to solve questions of principle, success will be more difficult to achieve.

Q. From time to time one hears talk of the dangers of neo-Nazism not only in West Germany but also in East Germany. Is this a question that worries France?

A. Quite frankly, at this time, I do not believe the problem disturbing.

Q. Is France in favor of the European security conference?

A. Our position on this matter is well known. We are in favor of a European security conference and we believe that such a conference could be useful.

However, in order to be effective it must be preceded not only by diplomatic preparation but by what I would call psychological preparation, to provide a favorable climate so that such a conference could be of practical value. But the idea itself is good.

DIFFICULTIES EXPECTED

Q. With a great deal of difficulties beforehand?

A. With difficulties beforehand, yes. But where do these not exist?

Q. Do you feel that, in the interest of the status quo in Europe, it is necessary to forget the occupation of Czechoslovakia?

A. What happened in Czechoslovakia is part of something against which France has been fighting for a considerable time, that is to say, the policy of blocs. We still feel that the closer the contacts are, the more ties will develop, the more an atmosphere of détente will be established and this type of procedure will appear to anybody as unnecessary and undesirable.

Q. I have been told—and I am not sure if this is correct, this is why I ask you—that you are also planning an official trip to the U.S.S.R. in the course of 1970. Is this correct?

A. Yes. I will be going to the Soviet Union in the autumn of 1970.

Q. For how long?

A. This has not yet been decided.

Q. Is there any question of new political relations between France and Russia?

A. We are continuing a normal path.

FOREIGN POLICY REPORT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. BUSH) is recognized for 10 minutes.

Mr. BUSH. Mr. Speaker, I was particularly impressed with the section of

President Nixon's foreign policy report dealing with Communist China. No one who has had even a passing acquaintance with his record can accuse President Nixon of being sentimentally optimistic when it comes to dealing with the Communists. He knows them. And knowledge in this case is power: power to deal with the complexities of the relationship between this giant state and our own.

The fact is that President Nixon is the one American today who could make a reappraisal of our Red China policies—and still have the support and the trust of the American people. He does not promise a millennium; he does not try to smooth over grave and perhaps at this time even irreconcilable differences. He simply states the fact: Red China is there. Within the context of our commitment to freedom and to peace, what are we going to do about it?

His answer is simple and bold at the same time. We are going to try to improve practical relations with Peking.

This no Utopian scheme. This is not one of those head-in-the-sand visions of friendly relationships between a dictatorial regime of immense strength and sinister outlook and a free people. It is simply a realization of the need for a beginning—a beginning based on realistic appraisal of the facts—a beginning that could lead to better hopes for peace in the world.

FEDERAL-STATE PARTNERSHIP IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. STEIGER) is recognized for 5 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, recently a former Johnson administration official, who served during the development of the Elementary and Secondary Education Act of 1965, observed that the act may well have been put together backwards.

As my colleagues know, title I of the act provides for a major effort on the part of the Federal Government to meet the educational needs of disadvantaged children. Title II provides for library resources, textbooks, and other instructional material; title III for the development and implementation of exemplary educational programs which would otherwise be unavailable to or untried by local school districts; title IV provides for educational research and training; and title V provides for grants to strengthen State departments of education. These were the titles of the original act. Congress put the major emphasis and most money into title I. We rushed into title I full speed ahead. The results have been sporadic, to say the least.

What if we had reversed the titles and emphasis on the titles and first strengthened State departments of education, then emphasized research and training, third, set up demonstration projects and provided books and other instructional materials? Would we have been better able today to carry out a meaningful and effective title I program? There is no easy answer to this question.

The lesson, however, is behind us. As many Republicans on the Education and Labor Committee observed in their minority views on the recent amendments to ESEA, "we believe that the entire Federal role in education is overdue for a searching evaluation in the context not only of our total educational needs, but of total national needs for public services of all kinds and the tax structure upon which all this rests."

The deputy superintendent of the Wisconsin Department of Public Instruction has written an excellent paper on Federal-State partnership in education in the 1970's. Recognizing that "interrelationships and interdependence between levels of government—local, State and Federal—have become more complex than they were only a few years ago," Mr. Buchmiller has set forth recommendations for complementing State and Federal roles in education. He says:

The State and Federal roles must reinforce each other and wherever possible avoid conflict and duplication in educational leadership and the administrative machinery needed to carry out joint endeavors.

I urge my colleagues to review Mr. Buchmiller's thesis which I include at this point as part of my remarks:

A GOAL FOR THE 1970'S, CONSENSUS ON THE FEDERAL-STATE PARTNERSHIP IN EDUCATION

(By A. A. Buchmiller)

The decade of the 1960's witnessed a vigorous renewed interest by the federal government in the educational affairs of states and local school districts. This interest is directed toward a national commitment for full educational opportunity for every citizen. It is also used as an instrument of intercession to ameliorate complex social problems in American society.[1] The Vocational Acts of 1963 and 1968, the Economic Opportunity Act of 1964, and the Elementary and Secondary Education Act of 1965 (with subsequent amendments) are examples of both of these basic purposes.

There appears to be general acceptance of the notion that education is an investment in the development of human capital which is essential to social and economic growth. Benson pointed to the importance of using education as a vehicle for social development when he said:

"Throughout the world, both philosophers and men of affairs appear to have reached consensus on this point: education is a major force for human betterment."[2]

Unfortunately, the employment of education as an instrument of social change was accompanied by unrealistic expectations relative to the time required to overcome deep-seated social ills and in the underallocation of the financial resources needed to fulfill these expectations. One has only to look at the authorized level of funding in Title I of the Elementary and Secondary Education Act of 1965 as a prime example. While the fact cannot be ignored that financial resources are in short supply, it must also be acknowledged that the priorities used to allocate our financial resources are also a function of our value system or a matter of choice.

Another aspect of the entry of the federal government in local educational affairs during the 1960's was the trend for increasingly complex administrative procedures at the federal, state, and local levels. These procedures (frequently modified by amendments to the congressional enactments, changes in administrative rule by USOE and multiple agency approval) taxed the capability of local school districts to respond effectively. An example of the increased complexity of the administrative process may be found in a Bureau of the Budget Bulletin[3] dated July 24, 1969, requiring metropolitan, regional, and state planning commission approval. The lack of flexibility in much of the legislation prompted the Committee for Economic Development to conclude that:

"Sweeping initiations by the national government resulted in local governments tending to become administrative mechanisms for implementation of national policies rather than dynamic centers of authority in their own right."[4]

These trends frequently come in direct conflict with long standing traditions of autonomy and home rule by state and local governments. Confronted by the pressure for change from every direction, the glue of tradition does not provide or maintain the orderliness and coordination needed in our educational planning and administration. The interrelationships and interdependence between levels of government (local, state, and federal) have become vastly more complex than they were only a few years ago, it cannot be otherwise in a society which is itself complex and changing. As a result the struggle of redefine and accept changes in long-standing roles produces as much disagreement as it does agreement. Little consensus seems to be surfacing which would establish the "new educational partners" in secure or recast roles. It results in a slowdown in building on existing educational strengths and infusing needed changes in our educational enterprise. In a period of rapid change, marking time or slow progress has negative long-range implications for future educational, social, and economic well-being.

Historians may characterize the decade of the 1960's as one of turmoil and the beginning of a new era of federal-state responsibility and cooperation in education. Increasing urbanization, population mobility and changes in our economic structure all point to a reordering of our priorities. Already many are pointing to a fiscal crisis in education for the 1970's and the need to equalize educational costs between local school districts, the states, and the federal government.

If one accepts the assumption that a new cooperative educational responsibility is needed, then logically one must also assume that a viable state-federal partnership must be developed to maximize the delivery of educational programs, services, and resources in order to attain the highest level of educational productivity possible within existing limitations and constraints. The state and federal roles must reinforce each other and wherever possible avoid conflict and duplication in educational leadership and the administrative machinery needed to carry out joint endeavors. The federal agencies stand in relation to the states as the state stands to local school districts and each must develop its unique capability and most effective role.

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[1] Professor Burton A. Weisbrod of Washington University emphasizes this relationship in his research and writings.

[2] Charles S. Benson, *The Economics of Public Education* (Boston, Mass., Houghton-Mifflin, 1961), p. VII.

[3] Robert P. Mayo, Director, Bureau of the Budget, Circular No. A-95, Subject: Evaluation, review, and coordination of Federal assistance programs and projects (Washington, D.C., U.S. Government Printing Office, July 24, 1969).

[4] Committee for Economic Development, *Modernizing Local Government to Secure a Balanced Federalism* (Washington, D.C., Committee for Economic Development, July, 1966), p. 9.

While the states may be faulted on their performance in the past, it must be acknowledged that legislation passed by the congress has significantly altered the role of state departments of education in recent years. Financial resources available for the administration of federal programs and especially earmarked funds provided under Title V, Section 503, of the Elementary and Secondary Education Act of 1965 infused new strength and capability into state departments of education. It should also be noted that appropriations have not been increased in order to maintain and expand this initiative, and increased costs threaten to erode the gains already made by these agencies. Perhaps no other educational investment by the federal government is more important than to maintain and expand the leadership capability of state departments of education for delivering the benefits of congressional enactments and fulfillment of national educational priorities. Forrester's[5] observation for urban vitality is equally analogous for internal state educational policy.

The need is urgent and time critical to achieve greater consensus covering the major missions of education and the redefinition of state-federal roles which will promote the delivery of educational opportunities to *all* of our citizens. To this end the following brief initial statement of common educational missions and roles is suggested.

[5] Jay W. Forrester, *Urban Dynamics* (Cambridge, Mass., The M.I.T. Press, 1969) p. 120. "Outside help for the city cannot be sustained forever if the effort is directed toward an unnatural goal that the city itself cannot *maintain*, to say nothing of *achieve* on its own." (Italics mine.)

THE MISSIONS AND ROLE OF THE STATE AND FEDERAL PARTNERS FOR ELEMENTARY AND SECONDARY EDUCATION

MISSION	FEDERAL LEVEL	STATE LEVEL
1. To assure full and equal educational opportunity for all citizens.	1. Provided by interstate leadership and allocation of resources to states: (a) leadership and technical assistance to *state educational agencies* in areas of the national interest. (b) assessment of educational performance and productivity in cooperation with each state educational agency. (c) grants-in-aid to state educational agencies to assist in providing technical assistance and services at and from the state level and annual increases which maintain such level of services. (d) leadership for interstate compacts and cooperation. (e) human rights and nondiscrimination (federal and interstate).	1. Provided by intrastate leadership and allocation of resources to school districts: (a) leadership, technical assistance and *services to local school districts* in areas of federal and state interest. (b) establishment of educational standards, accreditation of schools and licensure of qualified professional staff which are employed by local school districts. (c) assessment of educational performance in cooperation with federal interests. (d) establishment of experimental and cooperative programs and the operation of special schools and regional service centers. (e) educational auditing. (f) human rights and nondiscrimination (intra-state).
2. To stimulate and coordinate educational research for improvement of education.	2. Allocate federal funds for research, demonstration and dissemination activities at a level of two to five percent the amount of funds provided the states for general support: (a) to institutions of higher education. (b) to state education agencies. (c) to local schools. (d) to other organizations and agencies. The focus of research should be on new discovery, development and experimentation in areas common to the national interest and to the majority of the states.	2. Allocate state funds for research, experimentation, evaluation and dissemination at a level of two to five percent of the amount of funds provided by the state for general support to local school districts. The major focus should be on: (a) collection and dissemination of data. (b) experimentation and demonstration of new methods. (c) operational research. (d) program evaluation. (e) provide technical assistance to local districts.
3. To achieve an equitable allocation of financial resources for local school district and state educational agency operational costs.	3. (a) *Local School Districts:* Twenty percent of the national average per pupil operating costs should be provided to each state on the basis of census age children between 4–19 years of age. Sixty percent of the total be distributed to local school districts on a per capita basis and forty percent on an approved state equalization basis. (b) *State Educational Agencies:* A minimum flat grant and percentage of total funds received adequate to provide for necessary administration of federal funds within the state.	3. (a) *Local School Districts:* A minimum of forty percent of state average per pupil operating costs provided by the state to local school districts through an equalization formula which recognizes need, minimum educational opportunity and local effort. (b) *State Educational Agency:* Full costs to administer and audit the administration of state and federal revenues.
4. To provide financial assistance programs to meet high priority needs.	4. Adequate full funding of special programs to achieve high priority goals within a period of ten years or less, administered by individual state plan administration in each state approved by USOE, which are gradually phased into regular operations: (a) urban education. (b) educationally disadvantaged. (c) vocational education. (d) handicapped. (e) facilities and equipment. (f) professional training.	4. Seventy percent state funding of special programs to meet priority state needs and/or to provide special services at the local level: (a) emphasis on comprehensive programs for the handicapped. (b) residential schools (fully state-financed). (c) educationally disadvantaged. (d) facilities and debt retirement. (e) teacher education.
5. To promote and provide for the dissemination of educational information.	5. To provide clearinghouse centers for the dissemination of research, educational information, statistics and programs to the States, institutions of higher education, etc. The dissemination of information should be through State educational agencies and other organizations relating to educational improvement. (a) operate or contract for centers. (b) provide technical assistance to States. (c) provide grant-in-aids to State agencies to maintain State dissemination centers.	5. Collection and dissemination of educational information to schools, agencies, and to the Federal Government. The State educational agency should be the primary clearinghouse on educational information in the State. (a) maintain State information and dissemination centers. (b) provide services to local school districts. (c) collect and transmit educational data to other agencies (State and Federal).
6. To encourage and promote interstate cooperation on educational policy, administration, and common problems.	6. Promote interstate cooperation and activities for resolving problems which are common to states through: (a) conferences and workshops. (b) grants-in-aid for cooperative action. (c) technical and consultative assistance to states.	6. Provide for state participation in interstate projects and related intrastate coordination. (a) cooperation and participation in interstate projects and concerns. (b) initiating and administering interstate grants to resolve common problems.

THE MISSIONS AND ROLE OF THE STATE AND FEDERAL PARTNERS FOR ELEMENTARY AND SECONDARY EDUCATION—Continued

MISSION	FEDERAL LEVEL	STATE LEVEL
	(d) mobilize and coordinate activities in the national interest.	(c) providing assistance and advisory input to federal agencies regarding state needs, federal policy and administration of federal programs.
7. To cooperate with the world family of nations in areas of common educational interest.	7. Foster educational cooperation between nations through: (a) information programs. (b) technical assistance. (c) reciprocal training and study exchanges.	7. Cooperate with federal agencies in the coordination of federal programs in international education: (a) cooperate in intern and foreign study exchanges. (b) participate in technical assistance missions.

CRIME AT OUR PORTS OF ENTRY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I hope this Congress will concern itself with protecting the ports of entry in our country from the increasing infiltration of organized crime. Organized crime has more than a foothold in business concerns operating on the waterfront in the Port of New York. Large-scale pilferage and theft of cargo is also a problem on the waterfront. Moreover, Attorney Gen. John Mitchell recently stated that at one of the major airports, and it is commonly believed he was referring to the John F. Kennedy Airport in New York, there is an annual half-billion-dollar loss as the result of pilferage and thefts.

My examination of the New York/New Jersey Waterfront Commission established 17 years ago with the approval of Congress indicates that the commission is not doing an adequate job in keeping organized crime off the waterfront. Moreover, the scope of its activities are limited solely to the waterfront and there are other ports of entry, such as JFK, which are not under the control of any State or Federal agency whose purpose it is to root out and prevent organized crime from gaining and maintaining influence at those sites.

I believe that the time has come for the Federal Government to consider legislation with the following priorities in mind:

First, the prevention of pilferage or grand theft from cargo whether from airports or seaports.

Second, the prevention of an infiltration of legitimate waterfront and airport business by elements of organized crime by the use of licensing power over those engaged in interstate commerce.

Third, the creation of Federal standards of cargo protection and the creation of freight security areas in both airports and seaports.

The activities of organized crime places a great burden of additional cost upon the consumer. It is clear that increased costs resulting from business monopoly, fraudulent practices and cargo theft are ultimately passed on to the consumer.

On February 12, I issued a statement on the activities of the New York/New Jersey Waterfront Commission which I insert at this point so as to acquaint our colleagues with that disturbing situation:

STATEMENT BY CONGRESSMAN EDWARD I. KOCH REGARDING ELIMINATION OF ORGANIZED CRIME ON THE WATERFRONT

The Waterfront Commission is not using its licensing powers to keep organized crime off the waterfront. If the bi-state agency governing the Port of New York lacks the will to fight organized crime, it may become necessary for the Federal government to step in and do the job instead.

Last year the Waterfront Commission went to Albany and Trenton and asked for legislation giving it licensing powers over companies performing services incidental to the movement of waterborne freight. The legislation was specifically aimed at companies under the control of, or associated with, organized crime. These companies included Erb Strapping under the control of the Vito Genovese family which has a practical monopoly in port handling and inspection of meats, and Court Carpentry and its successor C. C. Lumber, the largest marine carpentry company on the waterfront, which previously maintained illegal business relationships with labor leader, Anthony Scotto.

The legislation was passed in July 1969 and became effective September 2, 1969. Curiously, the Commission has done next to nothing since then. Erb Strapping and C. C. Lumber are still on the waterfront having been given temporary licenses without any hearings on their qualifications or lack of them. William Sirignano, Executive Director and General Counsel of the Commission, testified in Albany last year that these companies had already been "intensively" investigated, and yet today they continue to operate with temporary licenses. There is no excuse for this Commission inaction. Hearings should be held without further delay.

In view of recent reports of organized crime activity on the waterfront involving large scale container thefts, the continuance of gambling and business monopolies and the casual Commission attitude in the Passalacqua case, it is time for Gov. Rockefeller, in consultation with Gov. Cahill, to shake up the Commission's executive hierarchy and get something done. If that means removing Commissioner Kaitz and Mr. Sirignano—so be it.

If the Commission does not use its new licensing powers and if New York and New Jersey do not take steps to restore the Commission to its former prestige—then it will be time for the Congress to consider the establishment of Federal control and the utilization of licensing powers to break the hold of organized crime on the waterfront.

ALABAMA SCHOOLS

(Mr. NICHOLS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, of all the issues that concern Alabamians, and there are many, there is no single issue on which I receive more mail than on Alabama schools. I get letters and more letters and my phone rings daily from some concerned parent or school official telling me of the damage being inflicted on public education from the unworkable demands of both HEW as well as the courts. A few days ago I met with more than 150 Alabama high school principals at a breakfast meeting and these career school people poured out their understandable concern to me and told me of the extreme difficulties they were experiencing in attempting to carry out the mandates of the court. Alabama school people are to be commended in their efforts to impart knowledge to our boys and girls under conditions that are most difficult under the harassment of our Government.

This past Sunday, I attended the meeting held at the Birmingham Auditorium attended by former Gov. George Wallace, Senator ALLEN, Congressman GEORGE ANDREWS, and Congressman WALTER FLOWERS of our own delegation. An estimated 10,000 concerned parents from throughout the State were present. Representatives of six States came to serve notice that we intend to insist on freedom of choice in education.

The conflict goes far beyond the matter of integration but involves the busing of children a considerable distance to be schooled. In my judgment methods being used are in contradiction to the will of the Congress, who in clear and unmistakable language wrote into the 1964 Civil Rights Act as follows:

Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

In another section of the same act is the following language:

Desegregation shall not mean the assignment of students of public schools in order to overcome racial balance.

This is the law passed by the Congress and I have consistently maintained the courts are wrong in their interpretation.

What Alabamians are insisting upon is freedom of choice. They want to be able to send their children to any school within a given school district and this freedom of choice of course applies equally to both races. As a matter of fact, last fall an outstanding black high school student came to me speaking for his student body asking our efforts to preserve their school and I have letters from the teachers and trustees of this school who strongly objected to the closing of their school of which they were very proud. They told me that their buildings were relatively new however, despite my efforts in their behalf, the school was closed and this young man was moved to a school which was not his choice. This student was a senior and would have graduated this year. His principal at the new school told me that the boy, in his new environment, became despondent, dropped out of

school and has taken a job outside of the community.

It is not good business to bus students away from their communities against their wishes nor to transfer teachers and pupils alike in midyear to a school contrary to their wishes. Nor is it good business to abandon expensive school grounds to grow up in weeds and bushes. This problem needs further study by legal experts so that the laws passed by Congress may be carried out.

On Tuesday of this week, Members of the House from the Southern States whose schools have been most disrupted met with Alabama Gov. Albert Brewer, Georgia Gov. Lester Maddox, Louisiana Gov. John McKeithen, and Mississippi Gov. John Bell Williams. We hope that from this meeting will come some common ground on which we can all work toward bringing about a return to local control of our school systems.

Last year, I placed in the CONGRESSIONAL RECORD a number of letters from students, parents, teachers, and community leaders who objected to the closing of the St. Clair County Training School by the Federal courts. This was an all-Negro school, and because no white students chose to attend it under the freedom-of-choice plan, the court decreed that it would be closed altogether and the students were sent to other already overcrowed schools.

I would like at this time to place in the RECORD a few of the many hundreds of letters I have received in the last few weeks. These letters reflect the feelings of parents and teachers in my congressional district over the situation that exists in the public schools of Alabama.

The letters follow:

FEBRUARY 4, 1970.

THE SUPREME COURT BUILDING,
Washington, D.C.

GENTLEMEN: Today was February 2nd and Jefferson County, Alabama was forced to integrate contrary to our understanding of the 1964 Civil Rights Act. This was your doing.

When the ruling was handed down it was done without any consideration whatsoever to the children or teachers. Was September 1970 so far away? Better yet, why was it not done in September 1969? Oh, it probably would have met opposition but the mass confusion and needless upsetting of the children and teachers involved would not have come about. This is happening now.

Today the children came to school wondering if their teachers would be there. Our teachers still do not know who will be transferred as of this time. They know who is eligible and must go through the agony of waiting and wondering. This waiting is most unfair, mentally, on the teacher as well as the children.

We *are not* against integration. We *are for* everyone's child receiving the best possible education. We *are not* for school disruptions, teacher changing, readjustments or student busing during the middle of a school year with the only goal in mind to achieve racial balance. Thanks to you gentlemen this is what our second grader is receiving. I call it very unfair and undemocratic.

We live in an area we chose to live in and expect our children to attend the school here, not somewhere else; because we feel this should be their right. At no cost to the taxpayers, (of which we are two) we transport our children to and from school.

It seems to us during the past several years our freedoms are diminishing. Our constitution is slowly losing its meaning because it says one thing but does not evidently mean that for everyone. If the constitution was enforced for all persons as it was originally written, we do not believe all the current civil rights legislation would be necessary. By a court ruling, by you, a matter becomes word and law and you could care less what the public thinks and wants. Respect for you has gone way down.

Where are your children or grandchildren going to school? In some exclusive private one someplace where there are *no* problems and won't be. Why isn't ours going to one? Because, we believe in the public school system, or did, and prefer it over a private one. Our children deserve the best and if it is at all within our means will get it.

Our teachers don't want to leave their present classrooms at this time of the school year. They are conscientious teachers who also can see the harm of switching midstream. Our feeling is this, they don't have the freedom of teaching where they wish, thanks to you.

Freedoms? The American People are slowly losing theirs. Washington has power but wants more. The more they control, the more they want.

We came to Alabama from a northern state less than a year ago so our family is not native southerners. Frankly the south and its problems didn't faze us one way or the other. Now we are here and involved and our views and opinions have changed tremendously. Most of them have been of our government in Washington.

We don't expect this letter to be read by anyone sitting on the Supreme Court benches, and because you gentlemen do not hold an elective office, you do not have to answer to your constituents, but we have said what we started out to say and thank the good Lord we still have that freedom.

Sincerely yours,

Mr. and Mrs. RICHARD D. GREEN.

SYCAMORE, ALA.,
January 19, 1970.

Congressman BILL NICHOLS,
Washington, D.C.

MY DEAR SIR: I am very concerned about the school system here in the South and I feel I should write to you on this subject.

I have no children in school, but I do have nieces and I feel everyone should speak out. What I cannot understand—along with most of the people—is where our Freedom of Choice has gone. Not only the white people but the Black as well.

The Federal Government says they have to mix in school. Well, most of the white and black people have accepted this. But why bus white children 20 blocks or 20 miles to a black school or bus black children the same way. Not only the Freedom of Choice for the students have been taken away, but for the teachers as well. They have no choice either. They have to teach where they are told to teach. Why? Because the Federal Courts say you do it this way or no Federal aid. What is Federal aid? It is taxes that every day working men and women pay. White and Black. It is their money to be used for the good of education, not to ruin it. And that is what is going to happen.

Take a case in the city of Talladega. I'm sure you read it in the Talladega Daily Home Paper. This Black woman's children could walk to school and come home for lunch, therefore saving this family money they needed for other things. There was six or seven of the children. She went to see the circuit judge and he said there was nothing he could do. By law he could not. So they bussed her children completely across town to a white school. Now I ask, Where did this Black woman's Freedom of Choice go, as well as, her children?

I'm proud I'm a Southerner and I hope to live here the rest of my life, but it looks as if someone somewhere with authority has a grudge against the South.

The main issue in the South today is giving the Freedom of Choice back to the people.

Thank you. I remain,
Yours truly,

BETTY BARNETT.

MARIN JUNCTION, ALA.,
February 4, 1970.

Hon. BILL NICHOLS,
House Office Building,
Washington, D.C.

HONORABLE BILL NICHOLS: I am very much concerned citizen of Marian Junction, Dallas County, Ala., and am interested in the affairs of Alabama to be handled by the efficient official staff of Alabama.

I feel this "Inforced School Situation" on the few Southern States is "discrimination." All States should be treated alike, the way I see it. To me this is not according to the Constitution of the United States. I do not call this "Civil Rights" nor "Freedom of Choice" which Constitution calls for.

Please do something about this situation.

Sincerely,

Mrs. W. C. EDWARDS.

PINSON, ALA.,
January 31, 1970.

Mr. BILL NICHOLS,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MR. NICHOLS: We do appreciate your earnest and sincere efforts on behalf of our state and nation in these trying times.

May we now ask you to work for laws requiring freedom of choice in all public schools in all fifty states.

Zoning and busing, etc. work more hardships on both races here and everywhere in the nation. Quality education is going "down the drain" if Congress does not take immediate steps to correct this unhappy and needless situation.

We urge you and your colleagues to please save our public school system!

Sincerely yours,

Mr. and Mrs. DON H. VEAL.

SELMA, ALA.,
February 7, 1970.

Hon. WILLIAM NICHOLS,
House of Representatives,
Washington, D.C.

DEAR MR. NICHOLS: I am enclosing a Xerox copy of an article which appeared in the Selma Times Journal on February 5, 1970. This article is by David Lawrence in whom I have implicit confidence as an interpreter of legal documents, etc. In this article he refers to various sections of the Civil Rights Act of 1964, such as 407, 408, 409 and 410. I am sure you are familiar with every phase of these and other sections on the subject of "racial imbalance," busing school children, etc.

Mr. Nichols, please enlighten me on the subject of some of these laws. Not only does Mr. Lawrence state what the Constitution permits but emphasizes certain items here which are strictly forbidden by it. What I would like to know is why Federal Judges as well as the Supreme Court continue to rule in violation of these provisions and no one ever seems to question their decisions.

Personally, I feel that there is no system which is more equitable than "freedom of choice," without coercion, when it comes to placement of pupils in our public schools.

Thank you.

Sincerely,

W. H. SLAUGHTER.

[From the Selma Times-Journal, Feb. 5, 1970]

FREE CHOICE IS LAW

(By David Lawrence)

WASHINGTON.—The Constitution of the United States specifically says that Congress

may by law limit the jurisdiction of the Supreme Court. Congress recently has passed such a law, forbidding the courts to issue any order to achieve "racial balance" in the schools by busing. The Civil Rights Act of 1964 says:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the courts to insure compliance with constitutional standards."

In another section of the same act is the following provision:

"Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

In the 1969 appropriations act of the Department of Health, Education, and Welfare, there were two sections that dealt with the forced busing of students. These provide:

"Section 409. No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

"Section 410. No part of the funds contained in this act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

In 1970 appropriations act for the Department of Health, Education, and Welfare, which has been vetoed by President Nixon, these sections were revised to read:

"Section 407. Except as required by the Constitution, no part of the funds contained in this act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

"Section 408. Except as required by the Constitution, no part of the funds contained in this act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

After President Nixon's veto of the bill, it went back to a House appropriations subcommittee. The phrase "except as required by the Constitution" makes the two provisions valueless because there is nothing in the Constitution that directly or indirectly deals with the compulsory busing of school children. The Civil Rights Act of 1964 states broadly the power of Congress to forbid the use of public funds to correct "racial imbalance," but it has to be proved that this is a result of a state law or deliberate discrimination locally.

What the people everywhere are insisting upon is "freedom of choice" insofar as the districts in which they reside are concerned. They want to be able to send their children to any school within a school district, but they cannot, under court orders, object to children of other races attending the same schools. The parents, however, do not feel their own children should be required to go to a distant school to correct "racial imbalance." Congress has specifically ruled against this remedy and has, in effect, prohibited not only the courts from issuing such an order but also the Department of Health, Education, and Welfare from carrying out any such instructions of the courts.

This problem certainly needs further study, particularly by legal experts, so that some solution in conformity with "the law of the land" may be found. (c)

TAKE PRIDE IN AMERICA—NO. 29

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. In 1967, Americans sent 76,593,000,000 pieces of mail. This was over seven times more than the United Kingdom, the second leading mailer in the world, which sent 10,918,000,000 pieces.

VIETNAM CASUALTY REPORT: THE DOWNWARD TREND

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include a report.)

Mr GERALD R. FORD. Mr. Speaker, I am sure all Americans will be gratified to learn of the extent to which President Nixon's Vietnamization program is working to reduce U.S. combat casualties in Southeast Asia.

Although there are some who apparently believe the President's program is a program only in name, an article by James D. Hessman and Margaret Berkowitz in the February 14 issue of the Armed Forces Journal proves, through an analysis of U.S. casualty statistics over the past 2 years, that U.S. combat deaths have been dropping significantly since the start of the Vietnamization program.

There were some 5,000 fewer U.S. combat deaths in Vietnam in 1969 than there were in 1968, Mr. Speaker. More important, as the Armed Forces Journal points out in its well-researched and carefully-documented article, the rate of U.S. casualties, both dead and wounded, has been steadily downward for the past 6 months.

While this has been accomplished, as the Journal article also proves, the military forces of our South Vietnamese allies have been steadily improving to the point where they are now, with continued U.S. support, of course, demonstrably winning their war of attrition against the North Vietnamese aggressors.

I commend to my colleagues the best statistical documentation and analysis of the downward trend of U.S. casualties in Vietnam which has come to my attention.

The article follows:

[From Armed Forces Journal, Feb. 14, 1970]

VIETNAM CASUALTY REPORT: THE DOWNWARD TREND

(By James D. Hessman and Margaret Berkowitz)

President Nixon is winning, dramatically and demonstrably, his battle to reduce U.S. combat casualties in Vietnam, and the domestic political impact in the election year of 1970 could be enormous.

Data compiled by the Armed Forces Journal from various official U.S. source documents reveal that:

U.S. forces in Vietnam suffered some 5,227 fewer combat deaths in 1969—President Nixon's first year—than in 1968. There were 9,365 U.S. combat deaths in 1969 compared to 14,592 in 1968. The 1969 total, in fact, is even a shade less than the total of 9,378 combat deaths suffered by U.S. forces in 1967.

The number of U.S. combat wounded also was down—almost 23,000—in [illegible]: 69,943, compared to 92,920 in 1968.

More important, there is now evident a steadily downward *trend* in the U.S. casualty statistics: In the first half of 1968, President Johnson's last year in office, U.S. forces suffered an average of 362.3 battle deaths per week. In the second half of 1968 this figure dropped to 188.2 per week, but climbed again in the first three months of 1969, after Mr. Nixon was sworn into office, to a disheartening 253.2 per week figure, before tailing off slightly in the second quarter of 1969 to 235.8 per week.

In the third quarter of 1969, presumably after the Nixon/Laird "Vietnamization" program had taken better hold, U.S. combat deaths dropped significantly lower—to 130.6 per week. The downward trend continued in the fourth quarter as U.S. combat deaths dropped to 90.7 per week. Thus, despite an ominous start, the 177.6 per week combat death average for all of 1969 was almost 100 per week below the 275.3 average in 1968.

South Vietnamese Armed Forces deaths, after soaring to an alarming 1,043.1 per week peak in the second quarter of 1969, also have dropped considerably. The ARVN lost an average of 355.7 men per week in the third quarter, and 347.5 men per week during the fourth quarter of 1969. This is less than 35% of the fearful second quarter toll.

Enemy deaths also have dropped, but not so steeply as have allied deaths. The Viet Cong and North Vietnamese forces lost a combined 3,007.6 men per week last year, not appreciably lower, on a percentage basis, than the 3,684.2 men per week they lost in 1968. Perhaps of more significance are the individual third and fourth quarter statistics, which reveal that, at a time when both U.S. and ARVN combat losses were decreasing, enemy combat deaths were *increasing*—from 2,371.5 deaths per week in the third quarter of 1969 to 2,384.7 deaths per week in the fourth quarter.

THE CHANGING KILL RATIOS

Underscoring the varying rates of change in the allied and enemy casualty statistics are the morbid and controversial but in many respects useful "kill ratios," which show that:

(1) The ratio of enemy dead to allied dead—5.06 in 1968—climbed to 5.28 in the fourth quarter of 1969. The ratio had peaked at 6.74 in the first quarter of 1969 but, in the second quarter, when the Vietnamization program was first getting underway, plummeted to 2.76—a change which created considerable concern among allied planners. The 4.30 ratio for all of 1969 still was somewhat lower than the 5.06 ratio in 1968, but the trend was steadily upward.

(2) The ratio of enemy dead to U.S. dead was up appreciably—from 12.59 in 1968 to 16.94 in 1969. Here again the absolute figures tell only half the story. What is of greater importance is the trend of the ratio, which has increased steadily over the past two years: from 12.34 in the first half of 1968, to 13.06 in the second half of 1968, to 14.54 in the first quarter of 1969, to 15.22 in the second quarter, to 18.49 in the third quarter, and finally to 26.29 (over twice the second half 1968 ratio) in the fourth quarter of 1969. In U.S. political terms the significance here is not so much the absolute kill ratio as such, but the politically potent fact that the ever more favorable ratio is but one more reflection of the dramatic reduction in U.S. combat casualties during the first year of the Nixon Administration.

(3) The ratio of enemy dead to ARVN dead also shows a steady if not spectacular up-

ward trend. The enemy/ARVN ratio—8.79 in 1968—climbed to 13.39 in the first quarter of 1969, when South Vietnamese forces were relatively inactive. The ratio dropped sharply, to 3.44, in the second quarter, but climbed back up to 6.66 in the third quarter and edged up still higher, to 6.86, in the fourth quarter. The continuing upward trend at a time when South Vietnamese forces are assuming more and more of the combat burden must necessarily give pause to North Vietnamese planners, who undoubtedly hoped to fare much better against the ARVN than they have so far against U.S. forces.

A HAPPY CONTRAST

The long range picture beginning to emerge is in happy contrast to the grim prospects which faced President Nixon after his first six months in office. In an earlier analysis of the comparative Johnson/Nixon casualty statistics (2 August 1969, a time when most press reports were headlining a "lull" in combat activity), the Journal pointed out that U.S. combat deaths had, in fact, increased some 30% in the first six months of the Nixon Administration (compared to the last six months of the Johnson Administration), that the enemy/allied kill ratio had dropped significantly during the same period, and that the ARVN were suffering heavy and perhaps politically—and therefore militarily—fatal combat losses.

CAUSE FOR CONCERN

Despite the more encouraging trends of the longer range 12-months statistics, however, there still are numerous reasons for concern:

In each of the last two years, U.S. combat deaths in the first half of the year were more than double the number in the second half. An increase in U.S. casualties in the first half of 1970, therefore, although such is unlikely, would not be without recent historical precedent.

U.S. combat casualties, while decreasing, are still high—9,365 dead and 69,943 wounded in 1969. Even if the combat death rate holds at the current 90.7 per week mark (1,105.1 wounded per week) the U.S. still would suffer over 62,000 more casualties—including some 4,600 deaths—over the next 12 months.

Total U.S. combat deaths are now over 40,000, and the wounded total is approaching the 275,000 mark. And the higher the casualty lists climb the greater the cumulative frustration of the American public. For this reason, although recent polls shows the majority of U.S. citizens back President Nixon's handling of the war, it is still quite possible that Hanoi may once again try, through a new escalation of combat activity, to win by political means what it patently cannot achieve militarily.

A WAR OF ATTRITION

This latter possibility is considered most unlikely, however. U.S. planners concede that the enemy could, by concentrating his forces and by accepting heavy losses, achieve certain short term military successes. But it is now considered almost impossible for the North Vietnamese/Viet Cong, after losing close to 600,000 men in the war—some experts have calculated that the North Vietnamese combat death rate now exceeds their birth rate—to mount a sustained offensive for any significant duration of time.

Even if they did, President Nixon has several times warned, without getting into specifics, that he would be willing to take whatever "appropriate action" is necessary to counteract a new enemy offensive, if and when. (A number of observers believe such "appropriate action" by the President would include a resumption of the bombing of North Vietnam.)

If the enemy were foolish enough to escalate the war once again, despite the Nixon warning, it would of course mean a higher degree of combat intensity for a while, but it also likely would lead to a much heavier U.S. offensive which could, in turn, bring the war to a final screeching halt.

HANOI'S DILEMMA

It is Hanoi, rather than Washington or Saigon, which now finds itself caught in a dilemma. If it escalates the war, it could precipitate an unacceptably harsh U.S. reaction. On the other hand, if it bides its time to build up its own strength, it will continue to lose on the battlefield, and it will at the same time give the South Vietnamese leaders more time to further build up the capabilities of their own rapidly improving military forces and to consolidate their still shaky but improving political situation.

This is not all. Hanoi has other problems. Among them:

(1) The increasingly bitter intramural row between the USSR and Communist China could—and possibly already has—led to a considerable reduction in the flow of supplies to North Vietnam as the two Communist superpowers retrench to build up their own forces.

(2) With the death of Ho Chi Minh the North Vietnamese lost an irreplaceable leader who, whatever his true characer, possessed a charisma and a reputation unmatched by few other men in the world, and certainly not by any of his successors.

(3) Because of their bungling of the POW issue and their truculence in Paris, the North Vietnamese have lost a good share of the puzzling moral strength they possessed among those nations who for various reasons good and bad have refused to condemn Hanoi for its attempt to subjugate South Vietnam.

(4) Within the United States itself public opinion has rallied behind the President, a result 180 degrees from what the Communists expected—much credit for this, of course, must be given to the President's adroit handling of domestic criticism with his 3 November speech of last year, now considered by many to be the high point of Mr. Nixon's first year in office.

All of the above factors indicate that time now is definitely on the side of the U.S. and its South Vietnamese allies, and very much against North Vietnam.

It is impossible, and would be exceedingly foolish, to predict with any certitude the certain end of an always unpredictable war.

But it seems safe to say that all the indicators of final combat success are now, perhaps for the first time, pointing uniformly to ultimate allied victory.

WEEKLY AVERAGE OF VIETNAM CASUALTIES

	U.S. combat deaths					U.S. wounded					Non-U.S. combat deaths		
	Army	Navy	USMC	USAF	Total	Army	Navy	USMC	USAF	Total	ARVN	Free world forces	Enemy
Rate in President Johnson's last year:													
1st half, 1968	227.5	11.6	119.2	5.0	362.3	1,468.5	68.8	750.2	22.2	2,309.7	542.9	23.7	4,471.1
2d half, 1968	125.5	6.2	54.5	2.1	188.2	795.9	45.8	364.1	7.9	1,213.7	244.8	13.9	2,458.6
1968 total	175.9	8.9	86.9	3.5	275.3	1,132.4	57.3	557.1	15.1	1,761.7	393.9	18.8	3,464.8
Casualty rate to date under President Nixon:													
1st quarter, 1969	167.2	9.3	73.8	2.1	253.2	1,287.7	78.8	478.3	14.8	1,859.7	275.3	18.5	3,684.2
2d quarter, 1969	176.3	5.5	50.8	3.2	235.8	1,222.7	49.3	364.2	8.9	1,645.2	1,043.1	17.4	3,590.2
1st half, 1969	171.8	7.4	62.3	3.0	244.5	1,255.2	64.1	421.1	11.9	1,752.4	659.2	17.9	3,637.2
3d quarter, 1969	91.5	3.5	32.2	3.4	130.6	764.1	33.5	298.9	8.6	1,105.1	355.7	16.5	2,371.5
4th quarter, 1969	70.4	3.3	15.1	1.9	90.7	538.7	26.2	114.8	4.9	684.5	347.5	13.8	2,384.7
2d half, 1969	81.0	3.4	23.7	2.7	110.8	651.4	29.9	206.9	6.7	894.8	351.6	15.1	2,378.1
1969 total	126.4	5.4	43.0	2.9	177.6	953.3	47.0	314.1	9.3	1,323.6	505.4	16.5	3,007.6

Note: 1st half 1968: Jan. 20 through July 20, 1968. 2d half 1968: July 21, 1968 through Jan. 18, 1969. 1st quarter 1969: Jan. 19, 1969 through Apr. 19, 1969. 2d quarter 1969: Apr. 20, 1969 through July 19, 1969. 3d quarter 1969: July 20, 1969 through Oct. 18, 1969. 4th quarter 1969: Oct. 19, 1969 through Jan. 17, 1970. 1st half 1969: Jan. 19, 1969 through July 19, 1969. 2d half 1969: July 20, 1969 through Jan. 17, 1970.

Year	Killed in action	Wounded or injured: Died of wounds	Wounded or injured: Nonfatal wounds	Missing: Died while missing	Missing: Returned to control	Missing: Current missing	Captured/interned: Died while captured	Captured/interned: Returned to control	Captured/interned: Current captured	Summary: Combat deaths: From aircraft: Fixed wing	Summary: Combat deaths: From aircraft: Helicopter	Summary: Combat deaths: Ground action	Total deaths
1961–62	20	1	81	21	7					24	7	11	42
1963	53	5	411	20	3					23	35	20	78
1964	112	6	1,039	28	2		1			39	38	70	147
1965	1,130	87	6,614	151	12		1	3		111	88	1,170	1,369
1966	4,179	517	30,093	309	22		3			168	185	4,655	5,008
1967	7,482	981	62,025	911	12		4	5		173	287	8,918	9,378
1968	12,588	1,636	92,920	367	26		1	26		250	631	13,711	14,592
1969[1]	8,081	1,160	69,943	119	10	932	5	16	422	164	632	8,659	9,365
Total	33,645	4,393	263,126	1,926	94	932	15	50	422	952	1,903	37,124	39,979

[1] As of Dec. 27, 1969.

TOTAL VIETNAM COMBAT CASUALTIES

	1st Half 1968 [1]	2d Half 1968	Total 1968	1st Quarter 1969	2d Quarter 1969	1st Half 1969	3d Quarter 1969	4th Quarter 1969	2d Half 1969	Total 1969
U.S. combat deaths (all services)	9,420	4,894	14,314	3,292	3,066	6,358	1,698	1,179	2,880	9,235
Republic of Vietnam armed forces deaths	14,117	6,365	20,482	3,579	13,560	17,139	4,624	4,518	9,142	26,281
Free world forces deaths	615	363	978	240	226	466	214	179	393	859
Total deaths, all allied forces	24,152	11,622	35,774	7,111	16,852	23,963	6,536	5,876	12,415	36,375
Enemy deaths	116,251	63,920	180,171	47,894	46,672	94,566	30,829	31,001	61,830	156,396
Ratio of enemy dead to allied dead	4.81	5.49	5.06	6.74	2.76	3.95	4.72	5.28	4.98	4.30
Ratio of enemy dead to U.S. dead	12.34	13.06	12.59	14.54	15.22	14.87	18.49	26.29	21.47	16.94
Ratio of enemy dead to Republic of Vietnam Army dead	8.24	10.04	8.79	13.39	3.44	5.52	6.66	6.86	6.76	5.95

[1] Inclusive dates are the same as in the table on page 19, i.e., 1st half 1968–20 Jan. 68 through 20 July 68, etc.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of Tennessee (at the request of Mr. FULTON of Tennessee), for today, February 19, and Friday, February 20, on account of official business.

Mr. HENDERSON (at the request of Mr. FULTON of Tennessee), for today and remainder of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DENNIS) to revise and extend their remarks and include extraneous material:)

Mr. WILLIAMS, for 10 minutes, today.

Mr. FINDLEY, for 10 minutes, today.

Mr. HOSMER, for 10 minutes, today.

Mr. BUSH, for 10 minutes, today.

Mr. STEIGER of Wisconsin, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. DIGGS, for 15 minutes, today.

Mr. RYAN, for 60 minutes, on February 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN.

Mr. HOLIFIELD and to include an editorial.

Mr. BUCHANAN following the remarks of Mr. MIZELL.

Mr. HOGAN immediately following Mr. JONAS during general debate today.

Mr. CUNNINGHAM, to revise and extend his remarks prior to the remarks of Mr. MICHEL.

Mr. FLOOD, to revise and extend his remarks on H.R. 15931.

Mr. MICHEL to include tables and extraneous matter with his remarks made today in the Committee of the Whole on H.R. 15931.

(The following Members (at the request of Mr. DENNIS) and to include extraneous material:)

Mr. KLEPPE.

Mr. SPRINGER.

Mr. UTT in four instances.

Mr. BROTZMAN.

Mr. SCHERLE in two instances.

Mr. BROCK.

Mr. BOB WILSON.

Mr. BROOMFIELD.

Mr. MATHIAS in two instances.

Mr. WATSON.

Mr. STEIGER of Wisconsin.

Mr. WYDLER.

Mr. DEVINE in two instances.

Mr. WHALLEY.

Mr. REID of New York in three instances.

Mr. PRICE of Texas.

Mr. PELLY in two instances.

Mr. CRAMER in three instances.

Mr. HUNT.

Mr. WYMAN.

Mr. SAYLOR.

Mr. DERWINSKI.

Mr. MIZE.

Mr. GOLDWATER.

(The following Members (at the request of Mr. JONES of North Carolina) and to include extraneous matter:)

Mr. LONG of Maryland in two instances.

Mr. FISHER in four instances.

Mr. MOORHEAD in five instances.

Mr. FOUNTAIN in three instances.

Mr. RODINO in two instances.

Mrs. GRIFFITHS.

Mr. LOWENSTEIN in six instances.

Mr. BOGGS.

Mr. SCHEUER in two instances.

Mr. YATRON.

Mr. BIAGGI in 10 instances.

Mr. GONZALEZ.

Mr. UDALL in eight instances.

Mr. WOLFF in four instances.

Mr. CHARLES H. WILSON.

Mr. PURCELL.

Mr. KOCH in two instances.

Mr. PICKLE in eight instances.

Mr. CONYERS in five instances.

Mr. HARRINGTON.

Mr. HELSTOSKI in three instances.

Mr. ADDABBO.

Mr. STUCKEY.

Mr. DIGGS.

Mr. MURPHY of New York.

Mr. FRIEDEL in two instances.

Mr. KLUCZYNSKI.

Mr. O'HARA.

Mr. BROOKS.

Mr. FRASER in two instances.

Mr. PATMAN in three instances.

Mr. ULLMAN.

Mr. ASHLEY.

Mr. HAGAN.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System and for other purposes.

ADJOURNMENT

Mr. JONES of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, February 23, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clase 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1666. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature and estimated cost of certain facilities projects proposed to be undertaken for the Air National Guard and the Air Force Reserve, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1667. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of loans, insurance and guarantees issued in connection with U.S. exports to Yugoslavia for November and December, 1969, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS: Committee on Armed Services. H.R. 14322. A bill to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska; with an amendment (Rept. No. 91–842). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY (for himself, Mr. ANDERSON of Tennessee, Mr. BEVILL, Mr. BLANTON, Mr. BROCK, Mr. CARTER, Mr. DAVIS of Georgia, Mr. DUNCAN, Mr. EVINS of Tennessee, Mr.

FLOWERS, Mr. FULTON of Tennessee, Mr. JONES of Alabama, Mr. JONES of Tennessee, Mr. KUYKENDALL, Mr. QUILLEN, Mr. STUBBLEFIELD, Mr. WAMPLER, and Mr. WHITTEN):

H.R. 16061. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority; to the Committee on Public Works.

By Mr. HOSMER (for himself, Mr. BENNETT, Mr. BROWN of Michigan, Mr. BUCHANAN, Mr. BUTTON, Mr. BYRNE of Pennsylvania, Mr. CAREY, Mr. CLEVELAND, Mr. COUGHLIN, Mr. GARMATZ, Mr. GUDE, Mr. HORTON, Mr. KUYKENDALL, Mr. LOWENSTEIN, Mr. OLSEN, Mr. PETTIS, Mr. REIFEL, Mr. ROBISON, Mr. RODINO, Mr. ROE, Mr. SCHEUER, Mr. SMITH of California, Mr. STEIGER of Arizona, and Mr. WEICKER):

H.R. 16062. A bill to amend the Wagner-O'Day Act to extend the provision thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

By Mr. ADAIR (by request):

H.R. 16063. A bill to increase the rates of pension and income limitations under the Veterans' Pension Act of 1959; to the Committee on Veterans' Affairs.

H.R. 16064. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADEMAS (for himself, Mr. REID of New York, Mr. DENT, Mr. BELL of California, Mr. DANIELS of New Jersey, Mrs. MINK, Mr. HANSEN of Idaho, Mr. MEEDS, Mr. SCHEUER, and Mr. GAYDOS):

H.R. 16065. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended; to the Committee on Education and Labor.

By Mr. BURKE of Massachusetts:

H.R. 16066. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTTON:

H.R. 16067. A bill to make the armed robbery of gasoline stations a Federal offense; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 16068. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 16069. A bill to amend title 38, United States Code, to provide survivor benefits for military career personnel; to the Committee on Veterans' Affairs.

By Mr. CORMAN (for himself, Mr. TUNNEY, Mr. REES, Mr. JOHNSON of California, Mr. CHAPPELL, Mr. SISK, and Mr. ROYBAL):

H.R. 16070. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 16071. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DANIEL of Virginia:

H.R. 16072. A bill to amend the Federal Power Act in order to provide for the regulation of the amount of project reservoirs storage capacity that may be allotted for water quality control; to the Committee on Interstate and Foreign Commerce.

By Mr. DERWINSKI:

H.R. 16073. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON (for himself, Mr. BUTTON, Mr. DENT, Mr. DULSKI, Mr. HATHAWAY, Mr. HOSMER, Mr. O'NEILL of Massachusetts, and Mr. RODINO):

H.R. 16074. A bill to amend the tariff adjustment and adjustment assistance provisions of the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. HASTINGS:

H.R. 16075. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. HATHAWAY:

H.R. 16076. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia:

H.R. 16077. A bill to provide a program of pollution control in selected river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional management associations for the construction of waste treatment facilities; to the Committee on Public Works.

H.R. 16078. A bill to enlarge the classes of persons eligible for servicemen's group life insurance, and to improve the administration of the program; to the Committee on Veterans' Affairs.

H.R. 16079. A bill to amend the Internal Revenue Code of 1954 to further project the privacy of individual taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 16080. A bill to exclude from gross income the first $750 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

By Mr. KEE:

H.R. 16081. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. LENNON:

H.R. 16082. A bill to amend the Fisheries Protection Act; to the Committee on Merchant Marine and Fisheries.

By Mr. MIZELL (for himself, Mr. BUCHANAN, Mr. BURKE of Florida, Mr. DEL CLAWSON, Mr. COLLINS, Mr. CRANE, Mr. DERWINSKI, Mr. DICKINSON, Mr. DOWDY, Mr. EDWARDS of Alabama, Mr. JONES of North Carolina, Mr. ROBERTS, Mr. SCOTT, Mr. WILLIAMS, Mr. ZION, and Mr. FLOWERS):

H.R. 16083. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

By Mr. MOORHEAD:

H.R. 16084. A bill to authorize assistance under the section 236 program, the rent supplement program, and the public housing program for dormitory-type housing designed for low-income single individuals; to the Committee on Banking and Currency.

By Mr. MURPHY of New York:

H.R. 16085. A bill to amend the National Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. PODELL:

H.R. 16086. A bill to provide for a comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 16087. A bill to prohibit the involuntary busing of schoolchildren and to adopt freedom of choice as a national policy; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 16088. A bill to amend section 105 of the Clean Air Act to authorize increased grants to be made to certain air pollution control agencies not now eligible therefor; to the Committee on Interstate and Foreign Commerce.

H.R. 16089. A bill to amend title II of the Social Security Act to increase the maximum amount of the lump-sum death payment; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 16090. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 per cent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona:

H.R. 16091. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. STUBBLEFIELD:

H.R. 16092. A bill to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act; and for other purposes; to the Committee on Agriculture.

By Mr. WAMPLER:

H.R. 16093. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CHARLES H. WILSON (by request):

H.R. 16094. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 16095. A bill to provide for the conveyance of certain real property of the United States to the Yankton Sioux Tribe; to the Committee on Government Operations.

By Mr. EDWARDS of California:

H.R. 16096. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 16097. A bill to amend the Internal

Revenue Code of 1954 to encourage the construction of, and investment in, housing; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon:

H.R. 16098. A bill to promote the advancement of postsecondary education through continuation of existing programs of assistance to postsecondary institutions and their students, through the institution of new programs, and for other purposes; to the Committee on Education and Labor.

By Mr. HOSMER (for himself, Mr. BROCK, Mr. CHAPPELL, Mr. FEIGHAN, and Mr. FRELINGHUYSEN):

H.R. 16099. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind; and for other purposes; to the Committee on Government Operations.

By Mr. KEITH:

H.R. 16100. A bill to amend the act of August 7, 1961, to extend the life of the Cape Cod National Seashore Advisory Commission; to the Committee on Interior and Insular Affairs.

By Mr. MEEDS:

H.R. 16101. A bill to amend section 117 of the Internal Revenue Code of 1954 to exclude from gross income up to $300 per month of scholarships and fellowship grants for which the performance of services is required; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 16102. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 16103. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16104. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16105. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16106. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16107. A bill to amend the act of June 29, 1888, relating to the prevention of obstructive and injurious deposits in the harbor of New York, to provide for the termination of certain licenses and permits; to the Committee on Public Works.

By Mr. TAYLOR:

H.R. 16108. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall end on the last Sunday of September of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Ohio (for himself and Mr. MYERS):

H.R. 16109. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16110. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16111. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16112. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16113. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16114. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16115. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. BRINKLEY:

H.J. Res. 1087. Joint resolution proposing an amendment to the Constitution of the United States relating to the tenure in office of Supreme Court judges; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.J. Res. 1088. Joint resolution authorizing the President to proclaim the week of May 4 through May 10, 1970, as "National Black Business Week"; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.J. Res. 1089. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.J. Res. 1090. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.J. Res. 1091. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

H.J. Res. 1092. Joint resolution proposing an amendment to the Constitution of the United States to change the age qualifications of Members of the House of Representatives and Senators; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself and Mr. GOLDWATER):

H. Res. 842. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mrs. GREEN of Oregon (for herself, Mr. ANDERSON of Tennessee, Mr. BLATNIK, Mr. COLMER, Mr. DANIELS of New Jersey, Mr. DELANEY, Mr. DENT, Mr. EDMONDSON, Mr. FLYNT, Mr. GALIFIANAKIS, Mr. GAYDOS, Mr. GIBBONS, Mr. HAYS, Mr. HOLIFIELD, Mr. JONES of North Carolina, Mr. KARTH, Mr. LANDRUM, Mr. PEPPER, Mr. SISK, Mr. TEAGUE of Texas, Mr. ULLMAN, Mr. WRIGHT, Mr. YOUNG, Mr. KLUCZYNSKI, and Mr. UDALL):

H. Res. 843. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

By Mr. ICHORD:

H. Res. 844. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BROWN of California introduced a bill (H.R. 16116) for the relief of Veronica Castillo de Mallari, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

398. The SPEAKER presented a petition of Daniel Edlor Leveque, Sheboygan, Wis., relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Thursday, February 19, 1970*

The Senate met at 10:30 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, the light of all that is true, and the glory of all that is beautiful, in the hush of this morning moment may Thy presence envelop all our thoughts. We thank Thee for every holy impulse, every noble desire, and every inmost yearning which leads us to Thyself. We beseech Thee to make this place an arena of high service and holy living. Take not our burdens from us but give us strength to carry them. Keep us close to Thee and if the way grows dark and the course unclear, light up our pathway with Thy truth that we fail Thee not. Impart Thy grace and truth to each of us that we may be good enough and wise enough for our times.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 18, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered on yesterday, the Senator from Alaska (Mr. STEVENS) is recognized for 30 minutes.

S. 3477—INTRODUCTION OF A BILL RELATING TO OIL IMPORT PROGRAM

Mr. STEVENS. Mr. President, I have listened with great interest to the extensive discussions and expressions of legitimate concerns voiced by my colleagues who have spoken on this Nation's oil import policy. The problems

and issues surrounding the formulation of an intelligent and workable policy are complex. This complexity has created a tendency to rely on easily understood myths rather than on sound, although complicated, analyses of the facts.

I know few problems which have greater long-range effects, both upon the security of this Nation and the stability of our economy, than the oil policy we shall set for ourselves in the next few months. Therefore, it is essential that we cut through the myths and mini-answers, both of which may be superficially attractive, and begin a careful and thorough analysis of the facts surrounding our oil industry. An issue of this importance can receive no lesser attention than a full and open discussion by all interested segments of our society of every relevant facet of this problem.

The legislation I want to discuss today concerns our mandatory oil import quota program which, I feel, has served our Nation well for the past 11 years. This legislation retains the basic structure of the present program but provides certain significant modifications to accommodate anticipated changes in our increasing needs—changes necessary for a balanced supply of low-cost petroleum products for all these United States. My proposed legislation will, I hope, accomplish two purposes: First, it will provide a vehicle for public discussion, analysis and scrutiny of the issues and problems involved in establishing a national policy on petroleum. Second, enactment of this legislation will retain by legislative action a mandatory import quota system similar to the program which has proved to be workable.

Our present oil import quota program rests upon two premises: First, our domestic petroleum industry must be maintained to insure that this Nation has a reliable and adequate supply of petroleum to meet its domestic needs in times of national crisis. The second justification is that import controls are just as necessary to the economic well-being of our petroleum industry as they are to most of our other industries.

NATIONAL SECURITY

In 1956, the people of Great Britain faced a severe shortage of fuel and oil because of their dependence upon the petroleum and petroleum products of the unstable Middle East. When crude sources and supplies were denied the people of Great Britain, they were saved from a heatless and lightless winter only because our Nation was able to provide them with the petroleum products they so desperately needed.

This Congress cannot, in my opinion, leave the people of this Nation in a situation which could lead to conditions similar to those which the people of Great Britain were forced to endure in 1956.

The existing mandatory oil import control program was established by President Eisenhower in 1959 to provide for the national security by preserving a vigorous, healthy petroleum industry in the United States. In 1969, in a report to the President's Task Force on Oil Import Control, the Department of Defense certified the central importance of petroleum supplies to the national defense. They wrote:

> The very chance of success or failure in any conflict hinges on oil. As a matter of fact, the most striking point of commonality between the major weapon systems of the military departments is the thirst for oil.

They continue:

> United States domestic petroleum capability must be available to meet military need in case normal foreign sources are denied. These denials may take many forms. For example, a denial of a supply source in a normally friendly country, which may not at the time be in sympathy with our cause, can be just as final as the destruction of those sources by enemy action.

In the period after World War II and leading up to President Eisenhower's proclamation, this country experienced the Suez crisis of 1956 and expropriation actions in Iraq, Argentina, Cuba, and elsewhere. More than a decade later, in the wake of the Arab-Israel war and the Peruvian expropriations, it is not reasonable to look to the Middle East and conclude that those foreign supplies, which comprise 70 percent of the world's known reserves, are now secure. Nor is it rational to conclude that our relations with those nations will necessarily improve in the foreseeable future. It is my firm opinion that American foreign relations, particularly with the oil-rich Middle East, have not stabilized sufficiently in this decade to justify the abandonment of the mandatory oil import control program. It is essential to our national security.

Reason dictated our oil import policy over a decade ago; reason dictates that it be continued. The imperative of security is a two-edged sword: Not only must we avoid dependence on foreign oil sources, but we must also preserve the flexibility which only a strong domestic petroleum industry can provide. Our consumption of crude oil was 4.8 billion barrels in 1968. It will reach 6.7 billion barrels by 1980. In the next decade we must locate and develop an additional 46 billion barrels of reserves if we are to be able to meet that increased need. Our domestic, private petroleum industry must be strong enough to meet this challenge.

ECONOMIC CONSIDERATIONS

Some of the concern expressed by my colleagues who have spoken on this issue has focused on the cost of controls which will keep this country safe from the effects of dependence on an unstable foreign oil supply. As a citizen of the State of Alaska, which has the highest cost of living in the United States, I join in the concern that oil costs be held as low as our national security will allow. And, I am equally concerned that the cost of oil products be properly determined and rightly assigned. To accomplish this complex task, our discussion must uncover in detail the economic impact on all Americans of the controls established by our oil import quota system.

I would like to begin by discussing the dangerous myths that have arisen thus far in debate of this issue. The facts surrounding the cost of petroleum products are complicated, but when they are analyzed they are illuminating. These facts refute the facile statements which make for easy headlines and reveal the complexity and importance for this entire problem.

The two most often expressed myths surrounding the cost of the oil import control program are: That the cost of this system to the consumer is excessive and that excess profits are accruing to our domestic petroleum industry because of it.

COST TO THE CONSUMER

An examination of the price of gasoline in the United States reveals that—excluding taxes—the consumer of gasoline now pays 2.27 cents per gallon more—an increase of 10 percent—for the regular grade of gasoline than he did the year before the program was initiated which would have been 1958. The price of all consumer goods in the United States has risen approximately 28 percent since that time. The price of gasoline has risen only a third as fast as the average for consumer products. But even this statistic does not tell the whole story. Of that 2.27 cents increase in the price of gasoline, only 0.80 cent is attributable to a rise in the price from the refiner. The bulk of the increase in the consumer price is due to costs incurred by dealers and 2.02 cents per gallon increase State and Federal taxes.

When analyzed in light of the rising price of other consumer goods and increasing taxes and distribution costs, it is readily seen that the price of gasoline, during the period of the imposition of our present mandatory oil import control program, has remained extremely stable.

Much has been said about the price New England consumers must pay for their petroleum products. Blame has been assigned to the processors of crude oil. An analysis of the origins of consumer price increases in petroleum products will be helpful here. A March 1969 review published by the Chase Manhattan Bank offers this analysis of the New England petroleum situation:

> Somehow there has developed a widespread impression that petroleum products cost much more in New England than elsewhere in the nation because the region does not have any refineries. If this were true, the consumers of New England, or many other regions for that matter, would understandably have cause for complaint. But the impression is erroneous—it is based upon misinformation.
>
> Actually, prices in New England do not differ significantly from those in most other sections of the nation. Reflecting variations in the basic elements of cost, consumer prices naturally are not precisely the same everywhere—but the differences are usually minor.
>
> Let's look at the facts. Clearly the price of gasoline in Boston is not out of line (33.3 cents per gallon for regular in 1968 in New England versus 33.7 for the national average)—It is neither the highest nor the lowest, and is below the United States average. Because of the variation in local distribution

costs, prices in other parts of New England range slightly above or below the Boston level.

The report continues:

The tendency is to blame the oil industry for all price increases in the last decade. When an analysis of the price rise in Boston between 1963 and 1968 shows that a price increase of six cents a gallon is a result of a four and a half cent increase in the dealer margins, a one cent increase in taxes and only one-tenth of a cent increase in total crude, refinery, and transportation costs. . . . A comparison for other petroleum products will indicate a similar situation . . .

We can shed a little more light on the high cost of New England heating fuel products with a look at heating fuel costs there and elsewhere in the country. According to 1969 figures taken from the magazine "Fuel Oil and Oil Heat," the wholesale tank car price of No. 2 heating oils in New England was 11.50 cents per gallon, compared with 11.30 cents in the Middle Atlantic region, 11.60 cents in the South Atlantic region, 10.86 cents in the Midwest, 12.21 cents in the Far West, and a national average of 11.35 cents per gallon. Again, New England is neither the highest nor the lowest in wholesale pricing, and they are within fifteen one-hundredths of a cent of the national average. Retail prices, however, reflect the reason for the honest concern of the Northeast over heating costs. The consumer buys heating oil in New England for 17.80 cents per gallon, nearly a full cent over the national average of 16.86 cents per gallon and well above the rest of the Nation. The Middle Atlantic States pay 17.30 cents; South Atlantic, 16.40 cents; the Midwest, 16.50 cents; and the Far West, 16.30 cents.

The factor which forces the tank car price and the consumer price so far apart is the dealer/jobber or wholesaler's costs. Nationally, wholesalers collect a 5.51 cents per gallon, but in New England this figure is 6.30 cents, the highest in the Nation.

It seems apparent from all this that attempts to assess to oil producers the bulk, or even a good part, of the recent price increases is unfair. It is one of the easy answers which slights the facts and discredits an industry which has held the line while taxes and wholesalers' costs have soared. For most of the upward trends in product prices, we should look away from crude prices, which have remained relatively constant, to these significant increases in taxes and dealers' costs. In the case of Boston gasoline, the dealer costs on the regular grade went up over 5 full cents in the 6 years from 1963 through 1968, more than doubling, from 5 to 10.2 cents per gallon, while crude, refinery, and transportation costs together rose only one-tenth of a cent per gallon. These figures are difficult, but they tell the story. They say that, if we are looking to the producers of oil for an explanation of the rising price of oil, we are not looking in the right direction. We ought to look to taxation policies and to the causes for continuation of outmoded methods of local distribution.

A second factor in consumer costs which I want to discuss is the difference between apparent and real costs to the economy of our oil import quota program. The cost of the program has often been represented as the difference between the price the consumer pays for petroleum products under the program and the price he would pay if there were no program. The real cost of the program to the economy is not this apparent cost but rather the additional cost of producing the petroleum domestically over the cost of producing the petroleum in a foreign country. Recently my good friend, Russell E. Train, chairman of the President's Council on Environmental Quality, approached the problem this way:

There has been a great deal of confusion as to the meaning of the figures that have been used to describe the cost of the current oil import control program. Basically, two kinds of costs have claimed most of the attention

There is first, the cost to the consumer of the present program. This is measured by the increased price the consumer of oil products must pay because of the existence of an oil security program. . .

The cost of the program to the nation, often called the resource cost, measures the additional economic resources of labor, materials, equipment, and capital required to produce additional oil in the United States or to provide other forms of emergency oil supplies to the United States . . . This is a net cost to the economy that cannot be made to disappear by passing it around from one sector to another . . .

In the nature of the case, there is a large difference between these two cost figures due to the large element of transfer payments between various parts of the economy. Costs of the present program to consumers have been estimated as high as $7 billion based on 1975 use rates, compared with resource cost of about $1 billion annually. But it is this lower figure—the net cost to the nation after all the transfers from one American pocket to another have been wrung out—that is the true measurement of the premium we are paying to have a reliable oil supply in support of our national security. It appears quite modest in comparison with some of the other cost elements of our national security.

Thus, while the consumer may be paying a higher price for his petroleum products, the bulk of this additional cost is going to pay the wages and salaries of American petroleum industry workers who would be unemployed if the oil were derived from a foreign source. Those who feel as I feel about unemployment caused by cheaper foreign imports should consider carefully the effect any change in our current program will have upon employment in this country.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. STEVENS. I am delighted to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I think the distinguished Senator from Alaska is making a very important statement this morning. I only regret there are not more Senators present in the Chamber to hear what he says, because if they were to hear him and to understand and comprehend the full significance of the facts that have been talked about in connection with abandoning the mandatory oil-import program which we presently have, and substituting for it some of the proposals made by the task force, I am certain it would be abundantly clear to everyone what the Senator is saying, insofar as the impact on labor is concerned.

Mr. President, I am glad to note that American union leaders meeting in Miami Beach, Fla., recently recognized the threat of cheaply produced foreign imports and have called a conference in Washington, D.C., for next month to study what they call the crisis in foreign trade. One of them said that labor concern would run head on into some aspects of President Nixon's policy of expanding free trade by lowering world trade barriers. I certainly agree with the observation of the AFL–CIO leaders that a rising flood of imported goods is forcing some American firms out of business and pushing hundreds of thousands of U.S. workers onto unemployment and welfare rolls. I do not believe, however, that the President is blind to these warnings nor will he trade off what protection we have left for domestic industries that are now threatened by this rising flood of imports.

I have joined Senators from textile, steel, shoe, and meat producing States in an effort to stem this flow and restore some semblance of balance to our import-export trade and stop the outflow of U.S. jobs to the countries that produce these goods at a fraction of U.S. labor costs.

I have said before, and I repeat, that it is entirely inconsistent to me that we should have minimum wage laws on one hand and cheaply produced foreign imports displacing our more highly paid workers on the other.

It simply does not make sense to spend Federal funds for unemployment and welfare to the workers of an industry that has been disrupted or displaced by imports nor can the American consumer in fairness expect industry to do the impossible which is to sell to him at prices that would be profitable only if industry paid wages nearer the foreign level. Such a level of wages has been made illegal by the American consumer and his elected representatives in Congress through minimum wage laws, obligatory collective bargaining, and other laws.

And I would hope that some of my colleagues who continue to decry the evils of shoe, textile, and dairy imports would be as realistic as the union leaders in Miami Beach who did not single out particular imports that should be allowed to reduce certain prices but directed their study to any import that threatens American industry. This certainly includes the flood of cheap foreign oil that could wreck the domestic oil and gas industry and leave this country at the tender mercies of those nations in the Middle East that control most of the world's oil reserves.

Mr. President, I ask unanimous consent that an American Press article pub-

lished in the Kansas City Times of February 14, from which I have quoted, be printed at this point in the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEE PERIL IN IMPORTS: UNION LEADERS SAY THE INCREASING AMOUNT OF FOREIGN GOODS TO THE UNITED STATES IS DETRIMENTAL TO SOME AMERICAN FIRMS DUE TO WAGES—THEY NOTE CHEAP LABOR ABROAD NO PROFIT FOR BUYER HERE

MIAMI BEACH, FLA.—Union leaders said yesterday a rising flood of imported foreign goods is forcing some American firms out of business and pushing hundreds of thousands of U.S. workers onto unemployment and welfare rolls.

And, they said, consumers in this country get little or no price advantage because importers and retailers take the added profit from goods produced at lower foreign wage rates.

"The American consumer does not profit from cheap labor abroad," said Jacob Clayman, administrator of the AFL-CIO's Industrial Union department, embracing 60 unions with nearly half the labor federation's 13.6 million members.

Lester Null, president of the International Brotherhood of Potters, said that at the present rate American production of dinner ware would be completely dead in another five years and "the importers can then raise prices as high as they damn well please."

"We have to compete with workers in Hong Kong earning 15 cents an hour, workers in Japan earning 30 cents and workers in Spain earning 35 cents," Charles Feinstein, president of the International Leather Goods union, said.

"It makes you wonder who the hell won World War II," said Richard Livingston, secretary of the Carpenters union. He said Japanese wood imports have caused the layoff of 35,000 U.S. workers in Oregon and Washington lumber mills. Some mills have closed, he said.

The labor leaders, at a meeting of the AFL–CIO Maritime Trades department representing 27 unions with 7.5 million members, voted to join the Industrial Union department in a conference in Washington March 19–20 to study what they call the crisis in foreign trade.

Nathaniel Goldfinger, chief economist of the AFL–CIO, said the labor concern over imports would run head on into some aspects of President Nixon's policy of expanding free trade by lowering world trade barriers.

Paul Hall, president of the Seafarers' union and the maritime traders group, said the unions must work together to bring pressure on Nixon. "That's the name of the game, pressure," Hall said.

Mr. HANSEN. Mr. President, I think the Senator from Alaska is making a very worthwhile, a very substantial, a very important, and a very critical contribution to a subject about which the average American knows all too little. I can only say that I am most appreciative and extremely proud of the very fine contribution the Senator from Alaska has made.

Mr. STEVENS. I thank the Senator from Wyoming.

Mr. President, a further undesirable effect of purchasing large quantities of oil from foreign sources would be the worsening of our balance of payments and liquidity of assets situation. The U.S. balance of trade, upon which this Nation relies to keep its balance of payments in order, has declined from a high of $6,987,000,000 in 1964 to only $1,262,000,000 in 1969. If we now alter our policy toward oil imports and begin importing large amounts of foreign oil, we will almost surely turn this surplus into a deficit.

The Commerce Department recently announced that our liquidity balance for 1969 showed a deficit of $7 billion. This means that there is in the hands of foreign private citizens and corporations 7 billion more American dollars in liquid assets than the citizens of this country hold in foreign liquid assets. To correct this imbalance in our liquidity position, we need to have foreign citizens purchase more of our goods, and we must refrain from purchasing as many of theirs. This will create a more favorable balance of trade and eventually restore a balance to our liquidity situation. It is clear that, at a time when we need to increase exports and decrease imports, it makes no sense to abolish our oil-import quota system and open the floodgates and our wallets to foreign oil. An increase in quotas at this time would have a most undesirable effect on our balance of trade and a disastrous effect on our liquidity balance and balance-of-payments situation.

THE ACTUAL PROFIT OF THE PETROLEUM INDUSTRY

There is another myth in this area—the persistent notion that our domestic producers reap and keep fantastic profits. This myth suggests we could slash prices and still have a competitive domestic petroleum industry. If our present system had brought windfall profits to the petroleum producers, it should have shown up in their percentage earned on invested capital. But in 1968, the average return on the net assets of petroleum companies was 12.9 percent, less than the 13.1 percent returned on the average by all manufacturing industries. Figures for the past 10 years show that the net return earned by oil producers has been below the average of other manufacturing industries consistently throughout the decade. One hundred thirty companies engage in the exploration, development, and production of crude oil in this country. There is no dominant company, not even a big three or big five; 30 different oil companies account for over half of the crude production and the largest among them supplies less than 10 percent of the total.

That is the description of competitive industry. We cannot give any less attention to the needs of domestic petroleum producers than we provide for other American manufacturers. To me, it is unwise to attempt to discredit an industry upon whose health and continued resourcefulness rests the long-term security of America, and it is national security which remains the foremost goal of our import control program.

It is unrealistic for anyone to assume that oil prices could escape the impact of rising costs—costs which the whole Nation has faced because of the insidious inflation we have encountered in recent years.

In spite of the effects of inflation, petroleum producers have held the price line. Yet in the Tax Reform Act of 1969 Congress added $500 million to the Federal taxes petroleum producers pay. This is in addition to $11 billion in taxes—amounting to 21 cents per dollar of gross revenue—or more than three times the 6.6 percent accounted for by the average U.S. corporate enterprise—already paid annually by the oil industry. As the chairman of the House Ways and Means Committee, Representative WILBUR MILLS, stated to the President's Task Force on Oil Import Controls last July, when the tax reform bill was passed by the House:

If at the same time Congress is reducing depletion allowances, it develops that imports of oil are increased, the combination of the two could be injurious to the development of further reserves in the United States.

This telegram aptly expresses my fears.

OIL IN ALASKA

Mr. President, let me be frank about my interest as an Alaskan in the complex problem of the cost of oil. As every Member knows, the largest oil fields in North America were recently discovered in the North Slope area of my State. Already the oil-producing industry has committed over $1 billion to bring this oil to American markets. This $1 billion and billions more required in the next years will be invested in an area where our Alaska native people live in abject poverty, where the average life expectancy of the Alaska native is less than 45 years, and where the true unemployment rate is in excess of 20 percent.

When North Slope production is underway, oil produced in 1 year will equal or exceed the $400 million worth of gold which was discovered during the entire Klondike gold rush era. I am deeply concerned that our future oil policy not hamper the development of this resource which will bring to my State a full share of the prosperity of this Nation.

We must recognize the tremendous challenge to the oil industry to meet expanding U.S. petroleum requirements. We are not running out of oil; we are running out of easily accessible, low-cost oil. We have tapped most of the deposits only a few thousand feet beneath the surface. Future production must come from deeper zones and from more remote areas such as our Alaskan Arctic.

Let me quote, from the "Energy Memo" of the First National City Bank of New York, the words of Edward Symonds, senior economist:

Looking ahead, it appears that oil companies may have to spend as much as $8,000 for every additional barrel per day of demand in the non-communist world. This would give rise to an estimated investment of over $200 billion to provide for the additional demand expected to arise over the next eleven years. This would be the equivalent to as much as one-fifth of the total new financing by private industry in the United States. The need to meet such heavy capital calls will have far-reaching implications for the economy as a whole. It also presents a real challenge to company man-

agement in devising a balanced financial package for the future.

Exploration companies spent $6 billion in 1968 to find oil. They will need billions more to send their rigs and crews out to frozen tundra and rolling seas. The Department of the Interior has estimated that we must find 4.5 billion barrels per year of new reserves. Even when North Slope production reaches its full output in 1975, Alaska will be supplying only 10 percent of the Nation's requirements. At that same time, production is forecast to be peaking and even in decline in some established areas. By 1980, it has been estimated that U.S. production east of the Rockies will be declining at an annual rate of 300,000 barrels per day.

I am not trying to raise specters; we need to sketch out clearly the crisis which will follow when our consumption rate outstrips discovery. Now is a critical time; what the Nation establishes as its import control policy this year will determine our sufficiency and security for at least the next decade.

It can take up to 7 years to bring a discovery into full production. Wells on the North Slope of Alaska will not flow at a maximum for at least 6 years after discovery. At this moment we are determining the kind of climate this industry will operate in over the next decade and the kind of national security this Nation will enjoy for years beyond that.

Our oil industry as a business will meet added costs as they are in other businesses, by siphoning funds out of nonincome areas such as exploration. The cost squeeze has already driven the number of exploratory wells down drastically—to less than 9,000 in 1968 from 14,500 in 1957. A lower crude price structure would most certainly eliminate the development of technology for converting shale oil and creating synthetic oil. Investments which will yield no return for years require stability. And, it is my opinion that, if it had not been for the stability that our present oil quota program has generated, Alaskan oil would probably have remained undiscovered.

OTHER CONSEQUENCES

A shortsighted approach to the problem of our oil import quota system ignores long-range consequences that abolition of this system would have. I list them briefly:

First, the development of future sources of domestic petroleum, natural and synthetic, would decline and eventually wither away. Any drastic change in our present program is the beginning of a longrun spiral into dependence on foreign sources.

Second, an increase in resources cost, what Mr. Train identified as "added resources of labor, materials, equipment, and capital required to produce additional oil in the United States and to provide other forms of emergency oil supplies," will be experienced through expenditures to protect our foreign supplies in unstable parts of the world and to provide for reserve productive facilities. Such costs can only be paid for by increased taxes.

Third, the natural gas supply pinch we now have with us will steadily worsen. Almost all gas deposits have been discovered incidental to oil exploration. A serious cutback in oil exploration will halt any significant increase in our shrinking natural gas supplies. And, as our gas demand exceeds supply, prices for natural gas will also go up.

Fourth, the local economies of 31 oil-producing States will suffer by the loss of needed revenues and dislocation of a substantial portion of their work force.

Mr. President, because of the reasons I have discussed above, it is imperative that this Congress make certain that no change in its existing oil-import quota program will occur without a full and open discussion of the issues involved.

The legislation I have introduced today codifies the basic structure of our present mandatory import program and recognizes the interests of national security inherent in a secure source of petroleum supplies.

This legislation will preserve all exemptions presently granted and will recognize some of the unique problems of the various sectors of our Nation, such as the New England States and Hawaii.

I am aware of the inequities related to the New England States due to our present program. In response to that situation, this legislation proposes the subdivision of district I into district Ia, New England; Ib, the Middle Atlantic States; and Ic, the South Atlantic region. To alleviate the shortages which the rapid growth of these areas have brought about, this legislation would provide immediately an additional quota of 20,000 barrels per day of finished product for district Ia; 10,000 barrels per day for Ib; and 20,000 barrels per day for district Ic. This legislation also recognizes the need for flexibility by granting to the President of the United States the authority to change the quota by 10 percent in any 12-month period. Thus, the President can respond to a surge in demand in any of the districts by directing a larger quota to that area. This bill will allow the construction of local refineries, when necessary, which could utilize the special allotment.

On the other side of the continent, the State of Hawaii must import all of its oil requirements. This bill declares Hawaii and Alaska to be in a new district VI, where foreign fuel can be imported under the same formula as in district V. This will attend to Hawaii's special needs.

The bill is far reaching in nature, but does not fall into the easy trap of abolishing a good system for bad reasons.

Because of the complexity of the proposed legislation, I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I also ask unanimous consent that an important statement made by Capt. Emory C. Smith, Director of the Naval Petroleum and Oil Shale Reserves, Washington D.C., to the 10th annual Washington meeting of the Arctic Institute of North America, be printed in the RECORD at the conclusion of my remarks. This statement sets forth the future of Naval Petroleum Reserve No. 4 as an emergency supply source of petroleum.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The bill (S. 3477) to impose statutory quotas on imports of petroleum and petroleum products, and to impose reciprocal duties on petroleum and petroleum products imported from foreign countries which impose duties on petroleum and petroleum products produced in the United States, introduced by Mr. STEVENS (for himself and Mr. BELLMON), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oil Import Act of 1970".

TITLE I—OIL IMPORT QUOTAS

DEFINITIONS

SEC. 101. For purposes of this title—

(a) "Person" includes an individual, a corporation, firm, or other business organization or legal entity, and an agency of a State or local government, but does not include a department, establishment, or agency of the United States.

(b) (1) "District I" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia.

(2) "District IA" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

(3) "District IB" means the States of New York, New Jersey, and Pennsylvania.

(4) "District IC" means the States of Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia.

(c) "Districts II–IV" means all of the States of the United States except those States within District I, District V, and District VI.

(d) "Districts I–IV" means the District of Columbia and all of the States of the United States except those States within District V and District VI.

(e) "District V" means the States of Arizona, Nevada, California, Oregon and Washington.

(f) "District VI" means the States of Alaska and Hawaii.

(g) "Crude oil" means crude petroleum as it is produced at the wellhead and liquids (under atmospheric conditions) that have been recovered from mixtures of hydrocarbons which existed in a vaporous phase in a reservoir and that are not natural gas products and the initial liquid hydrocarbons produced from tar sands.

(h) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(1) liquefied gases—hydrocarbon gases such as ethane, propane, propylene, butylene, and butanes (but not methane) which are recovered from natural gas or produced in the refining of petroleum and which, to be maintained in a liquid state at ambient temperatures, must be kept under greater than atmosphere pressures;

(2) gasoline—a refined petroleum distillate which, by its composition, is suitable for use as a carburant in internal combustion engines;

(3) jet fuel—a refined petroleum distillate used to fuel jet-propulsion engines;

(4) naphtha—a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(5) fuel oil—a liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(6) lubricating oil—a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(7) residual fuel oil—topped crude oil or viscous residuum which has a viscosity of not less than 45 seconds Saybold universal at 100° F. and crude oil which has a viscosity of not less than 45 seconds Saybold universal at 100° F. minimum viscosity and which is to be used as fuel without further processing other than by blending by mechanical means; and

(8) asphalt—a solid or semi-solid cementitious material which gradually liquefies when heated, in which the predominating constituents are bitumins, and which is obtained in refining crude oil.

(i) "Natural gas products" means liquids (under atmospheric conditions), including natural gasoline, which are recovered by a process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a vaporous phase in a reservoir and which, when recovered and without processing in a refinery, otherwise fall within any of the definitions of products contained in paragraphs (2) through (5), inclusive, of subsection (h).

(j) "Unfinished oils" means one or more of the petroleum oils listed in subsection (h), or a mixture or combination of such oils, which are to be further processed other than by blending by mechanical means.

(k) "Petroleum oils" includes liquid hydrocarbons derived from crude oil.

(l) "Secretary" means the Secretary of the Interior.

REGULATION OF ENTRIES

SEC. 102. (a) In Districts I–IV, District V, District VI, and in Puerto Rico, no crude oil, unfinished oils, or finished products may be entered for consumption or withdrawn from warehouse for consumption, and no foreign crude oil, unfinished oils, or finished products may be brought into a foreign trade zone in Districts I–IV, District V, or District VI for processing within the zone, except—

(1) by or for the account of a person to whom a license has been issued by the Secretary pursuant to an allocation made to such person by the Secretary in accordance with regulations issued by him, and such entries, withdrawals, and shipments into foreign trade zones may be made only in accordance with the terms of such license,

(2) as authorized by the Secretary pursuant to subsection (b) of this section,

(3) as to finished products, by or for the account of a department, establishment, or agency of the United States, which shall not be required to have such a license but which shall be subject to the provisions of subsection (c) of this section, or

(4) crude oil, unfinished oils, or finished products which are transported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils or finished products, is also the country of production of the crude oil from which they were processed or manufactured.

(b) The Secretary may, in his discretion, authorize entries without a license of small quantities of crude oil, unfinished oils, or finished products, including samples for testing or analysis, baggage entries, and informal entries.

(c) In Districts I–IV, District V, and District VI, and in Puerto Rico, no department, establishment, or agency of the United States shall import finished products in excess of the respective allocations made to them by the Secretary. Such allocations shall be within the maximum levels of imports established in section 103.

MAXIMUM LEVELS OF IMPORTS

SEC. 103. (a)(1) In Districts I–IV, for a particular allocation period the maximum level of imports, subject to allocation, of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) shall be an amount equal to the difference between (a) 12.2 percent of the quantity of crude oil and natural gas liquids which the Secretary estimates will be produced in these districts during the particular allocation period and (B) the quantity of imports of crude oil, unfinished oils, and finished products excepted by section 102(a)(4) which the Secretary estimates will be imported into these districts during that allocation period plus the quantity estimated by the Secretary by which shipments of unfinished oils and finished products (other than residual fuel oil to be used as fuel) from Puerto Rico to Districts I–IV during that allocation period will exceed the quantity so shipped during a comparable base period in the year 1965. As used in this paragraph, the term "natural gas liquids" means natural gas products and other hydrocarbons such as isopentane, propane, and butane, or mixtures thereof, recovered from natural gas by means other than refining. Within such maximum level, imports of unfinished oils shall not exceed such percentum of the permissible imports of crude oil and unfinished oils as the Secretary may determine and imports of finished products (other than residual fuel oil to be used as fuel) shall not exceed the level of imports of such products into these districts during the year 1957 except as the Secretary may find it necessary to adjust the 1957 level to accommodate an allocation made pursuant to the last sentence of section 105(b)(4).

(2) In addition to the maximum level of imports provided in paragraph (1), there may be imported into District I during a particular allocation period a quantity of finished products (other than residual fuel oil to be used as fuel) equal to not more than 50,000 average barrels per day, of which quantity there may be imported for consumption within District IA 20,000 average barrels per day, District IB 20,000 average barrels per day, and District IC 10,000 average barrels per day.

(b) In District V and in District VI, the maximum level of imports of crude oil and finished products shall be an amount which, together with domestic production and supply and imports excepted by section 102(a)-(4), will approximate total demand as estimated by the Bureau of Mines for periods fixed by the Secretary and, for purposes of such limitations, imports of unfinished oils shall be considered to be the equivalent of imports of crude oil on the basis of such ratios as the Secretary may establish. Within such maximum levels, imports of finished products shall not exceed the level of imports of such products into District V and District VI during the calendar year 1957. Imports of unfinished oils as such (without respect to the requirement of equivalence) shall not exceed such per centum of the permissible imports of crude oil as the Secretary may from time to time determine.

(c) The maximum level of imports of residual fuel oil to be used as fuel into District I, Districts II–IV, District V, and District VI for a particular allocation period shall be the level of imports of that product into those districts during the calendar year 1957 as adjusted by the Secretary as he may determine to be consonant with the objectives of this title.

(d) The Secretary, having taken into account the standards prescribed for allocation of imports of crude oil and unfinished oils into Puerto Rico, any actions taken pursuant to section 106, and shipments from Puerto Rico into Districts I–IV, District V, and District VI, shall establish for each allocation period a maximum level of imports into Puerto Rico of crude oil and unfinished oils which, in his judgment, is consonant with the objectives of this title. The maximum level of imports of finished products into Puerto Rico for a particular allocation period shall be approximately the level of such imports during all or part of the calendar year 1958 as determined by the Secretary to be consonant with the purposes of this title or such higher level as the Secretary may determine is required to meet a demand in Puerto Rico for finished products that would not otherwise be met.

(e) The levels established, and the total demand referred to, in this section do not include free withdrawals by persons pursuant to section 309 of the Tariff Act of 1930, as amended (19 U.S.C. § 1309), or petroleum supplies for vessels or aircraft operated by the United States between points referred to in said section 309 (as to vessels or aircraft, respectively) or between any point in the United States or its posessions and any point in a foreign country.

ADJUSTMENT BY PRESIDENT

SEC. 104. (a) The President may, by executive order, from time to time adjust the level of imports provided for Districts I–IV by section 103(a)(1) and the additional quantity of finished products provided for District I by section 103(a)(2).

(b) No adjustment may be made under subsection (a) during any calendar year which (together with any prior adjustments made during the same calendar year) would increase or decrease the maximum level of imports provided by section 103(a)(1) by more than 10 percent. No adjustment may be made under subsection (a) during any calendar year which (together with any prior adjustments made during the same calendar year) would increase or decrease the additional quantity of finished products which may be imported into District I under section 103(a)(1) by more than 5,000 average barrels per day.

ALLOCATION OF IMPORTS

SEC. 105. (a) The Secretary is hereby authorized to issue regulations for the purpose of implementing this title. Such regulations shall be consistent with the levels established in this title for imports of crude oil, unfinished oils, and finished products into Districts I–IV, District V, and District VI and into Puerto Rico, and shall provide for a system of allocation of the authorized imports of such crude oil, unfinished oils, and finished products and for the issuance of licenses pursuant to such system, with such restrictions upon the transfer of allocations and licenses as may be deemed appropriate to further the purposes of this title.

(b) (1) With respect to the allocation of imports of crude oil and unfinished oils into Districts I–IV, District V, and District VI, such regulations shall provide, to the extent possible, for a fair and equitable distribution among persons having refinery capacity in

these districts in relation to refinery inputs (excluding inputs of crude oil or unfinished oils imported pursuant to section 102(a)(4)). The Secretary may by regulation also provide for the making of allocations of imports of crude oil and unfinished oils into Districts I–IV, District V, and District VI to persons having petrochemical plants in these districts in relation to the outputs of such plants or in relation to inputs to such plants (excluding inputs of crude oil or unfinished oils imported pursuant to section 102(a)(4)). Provision may be made in the regulations for the making of such allocations on the basis of graduated scales. Notwithstanding the levels prescribed in section 103, the Secretary may also by regulation make such provisions as he deems consonant with the objectives of this title for the making of allocations of imports of crude oil and unfinished oils into Districts I–IV, District V, and District VI to persons who manufacture from crude oil and unfinished oils (other than crude oil or unfinished oils imported pursuant to section 102(a)(4)) and who export finished products and petrochemicals, subject to such designations as the Secretary may make.

(2) Such regulations shall provide for the allocation of imports of crude oil and unfinished oils into Puerto Rico among persons having refinery capacity in Puerto Rico in the calendar year 1964 on the basis of estimated requirements, acceptable to the Secretary, of each such person for crude oil and unfinished oils. The regulations shall provide also that if, during a period comprising the same number of months as an allocation period and ending three months before the beginning of the allocation period, any such person ships to Districts I–IV, District V, or District VI unfinished oils or finished products (other than residual fuel oil to be used as fuel) or sells unfinished oils or finished products (other than residual fuel oil to be used as fuel) which are shipped to Districts X–IV, District V, or District VI in excess of the volume of unfinished oils or finished products (other than residual fuel oil to be used as fuel) which he so shipped or which he sold and were so shipped during the year 1965, the person's allocation for the next allocation period shall be reduced by the amount of the excess. In addition, the Secretary may provide by regulation for the making, in instances in which the Secretary determines that such action would not impair the accomplishment of the objectives of this title, of allocations of imports of crude oil and unfinished oils into Puerto Rico to persons as feedstocks for facilities which will be established or for the operation of facilities which are established and which in the judgment of the Secretary will promote substantial expansion of employment in Puerto Rico through industrial development, and such negotiations shall provide for the imposition of such conditions and restrictions upon such allocations as the Secretary may deem necessary to assure that any imports so allocated are used for the purposes for which an allocation is made and that the holder of such an allocation fulfills commitments made in connection with the making of the allocation.

(3) Except for crude oil or unfinished oils imported pursuant to special relief granted pursuant to section 106, such regulations shall require that imported crude oil and unfinished oils be processed in the licensee's refinery or petrochemical plant, except that exchanges for domestic crude or unfinished oils may be made if otherwise lawful, if effected on a current basis and reported in advance to the Secretary, and if the domestic crude or unfinished oils are processed in the licensee's refinery or petrochemical plant.

(4) With respect to the allocation of imports of finished products, other than residual fuel oil to be used as fuel, into Districts I–IV, District V, District VI, and Puerto Rico, such regulations shall, to the extent possible, provide (A) for a fair and equitable distribution of imports of such finished products among persons who have been importers of such finished products into the respective districts of Puerto Rico during the respective base periods specified in section 103, and (B) for the granting and adjustment of allocations of imports of such finished products in accordance with procedures established pursuant to section 106. In addition, the Secretary shall make an allocation of imports into Districts I–IV of finished products other than residual fuel oil to be used as fuel, in accordance with existing contractual commitments and obligations heretofore entered into to promote employment or substantially to upgrade opportunities for employment of Virgin Islanders or substantially to increase revenues received by the Virgin Islands.

(5) With respect to the allocation of imports of residual fuel oil to be used as fuel into Districts II–IV, District V, District VI, and Puerto Rico, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who were importers of that product into the respective districts or Puerto Rico during the respective base period specified in section 103. In addition, in District V, District VI, and Puerto Rico, the Secretary by regulation may, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel, the maximum sulfur content of which is acceptable to the Secretary (A) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and who have had inputs of that product to deep-water terminals located in the respective districts or Puerto Rico, and (B) among persons who are in the business in the respective district or Puerto Rico of selling residual fuel oil to be used as fuel and have throughput agreements (warehouse agreements) with deep-water terminal operators. With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel (A) among persons who were importers of that product into such district during the calendar year 1957, (B) among persons who are in the business of District I of selling residual fuel oil to be used as fuel and who have had inputs of that product to deep-water terminals located in District I, and (C) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and have throughput agreements (warehouse agreements) with deep-water terminal operators. With respect to the allocations of imports of residual fuel oil to be used as fuel into District I, Districts II–IV, District V, District VI and Puerto Rico, such regulations shall also provide, to the extent possible, for the granting and adjustment of allocations of imports of residual fuel oil to be used as fuel in accordance with procedures established pursuant to section 106.

(c) Such regulations may provide for the revocation or suspension by the Secretary of any allocation or license on grounds relating to the national security, or the violation of the provisions of this title, or of any regulation or license issued pursuant to this title.

(d) The Secretary of the Interior shall keep under review the supply-demand situation with respect to asphalt in District I, Districts II–IV, District V, District VI, and Puerto Rico, and, as he determines to be consonant with the objectives of this title, he may in his discretion (1) establish, without respect to the levels of imports prescribed in section 103, a maximum level of imports of asphalt for District I, or District II–IV, or District V, or District VI, or Puerto Rico and, notwithstanding the provisions of subsection (b)(4) of this section, establish a special system of allocation of such imports, or (2) permit the entry for consumption or the withdrawal from warehouse for consumption of asphalt in District I, or Districts II–IV, or District V, or District VI, or Puerto Rico, without allocations or licenses, notwithstanding the provisions of section 102.

(e) Notwithstanding the levels established in section 103 and the provisions of subsection (b) of this section, the Secretary may provide by regulation for additional allocations of imports of crude oil and unfinished oils to persons in Districts I–IV, District V, and District VI who manufacture in the United States residual fuel oil to be used as fuel, the maximum sulphur content of which is acceptable to the Secretary, in consultation with the Secretary of Health, Education and Welfare. These allocations to each of such persons shall not exceed the amount of such residual fuel oil produced by that person.

APPEALS BOARD

SEC. 106. (a) The Secretary is authorized to provide for the establishment and operation of an Appeals Board to consider petitions by persons affected by the regulations issued pursuant to section 105. The Appeals Board shall be comprised of a representative each from the Departments of the Interior, Defense, and Commerce to be designated respectively by the heads of such Departments.

(b) The Appeals Board may be empowered, within the limits of the maximum levels of imports established in section 103 (1) to modify, on the grounds of exceptional hardship or error, any allocation made to any person under such regulations; (2) to grant allocations of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under such regulations; (3) to grant allocations of finished products on the ground of exceptional hardship to persons who do not qualify for allocations under such regulations; and (4) to review the revocation or suspension of any allocation or license. The Secretary may provide that the Board may take such action on petitions as it deems appropriate and that the decisions by the Appeals Board shall be final.

FURNISHING OF INFORMATION

SEC. 107. Persons who apply for allocations of crude oil, unfinished oils, or finished products and persons to whom such allocations have been made shall furnish to the Secretary such information and shall make such reports as he may require, by regulation or otherwise, in the discharge of his responsibilities under this title.

DELEGATION OF AUTHORITY

SEC. 108. The Secretary may delegate, and provide for successive redelegation of, the authority conferred upon him by this title. All departments and agencies of the Executive branch of the Government shall cooperate with and assist the Secretary in carrying out the purposes of this title.

EFFECTIVE DATE; TERMINATION OF NONSTATUTORY QUOTAS

SEC. 109. (a) The provisions of this title shall take effect on the first day of the first month which begins more than 30 days after the date of the enactment of this Act.

(b) Effective with respect to periods beginning on or after the effective date of this title, the provisions of Presidential Proclamation No. 3279, as amended, shall cease to have any force or effect, but the provisions of this title shall be construed as a replace-

ment and continuation of the provisions of such Proclamation.

(c) On and after the effective date of this title, the provisions of section 232 of the Trade Expansion Act of 1962 shall not apply with respect to crude oil, unfinished oils, and finished products (including residual fuel oil to be used as fuel).

TITLE II—RECIPROCAL TARIFF

IMPOSITION OF DUTIES

SEC. 201. (a) In the case of crude oil, unfinished oils, or finished products imported into the customs territory of the United States which are produced in a foreign country which imposes a duty on the importation into such country of crude oil, unfinished oils, or finished products produced in the United States, the rate of duty shall not be less than the rate of duty imposed by such foreign country on crude oil, unfinished oils or finished products produced in the United States.

(b) For purposes of subsection (a), the terms "crude oil", "unfinished oils", and "finished products" have the meaning assigned to them by section 102 of this Act.

CHANGES IN TARIFF SCHEDULES

SEC. 202. The President is authorized and directed to proclaim, from time to time, such changes in the Tariff Schedules of the United States as may be necessary to reflect duties imposed by section 201.

EXHIBIT 1

THE ROLE OF NAVAL PETROLEUM RESERVE NO. 4 ON THE NORTH SLOPE

(A paper presented by Capt. Emory C. Smith, JAGC, U.S. Navy, Director, Naval Petroleum and Oil Shale Reserves, Washington, D.C., to the 10th annual Washington meeting of the Arctic Institute of North America)

It is often said that past is but the prologue of the future. Perhaps by looking at what has gone before on the North Slope we can make some projections as to the course of future events there.

The days were still fairly short and brisk winds off the Beaufort Sea continued the bitter cold on that Spring day of 1917 when the eyes of Alexander Malcolm (Sandy) Smith were the first of a non-native to see large oil seepages near Cape Simpson. The seepages were confirmed in 1921. World War I had shown that our Navy would require immense quantities of oil and in 1923 the President established Naval Petroleum Reserve No. 4 in an effort to provide oil when and if needed. Cape Simpson was included within that reservation. The Navy thereupon requested the Geological Survey to examine and report upon Naval Petroleum Reserve No. 4 and financed the work. During the four years of 1923–1926 the Geological Survey sent exploratory geologic and topographic parties into the Reserve and the broad outlines of the general geology and topography of the area were worked out in a reconnaissance fashion.

From 1926 until 1943, Naval Petroleum Reserve No. 4 received little specific attention in the Navy Department. However, World War II—mechanized beyond previous imagination—required almost unbelievable quantities of petroleum products. Global distances shortened as better, faster, longer range aircraft were developed. Of necessity reliance on foreign imports in those days placed heavy and exacting demands on the Navy in ships, aircraft and men in convoying oil to the United States. German submarines took a costly toll. In addition, we were called upon to furnish oil to our European Allies. Severe rationing became necessary on the home front. Too, there was the heavy additional cost of rail tank-car movement to take care of the West Coast and Western Pacific oil requirements. To compound it all, the Japanese at the very beginning of the war cut off crude rubber supplies and our synthetic rubber industry—rubber produced from oil—had its beginning.

The whole pattern was such that there was need for a more complete knowledge of the petroleum potentialities of Naval Petroleum Reserve No. 4. Speculation about the Reserve and its possible petroleum resources took account of several possibilities—if the area contained large oil reserves, perhaps it would be possible to pipe the crude oil to the Pacific Coast for shipment outside Alaska; maybe it should be refined in northern Alaska; possibly it could be used for Alaskan needs only, thereby saving the cost of transporting petroleum to Alaska; refining on the Reserve might provide products to supply bases in the Arctic; perhaps the oil would be refined in central Alaska or on the Pacific Coast of Alaska and distributed from there. In January of 1943, the Secretary of the Interior Department issued Public Land Order 82 which withdrew from all forms of entry for use in the prosecution of the war among other parts of Alaska all of Alaska north of the Brooks Range.

In March of 1943, Lt. W. T. Foran, a Naval Reserve officer, prepared a memorandum in which he set forth some reasons for taking a more careful look at Naval Petroleum Reserve No. 4. With careful Navy consideration and interpretation of plans with the Department of Interior, a decision concurred in personally by President Roosevelt was made in the winter of 1944 to send a small reconnaissance party to the Reserve. The departure of Lt. Foran's party in March 1944 was the birth of the exploration program that soon came to be known as "Pet-4" continued from that time, March 1944, for almost ten action-packed years of petroleum exploration. For the first few years Naval Petroleum Reserve No. 4 was a Naval Construction Battalion operation, but with the end of the war, followed by the general rush toward demobilization, it was decided to change as rapidly as possible to a civilian contract operation.

The program was fully recessed in the Fall of 1953. It had been successful in yielding a wealth of technical information sufficient for a partial appraisal of the petroleum reserves in large parts of the area. These reserves are substantial and about one major and two minor oil fields, six gas fields and numerous "shows" of oil were discovered. An outstanding product of Naval Petroleum Reserve No. 4 was the acquisition of a vast store of know-how in Arctic operations in many fields.

Much was learned, for example, about providing livelihood and livable working conditions for substantial numbers of men previously inexperienced in the Arctic and about transportation of personnel, equipment, and supplies in summer and winter for water, air and land. Geological and geophysical exploration covered substantially the entire North Slope. All of this data at the instance of and funding by my office was published and placed on open file for the public generally by the Geological survey and has been an invaluable aid to the present exploration of the Slope by industry outside the Reserve.

The Naval Petroleum Reserve No. 4 operations originally grubstaked the Navy's Arctic Research Laboratory within the Reserve at Point Barrow. This was an early recognition by the Navy of the need for study of the problems created by the hostile arctic environment. As the years have passed that laboratory continues to be the best friend of the ecologist, the conservationist and the oil explorer in the Alaskan Arctic. And as activity is heightened all along the slope the Navy's Arctic Research Laboratory has a great and continuing role to play in assisting America to find that happy accommodation between reasonable development and protection of the natural environment.

Following the cessation of exploratory activities by the Navy on the North Slope, Public Land Order 82 was modified to return those lands outside the Reserve to the public domain. Eventually some of the lands passed to the State of Alaska and were subsequently leased out at the celebrated sales held by the State of Alaska. As you all know it is on those leased lands that recent prolific discoveries have been made.

By a special law of 1962, the Navy was authorized to develop the South Barrow Gas Field and to supply gas to the native village of Barrow as well as to the various federal activities located there. Presently, there are four producing wells there and another development well is planned for next month. Practically all of the Navy's Naval Petroleum Reserve No. 4 drilling rigs and equipment were eventually sold to private interests for about 10¢ on the dollar.

The discovery of oil in areas outside the Reserve has naturally prompted a renewed interest in its own potentiality. Such questions as the risk of drainage, the prospects of the deeper horizons, boundary problems and at the same time overriding questions as to the sufficiency of oil in reserve for national emergencies are all questions which tend to suggest a re-evaluation of the Government's interest in that Reserve.

When we talk about the security implications of Naval Petroleum Reserve No. 4 oil, I think we should talk in the fuller sense of the security implication of all the North Slope or better yet the implications to continental security of both Alaskan and Canadian Arctic oil. It also would seem to me that when we talk of emergency preparedness there is carried with it a connotation of reserve deliverability. In this connection, it must be kept in mind that the infra-structure of a viable prosperous domestic oil industry will, as always, be our chief fuel provider in times of national peril. Recalling the approximately one billion dollars paid by industry for State leases on the Slope at last September's sale and the plans of industry to spend a billion plus dollars on one pipeline and the costly Manhattan project, can't help but instill admiration in us all of an industry willing to assume unprecedented financial risks in seeking new sources of oil. With the prospect of a pay-out some years hence, business statesmanship and courage of this calibre have seldom been demonstrated quite like they have in Alaska.

Much of the case of the oil industry for a fair depletion allowance and import quotas have been based on, and quite rightly so, the need for reserves of crude oil for national emergencies within the United States. Must the oil industry be expected to undertake the principal burden of providing spare capacity? Generally, it is to be noted that spare capacity is a temporary phenomenon, normally eliminated within a year or two following major new discoveries, outside the "market demand" states. Thus, Texas and Louisiana are the only two states with significant spare capacity at the present time. Many authorities maintain that the prevailing system of conservation regulations cannot be depended on to produce and maintain indefinitely any particular amount of reserve capacity in aid of national security.

Others argue that the government, as the unit charged with responsibility for national security, should set aside petroleum reserves to be drawn upon in the event of emergency. In effect, these authorities are saying that government should stockpile petroleum for

defense, as it has done with other strategic minerals and products, utilizing the natural and efficient storage facility that the native reservoir is. Under such a proposal they assert that the nation can secure and maintain indefinitely a reserve of the precise size desired on national security grounds. The reserve can be made to grow, if desired, so as to maintain a constant ratio of reserve to demand, balanced by imports. They argue effectively that the proposal would place the financial burden of maintaining an untapped reserve capacity where it belongs.

Since the objective is national security, the burden belongs on the federal government proximately and the general taxpayer ultimately. It does not seem to belong on the petroleum industry proximately and landowners and product consumers ultimately. There is a fear that if the cost is borne involuntarily by industry, that industry will make adjustments, that jeopardize the objective. They argue additionally that a government oil reserve program of proper magnitude would free the industry of the threat to prices and access to markets posed by an overhang of industries own spare capacity.

On the North Slope it would seem that industry will get a faster pay out if the market is not glutted by the dumping of more public lands—State or Federal—for leasing. If the market it not so glutted, it would seem that the price of oil would achieve greater stability and both State and Federal Governments could expect greater revenues from lands offered for leasing at the appropriate time.

As to the future of Naval Petroleum Reserve No. 4, it is strictly a responsibility of the Congress. We can only assume that the laws as presently written affecting that Reserve will be continued and the Navy would have no plans for the Reserve other than as authorized by these laws for about a half century. The Navy has been assigned the stewardship of the Reserve not just for the Navy, but for the nation as a whole. Perhaps within the context of the considerations mentioned above, it would seem that in any eventuality Naval Petroleum Reserve No. 4 has a future, influential role in oil development on the North Slope as it has had in the past.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. TOWER. Mr. President, I commend the very distinguished Senator from Alaska for giving us an opportunity to study the oil import quota system in a responsible, rational, and dispassionate way.

The bill, as I understand it, would retain the import quota system substantially in its present form, but would eliminate some of the problems which have arisen as a result of certain administrative practices over the last few years.

This is a responsible program. Too often we attempt completely to abandon programs and projects which have, generally speaking, been good, but have, perhaps, had some flaws in them. The oil import quota program, generally, has worked well. It would be most grievous, now, to abandon it.

Again I commend my able and perceptive colleague from Alaska for his reasoned approach to a problem that has suffered recently from emotionalism and rather ill-considered attacks.

I should like to associate myself with the remarks of the Senator from Alaska.

Mr. STEVENS. I am indebted to the Senator from Texas for his kind comments. My only regret is that as we become a producing State, we do not have a lot more citizens coming in from that much smaller State of his, among those we call the "South 48." They are becoming very good citizens of the State of Alaska and we are happy to welcome them from the State of Texas.

Mr. TOWER. Mr. President, I disassociate myself from that last remark of the Senator from Alaska about Texas. [Laughter.]

Mr. BELLMON. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I am happy to yield to the Senator from Oklahoma.

Mr. BELLMON. I also would like to commend the Senator from Alaska on his statement. I believe that it will go a long way toward clearing up a great deal of misunderstanding now existing.

Insofar as the oil import program of the administration is concerned, I believe that the legislation which the Senator from Alaska has introduced will make it possible for many Members of Congress, who presently do not understand how the oil import program works and its importance and significance to this country's security, to understand this program. I believe that, once understood, there will be more general support for it.

I believe, also, that this legislation will have the effect of getting all the information out on the table where the consumer, as well as the Government official, will know the vital effect of this legislation on this country's petroleum supply and upon the security needs of this Nation. I believe that, in this way, we will be able to correct a great deal of the misinformation which has brought about this critical situation in my State and throughout other oil-producing areas in the country.

I am pleased to join as a sponsor of this legislation, and commend the Senator once more for bringing it to the attention of the Senate.

Mr. HANSEN. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield, but first I wish to thank the Senator from Oklahoma and publicly acknowledge the support and assistance he has given me in the preparation of this bill along with that of the Representative from Texas, Mr. BUSH.

We have been working quite long and hard on trying to find a solution to the problems we all know about, principally the proposal to revise the oil import quota program and to substitute for it a tariff program. I hope that the bill I have introduced will receive attention and make people stop and think what an arbitrary and abrupt change in this program will mean for the economies of 31 States in the Union.

I am happy now to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, a few days ago, I wrote the President of the United States a letter, in which I made this statement:

A tariff on oil imports into the United States would be an unsatisfactory mechanism for achieving the precise volumetric control needed for national security.

A tariff designed to reduce the price of U.S. crude oil would endanger the national security by threatening the health of the domestic petroleum industry, putting the U.S. at the mercy of foreign countries whose interest may be opposed to our own, causing a further deterioration in our balance of payments position, and shifting the global balance of power away from us.

Even short-term price benefits which might accrue to the U.S. consumer from such a tariff would soon be swallowed up by an increase in world crude prices and in the price of domestic natural gas. Federal government increase in revenue from a tariff would be offset by a decline in domestic taxes and royalties and the states would lose in taxes, employment, and purchasing power.

The net result of a tariff would be a *loss* to the nation in military effectiveness, economic stability, and political influence.

Mr. President, I think that what the Senator from Alaska has said this morning, which has been so well documented and which reflects a very detailed and intensive study of the subject, certainly underscores the accuracy of the statement I made to the President of the United States.

Mr. STEVENS. Mr. President, I thank the Senator from Wyoming. I also want to thank the majority leader and the Senator from West Virginia for their courtesy in arranging time so that I could present this matter today. It is timely, and I appreciate their cooperation.

Mr. PERCY. Mr. President, will the Senator from Alaska yield for one question?

Mr. STEVENS. I am happy to yield to the Senator from Illinois, if I have any further time remaining. I think I have only 1 minute left.

Mr. PERCY. I think that might suffice.

I have a technical question on what we might look forward to from the vast oil resources of Alaska.

As I understand it, an applicant from my State, Commonwealth Edison Co., has now applied for an import license for 6 million barrels of oil in order to convert one of its plants to low sulfur fuel from the high sulfur content coal which they are now burning in order, of course, to reduce pollution.

I was surprised to find that oil was not available from any domestic source and I have been so advised.

Can we, therefore, look forward to this type of fuel oil from Alaska so that we would not have to depend upon foreign sources and we can now look forward to domestic sources, such as from Alaska?

Mr. STEVENS. I am very happy to report to the Senator from Illinois that our oil does include the low sulfur fuel oil, and that when we are able to complete the pipeline and begin exporting 3 to 3½ million barrels a day, the price of oil in the Senator's area should be substantially lower. But if we change the oil import quota program now, so that there is no incentive to continue to de-

velop at the present time, Alaskan oil may not become available, because no domestic producer will produce oil to try to ship it to what we call the "South 48" unless it is financially possible to do so. Under a tariff system, he would have no incentive to produce—or even look for new deposits. The quota system has the unique advantage of providing a subsidy to marginal producers and stimulate exploration for domestic reserves. Without the oil import quota program, the domestic industry would never have gone into my State, which is a high-cost, hostile environment State so far as oil production is concerned.

We will have, I hope, within the next 5 years, a pipeline directly into the Senator's area, to bring the Senator's area crude oil which can be refined into products in the Senator's area to meet his needs.

Thank you, Mr. President.

Mr. MANSFIELD. Mr. President, first I want to commend the distinguished Senator from Alaska for the well thought-out and detailed analysis he made today in depicting the plight of the domestic petroleum industry.

I am glad that he has joined the distinguished Senator from Wyoming (Mr. HANSEN), who has been like Jeremiah in the Senate, calling the attention of the administration to the difficulties which confront the independents in the United States.

I was particularly impressed with the Senator from Alaska's analysis. In explaining the need for the consideration deserved by the domestic industry, and in depicting the questions of supply and demand, and also the matter of resource reserves, Senator STEVENS contributed immensely to the understanding of the plight of the domestic petroleum industry.

This is a most important matter; a matter which affects a large number of States.

I do not believe that we can discuss it at too great a length. It is difficult indeed to get the message across. Senator STEVENS has assisted in the process and I want to commend the Senator—and other Senators from oil-producing States, who engaged in this colloquy this morning—for what he had to say, the way he said it, and the possible effect it might have downtown.

ORDER OF BUSINESS

The PRESIDING OFFICER. The time of the Senator from Alaska having expired, the Senate will now proceed with morning business under the previous order.

COMMITTEE MEETINGS DURING SENATE SESSIONS

Mr. MANSFIELD. I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

EL PASO NORTH-SOUTH FREEWAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 649, H.R. 12535, and that it be laid down and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 12535, to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the City of El Paso North-South Freeway.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–656), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this bill is to authorize the Secretary of the Army to release or modify on behalf of the United States the land use restrictions and reservations applicable to a tract of land not exceeding 6 acres, constituting a portion of a 24.25-acre parcel of land in El Paso, Tex., heretofore conveyed by the United States to the State of Texas, so that such tract may be conveyed by the State of Texas to the city of El Paso as a right-of-way for the construction of the El Paso North-South Freeway, which is a part of U.S. Route 54, a Federal-aid highway.

BACKGROUND OF THE BILL

An act of August 30, 1954, chapter 1081 (68 Stat. 974) directed the Secretary of the Army to convey a parcel of land within Fort Bliss Military Reservation to the State of Texas, subject to certain reservations, restrictions and conditions among which was the condition that the property be used primarily for training of the National Guard and for other military purposes and if such use should cease, title thereto shall revert to the United States together with all improvements made by the State of Texas during its occupancy.

Pursuant to the act of August 30, 1954, the Secretary of the Army on November 4, 1954, executed a deed conveying to the State of Texas the 24.25 acres of land comprising a portion of Fort Bliss Military Reservation. The deed contained the restrictions, reservations and conditions required by the authorizing act. If the State of Texas conveyed the 6 acres to the city of El Paso for highway purposes, the land would revert to the United States since a highway does not fall within the meaning of "National Guard and military purposes." It is thus necessary for the Congress to remove this particular restriction.

Therefore, the State of Texas, through the Texas National Guard Armory Board, requested that it be authorized to convey the 6-acre tract located within the 24.25-acre parcel to the city of El Paso, for the construction of the North-South Freeway. The proposed road construction, which is federally supported, will be routed from the Mexican border, crossing Fort Bliss, the 6-acre portion of State-owned land, and extending north to the city limits of El Paso. The bill now under consideration, if enacted, would authorize and direct the Secretary of the Army, on behalf of the United States, to release or modify the land-use restrictions and reservations applicable to the 6-acre tract so that such tract may be conveyed by the State to the city of El Paso for highway construction. The release and conveyance shall be on condition (*a*) that use of the property shall be only for public highway and related purposes and, if such use should cease, title thereto shall revert to the United States, (*b*) that structures and improvements presently located on, or adversely affected by the property to be conveyed, shall be replaced in kind at the expense of the city of El Paso on the remaining lands of the State of Texas, subject to approval by the State and Secretary of the Army, and (*c*) that such relocated replacement structures and improvements shall be subject to the same restrictions, use limitations, and reversionary rights reserved or retained in the 1954 deed of the United States to the State of Texas.

The Department of the Army considered that release of the restriction and reservations in the 6-acre tract of land, as provided in H.R. 12535, would not be adverse to National Guard training or future military requirements. The proposed use is for construction of a vital traffic artery, and will be beneficial to the local community, the State, and the Federal Government. As a general rule, the Department of the Army does not support the release or disposal of real estate interests without compensation. In this case, however, the objective of the State is not to obtain a release from all previous statutory conditions, but merely to release and modify the existing use restriction over a certain portion of land in the path of a freeway right-of-way which will not be incompatible with present or future uses of the land for military purposes.

FISCAL DATA

Enactment of this measure will have no apparent effect on the budgetary requirements of the Department of the Army.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–259)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I hereby transmit to the Congress the second annual report of the National Science Board, pursuant to the provisions of P. L. 90–407. The report was prepared by the 25 distinguished Members of the policy-making body of the National Science Foundation.

The report recounts the state of knowledge in the physical sciences—astronomy, chemistry and physics—as well as how physical science research is carried out in the United States. It also makes a number of recommendations reflecting the importance that the Board ascribes

to the Nation's support of the physical sciences. I commend this report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

The cultural resources of our nation should be used to enrich as many lives and as many communities as possible. One way in which the Federal Government advances this goal is by contributing to the work of the National Foundation on the Arts and the Humanities, of which the National Endowment for the Humanities is a part. This Fourth Annual Report of the National Endowment for the Humanities tells of progress which has been made toward this goal in the last year and underscores the importance of renewing and extending these efforts.

As I transmit this report to the Congress, I would stress again that a nation that would enrich the quality of life for its citizens must give systematic attention to its cultural development. Last December I sent a message to the Congress proposing that funds for the National Foundation on the Arts and the Humanities be approximately doubled. I emphasized that the role of government in this area is one of stimulating private giving and encouraging private initiative. It is my earnest hope that the Congress will respond positively to this request, so that such efforts as are described in this report can become a base for even greater successes in the future.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

REPORT ON TRAINING OF EMPLOYEES IN NON-GOVERNMENT FACILITIES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

As required by section 1308(b) of title 5, United States Code, I am transmitting forms supplying information on those employees who, during fiscal year 1969, participated in training in non-Government facilities in courses that were over one hundred and twenty days in duration and those employees who received awards or contributions incident to training in non-Government facilities.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters which were referred as indicated:

REPORT CONCERNING IMPLEMENTATION AND ADMINISTRATION OF THE FAIR PACKAGING AND LABELING ACT

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report concerning the implementation and administration of the Fair Packaging and Labeling Act by the Commission during fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON EQUAL OPPORTUNITY IN HOUSING

A letter from the Chairman, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report on equal opportunity in housing (with an accompanying report); to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 11651. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached (Rept. No. 91-707).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. INOUYE:

S. 3475. A bill for the relief of Helen O. McKinney; to the Committee on the Judiciary.

S. 3476. A bill to permit a retired Federal employee to designate a spouse of a remarriage as the recipient of a survivor annuity; to the Committee on Post Office and Civil Service.

(The remarks of Mr. INOUYE when he introduced S. 3476 appear later in the RECORD under the appropriate heading.)

By Mr. STEVENS (for himself and Mr. BELLMON):

S. 3477. A bill to impose statutory quotas on imports of petroleum and petroleum products imported from foreign countries which impose duties on petroleum and petroleum products produced in the United States; to the Committee on Finance.

(The remarks of Mr. STEVENS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. TOWER:

S. 3478. A bill to amend section 106 of title 4 of the United States Code relating to State taxation of the income of residents of another State; to the Committee on the Judiciary.

(The remarks of Mr. TOWER when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3479. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. PROUTY (for himself, Mr. MURPHY, Mr. DOMINICK, Mr. HATFIELD, and Mr. PERCY):

S. 3480. A bill to provide a consolidated, comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Labor and Public Welfare.

(The remarks of Mr. PROUTY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. LONG (for himself and Mr. ELLENDER):

S. 3481. A bill to designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.; to the Committee on Public Works.

By Mr. ANDERSON:

S. 3482. A bill to amend title 5, United States Code, relating to civil service retirement; to the Committee on Post Office and Civil Service.

(The remarks of Mr. ANDERSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. McGOVERN (for himself and Mr. PROXMIRE):

S. 3483. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. NELSON:

S. 3484. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. NELSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. FULBRIGHT (by request):

S.J. Res. 173. A joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States; to the Committee on Foreign Relations.

(The remarks of Mr. FULBRIGHT when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3476—INTRODUCTION OF A BILL TO PERMIT A RETIRED FEDERAL EMPLOYEE TO DESIGNATE A SPOUSE OF A REMARRIAGE AS THE RECIPIENT OF A SURVIVOR ANNUITY

Mr. INOUYE. Mr. President, I introduce, for appropriate reference, a bill that will correct an inequity in the laws relating to the retirement of civil servants.

Under the present law a civil servant may designate his or her spouse at the time of retirement to be the recipient of a survivor annuity. After retirement, this decision is irrevocable, and the retirement law will not permit the retiree to name another person for the survivor annuity should the named spouse divorce or predecease him. The restrictions on one's ability to designate a new recipient is inequitable and ought to be changed. It deprives a retiree of a right earned through his service in the Federal Government.

My bill will liberalize this feature of the retirement law by amending section 8339(a)(i) of title 5, United States Code, to permit the retiree to redesignate the recipient if he or she remarries and is married for at least 1 year. Section 8341 is amended to conform to the designation provision of section 8339(a)(i).

I believe that the amendment is a long overdue reform of the retirement law. It eliminates the heavy personal burden placed on the retiree, who otherwise might be unable to provide for his or her new spouse after the death of the retiree. I strongly urge my colleagues to support my effort to correct this deficiency in our retirement provisions.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3476) to permit a retired Federal employee to designate a spouse of a remarriage as the recipient of a survivor annuity, introduced by Mr. INOUYE, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3478—INTRODUCTION OF A BILL TO CORRECT TAX INEQUITY AT WHITE SANDS

Mr. TOWER. Mr. President, the bill I am introducing today seeks to correct an inequity of our tax system which unfairly penalizes citizens merely because they live in one State and work in another. As the law is now interpreted, the State in which a Federal facility lies may tax the income of workers employed there even though they reside in another State.

This creates a situation more onerous than the "taxation without representation" system against which our forefathers rebelled. In the present case, a nonresident taxpayer is not only denied representation in the taxing State's legislature, but he is also denied any substantial tangible benefit from the taxing State. Clearly, this is not fair.

I realize, Mr. President, that there are many circumstances in which a State or a city imposes a so-called "commuter tax" on individuals who live in a suburb which happens to be across a State boundary from the central city. My bill does not attempt to infringe upon the legality of those taxes. There is justification for them because the workers there make use of public facilities and greatly increase the traffic burden of the employment center.

My bill is limited to "transactions occurring or services performed within a Federal area by any person who does not reside within such Federal area or within the State wherein such Federal area is located and who commutes to such employment." Thus, State taxes imposed on commuters in the New York City area are not covered because it is not a Federal area. State taxes imposed on citizens who live in a Federal area such as Los Alamos or White Sands, N. Mex., are not affected either. They do not meet the nonresident requirement.

This bill is designed to protect individuals who reside in one State and commute to work at a Federal installation which happens to be across the State border from paying the same amount of State tax that a resident of that State pays. It is patently unfair to charge a nonresident for benefits that only residents are able to enjoy. That is the inequity which my bill would correct.

There is, Mr. President, a safeguard in the bill which prevents nonresidents from enjoying, without charge, the governmental benefits of another State. The last clause allows one State to tax residents of another State who commute to work at a Federal area if "such State provides to such person material and proportionate benefits and protection." Stated simply, this clause allows a State to tax a nonresident commuter to a Federal area only in proportion to the benefits he receives from the State. It protects the nonresident from being taxed at the same rate as the resident while receiving far less benefit from the government of the State.

Mr. President, I am pleased to join with the Honorable RICHARD WHITE of Texas in proposing this legislation. Because our mutual constituents in El Paso, Tex., find themselves in the inequitable position which this bill is designed to prevent, he has introduced this bill in the other Chamber. I introduce its companion bill today and urge my colleagues to proceed to act upon it with all deliberate speed.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3478) to amend section 106 of title 4 of the United States Code relating to State taxation of the income of residents of another State, introduced by Mr. TOWER, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106 of title 4, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) No State may levy or collect any income tax on income received from transactions occuring or services performed within a Federal area by any person who does not reside within such Federal area or within the State wherein such Federal area is located and who commutes to such employment, unless such State provides to such person material and proportionate benefits and protection."

S. 3479—INTRODUCTION OF A BILL PROVIDING FOR THE CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. JACKSON. Mr. President, I introduce for appropriate reference, on behalf of myself and Senator ALLOTT, the ranking minority member of the Committee on Interior and Insular Affairs, a bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The bill has been submitted and recommended by the administration, and I ask unanimous consent that a letter from the Assistant Secretary of the Interior, dated February 11, 1970, explaining the need for this legislation be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3479) to amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, introduced by Mr. JACKSON, for himself and Mr. ALLOTT, by request, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 11, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands."

We recommend that the bill be referred to the appropriate committee for consideration and strongly urge its enactment.

Public Law 90-617 currently authorizes the appropriation of $50 million for the fiscal years 1970 and 1971, but it makes no provision for funding for the civil government of the Trust Territory beyond fiscal year 1971. Our proposed bill would increase the fiscal year 1971 authorization from $50 million to $60 million and would authorize an appropriation of such sums as may be necessary to carry out the purposes of the Act for each of fiscal years 1972 through 1975.

The Trust Territory of the Pacific Islands is administered by the United States pursuant to a strategic trusteeship agreement concluded in 1947 with the Security Council of the United Nations. Under this agreement the United States is charged with the promotion of political, social, educational and economic development. The Trust Territory was originally under the administration of the Secretary of the Navy but in 1951 administrative responsibility was transferred to the Secretary of the Interior.

Governmental responsibilities are carried out through a territorial government established by order of the Secretary of the Interior. The chief executive of the Trust Territory is appointed by the President with the advice and consent of the United States Senate. The territory has a bicameral legislative body composed of a twelve-member Senate and a House of Representatives with 21 members. The Judiciary is independent of the Executive and Legislative Branches and is headed by a chief Justice appointed by the Secretary of the Interior.

Over the years, substantial strides have been made in the development of political institutions and the establishment of the territorial legislative body, the Congress of Micronesia in 1964, was a major step in our efforts to extend to these people an ever increasing understanding of the principles of democracy. Educational progress also has been substantial and universal education through the twelfth grade has been established as an attainable goal. Utilization of the area's limited natural resources has lagged until recently although tourism and the utilization of the resources of the surrounding seas present immediate opportunities for gainful employment and income.

In mid-1969 the Secretary of the Interior and the High Commissioner of the Trust Territory appointed a Development Coordinating Committee to analyze the development problems and opportunities in the Trust Territory and to work with the Congress of Micronesia in presenting to the High Commissioner and the Secretary an action-oriented program which would promptly and positively move toward achievement of the objectives of the trusteeship agreement.

The four main goals of the program are: (1) improving of health and education programs and facilities in the Trust Territory; (2) developing a viable money economy in Micronesia, which requires land reform and public works improvements; (3) increasing the ability of Micronesians to communicate with each other and with the rest of the world; and (4) bringing more Micronesians into high-ranking and responsible positions in the Government, including bringing the Congress of Micronesia and the district legislatures directly into the Trust Territory planning and budget process.

The proposed program takes fully into account the following critical considerations:

The geographical dispersion and isolation of the islands and their peoples.

The historical base of development since 1951.

The domestic crises in land tenure.

Inadequate infrastructure.

The separation of subsistence and monetary sectors of the economy.

The shortage of Micronesian capital.

The level of education.

The lack of skilled manpower.

The increasing demand by Micronesians for a stronger voice in the management and future of their society.

Achieving these objectives at current costs will require the investment over the next five years of substantial sums. As in the past, education will account for a heavy portion of the expenditures. Over the five-year period, 1971 through 1975, funds will be required to operate elementary schools serving some 25,000 students as well as for secondary education and for pre-school training and adult, special and higher education programs. Since the school-age population cannot now be accommodated, a major school construction program will have to be continued with particular emphasis on secondary school requirements. School construction will require additional funds over the next five years.

The more specific goals of the proposed education program call for pre-school training to be provided annually to approximately 2,200 children aged five years by 1975. Virtually none exists now. The program provides for all educable children of elementary age to be in school with the first three grades comparable to that of the United States on an age/grade accomplishment equivalency. The 1975 goal is the accommodation of 80% of all elementary school graduates into the secondary school system. At present only 38% of all eligible 8th grade graduates are enrolled in high school. A major program of vocational training has been instituted and will be expanded to provide Micronesians with the basic skills necessary for life and meaningful employment in their society as well as the modern world.

Public Health represents a critical program which must be adequately supported to diminish the occurrence of preventable disease and to sustain a healthy population. Most of the funds required over the next five years will be for supplies and personnel engaged in medical programs reaching into the villages of the territory. However, these funds will also provide for a major teaching-referral hospital at Ponape, reconstruction of the Yap District hospital, the renovation or reconstruction of sub-district hospitals, and the building of dispensaries serving the smaller communities and outlying islands.

The goal of the health program is to establish a system of comprehensive environmental, dental, mental and preventive health services which will provide a level of public health equal to that of the United States. Achieving this goal will require the construction of a teaching-referral hospital on Ponape by 1973, to be staffed by specialists with the responsibility for upgrading the level of health services throughout the territory. Training of medical personnel will result in an increase of dental personnel from 57 to 90 in 1975 and the establishment of a health-aid training program which will develop adequate manpower to staff 141 dispensaries throughout the territory. The environmental and community health programs are designed to reduce the occurrence of epidemic water-borne, food-borne, and insect-and-rodent-borne diseases throughout the islands. This will include the development of community and individual water catchments and improved excreta disposal programs on the outer islands to complement the water and sewerage systems planned for the more heavily populated district center areas. It also includes the development of active pre-natal and post-natal clinics and programs aimed at improving child health and attacking venereal diseases, intestinal parasites, filariasis, and leprosy. Also included is a family planning program which is essential to child health and economic development in an area such as the Trust Territory, which has an extremely high birth rate.

One of the highest priority programs identified by the people of Micronesia is that of providing water, sewerage and power systems. Without this base there can be little real improvement in economic and social conditions. The accomplishment of objectives in health, education and economic development are directly related to the adequacy of such systems. As an indication of the urgency of the need, in 1968 less than 23% of the population was served with protected water supplies meeting minimum U.S. Public Health standards. The dumping of raw sewage into relatively closed lagoons created fecal coliform counts as much as 100,000 times the recommended limit. The consequence has been periodic epidemics of such diseases as hepatitis. These systems are anticipated to require substantial investment during the years 1971 to 1975.

The Congress of Micronesia is vitally concerned about economic development and cites roads, shipping facilities and airports as high priority items. Construction and improvement of such facilities is vital to education, health, commerce and the simplest operations of government and private enterprise in most areas of the Trust Territory. Most of the funds for transportation and communications will be devoted to capital improvement projects such as airports, dock and warehousing facilities, and roads. With the territory's 20 major population centers scattered across 3,000,000 square miles of ocean, such facilities are critical.

A program which is almost as important in its consequences as the health, education and infrastructure programs, is the need to develop a regional land tenure system which will adequately protect the needs of the people of Micronesia and serve as a base for future economic development. This problem needs a vigorous attack—one which has been started but which will require additional and continuing emphasis if it is to be successful. The public lands of the territory, about 267,000 acres, are inadequately identified. There is little in the way of a system to provide for official identification, registration, or adjudication of conflicting land titles and ownership. Surveys in the past have been minimal and the titles to the few properties which have been surveyed have not been adequately researched and are subject to dispute.

The achievement of the proposed program for the next five years will throw a major burden upon the people of Micronesia. It is proposed that to the maximum extent possible construction will be done with local contractors, using local labor and, wherever possible, using locally available building material. This will provide quality facilities at a lower price, and at the same time provide training, employment, and incomes for young people and those working at a subsistence level. Large projects, however, because of their complexity or magnitude, may continue to require outside contractors. Such outside contractors, however, are required to develop Micronesian skills so that the end result will be the availability of Micronesian capabilities to sustain the forward momentum of the action program.

The proposed bill would authorize amounts slightly in excess of presently programmed spending levels for the Trust Territory for fiscal years 1971 through 1975. This is to take into account the cost effect of pay equalization for Trust Territory Government personnel, as well as increases in building costs. The pay equalization plan will come into effect on January 1, 1971, in the middle of fiscal year 1971, accounting for the sharp increase for fiscal year 1972.

The Bureau of the Budget has advised that the proposed bill is in accord with and a part of the program of the President.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

S. 3479

A bill to amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting "for fiscal year 1969, $5,000,000 in addition to the sums heretofore appropriated, for fiscal year 1970, $50,000,000 and for fiscal year 1971, $50,000,000" and inserting in lieu thereof the following: "for fiscal year 1970, $50,000,000; for fiscal year 1971, $60,000,000; for fiscal years 1972, 1973, 1974, and 1975, such sums as may be necessary to carry out the purposes of this Act."

S. 3480—INTRODUCTION OF A BILL TO PROVIDE A CONSOLIDATED, COMPREHENSIVE CHILD DEVELOPMENT PROGRAM

Mr. PROUTY. Mr. President, on behalf of myself, Mr. MURPHY, Mr. DOMINICK, Mr. HATFIELD, and Mr. PERCY, I introduce for appropriate reference a bill entitled the "Comprehensive Headstart Child Development Act of 1970," and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks. Essentially the same bill was introduced on February 9 in the House of Representatives by Representative DELLENBACK of Oregon. We who are sponsor-

ing this bill, especially those of us on the Employment, Manpower, and Poverty Subcommittee of the Labor and Public Welfare Committee, share the belief that more work must be done in the field of early childhood development and day care. Thus, we are introducing similar legislation in the belief that increased visibility and investigation will enable educators and appropriate organizations to increase their expertise and services for the millions of children who can and should benefit. We do so with full knowledge that no legislative proposal is perfect when first introduced. We also understand that the administration may sponsor additional proposals in this area and anticipate supporting future measures which will bring about improvement and needed change. It is hoped that additional analysis now being done and future hearings will bring about further refinements of this most needed legislation.

This legislation is offered in recognition of the fact that there are approximately 13.3 million American children between the ages of 1 and 17 whose mothers work outside the home. Many receive little or no attention to their educational and emotional development needs and this is most often true for the 3 million such children from disadvantaged homes. Nevertheless, even the limited successes of Headstart have proven to many parents, especially the disadvantaged, just how important child care programs in the first 5 years can be. Others now want the same benefits for their children, but cannot afford services unless given the opportunity to gain additional family income. While one-fourth of our Nation's mothers who live with their husbands and pre-school-age children are already in the work force, more would seek the benefits of outside employment if only they knew their children could be provided suitable child care services at reasonable prices.

These numbers become much more significant when we realize how rapidly the trend to outside employment has developed. In 1952 only one-fifth of all wives worked, but by 1969 the ratio had increased to one-third. While the need for, and benefits of, such employment can only be evaluated on an individual basis, we may presume that this trend will continue. When such outside employment can help people sustain themselves without the benefit of welfare, can bring increased self-fulfillment and productivity to an individual mother, or better educational and social services to a child, we can only hope that the trend does indeed continue. At the same time, however, we must recognize the impact upon our Nation's children and insure their security by taking whatever steps are necessary to provide child care and development services that now are lacking. Should we fail to do so, we risk not only the proper development of these children, but the stability of our country that is increasingly beset with problems arising from loss of self-identity, self-fulfillment, and community awareness.

In looking at the present status of day care and child development, we find that even though there are possibly 61 Federal programs which could provide services, perhaps only seven do so in a meaningful way. Since less than one million children are reached, this means that well under 10 percent of the need is being fulfilled. Worse yet, there is poor coordination of existing services, no standards that apply to all, and little evaluation that can attest to what successes have been achieved or what improvements should be made. Therefore, one of the major contributions we hope this legislation will make possible is the consolidation and coordination of the seven programs that now provide funds for day-care and child-development services to underprivileged children. We are advocating consolidation and joint operation at both the Federal and the State level so that the widest range of services can be administered as efficiently as possible.

Recognizing that our present resources in this field are limited and that it will take quite some time to expand the range of services offered, a priority has been established that favors economically disadvantaged children first and then children of working mothers, whether or not they are disadvantaged. For those children who do come from disadvantaged homes, such services can mean the difference between an education and gainful employment for their families or a life of poverty with cultural or educational barrenness for the whole family. For those whose mothers are already working, such programs can provide educational and social stimulation that presently must be limited to factors outside the home or too precious few after work hours when mothers are often too tired to devote enough attention to their children.

In providing services to children of working mothers, it must be recognized that some mothers work because they need the additional income, whereas others do so to gain professional fulfillment, or even a chance to get out from time to time because they are unsuited to the burdens of housekeeping and child rearing. Since the needs of the children are most important, an opportunity for their participation must be considered. But for those whose mothers can afford it, this legislation requires payment on a sliding scale in accordance with their ability to pay. This means that a child from a disadvantaged home or with a working mother is eligible to participate but that if the family is able to pay for services rendered, it will do so. This also means that day-care and child-development programs are not limited only to the disadvantaged, that a blend of children from different backgrounds is possible, and that above all, the children who need help can get it.

In focusing on the needs of disadvantaged children and children of working mothers primarily, it cannot be forgotten, however, that there is much not yet known about the learning needs and learning processes of all children. Another major emphasis of this bill is upon research of child development. A proposed National Institute for Early Childhood Development and Education would be modeled after the National Institutes of Health to serve as a focus for research. It would conduct research and test findings through federally controlled programs and would coordinate research conducted under other Federal, university, and private auspices. Finally, the Institute could develop new model programs based on the findings of research, bringing together the experience gained in a variety of programs, whether or not they were developed for the disadvantaged, so that all possibilities can be pursued and evaluated.

While it is hoped that the results of such evaluations will lead eventually to the development of new and improved programs, the bill calls also for interim assessment of existing programs and reports to Congress of findings and recommendations.

Within this broad scope of investigation, we hope such fundamental questions as what range of services should be offered a particular age grouping, what training is necessary for teachers, will be pursued.

Preliminary assessment of the day care and child development field already indicates that there is much need for more trained personnel and adequate facilities. Thus the bill includes an additional authorization of $20 million under the Education Professions Development Act to train or retrain professionals and an equal amount to train paraprofessionals.

Grants are authorized to cover the costs of in-service programs and loan forgiveness is extended to those who teach in early childhood development programs. In extending training opportunities to paraprofessionals, we recognize that college degrees alone do not insure good teachers, but at the same time, some measures must be taken to the teaching effectiveness of those who have demonstrated teaching ability despite a lack of professional background. Equally important, the bill calls for active involvement of parents and volunteers, including teenagers and older Americans. This is done in recognition of the great contributions such people can make in the planning, development, and operation of these programs. While the children receive an immediate benefit, the volunteers also gain by making a meaningful contribution and parents benefit through increased awareness and participation in the techniques being used.

In the area of facilities development, much work remains to be done. Previous programs have been somewhat ineffectual because they are limited to minor remodeling and rehabilitation and because there has been little attention to the development of new designs, models, and standards.

Very often, renovation has proven more costly than the construction of new facilities, and the resulting array of facilities in old store fronts and church basements can only be considered stopgap measures at best.

In addition to calling for increased attention to the subject of what facilities are necessary, where they should be placed, and how they should be produced, the bill establishes several new mechanisms that will further the development of new facilities. Federal grants, loans, loan guarantees, interest subsidies, and

a new mortgage insurance—similar to that which spurred growth of nursing homes, hospital and group practice facilities—are authorized. Also, authorizations under the Neighborhood Facilities program of the Department of Housing and Urban Development are increased. It is hoped that these measures will assist private profit and nonprofit organizations to meet State licensing requirements in getting new mortgages for construction and remodeling of facilities.

It is with caution that these programs will apply not only to nonprofit but to profitmaking organizations as well. Many will question the involvement of private enterprise, and the fear of fostering new franchise chains has already been voiced. Nevertheless, to ignore this segment would be foolhardy for over one-half of the existing child care programs are operated by private, profitmaking groups. This legislation seeks to increase the opportunities offered, and therefore we have tried to include safeguards and incentives that will involve private enterprise in such a way as to insure quality standards of operation and maximum utilization of limited resources. Profitmaking centers will be allowed, provided they can afford the same standards of quality as public programs at equivalent or lower costs.

In addition to profitmaking centers, grants under the consolidated program may also go to any employer of 15 or more working mothers with pre-school-age children and, to be equitable, similar progams can be established for children of Federal employees. Thus, day care and child development services will not be limited to disadvantaged children in public facilities or to wealthy children in private nursery schools. Instead the Federal Government will recognize the prodigious effort and cost necessary to expand the range of services and will call upon private enterprise to assume a significant role. By noting the ability and willingness of private enterprise to contribute in this way, it is hoped the benefits can be extended to many more children.

The costs and methods of implementing this ambitious consolidation and improvement of services is hopefully keeping with our present resources. Since the bill does consolidate several existing programs, additional costs can be kept to a minimum through better administration and coordination. At the same time, the sliding scale of payments by those who can afford them and the involvement of private enterprise will help keep government expenditures to a minimum while simultaneously increasing the range and amount of services available. In addition to the $500 million now being spent, the bill authorizes an additional $123 million for training, research, facilities development, and program administration. Through phased implementation and the use of State commissions and plans, it is hoped that individual programs established under this legislation will meet the specific needs of local areas. New programs will be authorized and expanded only when the consolidated program has had time to function effectively. Within each State, individual commissions and plans will be used to insure fair representation of all persons concerned and give adequate attention to both urban and rural areas.

The need for improved day care and child development services has been amply demonstrated and this administration has already committed itself to more programs which will help children in the first 5 years of their lives.

Recent steps taken in furtherance of these objectives include the establishment of the Office of Child Development within HEW for administration of Headstart and the setting aside of 5 percent of Headstart funds for experimental curricula and programs. Additionally, the number of parent and child centers serving families with children under three has been doubled, and new day care programs for children of welfare mothers has been requested as part of the Family Assistance Act, the largest request by any administration for day care funds.

The bill we introduce today is intended to enhance and strengthen these efforts and the total commitment to preschool programs. We are hopeful that the Congress will take favorable action soon by enacting the proposals that have been introduced today.

I am indebted to the Senators who are cosponsors of this proposal and, particularly to the distinguished senior Senator of California (Mr. MURPHY) who has rendered yeoman service in behalf of the Nation's children.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3480) to provide a consolidated, comprehensive child development program in the Department of Health, Education, and Welfare, introduced by Mr. PROUTY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. MURPHY. Mr. President, I am pleased to coauthor the Comprehensive Headstart and Child Development Act of 1970. I want to congratulate Senator PROUTY for his leadership in this area. Senator PROUTY, who is the ranking Republican on the Education Subcommittee, has made many important contributions in the education area and he enjoys a national reputation in this field. Certainly the introduction of this measure will add to that reputation.

I believe that there are two events which have given increased importance to child development and child care programs across the country.

First, there is a growing realization of the importance of the early years in a child's development. Growing evidence suggests that these early years are critical if children are to develop to their full potential. The significance of these early years can be seen from testimony by Dr. Benjamin Bloom of the University of Chicago who indicated to the Senate Labor and Public Welfare Committee, on which I serve, that as much intellectual development takes place by 3 years of age as takes place during the remainder of the elementary and high school career of students. This and other research underscores the importance of early childhood programs in our country.

Second, the continued growth of the number of working mothers: Since 1900 the number of working mothers has doubled. Bureau of Census figures indicate that in 1952, one-fifth of the women in this Nation were employed. By October, 1969, this percentage had increased until one-third of the women were employed outside the house. Generally women work to supplement the family salary, to enable the family to make ends meet or have some of the extras for their families.

What this all adds up to is that today in the Nation we have over 12 million children whose mothers work outside the home. Of this number, approximately 3 million are children, ages 3 to 5, coming from low income families. Of these only about 500,000 are enrolled in publicly supported programs in addition to the 150,000 in Headstart. We are told that approximately 1 million mothers on our welfare rolls have children under age 6. There is general agreement that the present welfare system is outdated and badly in need of major overhaul. President Nixon has sent to the Congress a major recommendation for surgery on our welfare system. Extensive hearings are being conducted by the House Ways and Means Committee. The basic thrust of the program is to encourage work rather than perpetuate people in poverty and on our welfare rolls. I believe that the essential ingredient of such a strategy necessarily involves expanded child development and child care facilities and programs.

For example, a recent New York City study of families on its welfare rolls, reveals that seven out of 10 mothers with preschool youngsters said they would prefer to work if day care were available. While child care centers are not the only answer, they seem to me an important component in any solution.

At the present time there are 61 Federal programs scattered in seven different departments and agencies. These programs serve more than one-half million children; yet, as I previously indicated, we have 3 million children ages 3 to 5 from poor families alone where the mothers work. It seems obvious to me if we are going to gear up to meet the need, we must first consolidate and coordinate ongoing programs.

The bill that we are introducing today takes a major step in that direction by combining some half dozen programs now already in existence all of which provide for Federal assistance to child care and child development services for underprivileged children. These programs include Headstart, the preschool segments of title I of the Elementary and Secondary Education Act, day care programs for the children of migrant workers, day care programs for AFDC-aged children, child welfare day care services and programs under the Manpower Development and Training Act to provide day care for children of mothers enrolled in such programs.

The cost of child development and child care facilities for all preschool youngsters is astronomical. It is clear

that no one level of government or one sector of our economy can do the job alone. It must be a joint governmental effort involving Federal, State, and local governments. It must be a joint effort not only involving government, but also involving the private sector, including profitmaking organizations.

I believe the involvement of private profitmaking organizations is one of the significant strengths of this bill. It needs to be pointed out that right now private profitmaking day care and preschool programs are providing more than one-half of the services available. So, this bill rightfully encourages private industry to become an important participant and partner in the child development area. Private industry's response and involvement in the child care and child development area can greatly relieve the total cost of the program in two ways, namely; first, in many areas there are many mothers who would like to work and who could afford to pay for child care services, but the facilities are simply not available at any price. Where there is sufficient demand, private industry can serve this need.

Second, private industry often has demonstrated its ability to duplicate public programs at equal or better quality and at equal or lower cost. When private industry meets standards as high as publicly financed programs and where private industry is able to perform as well or better for less money, it obviously makes sense to use that tremendous potential.

I believe the provisions of title II establishing a National Institute for Early Childhood Development are also very important. We need to do a great deal more research in education. We need to know more about the basic fundamentals of early childhood development. We need to see that the results of such research reach the State and local levels and also that such results are translated into effective programs. That is the mandate given this Institute and it could well prove to be one of the soundest investments that we have made.

Another important feature of the measure with which I heartily concur is its insistence on evaluation. This not only includes the evaluation of all present programs but also the evaluation of future wants. As my colleagues know, I have been insisting that we build in evaluations of our programs. Our resources are limited and we simply must know the dividends or returns the taxpayer receives on his investments in education. The dropout prevention programs are proving that it is possible to have accountability and evaluation in education and I hope that this concept will soon filter into all our education programs.

If we are to accelerate our national effort in the child development area we will need additional trained personnel. To help meet these manpower requirements, the bill authorizes $20 million for the training or retraining of professional or paraprofessional personnel in the early childhood programs.

I was a member of the Senate Poverty Subcommittee that journeyed to Mississippi a few years ago. It was this subcommittee that heard testimony that children were "starving." I said at that time that if this were so, we should contact the President and urge that immediate emergency assistance be provided. I never saw so much bureaucratic buckpassing in my life as that which resulted. I have been particularly pleased that the new administration under the leadership of President Nixon has committed itself to ending hunger in this Nation. Its recommendations in this area have been warmly applauded and rightly so by both parties in Congress and by the American people. We know, however, that food stamps and other Federal programs are only part of the problem. Nutritional education is also needed. Proper food is essential to optimum development, but even proper food does not always insure the proper use of such food. For that reason the bill launches an educational program of nutrition, child development and growth for economically disadvantaged teenagers and expectant mothers.

Mr. President, this measure is in keeping with the need for fiscal restraint at the Federal level. The major thrust of the legislation is the consolidation of separate programs and relies essentially on the same amount of money that is being spent by similar programs operating under different auspices. Although rightly giving first priority to disadvantaged children, the variable payment scale and the involvement of private enterprise not only promises to make the program available to children of families other than those who are economically deprived, but also to keep the Government costs down while simultaneously increasing the number of places available for child care. It is estimated that the Federal cost of the measure for fiscal year 1971 is $123 million and for fiscal year 1972, $125 million. This measure then is a response to the great need in the country for child development services. At the same time it is a responsible response, one that we can deliver on, and not merely empty promises or empty authorizations. In short, it is a carefully planned program and has potential of laying the foundation for the needed early childhood programs that the country needs.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

COMPREHENSIVE HEADSTART CHILD DEVELOPMENT ACT OF 1970

Title I—Consolidate child care programs, combining Headstart, Title I ESEA (preschool portion only), Migrant daycare (OEO), and daycare provisions under Title IV of the Social Security Act and the Labor Department's manpower programs.

Title II—National Institute for Early Childhood Development and Education.

Title III—Facilities assistance: mortgage insurance program, additional authorizations for Neighborhood Facilities program.

Title IV—Personnel training: $20 million each for training professional and nonprofessional personnel, service in lieu of student loan repayment; inservice training provisions.

Title V—Federal government child development program for children of employees.

Title VI—General provisions: evaluation of federal programs, Office of Child Development, definitions.

Within this framework, the bill provides for the following:

PROGRAM CONSOLIDATION

Bring together, under one funding authority, the major federal programs which provide operating funds for day-care and child development programs.

New programs or additional appropriations would be authorized only when the consolidated program is functioning effectively.

STATE COMMISSION

State commission representatives of all public and private agencies concerned with early childhood education, welfare and day-care would be involved.

Function would be to assess needs, establish priorities, develop a state plan, and eventually, to approve applications for funds.

Urban areas would be guaranteed a fair share of state commission funds.

PHASED IMPLEMENTATION

A carefully planned step-by-step approach to future expansion to assure well designed and prudently administered programs.

PRIVATE ENTERPRISE INVOLVEMENT

Mortgage guarantees would facilitate construction of centers.

Profit-making corporations would be eligible for direct grants.

Same standards would apply to private corporations as to others under the program.

Fees will count toward matching requirements.

Employers could be eligible for grants to operate day-care programs for employees' children.

RESEARCH

A National Institute for Early Childhood Development would be established to serve as a focus for research; to conduct research and test findings through federally-controlled programs; to coordinate research conducted under other federal, university, and private auspices.

TRAINING

Educational Professions Development Act would be authorized additional appropriations for training professional and para-professional personnel.

Forgiveness of student loans for those entering early childhood programs.

Tuition grants for early childhood personnel upgrading their skills.

FACILITIES

Construction authorized where more economical than renovation or rental.

Additional appropriations authorized for Neighborhood Facilities program.

Mortgage guarantee program for private profit-making or non-profit agencies.

Federal grants, loans, and interest subsidies authorized.

EVALUATION

Special evaluation or existing federal programs pertaining to child development will be made.

On-going evaluation of future programs authorized, with annual reports to Congress.

FEDERAL FUNDS PROVIDED FOR

1. Economically disadvantaged children younger than compulsory school attendance age.

2. Children of working mothers, whether or not economically disadvantaged (payment for services on a sliding-scale fee basis).

3. Programs to help economically disadvantaged adolescent girls and expectants learn the fundamentals of child development and nutrition.

Cost—$123 million above current expenditures for FY 1971.

S. 3482—INTRODUCTION OF A BILL RELATING TO CIVIL SERVICE RETIREMENT

Mr. ANDERSON. Mr. President, today I am introducing legislation to authorize Federal employees of the Atomic Energy Commission with job classifications of convoy commander and security specialist—shipment—to retire with full annuity after 20 years' service because of their hazardous duties.

These employees are the armed escorts for Atomic Energy Commission classified shipments. The positions are sensitive and critical, and the employees must be certified annually for psychological and mental reliability, as well as physical qualifications.

Following are two sections from the official job analysis and evaluation for the positions, as listed by the Civil Service Commission:

WORKING CONDITIONS

Performs duties which involve: arduous physical exertion, physical danger, frequent and prolonged travel, exposure to unusual, extreme and inclement weather, movement on rough terrain and placement in isolated locations.

Assignments require irregular periods of fully alert duty during all hours of day and night.

The majority of the incumbent's time is spent in travel status. Modes of travel include freight trains, passenger trains, trucks, travelalls, commercial airlines and contractor operated aircraft. Incumbent may be in travel status up to thirty days on each assignment.

Vehicles travel may require long periods of continuous duty and travel over all types of roads and under varying climatic and topographical conditions. Required to be fully alert status for sixteen continuous hours which may include driving a vehicle for up to ten hours. Continuous sleeping and riding in vehicle for a period of up to ten days.

Travel aboard escort coaches or other railway equipment requires shipment personnel to perform their own cooking, cleaning, and maintenance of other necessities. Duty includes boarding and detraining from standing and moving railway equipment, performing patrol and inspection of shipments in railway yards and enduring considerable rough handling during switching operations.

Duty is performed aboard aircraft of all types. At times assignments are for more than one day in continuous custody of material which requires constant presence at aircraft, often without continuous or adequate heating or complete eating facilities.

Subject to the hazards of the above modes of transpotration.

Subject to the potential health and safety hazards involved in the transportation and handling of high explosive, radioactive, and/or toxic material.

Subject to be directed to initiate or accomplish emergency procedures involving great physical risk.

Subject to normal hazards of personnel who carry firearms in the performance of their duty.

Basic workweek varies from week to week and hours of work vary from day to day. Subject to call to report at all hours to perform travel or duty for prolonged periods.

EFFORT

Endures long periods of continuous travel (up to 30 days on each assignment) under confined conditions in the protecting of security shipment which produces considerable physical, mental and visual fatigue.

Alertness is required for long hours (up to 16 hours) in the performance of duties.

Maintain adequate physical condition to perform arduous assignment and to adequately provide protection to shipments, other security personnel and self against transgression.

On rail freight shipments, it is often necessary to board, climb onto, or ride on the side of or on top of freight cars while the train is in motion. These activities require strenuous physical effort.

Prolonged standing and walking on rough terrain, in isolated locations and under all types of weather conditions is required.

While operating motor vehicles, must maintain maximum proficiency to avoid and prevent accidents.

Required to lift and carry equipment and supplies required on assignments.

Mr. President, because of the demanding nature of this work requiring both mental and physical stamina and the hazards involved, I feel that these employees are deserving of the authority to retire at the end of 20 years of Federal employment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3482) to amend title 5, United States Code, relating to civil service retirement, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3484—INTRODUCTION OF THE MARINE ENVIRONMENT AND POLLUTION CONTROL ACT OF 1970

Mr. NELSON. Mr. President, I am introducing legislation today which, in its broadest terms, is a human survival act. Its concern is with the pollution of the Great Lakes, and now, of the sea, a situation that poses dangers to the future of the human race that rank with those posed by the threat of nuclear war.

The legislation is entitled the Marine Environment and Pollution Control Act of 1970. One portion of the bill would establish a tough new national policy to halt the reckless exploitation and the destruction of our vital marine environment, and would substitute an environmental management plan beyond State waters that would be aimed at achieving a harmonious relationship between man and the source of all life, the sea.

Another part of the legislation would deal specifically with the disposal of tens of millions of tons of wastes into the sea from New York and other major cities on the ocean coastlines, in the Gulf of Mexico, and in the Great Lakes. I will explain in detail the provisions of this legislation later in the statement.

For the past year, the tragic story about the destruction of the sea has been unfolding at an accelerating pace. For people the world over, it is a shocking, surprising story, which they may first receive in disbelief. Throughout history, we have believed the sea was a limitless resource, as indestructible as the earth itself. And, as with all our other resources, we have acted accordingly, abusing it in the name of "Progress," somehow never realizing until very, very late that, like all other systems of the planet, the sea is a fragile environment, sensitive and vulnerable to the debris of civilization.

Our persistent refusal to accept these facts about all environments on earth is, in the view of many scientists, hurling us headlong to unprecedented worldwide disaster.

The sea is a fragile environment because, among other things, its only really productive areas are extremely limited. They are the Continental Shelves, the narrow bands of relatively shallow, highly fertile areas that extend from our coastlines, the same areas on which our myriad and dramatically increasing ocean activities are focused. Our shipping, mineral extraction, fishing, recreation, and waste disposal all are concentrated in these relatively small, fragile areas.

Destroy life on the Continental Shelves—which is what we are doing now—and, for practical purposes, the oceans are rendered a desert. Fertile coastal waters are 20 times as productive as the open ocean.

Destroy the richness of the sea, and you eliminate one of the greatest potential resources for feeding an exploding world population. Even today, there are nations, such as Japan, that depend almost entirely on the sea for their food and for many other critical resources.

Upset the intricate ecological systems of the oceans, and you run the grave risk of throwing all natural systems so seriously out of balance that the planet will no longer sustain any life.

The evidence is pouring in that we are already well on the way to causing drastic and lasting damage to the ocean environment.

Citing the steady buildup of toxic, persistant pesticides in the oceans, many scientists now believe that another 25 to 50 years of pesticide use will wipe out the oceanic fisheries.

Scientists investigating a massive die-off of seabirds last year off Britain found in the dead birds unusually high concentrations of another deadly pollutant, toxic industrial chemicals used in making paints and plastics, and in other industrial processes. Concentrations of toxic mercury and lead have also been reported in instances at alarming ocean levels.

Scientists now see new dangers to marine life and human beings as well from the potential buildup through the food chain of long-term poisons from the crude oil that is now being spilled, dumped, or leaked into the oceans by man's activities at a rate of 1 million tons a year.

The oil is showing up far from its original sources. Scientists towing a net recently in the Sargasso Sea hauled in oil tar lumps as much as 2 inches thick. The Sargasso Sea is 500 miles south of Bermuda in the Atlantic Ocean.

In addition to oil, author-explorer Thor Heyerdahl sighted plastic bottles, squeeze tubes and other debris in the mid-Atlantic during his papyrus raft trip last year. At one point, the ocean water was so filthy the raft crew could not use it to wash the dirty dishes.

In the Pacific Ocean, some still undetermined ecological change has caused a

population explosion among a species of starfish. It might be just another fascinating incident if it were not for the fact that the starfish, which feeds on living coral, can, in great enough quantities, cause serious erosion on islands protected by coral reefs and lead to the destruction of food-fish populations that inhabit the reefs.

Closer to home, the oil well blowout in the Santa Barbara Channel last year stunned our Nation. Anyone who still believes the sea is invulnerable to the same devastation we now see in rivers across the land should talk to the citizens of Santa Barbara.

Or they should ask the residents of Cleveland, Detroit, Toledo, Chicago, Milwaukee, Green Bay, or Duluth-Superior. For the past several decades, we have been methodically destroying the Great Lakes, among the largest bodies of fresh water on earth. Lake Erie is degraded almost to the point of a cesspool. Lake Michigan is seriously polluted, and is about to be ringed with nuclear powerplants discharging massive heat wastes. Lake Superior, the largest, cleanest Great Lake, is now threatened. On the Minnesota north shore, a mining company is dumping 60,000 tons of iron ore process wastes into the lake each day.

One need only to have glanced over the newspapers for the past few days to get a sense of the pattern that is developing off our coastlines. Off the gulf coast, an intense fire has been burning out of control for several days on an oil well platform. If the situation is not brought under proper control, raw oil from the well could seep over vast areas of the gulf, spreading to wildlife and bird preserves, stretches of coastal marshland, and recreation beaches. Off Nova Scotia, oil spreading from a wrecked tanker has contaminated nearby shores and is killing sea birds, and the same thing is happening off Florida as oil spreads from another wrecked tanker.

The situation in a few years will be much worse. If present trends continue, according to a recent report by the President's Panel on Oil Spills, we can expect a Santa Barbara-scale disaster every year by 1980.

The report also confirmed that we do not have the technology to contain the oil from massive blowouts and spills. In fact, scientists are pointing out that current control techniques, such as massive use of detergents to break up oil slicks, can be even more damaging than the spills themselves.

Yet, in blunt testimony to our sorry history of exploiting our resources at any risk to the environment, 3,000 to 5,000 new oil wells will be drilled annually by 1980 in the marine environment. The pressure is on even in polluted Lake Erie, where only widespread public resistance has prevented drilling there to date.

By ironic coincidence, Federal plans for new oil lease sales in U.S. offshore areas were announced only a few days before the Presidential panel's 1969 oil spill report.

Because of the dramatic and sudden nature of its occurrences and damages, oil pollution has been the most visible of the marine environment problems. A second, less visible, but just as significant threat is from the wastes that are overrunning the industrialized, crowded metropolitan areas along our coastlines.

Progress—American style—is adding up each year to 200 million tons of smoke and fumes, 7 million junked cars, 20 million tons of paper, 76 billion "disposable" containers, and tens of millions of tons of sewage and industrial wastes.

It is estimated that every man, woman, and child in this country is now generating 5 pounds of refuse a day from household, commercial, and industrial wastes. To quote Balladeer Pete Seeger, Americans now find themselves "standing knee deep in garbage, throwing rockets at the moon."

The rational way out of this dilemma would be using the country's technology and massive resources to develop systems to recycle our wastes, making them valuable "resources out of place," or treating wastes to the highest degree that technology will permit.

Instead, in the classic American style, we have been taking the easy way out. Rather than planning ahead to handle the byproducts of our affluent society, we have invariably taken the cheapest, most convenient route to their disposal, regardless of the environmental consequences. Until fairly recently, the easy way has been to dump our debris outside the city limits, or into the nearest river or lake.

But now, the end of one city means the beginning of another, especially in our sprawling metropolitan areas. And either the river or lake is already grossly polluted with other wastes, or water quality standards are demanding that the polluters install decent treatment facilities.

With this tightening situation, one might think that we would finally begin a national effort to establish effective and environmentally safe waste management plans.

Instead, we have found another way to avoid the costs of environmental controls: Dump the debris into that supposedly bottomless receptacle, the sea. The attractions are many. The fact is that environmental regulations in our coastal waters are so loose it is like frontier days on the high seas, a field day for laissez faire polluters. One recent private report points out the gross inadequacies in offshore environmental regulations:

Few applications for offshore waste dumping permits are ever denied, even when environmental agencies strongly oppose the dumping. In fact, the report could find no instance where the U.S. Army Corps of Engineers—in most cases, the lead agency for regulating the dumping—had ever rescinded a disposal permit, even when the polluter had clearly violated it. The reason, according to the report, is that authorities and responsibilities in the marine environment are so uncertain that public agencies may be reluctant to take action that might lead to court tests;

Furthermore, most dumping is carried out so far offshore that no present regulations of any Federal, State or local agency explicitly apply;

Although many public agencies are concerned in various ways with ocean dumping, rarely do any of them have a comprehensive picture of the total offshore waste disposal activities in the area;

Regular monitoring of ocean dumping is almost nonexistent, leaving the way wide open for abuse of already inadequate permit terms;

Finally, guidelines to determine how dumping will affect fragile ocean ecology and the marine food chain do not exist. Thus, decisions on the dumping permits are made with a tragic lack of vital information as to the consequences.

In this situation, it is often cheaper for a city to send its municipal wastes out to the ocean depths via a barge; or for an industry to relocate to the coastline from an inland area with tough water quality standards, so it can discharge its wastes directly into coastal waters without having to install costly pollution control equipment.

Because the effects of the ocean dumping are slow to appear, it is a problem that only now is breaking into public view. But when all the facts are in, I am convinced that continued unrestrained dumping clearly will spell a tragedy that will make Santa Barbara pale by comparison.

In the United States, cities, industries, and other polluters are now disposing 37 million tons of wastes into the marine environment every year, and this does not include Great Lakes figures.

Predictably, our mass consumption, mass disposal society is responsible for one-third to one-half the world's pollution input to the sea.

The cities and metropolitan areas involved include San Francisco, Los Angeles, San Diego, Boston, New York, Philadelphia, Baltimore, Charleston, St. Petersburg, Miami, Port Arthur, Galveston, Texas City, and Houston.

The wastes—dumped at sea from barges and ships—run the gamut of byproducts from the "affluent" society. They include garbage and trash; waste oil; dredging spoils; industrial acids, caustics, cleaners, sludges, and waste liquor; airplane parts; junked automobiles and spoiled food. Radioactive wastes, poison gas, and obsolete ordnance have also been dumped in the sea by atomic energy and defense agencies.

Along our Pacific coast, 8.8 million tons of these wastes were dumped in 1968 alone.

Along the heavily populated east coast, 23.7 million tons were dumped that year.

And along the gulf coast in 1968, 14.6 million tons of wastes were dumped.

A leader for the whole country in the dumping of wastes into the sea is metropolitan New York. In a recent year, dumping for this area off the New Jersey and Long Island coasts came to 6.6 million tons of dredge spoils, 4 million tons of sewage sludge, 2.6 million tons of dilute industrial waste acids, and 573,000 tons of cellar dirt.

The sewage sludge, dumped 11 miles offshore, has spread over a 10- to 20-square-mile area of the ocean bed, killing bottom life, cutting oxygen levels, poisoning the sea waters. A wide area outside the dumping grounds is also con-

taminated, possibly by the sewage sludge. Dumping of other wastes is being carried out in five other undersea areas off New York.

The results of several decades of ocean waste disposal off this vast metropolis are grim portents for the future of much of the U.S. marine environment if the practice is allowed to continue.

Off New York, outbreaks of a strange fish disease, where fins and tails rot away, have been reported since 1967.

Recreation-destroying red tides have recently closed local beaches, particularly during the summer of 1968.

Massive growths of nuisance organisms, such as seaweeds and jellyfish, are now prevalent.

Once huge oysterbeds in New York Harbor have been all but eliminated.

Nearly all local clamming areas have been closed because of contamination.

Many swimming beaches are now closed every summer for the same reason, and there are indications that the sewage sludge dumped far offshore may now be creeping back in on the currents.

Now, in the face of this marine disaster, suggestions are being made that the New York dumping grounds be moved anywhere up to 100 miles offshore. Whether this is feasible on even an interim basis, it is highly doubtful it offers any permanent solution. New Yorkers 40 years ago thought they had escaped much of their waste problem when the present offshore dumping grounds were selected. Past history gives little cause for confidence that dumping even 100 miles into the sea will prevent grave consequences 40 years from now.

In fact, the evidence from the present New York situation, and from the effects of other United States and worldwide marine activities, indicates firmly that if we are to avoid setting off further disaster in our vital offshore areas, the dumping should be phased out entirely along our coastlines and the Great Lakes. The legislation I am proposing would require such a phase-out in 5 years, a deadline which respected authorities have indicated would be reasonable, if a concerted effort is started now to find alternative, safe means of waste disposal or recycling.

The only exception would be when the Secretary of the Interior determined that an alternative was not yet technically available. Then, a temporary permit could be issued until an alternative was developed.

The legislation will also deal with the wastes pouring directly into the ocean and the Great Lakes from numerous outfalls of municipal and industrial waste disposal systems. As I pointed out earlier, the alternative of piping our wastes directly into the sea is becoming increasingly attractive from an economic point of view, as water quality standards are tightened inland. Yet from an environmental point of view, moving to the edge of the sea for cheap waste disposal and cheap water supplies will only accelerate the pollution of the sensitive offshore areas. It is a trend that must be halted now, and the legislation I am introducing will allow only liquid, nontoxic wastes, treated at levels equal to the natural quality of the receiving waters, to be disposed of at sea, with the exception noted above, where an alternative was not technically available.

Now, on one 30-mile stretch of the New Jersey coast alone, there are 14 sewer outfalls discharging directly into the ocean, with more planned. In New York harbor, 20 New Jersey companies are either in court or under orders to halt pollution. According to Federal figures several years ago, the estuarine waters of the United States received 8.3 billion gallons of municipal waste discharges per day.

Clearly, wholesale waste disposal and dumping into the ocean environment is a practice that is rapidly becoming a national scandal. It reflects another near total failure of our institutions to come to grips with a grave new challenge of this modern, complex age. And it is one more tragic instance of polluters and Government, with the consent of a lethargic public, avoiding rational environmental planning now, and letting future generations pay the price.

To date, we have been spending only a pittance in this country on new, more effective ways of handling our wastes, while we spend tens of billions of dollars to put man on the moon, or to fight the Vietnam war. Legislation now pending before the Senate, the Resource Recovery Act, would be an important step forward in the urgently needed effort to manage this country's mounting solid wastes.

Ironically, while we continue to accelerate the gruesome process of polluting the sea, industry, our crowded cities, commercial ventures of all kinds, and even public agencies are making big new plans to carve up this rich, little regulated frontier for profit or for the tax dollar.

Already, the Defense Department holds one of the biggest chunks of marine environment—a total of approximately 300,000 square miles used for missile testing grounds and military operations.

But jurisdictions are so confused in the increasingly busy offshore waters that one mining operator had to turn back his sea bed phosphate lease when he found it was in an old Defense Department ordnance dump.

Crowded metropolitan areas are looking to the sea as the answer not only to their waste disposal problems, but for their space shortages as well. In the next few years, it is possible that construction of floating airports will begin for New York City, Los Angeles, and Cleveland. Floating seaports and floating cities may not be far behind.

And population and use pressures on our coastal areas will continue to escalate. Already, more than 75 percent of the Nation's population, more than 150 million people, now lives in coastal States, and more than 45 percent of our urban population lives in coastal counties.

Now, the coasts provide recreation for tens of millions of citizens. And the demand for outdoor recreation is increasing twice as fast as our burgeoning population. Yet in the face of these growing needs and expectations, the coasts are in danger of being crowded and polluted out of the market as recreation resources. In effect, Americans are slamming the door on their last escape route to a livable world. Our choice now is to either clean up our environment, or survive in surroundings we never thought we would have to accept.

Again, we look to the sea for distant answers. Within 33 years, we can expect permanent inhabited undersea installations and perhaps even colonies, according to the commission on the year 2000, a group established by the American Academy of Arts and Sciences.

In another activity, oil tankers, a more frequent source of pollution than oil wells, are being built to huge scales, cutting transportation costs but increasing environmental danger. The *Torrey Canyon* tanker was carrying 118,000 tons of crude oil when it broke up off England in 1967, a disaster that soaked miles of beaches with oil and killed more than 25,000 birds. Today, there are tankers being designed with a 500,000 ton capacity.

In addition to bringing new pollution dangers, the tankers will probably help create a new industrial seascape off our coasts. Since our ports are not big enough to handle these super ships, offshore docking facilities will have to be built.

In the Gulf of Alaska, heavy tankers could soon be operating to ship oil from the southern end of the proposed Trans-Alaska pipeline. Meanwhile, other oil and gas interests are proposing leases for drilling in the gulf. Leasing could put the tankers and oil rigs on a collision course, with massive oil spills as a result.

In another area of resource use, a company will soon begin an experimental mining operation off the southeast Atlantic coast in which a vacuum device will draw materials off the sea bed, and half way up, separate out fine wastes and spew them into the undersea in a broad fan. An almost certain result will be the smothering of bottom life over a wide area.

On Georges Bank, a rich international fishery off the New England coast, studies have identified areas with tremendous oil and gas potential, posing possible conflicts.

The evidence is clear. If tough environmental management steps are not taken now, the outcome of this bustle of new activity is certain. We will ultimately make as much a wreckage of the oceans as we have of the land. There will be constant conflicts between users, more reckless exploitation, perhaps the total destruction of marine life, and through the whole process, public agencies will be relegated to their all too frequent ineffective role of referees between competing resource users.

The legislation I am proposing today as the Marine Environment and Pollution Control Act of 1970 prescribes far-reaching steps to establish rational protection of the ocean environment.

The first section makes it unlawful for U.S. citizens, which includes corporate and municipal officers, to dispose of refuse materials into the Great Lakes, the territorial sea, Outer Continental Shelf waters, or the high seas without a permit from the Secretary of the Interior issued with the concurrence of the Council on Environ-

mental Quality in the White House. Before the Secretary can grant such a permit, he will be required to undertake a broad-ranging investigation into the effects the disposal would have on the marine environment. In addition, public hearings will be held if requested, to give concerned citizens the opportunity to speak on the matter. In general, this legislation provides for public involvement in the decisionmaking process at every available opportunity, an involvement that has far too frequently been lacking in the making of Federal environmental politics.

Under this bill, the Secretary will only grant a waste disposal permit if there is convincing evidence that the disposal will not have any adverse effects on plant and animal life and the marine environment generally. As I have pointed out earlier, consideration of the impact of dumping on the fragile marine ecology of dumping has been entirely inadequate.

The bill would phase out all marine dumping by June 30, 1975, which is a reasonable and essential step for environmental protection, except for the exceptions noted earlier in the statement. It also provides criminal penalties including imprisonment, and a fine of not more than $1,000 per ton of material disposed of in violation of the act.

In the important second section of the bill, a system for marine environment management is established, which will apply to the submerged offshore lands under the jurisdiction of the Secretary of the Interior. As a first step, the bill provides for an Advisory Committee on the Marine Environment, to be appointed by the Secretary with the concurrence of the Council on Environmental Quality. The private citizen committee will include scientists trained in disciplines dealing with marine environment concerns. It will be responsible for the general scientific overview of the whole new program.

Also called for is a series of comprehensive programs and studies designed to increase our knowledge of the marine environment and its complex ecological systems, and the effects of our activities on this vital environment. Under the bill, the Secretary would develop models of physical and ecological systems of the marine environment which would be used to predict in advance the effects of proposed activities, an unprecedented step in marine environment protection.

I have also included a provision in the bill requiring truly long range forecasts of our needs and requirements, not only for minerals, but for recreation, fisheries, shipping, and natural ecological balance, over the next 50 years, another unprecedented step fundamental to making sound decisions about our ocean activities. This information will be made available to the public as it is developed by the Secretary, with the advice and recommendations of the scientific commission.

The next section of the bill provides for the application of the information and knowledge gained by the Secretary and the commission to the development of comprehensive resource management plans for the marine environment. Such plans will be developed whenever the Secretary is notified that present or proposed uses of the marine environment involve a risk of serious environmental damage or serious conflict with present or future users, or when any submerged lands under the jurisdiction of the Secretary are proposed to be leased. As a part of the plan, the Secretary would conduct an intensive study of the specific area involved, and of all the plant and animal life in it, and would attempt to develop means for avoiding adverse effects or conflicts among uses. The Secretary will also seek the views of the Governors of the coastal States in the vicinity of the area of proposed activity.

These efforts will culminate in a management plan which will be submitted to the Advisory Committee on the Marine Environment and also to the Council on Environmental Quality and there will also be opportunity for a public hearing. After concurrence of the council in the plan, the Secretary will implement it in public regulations which will constitute a comprehensive and mandatory guide for the use of the seabed and waters governed by the plan.

I believe these management plans would be a major step in avoiding Santa Barbara-type disasters brought on by lack of foresight and information, and this approach might well merit consideration by the States for the Great Lakes and their offshore territorial waters. Public participation would be an important part of the development of these plans.

It should be made clear that even the adoption of this legislation will only be a beginning in protecting our oceans. Inland, our water standard and cleanup programs must be strictly enforced and well financed, not only for the sake of our rivers and lakes, but for the future of the sea itself, which ultimately receives these wastes. And it is clear too that although the activities of this Nation are a major factor in the threat to the sea, all nations are having an impact, and have responsibilities which they too must exercise if this common world resource is to be protected. It is clear this will require new international cooperation and agreements.

Mr. President, I introduce this legislation for reference to the appropriate committee, and ask that it be printed in the CONGRESSIONAL RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3484) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Environment and Pollution Control Act of 1970."

SEC. 2. The Water Pollution Control Act, as amended, (62 Stat. 1155; 53 U.S.C. 466–466n) is further amended by the addition of the following new sections to title 33 of the United States Code:

"SEC. 466o1. After the effective date of this section, no citizen of the United States shall dispose of refuse materials originating within the continental limits of North America into the Great Lakes, the coastal waters of the United States, or the high seas without a permit from the Secretary of the Interior issued under this Act with the concurrence of the Council on Environmental Quality.

SEC. 466o(2). (a) Upon receipt of any application for permission to dispose of refuse materials originating within the continental limits of North America into the Great Lakes, the coastal waters of the United States, or the high seas, the Secretary of the Interior shall investigate the characteristics of the refuse materials proposed to be disposed of, the manner in which such disposal is proposed to be conducted, and the physical, biological, ecological and other relevant characteristics of the area in which the disposal is proposed to be conducted, and prepare a comprehensive report of the effects of the proposed disposal activity upon the public health and the physical, biological, and ecological systems existing in the area and any other areas in which the effects of the disposal might be manifested. In making his investigation and preparing the comprehensive report the Secretary shall request the views and recommendations of other Departments and agencies of the Federal Government and of State and local officials and shall include their views and recommendations in his comprehensive report.

(b) Upon completion of the comprehensive report, the Secretary shall make such report available to all interested persons and, upon request of any interested person and after not less than 30 days notice, shall hold one or more public hearings in a location or locations in the general vicinity of the area within which the disposal is proposed to be accomplished at which all interested persons shall be given an opportunity to express their views with respect to the comprehensive report, the application, and any other matter relevant to the application or the comprehensive report. A transcript of the public hearings shall be made and the comprehensive report shall be included in the record of the hearings. The record of the hearings shall remain open for written submissions by all interested persons for a period of 30 days following completion of the public hearings.

(c) Within 60 days after the record of public hearings is closed, the Secretary shall make written findings of fact, written conclusions, and a written decision on the application. The application, record of any public hearings held under this section and the Secretary's findings, conclusions, and decision shall be public documents. No decision granting permission to dispose of refuse materials shall be made by the Secretary except upon findings and conclusions supported by clear and convincing evidence that the disposal activity for which permission is sought will not result in dangers to the public health, damage to or destruction of plant or animal life, significant alteration of physical processes, interruption of the food chain of marine plant or animal life, damage to or destruction of marine ecological systems, or other damage to or destruction of the marine environment.

(d) All decisions of the Secretary on applications under this section shall be referred to the Council on Environmental Quality. No decision of the Secretary granting permission under this section to dispose of refuse materials shall become final unless such decision is concurred in by the Council on Environmental Quality. The Council on Environmental Quality shall be deemed to have disapproved any decision of the Secretary granting permission under this section for the disposal of refuse material if the Council fails to signify its concurrence or nonconcurrence in such decision within

120 days after its receipt of the Secretary's decision.

(e) No permit for the disposal of refuse materials covered by this section shall be issued to any person covered by this section under this or any other law after June 30, 1975, and all permits theretofore issued shall expire on such date. However, if the Secretary of the Interior finds, upon the basis of clear and convincing evidence, that it is technically infeasible to dispose of any refuse materials covered by this section in any other manner, he may issue temporary permits, pending the development of alternate means of disposal, for such disposal under this section, but any such disposals shall be accomplished in a manner which will result in the least possible adverse environmental impact.

SEC. 466o3. (a) As used in this subsection 466o.

(1) The term "refuse material" means all solid and liquid products or byproducts of industrial processes (including tailings, sediment, and like materials resulting from marine mining or dredging activities), industrial waste acids, chemicals, sewage sludge, garbage, dredge spoils, cellar dirt, greases and oils, wrecked automobiles and other wrecked or discarded equipment, obsolete or unneeded ordnance and other military materiel and all other waste materials of every kind and description. However, the term does not include liquid waste materials discharged through outfalls directly into the coastal waters of the United States which contain no suspended or other solid material and which are non-toxic and of a cleanliness and quality equivalent to or higher than the quality of the water into which such liquid waste is discharged.

(2) The term "coastal waters" means the waters lying seaward of the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, to a distance of three miles from such lines. As used with reference to the Great Lakes, "coastal waters" means those boundary waters between the United States and Canada lying on the United States side of the international boundary between the United States and Canada.

(3) The term "high seas" shall mean that portion of the high seas as defined in the Convention on the High Seas lying seaward of the outer limits of the coastal waters of the United States.

(4) The term "citizen of the United States" means officers and employees of the United States, all natural persons who are citizens of the United States, all partnerships or other associations which include in their membership one or more citizens of the United States, and the officers and directors of all corporations organized under the laws of the United States or of any State of the United States.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "continental limits of North America" means the continental land mass of North America and the continental shelves bordering that land mass.

(7) The term "dispose" means to place, release, or discharge in any manner.

SEC. 466o4. Any citizen of the United States who violates any of the provisions of this section or the terms of any permit issued under it shall be fined not more than $1,000 for each offense. Disposal of each ton of refuse material in violation of this section or any permit issued under it shall be a separate offense.

SEC. 466p. (a) There is established in the Department of the Interior an Advisory Committee on the Marine Environment, appointed by the Secretary of the Interior with the concurrence of the Council on Environmental Quality, comprised of eleven members who shall be qualified by training and experience to advise the Secretary of the Interior in the management and protection of the marine environment of the United States. The disciplines represented by the members of the Committee shall include among others, marine biology and ecology, physical or chemical oceanography, marine geology, resource economics, and marine resources law. The Committee shall consult with and advise the Secretary in the discharge of his responsibilities under Section 466q and in the development of the inventories and analyses required by subsections (c) and (d) of Section 466s, and shall analyze and review management plans under subsection (e) of Section 466s and the implementation and enforcement of such plans. The committee shall conduct annual or more frequent studies of the status and quality of the Secretary's efforts undertaken to implement Section 466q, investigations of the quality and the effectiveness of management plans developed under Section 466t, including investigations of the effectiveness of public participation in the development of such plans, reviews of the Secretary's actions in the implementation and enforcement of management plans, and generally shall make such investigations, studies, and recommendations at such times as are required for the successful implementation and administration of the program under sections 466p–466u. The Committee shall transmit the reports of its investigations, studies, and recommendations to the Secretary and the Council on Environmental Quality, and shall make such reports available to the public. The Committee also shall transmit to the Secretary and the Chairman of the Council and make publicly available a report annually on the progress achieved during the preceding year in protecting and enhancing the marine environment together with its recommendations.

(b) No officer or employee of the United States or of any State shall be appointed to membership of the Committee. The committee shall be served on a permanent professional staff comprised of persons who are qualified by training and experience in the disciplines relevant to the management and protection of marine environment.

(c) Members of the Committee shall receive $100 per diem when engaged in the actual performance of duties of the Committee and reimbursement of travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2), for persons employed intermittently.

(d) The Committee shall appoint and fix the compensation of such personnel as it deems advisable in accordance with the civil service laws and the Classification Act of 1949, as amended. In addition, the Committee may secure temporary and intermittent services to the same extent as it authorized for the departments by section 15 of the Administrative Expenses Act of 1946 (60 Stat. 810) but at rates not to exceed $100 per diem for individuals.

(e) As used in sections 466p–466t, the terms—

1. "marine environment" means the air, the waters, and the lands submerged by such waters lying seaward of the boundaries of the coastal States of the United States, and all the resources and values of such air, water, and submerged lands, and the term

2. "Secretary" means the Secretary of the Interior.

SEC. 466q (a) The Secretary, in regular consultation with the Advisory Committee on the Marine Environment and in cooperation wtih other Federal and State agencies shall conduct—

1. comprehensive programs for the continuing collection and analysis of data concerning the physical system existing in the marine environment including, but not limited to, data on tides and wind and ocean currents and geological and topographical data, and develop and refine models of such physical systems which will adequately describe the operation of such systems and also provide predictions of the effects of various activities conducted in the marine environment upon such systems;

2. comprehensive programs for the continuing collection and analysis of data concerning the plant and animal life found in the marine environment and data concerning the sensitivity of unique as well as representative species of such life to changes in the marine environment resulting from development or use of the marine environment;

3. comprehensive investigations of the ecological systems of the marine environment, and develop and refine models of both unique and representative ecological systems which will adequately describe such systems and also provide reliable predictions of the effects of various activities conducted in the marine environment upon such systems;

4. a continuing comprehensive analysis of the several activities presently being conducted in the marine environment or likely to be conducted there in the reasonably immediate future, and present and likely future conflicts among such uses with a view to developing an understanding of the basic purposes which those activities serve and to minimizing such conflicts through development of novel and alternative means of serving those purposes;

5. a program for the development of baseline data concerning the marine environment, and a comprehensive monitoring program for the marine environment designed to provide immediate notice of changes in such environment;

6. far-reaching, long-range studies which will yield forecasts and predictions concerning the activities which may be carried out in, and the uses which may be made of, the marine environment and its resources during the period ending fifty years from the date of each such study, including analyses of the characteristics of and means by which such activities and uses may be conducted, analyses of the likely impact of and constraints imposed by such activities and uses upon other uses of the marine environment, and the likely effects of such activities and uses upon the marine environment itself, predictions of the frequency and significance of future conflicts among uses of the marine environment and of the frequency and the magnitude of any damages to the marine environment which may result from such activities and uses, and recommendations concerning development of technology, management concepts, or other means of preventing or minimizing conflicts among uses of the marine environment and of preventing or minimizing adverse effects upon the marine environment;

7. studies necessary to the development of criteria and standards for the protective management of unique or unusually valuable types or species of plant and animal life, of types or species of plant and animal life which are particularly susceptible to damage or destruction from alteration of the marine environment, of areas of the marine environment which present special hazards of environmental damage or conflicts among uses, and of areas which exhibit unique or unusually valuable characteristics or values; and

8. continuing studies of the susceptibility of the marine environment and its resources to present and future beneficial uses for commercial and sport fisheries, production of fuel and other mineral resources, marine transportation, enjoyment of natural beauty and other nonexploitative recreational uses, scientific research, national defense, and other purposes.

(b) The Secretary shall publish on a reg-

ular basis the reports and results of the studies and investigations and programs authorized by subsection (a) of this section.

SEC. 466r. (a) The Secretary shall establish by regulation in the Department of the Interior an Inter-Agency Committee on Marine Resources Management to be comprised of one representative each of the Departments of Defense, State, Transportation, Health, Education and Welfare, Housing and Urban Development, and Commerce, and the Chairman of the Atomic Energy Commission, the Director of the National Science Foundation, and the Secretary of the Smithsonian Institution. The Committee shall assist the Secretary in the development of management plans for the management and protection of the marine environment.

(b) (i) Whenever the Secretary is advised by the Chairman of the Council on Environmental Quality, the head of any Department or Agency of the United States or other organization named in subsection (a) of this section, or the Governor of any coastal State of the United States or a State bordering on the Great Lakes, that any present or proposed use or uses of the marine environment involves a potential risk of serious environmental damage or potential risk of serious conflict with present or likely future uses of the marine environment, and (ii) whenever any submerged lands under the jurisdiction of the Secretary are proposed to be offered for leasing for oil and gas or sulphur or other minerals, or (iii) whenever it appears to the Secretary that such action is desirable, he shall immediately publish notice pursuant to subsection (e) of section 466s of his intention to develop a management plan, and shall thereafter proceed with the development of a management plan, for the area identified as being susceptible of potential environmental damage, or within which risks of conflicts among uses may occur, or the area proposed to be offered for leasing, or the area which he judges should be the subject of a management plan. No submerged lands under the jurisdiction of the Secretary shall be leased for oil and gas or sulphur or any other mineral after the expiration of three years from the effective date of these amendments unless such leasing is accomplished in accordance with a management plan developed, approved, and implemented in accordance with the provisions of sections 446p–466u.

SEC. 466s. (a) The development of management plans shall be preceded by public notice given in the manner prescribed by subsection (b) of this section and shall reflect the results of the inventories and studies required by subsection (c) of this section, the analyses specified in subsection (d) of this section, and information developed in the course of consultations and public hearings pursuant to subsection (e) of this section in the manner specified in section 466t.

(b) The notice required by subsection (b) of section 466r of the Secretary's intention to develop a management plan for an area shall be published in the *Federal Register* and in a newspaper of general circulation in the general vicinity of the area for which the management plan will be developed. The notice shall indicate that a management plan will be developed for the marine environment in the area described in the notice, indicate that uses of the area involved will be affected by adoption of the management plan, describe the area for which the management plan will be developed, describe the procedural steps by which the management plan will be developed, and state that an opportunity will be extended to all interested persons to express their views and recommendations with respect to development of the management plan.

(c) As soon as practicable after publication of the notice of intention to develop a management plan for an area of the marine environment pursuant to subsection (b) of section 460r, the Secretary shall develop an inventory of the plant and animal life and non-living resources and intangible values of the area, studies of the physical and ecological factors and systems present in the area, and an inventory of present uses and forecasts of future uses of the area.

(d) Concurrently with development of the inventories and studies conducted under subsection (c) of this section, the Secretary shall analyze the characteristics of the plant and animal life and non-living resources and intangible values of the area, the physical and ecological factors and systems present in the area, and the characteristics and purposes of the present and future uses of the area with a view to developing a comprehensive, detailed model or models of the area which will adequately describe the systems existing in the area and their responses to the activities presently being conducted in the area and also provide reliable predictions of the longer-range effects of present uses of the area and reliable predictions of the effects of future activities upon the systems and resources existing in the area. In analyzing the present and future uses of the area, the Secretary shall develop information on the frequency and seriousness of present conflicts among uses of the area and the effects of such conflicts on the marine environment, and projections of the frequency and seriousness of future conflicts among such uses, including estimates of the probably frequency of such conflicts, and the types and degrees of seriousness of potential damages to the marine environment resulting from such conflicts. The Secretary also shall include in his analysis under this subsection an investigation of available technological, managerial, or other means of preventing or reducing the adverse impact of activities conducted in the marine environment on the marine environment and on other uses of it and shall identify present and future needs for new or improved technological or other means of preventing or reducing the adverse effects of particular types of activities on the marine environment or on other uses of the marine environment.

(e) In conducting the inventory under subsection (c) of this section and the analyses required by subsection (d) of this section, the Secretary shall consult with the Advisory Committee on the Marine Environment established by section 466p and shall request all interested Departments and Agencies of the Federal Government to prepare and submit to him written reports concerning their interests in the present and future uses of the area for which a management plan is being developed for commercial and sport fisheries, production of fuel and other mineral resources, marine transportation, enjoyment of scenic beauty and other nonexploitative recreational purposes, scientific research, national defense, and other uses together with their recommendations with respect to the final form, content, and operation of the management plan. In developing the inventory and analyses, the Secretary shall solicit the views and recommendations of the Governor of the coastal State or States in the vicinity of the area for which a management plan is to be developed and invite the views and recommendations of industry and other interested groups and may hold public hearings in the vicinity of such area for the purpose of obtaining the views and recommendations of other interested persons.

(f) The reports of inventory and analyses conducted pursuant to subsections (c) and (d) of this section, the reports submitted by the interested Departments and agencies of the Federal Government, the submissions by the Governor of coastal States and by industry and other interested groups, and the records of any public hearings held by the Secretary shall be included in the administrative record of the proceedings for the development of the management plan and shall be public documents which shall be made available upon request and payment therefor to any interested person.

SEC. 466t. (a) After completion of the inventory and analyses under subsections (c) and (d) of section 466s and receipt of the views and recommendations of the Governors of coastal States, interested industry and other groups, and other interested persons under subsection (e) of section 466s, the Secretary shall make comprehensive written findings of fact and written conclusions concerning the area of the marine environment which will be subject to the management plan and shall develop a comprehensive management plan for the area of the marine environment described in the notice issued pursuant to subsection (b) of section 466r which shall preserve the quality of the marine environment at the highest practicable level and enhance the quality of the marine environment to the highest practicable level where damage to the marine environment already has taken place, prevent or minimize the adverse effects of present and future activities in the marine environment on such environment and its resources and values, and prevent or minimize conflicts among competing uses of the marine environment.

(b) The management plan shall identify, describe the locations of, and afford appropriate protection for plant and animal life, ecological systems, and recreational and other values which are so unique or valuable or important that they should not be exposed to the risks associated with particular uses of the marine environment and describe any areas of the marine environment which present special hazards of environmental damage or conflicts among uses or which exhibit unique or unusually valuable characteristics or values.

(c) The management plan shall be expressed in the form of public regulations which shall be consistent with international law and which will provide a mandatory guide for the use of the land and water areas covered by it. To the maximum degree permitted by international law and agreements, it shall include such prohibitions, constraints, and conditions upon the conduct by citizens of the United States and of foreign nations of specified activities within specific areas covered by it as are appropriate to the protection of the environmental features within such areas or any other areas in which the effects of such activities within the specified areas might be manifested or are necessary to prevent or minimize conflicts among uses of such areas.

(e) Upon completion of the management plan for an area of the marine environment, the Secretary shall submit such plan to the Advisory Committee on the Marine Environment and to the Council on Environmental Quality. Upon request of any interested party and after not less than thirty days' notice, he shall hold one or more public hearings in the general vicinity of the area covered by the management plan at which all interested parties shall be given an opportunity to express their views with respect to any matter pertaining to the management plan.

(f) After considering the views of the Advisory Committee and the Council on Environmental Quality, and after reviewing the record of any public hearing held pursuant to subsection (e) of this section, the Secretary shall affirm or modify, as appropriate, the written findings and conclusions made pursuant to subsection (a) of section 466t, and the management plan, if necessary, and submit it together with his written findings and conclusions to the Council on Environmental Quality for its concurrence.

(g) Upon the concurrence of the Council on Environmental Quality, the Secretary shall adopt and order the implementation of the management plan and shall publish com-

prehensive regulations embodying the management plan in the manner specified in Section 553 of Title 5 of the United States Code. No management plan shall be adopted by the Secretary unless it has been concurred in by the Council on Environmental Quality.

(h) In making his written findings of fact and conclusions pursuant to subsection (a) of section 466t and in the development and adoption of management plans pursuant to this section, particular activities and uses shall not be permitted in specific areas covered by the management plan except upon the Secretary's findings, supported by clear and convincing evidence, that such activities and uses can be conducted in such areas without significant risks of environmental damage or conflicts among uses. In no event shall any management plan afford a lesser degree of protection to the marine environment than that degree of protection afforded by the laws and regulations of the coastal State or States to marine areas under State jurisdiction which are situated adjacent to or in the vicinity of the area covered by such management plan.

SEC. 466u. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 466o–466t.

SENATE JOINT RESOLUTION 173—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING A GRANT TO DEFRAY A PORTION OF THE COST OF EXPANDING THE UNITED NATIONS HEADQUARTERS

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a joint resolution to authorize a grant to defray a portion of the cost of expanding the United Nations headquarters.

The joint resolution has been requested by the Secretary of State and I am introducing it in order that there may be a specific resolution to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point, together with the letter from the Secretary of State to the Vice President dated February 7, 1970.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and letter will be printed in the RECORD.

The joint resolution (S.J. Res. 173) authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 173

Whereas the Congress authorized the United States to join with other governments in the founding of the United Nations;

Whereas the Congress unanimously, in H. Con. Res. 75 (79th Congress), invited the United Nations to establish its headquarters in the United States, which invitation was accepted by the United Nations;

Whereas the United States has continued to serve as host to the United Nations;

Whereas the membership of the United Nations has increased substantially and the Organization has outgrown its existing facilities;

Whereas the General Assembly of the United Nations in December 1969 authorized the construction, subject to suitable financing arrangements, of an additional headquarters building south of and adjacent to the present headquarters site on land to be made available without charge by the City of New York;

Whereas the total financial burden of expanding its headquarters in New York would severely strain the resources of the United Nations;

Whereas a special contribution by the United States as the host government would constitute a positive act of reaffirmation of the faith of the American people in the future of the United Nations;

Be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the Secretary of State out of any money in the Treasury not otherwise appropriated, a sum not to exceed $20,000,000, to remain available until expended, for a grant to be made at the discretion of the Secretary of State, to the United Nations to defray a portion of the cost of the expansion and improvement of its Headquarters in the City of New York on such terms and conditions as the Secretary of State may determine. Such grant shall not be considered a contribution to the United Nations for purpose of any other applicable law limiting contributions.

The letter, presented by Mr. FULBRIGHT, is as follows:

THE SECRETARY OF STATE,
Washington, February 7, 1970.

DEAR MR. VICE PRESIDENT: I respectfully propose for your consideration the enclosed joint resolution to authorize a grant of not more than $20 million to defray a portion of the cost of expanding the Headquarters of the United Nations in New York.

The physical facilities at UN Headquarters are not adequate to the requirements of an organization which has more than doubled in membership since its original plant was constructed almost twenty years ago and has substantially expanded the scope of its activities. There is a serious shortage of office space. Overcrowding has resulted and it has been necessary to scatter in rental locations various departmental components which should be functioning as integral units in adjacent accommodations. Moreover, arrangements for document storage, reproduction of documents and language training are both makeshift and inadequate, as are the Organization's facilities for supporting the work of UN staff and personnel of delegations at official meetings and conferences.

The rental of office space outside the original Headquarters site is both expensive and inefficient. Rental charges add over $1 million to the 1970 UN regular budget and this figure is expected to reach $2 million by 1973. Additionally, rental expenditures by the UN Development Program and the UN Children's Fund will amount to approximately $900,000 in 1970 and are likely to be appreciably higher in subsequent years.

At its most recent session, last fall, the UN General Assembly examined the results of a detailed achitectural and engineering survey of the proposed additions and major alterations to the existing Headquarters premises. After extensive debate, the Assembly authorized the new construction, provided that the financial burden on the regular budget of the United Nations not exceed $25 million of the estimated total of $80 million.

If the Congress authorizes and appropriates a U.S. grant of $20 million towards the proposed Headquarters construction, the Mayor of New York has stated that he will match the Federal contribution. In addition, the City of New York will make available the land south of 42nd Street on which the new building would be constructed, subject to the replacement of the park now on that site by a pile-supported recreation area adjacent to the building site on the East River. In addition, the UN Development Program and the UN Children's Fund, which would be accommodated in the new building, are expected to make lump-sum contributions calculated on the basis of the rentals which these organizations would have paid over some ten years, had they remained in rental premises. Full efforts will also be exerted to obtain maximum financial support from private sources.

Early Congressional authorization and appropriation of the requested contribution are essential to the timely creation of a viable financial package. If the total financing plan could be ready for review and approval by the UN's Advisory Committee on Administrative and Budgetary Questions (ACABQ) at its June session, actual construction could begin in November 1970. If construction began this promptly, present cost estimate levels would not be rendered obsolete by rises in building costs above those already anticipated. While authorization and appropriation of U.S. Government funds is needed as soon as possible, no actual expenditure of U.S. Government funds would occur before fiscal year 1972.

Host governments have customarily defrayed some or all of the accommodations costs of international organizations situated on their territory, in part because they had invited the organizations to locate there and in part in recognition of the often sizable gains realized by the economies of host countries. To cite one recent example, the Austrian Government will build a $25 million United Nations Center at its own expense and lease the building for occupancy by the International Atomic Energy Agency and the United Nations Industrial Development Organization for 99 years at the nominal rent of one Austrian schilling per annum.

In my view, both the United States and the United Nations would benefit from the expansion of the United Nations Headquarters in New York. The United Nations would benefit by being able to keep related activities together and thereby provide unified and efficient direction to them. Similarly, the United States would be better able to supply the constructive leadership required for an effective United Nations. Moreover, American citizens, who are needed for many tasks of the United Nations and for contributing to that Organization's efficiency can be more readily recruited for service in this country than for duty abroad. Finally, the gain in the U.S. balance of payments which would result from UN personnel working in the proposed new Headquarters building in New York, instead of overseas, is conservatively estimated at $12 million annually and in all probability would be much more.

Fully recognizing the importance of the most stringent approach to expenditures by the U.S. Government, I nevertheless consider it to be in the national interest that the necessary expansion of the United Nations take place in the United States and not elsewhere and I respectfully request prompt consideration by the Congress of the attached legislative proposal.

The Department has been advised by the Bureau of the Budget that there is no objection to the presentation of this legislation

and that its enactment would be consistent with the Administration's objectives.

Sincerely,

WILLIAM P. ROGERS.

ADDITIONAL COSPONSORS OF BILLS

S. 3466 THROUGH S. 3472

Mr. PERCY. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that at the next printing the names of the Senator from Colorado (Mr. ALLOTT), and the Senator from Wyoming (Mr. HANSEN) be added as cosponsors of the seven bills (S. 3466 through S. 3472), introduced yesterday, February 18, 1970, by the Senator from Pennsylvania (Mr. SCOTT).

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 360—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR INQUIRIES AND INVESTIGATIONS INTO THE UNITED MINE WORKERS ELECTION OF 1969 AND PENSION AND WELFARE FUNDS GENERALLY (S. REPT. NO. 91–708)

Mr. WILLIAMS of New Jersey, from the Committee on Labor and Public Welfare, reported an original resolution (S. Res. 360) and submitted a report thereon, which report was ordered to be printed, and the resolution was referred to the Committee on Rules and Administration, as follows:

S. RES. 360

Resolution authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries into the United Mine Workers election of 1969 and pension and welfare funds generally

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the United Mine Workers of America election of 1969 and a general study of pension and welfare funds with special emphasis on the need for protection of employees covered by these funds.

SEC. 2. For the purposes of this resolution the committee, from the date of enactment of this legislation to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) contract with private organizational and individual consultants; (6) interview employees of the Federal, State, and local governments and other individuals; and (7) take depositions and other testimony.

SEC. 3. Expenses of the committee in carrying out its functions shall not exceed $265,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COSPONSOR OF A RESOLUTION

Mr. PERCY. Mr. President, on behalf of the Senator from Tennessee (Mr. BAKER), I ask unanimous consent that, at the next printing, the name of the senior Senator from Indiana (Mr. HARTKE) be added as a cosponsor of S. Res. 211, seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF VOTING RIGHTS ACT OF 1965 WITH RESPECT TO THE DISCRIMINATORY USE OF TESTS AND DEVICES—AMENDMENT

AMENDMENT NO. 503

Mr. GOLDWATER. Mr. President, today it was my honor to have testified before the Subcommittee of the Judiciary Committee holding hearings on different voting bills.

I ask unanimous consent that the statement I made, together with the amendment, its tables and other statements connected with the matter be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment and other material will be printed in the RECORD, as requested by the Senator from Arizona.

The testimony, presented by Mr. GOLDWATER, is as follows:

TO ENHANCE THE CONSTITUTIONAL RIGHT OF ALL AMERICANS TO VOTE FOR THEIR PRESIDENT AND VICE PRESIDENT

Mr. Chairman and Members of the Subcommittee, today I shall propose an amendment which will enhance the right to vote for up to ten million citizens of all races, creeds, and national origins. In short, my proposal will secure the right to vote for President and Vice President for every citizen of the United States without regard to lengthy residence requirements or where he may be on election day.

My amendment is offered on behalf of myself and 28 other Senators. It is presented as a substitute for section 2(c) of the House-passed voting rights measure. Although this section provides for uniform residency requirements, there are several changes which must be made if it is to be effective.

Specifically, the provision should be amended so as to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, to spell out the right of citizens to register absentee and to vote by absentee ballot for such officers, to permit States to adopt voting practices less restrictive than those provided by the law, to authorize the Attorney General to institute court actions to ensure compliance with the law, and to expressly prohibit double voting and false registration.

Also, in order to assure the Constitutionality of the section, it should be amended so as to clearly identify the powers which Congress is exercising under the Constitution and to plainly apply to voting for the offices of President and Vice President alone.

Mr. Chairman, having been my party's nominee for President in 1964, I perhaps have had more reason than most persons to examine the workings of the nation's election machinery. And speaking as a Senator from Arizona, a State which is attracting new residents by leaps and bounds, I have a special reason for wanting that machinery to take account of the needs of this important group of citizens—whether they have come to my State or moved to others.

Mr. Chairman, the sad truth is that the national election system is not geared to insuring that the maximum number of citizens will be eligible to vote. To the contrary, a barrier of outmoded legal technicalities has been erected across the land which disfranchises many millions of citizens who are otherwise fully qualified to vote.

It is my belief that these restrictions are unnecessary when applied to Presidential elections and are utterly out of tune with the changing needs of a modern, mobile society.

The worst offender is the burden on voting imposed by lengthy residency requirements. Sixteen of our States require a full year's residence within their boundaries before they will allow a citizen to vote for President and Vice President. These laws alone affect more than 620,000 Americans of voting age who move from State to State in an election year.

In addition, three States, to which over 150,000 adult citizens move each year, impose a six-month waiting period as a precondition to voting for President.

Thirty-two other States require residence periods ranging from three months down to zero. All but one of these States has enacted special provisions of law which allow new residents to vote for Presidential electors alone. While this is an encouraging sign that the States themselves recognize the inequity in their regular residency laws, even these shortened periods result in the disqualification of 422,000 otherwise eligible voters.

Mr. Chairman, the combined effect of the various State residence laws is the denial of the right to vote for President in the case of over 1,120,000 Americans.

But this is only part of the story. Added to this obstruction to the free exercise of a citizen's franchise were numerous local rules that imposed a separate waiting period on persons who moved about inside a State.

For example, if a citizen living in any one of ten States changed his address to a different county or city in that same State as much as six months before the 1968 election, he would have lost his right to vote in that election. One might think that the cumulative effect of these strictly local rules would be small, but they actually cause the disfranchisement of an additional 855,000 citizens.

Mr. Chairman, I have prepared a table which details the numbers of citizens who are disqualified from balloting in Presidential elections and I request that it be inserted at this point in the record. The table is an updated version of one compiled by the Census Bureau. The difference is that I have used the current residence periods applied by the several counties, cities, towns, precincts, and wards within each State, and have identified the number of citizens of voting age who moved to each State and within each State during the last election year.

Mr. Chairman, it is clear from reading the table that almost two million Americans are being denied a voice in the selection of their President solely because they have changed their residence. In fact, the Gallup poll's in-

depth analysis of the 1968 election claims that the true number of citizens who were disfranchised by restrictive residence laws exceeded five million persons. Since we know that 21 million citizens of voting age made a change of households during the year preceding the 1968 election, it is my feeling that five million is probably closer to the truth.

But these are only a part of the unfortunate citizens who find themselves without the vote because of out-of-date legal technicalities. Approximately three million more fully qualified American citizens were denied the right to vote for President because they were away from home on election day and were not allowed to obtain absentee ballots. This gap in the law is often overlooked because most States do permit absentee voting. But the catch is that some of these same States impose cutoff dates on applications for absentee ballots which disqualify millions of citizens who do not know early enough that they will be away at the time of voting. Another burdensome feature about these laws is the fact that in ten States a person's absentee ballot will not be counted unless it is returned to the voting officials sooner than election day.

Mr. Chairman, I want to state as firmly as I can that this hodgepodge of legal technicalities is unfair, outmoded, and unnecessary when applied to Presidential elections.

In my opinion, every able-minded citizen of the several States should be entitled to participate in the choice of his President—period. A citizen should be able to exercise this right regardless of where he is in the world on election day and regardless of how long he has been a resident of any particular State.

As Chief Justice Taney put it over a century ago: "We are one people, with one common country." *Passenger Cases,* 7 Howard 293, 492 (1849)

Being members of the same political community, it is my view that all citizens possess the same inherent right to have a voice in the selection of the leaders who will guide their government.

Mr. Chairman, I wish to emphasize that my comments are not aimed at the election of State and municipal officers. My amendment is specifically worded so as to apply only to the choosing of the President. Here there is no need to ensure that new residents have had time to learn about local issues. Here the issues are national and cut across all areas and regions of our country.

It is true that all States require their voters to be bona fide residents or recent former residents. It is also true that most States require voters to establish their qualifications by registering to vote within a few days before an election.

When these requirements are applied in a reasonable way, they can serve a valid purpose by protecting against fraudulent voting and allowing the election officials to carry out the paper work and mechanics of holding an election.

But whatever the reasons for permitting a State to set a closeout date for registering to vote for President, there is no compelling reason for imposing a separate and additional requirement that voters also must have been residents of the State for a particular length of time. If a State can satisfy its logistical needs by keeping its voting lists open up to 30 days before an election—as 40 States now do—what is the justification for barring citizens from balloting for President unless they have been residents of the State for six months or one year?

So long as a citizen is a good-faith resident of a State and the State has adequate time to check on his qualifications, the duration of his residency should have no bearing on his right to participate in the election of the President.

This is why my proposal provides for the complete abolishment of the durational residence requirement as a separate qualification for voting for President and Vice President. My amendment will, however, permit a State to require that its voters shall be bona fide residents who shall register or otherwise qualify for voting no later than 30 days preceding the election. Thereby the legitimate interests of the States will be protected at the same time that the fundamental right of citizens to vote will be given its broadest possible meaning.

Mr. Chairman, in order to completely close the gap for those citizens who would still be unable to qualify as voters because they move after the voting rolls are closed, my amendment further provides that former residents of a State who fail for this reason to become electors in their new State must be allowed to vote for President in their former State.

My proposal draws on the excellent example set by the States themselves. Ten States—including Arizona—now permit former residents to vote in Presidential elections.

Next, in order to provide the greatest possible encouragement and meaning to the right to vote, my amendment will permit all categories of citizens, both civilian and military, to register absentee and to vote by absentee ballot.

Specifically, the amendment provides that citizens may apply for absentee ballots for President and Vice President up to 7 days before the election and may return their marked ballots as late as the close of the polls on election day. Once again, the features of my measure are drawn from the proven practice of the States themselves. At present 37 States allow certain voters to make application for absentee ballots up to a week before the election and 40 States provide that the marked ballots need not be returned until election day itself.

My amendment will also allow citizens who are away from their homes to register absentee. Forty-nine States now permit servicemen to register absentee or do not even require them to register at all, and I believe this privilege should be extended nationwide to all citizens, both civilians and servicemen.

In short, every standard set forth in my amendment is modeled after practices that have been used by the States themselves and have been proven workable. Therefore, I can say to those of my colleagues who share with me a special respect and concern for the strength and diversity of our State and local governments that their interests were fully taken into account in the preparation of this measure. Mr. Chairman, I ask that tables identifying the States whose practices I have followed be inserted at the end of my statement.

Mr. Chairman, there are two remaining features of my amendment that should be discussed. One is the provision which authorizes the Attorney General to institute court actions to enforce compliance with the law. There is no general authority that permits the United States to seek injunctive relief and I wanted to see this power spelled out in the bill. Otherwise, the only way the section could be enforced would be through individual, private law suits.

Finally, it is my belief that we should not leave any doubt as to whether there are sanctions in the case of double voting and false registration. Therefore, I have expressly provided that such conduct will be a Federal offense.

Mr. Chairman, up to here I have sought to identify the problem and to describe the ways in which I believe we can solve it. Now it is my purpose to state the grounds on which I think Congress can act in this field.

In doing so, I wish to note that I have also considered the route of a Constitutional Amendment. Early last year I introduced a joint resolution, on behalf of myself and 32 other Senators, proposing an amendment to the Constitution which would have carried out the same purposes as my present measure. But even though our resolution was joined in by a third of the Senate's membership, we were unable to get any action on it.

Now we are a year closer to the next Presidential election. In view of the fact that the time left before that election is fast running out, I have decided to pursue the alternative path of seeking a Federal statute.

By passing a law before the end of this year, we can give the States a full two-year period during which they can bring their local laws into conformity with the national standards. This opportunity is very important to many States because their legislative chambers meet only in alternate years.

Mr. Chairman, once the policy decision is made to cure the problem by means of a statute, rather than an Amendment to the Constitution, I have no difficulty in finding that it is well within the authority of Congress to pass such a statute.

There are at least four distinct grounds for the exercise of Congressional authority in this field, and I shall discuss each of them in turn. First, the power of Congress to secure the rights guaranteed by the Fourteenth Amendment.

The question here is parallel to the one before the Supreme Court in the recent case of *Katzenbach v. Morgan,* 384 U.S. 641 (1966). There the Court was faced with deciding whether Congress could prohibit the enforcement of New York's English language literacy test as applied to Puerto Rican residents of that State. The Court was also faced with its decision in *Lassiter v. Northampton Election Board,* 360 U.S. 45 (1959), in which it had rejected a challenge to the English literacy test of North Carolina.

Nevertheless the Court held that Congress could override the New York law. In writing the Court's opinion, Justice Brennan said that the true question was: "Without regard to whether the judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the state law by legislating under section 5 of the Fourteenth Amendment?" (384 U.S. 649).

Justice Brennan proceeded by saying: "In answering this question, our task is limited to determining whether such legislation is, as required by section 5, appropriate legislation to enforce the Equal Protection Clause." (384 U.S. 649–650).

The basic test of what constitutes "appropriate legislation," according to the *Morgan* decision, is the same as the one formulated by Chief Justice Marshall in *McCulloch v. Maryland,* 4 Wheaton 316, 420 (1819), when he defined the powers of Congress under the Necessary and Proper Clause.

In applying this test to legislation passed under section 5, the Court held that three questions must be asked: (1) is the statute designed to enforce the Fourteenth Amendment? (2) is it "plainly adapted" to that end? and (3) is it consistent with "the letter and spirit of the Constitution?" (384 U.S. 651).

In deciding the answers to these questions, the Court said: "it is enough that we are able to perceive a basis upon which the Congress might predicate a judgment" for acting as it did (384 U.S. 653).

Thus the Court upheld the power of Congress to preclude the enforcement of the New York literacy requirement. And so, I believe it would uphold the power of Congress to preclude the enforcement of State voting requirements which fall short of the standards created in my proposal.

It may be granted that the States have

broad powers to determine the conditions under which the right of suffrage may be exercised. *Carrington v. Rash*, 380 U.S. 89, 91 (1965).

It may also be noted that the Supreme Court has affirmed, without opinion, a District Court decision which upheld a one-year residence requirement Maryland had imposed for voting in Presidential elections. *Drueding v. Devlin*, 380 U.S. 125 (1965).

But, is this not the same situation that the facts presented in the *Morgan* case? There, too, the issue involved the power of Congress to preclude the enforcement of a State voting requirement. There, too, the Court was faced with an earlier decision that the requirement was permissible.

In *Morgan*, one crucial factor was present that changed the whole issue before the Court. That same factor is present here. According to the rule of *Morgan*, where the case involves an enactment of Congress designed to enforce the guarantees of the Fourteenth Amendment, the question is not whether the judicial branch itself would decide that the State law is prohibited by that Amendment. Rather the question is whether or not the Congressional measure is appropriate legislation under section 5 of the Fourteenth Amendment.

The thrust of the *Morgan* decision is that section 5 is a positive grant of legislative power authorizing Congress to use its discretion in determining what laws are needed to secure the guarantees of the Fourteenth Amendment. Under this doctrine, I have no difficulty in believing that the enactment of a uniform residence law is Consitutional.

First, there can be no doubt that the measure is intended to enforce the guarantees of the Fourteenth Amendment. It is designed to protect the right to vote for citizens who travel or move their households prior to a Presidential election. The legislation clearly is meant to secure for this group of citizens freedom from a discriminatory classification in the imposition of voting qualifications that Congress has found to be unnecessary and unfair.

Second, the proposal is "plainly adapted" to furthering the purposes of the Fourteenth Amendment. By passing this law, Congress will effectively enhance the opportunities of millions of Americans to vote for President.

Third, the measure is not "prohibited by but is consistent with" the Constitution.

It may be argued that because the Constitution creates the electoral vote system of choosing the President, the Federal Government may not prevent a State from requiring that persons who vote for its electors shall be citizens of that State. This is true, of course, and my amendment will allow a State to provide that its voters be bona fide residents.

But this reasoning does not mean that a State can deprive citizens of their right to vote for electors merely because they are so newly arrived in the State that they might have a different outlook than longtime residents. This kind of effort at excluding a part of the population from the electorate because of the way they may vote is precisely the kind of thing the Supreme Court said was unconstitutional in *Carrington v. Rash*, 380 U.S 89, 94 (1965).

It might also be argued that since the States possess authority to impose reasonable voting practices, a Federal statute that interferes with these local regulations is not consistent with "the letter and spirit of the Constitution." However, I believe that the rule of *United States v. State of Texas*, 252 Federal Supplement 234, (1966), settles the question.

In this case, a three-judge District Court, convened under section 10 of the Voting Rights Act of 1965, sustained the power of Congress to prohibit the use of the poll tax as a prerequisite to voting in State elections.

While the Court recognized that the poll tax system in Texas had the function of serving "as a substitute for a registration system," it held that payment of the tax as a precondition to voting must fall because it restricted "one of the fundamental rights included within the concept of liberty." (252 Federal Supplement 250)

In reaching its decision, the Court said it was following the rule announced by the Supreme Court that "Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling." *Bates v. City of Little Rock*, 361 U.S. 516, 524 (1959).

Also, the lower Court cited the principle of *McLaughlin v. State of Florida*, 379 U.S. 184, 196 (1964), that such a State law "will be upheld only if it is necessary, and not merely rationally related, to the accomplishment of a permissible state policy."

Since the judgment of the District Court was affirmed by the Supreme Court, 384 U.S. 155 (1966), I believe it offers the controlling principle which the courts will apply to other cases involving a conflict between the assertion of a Constitutional right and a State law that serves a permissible State objective.

Another recent case that follows the same rule is *Shapiro v. Thompson*, April 21, 1969. This case holds particular interest because it concerns the validity of waiting periods imposed by the States to deny welfare assistance to new residents of the States.

The Court specifically rejected the argument that a mere showing of a rational relationship between the waiting period and a permissible State purpose is enough to justify the denial of welfare benefits to otherwise eligible applicants.

The Court held that "in moving from State to State or to the District of Columbia appellees were exercising a Constitutional right, and any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a compelling governmental interest, is unconstitutional." (394 U.S. 634)

Since the State regulations involved here touch on the fundamental right to vote, and other rights which I shall discuss in a moment, it is my belief that Congress may clearly limit the use of such requirements, in order to protect these rights, unless the State laws are shown to promote a "compelling" State interest.

Under this standard, I must conclude that Congress may, consistent with the Constitution, establish the uniform practices that I have suggested. There simply is no compelling reason why a State should condition the right to vote for President on the duration of a citizen's residence or his actual presence on election day. The mere fact that 40 States have been able to satisfy their administrative needs by providing for only a 15 to 30 day period between the close of their voting rolls and election day demonstrates that the legitimate interests of the States can be met by other means. In similar fashion, the fact that 37 States permit some voters to apply for absentee ballots 7 days before an election and that 40 States allow the marked ballots to be returned as late as election day indicates that more restrictive rules are not necessary.

Mr. Chairman, this completes my analysis of the authority conferred on Congress by section 5 of the Fourteenth Amendment. But it does not exhaust the grounds upon which Congress may act. For the interesting thing about this field is that Congress is not limited to action under the Fourteenth Amendment.

This leads to my discussion of the second ground upon which Congress can act—its power to secure the rights inherent in National citizenship.

Mr. Chairman, one of the most firmly imbedded concepts of Constitutional law is the premise that there are certain fundamental personal rights of citizenship which arise out of the very nature and existence of the Federal government. Without these basic rights, there would be no national government and no meaning to United States citizenship.

Thus, in the case of *Ward v. Maryland*, 12 Wallace 418, (1870), the rights of National citizenship were held to embrace "nearly every civil right for the establishment and protection of which organized government is instituted."

The Supreme Court has consistently interpreted these rights as belonging to United States citizenship, as distinguished from citizenship of a State. In *Paul v. Virginia*, 8 Wallace 168, 180 (1868), Justice Field declared that the inherent rights secured to citizens of the several States are those which are common to the citizens by "virtue of their being citizens."

And in the *Slaughter-House Cases*, 16 Wallace 36, 79 (1872), the Court remarked that these fundamental rights "are dependent upon citizenship of the United States, and not citizenship of a State."

Perhaps the best exposition of the scope of National citizenship is found in the opinion written by Justice Frankfurter in *United States v. Williams*, 341 U.S. 70 (1951). At pages 79 and 80, the learned Justice presents a history of the broad recognition accorded to what he calls the "rights which arise from the relationship of the individual with the Federal government."

Consequently, the existence of a separate category of implied rights that are based upon the nature and character of the national government has been confirmed in case after case throughout the history of the nation.

Furthermore, it is well settled that these rights include the right to vote in Federal elections. *Ex parte Yarbrough*, 110 U.S. 651, 663 (1884), is one of many decisions by the Court in which the right to vote for Federal officers has been held to be a right granted or secured by the Constitution and not one that is dependent upon State law.

It is clear that Congress may act to protect a national right under the Necessary and Proper Clause. As it was said by Chief Justice Waite in *United States v. Reese*, 92 U.S. 214, 217 (1875), "Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide."

The doctrine was also defined in *Strauder v. West Virginia*, 100 U.S. 303, 310 (1879), where the Court held that: "A right or an immunity, whether created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress."

Mr. Chairman, the third ground upon which I believe Congress may act is its power to protect the freedom of movement by citizens across State lines.

The right dates back to *Crandall v. Nevada*, 6 Wallace 35, 47 (1867), where the Court first held that "the right of passing through a State by a citizen of the United States is one guaranteed to him by the Constitution."

All decisions of the Supreme Court which are on point agree that the right exists. In delivering the opinion of the Court in *United States v. Guest*, 383 U.S. 745, 757 (1966), Justice Stewart wrote that the freedom to travel throughout the United States "occupies a position fundamental to the concept of our Federal Union. It is a right that has been firmly established and repeatedly recognized."

And, in *Shapiro v. Thompson*, cited above, the court declared that it "long ago recognized that the nature of our Federal union and our constitutional concepts of personal liberty unite to require that all citizens be free to travel throughout the length and

breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement." (394 U.S. 629)

The connection between the enjoyment of this right and the enactment of a uniform law on voting in Presidential elections is immediately apparent when one looks at the date available for the 1968 election. According to the Census Bureau almost 4 million citizens of voting age moved from one State to another in 1968. An additional 3 million citizens were engaged in visits and travel across State borders at the time of the 1968 election.

It seems entirely legitimate for Congress to decide upon these facts that the lack of uniformity among residence requirements and absentee balloting imposes a substantial burden on the free movement in interstate commerce of millions of Americans who will be disqualified from voting in Presidential elections solely because they move or travel during a year when such elections are held. Congress might well conclude that by framing uniform voting practices, it can effectively protect the right of these citizens to travel interstate without sacrificing the right to vote for their President.

Mr. Chairman, the fourth basis of the power of Congress to adopt legislation in this field is its authority to enforce the privileges and immunities guaranteed to citizens of all the States.

Here I refer to the basic concept underlying the entire Privileges and Immunities Clause which, in the words of the Supreme Court, is "to place the citizens of each State upon the same footing with citizens of other States, so far as the advantages resulting from citizenship in those States are concerned." *Paul* v. *Virginia*, 8 Wallace 168, 180 (1868).

The doctrine was also followed by the Court in *Ward* v. *Maryland*, 12 Wallace 418, 431 (1870), where it was said that the supreme law of the land "requires equality of burden."

Applying this principle to the facts at hand, I believe it is reasonable for Congress to determine that the hodgepodge of State and local requirements applicable to Presidential elections creates exactly that kind of unequal treatment among citizens that the Privileges and Immunities Clause was designed to prevent. I further believe that, in order to enable the citizens of one State to better have the same opportunity to choose the President that is enjoyed by citizens of most States, Congress may properly act under the Necessary and Proper Clause to set uniform voting standards for Presidential elections.

Mr. Chairman, this completes my analysis of the Constitutional questions involved. In closing, I would like to add that a completely independent authority agrees with me that Congress may legislate in this field.

In December I had requested the American Law Division of the Library of Congress to undertake a study of these same questions. When their paper came back I was already well into the preparation of my statement. But upon reading the study, I was delighted to learn that the Library, working through a different route of analysis, had come to the same final conclusion which I had.

Mr. Chairman, their paper offers an excellent discussion of the conflicting considerations involved, and I think it would make an important contribution to the Subcommittee's record. For this reason, I request that the memorandum written by Robert L. Tienken, Legislative Attorney of the American Law Division, be included as a part of the printed hearings.

Finally, Mr. Chairman, I request that the text of my amendment, and the names of the 28 Senators who have joined with me in offering the amendment, be printed in the hearings record.

Mr. Chairman, this concludes my statement.

The table, presented by Mr. GOLDWATER is as follows:

TABLE OF STATE AND LOCAL RESIDENCE REQUIREMENTS APPLICABLE TO VOTING IN PRESIDENTIAL ELECTIONS, JANUARY 1970[1]

1. RULES APPLICABLE ONLY TO NEW RESIDENTS OF A STATE

State	Length in State	Length in county, city, or town	Length in precinct or ward	Interstate migration, 1968	Citizens disqualified[2]
Alabama	1 year	6 months	3 months	56,400	56,400
Alaska[3]	4 days	(4)	(4)	23,900	270
Arizona[3]	60 days	(4)	(4)	85,200	14,200
Arkansas	1 year	6 months	30 days	40,700	40,700
California[3]	54 days	(4)	(4)	527,600	87,933
Colorado[3]	2 months	2 months	15 days	74,200	12,367
Connecticut[3]	60 days	(4)	60 days	57,500	9,583
Delaware[3]	3 months	(4)	(4)	16,200	4,050
District of Columbia	1 year	(4)	1 year	33,100	33,100
Florida[3]	30 days	(4)	(4)	341,200	28,433
Georgia[3]	do	(4)	(4)	88,500	7,375
Hawaii[3]	5 days	(4)	(4)	26,700	366
Idaho[3]	60 days	(4)	(4)	22,200	3,700
Illinois[3]	do	(4)	60 days	167,000	26,833
Indiana	6 months	60 days	30 days	84,900	42,450
Iowa	do	do	(4)	40,500	20,250
Kansas[3]	45 days	45 days	45 days	60,100	7,410
Kentucky	1 year	6 months	60 days	54,600	54,600
Louisiana	60 days	(4)	(4)	53,400	8,900
Maine[3]	30 days	(4)	(4)	18,500	1,542
Maryland[3]	45 days	(4)	45 days	95,400	11,762
Massachusetts[3]	31 days	31 days	(4)	75,000	6,250
Michigan[3]	30 days	30 days	(4)	93,300	7,775
Minnesota[3]	do	(4)	(4)	54,200	4,517
Mississippi	2 years	1 year	6 months	35,500	35,500
Missouri[3]	60 days	(4)	(4)	87,900	14,650
Montana	1 year	30 days	(4)	18,300	18,300
Nebraska[3]	2 days	(4)	(4)	30,000	164
Nevada	6 months	30 days	10 days	22,400	11,200
New Hampshire[3]	30 days	(4)	(4)	17,900	1,492
New Jersey[3]	40 days	40 days	(4)	142,900	15,660
New Mexico[5]	1 year	90 days	90 days	48,100	48,100
New York[3]	90 days	do	30 days	173,200	43,300
North Carolina[3]	60 days	(4)	(4)	70,800	11,800
North Dakota[3]	10 days	(4)	(4)	11,400	312
Ohio[3]	40 days	(4)	(4)	155,600	17,051
Oklahoma[3]	15 days	(4)	(4)	58,400	2,400
Oregon[3]	None	None	None	52,800	
Pennsylvania	90 days	(4)	(4)	109,800	27,450
Rhode Island	1 year	6 months	(4)	18,200	18,200
South Carolina	do	do	3 months	42,400	42,400
South Dakota	do	(4)	(4)	14,000	14,000
Tennessee	do	3 months	(4)	65,900	65,900
Texas[3]	60 days	(4)	(4)	179,500	29,917
Utah	1 year	4 months	60 days	23,000	23,000
Vermont	do	(4)	(4)	8,800	8,800
Virginia	do	6 months	30 days	121,400	121,400
Washington[3]	60 days	(4)	(4)	87,600	14,600
West Virginia	1 year	60 days	(4)	25,000	25,000
Wisconsin[3]	1 day	(4)	(4)	54,900	150
Wyoming	1 year	60 days	(4)	15,200	15,200
Total				3,881,300	1,116,712

[1] In States where length of residence is not specified, the term "residence requirement" means cutoff time by which citizens must apply for, or execute affidavit to obtain, a Presidential ballot.

[2] This column is incomplete. It only includes new residents who are disqualified by State residence laws. It does not include new residents who are disqualified by local requirements because there are no statistics available to identify number of newly arrived residents who move within a State after their removal to that State.

[3] These States have enacted special residence rules which allow new residents to vote for President and Vice President, but no other offices, with less than regular length of residence.

[4] Not applicable.

[5] The special provisions of law in New Mexico that had permitted new residents to vote for presidential electors were repealed by sec. 451, ch. 240, New Mexico Laws, 1969.

Source: Original State election laws as compiled by American Law Division, Library of Congress, Jan. 21, 1970, in case of special provisions of law relating to new residents. Date relative to regular residency laws of States obtained from Legislative Reference Service publication 69-228A, dated Sept. 25, 1969. Interstate migration figures obtained from Bureau of Census 1968 annual national survey.

2. RULES APPLICABLE TO RESIDENTS WHO MOVE WITHIN SAME STATE

State	Length in county, city or town	Length in precinct or ward	Intercounty migration	Intracounty migration	Citizens disqualified by local rules
Alabama	6 months	(1)	53,900	246,800	26,950
Alaska	(1)	(1)	3,800	11,400	
Arizona	30 days	(1)	15,600	83,400	1,300
Arkansas	6 months	30 days	35,700	128,200	23,192
California	(1)	(1)	440,000	1,302,100	
Colorado	15 days	(1)	52,400	107,400	2,153
Connecticut	(1)		23,300	197,700	
Delaware	3 months	30 days	1,800	32,600	1,808
District of Columbia				75,300	
Florida	6 months		82,300	324,700	41,150
Georgia	30 days		106,600	310,800	8,883
Hawaii	3 months	(1)	4,400	47,100	1,100
Idaho	30 days		15,200	40,600	1,267
Illinois	90 days	30 days	145,300	875,000	72,783
Indiana	60 days	30 days	85,500	339,500	28,396
Iowa	do		63,600	183,100	10,600
Kansas	30 days	30 days	51,600	140,300	10,146
Kentucky	6 months	60 days	56,900	256,600	49,823
Louisiana	(1)	(1)	64,800	220,300	
Maine	3 months		14,300	64,700	3,575
Maryland	6 months	(1)	62,000	192,400	31,000
Massachusetts	(1)		85,200	373,020	
Michigan	(1)		166,600	567,200	
Minnesota		(1)	84,100	215,900	
Mississippi	1 year	6 months	41,800	140,300	76,875
Missouri	60 days		117,700	322,900	19,617
Montana	30 days		17,900	43,000	1,500
Nebraska	40 days	10 days	32,100	91,400	3,768

See footnotes at end of table.

State	Length in county, city or town	Length in precinct or ward	Intercounty migration	Intracounty migration	Citizens disqualified by local rules
Nevada	30 days	10 days	3,400	20,100	558
New Hampshire	(1)		6,300	39,800	
New Jersey	40 days		125,400	392,800	13,741
New Mexico	90 days	30 days	15,300	52,600	6,017
New York	3 months		439,500	1,135,400	109,875
North Carolina		(1)	85,300	325,000	
North Dakota	90 days	(1)	13,900	34,500	3,475
Ohio	(1)	(1)	169,000	806,900	
Oklahoma	2 months	20 days	58,800	166,400	13,860
Oregon			52,500	124,900	
Pennsylvania		(1)	174,400	805,000	
Rhode Island	6 months	(1)	7,900	61,800	3,950
South Carolina	do	3 months	34,600	163,100	37,937
South Dakota	(1)	(1)	16,600	38,100	
Tennessee	3 months		51,400	287,600	12,850
Texas	6 months		283,000	695,400	141,500
Utah	4 months	60 days	15,500	54,900	9,742
Vermont	(1)		5,200	26,200	
Virginia	6 months	(1)	109,100	223,600	54,550
Washington	90 days	30 days	65,700	208,300	25,105
West Virginia	60 days	(1)	29,300	129,000	4,883
Wisconsin		(1)	78,800	276,100	
Wyoming	60 days	(1)	6,600	21,200	1,100
Total			3,771,800	13,022,500	855,029

[1] Those jurisdictions of a State which waive their usual residence laws by allowing newly arrived residents to vote in former election district of the same State when move was solely intrastate.

Note: In computing the effect of precinct and ward residence requirements, it is assumed that one-half of citizens who moved intracounty had crossed precinct or ward boundary lines.

Source: Data relative to regular residency laws of States obtained from Legislative Reference Service publication 69-228A, dated Sept. 25, 1969. Intercounty and intracounty migration figures obtained from 1968 annual national survey by Bureau of Census.

3. TOTAL NUMBER OF CITIZENS DISQUALIFIED IN EACH STATE BY BOTH STATE AND LOCAL RESIDENCE REQUIREMENTS

State	Number of citizens disqualified	State	Number of citizens disqualified	State	Number of citizens disqualified	State	Number of citizens disqualified
Alabama	82,350	Indiana	70,846	Nevada	11,758	South Dakota	14,000
Alaska	270	Iowa	30,850	New Hampshire	1,492	Tennessee	78,750
Arizona	15,500	Kansas	17,556	New Jersey	29,401	Texas	171,417
Arkansas	63,892	Kentucky	104,423	New Mexico	54,117	Utah	32,742
California	87,933	Louisiana	8,900	New York	153,175	Vermont	8,800
Colorado	14,520	Maine	5,117	North Carolina	11,800	Virginia	175,950
Connecticut	9,583	Maryland	42,762	North Dakota	3,787	Washington	39,705
Delaware	5,858	Massachusetts	6,250	Ohio	17,051	West Virginia	29,883
District of Columbia	33,100	Michigan	7,775	Oklahoma	16,260	Wisconsin	150
Florida	69,583	Minnesota	4,517	Oregon		Wyoming	16,300
Georgia	16,258	Mississippi	112,375	Pennsylvania	27,450		
Hawaii	1,466	Missouri	34,267	Rhode Island	22,150	Total	1,970,741
Idaho	4,967	Montana	19,800	South Carolina	80,337		
Illinois	99,616	Nebraska	3,932				

The appendix, presented by Mr. GOLDWATER, is as follows:

APPENDIX

I. REGISTRATION CLOSING DATES FOR VOTING FOR PRESIDENT AND VICE PRESIDENT

1. Summary

Forty States keep their voting rolls open for registration until at least the thirtieth day preceding a Presidential election.

Thirty-one States have special registration or application close out dates which apply only to new residents. Eighteen of these States permit a voter to apply for a special Presidential ballot as late as 15 days before the election.

Thirty-six States allow a voter to register at least up to 30 days preceding the election under their regular laws.

2.—TABLE SHOWING NUMBER OF DAYS PRECEDING ELECTION BY WHICH VOTER MUST REGISTER OR APPLY TO VOTE

	Special rules for new residents	Regular rules
Alabama		10 days.
Alaska	4 days	Not specified.
Arizona	do	43 days.
Arkansas		20 days.
California	54 days	53 days.
Colorado	3 days	25 days.
Connecticut	1 day	28 days.
Delaware	16 days	16 days.
District of Columbia		45 days.
Florida	30 days	30 days.
Georgia	14 days	50 days.
Hawaii	5 days	20 days.
Idaho	10 days	3 days.
Illinois	30 days	28 days.
Indiana		29 days.
Iowa		10 days.
Kansas	1 day	10 to 20 days.
Kentucky		59 days.
Louisiana	60 days	30 days.
Maine	30 days	0 to 10 days.
Maryland	Election day	28 days.
Massachusetts	31 days	Do.
Michigan	3 days	30 days.
Minnesota	30 days	20 days.
Mississippi		4 months.
Missouri	No closing date specified.	24 to 28 days.
Montana		40 days.
Nebraska	2 days	10 days.
Nevada		38 days.
New Hampshire	30 days or less	5 to 10 days.
New Jersey	40 days	40 days.
New Mexico		30 days.
New York	25 days	23 days.
North Carolina	3 days	21 to 24 days.
North Dakota	10 days	Registration not required.
Ohio	40 days	40 days.
Oklahoma	15 days	10 days.
Oregon	No closing date specified.	30 days.
Pennsylvania		50 days.
Rhode Island		60 days.
South Carolina		30 days.
South Dakota		20 days.
Tennessee		45 days.
Texas	30 to 45 days	9 months, 3 days.
Utah		10 days.
Vermont		2 days.
Virginia		30 days.
Washington	1 day	Do.
West Virginia		Do.
Wisconsin	1 day	12 to 19 days.
Wyoming		15 days.

Source: Original State election laws in case of special provisions applicable to new residents, as compiled by American Law Division, Library of Congress, Jan. 21, 1970. Digest of State election laws compiled by Legislative Reference Service, Library of Congress, June 5, 1968, in case of regular requirements of State law. (A-243)

II. STATES WHICH ALLOW FORMER RESIDENTS TO VOTE IN PRESIDENTIAL ELECTIONS

Ten States permit recent, former residents to vote for President and Vice President: Alaska, Arizona, Connecticut, Michigan, New Jersey, Tennessee, Texas, Vermont, Wisconsin, and Wyoming.

In addition, the New York State Constitution (Article 2, section 9) authorizes the State legislature to allow former residents of that State to vote for President and Vice President.

(SOURCE.—Alaska Statutes 1962, sec. 15.05 .020(7); Arizona Revised Statutes Annotated 1956, section 16-171; Connecticut General Statutes Annotated 1960, section 9-158; Michigan Compiled Laws Annotated 1967, section 168.758a(1)(b); New Jersey Statutes Annotated 1952, section 19:58-3; Tennessee Code Annotated 1955, section 2-403; Civil Statutes of Texas Annotated (Vernon's 1968), Article 5.05b; Vermont Statutes Annotated 1958, title 17, section 67; Wisconsin Statutes Annotated (West's 1957), section 6.18; and Wyoming Statutes Annotated 1957, section 22-118.3(k) 6.)

III. STATE REQUIREMENTS ON ABSENTEE BALLOTING

All States but three permit absentee voting by civilians generally. Alabama, Mississippi, and South Carolina allow only limited categories of civilians to vote absentee.

All States permit absentee balloting by servicemen.

The following 40 States [1] expressly permit absentee ballots of certain categories of their voters to be returned as late as the day of the election or even later:

Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Kentucky, Maine, Maryland.

Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio.

[1] This list includes only those States in which the statutory laws clearly satisfy this test. There may be additional States in which similar opportunities for return of absentee ballots are granted pursuant to rules or regulations issued under laws that are otherwise silent on this matter.

Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin.

The following 37 States[2] expressly permit certain categories of their voters to make application for absentee ballots up to seven days or less before an election:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana.

Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York.

North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin.

IV. STATE REQUIREMENTS ON ABSENTEE REGISTRATION

1. Twenty-three States permit civilian voters to register absentee if they are away from home. One State, North Dakota, does not require civilian voters to register at all.

Twenty States will allow civilians generally to register absentee: Alaska, Arizona, California, Hawaii, Idaho, Indiana, Iowa, Kansas, Michigan, Minnesota Nebraska New Mexico, New York, Oregon, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming.

Two States, Florida and Georgia, grant the privilege of absentee registration to Federal employees who are outside the United States.

One State, Colorado, will permit voters to register members of their families who are away from home.

2. Thirty-eight States permit servicemen to register absentee: Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, and Wyoming.

Thirteen of these States provide that a voter may apply for absentee registration at the same time he applies for an absentee ballot: California, Colorado, Connecticut, Delaware, Florida, Indiana, Massachusetts, Nevada, New Hampshire, New Mexico, New York, North Carolina, and South Dakota.

Nine of the thirty-eight States do not require registration by servicemen in advance of voting. These voters may register at the same time as they use their absentee ballot merely by completing an affidavit included with the ballot: Idaho, Iowa, Maryland, Nebraska, Oregon, Utah, Vermont, Washington, and Wyoming.

Eleven States do not require servicemen to register at all: Arkansas, Illinois, Kansas, Missouri, New Jersey, Ohio, Oklahoma, Rhode Island, Texas, Virginia, and Wisconsin.

(SOURCE.—Legislative Reference Service, American Law Division, report dated September 24, 1969, as amended. (69–226A)).

[2] This list includes only those States in which the statutory laws clearly permit certain voters to apply for absentee ballots within 7 days or less before an election. There may be additional States in which similar opportunities for absentee voting are granted pursuant to rules or regulations issued under laws that are otherwise silent on this matter.

(SOURCE.—Legislative Reference Service, Library of Congress (1) Digest of major provisions of the laws of the States relative to absentee voting, dated September 24, 1969, (69–226A), and (2) Summary of Election Laws of the States, dated June 5, 1968 (A–243).)

The analysis, presented by Mr. GOLDWATER, is as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., January 12, 1970.

To: Hon. BARRY M. GOLDWATER.
From: American Law Division.
Subject: Constitutionality of Section 2(c), of H.R. 4249, 91st Congress; Extension of Voting Rights Act of 1965, Statutory Uniform Residency Requirement for Voting for President and Vice President.

Reference is made to your request for an analysis of the constitutionality of Section 2(c) of H.R. 4249, 91st Congress (Extension of Voting Rights Act of 1965).

Section 2(c), as passed by the House of Representatives on December 11, 1969, would establish a uniform residency requirement within States and the District of Columbia for voting for electors of the President and Vice President.

Specifically, the provision reads:

"(1) No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in any such election for failure to comply with a residence or registration requirement if he has resided in that State or political subdivision since the 1st day of September next preceding the election and has complied with the requirements of registration to the extent that they provide for registration after that date.

"(2) If such citizen has begun residence in a State or political subdivision after the 1st day of September next preceding an election for President and Vice President of the United States and does not satisfy the residence requirements of that State or political subdivision, he shall be allowed to vote in such election: (A) in person in the State or political subdivision in which he resided on the last day of August of that year if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision; or (B) by absentee ballot in the State or political subdivision in which he resided on the last day of August of that year if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

"(3) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of registration that does not include a provision for absentee registration.

"(4) 'State' as used in this subsection includes the District of Columbia."

In examining the question of whether Congress possesses the authority to enact such legislation, consideration should first be given to the nature of the right to vote as a subject in the Constitution. The right to vote is not a privilege or immunity of citizens of the United States (*Minor* v. *Happerset*, 88 U.S. 162 (1874)), nor is the privilege to vote in any state given by the Constitution (*Breedlove* v. *Suttles*, 302 U.S. 277 (1937)). Instead, the privilege of voting in a state is within the jurisdiction of the state itself, "to be exercised as the State may direct, and upon such terms as to it may seem proper, provided of course, no discrimination is made between individuals in violation of the Federal Constitution" (*Pope* v. *Williams*, 193 U.S. 621 (1904)).

Actually, the Constitution is not as barren as respects the right to vote as the statement from *Pope* v. *Williams* supra, would imply. The Constitution does establish a right to vote for United States Representatives (Article I, § 2) and United States Senators (Amendment Seventeen), and, when granted by the States, for Electors of the President and Vice President (Article II, § 1). Such right, however, is subject to such requirements as may be set forth by the States so long as the requirements do not violate the Constitution (*Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966)), nor contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed (*Lassiter* v. *Northampton Board of Elections*, 360 U.S. 45 (1959)).

Among the prerequisites which a state may adopt as a qualification for voting is that of residence within its jurisdiction (*Lassiter* v. *Northampton Elections Board*, supra; *Carrington* v. *Rash*. 380 U.S. 89 (1965), so long as no discrimination is made between individuals in this respect, in violation of the equal protection of laws clause of Amendment Fourteen, section 1, of the federal constitution (*Lassiter* v. *Northampton Elections Board*, supra; *Carrington* v. *Rash*, supra.).

As noted, the authority to establish qualifications to vote for presidential electors has been placed by the Constitution in state legislatures (*McPherson* v. *Blacker*, 146 U.S. 1, 34–35 (1892); Article II, § 1, cl. 1, "Each state shall appoint, in such manner as the legislature thereof may direct, a number of Electors . . ."). Nevertheless, the power of each state to establish qualifications for voters for presidential electors is limited by the various amendments to the Constitution such as the Fourteenth, Fifteenth, Nineteenth, etc., whenever presidential electors are, by state laws, elected by popular vote (see, for instance, *Drueding* v. *Devlin* (D.C. Md) F. Supp. 721 (1964), aff'd 380 U.S. 125; James C. Kirby, Jr., "Limitations On The Powers Of State Legislature Over Presidential Elections", 27 Law And Contemporary Problems, 495, 496, Summer, 1962)).

The federal courts have considered the question of the validity of state residency requirement for voting under the Fourteenth Amendment's equal protection of laws clause on several occasions.

In *Pope* v. *Williams*, 193 U.S. 621 (1904), the Supreme Court denied a challenge based on the equal protection of laws clause, against a Maryland statute requiring persons moving into the State to make declaration of their intent to become citizens and residents of the State a year before they secure the right to be registered as voters, by registering their names with the clerk of the proper county. Holding that while the right to vote for Members of Congress is not derived exclusively from the law of the state in which they are chosen but has its foundation in the Constitution and laws of the United States, the voter must be one entitled to vote under the state statute, and the statute in this situation did not create an unlawful discrimination against new residents.

In *Carrington* v. *Rash*, 380 U.S. (1964), the Supreme Court held invalid under the equal protection clause a Texas constitutional provision which prohibited any member of the armed forces who moved into Texas during his tour of duty from voting, notwithstanding the fact that he had fulfilled all other requisites for voting. The avowed purpose of the Texas law was to enable small communities near large military installations to avoid a deluge of soldier votes on local issues.

Declaring that a state has the authority to "impose reasonable residence restrictions on the availability of the ballot", (p. 91), the Court went on to state that the Texas provision was unique in that it prohibited a serviceman from acquiring a voting residence in the State so long as he remained in service. This, the Court determined, was not a reasonable classification within the requirements of the equal protection clause. The Texas provision "fenced out" from the franchise a section of the population because of the way they might vote, i.e., the fact that

servicemen with bona fide residence intentions, if allowed to vote in Texas could "overwhelm" local elections. This, the Court held, was "constitutionally impermissible" (p. 94). It stated, "the exercise of rights so vital to the maintenance of democratic institutions cannot constitutionally be obliterated because of a fear of the political views of a particular group of bona fide residents", (p. 94).

The Court also repudiated the argument of Texas that it was in many instances difficult to tell whether persons moving to Texas while they were in the service had the genuine intent to remain which would establish residency. Texas argued that the administrative convenience of avoiding difficult factual determinations justified a blanket exclusion of all those in the doubtful category. In rejecting this "conclusive presumption" approach, the Court noted that, "States may not casually deprive a class of individuals of the vote because of some remote administrative benefit to the State" (p. 96).

Subsequently, although not consistently, the Court began to apply a standard of "strict review" in cases where the right to vote had been denied by outright disfranchisement, instead of utilizing a test that the state law need bear only some rational relationship to a legitimate end in order to be acceptable under the equal protection clause.

In *Kramer* v. *Union Free School District*, 395 U.S. 621 (1969), the Court invalidated a New York statute limiting the vote in certain school district elections to owners or lessees of taxable property, their spouses, and parents or guardians of children attending district schools, on the ground that the selection of voters was not made with sufficient precision to meet the strict standards of review which the Court concluded should apply when the vote is denied. The statute was found to extend the right to vote in such elections to "many persons who have, at best, a remote and indirect interest" in the outcome of the elections, while excluding "others who have a distinct and direct interest."

At issue was differentiation among citizens of the state as regards the right to vote, all of whom possessed the requisite qualifications of age and residency. The Court failed to find that the exclusions were necessary to promote a compelling state interest, since the statute failed to differentiate among eligible voters with sufficient precision to justify denying the franchise to the appellant. If a state is to classify voters it must be so tailored that the exclusion of certain voters is necessary to achieve the articulated state goal.

In *Cipriano* v. *City of Houma*, 395 U.S. 701 (1969), the Court invalidated a Louisiana statute restricting the franchise to those who owned taxable property to vote on revenue bonds for public utilities, on the same grounds as in *Kramer*, supra. The challenged statute granted the right to vote in a limited purpose election to some otherwise qualified voters and denied it to others who were as substantially affected and directly interested in the matter voted upon as were those who were permitted to vote. All would be affected by the increase in utility rates in order to pay off the revenue bonds.

The *Kramer* and *Cipriano* decisions although resting upon want of precision in differentiating groups of otherwise qualified voters, also touched upon questioning a state's purpose in limiting the electorate on the basis of "interest". Raised for later application was the concept that a state, in keeping those assertedly not "interested" from voting, had imposed a standard which was inherently discriminatory or impossible of fair implementation. How much more discriminatory would be a statute such as a residency requirement which discriminated among voters with the same degree of interest, i.e., that prevented new residents from voting for electors of President and Vice President? However, since voters elect presidential electors in the respective states it can be argued that local knowledge is a prerequisite for making this choice.

Two other cases respecting residency requirements for voting have been considered by the Supreme Court. Both involved challenges to state residency requirements as a violation of the equal protection clause as respects new residents voting in a presidential election. The first case sustained Maryland's then one year residency requirement for voting in presidential elections holding that it was not so unreasonable as to amount to an irrational or unreasonable discrimination in violation of the equal protection of laws clause of the Fourteenth Amendment (*Drueding* v. *Devlin*, (D.C. Md.) 234 F. Supp. 721 (1964), affirmed 380 U.S. 125). The decision was affirmed by the Supreme Court without opinion. The district court, noting that the effect of the requirement might result in some inequality as respects newly arrived residents, nevertheless held it to be not so unreasonable as to amount to discrimination prohibited by the equal protection clause. The standard applied by the district court to the residency requirement was that applied to ordinary state regulation; that is, restrictions need bear only some rational relationship to a legitimate end (pp. 724–725). (Maryland subsequently reduced its residency requirements for voting in presidential elections by new residents to forty-five days (2nd Ann. Code. 1967 Replacement Volume, 1968 Supp., Art. 33, § 28–1)).

The second case arose in Colorado in 1968, when the residency requirement of not less than six months in order to vote for President and Vice President, was challenged. Relying on the *Drueding* decision and the per curiam affirmance thereof by the Supreme Court, the three judge federal district court in Colorado applied the same standard as in *Drueding* and sustained the requirement as not being so unreasonable as to contravene the equal protection of laws clause (*Hall* v. *Beals*, (D.C. Colo.) 292 F. Supp. 610 (1968)). The decision was rendered on November 29, 1968, after the election, and was appealed to the Supreme Court. While the appeal was pending, Colorado reduced its residency requirement for voting in presidential election to two months prior to the election (Stats. § 49–24–1, as amended, 1969).

On November 24, 1969, in a per curiam opinion in which six Justices joined, the Supreme Court held the case to be moot and ordered the judgment of the district court to be vacated, (*Hall* v. *Beals*, 38 United States Law Week, p. 4006, (November 25, 1969)). The mootness decision was based upon the fact that it was impossible to grant the appellants the relief they sought in the district court; they had by then satisfied the six months requirement of which they complained; and, the Colorado Legislature had changed and reduced the requirement to two months.

Thus, although residency requirements have been struck down in some situations as violative of the equal protection of laws clause, in the one instance in which the Supreme Court had an opportunity to pass upon the validity of a residency law as respects voting in presidential elections, it affirmed without opinion a three judge federal district court decision sustaining a one year residency requirement as being not unreasonable for voting in a presidential election, (*Drueding* v. *Devlin*, supra.).

With this background of judicial scrutiny of states residency requirements for voting, may Congress legislate and provide by statute a uniform residency requirement for voting in presidential elections? The purpose of the statute such as section 2(c), would be to prevent discrimination against new residents who are prohibited by state residency laws from voting in presidential elections.

The sources of authority available to Congress to enact legislation in the area of elections and voting rights are several, but all of them except one have yet to be construed broadly enough by the Supreme Court to serve as a basis for Congress to enact a uniform residency act for presidential elections.

Under Article I, section 4 of the Constitution Congress is granted authority to regulate the manner of holding elections for Members of the Senate and the House. The United States Supreme Court has stated, in dicta, that the power of the states to legislate respecting elections including the setting of voter qualifications as provided in Article I, section 2, and Amendment Seventeen of the Constitution exists only to the extent that Congress has not restricted state action by the exercise of its powers under Article I, section 4 (see *U.S.* v. *Classic*, 313 U.S. 299 (1940); *Lassiter* v. *Northampton Elections Board*, 360 U.S. 45 (1959); and, a note, "Federal Elections—The Disfranchising Residence Requirement", 1962 University of Illinois Law Forum, Spring, p. 101). However, the Court has never explicitly held, in a case directed to the point, that the powers of Congress under Article I, section 4 do include authority to regulate voting qualifications. In any event, authority under Article I, section 4 only extends to the election of Senators and Representatives and not to presidential elections. It is unavailable for this purpose.

It is arguable that authority could flow to Congress from its power, under Article IV, section 4, of the Constitution to guarantee every state a republican form of government (see, "The Guarantee Clause of Article IV, Section 4, A Study In Constitutional Desuetude", Arthur E. Bonfield, 46 Minnesota Law Review, 513, 566–67, January, 1962), but the clause has not been held relevant to governmental units other than state governments (see, *Minor* v. *Happerset*, 88 U.S. 162 (1875)), and the courts have not decreed that it related to voting qualifications.

The power of Congress, under section 5 of the Fourteenth Amendment to enact appropriate legislation to enforce the clause in section 1 of the Amendment forbidding states to abridge the privileges and immunities of citizens of the United States, has not been extended by the courts to include voting qualifications. By implication, Congress has been deemed to possess authority, under section 2 of Amendment Fifteen of the Constitution, to enact appropriate legislation to enforce that Amendment's proscription against racial discrimination in voting (see, *Smith* v. *Allwright*, 321 U.S. 649 (1944)), and thus protect a privilege and immunity of a citizen of the United States, but the courts have not extended such authority generally as respects the privileges and immunities clause in Amendment Fourteen (see *Pope* v. *Williams*, 193 U.S. 632 (1904); *Minor* v. *Happerset*, 88 U.S. 171 (1874)).

A further possible source of Congressional authority is the inherent power to preserve the departments and institutions of the federal government from impairment or destruction from corruption and fraud in elections (see, *Burrough and Cannon* v. *United States*, 290 U.S. 534 (1934), in which the authority of Congress to enact those portions of the Federal Corrupt Practices Act (2 U.S.C. § 241 et seq.) relating to presidential elections, was sustained). Possessing such authority, Congress may also select the choice of means to that end (supra, p. 547). While Congress thus possesses the authority to preserve the purity of presidential elections as an aspect of its inherent power to preserve the Government, such authority has thus far not been held to include the setting of qualifications of voters in presidential elections or, in any federal election for that matter.

Another projected source for such authority is contained in H.J. Res. 681, 91st Congress, passed by the House of Representatives on September 18, 1968. This con-

stitutional amendment which provides for direct popular election of the President and Vice President contains in section 2 thereof authorization to Congress to "establish uniform residence qualifications" for voting in presidential elections. The House Judiciary Committee, in its report on the proposed amendment (H. Rept. 91–253) did not necessarily deny that Congress possessed such authority at the present time. It stated, p. 13, "This does not modify or limit any existing constitutional powers of the Congress to legislate on the subject of voting qualifications".

Consequently, while several sources have been mentioned as possible constitutional bases empowering Congress to enact a uniform residency statute for voting in presidential elections they all have flaws which prevent complete reliance upon them or they have only been passed by one House (i.e., H.J. Res. 681, 91st Congress).

There is, however, one further source which, by implication, the House Judiciary Committee recognized in its report on H.J. Res. 681 (see, supra). This is the power granted to Congress in Section 5 of Amendment Fourteen. "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article," which enables it to enact legislation prohibiting the denial of equal protection of the laws by states to persons within their jurisdictions. The rationale supporting the existence and exercise of such power is that uniform residency requirements for voting in presidential elections can be established by Congress for the reason that existing state requirements unduly discriminate against new residents who are members of a general class of citizens who possess the right to vote (except for state residency requirements) for our two officials elected nationwide and in the election for which the possession of special knowledge concerning local issues and candidates is immaterial.

Until recently, congressional authority under section 5 of Amendment Fourteen had been limited by the philosophy which dominated the 1883 decision by the Supreme Court, the *Civil Rights Cases*, 109 U.S. 3. That philosophy limited congressional authority to legislate in areas of section 1 of Amendment Fourteen where corrective legislation might be necessary for counteracting state laws on a subject which the states are prohibited by the equal protection clause from making or enforcing. In addition, the specification of such areas forbidden by the equal protection clause had become a function of the courts alone (see, "Fourteenth Amendment Enforcement and Congressional Power, to Abolish the States", George R. Poehner, 53 California Law Review, 293, April 1967). Congress was not deemed to possess authority, under section 5 of Amendment Fourteen to adopt general legislation upon the rights of the citizen (see, *Civil Rights Cases*, supra, pp. 13–14). For these, among other reasons, the Congress enacted little positive legislation in the civil rights field after 1883 until the late nineteen fifties.

The civil rights legislation enacted in 1957 and in subsequent years has given rise to numerous suits and decisions by the courts, but the courts themselves, as well, have continued to exercise their traditional independent role in interpreting Amendment Fourteen in situations exclusive of federal legislation (see, for instance, the *Kramer* and *Cipriano*, decisions, supra).

In 1966, the Supreme Court rendered two opinions concerning the Voting Rights Act of 1965 (42 U.S.C. §§ 1973, 1973c-p) which fundamentally changed the concept of the powers of Congress pursuant to section 2 of Amendment Fifteen and section 5 of Amendment Fourteen from a negative, corrective power to a positive, rights-implementing one. The decisions were, *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), and, *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966)).

South Carolina v. *Katzenbach*, supra, involved the constitutionality of the Voting Rights Act of 1965 (42 U.S.C. §§ 1973, 1973c-p). In an original suit in the Supreme Court, South Carolina, joined by five other states as amici curiae (Alabama, Georgia, Louisiana, Mississippi, and Virginia) challenged the power of Congress to suspend the use of a state literacy test for voting in state and political subdivision elections, where the text was fair on its face and there had been no prior judicial finding of discrimination. At issue was Section 2 of Amendment 15, the so-called, "enforcement" provision similar to Section 5 of Amendment 14.

South Carolina argued that the power there conferred was confined to preventing or redressing illegal conduct, the *Civil Rights Cases* approach. The Court, however, adopted a broader view. After reviewing the history of the legislation, the Court stated that the power of Congress in Section 2 was far broader than redressing illegal state conduct. "As against the reserved powers of the states, Congress may use any rational means to effectuate the constitutional prohibition of racial discrimination in voting" (supra, p. 324). It stated further, "By adding (Section 2), the Framers indicated that Congress was to be chiefly responsible for implementing the rights created in Section 1. 'It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Some legislation is contemplated to make the (Civil War) amendments fully effective'. *Ex parte Virginia*, 100 U.S. 339, 345. Accordingly, in addition to the courts, Congress has full remedial powers to effectuate the constitutional prohibition against racial discrimination in voting" 'supra, pp. 325–26).

Continuing, the Court added: "The basic test to be applied in a case involving Section 2 of the Fifteenth Amendment is the same as in all cases concerning the express powers of Congress with relation to the reserved powers of the states. Chief Justice Marshall laid down the classic formulation 50 years before the Fifteenth Amendment was ratified:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional." *McCulloch* v. *Maryland*, 4 Wheat. 316, 421.

"The Court has subsequently echoed his language in describing each of the Civil War Amendments:

"Whatever legislation is appropriate, that is adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power'. Ex parte Virginia, 100 U.S. at 345–346." (supra, pp. 326–327).

In short, the Court declared that the enforcement power of Congress under Section 2 of the Fifteenth Amendment (and inferentially under Section 5 of the Fourteenth Amendment) was as broad as the power derived from Article I, Section 8, clause 18, the "necessary and proper" clause and the authority enunciated in *McCulloch* v. *Maryland*, supra. The implication was that "under the parallel enforcement provision of the Fourteenth Amendment Congress may regulate activities which do not themselves violate the prohibitions of that amendment, where the regulation is a rational means of effectuating one of its prohibitions" (see, "The Supreme Court 1965 Term", Archibald Cox, 80 Harvard Law Review 102, November, 1966). Rendered nugatory by the decision was that aspect of the *Civil Rights Cases*, supra, that the power of Congress under the Civil War Amendment was limited to preventing or redressing illegal conduct arising from state action.

In *Katzenbach* v. *Morgan*, supra, the Court expanded elements in *South Carolina* v. *Katzenbach*, supra, and, in effect, diminished further that aspect of the *Civil Rights Cases*, supra, in which it reserved for itself the power to specify the kinds of activities which were forbidden by the equal protection clause. The case concerned Section 4(e) of the Voting Rights Act of 1965 (79 Stat. 439, 42 USC § 1973b(e)) which provided that no person who has successfully completed the sixth grade in an American flag school (such as in Puerto Rico where the instruction is in Spanish) shall be denied the right to vote because of inability to read or write English. The case involved the validity of the provision in terms of New York State's English literacy test under which thousands of Spanish-speaking citizens who had moved to New York from Puerto Rico were barred from voting in that State. The Court upheld the section as legislation appropriate for the enforcement of the equal protection clause.

The Court's opinion concerned the question of determining whether such legislation is, as required by Section 5 of Amendment 14, appropriate legislation to enforce the equal protection clause.

The opinion has two parts. The first deals with the question of deferring to congressional judgment in reviewing legislation enacted under Section 5. The second deals with the constitutionality of that judgment as reflected in the said Section 4(e) of the 1965 Act.

In respect to the first question, the Court declared that the draftsmen of Section 5 of Amendment 14 intended to grant to Congress the same broad powers expressed in Article I, Section 8, clause 18, the "necessary and proper" clause as were enunciated in *McCulloch* v. *Maryland* (supra, p. 650).

Viewing Section 4(e) of the 1965 Act in broad terms the Court stated that it could be construed "as a measure to secure for the Puerto Rican community residing in New York nondiscriminatory treatment by government—both in the imposition of voting qualifications and the provision or administration of governmental services, such as public schools, public housing and law enforcements" (supra, p. 652).

Stating that, "It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement" (supra, p. 653), the Court then spelled out its deferment to congressional judgment as had been touched upon in *South Carolina* v. *Katzenbach*, supra: "It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations—the risk or pervasiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullification of the English literacy requirement as applied to residents who have successfully completed the sixth grade in a Puerto Rican school. It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did. There plainly was such a basis to support Section 4(e) in the application in question in this case. Any contrary conclusion would require us to be blind to the realities familiar to the legislators" (supra, p. 653).

In stating that the authority of Congress under Section 5 of Amendment 14 was similar to its authority under the "necessary and

proper" clause, the Court held that congressional powers had been increased by section 5 and that Congress could impose affirmative obligations upon states in instances in which the Court had not previously held that Amendment imposed them. If the requirement of affirmative action which Congress, in its judgment, uses to ensure uniform application of equal protection is plainly adopted to the standard set forth in *McCulloch* v. *Maryland*, see supra, and is not expressly prohibited by the Constitution, the requirement should receive judicial approval. In other words, regardless of whether the New York requirement was a denial of equal protection as declared by the Judiciary, Congress can make such a determination and enact remedial legislation based upon its decision, subject only to constitutional limitations. Such legislation may require affirmative action to be taken by a state or states toward the goal of equal protection such as making absentee voting procedures available.

The second part of the decision supported the Court's description of the power of determination by Congress. It stated: "(We) perceive a basis upon which Congress might predicate a judgment that the application of New York's English literacy requirement to deny the right to vote to a person with a sixth grade education in Puerto Rican schools . . . constituted an invidious discrimination in violation of the equal protection clause". (supra, p. 656).

Accepting the conclusion that the provision was aimed at the elimination of an invidious discrimination, the Court declared that a statute would be valid if the Court is able to perceive a basis for the judgment of Congress that the state activity in question constitutes an invidious discrimination. The result is to leave to Congress the power under Section 5 of Amendment 14 to make reasonable judgments in the definition of state activities proscribed by the equal protection clause (see, 55 California Law Review, p. 309). The decision constitutes a significant expansion of congressional enforcement powers, even to the extent pointed out by Justice Harlan in dissent that Congress can invalidate state legislation on the ground that it denies equal protection where the Court might uphold or even has upheld the constitutionality of the same state statute (supra, p. 670).

The prior and subsequent decisions of the Supreme Court noted earlier in this report have disclosed various voting residence situations in which discrimination was found to exist, and two situations (*Pope* v. *Williams* supra, and *Drueding* v. *Devlin*, supra) where no violation of the equal protection clause was cited. *Pope* v. *Williams*, supra, would have no effect on congressional legislation such as section 2(c) of H.R. 4249 because it dealt solely with residency requirements to vote for Congressmen. The Supreme Court's affirmance in *Drueding* v. *Devlin*, supra, would not prevent congressional action under the thesis of *Katzenbach* v. *Morgan*, supra, since by that determination Congress may legislate pursuant to section 5 of Amendment Fourteen even when the courts have held a state law not violative of the equal protection clause as well as when the courts have taken no position at all on the statute.

The decisions in *Carrington* v. *Rash*, supra, *Kramer* v. *Union Free School District*, supra, and *Cipriano* v. *City of Houma*, supra, which prohibit a state from "fencing out", by residency requirements otherwise qualified persons from voting locally, raise questions about the validity of keeping "interested" persons from voting, and prohibit a state from denying the right to vote because of extra administrative burdens that might be imposed thereby on a state, all contain principles that support the contention that state laws which discriminate against newly arrived residents by prohibiting them from voting in presidential elections could well be in violation of the equal protection of laws clause. They are not essential to the constitutionality of Section 2(c) of H.R. 4249 but they would add support to a congressional finding that section 2(c) implemented the right to vote.

In summary, decisions by the Supreme Court support the contention that Congress may, pursuant to its authority under Section 5 of Amendment Fourteen, legislate to enable new residents of states with bona fide intentions of becoming permanent residents thereof, to vote, not in elections involving local matters but in the election of the President and Vice President. Assuming that all voters constitute one group or class to vote for the President and Vice President, Congress may legislate to prevent states, through the imposition of undue residency requirements, from discriminating against otherwise qualified persons within that class, i.e., new residents. The same principle would be applicable as respects restrictions on the right to vote for President and Vice President applied to persons who move from one political subdivision within a state to another.

The only interest that a state would have in such situations would be identification of new resident voters to prevent fraud. This could be accomplished by registration and by absentee voting machinery, the procedures for which would not unduly burden the states.

ROBERT L. TIENKEN,
Legislative Attorney.

The amendment (No. 503), intended to be proposed by Mr. GOLDWATER (for himself, Mr. BAKER, Mr. BENNETT, Mr. BIBLE, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. HATFIELD, Mr. HOLLINGS, Mr. METCALF, Mr. MOSS, Mr. MURPHY, Mr. PACKWOOD, Mr. PEARSON, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. SCOTT, Mr. SMITH of Illinois, Mr. STEVENS, Mr. TOWER, Mr. WILLIAMS of Delaware, and Mr. YARBOROUGH), was referred to the Committee on the Judiciary, as follows:

AMENDMENT No. 503

On page 2, beginning at line 5, strike out all through line 10, on page 3, and insert in lieu thereof the following:

(b)(1) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in Presidential elections—

(A) denies or abridges the inherent Constitutional right of citizens to vote for their President and Vice President;

(B) denies or abridges the inherent Constitutional right of citizens to enjoy their free movement across State lines;

(C) denies or abridges the privileges and immunities guaranteed to the citizens of each State under Article IV, section 2, clause 1 of the Constitution;

(D) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

(E) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the Fourteenth Amendment; and

(F) does not bear a reasonable relationship to any compelling State interest in the conduct of Presidential elections.

(2) Upon the basis of these findings, Congress declares that in order to secure and protect the above stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the Fourteenth Amendment, it is necessary (A) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (B) to establish nation-wide, uniform standards relative to absentee registration and absentee balloting in Presidential elections.

(3) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

(4) For the purposes of this subsection, each State shall provide by law for the registration or other means of qualification of all qualified residents of such State who apply, not later than thirty days immediately prior to any Presidential election, for registration or qualification to vote for the choice of electors for President and Vice President, or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(5) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election (A) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (B) absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

(6) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

(7) Nothing in this subsection shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

(8) The term "State" as used in this subsection includes each of the several States and the District of Columbia.

(9) In the exercise of the powers of the Congress under the Necessary and Proper Clause of the Constitution and under section 5 of the Fourteenth Amendment, the Attorney General is authorized and directed to institute in the name of the United States such actions, against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this subsection.

(10) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

(11) The provisions of section 11(c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this subsection.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 504

Mr. BROOKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 514) to extend the programs of assistance for elementary and secondary education, and for other purposes; which was ordered to lie on the table and to be printed.

AUTHORIZATION OF AN ADEQUATE FORCE FOR THE PROTECTION OF THE EXECUTIVE MANSION AND FOREIGN EMBASSIES—AMENDMENTS

AMENDMENT NO. 505

Mr. YOUNG of Ohio submitted amendments, intended to be proposed by him, to the bill (H.R. 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes, which were referred to the Committee on Public Works and ordered to be printed.

EXTENSION AND IMPROVEMENT OF FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM—AMENDMENT

AMENDMENT NO. 506

Mr. SAXBE. Mr. President, yesterday the Senate Finance Committee concluded hearings on H.R. 14705, a bill that would extend and greatly improve the Federal-State unemployment compensation program.

One part of the new bill is particularly inequitable to the employers of the State of Ohio and other States requiring a minimum duration benefit period of 20 weeks or more. The amendment which I submit is directed at that inequity.

There is little or no uniformity among the States as to the minimum duration in which benefits may be paid. The extent of the variation in State laws in this regard is well reflected in the chart which I shall enter into the RECORD after this statement. The chart was taken from hearings before the House Ways and Means Committee on H.R. 12625, the original law in which H.R. 14705 was evolved.

For example in Illinois and Indiana the minimum duration can be as low as 10 to 12 weeks. In Michigan it is 10 weeks and Texas only 9 weeks.

It is my firm conviction that until there are reasonable standards of the minimum duration throughout the States, any form of Federal extension only compounds a grossly inequitable situation. The State of Ohio must first tax Ohio employers by establishing whatever rate necessary to provide funds to pay the benefits for no less than a 20-week minimum duration. At the same time the Ohio employers will be taxed along with those of other States to provide for the Federal extended benefits. The ultimate result of this is that Ohio will pay the full bill for 20 weeks' duration provided under the Ohio law, and then pay a share of the cost of the benefits being paid under the extender to unemployed workers in other States, even though in these States the combined duration of the regular State minimum plus the Federal extender will not provide as much as the 20-week Ohio minimum. In other words Ohio employers will be taxed to subsidize a grossly inadequate program in many States; an inadequacy that defeats the sociological and economic objectives of Federal extension of unemployment compensation benefits.

My amendment seeks to correct this inequality by providing that States having less than a 20-week minimum duration must either amend their laws to provide for this time period or allow recipients of unemployed benefits to go without compensation during the period between their minimum duration and 20 weeks.

I ask that the chart accompanying my amendment be printed in the RECORD and this amendment be printed and referred to the committee.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment and chart will be printed in the RECORD.

The amendment (No. 506) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 506

On page 35, between lines 4 and 5, insert the following:

SPECIAL RULE

(c) If the minimum duration of regular compensation benefits provided under the State law of any State is less than 20 weeks, payment of, and determination of eligibility for, extended compensation shall, in the case of any individual, be made under such State law as if the minimum duration of regular compensation provided by such State law were 20 weeks; and any individual claiming payment of extended unemployment compensation under such State law for any week for which he actually was not entitled to regular compensation benefits thereunder but would have been entitled to such benefits thereunder if such State law had provided a minimum duration of regular compensation benefits of 20 weeks.

The chart, presented by Mr. SAXBE, is as follows:

MINIMUM AND MAXIMUM POTENTIAL DURATIONS UNDER REGULAR STATE UNEMPLOYMENT INSURANCE PROGRAMS AND FEDERAL EXTENDED BENEFIT PROGRAM OF H.R. 12625 DURING TRIGGER PERIODS

State	Weeks of total unemployment regular duration		Weeks of total unemployment Federal extended benefit program		Weeks of total unemployment combined regular and extended	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Alabama	13	26	6.5	13	19.5	39
Alaska	14	[2]28	7	13	21	39
Arizona	12+	26	6+	13	18+	39
Arkansas	10	26	5	13	15	39
California [1]	12-14+	26	6-7+	13	18-21+	39
Colorado	10	26	5	13	15	39
Connecticut [1]	22+	26	11+	13	33+	39
Delaware	14+	26	7+	13	21+	39
District of Columbia	17+	[2]34	8+	13	25+	39
Florida	10	26	5	13	15	39
Georgia	9	26	4.5	13	13.5	39
Hawaii [1]	26	26	13	13	39	39
Idaho [1]	10	26	5	13	15	39
Illinois [1]	10-26	26	5-13	13	15-39	39
Indiana	12+	26	6+	13	18+	39
Iowa	11+	26	5+	13	16+	39
Kansas	10	26	5	13	15	39
Kentucky	15	26	7.5	13	22.5	39
Louisiana	12	[2]28	6	13	18	39
Maine	12½-30 [3]	26	6¼-13	13	18¾-39	39
Maryland	26	26	13	13	39	39
Massachusetts	9+-27 [3]	[2]30	4.5+-13	13	13.5+	39
Michigan	10+	26	5+	13	15+	39
Minnesota	12	26	6	13	18	39
Mississippi	12	26	6	13	18	39
Missouri	10+-26	26	5+-13	13	15+-39	39
Montana	13	26	6.5	13	19.5	39
Nebraska	11	26	5.5	13	16.5	39
Nevada	11	26	5.5	13	16.5	39
New Hampshire	26	26	13	13	39	39
New Jersey	12+	26	6+	13	18+	39
New Mexico	18	[2]30	9	13	27	39
New York	26	26	13	13	39	39
North Carolina [1]	26	26	13	13	39	39
North Dakota	18	26	9	13	27	39
Ohio	20	26	10	13	30	39
Oklahoma	16+	[2]39	8+	13	24+	39
Oregon	11+	26	5.5+	13	16.5+	39
Pennsylvania [1]	18	[2]30	9	13	27	39
Puerto Rico	12	12	6	6	18	18
Rhode Island	12	26	6	13	18	39
South Carolina	10	26	5	13	15	39
South Dakota	16	26	8	13	24	39
Tennessee	12	26	6	13	18	39
Texas	9	26	4.5	13	13.5	39
Utah	10-22	[2]36	5-11	13	15-33	39
Vermont [1]	26	26	13	13	39	39
Virginia	12	26	6	13	18	39
Washington	15+	[2]30	7.5+	13	22.5+	39
West Virginia	26	26	13	13	39	39
Wisconsin	14+	[2]34	7+	13	21+	39
Wyoming	11-24	26	5.5-12	13	16.5-36	39

[1] States providing State "trigger-type" extended benefits. All State "trigger-type" programs have provisions which would render programs inoperative or suspend payments during periods when Federal trigger-type benefits are available.

[2] Weeks of "regular" State duration in these States which are in excess of 26 weeks of total unemployment and which are paid during national "trigger periods" would be reimbursed to States under provisions of H.R. 12625.

AMENDMENT NO. 507

Mr. FANNIN submitted an amendment, intended to be proposed by him, to House bill 14705, supra, which was referred to the Committee on Finance and ordered to be printed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, February 19, 1970, he presented to the President of the United States the following enrolled bills:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel) Pensinger, Marion M. Lee, and Arthur N. Lee;

S. 1678. An act for the relief of Robert C. Szabo; and

S. 2566. An act for the relief of Jimmie R. Pope.

NOTICE OF HEARINGS ON S. 2898

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization will hold hearings on S. 2898, a bill to establish within the Executive Office of the President a Council of Health Advisers.

The hearings will be Tuesday, February 24, 1970, and Friday, February 27, 1970, at 10 a.m. both days in room 3302 of the New Senate Office Building.

NOTICE OF HEARINGS BEFORE THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Special Subcommittee on Criminal Laws and Procedures has scheduled hearings for March 10 and 11 on the following bills:

S. 141, a bill to amend chapter 3 of title 18, U.S.C., to prohibit the importation to the United States of certain noxious aquatic plants—Senator HOLLAND;

S. 642, a bill to make it a Federal offense to assassinate or assault a Member of Congress or a Member-of-Congress-elect—Senator BYRD of West Virginia;

S. 2896, a bill to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes—Senator HRUSKA and Senator EASTLAND;

S. 2997, a bill to amend title 18, United States Code, to provide for the issuance of subpenas for the limited detention of particularly described or identified individuals for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes—Senators McCLELLAN, ALLOTT, and HRUSKA;

S. 3132, a bill to amend section 3731 of title 18, U.S.C., relating to appeals by the United States in criminal cases—Senator HRUSKA, by request;

S. 3133, a bill to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President—Senator HRUSKA, by request.

The hearings will begin each day at 10 a.m. in room 2228, New Senate Office Building. Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Criminal Laws and Procedures, room 2204, New Senate Office Building.

SENATOR SYMINGTON OFFERS SOLUTIONS TO ENVIRONMENTAL CRISIS

Mr. MUSKIE. Mr. President, today there is much discussion regarding the declining condition of the environment. Perhaps one of the best statements that I have read on this timely topic in recent weeks was a speech given by my distinguished colleague, Senator STUART SYMINGTON, before the Amalgamated Clothing Workers in St. Louis.

Unlike many observers, Senator SYMINGTON does not merely describe the problem but offers some far-reaching solutions which attack the very heart of the environmental crisis. Most notably, he calls for a national program to disperse our population by creating new communities throughout the country. This, Senator SYMINGTON states, would reduce the intensity of our present concentrations and would "provide a more healthful environment for the additional 100 million Americans who will be added to our population by the end of the century."

With this preface, I ask unanimous consent that Senator SYMINGTON'S thoughtful speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ENVIRONMENT: GROWING ISSUE

(Address by Senator STUART SYMINGTON)

Thank you all, very much, for the honor of being with you this evening.

Your great organization has one paramount goal—the security and happiness of people; and therefore I am especially pleased this evening to present a few thoughts on a matter that has so much to do with those two aims—the environment in which we all live.

During past months, anyone reading, watching or listening to the various news media has been deluged with a whole new vocabulary of words; words which, until recently, rarely left the classroom: ecology and environment, for example, have become household terms.

This is right and proper, because we now know that careless and unwise exploitation of our natural resources and surroundings has created a new type and character of struggle for survival. Refuse from our dynamic civilization fills the air and destroys our water. Oil slicks blacken our coasts. Noise from a growing number of sources pounds our ears. Various forms of waste litter our landscapes. Congestion almost immobilizes many of our metropolitan areas. The crime rates soar; and there is a growing restlessness among our people. Much of "America the Beautiful" is becoming "America the ONCE Beautiful."

Now what is meant by environment; and just what does it mean to us?

Environment is composed of composite social, physical, and cultural conditions which affect society as a whole as well as our individual lives.

Man can shape his environment; but he cannot prevent that environment from exerting strong influence on his health, his prosperity, and his behavior.

All across the United States, a steadily increasing number of the residents of our cities are being stricken with new "diseases of civilization," diseases which clearly can be traced to environmental causes and conditions.

Over 200 million tons of toxic matter is spewed annually into the air over this country. Such diseases follow as emphysema, and in some of our cities it is now recognized that this air pollution is now causing up to 20 deaths a day.

In California during air pollution alerts, parents are cautioned not to let their children play outdoors; and children are increasingly hospitalized with asthma and skin inflammation that results from dirty air. Lung cancer is twice as high in urban areas as in rural communities.

All this air pollution is mighty expensive. One Government study estimates such pollution costs every American $65 a year in terms of damage to homes, cars, clothing, and other personal belongings. In some cities, and St. Louis is one, the cost may well be much higher, from $200 to $500 annually.

Another disease of modern civilization is unrestricted noise.

Noise is measured in decibels; and over the past 25 years the noise level in this country has been increasing at a rate of one decibel per year. Soon this particular pollution is expected to reach the 85 decibel range, at which level sustained exposure can be very damaging. Already many million Americans suffer some degree of hearing impairment.

Traffic noise on many city streets currently exceeds 90 decibels; and jet aircraft, that constant source of irritation to so many urban dwellers, create a noise level of 130 decibels.

Studies are also conclusive in presenting that high levels of noise contribute to fatigue, increased blood preassure, and decreased work efficiency; in fact, noise promotes irritability and occasional mental distress to the point where it often culminates in violent and anti-social behavior.

Another growing pollution problem has to do with pesticides. This is especially true of the well known DDT.

Some 900 million pounds of pesticides are sold annually in the United States. They are used for literally hundreds of tasks, particularly pest control and crop protection.

DDT, unlike most other substances, does not break down chemically when consumed or absorbed; and therefore it builds up gradually in the systems of many living things, including human beings. Although small amounts of this pesticide are not toxic, as they accumulate they can create profound changes in cell metabolism. As a result, this particular substance has already done incalculable damage to fish and wildlife throughout the world. With respect to humans, it is now linked to cancer; and some reports suggest, if they do not actually state, that some pesticides are a genetic hazard capable of producing mutations.

Perhaps the most disturbing aspect of this problem is the wide-spread dissemination of pesticides throughout the world. Traces of DDT were discovered recently in the systems of Antarctic penguins, although those animals had never left their homes in the far south.

Scientists in distant countries have noted the steady growth of pesticide levels in products imported from the United States. Closer to home, last year we were warned that DDT residues on Lake Michigan had made unfit for human consumption tens of thousands of pounds of salmon caught in that great lake.

Turning now to a broader aspect of this enviromental problem, it is no secret that our inner cities have become dreary, bewildering wilderness—narrow canyons filled with mirky air, polluted water, and over-crowded streets. As a result of the post-war exodus to the suburbs, these hard core centers are now

unable to maintain such proper public services as mass transit, police protection, and sanitation; and the shrinking tax base incident to that exodus only adds to the problem.

Investigation of any sizeable city in this country confirms that rats, noise, malnutrition, garbage accumulation, and mass transit are always worst in the poverty areas.

Accepting these unfortunate facts and conditions, each citizen has the right to ask—what does it all mean? It means that life for far too many Americans in this the richest country in world history is little more than a dark corridor with a closed door at the end.

We now know that undesirable environment produces anti-social behavior. Crime, a form of pollution in itself, is increasing rapidly all over America; and fear has become a new face of the city. Last year serious crime rose over 17 percent.

As of right now, the odds are that before the end of this year two out of every hundred of us here tonight will become victims of a serious crime.

We could go on and on about the sad and damaging aspects of unsatisfactory and costly environments—the sharp rise in mental patients as well as in the suicide rate—products of these new civilization diseases.

With the premise, however, that one of the basic tenets of any concept of a "good society" is for every American man and woman to live in a healthy environment—whoever he is, wherever he is—your and my mission is to try to achieve that goal.

The basic problem behind environmental pollution is that of demand—demand for adequate goods and services, on an increasing scale, by a steadily increasing population. When we produce, we create pollution; and when we consume we leave the same.

In a word, the culprit is ourself.

Every 7½ seconds a new American is born. In his lifetime he will demand 26,000 tons of water, 21,000 gallons of gasoline, 10,150 pounds of meat, 28,000 pounds of milk and cream, 9,000 pounds of wheat, and truckloads of other foods. He will demand of his country $8000 worth of school building materials, $6000 worth of clothing, and $7000 worth of furniture, to name but a few.

We live in a nation with less than one fifteenth of the world's population; but we consume one half of all the world's production.

Consider that the solid wastes generated by this prodigious consumerism already amounts to 5.3 pounds per day for every man, woman, and child in America. How well we know the sad effect of such consumer residuals as cans, bottles, and derelict cars on many of the most beautiful parts of America.

The need for correction is clear, but the disposal of such waste represents one of the most difficult and expensive problems facing this nation today. Municipal handling of solid wastes already costs over $4.5 billion a year; a figure that is expected to triple in the next decade.

No one will deny that disposal must be accomplished; and if we do not act promptly to that end, our society could be brought up to its knees by the very waste it is creating.

So let us act, and act now.

One suggestion that is receiving additional attention, has to do with a national policy that would be programmed to disperse population; because today over 70 percent of all Americans are concentrated in urban and suburban communities which occupy less than one percent of the nation's land.

The creation, therefore, of new communities throughout this country which could reduce the intensity of our present concentrations should receive full consideration; and this especially in that it could provide also a more healthful environment for the additional 100 million Americans who will be added to our population by the end of the century.

I personally am also now convinced that, if we are to rescue our cities from strangling transportation congestion, the Federal Government must step up its efforts to develop effective new forms of mass transit. Our roads as well as our lanes are now being crowded to the point of saturation.

This latter action would also have a substantial favorable impact on our overall urban air pollution problem.

There should be other research programs. Few would deny that the Government should sponsor research designed to create new sound-proofing techniques and materials in effort to reduce the pollution of noise.

In addition, because the size and number of parks in our cities is declining, and since millions of trees die every year from the conditions which exist in our urban environment, we should create a multi-faceted urban forestry program, one that would not only provide technical assistance to cities in the management of trees and parks, but would also make available large tracts of landscaped open space—an Urban and Suburban National Parks Program.

Trees and parks provide a respite from the more harsh forms of the cityscape. As many psychologists agree, they contribute more to the mental health of city residents than almost any other factor.

Such a development would be especially valuable to the urban poor who are often only acquainted with broad expanses of green acreage, open space, and natural landscapes through their television screens.

As is the case with everything else in comparable fields, the prime requirement for proper environments is adequate money. Senator Gaylord Nelson, perhaps the leading Congressional expert in this field, estimates that it will take $275 billion over the next 30 years just to control the various natural forms of pollution. That amount does not take into consideration the cost of redeeming our cities. It is a lot, but it is perhaps pertinent to note that it would require less tax money than our defense budget for the past four years.

And so in closing, let us heed the many warnings growing around us of an impending environmental catastrophe. Let us take positive and forthright action, now, to reverse this trend; so that we may have an even richer and more fertile and more prosperous country through the reclaiming and preservation of our land, our wood and our waters. That in turn will guarantee an adequate heritage for the children of tomorrow.

THE RACHEL CARSON NATIONAL WILDLIFE REFUGE

Mrs. SMITH of Maine. Mr. President, on behalf of myself and my colleague from Maine (Mr. MUSKIE), I ask unanimous consent to have printed in the RECORD a joint resolution of the Legislature of the State of Maine commending the Secretary of the Interior and the Migratory Bird Conservation Commission on the establishment of the Rachel Carson National Wildlife Refuge.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE STATE OF MAINE, 1970

A joint resolution commending the Secretary of the Interior and Migratory Bird Conservation Commission for the Rachel Carson National Wildlife Refuge

Whereas, the mystery and true meaning of the sea stimulated Miss Rachel Carson's classics, *The Sea Around Us, The Edge of the Sea* and *Silent Spring*, giving the world a deeper understanding of dangers associated with the indiscriminate use of D.D.T. and other pesticides and the unfortunate manipulation of nature; and

Whereas, thirteen hundred and five acres of salt water marsh along forty miles of Maine coast from Kittery to Portland have been set aside and named the Rachel Carson National Wildlife Refuge in honor of the late conservationist-author; and

Whereas, this national refuge, established in 1966, will be expanded to include four thousand acres of protected marshlands which are vital to migratory birds of the Atlantic Flyway and as a source of food for many forms of sea life, including clams and lobster; now, therefore, be it

Resolved, That we the Members of the Senate and House of Representatives of the State of Maine in the One Hundred and Fourth Special Legislative Session assembled, commend the Honorable Walter J. Hickel, Secretary of the Interior, and the members of the Migratory Bird Conservation Commission for the important role they have played in establishing and designating the Rachel Carson National Wildlife Refuge; and be it further

Resolved, That a suitable copy of this Resolution be immediately transmitted by the Secretary of State to the Secretary of the Interior, the Migratory Bird Conservation Commission, and the Maine Congressional delegation.

LEON PANETTA

Mr. CRANSTON. Mr. President, it appears that there are fewer and fewer places in the administration for men who are deeply committed to the cause of civil rights.

This week, Leon Panetta, an extremely able advocate of justice for all Americans, was forced out of his job as Director of the Office for Civil Rights at HEW. Mr. Panetta was formerly legislative assistant to Senator Thomas Kuchel. Mr. Panetta and Mr. Kuchel are part of a committed, concerned branch of the Republican Party, a branch which was ably led in my State by Earl Warren and which apparently has little standing with the Nixon administration.

This morning, the Washington Post published an excellent editorial on Mr. Panetta and the administration's attack on civil rights. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EXIT LEON PANETTA

It was the morning of the day on which Mr. Ziegler, speaking for the President in Key Biscayne, allowed as how the administration had a warm feeling in its heart for Senator Stennis's campaign to get the South off the hook so far as the dismantling of its dual school system was concerned. That of course is not the way Mr. Ziegler put it or the way that Senator Stennis describes his effort, but that is manifestly the purpose of the senator's legislative maneuvers with which the President (that day) expressed his profound philosophical agreement—via Mr. Ziegler.

One man who had no confusion in his mind as to what Senator Stennis was up to was Leon Panetta. But he had a great deal of difficulty in finding out what the administration he worked for was up to—in the simplest meaning of that phrase: Mr. Panetta spent part of that day checking with sources on the Hill to ascertain whether or not there was truth to the rumor that there was going to be a statement on the subject out of Key

Biscayne. That was how the Nixon administration had come to treat the man it had appointed to be Director of the Office for Civil Rights at HEW and who had thought he was speaking for that administration in his lobbying efforts against the Stennis proposals. Mr. Panetta got the word more or less when everybody else did. And just a few days later, he got another word: he was told to get out.

The ironies are rather stunning. In a law-and-order administration (so-called), the Attorney General goes into court to try to get legal sanction for continued violation of the law on the part of several Mississippi school districts; the Supreme Court responds with a sweeping order for the offending districts to "do it now"; the man (Mr. Panetta) who was trying to get such districts to go along in the first place, is fired. What compounds the irony is that without the Attorney General's ridiculous and ill-fated effort to get his clients a little more time (they had had 15 years) and without his astonishing failure to perceive the probable response of the court, there would have been no such sudden or sweeping order. The push-pull, piece-meal, bit-by-bit negotiation that Mr. Panetta and others were pursuing would surely have spared the South its present agony and had the virtue of according with law as well. But Mr. Panetta has become a scapegoat for the misjudgment of others in the administration—and he, not they, has paid the price.

Watch what we do—the Attorney General said a while back on the subject of civil rights—not what we say. We will concede that his directive has some merit: it is a whole lot easier to watch the administration's actions these days than it is to keep tabs on its whirlwind of issue-straddling, contradictory statements. So we have been watching what they do. They have lent their prestige to the effort to circumvent the Supreme Court's ruling that the state may not deliberately segregate children on the basis of their race, and they have fired Leon Panetta, because he wouldn't go along.

PRESIDENT NIXON'S WATER CLEANUP PROGRAM SOUND

Mr. GRIFFIN. Mr. President, the President has said that the task of cleaning up our environment calls for a total mobilization by all of us if we are to succeed in restoring the kind of environment we want for ourselves and that our future generations deserve to inherit.

While many aspects of returning to a clean environment will take years to achieve, today we have the technology and the resources to proceed on a program of swift cleanup of pollution from the most acutely damaging sources: municipal and industrial wastes.

Since the Clean Waters Restoration Act of 1966 was passed, Federal appropriations for constructing municipal treatment plants have totaled only about one-third of congressional authorizations. Because of the congestion of municipal bond markets, some municipalities have experienced difficulties in selling issues for waste treatment facilities.

If we are to make an effective assault on cleaning up our dirty waters, the Federal Government must provide a means by which those municipalities that cannot tap the municipal bond market on reasonable terms can finance their share of the cost.

The President's environmental message to this Congress estimates that it will take a total capital investment of about $10 billion over a 5-year period to provide the municipal waste treatment plants needed to meet our national water quality standards. This would provide every community that needs it with secondary waste treatment and also special additional treatment in areas of special needs.

The President has proposed a two-part program of Federal assistance: Clean Waters Act with $4 billion to be authorized immediately in fiscal year 1971 to cover the full Federal share of the total $10 billion cost on a matching fund basis. This would be allocated at $1 billion a years for the next 4 years, with a reassessment in 1973.

Creation of an Environmental Financing Authority, to insure that every municipality eligible for Federal grants has an opportunity to sell its waste treatment plant construction bonds.

If conditions of the bond market are such that a qualified municipality cannot sell a waste treatment plant construction issue on reasonable terms, EFA will buy it and will sell its own bonds on the taxable market. The difference between the rate which EFA must pay private investors and the rate it receives from local governments on their securities will be made up by the Treasury Department. However, the Government would be able to recoup most, if not all, of this differential through the taxes it will receive on interest on EFA bonds. Consequently, construction of pollution control facilities will not be delayed by a city's inability to raise funds in its own name, but will depend rather on its waste disposal needs as it should.

Mr. President, I am hopeful that both Houses of Congress will support this approach toward assuring adequate financing of sewage treatment facilities.

THE AMERICAN ROLE IN LAOS CONTRADICTS NIXON DOCTRINE

Mr. CHURCH. Mr. President, fighting has resumed on the Plain of Jars in Laos.

According to recent press reports, that means that U.S. involvement has also increased. This involvement includes—and I emphasize that I am only quoting published accounts in reputable newspapers—first, the evacuation of 18,000 peasants from the Plain by truck and aircraft; second, stepped up U.S. bombing raids from bases in Thailand and South Vietnam and from the 7th Fleet afloat in the China Sea; third, stepped up combat operations by Laotian General Vang Pao who, according to newspaper reports, leads a collection of Meo tribesmen supplied by the CIA.

What is the legal authority for these operations?

Where, in the admittedly broad legislative authority for the CIA, is it contemplated that that Agency may conduct a full-blown war?

Under what authority are U.S. Air Force and U.S. Navy planes, flown by American pilots, bombing the Plain of Jars which is hundreds of miles from the Ho Chi Minh Trail and has nothing to do with the war in Vietnam?

There is a statutory basis for our support of local forces in Laos and Thailand, but nowhere do I find authority for American personnel to engage in combat operations.

Indeed, not the least of the paradoxes of this curious war in Laos is that not only is there no legal basis for it, there is affirmative legal prohibition against it.

Not in Laos can the solemn obligations of the SEATO Treaty be put forth as a legal underpinning for an American war.

On the contrary, the Government of Laos has itself renounced any claim to SEATO protection. Further, in the Declaration of the Neutrality of Laos in July 1962, the United States and the other powers principally involved, said that they would "respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO."

Beyond this, the United States and the other powers agreed, in the protocol to this declaration, that "the introduction of foreign regular and irregular troops, foreign paramilitary formations and foreign military personnel into Laos is prohibited."

What sense does it make to say that the North Vietnamese violated the protocol first and that we will not admit our violations if they do not admit theirs? How do you suppose this impresses the wives and parents of the 150 American airmen estimated by the Pentagon to be missing, captured, or dead?

Finally, how does all of this square with the Nixon doctrine, which calls for a reduced role for U.S. forces in Asia consistent with the keeping of our treaty commitments? In Laos, where the United States has no treaty commitments, we are enlarging our military role—or at least so we are told by the press.

It is time the American people heard the truth—and the whole truth—from their Government.

It is time, too, that the executive branch upheld its end of the Constitution of the United States, conferring directly with the Congress on matters of war and peace, instead of making concealed end-runs around the legislative process. It is the constitutional right of Congress to determine where and how public money is spent, which was the purpose of my amendment to last year's military appropriation bill, prohibiting the use of any U.S. money to introduce American ground combat troops into either Laos or Thailand.

Mr. President, I ask for unanimous consent to have printed in the RECORD at this point several recent news stories commenting on our involvement in Laos.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 15, 1970]

LAOS AIDE FEARS LOSS OF PLAIN SOON

Laos may have to abandon its strategic Plain of Jars to North Vietnamese forces "in a matter of a week" if the attackers keep up their pressure, a Laotian military spokesman said yesterday.

North Vietnamese troops have recently captured at least a dozen outposts controlling access to the plain from the northeast and the Xieng Khouang airfield was reported under new attack by six Hanoi battalions.

Laotian forces were said to be pulling back their heavy artillery and regrouping. A Defense Ministry spokesman said they would form resistance units rather than a thin, vulnerable line.

Informed sources in Saigon said U.S. fighter-bombers were flying combat support for the Laotians—a role the United States has not admitted.

But U.S. military advisers have urged the outnumbered Laotians to abandon the plain rather than attempt a costly defense.

The U.S. air support, he said, would "make it difficult for the enemy." But that support has been hampered by low clouds. Americans in Laos said the situation in the plain was grave and could worsen unless the weather soon clears.

UPI quoted informed U.S. sources in Saigon as saying the third phase of U.S. troop withdrawals from Vietnam would bring a reduction of some 13 per cent in the 300 to 400 sorties a day now flown by U.S. planes against the Ho Chi Minh trail through Laos.

Route 7, the march route of the North Vietnamese, continues westward to intersect Route 13, the north-south road between Vientiane and Luang Prabang. Toward the east, it cuts Route 4 running northward from Paksane and connecting Route 6 farther north to Samneua.

The Communist Pathet Lao held the plain from 1964 until last September, when government forces drove out the Pathet Lao and their North Vietnamese allies. A counterattack has been expected ever since.

In Vientiane yesterday, Laotian officials produced five North Vietnamese, captured on the plain, who said the Pathet Lao have not taken part in the fighting of the past few days.

Tiao Sisoumang Sisaleumsak, Laos' information minister, said North Vietnamese attacks on the plain Thursday and Friday had been repulsed and may not have signaled a larger offensive.

But the outposts captured by North Vietnamese forces included Nong Pet and Khang Khai, points on the road from their supply post at Banban, near North Vietnam's border, to the Plain of Jars.

Six North Vietnamese battalions were reported moving freely down this road—Route 7—from Banban.

In an effort to head off the confrontation Laotian Premier Prince Souvanna Phouma proposed last week the neutralization of the plain, in return for a pledge by Laos not to interfere with North Vietnam's use of the Ho Chi Minh trail.

North Vietnam, however, rejected the proposal, denying U.S. and Laotian claims that there are more than 50,000 Hanoi troops in Laos.

In anticipation of the onslaught, some 18,000 peasants have been evacuated from the plain by truck and by air.

[From the Manchester Guardian Weekly, Feb. 14, 1970]

CHECK ON LAOS BY CONGRESS

(By Richard Scott)

Sooner or later, the Administration is likely to have to come clean on what it is doing in Laos. The bitter experience of Vietnam and the heavy smoke screen which the Administration has thrown over its activities in Laos are making Congressmen increasingly nervous and anxious. They are determined not to allow the nation to be caught up in another burgeoning war in Southeast Asia without ever consciously approving such action or being aware just what it signifies.

But even if the Administration keeps silent concerning Laos, Congress has now learned enough to cause it anxiety. Several months ago, Senator Symington's foreign relations subcommittee, which is investigating U.S. military commitments and facilities overseas, completed a study on Laos.

Its earlier report on the Philippines had caused distress in the State Department by stating that almost all the allied forces fighting at America's side in Vietnam were financed by the United States.

The State Department is now trying to censor from the subcommittee's Laos report all comparably embarrassing disclosures. The department's first sanitised version was rejected by the subcommittee. For weeks the Department has been wrestling with itself about how much more it is prepared to allow to be disclosed.

Meanwhile, Congress has already acted to limit the extent of American assistance to the Government of Laos in its struggle against the Communist Pathet Lao and North Vietnamese. Last year it placed a $2,500 millions ceiling on the military and the US could provide to Laos and Thailand, and specifically banned the use of American ground combat troops in either country.

The Pentagon is now seeking to have these limitations omitted from the military procurement legislation for the current year. But Congressmen know, even if the Administration refuses to confirm it, that American military advisers are already in the field with Laotian military units.

And that is precisely how the Vietnam involvement began. There were about 1,600 US military advisers in Vietnam one day and then, without any specific Congressional approval, and almost overnight, there were American combat units. That was in March 1965, and they numbered 3,500 men. But it was not until July that year, when President Johnson asked that the 70,000 American troops that were already in Vietnam should be increased to 120,000 that the American public realized that it was involved in a serious fighting war.

Congress is not likely to let this happen again in Laos or anywhere else. And it may be that its mounting insistence on its right to know what is happening and what is contemplated in Laos, before it is to late, will have to be heeded by Mr. Nixon.

[From the Washington Post, Feb. 17, 1970]

RED TARGETS IN LAOS POUNDED IN HEAVY U.S. AIR ATTACKS

SAIGON.—American fighter-bombers flew more than 400 sorties against North Vietnamese troops, trucks and supply lines in eastern Laos Sunday in some of the heaviest air raids ever flown in Southeast Asia.

Saigon sources said some of the raids were in support of Laotian government forces on the Plain of Jars, which is under North Vietnamese attack, and others were against the Ho Chi Minh trail that moves North Vietnamese troops and supplies into South Vietnam.

One propeller-driven A–IE Skyraider was shot down over the Plain of Jars and the American pilot was presumed killed, sources in Vientiane said.

The Saigon sources said the planes came from two 7th Fleet carriers in the Tonkin Gulf and half a dozen bases in Thailand and South Vietnam. Most were F–4 Phantom and F–105 Thunderchief fighter-bombers, which carry 10,000 to 15,000 pounds of bombs.

The Strategic Air Command's B–52 bombers, which carry four to six times that bomb load, also pounded North Vietnamese supply depots in eastern Laos. Several B–52 missions were reported along the border.

Reuters reported from Vientiane, Laos:

Laotian government forces, under increasing pressure from North Vietnamese troops, now control only two positions of importance on the Plain of Jars and are expected to withdraw completely very soon, military sources said here Monday.

Xieng Khouang and the nearby airfield are still in government hands despite continuing heavy rocket and mortar attacks from the North Vietnamese, whose 15,000 regular troops on the plain outnumber the government side more than two to one.

The sources said that a government attempt to retake Phou Thung, about six miles southeast of Xieng Khouang, failed Monday.

MOSS HINTS PENTAGON BACKS CENSORSHIP

SAIGON.—Rep. John E. Moss (D-Calif.) said Monday his probe of censorship of armed forces broadcasts in Vietnam indicated a possible pattern of news management emanating from the Pentagon or high military authority in Vietnam.

The censorship "could emanate from the highest sources in Washington," Moss said. He plans further hearings in Washington and said Pentagon officials responsible for public affairs policy would be called to testify.

Moss said he was "distressed" by testimony from five enlisted men involved in charges of news management against U.S. military officials supervising news broadcasts over armed forces radio and television outlets in Vietnam.

[From the Christian Science Monitor, Feb. 14–16, 1970]

WHAT U.S. BOMBS ARE DOING IN LAOS—WASHINGTON TALKS PRIVATELY OF BIG GAINS

(By George W. Ashworth)

WASHINGTON.—Sharply increased American bombing of Laos over the past year is credited with substantially improving the Lao Government's military position. Now officials here believe these advances may open the way for understandings that could lessen the burden of war.

When bombing of North Vietnam was stopped in November, 1968, the American bombing campaign was switched almost intact into Laos. According to officials here the main purpose was to stymie Communist infiltration along the Ho Chi Minh Trail. But what was not needed along the trail was used in support of the Royal Lao Government's endeavors against the Pathet Lao.

The results were astonishing, and the United States bombing helped much to disturb the uneasy balance that has existed in Lao battlefields over the years.

Gen. Vang Pao's success in taking the strategically important Plain of Jars last summer with his 10,000 Meo guerrillas is attributed in large part to the American air campaign in his support.

U.S. FLIERS INVOLVED

At present, an estimated 90 percent of the Lao Government's air strikes are flown by Americans. Strikes are flown both from Thailand and from aircraft carriers operating on Yankee Station off the Vietnamese coast against targets along the Ho Chi Minh Trail and in northern Laos. B–52's are used only against the Ho Chi Minh Trail.

The Americans do not admit their massive air involvement in Laos, nor are they free with information as to the extent of the advisory effort and of aid to the financially pressed Lao Government. Some estimates have placed United States aid so far in the order of hundreds of millions of dollars.

Similarly, the North Vietnamese will not admit that they are deeply involved in Laos. At present there are an estimated 50,000 North Vietnamese regulars bolstering the Pathet Lao forces. Additional thousands are engaged in guarding and servicing the Ho Chi Minh Trail.

RESPONSIBILITY DEBATED

The U.S. maintains that the North Vietnamese violated the 1962 Geneva accords first. Thus officials display no particular guilt about present U.S. violations of the illusory and theoretical Lao neutrality which those accords were supposed to guarantee.

But it is no secret that the U.S. would be delighted if it were no longer involved in Laos militarily, for that would save lives, as

well as vast sums of money. Estimates of American planes lost in the fighting in Laos are at best uncertain, but many observers suspect losses to be at least 100, possibly more.

The North Vietnamese steadfastly refuse to accept any responsibility whatsoever for the lost American pilots, and the U.S. is in a poor bargaining position in that it will not admit they were there in the first place and thus cannot theoretically seek their release.

There is little doubt here that if Laos were to lose United States aid, the government would collapse almost immediately, leaving the country in Communist hands.

Similarly, the Pathet Lao would undoubtedly fall apart without heavy North Vietnamese bolstering. It is significant that current fighting over the Plain of Jars is being handled largely by the North Vietnamese.

Thus, over the years, the situation in Laos has deteriorated to one in which North Vietnamese ground forces are needed to balance American-subsidized governmental forces and heavy American air involvement.

It is a measure of the effectiveness of this air campaign since bombing of North Vietnam was halted that the retreat of enemy forces from the Plain of Jars last summer was so precipitate that large weapons and supply caches were left behind.

There is little doubt that the North Vietnamese will regain the Plain of Jars, and there is no great concern shown here over that certainty. General Vang Pao is expected to fall back gracefully and gradually, exacting as heavy a toll as possible upon North Vietnamese forces.

Sources here believe that the current fighting may provide a key to some sort of understandings. It may be possible to reach agreements in which the Plain is theoretically neutral but in fact held by the Communists.

From that point the war might fall back into the old pattern of small losses and small gains, a sort of war in which nothing unacceptable happens to either side.

Lao Premier Souvanna Phouma publicly offered to negotiate with Hanoi for an end to the conflict. Prince Souvanna said he was agreeable to neutralization of the plain and to the cessation of U.S. air bombardment. Further, the Prince indicated his government would be satisfied to let the North Vietnamese and Americans fight over the Ho Chi Minh Trail without any interference from the Lao Government.

CONCERN MOUNTS

Sources here hope that the North Vietnamese are genuinely tired of fighting in support of the Pathet Lao and may be willing to get down to discussions that could lower both North Vietnamese and American involvement. The Americans, of course, beset by money worries and concern in Congress over the situation in Laos, would be delighted.

North Vietnamese were fast to publicly reject Prince Souvanna's offer, but they have yet to offer a private official response. As one source put it, the level of violence could be tapered, they could and probably would withdraw to North Vietnam.

There have been some suggestions that B–52's might be used to strike a decisive blow for the allied side, but officials here view that idea with some horror, steadfastly preferring to avoid any further American escalations that could lead to a reciprocal North Vietnamese buildup.

A further complication is the road the Chinese Communists have built into Laos from Yunnan Province. Branches head toward Dien Bien Phu and toward the Mekong River. The Thais, wary that the road could be used to further insurgencies against them, have sought action. But Americans, unwilling to antagonize China and unsure of the strategic significance of the road, have demurred.

The construction of the road could not be stopped, unless by massive bombing, which is out of the question, sources here say. Blocking the road could be impossible. Consequently, the most likely prospect is harassment by guerrilla forces.

[From the Washington Evening Star, Feb. 18, 1970]

U.S. HALTS B52 RAIDS IN VIETNAM TO BOMB LAOS

SAIGON.—The United States suspended B52 bombing raids in Vietnam yesterday and today and sent the Stratoforts instead into Laos in an attempt to crush the Communist offensive on the Plain of Jars.

The U.S. war communiques listed no B52 raids in Vietnam since early yesterday, a suspension that has reached 36 hours.

Military sources said Stratoforts based in Thailand and on Guam had their Vietnam missions canceled and instead were flying emergency strikes into Laos in an attempt to stall the Pathet Lao and North Vietnamese advance.

The Stratoforts and a fleet of 400 fighter-bombers have been flying daily missions into Laos for months but the new emergency strikes, requiring all the Stratoforts available, underscored the urgency of the situation in Laos.

Military sources in Saigon said the B52s have been flying as many as 10 missions a day in Laos, hitting both the Ho Chi Minh Trail and the estimated 20,000 guerrilla troops on the Plain of Jars.

One B52 mission involves between 5 and 12 planes, each capable of carrying 30 tons of bombs.

The suspension of the Stratoforts' Vietnam bombing campaign was the longest since the B52s joined the war effort almost six years ago, except for pauses for allied truces and the two-day suspension after Ho Chi Minh's death in September.

There was no indication that halting the B52 raids in Vietnam yesterday and today had anything to do with peace proposals.

The Associated Press reported that a U.S. helicopter on a resupply mission was shot down north of Saigon today and seven of the nine persons aboard were killed. Two more Americans were reported wounded by enemy fire during an attempt to reach the helicopter on the ground.

In other developments, military spokesmen said South Vietnamese artillerymen accidentally shelled the U.S. Air Base at Bien Hoa, outside Saigon, during the night, killing three Americans and wounding 20.

Two 105mm shells hit the base, said to be the busiest airfield in the world, at 10 p.m. yesterday and four landed at 2 a.m. Two small barracks were destroyed and a third was heavily damaged. Most of the casualties were inside sleeping.

An investigation has been begun, spokesmen said.

On the war front, allied forces reported killing 157 Viet Cong and North Vietnamese in three large-scale engagements yesterday, two in the Mekong Delta and one near the Cambodian border northeast of Saigon.

U.S. 1st Air Cavalry Division helicopter gunship crews responding to ground fire reported killing 45 guerrillas five miles from the Cambodian border. There were no U.S. casualties.

In the Mekong Delta South Vietnamese troops killed 74 guerrillas and military sources said the Saigon government units lost two men killed and five wounded.

[From the Washington Evening Star, Feb. 18, 1970]

LAOS FORCES KILL 36, DESTROY 3 HANOI TANKS

(By Tammy Arbuckle)

VIENTIANE.—North Vietnamese forces, spearheaded by tanks, launched new attacks on the airstrip headquarters of Lao government Gen. Van Pao on the Plain of Jars this morning, but they were beaten back.

Thirty-six North Vietnamese were killed and three tanks were destroyed, according to military sources here.

Hanoi's infantry stormed the airfield perimeter in a dense fog, and four tanks penetrated the field's defenses.

3 TANKS DESTROYED

Three of the tanks fell into newly dug anti-tank ditches around the airstrip and were destroyed by point-blank cannon fire.

Government casualties were described as light though neither U.S. or Lao airpower were able to intervene because of the bad weather.

(Reports out of Saigon indicated, however, that American B52s were bombing elsewhere in Laos in an attempt to curb the drive by the North Vietnamese and Communist Pathet Lao).

Air gunships, however, illuminated the battle with flares.

The action was the fourth Hanoi attempt to take the airstrip, one of the few remaining positions in Lao government hands after Hanoi captured most of the Plain of Jars in a series of attacks since Thursday.

CIA POST ATTACKED

In an attack last night, a 10-man North Vietnamese sapper team firing automatic weapons and using satchel charges briefly overran Long Chien, the U.S. and Lao government headquarters south of the plain run by the U.S. Central Intelligence Agency.

One American Air Force plane, an O1E used for reconnaissance purposes was broken in half by a satchel charge and one Meo tribesmen sentry was killed.

Three North Vietnams, two of them dressed in Lao government uniforms, also were killed.

U.S. Air Force Skyraiders, said to be based at Long Chien at Muong Soui on the northwest part of the plain, have been bombing the plain daily.

At least one Skyraider has been downed and a U.S. pilot killed, informed sources said.

THE POLICY OF INTEGRATION

Mr. CASE. Mr. President, Mr. Tom Wicker, in this morning's New York Times, calls the Senate's approval of the Stennis amendment a sellout of the policy of racial integration.

While I do not believe that all is lost, I do believe Mr. Wicker has made some points which every Member of the Senate should consider. I ask unanimous consent that this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN THE NATION: THE DEATH OF INTEGRATION

(By Tom Wicker)

WASHINGTON, February 18.—The Senate of the United States has now cravenly abandoned the policy of racial integration—sixteen years after it was born in a Supreme Court decision, ninety-four years after the Civil War "Reconstruction" ended in a similar sell-out, and less than a week after President Nixon, on Lincoln's Birthday gave the signal of surrender.

When all the apologetics have been set aside, that is the meaning of the adoption of the Stennis amendment, to the concept of which Mr. Nixon extended his blessing at the crucial moment. If pressures against school segregation must "be applied uniformly in all regions of the United States without regard to the origin or cause of such segregation," then they are not going to be applied anywhere, because there is neither the manpower, the money, the knowledge nor the will to do the job.

WHAT SEGREGATIONISTS WANTED

Although the effort cannot be made everywhere, it now cannot be limited to the South either. That is exactly what the South's segregationists wanted. That is what their ally in the White House is willing to permit. That is what their dupes in the Senate have approved.

The justification is ready at hand. Integration, it is now contended by both black and white leaders, is a failure. In many cases this is demonstrably true; in other cases it is unquestionably false. Just today, there were reports of a successful reshuffling of student patterns in Greenville, S.C. To say that integration has failed is to ignore and denigrate the thousands of Southern citizens who in the past decade and a half have faithfully tried to obey what they believed was the law of the land. It is to abandon to their fate those local and state political leaders who courageously led the integration movement, sometimes at peril and even sacrifice of their lives.

INEFFECTUAL REMEDY

But even if integration has failed—and to say that it has is not only false but an assertion of the bankruptcy of American society—what is suggested in its place? Stewart Alsop, quoting those who say integration has failed, tells us in Newsweek:

We must "open up middle-class jobs and the middle-class suburbs to Negroes." We must "make the schools good where they are"—that is, pour money and attention into the ghetto schools. The fact is that despite the pleas of the Kerner Commission, the Eisenhower Commission and every other reputable body that has made any good-faith effort to gauge the situation; despite the empty rhetoric of the Nixon Administration about "reforms" and new programs, despite the hypocrisy of those Northern Senators who supported Southern segregation under the guise of attacking Northern segregation—despite all this, there is not the slightest indication that the American people have any intention of doing any of these things, or that their fearful leaders will even call upon them to do so.

Mr. Alsop's strategists also insist that the nation not "sell out integration where it's been successful." That is precisely what Mr. Nixon and the Senate have done: what will happen now in Greenville, and in other cities where courageous, good-faith efforts had been made? Whatever those black leaders who say integration has failed may think, what will the millions of black people believe as they see starkly confirmed one more time—after so many precedents—the unwillingness of white Americans to make good on their commitments and their ideals?

"The Union," wrote C. Vann Woodward in *The Burden of Southern History*, "fought the Civil War on borrowed moral capital. With their noble belief in their purpose and their extravagant faith in the future, the radicals ran up a staggering war debt, a moral debt that was soon found to be beyond the country's capacity to pay, given the underdeveloped state of its moral resources at the time." For eighty years thereafter, Mr. Woodward pointed out, the nation simply defaulted, until "it became clear that the almost forgotten Civil War debt had to be paid, paid in full, and without any more stalling than necessary."

IN DEFAULT

That is clearer than ever, because we are not dealing in 1970 with five million ignorant field hands in the cotton South, as we were in 1876. But once against, the Union is defaulting; once again its capacity to pay has been found grievously wanting; and still its moral resources are sadly undeveloped.

Poor old Union! Its great and generous dreams falling one by one to dusty death.

HEALTH COSTS AND THE FUTURE OF MEDICARE AND MEDICAID

Mr. WILLIAMS of New Jersey. Mr. President, the Special Committee on Aging has had a longstanding interest in the health of older Americans and in the programs of medicare and medicaid which are doing so much to relieve older people of the crushing burden of health care costs. A matter of major concern to the committee, and to me as its chairman, is the steady and rapid increase in health costs that has been taking place in recent years. These increases hit the elderly especially hard, notwithstanding the existence of medicare. That program covers less than half the health care expenses of the elderly, who must meet the cost of noncovered services, plus the medicare premiums, deductibles and coinsurance amounts from incomes typically much smaller than those of younger people.

I, therefore, note with considerable interest the recently submitted report on medicare and medicaid by the staff of the Committee on Finance. Perhaps the crucial issue highlighted by that report is the serious impact that rising health costs have on programs such as medicare and medicaid.

The Committee on Aging has previously studied the serious impact of rising health costs on older Americans and came to the following conclusion:

Rising medical care costs are causing demands for Medicare revisions, such as: elimination of co-insurance and deductibles; at least partial coverage of non-hospital prescriptions; financing of Part B through the payroll tax spread over the rising earnings of workers rather than through monthly premiums paid by the aged; and imposition of tighter cost controls.

Such demands should be considered in comprehensive congressional and administrative reviews of Medicare intended to make that historic program an even more valuable component of a concerned society.

I want to reaffirm today this conclusion—both as to the great value of the medicare program and as to the need to assure, through appropriate modifications in it, that rising health costs do not rob older Americans of the financial security medicare was intended to help provide.

In particular, I believe it would be a shame to respond to the problem of escalation in doctor's fees by cutting back the medicare protection of the elderly, as has been suggested. I oppose any such procrustean solution. Nor can I see how limiting medicare payments to Blue Shield schedules, even where these are far below what physicians customarily charge, would solve anything. It would simply throw the burden of rising health costs directly upon the older American.

The real problem, it seems to me, is not one that will be solved by any narrow-minded cost-cutting approaches or by tighter administration of medicare and medicaid alone. Rather, we should turn our attention to the basic problems in the health care system and the deficiencies in the delivery of health services. The Special Committee on Aging's Subcommittee on Health of the Elderly has heard extensive testimony about the serious problems in the modes of delivering health care and in the organization of our health care system—increasingly referred to these days as a nonsystem.

I hope that the staff report to the Committee on Finance will stimulate serious consideration of the real problems in the health care system and in medicare and medicaid. What is required is that we thoughtfully consider real problems and attempt real solutions, so that medicare and medicaid will continue to enhance the well-being of older Americans.

ENVIRONMENTAL WARFARE IN VIETNAM

Mr. NELSON. Mr. President, last November Mr. Nixon proposed a halt of all biological warfare research and stockpiling efforts in the United States. He foreswore the first use of chemical weapons and indicated he would submit the Geneva Protocol to the Senate. These were commendable actions that showed to the world a sincere desire to limit the variety of weapons of mass destruction. At the same time it was announced that the "no first-use policy" did not apply to tear gases, defoliants, and herbicides. Also, toxins, a highly lethal chemical derivative of biological agents, were considered a chemical-warfare weapon and would still be produced and used.

On February 14 the White House included toxins in the total biological ban. This is another positive step toward disarmament. Government sources said then that "for the time being" the first use of tear gases, defoliants, and herbicides was still not prohibited by the Geneva Protocol.

An article entitled "What Have We Done to Vietnam?" discusses the fantastic amount of destruction inflicted to that country through the conduct of large-scale environmental warfare. Since 1962, over 100 million pounds of chemical herbicides have been sprayed over more than 4 million acres—an area equivalent to about 10 percent of the total country and equal in size to the State of Massachusetts.

The four primary sprays used—2,4–D; 2,4,5–T; cacodylic acid; and picloram are either potential or proven agents with harmful side effects. The herbicide 2,4,5–T was shown, in data released last year, to possess teratogenic qualities, that it, producing fetal deformities. Shortly thereafter, the President's science adviser announced that the Department of Agriculture would cancel registrations for use on food crops by January unless the Food and Drug Administration would establish a safe tolerance level in and on foods.

On February 6, the Department of Agriculture announced that the original 2,4,5–T used on the test animals was contaminated and further testing with a purer batch of the chemical had shown no adverse effects. Shortly thereafter the President's science adviser revealed in a letter that the Department of Agricul-

ture had the authority all the while to decide on the use of 2,4,5–T. On February 16, the distinguished Senator from Michigan (Senator HART) announced hearings would be held to probe into the many questions recently raised by the use of this chemical.

All of this is a preface to the possible and known impact of the indiscriminate use of herbicides in Vietnam. The United States is conducting a form of warfare that is irreversibly upsetting the ecologic balance in Vietnam, with no proof of military effectiveness. The burden of proof has been placed on those that question such highly provocative methods of fighting a war. The burden must be shifted because America has set a dangerous precedent that will not readily be forgotten by other nations of the world.

If, as many maintain, environmental warfare is not covered by the Geneva protocol, then that does not for one minute sanction the continuation of such a dangerous policy. This is an issue that deserves the most careful scrutiny by the Congress in the context of an open debate. There is much serious discussion about the quality of the environment and the quality of life in this country. There is deep concern about the high concentrations of DDT and other persistent pesticides that build up in the bodies of animals, including man. There has been significant action to control, reduce, and eliminate the harmful ecologic and health effects caused by pollution of the environment.

I cannot see the necessity of using an indiscriminate substance sprayed from C–123's when decades from now the environmental imprint of the United States will still be noticeable in Vietnam. Risking the lives of civilians and unborn babies and changing the biological complexion of the country through the use of potentially dangerous herbicides verges on sheer madness.

The Vietnam conflict has not been a military war in the traditional sense. It has been a highly political and nonconventional war. That does not, however, give us license to use any weapon that science provides. The decision must be made to stop waging environmental warfare when its benefits are dubious and the detriments are patently obvious.

Mr. President, I ask unanimous consent that the article on environmental warfare in Vietnam be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT HAVE WE DONE TO VIETNAM?

(By Robert E. Cook, William Haseltine, and Arthur W. Galston)

President Nixon has proposed to call a halt to all biological warfare research and stockpiling operations in the United States, and to submit the Geneva Protocol to Congress for ratification. While these are commendable moves, the government is excluding from his ban the use of defoliants, herbicides, and anti-personnel gases in Vietnam. That is tragic, for these weapons respect neither the neutrality of the fertile farms nor the innocence of undefended civilians. The destruction in Vietnam is heightened because Allied forces, for the first time since World War I, have employed massive quantities of chemicals against the enemy: villages have been leveled with napalm; caves and bunkers have been saturated with tear gas to drive protected soldiers into open fire; crops have been destroyed and jungles defoliated to deny the enemy food and cover. It is the civilians who bear the major burden of this assault. Since there are no concrete enemy strongholds or fixed battlelines, battles arise whenever contact is made between US and South Vietnamese forces and the fluid enemy, whose primary tactic is mobility.

Since 1962 huge C–123 cargo planes, equipped with tanks and high pressure spray nozzles, have released more than 100 million pounds of chemical herbicides over more than 4 million acres, an area larger than the state of Massachusetts. This includes more than 500,000 acres of croplands growing rice, manioc, beans and other vegetables. To decrease the number of flights necessary over enemy fire, the chemicals are sprayed in concentrations up to ten times those recommended for use in the United States. This spreads nearly 30 pounds of herbicide over each acre of land.

The Air Force has been spraying four different chemical compounds in varying combinations colorfully known as agents Orange, Blue, and White. Orange consists of equal parts of 2,4-D and 2,4,5-T, general weed killers used extensively in the United States. Orange usually persists for only one or two weeks in ground water or soil, but its disappearance depends upon micro-organisms requiring specific conditions, including abundant oxygen. Thus, high concentrations could build up in stagnant water or poorly aerated ground. Agent Blue consists primarily of cacodylic acid which contains 54 percent arsenic. Its use against crops is forbidden in the United States, but it has been so used in Vietnam. Agent White is a blend of 2,4–D and picloram, the latter being an unusually persistent herbicide which is capable of killing vegetation and retarding regeneration for years.

These herbicides are a product of agricultural research done during the thirties and forties, when a number of hormone-like substances were identified in plants and brought to the attention of the Army for potential use in the control of plant cover and crop production. Research was undertaken at Fort Detrick, the home of chemical-biological warfare research, to develop the new compounds. After the war, direct toxicity levels for man and animals were investigated and determined to be low enough to make the chemicals acceptable for general use as weed killers. The US Department of Agriculture, the Federal Drug Administration, the National Institutes of Health, and the Fish and Wildlife Service all had a hand in sanctioning the widespread use of herbicides. By 1965, more than 120 million acres were being sprayed each year in the United States. Despite this wide usage, no studies had been conducted until very recently by any government agency on the possible carcinogenic, mutagenic, or teratogenic properties of herbicides, or on the ecological consequences of their use.

Many botanists and ecologists decried the ecological destruction which is an unavoidable consequence of the defoliation and crop denial program in Vietnam. They stressed repeatedly the extent of our ignorance concerning the consequences flowing from the introduction of massive amounts of chemicals into a complex tropical ecology. They warned of the possibility of soil erosion and laterization (an irreversible conversion to rock), the destruction of understory saplings and seedlings, the upheaval of insect, bird and small mammal populations, and of the effects these changes have on normal agriculture and the spread of disease. They deplored the use of herbicides to kill food crops because those who suffer the effects of starvation are mainly pregnant and lactating women, children under five, the sick and the aged.

With the publication of Rachael Carson's Silent Spring in 1962, the public became aware of the extent of chemical intrusion into the ecosystem and its possible adverse effect upon the flora and fauna of the world. It was in the same year that the massive use of herbicides in Vietnam began and expanded from an initial 4900 acres sprayed in 1962 to more than a million sprayed acres in 1967. The alarm of civilian scientists in the United States found some expression at the annual meetings of the American Association for the Advancement of Science. The council of this large, heterogeneous organization for long skirted the hot issue of the Vietnam war and adopted instead a resolution bearing on the relationship of herbicides to the environment. Until last week, attempts to broach the thorny issue of military herbicides proved fruitless because of the diffuse expression of views by the board of directors. Nonetheless, questions directed by the AAAS to the Department of Defense resulted in a study, sponsored by the Pentagon, of the literature dealing with the possible ecological effects of the massive use of herbicides. At about the same time, another government agency initiated long-delayed tests into the toxicity of some of the herbicides to laboratory animals, and by inference, to man.

In 1966 the National Cancer Institute commissioned a series of studies to evaluate the carcinogenic, teratogenic and mutagenic activity of selected insecticides, herbicides, fungicides and industrial chemicals. As part of this research, the chemicals were given to pregnant rats and mice at different dose levels and by subcutaneous and oral routes to study their potential interference with normal developmental processes, an action which has become known as teratogenesis. Late last month copies of the long classified study became available.

The Institute's tests revealed that two of the herbicides examined had caused gross abnormalities and birth defects in mice. 2,4–D was termed "potentially dangerous, but needing further study" while 2,4,5–T was labeled "probably dangerous." Further tests with 2,4,5–T on rats confirmed its teratogenic effect; up to 100 percent of the litters fed varying doses of 2,4,5–T in honey had excessive fetal mortality and a high incidence of serious developmental abnormalities in the survivors. Female rats that were fed doses as low as 4.6 milligrams per kilogram of body weight (equivalent to about 1/100 of an ounce for an average woman) bore three times as many abnormal fetuses as control rats. The study concluded that "it seems inescapable that 2,4,5–T is teratogenic."

The implications of these findings for Vietnam are obvious. In rural areas of the countryside where the spraying is most intense, drinking and cooking water is often taken directly from rain-fed cisterns and ponds, sources readily contaminated by chemicals sprayed from low flying aircraft. If 30 pounds of agent Orange are sprayed per acre, roughly 15 pounds of 2,4,5–T are released. If one assumes a one-inch rainfall after such a spraying, and the use of three liters of water a day for drinking, and cooking by a Vietnamese woman, one can calculate that a dose of 2,4,5–T equivalent to 4.5 mg/kg body weight may be consumed. This is exactly the lowest dose which produced measurable effects in rats in the National Cancer Institute study. To make matters worse, it is not known whether humans are more sensitive to the teratogenic actions than rats.

Within the last year there have been a number of reports in Vietnamese newspapers about an increase in birth abnormalities. Viet Bang, a South Vietnamese journalist writing for the Buddhist newspaper Chanh Dao has stated that the doctors in two main maternity hospitals (Tu Doc Hospital in Saigon and Hung Vuong Hospital in Cholon) are under orders to send all their files on miscarriages and malformed babies to the

Ministry of Health, after which the files are no longer seen. The US response to these findings was conservative. The White House Science Advisor, Dr. Lee DuBridge, announced that, "a coordinated series of actions are being taken by the agencies of government" to limit the use of 2,4,5-T. He stated that the Agriculture Department would cancel registration of 2,4,5-T for use on food crops in the United States by January, 1970, unless the Food and Drug Administration found a basis for establishing a safe legal tolerance. Such caution at home was not paralleled by similar caution abroad. In the same statement, DuBridge announced that the Defense Department will not stop the use of 2,4,5-T in Vietnam but will restrict its use to areas remote from populations. The Pentagon has interpreted this as a sanction of its present policy; no change whatever will be made in the Army's policy governing the military use of 2,4,5-T.

The possibility that teratogenic doses could have been ingested in this country is discounted by the government. DuBridge has said, "it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T, and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is sought." Yet 2,4,5-T is sprayed primarily along powerlines and pipelines, and secondarily upon croplands. Biodegradation in the soil is very dependent upon the particular conditions at the site of spraying, and possibilities of accidental drift are high. Congressman Richard D. McCarthy (D, N.Y.) recently stated, "I find it difficult to understand how a complete ban on use of this defoliant in the United States can be postponed until January and how the Department of Defense can continue to use this defoliant after learning the results of the tests." Part of the answer to the congressman's difficulty may lie in the fact that 2,4-D and 2,4,5-T production contributes over thirty-five million dollars annually to the herbicide industry.

The implications of the 2,4,5-T case, the government reaction and the entire defoliation program are profound. First, 2,4,5-T represents a chemical developed from scientific technology in the forties which has been massively applied to the human environment for 20 years before proper research into its potential harmfulness to humans was conducted; it may represent an ecological equivalent of thalidomide. How many more chemicals have been spawned by technology and spread throughout the human ecosystem without adequate testing? Neither picloram nor cacodylic acid were examined by the National Cancer Institute study; yet the recent Midwest Research Institute report on herbicides in Vietnam indicated a number of references in the literature that suggested some teratogenic activity in cacodylic acid.

Secondly we have failed to consider the long-term hazards from the intrusion of chemicals into a system that has evolved its intricate arrangement for many millions of years. The complex ecology of a tropical region is much like the interdependence of a pyramid of toy blocks; the removal of one element upsets all the others. It has been assumed that if a chemical can be introduced without immediate detrimental effects, then its application can be doubled or tripled without worry. Yet very recently, in the case of DDT, we have seen how biological systems tend to accumulate chemicals over long periods of time. After 20 years of spraying, the hormonal effects of DDT are causing serious disruption in the reproductive cycles of many birds, and the end of its effects cannot be seen.

Finally, in Vietnam, we can detect the beginnings of a new military tactic in limited warfare. No longer is scientific technology used only to kill the enemy; chemicals are also employed to destroy the ecology that supports him. This environmental warfare has been conducted without any broad examination of the question whether any cause can legally or morally justify the deliberate destruction of the environment of one nation by another. The United States must begin to grasp the concept that belligerents in hostilities share a responsibility for preserving the potential productivity of the area of conflict. Otherwise, our technology may convert even the most fertile area to a desert, with lasting consequences to all mankind.

ADDITIONAL CALIFORNIA WAR DEAD

Mr. CRANSTON. Mr. President, between Friday, January 30, 1970, and Tuesday, February 17, 1970, the Pentagon has notified 20 more California families of the death of a loved one in Vietnam.

Those killed:

Pfc. Michael H. Baird, son of Mr. Aloze E. Baird, of Mountain View.

Pfc. Henry D. Bell, son of Mr. and Mrs. Henry D. Bell, of Daly City.

Sp4c. John M. Burnley, son of Mr. Ira Burnley, of Los Angeles.

WO Gale W. Butcher, Jr., son of Mrs. Sylvia H. Chaney, of Hayward.

Capt. David W. Coppernoll, son of Major, retired, and Mrs. Russell W. Coppernoll, of San Diego.

Pfc. Danny C. Davis, husband of Mrs. Mary L. Davis, of Rio Linda.

Sp5c. Billy F. Dodd, son of Mr. and Mrs. Andrew M. Dodd, of Wilmington.

Pfc. David E. Farr, son of Mr. and Mrs. Norman L. Chapple, of Thousand Oaks.

CWO Ronald J. Fulton, husband of Mrs. Marlene L. Fulton, of Lompoc.

Lance Cpl. Charles V. Green, son of Mr. John E. Green, of Venice.

Lance Cpl. Delmar J. Herrin, Jr., son of Mrs. Billie A. Hutchinson, of Santa Ana.

Lance Cpl. Charles Hinton, Jr., son of Mrs. Catherine Hinton, of Fremont.

Pfc. Gary L. Hobbs, son of Mrs. Dorothy M. Nibarger, of Hanford.

Pvt. Terry S. Loprino, son of Mr. and Mrs. John Loprino, of Salinas.

Sp4c. Jesus J. Meza, son of Mr. and Mrs. Joseph Meza, of San Bernardino.

Pfc. Richard H. Miller, son of Mr. and Mrs. James E. Miller, of Long Beach.

Sp4c. Larry H. Morford, son of Mr. and Mrs. Benjamin W. Morford, of Carmichael.

S. Sgt. Ernest A. Rivera, husband of Mrs. Esther Rivera, of Imperial Beach.

Sp4c. John T. Rodgers, son of Mrs. Martha R. Rodgers, of Los Angeles.

Lance Cpl. Carlos Valenzuela, son of Mrs. Margaret Valenzuela, of Selma.

They bring to 3,954 the total number of Californians killed in the Vietnam war.

JAMES F. ROBERTSON, ASSISTANT POSTMASTER, GADSDEN, ALA.

Mr. ALLEN. Mr. President, Mr. James F. Robertson, assistant postmaster of my home town of Gadsden, Ala., has been recognized in an article in the Gadsden Times for his selfless dedication to a unique worthy cause. In the belief that others may find the account of this work a source of inspiration, I request unanimous consent that the article be printed at this place in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THEY TAKE TIME TO HELP

(By Reuben Killebrew)

A young man in Gadsden is celebrating Christmas at home today and living the good life because someone cared about him after he went wrong and landed in the county jail.

James F. Robertson, Gadsden's assistant postmaster, and Earlie J. Jones, a Gadsden insurance man, devote more than an hour each Sunday morning to teaching Christianity to inmates of Etowah County jail atop the courthouse, and trying to care for their individual needs. In many cases the two are the only ones the inmates can turn to for help.

Both men are affiliated with First Baptist Church and are members of the Baptist Brotherhood Association, a citywide organization. Robertson has been making these weekly visits for 15 years and Jones for almost five.

Another group from the Assembly of God Church visits the jail each Friday and ministers to the inmates. The group is headed by Mrs. Doris Mynatt, pastor of the church, and Mmes. Annie Wilson and Jessie Trasher.

Both groups have Christmas programs each year. Friday the ladies visited each cell and served cake to all the prisoners. Sunday the men and more than 20 youths from First Methodist Church's Inner Focus put on a program jointly.

A small gift was presented to each inmate and the youth group sang Christmas Carols. Even though the weather was cold and rainy the young people showed up on time for the program.

Both the men and women find this work rewarding, paying off in results such as one young man Robertson told about. He was attending a Brotherhood meeting in one of Gadsden's Baptist churches. The youth greeted him, "You probably don't remember me. I'm So-and-So. I told you when I was released I would never be in jail again." And he hasn't. He now holds a good job and is an active member of his church. Some discipline of religion, friendship and fatherly advice from Robertson paid off in a life rescued from disgrace and defeat.

Robertson and Jones have helped many released from jail in finding jobs and finding themselves. Some are holding jobs dealing with the public and are doing well at it. Robertson praised their employes for giving these persons a chance to rehabilitate themselves.

One man who was in county jail before his conviction is now serving a long term at Kilby. He has made good even in prison. He is a member of the Kilby Jaycee Club, organized by Montgomery Jaycees.

This man was so impressed with Robertson's efforts on his behalf while in county jail that when he was sent to Kilby he invited Robertson to talk to the club there.

Tuesday the post office official showed a stack of about 40 letters he has received from the Kilby inmates. Asked how often he heard from his former Sunday school pupil, he said, "About twice a month. When I get time I answer his letter and he fires one right back to me."

Both men get letters from many of their former charges. Much of their work consists of contacting prisoners' families and even in doing what they can to help these families, when needed.

Jones learned through two youths in jail that there were 12 children in the family and none of them had ever gone to church. After working with the two in jail and their family all of the children now go to Sunday school regularly.

A Texas youth, in jail here, protested his innocence. Jones and Robertson were the only persons he could turn to for help. They contacted his family, who in turn brought in the local sheriff. Eventually his innocence was confirmed and the youth set free.

"I was in prison and ye came unto me," so says St. Matthew's Gospel. These men and women not only believe in the Good News, but also practice it.

Or in the words of the Benedictus, their purpose is "To give light to them that sit in darkness and in the shadow of death, and to guide our feet into the way of peace."

They do not count the cost, which is counted only in time—not money. For they have learned, as Thoreau expressed it, that "money is not required to buy one necessity of the soul."

SENATOR WILLIAMS PRAISES MESSAGE OF MORRIS LEVINSON, PRESIDENT, ESSEX COUNTY AND SUBURBAN DISTRICT, ZIONIST ORGANIZATION OF AMERICA

Mr. WILLIAMS of New Jersey. Mr. President, on Monday, January 26, 1970, 50 residents of New Jersey participated in the Emergency Conference of Jewish Leadership on Peace in the Middle East. As part of this conference, they met with the members of their congressional delegation.

Mr. Morris Levinson, one of the New Jersey members of the emergency conference, presented an extremely sensitive statement of his views regarding U.S. policy in the Middle East. In that statement, Mr. Levinson urged that the United States do the following:

First, make it clear to Egypt that the United States will not, under any cir- to forfeit its security;

Second, speedily deliver the jets already sold to Israel and permit Israel to purchase other necessary military equipment;

Third, approve favorable, long-range credit terms for Israel's purchases, and

Fourth, make it clear that in the view of the United States, peace cannot be achieved unless the Arabs are willing to negotiate with Isreal, face to face.

Mr. Levinson attended the emergency conference as a representative of the Zionist Organization of America, the Jewish Council of Essex County, and the Citizens for Permanent Peace in the Middle East.

The words of Mr. Levinson have special meaning to us all. Therefore, I ask unanimous consent that his message be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MORRIS LEVINSON, PRESIDENT, ESSEX COUNTY AND SUBURBAN DISTRICT, ZIONIST ORGANIZATION OF AMERICA

Gentlemen, we are here because we are concerned about the continued existence of the State of Israel, a nation which perhaps more than any other in the world, is founded upon the very same precepts that guided the fathers of this great nation of ours when they established these United States and wrote our constitution. It is quite natural that the People and Government of the United States have always been in accord with the aspirations of the Jewish people to re-establish the Jewish State in the Land of their forefathers. The ideals that motivated those aspirations were based on the love of justice for all mankind, for the attainment of peace among all nations and for friendship and mutual understanding among all peoples. Those same ideals, precious to the United States as they are to Israel, are as valid today as at any time throughout history, and aside from any geo-political or strategic considerations, still serve as the binding force that has cemented the ties between our people and the people of Israel—ties that cannot, that *must* not be severed because of our mistaken notions of where our financial and strategic interests lie and how those interests can best be protected.

I have the singular honor of being here as the delegate of three organizations: The Zionist Organization of America, the Jewish Community Council of Essex County and of Citizens for Permanent Peace in the Middle East, an organization composed of citizens of all faiths who have become alarmed over Russian penetration of the Middle East and who, following deep and serious consideration, have come to the reluctant conclusion that the vital interests of the United States and the Free World are not adequately served by the apparent present policy of the State Department of the United States. I believe that all people throughout the world pray for an end to the Cold War and for an accommodation between the United States and the Soviet Union. But the accommodation must not be bought by the loss of freedom by small nations. Nor must it be obtained at the expense of a threatened stoppage of the flow of Mid-Eastern oil to Western Europe or the nationalization of American financial institutions in countries such as Saudi Arabia and the Shiekdoms of the Persian Gulf. That is exactly what would happen if the United States will submit to further Soviet-Arab blackmail.

To those Americans who advocate concessions to Egypt at Israel's expense lest we lose the billions in revenue from Mid-Eastern oil, I submit that exactly the opposite is true. I would remind them of the so-called civil war in Yemen which was in reality a war between Saudi Arabia and Egypt, between King Faisal who fears communism as he fears for his life, and President Nasser who, even today, is engaged in the centuries-old Levantine game of haggle and swindle in his quest for Pan-Arabism and the sultanic mantle of King of Islam and ruler of all the Arabs. That ambition of Nasser's is plainly outlined in his book, published in 1952, just as Hitler's ambition and program were published in "Mein Kampf." Unfortunately, the world's statesmen do not believe what Nasser wrote as they didn't believe what Hitler wrote until it was too late.

I would also remind those who would protect America's financial interests that the Russian Migs flown by Egyptians in the Yemen and the Egyptian troops, armed and trained by Russian advisors, in their war against Saudi Arabia, were recalled to Egypt because of the Six-Day War of June, 1967. American interests in Arabia, along the entire Mediterranean, were made safe because Israel, all alone, dared to respond to the aggression of Egypt, Jordan, Syria and Iraq. Had that not happened, had Nasser been able to continue his war and been successful, the real victor would have been Russia. She would then have been able, at will, to deny the dominance of the area to the West and to determine when, where, to whom and at what price Arabian oil was to flow. The defeat of Saudi Arabia would have been followed by the Egyptian annexation of Jordan and a squabble by Egypt, Syria, Iraq and Lebanon over the division of the spoils of Israel. (It is worth noting that the Saudi Arabian troops now stationed in Jordan are there primarily for the purpose of protecting King Hussein against the troops of Iraq who are also stationed in Jordan.) America had better wake up to the fact that a strong State of Israel in the Middle East is the best protection for America's financial interests and the best deterrent to complete hegemony of that area by the Soviet Union.

And to those who express fear of a nuclear confrontation between the United States and the Soviet Union unless there is peace at any price, I say that if the remote possibility of a nuclear confrontation were ever to come about, it would be only when Israel is too weak to protect itself, when Nasser nationalizes the oil of Kuwait and Saudi Arabia and the Shiekdoms and when Russia seeks to dictate terms to the rest of the world, including the United States.

Gentlemen, the existence of a strong, viable and secure State of Israel is the best guarantee for the preservation of America's interests in the Middle East and the best deterrent to any nuclear confrontation between anybody in that part of the world.

We believe that the President of the United States and our Secretary of State do sincerely desire peace between Israel and its neighbors. We also sincerely believe that the President and Mr. Rogers are genuinely concerned with the welfare of the State of Israel and its people. But American diplomacy, well-intentioned in the past, has sometimes led to disaster. The present diplomacy of our State Department could very well lead to the catastrophic loss of American interests and, perhaps, to the isolation of the United States from the rest of the world—an end that the Soviet Union is most anxious to achieve.

In order, then, to protect America's self-interest and to pave the way that is most likely to lead to peace, we call upon our representatives in the Senate and House of Representatives of the United States, to urge our State Department to do the following:

1. Make clear to President Nasser that the United States will, under no circumstances, exert its influence upon the State of Israel to forfeit its security. The loss of hope for assistance from the United States and the ineffectuality of his armed forces might yet bring Mr. Nasser to the negotiating table.

2. Speed the delivery of the remainder of the Phantom Jets already promised to Israel and the sale to Israel of all additional arms necessary for her defense and the deterrence of a renewal of all-out war by Egypt.

3. In the words of Senator Charles H. Percy, "I believe it unreasonable to expect Israel to pay cash on the barrelhead when other friendly nations receive long term credit. I made inquiry this week and learned that at least ten nations are receiving long-term, easy credit for military purchases in the United States. I therefore urge the administration to approve similar credit terms for Israel and to do it quickly."

4. We must make it clear to Egypt and to the Soviet Union that, in the opinion of the United States, peace in the Middle East will be achieved only when the parties to the conflict will sit down themselves and iron their differences out. The negotiations must be face to face—not Rhodes type or any other type. The negotiations on the island of Rhodes after the 1948 war led to the wars of 1956 and 1967. Let Arabs and Jews, once and for all, start talking to each other, for their own good, for the good of all the people of the Middle East, for the good of the world.

THE F–111

Mr. TOWER. Mr. President, yesterday I had the pleasure of hearing the testimony of my distinguished colleague, the Senator from Arizona (Mr. GOLDWATER), before the Tactical Air Subcommittee of the Senate Armed Services Committee.

Senator GOLDWATER'S arguments were for an enlarged position of the General

Dynamics F–111 and redesignation of this fine bomber aircraft as the B–111. I support my colleague's position and feel his presentation is the most significant, constructive and informative declaration on this controversial aircraft ever presented.

I ask unanimous consent that the testimony of Senator GOLDWATER be printed in the RECORD, so all will have the opportunity to understand the vital role the B–111 is playing in the defense of our great Nation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BARRY GOLDWATER, FEBRUARY 17, 1970

Mr. Chairman, I want to thank you for the opportunity that you have given me to appear here today. I will be brief and to the point.

First, a brief word about my background and my interest in aviation. I was not a combat pilot; my experiences overseas were confined to heavy airlift but my real interest has always been tactical and strategic aviation.

I started to fly in 1930 and I have over ten thousand hours in well over one hundred different types of classes of aircraft. I taught both theory and practical air-to-air and air-to-ground gunnery and wrote a manual on this subject in World War II, and since that time, I have made regular training flights for gunnery and bombing experience in most of our modern century series. In fact, I have either checked out or have flown in every modern type we have in all categories. I am a graduate of the Air War College and a retired Major General in the Air Force Reserve, and my interest is as keen today as it was when I first climbed in an airplane in 1930.

The subject I want to discuss this morning is the F–111, or I would prefer to call it the B–111, because it is not a fighter, it is a bomber for strategic purposes and a bomber for tactical purposes.

There are really two F–111s, the F–111 of folklore and the real one. The press, amply supplied with ammunition, has dealt with the first one, the Department of the Air Force and the Chiefs of Staff of the Air Force deal with the other.

I have flown this airplane and I am a great believer in it, although I must readily admit that I was one of the chief critics of the way Secretary McNamara handled the original concept of this airplane because he tried to make it an all-purpose aircraft and airplanes just can't be built that way and I hope we never have to embark on this stupid road again. Every airplane built is a compromise and you just can't build compromises enough for all purpose aircraft.

As of now, the plain, simple, honest truth is that the only modern tactical or strategic bomber that we have coming off the production line is the B–111. If we do not provide the Air Force with the numbers they want, we will not have an Air Force equipped in the mid seventies to meet the challenges that we may well be faced with.

In Europe the NATO leaders are counting on this aircraft and around the world those nations to whom we have promised mutual support look upon this airplane as the one that will meet any of the threats of the seventies and will be a proper carry-on to meet the new generation embodied in the F–15 and the B–1 which will not be in our inventory until the latter part of this decade.

Much has been said about this airplane because of the widespread publicity which came with its inception and its bad handling by McNamara but I would like to touch on one or two of these points.

I would like to refer very briefly to the accident that happened just before Christmas. It is now being exhaustively investigated,, but it appears entirely clear that the failure of a forging was a one in a million kind of thing. It had nothing to do with the F–111 as an F–111; the same kind of metal and the same kind of forging is used in many other modern aircraft. This failure, unhappily, occured in an F–111.

The simple fact is that, folklore to the contrary, the F–111 has the best safety record of any of the Century Series Aircraft and this is true whether one is viewing total number of accidents, fatal accidents, or accidents in operation flying. This is fact, Department of the Air Force statistical fact, and I will draw your attention to the first of several charts that have been provided all members of the Committee.

During the time that the press had been filled with stories of the unsafeness of the F–111, one of our newest modern attack airplanes, in a single week, had five accidents with two of them being fatal, yet nothing was ever mentioned about it. If the Committee desires, I will be very happy to go into that.

I have flown the F–111; I have talked with the commanders and I have talked with the pilots. I think I have talked with almost every responsible person in the Air Force, military and civilian, and I tell you here today, Mr. Chairman, that without a shadow of a doubt it is the greatest aircraft for its purposes in the inventory of any Air Force in the World.

Back in 1960, ten years ago, the government assigned to the Department of the Air Force the task of determining the kind of combat aircraft that the country would need in the future. The best minds in the country, military and civilian, set to work. They looked at the international situation and estimated the threats that would face this country ten or more years hence. Upon completing their study these planners set down in most specific detail the kind of versatility that would be required of an aircraft in the years to come. The requirements were very strict and they pushed at the limits of aeronautical technology. But they said, "This is what we will need, and we believe it can be done."

The planners' forecast of the flow of world events has proved remarkably correct. And so was their belief that their very advanced objectives could be met. The aircraft they sought has become the F–111, the most inaccurately pictured and most unfairly maligned weapon system ever developed in this country. Every major objective has been met and what has resulted is the most versatile, the most capable aircraft in the world for its assignments.

What was sought, and what was achieved, was an all-weather aircraft that would fly supersonic both on the deck and at altitude, would have intercontinental ferry range without refueling, and could penetrate enemy defenses unescorted while carrying either conventional or nuclear weapons. It was also to have virtually error-free navigation and, extreme bombing accuracy, be able to take off and land on short, unprepared fields, and have greater reliability and lower maintenance requirements than any other airplane. The F–111 meets every single one of these objectives. It has not met every contractual specification—I think no aircraft ever has—but I am assured by those responsible for this aircraft that these shortfalls are relatively minor and in no way affect the overall tactical performance of the airplane. The second and third charts show specifics where the objectives were met and were not met, as presented to the Senate Appropriations Committee last year.

Its terrain-following radar, exclusive to the F–111, permits it to penetrate enemy defenses undetected until it's too late for the enemy to take action. On the fifty-plus missions flown in Vietnam, the enemy initiated defensive action on 88% of the missions, yet the aircraft received no known hits.

It is extremely important to note that the F–111 is the only aircraft to be specifically mentioned by the Soviets during the recent SALT talks, as a matter of concern to them.

Let me mention the subject of cost. This is a subject with which we have all become very familiar, the increase in cost of aircraft from the time of the original estimate until the aircraft gets into our inventory. Yes, the F–111 has increased in cost. Once, long ago, there were to be 2,446 F–111s of three types. The three types over the years became seven types. And the 2,446 airplanes have ended up at a figure of 675, or less. And it is here that we have the biggest contribution to the increase in cost. In my own opinion, the original estimate—in light of numbers of aircraft, changes made by the government, increase in versions, inflation, and other matters over which nobody really had control—was, and is, relatively worthless.

Increase in cost or not, its capabilities make it worth every penny. As chart No. 4 points out, in its TAC versions the F–111 will carry three times the bomb load twice as far as the aircraft with which it must be compared. It flies at supersonic speed at treetop level over the roughest terrain, making it invisible to enemy radar. It bombs accurately at midnight in bad weather, more accurately than other aircraft can bomb at noon on a cloudless day. The F–111 requires no host of escort aircraft for flak supression, electronic counter-measure, tankers, and other aircraft required by all of our other airplanes. This is important not only from an operational standpoint but because of the simple fact that four F–111s with an annual operating cost of $5.2 million will do the same job as a very large conventional strike force that costs $33.6 million in annual operation. I refer to chart No. 5.

In its SAC version, the FB–111 will give the Air Force the manned capability it must have to fill the gap caused by phasing out and aging of our present bomber fleets of B–52s and B–58s. Without it in sufficient numbers, as seen on chart No. 6, we will have serious deficiencies in SAC's manned force.

Mr. Chairman, we have invested $6.2 billion in the F–111, of which about $1.6 billion is in parts and materials to be assembled into aircraft on the production line. For this we now have 230 F–111s. For an additional investment of $1.5 billion we can procure 324 more **F–111s and I urge that this be done.** We must keep the production line open so the Air Force can have the numbers of aircraft they need.

Mr. Chairman, we in the Congress are faced today with a situation that can best be described as two lines slanting towards each other; one of them represents the planning that started ten years ago to counter threats then perceived as facing the country in the years to come. The other line represents the design, the development and production of the means to counter these threats. The two lines have now met, and their point of convergence is the F–111. In homely terms, we have planted our seed, watched our crop grow, and now at the time of harvest there is danger that we will not reap the fruits of our work and our large investment—only because of short sightedness.

The Air Force is unequivocal in its stated need for the F–111. It has consistently requested authority and funds to procure more F–111s than has been permitted by the Secretary of Defense. We have spent $6.2 billion for 230 of these fine aircraft and we can procure 324 more of them for another $1.5 billion.

Not to continue with the procurement of the F–111 could seriously jeopardize the Air Force's required force structure and would

cost the nation literally billions of dollars in cancellation charges, cessation of work on parts and systems, and unemployment of upwards of 100,000 people throughout the United States. The Air Force's requirement for six wings of F-111s for TAC (with a UE of 72 aircraft per wing) and seven wings for SAC (with a UE of 30 aircraft per wing) is still a valid requirement. The four wings currently authorized for TAC and the two wings for SAC are absolutely necessary.

Mr. Chairman, I thank you again, and I thank all members of the Committee, for affording me this opportunity to present my case for the F-111.

A MEMORIAL TRIBUTE TO MRS. MARIE H. KATZENBACH—THEY CALLED HER NEW JERSEY'S "FIRST LADY OF EDUCATION"

Mr. WILLIAMS of New Jersey. Mr. President, recently New Jersey lost a woman honored by so many as our "First Lady of Education."

Although Mrs. Katzenbach was never able to complete her formal education, she devoted her entire life to the advancement of education in our State. Her interests included library work, the School for the Deaf, Douglass College, the Union Industrial Home as well as the Bordentown Industrial School, the Mercer County Child Guidance Center, and she also served on the Rutgers University Board of Trustees.

Despite her many activities, Mrs. Katzenbach was able to raise her two sons to a life of achievement on their own. Her son, Nicholas, of course, was ultimately appointed Attorney General by President Johnson and then Under Secretary of State. Her other son, Edward, was Deputy Assistant Secretary of Defense in the Kennedy-Johnson administration, and then became director of the Commission on Administrative Affairs for the American Council on Education.

I ask unanimous consent that the article about Mrs. Katzenbach, the humanitarian, which appeared in the Trenton Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"FIRST LADY OF EDUCATION"—MRS. KATZENBACH, HUMANITARIAN, DIES

Mrs. Marie H. Katzenbach, who devoted more than a half-century to advancing the interests of education in New Jersey, died early this morning at her home at 2 Stanworth Lane Princeton. She was 87.

Mrs. Katzenbach, mother of former Attorney General Nicholas de B Katzenbach, served on the State Board of Education for 43 years and was internationally known for her work with deaf children.

New Jersey's School for the Deaf in Trenton bears her name.

The family name is among the most famous in New Jersey. Mrs. Katzenbach's husband, Edward L. Katzenbach, who died in 1934, was New Jersey attorney general from 1924 to 1929.

SONS ACHIEVE MARK

Their two sons have both achieved national prominence. Nicholas joined the Kennedy Administration as deputy attorney general in 1962, and in 1964 became acting attorney general, when the late Robert F. Kennedy resigned to run for the U.S. Senate in New York.

Former President Lyndon B. Johnson appointed him attorney general in 1965 and undersecretary of state in 1966. He is now chief counsel for International Business Machines.

Her other son, Edward, was deputy assistant secretary of defense from 1961 to 1964 and director of the commission on administrative affairs for the American Council on Education from 1964 to 1966. He is now vice president of Raytheon Corp. in Springfield, Mass.

Mrs. Katzenbach was often referred to as New Jersey's first lady of education.

A native of Trenton, she began her career as an apprentice librarian with the Trenton Free Public Library in 1911 and a year later was appointed chief of the cataloging department. Over the next 10 years, she built up a highly-regarded reference section.

She was named to the State Board of Education in 1921 by Gov. Edward I. Edwards and remained a member until 1965. She began her association with the School for the Deaf in 1923, when she was appointed a member of the board there. She helped lay out the Sullivan Way campus and buildings and was active in management of the school.

Over the decades, Mrs. Katzenbach never missed the annual Christmas holiday dinner with the students. Although small and frail she was gifted with extraordinary energy and vitality.

In September, 1964, at the age of 81, she was seriously injured when her auto rammed into the State Education Building on West State Street.

HONOR BESTOWED

But she recovered to see the legislature rename her beloved School for the Deaf in her honor a year later.

Mrs. Katzenbach was the oldest of six children and because she had to devote so much time to the care and upbringing of her brothers and sisters, she was unable to complete her formal education. She graduated from the old State Model School and took some courses at the University of Pennsylvania.

She met her husband in her first year at the Trenton Library. Mr. Katzenbach was treasurer of the board of trustees there. They were married in 1911.

Mrs. Katzenbach credited her interest in education to the profusion of books in her childhood home.

"We always had books around us at home. My father was a businessman but a very bookish man, too, and very interested in education," she said in a 1963 interview.

After her marriage, Mrs. Katzenbach continued to live in Trenton but moved to Princeton in 1943.

Mrs. Katzenbach's interests as an education official were widespread. She had a close attachment to Douglass College and was made an honorary member of the Class of 1930. Later, she received an honorary doctor of letters degree there. A dormitory on the Douglas campus bears name.

SPONSORED YMCA UNIT

She was mainly responisble for the opening of the old Colored YMCA on Montgomery Street in 1912—the forerunner of the Carver YMCA.

She was an early advocate of full racial integration of educational facilities and was vitally concerned over raising sufficient revenue to finance new state colleges.

She served as president of the Union Industrial Home and helped manage the former Bordentown Industrial School.

She had a life-long interest in nature and from 1930 to 1939 was president of the Trenton Garden Club. She often said that it was the beauty of Princeton's old trees that convinced her to move there from Trenton.

She served on the Rutgers University Board of Trustees, beginning in 1932. During World War II, she served one day a week at the Fort Dix Library, borrowing books from the Trenton Library to give to soldiers whose education had been interrupted by the war.

In 1947, she was one of five Mercer County delegates to the Constitutional Convention which reshaped the state government, giving the governor of this state powers unmatched in most others.

She helped create the Mercer County Child Guidance Center and was active in a host of other civic enterprises.

Yet, she found time to travel abroad many times, absorbing culture wherever she found it.

She was a member of the Daughters of the American Revolution and the Episcopal Church.

THE PUBLIC SCHOOL SITUATION

Mr. ALLEN. Mr. President, a letter from a distraught mother concerning a local public school situation in a community of Alabama appeared in the December 1969 issue of the Alabama Farmer. I assure you, Mr. President, that circumstances described in the letter are not isolated but are typical of education plans imposed upon schools and schoolchildren of the South by U.S. district courts and the Department of Health, Education, and Welfare. I challenge Senators to read this letter and ask themselves if the conditions described are consistent with the intent of Congress in implementing the 14th amendment. Mr. President, I ask unanimous consent that the letter be printed at this place in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GOD HELP OUR COURT-CONDUCTED SCHOOLS

DEAR MR. KENNEDY: I believe it would be very interesting and informative to many people if your magazine would do an article on the effects recent court orders closing schools have had on the schools in Alabama.

These are some of the things that the court orders have done to our school. (Billingsley in Autauga Co., Alabama)

Twice as many children as the building can accommodate have been assigned to our school. Six trailers have been pulled in for classrooms, but no bathroom facilities or water fountains have been added.

There are not enough books for the children. At this late date (end of October) some children have no books at all. Two of our daughters have no books. Those who have books have to share. No one seems to know what happened to the books which were in the schools that were closed. We have been told by a member of the Board of Education, that if we want books, our best bet would be to go buy them ourselves, although we pay taxes to furnish free text books for all school children.

The ninth grade English and History classes have 51 students each. One of these classes meets in a trailer. The 11th and 12th grade English classes meet only every other day. There are 2 sections. One class will meet one day. They sit in the front of the room. The other grade sits in the back. The next day the other class moves up to the front of the room to have their class. The teacher could not give six weeks tests because the students didn't have books.

The teachers have to spend a great deal of their time after school preparing work sheets. They spend a great deal of time also during class having to put work on the blackboard.

Normal school activities cannot be carried on. The Beta Club, which has been an outstanding feature of the school, has not been started. Many of the youngsters have worked hard to have the grade average re-

quired by the Beta Club. There are no extra curricula activities, except the sports program.

There has been a great deal of emotional strain on both teachers and pupils. Learning has been very difficult. Under present conditions, our children will never be prepared for college. Many of us parents have saved for years in order that our children could go on to college, but if they don't get a background in high school, college will be almost impossible.

A sad day has come to our beloved America when we see our government using the same methods as Communists to achieve what it wants. Our schools in Alabama and the South are being used for social experimentation instead of quality education. May God help us all, and especially our children who are victims of this vicious arm of the Federal Government.

Sincerely yours,

Mrs. M. E. McCULLOUGH.

JONES, ALA.

McCARTHY ERA GONE, BUT NOT FORGOTTEN

Mr. JACKSON. Mr. President, I wish to bring to the attention of Senators an article written by William Theis, chief of the Washington bureau of Hearst newspapers, published February 8, 1970, entitled "McCarthy Era Gone, But Not Forgotten."

Many Members currently in the Senate were not here during the period 20 years ago when Senator Joseph McCarthy was in full swing. I think Mr. Theis' article is very much worth reading. It points up certain lessons for today and tomorrow.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Seattle Post-Intelligencer, Feb. 8, 1970]

McCARTHY ERA GONE, BUT NOT FORGOTTEN

(By William Theis)

(NOTE.—For about five years, from 1950 to 1954, a man by the name of Joe McCarthy generated panic and hysteria throughout the United States with his claims that communists lurked under practically every rock.

(The style of witch hunt McCarthy made famous has come to be known as "McCarthyism" and the condition which allowed it to flourish in the early '50s are not extinct.)

WASHINGTON.—Twenty years ago tomorrow, a little known U.S. senator—answering the Republican Party call to honor Lincoln even as others are doing this month—triggered the period of national tumult now known as the "McCarthy era."

It lasted for five years—years of doubt, fear and frustration.

There isn't much question from the record that Sen. Joseph R. McCarthy, of Wisconsin, then 37, stumbled into his role as leader of a crusade against "communists in government."

But in his swift grasp of the role's possibilities, and in its demagogic execution, he demeaned and denounced two Presidents, terrorized the Senate and struck blows at the State Department from which Secretary of State William P. Rogers says it is "just now fully recovering."

Joe McCarthy's free-winging attacks on individuals and on government policies—begun Feb. 9, 1950, with a speech at Wheeling, W. Va.—split families and religious bodies and bewildered foreign governments.

The attacks were finally checked on Dec. 2, 1954, when the Senate, shamed into saying, "no more," by the abuse it had suffered, formally "condemned" McCarthy for his treatment of that body.

McCarthy lived until 1957 but, his power shattered and his health failing, he no longer commanded attention or the publicity he so craved.

Could it happen again? Could another McCarthy, on some other issue, mesmerize millions with the half-truth and unsubstantiated accusation, bring cabinet officer to capitulation and threaten the fabric of government?

The sad but considered judgment of some key senators who lived through the McCarthy madness is that it could. All voted to condemn McCarthy.

Senate Democratic leader Mike Mansfield of Montana, who came to the Senate from the House when the McCarthy era was in full blast, said in an interview that the Vietnam War, North-South disagreement over school desegregation policy, or a "possible" recession could do it, however doubtful.

"There are elements of revolution or rebellion—many disparate fears for disparate reasons and with unlikely alliances," he said. "The elements are there and the right kind of demagogic match could light the fire."

Sen. Henry M. Jackson, D-Wash., a member of the permanent investigating subcommittee which McCarthy headed after the 1952 Eisenhower victory gave Republicans Senate control, said the "fear" that marked the McCarthy era continues in some other ways. People, he noted, "still hesitate to speak their minds." He concluded:

"This has not emerged again as a national problem, and I hope it never will. But it could occur again."

And Sen. John O. Pastore, D-R.I., one of the 28 senators still in that body who were members when it cast its censure vote, told the Hearst newspapers:

"Considering the kind of world we live in, where emotions run high, I would regretfully speculate that while we might not have a recurrence of the McCarthy era within the same framework, it's quite possible we could build up a substantial segment of fear in some other area—with this same demagogic appeal."

The 1954 vote against McCarthy was not easy for Mansfield and Pastore. Both are Catholics as was McCarthy. And the crusading Wisconsin senator's anti-communist zeal had won him broad support from the Roman church. But they, like Jackson and Sen. George D. Aiken, R-Vt., dean of the Senate Republicans, voted with the majority on the 67–22 roll call that "condemned" McCarthy.

Aiken, looking back 20 years and then to the future, said that while "people always have to have something to get excited about"—sometimes to the point of extremism—the present Senate "won't let that happen again.'

The Senate of 1970, said the 77-year-old lawmaker, is seeking to recover the balance in government, to "restore better international relations and rebuild the State Department." He added:

"The former Senate was scared. I don't think this Senate would panic."

Secretary of State Rogers, who served as the Senate investigating subcommittee counsel for part of the McCarthy era and later became Attorney General in the Eisenhower administration, doubts the likelihood of another "McCarthyism" threat—particularly to his department.

"I don't think so for two reasons," he told a panel of Hearst reporters.

"One, I think our country has matured a good deal since then. Secondly, we don't have the obsession about secrecy that we had.

"That was at the time when we had the (atomic) bomb, and we thought the secret of the bomb could all of a sudden be transferred to the enemy, and we are long since past that.

". . . I think also that I should say that the State Department is just now fully recovering from the blows of those days and I think that, if I can get more public exposure about what the State Department is doing and the people in it, that it will get a lot more public acclaim and recognition than it had in the past . . .

"You and I were there at the start of that period. Maybe we can prevent it from happening again."

The department was headed by Dean Acheson when McCarthy, in his speech to the Ohio County Women's Republican Club in Wheeling 20 years ago, charged that communists known to the secretary were "working and shaping policy" in that department. McCarthy used varying figures on the number of communists he was talking about—from a first Wheeling report of 205 to "57" he claimed in a Feb. 20 Senate speech as his figure. At the same time McCarthy escalated his figure to 81 alleged communists.

The next day the Senate authorized its first invetigation of the McCarthy charges—by a foreign relations subcommittee headed by Sen. Millard E. Tydings, D-Md.

Dean Acheson, still a Washington practicing lawyer, wrote recently in his book, "Present at the Creation," that "the subcommittee furnished McCarthy with a platform, loudspeaker, and full press coverage for his campaign of vilification. He made a shambles of the hearings."

Among McCarthy's named targets was Dr. Owen Lattimore of Johns Hopkins University, whom he called "the architect of our Far Eastern policy"—a policy that McCarthy contended was shaped by Soviet sympathizers and agents and had lost China to communism. Acheson noted that Lattimore had "never been connected with the department and I did not know him."

Much of McCarthy's anti-communist support came from people who argued that "where there's smoke; there must be fire." In fact, there had been enough evidence of communists' efforts to infiltrate the U.S. government to justify concern. But that activity had already been well exposed, by, among others, then Rep. Richard Nixon.

Republican leaders, led by the late Sen. Robert A. Taft, of Ohio, encouraged McCarthy as the 1950 election year unfolded. The Tydings committee agreed that McCarthy's charges had not been substantiated, and the Senate upheld that report. GOP Senate leaders then centered their fire on Acheson and President Truman.

Tydings was made a special political target of McCarthy and his Republican supporters. With McCarthy's help, the Democrat was defeated for re-election in 1950 by John Marshall Butler.

Sen. Margaret Chase Smith, R-Me., took issue with her party. In a June 2, 1950, "declaration of conscience," she said that although "the nation sorely needs a Republican victory . . . I do not want to see the Republican party ride to political victory on the four horsemen of calumny—fear, ignorance, bigotry and smear."

South Korea's invasion by the communists in late June fanned the Republican cries for Acheson's resignation. But Truman replied that if communists were to prevail in the world, Acheson would be one of the first they would shoot. He stayed.

Republicans hoped that winning the Presidency in 1952 would calm and redirect McCarthy. The then Vice President Nixon, in fact, tried repeatedly to get McCarthy to shift his investigative energies to other matters.

It didn't work. President Eisenhower's administration was accused of having a "weak, immoral and cowardly" foreign policy.

The senator's clout was made dramatically apparent when, at the urging of Re-

publican leaders, candidate Eisenhower did not speak up as planned in defense of Gen. George C. Marshall, his old comrade-in-arms, when he campaigned in Wisconsin. McCarthy earlier had virtually called Marshall a traitor.

When the term "McCarthyism" was coined to describe his tactics, McCarthy replied that "McCarthyism is Americanism with its sleeves rolled." He used it in the title of a book of speech excerpts: "McCarthyism: The Fight for America."

In June of 1953, Chairman McCarthy sent his young subcommittee chief counsel, Roy Cohn, off to Europe to investigate "subversion" in various U.S. agencies. With him was G. David Schine, son of a hotel chain owner and a committee staff "consultant." Their publicity romp through nine European cities made headlines embarrassing to ambassadors and perplexing to Europeans.

Two months later, Schine was inducted by the Army—and events which led to McCarthy's downfall began to develop. Charges by the Army that McCarthy improperly tried to get preferential treatment for Schine, and a charge that the Army had tried to pressure McCarthy to call off his investigation of alleged communists in the Army, featured the "Army-McCarthy" hearings.

McCarthy temporarily stepped down as chairman for the 35 days of televised, tempestuous hearings in the late spring of 1954. Clashing were Army Secretary Robert T. Stevens and McCarthy, with Stevens capitulating at one point and agreeing to let Brig. Gen. Ralph Zwicker appear as a witness after first refusing. McCarthy later told Zwicker, a World War II hero, he was "a disgrace to the uniform." That by-play cost McCarthy the support he later could have used in the Senate.

McCarthy perhaps suffered his greatest injury in the hearing exchanges by goading too far the Army's special counsel, the late Joseph L. Welch. At one point, the soft-spoken Welch told him:

"You have, I think, sir, something of a genius for creating confusion—creating a turmoil in the hearts and minds of the country."

At another point, when McCarthy charged that an assistant of Welch had been a member of the National Lawyer's Guild, the veteran lawyer called the senator "reckless and cruel" and asked: "Have you no sense of decency left?"

The exchanges brought home to millions of Americans what many in Washington had felt about McCarthy from the beginning: that he was like an irresponsible boy who squirted a water pistol that he refused to admit was loaded with acid.

The committee's conclusions divided along party lines, except that Republican Sen. Charles Potter of Michigan joined Democrats in criticizing McCarthy for bad behavior.

A month later, Sen. Ralph Flanders, R-Vt., introduced the censure resolution that launched the final McCarthy inquiry. This time it was headed by Sen. Arthur V. Watkins, R-Utah, and McCarthy was the defendant.

The Watkins "select committee" found that McCarthy had earlier been in contempt of a privileges and elections subcommittee and had abused Zwicker unfairly. But during floor negotiations, the Zwicker charge was dropped and instead McCarthy was cited for also having abused the Watkins committee.

Just before the vote, the "censure" charge was changed, at the suggestion of Sen. William F. Knowland, GOP leader, to "condemn." The vote "condemning" McCarthy was 67 to 22, with six senators absent and not voting. It condemned him for conduct that "tended to bring the Senate into dishonor and disrepute."

The months of pressure—investigations, press conferences, public speaking and partying—had taken their toll. McCarthy, always a heavy drinker with recuperative powers, found his health failing.

More damaging, perhaps, was the departure of press and public attention. The Eisenhower White House dropped Senator and Mrs. McCarthy from its social list. Republican McCarthy didn't even attend his party's national convention in 1956.

On April 28, 1957, he was admitted to the Naval hospital at Bethesda, Md., where he died on May 2. His wife, Jean, a former aide, was at his side. At her request, McCarthy was given a Senate funeral—his body lying in the chamber—as well as a Catholic mass at Washington's St. Matthew's Cathedral. Then he was taken to Appleton, Wis., where he had started.

WATER POLLUTION

Mr. DOLE. Mr. President, as part of the recent discussion of water pollution and its causes, there have been charges that phosphate accelerates the eutrophication—aging—of water bodies.

The editors of Chemical Week have urged a scientific rather than rhetorical consideration of the problem of removing phosphate from detergents to solve the eutrophication problem.

I ask unanimous consent that this editorial from the February 4, 1970, issue of Chemical Week be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LET'S NOT LYNCH DETERGENT PHOSPHATE

Several weeks ago, the phosphate that serves as detergent builder again found itself under attack in Congress. Its adversary, as usual, was Representative Henry Reuss, the Wisconsin Democrat who wants phosphate eliminated from U.S. detergent formulations by '72. This week (*see p. 7*) we have the spectacle of detergent phosphate on trial in Erie, Pa., before the six-member International Joint Commission, which concerns itself with regulation of boundary waters between the U.S. and Canada. The commission's advisory boards already have recommended that phosphate be eliminated from detergents by '72. In both cases, phosphate has been charged—and it would appear, convicted—of causing accelerated eutrophication (aging) of water bodies. Main symptom of this aqueous malady: an overabundance of algae.

For congressmen and commissioners, we have a question: What's the hurry? From where we sit, the case against phosphate is hardly conclusive and the punishment unduly severe. Let's look at the record:

(1) Phosphate performs an important service to detergents and to our standard of living. It puts the zip into detergents' cleaning power, and without it the housewife would have to settle for a lower standard of cleanliness—whether she used detergent or soap. Detergents, despite their inherently better cleaning power, never scored mass commercial success until they took phosphate into their formulation. Key question: Will the housewife take a step backward in her concept of what is clean?

(2) No satisfactory substitute for phosphate is now available to detergent formulators. Nitrilotriacetic acid (NTA) is being used as a partial replacement for phosphate in some formulations, but it is far from certain that this material can fully replace phosphate. And the environmental effects of NTA or its breakdown products are hardly well-defined. It would take considerable time, perhaps years, to determine whether any suggested replacement is safe—to human beings, the environment, fabrics and machines.

(3) Phosphate can be effectively removed in waste-treatment plants. Thus, it can be taken out of the wash water, rather than out of the detergent box, if its elimination ultimately is deemed desirable.

Despite all the foregoing considerations, it still might be judicious to move rapidly to eliminate phosphate if it posed a clear threat to the well-being of the population. But the fact is that eutrophication is not so much a pollution problem as it is a recreational and esthetic problem. We do not minimize the need for action to preserve such natural beauty as remains to us, but surely eutrophication does not merit the same urgency as hazards to health, for example.

So, why the big hurry? At the very least we should find out scientifically how much contribution detergent phosphate is making to accelerated eutrophication. Right now, there isn't even a reliable test to determine how much phosphate algae require for growth. Such a test is being developed, but won't be ready for two years. One critical application of this test will be to determine whether algae may be getting all their phosphate needs, and maybe more, from groundwater runoff containing fertilizer, animal waste, etc. Researchers may well discover that the eutrophication problem would remain even if no detergent phosphate found its way into the nation's streams and lakes.

For all the good reasons we have stated, we caution the legislators and the administrators against shooting from the hip. They may blast phosphate out of detergents, but they may not be very proud of their victory when the facts are finally in.

THE EUROPEAN HUMAN RIGHTS COMMISSION

Mr. PROXMIRE. Mr. President, in the world today there is perhaps no finer, or more effective, organization devoted to the cause of human rights than the European Human Rights Commission. The Commission is the only international institution to which citizens whose countries subscribe to the European Human Rights Convention can make legal appeal if they believe their own country or its authorities are denying them such fundamental rights as fair administration of justice, freedom of expression and opinion, respect of family life, freedom of religion, or the right to education.

The European Convention on Human Rights which consists of 56 articles, came into force in 1953. The treaty, which has been subscribed to by 16 European nations, not only defines fundamental human freedoms but establishes the legal machinery to see to it that these freedoms are protected. It has been said that this document is the most important one to emerge from the more than 60 treaties and agreements so far drafted by the Council of Europe.

The casework of the Commission has been enormous. The first case ruling was handed down in 1955, and since that time more than 4,500 cases have been considered. About half the appeals are made from men in prison.

Appeals must relate to the Human Rights Convention. The Commission does not rule on the validity of a conviction, rather it examines the machinery of justice.

Appeals which clearly involve potential cases for the Commission are answered by its secretariat with a statement of procedures and a request for precise details. When these are received, the dos-

sier is submitted to the Commission, which consists of legal experts from each of the treaty states.

If the Commission, which meets about eight times a year, declares the case "admissible," the secretariat prepares a full examination. It has often proved the case that during this process of uncovering facts, governments act before the Commission does.

Upon completion of the investigation, the Commission can refer an apparent violation of the Human Rights Treaty to the Committee of Ministers of the Council of Europe, or to the Court of Human Rights. The Court has so far received about a dozen cases and ruled there were treaty violations in three.

There can be little doubt that the European Human Rights Commission is an effective and worthwhile institution. The 16 European nations that have signed the Convention on Human Rights have recognized the need to allow their citizens a court of last resort beyond the confines of their own borders. The recognition that a nation's decisions on matters of human rights should be placed in review before a commission of its peers is a significant one. Through the work of the European Human Rights Commission, the rhetoric for the need for an international human rights commission to protect and preserve the freedom and liberty of its citizens is becoming a reality.

FUTURE FOR SMALL TOWNS

Mr. MONDALE. Mr. President, one area which is very much on the minds of all of us is the question of where and how our population, which will double to 400 million Americans by the year 2015, will live.

In this regard many of us have repeatedly endorsed programs to aid the growth and development of small towns.

Our smaller communities, have however, been overlooked all too often by the Federal and State Governments which see more visible crises in our larger metropolitan areas.

In Minnesota we have 842 incorporated towns, 102 of which are within the standard metropolitan statistical area of the Twin Cities. With the exception then of Duluth and Moorhead, the remaining 738 communities are, by definition, small towns.

At St. John's University near St. Cloud, Minn., the small city is very much in focus. There, at the Center for the Study of Local Government, and under the able direction of Dr. Edward Henry, an impressive study of "Micro-City" is being conducted with the aid of a grant from the Ford Foundation.

Recently the Christian Science Monitor published an excellent feature on this study, which I would like to call to the attention of my colleagues. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RESEARCHERS SKETCH QUALITY-OF-LIFE POTENTIAL FOR THE SMALL CITY

(By Mary Frances Bohm)

The case for the small city, long suppressed by the clamorous demands of the big city, is persuasively stated and well documented by the Center for the Study of Local Government at St. John's University near St. Cloud, Minn.

The center was established two years ago with a grant from the Ford Foundation. In making the grant, the foundation commented that the best hope of stemming the flow of population to the big cities is to make life more attractive in the smaller ones. It is the only research center in the United States focusing exclusively on cities with populations between 10,000 and 50,000.

MUNICIPAL ASSETS INVENTORIED

"We believe that decentralization is feasible and that the small city has a future," said Dr. Edward Henry, head of the Department of Government at St. John's and Mayor of St. Cloud. "We are taking a long, hard look at the potential of the small city for absorbing part of the rural and farm drift to the larger city and for providing more graceful living in the future."

The study is being made by students and professors in five Minnesota colleges. They have interviewed citizens and municipal officials in a dozen Minnesota cities in the 10,000–50,000 population bracket—Albert Lea, Austin, Bemidji, Fergus Falls, Hibbing, Mankato, Moorhead, New Ulm, Red Wing, St. Cloud, Willmar, and Winona.

Among the studies is an inventory of the present physical and financial assets of these 12 cities and their projected demands for services and personnel. Four cities were chosen for an in-depth survey of attitudes about what constitutes the "good life" in a small city—what priorities people place on job opportunities, health, education, and recreation facilities.

TRENDS DISCOVERED

A middletown-type series of case studies of St. Cloud, analyzing the dynamics of policymaking, is to be published soon. A fascinating study delves into the power structure of small cities. Another examines comparative expenditure patterns. The profile of the city councilman and mayors in all 12 cities is interesting reading; it confirms the view that municipal jobs are not prestigious and that morale of officeholders is apt to be low.

"While these studies will provide unassailable data that should be useful to smaller cities throughout the country, the primary function of the center," Dr. Henry said, "is to act as a catalyst in fomenting attention for the smaller city."

The center is bringing local officials together in regional conferences to discuss their problems and to learn how to articulate their needs more effectively to state legislatures and federal agencies. The center also encourages other colleges to become research centers for communities, and it has received additional funds from the Hill Family Foundation for this purpose.

The Micro-City Study, as the St. John's project is called, is having some valuable incidental effects. The research assignments are popular with students. "This is what we mean by relevant education," one student said. A number of master's theses are being written on related topics, and many students indicate an intention to make municipal government their career.

Some of the studies are incomplete and none have been published yet. But Dr. Henry says that certain trends are observable and some solutions indicated. The greatest challenge to rescuing the small city is a political one: the multiplicity of overlapping governmental units. State legislatures must bring about some sort of consolidation along regional lines, he believes. He cites the Regional Development Act passed by the Minnesota Legislature in 1969 which divides the state into 11 regions and establishes planning and development commissions similar to the highly successful Twin Cities Metropolitan Council.

Dr. Henry foresees a small city in each region becoming a "mother city," a modern parallel to the major city of the ancient Greek city state. "The mother city must possess a private and public infrastructure supporting a variety of services that will provide the desirable cultural amenities," he said.

PERSONAL SAFETY NOTED

Chambers of commerce throughout the United States note that the comparative safety of city streets in the small city and the superior opportunities for recreation have already noticeably increased the attractiveness of employment there. The decentralized college system has seeded centers of culture in many states. The "New Federalism"—which aims to start money and power flowing back to states and cities—should also bring back some high quality people, it has been suggested.

Dr. Henry would do more than just let these trends take their course. He argues it should be public policy to enhance the quality of life in small cities. He cites the Maisons de la Culture (culture houses) established in a number of cities in France by Andre Malraux during his regime as minister of culture. These centers contain a well-equipped theater, exhibition hall, record library, and other facilities. First-rate art exhibits, concerts, and theatrical performances visit these centers. Funds come partly from the cities and partly from the French Government.

The Micro-City Study promises to come up with a number of ideas for enriching life in small cities, ideas that could become the basis of public policy.

ENVIRONMENT

Mr. NELSON. Mr. President, better than any speech on the subject, reporter Haynes Johnson's recent series in the Washington Post portrays an America whose quality of life is threatened by the environmental destruction wrought by our reckless pursuit of bigness and abundance at any price.

He reports an increasingly grisly scene, and a deeply disturbed public. In the Los Angeles area, home for 10 mililon Americans, there is the smog report along with the regular newscast. In the western desert lands, there, are the dying coyotes, poisoned in predator control programs, running vomiting across the country side, spewing out the poison as they go, passing it on in the ecosystem to threaten other species.

There are angry citizens in Missoula, Mont., stunned by the increasing air pollution in that nature's paradise, remembering a time last December when a temperature inversion brought pollution readings close to the levels in London in 1952 which killed 2,000 people. There is the "dead sea" of up to 20 square miles in the ocean off New York City, poisoned by sewage sludge being dumped offshore at a rate of more than 4.5 million tons a year, confronting the Nation with the frightening fact that the ocean itself is no longer invulnerable to the mounting tide of wastes from our affluent society.

What of the future? This is what America's young people are now asking, because they will inherit the mess. Where is the meaning in a society that has so distorted its values that it destroys the very quality of life for the individual which it has always professed as its fundamental aim?

A tough air pollution control official in Los Angeles, quoted by the reporter in the series, states it well:

You know, I really feel for these young kids today. Many of them are growing up in our cities never knowing what it's like to smell burning leaves in the fall, or pick blueberries in the spring, or see the stars at night over their homes. They're growing up without even knowing about some of the best things that we all just took for granted when we were born.

What kind of America? What kind of future? There are the fundamental questions we will be deciding as our institutions and our people attempt to respond to the environmental crisis.

I ask unanimous consent that Haynes Johnson's excellent series in the Post be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

POLLUTION DIMS LOS ANGELES' LOFTY DREAMS

(By Haynes Johnson)

LOS ANGELES.—Valley of the angels, American dream, go West—go West to the beaches, mountains, palms, to the easy life, ranch houses, benign climate, to the new job, big money, new town.

So they have gone West.

They are richer than all the old dreams, more favored by all the old cherished standards of success. They have more goods, more creature comforts, more air conditioners, more cars. Their personal demands, like those of their society, are insatiable.

They are primary examples of an American phenomenon. While the country's population doubles every 60 years, its demand for electrical power doubles every 10 years.

But here, in the largest heavily industrialized, semi-tropical area in the world, that ratio is accelerated. Here, the population has more than doubled in 25 years and the demand for electrical energy is six times as great as it was in 1945.

Because Los Angeles is so prosperous, because it is so young, and because it has been so fast to adopt new ways, it has been called "the city of the future," on the theory that whatever is going to happen in other cities will happen first in Los Angeles.

And there it is, on the freeway—"Escape." An enterprising huckster has placed a billboard where passing motorists can see the inducement to abandon "the city of the future" for some new community back in the hills.

If people are trying to escape "the city of the future," is this the fate of all large American cities?

For all their blessings of climate and comfort, Southern Californians live amid official reports of "alerts", of noise, smog, congestion and, now, of increasing rhetoric over an old problem—pollution.

"It's our increased demand for goods and services—the increased desire for more and more affluence—that comes into direct conflict with the need to protect the environment," says Stanley Greenfield, head of the Rand Corp.'s environmental sciences department at Santa Monica.

"This is completely contrary to the economic drives of this country. How do you get the affluent to give up some of his affluence? How do you get indusry to say, 'don't buy my products'—or 'let's not make more than a certain number'?"

His is the voice of the expert. But Angelinos don't require scientists to be reminded of their daily problem:

Turn on your car radio and get, along with each newscast, a smog report. Drive into a gas station and buy the "cleanest" gasoline.

Pick up a newspaper and read about smog killing the 100-year-old ponderosa pine on the slopes of the Los Angeles basin . . . Or the speech by the biologist warning of a curtain of smog producing famine . . . Or the eventual need for gas masks simply to breathe outdoors.

ALL ARE CONCERNED

Listen to the teen-ager talk about the oil slick that ran down the coast from Santa Barbara and made it impossible for him to swim at Long Beach . . . Or the naturalist say the birdlife is disappearing . . . Or the health official remark that pollution is a serious problem "because we know so little about it and there is always the threat of a major disaster" . . . Or the pollution control expert say, "We've just got to preserve this thin veneer of air if we want to take care of life on this planet, if we don't want to see the earth become a dead cinder" . . . Or the urban expert speak of the day when citizens may be required to get licenses to travel in a car from California to visit relatives in the Midwest . . . Or . . .

But in Los Angeles you don't have to listen. Just look.

Your jet plane comes in from the East descending from the deepest of blue skies over the mountain. Suddenly, you drop into a brown sea of air extending from mountains to the Pacific. The conversation changes. Now, people are talking about pollution.

Try though they do, many natives cannot get away from it on the ground.

When he came back to Los Angeles from his government job in Washington, D.C., Lu Haas was determined to move his family away from the smog. Haas, now on the California staff of Sen. Alan Cranston, settled close to the ocean in an area relatively free of smog. He finds another situation when he drives to his office each mornning.

PLAY PERIOD CURTAILED

"There you are on the freeways, heading east," he says, "and ahead of you is a blanket of smog. And you've got your radio on and you hear the warning that the schools in the San Gabriel Valley have been advised to curtail exercise and recreation programs for that day because of the heavy smog. Think about those kids—thousands and thousands of kids affected—and that's not a rare occurence. It happens all the time."

On South Grevilea Avenue in the heart of suburban Inglewood, residents daily face a more immediate concern. Every minute or so, day and night. Saturdays and Sundays, a jet airplane rumbles low over the houses on the way to touchdown at nearby Los Angeles International Airport. As the jets skim over with a deafening noise, trailing a thick black cloud of exhaust, they leave in their wake tangible evidence of their passage.

"You can't keep the house clean," says Mrs. Winona Coleman, 58, of 10214 S. Grevilea. "It sifts in through the cracks and the windows and I can't do anything about it. The plaster is cracking, and I know the noise has affected my hearing.

"Sometimes you feel like they're coming right in here. I think it's bad for everyone. After all, you're breathing the stuff."

CLOSE TO RETIREMENT

She said, a bit wistfully, that it used to be a nice neighborhood when she and her husband moved in 20 years ago. "If we were younger we'd definitely get out of here and live in the country. My son-in-law and daughter, they moved from here because they wanted to get the children out of this environment. But we'll stick it out because we're so close to retirement."

Across the street, Mrs. Carol Hoffman, 25, a blond housewife and mother of four, wasn't so patient. "I'm moving," she said, standing at her front door looking up at the planes. "I don't see how anyone can live this way. And when they go over at night, the children scream. The noise seems to pierce their ears. Everyone that can is moving out."

That kind of concern can be found all over Los Angeles today. It helps to explain why the pollsters now say pollution has replaced financial difficulties, campus unrest and the war in Vietnam as the primary political issue in the most populous state.

From Gov. Ronald Reagan down, every politician is getting into the act.

In offices, at cocktail parties, on campuses, in the press and on television pollution is a constant topic. There are new organizations and new slogans designed to fight the new cause. Even the bumper stickers, those modest testimonials to the public mood, are falling swiftly into line. "California," says one sticker, "Save It or Leave It." Other cars passing by bear other messages: "Support a Lesser Los Angeles." "Save Our Coastline." "Clean Air."

Yet for all the attention, even veteran conservationists—and some politicians—view the present fanfare with a certain wariness. They are afraid it will turn out to be a passing fancy, to be replaced in due time by another convenient issue.

"Of course it's a terribly important issue," says Jess Unruh, Speaker of the California Assembly and the most likely next opponent for Gov. Reagan. "But it isn't going to mean a damn thing unless the people are prepared to do something about it.

"It's nice that after all this time Reagan has discovered smog in Los Angeles and pollution in San Francisco Bay. What it amounts to is every politician is trying to capitalize on this as an issue. Some are sincere, some are good, some are not. It's also another place where the opinion makers have have moved to create a new climate.

"But there's another side to this: "it's a very safe haven for those who don't want to deal with slums and blacks and the problems of the inner cities. It's an easy cop-out."

MOST VISIBLE TARGET

No one denies that pollution is a problem. For years California—and particularly Southern California—has been a prime example of what man is creating for himself and his heirs. Today, with President Nixon leading a national attack on environmental pollution, California remains the most visible target for an examination of where the country is heading—and what it's doing to itself.

For Californians, Riverside County is the gateway to the desert, to dry air, and such celebrity communities as Palm Springs, 100 miles inland from Los Angeles. It was to Palm Springs that Frank Sinatra had fled in the fall of 1968. I've had it with Los Angeles and Hollwood," Sinatra had said then. "The smog is so bad I have to visit my doctor three times a week. The air isn't fit to breathe, so I'm clearing out."

Now, smog has come to Palm Springs.

The problems grow.

In the fertile San Joaquin Valley, the setting for John Steinbeck's "The Grapes of Wrath," scientists point to another example of imminent ecological disaster. To insure greater production of grapes, nitrate fertilizers have been used extensively there. While the grapes flourished, so did something more ominous. The nitrates filtered down to the water table and began appearing in wells in dangerous quantities.

Other chemicals were washed off the land surface by rainfall and found their way into the San Francisco Bay, adding to pollution and the poisoning of fish and marine life.

Statistics tell the story.

Draw a 60-mile circle around Los Angeles and you encompass the lives of 10 million Americans. Living on less than 5 per cent of the total land area of California, they account for more than 50 per cent of the state's population, income, employment, cars and telephones. In Los Angeles County 25 years ago, almost all the electricity was generated

by hydroelectric plants that produced no air pollution. Today, 90 percent of it is generated in steam electric generating plants burning natural gas or fuel oil. When high-sulfur fuel oil is burned, houses, cars, boats, and vegetation in the vicinity of the plants—all are damaged.

At current demand rates, by 1980 Los Angeles County will be generating 100 billion kilowatt hours of electrical energy. The figure for 1969 was 43 billion kilowatt hours.

California thus is providing a model for the rest of the nation. In addition, some of the best research being done in the field is coming out of California campuses and private institutions.

At the Rand Corp. Stanley Greenfield was talking about the future and raising the kind of questions that are today confronting every American.

PRICE OF CHANGE

"What is the full price of change?" he was saying. "What is the impact of pollution on the degradation of our environment—on health, weather, climate? Then there is the real question: how do you get across to the decision-makers what must be done?"

There are only 90 miles of open beach left in California, less than an inch of space for each person in the state. "Is this part of the quality of the environment?" he asked. "I think it is.

"The normal ecological balance is starting to be disturbed, so you have those who say we have 10 years before the degeneration is irreversible, and the extremes that you hear about are not that far from reality."

"What we have to do in this country—and what we've never done before—is say, 'This is the kind of environment we want,' and determine what it's going to take to get us there."

Another kind of concern was expressed by Dr. Lester Breslow, dean of the School of Public Health at UCLA and former state health officer.

"The point of view of what's economically feasible from the standpoint of industry," he said, "is often directly opposed to the public interest from the standpoint of health. Now you can expand this to such things as the location of power plants.

"The argument is made that we have to advance through technology—create more jobs and so forth—but what we need to do as a nation is to decide whether technological progress is going to be guided by narrow economic interests or by the public interest in health and the quality of life.

"That's the issue. That's the fundamental issue. And we haven't decided yet. If anything, today we're more in favor of the narrow economic interests."

LONG-TERM EFFECTS

If such men tend to take the more philosophical view, even the public officials directly charged with pollution control speak of their immediate problems in terms of long-term effects. Louis J. Fuller, air pollution control officer for Los Angeles County, turns rapidly from the present to the future.

Fuller, regarded as a tough enforcement officer, says bluntly, "the easiest way to put a stop to this (air pollution) is put a stop to it. This is the reason why I have taken action in 45,000 criminal cases—and I'm not talking about taking the housewife to court because she violated the rules at the dump. And we've got a 98 per cent conviction record to back that up. And I like to think that because of the battles we've had the problem should be easier for other areas."

Because of tough regulations and a hard-nosed enforcement policy, Fuller says air pollution in Los Angeles is now on the downward trend. Things should continue to improve until the 1980s, he says, with one great problem in the future. If population, and cars, keep increasing as they have in the past, Los Angeles, like other areas, is in danger of being overwhelmed by numbers alone.

Taking a long look himself, Fuller says:

"When you realize that the turn of the century is only 30 years away, it makes you pause and ask yourself where the hell we're going." Nature has a way. If things get out of balance too far, you're going to get a good kick in the teeth. It happened to us once before in the Thirties when half of the Middle West blew away with the wind.

"It's just possible we may be exceeding the limits that make it possible for us to return. How far have we gone already in killing off our wildlife, our birds and vegetation? Lake Erie is a dead sea—and the Hudson and the Potomac. Good God! Just think about it. And we have allowed our cities to become too large. When you get anything the size of Los Angeles it's ridiculous."

Fuller, a bluff, outspoken man, an activist instead of a pessimist, added a last thought. If he were young, he said, he would be tempted to try and escape himself. He might go off to Canada and start fresh.

"You know, I really feel for these young kids today," he said. "Many of them are growing up in our cities never knowing what it's ike to smell burning leaves in the fall, or pick blueberries in the spring, or see the stars at night over their homes. They're growing up without even knowing about some of the best things that we all just took for granted when we were born."

POISON RAVAGES DESERT'S LIFE CYCLE

(By Haynes Johnson)

PHOENIX.—Coyotes are predators. They prey on rodents, game and, when they can find them, sheep and cattle. For years the federal government has been "controlling"—that is, killing—them by an extensive poison program.

Across the Arizona desert, and in other western states, hundreds of bait stations are put out each year. In each station, treated meat is set out alongside government signs announcing that poison is being used "to kill predatory animals which would harm your livestock and game animals."

Inside the meat is implanted Compound 1080, a highly toxic chemical capable of killing at very low concentrations. A single pound is enough to kill 1.8 million squirrels. It is an odorless, colorless poison that does not decompose in bait or poisoned carcasses. It attacks the central nervous system, affecting the brain, heart, liver, and kidney. There is no known antidote for it.

It can be fatal to man. There have been at least 13 proven fatal cases and five suspected deaths from 1080 poison.

The 1080 poison has another quality that is a key part of this story: Its ability to kill continues beyond the first animal to eat it.

It has the potential, as one government paper describes the process, of acting as "a biological high explosive. Cats, dogs, and other carnivorous animals feed on dead rodents and may be poisoned by the 1080 in the carcasses."

The coyote, being a member of the dog family, is killed by 1080, with a special reaction. After eating the poison, he may run as far as 20 miles before dying. As he runs, he vomits as many as five times. Each time, he spews poison out onto the grasses and desert soil. Birds, and even cattle, who might eat the affected grass are liable to the poison themselves.

Rodents and carrion-eating birds such as eagles, buzzards, hawks and ravens that might feed on the carcass of the coyote become poisoned also.

Beyond that, conservationists and ecologists say the killing of coyotes sets off a biological chain reaction with devastating effect.

The coyote-rodent cycle is a prime example.

FEED ON RODENTS

Coyotes normally feed on rodents—prairie dogs, ground squirrels, rats, gophers and others pests, including rabbits. When the coyote population is "controlled," the rodent population springs up in greater number, posing another kind of agricultural threat: rodents damage the crops.

So a second "control" program is then utilized. Grain mixed with 1080 poison is seeded across the landscape to control the rodents. Some of the grain is scattered by helicopters. It becomes a deadly bait for the prairie dogs, squirrels, gophers and others. As they are killed, their death leads to still another round in the cycle.

Many of the dead rodents end up on the surface of the ground. There, they are readily available to be consumed by carnivores and scavengers of all kinds. That leads to the secondary poisoning of yet another class of animals.

Badgers, bears, foxes, raccoons, skunks, opossums, eagles, hawks, owls, vultures—all are exposed to possible secondary poisoning.

FERRET NEARLY EXTINCT

The black-footed ferret, one of the rare species of North America, is nearing extinction. The primary cause, that same government study says, "is almost certainly poisoning campaigns among the prairie dogs which are the main prey of the ferret."

To such arguments, the Wildlife Service maintains that it employs the poison because it kills "selectively" and efficiently.

Yet there is an even more serious question involved: Whether, in fact, the control program is necessary at all. Figures about losses to live-stock are hard to come by, but two estimates, one private, the other governmental, show that the cost of the poison program actually exceeds the livestock losses. In addition, the number of sheep raised in the country has been declining in recent years.

The 1080 poison is not the only part of the government's "predator control program." Implanted in the desert are thousands of what are called "coyote getters." They are guns that shoot cyanide in the coyote's mouth when he tugs at the scented trap. In addition, some 20,900 strychnine tablets are being used this year in Arizona.

"You go back and sit in a restaurant in Washington, D.C., or New York and tell people what's happening out here in Arizona and I'd bet that half of the people wouldn't believe you," said Max Finch, general manager of the Arizona Humane Society.

Finch was expressing part of the intense controversy the poison program has generated here and in other western states. For years, conservation groups have been attacking the program with little effect. Yet for all the emotion and bitterness it has aroused, only now is it beginning to surface as a national concern.

PART OF WIDER ISSUE

The current focus on environmental problems is taking in more than air and water pollution. Pesticides and herbicides and their impact on the environment are also at the center of attention. The position control program is a part of this.

As only one indication of the deep feelings—and the new interest—aroused, consider the letter written by Dr. Raymond F. Bock Jr. of the Pima County Medical Society in Tucson to the director of the U.S. Wildlife Services Division in charge of the poison program in Arizona.

"The Pima County Medical Society is becoming increasingly concerned with our environmental problems," Dr. Bock wrote. "The Society realizes that poisons of various kinds have an adverse effect on this environment, to the ultimate detriment of many species, including homo sapiens.

"This letter was triggered by your Department's map of proposed poison (1080) sites

for 1970 and your admission of about a 40 per cent increase in this poison program. When one considers that each dot on that map represents 40 pounds of sodiummonofluoracetate-treated meat, dosage enough to kill some 1,500 animals each dot, one wonders whether someone in your department has gone mad from a personal hatred of predators.

"In this regard, consultation with trained biologists, ecologists and mammalogists has indicated some startling inconsistencies.

"Concerning your division of Wildlife Services, we have found consistent objection to your methods by trained biologists. Further investigation into the entire animal control program seems to indicate widespread senseless killing of largely beneficial animals.

"Since we have been unable to find any conservation organizations that favor your methods, or for that matter, any trained biologists that favor them, we wonder what kind of misfits may be perpetrating this poison campaign?"

OFFICIALS DEFENSIVE

Perhaps because of such criticism, the government agents react extremely defensively to questions about the poison program. In an interview with Robert Shriver, director of the Wildlife Services Division here, virtually every point advanced by the critics was dismissed.

"There are ecologists and ecologists," he said. "I try to keep emotion out of this."

He was striving, he said, for a "practical approach" to a practical problem, and spoke of weighing the interests of wool growers, cattlemen's associations and sportsmen against those of conservationists. Once, while referring to livestock losses, he remarked that there "is a constitutional right for someone to protect himself."

As for the larger questions of environmental degradation: "There's a whole lot of things disturbing the balance of nature. When man set foot on this planet he upset the balance."

The 1080 poison, he said, "is recognized as the most effective, efficient and selective method of controlling predators."

Shriver also said there is no evidence that the poison does impair other wildlife. On that point, at least, there seems no doubt that he is wrong.

Four years ago, in a congressional hearing about the predator control program, the following exchange took place between Rep. John D. Dingell of Michigan and Stanley A. Cain, assistant secretary of interior for fish, wildlife and parks:

Dingell: . . . "If I remember you folks in the Interior Department have had some instances where you cleaned out your coyotes very thoroughly in the area and followed up the next year by being overrun with rodents and then had to conduct a fairly extensive rodent program to bring the population back into balance."

Cain: "I think that is a general fact of federal history in control of these large predators. This is what produced, at least this is partly what produced, the control problems for deer and elk in national parks, the reduction in predators."

That, it would seem, is reason enough to question whether such a program should continue.

There are other serious objections.

"An ecological system that is less stable is more liable to collapse," says Dr. Gerald A. Cole, a professor of zoology at Arizona State University. "This is an ecological principle that seems to hold true down the line. Why are the deer in trouble? We don't know. Have we done something we don't even know about?

"When you start managing the species you're creating strange fluctuations. A lot of things die, and what, precisely, does happen? Are soil and vegetation affected? At this point, there is no way of any honest appraisal."

As one vivid example, Dr. Cole pointed to a problem involving the famous saguaro cactus, the giant cactus that is so identified with the Arizona desert. Today, he says, they do not seem to be reproducing and are in danger of extinction.

One reason, he suggests, is that an increase in the rodent population causes them to become increasingly destructive in eating the roots and seeds of the cactus.

Other critics of the poison program make these points: that it is bound to damage the entire wildlife system, and eventually man will be affected; that it makes better sense to upgrade the environment instead of degrading it; that the day of the frontier long has passed, and with it comes a recognition that wildlife should be preserved on esthetic grounds alone.

Finally, they say, the government itself in a study report submitted to the then Interior Secretary Stewart Udall in 1964 recommended against the use of 1080 poison. More hostile critics charge the government bureaucracy with continuing to use it for a baser reason—to perpetuate their own jobs.

No one placed the problem in better perspective than Joseph Wood Krutch, who retired after a distinguished career as a New York critic and nature writer to live in the Arizona desert. Krutch, a mild and thoughtful man, sat in the living room of his ranch-house style home in Tucson, looking out across the desert toward the distant mountains, and said quietly, "I'm one who believes in catastrophe."

About wildlife problems, he said, "it's a fairly bad problem everywhere, but Arizona is especially bad. One reason why it's so difficult to do anything about it is people are so naive. They think if the state or federal government spent so much money employing so many people it must be important.

"But lots of time it's really a case of vested interests, people protecting their own jobs. The same thing is true throughout our society.

"What it comes down to is this: Science and technology are creating more problems than they're solving—and yet we go right on with it."

Krutch reflected on the changes he has witnessed since coming to the desert. "Twenty years ago in Tucson those mountains would have stood out as if they were only two blocks away, and the sky was brilliant and clear. Now it's beginning to look like Los Angeles."

He ended on a gloomy note.

"This may be the end of our civilization. It's going to be either catastrophe or a new civilization, either collapse or change."

He might have added that when it comes to a question of predators, one familiar figure still stands at the head of the list. Man.

"PROGRESS" FOULS MONTANA SKY WITH SMELL AND SMOKE

(By Haynes Johnson)

MISSOULA, MONT.—When the first demonstrations against air pollution in the Missoula Valley took place in the spring of 1968, Marilyn Templeton and Nancy Fritz did not participate. They were, as they said, too conventional; they were housewives and "good Republicans," not activists.

Today they head an organization that is taking an increasingly militant stance as it attempts to do something about pollution here in this valley tucked away in the Rockies.

"Now I can understand and sympathize with those students who take over administration buildings," said Mrs. Templeton after reciting her efforts in dealing with a host of state and local agencies from the governor's office down.

Mrs. Fritz adds:

"Some of our members tell us they'll come back to our group when we're ready to lie down in front of the trucks and stop production at the paper mill. And they're right. We know they're right."

They were underscoring a fact of life in Missoula, Montana. In a short period Missoula has turned from apathy to action—and anger—over its pollution problems. Missoula has not solved those problems, but it does provide evidence of how swiftly pollution has caught on as an emotional issue in the small out-of-the-way towns of America as well as the large mainstream ones.

"You can't be a politician in Missoula and say the companies are right and get elected," says Sam Reynolds, editor of the editorial page of The Missoulian, the local paper that is conducting a vigorous campaign against pulp mills that are filling the narrow valley with smoke.

Last month Reynolds' paper greeted the news of another plant planning to locate in the valley in the new fashion.

"So Missoula is going to get a $2 million chemical plant," it said. "One cheer. The old days of reflexive rah-rah over every bit of industrial expansion are gone forever. More and more economists and industrialists, not to mention environmentalists and the general public, are thinking that an ever-growing economy isn't all that it's cracked up to be. Other values now come first.

". . . If the plant does increase pollution, then nuts to it. It should NOT be built. Pollution abatement is the salient value in this valley, as every local politician knows. And any politician at the state level who fails to recognize that fact does so at peril of losing lots of votes."

In a sense, Missoula is a microcosm of the nation. It is no sleepy backwoods town, but a university community, the site of the University of Montana, and a city that has grown and prospered over the years. Its citizens are proud of their area, and the beauty of their natural surroundings. They live within a few minutes drive of some of the finest trout fishing in the country, and of excellent skiing. Glacier National Park and Yellowstone are within easy reach.

And the are typical of citizens in another important sense: until recently, they have accepted without question the traditional American concept of industrialization as being synonymous with progress. They never questioned industry's good faith, or its willingness to live up to its promises voluntarily.

When the Hoerner Waldorf Corp. opened a paper and pulp mill in 1957, the people of Missoula took for granted that the plant design would, as promised, provide for the "virtual elimination of undesirable water and air pollution."

The plant, which makes linerboard and bleached kraft pulp to serve a number of packaging needs throughout America—everything from boxes for suits to the lining around refrigerators—enjoyed economic success. From a $7 million operation with 78 employes in 1957 it grew to a $30 million investment and 438 employes in 1968. Production has increased four-fold in that time.

With progress, came problems.

The plume of smoke from the paper mill can be spotted for miles. It fills the valley not only with fumes, but with a foul odor. Company officials liken the smell to that of cabbage cooking on the kitchen stove. Others are less delicate. The odor smells unmistakably like a skunk.

Unpleasant as that is, odor is not the principal problem. Because Missoula, like Los Angeles and Phoenix is in a valley or basin, temperature inversions frequently occur, warmer air aloft holds down cooler air in the valley along with the smoke, dust, industrial and automotive gases.

LIKE LONDON CRISIS

For a period last December when Missoula lay in the grip of a week-long temperature inversion, the Missoula air pollution control authority recorded atmospheric data that was "startling," according to Dr. Kenneth J. Lampert, the city health officer. Dr. Lampert said the readings were coming close to those recorded when London experienced a major pollution crisis in 1952, when 2,000 Londoners died. Now, Dr. Lambert says, emergency procedures are being considered that would require the shutting down of every pollution source in the valley during such an inversion period.

He also says that hospital admissions for respiratory ailments go up dramatically during the worst air pollution months.

The company maintains its fumes do not create a * * *.

"It's not a medical problem, it's an odor problem, and that's a nuisance and people have a right to expect us to go great lengths to reduce that," says Roy Countryman, vice president and manager of the Hoerner Waldorf plant.

The company is now spending about $2½ million on new anti-pollution equipment, he says, and intends to spend several times that amount before the mill is brought into compliance with Montana's clean air standards.

"I represent a company that has demonstrated—and positively demonstrated—its willingness to go to great lengths to put in the best technology to do the job. Our critics would have you believe we're in terrible shape. We're not. We are in great shape. What's changed since '57 when we came in here is a lot of emotion, and a genuine interest in pollution problems."

COMPANY WAS SUED

Others are not so kind. They say the company took no steps to change until a long campaign that began in Missoula resulted in passage of Montana's first Clean Air Act in 1967. Another sharp prod came when the company was sued in an important case by the Environmental Defense Fund, Inc., a national organization active in the anti-pollution field.

The suit claims the emission of noxious sulfur compounds by the company has degraded the balance of life in the Missoula area, thereby depriving not only citizens of the region of their natural resources, but all citizens of the nation. It seeks a permanent injunction restraining the company from emitting the compounds.

The company says such an injunction could put it out of business. Its promotional material reminds everyone of its economic impact on the area. Annual purchases of over $20 million worth of goods, services and raw materials. Direct or indirect support of hundreds of local businesses. Annual payroll of more than $4 million. Employes paying more than $113,000 a year in income taxes.

In Missoula, that's big money. In the past, just the briefest recitation of such economic power would have been sufficient to still effective critics.

It isn't good enough today.

Rather than ceasing or reducing their efforts, the townspeople have continued their attacks. They point out that, despite, its assurances and expenditure of money, the company still hasn't actually installed its anti-pollution devices. Fear is widely voiced that the company intends to follow an old procedure and ask for a "variance" from the state board of health, exempting it from pollution regulations because compliance would work a "hardship."

ACRIMONY INCREASES

While Missoula waits, the atmosphere has become more acrimonious than ever.

"I find the climate within town very destructive," said Daniel Potts, company spokesman. "Before I came there was no question in my mind that I was performing a socially useful task. Here my wife and I encounter another kind of attitude, even from members of church, civic and other community groups.

"Here, you're regarded as part of something that exists only to profit and pollute the environment. There's no question in my mind that we do more than profit and pollute, and there's no question that we make a product essential to society.

"We recognize the community's desire—and we share that desire—to clean up. At the same time, the community's overlooking a lot of problems when it asks you to clean up."

What's happened is clear enough. Anti-pollution has become a cause, one that is attracting a vocal legion. A visit to Missoula leaves the strong conviction that there, at least, this cause represents something more than another instant American allegiance. It seems certain to remain a primary interest, both on the university campus and in the town.

"Our American tradition is that you can do anything you want with what you own," said Mrs. Arlene Dale, a research assistant to Dr. C. C. Gordon, a university botanist who is gaining a national reputation for his studies of the effects of environmental pollution. "My concern is that Missoula is not going to be like that.

VALLEY ON DECLINE

"What we're trying to find out are some basic questions: What is pollution actually doing to the plants and animal population? Those who say no one's died in the Missoula Valley from pollution are completely missing the point. The valley is on the decline. At the rate it's going, it may be 50 years or a hundred years, before it's a dead valley.

If you want to see an example of what I'm talking about go down to the Anaconda Valley. You'll see what I mean. The smelter operations there before the turn of the century killed it. It's a moonscape, a pock-marked desert. Essentially the same thing is happening to the Missoula Valley. The decline has already set in. We know that.

"There are still people who think we're all alarmists. They think there's nothing to worry about. We have no real evidence. There is no problem. And we disagree very much.

"You know, in the American industrial thinking you have no problem unless you are taken to court. The emissions are not a problem, the dead and dying vegetation is not a problem. It's not a problem until you're taken to court."

"VERY SELFISH REASON"

"This is the kind of community I like to live in—and I intend to stay here and make it better. It's a very selfish reason, you know. There's nothing more basic to human rights than the right to have clean air and clean water. If you don't provide a clean environment for your children, what have you done?

"There's pesticides in the food we eat, and pollution in the air we breathe and water we drink. We've always accepted these as the necessary evils of American technology. We may have used our river as sewers and pumped pollution in the air because that used to be the American way—but it's not the way now."

Such militant words are common in Missoula today. There will be more of them in the future.

Missoula citizens now are wrestling with news that two companies plan to build large plants in their valley. One is a formaldehyde plant, the other a particle board plant. No one knows for sure how much chemical vapor will be emitted into the air, but already some figures are creating new alarms.

For Nancy Fritz, whose organization called GASP (Gals Against Smog and Pollution) has taken a leading role in the anti-pollution fight, the latest news adds up to one more frustration.

She still has great faith in the American system, she says, but she confesses to nagging doubts. "It's not working on pollution," she says. "I don't go along with these doomsday theorists, but I'm just about to join them."

SLUDGE DUMPING AT NEW YORK ALARMS PUBLIC AFTER 40 YEARS

(By Haynes Johnson)

NEW YORK.—Every day, two or three times a day, a barge moves slowly out of the New York waterfront into the harbor, past the Statute of Liberty, and on to its final destination about 12 miles off the Long Island shore. There it dumps its cargo—anywhere from 50,000 to 100,000 cubic yards of sewage sludge—into the ocean.

The sludge is the final remnant of what is left from the 12 New York City sewage treatment plants. "What results," as one official explained it, "is relatively inert matter with a relatively small oxygen content."

New Jersey and Long Island communities also use those same dumping grounds to dispose of their sewage sludge. In 1968 alone, more than 4½ million tons were dumped there.

Within a several-mile radius of that point, other industrial wastes and contaminated dredge spoils are also dumped every day, several times a day.

Acids and chemicals from the plants lining the New York skyline, materials scooped up from the ocean bottom by dredging in the channel, cellar dirt and other refuse from the constant construction in the New York metropolitan area—all are dumped, all the time. Nearly 14 million tons were dumped there in 1968.

DELAYED ALARM

Although this dumping has been going on for nearly 40 years, in increasingly significant amounts from year to year, only now is a public alarm being sounded about what this has done to the offshore marine environment—and to the ocean itself. It appears to have created something close to an ecological catastrophe. "Appears" is the only accurate word to be used today; that is the most frightening aspect of all. No one knows for sure just what long-term damage has been done.

For 17 months, government scientists at the Sandy Hook Marine Laboratory in New Jersey have been studying the off-shore pollution problem caused by the dumping. They have come up with some alarming findings.

The dumping, they say, has severely affected the ocean's bottom over a 20-square-mile area. Marine organisms normally found on the ocean bottom have vanished in that area. Sediment samples taken from the bottom have contained what they describe as "unacceptable levels" of bacteria and toxic materials such as heavy metals.

Part of that testing area lies just three nautical miles off the Sandy Hook beach, an area used each summer by tens of thousands. Fish there have been found to contain "significant levels" of hard pesticides. That, along with contamination from such heavy metals as chromium, copper, and lead, poses a serious health problem. Fish eat the contaminated material, and they, in turn, pass it on to the large fish.

Today, there is no way of knowing how far those fish travel—or on whose table they might end up. Neither is it possible to tell what health problems might be created by people who might take in some of that water while swimming.

THOUGHT WASHING BACK

There is evidence that polluted material is washing back to shore, imperiling the public beaches.

The scientists also have detected other factors associated with the increase in offshore pollution. Among them are the number of fishes affected by disease.

Perhaps most alarming of all was the finding of low oxygen content in the waters over the sewage sludge dump areas.

Until a week ago when Rep. Richard Ottinger of New York first discussed some of the implications of the dumping, none of this had been made public. Now, it is the subject of intense controversy.

"I'll tell you, I'm trying to think of a simile," said William M. Kitzmiller, legislative assistant to Rep. Ottinger, after returning from a trip Friday to examine the affected offshore area with other government officials and scientists. Samples of the ocean bottom and the water were taken, Katzmiller said, adding:

"It's appalling. It's absolutely devoid of any significant sign of marine life. It's like going into a room where you expect to find a party and you don't see a single person or hear a single sound. I can't describe to you the impact this has."

NOT IN AGREEMENT

City officials react differently.

"There isn't anything new about what we're doing," said Maurice Feldman, New York City's commissioner of water resources. "We've been using that area for 35 years."

Feldman said there have been previous reports, but nothing that raised such alarm. "There should be a rational response to this," he added. The problem of pollution is not only how to stop it, he said, but what price must be paid. "The question you have to ask is what benefit from what cost?" he said.

As for himself, he was persuaded, given the tests the city has been making of water pollution, that there is nothing to be alarmed about today. More tests and research "and a good solid analysis" would have to be done.

He spoke of the possibility of dumping wastes farther out in the ocean. "If we go out farther," he said, "it could easily add a million or so dollars a year to our present costs." In the meantime, the dumping continues.

The dumping is only the latest evidence of the magnitude of pollution in the nation's largest metropolis. New York has it all—and all of it bad. Its air is the most polluted in the country, its streets probably the dirtiest, its noise the most deafening, its waters as befouled as any, if not more so.

Every day raw sewage is pumped into the Hudson River from New York and New Jersey communities. New York alone pours 365 million gallons into the Hudson. When the sun is right, the waters along the great harbor show off the colors of the rainbow—vivid yellows, oranges, red and purples. They are the result of industrial pollution.

The little Passaic River in New Jersey, only 90 miles long, is a case in point. For its first 64 miles it is used as a source of drinking water for more than 700,000 people. It also is used as a sewer for people and industry. At low flow, half of the water is treated sewage and industrial waste. For its last 30 miles, fed by the larger towns stretching down into the New York metropolitan area, the river becomes an evil-smelling open sewer. Then it empties into the New York harbor, and on out to sea.

On even the clearest day in Manhattan, the skyscrapers form a backdrop for a pall of smoke rising from the factories lining the East River.

Here, as in other areas examined in this series, pollution boils down to an essential problem. At this point, America has not found a way—or the will—to cope with a basic fact of industrial life—the disposal problem. How to dispose, safely, of the smoke and fumes spewed into the air from factories, automobiles, homes? How to dispose of the human and industrial wastes that are pumped into our waters? How to dispose of the seemingly most disposable items of everyday life, the paper, the packages, the cans, the bottles, the boxes that contain the glories of American technology and production, the mute testimony to American effluence?

New York is dramatic evidence that nothing is disposed of without some cost, or problem, either present or potential.

Take the daily struggle to dispose of the garbage. It is an endless and almost self-defeating fight.

Although New York's population actually has dropped slightly in the last decade, its sanitation problems have mounted. In 1960, the Sanitation Department disposed of 5.3 million tons of garbage. Four years later, it disposed of 6.1 million tons. Three years after that, the figure had risen to 7.3 million tons.

Because of the financial problems, the same work force has been trying to take care of that increasing load. Yet year by year the job gets bigger and tougher. They are trapped in a never-ending cycle of personal frustrations, public indifference and cynicism, and an impossible task.

Garbage and refuse isn't their only problem. They also are charged with the responsibility of removing abandoned vehicles. Like everything else, that problem has been increasing dramatically. Last year, 57,742 cars and trucks were removed from city streets. A year before the total was 31,578. A year before that, 26,002.

The city can't dispose of the cars, economically or practically, so it turns them over to private contractors who pay New York for the privilege of using the vehicles for scrap and spare parts. Eventually, they wind up in the junk yard.

The garbage itself is another problem—and, in view of the new problem detected over dumping of wastes, an ironic one.

Until 1934, New York City loaded all of its garbage on barges and dumped it offshore. The garbage washed back onto the shore, polluting the beaches and land. A court suit stopped that practice. New York turned to landfills—piling refuse on marshland and covering with dirt—and incineration to dispose of its garbage. A year after that suit, the city began dumping its sewage sludge offshore and private firms disposed of industrial wastes in the same fashion.

While that goes on, the city continues to struggle with its monumental garbage problem. The physical process alone is overwhelming—and unforgettable.

Begin uptown, off Park Avenue in that section that should be the best from the standpoint of cleanliness and orders. It takes a garbage truck as much as 45 minutes to collect from a single block. Can after can, bag after bag goes into the back of the truck where, with a whirring and clanking noise, it is all briefly displayed to the naked eye—the Scotch bottle and the color TV carton, the baby food container and the hairspray can—before it is crunched, crushed, and slowly forced in to the truck. Finally, carrying a load of nearly 6 tons, truck 287–015 lumbers on to its deposit point, the Marine Transfer Station on East 91st Street, one of several on the East River.

The truck backs up and dumps its load onto Department of Sanitation Barge 58. "That's a lot of stuff," says Carmine Carnacchio, 53, who has worked for the Sanitation Department for 19½ years. When it is filled, the barge holds between 700 and 800 tons.

It is, by itself, a monument to American technology. There it sits, a towering, fragrant mound of debris, carrying everything from telephone books to detergent boxes to sawdust to synthetic fabrics. It is a place for the gulls to feast upon, and they do as the barge is nudged out into the East River to become part of a flotilla of four garbage scows towed toward its last resting place.

The trip downriver, under the bridges, past the refining, brewing, baking, and chemical plants, and out into the harbor takes nearly four hours. It is a sight that can be seen day and night all week long in New York.

As the barges reach Staten Island, they head toward the final disposal plant—and the Fresh Kills reclamation area, a vast landfill section covering some 3,000 acres. There, cranes unload the garbage onto trucks and it is scattered over the area and then covered with dirt.

JUST TO KEEP UP

Fresh Kills is an industrial plant on a large scale all by itself. It is a self-sustaining operation that keeps going around the clock every day in the week. Just to dispose of the garbage, and keep the operation functioning, requires the work of more than 300 employees. They operate on three shifts a day, and their numbers include carpenters, blacksmiths, boilermakers, machinists, electricians.

They are constantly working to keep up with the continuous flow of raw material dumped on them. They operate the large cranes that unload the garbage from the barge. They direct the last stage of the harbor traffic toward them. They drive the trucks that spread the garbage over the land. They run the bulldozers that cover it up. They repair—and make—parts that break. They contend with drainage and weather uncertainties.

Merely keeping up with the inventory in the supply shops is a problem.

To walk through their shops, see the cables and massive equipment, is like visiting a booming shipyard—a yard devoted to garbage disposal.

No shipyard, though, ever operated under such handicaps.

Equipment is constantly breaking down; parts are in short supply; veteran workers are retiring and their replacements are difficult to find. It is not attractive work.

"The public doesnt realize what you're up against," said Robert Salter, 55, the district superintendent of the plant. "It's so frustrating and so God-damned aggravating."

For all his problems, Salter maintains a hearty, cheerful air. He likes to talk about what Fresh Kills was like when he grew up in the area years ago, when it contained fresh water, meadow land, trees, and some of the best crabbing and clamming to be found, when the graves dating from the early settlers and bearing dates in the 1820s were still a landmark. All that has long since disappeared.

Then he turned serious and spoke about the disposal problem. He was pronouncing a plight facing many more than one man in one American location.

What, in the end, are you going to do with all that material, he asked. Anything you do—burn, bury or dump—creates some kind of problem.

His concern was more than philosophical. New York will be soon facing another critical disposal problem.

"Five years from now and that's it," he said referring to the land at Fresh Kills. "There's not going to be any more room to put it here. They don't know where to go. Where are you going to put it."

"That," he said, in the understatement of the day, "is a problem all over the world."

URBAN STAKE IN SOUND FARM PROGRAMS

Mr. McGOVERN. Mr. President, today is the second day of hearings through which the Senate Agricultural Committee hopes to arrive at its recommendations on farm programs to replace the Food and Agriculture Act of 1965. The present commodity programs expire at the end of this year.

It is my conviction that Members of Congress who do not have large farm constituencies have a direct and imme-

diate stake in the progress of those hearings and in their final product. While the issue of farm income has come to be regarded in some circles as a contest between farmers and consumers, the truth is that their interests coincide.

I discussed a number of the factors leading to this conclusion in a statement to my colleagues on the Agriculture Committee this morning on behalf of S. 3068, a coalition farm bill which I have introduced along with Senators BURDICK, EAGLETON, HARRIS, HUGHES, JACKSON, MANSFIELD, MCCARTHY, MCGEE, METCALF, MONDALE, MOSS, NELSON, and YOUNG of Ohio. I ask unanimous consent that the statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCGOVERN

Mr. Chairman and fellow members of the Agriculture Committee, we are embarking today on a task of utmost urgency for the Nation's farmers and, I believe, for the entire population.

Certainly we must act, and I am here recommending a specific form of action known as the coalition farm bill. It represents the combined thinking and the combined support of some twenty-five major farm organizations and commodity groups.

The Committee staff has compiled an explanation of the bill, and I ask that it be made a part of the hearing record. Representatives of the groups included in the coalition will testify in detail on its treatment of various commodities. The central point which I want to deal with here is that it proposes improvements in farm income. Its essence is a continuation of existing commodity legislation, with amendments aimed at increasing returns to complying farmers.

For wheat, it would solidify the total return for domestic food wheat at 100 percent of parity, and would set a minimum support of not less than $1.25 per bushel. The new return would be in the form of a requirement that wheat export certificates be set to bring total returns on exported wheat to a minimum of 65 percent of parity, replacing the existing variable certificate based on world prices. The added cost would be about $275 million.

The Feed Grains provisions would move price support loans for corn up from $1.05 to $1.15 per bushel, and they would raise the direct payment from 30 cents to 40 cents, with commensurate increases for other feed grains. This would bring total returns up to a minimum of 90 percent of parity, and would cost about $350 million.

The Dairy title would extend and clarify the authority for inclusion of class I base plans in Federal milk marketing orders, removing some of the obstacles which have precluded widespread use of this marketing tool. Established dairy farmers would share the benefits of market growth, the present requirement for basing price supports on butterfat content would be repealed, and seasonal base plans would be separately and specifically authorized. The authorization for class I base plans would be made permanent.

The bill contains new authority for an acreage diversion program on soybeans and flaxseed, which would be available when total stocks accumulate in excess of 150 million bushels or 15 percent of the previous year's use, whichever is less. Support would be set at 75 percent of parity. This provision would end the necessity of relying upon reductions in support rates as a means of discouraging overproduction, and would cost from $25 to $35 million. A diversion program for rice is also authorized.

Existing programs for wool and cotton would be extended without change.

Beyond the commodity programs, the bill would establish consumer protection reserves of wheat, feed grains, soybeans and cotton. I think this is an essential feature, reaching across the problems that can occur for both producers and consumers because of our inability to predict with precision the size of a year's crop. At this point, Mr. Chairman, I would like to insert in the record a table showing how the reserve would operate and the size of Commodity Credit Corporation and on-the-farm stocks the bill contemplates.

Another title of the bill would authorize the establishment of marketing orders for any commodity when supported by a two-thirds majority of producers. This provision draws upon our successful experience in dairy, and is offered in the conviction that the same tool can work effectively in other areas.

I want to make special mention of two provisions of the bill which cut across more than one commodity program. The titles for wheat and feed grains would both make mandatory the present discretionary authority to make partial payments in advance of performance. This requirement, which sets the advance payment at 50 percent of the total, is extremely important because of the farmers' needs for operating capital during the planting season. The Department's decision this year to eliminate the advance payment on feed grains, which I hope we will reverse legislatively through separate legislation pending before the Committee, will work a severe hardship, particularly because of the record high interest rates which must be paid if that capital is to be secured from other sources. The net effect of the Secretary's decision will be a reduction in the Federal budget for one fiscal year, an increase in the next fiscal year, and millions of dollars in interest charges to hard-pressed farmers.

Finally, there is a provision in the bill limiting the amount by which the projected yield of a farm can be adjusted downward as a consequence of natural disaster in previous years. As members of the Committee know, the amount of production to be allowed on a given farm is established primarily by history. As a consequence, such natural disasters as floods, drought or storms can drastically affect the projected yield. The coalition bill would limit this effect to 5 percent of the production, in effect eliminating at least a good share of the added penalty the programs now impose on farmers who suffer crop losses.

This bill is both modest and practical. I think it indicates commendable patience on the part of people who have for many years sought the elusive goal of full parity. They ask no more than minimal progress toward that goal.

I hope the Committee will act favorably on S. 3068. If there is a consensus in agriculture—and farmers are more closely united now than they have ever been in my recollection—it is behind this proposal.

Along with several member organizations of the coalition, but not all, I hope the Committee will also incorporate in its recommendations a graduated limitation on the amount of payments any individual producer can receive. It should be set at the lowest levels consistent with achievement of production control objectives. I do not think the $15,000 figure that has been suggested is unrealistic in that respect.

A provision of this kind would eliminate one of the central causes of urban dissatisfaction with our farm programs. It would allow the concentration of benefits to those who need them most, and it would be consistent with the policy of encouraging family farm agriculture which we have so frequently repeated.

Mr. Chairman, the depressing litany of statistics about agriculture today leaves no room for doubt about the need for decisive action on farm programs. This is no time for retreat.

We have heard a great deal lately about the $16 billion in net income the country's farmers divided last year, a figure exceeded only once in the 1960's. I am sure no member of this Committee will have his vision befogged by that statistic. An analysis of its components indicates clearly that it is due almost entirely to the fact that we are on the low supply-high price side of the livestock cycle. Livestock prices averaged 12 percent higher in 1969 than in the previous year.

On the contrary, we should react with some concern to the fragility of that still-inadequate income level. The Outlook and Situation Board of USDA's Economic Research Service predicts that the favorable livestock outlook will probably continue at least into the first half of 1970, but their prognosis is that net income will likely not go up at all because "production expenses continue to surge, and for the year may offset the gain in income."

We all know that the costs of farm production have a disturbing tendency to hold at least to the new highs they achieve. I know of no case in recent years in which the costs of operating a farm have declined. But prices for farm commodities fluctuate frequently, and they will in the future. When the livestock cycle turns back down we can expect a new, damaging crunch on the Nation's farm families, giving new impetus to the exodus of people from the land.

Notwithstanding the $16 billion net last year, the per capita income of farmers in this country still lags back at about three-fourths of the income of nonfarmers. That is an improvement over the 1950's. But the change in the farmer's relative position derives almost exclusively from two changes—the continued decline in the number of farms and the steady rise in the amounts farmers supplement their incomes from nonfarm sources. This is hardly a favorable reflection on the success of our farm programs.

The $16 billion net is just slightly more than was received for the three-year average of 1947–49.

Since that time farm prices for all commodities have gone up only 2.9 percent, and they have been far outdistanced by the rapid spiral in the cost of living which burdens farmers like everyone else. Farm debt on January first of this year was $58.1 billion, up some 6.3 percent from the year before. Significantly, the increase in farm debt, at $3.5 billion, exceeded the increase in gross receipts in 1969 by $\frac{1}{2}$ billion. All of us who represent farm states know that many of our farming constituents are literally living on the growing borrowing power that comes from increments in the sales value of their land. And we shudder for the day when the market for farm land will break, as it must if prices continue to hold so far in excess of these warranted by the returns which can reasonably be expected from the land's food production.

These factors relate directly to the reasons why those of us from rural states should be concerned about the farm outlook and anxious to write the best possible farm bill. Our colleagues from more urban states should see the need they expose as well, because of the economic interdependence between rural and urban areas and especially because of their stake in assuring stable food supplies. Surely they must admire and seek to protect the farm system which supplies more and better food, at lower real cost, than anyone has ever enjoyed anytime, anywhere.

But today they have an even more direct and obvious stake in the work of this committee. The kind of bill we support has an intimate tie to one of their most pressing and urgent concerns.

During the past 20 years the entire population growth of the United States—54 million people—has occurred in metropolitan centers. The rural population has remained almost static. The central cause of this coagulation of our population is the economic stagnation of agriculture.

In 1935, at the high point, there were 6.8 million farms in this country. By 1950 the number had dropped to 5.6 million, and then the attrition began in earnest. The Department of Agriculture reported just a few weeks ago that nearly half of the farms that existed 20 years ago have now disappeared. We began 1970 with 2.9 million.

When a farm goes out of business the farmer is followed off the land by his family. And between 1950 and 1970 the number of people who are supported by farming has dropped at an average annual rate of well over 600,000. Some 14 million Americans have joined the exodus from the farms. They have, of course, taken with them a wide range of opportunities for non-farm employment in the enterprises which supply both the capital and consumer needs of farm families.

The rural America they have left is depleted by their absence.

Consider, for example, the tragic waste involved in the empty, decaying farmsteads. Now those houses are liabilities, because the land upon which they sit cannot be farmed until they are torn down.

Consider the heavy costs involved when rural states invest heavily in the education of their young people, only to have them leave and spend their productive years elsewhere because there are too few jobs.

Consider the consequences of rural poverty, recognizing that in rural America where only one-fourth of the people live we find half of the Nation's poor, two-thirds of its substandard housing, and half of the people receiving old-age and child care assistance.

Consider, too, the human costs involved when millions of Americans are deprived by economic necessity of their right to choose where they will live, in light of the results of a 1968 survey by Mr. George Gallup. 56 percent preferred a rural life; 25 percent found the suburbs attractive; a scant 18 percent were most favorably impressed by cities.

Obviously it has not been in the interests of rural areas for this migration to take place. Nor has it accorded with the wishes of the people themselves. Who, then, has benefitted? The cities?

Today the entire Nation is in the process of discovering the sad state of our environmental health, and we are finding that it is poor indeed.

The historic Potomac River which borders Washington, D.C. is attractive today only from a distance. It is not a stream but a sewer absorbing some 240 million gallons of waste each day.

Long Island Sound in New York receives 196 million gallons of sludge daily from 110 plants along its shores.

Lake Erie may be the outstanding example of our aquatic abuse. It used to support commercial fishing, but today the fish are all but gone. With only three of its 62 beaches safe for swimming, it is rapidly approaching the "too thick to swim, too thin to plow" stage. Lake Michigan is following close behind.

Similar situations exist throughout the country, wherever there are large concentrations of people.

And in those same places the atmosphere has become a distasteful, toxic mixture of pollutants. Too many automobiles spew more chemicals into the air than it can absorb. They join with the smoke stacks of heavy industry to serve up 133 million tons of waste material into the air each year. The resulting mixture assails the nostrils, burns the eyes, and damages the lungs.

These are two of the most unattractive features of urban life. Their causes are varied, for there are as many sources of pollution as there are modes of transportation or ways of earning a living. But their massive proportions today are most directly related to the fact that we have for so many years been allowing—actually requiring—our population to stack up in metropolitan areas. Some waste can be absorbed and diffused by the environment. But we have been clustering together and dumping intolerable amounts, and we have been clustering our resources at those locations so that each individual uses up more air and water. Each new arrival in the city impedes the pace and raises the price of pollution prevention and control. The quality of life is damaged for migrant and native alike. Perhaps it is already irretrievable.

Migration taxes the cities in other ways. The whole range of public services and facilities becomes less and less adequate. Transportation arteries are clogged. Schools are overcrowded and deteriorating. Public safety institutons are undermanned, overworked and unsuccessful.

We had a rough calculation of the economic costs of all of this in 1967, when Mayor Lindsay of New York estimated that his city would require Federal help in the range of $5 billion a year for ten years—a total of $50 billion—in order to become a decent place to live. Someone extrapolated that like help to other metropolitan areas would set the total Federal investment at $1,000 billion.

This is where we stand today, with population densities by state ranging from a low of 3.2 per square mile in Wyoming to a high of 929.8 in New Jersey among the 48 contiguous states. In Brooklyn there were, in 1960, 34,583 people on every square mile of land.

The future looks much worse. In the next thirty years the population of the United States is expected to grow by 100 million people. If present trends continue the great majority will find themselves in populous centers. Some 77 percent of our population of 300 million will be located on only 11 percent of the land area. The coasts will become continuous strips of cities. We have obviously not even begun to perceive the problems of overcrowding we will have then.

Mr. Chairman, there is not a shred of sense in this trend. It misuses our limited reservoir of natural resources. It is economically and socially wasteful. Our obvious response is to stop it—if we can.

President Nixon has taken note of the problem. In his state of the union address he decried the trend which had a third of our counties losing population in the 1960's and described the "violent and decayed central cities" as the "most conspicuous area of failure in American life today." Indeed, he spoke of creating a "new rural environment which would not only stem the migration to urban centers but reverse it."

I confess to some skepticism on that score after reviewing the record of 1969. I look forward to proposals which would implement such a policy. Certainly we must be definite and emphatic about our commitment to economic development of all kinds in rural areas. They must be made attractive for new job-creating enterprise. The whole range of programs affecting the convenience and comfort of living in rural America—housing, health, electric power, communications, transportation, education, and others—deserve expanded attention.

But we must all recognize as well that such programs are unlikely to even catch up with the migration if we let the agricultural base continue to decline and if we let the deterioration of the family farm system go on unabated. We must recognize at bottom that it is not essentially a lack of services or convenience that causes people to leave rural communities and prevents them from returning.

The finest homes with the best of consumer services, the most attractive schools and churches, the safest streets and the best medical care will not repopulate rural America. Only livelihood—jobs and business—will do that. And agriculture is at the core.

My fervent hope, therefore, is that as we proceed we will not become enamored of the concept that our concern for the economic status of farm people—important as that is—is the only one involved. We will ill-serve agriculture and we will ill-serve the country if we approach this issue with an apology. We will invite apathy to one of the most pressing problems of our time if our operating premise is that we must sneak something by an urban-dominated Congress.

Today more than ever before the Nation is equipped and motivated to see the costs of a deteriorating family farm system and to recognize its stake in a healthy farm economy.

Let us give our colleagues in the Congress a chance to respond.

	Reseal on farms	Farmers contracts	CCC publicly owned
Amount of reserve: [1]			
Wheat	150,000,000 bushels	150,000,000 bushels	200,000,000 bushels.
Feed grains	7,500,000 tons	7,500,000 tons	15,000,000 tons.
Cotton			3,000,000 bales.
Maximum acquisition price	None	None	None.
Minimum resale price:			
(a) Wheat	Producer option—no minimum price.	[2]	[2].
(b) Feed grains	At release date	[3]	[3].
(c) Soybeans		[4]	[4].
(d) Cotton		[5]	[5].
Reserve held by farmers		Farmers	CCC.
Provision for emergency release at prices other than above.	None	[6]	[6].
Expiration date		Permanent	

[1] When estimated consumption, including exports, exceed production by more than 10 percent, reserve levels under both reseal and in CCC reserves will be increased by 100,000,000 bushels of wheat, 7,500,000 tons of feed grains, 15,000,000 bushels of soybeans, and 1,000,000 bales of cotton.
[2] CCC stocks below above levels; parity price less 75 cents certified ($2.02 per bushel).
[3] CCC stocks below above levels; parity price less adjusted payment ($1.42 per bushel on corn.)
[4] CCC stocks below above levels; parity price $3.64 per bushel.
[5] Stocks below above levels; parity price 47.9 cents per pound (Upland Middling, 1 inch).
[6] In addition to minimum resale price, natural disaster, low production, military action would control release.

POLLUTION CONTROL PROGRAM—QUESTIONS AND ANSWERS

Mr. BOGGS. Mr. President, as we enter the decade of the seventies, President Nixon's proposals to Congress offer new hope in our fight against the destruction of our natural environment.

His message puts unprecedented emphasis on environmental needs which we have neglected and abused.

As the first step in the intensification of the campaign against dirty water, the President is asking for $4 billion in Federal funds to help finance a 4-year, $10 billion program for the construction of municipal waste treatment plants.

A total of $1 billion of Federal funds would be obligated for each of the 4 fiscal years beginning with fiscal 1971.

To help the cities and States finance the remainder of the $6 billion program, the President is proposing the establishment of an Environmental Financing Authority which will insure that every municipality in the country has an opportunity to sell its waste treatment plant construction bonds.

The President also is asking for major reforms in the formulas for awarding construction grants to make certain that financial aid for waste water treatment plant building will be more effective.

Another proposal would strengthen and broaden the enforcement authority in the Federal Water Pollution Control Act. For example, the President would provide fines of up to $10,000 a day for each day of violation, 180 days after notice of water quality standards violation, or following an enforcement conference notice of violation.

New provisions for an expanded and more flexible research program and wider distribution of new technical findings are other important aspects of President Nixon's package.

And to help States finance their own programs in such fields as monitoring, research and treatment plant inspection, the President would increase Federal operating grants to State pollution control enforcement agencies threefold, over the next 5 years—from $10 million now to $30 million in fiscal year 1975.

Our own needed actions are as clear as the waters are dirty.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of possible questions and answers concerning the President's water pollution control program.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

LIST OF POSSIBLE QUESTIONS AND ANSWERS CONCERNING THE PRESIDENT'S WATER POLLUTION CONTROL PROGRAM

1. Question: How much contribution is the Federal Government making to the municipal waste treatment plant construction program?

Answer: The Federal Government will obligate $4 billion at the rate of $1 billion per year beginning in Fiscal Year 1975.

2. Question: Will there be sufficient funds?

Answer: Yes—The total costs (municipal waste treatment plants and interceptor sewers) have been projected from two sources and both total $10 billion. The first is the "Cost of Clean Water" study by FWPCA. Statistical analysis arrives at a figure of $10 billion, last updated in fall of 1969. The second is the list of projects furnished by the states: The 1969 total again is $10 billion.

3. Question: How does the new Federal clean waters financing work?

Answer: The President is seeking authorization for the full $4 billion in Fiscal Year 1971. The Secretary of the Interior will enter into contracts with municipalities for the construction of municipal waste treatment plants at the rate of $1 billion per year for the next four years. Reform in the present allocation formula is being sought. 60% of the total Federal monies for a given fiscal year will be allocated to the states in accordance with the existing allocation formula. 20% of the Federal funds will be allocated to those states with matching funding programs, thus insuring a positive incentive to states to contribute state financing. The remaining 20% of the Federal funds will be allocated by the Secretary of the Interior, according to regulations, to those areas of greatest need and where greatest water pollution control benefits can be realized.

4. Question: Is there a new *reallocation* formula?

Answer: Yes—Any unused funds will be reallocated more quickly—immediately after the Fiscal Year rather than 6 months later.

5. Question: Will the Department of the Interior continue reimbursing on the $814 million prefinanced by New York, Maryland and other states?

Answer: Yes, the Bill specifically continues and protects the eligibility of those states which prefinanced the cost of waste treatment plants, but no new reimbursables would be authorized after 1973.

6. Question: Why stop prefinancing at the end of Fiscal Year 1973?

Answer: Fiscal Year 1974 is projected as the last year of this effort, and it is reasonable to assume that further prefinancing will not be necessary at that time.

The Secretary of the Interior is being directed to conduct a study on future needs; and action thereafter will, of course, be based on that study.

7. Question: What will be done on basin cleanup?

Answer: There will be regulations, requiring the states to furnish us complete data on every basin—river basin or lake basin—within its jurisdiction. This information will be computerized in order to make a mathematical model. For the first time, it will be possible to really know what changes will occur from the siting of a proposed new industry, the building of a new sewage treatment plant, or the growth of population in an area.

8. Question: What are the plans for research and development?

Answer: Current programs will continue in 1970, 1971 and 1972.

9. Question: Will the training program for sewage treatment operators be continued?

Answer: Yes, it will not only be extended but expanded, for it does little good to build facilities and complete the task without preparation for operation. Appropriations for state programs including training will be:

[In millions of dollars]

Fiscal year 1971	12.5
Fiscal year 1972	15.0
Fiscal year 1973	20.0
Fiscal year 1974	25.0
Fiscal year 1975	30.0

10. Question: What are the plans for enforcement?

Answer: This breaks down into six main categories—

First—An expansion of Federal jurisdiction to all navigable waters and tributaries, both interstate and intrastate, to U.S. boundary waters, to interstate ground waters; and to waters of the contiguous zone.

Second—Directing the states to set local effluent requirements to augment and supplement their present water quality standards. If we are to enhance our water quality, we must control the local effluents going into that water.

Third—On enforcement conferences, the delay in going to court from a lengthy period of 16 to 18 months has been shortened to 6 months.

Fourth—The Department of the Interior has asked for right to file an immediate injunction in emergency matters.

Fifth—It has also asked for the right to levy fines on persistent polluters in the court proceedings, stemming from enforcement conferences and abatement proceedings.

Sixth—Full judicial procedures have been requested to make all actions truly viable.

11. Question: Why is ground water included?

Answer: Ground water is an integral part of our total water system—sooner or later, ground water becomes surface water and surface water is recharged to ground water.

If we are to protect a system, the entire system must be protected—not just parts of it.

12. Question: What kind of pollution control on the high seas is being sought?

Answer: That which originates in the United States—dumping and the like.

13. Question: What kind of pollution control is being attempted in the contiguous zone?

Answer: That which affects our territorial sea—or our beaches.

14. Question: What is different about the boundary water definition than now exists in the Act?

Answer: At the present time, it is practically impossible to enforce pollution abatement action in Lake Huron, Lake Ontario, St. Clair, Buffalo, Niagara and St. Lawrence Rivers and also the St. John and Presque Isle Rivers. Under the new definition, it would be possible to move in all of these waters, too.

15. Question: What is different about navigable and interstate waters than is in the present Act?

Answer: The present Act names both but then limits for all practical purposes to interstate waters alone—with very little tributary action.

The proposed definition of navigable and interstate waters of the United States, and tributaries, will give us the jurisdiction necessary to protect our investment in the Nation's waters.

16. Question: What new powers are proposed on enforcement conferences?

Answer: The first is the right to subpoena witnesses and documents.

The second is a shortened time to go to court.

The third is the right to levy judicial fines on persistent polluters.

17. Question: Why are fines needed?

Answer: In the case of a persistent polluter—who will not abate—a fine of up to $10,000 per day in addition to a court order to abate the pollution is believed to be a necessity. The court will be able to decide—on the evidence—the best way to protect our waters.

18. Question: Do these proposals Federalize the entire program?

Answer: This is not so. It is really a form of the President's New Federalism—

The communities put up their bonds and the Federal Government helps finance them.

The states set new local effluent controls.

The states enforce the complete standards and the Federal Government stands by to help.

The states enlist our aid in research and development.

The states get Federal assistance on Operator Training Programs.

The States are charged with the primary duties and responsibilities.

The Federal Government completes the picture with funds, financing, research, and back-up enforcement.

19. Question: What other water programs are there?

Answer: There are several including major legislation before the Congress. These are:

1. Research on urban water supply in Office of Water Resources Research.

2. Research into new techniques in desalting.

3. Geological and deep-well disposal research by Geological Survey.

4. Acid mine drainage research in Federal Water Pollution Control Administration, Office of Saline Water and Bureau of Mines.

5. And, an Estuarine and Coastal Zone Management bill now before the Congress.

20. Question: What does the President's new Executive Order on Federal facilities do?

Answer: The President's Executive Order on Federal facilities requires all Federal agencies to install necessary pollution control equipment by 1973. It requires precise effluent limits from Federal facilities in order to meet state standards. It prohibits Federal agencies from reprogramming appropriated monies and requires that these monies be spent for pollution control equipment. Most significantly, the President's budget contains sufficient funds to meet Federal agency requirements for pollution control by December 31, 1972.

21. Question: What will the Department of the Interior do to augment that Executive Order?

Answer: It has accumulating data on all Federal facilities and is preparing to move ahead in implementing the order. It will give priority to the critical areas of the country first—such as the Great Lakes and other sources of domestic water supply.

THE ST. LAWRENCE SEAWAY SEEKS HELP THAT IS BOTH PREMATURE AND UNFAIR TO THE TAXPAYER

Mr. TYDINGS. Mr. President, on February 17 the Special Subcommittee To Study Transportation on the St. Lawrence Seaway held a hearing on S. 3137, a bill which permits the Seaway Corporation to write off its debt of $148.3 million to the United States. I testified in opposition to the measure.

I pointed out that, unlike inland waterways developed by the Federal Government, the seaway possesses a toll system because it is an international waterway, whose construction was predicated on the condition that it would pay its own way. The seaway's position is thus unique. I stressed that, before consideration be given to eliminating the seaway's debt, a revision of tolls should take place, as provided for in the 1954 act authorizing the seaway. There is evidence suggesting that the demand here is inelastic and that tolls, while not insignificant, are not a determining factor in seaway traffic.

Were the bill enacted now, the debt cancellation would constitute a governmental subsidy to the seaway at the expense of the taxpayer. This is, at the present time, an unnecessary drain on the Treasury. It is also unfair to the Atlantic and gulf coast marine and rail competitors of the seaway.

I call attention to this bill and hope that other Senators will examine it closely.

Mr. President, I ask unanimous consent that my statement before the subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOSEPH D. TYDINGS

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee this morning and make some preliminary observations about S. 3137, a bill enabling the St. Lawrence Seaway Development Corporation to cancel its bonded indebtedness to the United States.

The St. Lawrence Seaway is without doubt a major engineering accomplishment. Bypassing rapids, the Seaway's channel and lock system lifts a ship 100 feet from the time it enters the Seaway at the mouth of the St. Lawrence in the Atlantic Ocean to the time it finally reaches Lake Superior. Built at a cost of approximately $500 million, the Seaway is a joint U.S.-Canadian navigation and power project. It symbolizes the mutual interests of two great nations and has undoubtedly stimulated the economic development of the Great Lakes region. Although at present unable to support regularly scheduled U.S. Flag vessel service, the Seaway is indeed entitled to its description as the "Fourth coast" of the United States.

Regrettably, the St. Lawrence Seaway has not lived up to the confident expectations of its advocates. The Seaway has never reached its maximum cargo load of 50 million tons a year and has been unable to finance its costs as required by the 1954 act creating the St. Lawrence Seaway Development Corporation. Total cargo for 1969 has been estimated at 40 million tons. This is a sharp decline from the 1968 total of 48 million tons. While the 1968 figure was above the 1967 total, it was below the peak of 49.2 million tons achieved in 1966. Moreover, the Corporation's debt as of December 31, 1968, amounted to $148.3 million. This is composed of $129.1 million in outstanding revenue bonds and $19.2 million in deferred interest. In the words of Robert B. Shaw, Associate Professor of Accounting and Finance at Clarkson College of Technology writing in the June 26, 1969, edition of the *Wall Street Journal*, the Seaway "as an economic entity . . . cannot be described as more than a limited success."

Reasons for the Seaway's disappointing record are not hard to find:

Limited port systems in comparison to Atlantic and Gulf facilities,

Reluctance on the part of shippers to change established trade patterns,

Inflated cargo forecasts,

A 27-foot channel depth that severely limits the size of ships able to use the Seaway,

Vigorous competition from the railroad and trucking industries,

The necessity for tolls *and* the failure to manipulate them properly,

The 14-day time in transit for a ship using the Seaway,

Locks that are 80 feet wide and thus prevent the new, larger ships from using the Seaway,

The high cost, generally of ship operations today:

Taken together, these help explain why the Seaway has been unable to meet its financial obligations. It must be clearly understood, however, that despite statements to the contrary, no single reason will suffice to explain the Seaway's apparent failure. In an economic system as large and complex as the St. Lawrence Seaway, simple cause and effect relationships do not exist. There is no one, sole reason why the Seaway has not lived up to expectations. Its disappointing record is the result of many interacting factors. To seek a single, simple explanation for the Seaway's troubles is thus not possible.

Considerable attention has been given to the requirement that the Seaway be self-supporting. Contention is made that this requirement unfairly discriminates against the Seaway for other inland waterway projects are not subjected to the burden of paying their own way. This is an important issue and merits our full attention.

I do not believe that the St. Lawrence Seaway suffers from unfair discrimination. In the first place the Seaway is not like other waterway projects developed by the Federal Government. In fact, it is not an inland waterway at all. It is an international waterway that at times lies totally outside of U.S. territory. Five of the eight locks are in Canada. As the 1954 report of the Senate Foreign Relations Committee noted, the Seaway's "true perspective is continental and its final results must inevitably be continental in their impact." (S. Rept. No. 441, 83rd Congress, 2nd session, pp. 23–25.) Moreover, the Seaway was not built by the Federal Government. It was a joint venture of the Americans and Canadians. The two governments shared the $500 million cost.

In the second place, the legislation authorizing the St. Lawrence Seaway Development Corporation was accepted by the Senate in 1954 on the basis that the Seaway would pay its own way. On January 13, 1954, Senator Alexander Wiley, one of the Seaway's most forceful advocates, upon calling up the Seaway legislation, summarized the five reasons why he felt it should be passed. The fourth reason was that "the project would pay for itself and the pending bill would not put an additional burden on the Treasury." The Foreign Relations Committee's report accompanying the legislation said the bill's terms were "based on the conviction that the revenues of the Corporation will permit it to amortize the principal and interest of debts and the obligations of the Corporation over a 50-year period." (S. Rept. No. 441, 83rd Congress, 2nd session, pp. 17–20.) Thus it was both clearly stated and understood that the St. Lawrence Seaway Development Corporation was to pay its own way. Another international waterway, the Panama Canal, is likewise obligated to be self-supporting.

The Seaway, therefore, does not suffer from unfair discrimination. Unlike the Houston Ship Channel and Delaware River Channel, which are not required to be self-sustaining, the Seaway is bound by law to meet its own financial obligations. This requirement exists because the St. Lawrence Seaway is unique. It is an international waterway whose construction was predicated on the condition that it would pay its own way.

S. 3137, if enacted, would repudiate the agreement by which the Senate accepted the 1954 legislation authorizing the St. Lawrence Seaway. Its passage would constitute a direct breach of faith by simply removing a basic condition under which the Seaway proposal was finally accepted. Additionally, approval of the bill would in effect provide a subsidy to the users of the Seaway at the expense of the general taxpayers and competitive modes of transportation. The bill provides a windfall to the St. Lawrence Development Corporation. This is in essence a subsidy for it relieves the Corporation of the need to repay the Treasury the money it owes. At the present time the Treasury Department has enough burdens without adding one which simply writes off a major investment of the United States.

The effects of S. 3137 are particularly important since the 1954 act provided for joint construction and operation of the Seaway with Canada. Both countries must agree to any revision of the tolls schedule and to the division of revenue. Each nation has a veto over proposed changes. Both countries, however, are free to manage their own investment as they see fit. Yet, passage of S. 3137 would affect the operating policies of the Development Corporation's Canadian counterpart, the St. Lawrence Seaway Authority. S. 3137 acts unilaterally, without consideration of this impact, when the basis of action in the past has always been cooperation and consultation with our Canadian partners.

Mr. Chairman, no Senator, regardless of the state he represents, takes delight in the present predicament of the St. Lawrence Seaway. The Seaway is in debt, yet the time for either apathy or blind opposition to measures designed to help is over. The St. Lawrence

Seaway is here to stay and all those who opposed it from the beginning must recognize this fact. Yet the economic realities confronting the Seaway must be faced. The Seaway is $148.3 million in debt.

Two methods of meeting this financial obligation have been advanced. The first is the approach taken by S. 3137. This confronts the Seaway's indebtedness by simply writing it off and letting the U.S. take the loss, although operation and maintenance costs would be borne by the corporation. At this time I am opposed to this approach, as I believe others are.

The second is the approach suggested by the 1954 act. This provides for revision of the toll schedule if the revenues produced are insufficient to pay off the Seaway's obligations. Toll revision should have taken place in 1966 but did not. Now toll revision should be permitted, as the act itself stipulates. Before a key element of the St. Lawrence Seaway legislation is *eliminated*, we should at least allow it to become operative, as provided for under the original statute, to prove itself, to see what the actual effect of a change in tolls would be.

Seaway proponents contend that revision means toll increases that would result simply in higher costs for a ship using the Seaway and thus actually decrease the Seaway's use. This reasoning is used by those who favor S. 3137. Yet a decline in Seaway traffic from revised tolls is by no means certain. The Seaway tolls, while not insignificant, may well constitute only a secondary item in the operating expenses of a modern cargo ship. In a recent report to the Canadian Authority, J. Kates and Associates noted this possibility. The Kates report held that the Seaway traffic was not particularly sensitive to existing tolls or moderate changes in them. The advantages of the Seaway outweighed the small portion of the shippers' transportation costs which tolls represent.

A similar conclusion was reached by a November 1965 Stanford Research Institute report which found that moderate changes in tolls would have little influence on projected tonnage estimates of traffic in the Seaway. Moreover, the instability of cargo levels during the past few years while toll rates have stayed the same is further evidence of the slight impact which tolls have on Seaway traffic.

Thus, the proper way to start meeting the financial obligations of the Seaway is through revising the toll schedule. This is the approach required by the 1954 legislation. It is an approach that has not yet been tried. It is an approach that, contrary to some thinking, should not result in decreased Seaway use. Before we simply write off a $148.3 million debt owed to the United States Government, as S. 3137 would have us do, the toll revision mechanism provided in the legislation authorizing the St. Lawrence Seaway must be given a chance. Once given a chance—and found inadequate—then a comprehensive review by Congress of the entire financial situation of the Seaway would be in order.

The debt of the Seaway might then be deferred, revised or stretched out. But until that time, until a revision of tolls has been clearly shown inadequate, legislation that cancels the bonded indebtedness of the St. Lawrence Seaway Corporation to the United States is unwarranted and unjustified.

Mr. Chairman, the issues raised by S. 3137 are both complex and controversial. The impact of the bill extends far beyond the Great Lakes Region. I would hope that the Subcommittee, before acting upon S. 3137, would hold further hearings in Washington and consider the views of the Department of State, the Treasury Department, the representatives of Atlantic and Gulf ports, other parties like interested railroad and trucking organizations, as well as the views of academic and professional experts in the fields of finance and transportation.

Mr. Chairman, that concludes my statement. Let me once again express my appreciation for the opportunity to testify this morning.

DEATH OF MAJ. GEN. GEORGE M. GELSTON, HEAD OF MARYLAND NATIONAL GUARD

Mr. MATHIAS. Mr. President, on February 17, the State of Maryland lost one of her finest and most compassionate citizens, Maj. Gen. George M. Gelston. General Gelston, a native of Ruxton, had served with distinction as adjutant general of Maryland and commander of the Maryland National Guard. He will be much missed by the public and by his personal friends. Our sympathy goes out to Mrs. Gelston and other members of his family.

In tribute to General Gelston, I ask unanimous consent that an article from yesterday's Washington Post be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Feb. 18, 1970]

MARYLAND GUARD COMMANDER DIES

(By Peter A. Jay)

Maj. Gen. George Morris Gelston, 57, head of the Maryland National Guard, died yesterday in a Chicago Hospital following complications from a heart ailment. He had been ill for several months.

As Maryland's adjutant general during more than five years of intermittent racial tension and four major mobilizations of the state's national guard, Gen. Gelston succeeded where others in similar situations failed: He kept the peace without bloodshed.

"Philosophically," the crewcut career soldier once told a legislative committee pushing a shoot-to-kill policy, "I am somewhat opposed to using American troops to kill American citizens."

Though this philosophy frequently made Gen. Gelston the target of angry abuse from some of those citizens, he saw to it that his troops never loaded their weapons while helping to quell disturbances and outbreaks of rioting in Baltimore, Cambridge and Salisbury.

One man was shot and killed by police in the Baltimore disorders that followed the 1968 assassination of Dr. Martin Luther King Jr. Under Gen. Gelston's command, however Maryland guardsmen have never fired a shot while mobilized or seriously injured a civilian.

The state's record, as subsequent investigations made clear, was in sharp contrast to police and military performances elsewhere.

In the Detroit riot of 1967, for example, many of the 43 confirmed deaths were ultimately attributed to uncontrolled gunfire by nervous reserve troops. Property damage was five times that suffered by Baltimore.

If Gen. Gelston believed in restraint, he also believed in fast responses to potentially dangerous situations. He was quick to put guardsmen on the street when trouble threatened, often as a buffer between angry blacks and equally angry white civilians or white police, and quick to use gas to disperse the crowd.

"You won't find a greater proponent of gas than I am," he told an interviewer in 1967 after using it several times in Cambridge. "It cleared the whole ——— crowd at once," he said, ". . . and there were no dead people to embarrass us."

The general, a native of Ruxton, Md., and a resident of Baltimore County for much of his life, attended St. John's College in Annapolis.

After entering officer candidate school at the outbreak of World War II, he became an Army liaison pilot and served in Europe—receiving two battle stars—until the end of the war.

He remained in reserve status, and became commanding officer of the Maryland National Guard's headquarters detachment in 1960, assistant adjutant general in 1963 and adjutant general three years later—winning a simultaneous promotion to major general.

For several months in 1966, Gen. Gelston served as Baltimore City's acting police commissioner. He has won about two dozen awards, including citations from the American Civil Liberties Union, the Baltimore Afro-American newspaper and the Maryland Council of Churches.

A spit-and-polish professional soldier, Gen. Gelston could be found, when not in uniform, in natty civilian clothes under the most trying of circumstances.

A reporter in Salisbury during the disorders there in 1968, remembers seeing him in a sports jacket and turtleneck sweater, sporting a peace medallion he said he had bought at a Negro civil rights rally. "Some kid hustled me for five bucks for it," he said.

Though he kept his own ideological views to himself, despite persistent questioning from reporters eager to know what he really believed about civil rights and civil disorders, Gen. Gelston saw it as only professional to keep his intelligence lines open to all sides in situations of racial trouble.

He kept in close touch with civil rights leaders as well as police officials and with militants as well as moderates, a practice he said not only kept him informed but helped him to spot potential troublemakers early in a riot situation.

Despite his professionalism and his effectiveness, Gen. Gelston is likely to be remembered most for his forbearance and his humanity.

"I am not going to order a man to be killed for stealing a six-pack of beer or a television set," he told the President's Commission on Civil Disorders in 1967.

As Baltimore writer Garry Wills described him in a book on racial polarization in America, Gen. Gelston was "an extraordinarily compassionate cop."

Survivors include his wife, Jean, of Lutherville; a son, Hugh, of North Carolina, and two daughters, Susan and Ann, both of Lutherville.

ENVIRONMENTAL CONTROL

Mr. SCHWEIKER. Mr. President, yesterday the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), introduced seven bills, on behalf of President Nixon, which incorporate the proposals embodied in the President's message to Congress last week on the environment. I am proud to be a cosponsor of this program and all seven bills.

I am pleased that Senator SCOTT will be leading the effort in Congress to adopt the President's progressive program to clean up our environment. He has shown outstanding leadership in the field of conservation in Pennsylvania, just as he has shown outstanding leadership qualities in the Senate, and will make a great contribution to America through these new efforts.

Mr. President, the minority leader spoke on these issues yesterday in a speech to the National Wildlife Conference, when he reiterated the seriousness of the President's commitment to solving our environmental problems, both rural and urban. This was an outstanding address by my senior colleague from Pennsylvania, which I would like to share with all my colleagues, and I request that it be printed in the RECORD at this time.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR SCOTT

It is interesting to consider that this group contains the leaders of a body of citizens who were among the first to grasp the implications of environment pollution.

From this thinking of "food, cover and water" for wild things, the National Wildlife Federation moved naturally and easily into terms of habitat for living things—*all* living things. And habitat for living is, of course, what we mean by "the total environment."

The wildlife and fishery biologists recognized clearly that a quail, a deer, a bass or a tarpon was a product of its habitat. They learned that a species required certain components for survival: the proper food, clean water, a shelter, a place where it could breed, raise young, find a sort of elemental security.

How long ago did we learn this? And how recently have we begun to apply the same reasoning to the species called Homo *sapiens?*

You have played a *very* great role in being the communicators. It is not amiss, I think, to call the National Wildlife Federation by the noble title of "Keepers of the Environmental Conscience." For you consciously moved from hunting, fishing, birdwatching and wildlife concentration to an open attack upon the elements that were destroying the environment in which we all live. You marked the sparrow's fall—and traced it back to environmental destruction.

I'm proud to be able to report to you here how seriously the President views this matter.

He is determined to give leadership, not just when it is a popular issue, but over the long haul when it will count.

Today I will introduce in the Senate a package of bills to implement the President's historic Environmental Message.

The President justifiably called it "the most comprehensive and costly program in this field in America's history."

"The time has come," he said, "when we can wait no longer to repair the damage already done, and to establish new criteria to guide us in the future."

Because of your wide concern for the total environment, the entire 37 point program, embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive Order is of utmost importance to you.

I would like, however, to elaborate now on the proposed Parks and Recreation legislation and how it will effect fish and wildlife.

The President called, you remember, for full funding of the $327 million available under the Land and Water Conservation Fund. That "full funding" means more cash with which to acquire habitat for endangered wildlife, to expand recreation areas, to help develop access to open water and land, and to protect valued acreage from crass exploitation.

Funding is desperately needed. It is most definitely a question of "now or never."

By Executive Order, the heads of all Federal Services and the Administrator of General Services are to institute a review of all federally-owned real properties that should be considered for other uses.

He established a Property Review Board to review GSA reports and recommend what properties should be converted or sold. Proposed legislation would establish, for the first time, a program for relocating Federal installations that occupy sites better used for other purposes.

The central idea behind this review of all "Federally owned real estate" is to decide if lands now isolated for single purposes—or outdated purposes—could be opened to public recreation: hunting, fishing, hiking, or simple meditation beneath an open sky. This was a significant advance.

Military land is a good example of how we have wasted good land uses. They are not being managed for wildlife, in most instances; they do not offer recreational opportunities, or offer them only in a straightjacket of limitations.

Coastal areas fall into this category: islands and estuaries and marshes that are vital to better handling of our coastal zones.

Many of the works along our great rivers contain lands that might well be opened up for more public use and more wildlife habitat. The Corps of Engineers has installations along most major streams.

Most significant in this connection is the proposal for a revision of Federal procedures to encourage agencies to relinquish this territory.

This would remove the penalty now imposed for moving from one site to another. Funds for the cost of relocation are provided and would come in part from the sales of surplus properties.

Most of you sitting here can cite examples of Federal real estate that could be put to more productive uses. In the West, for instance, public lands could be developed for big and small game, for other recreational pastimes, and for protection of watersheds.

We must understand that protection of these spaces serves to help our water supply, our land *and* habitat for wildlife and fish, all in the same action.

The President has called for better budgeting to insure there is no yearly ebb and flow of funds for long-range programs—as environmental programs are all long-range. The great Federal Departments are now charged with studies of how to use their properties more efficiently, more cleanly and for more people.

And—very importantly, I think—he called for assistance to State and local governments that want to make better recreational use of idled farmlands.

We can, it seems to me, do more with the small watershed projects. These are not large areas in themselves, but vital units for upland game, fish, waterfowl, and recreation. Some State wildlife agencies are working here now, but are limited by available funds.

Symbolic of the President's determination to make the Federal Government responsible to the needs of smaller governments is the proposal that the Department of the Interior be permitted to convey surplus real property for park and recreation purposes at a public benefit discount ranging up to 100 percent.

Current law requires such sales at a 50 percent discount rate. We have nibbled at these ideas, talked about them, but really carried few projects out to the benefit of the greatest number of people—and of wildlife and trees and watersheds.

Instead of simply paying each year to keep this land idle, the Federal Government should help local governments buy selected parcels of it to provide recreational facilities.

A program of long-term contracts with private farm owners providing for its reforestation and public use is proposed.

Clearly, if this massive package is enacted, a corner will have been turned in terms of wildlife enhancement, with its base in the rural areas, the small towns, the open countryside we so sorely need.

There is another theme in which we must work together on: the urban needs of those who do not have the knowledge, the opportunity or the dollars to get out into the wildlife refuges, the great parks.

We must tackle now our urban environment, not only because it is part of our national environment, but because we who understand habitat know that all of this fits together into a world habitat. That which destroys one part breaks the whole linkage.

Most of us live in cities today. Most of our industrial pollution, our garbage comes from the cities; most of our estuarine and marine poison has spread from the great ports.

Let me ask you to use your intuition for decent habitat in helping the city masses to understand environment. The Federation has played its great role in awakening the public. Your magazines, *National Wildlife* and *Ranger Rick*, are geared to the task.

I know that your professional leaders, Tom Kimball and his staff, are working now with problems of physical and social pollution. We need the rest of you, too, with your broad understanding broadened yet further.

We are all in this pollution mess together. Now our job is to work together on the project of turning back the poisoned tide.

To borrow a slogan: "It's a matter of life and breath."

THE REGIONAL ASPECTS OF THE CRIME CRISIS IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, during the past few weeks the Committee on the District of Columbia has examined the regional aspects of the crime crisis in the National Capital area.

Our study confirmed that residents of the Maryland suburbs do have an important stake in the war against crime in Washington.

The testimony of officials from Prince Georges and Montgomery Counties revealed that a disproportionate amount of the serious crime in their jurisdictions is committed by residents of the National Capital.

During a recent 8-month period, for example, 63 percent of all the robbery suspects arrested in Prince Georges County resided in Washington.

I believe that our hearings revealed, beyond the shadow of a doubt, that Maryland residents are affected by the criminal activity in Washington.

The interjurisdictional nature of the crime problem was underscored in a recent editorial in the Laurel News Leader in Prince Georges County. I believe this editorial demonstrates a definitive understanding of this most vital problem.

I ask that this editorial entitled "Why Does D.C. Crime Affect Us?" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Laurel (Md.) News Leader, Jan. 22, 1970]

WHY DOES D.C. CRIME CONCERN US?

Why should the people of Prince George's County be concerned about crime in the District of Columbia? The answers are chilling, and crystal-clear, in testimony by Commis-

sioner Francis B. Francois before Senator Joseph D. Tydings' Senate District Committee January 20.

Francois is vice chairman of the Prince George's County Board of Commissioners, and immediate past chairman of the Board of the Metropolitan Washington Council of Governments. He told the Senate District Committee:

The people of Prince George's County are involved economically with the region's crime problem. He said area housewives "are passing up the opportunity to shop at a more completely stocked main store downtown, to avoid coming into what they believe is an unsafe city. The drop in downtown restaurant and theater business after dark is dollars-and-cents testimony to these public attitudes."

District-based criminals prey on the people of Prince George's, Montgomery, and Fairfax counties. "Six jurisdictions have already authorized their officials to enter into a police mutual aid agreement, which will allow police to cross city and county lines when requested by neighboring jurisdictions."

Prince George's County has already granted such authorization.

Francois supports "an areawide effort against drug abuse (which) has been begun by the local governments working together through the Council of Governments. We are hopeful that this program, which ties together the work of all public and private agencies in the area, and is built on a massive public education program, will be a major factor in reducing crime."

The commissioner called for "an effective system of criminal justice which deals fairly and immediately with people who violate the laws of our society. We don't have that system now."

He complimented the "encouraging trend toward rehabilitation in our penal institutions." He commended Senator Tydings' "own efforts, especially in your two years as chairman of this committee."

Sen. Tydings will chair more hearings about regional crime on Feb. 3. Recently he asked the attorney general to create a federal anti-crime task force to combat the escalating crime crisis in the Washington area.

The Maryland senator said the strike force is necessary to stop crimes which "continuously plague the residents of this area without regard to jurisdictional lines."

Sen. Tydings said in a statement: "I am greatly concerned about the interrelationship of crime in the National Capital and crime in the suburban jurisdictions of Maryland and Virginia. A high percentage of the serious crime in the suburbs, particularly Prince George's and Montgomery Counties, is committed by criminals crossing the line from Washington."

Sen. Tydings asserts: "The crime spillover problem is especially critical in such areas as narcotics traffic, robbery, burglary and organized theft. Law enforcement officials from Prince George's and Montgomery Counties have testified that nearly all of the narcotics flowing into their counties come directly out of Washington."

"During a recent eight-month period, 63% of the suspects arrested for robbery by Prince George's County Police resided in the National capital," Tydings said. "During three recent months, police cleared scarcely better than five percent of the armed robberies committed in Washington."

"A logical target" for the strike force, Tydings said, "would be a burglary ring that hits businesses in Prince George's or Montgomery Counties and sells its take to fences in Washington."

"I am confident we can conquer the regional crime crisis if we meet it head-on with all of our resources and resourcefulness," Tydings told the Attorney General.

Why should the people of Prince George's County be concerned about crime in the District of Columbia? More answers are forthcoming at the Feb. 3 hearings, according to Commissioner Francois and Sen. Tydings.

THE ABM PROJECT

Mr. FULBRIGHT. Mr. President, in connection with President Nixon's recent announcement that he intends to proceed with the second phase of the Safeguard ABM system, I thought that my colleagues might be interested in the remarks made by the Canadian Prime Minister and the Canadian Foreign Minister in the Canadian Parliament on this subject. Prime Minister Trudeau told Parliament that he was not happy to see the ABM project proceed and also said that there had been no consultation with the Canadian Government before the President's announcement. The Canadian Secretary of State for External Affairs, the Honorable Mitchell Sharp, also said that the American decision had been made "quite independently of any consultation with us."

I ask unanimous consent that the "Common Debates" of February 2, 1970, be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

U.S. ABM SYSTEM—INQUIRY AS TO CANADIAN DECISION

Mr. T. C. Douglas (Nanaimo-Cowichan-The Islands): I wish to direct a question to the Prime Minister. It arises out of a statement by President Nixon that his administration now proposes to proceed with the second stage of the Safeguard ABM system. In view of the Prime Minister's statement of March 19 last that the Canadian government was reviewing the matter and would decide very soon whether they would condemn this ABM program or co-operate with it, I ask the Prime Minister whether the government has now reached a decision, whether it has conveyed any protest to the United States, against the ABM system or whether it has indicated its intention of co-operating with them in the construction of the Safeguard system?

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, the House will recall that on that occasion we were concerned that the announcement by the United States of America would create an escalation of the arms race. I must say that to date our evidence has not shown that this has resulted. Therefore our main concern at that time does not appear to have been well founded thus far.

This does not mean that on over-all grounds we are happy to see the project proceed. As far as we are concerned, we have no deterrent to protect on our soil. However, insofar, as it is important to protect not the deterrent but the civilian population, we feel—and I understand the fear felt by the United States is mostly coming from an Oriental direction—that our own approach to the People's Republic of China the negotiations going on in Stockholm are certainly a better way in the long run to protect the world from war than is a continuance of the arms race.

Some hon. Members: Hear, hear.

Mr. Douglas (Nanaimo-Cowichan-The Islands): In view of the fact that, as majority leader Mike Mansfield has said, this program will cost over $50 billion, which in itself is an escalation of the arms race, may I ask the Prime Minister whether we are to take his response as meaning that the Canadian government has now decided that this does not constitute any peril to the future peace of the world, and that the Canadian government does not propose to make any protest whatsoever with respect to the second phase of the Safeguard system being proceeded with?

Mr. Trudeau: I am afraid the hon. member has unintentionally misinterpreted my statement. It seems to me, on the contrary, that there was some form of protest in what I said; if the hon. member prefers to look at it otherwise, that is up to him. So far as the figure produced by Senator Mansfield is concerned, we only heard it this morning on the news and we have not had an opportunity to look into it. I also take issue with the hon. member's logic. When we talk of escalation we talk of escalation between countries rather than in terms of dollars and cents spent in one country. When we were answering this question last spring, it had to do with the danger of a decision by the United States resulting in a decision by the Soviet Union which would lead to a series of escalations. We have not seen this follow from the original United States decision. The Canadian government remains rather unhappy, however, that a friend and ally of such importance should be seeing its way to peace in this direction rather than in the direction I have just mentioned.

Mr. Douglas (Nanaimo-Cowichan-The Islands): May I ask the Prime Minister whether any member of the cabinet is at the present time carrying on any negotiations or discussions with the United States authorities with respect to the extension of the Safeguard system? If so, which ministers are concerned and what is the purpose of those discussions?

Mr. Trudeau: There has been no consultation on this item of news, which we learned about only this morning. To answer the hon. gentleman, there has been no consultation and there is no minister engaged in consultation. We have not, since this morning, made any decision.

Mr. J. M. Forrestall (Dartmouth-Halifax East): May I direct this supplementary question to the Secretary of State for External Affairs? Are we to infer from the reply just given that the presidential announcement in the United States does not involve any cooperation on the part of Canada whatsoever?

Hon. Mitchell Sharp (Secretary of State for External Affairs): I can certainly give that assurance. This decision by the United States was made quite independently of any consultation with us.

PROPOSED U.S. NUCLEAR TESTS

Mr. Mark Rose (Fraser Valley West): My supplementary question is also directed to the Secretary of State for External Affairs. In view of the announcment by the United States that further atomic explosions are to be set off in the Aleutians, reportedly three times as powerful as the one last October, does the Canadian government plan to make any formal protest regarding the continuation of these tests so close to Canada?

Hon. Mitchell Sharp (Secretary of State for External Affairs): With regard to this item also may I say I have just read the bulletin in which the announcement appeared. Again, this announcement by the United States was not made after any consultation with us. In the course of the announcement the United States authorities said they had no reason to fear, on the basis of the tests made on Amchitka Island earlier, that there would be any untoward effects—for example, the creation of an earthquake or a tidal wave. They are sat-

isfied in this regard on the basis of previous tests. We have not had the opportunity of seeing the results of those tests yet and therefore we have had no opportunity to decide whether to make a formal protest this time as we did before.

LINDA ROCKEY RECEIVES JOURNALISM AWARD

Mr. PERCY. Mr. President, last April, the Chicago Sun-Times carried an excellent series of articles detailing the problem of hunger in Chicago. These articles were so revealing that they were compiled into a booklet for general distribution, "Hunger in Chicago," and subsequently utilized as source material for the White House Conference on Food, Nutrition, and Health.

The author of this series, Mrs. Linda Rockey, has recently been awarded the Jacob Scher Award for outstanding investigative reporting for her work. This award is sponsored by the Theta Sigma Phi professional journalism society for women.

I have read and studied "Hunger in Chicago." The description of the effect of hunger on schoolchildren and our elderly and of the bureaucratic obstacles involved in implementing food programs have contributed to my understanding of the problem of hunger. They have been valuable resources in my work on the Select Committee on Nutrition and Human Needs.

I commend Mrs. Rockey for her fine reporting. She has made a great contribution to delineating the complexities of hunger and malnutrition in this Nation.

Through her efforts, an American public is better informed and public officials, including legislatures at the Federal, State and local level, must now be compelled to act.

A MUTUAL CEASE-FIRE

Mr. MOSS. Mr. President, so much has been said in this place about Vietnam that when something valuable is said, most of us are not listening. The ever vigilant Deseret News, however, in a thoughtful editorial, performed a "rescue operation" on a resolution by Senator MONDALE that most of us missed when it was first offered. I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Deseret News, Saturday, Feb. 7, 1970]

FOR PEACE, HOW ABOUT A VIET CEASE-FIRE?

One test of a good idea is that it seems so simple and obvious it's surprising that something wasn't done about it long ago.

By that test, the resolution that Sen. Walter F. Mondale of Minnesota presented to the Senate Foreign Relations Committee the other day on bringing peace to Vietnam looks like an eminently fine idea.

But the best ideas don't necessarily command the most attention, and the Mondale resolution seems to be in need of a rescue operation if it is to win the support necessary for its success.

Briefly, the Mondale resolution goes like this:

"Whereas, the United States has not formally proposed for negotiation at the Paris Peace talks a mutual cease-fire as part of a comprehensive package to achieve a political and military settlement in Vietnam; and . . .

"Whereas, such a proposal could help break through the stalemate by offering a means of ending all the killing and moving the struggle for leadership from the military to the political level, thus enabling all the South Vietnamese people to choose freely and without interference their own future government; and

"Whereas, a cease-fire and political settlement is the best way to assure the earliest possible return of all US. forces, and release for constructive purposes the enormous resources new being expended on the war;

"Now, therefore, be it resolved that the Senate urges the U.S. government to offer formally for negotiation at Paris a comprehensive proposal for an internationally supervised standstill cease-fire by all sides . . ."

Simple? Well, not entirely. Setting up the supervisory machinery seems bound to generate a lot of haggling, since whoever controls that machinery controls the future of Vietnam. Accepting the status quo would amount to North Vietnam's admitting defeat. Moreover, assuring self-determination is still no easy matter in a land that has known only martial law for years and autocracy before that.

But certainly the Mondale resolution seems more realistic than the remote hope that the war will just fade away without a negotiated settlement.

Certainly a cease-fire could bring all U.S. forces—not just combat troops—home much faster than "Vietnamization" of the conflict alone.

Indeed, Vietnamization alone may simply perpetuate the slaughter, with South Vietnamese deaths being substituted for American deaths.

Will North Vietnam accept a cease-fire? If not, surely the enemy's refusal can be used against him in the battle for free men's minds. But let's not take a rejection for granted. As Sen. Mondale observes:

"Only when we move our offers from the realm of publicity to the realm of true diplomacy can we say with any certainty what the other side's response will be."

Mr. MOSS. As the Deseret News observes, it is long past time to get the Paris peace talks moving.

The United States should make a genuine proposal for a mutual cease-fire. Such a proposal should contain detailed provisions for international peacekeeping machinery to oversee the cease-fire, the withdrawal of outside military forces, and prompt free elections.

Most Americans will be surprised to learn that the United States has never made such a commonsense proposal for a mutual cease-fire. The North Vietnamese may reject it, but at least we should make the sincere offer.

Surely a negotiated settlement is much preferable to the endless agony of Vietnamization. As the Deseret News says:

Vietnamization alone may simply perpetuate the slaughter with South Vietnamese deaths being substituted for American deaths.

Vietnamization is really no more than a military solution by proxy.

To encourage our Paris delegation to propose a mutual cease-fire, I am joining Senator MONDALE in cosponsoring Senate Resolution 351.

THE DANGER OF ISOLATION

Mr. McGEE. Mr. President, is there a danger that history might repeat itself and that this world might yet be plunged one day into another massive war—maybe even a conventional war which eschews the horrors of nuclear power but utilizes great land armies and navys? Could the new wave of isolationism so rampant in America today lead to a withdrawal of the United States from Europe and Asia, leaving those crucial continents naked to aggression, and with the balance of powers upset so that a potential aggressor might be tempted to march?

These questions, Mr. President, cannot, of course, be answered with any certainty. But they are questions posed honestly by some who are upset with the international picture in both Europe and Asia today. Yesterday, columnist David Lawrence explored these questions in a column entitled, "Isolationism May Be Danger Again," which appeared in the Evening Star of Washington. I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

ISOLATIONISM MAY BE DANGER AGAIN

(By David Lawrence)

What should the policy of the United States be toward defending the peoples of Asia and Europe against aggression?

President Nixon would naturally not wish to discuss such delicate subjects in detail and deal in advance with the numerous contingencies that might arise. For U.S. policy will be made not by presidential speeches or by pronouncements by a committee of Congress. Everything will depend upon the nature of the emergency and the extent to which the defense of this country is actually involved.

Most people—even many in government here—don't like to look at the realistic picture in either Europe or Asia today. The truth is there now is no standing army which can match that of the Soviet Union. Reliance on the nuclear bomb has become a fact of international life.

For this reason the European countries have practically given up the idea of spending large sums for defense. They have been assuming that the United States would take care of the principal obligations of the North Atlantic Treaty Organization in the future and that it would immediately come to the aid of the smaller countries of Asia.

The American people, on the other hand, as a result of their experience in Vietnam, are not enthusiastic about sending an army of 500,000 or more troops into a foreign land to defend a country which is the victim of aggression. Inevitably the question then is asked: "What about collective defense under the U.N. Charter?"

There is at present no sign that the European or Asian peoples are willing to get together themselves to set up defense forces that would lighten the load for the United States.

So utterances by U.S. officials indicating a lack of interest in further missions like the one in Vietnam are bound to have an impact on the world situation. European gov-

ernments are already aware that the United States will not maintain a large force to support NATO, and the Asians know that a big U.S. military establishment can hardly be stationed in their lands to guard their area.

For many years now the countries of Western Europe have assumed that nuclear weapons possessed by the United States would act as a deterrent against any threat by the Soviet Union. In recent months, the Communists in Moscow have indicated a readiness to talk about the limitation of strategic arms. Thus far, this seems to mean only a desire to prevent other nations from obtaining nuclear armaments. There is no evidence of a desire to prohibit the use of nuclear weapons.

But suppose the Kremlin decides to avoid the nuclear problem and depend solely on conventional forces? The opportunity for conquest would probably present itself to the Communists in the next decade if the United States has really retreated from Europe and Asia.

The Russians have been steadily increasing their naval strength in the Mediterranean, and have shown themselves ready to support Egypt and the Arab countries in their fight against Israel. There are as yet no signs that the Russians wish to let the Middle East conflict grow into a world crisis, but the situation could change at any time.

The big question for the 1970s is what the effect is going to be of a U.S. withdrawal of its military power from both Europe and Asia. What will be the consequences to the peoples there when they find themselves at the mercy of a Communist empire which need not use nuclear weapons but can send a large land army to almost any country to achieve a military objective?

The time may come when the "isolationism" which is so popular today—and which was espoused prior to World War I and prior to World War II—will turn out to be dangerous again. For the Communists are not likely to be content to confine their imperialism to Europe and Asia, but will extend it intensively to Mexico and other countries in Latin America.

Ever since the Monroe Doctrine was proclaimed, it has been recognized that the United States had a duty to protect the nations of this hemisphere, and since World War II the principle of collective defense of Europe and Asia has been widely accepted. Now these concepts have deteriorated, and this constitutes the real danger in international relations in the 1970s.

EXTENSION OF THE BAN ON BIOLOGICAL WEAPONS

Mr. FULBRIGHT. Mr. President, last November the President issued his widely acclaimed renunciation of biological warfare and declared that the United States would never be the first nation to employ lethal or incapacitating chemical weapons. At the same time the President stated his intention to submit the 1925 Geneva Protocol to the Senate. Together with many of my colleagues I congratulated the President on those historic actions.

This past Friday the President took yet another significant step to reduce further the peril posed by the production of chemical and biological weapons. I refer to his extension of the ban on biological weapons to include all toxins regardless of their method of production. To me this represented a reaffirmation of the basic spirit and purposes of the President's earlier decision—to strengthen existing barriers and restraints which reduce the risk of chemical and biological warfare, and to take advantage of these opportunities available to us to contribute to the eventual total elimination of such weapons.

As I reiterate my admiration for those actions already taken by the President, I also wish to express my firm belief that as he faces other decisions involving chemical warfare the President can count on strong support in the Senate and in the Nation for his continued leadership in broadening and strengthening the Geneva Protocol.

EXTENSION OF THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. PERCY. Mr. President, on Monday the Senate adopted the resolution to extend and to fund the Select Committee on Nutrition and Human Needs. As a member of that committee gravely concerned about the problem of hunger and malnutrition in our affluent Nation, I am gratified by the support demonstrated for its continuation.

As the distinguished Senator from Louisiana (Mr. ELLENDER) indicated, I stated last year that the Select Committee on Nutrition should not continue indefinitely. Its functions should be absorbed by the proper existing committees and agencies.

I still adhere to this position. Investigations, hearings, talk must be superseded by concrete action to eliminate hunger and malnutrition—action which the select committee cannot undertake itself. But it became increasingly evident to me that the committee's activities should not be curtailed this year.

Dr. John Mayer, the special assistant to the President who directed the White House Conference on Food, Nutrition, and Health, boldly stated that it would be a shame if the hunger committee were dissolved this year. He felt that the committee could continue to contribute to finding and combating the causes of poverty and hunger.

A review of what the Nutrition Committee has accomplished and what it has not had an opportunity to explore substantiates Dr. Mayer's view.

Over the past year, the select committee has delved into such subjects as the extent of malnutrition in the United States, poverty related hunger, the operation of existing food programs, and the role of private industry in the area of nutrition. We did not, however, have time to consider income maintenance programs as a solution to hunger, health problems generated by malnutrition, and the many recommendations of the White House Conference.

I am pleased that we will now have the opportunity to continue our investigations in the hope that our bipartisan efforts will help eliminate poverty and hunger from our society.

SENATE RESOLUTION 359—TO CREATE A SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Mondale resolution now at the desk be called up and be given immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk proceeded to read the resolution.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senate will proceed to its consideration.

Mr. MONDALE. Mr. President, I send to the desk the resolution just reported, with certain modifications.

One modification states that the at-large members of the committee will be selected in the same manner as the members of other committees—through the steering committee process. The second modification strikes subsection (c) which provides funding.

The first is a technical amendment which simply clarifies what I thought the resolution provided. The second modification or amendment relates to a proposed budget to be presented to the Committee on Rules and Administration in the normal process.

I am glad to see that the chairman of the Committee on Rules and Administration is present.

The PRESIDING OFFICER. Will the Senator send the amendments to the desk?

Mr. MONDALE. Mr. President, I send the amendments to the desk.

The PRESIDING OFFICER. The amendments will be stated.

Mr. MONDALE. I ask unanimous consent that their reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. And, without objection, the amendments will be agreed to en bloc.

The amendments agreed to en bloc are:

On page 2, line 1, after the word "committees", to insert: "to be appointed in the same manner as the chairman and members of the standing committees,"

On page 3, to strike out lines 11 through 14, as follows:

"(c) Expenses of the committee in carrying out its functions shall not exceed $200,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee."

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. JORDAN of North Carolina. As the Senator knows, it is customary for a resolution to be sent directly to the Committee on Rules and Administration. We do not like to have a resolution presented and agreed to on the floor without the committee having had a chance to look it over.

I appreciate the cooperation of the Senator in striking out section (c). It meets my objection.

Mr. MONDALE. Mr. President, I thank the Senator from North Carolina. I called the Senator personally this morning to express my embarrassment about the way this matter arose.

Last night we hoped to act on this essential proposal in the form of a statutory enactment. Objection was heard on the ground that this would be an un-

usual procedure. I think that it does have some precedent. In any event, it is an unusual way to establish a committee.

So on the spur of the moment we withdrew the statutory proposal. We had not had a chance to discuss the matter with the distinguished chairman.

I am glad that, with this modification, the resolution is acceptable to the chairman.

I gather that once the committee is established, it would draw up a proposed budget which would then go before the Rules and Administration Committee.

Mr. JORDAN of North Carolina. The Senator is correct. Would the Senator care to make one additional commitment to the effect that this committee would, in fact, end at the time stated in the resolution.

Mr. MONDALE. Well, as we mentioned earlier in private discussion, the committee would expire at the time stated in the resolution.

I gather that what the chairman wishes from me is a response that that is what we intend to do and that we will not come back again to the committee.

It is our objective and hope that the select committee be established in the very near future so that it will be able to act and come back with recommendations quickly. I would hope that it would complete its business within the time frame mentioned.

One point I would make is that it is a tight time frame. I would hope that the Rules and Administration Committee could act quickly on the proposed budget, so that the committee could proceed with its business.

Mr. JORDAN of North Carolina. I can assure the Senator that we will do that as quickly as we can get a quorum. That would probably be next week. However, I am not sure about that. We will make every effort to expedite the matter.

The reason I made the request is that we have had committees set up for a period of 6 months; then they come back with a request that the committee be extended for another year.

We would like to have some idea as to whether the committee can complete its business within the time frame mentioned and then quit.

With that assurance, I have no objection.

Mr. MONDALE. Mr. President, I ask that the resolution be agreed to.

Mr. BYRD of West Virginia. Mr. President, I note no provision in the bill which indicates the method by which the 15 members of the select committee would be chosen. From listening to the able Senator as he spoke on the meaning of the two amendments, I gather that the first amendment he has offered is intended to clarify this matter. I am not sure I fully understand how the 15 members of the select committee to be established by this resolution would be selected.

Mr. MONDALE. The select committee would be broken down in three categories.

Mr. BYRD of West Virginia. Who would determine the selection, the President pro tempore, the Vice President, or the Democratic and Republican steering committees?

Mr. MONDALE. Five would be selected by the Committee on Labor and Public Welfare, five by the Judiciary Committee, and the five at-large members would be selected in the normal steering committee process. That is the intention of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. MONDALE. Mr. President, this morning there was a very perceptive and moving editorial that was published in the New York Times, written by Tom Wicker.

The editorial expresses the deep sense of dismay, which I share along with many others, about the meaning of the action taken yesterday by the Senate and its significance for the future of this Nation. I hope and believe this is a country in which we seek to live together as Americans, rather than to be divided on the utterly irrelevant, disruptive, and undemocratic grounds of race and color.

I do not know what the politics of human rights is today. I suspect it is less popular than it has been for many years.

I sense a feeling of agony, frustration, and despair which generates a sense of antagonism and separatism that we have not seen in this country for a long time.

I do not know where it will take us. But I do know this. I in no way intend to reduce my efforts or my commitments to the cause of a country in which color is irrelevant. I do not think we can have a democracy that is not color blind.

I was brought up by my father in a family which believed that everyone was a child of God and was entitled to the dignity that flowed from that concept. I was taught that a man's color was irrelevant.

I will continue to press this cause, because unless we can sustain it, the promise of America will be lost.

Mr. President, I ask unanimous consent that the editorial to which I have referred be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 19, 1970]

IN THE NATION: THE DEATH OF INTEGRATION

(By Tom Wicker)

WASHINGTON, Feb. 18.—The Senate of the United States has now cravenly abandoned the policy of racial integration—sixteen years after it was born in a Supreme Court decision, ninety-four years after the Civil War "Reconstruction" ended in a similar sell-out, and less than a week after President Nixon, on Lincoln's Birthday, gave the signal of surrender.

When all the apologetics have been set aside, that is the meaning of the adoption of the Stennis amendment, to the concept of which Mr. Nixon extended his blessing at the crucial moment. If pressures against school segregation must "be applied uniformly in all regions of the United States without regard to the origin or cause of such segregation," then they are not going to be applied anywhere, because there is neither the manpower, the money, the knowledge nor the will to do the job.

WHAT SEGREGATIONISTS WANTED

Although the effort cannot be made everywhere, it now cannot be limited to the South either. That is exactly what the South's segregationists wanted. That is what their ally in the White House is willing to permit. That is what their dupes in the Senate have approved.

The justification is ready at hand. Integration, it is now contended by both black and white leaders, is a failure. In many cases this is demonstrably true; in other cases it is unquestionably false. Just today, there were reports of a successful reshuffling of student patterns in Greenville, S.C. To say that integration has failed is to ignore and denigrate the thousands of Southern citizens who in the past decade and a half have faithfully tried to obey what they believed was the law of the land. It is to abandon to their fate those local and state political leaders who courageously led the integration movement, sometimes at peril and even sacrifice of their lives.

INEFFECTUAL REMEDY

But even if integration has failed—and to say that it has is not only false but an assertion of the bankruptcy of American society—what is suggested in its place? Stewart Alsop, quoting those who say integration has failed, tells us in Newsweek:

We must "open up middle-class jobs and the middle-class suburbs to Negroes." We must "make the schools good where they are"—that is, pour money and attention into the ghetto schools. The fact is that despite the pleas of the Kerner Commission, the Eisenhower Commission and every other reputable body that has made any good-faith effort to gauge the situation; despite the empty rhetoric of the Nixon Administration about "reforms" and new programs, despite the hypocrisy of those Northern Senators who supported Southern segregation under the guise of attacking Northern segregation—despite all this, there is not the slightest indication that the American people have any intention of doing any of these things, or that their fearful leaders will even call upon them to do so.

Mr. Alsop's strategists also insist that the nation not "sell out integration where it's been successful." That is precisely what Mr. Nixon and the Senate have done: what will happen now in Greenville, and in other cities where courageous, good-faith efforts had been made? Whatever those black leaders who say integration has failed may think, what will the millions of black people believe as they see starkly confirmed one more time—after so many precedents—the unwillingness of white Americans to make good on their commitments and their ideals?

"The Union," wrote C. Vann Woodward in *The Burden of Southern History*, "fought the Civil War on borrowed moral capital. With their noble belief in their purpose and their extravagant faith in the future, the radicals ran up a staggering war debt; a moral debt that was soon found to be beyond the country's capacity to pay, given the undeveloped state of its moral resources at the time." For eighty years thereafter, Mr. Woodward pointed out, the nation simply defaulted until "it became clear that the almost forgotten Civil War debt had to be paid, paid in full, and without any more stalling than necessary."

IN DEFAULT

That is clearer than ever, because we are not dealing in 1970 with five million ignorant field hands in the cotton South, as we were in 1876. But once again, the Union is defaulting; once again its capacity to pay has been found grievously wanting; and still its moral resources are sadly undeveloped.

Poor old Union! Its great and generous dreams falling one by one to dusty death.

Mr. JAVITS. Mr. President, I do not wish to delay the passage of the resolution in which I have the great honor to join with the distinguished Senator from Minnesota.

I think the purpose of the resolution is admirable and that it will produce the results the Senate hopes for, both those for and against—namely, how we can best come together to assure equal opportunity everywhere.

I am very pleased to see that the distinguished majority leader and the distinguished deputy minority leader have cooperated in allowing the matter to come up at this time.

Mr. PERCY. Mr. President, I would like to indicate my support for the measure. I believe that it is a very worthwhile step which is being taken. However, I would like to give the minority leadership an opportunity to respond.

Mr. HARRIS. Mr. President, today I will vote for the resolution offered by the distinguished Senator from Minnesota (Mr. MONDALE) and the distingished Senator from New York (Mr. JAVITS), of which I am a cosponsor.

The Mondale-Javits resolution takes cognizance of the deep and profound questions which are on all our minds about the future of our national educational system, and proposes a constructive way to begin to develop an approach which will be consistent with the needs of all our citizens. Specifically, this amendment would create a Select Committee on Equal Educational Opportunity, to be composed of members of the Senate Committees on Labor and Public Welfare and the Judiciary, as well as Members of the Senate at large. This committee would make an interim report by the first of August of this year, and a final report by January 31, 1971. The inquiry would consider all phases of the problem of de facto segregation, including development of possible alternatives to busing, which would still insure equal educational opportunities.

This course of action, I believe, holds the promise of providing new policies which are more satisfactory to all Americans. Pending the report of this committee, it has seemed to me to be unwise to further complicate and confuse the difficult issues involved by adopting the amendments proposed by the distinguished Senator from Mississippi (Mr. STENNIS) and others which would generate more intense feeling and make ultimate resolution still more difficult.

One of the great advantages of this course of action, I believe, is that it should provide an opportunity for citizens from all over the country who have had firsthand experience with the difficult problems we face in providing equal education to be heard and to present their views and share their experiences and knowledge with those of us who are charged with developing and approving needed legislation.

Mr. MANSFIELD. Mr. President, I think the best thing to do would be to withdraw the resolution at this time. We have been through too much travail yesterday and this morning. No one is against the measure.

It was stated that the matter would be brought up during the morning hour today. And I think that the minority leader was present at the time. So, if there is going to be any further delay——

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, if there is any problem, I will myself, as I shall vote in favor of the resolution, move to reconsider the vote by which the resolution was agreed to.

Mr. MONDALE. And I will join with the Senator.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended. [Putting the question.]

The resolution (S. Res. 359) as amended, was agreed to as follows:

S. RES. 359

Resolution to create a Select Committee on Equal Educational Opportunity

Whereas the policy of the United States to assure every child, regardless of race, color, or national origin, an equal opportunity for a quality education has not been fully achieved in any section of the country: Now, therefore, be it

Resolved, That (a) there is hereby established a select committee of the Senate (to be known as the Select Committee on Equal Educational Opportunity) composed of three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, and three majority and two minority Members of the Senate from other committees, to be appointed in the same manner as the chairman and members of the standing committees, to study the effectiveness of existing laws and policies in assuring equality of educational opportunity, including policies of the United States with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States. Such select committee shall make an interim report to the appropriate committees of the Senate not later than August 1, 1970, and shall make a final report not later than January 31, 1971. Such reports shall contain such recommendations as the committee finds necessary with respect to the rights guaranteed under the Constitution and other laws of the United States, including recommendations with regard to proposed new legislation, relating to segregation on the ground of race, color, or national origin, whatever the origin or cause of such segregation.

(b) For the purposes of this resolution the committee, from the date of enactment of this resolution to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) to contract with private organizational and individual consultants; (6) to interview employees of the Federal, State, and local governments and other individuals; and (7) to take depositions and other testimony.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I ask unanimous consent to suggest the absence of a quorum without the time being charged to either side.

Mr. BYRD of West Virginia. Mr. President, we are still in the morning hour.

The PRESIDING OFFICER (Mr. ALLEN in the chair). We are still in the morning hour.

Mr. JAVITS. Then I withdraw that unanimous-consent request.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, we are still debating the education bill——

The PRESIDING OFFICER. The Chair will state to the Senator from New York that we are still in the period for the transaction of routine morning business, with a limitation of 3 minutes on statements.

Mr. JAVITS. I thank the Chair. I shall take only 3 minutes.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969 AND SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. JAVITS. Mr. President, we are still debating this very critically important education bill, though, naturally, we got into a rather different subject—not that it is not related to education; of course, it is, very directly, but it differs from the general thrust of the other aspects of the bill, and we may have forgotten that the bill is still before us. There are still a number of amendments to be considered which relate to the effort to establish unitary rather than dual school systems in this country.

The Senate has now very materially expanded that concept. I have argued very often and with great feeling that it will result in slowing down integration in the South, and not necessarily speeding it up in the North, much as I would like to speed it up.

It is always interesting to get the view of a distinguished commentator, so I shall ask, while we are still debating the question, so that Senators may have an opportunity to think about it, that there may be included in the RECORD an article which appeared in this morning's New York Times, by Tom Wicker, entitled "In the Nation: The Death of Integration." I shall not comment; the words of Mr.

Wicker are too eloquent to require comment. I just beg every Senator, whatever side of the issue he may be on, to read it, and then ponder anew, before he votes, as so many have, in my judgment, without really wrapping themselves around the total consequences, on the rest of these amendments.

I ask unanimous consent that Mr. Wicker's piece may be made a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 19, 1970]

IN THE NATION: THE DEATH OF INTEGRATION

(By Tom Wicker)

WASHINGTON, February 18.—The Senate of the United States has now cravenly abandoned the policy of racial integration—sixteen years after it was born in a Supreme Court decision, ninety-four years after the Civil War "Reconstruction" ended in a similar sell-out, and less than a week after President Nixon, on Lincoln's Birthday, gave the signal of surrender.

When all the apologetics have been set aside, that is the meaning of the adoption of the Stennis amendment, to the concept of which Mr. Nixon extended his blessing at the crucial moment. If pressures against school segregation must "be applied uniformly in all regions of the United States without regard to the origin or cause of such segregation," then they are not going to be applied anywhere, because there is neither the manpower, the money, the knowledge nor the will to do the job.

WHAT SEGREGATIONISTS WANTED

Although the effort cannot be made everywhere, it now cannot be limited to the South either. That is exactly what the South's segregationists wanted. That is what their ally in the White House is willing to permit. That is what their dupes in the Senate have approved.

The justification is ready at hand. Integration, it is now contended by both black and white leaders, is a failure. In many cases this is demonstrably true; in other cases it is unquestionably false. Just today, there were reports of a successful reshuffling of student patterns in Greenville, S.C. To say that integration has failed is to ignore and denigrate the thousands of Southern citizens who in the past decade and a half have faithfully tried to obey what they believed was the law of the land. It is to abandon to their fate those local and state political leaders who courageously led the integration movement, sometimes at peril and even sacrifice of their lives.

INEFFECTUAL REMEDY

But even if integration has failed—and to say that it has is not only false but an assertion of the bankruptcy of American society—what is suggested in its place? Stewart Alsop, quoting those who say integration has failed, tells us in Newsweek:

We must "open up middleclass jobs and the middle-class suburbs to Negroes." We must "make the schools good where they are"—that is, pour money and attention into the ghetto schools. The fact is that despite the pleas of the Kerner Commission, the Eisenhower Commission and every other reputable body that has made any good-faith effort to gauge the situation, despite the empty rhetoric of the Nixon Administration and "reforms" and new programs, despite the hypocrisy of those Northern Senators who supported Southern segregation under the guise of attacking Northern segregation—despite all this, there is not the slightest indication that the American people have any intention of doing any of these things, or that their fearful leaders will even call upon them to do so.

Mr. Alsop's strategists also insist that the nation not "sell out integration where it's been successful." That is precisely what Mr. Nixon and the Senate have done: what will happen now in Greenville, and in other cities where courageous, good-faith efforts had been made? Whatever those black leaders who say integration has failed may think, what will the millions of black people believe as they see starkly confirmed one more time—after so many precedents—the unwillingness of white Americans to make good on their commitments and their ideals?

"The Union," wrote C. Vann Woodward in *The Burden of Southern History*, "fought the Civil War on borrowed moral capital. With their noble belief in their purpose and their extravagant faith in the future, the radicals ran up a staggering war debt, a moral debt that was soon found to be beyond the country's capacity to pay, given the undeveloped state of its moral resources at the time." For eighty years thereafter, Mr. Woodward pointed out, the nation simply defaulted, until "it became clear that the almost forgotten Civil War debt had to be paid, paid in full, and without any more stalling than necessary."

IN DEFAULT

This is clearer than ever, because we are not dealing in 1970 with five million ignorant field hands in the cotton South, as we were in 1876. But once again, the Union is defaulting; once again its capacity to pay has been found grievously wanting; and still its moral resources are sadly undeveloped.

Poor old Union! Its great and generous dreams falling one by one to dusty death.

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote by which the Mondale resolution (S. Res. 359) was agreed to be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask uanimous consent that at the hour of 12:15 p.m. there be a yea-and-nay vote on the Mondale resolution.

Mr. GRIFFIN. Mr. President, reserving the right to object, will the distinguished majority leader consider 12:30 p.m., to give the Members an opportunity to be notified and get here if they have anything to say?

Mr. MANSFIELD. All right, but provided we end the morning business and get down to the unfinished business.

I will change the request to 12:30 p.m., and I hope all Members will be notified.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideraiton of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

YEA-AND-NAY VOTE ORDERED ON S. RES. 359

Mr. MANSFIELD. Mr. President, I yield myself one-half minute on the bill. I ask unanimous consent that it be in order to ask for the yeas and nays on the Mondale resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

YEA-AND-NAY VOTE ORDERED ON PENDING ERVIN AMENDMENT

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the pending amendment, amendment No. 492.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina (Mr. ERVIN).

Mr. JAVITS. Mr. President, what is the time situation?

The PRESIDING OFFICER. The time situation is that the Senator from North Carolina has an additional 26 minutes, and the Senator from Rhode Island—in his absence, the Senator from New York—has an additional 37 minutes on the amendment.

On the bill itself, the majority leader has 78 minutes under his control. The Republican leader has 106 minutes.

Who yields time?

Mr. GRIFFIN. Mr. President, will the Senator yield me 3 minutes?

Mr. JAVITS. I yield 3 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I want to acknowledge the move made by the distinguished majority leader in asking that the Mondale resolution be reconsidered, and I want to indicate that that was done after consultation with the junior Senator from Michigan. I asked him to do that not because I oppose the Mondale resolution. I intend to vote for it. But I was aware yesterday, in my leadership capacity, that there was a good deal of concern about it and concern about some of the details of it, concern about the composition of the committee and other factors; and I felt that at least there ought to be a reason-

able opportunity for those on both sides of the aisle to know that this resolution was to be brought up and voted on.

I want to indicate my sincere appreciation to the majority leader for his cooperation in that respect.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. I think the Senator should thank the distinguished Senator from Illinois (Mr. PERCY) and the distinguished Senator from New York (Mr. JAVITS), who made it very clear that, while they were in favor of the Mondale resolution, if any question arose, they would be among the first to reconsider the resolution.

Mr. GRIFFIN. I thank the distinguished majority leader for saying that.

Mr. MANSFIELD. I believe the Senator from Minnesota said he would, too.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MONDALE. In no sense did we wish to railroad this resolution through. As I understood it, last night we agreed that this would be the pending business and would be the first matter brought up after the speech delivered by the Senator from Alaska.

Mr. MANSFIELD. During the morning hour.

Mr. MONDALE. That is correct. On that basis, we did have a colloquy for 10 or 15 minutes this morning in addition to a long colloquy yesterday, and I was under the impression that there was no objection. As soon as the Senator from Illinois suggested that further discussion might be in order, I made it clear, along with others, that I would be glad to withdraw the action and proceed as we have now proceeded.

Mr. GRIFFIN. I do not know that there will be serious objection. I do know that this was considered to be a very important part of the consideration yesterday. It was a very important amendment when it was offered. It is a very important step for the Senate to take, and I want to be sure that all Senators are aware when it comes to a head and a vote.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. JAVITS. If we had passed it by, we probably would have passed by the chance that we could have finished the bill today, because it had been agreed that this should come up only in the morning hour. We never like to bring things up about 7 or 8 o'clock, the shag end of the day. We were really against it, and the Senator has been very kind.

There is time for the debate, not just on the bill. I do not think we are going to act on the Ervin amendment very quickly. There will be time for debate, should the Senator desire it, and the same applies with respect to Senator MONDALE and me. If the Senator desires it, he can name his time.

Mr. GRIFFIN. The majority leader has received unanimous consent that there would be a vote on the Mondale resolution at 12:30. Although there is no specific provision for debate on it, I understand that the Senator from New York would be willing to provide some time from the bill if some Senator desires it.

Mr. JAVITS. Not only from the bill, but also on this amendment. If the Senator wants it now, I will be happy to yield now, or I will yield later.

I yield myself an additional 3 minutes.

Mr. MONDALE. The one observation I should like to make, which may be somewhat irrelevant in the light of our agreement here, is that we act on this proposal in the context of the action we took yesterday. I view yesterday's action as one primarily directed at the problem of dual school systems. I know that many will disagree, but that is how I view it. I view the action on this resolution as the only step that can be reasonably taken and, in my opinion, must be taken, to try to deal with the national problem of de facto segregation.

Therefore, I hope than one can follow quickly after the other so that we can dispose of the issue in that way.

Mr. GRIFFIN. May I ask the Senator from Minnesota, the resolution as now pending, which will be voted on at 12:30 o'clock today, has it been modified to eliminate the money provision?

Mr. MONDALE. It has been modified in two respects. The first is without significance. I clarified the fact that the at large members of the committee would be selected through the normal steering committee process. That is what I intended, but I clarified it. The other modification strikes the money provision because of the suggestion by the chairman of the Committee on Rules and Administration that we should prepare the budget after the committee is established and present it to the Committee on Rules and Administration. I agreed to that and struck the money provision out of the resolution.

Mr. GURNEY. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. GURNEY. Let me state that I share the sentiments of the distinguished minority whip, as well as those expressed yesterday and, I understand, today by the majority whip with regard to this.

Actually, I think I favor the idea of a committee to study the problem as strongly as the authors of the amendment do, but I must say that I share some reverence for the procedures of a parliamentary body such as the Senate. For my purpose, I would think it would be better if we referred the resolution to the Committee on Rules and Administration and let it work it over. There are money matters to be judged as to the staff funding as well as the composition of the committee, too.

I do not think I could point to a more important committee in this session of Congress to undertake this very necessary study. I, for one, would prefer to see it go through the Committee on Rules and Administration.

Let me conclude by saying that here is one Senator who does feel that anything as important as this should go through the normal procedures of the Committee on Rules and Administration and then come back to the Senate for appropriate action. I do not see that that would mean any great delay. Everyone seems to be in favor of the committee approach, and so is the chairman of the Committee on Rules and Administration. I think that would be the better way to do it.

Mr. GRIFFIN. Mr. President, I thank the distinguished Senator from New York for yielding us time to speak on the subject.

Mr. JAVITS. I am glad to yield more time, if other Senators wish to discuss it.

Mr. President, by way of completing my thought on this committee matter, I would like to state for myself that I believe the context within which the committee is being authorized is much more in the nature of adapting an amendment to the bill—what should be an amendment to the bill, to the procedures of the Senate than otherwise, that, therefore, it is not really a detached committee which has no relevance to a given issue in a bill before the Senate but is of a general character, and that this may be an element in determining how members may vote on amendments, how members will vote on the bill and, therefore, I think the purpose and effort to adapt Senate procedures is a very necessary element of this particular subject.

I hope very much, therefore, that this committee will be approved on a rollcall vote by the Senate.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from New York yield me 1 minute?

Mr. JAVITS. I yield.

Mr. JORDAN of North Carolina. Are we talking about the Mondale resolution now?

Mr. JAVITS. I am.

Mr. JORDAN of North Carolina. I thought that was to come up at 12:30 o'clock.

Mr. JAVITS. We are debating it. We did debate it a bit now, and then at 12:30——

The PRESIDING OFFICER. The Chair would inform the Senator from North Carolina that a vote on the resolution comes up at 12:30 o'clock today.

Mr. JORDAN of North Carolina. What I want to know is, what do we want to do with it?

Mr. JAVITS. I would like to see it approved.

Mr. JORDAN of North Carolina. In the form it was approved this morning?

Mr. JAVITS. In its amended form which the Senator from Minnesota (Mr. MONDALE) has just proposed.

Mr. JORDAN of North Carolina. That is agreeable to me. I just did not want to see any changes made in it, because we have agreed on it.

Mr. JAVITS. If I can explain, it means a recourse to—I think I understand it clearly—it means that we would come back to the Senate to name the members of the committee, and we would come back to the Committee on Rules and Administration for the money.

Mr. MONDALE. Right.

Mr. JAVITS. So that all the steps inherent in the subsequent sections of the resolution would be complied with.

Mr. MONDALE. This is what happened, let me say to the Senator from North Carolina. We passed it and then there was objection to adopting it the way it was drawn. We are adopting it now in amended form as approved this morning.

Mr. JORDAN of North Carolina. Has the Senator made any changes in it?

Mr. MONDALE. No, none at all.

Mr. JORDAN of North Carolina. Five members by the Judiciary Committee, five by the Labor and Public Welfare Committee, and five by the policy committees.

Mr. MONDALE. By the steering committees.

Mr. JORDAN of North Carolina. Yes. I have no objection.

Mr. JAVITS. Mr. President, I yield myself 5 minutes on the Ervin amendment.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, it seems to me that we are being greeted this morning with a whole trough of predictions that integration is dead and that desegregation of the public schools in the United States of America, North, South, East, West—and everywhere else—as contemplated by the Supreme Court in Brown against Board of Education, has come to an end.

I think it is tragic to suspend the Constitution because we do not know how to administer it. I do not think that is true. There is enormous improvement everywhere. Certainly a tremendous amount of forward motion has been generated in the South where the problem first arose.

Thousands upon thousands of men and women of good will, whose deeds go unsung, have responded to the finding of the courts, and the legislation of Congress which came 10 years later. Much good has come from it in respect of the promises that were made to our children as to their future.

I rise today to assert that integration is not dead, that a living, powerful appeal to the sense of justice of the American people cannot be killed by the adoption of one or another amendment on the floor of the Senate, that the heavens have not fallen in, unless we are going to accept the idea that they have, and act accordingly.

Thus, Mr. President, for me, I intend to go on doing my utmost as ranking member of this committee, as a man and as a Senator of responsibility, in respect of a major bill, to preserve everything that can be preserved both of Federal aid to elementary and secondary education according to the scheme of the bill, which is of enormous benefit to the country, and in respect of the mandate of the Constitution in respect of desegregating the public schools of America.

I always say that they publish newspapers every day and it looks black today, but it may be brighter tomorrow. I believe that, somehow or other, our collective wisdom will enable us to fight our way through to a solution.

I should like to address one word to my southern colleagues.

The Constitution has been their bulwark and their defense on a thousand battlefields. Indeed, their principle has always been that if Abraham Lincoln had lived, the course of transition after the Civil War would have been very much smoother and far less painful, and that the hurts and wounds would have been bound up much more quickly.

The Constitution of the United States is a holy testament to them, as it is to me. It is infinitely more important and overshadows the grave controversy in which we are now engaged.

I am reminded of a line in the Old Testament with respect to my own faith:

> Behold, I have given you a good doctrine. Forsake it not.

I hope very much that we will all realize how much we have at stake in the integrity of the Constitution, and the authority of the Supreme Court, even though we do not disagree with it, and in the structure of this country, for we cannot govern millions of people by force. That goes for blacks and it goes for whites. We will not so tip the balance, just because the tide happens to be going that way, as I indicated yesterday, in such a manner as to destroy our own purposes and our own fundamental rights.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MONDALE. Mr. President, I express my profound admiration for the genius and commitment of the Senator from New York to the cause of human rights. It is a pleasure to serve in the Senate with him and to be permitted to work with him on what I regard to be the most fundamental cause, a cause that strikes at the very vitality of our Nation.

The Union of South Africa does not appeal to me. I do not think that we can have a democracy in which we do not treat all human beings equally. We cannot accept color as a valid distinction. To proceed in that manner in a democracy would be to proceed on two concepts that are incompatible and would destroy each other.

I do not know what the politics of human rights is today. It is hard to tell. The frustration, the agony, the despair, and the hatred that one sees growing increasingly in this country reminds us of the dire predictions of the Kerner Commission and the Eisenhower Commission, which were rejected by so many as doomsday predictions. They appear today increasingly to be justifying themselves.

Whatever the politics, I am one of those who believes that there can be no compromise on the issue of human rights, that this is one issue that is worth everything, including one's public office.

I would hope, as the Senator has implied, that as the American public focuses on this amendment, they will broaden and expand their indispensable commitment to decency and fairness in American life.

Mr. JAVITS. Mr. President, I am very grateful for the Senator's statement. It moves me very deeply. As a young man in the Senate, with many years before him, he will have a chance to further this goal. I thank the Senator very much.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 5 minutes.

Mr. JAVITS. Mr. President, I address myself to the amendment introduced by the Senator from North Carolina. It seems to me that the very critical part of this effort is to interdict even the courts from ordering any kind of busing or changing busing.

I would like to call very strongly to the attention of the Senator the sweeping character of the amendment which not only inhibits the guidelines of the HEW and the power to withhold money, which is all the Stennis amendment did, but also inhibits the courts.

It reads:

> No court . . . shall have jurisdiction . . . to assign children to public schools to transport any child from one place to another or from one school to another, or from one school district to another school district to alter the racial composition of the student body at any public school.

That means not only that the amendment would deprive the court of the power to order busing, but also deprive the court of the power even to change busing where busing is an element of segregation.

I assume that we have the power to do this. And I rather believe that we do by law have the power to deprive the court of this amount of jurisdiction. I think it is most unwise, because we would be striking a blow at precisely what we do not wish to strike a blow against—the efforts being made to correct de jure segregation.

In addition, I think the amendment is very clearly open to the charge that a real effort is being made to abate enforcement of the Court's decree in the South or anywhere else, wherever it may be, relating to de jure segregation.

I point out that this would apply wherever the courts act. If they believe they can extend their jurisdiction to de facto situations, it would apply as well to those situations.

In this connection, I read with the greatest of interest the decision in the case of Green against the School Board of Virginia. That was a very landmark decision in 1947. It dealt with the question of busing. It was very interesting to me that a part of the busing situation which we have not looked at is referred to in this particular decision.

I read an excerpt from the decision:

> The record indicates that 21 school buses, 11 serving the Watkins School and 10 serving the New Kent School—

The Watkins School was a black school, and the New Kent School was a white school.

I continue to read:

travel overlapping routes throughout the county to transport pupils to and from the two schools.

That is a very key point. One of the ways in which the humane counties respond to the situation is to furnish buses.

The only choice a child has is to walk to school or ride, if he can find a means of transportation, or not to go to school at all if he is black.

One of the ways in which segregation was perpetuated in humane counties in the case of black children was to transport them very long distances to a black school.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 5 minutes.

Mr. JAVITS. A member of the minority staff of the committee which considered the pending bill was born in the District of Columbia. He tells me that when he went to school in the District of Columbia, there was a dual school system. He went across the street to school, but the black children of the janitor had to go roughly a mile, although it was a city, to go to a black school somewhere else.

They could have walked across the street, too, but, no, they were not permitted to do so.

The reason I say that is to point out how integral an aspect of the desegregation process busing, not actually creating busing, but a shift in the busing pattern, can be in respect to this matter.

The Senator from North Carolina—and again, I do not challenge his right to do so or the pertinence of any fact that was brought up—brought up yesterday a case—and as I read it, I might agree with him—in great detail. The case involves busing and was very recent.

As I said yesterday, we have all kinds of cases of that sort in the Federal and State courts and in Congress. And we fight against injustice and endeavor to correct the situation. But we do not pick out a particular example of injustice as the basis for junking the whole system, which is so deeply inherent in the Constitution, by depriving the court of all jurisdiction—which, in many cases, may be the only instrument capable of correcting the wrong.

If that were the only superficial guide, I pointed out how often we would feel that what the court does is wrong, too.

Mr. President, I welcome making that issue clear for the guidance of the courts. Second, I really think we would be pushing this far beyond any provident relationship to the constitutional issue and the issue in our country if we agreed to this amendment which takes away from the courts the jurisdiction to do anything about busing systems.

But on the other side of the coin, the Green case illustrates clearly what I have in mind. Where the pattern of busing itself—if you wish to deal with unconstitutional segregation—needs to be revised, the court should have the power and the authority to do it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 5 additional minutes.

Now, one last thing. As a Senator, it seems to me that we should feel that once we undertake to enforce law, that we will enforce it; and we do not want to abort the enforcement process, whether as a tool as essential as the one we are now debating or not.

Mr. President, I wish to read from a memorandum from HEW entitled "Civil Rights Implications of Possible Antibusing Amendment to ESEA":

The antibusing amendment described here—

Which is the Ervin amendment—

would prevent title IV officers—

Those seeking to deal with the problems of title IV of the Civil Rights Act of 1964—

from preparing and submitting desegregation plans involving bussing changes which may be minor, but which nonetheless provide the only means in a given situation to comply fully with the law and the orders of the courts.

Then, to give some concept of the result of any such action, I shall go on and read further from the memorandum:

In substance, school districts which have accepted changes in their busing system in order to comply with the law would be encouraged to retreat. On the other hand, those districts with which HEW is still negotiating for compliance would not longer feel obligated to make busing changes which may be essential in eliminating vestiges of the dual school structure as ordered by Federal courts.

I am quoting from this memorandum as to the facts with respect to busing. May we have order in the Chamber, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. The memorandum states:

However, this restriction has not heretofore prevented the Federal Government from dealing with racial imbalance which is deemed illegal, discriminatory, or unconstitutional; that is, school segregation that has been brought about deliberately, either by formal law or custom or by the acts of local authorities. In this case, Title VI, which prohibits racial discrimination in Federally assisted programs, imposes upon the school district the obligation to take steps, including busing if necessary, to correct that deliberate or illegal segregation.

Further on this subject, we go to the way in which it is worked. There have been many statements here about the horrendous results which have resulted from the actions of HEW. Again, I would like to read from the memorandum:

To date, most desegregation plans accepted by HEW under title VI have involved little or no additional bussing in the affected school districts. Of approximately 300 voluntary desegregation plans negotiated for implementation in September 1969, less than 10 involved additional bussing.

It seems to me that that very materially diminishes the impact, which has been claimed here, with respect to busing and the alleged improvident use of that kind of remedy for de jure segregation, and I emphasize that is what we are talking about—de jure segregation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I would like to point out that in another memorandum directed specifically to the various amendments of the Senator from North Carolina (Mr. ERVIN), HEW points out that in negotiating for compliance, and this relates to violations in respect of de jure segregation—that is where you have dual school systems—under title VI of the Civil Rights Act, HEW may recommend and local school districts may adopt desegregation plans to reschedule, reroute, or reunify the preexisting busing system, particularly if the system is being used to maintain segregation.

That would be prohibited by the Ervin amendment. They say this is the only way de jure segregation can be corrected. It seems to me under these circumstances this would be a very improvident amendment to agree to. It would abort the effort to correct not only segregation of schools which are in the twilight zone but segregation which is directly contrary to law and even to a court decree, by what is frequently the only method by which it can be corrected, to wit, some change in the busing system. The HEW points out that in very rare cases has this been invoked; but nonetheless that it is very important and they point out that in only 10 cases out of 300 was additional busing required.

It seems to me under these circumstances we would be destroying a major and massive activity in a most improvident way by agreeing to the amendment which goes to the very jurisdiction of the courts themselves insofar as the authority to issue a decree to cure admittedly illegal segregation in the public schools is concerned.

Whatever may be the procedure ultimately adopted to deal with the amendment I hope very much the Senate rejects the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONDALE. Mr. President, will the Chair advise the Senator from Minnesota of the parliamentary situation on the vote to be held at 12:30 p.m. Are we voting on the merits?

The PRESIDING OFFICER. At 12:30, under the previous order, the Senate will

proceed to vote on the Mondale-Javits resolution.

Mr. MONDALE. And the vote will be on the merits.

The PRESIDING OFFICER. On the merits. It will be on Senate Resolution 359, as amended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending resolution take place at a quarter to one; and I do so because certain Senators have raised certain questions and they would like to engage in a little debate before a decision is reached.

I hope that request will be met with the approval of the Senator from Minnesota and others.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—will there be 15 minutes of time to debate on the resolution that would not be charged?

Mr. MANSFIELD. Yes, of course, and the time would be under the control of the Senator from Mississippi and the Senator from Minnesota.

Mr. RUSSELL. Mr. President, will the Chair please repeat the unanimous-consent request? I did not hear it. I was engaged in another matter.

The PRESIDING OFFICER. The unanimous-consent request was that at 12:45 the Senate will proceed to a vote on Senate Resolution 359. Pending that time, debate can take place, the time not to be charged against the Ervin amendment or the bill itself.

Who yields time?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Are we now operating on a block of time controlled by different Senators than the Senator from North Carolina and the Senator from Rhode Island?

The PRESIDING OFFICER. The time is controlled by the Senator from Minnesota and the Senator from Mississippi.

Mr. PELL. Mr. President, will the Senator from Minnesota yield me some time?

Mr. MONDALE. Mr. President, I yield 4 minutes to the Senator from Rhode Island.

Mr. PELL. Mr. President, I have been reading in the press references to the "bitter disappointment" of certain Department of Health, Education, and Welfare officials at my reluctance to hold hearings in the Education Subcommittee on the question of segregation.

My reasons for not wishing to hold such broad-based hearings within our subcommittee are twofold:

First, the subcommittee is basically liberal in an educationally oriented view and I believe that in order to give the subject the balance that it needs and in order to increase the opportunity of acceptance of its views in the Senate as a whole, there should be spokesmen for other points of view and other committees. While the thrust of the problem is educational, there should be an equal thrust with regard to civil rights, housing, and employment. In other words, I was concerned that our subcommittee could not, under its jurisdiction, do the in-depth study that is needed.

Second, my own view is that the Education Subcommittee should, as much as possible, concentrate on the improvement of the quality and scope of the education of our youngsters and that the subject of integrated education should be treated as part of that general effort.

If our subcommittee becomes too deeply involved in the civil rights issue, it will be civil rights that will soon be the tail waving our dog and our Education Subcommittee would increasingly find itself being used by liberals and civil rights leaders as a means to counteract the more conservative Judiciary Committee.

This deflection of our basic mission of concentrating on education would, I believe, be an error.

Both my objections would be met by the adoption by the Senate of the excellent idea of Senators MONDALE and JAVITS that a select committee would be composed of representatives, not just of the Labor and Public Welfare Committee but of the Judiciary Committee and of the Senate as a whole.

The studies conducted by the select committee should help us in arriving at some realistic solutions to this problem. At the conclusion of the studies conducted by the select committee, I would hope that the Education Subcommittee would be able to advance such legislative proposals as may be necessary to deal with the educational problems arising from racial isolation in our schools.

The language of the resolution sets forth a broad mandate to assess the effectiveness of the existing laws of the United States in providing equal educational opportunity. Since racial isolation, principally black isolation, is the central problem before us at this time and the major problem to be dealt with first is assuring all citizens of the right to equal educational opportunity, it is assumed that the select committee will deal primarily with segregation on the basis of race, color, or national origin, whatever may be the origin or cause of that segregation. It is my expectation that those Federal education programs which are intended to assist in providing equal educational opportunity will come under the review of the select committee only to the extent they are related to the problem associated with racial isolation. I would hope that the select committee would be able to conclude its work by the expiration date set forth in the resolution and that such recommendations as that committee may have would be available to the appropriate legislative committees for action during the first session of the 92d Congress.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator from Minnesota yield me just 2 minutes, or 1 minute?

Mr. MONDALE. I may say to the Senator that there are only 3 minutes remaining to me. I think we might reserve that time.

Mr. JAVITS. Very well.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

Mr. President, may I make an inquiry of the majority leader? I have not had time to read the resolution. As I understand, the steering committee of the majority and minority will select the membership of this select committee?

Mr. MANSFIELD. That is my understanding, and that is in the resolution.

Mr. STENNIS. I really have not had time to read it. I understand there has been some discussion on the floor and there was an agreement reached that it would be taken up this morning. The Senator from Mississippi had no knowledge of that. I came here at 12:15 and learned for the first time that a vote on the resolution was scheduled for 12:30 p.m. today. I thank the Senator from Montana for that answer. I wanted to be sure.

Mr. President, I have just stated here that I heard yesterday in the early evening that there would be a resolution providing for this select committee. I was just old fashioned enough to think that the resolution would be referred to a committee, or to the Rules Committee, for consideration and weighing and confirming of language with recommendations by the committee with a report thereon. I am not critical of anyone, considering the rush we are in here, but I walked in here and found out that the resolution had been agreed to in the morning hour, but, on request, had been reconsidered and set for a vote at 12:30.

As I said, I got here at 12:15 and did not even know what had happened. There is no time now for us to fully read the resolution, weigh its provisions, or discuss it or ask questions. I understand the money provisions have been stricken out, so at least there would be a chance for the Committee on Rules and Administration to hear the evidence on that issue. It would not have any authority to modify the language of the resolution.

I just think we ought not to act so hastily on a matter of this extreme importance in this delicate field. Further if there is going to be a comprehensive study of this complex problem, a report cannot be had by August 1 of this year. I do not believe it can be. I do not see how busy Senators can possibly have time to give it much attention. Staff members could give it some attention in that short time, but that is about all.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I want to express my thoughts on this matter as briefly as I can, and I am sorry there is no time to discuss it thoroughly. I had thought the Senate was actually reaching a point of rational action the other afternoon. I am thinking particularly of the remarks of the former Secretary of Health, Education, and Welfare that he knew we had dozens of programs in this field that were not working and we ought to do something about it.

First, I do not feel that this resolution should be considered until it goes to the Rules Committee, and I do not think it is completely proper that anyone accept this resolution for the Rules Committee unless the committee has acted on it.

Second, when in the world is the Senate going to start to get some sense and stop shucking off its responsibilities to everyone else and saying, "Well, we appointed a commission, we appointed a committee, and now we are appointing a special joint committee"?

We have a Labor and Public Welfare Committee, and in it is a Subcommittee on Education. I have not even had time to check it, but they have a budget of more than $500,000, I believe, this year; and this is their responsibility. What have they been doing all these years if they have not been considering this matter? This is one of their responsibilities, and I feel that this is where it should be, not in a special committee, because such a committee cannot do a comprehensive job in a few months.

I sincerely hope the resolution will be rejected, because I think it is a shucking off of our responsibilities, as we do far too often by saying, "Let us appoint a commission, let us appoint a committee, let us appoint a board, and then we will have discharged our problem."

Mr. PELL. Mr. President, will the Senator yield?

Mr. ALLOTT. On the Senator's time, yes. I do not have any time.

Mr. PELL. I ask unanimous consent to respond to the Senator, not on his time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. As chairman of the Education Subcommittee, I wish to state that our budget is not quite as large as the Senator indicated.

Mr. ALLOTT. I am talking about the full Committee on Labor and Public Welfare.

Mr. PELL. I am sorry; I thought the Senator said the Education Subcommittee.

I also believe very strongly that for such a committee to be effective, the Senate should come out with a resolution touching this delicate subject of integration. I think our committee is basically a liberally oriented committee. I think for an overall study to be made, there should be representatives of all points of view in the Senate, and that is why I like this idea of a broader range, where one-third of the membership would be out of our committee, one-third out of the Committee on the Judiciary, and one-third appointed by the steering committee as a whole.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. STENNIS. I yield 1 minute to the Senator from Florida.

Mr. GURNEY. Mr. President, on January 21, I had printed in the RECORD an article by Mr. Joseph Alsop, in which he made the following statement:

> The fact is that something perilously close to race war has now begun in just about every integrated high school in the United States. This is not a Southern problem. It is a nationwide problem, with future political implications so grave that we dare not go on being ostriches about it.

Then he mentions the investigation conducted by the Department of Health, Education, and Welfare, and says of the investigation:

> Their story . . . was downright hair-raising.

What I am saying is that we now, in the Senate, propose to appoint a special committee. We have had no debate about the committee or its merits at all. There has been no discussion of the matter. It could be the most important committee that the Senate could appoint this year. I certainly subscribe to the sentiments of the distinguished Senator from Mississippi and the distinguished Senator from Colorado that what we ought to do is refer this matter to the Rules Committee so that complete hearings can be had, and then we can come up with a committee that does represent a broad cross section of the Senate.

I am 100 percent in favor of a committee, but I do not think we ought to create it here on the Senate floor, after about 5 minutes of discussion or even less.

Mr. MONDALE. Mr. President, how much do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. MONDALE. How much time has the opposition?

The PRESIDING OFFICER. There is 1 minute remaining on each side.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

Mr. President, as I have already said here, I had, when this proposal was offered as an amendment, prepared an outline of an argument concerning it. I do not have that memorandum here this morning. I make the most vigorous protest that, even if good faith has been exercised by everyone, that a problem of such far-reaching importance as this could be given such slight consideration by the Senate; and, if we are going to pass it on such slight consideration, without all Senators knowing about it, I would not have much respect for, not the membership of the committee, but the act of the Senate in thus passing on a matter of such tremendous importance.

I hope that someone will move to refer this matter to the Rules Committee, so that they may further consider it. It might be that I would support such a measure to provide for a select committee; but, my goodness, I for one have not had a chance—not 5 minutes—to weigh this thing and express my views to my colleagues.

Mr. MONDALE. Mr. President, I yield 1 minute to the majority leader.

Mr. MANSFIELD. Mr. President, I can sympathize with the distinguished Senator from Mississippi, who has been on the Senate floor day in and day out for a long time. I cannot, however, sympathize with his statement that this matter has not been considered. It was considered on this floor for more than an hour yesterday. It was considered for about half an hour this morning. It was changed considerably, tightened up drastically, and I think it represents the overwhelming will of the Members of this body. There is nothing hasty about this action. This proposal is really a part of the bill under consideration. It must be considered as such. Everyone knew that such a proposal would be offered.

So I hope if any motion is made to refer it to committee or to table, it will be defeated, and I hope the Senate will face up to its responsibility today and pass this resolution, which was offered in good faith.

Several Senators addressed the Chair.

The PRESIDING OFFICER. All time has expired. Senators can be recognized only by unanimous consent.

Mr. GURNEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GURNEY. Would a motion be in order at this point to refer this resolution to the Committee on Rules?

The PRESIDING OFFICER. Unanimous consent was obtained that at 12:45 p.m. a vote would occur on the matter itself.

Mr. GURNEY. If a unanimous-consent request were propounded to entertain a motion to refer the resolution to the Committee on Rules, would that request be in order?

The PRESIDING OFFICER. It would be in order.

Mr. GURNEY. I make such unanimous-consent request.

Mr. MANSFIELD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. If the Senator wishes to make a motion to table, I shall not object to that; I will ask unanimous consent that he may do so.

The PRESIDING OFFICER. By unanimous consent, such a motion could be made.

Mr. GURNEY. Mr. President, I ask unanimous consent that a motion to table be in order at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. If the Senator makes the motion, the Chair will put the question.

Mr. GURNEY. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GURNEY. If a motion to refer were made, and the Chair ruled it was out of order, the ruling of the Chair would then be subject to appeal to the Senate; is that correct?

The PRESIDING OFFICER. Yes; any ruling of the Chair would be subject to appeal.

Mr. MANSFIELD. Mr. President, I move to lay the pending resolution on the table, though I shall vote against the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to lay on the table Senate Resolution 359.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The

question is on agreeing to the motion of the Senator from Montana (Mr. MANSFIELD) to lay on the table Senate Resolution 359. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) and the Senator from Texas (Mr. YARBOROUGH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Maryland (Mr. MATHIAS) would each vote "nay."

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Arizona would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 31, nays 56, as follows:

[No. 46 Leg.]

YEAS—31

Aiken	Ellender	Murphy
Allen	Ervin	Russell
Allott	Fannin	Sparkman
Anderson	Gurney	Stennis
Baker	Hansen	Talmadge
Bennett	Holland	Thurmond
Byrd, Va.	Hruska	Tower
Cotton	Jordan, N.C.	Williams, Del.
Curtis	Jordan, Idaho	Young, N. Dak.
Dole	McClellan	
Eastland	Miller	

NAYS—56

Bayh	Harris	Pastore
Bellmon	Hart	Pearson
Bible	Hollings	Pell
Boggs	Hughes	Percy
Brooke	Inouye	Prouty
Burdick	Jackson	Proxmire
Byrd, W. Va.	Javits	Randolph
Cannon	Long	Ribicoff
Case	Magnuson	Saxbe
Church	Mansfield	Schweiker
Cook	McGee	Scott
Cooper	McGovern	Smith, Maine
Cranston	McIntyre	Spong
Eagleton	Mondale	Stevens
Fong	Montoya	Symington
Fulbright	Moss	Tydings
Goodell	Muskie	Williams, N.J.
Gore	Nelson	Young, Ohio
Griffin	Packwood	

NOT VOTING—13

Dodd	Hatfield	Mundt
Dominick	Kennedy	Smith, Ill.
Goldwater	Mathias	Yarborough
Gravel	McCarthy	
Hartke	Metcalf	

So the motion to table was rejected.

The PRESIDING OFFICER. The question now before the Senate is on adoption of the resolution offered by the Senator from Minnesota (Mr. MONDALE), as amended.

On this question the years and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), and the Senator from Texas (Mr. YARBOROUGH), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH), are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), and the Senator from Maryland (Mr. MATHIAS), are detained on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Maryland (Mr. MATHIAS), would each vote "yea."

On this vote, the Senator from Arizona (Mr. GOLDWATER), is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Arizona would vote "nay" and the Senator from Illinois would vote "yea."

The result was announced—yeas 61, nays 26, as follows:

[No. 47 Leg.]

YEAS—61

Aiken	Griffin	Pastore
Anderson	Harris	Pearson
Baker	Hart	Pell
Bayh	Hollings	Percy
Bellmon	Hughes	Prouty
Bible	Inouye	Proxmire
Boggs	Jackson	Randolph
Brooke	Javits	Ribicoff
Burdick	Long	Saxbe
Byrd, W. Va.	Magnuson	Schweiker
Cannon	Mansfield	Scott
Case	McClellan	Smith, Maine
Church	McGee	Sparkman
Cook	McGovern	Spong
Cooper	McIntyre	Stevens
Cranston	Mondale	Symington
Eagleton	Montoya	Tydings
Fong	Moss	Williams, N.J.
Fulbright	Muskie	Young, Ohio
Goodell	Nelson	
Gore	Packwood	

NAYS—26

Allen	Ervin	Murphy
Allott	Fannin	Russell
Bennett	Gurney	Stennis
Byrd, Va.	Hansen	Talmadge
Cotton	Holland	Thurmond
Curtis	Hruska	Tower
Dole	Jordan, N.C.	Williams, Del.
Eastland	Jordan, Idaho	Young, N. Dak.
Ellender	Miller	

NOT VOTING—13

Dodd	Hatfield	Mundt
Dominick	Kennedy	Smith, Ill.
Goldwater	Mathias	Yarborough
Gravel	McCarthy	
Hartke	Metcalf	

So Mr. MONDALE's resolution, as amended, was agreed to.

The PRESIDING OFFICER. Without objection the preamble is agreed to.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, may I inquire how much time remains on the Ervin amendment?

The PRESIDING OFFICER. The Senator from Rhode Island has 3 minutes remaining, and the Senator from North Carolina has 26 minutes remaining.

Mr. JAVITS. Mr. President, I suggest that the Senator from North Carolina may wish to use some time, since we have almost used all of ours.

Mr. ERVIN. Mr. President, I yield to the Senator from Florida (Mr. GURNEY) so much of the remaining time as he may wish to use.

The PRESIDING OFFICER. The Senator from Florida is recognized.

The Senator will not proceed until the Senate is in order.

The Senator may proceed.

Mr. GURNEY. Mr. President, I rise to support the amendment offered by the distinguished Senator from North Carolina which, in effect, would stop this forced busing which creates a school problem throughout the country, and especially in our part of the Nation.

I have listened very carefully to the argument in opposition to the amendment, mainly made by the distinguished Senator from New York. As I see it, the argument against the amendment is twofold. One argument is that if we agree to the amendment, we will stop and destroy the integration of our school system that has been proceeding around the country, and especially in our part of the Nation.

There is no validity to that argument whatsoever. There is not anything in the amendment that alters Brown against School Board or, for that matter, any of the other Supreme Court or circuit court of appeals decisions which have come down since, which say that we will proceed with the integration of our schools.

This argument is a red herring—nothing more or less.

Another argument has been made here. The word de jure is used again and again by those who oppose the amendment. I think the argument runs that if we agree to the amendment, then, of course, the outlawing and stopping of de jure segregation, which occurred in previous years in some parts of the country, will not be proceeded with.

Again, I can see no validity at all to this argument.

What we have done, in Florida at least—and that is a situation with which I am familiar—is really de facto segregation. De jure segregation went out long ago. We have been proceeding with integration rapidly in the last 2 years, and especially in the past year.

We were proceeding fairly well until

the Supreme Court decision of a few weeks ago which said that there would be integration this very month.

The problem which we have in Florida, and I think that is true of other States as well, under the recent court order of the Supreme Court is, indeed, de facto segregation and not de jure segregation, and how busing is used to alter de facto segregation.

What is happening all through Florida, and it has brought our public school systems to a state of chaos, is the busing which has been instituted under the court orders to alter de facto segregation.

We have schools there, as they have in New York City and in other large cities, that are located within Negro areas and are located within white areas, neighborhood schools that, of course, are all black or all white, not because of any de jure concept of integration, but because we have de facto segregation. It is a matter of where people live and work, and they send their children to the neighborhood schools.

So this business that we should not agree to the amendment because it would stop de jure segregation is entirely false and entirely a red herring also.

Mr. President, I have never in my lifetime, in or out of public office, seen the feeling that has been aroused in my home State of Florida this year under the Supreme Court decisions and the implementation of those decisions. Our office has been flooded with communications in the last few weeks. I have brought a few of those communications with me to the Chamber today. Here are some of them; and I have another five piles with me which are just as big. This constitutes only a very small portion of the communications we received on busing. We get them from white parents, we get them from black parents, and we get them for everybody. I might read some of the language in some of the letters. Here is one.

DEAR SIR: I will come immediately to the point. My husband and I are most unhappy over HEW running over our children's lives—upsetting, interrupting and disrupting their education in the middle of a school year. * * * there is still a question of busing. I am against busing, my husband is against busing and my children (the innocent victims of this political mess) do not want to be bused out of our neighborhood schools. We moved out where we are, a woodsy area, dirt road even, near FTU for the country environment and country type of schools.

Mr. President, there is nothing in here that shows any feeling or prejudice against black people, or against the integration of schools. This is true in all these letters we receive from Florida. What they do not want is busing, where they have moved into a neighborhood and they have selected a neighborhood in which to live with schools nearby.

Here is another letter:

I am writing to you to protest the forced busing of school children.

As a new resident, and soon to be voter of the State of Florida, I am appalled at the terrible problems existing in the schools here.

My son was attacked, and robbed the first month he was in school here. The group of hoodlums involved were bussed in. This element carries knives, switchblades, and other weapons. The principal was sympathetic, but his hands are tied.

I do not know how much plainer one could be than that. The letter concludes in this way:

The Supreme Court gave up listening to the people long ago.

I agree with that; it surely did.

Here is an interesting letter from the Dade County Federation of Women's Clubs. Those who know Florida know that Dade County is the largest county and it has the cities of Miami and Miami Beach located within its boundaries; politically it is Democratic, and it is quite liberal. This letter is from the Federation of Women's Clubs, representing 57 member clubs and approximately 12,000 members. They met on January 28 and passed a resolution and they sent me this letter:

We are opposed to the transporting of pupils to newly and artificially assigned schools, to the closing of existing useful schools, and especially to the use of federal funds or local school taxes for massive transportation of pupils when these funds should be used for the construction and equipping of much needed new schools.

I agree. This makes a lot of sense and something that many of us have been pursuing a long time.

Here is another letter which states:

DEAR SIR: I am waiting to tell you that we are protesting the busing of our children to other schools away from our area. We have always sent our children to the nearest school by our home. Our children have to arise early enough to get to school by 7:30 and 7:45. With this early daylight saving time, it is before dawn when they leave our home to catch a bus. I can imagine how early they will have our children up, so they can spend an hour traveling to another school so a racial balance can be created. Also, in case of illness or accident what Mother needs to drive ten miles to pick up her child. If she happens not to be at home at an unfortunate time, I don't think a neighbor will be as willing to help out. These are just a few things I can think of to *protest* "Busing".

Here is another letter:

I am the mother of three children. The two oldest boys are in the first and second grades, the youngest a daughter is 4 and will attend kindergarten next fall. I am writing in regard to the busing of children because of integration. I am totally and wholeheartedly against busing of any kind. I do not want my children bused to a school when they have one in their community. How can children participate in school activities if their school is out of their community? How can mothers and teachers confer for the future of our children if the children is miles away. Many mothers do not have cars. How can mothers contribute their services if they cannot get to the schools. I feel this is not a democracy anymore when you buy a home in a community, where black or white have equal opportunity to do so, then the Supreme Court tells you your children have to be bused elsewhere. This is happening and it is too much.

Here is a letter from a town manager which states:

I am fed up—up to my neck with the word 'integration' as it applies to our schools and the busing of pupils to schools. I am ashamed of our United States Supreme Court in their many renditions and legality of our United States Constitution.

First, let me say, I am not a racist. I have lived in the North, in Ohio and Pennsylvania, and gone to grade school, high school, and college with Negroes. It happened to be in these states that all of us in a municipality attended these schools by walking. It so happened that this was our school and we were proud of the same—regardless of color.

* * * * *

First, in the matter of busing it is simply an economic situation. Secondly, it is a matter of taking small children away from their little friends and out of the municipality and into another. Third, and last, it is a matter of freedom.

This involves not just crosstown busing but busing from one community to another.

Mr. President, I could go on and on and give many examples. In one of our counties, Sarasota, there is busing 42 miles each way between communities, which is 84 miles each day in order to get to and from school. Under an order affecting Palm Beach County, which we were able to get set aside this year, there would have been busing of 40 miles. One of my close friends had three children in neighborhood schools until recently, but now one of the children goes to a school 2 miles away, another to a school 4 miles away, and the other boy to a school 4 miles. There is a complete disruption of education in Florida because of school busing. It makes no sense, it is costly, it is disrupting the lives of young children, and it interferes with the education of young children.

We have had just as many communications from blacks as from whites. In Gainesville, Fla., a short time ago, a Negro high school was closed down and pupils scattered to other parts of town. When this occurred there was a riot in the high school. Black students protested this arbitrary busing around.

The only way we can stop this under the interpretation of court decisions by HEW of what HEW feels must be done to carry out the Supreme Court decisions, is to agree to this amendment against busing. It is a practical amendment.

As I read the signs of the times there is not only opposition in the South against this practice; there is opposition everywhere.

As soon as some of the amendments we are agreeing to here in the Senate are implemented in other parts of the country, the opposition is going to be in other large communities in the United States and it will be even more vehement than it is in our part of the South. I cannot imagine a more explosive political, social, and economic issue as this one; nor can I think of any issue that touches on all three of these facets of our lives or anything that has ever had such wholesale opposition to it at any time in our country than the opposition by the people to busing.

The amendment is needed to preserve sanity in our school system. It will not stop the course of integration. That is not the purpose of the amendment as I

see it. The purpose is to put some sense back into integrating our schools.

I hope the amendment is agreed to and agreed to overwhelmingly.

Mr. ERVIN. Mr. President, I yield to the Senator from Texas.

Mr. TOWER. Mr. President, I wish to ask the distinguished proponent of the amendment a question. Is my interpretation correct that the amendment of the Senator from North Carolina removes the element of Federal compulsion but it does not prevent local school authorities from instituting busing if they choose to do so?

Mr. ERVIN. The Senator is correct. It would only prevent the Federal Government from doing so and it leaves the local boards free to do what they please in respect of this.

Mr. TOWER. If the school board in my hometown wanted to impose busing on its own initiative it would be free to do so. Is that correct?

Mr. ERVIN. Absolutely.

Mr. TOWER. I thank the Senator.

Mr. ERVIN. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from North Carolina has 11 minutes left.

Mr. ERVIN. Mr. President, I yield as much of that 11 minutes to the distinguished Senator from Mississippi (Mr. STENNIS) as he may use.

Mr. STENNIS. Mr. President, I certainly thank the Senator from North Carolina. I know time is short, and I shall not impose on his time.

Mr. President, it is a privilege for me to join with the Senator from North Carolina as a cosponsor of his amendment. It is plain, simple language. It is practical in its application.

The present situation with reference to busing of schoolchildren outside of the South is local choice. It is a local problem. It is a local question for decision by the boards, or even State policy. And that is the way it should be.

There has to be some busing of children, of course, to get them to school. That is the way we consolidated our schools in rural areas more than a generation ago. That is the rule they have. But in our part of the country we are, in effect, under judicial order or under the plans of HEW to do what I call unjust and unreasonable busing. It is not just busing that we object to; it is the demand for arbitrary and unreasonable busing, not for educational purposes, not really connected with quality education, but just in order to carry out a ratio to overcome racial imbalance, as the term is used.

There is an express provision in the Civil Rights Act of 1964 that that shall not be done; and that is respected and applied, as I say, outside the Southern States. It is another illustration of this arbitrary rule or sectional policy. That provision of the present law is ignored simply by saying that "We are not doing it to overcome racial imbalance; we are doing it to overcome segregation, and we are thereby doing it to improve the quality of education."

I just do not know of any place where there is a more open, willful ignoring of a statute, both in letter and in spirit, than there is there.

I remember that we had a fine debate on that provision of the Civil Rights Act before it was voted on. The explanation was made over and over again that this would all be done under uniform rules of national application.

Those statements were made in good faith. That was the intent of the Senators who made that argument at that time. But the application and the practice have moved far beyond that field, and now anything HEW cooks up and wrings out of the local boards in order for them to get money, goes in spite of this provision.

It is also true, unfortunately, that the courts have ignored that provision. The courts have based their decisions, as they have said, strictly on the 14th amendment.

So something like this amendment is the only way to restore a national policy with respect to this particular activity.

But there are additional reasons. I have been connected, to a degree, with schools all my life. I have never been a teacher. I have never had that privilege. But I have had three sisters who have spent a great deal of their adult life in schools as teachers, and I have been on school boards and in the PTA, and have been, and am now, close to the schools, and I know parents and teachers.

The idea of taking a little girl or a little boy and putting them on a bus and carting them around over the county school district—whether it is a county or not—and moving them away from their own community, moving them to another area, putting them in school there, and taking little children out of that school and moving them back across the county or district and putting them where the first group came from, just to create an artificial racial balance, is not justified in law, is not justified in conscience, and is not justified on any basis.

When a man and woman buy a home in a community or area, they are buying into the schools, they are buying into the churches, they are buying into the community life, they are buying into the parks, and they are buying into whatever there is for their family to share. It is as much their decision and their right to make the decision as is the front door on that residence. Then the government—it does not make any difference which one it is—says to them, when their children get to be 6 years old, or whatever the age is, "We are going to take your children out of your community; we are not going to let them go to school with their friends; we are not going to let them go to school over here where they will be partly under your attention and surveillance; we are not going to go to school where you will be members of the PTA or the community; we are going to take them out and cart them through the school district of the county as if they were so many cattle. It does not make any difference what the race is, whether they are black citizens or white citizens; it does not make a bit of difference in the world; there is an inalienable constitutional right and a natural right that the child and the parents be protected, unless it was on the ground of the health or sanitation or communicable disease, or something of that kind.

Mr. President, you invade a holy province when you touch family life. What rights are the people going to have left? This is supposed to be a land of freedom and a land of liberty. We are sending young men halfway around the world to fight in the jungles of South Vietnam, in a war that I have supported, for what we say is to let those people have the right of self-determination. That has not been made clear to the people yet. We do that with one hand and, assuming that it is justified, with the other hand we pull back the self-determination even of the inner confines of their own personal families, relating to their children.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. STENNIS. Mr. President, I am very sorry I let the time slip up on me. May I ask unanimous consent that the Senator from North Carolina have 5 additional minutes?

Mr. JAVITS. There is time available on the bill.

Mr. ERVIN. I would like to yield also to the distinguished Senator from Wyoming.

Mr. JAVITS. Does the Senator from Mississippi wish for further time?

Mr. STENNIS. No.

Mr. JAVITS. Mr. President, I yield 3 minutes on the bill to the Senator from Wyoming.

Mr. HANSEN. Mr. President, when the smoke clears, there is one issue which each of us must resolve in our own minds. That issue is whether it is in the public interest for any court, agency, or department to have the power or the right to tell young children that they must attend a certain school outside the community in which they live.

It would be easy for me to stand on my soapbox here today and proclaim all the advantages of forced busing. In 1968, there were only 665 Negro students attending schools in my home State of Wyoming. This represents 0.8 percent of the total school enrollment. It would be easy for me to say to my distinguished colleagues that forced busing is a valid practice and should be continued elsewhere, because regardless of what decision is made here today, it would have little immediate effect on my State.

Mr. President, I cannot in good conscience speak in favor of forced busing.

Unfortunately the effect of forced busing cuts much deeper than the mere equalization of whites and blacks. We are not speaking of mere numbers; we are concerned with human beings who have feelings and personalities that are unique unto themselves.

The debate of the last few days has pointed up the problems. We need to start looking at students as human beings, and quit concentrating merely on numbers to achieve racial balance.

I firmly believe that the black or white child, who is shipped out of his neighbor-

hood into a different environment, is put under severe psychological strain and pressure.

The conflict which arises from this busing is multiplied by the fact that the child is in a new surrounding. Teachers and classmates are new. In effect, the little black or white child is plucked from his home environment and forced to go friendless into a whole new arena of life. This could not help but have an adverse effect on the child's emotional makeup.

I think that educators would agree that a major part of any child's learning is the preschool and postschool activities which all children enjoy participating in—especially on the secondary level. Participating in activities like the Future Homemakers of America, Honor Society, Camera Club, and Language Club all represent an added educational experience which occurs outside the classroom. Participation in this type of activity is an important aspect of the educational experience. We have all heard stories about teenagers who continue in school only because they want to participate in sports. This type of peripheral educational experience would be largely eliminated if a child had to catch a bus after school so that he could be transported across the city or county to his own home.

Mr. President, I support the pending Ervin amendment. I think it is wrong for education to take the full brunt of the integration movement, and I think it is wrong for children to have to bear the burden of this movement. We should concentrate more on improving the educational standards of all schools rather than merely making little children the object of a numbers game.

Mr. JAVITS. Mr. President, I yield 3 minutes on the bill to the Senator from Ohio.

Mr. SAXBE. Mr. President, I am somewhat disturbed at the confusion which seems to arise from these discussions, because it seems we are discussing only the busing of small, innocent children, and the inconvenience it causes to their families, and so on.

There is a much bigger picture involved, and I think that to see it properly we have to go clear back and review the issue of slavery, and what caused it and what resulted from it; because that, too, is a part of this whole pattern.

Slavery was instituted in this country as an economic measure. The slaves could be used as beasts of burden, and they were. After much jockeying in these Chambers, resulting in the Missouri compromise, the Kansas-Nebraska law, and all of that fancy footwork, a war was fought in this country on the question of whether slavery would survive.

The forces of the United States prevailed, and from that time on, the lot of the Negro in the South, instead of improving, declined, because the Ku Klux Klan and the other organizations that arose to keep the Negro in his place prospered, until the Plessy against Ferguson case, which came in the 1890's, rather than being a setback for the Negro, represented at the time a tremendous move forward, because up until then he was not getting any education at all except that which might be provided as a beneficence from the rich planter or the man who still controlled the black man and his family.

After Plessy against Ferguson, there was an attempt, but a feeble attempt, to provide separate but equal facilities.

We have talked a lot about this "de jure" and "de facto" segregation. When Brown against Board of Education came along, on the question of the so-called de jure segregation, it required some shifting of gears to change what had been the law of the States under Jim Crow—and not just the law, because that was simply no longer constitutional, but the customs and the social practices.

We have seen the towns in Florida—and I am sorry the Senator from Florida (Mr. GURNEY) is not present—where, as you go along down the east coast of Florida on the Seaboard or Florida East Coast Line, it runs about a mile from the coast, and that railroad is a barrier, in a hundred cities that run up and down that east coast of Florida. I have sat in the town of Delray Beach, Fla., where not only is that railroad a barrier, but they have seen fit to build a 6-foot high, horse-high and hog-tight concrete fence around a designated area where the black people are supposed to live; and they had better live there.

This was not accomplished by a law that was passed, that said that man has to live there. It was done by real estate interests, and by the police and their effective enforcement. But it has been done, and the schools were established accordingly. This is a geographical line, it is not a legal line; but the schools were established, and the black children go to those schools.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. JAVITS. I yield the Senator 2 additional minutes on the bill.

Mr. SAXBE. As the situation has progressed in the South, the boundaries have been adjusted accordingly. I have admitted on this floor that in Ohio and Washington and other States, we have de facto segregation because of geographical living patterns, and it is to be deplored. But I submit that, by adopting the amendment now before us, which says you cannot bus under any conditions, and that no Federal agency can direct or enforce an order to bus, and no court, the Government is deprived of a weapon that can be used, not indiscriminately, as I see it—and I admit that it would appear that it has been used indiscriminately, and perhaps not too intelligently—but we are only 15 years away from de jure segregation, and it is too early to abandon the effort. It is too early to say, "Well, there is nothing we can do for the black man, he is not capable of living in our community or going to our schools; he degrades our schools; he is never going to be any better."

I do not believe that. I think there is still hope, and there is opportunity. To agree to this amendment and adopt this course of action at this time is an admission of our inability to cope with this problem, and an admission that perhaps the South is right, that they know how to treat the black man, and they know how to keep him in his place. To me, it is an admission that they may have the right answer, and I will not be a party to it.

Mr. ERVIN. Mr. President, will the Senator yield me 1 minute?

Mr. PELL. I yield 1 minute on the bill to the senior Senator from North Carolina.

Mr. ERVIN. Mr. President, I was very much intrigued by the argument of the distinguished Senator from Ohio in going back to slavery. Slavery was abolished 100 years ago. But if you are going to allow Federal judges and Federal bureaucrats to haul little children to and fro over the face of the earth, you are enslaving the little children to the bureaucracy and the judiciary.

I appeal to Senators to vote for this amendment and provide that children, in the year of our Lord 1970, will not be made slaves to bureaucrats and Federal judges but, on the contrary, that they be made free.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I shall vote against this amendment, and I shall outline my reasons for doing so.

As I said the other day in a colloquy with the distinguished Senator from North Carolina, it was my duty in 1964, together with former Senator Douglas, to manage on the floor of the Senate title IV of the 1964 Civil Rights Act.

In the debate on title IV, in 1964, both Senator Douglas and I, in response to questions from other Members of the Senate about the intent of title IV as to busing, gave our judgment that, under the measure, busing was prohibited—as elaborated later in colloquy with the late Senator Johnston of South Carolina—from one school district to a contiguous school district. I think that was the intention of the law. But I do not think that our interpretation went to the necessary means a school board will take inside a district to meet the problems of their schools.

I can give several illustrations. In the rural area in which I live, there were 60 or more schoolhouses in the county—one- or two-room schoolhouses—several years ago. Now, with the advent of better roads, we have a few consolidated elementary and secondary schools and consolidated high schools to which pupils are bused from all over the county. It is necessary and both black and white are bused. It preserves, as best one can, the neighborhood school.

Again, situations have arisen in the South since the Brown case in which I do not believe busing should be employed unless it is employed equally over the land. We have discussed such situations for 2 or 3 days in connection with the Stennis amendment around the issue of de facto segregation. In the North, in large cities, there is de facto segregation.

The courts have held thus far that they are not subject to the same rule of the Brown case.

As a result, HEW and the courts do not intervene and no busing is compelled. But in a similar de facto case in the South, HEW does in effect compel busing. This is not equal protection of the law—certainly not equal application of the law.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. I yield 2 additional minutes to the Senator from Kentucky.

Mr. COOPER. To me, the trouble with the amendment is this. The Supreme Court is a coequal branch of the Federal Government. I doubt that it can be divested of its authority to rule upon constitutional questions which arise under the Brown case. If we can divest the Court of power and authority in this instance we would be tempted to divest the Court of power to deal with any condition we dislike in this land even if a temporary or fleeting matter. I do not think it is right to start on such a course. Whether one agrees with the Supreme Court's decisions or not, there must be an institution in this land which has the authority to review the acts of the Federal Government, of the State governments, of Congress, and of the Executive to determine whether or not in the Court's view justice has been done. That institution is the Supreme Court. And we should not attempt to divest it of appellate jurisdiction in cases arising under the Brown case.

I repeat that I believe the intent of the Civil Rights Act of 1964, title IV, was to prohibit busing from one school district to another, and the law that should be followed by HEW and the courts. I do not believe it was intended to compel busing in a true de facto situation in the South, and not do so in the North, East, and West. But I must say it goes too far for us to say in difficult cases. We should divest the Supreme Court of the authority that rests in it to review the actions of the Federal Government, of the State governments, of individuals, of Congress, and of the Chief Executive.

I must rest my case on that position.

Mr. GRIFFIN. Mr. President, I yield 3 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I wish to state to the Senator from North Carolina—he may wish to address himself to the subject—that I intended to move to table this amendment, and the reason I intended to move to table it is as follows:

I think it differs very materially from the Stennis amendment, both in thrust and in consequence, because the Stennis amendment dealt with an educational aspect of the bill. This amendment deals with the power of the courts to enforce the Civil Rights Act of 1964. It seems to me, therefore, that it is not a relevant part of this bill but, rather, a relevant aspect of a general civil rights debate.

It is to be noted that this whole problem was dealt with by the Civil Rights Act of 1964, and reliance has been had time and again on that in the action of HEW.

Again, Mr. President, Senator STENNIS' amendment, as he made very clear, went to the guideline question and the withholding of money by the Department of Health, Education, and Welfare. This amendment goes directly to the power of the courts to deal with the constitutional question of the segregation of public schools contrary to the mandate of the Constitution.

It seems to me very clear that, in its thrust, it goes far beyond the Stennis amendment, and I think Senator COOPER put his finger on it when he said "it goes too far." Whereas Senator STENNIS affirmed to the Senate, in the most considerate way, that he did not seek to abate enforcement anywhere—in the South or anywhere else—there is no question about the fact that this amendment would materially abate enforcement because it would prevent any court from making a decree in any way involving busing, no matter how outrageous may be the segregationist practice of a particular area.

Lest we think that this is ancient history, we have these de jure segregation cases every day in the newspapers, including this morning. This morning we have a story about a case in Florida. It is a fact that in some school districts separate bus systems have been operated on the basis of race, one bus for transporting whites and another bus for transporting blacks. It is a fact that in school districts bus systems have been operated in such a way as to transport black or white students, as the case may be, past the nearest school to another school in which their race is a majority. It is a fact that schools have been deliberately located in the midst of a black neighborhood, which is arbitrary school gerrymandering; and you cannot deal with that situation if you are a court unless you have the power to say something about busing.

Finally, Mr. President—I do not want to repeat the argument of last night, which was very comprehensive—we speak about enslaving little children, busing little children, and so forth. I pointed out yesterday that it has been a longstanding practice of our country to require that educational requirements prevail, and that is why the one-room schoolhouse was eliminated in favor of the central schoolhouse. Many parents objected to that violently. That is why in the South and other parts of the country—but certainly in the South—Negroes never went to school because, though there might be one across the street, they had to go to a school miles away, which they could not afford to do, and there were no buses. Thus, Mr. President, there is nothing angelic about any of this.

The fact is, we all seem to be agreed that we want to follow the constitutional mandate, that we do not want, by amendments loaded onto the bill, to abate the constitutional mandate. Yet, this amendment will go directly to the heart of the ability to cope with enforcement of the Constitution of the United States.

Mr. PELL. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for one minute.

Mr. PELL. Mr. President, I shall support the senior Senator from New York's motion to table.

Personally, I believe that I am as opposed to indiscriminate busing as anyone in this Chamber. But, it is a question of degree. I think that the way the Governor of Arkansas put it might well be stated here, his words, paraphrased, were that:

> Judicious busing used with discrimination is one of the necessary adjuncts to the courts in trying to achieve, in certain areas, more of a degree of integration in the schools.

Indeed this is a good description of busing and one of which I approve. The proposed amendment would knock out busing whatsoever, thus making it impossible for the court to effectuate any type of integration order.

For that reason, I intend to support the motion to table.

Mr. JAVITS. Mr. President, it seems to be the opinion of many who feel strongly about the amendment—as strongly as I do—and I have consulted with them, that notwithstanding the same feeling that they will strike out busing any way they can, no matter how improvident it may be, the reach of the amendment, including the reach of the courts is of such a character that a number of my colleagues feel they would rather face the issue directly and vote it up or down.

Under those circumstances, Mr. President, I shall refrain from making a motion to table and allow the amendment to be voted on up or down.

Mr. ERVIN. I should like to thank the distinguished Senator from New York (Mr. JAVITS) for taking that attitude. I believe that is the best way to dispose of this issue.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement by the Senator from Connecticut (Mr. DODD) in which he indicates his support for the amendment. I do this at his request.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

STATEMENT BY SENATOR DODD ON THE BUSING OF SCHOOLCHILDREN

Prior commitments make it necessary for me to be away from the Senate today, but if present, I would vote for Amendment No. 492, proposed by the senior Senator from North Carolina, to prohibit the Federal Government from transporting children to alter the racial composition of the student body at any public school.

I am well aware that school experience includes a great deal more than instruction in academic skills and disciplines, for the school is a social institution and the child learns much from his associations with children whose economic, social, and racial backgrounds are different from his own.

The integration of American schools has had my full support, and I have been concerned at the slow pace at which it has moved in many areas of the country. My overall record on civil rights legislation stands on its own, needing no defense.

However, I cannot in conscience support the proposal to uproot children from their neighborhoods and transport them some dis-

tance in order to achieve racial balance in the schools.

Serious questions exist as to whether the cause of civil rights would be served by forced school busing. Certainly, the cost to the children of all races and to their parents and to the community would be high if busing were mandatory.

Rather, let us continue to improve conditions and opportunities for our black citizens, economically, politically, and socially, so that there will be balance without busing.

I shall do whatever I can to make this a reality.

I commend the Senator from North Carolina for introducing this important amendment. I hope that it carries.

Mr. ERVIN. Mr. President, I also ask unanimous consent that there be printed in the RECORD headlines and an excerpt from an article which appeared in the Washington News of February 6, 1970, relating to 42 schoolbuses that were bombed in Denver because some people in Denver resented the busing of their children to schools.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOMB 42 SCHOOLBUSES IN DENVER INTEGRATION

BLASTS WRECK DENVER BUSES—42 DESTROYED OR DAMAGED

DENVER, February 6.—Deliberately planted explosives ripped thru a school bus parking lot last night, triggering a blaze that destroyed or damaged 42 school buses.

The explosives were planted under gasoline tanks and one fire official, who did not wish to be identified, speculated the incident was related to a current Denver controversy concerning integration by busing.

DAMAGE HEAVY

"Forty-two buses were damaged, of which 22 were totally destroyed," said Acting Fire Chief Dan Cronin. "I'd estimate the damage at around a half million dollars.

"Forty firemen battled the blaze for over half an hour before they put it out," he said.

One school employe, identified as Charles Crow, was moving buses out of danger when he was struck in the back by flying debris. He was examined and released at a local hospital.

"I'd say it was the work of someone expert in demolitions," Chief Cronin said. "A high explosive, probably dynamite, was placed under the gas tanks of the 22 buses and set off at the same time, blowing flaming gas over other buses.

SOME BUSES SAVED

"The buses other than the 22 were damaged by fire and concussion," he said. "No buildings were damaged."

He said he estimated 10 sticks of explosives were used.

"We were still moving buses out while they were exploding and burning," said Joe Lorimor, 47, night foreman at the parking lot.

"We saved, I'd say, 25 buses from extensive damage out of the 83 that were in the immediate area of the explosion." He said he "was starting out the door when I heard the first explosion, but I didn't see any fire."

"I went trotting toward the sound when a terrific explosion shot fire 50 to 60 feet into the air," he said.

Mr. THURMOND. Mr. President, the pending amendment deserves the support of all Senators who are opposed to the busing of students for the purpose of changing the racial composition of the public schools. There is a great need for this amendment. Although the Congress has expressed itself before when the so-called Whitten amendment was passed in opposition to busing, bureaucrats at HEW have shown initiative and ingenuity in devising ways to avoid the intent of Congress.

This amendent accomplishes the purpose of preventing such busing in clear and straightforward language that will prevent those in HEW from finding any loophole. The amendment also removes jurisdiction from any court to order busing. Furthermore, this amendment does what it purports to do and nothing else. There are no hookers. There is no attempt to pull the wool over anybody's eyes. Simply put, this amendment prevents any government officials or employees or any court from transporting students for the purpose of affecting the racial composition of any public school.

Mr. President, almost everyone who has spoken out publicly on this issue has opposed busing. President Nixon both in his campaign and again the past week has made clear his support for neighborhood schools. There is no question that parents and students strongly oppose busing to accomplish integration. I believe it is fair to say that this extends to black citizens as well as white citizens.

Let us stop and think for a moment what is involved in busing. The most important consideration is the child himself. Suddenly he is told he cannot go to the school nearest to him which is often within walking distance. Instead, he must board a bus and be transported to a strange school in a strange neighborhood; and even though the child may be young, it does not take him long to figure out that this is because of his race. Whether it is a black child being bused from a ghetto to a suburb or whether it is a white child being bused into a formerly all-Negro school, the effect is the same. In the name of ending discrimination the child's race determines the school he attends, and the environment in which he lives and to which he is accustomed cannot be the environment in which he will be educated. This certainly creates a shock for a child and is naturally opposed by parents.

Mr. President, I believe the purpose of our schools must be to educate. If the time and the money and the human endeavor devoted to create unnatural schemes of student assignment were devoted instead to improving the quality of the education a child is receiving in the school most convenient to him, all children, both black and white, would benefit.

This amendment is needed. In spite of all the rhetoric opposed to busing from people of all races and persuasions and all levels of influence, we still find such conditions being imposed upon school districts by both federal judges and the Department of HEW under the threat of loss of Federal aid. Let us settle that issue once and for all by passing this amendment.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The question is on agreeing to the amendment of the Senator from North Carolina (Mr. ERVIN).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH (when his name was called). On this vote, I have a pair with the Senator from Connecticut (Mr. DODD). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. METCALF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) would vote "nay."

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from New Jersey (Mr. WILLIAMS). If present and voting, the Senator from Alaska would vote "yea," and the Senator from New Jersey would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Colorado would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Maryland would vote "nay."

The result was announced—yeas 36, nays 49, as follows:

[No. 48 Leg.]

YEAS—36

Allen	Ervin	Miller
Bennett	Fannin	Murphy
Bible	Fulbright	Randolph
Byrd, Va.	Goldwater	Russell
Byrd, W. Va.	Gurney	Sparkman
Cannon	Hansen	Spong
Cook	Holland	Stennis
Cotton	Hollings	Talmadge
Curtis	Hruska	Thurmond
Dole	Jordan, N.C.	Tower
Eastland	Long	Williams, Del.
Ellender	McClellan	Young, N. Dak.

NAYS—49

Aiken	Hughes	Pastore
Allott	Inouye	Pearson
Anderson	Jackson	Pell
Baker	Javits	Percy
Bellmon	Jordan, Idaho	Prouty
Boggs	Magnuson	Proxmire
Brooke	Mansfield	Ribicoff
Burdick	McCarthy	Saxbe
Case	McGee	Schweiker
Cooper	McGovern	Scott
Eagleton	McIntyre	Smith, Maine
Fong	Mondale	Stevens
Goodell	Montoya	Symington
Gore	Moss	Tydings
Griffin	Muskie	Young, Ohio
Harris	Nelson	
Hart	Packwood	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Church, against.

NOT VOTING—14

Bayh	Hartke	Mundt
Cranston	Hatfield	Smith, Ill.
Dodd	Kennedy	Williams, N.J.
Dominick	Mathias	Yarborough
Gravel	Metcalf	

So Mr. ERVIN's amendment (No. 492) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF FEDERAL CREDIT UNION ACT—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of February 18, 1970, pp. 3844–3845, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. SPARKMAN. Mr. President, I move adoption of the conference report.

The motion was agreed to.

VISIT TO THE SENATE BY A DELEGATION OF THE SPECIAL AUDIT COMMITTEE OF THE FRENCH NATIONAL ASSEMBLY

Mr. SPARKMAN. Mr. President, it is my privilege to announce to the Senate that we have a group of distinguished visitors in this Chamber at the present time who are members of a delegation from the Special Audit Committee of the French National Assembly.

Mr. President, I ask unanimous consent to have printed in the RECORD a short biographical statement on each one of our distinguished visitors.

There being no objection, the biographical information was ordered to be printed in the RECORD, as follows:

BIOGRAPHIC NOTES ON THE MEMBERS OF THE DELEGATION OF THE FRENCH NATIONAL ASSEMBLY, SPECIAL AUDIT COMMITTEE

PIERRE BAS

Deputy of Paris to the National Assembly (Union of Democrats for the Republic) Chairman of the Special Audit Committee of the National Assembly.

Born on July 28, 1925, M. Bas, after obtaining a degree in law (licence-en-droit) and studying administration of French Overseas territories at the "Ecole Nationale de la France d'Outremer", held several administrative posts in French African territories and was a member of the staff of the Minister for Overseas France (1958) and of the Presidency of the Republic (1959).

Appointed a "Conseiller référendaire à la Cour des Comptes" (National Audit Commission) in 1962, M. Bas was elected the same year to the National Assembly and re-elected in 1967 and 1968.

He is a member of the Paris Council.

VIRGILE BAREL

Deputy of Alpes Maritimes to the National Assembly (Communist Group).

Born on December 17, 1889, M. BAREL is a retired school teacher.

Elected to the Chamber of Deputies in 1936, he was a deputy to the two National Constitutional Assemblies, and was elected to the National Assembly in 1946. He has been reelected in 1956, 1967 and 1968.

CLAUDE ROUX

Deputy of Paris to the National Assembly (Union of Democrats for the Republic).

Born on October 27, 1920, M. ROUX is a lawyer and a member of the Paris Bar. He was elected to the National Assembly in 1958, and reelected in 1962, 1967 and 1968.

He is a member of the Paris Council.

CHARLES DEPREZ

Deputy of Hauts-de-Seine to the National Assembly (Independent Republican).

Born on February 14, 1918, M. Deprez is a businessman. Elected to the National Assembly in 1967, he was reelected in 1968.

He is the Mayor of Courbevoie (Hauts-de-Seine), a suburban city of the Paris area.

ALAIN TERRENOIRE

Alain Terrenoire, Deputy for the Loire Department, was born in Lyons, June 14, 1941. He is the son of Louis Terrenoire, a Deputy and former minister.

After completing his studies in law he became assistant secretary general to the European Democratic Union Party in the European Parliamentary Assembly. He remained in this post from 1964 to 1967. From 1964 on, he was president of the Young European Democrats Union.

He was elected Deputy for the Loire in March 1967 and reelected in the June 1968 elections on the Union for the Defense of the Republic ticket. Mr. Terrenoire has been secretary general to the Parliamentary group of Science and Technology since December 1968, secretary general to the interparty group of young Deputies and as of April 1969, founder-president of the Center for Liaison and Regional Studies.

Mr. SPARKMAN. Mr. President, we are delighted to have these guests visit us today. I now ask them to rise and be greeted by the Senate.

[Applause, Senators rising.]

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. ERVIN. Mr. President, I call up my amendment No. 491 and modify it so as to read as follows:

No child shall be denied the right to attend the public school nearest his home which is operated for the education of children of his age and ability.

Mr. BYRD of West Virginia. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ERVIN. Mr. President, I have modified my amendment, No. 491, to read as follows:

No child shall be denied the right to attend the public school nearest his home which is operated for the education of children of his age and ability.

The PRESIDING OFFICER. Will the Senator send the amendment forward.

The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from North Carolina (Mr. ERVIN) for himself and others proposes modified amendment No. 491 as follows:

AMENDMENT No. 491

Add at the end thereof an additional title and section appropriately numbered and reading as follows:

"No child shall be denied the right to attend the public school nearest his home which is operated for the education of children of his age and ability."

Mr. ERVIN. Mr. President, the amendment speaks for itself. The amendment undertakes to give every child the right to attend his neighborhood school. I am perfectly willing to waive argument on the amendment and to vote immediately.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TYDINGS. Mr. President, will the Senator yield so that I may ask a question?

Mr. ERVIN. I yield.

Mr. TYDINGS. Is the purpose of the amendment to legalize the freedom-of-choice operation of public school systems and public schools in the South of the Nation?

Mr. ERVIN. The purpose of my amendment is to give every child, black, white, or brown, the right to attend the school nearest his home which is operated for the education of children of his age and ability.

Mr. TYDINGS. What would be the effect of the amendment on so-called freedom-of-choice school plans which have, in effect, perpetuated the segregated schools systems in the South? Would it have the effect of saying that henceforth the so-called freedom-of-choice plans are quite proper regardless of their effect?

Mr. ERVIN. The amendment does not say that. The amendment states that every child shall have freedom to attend the public school nearest his home which is operated for the education of children of his age and ability.

Mr. TYDINGS. The legislative intent of the amendment is to go no further than the actual words of the amendment? It is not intended to relate to the so-called freedom-of-choice system which has been adopted in some States?

Mr. ERVIN. This is intended to mean exactly what it says, no more, no less. I am perfectly willing to waive argument or to agree to a 5-minute limitation and vote immediately.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. PELL. I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, obviously a child cannot make a choice. Obviously, the choice is going to be made by the child's parent. They are not going to rely on the choice of a child at the age of 5, 6, or 7. If it is made by the parent, that is the freedom-of-choice plan. It can be said that the amendment means what it says, but I understand what it means, and it means to legalize the freedom-of-choice plan.

Again, contrary to what has been contended here so eloquently by the Senator from Mississippi (Mr. STENNIS)—and I tell the Senator from Mississippi now that, if I am a conferee, I will fight for his amendment as if it were my own; that is a Senator's duty, and that is the end of that—to have amendments which seek to abate the authority of the court to deal with de jure segregation, authority which is the law of the land, it seems to me, to use a cliche, is going too far.

I think that is the reason the previous amendment was rejected. It was not rejected on the eloquence of anyone. I do say that we should not go backward. It has been contended that we do not desire to go backward.

Mr. President, I hope the amendment is rejected.

Mr. ERVIN. Mr. President, this amendment has nothing to do with freedom of choice. It would not give the child the right to pick any school to attend, except the school nearest his home. It is purely the neighborhood-school proposition, and it would only give him the opportunity to go to the school nearest his age and ability.

Mr. TYDINGS. Would the Senator have any objection to adding the word "desegregated" to his amendment where it states "to attend the public school nearest his home" so that it would read "to attend a desegregated public school nearest his home"?

Mr. ERVIN. I think the child should have the right to go to the school nearest his home if it is desegregated. But what about other situations? In many communities they might have only one race. For example, we have Mitchell County in North Carolina where there are no colored children, and, under the Senator's proposal, he would have to go to a school which was desegregated.

Mr. TYDINGS. I mean a school which had complied with the law and which had been judged by the courts to have complied with the law.

Mr. ERVIN. I do not think there should be a modification of my amendment. If the Senators think children should not be given the right to attend schools nearest their homes that are available to them, they can vote the amendment down.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LONG. I would like the Senator from Maryland to hear this. As I understand it, there is nothing in the amendment that says courts cannot order other children to be assigned to that school. The amendment does not interfere with that.

Mr. ERVIN. It does not interfere with school boards assigning children to a school, as long as the children do not want to go to a neighborhood school.

Mr. LONG. What the Senator is saying is that if a child wants to go to a school nearest his home——

Mr. ERVIN. He can go.

Mr. LONG. He can go, and, likewise, if someone else wants to send that child to another school, if the child does not want to go he cannot be made to go.

Mr. ERVIN. Yes.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. HOLLAND. As I understand the amendment, it is single in its purpose. It gives to no authority the right to deny the right of a child to attend the school nearest his home when the school serves pupils of that age and experience.

Mr. ERVIN. That is right.

Mr. HOLLAND. The child is not deprived of the right to go to another school which is legally open to him if, for some good reason, or reason known to himself, he elects to go there.

Mr. ERVIN. That is right.

Mr. LONG. Mr. President, if the Senator will yield further, if I understand the amendment, what the Senator is saying in his amendment is what I thought the original Brown case meant.

Mr. ERVIN. It is exactly what the Brown case meant.

Mr. LONG. It means that every child is entitled to go to the school nearest his home.

Mr. ERVIN. That is what the decision meant. If he wants to attend the school nearest his home, he has a right to go to the school. This amendment is in perfect harmony with the Brown case.

Mr. LONG. Since the Brown decision came down a lot of people have felt that integration is so good for a person that he ought to be required to have it whether he wants it or not, be he white or black.

Mr. ERVIN. That is right.

Mr. LONG. To illustrate how ridiculous some people can be, we have a fine Negro college in my hometown of Baton Rouge, La., which illustrates the problem at the college level. That college—Southern University—has a fine band, and 80 million people saw it perform at the Super Bowl game. That band is the pride of the South. It performed before the entire country. It is a great band. Joe Bellino, Heisman Trophy winner, sat behind me at the game and he said he had never seen a better half-time show.

So there is that fine Negro college at the north side of the city. Every Negro in that institution is eligible for immediate admittance to Louisiana State University. On the south side of the same city is Louisiana State University, where there is a considerable percentage of Negroes. Everybody in Southern can go to LSU, but someone from Washington proceeds to say Louisiana State must lose its racial identity and Southern must lose its racial identity, so that they must be made one, even though nobody at LSU wants it that way. Neither the students nor the faculty want it that way.

I always thought that the idea of the Brown decision was to confer rights on someone, but here is someone in Washington who seeks to deny both people their rights.

The Bible says, "Honor thy father and thy mother." To me, it makes some sense that one honors his father and mother by taking pride in his own people, and pride in what they can achieve. If these people prefer to go to Southern, can the Senator give me any reason why they should be compelled to go to Louisiana State University?

Mr. ERVIN. They should not be, if the United States is to remain a free society, and not a totalitarian police state. There is a difference between this amendment, No. 491, and freedom of choice. In freedom of choice, the child or the parent of the child can choose to go to one of several schools. This amendment only gives the child the right to go to the school nearest his home which is available for children of his age and experience.

Mr. LONG. The amendment would preserve the right of every Negro living in a white community to go to any white school nearest his home.

Mr. ERVIN. Yes.

Mr. LONG. If he were coerced or discriminated against, the court could issue an injunction against every citizen in that community, if need be, and could even require that the child be given passing grades and be treated as he should be; but it would guarantee him the right to go to the nearest school in his own community, and not be required to be bused across town.

Mr. ERVIN. Yes.

Mr. LONG. The Senator has offered a fine amendment. I do not see how anyone could contend that, if everyone else has a right to go to that school, the child who lives next to it should not be denied the right to go to that school.

Mr. PELL. Mr. President, I yield 5 minutes to the distinguished Senator from Tennessee (Mr. GORE).

Mr. GORE. Mr. President, I must reluctantly oppose the amendment offered by the distinguished senior Senator from North Carolina and my friend. I do so, I believe, for very practical reasons. In earlier years I was superintedent of education in my home county. Therefore, I have had some experience with respect to school districts and assignment of pupils.

I respectfully call to the attention of Senators the fact that the proposed amendment does not necessarily relate to the transportation of children by bus or otherwise. If Senators will read the amendment—and I really doubt if my distinguished friend intends for it to be so all-inclusive—it would limit the power of a school board to assign students. The only criterion set up in the amendment is the public school nearest a student's home.

Senators know that school districts are drawn with respect to blocks and neighborhoods. There might very well be a very busy thoroughfare of four lanes, limited access——

Mr. BYRD of West Virginia. Mr President, will the Senator yield?

Mr. GORE. I yield.

Mr. BYRD of West Virginia. Or the school nearest his home might be overcrowded.

Mr. GORE. This is another reason. Let me finish with the highway illustration.

Let us assume that there is a limited access highway. There is a school building within a block, on the north. The throughway may be the dividing line between the two districts. Yet a large number of schoolchildren living in a district south of the throughway may be only 300 yards away from the school building to the north, yet for very good reasons they are assigned to a school south of the throughway. The only criterion set up in the amendment is "nearest his home."

So I say there are physical and geographical reasons why the amendment should not be adopted.

Other than that reason, which is a real and geographical reason, what is sought by the amendment is to place limitations upon a school board, not upon a Federal official. Does the Senate wish to do that? I have doubts that it should.

There are other reasons, such as the one raised by the Senator from West Virginia.

There may be a new school building within a school district with a large tenement house nearby, but an additional school three blocks away, and the school officials wish to make assignments in a very practical way.

I very strongly endorse the neighborhood concept of schools.

I came to appreciate, through my experience, the contributions of the community, the Parent-Teachers Association, the community spirit, the community pride in the school, and the effect it had upon the discipline and upon the morale in the school.

But that is not involved here. The test is entirely too narrow, and the limitation, it seems to me, would create administrative chaos for the local school and administrative authorities. I hope the Senator will not press his amendment. I do not wish to detain the Senate, but it seems to me that this is something that the Senate should not undertake to do.

Mr. ERVIN. I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I think my distinguished friend from Tennessee has not carefully read the amendment. The amendment does not require the child to go to the school that is nearest to him. Very far from that. The amendment says that no court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child, to withhold from any child, the right to attend the public school nearest his home, which is operated for the education of children of his age and ability.

This simply gives the student a right to attend, if he wishes to, or if his people wish him to, the school that is nearest to him. I questioned the Senator about this is an earlier colloquy, and he made it very clear that the proposal was not designed at all to prevent the child from going to another school, provided the law of the area or the law applicable at the time permitted him or her to be eligible to attend there. The amendment simply says that a child cannot be denied the right to go to the nearest school by any Federal agency. I see nothing wrong with that.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield.

Mr. GORE. The distinguished Senator from West Virginia brings up the question, Suppose that students, for some very reasonable justification, are by the school board assigned to attend another school, to which they must be transported by bus? It is an assignment not because of race or religion, but because of a local administrative reason which the local authorities consider sound, sufficient, and justified.

Or, to put a strained interpretation on it, let us consider the question of discipline. Suppose that a child is attending one school by assignment, 10 blocks from his home, but there is another school eight blocks from his home. Suppose the child becomes an incorrigible in school A and he wishes to leave that school and go to the other. There may be two blocks difference. Yet what is the test? The only test is "nearest to his home, operated for children of his age and ability."

How are you going to test his ability? There may well be differences in ability. School officials may have, and indeed they do have, classrooms for advanced children, for precocious children, and they have other classes for children who are retarded. This amendment would deny a school board the right of assignment except on the basis of distance, unless they wished to make some official determination of the comparative ability of the child.

This is a limitation on the authority of a school board. I doubt if we want to do that; and I respectfully urge that it not be done.

Mr. HOLLAND. Mr. President, my understanding of the amendment is quite different. My understanding of the amendment is that no child can be denied the right, if he wishes to assert it or if his parents wish to assert it, to attend the school nearest to where he lives, provided he is of the age and ability to go to that school. He can go to other schools if his parents or guardians want him to go to other schools, or if the child wishes to go to another school and they approve it. There is nothing in the world to prevent it. The amendment simply says he cannot be denied by a Federal agency the right to attend the closest school. I do not believe the Senator would want to deny him that right.

Mr. ERVIN. Mr. President, I should like, in line with the suggestion of the Senator from West Virginia, to modify my amendment. I ask unanimous consent to modify my amendment so as to add, at the end thereof, the following words: "if space is available for him in such school."

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. ERVIN. I ask unanimous consent to make the modification.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and the amendment will be so modified.

Who yields time?

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I wish to speak in opposition to this amendment, and I do so with the greatest reluctance, because I am fully sympathetic with what I think the distinguished Senator from North Carolina is trying to achieve.

In my State of Wyoming, we have a number of school districts, many of which have different mill levies to meet the requirements of their school systems; and, as I read the amendment, without modification, it occurs to me that, if I were a resident of one school district, and a school was present in an adjoining district nearer me than the school being provided by my school district, I could assert my right to go outside my school district.

I further interpret the amendment to imply that I might even go across the State line. It happens that in my home county of Teton, within one school district in that county there is no high school. I can see no reason why I could not say, being a resident of Wyoming, that I would prefer to go across the State line into Idaho to the nearest high school, and the court would be denied the right to tell me that I had to go to a high school within my own State or my own school district. Is that correct?

Mr. ERVIN. You cannot go to a high school in another State, under existing law, unless the other State passes a law authorizing it.

Mr. HANSEN. What about a grade school?

Mr. ERVIN. That is true of a grade school also. In other words, you cannot go to a school anywhere unless the law of the State which operates the school makes you eligible to attend that school.

Mr. HANSEN. I think the amendment is unclear in that regard. The way I read it, it would certainly leave that a very gray area. If I were to appeal from the decision——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. I yield 2 additional minutes to the Senator from Wyoming.

Mr. HANSEN. If I were to appeal from the decision of the school board, even on a county basis, is there anything in this amendment which would preclude a resident of one county crossing a county boundary line, if a school in that county were the nearest school?

Mr. ERVIN. It would not authorize him to go to another county unless the State law authorized him to do so. In other words, that would depend on the State setup or how the State supports its schools.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. GORE. That would bring up the question, What is a right? This is sup-

posed to be a Federal law. Now, we would have a Federal law which says no child shall be denied a right.

Mr. HANSEN. Would that strike down any State law?

Mr. ERVIN. No.

Mr. GORE. If the Senator will yield further, who knows? Certainly a Federal law is superior to a State law, if it is a Federal law. Therefore, if we say that no child shall be denied a right, then we have got to understand what a right is.

What right does a child in Memphis have to go to a school in West Memphis, or a child in Mississippi to go to a school in Memphis? Shall we deny the school board of Memphis its disciplinary authority and jurisdictional authority, or shall we say that a child has a right to go to the school nearest him? That is what the amendment says.

Mr. HANSEN. That is the way I read it.

Mr. ERVIN. The Senator from Tennessee knows it is a fact that we are a Federal legislative body. We have no jurisdiction to pass laws affecting the internal management of schools in the States.

This would only prohibit Federal authorities from denying a child the right to go to his neighborhood school. That is all it would do. The Senator from Tennessee has conjured up a lot of imaginary legal ghosts that do not exist.

Mr. BYRD of West Virginia. Mr. President, will someone yield me 2 minutes?

Mr. PELL. I yield 2 minutes to the junior Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator for yielding.

Mr. President, the Senator from Tennessee has not conjured up situations which are far stretches of imagination. As the former chairman of the Appropriations Subcommittee on the District of Columbia for 8 years may I say that we had that very situation in the District of Columbia, in which problem children—children who were troublemakers, if I might use that term, in their school—were taken out of their school and put in a special school. I do not know whether such special schools still exist in the District of Columbia. But the Senator from Tennessee has put his finger on a realistic situation which can very well arise. Under the pending amendment, such children could not be placed in such a special school if they chose to attend a closer school.

I am very sympathetic to the intent of the amendment. I do not question the ability of the Senator from North Carolina to draw an amendment in the proper verbiage to deal with whatever problem we hope to deal with. But there is nothing in his amendment which deals with race. After all, it was the 1954 decision which said that children could not be assigned to school on the basis of race or color. The Senator's amendment does not go to that question. I would join with him in an amendment properly worded which provided that children could not be assigned to schools away from their neighborhood schools purely on the basis of race or color. But his amendment does not do that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. I yield 2 additional minutes to the Senator.

Mr. BYRD of West Virginia. It gets into many situations which present practical problems, and I think it would handcuff the local authorities who are trying to deal with these practical problems and who are not attempting to make assignments on the basis of race or color, necessarily.

Mr. GORE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GORE. The Senator and I both have had some experience in the educational field. The Senator brings up the question of the disciplinary problem, the incorrigible child who is assigned to a special school.

Mr. BYRD of West Virginia. Yes.

Mr. GORE. There is the other situation of the precocious child, who, left in a normal classroom, himself becomes a problem because of his precocity. Then there is the slow learner. We do not like to talk too much about that, but there are those who need to be placed in schoolrooms with children of their comparable intelligence quotient.

I do not think the Senate wants to get into the business of measuring this sort of thing. It would apply not only to a city like Washington, but also to a city like Memphis and to a city like Nashville, Tenn., and even to some of the rural counties.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I have the floor, have I not?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. I merely want to say that I hope the able Senator will withdraw his amendment. I think the defeat of this amendment could be misinterpreted by the people throughout the Nation and could do damage to a cause which he hopes to serve by his amendment.

Mr. ERVIN. I was going to ask unanimous consent to withdraw that amendment and send to the desk another amendment which meets all the objections that have been voiced against it, except the one about the incorrigibles, and I think that would be best left to State law.

I ask unanimous consent that I be allowed to withdraw this amendment, notwithstanding that the yeas and nays have been ordered, and propose another amendment.

Mr. JAVITS. Reserving the right to object, and I shall not object, just by way of getting a little idea from the Senator from North Carolina of the situation, we understand that the Senator from North Carolina's amendments are probably the only ones—we do not know—with one exception on this side of the aisle. I wondered what the Senator's design was. I ask this only because the minority leader is standing by because we have asked him to do so. We would like to give him a little information as to the number of amendments the Senator proposes to offer.

Mr. ERVIN. I propose to withdraw this amendment and offer another, and I will agree to a 5-minute time limitation on the other one.

Mr. JAVITS. Could the Senator give us an idea of the number of amendments he proposes to call up—just an idea?

Mr. ERVIN. I think this is the last amendment I will offer.

Mr. JAVITS. I have no objection.

Mr. ERVIN. Mr. President, I ask unanimous consent that I be permitted to withdraw the amendment that I proposed a moment ago.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. ERVIN. I now offer the following amendment, and I will read it:

No department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability and which is open to him under State law.

The PRESIDING OFFICER. Will the Senator send the amendment to the desk?

The clerk will read the amendment.

The ASSISTANT LEGISLATIVE CLERK. The Senator from North Carolina (Mr. ERVIN) proposes an amendment—at the end of the bill, add the following:

No department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability and which is open to him under State law.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LONG. Mr. President, I commend the Senator for his amendment. I hoped very much that the Senator would not relent in his desire to do what he was trying to do, and that is to preserve for the children and parents of this Nation one of their most precious rights, at least one right that once existed, which should certainly be the right of all parents, under the usual circumstances, to send their children to the school nearest their homes. That is something everybody can understand.

As I understand it, the way the Senator has now modified the amendment, it meets all the problems that have been raised by the Senator from Tennessee, the Senator from West Virginia, and others. It is a simple matter that if, under State law and by the procedures of the local school board, a child would ordinarily be assigned to the school nearest his home, then that child shall be entitled to go to that school. That preserves the right of the Federal court to put as many other children as they want to in that school, provided those children do not prefer to go to the school nearest their homes.

So that it gives the right—speaking of a typical situation—for the Federal courts to put all the Negro children they want to in the white schools, provided the Negro children are willing to go. But it does not give them the right to impose upon the Negro children and the

white children when neither wants it that way.

I say to the Senator that this is a precious right that anybody who has ever been confronted with the problem understands, and it is a precious right that anyone who even contemplates being confronted with the problem can understand—that if a child wants to go to the school nearest his home, he ought to have that right.

I applaud the Senator for considering the arguments and for modifying his amendment so that there can be no doubt about what he seeks to do to preserve to the parents and the children of this Nation a right that has been theirs even before there was a Constitution, and a right that we thought the Constitution was here to protect, not to destroy.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. TALMADGE. I compliment the Senator for offering his amendment. I would point out that it is in accord with a decision of the Fifth Circuit Court of Appeals that was handed down the day before yesterday.

I hold in my hand a clipping from yesterday afternoon's Washington Star, captioned "Court Backs Neighborhood School Concept," by the United Press. It reads as follows:

> One of the nation's second-highest courts says there's nothing legally wrong with a true neighborhood school system.
>
> The U.S. 5th Circuit Court of Appeals in New Orleans yesterday defined such a system as one in which pupils are assigned to the school nearest their homes without exception.
>
> "Under the neighborhood assignment basis in a unitary system, the child must attend the nearest school whether it be a formerly white school or a formerly negro school," the court said.
>
> The observation came in a ruling that Grange (Orlando) County, Fla., was not strictly adhering to such a basis, which would desegregate 8 of the 11 all-black schools in the county. The other three black schools "are the result of residential patterns," the court said.

Now, Mr. President, of course, in many areas of the South the Department of Health, Education, and Welfare and sometimes the courts have been assigning children to different schools.

Mr. BYRD of West Virginia. Mr. President, will the Chair please insist on order in the Senate. There are too many conversations going on. The Senator has a right to be heard. If only one Senator wishes to listen to him, he has that right. I hope that the Chair will enforce the rules of the Senate with respect to order and decorum.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. TALMADGE. Mr. President, they have been assigning students to schools arbitrarily and capriciously. In some instances, they have been required to travel 20 to 30 miles in a school bus, which sometimes takes 2½ to 3 hours a day, when frequently they would live within the shadow of the nearest school.

I received a letter from a woman in my State a few days ago, which I have placed in the RECORD on two separate occasions, which is one of the saddest things I have ever received in my public career.

This particular lady happens to be the wife of a serviceman in the Air Force who is now assigned to Taiwan. In her effort to help support the family, she is a nurse in a doctor's office, with an income of $65 per week. She has six children. The youngest is 7 years of age and the oldest is 15 years of age.

The six children have been assigned to five different schools in La Grange, Ga. The total distance to deliver the children to those five different schools is 11.5 miles. If she carries them by automobile, it would be a round trip of 22 to 23 miles. If she sends them to school in cabs, the cab fares would be from $22 to $23 a week out of her $65 a week salary.

No school buses are provided in La Grange, Ga. So think of the impossible situation this woman is having trying to educate her children.

It is a travesty. It is a monstrous proposition.

If something like that were going on outside the South, Members of the Senate would not put up with it for 15 minutes.

To think that in a free society there could be a woman with six children of school age, these children having to go to five different schools.

It is a perversion of freedom as we know it in our republican form of government.

Mr. President, I hope that the Senator's amendment will be approved, and that the Senate can demonstrate to the world that it is not going to have our schoolchildren shuttled about as if they were commodities in interstate commerce instead of human beings. It should be stopped.

Mr. ERVIN. Mr. President, I modify my amendment further by inserting the word "court" between the words "No" and "department," so as to read:

> No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability and which is open to him under State law.

Mr. JAVITS. May I ask the Senator, does this require unanimous consent?

Mr. ERVIN. No; it does not require that.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. JAVITS. I want to know what the Senator has done here. Perhaps the Chair could advise me how the amendment has been drafted which the Senator just read, and how does it differ from the one he sent to the desk.

Mr. ERVIN. Let me say to the Senator from New York that I restored the word "court." In other words, here is the way it will read.

Mr. JAVITS. I will save the Senator's breath on that. He just put the word "court" back in?

Mr. ERVIN. Yes; in other words, the amendment will read:

> No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability and which is open to him under State law.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment is so modified.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield me 5 minutes?

Mr. PELL. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, it seems to me—and I would like to speak rather deliberately here because I think I see what is happening—that this is not congenial either to the bill or to the policy of the United States, no matter who interprets that policy.

Mr. President, the amendment now seeks to ride on the feeling that people have for neighborhood schools in order to do precisely what the last amendment sought to do and failed, which is to negate the efforts of the courts to deal with de jure segregation.

The fact that the Senator felt it necessary to restore the word "court", it seems to me very clearly indicates that.

Obviously, we will limit materially the opportunity of the court to write a decree. The court will be latched to the fact—any court—that whatever is the school nearest the child's home, that school is the one the child must go to, without any regard to any other consideration. That is what the amendment would make Federal law, unless there were some kind of redistricting system of a State—which we know nothing about—and which may be a subject of contest in litigation. But litigation regarding a new school district, by this amendment, including busing, if that should be necessary, or a change in busing patterns, is immediately inhibited on the part of a court.

Mr. President, we have to make up our minds which way we are going. This is a totally new body of amendments. As I said before, with respect to the Stennis amendment, that was clearly set forth, but I think I understand the drift of the pending amendment. We are now considering as effectively as we can with respect to racial imbalance—that is what it is—the question of de facto segregation as we are de jure segregation. Express representation was made to us all that there would be no effort to abate our national purpose in respect of school segregation by virtue of unconstitutional laws of one kind or another.

Now, lest everyone thinks that situation stopped in 1954 because the Court made a decision, I should like to refer my colleagues to the case of Green against the School Board of Virginia decided in 1967 in which the Court said in its decision:

> One statute, the Pupil Placement Act, not repealed until 1966, divested the court both of authority to assign children to particular schools and placed authority in a State placement board.

Mr. President, what are we inviting by this amendment, if not exactly that?

Are we not now starting on that road which can really lead to disrespect for law in this country and start back rather than broadening our jurisdiction and making for uniformity and fairness and equity?

Are we not, in another guise, in another concatenation of all this, starting us on the road back from the enforcement of segregation which is against the Constitution and against the Civil Rights Act of 1964?

It seems clear to me that the entire amendment is exactly designed toward that end. We are sought to be entrapped, as it were, by a certain appeal to the invidious—I withdraw that, I strike it—we are sought to be drawn in along this road by, first, the popular feeling which so many parents and people share that they do not like busing, and now by a popular feeling, which so many people share, for the neighborhood schools.

But, Mr. President, we are Senators. We are not just hitting and running. We are not thinking of these things for the first time.

We have to operate an enormously complex system of Government. And we realize that simplistics like this will not work.

Mr. MONDALE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 55 minutes remaining.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, could the Senator from New York give a few examples or an example as to how this amendment, if it were agreed to, could be used to frustrate the eliminating of discrimination?

Mr. JAVITS. Mr. President, I have three examples of things which have actually been done to frustrate the discrimination.

This is another way of dealing with the problem. In some school districts, separate buses have been operated by race—for example, one bus for all the white children and one bus for all the black children.

In some school districts buses have been operated in such a manner as to transport children, black and white, to the nearest school which has a majority of his race.

Here is the last example. It has been established that a school had been deliberately located in a district by the school board for the purpose of segregation.

This is an affirmative action preventing action by the school board itself. It is binding on the local school board and the court.

That is a very sharp case in point.

Talk about Federal control of education, which has been one of the sacred cows, we are circumscribing the power and authority of every school board.

Mr. MONDALE. So that if the Federal courts in seeking to eliminate discrimination decided that the necessary remedy included school busing different from that which the school board was resorting to, there could be occasions when this amendment would prohibit the school board from pursuing the order, if it were issued.

Mr. JAVITS. And what about the pedagogy? We have in New York—and I am sure other Senators have the same situation in their States—the so-called 600 schools. They are schools for especially difficult children. They may have to leapfrog a school to get there. I certainly would not want to put a child that I know would be an absolute disaster to a school into the school because of the amendment.

State law would not deal with it. Perhaps the school board itself has decided that in the best interest of the child that is how it should be handled. It may be that a court in order to bring about a constitutional mandate has intervened.

It is a very unusual way of bringing about compliance with the law. There are some schools in which there are certain grades. It would knock out or reduce that option as far as the courts are concerned. I think it is a question that we must wrestle with. I know that there is very deep feeling about the neighborhood schools.

The question is how can we best encourage this? Can we best encourage it in this way which, it seems to me, gives an enormous advantage, instead of obtaining highly dubious results, if we get them at all. Of course, there are other considerations. There is the consideration of how we run our courts and how we use our money which, I am sure everyone will agree, results in giving the advantage in the overwhelming majority of cases to the neighborhood schools.

Mr. MONDALE. Mr. President, it strikes me that in many cases those of us who have spoken out against discrimination of local schools have been charged with being against the neighborhood school concept and for busing.

Is it not the case that, almost by definition, when we sort our children not on the basis of geography or proximity to a school, but on the basis of color that in most cases it would require more busing and do more violence to the neighborhood school children than otherwise?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. Mr. President, I yield an additional 5 minutes to the Senator from New York.

The PRESIDING OFFICER (Mr. SAXBE in the chair). The Senator from New York is recognized for an additional 5 minutes.

Mr. JAVITS. I think it does. And we are all men and we know very well that school buses are designed and the whole tendency of the school boards is that they are intended to patronize the neighborhood school.

We do not have to use a law for that. What we have to do is to be careful and not compel them by whatever measures we adopt to unduly disrupt the neighborhood school.

They want them. They are elected people. They are not going to be defeated.

So, it is patterned for a purpose. And the purpose is to skin the decrees in another way than the previous amendment. That is what it comes down to.

I hope very much that Senators are sophisticated enough to see through the facade.

I am not finding fault. I think the Senator should dress up his amendment in the best way he can in an effort to get it agreed to.

It seems to me so obvious that under the guise and color of our feeling for neighborhood schools, again we are going to be asked to disapprove an effort to desegregate schools which had been segregated for a long time.

I do not think it is wise or provident for us to become a party to the effort. We know these things. We could bring up any number of a large variety of issues. We could follow our sentiments and say that, whether legal or illegal, nothing that is pornographic should be distributed in the United States. We are told that everyone could vote for it, that it was a worthy objective. But, would a Senator be worthy of his name if he did not inquire what this was all about, what it was confined to, whether it included certain classifications? Perhaps some people might think that Shakespeare or Chaucer are pornographic.

They have a right to their opinion. I have served in the House of Representatives and I have served in the Senate. In the other body, that is a very popular thing. The theory has been that no Member can vote against it.

I voted against it, and so did the majority. We are not children. And the people did not send us here to be children.

This is another way of starting on the road back in an effort to deal with unlawful segregation in public schools. I hope that we will not be taken in by it.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. GORE. Mr. President, I am not certain of the meaning and implication of the words the distinguished Senator from North Carolina has added to his amendment, "which is open to him under State law."

I call to the attention of the Senate that the pending amendment is not limited to busing. This is much broader.

I have voted on every occasion accorded me to deny the authority for the Federal Government to require transportation by bus of public school students in order to achieve racial balance.

I voted on every occasion when I had an opportunity to prohibit the use of U.S. funds for that purpose. I submit that the pending amendment appears to be much broader. I do not wish to try to undo or repeal the decision in the case of Brown against Board of Education. I am not at all sure that the adoption of the

pending amendment would not seek, insofar as statutory law would so accomplish, to do just that.

If it were provided by statute that no Federal official or agency or court shall have authority to interfere with the assignment or in any way affect the assignment or right of assignment for any purpose whatsoever so long as such school was opened under State law, then it would seem to me to strike at the very principle of Brown against Board of Education. This, I do not wish to do.

It may be that my interpretation is not well founded but surely this would be a very far-reaching amendment for the Senate to adopt with very limited debate, and with the amendment not even printed in its present form. I am not prepared to vote for the amendment under present conditions.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me 5 minutes?

Mr. PELL. I yield 5 minutes to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I wish to associate myself with the views which have been expressed by the Senator from Tennessee. Let me reiterate what I have said many times. I am against segregation, because that is no longer the law of the land. It has not been the law of the land since the 1954 Supreme Court decision. At the same time, I am not in favor of going one centimeter beyond what the law of the land requires. So I am against forced integration. The 1954 decision in the Brown case did not require forced integration; no Federal statute requires it. So I agree with the intent of the Senator from North Carolina, but I am afraid I cannot support the amendment as it is written.

I do hope the Senator will withdraw the amendment. If it is the intent of the Congress to restrict or limit the jurisdiction of appellate courts we can do so under the Constitution. I think we should do that if it is what we want to do. But I am concerned about the use of the word "court" in this amendment.

I would be willing to vote for the amendment if it dealt only with departments, agencies, officers, or employees of the United States, and so forth; but I am not willing to vote for the amendment with the word "court" therein.

The antibusing amendment on which we voted a while ago, which was rejected, had the word "court" therein. I voted for that amendment, but I believe the defeat of that amendment is going to be misinterpreted in this country and that it will be misinterpreted by the courts of the country. I think the sentiment of this body is against forced busing or forced assignment of pupils on the basis of race or color. I think that had the antibusing amendment been drawn differently the outcome might have been favorable.

I hesitate to support amendments, the defeat of which will be misinterpreted, and which will do damage to the cause which the Senator from North Carolina seeks to serve and which I seek to serve.

I say that if we want to get at the courts there are two ways. First, it can be done by the kind of appointments that are made to the Court. This is the prerogative of the President of the United States and it is the responsibility of the Senate to confirm or reject appointments. The President of the United States is attempting to meet his responsibility by restructuring the Court, and I think he is not only going to balance the Supreme Court but also that he is making an effort to balance Federal district courts and circuit courts. That is one way to deal with the courts. The other way I have already alluded to, and that is by restricting or limiting the appellate jurisdiction of the courts. If we want to do that, let us do it, and I would be for it.

But I do not think we should resort to the verbiage in this amendment. I hope the Senator will strike the word "court" or withdraw the amendment, and let us fight the battle another day when we might win.

Mr. GORE. Mr. President, will the Senator yield?

Mr. PELL. I yield 5 minutes to the Senator from Tennessee.

Mr. GORE. Mr. President, I concur with the Senator but I wish to ask the Senator about something the able Senator said. I wish to call to the Senator's attention that when you reinsert the word "court" and then add the words at the end of the paragraph "and which is open to him under State law" you certainly bring into question a constitutional question, settled by the case of Brown against Board of Education.

Mr. BYRD of West Virginia. I think that is so. I wish to say that I am for the neighborhood-school concept as strongly as is any Senator who represents a Southern State. I do not represent a Southern State, but I think this is the wrong way to go about achieving the objective the Senator seeks. I want to defend the neighborhood-school concept, but I am afraid we are doing the neighborhood-school concept an injustice today if this amendment is defeated, as I fear it will be. I hope the amendment will be withdrawn.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, will the Senator yield to me for 2 minutes?

Mr. PELL. I yield 2 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I take this time merely for a point of clarification to understand what is pending before the Senate, because as a result of advice by the staff I may not understand what amendment is before the Senate. I had understood the word "court" had been stricken, or that the amendment had been modified by striking the word "court".

I wonder if the Senator from North Carolina can enlighten me?

Mr. ERVIN. I have modified the amendment to put the word "court" back in because that is the thing exercising most of this power denying children the right to return to neighborhood schools.

Mr. GRIFFIN. I thank the Senator from North Carolina.

Mr. ERVIN. This amendment is simple. It is designed to keep any agency of the Federal Government, including courts, from denying to any child the right to attend a neighborhood school if he is permitted by State law to attend that school.

Mr. President, I am perfectly willing to yield back the remainder of my time and vote on the amendment.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back the remainder of his time?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me 1 additional minute?

Mr. PELL. I yield 1 minute to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, again I say I am against forced segregation. If we leave the word "court" in this amendment we are hamstringing, straitjacketing, and handcuffing the courts in many instances where they might have to act contrary to the verbiage of the amendment in order to uphold the Supreme Court decision in the 1954 case.

I hope the Senator from North Carolina will withdraw his amendment. Otherwise I am going to be constrained to move to table the amendment when all time has expired on the amendment in order that the defeat of the amendment will not be interpreted throughout the land as putting the Senate in the position of opposing the neighborhood school concept. I think that would be a misconception of the true sentiment in this body.

Mr. COOK. Mr. President, will the Senator yield to me?

Mr. PELL. I yield 1 minute to the Senator from Kentucky.

Mr. COOK. Mr. President, I wish to associate myself with the remarks of the Senator from West Virginia. I voted for the last amendment and I wish the word "court" were not in there. I think a number of other Senators would have voted for it if it had not been.

Mr. BAKER. Mr. President, will the Senator yield to me for 1 minute?

Mr. PELL. I yield 1 minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Kentucky and the distinguished Senator from West Virginia. I voted against the previous amendment, and I did so largely on the basis that I was fearful that the inclusion of the word "court" would be interpreted as an encroachment on the jurisdiction of the court and in violation of the Constitution.

Mr. ERVIN. I beg the Senator's pardon. Yesterday I had printed in the RECORD 31 citations where the Supreme Court has held that, under the provisions of the Constitution, Congress has the right to limit jurisdiction, if Congress sees fit.

Mr. BAKER. And if the distinguished Senator from North Carolina will recall, he and I had much the same colloquy when we dealt with the one-man, one-vote decisions of the Supreme Court of

the United States. At that time I made the point that I agree that the Constitution does provide that Congress may prescribe the jurisdiction and the applicable scope of the conduct of the inferior and appellate courts and the appellate jurisdiction of the Supreme Court, but it cannot do so if the prescription of a procedural matter infringes on generic and basic constitutional rights. I fear that your amendment would have had this effect, and I voted against it.

Without going into the extended debate that the distinguished Senator from North Carolina, a distinguished jurist, and I had more than a year ago on this point, it is sufficient to say that I would hope, for my part, in order to avoid any misunderstanding as to what Congress means on the issue of busing, that he would remove the word "court" from all three amendments. Then if he brought up amendment No. 492 again, rather than vote against the amendment, as I previously did, I would vote for it.

Mr. ERVIN. I appreciate that statement of the Senator from Tennessee.

As a matter of fact, Mr. President, the relief I am trying to get for the freedom of the American people cannot be gotten unless the word "court" is in there. I would like to have a vote on this amendment. I am sorry the Senator from West Virginia says it curtails the court by this language. If the Senator wants to say the courts shall not be deprived of denying the right of schoolchildren to attend neighborhood schools, he can do so, but that is the only way this provision will give them protection.

In the McCardle case a man was denied his freedom of speech guaranteed by the first amendment in the writing of editorial. Then they undertook to deny the right of a citizen not to be tried by a military tribunal, which the Supreme Court held was unconstitutional. He was denied his constitutional rights. Yet after that decision was made by the Supreme Court, the Congress passed a law to take away from the Supreme Court jurisdiction in which it had already ruled.

Despite my admiration for the Senator from Tennessee, I believe his view on that point is erroneous.

Mr. BAKER. Mr. President, will the Senator yield me 1 minute?

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Tennessee, and then I am prepared to yield back the remainder of my time.

Mr. ERVIN. Mr. President, I may say to the Senator from Tennessee that I will offer the entire busing amendment with the word "court" stricken out as an amendment after this amendment is disposed of.

Mr. BAKER. Mr. President, I am delighted to hear that. I sincerely hope the Senator will. I think we are in danger of confusing the public as to what Congress means. I want the RECORD to show that I am opposed to busing for the purpose of achieving racial balance, but I do not think we can circumscribe the constitutionally-based decisions of the Supreme Court by statute. Therefore I hope the Senator will offer the amendment without the word "court" in it, and I shall vote for it.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered.

Mr. BYRD of West Virginia. Mr. President, with great respect for the able Senator from North Carolina, I move to table the amendment, and I do so to prevent what otherwise would be a misconstruction of the action of the Senate on that amendment. I do it with reluctance, but I move to table the amendment, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to lay on the table the amendment of the Senator from North Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. AIKEN), and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 58, nays 24, as follows:

[No. 49 Leg.]

YEAS—58

Allott	Griffin	Pastore
Baker	Hansen	Pearson
Bayh	Hart	Pell
Bellmon	Hughes	Percy
Boggs	Inouye	Prouty
Brooke	Jackson	Proxmire
Burdick	Javits	Randolph
Byrd, W. Va.	Jordan, Idaho	Ribicoff
Cannon	Magnuson	Saxbe
Case	Mansfield	Schweiker
Church	Mathias	Scott
Cook	McGee	Smith, Maine
Cooper	McGovern	Spong
Cotton	McIntyre	Stevens
Dole	Miller	Symington
Eagleton	Mondale	Tydings
Fong	Montoya	Williams, Del.
Fulbright	Moss	Young, Ohio
Goodell	Muskie	
Gore	Nelson	

NAYS—24

Allen	Fannin	Murphy
Bennett	Gurney	Russell
Bible	Holland	Sparkman
Byrd, Va.	Hollings	Stennis
Curtis	Hruska	Talmadge
Eastland	Jordan, N.C.	Thurmond
Ellender	Long	Tower
Ervin	McClellan	Young, N. Dak.

NOT VOTING—18

Aiken	Gravel	Metcalf
Anderson	Harris	Mundt
Cranston	Hartke	Packwood
Dodd	Hatfield	Smith, Ill.
Dominick	Kennedy	Williams, N.J.
Goldwater	McCarthy	Yarborough

So the motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from North Carolina (Mr. ERVIN) for himself and others proposes an amendment—at the end of the bill, add an additional title and section appropriately numbered and reading as follows:

No department, agency, officer or employee of the United States shall have power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, with the approval of the author of the amendment and the managers of the bill and the leadership on the Republican side, I ask unanimous consent that there be a time limitation of 20 minutes on the amendment, the time to be equally divided between the distinguished senior Senator from North Carolina (Mr. ERVIN) and the distinguished Senator from Rhode Island (Mr. PELL).

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. And amendments thereto.

Mr. COOPER. Mr. President, reserving the right to object——

Mr. HOLLAND. Mr. President, I understood it was to be addressed just to this amendment.

Mr. MANSFIELD. All amendments to this amendment.

Mr. HOLLAND. I make no objection.

Mr. COOPER. Mr. President, reserving the right to object, I want to ask three questions of the Senator from North Carolina which may determine my vote.

Mr. JAVITS. We have time on the bill.

Mr. President, how much time remains on this side on the bill?

The PRESIDING OFFICER. 90 minutes.

Mr. MANSFIELD. There is plenty of time.

The PRESIDING OFFICER. Without objection, the time limitation is agreed to.

The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, a number of Senators who voted against my antibusing amendment because of the intrusion of the word "court," have suggested that I offer an amendment with the word "court" eliminated. This is precisely what the amendment would do:

No department, agency, officer, or employee of the United States shall have power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

It is identical with the other amendment except it does not apply to the courts.

Mr. PASTORE. Mr. President, do I understand correctly that the words here, "officer, or employee of the United States" do not mean to include a judge?

Mr. ERVIN. Yes.

Mr. PASTORE. Is that correct?

Mr. ERVIN. Yes.

Mr. PASTORE. In other words, this is applicable only to the executive department—officers and employees of the executive department?

Mr. ERVIN. That is right.

Mr. PASTORE. Then the way the amendment is worded does not mean to include a judge as an officer of the United States, not according to the amendment?

Mr. HOLLAND. The Senator stated it correctly by his explanation.

Mr. PASTORE. Should it not read, then—

No court, department, agency, or officer, or employee of the executive department . . .

Why does not the Senator add that in there?

Mr. ERVIN. Yes. Mr. President, I modify my amendment so as to read:

No department, agency, or officer, or employee of the executive department of the United States shall have power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

Mr. President, if no other Senator wishes to speak on it, I am perfectly willing to yield back the remainder of my time.

The PRESIDING OFFICER. The Chair would ask the Senator from North Carolina, is he modifying his amendment and, if so, that can be done only by unanimous consent.

Mr. ERVIN. Mr. President, I ask unanimous consent to modify my amendment as already stated.

Mr. JAVITS. Mr. President, may we know what the modification is?

Mr. ERVIN. I have modified it by inserting on line 2 the words "executive department" between the words "the" and "United States." That makes it clear that it does not refer to any Federal judge.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

The Chair hears none, and the amendment is modified accordingly.

Mr. COOPER. Mr. President, I should like to address questions to the distinguished Senator from North Carolina.

Mr. ERVIN. I am happy to yield to the Senator from Kentucky for that purpose.

Mr. COOPER. The Civil Rights Act of 1964, title IV, section 407 provides—and I am sure the Senator has knowledge of this section—

Provided, That nothing herein shall empower any official of a court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another, or one school district to another in order to achieve such racial balance.

The language of the amendment is strikingly similar to the language I have read except the words "racial balance" is used in the 1964 act, and "racial composition" is used in the Senator's amendment. Is there a distinction in the terms?

Mr. ERVIN. HEW attempted to make a distinction between racial balance and say that racial balance, when it ordered busing, was not done to achieve racial balance but to achieve a unitary school system. Those semantics nullified the intent primarily expressed by Congress in the 1964 Civil Rights Act.

Mr. COOPER. But the language is so similar. In fact, the words, "from one school to another school or from one school district to another school district," is the same language as used in the 1964 Civil Rights Act.

Mr. ERVIN. Except Judge Wisdom rendered a peculiar decision in a Jefferson County case, in which he said that it only prohibited transportation across district lines, which was not true, but that is the interpretation he put on it. That is the reason I put in the words, "from one school to another school, or from one school district to another school district."

Mr. COOPER. I believe, if this amendment should be adopted, that it would more clearly express the sense of Congress about the busing of students in the cases we intended. But in certain cases where the issue was the desegregation of a school, the courts have held that in such cases, busing, while not the only remedy, may be required. This amendment could not alter the ruling of the Supreme Court. Do you agree?

Mr. ERVIN. It does not have anything to do with the ruling of the Supreme Court. It merely puts a limitation upon the executive branch.

Mr. COOPER. That was the intention of the 1964 Civil Rights Act.

Mr. ERVIN. I think my amendment brings this in line, except that the 1964 act provides that the Court's jurisdiction required it, as well as any officer of government. It was nullified in Judge Wisdom's opinion, because of the fact that the Senator in charge of the bill at the time, Senator Humphrey, reported a case against a school in Gary, Ind., and by some strange legal, judicial legerdemain he said that might apply only to southern schools and not to northern schools.

Mr. COOPER. Would the Senator consider this an element of the requirement? Assume that HEW looks over the plans of a school district in State A and finds that, in its view, they are not sufficient. HEW can, and I do not know whether by persuasion, coercion, or withholding of funds, compel the district to provide for busing from one school to another. Does the Senator think that was intended under the 1964 Civil Rights Act?

Mr. ERVIN. No. I think it was intended to be outlawed under the 1964 Civil Rights Act, because that was in clear harmony with the decision of the Brown case which said that children should be assigned to schools without regard to race.

Mr. COOPER. I think the Senator would agree with me, and this is very important, that if the courts take jurisdiction and determine that a plan is insufficient in accomplishing desegregation, then I do not believe that we can stand in the way of the court's decision, by acts of Congress.

Mr. ERVIN. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield me 5 minutes.

Mr. PELL. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes?

Mr. JAVITS. Mr. President, I think the Senate should know what this means, and it should judge whether it wishes to do it. But it should know what it does. From what I have heard, we have not heard yet what it does. We have heard what it does not do—to wit, bind the court.

What it does do is to prevent a situation where HEW is withholding funds to a school district to segregate—that is de jure segregation. We are not talking about racial imbalance or de facto segregation. This is where HEW is withholding funds. This amendment would prevent HEW from demanding or requiring that there be busing in order to deal with that segregation, that they will have to eliminate it from their instructions. That

is the title which the distinguished Senator from Rhode Island (Mr. PASTORE) handled so well on the floor.

It has been charged that, although HEW does not mandate it because it cannot; nevertheless, impliedly it mandates it because it says "This is a district, and we will not give you the money unless you do it."

I do not know, yet, whether it will operate that way, but it may prevent the HEW from making that kind of requirement. By omitting the word "court" in this amendment, we accept the fact of a de jure situation here, as it refers only to segregation and to some change in busing.

I described a number of those situations before. And the HEW says that very rarely by additional busing, but often by some change in the system is this accomplished.

What this would mean would be that the HEW would not be as responsive then to releasing the money as it could be. And it would have to wait until there is a court proceeding and a court decree.

HEW is involved. They would simply have to wait until a court decree is issued or perhaps HEW would act, if not expressly, by implication.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, as I read the amendment as modified the amendment, in my humble opinion, is no different in effect from section 422 already in the bill.

We are saying here "racial composition" instead of "racial balance." To me it means the same thing, unless someone can make a distinction between the two. I should like to have that distinction made.

As I read this, the court still has jurisdiction to decree this, because we have left it open. We have made sure that this does not bind the court.

The court can still operate under this to declare that any segregated school is unconstitutionally set up. We have taken care of that insofar as the Department is concerned. It has the ability to withhold financial assistance. They cannot decree this. But under section 422, they can act. And that is the point I am making.

Mr. JAVITS. Mr. President, the Senator agrees with me, I am sure, that the amendment which has the words "racial composition" really differs from the words "racial balance."

Mr. PASTORE. I do not think there is any difference.

Mr. JAVITS. All I can say is that we are not making the legislative record. The Senator from North Carolina is. But I think the courts could construe this and put a restraint on HEW.

The result would be adverse rather than favorable to those whom, I think the proponent of the amendment, is seeking to help. It would result in deferring the matter for a longer time until there is a court decree.

Mr. PASTORE. The only trouble as I see it, from a pragmatic point of view—and I say this kindly—the way this is amended, if he used the words "racial balance," he would not get it. It is already in the law.

I think it stands out that the Senator from North Carolina would like to have his name on a civil rights amendment, and this is all it amounts to.

Mr. JAVITS. Mr. President, I hope the Senator is right. Neither he nor I can write the legislative record. We are not authors of the amendment. I think we ought to understand very clearly precisely how this would operate. It would operate as an inhibition on the HEW to exercise its authority.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. Mr. President, I yield 1 additional minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, this is a matter of first impression, but certainly it may result in a much longer delay than now. It will be necessary to wait if we cannot correct the conditions in any other way. HEW's hands are tied. They would have to wait for a court to enter a decree as to busing. That is the way I see it.

Mr PELL. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PELL. Mr. President, I would like to ask the Senator from North Carolina a question. Is it either the purpose or the intent of the amendment to inhibit the Department of Health, Education, and Welfare in its effort to desegregate schools that are presently segregated?

Mr. ERVIN. Mr. President, the distinguished senior Senator from Rhode Island says that the only intent and purpose of this is to clarify the Civil Rights Act of 1964. It would have no relation to anything in the past. It is only prospective in operation. Congress passed a law and told the Department of Health, Education, and Welfare they could not do it before, and they paid no attention to it.

Mr. PELL. Mr. President, the question I would like to press is whether the Senator would accept the understanding of my senior colleague.

Mr. ERVIN. Mr. President, the senior Senator from Rhode Island, as I understood his remarks, pointed out the fact that we had prohibited busing by HEW, and had undertaken to do that in the 1964 act. I think that is clearly correct. But HEW has not paid any attention to that.

Mr. PELL. But my question is of a more positive nature. Is it the purpose of the amendment to inhibit or discourage HEW from moving ahead in the general field of desegregation?

Mr. ERVIN. They can move in any way they wish, outside of requiring busing.

The amendment is plain. It says:

> No department, agency or officer, or employee of the Executive Department of the United States shall have power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

That is as plain as it can be. They can use any other method except busing.

Mr. JAVITS. Mr. President, I think the intent of the Senator from Rhode Island is to inquire of the Senator from North Carolina whether there is any conceptual difference between the use of the words "to achieve racial balance" in section 407(a) of the Civil Rights Act of 1964, and the Senator's use of the words "racial composition" in his amendment.

Mr. ERVIN. Mr. President, the purpose of that is to prevent the Department of Health, Education, and Welfare from engaging in a semantic argument that they are not trying to effect or achieve racial balance, but are trying merely to get a unitary school system. They have just perverted and distorted the meaning of Congress. I thought that we should write something that they could read and understand.

Mr. JAVITS. But it is not the intention to change the substantive import of the words used in section 407(a) of the Civil Rights Act.

Mr. ERVIN. The purpose is to prohibit them from transporting pupils or requiring them to be transported to affect the racial composition of any student body.

Mr. PASTORE. Mr. President, I am looking at the bill reported by the committee. That has not been challenged. The Senator is adding a new title and not amending this section. Page 150, section 422, reads as follows:

> No provision of any law which authorizes appropriations for any applicable program (or respecting the administration of any such program), unless expressly provided for therein, shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

That last is the important part. How does the amendment change this?

Mr. ERVIN. If we pass this, it will be the third law of that character that we have passed. And HEW has flagrantly violated the other two laws by saying that they are not seeking to overcome racial imbalance in the South, but are establishing a unitary system. Whatever that means, they do not say.

Mr. PASTORE. Is the Senator trying to protect the dual system of schools?

Mr. ERVIN. I am trying to prevent the busing of children by HEW.

Mr. PASTORE. Even if it means a dual system?

Mr. ERVIN. I am trying to prevent the busing of children for any purpose.

Mr. PASTORE. Mr. President, would the Senator answer my question. Does he mean even if it means a dual system? If he does mean that, I am against the amendment.

Mr. ERVIN. I do not know what the term means.

Mr. PASTORE. A dual system means that a black child cannot go to a white school and a white child cannot go to the black school.

Mr. ERVIN. I am trying to forbid the HEW from requiring the busing of children.

We have twice passed laws to prevent this; and they say we are not trying to achieve racial balance; we are trying to achieve the unitary school system. They do not pay any attention to what Congress says.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I had yielded back my time.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is no time remaining on the amendment.

Mr. PELL. I yield to the Senator 5 minutes on the bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GORE. Mr. President, I appreciate the generosity of the distinguished Senator.

I have opposed two, and perhaps three amendments offered by the distinguished Senator from North Carolina today. I wish to support this one.

I see no difference between racial composition and racial balance. Balance or imbalance constitute composition. But if it is for the purpose of either I do not believe that a Federal official of the executive branch should have the authority to force the transportation of children. This does not affect the right of the child to go to any school, the right of a child to be admitted to any school; it does not affect Brown against Board of Education.

As I understand the Senator's amendment, and I support it on this basis, it is directed singly, purely, and solely at the power of an official of the Federal Government, the executive branch of the Federal Government, to require transportation of children in order to achieve racial composition.

Do I correctly state it?

Mr. ERVIN. That is all.

Mr. GORE. On that basis I ask the Senate to agree to the amendment. It is already the law. It is in the bill. I see no harm in putting it in again.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. PASTORE. Then you understand racial composition in the proposed amendment to mean nothing more than racial balance, and it is already in section 422; is that correct?

Mr. GORE. I do not know how the English language distinguishes between racial balance or imbalance and racial composition.

Mr. PASTORE. I maintain the same thing but I was in doubt as to whether or not the proponent of the amendment made the same interpretation.

Mr. GORE. He just responded to me affirmatively; he sought only to deny the power of an official of the executive branch of Government to require transportation of public school students for the purpose of achieving racial composition. That is how I understand it.

Mr. PASTORE. You understand that to be the same as racial balance or imbalance?

Mr. GORE. I do.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I am sorry. I would like to be complacent about this matter but I cannot be because the Senator from North Carolina could very easily undo all of our doubt by changing the word "composition" to "balance" and he will not do that. He will not do that because he believes this would include any measure to deal with unlawful and unconstitutional segregation of schools, which involves busing.

Do we need to have his fingers stuck in our eyes? It is clear, of course, he is not going to agree to make that change. It is not his intention. He is honest about it. He construes racial balance to mean what he says. The courts do not construe it that way.

The Senator from North Carolina wants it to mean de jure segregation. He practically told us so. That is what he wants and that is what he means. We have voted against this before. Now, the word "court" is stricken out.

I care as little about formulation of words as anyone, but if the Senator will tell us that all he is doing is what we did before and it is repeating, he could tell us that, but he does not. He is being honest. He said he wants a new concept of busing to cure segregation, de jure and de facto.

Mr. President, I hope the Senate will reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COOPER. Mr. President, will the Senator yield to me 2 minutes on the bill?

Mr. JAVITS. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I suggested more time on the amendment because I think we all want to find out if there is a distinction between the terms "racial imbalance" and "racial composition."

Take, for example, a city in a county in Kentucky segregated under a State law which was called the Day law, and which was passed in 1866, long before the 1954 decision. But then, the decision of Brown versus Board of Education changed that. Would the Senator's amendment prohibit or prevent busing directives by the courts in that county?

It is essentially the same question the Senator from New York asked. Would the amendment prevent the application of the Brown case?

Mr. ERVIN. No, it would not.

Mr. COOPER. Then, is the Senator saying racial imbalance is the same?

Mr. ERVIN. The Brown case says no State can deny a child admission to any school on the basis of race. Congress intended clearly in the 1964 civil rights bill to prevent the busing of students by HEW to change the racial composition of a school. That is why they put it in there.

The reason I offered this amendment is that it effectuates the intent of Congress in 1964. The Civil Rights Act of 1964 said plainly that desegregation of schools should mean sending children to school without regard to race and that desegregation should not include the assignment of children to overcome racial imbalance; and that you should not bus children to overcome racial imbalance.

I introduced this amendment to clarify the congressional intent so that HEW can read it and understand what it is doing, and not trying to alter racial imbalance. The only way to do this, it appears, is to pass a law saying that busing cannot be used to alter the racial composition of any school.

Mr. COOPER. Suppose we have a segregated school district and there is no way to desegregate except to provide buses to move children from one school to another so as to obtain desegregation. Where the school district refuses to do it, the only recourse, then, would be to go to court. Is that correct?

Mr. ERVIN. It was made clear by former Senator Humphrey in a colloquy with the Senator from West Virginia:

Mr. BYRD of West Virginia. Can the Senator from Minnesota—

He was the floor manager—

assure the Senator from West Virginia that under title VI schoolchildren may not be bused from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?

He said, "I do."

Mr. JAVITS. Mr. President, I yield myself 1 minute.

It seems to me that what is happening here, though it is semantic and hard to break through, is that the Senator from North Carolina has always believed that the Department of HEW had no power in any way to order busing even to secure desegregation. Now he wants us to legislate his belief as to what that meant, because he has been after them and they do not agree with it, and nobody else who is pro-Civil Rights Act of 1964 does. He has been after them to change that view. Now the idea is to change it by this amendment, because the Senator is too honest a judge and a lawyer to say, "All I mean by racial composition is racial balance," and it is not the same thing.

So the only way we can get to the bottom of this issue is to reiterate the words we use today by using the same catenation of words that we used in the previous provision, which are contained in section 407(a) of the Civil Rights Act of 1964.

Mr. PASTORE. Mr. President, I move on page 2, line 2 of the Ervin amendment to strike the words "alter the racial composition of the student body at any public school.", and insert "in order to overcome racial imbalance of the student body at any public school."

Mr. ERVIN. Mr. President, I would like

to ask the Senator from Rhode Island if that means they can bus children for the purpose of altering the racial composition in school.

Mr. PASTORE. They cannot bus schoolchildren in order to overcome racial imbalance of any student body of any school. That brings me in line with the distinguished Senator from Tennessee.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I would like to ask the Chair a question, because we have a question on the time. I yield myself 1 minute on the bill.

As I understood the unanimous-consent request, it was amended to include 20 minutes on any amendment to the amendment, just as we had 2 hours on the bill. Under those circumstances, if the Chair rules that is so, the Senator from Rhode Island would have 10 minutes and whoever was vested with the time in opposition would have 10 minutes. Is that correct?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. An objection was interposed by the Senator from Florida because he misunderstood.

Mr. HOLLAND. Mr. President, I withdrew that objection, whether it is in the record or not.

Mr. President, may I be heard on a point of order?

The PRESIDING OFFICER. First, if there is no objection, there will be 10 minutes on each side on the amendment.

Mr. JAVITS. Mr. President, does the Senator from Florida wish me to yield?

Mr. HOLLAND. Yes, on a question of privilege; my objection was based on my understanding that the 20-minute limit was to be applied to all amendments. I think the wording of the distinguished majority leader made it possible for that understanding to be had by some of us. When I found it applied only to the amendment to the pending amendment of the Senator from North Carolina, I immediately withdrew my objection, so that the request for the unanimous consent made by the distinguished majority leader was agreed to as made by him.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. Mr. President, I think we have talked this matter out. I think we all understand it. If the opposition—if there is opposition—is willing to yield back its time, I am willing to yield back my time. I think we have all made our positions clear.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. ALLEN. I would like to ask the Senator from Rhode Island if the effect of his amendment is not to readopt the provisions of the second phase of the Scott amendment. Specifically, is not the Senator's purpose to limit the prohibition against busing or transportation of students confined to the purpose of overcoming racial imbalance, which means de facto segregation?

Mr. PASTORE. I do not understand it as such. I think it is clear that what I am saying in my amendment is exactly what it says in section 422 of the bill reported to this body by the committee. The committee has handled the matter. The words are clear that any agency, officer, or employee of the United States cannot exercise any direction, supervision, or control over the curriculum, and so forth, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

Mr. ALLEN. There again, if the Senator will yield, the term "racial imbalance" as treated by the Department of HEW refers to de facto segregation only. It does not refer to de jure segregation. So the effect of the amendment offered by the Senator from Rhode Island is to say that there shall be no busing to overcome de facto segregation, thereby freezing into the amendment the protection for de facto segregation, but leaving the prohibition nonexistent as regards de jure segregation.

Mr. PASTORE. Of course, that is the Senator's interpretation, and he is at liberty to interpret it any way he wants to; but it was my understanding it is the fundamental premise of the law that there cannot be busing of students unless the court orders it, and the word "court" was left out. That is all it amounts to.

Mr. ALLEN. But the Senator is confining that prohibition against busing only to de facto segregation by use of the term.

Mr. PASTORE. I do not see the difference between overcoming racial imbalance and changing the composition of the classroom.

Mr. ALLEN. Perhaps the Senator does not, but there is a vast difference.

Mr. PASTORE. That is the Senator's interpretation, but we have made the legislative history today.

Mr. ERVIN. Mr. President, I understood the Civil Rights Act of 1964 put a prohibition on the busing of students for the purpose of overcoming racial imbalance, and that Congress meant by that that children should not be bused for the purpose of altering the racial composition of a student body. We had the reference to "racial imbalance" twice in acts we passed, and HEW has paid no attention to those acts. It is three times counting the 1964 act.

Would the Senator consider amending his amendment so as to provide "in order to overcome racial imbalance of the student body at any public school by altering the racial composition of such student body"?

The only reason why I phrase it that way is that the Civil Rights Act of 1964, an amendment to the law that was passed by the Congress in 1965, and a provision which was put in the HEW Appropriation Act all prohibited transportation to overcome racial imbalance. HEW said those provisions did not mean what the Senator from Rhode Island and I think they meant.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. PASTORE. I yield.

Mr. JAVITS. I think the Senate ought to understand what we mean, and that to achieve racial balance is an affirmative act, to attempt to mix the school population.

Affirmative acts are not dealt with, are neither required nor prohibited, by the Constitution. It is the negative act which is involved; and the negative act would be a change in the racial composition.

How are you going to desegregate a segregated school if you do not change its racial composition? That is exactly what the Senator from North Carolina is after. So we had better understand each other. He does not want any Government agency, to wit, HEW expressly or impliedly, to require by withholding funds or otherwise any changes in a de jure situation. That is what it is all about.

We are either for that or against that. But we kid ourselves if we believe that it means something other. Why he changed the words is because he wanted to change them. He wants to accomplish another, different, broader, purpose. In my judgment, it is the very purpose that we dealt with before. We do not want to abet, abort, or regress de jure segregation policies. What we want to do is bring about greater fairness in the country by going after segregation wherever it is, in whatever form. I am for that. The Senate has decided it.

But let us not assume that these words do not mean what the Senator from North Carolina wants them to mean. He wants a change. He left out the word "court," and, as I explained before, all that means is that HEW will not deal with these questions itself; it will have to wait for a court to pass on it, which will only mean a delay in the money leaving HEW, because HEW may not lend any money to a segregated school district. If it may not in any way help desegregate that district, that means it must, according to law, sit with its arms folded until the court acts. That is what I said before.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GORE. I wonder if the Senator is not exercising——

Mr. JAVITS. I am not a bit exercised.

Mr. GORE. Exercising semantic gymnastics here. As I understand the constitutional ruling; it is that there shall not be discrimination because of race, color, or creed. If an official of the executive branch of the U.S. Government is empowered to require of a child or the parents of a child that that child be transported in order to achieve a racial composition, then is not that child being forced to accept transportation because of race? It seems to me that discrimination can work both ways with respect to the individual as well as with respect to the school, with respect to the wishes of a child or a parent not to be transported, as well as the wish to be transported. What is the difference in discriminating against him one way, by forcing him to ride a bus, or discriminating against him in denying him the right to ride a bus?

The PRESIDING OFFICER. The 10 minutes of the Senator from Rhode Island has expired.

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senator be granted an additional 10 minutes.

Several Senators addressed the Chair.

Mr. PASTORE. Mr. President, will my colleague yield me time so that I may ask a question?

Mr. PELL. Mr. President, I yield 5 minutes on the bill to my senior colleague.

Mr. PASTORE. Mr. President, will someone explain to me, where you have a classroom of 100 children, and 75 of the children are white, and 25 of the children are black, if you cannot transport to change that imbalance, and there is an imbalance, then what is the difference in saying that you cannot alter the composition of that situation? Tell me what the difference is. If you cannot change the imbalance that exists, how in the name of heaven do you change the composition any other way? If you cannot change the imbalance, and the imbalance is 75 whites against 25 blacks, what is the difference in saying that you cannot transport those students in order to change the composition of that classroom, which is still composed of 75 whites and 25 blacks? Does it not mean the same thing?

I do not know what we are quibbling about, unless it means that it is perhaps a little more satisfying to use one word as against another word. But the law is the law, and we passed it in 1964.

I think it is plain to all of us what we are trying to do here. In my humble opinion, if you do not correct an imbalance, you are not changing the composition; and if anyone can twist those words around to mean anything different, I have not studied English.

Mr. ERVIN. Mr. President, I am in full agreement with the Senator from Rhode Island that we intended by the 1964 act to do the same thing I am trying to do here, but HEW just does not understand those words, and I am trying to clarify them.

If the Senator from Rhode Island would add the words "by altering the racial composition of such student body," I would accept his amendment, or modify mine to conform.

Mr. EAGLETON. Mr. President, will the Senator from Rhode Island yield time to me, so that I may address a question to his senior colleague?

Mr. PELL. I yield the Senator from Missouri 1 minute on the bill.

Mr. EAGLETON. I ask the senior Senator from Rhode Island (Mr. PASTORE) if the purpose of his amendment is to conform the Ervin amendment to the language and the intent of section 422 in the existing bill, and to similar language as previously used in the 1964 Civil Rights Act.

Mr. PASTORE. Precisely.

Mr. EAGLETON. I thank the Senator.

Mr. PASTORE. And that is all I am seeking to do.

Mr. EAGLETON. I support the Senator's amendment.

Mr. PASTORE. The Senator from North Carolina has the idea, because, administratively speaking, the departments have not lived up to the concept of the bill, that if he changes the wording he will change the concept. But that is an administrative endeavor we are talking about. Insofar as the intent of the law and the letter of the law are concerned, I do not see the difference.

The PRESIDING OFFICER. Who yields time?

SEVERAL SENATORS. Vote.

Mr. ERVIN. I have not yielded back my time. Do I have some time remaining?

The PRESIDING OFFICER. No; the time on the bill is under the control of the Senator from New York (Mr. JAVITS) and the Senator from Rhode Island (Mr. PELL).

Mr. PELL. How much time does the Senator require?

Mr. ERVIN. Two minutes.

Mr. PELL. I yield the Senator from North Carolina 2 minutes on the bill.

Mr. ERVIN. I agree with the Senator from Rhode Island that there is no difference between the meaning of the words "racial imbalance" and the words "racial composition"; but unfortunately, we have passed three times statutes about racial imbalance, and HEW pays no attention to them.

The reason I prefer the other expression is that it is so plain that even HEW can understand it. So for that reason, if the Senator from Rhode Island will agree to add "by altering the racial composition of the student body of any school," I will accept his modification of my amendment.

Mr. PASTORE. Mr. President, I am getting a little tired of this, but I concur, if the Senator will readjust his amendment to amend the basic act, as reported, on page 151, by adding, after the words "in order to overcome racial imbalance" the words "and/or alter the racial composition of such student body."

Just add those words to the language of the bill.

Mr. ERVIN. Yes, I would certainly do that.

Mr. PASTORE. Is there any objection to that?

Mr. JAVITS. Yes, and I will tell you why. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I yield myself 5 minutes on the bill.

We are not engaged in games here. We are engaged in very serious business. The words "racial balance" have acquired a meaning by the way in which they have been applied, just as the words "racial composition" acquire a meaning from the debate here.

Mr. President, the words "racial balance" obviously imply a negative concept, to change something which is not illegal. There can be racial imbalance which is not illegal, but States may desire to change it, or they may consider it illegal for their States. Under the Constitution, there is no requirement that there be an affirmative racial balance in a school, or in a class, or anything else.

But the Constitution does say that you may not segregate children because of their color. Therefore, if it is necessary to deal with transportation in order to unscramble those eggs—and it very often is—then you must deal with it, and then you do change the racial composition by busing or transportation, because you are doing something affirmative in order to implement the prohibition of the Federal Constitution.

The Senators who are arguing for this understand very well what they are doing, and I understand it. What they are trying to do is to say that under no circumstances, even in the case of segregation, which is in violation of the Civil Rights Act and the Constitution, shall HEW in any way be a party to endeavoring to bring about busing or any other means of transportation to change that racial composition, even though it is the result of unlawful segregation. I cannot be for that. They admit that is what they are trying to do.

What they have tried to do—and I beg the Senate to listen to me—is to get the HEW to agree with them on what they now interpret the words "racial balance" to be—to wit, racial balance means that you cannot touch a school. If it is all black, it stays all black. If it is all white, it stays all white. The HEW has not gone that far. It says:

> Racial balance is a very different concept. That is a positive act in which, for one reason or another, we want to mix a certain percentage of blacks with a certain percentage of whites or change that percentage.

But that does not satisfy our friends, they come in with a new concept, because they want to accomplish another concept, and I am not going to be a party to it. If I stand alone, that is just too bad.

I am not at all confused about what is going on. The idea is to prohibit any other than a court from having anything to do with changing the racial composition, even if it is all black, even if it is unconstitutionally in violation of the law, of any school.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ALLEN. I should like to ask the distinguished Senator from New York if it is not correct that the effect of the suggested amendment of the distinguished Senator from Rhode Island to forbid busing to overcome racial imbalance would be to prevent busing to overcome de facto segregation and de facto segregation alone.

Mr. JAVITS. That is exactly correct.

Mr. ALLEN. And is it not also correct that the prohibition against busing to change the racial composition would prohibit busing to overcome de facto and de jure segregation?

Mr. JAVITS. That is exactly correct. We agree thoroughly. That is exactly what I am contending.

I just want the Senate to know precisely what it is doing. Senators may be for it; Senators may be against it. But at least they should know what they are doing. Therefore, I concluded from that that all it is going to do is to make more slow the ability of HEW to release money in segregated situations because it is going to have to wait for a court to act. It will be unable to do anything itself where it involves transportation. If the Senate understands that, that is fine; and if the Senate wants it that way, I do not agree. I do not think it is desirable for any school district, South or North.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Did we not cross that bridge yesterday, when the Senate adopted the Stennis amendment?

Mr. JAVITS. I do not think so.

Mr. PASTORE. Oh, yes. They had de jure in there; they had de facto in there; they had the whole business in there. The only thing they left out was the old kitchen sink. [Laughter.]

It was done yesterday. The Stennis amendment went all the way.

Mr. JAVITS. The Stennis amendment dealt with the uniformity of enforcement, but the Stennis amendment did not deprive the HEW of any means by which it could bring about enforcement of the law itself.

As a matter of fact, I point out to the Senator from Rhode Island that if one really wanted to go all the way with the Stennis amendment, even the prohibition against busing to establish racial balance should be omitted from this bill.

Mr. PASTORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired. He has 5 minutes remaining.

Mr. JAVITS. I yield myself 2 additional minutes.

I yield to the Senator.

Mr. PASTORE. The trouble here is that the interpretation is a little different—the interpretation I have been giving it, and the way I understand it—and that is the reason why I am agreeing to it. I have been an ardent supporter of civil rights. The Senator knows that.

Mr. JAVITS. There is no question about it.

Mr. PASTORE. I voted against the Stennis amendment because he would not take out the last 10 words, and I said that publicly.

All I am saying now is that, so far as I am concerned, I am not construing racial imbalance any different from racial composition, and that is the reason why I am going along with it. When it gets downtown, they can make their own interpretation of it, and perhaps it will be a little different from our interpretation.

But the mere fact that the Senator from North Carolina or the Senator from Rhode Island or the Senator from New York has a different interpretation of the section is not affecting me alone. I want to make my position clear. What I am doing this afternoon, and what I am agreeing to, is nothing more than the Civil Rights Act of 1964.

Mr. JAVITS. I yield myself 1 additional minute.

Mr. President, all I am doing is wearing myself out, and I may need my strength on another field of battle, and there is no need for it.

I just say this: The Senate will comprehend my feeling in this way. The Senator from North Carolina has had a club he has used over the HEW. He says the words "racial balance" mean that they cannot have busing or transportation in any case, whether it is de jure segregation or de facto segregation. That club has not worked. Now, if the Senator from Rhode Island does go along with this, as he apparently is, it will give the Senator from North Carolina two clubs. He will now be able to try to beat them over the head with the words "racial composition," and I think perhaps with more purpose and cause than he had before, and I do not want to give him that extra club. HEW may still sit by and say, "We're sorry, Senator. We don't agree with you. We agree with Senator PASTORE." But he will have another club, unless the same words are used. By expanding the words, I think the Senator is after expanding the concept, very clearly and definitely, and I think the Senator from Alabama (Mr. ALLEN) brought that out. If that is what the Senate wants to do, it is a sovereign body; it will do it. I cannot join.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield 1 minute to the senior Senator from Rhode Island.

Mr. PASTORE. I made the suggestion that the words "or alter the racial composition" be added to the language in the bill, following the language on page 151, which is section 422. I understand that the Senator from North Carolina is going to withdraw his amendment. I will withdraw my amendment to his amendment, and we will start with a new amendment to amend the bill itself.

Mr. ERVIN. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. Unanimous consent is required to withdraw the amendment.

Mr. ERVIN. I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection to the withdrawal of the amendment of the Senator from Rhode Island? The Chair hears none, and the amendment is withdrawn.

Is there objection to withdrawing the amendment of the Senator from North Carolina? The Chair hears no objection, and the amendment is withdrawn.

Mr. ERVIN. Mr. President, I send an amendment to the desk. It is handwritten, and I will read it:

On line 3, on page 151, insert these words between the word "imbalance" and the period: "or alter racial composition."

The Senator from Rhode Island and I agree that the words mean the same thing. But this will remove the danger that HEW may have to ignore this act, as it has ignored previous acts.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 151, line 3, after the word "imbalance" strike out the period and insert "or alter racial composition."

The PRESIDING OFFICER. The question is on agreeing to the amendment. Who yields time?

Mr. JAVITS. Mr. President, I have the opposition time——

The PRESIDING OFFICER. There is no assigned time on this amendment.

Mr. PASTORE. Mr. President, I ask unanimous consent that there be a time limitation on this amendment of 20 minutes, with 10 minutes to a side.

The PRESIDING OFFICER. And on all amendments to this amendment?

Mr. PASTORE. Yes, on all amendments to this particular amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and it is so ordered.

Mr. EAGLETON. Mr. President, will the Senator from New York yield me 2 minutes?

Mr. JAVITS. I yield 2 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes.

Mr. EAGLETON. I should like to address a question to the Senator from North Carolina. Do I correctly understand him to say that by insertion of the words "or alter racial composition," in his judgment that is similar language and has the same meaning as the words "racial imbalance" already in section 422?

Mr. ERVIN. I think that means the same thing. The reason I am insisting on this is that HEW attempted to construe it some other way.

Mr. EAGLETON. Construe?

Mr. ERVIN. Yes. Construe. I want to make certain that they understand what we meant by the Civil Rights Act of 1964.

Mr. EAGLETON. Insofar as usage of the words is concerned, and this being a statute, perhaps someday it will have to be interpreted. The Senator is saying that the words "or alter racial composition" mean the same thing as "racial imbalance"?

Mr. ERVIN. They both mean the same thing. That is my understanding. I think they mean the same thing. I think it will make the meaning more clear to HEW than it has been about what the Senate meant in 1964.

Mr. EAGLETON. May I ask one question of the Senior Senator from Rhode Island (Mr. PASTORE). Is it his understanding, he having lived with both the Civil Rights Act of 1964 and having followed the progress of the various education acts which contain language similar to section 422 in the instant bill—is it his understanding as to the meaning of these words, that "racial imbalance" and the phrase "or alter racial composition" mean the same thing?

Mr. PASTORE. Absolutely. That is the only reason why I go along with it because I understand it is redundant; but in order to have some peace and expedition, I am accepting it.

Mr. EAGLETON. Harmonious redundancy. [Laughter.]

Mr. MAGNUSON. Mr. President, will the Senator from New York yield me one-half a minute?

Mr. JAVITS. I yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Mr. MAGNUSON. I was going to ask the Senator from North Carolina, when he talks about "racial composition," how does he define that word "racial"?

Mr. ERVIN. According to race.

Mr. MAGNUSON. Just black and white?

Mr. ERVIN. No, all races.

Mr. MAGNUSON. Out in my country we try to achieve a balance, say, where we are near an Indian reservation. I think they do that also in New Mexico where the people live. I want the record to be

clear that the words "racial composition" include all races.

Mr. ERVIN. Yes, all races.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. BAYH in the chair). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I have really tried. Somehow or other, I have been, apparently, unable to break through with what I consider to be the real effect of the amendment.

The real effect of the amendment will be to put HEW in the position where it probably—if this language stands after conference—will not do anything with respect to transportation or busing, or anything like that from a de jure segregation situation. It will have to wait for the action of a court.

Now, gentlemen, I beg you to understand this: That is exactly what the Senator who proposes the amendment has in mind.

Let me repeat what I said before, that he has tried to get the HEW to make this interpretation but HEW has refused.

Now we are adding some more words which may give more credence to his position because to overcome racial imbalance is to try to shift something around which is not unlawful segregation. I want to make that clear. But to alter racial composition is to try to shift something around which may be unlawful composition of a given school. Mr. President, we freeze it absolutely except as a court may rule.

One other thing is, we have not made clear that we did straighten out the matter of the courts in the previous amendment. Now we are going pretty fast. I would like the Senate to realize that we have no longer qualified with the words "executive branch," or the words "department, agency, officer or employee of the United States" now contained in line 20 of section 422, so that we are even including the courts here.

Mr. PASTORE. No, we are not.

Mr. JAVITS. I beg the Senator's pardon. We have not yet, but we may make the change because I have raised it, but we have not made it. Right now an officer of the United States is a judge. We are moving so fast and so far that we may get ourselves into a hole that we are not trying to dig.

Let us stop and take a breath. This is a very serious matter. We may be changing something very serious. I think that we are.

Mr. PASTORE. If the Senator will yield right there, he is a member of the committee that reported the bill.

Mr. JAVITS. Right.

Mr. PASTORE. This is the language we voted out to the floor of the Senate.

Mr. JAVITS. Exactly.

Mr. PASTORE. So that the Senator meant "judge" when he did it.

Mr. JAVITS. Exactly.

Mr. PASTORE. The Senator meant a judge even on imbalance.

Mr. JAVITS. Now, just one second, please. I certainly did on racial imbalance. As I construed it, that has nothing to do with de jure segregation. That is not the way it will be construed now, in my judgment, and therefore we should at least take the same precaution.

Mr. PASTORE. All right. Then put them in. I will be perfectly willing to go along with it.

Mr. JAVITS. We should take the same precaution. That is elementary fairness. We should take the same precaution to insert the words "executive branch."

Mr. PASTORE. Then make that motion.

Mr. JAVITS. That would be in connection with, "department, agency, officer, or employee of the United States." Would that be acceptable to the Senator from North Carolina?

Mr. ERVIN. I would say that the whole thing is unnecessary because this refers to handling appropriations. Courts and judges do not handle appropriations.

Mr. JAVITS. It does not say that. It says, "construed to authorize." I think at least that we should take that precaution.

Mr. ERVIN. Mr. President, I would amend my amendment, so far as it also provides on page 150, line 20, to insert the words between "of" and the word "the" the words "executive branch of the United States."

Mr. PASTORE. To read, "or employee of the executive department of the United States"—"branch of the United States."

The PRESIDING OFFICER. The amendment is so modified, on page 150, line 20, after the word "the", insert "executive branch of the".

Mr. JAVITS. Mr. President, I have done my best. I will not be a party to this. I think it makes a very material and serious difference.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc.

Mr. PASTORE. Mr. President, the yeas and nays have not been ordered.

The PRESIDING OFFICER. The Chair would inform the Senator from Rhode Island that the yeas and nays have been requested.

There was not a sufficient second.

Mr. PASTORE. Voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from North Carolina en bloc.

The amendments were agreed to en bloc.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that on the voice vote on the Ervin amendments which resulted from a colloquy between the Senator from Rhode Island (Mr. PASTORE), the Senator from North Carolina (Mr. ERVIN), and me, the RECORD should show that I voted "no," and I would like to have that inserted at the proper place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. TALMADGE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 504

Mr. BROOKE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Massachusetts (Mr. BROOKE) proposes an amendment as follows:

On page 45, before line 5, insert the following new section:

"SEC. 3. And further, it is the sense of the Congress that the Department of Justice and the Department of Health, Education, and Welfare should request such additional funds as may be necessary to apply the policy set forth in section 2 throughout the United States."

Mr. BROOKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BROOKE. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes, the time to be equally divided between the Senator from Rhode Island and me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I may very well accept the amendment.

Mr. BROOKE. I want to have the yeas and nays.

The purpose of the amendment is very simple. We have passed the Stennis amendment. And it seems we need a clear indication to the country——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

I hope the Chair will enforce the rules of the Senate concerning order and decorum.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. BROOKE. Mr. President, the purpose of the amendment is threefold. First, we need a clear indication to the country of our intention to enforce the Stennis amendment.

Second, we need a clear indication to the Departments of Justice and Health, Education, and Welfare of our intention to support them financially in their efforts to carry out the policy of Congress.

Third, the amendment would help to clarify our intentions and let the people of this country know beyond a doubt that we mean business. As such, it has a great symbolic value for people who, rightly or wrongly, suspect our purposes in passing the amendment.

In the debate that took place on the Stennis amendment, it was made clear that the purpose of the amendment was not to slow down integration in the South, but to speed up integration in the North.

The amendment passed the Senate. It seems that now we ought to make this commitment very clear to the country that we do intend business and will give sufficient funds to the Department of Health, Education, and Welfare and the Justice Department to get the personnel in order to enforce integration in the North and the South and the East and the West of this country. We need this symbolic gesture. This is only the sense of the Congress that the Depart-

ments of Justice and Health, Education, and Welfare should request of Congress sufficient appropriations so that they can carry out the work indicated to them in the Stennis amendment.

This is a pure and simple amendment. I hope that the Senate agrees to the amendment.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. MONDALE. Mr. President, I should like to join as a cosponsor of the amendment of the Senator from Massachusetts. I think the amendment makes a great deal of sense.

In doing so, however, I wish to make clear a point which I think was clearly made in the debate—that, in my judgment, the Stennis amendment which has been agreed to does practically nothing. But, in any event, I think there is plenty of need for an adequate budget to the fullest extent possible to assist in dealing with de jure segregation and, to the extent possible, with de facto segregation in the present law.

I think it is an excellent amendment. I ask unanimous consent to join as a cosponsor of the amendment of the Senator from Massachusetts.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, has the Senator from Massachusetts finished?

Mr. BROOKE. I have finished.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. HOLLINGS. Mr. President, is that page 45 or page 145?

Mr. BROOKE. It is page 45. The Senator from Mississippi (Mr. STENNIS) had amended the bill. And there is a new section 2 in the bill. This would be section 3 and would follow immediately behind section 2.

Mr. HOLLINGS. It would follow immediately behind section 2 on page 45.

Mr. BROOKE. That does not appear in the printed bill. It is an amendment to the printed bill.

Mr. HOLLINGS. I see. I thank the Senator.

The PRESIDING OFFICER. The Chair would like to observe that the language proposed by the Senator from Massachusetts, if agreed to, would follow the language of the Stennis amendment which has been agreed to.

Mr. BROOKE. That is correct. There would be a new section 3 to follow the section 2 that the Senator from Mississippi proposed, which amendment was agreed to.

The PRESIDING OFFICER. Section 2 is not in the printed bill.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, as I said on the floor yesterday, I was not only glad to say that I will support whatever funds might be requested and needed to carry out the provisions of the amendment, but I also said that I had been begging that more funds be requested and more men employed with a real purpose of effectively working on this very problem beyond the South. That has been going on for 4 or 5 years in conferences with the Secretary of Health, Education, and Welfare especially, and with others. It has been done not only by me, but also by the Senator from Georgia (Mr. RUSSELL) and by former Senator Hill of Alabama. We were on the Appropriations Subcommittee.

I think this lends strength or spells out strength, at least, to what is already implied in the amendment agreed to yesterday, that funds would be provided if requested and it is proved that they are really going to be used by competent workers, educators, or whatever assistants is needed.

I do want to make this point clear. I notice that my friend, the Senator from Pennsylvania, said that it would take an army or the good part of an army to enforce the amendment. I do not want to agree to the use of any army for doing anything like that. I have never advocated using that force to enforce this provision.

I feel sure that the Senator said that in jest. I feel it will not be necessary.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield to the Senator from Washington, the chairman of the committee which is handling these matters.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I think the merit of the amendment of the Senator from Massachusetts is that whatever funds we do get would be used uniformly throughout the Nation. In many cases some of us on the Appropriations Committee have thought that every budget that has come up here has been thoroughly inadequate.

The merit of the amendment of the Senator from Massachusetts is that whatever we do get has to be used uniformly and throughout the Nation.

We could appropriate a great deal of money—I agree with the Senator—and then find that the Department would take the bulk of the funds and use them in one place instead of another.

We all agree that we would like to see the funds expended exactly as the Senator from Massachusetts suggests.

I hope it is clear that when the Senator says "throughout the United States" we mean uniformly, the uniform spread of funds.

Mr. BROOKE. It means the uniform spread of sufficient funds to enable the enforcement of the law in all sections of the country.

Mr. STENNIS. Mr. President, the Senator from Washington mentioned a point there that has given us trouble. And, of course, if the amendment is agreed to, it would still be our responsibility to see that the money is spent in keeping with the letter and the spirit of what I hope and believe is the policy.

I shall certainly support it to the fullest, and I commend the Senator from Massachusetts for his thoughtfulness in offering the amendment.

Mr. PELL. Mr. President, prior to yielding back my time, I would like to completely support the words of the Senator from Mississippi. I think the thrust of the amendment is excellent. I hope its intent is carried out. I say that also for the comanager of the bill.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I do not control the time. The Senator from Rhode Island does.

Mr. PELL. I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, first I want to say I was not joking and I do not believe anybody else was joking who supported the amendment of the distinguished Senator from Mississippi yesterday. It would not occur to me to vote for a meaningful amendment without regarding it as necessary to follow through by making available the money to accomplish the purposes to be accomplished by the amendment. I certainly support the amendment of the Senator from Massachusetts.

In the second place, I want to say I cannot agree at all with the rather exaggerated statement made by the distinguished minority leader yesterday. I cannot quote it, but it seems to me he said it would take an army of men and untold millions of dollars to enforce that amendment in other parts of the country outside of the South. I want to call attention to the fact that more than one-half the citizens of this Nation of Negro ancestry are within the South. I see no reason why any larger amounts would be required of personnel or funds to enforce that amendment in other portions of the country. I do not think it is an intolerable burden. I hope it will be enforced in other parts of the country.

I am ready to make available by my vote and activities in the Committee on Appropriations such funds as may be necessary to accomplish the purpose in other parts of the country outside the South, which are already being accomplished under present funds and personnel in the part of the country I represent in part.

I thank the Senator for yielding.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. PELL. I yield 1 minute to the Senator from Illinois.

Mr. PERCY. Mr. President, I would like to commend the distinguished Senator from Massachusetts and also the distinguished Senator from Mississippi. This subject originally came up yesterday when I put the question directly to the Senator from Mississippi as to whether he would support additional funds to more uniformly apply desegregation enforcement guidelines. I asked whether we were thinking in terms of taking the $5.2 million allocated this year and spreading to cover enforcement costs in all areas or whether he would support additional funds for the Civil Rights Office. He said he supported more funds at that time.

I commend the distinguished Senator from Massachusetts for making this language a part of the bill. I fully support it and I would encourage the Department

to give an adequate amount of attention to the segregation we know exists in the city of Chicago, and, to the extent we can, eliminate that kind of segregated school system.

Mr. ALLEN. Mr. President, I oppose this amendment because these Departments are fully capable of making their own budget requests and asking for more money for their Departments, if they need it.

Far be it from me to urge Federal bureaus to ask for more money.

Besides, if HEW and the Justice Department put on more enforcement agents and lawyers they will be used to harass the school systems of the South rather than sections outside of the South.

Mr. PELL. Mr. President, prior to yielding back my time, I asked for the yeas and nays on final passage.

The yeas and nays are ordered.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are detained on official business.

The Senator from Pennsylvania (Mr. SCOTT) is absent on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 80, nays 1, as follows:

[No. 50 Leg.]

YEAS—80

Aiken	Fulbright	Murphy
Allott	Goodell	Muskie
Anderson	Gore	Nelson
Baker	Griffin	Pastore
Bayh	Gurney	Pearson
Bellmon	Hansen	Pell
Bennett	Hart	Percy
Bible	Holland	Prouty
Boggs	Hollings	Proxmire
Brooke	Hruska	Randolph
Burdick	Hughes	Ribicoff
Byrd, Va.	Inouye	Russell
Byrd, W. Va.	Jackson	Saxbe
Cannon	Javits	Schweiker
Case	Jordan, N.C.	Smith, Maine
Church	Jordan, Idaho	Sparkman
Cook	Long	Spong
Cooper	Magnuson	Stennis
Cotton	Mansfield	Stevens
Curtis	Mathias	Symington
Dole	McClellan	Talmadge
Eagleton	McGee	Thurmond
Eastland	McGovern	Tydings
Ellender	Miller	Williams, Del.
Ervin	Mondale	Young, N. Dak.
Fannin	Montoya	Young, Ohio
Fong	Moss	

NAYS—1

Allen

NOT VOTING—19

Cranston	Hatfield	Scott
Dodd	Kennedy	Smith, Ill.
Dominick	McCarthy	Tower
Goldwater	McIntyre	Williams, N.J.
Gravel	Metcalf	Yarborough
Harris	Mundt	
Hartke	Packwood	

So Mr. BROOKE'S amendment was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make such technical and conforming changes in H.R. 514 as may be necessary to avoid technical errors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, it was my hope that the debate on this bill (H.R. 514) would concentrate on its educational aspects and that civil rights issues would be reserved for a civil rights bill.

The debate has not gone as I had wished, Mr. President, but I am not disappointed because I believe it has placed our Nation's racial dilemma in the right perspective.

For several days now we have been discussing a monumental issue, that of desegregation and how it can contribute to the improvement of educational opportunity for many of our young citizens.

In this discussion the old lines have disappeared, the old labels have come unstuck and the true nature of our problem has been revealed; two forms of segregation—one by design—one by default.

Both forms of segregation are evil. Both forms must be remedied. Neither form of segregation will be resolved by pointing out that one form is more evil than the other.

As a northerner, I could have assumed a rigid posture of righteousness and not budged.

As a Vermonter, I could have narrowed my perspective to the Green Mountain State and hurled epithets at those areas of the country where both forms of school segregation are rampant. Vermont's black population is less than two-tenths of 1 percent of the total population, and less than one-tenth of 1 percent of the school population. Ninety black children attend public schools in Vermont and certainly, there is no segregation. How easy it would have been for me to be pious.

But I am concerned with our Nation's racial patterns and problems and I am concerned with the education of all our Nation's children.

In the past 16 years since passage of the Supreme Court decision which declared separate schools to be unconstitutional, I feel we have made great strides toward bringing an end to segregation and improving education for all. However, I do feel that much remains to be done, particularly in our northern and urban areas, and thus I have been sympathetic to those of my colleagues who favored a change in policy and approach.

Since 1964, the courts and Government agencies involved in civil rights actions have been primarily concerned with the eradication of de jure segregation. Ostensibly, this policy has been followed in all parts of the country equally, but because most de jure segregation can be found and easily proved in the South, the focus of previous civil rights actions has been mostly in the South.

While I do not believe that we in the North have pretended segregation is nonexistent in our part of the country, I do feel that more attention could have been directed at us as well.

Therefore, although the debate of the last several days has been very grueling and painful, I hope it has proved beneficial by bringing us to the point where we have faced the issue squarely. I believe Senator STENNIS was right to bring this problem before the Senate and I am heartened by the sincerity of the various arguments presented, for I believe we all seek an equitable solution even though the means may not be clear.

When I first read the Stennis amendment, I had to agree with its overall intent to equalize the application of our civil rights efforts in all parts of the country. As the debate continued, however, I began to see that there were several ramifications not at first evident. Much as I want to end the segregation which impairs educational opportunity in every area of our country, I was not quite sure about the most effective way to do this.

Even though the Supreme Court has not yet acted upon the question of de facto segregation, I think we must recognize that the problem cannot be ignored. The Stennis amendment sought to force this question by making it a policy to enforce civil rights guidelines with respect to both de jure and de facto segregation.

Those in opposition to the amendment said that such a change should not be made in this manner, that we must wait for the courts to decide, that application of the changed policy would be impossible for lack of resources, and that the only real effect would be a slowing down of the limited progress that has been made in ending de jure segregation as a necessary first step.

These arguments, too, had some ap-

peal, but in my own mind I was unsure that this action would be harmful because I believe the legislative intent has been stated many times. The progress made in ending de jure segregation must not be halted or slowed down in any way, but we must begin to understand the problems of de facto segregation and alleviate them wherever harm is done.

Again, it was the question of determining the best way to make this happen. Some who were in opposition to the Stennis amendment said we should study this issue more carefully, and even though this may have seemed a delaying tactic, I do believe such study can be helpful in any regard since the causes are so invidious and the cures so uncertain.

The amendment offered by Senator SCOTT also sought to clarify the issue by reiterating the sense of Congress with regard to uniform application of civil rights action and undesirable busing or assignment of students merely to overcome racial imbalance.

These policies are already stated in title IV of the pending bill and in the Elementary and Secondary Education Act itself. Nevertheless, I thought it would be helpful to emphasize our intent and therefore supported the Scott amendment.

During the debate of yesterday, it became evident that adoption of the Scott amendment was not satisfactory to a majority of the Senate that some additional expression of intent was desired by the people. In voting for the Stennis amendment, I believe we have voiced the feelings of the people and made it clear that a new policy of consistency must pervade.

Further, I do not believe we have taken such a great step backward as some might fear. Not only have we stated that present efforts by Government agencies will not be relaxed, but we have agreed that more resources will be needed and expressed our desire that they shall be forthcoming.

At the same time, we must remember that most civil rights actions are now being pursued through the courts anyway, and our changing the Government agency policy to be consistent in North and South in no way affects these cases.

For those who believe we are only going to create chaos in the North, I can only say that it already exists and is probably due in large measure to the way we have ignored the problems of de facto segregation to date. If there is going to be upheaval, let it be for the right reason; let it be because we are trying to take a step in the right direction; and let our concerns for the elimination of malcontent and disorder be equally shared across the Nation.

Let us take positive action with consistency and, even if differing circumstances in various parts of our land dictate alternative approaches, let us examine the total situation in concert and then begin to make whatever changes are necessary in a particular area.

But, Mr. President, I do not believe we should take any actions which would limit our flexibility to solve these problems fairly. It is for this reason that I have refused to support measures that might arbitrarily prevent us from considering what may prove to be viable alternatives when pursued reasonably. This is not a civil rights bill, Mr. President, and while we have taken a necessary step forward in clarifying the policy of the Senate by adopting the Stennis amendment, if we are going to delve further into civil rights, let us do so in the proper manner at the proper time.

Equally important, I think, we should remember that it takes time to bring about such monumental change, and that during times of change we still have to worry about the education of those children concerned.

Regardless of the changes that result from civil rights legislation, we must remember that the quality of education in all schools needs improvement.

Education in this country will not achieve the desired objectives until all schools are improved to their maximum effectiveness and are truly equal.

Hopefully, the day will come when it does not matter which school a child attends, but this will not be possible until we look at every area in which improvement can be made. I would like to see us start toward that goal by forgetting the sorrows and mistakes of the past, by grasping the issues of the present, and by seeking all alternatives to a better future.

Mr. ALLEN. Mr. President, I am pleased that President Nixon has decided to create a Cabinet-level committee headed by the Vice President to look into problems created by administration of public schools by the Federal executive and judicial branches of Government. Such action indicates that the President recognizes the existence and magnitude of a problem of national importance.

While these problems are acute in Southern States, it would be a grave mistake to assume that they are regional or sectional or that any school system in the United States can long remain unaffected by any resolution in the Southern States.

In view of these developments, a question arises as to the role of Congress in helping resolve the problems. Will Congress accept a responsibility in this matter and realistically face up to the issues and contribute to a solution of the problem? I think Congress must do so.

There is no question about the power of Congress to take hold of this problem and resolve it. Section 5 of the 14th amendment provides: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." If legislation enacted under authority of the 14th amendment is the source of current problems—it would seem to me Congress has a duty to address itself to the problems so created. It is generally conceded that Congress has the power to determine what does and what does not constitute a violation of "equal protection" as it relates to any of the rights sought to be protected by the 14th amendment. And certainly it has the power to clarify the rights to public education which are intended to be protected under the equal protection provision of the 14th amendment.

With the purpose of clarification in mind, it is extremely important to identify the origin of the problem. Let us get to the root of the problem. We will skip over the original 1954 Brown decision. I do not know anybody who believes that this decision could be reversed without a constitutional amendment and I do not know of anybody who believes that such an amendment could be adopted at this time. From the standpoint of the South, the original Brown decision was reluctantly accepted.

All States repealed statutory laws requiring segregation of schools. In some Southern States segregation was provided for State constitutions and these also were stricken from the fundamental law by constitutional amendments freely and voluntarily agreed to by the people.

So, de jure segregation, segregation imposed by law, came to an end in the South after the original Brown decision.

But—the second Brown decision did more than strike down segregation de jure. The second Brown decision said that previously segregated systems although constitutional, legal, and proper for 80 years preceding the Brown decision would have to be altered and the Court imposed an affirmative duty on local school authorities to do the altering in a manner to conform to new but undefined Supreme Court mandates.

Herein, Mr. President, lies the root of of the problem. Here is the original departure from law and reason which has proven the source of many problems. First of all the idea that the nonrepresentatives, nonelected, branch of the Federal Government could properly employ judicial powers to enforce monumental social reforms affecting the lives and welfare of millions of citizens is nothing short of revolutionary.

It is difficult to imagine a mere revolutionary or a more tyrannical idea. It has corrupted the Constitution and along with it fundamental concepts of equity and justice. This we will demonstrate in just a moment. But first, let us examine the method by which the Supreme Court sought to implement its idea of social reform by judicial decree. The method of implementation has compounded the problem a hundredfold.

Justice Black has given a fair summary of the method of implementation adopted by the Court. He said:

> After careful consideration of the many viewpoints . . . we announced our decision in Brown II, 349 U.S. 294 (1965).

At this point, Mr. President, I will list in numerical sequence precisely what the Court held—in the words of Justice Black:

> 1. We held that the primary responsibility for abolishing the system of segregated schools would rest with the local school authorities.

Justice Black continued:

> We were not content, however, to leave this task in the unsupervised hands of local school authorities. . . .
>
> 2. The problem of delays by local school authorities . . . was therefore to be the responsibility of courts, local courts so far as practical . . .
>
> 3. Those courts to be guided by traditional equitable flexibility to shape remedies. . . .

Mr. President, it staggers the imagina-

tion to consider that that Court devoted 4 days to the argument on this single problem of implementation and yet came up with something so impractical. For example, an undisputed fact is that local school authorities did not have and have never had the power to carry out the Court-imposed responsibility to dismantle the institutional structure of public education incorporating segregated schools. Local school authorities cannot alone establish a "unitary school system"—whatever that term may mean. The school system was imposed by State legislatures—by the law of the Constitution, and by State statutes.

It is simply incredible that the Court should have felt no responsibility to better inform itself as to powers of local school authorities. They should have known that schools are operated under voluminous school codes enacted by State legislatures. Local school authorities are not autonomous sovereign bodies with power to enact their own laws. Their powers are derived from State legislatures. The powers so conferred are executive in nature and not legislative. Local boards of education are not empowered to spend school funds as they see fit. School revenues are appropriated and are budgeted. State support is earmarked by legislatures by object and by purpose. In most school districts in the South a far larger portion of school operating revenues are provided by State legislatures than by local governmental bodies.

School boards cannot levy taxes—they cannot use proceeds of taxation which are earmarked for retirement of bond issues or for payment of teachers' salaries or to purchase buses. In most States, procedures for school closings, consolidations, and resulting transfer of pupils and teachers are prescribed by State statutes. State enacted teacher tenure laws strictly govern assignment and transfer of teachers.

Under the circumstances, Mr. President, how in the name of commonsense could the Supreme Court have imagined that local school authorities could reform the public schools? Is it to be imagined that these things could be done without money? Is it imagined that local school authorities can levy taxes?

I doubt that members of the Supreme Court or anybody else for that matter had a clear idea of the extent to which the Court would eventually go in pushing its reforms. Nevertheless, State legislators at the time, and I was one of them, reasoned that law does not require the impossible and that all that local school authorities could do within the realm of possibility was to administer fairly and impartially a system of pupil placements which permitted parents an opportunity to choose the school their child should attend.

Certainly, this reasonable appraisal of the possible was supported by the first definitive interpretation of the Supreme Court Brown decision, one of the original suits on remand to the district court.

In *Briggs* v. *Elliot* (132 F Supp. 776), the Court said:

1. "It (the Supreme Court) has not decided that the federal courts are to take over and regulate the public schools of the state.

2. "It has not decided that the states must mix persons of different races in the schools or must require them to attend schools, or must deprive them of the right of choosing the schools they attend.

3. "What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains—but, if the schools which it maintains are open to children of all races, no violation of the constitution is involved *even though the children of different races voluntarily attend different schools*, as they attend different churches. (Italics supplied.)

4. Nothing in the constitution or in the decision of the Supreme Court takes away from the people *freedom to choose* the schools they attend. *The constitution in other words does not require integration. It merely forbids discrimination.* It does not forbid such segregation as occurs as the result of *voluntary* action. It merely forbids the use of governmental power to enforce segregation. (Italics supplied.)

Mr. President, the Supreme Court denied certiorari and consequently the above interpretation was widely accepted by constitutional authorities as guidelines for State legislatures. Nine Southern States adopted the principle of "freedom of choice" and pupil placement laws as logical steps toward compliance with Supreme Court decisions in the Brown case.

Mr. President, as late as 1963 Federal Courts upheld freedom of choice and pupil placement laws and Federal courts have avoided holding that State constitutional provisions which protect the right of parents to freedom of choice are outlawed by the 14th amendment.

On the other hand, Federal courts, including the Supreme Court, have taken the position that freedom of choice, while not unconstitutional, is permissible only if parents choose schools so as to meet an unspecified racial mix as may be prescribed by various Federal courts.

This paradox in the law leads us to a consideration of the further steps of implementation set out in the second Brown decision. Let us consider the responsibility for judicial oversight which the Supreme Court imposed on Federal district courts.

Mr. President, is it reasonable or rational for Federal district courts to compel local school authorities to do what they have no statutory power to do? Well of course, it is not reasonable or rational. The Supreme Court started out in 1954 recognizing that segregation in Southern States had been authorized by State constitutional requirements and by State statutes. But then—in Brown II—the Supreme Court imposed a responsibility on local school authorities to undo the effects of constitutional and statutory law, and of custom, and tradition, and practice of nearly 90 years. And on top of that the Supreme Court imposed a duty on Federal district courts to preside over the process of compelling local boards to do what they had no power to do.

Mr. President, I submit to the judgment of reasonable men that the second Brown decision was a grave and almost incomprehensible mistake. The method of implementation prescribed was divorced from practical, down to earth realities. It had no relation to the factual situation as it existed then or as it exists today. Reason and rationality are the essence of law. Without these attributes of law a statute or decree can only be put into effect by force—sheer, brutal, naked force.

That, Mr. President, is precisely what the Supreme Court authorized when it invited district courts to preside over local boards of education and to fashion remedies under equitable powers of Federal courts.

District courts in the beginning accepted the Supreme Court recommendation with alacrity. They dusted off the extraordinary equitable remedy of mandatory injunction. They enforced their commands by the inquisitorial sword of confiscatory fines of $300 a day and threats of imprisonment without benefit of trial by jury. They substituted rule by law for rule by judicial decree backed by naked force. Since local school boards lacked valid legislative authority to comply, the courts substituted the authority of judicial decree. Federal district courts assumed responsibility for every phase and aspect of public school administration. There followed one of the most shameful periods of judicial tyranny in our history. Thousands of members of local school boards were literally subjugated under Federal judicial dictation and compelled to violate their sacred trust and carry out commands which they knew to be contrary to the best interest of the children under their protective care.

There is evidence to support the belief that some Federal district court judges retched on being forced by higher authority to do some of the things they were called upon to do in the name of law and the Constitution.

Soon spokesmen for the Supreme Court raised a hue and cry for Congress to take the monkey off the Court's back. A demand was raised for Congress to enact legislation titles IV and VI of the 1964 Civil Rights Act are a direct result of reaction to the distortions of the Constitution under judicial administration of schools. The need was for Congress to define rights to public education protected by the 14th amendment.

This Congress did in delegating power to the executive and in language so clear that no one could possibly have mistaken the meaning. As related to public schools, Congress granted power to desegregate and defined the term.

SEC. 401(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Congress said further:

SEC. 407(a)(2) . . . nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to assure compliance with constitutional standards.

Even later, Congress said in Public Law 89–750, section 181 (1966):

> Nothing contained in this Act shall be construed to authorize any department, agency, officer or employee of the United States . . . to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

And still later, in 1968, Congress said:

> No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

At this point, Mr. President, it may be useful to point out the progression of shifting responsibility since 1964. Congress enacted the Civil Rights Act and thereby shifted responsibility for desegregating schools to the executive; the executive, after several years of experimentation with withholding food and necessities from innocent schoolchildren, became satiated and sickened by these acts of barbarism and then passed the buck back to Federal courts by inundating Federal courts with hundreds of lawsuits; Federal district courts responded by passing the buck back to the executive on the plea that Federal judges lacked the "expertise" to administer public schools and began ordering the executive to come up with school plans based on HEW interpretations of what the Supreme Court meant by such terms as "unitary school system" and "root and branch" and other legally meaningless words and phrases.

Mr. President, now the executive has created a Cabinet-level committee to explore least disruptive methods of implementing a mandate which remains undefined.

The point is that Congress and only Congress can straighten out this mess. It is time to stop the buck passing. Without a clear cut congressional determination of basic premises what can the executive do? Is it reasonable to expect the people whose policies and programs are largely responsible for the current mess to admit their errors and offer a constructive solution without first having received a clarification from Congress?

In my judgment, there is no way for Congress to avoid saying definitely what rights to public education are to be protected under provisions of the 14th amendment. Without such a determination the executive will continue doing what it has done before. It will continue to withhold funds from innocent schoolchildren and continue to furnish Federal courts with arbitrary, disruptive, unsound, costly, and thoughtless, hopped-up plans to achieve "racial balance" in schools. Without such a determination by Congress Federal courts will continue to enforce these plans by keeping members of local boards of education hostages under threats of financial ruin by confiscatory fines and imprisonment for contempt of court.

As a point of beginning, Congress must define the term "racial imbalance." Time and again Congress has limited the power to the executive by denying it power to correct "racial imbalance" in public schools. But—the Civil Rights Commission and the Department of Health, Education, and Welfare equate the term "racial imbalance" with "de facto segregation." Despite the fact that there is no connection in the meanings of these terms, these agencies insist that in every instance where Congress used the term "racial imbalance" Congress intended to say "de facto" segregation. As a result of this weird construction of the "racial imbalance" limitation on the power of the executive—the Department of Health, Education, and Welfare insists that the limitation is in reality a grant of power to compel racial balance in schools. But in the South only.

In the official explanation offered by the Civil Rights Commission, which is also the explanation adopted by the Department of Health, Education, and Welfare, the Congressman who originally offered the "racial imbalance" clause as an amendment to the statutory definition of desegregation is quoted as having said, "De facto segregation is racial imbalance." The converse is that racial imbalance is de facto segregation. Thus, it is reasoned that since Congress did not grant the power to bus pupils to overcome racial imbalance, it did not grant the power to overcome de facto segregation. And to further compound the problem, the Department of Health, Education, and Welfare takes the absurd position that all school segregation in regions outside the South is de facto and all segregation of schools in the South is de jure.

Of course, if the above were a rational definition of de facto segregation, the imbalanced schools in the South would come under the definition and the Department would have to admit that Congress denied it the power to close schools and bus pupils in the South. To avoid this the Department contrived a logically untenable and novel doctrine of a "dual constitution." As the doctrine relates to public schools, it yields a proposition that de facto segregation means one thing in one section of the Nation and something entirely different in other sections of the Nation. It yields the further proposition that "equal protection" means different things in different sections of the Nation.

The implications of this doctrine are shocking. But before discussing this feature let us consider the meaning of the purely contrived confusion created by use of the terms "de facto" and "de jure."

Should Congress undertake to define these terms it could do no better than turn to the authority of legal dictionaries for basic meanings. From the multiple uses of the terms a congressional definition would likely be structured around the basic idea that de jure means, "rightfully or lawfully established," and de facto means "actually; in fact; in deed, actually done."

From these basic meanings it must be clear the segregation in the South prior to the Brown decision was segregation de jure. It was lawful and proper. However, after the Brown decision and the repeal of constitutional and statutory segregation, what remained was in fact de facto segregation.

Mr. President, at this point let me remind the Senators that there is more racial segregation in public schools in regions outside the South than in the South. Furthermore, let me remind the Senators that almost every State of the Union has at one time or another had statutes which recognized or required or encouraged racial segregation.

Mr. President, Judge Walter Hoffman of the Fourth Judicial Circuit has compiled a partial list of racial statutes from every State of the Union. I request unanimous consent that this compilation be printed in the RECORD at the end of these remarks. I invite Senators to consult this compilation and bear in mind that segregation under law in the North was as much de jure as it was in the South.

Furthermore, Federal Housing Administration underwriting manuals for many years recommended insertion of racial covenants in deeds and in this connection warned that incompatible racial elements in neighborhoods would reduce the value of property. The 1938 manual advised:

> If a neighborhood is to obtain stability, it is necessary that properties shall continue to be occupied by the same social and racial classes . . .

Even after the Supreme Court decision on unenforceability of racial covenants in 1948, FHA continued to treat racial integration of housing as reason for disapproving loans. This is segregation under law. One cannot avoid this judgment.

Mr. President, it is self-evident that neighborhoods and residential areas precede the location of schools. It follows that governmental actions creating segregated neighborhoods are in effect governmental actions creating segregated schools. Such segregation is de jure in the North as well as in the East and West.

It is true that racial covenants are no longer in effect anywhere. But the segregated neighborhoods are still there as are the schools that serve them. This is de facto segregation.

I submit that no reasonable distinction can be drawn between de facto segregation resulting from previous laws in effect in regions outside the South and de facto segregation resulting from previous laws in effect in the South. Both have resulted in racial imbalance in schools due to previous segregation authorized or encouraged by laws.

If Congress did not intend to overcome racial imbalance in schools in regions outside the South, it cannot be said in reason that it intended to empower the Department of Health, Education, and Welfare to overcome racial imbalance in the South and only in the South.

If Congress were to accept the "dual constitution" construction of the Civil Rights Act—consider the necessary implications.

Are we to conclude that the civil rights leaders in Congress in 1964 intended merely to offer a half of a loaf? Are we to assume that they were cynical Machiavellians bargaining for votes and deliberately hid the fact that the eduction sections of the law were intended to cover only one region of the United States? Or is the public to believe that these leaders were hypocritical and deliberately resorted to clever, undefined terms, to confuse the public but with the purpose and

intent of excluding three-fourths of the States from operation of the law?

Mr. President, I reject all of these conclusions. I resent the implications inherent in HEW rationalizations which suggest that Senators or Congressmen attempted to exclude their own States from operation of the education powers of the Civil Rights Act.

Instead, I contend that the law means what it says. That the executive was not granted power to close schools and bus pupils to overcome racial imbalance—period.

I contend that Congress did not intend to authorize nor did it empower the Department of Health, Education, and Welfare to close neighborhood schools anywhere in the United States or to bus pupils anywhere for the sole purpose of achieving racial balance in schools no matter where such schools are located in the United States.

Such is the law that prevails throughout the United States—except in the South—where the Department of Health, Education, and Welfare has convinced some Federal district court judges that Congress deceived the public and never intended for the act to apply in three-fourths of the States.

It is not my purpose to cite the law which makes it unmistakably clear that racial discrimination in regions outside of the South is just as unlawful as racial discrimination in the South.

If Congress wants to insist that continuing segregation resulting from previous laws in the South violate constitutional rights, it cannot say that continuing segregation resulting from previous laws in other regions does not violate constitutional rights. And if Congress does not act, just as surely as I am standing here—neighborhood schools throughout this Nation will soon be closed and children bused all over cities and counties to overcome racial imbalance just as is happening in the South today.

Mr. President, there is a reasonable solution to this problem. Surely, if every child in a school district has an absolute right and opportunity to go to any school he chooses, subject only to limitations of space, the rights of no child or parent has been violated. From that point on time and patience and understanding will take over. Any other course is tyrannical. It denies hundreds and thousands of children of a right to attend neighborhood schools for no other reason than the color of their skins. It denies legal rights of parents and teachers. It threatens loss of public support of education. It threatens ruin and chaos not limited to public education.

Mr. President, the bills and amendments introduced by those of us most familiar with the chaos in public education in the Southern States are designed to correct gross departures from law and to reestablish the sound principle of "freedom of choice" as a right long protected by courts throughout the United States. We intend to extend the protection of that right to parents and children in the South.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 514) was read the third time.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, before proceeding to a vote, I should like to take this time to ask the distinguished majority leader if he can tell us about the program for the rest of the day and the rest of the week, if possible.

Mr. MANSFIELD. Yes, Mr. President; I am delighted to respond to the question of the distinguished acting minority leader by stating that it is the intention of the leadership to call up H.R. 860, an act to amend section 302(c) of the Labor-Management Relations Act of 1947, and so forth.

That will be followed, hopefully and in time, by S. 2548, a bill to amend the Nutritional School Lunch Act, and thereafter in time by S. 3387, a bill to amend the Rural Electrification Act, and then—not necessarily in this order, but approximately so—by H.R. 14944, an act to authorize an adequate force for the protection of the Executive Mansion, and foreign embassies, and so forth; H.R. 11102, having to do with the Public Health Service; and H.R. 14465, having to do with the improvement of the Nation's airport and airway systems.

I hope it will be possible to get all of these matters out of the way, because I am fearful that when we reach the nomination of Judge Carswell and the extension of the Voting Rights Act, and other proposals, we may once again be engaged in extended debate. So we ought to take as much advantage as we can of this time to keep the calendar clear, and to keep the Senate on top of its business, in which it has been doing, may I say, a splendid job. This is the end of the first month of the second session of the 91st Congress, and I think the record of this body in that 30-day period has been magnificent, to say the least. To paraphrase the words of Al Smith, "Just look at the record." [Applause.]

Mr. GRIFFIN. In view of that magnificent record, I wonder if the majority leader can give us some idea of whether or not Senators are going to be expected to come in on Saturday.

Mr. MANSFIELD. It is possible. [Laughter.]

PRESIDENT'S MESSAGE URGING RATIFICATION OF GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, the Senate received today a message from the President of the United States urging action on the Convention on the Prevention and Punishment of the Crime of Genocide, together with a report from the Secretary of State relating to the convention. I ask unanimous consent, as in executive session, that the texts of these letters, to which a copy of the convention is appended, be printed as a Senate executive document—Exhibit B, 91st Congress, second session—and referred to the Committee on Foreign Relations. I also ask unanimous consent that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

The Convention on the Prevention and Punishment of the Crime of Genocide was transmitted to the Senate by President Truman on June 16, 1949, with a view to receiving advice and consent to ratification. Although hearings were held in 1950 by a Subcommittee of the Committee on Foreign Relations, the Senate itself has not acted on the Convention. Now, twenty years later, I urge the Senate to consider anew this important Convention and to grant its advice and consent to ratification.

In the aftermath of World War II, United States representatives played a leading role in the negotiation of this Convention. It was adopted unanimously by the United Nations General Assembly on December 9, 1948, and signed on behalf of the United States two days later. The Convention entered into force on January 12, 1951, and seventy-four countries from all parts of the world and every political persuasion have so far become parties.

The provisions of the Convention are explained in the enclosed report from the Secretary of State. The Attorney General concurs in the Secretary of State's judgment that there are no constitutional obstacles to United States ratification. I endorse the Secretary of State's considered judgment that ratification at this time, with the recommended understanding, would be in the national interest of the United States. Although the Convention will require implementing legislation, I am not at this time proposing any specific legislation. The Executive Branch will be prepared, however, to discuss this matter during the Senate's consideration of the Convention.

In asking for Senate approval of the Convention twenty years ago, President Truman said:

"By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime."

Since then, I regret to say, some of our detractors have sought to exploit our failure to ratify this Convention to question our sincerity. I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever.

By giving its advice and consent to ratification of this Convention, the Senate of the United States will demonstrate unequivocally our country's desire to par-

ticipate in the building of international order based on law and justice.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

Mr. PELL. Mr. President, I congratulate the Senator from Wisconsin on his statement, and on this culmination of his long efforts in this regard. I know what joy this announcement would bring to the heart of my father, who was the original U.S. Representative on the United Nations War Crimes Commission. I share the hope of the Senator from Wisconsin that the Senate will proceed in due course to ratify the convention.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HANSEN TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, immediately following the approval of the Journal tomorrow, the Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed one-half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PERCY TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, following the speech of the Senator from Wyoming, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, following the speech of the Senator from Illinois (Mr. PERCY) tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. PELL. Mr. President, I ask unanimous consent, because it is anticipated that there will be numerous requests for copies of this measure, that the bill (H.R. 514) be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is, shall the bill pass?

Mr. JAVITS. Mr. President, we have not yielded back our time yet on this side.

Mr. MAGNUSON. Mr. President, this is a very fine bill. We have been debating it now for 5 days, and I have not heard yet, and I have been on the floor quite a bit of the time, in fact most of the time, anyone talk about the fact that this measure involves the authorization of $35 billion.

The Senator from New Hampshire and I have the somewhat dubious privilege of funding this bill. I want it to be known right here and now, so that there will be no objection, as always occurs when millions of people are interested in a matter such as this, their hopes get up that they are going to get—and maybe they will—$35 billion.

However, many a time, in the hearings on HEW, we have heard people come and testify, "Well, we were promised x number of dollars," and there is sometimes a great difference in amounts between an authorization and an appropriation. This applies to the executive department as well, and to the Bureau of the Budget, when they send up the budget for this education bill.

I hope that the millions of people in this country who are interested in this matter will realize that this is an authorization. Of course, we will all try to fund it, as much as we can. There are even some organizations which—they are called full-funding organizations—no matter what you authorize, they assume that that is what Congress committed itself to. Well, Congress did commit itself to an authorization, but the funding is another matter, and I simply do not want any dashed hopes about this matter, because I have come through a very complex experience with this bill up to date.

We are going to start hearings again very shortly on the 1971 budget, if we can ever get the 1970 appropriation over with. My subcommittee members know what I am talking about. So I hope my friends in the press gallery will, once in a while, instead of making their headlines read "Senate Passes Bill for $35,962,000,000 for Education Aid," at least add, by way of a footnote, "This is the Authorization."

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, over how long a period of time is that $35 billion to be expended?

Mr. MAGNUSON. Over 4 years.

Mr. CURTIS. I appreciate the remarks of my distinguished friend from Washington very much. A school official came into my office not many weeks ago, and, in discussing this subject, he said that Congress had authorized four times as much Federal aid to education as it had ever funded.

Upon investigation, I find that that is substantially true, or nearly so. Is there any hope of Congress passing—I am not urging it, but I am asking the Senator—is there any expectation that Congress will appropriate the $35 billion over 4 years?

Mr. MAGNUSON. If I had my way, I would come pretty close to it, but I do not think there is much expectation in the next 3 years of anybody down at 1800 Pennsylvania Avenue—and I do mean 1800 instead of 1600—asking for that amount of money.

Mr. CURTIS. I hope they do not.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. It also should be borne in mind that when we talk about $35 billion for education, when it becomes our painful job to report an appropriation bill for Health, Education, and Welfare, we have all the money for health and for medical research under health, we have all the money for social security under welfare, and for whatever plan is going to be presented to care for the needy in this country; and when we get through with those two, we get to the $35 billion authorization over 4 years for education. I do not believe there is a better investment in the world than in education.

Mr. MURPHY. Mr. President, may we have order? This is an important colloquy, and it is impossible to hear what the distinguished Senators who are going to be charged with this matter are saying. We cannot hear a word of it in the rear of the Chamber. May we please have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COTTON. I believe we will all agree that this country can make no better investment than in education, provided the money that we appropriate is carefully aimed at the target that hits the target, and that a lot of it does not stick in bureaucratic pockets on the way.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Will the Senator suspend momentarily?

The Chair would like to observe that the hour is late. There have been four or five requests in the last hour of the Chair to ask the Senate to come to order. The Chair does not believe this type of request should have to be made more than about once an hour. The Senate will please be in order.

Mr. COTTON. I know that the distinguished Senator from Washington—the chairman of the subcommittee on which I have the honor to serve—is hardworking, faithful, and conscientious, as are others on the committee. We will try to give just as much of this money as possible and do it in such a manner that it will be used most effectively, bearing in mind that the $35 billion is a ceiling, not an appropriation.

Mr. HART. Mr. President, will the Senator yield me 1 minute?

Mr. PELL. I yield 1 minute to the Senator from Michigan.

Mr. HART. Mr. President, we have talked almost entirely about a highly sensitive area in our society: What do we do in the North and what do we do in the South about the schools where the racial balance simply does not exist? Lots of plans; lots of hopes. But if we do not

understand that basic to the resolution of this problem is insuring that these schools, which number in their enrollment principally children from deprived homes, have to be upgraded before any plan is going to work, we have not learned anything.

Approximately $23 billion of the $35 billion or $36 billion that the Senator from Washington talks about is aimed at that target.

I regret very much that the request from the White House for the coming year in title I is even less than the money we have appropriated for title I. This just would not make sense. It is not the responsibility of the Appropriations Committee solely. It is the responsibility of all of us to make sure that most of that promise is delivered, else we will be lecturing ourselves, "Who shot John?"—North and South—in these hard-core schools for another decade. Prayer and good work alone will not cure this one. This kind of money will.

SEVERAL SENATORS. Vote! Vote!

Mr. HOLLAND. Mr. President, will the Senator yield me 2 minutes?

Mr. PELL. I yield 2 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am glad that the Senator from Washington and the Senator from New Hampshire have raised the point they have raised. I shall vote for this bill. I shall do so, however, with the distinct understanding that literally dozens of different projects of varying merit are included in this immense bill. Some of these projects I approve in their entirety; some of them I do not.

I realize that, although I shall not be here after this year, appropriation committees will have to struggle with these projects during the entire period covered by this bill and that they will be given a different footing year after year—some highly desirable, some not so desirable. Some may be regarded as not at all desirable under the conditions then prevailing.

I simply wanted to say that while I support this bill because it contains many objectives of which I heartily approve, I do so with the full knowledge of the fact that the Senate in this year or in subsequent years cannot look forward to the complete funding of all the dozens of different objectives. I have understated it. I believe there are at least a hundred different objectives in this bill.

I thank the Senator for yielding.

Mr. PELL. Mr. President, before yielding back the remainder of my time and fading to the more pleasant obscurity of the third row in the Chamber, I must say that I hope very much the Appropriations Committee and the Bureau of the Budget and the White House will recognize that, while this may be a large authorization, it is the will of the Senate, which is the will we will try to have prevail. And I add, we will do our best to do an equal job for all amendments in the confereence. I hope that the country will realize that, large as this bill may be, it reflects our sense of prioroties.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Does the Senator from New York yield back the remainder of his time?

Mr. JAVITS. Mr. President, I join in the remarks of the distinguished Senator from Rhode Island. I think these programs will stand up. I think they are directed at the most critical resource of America, the children, millions upon millions of whom will benefit, and we know that the Senate will not fail them. I believe we have given the Senate the tools with which to act and the framework within which to do it wisely.

STRENGTHENING IMPACTED AID

Mr. MCINTYRE. Mr. President, I favor the passage of H.R. 514, which extends programs of assistance for elementary and secondary schools.

There was a time in the world's history when the necessities of life were food, clothing, and housing. I believe we can add education to our necessities. The complex nature of today's world demands an education. Without it, a person may exist but we can hardly be expected to live.

The elementary and secondary education program has made major contributions to the educational process in this Nation and it can continue to make even greater contributions in the future.

In supporting this legislation, however, Mr. President, I do not want to leave the impression that I support every dotted "I" or crossed "T." Of course, I doubt that any piece of legislation which is presented here in the Senate, debated and passed, has the complete endorsement of every one of my colleagues for every line, and every section, and every title. This is one of the greatnesses of this body of the Congress that we can bring together a widely divergent mass of viewpoints and interests and weld them into support for meaningful and progressive legislation.

For example, I have questions in my mind about the present impacted school aid program. I hasten to say that I support the principle of this program. I believe that Federal assistance is necessary in those areas where there are Federal installations and large numbers of Federal emloyees. Without the assistance of the impacted aid program many of these areas would suffer unnecessarily and the school system would be hard pressed to provide top-flight education. The local residents in these areas would be forced to bear a tax burden out of line with taxpayers in areas where there is not a large concentration of Federal installations and employees. Impacted aid was devised as a program alternative to taxes. It was not meant to be a welfare program, as so many critics seem to regard it.

In my State of New Hampshire, the impacted aid program has been of major significance to the educational program in several areas of the State. This has been particularly true in the Portsmouth, N.H., seacoast area where the Portsmouth Naval Shipyard and the Pease Air Force Base are located. The impacted aid program has undergirded elementary and secondary education in at least 10 school districts in and near Portsmouth. Without the program, the taxpayers in this section of New Hampshire would have to bear a heavier burden to provide quality education.

The questions in my mind, however, relate to the formula for distribution of funds under the impacted aid program. This program has been in existence for a decade and questions have been raised as to the distribution of the funds and the basis on which this distribution is made.

Since I want to see this program continue and since the principal thrust of the attacks on it have been directed at the relationship between the amount of funds awarded these areas and the particular needs of the area, I would hope that before this vital program is again considered by the Congress there be a special study of the formula to see how it meets the needs of today and what changes might be called for in light of new conditions since its inception.

Mr. President, I believe such a study will not only remove much of the basis for criticism of this enormously important program, but could lead to further strengthening of it at the same time.

Mr. RANDOLPH. Mr. President, it is a privilege to support the pending elementary and secondary education bill. This measure is a significant effort toward the continued development of quality education programs for the school systems throughout our Nation.

As a member of the Education Subcommittee, I know of the intensive study and work which has been required in the formulation of this bill. Under the able leadership of the distinguished subcommittee chairman, the Senator from Rhode Island (Mr. PELL), and with the diligent participation of the ranking minority members, Senators PROUTY and JAVITS our subcommittee has developed a measure which will continue, expand, and refine Federal support for elementary and secondary education. All members of the Subcommittee on Education and the full Committee on Labor and Public Welfare participated actively in the discussions of the pending bill. It has been a bipartisan effort with the overriding objective of quality education always in mind.

This measure contains many amendments to improve the already solid base of educational programs and it authorizes a number of new programs to meet special needs. The extensive provisions of the bill have been presented in detail by the Senator from Rhode Island (Mr. PELL). The Senate shortly will continue its commitment to programs of aid for educationally deprived children; for library resources and textbooks; for supplementary education centers; and for strengthening State departments of education. Additionally, bilingual education, adult education, and vocational and handicapped programs will be improved by the provisions of this bill. It is important to note also the valuable provisions for evaluation and codification of education laws. These are only the highlights of the elementary and secondary education bill. There are many important areas covered in the measure. As a whole, they constitute a continuation and reinforcement of the efforts to provide quality education to benefit millions of schoolchildren throughout our country.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GRIFFIN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. METCALF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are detained on official business.

The Senator from Pennsylvania (Mr. SCOTT) is absent on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), the Senator from Oregon (Mr. PACKWOOD), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 51 Leg.]

YEAS—80

Aiken	Fong	Moss
Allen	Fulbright	Murphy
Allott	Goodell	Muskie
Anderson	Gore	Nelson
Baker	Griffin	Pastore
Bayh	Gurney	Pearson
Bellmon	Hansen	Pell
Bennett	Hart	Percy
Bible	Holland	Prouty
Boggs	Hollings	Proxmire
Brooke	Hruska	Randolph
Burdick	Hughes	Ribicoff
Byrd, Va.	Inouye	Russell
Byrd, W. Va.	Jackson	Saxbe
Cannon	Javits	Schweiker
Case	Jordan, N.C.	Smith, Maine
Church	Jordan, Idaho	Sparkman
Cook	Long	Spong
Cooper	Magnuson	Stennis
Cotton	Mansfield	Stevens
Curtis	Mathias	Symington
Dole	McClellan	Talmadge
Eagleton	McGee	Thurmond
Eastland	McGovern	Williams, Del.
Ellender	Miller	Young, N. Dak.
Ervin	Mondale	Young, Ohio
Fannin	Montoya	

NAYS—0

NOT VOTING—20

Cranston	Hatfield	Scott
Dodd	Kennedy	Smith, Ill.
Dominick	McCarthy	Tower
Goldwater	McIntyre	Tydings
Gravel	Metcalf	Williams, N.J.
Harris	Mundt	Yarborough
Hartke	Packwood	

So the bill (H.R. 514) was passed.

Mr. PELL. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. JAVITS. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the senior Senator from Texas (Mr. YARBOROUGH), the chairman of the full Committee on Labor and Public Welfare, in connection with the passage of this bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RALPH W. YARBOROUGH ON SENATE PASSAGE OF H.R. 514

American education will profit for years to come from this favorable Senate action on the Elementary and Secondary Education Amendments of 1969.

Through this four year extension of support of education at the elementary and secondary levels, the Senate assures that the federal interest in developing the intellect of our young people will continue.

I call attention particularly to the fact that the programs in this bill do not and cannot replace local effort, financial and administrative. Each of them is compensatory to local effort.

The categorical approach has emphasized that the federal government's role is one of adding federal money to support education services the local community is unable to provide.

Title I is a federal recognition that a school district with a large number of children from poor families is usually a school district with little financial base to support education. It also recognizes that these children need *more* help in the schools than do children from moderate or high income families.

This is why the largest of the categorical programs goes into schools on the basis of their numbers of poor children.

This is exactly the kind of compensatory education that many critics of the appropriation bill have implied should prevail throughout all federal aid to education, though many of them also fail to support adequate appropriations for Title I.

Other programs we are extending in this bill are also designed to support but not replace local effort. In Texas, 40 percent of our elementary schools still lack a library. We are not replacing any local effort with a $200 million authorization for libraries for schools for fiscal year 1971 in this bill. We are trying to make up what the states and communities are unable to do for so many educational needs.

The bilingual program we adopted through my bill in 1968 is another example. Local school districts simply have not been able to institute teaching in two languages. It takes specially trained teachers, and extensive plans. In this bill we extend for four years the bilingual education program, and increase its authorization to $80 million in 1971 and to $170 million in 1974.

The Senate has also acted wisely to extend the non-categorical aid for school districts affected by federal activities, the impacted aid program. In most respects, this is not a true aid to education programs, even though it is enacted as part of education legislation and administered by the Office of Education.

More accurately, it is a payment in lieu of taxes, for the federal property which brings families into a school district is not taxable by the school district. This federally impacted aid is a matter of tax equity, more than aid to education, and must be maintained in fairness to local school taxpayers.

Having passed this legislation, the Senate must move on to see that it is adequately financed. We must not pursue a course of false promises to the children, parents, teachers, and school administrators of America.

They are counting on Congress to support education in the manner this legislation outlines. We must do so by appropriating the amounts it authorizes to raise the educational level and standards of the country.

Mr. MANSFIELD. Mr. President, the chairman of the Education Subcommittee of the Committee on Labor and Public Welfare, the distinguished Senator from Rhode Island (Mr. PELL) is to be congratulated deeply for the manner in which he managed this extremely important measure. Its success is a singular achievement for Senator PELL. I believe it is his first year as chairman of the subcommittee. I believe it is the largest education proposal ever adopted by this body in terms of the funds authorized. Arranging for the educational welfare of our Nation's children is a difficult and complex task. Senator PELL performed the task. He did a splendid job in using his expertise to sort out and clarify the many provisions of the bill. The Senate is indebted to Senator PELL and to his entire Education Subcommittee for their hard work both in committee and on the floor of the Senate.

I would like to express my gratitude as well to the senior Senator from New York (Mr. JAVITS) for his contributions to the debate on this measure. As the ranking minority member of the Senate Labor Committee, his grasp of the legal aspects of the measure was most helpful and indispensible to the efficient disposition of this measure. We are indebted for his thoughtful views and for his outstanding support and assistance.

We are indebted to many other Senators as well. The contributions of the Senators from North Carolina (Mr. ERVIN) and Massachusetts (Mr. BROOKE) should be noted.

The Senator from Minnesota (Mr. MONDALE), is also to be commended for adding to the high quality of debate. Not only did he bring to the discussion his always sincere and probing views, but I believe the success of his proposal setting up a select committee to recommend remedies for equal educational opportunities was one of the most significant contributions of the past few days.

In this connection, the Senate is grateful to the senior Senator from Mississippi (Mr. STENNIS), as well. He presented as always a highly compelling case. Along with the Senator from Connecticut (Mr. RIBICOFF), he attracted the focus of the Senate and of the entire Nation to the matter of educational opportunities and to the efforts to provide

equality regardless of race, color, or national origin. It has been a difficult problem—and a problem that is not confined to any one geographical area. I commend these Senators for exposing the problem and for obtaining the focus of the Nation.

But perhaps even more outstanding as I already indicated was the achievement of Senator MONDALE in successfully establishing a select committee to deal with the problem. It was in the success of his proposal that the Senate may take its greatest pride. I look forward to the forthcoming recommendations of the select committee so that the implementation of equal and nondiscriminatory educational opportunities can be improved throughout the land. I think the American people will welcome this endeavor.

With the success of this measure I am proud to say, the Senate has now disposed of 33 major pieces of legislation since it convened just 1 month ago today. Needless to say, I am gratified by this record. It has been a truly remarkable beginning for a session and one that, in my judgment, has already set the tone for the days and weeks and months ahead. I wish to thank every Member on both sides of the aisle for their cooperation and assistance. It has made possible our great success to date and I am most grateful.

Finally, so that the record will stand complete, Mr. President, I ask unanimous consent that a table showing the legislative achievements for this first month of the second session of the 91st Congress be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Dairy Products Donation.
Egg Products Inspection Act.
International Animal Quarantine Station.
Tomato Promotion Through Paid Advertising.
Continuing Appropriations through February 28, 1970.
Foreign Aid Appropriations, 1970.
Labor-HEW Appropriations, 1970, conference report.
Controlled Dangerous Substances Act.
Organized Crime Control Act.
Marine Corps Band Director and Assistant Director.
Naval Flight Officers' Command.
Savings Deposit Program for Certain Uniform Services Members.
Selection Boards.
Transportation to Home Ports.
Credit Unions—Independent Agency Status.
Federal National Mortgage Association.
Air Pollution Interstate Compact between Ohio and West Virginia.
Newspaper Preservation Act.
Railroad Retirement.
Everett McKinley Dirksen Federal Office Buildings.
Tribute to General Omar N. Bradley and Allied World War II Victory in Europe.
International Clergy Week.
Mineral Industry Week.
Discriminatory State Taxation of Interstate Carriers.
Accessibility of Public Facilities to Physically Handicapped.
Shipper's Recovery of a Reasonable Attorney's Fee.
Urban Mass Transportation Assistance Act.
Foreign Service Retirement System Adjustments.
Legislation to Implement the Convention on Recognition and Enforcement of Foreign Arbitral Awards.
American Prisoners of War in Southeast Asia.
Clean Waters for America Week.
International Petroleum Exposition.
Elementary and Secondary Education Amendments.

Mr. STENNIS. Mr. President, I wish to highly commend the Senator from Rhode Island (Mr. PELL) for the splendid way in which he handled himself as the Senator in charge of the bill. As one who took part in some of the contested amendments, I had an opportunity to observe him closely. His intentions are fine. His capacity is truly great. He was well prepared on all aspects of the bill. We did not get into much that he was not prepared for. I believe that he has rendered the Senate a distinct and valuable service and I want to thank him as one Member of the Senate.

I also thank the minority member, the Senator from New York (Mr. JAVITS).

As always, he was well prepared.

As usual, he was this time, too. I thank him also, as one Member of the Senate.

Mr. JAVITS. I thank my colleague from Mississippi.

Mr. President, I have worked with the Senator from Rhode Island (Mr. PELL) for a considerable time. In addition to which, he is a very dear, personal friend of mine.

As a Senator, I commend him highly for his splendid handling of the bill on the floor of the Senate. He did so with the greatest tact, diplomacy, and grace and, at the same time, with a thorough understanding of how to get a bill passed through the Senate.

As a friend, I took a great deal of pride and derived so much satisfaction from the way in which he comported himself under difficult circumstances.

Mr. PASTORE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. I desire to pay tribute to my junior colleague, Mr. PELL.

I have the highest admiration for the patience he exhibited over the past few days.

Let me say that, insofar as the substance of the bill is concerned, it was never challenged. It was really an exercise in civil rights and was a little bit apart from the bill as such.

My colleague, Mr. PELL, has rendered yeoman service to the Senate and he deserves the plaudits of the entire Senate.

Mr. JAVITS. I thank my colleague from Rhode Island.

Indeed, it should be noted, as I am informed by my staff, that this is the largest education bill ever to pass either body.

Just because a bill is gargantuan does not necessarily commend it, of and by itself, but I know that it will do the job for America's children in terms of the Federal role which needs to be carried out.

Unless Members are astounded by the figures, let me point out that there are triggering mechanisms in the bill which can only come into effect when money rates of aid to schools are achieved. And so the figures which cumulatively seem to be much greater than they really are, when we remember that the HEW appropriation represents a $19 billion appropriation, then the figures which could otherwise sound overwhelming come somewhat into focus.

Mr. PELL. Mr. President, I thank my colleagues very much for their undeserved but kind words.

I must say that the Senator from New York, who is the ranking minority member of the full committee, has helped and supported me so much in the areas of my lack of knowledge, which are many. I stand not only as his friend and partner, but have considerable gratitude to him.

I also thank those of my other colleagues who helped me, because I am not as well grounded on civil rights as I would like to have been. I would say that I have had a crash course in the last 5 days. I am most grateful to them and particularly to the Senator from Rhode Island (Mr. PASTORE) for his assistance, the Senator from Minnesota, (Mr. MONDALE) has helped me a great deal in managing this bill, I also am grateful to the Senator from Mississippi (Mr. STENNIS), for the grace and fairness with which he pressed his amendments. We worked with the Senator from Mississippi and the Senator from North Carolina to try to allocate the time as equitably as possible.

I cannot finish without an acknowledgment to those who do the real work. I am thinking of the counsel of the Education Subcommittee, Stephen Wexler and also of Richard Smith. Both of these men have given unstintingly of themselves and of their knowledge. And the fact that they both have been married in the very recent past has not diverted them from their immense help to me and hard work.

Mr. JAVITS. Mr. President, I express my appreciation to my two assistants, Roy Millenson, who is the committee staff member in respect of education, and Mrs. Pat Shakow, who is my staff assistant with respect to civil rights. They worked very hard and well.

I join with the Senator from Rhode Island (Mr. PELL) in expressing my appreciation to those Senators with whom we contended—the Senator from Mississippi and the Senator from North Carolina. They worked and cooperated with us to get the bill out, even though we may have disagreed.

I should also like to thank the members of our committee, the Senator from Minnesota (Mr. MONDALE), the Senator from Missouri (Mr. EAGLETON), and the Senator from Vermont (Mr. PROUTY), who, incidentally, is the ranking member of the Education Subcommitee, and the other Members of the Senate who took a great interest. I include the Senator from Illinois (Mr. PERCY). I express my gratitude.

Mr. PERCY. Mr. President, I have

watched with great admiration the way my two fellow tennis players have passed the ball back and forth. I do not know whether it was a diversion, but there never seemed to be a question of whether we were authorizing too much money. Somehow or other, we avoided the fact that $35 billion is involved in the bill.

I think it is a reasonable bill. I think the committee has gone about balancing the matter and putting the funds where they should be.

I can recall that, when I ran for office the first time in Illinois, the question was often put to me—which was supposed to be a trap—"Where do you stand on aid to education?" When I said that I was for it, I found that I lost more votes by my answer. And I do not know of a single community there that does not need the money to help the children in many areas.

I commend the Senators for the excellent job they have done.

OUR SUPPORT LEVEL OF THE U.S. TROOPS IN NATO

Mr. PERCY. Mr. President, during the hour tomorrow that the majority leader has so generously provided for me, I intend to address myself to the problem of our support level of the U.S. troops in NATO.

Yesterday, the President in a remarkable message called for an adjustment in the balance of "burdens and responsibilities" between the United States and our NATO allies.

I was pleased to note today that the Secretary of the Treasury, Secretary David Kennedy, in his testimony before the Joint Economic Committee said:

> We are seeking a more equitable distribution in the burden of mutual defense expenditures.

I was pleased also that Chairman Burns of the Federal Reserve System in his testimony before the Joint Economic Committee Wednesday indicated very forcefully that the offset loan arrangements that have been made are totally unsatisfactory. In effect, they can be called phony loan arrangements to temporarily defer the agony of paying for our troops in NATO.

We find ourselves in a position of borrowing money from the Germans and paying them interest on it—market interest rates in some cases, in order to provide funds for the common defense of Europe.

I intend to address myself tomorrow to that subject and would be grateful to have any other Senators who want to express views on the same subject to join with me at that time.

THE HUNGER PROBLEM

Mr. PERCY. Mr. President, there are hungry people in Chicago, East St. Louis, and in many other urban and rural areas in America. Doctors know them by their swollen stomachs, iron deficiencies, stunted growth, rickets, and lead paint poisoning. Teachers know them by their listlessness in school, their inability to pay attention, to learn. Social workers know them by their homes, their empty refrigerators, their welfare applications.

These are hungry children, pregnant mothers, elderly men and women. In Chicago, they are people who live in the inner city where the infant mortality rate is 38.5 out of 1,000—75 percent higher than in Chicago's nonpoverty areas. They are people who work but still do not earn enough for food. They can work 8 hours a day, 5 days a week, 50 weeks a year at the minimum wage and still have incomes below the poverty level. They are people who receive food stamps and people who cannot afford them, welfare recipients who are expected to allocate only 26 cents for each meal they eat.

No one in Chicago really knows how many hungry people there are since no one has taken an accurate count. But there are estimates of at least 200,000 children and 100,000 elderly who are malnourished but still managing to exist in the city.

Two weeks ago I once again learned firsthand about these people. A doctor from a Chicago hospital called my office in search of food for six children he was treating for malnutrition. These were children who needed food at once, more food than could be purchased with food stamps—if their families could afford food stamps. We found food for these children through volunteer agencies. But we also discovered that, for the many hungry children like these six, there is no food in Chicago available to them. Chicago does have a food stamp program which assists approximately 35 percent of their AFDC families and 30 percent of their other welfare recipients. It does have a rapidly growing school lunch program which provides a nourishing meal to approximately 115,000 children a day. Chicago even has an emergency relief program that provides a food voucher to the poor in case of disaster—the cost of the voucher, however, is deducted from the recipient's next welfare check. And now, after nearly a year of negotiations and planning, Chicago has a nascent OEO food voucher pilot program. Unfortunately, this program only serves children under 1 year old in a single small welfare district in the city.

What Chicago does not have now is a supplementary food program for those who cannot afford food stamps, do not receive a school lunch, cannot stretch their welfare checks to buy food once the rent, heat, doctor, and electricity bills are paid.

We had such a program in Chicago in the early 1930's during the Great Depression and it made the difference between whether my family had food for meals or not. Such a program was reinstituted in Chicago last year for less than a month. But the demands for participation were apparently very great for the program. It was difficult to administer and was quickly abandoned to the great harm of those who most needed help.

The rest of Cook County has such a supplementary food program operated through the OEO office. This, too, is a new program which took many months to establish. But it provides milk, juice, cereal, eggs, and other food to children 6 and under. The program has been functional since last Thanksgiving and is already serving 3,500 children.

We may well ask why Chicago does not move more effectively to feed its hungry. We can even point fingers and set the blame. However, that would solve very little for I suspect that Chicago is not much different or much worse than other large urban areas with hungry poor—too financially pressed, too riddled with redtape to seek out and feed its malnourished.

The Chicago situation is, in part, an indictment of our existing methods for dealing with poverty and hunger. We cannot solve these problems with a food stamp program that is too expensive for the poor to afford, that does not provide free stamps for the most needy. We cannot solve these problems with a commodity distribution program that cannot be implemented in an area which operates a stamp program. Certainly an AFDC program with payments that vary from State to State and a myriad of special programs are not the solution.

We need reform. This is the lesson of Chicago. Better programs, a guaranteed level of family assistance, a principle supported by the Nixon administration's welfare reform program, jobs, and job training are the solutions to eliminating hunger and poverty.

Mr. President, if we do not make better provision for helping our poor and our hungry we will be doing more than cheating our children in Chicago, East St. Louis, and other urban and rural populations of the country. We will be hurting ourselves, depriving our society of people who could be productive, who could contribute to its future growth.

Mr. President, on February 15, the Chicago Sun-Times described the efforts of the city of Chicago to combat hunger. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LACK-OF-PROGRESS REPORT IN CITY'S WAR ON HUNGER

This is a progress report on the war on hunger in Chicago.

Lack of progress might better describe it.

Persons long concerned with the problem agree little has been accomplished since Mayor Daley promised to "put food on the table" nearly 10 months ago.

The only sizable step has been a tenfold increase in the number of children receiving free school lunches. And this program is in danger of running out of funds.

The Rev. Jesse Jackson, leader of Operation Breadbasket, which is in the second phase of its antihunger campaign, says, "People have moved from disinterest to concern, but hungry people have not been fed."

Mayor Daley's emergency food program, begun May 12, was turned over to the Cook County Department of Public Aid after 36 days of operation in the city's 14 Urban Progress centers. Since then the public aid office at 70 E. 21st has been open evenings and weekends to issue disbursing orders to people in immediate need of food.

Under this program, 11,420 people applied for food between Aug. 4 and Jan. 5. Disbursing orders totaling $149,373 were issued to 9,263 persons. Some 35 per cent already were on public assistance. Unless they ran out of food for a catastrophic reason, such as fire or robbery, the amount they received was deducted from their next welfare check.

Mrs. Virginia Stevens, a West Side widow active in the welfare rights movement, took a neighbor who had been robbed to the 21st St. office on a recent Friday.

"We got there before they closed, but there was a long line and they told us we would have to come back tomorrow. I told them she didn't have any food in her house, but they said they had already served 160 people that night and they couldn't take any more. They turned away two families that night."

Mrs. Pauline Perisee, a community representative for the Fiske School in Woodlawn, sees many children come to school hungry because their families are out of food. She helps the families with money from a school taffy apple fund, but she doesn't send them to 21st St.

"When the mayor announced his program, I thought it would be wonderful. I sent people to the Woodlawn Urban Progress Center until I found out they would deduct the money from their next welfare check. That means they would run out of food again next month."

Box cars of nutritious food packages are delivered monthly to a warehouse on the South Side. The food is free from the Agriculture Department, but it is not for Chicago. The Cook County Office of Economic Opportunity has been distributing the food since Thanksgiving to needy suburban families under a supplemental food plan rejected by the city.

The city's alternative plan, a pilot certificate program, started Feb. 2 on the South Side. It provides milk, cereal and baby formula (the county program provides about 15 food items) to pregnant and nursing mothers and infants up to age 1 (the county program goes up to age 6). In its first week of operation in the Kenwood and Midway district offices of Public Aid, 101 mothers applied and 93 were accepted.

The city estimated that 3,000 to 5,000 mothers in the area would qualify for the program, but the 5th Ward Citizens Committee calls the figures "grossly inadequate." It reports that there are 10,000 mothers and children on public aid in the area and many others not on public aid who would also be eligible.

On Dec. 30, Mayor Daley called on the Chicago Committee on Urban Opportunity to establish a permanent program to eliminate hunger. Since then, the city agency of the U.S. war on poverty has been knocking on doors to identify the hungry, but has launched no program to feed them. The names are turned over to the mayor's office.

CCUO received $325,000 in federal money last spring to administer Mayor Daley's emergency food program. A total of $137,000 was spent on the program, and city officials can't explain what happened to the rest of the money.

An ordinance to establish a department of nutritional needs is still in the miscellany subcommittee of the city Finance Committee, where it was referred last fall. The $5,000,000 proposal would create 50 sites where hungry people can get three hot meals a day, food to prepare at home and help with job, medical, psychological and educational problems.

ORDER FOR RECOGNITION OF SENATOR BELLMON OF OKLAHOMA TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Illinois (Mr. PERCY) tomorrow morning, the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the remarks of the Senator from Oklahoma (Mr. BELLMON), there be a period for the transaction of routine business, as per the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYER CONTRIBUTIONS FOR JOINT INDUSTRY PROMOTION OF PRODUCTS IN CERTAIN INSTANCES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 631. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 860) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 18 minutes p.m.) the Senate adjourned until tomorrow, Friday, February 20, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 19, 1970:

THE JUDICIARY

Howard B. Turrentine, of California, to be a U.S. district judge for the southern district of California, vice Fred Kunzel, deceased.

OFFICE OF ECONOMIC OPPORTUNITY

Albert E. Abrahams, of Maryland, to be an Assistant Director of the Office of Economic Opportunity, vice Genevieve Blatt, resigned.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Vice Adm. John Marshall Lee, U.S. Navy, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice Lt. Gen. John J. Davis.

IN THE AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of chapters 35 and 837, title 10 of the United States Code:

To be major general

Brig. Gen. Frank A. Bailey, [redacted] FG, Arkansas Air National Guard.

Brig. Gen. Charles W. Sweeney, 011–16–8121FG, Massachusetts Air National Guard.

To be brigadier general

Col. James W. Carter, [redacted] FG, Tennessee Air National Guard.

Col. William H. Pendleton, [redacted] FG, California Air National Guard.

Col. Robert S. Peterson [redacted] FG, Minnesota Air National Guard.

Col. George H. Taylor [redacted] FG, Utah Air National Guard.

IN THE ARMY

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Aguilar, Donald, [redacted]
Ainslie, John H., [redacted]
Albright, Mark L., [redacted]
Albright, Paul M., [redacted]
Alexander, Buford C., [redacted]
Alexander, James M., [redacted]
Allred, Kenneth L., Jr., [redacted]
Anderson, Vernon L., [redacted]
Angelos, Daniel NMN., [redacted]
Angerman, William C., [redacted]
Anthony, David J., [redacted]
Antonelli, Albert E., [redacted]
Armstrong, Herbert B., [redacted]
Arnao, Charles L., [redacted]
Asher, David S., [redacted]
Aubrey, William J., [redacted]
Babes, Fred W., [redacted]
Bailey, David P., [redacted]
Baisch, Richard C., [redacted]
Baker, Wilson, Jr., [redacted]
Balkus, William G., [redacted]
Ballotti, John F., [redacted]
Barclay, Bernays T., [redacted]
Barnes, John J., Jr., [redacted]
Barnett, Robert W., [redacted]
Barnhill, John R., [redacted]
Barratt, Ronald D., [redacted]
Baskin, Thomas C., Jr., [redacted]
Bast, Albert J., III, [redacted]
Bates, Barry D., [redacted]
Beal, Richard A., [redacted]
Beauchamp, James W., [redacted]
Beccue, Boyd A., [redacted]
Becker, Charles T., [redacted]
Bedell, Robert J., [redacted]
Beck, Allen L., [redacted]
Beck, James R., [redacted]
Beck, Robert A., [redacted]
Bell, Theodore S., Jr., [redacted]
Berdy, Andrew R., [redacted]
Bergiel, Julius G., [redacted]
Bernier, Jon P., [redacted]
Berriman, Howard J., [redacted]
Best, Hilton J., [redacted]
Beto, Mark D., [redacted]
Beverly, James T., Jr., [redacted]
Bickel, Stephen P., [redacted]
Bickford, Stephen M., [redacted]
Bisdorf, Robert J., [redacted]
Bishop, George F., III [redacted]
Black, Brian W., [redacted]
Black, Donald E., [redacted]
Black, James C., Jr., [redacted]
Blackburn, John W., [redacted]
Blacklock, Ward T., Jr., [redacted]
Blanco, Joseph, [redacted]
Blount, David L., [redacted]
Blink, James A., [redacted]
Boehman, Robert J., [redacted]
Boesenberg, Charles M., [redacted]
Bohlen, Paul N., [redacted]
Booker, David L., [redacted]

Booth, Lance E., III, xxx-xx-xxxx
Bouck, Grant S., xxx-xx-xxxx
Boujai, Carlton J., xxx-xx-xxxx
Bowers, William P., xxx-xx-xxxx
Boyle, Richard C., xxx-xx-xxxx
Boyle, Vincent A., xxx-xx-xxxx
Boyers, William B., xxx-xx-xxxx
Branham, Manley R., xxx-xx-xxxx
Branyan, Frederick C., xxx-xx-xxxx
Brennan, John E., xxx-xx-xxxx
Bridges, Philip D., xxx-xx-xxxx
Brookhart, William D., xxx-xx-xxxx
Brower, Robert K., xxx-xx-xxxx
Browning, Arnold J., xxx-xx-xxxx
Bryant, Robert V., xxx-xx-xxxx
Buettner, Steven L., xxx-xx-xxxx
Buggs, Harrel T., xxx-xx-xxxx
Bulisco, Gerald L., xxx-xx-xxxx
Bullington, Terry W., xxx-xx-xxxx
Bungard, Albert G., xxx-xx-xxxx
Bunting, James W., xxx-xx-xxxx
Burgess, James Lyon, xxx-xx-xxxx
Burns, David M., xxx-xx-xxxx
Burton, Joseph M., xxx-xx-xxxx
Bushman, Gary R., xxx-xx-xxxx
Cable, Monte B., xxx-xx-xxxx
Calhoon, Christopher, xxx-xx-xxxx
Callaghan, William P., xxx-xx-xxxx
Callen, Jan E., xxx-xx-xxxx
Calnan, Michael B., xxx-xx-xxxx
Campbell, Gordon, xxx-xx-xxxx
Candido, Robert, xxx-xx-xxxx
Cantrell, Pierce E. Jr., xxx-xx-xxxx
Carbonari, Frank J., xxx-xx-xxxx
Carlson, David H., xxx-xx-xxxx
Carr, John J., xxx-xx-xxxx
Carrigan, Daniel P., xxx-xx-xxxx
Carroll, Matthew R., xxx-xx-xxxx
Carter, Jack W. Jr., xxx-xx-xxxx
Casey, Frank R., xxx-xx-xxxx
Casey, Michael J., xxx-xx-xxxx
Cataldo, Gary R., xxx-xx-xxxx
Cates, John W. H. III, xxx-xx-xxxx
Cathcart, Clinton E., xxx-xx-xxxx
Cavness, James R., xxx-xx-xxxx
Chandler, Randall S., xxx-xx-xxxx
Chaney, Lewis H., xxx-xx-xxxx
Chinen, Glenn D., xxx-xx-xxxx
Chittenden, George E., xxx-xx-xxxx
Chitwood, Walter N. III, xxx-xx-xxxx
Chisholm, Charles W. Jr., xxx-xx-xxxx
Christmas, Byron K., xxx-xx-xxxx
Church, Michael V., xxx-xx-xxxx
Clark, Freeman C., xxx-xx-xxxx
Clifford, Francis W., xxx-xx-xxxx
Clippard, David N., xxx-xx-xxxx
Clymer, Robert L., xxx-xx-xxxx
Coalson, Lester B. Jr., xxx-xx-xxxx
Cochran, Ronald R., xxx-xx-xxxx
Cochrane, Dennis C., xxx-xx-xxxx
Cochrane, Peter A., xxx-xx-xxxx
Cofer, Charles R. Jr., xxx-xx-xxxx
Cofoni, Paul M., xxx-xx-xxxx
Coker, John W., xxx-xx-xxxx
Coleman, Fred H. III, xxx-xx-xxxx
Coleman, Wayne A., xxx-xx-xxxx
Collins, Edward J., xxx-xx-xxxx
Collins, Joseph J., xxx-xx-xxxx
Connelly, Donald B., xxx-xx-xxxx
Connelly, John J., xxx-xx-xxxx
Conway, Harold J., xxx-xx-xxxx
Cook, Jon C., xxx-xx-xxxx
Cooper, William E., xxx-xx-xxxx
Cordel, Peter J., xxx-xx-xxxx
Cordo, Paul J., xxx-xx-xxxx
Cornwell, Mark E., xxx-xx-xxxx
Coulter, Herbert W., III, xxx-xx-xxxx
Cox, David B., xxx-xx-xxxx
Craven, Pat F., xxx-xx-xxxx
Crighton, Gordon C., xxx-xx-xxxx
Crites, John B., xxx-xx-xxxx
Croft, Edward L., xxx-xx-xxxx
Crow, Charles L., xxx-xx-xxxx
Crupi, James A., xxx-xx-xxxx
Cumberworth, Charles C., xxx-xx-xxxx
Currey, Jason E., xxx-xx-xxxx
Curry, David J., xxx-xx-xxxx
Daigle, Michael R., xxx-xx-xxxx
Dallas, Richard W., xxx-xx-xxxx
Dandries, Michael I., xxx-xx-xxxx
Daniels, Robert B., xxx-xx-xxxx
Davenport, Clifford, Jr., xxx-xx-xxxx
Davenport, Dewayne, xxx-xx-xxxx
Davis, Eugene J., xxx-xx-xxxx
Davis, Joseph L., Jr., xxx-xx-xxxx
Davis, Oscar N., xxx-xx-xxxx
Davis, Samuel, xxx-xx-xxxx
Dayton, Keith W., xxx-xx-xxxx
Decker, Lee N., xxx-xx-xxxx
Demski, Stephen J., xxx-xx-xxxx
Dierker, Charles J., xxx-xx-xxxx
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The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Ackerman, Gary C., xxx-xx-xxxx
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Travis, Charles A., xxx-xx-xxxx
Trella, Joseph E., Jr., xxx-xx-xxxx
Tremper, William W., xxx-xx-xxxx
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Tucker, William E., Jr., xxx-xx-xxxx
Turner, Gilbert F., xxx-xx-xxxx
Turner, Steven C., xxx-xx-xxxx
Twitero, David T., xxx-xx-xxxx
Tyson, Robert N., Jr., xxx-xx-xxxx
Velevis, Victor S., xxx-xx-xxxx
Vertner, Russell C., xxx-xx-xxxx
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Velin, John R., xxx-xx-xxxx
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Villarreal, Julian, xxx-xx-xxxx
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Watkins, Carroll G., xxx-xx-xxxx
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Whitacre, John G., Jr. xxx-xx-xxxx
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EXTENSIONS OF REMARKS

CORRECTIONAL INSTITUTIONS

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. FRIEDEL. Mr. Speaker, the state of our juvenile and adult correctional institutions is often cited as a principal cause of the alarming rate of recidivism in the country. Too many of these facilities unfortunately do little to rehabilitate prisoners but, rather, turn out more proficient criminals.

If we can cut down on the number of repeaters who pass through our criminal justice system as though it were a revolving door, we will have made a valuable contribution to the saving of lives and property.

Since the House of Representatives created the Select Committee on Crime some 8 months ago, the committee has devoted considerable attention to listening to testimony for the purpose of offering legislation to improve the country's correctional institutions.

I am pleased that Chairman CLAUDE PEPPER has announced hearings on juvenile crime and corrections in my city of Baltimore on March 12 and 13 as part of a national inquiry into this critical field.

The committee's hearings on correctional and rehabilitation programs has generated comment from many concerned persons and publications. A few articles on the subject follow:

[From the Chicago Tribune, Aug. 18, 1969]

AFTER CONVICTION

Chief Justice Warren E. Burger, in a recent address to the American Bar Association, commented ruefully on the "elaborate procedures" American courts make available to defendants and their counsel, and urged that society give increased attention to what happens after conviction. It seems sometimes that endless consideration is shown a defendant on a criminal charge—at least if he can afford expert counsel or if he is notorious enough to attract it. But too many of us act as if conviction and sentencing were the end of the story.

It isn't, of course. It's a rare convict who does not leave prison. And 63 per cent of offenders released from prison, according to the FBI's latest annual "Uniform Crime Reports," are again arrested within five years. As Rep. Claude Pepper, chairman of the House select committee on crime, and many others have said, our "correctional programs just do not correct." Reformatories and penitentiaries do not produce much reform or penitence.

Chief Justice Burger, in his address to lawyers, spoke of revised sentencing procedures, work-release and limited confinement programs, and incentive releases. We are sure that his remarks were motivated more by a desire to see an unsolved problem mitigated than by any desire to "coddle" criminals. It could be that the same offenders whose lawyers can make conviction deplorably delayed and difficult are, after conviction, encountering too few rehabilitating influences and too many that encourage recidivism.

We have a penal system that does not produce the results desired. We will do well to heed the chief justice's advice to consider possibilities of modifying it for the better.

[From the Washington Post]

CLAUDE PEPPER HAS SEASONED VIEWS ON CRIME

(By James J. Kilpatrick)

Thirty years ago, when Claude Pepper was serving in the Senate, conservatives used to regard him with horror. He was a liberal's liberal, with a tabasco tongue and a fiery eye. In 1950, when defeat knocked him off, we shed no tears. But time has mellowed the old "Red" Pepper. He'll be 69 next week (September 9). He's now serving his fourth term in the House—one of only a few score men in history to serve first in the Senate and later in the House—and he's doing an especially able job in the field of crime and punishment.

With no further introduction, as they say on the chicken salad circuit, let me offer the floor to the gentleman from Dade County, chairman of the House Select Committee on Crime. He is thinking aloud on some dismaying truths that have emerged from six weeks of hearings:

"We didn't need these hearings for the purpose of discovering that crime exists. We all know too well that the fear of crime pervades the nation, and that political candidates are being elected on the law and order banner. The real message from our hearings is that despite this omnipresent fear and the public outcry for law and order, we are doing relatively little to meet the crime problem.

"A real paradox exists. While we all clamor for the control of crime, most actions that must be taken are apparently among the lowest priorities for governmental action. During the past decade, juvenile crime has had an alarming increase out of all proportion with the increase in over-all crime. Arrests of juveniles for narcotics offenses has increased 800 per cent, yet Federal expenditures for juvenile delinquency prevention and control received a mere $5 million appropriation last year.

"In a recent column touching upon the problem of recidivism in crime, you noted the shocking fact that many prisoners serve six or eight terms. We can agree, I'm afraid, that some of these are beyond even the best of training programs. We need to concentrate more effort on the first offender, developing some vocational as well as moral standards that will encourage him to go straight.

"Our nation has no national or sensible program for corrections and rehabilitation.

"Our correctional programs are largely a relic of another age. They just do not correct. We have been told by many experts that youthful offenders would be better off—and so would society—if they were never caught. It is an abomination that a society that consecrates human values can permit the sordid and inhuman practices that take place in some of these institutions.

"There is no more important matter in the entire criminal justice system than the matter of corrections and rehabilitation. Until recently, the problem had been ignored by the federal as well as state and local governments. Now I understand that the administration is about to unveil a new proposal for the establishment of a national corrections program, apparently under the aegis of the Federal Bureau of Prisons, with the entire program being under the control of the Department of Justice.

"I have grave reservations. Perhaps the time has come for Congress to create a new independent agency which could focus entirely on new approaches in the area of corrections. Such an agency could lead the states, counties and cities out of the medieval grip of penology in which our local jurisdictions appear to be mired.

"I suppose that the heart of our difficulties in meeting the crime problem is symptomatic of what besets our society and our nation. We are confronted with the monumental national problem of determining priorities for federal action. The time for major corrective action is long overdue. The crime problem can be met only by resigning ourselves to a massive Federal effort involving a large Federal expenditure. Local communities have generally reached the limits of their financial resources. . . ."

The prospect of massive federal outlays in an area of state and local responsibility holds small appeal, but Pepper is plainly right. Those in Congress who holler most loudly of crime must back up their words with new infusions of money.

[From the Providence Journal, Aug. 18, 1969]

SORRY RECORD

More attention is being directed, quite properly, at the sorry record of our prisons and other places of detention in rehabilitating prisoners.

Prisons are places where delinquents and criminals work out their punishment. But prisons also are places where the wayward are supposed to be straightened out so that they can be returned to society as useful citizens. It is on this latter point that the record is woefully bad.

Rep. Claude Pepper, chairman of the House select committee on crime, recently completed six weeks of hearings on the matter. His disturbing conclusion is that our country's "correctional programs just do not correct."

The FBI report for last year confirms this conclusion. It shows that 63 per cent of the offenders released from prison in 1963 were rearrested for new crimes within five years. If one makes allowance for those former prisoners who returned to crime but managed to avoid being caught, the inescapable conclusion is that roughly two out of three of the released prisoners were not "straightened out" by their prison experience. Even when the brightest possible construction is placed on these figures, rehabilitation barely scores a 30 per cent mark, which is a disgracefully low mark, indeed.

This evidence lends point to the remarks made earlier this month by Chief Justice Warren E. Burger in his address before the American Bar Association. Much has been done recently, he observed, in defending the rights of offenders. "None can match us in these manifestations of concern for the accused." But Justice Burger went on to suggest that much more thought should now be given to the lot of individuals after their conviction.

The chief justice urged the bar association to work out a blueprint for reform of the nation's penal institutions, suggesting that experiments might be made in limited confinement programs and on early releases for those who learn a trade.

Justice Burger's proposal to the bar association, together with Congressman Pepper's pending legislation to set up a National Institute for Corrections, improve the prospects that our society may be about to put more emphasis on this neglected area.

[From the Columbia (S.C.) Record, Nov. 26, 1969]

OF SOUTH CAROLINA PRISONS, PRISONERS

The two days of hearings in Columbia of the U.S. House's Select Committee on Crime

were productive for the state and country. Comments and testimony by local law enforcement officials were interesting in their appraisals of both national and local problems.

Captain Harry Snipes of the Columbia Police Department reiterated his urgent call for stricter control of handguns by the state. South Carolina, said Snipes, has "the weakest gun laws in the country."

What alarms the veteran law officer, and many others, is the consummate ease with which individuals can purchase and secrete weapons in this city. Snipes repeated his early account that eight shops near the state capitol peddle thousands of handguns annually. The chief problem, he said, is that these dangerous weapons can be effectively and easily concealed.

William Leeke, director of the state's Department of Corrections, properly pointed out that the Pardon and Parole Board should be professional instead of appointive. At the moment, six board members are appointed by the Governor—one from each of the Congressional districts, serving amazingly long 12-year terms.

Leeke believes that there should be three to five board members with backgrounds in correctional work or other related fields.

Director Leeke also showed acumen in his field when he asked for stricter inspections of county jails and a feasibility study of use of prison labor on county roads. The state needs much more exacting laws on county jails and, unless new and pertinent information proves otherwise, should eliminate the use of prisoners working on the roads.

South Carolina's correctional system, as it now stands, is inadequate—and woefully so, in many areas. No one knows this better than Leeke, a professional in his field. The problem is, as it has been, money. But Leeke concludes: "The ultimate cost of inadequate correctional systems will be far greater than the cost of providing adequate and effective programs."

Federal, state and local cooperation—including fiscal undergirding—are essential in improvement of law enforcement and correctional care.

DOD HONORS UNIVERSITY OF TEXAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. PICKLE. Mr. Speaker, the University of Texas has been awarded the Certificate of Esteem by the U.S. Department of Defense for the UT Drama Department's role last summer in entertaining American GI's in Europe.

The certificate cites the patriotic service of the student drama troupe which was on a USO tour in the East and West Mediterranean Commands for 12 weeks. The review was called "Here's US!"

In a letter to University President Norman Hackerman, Secretary of Army Stanley R. Resor said:

Entertainment from home is extremely popular with our servicemen and women throughout the world and is among the most effective of the recreational programs designed to stimulate and maintain high morale in the Armed Services.

The UT drama group was one of only two collegiate organizations invited to perform in the Mediterranean area last year.

ARTHUR RATHJEN—NO PUSSY-FOOTER

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. RYAN. Mr. Speaker, during the Vietnam moratoriums and before, Americans of all ages and backgrounds have participated in peace marches and other activities to demonstrate their feelings on the question of war and peace.

Such demonstrations are not reserved merely for the young. In Rochester, N.Y., a frequent participant in peace marches is Arthur Rathjen, who is 86 years old.

Mr. Rathjen believes that apathy is not the answer, and that active involvement in issues is essential.

An attorney for 60 years, Arthur Rathjen served in the Army during World War I. He does not feel that the American position in Vietnam is justifiable. He has voiced strong opposition to U.S. policy in Vietnam by writing Presidents Johnson and Nixon and participating in peace demonstrations, starting with the 1965 march in Washington.

I include at this point in the RECORD an article from the Rochester Times-Union of January 14, 1970. Written by Peter Chapman, "Peace Demonstrator at 86," is a tribute to a man who believes protest is essential to patriotism.

The article follows:

PEACE DEMONSTRATOR AT 86

(By Peter Chapman)

(NOTE.—Many people in Rochester have seen this man taking part in peace marches and moratorium activities. We thought they might like to know more about him.)

Abe Lincoln had been dead for 19 years when Arthur Rathjen was born. The nation, in many ways still bridled with the repercussions of the Ford Theater tragedy, had continued the painful business of reconstruction in the South.

When Arthur Rathjen was 25 years old, he clipped a Lincoln photograph from a supplement to The New York Times and preserved it in a plain black frame.

Today the Lincoln portrait remains the only presidential visage adorning the paneled walls of Rathjen's law office in the Executive Office Building.

Rathjen, who this November will celebrate his 60th year as a practicing attorney in Rochester, argues that "Abe Lincoln had the courage of his convictions and stuck to them." He admires Lincoln for standing up to the "copperheads," those Northerners who demanded that the South be allowed to secede from the Union.

"Abe Lincoln saved the Union," Rathjen declares.

Arthur Rathjen today embodies many of the qualities attributed to Lincoln. He is honest, forthright and totally committed to the ideals that gave birth to his country, truly his own man.

But Rathjen believes that "America has gotten off the track." Ever since this country entered the Vietnam conflict, Rathjen has proved that protest is not a privilege reserved for the young.

He feels that the United States' position in both world wars was justified, and after taking a B.S. degree from the University of Rochester in 1906, his law degree from Columbia in 1910 and practicing in Rochester for several years, Rathjen entered the armed forces. He served from 1912 to 1915 as sergeant of the Mounted Detachment of the old Third Infantry Regiment. In 1917 he was commissioned a second lieutenant and attached to the 50th Aero Service Squadron with which he saw action in England.

Rathjen cannot, however, accept the U.S. position in Southeast Asia.

He joined the anti-war marchers in Washington in 1965, and recalled that "It was a beautiful day—blue sky, fleecy clouds." He watched a young girl pin a peace button on a policeman, and noticed that many of the lawmen strolled through the crowds flashing peace signs.

"I was never so thrilled in my life as I was at that march. They were a group of fine young people."

On the local front, he has continued to be an outspoken critic on the Vietnam war, participating in both the November and December peace marches here.

The 86-year-old lawyer bristles when he talks about the "bureaucracy" he sees in Washington.

"We're getting to a place today where we're becoming a police state," he says. "Our senators can't interrogate the Pentagon. If a senator wants to know what's going on in the CIA he's told that that's top-secret.

"Under our form of government today, wrong becomes entrenched. If one party gets something, the other wants to know how they can offset it. Our men today are loyal to something other than the nation of which they're a part. Businessmen are infected by the virus of commercialism. The mineowners don't give a damn for their men, they just want to make money.

"My loyalty is to my country first. At the end of every day, I've got to live with myself, and I'm no pussy-footer!"

Every day for Arthur Rathjen begins at 7:15 a.m. He drives from his home on Jefferson Circle, Pittsford, to his law office six days each week, and usually doesn't leave the office until 6 p.m.

Rathjen is a handsome man. He peers out from behind small, gold-rimmed glasses, has a full head of silver hair and a stern face etched with the deep lines of age.

His loud, gruff voice doesn't conceal the inner warmth, and occasionally he'll laugh about something he's said, a phrase that he thought particularly well-turned.

He laughs heartily when he says "I'm no pussy-footer," and he says it many times, and means it.

He has written former President Johnson several times and President Nixon once, objecting to policies which he feels are wrong for this country.

"The genius of the American form of government," he says, "is a responsibility for every thinking person. But we're not backing up the original purpose of the Constitution. We're not making this a nation of law.

"The United States keeps talking democracy and practicing dictatorship."

Rathjen believes that ". . . too much in America today is to meet the exigencies of the moment, not to look at the long range."

He's distressed with groups—political, social and industrial—who seem to have forgotten the reasons for their existence, arguing that "every organization and its operation tends to defeat the purpose that gave it birth.

"The American Legion has gotten away from the purpose for which it was organized. At first it was insisted that the organization would not be military. . ."

Rathjen has come under fire recently from Legion officials who maintain that he has no right to wear the Legion cap while taking part in anti-war demonstrations.

A man who considers protest both his right and duty, Rathjen levels his objections at the practice of "landlordship, people owning a piece of the earth's surface," and berates the establishment of priorities where ". . . property is preferred over the welfare of human beings."

But at no time is Rathjen more embittered than when he talks about the Vietnam war.

"Children are being born today beside nuclear weapons, and we've got this man Laird talking like a war-monger. We're killing young men who came into the world through no choice of their own.

"These boys are being made cannon fodder over there."

Rathjen is worried about the anti-protest, anti-youth sympathies he sees smouldering within the so-called "silent majority."

"People who are thinking 'How can I hear what you're saying, when what you are is thundering in my ears. . .' that's what bothers me," he says.

There are moments when Arthur Rathjen questions the ambivalence of people around him:

"It's a sad thing," Rathjen sighs. "Some people look at me and say I'm a Bolshevik. Others say 'Go get 'em, Art!' but they don't join me."

But, as Rathjen says, he's his own man, certainly no "pussy-footer," and criticism isn't likely to keep him buttoned up.

ATOMIC ENERGY AND THE ENVIRONMENT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. REID of New York. Mr. Speaker, yesterday, my distinguished colleague from New York (Mr. WOLFF) and I included in the RECORD statements from some of the witnesses we heard at an informal public meeting on atomic energy and its effects on the environment, held in New York City on February 6. I would like to include in today's RECORD the statements of Mr. Paul H. Shore, regional engineer for the Federal Power Commission, and Prof. Ronald Stewart of the Atmospheric Science Research Center, State University of New York at Albany.

I believe that my colleagues will find Mr. Stewart's paper, which deals with the problems of weather modifications, including fogging, and also with the possible beneficial uses of thermal discharge, particularly interesting. The material follows:

STATEMENT OF HON. PAUL H. SHORE

Mr. Chairman: Your letter of January 13, 1970, invited the Honorable John Nassikas, Chairman of the Federal Power Commission, to present a statement at this hearing. Unfortunately, the Chairman is unable to be here today, but in view of the Commission's interests and responsibilities in an adequate, reliable and environmentally acceptable bulk power supply, I have been requested to present a brief statement on behalf of the Commission.

My name is Paul H. Shore. I am in charge of the Federal Power Commission's New York Regional Office which serves many of the Commission's interests and responsibilities in the electric power matter in New England, New York, and in the states of Pennsylvania, New Jersey, Delaware and Maryland.

Environmental effects of electric utility operations constitute a significant factor among those that the Federal Power Commission must balance in the day-to-day administration of the Federal Power Act. The Act, however, does not provide the Commission with authority over either fossil-fuel or nuclear plants or transmission lines, except those lines identified as primary lines of hydroelectric projects. Part I of the Act does, however, provide authority for licensing hydroelectric projects in those cases jurisdictional to the Federal Power Commission, and in carrying out this responsibility the Commission gives careful consideration to environmental issues. These include the effect of project construction and operation on fish and wildlife resources, scenic and recreational values, provision of minimum flows in the interest of water quality, and the effect that steam-electric plants have on licensed project waters. This latter item has become a very important factor in connection with joint use of hydroelectric project reservoirs. For example, three licensed project reservoirs, namely, York Haven (Project No. 1888), Vernon (Project No. 1904), and Conowingo (Project No. 405) will be utilized for cooling nuclear power stations. In the case of Project No. 1888, the Commission, in its administration of the license, has required the license to conduct or finance studies after consultation with agencies concerned to determine the effects of the plant on natural resources and to modify plant structures and operations to protect these resources.

Studies of environmental matters are being made in the updating of the National Power Survey which will project the growth of the electric power industry to the year 1990. These studies will examine current and projected effects of power system facilities on the quality of air and water environments, upon land use, and upon scenic and historic areas and natural and developed environments. The Commission has recently established a Task Force on Environment composed of ten highly qualified experts for consultation and assistance on this phase of the survey program.

The projected growth of the electric utility industry during the next two decades may require the construction of about 40 new hydroelectric plants of 100 megawatts or more, approximately 50 new pumped storage hydroelectric installations of 300 megawatts or more, and about 90 fossil and 164 nuclear steam-electric plants on new sites. Tentative projections indicate that about 40 percent of all power generating capacity in 1990 will be nuclear fueled. The estimates that electric power requirements in 1990 will be about four times those of today emphasize the importance of developing plans on such a schedule that adequate time and attention can be paid to the various problems associated with the required new facilities

Through detailed studies of major power failures by its Bureau of Power; through its 1964 National Power Survey, which is in the process of being updated; and through various other investigative activities, the Commission has endeavored to identify problems of the utility industry with the objective of improving the reliability of the Nation's electric power supply.

We had noted in recent years that many actions have occurred which delayed the orderly construction of major power facilities. Among these have been delays in licensing, shortages of skilled labor, strikes, materials problems, and in recent times, the concerns expressed by many parties about the effects of new facilities on the environment which often lead to lengthy hearings or court proceedings.

After the Northeast power interruption in November 1965, the Northeast Coordinating Council was formed to promote better coordination of electric power facilities in the Northeast and to be able to improve the reliability of the area's bulk power supply systems. Other reliability organizations have been formed so that in the aggregate these regional groups now represent most of the Nation, and they coordinate their individual activities through a Nation-wide organization known as the National Electric Reliability Council.

In recognition of the self-organization of the industry to improve reliability, the Federal Power Commission has recently issued a Policy Statement on the adequacy and reliability of electric bulk power supply. The Statement calls for voluntary participation of the electric utilities through the regional councils to provide system plans and information concerning expansion programs for a period of about 10 years into the future. The information required inquiries into the action utilities have taken or plan to take to assure that proposed major facilities will meet environmental and esthetic criteria established at State, regional, and local levels. Among the items of information to be reported are estimated loads and generating capacity for each of the 10 years, including such information as is known about in-service dates, locations, ownership, and types of future generating units. Status reports concerning important environmental considerations of new generating capacity would be provided for each unit of 300 megawatts or more which is under construction or scheduled to begin within the next two years. Information would also be reported on planned new transmission lines together with the status of consultations with affected local communities and groups and the status of applications to State or regional authorities involving 230 kilovolts or higher voltage transmission lines under construction or scheduled to begin within two years.

The Commission believes that the reports to be made under the Policy Statement will encourage more timely planning of new facilities and provide regulatory agencies, State and local groups, and other interested authorities with more adequate and timely information of value to them in carrying out their responsibilities for approval or licensing of electric power facilities.

The Commission believes that the engineering and scientific data required for new projects should be developed well in advance in order that the designs will recognize specific needs for resource protection at individual project locations. Furthermore, the Commission observes that the industry is becoming increasingly aware of the importance of timely investigations and advanced planning of system expansion programs in order to have the power ready when required.

In conclusion, I would like to offer for your reference, a copy of a Review of Consolidated Edison Company 1969 Power Supply Problems and Ten-Year Expansion Plans prepared by the Commission's Bureau of Power, December 1969. This report discusses the several severe power shortages experienced in the Company's service area last summer, analyzes and comments on the projected 10-year program for expansion of system facilities, clearly portrays the different problems associated with maintaining an adequate and reliable supply of power in areas of dense population and development and presents a number of discussions, conclusions and recommendations which may be of interest.

On behalf of Chairman Nassikas I wish to thank you for the opportunity to present this Statement.

STATEMENT BY RONALD STEWART

Congressman Reid, Members of the Committee, Ladies and Gentlemen. First let me thank you for your invitation to attend this hearing on behalf of the Atmospheric Sciences Research Center.

For the past two years we have been studying the possible atmospheric effects of the discharge of heated water into lakes and streams or through cooling towers. Two of our publications are attached as part of the Appendix. I will try very briefly to apply some of our results to the Long Island Sound region. The climatology of the New York City-Long Island Sound region is such that high (90–100%) relative humidity readings occur approximately 20% of the time. Restricted visibility (below 3 miles) occurs 10% of the

time due to smoke, haze, fog, etc. An increase in the relative humidity tends to decrease visibility.

A 1000 MW nuclear power plant discharges one million gallons of heated water per minute, one percent (ten thousand gallons) of which is evaporated as part of the cooling process. Industry and conservationists have shown that, under the proper meteorological conditions, clouds, fog and/or icing can occur. This same process occurs in nature and is often called steaming. It happens when a cold air mass passes over a warm body of water and the rate of evaporation is such that the air near the ground is brought to saturation. The effect on visibility depends upon the amount of liquid water within the fog or cloud. The most dramatic example of air mass modification in New York State is the lake effect storms which produce many feet of snow along the Great Lakes.

For the NYC–LI Sound region the discharge from a 1000 MW nuclear power plant (allowing for a 1% evaporation) can saturate a volume of air as follows:

In summer: RH=90% or greater; Temp. =85° F.

Volume of air which may be saturated per minute nearly equal to 3 x 10^8 ft^3 (1000 x 1000 x 300 ft).

In winter: RH=90% or greater; Temp. =20° F.

Volume of air which may be saturated per minute nearly equal to 4 x 10^9 ft^3 (2000 x 2000 x 1000 ft).

The actual effects will depend upon the meteorological conditions prevailing at that time. However, I think it realistic to assume that large heated discharges will cause some inadvertent weather modification. Other examples are given in the Appendix.

That ends my comments on thermal pollution as a problem. I now wish to provide an entirely different approach to the same problem. Thermal discharge should be treated as a usable commodity on the market. It is difficult to believe that we will sit idly by and waste so much low-grade energy while complaining about pollution. In the Appendix you will find the results of a conference devoted to studying the possible beneficial uses of thermal discharges. Many countries use geothermal sources for heat. For instance, in Iceland 80,000 inhabitants have hot water piped directly to their homes from a central source. These homes do not have furnaces or burners in their basement. They do not need chimneys, they have less fire danger, they do not pollute the air and they have more usable space. A similar method is used to heat greenhouses.

A nuclear power plant has the capability of providing year-round heating and water to a large agricultural complex. Produce may be grown in nearby greenhouses and then freeze-dried right at the plant. This would provide a source of good quality food which does not need refrigeration and may be stored with minimum waste of space. This method would be ideal for distribution of food for underprivileged areas and/or school lunch programs.

I mentioned weather modification as a problem, in terms of fogging, etc. If, instead, the discharge is cooled through dry closed-circuit methods, the heat could be used to dissipate fog at airports. Again, this is theoretically possible. Experiments have been carried out where large quantities of heat have been added to the atmosphere over a runway during heavy fog. The result has been improved visibility. A proper arrangement might consider the heat being used for desalting most of the time and then defogging when necessary. Depending on the size of the nuclear plant any number of combinations for using the thermal discharge could be considered.

If Scotland can use the heated discharge from a nuclear plant for raising fish, New Zealand can use the geothermal heat for swimming pools and Sweden is offering $15,000 first prize to anyone who provides the best suggestion for the use of the discharge, where do we stand? I find it hard to believe that our industry and government are unable to make proper use of this heat. I think it is a matter of emphasis; call it thermal pollution if you wish, but start a nationwide search for the best ways to use this low-grade energy and we will have solved at least one of our pollution problems.

THERMAL DISCHARGE FROM NUCLEAR PLANTS AND RELATED WEATHER MODIFICATION

(By Ronald Stewart)

1. This research has been supported in part by the Office of Water Resources Research, U.S. Dept. of the Interior, under P.L. 88–379.

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The Great Lakes region appears to be a natural place to construct nuclear power plants if the only consideration is an abundant supply of water. Several plants are now under construction on Lake Ontario. As the electrical needs of the United States have been doubling every 10 years, our projected needs are such that it is impractical to continue building larger power plants without first considering how to discharge the waste heat. Fossil fuel electricity generating stations operate at about 40% efficiency, while nuclear power plants operate at about 33% efficiency. A nuclear power plant needs approximately 1 gal of water min^{-1} KW^{-1} for cooling purposes. Thus a 1000 MW plant needs 10^6 gal min^{-1} (approx. 2500 cfs) for use as a coolant. Of this 10^6 gal min^{-1}, approximately 1% is evaporated (10^4 gal min^{-1}) to reduce the water temperature back to intake temperature.

To bring the various numbers into prospective, meteorologically speaking, 10^3 MW is equivalent to the average incoming solar radiation on an area of $6km^2$ in mid-New York State. A nuclear station which generates 10^3 MW releases 2 x 10^3 MW in waste energy, or equivalent to the solar radiation received over $12km^2$.

METHODS OF COOLING THERMAL DISCHARGES

There are a few standard methods of cooling thermal discharges. The simplest, and most economical, is "once through cooling." The intake cooling water passes once through the condensors and is discharged. Open-circuit evaporative cooling allows the intake water to pass through the condensors to a cooling tower where evaporation causes cooling and then the water is discharged. Closed circuit evaporative cooling recycles the coolant continuously through a cooling tower where evaporation causes the cooling. Make-up water is added as needed. (25-30,000 gal day^{-1} for 0.1 MW of electric generating capacity). The fourth method is air cooled closed circuit cooling. The coolant is passed through a series of heat exchangers and air is drawn past the exchangers by fans. No moisture is released to the atmosphere.

The once through cooling system requires approximately 1 percent of the total water to be evaporated. Cooling towers, as used for open circuit and wet close circuit, tend to evaporate more of the water. Dry closed circuit cooling requires the release of 1.25 x 10^{12} cal hr^{-1} per 1000MW by heat exchangers.

METEOROLOGICAL EFFECTS

Fog, clouds, icing and precipitation downwind of thermal discharge areas have been reported previously. (Czapski, 1968) These reports have come from experience with relatively small generating stations, usually under 500MW. Now plans are being drawn up for stations up to 4000MW. The total effects of an order of magnitude jump in heat and vapor discharge can be calculated and then related to actual atmospheric events to obtain some understanding of possible effects.

Approximately 2% of the intake water is lost by windage and evaporation during the cooling cycle. To allow for windage, radiation, and conduction losses, the figure of 1% will be used throughout these calculations. Considering a 1000MW plant of 33% efficiency, then approximately 10^6 gal min^{-1} of water are necessary and 10^4 gal min^{-1} are evaporated. (1 gal=$3785cm^3$) Table 1 shows the total volume of air per minute which may be raised to saturation at a given temperature and relative humidity if 10^4 gal min^{-1} are evaporated into that volume. Under −20°C, 95% R.H. conditions a volume of $.76km^3$ may be saturated every minute. Thus, theoretically, a wind of 60km hr^{-1} would carry just enough volume of air past the discharge point to maintain 100% R.H. in the volume. With varying wind speeds and cross-sectional area any number of such combinations may be carried out.

The second calculation necessary is to determine the effect of an increase in liquid water content within the atmosphere. It has been shown by Radford (1938) that, for low mountain fog and layer clouds the horizontal visibility decreases from 300m, at liquid water content of 0.05gm m^{-3} to 30m, at 0.8gm m^{-3}. In the above example, if the wind were at 15 km hr^{-1}, and the excess vapor condensed into liquid water, then the volume of air cited would be saturated and visibility reduced to approximately 120m. Again, any number of combinations may be calculated. The result depends upon the release of vapor into the atmosphere either by cooling towers or by discharge into a cooling pond, river, etc.

If we now consider dry closed circuit cooling, a 1000MW station discards 1.25 x 10^{-12} cal hr^{-1} or 1.4 x 10^{16} erg sec^{-1}. The thermal waste from proposed power station exceeds that necessary to create clouds over a desert (Czapski 1968) and is one order of magnitude less than the power output of the Icelandic volcano, Surtsey as reported by Thorarinsson and Vonnegut (1964). Malkus and Stern (1953) have shown both theoretically and observationally that a heat source (such as a small island) can deform streamlines as if a mountain were physically present. Downstream oscillations, similar to "lee waves" were created and cumulus clouds developed depending upon stability conditions. Heat flux into the air for these experiments was 1.4 cal cm^{-2} min^{-1}. To create a similar experiment using the waste heat released from generating 1000MW would take an area 1km x 1.5km over which the released heat would be spread.

DIRECT APPLICATION TO A VALLEY AND A LAKE

Due to the presence of inversions, especially in valleys, it becomes possible theoretically to induce fog in a substantial length of the valley. Using the previous calculations as a guide a fog with liquid water content 0.2gm m^{-3} could be created continuously in a valley which is 2km wide and has an inversion at 200m. This would be possible at 10°C and 90% R.H. with a wind speed of 2m sec^{-1}. This fog bank would tend to dissipate downwind of the source. Smith (1969) has shown that dense clouds formed by water vapor discharged from cooling towers under stable conditions will carry downwind approximately 17km (for 10°C, 90% R.H., 0.5g/m^3 water vapor and 1m sec^{-1} wind speed) by which time it will have dissipated. This suggests a dissipation time of approximately 5 hours under these conditions. It also suggests that downwind roads, bridges, airports, etc. will be subject to some additional fogging and/or icing.

In regard to the Lake Ontario shoreline and using the climatological conditions at Syracuse, New York, and Rochester, New York as a guide, the following situations may occur:

During November–April the percentage of time during which the conditions are favor-

able for icing and/or fogging will increase from 1% in April to a maximum of 11% in February for Syracuse. In Rochester the percentage increase is 5% in April and 17% in January. (Table 2.) Initial conditions considered were 90% $\leq$ R.H. $\leq$ 100% and T. $\leq$ 1.1°C. On an annual basis, if we simply considered the percentage of time during which the relative humidity is 90% or higher, and assume that the evaporated discharge is capable of bringing some volume of air (Table 2.) to saturation then: (1) at Syracuse the maximum increase in effects due to this discharge will come in September and October with the possibility of saturation occurring during 18% of the total observations of each month and (2) at Rochester, the maximum increase comes in October with the possibility of a total of 25% of the observations indicating saturation. If such increases will affect air and/or lake traffic, these factors should be considered in the choosing of nuclear plant sites.

BENEFICIAL USES OF THERMAL DISCHARGE

There are several organizations and/or researchers who are involved in beneficial uses of thermal discharge. Some of the biological uses are enumerated in *Thermal Pollution—1968, Hearings Before the Subcommittee on Air and Water Pollution, U.S. Senate.* In terms of useful weather modification it appears theoretically possible to dissipate fog or to support greenhouses with the thermal discharge.

Jiusto (1968) has shown that reducing the relative humidity from 100% to 99% will evaporate all droplets of $<10\mu$ size in 40 seconds.

For example to evaporate 10^6 gm of liquid water (0.1gm m^{-3}) from a volume of $10^7 m^3$ requires 6 x 10^8 cal. To raise the temperature of this same volume 1°C requires 3 x 10^9 cal. To accomplish both heating and evaporation requires 3.6 x 10^9 cal. A 1000MW plant releases 1.25 x 10^{12} cal hr^{-1}.

Taking a cross-section 1000m x 100m, we may solve for the maximum velocity at which this air could flow through the cross-section and still be raised 1°C.

$$Ve = \frac{10^7 M^3 \times 1.25 \times 10^{12}\ cal\ hr^{-1}}{10^5 M^2 \times 3.6 \times 10^9\ cal} = 30 km/hr$$

Therefore a volume per hr constructed by 1000m x 100m a wind of 30km/hr could be maintained at below saturation conditions if the dry closed-circuit cooling mechanism were used and all the heat released was used for this purpose. This suggests that a nuclear power plant along a sea coast might be used for power, desalting and useful weather modification at nearby airfield. This would reduce the cost of dry closed-circuit-cooling.

The above discussion suggests (1) that before large power plants are installed on the Great Lakes some study should go into the inadvertent weather modification which is likely to result, and, (2) much more study should go into possible constructive uses of the waste heat which is to be discharged.

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REFERENCES

Czapski, Ulrich. 1968. Possible effects of thermal emissions on the atmosphere. Proc. Fifth Annual Envir. Health Sym. N.Y. State Dept. of Health. In press.

Houghton, H. G. and W. H. Radford. 1938. On the measurement of drop size and liquid water content in fogs and clouds. Pap. Phys. Ocean. Meteor. M. I. T., Woods Hole. 6:4.

Jiusto, J. E., R. J. Pilie and W. C. Kocmond. 1968. Fog modification with giant hydroscopic nuclei. JAM 7: 680–869.

Smith, Maynard. 1969. Possible environmental effects of large cooling towers. Published statement to the Water Resources Commission, Albany, New York.

Stern, Melvin E., and Joanne S. Malkus. 1953. The flow of a stable atmosphere over a heated island, Part II. J. Met. 10: 105 120.

Thorarinsson, S. and B. Vonnegut. 1964. Bull. Amer. Meteor. Soc. 45: 440.

RELATIVE HUMIDITY (PERCENT)

Temperature (°C)	100	95.0	90.0	85.0	80.0	75.0
−20		76.0	35.0	24.0	18.0	14.0
−10		31.0	16.0	11.0	8.1	6.4
0		16.0	7.9	5.2	3.9	3.1
10		7.9	4.0	2.7	2.0	1.6
20		4.3	2.1	1.5	1.2	.9
30		2.4	1.2	.8	.6	.5

Table 1. Total volume in 10^7 m^3 per min which may be raised to saturation by the addition of 38 $\times$ $10^6 cm^3 min^{-1}$ (10^4 gal min^{-1}).

(a) Percentage of observations at $90\% \leq R.H. \leq 100\%$ and $T \leq 1.1°C$.

	J	F	M	A	N	D
Syracuse	10	11	10	1	5	8
Rochester	17	15	13	5	7	9

(b) Percentage of observations at $90\% \leq R.H. \leq 100\%$

	J	F	M	A	M	J	J	A	S	O	N	D
Syracuse	13	17	16	14	8	11	8	15	18	18	15	13
Rochester	21	21	21	19	17	14	16	22	23	25	19	19

Table 2. The percentage of observations at Syracuse and Rochester during which the relative humidity is 90 percent or greater.

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POSSIBLE EFFECTS OF THERMAL DISCHARGES TO THE ATMOSPHERE

(By Ulrich Czapski, Department of Atmospheric Science, State University of New York at Albany)

[Figures referred to not printed in RECORD]

POSSIBLE EFFECTS OF THERMAL EMISSIONS ON THE ATMOSPHERE

The effect of large man made sources of thermal energy on the atmosphere will be discussed. I am working presently on the structure of convective motions on the laboratory scale, and welcome the opportunity to treat here the closely related subject of artificial convection on a larger scale.

I wish to thank my colleague, Ronald Stewart, for many helpful suggestions and the provision of excerpts on, and reprints of pertinent literature on Thermal Pollution of fresh water bodies and on the different possibilities to disperse the waste heat, as well as the magnitude of this waste heat at presently existing Thermal Power plants. I also wish to thank Professor Vonnegut, who provided me with material on the energy of natural storms and tornadoes, as well as man made cumulus clouds.

It was surprising to me, that one does not find any published work on the effect of Thermal Power plants on the atmosphere in the meteorological literature, and very little on other well defined thermal sources. I can, however, present speculations on the effect of thermal waste of magnitude as large or larger than the presently existing power plants put out (i.e., of the order of 10,000 MW). Such speculations are derived from a study of the effect of similar energies, either natural or artificial and provide some idea about what may happen to the atmosphere, if thermal waste, moist or dry, of about $5x10^7$ BTU/hr is discharged directly into the air. Let me begin with a presentation of what can be observed as the consequence of thermal waste from various industrial sources, much of what has been ascribed heretofore to the seeding effect of condensation and freezing nuclei. These observations are much more plausibly explained as the effect of heat, whereby the conversion of heat from latent into available form may well be aided by the plentiful provision of suitable nuclei. We will at first consider the effect of heat alone, without much consideration to water vapor.

Though the "waste heat" of a power station is not economically convertible into electrical power, it still serves as a "fuel" to the atmospheric heat engine and much of it can be converted into kinetic energy, i.e., drive small scale or even mesoscale atmospheric circulations. Even if the available energy provided by the excess heating of a volume of air is not sufficient to create by itself phenomena as energetic as thunderstorms or even tornadoes, it can very well set a pattern to existing atmospheric circulations. This is done through incorporation of small circulations, existing in the surroundings, which derive their energy from conditional instability of relatively moist air. This surrounding air is then sucked into the dominating circulation and serves as additional "fuel".

We will now look at the climatological evidence, that heating or urban influences equivalent to heating, do in fact increase rainfall downwind from such sources significantly.

In a paper by Changnon Jr., 1961, a detailed study of the change in the amount of precipitation at the relatively small twin-cities Champaign-Urbana, Illinois is made. This pattern is documented by a dense network of twelve recording raingages, with very carefully chosen exposures, and three more raingages placed some three to seven miles outside the city limits. The raingage density in the urban area was about one per square mile. The area was considered as particularly suitable for evaluating urban influences on precipitation, as the rectangular twin city area lies in a featureless glacial plane with no significant relief within 100 miles. (It is about 130 miles south of Chicago.) The population increased from 62,000 in 1950, at the beginning of the study period to 77,000 in 1959. The cities serve mostly a residential and university function, without major industries. Therefore, I think the study is very well comparable to one involving mainly the effect of "clean heat" (i.e., the emission of heat without concurrent emissions of pollutants or water vapor.)

Figure No. 1 shows the average annual precipitation for 1950–1959 in inches. Changnon's investigation, of course, goes into much more detail than can be represented here. A very plausible explanation for this average as well as for seasonal patterns is given in the paper as an urban effect, namely the combined influence of urban heating and friction, both resulting in a slow-down and uplift of air. Particularly significant is the maximization of rainfall in the eastern part and generally downwind from the bulk of the urban area. In the urban effects possibly responsible, besides heating, are included:

1. additional condensation nuclei
2. increased surface roughness and therefore, increased turbulence
3. water vapor input

Condensation nuclei, however, are generally abundant at an inland location such as Champaign Urbana.

An increase in such nuclei would not necessarily increase rainfall, unless it were a many-fold increase in hygroscopic nuclei. An over-abundance on the other hand might even lead to less rainfall. In other words, condensation nuclei cannot generally be blamed for increased rainfall. There is no reason why Champaign Urbana, not having heavy industries, should increase water

evaporation over the surrounding countryside. This leaves turbulence and heating, which are not easy to distinguish as the cause of high precipitation. The Champaign-Urbana study is by no means a special case, because a heat output and frictional effect of this order of magnitude is quite common, and probably less than that of a large power station.

Landsberg (1961) discusses in his paper, "City Air—Better or Worse", as well as in other papers (Landsberg 1956), the effect of cities on the environment, and he demonstrates the "heat island" effect in a number of cases. Water vapor addition from combustion processes, thermal updrafts from local heating, updrafts from increased frictional turbulence and added nuclei, are mentioned as possible causes for increased urban precipitation. He cites numerous investigations of this increase, which he summarizes as 10% increase in the average, as well as a 10% increase in cloudiness, 100% increase in fog in winter, and a 30% increase in fog in summer, in spite of a 6% lower humidity in the annual mean (which is, however, explained by the temperature increase). Landsberg further refers to evidence for a country-city breeze, analogous to a seabreeze, which was presented by the late Professor Berg of Cologne, Germany.

I strongly suspect that such an effect will also be set up by a giant power plant.

Other investigations indicating the generation of cumulus clouds and possible rain and thunderstorms are to be found in reports on large forest fires and similar events. Some of the most relevant discussions of natural and artificial thermal sources have been made by Henri and Jean Dessens (1964) and Henri Dessens and Jean Vaillant, (1965).

In the account on "cumulus artificiel" Dessens shows how even under the extremely dry conditions of the Sahara, the updraft caused by a giant burning gas flame produces cumulus clouds. As is well known, almost all clouds, but particular cumulus and other rain producing clouds, are produced through lifting of air to a level where the adiabatic expansion cools the air to such an extent that water begins to condense, and if there is enough water to condense, and either suitable freezing nuclei exist, a cooling to a sufficiently low temperature takes place, rain or precipitation will ensue (under the more continental and extratropical conditions). Rain may of course be generated through other mechanisms such as coalescence.

In the case of the Sahara cloud, described by Dessens, the cloud base was 3620 m (12,000 feet). The cloud top at 4060 m (13,600 feet). That means that the air had to be cooled by about 35°C (68°F) in order to condense water vapor. Dessens estimates the heat energy of the burning gas at 0.5×10^6kw (500 MW). This shows that cumulus clouds can be generated even against the influence of very stable stratified, descending air over the world's largest desert, with its extremely dry conditions. The fire, by the way, was completed smokeless. The ascent of the cloud must have involved considerable mixing, since the surface humidity measurements indicated that the condensation level should have been reached at 2,000 m.

In their paper on controlled convection experiments, the authors propose to concentrate the potential energy of solar origin which is accumulated in the instability of lower atmospheric layers. That is exactly what a heat source of the magnitude envisaged for future power stations will do, if the environment is unstable enough, and no stronger natural heat source is competing. Dessens and collaborators experimented with large artificial thermal sources, caused in two different ways:

1. by blackening a large surface which absorbs more energy than the environment.
2. by organizing solar available energy stored in the conditional instability of atmospheric air by combustion of fuel of large thermal output.

Dessens believed that such an approach is more promising than cloud seeding for the provocation of rain or the prevention of some natural phenomena of violent nature. He also states that the object of willful artificial convection is to create a surface which is heated more than the environment by several degrees Centigrade. A stronger convection will be set up above such a surface. This convection will dominate, and incorporate the natural sporadic and scattered convection which would exist without artificial interference. The main obstacle for such an enterprise, according to Dessens, is horizontal wind and therefore, calm conditions are more favorable. Water vapor is a powerful "delayed action fuel" for convective activity because of the latent heat (600 cal/g) it contains. Therefore, calm conditions are required only below cloud base, so that the cloud does not lose connection with its heat source. However, there is always some wind between the ground and the cloud base. Hence, a second condition exists for artificial and natural clouds, i.e., a low condensation level, or high relative humidity near the ground. With feeble winds and high humidity a heat source will produce cumulus clouds attached to the area of the source, but displaced by the horizontal wind. With strong winds and lower humidities, there will be less coupling between source and cloud. Therefore, one observes a periodic cut-off under such circumstances and the appearance of a row of cumulus clouds. In nature where the differential heating requires solar radiation, one sometimes observes that the heat supply is cut off by the shadow of the cloud.

For aircooled power plants it should therefore be a prime consideration, that the area downwind should rather benefit than be adversely affected by more rain and less sunshine.

More evidence for the production of clouds, rain, etc., for quite a large distance downwind from industrial power sources is contained in some satellite pictures. Figure 2 and 3 show plumes or plume-like snowstorms which are attached to steel manufacturing or other big industrial centers. Though many people believe that this is caused by seeding, I maintain that these plumes are manifestations of the process just described, namely the setting up of a convective circulation carried along by horizontal winds, and due to the additional heating experience. The roll-like convection is aided by the fact that much of the heat input is through the release of latent heat by condensation, which explains the cloud free space between industrial center and the starting point of the plume.

Glen Stout (1961), reports a number of instances where clouds, rain, and even tornadoes are produced by industrial activity, associated with a high heat output. Figure 4 shows the increase in rainfall at La Porte, Indiana, against some other Indiana stations, and, Figure 5 shows the annual steel production in tons at Gary, Indiana, which is located upwind of La Porte. Whereas most investigators blame seeding effects of the steel manufacture, it seems to me again, that the undoubtedly large heat output of steel manufacturing is the main cause of this increase.

Stout reports furthermore, that Oliver Johnson (1959), describes Cumulus Cloud development over a prairie grassfire, where radiosonde data indicated no convection activity possible. Hoddinot (1960), reported observing a funnel cloud, due to industrial activity, and frequent cumulonimbus development downwind from steel works at Chester, England. Stout, himself, observed cumulus development under a high pressure situation just downwind from an industrial complex at Tuscola, Illinois, where a large burn-off of alcohol had taken place. He as well as Professor Vonnegut, observed several more instances there and elsewhere of cumulus clouds downwind (and extending up to 20 miles) of industrial complexes. The most striking observation was a large isolated cumulus cloud over the same area, which produced several funnels (May 27, 1960). More observational evidence of intense atmospheric phenomena over highly heated areas is furnished by the cloud and funnel observations of Professor Vonnegut and Thorarinsson (1964) over the Surtsey Island Volcano, 33 miles south of the Iceland coast. See Figures 6, 7, and 8.

Having presented some observational evidence of cloud, rain and even tornado-funnel production by large heat and water vapor sources, let us consider the energies involved. Vonnegut, Thorarinsson and co-workers estimate the power output of Surtsey to nearly 10^{18}erg/sec, which is only about one order of magnitude more than the 10,000 MW or 10^{17}erg/sec, future power plants might well surpass in thermal waste output. Note that —with an electrical energy output of 10,000 MW, and 33% efficiency,—the thermal waste output is 2×10^{17}erg/sec.

The power of a tornado can be calculated according to Vonnegut from the airmass involved which is $P\Pi\gamma^2 V$, and the formula for kinetic energy 1/2 mass V^2, as $P = P\Pi\gamma^2 V^3$. With a radius of 50 m $= 5 \times 10^3$cm and a velocity V of 2.5×10^4cm/sec. [$P = 1.3 \times 10^{-3}$ gr cm^{-3}] this results in an estimate of again 10^{15}erg/sec. This is much larger than the energy rate of Dessens and Dessens estimate for the wild gas fire of Gassi-Touil, which was 5×10^{15} erg/sec, or of their experiments which involved 7×10^{15}erg/sec.

Natural heating differences (as between land and sea, south and north slope of mountains, bare and vegetated land) can be estimated at about 1/10 the solar constant, which is 0.2 cal/cm^{2}min (1.34×10^5erg/sec cm^2). That means an area of 10^{12}cm^2(100 km or 25,000 acres (or a square of 6 miles on a side would be necessary to produce the same total additional power as a single giant power plant.

The circulation known as seabreeze, which is a consequence of such differential heating has been theoretically investigated by Estoque (1961). He writes: "Although the seabreeze is relatively common, it is quite surprising to find no detailed quantitive description of the wind and temperature fields." "The intensity, duration and dimensions of the seabreeze must be governed largely by the amount of heat supplied by the ground to the atmosphere and also by the large scale atmospheric conditions." Under ideal conditions, the seabreeze is frequently observed as far as 30 to 50 miles from the seashore in middle latitudes. In Figure 9, we see the resulting upwind calculated by Estoque. Preceding Estoque's calculations, Joanne Starr Malkus and Melvin Stern (1956) presented a calculation of the seabreeze under stable and windy conditions. They state, "a heated island acts in much the same way as a mountain".

A problem which I have not touched so far is the emission of water vapor and heat from a power station. In subfreezing weather, the operation of evaporative cooling towers, quite satisfactory in milder English climate, will undoubtedly cause icing and fogging of highways and other structures within a radius of 3–5 miles and downwind up to 10 miles. It therefore seems much more advisable to employ a closed circuit cooling system with fanned air-circulation.

The research group at General Electric under Professor Irving Langmuir twenty years ago, (compare Schaefer 1968), conducted investigations on what effect water vapor input from the shallow Sacandaga Reservoir near Schenectady, New York, has on cumulus convection. It has been observed for some time that cumulus cloud formation

over and downwind from that reservoir was excessive. Although data from this investigation apparently has never been published, they seem to support the hypothesis (Falconer 1948 and 1968) that solar heating of the shallow water and therefore increased evaporation and heating in the late afternoon, when the surroundings are already somewhat cooler, can at least be made partly responsible for the locally increased convection and occasional thunderstorms over Sacandaga Reservoir. Scorer and Wexler (1968), Figure 10, show an example of cumulus cloud generation from cooling towers of a thermal power station even on an exceptional dry day, in the slowly sinking air of a high pressure area.

Summarizing it might be said, that, although it seems at first glance, that the dissipative capacity of the atmosphere is quite large particularly if supplied with energy for its dissipative motion, several severe consequences of large thermal emissions can be foreseen:

1. severe thunderstorms and even tornadoes can be caused in very unstable weather situations by dry and clean heat emission.
2. rainfall will be increased downwind for a considerable distance by as much as 12% statistically.
3. cumulus and even strato cumulus clouds will prevail most on the time downwind from a large power plant.
4. with evaporative cooling all the above mentioned problems will be aggravated plus a severe fogging and icing hazard will be created.

REFERENCES

S. A. Changnon, Jr., Nov. 1961, "A Climatological evaluation of precipitation patterns over an urban area" Symposium "Air over Cities", SEC Technical Report A62–5. Public Health Service, Robert A. Taft, Sanitary Eng. Center, Cincinnati, Ohio.

H. E. Landsberg, 1956, "The Climate of Towns", Man's Role in Changing The Face of Earth. University of Chicago Press, Chicago, Ill., 1956, pp. 584–603.

H. E. Landsberg, Nov. 1961, "City Air-Better or Worse", Symposium "Air over Cities, SEC Technical Report A62–5 Public Health Service, Robert A. Taft Sanitary Eng. Center Cincinnati, Ohio, Nov. 1961.

Henri & Jean Dessens, 1964, "Cumulus artificial Sur le Sahara" Journal de recherches atmospherique 1964, pp. 29–30.

Henri Dessens & Jean Vaillant, 1963, Mecanique Atmospherique, Comptes Rendu de l'Academie de Sciences, Vol. 256, pp. 1818–1820, 1963.

Glenn Stout, 1961, "Some Observations of Cloud Initiation in Industrial Areas", Symposium "Air over Cities" SEC Technical Report A62–5, 1961.

Oliver Johnson, June 1959, "The Development of a Cumulus Cloud over A Prairie Grass Fire", Weather, London, 14(6) June 1959, 212–215.

Hoddinot, M. H. O., April 1960, "Funnel Cloud at Chester, July 28, 1959" Meteorological Magazine, London 89 (1053) April 1960, 124–125.

Estoque, M. A., April 1961, "A theoretical investigation of the Seabreeze", Qart J of the Royal Met. Soc., Vol. 87, No. 372, April 1961.

Scorer, R. S. and Wexler, H., 1968, "A Colour Guide to Clouds" The Commonwealth and International Library of Science, Technology Engineering and Liberal Studies, Pergamon Press & the Macmillan Co., London, New York.

Falconer, Raymond, 1948, Internal Memorandum General Electric Co. Research Laboratory, Schenectady, N.Y.

Falconer, Raymond, 1968, Private Communication

Schaefer, V. J., April 1968, "The early history of weather modification," Bull. of the American Met. Soc., Vol. 49 No. #4, April 1968.

BENEFICIAL USES OF THERMAL DISCHARGE

(By Ronald Stewart and Sveinbjorn Bjornsson, Adirondack Conference sponsored by Industrial Sciences Technology, New York State Department of Commerce and the Atmospheric Sciences Research Center, State University of New York at Albany, October 14–17, 1969)

The attendees gathered at the Atmospheric Sciences Research Center (ASRC), Whiteface Mountain Field Station on the evening of October 14, 1969. After dinner, Dr. Vincent Schaefer welcomed the attendees and presented the concept of the origin of the Adirondack-type conference (Schaefer 1957) and the results of past conference (Vonnegut 1969). Mr. Raymond Falconer then provided a briefing on the weather for the next three days and a slide show on the development of the Whiteface Mountain Facility.

On the morning of the 15th Mr. Sveinbjorn Bjornsson of the National Energy Authority, Iceland, led off the conference with a description of the present and future uses of geothermal discharges in Iceland. For 25 years water has been transported 16km to Reykjavik with a drop in temperature of 3° C from the original 87° C. This flow is augmented from wells in the city (population 80,000) and distributed for space heating, processing, industry, swimming pools and other sporting facilities. During the space heating cycle the temperature of the water drops from 90° C to 40° C. (The 90° C temperature being obtained by mixing the incoming 87° C water with the discharge from the city wells.) Normally 2KW per inhabitant or 23.2 watts per m^3 of house is considered as the maximum load factor. Total costs are approximately $\$1.02/10^6$ Btu (compared to U.S. costs $\$1.45/10^6$ Btu). Projected plans include a 30 km, 16'' diameter pipe which will transport 180° C water under pressure. The temperature drop will be 5° C. One half of the volume (at 130° C) will be used by industry at $\$0.50/10^6$ Btu. The other half will be used by the domestic market (at 90° C) at $\$1.00/10^6$ Btu.

Besides lower heating costs the service replaces oil or gas burner which cause air pollution, saves installation cost and space in houses and reduces danger of fire in the city. Of the 30 acres in greenhouses which are heated by the geothermal discharge (air temperature 20 degrees-30 degrees C), one-third is used for flowers and two-thirds for tomatoes and cucumbers. Year-round growth is restricted by available radiation. However, a recent U.S. Patent (No. 3.352.058) described a method for converting incoming radiation into the spectral range plants can absorb, thus increasing the percentage of radiation absorbed. The costs of the construction of greenhouses is approximately $\$15/m^2$ for timber frame and $\$20/m^2$ for aluminum frame. Heat consumption is 1200 Btu per m^2 per hour. The value of the products from the 30 acres is $800,000 per year.

Although no data is available to us at this time, another experiment is being carried out at Oregon State University. Dr. Larry Boersma, Department of Soil Science, is heating agricultural grounds using the discharge of a power plant. This program is supported by Pacific Power and Light.

The Icelandic fish culture, designed to raise salmonoids to release-size in eight months instead of the normal growth period of two years, uses the geothermal discharge to maintain the proper temperature range. The best temperature range for the growth of Atlantic salmon is 10–12 degrees C. A similar system in the research stage at the Hunterston nuclear plant in Scotland raises the Dover sole to market size in two years instead of four. Again the thermal discharge is used to maintain the proper temperature range. The plaice grown under a similar system produce 2,000 tons per year per km^2. Feeding is a serious problem as each ton of fish produced needs 12–15 tons of food per year. One method which will help in solving this problem will be mentioned later.

Of greater economic significance is the use of the steam for freeze-drying. A freeze-dried product weighs about 10–30% of its original weight and may be stored for several years. This decrease in weight is due to the distillation of water from the product and as such, provides a source of distilled water for home and industrial uses. For instance, to freeze 1kg/fish take 10.5 Kwh (36,000 Btu). In Germany and Great Britain approximately 45% of the cost of processing is energy costs. The discharge from a 1,000 MW plant contains sufficient heat to freeze-dry 200 tons of fish per hour. Meat and fish are approximately 80% water. Thus 100 tons of meat and/or fish passing through the freeze-dried process would release a maximum of 80 tons (2×10^4 gal.) of water. However, freeze-drying requires steam at 140 degrees C which must be taken directly from the turbine, not from the discharge. This will affect the overall efficiency of the reactor but aids the economy of a complex system which includes reduction of thermal pollution as a final goal.

Next, the discussion went into the agro-industrial complex (1000 MW) which might involve 200,000 acres of farmland at one time. Desalting could produce 3×10^8 gal. per day with nitrogen, ammonia and phosphorus also being produced. Other processes in the complex would depend upon raw materials available or mining the sea. The initial investment would be $2 billion and could support 3 million people at minimum standards.

The U.S. energy requirements for generation of electricity will approach 10^{16} Btu/yr by 1980. Approximately two-thirds of this amount will be released as whole. Greenhouses, which are effectively horizontal cooling towers, appear to be the best means of cooling the discharge and providing a basis for economic support within the complex. By using exhaust fans the residual heat is eventually discharged to the atmosphere after usage. For instance, a 1000 MW reactor could heat a 500 acre greenhouse farm producing $12 million/year in crops (wholesale). Using the newer type greenhouses (such as fiberglass or the Goodyear platic houses used at Sonora, Mexico and Wooster, Ohio) initial investment decreases significantly. The greenhouse structure is approximately 70% of the initial investment, with fans, roads, pumping, etc. making up the final 30%. Besides growing vegetables or flowers in greenhouses, it also seems economically reasonable and desirable to heat chicken houses in the complex. The U.S. market for chicken is of the order of $2 billion per year. The discharge from a 1000 MW plant could also be used to irrigate 200,000 acres if designed to do so. This could also keep 15 km of river ice-free on the St. Lawrence, or support 2×10^6 pounds of shell fish, or 9.5×10^6 pounds of fish or 30×10^6 pounds of algae.

This discussion shifted to cooling towers and their various environmental problems. The cost of cooling towers, ponds, etc. is often cited as reasons for not using these methods. With 1% evaporation from a tower a (1000 MW nuclear power plant uses approximately 10^6 gal. min^{-1} of cooling water) 10^4 gal. min^{-1} evaporates. This is sufficient to create clouds, fog, and icing under appropriate conditions. By the year 2000 it is expected that we will need ten times the power requirements of today and will release 7–10 times as much heat. Possible means of useful weather modification were discussed including the dissipation of fog and ice at airports by dry closed circuit cooling systems or dissipation of the heat by induced atmospheric vortices. Thermal plumes were compared to smoke plumes considering rise vs. downward distance. The smoke plumes release from 10^4 watts m^{-2} to 10^6 watts m^{-2}. (Solar radiation provides 200–400 watts m^{-2}.) A comparison

was also noted in relation to the Icelandic volcano, Surtsey, in that the power output of proposed nuclear power stations is one order of magnitude less.

The possibility of mixing or stratifying the discharge in a body of water offered the opportunity to display modelling vs. actual experience. Although the total amount of heat released remains the same the option of controlling the rate of heat discharge and thus temperature in the receiving waters becomes a reality. The overall control is still limited, however, by the volume of flow available in the receiving waters. Flow visualization was presented on several slides explaining the modelling procedure.

During the final session an attempt was made to summarize the discussions. The result is best shown by Figures 1 and 2. Figure 1 summarizes the possible uses of hot water and low grade steam, indicating the temperature range for heat needed in each operation. Space heating, swimming pools and greenhouses are already in operation in Iceland, fish culture is in the experimental stage, D_2O production and production of sea chemicals from thermal brine have been projected.

Figure 2 shows schematically how an agricultural and aquacultural complex could use the thermal discharge from a nuclear plant and thus prevent thermal pollution due to the release of heat into rivers or through cooling towers into the atmosphere.

The cooling water from the turbine condenser goes in a loop consisting of greenhouses, fish ponds, irrigated farmland and water storage. (This loop could also include the chicken houses mentioned previously.) Evaporative losses are compensated by water taken from a river. A freeze-drying plant using steam extracted from the turbine would greatly increase the value and storing life of the products from the complex, and decrease storage and transporting costs. The freeze-dried products could be used for balancing out variations in production and market demands. Additional factors could be waste water treatment, adding water to the cooling system and food to the fish ponds, space heating of a nearby city during winter and central space cooling and air conditioning during summer using the same distribution system in the city and the central cooling facilities in the complex.

This complex is designed to provide a step-down method of using the available energy as it passes from high-grade readily available energy to low-grade partially unavailable energy. The result is an economically feasible complex which reduces thermal pollution after making maximum use of the available energy. It may be used in most climates by choosing those options which are suitable for the area.

The Adirondack-type conference holds sessions in the morning and evening with the afternoons off for other activities. This year the attendees visited the summit of Whiteface Mountain (including a 15 minute climb for those who didn't take the elevator) where the new ASRC mountain-top station is under construction. From the top of the mountain we then traveled to a nearby abandoned Atlas missile site and descended to view the cosmic ray laboratory under the direction of the State University College, Plattsburgh, New York. The laboratory is designed to locate areas of cosmic ray emission and the experimentation is being carried out by Dr. Donald Ryan.

The following day Mr. Sam Wiggans (one of the attendees) provided a tour at the University of Vermont, Burlington, Vt. which included several of the new buildings (zoology, botany, soil science, library, bookstore). The final tour on the way from Whiteface Mountain to Albany, New York included the new Institute for History, Art and Science at Lake George, New York where the ASRC and the Department of Atmospheric Science, SUNYA are developing a research center for air-water interface and ecological studies.

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REFERENCES

Schaefer, Vincent J., 1957. The Adirondack Conference, Bull. Amer. Meteor. Soc. 38:550–551.

Vonnegut, Bernard, 1969. Adirondack Conference on Electrostatics, Bull. Amer. Meteor. Soc. 50:438–440.

LIST OF ATTENDEES

Eric Aynsley, Research Institute, Illinois Institute of Technology, Chicago, Illinois.

Sam E. Beall, Director, Reactor Division, Oak Ridge National Laboratory, Oak Ridge, Tennessee 37830.

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WAR AGAINST AIR POLLUTION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. RHODES. Mr. Speaker, I applaud President Nixon's efforts to undertake a new war against air pollution. His plan to amend the Clean Air Act and to promulgate more stringent motor vehicle standards will go far toward restoring clean air to the Nation's cities and towns.

Motor vehicles are responsible for about half of the Nation's air pollution problems. In some areas, they are responsible for 70 to 80 percent of air pollutant emissions. Since 1968, the Department of Health, Education, and Welfare has been attacking this problem by setting national motor vehicle standards for new vehicles.

The responsibility for complying with these standards lies mainly with the motor vehicle manufacturers. Now, under the President's proposals, the Nation will be moving on a second front against motor vehicle pollution by requiring the registration and regulation of motor vehicle fuels and additives.

The regulation of motor vehicle fuel composition has the possibility of significantly reducing motor vehicle pollution by limiting the amounts of the more reactive hydrocarbons in gasoline and thus help reduce the formation of photochemical smog.

Such regulation would reduce pollution from all vehicles, new and old.

I urge my colleagues to endorse and support these and the other administration proposals to amend the Clean Air Act. Surely, we all agree on the need for, and the right to have, wholesome air.

THE U.S. CRACKDOWN ON POLLUTERS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. DERWINSKI. Mr. Speaker, it is obvious that the public has recognized the problems of pollution and across the land citizens are very properly requesting that priority attention be directed to end water and air pollution.

Significantly, the intensive press coverage which is being directed to this national problem is helping to maintain the proper public interest and is helping to produce the needed governmental action.

I therefore direct the attention of the Members to an editorial in the Wednesday, February 11, Chicago Today:

THE U.S. CRACKDOWN ON POLLUTERS

Only three days after President Nixon's visit to Chicago, the federal government charged 11 firms here with polluting area rivers and waterways. Pollution, in short, is now effectively regarded as a federal offense. Even better news is that the justice department calls the action "only the first step" in a vigorous enforcement program.

The companies and one individual are accused of dumping wastes into the Little Calumet river, the Chicago Sanitary and Ship canal, the Illinois river, and the Des Plaines river.

Maximum penalties involve only a $2,500 fine, hardly more than petty cash for large companies. But they also include a year in prison, which may prove a more effective deterrent if individuals are required to leave their desks and serve time.

Every responsible officer of every corporation will have an immediate and personal interest in keeping the operation clean.

Still, the 71-year-old statute under which the firms are charged has its flaws. There is always the possibility that the wrong individuals will take the rap. The only sure way to punish a corporation is economically, with fines heavy enough to be meaningful, and $2,500 doesn't come close. President Nixon now has called for fines up to $10,000 a day—a punishment that fits the crime.

CALIFORNIA'S ENVIRONMENTAL OPPORTUNITY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. HOSMER. Mr. Speaker, last Friday I had the privilege of addressing the UCLA Top Management Conference in Palm Springs, Calif. The audience consisted of about 100 of the top business leaders in southern California who have "gone back to school" at UCLA to improve their management skills.

I chose to talk to them about the environment. And although I approached the topic in a light vein, I believe the important message was that improving and protecting the quality of our natural environment is going to require some imaginative thinking on the part of business and industry as well as Government and the public.

My remarks follow:

CALIFORNIA'S ENVIRONMENTAL OPPORTUNITY

When God blessed America, He was generous to a fault with Southern California. We generally attribute this to the fact that He spent the seventh day resting here. He willed us bountiful quantities of scenery and climate; oceans, deserts and mountains; and fertile farmland like nowhere else on earth.

For neighbors, He gave us San Francisco, Las Vegas and Tijuana; and while they are all right as neighbors, we certainly wouldn't want to live with them. To complete the picture, He arranged for Disneyland, Palm Springs and Dorothy Buffum Chandler. No more, I believe, could one ask.

The great explorers—Balboa, Father Serra and Walter O'Malley—were quick to discover the riches of this great region, and a population explosion was soon upon us. The universal attraction of Southern California, of course, was its pristine and unrivaled physical environment.

However, it slowly became apparent that Southern California was—perhaps—too good. It was drawing too many people from the less attractive sections of the nation and the world. We Southern Californians realized that uncontrolled population growth eventually would spoil much of what we hold so dear. Consequently, the obvious answer was to knock a little of the magnetic lustre off our image.

This was accomplished ingeniously. Someone invented: (1) smog and (2) freeways. These certainly turned over the welcome mat. People on the East Coast look at our polluted red-brown skies and become horrified. But most importantly, lots of them don't move here anymore. The freeways make their contribution not only by generating more smog but also by creating horrendous traffic jams. This also tends to make Southern California a little less ideal.

The plan seems to be working perfectly. Los Angeles is internationally recognized as the air pollution capital of the universe. Our freeway system can get you from here to there faster in Southern California than anywhere-else on earth—but our region nevertheless has a national reputation as the world's longest municipal parking lot.

As Southern Californians, we must be thankful for smog and the Santa Ana Freeway. Were is not for these nuisances, we would have 100 million people living here instead of just 10 million.

Were it not for the smog, we could clearly see the success of our efforts. The population growth rate has dropped significantly; in fact, it has been cut in half since 1961. We can attribute this to the fact that many naive people elsewhere in the country truly believe that air pollution and the traffic have made Southern California almost unlivable. They believe it despite the fact that the National Air Pollution Control Administration says Los Angeles air is not the dirtiest in the nation. In fact, it's only fourth on the latest dirty dozen list.

However, I think smog has served its purpose and we can safely get rid of it. In short, we can stop intentionally spoiling our environment, which is the only really logical explanation for what we have done over the past 30 years. We can stop disrupting communities to build more freeways by cutting the automobilical cord and thinking seriously about mass public transportation. We can stop polluting our beaches with oil leaks from offshore drilling, and we should begin to pay more attention to preserving the irreplaceable wilderness areas and wildlife which make Southern California so magnificent.

THE ENVIRONMENTAL "CONTROVERSY"

All this means that I've come here tonight to talk about the environment. This should not come as any big surprise because everybody these days wants to talk about it. In Washington, the politicos are falling all over each other vying to become "Mr. Clean."

We've seen environmental protection proposals of almost every kind, shape and size. Most of them are based on the premise that we can talk our way to a cleaner environment.

Unfortunately, the noise pollution on this issue is approaching the crisis stage. One proposal would declare pollution unconstitutional. One of the more intriguing ideas is declaring the 1970's as the "environmental decade." Presumably, this would involve compelling the entire populace to attend nightly indoctrination sessions conducted by cadres of Sierra Club members.

Basically, however, the environment is a nice, safe political issue. The only way you can get in trouble is not to be sufficiently militant about it. Everyone is in favor of cleaner air, cleaner water and protecting the flora and fauna from the intrusions of man. Fearlessly, I'm on the side of the majority—up to a point. But not to the point where I am more concerned about protecting the environment from man than I am about making sure that man has an adequate water and electric supply.

The environment should be protected, but we must balance this goal with the very real need for water and power. In saying so I run the risk of being insufficiently militant on the environmental issue, or of being labeled a "secret anti-environmentalist." So be it. The real challenge, as I see it, is correcting our present environmental problems and preventing future ones while simultaneously assuring that society's demand for water and electricity is met. Achieving these often-conflicting objectives won't be easy, but it is absolutely necessary.

NEW AND OLD WATER SUPPLIES

California has a unique opportunity to solve its environmental problems, and simultaneously meet its water and power needs, not by turning back the technological clock but by moving forward. We Californians like that which is new, and we like to be first. We have the technical and economic resources to do the job. We have the necessary leadership at both the state and the national levels. And because we have been concerned with environmental quality longer than perhaps any other region of the country, I believe we have the will.

First, let's talk about water, one thing with which Southern California was not blessed. It is almost entirely due to the faith and good works of the Metropolitan Water District that we have any at all. Yet, despite the fact that much of our water comes from over 400 miles away, we never have shortages. When the Eastern regions of the country are suffering through a summer drought, the swimming pools of Palm Springs and Sherman Oaks are still full and clean. In fact, we have our southland water supply assured until just about 1990.

The answer to what happens after that probably lies both in our research laboratories and in the wild rivers of Northern California and the Pacific Northwest—the Eel, the Klamath, the Columbia—where the water supply is far in excess of the needs of the people and could be exported if economic means to transport it can be found. As much as seven million acre-feet of water could be made available from Northern California rivers alone without short-changing the local population. Today, that water is being wasted into the ocean.

The people of Washington, Oregon and Northern California—being as they are—never have been wildly enthusiastic about sharing their water with Southern California. Most of this I attribute to ordinary parochial jealousy. However, some of it stems from their very understandable desire to protect their own environment from massive dams, reservoirs and canals built to benefit Southern California. I think we can all understand why a dam in Chico County to benefit residents and industry in Los Angeles and Orange Counties would not be overwhelmingly popular. But just as obviously, we are one state. Obviously, a way ought to be found to provide this surplus water to Southern California without either depriving the north or unduly cluttering up the countryside.

Actually, such a way is in the process of being found—or developed. Using it, at least 3.3 million acre-feet of surplus Northern California river water could be transported to Central and Southern California with a minimum of dam and surface pipeline construction and at costs competitive with alternative sources. The plan is the California Undersea Aqueduct: a buoyant, undersea pipeline which might be constructed to transport water from the Eel-Klamath River region to some suitable points in Central and Southern California, thus saving water for human use which today is wasting into the ocean. The pipeline could be made of any of a number of materials, including re-inforced plastic, fibreglass or even concrete. It would be 26–32 feet in diameter, and would float off the continental shelf at depths ranging to 300 feet. The cost of constructing this pipeline is presently estimated at about $3.6 billion, and would result in water costs of only $77 an acre-foot, which is about the best we can hope for in the 1990 time period.

From an environmental standpoint, the Undersea Aqueduct doesn't require much in the way of on-shore facilities. This is not to say that storage, conveyance and pumping facilities would not be built on the land, but they would be significantly fewer in number than an overland pipeline or canal. Principally, they would consist of a small storage reservoir in the Eel-Klamath region, some onshore booster pumping facilities around

Moss Landing, and connection facilities at the terminal point near Port Hueneme.

I am confident, however, that from an overall environmental standpoint, it is an attractive proposal, even though the effects of the undersea pipeline on marine life on the continental shelf will require some detailed study.

DESALTING THE OCEAN

Both an alternative to the plastic pipe and the long-range answer to environmental and supply problems associated with water resource development is desalting the ocean. Full commercial development of this technology is probably less than a decade away.

Many here will have no trouble remembering back in 1965 and 66 when the agreement was reached between the federal government, the Metropolitan Water District and three area electric utilities for building the large Bolsa Island nuclear desalting plant off Huntington Beach. The first of the three 50 million gallon-per-day desalting units actually was to have operated this year. But even with normal slippage, under the construction timetable visualized back then, we should have been seeing today a fair amount of hardware springing up on that artificial island. Of course this isn't the case. The disappointing fact is that increasing costs, which just about doubled the initial $444 million estimate, cut the project off at the knees before it really was started.

But big desalting plant technology is developing and costs are lowering—not to the 22 cents per 1000 gallons first estimated for Bolsa but currently to around 40 cents for 50 MGD plants. That is getting close to where it becomes economically feasible to improve the quality of blending it with high purity desalted water—the same for reclaimed waste waters and highly mineralized ground water.

The California Department of Water Resources has just signed an agreement with the Federal Office of Saline Water, which has the development of large-scale desalting plants and evaluation of their sites as its number one purpose. Many of you here probably know, too, that the State Water Department is one of OSW's partners at the Saline Water Test Center at San Diego. I was there earlier today seeing the 17 MGD module—about one-third of a 50 MGD desalting plant—which has been built and operated successfully for almost 2 years.

For my own part, as a member of the House Interior Committee and and the Joint Committee on Atomic Energy, overseeing both federal desalting and civilian nuclear power programs, I try to keep close contacts with both sets of federal officials as well as with MWD and the California power industry to see whether times and conditions may be jelling for another try at a big plant involving federal, state, local water groups and electric utility participation.

In this respect we might reflect for a moment on the historical truism that social orders and their culture and whole civilizations have prospered and flourished in the direct proportion to their achievements toward assuring water supply. Most notable examples, perhaps, were the marvelous aqueducts of ancient Rome build 2000 years ago when it was realized even then that the Tiber River's surface waters were insufficient. Some 200 MGD of water as transported to Rome from far-off places. Three of the 11 original aqueducts still operate to this day. Historically, civilizations originated and had their growth along large rivers and other fresh water bodies, wars were fought to gain control of water, and civilizations perished as water resources dried or became inadequate. The lesson down through the years is clear; no region which fails to provide adequate water for its people can long survive.

ELECTRICITY AND THE ENVIRONMENT

As with water, California's future supply of electric power is a fundamental subject of considerable uncertainty. The problems are similar—where is it going to come from, how much is it going to cost, what are its environmental side-effects?

Let me give you some figures. The state's peak production of electrical energy last year was 24 million kilowatts. In less than 10 years, we estimate it will be more than double. And if we adopt the long-range view, covering the remainder of this century, California will need 10 to 20 times as much generating capacity as is available today.

This is a significant challenge. It would be a monumental task even if the public were beating on our doors demanding that new electric generating plants be constructed immediately if not sooner, and such is not the case. For some not wholly logical reason, the public's concern for protecting the environment has centered on electrical generation and transmission. The electric power business is not the worst offender to the environment—I would relinquish that title to the transportation industry—yet the issues of thermal pollution, air pollution, radiation releases, overhead power lines and the like make life especially difficult for the utility company.

I'm certain our friends from Southern California Edison can attest to that, and to the fact that the situation is going to get far worse before it gets even a little better.

Thus, we have a situation in which the state's power companies are faced with a massive expansion to meet needs in an era when active public opposition to any power plant construction is a virtual certainty. If they fail to meet this challenge, the result will be brownouts and blackouts.

The utilities' problem is how to meet the increase in demand while adequately protecting the environment, which is an absolute prerequisite today for any degree of public acceptance.

Basically Americans want clean air, clean water and an unpolluted environment. Most important of all, they are willing to pay for it in terms of the price of products they buy and even in the taxes they pay.

The real reason that so little is being done to clean up our country is that we lack the institutions which will allow people to pay to achieve this objective.

The Bolsa Island project is an example—a man made island near Huntington Beach conceived to produce 1,800,000 kilowatts of electric power and 150,000,000 gallons of fresh water from the sea a day. It was torpedoed not so much by escalating costs as by doubts of the private utilities involved that the California Public Utilities Commission would allow the extra cost of the island to be placed on the rate base—that is, charged on the electric bills.

The extra cost was for clean, smog-free nuclear kilowatts and fresh, pure water. The very things the public wants. But in this case the public institution involved was not up-to-date enough to permit the public to pay for it. That can be remedied easily by new legislative instructions to the Commission. Old institutions can be adapted to new purposes.

Where our most difficulty will be is in non-regulated industries where prices are fixed by competition. Some brand new institutions are going to have to be evolved so that anti-pollution costs—which may vary considerably between different competing producers of the same product—can be passed to the consumer to the end that a company is neither disadvantaged as to its competitors nor penalized as to its fair profit for responding to the current call to clean up our environment.

Thus the basic problem of our anti-pollution drive goes beyond finger pointing at polluters. It is to develop the new and improved institutions required to finance the clean-up privately. The sums involved are beyond the aggregate capacities of federal, state and local governments.

WHY NUCLEAR POWER?

Several years ago, nuclear power was looked upon as the answer. Nuclear plants don't pollute the air. They also offer the promise of lower cost and, with the advent of the "breeder" reactor in the 1980's, an inexhaustible supply of energy. For these reasons, utilities across the nation became more and more attracted to the advantages of nuclear power. Our major Los Angeles-area utilities—Southern Cal Edison and the Los Angeles Department of Water and Power—are among them.

In several regions of the country, today, nuclear power is viewed more as an environmental curse than a benefactor. Fortunately, this does not yet apply to Southern California, where public interest in and support for nuclear power is still strong. A statewide poll in 1966 indicated that the California people were anxiously awaiting the development of nuclear power as an aid in the battle against air pollution. Nuclear power critics zero-in on two issues—alleged thermal pollution and radiation releases to the atmosphere. Neither is actually a matter for serious concern.

Nuclear's overall thermal contribution to the environment is larger by only a relatively small amount than conventional plants and this gap will narrow as plant efficiency advances. In fact, the breeder reactors I mentioned promise to be slightly more efficient than the best fossil plants operating today. Nuclear plants today exchange a small increase in water temperatures for a complete avoidance of air pollution problems from power generating facilities.

Those who raise the radiation release issue, likewise, are fabricating strawmen. Radiation releases from nuclear power plants are actually so low as to be almost unmeasurable, even with the highly sophisticated techniques and equipment developed by the Atomic Energy Commission over the past 24 years. They are, in fact, far less than every man, woman and child on this planet receives from natural sources every day of his or her life.

In summary, nuclear power plants can benefit the overall environmental picture, particularly regarding air pollution, and their drawbacks are minor when realistically compared to the potential benefits and the nation's demands for electricity.

A PLAN FOR POWER PLANT SITING

But whatever kind of power generation California relies on to meet its long-range needs, we will require a substantial number of suitable sites on which to build the plants. They must be adequate to the utilities from an economic standpoint and agreeable to the public from an environmental standpoint. Filling both orders in quantity certainly won't be easy.

Nuclear plants are more difficult to site in California than in many other regions of the country, particularly because of the San Andreas fault and her seismic cousins. But even fossil-plant sites are becoming increasingly hard to come by as land values increase, the population grows, and the public becomes more concerned with aesthetics and environmental quality.

In order to help assure a long-term supply of suitable power plant sites—for both nuclear and fossile facilities—my friend and fellow Southern Californian, Congressman Chet Holifield, and I have made a detailed proposal to Governor Reagan. The heart of it is the creation of a State Power Plant Siting Authority, which would purchase, stockpile, and lease a limited number of large Power Parks throughout the state, which would be available to all its generating utilities, public and private, at charges sufficient to recoup the state's costs.

From an environmental standpoint, we believe the plan is promising for several reasons. In the first place, 10, 20 or even 40 thousand megawatts, concentrated in one

power park, would almost certainly permit the economic use of sites which would not be feasible for a single plant. For example, beach-front siting is a virtual necessity in Southern California because the ocean provides the only principal source of cooling water. However, it should be economical to import ocean cooling water to areas several miles behind the beach in quantities adequate for a group of plants in a power park. This would reduce the pressure on waterfront land and free it for recreational and other public uses.

Another environmental advantage would be in the method of selecting sites. Since the siting authority instead of the individual utilities would be responsible for acquiring land, the state could more appropriately factor the whole range of public values which should be considered.

I've mentioned this before, and I might as well mention it again, that the plan Chet and I have proposed is only a suggestion. Neither of us wedded to this particular concept. We are anxious to have all constructive suggestions brought forth, not only from the utilities but from the business community, the conservationists and the public as well. The long-range needs of the state require all the ideas we can muster.

There is one other aspect of the siting plan which needs mentioning. Sooner or later, even with the best planning and most creative land use, we still will run out of available on-shore sites. To guard against that day, we have proposed that the siting authority be given the power and funds to sponsor long-range research into some of the advanced siting concepts. Here, we are thinking of such ideas as the artificial island, as was proposed for Bolsa Island, and perhaps underground or even underwater siting.

A particularly attractive idea is the multiple-use site, in which power plants, desalting facilities, industry, airports, harbors and who knows what all, are combined on a single man-made site. In fact, something similar to that is already being discussed for the Long Beach-Los Angeles Harbor area. Conceptual plans have been drawn up for a 10,000-acre, land-filled SST jetport seaward from the harbor. The concept is that an offshore island airport would put the jet noise pollution where it belongs—out over the ocean—and would permit a variety of other uses such as high-rise apartments and office-buildings on the shore side of the island, and new port facilities. Possibly even some nuclear power plants could go at its seaward end, as well as a major desalting facility.

I'm sure we can all appreciate what this would mean to the Los Angeles-Long Beach Harbor area—nuclear power, desalting, deep water ports for the supertankers, oil drilling through solid fill, a new airport, housing and business. It's a remarkable idea and it represents the kind of thinking California is going to need in all these areas if we are to build the society we want for the future. It's the kind of thinking needed from the business community and the political leaders of the state. I hope we're up to it.

CONGRESSMAN DON EDWARDS STATEMENT ON WALK FOR DEVELOPMENT PROGRAMS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. EDWARDS of California. Mr. Speaker, it is with a great deal of pleasure I join in the remarks of the honorable gentleman from Iowa (Mr. SCHWENGEL) previously entered in this RECORD in praise of the Walk for Development of the American Freedom From Hunger Foundation.

Such a march was held in my congressional district in California, collecting pledges of $30,000 to feed the hungry. The march was a success, but only because of the involvement of dozens of young people from my district, young people who demonstrated the hope provided by the upcoming generation. And these young people have continued their interest in the worthwhile programs of the American Freedom From Hunger Foundation.

More walks are being planned, and these young people are organizing a comprehensive program to meet the challenge of hunger in this Nation and worldwide. Two young people from my area, Neil Christie of 3989 Cas Grande Wy., San Jose, and Chuck McDermond of 5634 Hoffman Court, San Jose, participated in the Chicago conference. I would like to honor the other young people who have participated in the program, but I am afraid my lists are incomplete.

It is encouraging that our young people are the ones who are leading the efforts to meet the problems we of the older generation have failed to solve. They are determined not to turn their backs on the hungry and the afflicted. I would hope that we here in Congress will rise to meet their greatness.

NATIONAL TRANSPORTATION SAFETY BOARD OPPOSES BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. SCHWENGEL. Mr. Speaker, in September of last year, the distinguished gentleman from Massachusetts (Mr. CONTE) raised certain questions about the "big truck bill" at hearings held on Department of Transportation appropriations. On December 12, the Chairman of the National Transportation Safety Board, John H. Reed, responded to Mr. CONTE's question, indicating the strong opposition of the Board to H.R. 11870 and H.R. 11619. I feel that my colleagues should be aware of this strong stand taken by the National Transportation Board on this controversial legislation.

The material follows:

DEPARTMENT OF TRANSPORTATION,
NATIONAL TRANSPORTATION SAFETY BOARD,
Washington, D.C., December 12, 1969.

Hon. EDWARD BOLAND,
Chairman, House Appropriations Subcommittee on Transportation, Washington, D.C.

DEAR MR. CHAIRMAN: When we were before your Subcommittee on Wednesday, September 10, 1969, Representative Silvio O. Conte submitted a series of questions including an inquiry as to the opinion of the Safety Board "concerning bills now pending in the Congress that would permit larger trucks on the Interstate Highways."

At that time, the Safety Board had taken no formal position concerning this legislation. We now have completed our review of this legislation and its possible impact on highway safety.

The Safety Board herewith presents its position on H.R. 11870 and H.R. 11619. Also attached hereto is a minority position with respect to H.R. 11870.

The Bureau of the Budget has advised that they have no objection to the submission of our position.

Your continued interest in transportation safety is appreciated.

Sincerely yours,

JOHN H. REED,
Chairman.

NATIONAL TRANSPORTATION SAFETY BOARD'S POSITION CONCERNING H.R. 11870 AND H.R. 11619

The National Transportation Safety Board herewith presents its views on H.R. 11870 and H.R. 11619. The Safety Board has limited its comments on this legislation to the safety implications of providing for increased widths, sizes, and weights of trucks and buses operating on our Federal Highway System. In reviewing this problem, it has been difficult to define the exact impact on safety of the proposed increases in widths, sizes and weights, in light of the relatively small amount of data now available.

While there is an absence of reliable data, we do know that there are inherent in all trucks certain hazards in relationship to the other users of the highways. To increase size and weight of trucks will, in our opinion, require new or enhanced regulatory safeguards. For example, an increase in axle loads implies a need for greater energy absorption by brakes. Thus, an increase in axle loads should be accompanied by a significant increase in the braking capabilities of heavy trucks.

It also follows that any increase in size and weight of trucks will of necessity prompt a requirement for commensurate adjustments in acceleration performance of such trucks. Standards to require minimum acceleration and hill-climbing performance of trucks under varying load conditions should be determined and promulgated by the Department of Transportation. An increase in size also indicates a need for reviewing standards for improved coupling devices and additional control of jackknifing of truck and trailer combinations will be needed.

Based on the foregoing example, we believe it can be concluded that there are risks involved in increasing sizes and widths of trucks, which could adversely affect highway safety. In addition, there are other areas now under review and which the Safety Board believes should be given consideration, not only for existing trucks but for trucks of increased size and weight. They include:

1. Performance standards for underride guards to prevent smaller vehicles from being demolished and their occupants injured when the smaller vehicles pass under the high frames of large trucks. Rule making on this subject is presently pending in the Department.

2. Standards to control the overturn stability of trucks, including not only the use of full legal width to provide the widest possible base, but also the control of center of gravity height by design and by loading practices.

3. Standards to control the splash and spray generation of heavy trucks on wet roads.

4. Improved performance standards for truck tires.

The Safety Board believes that safety standards should be developed by the Department of Transportation to insure safety on our highways. The Safety Board will review all vehicle standards and motor carrier regulations developed by the Department as to their adequacy and feasibility. If the Safety Board is not satisfied that the stand-

ards as proposed would be effective it will make known its objections and urge the introduction of revised or additional standards.

In conclusion, it is the Safety Board's position that H.R. 11870 and H.R. 11619 should not be enacted, with or without the amendments proposed by the Federal Highway Administrator before the Committee on Public Works, September 3, 1969. Such amendments are not sufficient to cure the inadequacies of the legislation, which is not in the public interest. New vehicle standards of the Department of Transportation in the areas cited above should be first developed and promulgated after which legislation with respect to vehicle weight and width limitations of trucks and buses on the Interstate Highway System can again be considered.

OSCAR M. LAUREL,
FRANCIS H. MCADAMS,
LOUIS M. THAYER,
Members.

MINORITY POSITION CONCERNING H.R. 11870

This report represents the minority position of the National Transportation Safety Board on H.R. 11870, a bill to provide for increased widths, sizes and weights of trucks permitted to operate on the Interstate Highway System.

These comments on this legislation are limited to the safety implications of providing for increased widths, sizes, and weights of trucks operating on our Federal Highway System. In reviewing this problem, it has been difficult to define the exact impact on safety of the proposed increases in widths, sizes, and weights, in light of the relatively small amount of data now available.

While there is an absence of reliable data, we do know that there are inherent in all trucks certain hazards in relationship to the other users of the highways. To increase size and weight of trucks will, in our opinion, require new or enhanced regulatory safeguards. For example, an increase in axle loads implies a need for greater energy absorption by brakes. Thus, an increase in axle loads should be accompanied by a significant increase in the braking capabilities of heavy trucks.

It also follows that any increase in size and weight of trucks will of necessity prompt a requirement for commensurate adjustments in acceleration performance of such trucks. Standards to require minimum acceleration and hill-climbing performance of trucks under varying load conditions should be determined and promulgated by the Department of Transportation. An increase in size also indicates a need for reviewing standards for improved coupling devices, and additional control of jackknifing of truck and trailer combinations.

Based on the foregoing example, we believe it can be concluded that there are risks involved in increasing sizes and widths of trucks, which could adversely affect highway safety. In addition, there are other areas now under review which should be given consideration, before the size and weight of trucks are increased. They include:

1. Performance standards for underride guards to prevent smaller vehicles from being demolished and their occupants injured when the smaller vehicles pass under the high frames of large trucks. Rule making on this subject is presently pending in the Department

2. Standards to control the overturn stability of trucks, including not only the use of full legal width to provide the widest possible base, but also the control of center of gravity height by design and by loading practices.

3. Standards to control the splash and spray generation of heavy trucks on wet roads.

4. Improved performance standards for truck tires.

We believe the areas referred to above should be made the subject of safety standards to insure safety on our highways. The Safety Board will review all vehicle standards and motor carrier regulations developed by the Department. Unless the Safety Board is fully satisfied that the standards proposed would be effective on large vehicles before such vehicles are introduced, we will make known our objections to the Department and urge the introduction of revised standards which would insure a degree of safety consistent with that required on our Federal highways.

In conclusion, it is our position that H.R. 11870 as proposed should not be enacted. New vehicle standards of the Department of Transportation in the areas cited above should be developed and promulgated before vehicle weight and width limitations of trucks on the Interstate Highway System are increased.

JOHN H. REED,
Chairman.
ISABEL A. BURGESS,
Member.

DOM ROSSELLI

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BOW. Mr. Speaker, Youngstown State University and basketball fans throughout northeastern Ohio are celebrating the 400th basketball victory under the leadership of Coach Dom Rosselli.

Youngstown University cagers passed the 400 mark in a 94–64 victory over one of its strongest opponents, Gannon College of Erie, Pa.

I was delighted to wire congratulations to Dom Rosselli and to report that President Nixon has done the same.

I wish to include with my remarks the following excellent article from the Youngstown Vindicator in which sportswriter Chuck Perazich describes the personality and career of this outstanding man:

MANY HAPPY MEMORIES, UPSETS, THRILL-PACKED GAMES MARK DOM ROSSELLI'S PATH ALONG WAY TO 400TH WIN

(By Chuck Perazich)

Whenever a college coach is on the threshold of making basketball history, it's only natural that he pauses on occasion to reflect on his 26-year career.

That's the current situation for Dom Rosselli, personable Youngstown State mentor who can crash the charmed "400" circle for coaching victories if his team beats Gannon at the Austintown Fitch court Wednesday night.

Just about everything that can be said regarding Rosselli has appeared in print these past months as his Penguins roll on undefeated towards perhaps a record among small college teams.

Therefore, on the eve prior to one of his greatest moments, let's take time out to backtrack over the trail that this son of an Italian immigrant has followed to attain cage immortality at Youngstown State University, the only full-time employer he has ever had in the last 30 years of contributing forms at income tax time.

One of the items we'll forget, for the moment, regards Dom's height. He's been tagged to being everywhere from five feet tall to 6–2. A typographical error in the Duquesne-Geneva football program during his college days in Beaver Falls, Pa., proclaimed the 6–2 figure.

ROSSELLI IS SUCCESSFUL AS FAMILY MAN, TOO

Regardless of how high he stands, he's certainly a "big" man in this community.

Even if he didn't win 400 games, all you have to do is catch the expressions on the faces of his wife, Connie, or daughters Rosanne, Mary Louise and Stephanie during a YSU contest to realize that Dom's not only a success in coaching, but he's a big hit as a father. His son, 15-year-old "Chipper," can be seen giving an admiring glance at his dad from a spot on the YSU bench, too. Newest delight is granddaughter, Connie Volpini. "She's a gem," states her grandpa.

So you see, this fellow Rosselli is quite a guy. He's been a winner in sports for most of his life. And if they were to pass out trophies to outstanding family men, you'd have to find one six feet tall for Dom.

Getting back on that "Route 400" trail, however. Dom is quick to point out "Dike" Beede as his chief reason for being at YSU. When Youngstown College launched its football program in 1938, Beede assumed command of the ship. The Penguins opened the season against Geneva. Rosselli played an important role as the Geneva team dumped the locals, 12–6.

Beede, utilizing the theory, "If he can beat you, have 'em join you," hired Dom as a football aide in 1939. Among other duties, Rosselli gave Ray Sweeney a lift with the cage squad. When Sweeney departed in 1940, Rosselli took over.

Since that time, there have been moments of glory, sadness, happiness, airplane trips, about 500,000 miles of traveling the highways, good meals, bad ones, fancy hotels, bad roads, good roads, games played on big courts at the Cleveland Arena, Municipal Auditorium in Kansas City, Buffalo Memorial, the Palestra and some on the enclosed confines at Alliance, Pa., Alderson-Broaddus, Slippery Rock, just to name a few.

Don't ever forget that all these years, the Penguins never owned their own gym. You might call the old Newsboys' Club on Lincoln Avenue about the closest thing to a gym that the Penguins have had. But that measures about 20 by 30 feet. Workouts at the Downtown "Y" with that balcony stopping the corner shots, bring back memories to all players in the early Rosselli era.

LEO MOGUS ONLY GRAD IN PRO BALL

Leo Mogus is without a doubt the most famous player of the 1940s. The only Youngstown grad ever to play professional basketball in the NBA (a few had tryouts, but just missed making the grade), Leo could do it all. What a sweet hook shot he tossed up at the basket. Leo's soft touch elevated the ball to a high arc, which cleaned the nets with a swishing sound on the downward flight. Leo, now a salesman in Los Angeles, was "something else," as today's teen-ager might describe. For his day, his 6–4 frame proved adequate to be a center. There was a time against the Mexico YMCA team at South Field House when Mogus tapped in a goal on a jump-ball situation from the Penguins' foul stripe. Now there's one you've never seen before!!

Since that time, many great players have displayed their talents for Rosselli, who has a knack of taking the lad who is overlooked by the big timers and welding the chap into a polished performer.

FIRST TOURNAMENT PLAYED IN KAYCEE

Youngstown's first post-season tournament team had a solid group of fellows who today can be found teaching somewhere or enjoying business success in the valley. The 1946–47 crew won 12 and lost 10, but made it to Kansas City for the NAIA meet as Ohio's representative. Long-time followers of YSU basketball will remember Steve Ger-

gely, Charley Bush, Jack Christein, Ray Wise, Bob Gibson, Roy Kroll, Pete Prokop, Howdy Johnson, Joe Zemba, George Chop, Phil Chuey and John Lawhorn among others.

When Rosselli looks back on "Route 400," he'll certainly recall that first tourney squad that lost out to Arizona State, 49–45, in K.C.

A touch of sadness enters the picture about now. Four athletes who helped tremendously, including the after-the-war years, have since passed away. John Pawlen, Rudy Braydich, Lou Muehlbauer and Harry Myers are gone, but in Dom's heart and anyone who had the pleasure of knowing these gentlemen, not forgotten.

The "Fabulous Fifties" and "Sensational Sixties" supplied the bulk of victories. This is hard to believe, but over that 20-year span, Rosselli's clubs won 324 games, playing in eight national meets. They lost 174 games of a total 251 setbacks logged in Rosselli's time.

Dom had a flock of good players during those years. "Yes, we had quite a few fine athletes during those two decades," he offers.

YUGOVICH, LAKE PLUS "RED" JONES

Mike Magula, Sam Jankovich, El Danilov, Harry Krall, Herb Lake, Jim "Beanie" Gordon, Howard McElroy, Roy Taylor, Tom Hernon, Bob Mayberry, Walt Brian, Charley Craig, David Culliver, Bob Atterholt, Ronnie Allen, Howie McElroy, Fred "Red" Jones, Jim Timmerman, Joe Nigro, and the all time 1–2–3 scorers of Tony Knott (2,218), John McElroy (1,942) and Mickey Yugovich (1,917). Billy Johnson represents the new breed, who have put together a 17-game streak.

It seems only yesterday that young Yugovich, just a freshman, found himself on the foul line against Steubenville, only seconds left in the game and the score tied. If he makes the points, YSU goes to the NAIA meet in Kansas City. What pressure.

Well, he made them and YSU won, 59–58.

Without a doubt the biggest YSU win has to be the upset of big time LaSalle, a team that went on to win the NIT championship in New York later in the year. This took place at South Field House. The previous night, LaSalle dumped Duquesne in Pittsburgh. Rosselli scouted the game, mapped some fancy strategy and pulled off the destruction of the eastern power, which featured Tom Gola.

"Route 400" is just filled with thrills when you start looking back. How about the time John McElroy zipped in 72 points against Wayne for a new record. Or when Tony Knott had 50 in beating Fenn. An upset of Niagara, when "Beanie" Gordon hopped around stealing all sorts of passes. The big game with Maurice Stokes and St. Francis, when the now-paralyzed cage great put on quite a show to win a tournament here.

They will all be remembered by Rosselli, and every fan of Youngstown State.

It sure would be nice to get that 400th win against Gannon, another club that staged a six-overtime thriller in Erie, Pa.

That has to be among the greats, too. (Good luck, coach!!)

CONGRESSMAN BEN F. JENSEN

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. CEDERBERG. Mr. Speaker, I join my colleagues in paying a tribute to the memory of our distinguished former colleague, the Honorable Ben F. Jensen of Iowa. When I was a young Member of Congress, I was appointed to the Committee on Appropriations and I found Ben Jensen always willing to give whatever assistance that was needed. As the ranking Republican member on this committee, Ben Jensen set a great example for his fellow members in the area of fiscal responsibility.

Those Members of the House who were given the opportunity to serve with Congressman Jensen will not soon forget his direct and candid approach to discussion on all important matters. He was a Republican fiscal conservative who acquired the title of a treasury watchdog.

Since his retirement from Congress, he has remained active by writing two books and spending much of his time working on his home museum. I had nothing but the deepest admiration and respect for Ben Jensen and I always enjoyed discussing matters with him.

He was an outstanding Member of Congress and I was delighted to have been able to call him my friend.

HOFFMANN-LA ROCHE WORKS TO ELIMINATE POLLUTION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. RODINO. Mr. Speaker, we are all well aware of the problems of our deteriorating environment. Man daily pollutes more and more of the vital resources of air and water with an alarming degree of unconcern. A great deal has been done and a good deal more has been proposed by the Federal Government. But this is not the only, nor the most effective way to clean up our worsening environment. The greatest burden lies on the shoulders of every citizen and more directly in the hands of our many industries. It is to commend one such public service oriented company and its able president that I raise this issue today.

Hoffmann-La Roche, under the creative leadership of its president and my dear friend, Dr. V. D. Mattia, has taken the lead in this crucial battle. Hoffmann-La Roche is in the process of instituting a $4 million program to eliminate pollution from waters discharged by its industrial complex. It has exceeded the 85 percent purification of BOD—biological oxygen demand—required by New Jersey law, by implementing a system which results in a 98-percent DOD purification. Roche has gone even further. It has begun a program of implementing sophisticated effluents which compact solid wastes for safer disposal. All this has been done on its own initiative and backed by its own funds.

Such a creative, imaginative and responsible pursuit is a tribute to Dr. Mattia who has directed the instrumenation in this and other causes in bettering both individual and collective well-being.

The good neighbor policy of this dynamic man and firm will hopefully be emulated throughout our Nation.

Mr. Speaker, I would like also to bring to the attention of my colleagues an editorial in the February 12 Nutley Sun and an advertisement which also appeared in that paper. These are followed by Dr. Mattia's comments as recent guest columnist in the Star Ledger.

The material referred to, follows:

THE PACE SETTER: HOFFMAN-LAROCHE

Nutley has many reasons to be proud. One important reason is the fact that we have within our boundaries one of the most prestigious companies in the world—Hoffman-LaRoche, Inc.

Last week President Nixon called upon the people of America to take meaningful steps to prevent air and water pollution. Coincidental with Nixon's announcement, there appeared in the papers throughout New Jersey a public interest message from the President and Chief Executive Officer of Hoffmann-LaRoche, Dr. V. C. Mattia. In his message, Dr. Mattia pointed out that for many years Hoffmann-LaRoche has been deeply aware of its responsibilities to its neighbors and the community it calls home Dr. Mattia made it very clear that Hoffmann-LaRoche continues its complete commitment to prevent air and water pollution. Dr. Mattia properly states, "This is not only a civic duty but an inescapable obligation to our children and our grandchildren."

In its effort to prevent air and water pollution. Hoffmann-LaRoche does much more than is required by Government regulations. On the way at the present time is a $4 million program to eliminate pollution from water discharged by the Roche industrial complex.

Roche is known as the world leader in the manufacture of drugs. Without the sound of trumpets, Roche has established itself as a world leader in the prevention of air and water pollution.

We salute this great neighbor and express the thanks of a grateful community for the many contributions Hoffmann-LaRoche has made to the perpetuation of civic activities responsible for continuing Nutley's membership in the family of America's finest communities.

[This advertisement appeared during February 1970, in the Newark News, the Star-Ledger, the Herald News, the Nutley Sun, the Belvidere News, the Blairstown Press, the Washington Star, and Easton Express]

A MESSAGE TO OUR NEIGHBORS

PREVENTION OF POLLUTION—SAFEGUARDING OUR ENVIRONMENT

Deeply aware of our responsibilities to our neighbors and our community, we at Hoffman-La Roche have long had a firm commitment to prevent air and water pollution. This is not only a civic duty but an inescapable obligation to our children and grandchildren.

A four million dollar program—In a major program, stressing utilization of the most up-to-date technology to prevent the formation and escape of harmful substances, Roche has invested over four million dollars, backed by competent, ever-watchful personnel specializing in pollution control.

Doing more than required—Because of the paramount importance of assuring the quality of our air and water, Roche does more—substantially more—than is required by Government regulations. For example, in its 500-acre complex in Belvidere, N.J., Roche has designed a waste treatment plant in which over 98% of BOD (biological oxygen demand—a yardstick of water pollution) is removed from waste. This is far in excess of the 85% requirement of the Delaware River Basin Commission.

Live fish on guard—To make sure beyond doubt that the water discharged by its new, two million dollar waste treatment plant in Belvidere is consistently harmless to aquatic life, Roche has designed a large aquarium where fish will live and breed in water receiving a continuous sample of treated waste,

thus serving as an exceedingly sensitive biological monitoring system.

Round-the-clock vigilance—Day and night, seven days a week, sensitive, sophisticated electronic equipment monitors the quality of fumes, steam, water, and other effluents at Roche. Should any malfunction threaten, an alarm immediately alerts one of the operators who are in constant attendance; thus prompt action is taken before any problem arises. Automatic detection systems and recording apparatus also produce continuous permanent records which indicate that Roche operates well below State limits.

Planned prevention—In designing new processes and equipment, Roche engineers pay special attention to the prevention of the escape of fumes, dust, solid particles, acids, and other potentially harmful substances. By switching from fuel oil to gas and to expensive low sulfur fuel oil, Roche took a major step in minimizing the formation of sulfur dioxide—a serious threat to air purity. By modernizing both of its incinerators, switching from oil to gas firing, and compacting waste, the emission of smoke and fly ash has also been effectively controlled.

Looking ahead—As Roche continues to grow and to produce new and better weapons in the fight against pain and disease, all its planning and designing of new buildings and processes will continue to provide for ever higher standards of air and water purity—both in the Nutley-Clifton area and in Belvidere.

V. D. MATTIA, M.D.,
President and Chief Executive Officer.

[From the Star-Ledger, Feb. 6, 1970]

JERSEY BUSINESS

(By John Soloway—Today's guest columnist: V. D. Mattia, M.D., president and chief executive officer, Hoffmann-La Roche, Inc.)

HEALTH/DRUGS: AMERICA'S CHALLENGE THE BEST FOR EVERYONE

Far from being a privilege, comprehensive, up-to-date health care will become the inalienable right of every citizen during the next decade.

The conscience of an enlightened community will insist on nothing less than the availability of the latest scientific advances to all the people in our country, regardless of economic status. Similarly, both the quality and the accessibility of medical care not only in America but also in emerging nations will have to be raised to a significantly higher level.

All these changes mean an unprecedented challenge for the American health industry: the producers of pharmaceuticals, laboratory services, hospital supplies, and other essential tools of modern medical science.

Since a wide range of serious health problems—cancer, heart disease, arthritis, virus infections, degenerative diseases, mental and emotional disease, and many others—continue to cause suffering and shorten lives, the pharmaceutical and allied industries are broadening and intensifying their search. It is equally imperative that the government must not only sustain but must expand its present research programs which, at the moment, are seriously threatened by irrational cutbacks in appropriations.

The traditional approach, aimed at the discovery of a new drug for a specific disease, has been discouraging and disappointing. It seems increasingly clear that greater emphasis must be placed on systems research, designed to attack a major medical problem in all its complexity. For example, past research aimed at the development of a drug that dilates or widens blood vessels.

Today research is concentrating on a better understanding of the underlying diseases of the blood vessels—their prevention as well as their treatment—by clarifying the role of heredity, diet, environment and endocrine disturbances, in order to yield major progress.

Such research will be most productive if it is part of an even bolder approach to fundamental research. This requires a greater effort to deepen our understanding of basic life processes, especially on the level of the individual cell. In order to produce meaningful results, such vast research programs are increasingly relying on modern computer technology to utilize an incredibly large volume of data in a productive manner. The absence of the computer in research would create inordinate delays in developing information and, in some cases, make it impossible to achieve some objectives.

During the next ten years, the American health industry will have to become far more efficient in its operations. Both production and distribution must be restructured in a way that eliminates inefficiency, waste, and outdated methods. Spiraling cost of all aspects of medical services must be more intensively scrutinized by the various health industries as well as by the public and the government. While a legitimate profit is basic to the sucecssful function of our industrial system, it must be earned not only by its contributions to society but also with the full awareness of its responsibilities to the people.

The health industry will have to set a finer example of social and civic responsibility. We will have to pioneer totally new concepts in socially critical areas, such as total health programs for our nation and environmental protection for our people. It is obviously not enough to comply with existing laws; the health industry should go far beyond legal requirements by pioneering new ground.

Our programs should become the pacesetters in advancing science, elevating the level of health care, and assuring a better environment and social climate for future generations.

Consequently, we shall have to intensify and expand our research not only in the pure biological sciences but also in interpersonal relations, ecology, population control, efficient utilization of medical and scientific manpower and physical resources, preservation of wildlife, and safeguarding of our irreplaceable natural resources.

CLEANING UP THE AIR: SOUTHERN CALIFORNIA STYLE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. HOSMER. Mr. Speaker, for several decades, the southern California area has suffered a reputation as the "Smog Capital of the World." In many respects this title has been unfair since we now know that air pollution is a national problem rather than a peculiarly southern California phenomenon.

It may be that smog is all the more obvious in Los Angeles since it provides such a contrast with the pristine beauty of our mountains, deserts, and beaches.

As one who is both old enough to remember the Los Angeles area before the existence of smog and young enough to look forward to its disappearance, I take particular pleasure in bringing to the attention of my colleagues a well-written and informative story from the Washington Daily News which rather succinctly describes the successful efforts being made by southern Californians to meet the problem of air pollution.

I would like to particularly emphasize the author's contention that smog, which probably was born in Los Angeles, will most likely die there, too.

The article follows:

POLLUTION WAR: "SMOG CENTER" LOS ANGELES CLEANS UP

(By Richard Starnes)

LOS ANGELES, February 16—Los Angeles, the first American city to be confronted by crisis levels of air pollution now seems certain to be the first to solve the problem.

There are many caveats, and still formidable technical problems remain to be solved. It will be another 10 years before the deadly pall of smog that intermittently chokes Southern California is brought under control. But a mood of cautious optimism has replaced the chronic funk that once pervaded the state and county antipollution establishment here.

Since objective scientific standards of measurement were first applied to air pollution in the Los Angeles Basin in mid-1955, smog alerts have sharply diminished. For the last six months of 1955 there were 15 first-stage alerts, and almost 50 near-alerts. A low of three alerts and three near-alerts was reached in 1963. In 1965 there was a slight increase, to six alerts, but the curve has again turned downward since then. Last year there were four alerts.

IMPORTANT TO NATION

California's experience with air-pollution control is important to every city in the nation. Due largely to a malign conjunction of climate and topography, the Los Angeles Basin was doomed to be the first test laboratory where it would be determined whether 20th Century man would strangle on the gasses produced by his cherished—and economically essential—automobiles.

This is a Doomsday riddle that the rest of the country is just beginning to face up to, but already California has gone far enough to say that there isn't any doubt that the same technology that sired smog can dissipate it.

A primer on the subject as it has developed here would go about as follows:

Abundant sunshine, light breezes, its barrier of mountains and its wildly proliferating population of autos make the Los Angeles Basin ideal for the production of smog. Finally, a phenomenon of climate called "temperature inversion" corks the bottle on the noisome mixture on about 260 days of the year, preventing it from escaping into the upper atmosphere.

POLITICS INVOLVED

Another kind of climate—California's sometimes kookie political environment—also played a role. When it first became obvious around the end of World War II that smog was a growing public health problem in Los Angeles, almost everyone assumed that power plants, incinerators and other stationary sources of pollutants, were the principal villains. It was an easy assumption to make—Californians take the backseat to no one in their romance with the automobile and public utilities made a convenient whipping boy.

Not until 1951 was the way cleared to come to grips with the primary cause of smog. A professionally respected but otherwise obscure Cal-Tech biochemist named Arie J. Haagen-Smit proved that the internal combustion engine was the principal source of the air pollutants that were choking California.

Although Dr. Haagen-Smit's epic feat of scientific detective work is accepted as a routine achievement among smog sophisticates, in fact it probably will be hailed someday as one of the decade's major breakthroughs. More than any other single step, the Dutch-born biochemist's discovery was the key that

ultimately was to unlock the death-dealing riddle of smog.

FUMBLING STARTS

After a number of false starts (Los Angeles County attempted at first to control auto-induced smog on a local basis) country and state have evloved what appears to be a workable system. The state Air Resources Board (ARB), now headed by Dr. Haagen-Smit, is primarily concerned with air pollutants generated by autos, and the Los Angeles County Air Pollution Control District (LAAPCD) is in charge of controlling pollution from stationary sources, such as power plants.

Smog is produced by the effect of sunlight on air pollutants. It is called a photochemical reaction, and Americans fortunate enough to have escaped at least one experience with it cannot appreciate the clinging, deadly pall it represents.

It is variously described as yellowish, gray or red, it smells like a particularly baleful chlorine bleach, and its short-term effect on its victims is to sting the eyes into smarting, tearful near-blindness and to sear the back of the throat.

Its long-term effects on humans are poorly documented, but it is now generally accepted that it contributes to emphysema, lung cancer and other respiratory diseases.

DAILY TONNAGE IMMENSE

In the Los Angeles Basin an analysis of smog prevalent in 1968 showed it was made up of 3,500 tons per day (TPD) of hydrocarbons, 1,370 TPD of nitrogen oxides, 13,500 TPD of carbon monoxide, 200 TPD of particulates (solid matter), and 380 TPD of sulfur dioxide.

In every case the auto was the principal source. It produces 97 per cent of the carbon monoxide, 66 per cent of the nitrogen oxides, 71 per cent of the hydrocarbons, and 37 to 39 per cent of the particulates and sulfur dioxide.

Power plants are an important source of nitrogen oxides (16 per cent), particulates (13 per cent) and sulfur dioxide (24 per cent), but do not figure importantly in the other two major constituents of smog.

Almost all autos here now have crankcase control devices and a growing percentage have exhaust devices as well. Nineteen-seventy models are also equipped with evaporation control systems. Even with these relatively primitive (and still sparse) controls there has already been a slight diminution in the levels of two of the most important ingredients of smog.

". . . Total emissions of carbon monoxide and hydrocarbons from vehicles are decreasing steadily, despite the continuing increases in the number of vehicles," the ARB reported to Gov. Ronald Reagan last month. "However," it continued, "emissions of oxides of nitrogen from motor vehicles will continue to increase until control of this contaminant begins with the 1971 models.

"Under the current program of controlling only new cars, the emissions of all three contaminants are expected to decline until 1985."

The decline will continue after 1985, the ARB said, if California adopts its proposed standards for cars beginning with the 1975 models.

Those standards (to produce the so-called "clean" car) are so stringent that even some of the smog fighters privately concede they may even be tougher than necessary. By the time all cars on the road have met them (probably around the early 1980's) auto-induced smog will have been rolled back to around the 1940 level in the Los Angeles Basin—a point beyond which scientists do not think it is feasible to reach.

STRICT STANDARDS

California's auto emission standards—which are more strict than federal standards, and which grow progressively tougher from 1971 thru 1975—have been the subject of much anguish in Detroit and considerable foot-dragging in times past. But now Dr. Haagen-Smit (resolutely ignored by the motor car manufacturers for nearly three years after his breakthru) says, "their (auto manufacturers) attitude now is, 'it must be done, let's get it over with.' "

A long-range view of the future, assuming the continued observance of the scheduled standards, would go about as follows, in the view of a California civil servant scarred by ancient battles with air pollution:

"By the mid-1980's the problem will be reduced to a tolerable level in the Los Angeles Basin (and presumably in other smog-prone areas of California). And it should stay under good control until about 1995, or even a little later.

"But by then, even with the clean car perfected, and with every stationary source of emission under control, smog levels will begin to creep back up, simply due to the continuing increase in population. But by then exotic cars—steam, electric or turbine—may be practical. And with oil companies working furiously to produce less toxic additives for gasoline there may be important improvements on that front.

"Finally, of course, everyone in the business foresees as the ultimate solution that most people will eventually travel by electric-powered rapid transit systems, even in Southern California where freeways are a way of life."

IN THE MEANTIME

Until that millennium, however, Los Angeles has devised some ingenious systems to help it tiptoe along the tightrope between strangulation by smog and transportation paralysis. LAAPCD has 11 stations that continuously monitor air quality, and a 24-hour system for sounding smog alerts when pollutants exceed permissible levels. Alerts are subdivided into three degrees of severity, but not since the system was started in 1955 has any alert exceeded stage one levels.

On sounding a first alert (there have been 71 since 1955, four last year) the public is asked to avoid unnecessary driving and 400 industrial plants which may be producing the offending pollutants are notified to prepare to shut down.

A second alert (there has never been one) means that the Air Pollution Control Officer may prohibit all but emergency auto traffic and may shut down plants producing pollutants.

At third alert the governor is asked to declare an emergency and invoke the California Disaster Act, which among other things permits the imposition of martial law.

No one, least of all the battle-weary smog control officers of California, is likely to try to minimize the complex and dangerous problem of air pollution. But here, where the battle has been at its smoggiest, officials point with cautious pride at a graph which shows the steady, if somewhat jagged, diminution in the number of smog alerts that have been declared in the Los Angeles Basin.

WHY I MUST SUPPORT TIMBER BILL

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. UTT. Mr. Speaker, I have received a good deal of mail from my constituents who are properly concerned about H.R. 12025, the National Forest Timber Conservation and Management Act of 1969.

Because I appreciate the time and effort taken by my constituents to give me their views on this measure, much of my own time and that of my staff have been devoted to making a thorough study of what this legislation seeks to do and what it will mean to the future of our great national forests which all of us wish to conserve.

I wish to insert the letter I have framed to reply to my constituents, setting forth the reasons why I feel that I must support this bill. But because I wished to keep my letter as brief as possible, confining it to a single page, I would like to take this opportunity to spell out in more detail my arguments for favoring this legislation and at the same time to attempt to answer a number of common allegations used against the bill.

First. Opponents claim the multiple use concept will be evaded or destroyed by the bill.

My answer is that the bill cites the Multiple Use-Sustained Yield Act of June 12, 1960 in three places, provides that moneys allocated from the fund established by the bill shall be used in conformity with the 1960 law, and states that implementation of the bill's programs shall be subject to the Multiple Use Act. Thus, I am assured of the adequate safeguards of such other forest uses as recreation, grazing, watershed, fish, and wildlife management. Both the Secretary of Agriculture and the Chief of the U.S. Forest Service have affirmed that nothing in the bill threatens the multiple use-sustained yield concept and that activities under the measure would conform to those policies.

Second. Opponents claim the bill precludes administrative withdrawals of national forest lands into the wilderness system.

My answer is that the bill contains no land classification provisions whatsoever and the committee report specifies that the bill shall not interfere with existing procedures for the designation of wilderness prescribed by the Wilderness Act of 1964.

There are about 186 million acres of national forests. Yet, the provisions of this bill could affect only about two-thirds of the 97 million acres of commercial timber lands not already set aside by moratoria, administrative decisions, or subjected to modified timber management practices. For example, the five great national forests in southern California for 15 years have been administratively set aside for recreation and watershed and are not considered commercial forest land. The bill would do nothing to change this situation.

Third. Opponents claim the bill is not needed to assure adequate timber for lumber and plywood to build houses because high interest rates and tight money are responsible for the low level of homebuilding.

My answer is that this may be true now, but what will happen when housing construction reaches socially desirable levels? If we do not profit by the experience of an upsurge in lumber and plywood prices which occurred just a year ago in anticipation of an increase in homebuilding, then we are doomed to witness history repeat itself and face the

unpleasant consequences of too few houses and too high prices. In fast-growing areas of the country, such as southern California, citizens will then be inquiring of their Congressmen why we did nothing to avert such a crisis.

Fourth. Opponents claim there would be no shortage of lumber if we did not export 4 billion board feet of lumber to Japan.

My answer is that this country exports 2 billion feet of logs and 1 billion feet of finished products, but it is a net importer of lumber. Six billion feet of lumber is imported from Canada, mostly for homebuilding. For years, imports have exceeded exports and have risen at a higher rate. In fact, because the American lumber and plywood industry was hurt by the export competition for the logs they buy, they supported enactment of a law which now limits the volume of unprocessed softwood logs that may be exported from Federal lands in the West. To totally restrict exports involves many problems with our world trade.

Fifth. Opponents claim that no public hearings were held on the bill.

My answer is that this bill originated as the result of several days of hearings held last year by both House and Senate Banking and Currency Committees. The original bill was revised after further hearings by both House and Senate Agriculture Committees and then reported from the House Committee on Agriculture by a 23 to 1 bipartisan vote. It is highly unfortunate that many of the objections raised against this bill appear to be aimed at one of the earlier versions.

Sixth. Opponents claim that private industrial forests are badly managed and that we should look to them, not public lands, for further production increases.

My answer is that more than 50 percent of the Nation's inventory of softwood sawtimber is in national forests yet they contribute only 30 percent of the total U.S. annual harvest. On the other hand, private industrial forests with 16 percent of the inventory contribute one-third of the harvest.

I am informed that some progress has been made in developing nonindustrial private lands. However, these timberlands are of all sizes, in millions of ownerships and chiefly important for their production of hardwoods, all of which mitigates against significant growth and production increases of softwood sawtimber.

Seventh. Opponents claim mass housing construction will use other materials than wood.

My answer is that the rising volume of total housing units continues to increase the demand for lumber and plywood. Also, wood products continue to be more economical than substitute materials. Most wood substitutes involve depletable raw materials. Furthermore, consumer choice of construction material and dwelling patterns can hardly be legislated. The fact is that by denying adequate and economic supplies of lumber and plywood, housing is denied.

Eighth. Opponents say that lands already bare should be reforested.

My answer is that, because private industrial forest lands are generally already intensely managed, the reference must pertain to our public lands.

The bill specifically provides for "obtaining regeneration at the earliest practical date after harvesting, or after deforestation by fire or other catastrophe of better site lands, and for reforesting unsatisfactorily stocked better site lands." It is my understanding that for many years the Forest Service has received less than 50 percent of the funds it required for proper forest management. This bill is specifically directed at correcting this long-standing inadequacy. Nearly 5 million acres of barren land will be promptly reforested. Some 13 million acres will be given stand improvement treatment.

Ninth. Opponents claim this bill amounts to a raid on our national forests by a few lumber barons.

My answer is that, if I felt there was the slightest evidence to support this contention, I would be the first to oppose this measure. In fact, the whole purpose of the bill is to enable the competent, professional foresters of the Forest Service to upgrade their forest management policies in accord with sound conservation principles.

With some 10,000 firms in the forest products industries and the 10 largest comprising only about 17 percent of total sales, the historical perception of "a few lumber barons" has certainly faded. In fact, because of the larger firms' proportionately lesser dependency upon national forest timber, this bill will benefit to a greater degree many hundreds of smaller firms scattered through hundreds of rural communities in assuring them a more reliable, long-range source of raw material.

At this point, I wish to insert my letter to my constituents who have written me concerning H.R. 12025:

HOUSE OF REPRESENTATIVES,
Washington, D.C.

In regard to the Timber Supply Act, I have studied the material supplied to me by the Sierra Club and by the lumber industry, and with it, the proposed legislation and the report of the committee concerning it.

The Sierra Club admits that the bill covers only "commercial forest land" which is but 97 out of 186 million acres of the nation's public forests, and therefore does not affect the wilderness areas. But they express fears that Congress might change this in the future, which is true, but it is also true that Congress can do so whether or not this bill is enacted.

Opponents of the bill also claim that the "multiple use" concept will be evaded or destroyed by it. Yet the bill, and the committee report both lay much stress on the fact that the implementation of the Act shall be within the policy of the Multiple Use-Sustained Yield Act of 1960. I am sure the Forest Service personnel will not violate the law by ignoring this requirement.

The lumber industry has opposed the export of logs to Japan and was mainly responsible for placing a restriction on such export in 1968; and the fact remains that import of lumber has regularly exceeded the export of it.

Claims have been made that our lumber resources will be destroyed within less than a quarter of a century. This would put the lumber industry out of business and it is not sensible to believe that they would thus contribute to their own demise, nor is there any evidence that the government would allow it. In fact, the Act of 1960 and the proposed bill both call for timber productivity consistent with "the multiple use-sustained yield" concept, which means that cutting can only proceed at a rate which will not exceed what can be regenerated within the growth cycle planned; thus assuring that a constant and perpetual forest shall result.

I am convinced that the Forest Service will assure compliance with the law and that our forests will be protected. They will insist on selective logging wherever the specie of lumber permits. Some species do not permit it and must be clear-cut, but these areas will be immediately reseeded and fertilized for most rapid growth. I believe that the result will be more accessible forest areas for greater enjoyment by more people, with increased wild life and more usable water. This is in accordance with proper utilization of public property, and therefore, I must support the measure.

JAMES B. UTT,
Member of Congress.

THE HANDLING OF CRIME

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. MIKVA. Mr. Speaker, in 1969 we witnessed both the increase of talk about crime and crime itself. The unremitting growth of violence and criminal behavior sickens and alarms all law-abiding citizens. I, too, am deeply troubled by the inability of our society to forcefully and constitutionally tackle the crime problem.

In the wake of increasing frustration over dealing with crime, some have stumbled upon simplistic programs to combat crime. Unfortunately, crime is not a simple problem; consequently, it does not admit of simple solutions.

Because my colleagues desire to find realistic and effective measures for ending the crime war in the United States, I commend to their attention an excellent article by Mr. Richard L. Strout. Mr. Strout presents some thoughtful criticisms of hasty, rhetorical "solutions" for the handling of crime.

The article, which appeared in the January 16 issue of the Christian Science Monitor, follows:

THE HANDLING OF CRIME

(By Richard L. Strout)

WASHINGTON.—It would be a lot cheaper to meet the local crime problem, perhaps, by just putting criminal suspects in jail and keeping them there until judges and juries get around to hearing the cases—maybe in six or 12 months—than to reform the whole system of slow criminal justice in the local courts across America so that the suspects get a trial right away.

Attorney General John Mitchell wants to put the suspects in jail, or, at any rate, put some of them there under "preventive detention." They could be tried later on. He would speed up criminal justice, too, or try to, and would appropriate additional sums for the states and cities through federal grants for the purpose. But there could not be very much money for that with Vietnam costing $30 billion-a-year.

Also handling crime, for the most part, is a local problem. The federal government does not step in to deal with a pickpocket or murderer except in rare cases. Mr. Nixon

in running for the presidency in 1968 made it look somewhat simpler than this; he implied that with strong leadership and with a change in the Supreme Court, and with stepped-up wiretapping and bugging, and with some other procedures that would not cost very much, a great deal could be done to stop crime in a short time. Since then the Justice Department says that Mr. Nixon's plans for a Cabinet-level national law enforcement council, to set up a national academy of law enforcement, and to promote a series of conferences of the town-hall type on crime prevention, have been dropped. But he has submitted an anticrime package to Congress.

Mr. Nixon has been in office a year and the crime rate has not gone down and the situation in the District of Columbia, which is the only city where the federal government has direct responsibility for combating crime, has got worse. For the nation the rate of serious crime has jumped 11 percent, a new all-time high, and for the District of Columbia, 29 percent, also a record.

The Democratic-led Congress recessed last month without passing any of Mr. Nixon's anticrime bills, and on the day it recessed Washington had 80 robberies—a record. Crime has become almost an obsession in the capital. It is the affluent who discuss it most, but it is the poor who are the chief sufferers; in many of the slum areas stores are being closed because proprietors are afraid.

Democratic leaders in Congress argue that Mr. Nixon got his anticrime bills up late, and that they require a good deal of consideration. What seems to be in process is a competition between parties for the leadership in fighting crime, which could be a good thing if it takes a constructive form. But there are these problems:

In New Jersey, federal judge Robert Shaw has just released 1,200 pages of unevaluated transcripts of alleged Mafia conversations gathered over years by what appears to have been illegal federal wiretapping and listing many people who may or may not be guilty, and other third parties who may or may not be innocent. The release of these documents may make them inadmissble for evidence, and their presence could even permit the real culprits to go free. Is this the right way to proceed?

Again, as stated above, crime is mostly local. Wiretapping may stop organized crime, but the teenager who snatches a woman's purse may not even have a telephone. The longer one studies the problem the more difficult it appears for the federal government to handle it; that is, save in the District of Columbia.

Mr. Nixon's proposals for fighting crime do not, oddly enough, include a tightening of the federal firearms control law, against which there is a strong, well-financed and articulate lobby. The Justice Department in 1968 said that a state like Pennsylvania that had a "strong" gun law had murder rates (1968) of only 4 per 100,000; Massachusetts 3.5 and so on; whereas states with "weak" gun laws had much higher rates: Arizona, 6.5; Nevada, 5.5; Texas, 10.6; Mississippi 9.9; Louisiana, 9.5 and so on.

The Mitchell preventive detention recommendation may pass Congress, but it is called unconstitutional by the American Bar Association, and condemned unanimously by the Commission on Violence, under Dr. Milton Eisenhower.

And finally, the cost: Mr. Nixon in 1968 repeatedly argued that crime should not be linked with social conditions: "We cannot explain away crime in this country by charging it off to poverty," (May 8, 1968) whereas the 13-man Eisenhower commission, composed of such people as Senators Hart and Hruska, Judges Leon Higginbotham and Ernest W. McFarland, Archbishop Terence J. Cooke and so on, put their emphasis on long-range social improvement. For this they recommended increasing average annual general welfare expenditures by $20 billion (after the Vietnam war, of course) and the regulation or elimination of 90 million firearms which they said are now loose in the heavily armed American public.

CONGRESSMAN RICHARD OTTINGER URGES IMPLEMENTATION OF VOLUNTARY MILITARY SERVICE

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. LOWENSTEIN. Mr. Speaker, as you know, I am a sponsor of the Volunteer Military Manpower Procurement Act of 1969, an act that would provide for transition to a voluntary Army. Many of us here and elsewhere have pointed out that there are all sorts of compelling reasons for instituting an all-volunteer military force at the earliest practicable moment. It is becoming increasingly apparent that if we improve the economic and educational benefits of those in the Armed Forces and create new programs to attract more men into military careers, a voluntary system could be implemented in the very near future. What a blessing that would be for the young men whose lives are now subject to disruption, for their families, and for the Nation.

One of the leading congressional proponents for ending conscription and implementing a volunteer military force is Congressman RICHARD L. OTTINGER, whose diligence and good sense have earned him such great respect and affection among his colleagues. Last month Congressman OTTINGER, in a speech to the Reserve Officers Association in his district, made one of the finest statements for a volunteer Army that I have seen in a long time. I include it in the RECORD at this point in the hope that many Members of the House will take time to read it as the problem of the draft comes closer to legislative review at last:

VOLUNTARY MILITARY SERVICE

(Speech of Hon. RICHARD L. OTTINGER, of New York, Westchester Chapter, Reserve Officers Association of the United States, Harrison, N.Y., January 29, 1970)

Two centuries ago Thomas Paine observed that "those who expect to reap the blessing of freedom must, like men, undergo the fatigue of supporting it." Since those words were written Americans have been called to arms on numerous occasions to defend our freedom, independence, territorial integrity and what have been believed to be national interests.

Although military service was voluntary for most of our early history—except for a brief period during the Civil War—there has been a generally increasing dependence on conscription during the 20th century.

We are now at the point, however, where our national priorities and military manpower needs are being subject to close scrutiny and re-examination. I believe we are moving toward a definitive debate on the efficacy of a volunteer military service. This is particularly true as, shortly, both the report of the exhaustive Pentagon study of Defense Department manpower policy, begun in 1968, and that of the "blue ribbon" commission—the Gates Commission—appointed by President Nixon in March 1969 to study the feasibility of changing to a volunteer army system after the end of the Vietnam war, will be released.

Furthermore, I believe we are just about at the point where we would be able to meet our military manpower needs on a volunteer basis. Such a system, however, must be consistent with our national interests and flexible enough to meet emergency situations.

There may be times when conscription is the only alternative to destruction but this should only be a last resort. Routine military needs and limited crises like Vietnam should be met by volunteers. One advantage of having volunteers is improved quality. The present draft system is designed only to provide large numbers of men whereas a volunteer system would provide an efficient military force, emphasizing quality rather than quantity.

Establishing a volunteer army for other than major wars becomes increasingly feasible. Looking at just raw numbers, it quickly becomes apparent that the volume of potential volunteers is steadily growing. In the early 1950's, for example, there were some 1,100,000 ment of draft age each year. Last year this figure rose to 1,800,000 and by 1975 it is expected to be up to 2,100,000.

The increasing sophistication of modern military technology has restructured the nature of manpower needs and a large percentage of draftees—who do not usually become highly skilled technicians—are not able to fully meet the Armed Services' requirements, even though today's educational level in the military is significantly higher than what it was 10 or 15 years ago. Although faced with competition from private industry, the military services should be able to obtain the educated men needed to handle our missiles, atomic submarines and mammoth aircraft carriers. In addition, the military has already demonstrated its ability to train personnel in various fields of advanced technology.

A volunteer military force is viable and could be sustained *if* our military men are given an increased and *living* wage, plus increased educational opportunities, better housing and other benefits not now available to them. Do you realize that, today, an entering private in the Army makes just slightly more than a Rumanian peasant on a collective farm?

I have long felt that a man asked to risk his life should at least be paid the minimum wage. A private is only paid 80 cents an hour as compared to the minimum wage of $1.85. This certainly isn't much, even if you add $117 a month for food and housing.

Some may object to the increased costs of the pay and benefits needed to attract volunteers but these should be offset by the decreased need and costs of training facilities and the elimination of the huge costs and inefficiencies of high turnover offered by career service. The Army currently has an annual turnover rate of 17 per cent. The men who leave must be replaced with other men whose training for the various positions they must fill often lasts well beyond one year. I am sure that most manpower experts would agree that, by using men who enjoy their work and are suited to their jobs, the efficiency of the Armed Forces would be greatly increased and the number of men needed for each job would be significantly reduced. This high turnover rate also causes many of the services' most experienced personnel to be tied down in training new recruits.

Another important factor in favor of establishing a volunteer army is that of morale. The aura of compulsion attendant to the draft carries a negative psychological influence over to the military as a whole. A volunteer system would, I feel, improve military morale and the popular attitude toward the military career enormously. In this age of confrontation, the elimination of compulsory service would free the military from dis-

ciplinary problems which have occupied so much of its recent attention.

As I noted at the outset, however, any volunteer system must be flexible enough to effectively cope with national emergencies and must be adaptable to the exigencies of our rapidly changing world. Furthermore, a volunteer army would always be limited in size by the number of people desiring to serve in the Armed Forces. I propose, therefore, that the present registration of young men at age 18 be continued. This would make it possible for us to return to a draft system rapidly should our manpower needs so dictate during a national emergency or war.

Some express fear that a volunteer army would be composed of mercenaries, that we would have a professional military that might become a threat to our governmental system. Nonsense! Officers, not enlisted men, who cause military coups are already professional career men. It must also be remembered that the Commander-in-Chief, the Secretary of Defense and the secretaries of the military services are all civilians and that all money given to the military must be appropriated by the Congress.

Others object to a volunteer army on the premise that it would be predominantly black. This, too, is spurious, in my opinion—there are many more poor, unemployed whites than blacks in the country to whom a military career would be attractive. It must also be remembered that the percentage of Negroes in the entire country is little more than 10 per cent.

For the past several years the pros and cons of a volunteer army has been discussed back and forth. Some questions have been satisfactorily answered while new ones have arisen. It becomes increasingly clear to me and to many of my colleagues in the Congress that the arbitrariness and inequities of the draft system are virtually tearing the very fabric of our society and are a major cause of the discontent among today's youth. We have arrived at the time when full, careful and serious consideration can and should be given to abolishing the draft and substituting a voluntary system. I am not saying that this should be done tomorrow or next month or next year. I am saying, however, that the Pentagon and Gates Commission reports must be given careful examination and acted upon as soon as practicable. The American people must be given the opportunity to hear all sides of the debate and to make their feelings known on the subject. The proposal will be workable only if it is preceded by careful thought and planning. Suitable and realistic arrangements for transition pay scales, promotions, training and other professional incentives must be examined and solutions will not be found overnight.

The time to begin, however, is now. Long hours and much labor will be invested in making all sides of the issue clearly understandable to the American people and I am confident that, in the final analysis, there will be overwhelming public support for a volunteer system. I cannot agree with those who would characterize the concept of a voluntary military service as "impossible." It is not only technically possible to implement but would most certainly be in keeping with the American tradition of encouraging individual freedom of choice.

SCHOOLCHILDREN WORRIED ABOUT POLLUTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BROWN of California. Mr. Speaker, concern over environmental problems continues to increase throughout our Nation, and recently I received a group of letters sent to me by sixth grade students of Holy Family School, in Wilmington, Calif.

I am quite impressed with the deep thought shown by these young students, and by the tone of their pleas for positive action.

I agree with the Holy Family students that real action is imperative, and I shall continue to press for the strongest Federal programs and policies designed to enhance environmental quality.

These young Americans are looking for strong action against air pollution, and I would like to insert their letters in the RECORD at this point:

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. CONGRESSMAN: When we pupils of the sixth grade started to do things about smog and air pollution. I decided to write to the mayor. After I made the letter, I heard that you had more power. So know I'm writing to you. Please try to do something about smog and air pollution before I die.

CRISTY PACHERD.

P.S.—Please answer my letter.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: I am very interested in this air pollution problem. I am a sixth grader and don't want to die before my time. I know you have more power than I will ever have so I am asking you to try to pass a stricken law to try to do away with smog. This problem is killing many people in Southern California. I trust you to try to do the best you can about this problem. Please help us.

Yours truly,

CYNTHIA MAESE.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: I am a sixth grade from Holy Family School. On January 26, 1970, we were discussing the subject of air pollution and thought there should be something done about it. We hope you care role in this problem. For example: making speeches in our school, puting up signs, and spreading the news to others. Won't you help too?

Sincerely yours,

DEBRA MEDIANO.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

MR. CONGRESSMAN: About three days ago we had a discussion about Air Pollution. There should be something done about it. Plants and other living things are dying because of Air Pollution. We want clean air, everyone wants to live. We can't do it by ourselves. We need help.

Sincerely,

CAROLYN FLORES.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: I am a young boy at Holy Family School and my class and I have just finished reading about smog and how we are in danger with smog. Smog is very bad for our lungs and it can kill us so please help us stop smog, so that we can live a long life breathing clean air.

RONNIE RUIZ.

HOLY FAMILY SCHOOL.

DEAR MR. BROWN: I am in the sixth grade at Holy Family School. I know you are a very good congressman and I hope you will be a very good smog killer. I just wish you do something about that smog. Because that smog is killing a lot of people and ruining our lives. Pretty soon we are going to wear oxygen masks. We do not want all of this so please stop this air pollution.

RONNIE MEDIANO.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

MR. BROWN: I go to Holy Family School and I am 11 years old. Our class wants to do something about smog because it is killing many people most of the smog comes from automobiles and factories we want you to do something about it. Thats why I wrote you this letter.

TONY VVEA.

HOLY FAMILY SCHOOL,
Wilmington, Calif., January 29, 1970.

DEAR MR. GEORGE BROWN: I am a sixth grade girl. I am writing this letter to tell about air pollution. Air pollution is killing and getting us sick. My brother getting sick and he is just beginning to live but he can't because of air pollution. When there is air pollution I get all kinds of headaches and it hurts my head so much I feel like it's going to explode. So please Mr. Brown stop air pollution because I can't live comfortable and neither can the people.

Your truly,

BELINDA BROWN.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: I am a sixth grader from the Holy Family school.

We want to ask you for help to get rid of smog, because each day there is more smog than ever.

People are getting sick because of smog, and if you get rid of smog we will have a longer and happier life.

Truly yours,

YOLANDA REVILLA.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: I want to tell you what smog and pollution are doing. It is killing animals and plant life. And it is killing a lot of people that's what pollution does. This is what smog does it makes peoples lungs black inside and it makes them weaker. And if you don't try to stop the smog and air pollution the people of Los Angeles and all of California might die because of the smog and pollution.

RAYMOND MADRIGAL.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: I'll get right to the point. Smokestacks, automobile exhausts, garbage and industrial waste is polluting the air we breathe. Something has to be done about air pollution. We're all depending on you don't let us down. Help us end this pollution.

CHRIS RIVERA.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: I am a sixth grader in Holy Family School. I have heard about the stuff that air pollution does to the people and animals. I hope you are doing something about it. I don't want to die soon. There are many people dying and many animals too. California and New York have more smog than anyone else and that's because nobody does anything about it. I care not just for me but for everybody else. With all these letters we are sending you I hope you'll think about it.

Sincerely yours,

ROSIE DUARTE.

HOLY FAMILY,
Wilmington, Calif., January 29, 1970.

DEAR MR. GEORGE BROWN: I am a Sixth Grader in Holy Family School. I have heard all about smog what it does to people, and I want you to do something about it.

Factories don't want to help to spend more for this dreadful smog, and it is killing people. Our class is making posters protesting smog, and giving speeches to our PTA.

Sincerely yours,

MARGARET CORTEZ.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: Please do something about water and air pollution. People may die due to smog. California is one of the states that has the greatest smog area. Air pollution destroys crops and the fruit we eat. Pretty soon there isn't going to be drinking water for us or fresh clean air.

MARIO B. MUNOZ.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: I hear you are an important man in our country. I know a way you can be better. See we have a problem here, and that is air pollution kills so many living animals and people especially babies and children. They don't live as long as grown-ups because they have always breathed smog. To not be able to die we would have to hold our breath. Even if we hold our breath we will die.

Sincerely yours,

KERI SHIMIZER.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

Congressman BROWN: I am a sixth grader at Holy Family School. The pollution problem hit California suddenly because of the bad air in the atmosphere. Many people even maybe yourself do not take in consideration about the problem California has. So we should act fast. What are we going to do to stop pollution? Please take into consideration what I have said.

Sincerely yours,

SYLVIA RIVAS.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

MR. GEORGE BROWN: I am a 6th grader student and trying to do something about air pollution. You are real important to us 6th graders please help us!

SANDRA VILLESCAS.

P.S.—Think about it!!!

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: I am in the 6th grade. Do you like smog or air pollution? I don't so I'm asking you to help stop air pollution. Please try to tell the people to help stop air pollution. Please because it is dangerous to everyone & everything.

Yours truly,

LINDA ISLAS.

P.S.—Please try to help.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: My name is David Quintana of the sixth grade, I have heard what air pollution does to us. I think you should help us fight against it and, I need your help because without it nothing will be done. Please answer my letter.

DAVID QUINTANA.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

MR. BROWN: I am a sixth grader at Holy Family School. Our class is trying in our power to stop air pollution. We care and I hope you do too. I want to live a long life and everyone else does too. We have made speeches and posters and posted them at our school. We are trying as much as we can. I don't want to die so early. I'm sure you don't either.

Thank you.

MARTHA ———.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: I've heard a lot about pollution. I think there should be a law to it. You've got power to try to do something about it. We're doing our part in this problem; for example; putting up signs, making speeches in our school meetings, and spreading the news. I'm a sixth grader and have a great amount of faith in you. Please help us.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: It is my first occasion to right to somebody such as you. But that isn't what I want to talk about. I want to talk about air pollution. As you know this is a very serious thing and something should be done. I'm in the sixth grade and I and my brother and sisters will be the ones who will be affected by it. So if you care about the future you will please try to help.

Sincerely yours,

JOHN PAUL BARYCHI.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. BROWN: I am a sixth grader at Holy Family School. My class is very concerned about air and water pollution. Smog is one of the reasons we lose our forests, smog and water pollution kills fish and wildlife, and experts say if we don't do something about pollution we won't have any clean air to breathe or clean water to drink. Smog does not only pollute the air but by breathing this polluted air we also pollute our lungs. I don't want to have a shorter life, do you? I urge you and plead with you to make stricter laws and restrict the use of any gasoline that hasn't been treated so that the cars don't make as much smog.

Sincerely,

TERRY LONG.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR GEORGE BROWN: I am a sixth Grader and I do not think it is fair for us little guys to breath too much of that smog and air pollution. I think you should make California a better place to live in. That is why you were elected consul so you could make California a better place to live in. If you do not do something somebody else will take your office. So think about it do you want your office or do you want someone to take it away from you?

Sincerely yours,

ROBERT VALLADULID.

P.S.—Think about it.

HOLY FAMILY SCHOOL,
Wilmington, Calif.

DEAR MR. CONGRESSMAN: I am a Sixth Grader from Holy Family School. I am very worried about the problem of Air Pollution. Our class is trying to do our part. We are making posters and speeches. We also are going to say our speeches at our PTA meeting. And this Air Pollution is going to kill somebody if you don't do something about it. So Please put forth an effort.

Thank you.

Yours truly,

COLLEEN LOPEZ.

HOLY FAMILY,
Wilmington, Calif.

DEAR MR. CONGRESSMAN: I am a sixth Grader of Holy Family, I am writing this letter to tell you about air pollution. If you watch television you know that air pollution kills people. I don't want to die at the age of eleven, so try and stop air pollution by making the refineries make gas like F–310 the gas to stop air pollution. Were going to help (the sixth grade) by making posters and taking them to the P.T.A. and hanging them up around our school we hope you can do something about air pollution. We wish you luck.

ANA MARIA ZACARIAS.

P.S.—Don't forget to talk to factories about changing there gas to F–130 and don't forget we're doing our share, please do yours.

GALLAGHER FILES DISAPPROVAL RESOLUTION ON PRESIDENTIAL REORGANIZATION PLAN TO CREATE OFFICE OF TELECOMMUNICATIONS POLICY AND CITES NECESSITY FOR ASSURANCES ON COMPUTER PRIVACY AND CONGRESSIONAL EQUALITY IN USE OF FEDERAL TELECOMMUNICATIONS SYSTEM

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. GALLAGHER. Mr. Speaker, the computer is badly misnamed and I offer today my proposal to change it to the "communicator," for its role is now far more than merely being a computing machine. It forms the heart of virtually every farflung communications system and unless we regard it in that way and shape national policies accordingly we will sadly underestimate the damage it can cause to the American society.

I make this suggestion as a prelude to discussing the reasons why I am filing today a disapproval resolution on Reorganization Plan No. 1 of 1970. While the computer is not mentioned in the President's message accompanying the plan, it is implied in virtually every paragraph.

Let me immediately make it clear that I believe increased Executive Office concern over telecommunications policy and computer communications systems is a salutary step and I applaud President Nixon for his initiative. At the same time, however, it is apparent to me that the issue of computer privacy is at least as important as that of increasing the efficiency and economy of Federal communications. In addition, I believe the Congress has been discriminated against in the use of the free phone service provided under the Federal telecommunications system.

Since the summer of 1966 when my Special Subcommittee on Invasion of Privacy held hearings into the Bureau of the Budget's suggestion for a national data bank, I have been concerned about the ramifications of computer technology. The computer is more than a superfast adding machine and it is more than an automated filing cabinet. I am being neither metaphorical nor figurative when I say that it should be called the "communicator." It sends, receives, and stores data; it switches messages; and it allows access from anywhere in a nationwide system. Unless and until we recognize the true role of the computer, we will badly misjudge what it has done and what it can do.

CONGRESSIONAL EQUALITY IN USE OF FTS TELEPHONE PRIVILEGES

Mr. Speaker, almost all clerks within the executive branch may use the FTS

system practically any time they wish. Members of executive branch advisory boards and panels can make virtually unregulated use of the system, no matter from what phone they may be calling. Yet, Members of the Congress of the United States do not have access to this system from 9 to 5 on weekdays and we are restricted to special telephones within our own offices here in Washington. In my judgment, this is serious discrimination against the allegedly coequal legislative branch. I think that in order to exercise our congressional responsibilities, which frequently mean immediately gathering data with which to evaluate executive branch proposals, we should have an equal footing.

To return to the "communicator" in this context, let me point out that one of the major recommendations contained in the Committee on Government Operations August 1968 report "Privacy and the National Data Bank Concept," based on my privacy studies, is that the Congress, through standing committees, must have equal access to any eventual national data bank system. To quote from that report:

> The national data bank would give the executive branch an allegedly powerful statistical aid in the creation of legislative proposals. In order to evaluate fairly the legislation suggested by the executive branch, the congress must have the advantage of access to such a system. The viability of congressional alternatives to executive branch programs would be greatly enhanced and the growth of executive power would be accompanied by a counterbalancing growth in congressional capability.

To put it bluntly, if the executive branch has unlimited access to the FTS, the legislative branch must also and the Office of Telecommunications Policy should be directed to devise a policy, immediately after it is established, to put us on an equal footing.

PRIVACY AND INTEGRITY OF DATA IN COMPUTER/COMMUNICATIONS SYSTEMS

Mr. Speaker, I am taking this rather technical step of filing a disapproval resolution to Reorganization Plan No. 1 of 1970, submitted by the President on February 9, not because I believe it is a bad plan or that it is not necessary. Quite the contrary, it is long overdue and the Office of Telecommunications Policy should permit the Federal Establishment to deal better with the dislocations that are the undeniable result of increasing our ability to communicate information. But unless it includes a sober and reliable consideration of computer privacy and integrity of the information flow, it will probably be outmoded before it is established. Naturally, I do not regard the Office of Telecommunications Policy as the perfectly ideal place for privacy concerns to be brought forward, but I would hope that, since the new Office is the issue in the reorganization plan and as I mentioned previously, we cannot go forward to guarantee greater efficiency and economy without a corresponding concern over the people whose information will be communicated, it is essential for the privacy question to be raised. In addition, it is essential that the question of congressional right to draw upon sources of information we consider, important, no matter where they may reside geographically, be part of any reevaluation of emphasis on telecommunications policy.

I am therefore, Mr. Speaker, coupling these two necessary and, in my view, wholly logical objections together as my grounds for offering the disapproval resolution. I would hope to be reassured by the executive branch that both these issues will be a focus of the vitally needed Office of Telecommunication Policy. All too often we have allowed technological advance and interests to go forward with little thought of the consequences to human values and democratic institutions; I am compelled to insist that they be considered as we centralize responsibility and make stronger the executive in the matter of telecommunications policy.

Mr. Speaker, much of the justification for establishing a stronger Office of Telecommunications Policy was summarized in the Washington Post of February 10, 1970. I insert that article into the RECORD at this point:

TO AMPLIFY EXECUTIVE VOICE: NIXON PLANS OFFICE OF COMMUNICATIONS

(By Robert J. Samuelson)

The White House yesterday proposed the creation of a new office to oversee the government's vast communications network and give the executive a stronger voice on important issues of communications policy.

Most of those issues would still be settled by the Federal Communications Commission—the independent regulatory agency established by Congress in 1934—but the White House apparently hopes that presidential recommendations would carry weight with the FCC.

Though yesterday's official announcement did not specify what policy questions would be explored by the new office, a confidential memorandum, made public in late 1969, named a few likely possibilities: cable television, the nation's telephone system, and the rising communications demands of computers.

At a press briefing yesterday, White House officials indicated that the new office would steer clear of specific regulatory disputes—the disposition of radio and television licensing disputes before the FCC, for example.

The President's plan for the office will automatically go into effect in 60 days unless disapproved by one house of Congress. White House aides, who have discussed the proposal with key Congressmen, report no signs of significant opposition.

If it is established, the new office is likely to turn first to the government's own extensive communications apparatus, knowledgeable sources said yesterday.

The U.S. government is the largest consumer of communication services in the world. Last year, according to official figures, private lines leased from the major common carriers (primarily the American Telephone and Telegraph Co. and Western Union for domestic services; and AT&T, International Telephone and Telegraph, Radio Corporation of America, and Western Union for international services) cost the government about $460 million.

Moreover, private communications and electronics equipment (including computers) represents a mammoth annual investment—about $12.8 billion in 1969 alone.

Just how this enormous network should be regulated has been a source of constant controversy within the government. And whatever approach is adopted obviously has an important fallout on the communications industry.

The new Office of Communications would displace the existing Director of Telecommunications Management (DTM), which currently supervises the diverse communications requirements of different government agencies.

DTM has been criticized for being too passive in its oversight role. For example, DTM allocates parts of the radio spectrum among different governmental users, but a 1968 presidential commission found that the office lacks "clear authority" to make binding decisions.

WHAT A HERO SHOULD BE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. LONG of Maryland. Mr. Speaker, the war in Vietnam has left many Vietnamese children homeless and uncared for. Life for 50 such orphans in Brien Hoa was made a little easier by CWO Erwin A. Martin, of Maryland, who directed the installation of a new water system for the Mau Than Orphanage.

I wish to commend his fine service by including the following article in the RECORD.

[From the Havre de Grace (Md.) Record, Feb. 5, 1970]

WHAT A HERO SHOULD BE

When you become thirsty, it's a simple matter to obtain a drink of water by merely turning on a faucet.

But, suppose when you needed that drink you were forced to walk from Aberdeen to Havre de Grace or Bel Air to obtain it!

Such was the case of 50 Vietnamese orphans, until a former Aberdeen serviceman decided to do something about it!

Chief Warrant Officer Erwin A. Martin, who formerly headed the Welding Branch of the U.S. Army Ordnance Center and School at Aberdeen Proving Ground, will long be remembered by the diminutive occupants of the Mau Than Orphanage, located in Brien Hoa, in the Republic of Vietnam.

The children will sing his praises in their little songs throughout the day—for the warrant officer was responsible for bringing them the life-sustaining water at a time when it was sorely needed.

The serviceman was assigned to the Phot Loi area in the strife-torn country and, in his own words, "it all started with some milk."

Temporarily serving as a company mess officer, Martin discovered some outdated powdered milk in his storehouse. Feeling it might in some manner benefit area residents, he inquired as to whether an orphanage was located in the vicinity.

Somehow, word spread to the orphanage and the Reverend Joseph Tuyen, priest in charge, visited CWO Martin and told him of the need for the milk at his institution. It was when Martin delivered it that he noticed the orphanage had no water supply—the only area well having long since run dry.

When the serviceman learned that the small children were taking turns in hiking to a neighboring town for their water supply, he made an instant decision to remedy the hardship.

Martin recruited members of his company as volunteers to assist in digging a new well, using equipment supplied by the 92nd Engineering Battalion. After completing the shaft, his workers installed a sturdy supporting lining and a completely automatic water system.

As a steady stream of water began to gush from the pipes, both children and area residents became jubilant, and marked their joy with an impromptu celebration in honor of the warrant officer and his buddies—their benefactors.

A short time later, however, the warrant officer's unit was sent back to the States but Martin was transferred to Saigon, where he currently serves as a member of an advisory team for promoting better rapport with the Vietnamese.

Before departing for his new assignment, he turned the orphanage project over to CW3 Ludwig J. Scherer, of the 549th Maintenance Company. Scherer had served with him at the Proving Grounds.

The entire population of the area turned out to bid Martin farewell, as he departed.

Born in Germany, the warrant officer has 16 years of Army Service. His wife, Katie, a native of Holland, resides in Aberdeen with their two daughters.

In the annals of the U.S. Army down through the years, there have been many great heroes identified. In Vietnam, though there are those U.S. heroes who remain unsung.

Except for the Brien Hoa area of that country, where the children have created their own image of what a hero should be. They know him as Chief Warrant Officer Erwin A. Martin.

AMBASSADOR GRONOUSKI DISCUSSES WARSAW TALKS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. PICKLE. Mr. Speaker, John Gronouski, the former Ambassador to Poland, has recreated the flavor and the substance of the delicate negotiations between the United States and Red China.

In the January 19 issue of the National Observer, Terrance Shea interviewed the Ambassador and captured a moment of history that will be useful, perhaps, as the talks with Red China are resumed. Whatever position one takes in regard to Red China it is good that we talk and visit and try to understand each other as nations and as individuals.

Dr. Gronouski most recently has embarked on a new phase of his career. He has been named dean of the new Lyndon B. Johnson School of Public Affairs at the University of Texas, in Austin.

At this time, Mr. Speaker, I would like to reprint the article from the National Observer in the RECORD. The remarks of this learned man will be of particular interest to the serious students of the 134 separate informal talks held between this country and Red China.

The article follows:

FORMER AMBASSADOR GRONOUSKI'S INSIDE VIEW OF DIPLOMACY: FACING THE RED CHINESE IN WARSAW TALKS

(NOTE.—John A. Gronouski served as U.S. ambassador to Poland from November 1965 until May 1968 when he resigned to work in Hubert H. Humphrey's Presidential campaign. Previously he had been Postmaster General, the final Cabinet appointment made by President Kennedy.

(Mr. Gronouski earned his undergraduate and doctoral degrees from the University of Wisconsin, and served in the Army Air Force during World War II. He taught at the University of Maine in Orono, Wayne State University in Detroit, and Roosevelt University in Chicago, and was a research director and tax commissioner of Wisconsin before his appointment to the Cabinet.

(A relaxed, informal man—when he was Postmaster General, he says, he could never remember to mail letters—Mr. Gronouski, 50, his wife, Mary Louise, and their two teen-age daughters will soon move from Washington, D.C., to Austin, Texas. Mr. Gronouski has been appointed dean of the new Lyndon B. Johnson School of Public Affairs at the University of Texas.)

This week the United States and Communist China renew a series of occasional meetings in Warsaw, Poland, after a two-year lapse. In 134 such sessions from 1955 to 1968, little apparent progress was made. Still, the informal talks are considered useful because of the absence of any other official diplomatic relations between the two countries. Because official secrecy has clouded the discussions, The National Observer invited John A. Gronouski, who represented the United States in the last two years of the talks, to relate some of the substance and flavor of the Warsaw sessions. Following is Mr. Gronouski's interview with staff writer Terence Shea.

I think the talks are important and I'm glad they've resumed. I think it's incumbent upon the most powerful nation in the world on one hand and the most populous nation on the other hand to have some sort of communication. And, given the idiocy of nations not having diplomatic relations because they aren't on all fours on issues, well, necessity is sort of the mother of invention, and this sort of evolved out of necessity. We can't ignore three quarters of a billion people, and they can't ignore a trillion GNP in power.

Beyond that, I think the talks probably have served a very valuable purpose in terms of letting each other know what was going on. . . . Rather than the sterile relationship that might come out of exchanging notes through a third party, we were able to actually thrash out back and forth certain kinds of problems.

Let me just tell you some of the flavor of the talks.

During the time I was there we met at the Myslewiecki Palace, an old Polish palace. One of the problems that always came up and that we discussed frequently—not the Chinese and us but the State Department and we who were in Warsaw—was the fact that you don't have any security at all when you discuss these issues.

It was pretty clear that part of what the Chinese were saying was not being said to us, it was being said to the Soviets. It didn't make any sense, for example, for them to go into extensive criticism of the Russians' role in the world *vis-a-vis* the Chinese, unless they felt that the Russians ultimately had access to these secret talks.

And, while I don't know that we designed any of our comments specifically for Soviet ears, there were times when I was hopeful that perhaps the Soviets were listening, just as in my embassy I was hopeful sometimes that the Poles were listening to my private conversations.

INEVITABLY, WE GOT THERE FIRST

Inevitably, we had our meetings at 2 p.m. on Wednesday afternoon. Inevitably, we got there first, whether we were late or not—which we weren't, of course. But they waited until we got there. I'll never forget coming to the palace one very icy day. We almost met at a street corner, and then they politely waved for us to come ahead. I met Gene Kramer, who was the Associated Press reporter at the time, and I said, "I've got a good lead for your story today, Gene: 'Today it became pretty clear that the Chinese and the Americans were on a collision course.'"

It was a good-size conference room. We each had our table, and we each had four people at the table: myself, an adviser who came from Washington (someone from the China desk), an interpreter, and a member of the staff who served as a secretary—a scribe taking notes.

If it was our turn to open the discussion, we would generally lead off with a reasonably short paper. The meetings lasted about three hours. We probably used up about half the time giving these papers.

This, in essence, was how we established our agenda. Either side brought in pretty much what he wanted to bring in, and from there on there was a surprising amount of back-and-forth, give-and-take discussion. We were much freer than they were in speaking off the cuff, raising questions in an extemporaneous manner. They tended to stick a little more to the script. They had an amazing amount of advance work done; they had big stacks of prepared responses to almost any questions.

[Q. They could just thumb through them to find their responses?]

They could just thumb through. We did a little of that—very little of that. We tended to be more informal and less cautious that we stuck to the precise party line.

You must remember that I was meeting with them at the time when the Cultural Revolution was at its height, and consequently they were obviously under great pressure to conform to the prevailing position of the leadership, and that was very difficult because I'm sure they didn't know what the prevailing position was at any moment because it changed so much.

Chen Yi, the foreign minister of China, was almost thrown out of office. The Red Guards broke into the diplomatic files and smashed them, so the poor fellow sitting over in Warsaw talking to the American must have really been a little bit worried about his status back home. Just talking to me made him suspect.

[Q. What were your personal impressions of the Chinese ambassador?]

I think he was a very bright fellow, very knowledgeable. When he did speak extemporaneously he spoke sometimes fairly heatedly but nevertheless he was articulate. He seemed—but I think that was a necessity of one in the job—he seemed to be terribly doctrinaire and terribly wedded to strategy papers, to strategy positions very carefully worked out. I had a sense that he was very concerned about the opinion of his young, bright interpreter.

[Q. The interpreter was perhaps a key man?]

I've always felt that he was the key staff man, rather than the adviser. My key staff man was not my interpreter. It was David Dean or [later] Paul Kreisberg.

But their interpreter was the key man . . . more important than the adviser. This was the time of the Red Guards, as I said, and the ambassador had a big Mao button, and the other ones had smaller Mao buttons, and they tended to say "as Chairman Mao said" and "in the words of our brilliant leader, Chairman Mao." They used the terminology of the time.

[Mr. Gronouski's last official meeting with the Chinese Communists, on Jan. 8, 1968, was conducted with their *charge d'affaires*, a post of lower diplomatic rank than ambassador.]

[Q. Rank and prestige do matter in these talks?]

That's the only problem I had with meeting with the *charge*. Not that it makes a damn bit of difference in reality, but if they feel—if they are not having an ambassador there for reasons that have something to do with the Poles or with something else, that's one thing. But it may be because they want to downgrade the talks.

That, of course, is of some significance. We ought to be very careful having successive meetings with the *charge*. It may give the connotation of downgrading the talks.

At any rate, the talks consisted pretty much of the two initial statements. Then we had back-and-forth discussion. We would clarify any misunderstanding we thought the other side had of the talks, we would re-emphasize

points we thought needed emphasizing. Ordinarily, at about 5 o'clock, about three hours later, I would quit talking. It always ended with me saying, "I guess I've exhausted everything I wanted to say, I'd just be repeating myself if I went on, so let's set the next meeting." I don't think they would have ever brought the conversation to an end unless I did. Whenever I answered them they had to—it seemed they were under some kind of compulsion to—answer me.

I have to say that ordinarily the Chinese set the date [of the next meeting], because we had flexibility and they did not, and we were anxious to meet more often than they were.

I might say, informally—I don't think it's ever been mentioned but I see no reason not to—invariably, the next day, the staffs would exchange notes to make sure that nobody misunderstood. That was done very informally, off the record. The talks did have a little more informality to them than is generally understood in that the next day our staffs would get together and exchange texts—the opening statements—and answer questions on interpretations of the give and take. We carried our notes over there. It avoided any danger of making some goof simply because we heard each other poorly.

[Q. You did get into some substantial issues during the talks?]

Oh yes, no question . . . Somehow [through the talks] you get a little better feel, I think, of their fears and concerns and aspirations, and I think they get a better feeling of ours. For example, I came away from the talks with a feeling—much as I attempted to allay this concern—with a feeling that the Chinese probably did have a real fear of the United States, a fear that was not just propaganda.

There was a lot of propaganda in their charges and concerns, but I felt there probably was a modicum of genuineness to this, that would have an impact on our thinking. At least I conveyed that to the President and the Secretary [of State] and the other policy makers. I think we probably did do some good in allaying concerns, and this is very difficult to measure, because what doesn't happen doesn't make news.

VIETNAM, OF COURSE

We did talk on the major issues that were clearly of concern to our relationship with each other. It doesn't take much genius to suggest that that would include Vietnam and all the other questions that pervade our involvement in Southeast Asia. I think it is a fact that while the Chinese participated in the Vietnam War, for example, in terms of supplies and equipment, and delivery of Soviet supplies and equipment, in terms of some 40,000 workers going into North Vietnam to work on road building and repairs and maintenance and so on, the fact is that we have yet to find the first Chinese directly involved in the Vietnamese War.

We see the Chinese in this whole Vietnam period, although they blasted us every day, nonetheless acting with some discretion. I don't know if the talks were helpful in this or not, but they might have been, because some of their concerns that this might be simply a feint aimed ultimately at China might have been allayed.

So I think the talks are very valuable from the point of view of holding out an opportunity to grasp very subtle differences.

[Q. The talks are exercises in interpreting subtleties?]

Yes, though sometimes I think we tend to overemphasize this. But there are cultural differences and historical patterns of action that obviously have to be considered to be the context within which these remarks are made, and in that sense this is why both sides took down very carefully every word spoken, and commentary on every raising of the voice of every occasional lighthearted entry. Simply because the China watchers—those who know more about China than I do; after all I'm not an "old China hand"—the China watchers were very hopeful to see signs that weren't spoken.

[Q. Your marginal notes must have been important to some people.]

No question about it. After the talks we all would immediately, and ordinarily independently, write down our impressions and our interpretations, and we would end up getting out to the Department that evening a telegram which gave the basic highlights of the talks themselves plus our commentary. Very often—and I don't want to get into detail here—but the thing that struck me on the last [Jan. 8, 1968] talk was that which was not said rather than that which was said. Certain subjects that had been raised antagonistically on their side just never came up during this talk. It seemed to me that this indicated at least a minor shift happening, and then all of a sudden the talks were broken off and I don't know what happened.

[Q. Were the talks always totally serious?]

I one time wore a Mao button on the back of my lapel.

[Q. Did you flip it over to show them?]

I think I flipped it over while shaking hands good-by to one of them and got a grin out of him.

[Q. Then they weren't completely humorless?]

Actually, they were pretty grim. The ambassador was pretty grim with us. I've seen him, though, at cocktail parties, very jovial and laughing it up. And we even had a report of a high Chinese official pinching a Western girl, so who knows what's happening among these "decadent" ambassadors and foreign-service officers from China—"decadent" in their sense as they communicate with the West. Ah, there are all kinds of ways to communicate. . . .

Once it was decided what was going to be said in the opening statement, we would quote Mao all the time, only we would take Mao's statements and then I would use them without identification as Mao's statements. One of their interpreters almost always caught it and gave us a broad grin. We would introduce a little fun of that sort into the talks.

I always made a practice to go over and shake hands with them and engage in some small talk, and tried to get them to have a cocktail with us occasionally, have dinner with us occasionally, but we never succeeded in getting them to do so. After I was there a bit I realized that the basic instructions were that we were not supposed to talk to them at cocktail parties. You know, we didn't recognize them.

But I remember going back and meeting with President Johnson and saying that I had invited these fellows to dinner—they haven't come—and to cocktails, and whenever we have a cocktail party that a third party puts on that we are both at I go up and shake their hand and chat with them—and I've asked my people to do the same—and I guess we're violating all the rules and regulations, Mr. President, so if I get in trouble over that I want you to defend me.

Shortly thereafter—I had just assumed I had mentioned this also to Dean Rusk and George Ball and some of the others at the time—our policy was changed, and all over the world we lifted that ban with respect to the Chinese. So, we do get some progress in this world.

[Q. Did you try to get together with the Chinese in private ways, such as dinners with your families?]

We tried on numerous occasions to somehow get some involvement with the Chinese ambassador. I went up to him one time and said, "Look, I know it's difficult for us to get to see each other outside of these very formalized meetings, but frankly I don't really know anything about your country, about your school system, what you do for recreation, whether you're hunters or fishermen or not, what sort of life you lead, and I suppose you don't know much about ours.

"I'd like to forget about Vietnam and Taiwan and conflicts, and just sit down one evening and rule out all these questions. Just talk about the ordinary, everyday things of life that have nothing to do with world politics.

"I'd like to set up a meeting with just the people in this room. Maybe we can come over to our house for dinner. I'll make sure we do it very quietly."

I thought for a while that I might have a response, because he answered me very civilly and said he'd let me know the next day. Which was very interesting, I thought, because ordinarily these kinds of things got an immediate no. Well, that meant that he wanted to check back with Peking.

Next day my man got a call from his man saying that unfortunately—I had offered him seven dates—it so happened that on all seven days he was filled up. Also, two or three times I told him I'd bring a little vodka in and we'd have a drink after the meeting. That didn't work. I asked him to bring some of his best tea and I'd try his tea, but that didn't work. Each time I got a negative. Only once did I feel I got a kind of "positive negative," and that was on the dinner. And I would have done it.

I suppose the problem was that the Poles would have known about it. Outside my residence—outside every embassy—they had a "pillbox"—it looked like a large telephone booth—where they sat and guarded 24 hours a day. They knew what was going on.

[Q. Did the Chinese ever come around the tables after the meetings, as you did, to propose informal contacts?]

Never. Never came up to me at a cocktail party, never took the initiative. All of the sessions—the exchanges of information among staff the day after the meeting—would happen at their embassy, not ours. There were many times when we had communications. Almost always it would be set up in such a way that we had to go and get the information.

A USEFUL CONTACT

For instance, there were a lot of cases where the Warsaw contact was used over and above the talks. We let them know through the contact, for example, when we're circulating a man going to the moon, or a satellite is going to cross their territory.

Occasionally an American with a sailboat gets lost over there and he gets picked up by the Chinese, and we've used the contact to negotiate the release. It never gets any publicity, but it happens. One time outside Vietnam 30 to 40 Chinese swamped in their boats. We picked them up. It's very hard to get them back—we don't have the 5 o'clock special going back and forth between South Vietnam and Communist China.

What I'm saying is that between two large, important nations, there's bound to be a modicum of business even if there's no relationship. You've got to have a basis to do it, and Warsaw proves to be a convenient way to quietly solve some of the problems we have.

[Q. You said you exchanged proposals with the Chinese. Can you describe some of the proposals?]

We proposed a whole series of things from scholar exchanges to newsmen exchanges to unilateral sending or receiving of newsmen or scholars. We didn't care whether they reciprocated, or which way they did it.

This was not simply window dressing. We were hopeful all during this period that if we could get them to accept one of these things it would indicate that then we could think of much more serious things we had on the drawing board. Certainly we were discussing the question of facilitating trade relations, the question of elevating the level of the meeting from the ambassadorial level. I was going to propose that instead of meeting at

the palace we talk in Peking one time and the next time in Washington. That, I hasten to add, was not policy. But there were enough people in the Department who were involved in talking about it that if it looked possible at all we would have pushed it. We just never got to the point where we could argue for it, because it was obviously a pipe dream. But there was a lot of interesting thinking going on in the Department.

We are developing some pretty good people in this whole area, which I think speaks well of the hopes that I have for a much more sensible China policy. The thing that always struck me—having read the talks from the '50s on—is that in many respects what we were doing when I was there was what the Chinese were trying to do in the mid-1950s—to make some openings.

In the mid-'50s we turned them down. This, of course, related to the Presidential election of 1956, when Stevenson was supposed to be soft on communism. It related to the Joe McMarthy era which, as one can find out, decimated our China corps and China staff, and made people very sensitive—particularly the Eisenhower Administration and [John Foster] Dulles—very sensitive to anything that would be looked upon as soft on communism.

We were in a very bad era. The eight years of Eisenhower, [which some say] represented the halcyon days of American foreign policy, when we didn't get involved in any foreign entanglements—from my point of view, as I look back, they were tragic days, when great opportunities were missed.

So it seems to me that if we had had a little more imagination and a little less McCarthyism in the mid-'50s we might have made some great progress in both fronts—both the European and the Asiatic fronts. But this overriding concern that one would be soft on communism, leading you to not even do anything, to protect yourself against future catastrophe, may have ultimately laid the seeds to the Vietnam conflict.

[Q. What about the question of Chinese membership in the United Nations?]

The whole question of whether or not we stand in their way of getting in the U.N. long since should have been dropped. I'm in great hope that it's going to be, now. Certainly the identification of diplomatic relations with approval is a wrong identification, and the Chinese talks in Warsaw prove it, because we had to find another way.

I think pretty clearly the Chinese Communists, whether we like it or not, are in power in mainland China, and we should recognize that, and say, "We don't like you, but you're it, so let's exchange diplomats." I think we should do that with the Cubans and anybody else.

A GREAT OPTIMIST

It's ridiculous to sit here making policy with an assumption—at least partially—that they aren't there at all. It just makes no sense at all. I don't know where we got off track on this, but we certainly ought to get back on the track. And on the U.N. matter—I don't think the Chinese will come into the U.N. for a long time even if we encourage them. But we should not worry about it. We shouldn't let them dominate our foreign policy.

[Q. Were you disappointed that the talks apparently made little headway?]

I'm a great optimist, and I was always hoping to find that moment of truth in those talks where something would happen which would signal that we had made a turn of sorts. And that's a great excitement, because after all you are representing the United States to 750,000,000 people. You have to be a pretty blase character not to feel the weight of some responsibility and have some awe of that kind of position. I have that awe.

The fact that we were advancing initiatives, the fact that we were involved deeply in Vietnam and it was important that this be distinguished from our purely bilateral relations, and that the limitations on our objectives be made clear, and the assumption that you do make progress even though it's not visible, and the possibility of always finding a breakthrough—all these things lead to a realization that you had better be alert to catch anything that happens in that historical three hours every so often.

[Q. If you could talk to Ambassador Wang again, informally, what would you say to him?]

"Tell me what's happened since the last time I saw you! I'm no longer privy to the classified documents!"

[Q. And he might tell you?]

He might—if he got in that kind of position. After all, they're human beings, just like we are. We're sorely prescribed in our actions when we're representing the Government—as we should be—and I'm sure they're even more prescribed in their actions.

One day I'm going to take a trip to Poland, in the not-too-distant future. If there is an opportunity, I'll try to see the Chinese ambassador, particularly if he's the same one. And if there is an opportunity to talk, I'll do it. I'm a private citizen now. I can *really* talk.

WAS THAT A "PROADMINISTRATION" LETTER?

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. JACOBS. Mr. Speaker, I insert the following item in the RECORD:

[From the Christian Century]

WAS THAT A "PROADMINISTRATION" LETTER?

Have you ever wondered how the administration in Washington comes up with its tally of pro-administration mail? Have you ever wondered what it takes to be listed on the side of dissent from administration policies? If you have not mused on this subject before, you will after reading this exchange of correspondence between Methodist Bishop James Armstrong of the Dakotas area and Spiro T. Agnew.

NOVEMBER 1, 1969.

The Honorable SPIRO T. AGNEW,
Vice President of the United States.

DEAR MR. AGNEW: The morning paper has come telling of your speech in Harrisburg. Inasmuch as I spoke to a representative, quiet, thoughtful, apparently well-balanced group of some 2,000 people on the Indiana University campus on Oct. 15, you were talking about me when you made reference to "political hustlers," "merchants of hate" and "ideological eunuchs."

You went on to say, "Americans must reckon with irresponsible leadership and reckless words." In the light of what you said in Harrisburg, I am afraid I must agree.

You said, "Right now we must decide whether we will take the trouble to stave off a totalitarian state." I believe in representative government and not totalitarianism; in democracy and not authoritarianism; in freedom of speech and not in thought control. For these reasons I reject the "logic" of your Harrisburg speech and urgently plead with you to have done with "arrogant, reckless . . . tantrums" (your verbiage).

I was in Ambassador Lodge's office in Paris three weeks ago with two others. We asked him about his attitude toward Moratorium. He replied, "You must remember, students can't vote."

While it is true that foreign policy cannot be made in the streets, it is equally true that it cannot totally disregard the will of the people. The callous and defensive rejection of citizen opinion does not inspire confidence in government. While it is true that students cannot vote, they are called upon to die in the jungles of Vietnam.

Again, I plead with you to be more temperate in your comments and more open in your approach to participatory democracy.

Sincerely yours,

JAMES ARMSTRONG.

The reply:

"Your support for the position I have taken about a matter which concerns so many Americans is reassuring. While I regret that the great volume of messages makes it impossible for me to reply to you personally, it is encouraging to know that you share my views on this subject.

"SPIRO T. AGNEW."

Shall we be reassured or alarmed over such misinterpretation of messages to Washington? Blast the veep and he interprets it is a valentine. Craving support and affection as he does, he would probably look upon a Molotov cocktail as a candle for his birthday cake, an artillery attack on Washington as a 21-gun salute to him.

But God's in his heaven and all's right with the world.

RAILROAD PASSENGER SERVICE BETWEEN CHICAGO AND SAN FRANCISCO

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. MAILLIARD. Mr. Speaker, in view of the public interest and in view of steadily decreasing railroad passenger service in our country, I submit for the RECORD the decision of the Interstate Commerce Commission concerning passenger service between Chicago and San Francisco.

Excerpts from that decision follow:

RAILROAD PASSENGER SERVICE TO CONTINUE BETWEEN CHICAGO AND SAN FRANCISCO—EXCERPTS FROM DECISION IN FINANCE DOCKET NO. 25675

Because of the widespread attention given to the Commission's investigation of various railroad proposals to discontinue operations involving the California Zephyr and the City of San Francisco passenger trains, excerpts from the decision issued today are being reprinted for the convenience of those interested in the Salt Lake City-San Francisco portion of the runs.

By its action today, the Commission assured that tri-weekly through service will be available between Chicago and San Francisco, during the remainder of the period of the Commission's jurisdiction (up to Oct. 15, 1970).

This will be attained by requiring the Southern Pacific and Denver & Rio Grande Western railroads to arrange for an appropriate interchange of through passengers at Salt Lake City or Ogden. The westernmost part of the two routes to San Francisco will be operated over the lines of the SP, and the WP will be permitted to discontinue its Zephyr trains.

Three separate proceedings were involved in the Commission's investigation, as follows:

Docket number	Railroad	Proposed discontinuance date	Train numbers	Operation
	THE CALIFORNIA ZEPHYR (Chicago-San Francisco)			
F.D. 25675	Denver and Rio Grande Western Co	June 16, 1969	[1] 17, 18	Denver-Salt Lake City, 570 miles.
F.D. 25784	Western Pacific Railroad Co	Sept. 5, 1969	[1] 17, 18	Salt Lake city-San Francisco, 924 miles.
	THE CITY OF SAN FRANCISCO (Chicago-San Francisco)			
F.D. 25793	Southern Pacific Co	Sept. 1, 1969	[1] [2] 101, 102	Ogden-San Francisco, 786 miles.

[1] Daily.
[2] Proposed for 3 times weekly service.

In earlier actions, the Commission had ordered the railroads to continue these operations until February 14, 1970. In today's report, the Commission stated:

"At the time those . . . orders were entered, we entertained no speculation that, by some dramatic happening or turn of events, all these trains could be saved in their entirety. Rather, it was hoped that in the interim we could better gauge the prospects for a new Federal policy which might bear upon these trains, particularly in view of the special interest taken in them—and expressed in these proceedings—by several members of Congress. Numerous proposals had been introduced in Congress in 1969, hearings had been conducted by committees in both House and Senate, committee work was continuing, a Department of Transportation plan—in the final stages of preparation—was being awaited by Congress. Out of these and other manifestations of widespread concern we hoped that the shape of a public support program, if there was to be one, might at least become visible.

"We have concluded that some passenger train service should be preserved between Denver and San Francisco at reduced frequency, that such service can be provided by Southern Pacific and Rio Grande on a thrice-weekly interline basis via connection between Ogden and Salt Lake City, and that maintained on such basis for the remainder of the statutory one-year period (until October 5, 1970) the service would not unduly burden interstate commerce.

"We have further concluded that the straightened financial condition of Western Pacific places in jeopardy the soundness of that railroad as a competitive transportation agency in its own service area and as an essential link in a vital route across transcontinental territory, that in those circumstances Western Pacific can no longer sustain the enervating burden of the Zephyr operation, and that there is no basis upon which the continuance of the Western Pacific Zephyr can be ordered.

"In our opinion, the requirements of the public convenience and necessity will be adequately served by the passenger train service we herein order continued, along with the large amount of service available in other travel modes.

"By this decision no agency—public or private, federal, state, regional or local, or any combination of them—is precluded from formulating and bringing to bear on these routes an acceptable support program for the maintenance of such service as may be deemed warranted and feasible. The tracks and other facilities, the signal system, the personnel—all will be in readiness to accommodate any such program on reasonable terms. Rolling stock now nearing the end of useful life could not, of course, be expected to survive any length of time, regardless of how these proceedings might be decided, and any public revival or support program would therefore have to contemplate replacement cars and locomotives.

"*History*—Twice before, in . . . 1967 . . . and . . . 1968 . . we prohibited the discontinuance of Western Pacific's passenger trains Nos. 17 and 18. Each time, though the trains were being operated at a heavy deficit, we required their continuance on the grounds, among other, that another year's deficit could be absorbed by the carrier while time and opportunity would be afforded all affected interests to devise measures by which the service could be made self-sustaining or the deficit burden distributed among all who benefit from the service and insist upon its continuance. More than three years have expired, but a rescue operation failed to materialize. Our continuance order in the second proceding expired July 16, 1969

"*Basis of proposal*—Once again Western Pacific proposes to discontinue trains Nos. 17 and 18. These are the last passenger trains on its system. Once again the carrier shows:

"That despite its effort to reduce costs and maximize revenues it has experienced heavy losses;

"That due to its own small size and marginal financial condition and the great size of the passenger train burden, it is being hampered in efforts to provide freight service equipment and facilities required for competitiveness in its struggle with railroad giants and carriers of other modes;

"That despite conscientious efforts and vigorous promotional and advertising efforts patronage has continued to decline and fare increases instituted subsequent to the second proceeding have failed to reverse the serious decline in revenues;

"That its cars and locomotives are reaching the end of service life and must be replaced or be subjected to a massive rebuilding, the cost of which is beyond its economic capability;

"That the sums it has expended to repair equipment has been only a 'stop gap' and 'housekeeping' measure serving only to slow down but not reverse obsolescence, equipment failures, and malfunctions;

"That its effort to reduce labor costs have failed and that even if every conceivable and legal reduction in force were accomplished it would still be unable to absorb the remaining out-of-pocket losses;

"That burdensome and oppressive losses would continue under reduced service concepts, including an alternating six-month operation by Western Pacific and Southern Pacific, and an end-to-end joint operating over portions of the two routes;

"That there has been no meaningful, or effective assistance forthcoming from any governmental source, either federal, state or local; and

"That it has tried within limits of reason, to do those things in which this Commission saw some promise for improvement.

"Western Pacific contends therefore that it should not be required to continue subsidizing the ever decreasing passenger riders when to do so threatens its economic well-being and vitality; and that it cannot be expected to voluntarily continue with losses in excess of $1,000,000 annually, especially when there is adequate alternate transportation service available.

"*Alternate service*—Regularly scheduled bus service is available at all Zephyr points except Gerlach, Nev. This community (population 1141) is served, however, by a local bus out of Reno where numerous connections can be made with wide-ranging bus, air and rail service. Air service has grown rapidly in this area and is available between the major population centers—San Francisco, Stockton, Sacramento, Marysville, Elko and Salt Lake City.

"The 1966 and 1968 patronage figures were 2.3 percent and 23.1 percent below those for 1960.

"Twice in this century has Western Pacific's survival been in jeopardy—in 1915, when the first company was forced into receivership; and again in 1935, when the company petitioned for reorganization under Section 77 of the Bankruptcy Act. In the latter, a reorganization was consummated in December 1944, of which the present company is the product. Now, with the downturn in the results of 1969's operations, great weight must be assigned the carrier's capacity to continue absorbing the deficit burden of the Zephyr operation.

"As a small railroad—especially in comparison with its larger competitor, Southern Pacific, whose assets exceed $2.5 billion and annual after tax income ranges over $100 million—Western Pacific has relatively limited resources and little latitude to maintain operations under persistent deficits.

"Three years ago, this Commission found that Western Pacific's Zephyr burden for another year's operation would be $560,000 plus additional amounts that could be incurred 'as the equipment . . . approaches the age of retirement' and its 'maintenance and major repair costs mount.'

"A year and a half later, the deficit for still another year's operation was conservatively estimated at $600,000 and $1,275,000 more for equipment rehabilitation was considered essential to deal with the increasing malfunction of the aging equipment.

"Now the Zephyr deficit has risen to well over a million dollars. That amount is beyond challenge, though in actuality the current deficit may be running at an annual rate beyond $2 million. On the basis of 1968 returns, which included a $6 million profit on operating revenues of some $64 million, Western Pacific would have to devote its entire freight operation at least three months out of the year to support this single pair of passenger trains.

"On the basis of the passenger patronage for the year ending May 31, 1969, Western Pacific's out-of-pocket loss on each Zephyr passenger averages more than $20. Most of these passengers are attracted to the trains by aesthetic, rather than utilitarian considerations. Western Pacific, with its entire system operating at a loss, can no longer afford to subsidize what is primarily a sightseeing excursion.

"We do not mean to imply that the term 'public convenience and necessity' does not include travel for pleasure, vacation and sight-seeing. Our purpose is to indicate the great need for a strong Western Pacific to adequately serve this territory's burgeoning economy as a vigorous competitor for freight traffic, and to contrast that basic need with the occasional-type demand of some 70,000 to 100,000 persons per year seeking a leisurely ride along this carrier's scenic route. In fact, the number who travel here by rail is small compared to the number by automobile, bus and airplane. The same may be said of many recreation areas throught the country. For example, the Great Smokey Mountains National Park, which has no rail service, had 6,667,000 visitors in 1968."

"Alternate transportation by automobile, bus, airplane and thrice-weekly train service of Southern Pacific and Rio Grande are adequate to the needs of both local and interline passengers. However, since it will

take a period of time for the Southern Pacific and Rio Grande to make arrangements for alternate through service, we are of the opinion that the Western Pacific should continue operation for a 30-day period so that the public will not be deprived of any direct rail service through the center of the Nation. And, such a short period of continued operation will not unduly burden interstate commerce. Therefore, in view of the critical depletion of the Western Pacific and other considerations we have no basis for making the statutory findings necessary to order the continuance of Western Pacific's Zephyr other—than—for the above mentioned 30-day period.

"The intent of Congress in enacting Section 13a of the Interstate Commerce Act was to provide for the discontinuance of train service that no longer pays its way, and for which there is no longer sufficient public need to justify the finanical loss involved. . . . Neither financial loss nor any other single factor is necessarily conclusive or controlling. The burden upon the carrier and upon interstate commerce must be weighed against the need for service, considering, among other things, the adequacy of other available transportation, the affected population and the effect of the proposed discontinuance upon the communities served. The overall financial condition of the carrier and the carrier's ability to absorb a prospective deficit are factors to be weighed in determining whether the burden imposed by continuation of the service is undue. . . . In a sense the statute requires a balancing of the public need for a service against the transportation system's ability to pay for it.

"In evaluating this record we are duty bound to carry out the intent of Congress expressed in the existing law, Section 13a, notwithstanding the possibility that changes may be in the making. Bills pending before Congress for such changes are many, diverse and controversial. Some have heretofore failed of enactment. Additional proposals are expected. We have no discretion to render a decision now based on our speculation as to what Congress may or may not do about these proposals.

"It would appear therefore that Southern Pacific and Rio Grande should be able to provide for reasonable connection for the interchange of passengers by rail, perhaps by Southern Pacific operating some equipment to Salt Lake City, or by Rio Grande, to Ogden, or some combination that the two might work out. With such a connection, Southern Pacific would be in a position to provide a substitute service for that of Western Pacific on the California Zephyr and at the same time could reinforce the revenues of its own City of San Francisco trains.

"Both Rio Grande and Southern Pacific could then reschedule for a coordinated thrice-a-week operation, and, for the remainder of the statutory period over which our jurisdiction runs (up to October 15, 1970), they could undertake the economies Southern Pacific contends are possible. During that period the traveling public would have an opportunity to support the new arrangement, and the interested public and private groups, including railroad labor, would have additional time to decide whether and how they will do anything to contribute to the survival of this passenger train service. At the same time we fully expect the carriers to take all steps necessary to retain and attract patronage by providing an improved and attractive service, responsive to the needs of the traveling public. Should the carriers attempt to discourage public use by downgrading or improper scheduling, we will not hesitate to reopen these proceedings for further consideration, either upon our own motion or the filing of an appropriate petition by any interested party."

"We conclude that Southern Pacific should continue operating the City of San Francisco trains as at present, on a daily basis, for thirty days from the date hereof or until it works out an appropriate connection with the Rio Grande for the interchange of through passengers to and from the latter's California Zephyr trains on a thrice-a-week basis as described earlier herein, and that, thereafter until October 15, 1970, the operation should be on the thrice-a-week basis proposed in the notice filed herein by Southern Pacific. This, we find, is required by the public convenience and necessity and would not unduly burden interstate commerce."

U.S. SUPREME COURT—NO PLACE FOR PARTISANS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. WYMAN. Mr. Speaker, partisanship has no place on the Supreme Court of the United States. This is one of the reasons why written declarations of support or opposition to issues coming before the Court is conduct unbecoming any judicial incumbent. In this sense many of Justice William O. Douglas' writings are patently offensive to the integrity of the judicial process.

No less a standard is applicable to the advocacy of sponsors or critics of a candidate for appointment to the High Court. No man should go to the Supreme Court of the United States as a partisan for any cause nor should this be demanded by his proponents or his opponents.

The following editorial comment by the distinguished columnist David Lawrence is worthy of consideration in this connection as the nomination of Judge Carswell is now pending before the other body and the writings of Justice Douglas cause increasing concern to those who realize that the U.S. Supreme Court is the Court of last resort in America.

The article follows:

PARTISANSHIP AND THE HIGH COURT

(By David Lawrence)

A most deplorable development in governmental history is the organized attempt on the part of certain groups to bring about the appointment of Supreme Court justices with a viewpoint favorable to partisan causes of various kinds.

Instead of merely asking that the President of the United States appoint a man of high integrity who can be depended upon to handle cases on their merits and without regard to any previously expressed points of view in public life, organizations like the civil rights groups and the national labor unions are demanding the rejection of such nominations and the selection instead only of persons favorable to their side.

When the Supreme Court of the United States was established by the founding fathers, it was supposed to be an independent branch of government with no political or ideological ties to any other governmental body or private group. For many years, the Supreme Court was looked upon with great respect because its members dealt with the delicate questions of law fairly and impartially.

In recent years, however, there has been a temptation for the high court to take upon itself the function of rewriting the Constitution at will. The argument has been made, even by persons in high office in the executive branch of the government, that to amend the Constitution is a "cumbersome" process and that it is logical for the Supreme Court to "interpret" the document to conform to the "spirit of the times" and, indeed, to make it fit "changing circumstances and conditions."

Even conceding that racial discrimination had been neglected by the high court in earlier years, it is a matter of great doubt whether a constitutional amendment could have been proposed by Congress or ratified by the states to bring about desegregation in the public schools. Yet, the Supreme Court, by a single decision in 1954, ordered this done, and has been issuing rulings ever since, much to the consternation of many people in different parts of the country who think that judicial power has been abused.

Originally, the high court said that public schools must be desegregated, but it did not say that integration is compulsory. Since then, the lower courts have attempted to force schools to integrate. This is a form of legislation which is not by any means supported by the Constitution or by laws which Congress itself has passed. When the nation enters upon an era of disregard not only of the laws of Congress but basic constitutional powers, it means that chaos is invited and serious dissension is bred.

In the midst of such discord today, President Nixon unsuccessfully appointed Judge Clement F. Haynsworth, as an associate justice of the Supreme Court. He was rejected by a vote of the Senate, but, oddly enough, he continues to sit on the United States 4th Circuit Court of Appeals. If he was ineligible for the high court—which he certainly was not—he would be unfit to sit on the appeals court. Congress has not sought to remove him from that court. Nor has it undertaken to impeach justices still sitting on the Supreme Court who have committed acts which are allegedly in contravention to that clause of the Constitution which says that justices shall hold their offices only "during good behavior."

Judge G. Harrold Carswell whose nomination is currently pending in the Senate, may be confirmed. But a number of votes will be cast against him for partisan reasons. Yet they are significant. They show that some members of the Senate, an august body which is supposed to give serious thought to the confirmation of Supreme Court justices, are willing to reject an appointee because of a speech he might have made a few years ago, and not on the basis of whether he is an honest man, conscientious in his work and ready to give impartial service on the highest court of the land.

FIFTH- AND SIXTH-GRADE STUDENTS WRITE ABOUT POLLUTION

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. O'HARA. Mr. Speaker, our young people are deeply concerned about the threat of pollution. They have a vital stake in clean air and water and it is encouraging to see that they are eager to participate in the effort to restore and preserve our environment.

Recently, the fifth- and sixth-grade students of Mr. Robert Wiegand at Ava-

lon Elementary School in St. Clair Shores, Mich., wrote essays on pollution. I believe the essays eloquently attest to their concern. "America the beautiful is becoming America the polluted," one student writes.

I wish that we could reproduce some of the delightful drawings. Robert Guerrieri's essay is illustrated by a cartoon showing two Indians looking at a pollution-choked city. "I wouldn't take it back," says one Indian to the other, "if they gave it to us for nothing."

I include excerpts from these essays to be printed in the RECORD:

ST. CLAIR SHORES, MICH.,
January 25, 1970.

Hon. JAMES O'HARA,
House of Representatives,
Washington, D.C.

DEAR SIR: My students are very concerned about pollution. I am enclosing their essays on the subject. They feel something must be done about this problem immediately and I agree.

Sincerely,

ROBERT D. WIEGAND.

INDUSTRY MAKES A PROBLEM

(By Robert Guerrieri)

Air pollution is a major problem all over the world. If this tragedy goes on, in about 12 years we will not have towns and cities to live in.

This problem could be cured but industries and motor vehicles that carry gas fumes refuse. People that spend the day at the beach should be more careful when they throw their trash away.

Pollution should be stopped by putting filters in chimneys, make an electric car that doesn't use gas, and donating money to the Government.

So tell factory workers and power plant workers to do something about air pollution.

(Cartoon caption—"I wouldn't take it back if they gave it to us for nothing.")

WATER, AIR POLLUTION

My classmates and I are concerned about this problem of air pollution. We depend on our future to give us a good life, but this will be impossible now that the problem of pollution has come. The problem is getting worse and worse, so that soon it will be so bad, that the only thing left on the planet Earth will be dead animals, trees, fish, birds, not to mention people and run down buildings. For years nothing has been done, so now we demand some action against this dirty trash.

We think the Congress should pass some good laws to try to cut down on pollution. For instance, have factories start cutting down on water, and air pollution.

D.D.T. is a problem too of pollution. I hear that fish are dying many miles out to sea, because of D.D.T. I am glad to hear that many communities have banned D.D.T.

Pollution has to be stopped or else there will be no future for us or our friends. For the life of this country no money is too much to use.

Your citizen,

PAUL PLANTINGA.

P.S.—We're willing to do our part if you'll do yours.

THE EVILS OF POLLUTION

(By Diane White)

Air and water pollution is becoming a problem. It is killing animals and people.

We should try to stop air and water pollution, before we all die from it.

We should stop air pollution or there would be no tomorrow.

THE EVIL OF POLLUTION

(By Dolores Gerbholz)

The most serious problem in the world is pollution, it is killing animals, fish, birds and pretty soon even people. Pretty soon we will have to have domed cities. And this is becoming a tragedy.

You should stop factories or plug the chimneys you should try to invent a car that doesn't give out gas. You should stop putting garbage into what was once BEAUTIFUL AND CLEAN water. You should invent a big vacuum cleaner to take all the gases out of the air and then condemn it somewhere.

So you should kick out air pollution before it kicks YOU out.

THE EVILS OF POLLUTION

(By David Plessner)

Water pollution and air pollution is getting dangerous. It is ruining our future.

We should stop the water and air pollution and clean our cities by using filters on chimneys. You should make stricter laws.

Should the "70" be a dirty year?

THE EVILS OF POLLUTION

(By John Denys)

Pollution is a danger of the future. Some signs say Keep America Beautiful how can we with Air, and Water Pollution.

You, me and everyone else might be dead in a few years. So will you please try to fight Pollution. We want you to help get rid of pollution.

THE EVILS OF POLLUTION

(By Jennie Vicari)

The most tragic problem that is sweeping the country is pollution. Water and air. The air is not going to be fit to breathe in the near future. The water as well will not be fit to drink.

The factories are contaminating the air and the water with chemicals. It should and must be stopped before all the human race will die from not having clean water to drink and not having enough clean air to breathe. You should start by making stricter laws about cars, factories, and litter bugs that are damaging our country.

We should do something about this because some day we will run the country.

So in conclusion I think in the near future you should do something before there is no future.

THE EVILS OF POLLUTION

(By Debbie Migliazzo)

Pollution is a danger to the world today. In the future, animals and people will be sick and maybe dying from pollution. Pollution is ruining everything.

My class and I all feel that there should be something done about pollution. The fish are dying because of people who are careless.

(By Tim Malsepty)

Here in Mich. January 24, 1970 15 million fish have died because of water pollution. In California more than a million pine tree have died because of air pollution. In Chicago zoo 15 Polar bears have lung diseases and will die because of air pollution. Each year more and more air pollution fills the air with smog. And in Mich. January 24, 1970 more and more Industrial Plants dump Water Pollution into the ocean.

Here in our classroom we think that they should stop gas cars and put out electric cars to stop air pollution. And we hope that they will make a chemical that they can dump into the ocean to stop water pollution and will clean up the water.

All this has happened because of Air Pollution and Water Pollution. In 1979 if this keeps up we will all be dead.

DOWN WITH POLLUTION

(By Beth Cunningham)

Down with pollution we don't need it. We have to get rid of it before it gets rid of us!

Many people try to get something done about pollution. Pollution destroys many things such as; people, nature, wild life and our future. Everybody has a part of something why can't everybody have their part in air pollution prevention. Everybody thinks there is only one war in Vietnam, there is still another that is "pollution." If we don't do something now we won't have a future. We have many problems, pollution is our largest.

Pollution may be our future (if we have one). We have to do something now.

POLLUTION

(By Tracy Damm)

Pollution is about the worst danger in the world. It is killing millions of people yearly. It gets into the air by the smoke of cars, cigarettes and by smoke from factories. Water pollution is getting into the water by teenagers, men, women, and children throwing trash into lakes and rivers, and throwing sandwiches into lakes. Litter should be stopped by throwing trash in trash barrels instead of on the ground.

Don't you think we should start cleaning the air, water, and streets. Or else in 12 years we will all be dead.

THE EVILS OF POLLUTION

(By Robert Lesch)

Air and water pollution should be stopped. Many people are going to die in two years if someone doesn't do nothing about it. What would be our future, seeing people die or live, which way?

My opinion is that we should use filters in rivers and on chimneys. Or we could just stop factories from making things. Or don't do nothing and just die.

We should stop the pollution now!

THE EVILS OF POLLUTION

(By Joanne)

Water pollution and air pollution are very serious. Water pollution is danger to our country and our future.

We all think that water pollution is damaging many things and all the other kind of pollution is too. The water pollution sometimes kills the swans that swim in the water.

If they don't try to clean up this pollution a lot of animals and people will die. And much damage will happen.

THE EVILS OF POLLUTION

Pollution is a danger to the future of the country. America the beautiful is becoming America the polluted.

We should stop the air and water pollution before it gets bad. And when it does get bad we may all die.

We should stop the pollution or there won't be a tomorrow.

The End.

KIM FRANTIERA.

P.S.—Please Help!

HELP! BEFORE IT HAPPENS

(By Linda Fee)

About the worst problem in the United States or anywhere today is water and air pollution.

If we don't need help who does? If we don't bury air and water pollution soon, it will bury us first. All of our wild life is dying off. It is time to take action or we will soon be gone, too! We need help for our future if we have one. We could at least try to bury pollution. Some students in our class want to help! We want to go out and try to clean up our city.

WHEN IT COMES WE'LL BE READY, I HOPE!

(By Rip)

The most important problem in the United States is pollution. This filth is killing birds, fish, people and other animals all over the world. It is causing heart disease and other bad illness. We are spending billions of dollars to fight this pollution but that is not enough.

In ten years we will be running this world and we will fight to bury this filth.

THE EVILS OF POLLUTION

(By Juty Denys)

They should stop making air pollution because it has damaged things, it kills animals and people, because of air pollution more than 5,000 people have died from air pollution and water pollution. We should stop motor vehicles. Most of all streams, rivers, and lakes in the U.S. are polluted. Sewage is one of the main causes of water pollution.

If we don't stop now from making air and water pollution that will be the end of the world.

THE EVILS OF POLLUTION

(By Robert Schmidt)

Air and water pollution are about the worst problem in our country now. Millions of animals and trees died from the pollution. Air pollution is caused by smoke from cars, cigarettes, and factories. Water pollution is caused by trash, and chemicals.

We think that the government should do something about air and water pollution. Pollution should be stopped right away.

THE EVILS OF POLLUTION

(By Herbert Wolf)

We think we should stop pollution in the United States if not we will get black snow. We think we should stop pollution or we will die in 12 years. Water, and, and trash is a danger to our country.

Let's hope the 70's are not as bad as the 60's.

THE EVILS OF POLLUTION

(By Richard J. Eberhardt)

The pollution in the air and water is a dreadful fear in our society. By 1982 all of us will pass away. Me and my fellow people think that air and water pollution, should be stopped. We should do something right now, don't wait. If you don't do something we will.

We should stop gas vehicles. They should stop factories from polluting the air.

Pollution should be stopped.

THE EVILS OF POLLUTION

(By Cynthia Kendzierski)

The most serious problem is air and water *pollution*. If we don't do something now, the people will just start dying from *pollution*. Then you'll wonder why the people are dying. We can't go swimming in the lakes or drink the water because its not fit for drinking or we can't breathe a lot of air in our lungs because the *air* is *polluted*.

THE EVILS OF POLLUTION

(By John Keaka)

Pollution is coming faster and closer by the day. If we don't do anything about it we'll all be resting in peace!

We better get rougher going laws for the factories and for the people! We should spend more money on pollution than on some lousy old war! You can see what is happen now birds and fish are dying next it will be us.

We better do something or there will be no future.

INTERNATIONAL BIOLOGICAL PROGRAM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. PICKLE. Mr. Speaker, today in Washington a meeting was called that offers some real hope in our efforts to breathe fresh life into our environment. Over 400 leaders from science, industry, and government have been summoned by the U.S. Conference on International Biological Program.

Dr. Frank Blair, of the University of Texas, is chairman of IBP and one of its strongest advocates.

I just received an article published in the November 1968 issue of Alcalde. Ironically, the article profiles Dr. Blair and the early struggles of IBP. A lot has changed since that article was written—Dr. Blair is almost 2 years older and the program, which suffered through austere beginnings, has been earmarked for $2 million in the fiscal year 1971 budget proposed by the National Science Foundation.

To sharpen our perspective, I include the 1968 article. In light of today's interest in pollution reduction, this article is most illuminating:

WHAT ARE WE DOING TO SPACESHIP EARTH?

It's a matter of serious concern, you know. Here we are riding along in relative ease on this marvelous spaceship earth, using up its delicate life-support system with reckless abandon. I say relative ease because as far as we know, none of the other nearby planets has anything like the wonderfully complex life-supporting environment of earth. For example, it is very doubtful that even the simplest earth organisms could survive on Mars. Astronomers believe that beyond our solar system, light years away, there are probably millions of planets with environments nearly identical to the earth's. But the chances that we could transfer ourselves to one of those planets are very remote. Besides, any other planet we chose might already be occupied. Next thing you know, we'd be in a Jules Verne war of the worlds.

"When astronauts orbit the heavens," the New York Times editorialized recently, "they are acutely aware that their continued existence depends upon the limited supplies of oxygen, water, food and other essentials contained in their capsule. Increasingly there is understanding that all mankind is in a similar position."

Growing alarm about this situation is being expressed by scientists and legislators connected with the International Biological Program (IBP). The IBP, guided by its parent organization, The International Council of Scientific Unions and in the U.S. The National Academy of Sciences, involves the cooperation of more than fifty nations. It was patterned after the highly successful International Geophysical Year except that whereas it extended over eighteen months the IBP is expected to take at least five years. The intent of the IBP is to understand, through a worldwide research effort, the environmental systems that support life.

"Time is short for making such a survey if the earth is to remain fit for human habitation," says Dr. W. Frank Blair, University of Texas professor who chairs the U.S. National Committee for the IBP. Dr. Blair, 55, is a genial scientist and teacher whose abiding interest is the study of evolution. Visitors to his UT laboratories are apt to find him surrounded by hundreds of species of live toads from all parts of the world. Before taking over the chairmanship of the IBP Committee, he was in charge of one of the eleven major research programs included in the U.S. contribution to the Committee's work.

Also involved in the committee assignments of the IBP are University of Texas professors Donald E. Wohlschlag, co-director of the program, who is investigating the "Biogeography of the Sea" and Calvin C. McMillan who directs the team of scientists studying the "Physiology of Colonizing Species." Other members of the research effort come from throughout the nation including anthropologists, ecologists, geneticists, biologists, botanists, agronomists and others.

Dr. Blair will use his own team of graduate, postdoctoral and senior students to lend a hand in both field and laboratory explorations. Because of his own heavy administrative and research duties, he will be conducting only one graduate class. He usually teaches undergraduates, but regular and frequent trips to all points of the globe are now in store for him. "Graduates are able to work more independently, and I would be neglecting them if they were undergraduates," he comments. "It isn't, however, unusual for a scientist to limit his classroom load in any of the universities of equal caliber with The University of Texas."

Although the IBP will officially end in 1972, the "best of this effort must continue, perhaps under some sort of agency such as UNESCO, although I personally prefer working with governments as independent agencies rather than under one large controlling body."

"We don't actually know the extent of the problems involved yet but the coordination of the research work of the world's scientists under IBP will be invaluable. We hope to standardize the methods and techniques which are used by all scientists working in these committees," he said.

You might say we have been coasting along fat, dumb and happy for centuries. Now time may be running out on us. Our technology is out-running our wisdom. If we are not careful, we may turn our spaceship earth into a barren landscape like that on the moon. What many experts fear is that we may be upsetting the balance of oxygen and carbon essential to life by over exploiting the earth's resources: building dams and canals and highways, polluting streams and the atmosphere, seeking to industrialize everywhere, killing-off plants and animals with defoliants and insecticides, and even shifting human populations about from rural areas to the cities.

The experts remind us that the oxygen-carbon balance is achieved by carbon dioxide consumption and oxygen exhalation by plants, and oxygen consumption and carbon dioxide exhalation by animals. The relations and interrelations between plants and animals with their environment is the science of ecology, which we are beginning to hear about more and more.

But if you ask the ecologists for proof of how we are upsetting the ecological balance their answer is that "we don't know." All they are saying now is that we *may* be interfering with life cycles in ways that are

quite irreversible. They quickly add, however, that where danger of this sort is suspected, and there are good reasons for suspicion, it would be folly to take no action.

For the present, over-population is the problem of top priority. Too many passengers on the spaceship. It has been suggested that all these warm human bodies, together with the increasing use of machinery, are producing excess heat faster than it can be absorbed into the atmosphere. This excess heat, so the argument goes, will spell mankind's doom before any shortage of food does.

Whether this argument is true or more in the realm of science fiction, it is generally accepted that at least half the people in this world go to bed hungry every night. Millions live out their lives without ever knowing the satisfaction of a full belly. It is this realization that has prompted some people to question the advisability of a crash program to land a man on the moon and to suggest that we desperately need a program of priorities for our scientific enterprise.

On the one hand we have those, including both scientists and literally intellectuals, who either do not see or try to ignore the world's plight. On the other hand are those who do and want to remedy the situation. The presence of this concern is not the exclusive domain of any group. However, I think C. P. Snow correctly labeled the larger cultural division which is between the world's have's and have not's, the "underfed and the overfed." It is this larger division that underlies the current unrest all over the world.

The essential factor here, at least for the present, is the population explosion. Whether the end result is lack of food or an excess of heat generated by too many people, the population must be stabilized or nothing else will matter. However, with the advent of the pill and other such measures, we seem to be taking at least a few tentative steps in the right direction toward stabilizing the population. Assuming that we do, what then?

Modern man has the potential to damage, perhaps beyond repair, the ecological system of this planet on which life depends.

LaMont C. Cole, a Cornell University ecologist, calls it the battle between the doers and the thinkers. The doers want to exploit the earth's riches, to clear the forests, to build dams and canals, to set off nuclear explosives, etc., in the belief that man must subdue the world if he is to survive. The thinkers, however, wonder if we shouldn't consider the consequences of the subjection and try to preserve as we exploit.

Exploitation is not new, even to Americans. Most of us are familiar with the way the pioneers used up the land with little regard for the future. To the pioneers the land seemed inexhaustible. Writers such as J. Frank Dobie and Walter Prescott Webb have evoked memories of the days when herds of cattle could be lost in the tall grasses covering the Texas plains, before overgrazing reduced them to bare ground and worthless weeds. Earlier generations worried over the extinction of the passenger pigeons and the giant blue whales, just as some people today are concerned about the disappearance of the whooping cranes and the duck-billed platypus, and the spread of armadillos and grackles.

The Old World was subjected to over-exploitation long before the time of Christ. Professor Cole contends that many so-called under-developed nations are in reality over-developed. Elaborate irrigation systems designed by Egyptians to get the most productivity out of the soil eventually turned the land into deserts. Remember Shelley's *Ozymandias?*

" 'My name is Ozymandias, king of kings:
Look in my works, ye Mighty, and despair.'
Nothing beside remains. Round the decay
Of that colossal wreck, boundless and bare
The lone and level sands stretch far away."

However, there is an essential difference between what went on in the past and what is happening today. Modern man has the technology to change the world's environment with devastating swiftness.

Although IBP is getting underway slowly due to the tight Federal budget, the urgency of the situation was stressed during recent hearings conducted by the U.S. House of Representatives Subcommittee on Science, Research and Development. The subcommittee is a part of the Committee on Science and Astronautics, whose membership includes three Texas congressmen, Olin E. Teague, Earle Cabell and Bob Eckhardt.

In support of IBP, the subcommittee has cited "dozens of current situations which appear to have implications for the ecology of the planet—most of them disturbing."

Examples cited include the rapid increase in the number of nuclear power plants resulting in tremendous discharges of waste heat into fresh water streams and lakes and into the oceans. "Virtually all of the large fresh water flow sites have already been tagged for possible nuclear cooling," the report states. "No one knows what the ecological results will be—and substantial research remains to be done with regard to the disposal of skyrocketing nuclear wastes."

Use of pesticides and other life-killing chemicals has been brought into sharp focus by the defoliation practices of the military in Vietnam, the report continues. "Damaging or killing a plant may appear inconsequential compared to the maiming or death of humans. However, interfering with the ecology of a region on a massive scale could set in motion an irreversible chain of events that would continue to affect both the agriculture and wildlife of the area—and therefore the people, also—long after the war is over."

According to Walter Orr Roberts, director of the Center for Atmospheric Research at Boulder, Colo., "Man appears, indeed already to be influencing his climate, his atmospheric environment, to an alarming degree. . . . This problem may soon be even more pressing than that of the A-Bomb."

Roberts' concern is again echoed by others who point to estimates that one Boeing 707 releases 36 million tons of carbon dioxide into the atmosphere each year. Most of this release is at high altitude where it is harder to disperse and where it can have an even more adverse effect on weather conditions. At the same time, says Cole, one million acres of green plants are paved under each year, drastically reducing the amount of oxygen entering the atmosphere.

The worldwide monitoring stations to be set up by IBP members will at least help determine the most urgent of these problems and what influencing conditions surround them.

Another outgrowth of the program will be a central data storage bank where collective findings will be maintained on a computer so that all interested scientists can retrieve this research information when it is needed. Numerous related articles, papers, and books will be written containing segments of the findings of the various groups of scientific pioneers.

The anticipated establishment of a National Institute of Ecology will also be helpful in bringing scientists together to discuss and attack problems commonly shared. Already IBP conferences (more than 200), held to coordinate the work of world scientists, have gotten these specialists beyond their own national boundaries. According to UT Zoologist Frank Blair, "This is really the pay-off result."

As the urgency of the existing problems comes into clearer focus, there is certainty that the nations of the world will take steps to save their spaceship—the earth.

THE WORST OF ALL POSSIBLE WORLDS

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. ULLMAN. Mr. Speaker, the Nation is on the brink of a difficult economic period. What many economists have feared seems likely to occur later this year: We will experience continued sharp increases in prices and wages, while at the same time, unemployment will rise steadily across the country. In this worst of all possible worlds, those most hurt by the rapidly increasing cost of living will often be the first to be laid off—the low-wage earner.

Hobart Rowen, the business and financial editor of the Washington Post, in an article today explores this often forgotten result of today's growing unemployment. Anywhere from 750,000 to 1 million workers could be added to the unemployment rolls this year, Rowen indicates, including many minority group members, women, and teenagers.

Bad enough that those who will suffer most can least afford it. But it is inexcusable that the cost of living is to be allowed to spiral upward without the administration taking action, thus making the burden of the unemployed that much more difficult to handle. Again, I call on the administration to take a responsible stand by establishing credit controls and tough wage and price guidelines and holding business and labor to them. Otherwise, there is every indication that prices and wages will skyrocket this year.

I commend Rowen's analysis of the growing unemployment problem to the attention of the Congress:

THE JOBLESS "RATE" IS LIKE AN ICEBERG

(By Hobart Rowen)

In the 1950s, the popular goal among "liberals" was to cut unemployment to 3 per cent. Thus, when in 1961 John F. Kennedy, under Walter Heller's tutelage, set 4 per cent as a "reasonable interim target" for so-called full employment, many of the liberals said it was a cop-out in favor of price stability.

But the fact was that it took until 1966—with the combined prod of the Big Tax Cut and the Vietnam war—to reach the 4 per cent target. (The unemployment rate never got below 5 per cent, and stayed closer to 6 per cent, during Kennedy's brief presidency.)

Now, after four years of having surpassed that 4 per cent goal, we are about to retrogress: Economic Council Chairman Paul W. McCracken admitted the other day that for 1970 the jobless rate would likely average 4.3 per cent, pushing close to 5 per cent in some months. It is fair to assume that McCracken is putting the best estimate forward, rather than the worst. Other respected economists think the unemployment rate this year may at times *exceed* 5 per cent, and approach 6 per cent.

Obviously, the Nixon administration is worried, as it should be, by these potential developments. No single measure of the health of the economy gets the attention

given to the monthly unemployment data published by the Labor Department. The humanitarian and social concern is obvious; the man or woman out of work loses income for himself and his family. The kid who can't get started is "turned off" by society, perhaps for good.

Says McCracken: "The nation has unfinished business so long as there is anyone looking for work and unable to find a job. Since the objective of policies is to cool off the long overheated economy, not to create unemployment, policies cannot be meaningfully discussed in terms of a 'target' unemployment rate."

And then, to be realistic, there is the political dimension to the unemployment results: people thrown out of jobs are not likely to be happy with the party in power. President Nixon had a first-hand lesson on this score during the 1960 election. Between 1960 and 1961, unemployment rose by about 850,000 persons—of whom almost 500,000 were over 20. The Eisenhower recession of that year (that Mr. Nixon had tried to avert by advising a quick infusion of spending and easier money) may have cost him the election.

A rise in unemployment from 3.5 per cent in 1969 to 4.3 per cent in 1970 would add about 700,000 workers to the unemployment totals. (If the rate is 4.5 per cent, the 850,000 increment of the earlier period would be matched.)

Hopefully, however, there will be differences, even if 1970 qualifies as a recession with unemployment hovering near the 5 per cent mark. In the Eisenhower recession of 1960, the median duration of unemployment was something like 9 weeks. According to McCracken's estimates, the rise in unemployment this year will reflect a median length of the jobless period of about 5½ weeks, or only one week more than what was prevalent in 1969. You can't get around the fact, however, that more people will be out of a job—for at least a part of the time—than was true last year. Calvin Coolidge's famous definition still holds: "When more and more people are thrown out of work unemployment results."

Moreover, the "global" unemployment rate is misleading, masking the more serious impact on teen-agers, women, and minority groups (mostly blacks). For example, against 1969's low 3.5 per cent unemployment rate over-all, look at this selected group of rates for the same year:

	Percent
All teenagers	12.2
Black male teenagers	21.2
Adults, 20 to 44	3.2
Black females, 20 to 44	7.2
White, total	3.1
Black, total	6.4

Recently, the real effort being made by industry to create and extend job opportunities to blacks seemed to be narrowing the gap slightly between white and black unemployment rates: the slow up-creep in the jobless total from the beginning of 1969 to the end of the year was mostly at the expense of whites. But whether this trend will hold with a further substantial boost in unemployment is one of the big questions that no one really wants to test.

The Council of Economic Advisers devoted a special section of its recent Economic Report to a serious and worthwhile examination of some of these questions. It showed that of 2,831,000 persons unemployed in 1969, 570,000 were black. Fully half of these—290,000—needed jobs in order to have made the Negro jobless rate equal to that of the whites.

The CEA had some long-term suggestions but no real answer to the immediate problem, which, in fact, will be worse in 1970. Studies by the Department of Labor and by private analysts like Leon Keyserling indicate that the under-employed who are forced to take part-time jobs for lack of other ones, or lesser full-time jobs because better ones are not available, add to the dimension of the reported numbers. We see only the tip of the iceberg in the eagerly watched monthly number.

None of this is new to McCracken or President Nixon; but rather grimly, they are entering this period of higher unemployment with their fingers crossed, hoping, as McCracken says, that the sticky period ahead "won't be of substantial duration."

But as the Democrats on Capitol Hill are quick to point out, Mr. Nixon seems to have no contingency plans to cope with the situation if it gets really bad; for the Republicans, that could spell disaster in the 1970 congressional elections.

SMALL BUSINESS—THE INNOCENT BYSTANDER—IS INJURED BY MONETARY POLICY

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. PATMAN. Mr. Speaker, on September 19, 1969, I introduced House Concurrent Resolution 371, a concurrent resolution to express the sense of Congress that, in view of the impact of current monetary restrictions upon U.S. industries whose products are used principally in residential and commercial construction, the executive branch should take action to reduce imports of the same or similar products from other countries. I pointed out that steps should be taken under the Trade Expansion Act or other authority to negotiate trade agreements or voluntary quota arrangements reducing imports to such levels as may be necessary to preserve intact U.S. manufacturing facilities until the current monetary emergency is over. I made clear that industries such as the ceramic tile industry were especially vulnerable to Government-induced market contractions and that, during the housing collapse of 1966, numerous ceramic tile plants had been forced to close their doors permanently.

Mr. Speaker, we cannot permit this history to repeat itself. The surest way to prevent repetition is to effect an equitable reduction of imports in the near future.

I am pleased that other Members on both sides of the aisle share my concern and have joined in sponsoring the relief contemplated by House Concurrent Resolution 371. These include Messrs. ABERNETHY of Mississippi, FISHER of Texas, GOODLING of Pennsylvania, COUGHLIN of Pennsylvania, HANLEY of New York, DENT of Pennsylvania, HASTINGS of New York, HALEY of Florida, HARSHA of Ohio, UTT of California, TEAGUE of Texas, GRIFFIN of Mississippi, BLANTON of Tennessee, TAFT of Ohio, BETTS of Ohio, ASHBROOK of Ohio, CLANCY of Ohio, BOW of Ohio, BLACKBURN of Georgia, HANNA of California, PURCELL of Texas, COLLINS of Texas, DE LA GARZA of Texas, NICHOLS of Alabama, SMITH of California, JONES of Alabama, CABELL of Texas, DAVIS of Georgia, BURTON of Utah, KAZEN of Texas, PERKINS of Kentucky, and WATTS of Kentucky.

In the Senate, eight Members have now sponsored Senate Concurrent Resolution 41, introduced by the chairman of the Banking and Currency Committee on October 14, 1969. Joining Mr. SPARKMAN of Alabama are the minority leader Mr. SCOTT and Senators EASTLAND of Mississippi, ALLEN of Alabama, ERVIN of North Carolina, BENNETT of Utah, MURPHY of California, and WILLIAMS of New Jersey.

In view of this strong support, it would be my hope that the executive branch will not delay in initiating corrective measures. The housing industry is clearly facing a most urgent crisis. As the chairman of the Board of Governors of the Federal Reserve System stated before the Committee on Banking and Currency on February 7:

> Even more importantly, the provision of decent housing for all families is among our most pressing needs, as Congress recognized in laying down a decennial goal for the production of new and rehabilitated housing. . . . I assure you that the Federal Reserve Board is deeply concerned about the recent decline in production of housing and the further rise in costs of buying, financing, and operating new and existing dwellings. Housing starts have been declining for three consecutive calendar quarters now. By last December the seasonally adjusted annual rate of 1,245,000 private housing starts was the lowest in two and one-half years. The downtrend has come at a time when demand for both new and existing accommodations has generally remained strong.

In these circumstances, steps most assuredly should be taken to minimize harm to affected suppliers of building materials. If the country's long-term housing goals are to be met, it is obvious that we must avoid destruction of industries like the ceramic tile industry. Otherwise, in some later year, we shall find ourselves completely dependent upon facilities located in far-off lands, perhaps unwilling or unable to meet our urgent needs.

In the case of ceramic tile, the problem is made more complex by the high incidence of unlawful trade practices on the part of overseas suppliers doing business in our country.

Japanese suppliers of wall tile continue to use American-sounding trade names and trademarks in a deceptive manner and to couple this activity by frequently undercutting the market with prices substantially below existing levels. I am pleased to learn that the Japanese Government is making every effort to minimize the disruptive effects of these practices, although this is indeed a large task and may require a long period of time. Hopefully, the Japanese Government will also be able to curb the practices of exporters of ceramic mosaic tile, which have proved even more disruptive in recent months, having increased their share of the U.S. market from 62 percent in 1966 to a staggering 67 percent at present.

In the case of wall tile imported from the United Kingdom, the Bureau of Customs has instituted a dumping proceeding under the Antidumping Act. In addition, other agencies are looking into the

question of whether British tile is currently being misrepresented to architects and consumers as being standard grade when in fact it is substandard.

I am certain that my colleagues in this Chamber share the view that foreign producers and exporters should observe our laws in exchange for the privilege of doing business here. Yet in the case of ceramic tile there is little evidence of compliance with this principle. Having in mind that virtually all ceramic tile produced goes into new construction—a market that has been sharply curtailed—the consequences of this defiant attitude are indeed grave and provide a further reason why House Congressional Resolution 371 should be immediately implemented.

Mr. Speaker, it is not the intention of the resolution to exempt the ceramic tile industry, or any other industry dependent upon housing, from the anti-inflationary moves of Government. Its only purpose is to assure that, in a market curtailed by governmental action, imports of the same commodities should be reduced to a level that will assure the continued existence of U.S. facilities in the period of contraction.

It is my earnest hope that this measure will continue to gain support and receive very prompt action by the executive branch.

ENVIRONMENTAL FINANCING AUTHORITY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the precious water resources of this Nation are not inexhaustible. Reuse of water is becoming mandatory as the population grows and the economy expands.

While the demand for water is increasing, the water available to use is decreasing because of pollution. As a result, we desperately need to remove the backlog in the construction of municipal waste treatment plants.

Much can be accomplished under the President's $10 billion clean waters program to construct these treatment facilities. However, to insure that each community will be able to raise its share of waste treatment plant costs even when bond market conditions are unfavorable, a new Federal financing institution is necessary. This will be known as the Environmental Financing Authority. EFA's purpose will be to buy up State and local obligations by financing these purchases through sale of its own securities to private investors. EFA's securities will be taxable and the Treasury would pay the difference between what it pays for community obligations and what EFA securities are sold for in the bond market.

If we are to return to clean waters, then we must provide the tools necessary to clean up our waters. Creation of the Environmental Financing Authority is a most necessary part of our Government's efforts toward this goal.

THE AGE OF THE 747

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, I am very pleased to report that I witnessed the dawning of a new era in transportation at Dulles Airport on January 15—the beginning of a new age—the age of the 747. The jumbo jet was dramatically ushered in with the christening of Pan American's clipper *Young America* by our First Lady, Mrs. Richard Nixon.

It was a very impressive ceremony. The giant, 362-passenger clipper, resembling more a luxury ocean liner than an air transport of the past, dominated the entire parking area in front of the terminal. And, what could be more appropriate in such a setting than to have Mr. Najeeb Halaby, Pan Am's president, join Mrs. Nixon in ushering in this new age of the jet.

As we all remember, it was Mr. Halaby, in his former capacity as FAA Administrator, that made Dulles, the most modern airport in the world, a reality. And now, as the new chief at Pan Am's helm, he is leading the industry into the 747 age.

The aircraft itself is a beautiful giant and a tribute to American skill. Mrs. Nixon, like all of us, fascinated by this new craft, made a careful inspection of its entire interior. Upon reaching the cockpit and viewing the ground from the pilot's seat, she was heard to exclaim:

My goodness, look how high this is! You fellows have a seat near heaven.

Perhaps nothing could better emphasize how far a distance we have come than to compare the 747 with Pan Am's Ford trimotor of the 1920's. Nestled under the wing of the new giant clipper, the trimotor looked like a model airplane next to the jumbo jet.

The flight of the 747 was even more impressive than its appearance. With its engines barely audible, the craft accelerated rapidly, and in less space than the smaller 707, was airborne. After climbing to cruising altitude, we leveled off to one of the smoothest rides I have ever experienced. The interior of the craft is full of innovations to make flying more pleasurable—wider seats, more leg room, large galleys—ideal for stand-up snacks for the restless passenger on long flights—a staircase to climb to a roomy upstairs lounge for any first-class passenger who enjoys a change in scenery, and general feeling of comfort. The 90 minutes was so relaxing that time literally flew. And the landing, by which many of us use as a measure of the combined skill of man and the machine, was so smooth that touchdown was barely noticeable. The 747 already appears to be the smoothest, most magnificent flying machine ever built.

I would like to reiterate my admiration for Pan American Airways for their continued leadership in pioneering this great, new aircraft which, I am certain, will assure our country of its preeminence on the airways of the world.

H.R. 16062 OFFERS NEW JOB OPPORTUNITIES FOR THE BLIND AND HANDICAPPED

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. HOSMER. Mr. Speaker, today I have introduced for myself and colleagues from both sides of the aisle what we believe is very important and long overdue legislation. Its designation is H.R. 16062.

This measure would amend the historic Wagner-O'Day Act of 1938, which for the past 32 years has been so important in providing job opportunities for the blind through sheltered workshops. Largely through opportunities made possible by this act, more than 5,000 blind persons today are earning regular wages in 79 workshops in 35 States, turning out over 300 high-quality products.

Today, we feel it is time that the Wagner-O'Day Act be extended and strengthened. Joining me in introducing this bill are Mr. BENNETT, Mr. BROWN of Michigan, Mr. BUCHANAN, Mr. BYRNE, Mr. CAREY, Mr. CLEVELAND, Mr. COUGHLIN, Mr. GARMATZ, Mr. GUDE, Mr. HORTON, Mr. KUYKENDALL, Mr. LOWENSTEIN, Mr. OLSEN, Mr. PETTIS, Mr. REIFEL, Mr. ROBISON, Mr. RODINO, Mr. ROE, Mr. SCHEUER, Mr. SMITH of California, Mr. STEIGER of Arizona, and Mr. WEICKER of Connecticut.

The bill has two principal objectives. First, it would extend the priority now reserved for the blind to the other severely handicapped, assuring, however, that the blind will still have first preference in selling their products to the Federal Government. Second, this measure would expand the category of contracts, under which the blind and severely handicapped would have priority to include services as well as products, again reserving to the blind a first preference for 5 years after the enactment of the bill.

I am pleased to note that this measure has the support of the major organizations for both the blind and handicapped. These include the American Association of Workers for the Blind, the American Foundation for the Blind, the Federation of the Handicapped, the Goodwill Industries of America, International Association of Rehabilitation Facilities, National Association for Retarded Children, the National Association of Sheltered Workshops and Homebound Programs, National Industries for the Blind, National Rehabilitation Association, and the National Society for Crippled Children and Adults, commonly known as the Easter Seal Society.

I would stress that this is not a new welfare program. No additional Government expenditures would be occasioned by its enactment. It is, instead, a proposal to help those who want to help themselves.

The blind and handicapped workers in the Nation's sheltered workshops—which total some 100,000 people in 1,500 facilities—are a source of inspiration to all Americans. This bill would increase

the job opportunities for additional handicapped persons by enlarging the Federal market for their products and services.

A recent study showed that an additional 50,000 disabled workers—including the blind—could find productive jobs if more workshops were available to them. I believe this bill will have that effect.

This bill is the House companion to a measure introduced last week in the Senate by Senator JAVITS of New York, along with Senator MAGNUSON of Washington and Senator RANDOLPH of West Virginia.

IT IS "30" FOR MIKE SUPKO

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. HELSTOSKI. Mr. Speaker, in my area of New Jersey a distinguished gentleman has written "30" to his career as a newspaperman reporting and writing on key events for the Passaic Herald-News for almost a half century.

He is Mike Supko and on this occasion I would like to pay honor to him for his outstanding journalistic career and for the many other qualities that were marks of distinction. Among them were friendliness, warmth, diligence, dedication, and fairness.

To give an insight on the type of man Mike Supko was and is, I hereby place in the RECORD an article carried in the Herald-News on January 29, 1970, upon the announcement of his retirement:

VETERAN REPORTER RETIRES: IT'S "30" FOR MIKE SUPKO

(By David B. Carlisle)

HACKENSACK.—One afternoon in 1953, a young lawyer from Union County, strange to the Bergen County Court House, wandered into the press room. He found a single reporter, tapping out a routine report on wills filed that day.

"I'm Nelson Stamler," the lawyer said. "I've been appointed acting prosecutor. Where do I go to get sworn in?"

The reporter was The Herald-News' Mike Supko—"Judge" Supko in the office in affectionate recognition of his vast seniority and his standing in Bergen. What he did was completely in character. He jumped to his feet, took Stamler by the arm, and led him personally to the county clerk's office.

"We were friends from then on," said Supko, who is retiring this week after 47 years of service on the paper.

HECTIC TIME FOLLOWS

One of the most dramatic periods in a newspaper career which touched a number of the high spots followed. The Stamler investigations culminated in the criminal trial of Walter Winne, the former prosecutor, for closing an eye to organized gambling in Bergen. The trial, which produced a verdict of not guilty, ground on for 11 weeks and Supko was there every day from the opening statements by the lawyers to the final acquittal.

"It was a hectic time," he recalled. "Every hour on the hour somebody else was indicted. Everyday I had to call in a new story and we made over Page 1. You never knew who was going to be named next."

There are conflicting reports about the "Judge's" pre-newspaper career. Allen W. Smith, retired executive editor, insists he was an old carnival pitchman. Supko himself says he had been working in the office at Gera Mills, one of Passaic's former woolen manufacturers, and writing club, social, and church news for the old Passaic Daily News in his spare time. Smith might not be an effective courtroom witness anyway. Both men say that Supko started on the Daily News about six months before Smith in 1923.

COVERED CLIFTON

The late Harold Gras was managing editor, the late Dr. George M. Hart was editor and publisher, and the late Winfield Clearwater was city editor. Supko's first assignment was covering Clifton—City Council, Board of Education, police, everything. The town had a population then of less than 30,000. S. Grant Thorburn was mayor and Asmonde A. Spaar, retired Herald-News editorial writer, was deputy city clerk.

After a year of two, Supko was transferred to the Passaic police beat. He remembers vividly the days when former Commissioner Benjamin F. Turner used to call him in the middle of the night for raids on warehouses, beer halls and stills. Turner was then a captain of detectives. Later Turner soured on the Daily News for reasons having nothing to do with Mike and he ordered Supko out of his office.

"Get the hell out," he said. "It's not you, Mike, it's your lousy paper."

Supko was still on the police beat in February, 1926, when the police had a telephone call reporting Botany Worsted Mills have gone out on strike. The great 1926 textile strike was under way. Supko was called with other reporters to meet with the late Col. Charles F. H. Johnson and hear the inside story from the management point of view. Supko covered nothing else for 13 months, until the very last day and the final settlement in a Lodi hall.

"I walked the picket line with (Albert) Weisbord," he said, recalling the young strike organizer who started the uproar and kept it going almost single-handed. "They used to put out their own magazine called 'Hell in New Jersey' with pictures of police 'cossacks' beating pickets."

Supko was born in Passaic and he remained there until his marriage several years after he started with the paper. He and his wife, Ann Rita, live now at 7 Brookwood Road, Clifton. They have two sons, Kenneth, 35, who lives in Wallington and works for the transportation department of Western Electric in New York, and William 30, living in Oakland. There is one grandchild, 18-month-old Judy.

GUEST OF JUDGES

Mike says he has no definite plans, except to do some part-time publicity work for friends in politics.

Bergen County's 20 judges, from Assignment Judge Morris Pashman on down, got together and gave Mike and Mrs. Hermione Gengschel, retired Hudson Dispatch Court House reporter, a luncheon yesterday in the judges' private dining room at the Court House. Pashman himself was the only speaker. The arrangements were made by County Court Judge Benjamin Galanti and Juvenile and Domestic Relations Court Judge Abraham Rosenberg.

Fellow workers from The Herald-News will give Supko a dinner tomorrow evening at Frank Alberta's, Clifton.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

EULOGY FOR JOSEPH ROSTENKOWSKI

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. KLUCZYNSKI. Mr. Speaker, I would like to insert the following eulogy for Joseph Rostenkowski, father of our distinguished colleague, Congressman DANIEL ROSTENKOWSKI, who represents the Eighth Congressional District of Illinois, which was delivered by Rev. Walter M. Wilczek, C.R., principal, Gordon Technical High School at St. Stanislaus Kosta Church, Chicago, Ill., February 12, 1970.

The eulogy follows:

EULOGY FOR JOSEPH ROSTENKOWSKI

During the forty days after the resurrection, our Lord went around among His friends offering consolation, granting hope, extending His love. He went to His Blessed Mother, as she knelt in prayer in the house of John, showing her His glorified body, speaking to her of the kingdom of God. He poured into her heart the sweet balm of heavenly consolation. He appeared to Magdalene, the woman who had been a sinner, and filled her soul with the joy afforded her who loved much, by the vision of His triumphant Self. Early one morning His apostles were drawing near the shore. Jesus was there before them, with a fire blazing and food already cooked, knowing that they were hungry and half famished after the night of toil.

However, the incident that I find so touchingly human in this post resurrection period is the one concerned with the two men on the road to Emmaus. I am sure we all remember that incident. Two young men walking together along a country road; it is easy to see that they are dejected because their pace is slow and their heads are bent low. They are joined by a third man and, as he continues to walk with them and speak to them we can notice a distinct change come over them. They are now alert and evidently interested, and, when they come to their little house in the country they urge the stranger to come in with them and spend the night. It is only a supper when they see our Lord breaking the bread that the realization of who He is sweeps over them. And it is after He was gone from their midst again that they realized the impact He had on their lives in so short a time.

I believe it is the humanity of this incident that best illustrates what our Lord tried to do throughout His entire lifetime. Extend His love personally to each man; to give each man new and greater hope; to bolster the courage of any man when his courage needed bolstering; to offer consolation in time of sorrow; to give each of us a vision of the goodness and greatness of the life that all of us can lead, and each of us must lead, if we are to bear the name, Christian. And as I recall that scene and listen to the conversation of Christ and His two disciples on the road to Emmaus, the thought strikes my mind that, what Jesus was doing there, He also would have each of us do in our lifetime. For Christ had not asked each of us to be great, He just wanted all of us

to be good. And today as we pay our last respects to one of our own who did achieve greatness in his own life, I think we would do Joseph Rostenkowski a great disservice if we remembered him for anything else but his goodness.

It is easy to list the great accomplishments of Joe Rusty's life. He was an Alderman and a Committeeman for twenty-five years; he served as a State Representative in the General Assembly of the State of Illinois; he served as a Delegate to five National Democratic Conventions; he was appointed by President John F. Kennedy as the Customs Collector for the Port of Chicago and served in that capacity until he retired to private life. Anyone of these accomplishments would have been a milestone in the life of any man; that all of these accomplishments were found in the life of Joseph Rostenkowski is witness to the fact that he was a strong minded, determined, forceful American, who helped fashion this country by exercising a patriotic leadership among the people he loved, for causes in which he believed, in the city he called his home, and in this parish which symbolized his God. Even though he lived his entire lifetime in the shadow of this church, we would never classify him as a theologian or a scripture scholar. He would have never been able to give us an exegesis on the scriptural text of our Lord meeting the disciples on the road to Emmaus. But then, he wouldn't have to. He wouldn't have to because Joseph Rostenkowski was a man who worked hard, who played hard and who prayed hard. A man who understood intuitively, by the totality and fullness of his life, just exactly what Christ was trying to get across in the humanity of His message, and the divinity of His love.

Joe Rusty also tried to give men vision and scope, by fanning the fires of noble ambition; many of you here present know better than I the times he extended comfort to you in your sorrow and your need; his courage was infectious when he was fighting for causes in which he believed; and his understanding of human weakness was always compassionate. His life was so full of patriotic duty and Christian activism, that I am sure Joe Rusty never paid attention to the theological ramifications of many of his actions. I am sure that he stands rather surprised at the throne of God asking with the multitude of other Christian activists described in today's gospel text—"Lord, when did we see You hungry and feed You? Or thirsty, and give You a drink? And when did we see You a stranger and welcome You, naked, and clothed You?" And I am sure our Lord will look back at Joe Rusty's full lifetime and say: "You remember, Joe, when you and your wife, Priscilla, saw the needs of the poor people in your ward during those long depression years and worked to provide boxes of clothing for them? Do you remember how many hours you and Priscilla spent in packing those baskets of food and delivering them to a grateful and hungry people, warming them by providing tons of coal for their needs during the cold Chicago winters? And what about all those Polish immigrants whom you tried to instill with a sense of respect for one's self and the love and devotion for their newly found and adopted country? Do you remember those countless hours that you spent at the Chicago Servicemen's Center during World War II, trying to make the thousands of servicemen who visited the city very much at home? Do you realize how much comfort you extended to them in those dark days? Whatsoever you did, Joe, to the least of these, My brothers, you did it unto Me. I was hungry and you gave Me to eat; I was homeless; you opened your door; I was weary, you helped Me find rest. I didn't know the language of My new homeland, yet you taught Me to read. I found this huge city strange, foreboding, yet you made Me feel very much at home. When I was thirsty, you gave Me a drink; when I was naked, you gave Me your coat; when I was anxious, you calmed My fears; when I needed employment, you found Me a job; when I was looking for kindness, you held out your hand. And, Joe, when I was happy, you even shared in My joy; Now come; enter into the home of My Father."

It is easy to remember great men for great deeds, but it is far nobler to imitate the goodness of a man's life. I am certain that Joseph Rostenkowski will be long remembered for the greatness of his accomplishments. I pray that he will be imitated for the goodness of his life.

VOCATIONAL AND TECHNICAL EDUCATIONS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. MURPHY of New York. Mr. Speaker, only 20 percent of high school graduates in America go on to attend college. More than 50 percent of these fail to complete their studies. What happens to the more than 80 percent who do not go to college? This letter by L. R. Somach, acting assistant principal of McKee Vocational and Technical High School, challenges our thinking about the direction our emphasis in education should take. I commend this well-reasoned letter to you.

The letter follows:

RALPH R. MCGEE VOCATIONAL AND TECHNICAL HIGH SCHOOL,
Staten Island, N.Y., February 6, 1970.

The EDITOR,
Staten Island Advance,
Staten Island, N.Y.

DEAR SIR: Many articles which have appeared in the "Staten Island Advance" over the past year or more have attempted to evaluate the caliber of the Staten Island high schools in an attempt to discern whether or not they meet the needs of the pupils involved. The articles seem to indicate there might be a gap in the accomplishments of our school children or in the programs of our schools which makes for incompleteness in the lives of the finished product.

It is a curious thing that man spends most of his productive hours pursuing his livelihood and for this he is often the least prepared. Sleep, attention to personal needs and family affairs, and recreation, must all be part of man's daily life, to a greater or lesser degree, but purposeful activity—work—would appear to be the most important, time-consuming function of his waking hours. Without work, productivity of some kind, man dies. He must work to eat, work to support his family, and work to be able to enjoy his leisure time.

The history of education, from ancient times through the 19th century, seems to have directed itself to saving man's soul (theology), enlightening his mind (philosophy), preserving his body (medicine), maintaining his society (law), and extending his influence (military). The study of mathematics would seem to be one of the more practical arts in any culture. From thence into modern times, it would appear that only the elite in society was privileged to enjoy the wisdom of the sages, and how they made their living is unclear to me except, perhaps, if they pursued a high-class vocational skill, medicine, for example.

The masses were largely uneducated and unskilled—usually destined to tend the fields; but in between the meek and the mighty, there were the beginnings of a middle class—the craftsman, the artisan, the butcher, the baker, the mason, and the candlestick maker—and here is what appeared to be an anomaly in educational train¹-g ard philosophy. The people described were unschooled, but not unskilled. They were productive and prepared because they had learned a vocational skill. This they learned, not in Salamanca, but in the shop of the master craftsman. The apprenticeship system, then, appears to be the first kind of education which was to take mankind from the low class to the middle class. (We sometimes forget Christ was a carpenter, and probably apprenticed to Joseph.) Somewhere along the line, someone realized that "Arbeit macht das Leben gut" and this was, perhaps, man's most noble calling.

Now, in modern times, 20% of the high school graduates, on a national average, go on to college and 50% of these fail to complete their studies and perhaps this subsumes a law of nature because Conant states but 20% of a graduating class in an ordinary high school are capable of advanced study. However, the remaining 80% go on to work and they seem least prepared to sustain themselves. Our curricula appear to be vestiges of some far-off time, humanistic and not too practical, and, with some notable exceptions in vocational schools where the traditions of the craftsman are maintained, we are still attempting to preserve man's mind and soul but not sustain his body.

Hopefully, I may have provided some ideas for our local school board.

Very sincerely yours,

L. R. SOMACH,
Acting Assistant Principal.

DR. ROBERT N. LITTLE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. PICKLE. Mr. Speaker, another of the many outstanding educators at the University of Texas has been honored by his colleagues. Dr. Robert N. Little, professor of physics and education, has assumed the presidency of the American Association of Physics Teachers.

He has served as president-elect of AAPT during the past year, and was officially installed as president during that organization's 39th annual meeting held in Chicago.

Professor Little, a member of UT Austin's faculty since 1944, received his B.A. with honors in mathematics, M.A. in physics, and Ph. D. in physics, all from Rice University.

Dr. Little has worked in private industry for several large companies, and was an assistant professor of physics at the University of Oregon before coming to the university.

He has had research experience in seismic geophysical exploration for petroleum, neutron-induced nuclear reactions and neutron transport in multiplying media.

Physics curriculum development is one of Dr. Little's major interests, and he is credited with a course entitled "General Physical Science," created to put more emphasis on physics and chemistry for ninth-grade students.

In addition to his present AAPT office he has served as vice chairman of the Oak Ridge Associated Universities council, committee chairman on secondary education in physics of the American Institute of Physics and a member of the AAPT committee on international education in physics.

CONGRESS FLIES BLIND ON SCHOOLS AS NIXON PLAYS DEVIOUS GAME

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. CLAY. Mr. Speaker, columnist Don Oberdorfer accurately perceives not only the attitude of the Nixon strategists on civil rights—but the peril of such a strategy for the country. While the President courts the allegiance of the South, he also courts disaster in a Nation where the divisive polarization of its people does not need reinforcement from its Chief Executive. The Nixon record on civil rights is notorious. On every issue deemed vital to the future of black Americans, and thus, to the total future of America, this President has hovered in silence after putting his forces into action with instructions to "hold the line." This is the President who told us in a recent press conference that he knew all the "gimmicks" and "words" to placate civil rights activists—but that he preferred for them to measure him by his deeds. The record of those "deeds" is more completely documented with every passing day and it leaves no doubt that the President also knows all the "gimmicks" for blocking civil rights progress and that he does not, in that case, refrain from their use.

I commend to the attention of my colleagues the following comment by Don Oberdorfer carried in the February 19 edition of the Washington Post:

CONGRESS FLIES BLIND ON SCHOOLS AS NIXON PLAYS DEVIOUS GAME

(By Don Oberdorfer)

In a cautiously worded statement on school desegregation this week, President Nixon called upon private citizens and public officials to show "civic statesmanship." It will be a miracle if they pay much attention, because Mr. Nixon himself has been showing very little civic statesmanship—indeed, very little leadership of any kind—on the great domestic question of race and schools.

The White House manifestos, written and verbal, have been ambiguous. All of them have been artfully written to steer clear of the heart of the matter. For the first time in quite a few years, nobody can say today where the President of the United States stands. This may or may not be politically profitable to him at the moment, but it is certain to be disadvantageous—and possibly disastrous—to the nation he seeks to lead.

Through aides and written statements, the President has recently said that he will "uphold the law as the courts have handed (it) down," and at the same time expressed preferences which seem to make this difficult if not impossible. He is against "compulsory busing" and for "neighborhood schools." He favors "equal application of the law" throughout the country, but has not spelled out what this means in practice. The unstated implication is that if the courts would go away, so would the problem.

In these uncertain circumstances, Congress is flying blind on the question of race and schools, and so are large elements of the Republican Party. The White House is scared to death of George Wallace, but its waffling encourages and legitimatizes moral and racial nihilism. This is the stuff on which Wallace feeds.

It is easier to criticize Mr. Nixon's failure than to propose an easy answer. For 15 years now, one region—the South—and one institution—the schools—have carried the burden of redeeming the American credo that all men are created equal and the American promise of one nation, indivisible.

One branch of government, the courts, reluctantly assumed the task 15 years ago of reconciling America's words with America's deeds. Both other branches of government had refused to act.

Years later, after much evasion, the executive branch and finally Congress gave support to the push from the judiciary. Now that the issues are getting tougher in North and South, the executive branch and Congress are wavering. Even the Supreme Court has been ducking some of the most difficult decisions.

In its current dealings with Congress, the administration is playing a devious game. The House GOP leader leaves a meeting with the President and backs Southern amendments to the embattled HEW appropriation bill, implying broadly that Mr. Nixon backs them, too. One of the amendments would forbid the executive branch from enforcing court orders; another would probably cut off funds to school systems which have complied with the courts, the law and national policy.

The Senate GOP leader leaves the same meeting with a different set of amendments, later backed by the White House. They would give Northern senators a self-serving semantic escape hatch on the issue of de facto segregation, while watering down a Southern-backed thrust. As usual, the President does not show up to say what he believes or where he stands. Politicians run for cover, each repairing to the best semantic shelter he can devise.

Because of his experience abroad and his interest in foreign affairs, Mr. Nixon tends to think of foreign policy as the President's most important job. Yet his "State of the World" message to Congress this week seems to mark a national shift away from involvement abroad. Ironically, the last President was domestic-oriented but was forced to concentrate abroad, with unhappy results.

Given Mr. Nixon's inclination, it is unsurprising that his most forthright recent statement on racial matters appears in his foreign policy message. Speaking of Southern Africa, he told Congress that, "Clearly there is no question of the United States condoning, or acquiescing in, the racial policies of the white-ruled regimes. For moral as well as historical reasons, the United States stands firmly for the principles of racial equality and self-determination."

After 13 months in office, it is time for the President to address the moral and historical aspects of our own problem, as well as the principles which can bring us through this period of uncertainty.

WHALLEY SUPPORTS MIDDLE EAST DECLARATION

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. WHALLEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to associate myself as a signatore on the declaration in support of the Middle East inserted in the CONGRESSIONAL RECORD by the Honorable EMANUEL CELLER on January 29, 1970.

ORDER IN THE COURT

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. SCOTT. Mr. Speaker, the following editorial from the Richmond Times-Dispatch, a daily newspaper serving my congressional district, may be of interest to the membership of the House as I believe it reflects the feeling of a large number of people in the country.

The editorial points out that justice cannot survive in the type of atmosphere reportedly existing at the recent Chicago seven trials presided over by Federal Judge Julius J. Hoffman.

The editorial follows:

[From the Richmond (Va.) Times-Dispatch, Feb. 17, 1970]

ORDER IN THE COURT

Federal Judge Julius J. Hoffman called it a circus. But the trial of the Chicago seven over which he presided was not a circus. A circus is supposed to be entertaining, even funny. Nothing about this trial was entertaining or funny, nothing at all.

It was a disgraceful, vulgar assault upon the American judicial process. For five months, the defendants—prodded and aided by their lawyers—insulted Judge Hoffman, ridiculed the court, and sneered at the whole system of justice. From their obscene lips poured a torrent of vile and abusive words clearly intended to disrupt the trial and provoke Judge Hoffman. They called him a fascist, a racist, a runt and likened him to Hitler.

Obviously such behavior cannot go unpunished. If these men, charged with conspiracy in connection with demonstrations during the 1968 Democratic Convention, can get away with the contempt they displayed, others will ape them and America's court system will be in jeopardy.

Their actions already have had some influence. Thirteen Black Panthers being tried in New York resorted to similar tactics, yelling and throwing such epithets as "fascist pig" at Justice John M. Murtagh of Manhattan Criminal Court.

This kind of nonsense cannot be tolerated. A higher court may decide that the contempt penalties Judge Hoffman imposed upon the Chicago seven and their lawyers are too severe. But punishment of some kind there must be, for justice cannot survive in the kind of chaotic, vituperative atmosphere that prevailed in Chicago.

The Chicago seven and the New York 13 cannot justify their actions by calling the police brutal and the courts unfair. Imperfect though it may be, the American judicial system is generally capable of protecting people against gross oppression from the police and bias from the bench. That is one of the functions of the appeals process.

Those critics who would readily rip apart the U.S. system of justice and replace it with another might ponder the case of Gunner Gjengseth, a 23-year-old Norwegian recently arrested in Leningrad for distributing leaflets protesting the detention of Russian dissident writers. It took Russian authorities less than a day to try Gjengseth, find him guilty, and sentence him to a year in a labor camp.

Less than a day to try a protestor in Leningrad, five months to try protestors in Chicago. Who would want the procedure reversed?

LEGISLATION TO HOUSE DISADVANTAGED SINGLE PERSONS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. MOORHEAD. Mr. Speaker, today I am introducing legislation to help one of the most neglected parts of our housing problem, the needs of low income single persons. In the past, our programs have been designed almost entirely for families of two or more people but experience under the urban renewal and highway programs and the growing awareness of urban needs has clearly shown the need for assistance for disadvantaged single persons. Frequently, single persons account for a large part of our hard core slum housing problem. For lack of adequate rehousing measures, these are the people who all too frequently are simply driven from one place to another by slum clearance projects. Existing law permits the use of a small percentage of housing units for these single persons but present programs have the defect that this is tacked on as an afterthought and fail to provide for a direct attack on the problem. There simply is no clear provision in the law for a city or private organization to build a project designed particularly for single individuals.

Mr. Speaker, in my years on the Housing Subcommittee and from my own experience in Pittsburgh, I know the need for this kind of legislation and I also know the cliches of its critics. The problem is not the "skid row drifter" who, in any case, probably would not accept housing in a well managed building. The fact is that many of these single men and women have steady but low paying jobs or work in industries which suffer recurrent unemployment and simply cannot afford better housing. In fact, we have heard of a number of cities which have been deterred from undertaking urban renewal projects in areas largely populated by single persons because they are aware of the lack of assistance comparable to that provided for families. The legislation which I am introducing today seeks to redress that imbalance in our housing assistance programs and provide necessary aid for all those of low income.

The article follows:

[From the Journal of Housing, December 1968]

NEEDED: A NEW KIND OF SINGLE ROOM OCCUPANCY HOUSING

(By Herbert Levy)

"Single room occupants" (SRO's) have not been recognized as forming a distinct urban class of persons who have unique housing needs. As a consequence, this group of low-income, non-family individuals has been left to find whatever haphazard housing it could, generally makeshift and deteriorating. Such housing, attracting a large share of socially disoriented and criminally inclined persons, tends to have a blighting influence not only on those who live in it, but also on the surrounding neighborhood, repelling the more stable elements in the community and contributing to the neighborhood's deterioration, which, typically, leads to an urban renewal project.

WHO?

Who are these people? They have been described as unattached individuals hidden away in apartment houses converted years ago into furnished-room occupancies—isolated people without families, often without friends, living alone in poverty; in tiny, barren rooms. They are the dischargees from state hospitals and prisons, the alcoholics, the drug addicts, the blind, the amputees, the TB patients, the aged. They are the uneducated, the unskilled, the southern Negro migrant, the hard-core welfare recipients. They are the people described by Carroll Novick in *The World of 207, A Report of an In-Building Program Conducted in an SRO* (New York City Housing and Redevelopment Board, February 1966).

Typically, these SRO tenants are single men or women characterized, according to Joan H. Shapiro in a 1966 article in *Social Work*, "by marked social and psychological maladaptation and chronic physical disease; they are neither sick or deviant enough to be institutionalized nor well enough to use health, social or welfare services effectively. Many cluster in urban rooming houses . . . where untreated illness, hunger, loneliness, and sporadic violence are an unrelieved concomitance of existence."

Many of this group of persons—lacking the capacity to fulfill the ordinary human obligations of work, marriage, and child-rearing; rejecting any relationship with the larger society in which they find themselves; and rejected, in turn, by it—are subject in varying degree to clinically described personality disorders. Selma Fraiberg, associate professor of child psycho-analysis at the University of Michigan, has called these "the disease of nonattachment." In an article for the December 1967 *Commentary* magazine, she wrote: "The life histories of people with such a disease reveal no single significant human relationship. The narrative of their lives reads like a vagrant journey with chance encounters and transient partnerships. Since no partner is valued, any one partner can be exchanged for any other; in the absence of love, there is no pain in loss. Indeed, the other striking characteristic of such people is their impoverished emotional range. There is no joy, no grief, no guilt, and no remorse." They are found in mental hospitals, says Joan Shapiro, and are part of the recirculating prison population, while a "very large number of them have settled inconspicuously in the disordered landscape of a slum, or a carnie show, or underworld enterprises where the absence of human connections can afford vocation and specialization."

WHAT HOUSING?

"SRO housing" is a contraction for single-room occupancy housing. The number of SRO occupants has never been ascertained with precision but it has been estimated that there are about 98,000 SRO units in New York City, of which some 33,000 are in Manhattan Functionally, an SRO is an impersonalized magnification of an old-fashioned "Mrs. Murphy's rooming house" for single persons, which was run by a widow or a couple living on the premises who insisted on and maintained their personal standards of decorum and cleanliness for the half dozen or so roomers in their home. By contrast, the number of single-room occupancies in a large SRO today is usually around 100, while the management lives off the premises.

In some instances these buildings were originally respectable middleclass hotels. More usually, the buildings were apartment houses and the change, when it came, consisted in leaving the apartment door permanently open and putting locks on the doors of all the rooms except for the kitchen and bathroom, which were then used in common. The former apartment offered six to eight single-room occupancies renting to single tenants at from $10 to $30 a week per room. It was observed in a 1966 city report that under the new regimen, "the building deteriorates physically, building violations rise, maintenance of elementary housekeeping service becomes difficult, and sanitation leaves much to be desired. Understandably, this kind of building use results in heavy stress on the building's utilities and physical structure, which means more frequent repairs. No doubt tenant apathy and carelessness are matched by the landlord's indifference and the economics of this kind of real estate operation in contributing to the deterioration of the property."

What is wrong with SRO housing may be discussed under two headings: first, its effect on the surrounding community and, second, its effect on the people living there.

In 1958, the New York City Planning Commission issued a report on the West Side urban renewal study in which it noted that "the Upper West Side should be a thriving and prosperous neighborhood, returning dividends of good living conditions to its residents as well as soundness, stability, and a secure economic base to the City. Instead, it is an area in decline. Blight has set in and its spread is marked by excessive population turnover and increasing deterioration and overcrowding of housing. A by-product is congestion of streets, open space, schools and other public facilities."

The cause of the slum, blighting and deteriorated conditions was the development of SRO housing. "More stable community residents feel threatened by the anti-social behavior of some SRO tenants. With illegal activity in the neighborhood [i.e., breaking and entering, prostitution, drunkenness, violence, drug peddling, panhandling, unpleasant street encounters, and nighttime disturbance of the peace], police and ambulance calls usually increase." The consequence is that the more stable residents of the community tend to withdraw from the vicinity of the SRO's. Should there be a cluster of SRO buildings, the deteriorating effects are multiplied geometrically. The area is then said to be ripe for urban renewal. Indeed, it is unfortunately true that in the last 20 years in New York City, SRO residents have been pushed from one area to another because of urban renewal, taking along all the indices of slum, blight, and neighborhood deterioration. The costs of successive urban renewal projects from Central Harlem and the New York Coliseum through Morningside Gardens, West Park, West Side Urban Renewal Area, and Lincoln Center are measured in hundreds of millions of dollars. Yet after this vast expenditure of public moneys, the problem remains and it has been estimated that public funds spent merely on income maintenance of SRO occupants run as high as 75 million dollars annually.

It can be stated categorically that SRO housing is at best inadequate to meet the special needs and disabilities of the persons found there. In the first place, it was never designed for its present function. It is incompatibly converted, second-class housing. The general level of maintenance is demoralizing.

One may imagine the state of a bathroom used by six or eight persons, none of whom has the responsibility for keeping it clean, while several of them must lack the emotional resources to care. Similarly, food preparation is severely inhibited in a common kitchen where not everyone may cook at once and the unlocked refrigerator door is an open invitation to theft of food unwarily left inside. Most rooms have two-burner stoves, which eases the problem, but food must still be bought very largely on a meal-to-meal basis, a system both onerous and expensive. The result is that, as Joan Shapiro noted, "hunger was pervasive, food prepara-

tion tended to be sporadic, with heavy concentration on potatoes, beans and rice; little meat, fish or eggs; and almost no fruits or vegetables."

Because the doors to the rooms were never intended as public hall barriers, they serve that purpose inefficiently and robbery is a constant factor in these buildings. Occupants have been reported to remain ill and unaided in their rooms for days (even in death) because the operational structure does not provide for adequate observation or protection of the occupants. Frequently, occupants who receive welfare checks are robbed by former building occupants or friends of the more lawless persons who inhabit these buildings. Finally, since most of these buildings are converted apartment houses, there is no adequate space available in which to pursue service programs to help the occupants to escape at least a part of the misery of their lives.

SERVICES

Over the last few years, in-building service programs have been evolved to minister to the needs of SRO occupants. These programs are an attempt to provide externally for the lack in SRO occupants of those inner resources that allow average men and women to lead ordinary lives, submitting to the necessities of the work week, housekeeping, bringing up children, and devoting oneself to family and friends. They furnish a focus for lives sunk in apathy and loneliness. The attempt is made to relate the SRO occupant to the program worker and then to the in-building community. In the process of supplying some structure to the lives of SRO occupants, violence and general anti-social behavior tend to decrease. A more positive atmosphere emerges.

The typical program involves one or more social workers who go into an SRO building and create interest among the occupants. Direct service might include public health nursing, group work, casework, and vocational counseling. Team workers might involve community resources for a more efficient flow of services. The team might respond to the fears of the tenants and extreme physical and emotional conditions by taking individuals to various community agencies or by bringing in agency representatives. A team worker could then introduce and help the occupants to explain their needs. The residents might also be encouraged to meet as a group to discuss plans in which they could join to improve their lot. Leaders are sought out and encouraged to implement various suggested recreational and other programs. A social room may be secured and an escort service organized to help people to get to appointments at hospitals and welfare centers. A dinner might be arranged and cooked on the premises by the building's occupants. In addition, residents are urged to eat adequately and clean up themselves and their rooms. Ultimately, a sense of community is engendered among the occupants, creating a feeling of belonging and pride and breaking down, to some extent, that invisible barrier that separates them from the larger society surrounding them.

Both the reported programs of this nature, as well as unreported instances, indicate a large measure of success. But there are several difficulties with this approach. For one thing, the program is utterly dependent on the good will of the individual building manager. If he declines to permit the social workers to be in the building, there is no program. Again, public rooms are essential and in a building designed as an apartment house for family occupancy, public rooms are nonexistent. Although a sympathetic manager may give up a small room for an office, there is no place for a larger number of persons to meet.

Finally, it must be noted that, where a service program has been withdrawn from a building, the preexisting apathy and anarchy have recurred within the year.

WHAT'S THE ANSWER?

The purpose of this report to this point has been to delineate the unrelieved need of SRO occupants, and of the larger urban community surrounding them, for adequate housing to alleviate the miseries in their lives and the blighting influences in the community of existing SRO buildings. What follows is an attempt to spell out the details of optimum SRO housing, including cost estimates. To this end, the model is, somewhat arbitrarily, a building housing 560 persons.

The building as envisioned by William Maxwell Rice, AIA, ASPE would measure 44 feet by 150 feet. There would be 20 residential floors, each having two wings off a center elevator core, with each wing containing 10 single rooms of approximately 80 square feet apiece and two double rooms of approximately 170 square feet each, adding up to 24 rooms per floor, or 560 residential rooms in all. Each wing would have six waterclosets, two washbasin rooms, two shower rooms, and two tub rooms. The use of epoxy paints with a ceramic-like finish would facilitate cleaning. The main floor, besides lobby and office rooms for staff and occupants, would be mainly devoted to a large social hall, one end of which would be a steam table which could be closed off from the hall when not in use. It is contemplated that one meal a day, supper, would be served to the occupants of the building. This meal would not be prepared on the premises obviating the need for a kitchen installation with attendant staff, reducing both the cost and the complexity of the operation. Instead, an arrangement would be made to bring in cooked dinners at a cost of less than one dollar per portion per day.

The committee that initiated this study considered the number of meals, if any, to be served. Although accepting Joan Shapiro's statement that hunger was pervasive, the idea of three meals per day was dropped as requiring the fortitude of an eminent Victorian, the insatiable appetite of a growing adolescent, or the indifference of a hospital patient too ill to protest. But one meal a day to allay serious hunger, supply adequate nutrition, and provide a kind of focus for the day's routine, seemed both necessary and desirable. Coffee would be available at any time via the powder method. Similarly, the use of paper plates as necessary would reduce the complexity of the feeding operation and the KP detail. Encouragement could be given to occupants to supply building services on a paying basis to the extent that their personality structures and infirmities allowed.

An integral part of this concept of optimum SRO housing is an in-building service program. . . .

The building described does not include self-contained apartments with private bathroom and kitchen facilities. One reason is economic. The overriding reason is that self-contained units are ultimately unrealistic for this type of SRO occupant because of their particular personality disabilities. The need is not to isolate them further but to find the means of bringing these people out into contact with others. To put such persons to the trouble of crossing a hallway to relieve themselves and to wash is to bring them into contact with others. A private kitchen is an amusing toy but basically these are persons (like many "middle-class" single people) who do not care to cook for themselves on a continuing basis and do not have the inner discipline to accomplish such a goal. Unlike their counterparts in other economic strata, they lack the funds and the emotional structure to "eat out" on a regular basis. An imaginative staff could help those persons in the building who wanted to do so, to find appropriate self-contained apartments, as well as have on the premises the facilities for "special occasion" cooking if a group of residents were so inclined.

One must conclude that most SRO occupants are not basically family-oriented persons. Their housing, optimally, should be oriented to their particular needs and disabilities. For those who have the emotional capacity to develop sufficient strength to be integrated into the larger, work-a-day society, the housing here described would be a way-station. But the whole purpose of this study has been to make the point that the SRO occupant is a basic component of the urban scene and one who for too long has been regarded by proper folk as if he were invisible or untouchable.

To arrive at a primitive cost analysis, comparison may be made with the building at 830 Amsterdam Avenue, New York City, a low-rent family apartment house owned by the New York City Housing Authority. It is 21 stories high and shelters an estimated 550 persons. The cost of its construction in 1965 was $3,650,000. Adding an estimated 8½ percent for the increased costs of labor and materials, the construction costs in 1968 would be $3,960,250. This figure is in line with Mr. Rice's construction estimate of $3,750,000 for housing a comparable number of low-income, non-family persons. No. 830 Amsterdam Avenue has a monthly rental income (based on 727.5 rooms at $15.87 per room) of $11,450.

The rental income on a monthly basis of the optimum SRO is based on weekly rentals of $10 for 400 single rooms and $15 for 80 double rooms. On a monthly basis this works out to be an estimated $19,500. (An additional $6 per week would be added to the rent to cover seven meals, so that the weekly rentals on a modified American plan would be $16 for a single person or $27 for a couple.)

The functional basis of public housing financing is that the rental income covers operating expenses, with the government contribution limited to paying up principal and interest on maturing local housing authority bonds over a 30- to 40-year span issued upon project completion to pay the costs of construction. If one applies that principle to an estimate of monthly operating costs for an optimum SRO, one can add to the monthly rental income of 830 Amsterdam Avenue a proportionate monthly share of an in-building services program. Allowing for some overlapping of personnel, estimated income approximately meets projected operating costs. The optimum SRO housing project, as conceived, is economically viable measured against existing, subsidized, low-rent public housing.

CONCLUSION

That SRO occupants are abandoned to a Victorian squalor is due to the prevalence of the concept, equally Victorian of the "worthy poor." Perhaps the problem is that SRO occupants cannot be fitted into middle-class patterns and these determine where help is given.

The battle to establish the principle of subsidized low-income family housing was hard fought and long in doubt and, if the idea has been accepted (grudgingly in some quarters), it was solely on the basis that all children deserve a proper physical environment in which to grow up and that elderly parents are entitled to some comfort to recompense their years of toil. It is significant that there is still not an adequate supply of low-rent family housing in the United States.

Similarly, a proposal to provide an extensive in-building service program for SRO tenants with OEO anti-poverty funds probably foundered on the twin reefs of inadequate available grant funds and local anti-poverty administrators' preference for more

"worthy" bootstrap programs, such as job training and Head Start.

If "practical" justification is needed for optimum SRO housing, it is surely found in the experience of the last two decades with urban renewal. Hundreds of millions of dollars have been spent acquiring land for urban renewal projects and all too often the unintended result has been to drive SRO occupants from one area to another, to provide each area successively with the indices of slum, blight, and neighborhood deterioration, without alleviating the conditions under which these people have continued to live. (Until the housing Act of 1964, federal relocation standards—however minimal—did not extend to non-family relocatees.) If urban renewal is to fulfill its promise, the plight of the low-income, non-family SRO occupant must be recognized and resolved—if not for the sake of the SRO occupants themselves, then for the benefit of the larger urban community in which they exist.

The means to effectuate optimum housing for low-income, non-family persons (as has been suggested above) must rest upon a program of construction subsidies. Several existing housing subsidy programs suggest themselves as models. These may be divided into two basic groups. There is the local housing authority subsidy program which has the benefit of lower interest costs from tax-exempt securities issued by a local public corporation, so that the subsidy is an annual one to pay off interest and principal on maturing bonds. Then there are the college housing program and the various Federal Housing Administration mortgage guarantee programs, under which the costs of construction are loaned initially as a lump sum, which is paid off by the borrower.

It seems desirable in planning a program for optimum SRO housing to opt away from an impersonal public housing authority and towards the operation of this housing by non-profit sponsoring organizations that will take an active interest in overseeing the in-building service program aspect of the operation. (In this sense, the institutional sponsor would be more than a mere facade behind which a builder and a management corporation operate.) In this fashion, one hopes, the human scale of the operation would be preserved.

The execution of an optimum SRO housing program, as has been delineated here, admittedly would not be easy. And yet the difficulties that present themselves should not serve a bar to pursuing it. The rewards of the program in the lives of the individuals who would benefit; the increased viability of the urban community; and, lastly, the saving of urban renewal funds and the more effective use of those funds expended, all advocate the realization of a legislative program to effectuate specialized housing for low-income, non-family individuals—the adults who have survived the psychologically maimed, unsmiling childhood of which Professor Fraiberg has written.

THE HONORABLE BEN F. JENSEN

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. MINSHALL. Mr. Speaker, another great stalwart who served his country faithfully and well has passed away, our dear friend and former colleague, Ben F. Jensen.

Ben was a hard-fighting man, courageous, conscientious, tremendously honest in his convictions, a man of fine intellect. He was a helpful senior to me when I became a member of the House Committee on Appropriations in 1959 and I have never forgotten how he went out of his way to be of assistance as I took on this new assignment. Ben Jensen was a man who served his country with complete devotion. He gave much to America and a grateful nation will cherish the memory of this splendid patriot. Those of us who had the good fortune to call him friend are bereft of a sage counselor and guide.

Mrs. Minshall joins me in expressing our deepest sympathy to Ben's wonderful family.

THE UNITED STATES OF AMERICA REMEMBERS BRAVE LITHUANIA

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. FRIEDEL. Mr. Speaker, it has been correctly said that "to understand the past is to understand the future." That is why history is important, particularly to the Members of Congress.

The annals of history come alive today when we recall a brave Lithuanian people whose descendants are Americans in the truest sense of the word. I refer to the more than 1 million fine men and women whose forebearers came from Lithuania, a country bordering on the Baltic Sea. Many historians believe that the Lithuanians and Greeks are descended from the same early Aryans. Seven hundred and nineteen years ago, and specifically during February 1251, Mindaugas the Great unified all Lithuanian principalities into one kingdom—thereby forming an important new nation in northern Europe. In the many intervening years, and even today, that anniversary has a special significance and continues to be celebrated by Lithuanians wherever they may be. We, here in the Congress of the United States, also take note of that momentous event.

By the 15th century this Baltic nation expanded to the Black Sea and almost to the gates of Moscow. However, with the passage of time their fortunes gradually declined and unfortunately Lithuania was completely taken over by Russia in 1795. However, the indomitable spirit of the proud Lithuanian people could not be crushed and their natural desire for freedom and independence was not extinguished. So, on February 16, 1918, the Lithuanian National Council proclaimed the restoration of independence from the czar of Russia, and on September 22, 1921, Lithuania became a full fledged member of the League of Nations.

During World War II, the Republic of Lithuania became a victim of a conspiracy entered into by Soviet Russia and Hitler's Nazi Germany. This once free country was invaded and occupied by the Armed Forces of Communist Russia in 1940. Thus, the liberty of its people vanished, their worldly possessions taken, and families were mercilessly uprooted from their ancestral homes. This brutal seizure of the land, the ruthless suppression of religious, human, and political rights, and the very vicious policies practiced against the Lithuanian people by the Communists, cry out as crimes against humanity. Our hearts are deeply touched by the plight in which the people of Lithuania found themselves.

If ever there was a people that deserved the tributes of mankind, it is the Lithuanian people. They are martyrs for the cause of liberty, for they lost what is the most cherished of all gifts—freedom and national independence.

The subjugation of peoples by other nations constitutes a denial of fundamental human rights and is contrary to the Charter of the United Nations.

I join the liberty-loving people in taking full cognizance of the 719th anniversary of the formation of Lithuania and the 52d anniversary of the establishment of its Republic in the hope that thereby they may gain further courage in their determination to again achieve genuine freedom from the U.S.S.R. and become a truly independent nation.

CHICAGO CONSPIRACY TRIAL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. SCHEUER. Mr. Speaker, the results of the conspiracy trial in Chicago lead me to only one conclusion—that Judge Julius Hoffman is himself a part of a conspiracy, with the radical left, to make a mockery of our system of justice and to accelerate the polarization now taking place across the country.

The sentencing of attorneys to 4 years in jail, without a trial by an unbiased judge and jury is, I believe, a clear misuse of judicial power and clearly illegal. I am confident that this sentence will not stand up under appellate scrutiny.

A fair and orderly system of justice is a vital bulwark of our freedoms.

From newspaper accounts it seems quite possible that the defense attorneys were culpable in disruptive outbreaks in the courtroom.

The proper course of action would have been to refer these contempt citations to another judge for trial.

Rarely in the history of our country has there been a greater need for an untainted judiciary to defend our freedoms and to deal fairly even with those who would subvert those freedoms.

The radical left and the radical right do not believe that our system of democracy can work. They would like nothing better than to have the opportunity to demonstrate that dissenters cannot get a fair trial.

Every true liberal, every true conservative who believes that our legal system—with all its imperfections—can dispense justice must be appalled by Judge Hoffman's misuse of his judicial office.

I shall urge the chairman of the House Judiciary Committee to institute a study of the Federal Rules of Law dealing with contempt to make certain that it spells out clearly a procedure that will prevent a recurrence of the disgraceful events in Chicago.

MINSHALL ASKS HELP FOR ALL CAPTIVE NATIONS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. MINSHALL. Mr. Speaker, once again we are called upon to observe an anniversary of independence in a nation which now suffers from a complete lack of liberty behind the Iron Curtain. This week the anniversary is the 52d for the great people of Lithuania.

On such occasions I always arise with a sorrowful heart, because I know that the lip service we pay to them on this floor has not been followed by the concrete action which the Congress should have taken long ago to help Lithuania and all other nations upon whom communism has been imposed. Again, I urge my colleagues in the House to give meaning to the words we speak—take action on my House Resolution 77, to create a Special Committee on the Captive Nations to study peaceful means by which we can help restore self-determination to these countries—and take action on my House Congressional Resolution 59 calling on the President to instruct our Ambassador to the U.N. to demand that the Soviet Union be required to live up to Charter obligations concerning self-determination for all nations. Let us act now for Lithuania and for every other country which is the unwilling victim of Soviet domination.

I am honored at this point in the RECORD to include with my remarks the following memorandum from the Lithuanian Christian Democratic Union Central Committee of Cleveland, Ohio:

[From the Lithuanian Christian Democratic Union Central Committee, Feb. 15, 1970]

MEMORANDUM

To the Honorable Members of the United States Congress:

February 16, marks the Fifty-Second Anniversary of the restoration of the independence of Lithuania, once an ancient civilization, whose roots reach to the second century and its kingdom to the thirteenth. On this date in 1918, the Lithuanian National Council severed all existing political ties with the other countries and unanimously proclaimed Lithuania independent again, thus ending the 123 year subjugation by Russia. The new Republic obtained de jure recognition by the United States and most other countries.

The Nation's political economic and social record was as distinctive as it was progressive. In 1920, the elected Constituent Assembly ratified the democratic Constitution and the Land Reform Law, which greatly reduced the number of poor, eliminated the basis of Communist propaganda and served as a model to other countries. The industrial production rose at a rate of two and one-half times the world average, and the progress in the field of education was even greater than the latter figure.

It is tragic therefore, that this anniversary is overshadowed by the brutal fact that Lithuania today bears the heavy yoke of Communist imperialism.

Acting in conspiracy with the Nazi regime, the Soviet Union broke all treaties with the Republic of Lithuania, and on June 15, 1940 its forces overran the territory of Lithuania. Two days later, they repeated their attack on Estonia and Latvia. Occupation was followed by systematic terror and violence. Religious and political persecutions culminated in mass executions and deportations to the Siberian wastelands, where hundreds of thousands of Baltic peoples perished. These people fell victim to the unspeakable cruelties of the Soviet Union. Not even babies, children and old and the sick escaped their destined fate as slaves. Their only "crime" was their love of their country and a desire to lead a free and decent life. Only a few lived to tell the gruesome story of degradation and inhumanity at the hands of the Soviets.

It is difficult to conceive that during the present rise of many former colonies to their rightly deserved national independence, a shroud of silence is maintained about Lithuania and the other Soviet occupied countries. It is also difficult to comprehend that all the crimes committed by the Soviet Union are still not rectified, nor the criminal punished. Instead of justice, the Kremlin is still permitted to indulge in international rape.

We, Lithuanians in the free world, continue to fight for the freedom of the land of our ancestors and ask your support of our cause. We ask you to promote work for peace with justice for all the captive nations, for no nation can be truly free until all nations are free.

Very respectfully submitted.

A. J. KASULAITIS,
President, Central Committee.
K. ALGIMANTAS PAUTIENIS,
Chairman, Commission on International Relations.

THE LATE GLENARD P. LIPSCOMB: THE HOUSE LOSES A GENTLE MAN

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. SAYLOR. Mr. Speaker, the State of California has lost one of its most illustrious spokesmen. The Nation has lost one of its most knowledgeable experts on national security. The House of Representatives has lost a gentle man. And I have lost a friend.

Glen Lipscomb's life was a testament to dedicated service to his fellow man and his public record of achievements is one to be emulated. The driving personality which gave rise to such an outstanding record will be sorely missed by his district, his State, and his party.

My memory of Glen goes back to his first campaign for Congress when I was called upon to assist his drive for a seat in the 83d Congress. To no one's surprise the voters of his district chose this man of warmth and sincerity as their voice in Congress; no one who knew Glen can doubt the wisdom of that choice.

And no one in Congress can recall Glen's life in the House of Representatives without a twinge of wonder at how one Member could become so universally revered by all his colleagues. There was a magic about his relations with his fellow Members that is hard to capture but the essence of it was in his gentleness.

The political and legislative world is full of moments that try one's temper and sense of fair play; ours is a world of compromises on great and small issues about which we have become personally committed. It is rare in such an atomsphere that a gentle man remains a gentle man. Glenard P. Lipscomb was such a man. That gentleness is what I shall always recall of the man who called me his friend.

POLLUTION CORRECTION AND CONTROL

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. HELSTOSKI. Mr. Speaker, it has been most encouraging to me to hear from many people on the growing awareness of the need to wage an all-out effort to clean up our environment during the 1970's.

People from all walks of life are responding to the call to civic duty for they realize the battle against pollution must be a combined effort of industries, governments at all levels, and importantly private citizens. I do hope that we in Congress will provide the overall leadership that is so desperately needed.

Fortunately, in some areas people and organizations are moving ahead on their own to constructively combat pollution. One key project that is underway is that of the University of Wisconsin-Green Bay. The project is explained in the following letter from Mr. Robert H. Maier, university vice chancellor, and an article from the Christian Science Monitor of January 10, 1970:

UNIVERSITY OF WISCONSIN-GREEN BAY,
Green Bay, Wis., January 28, 1970.

Representative HENRY HELSTOSKI,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE HELSTOSKI: I have read with great interest the statement you have endorsed which is a part of the call to have the decade of the 1970's designated as the Environmental Decade. I heartily subscribe to this effort.

Because of your interest in environment, I thought you might want to be informed about the academic plan of a new campus of the University of Wisconsin. The faculty, students, and administration of The University of Wisconsin-Green Bay have joined with citizens and educators from Wisconsin and other states in developing an interdisciplinary plan which has as its academic focus—man in his environment. This program is beginning to receive rather widespread recognition.

Good luck in your pursuit of environmental problems.

Sincerely yours,

ROBERT H. MAIER.

[From the Christian Science Monitor, Jan. 10, 1970]

COLLEGIANS PREPARE TO BATTLE POLLUTION

(By Betty Brown)

GREEN BAY, WIS.—Where Scott Burkhardt once fished, he now goes to college. The campus of the University of Wisconsin's new unit here fronts on the bay shore where Mr. Burkhardt, a university senior, roamed as a small boy.

But that shore and the waters of the bay have changed considerably in Mr. Burkhardt's lifetime. Now he can't fish in the murky bay waters, polluted by sulfite wastes

from nearby paper mills. Last summer in an independent research project under his university's auspices, Mr. Burkhardt studied the ominous chemistry of the bay.

The pollution concerns not only Mr. Burkhardt and other bay areas residents. It is the major target of programs offered at the Green Bay campus, officially opened last fall. UW-GB aims to provide broad studies centered on man's use and misuse of his environment.

The university is divided into four colleges, each based on an aspect or "theme" of environment. The College of Environmental Sciences is concerned with the natural environment, the College of Community Sciences with the social, or man-made environment. The College of Human Biology focuses on human adaptability, and the College of Creative Communication on human identity. A fifth unit, the School of Professional Studies, offers students the chance to learn how to apply the liberal-arts studies they have taken in one or more of the theme colleges.

UW-GB students choose interdisciplinary "concentrations" rather than a traditional major representing a separate field.

A series of all-university seminars, taken for credit each year and required of all students, helps relate classroom learning to the world around them.

These seminars may range in size and approach from a lecture-discussion group of 200 who puzzle over "The Crisis in Communication" to an individual research project at city hall or a three-week stay in London—on the January schedule for one group of students.

Hundreds of individuals of the northeastern Wisconsin region have been given a role in university affairs. Community leaders, who originally convinced the state Legislature of the need for a degree-granting campus at Green Bay, continue to serve on advisory committees and as "community lecturers."

Edward W. Weidner, UW-GB chancellor, explains what's behind his institution's programs.

"Problems of the natural and social environment face us wherever we turn," he says. "Urbanization, racial confrontation, population explosion, hot and cold wars, transportation, automation, pollution of air and water supplies, the rapid depletion of fossil fuels—all grow from man's use of his environment, from his perception of his place in the order of living things, or from interactions among men. They are so serious as to threaten the existence of life on our planet.

"Yet too often in the past we have tried to attack them as separate problems with unrelated solutions." Chancellor Weidner continues, "We have sought to study them from the narrow viewpoint of one discipline or group of disciplines, rather than from the viewpoint of the ecologist, who looks at man in the context of a worldwide system of relationships and interactions."

However, the new curriculum at UW-GB is not intended to educate environmental technicians.

"Rather, we are trying to see to it that graduates of the University of Wisconsin-Green Bay have a keen appreciation of the problem-solving role of their chosen fields of work," Chancellor Weidner comments.

I commend the faculty and students of the University of Wisconsin-Green Bay for their excellent work in the field of pollution correction and control.

HEW VETO

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. DEVINE. Mr. Speaker, not all educators and administrators take the position of the professional lobbyists for their associations as it relates to the recent veto of the HEW appropriation bill and the sustaining of the veto by the Congress.

Last week I received a very fine letter from a responsible teacher in my district, and I am quoting a portion of this letter for the benefit of our colleagues, as well as other persons who may have occasion to read the CONGRESSIONAL RECORD. The letter follows:

Hon. SAMUEL L. DEVINE,
House of Representatives,
Washington, D.C.

DEAR MR. DEVINE: As a teacher I wish to commend you for your support of the president's veto of the HEW appropriation bill. This should force a re-evaluation of government spending in education.

I find myself in a position to observe the monumental inequities of such spending. this year, as a locally funded . . . specialist assigned to two schools (one inner-city and one suburban) in the Columbus school system, I have at first hand, seen dozens of cartons of materials delivered to the federally funded . . . teacher which have never been removed from the shelves. She cannot possibly use all of it.

I have purchased from my own personal funds many teaching materials for use in my suburban school because we were so severely limited in our budget for setting up this new program. And this over-supply it is not permitted to be borrowed from the (so-called) disadvantaged school.

Why cannot federal education funds be administered locally so that such conditions will not continue to exist? . . .

Sincerely,

(Name withheld).

"THOU SHALT NOT ABUSE THE EARTH"

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. SCHEUER. Mr. Speaker, the destructive oil leakage in the water off Santa Barbara, Calif., ought to serve as a perpetual reminder of the harmful role the Federal Government can play in acting upon the Nation's environment. For, it was the Department of the Interior which permitted oil companies to commence the drilling that has caused so many problems for the residents and natural resources of that area. Mr. Morris Udall, the Secretary of the Interior, responsible for that decision, has called his error "a conservation Bay of Pigs."

Ross Macdonald and Robert Easton have written an interesting account of the events surrounding the catastrophe. My colleagues might take notice of this example of local initiative which I believe may be a prototype for future protests against technological innovations endangering our country's beauty, its wildlife and, at times, even its food. It follows:

SANTA BARBARANS CITE AN 11TH COMMANDMENT: "THOU SHALT NOT ABUSE THE EARTH"

(By Ross Macdonald and Robert Easton)

SANTA BARBARA, CALIF.—Life in Santa Barbara today is somewhat reminiscent of civilian life in a war zone. When oil from a blown-out offshore well flooded the city's beaches early this year, many residents were reminded of the oil from torpeoded tankers that came ashore on the East Coast in the forties. Others were reminded of the Torrey Canyon disaster of March, 1967, which devastated the coast of Cornwall, England, with oil from a grounded tanker. But Cornwall's case stemmed from a single accident. Santa Barbara's predicament is continuing—it lives under constant threat of further oleaginous invasion from the sea.

And what happens out there, oil-wise, on the continental shelf off Santa Barbara is beyond the control of local citizens. That is largely in the hands of the Federal Government, and because of Government secrecy it is difficult to get hard information.

What citizens are afraid of is that, when the chips are down, Santa Barbara will be sacrificed to the Government's appetite for oil revenue and its long-term policy of favoring the oil industry at the expense of everyone else.

The sacrifice seems to be proceeding. Oil is still leaking into the Santa Barbara Channel as a result of the Jan. 28 blowout, though at a reduced rate. As wind and tide determine, it revisits local beaches and reblackens the harbor. Beach users equip themselves with special shoes or a can of cleaning fluid. Such sports as boating, fishing and bird-watching are not what they used to be. The tourist trade has fallen off sharply. At noon on Sunday of the Labor Day weekend not a single swimmer could be seen in the ocean off East Beach, formerly one of the most popular public beaches in California.

The oil industry has denied or minimized these continuing effects of the continuing spill. Union Oil's company magazine recently proclaimed that "Santa Barbara's beaches are back to normal." An American Petroleum Institute official, Kerryn King, did admit that he saw some oil in a helicopter tour of the beaches on Labor Day. But he insisted that it came from "natural oil seepage rather than from the leak in the area of Union Company's Platform A" (the designation of the drilling operation five and a half miles offshore where the blowout occurred).

Actually, as the Santa Barbara News-Press pointed out on Sept. 3, "all Santa Barbara County beaches—and some [nearby] Ventura County beaches—are vulnerable to oil pollution from time to time from leakage in the Platform A area." Yet in this same area, within two-thirds of a mile from Platform A, the Sun Oil Company was planning last month to install another platform, 200 feet high (the average height), with a capacity of 60 wells.

(Original Department of the Interior plans for the Santa Barabara Channel resulted in the leasing of 71 tracts, each tract capable of containing one or more such platforms, or comparable subsurface or bottom installations—each platform capable of drilling and servicing 60 wells. The potential total is thus over 4,000 off-shore wells. In the past, according to Interior Department statistics, a blowout rate of 2.5 per thousand wells has held true. Over the next few years, if Government and industry persist in their plans for a forest of oil installations in the channel, Santa Barbara can anticipate perhaps 10 repetitions of the Jan. 28 blowout.)

A blowout, according to Webster's, is "an uncontrolled eruption of an oil or gas well due to excessive natural pressure." It is like a tap which you can't turn off. As Robert R. Curry, a geologist and geophysicist, explained to the U.S. Senate subcommittee on water pollution, blowouts occur most commonly during the drilling or completion of an oil well. When the pressures in the drill hole from above are less than the pressures on the oil-bearing strata below, oil and gas can erupt with terrific force.

This is what happened in the blowout at Platform A, according to the official U.S. Geological Survey report. In the process of

pulling up the drill pipe from a total depth of 3,479 feet, the drillers lost control of the pressures from below. These are ordinarily balanced from above by the weight of "drilling mud," a chemical fluid of high specific gravity which fills the hole as it is drilled. But when this balance was disrupted, drilling mud and gas began to pour out of the top of the well.

"The rig crew," the official report continues, "made unsuccessful attempts to control the flow. Within a few minutes it was decided to drop the drill pipe in the hole and close the blind rams on the blowout preventer [a hydraulically operated valve device which closes and plugs the top of the hole]. This action effectively controlled the flow of mud and gas from the casing of the well." Unfortunately, the casing went down only 238 feet below the ocean floor. Gas and oil from a much deeper level forced their way up outside this casing and through the fissures in the ocean floor. "Soon after flow from the wellhead was contained, gas and some oil began to boil up through the water near the platform," said the report. Now the well was completely out of control, or "wild," as the oil men say.

When the well on Platform A blew out, according to a worker on the platform, a jet of gas and drilling mud rose over 100 feet in the air. The following day, when newsmen first went out, the sea around the platform was thickly covered with crude oil bubbling with gas.

Drilling and pumping continued from floating rigs and from fixed platforms nearby. A Union Oil vice president assured the city fathers that the spill would be capped and under control within 24 hours.

Once started, a major spill tends to go on for a while. A recent gas blowout off the Australian coast ran for a month before the Houston wild-well control specialist, Red Adair, got it capped. At Platform A, the upsurge of oil and gas through the fragmented and fissured ocean floor had rendered useless all the regular safety devices, as the Government reported. Apparently the only way to stop it was to get together enough drilling mud and cement to fill the hole and once again balance the tremendous pressure from below. To gather the necessary thousands of tons of material would take some days.

Meanwhile, the crude oil was surging up into the channel and spreading over hundreds of square miles. As with everything else concerning the spill, there were and are differences of opinion about the amount of oil spilled. Union Oil's initially quoted estimate of 5,000 barrels a day was later withdrawn, and lowered to 500 barrels a day. A scientist with General Research Corporation, Alan A. Allen, who inspected the channel every day from the air, estimated the minimum flow at 5,000 barrels a day, or over 2,000,000 gallons in the 10½ days before the well was plugged.

During the first five days the wind favored Santa Barbara and kept the oil off its beaches, though a mile of beach to the south was heavily tarred. Secretary of the Interior Walter Hickel overflew the channel and requested the oil companies to suspend drilling operations. But the following day, in a curious display of uncertainty and bad timing, he suspended the suspension and told them they could resume drilling.

That was a blue Monday. The wind changed, and the oil surged onto the white beaches. It entered the harbor, which is for many the living heart of the area, and blackened the hulls of nearly 800 boats. Yachtsmen and fishermen stood on the pier and watched the blackness take it all. Some of them were crying.

They seemed to feel that something beautiful had been destroyed. The worst of it was that the horror kept recurring, and the oil came in on nearly every tide for weeks and months. The boats had to be cleaned and re-cleaned. Some of the glass hulls whose gel surfaces were impregnated with oil could be restored only with great difficulty and at great expense.

After the well had been plugged, we asked an oil geologist (who insisted on anonymity) how he accounted for the continuing leakage around it. He reasoned that the Union Oil hole, now plugged, had connected two pools of oil, one at a depth of more than 3,000 feet, the other at two or three hundred. High pressure in the deep pool had forced oil up through and around the uncased walls of the plugged hole, and pressurized the shallow pool. Oil from the shallow pool, he believed, was bleeding up through the fissures and loose sand of the ocean floor and rising to the surface.

Making an aerial survey of the channel, we circled Platform A, and could see oil welling up in multiple leaks along an east-west front of about a thousand feet. Wherever we flew in the channel we saw oil. Anacapa Island, a national monument and wildlife sanctuary, was completely surrounded with the stuff. Along 45 miles of mainland beaches south of Santa Barbara the high-tide line was thickly marked in black. (Eventually the oil slick spread over 200 miles and affected the coast as far south as the Mexican border.)

The only living things visible on the beaches were oil-damaged birds and the Union Oil clean-up crews. The latter had an unenviable job, because their work was never finished. They would clean a patch of beach with their heavy equipment, trucking away or burying or burning the tarry debris. Then the tides would come in, bringing more oil, uncovering buried tar, rendering the beaches again unusable.

Flying over Santa Barbara Harbor, we could see another exercise in futility. Hot-water sprayers were being used to clean the rocks and seawalls. The softened oil would run down into the water and then come back in to give the intertidal life another bath of oil—provided they had survived the hot-water spray.

Oil blowouts are much more common than is generally realized. During 1968 alone, wild-well expert Adair was called in to control 40 blowouts, worldwide, 11 of which were offshore. When the Adair company was brought in on the Santa Barbara spill, one of the employes reported that "blowouts have become so common in the offshore fields of Louisana that they scarcely rate notice in the newspapers." In this connection, Geologist Robert R. Curry had warned the U.S. Senate subcommittee: "Santa Barbara offshore exploration and production could yield a higher frequency of spills related to blowouts than in the Gulf Coast because of Santa Barbara's deeper water, greater density of faults and fissures, greater tectonic activity, and paucity of subsurface geologic knowledge."

Even if the city should be preternaturally lucky and have no further blowouts, it faces an alarming future. This is earthquake country. In the summer of 1968, University of California scientists reported 66 earthquakes epicentered in the Santa Barbara Channel. Geologists have repeatedly warned of the danger of earthquake ruptures or tidal waves releasing undreamed of spills of crude oil. Arthur L. Sylvester of the University of California recalled an 1812 tidal wave in the channel which reached the height of 50 feet. "One big quake," added Curry "—and one is coming—and we might have to write off the Southern California coast as a total loss for decades thereafter."

Too bad, the Department of Interior says, in effect, as it authorizes more platforms and further drilling. Perhaps we should not have sold leases in the Santa Barbara Channel—former Secretary of the Interior Stewart Udall now admits that it was a serious mistake, "a conservation Bay of Pigs"—but once done the mistake cannot be undone. The oil companies own the leases, says the Department of Interior, and it would be uneconomic to buy them back. But we'll protect Santa Barbara by tightening up the drilling regulations.

Unfortunately, as Santa Barbarans know, their earthquake-faulted channel does not always obey Government regulations. They see their environment and ecology threatened with destruction. They are determined to resist this, even if it means, as it does, changing the policy of the United States Government.

The resistance movement has radicalized the community. Militant citizens have sat down in front of oil trucks, picketed their oil-tinged chamber of commerce, and persuaded their county supervisors and city council to obey an "eleventh commandment." This commandment, according to its author, the Santa Barbara historian, Roderick Nash, is "an extension of ethics to include man's relationship to his environment: Thou shall not abuse the earth."

Nash presented his eleventh commandment in a lay sermon. It gave the aroused community an ideology and a creed, and attracted national attention.

Concerned people throughout the country have become aware that the Santa Barbara spill and its aftermath are setting a national precedent for good or ill. George B. Hartzog Jr., director of the National Park Service, said: "In the recent disastrous oil incident at Santa Barbara, the wide acceptance of the idea that the ecological consequences far outweighed the economic implications suggests that ecology has finally achieved currency."

The stakes are high, both locally and nationally. The Santa Barbara environment with its public beaches and parks, its civilized amenities and its natural attractions, has some claim to be treated as a natural resource. Two of the offshore islands are national monuments, and five of them have been proposed for inclusion in a new national park. Bills to create this park, and, complementing it, a channel marine sanctuary and undersea wilderness area, have been introduced in Congress. Hundreds of thousands of people annually have been accustomed to use the channel and its shores for swimming, boating, fishing, bird-watching and skindiving.

Over against these people and their interests, and over against Santa Barbara and its sister communities, is balanced the rather large fact that the channel happens to cover one of the richest oil fields in the world, adjacent to one of the richest and most oil-hungry markets in the world. With its superabundance of automobiles, industrial complexes and airports, California probably uses more gasoline and oil per capita than any other comparable area.

It is also an oil-producing and oil-refining state, and one in which the oil industry has great economic and political power. Oil has been pumped out of the ground near Santa Barbara since the beginning of this century. On the beach and tidelands off the nearby town of Summerland, the state government is still spending scores of thousands of dollars cleaning up the filth and wreckage left in the wake of an oil strike which occurred before World War I.

The first major modern breach in the Santa Barbara Channel "sanctuary" occurred in the early nineteen-fifties, when the State of California opened to leasing some of the offshore tidelands it controls. These state tidelands extend offshore to the three-mile limit; the Federal Government controls most of the rest of the 25-mile-wide channel; lo-

cal governments have no jurisdiction in the channel, as a seagoing local judge learned when he was sprayed with a hose for venturing too near to Platform A.

Partly because they were drilled in shallow water and more stable formations, and partly because California state drilling regulations were tougher than Federal, the oil wells in the state tidelands have caused no major spills. State leases are in any case a diminishing threat. Their oil is almost exhausted. Their wells are being phased out, and the platforms will be removed.

Their very presence, of course, encouraged offshore exploration for oil in Federal waters—exploration which apparently located an immensely rich oil pool. The prospect that this pool might be drained by the wells in the state tidelands was one reason the Federal Government decided to open up the offshore field beyond the three-mile limit.

The oil companies which explored the channel field have not released estimates of the oil reserves they found. Some observers think it is at least as rich as the billion-barrel Ventura Avenue field on the mainland of neighboring Ventura County. At current prices, each barrel pumped is worth about $3.50 at the wellhead. The oil companies' judgment of the value of the field can best be measured by the approximate $100 million they spent on exploratory development before Feb. 6, 1968, when they paid the Federal Government $603,204,284, a record sum surpassed only by the recent lease auction in Alaska. The United States Treasury is being paid additional royalties at the rate of one-sixth field price a barrel of oil produced, and is looking forward to receiving more.

Both government and industry take the position that oil production and local environmental values can be made compatible. Santa Barbara and its allies, nationwide, take the position that here, if anywhere, oil and environmental values are incompatible. So the battle lines have been drawn.

It was late in the day for the people of Santa Barbara to take a stand. Supervisor George Clyde, the impassioned and scholarly Santa Barbara County official who has fought the oil invasion most effectively, recently admitted that the Board of Supervisors should have taken a stronger antioil position prior to the fall of 1967. It was then that the Department of Interior abandoned its long-term policy of protecting the channel and announced its intention of selling oil leases there.

Encouraged by a citizen protest led by Fred Eissler of the Sierra Club, the Supervisors took some delaying action. They asked then Secretary of the Interior Udall to give some time for study. Udall granted 45 days, but was under Budget Bureau pressure and impatient of further delay. As the Supervisors' were still trying to persuade the Government to grant them a public hearing, the first oil platform was at sea and on its way to the channel.

Eissler is a tall, raw-boned Santa Barbara high school teacher. As a national director of the Sierra Club, he had corresponded with Secretary Udall while the latter prepared to make his decision on the fate of the Santa Barbara Channel. Afterward, Eissler revealed how the Secretary and his aides arrived at their decision.

Eissler produced copies of two memos written by Stanley A. Cain, a botanist and ecologist who was Udall's assistant secretary for fish, wildlife and parks. Cain's first memo (Aug. 7, 1967) argued in favor of making the Santa Barbara Channel a marine sanctuary. But within a few days, after discussions with the Budget Bureau and with J. Cordell Moore, Udall's assistant secretary in charge of mineral resources, Cain went over to the other side.

The overriding consideration appears to have been financial. Lease money from the Santa Barbara Channel would help to balance the budget. Cain's second memo indicates that the decision was made in favor of oil platforms in the channel with little or no concern for the local consequences. He wrote, for example, that the platforms would stand at least five miles offshore, and that this "would certainly reduce platform visibility from land to neglibility." The oil rigs, as Santa Barbara quickly learned, are about as high and approximately as invisible as 20-story skyscrapers.

The attitude of the Interior Department bureaucracy was typified by one of its higher officials, Eugene W. Standley, who successfully opposed the request for a public hearing on the grounds that it would "stir up the natives." Standley, by a kind of poetic justice, was placed in charge of channel oil operations after the Jan. 28 disaster.

One of the stirred-up natives was an artist named James Bottoms. He had first campaigned against the oil platforms because they spoiled the view. He went into high gear when the spill occurred, saying to his friend and boss, Marvin H. Stuart: "We've got to get oil out!"

Stuart, who is a public relations expert, said: "That's it! GOO! We'll call it GOO, for 'get oil out'."

Bottoms and Stuart made plans for a mass organization named GOO. They enlisted former State Senator Al Weingand, who assumed active leadership of GOO. At a public rally on the beach, Weingand attacked the Government for selling out Santa Barbara. He reminded his hearers of a time, several years before, when he had flown over the channel with Secretary Udall and they had talked about creating a Channel Islands National Park. Udall promised to protect the channel against oil pollution. "No oil leases will be granted," he said, "except under conditions that will protect your environment."

The hopes of the opposition got a lift on March 21, when President Nixon visited the city. Conceivably the President had read a letter sent to him by a serious-minded Santa Barbara boy, aged 14:

"Because of my age I am disqualified from voting for those public officials who could best represent my future needs: to wit: fresh air, a place to grow, sweet water to drink, and perhaps a consideration for progeny of my own . . . Santa Barbara, in fact any seaside city, must be considered as a place of the future for all of us, not none of us."

The President landed by helicopter on the specially cleaned beach and got his feet wet in the oily surf. Thousands of citizens, kept at a distance by stringent security measures, chanted: "Get Oil Out!" and displayed such signs as "Visit Santa Barbara's Dead Sea: A Project of Your Federal Government." Informed by Mayor Gerald Firestone that the city was opposed to all drilling in the channel, Mr. Nixon replied that he could understand that point of view, and later said publicly: "I shall, of course, consider this proposal."

The President is presumably still considering it. As the spill continued and the Federal and state governments watched from a distance, this conservative community, which had voted solid majorities to both President Nixon and Governor Reagan, began to show signs of political restlessness. One source of discontent was the condition of Stearns Wharf, a city-owned structure that for nearly 100 years had been a shipping base and a tourist center. The wharf had been leased by the city to a company headed by restaurant owner George V. Castagnola and it was being used as a service facility for the offshore oil wells. Night and day, its ancient timbers groaned and rattled under the wheels of company trucks.

On Easter Sunday a mass meeting of perhaps a thousand people, young and old, was held on the beach near the foot of Stearns Wharf. A number of citizens spoke. "Other Americans may not realize it but we are fighting their battles too" (conservationist W. H. Ferry). "To expel the invaders we must act now and vigorously, or our unique ecological syndrome will disappear, and Santa Barbara will become a second-rate town" (Dr. Thomas Bouchard, professor of psychology). "It is naked power which places man second in importance. This I believe is immoral" (Bishop C. Edward Crowther). "We need a new politics—the politics of ecology—based on reverence for the land and reverence for man" (Fred Eissler). "What we need is an environmental-rights movement along with a civil-rights movement. The chief obstacles to corrective action are apathy of citizens and the fantastic intertwining of the oil industry with nearly all aspects of our society" (Dr. Norman K. Sanders, professor of geography and environmental science).

At the end of the meeting nearly half the crowd, spurred on by more militant speakers, marched out onto Stearns Wharf and took peaceful possession of the oil facilities. Among them were Macdonald, the co-author of this article, and his wife, carrying home-made signs: "Ban the Blob," "Let's Lose the Ooze." Exhilaration was tempered by the fear that violence could erupt. The fear was heightened when a large truck loaded with new oil casings rolled out onto the wharf behind us.

A number of young people led by a nationally known scholar sat down in front of the truck and forced it to stop. The driver climbed down from his cab and picked up a piece of iron for use as a weapon. Then he changed his mind and dropped it. The bloodless confrontation was kept that way by local policemen, who ordered the driver to back his truck off the wharf.

The symbolic victory was followed up by a group of 74 citizens, headed by a politically conservative painting contractor named John Schaaf, and including Macdonald and his wife, who picketed the wharf for 15 days. We had only begun to nibble at the edges of the problem: the continuing spill in the channel and the continuing threat of the oil rigs there; the large investment behind them, roughly a billion dollars by now; the Federal Government guaranteeing the investment. But as late as the first day of June most of us still believed that the President's professions of concern for Santa Barbara would be made good.

With tax reform in the air, we believed, the Administration might move to reduce the 27½ per cent oil-depletion allowance—one of the special subsidies to the oil industry which according to Santa Barbara economist Walter J. Mead made ultra-costly and essentially uneconomic operations, like those in the channel, profitable.

Mead, president of the Western Economics Association, is a recognized authority on the economics of the oil industry. He said emphatically that "under free market conditions there would be no oil drilling in the Santa Barbara Channel." Without the special benefits which they receive under our tax and import laws, the oil companies pumping Santa Barbara Channel oil could not compete with other sources.

We hoped that the oil companies themselves, having experienced the cost of enforced shutdowns (estimated at as much as $300,000 a day), and faced with further possible costs by Secretary Hickel's new requirement of "absolute liability" for pollution damage, might decide that the channel leases were a bad bargain. Anticipating this

possibility, Representative Charles M. Teague had proposed a swap in which the channel oil leases could be traded for leases in the Elk Hills Federal oil reserve in nearby Kern County.

But on the second day of June, the Administration squelched these hopes and prospects. A panel of scientists and engineers, appointed at the President's request by his science adviser, Lee DuBridge, recommended that the best way to stop the leakage, then in its 127th day, was to drill more wells and pump out the underlying oil. A panel spokesman said this would take 10 to 20 years.

In Santa Barbara's view, these findings, already approved by DuBridge and the President, gave a green light to further exploitation of the channel, and were evidently intended to do so. They arrayed the Federal Government squarely on the side of the oil industry and brought into the open the undeclared war between the Government and its South Coast citizens, which now threatened to go on for our lifetime. Mayor Firestone, who is slow to anger, said: They [the drillers] "might be out there for a thousand years trying to take all the oil out."

Santa Barbarans were particularly disturbed by the fact that the DuBridge panel reached its decisions in secret. Only Government and oil-industry witnesses were invited to testify, and what they said was not revealed.

Opposition was never stronger than in the days following the Government's new decision. Organized by GOO and brilliantly chaired by Al Weingand, a public rally was held on June 8 in La Playa Stadium; 1,500 people gathered in the stands overlooking the polluted harbor and listened to a series of fighting speeches.

Weingand and others called on the Government to reveal the evidence on which the DuBridge panel had based its report—evidence which apparently came almost entirely from Union Oil and other industry sources, and which was therefore considered proprietary and secret. Other scientists, as Norman Sanders pointed out, could not even form an opinion without access to the factual basis of the panel's deliberations. Fred Eissler said, "Our geologists should have the opportunity of reviewing all of the data gathered and of cross-examining the geologists who appeared before the panel. The decision should be openly arrived at."

There were repeated demands that the Government implement Representative Teague's idea and trade the leases in the channel for leases in the Elk Hills Federal reserve. This is regarded by many Santa Barbarans as their best hope for relief. But some of their most thoughtful leaders, Supervisor Clyde among them, say that it may take another oil disaster in the channel to alert the Government to the need for such action. By that time, they say, it may be too late for Santa Barbara, but not too late, perhaps, to save the rest of the Southern California coast.

The most disturbing speech at the rally, and the most applauded, was delivered by Alan Cranston, the junior Senator from California, who had introduced a bill against further channel drilling. Cranston's bill had been stalled in the Senate, as Representative Teague's companion bill had been stalled in the House. The Senator told his audience that before they could expect help from Washington they must get it from Sacramento. Until the state government banned drilling in the tidelands which it controlled—i.e., within the three-mile limit—legislation banning it in Federal waters would have no chance.

An extemporaneous local speaker who followed Senator Cranston brought the issues even closer to home: "When our city wharf is being used by the oil companies as a staging area for their offshore operations, how can we honestly ask either Sacramento or Washington for help?" Accepting the idea, the recently elected City Council voted to regain control of Stearns Wharf. It then killed a harbor expansion plan which would have vastly increased the *lebensraum* for service operations to the oil industry.

The state government in Sacramento was showered with letters and telegrams, and descended upon by a delegation headed by Lois Sidenberg of GOO, who had earlier delivered to the U.S. Senate antioil petitions carrying 100,000 signatures. A drilling ban was voted down by the industry-oriented finance committee of the State Senate. But a more independent body, the State Lands Commission, ruled decisively against further drilling in the state tidelands.

As Santa Barbara redoubled its grassroots efforts, outside interest in the city and its survival was renewed. A man from the Ford Foundation studied our citizen movement. The Santa Barbara News-Press was joined in its editorial criticism of the DuBridge panel's recommendations by The Los Angeles Times and The New York Times.

But the Department of Interior, without adducing further evidence, authorized Union Oil to drill more wells in the area of the lease as a step toward reducing underlying pressure. Union proceeded to drill 15 such wells and pump crude oil reportedly worth over $30,000 a day. Meanwhile, Secretary Hickel traveled about the country fulminating against polluted water.

Community resistance continued to mount. In the early months of the spill, a group of scientists and writers formed a committee intended to seek relief through public education and legal action. It was later incorporated as Santa Barbara Citizens for Environmental Defense.

S.B.C.E.D. was not alone in looking for legal relief. A leading local law firm had announced a private "class" suit seeking damages of $1.3-billion from Union Oil and its partners in the Platform A operation, Mobil Oil, Gulf Oil and Texaco. Public suits are being brought by the State of California and the County of Santa Barbara. The county suit has been supported by S.B.C.E.D. both with money ($4,500 raised mostly by women of the Audubon Society) and in the difficult task of finding expert witnesses willing to stand up and testify against the oil companies.

Recently, S.B.C.E.D. and GOO cooperated in getting the legal services of the American Civil Liberties Union attorneys. On July 10, A. L. Wirin and Fred Okrand of the A.C.L.U. filed a suit in Federal Court on behalf of 17 plaintiffs headed by Weingand and Norman Sanders, and including coauthors Macdonald and Easton. We claimed that our rights to a decent environment had been impaired by Secretary Hickel and his aides, and by the oil companies, and that this was done without due process of law.

The complaint in Weingand v. Hickel alleged that the Government's decision to resume drilling in the channel had been reached in secret, without granting a hearing to the plaintiffs, and without due process had infringed their personal and property rights. A new concept of basic human rights was stated: "The personal right is the right to live in, and enjoy, an environment free from improvident destruction or pollution. The property right is the right to ownership, use and enjoyment of property, free from improvident invasion or impairment."

The plaintiffs asked for a temporary injunction against oil drilling in the Federal waters while their case was being considered. On Aug. 11 a Federal district judge in Los Angeles denied their request. Wirin, a graybearded man of 70 with a vigorous questioning mind, promptly appealed. He also obtained a hearing before a three-man Federal court challenging the constitutionality of the Outer Continental Shelf Act under which oil-development leases are granted without public hearings. The "natives" were finally getting their day in court.

At the same time the oil industry continued to protest that Secretary Hickel's new drilling regulations were too tough. The Secretary proceeded to soften them and to modify the clause calling for "absolute liability" for pollution damage. Hickel gave some indication that the A.C.L.U. suit and other protests were having an effect by moving toward the Santa Barbara position. He "authorized" but did not require public hearings before new leases were granted. Despite oil-industry objections, he required the leasing agency, the Bureau of Land Management, to "evaluate the effect of the leasing program on the total environment, acquatic resources, esthetics and other resources."

The Santa Barbara Channel was placed in a special category, requiring special safeguards and leasing on a case-by-case basis. This seemed to be an admission of hazardous drilling conditions. Yet in the fact of mounting evidence of these conditions—ocean-floor leakage in the vicinity of Platform A, still flowing at the rate of hundreds of gallons a day, and smaller spills from other wells new and old—there was no apparent alteration in Government-industry plans to convert the whole channel into a vast oilfield.

On Sept. 17 it was reported that the Department of the Interior had authorized "massive" and "unrestricted" drilling in the channel. This was denied by William T. Pecora, head of the U.S. Geological Survey. But the truth of the report was attested to by an affidavit filed in Federal court by John R. Fraser, vice president of Union Oil, in connection with the suit of Weingand v. Hickel.

There is still hope that Congress or the courts will move to protect Santa Barbara and its channel. Sooner or later, the principle of the right to an environment unimpaired by improvident destruction will become part of our enforceable law. But it may come too late to save Santa Barbara. Then the best the city can do is to serve as an example of how something beautiful can be destroyed.

STRICTER CONTROL OF AIR POLLUTION

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. MATHIAS. Mr. Speaker, among my constituents, there is a tremendous interest in, and support for, stricter control of air pollution. This is getting to be a very serious problem in the San Joaquin Valley of California, where polluted air is being blown into the area from northern California. The President has recognized the great need to clean our air as well as make our environment livable again. He has submitted proposals that will restore the clean air, clean water, and open spaces we want and desperately need.

His proposed amendments to the Clean Air Act emphasizes the need for substantive action.

Under the present system, air quality regions are designated one by one. It is a slow, tedious process.

The President's proposal would change this situation, providing for adoption of air quality standards for the entire Nation. This is a far more efficient means of paving the way for action to deal with the sources of air pollution.

Once the standards are set, States will be expected to provide for their implementation, and they will be expected to do so in 6 months in most places, particularly where air pollution is most serious.

I wholeheartedly endorse the President's proposals. They are the most realistic and far-reaching plan for air pollution abatement that we have seen.

DOUGLAS R. STANFIELD, MR. FARM BUREAU OF OHIO

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. DEVINE. Mr. Speaker, recently the State of Ohio lost one of its outstanding citizens, Douglas R. Stanfield, who for many years was in touch with members of the legislative arm on both a Federal and State level on behalf of the Ohio Farm Bureau Federation.

Recently a tribute to Douglas R. Stanfield was presented by Morris E. Allton, vice president of public affairs of the Ohio Farm Bureau Federation, which I am happy to include in the RECORD:

TRIBUTE TO DOUGLAS R. STANFIELD, PRESENTED AT HIS SERVICE OF MEMORY ON JANUARY 29, 1970

(By Morris E. Allton)

In behalf of the Board of Trustees, the Administrative Cabinet, and the Employees of the Ohio Farm Bureau Federation, I am privileged to pay tribute to a strong leader—Douglas R. Stanfield.

We wish to say to the family of Mr. Stanfield that we share a deep sense of personal loss. But that we, like you, will continue to benefit from the influence of the good life he lived and the leadership he gave.

The presence of so many people here today speaks more eloquently than I of the place Mr. Stanfield held in our lives and the influences he exerted upon us.

Doug was a man of many and varied interests. He had deep convictions, was vigorous in action, and maintained a will to venture.

Doug was like a diamond——

A diamond is a precious stone of enduring quality. It has great value and is renowned for its beauty and strength. When you turn it in any direction, or view it from any angle, it reflects perfectly with exquisite beauty and continuity of form.

Like a diamond—Doug squared with himself and with his contemporaries. With quality of integrity and continuity of purpose, he was dependable in relationship to people and to problems. This made him most valuable in leadership and respected in counsel.

Doug met the test of an educated man being defined as the man who is at home anywhere.

By education, we are not speaking of academic achievements, although he achieved degrees of distinction, and administered public education programs for many years. We are thinking, rather, of education that is born of experience and insight; of an awareness which recognizes opportunity and exercises responsibility; of the ability to identify with the problems of people by participating in positive and satisfying solutions to those problems.

Doug Stanfield was at home in many places.

He was at home in his own home with his family where experiences were congenial and meaningful—experiences about which he spoke frequently when associating with others.

He was at home with farmers, whom he understood because of being reared in a farm home and in a farming community. There he first saw needs for better education and broader economic and social opportunities for farmers and the rural community. There the spark of initiative was ignited that burned bright in mature years resulting in a dynamic leadership in the interest of farmers.

He was at home with those in government. He dealt with the problems of farmers in departments of government, in the Ohio General Assembly, and in the Congress of the United States in a way that gave farmers a new dimension of representation in governmental affairs.

His leadership was recognized when President John F. Kennedy appointed him as the Republican Member of the National Agricultural Advisory Commission on which he served for a period of three years.

He was at home in the fields of education. Not long before his retirement, Doug related to me that the Farm Bureau emphasis on improving general and vocational education opportunities in rural Ohio was one of the most satisfying experiences of his career. He helped to build programs which vigorously pursued these interests. His leadership was recognized when Governor Lausche appointed him as a member of the Ohio School Survey Committee which came forth with the program which made major advances in public education in Ohio.

He was at home on the campuses of great universities and in counsel with educators. He helped to establish and maintain widespread emphasis on the needs of agricultural education and research and supported programs which took education out to our farmers and rural communities.

He was at home in his church—this church—where he gave time and thought, and shared in the life of the church in a vital manner.

Today he is at home in the ongoing influences of our lives, as well as in that home of abiding values—assured of the redeeming love of God.

These expressions but typify our impressions of a man who experienced widely, loved deeply, believed profoundly, and accomplished purposeful ends.

PASSAGE OF PREHARVEST RESEARCH BILL

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. MATHIAS. Mr. Speaker, I commend my colleagues in the House for their passage of the preharvest research bill. This action signifies the Nation's interest in giving our farmers the opportunity to have production research of commodities similar to the marketing research that is already permitted under the Marketing Agreement Act of 1937.

By permitting our farmers to have this research on the self-help basis that is provided in this bill, we will be assuring ourselves of the maintenance of efficient agricultural production, high quality food, and adequate food supplies.

At the present time, there is a need for production research in the California olive industry. The industry is having problems with a disease that causes the olives to wilt. With the authority provided under this legislation, the industry will be able to raise funds from among olive farmers in order to undertake the research programs necessary to control this disease and produce a quality olive.

We have everything to gain and nothing to lose by permitting our farmers to improve the food that we eat.

SIERRA CLUB SCORED ON TIMBER ACT TEXT

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. UTT. Mr. Speaker, there has been a great deal of misrepresentation and omission regarding the National Timber Act, H.R. 12025, particularly as concerns the multiple-use, sustained-yield features of the bill. The Sacramento Union, on February 12, 1970, editorialized on the bill, stressing that the implementation of the act would have to be in accord with the 1960 act. I call special attention to the last paragraph of the editorial. Rather than to make the forests more available for more people, the objective of some of the opponents of this bill seems to be the restriction of the forests to a privileged few.

The editorial follows:

SIERRA CLUB SCORED ON TIMBER ACT TEXT

State, federal and industry officials Wednesday labeled as "deliberately slanting" and dotted with obvious misquotes" a recent Sierra Club letter attacking the proposed national forest timber conservation and management act.

Copies of the letter with its enclosure of excerpts from the bill were distributed at a press conference sponsored by the State Chamber of Commerce.

The letter in question, written Jan. 26 by Michael McCloskey, executive director of the Sierra Club, was mailed to the group's estimated 75,000 members.

They were urged by McCloskey to write their congressmen in opposition to passage of the bill, which was termed by the club official as ill-conceived and a blow to multiple use of forest land.

The enclosure attracted the most dismay from the five officials speaking at the conference.

John Callaghan, manager of the California Forest Protection Associates, said excerpts from the bill by McCloskey deliberately skip over the phrase "subject to the provisions of the Act of June 12, 1960" (the Multiple Use Sustained Yield Act.)

Replacing the phrase with a series of dots

makes the section quoted read that the secretary of agriculture would immediately establish programs to carry out the bill.

Callaghan said no regard is given to the fact that the secretary would have to act within the provisions of the 1960 bill, which the Sierra Club has apparently been in agreement with in the past.

The proposed bill would increase the level of management of commercial timber stands administered by the U.S. Forest Service. It would enable that agency after appropriation to reinvest 65 per cent of federal timber sales receipts in replanting and cultivating new timber stands and for other forest management practices.

The panel of experts who spoke Wednesday were Charles Gray, chairman of the chamber's Statewide Natural Resources Committee, Grant Morse, assistant regional forester of the U.S. Forest Service, California Region; Ed Kromer, member of the executive committee of National Association of Home Builders, George Craig, manager of Western Lumber Manufacturing, and Callaghan.

They emphasized that the bill, which has the support of the Nixon administration and Governor Reagan, would not permit logging on any lands other than those already designated as commercial forests or change the status of designated wilderness, park or recreation areas.

It will mean higher production of timber on commercial forest lands, replenish planting of lands and better forest management benefiting the taxpaying and consumer public.

Callaghan described the Sierra Club letter as mystifying in that it would appear the conservation-oriented group and the general precepts surrounding the bill are essentially in agreement.

As suggested by Craig, "This could signify" a conflict in recreation.

"These folks (the Sierra Club) don't want large numbers of city dwellers moving into the mountains. It would spoil it for members of the group."

YOUR PARENTS AND GRANDPARENTS—ADDRESS OF DR. ERIC A. WALKER, PRESIDENT, PENN STATE UNIVERSITY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 19, 1970

Mr. BYRD of Virginia. Mr. President, an address given to a graduating class at Penn State University last September has just come to my attention. From this I am indebted to former Senator Albert H. Hawkes of New Jersey, who served in this body with distinction.

Dr. Eric A. Walker, president of the university, delivered the address and took as his theme the contributions made by the parents and grandparents of today's young people.

I believe that he made some valuable points, and I ask unanimous consent that a partial text of Dr. Walker's address be printed in the Extensions of Remarks.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

PRESIDENT'S MESSAGE

These—your parents and grandparents—are the people who within just five decades (1919–1969) have by their work increased your life expectancy by approximately 50 per cent—who while cutting the working day by a third, have more than doubled the per capita output.

These remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold, and because of this, they determined that it would not happen to you—that you would have a better life, food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had.

Because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places and have more of a chance to follow life's ambition.

These are the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over, had the compassion to spend billions of dollars to help their former enemies to rebuild their homelands.

They built thousands of high schools, trained and hired thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy boy.

They had some failures. They have not found the alternative to war, nor for racial hatred. Perhaps you—the members of this graduating class—will perfect the social mechanisms by which all men may follow their ambitions without threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others.

But they—those generations—made more progress by the sweat of their brows than in any other previous era—and don't you forget it! And, if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

I humbly dedicate this timely message to you—dear parents. May our children and grandchildren appreciate us a little more because of it.

AN INSPIRATIONAL MESSAGE GIVEN BY A MEMBER OF ALCOHOLICS ANONYMOUS

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. HAGAN. Mr. Speaker, one of the scourges of humanity down through the years has been the problem of alcoholism. I have taken an active interest in this problem for many years. One of the best testimonials to benefits derived by problem drinkers is the way they help one another; and one of the best examples of how this is accomplished is through inspirational messages given by members of Alcoholics Anonymous. One such inspiring talk was given recently at a group meeting in Statesboro, Ga., by Mr. Corneil F. Foy and I wish to commend it to the attention of my colleagues:

TALK BY A MEMBER OF ALCOHOLICS ANONYMOUS AT AN ALL NIGHT AA PARTY IN STATESBORO, GA., ON NEW YEARS EVE, 1969

First of all, allow me to thank you for inviting me to talk tonight. I am grateful for my sobriety and happy to be here.

My name is Corneil F. Foy, I am a member of Alcoholics Anonymous. Our book, "Alcoholics Anonymous," tells us that when we talk we tell what we used to be like, what happened and what we are like now.

The first drink of whisky I remember taking was when I was in prep school at the age of fifteen. The star on the baseball team asked me to double date with him. I was quite honored, his dad had just purchased a new model T Ford and we headed for our dates in the next town about ten miles distant. About half way there he stopped and asked if I would have a little nip—I turned up the fruit jar and took one or two big swallows. It took me about ten minutes (it seems) to get my breath. That's the last I remember of that night. I don't think I was an alcholic at that time because I didn't touch any more until I entered college.

I was raised in the country on the farm and didn't know much about city life. I went to my first college dance with a friend. I didn't know how to dance and as the evening wore on he said "well, if you can't dance, how about a little drink"? "Sure", I said, and after the first drink I thought I wanted to dance, after the second I knew I wanted to dance and after the third I was on the floor dancing (I thought) thoroughly enjoying myself and I was sure every girl on the dance floor loved me.

Whisky had done something for me that nothing else ever had and I loved this feeling of being . . . of being superior which I found this night, in the bottle. I had no idea how it would eventually carry me into the depths of hell.

For the next four or five years my pattern of drinking was only at parties or dances. I would drink just enough to get a good edge on, become something that I wasn't, then I didn't want anymore. I think the key word here is want. At this time I do not feel that I had a problem with alcohol because there was no compulsion present to continue drinking. However, as time passed, a change took place of which I was not aware. I began to get too much everytime I started drinking. I became an every night drunk. I did not know that I had a problem with the bottle, I just wasn't going to get too much next time, then too, I could still get the body to work the next day.

I know now that at this early period I did have a problem as I was becoming completely dependent upon alcohol and while trying to work I was more or less practicing—"on the job absenteeism".

Finally, the crash came. I had been out most of the night drinking. I was in West Florida about 120 miles from Tampa. I had a 2 p.m. appointment in Tampa that day. I started out about 8 a.m. for Tampa, stopped before leaving town for a quick beer to settle me down. At 1:30 p.m. I was still at the joint and in my drunken stupor decided to make my appointment 120 miles away. The next thing I knew I had turned my automobile over about three or four times. My only injury was a little dirt in my left ear as I hit the ground going over. The car was completely demolished. I think possibly through sheer fright I decided to quit drinking and I did not take a drink for two weeks.

Let me inject here that I feel like so many others that problem drinking or alcoholism, or whatever you want to call it, is a disease of the whole person—that is—physical, mental and spiritual. As I look back I can see all three phases present in me.

During these two weeks without alcohol I began to feel good physically, I had most of my faculties back, I had not been fired by reason of the wreck and everything was right with the world. Now something inside of me (which I think was the "mental" phase of this disease) began to tell me "ol' boy—you feel good, you haven't had a drink in two weeks, you haven't a thing to worry

about—be a man—sure, you can have a couple of drinks and not want anymore, relax and enjoy yourself". By this reasoning I convinced myself that I could take a drink and quit. For you see, at this time I did not know there was such a disease as alcoholism.

In my opinion I was master of my life, I was "The Captain Of My Soul". I could control my drinking and I was going to show the bottle that it did not have control of me. So I took a drink—not knowing that the allergy was present, that after one drink the compulsion was set up and a hundred drinks would not be enough. Consequently, I came to—two weeks later in a hotel in Augusta, Georgia (500 miles from where I started). My boss was standing over my bed and I didn't have a job. I didn't connect my drinking to this unemployment. The only reason, in my fogged opinion, I didn't have a job was because they had it in for me—(how crazy can we be). As I look back all the phases of alcoholism were present at this time but I was too far gone to recognize that anything was wrong. This was in 1940.

I was single and unemployed. I went home. I ran to my keepers, Mamma and Daddy. I had high hopes of going into state politics and private practice (I am a lawyer by profession). However, by reason of alcohol I went down instead of up. My family was forced to abandon me and in 1941 I was begging on the city streets for enough money to buy a drink.

In this fellowship of ours—Alcoholics Anonymous, we refer to an individual having to hit his or her bottom before they become willing to ask for or receive help. In 1941 I hit my material and moral bottom but I did not surrender. In 1941 I was drafted into the armed services and I guess this was kind of a life saver for me. I had somebody to feed me and clothe me but I wasn't too good at obeying orders. During this time I continued to drink but now I was a periodic. Everytime I started to drink I got drunk before I quit. The drunks were one month, two months, six months or a year apart, just depending upon how long it would take this *mental obsession* to convince me that I could drink again.

During this period I married a girl from back home that knew little about my drinking. I drug this girl thru hell for a few years. After my discharge I landed back in Savannah, Georgia. Finally (I have been told) my doctor and my wife decided that nothing was left but the mental ward at a local hospital. That his treatments were making it too easy for me to get over my drunks as the drunks were getting closer together and he felt that I needed to suffer a little more.

I have a very dear friend in our fellowship who says "there can be no recovery without suffering" and "there ain't no such thing as a coincidence and I can prove it to you." I agree with him completely because at this stage, this confinement in September 1951 begins my recovery. When I began to "come to" in this hospital I was strapped to the bed, bars were on the windows and I had no idea where I was or how I had gotten there.

I had come off these drunks hundreds of times before but never did I have the same reaction that I had at this time. During my lucid intervals something inside of me would cry out—why don't you quit, why don't you give up, you can't lick it. I remember I would feel good—then go off, off, off!!! Every time, heretofore, I just wasn't going to let it happen again. But this time I had a different reaction. Consequently, I am now convinced that it was no "coincidence" that led to my hospitalization. But it was the Grace of my God that I now understand working thru people and in this type of confinement and suffering was necessary for me to admit defeat and become willing to seek help. To me, this confinement caused me to hit my "spiritual" bottom and when I did—I was ready to surrender and seek help.

My wife and I attended our first A.A. meeting (which I had spurned about two years before) and a little grey headed man stood up before the rostrum and told what had happened to him by reason of alcohol, what he had found in the program of A.A. and the type of good life he had been enjoying for seven years free of alcohol. This man was telling me the truth, this was not fiction, it was not a speech he was making, it was a true confession of what he was like while practicing alcoholism, what he found in the program of A.A. and the type of good life he had been enjoying for seven years free—completely free of the monster alcohol.

I immediately had a feeling of exhilaration, became extremely joyous because for the first time, since I had become an alcoholic, I realized that I had a disease that could not be cured but could be arrested—so why had I been fighting so hard to overcome something over which I could not control. Again I felt good inside because again I gave up, I surrendered and with admission of defeat, I could see relief.

I jumped into this program of ours with both feet, I was so happy to find a way out until I wanted to sober up the world. The road to recovery was long and hard, but you see, I wanted to be sober more than I wanted to be drunk and I was willing to go to any length to obtain my sobriety.

I did not have a job, I was married and I knew "*inside of me*" that this was it, I meant business. However, I know now the outside world did not know this, and because of my past record I was turned down time after time when I applied for a job. I went twelve months without employment, but by the Grace of God working thru my Al-Anon wife and my fellow A. A. members I did not drink again. You see, when I joined A. A. my non-alcoholic wife joined the "family group"—Al-Anon, and we both learned together how to live.

My friends kept telling me just be still, please keep an open mind, things will be better but only time can cure the ills. *We only live one day at a time.* This I have found to be so true for after about nine months my parents began to have a glimmer of hope that their son had been reborn. I asked my Dad to help me get a job. He agreed and contacted a friend of his who he thought was in a position to give me a job. This friend knew something of my drinking and was reluctant to employ me, however, he did on account of my Dad.

This man assisted in the beginning of a new era in my life. I can never express my feeling of gratitude to him for giving me this chance to come back. He happens to be in the audience tonight and again I want to say thank you. He is the present 1st district Congressman from Georgia, the Hon. G. Elliott Hogan.

Although a year without alcohol had passed, and I had read the big book "Alcoholics Anonymous" twice, I feel now that I was only dry on group therapy and fellowship—and this is why: Soon after going to work in Savannah, Georgia I had to make a trip to Augusta, Georgia. This is about 125 miles. I was to be gone three days all alone with a company car. About half way to Augusta all the "stinking thinking" came back and I began to plan what I could do and get by with in Augusta. I stopped by the side of the road shaking and scared because I didn't want the drunk life anymore. Life without alcohol was beginning to be too beautiful. At this time I actually met the "God that I now understand." We became real close out in the woods in this car. I met him after the first really sincere prayer I had ever uttered: "God, please help me." After the complete honest and sincere desire for God's help I received his help, the stinking thinking left, I continued my journey, and completed my job in Augusta and returned home.

Upon my return I immediately sat down and wrote my inventory. I took the 4th step of A. A. which is "Made a searching and fearless moral inventory of ourselves." When I looked at this inventory this was the complete clincher. There could be no further possible doubt as to what part alcohol had played in my life, if there ever was one. I think this experience awakened me to the fact that I "couldn't think my way into sober living—but I had to live my way into sober thinking." And I took the 2nd and 3rd steps of our program at this time.

After this experience things began to happen—I advanced in my job, I was able to face problems that happened. One of my greatest rewards was that after five years in this program my Dad called me to his death bed and said, "Son, look after the family, you can do it now". Faith restored—yes—faith restored! What a rewarding gift!

Adult living was just beginning for me, "Life can be beautiful". My wife and I spent fifteen sober, wonderful years. We had our troubles and our problems but you know what, we were able to face them with an open mind, accept them and accept the consequences whether good or bad. Isn't happiness what we make it?

After fifteen years, God saw fit to take my wife, I am sure, to perform other duties.

Approximately three years ago, at an A. A. convention, another beautiful and charming lady walked into my life, or I guess we walked into each other's life, and after a period of time we were married and she immediately joined Al-Anon. Life has continued to be wonderful, by reason for us practicing the principals of our programs in *all* of our affairs to the best of our ability.

From a derelict drunk to a respected citizen by practicing the principals of our program is a re-birth and a way of life that cannot be over-emphasized. I am in my 19th year of practicing the principals of Alcoholics Anonymous and all I can say is "GOD IS GOOD".

Thank you.

IWO JIMA—A SYMBOL OF FREEDOM

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BROOKS. Mr. Speaker, 25 years ago today, U.S. Marines landed on the heavily fortified island of Iwo Jima. The pictured raising of the American flag in triumph on that island has become symbolic of our Nation's devotion to freedom and the men and women who risk their lives to insure that it is maintained.

Today, the Marine Corps celebrated that anniversary at the Marine Corps War Memorial in Arlington. In order that my colleagues may share the remarks by Gen. Leonard F. Chapman, Jr., Commandant of the Marine Corps, at the anniversary ceremony today, the text follows:

REMARKS BY GEN. LEONARD F. CHAPMAN, JR.

Nearly three decades have passed since the United States and Japan faced each other

in war. It was a war that set this earth's largest ocean awash for four years. It was a war of such vast geographic expanse history balks at a comparison. World War II in the Pacific was its own precedent. From New Guinea to the Aleutians, from the coast of California to the heart of Japan, countless battles were fought at sea, on islands, and in the sky above. The size and ferocity of that war formed a huge panorama of maneuver and counter-maneuver. Now, in viewing that war from this point in time, it is easy to be swept up in its epic—to see a beginning, an ending, and to merge its many battles into the overall fabric of the whole period. But wars are fought by nations. Wars have complicated purposes and reasons. Their beginnings are clear only in retrospect, their results can be determined only by history. Battles are fought by men. Each battle begins and ends as a series of immediate personal events—human events of bravery, sacrifice, and triumph.

We are joined together today to remember a triumph. We are here not to commemorate a conquest by a nation at war, but to honor the triumph of men over the agony and events that make up a battle. Twenty-five years ago today Americans of the Fifth Marine Amphibious Corps stormed onto an island of primitive rock and volcanic ash. At best it was a hostile place—facing the devastating firepower of its defenders made it hell, surrounded by blue water. There, in battle, those men shared in bravery and sacrifice to find triumph. That battle, that triumph was Iwo Jima.

Iwo Jima: an island, a battle, and a symbol. To the American people that island, that battle, is a symbol of the whole Pacific war. To our Corps that island, that battle—as manifested in this magnificent monument—is a symbol of the perpetual spirit of all Marines who have fought and died for this country since 1775. To the Americans who were actually there twenty-five years ago, not just the men of our Navy-Marine Corps Team, but all Americans who knew the trial of that volcanic rock—Iwo Jima remains a testament of their faith in the hope of freedom for all men.

More than six thousand Americans gave their lives in the battle that was Iwo Jima. There fought and died men of every color and creed, men whose ancestors had sprung from every tribe of the human race, from every continent on this earth. But they were all Americans, a part of the spirit that had framed the hope for the freedom and dignity of all men. And there, on Iwo Jima, they fought and die for that hope. It was their battle, their triumph.

Iwo Jima was a Japanese island as surely as Virginia is one of the United States. To the men who defended it, its raw volcanic ash represented the holy earth of home. And there the bravery and determination of the Japanese fighting man, already proven in the Pacific war, was increased in an even greater effort to stop the Americans. Americans and Japanese met as enemies on Iwo Jima, and as enemies they fought one another—yet, as men they shared the agony and bravery of that battle. But in battle only one side can be triumphant, and on the fifth day of the fight, five United States Marines and one Navy Hospital Corpsman signaled the beginning of that triumph by raising the Stars and Stripes over Mount Suribachi.

That flag raising, in all its nobility, has now come to represent not only the triumph of Iwo Jima and the spirit of our Corps—but as well, the constant hope for the triumph of freedom, and the spirit of the Americans who fight for freedom. Its form is too classic to be locked on to a specific point in time, too timeless to be a single element of past history. And in its timelessness it has become a part of our national fabric.

Now, twenty-five years later, Iwo Jima is again a Japanese island, and again the flag of Japan floats over its barren crust. Is this a contradiction to the American triumph of twenty-five years ago? It is not. It is a confirmation of that triumph. If that island had not returned to its natural base of culture, then the purpose of American participation in World War II would have been conquest. If by returning Iwo Jima to its rightful place we consider that battle a futility, then we must also consider the hope for freedom and self-determination a futility. This was what Americans fought for at Iwo Jima, this is what Americans have always fought for. It is what they fight for today.

Now, we are again engaged in a long and bitter conflict. Like World War II it is a war testing the freedom of men to choose their own destiny. And like World War II we have no intention of conquest, only the hope for the triumph of the natural order of freedom. But unlike World War II our enemies have been more skillful with words than firepower. This country, the very cradle of modern freedom and reason, has been accused—*even from within*—of imperialism, oppression, and flagrant abuse of power. It is significant, I think, that the stronghold of that opposing philosophy, has yet to return to its rightful place one square inch of the territory seized in World War II.

But we are here not to condemn, nor to engage in the contest of polemics. We are here to remember the heroism that was Iwo Jima—the men who fought and died at that place. And it would be inappropriate to that memory to cloud it with negative words, because they were a positive breed. Men who triumphed, not men who conquered. Men who gave, not men who grasped. Men who hoped, not men who demanded. But this is the real tradition of our Corps, Marines are taught to serve, not to hate. And it was this gift of service that the men of Iwo Jima left as a legacy to all Americans. And I know that all Americans shall always remember the men of Iwo Jima, where, in the words of Fleet Admiral Chester Nimitz, "uncommon valour was a common virtue."

Thank you.

PACE COLLEGE MAN IN MANAGEMENT AWARD

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. ADDABBO. Mr. Speaker, the advisory council of Pace College on January 20, 1970, gave to Charles H. Dyson of New York, its Man in Management Award. The speech given by Mr. Dyson on that occasion has been brought to my attention and I believe it raises some interesting thoughts and comments which I believe will be of interest to all.

I include the following speech made by Mr. Dyson in the RECORD:

WHO'S IN CHARGE HERE?

(Speech of Charles H. Dyson, chairman of the board, the Dyson-Kissner Corp.)

It is a very great honor you have bestowed upon me tonight. In accepting this honor it is fitting to recognize that a large part of anyone's success comes from the assistance of many people. To these many people I acknowledge a debt of gratitude for whatever success I have achieved.

Speaking of success, and particularly that which Pace College has achieved, I pay special tribute to a great man for his foresight, his leadership, his warmth and his untiring efforts. This man is Pace's president, Dr. Edward Mortola.

"The Man in Management" is a neutral sort of title. It says nothing about either the man or the management. It does not suggest that man is either managing—or being managed.

This, I suggest, is one of the central problems of our times: In an age of bigness—bigness in business, bigness in education, and bigness in government—we have every right to ask ourselves: "Who's In Charge Here?" Is man controlling the direction of his institutions, or have his institutions created an irreversible life-force of their own? Are our institutions working for us, or are we working for them?

Everywhere there is the sense that we have lost control of our organizations, that we no longer control our destiny as a nation and as a people. As more of our decisions are made, or at least framed by the activities of our big institutions, the frustration grows to alarming proportions. It is the very size and seeming unresponsiveness of our modern organizations that appear to be stifling our sense of individuality and our confidence that we control our own lives.

There is also a profound sense of uneasiness about the ability of our institutions to solve the problems that today are tearing our society apart.

None of us doubt that we are part of a deeply troubled and anxious society. The grinding pressures of our involvement in Vietnam, the shame of continuing poverty amidst plenty, racial tensions, widespread crime and civil violence—these are the hallmarks of our time, and they are the marks of a society in disarray.

The American economic system has worked remarkably well for the great majority of Americans. But we will never have a secure or a healthy society until all of our citizens have an equal opportunity to share in the abundance which most of us take for granted.

But let us be clear about one thing:

If we *are* going to solve the social problems that beset us, and we must if we are to survive, we are going to have to do it within the framework of today's institutions.

We have to accept the fact that big organizations are here to stay. We hear voices all around us shouting, "smash big business, break up big labor, split up the universities, return political power to local government." But the basic realities of life will not permit us to turn back to a simpler age and a smaller scale. We cannot decide whether or not to rely on big organizations: our only choice is whether they shall be better or worse. If the great ideals of our time are not achieved through our major institutions, they will not be achieved at all.

But in the process, we will need to work out a drastic reordering of our national priorities, and it will be the job of the manager of tomorrow to carry them out. He will be an entirely new breed of manager. He must be concerned not only with the profits and losses; with sales and annual reports; with personnel policies and with the day-to-day functions of his organization. He must also be concerned with the impact his organization *is* having, and *should* be having on the community around them.

Now, in discussing the new manager, I am really talking about two entirely different types of managers: one of them in the business sector, the other in government.

Let me take the private sector first. It is my firm contention that business should be consciously used as an instrument for positive social change. And the larger the business, the greater is its responsibility to effect such change.

The development of social responsibility in the business world is, in itself, a hidden revolution of some importance.

In the past, business attitudes toward social responsibility ranged from detachment to active resistance. It was not too long ago when a common business attitude—if not a universally approved one—was, "The Public Be Damned". And until quite recently most business confined the discharge of its social responsibility to membership in a few non-action associations and annual contributions to the Community Chest.

How much business can and should do to solve the problems of our times is the subject of a lively debate. The answers range from everything to nothing.

Like governments, universities and other institutions, business is much better at some tasks than at others. Business is especially good at all the tasks that are necessary for economic growth and development. To the extent that the problems of society can be solved by providing more and better jobs, higher incomes for more people—on an impartial basis—the problems can best be solved by relying heavily on business. Specifically, I believe—

Business can and must find the ways and means of fully assimilating the hard-core poor into the mainstream of our economy—and that means active programs of searching out, hiring and training the hard-core unemployed.

Business can and must be willing to serve as a sort of half-way house of employment and rehabilitation.

Business can and must be willing to play a significant role in the elimination of urban decay and the restructuring of our communities.

Business can and must police itself in our efforts to halt the poisoning of our air, the pollution of our water and the ravaging of our countryside.

And finally, business can and must help lay the foundation for better business-government cooperation, based on a practical approach to common goals.

This, I believe, is not asking too much of our business community. And I am firmly convinced that to ask anything less would be to invite further deterioration of our social order.

Now I turn to a sector of our society about which I have many more fears. I speak of big government, with particular emphasis on the so-called military-industrial complex.

In his oft-quoted farewell address, former President Eisenhower noted that the United States has "been compelled to create a permanent armaments industry of vast proportions," and that "this conjunction of an immense military establishment and a large arms industry is new in the American experience." He also warned against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex.

We are just now beginning to grasp the full implication of that warning. We are just now beginning to realize that weapons systems costing billions of dollars have a life of their own—and a powerful following of their own—which is draining our national treasury.

As a result, our defense budget has increased from $12 billion in 1948 to $80 billion in the current fiscal year. No thinking American can separate this trend from the fact that a full 20 million Americans are in desperate need of better housing, better educational facilities, better diets, and better health care.

We are just now beginning to realize, too, that this military-industrial complex—deliberately or not—is having a profound impact on the arms race between the United States and the Soviet Union, which threatens not only our national treasuries, but our very existence as well.

Clearly no institution in America is more in need of redirection . . . more in need of a firm hand at the wheel—and that hand has to be a civilian hand.

We have relied for too many years now on the military to tell us how much we should be spending, and what we should be spending it on. If that trend continues, we will very likely end up spending ourselves out of existence.

This is not to cast aspersions at our military leaders—past or present. They represent a dedicated, educated, highly trained and able group of professionals who serve their country loyally and well. I reject the notion that they are a group of Doctor Strangeloves, callously adding to our arsenal of horror weapons without any thought of the consequences. I reject the notion that they are somehow so far out of the mainstream of American thought and culture that, given the chance, they would substitute military for civilian rule.

But they *are*, nevertheless, military men—products of military thinking and military training. And I believe we have allowed them to take over too many decision-making roles for which they are not qualified.

To say that a military man knows that his promotional chances are greatly enhanced in wartime is not to question his integrity. It is merely recognizing a fact of life.

To say that a military man would compete for expensive—and perhaps unneeded—weapons systems with the other services is not to question his good sense but to recognize that inter-service rivalries have always been with us.

To say that a military man would deliberately intensify the arms race with the Soviet Union is not to question his judgment, but to recognize that is what he is *paid* to do.

But, in recognizing these facts, we have not only a right, but also a responsibility to ask ourselves—again—"Who's In Charge Here?" At the moment, I am not too confident of the answer. I believe that our defense system is running us, and we had better establish some control over it before it is too late.

I believe, first of all, that we should move as quickly as possible to take military leaders out of the basic decision-making process and re-establish civilian control over all of our armed services.

I believe we should end this costly and tragic war in Vietnam just as quickly as possible.

I believe we should then reduce the size of our armed forces by at least one and one-half million men.

I believe we should pursue the strategic arms talk as vigorously as possible, making every unilateral gesture possible, consistent with our national security, to demonstrate our good faith to the Soviet Union and to secure an agreement which will remove the nuclear sword that hangs over us all.

I believe, finally, that we should make it a matter of national policy that all the savings that we will realize from the end of the war, the reduction of men in uniform and the slowing down of the arms race should be spent on social programs for all Americans, the poor, the Black, the Indian, the illiterate and the sick.

Ladies and gentlemen, we need people—in government as well as in business—who are convinced that the way things are is a shame and a disgrace. And being convinced of it, people who are willing to do something about it. People who are dedicated to fulfilling America's destiny. People who will confidently answer the question, "Who's in Charge Here?"

That, in my judgment, should be tomorrow's man in management.

Thank you.

A TIRED CHRISTIAN AMERICAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. WOLFF. Mr. Speaker, last month a particularly outstanding sermon on the war in Vietnam was delivered to the congregation of the Community Church of East Williston, N.Y., which is part of the Third Congressional District, by the Reverend Herbert Freitag.

This distinguished gentleman, whom I have had the honor of knowing for several years, offered such an articulate and thought provoking sermon that I feel that we can all benefit from his words.

It is for this reason, Mr. Speaker, that I would like to extend my remarks to include his sermon in the RECORD:

A TIRED CHRISTIAN AMERICAN

(Sermon preached by the Reverend Herbert Freitag)

Text: Micah 4: 1–4; James 3: 13–4:10.

The present war in Viet Nam has been raging, to one degree or another, for well over fifteen years. It has taken me a long time to fully decide whether it is, indeed, right or wrong, for the United States to be involved in this Asian struggle. In the 3½ years that I have served this church as one of your pastors, I have stood in this pulpit a good number of times, trying to communicate to you what *I feel to be God's Word applied to men's lives in today's world.* In that 3½ years I have never specifically preached on the subject of war, or of this particular war in Viet Nam. Now I feel that I must.

It has not been easy for me to make up my mind concerning the morality, or immorality, of this confusing conflict, and the American participation in it. It has been difficult for most people. As any sane man must, I hate the idea of war and all that it involves. As one trying to be a Christian, and as a Protestant minister, I have the additional belief that peace is the only really right way, even as Jesus Christ taught. I can understand what Martin Luther meant when he said that "War is the greatest plague that can afflict humanity; it destroys religion, it destroys states, it destroys families. Any scourge is preferable to it." And it was the American statesman, Benjamin Franklin, who wrote to a friend, "There never was a good war or a bad peace."

And yet I can see that there are times when there is no alternative but to fight; that under certain conditions, the idea of "peace at any price" can be worse than war; it can, indeed, lead to war. I am also enough of a "red-blooded American boy", whatever that means, to dislike the idea of pulling out, of quitting, of giving up, regardless of how foolish and ridiculous such a feeling might be in this particular case.

But, I say to you this morning that this country of ours should get out of Viet Nam—and it should get out now! My decision has been especially prompted, after many, many months of great concern and serious thought, by a number of things which have been taking place fairly recently.

It has resulted from hope—the hope produced by the beginnings of American troop withdrawals. Regarding Viet Nam, President Nixon inherited an unenviable position when he moved into the White House. And I think he has been sincerely trying to do something to bring about peace. But it is not going fast enough. We still have over 450,000 soldiers in South Viet Nam, and if we only bring back about 30,000 every few

months or so, it will be years before they all return. And meanwhile so many people are dying!

My decision has resulted from frustration—the frustration produced by the lack of progress in the Paris Peace Talks. It took the "negotiators" weeks to decide what kind of table to use, before the talks even began. So much time and energy and strategy are spent, on both sides, trying to convince the "enemy" that "we are strong, we are determined, we are right, we are never going to quit". There is the game of saying what we mean, without really saying it. And then, you know, we go to such great lengths to dissect what they "really mean". Now maybe this is the way it is done—but meanwhile so many people are dying!

My decision has resulted from anxiety—the anxiety produced by the apparent attitude of President Thieu and the South Vietnamese government, which he controls. He stated on television not too long ago that as the United States withdraws its troops, something else must be sent to replace them—possibly more sophisticated weaponry, like nuclear arms. Perhaps he meant that he wanted nuclear weapons in South Vietnamese hands; perhaps he meant that he wanted greater assurance of American nuclear protection. In either case, he has brought into the open still another possible avenue of further dangerous commitment for our country. President Thieu speaks of nuclear weapons, and meanwhile so many people are already dying!

And, strangely enough, the coordinating of all my thoughts into a decision, has resulted from hearing a sentence in a movie. In September, 1969, NBC presented on television the film "Shenandoah," with James Stewart. The story takes place in 1863 and concerns a Virginia farmer and his family during the American Civil War. The man, Charlie Anderson, feels that the war is none of his concern, and keeps his family out of it until something happens which draws them inexorably in. By the time it is over, three of his children are dead. The film shows what war does to a nation and its people. And as Charlie Anderson stands by the graves of his wife, his two sons, and his daughter-in-law, he says, "The politicians talk of glory, the old men talk of need, and the soldiers—they just want to go home."

Two of the most asinine, the most useless, the most bloody, the most tragic wars in which the United States has participated, have been its own Civil War, and the present Vietnamese conflict. In the Civil War a proud nation was torn asunder as stupidity trampled the bodies of brave men. In Vietnam Americans are again giving their lives in a senseless slaughter which most of them don't even understand. Yes, the politicians talk of glory, the old men talk of need, and the soldiers—they just want to go home.

And yet still it goes on; still they die. And some of our leaders talk of glory—the glory of giving one's life bravely for a noble cause. Well, our soldiers have certainly given their lives bravely. Over 47,000 of them have given their lives bravely. Over 270,000 of them have been wounded. And one out of every 100 of those wounded has lost either an arm or a leg or more. Yes, they have lived, and fought, and died bravely—but where's the glory? Is it in the hot jungles, or the treacherous rice paddies, or the shell-marked hills? Is it in the bloody and mutilated bodies of friends and comrades? Is it in the ruined land or the burned-out villages? Is it in the tears and cries of heartbroken peasants, or lost children, or grief-stricken relatives? Is it in the words on the tombstone, or in the musical notes of the last and final bugle call? Where is the glory?

And some of our leaders talk of freedom—freedom for South Viet Nam and its people. They say that we must help them to preserve their liberty, but what liberty is that? South Viet Nam is a dictatorship, hiding under the guise of a democratic republic. Sure, the present government was elected. But a large percentage of the population could not vote, because of what they thought or where they lived, despite their legitimate citizenship. And those who could vote elected men that had little chance of losing, since they already controlled the government; the armed forces; the communication media such as radio, television, and the newspapers; as well as sponsorship of the United States. And now in this democracy, a person who even suggests compromise as a means of ending the war, is thrown into prison as a traitor. The only real freedom in Viet Nam, in these days and under these conditions, comes with death. Yet this is the "freedom" Americans are fighting for. Yes, the politicians talk of glory, the old men talk of need, and the soldiers—they just want to go home.

And yet still it goes on—still they die. And some of our men talk of need—the need for us to stop Communism. They somehow have the idea that communism, in and of itself, is automatically bad. For us communism *is* bad. We don't want it and we don't need it. But could conditions in South Viet Nam be any worse under communism than they are now? At least there would be life rather than constant death. At least there would be a greater sharing in the profits from the land. And in any case, why must the United States feel compelled to stop communism wherever it is found? Why must the Vietnamese power struggle be our power struggle? Why must so many American soldiers lose their lives in a foreign land, fighting to prevent something which so many of that land's people want?

And some of our men talk of commitment—commitment to maintaining the sovereignty of South Viet Nam. But when we first sent our men there, we interfered in a civil war, not an invasion from the north. The invasion came only after we did. And we are not preserving the South Vietnamese nation, so much as we are preserving the power of the men who run it. The English poet, Thomas Campbell, wrote, in reference to Julius Caesar, "What millions died—that Caesar might be great!" Perhaps we can substitute here, and say "What millions died—that Thieu and Ky; and Hanoi; and American influence; might be great". If we as a nation have a commitment, is it not *first* to our own people, to assure them they do not *needlessly* throw away their lives in the interests of politics? Should our commitment not be to peace and love and life, rather than to that which is causing war and hate and death? Yes, the politicians talk of glory, the old men talk of need, and the soldiers—they just want to go home.

And yet still it goes on—still they die.

Jesus Christ, the one whom we revere, and seek to emulate, as our Lord and Savior, talked about love and peace. He sought to show that all men *can* live together in brotherhood. Jesus looked on war, not as the solution to problems, but rather as that which is caused by selfishness and stupidity, and leads to greater problems. He did not think that war should ever be necessary. In a speech delivered shortly before World War I, the English statesman, Andrew Bonar Law, said, "There is no such thing as an inevitable war. If war comes it will be from failure of human wisdom". Jesus would have agreed with this because he saw war for what it really is—violent, and heart-breaking, and basically inexcusable.

In one of today's Scripture readings, James asks the question, "What causes wars, and what causes fighting among you?". He answers himself by saying, "You desire and do not have, so you kill. And you covet and cannot obtain, so you fight and wage war.". Thus, according to James, war is caused basically by selfish ambition—it is usually a clash between two parties whose interests and appetites collide. Two men desire the same object which they are unwilling to share. Since they both want it, they fight to decide ownership. As between two individuals, so also between two nations—wherever prestige, power, and possessions are sought as the highest good in life, conflicts will occur.

And so there must be a radical redirection of the energies and ambitions of men. We must seek the kingdom of God, and all that this involves, instead of that which the nations now seek. Jesus tried to tell us this. The American playwright, Eugene O'Neill, once said in an interview:

"If the human race is so stupid that in two thousand years it hasn't had brains enough to appreciate that the secret of happiness is contained in one simple sentence which you'd think any school kid could understand and apply, then it's time we dumped it down the nearest drain and let the ants have a chance. That simple sentence is: For what shall it profit a man if he gain the whole world and lose his own soul?"

A way of life based upon love, mercy, and respect for personality is the only vision that can save man from total destruction. The strange paradox of life appears to be that when men desire satisfactions which contradict their spiritual nature, they find satiety rather than bliss; that when nations make power and possessions their goal, they destroy themselves in seeking to conquer others. Our own Thomas Jefferson said that "War is as much a punishment to the punisher as to the sufferer." Jesus, and history, have taught that in a war, there are no real winners. It is only with peace that life, and all good things of life, can be shared and multiplied. Only good will and trust can create conditions where there is more, not less, for all. You would think that we would have learned this by now.

And so I say to you again, let us get out of Viet Nam now. I think we are tired, as individuals and as a nation. I know that I am tired.

I am tired of hearing all the high sounding phrases, on both sides—the speeches that talk about fighting for peace, and liberty, and justice, and the dignity of man; the speeches that try to ignore, or cover up, the greed, the hatred, the cruelty, the selfishness, the death, and the agony. Perhaps our government honestly believes that we are in Viet Nam for good and noble reasons—but what are we really doing other than helping to add to the misery?

I am tired of what is going on with the Vietnamese black market. We are losing millions of dollars in goods, and equipment, and money, into the hands and pockets of ruthless crooks and corrupt officials, who are growing rich on the blood and pain of their people, and ours. These are certainly not the men who want to see the war end—they've never had it so good. I hate the feeling that we are again being played for suckers.

I am tired of hearing that we are right, and yet we are not really trying to win. An English admiral, Lord Fisher, said that "The essence of war is violence. Moderation in war is imbecility." If we honestly believe we are good, and in the right, we should be doing all we can to attain victory, and end the war. If we are wrong, or not absolutely certain about the morality of our actions, we had better get out.

I am tired of the misinformation, the

propaganda, which the people are getting. For how long now have we been promised that our position is getting better and better, and stronger and stronger? For how long have we been told that the end is getting constantly closer; that the other side can't hold out much longer; that our casualties are light and those of the enemy are heavy? And while we hear this, the North Vietnamese people are told the same thing. Former Secretary of State, Dean Acheson, has said that he, along with several other "elder statesmen," were asked by President Johnson to investigate the war and how it was going. Acheson skipped the top brass and went to the high-ranking subordinate officers who are doing the actual fighting. He says that there is a great difference between what these men are saying, and what is being reported by our ambassadors, the joint chiefs of staff, and the Pentagon. It was, incidentally, right after Acheson made his report to the president, that Johnson began to de-escalate our war effort. And so I ask, if conditions are getting so good, how come so many of our men are still there, fighting and dying?

I am tired of the fact that our country is so often wrong in its choice of allies. We will back any government, no matter how bad, so long as it claims to be anti-communist. It doesn't seem to matter that it might be an oppressive, repressive, unbending dictatorship, so long as it renounces communism. In the political realm, we support governments, not people, and that is our mistake, and often our tragedy.

I am tired of what has happened to our international image. The United States of America, the country which was once respected by most of the world, is now considered an aggressive, imperialistic, militaristic bully in many nations, mainly because of our involvement in Viet Nam. Even most of our friends are displeased—certainly very few of them support our actions. How can we tell the Arabs and Israelis to stop fighting, when we can't do it ourselves? How can we, the mightiest nation on earth, become embroiled in a war for all these years against a third of fourth-rate power. So much of our moral power and prestige seems to be gone. Others respect our strength, but not our motives.

I am tired of turning on the television and hearing handsome, suave, newscasters recite the battle statistics, as if they were talking about points in a hockey match or moves in a chess game. So many people are dying over there, and the numbers are presented so nonchalantly and unemotionally. You've all heard it—"there was a battle last night at such and such a camp. Sixteen Americans were killed, and thirty-five South Vietnamese, but they managed to kill 128 of the enemy.". It's as if we are supposed to cheer because our side lost fewer men and it's our win. And meanwhile, 179 men have lost their lives.

I am tired of hearing that we cannot pull out until the South Vietnamese are ready to carry the full load themselves. We have been there for 15 years—when are they going to be ready? President Thieu said recently that despite the present withdrawal of Americans, our troops are going to have to remain in Viet Nam for a long time to come. Apparently their soldiers are somewhat reluctant to fight. A fairly recent issue of Life Magazine showed two G.I.'s shooting away, while 5 or 6 South Vietnamese hid behind a hill. Our army is now even giving American medals to South Vietnamese soldiers to encourage others to follow their example and attain some incentive. This is their country! If they have no incentive, no sense of commitment, where is the incentive for our soldiers? And meanwhile, it becomes increasingly difficult for us to disengage. An author of ancient Rome, Sallust, wrote, "It is always easy to begin a war, but very difficult to stop one, since its beginning and end are not under the control of the same man. Anyone, even a coward, can commence a war, but it can be brought to an end only with the consent of the victors". At that rate, this war will never end, because there is never going to be a winner.

I am tired of hearing that because we have already lost so many men, we can't pull out now. A good many Americans feel that, while it was wrong, morally and politically, to get involved in Viet Nam, the fact remains that we did get involved, and our soldiers have lost their lives there. Therefore, they say, in order to make sure that these men did not die in vain, we must finish the job no matter what it takes. Such a view does not make sense. What it means is that because *some* Americans have died needlessly, *others* must also die the same way in an attempt to justify the whole thing. We must support the American soldiers in Viet Nam, and it seems to me that the best way to support them is to bring them home.

I am tired of the mistakes, the brutality, the terrorism, that is killing so many people in Viet Nam. The Viet Cong plant bombs in crowded places and assassinate village leaders who disagree with them. North and South Vietnamese soldiers summarily execute prisoners who are helplessly in their power. American units frequently kill innocent civilians who they mistake for the enemy. Perhaps in Asia life is cheap, but for us this is not the case. This war is turning men into animals. The American clergyman, John S. C. Abbott, said that "War is the science of destruction". And what is being destroyed in Viet Nam is life, and man's respect for it. America must stop having such a large part in that destruction.

And I am tired of *all* this senseless death—North Vietnamese, South Vietnamese, and American; men, women, and children; soldiers and civilians. Do you realize that since this war began, over 47,000 American soldiers, over 100,000 South Vietnamese soldiers, and over 600,000 North Vietnamese and Viet Cong soldiers have been killed? And it is estimated that the civilian dead number seven to ten times as much as the military. That means that, even conservatively speaking, about 5,000,000 non-combatants have died in Viet Nam. These are people, not just statistics! It was William Ellery Channing who said, "What distinguishes war is, not that man is slain, but that he is slain, spoiled, crushed by the cruelty, the injustice, the treachery, the murderous hand of man". You know, whenever I hear the casualty reports on television, it rarely strikes me that these were living flesh and blood individuals they are talking about. But some time ago, Life Magazine printed the photographs and some information about all the Americans who had died in Viet Nam in one week. This really brought it to home; this made the whole thing far more personal. Now I could visualize a bit better just what these "death statistics" were saying.

Yes, I am very tired of all these things. And so I say to you, let's bring our men back from Viet Nam; and let's do it Now! We claim to be Christians. Christ said that man should not fight with his fellowman—he should not war against his brother. Christ said that war is *wrong*. So how can we, as Christians, possibly convince ourselves that this war, and our participation in it, is right?

The Hebrew prophet Micah spoke in the Old Testament about the coming of a day when "they shall beat their swords into ploughshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more". Well right now that day still seems to be a long way off. Perhaps we should think about what we can do to bring it a little bit closer. Perhaps we should think more about our beliefs, and commitment as Christians. Perhaps we, by thinking, and praying, and making our feelings known, can help make a reality of the vision which Alfred Lord Tennyson expressed in his poem "Locksley Hall":

"For I dipped into the future, far as human eye could see,
Saw the Vision of the world, and all the wonder that could be;
"Saw the heavens fill with commerce, argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales;
"Heard the heavens fill with shouting, and there rained a ghostly dew
From the nations' airy navies grappling in the central blue;
"Far along the world-wide whisper of the south wind rushing warm,
With the standards of the peoples plunging through the thunderstorm;
"Till the war-drums throbbed no longer, and the battle flags were furled,
In the Parliament of man, the Federation of the world.
"There the common sense of most shall hold a fretful realm in awe,
And the kindly earth shall slumber, lapped in universal law."

PRAYER

Our heavenly Father, give to us a sense of thy peace, that we may strive with all our might, to bring it to our world. This we pray in the name of the Prince of Peace, even Jesus Christ our Lord. Amen.

THE LATE HON. BEN JENSEN

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. ARENDS. Mr. Speaker, I take this opportunity to pay tribute to the memory of the late Ben Jensen, who served in this body for 26 years and who served with great distinction.

He first came to Congress from Iowa in 1939. The number of years that he served Seventh Iowa Congressional District itself bespeaks the quality of the representation he gave the people for whom he spoke.

After two terms in the House, he was assigned to the important Committee on Appropriations. That he was given such an assignment also bespeaks the high regard his colleagues had for him. He applied himself diligently to each and every legislative problem. As our ranking minority member on the Appropriations Committee, we looked to him for leadership, and he was not found wanting.

Not only was Ben Jensen a man of real ability; he was a man of high principle. To know him was not only to love him as a man of compassion; it was to admire him as a man of stature.

With the passing of Ben Jensen, I have lost a friend I shall never forget. To his wife and all his family I extend my deepest sympathy.

INFLATIONARY RECESSION

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. PURCELL. Mr. Speaker, as you well know, our Nation today is in the midst of its longest and most serious inflation since World War II and the period immediately following. Since 1965, with exception of a brief pause in late 1966 and early 1967, prices have been rising at a rate which has cut deeply, and at an increasing rate, into the purchasing power of all Americans; consumer prices have increased since 1965 at the highly inflationary rate of 3.6 percent annually, and this past year prices increased by the rate of 6 percent. This is an intolerable situation, and, when viewed against the figures available for the last fiscal quarter which indicate that true economic growth has been halted, indicate genuine cause for alarm. If the next quarter's figures indicate no better a situation, we will no longer merely be caught in inflation: the more accurate term will be an inflationary recession which will see continued price increases, while business and jobs continue to decline. Workers who are being laid off as a result of the economic situation are going to be having to pay more for the standard items they must purchase to survive. On the whole, it is hardly a pretty situation.

Something must be done to halt this direction the economy seems to be moving toward; if there is one thing that is crystal clear, it is the failure of the policies of the administration to ease this situation, despite the assurances we have received from the "experts" downtown that all we need is a little patience. This is the same thing they were telling us last summer, and the situation has gotten worse since then.

I do not mean by the foregoing to indicate that the Nation's present economic problem is entirely the fault of the new administration: as much a culprit is the fact that total spending for goods and services by Government, business, and consumers has risen at a rate exceeding the productive capacity of the national economy for the past few years. Over the period from 1965 through the past year, the combined spending of all sectors of the economy has been increasing at a rate roughly double the actual rate of expansion of our economy, measured in terms of the real growth in our gross national product. Consequently, we have had to cope with the classic problem where prices have risen to a level necessary to compensate for this serious imbalance between demand and supply.

Due largely to the Vietnam war, we have run deficits in the Federal budget. By early 1966, the economy had followed several years of steady recovery from the serious recession at the end of the Eisenhower administration, and a minor recession at the beginning of the 1960's. We had reached essentially full capacity and full employment. Any added stimulus to the economy thereafter by means of deficit spending on the part of the Government led to increasing these existing inflationary pressures.

There are several alternatives available to the Federal Government to deal with an inflationary situation; without attempting to exhaust the list, it can—and must—present a balanced budget, or it can put into effect more taxation and fiscal and economic restraints; it can take steps such as "jaw-boning" and issue calls for fiscal restraint on the part of all Americans.

When the Nixon administration came into office, it rejected most other alternatives in favor of a policy of massive fiscal restraint. This was largely accomplished as a result of two actions. First, the administration abandoned its election pledge for abolishing the 10-percent surtax in favor of its continuation; and it implemented a cutback in the rate of increase in Federal spending, the Federal Reserve also went to a high-interest-rate policy and invoked other monetary policy restrictions that have caused the money supply to remain virtually unchanged.

These policies have failed. While it is an accepted fact that the economy does not respond immediately to shifts in the direction of economic policy, after 18 months' restraint, with its attendant hardships, we should have begun to see some deflationary pressures continue to worsen. At the same time, there has been a marked slowdown in economic activity which has virtually hamstrung such industries as housing and the automobile industry, as well as other industries whose economic well-being is closely tied to the money market.

As we entered this year we needed a balanced budget, or a budget surplus, and new policies by the administration. While I have high hopes that the President has already been stimulated into reexamining his previous decisions in the case of the latter, it is now apparent, as the distinguished chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON) has pointed out, that despite all the ballyhoo that accompanied it, the budget, if enacted, will show a deficit for fiscal year 1971. It is not a truly balanced budget; and, if it is enacted without any changes, we will show a deficit for fiscal year 1971 of $7.3 billion. Those are the hard facts of the matter. The burden has, therefore, been placed on Congress to cut the budget down to a workable size; and it is inescapable that the hardship that has already been visited on our respective districts may be compounded when we are through—if we are to do our job correctly.

On the other hand, if we act as I admit I have been tempted to do, when I read that my district projects were cut out of the budget, and those of the gentleman from Michigan, the distinguished minority leader (Mr. FORD), were in to the tune of some $9 million, and try to go too far to even the score, then a bad situation will merely be compounded. "The administration proposes, and the Congress disposes," goes the shopworn line, and it is time for us to get about our business—in a businesslike way.

But this hardly relieves the administration of any further responsibility to the people. There are now indications of a problem which could have even more severe repercussions than the present inflation alone. In 1969, the real growth in our national output amounted to only 1.7 percent; this compares with a 5-percent rise in 1968. It has become increasingly evident that a very serious slowdown in the growth rate has taken place, as characterized by a complete halt during the last quarter, a drop in durable goods orders, a fifth consecutive monthly decline in industrial production, obviously weaker consumer confidence and buying activity accompanied by a marked drop in car sales and steady reduction in retail sales, falling profits generally, and a continuing drop in housing starts. As several prominent financial people from Dallas mentioned to me recently, "we feel the economy is trying to tell us something." That something, Mr. Speaker, is a marked retardation in our economic health, and a situation that demands our fullest attention.

Yet, at this same time, inflationary pressures contine to mount. Consumer prices are currently rising at a rate of 6 percent, and there are predictions of little improvement in the coming months.

There is a growing consensus among close students of the economy that we are headed for a real recession and excessive rise in unemployment instead of what we had been led to believe would be a temporary pause. While it is not my purpose to want to spread undue alarm, we cannot avoid thinking in these terms in light of the unpromising and disturbing economic outlook confronting us today. Time Magazine recently noted:

> Millions of Americans are suffering from the one-two punch of an inflationary recession. While prices continue to rise . . . cutbacks in factory hours have reduced the average take-home pay of a production worker. He now has less buying power than he had four years ago.

Given this unhappy setting, it is clear that the administration's policy of gradualism has not worked. Currently the administration is uncomprising in its view that a balanced budget and a heavy reliance on a tight-money policy will dampen the rate of inflation by the end of this year. I disagree, and submit that the current economic climate dictates a broader and more flexible course of action if we are to avoid an inflationary recession.

First, the Federal Reserve must ease the recessionary influence of the tight-money policy. This policy has already had a devastating impact on housing which has been in a state of near collapse for most of the time since the credit crunch of 1966. The result has been a chronic shortage of housing and spiraling prices. Further, as you well know, tight money has also had a severe impact on small business, the stock market, and the funding activities of State and local governments. Now the condition has spread to other segments of industry. Due to falling demand, many of our major corporations have had to make sizable cuts in plans for production and investment for the coming year. No one at this moment knows the degree of monetary easing necessary, but it is clear that we must move in this direction if we wish to avoid piling more bad

psychology on top of an already harmful inflationary psychology.

Second, the Government must take every precaution to insure that it does not become a net borrower in the Nation's money markets. I have already alluded to the questionable balance of the new budget; if it remains in deficit, this would force the Government to seek financing in the Nation's money markets, thereby diverting funds from many markets in the private sector which are already credit starved.

Because there is growing evidence that inflationary pressures from now on will be generated at least as much by psychological as by economic forces, I believe the administration should give immediate attention to the need of applying some temporary ceiling over wages and prices; I am not, at this point, advocating that we adopt a program of mandatory wage and price controls similar to those in effect during World War II and the Korean war. However, I believe that the time is upon us when labor and management must be willing to agree to temporary guides in order to overcome the inflationary psychosis which is fast gaining in the country.

To date, the Nixon administraton has rejected all proposals advocating some form of direct governmental action concerning wage and price policies. I believe it is now time for the administration to reappraise its position and stand ready to take more positive steps; if the President continues to totally reject the idea of more controls on wages and prices, the country is being deprived of a valuable weapon to ease this stranglehold on people's incomes. It is inexcusable for the President to continue to avoid "jawboning" or similar contact of his Office with those who exercise the greatest degree of control over prices of strategic items and the wages paid to those who produce them.

The refusal thus far for the President to place himself in the somewhat uncomfortable position which his position requires, is a glaring omission which must be halted immediately. The Presidency which he so eagerly sought does have its demands of office. Business is not "as usual" in the Nation, and any continued attempt to pretend it is, presents an administration profile similar to an ostrich with its head in the sand. In the absence of administrative leadership, other proposals are being discussed in the Congress, such as the reinstatement of the old regulation W from Korean war days, requiring a larger downpayment on transactions than is presently the case; the theory is to eliminate the continual fueling of the pace of the economy inherent in high consumer level buying.

Unfortunately, one of the problems of imposing this restriction is the blow it deals to those at the lower income levels who must often use this method of financing to meet the need of providing necessities. For example, to the person who must have a car for transportation to work in an area where there is no public transportation, imposition of the regulation on a blanket basis could have the effect of denying him employment. On a more selective basis, however, the principle seems to commend itself.

However, in my viewpoint, a far more desirable alternative would be a voluntary restraint exercised by the people themselves; in this affluent society we have become accustomed to luxuries whose purchase could actually be delayed for a time, particularly in the case of credit purchases of luxuries. The decision to avoid buying with a less than adequate downpayment should be encouraged by the President and by each of us here.

As a people we must stand up and face the facts that the economic situation is as hazardous as it has ever been since I have been in the Congress. This Nation has had its share of economic ills; and we have, I hope, learned from our experiences. While the immediate situation is not disastrous, it does contain the potentiality for becoming so—unless the administration, the Congress, and ultimately the American people recognize the danger. Let us assess our national priorities with this as our most pressing domestic problem, and act accordingly.

TARIFF ADJUSTMENT AND ADJUSTMENT ASSISTANCE AMENDMENTS OF 1970

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. HARRINGTON. Mr. Speaker, on behalf of Mr. BUTTON, Mr. DENT, Mr. DULSKI, Mr. HATHAWAY, Mr. HOSMER, Mr. O'NEILL, and Mr. RODINO and myself, I introduced for appropriate reference the Tariff Adjustment and Adjustment Assistance Amendments of 1970.

Many industries in this country have been seriously injured due to strong competition from imports. One industry, in particular, has had to bear the burden of rising imports—that is the shoe industry which employs approximately 12 percent of the manufacturing employment in Essex County.

Imports are rapidly increasing to the point where they will match domestic production. The impact on domestic producers is documented by the closing of manufacturing companies and their allied suppliers. For example, five shoe factories have closed in the city of Haverhill in my district and it is likely that still another factory will close within the coming weeks. But this is not all, three factories have also closed in Lynn and two more have shut down in Beverly, also in my district.

I believe there is virtually unanimous agreement in the Congress that our domestic industries are entitled to specific relief from imports when the pressure of foreign competition becomes too great. Our Nation as a whole shares the immense benefits of our policy of open world trade, and the burden of that policy must not be allowed to fall too heavily on specific industries or the workers in those industries.

Authority for increased tariffs, import quotas, technological advice, tax relief, and financial assistance should be readily available for those industries which have been placed at severe disadvantage by our trade policies.

Because of the urgency of the problem, I introduce today the Tariff Adjustment and Adjustment Assistance Amendments of 1970. I believe that this bill will bring substantial relief to these industries which are being severely injured by imports. This legislation would liberalize the standards under which domestic industries can obtain tariff concessions, import restrictions, and adjustment assistance.

In his message to the Congress on world trade policies, President Nixon stated:

> While seeking to advance world interests, U.S. trade policies must also respect legitimate U.S. interests. . . . To be fair to our trading partners does not require us to be unfair to our own people.

I concur fully with the President's sentiments and have therefore taken title III of the President's Trade Act of 1969 and introduce it today in the form of these amendments.

I do not want this Nation to return to its old protectionist policies. I do, however, want our national trade policy to be just. I believe that the amendments, which are described in greater detail below, are a means toward that end. The time has come for us to look rationally at our present trade policy. It is up to the Congress to protect the citizens of this country from the inequitable programs of the past which have led to the loss of jobs, families in need, and a depressed economy in many areas. Pragmatically speaking, each job lost through an inequitable trade policy means less money spent for other goods and services. A vicious cycle is thus started, and other industries not directly affected by imports are also damaged.

The bill which I am introducing today in conjunction with seven colleagues, would amend the Tariff Adjustment—Escape Clause—and Adjustment Assistance Provisions of the Trade Expansion Act of 1962. It is my hope, and the hope of my colleagues who have joined me in cosponsoring this legislation, that the needs of industries with particular import problems will be met more quickly than if we were to wait for an entire remodeling of our trade policies to be enacted. I hope that the Members of the House will support this measure and that we may see these amendments enacted into law in the very near future.

Let me now explain in detail the contents of the proposed amendments:

The amendments are divided into two categories: First, the escape clause which provides relief on an industrywide basis; and, second, adjustment assistance, which provides specific aid to particular firms or groups of workers who are faced with adversity because of increased imports.

The escape clause provisions have proven rigidly stringent. The 1962 act requires a direct relationship between business loss, and an increase in imports related to a prior tariff reduction. Under the terms of the new amendments, the escape clause or tariff reduction section is liberalized by providing that relief shall be available whenever increased imports are the primary cause of actual

or potential serious injury, that is, the cause greater than any other single cause. Damage done by imports no longer must be caused by past tariff concessions before relief can be granted.

Even though tariff adjustments would be easier to obtain under these new amendments, tariff concessions obtained thereunder would be of a temporary nature only. If an industry does obtain relief under the escape clause provisions, it must assume responsibility for improving its competitive position, and regular reports on those efforts would be taken into account in determining whether relief should be continued.

The second category of these amendments deals with adjustment assistance. Under the Trade Expansion Act of 1962 increased imports must be the major cause of injury; that is, the cause greater than all other causes combined. This provision is clearly too restrictive. Few groups of workers or individual firms have been able to receive relief. My amendment would therefore permit firms and workers to be eligible for adustment assistance when increased imports are found to be a substantial cause of actual or potential serious injury. In this case, too, increased injury from imports would not have to be related to a prior tariff reduction. In addition, the "substantial cause" provision is less strict than the "primary cause" provision proposed for tariff relief. Therefore, workers and individual firms will be able to receive relief more easily. The relief provided would be in the form of loans, technical assistance and tax relief for the firms, and readjustment allowances, relocation and training for workers. Such relief has no harmful side effects on overall trade policy.

The amendments which I propose today would change two other items in existing adjustment provisions.

First. The President would be given the authority to determine eligibility to apply for assistance, although the Tariff Commission would continue to gather and supply the needed factual information. In addition, the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives upon its own motion or upon filing a petition under subsection (a)(1) of this act, may require the Tariff Commission to make an investigation of damage done to an industry. At the present time the determination of eligibility falls within the powers of the Tariff Commission.

Second. A particular section of an industry may receive adjustment assistance when the injury is substantial to a separate unit of a multiplant company or to a group of workers in them.

I believe that this section is of great importance because it will enable certain industries to receive assistance for which they would heretofore have been ineligible.

In this connection, I have written to President Nixon and the honorable gentleman from Arkansas (Mr. MILLS), chairman of the Committee on Ways and Means, asking both to request the Tariff Commission to make a review of the women's and misses' shoe industry. I believe that an affirmative ruling in this case would be the quickest route to increased tariffs and import quotas. An industrywide investigation would have less chance of success since not all of the industry is faced with such substantial difficulties resulting from reduction of trade barriers as is the women's and misses' shoes portion.

I have also urged the President to establish an interagency board to administer adjustment assistance to those industries declared eligible for such assistance. At the present time such a board does exist, but it does not have the executive authority I am requesting the President to implement, nor does it contain all Government agencies involved in the adjustment assistance program. I believe that aid could be given more quickly to those industries declared eligible if all agencies of the Federal Government involved in this area are coordinated in one board so that assistance is channeled through a single source.

These, then, are the Tariff Adjustment and Adjustment Assistance Amendments of 1970. I believe that these amendments are the best means of achieving a fair trade policy without reverting to a strongly protectionist philosophy which ultimately causes more harm than good. Under present international agreements, if we raise tariff barriers, the other countries of the world will retaliate, not necessarily in kind. We may therefore, do terrible harm to some of our strongest and most viable industries if we follow the strongly protectionist path. I believe that the legislation which I am introducing today will prevent such a dangerous occurrence while insuring that those industries which have been badly harmed by unfair import quotas will be given relief and assistance.

In conclusion, Mr. Speaker, I insert my letter to the President at this point in the RECORD:

FEBRUARY 10, 1970.

The PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: The deteriorating situation in the women's and misses' shoe industry demands prompt attention.

Imports are rapidly increasing to the point where they will match domestic production. The impact on domestic producers is documented by the closing of manufacturing companies and their allied suppliers, and by widespread curtailment of employment.

I cite the instance of 5 factory closings in the City of Haverhill in my District, and the prospect of still another factory closing within the coming weeks. I cite the instance also of 3 factory closings in Lynn and 2 closings in Beverly, also in my District. Cutbacks in related employment have also occurred throughout the 6th Massachusetts Congressional District. The urgency of the situation is readily apparent espeically since shoe and leather industry accounts for approximately 12% of the manufacturing employment in Essex County.

I, therefore, urge you to request the Tariff Commission to investigate the women's and misses' shoe industry to determine whether imports are in such increased quantities as to cause serious injury to domestic industry. I ask you to make this request under Section 301(b) of the 1962 Trade Act, and I also urge that the Tariff Commission be requested to make its report within 60 days.

I am fully aware both of the previous Tariff Commission investigations of the shoe industry, and of the normal six months reporting period. But the rapid increase in imports is grounds sufficient to re-examine this portion of the shoe industry and to seek the early report.

I make this request for the following categories of footwear:

Turn or turned footwear (TSUS Item 700.20).

Other footwear for women, misses, infants and children (TSUS Item 700.401).

Sandals of buffalo leather (TSUS Item 700.41)

Other footwear for women valued at not over $2.50 per pair (TSUS Item 700.43).

Other footwear for women valued at over $2.50 per pair TSUS Item 700.45).

Footwear having uppers of rubber or plastics (TSUS Item 700.55).

Footwear with uppers and soles of fibre and leather valued at $2.50 or less per pair (TSUS Item 700.66).

Footwear with uppers and soles of fibre and leather valued at $2.50 or less per pair (TSUS Item 700.68).

Footwear with soles of material other than leather and uppers of vegetable fibres (TSUS Item 700.70).

Footwear with uppers of fibres, N.S.P.F. (TSUS Item 700.30).

Footwear of wood (TSUS Item 700.83).

Other footwear N.S.P.F. (TSUS Item 700.85).

Tariff concessions in these categories have been markedly reduced from approximately 20% ad valorem to between 5% and 7% under the trade negotiations.

At the same time, I wish to inform you that I am making a similar proposal to the Chairman of the Committee on Ways and Means so that the Committee, if it so desires, may join you in a request to the Tariff Commission.

It is my belief that through this action you will obtain authority within the framework of our existing international trade agreements to take various steps to assist the domestic industry. Tariff increases, import quotas and technological and financial assistance to domestic industry are all within the scope of your authority to institute should the Tariff Commission rule affirmatively on your petition.

Mr. President, I shall also introduce into the House of Representatives within the next week a resolution to amend Title 3 of the Trade Acts of 1962 and for this purpose I shall adhere to the language within your Trade Act proposal for 1970. It is to accelerate Congressional consideration of this important section of the Trade Act that I take this action.

Finally, Mr. President, I urge the immediate establishment by executive order of an Inter-Agency Board to administer adjustment assistance to those industries declared eligible for such assistance. While recognizing that funding for the 1970 year is not probable, I suggest that available programs and funds be channeled from existing agencies to those injured domestic industries. I believe it is possible to aid and encourage such industries as the women's shoe industry so that they may become competitive and viable, that marketing research, technological assistance, tax credits, and financial assistance may all be programmed in such a way as to give renewed life to our domestic manufacturers and save countless jobs.

It is encumbent upon the Federal Government to lift the intolerable economic burden imposed by national trade policies upon some segments of our economy. I wish to stress, Mr. President, the need for immediate action and to emphasize that my proposals fall within existing federal structures and conform to policies already adopted by both your administration and the preceding administration.

Respectfully yours,

MICHAEL J. HARRINGTON.

SIX BILLS TO IMPLEMENT THE PRESIDENT'S ENVIRONMENTAL PROGRAM

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BROTZMAN. Mr. Speaker, I am pleased to join in introducing six bills which would greatly assist the Nation's effort to improve the quality of our environment. Three of the bills amend and improve the Water Pollution Control Act, one amends the Land and Water Conservation Fund Act of 1965, one amends and extends the Clean Air Act, and one authorizes research into the problems of solid waste disposal.

Congress has, in past years, enacted important legislation to improve the environment, but it has been apparent for some time that a more intensive effort is needed. The legislation I am introducing would establish stronger automobile emission standards and apply the standards to all new vehicles. Fuel and fuel additives would be regulated to achieve maximum possible pollution reduction. A research and development program to obtain an unconventionally powered, low-pollution auto by 1975, if pollution from conventional vehicles cannot be sufficiently reduced, would be authorized. Similar improvements in the legislation to control water pollution are included.

One of the chief deficiencies in the legislation already on the books is the problem of enforcement of air and water pollution standards. Those who violate the tougher standards of the new legislation would be subject to fines of $10,000 per day for the time of their violation. The enforcement authority for swift court action against polluters is also provided.

Another important feature of this package is the bill which would authorize the Department of the Interior to convey surplus property for parks and recreation purposes to State and local governments at public benefit discounts of up to 100 percent. New cities, like Lakewood and Wheat Ridge, Colo., which are in my district, would be particularly benefited by this legislation. They would be able to establish a parks and recreation system and still live within their limited budgets.

As I have noted, Mr. Speaker, my package consists of six bills, rather than the seven recommended by the President. I have not introduced a bill to establish an environmental financing authority because I am not yet sure that the proposal to enable the Federal Government to underwrite certain State and local bond issues is on firm ground.

Finally, Mr. Speaker, I would like to point out that this package is an excellent example of why this body needs a standing Committee on the Environment to consider environmental quality legislation. Obviously these bills closely interlock, and yet they will be distributed through our committee structure and will reach the floor piecemeal and, conceivably, in conflicting forms.

I have been joined by over a fourth of the distinguished Members of this body in proposing a standing Committee on the Environment for the House which would be ideally suited to consider the substantive legislation now being introduced. As we move into a period in which environmental legislation is becoming a major concern of all Members of Congress and the public at large, it seems only fitting that such legislation should be considered by a full-time committee with the advantages of a full-time staff composed of environmental experts.

A KOREAN'S LONG-RANGE LOOK AT ASIA

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BROOMFIELD. Mr. Speaker, President Nixon's comprehensive state of the world message sketched the framework for the future U.S. role in Asia. In this historic document, the President specifically stressed the need for the establishment of a true partnership with the free Asian nations. In this context, the planning and aspirations of those Asian nations become critically important to the formation of U.S. policy. The following paper, prepared by a 26-year-old legislative counsellor to the National Assembly of the Republic of Korea, offers some interesting and important insights into the Asian viewpoint. Mr. Jong Heup Park has worked in my congressional office for the past 3 months as a congressional fellow sponsored by the American Political Science Association. Mr. Park graduated from the college of law at Seoul University in 1966 and completed work on his master's degree in public administration at the same university in February 1969. He is on the staff of the National Assembly's Committee on Construction. I commend his remarks to my colleagues, as follows:

A VIEW TO ASIA NOW AND IN THE FUTURE

ASIA IN TRANSITION

After World War II, peace and stability were maintained in Asia through a dual balance of power between the West, led mainly by America, and the Communist bloc led solely by the Soviet Union. The present political situation in Asia is not so simple. We are moving into an era of more complex, many-sided international power politics.

A predominant reason is the emergence of Communist China which is reluctantly but inevitably acknowledged as a major power by the free world. Another reason is growing concern in America about the heavy burden of its security responsibility in Asia stemming mainly from domestic fatigue with the Vietnam war. An increasing necessity to reallocate the defense responsibility to other developed nations, such as Japan, is also an important factor in the viewpoint of American policy-makers, as demonstrated in the new Nixon noninvolvement policy in Asia.

So, if we imagine Asia under the condition that American political and military influence might be pulled out, whether temporarily or for a considerable period, we can probably expect a certain power vacuum in Asia.

Under this probable situation, we can think of roughly four possible circumstances: (1) one-sided domination of Asia by either the Communist nations or free Asian nations; (2) a new type of power balance between a Japanese-led block and a Red Chinese dominated bloc; (3) a reconciliation between the two blocs; or (4) a free world collective security system based on equal participation of its members against the Communist bloc. No one can predict which among these four alternatives will replace the present one. But it seems to me that there are a number of factors which, considered together, might form the basis for a careful prediction.

JAPAN—A POSSIBLE NEW LEADER

The first thing that comes into mind is what course Japan will take in the 1970's. In other words, does Japan willingly want to become a true leader of free Asian countries with a responsibility to nations such as Korea, Nationalist China, Philippines, and Thailand for political and military security?

It is conceivable that America, over-burdened by its Asian security responsibility, must share it with some other economically capable nation such as Japan. But, Japan can not hope to successfully assume this new leadership role without the *confidence* of the other nations of free Asia. And, at present, those other nations are hesitant to follow Japanese leadership as long as Japan remains a "free-rider" and an "economic animal."

Every nation knows that imprudent isolation always causes self-destruction. None of the Asian free nations denies cooperation with Japan. But the present political behavior of Japan throws a gloomy shadow of disappointment over the smaller free nations. By adopting the policy of separation of economy and politics, Japan shows a characteristic similar to the two opposite faces of Janus. We have seen so many cases in which politics is used as an instrument for attaining economic goals. For example, in practical trade relations, Japan pursues a "two Korea" and a "two China" policy with North Korea and Red China, but, politically, she insists on the principle of "one Korea" and "one China."

We well know that national interests always come first in actual policy formulation. We must also be aware that any nation which wants to be a trusted leader has to earn the confidence of others by presenting some virtue of self-restraint for the benefit of others which want to be friends.

All of free Asia welcomes the re-election of a Japanese government that is friendly to the United States. But domestically that same government still contains the potential for increased leftist influence which might complicate U.S.-Japanese relations.

History has proven it as an undeniable truth that survival always depends upon victory and defeat always means victimization. Most of the smaller free nations in Asia have two great burdens on their shoulders which must be carried at the same time; one is to survive in economic competition and another is to survive against the Communist threat to freedom. People in countries such as Korea, which is confronted sharply by Communists, believe strongly that economic development superior to the enemy is the best single way to a victory for freedom.

So, in these contexts, it is realized that Japan must be an active member of mutual security organizations and participate in regional cooperative efforts in Asia. But she must restrain herself in direct or indirect acts which profit the enemy, at least in areas where the war between freedom and communism remains as a substantial matter for survival.

So long as the United States plays an active and direct role in Asia, it will make

no serious difference that Japan fails to assume greater political and defense leadership. Otherwise, it is sincerely hoped that Japan will change her behavior and assume the role of a matured adult, one who understands and is understood by others and who shares the suffering of others just as the United States did and is doing in Korea and in Vietnam. Free people everywhere wish Japan to be such a friend as in the proverb, "a friend in need is a friend indeed."

RED CHINA—A THREAT TO FREE ASIA MILITARILY AND PSYCHOLOGICALLY

Before 1964 when its first atomic device exploded, Communist China had been a "paper lion" which only boasted of its power to the free world in an effort to agitate the people of free nations. But time and events have changed her from a paper lion to an awakened lion. What was unreal before has become real now.

Red China first succeeded in Atomic Bomb Testing on October 14, 1964 and carried out a successful test of the H-bomb on June 17, 1967. By June 30, 1968 it had acquired the capability to produce ICBMs.

There are three important factors to consider in understanding Red China's national behavior. First is Chinese *nationalism*. Communist leaders in Red China repeatedly declare that the most important single goal of communism is to achieve international communism. At the same time, they condemn the Soviet Union as a revisionist nation which is going to destroy international communism. But in fact, it seems to me that there is no communist nation more nationalistic and less international than Red China. This means that Red China can pursue nationalistic goals in the beautiful name of international communism rather than in the name of nationalism.

The second thing coming to mind is the so-called "Mao Tse-Tung's strategy". He thinks that the subjective human mind dominates the material. In this sense, Red China is a more deceptive revisionist than the Soviet. Mao's strategy can be concentrated into a simple but very meaningful word—*"psychological warfare"*.

He deeply believes that manipulation of human psychology is the most effective short cut to winning the war between west and east. Mao repeatedly likes to use a psychological term such as "underprivileged people", which is a very old-fashioned phrase used originally against the colonial powers. In recent years, however, its meaning has changed. What does Mao really mean by it now? He means nothing but "anti-American" or "anti-white" in a broader sense.

He usually applies the term to such peoples as Asians, Africans, and Latin Americans. It is because he knows well that these people have been depressed by the western powers. He also applies it to the Negro people in America. The reason for this is that he believes they have been oppressed by the whites. In this case, it appears he might be thinking of the future war as a racial rather than an ideological one. However, whether or not this presumption is true, it is undeniable that Mao's strategy is to continue this type of propaganda. It is aimed at psychological agitation of the frustrated peoples of Asia in the hope that their thinking will coincide with Mao's and that they will join in resisting the U.S. For these reasons, it is important, now more than ever, for the American people to realize and to understand this psychological strategy. It is the right time to re-examine the fact that the combination of nationalism and Mao's psychological srategy might result in the creation of a great power.

As a matter of fact, Vietnam has demonstrated the valuable lesson that military victories without psychological implementation do not always mean success. This is a lesson which will have increasing importance as long as Asia remains a battlefield for conventional warfare. And it will be even more important when atomic weapons become more a political tool than a military tool.

The final point in consideration of Red China is geared to its political behavior. Only a nation which can produce atomic weapons can be a strong nation in the real sense. China has feared monopolization of power by a few strong nations such as the United States, England and the Soviet Union, which she views as enemies individually or in coalition.

What is more important is that Red China distrusts the Soviet Union which many still believe to be her friend. This distrust is based on a number of factors, among them the dangerous confrontation of national interests along the 4,500 mile common border as well as long-standing ideological differences. But it also involves Red China's fear of an alliance between the Soviet Union and the western powers. In fact, increasing political exchanges during the past decade have created a warmer climate for relations between the United States and the Soviet Union.

These are clear reasons why Red China has been so determined to acquire atomic capability. Under these correlated circumstances, it seems clear that the overriding purpose of Communist China is to change the world power equation from "the monopolization of power" to "the *proliferation of power*." The proliferation of power means the relative weakening of the western powers and the relative strengthening of the Chinese side.

If we look at Asia under this preposition, it seems to me that the behavior of Red China can be predicted with more clarity. Communist China will wink at Japan's acquisition of atomic power so that Japan may become more independent of the United States in terms of military security in Asia. It is this belief that discourages most of the smaller nations such as Nationalist China, Philippines, Korea, and Thailand from following the Japanese independent leadership, which coincides with Red Chinese strategical goal. So, in this sense, the Nixon doctrine in Asia always involves this kind of risk. Without providing some guarantees of Japan's future role to those nations, it is conceivable that the United States will face a worsening situation in Asia.

AN AUTONOMOUS ASIAN SECURITY SYSTEM: THE DILEMMA OF SMALLER FREE NATIONS

From the viewpoints mentioned above, the creation of an autonomous Asian security system, enjoying the cooperation and support of the major free world powers, appears to be an inevitable development in the 1970's, whether voluntarily or not.

Okinawan reversion, Vietnamization, Koreanization pose new responsibilities for the free Asian nations. But we must also keep in mind that autonomy in Asia always contains certain built-in limitations. This is especially true for the smaller free nations. They are afraid of any change and any new commitment without some guarantee from the United States that it will remain an everlasting ally.

The most visible movement has been the establishment of the Asian Pacific Council (ASPAC). It was initiated with a view toward various dynamic factors at work in Asia. These include a general review of the rapid change in Asia, the prospects for a negotiated Vietnam peace, the impact of Nuclear Testing on Red China, the tension in the Korean peninsula, the British withdrawal east of the Suez Canal by 1971, and the entrance of the Soviet Navy into these areas. Every nation in Asia is exercising a great deal of prudence in preparation for possible changes after the Vietnam war.

The orginal goal of ASPAC when the first meeting was held in Seoul in 1966 was primarily to establish an anti-Communist collective security system and secondarily to promote additional economic cooperation between Asian countries. But, the initial purpose of ASPAC is now somewhat changed.

Substantial conflict between its member nations has resulted in a lessening of emphasis on the defense aspects and increasing attention to the economic and cultural considerations. This conflict stemmed from the co-existence policy of Japan, and was heightened by the support of Australia, New Zealand and Malaysia. However, the Korean government has consistently opposed such a policy. Japan insists on the principle that ASPAC must not exclude Communist nations and is only a forum for discussion of problems in the Asian-Pacific area. Japan insists that ASPAC must not make binding political or military decisions. Despite all efforts to make ASPAC a collective security system against Communist nations, primarily Red China, Russia, North Korea, and North Vietnam, it has been transfigured into a socio-cultural cooperative organization which seems very loosely organized.

It seems to me that the dominant reasons for the failure of ASPAC as a collective security system might be explained from the following two points of view: First of all, Japan does not want to make trouble with the Soviet Union, Red China, or even with the smaller Communist nations such as North Korea. Japan thinks that to become a target—either politically or militarily—would be unwise. It would be contrary to the doctrine of "the separation of politics and economic matters" and would intentionally make communist nations her enemies. Therefore, it is obvious Japan will continue her position of "mutually benefited co-existence with Red China and the Soviet Russia." Another reason why Japan hesitates to share military security responsibilities is because she fears becoming overburdened due to the shortage of military defense capabilities of other ASPAC member nations.

The other point of view about ASPAC's failure is concerned with the practical judgment of some Southeast Asian countries such as Malaysia. For example, the Malaysian government has been presenting a strong view that Southeast Asia will not be void of western military power even after the withdrawal of British forces. Therefore, it contends, Malaysia's military security will be maintained by the mutual defense treaty between Britain and Malaysia.

A number of other factors are involved in establishing a collective security system in Asia:

1. One of the most important indicators will be the unpredictable direction of Japan-Red China relations. Historically, collective security systems have been the main instruments for maintaining a balance of power. But any collective security system must involve one or more practical enemies in its concept. In this context, it is not an exaggeration that the establishment of a security system is largely dependent upon whether the core nations think Red China is a practical enemy.

2. Different approaches toward military security among the nations in the Far East and in Southeast Asia can be an obstacle in making a single security system in free Asia. Traditionally, some Southeast Asian nations rely on a bilateral security system with Britain. Recently they also have signed similar treaties with the United States. But Far Eastern nations generally depend solely upon the United States. This means that some Southeast free nations can mobilize Britain and the United States alternatively but the Far East has no such alternative.

3. Differing priorities of national interests between nations can be a considerable problem. Those countries which are confronting Communist nations directly tend to put the priority on national security. But the na-

tions with no direct confrontation like to put emphasis on economic interests rather than on anti-Communist ones.

4. The slowly moving trend of approaching the Soviet as a check to Red China in Southeast Asia might encourage reliance on mutual security agreements rather than a collective security system.

5. Continued external economic and military aid until the free Asian nations can support themselves will be a key to solving the Asian security problem.

6. As a strong ally of free Asia, the United States must give a clear promise to free Asian nations that she will respond immediately when there is a nuclear attack from the Communist side.

7. And, the United States must re-examine every bilateral defense treaty with the intent of strengthening its promises of retaliation against any attack from a Communist nation. For example, as far as Korean military security is concerned, it seems to me that the mutual defense treaty between the United States and Korea must be upgraded at least to the same level as those treaties between North Korea and Red China or the Soviet.

CONCLUSION: PEACE, WILL IT BE A DREAM?

Once Asia was a place where the western colonial powers burned with competition and envy for one another. Then Asia became a battlefield in the cold war between the west and the east. And now Asia has become a place where a brutal Chinese tiger stalks a deer and watches for a chance to strike. These are all in Asia. Soviet communism has been replaced by more deceptive Red Chinese communism and the threat of Red China is no longer imaginary. It has been a real threat during the past decade and it will continue in the decade ahead.

As a Korean who experienced a bitter lesson during the Korean War and as a man who has seen Communist brutality, it is my strong belief that communism is not only the enemy of free nations but also of mankind. I hate it not because Communists are the leaders of Red China or the Soviet Union, but because Communists are real entities opposed to peace and humanism.

In foregoing chapters, I have considered several factors which I think are very important considerations in designing an effective Asian security system. I have mentioned the unfavorable image which Japan carries in the eyes of other Asians along with a suggestion of what posture she ought to take in such a security system. I also have touched on the Red Chinese menace to free Asian nations, which stems from her monolithic nationalism, Mao's psychological strategy and his power proliferation policy. Further, I have discussed the serious dilemma of the smaller free nations.

Of the four alternatives suggested, I believe the first which envisions that all of Asia will be dominated by either the Communist nations or free Asian nations can be rejected. This is because the many-sided check-and-balance system in today's international power politics, combined with multi-lateral relations between nations, will not permit one side to overwhelm the other.

In my opinion, predictions of a simple power balance between a Japanese-led bloc and a Red Chinese dominated bloc are oversimplified. If this type of power balance appears at all in future, it will be only a facade. The hesitancy of smaller Asian free nations to follow Japanese leadership and Japan's opportunistic economic policy will make it even more difficult.

We are not in a position to think realistically about a reconciliation between the Communist and free bloc. Such a reconciliation is too far from reality and will remain a difficulty so long as differences continue over philosophic questions of the dreams and goals of the two blocs.

Therefore, the most likely of the alternatives, I believe, will be the creation of a free world collective security system based on equal participation of its members, and enjoying full external support from strong free allies including the United States. The possibility of accomplishing this goal is very difficult to estimate.

However, the maintenance of a power balance against the efforts of Red China and her followers to destroy it, will be the urgent assignment of free nations in the 1970's. It is my strong wish as a free Asian citizen that this decade will provide the best chance for *unity* among the free nations.

As a matter of fact, several favorable signs are now visible in Asia:

1. One of the most critical to the cause of unifying free Asian nations is the Red Chinese threat itself. Some commentators predict that the opening of trade relations between Japan and Red China and further progress in relations between Red China and the rest of the world will cause her to exercise self-restraint in political relations with other countries. In my judgment, this is an overoptimistic presumption.

In fact, as Arnold Toynbee, an eminent British historian said: "Chinese possession of strategic nuclear weapons in this decade and the failure of China to accept limitations such as the treaty to ban the spread of such weapons would make the rest of the world seriously afraid of her." Except for Communist nations such as North Korea and North Vietnam, there are few nations which did not express concern about the Red Chinese menace.

2. The extreme Maoist position which offers bitter challenge to free Asian nations will further increase resentment in free societies. Mao himself repeatedly decreed that "they must wage a life-and-death struggle, be prepared to make any sacrifice, and fight until their aim is at last achieved . . ."

3. The long-time dispute between the Soviet and Red China over their common borders and differences of ideology might present favorable conditons for an Asian military security system. Isolation of Red China will inflict critical damage to her.

4. Growing concern and increasing efforts among the free nations to become self-sustaining economically and militarily will be a significant stimulant to the creation of an autonomous collective security system.

It can not be denied that there are also unfavorable indications. Most important among these, as I consistantly mentioned before, will be Japan's future role in free Asian security. On the one hand, most of small free nations ask Japan to help them, but on the other hand, they hesitate to follow her. It is hoped that Japan will change her policy by herself. If not, it is hoped that the unified will of all free world, all peace-loving nations, will encourage her to do so.

The other unfavorable condition might be the differences over political systems, cultures, economic situations and practical national interests among free Asian nations. However, long-range efforts at cooperation, I sincerely hope, will solve this problem.

Despite these difficulties, the goals of the free Asian nations are clear now: to protect ourselves against Communists and to move ourselves in the direction of creating an autonomous Asian security system.

Communist leaders in Red China, North Korea, and North Vietnam are blind and dreamers. Asian Communists will continue their desperate greed so long as they remain victims of their own deception.

Accordingly, we must continue to protect our nations and our freedom politically, militarily, and ideologically. This can be done primarily by the conscious responsibility and collective efforts of free Asian countries themselves. But in a more basic point of view, it must be done with the active support of the United States. Geographically, America is far from Asia, but she remains and must always remain there as a stabilizer of peace.

SENATOR BOB DOLE EXPRESSES HOPE FOR BOTH AGRIBUSINESS AND THE HUNGRY

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. MIZE. Mr. Speaker, all of us from Kansas have been proud of the tireless efforts and remarkable accomplishments of our junior Senator BOB DOLE during the short time he has served in the Senate.

Senator DOLE's friends in the House are legion, for he served with distinction and grace in this body for 8 years. Kansans have elected a fitting successor to Frank Carlson.

During the past year, Senator DOLE has accepted many challenging assignments—but none more challenging or important than his post on the Senate Select Committee on Nutrition and Human Needs.

To that select committee, charged with the duty to investigate hunger and malnutrition, and to make recommendations for provision of an adequate diet for all Americans, Senator DOLE brought years of experience on the House Agriculture Committee. He also brought a special empathy for those who are disadvantaged.

Throughout his term in the Senate, BOB DOLE has consistently worked with other Senators, Governors, and officials of the administration in an effort to assure an adequate, nutritious diet for everyone—a duty basic to every humane and responsive government.

Recently, Senator DOLE spoke to the Midwest Fertilizer Conference in Chicago. His address contained important thoughts on the proposals and accomplishments of the Nixon administration in the area of farm production and agricultural distribution.

Because Senator DOLE's comments will always be of great interest to his colleagues in the Congress, and because they will prove instructive to others concerned with agriculture, I insert his speech of February 17 in the RECORD at this point:

ADDRESS OF HON. BOB DOLE, MIDWEST FERTILIZER CONFERENCE, PALMER HOUSE, CHICAGO, ILL., FEBRUARY 17, 1970

I am appreciative of the opportunity to participate in this, the 27th annual Midwest Fertilizer Conference. It is a great feeling to be among friends here—many of whom have dedicated their lives to the progress of agriculture.

The advancement of agricultural productivity has proved and continues to be vital to this Nation. It undergirds many of the significant decisions both domestically and internationally. There is no question in my mind that the vitality of American agriculture will continue to demand the extensive use of fertilizers into the foreseeable future.

Just as an exercise in appreciating the dimensions of the contributions of fertilizers to our national well-being, I think we should step back and contemplate the effects on a U.S. agriculture without them. Yields would shrink. Prices of farm products would skyrocket. Instead of acquiring the most nutritious diet at less than 17 percent of our disposable income—the lowest in the world—we would have to spend possibly 40 percent for food. While I have set this up as a straw-

man to be demolished, I believe it makes the basic point of the importance of fertilizers to our daily living.

NIXON APPROVAL

I want to assure you that the Nixon team in Washington believes in and intends to support research. For research has been, is and will continue to be the mainspring of our agricultural progress. Research and technology will be the genie to open wide the doors to more abundant food supplies for an expanding population.

If we are to understand the Nixon approach to farm issues, we must recognize that any solutions must first of all be good for farmers in the long run.

Farmers are doing a wonderful job. You all know the story and the figures.

The increase in productivity on the farm has exceeded that in the factory.

The farmer's efficiency enables him today to produce for himself and over 40 others, and this has helped make our standard of living the highest in the world. Farmers have taken hold of advances in technology to produce better and better commodities in greater and greater volume and market them at fair and reasonable prices.

My admiration for the job farmers are doing is exceeded only by my sympathy for their problems. The cost-price squeeze is a basic economic factor in agriculture that disturbs me greatly, as it does all farmers. We are trying to hold the line on inflation.

STATE OF UNION

In his state of the Union message, President Nixon said:

"When I speak of actions which would be beneficial to the American people, I can think of none more important than for the Congress to join this administration in the battle to stop the rise in the cost of living.

"Now, I realize it is tempting to blame someone else for inflation.

"Some blame business for raising prices.

"Some blame unions for asking for more wages.

"But a review of the stark fiscal facts of the 1960's clearly demonstrates where the primary blame for rising prices must be placed.

"In the decade of the sixties the Federal Government spent $57 billion more than it took in in taxes.

"In that same decade the American people paid the bill for that deficit in price increases which raised the cost of living for the average family of four by $200 per month in America.

"Now millions of Americans are forced to go into debt today because the Federal Government decided to go into debt yesterday. We must balance our Federal budget so that American families will have a better chance to balance their family budgets.

"Only with the cooperation of the Congress can we meet this highest priority objective of responsible government.

"We are on the right track.

"We had a balanced budget in 1969.

"This administration cut more than $7 billion out of spending plans in order to produce a surplus in 1970.

"In spite of the fact that Congress reduced revenues by $3 billion, I shall recommend a balanced budget for 1971."

INFLATION

As I have indicated, inflation is one of the major problem areas affecting agriculture.

Between 1939 and 1952 the index of prices paid by farmers including interest and taxes more than doubled—rising from 42 to 98 (1957–59=100). In contrast, during the Eisenhower years, the 1960 level was 102—up only 4 percent from 1952. But most of the damage had already been done. Between 1960 and 1968, the prices paid by farmers leaped upward by 20 percent to end the year at 123. Inflated costs get frozen into the farmers' economic structure. This adversely affects net farm income, and it will continue to do so until we stop it—and stop it we will!

Specifically in the farm area, the Nixon administration recognizes that there are three adjectives which describe the scientific revolution which agriculture is now undergoing. Against the realities of the words, irreversible, cumulative and continuous, the administration is taking major actions and proposing new legislation. Let us together examine some of the new elements on the scene.

First programs to feed the poor have been expanded. Actually, this was one of the top priorities assigned to Secretary of Agriculture Hardin. In just one year significant progress has been made in meeting the President's commitment "to wipe poverty-related malnutrition and hunger from our land." In early 1969, there were 485 counties and independent cities of the 3,129 in the Nation with no food programs. By July 1, 1970, we are virtually certain that there will be a food stamp or commodity distribution program in every county and independent city in the Nation.

NUTRITION

As a member of the Senate's Select Committee on Nutrition and Human Needs, I have seen hunger and what it does to people.

Under this administration, the feeding programs have been improved, and many needy people, heretofore outside the program, will be reached.

The food stamp schedules have been restructured so that all income groups, including the lowest, can not buy a more adequate diet.

Under the new schedules, a family of four will receive $106 worth of food coupons each month—an 83 percent boost over the previous minimum of $58 a month. Coupon allotments are now also set at a uniform level nationally, eliminating the separate schedules that had been used for north and south.

The improvements have been made possible by the $610 million provided in USDA appropriations for fiscal year 1970 operation of the program.

In 1969, 5,000 persons, residents of depressed areas, were hired by the extension service to help their neighbors stretch food dollars and serve nutritious meals. These workers, many of them previously unemployed and more than 60 percent from minority groups—are now earning money by using their special intensive training to teach food buying, meal planning and budgeting within depressed areas. They are closing a communications gap.

FARM PROPOSALS

The administration is pressing the legislative proposals for a major expansion of the food stamp program. Congress is still considering this proposal and it is expected that legislation will be completed in the near future. This will give us an additional tool.

There is agreement among thinking people on the basic need for farm programs. There is recognition that the agricultural plant is of such capacity that we would have serious overproduction should we not offer adjustment programs.

There is also agreement among thinking people that the loan levels should be such as will permit commodities to move into use and not give our overseas competitors unwarrented comfort, nor provide them an inducement to expand production of competitive corps or to use substitutes. We should avoid a build-up of stocks in government hands. For we need export growth if we are to reverse the decline of the past two years in our agricultural shipments and to help our balance of payments situation. Export outlets for feed grains, soybeans, wheat, and cotton provide an important share of the export market for farm products.

Another factor taken into consideration is the fact that opportunities exist for grain and soybean farmers to expand utilization of feedstuffs by our own livestock and poultry industries. The expansion in beef and poultry consumption, for example, has been spectacular in the last 10 years.

Increased use of livestock and poultry products is a measure of improved diets for many people—a factor that we are increasingly aware of in the planning of government food programs. Both the food stamp and direct food distribution programs are making greater use of meat and poultry. If Congress passes President Nixon's proposed family assistance program, this will work directly to increase the effective demand for livestock and poultry products.

So our programs must look to expanded markets, both at home and overseas. We must be prepared to compete for maximum utilization of our products throughout the world.

PROPOSED ACT OF 1970

A proposed "Agricultural Act of 1970" has been developed as the result of many work sessions and discussions between officials of the U.S. Department of Agriculture and members of the House Committee on Agriculture. The proposed farm legislation has as its objectives the following:

1. To give farmers a wider range of decision-making on their own farms. This would be accomplished through increased opportunity and flexibility for farmers to specialize in those crops which will maximize their net returns. Farmers would be free to do the kind of farming they are best prepared to do—in terms of ability, desire, land, equipment, and other capital.

2. To help farmers improve cash markets for their commodities and develop a greater reliance on the marketplace as a source of farm income.

3. To protect farm income. Loans would be authorized to assist producers in the orderly marketing of their crops.

4. To help balance supply and demand in agriculture. Subsidy payments would be authorized for farmers who set aside a portion of their cropland and devote it to approved conservation uses, rather than using it for production of unneeded crops for which there is no market.

The above objectives are incorporated in the so-called "set-aside" approach. The proposed program would be entirely voluntary. Those who wish to stay out of the program would be free to do so. However, they would receive no payments and would not be eligible for loans. You may be sure that this program will receive careful analysis by the Congress to make sure that each detail fits the overall objectives of expanding opportunities and higher income for farmers.

PUBLIC LAW 480

Those who have studied and admired the food for peace program—initiated by President Eisenhower in 1954—quickly recognized that the program was much more significant than the initial concept of surplus disposal. To this was added the positive view that the program could be used to advance the foreign economic policy of the United States.

The United States is the possessor, in its agricultural productive capability, of a great asset which can be shared with our friends and which our rivals lack. U.S. agriculture represents our greatest absolute and relative advantage over the Communist world. Thus, we should be bold in our use of this tool—not passive.

The fact that the food for peace program serves two purposes (surplus disposal and foreign assistance) rather than one is to its credit, not to its discredit. The fact that it relieves our inventory does not detract from its merits as foreign assistance. And the fact that it helps our friends does not diminish its usefulness as a means of reducing our storage charges and other farm program costs. It thus becomes a matter of wisely administering a program useful both to him

who supplies and him who receives. It means not only solving problems but seizing opportunities.

American agricultural capability is a tremendous asset to the whole free world. In any examination we must consider how to use this to the advantage of the food deficit developing countries. The fundamental fact is the quantities of agricultural commodities made available on concessional terms, makes available capital resources to increase not only agricultural production, but also those needed for industrialization.

The potential advantages are great—and at little *net* cost to the U.S. Treasury.

There has not been enough emphasis on the fact that the P.L. 480 program enabled several of the current major commercial importers of agricultural commodities to graduate from P.L. 480 concessional importing nations. Also, as a part of P.L. 480 agreements, sales must be preceded by, or accompanied by, dollar imports to reflect normal purchases—the concept of additionality.

The total story has never been told. Because of budget bureau limitations, the administration is not utilizing fully a great basic tool of foreign aid.

PUBLIC LAW 480—BENEFITS

To date, the program has been considered by the Bureau of the Budget in terms of its initial budgetary outlays. There has been no study of the returns to the treasury—in other words, the real net costs. Let us examine some of the benefits:

1. It generates higher farm income—with increased tax receipts.

2. It increases employment—both rural and non-farm—with increased tax receipts and reduced welfare and unemployment insurance costs.

3. It reduces CCC acquisitions with concomitant storage and interest costs.

4. It increases the amount of agricultural commodities processed and shipped, with resultant employment increases and profits—both of which increase tax revenues.

5. It improves the health of food recipients and improves international relations.

I would urge President Nixon to use his authority to move larger quantities of agricultural commodities into export under the food for peace program.

It is physically, scientifically and technologically possible to banish hunger and malnutrition in this great land—and increase farm income. Such a victory will not be easy. It will call for a higher level of social, political and economic engineering than mankind has yet achieved.

If we succeed, the spiritual and economic rewards will be great for all of us.

Let us who share in the miracle of American agriculture continue to work for a future in which our energies and our productivity will be devoted to making life happier, freer and more abundant for the whole family of man.

Thank you.

PRESIDENT'S WATER POLLUTION PROGRAM

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. HUNT. Mr. Speaker, America must build, enlarge and modernize more than 4,000 waste treatment plants across the country in the next few years, if we are to clean up our once-pure waters.

As we approach the many great decisions that are going to be made in the next few months here in Congress, as we put President Nixon's water pollution counter attack into full force, we must not overlook a few important considerations.

You might call these the "people problems of pollution." Modern-day waste treatment techniques are extremely complex, require good-size pieces of land and must function under a great many varying conditions.

A community that gets a faulty design has built-in problems from the beginning.

To help avoid this problem, basic design criteria should be set as guidelines for communities building new waste treatment plants. These criteria should take advantage of past experience and at the same time, provide for new technology which is coming out of our laboratories almost every day.

But, even new plants are not enough. Already there have been too many reports of new plants being poorly operated and badly maintained.

These plants are designed for years of use. But without proper operation and adequate maintenance, their lifespan will be shortened, a community will be shortchanged and the problem of pollution will reappear.

This means that the men that run these new plants must receive adequate training. They should not only be well trained before starting the job, but they should also receive periodic refresher courses to keep up with the latest advances in water pollution control technology.

Under the President's water pollution program the Federal Government will require the State to certify waste treatment operators so this training requirement will be met.

Mr. Speaker, if the water pollution control program is to succeed this is one phase that the Congress must not fail to pass.

THE PRESIDENT'S FOREIGN POLICY BROCHURE

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. HOLIFIELD. Mr. Speaker, I ask to extend my remarks in the RECORD and include therewith a penetrating commentary on the President's voluminous statement on our foreign policy.

The editorial from the Washington Post is most critical of the ambiguous statement. It follows:

[From the Washington Post, Feb. 19, 1970]

THE PRESIDENT'S FOREIGN POLICY BROCHURE

You can almost imagine the scene: President Nixon and his National Security Adviser, Dr. Henry Kissinger, and assorted National Security staff members, and maybe some others, gathering together a good many months ago to consider how they might prepare a definitive, precedent-setting, not to say *historic* statement on United States foreign policy for the 1970s. The gang from J. Walter Thompson must have been in on it, and you have to believe that the undertaking started a year ago, as the President implied, because how else could you assemble that much pap and that many platitudes? Without really working at it, how else could you so systematically separate out the substance, the things that might actually inform and enlighten the public?

In a brief accompanying commercial, Mr. Nixon said his report was *the first of its kind* ever made by a President to the Congress . . . *the longest report* made to the Congress (would you believe king-sized) . . . *the most comprehensive statement* on foreign and defense policy ever made in this country . . . *the first time* it has all been pulled together in one place . . .

This administration has a special fondness for "firsts," of course, and never mind what they are the first of—and a weakness for words like "monumental" and "historic" and other superlatives which the President also used, and there is nothing wrong with this when you are talking about filter-tips, or automobile engines, or color TV. But the President was talking about the foreign policy of the country. Presumably he was addressing the people, primarily. And we would be amazed if the average citizen could deduce anything from all this except the self-serving impression that this administration is more orderly and methodical and long-headed and wise and brilliantly innovative and comfortably in command of things than any previous administration has ever been.

Because, frankly, that's all we could deduce, after wading through all 119 pages. When you aren't shaking off pure treacle ("Peace requires *partnership* . . . peace requires *strength* . . . peace requires a *willingness to negotiate* . . . peace, we have learned, cannot be gained by good will alone") you are encountering such baffling contradictions that all sense of direction vanishes.

There is a Nixon Doctrine, of course, self-proclaimed, which really *is* a historic first; Presidents traditionally let others pronounce these monuments. But this turns out to be an expanded version of the now-familiar Guam Doctrine, born in a not-for-quotation press briefing on the President's Asian tour last year. And as expanded, it becomes a kind of self-cancelling rededication to all the old alliances and commitments coupled with a new emphasis on our *interests*, as opposed to *commitments*—but only insofar as *new* commitments are concerned. All the existing ones we will fully and faithfully execute. So we are about where we were. "We are not involved in the world because we have commitments; we have commitments because we are involved," the President said and what are we to make of that?

It is possible that with some careful and sophisticated background guidance the average citizen we spoke of could be encouraged to make a great deal of that. But a message of this length ought to stand on its own, and say something, other than that our approach in Latin America is going to be better than it was because we now call it Action for Progress, instead of Alliance for Progress. Or that we are going to expect more of a defense effort from the Europeans, without saying what. Or that we "would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern,"—we should, and always have, but what about it?

What we are supposed to believe is that the Nixon administration has suddenly perceived some fundamental change in our relationship with the world from the early postwar period, extending in to the 1960s, when we had a "do-it-yourself" approach and the United States "conceived programs and ran them . . . devised strategies, and proposed them to our allies . . . discerned

dangers" and acted directly to combat them? Does this quite do credit to President Kennedy's call for a world "safe for diversity" or his efforts, starting in 1963 with his American University speech, to move from confrontation to negotiation, long before Mr. Nixon coined that phrase? It ignores the Kennedy administration's decision to make the Congo a multilateral United Nations concern. It ignores also the real origins of Asian regionalism which got its largest single impetus from the creation of an Asian-dominated development bank, the initiative for which was adroitly shifted by the Johnson administration to the Asians themselves.

Maybe Mr. Nixon is onto something new; certainly he is, in a practical way, in Vietnam, although he may meet himself coming around the corner there as well, by his excessive promotion of Vietnamization and negotiation as somehow complementary courses; in time, the encouragement of both may have to give way to a hard choice between unalloyed support and stern pressure upon the government of Thieu and Ky to be more flexible in their bargaining terms.

The real quarrel is not with the substance of the President's statement, however, but with its extraordinary absence of substance, given its length. That and the Madison Avenue quality of its argument. From an administration more than a year in office, a confused and anxious public deserves something more than a finely phrased brochure on foreign policy.

RIOTERS CONVICTED UNDER CRAMER ANTIRIOT ACT

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. CRAMER. Mr. Speaker, as author of the Federal antiriot law, I am pleased to note the conviction yesterday of five of the defendants in the so-called Chicago 7 riot trial. I am also delighted to learn that Hanoi is upset over the verdict.

The conviction of those who violated the Cramer antiriot law by crossing State lines to incite a violent civil disturbance comes as a body blow to the forces of anarchy in America, and their Communist supporters everywhere.

I first offered this legislation in 1966—at a time when some of America's mighty cities were being rocked by rioting, looting, and arson.

Whole city blocks were going up in flames. Police stood by, fearing to "escalate" the situation by arresting looters. The mobs were threatening to take over the streets of our Nation.

The House passed the Cramer antiriot amendment to the Civil Rights Act of 1966, but the bill died in the Senate. The radicals screamed louder for further violence in America, and they got what they wanted.

I reintroduced the bill as H.R. 421 and in 1968, over the opposition of the then administration, it passed both Houses of Congress and became law (Public Law 90–284) on April 11 of that year.

With the indictment of those accused of inciting the riots at the Democratic National Convention in 1968, the issue was joined. During the trial, the defendants—and their attorneys—turned the courtroom into a circus, trying to make a mockery of our Nation's system of justice. Their contemptuous behavior, I am happy to note, drew the attention it deserved from Judge Julius J. Hoffman.

Further, I believe defense counsels' actions clearly violated the canons of ethics, and should be examined with an eye toward disbarment.

With the "Chicago 7" convictions, the rioters, the looters, those who preach anarchy and would tear down this country are on notice: "Obey the law, or go to jail."

The jury, representing the people of America, said clearly with its verdict that no one can break our laws with impunity, or tear down our basic institutions. Our institutions are strong; they will prevail.

Since the "Chicago 7" indictments, the arson and mob violence in our cities have abated. With firm administration of the laws, our streets can be made safe for all Americans.

INFLATION

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BROCK. Mr. Speaker, ever higher prices are forcing some big changes in spending and living patterns of families across our Nation. All Americans are suffering, but specifically those Americans with low or fixed incomes are being hardest hit.

Despite higher pay, the average American family has barely kept pace with inflation. We must do everything possible to cut inflation. If it means holding off on programs that are presently planned, then we must hold off.

The Federal Government is the largest contributor to the inflationary spiral. Continued deficit spending at the Federal level has put this country on the very brink of economic disaster. It is becoming impossible for people to live on what they make.

In the four terms I have served in the House of Representatives, I have seen money spent that could and should have been cut. During the extravagant years of the Johnson administration, money was spent as if there was no end. Year after year we poured out more than we had. And, now we are paying for it through higher prices, tight money, and high interest rates.

All of these factors are products of the huge deficits of the past few years. We will not solve these problems independently. We cannot change our situation today by blocking out the memory of votes and actions of the past. What we need today is action—action aimed at less Government spending and greater Government efficiency. When we accomplish these tasks we will turn back inflation, lower prices, loosen the monetary situation, and lower interest rates.

President Nixon has done a good job of attacking inflation, but, he cannot do it alone. We must help restore sense to the economy.

In this election year we will be asked to vote on many programs and spend billions of dollars. I ask you to base your votes not on an election year atmosphere, but on responsible Government.

Let us turn back and postpone low-priority programs. Let us find additional cuts in foreign aid, in postponable public works, and economize all across the spectrum of political expenditures. If we do not, our economy may lose its balance and plunge over the edge.

For years this Government has spent the people's money as if it were going out of style. Now it is time to pay the preacher, to act with courage and integrity to put the Nation's financial house in order.

REV. HORACE YOUNGBLOOD ASSUMES NEW AND VITAL ROLE

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. WATSON. Mr. Speaker, South Carolina is making tremendous progress in preparing young people who have been committed to its juvenile correctional institutions to have renewed confidence, determination, and courage to face life on the outside as useful citizens. As a part of its program of rehabilitation the State Department of Juvenile Corrections recently created the position of director of chaplaincy.

Fortunately for our young people and the entire State of South Carolina, Rev. Horace Youngblood was appointed to this all-important position on January 20. I know of no man more deserving and better qualified to serve in this capacity than Reverend Youngblood. He is an old and dear friend for whom I have the highest respect. He has dedicated his life to helping others, and his faithful ministry has served as an inspiration to me and countless more.

Reverend Youngblood has a wonderful rapport with youth, and as chaplain he is ideally situated to help those who have gone astray. I salute him as he begins this phase of his ministry, and I am confident that through God's help he will point the way to a better life for youngsters who started off on the wrong foot.

Mr. Speaker, as a part of my remarks I commend the following article from the St. Andrews News about Reverend Youngblood to the attention of my colleagues and the Nation:

[From the Columbia (S.C.) St. Andrews News, Feb. 18, 1970]

JUVENILE CORRECTIONS DIRECTOR CHAPLAINCY FACES "CHALLENGE"

A newcomer to our community is Rev. H. B. Youngblood, recently appointed to the newly created position of Director of Chaplaincy for the State Department of Juvenile Corrections.

Rev. Youngblood assumed his new position on January 20th, coming here from Forks of Ivy Baptist Church in Mars Hill, North Carolina.

As Director of Chaplaincy, he will have the administrative responsibilities for the planning, implementation and supervision of the religious program for the Juvenile Department of Corrections in the state.

He pointed out that the John G. Richards School, Riverside School and South Carolina School for Girls all have part-time chaplains

currently, while the Florence School for Boys has someone full-time in this capacity.

The aims of the chaplaincy program is to "work with students while they are in these institutions to give them a proper attitude toward their religious background whatever it might be," he said.

"We also plan to be relating to these various communities through churches and civic groups the work of the schools what our needs are and what the community can do to aid and establish a relationship with the institutions to help the students."

Rev. Youngblood believes that the biggest problems a chaplain faces is to gain entrance to the student's presence and confidence. "We have to relate to them with a desire to understand them and also with the intent of trying to get them to understand us," he said.

"Communications is the big obstacle. Once this is accomplished, then we can begin trying to instill confidence in them so they can fit into and live in society.

"I look on this as one of the greatest challenges that I will ever face in the ministry."

Rev. Youngblood was born in Blackville. He attended elementary school in Columbia and graduated from Columbia High School. For 14 years he was employed by Southern Railway System as a clerk, yardmaster and assistant cashier. He resigned in 1953 to return to school in preparation for the ministry.

He received an A.A. Degree from Mars Hills Junior College, and a B.A. Degree from Furman. He graduated from the Southeastern Baptist Theological Seminary, receiving a Bachelor of Divinty Degree with languages.

Rev. Youngblood has served as pastor for churches in Mars Hills, North Carolina, Greenville and Woodfield Park Baptist Church in Columbia.

He has been guest speaker for five consecutive years during Tri-Faith Religious Emphasis week at Fort Jackson, and cooperated with chaplains of the Post in providing for the counciling needs of military families. He has been a teacher in the North Carolina State Baptist Seminary Extension Courses for the past two years, and has been serving as pastor-counsellor in marriage and family relationship to the South Carolina State Department of Corrections, lecturing each month those who have completed their terms and are undergoing rehabilitation at the Pre-Release Center for return to civilian life.

Rev. Youngblood is married to the former Ravena M. Hamor of Sunbury, Pennsylvania. They are the parents of eight children, two being married and six still at home.

Bonita Ann is Mrs. Earl Norville, presently living in Sunbury, Pennsylvania. They have one child—Mona.

Bob is married to the former Gloria Bills of Fayetteville, North Carolina. He is a helicopter pilot and is stationed at Fort Bragg.

Children at home include Dottie, age 18; Timothy, age 16; Christene, age 14; Daniel age 12; Benjamin, age 10 and Grant, age 9.

The family lives on the campus of the South Carolina School for Girls at 4800 Broad River Road.

THE CARL DUISBERG SOCIETY

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. SPRINGER. Mr. Speaker, on April 21, 1967, the advisory board of the Carl Duisberg Society in the United States met in Washington to discuss various aspects of the work-study programs in which this society is involved in the United States.

Under leave granted, I include the article in the RECORD at this point:

THE CARL DUISBERG SOCIETY

The American division is the oldest of the three divisions of the Carl Duisberg Society. Its main purpose is to establish a close and meaningful relation between young Americans and young Germans by enabling these young people to gain first-hand experiences in both the vocational and educational fields.

During the past 10 years this society has been responsible for entering into exchange relations with 21 American universities and colleges; and through them with many American companies. In addition to the academic values, the campus experience has brought participants in both countries into personal contact with young Americans and Germans and their families. During the past few years 54 American companies have taken part, extending from New York to California, and 18 American universities have participated, including small colleges such as Albion, Antioch, Beloit, and Depauw—as well as the larger universities including Oklahoma, Michigan State, Wisconsin, and Minnesota.

The Carl Duisberg Society is named after a distinguished German chemist, researcher, scientist, and leader in industry. He was one of the pioneers of the idea to create possibilities for young Germans to go abroad for university and practical training in their fields and to invite young foreigners to come to Germany for the same purpose. The society was founded in 1949 by former work-study program participants who were in the United States as trainees in the early 1920's on a program sponsored by Carl Duisberg.

On the occasion of the first meeting of the advisory board, an address was given by Dr. Walther Casper, member of the board of trustees of the Carl Duisberg Society. He is also a member of the board of management of the Metallgesellschaft in Frankfurt, Main, and a member of the Development Policy Council of the German Government and chairman of the Administrative Council of the German Volunteer Service. He is well known in the United States and Germany for his efforts to strengthen the cooperation between Germany and the United States. In 1964, Dr. Casper, together with the then Attorney General Robert F. Kennedy, was awarded an honorary doctor of laws degree by Marquette University for his services in this field.

I herewith append the address of Dr. Casper on the occasion of the first meeting of the American Advisory Board of the Carl Duisberg Society.

I

We have come together for the inaugural session of the American Advisory Board of the Carl Duisberg Society. This board has been founded to assist and advise the society in its American activities.

The Carl Duisberg Society has in the past years played a significant role in the field of international exchange of students and trainees. But before I shall give you a brief survey of the tasks and accomplishments of our organization, let me try to answer one question which I can read distinctly on your faces: Who was Carl Duisberg?

So let me first talk to you about the man whose name our society bears. Carl Duisberg was, above all, a man of science. His epoch-making discoveries in the field of pigments as well as his revolutionary innovations in large scale chemical production have had their historic impact on the industrial development of his country until this very day. In Germany and in the world of chemistry Carl Duisberg's name will forever be associated with the establishment and the build-up of the IG Farben Company.

However, what has made this man so remarkable is not alone his pioneer work and legacy in the field of industry. What distinguishes Carl Duisberg among the other great industry founders of his time was his strong social consciousness and dedication which reached far beyond national boundaries towards the tasks of international cooperation. It was his moral inspiration that made him devote his influence and experience untiringly to programs designed for the international exchange of students, especially after the First World War.

Some time in the early Twenties he received letters from German students in the United States who reported enthusiastically about the management style and working atmosphere they had found in American companies. These reports gave Carl Duisberg the idea to create a regular German American exchange program for young students and professionals. His thoughts were soon turned into action with the result that through Carl Duisberg's initiative between 1925 and 1930 each year 200 young German engineers and farmers could be given the opportunity of a two years' training in the United States. The great economic crisis of the Thirties ended this program abruptly.

Yet already during those early beginnings the program had gained the magnanimous support of the US Department of Commerce. It had been operated by the New York Office of the "Economic Aid of the German Students' Organization" which was at that time also assisted by an American Advisory Board. I should like to mention here the names of three Americans whose wholehearted and active help was particularly beneficial in those years: first the then Secretary of Commerce Herbert Hoover; secondly Mr. William Walter Husband, at that time chief of the US Immigration Authorities, and, last but not least, YMCA President, Mr. John D. Mott.

During this early stage of our exchange activities, all in all, 500 young people were sent to the United States and at the same time the first American exchanges were brought to Germany.

II

One of the most difficult problems for postwar Germany was to find a way out of the deadly isolation. Ties that had been disrupted so tragically had to be renewed. In those days the experience and the old connections of our former America returnees proved to be highly instrumental in opening new relations with the outside world. First contacts were established, old ones revived and soon a genuine interest in taking up the old exchange work again grew on both sides of the Atlantic. In 1949 a group of our American friends with the help of the Rockefeller Foundation was able to send a first study commission to Germany. Together with a number of former Germany exchange students the "International Council for the Progress of Youth and Self-Help" was founded. This organization changed its name into "Carl Duisberg Gesellschaft" in 1955 after its operational basis had been considerably broadened. The difficult task of reconstructing the society was mainly accomplished under the direction of the late Herr Johannes Funke who had also been in charge of our New York office during the Twenties. His close personal relations with many American personalities were especially gratifying for this work.

What has this society accomplished during the past years?

Financing had initially been managed with the help of private donations. This was gradually improved when funds of the then High Commissioner Mr. John McCloy and of the German Ministry of Commerce could be made available. In 1951 the first group of

German engineers and farmers set off for the United States. Other groups followed. In the same year a memorandum was submitted to the Marshall Plan Administration proposing an extensive "On the Job Training" Program which was to include all the other OECD countries. Based on this proposal which found the approval of the American Government the "Work Study Training for Productivity Program" was then established.

Until 1955 400 young German businessmen, engineers and farmers participated in this program, organized in close cooperation with American universities and colleges. While between 1955 and 1958 exchange programs had been carried out mainly among European countries. American exchange programs could be continued after 1958 with means from the ERP Special Funds.

This German-American exchange program of the Carl Duisberg Society which engages on the American side more than 30 universities and colleges follows a pattern that has proved to be wholly successful: it combines a college or university curriculum of one or two terms with a subsequent professional or industrial training period of up to 18 months. 1,000 young Germans have participated in this program since its start. During the same time 80 American students joined the program arranged for them by the Carl Duisberg Society in Germany.

Before I turn to the details of the German American exchange activities of our society I must draw your attention to the new and important responsibilities that have accrued to us in the recent past. First I can report about a remarkable growth of our internal European exchange capacity, which brought 3,500 Germans to European countries and 1,800 Europeans to Germany. But our main energies are concentrated on a comprehensive vocational training program for young people from development countries. This program covers a wide range of basic and advanced courses in fields from technical crafts and skills to agriculture, management, medicine, social work and sciences, to mention only some.

This work is being done by our 11 regional branches with their 140 branch offices in the Federal Republic. The total staff of our centers consists of 200 fulltime regular employees supported by over 1,000 volunteer helpers. In the past years our staff has carried out orientation and professional training courses for 12,000 young people from development countries. At present we are sent an annual total of 2,500 participants from these countries. Their study and training periods are financed through German Government grants. If we add to this figure the number of development country students enrolled at German universities who also use our facilities, one can say that Carl Duisberg Society at present takes care of about 8,000 to 10,000 young people from development countries per year, who come to Germany for academic studies or vocational training. To give you another overall figure: we estimate that about 30,000 to 40,000 students and young practitioners have been participants of our society's programs, during the last ten years.

It was also the Carl Duisberg Society which played a major part in stimulating the idea of volunteer service in overseas countries.

Thus Herr Funke, whom I have mentioned before, was the ideal person to preside over the commission that handled the preparatory work for the DED, the German Volunteer Service, inspired by and built after the American Peace Corps. Together with President Kennedy and Minister Scheel he signed the document of the foundation of DED. I had the honour to be elected as chairman of its Administrative Board. This may give you an idea of the very friendly relations and the close cooperation that exist between the German Volunteer Service and the Carl Duisberg Society.

These few facts and figures may demonstrate to you the effective contribution our society has been able to make and is making within the framework of foreign aid policy. This work has found the support and backing of both the German government and the German people. Its successes have had international repercussions.

The training of foreign practitioners in German companies offers a unique chance to bring the German population also in small and remote communities into personal contact with young people from overseas countries. With the help of the press, of the churches and of the German youth organizations the support of the German public for the mission of foreign aid could be mobilized on a broader basis. Thus many a young German came into touch with the German Volunteer Service through the training centers of the Carl Duisberg Society. In fact, many a young German joined the Volunteer Service after initial volunteer work for the Carl Duisberg Society.

A few words about the organizational structure of the society: the supreme body is the board which is supported by an advisory council, comprising representatives of the churches, the universities, the government, of industry and of the unions. Our managing directors are Dr. Krug, who is also a member of the Board, and Winfried Böll. The latter is also a member of the Administrative Board of the German Peace Corps.

III

Of course, the imminent question to be raised at this our first meeting must concern itself with the practical work that is expected of our American Advisory Board.

First of all, the board members can help us to expand our German-American exchange projects, because it is on this area that we shall concentrate our major and continuing attention. This is, by the way, precisely what our first Advisory Board did in the Twenties. Today your aid and guidance could certainly facilitate many of our sometimes complicated negotiations with interested public and private groups, with government agencies and with American universities. Your help could at the same time be greatly instrumental in properly placing our participants. I may also mention that as a concrete step for the near future we plan to establish a branch office in New York or Washington.

Moreover, we would like to receive your support and encouragement for a project which we consider to be equally important and to which we shall devote increased energies. I am speaking of our German program designed to bring young Americans to our country. This program definitely needs beefing up. I have already told you how small its scope is compared to what could be accomplished for our German students in the United States. It is, however, our firm belief that a combined studying and training period for young Americans in Germany conveying to them academic education together with a first-hand professional orientation will be as relevant and instructive as it has evidently been for our participants in your country.

After all, we want to operate this program on a basis of active exchange and in the spirit of a genuine give-and-take. Both sides have much to contribute and much to learn.

Finally, let me summarize in a few observations some principal aspects of the work done by the Carl Duisberg Society. This summary will also bring us back to the origins of the society as I have described them to you earlier.

We do not see our purpose in magnifying what critical minds have come to call, somewhat ironically, "academic tourism". Our endeavors are focused on small and carefully selected groups of qualified young academics and practitioners. To them we want to offer a unique chance of theoretical and practical education abroad. But we do not want to send them abroad because abroad is the fashionable place to have been. Our programs are constructed in a way that enables the participants to make themselves familiar with the ingredients of American progress in science, technology and management. The solid educational benefits of such participation lie in the immediate insight and experience to be gained in new and different methods of research and production. In addition to improving his language proficiency and broadening his general outlook this experience will strengthen the young participant's ability to adjust, his critical judgment and his self-confidence. Thus our cause exceeds that of the average "student abroad" movement, both in impact and substance. Our program is aimed at the future leaders of our countries. We also wish to create a nucleus of talent for the future partnership between our two nations. For the gifted members of our young generations we want to open a way out of their national narrowness and routine, to confront them with the demands of a new environment. We believe that this challenge will help to prepare them for their future roles in managing the complicated mechanism of an interdependent international society.

You know as well as I do that mankind will only be able to cope with the evergrowing problems of tomorrow if the advanced nations bring forth leaders of high standards and dedication. It is our responsibility to help these leaders grow.

Let me end by saying that I hope that in this spirit of cooperative efforts you will share and support the increased activities of the Carl Duisberg Society. I am fully aware that your own offices impose upon you manifold duties and commitments. The more encouraging and inspiring to our society will be the aid and advice you will be able to contribute as members of its American Advisory Board.

I thank you.

NONSILVER COINS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. CONTE. Mr. Speaker, I have noticed with interest the continuing remarks of my colleague from Idaho (Mr. McCLURE) concerning the need to mint silver coins. His argument now seems to be that the United States should do it because other countries do. He cites as examples the Vatican City and Guinea, February 4, Haiti and Albania, February 16, and Uganda and Jordan, February 17.

My position has been the same for years. Simply stated, we just do not have enough silver left to waste on coins that do not circulate. Whether another nation sees fit to use silver in its coinage is really not relevant. What is important is that this precious metal, which private industry desperately needs and for which in many cases it has no substitute, not be hoarded by coin collectors and silver speculators.

That silver coins disappear is all too obvious, and in this regard I include an article on page 3279 of the February 10 RECORD that I highly recommend to my colleagues.

That silver coins should no longer be minted is also obvious. In an editorial entitled, "Farewell to Silver Coins" on February 18, 1970, the Wall Street Journal has told it like it is. For this reason, I would like to include the editorial in the RECORD at this time, and in so doing, I would call particular attention to the assertion that the mint's job is to provide coins for circulation, not for collectors:

FAREWELL TO SILVER COINS

There are billions of silver coins in the U.S., and yet you seldom see one. The "mystery," of course, is really no mystery at all.

The explanation is simply that the Government now supplies all of those "sandwich" dimes and quarters. Gresham's Law works as it always has and the bad—or, at least, less attractive—money is driving out the good.

It's driving it out of circulation, into the hands of small and large collectors, who know that silver dimes, quarters, halves and dollars already are worth more than their face value. The Treasury is selling off its silver, and expects to exhaust its readily salable supply by October.

The Treasury, however, continues to mint Kennedy half-dollars, containing 40% silver, although nearly all disappear as soon as issued. And the Senate has passed a bill to authorize an Eisenhower dollar, which would use up that Treasury silver well before October.

Now, we're not opposed to coin collecting at all; it can be an interesting, educational and profitable hobby. But the business of the Mint, it seems to us, is to provide coins for circulation, not for collectors.

We miss those silver coins, too, and the substitutes somehow seem to symbolize past monetary mismanagement. At the moment, though, Congress should let the Mint stick to its own business.

IRRIGATED FARMING, THE STRENGTH OF THE WEST

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BURTON of Utah. Mr. Speaker, we are very proud in Utah to have as the Commissioner of Reclamation Ellis L. Armstrong, a native of Iron County, Utah, an engineering graduate from Utah State University and a man of international reputation in engineering resource development fields.

Commissioner Armstrong was invited to return to Utah for one of his first major policy pronouncements as Commissioner as a speaker before the water conference of the Utah State Farm Bureau. Unfortunately, after accepting, he was forced to cancel out because of congressional hearings here in Washington.

However, his speech was read for him and because it will be of major interest not only in Utah but throughout the West and here in Congress, I am taking this opportunity to insert it in the CONGRESSIONAL RECORD:

IRRIGATED FARMING, THE STRENGTH OF THE WEST

The Farm Bureau and the Bureau of Reclamation have always been friends and have worked well together. Our Bureau of Reclamation projects have been well supported by the Farm Bureau, particularly in the State of Utah. This is as it should be for Reclamation's basic objective is to conserve and develop water resources for use in the rural and urban areas of the Western United States. Such objectives are essential to the agricultural prosperity of intermountain agriculture which is your first interest.

Modern irrigation had its beginning in this valley not far from where you are sitting. On the 23rd of July, 1849, the original pioneers entering the valley diverted water from City Creek to soften the sun-baked soil so the ground could be plowed prior to planting potatoes for winter food. This is the area Jim Bridger referred to when he declared he would give $1,000 for the first bushel of corn grown here.

Subsequent settlements in Utah were located adjacent to clear mountain streams where adequate water was then available for all purposes. Water development by private enterprise and by the Bureau of Reclamation working hand-in-hand with local water user organizations has been the key to Utah's growth and improved standard of living. And water will play an even more vital role in Utah's future.

I am familiar with the importance of water in the arid West through first-hand experience. I was reared on the end of a shovel on an irrigated farm in southern Utah and in southeastern Idaho. I learned to know the hard work of irrigation farming, but I also learned to enjoy the heartfilling satisfaction that comes from a productive harvest.

To me there is nothing quite like the exhilaration of turning water out of the ditch onto the land with the knowledge and confidence that that water will transform dry and thirsty desert into productive farmland.

Following my graduation from Utah State University with an engineering degree, I began my professional career with the Bureau of Reclamation as a junior engineer on the Midview Dam and Canal of the Moon Lake Project in the Uinta Basin. Later on I worked on the Provo River Project.

This project has provided a great deal of the economic base for the agricultural and social development in Utah and Salt Lake counties. Not only are the farmlands supplied with irrigation water, but water for municipal and industrial purposes also comes from this project. Salt Lake City obtains a substantial part of its municipal water supply through the Salt Lake Aqueduct from the Provo River Project. The water you drank this evening could well have come from this project. This is a good example of the far-reaching benefits of Reclamation development.

Having grown up on a Utah farm and stayed close to farming throughout my career, I am aware of the objectives of the Farm Bureau. I am in complete harmony with the purpose of this organization of farm families—that of analyzing your collective problems and formulating action to achieve educational improvement, economic opportunity, and social advancement.

The end product will promote the national welfare. Despite talk to the contrary, agriculture is the backbone of our economy. Greater demands are being placed on American Agriculture now than at any time in the history of our country. You have responded with an annual increase in output per man-hour that is remarkable. Yet no industry is taken more for granted than the food industry. In 1969, one hour of U.S. farm labor produced 2½ times as much as it did 15 years earlier. About 5 percent of America's population are farmers who produce sufficient food and fibre for all the rest of us.

The Bureau of Reclamation has played a major role in the development of water resources in the Western States. To achieve its purposes, the Bureau builds dams and reservoirs, aqueducts, powerplants and transmission lines, and pumping plants. Reservoirs created by Reclamation dams have a combined storage capacity of approximately 133 million acre-feet of water which is sufficient water to cover the entire six States of New England to a depth of more than six feet. Irrigation water from these reservoirs is provided for millions of acres of farmland on which are grown crops valued at about $1.8 billion per year.

Generation of electric energy is another benefit from the operation of these reservoirs. Hydropower generation consumes little water and does not pollute land, water, or air. Powerplants on Reclamation projects produce enough energy to supply the needs of more than 7 million people. The Expanding urban concentrations in the West require a constantly increasing demand of water for municipal and industrial uses. The 1968 municipal and industrial water supply was more than double that provided in 1958.

The total Reclamation investment to date is about $5.7 billion. Additional projects are presently authorized or in the planning stage to keep pace with the needs and economy. The costs sometimes frighten people who are not familiar with reimbursement features of the Reclamation program. But you know and I know that the West pays its way. Approximately 90 percent of the Federal investment in Reclamation is repayable and is being repaid.

I learned this when I moved East 15 years ago. People outside of the West simply don't understand that the program is designed to invest money for the development of water and related land resources for the benefit of people. The manner in which we consult together and in which you, the beneficiaries commit yourselves to repay the costs is, to me, a true partnership between the local people and the Federal Government. I don't believe I would have the enthusiasm I carry into commissionership if this were not so.

In Utah, 14 Reclamation projects are either in operation, under construction, or approved for construction. These projects will develop an aggregate of approximately 2 million acre-feet of water for use in the State. The water supply for these 14 projects as in all Reclamation activities is obtained through the State water-right appropriation procedure and applications are filed with the State Engineer. Proof of appropriation is prepared and filed by the Bureau of Reclamation in cooperation with the local water users' organization after the water has been put to beneficial use. Reclamation has always complied with laws of the State in relation to the use of water.

During all phases of project development, from its very inception to ultimate completion and on into its operation, we in the Bureau desire to work as closely as possible with the water users and with other local groups. We want your ideas and your comments on our plans and operations. Only by such close cooperation can we continue to be both a responsive and a responsible agency. We are very happy to know of the Farm Bureau's interest in working closely with us in the various stages of project formulation, development and operation.

May I point out, too, that it is established Reclamation practice to turn over the physical features of a project to the water users for operation and maintenance. These are your projects and we look to you to operate them once they are completed.

Bureau of Reclamation programs, present and future, relate directly to the people. The fundamental function of the Bureau is to harness the western streams to store their

surplus waters in times of heavy runoff for later use by water users when the natural flow is low. Originally, our projects were devoted chiefly to the development of water for irrigation. In recent years there have been those who have questioned the wisdom of a sound, progressive Federal Reclamation program under the misimpression that crop production on irrigated lands of Reclamation projects aggravated the so-called national crop surplus situation. This has been an unfounded and erroneous conclusion. Listen to some of these figures on Reclamation production.

In 1968, the gross value of crops produced on Federal Reclamation Projects was $1.8 billion. Only $287 million, or 16 percent of this value, was from the production of wheat, feed grains, and cotton, generally the price supported crops other than tobacco, none of which is grown on Reclamation lands.

Nearly 50 percent of the 1968 gross crop value was from the production of fruits, vegetables, nuts, nursery crops, and seeds, 15 percent from forage crops, 11 percent from miscellaneous field crops other than cotton, and 3 percent from cereal crops other than feed grains and wheat.

Less than 2 percent of the United States feed grains and wheat produced in 1968 were attributable to Federal Reclamation projection. And keep in mind, these projects are located entirely in the Western States which are mostly feed grain deficit areas. Feed grains are produced to support the Western livestock industry. The consumer demand for red meat has been increasing more rapidly than supplies, and availability of local feed grains is a necessary and an important factor in livestock production.

Nationally, our carryover stocks of feed grains totaled 48 million tons in 1968 as compared with a high of 85 million tons reached in 1961. The 1968 carryover is less than one-third of our domestic requirements for a year. Our wheat carryover in 1968 was 38 percent of the peak reached in 1961. Stocks on hand in 1968 were 539 million bushels as compared to 1.4 billion bushels in 1961. The current carryover is less than three-fourths of our domestic consumption for 1968.

Carryover stocks of cotton have decreased sharply from a peak of 16.9 million bales in 1966 to 6.4 million bales in 1968. The value of CCC price support inventories and loans for cotton fell from $2.2 billion to $163 million from 1966 to 1968. Federal Reclamation Projects produced only about 4 percent of the amount under loan in 1968.

The United States has about 50 million acres of reserved cropland. However, we have been losing cropland at the rate of approximately 1 million acres per year since 1930, primarily due to urban encroachment. About half of the Nation's farms are marginal and are not a reserve of highly productive land. They are marginally productive mainly because of poor land and inadequate water. Also, much of the retired farmland is marginally productive.

It is a current fact of life that Reclamation projects, particularly those with irrigation as a major benefit, are being squeezed in competition for the available dollars. It is becoming difficult for irrigation, especially irrigation of new lands, to compete economically, socially, and politically with some of the other demands for water. Nevertheless, we will find that the highly productive, efficient Government and private irrigation developments throughout the Nation, both existing and future, will play a critical role in meeting future food and fibre needs, and will provide insurance against catastrophic drouth just as established projects have in past periods of critical water shortage.

There is another circumstance which threatens our well-being and which has progressed to the point where there is great and justifiable national concern about it. This is our environmental decay to which most Americans, in a thoughtless manner, have contributed.

President Nixon, in his State-of-the-Union message, treated our environment and particularly the pollution of air and water, as a major issue. He outlined a program to enhance the quality of life. He declared that the Seventies must be the decade when America pays its debt to the past by reclaiming the purity of its air, its water and our living environment.

I am especially concerned about some present thinking in some areas that anything man does in the management of his environment, particularly as it relates to natural resources is harmful. You know and I know that this is not the case. Utah is a shining example of what man can accomplish.

Utah was not a land of milk and honey until man put water on the land and it would soon revert to desert if your and our efforts were stayed. I am not about to get off the earth any sooner than I can help and I am sure you feel the same way. I like it here despite the problems of our day and I intend to do what I can within my particular sphere of activity to make it a better place to live.

Another related subject of interest to the Farm Bureau in Utah, and elsewhere in the Western States, is the acreage limitation provisions of Reclamation Law. I feel that if irrigated agriculture under the Reclamation program is to continue as a viable and active tool in the conservation and development of our land resources, that the acreage limitation provisions of present law must be modernized to bring them into accord with present-day economic requirements.

Many of these things I have been telling you here are not particularly news to you. I have retold them because I want you help. I want to name you all missionaries to carry the Gospel of Reclamation to high places in your organization and elsewhere and to give your Congressional delegation full support in doing the same job in the Congress.

I am not speaking idly when I say that Reclamation has a job on its hands. We have a large program of authorized work which needs to be put into an orderly schedule of development. But the competition is rough. Even if the Vietnam expenditures were cut off tomorrow, there would still be overwhelming competition for the available dollars among the various domestic programs. Many of them are glamorous and very much in the public eye.

But I happen to believe, as I think you do, that Reclamation is also essential. We have too many examples of what proper conservation and use of our water and related land resources can accomplish, to think otherwise. As a matter of fact, the history of the Bureau of Reclamation since early in the century, has been the broadening of the economic base which is so essential if the Nation is going to be able to carry the burden of the social programs to which we are committed.

So I call on you as ambassadors and missionaries, both individually and collectively, to carry the good word about Reclamation to the top levels nationally wherever they can be reached.

And to summarize, bear these points in mind:

The surplus crop situation is reversing itself. Without sustained and increased production we could well become a have-not Nation before too many years.

Irrigation of arid lands is the surest way of increasing production of needed crops and providing the high nutrient, high quality foodstuffs our present-day diets require.

Unlike many resource programs, Reclamation pays its own way. The Federal investment to date is approximately 90 percent reimbursable. The present total return to the Treasury, cash-on-the-barrelhead, from Reclamation operations is running at about $240 million annually. Our total allotment in the President's budget this year is only $295 million.

Social planners concerned with congestion and decay in the metropolitan centers should take a look at Reclamation projects and the small and some not-so-small communities which are prospering from their operations. Maybe there is a message here for those looking for a solution to inner-city ills.

Reclamation projects, by and large, have enhanced the environment and provided a better quality of living for those who are touched by these operations. There are no ghettos in Reclamation project areas.

It seems to me that we have a whale of a sales talk. But we can't sit back and take Reclamation for granted. I invite you to come along in pushing for a better tomorrow.

CURTAILMENT OF PROGRAM WOULD BE MAJOR MISTAKE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Ray Zauber of the Oak Cliff Tribune of Dallas, Tex., has undertaken a series of articles on the significance and effect of our national space program on the lives of the people of this Nation and the world. Because of the significance of his comments I am including the recent article by Mr. Zauber in the RECORD and I commend it to your reading:

CURTAILMENT OF PROGRAM WOULD BE MAJOR MISTAKE

(EDITOR'S NOTE.—On a recent trip to NASA in Houston, with Cong. Olin E. Teague, Ray Zauber talked to several scientists, astronauts, technicians and administrators. Rep. Teague also provided him with a wealth material on the subject. This data has been carefully sifted for a series on the race to space, which Zauber considers perhaps "the greatest story of all times.")

Those who would curtail or eliminate the space program argue that $23 billion has been spent to reach the gray and lifeless expanses of the moon.

They see no reason for continuing man's probe of the universe and urge that space funds be channeled into welfare. The anti-space proponents number some very powerful, highly-educated and extremely convincing eggheads.

First of all, their argument is specious because only a fraction of the funds used for space development were actually involved in the moon shots. Secondly, they follow the historical pattern of resisting new frontiers and new ideas.

America's great space team refuses to concede that they cannot break any technological barriers. Given sufficient time and ample money.

And then they hasten to point out the unending stream of benefit direct from space science has already been diverted to everyday consumer usage.

Future space funds will continue to produce ideas and equipment which will benefit both the largest industrial empires and the poorest individuals.

Perusing the many obvious innovations which are directly derived from the aerospace and science program which has enabled the United States to land first on the moon, the list is long and impressive.

Immediately coming to mind are transistors and diodes, which replaced vacuum tubes in radar, radio, television, phonographs and other similar equipment.

Printed circuits have taken the place of cumbersome hand-wired chassis in this same field.

The sophistication of radio, television, radar, photographic and telemetry equipment is almost beyond belief. Perfect signals, sound and pictures have been returned from Mars, which is 140 days away from earth.

Space suits worn by the moon bound astronauts will withstand heats of 250 degrees above zero and 250 degrees below, the temperature range on the moon.

Scientific satellites now circling the globe provide such a wealth of everyday functions they are now taken for granted. Communication satellites provide worldwide radio and television reception. They allow universal telephone and telegraph hook-ups and allow all kinds of data to be transmitted.

Weather satellites help chart the course of storms, cyclones, hurricanes . . . the direction of winds . . . the movement of fronts. Eventually the data sifted from these observations will save countless lives and millions in property.

Spy satellites have made observation behind the iron curtain country possible to a degree of accuracy as never before. The tremendous resolution of photographs taken by the spy satellites help keep tabs on Communist fortresses, factories, gun emplacements, IBM silos and troop movements.

Geodetic satellites are assimilating reams of data on radiation, solar winds, the Van Allen belt, sounds from space and other scientific data. This equipment has also been used to rechart the world atlas, resurvey coastlines, mountains and valleys, and provide other geographic information.

Computer science owes much of its success to the incredible demands of space exploration. The scope and range of computers now in service are beyond the average layman's comprehension.

All kinds of new, strong, light alloys have been developed for space vehicles with the ability to stand the burning reentry from beyond our atmosphere. Even glass has been developed which can be employed in manufacture of space hardware so the astronauts can peer out their windows.

Improved plastics, cloths, rubber products, adhesives, and the like are directly tied to space research. Better methods of bonding materials together, welding, tooling, machining and construction have been devised in perfecting space hardware.

And with American ingenuity running at full speed, the best is yet to come.

THE ATTACKS ON "THE MILITARY-INDUSTRIAL COMPLEX" AND ITS RELATION TO DETERRENCE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. FISHER. Mr. Speaker, I have just received a copy of a speech made recently to the local Rotary Club by former Secretary of the Air Force, the Honorable Eugene M. Zuckert. Mr. Zuckert speaks on unilateral disarmament and its relation to the increasing number of attacks which have been made on the so-called military-industrial complex. He speaks from a wealth of experience, having served for 6 years as Assistant Secretary of the Air Force in the Truman administration and more than 5 years as Secretary of the Air Force in the Kennedy and Johnson administrations. I know that you will find his remarks interesting.

Some time ago in 1945 Gen. George C. Marshall said:

We finish each bloody war with a feeling of acute revulsion against the savage form of human behavior. And yet on each occasion we confuse military preparedness with the causes of war and then drift almost deliberately into another catastrophe.

I think the words of General Marshall aptly describe what has happened to us in the past wars in this century when, after each conflict in which we have been engaged, we embark on a policy of unilateral disarmament. If our experience is to guide us, we must accept that unilateral disarmament has led us to disaster in each instance; after World War I, after World War II, after Korea, and now we are about to face the same choices. Mr. Zuckert quotes President Kennedy in his inaugural address when he referred to the necessity for military strength in these trying times when we are faced by a relentless enemy:

We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed.

I have been handed another paper entitled "On Deterrence," prepared by an associate at the University of Pennsylvania, who for the moment wishes to be anonymous. This is a complete and compelling document relating to the world situation which we now face. The inevitable march toward disarmament is influenced by those who have not thought the problems through, as well as perhaps those who have other purposes in bringing about a position of weakness in the face of the enemy. It is hard to accept and attribute influence to the bearded freaks who infest our universities, blatantly plot outright revolution, and march in the streets carrying signs "Honor Eisenhower, fight the military-industrial complex." But the speeches we hear in the Halls of Congress lead us to believe that constant propaganda has been effective, and we are again approaching a weakened position in the face of gathering strength.

Man has not changed, and we can only survive if we maintain our military strength. I urge the careful reading of Mr. Zuckert's speech and the paper "On Deterrence," which I am inserting in the RECORD:

ADDRESS BY EUGENE M. ZUCKERT

It is my considered judgment that the current furor over the military-industrial complex is really an attack on an unpopular war. Wasn't it Arnold Toynbee, the historian, who said that war weariness is a most useful tool for dictators and demagogues? One cannot find in all the arguments an effort to define our needs and then measure the Defense Establishment against the requirements.

The controversy over the military-industrial complex is the same tired old combination of unilateral disarmament and pious hopes that we have seen played on the Washington circuit off and on for well over a quarter of a century!

To be sure the format has been updated. Now it's a kind of ideological Western. The military-industrial complex is cast in the role of the bad guys. Forty years ago it was the "Merchants of Death." But the plot was the same.

All reasonable persons can applaud conscientious, dispassionate inquiry into and search for evidence of stupidity, incompetence, favoritism and waste in military procurement. Responding to such inquiries is a legitimate part of the job for the uniformed and civilian Defense leaders who must defend their management before Congress.

But what I regard as dangerous and illegitimate is the highly organized and furiously pressed propaganda assault on our defense institutions disguised as a selfless effort by "concerned" intellectuals to save the nation from takeover by an alleged combination of defense industry profiteers and a war-minded military.

There are some who may say this merely is symptomatic of the malaise of our times—part of the current attack on so many of our established traditions and institutions. There are some who will insist that a better-educated and more enlightened populace has finally risen in righteous wrath and indignation against a longtime evil.

Actually, however, the scenario is old hat.

It was first staged in the early '30s by a curious combination of far-out Liberal intellectuals and a group of Republican isolationist Senators of that era. The isolationist Senators just did not want the United States in any more European wars. Some of the involved intellectuals believed that the French and British were about to join with Hitler in common cause against Russian Communism. But whatever the motivations, and they were mixed, everybody in the combination wanted to make sure that Wall Street and the munitions-makers of World War I were blamed for whatever past, present or future problems could be claimed.

Congress rushed to pass the Neutrality Act of 1935. Free from the machination of the "Merchants of Death" we were all, presumably, safe.

Sure we were—until the roof caved in on us at Pearl Harbor.

Today, many of the players are different. But the archvillian is the same—something called this time the military-industrial complex.

But what the nation could endure in the peaceful, non-nuclear '30s becomes an irrational luxury in the nuclear, cold war '60s. We can see the danger now that a colossal demonstration of pacifist sentiment may well lead to hasty and ill-advised actions designed to fetter our defense establishment and impair our defense posture. This, in turn, could be misread as a sign of our weakness, and it could trigger the very confrontation that the anti-military group presumably wants to avoid.

Does this sound far-fetched? I don't think so. Let's look at what happened in the '40s, the '50s, as a result of so-called "popular demand":

Remember the frantic demobilization of our fighting forces and the defense industry we had built to meet the needs of World War II? We paid heavily for that spasmodic reflex to strident, fomented hysteria. I had a ringside seat at the anti-military fights that went on before, during and after that struggle. (I was then Special Assistant to Stuart Symington, Assistant Secretary of War for

Air.) The critics hastily cut the armed forces and just as hastily rebuilt them for Korea.

In 1949 I watched the late Defense Secretary, Louis Johnson—acting under Presidential orders to economize—cut the military budget to the bone. That was the year when Russia developed her own A-bomb, on which we were supposed to have a monopoly for at least twenty years! It took the Communist invasion of Korea in 1950 to teach us the hard way that the ill-considered demobilization and disarmament after World War II was a disaster never again to be invited.

That's when we started, painfully and expensively, to rebuild the defense establishment we had deliberately and ruthlessly wrecked.

Some of today's Liberal intellectual rhetoric sounds like an echo of the old arch-conservative rallying cry of "Fortress America."

I don't get it.

One thing I do get. Inevitably and unavoidably, in the absence of clearly defined policies or clairvoyance of the future, the military establishment must plan to fight almost every kind of war that could be thrust upon us.

Another anomaly. So many ardent supporters of the late President Kennedy are now enthusiastic participants in the campaign against the Vietnam war and the offshoot crusade against the military-industrial complex. Have they forgotten the words of President Kennedy in his inaugural address? He said:

"We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed."

You are all familiar with the government's long-established policy against undue concentration of economic power in our giant corporations and you are seeing the grim spectre raised of undue power in the military-industrial complex.

Our great problem is to survive with our free institutions in the face of a Communist movement that wants to change our institutions. It has been well demonstrated that alert and firm American leaders can check the Communists, but it also has been well demonstrated that too many of the persons who dominate the information media today are neither alert nor firm. To put it bluntly, they are starry-eyed in a world that is tough and realistic about power.

Let me emphasize that I believe that the military establishment does need change and improvement. And let me also offer a sample of the specific areas in which truly concerned people should carry on fruitful discussion. There will be profit to our nation and to our freedom if we address these issues in a responsible way.

1. *Our Foreign Policy Philosophy and Posture.*—If our international role is to be one of pacifism in isolation the people of the United States should know that fact from their elected representatives. They should not have to rely on contrived consensus. If it is to be isolationism in Fortress America they should know the implications from their elected representatives.

If our elected representatives believe that our true course lies in a responsible international role, then a rational dialogue should include such questions as these: What values—material, moral, spiritual—are we prepared to fight for? . . . Real estate? Access to vital resources? The values of the Judeo-Christian civilization? National honor?

This question—what are we prepared to fight for?—arises in many forms. In the Middle East. Israel. West Berlin. Africa. Latin America.

2. *Can we, in this day and age, develop a bipartisan foreign policy matrix?*—The creation of West Germany, the Berlin Airlift, the Marshall Plan, the Japanese Peace Treaty are milestones of bipartisan cooperation. I believe it could work for us again. Perhaps a Special Commission, consisting of members appointed by the President, the President of the Senate and the Speaker of the House might be able to develop such a matrix by 1972.

3. *How do we avoid undermining the homefront in a real albeit undeclared shooting war?*—The Founding Fathers just never had to consider the possibility of limited and undeclared wars in which the propaganda front is as vital as the military front. But these struggles constitute a fact of life in our times. Can the rules at home be the same as in peacetime?

4. *Should there be a ceiling on the Defense Budget?*—There is merit in the idea that the President place his prestige behind a determination that there be allocated a certain percentage of the Gross National Product to national defense under conditions of "normalcy."

5. *Why not periodic review of our Commitments and Contingency Plans?*—The level of our Defense expenditures is based primarily on the number and nature of our foreign commitments, not on the pie-in-the-sky desires of the generals and admirals.

6. *Why should not concerted effort be made to improve the military reality and thereby the Military Image?*—Technology has changed the face of war. Propaganda has created a new dimension of war in a clash between our open society and a closed system. Our armed services should be encouraged to modernize their philosophy, doctrine and education curricula. The ability to communicate modern military values to men under their command should be encouraged and nurtured as an essential of military leadership.

7. *Rapport between the Business Community and the Intellectual Community.*—In what remains of the century there will be a reengineering of the nation's social, economic, educational, military and political institutions. Industry—the productive core of the "complex" we've been talking about—must help solve the problem of achieving equitable distribution of abundance while preserving basic free institutions.

Like industry, our intellectual community is indispensable to this effort. There ought to be a cease-fire in the cold war between the intellectuals and business which has been going on for much too long. Each needs the other in the common cause.

I could go on, but these few agenda items will show that there is real need for a concerned public discussion.

Because this is a world where widespread unrest and conflict are manifest against the background of the unsolved and growing problems of nuclear weapons, I close with a note of warning sounded by the late President Kennedy in his first State of the Union Message. Listen:

"I speak today in a hour of national peril and national opportunity. Before my term has ended we shall have to test anew whether a nation organized and governed such as ours can endure. The outcome is by no means certain."

That test of our survival is now upon us.

On Deterrence

(Author anonymous)

In this country, an enormous amount of highly technical argument and skillful polemic has gone into the elaboration of models and metaphors, purporting to show the critical relationship between nuclear weapons and foreign policy. Not all of this effort has been intended to accrue to the edification of our policy makers and public; some of the resultant insights have, more or less explicitly, been packaged for export, contributions to the education in modern strategy of our allies and, more importantly, of the Soviets. This educational campaign notably gathered momentum after the Cuban crisis—plainly, Chairman Khrushchev had not fully grasped the implications of his nuclear weapons gambit—and probably reached its peak in 1967 when the Secretary of Defense weighed publicly the hypothetical impact of an American ABM system upon the hypothetical calculations of Soviet leaders about their proper mix of strategic offensive and defensive forces.

What has been the impact—the real impact—of nuclear weapons on foreign policy, ours, the Soviets' and everybody else's? In empirically ascertainable fact, very little, and, in some of the most critical situations post-Hiroshima, none whatsoever. In nearly all of the most critical situations, the conduct of the two superpowers adhered to a pattern that conformed to Great Power conduct in the pre-nuclear age. The reason for the political non-use, if not political uselessness of nuclear weapons was a simple one: the Soviets quickly perceived that the United States did not intend to exploit its awesome nuclear advantage.

On the face of it, the war in Korea, the Suez crisis of 1956 and the Cuban crisis appear to have been decided by the threat of nuclear war. Yet, the publicly available evidence points both ways: in Korea, long before President Eisenhower threatened, as has recently been revealed, to use nuclear weapons, American conventional forces had firmly positioned themselves along the 38th parallel and successfully contained their North Korean and Chinese opposites. The threat to strike China with nuclear weapons may well have been decisive in transforming the large scale conventional conflict into an uneasy armistice. This precarious settlement, however, cannot be viewed as more than a paltry return on the United States enormous investment in crushing nuclear superiority. It is difficult, to say the least, to show that, had the Americans and Soviets never heard of nuclear weapons, the situation in Korea would have differed greatly from the now existing stalemate. Certainly, the threat of the intervention of the two superpowers in the Suez crisis deterred Britain, France and Israel from finishing off Nasser. Even if both the U.S. and the Soviet Union had not possessed nuclear weapons, their combined weight—political, military and economic—would have sufficed to overawe two secondary powers such as Britain and France, and a minor power, such as Israel. Certainly, in the Cuban crisis, the strategic superiority of the U.S. confronted the Soviets with a forbidding risk. Yet again, if neither side had possessed nuclear weapons, a Soviet attempt to establish a military base in Cuba would have encountered the resistance of superior American air and naval forces, deployed in close proximity to Cuba and capable of severing the Soviet lines of communication. This is not to deny that the availability of nuclear weapons introduced an apocalyptic dimension into the equation of the Cuban crisis. But even without this dimension, the resolution of that crisis would have been what it has been in fact. The series of Soviet proxy-wars fought during the last 25 years—wars fought by non-nuclear powers supported more or less overtly by a superpower—adheres faithfully to the pattern of proxy-wars fought before World War I and between World War I and World War II. The two Balkan wars and the Greco-Turkish war might serve as classic examples of this type of indirect Great Power confrontation.

Admittedly, the above analysis, because it deflates the notion of radical change in world politics wrought by nuclear weapons, is bound to raise the hackles of not a few of our most prestigious strategic analysts. Yet, the question need be asked: on the basis of real, rather than simulation or scenario experience, what has been the political effectiveness of nuclear weapons?

Conceivably, nuclear weapons could have

been a highly effective instrument of U.S. foreign policy from 1945 to 1955—had the U.S. employed its nuclear arms in war or as a credible diplomatic threat. During this period, the U.S. did not employ its nuclear weapons in military combat; it did not employ its nuclear weapons as a diplomatic threat, credible enough to impede the Soviet Union from consolidating its territorial conquests and from building—from scratch—a nuclear armory that now rivals that of the U.S. That this has been so, this is an enigma without parallel in world history. Why the U.S. has foregone the overwhelming advantage which its technology had given it over all other powers, the answer to this question must be sought in the social psychology of the American people—or, rather, of their chosen leaders. On the level of social psychology, this answer might well make sense. On the level of power politics, it is relevant only as a negation of the axioms of power politics. If the evolution of human society has invalidated these axioms, then American conduct after World War II may well have achieved a break-through in human history. If, indeed, this has been the rationale of U.S. policy, then this rationale as well as its empirical basic need have been made far more explicit than they have been made in fact. The fogginess which has enshrouded—and still enshrouds—America's public debate on international politics derives from the vagueness of fundamental assumptions about the uses of power. Obviously, here, the issue is not only how American society has conditioned the individual to view and use power, but also the congruence with, or discrepancy between, the power-relevant tenets of Americans and those of other peoples. The proponents of the theory of international convergence of human values, including those about political power, have advanced some interesting hypotheses about the mutation of advanced scientific-technological society.

For the time being, these hypotheses are unprovable, for America has "advanced" much further than any other country; the American people themselves are driven by bitter conflicts about the appropriate shape of modernity; and other peoples might develop their modernity along entirely different patterns. Thus we are left with the world as it is, a world in which, to say the least, the hoary axioms of power politics, incongruent as they might be with the exigencies of optimal social development in modern scientific-technological environment, still circumscribe the options available to the policy maker.

The overarching fact of post-World War II history has been Soviet recognition of the subjective restraints which inhibit the use of American nuclear weapons as an instrument of American foreign policy. Publicly available documentation does not provide a clear insight in the evaluation by Soviet professionals of our vast literature on strategic analysis. If there has been a meaningful "dialogue", it must have been confined to highly classified quarters. Published Soviet sources seem to indicate that Soviet professionals (not to speak of the Soviet people who have not been indoctrinated in the intricacies of first or second strike strategics and graduated deterrence) have paid very little attention to our strategic analysts—and have doggedly gone their own way. They appear to have made their strategic weapons choices—as, for example, high payload missiles, fractional orbital bombs, and ABM system—independent of U.S. decisions. Although they may have missed the finer points in the luxuriating jargon of our strategic analysts, they seem to have done remarkably well in developing those generations of new weapons systems which, by their bare existence, keep the strategic analysts responsively on the run from one strategic decision to the next. If the Soviet professionals appear unmoved by the highly sophisticated arguments of their civilian American counterparts, this does not necessarily signify Soviet disinterest in the impact of American strategic analysis upon the American people themselves.

The net-effect of the American strategic debate swaying, from the late 1950's onward, American public opinion, has been the inhibition of the effective use of force in the pursuit of American political objectives. On balance, it has strengthened pacifist sentiments and weakened the martial spirit; it has hampered U.S. foreign policy and slowed or altogether inhibited the response of successive Administrations to hostile Soviet challenges; and, having supplied the politicians with polemical ammunition, it has sharpened domestic divisions. Ideally, domestic politics should stop at not only the water's but also the silo's edge. In the Soviet Union, domestic politics—insofar as it can be said to be articulate at all—does stop at the margin of national security. Whatever it is that Soviet "liberals" take issue with, it is not the good judgment of their government in building an ABM system or increasing the chemical-biological capabilities of the Red Army.

Historically, balance-of-power policy has never been an unambiguous policy of peace. It has always been the holding policy of a dominant, status quo power, i.e. the power that, by virtue of its military preponderance, had, first, established and, then, maintained a state-of-affairs satisfying its aspirations. For the other participants in this arrangement, induced by the successful challenger of the previous status quo, the now prevailing status quo was a condition either to be accepted or to be challenged. When challenged, the preponderant power either used its preponderance as a deterrent: it sought to impress upon the challenger, diplomatically or by other means, the futility of rocking the boat; or converted its non-war policy into a war policy; it used the balance-of-power, which its preponderance had wrought in the first place, to defeat the challenger in war. Contrary to the views widely disseminated by contemporary strategic analysts, pre-nuclear strategic doctrine of deterrence attributed as much importance to psychological criteria as to the relative distribution of fire power—just as it sought to optimize this relationship in war. This is the gist of Von Clausewitz' teachings.

Ours is the age of the cliche. Ideas that are not attractively packaged for mass consumption, i.e. sloganized, do not command the attention of the public and, especially, the intellectual elite so sensitive to the appeals of sophisticated conformity. The fate of such "ideas" is that of most products of our civilization: like beer cans emptied of their content, they are discarded and forgotten.

More than one hundred years after the publication of On War, we invented "psychological warfare." Once this cliche had done its duty as the label attached to a great variety of scholarly—and, then, highly respectable—labors and of governmental operations, alleged to be "psychological," it promptly fell into disuse. Then, the focus of professional and public attention shifted to the contemplation of massive hardware—nuclear bombs and their delivery systems being the most massive. Now, most everyone agreed that the use of these objects would be fraught with horrendous—"unacceptable"—implications and that they neither could nor should be used in war. Professional acumen was brought to bear on the psychology of deterrence, and on psychological strategies designed not only for deterring the potential nuclear aggressor from opting out of deterrence and making war, but also for persuading ourselves and the potential aggressor that nuclear weapons were suicidal and hence useless. Thus preoccupied, our professional analysts and their public failed to note that nuclear weapons *have* been used ever since they were first exploded; that the nuclear confrontation had engendered a special style of warfare, though not altogether a novel one; and that the stakes of this warfare are crucial, i.e., crucial for the national survival of this country.

Von Clausewitz wrote that the purpose of war is not the physical destruction of the enemy, but the destruction of the enemy's will to resist. Thus, Von Clausewitz stated as axiomatic that all strategy is psychological, that all weapons—muzzle loading rifles or nuclear bombs—are the strategist's psychological tools; and that the strategic use of weapons, rather than their physical use, aims at the enemy's acceptance of defeat.

In the unceasing military confrontation and series of bloody wars which have raged during the last years, unexploded nuclear bombs have been used as part of the contestants' arsenal—and, perhaps, used more effectively than if they had been exploded. It is this "use of non-use"—the effective psychological manipulation of a latent threat—which had baffled, and continues to stultify, Western strategic analysis. Conversely, the Soviets, exploiting the West's psychological hang-up, have succeeded in incorporating nuclear weapons into the continuum of classical strategy, the sole objective of which is to destroy the enemy's will to resist. In brief, they waged war as if nuclear weapons had not introduced a new dimension into warfare. As a matter of historical fact, nuclear weapons have introduced a new dimension only into the minds of those who confuse war with weapons.

Indeed, Soviet use of force—in either proxy wars or direct military confrontations—has been governed by a bold assumption: preoccupation with hardware inhibits the West's will to put hardware to rational, political use. This hypothesis—which, incidentally, challenges the axioms of materialist philosophy—is being confirmed, not all at once, but by successive installments: the West's nuclear inhibitions are being reinforced by the frustrations of so-called conventional wars. The very distinction of "nuclear" as against "conventional"—a Western, not a Soviet, notion—reveals the West's split psyche. All wars are conventional insofar as they are waged for the purpose of destroying the enemy's will to resist; wars that are not waged for this purpose are unconventional as well as irrational.

From this basic misapprehension about war in any age, nuclear or pre-nuclear, it is only one step to attributing the West's inhibitions about the use of force to the Soviets. This solipsist fallacy has given rise to those assumptions of symmetry, reciprocity and convergence which have crept into our professional and public debate about war and the prevention of war by agreements on arms control and disarmament. In its simplest form, the argument runs as follows: if the uses of force no longer serve rational ends, and, if in particular, the uses of nuclear weapons can only issue in general holocaust, then, pari passu, the Soviets, having come to the identical conclusion, will be as anxious as we are to eschew force.

Tiresome as might be reiterating the obvious, it is necessary to do so here, for the obviousness of the West's misapprehension about Soviet purpose and conduct is itself a crucial factor in Soviet strategy. The American debate on war reveals to the Soviets in minute detail the innermost thoughts about war of the participants, professional and lay. In a communist state, there is nothing that is even remotely equivalent to this openness, this perfect audibility of strategic thinking. It is simply not true that full public disclosure of all information on our strategy and a public free-for-all contest over defense policy are the desirable

or necessary prerequisites of an effective foreign policy and national strategy. As a matter of fact, full disclosure and public participation eviscerate the power to make and execute strategic designs.

It is possible and proper for a democracy to choose the right men, right for presiding over its military establishment and, at the same time, maintaining the supremacy of representative institutions. It is possible and proper for a democratic people to choose these men on the basis of their civic standing and demonstrated competence. The leaders so chosen must be entrusted with the selection of their professional military aides and the making of strategic decisions. Two world wars have shown that, indeed, democracy must invest this authority in its leaders in order to prevail against its enemies. Two world wars have *not* shown that high strategy can be designed and executed in the midst of a running, open debate not only between national leadership and the leading political "outs," but also between national leadership and the general public—or, rather, whosoever has appointed himself to speak for it. Does this mean that, in times of war, a democratic government need and should impose restraints upon public debate on the conduct of national strategy? The answer is, of course, yes.

The real question before the citizenry is whether or not, at war, its chosen leaders can be relied upon to defend the commonwealth and, with it, the right to free speech. If they cannot be so relied upon, then democracy has failed—and the ensuing debacle will engulf all civil rights, including that to free speech.

Obviously, the above arguments rest upon the premise that we are at war and not at peace. The most pernicious illusion haunting American foreign policy is that the resolution of the Cuban crisis ended the threat of Soviet aggression; that, ever since then, we have been at peace with the communist powers; and that the war in Vietnam has been a regrettable, though localized regression from the otherwise peaceable and constantly improving relationship between the Soviet Union and ourselves. In fact, the objectives of the Soviet Union in Southeast Asia have been remarkably similar to those pursued by the Soviet Union in Cuba, namely to outflank U.S. defensive positions, and to establish by proxy a communist bridgehead whence new offensive operations could be launched against non-communist states. To be sure, in Indo-China, because of geographical and cultural conditions peculiar to the area, the tactics of the Soviets differed from those they had employed in the Western hemisphere. Yet the penultimate objective of Soviet strategy has been the same in both places, namely, to destroy the will-to-resist of the enemy, i.e., the United States. In Cuba, this objective eluded the Soviets' grasp, through the cumulative effects of lesser gains—the preservation of a communist base from which subversive operations can be conducted throughout the Americas—might, in the long run, contribute significantly to the strategic and psychological isolation of the United States.

In Indo-China, the Soviets have come much closer to the destruction of the United States' will to resist: the rise of pacifist sentiment, skillfully exploited by subversive movements, has weakened our national defense. The links between our defense establishment and our private educational and scientific institutions are being severed; ROTC and defense research are being driven from many important universities; subversive propaganda is hampering military recruitment; and, more important still, the confidence of the American public in the worth of our national defense policies is being undermined. These disastrous developments collectively signify a real diminishment in our will to resist the enemy.

For these ominous trends in America, there are no parallels in the communist world. Whatever are the weaknesses of the Soviet Union, public alienation from the armed forces is not among them. The Russian people, disenchanted as they might be with the economic promises of communism, take pride in their armed forces. Military commanders occupy key posts in the political government of the Soviet Union; politicians hold high ranks in the armed forces. It is this solidarity of the elite groups and the Russians' pride in their military might which explain the capacity of the Soviet government to extract from its peoples heavy sacrifices—a portion of the GNP at least twice as large as that of the United States GNP—in order to fund the rapid build-up of Soviet strategic and tactical forces. Whatever might be the discontents of the Soviet Union's general public and even of some allegedly restive literati, there is, in Russia, not even the faintest echo of the noisy protest against the "military-industrial complex" which freely expresses itself in this country. The Russian people might have been brainwashed by their rulers and, therefore, cannot see the "waste" of armaments. Brainwashed or not, their high national morale sustains their armed forces.

Despite popular pressures for the better things in life, the Soviet government can count upon the popular support or, at least, toleration of its costly defense and foreign policies—and this for one good reason: These policies are paying off. They are paying off so impressively as to still the doubts of the Russian people about where the world is going. Obviously, it is going their way and not the way of the Americans. The Soviet Union is not engaged in a long, costly and thus far, inconclusive war; the United States is. The United States is wracked by bitter and highly publicized internal conflicts; the internal tranquility of the Soviet Union might be that of a police state, but Soviet citizens need not fret about law and order.

Despite of, first, the Hungarian rising and, then, Czechoslovakia's more gingerly quest for independence, the alliance of the Warsaw Pact is as rigidly controlled by the Soviets as it has ever been. As a matter of fact, Soviet intervention in Czechoslovakia demonstrated the high effectiveness of the Red Army which now stands at the Bohemian Forest and thus, by 200 miles, closer to the geographical center of Europe.

By contrast, the cohesiveness of the Western Alliance has been eroded by the withdrawal of France from NATO: mounting political pressures within the United States for a reduction of U.S. forces assigned to NATO; the doubts engendered in the hearts of European members about the efficacy of the U.S. deterrent or, rather, the American will to use it for any stake other than that of national territorial defense; and, now, the eagerness of some European members to accept the so-called Budapest Declaration of the Warsaw Pact powers as a serious invitation for negotiating an all-European security pact. In fact, this Declaration is merely a vague and ambiguous gloss on Leonid Brezhnev's tough speech, delivered in 1967 at Karlovy Vary, calling for a U.S. withdrawal, if not ejection, from Europe.

While the Soviet Union pursues calmly, though unswervingly its prime objective in Europe, namely the detachment of Western Europe from the alliance with America, individual members of NATO clamor for some sort of Western Alliance—Warsaw Pact "nonaggression pact," unsupported by a meaningful settlement of the political issues which gave rise to the West-East conflict.

Throughout the 20 years of its existence, the Western Alliance or, rather, its operational instrument, NATO, never achieved the coordination of its members' policies outside the North Atlantic region. It is this failure which has gnawed at the vitals of the Alliance. Although a series of declarations, agreed upon by all members, affirmed the need for policy coordination outside NATO's own area, the Alliance is, today, further away from this goal than it has ever been since the Suez crisis jeopardized its very existence.

NATO has failed not only to transform itself into a true Atlantic Community but also to keep its members from whittling away at its most immediate purpose, namely, the military defense of Europe. The unilateral reduction of Canadian forces in Europe has set a dangerous precedent which strikes at the very foundations of NATO. The rapid decline of Western influence in the Middle East is as much a consequence of the long-standing lack of agreed common policies towards that area as of the shifting military balance in Europe and the Mediterranean. Certainly, the present posture of NATO in the Mediterranean bears only a faint resemblance to NATO's unchallengeable control of that region ten, or, even, five years ago.

It is idle to search here for what, in this chain of events, has been cause and what has been effect. Suffice that a noticeable shift in the international balance-of-power has occurred, noticeable enough to diminish the range of options available to the United States and hence, noticeable enough in the eyes of the world to affect adversely the influence and prestige of the United States. Although not all losses of the United States represent necessarily so many gains of the Soviet Union, the net gain in power of the Soviet Union is large enough not only to confirm the Soviet Union in the wisdom of its policies but also to justify these policies in the eyes of the Russian people. The Soviet Union may not control the tides of history; certainly, it is riding them. To assume that Soviet leadership, for any now perceptible reasons, will abandon this highly satisfying stance, is to ignore the principal lesson of history: a great power on the rise will not arrest the growth of its power simply because its rival will or can no longer compete. In two power relationships parity of power has always been a temporary condition; it never has been a lasting state of affairs.

In this country, a great deal of what goes by the name of "strategic analysis" is hardly relevant to the most critical relationship between nations, namely war. Since this type of "strategic analysis" is chiefly concerned with preventing war by reducing the capabilities for waging it, it has little to say about the use of force in the pursuit of national objectves. In this sense, the McNamara school-of-thought developed an anti-strategy rather than a strategy that could win a war or, as Von Clausewitz proposed, win the political objectives of war by destroying the enemy's will to resist. Implicit in this anti-strategy strategy is the assumption that once nuclear armaments can be controlled, reduced or abolished, the struggle for power will de-escalate into peaceful competition, or, simply, that the struggle for power is not worth the nuclear risk. The idea that men determined to win power—the power of global rule—will run heavy risks, including those inherent in the political-psychological uses of nuclear capabilities, this idea is not only abhorrent but also implausible to the antistrategy strategist. Yet, if anything is clear about the present situation, it is that this risk is inseparable from the contemporary struggle for global supremacy. Here and now, the acceptance of this risk is the most important component of the will to resist. The moment this risk

becomes unacceptable under any and all conditions, the will to resist will have been destroyed—and the war will have been lost before it has been fought. Then, the victor will have won without fighting.

Individually, Americans are a highly power conscious people. Even avowed pacifist and anti-militarist Americans do not cavil at using all the means in their power to undo their opponents—and gain power for themselves. Paradoxically, international power politics has always had a bad press in America and, especially, in intellectual-academic circles: It is viewed as an atavism—which, undoubtedly it is; it is, therefore, considered as a pursuit to be avoided—which, assuredly, it cannot be. To learn to live with this ambiguity, this is part of the burden of great power in world politics. To try to opt out of this admittedly less than perfect situation, i.e., the real world, is to opt for isolation, strategic as well as moral.

The use of force calls forth in man atavist instincts. This is why war is not a game. This is why strategy is not an exercise in abstract logic, though the strategist might resort to gaming techniques in order to sharpen his judgment. The prudent strategist knows well that, in his designs, he has to allow for the imponderables in human nature, man's will to power and his will to resist another man's power. It is the strength and weakness of a people's will which determines the outcome of conflicts between nations in all its forms, including war.

To sum up my argument: during the 1960's, our national security and foreign policies have sacrificed realism to sophistication. Weapons are instruments of power; they do not confer power upon their possessor. It is *not* true that power "comes out of the mouth of a gun." It is the will to match power with power—the "will to resist"—that confers political meaning upon all instruments of power, including nuclear weapons. It is not true that the advent of nuclear weapons has brought to an end the history of five millennia and has opened a "new" historical epoch. The struggle for power has entered another phase; but it is still the same struggle for power. True, the risks have grown larger; but the very fact that the risks have grown larger confers strategic advantage upon those who know how to exploit and manipulate the opponent's perceptions of these risks. The so-called nuclear stalemate has neither inhibited the use of force nor invalidated the axioms of classical strategy. To the contrary, judicious escalation of force now serves to attain political objectives, just as it always has served this purpose. The judiciousness of escalation—"economy of force"—is an axiom of classical strategy. It is as valid today as it has always been. The instruments of war have changed; so has the cost of international conflict. But the rules of strategy have not changed—and this for a conclusive reason: man has not changed.

HONOR ROLL OF AMERICAN INVENTORS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, throughout the course of our almost 200 years of history, the U.S. Government has given little recognition to our great inventors, save for the grant of the letters of patent themselves. It is hard to conceive what sort of people we would be today without the ingenuity and toil of these many great Americans. It could almost be said that our industrial might and advanced technology exists today because of these unsung heroes.

This year patent No. 3,500,000 will be issued. It is estimated that since the Patent Office began issuing patents in 1790, approximately 500,000 persons have received patents. Of these, approximately one of every thousand individuals, or about 500, have received 25 or more patents.

We have all heard of Thomas A. Edison who had 1,093 patents, and most American schoolchildren have heard of Eli Whitney, the Wright brothers, Cyrus McCormick, Alexander Graham Bell, and Goodyear. But most of our great inventors are unknown except to but a few.

Consider Ernest Wildhaber, of Rochester, N.Y., who had over 300 patents. His inventions in gearing permit Americans and people all over the world to enjoy traveling and are essential to transportation whether by air or automobile. Also consider Edwin B. Nolt, of Lancaster, Pa., with over 50 patents. His inventions in the field of haybaling have created thousands of jobs and revolutionized grain farming.

There are many more who have contributed to the greatness of this Nation who have not been properly recognized by what should be a grateful naton. I consider it appropriate, therefore that these individuals, known and unknown, be afforded a permanent place of honor in recognition of their outstanding achievements which have contributed so much to our well-being as a people.

My bill provides that the Commissioner of Patents shall establish a roll of honor for American inventors, and include thereon the names of each American inventor: First, whose name appears as the patentee in 25 or more U.S. patents; or second, whose name is selected by unanimous vote by an Honor Roll Board comprised of the Commissioner of Patents and 14 other persons designated each year by him. The bill further provides that any individual whose name appears on the roll of honor may file sole applications for patents without payment of the fees otherwise required.

Mr. Speaker, I urge adoption of this legislation.

NORTH'S SCHOOLS FACE EQUAL PENALTIES

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. PRICE of Texas. Mr. Speaker, I heartily commend the Senate on taking a strong and forthright stand on a national school desegregation policy, and I urge my colleagues in the House to swiftly follow the Senate's lead.

For too many years, hypocritical northerners have leveled bitter criticism at the South and its school desegregation policies. I say hypocritical because segregation is deep rooted and pervasive in many areas of the North. Moreover, its existence is not only recognized, it is sanctioned and tacitly promoted by many of the same organizations and individuals who have vilified the South.

Northern liberals have done more than criticize the South, however, for if they had been content to merely stop at that, the consequences would have been minimal. Instead, they formed an unholy alliance and rammed through the Congress certain pieces of legislation which applied completely different legal standards to the South than to the rest of the country. As a result, the South became the national whipping post for the conscience of the liberal coalition, and they bought comparative piece of mind at the expense of one of the great regions of our land.

Yesterday, the Senate overwhelmingly voted to end regional differences in school desegregation policies. It clearly decided that Federal aid will be cut off to school districts that fail to desegregate, even though their racial imbalance is a product of residential housing patterns, and not illegal as such. This will require many northern school districts, especially those in urban areas, to restructure their operations, as is being done throughout the South.

Mr. Speaker, if the Senate action becomes law, northern liberals will know first hand the problems that accompany good faith community attempts to desegregate school districts. They also will be forced to bear the high financial costs which often accompany attempts to artifically homogenize school systems.

Once the rest of the Nation experiences the same trials and tribulations as the South has experienced, perhaps then the elected representatives of the people can join together and devise guidelines designed to preserve the time-tested qualities of our public school system, while bringing the promise of American education to all our children.

Personally, I hope it will not take that long. I hope that if the House joins with the Senate on this issue, it will create the incentive needed to bring individuals of different political philosophies together in a common cause. After all, our Nation is a union of 50 States. As a union, we should band together to solve our common problems, preserve our neighborhood school systems, and provide quality education for our young.

RADIATION HAZARDS FROM NUCLEAR TECHNOLOGY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. FRASER. Mr. Speaker, the ill effects of radioactive leftovers from uranium and radium mining continue to concern me.

An investigation into the use of radioactive uranium tailings in Colorado has revealed they have been used for years

as a base in laying concrete slabs or backfilling around basements.

A news article appearing February 17 in the New York Times reports that many of the private homes, public schools, businesses, and other commercial buildings in one Colorado city have dangerously high radiation levels.

The potentially dangerous effects of this radiation on the health of that city's citizens and on other unsuspecting Americans should not be underestimated.

The Times story follows:

RADIATION HAZARD FOUND IN 82 COLORADO BUILDINGS

(By Anthony Ripley)

DENVER, February 16.—The Colorado Health Department is expanding its search for dangerous radiation levels in private homes, business and public buildings in the western part of the state.

Department officials have concluded that radioactive leftovers from uranium mining and earlier radium mining have become a major health problem. They concede that they have only begun to recognize the problem and to try to measure it.

Robert D. Siek, chief of the department's radiological health section, said that the problem was "a broad and complex one."

Reports from Grand Junction and Uravan, Colo., indicate that a few residents in those communities may be living with stronger concentrations of radiation in their homes than miners are allowed to take in a uranium mine.

Grand Junction is a resort and industrial center near the Utah line. It has a population of about 19,000. Uravan, a village of about 800 persons, is 75 miles south of Grand Junction.

HIGH RADIOACTIVITY

Two houses have been vacated in Uravan and 80 houses in Grand Junction have shown high radioactivity. The highest readings in Grand Junction are 180 times greater than screening levels set by the health department. In Uravan, reading in one of the houses were three or four times above the worst in Grand Junction, Mr. Siek said.

The Colorado Health Department has asked the United States Public Health Service and the Federal Radiation Council to set safety guidelines for exposure to radiation in private homes.

Mr. Siek said that, on the basis of the experience thus far, "there is no choice but to go into other cities" where uranium processing has been done. These include Durango, Gunnison, Canon City, Rifle and Naturita.

The source of the radiation is tailings, the fine, sandy material that is left over after grinding up radioactive ores.

GIVEN TO BUILDERS

In Grand Junction, uranium tailings were given away for 15 years to builders who used them in place of sand as a base for laying concrete slabs or backfilling around basements.

The tailings are rich in radium, a long-lasting radioactive element that is produced as uranium decay. As radium decays, it gives off a radioactive gas called radon. Although radon is short-lived, it decays into a number of daughters, including radioactive forms of bismuth, lead and polonium.

Breathing in radon daughters has been established as a cause of lung cancer among uranium miners.

Because of this health hazard, exposure levels, or "working levels," have been established for uranium miners. In recent years, these levels have been cut sharply as more is learned of the long-range effects of breathing radon daughters.

STANDARDS CRITICIZED

The Atomic Energy Commission, which sets radiation protection standards, has found its safety standards under attack in the last three months from two of its own scientists at the Lawrence Radiation Laboratory in Livermore, Calif.

Dr. John W. Gofman and Dr. Arthur R. Tamplin have called for a tenfold reduction in the amount of radiation exposure allowed for the general public.

Mr. Siek said that in Grand Junction, using equipment that takes only quick samples and does not indicate the full depth of the radioactivity, readings have been recorded as high as 1.8 working levels. With more sophisticated equipment, he said, the readings would be much higher.

The Colorado Bureau of Mines attempts to keep radon gas concentrations in its mines to a working level of 1. If the concentrations are over 1, fans are required to ventilate the mine shafts. At 2 working levels, miners are ordered to clear the area.

The United States Department of Labor has recommended that 0.3 of a working level be put into effect in 1971 in all uranium mines as the maximum concentration allowable.

Thus far, high readings have been found in 80 of 345 buildings studied in Grand Junction. Included are private homes, public schools, businesses and other commercial buildings.

Mr. Siek said that officials of the Union Carbide Corporation in Uravan, a company-owned town, decided to work on their own after hearing about the problems in Grand Junction.

"They ran into two houses with elevated radon daughter readings," he said, "so they moved the families right out."

"It was hotter by far than anything in Grand Junction," Mr. Siek continued. "There was an old radium-processing plant there and the houses looked like they were built in the late twenties or early thirties on the old tailings pile."

CUT POLLUTION, FARM SURPLUS WITH ALCOHOL-GASOLINE BLEND

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. KLEPPE. Mr. Speaker, at a time when both air pollution and accumulating surpluses of agricultural commodities are serious national problems, it is appropriate to consider a proposal which would measurably reduce both.

This could be accomplished through the blending of alcohol made from grain with gasoline to produce a cleaner burning motor vehicle fuel which would reduce hydrocarbons in exhausts by as much as 50 percent and sharply reduce farm program costs and surpluses in the process.

I have outlined the possibilities of undertaking such a program in the following letter to the President:

FEBRUARY 16, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House.

DEAR MR. PRESIDENT: A cleaner-burning motor vehicle fuel combining gasoline with alcohol made from grain may be an idea whose time has finally come.

I know you will recall this was one of the possibilities studied by the Commission on Increased Industrial Use of Agricultural Products which reported its findings to you, as President of the Senate, and to the Speaker of the House on June 15, 1957.

Then the principal objective was to expand markets for surplus farm products. The projected cost of producing alcohol from grain—perhaps 40 or 50 cents per gallon—led the Commission to conclude that it would be "impracticable to recommend an alcohol motor-fuel program."

Economic utilization of surplus U.S. grains remains a problem as acute as it was in 1957. However, the urgent need to control air pollution—to regulate automobile emissions of carbon monoxide and hydrocarbons—places the cost factor of converting grain to alcohol in a different perspective. Moreover, large-scale conversion of grain to alcohol could literally save billions of dollars of farm program costs.

In the February 10 Message to Congress on the Environment, you pointed out that "Most air pollution is produced by the burning of fuels. About half is produced by motor vehicles."

To implement the recommendations set forth in your Message, the Secretary of Health, Education and Welfare submitted to the Congress on February 11 proposed amendments to the Clean Air Act which would empower him to "establish standards respecting the chemical or physical properties of any (motor vehicle) fuel or fuel additive to assure that such fuel or fuel additive will not cause or contribute to emissions which would endanger the public health or welfare . . ."

Although the feasibility of blending alcohol with gasoline obviously demands further study and re-evaluation, it seems to me there is a most challenging opportunity to attack both the problems of air pollution and agricultural surpluses. The Southwest Research Institute at San Antonio and Houston has done a considerable amount of research in this field. A copy of one of their reports (1964) is enclosed.

From experiments conducted there and elsewhere, over a considerable period, it would appear that:

1. The alcohol-gasoline blend will work satisfactorily in present-day automobile engines, without serious drawbacks in performance or economy.

2. A blend consisting of 25 per cent 200-proof ethyl alcohol will reduce hydrocarbon emissions by as much as 50 per cent, with some reduction of oxides of nitrogen under certain conditions.

3. The blend greatly reduces combustion chamber deposits and this should prolong engine life.

Although the blend does not provide a complete solution to the problem of air pollution created by motor vehicles, it could help to provide substantial relief, especially in the smog-saturated areas. Use of this product could be commenced on a limited basis, almost immediately. With some engine and carburetor modifications, higher performance standards could undoubtedly be obtained.

Even though new engine designs and improved exhaust control devices will come during the 1970's, millions of motor vehicles now on the road and to be built in the next few years will still be operating into the 1980's. The blend is primarily for these older vehicles.

It would appear on the basis of what we already know, that further immediate and greatly-expanded research in the alcohol-gasoline field is fully warranted. The mood and the money were not there in the past but they are today.

It seems to me that there are several important factors to be considered in connec-

tion with the cost of producing grain alcohol:

First, the 1971 Federal Budget projects costs of $3.8 billion for programs to strengthen farm prices and income. A sizable part of this will go toward paying farmers for diverting or retiring acreage from production and to bolster the price of commodities harvested on planted acres. The cost of storing government-owned commodities is also heavy. Large-scale utilization of grain alcohol in motor fuels would not only eliminate present surpluses in fairly short order but would also make it possible to remove all acreage controls on such crops as corn and wheat. I believe that as much as 4 billion bushels of grain could be used annually in motor fuels. This would inevitably raise farm prices and free producers from controls. Most of the present farm program expenditures could be eliminated or drastically reduced, with perhaps only a minimum price guarantee remaining—a tool which would probably be infrequently, if ever, used. Farm income would increase sharply giving agricultural producers the real "parity" with other segments of the economy that they have never achieved.

Second, part of the savings in farm program costs could be used to subsidize the use of alcohol in motor fuels, if this became necessary.

Third, because alcohol is produced from the starch in grain, there would remain a large, high-protein byproduct which could be utilized in many ways, including upgrading into food for human consumption. This is being done now in at least one Indiana plant. The value of this byproduct would hold down the cost of producing the alcohol and might largely offset it, if expanded markets were developed.

Fourth, for many years each succeeding Administration has sought, with only limited success, to develop new industries in rural areas. It would seem highly feasible to locate conversion plants where grain is actually produced.

I am enthusiastic over the possibilities of such a program. Because of the major role which the Department of Health, Education and Welfare will play in the area of future motor vehicle fuel specifications, I am also transmitting to Secretary Finch the thoughts incorporated here. It seems to me that this is an especially appropriate time to give thorough consideration to the promising possibilities of reducing air pollution and, at the same time, finding greatly increased industrial use of surplus farm crops.

Sincerely,

TOM KLEPPE,
Member of Congress.